

**BIRMINGHAM CITY COMMISSION AGENDA**  
**OCTOBER 25, 2021**  
**MUNICIPAL BUILDING, 151 MARTIN**  
**7:30 P.M.**

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

Pierre Boutros, Mayor

**II. ROLL CALL**

Alexandria Bingham, City Clerk

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

**ANNOUNCEMENTS**

- COVID-19 cases remain high in Michigan, and Oakland County continues to be at a high level of community transmission. As a result, the CDC recommends vaccinated and unvaccinated individuals wear a facemask indoors while in public. The City requires masks in City Hall for all employees, board and commission members, and the public.
- The City Clerk's office encourages voters wishing to vote absentee for the November 2, 2021 election to return their absentee ballot applications and ballots as soon as possible.
- Precinct 6 Voters are reminded that their new polling location is the Baldwin Public Library, all precinct 6 voters should have received a post card reminder about their new polling location. Meter spaces on Merrill Street in front of the library's main entrance will be reserved for voters to use on Election Day.
- The City Clerk's Office will be open on Saturday, October 30, 2021 from 8am-4pm for your last minute absentee voting needs. The deadline to request and absentee ballot by mail is 5pm Friday, October 29<sup>th</sup>. The deadline to obtain an absentee ballot in person at the City Clerk's Office is no later than 4pm on November 1<sup>st</sup>.
- If you need to register to vote or update your voter registration all registration actions must take place in person at the City Clerk's office from now through Election Day.
- The Piety Hill Chapter of the National Society Daughters of the American Revolution invites the public to Birmingham's annual Veterans Day Ceremony in Shain Park on Thursday, Nov. 11 at 11 am. The program features guest speaker and veteran advocate Mike Schloff, a Vietnam veteran and Birmingham resident, and will recognize state and city officials. Participating officials should RSVP to Jean Maki at [jcmaki@comcast.net](mailto:jcmaki@comcast.net) or 248-496-9064 by Nov. 1.

## **APPOINTMENTS**

### **A. Board of Zoning Appeals**

1. Erik Morganroth
2. John Miller

To appoint \_\_\_\_\_ as a regular member to the Board of Zoning Appeals to serve a three-year term to expire October 10, 2024.

To appoint \_\_\_\_\_ as a regular member to the Board of Zoning Appeals to serve a three-year term to expire October 10, 2024.

### **B. Birmingham Shopping District**

1. Richard Astrien
2. William Roberts
3. Samy Eid

To concur with the City Manager's appointment of Richard Astrein to the Birmingham Shopping District Board, as a member who has an interest in property in the district to serve a four-year term to expire November 16, 2025.

To concur with the City Manager's appointment of William Roberts to the Birmingham Shopping District Board, as a member who is a business operator to serve a four-year term to expire November 16, 2025.

To concur with the City Manager's appointment of Samy Eid to the Birmingham Shopping District Board, as a member who has an interest in property in the district to serve a four-year term to expire November 16, 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 Workshop meeting minutes of October 4, 2021.
- B. Resolution to approve the City Commission meeting minutes of October 4, 2021.
- C. Resolution to approve the Joint Planning Board-City Commission Workshop meeting minutes of October 11, 2021.



- D. Resolution to approve the warrant list, including Automated Clearing House payments, dated October 13, 2021, in the amount of \$2,223,082.65.
- E. Resolution to approve the warrant list, including Automated Clearing House payments, dated October 20, 2021, in the amount of \$291,085.45.
- F. Resolution to approve the warrant list, including Automated Clearing House payments, dated October 6, 2021, in the amount of \$289,516.47.
- G. Resolution to approve a special event permit as requested by the Chabad Jewish Center of Bloomfield Hills to hold the Shain Park Menorah Lighting and Celebration December 1, 2021 contingent upon compliance with all permit and insurance requirements and payment of all fees and, further, pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event, or event cancellation that may be deemed necessary by administrative staff leading up to or at the time of the event due to public health and safety measures.
- H. Resolution to approve the updated Wedding Rental Agreement (Ceremony Only) including the suggested fees. Further, to update the Department of Public Services Fee Schedule to reflect these changes.
- I. Resolution providing direction to approve an agreement with Accuform Printing & Graphics, Inc. for municipal printing services in the amount not to exceed \$78,574.00 for a three (3) year term. Funding for this project has been budgeted in account #101-299.000.901.0000. Further to authorize the Mayor and City Clerk to sign the agreement on behalf of the City.
- J. Resolution providing direction to approve an agreement with GovPilot for a citizen concern module in the amount not to exceed \$6,500.00 per year for three years. Funding for this project has been budgeted in account# 101-170.000-811.0000. Further to authorize the Mayor and City Clerk to sign the agreement on behalf of the City.
- K. Resolution to confirm the City Manager's authorization for the emergency expenditure related to the sewer repair Linn Smith Park by WRC's contractor, D'Angelo Brothers, Inc., for a cost not to exceed \$9,860.00 to be charged to the Sewer Fund, Other Contractual Services account #590-536.001-811.0000, pursuant to Sec. 2-286 of the City Code.
- L. Resolution to direct the Historic District Study Committee to hold meetings through the remainder of 2021, and through 2022 for the purposes of (1) creating a strategy to revive the Heritage Home program and (2) update the 1992 "Wallace Frost: His Architecture in Birmingham, MI" report.

## **VI. UNFINISHED BUSINESS**

None

## **VII. NEW BUSINESS**

- A. Public Hearing - 34977 Woodward – Hazel’s – Special Land Use Permit Amendment, Final Site Plan & Design Review
  - 1. Resolution to approve the Special Land Use Permit Amendment at 34977 Woodward – Hazel’s – to allow a name change from “Hazel, Ravines & Downtown” to “Hazel’s”.
- B. Public Hearing - 210 S. Old Woodward – Zana – Special Land Use Permit, Final Site Plan & Design Review
  - 1. Resolution approving the Special Land Use Permit, Final Site Plan and Design Review application for 210 S. Old Woodward – Zana – to allow the addition of a new food and drink establishment serving alcoholic beverages for on premise consumption and associated interior/exterior renovations.
- C. Public Hearing - Confirming Special Assessment District Roll #893S and Special Assessment District Roll #893W Lakeview Ave Project #2-20 (P), Water & Sewer Laterals
  - 1. Resolution confirming special assessment rolls 893S and 893W as indicated in the staff report.
- D. Update on Intersection Improvements at Woodward and Brown/Forest
  - 1. Resolution approving the DTE Purchase Agreement to upgrade to LED lighting on the Woodward Avenue median between Maple Road and Lincoln St.;

Further to authorize and direct the City Manager to sign the DTE Lighting Agreement with funding to be provided from Account #401-901.010-981.0100, in an amount not to exceed \$23,340.00.

AND

Make a motion authorizing the Chief of Police and the City Engineer to seek approval from the Michigan Department of Transportation for a pedestrian crosswalk flag system on Woodward Avenue at Brown/Forest;

Further to approve the Chief of Police to purchase additional pedestrian crosswalk flags as needed and to charge this expenditure to the Major Streets Fund Traffic Controls operating supplies account # 202-303.001-729.0000.
- E. Resolution approving the design concept plans for Phase 3 of the Old Woodward project and providing direction to City staff to move forward with the preparation of detailed construction drawings, with funding to be provided from Account #202-449.001-981.0100.
- F. Resolution adopting the proposed Ordinance to amend the City Code, Part II, Chapter 94, Sec. 94-4. – Initiation of Improvement, Sec. 94-5. – Petitions, Sec. 94-6. City Engineer’s Report, Sec. 94-7. – Notice of Public Hearing and Sec. 94.8. – Determination of Necessity by Commission.
- G. Resolution approving the proposed credit card policy and procedures and to increase the City’s total credit card limit to \$25,000.

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

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

#### **IX. COMMUNICATIONS**

#### **X. REPORTS**

- A. Commissioner Reports
  - 1. Notice of Intention to Appoint to the Board of Review
- B. Commissioner Comments
- C. Advisory Boards, Committees, Commissions' Reports and Agendas
- D. Legislation
- E. City Staff
  - 1. City Manager's Report

#### **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 BOARD OF ZONING APPEALS**

At the regular meeting of Monday, October 25, 2021, the Birmingham City Commission intends to appoint two regular members to the Board of Zoning Appeals to serve three-year terms to expire October 10, 2024.

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, October 20, 2021. Applications will appear in the public agenda at which time the City Commission will discuss recommendations, and may make nominations and vote on appointments.

### Duties of Board

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

<b>Applicant Name</b>	<b>Criteria/Qualifications</b>
	Applicants shall be property owners of record and registered voters.
Erik Morganroth	Real estate/builder
John Miller	Architect

*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 a regular member to the Board of Zoning Appeals to serve a three-year term to expire October 10, 2024.

To appoint \_\_\_\_\_ as a regular member to the Board of Zoning Appeals to serve a three-year term to expire October 10, 2024.



## BOARD OF ZONING APPEALS

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

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

Last Name Home Address	First Name	Home Business E-Mail	Appointed	Term Expires
<b>Canvasser</b> 369 Kimberly	<b>Jason</b>	(248) 231-9972  <i>jcanvasser@clarkhill.com</i>	7/9/2018 Attorney	10/10/2023
<b>Hart</b> 2051 Villa	<b>Kevin</b>	(248) 4967363  <i>khartassociates@aol.com</i>	2/27/2012 Architect	10/10/2023
<b>Lilley</b> 648 Cherry Ct.	<b>Richard</b>	248-594-6737  <i>dicklilley@icloud.com</i>	9/6/2018 Business owner	10/10/2023
<b>Lillie</b> 496 S. Glenhurst	<b>Charles</b>	(248) 642-6881  <i>lilliecc@sbcglobal.net</i>	1/9/1984 Attorney	10/10/2022
<b>Miller</b> 544 Brookside	<b>John</b>	(248) 703-9384  <i>jnmillerstudio@gmail.com</i>	1/23/2012 Architect	10/10/2021
<b>Morganroth</b> 631 Ann	<b>Erik</b>	(248) 762-9822  <i>emorganroth@comcast.net</i>	10/12/2015 Real Estate/Builder	10/10/2021

<b>Last Name</b>	<b>First Name</b>	<b>Home Business E-Mail</b>	<b>Appointed</b>	<b>Term Expires</b>
<b>Reddy</b> 763 Wallace	<b>Ron</b>	313-820-7491 <i>ron.reddy01@gmail.com</i>	2/11/2019 Alternate	2/17/2023
<b>Rodenhouse</b> 1117 Stanley Blvd	<b>Erin</b>	(248)952-4817 <i>erinrodenhouse@gmail.com</i>	12/8/2020 Alternate	2/17/2023
<b>Rodriguez</b> 333 Pilgrim	<b>Francis</b>	248-631-7933 <i>francis@korolaw.com</i>	12/10/2018 Attorney	10/10/2022

## CITY BOARD/COMMITTEE ATTENDANCE RECORD

Name of Board: Board of Zoning Appeals

Year: 2021

Members Required for Quorum: 4

MEMBER NAME	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	SPEC MTG	SPEC MTG	Total Mtgs. Att.	Total Absent	Percent Attended Available
<b>REGULAR MEMBERS</b>																	
Lillie, Charles	P	P	P	P	P	P	P	A	P	P					9	1	90%
Miller, John	P	P	P	P	P	P	A	P	P	P					9	1	90%
Hart, Kevin	P	P	A	P	A	P	A	P	P	P					7	3	70%
Morganroth, Erik	P	P	P	P	P	P	P	P	P	A					9	1	90%
Canvasser, Jason	P	P	P	P	P	P	A	P	P	P					9	1	90%
Rodriguez, Francis	P	A	P	P	P	P	A	P	P	A					7	3	70%
Lilley, Richard	P	P	P	P	P	P	P	P	P	P					10	0	100%
Reserved															0	0	#DIV/0!
Reserved															0	0	#DIV/0!
<b>ALTERNATES</b>																	
Reddy, Ron	P	P	P	P	P	P	P	P	P	P					10	0	100%
Rodenhouse, Erin J.	P	P	P	P	P	P	P	P	P	P					10	0	100%
Reserved															0	0	#DIV/0!
Reserved															0	0	#DIV/0!
Present or Available	9	8	8	9	8	9	5	8	9	7	0	0	0	0			

**KEY:**

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

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

## CITY BOARD/COMMITTEE ATTENDANCE RECORD

Name of Board: Board of Zoning Appeals

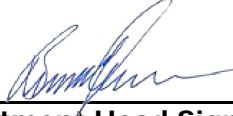
Year: 2020

Members Required for Quorum: 4

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

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



## CITY BOARD/COMMITTEE ATTENDANCE RECORD

Name of Board: Board of Zoning Appeals

Year: 2019

Members Required for Quorum: 4

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

KEY: A = Member absent  
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NM = No meeting scheduled that month  
CM = Meeting canceled for lack of business items


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Department Head Signature



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

## APPLICATION FOR CITY BOARD OR COMMITTEE

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

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

(Please print clearly)

Board/Committee of Interest BZA

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

Name ERIK MORGANROTH

Phone 248 762 9822

Residential Address 631 ANN ST

Email EMORGANROTH@COMPACT.NET

Residential City, Zip BIRMINGHAM, 38209

Length of Residence 25 PLUS

Business Address SAME

Occupation REAL ESTATE

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

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

BECAUSE I SEEK REAPPOINTMENT TO THE BZA. I HAVE SERVED 5 YEARS ON THE BOARD, SOME AS VICE CHAIR.

List your related employment experience REAL ESTATE

List your related community activities BOARD MEMBER OF CHILDREN'S HOSPITAL, OAK COUNTY SHERIFF, UNIVERSITY OF MICHIGAN ADVISOR.

List your related educational experience UNIVERSITY OF MICHIGAN GRAD LICENSED FOR REAL ESTATE IN MICHIGAN

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

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

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

Signature of Applicant [Signature] Date 9-13-21

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

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



**OFFICE USE ONLY**  
Meets Requirements? Yes No

Will Attend / Unable to Attend

## APPLICATION FOR CITY BOARD OR COMMITTEE

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

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

(Please print clearly)

Board/Committee of Interest : **Board of Zoning Appeals**

Specific Category/Vacancy on Board : **Full Member, 3 year term** (see back of this form for information)

Name : **John N. Miller AIA**

Phone : **248-703-9384**

Residential Address : **544 Brookside Ave.**

Email : **jnmillerstudio@gmail.com**

Residential City, Zip : **Birmingham 48009**

Length of Residence : **31 years**

Business Address : **(home studio, see above)**

Occupation : **Architect / Artist**

*(I have recently retired from TMP Architecture Inc. after 27 years there, and a 43 year career in architecture and design)*

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

***I have served as a BZA member for the past 12 years. I would like to apply my years of experience and my professional expertise to another 3 year term. It is, and has been, an honor to serve and contribute to the ongoing development of our city.***

List your related employment experience : **See Attached** \_\_\_\_\_

List your related community activities : **See Attached** \_\_\_\_\_

List your related educational experience : **See Attached** \_\_\_\_\_

To the best of your knowledge, do you or a member of your immediate family have any direct financial or business relationships with any supplier, service provider or contractor of the City of Birmingham from which you or they derive direct compensation or financial benefit? If yes, please explain: **None** \_\_\_\_\_

Do you currently have a relative serving on the board/committee to which you have applied? **None** \_\_\_\_\_

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

John N. Miller 9.16.21  
Signature of Applicant Date

Return the completed and signed application form to: City of Birmingham, City Clerk's Office, 151 Martin, Birmingham, MI 48009 or by email to

1 of 3

Ahauff@bhamgov.org or by fax to 248.530.1080. Updated 3/24/2021 \*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. Please consult the criteria required to be a member of each City Board or Committees. Fill in the criteria you meet in the "Specific Category/Vacancy on Board" on the Application. If you are applying for a spot as an Alternate Member, you must still meet at least one of the criteria. Please contact Abby Hauff, Deputy City Clerk, at 248-530-1880 or [Ahauff@bhamgov.org](mailto:Ahauff@bhamgov.org) with any questions.

#### ADVISORY PARKING COMMITTEE

- Building Owner within the Parking Assessment District
- Restaurant owner within the Parking Assessment District
- Representative of a professional firm within the Parking Assessment District

#### ARCHITECTURAL REVIEW COMMITTEE

- Licensed architect and resident of Birmingham

#### CABLECASTING BOARD

- Resident of Birmingham

#### ALTERNATE HEARING OFFICER

- Resident of Birmingham with legal, administrative or other qualifications that will aid in the performance of the duties.

#### HISTORIC DISTRICT STUDY COMMITTEE

- Clearly demonstrated interest in or knowledge of historic preservation.

#### HOUSING BOARD OF APPEALS

- Education or experience in building construction administration, social services, real estate, or other such positions.

#### MULTI-MODAL TRANSPORTATION BOARD

- Urban planning, architecture or design education and/or experience.

#### MUSEUM BOARD

- Resident of Birmingham.

#### PARKS AND RECREATION BOARD – ALTERNATE MEMBER

- Registered to vote in Birmingham.

#### PUBLIC ARTS BOARD

- Represent a major cultural institution, be a Michigan registered architect, an artist, an art historian, or art consultant.

#### TRIANGLE DISTRICT CORRIDOR IMPROVEMENT AUTHORITY

- Ownership or business interest in property located in the Development Area.



## John N. Miller, AIA

### Principal

John has over 37 years of architectural design experience. His expertise includes architectural design and programming, along with campus planning. He has been a leader on many of TMP's complex college and university renovation projects.

His project experience includes:

**Monroe County Community College, MI**  
Performing Arts and Instructional Center

**University of Detroit Mercy, MI**  
Chemistry Building Renovation  
Commerce and Finance Business School Renovation  
Student Fitness Center

**Lake Superior State University, MI**  
Student Housing Complex

**Rochester College, MI**  
Academic / Science Building  
Student Housing Units  
Black Box Theatre  
Administrative Offices  
Campus Master Plan

**Oakland Community College, Royal Oak, MI**  
Campus Master Planning  
New Building Entrances/Vestibules  
Exterior Facade Replacement Study  
Student Commons Renovation  
Counseling & Career Center  
Library/Resource Center Renovation  
Computer Classroom Addition  
Parking Deck Addition

**Michigan State University, East Lansing**  
Bott Building for Nursing Education & Research  
Kellogg Culinary Management Laboratory Renovation

**Notre Dame Preparatory/Marist Academy, MI**  
Performing Arts/Arena Master Plan

**Oakland University, MI**  
Fine Arts and Performing Arts Complex Programming/Master Planning  
Oakland Center/Foundation Halls Master Plan  
Oakland Center/Expansion Phase I  
Recreation and Athletic Center  
School of Business Expansion Study

**Baker College of Owosso, MI**  
New Auto/Diesel Institute  
Assessment for New Student Housing

**Perkins Local Schools, OH**  
New Perkins Academy  
District Master Plan/Bond Issue Program

**Spring Arbor College, MI**  
Village Housing Complex Phases I & II

**Olentangy School District, OH**  
New Middle School

### ROLE

Project Designer

### EDUCATION

Bachelor of Architecture, Lawrence  
Technological University, 1978 (Cum  
Laude)  
Bachelor of Science in Architecture,  
Lawrence Technological University,  
1977 (Magna Cum Laude)  
Oakland University, Fine Arts Major,  
1972-1974

### REGISTRATION

Michigan

### AFFILIATIONS

American Institute of Architects (AIA)  
Society for College and University  
Planning  
Michigan Society of Architects  
Adjunct Instructor of Architecture,  
School of Architecture and Design,  
Lawrence Technological  
University  
Chairman of Alumni Cabinet, 2000  
Architecture Chapter, Lawrence  
Technological University  
Oakland University Presidents Club  
Meadowbrook Art Gallery Advisory  
Board Chairman  
Zoning Board of Appeals, City of  
Birmingham



## MEMORANDUM

City Manager's Office

**Date:** October 20, 2021

**To:** City Commission

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

**Subject:** Notice of Intention to Appoint Board Members to the Birmingham Shopping District Board of Directors.

---

### INTRODUCTION:

Three members of the Birmingham Shopping District Board of Directors have terms expiring on November 16, 2021. With the concurrence of the Commission, the City Manager intends to re-appoint Richard Astrein, Samy S. Eid, and William Roberts to the BSD Board for four-year terms, expiring November 16, 2025.

### BACKGROUND:

The Birmingham Shopping District Board consists of 12 members. One member shall be the City Manager, one shall be a resident of an area designated as a principal shopping district, and one shall be a resident of an adjacent residential area. A majority of the members shall be nominees of individual businesses located within a principal shopping district who have an interest in property located within the district. The remaining members shall be representatives of businesses located in the district.

Pursuant to Ordinance 1534, the City Manager has the authority to appoint members to the Birmingham Shopping District with the concurrence of the City Commission.

Six candidates applied for appointment to the Birmingham Shopping District Board, Richard Astrein, Gerald F. Baker III, Nicole Braddock, Samy S. Eid, Ryan Mrdeza, and William Roberts. The City Manager seeks to reappoint Richard Astrein, Samy S. Eid, and William Roberts, who are all business and property owners in the Shopping District. All three incumbents are active, engaged, and productive board members.

Attendance: The attached attendance record illustrates the active participation of the selected candidates. It should be noted that Mr. Eid's participation was affected earlier this year due to a new addition to his family.

Of the three other applicants only one meets the criteria to fill one of the three current board seats up for appointment. I have spoken to this candidate and encouraged him to serve on one of the BSD board's committees. The experience of serving on a committee will provide him with the background and understanding of how the BSD works and will make him a viable candidate for a future open seat.



## MEMORANDUM

City Manager's Office

### ATTACHMENTS

- Richard Astrein's Application Materials
- Gerald F Baker III's Application Materials
- Nicole Braddock's Application Materials
- Samy S. Eid's Application Materials
- Ryan Mrdeza's Application Materials
- William Robert's Application Materials

Should the Commission concur, three resolutions have been prepared for consideration.

### COMMISSION ACTION:

To make a motion to concur with the City Manager's appointment of Richard Astrein to the Birmingham Shopping District Board, who has an interest in property in the district, to serve for a 4-year term expiring November 16, 2025.

To make a motion to concur with the City Manager's appointment of Samy S. Eid to the Birmingham Shopping District Board, who has an interest in property in the district, to serve for a 4-year term expiring November 16, 2025.

To make a motion to concur with the City Manager's appointment of William Roberts to the Birmingham Shopping District Board, a business owner in the district, to serve for a 4-year term expiring November 16, 2025.



# BIRMINGHAM SHOPPING DISTRICT BOARD

Ordinance 1534 - Adopted September 14, 1992

The Board shall consist of 12 members as follows:

- City Manager.
- Resident from an area designated as a principal shopping district.
- Resident from an adjacent residential area.
- A majority of the members shall be nominees of individual businesses located within a principal shopping district who have an interest in property located in the district.
- The remaining members shall be representatives of businesses located in the district.

4-Year Terms

Last Name	First Name	Home Business E-Mail	Appointed	Term Expires
<b>Astrein</b>	<b>Richard</b>	(248) 399-4228	11/16/1992	11/16/2021
13125 Ludlow		(248) 644-1651	Interest in Property Located in District	
Huntington Woods	48070	<i>richard@astreins.com</i>		
<b>Eid</b>	<b>Samy</b>	(248) 840-8127	11/14/2016	11/16/2021
2051 Villa, Apt. 303			Interest in Property Located in District	
Birmingham	48009	<i>samyeid@mac.com</i>		
588 S. Old Woodward				
Birmingham	48009			
<b>Fehan</b>	<b>Douglas</b>	(248)705-3000		
			Director Emeritus	
		<i>godug@aol.com</i>		



<b>Last Name</b>	<b>First Name</b>	<b>Home Business E-Mail</b>	<b>Appointed</b>	<b>Term Expires</b>
<b>Hockman</b> PO Box 936 Birmingham	<b>Geoffrey</b>  48012	(248) 431-4800  <i>jeff.hockman.mec@gmail.com</i>	11/16/1992 Business Operator	11/16/2022
<b>Kay</b>  168 South Old Woodward Birmingham	<b>Zachary</b>  48009	(248) 220-4999  <i>zak@shopfoundobjects.com</i>	7/9/2018 Business Operator	11/16/2023
<b>Lipari</b> 359 Ferndale Birmingham	<b>Sarvy</b>  48009	(248) 321-8895  <i>srilipari@gmail.com</i>	5/10/2021 District Resident	11/16/2024
<b>Lundberg</b> 494 Whippers In Court Bloomfield Hills 210 S. Old Woodward Birmingham	<b>Jessica</b>  48304  48009	(248) 766-8696  <i>krddovs@rivagedayspa.com</i>	12/9/2019 Business Operator	11/16/2022
<b>Markus</b>  151 Martin Birmingham	<b>Tom</b>  48009	(248) 530-1809  <i>Tmarkus@bhamgov.org</i>	City Manager	2/22/2022

<b>Last Name</b>	<b>First Name</b>	<b>Home Business E-Mail</b>	<b>Appointed</b>	<b>Term Expires</b>
<b>McKenzie</b> 2123 Windemere Birmingham	<b>Michael</b> 48009	(312) 785-4906  <i>mike_mckenzie@mac.com</i>	11/23/2020 Resident from Adjacent neighborhood	11/16/2023
<b>Pohlod</b> 1360 Edgewood Birmingham	<b>Amy</b> 48009	(248) 219-5042  <i>amypohlod@hotmail.com</i>	7/25/2016 Interest in Property Located in District	11/16/2022
<b>Quintal</b> 880 Ivy Lane Bloomfield Hills	<b>Steven</b> 48304	248-642-0024  <i>steve@fullercentralpark.com</i>	12/8/2003 Member greater than 5% total sq ft in SAD 1.	11/16/2023
112 Peabody St Birmingham	48009			
<b>Roberts</b> 410 Whippers in Court Bloomfield Hills	<b>William</b> 48304	(248) 463-8606 (248) 646-6395 <i>BR@RobertsRestaurantGroup.com</i>	11/10/1997 Business Operator	11/16/2021
273 Pierce Birmingham	48009			
<b>Surnow</b> 320 Martin, Ste. 100 Birmingham	<b>Sam</b> 48009	(248) 877-4000 (248) 865-3000 <i>sam@surnow.com</i>	11/23/2015 Interest in Property Located in District	11/16/2023

## APPLICATION FOR CITY BOARD OR COMMITTEE

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

(Please print clearly)

Board/Committee of Interest BSD  
Specific Category/Vacancy on Board OWNER/RETAIL (see back of this form for information)  
Name RICHARD ASTREIN Phone 248 514 4036  
Residential Address 13125 LUDLOW Email \* RICHARDASTREIN.S.COM  
Residential City, Zip HUNTINGTON WDS MI 48070 Length of Residence \_\_\_\_\_  
Business Address 120 W. MAPLE Occupation JEWELER  
Business City, Zip B'ham MI 48009

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

I HAVE SURVIVED 50 years IN RETAIL  
ENOUGH SAID!!!

List your related employment experience 48 years RETAIL  
~~BHAM COALITION~~

List your related community activities KIWANIS, ALZHEIMER, LEUKEMIA COMMINGROOMS, THE SARCOTONY  
BHAM COALITION, BEAUMONT, VARIETY, CHAMBER PRES TWICE, FALL SPECTACULAR, BOTTOMLESS TOYS  
CHESY

List your related educational experience B.A. MICHIGAN STATE (GO GREEN)

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

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

Are you an elector (registered voter) in the City of Birmingham? NO  
9/24/21

Signature of Applicant

Date

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

Updated 11/18/2020

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



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

## APPLICATION FOR CITY BOARD OR COMMITTEE

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(Please print clearly)

Board/Committee of Interest Birmingham Shopping District Board

Specific Category/Vacancy on Board 1 Regular Member (see back of this form for information)

Name Gerald F. Baker, III

Phone (248) 701-6241

Residential Address 411 S. Old Woodward #629

Email \* Jerry.Baker@JerryBaker.com

Residential City, Zip Birmingham, MI 48009

Length of Residence Approx 21 years

Business Address 46925 West Rd

Occupation Family Business

Business City, Zip Wixom, MI 48393

Reason for Interest: Explain how your background and skills will enhance the board to which you have applied  
I have lived in Birmingham most of my life and seen the downtown shopping area change dramatically over that time. Having lived in other successful suburbs with similar shopping districts, I hope to bring that knowledge to help Birmingham thrive.

List your related employment experience  
See attached Resume

List your related community activities I currently serve on the Birmingham Place Residential Corps Association as an elected member.

List your related educational experience  
See attached Resume

To the best of your knowledge, do you or a member of your immediate family have any direct financial or business relationships with any supplier, service provider or contractor of the City of Birmingham from which you or they derive direct compensation or financial benefit? If yes, please explain: None

Do you currently have a relative serving on the board/committee to which you have applied? None

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

Signature of Applicant Gerald F. Baker, III

Date 1/4/2021

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

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**OFFICE USE ONLY**  
Meets Requirements? Yes No  
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(Please print clearly)

Board/Committee of Interest Birmingham Shopping District

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

Name Nicole Braddock

Phone 248-640-1367

Residential Address 763 Colonial Ct.

Email \* nicolebraddock@aol.com

Residential City, Zip Bham, 48009

Length of Residence 13 yrs

Business Address 6337 Orchard Lake

Occupation Tappero Store Director

Business City, Zip WB, mi 48322

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

Have been in retail for 20 yrs in the area, Nordstrom, Saks, & Tappero. In addition these are all management roles and on the board of many non profits in the area (see resume attached)

List your related employment experience

STORE DIRECTOR @ TAPPERS / DIVISION DESIGNER MANAGER @ Saks  
3 yrs

\* See Resume & multiple management roles at Nordstrom  
14 yrs

List your related community activities

\* See Resume

List your related educational experience

BAA from Central Michigan  
& CSA Certificate from American Chem Society

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 MB

Date 11/4/2021

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

Updated 11/18/2020

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## APPLICATION FOR CITY BOARD OR COMMITTEE

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(Please print clearly)

Board/Committee of Interest BSP BOARD

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

Name SAMMY S. EID Phone 248-840-8127

Residential Address 1800 BATHURST Email \* Samy.eid@gmail.com

Residential City, Zip BLOOMFIELD HILLS, 48304 Length of Residence 9 months

Business Address 588 S. Old Woodward Occupation Business Owner

Business City, Zip Birmingham 48009

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

LONG TIME BUSINESS OWNER IN BIRMINGHAM, WANT TO BE PART OF MOVING THE CITY IN THE RIGHT DIRECTION.

List your related employment experience BUSINESS OWNER IN THE CITY

List your related community activities /

List your related educational experience UoM

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

Do you currently have a relative serving on the board/committee to which you have applied? /

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

Signature of Applicant Sammy Eid Date 10/20/21

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

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**OFFICE USE ONLY**

Meets Requirements? Yes No

Will Attend / Unable to Attend

**APPLICATION FOR CITY BOARD OR COMMITTEE**

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(Please print clearly)

Board/Committee of Interest Birmingham Shopping DistrictSpecific Category/Vacancy on Board Triangle District (see back of this form for information)Name Ryan Mrdeza Phone 586-873-8296Residential Address 946 Mohegan Email \* ryanm@woodwardprint.comResidential City, Zip Birmingham, 48009 Length of Residence 3 YearsBusiness Address 282 W. Maple Rd. Occupation Owner-Woodward Standard Print HouseBusiness City, Zip Birmingham, 48009

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

I own a business in the district and have been self employed my entire adulthood. I am extremely vested in the community's growth and development through the additions of strong local businesses not only moving to the district, but staying and thriving.

List your related employment experience Business owner for 16+ years. I have owned and operated in multiple downtown settings and have interacted with other successful business owners throughout the years

List your related community activities My wife is very involved with fundraising efforts at Cranbrook Educational Community and I have helped and assisted her efforts for the past 3 years. Im ready to make my own impact on our community and get personally involved.

List your related educational experience I have a Bachelors of Science in Business administration with a focus on Marketing.

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

Ryan Mrdeza  
Signature of Applicant

3-5-2021  
Date

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

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<b>OFFICE USE ONLY</b> Meets Requirements? Yes No  Will Attend / Unable to Attend
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## APPLICATION FOR CITY BOARD OR COMMITTEE

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(Please print clearly)

Board/Committee of Interest Shopping District Board

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

Name William Roberts

Phone 248-463-8606

Residential Address 410 Whippers In Court

Email \* br@robertsrestaurantgroup.com

Residential City, Zip Bloomfield Twp, 48304

Length of Residence 16 years

Business Address 273 Pierce Street

Occupation Restaurateur

Business City, Zip Birmingham, 48009

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

Owner of a restaurant on Pierce Street since '83. I understand how the City and its boards work.

List your related employment experience Owner of five restaurants in Birmingham/Bloomfield. I have been serving the residents of Birmingham first as Richard & Reiss ('83) and then as Streetside. since '95)

List your related community activities BSD Board Member since '97. Past Board Member of the BBCC. Member of the 2016 Committee. Past President of the MI Restaurant Assoc ( 2000)

List your related educational experience Graduate of Michigan State School of Hospitality.

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? No

October 18, 2021

Signature of Applicant \_\_\_\_\_

Date \_\_\_\_\_

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

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## CITY BOARD/COMMITTEE ATTENDANCE RECORD

Name of Board: **Birmingham Shopping District**

Year: **2021**

Members Required for Quorum: **7**

MEMBER NAME	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	SPEC MTG 4/23	SPEC MTG	Total Mtgs. Att.	Total Absent	Percent Attended Available
<b>REGULAR MEMBERS</b>																	
Richard Astrein	P	P	P	P	P	P	NM	P	P	P			P		10	0	100%
Samy Eid	A	P	P	A	A	P	NM	P	P	P			P		7	3	70%
Geoffrey Hockman	P	P	P	P	P	P	NM	P	P	P			P		10	0	100%
Zachary Kay	P	P	P	P	P	P	NM	P	P	P			P		10	0	100%
Sarvy Lipari	NA	NA	NA	NA	NA	P	NM	P	P	P			NA		4	0	100%
Jessica Lundberg	A	P	P	P	P	P	NM	A	P	P			P		8	2	80%
Tom Markus	P	P	P	P	P	P	NM	A	P	P			P		9	1	90%
Mike McKenzie	P	P	P	P	P	P	NM	P	P	P			P		10	0	100%
Amy Pohlod	P	P	P	P	P	P	NM	P	P	P			P		10	0	100%
Steve Quintal	A	P	P	P	P	P	NM	P	A	P			P		8	2	80%
Bill Roberts	P	P	P	P	P	P	NM	A	P	P			P		9	1	90%
Sam Surnow	A	P	A	P	P	P	NM	A	A	P			P		6	4	60%
Reserved															0	0	#DIV/0!
Doug Fehan	NA	NA	NA	P	P	P	NM	A	A	A			A		3	4	43%
Present or Available	7	11	10	10	10	12	0	8	10	12	0	0	11	0			

**KEY:**

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



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

**Birmingham City Commission - Special Workshop Meeting Minutes  
Monday, October 4, 2021**

**6:00 p.m.**

**Municipal Building, 151 Martin**

**Vimeo Link: <https://vimeo.com/event/3470/videos/610358498/>**

**Workshop Session**

**This will be considered a workshop session of the City Commission. No formal actions will be taken. The purpose of this workshop is to participate in a discussion regarding Birmingham's public parking system.**

**I. Call to Order**

Pierre Boutros, Mayor

**II. Roll Call**

Alexandria Bingham, City Clerk, called the roll.

Present: Mayor Boutros  
Mayor Pro Tem Longe  
Commissioner Baller  
Commissioner Hoff  
Commissioner Host  
Commissioner Nickita  
Commissioner Sherman

Absent: None

Administration: City Manager Markus, City Clerk Bingham, Finance Director Gerber, City Attorney Kucharek

**III. Presentation & Discussion**

CM Markus introduced the item. FD Gerber and CM Markus presented the item.

In reply to Commission inquiries, FD Gerber explained:

- The funds for the parking system are invested and have rates of return comparable to the average return of two- or three-year Treasury bonds.
- Because the parking funds are part of the City's general cash the options for investing those funds are limited and they are invested separately from the City's retirement and health care funds.

In reply to Commission inquiries, CM Markus explained:

- The parking system is an enterprise fund;
- Changing of City ordinances would not change how special assessments or impact fees occur, but there may be creative ways to set up a district that would benefit the City;
- The City could consider not requiring parking in every single residential structure, or allowing a reduction of required residential parking;
- The formula previously used to calculate assessments might be complicated by trying to assess for parking in the Triangle, and the City would have to figure out how to address that issue; and,
- In order to determine an hourly charge, the City would take operational costs, create a projection of how much use there will be, and use that to determine hours of potential service and the hourly charge.

Commissioner Baller said he would like to hear more about how other communities are dealing with similar issues, and whether there are options for assessing increased density beyond 20 years. He stated that the City and the new Commission should make pedestrian safety across Woodward one of its highest priorities. Commissioner Baller continued that he would like to see another workshop on this topic in the next three to six months with a focus on identifying the guiding questions for this topic. He concluded by saying that he would like to see these workshops publicized on the City's social media accounts so more people are aware of ongoing discussions.

Mayor Pro Tem Longe said providing parking for larger employers in the Triangle District might meet the requirement of providing direct benefit to those assessed.

CM Markus concurred, noting that doing so would decrease the burden on the parking system to the west of Woodward.

In reply to the Mayor Pro Tem, CM Markus confirmed that building extra floors on top of parking decks would also be assessable.

Mayor Pro Tem Longe stated the City could explore reducing residential parking requirements based either on a development's proximity to parking decks or to public transportation. She noted doing so would increase both density and sustainability.

Commissioner Nickita said the City should look for lessons in west Dearborn's recent building of a parking deck. He noted that reducing residential parking requirements in Birmingham would be beneficial, and that a number of recent developments in Detroit have shown residents' enthusiasm for residential options with off-site parking. He noted that the parking decks in Birmingham should be used in the evening hours for residential parking. He stated it should be understood that the Triangle District will develop differently from the downtown area and plan accordingly. He stated that a public-private partnership for parking in the Triangle would be most appropriate in order to avoid the City having to purchase land. He also cautioned that all decisions regarding parking should be analyzed appropriately, noting for instance that a pedestrian bridge across Woodward would likely have negative impacts on the City.

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

Duraid Markus raised the issue of Brookside's prior admission to the Parking Assessment District (PAD) and asked whether there was a way for other developments to gain entry into the PAD since that occurred.

CM Markus said that he views Brookside's admission into the PAD as a mistake and said that it should not be taken as precedential.

Mayor Boutros recommended that Mr. Markus have his attorney get in touch with the City Attorney if Mr. Markus has any further questions about his current circumstances.

<b>V.     Adjourn</b>
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Mayor Boutros adjourned the meeting at 7:33 p.m.

DRAFT

## Birmingham City Commission Minutes

October 4, 2021

7:30 p.m.

Municipal Building, 151 Martin

Vimeo Link: <https://vimeo.com/event/3470/videos/610358498/>

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

Pierre Boutros, Mayor, opened the meeting with the Pledge of Allegiance.

### II. ROLL CALL

Alexandria Bingham, City Clerk, called the roll.

Present: Mayor Boutros  
Mayor Pro Tem Longe  
Commissioner Baller  
Commissioner Hoff  
Commissioner Host  
Commissioner Nickita  
Commissioner Sherman

Absent: None

Administration: City Manager Markus, City Clerk Bingham, Planning Director Dupuis, Finance Director Gerber, City Attorney Kucharek, Consulting City Engineer Surhigh, Parking Manager Weingartz, Fire Chief Wells

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

- The highly transmissible COVID-19 Delta variant is spreading throughout the nation at an alarming rate. As a result, the CDC is recommending that vaccinated and unvaccinated personnel wear a facemask indoors while in public if you live or work in a substantial or high transmission area. **Oakland County is now at the HIGH level of community transmission for COVID-19.** The City has reinstated mask requirements for all employees while indoors. The mask requirement also applies to all board and commission members as well as the public attending public meetings.
- The City Clerk's office encourages voters wishing to vote absentee for the November 2, 2021 election to return their absentee ballot applications as soon as possible. Precinct 6 Voters are reminded that their new polling location is the Baldwin Public Library, all precinct 6 voters should be receiving new voter ID cards in the mail soon with their updated precinct assignment.
- Present Alex Calderone with the "Pat Nagel Community Award"
- Cancellation of the 2021 Birmingham Fire Department Open House
- Commissioner Sherman's Birthday
- Legislative Updates from Senator McMorow. City Staff requested that Senator McMorow address: Regarding Virtual Meetings, Noise, Traffic Control, Walkability & Safety on Woodward, MDOT

Intelligent Transportation Systems, Road Funding, Stormwater Utility Legislation (currently in Senate, S.B. 593), Storm Drainage on Woodward to City Combined Sewers, and Firework Regulations.

#### **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.

#### **10-258-21 Consent Agenda**

**MOTION:** Motion by Commissioner Sherman, seconded by Mayor Pro Tem Longe:  
To approve the Consent Agenda.

ROLL CALL VOTE: Ayes, Commissioner Sherman  
Mayor Pro Tem Longe  
Commissioner Hoff  
Commissioner Host  
Commissioner Baller  
Commissioner Nickita  
Mayor Boutros

Nays, None

- A. Resolution to approve the City Commission workshop meeting minutes of September 13, 2021.
- B. Resolution to approve the City Commission regular meeting minutes of September 13, 2021.
- C. Resolution to approve the City Commission regular meeting minutes of September 20, 2021.
- D. Resolution to approve the warrant list, including Automated Clearing House payments, dated September 22, 2021, in the amount of \$1,715,367.22.
- E. Resolution to approve the warrant list, including Automated Clearing House payments, dated September 29, 2021, in the amount of \$484,824.36.
- F. Resolution approving the appointment of election inspectors, absentee voter counting board inspectors, receiving board inspectors and other election officials as recommended by the City Clerk for the November 2, 2021 General Election pursuant to MCL 168.674(1) and granting the City Clerk authority to make emergency appointments of qualified candidates should circumstances warrant to maintain adequate staffing in the various precincts, counting boards and receiving boards.
- G. Resolution authorizing the City Manager to cast a vote, on the City's behalf, for the three candidates for the Michigan Municipal League Liability and Property Pool Board of Directors for three-year terms, beginning January 1, 2022.

- H. Resolution to approve \$19,760 in Municipal Credits and \$30,962 in Community Credits from fiscal year 2022 to Next in support of their specialized transportation program; and further to direct the Finance Director to sign the Municipal Credit and Community Credit contract for fiscal year 2022 on behalf of the City.
- I. Resolution to purchase eight (8) APX6000 portable radios and four (4) APX6500 desk top control stations with required accessories, including installation costs, associated with the purchase from ComSource Inc. in the amount of \$99,794.30 from the State of Michigan MiDeal purchasing contract number 190000001544. Further, to authorize these budget expenditures from account number 101-336.000-971.0100.
- J. Resolution to approve the FY 2022 Emergency Management Performance Grant Work Agreement and accept the awarded FY 2021 EMPG funds totaling \$30,036.00. Further, to direct the Mayor to sign the agreements on behalf of the City and any required quarterly reports or surveys associated with the EMPG grant and to authorize the Fire Chief as the sub recipient authorized representative in order to sign any related EMPG documents on the City's behalf.
- K. Resolution to set a public hearing date of October 25, 2021 to consider the Special Land Use Permit, Final Site Plan and Design Review application for 210 S. Old Woodward – Zana – to allow the addition of a new food and drink establishment serving alcoholic beverages for on premise consumption and associated interior/exterior renovations.
- L. Resolution to set a public hearing date of October 25, 2021 to consider the Special Land Use Permit Amendment at 34977 Woodward – Hazel's – to allow a name change from "Hazel, Ravines & Downtown" to "Hazel's".
- M. Resolution to approve the purchase and planting of one hundred one (101) trees from Davey Tree Expert Company for the Fall 2021 Tree Purchase and Planting Project for a total project cost not to exceed \$45,543.00. Funds are available from the Local Streets Fund-Forestry Service Contract account #203-449.005-819.0000, the Major Streets Fund-Forestry Service Contract account #202-449.005-819.0000, the Local Streets Fund-Operating Supplies account #203-449.005-729.0000, the Major Streets Fund-Operating Supplies account #202-449.005-729.0000 for these services. Further, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City upon receipt of the required insurance coverage.
- N. Resolution to purchase one (1) 2022 GMC Sierra 2500 HD 4x4 from Todd Wenzel Buick GMC of Westland through the State of Michigan MIDEAL extendable purchasing contract #071B7700184 in the amount not to exceed \$40,226.10. Funds for this purchase are available in the FY 2021-2022 Auto Equipment Fund account #641- 441.006.971.0100.
- O. Resolution to purchase one (1) 2022 GMC Sierra 2500 HD 4x4 from Todd Wenzel Buick GMC of Westland through the Michigan MIDEAL extendable purchasing contract #071B7700184 in the amount not to exceed \$40,226.10. Funds for this purchase are available in the FY 2021- 2022 Auto Equipment Fund account #641-441.006.971.0100.
- P. Resolution to purchase one (1) 2022 GMC Sierra 2500 HD 4x4 from Todd Wenzel Buick GMC of Westland through the State of Michigan MIDEAL extendable purchasing contract #071B7700184 in the amount not to exceed \$40,226.10. Funds for this purchase are available in the FY 2021-2022 Auto Equipment Fund account #641-441.006.971.0100.

## **VI. UNFINISHED BUSINESS**

## **VII. NEW BUSINESS**

### **10-259-21 Public Hearing of Necessity for the Lakeview Ave Project #2-20(P) Water and Sewer Lateral Special Assessment District**

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

CM Markus reviewed the City Special Assessment Ordinance in Section 94-9. He stated that some information was brought to the City's attention that raised concerns about the process that was followed in developing this assessment. He said the City was doing a legal review to see if a mistake arose in the process in 2020, and if the ordinance would allow for the remedying of that mistake at this point. CM Markus stated that the street assessment was handled correctly and that the questions remain regarding the water and sewer assessments. He recommended the Commission proceed with the Hearing of Necessity even if it is redundant, which he said would not harm the process. He said the City would then return to the Commission with a legal report before the subsequent Hearing of Confirmation. CM Markus stated that this information was being shared in the interest of full transparency.

CA Kucharek reviewed the difference between a Hearing of Necessity and a Confirmation of the Roll.

CCE Surhigh presented the item.

#### Public Comment

In response to Caryn Gallagher, CM Markus recommended that Ms. Gallagher contact CCE Surhigh about the flooding issues she was having in her basement.

David Lurie said he would like to see an itemized statement of the charges he was assessed for the project. He said that information should have been provided.

Commissioner Hoff told Mr. Lurie that information is available from the Engineering Department.

Christina McKenna Walton stated that more proactive communication on the part of the City would benefit future street improvement projects. She thanked everyone involved for their work on the project.

Amy Louwers concurred with Mr. Lurie and Ms. Walton. She said there needed to be more explanation of what the charges were for and how interest charges are applied. She also asked that Lakeview be made aware of the street sweeping schedule so residents can move their vehicles off the street on those days.

In reply to Mayor Boutros, Ms. Louwers said she had contacted DPS several times about the street sweeping schedule and received no reply.

Mayor Boutros said the City would look into the issue.

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

**MOTION:** Motion by Commissioner Hoff, seconded by Commissioner Host:  
To create a special assessment district and to levy special assessments in accordance with benefits against the properties within such assessment 4 October 4, 2021 district. Said special assessment district shall be all properties within the district of 30 parcels as listed in the staff report.



AND

That the Commission shall meet on Monday, October 25, 2021, at 7:30 P.M., for the purpose of conducting a public hearing to confirm the roll for the replacement of water and sewer laterals within the Lakeview Ave. Paving Project area. (See full resolution in packet.)

ROLL CALL VOTE:     Ayes, Commissioner Hoff  
                                 Commissioner Host  
                                 Commissioner Baller  
                                 Commissioner Nickita  
                                 Mayor Boutros  
                                 Commissioner Sherman  
                                 Mayor Pro Tem Longe

Nays, None

**10-260-21    Public Hearing for 160 W. Maple – Dick O’ Dows – Special  
Land Use Permit Amendment, Final Site Plan & Design Review**

The Mayor Pro Tem recused herself at 8:33 p.m. from this item because her spouse has a business relationship with the petitioner.

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

PD Dupuis reviewed the item.

In reply to Commissioner Nickita, PD Dupuis reviewed the Planning Board’s decision to permit the glazing percentages in the front of the building to be reduced from 70% to 52%.

Commissioner Nickita said improving the current glazing is not a strong enough justification to allow deviation from the ordinance. He recommended that the Planning Board and Planning Department ensure they have other reasoning when a deviation from the ordinance is permitted.

PD Dupuis noted the Planning Board in this case said the outdoor dining in front of the building and the fact that the front facade is set back were the other reasons the Planning Board permitted the reduction to 52% glazing. He said they found those particular circumstances would sufficiently activate the street without needing to meet the 70% glazing requirement.

In reply to Commissioner Hoff, PD Dupuis stated that bifold doors are not considered sliding glass doors and are thus not prohibited by the ordinance. He also stated that the Planning Board believed that outdoor dining was meant to be a permitted use in an active via.

Commissioner Hoff stated that the list of permitted uses in an active via should be edited if the ordinance is inconsistent with the Planning Board’s understanding.

CM Markus and PD Dupuis confirmed for Commissioner Hoff that other establishments have outdoor dining permitted on public property.

Mitch Black, owner of Dick O’Dow’s, said:

- He intended the outdoor dining to be year-round;
- Firepits was placement approved by the Fire Department would continue to be used in the outdoor dining area; and,
- He did not see a need to install a fence in the front or to draw a line in the rear to delineate the boundaries of the outdoor dining area because he has remained a consistent and law-abiding business owner.

CM Markus noted that Dick O'Dow's was not the only establishment being asked to indicate the limits of its outdoor dining in some way. He noted that the indication would not only be for Mr. Black but for patrons, other Dick O'Dow's managers, and for code enforcement. He said that the applicant's architect could likely come up with an inconspicuous design for the indication. He noted that it would increase the ease of administration on the part of the City.

Commissioner Baller noted the indication in the rear would be on public property. Consequently, he said that either Mr. Black could create an indication or the City would be within its rights to.

Commissioner Sherman noted that the requested demarcation would be no different than fences along the dining decks. He concurred with Commissioner Baller and CM Markus.

CM Markus confirmed for Mr. Black that the fence in the front could have an appropriately sized gap to allow ingress and egress.

Mayor Boutros concurred with CM Markus and Commissioners Baller and Sherman.

The Mayor closed the public hearing at 9:12 p.m.

**MOTION:** Motion by Commissioner Sherman, seconded by Commissioner Nickita:  
To approve the Special Land Use Permit Amendment, Final Site Plan and Design Review application for 160 W. Maple – Dick O' Dows – to allow changes to the front façade and outdoor dining plan with the addition of a line in the rear indicating the area that has been authorized for use, and some kind of permanent barrier in the front with an opening for ingress and egress that will keep the tables on private property and not on the City sidewalk.

CM Markus confirmed the applicant would need to enter into an agreement with the City regarding the use of public property.

ROLL CALL VOTE: Ayes, Commissioner Sherman  
Commissioner Nickita  
Mayor Boutros  
Commissioner Hoff  
Commissioner Host  
Commissioner Baller

Nays, None

## **10-261-21 Remote Electrical Power Shutdown Device Ordinance**

Mayor Pro Tem Longe rejoined the meeting at 9:16 p.m.

**MOTION:** Motion by Commissioner Sherman, seconded by Commissioner Nickita:

To adopt the proposed Ordinance to amend Chapter 54, Section 32 to require the installation of Emergency Power Shutdown Devices.

In reply to Commissioner Hoff, Fire Chief Wells explained that retrofitting current buildings' infrastructure to have Emergency Power Shutdown Devices installed is very resource intensive. He confirmed that the City would likely pursue that in the future, but wanted to ensure that at least new construction has Emergency Power Shutdown Devices installed from this point forward.

ROLL CALL VOTE:     Ayes, Commissioner Sherman  
                                 Commissioner Nickita  
                                 Mayor Pro Tem Longe  
                                 Mayor Boutros  
                                 Commissioner Hoff  
                                 Commissioner Host  
                                 Commissioner Baller

Nays, None

### **10-262-21    Audit Firm Selection**

FD Gerber reviewed the item.

Commissioner Hoff said that the Plante Moran's work for the City has been exemplary and that she would be supporting the proposed resolution.

Commissioner Nickita concurred, adding that the value of Plante Moran's institutional knowledge of Birmingham should not be underestimated.

FD Gerber said he was a contract for fiscal years 2022-2026 with optional years 2027 and 2028 because he anticipates retiring in three years and did not want his successor to have to immediately re-bid for auditing services.

Mayor Pro Tem Longe thanked CM Markus and FD Gerber for undertaking the RFP process. She said it was reassuring to see that the City was being charged appropriately. She noted that semi-regular RFP processes are a best practice.

Commissioner Sherman noted that the U.S. Government Accountability Office found in GAO-04-216 that "that mandatory audit firm rotation may not be the most efficient way to strengthen auditor independence and improve audit quality considering the additional financial costs and the loss of institutional knowledge of the public company's previous auditor of record, as well as the current reforms being implemented." Consequently, he said he would be supporting the City's proposed resolution.

**MOTION:**                     Motion by Commissioner Hoff, seconded by Commissioner Sherman:  
To award the audit services contract to Plante & Moran, PLLC, for fiscal years 2022- 2026 with optional years 2027 and 2028 and authorizing the Mayor to sign the contract on behalf of the City pending a mutually agreed upon contract.

In reply to CM Markus, FD Gerber stated that Staff was still looking at whether to pursue the five-year financial forecasting from Plante Moran.

Commissioner Baller noted that this RFP process resulted in a roughly 10% decrease in charges to the City for auditing services.

Public Comment

CA Kurcharek confirmed for David Bloom that the contract has termination provisions favorable to the City.

CM Markus added that there would be no penalties for a severance initiated by the City.

The Mayor thanked CM Markus and FD Gerber for their work on this item.

ROLL CALL VOTE:     Ayes, Commissioner Hoff  
                                 Commissioner Sherman  
                                 Commissioner Nickita  
                                 Mayor Pro Tem Longe  
                                 Mayor Boutros  
                                 Commissioner Host  
                                 Commissioner Baller

Nays, None

**10-264-21    Appointment of City Attorney**

CM Markus reviewed the item.

Commissioner Hoff thanked CM Markus for including the redlined copy and for his additions to the agreement. She said that Beier Howlett's presentation was better than the other submittals and that she was supportive of the recommended resolution.

Commissioner Baller said he was glad the City Attorney position was bid out and a contract created. He said he was very surprised to learn initially that the City had not had a contract with Beier Howlett in a number of decades. He said Beier Howlett should have raised that issue with the City at some point, and that he hopes Beier Howlett provides that kind of council in the future.

**MOTION:**                Motion by Commissioner Baller, seconded by Commissioner Hoff:  
To provide consent to the City Manager to appoint the law offices of Beier Howlett, P.C. as the City's attorney, and acknowledging receipt of the Appointment Agreement the City Manager intends to enter into with the law offices of Beier Howlett, P.C.

Mayor Pro Tem Longe said she reviewed all the submitted materials and videos and concurred with the City Manager's appointment.

Commissioner Host began by saying he believed CA Kucharek was providing the City with excellent services and that he hoped that continues. Commissioner Host then said that because of Beier Howlett's advice to the Commission about curtailing public comment on July 8, 2019, the public lost trust in City Staff, Beier Howlett and in that Commission. He stated that the RFP for services should have been handled by an outside firm, and that City Staff's handling of the RFP in-house would not help regain the public's trust. Consequently he said he would not be able to support the motion.

Commissioner Sherman noted that the Commissioner directly effected by the occurrences of July 8, 2019 offered his full support of the City Manager's appointment. He noted that the responsibility to select a City Attorney is assigned to the City Manager by City Charter. He noted that a number of other Commissioners described reviewing the submitted materials and concurring with the City Manager. He noted that CA Kucharek had also addressed the occurrences of July 8, 2019. He said he found the prior Commissioner's rhetoric inappropriately divisive and not in the best interests of the community.

Commissioner Nickita reiterated the value of institutional knowledge and said Birmingham's ongoing successes spoke to that value.

Commissioner Host noted that the lawsuit filed against the City because of July 8, 2019 cost the taxpayers almost \$125,000 and that none of the Commissioners sitting on the 2019 Commission spoke out on the issue during that time. He said the Commission needs to be trusted by the people.

#### Public Comment

Mr. Bloom said he was concerned that the public was not provided with any of the other law firms' submitted materials to review. He stated he had other concerns about the process, including Beier Howlett's rates and how well-publicized the RFP was. He opined that Beier-Howlett should have been fired after July 8, 2019. He said that while he respected CA Kucharek specifically he did not believe the City should be moving forward with Beier Howlett.

#### **10-263-21 Motion to Extend the Meeting for Ten Minutes**

**MOTION:** Motion by Commissioner Sherman, seconded by Commissioner Nickita:

To extend the meeting for ten minutes.

ROLL CALL VOTE: Ayes, Commissioner Sherman  
Commissioner Nickita  
Mayor Pro Tem Longe  
Mayor Boutros  
Commissioner Hoff  
Commissioner Host  
Commissioner Baller

Nays, None

#### **10-264-21 (cont'd) Appointment of City Attorney**

ROLL CALL VOTE: Ayes, Commissioner Baller  
Commissioner Hoff  
Commissioner Sherman  
Commissioner Nickita  
Mayor Pro Tem Longe  
Mayor Boutros

Nays, Commissioner Host

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

**Commission Items for Future Discussion.** A motion is required to bring up the item for future discussion at the next reasonable agenda, no discussion on the topic will happen tonight.

<b>VIII. REMOVED FROM CONSENT AGENDA</b>
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<b>IX. COMMUNICATIONS</b>
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<b>X. REPORTS</b>
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- A. Commissioner Reports
  - 1. Notice of intention to appoint to the Board of Review
- B. Commissioner Comments

Commissioner Host recommended that residents take an opportunity to visit Zip US Up!, an art installation at the Baldwin Library. He then stated the City needs to pay more attention to supporting seniors.

Commissioner Sherman said that the television broadcast headers and text had an excessive number of typographical errors and that it reflected terribly on Birmingham. He asked that better attention be paid to proofing that text.

Commissioner Baller recommended that Commissioner Host provide a summary of the Ad Hoc Senior Services Committee's work at the next Commission meeting and that an inventory of organizations that provide senior services in the City be created.

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

CM Markus stated the City was aware of, monitoring, and working with Seaholm High School regarding its Do Not Drink Order.

- 1. Weingartz – Announcement of Hire

CM Markus welcomed Ryan Weingartz. Mr. Weingartz said he was glad to be joining the City as its inaugural Parking Manager.

- 2. Staff Report – Phase III Old Woodward

CM Markus briefly summarized the report and said it should be back in front of the Commission on October 25, 2021.

INFORMATION ONLY

<b>XI. ADJOURN</b>
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Mayor Boutros adjourned the meeting at 10:13 p.m.

**Birmingham City Commission /  
Planning Board Workshop Session  
Monday, October 11, 2021**

**7:30 p.m.**

**851 S. Eton, Birmingham**

**Vimeo Link: <https://vimeo.com/event/3470/videos/623002279/>**

**WORKSHOP SESSION**

**This will be considered a workshop session. No formal decisions will be made. The purpose of this workshop format is to focus on problem definition and desired outcomes. Each commissioner will have an opportunity to share their perspective and thoughts on problems and possible solutions and engage the Planning Board for input. Citizens will have an opportunity to make public comment at the end of each new business item.**

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

Mayor Pierre Boutros called the meeting to order at 7:32 p.m.

**II. ROLL CALL**

Commission

ROLL CALL:

Present:

Mayor Boutros  
Mayor Pro Tem Longe  
Commissioner Baller  
Commissioner Hoff  
Commissioner Host  
Commissioner Nickita  
Commissioner Sherman

Planning Board

ROLL CALL:

Present:

Chair Scott Clein  
Robin Boyle  
Stuart Jeffares  
Bert Koseck  
Daniel Share  
Janelle Whipple-Boyce  
J. Bryan Williams  
Nasseem Ramin, alternate

Absent:

Jason Emerine, alternate  
Daniel Murphy, student  
Jane Wineman, student

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

**III. ITEMS FOR DISCUSSION**

Mayor Boutros explained the purpose of the joint workshop session and the meeting procedures that would be followed.

#### A. Food Trucks

PD Dupuis introduced the item.

There was general consensus that the topic of food trucks in Birmingham should be studied.

Commissioners Hoff and Nickita and Ms. Whipple-Boyce said the City should be careful to ensure food trucks do not create competition for the brick-and-mortar restaurants.

Commissioner Hoff recommended food trucks potentially be restricted to special events and Ms. Whipple-Boyce said food trucks might be better in parks outside of the downtown.

Commissioner Hoff said cleanliness around food trucks might also be an issue.

Mr. Jeffares said a local restaurateur had recently told him that food trucks would be beneficial to brick-and-mortar restaurants because they bring more people into Birmingham.

Commissioner Host said his intention with food trucks would be to provide a place for neighbors to meet each other and bond in the neighborhoods. He said he was not interested in having food trucks in the downtown area.

Commissioner Baller said the Planning Board should meet with a food truck operator to find out what it would take to have food trucks interested in operating in Birmingham.

Mayor Boutros agreed with Commissioner Baller, saying the City should ascertain whether food truck operators would be interested in operating in Birmingham.

Commissioner Nickita concurred with Mayor Boutros and Commissioner Baller about determining interest from food truck operators. He said the Planning Board should also determine what goals the City would be trying to meet by bringing in food trucks in order to know what the ordinance recommendations should be.

Both Mr. Jeffares and Mayor Pro Tem Longe said food trucks would be useful for people looking to get a smaller or less expensive meal while in Birmingham.

Mayor Pro Tem Longe said food trucks would benefit residents and also draw visitors to the City.

Mr. Jeffares cited the success of food trucks in Traverse City and Mayor Pro Tem Longe cited the success of food trucks in Detroit. Both noted that food trucks can incubate dining options that later become restaurants.

#### Public Comment

David Bloom said he was in favor of trialling food trucks in a few locations. He said speaking to food truck operators would also be appropriate. He said food trucks might be especially



appropriate on Mondays when brick-and-mortar restaurants are often closed. He also said he would not view them as encroaching into the neighborhoods.

A Birmingham resident stated he and his wife were food truck operators and could provide insight into what would be required to make Birmingham attractive for food truck operators.

Mayor Boutros recommended the aforementioned member of the public reach out to PD Dupuis to further discuss his experiences operating a food truck.

## B. Outdoor Dining

PD Dupuis introduced the item.

There was general consensus that full enclosures should not be permitted as part of an expansion of the outdoor dining standards.

Commissioner Nickita said he was in favor of finding ways to activate the streets in winter. He noted that there are occasionally warmer days in winter where dining outside would be pleasant.

Mr. Koseck said architectural standards and codes' impact on outdoor dining would require further study.

Commissioner Nickita recommended exploring how other local municipalities have interpreted and enforced building, plumbing, fire or other codes for winter outdoor dining. He stated that guardrails much shorter than 42 inches might suffice and asked the Planning Board to look into it further.

Mayor Pro Tem Longe, Commissioner Nickita and Mr. Jeffares concurred that snow clearing or similar needs could be figured out and should not be treated as an impediment to winter outdoor dining.

The Mayor Pro Tem said that restaurant staff might be willing to help clear the street in front of their restaurants.

Commissioner Baller stated that it was not the City's responsibility to legislate to protect certain kinds of dining establishments. He noted outdoor dining's overwhelming popularity per the Engage Birmingham survey and said it likely did not matter to residents whether a particular establishment was a bistro or Class C license holder. He said it was worth considering relaxing the bistro outdoor dining standards for the winter months since people are in favor of being able to dine outside.

Mr. Jeffares said he was not overly concerned with maintaining the distinction between Class C and bistro outdoor dining since colder temperatures would cause outdoor dining to be self-limiting regardless. He said if outdoor dining decks were not being used by an establishment during the winter they should be taken inside.

Mayor Pro Tem Longe and Mr. Boyle also both noted the overwhelming popularity of outdoor dining according to the Engage Birmingham survey and said it was the City's responsibility to

figure out how to deliver that option to residents. They both noted the importance of being responsive to feedback received.

Mr. Jeffares and Mayor Pro Tem Longe said the City needed to determine what it would do on November 15, 2021 while the study of outdoor dining standards was still on-going.

Mayor Boutros said it would be important to determine whether there is demand for winter outdoor dining from restaurateurs, especially in light of current staffing difficulties in the service industry.

Chair Clein noted that the Planning Board would not make changes to the distinction between bistro and Class C licenses since that falls under the Commission's purview. Consequently, he said the Planning Board was focusing on keeping them distinct while trying to determine what outdoor dining allowances would be appropriate. He stated that the decision about what to do for Winter 2021-2022 was a Commission one since the Planning Board would not have its ordinance recommendations ready by then.

Commissioner Baller said the Commission should discuss the matter of outdoor dining during Winter 2021-2022 during its next two meetings.

Commissioner Sherman said there could be temporary regulations for Winter 2021-2022.

Allowing decks to remain and allowing wind breaks were mentioned as possibilities for Winter 2021-2022.

Commissioner Hoff observed that dining establishments already had an option in the City for offseason outdoor dining and suggested that no changes be made for Winter 2021-2022. She said that perhaps the City could not charge for offseason licenses during this season only as a compromise.

CM Markus stated that the Birmingham Shopping District was in the process of collecting feedback from its members regarding the potential expansion of the outdoor dining standards.

Commissioner Baller said he did not want to see the outdoor dining standards stem the creativity of the restaurateurs too much.

Mr. Williams, Chair Clein, Mr. Jeffares spoke in favor of having some sort of trial period once the ordinance recommendations are determined. Mr. Jeffares specified that they would have to make clear to the restaurateurs that it would be a trial period.

CM Markus expressed concerns about the management and enforcement that will be required of Staff for trial periods.

Commissioner Baller said the City would have to ensure that the costs to the City are outweighed by the benefits.

Mr. Share said the Planning Board was not looking to guarantee all-weather dining.

Mr. Share, CM Markus and Commissioner Hoff all commented on the importance of preventing outdoor dining from encroaching beyond its permitted areas.

#### Public Comment

Anthony Long said residents would need to know what outdoor dining might look like to provide relevant feedback. He recommended posting another survey to Engage Birmingham with descriptions. He also concurred with prior comments that the restaurateurs' interest in having outdoor dining needs to be ascertained. Mr. Long also recommended extending outdoor dining through the winter since Covid-19 remains an issue, and then soliciting further feedback from the public and restaurateurs then.

Mr. Bloom said it would be positive if the Planning Board could recommend temporary standards for Winter 2021-2022. He said the City should also consider two sets of outdoor dining standards: one for normal circumstances and one for ongoing Covid-19 issues.

#### C. 2040 Master Plan Update

PD Dupuis introduced the item.

Chair Clein, Mr. Williams and Commissioner Baller all noted that the Planning Board was presently working with the second draft of the master plan, and not with a finalized document.

Commissioner Nickita said the Planning Board should pay specific attention to what changed between the first and second drafts.

PD Dupuis confirmed that would be the case.

Commissioner Baller said more attention should be paid to the presentation of the Master Plan, including keeping maps on one page and with legible street names. He said the presentation should make it easy for residents to review.

In reply to Mr. Share, PD Dupuis said that in addition to speaking at Planning Board meetings members of the public could submit feedback on the Master Plan directly to staff or at [thebirminghamplan.com](http://thebirminghamplan.com).

Mr. Williams encouraged the public to attend Planning Board meetings and submit feedback. He said there were likely to be a number more changes before review of the second draft is completed.

Mr. Boyle noted Commissioners Nickita, Sherman and Hoff were stepping down in November and acknowledged them for their contributions to the City.

#### Public Comment

Mr. Bloom said he would like to see redline maps to see what how the maps changed from draft one to draft two. He expressed concern about some of the draft's recommendations and said he wanted to make sure they would all be thoroughly vetted. He said he also wanted to ensure that residents' concerns about the draft would be taken into account.

**IV. PUBLIC COMMENT**

Occurred during the discussion of each item.

**V. ADJOURN**

Seeing no further comment, Mayor Boutros adjourned the meeting at 9:13 p.m.

DRAFT

# City of Birmingham

## Warrant List Dated 10/13/2021

Meeting of 10/25/2021

Check Number	Early Release	Vendor #	Vendor	Amount
<u>PAPER CHECK</u>				
281850		005430	21ST CENTURY MEDIA- MICHIGAN	2,692.75
281851	*	005123	2400 LINCOLN, LLC	188,966.89
281853		MISC	ANTO GLASS BLOCK INC	100.00
281854	*	008977	JOBMATCH LLC DBA APPLICANTPRO	478.00
281855		MISC	ARMANDO GIUSEPPE INC	65.00
281856	*	008165	B5 INVESTMENTS, LLC	3,358.00
281857	*	003839	MATTHEW J. BARTALINO	90.00
281858		009142	BIDIGAIRE CONTRACTORS, INC	40,836.75
281859		MISC	BOJI GROUP	3,100.00
281860		003526	BOUND TREE MEDICAL, LLC	162.19
281863		003907	CADILLAC ASPHALT, LLC	1,309.70
281864		008082	CAMFIL USA INC	233.21
281864	*	008082	CAMFIL USA INC	2,030.74
281865		009078	CANON SOLUTIONS AMERICA INC	756.47
281866		000571	CAR TRUCKING INC	750.00
281867		007933	CARDNO, INC.	4,619.17
281869	*	000444	CDW GOVERNMENT INC	664.99
281870		MISC	CEDAR WORKS/JAMIE RUDDY	200.00
281871		000605	CINTAS CORPORATION	235.64
281872		001318	CLOVERDALE EQUIPMENT CO	1,610.00
281873	*	004188	COFFEE BREAK SERVICE, INC.	45.50
281874	*	008955	COMCAST	339.25
281875	*	007774	COMCAST BUSINESS	1,252.72
281876		009319	COMPTON PRESS INDUSTRIES LLC	4,016.05
281877	*	000627	CONSUMERS ENERGY	308.09
281878		002668	CONTRACTORS CLOTHING CO	201.74
281879		001367	CONTRACTORS CONNECTION INC	660.00
281880		008512	COOL THREADS EMBROIDERY	1,196.83
281881		MISC	CREATIVE BRICK PAVING & LANDSCAPING	200.00
281882	*	MISC	DAVID KRIVAN	7,894.84
281883	*	MISC	DERRICK ALDRICH	185.00
281884	*	MISC	DESIGN CABINETS	1,275.00
281885		008641	DINGES FIRE COMPANY	916.32
281886	*	007506	DST GLOBAL SERVICES	350.00
281887	*	000179	DTE ENERGY	150.77
281888	*	000179	DTE ENERGY	748.94
281889	*	000179	DTE ENERGY	62.19
281890	*	000179	DTE ENERGY	40.67
281891	*	000179	DTE ENERGY	55.47
281892	*	000179	DTE ENERGY	605.48
281893	*	000179	DTE ENERGY	1,009.99
281894	*	000180	DTE ENERGY	42,785.70

# City of Birmingham

## Warrant List Dated 10/13/2021

Meeting of 10/25/2021

Check Number	Early Release	Vendor #	Vendor	Amount
281896	*	007538	EGANIX, INC.	720.00
281897	*	MISC	ELIZABETH CORBY	19.62
281898		MISC	EMILY HAAPALA	155.26
281901	*	009100	ENZO WATER SERVICE	500.00
281902		001495	ETNA SUPPLY	2,475.00
281903	*	001223	FAST SIGNS	638.14
281904		000936	FEDEX	88.38
281905		MISC	FINISH WORKS CARPENTRY	200.00
281906		MISC	FIVE STAR PROPERTY	100.00
281907	*	MISC	FLORENCE E. PALMER	100.00
281908		009307	FLS PROPERTIES #5, LLC	96,275.24
281909	*	MISC	FRANK MAYER	246.99
281910		MISC	GILBERT HOMES INC	6,000.00
281911		001531	GUNNERS METER & PARTS INC	100.00
281912	*	MISC	HOCKEY BOARD DOCTOR	595.00
281913	*	001956	HOME DEPOT CREDIT SERVICES	815.93
281914		MISC	HOME DEPOT USA INC	100.00
281915		009029	HORIZON COMMUNICATIONS CO. INC	250.00
281916		MISC	HUNTER ROBERTS HOMES	832.19
281917		000948	HYDROCORP	400.00
281918		000344	J.T. EXPRESS, LTD.	2,305.86
281919	*	009299	JACK D. PESHA	119.65
281920		MISC	JODY MENDELSON	200.00
281922	*	001798	BRUCE JOHNSON	134.66
281923		MISC	KARANA ELECTRIC SIGNS	300.00
281924	*	008413	KARANA REAL ESTATE, LLC	9,088.97
281925		MISC	KRIL ENTERPRISES, INC.	350.00
281926	*	000362	KROGER COMPANY	30.32
281927		MISC	LEWAND CUSTOM HOMES LLC	200.00
281928		006817	LEXISNEXIS RISK DATA MANAGEMENT INC	100.00
281929	*	MISC	MARCUS EVANGELISTA	93.38
281930		MISC	MARTINO ENTERPRISES INC	200.00
281931		MISC	MCGLINCH & SONS	100.00
281932	*	002022	MICHIGAN ASSN. OF FIRE CHIEFS	40.00
281933	*	001194	NELSON BROTHERS SEWER	195.00
281934	*	007755	NETWORK SERVICES COMPANY	1,604.92
281935	*	009096	RYAN NEUVILLE	152.00
281937	*	000477	OAKLAND COUNTY	471,885.84
281938	*	000481	OFFICE DEPOT INC	16.27
281939	*	000486	PLANTE & MORAN PLLC	29,610.25
281940	*	008858	PODS ENTERPRISES, LLC	174.00
281941	*	008974	PREMIER PET SUPPLY	75.96
281942	*	002852	QMI GROUP INC	15.00

**City of Birmingham**  
**Warrant List Dated 10/13/2021**

Meeting of 10/25/2021

Check Number	Early Release	Vendor #	Vendor	Amount
281943		007797	QUADIENT LEASING USA, INC.	452.97
281944		MISC	R R NAMAN CONST	100.00
281945		008852	REDGUARD FIRE & SECURITY	600.00
281946		MISC	RENOVATIONS BY DESIGN	650.00
281947		MISC	Richard Scheck	1,000.00
281949		MISC	ROYAL ROOFING CO INC	200.00
281950		MISC	ROYAL ROOFING CO. INC.	200.00
281951	*	002806	SAM'S CLUB/SYNCHRONY BANK	1,890.39
281952		MISC	SCHOENHERR HOMES LLC	100.00
281953	*	006590	SECURE DOOR, LLC	3,808.00
281954		009301	SECURE-CENTRIC INC	957.60
281955	*	007142	SHERWIN-WILLIAMS COMPANY	20.31
281956		MISC	SOLDIER BUILDING	627.08
281957		MISC	SOLOMON PLUMBING	382.00
281958	*	005731	SOUTHEASTERN MICHIGAN SEALANTS INC.	2,840.00
281961		000260	SPARTAN DISTRIBUTORS INC	222.43
281962		001887	STATE OF MICHIGAN	91.00
281963		MISC	STEINER, MARK	1,000.00
281964		006556	STO-COTE PRODUCTS, INC.	1,930.80
281965		MISC	SUBURBAN INVESTORS LIMITED PRTNRSHP	560.00
281966		MISC	Sunglo Restoration Services, Inc	100.00
281967		006749	SUPERIOR SCAPE, INC	45,944.00
281968		MISC	SZYPA JR, MICHAEL ALEXANDER	906.77
281971		MISC	THOMAS SEBOLD & ASSOCIATES, IN	500.00
281972		MISC	THORNTON & GROOMS INC.	1,000.00
281974		008632	TURNOUT RENTAL	180.00
281975		008941	UPTOWN MARKET OF BIRMINGHAM	22.36
281976	*	000158	VERIZON WIRELESS	76.02
281977	*	000158	VERIZON WIRELESS	1,817.97
281978	*	000158	VERIZON WIRELESS	152.73
281979	*	000158	VERIZON WIRELESS	1,272.08
281980		MISC	WALLSIDE INC	500.00
281981	*	004497	WATERFORD REGIONAL FIRE DEPT.	200.00
281983		000299	WEINGARTZ SUPPLY	370.59
281984		MISC	WESTERN ELECTRIC SERVICE	100.50
281986	*	008008	JEFF ZIELKE	327.39
281987		009185	ZOOM VIDEO COMMUNICATIONS INC	639.76
281988	*	008902	ZORO TOOLS, INC.	48.91
SUBTOTAL PAPER CHECK				\$1,015,955.54
<b>ACH TRANSACTION</b>				
4334	*	008847	ABS- AUTOMATED BENEFIT SVCS, INC	48,582.04
4335	*	002284	ABEL ELECTRONICS INC	81.74
4336		009126	AMAZON CAPITAL SERVICES INC	346.75

**City of Birmingham**  
**Warrant List Dated 10/13/2021**

Meeting of 10/25/2021

Check Number	Early Release	Vendor #	Vendor	Amount
4339	*	007345	BEVERLY HILLS ACE	35.07
4340	*	007624	BIRMINGHAM OIL CHANGE CENTER, LLC	37.47
4341	*	008840	BIRMINGHAM PUBLIC SCHOOLS-TAXES	323,878.07
4342		000542	BLUE WATER INDUSTRIAL PRODUCTS INC	115.50
4343		009183	BOB ADAMS TOWING	395.00
4344	*	001077	DUNCAN PARKING TECH INC	11,202.75
4346		000331	HUBBELL ROTH & CLARK INC	6,850.00
4347		000261	J.H. HART URBAN FORESTRY	23,760.63
4348		009298	JCR SUPPLY INC	251.02
4349	*	003458	JOE'S AUTO PARTS, INC.	539.86
4350	*	005550	LEE & ASSOCIATES CO., INC.	3,317.96
4351	*	008158	LOGICALIS INC	9,700.00
4354		001864	NOWAK & FRAUS ENGINEERS	9,578.00
4355	*	006359	NYE UNIFORM COMPANY	32.50
4356	*	008843	OAKLAND COUNTY TREASURER- TAX PYMNT	472,940.94
4357	*	006853	PAUL C SCOTT PLUMBING INC	290.00
4358	*	006027	PENCHURA, LLC	1,020.00
4359		001062	QUALITY COACH COLLISION	3,733.00
4361		000254	SOCRRA	79,395.00
4362	*	001097	SOCWA	208,352.74
4363	*	002037	TOTAL ARMORED CAR SERVICE, INC.	758.36
4364		000298	VESCO OIL CORPORATION	83.25
4365	*	007278	WHITLOCK BUSINESS SYSTEMS, INC.	1,849.46
SUBTOTAL ACH TRANSACTION				\$1,207,127.11
GRAND TOTAL				\$2,223,082.65

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 10/20/2021**

Meeting of 10/25/2021

Check Number	Early Release	Vendor #	Vendor	Amount
<u>PAPER CHECK</u>				
281989	*	000855	48TH DISTRICT COURT	100.00
281990	*	006965	7UP DETROIT	116.25
281992		003708	AIRGAS USA, LLC	244.63
281993		MISC	AMERICAN POOL SERVICE INC	150.00
281994		MISC	ARMANDO GIUSEPPE INC	2,485.00
281995		009290	ARSENAL POWERSPORTS LLC	370.77
281996	*	006759	AT&T	108.09
281997	*	006759	AT&T	108.01
281998	*	006759	AT&T	219.73
282000		MISC	BASTIAN, LISA	350.00
282001		009286	BLACK CLOVER ENTERPRISES LLC	53.95
282002	*	MISC	BLOCK, JUDY	275.50
282003		MISC	BOBSON CONSTRUCTION CO.	100.00
282004	*	MISC	BON COOK	121.74
282005	*	009041	STEVE BONORA	84.75
282006		MISC	BRANDYWINE CONSTRUCTION LLC	2,000.00
282007	*	009283	BRENDAN MCGAUGHEY	75.00
282008		006966	BRIDGESTONE GOLF, INC	13.60
282009	*	006953	JACQUELYN BRITO	72.00
282011		003907	CADILLAC ASPHALT, LLC	390.92
282012		008082	CAMFIL USA INC	438.04
282013		009326	CAPFINANCIAL PARTNERS, LLC	15,000.00
282014	*	009326	CAPFINANCIAL PARTNERS, LLC	9,945.65
282016		MISC	CEDAR PRESERVATION SYSTEMS LLC	100.00
282018	*	MISC	CHRISTA RODGERS	224.76
282019		000605	CINTAS CORPORATION	203.98
282021		MISC	CIR GROUP	100.00
282022	*	008006	CLEAR RATE COMMUNICATIONS, INC	1,324.90
282023		009167	COL'S FAMILY RESTAURANT	99.87
282024	*	008955	COMCAST	90.68
282025	*	000627	CONSUMERS ENERGY	470.09
282026		001367	CONTRACTORS CONNECTION INC	180.00
282027		MISC	CREGGER SERVICES INC	1,000.00
282029		008005	DE LAGE LANDEN FINANCIAL SVCS INC	249.74
282030		009309	DEALER AUTO PARTS	147.35
282032	*	MISC	DEREK ALDRICH	185.00
282033	*	005125	DEVIN DEROECK	14.71
282034		MISC	DINVERNO REMODELING AND CONSTRUCTIO	200.00
282035	*	000179	DTE ENERGY	17.41
282036		000274	E-Z-GO DIVISION OF TEXTRON INC	577.38
282037		004671	ELDER FORD	614.15
282038		008504	ELECTIONSOURCE	516.42

# City of Birmingham

## Warrant List Dated 10/20/2021

Meeting of 10/25/2021

Check Number	Early Release	Vendor #	Vendor	Amount
282040	*	008495	FALCON ASPHALT REPAIR EQUIPMENT	70.18
282041		001223	FAST SIGNS	197.40
282042	*	000936	FEDEX	65.25
282043		MISC	FIRST CHOICE BUILDING & MAINTENANCE	475.00
282044		MISC	FOREMAN CONSTRUCTION INC	125.00
282045		MISC	FOUNDATION SYSTEMS OF MICHIGAN INC.	200.00
282046		MISC	GALWAY CONSTRUCTION	200.00
282047		002510	GAMCO INVESTORS INC	6,346.00
282048	*	004604	GORDON FOOD	267.27
282050		001531	GUNNERS METER & PARTS INC	2,580.00
282051		005959	H2O COMPLIANCE SERVICE INC	210.00
282051	*	005959	H2O COMPLIANCE SERVICE INC	669.90
282052	*	MISC	HELEN ROTH	96.00
282053		008613	HENRY FORD HEALTH SYSTEM	330.00
282054	*	001956	HOME DEPOT CREDIT SERVICES	90.27
282055		001415	HORNUNG'S PRO GOLF SALES INC	154.26
282067		MISC	J H PLBG INC	900.00
282068	*	MISC	JACK TODD- PETTY CASH	86.62
282069		MISC	JOE PIZIK ELECTRIC, INC.	220.68
282071		MISC	JONNA LUXURY HOMES	300.00
282072	*	MISC	JOSEPH KENNEDY	255.00
282074		005291	KAESER & BLAIR INC	808.74
282075		MISC	Kevin Rashid Contracting	100.00
282076		MISC	KEVIN ZURRO	100.00
282077	*	MISC	KINLEY MCNICOLL	10.00
282078		MISC	KRYSTAL ANDZEJEWSKI	100.00
282079		MISC	LEVINE & SONS INC	1,000.00
282081	*	MISC	LINDA OMAN	80.59
282082		MISC	LMB PROPERTIES LLC	1,400.00
282083	*	MISC	MANORWOOD PROPERTIES LLC	2,498.20
282084		MISC	MARTINO ENTERPRISES INC	100.00
282085		000888	MCKENNA ASSOCIATES INC	35,753.88
282086		MISC	MICHIGAN BASEMENTS	100.00
282087		007479	MICHIGAN BREAD BAKERY	22.98
282089	*	001228	STATE OF MICHIGAN-BOILERS	240.00
282090		000230	MIKE SAVOIE CHEVROLET INC	651.25
282091		001950	MILLER CANFIELD PADDOCK AND	2,976.00
282092	*	009096	RYAN NEUVILLE	200.00
282093	*	009276	NEWTONS SOLUTIONS LLC	3,000.00
282094		MISC	NICHOLAS JOHN FREUND	200.00
282095		MISC	NIGHTINGALE COMPANY	500.00
282096	*	000477	OAKLAND COUNTY	9,860.00
282097	*	000481	OFFICE DEPOT INC	1,228.33

# City of Birmingham

## Warrant List Dated 10/20/2021

Meeting of 10/25/2021

Check Number	Early Release	Vendor #	Vendor	Amount
282099		001325	P.K. CONTRACTING INC	1,895.00
282100		MISC	PINE BUILDING COMPANY INC.	500.00
282101	*	002518	PITNEY BOWES INC	845.88
282102		MISC	PLUMBERZ NORTH AMERICA	100.00
282103		MISC	PMS DIVERSIFIED CONSTRUCTION SERVIC	200.00
282104		008974	PREMIER PET SUPPLY	131.96
282105		MISC	PROFESSIONAL RENOVATIONS SVS,	100.00
282106		MISC	RENEWAL BY ANDERSEN	500.00
282107	*	005344	RESERVE ACCOUNT	8,000.00
282108	*	MISC	ROBERT BRYANT	1,565.36
282109		MISC	SACHSE CONSTRUCTION	200.00
282110		MISC	SAS SERVICES INC	100.00
282111		007697	SAVE THE MOMENT	154.00
282112		009178	SERVICE GLASS COMPANY INC	5,652.64
282112	*	009178	SERVICE GLASS COMPANY INC	2,787.63
282113		007142	SHERWIN-WILLIAMS COMPANY	13.51
282114	*	004202	SHRED-IT USA	345.52
282115		000260	SPARTAN DISTRIBUTORS INC	1,205.62
282116		000256	SUBURBAN BUICK GMC INC	407.69
282118		004379	TURNER SANITATION, INC	150.00
282118	*	004379	TURNER SANITATION, INC	1,260.00
282119	*	000158	VERIZON WIRELESS	308.16
282120	*	000158	VERIZON WIRELESS	494.13
282121	*	MISC	ZARA HAMADE	322.96
SUBTOTAL PAPER CHECK				\$141,148.93
<u>ACH TRANSACTION</u>				
4368	*	008847	ABS- AUTOMATED BENEFIT SVCS, INC	35,669.75
4369	*	002284	ABEL ELECTRONICS INC	1,229.96
4371	*	007345	BEVERLY HILLS ACE	4.13
4372	*	007624	BIRMINGHAM OIL CHANGE CENTER, LLC	54.97
4373	*	009183	BOB ADAMS TOWING	475.00
4374	*	007314	FLEIS AND VANDENBRINK ENG. INC	4,695.00
4375		001023	GABRIEL, ROEDER, SMITH & CO.	16,100.00
4376	*	000243	GRAINGER	28.66
4377		008378	THE HUNTINGTON NATIONAL BANK	500.00
4378		000261	J.H. HART URBAN FORESTRY	24,634.19
4379	*	003458	JOE'S AUTO PARTS, INC.	1,019.64
4381	*	004085	KONE INC	2,086.45
4382	*	005876	KROPF MECHANICAL SERVICE COMPANY	3,875.22
4383	*	003404	LADUKE ROOF.& SHT.METAL CORP	3,720.00
4384	*	005550	LEE & ASSOCIATES CO., INC.	1,789.98
4387	*	001035	MUNICIPAL EMERGENCY SERVICES	177.60
4388		006359	NYE UNIFORM COMPANY	294.50

**City of Birmingham**  
**Warrant List Dated 10/20/2021**

Meeting of 10/25/2021

Check Number	Early Release	Vendor #	Vendor	Amount
4388	*	006359	NYE UNIFORM COMPANY	281.00
4389	*	002767	OSCAR W. LARSON CO.	190.00
4390	*	000897	PRINTING SYSTEMS INC	7,639.08
4391	*	000478	ROAD COMM FOR OAKLAND CO	11,725.16
4392	*	001181	ROSE PEST SOLUTIONS	369.00
4393	*	004692	TRANSPARENT WINDOW CLEANING	5,720.00
4394	*	007374	WESTWOOD TRUST	27,657.23
SUBTOTAL ACH TRANSACTION				\$149,936.52
GRAND TOTAL				\$291,085.45

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 10/06/2021

Meeting of 10/25/2021

Check Number	Early Release	Vendor #	Vendor	Amount
<u>PAPER CHECK</u>				
281697	*	006965	7UP DETROIT	293.10
281698	*	MISC	AARON HOLDINGS COMPANY LLC	1,387.50
281699		MISC	ABU-ALI, VLADIMIR	2,500.00
281700		008106	ACUSHNET COMPANY	1,378.34
281701	*	002670	MIKE ALBRECHT	78.99
281702		MISC	AMERICAN POOL SERVICE INC	500.00
281703		000167	ANDERSON ECKSTEIN WESTRICK INC	355.00
281704		MISC	ARNOLD ROOFING CONSTRUCTION INC	100.00
281705	*	000500	ARTECH PRINTING INC	63.00
281707		MISC	BECKER, DENNIS S	100.00
281708		MISC	BELMONT MANAGEMENT LLC	300.00
281709		MISC	BINGHAM DEVELOPMENT LLC	400.00
281710		MISC	BLOOMFIELD CONSTRUCTION CO	100.00
281711		MISC	BOJI GROUP	200.00
281712		003526	BOUND TREE MEDICAL, LLC	1,364.40
281713		MISC	BRADLEY DICKS	100.00
281714	*	006953	JACQUELYN BRITO	58.68
281716	*	000444	CDW GOVERNMENT INC	983.60
281718	*	MISC	CHARTER TOWNSHIP OF BLOOMFIELD	1,588.80
281719		000605	CINTAS CORPORATION	129.34
281720		009167	COL'S FAMILY RESTAURANT	11.64
281721	*	008955	COMCAST	351.46
281722	*	000627	CONSUMERS ENERGY	357.67
281723		001367	CONTRACTORS CONNECTION INC	136.20
281724		MISC	CORE STATES LLC	500.00
281725		009309	DEALER AUTO PARTS	949.91
281726	*	000177	DELWOOD SUPPLY	414.16
281727	*	000179	DTE ENERGY	38.40
281729	*	000179	DTE ENERGY	2,369.38
281730	*	000179	DTE ENERGY	14.91
281731	*	000179	DTE ENERGY	1,422.26
281732	*	000179	DTE ENERGY	44.95
281733	*	000179	DTE ENERGY	15.54
281734	*	000179	DTE ENERGY	16.91
281735	*	000179	DTE ENERGY	442.04
281736	*	000179	DTE ENERGY	2,625.44
281737	*	000179	DTE ENERGY	65.98
281738	*	000179	DTE ENERGY	522.20
281739	*	000179	DTE ENERGY	8,855.00
281740	*	000179	DTE ENERGY	1,372.95
281741	*	000179	DTE ENERGY	3,794.67
281742	*	000179	DTE ENERGY	63.23

**City of Birmingham**  
**Warrant List Dated 10/06/2021**

Meeting of 10/25/2021

Check Number	Early Release	Vendor #	Vendor	Amount
281743	*	000179	DTE ENERGY	19.29
281744	*	000179	DTE ENERGY	718.14
281745	*	000179	DTE ENERGY	24.18
281746	*	000179	DTE ENERGY	65.49
281747	*	000179	DTE ENERGY	21.68
281748	*	000179	DTE ENERGY	213.17
281749	*	000179	DTE ENERGY	557.27
281750	*	000179	DTE ENERGY	100.84
281751	*	000179	DTE ENERGY	1,590.94
281752	*	000179	DTE ENERGY	44.96
281753	*	000179	DTE ENERGY	184.06
281754	*	000179	DTE ENERGY	1,590.88
281756		004671	ELDER FORD	617.72
281758		004615	ENGLISH GARDENS	2,996.27
281759		MISC	EVOLUTION POOLS	200.00
281760		000936	FEDEX	36.47
281761		MISC	FOUNDATION SYSTEMS OF MICHIGAN INC.	100.00
281762		MISC	GALLAWAY, ROBERT	100.00
281763		006384	GEOGRAPHIC INFORMATION SERVICES, IN	19,936.98
281764	*	004604	GORDON FOOD	270.24
281765		001531	GUNNERS METER & PARTS INC	4,521.00
281766	*	MISC	H.J. OLDENKAMP CO.	4,242.29
281767	*	MISC	HENRY YEE SHUCK TRUSTEE	239.12
281768		007339	HIGHEST HONOR, INC	293.75
281769		009079	HISTORIC SURFACES LLC	1,475.00
281770	*	001956	HOME DEPOT CREDIT SERVICES	1,015.67
281771		MISC	HOME DEPOT USA INC	500.00
281772		MISC	HOOVER ELECTRIC INC	459.27
281773		MISC	HORIZON COMMUNICATIONS CO. INC.	1,784.86
281774	*	MISC	HUGE LLC	488.51
281775		MISC	HUNTER ROBERTS HOMES	1,000.00
281776		000948	HYDROCORP	3,381.00
281777		000342	IBS OF SE MICHIGAN	119.20
281778	*	000980	ICE SPORTS INDUSTRY	395.00
281779		MISC	J SIMON SONS ELECTRICAL	56.25
281780	*	MISC	JACK TODD- PETTY CASH	1,166.02
281781	*	MISC	JAMES GOOCH	1,256.13
281782	*	009249	JOHN C COOK	100.00
281783		005291	KAESER & BLAIR INC	350.67
281784	*	MISC	KAY L LURIE	247.00
281785	*	MISC	KIRSTEN LARSEN	534.14
281786		MISC	KOGER, JOE M II	906.77
281787		000284	LESLIE ELECTRIC COMPANY	335.40

**City of Birmingham**  
**Warrant List Dated 10/06/2021**

Meeting of 10/25/2021

Check Number	Early Release	Vendor #	Vendor	Amount
281788		MISC	Life Construction and Design, LLC	100.00
281789		MISC	LMB PROPERTIES LLC	22,300.00
281790		MISC	LUCAS, PAMELA J	720.31
281791		001564	MAGLOCLIN INC	400.00
281792		MISC	MANCO BUILDERS LLC	1,800.00
281793		002648	MARC DUTTON IRRIGATION INC	636.00
281794		MISC	MASSIMO D AGOSTINO	100.00
281795	*	004738	MGFOA	120.00
281796		007479	MICHIGAN BREAD BAKERY	48.80
281797		001169	MJ AWARDS	140.00
281798	*	007744	MOHAMED F. CHAMMAA	21.84
281799	*	001452	MONTGOMERY & SONS INC	1,901.08
281800		MISC	N & M GENERAL CONSTRUCTION	100.00
281801		MISC	NELSON BROS SWR & PLBG SVC INC	1,000.00
281802	*	009276	NEWTONS SOLUTIONS LLC	1,050.00
281803		MISC	OAKES ROOFING SIDING & WINDOWS INC	100.00
281804		000919	OAKLAND COUNTY TREASURER	2,423.82
281805	*	004370	OCCUPATIONAL HEALTH CENTERS	312.00
281807		MISC	OFFER & ASSOCIATES INC	300.00
281808	*	000481	OFFICE DEPOT INC	466.27
281809		009151	PARAGON LABORATORIES INC	261.00
281810	*	MISC	PEGG, MICHAEL G & KATHLEEN	3,588.11
281812		002852	QMI GROUP INC	50.03
281813	*	004137	R & R FIRE TRUCK REPAIR INC	2,525.41
281814		MISC	RANGANATHAN, THANANJAYAN	1,000.00
281815		008852	REDGUARD FIRE & SECURITY	690.00
281816		MISC	ROBERT CHANDLER	500.00
281817		MISC	ROBERT J SOWLES	100.00
281818		MISC	ROCK SOLID EXTERIOR	100.00
281819		MISC	ROOF ONE LLC	100.00
281820		MISC	SANDOVAL AND SONS	100.00
281821	*	007142	SHERWIN-WILLIAMS COMPANY	84.36
281822		008815	SHI INTERNATIONAL CORP.	485.40
281823	*	007907	SP+ CORPORATION	4,310.00
281824		000260	SPARTAN DISTRIBUTORS INC	335.41
281825		MISC	STARRS ROOFING	100.00
281826		004544	STRYKER SALES CORPORATION	338.40
281827		MISC	SUN HOME IMPROVEMENT	500.00
281828		006749	SUPERIOR SCAPE, INC	3,047.00
281830		000286	TARGET SPECIALTY PRODUCTS	1,174.50
281831		MISC	Thomas A Dougekos	200.00
281832		MISC	THORNTON & GROOMS INC.	720.31
281833		000275	TIRE WHOLESALERS CO INC	124.20

**City of Birmingham**  
**Warrant List Dated 10/06/2021**

Meeting of 10/25/2021

Check Number	Early Release	Vendor #	Vendor	Amount
281834		004379	TURNER SANITATION, INC	150.00
281835		008632	TURNOUT RENTAL	196.40
281836	*	MISC	UNIVERSAL FIDELITY LP	188.83
281837		009266	US SIGNAL COMPANY LLC	1,297.56
281838		007226	VALLEY CITY LINEN	57.45
281839	*	000158	VERIZON WIRELESS	129.14
281841	*	000158	VERIZON WIRELESS	147.78
281843		MISC	WALLSIDE INC	500.00
281844	*	004672	WEST MARINE PRO	179.92
281845		MISC	WHITE WOLF LANDSCAPING	100.00
281846		MISC	WILLIAM J KUPPIN JR	100.00
281847		MISC	WILSON, SCOTT THOMAS	1,000.00
281848		005112	WOLVERINE	48.96
281849	*	MISC	WOODWARD BROWN VENTURES LLC	479.39
SUBTOTAL PAPER CHECK				\$149,670.96
<u>ACH TRANSACTION</u>				
4306	*	008847	ABS- AUTOMATED BENEFIT SVCS, INC	42,655.83
4307		009126	AMAZON CAPITAL SERVICES INC	442.70
4307	*	009126	AMAZON CAPITAL SERVICES INC	1,296.61
4308	*	000518	BELL EQUIPMENT COMPANY	1,556.36
4309	*	007345	BEVERLY HILLS ACE	16.17
4310		006683	BIRMINGHAM LAWN MAINTENANCE	548.00
4311	*	007624	BIRMINGHAM OIL CHANGE CENTER, LLC	46.96
4312	*	009183	BOB ADAMS TOWING	150.00
4313	*	008044	CLUB PROPHET	540.00
4314		009195	CROWN CASTLE FIBER LLC	643.00
4315		009181	DELTA TEMP SERVICES INC	1,028.44
4316	*	001077	DUNCAN PARKING TECH INC	562.49
4317	*	000995	EQUATURE	3,600.00
4318	*	000243	GRAINGER	205.75
4319		003870	GREAT LAKES TURF, LLC	3,717.50
4320	*	008851	INSIGHT INVESTMENT	4,941.57
4321		000261	J.H. HART URBAN FORESTRY	14,392.09
4322	*	003458	JOE'S AUTO PARTS, INC.	581.89
4323	*	005550	LEE & ASSOCIATES CO., INC.	298.47
4324	*	007856	NEXT	31,258.00
4325		001864	NOWAK & FRAUS ENGINEERS	2,202.00
4326	*	006359	NYE UNIFORM COMPANY	46.50
4327	*	006027	PENCHURA, LLC	231.00
4328		006729	QUENCH USA INC	381.60
4329	*	008389	R.C. SYSTEMS, INC.	675.00
4330	*	003554	RKA PETROLEUM	17,677.89
4331	*	001181	ROSE PEST SOLUTIONS	225.00



**City of Birmingham**  
**Warrant List Dated 10/06/2021**

Meeting of 10/25/2021

Check Number	Early Release	Vendor #	Vendor	Amount
4332		005787	SOUTHEASTERN EQUIPMENT CO. INC	324.69
4333		005360	WORRY FREE INC	9,600.00
SUBTOTAL ACH TRANSACTION				\$139,845.51
GRAND TOTAL				\$289,516.47

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:** October 25, 2021  
**TO:** Tom Markus, City Manager  
**FROM:** Alexandria Bingham, City Clerk  
**SUBJECT:** Shain Park Menorah Lighting and Celebration

### INTRODUCTION:

Chabad Jewish Center of Bloomfield Hills has submitted an application to hold the Shain Park Menorah Lighting and Celebration on Wednesday December 1, 2021. Set up for the event is scheduled for November 22, 2021 late morning. The event begins at 4:00 pm and concludes at 6:00 pm. Tear down is scheduled for December 12, 2021 late morning.

### BACKGROUND:

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

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

Winter Markt 12/03-12/05 Shain Park  
Nativity Scene 11/27-12/31 Shain Park  
Santa House 11/27-12-24 Shain Park

### LEGAL REVIEW:

n/a

### FISCAL IMPACT:

n/a

### PUBLIC COMMUNICATIONS:

The Chabad Jewish Center notified residents and businesses details of the event by letter mailed at least two weeks prior to the Commission meeting. Addresses were notified within 300 feet of the event space.

#### SUMMARY

The City Commission is being asked to approve a special event permit for the Shain Park Menorah Lighting and Celebration to be held December 1 2021 from 4:00-6:00 pm with set up November 22,2021 late morning. Tear down will begin December 12,2021 late morning.

#### ATTACHMENTS:

1. Special Event application
2. Notification letter with map of event area distributed to residents/businesses within 300 feet of the event area dated September 14, 2021. Notification addresses are on file in the Clerk's Office
3. Hold Harmless Agreement
4. Department Approval page with comments and estimated costs

#### SUGGESTED COMMISSION ACTION:

To make a motion adopting a resolution to approve a special event permit as requested by the Chabad Jewish Center of Bloomfield Hills to hold the Shain Park Menorah Lighting and Celebration December 1, 2021 contingent upon compliance with all permit and insurance requirements and payment of all fees and, further, pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event, or event cancellation that may be deemed necessary by administrative staff leading up to or at the time of the event due to public health and safety measures.

# 21-00011669

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

Clerk's Office  
City of Birmingham, MI

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

Police Department acknowledgement: 

RECEIVED

**I. EVENT DETAILS**

Clerk's Office  
City of Birmingham, MI

- 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

AUG 30 2021

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

RECEIVED

(Please print clearly or type)

Date of Application 8/30/2021

Name of Event Shain Park Menorah Lighting and Celebration

Detailed Description of Event (attach additional sheet if necessary) Annual Menorah display for the Chanukah holiday season at Shain Park. One night of the holiday will be a Menorah lighting event.

Location Shain Park

Date(s) of Event Nov 28-Dec 6 Hours of Event Exact date for event TBD

Date(s) of Set-up Nov 22 Hours of Set-up Late morning

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

Date(s) of Tear-down Dec 12 Hours of Tear-down Late morning

Organization Sponsoring Event Chabad Jewish Center of Bloomfield Hills

Organization Address 3805 Quarton Road, Bloomfield Hills, MI 48302

Organization Phone 248-949-6210

Contact Person Rabbi Levi Dubov

Contact Phone 248-949-6210

Contact Email rabbi@bhchabad.org

## II. EVENT INFORMATION

1. Organization Type Non-profit community group  
(city, non-profit, community group, etc.)
2. Additional Sponsors or Participants (Provide name, address, contact person, status, etc. for all additional organizations sponsoring your event. ) n/a  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
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 Menorah display in Shain Park  
\_\_\_\_\_
5. Total number of people expected to attend per day Approx 75-100 for lighting event
6. The event will be held on the following City property: (Please list)  
☐ Street(s) \_\_\_\_\_  
\_\_\_\_\_  
☐ Sidewalk(s) \_\_\_\_\_  
\_\_\_\_\_  
☒ Park(s) Shain Park  
\_\_\_\_\_
7. Will street closures be required? YES ☐ NO ☒  
**(Police Department acknowledgement prior to submission of application is required) (initial here)** [Signature]
8. What parking arrangements will be necessary to accommodate attendance? n/a

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 Volunteers from organization

10. Will the event require safety personnel (police, fire, paramedics)? YES ☐ NO ☒  
**(Police Department acknowledgement prior to submission of application is required.) (initial here)** AL

Describe \_\_\_\_\_

11. Will alcoholic beverages be served? YES ☐ NO ☒  
If yes, additional approval by the City Commission is required, as well as the Michigan Liquor Control Commission.

12. Will music be provided? YES ☒ NO ☐  
\_\_\_\_\_ Live \_\_\_\_\_ Amplification \_\_\_\_\_ Recorded ☒ Loudspeakers

Time music will begin 4:00 PM

Time music will end 6:30 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 \_\_\_\_\_

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

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

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

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

## SIGNATURE OF APPLICANT REQUIRED

EVENT NAME Shain Park Menorah

EVENT DATE Nov 28-Dec 6 (throught the Chanukah holiday)

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

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



Signature

8/30/2021

Date

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

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



## Chabad Jewish Center of Bloomfield Hills

### SPECIAL EVENT REQUEST NOTIFICATION LETTER

DATE: 9/14/2021

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

#### EVENT INFORMATION

NAME OF EVENT: Shain Park Menorah LOCATION: Shain park

DATE(S) OF EVENT: Nov. 28-Dec. 6 2021 (the days of Chanukah), community lighting event Wed, Dec 1.

HOURS OF EVENT: Special event, approx. 4-6 pm.

BRIEF DESCRIPTION OF EVENT/ACTIVITY: Annual Menorah display in Shain Park for the Jewish holiday of Chanukah. One evening will be a community lighting event.

DATE(S) OF SET-UP: Nov. 22 2021 HOURS OF SET-UP: Late morning

DATE(S) OF TEAR-DOWN: Dec. 12 2021 HOURS OF TEAR-DOWN: Late morning

DATE OF CITY COMMISSION MEETING: Oct 25 2021, 7:30 PM

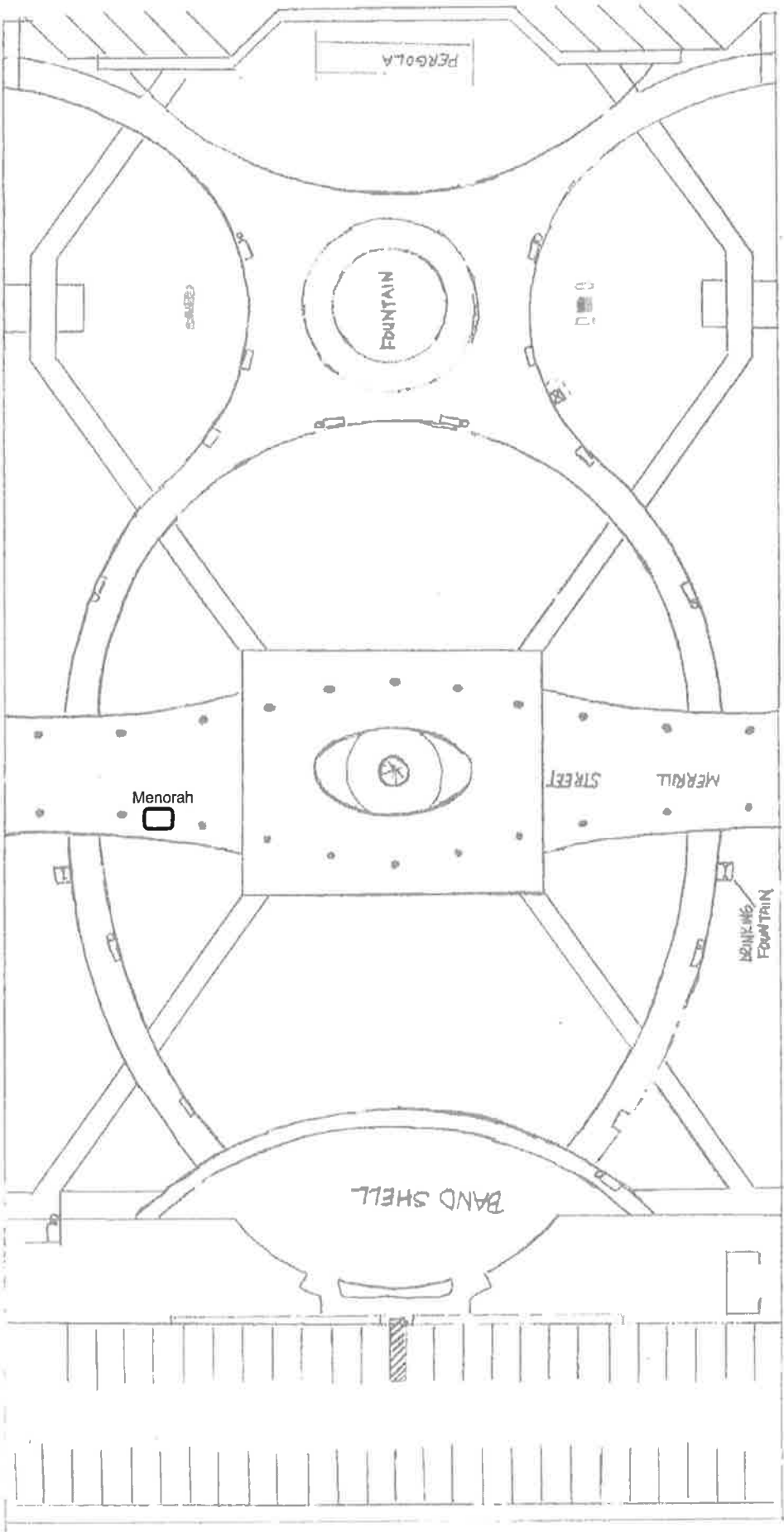
The City Commission meets in room 205 of the Municipal Building at 151 Martin at 7:30 pm. You may also attend virtually through ZOOM: <https://zoom.us/j/655079760> Meeting ID: 655 079 760 . **A complete copy of the application to hold this special event is available for your review at the City Clerk's Office (248-530-1880).** Log on to [www.bhamgov.org/events](http://www.bhamgov.org/events) for a complete list of special events.

EVENT ORGANIZER: Chabad Jewish Center of Bloomfield Hills

ADDRESS: 3805 Quarton Road, Bloomfield Hills, MI 48302 PHONE: 248-949-6210

FOR QUESTIONS ON DAY OF EVENT, CONTACT: 248-949-6210





MARN STREET

HENRIETTA STREET







## Chabad Jewish Center of Bloomfield Hills

### **HOLD-HARMLESS AGREEMENT**

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

Rabbi Levi Dubov  
Director, Chabad Jewish Center  
of Bloomfield Hills

9/13/2021

## DEPARTMENT APPROVALS

EVENT NAME: Shain Park Menorah Lighting

**LICENSE NUMBER #21-00011669**

**COMMISSION HEARING DATE:**

**NOTE TO STAFF:** Please submit approval by 10-15-21

**DATE OF EVENT:** Nov 28-Dec 6

<b>DEPARTMENT</b>	<b>APPROVED</b>	<b>COMMENTS</b>	<b>PERMITS REQUIRED</b> (Must be obtained directly from individual departments)	<b>ESTIMATED COSTS</b> (Must be paid two weeks prior to the event. License will not be issued if unpaid.)	<b>ACTUAL COSTS</b> (Event will be invoiced by the Clerk's office after the event)
<b>PLANNING</b> 101-000.000-634.0005 248.530.1855	ND	No additional Planning Division requirements	N/A	\$0	\$0
<b>BUILDING</b> 101-000.000.634.0005 248.530.1850	MJM	No building department involvement		\$0	
<b>FIRE</b> 101-000.000-634.0004 248.530.1900	JDP	Follow current MDHHS COVID-19 guidelines. Crowd managers required for large crowds 1 manager for every 250 persons		\$0	\$0
<b>POLICE</b> 101-000.000.634.0003 248.530.1870	SG	On duty personnel will provide extra patrol.		\$0	\$0
<b>PUBLIC SERVICES</b> 101-000.000-634.0002 248.530.1642	CL	A representative from the DPS department requests to meet with the representative for the proper installation of the Menorah Display.		\$0	

<b>ENGINEERING</b> 101-000.000.634.0002 248.530.1839	SZ	No obstructions, parking at meters and decks available	none	\$0	\$0
<b>SP+ PARKING</b>	SG	No parking concerns.		\$0	\$0
<b>INSURANCE</b> 248.530.1807		Need to submit CoI, Hold Harmless Agreement	None	\$0	\$0
<b>CLERK</b> 101-000.000-614.0000 248.530.1803		Notification letters to be mailed by applicant no later than _____. Notification addresses on file in the Clerk's Office. Evidence of required insurance must be on file with the Clerk's Office no later than _____.	Applications for vendors license must be submitted no later than _____.	\$165 pd	165
				<b>TOTAL DEPOSIT REQUIRED</b>	<b>ACTUAL COST</b>

**FOR CLERK'S OFFICE USE**

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

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

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

**DATE:** October 12, 2021

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

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

**SUBJECT:** Wedding Rental Agreement (Ceremony Only)

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**INTRODUCTION:**

The Administration (DPS) advanced the update to the Wedding Rental Agreement (Ceremony Only) to the Parks and Recreation Board on July 13, 2021 to eliminate the use of Shain Park for wedding ceremonies. This is to prevent any encroachment of a private event during the public use and access of Shain Park at any given time. The City Commission adopted the original Wedding Rental Agreement (Ceremony Only) on June 27, 2011.

The Parks and Recreation Board endorses this change. In addition, we updated the facility use fees (for use of a city park) as part of the revised Agreement. The suggested fees now align with the current fees for the Birmingham Museum.

We are no longer accepting wedding ceremony applications for Shain Park during 2021. September is the last month for this year for which a wedding ceremony was scheduled. The effective date for this revised Wedding Rental Agreement will be January 1, 2022.

In addition, due to the proposed language amendment and fee increases, the City of Birmingham Fee Schedule will need to be updated to reflect the price increases.

**BACKGROUND:**

Formulating this original Wedding Rental Agreement was the result of the overwhelming amount of requests for using City parks to conduct wedding ceremonies. These requests have included conducting the ceremony at Quarton Lake, Barnum, Booth, Shain and other various parks. The number of requests over the past few years has grown dramatically.

Over the past six years, there has been an average of five wedding ceremonies per year held in Shain Park. During 2021, there were ten wedding ceremonies. Quarton Lake is actually as popular of a wedding venue as Shain Park.

This Wedding Rental Agreement is a park permit to allow for the use of a portion of the park site. It also affords the City of Birmingham with appropriate coverages by the Lessee and Applicant for the specified activity and park use. The park will be open to the public during the reserved function. Regardless of the number in attendance for the ceremony, the Wedding Rental Agreement is a requirement.

**LEGAL REVIEW:**

No legal review at this time is necessary.

**FISCAL IMPACT:**

Shain Park will not be offered as part of the Wedding Rental Agreement. Rentals will occur at other various park locations using the higher updated fees. We project increases in revenue as a result.

**PUBLIC COMMUNICATIONS:**

The Department of Public Services (DPS) will update all associated forms and the City website will have information associated with such Agreement.

**SUMMARY:**

The Department of Public Services with the endorsement of the Parks and Recreation Board approves the updates to the Wedding Rental Agreement (Ceremony Only) and corresponding fees. The Wedding Rental fees for all parks will now be identical as follows: Resident \$200.00, Non-Resident \$400.00 and a Security Deposit of \$100.00.

**ATTACHMENTS:**

- Redlined Wedding Rental Agreement (Ceremony Only)
- Updated Wedding Rental Agreement (Ceremony Only)
- Redlined DPS Fee Schedule
- Updated DPS Fee Schedule

**SUGGESTED COMMISSION ACTION:**

Make a motion adopting a resolution to approve the updated Wedding Rental Agreement (Ceremony Only) including the suggested fees. Further, to update the Department of Public Services Fee Schedule to reflect these changes.



**City of Birmingham**  
**Department of Public Services**  
**2300 East Lincoln, Birmingham, MI 48009**  
**-Wedding Park Rental Agreement –**  
**Ceremony Only**  
**Red Lined Version**

Name of Applicant:\_\_\_\_\_

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

Home Phone:\_\_\_\_\_Other Phone:\_\_\_\_\_

Park Requested For Event:\_\_\_\_\_Date Requested:\_\_\_\_\_

Start Time:\_\_\_\_\_ (am/pm)      End Time:\_\_\_\_\_ (am/pm)

Location for Event:\_\_\_\_\_

*(Show location on attached map layout)*

Number of Participants:\_\_\_\_\_Amount Received:\_\_\_\_\_Ck#:\_\_\_\_\_Cash:\_\_\_\_\_

*Regardless of the number in attendance at this wedding, a Wedding Park Rental Agreement must be completed and submitted with the appropriate fees.*

1. This Wedding Rental Agreement applies to wedding parties that wish to reserve a portion of a City park for their ceremony. Smaller wedding ceremonies that do not require exclusive use of a portion of a City park may be performed without reservations.
2. Reservations may be made no more than 1 year prior to the date of the wedding.
3. All activity related to your wedding ceremony must begin and be completed within your selected rental time. This includes setup and cleanup.
4. Throwing rice, birdseed, confetti or balloons is prohibited. Bubbles are acceptable.
5. This Wedding Rental Agreement entitles the applicant to the use of only the portion of the park identified in the detailed event site map provided by the applicant. The rest of the park will remain open to the public during the reservation.
6. The City of Birmingham Department of Public Services does not provide chairs, tables, podiums, electrical cords or the like. Lessees in need of chairs or other equipment may contract with a rental service.
7. Chairs and all other equipment must be set out and taken down by the rental service staff or the wedding party within the rental time.
8. The Lessee must obtain permits for tents and/or electrical service which may include generators at the Community Development Department located on the second floor of City Hall, 151 Martin Street. The Community Development Department may be reached by contacting 248.530.1850.  
  
***The Community Development Department must give prior approval for setting up tents on City property. Rental parties may be required to use an approved company that is familiar with park rental rules and stipulations for tents. Anchoring of tents into the turf is not allowed; tents must be self-standing. It is the rental party's responsibility to provide electrical service. If electrical service is not available at the public park it is the responsibility of the rental party to provide a portable generator.***
9. All amplified sound must be at a level so as not to disturb the peace, quiet, comfort or repose of neighboring inhabitants and/or park users. Please see Sec. 50-74 of the City Code for specific decibel level prohibitions.
10. The City of Birmingham Department of Public Services shall attempt to provide its usual cleanup the day or morning before your reservation but cannot guarantee the condition of the site when you arrive. Public park sites reserved for wedding ceremonies are accepted in "as is" condition and no refunds will be provided as a result of weather or park conditions.
11. Decorations and/or all equipment must be removed at the conclusion of the scheduled event. The use of nails, tacks, screws, tape or the like to fasten materials to trees, park signs, walls or railings is prohibited.
12. All trash, litter or debris generated because of the event must be removed from the park. The rental party will be billed for any damages and/or cleanup required by city personnel.
13. The park site must be left in the same condition in which it was found for your event.
14. Vehicles must be parked in legal parking spaces on the street or parking structures. Vehicles are not allowed to drive off the main road system and may not access grassy areas, service roads, and/or sidewalk areas of the park.
15. Parking is not reserved or guaranteed for events held at parks.
16. Lessees and all guests, invitees and participants must comply with City park rules and regulations at all times, a copy of which may be obtained from the Department of Public Services.

17. To the fullest extent permitted by law, the Lessees and any entity or person for whom the Lessees is legally liable, agrees to be responsible for any liability, defend, pay on behalf of, indemnify, and hold harmless the City of Birmingham, its elected and appointed officials, employees and volunteers and others working on behalf of the City of Birmingham against any and all claims, demands, suits, or loss, including all costs and reasonable attorney fees connected therewith, and for any damages which may be asserted, claimed or recovered against or from the City of Birmingham, its elected and appointed officials, employees, volunteers or others working on behalf of the City of Birmingham, by reason of personal injury, including bodily injury and death and/or property damage, including loss of use thereof, which arises out of or is in any way connected or associated with this Agreement or the use of the City of Birmingham property. Such responsibility shall not be construed as liability for damage caused by or resulting from the sole act or omission of its elected or appointed officials, employees, volunteers or others working on behalf of the City of Birmingham.
18. In consideration of the acceptance of this Agreement with the City of Birmingham, Lessee and everyone acting with, by and through Lessee, do hereby waive, release and forever discharge any and all rights and claims for damages, losses and injuries which Lessee or Lessee’s group may have or which may hereafter accrue to them against the City of Birmingham for any and all damages which may be sustained or suffered by Lessee or its group in connection with this Agreement.
19. The City of Birmingham shall not be responsible for any cancellation due to mechanical failure or any other problem with the facility that would prevent Lessee from utilizing the property. The City of Birmingham shall give the renter immediate notice of any such cancellation.
20. Refunds shall be made if a reservation is cancelled no later than two (2) weeks prior to the date reserved. The Department of Public Services shall retain a cancellation fee of 10% of the rental fee on all cancellations.
21. The Wedding Park Rental Agreement must be submitted with the facility use fee and security deposit. The applicable security deposit is refundable ten (10) days after the ceremony.

**FACILITY USE FEES**

~~Shain Park:~~  
~~Weekdays/Weekends: Residents: \$200/ rental Non-Resident: \$400/ rental~~  
~~\$100 Security Deposit~~

**City of Birmingham Parks:**  
Weekdays/Weekends: Residents: ~~\$70/~~ \$200 rental Non-Resident: ~~\$140/~~ \$400 rental  
~~\$50~~ \$100 Security Deposit

22. Application must include a detailed map of the event site. The application must include size and location of the following if applicable: Tents, Canopies, Tables and Portable toilets. ~~There shall be no tents allowed at Shain Park. Weddings may be performed underneath the canopy area at Shain Park, but other locations in Shain Park may be requested.~~
23. I have read and fully understand the above wedding rules. I agree to abide by said rules and accept full responsibility to assure that my group and I comply. I understand that the area being reserved is an environmental park and needs to be treated with due respect. Failure to observe any of the above rules, or any park regulations, may result in loss of my security deposit. The City of Birmingham reserves the right to exclude any group from future rentals of public facilities based on a violation of any of its rules and procedures. Any property damage, breakage and or trash removal resulting from my reservation may be charged against my security deposit. If the security deposit does not cover full costs, I will be billed for the difference owed to the City of Birmingham. A staff representative from the Department of Public Services will inspect grounds prior to and after use.

I \_\_\_\_\_ have read and agree to abide by the rules and regulations that have been stated above.  
(Applicant’s Signature)

Date Received: \_\_\_\_\_ Approved: \_\_\_\_\_ Denied: \_\_\_\_\_

\_\_\_\_\_  
Department of Public Services, Representative

**City of Birmingham**  
**Department of Public Services**  
**2300 East Lincoln, Birmingham, MI 48009**  
**-Wedding Park Rental Agreement –**  
**Ceremony Only**

Name of Applicant:\_\_\_\_\_

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

Home Phone:\_\_\_\_\_ Other Phone:\_\_\_\_\_

Park Requested For Event:\_\_\_\_\_ Date Requested:\_\_\_\_\_

Start Time:\_\_\_\_\_ (am/pm) End Time:\_\_\_\_\_ (am/pm)

Location for Event:\_\_\_\_\_

*(Show location on attached map layout)*

Number of Participants:\_\_\_\_\_ Amount Received:\_\_\_\_\_ Ck#:\_\_\_\_\_ Cash:\_\_\_\_\_

*Regardless of the number in attendance at this wedding, a Wedding Park Rental Agreement must be completed and submitted with the appropriate fees.*

1. This Wedding Rental Agreement applies to wedding parties that wish to reserve a portion of a City park for their ceremony. Smaller wedding ceremonies that do not require exclusive use of a portion of a City park may be performed without reservations.
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4. Throwing rice, birdseed, confetti or balloons is prohibited. Bubbles are acceptable.
5. This Wedding Rental Agreement entitles the applicant to the use of only the portion of the park identified in the detailed event site map provided by the applicant. The rest of the park will remain open to the public during the reservation.
6. The City of Birmingham Department of Public Services does not provide chairs, tables, podiums, electrical cords or the like. Lessees in need of chairs or other equipment may contract with a rental service.
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***The Community Development Department must give prior approval for setting up tents on City property. Rental parties may be required to use an approved company that is familiar with park rental rules and stipulations for tents. Anchoring of tents into the turf is not allowed; tents must be self-standing. It is the rental party's responsibility to provide electrical service. If electrical service is not available at the public park it is the responsibility of the rental party to provide a portable generator.***
9. All amplified sound must be at a level so as not to disturb the peace, quiet, comfort or repose of neighboring inhabitants and/or park users. Please see Sec. 50-74 of the City Code for specific decibel level prohibitions.
10. The City of Birmingham Department of Public Services shall attempt to provide its usual cleanup the day or morning before your reservation but cannot guarantee the condition of the site when you arrive. Public park sites reserved for wedding ceremonies are accepted in "as is" condition and no refunds will be provided as a result of weather or park conditions.
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12. All trash, litter or debris generated because of the event must be removed from the park. The rental party will be billed for any damages and/or cleanup required by city personnel.
13. The park site must be left in the same condition in which it was found for your event.
14. Vehicles must be parked in legal parking spaces on the street or parking structures. Vehicles are not allowed to drive off the main road system and may not access grassy areas, service roads, and/or sidewalk areas of the park.
15. Parking is not reserved or guaranteed for events held at parks.
16. Lessees and all guests, invitees and participants must comply with City park rules and regulations at all times, a copy of which may be obtained from the Department of Public Services.

17. To the fullest extent permitted by law, the Lessees and any entity or person for whom the Lessees is legally liable, agrees to be responsible for any liability, defend, pay on behalf of, indemnify, and hold harmless the City of Birmingham, its elected and appointed officials, employees and volunteers and others working on behalf of the City of Birmingham against any and all claims, demands, suits, or loss, including all costs and reasonable attorney fees connected therewith, and for any damages which may be asserted, claimed or recovered against or from the City of Birmingham, its elected and appointed officials, employees, volunteers or others working on behalf of the City of Birmingham, by reason of personal injury, including bodily injury and death and/or property damage, including loss of use thereof, which arises out of or is in any way connected or associated with this Agreement or the use of the City of Birmingham property. Such responsibility shall not be construed as liability for damage caused by or resulting from the sole act or omission of its elected or appointed officials, employees, volunteers or others working on behalf of the City of Birmingham.
18. In consideration of the acceptance of this Agreement with the City of Birmingham, Lessee and everyone acting with, by and through Lessee, do hereby waive, release and forever discharge any and all rights and claims for damages, losses and injuries which Lessee or Lessee’s group may have or which may hereafter accrue to them against the City of Birmingham for any and all damages which may be sustained or suffered by Lessee or its group in connection with this Agreement.
19. The City of Birmingham shall not be responsible for any cancellation due to mechanical failure or any other problem with the facility that would prevent Lessee from utilizing the property. The City of Birmingham shall give the renter immediate notice of any such cancellation.
20. Refunds shall be made if a reservation is cancelled no later than two (2) weeks prior to the date reserved. The Department of Public Services shall retain a cancellation fee of 10% of the rental fee on all cancellations.
21. The Wedding Park Rental Agreement must be submitted with the facility use fee and security deposit. The applicable security deposit is refundable ten (10) days after the ceremony.

**FACILITY USE FEES**

**City of Birmingham Parks: (Excludes Shain Park)**

Weekdays/Weekends:      Resident:      \$200 rental      Non-Resident: \$400 rental

**\$100 Security Deposit**

22. Application must include a detailed map of the event site. The application must include size and location of the following if applicable: Tents, Canopies, Tables and Portable toilets.
23. I have read and fully understand the above wedding rules. I agree to abide by said rules and accept full responsibility to assure that my group and I comply. I understand that the area being reserved is an environmental park and needs to be treated with due respect. Failure to observe any of the above rules, or any park regulations, may result in loss of my security deposit. The City of Birmingham reserves the right to exclude any group from future rentals of public facilities based on a violation of any of its rules and procedures. Any property damage, breakage and or trash removal resulting from my reservation may be charged against my security deposit. If the security deposit does not cover full costs, I will be billed for the difference owed to the City of Birmingham. A staff representative from the Department of Public Services will inspect grounds prior to and after use.

I \_\_\_\_\_ have read and agree to abide by the rules and regulations that have been stated above.  
(Applicant’s Signature)

Date Received: \_\_\_\_\_ Approved: \_\_\_\_\_ Denied: \_\_\_\_\_

\_\_\_\_\_  
Department of Public Services, Representative

# FEE SCHEDULE

DEPARTMENT OF PUBLIC SERVICES		EXISTING FEES
<b><u>Cross Connections Inspections/Re-Inspections (114-122)</u></b>		
Fee		\$0.00
Persons per cross connection fee charged at 100000 increments per city or city representative for the time spent in such inspections or re-inspections concerning a particular water consumer.		
Device test report review per report		10.00
<b><u>Dog Park Annual Pass:</u></b>		
Resident		\$0.00
Non-Resident		200.00
<b><u>Golf Course Fees - Adjusted annually by resolution of City Commission with recommendation of Parks and Recreation Board</u></b>		
<b><u>Grass &amp; Weed Violations (118-66 to 118-68)</u></b>		
Cutting charge for properties less than or equal to 10 feet wide		100.00
Cutting charge for properties greater than 10 feet wide		200.00
Municipal Code Infraction fine in addition to cutting charge		
First Offense		\$0.00
Second Offense		100.00
Third Offense		200.00
Subsequent offenses after the third offense in a calendar year		200.00
<b><u>Hydrant Use</u></b>		
Deposit required as determined by Fire Chief		100.00
Permit fee		100.00
Water Charge		\$1.00
Includes 1000 gallons at standard charge. Water charge in excess of 1000 gallons will be charged at double rate of \$2.90 per thousand gallons.		
This rate shall be revised every year effective 1st.		2.90
<b><u>Hydrant Repair</u></b>		
To be calculated by DPS. Will include labor and material.		
<b><u>Ice Arena Fees - Annual evaluation at budget</u></b>		
<b><u>Leisure Activity Pass:</u></b>		
First Year		10.00
Renewal/Replacement for subsequent seasons		10.00
<b><u>Recycle Bins</u></b>		current cost
<b><u>Refuse collection charges (Chapter 90) Fill-A-Dump</u></b>		\$0.00
<b><u>Snow Removal from Sidewalks (98-66 - 98-68) - minimum charge</u></b>		100.00
<b><u>Tree Preservation (Chapter 118)</u></b>		
Registration for tree service business		100.00
Sanctions/penalties		
First offense per tree		\$0.00
Second offense per tree		1000.00

## Water

Cost of requested service per enclosure 2 ft. of initial 100 ft. of service line and 100 ft. of water line	200.00
Meter department service fee 100 ft. of service line and 100 ft. of water line	80.00
Meter department service fee for new water meter	0.00
Initial meter reading with 24 hour notice	10.00
Standard construction deposit includes 100 inspection 100 re-inspection	00.00
Cost of labor and material for repair done on site	00.00
Out of Plan Meter Reading fee	12.02
When water service line to new first visit	100.00
When water service line to new second visit and beyond 200 ft. of initial 100 ft. of service line	100.00

## Water

Additional charges for water used	
For each 1,000 gallons of water used	0.00
Service notice intent to discontinue service for non-payment of charges 100.00	0.00
Meter department service fee	80.00
Meter department service fee for new water meter	0.00
Initial meter reading with 24 hour notice	10.00
Standard construction deposit includes 100 inspection 100 re-inspection	00.00
Cost of labor and material for repair done on site	00.00

## Water Rates

Meter Size	
8" Quarter inch meter	0.00
8" Meter inch meter	1.00
1" Quarter inch meter	8.00
1" Meter inch meter	2.00
1 1/2" Quarter inch meter	12.00
1 1/2" Meter inch meter	0.00
2" Quarter inch meter	10.00
2" Meter inch meter	0.00
3" Quarter inch meter	20.00
3" Meter inch meter	8.00
4" Quarter inch meter	20.00
4" Meter inch meter	10.00
6" Quarter inch meter	08.00
6" Meter inch meter	10.00
8" Quarter inch meter	00.00
8" Meter inch meter	21.00
Special charges to the city	
Installation of fire hydrants	18.00
Installation of drinking water	20.00

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

### **Water Service On<sup>1</sup> to<sup>2</sup> Sine<sup>3</sup> Trench<sup>4</sup>**

#### **Base<sup>5</sup> ent 1"<sup>6</sup>**

Service Insta<sup>7</sup> 1 190.00

Water Meter<sup>8</sup> MT<sup>9</sup> Brass Meter S<sup>10</sup>ds<sup>11</sup> and Tri<sup>12</sup> 100.00

Water <sup>13</sup> r Constr<sup>14</sup>ction 0.00

T<sup>15</sup>ta<sup>16</sup> 290.00

#### **Base<sup>5</sup> ent 1 1/2"<sup>6</sup>**

Service Insta<sup>7</sup> 210.00

Water Meter<sup>8</sup> MT<sup>9</sup> Brass Meter <sup>17</sup> an<sup>18</sup>ces<sup>19</sup> and Tri<sup>12</sup> 180.00

Water <sup>13</sup> r Constr<sup>14</sup>ction 0.00

T<sup>15</sup>ta<sup>16</sup> 390.00

#### **Base<sup>5</sup> ent 2"<sup>6</sup>**

Service Insta<sup>7</sup> 2210.00

Water Meter<sup>8</sup> MT<sup>9</sup> Brass Meter <sup>17</sup> an<sup>18</sup>ces<sup>19</sup> and Tri<sup>12</sup> 200.00

Water <sup>13</sup> r Constr<sup>14</sup>ction 90.00

T<sup>15</sup>ta<sup>16</sup> 3000.00

#### **Pa<sup>20</sup>ed S<sup>21</sup>ur<sup>22</sup>faces 1"<sup>6</sup>**

Service Insta<sup>7</sup> 190.00

Water Meter<sup>8</sup> MT<sup>9</sup> Brass Meter S<sup>10</sup>ds<sup>11</sup> and Tri<sup>12</sup> 100.00

Water <sup>13</sup> r Constr<sup>14</sup>ction 0.00

T<sup>15</sup>ta<sup>16</sup> 3000.00

#### **Pa<sup>20</sup>ed S<sup>21</sup>ur<sup>22</sup>faces 1 1/2"<sup>6</sup>**

Service Insta<sup>7</sup> 200.00

Water Meter<sup>8</sup> MT<sup>9</sup> Brass Meter <sup>17</sup> an<sup>18</sup>ces<sup>19</sup> and Tri<sup>12</sup> 180.00

Water <sup>13</sup> r Constr<sup>14</sup>ction 0.00

T<sup>15</sup>ta<sup>16</sup> 3190.00

#### **Pa<sup>20</sup>ed S<sup>21</sup>ur<sup>22</sup>faces 2"<sup>6</sup>**

Service Insta<sup>7</sup> 3000.00

Water Meter<sup>8</sup> MT<sup>9</sup> Brass Meter <sup>17</sup> an<sup>18</sup>ces<sup>19</sup> and Tri<sup>12</sup> 200.00

Water <sup>13</sup> r Constr<sup>14</sup>ction 90.00

T<sup>15</sup>ta<sup>16</sup> 3380.00

### **Water <sup>13</sup> r constr<sup>14</sup>ction rates <sup>23</sup> n <sup>24</sup> ar<sup>25</sup>er ser<sup>26</sup>ices<sup>27</sup>**

4" 120.00

6" 190.00

8" 300.00

10" 300.00

### **Prices <sup>28</sup> n water ser<sup>26</sup>ices <sup>29</sup> er 2" in si<sup>30</sup>ze wi<sup>31</sup>ll<sup>32</sup> be deter<sup>33</sup>ined <sup>34</sup> <sup>35</sup> DPS<sup>36</sup> <sup>37</sup> n a ti<sup>38</sup>e and**

**ateria<sup>39</sup> <sup>40</sup>asis. <sup>41</sup> de<sup>42</sup>osit wi<sup>43</sup>ll<sup>44</sup> be <sup>45</sup>ade <sup>46</sup> r t<sup>47</sup>he esti<sup>48</sup>mated c<sup>49</sup>ost as deter<sup>33</sup>ined <sup>34</sup> <sup>35</sup> DPS<sup>36</sup>.<sup>50</sup>**

8" eter 120.00

1" eter 180.00

1 1/2" eter 190.00

2" eter 190.00

Price to be obtained from meter department for an water meter larger than 2"

Meter Transceiver Unit (MTU)

100.00

1" Brass Meter Socks

22.00

1.5" Brass Meter Wrenches

10.00

2" Brass Meter Wrenches

80.00

Inspection fee when trenching not done by DPS per service

100.00

Water disconnection fee

Water service disconnection at property line if service will be reseed 1" or larger  
copper water services only

1000.00

2" service or smaller

180.00

1" service or greater to be determined individually by DPS

Fees for trench maintenance

800.00

Reimbursement deposit

1000.00

### Wedding Rental (Parks)

100.00

~~Shain Park (weekdays/weekends)~~

~~Resident~~

~~200.00~~

~~Non-Resident~~

~~100.00~~

~~Security Deposit~~

~~100.00~~

~~Dirigo Park Historic Museum Park in West Center Park weekdays/weekends~~

~~Resident~~

~~200.00~~

~~Non-Resident~~

~~100.00~~

~~Security Deposit~~

~~100.00~~

~~Porter City Parks weekdays/weekends~~

~~Resident~~

~~100.00~~

~~Non-Resident~~

~~100.00~~

~~Security Deposit~~

~~100.00~~

### Well Permit

100.00



# FEE SCHEDULE

DEPARTMENT OF PUBLIC SERVICES		EXISTING FEES
<b><u>Cross Connections Inspections/Re-Inspections (114-122)</u></b>		
Fee		\$0.00
Persons per cross connection fee charged at 100000 increments per city or city representative for the time spent in such inspections or re-inspections concerning a particular water consumer.		
Device test report review per report		\$10.00
<b><u>Dog Park Annual Pass:</u></b>		
Resident		\$0.00
Non-Resident		\$200.00
<b><u>Golf Course Fees - Adjusted annually by resolution of City Commission with recommendation of Parks and Recreation Board</u></b>		
<b><u>Grass &amp; Weed Violations (118-66 to 118-68)</u></b>		
Cutting charge for properties less than or equal to 10 feet wide		\$100.00
Cutting charge for properties greater than 10 feet wide		\$200.00
Municipal Code Violation fine in addition to cutting charge		
First Offense		\$0.00
Second Offense		\$100.00
Third Offense		\$200.00
Violations after the third offense in a calendar year		\$200.00
<b><u>Hydrant Use</u></b>		
Deposit required as determined by Fire Chief		\$100.00
Permit fee		\$100.00
Water Charge		\$100.00
Includes 1000 gallons at standard charge. Water charge in excess 100000 gallons will be charged at double rate \$2.90 per thousand gallons.		
This rate is a fee revised every year effective 1st.		\$2.90
<b><u>Hydrant Repair</u></b>		
To be calculated by DPS. Will include labor and material.		
<b><u>Ice Arena Fees - Annual evaluation at budget</u></b>		
<b><u>Leisure Activity Pass:</u></b>		
First Year		\$10.00
Renewal/Replacement for subsequent seasons		\$10.00
<b><u>Recycle Bins</u></b>		current cost
<b><u>Refuse collection charges (Chapter 90) Fill-A-Dump</u></b>		\$0.00
<b><u>Snow Removal from Sidewalks (98-66 - 98-68) - minimum charge</u></b>		\$100.00
<b><u>Tree Preservation (Chapter 118)</u></b>		
Registration for tree service business		\$100.00
Sanctions/penalties		
First offense per tree		\$0.00
Second offense per tree		\$1000.00

## Water

Cost of requested service fee per enclosure 2 ft. of initial 100 ft. of service line and	
water meter installation	\$ 200.00
Meter department service fee 100 ft. of service line and water meter installation	\$ 80.00
Meter department service fee for new water meter installation	\$ 0.00
Initial meter reading with 24 hour notice	\$ 10.00
Stop work construction deposit includes 100 inspection 100 re-inspection	\$ 00.00
Cost of labor and material repair done on city	\$ 00.00
Out of Plan Meter Reading fee	\$ 12.02
When water service line to new first visit	no charge
When water service line to new second visit and beyond 200 ft. of initial 100 ft.	water 200 initial

## Water

Additional charge for water used	
For each 1,000 gallons of water used	\$ 0.00
Service notice intent to discontinue service for non-payment of charges 1,000	\$ 0.00
Meter department service fee	\$ 80.00
Meter department service fee for new water meter installation	\$ 0.00
Initial meter reading with 24 hour notice	\$ 10.00
Stop work construction deposit includes 100 inspection	
100 re-inspection	\$ 00.00
Cost of labor and material repair done on city	\$ 00.00

## Water Rates

Meter Size	
8" quarter inch meter	\$ 0.00
8" Meter inch meter	\$ 1.00
1" quarter inch meter	\$ 8.00
1" Meter inch meter	\$ 2.00
1 1/2" quarter inch meter	\$ 12.00
1 1/2" Meter inch meter	\$ 0.00
2" quarter inch meter	\$ 10.00
2" Meter inch meter	\$ 0.00
3" quarter inch meter	\$ 20.00
3" Meter inch meter	\$ 8.00
4" quarter inch meter	\$ 20.00
4" Meter inch meter	\$ 10.00
6" quarter inch meter	\$ 08.00
6" Meter inch meter	\$ 10.00
8" quarter inch meter	\$ 00.00
8" Meter inch meter	\$ 21.00
Special charges to the city	
Installation of fire hydrants	\$ 18.00
Installation of drinking water	\$ 20.00

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

### **Water Service On<sup>1</sup> to<sup>2</sup> Sine<sup>3</sup> Trench<sup>4</sup>**

#### **Base<sup>5</sup> ent 1" <sup>6</sup>**

Service Install<sup>7</sup> \$ 1,190.00

Water Meter<sup>8</sup> MT<sup>9</sup> Brass Meter S<sup>10</sup>ds<sup>11</sup> and Tri<sup>12</sup> \$ 100.00

Water <sup>13</sup> r<sup>14</sup> C<sup>15</sup>nstr<sup>16</sup>cti<sup>17</sup>on \$ 0.00

T<sup>18</sup>ta<sup>19</sup> \$ 299.00

#### **Base<sup>5</sup> ent 1 1/2" <sup>6</sup>**

Service Install<sup>7</sup> \$ 2,010.00

Water Meter<sup>8</sup> MT<sup>9</sup> Brass Meter <sup>20</sup> an<sup>21</sup>ces<sup>22</sup> and Tri<sup>12</sup> \$ 180.00

Water <sup>13</sup> r<sup>14</sup> C<sup>15</sup>nstr<sup>16</sup>cti<sup>17</sup>on \$ 0.00

T<sup>18</sup>ta<sup>19</sup> \$ 99.00

#### **Base<sup>5</sup> ent 2" <sup>6</sup>**

Service Install<sup>7</sup> \$ 2,210.00

Water Meter<sup>8</sup> MT<sup>9</sup> Brass Meter <sup>20</sup> an<sup>21</sup>ces<sup>22</sup> and Tri<sup>12</sup> \$ 200.00

Water <sup>13</sup> r<sup>14</sup> C<sup>15</sup>nstr<sup>16</sup>cti<sup>17</sup>on \$ 9.00

T<sup>18</sup>ta<sup>19</sup> \$ 1,000.00

#### **Pa<sup>23</sup>ed S<sup>24</sup>ur<sup>25</sup>aces 1" <sup>6</sup>**

Service Install<sup>7</sup> \$ 99.00

Water Meter<sup>8</sup> MT<sup>9</sup> Brass Meter S<sup>10</sup>ds<sup>11</sup> and Tri<sup>12</sup> \$ 100.00

Water <sup>13</sup> r<sup>14</sup> C<sup>15</sup>nstr<sup>16</sup>cti<sup>17</sup>on \$ 0.00

T<sup>18</sup>ta<sup>19</sup> \$ 1,000.00

#### **Pa<sup>23</sup>ed S<sup>24</sup>ur<sup>25</sup>aces 1 1/2" <sup>6</sup>**

Service Install<sup>7</sup> \$ 200.00

Water Meter<sup>8</sup> MT<sup>9</sup> Brass Meter <sup>20</sup> an<sup>21</sup>ces<sup>22</sup> and Tri<sup>12</sup> \$ 180.00

Water <sup>13</sup> r<sup>14</sup> C<sup>15</sup>nstr<sup>16</sup>cti<sup>17</sup>on \$ 0.00

T<sup>18</sup>ta<sup>19</sup> \$ 190.00

#### **Pa<sup>23</sup>ed S<sup>24</sup>ur<sup>25</sup>aces 2" <sup>6</sup>**

Service Install<sup>7</sup> \$ 1,000.00

Water Meter<sup>8</sup> MT<sup>9</sup> Brass Meter <sup>20</sup> an<sup>21</sup>ces<sup>22</sup> and Tri<sup>12</sup> \$ 200.00

Water <sup>13</sup> r<sup>14</sup> C<sup>15</sup>nstr<sup>16</sup>cti<sup>17</sup>on \$ 9.00

T<sup>18</sup>ta<sup>19</sup> \$ 1,080.00

### **Water <sup>13</sup> r<sup>14</sup> c<sup>15</sup>nstr<sup>16</sup>cti<sup>17</sup>on rates <sup>26</sup> n<sup>27</sup> lar<sup>28</sup>er ser<sup>29</sup>vices<sup>30</sup>**

4" \$ 120.00

6" \$ 190.00

8" \$ 300.00

10" \$ 400.00

### **Prices <sup>31</sup> n<sup>32</sup> water ser<sup>29</sup>vices <sup>33</sup> er<sup>34</sup> 2" in si<sup>35</sup>ze wi<sup>36</sup>ll<sup>37</sup> be deter<sup>38</sup>min<sup>39</sup>ed <sup>40</sup> b<sup>41</sup>y DPS<sup>42</sup> on a ti<sup>43</sup>me and**

### **ateria<sup>44</sup>l<sup>45</sup>asis. <sup>46</sup> de<sup>47</sup>osit wi<sup>48</sup>ll<sup>49</sup> be <sup>50</sup> ade<sup>51</sup> <sup>52</sup> r<sup>53</sup> t<sup>54</sup>he esti<sup>55</sup>mated c<sup>56</sup>ost as deter<sup>38</sup>min<sup>39</sup>ed <sup>40</sup> b<sup>41</sup>y DPS.<sup>57</sup>**

4" <sup>58</sup> eter \$ 120.00

6" <sup>58</sup> eter \$ 180.00

8" <sup>58</sup> eter \$ 300.00

10" <sup>58</sup> eter \$ 400.00

Price to be obtained for meter deactivation for an water meter larger than 2"

Meter Transceiver Unit (MTU)

1 100.00

1" Brass Meter Stands

22.00

1.5" Brass Meter Stands

100.00

2" Brass Meter Stands

80.00

Inspection fee when trenching not done by DPS per service

100.00

Water disconnection fee

Water service disconnection at property line if service will be reseed 1" or larger  
copper water services on

1 1000.00

2" service or smaller

1 80.00

1" service or greater to be determined individually by DPS

Fees for trench maintenance

800.00

Reimbursement deposit

1 1000.00

### Wedding Rental (Parks)

100.00

City of Birmingham Parks (excludes Shain Park)

Resident

200.00

Non-Resident

100.00

Security Deposit

100.00

Historic Museum Park in West Center Park weekdays weekends

Resident

200.00

Non-Resident

100.00

Security Deposit

100.00

### Well Permit

100.00

**DATE:** October 14, 2021

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

**FROM:** Marianne Gamboa, Communications Director

**SUBJECT:** Municipal Printing Services

---

**INTRODUCTION:**

The City's longtime printing company, Dearborn Lithograph, recently closed. Printing services are needed for the city's annual calendar and three (3) editions of the Birmingham Beat newsletter.

**BACKGROUND:**

The city developed a Request for Proposals (RFP) for municipal printing services for a three (3) year term, beginning with the printing of the 2022 city calendar. The RFP was issued through the Michigan Intergovernmental Trade Network (MITN) and a total of four (4) proposals, ranging in total cost from \$78,574.00 to \$89,313.78, were received and evaluated by staff. Firms that submitted proposals are listed below with total costs.

<b><u>Firm</u></b>	<b><u>Total Cost (Three Year Term)</u></b>
Accuform Printing & Graphics, Inc.	78,574.00
BRD Printing	80,708.55
Compton Press Industries	82,339.63
Indiana Printing and Publishing Co.	89,313.78

Proposals were evaluated based upon the ability of the firms to provide the services requested, related experience, and overall costs to the City. Following the review process, staff reached a consensus as to which firm was best able to meet the requirements of the project and recommends approval of an agreement with Accuform Printing & Graphics, Inc.

Accuform Printing & Graphics, Inc. was founded in 1969 and specializes in four color printing and certified special effect applications. They are located off of the Southfield Freeway in Detroit. Their close proximity to Birmingham will make it easy for publication drop-offs and press checks if needed. Accuform is the largest tier one supplier vendor to the City of Detroit and many Fortune 500 companies. Their services range from four color, digital, die-cutting, bindery and mailing, all in-house.

In addition to being the low bidder, city staff members were impressed with the quality of publication samples provided by Accuform. The company has municipal clients that include the City of Novi, Detroit, Dearborn, Dearborn Heights, Taylor and more. City staff met with the representative from Accuform and feel confident about developing a positive working relationship. Staff members also completed reference checks and Accuform received excellent reviews.

**LEGAL REVIEW:**

The City attorney has reviewed and approved the Municipal Printing Services RFP and Accuform Printing & Graphics, Inc. contract.

**FISCAL IMPACT:**

Accuform's annual printing costs are slightly less than what the city has been paying Dearborn Lithograph. Funding for this purchase, totaling \$26,191.33 per year, is available in account #101-299.000.901.0000. A budget amendment or budget transfer is not required.

**PUBLIC COMMUNICATIONS:**

N/A

**SUMMARY**

In summary, city staff members are impressed with the pricing and quality of materials from Accuform Printing & Graphics, Inc., and recommends them for the City of Birmingham's municipal printing needs.

**ATTACHMENTS:**

Attached please find the Accuform Printing & Graphics, Inc. agreement for your review.

**SUGGESTED COMMISSION ACTION:**

Make a motion providing direction to approve an agreement with Accuform Printing & Graphics, Inc. for municipal printing services in the amount not to exceed \$78,574.00 for a three (3) year term. Funding for this project has been budgeted in account #101-299.000.901.0000. Further to authorize the Mayor and City Clerk to sign the agreement on behalf of the City.

**ATTACHMENT A**  
**Agreement for City of Birmingham Municipal Printing Services**

## **Agreement for City of Birmingham Municipal Printing Services**

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This AGREEMENT, made this 11th day of October, 2021, by and between CITY OF BIRMINGHAM, having its principal municipal office at 151 Martin Street, Birmingham, MI (hereinafter sometimes called "City"), and Accuform Printing & Graphics, Inc., having its principal office at 7231 Southfield Freeway, Detroit, MI 48228 (hereinafter called "Printer"), provides as follows:

### **WITNESSETH:**

**WHEREAS**, the City of Birmingham, through the Office of the City Manager, is desirous of having work completed to provide municipal printing services for the City.

**WHEREAS**, the City has heretofore advertised for bids for the procurement and performance of services required to provide municipal printing services, and in connection therewith has prepared a request for sealed proposals ("RFP"), which includes certain instructions to bidders, specifications, terms and conditions.

**WHEREAS**, the Printer has professional qualifications that meet the project requirements and has made a bid in accordance with such request for cost proposals to provide municipal printing services.

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

1. It is mutually agreed by and between the parties that the documents consisting of the Request for Proposal to provide municipal printing services and the Printer's cost proposal dated October 4, 2021 shall be incorporated herein by reference (Attachment A) and shall become a part of this Agreement, and shall be binding upon both parties hereto. If any of the documents are in conflict with one another, this Agreement shall take precedence, then the RFP.
2. The City shall pay the Printer for the performance of this Agreement in an amount not to exceed \$78,574.00, as set forth in the Printer's October 4, 2021 cost proposal.
3. The term of this project will be for three (3) years and shall conclude following the printing of the 2025 City Calendar. This project shall commence upon the execution of an Agreement with the City and the Printer shall begin this term by publishing the 2022 City Calendar in accordance with the specifications and timelines established herein.
4. This Agreement shall commence upon execution by both parties, unless the City exercises its option to terminate the Agreement. The city reserves the right to terminate the contract at its discretion should it be determined that the services provided do not meet the specifications contained herein.
5. The Printer shall employ personnel of good moral character and fitness in performing all services under this Agreement.



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

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

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

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

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

11. The Printer agrees that neither it nor its subcontractors will discriminate against any employee or applicant for employment with respect to hire, tenure, terms, conditions or privileges of employment, or a matter directly or indirectly related to employment

because of race, color, religion, national origin, age, sex, height, weight or marital status. The Printer shall inform the City of all claims or suits asserted against it by the Printer's employees who work pursuant to this Agreement. The Printer shall provide the City with periodic status reports concerning all such claims or suits, at intervals established by the City.

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

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

A. Workers' Compensation Insurance:

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

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

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

C. Motor Vehicle Liability: Printer shall procure and maintain during the life of this Agreement Motor Vehicle Liability Insurance, including all applicable no-fault coverages, with limits of liability of not less than \$1,000,000 per occurrence combined single limit Bodily Injury and Property Damage. Coverage shall include all owned vehicles, all non-owned vehicles, and all hired vehicles.

D. Additional Insured: Commercial General Liability and Motor Vehicle Liability Insurance, as described above, shall include an endorsement stating the following shall be *Additional Insureds*: The City of Birmingham, including all elected and appointed officials, all employee and volunteers, all boards, commissions and/or authorities and board members, including employees and volunteers thereof. This coverage shall be primary to any other coverage that may be available to the

additional insured, whether any other available coverage by primary, contributing or excess.

- E. Professional Liability: Professional liability insurance with limits of not less than \$1,000,000 per claim if Printer will provide service that are customarily subject to this type of coverage.
- F. Owners Printers Protective Liability: The Printer shall procure and maintain during the life of this contract, an Owners Printers Protective Liability Policy with limits of liability not less than \$3,000,000 per occurrence, combined single limit, Personal Injury, Bodily Injury and Property Damage. The City of Birmingham shall be "Name Insured" on said coverage.
- G. Cancellation Notice: Should any of the above described policies be cancelled before the expiration date thereof, notice will be delivered in accordance with the policy provisions.
- H. Proof of Insurance Coverage: Printer shall provide the City of Birmingham at the time the Agreement is returned for execution, Certificates of Insurance and/or policies, acceptable to the City of Birmingham, as listed below.
  - 1) Two (2) copies of Certificate of Insurance for Workers' Compensation Insurance;
  - 2) Two (2) copies of Certificate of Insurance for Commercial General Liability Insurance;
  - 3) Two (2) copies of Certificate of Insurance for Vehicle Liability Insurance;
  - 4) Two (2) copies of Certificate of Insurance for Professional Liability Insurance;
  - 5) If so requested, Certified Copies of all policies mentioned above will be furnished.
- I. Coverage Expiration: If any of the above coverages expire during the term of this Agreement, Printer shall deliver renewal certificates and/or policies to the City of Birmingham at least (10) days prior to the expiration date.
- J. Maintaining Insurance: Upon failure of the Printer to obtain or maintain such insurance coverage for the term of the Agreement, the City of Birmingham may, at its option, purchase such coverage and subtract the cost of obtaining such coverage from the Agreement amount. In obtaining such coverage, the City of Birmingham shall have no obligation to procure the most cost-effective coverage but may contract with any insurer for such coverage.

14. To the fullest extent permitted by law, the Printer and any entity or person for whom the Printer is legally liable, agrees to be responsible for any liability, defend, pay on behalf of, indemnify, and hold harmless the City of Birmingham, its elected and appointed

officials, employees and volunteers and others working on behalf of the City of Birmingham against any and all claims, demands, suits, or loss, including all costs and reasonable attorney fees connected therewith, and for any damages which may be asserted, claimed or recovered against or from and the City of Birmingham, its elected and appointed officials, employees, volunteers or others working on behalf of the City of Birmingham, by reason of personal injury, including bodily injury and death and/or property damage, including loss of use thereof, which arises out of or is in any way connected or associated with this Agreement. Such responsibility shall not be construed as liability for damage caused by or resulting from the sole act or omission of its elected or appointed officials, employees, volunteers or others working on behalf of the City of Birmingham.

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

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

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

City of Birmingham  
Attn: Marianne Gamboa  
151 Martin Street  
Birmingham, MI 48009  
248.530.1812  
[mgamboa@bhamgov.org](mailto:mgamboa@bhamgov.org)

Accuform Printing & Publishing, Inc.  
Attn: Paul Johnson  
7231 Southfield Freeway  
Detroit, MI 48228  
313.271.5600  
[pauljohnson@accuform.net](mailto:pauljohnson@accuform.net)

18. Any controversy or claim arising out of or relating to this Agreement, or the breach thereof, shall be settled either by commencement of a suit in Oakland County Circuit Court, the 48th District Court or by arbitration. If both parties elect to have the dispute resolved by arbitration, it shall be settled pursuant to Chapter 50 of the Revised Judicature Act for the State of Michigan and administered by the American Arbitration Association with one arbitrator being used, or three arbitrators in the event any party's claim exceeds \$1,000,000. Each party shall bear its own costs and expenses and an equal share of the arbitrator's and administrative fees of arbitration. Such arbitration shall qualify as statutory arbitration pursuant to MCL§600.5001 et. seq., and the Oakland County Circuit Court or any court having jurisdiction shall render judgment upon the award of the arbitrator made

pursuant to this Agreement. The laws of the State of Michigan shall govern this Agreement, and the arbitration shall take place in Oakland County, Michigan. In the event that the parties elect not to have the matter in dispute arbitrated, any dispute between the parties may be resolved by the filing of a suit in the Oakland County Circuit Court or the 48th District Court.

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

**PRINTING COMPANY:**

By: Greg Konczal  
Greg Konczal

Its: President/CEO

STATE OF MICHIGAN )  
 ) ss:  
COUNTY OF OAKLAND )

On this 14<sup>th</sup> day of October, 2021, before me personally appeared Greg Konczal, who acknowledged that with authority on behalf of Acaiform Printing to do so he/she signed this Agreement.

[Signature]  
Notary Public

WAYNE County, Michigan  
Acting in WAYNE County, Michigan  
My commission expires: 5/21/2024

**CITY OF BIRMINGHAM:**

By: \_\_\_\_\_  
Pierre Boutros, Mayor

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

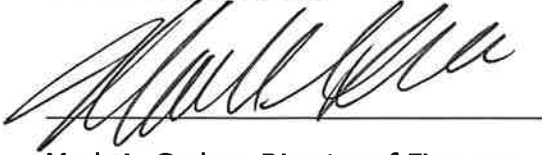
**APPROVED:**

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


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

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

**CITY OF BIRMINGHAM:**

A handwritten signature in black ink, appearing to read 'Mark A. Gerber', written over a horizontal line.

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

A handwritten signature in black ink, appearing to read 'Marianne Gamboa', written over a horizontal line.

Marianne Gamboa, Communications Director  
(Approved as to Substance)

**ATTACHMENT B - BIDDER'S AGREEMENT**  
**For City of Birmingham Municipal Printing Services**

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

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

<u>Paul Johnson</u> <b>PREPARED BY</b> (Print Name)	<u>10-4-21</u> <b>DATE</b>
<u>V.P. Sales</u> <b>TITLE</b>	<u>10-4-21</u> <b>DATE</b>
<u>Paul Johnson</u> <b>AUTHORIZED SIGNATURE</b>	<u>paul.johnson@accufirm.net</u> <b>E-MAIL ADDRESS</b>
<u>Accufirm Printing &amp; Graphics, Inc.</u> <b>COMPANY</b>	
<u>7231 Southfield Detroit, MI 48228</u> <b>ADDRESS</b>	<u>313-271-5600</u> <b>PHONE</b>
<u>wa.</u> <b>NAME OF PARENT COMPANY</b>	<b>PHONE</b>
<b>ADDRESS</b>	



**ATTACHMENT C - COST PROPOSAL**  
**For City of Birmingham Municipal Printing Services**

In order for the bid to be considered valid, this form must be completed in its entirety. The cost for the Scope of Work as stated in the Request for Proposal documents shall be a lump sum, as follows:

COST PROPOSAL	
PUBLICATION	BID AMOUNT
2022 Calendar	\$ 9928 -
Spring 2022 Newsletter	\$ 3978 -
Summer 2022 Newsletter 20 pg.	\$ 4998
Fall 2022/Winter 2023 Newsletter	\$ 3978 -
2023 Calendar	\$ 9928 -
Spring 2023 Newsletter	\$ 3978 -
Summer 2023 Newsletter 20 pg.	\$ 4998 -
Fall 2023/Winter 2024 Newsletter	\$ 3978 -
2024 Calendar	\$ 9928 -
Spring 2024 Newsletter	\$ 3978 -
Summer 2024 Newsletter 20 pg.	\$ 4998 -
Fall 2024/Winter 2025 Newsletter	\$ 3978 -
2025 Calendar	\$ 9928 -

TOTAL \$178,574.

Firm Name AccuForm Printing & Graphics, Inc.

Authorized signature Paul Johnson Date 10-4-21

Does not include postage

**ATTACHMENT D - IRAN SANCTIONS ACT VENDOR CERTIFICATION FORM**  
**For City of Birmingham Municipal Printing Services**

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

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

Paul Johnson 10-4-21  
PREPARED BY DATE  
(Print Name)  
V.P. Sales 10-4-21  
TITLE DATE  
Paul Johnson paul.johnson@accuform.net  
AUTHORIZED SIGNATURE E-MAIL ADDRESS  
Accuform Printing & Graphics, Inc  
COMPANY  
7231 Southfield Rd. 313-271-5600  
ADDRESS Detroit MI 48228 PHONE  
N/A  
NAME OF PARENT COMPANY PHONE  
ADDRESS  
38-1900208  
TAXPAYER I.D.#



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

10/12/2021

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

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

<b>PRODUCER</b> The Dearborn Agency Inc. 22691 Michigan Avenue Dearborn MI 48124		<b>CONTACT NAME:</b> <b>PHONE (A/C, No, Ext):</b> 313-562-8373 <b>E-MAIL ADDRESS:</b> info@dearbornagency.com <b>FAX (A/C, No):</b> 313-562-5371	
<b>INSURED</b> Accuform Printing and Graphics 7231 Southfield Rd. Detroit MI 48228		<b>INSURER(S) AFFORDING COVERAGE</b> <b>INSURER A:</b> Westfield Insurance Co. <b>INSURER B:</b> Grange Insurance Company of Michigan <b>INSURER C:</b> Accident Fund Insurance Company of America <b>INSURER D:</b> <b>INSURER E:</b> <b>INSURER F:</b>	
ACCUPRI-01		NAIC # 24112 11136 10166	

**COVERAGES**

CERTIFICATE NUMBER: 1031702244

REVISION NUMBER:

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

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<b>COMMERCIAL GENERAL LIABILITY</b> <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC OTHER:		BOP9926696	7/24/2021	7/24/2022	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
B	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY		XA2788407	7/24/2021	7/24/2022	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
A	<b>UMBRELLA LIAB</b> <input checked="" type="checkbox"/> OCCUR <b>EXCESS LIAB</b> <input type="checkbox"/> CLAIMS-MADE DED <input checked="" type="checkbox"/> RETENTION \$ 5,000		BOP9926696	7/24/2021	7/24/2022	EACH OCCURRENCE \$ 1,000,000 AGGREGATE \$ 1,000,000 \$
C	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below Y / N <input type="checkbox"/> N / A		WCV6148669	7/24/2021	7/24/2022	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 500,000 E.L. DISEASE - EA EMPLOYEE \$ 500,000 E.L. DISEASE - POLICY LIMIT \$ 500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)  
The City of Birmingham, including all elected and appointed officials, all employees and volunteers, all boards, commissions and/or authorities and board members, including employees and volunteers thereof. This coverage shall be primary to any other coverage that may be available to the additional insured, whether any other available coverage by primary, contributing or excess.

**CERTIFICATE HOLDER****CANCELLATION**

City of Birmingham  
151 Martin Street  
Birmingham MI 48009

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

AUTHORIZED REPRESENTATIVE

© 1988-2015 ACORD CORPORATION. All rights reserved.

**DATE:** October 14, 2021

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

**FROM:** Eric Brunk, Information Technology Manager  
Marianne Gamboa, Communications Director

**SUBJECT:** GovPilot Citizen Concern Module

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**INTRODUCTION:**

City Manager Tom Markus instructed staff to research and select a company that offers a Citizen Request app to make it easier for residents to submit comments and concerns to the city. City staff solicited proposals and met with several companies to determine the most cost effective solution to meet the city's needs. Following the review process, staff reached a consensus as to which firm was best able to meet the requirements of the project and recommends approval of an agreement with GovPilot.

**BACKGROUND:**

Currently, residents must visit the city's website and complete an online form to submit a concern to the city electronically. At this time, interaction between staff and citizens following electronic submittal of a concern is not documented in a searchable and customizable dashboard.

GovPilot is a cloud-based government management platform developed exclusively for local government. They are based out of New Jersey and have municipal clients in 22 states across the nation. Their Citizen Concern Module allows constituents to quickly craft and submit concern reports online – anytime, anywhere. Whether submitted via their GovAlert mobile app downloaded to a phone, or the GovPilot digital form on the city's website, the concern is geo-tagged and routed to the appropriate staff member(s) who receive the alert in real-time. Residents will simply snap a picture of a concern, select from customizable topics of concern and add a description of the situation. Complainants are automatically informed of case developments using workflows. In addition, GovPilot offers a user-friendly, public-facing GIS map that is updated in real-time. Icons, colors and other visual codes denote the urgency of concerns and their resolution status. GIS mapping technology helps the City identify and analyze trends related to concerns.

The GovAlert app empowers citizens to voice concerns to government officials in the time it takes to send a text. Custom workflows automate submissions, task assignments and other critical processes for optimum efficiency among responding employees. GovPilot offers account setup, unlimited users and data updates in real time at no additional cost. It should be noted that city staff also met with representatives from SeeClickFix, Inc. during a series of meetings and learned that annual pricing for their comparable product is nearly triple that of GovPilot. In addition, SeeClickFix, Inc. limits the number of backend (city staff) users and charges \$5,300.00 to set up the account.

**LEGAL REVIEW:**

The City attorney has reviewed and approved this contract.

**FISCAL IMPACT:**

Funding for this purchase, totaling \$6,500.00 per year, is available in account #101-170.000-811.0000. A budget amendment or budget transfer is not required.

**PUBLIC COMMUNICATIONS:**

Upon implementation of GovPilot's Citizen Concern Module, the public will be encouraged to download the app and take advantage of the service via press releases, the Birmingham Beat newsletter, the Around Town e-Newsletter and social media messaging.

**SUMMARY**

In summary, staff recommends GovPilot's Citizen Concern Module to make it easy and efficient for citizens to submit a concern to the city and receive documented updates regarding their concern. The module will also create efficiencies for staff by reducing call volume and generating customized reports to determine problem areas.

**ATTACHMENTS:**

Attached please find the GovPilot agreement for your review.

**SUGGESTED COMMISSION ACTION:**

Make a motion providing direction to approve an agreement with GovPilot for a citizen concern module in the amount not to exceed \$6,500.00 per year for three years. Funding for this project has been budgeted in account # 101-170.000-811.0000. Further to authorize the Mayor and City Clerk to sign the agreement on behalf of the City.

**ANNUAL SUBSCRIPTION FEE AGREEMENT  
BETWEEN PROPERTYPILOT, LLC d/b/a GOVPILOT  
AND THE CITY OF BIRMINGHAM**

**THIS ANNUAL SUBSCRIPTION FEE AGREEMENT** made this 13TH day of October 2021, by and between the **CITY OF BIRMINGHAM**, a Michigan municipal corporation, having its principal municipal office at 151 Martin Street, Birmingham, Michigan 48009 (hereinafter referred to as the "City"), and **PROPERTYPILOT, LLC d/b/a GovPilot**, having its principal office at 204 E. Main Street, Manasquan, NJ 08736 (hereinafter referred to as "GovPilot"), provides as follows:

**WITNESSETH:**

**WHEREAS**, GovPilot is a cloud-based government management platform developed exclusively for local government; and,

**WHEREAS**, the objective of GovPilot's onboarding engagement is to collect and implement the necessary information to configure the purchased Modules and their corresponding template variables. This engagement also includes the training of the software.

**WHEREAS**, the City and GovPilot would like to enter into an Annual Subscription Fee Agreement.

**NOW, THEREFORE**, in consideration of the mutual covenants herein contained, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. The annual subscription fee is Six Thousand Five Hundred and 00/100 Dollars (\$6,500.00). Pricing is based on an annual unlimited subscription fee which includes an unlimited number of user licenses, initial onboarding/training, and unlimited support.

2. Payment is due upon commencement of onboarding. Onboarding will not commence until payment has been received.

3. This subscription will automatically renew annually for a period of three (3) years upon the effective date, as set forth above, unless either party has provided a notice of termination to the other at least thirty (30) days prior to such renewal date. Payment is due upon renewal. Failure to make payment within ten (10) days of renewal, or any other payment due date, will result in a notice of default. Failure to make payment within ten (10) days of notice of default will result in shut off of all Customer access to systems/modules and services. Service under this Agreement will not be restored until payment has been received.

4. GovPilot does not waive any rights or remedies provided under the terms of this Agreement in the event of default. The Subscription Service Order, the Service Order, the Onboarding and Implementation process, and the On-boarding Statement of Work, attached hereto,

are incorporated by reference herein and are hereby expressly made a part of this Agreement as though fully set forth herein. Capitalized terms not defined in the Service Order have the meaning given in this Agreement.

5. GovPilot shall retain ownership rights to (1) all of its intellectual property, including any derivatives, modifications and enhancements thereto; (2) confidential information of GovPilot; and (3) any tools or scripting applications used, developed or created by GovPilot or its third party licensors during the performance of this Agreement

6. GovPilot shall not commence work under this Agreement until it has, at its sole expense, obtained the insurance required by this paragraph. All certificates of insurance shall be with insurance carriers licensed and admitted to do business in the State of Michigan. All coverages shall be with insurance carriers acceptable to the City of Birmingham. GovPilot shall maintain during the life of this Agreement the types of insurance coverage and minimum limits as set forth below:

- A. Workers' Compensation Insurance: GovPilot shall procure and maintain during the life of this Agreement, Workers' Compensation Insurance, including Employers Liability Coverage, in accordance with all applicable statutes of the State of Michigan.
- B. Commercial General Liability Insurance: GovPilot shall procure and maintain during the life of this Agreement, Commercial General Liability Insurance on an "Occurrence Basis" with limits of liability not less than \$1,000,000 per occurrence combined single limit, Personal Injury, Bodily Injury and Property Damage. Coverage shall include the following extensions: (A) Contractual Liability; (B) Products and Completed Operations; (C) Independent Contractors Coverage; (D) Broad Form General Liability Extensions or equivalent; (E) Deletion of all Explosion, Collapse and Underground (XCU) Exclusions, if applicable.
- C. Additional Insured: The Commercial General Liability, as described above, shall include an endorsement stating the following shall be *Additional Insureds*: The City of Birmingham including all elected and appointed officials, all employees and volunteers, all boards, commissions and/or authorities and board members including employees and volunteers thereof. This coverage shall be primary and any other insurance maintained by the additional insureds shall be considered to be excess and non-contributing with this insurance required from GovPilot under this Section.
- E. Professional Liability Insurance: If Professional Liability Insurance is available, Professional Liability Insurance with limits of not less than \$2,000,000 per claim if GovPilot will provide service that are customarily subject to this type of coverage.
- F. Cancellation Notice: Workers' Compensation Insurance, Commercial General Liability Insurance, and Professional Liability Insurance as described above, shall include an endorsement stating the following: "Thirty (30) days Advance Written



Notice of Cancellation or Non-Renewal shall be sent to: Director of Finance, City of Birmingham, P.O. Box 3001, 151 Martin Street, Birmingham, Michigan 48012."

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

- 1) Two (2) copies of Certificate of Insurance for Workers' Compensation Insurance; and,
- 2) Two (2) copies of Certificate of Insurance for Commercial General Liability Insurance; and,
- 3) Two (2) copies of Certificate of Insurance for Professional Liability Insurance.

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

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

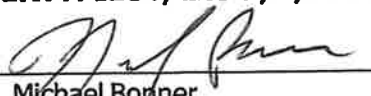
8. Any controversy or claim arising out of or relating to this Agreement, or the breach thereof, shall be settled either by commencement of a suit in Oakland County Circuit Court, the 48<sup>th</sup> District Court or by arbitration. If both parties elect to have the dispute resolved by arbitration,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



9. The persons signing below represent that they are authorized to sign this Agreement on behalf of the Parties and that the Parties accept this Agreement and the attachments hereto.. The Signatory's represent that all appropriate resolutions from the governing body, if appropriate, have been obtained to authorize execution of this Agreement.

**IN WITNESS WHEREOF**, this Agreement is hereby executed on the day first written above.

**PROPERTYPILOT, LLC d/b/a GovPilot**

By:   
Michael Bonner  
Its: Founder & CEO


On this 13th day of October, 2021, before me personally appeared Michael Bonner, who acknowledged that with authority on behalf of **PROPERTYPILOT, LLC d/b/a GovPilot** to do so he signed this Agreement.

  
Notary Public

\_\_\_\_\_ County, NJ

Acting in \_\_\_\_\_ County, NJ

My commission expires: \_\_\_\_\_

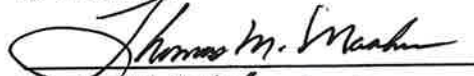
JACQUELINE McCUTCHEON  
NOTARY PUBLIC OF NEW JERSEY  
Comm. # 2420557  
My Commission Expires 5/8/2022 

**CITY OF BIRMINGHAM**

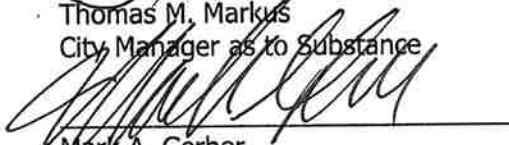
By: \_\_\_\_\_  
Pierre Boutros, Mayor

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

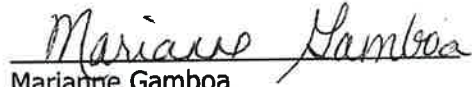
APPROVALS:



Thomas M. Markus  
City Manager as to Substance



Mark A. Gerber  
Director of Finance as to  
Financial Obligation



Marianne Gamboa  
Communications Director as to Substance



Mary M. Kucharek  
City Attorney as to Form

# Subscription Service Order

Prepared for:

Birmingham City

**Primary Contact**

Matthew Yostpille  
matthew@govpilot.com

**Proposal Valid Through** 2021-10-30



## Overview of Services

GovPilot is a cloud-based government management platform developed exclusively for local government. We unify fragmented data and communication between employees, department heads and their administrators, resulting in an environment in which information flows freely and subject matter knowledge can be obtained within seconds. With a clear view of how well a department is operating, administrators, and department heads alike can make more educated decisions on the best course of action.

Leveraging Best Government Practices (BGP) from subject matter experts, GovPilot has developed a catalog of over 120 standard template modules as well as 3 premium services. GovPilot regularly checks the pulse of local governments and incorporates their feedback into the product, benefiting all of our customers!

GovPilot accommodates unlimited users, which allows governments to manage and share critical data throughout their organization, at no additional cost. This information can be shared 24/7 from the office, the field, or the employee's home.

Wherever the Community,  
Whatever the Problem,  
GovPilot offers a Solution.





# Benefits of GovPilot

## Employee & Elected Officials Benefit

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- Customizable Dashboards to see the data that's important to you
- Remove communication and data silos
- Cut-down on call volume, walk-ins and other distractions
- Learn one platform, replace single-purpose software systems, IT doesn't need to support 10+ systems
- Drastically Improve productivity through automated modules

## Constituent Benefits

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- Convenience of E- Commerce functionality – submit application and pay online
- Communicate concerns via Mobile App
- Access information and data via website, eliminating need to submit OPRA

## Unlimited Users

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- All employees and Elected Officials are eligible for login credentials

## Preloaded Data

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- Assessment Records, Municipal and Parcel Boundaries
- Foreclosure Filings

## Cloud Based

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- Access, manage and edit data from the office and in the field
- No scaling limitations, local server installation, burdensome maintenance costs or time-consuming software updates
- Data updates occur in real time, enabling office-based employees to collaborate with colleagues in the field via mobile device

## Fields & Forms

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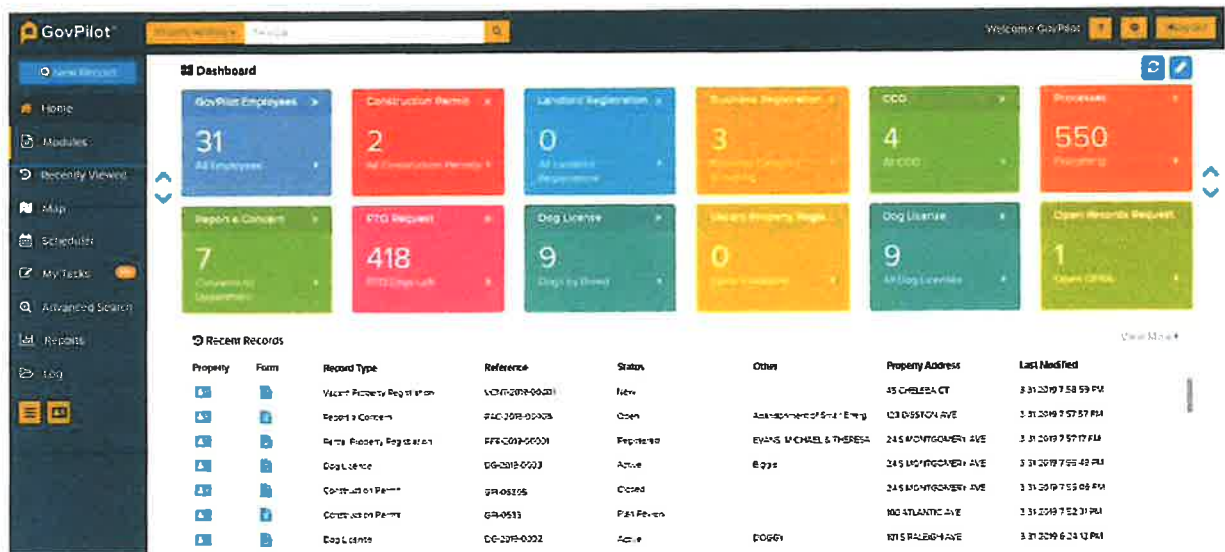
- GovPilot works closely with assigned divisions and departments to modify the platform based on your unique needs
- Deploy flexible modules and forms integrated with pre-loaded data
- User-friendly, drag-and-drop interface
- Merge and log external data, attach documents, calendars, files and notes to individual property records with ease

# GovPilot's Templated Modules Consist of 5 Main Components



## Dashboard

Whether you are a typist, department head, city manager or elected official, GovPilot's dashboard allows you to retrieve the answers you need, quickly. The dashboard is customizable, allowing users to create shortcuts to their data, called "tiles". These tiles are doorways to filtered and sorted data sets. When clicked, each tile opens a different view. Arrange and add an unlimited number of tiles with unparalleled ease.



## Property Profile

The cornerstone of our platform, this feature links all property-related data to a single property profile. See all building permits, violations and licenses associated with a property. Attach and take notes within the profile as well.



### Digital Forms E-commerce Functionality

GovPilot's digital forms can significantly reduce the time your staff spends on data entry. Form data is routed directly into the GovPilot system, eliminating the redundant process of a government employee transferring constituent information from a PDF to the database. Constituents access, complete and submit digital forms through your government website. Form logic blocks submission until all required fields have been populated, which guarantees that your departments receive properly completed forms, every time.



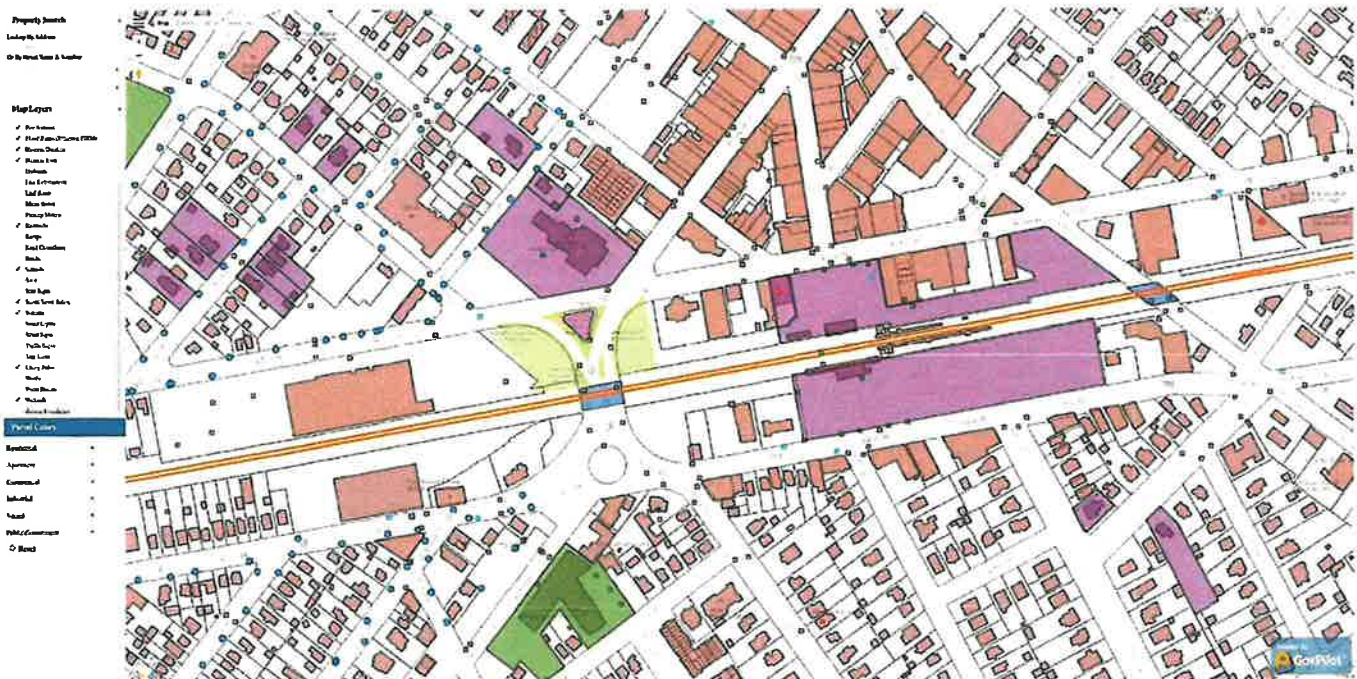
### Automated Workflows

GovPilot's workflow engine reads data, calendar and user activity as triggers to automate the completion of a multitude of tasks, including the processing of public requests, licenses, applications, e-commerce transactions and internal administrative functions. Automated alerts notify employees of changes in project status and streamline post-submission correspondence with applicants. Workflows improve operational efficiency while promoting transparency and accountability among employees and departments.



### Geographic Information System (GIS)

A picture is worth a thousand words. From cave paintings to emojis, graphic depiction is an integral part of how humans communicate and make sense of the world. When trying to identify patterns and otherwise understand your data—which could include thousands or even millions of variables—the ability to visualize that data is essential. GovPilot's user-friendly map grants ALL government employees the ability to harness the power of a geographic information system (GIS).







# Service Order

<b>Customer Name:</b>	Birmingham City	<b>Customer Contact</b>	Marianne Gamboa
<b>Billing Address:</b>	151 Martin Street	<b>Phone</b>	2485301812
<b>City, State, Zip:</b>	Birmingham, MI 48012	<b>Email</b>	mgamboa@bhamgov.org

## Secondary Contact

**Email**

**Phone**

<b>Vendor</b>	GovPilot LLC	<b>Address</b>	204 E. Main St
<b>City, State, Zip</b>	Manasquan, NJ 08736	<b>Vendor Contact</b>	Matthew Yostpille
<b>Pricing Valid Through:</b>	10 / 30 / 2021	<b>Term:</b>	3 Year
<b>Bill Date</b>	11 / 01 / 2021	<b>Effective Date</b>	11 / 01 / 2021

## Annual Subscription

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Package Level : Essentials	List Price	Extended Price
Report a Concern	\$10,000.00	\$10,000.00
GIS Map		
GovAlert Phone App		
GovInspect Phone App		
Tax Assessment data		
<b>Data Import - None</b>		
Discount	-\$3,500.00	-\$3,500.00
		<b>Subtotal \$6,500.00</b>

**Annual Subscription Fee    \$6,500.00**

TERMS: Pricing is based on an annual unlimited subscription fee which includes an unlimited number of user licenses, initial onboarding, and unlimited support. Payment is due upon commencement of onboarding. Onboarding will not commence until payment has been received. This subscription will automatically renew annually upon the effective date, as set forth above, unless either party has provided a notice of termination to the other at least thirty (30) days prior to such renewal date. Payment is due upon renewal. Failure to make payment within ten (10) days of renewal, or any other payment due date, will result in a notice of default. Failure to make payment within ten (10) days of notice of default will result in shut off of all Customer access to systems/modules and services. Service under the Agreement will not be restored until payment has been received. GovPilot does not waive any rights or remedies provided under the terms of this Agreement in the event of default. The [Master Subscription Agreement](#) between Client and PropertyPilot, LLC d/b/a GovPilot (the "MSA"), as it may be amended from time to time pursuant to the [MSA](#), the onboarding, and implementation process, and the onboarding statement of work are incorporated by reference in this Subscription Service Order ("Service Order") all of which collectively, comprise the "Agreement." Capitalized terms not defined in this Service Order have the meaning given them in the [MSA](#).

The person signing below represents that he or she is authorized to sign this Service Order on behalf of Client and that Client accepts this Service Order subject to the terms in the [MSA](#). Signatory represents that all appropriate resolutions from the governing body, if appropriate, have been obtained to authorize execution of this Contract.

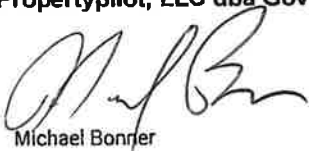
GovPilot's liability to the Customer for actual, direct damages resulting from GovPilot's performance hereunder and for any and all third party claims to the extent arising from GovPilot's negligence, willful misconduct, or violation of law in fulfilling its obligations herein, shall be limited in the aggregate to the total amount of fees actually paid or payable by the Customer to GovPilot under this Agreement for the year previous to the incident which gave cause for such liability

GovPilot shall retain ownership rights to (1) all of its intellectual property, including any derivatives, modifications and enhancements thereto, (2) Confidential Information of GovPilot, and (3) any tools or scripting applications used, developed or created by GovPilot or its third party licensors during the performance of this Agreement.

**PropertyPilot, LLC dba GovPilot**

**Birmingham City**

**Signature:**



**Signature:**

**Name:**

Michael Bonner

**Name:** Marianne Gamboa

**Title:**

Founder and CEO

**Title:** Communications Director

**Date:**

10 / 08 / 2021

**Date:**



# On-boarding and Implementation Process

Our on-boarding team is here to help you implement & launch GovPilot.

## **1. Kick-off Call**

Your Account Manager & Onboarding Project Manager will coordinate a call with you to learn about how you will be leveraging GovPilot to gain further transparency into your day to day processes.

## **2. Variable Validation**

To get started on your new GovPilot deployment, we need to confirm the information you've provided us during the sales process. This will also be a great opportunity for us to collect any additional information to ensure a successful on-boarding experience.

## **3. Variable Implementation\*\***

During this time, our On-boarding team will be building out the modules you signed for. While this process typically takes 45-60 Days, there are times we need additional clarification. Please be sure to respond to any inquiries in a timely fashion so we can ensure a timely delivery of your services.

## **4. Team Training**

We'll provide 1 hour live web training and Q&A focused on your end-user team members. We'll deliver the training using your modules so that the users know exactly how to work with GovPilot.

We'll also provide access to our premier knowledge-base so your team can get the answers to their questions instantly!

**\*\*Variable Validation is subject to the terms stated within the On-Boarding Statement of Work**



# On-boarding Statement of Work

## Objectives

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The objective of GovPilot's on-boarding engagement is to collect and implement the necessary information to configure the purchased Modules and their corresponding template variables. This engagement also includes the training of the software in accordance to the pricing table of this document.

## Scope of Work

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Work will include the modification of variables as specified on the **Service Order** under **Initial Modules Selected** on a per module basis with a maximum of 12 hours of configuration per module. While the variables we will modify differ on a per module basis, variables are generally inclusive but not limited to the following.

- Fees
- Licenses
- Permits
- Ordinances
- Pick-list Fields
- Employees
- Workflow Routing

Any additional work requested beyond the specified variables and the 12 hour time limit on a per module basis would be charged a professional services rate of **\$150/hour** pending customer approval.

## Deliverables

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GovPilot will deliver the following deliverables as part of your on-boarding:

- Selected Modules stated on the **Service Order** under **Initial Modules Selected** with fully implemented variables as provided by the Customer
- Live web training of the modules

## Tasks and Responsibilities

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Our ability to provide a successful on-boarding experience for our customers is a shared effort. It is crucial that all parties provide timely responses to any inquiries pertaining to the On-boarding.

Task	Responsibility
Provide Variable Gathering Tool(s) for completion	GovPilot
Completion of the Variable Gathering Tool	<b>Birmingham City</b>
Host Review of Collected Variables with Customer	GovPilot
Responses to any additional follow ups for clarification of provided variable data	<b>Birmingham City</b>
Delivery of Completed Modules	GovPilot
Host and Attendance of Training	<b>Birmingham City</b>
Provide Live Web Training to Customer	GovPilot

### Timeline for Completion of Work

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Upon receipt and review of complete set of variable information collected from the customer, GovPilot's anticipated deployment time of a module is 45-60 days. GovPilot assumes a 24-48 hour response time from the customer upon any requests for clarification. Failure to respond in a timely response will result in a delay of your module deployment.

### Data Import Restrictions

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Please note that data will be imported **AS IS**. Any errors included in the data set will be compiled and provided back to the customer for correction. It is the responsibility of the customer to correct the data and resubmit it to GovPilot should they want it included in their data set.

Such errors may include, but are not limited to:

- Incorrect data type for the field
  - E.g., Email addresses in phone number fields / symbols in text and or number fields
- **For importing of data that is property related.** If there is no existing block and lot or parcel ID to link the record to, those records will not be imported.
  - The client can update those unique parcel identifiers and provide back to GovPilot should they wish to have those records in the system.



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
10/13/2021

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

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


<b>PRODUCER</b> Allwood Forlenza Insurance PO Box 11029  Fairfield NJ 07004		<b>CONTACT NAME:</b> Patricia Quartarolo <b>PHONE (A/C, No, Ext):</b> (973) 256-5500 <b>FAX (A/C, No):</b> (973) 882-5601 <b>E-MAIL ADDRESS:</b>	
<b>INSURED</b> Property Pilot LLC 79 Hudson St Suite 503 Hoboken NJ 07030		<b>INSURER(S) AFFORDING COVERAGE</b> <b>INSURER A:</b> Sentinel Insurance Company <b>INSURER B:</b> Jimcor Agency <b>INSURER C:</b> <b>INSURER D:</b> <b>INSURER E:</b> <b>INSURER F:</b>	
		<b>NAIC #</b> 11000	

**COVERAGES** **CERTIFICATE NUMBER:** 21-22 **REVISION NUMBER:**

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

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> <b>COMMERCIAL GENERAL LIABILITY</b>			13SBATJ1308	07/19/2021	07/19/2022	<b>EACH OCCURRENCE</b> \$ 2,000,000
	<input type="checkbox"/> <b>CLAIMS-MADE</b> <input checked="" type="checkbox"/> <b>OCCUR</b>						<b>DAMAGE TO RENTED PREMISES (Ea occurrence)</b> \$ 1,000,000
							<b>MED EXP (Any one person)</b> \$ 10,000
							<b>PERSONAL &amp; ADV INJURY</b> \$ 2,000,000
							<b>GENERAL AGGREGATE</b> \$ 4,000,000
							<b>PRODUCTS - COMP/OP AGG</b> \$ 4,000,000
							<b>XCYBR</b> \$
							<b>COMBINED SINGLE LIMIT (Ea accident)</b> \$
							<b>BODILY INJURY (Per person)</b> \$
							<b>BODILY INJURY (Per accident)</b> \$
			<b>PROPERTY DAMAGE (Per accident)</b> \$				
							\$
	<b>UMBRELLA LIAB</b>						<b>EACH OCCURRENCE</b> \$
	<b>EXCESS LIAB</b>						<b>AGGREGATE</b> \$
	<b>DED</b>						\$
	<b>RETENTION \$</b>						
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b>						<b>PER STATUTE</b> <b>OTH-ER</b>
	<b>ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)</b>						<b>E.L. EACH ACCIDENT</b> \$
	<b>If yes, describe under DESCRIPTION OF OPERATIONS below</b>						<b>E.L. DISEASE - EA EMPLOYEE</b> \$
							<b>E.L. DISEASE - POLICY LIMIT</b> \$
B	errors and omissions			ESH051160458	05/15/2021	05/15/2022	<b>general aggregate</b> 2,000,000 2,500 ded

**DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)**  
The City of Birmingham, including all elected and appointed officials, all employees and volunteers, all boards, commissions and/or authorities and board members, including employees and volunteers thereof are listed as additional insured. Policies are primary and non-contributory.

<b>CERTIFICATE HOLDER</b> CITY OF BIRMINGHAM 151 MARTIN STREET  BIRMINGHAM MI 48009	<b>CANCELLATION</b> SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE 
---	---

**DATE:** October 20, 2021

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

**FROM:** James J. Surhigh, Consulting City Engineer

**SUBJECT:** Emergency Repair – Sewer in Linn Smith Park (west of Southfield Road, north of Lincoln Ave.)

---

**INTRODUCTION:**

The Oakland County Water Resources Commissioner (WRC) owns and operates combined sewer drains within the City of Birmingham. WRC had been planning to repair several manhole covers on their system located along the east bank of the Rouge River in Linn Smith Park. While in the planning stages for this work, they reported that a small sinkhole was observed near one of their manholes, located over a City sewer. WRC offered to ask their contractor to include repair of the City sewer in their quote to WRC for the other repair work. The portion of the quote for repairs that were associated with the work on the City sewer was \$9,860.

The City Manager authorized the Engineering Department to engage the WRC contractor to complete the necessary emergency repairs. D'Angelo Brothers, Inc. completed the emergency repair work on September 30, 2021.

**BACKGROUND:**

After the multiple, intense rain storm events this past year, damage to sewer manhole covers located above the east bank of the Rouge River in Linn Smith Park were observed. The manholes are part of the Birmingham CSO Drain, which is under the jurisdiction of the Oakland County Water Resources Commissioner (WRC). When WRC was at the site to review conditions with their "blanket" contractors that were quoting the work, they observed a small sinkhole located about 40 feet east of one of their manholes.

Further investigation revealed that the hole was above the City's 30" diameter combined sewer that discharges to the County Drain. The sinkhole was being caused by loss of soil above the sewer that was eroding away due to a separated joint in the sewer. This was considered a significant defect that necessitated an emergency repair. WRC offered to request their contractor to include the work on the City sewer in their overall quote to expedite repairs and minimize disturbance in the park. D'Angelo Brothers, Inc. provided a quote to WRC for all of the work in the area, and the portion of the quote for the repairs that were associated with the work on the City sewer was \$9,860.

The Engineering Department believed that the quote was a fair price considering the nature of the repair, and the relatively remote location of the work that would be challenging for a contractor to bring in heavy excavation equipment while minimizing disturbance to the park. The contractor selected by WRC to perform the work, D'Angelo Brothers, Inc. has a good

track-record of working in the City in recent years, most notably as being the contractor for SOCWA completing lead water service replacements. The Engineering Department was very confident that the contractor could complete the work and take the care and effort needed to restore disturbed areas in the park. For comparison, the Engineering Department received another quote from a different contractor who specializes in internal sewer repair solutions using fiberglass pipe-patch liners, that was for a total amount of \$21,545.

After consultation with the City Manager, the Engineering Department was authorized to engage the WRC contractor to complete the necessary emergency repairs. D'Angelo Brothers, Inc. completed the emergency repair work on September 30, 2021. The final cost for the emergency repair work was \$9,860.

#### LEGAL REVIEW:

The City Attorney reviewed the circumstances, and believes the approach is consistent with Sec. 2-286 of the City Code.

#### FISCAL IMPACT:

The cost from the WRC contractor, D'Angelo Brothers., Inc., to complete the emergency sewer repair is \$9,860.00. Funds are available in the Sewer Fund, Other Contractual Services account #590-536.001-811.0000.

#### PUBLIC COMMUNICATIONS:

Special public communications were not necessary for this project. Work was completed with access from City property, and during normal working hours.

#### SUMMARY

The Engineering Department requests City Commission confirmation of the City Manager's authorization to proceed with the emergency sewer repair on the City's 30" diameter combined sewer, located in Linn Smith Park along the east bank of the Rouge River.

#### ATTACHMENTS:

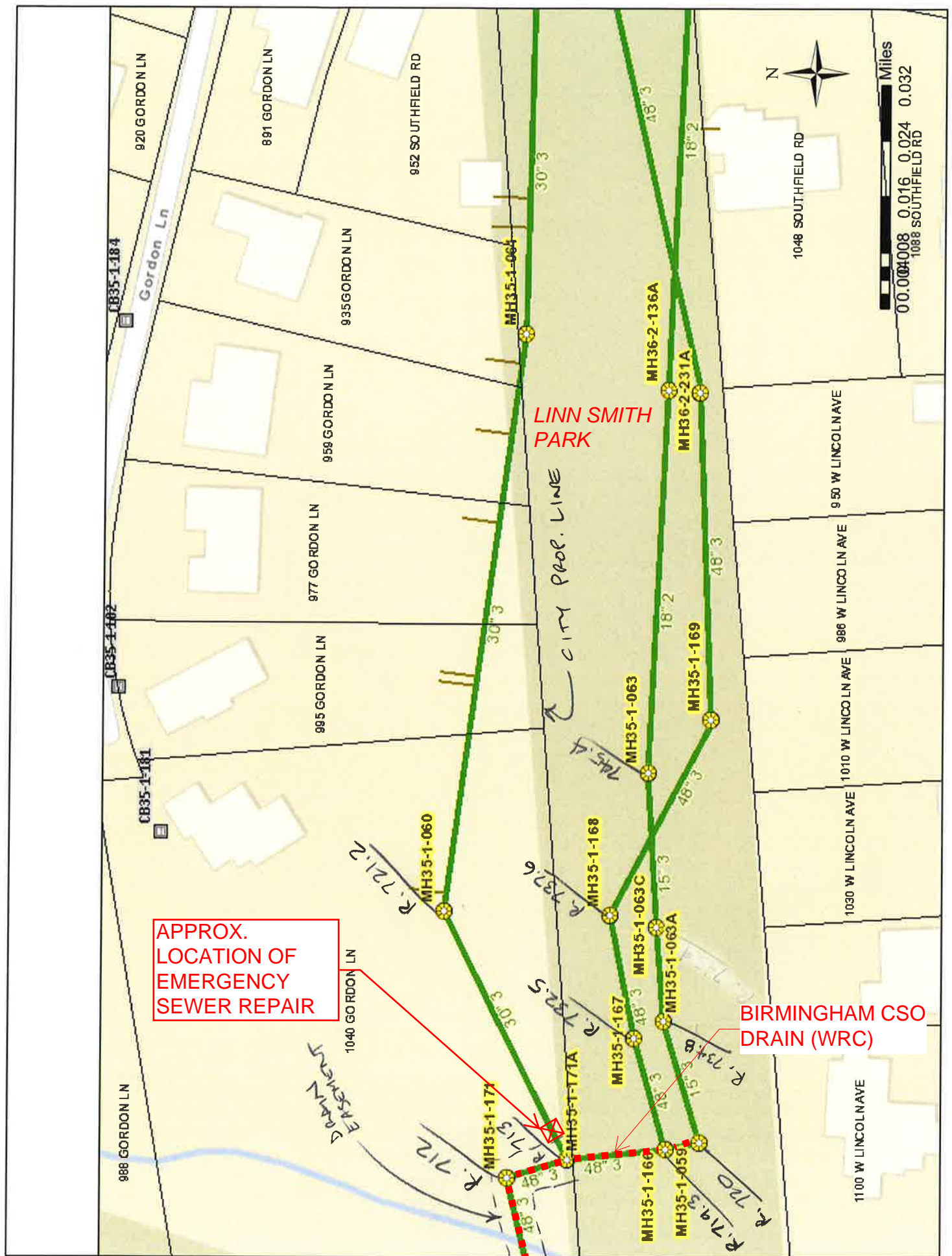
The following attachments accompany this report:

- General Project Location Map
- Purchase Order No. 113965 (written to WRC Birmingham CSO Drainage District)
- D'Angelo Brothers, Inc. quote, dated 8/17/2021 (subtotal for section titled "Soft Excavate Around existing 30" Concrete Sanitary. Create Brick & Concrete Collar W/Fabric" is for the portion of the work on the City sewer)

#### SUGGESTED COMMISSION ACTION:

Make a motion adopting a resolution to confirm the City Manager's authorization for the emergency expenditure related to the sewer repair Linn Smith Park by WRC's contractor, D'Angelo Brothers, Inc., for a cost not to exceed \$9,860.00 to be charged to the Sewer Fund, Other Contractual Services account #590-536.001-811.0000, pursuant to Sec. 2-286 of the City Code.







P.O. Box 3001, 151 Martin Street  
Birmingham, MI 48012-3001  
Phone: (248) 530-1816 Fax: (248) 530-1090  
accountspayable@bhamgov.org

10/20/2021  
11:32 AM

---

**Purchase Order No 113965**

---

**Purchase Order Date** 08/31/2021  
**Required Date**  
**Ordered By** jsurhigh

**Ship to** ENGINEERING  
151 MARTIN  
BIRMINGHAM, MI 48009

**Vendor** 009320  
**Address** BIRMINGHAM CSO DRAINAGE DISTRICT  
ONE PUBLIC WORKS DRIVE  
WATERFORD, MI 48328

**Invoice** CITY OF BIRMINGHAM  
ENGINEERING  
PO BOX 3001  
BIRMINGHAM, MI 48012

**Terms** NET 30 DAYS

**PO Description** EMERGENCY SEWER REPAIR - LINN SMITH PARK

Quantity	Units	Description	Unit Price	Amount
1	EACH	EMER SEWER REPAIR 590-536.001-811.0000	9,860.00	9,860.00
<b>Total:</b>				<b>9,860.00</b>

**TERMS AND CONDITIONS**

This purchase order is issued subject to the terms and conditions specified below. By acceptance of this purchase order, vendor acknowledges and agrees to abide by all such terms and conditions.

**Insurance Requirements:**

The vendor shall carry workers' compensation insurance in accordance with all applicable statutes of the State of Michigan; commercial general liability and products and completed operations coverage; vehicle liability insurance covering all owned, non-owned and hired vehicles. Vendor shall furnish certificates of insurance evidencing the coverages outlined in this paragraph to the City of Birmingham upon request.

**Indemnification:**

To the fullest extent permitted by law, vendor agrees to defend, indemnify, pay in behalf of and hold harmless the City its elected and appointed officials, employees and volunteers, and others working on behalf of the City against any all claims, demands, suits or loss, including all costs connected therewith, for any damages which may be asserted, claimed or recovered against or from the City, its elected and appointed officials, employees, volunteers or others working on behalf of the City, by reason of personal injury, including bodily injury and death and/or property damage, including loss of use thereof, which arises out of or is in any way connected or associated with this purchase order contract.

**If applicable, a material safety sheet should be included with material shipped.**

**Kindly show purchase order number on invoice.**

**Approved By** Tammy Hollins

**Date** 10/20/2021



PO Box 531330

Livonia, MI 48153

TO: Oakland County WRC

ATTN: Lesli Maes

8/17/21

**WRC Birmingham**

**B-Ham Manhole Rehab Project**

DESCRIPTION OF WORK TO BE COMPLETED	Qty.	Unit	Hrs.	Rate	Total Per Line
Complete (2)MH on West Side. Excavate down to the first MH Joint. Install / anchor (4) 1'x1.6' Steel plates per MH. ReSecure MH Frame & Covers down with proper Wrapid Seal & anchors. Backfill and Grade					
Mobilize Mini Excavator & Skid Steer	2	EA	-	\$ 425.00	\$ 850.00
Service Trucks.	2	HR	10	\$ 35.00	\$ 700.00
Excavator & Operator	1	HR	10	\$ 155.00	\$ 1,550.00
Skid Steer	1	HR	10	\$ 155.00	\$ 1,550.00
Labor, Regular Time	5	HR	8	\$ 48.00	\$ 1,920.00
Labor, Over Time	5	HR	2	\$ 58.00	\$ 580.00
Dump Truck Semi Regular Time	1	HR	10	\$ 90.00	\$ 900.00
Power Saw	1	EA	-	\$ 100.00	\$ 100.00
Plates/Sheeting. (Ground Protection Mats)	1	EA	-	\$ 500.00	\$ 500.00
Generator	1	Day	1	\$ 100.00	\$ 100.00
Steel Plate & Hardware Allowance	1	LS	1	\$ 800.00	\$ 800.00
MH Adjustment Sealing Material Allowance	1	LS	1	\$ 900.00	\$ 900.00
					\$ 10,450.00
Complete (3)MH on East Side. Excavate down to the first MH Joint. Install / anchor (4) 1'x1.6' Steel plates per MH. ReSecure MH Frame & Covers down with proper Wrapid Seal & Anchors. Backfill & Grade					
Service Trucks.	2	HR	12	\$ 35.00	\$ 840.00
Excavator & Operator	1	HR	12	\$ 155.00	\$ 1,860.00
Skid Steer	1	HR	12	\$ 155.00	\$ 1,860.00
Labor, Regular Time	5	HR	8	\$ 48.00	\$ 1,920.00
Labor, Over Time	5	HR	4	\$ 58.00	\$ 1,160.00
Dump Truck Semi Regular Time	1	HR	8	\$ 90.00	\$ 720.00
Power Saw	1	EA	-	\$ 100.00	\$ 100.00
Plates/Sheeting. (Ground Protection Mats)	1	EA	-	\$ 500.00	\$ 500.00
Generator	1	Day	1	\$ 100.00	\$ 100.00
Steel Plate & Hardware Allowance	1	LS	1	\$ 1,200.00	\$ 1,200.00
MH Adjustment Sealing Material Allowance	1	LS	1	\$ 1,200.00	\$ 1,200.00
					\$ 11,460.00

Clean Site, Finish Up MH Frame Securements and Water Proofing						
DeMobilize Mini Excavator & Skid Steer Service Trucks.	2	EA	-	\$	425.00	\$ 850.00
Excavator & Operator	2	HR	8	\$	35.00	\$ 560.00
Skid Steer	1	HR	8	\$	155.00	\$ 1,240.00
Labor, Regular Time	1	HR	8	\$	155.00	\$ 1,240.00
Dump Truck Semi Regular Time	5	HR	8	\$	48.00	\$ 1,920.00
Plates/Sheeting. (Ground Protection Mats)	1	HR	8	\$	90.00	\$ 720.00
	1	EA	-	\$	500.00	\$ 500.00
						\$ 7,030.00
Topsoil, Seed, & Mulch Restoration	250	SqYd	-	\$	15.00	\$ 3,750.00
						\$ 3,750.00
TOTAL						\$ 32,690.00

Soft Excavate Around existing 30" Concrete Sanitary. Create a Brick & Concrete Collare W/Fabric.						
Service Trucks.	2	HR	12	\$	35.00	\$ 840.00
Excavator & Operator	1	HR	12	\$	155.00	\$ 1,860.00
Skid Steer	1	HR	12	\$	155.00	\$ 1,860.00
Labor, Regular Time	5	HR	8	\$	48.00	\$ 1,920.00
Labor, Over Time	5	HR	4	\$	58.00	\$ 1,160.00
Dump Truck Semi Regular Time	1	HR	8	\$	90.00	\$ 720.00
Power Saw	1	EA	-	\$	100.00	\$ 100.00
Plates/Sheeting. (Ground Protection Mats)	1	EA	-	\$	500.00	\$ 500.00
Generator	1	Day	1	\$	100.00	\$ 100.00
Misc Materials	1	LS	1	\$	800.00	\$ 800.00
						<b>\$ 9,860.00</b>

Per Day Cost In Assisting Advance MH Lining if needed to get equipment over river.						
Service Trucks.	2	HR	8	\$	35.00	\$ 560.00
Skid Steer	1	HR	8	\$	155.00	\$ 1,240.00
Labor, Regular Time	5	HR	8	\$	48.00	\$ 1,920.00
Plates/Sheeting. (Ground Protection Mats)	1	EA	-	\$	500.00	\$ 500.00
						\$ 4,220.00

**DATE:** October 25<sup>th</sup>, 2021

**TO:** Thomas Markus, City Manager

**FROM:** Nicholas Dupuis, Planning Director

**SUBJECT:** Historic District Study Committee Meetings

---

**INTRODUCTION:**

The Historic District Study Committee (HDSC) and the Historic District Commission (HDC) have expressed interest in the following general historic preservation activities: (1) revamping the Heritage Home program and (2) updating the 1992 Wallace Frost report titled "Wallace Frost: His Architecture in Birmingham, MI." The work will mainly consist of procuring up-to-date photographs of the known Heritage Homes and Wallace Frost designed buildings, as well as a general inventory update, mapping out additional potential Heritage Homes, procuring additional recognition plaques, creating formal applications, designing walking tours, and providing new material for the City website. Pursuant to Chapter 127, Section 127-4 of the Birmingham Code of Ordinances, the HDSC requires a resolution from the City Commission directing the HDSC to meet.

If directed to meet by the City Commission, the HDSC would present its final proposal for the Heritage Home program for approval.

**BACKGROUND:**

The HDSC met on August 4<sup>th</sup>, 2021 to discuss the potential for these projects and to create a plan of action for completing these projects over several months.

**LEGAL REVIEW:**

The City Attorney has reviewed this memorandum and has no concerns as to form and content.

**FISCAL IMPACT:**

There are no fiscal impacts for this agenda item at this time.

**PUBLIC NOTIFICATION:**

There are no public notifications required for this agenda item at this time. The business that the committee may perform shall be conducted at a public meeting held in compliance with the Open Meetings Act, Public Act 267 of 1976, as amended. Public notice of the date, time, and place of the meeting shall be given in the manner required by Public Act 267. A meeting agenda shall be part of the notice and shall include a listing of each potential district to be reviewed or considered by the committee.

**SUMMARY:**

The Planning Division requests that the City Commission consider making a motion to direct the Historic District Study Committee to hold meetings through the remainder of 2021, and through 2022 for the purposes of (1) create a strategy to revive the Heritage Home program and (2)

update the 1992 "Wallace Frost: His Architecture in Birmingham, MI" report pursuant to Chapter 127, Section 127-4 of the Birmingham Code of Ordinances.

ATTACHMENTS:

- Staff Reports
- Wallace Frost: His Architecture in Birmingham, MI

SUGGESTED COMMISSION ACTION:

Make a motion adopting a resolution to direct the Historic District Study Committee to hold meetings through the remainder of 2021, and through 2022 for the purposes of (1) creating a strategy to revive the Heritage Home program and (2) update the 1992 "Wallace Frost: His Architecture in Birmingham, MI" report.



# MEMORANDUM

Planning Division

**DATE:** February 3<sup>rd</sup>, 2020

**TO:** Historic District Study Committee

**FROM:** Nicholas Dupuis, City Planner

**SUBJECT:** Study Session – Heritage Home Program

## Introduction

The Heritage Home Program in the City of Birmingham was introduced in 2012 for the purpose of recognizing homes constructed 100 years or more in the past with a commemorative plaque and certificate that certified a home as a Heritage Home. Since the inception of the program, the City has ordered and presented several plaques throughout the City. Plaques were generally made available upon request from the homeowner without a formal application process, therefore there is little information available to the City as to the program and its participants.

A complete list of heritage homes appears to have been made in 2012, but it is uncertain as to whether or not a list was maintained as time moved forward. Due to this, the City has little records of the status of the original Heritage Homes and any information on new homes that have come into the program. A GIS analysis was performed to help ascertain where the certified Heritage Homes are, or were, located, and to determine how many homes have the potential to become Heritage Homes in the near future. A summary of the findings are presented below:

Certified Heritage Homes	51
Eligible Heritage Homes	439
Eligible Heritage Homes in Next 5 yrs.	973
Eligible Heritage Homes in Next 10 yrs.	1,756
Total Eligible by 2030:	3,168

In these figures, a number of things can be assumed: (1) some certified Heritage Homes may have been demolished from 2012-present, and (2) many of the eligible homes for certification may have been destroyed.

## Next Steps

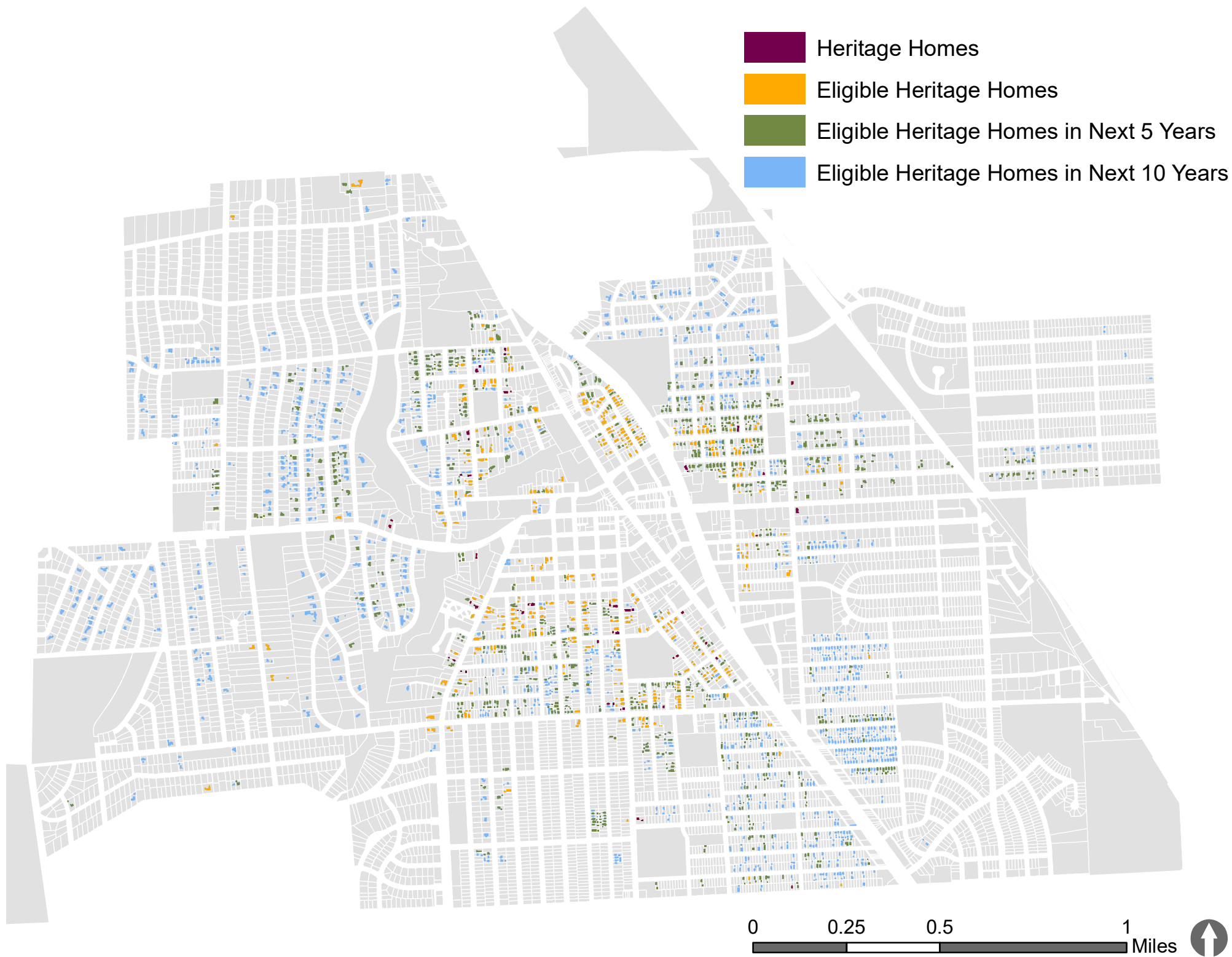
The Historic District Study Committee, Historic District Commission and City Staff have expressed a desire to revamp the Heritage Home program to continue to offer as diverse an array of preservation tactics as possible. At this time, the Planning Division would like to gather the input of the Historic District Study Committee on the following:

- A formal application for the Heritage Home certification program
- If an application is developed, what kind of information should the City pursue?
- Plaques & Certificates
- Survey of existing certified Heritage Homes

- Survey of eligible homes in the near future
- Marketing and information pamphlets for the program

With the information gathered in this meeting, City Staff will begin the process of finding funds, developing an application (if desired) and starting an information database that can be easily be translated into marketing material and future Heritage Home studies.





INDEX OF FROST DESIGNED HOMES IN BIRMINGHAM (Year Built)

1. 660 Abbey (1945)
2. 379 Aspen (1927)
3. 404 Bonnie Brier (1941)
4. 420 Bonnie Brier (1941)
5. 436 Bonnie Brier (1941)
6. 444 Bonnie Brier (1940)
7. 467 Bonnie Brier (1941)
8. 1283 Buckingham (1925)
9. 752 Chestnut (1926)
10. 219 Elm (1928)
11. 795 Fairfax (1928)
12. 1040 Gordon Lane (1926)
13. 960 Harmon (1926)
14. 440 Lakepark (1930)
15. 1169 Lakeside (1928)
16. 1290 Lakeside (1946)
17. 633 Lakeview (1929)
18. 650 Lakeview (1930)
19. 371 Linden (1924)
20. 508 Linden (1928)
21. 460 W. Maple (1929)
22. 1390 Northlawn (1951)
23. 1691 Oak (1947)
24. 139 Pilgrim (1926)
25. 187 Pilgrim (1925)
26. 239 Pilgrim (1925)
27. 515 Pilgrim (1925)
28. 551 Pilgrim (1928)
29. 671 Pilgrim (1924)
30. 691 Pilgrim (1926)
31. 783 Pilgrim (1928)
32. 864 Pilgrim (1924)
33. 236 Puritan (1925)
34. 683 Puritan (1927)
35. 788 Randall Court (1928)
36. 967 Rivenoak (1926)
37. 525 Southfield (1940)
38. 515 Tooting Lane (1929)
39. 579 Tooting Lane (1921)
40. 584 Tooting Lane (1926)
41. 364 Valley View Lane (1939)
42. 244 Wimbledon (1928)
43. 715 Wimbledon (1928)
44. 1050-1078 Wimbledon (1928)

Wallace Frost Buildings

- 967 RIVENOAK AVE
- 960 HARMON AVE
- 864 PILGRIM AVE
- 795 FAIRFAX AVE
- 788 RANDALL CT
- 783 PILGRIM AVE
- 715 WIMBLETON DR
- 691 PILGRIM AVE
- 683 PURITAN AVE
- 671 PILGRIM AVE
- 660 ABBEY RD
- 650 LAKEVIEW AVE
- 633 LAKEVIEW AVE
- 584 TOOTING LN
- 579 TOOTING LN
- 551 PILGRIM AVE
- 515 TOOTING LN
- 515 PILGRIM AVE
- 508 LINDEN RD
- 469 BONNIE BRIER AVE
- 460 W MAPLE RD
- 444 BONNIE BRIER AVE
- 440 LAKE PARK DR
- 436 BONNIE BRIER AVE
- 420 BONNIE BRIER AVE
- 404 BONNIE BRIER AVE
- 371 LINDEN RD
- 364 VALLEY VIEW LN
- 244 WIMBLETON DR
- 239 PILGRIM AVE
- 236 PURITAN AVE
- 219 ELM ST
- 187 PILGRIM AVE
- 1390 NORTHLAWN BLVD
- 139 PILGRIM AVE
- 1290 LAKESIDE RD
- 1283 BUCKINGHAM AVE
- 1169 LAKESIDE RD
- 1078 WIMBLETON DR
- 1076 WIMBLETON DR
- 1072 WIMBLETON DR
- 1064 WIMBLETON DR
- 1060 WIMBLETON DR
- 1050 WIMBLETON DR
- 1040 GORDON LN





*Wallace Frost*

*His Architecture in Birmingham, Michigan*

*Historic District and Design Review Commission  
August, 1992*

**BIRMINGHAM HISTORIC DISTRICT AND DESIGN REVIEW COMMISSION**

**Keith W. Deyer, Chairman**

**Max B. Horton**

**Donald J. McKeon**

**Eugene J. Gordon**

**Glenda L. Meads**

**Laura B. Cassel  
Vice-Chairperson**

**Marcia R. Rowbottom**

**Patricia McCullough, City Planner**

**Kathleen Bartoluzzi, Assistant Planner**

**Linda Rowat, Secretary**

**August 1992**



## PURPOSE STATEMENT

This report is the culmination of a study of the American architect, Wallace Frost, and the homes he designed in Birmingham from 1921 to 1967. In 1991, the City Commission asked the Historic District and Design Review Commission to report on the architectural contributions of Wallace Frost in Birmingham.

In the past year and a half, we have researched the City's assessment records, read old articles from the Eccentric and other periodicals, talked with residents, and drew from the architectural expertise of two former residents who are considered to be local Frost experts. While our efforts have not resulted in the discovery of every bit of information about each of the structures, we have found worthwhile historic and architectural reasons for believing that the buildings and homes in our report are worthwhile of being acknowledged as a significant part of Birmingham's architectural history and charm.

Frost's unique style of architectural design has contributed to Birmingham's small town feeling and character which has been created by the blending of old and new architecture. Frost's designs have been admired by both residents and visitors. Birmingham has had good fortune to be an economically thriving community, but current development pressures have also served to effect its residential resources.

It is our hope that the following report will provide the City Commission and the community with the background history and information necessary to recognize the architectural contributions of Wallace Frost in Birmingham.

## REPORT INDEX

### PAGE

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6	THE ARCHITECT'S STYLE
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11	INDEX OF FROST DESIGNED HOMES IN BIRMINGHAM
12 - 34	PHOTOGRAPHS
35	BACKGROUND INFORMATION SOURCES
36 - 60	ARTICLES ON WALLACE FROST

## THE ARCHITECT'S BACKGROUND

As a young man, Wallace Frost studied architecture at the University of Pennsylvania from 1911 to 1915 where he took great interest in French architecture. At the university, Frost studied under Paul Cret, a professor of architecture who taught his native French architecture and design. Frost's architectural education ended abruptly when Cret was called back to France in 1915 to serve in the war. Disappointed, Frost withdrew from the university.

During World War I, Frost was an architect for the Air Force and was stationed at Langley Air Force Base in Washington D.C. During his military service, he met Albert Kahn who was a government consultant at the time. After the war, Frost went to work for Kahn in Detroit. Kahn built a reputation for his innovative factory designs that emphasized streamlined and simplified architecture that was functional as well as aesthetically pleasing to the eye. This was achieved at the Ford Highland Park Plant. This type of design was a clear departure from Frost's interest in proportion of design, harmony of materials, and romantic renaissance beauty found in residential designs. Frost worked with Kahn from 1919 to 1925 on such projects as the General Motors Building and the Edsel Ford Mansion in Grosse Point Farms. Inspired by his visit to the English Cotswald Country with Kahn, Edsel Ford commissioned Kahn's architectural firm in 1925 which permitted Frost to travel to Europe on several occasions from 1925 to 1931. During this same time period, Frost was designing residential homes with some locations in Birmingham. Frost and his family moved to Italy until 1932 before returning to the Detroit area.

After a year, Frost moved to California in 1933 to design residential homes. During the 1930's, Californian architecture was experimenting with the modern flat roofed International style. A few years later, Frost returned to Birmingham to settle with his family and to re-establish his architecture practice. He combined his house designs of the early forties with the English Country style and the flat roofed International style he experienced in California. This resulted in modern homes with some decorative detail reminiscent of his earlier house designs.

In 1957, while in Birmingham, Frost was commissioned to prepare design plans for Mr. and Mrs. Sober of Lansing. The 10,300 square foot residence provided for spacious living areas. The house was designed and fashioned to facilitate entertaining with large gathering spaces. The operational activities of the house, such as the kitchen, service areas, and servants quarters, were specifically designed to be concealed from the residence. In 1967, the Sobers donated the house to the State of Michigan for the use as the governor's residence.

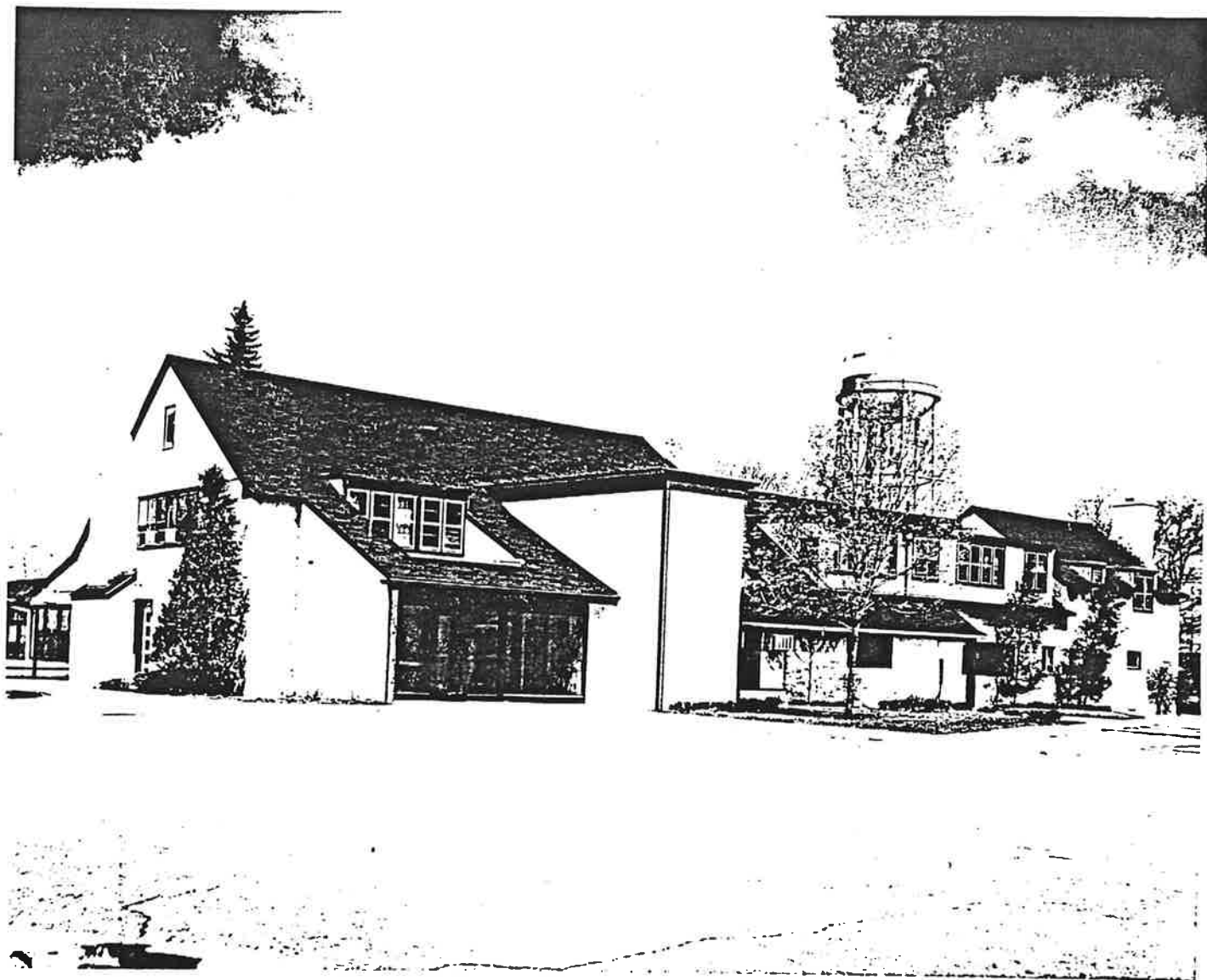
Frost included a common theme in all of his post-Californian designs which draws the outdoors into the home with the use of large windows, patios and other similar design elements.



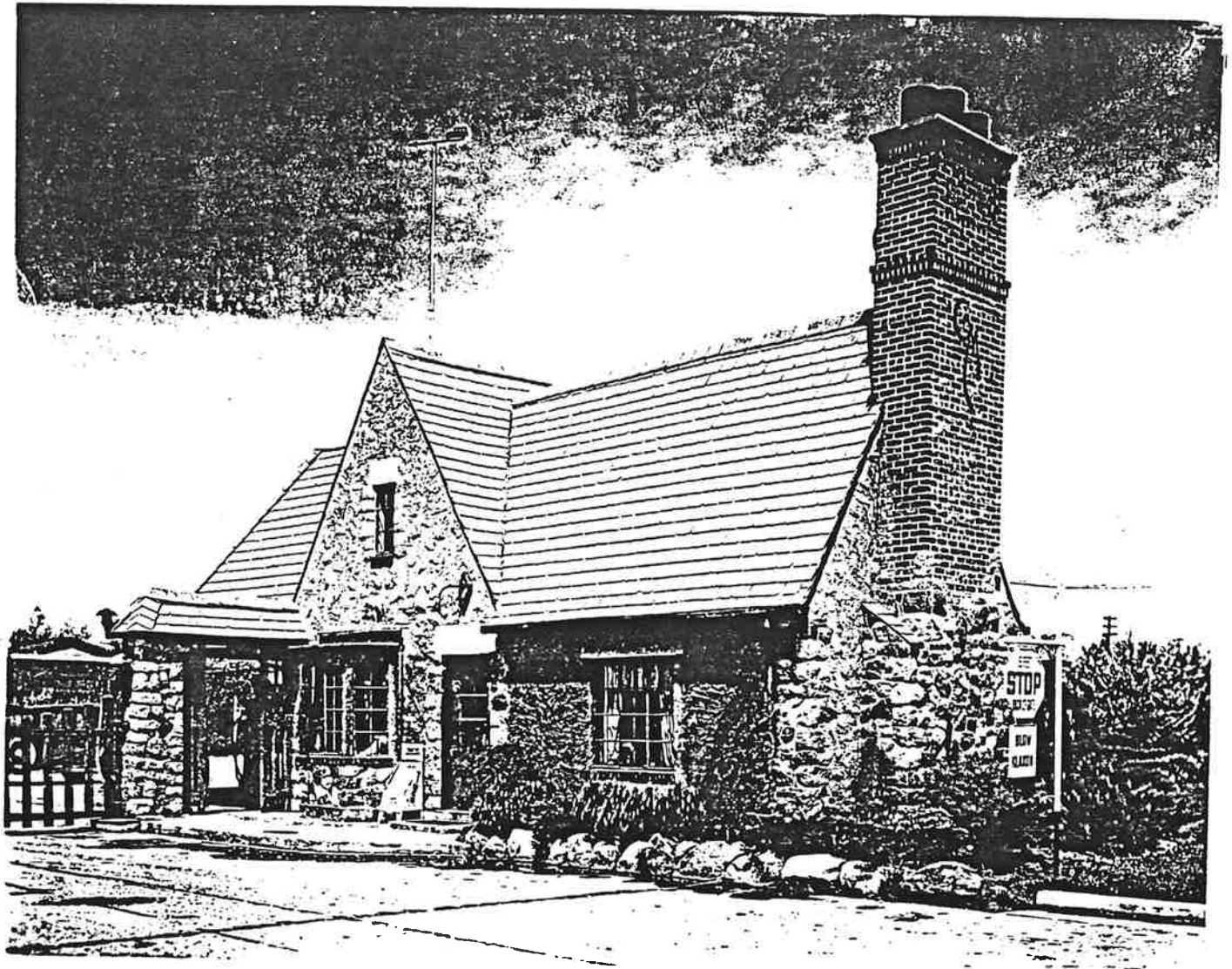
Frost also designed the following more notable accomplishments: the Bowen House in Grosse Point, the cafeteria, gate house, housing facility, and dormitories at the General Motors Proving Grounds in Milford, and the Thom residence, "Lake End," in the Bloomfield Hills.

Through interviews with family members and prior associates, it has come to be known that Wallace Frost had a few interesting qualities and practices. Wallace Frost did not drive. His wife, Grace, drove him to all of his construction sites in order to supervise construction. Due to economic and time constraints at the time, when on a construction site, Frost often drew specific design features for the home on the construction drawings as construction was under way around him. Fortunately, Frost was ambidextrous and had the capability of sketching details with both hands at the same time. Frost continued to design homes in his Birmingham home at 404 Bonnie Brier until his death in 1962.

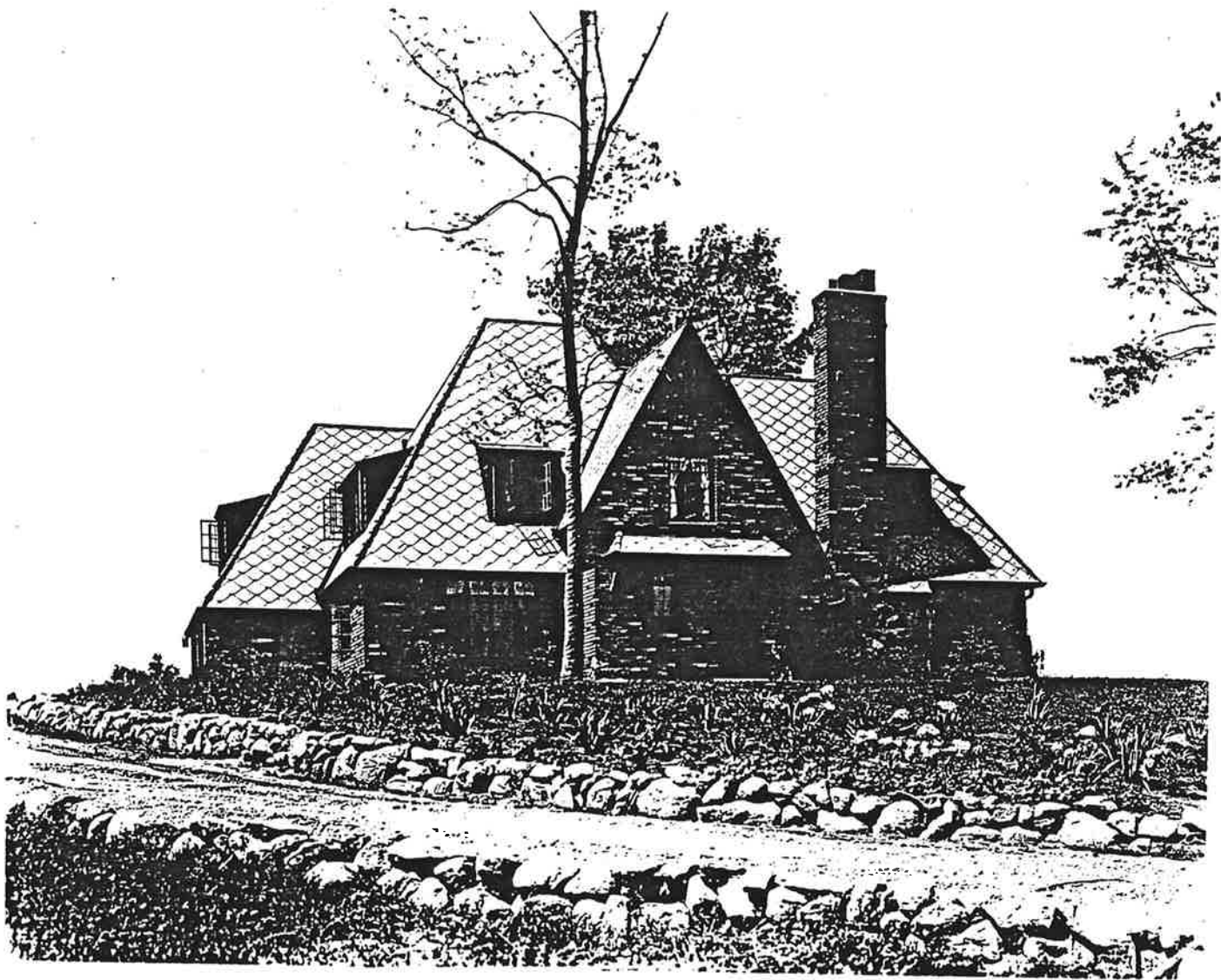




**Cafeteria  
General Motors Proving Grounds  
Milford, Michigan**



Gate House  
General Motors Proving Grounds  
Milford, Michigan



**Housing Facility  
General Motors Proving Grounds  
Milford, Michigan**

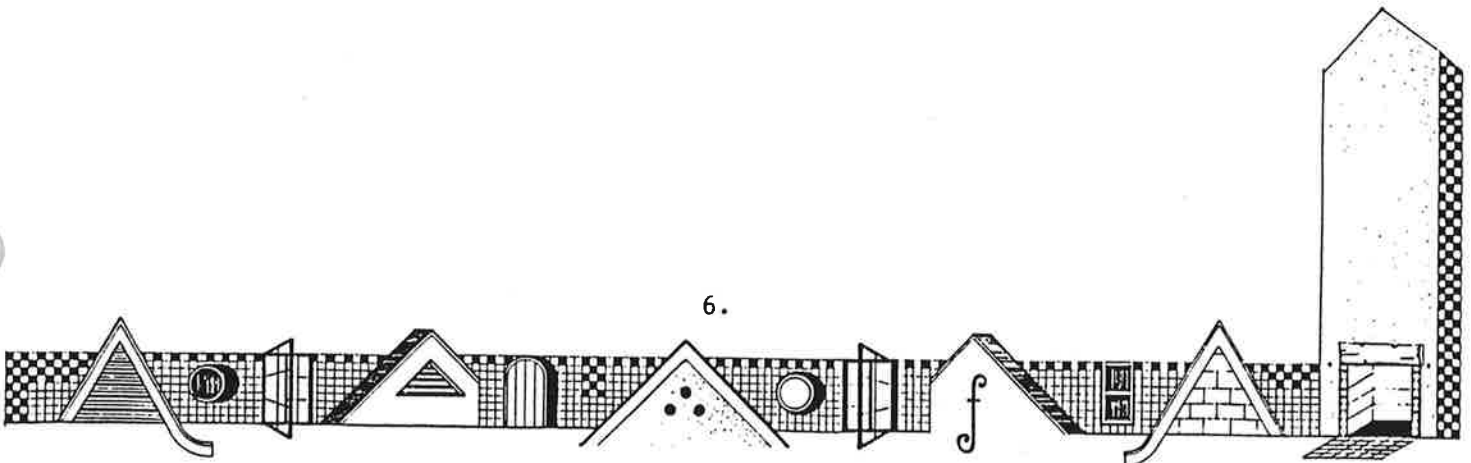
## THE ARCHITECT'S STYLE

With his appreciation of French architecture, and his experience with Kahn's English designs, Frost has incorporated numerous design elements that have become a trademark in his home designs. The following architectural design concepts were common in Frost homes prior to the 1930's.

- \* numerous windows
- \* varied roof lines
- \* high ceilings
- \* interesting design of room space
- \* several fireplaces
- \* asymmetrical exterior appearance of window placement to functionally use natural light in the interior
- \* custom designed light fixtures
- \* innovative use of a variety of building materials, like plaster, wood siding, brick, limestone, and concrete block
- \* use of natural colored materials
- \* multiple chimneys which are not functional including several chimney flues
- \* multiple pane windows
- \* attached garages
- \* interior archways
- \* limestone around windows and doors
- \* elongated windows
- \* second floor dormer windows
- \* prominent roof slopes which blend with the first floor

After designing homes in California and returning to Michigan, Frost combined his new design techniques with some of the previous elements to design a home unique to the Birmingham area. Some of these common design elements are:

- \* large windows designed to bring the outside into the home
- \* one story low sloping roof lines
- \* white painted block
- \* brick design pattern
- \* wide chimney with multiple flues



## WALLACE FROST DESIGNS IN BIRMINGHAM

There are 44 homes in Birmingham known to have been designed by Wallace Frost. He designed his first house in 1921 for himself and his wife at 579 Tooting Lane which has been characterized as a small English yeoman's cottage with curved gable roofs and timber door and window lintels. The house is visually striking with exposed concrete block masonry that has been painted white. This was a departure from the custom of applying stucco to the masonry.

He also designed his last residence in Birmingham located at 404 Bonnie Briar in 1941 which reflects his design experience in California. With flat roofs and white painted concrete block, the design of the home includes common Frost details, such as large floor to ceiling windows, brick dentil patterning at the chimney and entrance wall, and a wide chimney.

The last home design by Frost in Birmingham is located at 1390 Northlawn and was constructed in 1951. This one story home is characterized by the relatively flat roof and large expanse of windows. The entrance is marked by the brick patterning on the adjoining wall.

The most notable home in Birmingham may be the house he designed in 1930 at 440 Lakepark. With the view of Quarton Lake off the rear, the home is an excellent example of French architecture with stone walls capped with red brick dentils. The red brick is incorporated in the forward wing with stone quoins.

The Village Players Theater Building was also designed by Frost in 1926. The Birmingham Eccentric Newspaper headline, "Architect's Plan Of Theatre For Village Players" on May 6, 1926 included Frost's artist sketch for "a kind of a playhouse that is suitable for the needs of the . . . local amateur theatrical organization." The original white painted block building had low sloping black roofs and a large chimney. At the time the article was written, a location was not yet determined for this "unique edifice." The theater was eventually built at 752 Chestnut where it currently stands.

To gain insight into the interior design and qualities found in Frost homes, the Historic District and Design Review Commission toured four homes in Birmingham which reflect his design style at that period in his achitectural career from 1921 to 1945. The following description is a synopsis of the May 6, 1992 tour.

### 236 Puritan

The owners of 236 Puritan have restored the home and updated several rooms, namely the kitchen and the dining room (which is an addition). Built in 1925 and in keeping with Wallace Frost's architectural style, the home has a very small kitchen (which is almost divided in half by the chimney stack), and an expansive living room with a sun room located off of the main

living area. One of the most striking features of the exterior of the home is a decorative leaded bullseye glass window on the front facade, which provides for interesting casts of light in the main living area.

The 5 bedroom home has pewabic tile in the 2 upstairs bathrooms and terra cotta tile in the foyer. A small bathroom is located off of the foyer, in keeping with Frost's penchant for tiny lavatories! A fireplace in the master bedroom was originally a built-in chest of drawers. A separate rear staircase allows access to the second floor bedrooms. Wooden timbers that have been stained a dark color are found in the sun room. Additionally, a similar timber was located above the fireplace in the living room, although it was removed several years ago due to fire hazard.

The owners have installed period light fixtures throughout the home and have decorated the home with several antique collections (eg. birdhouses, evening bags, boxes, etc.). Much of the overgrown vegetation was removed several years ago when the current owners purchased the home. This has allowed for a great deal of natural light to enter the home through the numerous windows throughout.

#### 1691 Oak

This Frost home, built in 1945, has the distinction of being the smallest Frost home in Birmingham. It is a ranch style home that draws a lot of its character from the large lot which surrounds it. When Frost designed this home, it was with the intention of adding on to it at a later date. The owners, who have lived in the home since it was built, said that they are pleased that it was left without the planned addition because the home is a very liveable size for the retired couple now! A significant design feature is the large overhang which provides shade from the summer sun yet allows the (low) slanting rays of the winter sun to enter. The living room, although quite small compared to other Frost homes, has a large picture window in the front and a fireplace as well. The number of windows gives the house an open feeling, which is enhanced by the fact that the home is set in the rear of the corner lot.

The owners have the original plans of the home in their basement, although the plans are not the only "artifact" located below grade. The Alcorns are collectors of rocks, minerals and fossils and have a display area in their basement. A visit to the Alcorns display was once part of the itinerary of schoolchildren in the area, as Mrs. Alcorn introduced numerous groups of Quarton School children to the impressive collection.



### 579 Tooting Lane

The oldest Frost design in Birmingham (1921), the home was originally constructed on a large lot, which was reduced to half the size some years ago. The lot was split into two lots when the in-ground pool cracked and had to be removed from the ground. The home has dark wood shingles on the roof which was once covered with asphalt shingles. The current owner had the roof restored to its original condition.

The interior of the home is open and spacious, with the exception of the kitchen which was certainly not designed for comfort or cooking, in true Frost form! The cupboards in the kitchen can be summed up in three words: tall, small and original. A minuscule bathroom is located off of the kitchen, across from the garage entrance. A collection of doors in this area, as well as throughout the house, gave the home the nickname, "The House of Doors"!

The most impressive room in the house is the living room. Expansive and airy, the room is above all, designed to be lived in and enjoyed. Several windows, window niches, rustic timbers and a rectangular design allow the room to serve as a formal living area that is very liveable also. The timbers throughout the house are thought to have been harvested from a Great Lakes freighter.

A screened in porch is also located on the first floor. The formal dining room has doors that lead to the outside. The room facilitates Frost's desire of bringing the "outside in".

Several Frost features that are found in this house are: wood timbers, small bathrooms, small kitchen, cross shaped layout, large multi-flue chimney, numerous windows of various shapes, built in drawers, small closet space, open floor plan for the first floor, tiled foyer and large entrance door (approx. 42 in.) with wrought iron hardware.

### 1283 Buckingham

The owners of this Dutch colonial Frost design, led the Commission through their home. One of only 2 Dutch colonial designs in Birmingham, this home has several features that were commonly seen in the English Cottage and Tudor style homes. The home was constructed in 1925. The entry foyer has been retiled, although the owners stated that the original tile was similar to the terra cotta tile found in other Frost homes. A sun room is located in the front of the home and functions as living area year round because it is heated and cooled with the rest of the home. A spacious living room and dining area are found just beyond the foyer. Again, an open floor plan and several windows allow natural light and a feeling of the outside to filter into the main living areas.

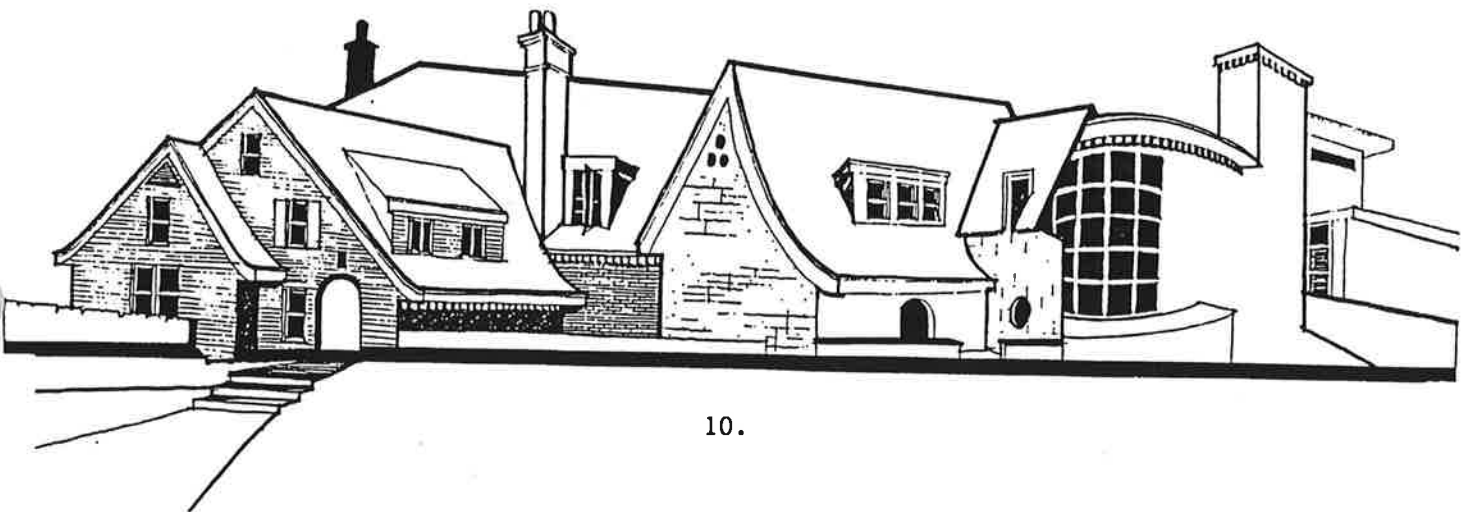


An indisputable characteristic of Frost homes that can be seen throughout the second floor are the assorted window sizes. We are told no two are alike! The kitchen has been updated to make it more liveable. However, the updated features which utilize natural wood, blend in with the overall design of the home. The smallest lavatory that we found was in this home. It is located off of the foyer, similar to other Frost homes. The garage was renovated into a family room in the rear of the home. The owners were originally going to make this space larger than it is currently, but they were told that the wall that separates it from the rest of the house was constructed of at least 18 inches of concrete which caused the owners to change their plans.

The second floor of the house consists of four bedrooms. The master bedroom has an attached sitting room.

After many months of rigorous study, the Historic District and Design Review Commission has come to understand that much of the charm that is characteristic of Birmingham's residential neighborhoods is the result of streetscapes such as those found on Puritan, Lakeside, Pilgrim, Bonnie Brier, and Tooting Lane. Such streets are well established, heavily textured residential environments. Typically, these streets feature a harmonious blend of architecture capturing old and new designs. The Frost homes in Birmingham have contributed to the charm with individualized homes which suit the residents as well as the environment. Many of the Frost homes have withstood the years with little modifications to the original designs. Those earlier designs found on streets such as Tooting Lane and Pilgrim, have architectural characteristics worthy of preserving through historic designation.

The acknowledgement of Wallace Frost as a significant historical figure in Birmingham architectural history is important to Birmingham's heritage. After considerable study, the Birmingham Historic District and Design Review Commission recommends that the City Commission accept this report as justification to acknowledge Wallace Frost as a significant historical person whose architecture has influenced the residential fabric of Birmingham.



# INDEX OF FROST DESIGNED HOMES IN BIRMINGHAM (Year Built)

- ✓1. 660 Abbey (1945)
- ✓2. 379 Aspen (1927)
- ✓3. 404 Bonnie Brier (1941)
- ✓4. 420 Bonnie Brier (1941)
- ✓5. 436 Bonnie Brier (1941)
- ✓6. 444 Bonnie Brier (1940)
- ✓7. 467 Bonnie Brier (1941)
8. 1283 Buckingham (1925)
9. 752 Chestnut (1926)
10. 219 Elm (1928) 1936227028?
11. 795 Fairfax (1928) 1926401018 ✓
12. 1040 Gordon Lane (1926) 1935277045 ✓
13. 960 Harmon (1926) 1926427013 ✓
14. 440 Lakepark (1930) 1926477002 ✓
15. 1169 Lakeside (1928) 1926230022 ✓
16. 1290 Lakeside (1946) 1926279024 ✓
17. 633 Lakeview (1929) 1926427027 ✓
18. 650 Lakeview (1930) 1925304010 ✓
19. 371 Linden (1924) 1935229010 ✓
20. 508 Linden (1928) 1935227030 ✓
21. 460 W. Maple (1929) 1925356012 ✓
22. 1390 Northlawn (1951) 1935426019 ✓
23. 1691 Oak (1947)
24. 139 Pilgrim (1926) 1926453028 ✓
25. 187 Pilgrim (1925) 1926453026 ✓
26. 239 Pilgrim (1925) 1926453024 ✓
27. 515 Pilgrim (1925) 1926403031 ✓
28. 551 Pilgrim (1928) 1926403030 ✓
29. 671 Pilgrim (1924) 1926403025 ✓
30. 691 Pilgrim (1926) 1926403024 ✓
31. 783 Pilgrim (1928) 1926403019 ✓
32. 864 Pilgrim (1924) 1926404002 ✓
33. 236 Puritan (1925) 1926476010 ✓
34. 683 Puritan (1927) 1926404022 ✓
35. 788 Randall Court (1928) 1925353016 ✓
36. 967 Rivenoak (1926) 1925428014 ✓
37. 525 Southfield (1940) ? 1936151001?
38. 515 Tooting Lane (1929) 1925376059 ✓
39. 579 Tooting Lane (1921) 1925376009 ✓
40. 584 Tooting Lane (1926) 1925376008 ✓
41. 364 Valley View Lane (1939) 1936103009 ✓
42. 244 Wimbleton (1928) 1925257002 ✓
43. 715 Wimbleton (1928) 1925280018 ✓
44. 1050-1078 Wimbleton (1928)

1925282017 - 1078

1925282018 - 1076

1925282019 - 1072

✓ 1925282020 1070

1925282021 1064

1925282022 - 1060

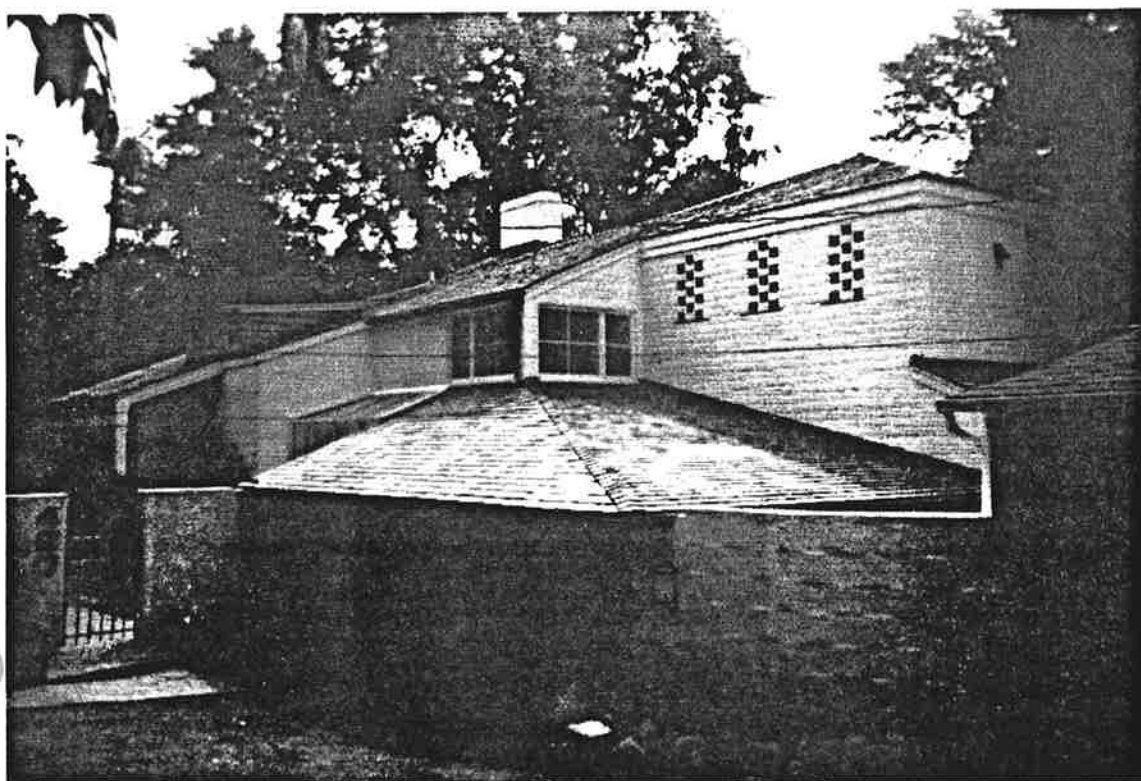
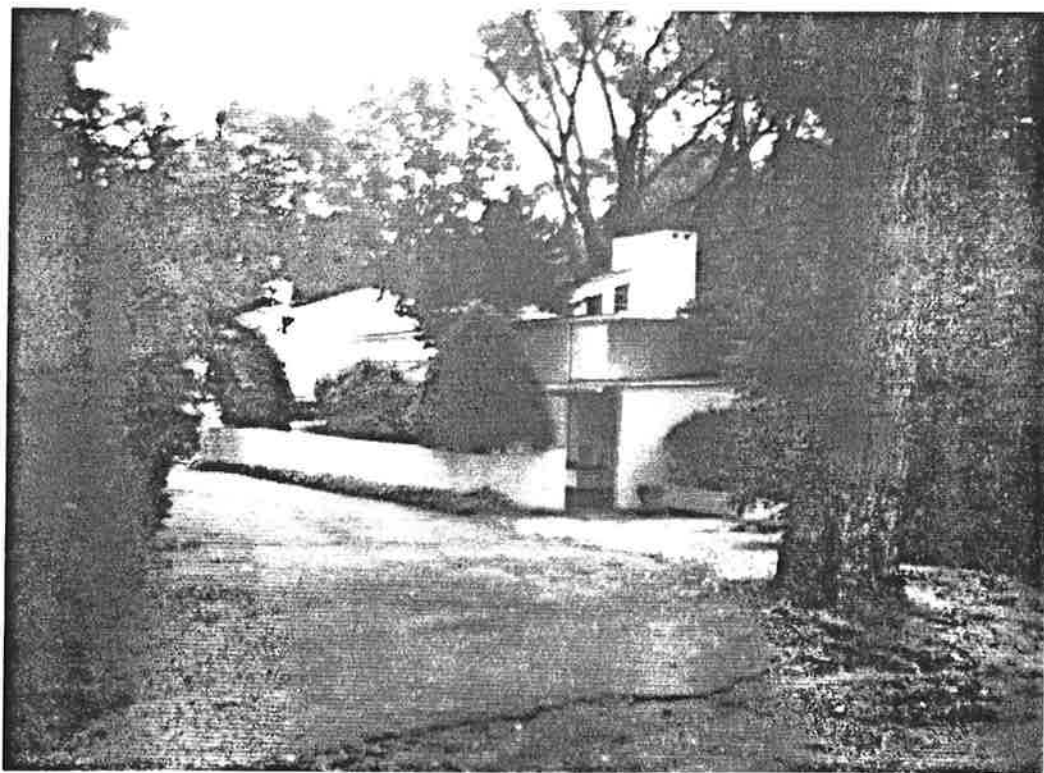
1925282023 - 1050

660 Abbey  
Yr Built 1945



379 Aspen  
Yr Built 1927

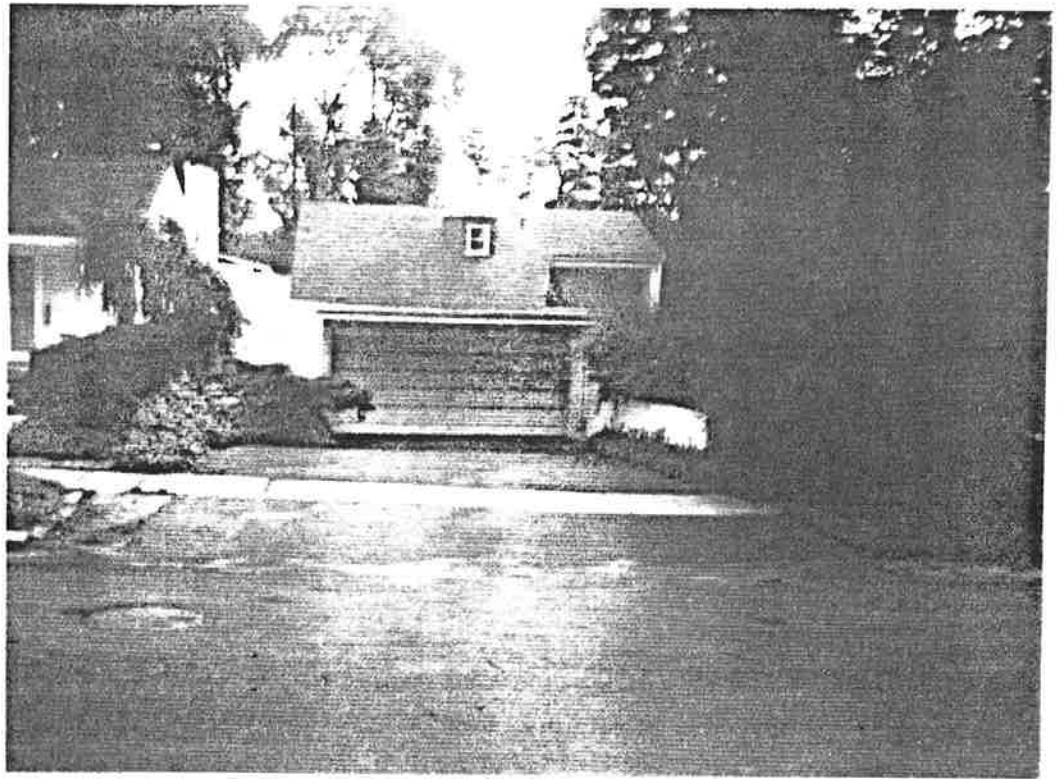
404 Bonnie Brier  
Yr Built 1941



420 Bonnie Brier  
Yr Built 1941



436 Bonnie Brier  
Yr Built 1941



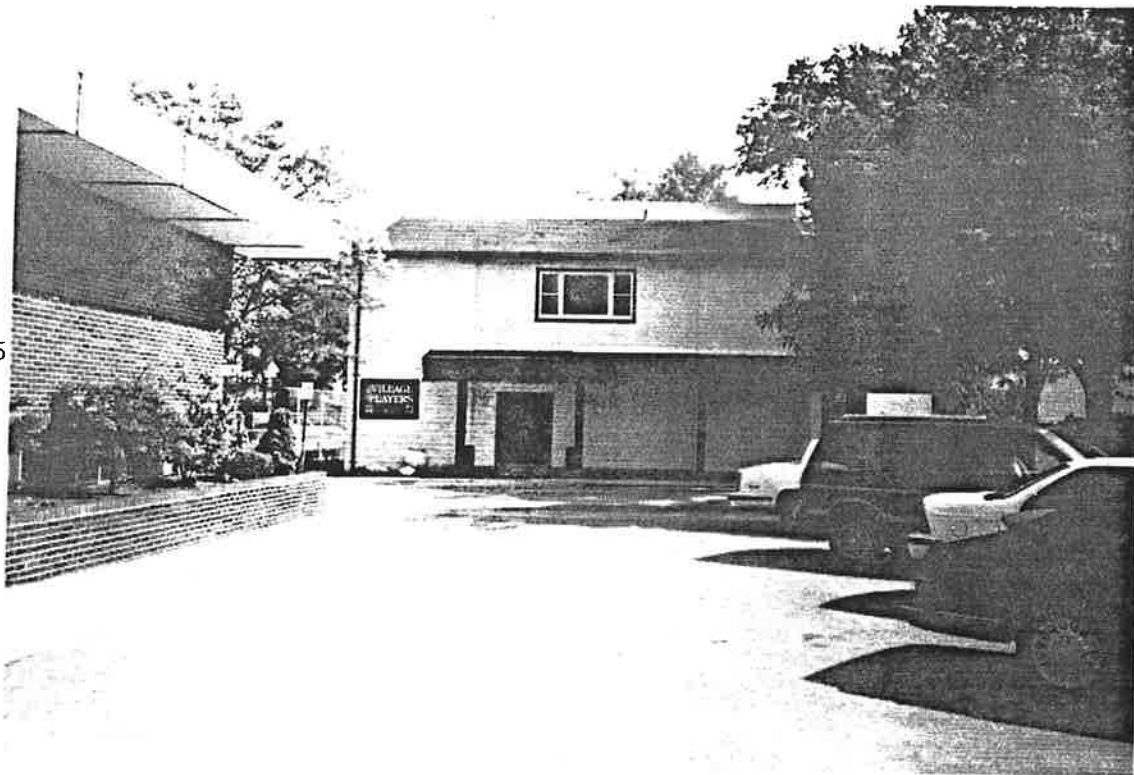
444 Bonnie Brier  
Yr Built 1940

467 Bonnie Brier  
Yr Built 1941



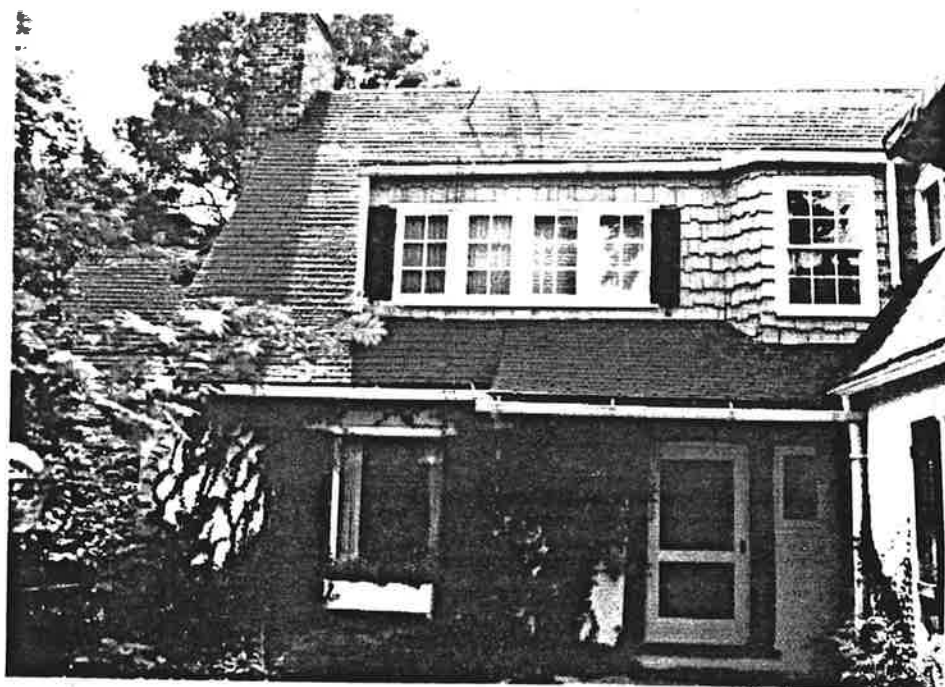
1283 Buckingham  
Yr Built 1925

752 Chestnut  
Yr Built 1926



219 Elm  
Yr Built 1926

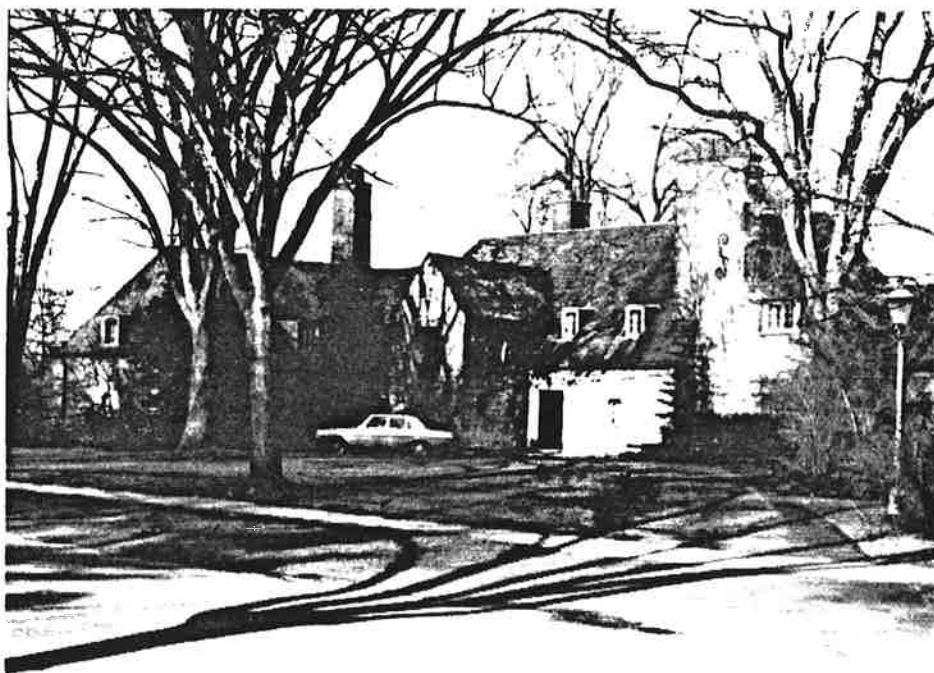
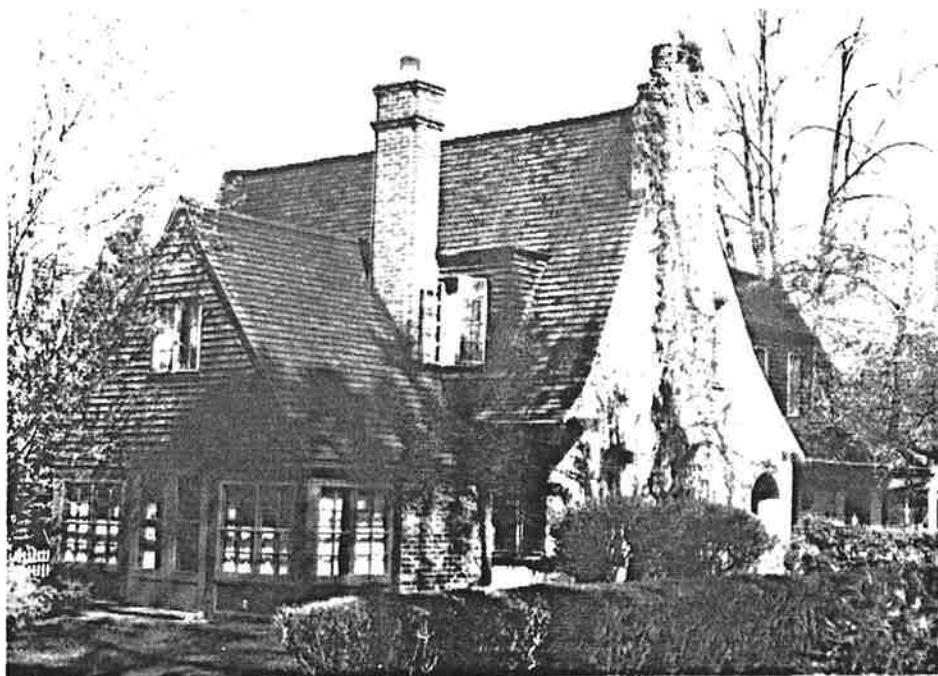
795 Fairfax  
Yr Built 1928



1040 Gordon Lane  
Yr Built 1926



960 Harmon  
Yr Built 1926



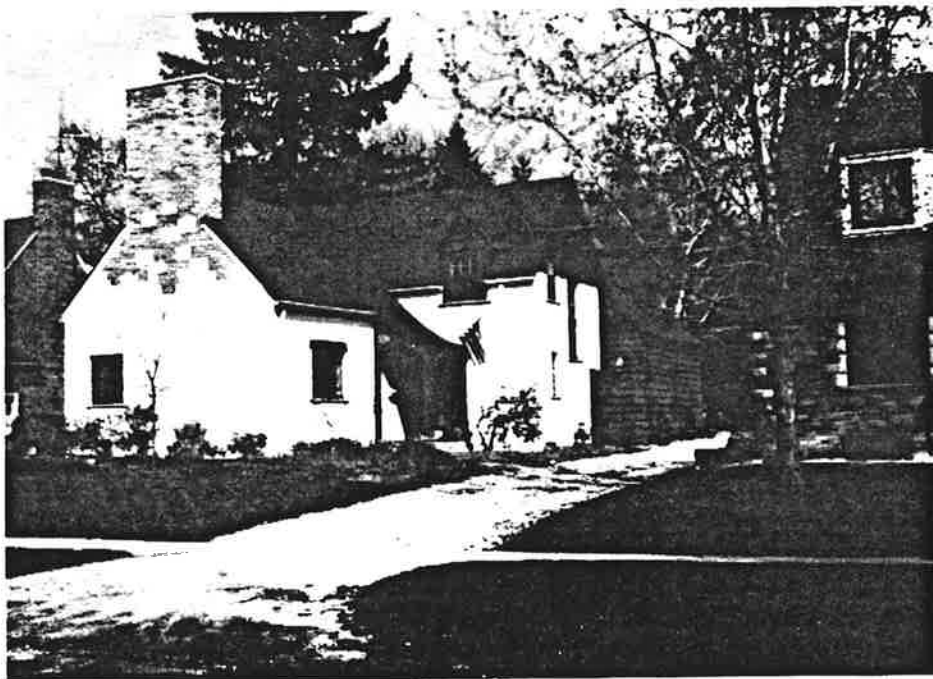
440 Lakepark  
Yr Built 1930

1169 Lakeside  
Yr Built 1928



1290 Lakeside  
Yr Built 1946

633 Lakeview  
Yr Built 1929



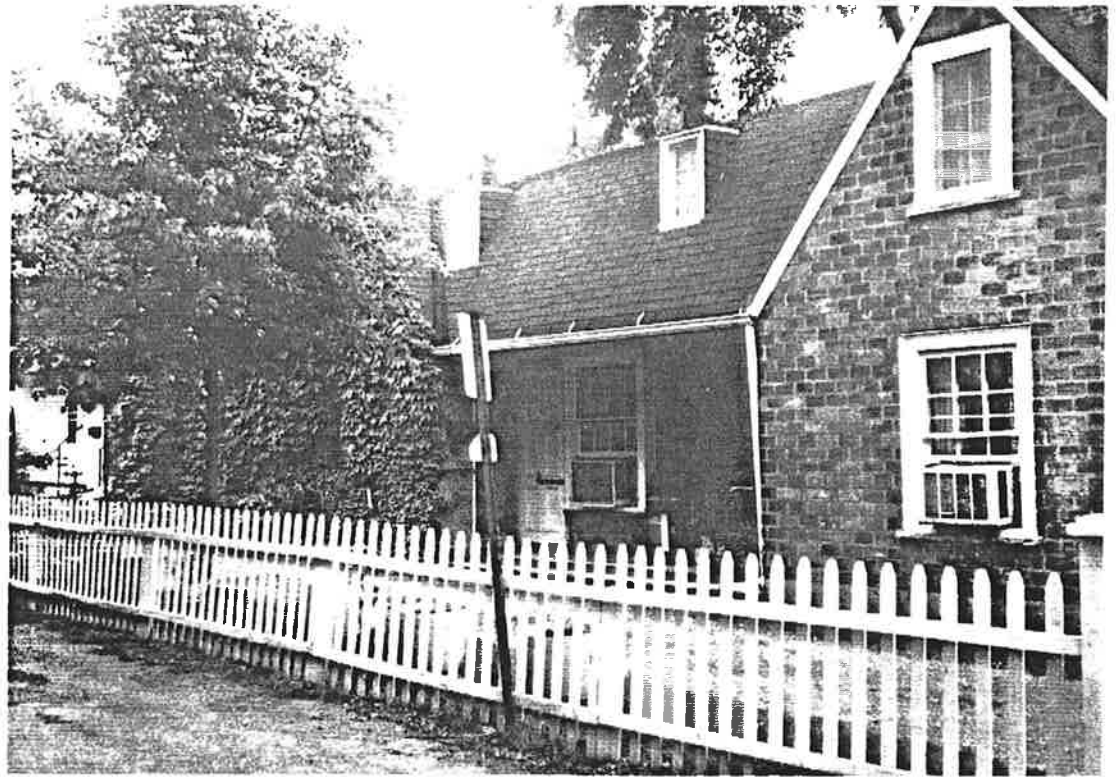
650 Lakeview  
Yr Built 1930

371 Linden  
Yr Built 1924



508 Linden  
Yr Built 1928

460 W. Maple  
Yr Built 1929



1390 Northlawn  
Yr Built 1951

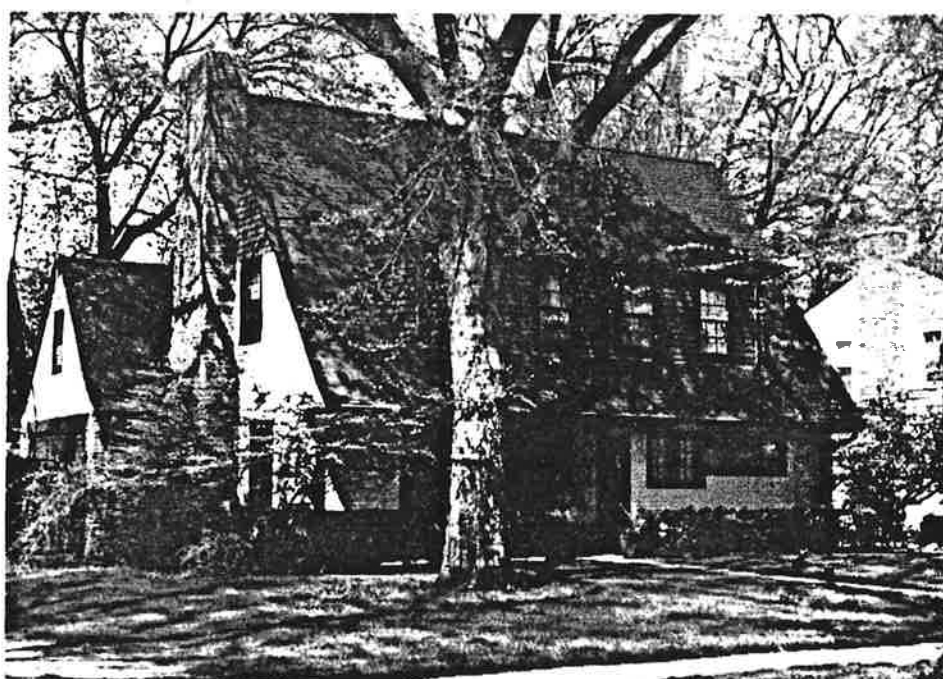
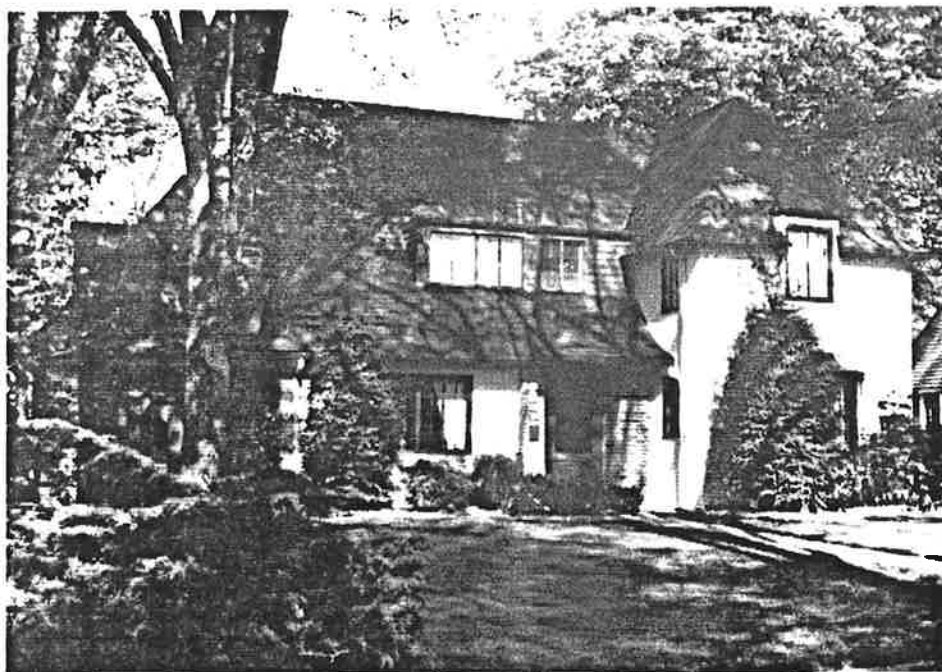


1691 Oak  
Yr Built 1947



139 Pilgrim  
Yr Built 1926

187 Pilgrim  
Yr Built 1925



239 Pilgrim  
Yr Built 1925

515 Pilgrim  
Yr Built 1925



551 Pilgrim  
Yr Built 1928

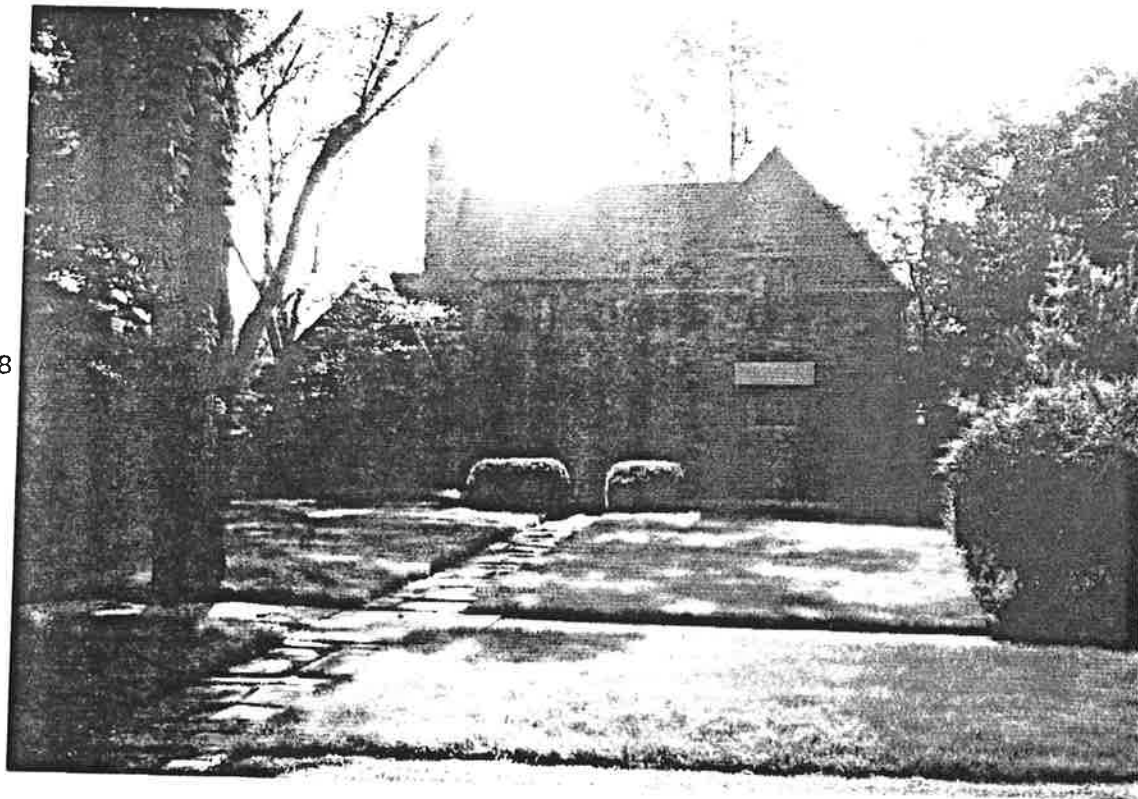


671 Pilgrim  
Yr Built 1924



691 Pilgrim  
Yr Built 1926

783 Pilgrim  
Yr Built 1928



864 Pilgrim  
Yr Built 1924

236 Puritan  
Yr Built 1925



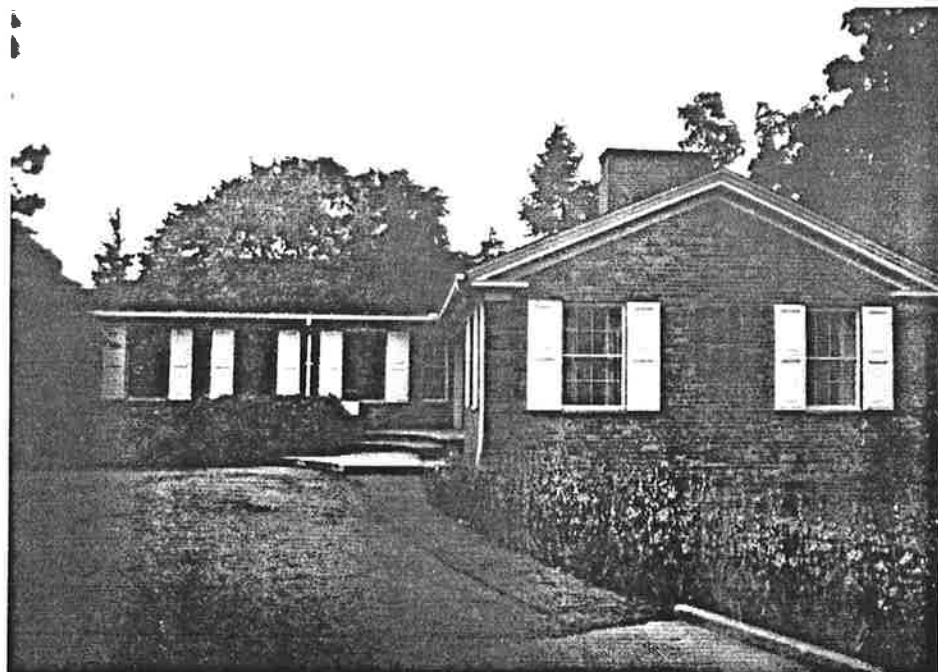
683 Puritan  
Yr Built 1927

788 Randall Ct.  
Yr Built 1928



967 Rivenoak Ct.  
Yr Built 1926

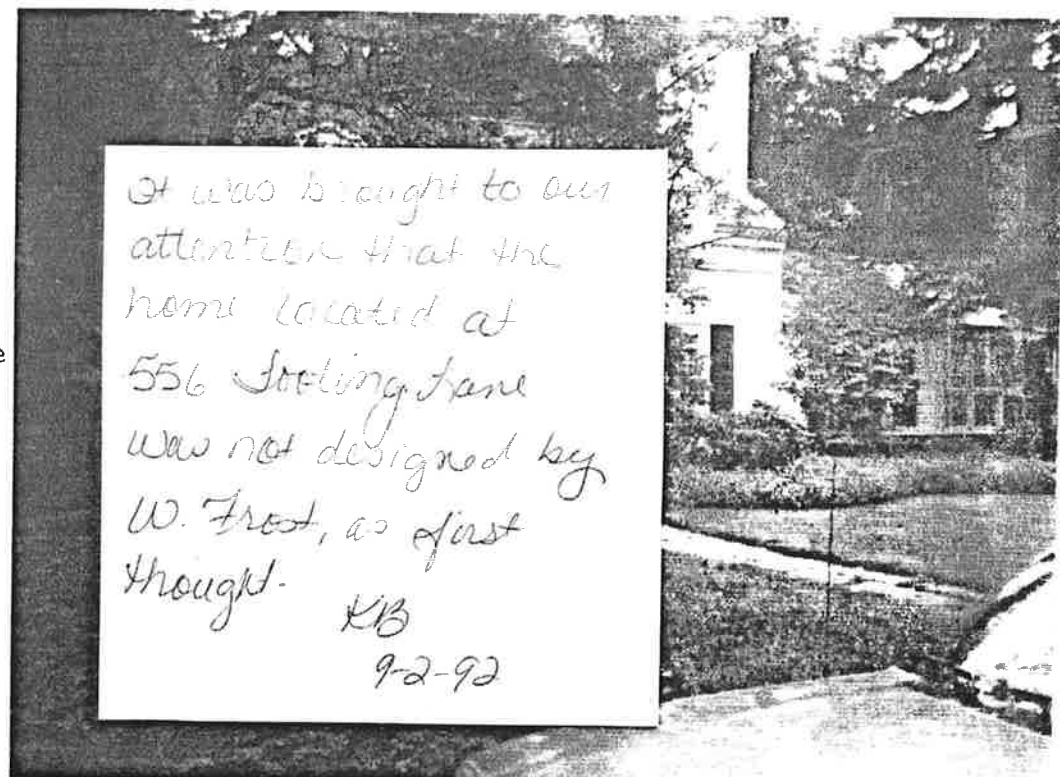
525 Southfield Road  
Yr Built 1940



515 Tooting Lane  
Yr Built 1929



556 Tooting Lane  
Yr Built 1926



It was brought to our  
attention that the  
home located at  
556 Tooting Lane  
was not designed by  
W. Frost, as first  
thought.

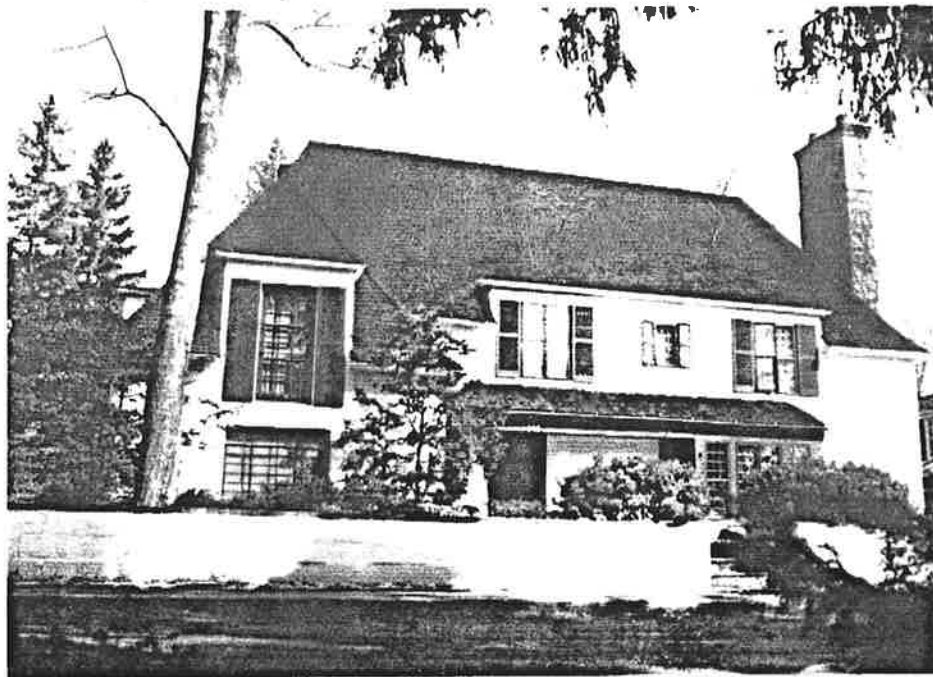
KB

9-2-92



579 Tooting Lane  
Yr Built 1921

584 Tooting Lane  
Yr Built 1926



364 Valley View Lane  
Yr Built 1939

244 Wimbleton  
Yr Built 1928



715 Wimbleton  
Yr Built 1928



Wimbleton Terrace  
1050-1078 Wimbleton  
Yr Built 1928



## BACKGROUND INFORMATION SOURCES

The Historic District and Design Review Commission would like to extend its appreciation to Mr. Bruce Brooks, Ms. Harah Frost and Mr. John Richardson for their contribution to this study.

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- A. "The Howard Sober House: Artifact of the 1950s" by Rochelle S. Elstein, Chronicle, Fall 1980, Vol. 16, No. 3.
- B. Ferry, W. Hawkins, The Building of Detroit: A History. Detroit: Wayne State University Press, 1980.
- C. Kleerekoper, Robyn, "Architect's Homes Called Landmarks." Daily Tribune, October 4, 1990.
- D. Bugbee, Peg and Gordon, "Wallace Frost: Appreciation of Houses." Birmingham Patriot, Vol. 3, No. 2, 1977.
- E. "Architect's Plan Of Theatre For Village Players." Birmingham Eccentric, May 6, 1926.
- F. Niemiec, Helen, "Architect's Repute Keeps Growing Among Owners." Birmingham Eccentric, January 30, 1992.
- G. Niemiec, Helen, " 'Wally' Signature Puts Frost Homes In A Class Of Their Own." Birmingham Eccentric, January 30, 1992.
- H. Powers, Rebecca, "Final Recognition At Last." The Detroit News, December 22, 1991.
- I. LaMarre, Linda, "Tour Stars 'Little House' For Big Need." The Detroit News, October 15, 1978.
- J. "Early Or Late, Frost Houses Are Warm And Charming." by Julia Candler, Birmingham Bloomfield Lifestyles.
- K. "The House Of Frederick E. Good." The Afterglow, April, 1926.
- L. Abbatt, Corinne, "Architect's Name Sold The House." Birmingham Eccentric, September 27, 1979.
- M. The Village Players Sixtieth Anniversary Pamphlet, 1983.

# The Howard Sober House:

## Artifact of the 1950s

Rochelle S. Elstein

"Much of the character of everyman may be read in his house," said the famous landscape architect, Andrew Jackson Downing. In the nineteenth century, more than just the character of the householder was expressed in the building; personal values, literary tastes, or political affiliation might find expression as he and the architect chose from many styles and periods to select that which best captured his ideology and self-concept. When our founding fathers chose Roman architecture, it was to express the hope that the infant Republic would realize those noble ideals of the great Roman state. The choice of style was so tied to the expression of political ideals that when Napoleon appropriated Roman forms for his buildings, thereby forging the link between the dome and dictatorship, America turned to Greece for her building forms and the Greek Revival was born. Aspirations that have little to do with architecture, per se, seek external form, not only in our governmental monuments but in our private homes as well. May we assume that when Vanderbilt commissioned Richard Norris Hunt to build a palace at Newport, Rhode Island, the Commodore nurtured a hope that his children might subsequently make the transition to actual royal or noble status? When Mrs. John Dodge decided to build her estate in Rochester, Michigan in the late 1920s, she looked not to America, not to the architects of the Middle West Prairie School, but to the great country houses of England. Meadowbrook Hall was a product of close study of English tudor mansions. What William Kapp of Smith, Hinchman and Grylls provided Matilda Dodge and Alfred Wilson was not only a house, but a heritage.

For our century, the forms of modern architecture are those of the International Style: flat roof, horizontal window strips, plain wall expanses, exposed steel, concrete and glass, aluminium panels, Fiberglass, new kinds of tiles, laminates, plastics. There are new construction techniques as well: concrete slab construction, sandwich

walls, T-beams, Lally columns. One element of the spirit of the age is a delight in the new technology, a joyful exploration of the potential of the new materials and, by inference, a complete acceptance of the machine as being central to society. The twentieth century person's relationship to nature is one of equality and acceptance. The builder should be aware of the landscape—not to subdue it but to work within it. The building and the site are a continuum. The twentieth century also has a place for the individual innovator. Movements can be traced to individual creators whose unique vision promotes a new and personal style. New forms, new materials, the end of eclecticism, the death of romanticism, the impossibility of architectural revivals—these are the themes sounded by all the architectural and cultural historians of twentieth century America.

But the built environment does not fit the theory or the description. When Henry Ford hired William Van Tine to build Fair Lane, we may mourn his aesthetic insensitivity but it must be acknowledged that Mr. Ford, being a man who got what he wanted, wanted not the innovative and cohesive design of the Prairie School but that pastiche of borrowed forms that makes "Victorian" an epithet, not a description, among architectural critics. A trip through Grosse Pointe, or Lake Forest, or Wellesley in 1940, is an excursion through the Cotswolds, Tudor England, the Valley of the Loire. It is a paradox that the very same people who changed the face of twentieth century America, the motor car pioneers who made the future come a lot sooner, escaped to the past every time they went home. Alvan Macauley of Packard, Roy Chapin of Hudson, Edsel Ford—they made a revolution. They put a machine at the center of American life and they lived in houses that were physical and spiritual expressions of the Renaissance and Middle Ages. Edsel Ford's architect, Albert Kahn, imported some of the materials and workmen from England, even going so far as to use stones from demolished

buildings "to obtain the desired weathered effect" in Ford's Grosse Pointe house. This was the same architect who in 1909 had built the most innovative, most functional, most visually exciting factory building in the world—the Ford Highland Park Plant. It is not simply a matter of chronology; Kahn did not experiment briefly with the engineer's aesthetic and reject it for romantic revival architecture. He continued to design superlatively modern factories—Chrysler-DeSoto Press Shop, 1936; Chrysler-Dodge Half-Ton Truck Plant, 1937; Willow Run Bomber Plant, 1943—and picturesque eclectic houses.

We might look for the source of this architectural schizophrenia in the inherent conservatism of culture in general, which devises new forms only in response to radically new requirements or a new social order. Also reinforcing this reluctance to change is the view of social arbiters that the best comes from the past.

While eclecticism continued to flourish in suburbia as late as the 1930s, it did eventually die. What changed in mid-century America that made the historical tradition totally irrelevant to the society that had nurtured it for one hundred years? To focus this issue, I have chosen a house by an architect who had worked with Albert Kahn, a man who was artistically and in temperament more European than American, Wallace Frost. A Birmingham, Michigan architect, in 1957 he designed a home for Mr. and Mrs. Howard Sober of Lansing. Ten years later, the Sobers donated the house to the State of Michigan for use as the governor's residence. (The furnishings were purchased by the State as part of the agreement to keep the property intact.)

The Letha and Howard Sober house reflects its era in a variety of ways. The 1950s was a period of economic growth that the United States had not enjoyed since the 1920s. The disaster of the Great Depression affected the architectural profession as adversely as it did the

whole of American society. The Historic American Buildings Survey begun in 1933 under the auspices of the WPA, hired architects and engineers to make measured drawings of notable buildings, many of which would fall to the wrecker in the fifties as urban renewal and rising land costs combined with the exodus to the suburbs made whole neighborhoods obsolete. The 1940s found the architectural profession involved in the war effort; many served in the military. Others like Wallace Frost, worked for civilian contractors building military installations. By the next decade, there was an enormous building boom in both commercial and residential construction. Families who had become wealthy and ambitious to express their own values and lifestyles in new houses, hastened to find the right architect. The houses that they built are monuments to the prosperity of mid-century America.

The Sober house, deceptively compact from the exterior, due to the L-shaped plan, contains 10,300 square feet of space. The living room is exceptionally

characteristic of the new architectural look." Not so large nor so lavish as the inaccurately named "cottages" of Newport of the nineteenth century, the housing of upper-middle-class America at mid-twentieth century, nevertheless, indicated that neither the New Deal nor the Internal Revenue Service had totally succeeded in redistributing the wealth. Too costly for the "Organization Man," as William Whyte had characterized America's middle managers, architect-designed housing was within reach of the men at the top of the corporation pyramid while technology graciously bestowed its benefits on worker and employer alike.

Houses communicate a number of things about the owner and the designer. The way in which space is allocated, for example, is a clear indication of the priority of the function carried on in each space. The ratio of private to public space—bedrooms to living room—is a clue to the way the owner regards his family's needs for isolation as compared with group involvement. The size of the kitchen,

taining of a particular sort. The kitchen area is totally concealed from the public space; one can assume that the guests will not be informally received by a hostess who cooks and serves and can at the same time participate in the conversation. The size of the living room compared to the dining room suggests that the house was designed for large groups of people for other than dinner parties. The stage-like quality of the entry is a sign that the guests are presented, their visit to be of short duration. The proximity of the bar clearly indicates that the cocktail party will be the usual form of entertaining. The size and centrality of the entertaining complex—living room, bar, dining room—indicates that high among the family's needs that the architect had to accommodate was the party-space requirement.

In addition to spatial allocation, an excellent indicator of values is that which is hidden compared to that which is visible. In many of Frank Lloyd Wright's designs, for example, the front door is very difficult to locate and the message to the would-be visitor is very clear. Conversely, choosing to live in a glass box communicates a very different message from a house that resolutely turns its back on the neighbors. In the Sober house, the service wing of the house is quite concealed; the servants' living area and their work area is separate from the family space and implies a clear separation between the status of the two groups that inhabit the building.

The dining room is a prominent part of the design, easily visible from the living room and porch and richly decorated to serve as a focus for the house. Obvious care was taken to emphasize and complement the interesting shape of the room through the choice of furniture and carpeting. Dining, more particularly, formal dining, is a part of the family's lifestyle and one that is regarded as suitable for open expression. Conversely the bar is hidden; its location suggests its centrality in the scheme of things: that is to say, it occupies a significant place in the living area and yet is carefully concealed from view. Ambivalence toward drinking would certainly seem to be the message. Similarly the prominent display of books in the library contrasts with the



large but every room is spacious and the ceilings are more than fifteen feet high. It reflects what some social historians have called "the subsequent (post-war) rise of the nation to Texan standards of living." Popular periodicals of the day reveled in what Thorsten Veblen, fifty years earlier, had called "conspicuous consumption." "Spaciousness, and not simply the illusion of spaciousness, is

especially in a house without servants, reveals the centrality of meal preparation and tells us much about "woman's place" in the scheme of things. "Spatial messages" are easily read in designs where the children's bedrooms and play space are in a separate wing of the house. One of the messages the Sober house communicates is the centrality of entertaining but enter-

position of the television set behind doors and would imply that reading is a more desirable activity than TV watching and that the designer was asked to put the books within easy reach and in full view, while allocating to the television a more removed and less visually prominent place.

Technology, or more properly, science and technology spawned the bomb and the mushroom cloud darkened the entire post-war world. For a time, it was believed that technology could solve the problems that it had created and bomb shelters were privately built as the government advocated that shelters offered the best hope for survival in an atomic attack. The Sober house was one of the houses built during this period with a bomb shelter in the basement. Like much of human activity, it is a paradox to be confident enough to build a spacious luxurious home for one's family—and every building is, in a sense, an affirmation—at the same time one harbors conscious fears of destruction not only for one's own family but for the entire society. It does, however, support the thesis that the Sober house is not only an artifact of the decade but, in some respects, an archetype. By the 1960s bomb shelters were no longer being built and if Americans were still haunted by the possibility of a nuclear holocaust, they were unpersuaded that the apocalypse could be averted if enough people had a handy fallout shelter.

In another area of expression of mid-century values, the Sober house is archetypal, that being the relationship of man and nature. The nineteenth century regarded nature as a retreat—a quiet, wild corner from which to escape industrialism. The twentieth century reveled in its total control of nature; not more powerful than man but not subservient, man and nature were co-equal. Buildings expressed this relationship by bringing the indoors out—through patios, balconies, glass walls—and by bringing the outdoors in, through garden courts, atria, and an abundance of houseplants. It can be said of the Sober residence as it was of another fifties home, "this house proves . . . that the indoor-outdoor relationship need not be confined to the benign climate of California. . ."

Several elements have been identified as characteristic of the 1950s in the design of the Sober house. The size of the house reflects the prosperity of the decade; the investment in the house and furnishings suggests the importance of family life. Other features add to this image: the centrality of alcohol and its place in entertaining; the significance of nature reflected both in the way in which the house opens to the outside and in the way plants become a prominent decorative and design feature. The presence of a bomb shelter indicates the implied fear of nuclear attack. The California lifestyle, the patios and the



enclosed porch with barbeque, is in evidence. The conservatism of the design reflects the period, as does the synthesis of modern and traditional elements.

The Sober house cannot, however, be considered characteristic of the way the majority of Americans lived during the 1950s. The house is too large, too well-finished and too expensive ever to be considered a house for the masses or even the middle class. It is a house that was built with servants' quarters and that fact alone makes it an upper-middle-class dwelling. The very large lot was landscaped with a gardener in mind. And yet it is quintessentially an expression of America at mid-century. It represents a conservative fusion of modernity and traditionalism, the elliptical room from the Federal period, combined with the glass wall of the International Style, an accommodation to a new world order, a synthesis of the classical past and the machine-age present.

Albert Kahn, Frost's employer and mentor wrote in 1931:

Is all that has proven of merit in the past to be abandoned and replaced with crude vagaries? Must the grotesque be substituted for the beautiful? To the dyed-in-the-wool modernist, the work of the past is a closed book to be forgotten and never to be referred to. But is progress in ar-



chitecture or any art not to be sought as is progress in architecture or any other field? Are basic principles, developed through unending experiment and thoroughly proved, to be done away with, untried forms to take their place? Is all that the past has taught to go for naught?

But even an architect as steeped in the past as Wallace Frost, as rigorously trained in the Beaux Arts methods, as sympathetic to the Renaissance ideals of balance, proportion, beauty, could not return to the Renaissance idiom. The "untried forms" were not untried at all—in Kahn's own factory designs, the streamlined, simplified, machine aesthetic created a building that was functional to work in and beautiful to see. For more than a generation, architects and clients had lived and studied and worked in a new environment. It would have been false and theatrical in 1957 to return to sixteenth century Florence. Indeed, it was Kahn, among others, who helped build the new world that so separated this society from the old.

The fifties was a period of "domesticity, religiosity, respectability, security through compliance with the system," in short, a decade of fear and conservatism when old values seemed safest. It is probably a predictable reaction to the upheaval of war that there is a great yearning for an appearance of normalcy in its aftermath. One index of the profound change that American society had undergone is the new dominance of the modern style in architecture. The style itself had emerged two decades before, in the turbulent twenties and thirties but a measure of its acceptance is the incorporation of modern design elements in the work of a traditional architect. The architecture of the past could not be recreated. The avant garde was building sleek glass and steel boxes, elegant, functional, beautifully machined. Those who advocated older values of warmth, comfort, luxury, and who looked to the past for inspiration were designing less innovative houses, but even these revealed the modern sensibility—predominantly horizontal, large expanses of glass, open plans. Of these, Wallace Frost's house for Letha and Howard Sober stands as a true artifact of the fifties.

## The Architect

Wallace Frost, the designer of the Sober house, presents an interesting contrast to the Europeans who came to America. He wanted to live and work in Europe.

Mr. Frost received his architectural training in the United States; from 1911 to 1915 he studied at the University of Pennsylvania. The strongest influence on his education was Professor Paul Cret, a teacher at Penn until 1915 when military service took him back to his native France. Frost's respect for Cret was so great that he left the university rather than study under anyone else.

The influence of French architects on American architectural education had a long history. The earliest institutions hired French architects to teach; M.I.T. brought Eugene Letang from France as its first instructor of architecture. Previously, American architecture students went to the Ecole des Beaux-Arts to study; some, such as Henry Hobson Richardson, found it useful. Others, notably Louis Sullivan, left soon after arriving. Not surprisingly, what French architects taught was the Beaux-Arts approach which "had encouraged an enormous proficiency in drawing, audacity in composition, exact knowledge of forms, and details and a keen sense of the kinds of space and finish that accompanied the good life."

When, after World War I, Frost left Washington D.C. where he had been an architect for the Air Force, he went to work for Albert Kahn whom he had met when Kahn served as a government consultant. His association with Kahn was a productive one but not ultimately satisfying. The firm had established its fame on the basis of factory designs and Wallace Frost preferred to build houses. He left the Kahn office in 1925. He spent several months in Europe during the years 1925-31 and lived in Settignano, Italy, for eighteen months in 1931-32. He would have remained in Europe were it not for his family's reluctance to live outside the United States on a permanent basis.



Photo credit: From the collection of Grace (Mrs. Wallace) Frost.

Frost was not sympathetic to the modern movement. Having been a student of Cret, he was fond of French neo-classical architecture but most of all he admired Italian Renaissance building. When he returned to the United States, the family moved to Motocito, California where he built a house for himself and a few homes for clients. He was no more successful than his fellow practitioners of the building art, eighty percent of whom went to work for the government during the dismal days of the thirties. Then Frost returned to the Detroit area where he opened an office in suburban Birmingham which is where he was working when he prepared plans for Mr. and Mrs. Sober in 1957.



## The House

The Letha and Howard Sober house is located in the southwest area of Lansing, known as the Moore's River Drive section, through which the Grand River flows making it the most picturesque and desirable neighborhood in the city. The 2.3 acre lot is handsomely landscaped and a circular drive brings the visitor to the entrance of a long, low L-shaped house with overhanging roof, deep eaves, and broad slab chimneys. The facade is of rock-faced coarse ashlar and painted brick with latticed brick rectangles to provide textural color and contrasts. There are two bowed bays with large rectangular panes that the architect favored in many of his houses. The entrance is framed in limestone, with a molded architrave and plain lintel surmounting a handsome paneled door. The garage is to the right; the drive continues around the end wall and to the patio side where the garage opens. From the front door, only the large windowless expanse of garage wall indicates the function of the space behind it.

The interior of the entry is a molding trimmed paneled convex wall containing closets. The entry and gallery are continuous with the living room but since the main living area is sunken three steps, the travertine floor of the entry forms a kind of stage on which the visitor appears when making an entrance. The living room is a large, high-ceilinged room with a wall of windows on the garden side, a large rectangular raised fireplace framed in marble on the dining room wall, and a grasscloth-covered wall with the elevated floor (continuing from the entry) serving as a gallery and separating the more private library from the public entertaining space of the living room. A dark hall connects the bedroom wing—very clearly a private space—to the entry and library. Two bedrooms and a lavishly appointed dressing room plus a powder room for guests opposite the library, constitute the private area. Entry to the library is from the hall and



from the living room gallery, making it a separate but accessible semi-public area. The library itself is paneled in the same molded square paneling used in the entry and lanai area. Two walls contain bookcases with concealed storage; the third centers a fireplace which repeats the proportions of the living room fireplace on a smaller scale. To one side is an entertainment center that contains storage and a television set that may be concealed behind folding doors.

On the other side of the living room is the formal dining room; an interesting elliptical space with floor to ceiling windows on the garden side and a concave wall with built-in serving shelf on the kitchen side. Two decorative features dominate the room: a mural evocative of Chinese landscape painting covers the wall and an elliptical carpet with carved bands covers the floor. The mural is one of several elements in the house that reveal the owner's enthusiasm for oriental art. It is obvious, however, that this did not enter into the design of the house itself; in size, scale and proportion, the Sober house is distinctly American and owes nothing to the architecture of China and Japan. The carpet is ringed with two wide bands that repeat the shape of the room, reiterating the rounded walls that were encountered earlier in the

entry hall and will be seen in the lanai as well.

The same curve encloses the bar or lanai area between the entry and service wing. This wall features a sliding door behind which is a large well-stocked bar; with the door closed, nothing of the function of the space is apparent. With the door open, the area becomes a focus for the elevated portion of the living/entertainment complex. Entertaining of a more casual sort takes place on the patio area outside the kitchen and on the porch off the dining room that accommodated a built-in barbeque grill.

Despite some remodeling and altering necessitated by the transformation of the Sober house into the Governor's mansion, the home remains today essentially as it was designed almost twenty-five years ago. Like every structure in the built environment, it has a private function and a public one; it is both a comfortable and attractive residence and a superb example of the material culture of America at mid-century. It remains a notable addition to Michigan's architectural heritage.

*The author wishes to thank Professor Russel B. Nye at Michigan State University for his encouragement and support.*

century, it exhibited a fine feeling for detail and texture. The formal stone portico enclosing graceful curved steps stood out against the gray brick of the main mass of the house with its lighter gray window architraves. Also the balustrades surmounting the portico and at the base of the ground floor windows contrasted pleasingly with the fragile wrought-iron railing of the entrance steps. On the less formal lake side of the house French doors opening upon a broad terrace took advantage of the lake exposure. The Seyburn house was elegant and at the same time livable. Architecture and landscaping merged in a unified design. Painsstaking refinement and adherence to the period created an old-world charm and authenticity which was augmented by the incorporation of genuine antiques as architectural features and motifs. (278)

For those not prepared to indulge in an establishment on the scale of the Seyburn estate, the French *manoir* satisfied the increasing desire for the intimate and picturesque without sacrificing the essential French spirit. In his Edwin H. Brown residence of 1926 on Lake court in Grosse Pointe, architect Robert O. Derrick combined mansard roofs and French fenestration with a characteristic round tower to produce the desired effect. The next year Wallace Frost, in his Julian P. Bowen house on Jefferson avenue in Grosse Pointe, created a more rustic atmosphere with steep roofs, small windows, and the rough textures of slate and stone. The masses of the roofs, gables, and tower were resolved into a dramatic plastic composition, marred only by too great a diversification and scattering of window openings. (281) (280) (324)

Anna Thompson Dodge, the widow of Horace E. Dodge of automobile fame and one of the nation's wealthiest women, could afford to ignore the trend toward simplicity. Her Louis XV château built in 1934 on Lake Shore road is unquestionably Grosse Pointe's most regal residence. Inspired by the work of the great eighteenth century master Jacques Ange Gabriel, Philadelphia architect Horace Trumbauer strove for monumental splendor. Somewhat belatedly he attempted to recapture the luster of the 'Gilded Age,' for no less than twenty years earlier he had built an almost identical though somewhat smaller palace for A. Hamilton Rice at Newport,<sup>91</sup> and in 1916 he had built one of America's most sumptuous houses for Edward T. Stotesbury at Chestnut Hill, Pennsylvania.<sup>92</sup> (279)

Mrs. Dodge's dreams of grandeur were tinged with the illusion of history. Steeped in the lore of the past, she spoke of the crowned heads of Europe with the same knowing regard as if they were her neighbors.<sup>93</sup> In a portrait in her library Sir Gerald Kelly depicted her in the elaborate costume of the court of Versailles.<sup>94</sup> Early in her life her husband gave her pearls that had belonged to Catherine the Great and later she was to acquire a piano once owned by Louis XV.<sup>95</sup> Much of the decor of Rose Terrace, as the Dodge abode is called, was retrieved by Sir Joseph Duveen from the imperial palaces of Russia. There are French inlaid furniture, Beauvais tapestry chairs, four cases of Sèvres porcelains, and paintings by Boucher, Gainsborough, and Van Dyck. The late Dr. William R. Valentiner, when director of the Detroit Institute of Arts, "unhesitatingly proclaimed the completed collection at least the equal of any French eighteenth century art ensemble in the world."<sup>96</sup>

No French château would be complete without a garden. To lay out hers, Mrs. Dodge employed Ellen Shipman of New York. To the west of the house is a formal French garden edged with boxwood and adorned with antique marble statues. In the background is a fountain. Adjoining this is a formal flower garden containing beds edged with wisteria trees and fruit trees, from which two flights of stairs lead down to the rose garden. Beyond lies the swimming pool, and beyond that the sweep of Lake St. Clair.<sup>97</sup>



# Architect's homes called landmarks

By Robyn Kleerekoper  
Special Writer

Do you own a Wallace Frost home? Do you even know who Wallace Frost was? If you own one of his homes, you may be living in a future historic landmark.

Frost was an architect who designed approximately 40 Birmingham homes and one multiple dwelling structure on Adams Road and Wimbleson Drive.

Frost homeowners include renowned sculptor Marshall Fredericks, whose studio is in Royal Oak. He lives in a Frost house overlooking Quarton Lake in Birmingham.

Frost worked from World War I until he died in 1962. He is relatively obscure, even by local stan-

dards.

But the Birmingham Historic Design and Review Commission wants to honor him. The commission plans to designate Frost homes as historic in an effort to recognize and preserve them.

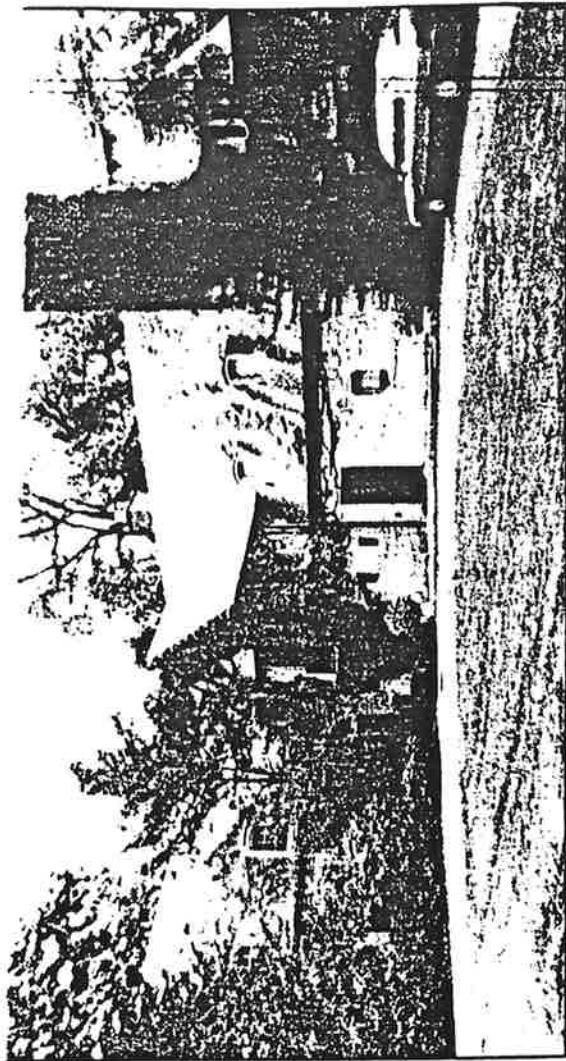
Frost was probably Birmingham's most prominent architect, says Max Horton, a member of the historic commission.

Mayor Henry Forster says, "There is a premium attached to a Wallace Frost home on the market."

Frost dabbled in various styles.

Ten of his homes are a contemporary style, according to local architecture buff Bruce Brooks, who

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Noted sculptor Marshall Fredericks' home on Lake Park Drive in Birmingham was designed by

Continued from Page 1A

once lived in a Frost home that was a French Norman country style.

Brooks says a typical Frost home is of French colonial or country style, although many people use the label of Tudor for some of them. He made use of curved gables and heavy door and window lintels.

In the earlier days of his work, he used more brick and stone, and the homes were of a "grander nature," Brooks says.

After he moved to California, his style changed to a more Spanish influence.

Frost was influenced by Albert Kahn, for whom he first worked on his arrival in Michigan from Pennsylvania, and by French architect Paul Krieger.

Many of the city's Frost homes have had alterations since they were first built.

Marshall Fredericks' Frost home is about 55 years old, has four fireplaces and is built on several different levels connected by a series of small staircases.

It is mainly constructed of stone, and has reinforced concrete floors, a feature that Fredericks believes is the first in the area. He has lived there 30 years.

Fredericks says, "It is a very liveable and warm home, extremely comfortable. That is one of the assets of a Frost home, his ability to make a warm, friendly atmosphere. Frost was a master of detail and always adapted a home to the site on which it stood."

Fredericks speaks highly of Frost's fidelity to the classic styles in his earlier days. Later, he adopted

more modern styles.

If the city designates Frost homes as historical buildings, it would be unlike other such designations.

Any future major alterations of a Frost home would mean the homes would be removed from the historically designated list.

Usually, the historical designation restricts what owners can do in alterations, modifications and renovations. Prior permission also must be sought from the Review Commission.

In the case of the Frost homes, review commissioners and city commissioners agreed that a list of acceptable alterations and guidelines be drafted, so that homeowners would be aware of how much work could be done before jeopardizing the historic designation.

Frost grew up in Pennsylvania and started studying architecture at the University of Pennsylvania. He fought in France in World War I and lived in Italy during the Depression.

He moved to Michigan, then to California and then back to Michigan, settling in Birmingham.



WALLACE FROST

# Patriot

THE ARCHITECT'S ARCHITECT:  
A CONSTANT INSPIRATION  
pages 1, 6 and 7  
CITY MANAGER SETS TONE FOR '77  
page 2  
BIRMINGHAM IN STITCHES  
page 6  
HOME IS WHERE THE HEART IS  
Special Home Section

## Wallace Frost: Appreciation of Houses

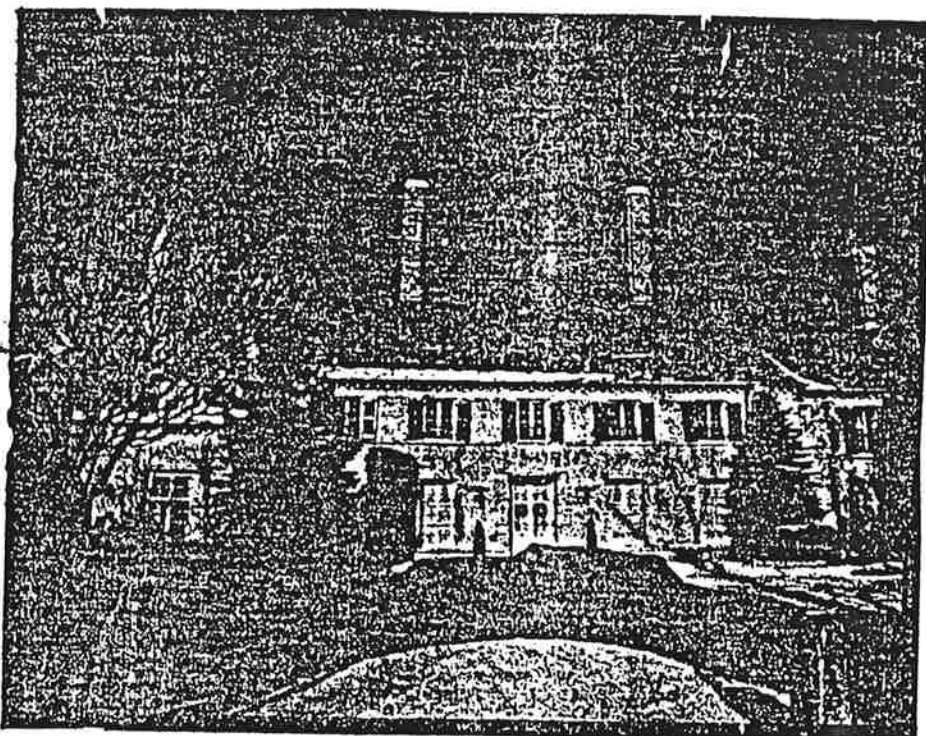
When historic districts for Birmingham were proposed to the City Commission in the fall of 1976, the criteria suggested for "historic" buildings concerned were mostly nineteenth century Victorian structures plus "houses designed by Wallace Frost." The historic district study committee was later persuaded to omit the Frost houses, because many are located on narrow private lanes scarcely able to accommodate the traffic of visitors that a proclaimed historic district would draw. But fifty years after he first began practicing in Birmingham, the reputation of Wallace Frost is still growing.

Frost's career coincided with the coming of large suburban houses to Birmingham, belonging to well-to-do executives of Detroit companies. Before the 1920's, Birmingham was still largely a village of plain Victorian farmhouses. The splendid houses of the 20's in Birmingham were not quite mansions, but with more moderate scale and richness, they imitated the mansion showplaces being built in Grosse Pointe and Bloomfield Hills for auto company presidents. These fine houses of Birmingham today appear to be the first generation of old houses in the Detroit area that does not seem destined to a period of neglect and blight, as fine homes of the turn of the century period and before have been.

The first three decades of the twentieth century were still a time when an architect could make a name for himself and a comfortable living from a practice based on the design of homes alone. Frank Lloyd Wright in his early career is one of the best examples that comes to mind, but there were many others who worked in the more traditional styles that prevailed.

Design in this time was largely pictorial, and the best work was not ashamed to be a sort of stage

*Continued on page 6*



Photography by Steve Benson

# Houses

Continued from page 1

setting. Forms were by and large derived from historical precedents such as colonial houses or English Cotswald cottages. Other than visual rules that came from these historical forms, there were few theoretical treatises being written, which baffles a modern historian accustomed to the more recent writings of Wright, Gropius and Le Corbusier.

Above all, an architect was trained to observe materials and textures and to draw suitable illustrations of what he observed or what he proposed to design.

Frost came to Michigan in 1919 from Uniontown, Pennsylvania. He had already studied architecture at the University of Pennsylvania. This was a school much influenced by the imaginative work of a Philadelphia architect named Wilson Eyre who built upon loosely medieval forms with his own inventive detail added. Detroiters may appreciate Eyre's work in the shingle-style Charles Freer house of 1890, now the home of the Merrill Palmer Institute.

In Detroit, Frost spent six years working for the firm of Albert Kahn. Kahn is best known for his innovative industrial architecture, but his practice extended to all types of buildings. During these years when Frost worked for him, for example, Kahn was designing the Grosse Pointe Farms mansion of Edsel Ford, client and architect having previously visited the Cotswald country for inspiration. It is hard to say that Kahn's English designs influenced Wallace Frost, any more than one can insist that Wilson Eyre influenced him. But Frost was to design a rather similar medieval house in slate and stucco for Julian Bowen in Grosse Pointe soon after he opened his own practice in Birmingham in 1925.

Frost's new practice attracted other commissions or houses in Grosse Pointe or Detroit's Indian Village, but most of his work was to be in the vicinity of Birmingham and Bloomfield Hills. For himself, he built a small English yeoman's cottage above a wooded ravine just north of the heart of Birmingham. This house shows the same attention to subtleties as before; the edges of the gables are gently curved, and the door and window lintels are stained timbers taken from a demolished flour mill in Birmingham. Rather startling to a visitor, however, is the masonry of white painted exposed concrete block without a facing of stucco. Frost went on to design a neighborhood of houses along the ravine, generally in the same manner.

The English medieval form of house had an informal, rambling manner that seemed more congenial to modern living habits than the colonial fashion that otherwise prevailed. Colonial houses were inhibited with center halls and formal furniture arrangements. Architects of the 20's also liked medieval fashions for their picturesque massing and ribbon windows. Frost had mastered the art of designing windows that looked small but "worked" in terms of light and air. But some clients found medieval houses too dark and drafty. In the late 20's, Frost combined the best advantages of both colonial and medieval styles in designs adapted from the French countryside ("French Provincial" conjures up an image too recent and too bland). It was a formal manner softened by picturesque features that offered the architect a lead to inventive design. In a house Frost designed for a Quorton Lake site in Birmingham, the inspiration seems French, although not precisely so. Capping the tan stone walls is a cornice of red brick dentils, a rather tarting combination of materials. One side of the massive chimney curves down to embrace a dormer window in the roof. The house terminates in a brick wall with a single great arch for a screened-in porch. The details are hardly from historical sources, but they seem very compatible with the forward wing and other portions one can identify as "French." More precisely true to historical precedent is "Lake End" the house Frost designed for Mr. and Mrs. Edgar Thom in Bloomfield Hills in the early 30's. It is one of the most impressive houses in the Detroit area. Frost visited France with these clients to sketch and study buildings. Indeed, the house feels as if one has just stumbled into a corner of France. The house, itself, is severely formal in its



Photography by  
Balthazar Korab

setting overlooking the lake, and any architect would have been proud to claim such a mansion. But it is the gatehouse and walled forecourt with its foundation that makes the house outwardly so remarkable. The whole image bursts unexpectedly upon the motorist beyond a hill after a turn in the road.

"Lake End" was completed during the deepening Depression years. For an architect in his productive early forties, the Depression and the war years that followed should have stifled his career. In 1933 Frost left Birmingham to live in Santa Barbara, California. It was that part of the country which was most receptive to the new "International Style" from Europe, but California architects were softening its severity with the warmth of their own traditions. With his own sensitive feel for materials and proportions, it is understandable that Wallace Frost would be sympathetic to the California trends. Frost was one of the few architects trained in the traditional disciplines who could take up modern design successfully. But it was his previous experience in his Birmingham work that perhaps explains why he could improve upon the California practices when he returned to Birmingham in 1938. Further east along the plateau from his own house of the mid 30's, Frost built himself a new house beside three similar ones in 1940-42. Both Frank Lloyd Wright and Alden Dow had already designed new houses in the metropolitan Detroit area, but...

Wallace Frost perhaps became the first Detroit architect to design innovative modern houses. These four houses today do not seem as dated as flat-roofed "International Style" houses of the thirties usually do. They combine flat roofs with gently sloping planes embracing massive chimneys. Instead of traditional picturesque houses, one might say these are modern picturesque ones. The new Frost houses have not completely suppressed decorative detail as was expected of modern houses, for here and there one sees the same brick dentils of a cornice line, in white painted masonry this time, and windows formed of geometrical apertures in the walls. Inside, as before, there are changes in the level of floors and ceilings, according to the size of rooms. One of the residents aptly compares this "cubic space" to the square footage of traditional two-dimensional plan designs. The houses are tightly compressed in small lots, but are sited to enjoy the freedom of more distant views beyond their property lines.

In his newer house in Birmingham, at the age of nearly seventy, Wallace Frost passed away on a Sunday morning, June 24, 1962. Mrs. Frost continues to reside in the house. In his long career, Frost greatly enriched Birmingham with the creative range of his whole work. And for Birmingham, he was the pioneer architect in a town which has since come to be home to many of the best known architects of Michigan.

by Peg and Gordon Bugbee

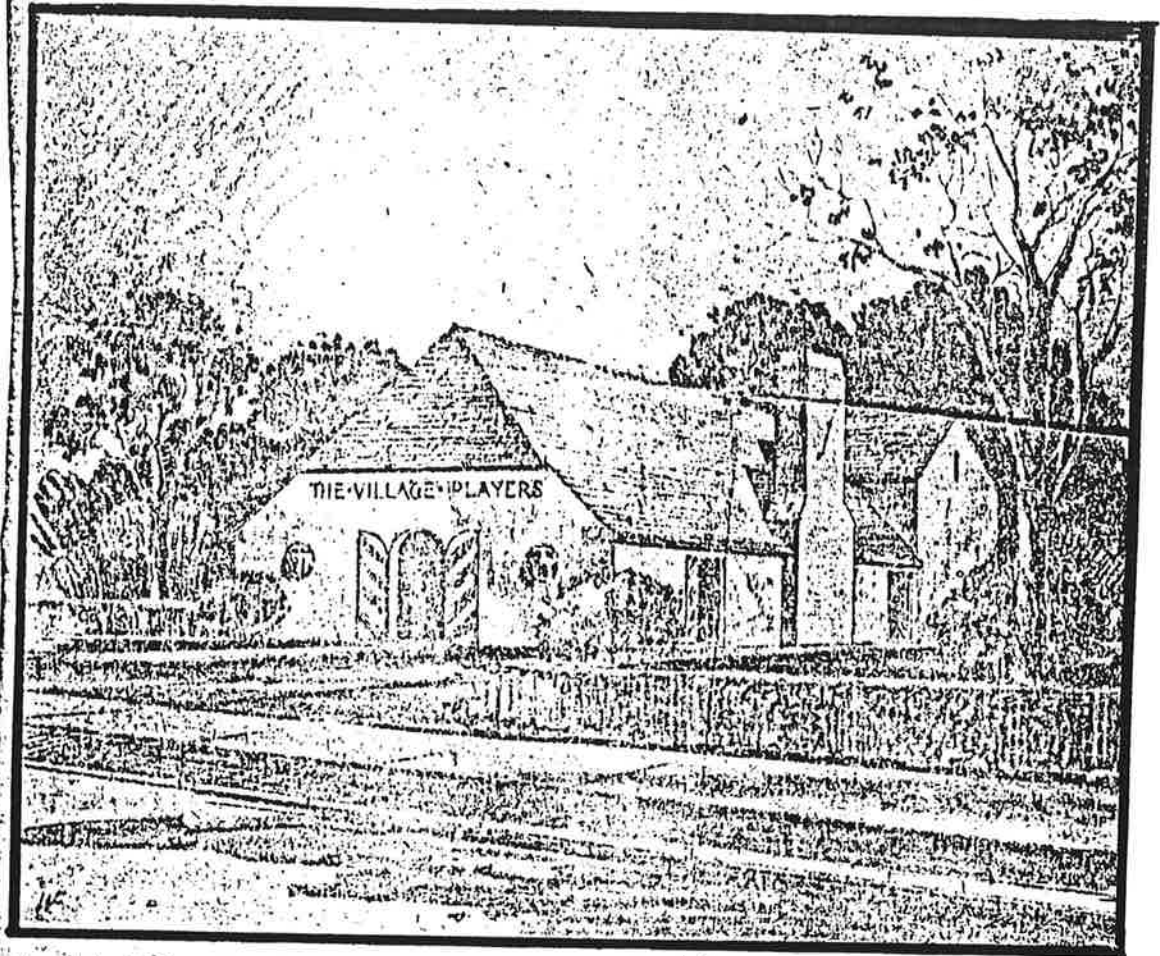


# Birmingham Eccentric

"For a Bigger and Better Birmingham"

BIRMINGHAM, OAKLAND COUNTY, MICHIGAN, THURSDAY, MAY 6, 1926

## Architect's Plan Of Theatre For Village Players



Above is Wallace Frost's, local architect, conception of the kind of a playhouse that is suitable for the needs of the Village Players, local amateur theatrical organization. Without doubt this unique edifice will be constructed some place in Birmingham this summer, ready to be opened next October when the Players begin their next season.

At the regular meeting of the Players last Saturday night at the Community House, Waldo Fellows, president of the organization, told 80 members present that the old Town Hall, given to the Players some time ago, was found to be in such aged

condition that it could not be moved with any degree of satisfaction. He recommended that the Players consider a brand new building, at a cost not to exceed \$10,000.00, to be paid for by individual subscriptions from the membership.

The home of Connie and Helen Bouchard on Tooting Lane is the first house built by architect Wallace Frost. The 1921 structure was home for Frost and his wife, Grace. The Birmingham architect died in 1962.



## Architect's reputé keeps growing among owners

By Helen Niemiec  
staff writer

Some "Wally" owners knew architect Wallace Frost personally, others knew of the Frost reputation and yet others "lucked" into their houses.

But all agree that the architect designed interesting houses.

Common threads wind through the 39 identified Frost houses in Birmingham: floor to ceiling bookcases or nooks, large fireplaces, pegged oak floors on the main level, catwalks or "windows" in a second story room that overlook spacious living rooms and "tiered" styling that requires several steps up or down to access garages or basement landings from the main hallway.

Frost also had a quirky dislike of uniform ceiling heights. Living room ceilings were high, but dining room and hallway ceilings might only be seven or eight feet high. Coved ceilings are the hallmark of the second story.

**THE VERY FIRST** Wallace Frost house is located on Tooting Lane, built for the architect himself. The house features a "cross" design, with a hallway that allows access to rooms without having to cut through other rooms.

Connie Bouchard and his wife, Helen, have owned the house for 40 years and are the fourth owners.

"It's very special," Bouchard said.

Harah Frost, granddaughter of the architect, lives in one of her grandfather's later creations on Bonnie Briar. The house was built in 1941.

"The site is really exceptional," Frost said of her house. "It looks out on a sort of wild area. The staircase

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The use of multiple levels that Wallace Frost liked to employ are evident by looking at the windows in this house on Lakeside owned by Dale and Randi Watchowski.

# Architect's reputation grows among homeowners

Continued from Page 3

in the center of the house affects the entire design."

The relationship between outside environment and house were integral in Frost's designs, biographer John Richardson told the Birmingham Historical Society in 1981.

**HARAH FROST LIVED** in Birmingham with her grandparents until she was 7 years old and then moved west with her parents. Wallace Frost died when she was 12. "I never saw him working or talking about architecture," Harah Frost said.

But she is pleased with "the emerging kinship" that is forming with Wallace Frost homeowners.

Connie Barnes and her late husband moved into their Randall Court house in 1935, seven years after it was built. The Barneses were the fourth owners, with others having left the house because of the economic conditions from the Depression, Barnes explained.

"I liked the home and I didn't know anything about it," she said. "I liked the arrangement. It has a tiled entrance and a most unusual thing — a sunken bath tub on the second floor because of the slant in the roof."

The house is a French farmhouse style and has four bedrooms and two baths, one of the larger Frost homes.

**BARNES BECAME** acquainted with Wallace and Grace Frost after moving into the house. The Barneses and the Frosts shared mutual friends.

"He was a very quiet man with a good sense of humor," Barnes said. "He was very clever in his conversations but didn't talk about his work."

Barnes is still quite taken by her house and refuses to make any renovations for fear of disturbing the original plan.

Randi and Dale Watchowski

moved into their "Wally" on Lakeside three years ago and didn't know who Frost was.

"I wasn't sure about the house. I walked in and walls were painted black and there was shag carpet on the floors," Randi Watchowski recalled. "But there was a special feeling about the house."

The couple purchased the house and then started an extensive restoration project — changing walls to off white, removing the carpet to show the oak floors and using period light fixtures and accents to enhance the 1928 structure.

**WITH THE RESTORATION**

work, Watchowski started to research Wallace Frost to get more information about his background and style.

"I found one book where he was listed as a quintessential architect, along with Frank Lloyd Wright," she said.

Her living room has two recessed niches on both sides of the fireplace and a built-in bookcase on a sidewall. A timber piece — a common Frost design element — stretches across the width of the fireplace.

"Some of the timbers had come

from the old mill pond," Watchowski said.

The Birmingham Historical Commission recently completed a videotape of the houses and the history of Wallace Frost. It will be available for viewing after city officials approve a Wallace Frost report next month.

"The copy is available at the (Baldwin Public) library," said Max Horton of the Birmingham Historical Commission. "The homeowners have been very enthusiastic about this entire process. And they like getting together to discuss the good and bad points of their houses."

# Tie that binds

## 'Wally' signature puts Frost homes in a class of their own

By Helen Niemiec  
staff writer

Nearly a decade before the Great Depression, architect Wallace Frost envisioned a house that would emphasize living rooms, inviting entry halls and fireplaces.

At the same time, Frost's kitchens were small and ceilings outside the living room were rather low.

Owners of the "Wallies" say the houses are mixed blessings when it comes to decorating, but they have a personality unique from other houses.

The affection homeowners have for the Wallace Frost creations has started to snowball into a quasi-neighborhood association. Though there are 39 houses scattered throughout Birmingham, the "Wal-

lace Frost, architect" signature on the original plans is the tie that binds.

The 39 Wallace Frost-designed houses in Birmingham are getting an extra measure of attention, as the historic design and review committee nears its goal of presenting certificates of authenticity to each owner.

The homeowners are not seeking an official historical designation. That type of designation would require that homeowners seek approval from the historic district and design review commission before any interior or exterior improvements are made.

**THE HOUSES**, built between 1921 and 1951, generally are clustered on streets in Quarton Lake Estates and Poppleton Park, though the last Wallace Frost house was built on Northlawn.

The Uniontown, Pa., native attended the University of Pennsylvania's school of architecture, leaving in 1917 after three years of study because of World War I.

During the war, he served in the construction division of the military aviation section in Washington and in 1919 he settled in Birmingham and worked for the noted Albert Kahn architectural firm in Detroit.

The first Wallace Frost house was built on Tooting Lane in 1921. Frost built the house for himself and his wife, Grace. Even the first house caused ripples in the architectural community, as it was the first residence made of cement block.

**"WALLIES" ARE** divided in look, with more traditional looks in houses built before Frost's extended stay in California in the late 1930s. Houses built in the 1940s and early '50s are more contemporary looking.

"The early houses have steep roofs and a French look. There are some Dutch colonials and a few remnant of American colonials, though those are rare," explained Max Horton of the Birmingham Historical Board.

"After his trip to California, he picked up on the style there. The houses built after had much flatter roofs and floor to ceiling windows. The brickwork and detailing in the early homes carried over to the later ones as well," Horton said.

Randi Williams Watchowski, a Frost house owner, said the uniqueness of his designs rates Frost as one of the area's premier architects.



A "window" in a second story room affords a view of a typical Wallace Frost house — high ceilings, timber beams and built-in shelves. Owner Randi Watchowski calls the layout "cozy" and "definitely something special."

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# Frost designed homes have a charm all their own

Continued from Page 3

"HE DESERVES recognition," she explained. "His homes have beautiful characteristics."

City planner Patricia McCullough is compiling all information on Frost and his houses so there is a complete history available.

A report will be given to the Birmingham City Commission, which ultimately will decide how the Frost houses are recognized.

The goal of the report, McCullough said, is twofold: first, to identify and recognize Wallace Frost as a significant person in Birmingham history and, second, to identify those Birmingham houses that Frost designed.

"Because of his popularity in the late 1920s and early '30s, his design styles are mimicked in other homes," McCullough explained. "But the interior holds the key. You can

tell a Frost house when you walk into one — he loved big spaces, big living rooms and big dining rooms. He was very much into the living area."

The historical group has tried for more than two years now to have the Frost houses recognized, though Horton explained that interest in the project "has snowballed" in the last three or four months.

**THE HISTORIC** Plan and Review Board held a special meeting in mid-January, trying to get together as many Frost homeowners as possible. Despite the foot of snow that had fallen the day before, about 30 made it to the session. The two-hour meeting featured the owners talking about the particular characteristics of their houses.

"It's nice to see the interaction between the homeowners," McCul-

lough said.

The influence of Wallace Frost isn't confined to Birmingham houses. There are approximately 25 other Frost-designed houses in Bloomfield Township and Bloomfield Hills. Outside of the immediate area, there are two "Wallys" in Detroit's Palmer Park and Indian Village, and a number in Colorado and California.

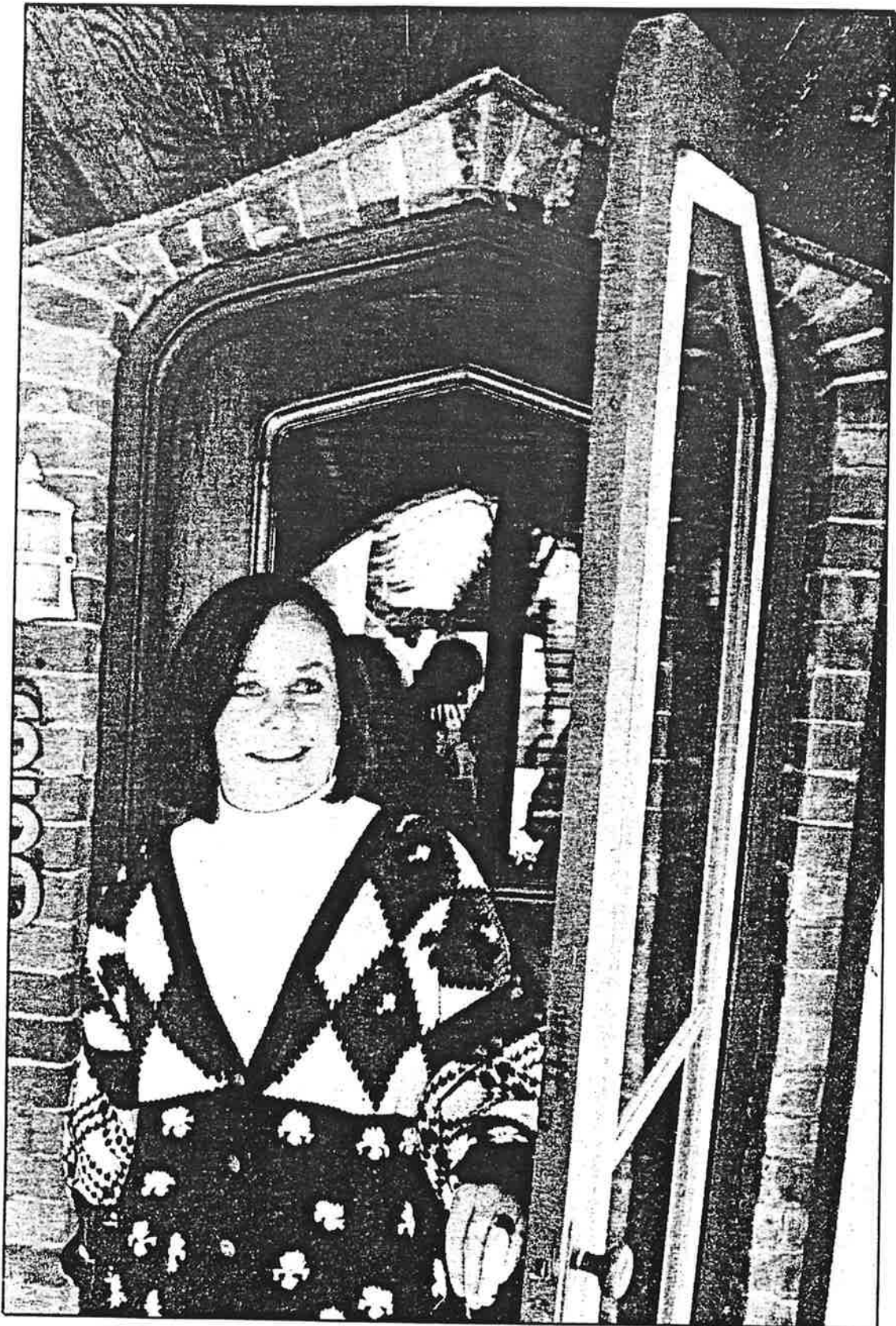
Several wealthy families were taken by the Frost creations and commissioned family houses by the Birmingham architect. He designed homes for Bruce Anderson (son of R.E. Olds) near Lansing, and the Powers family in Ann Arbor, of University Microfilms fame.

The Village Players of Birmingham building also is a Frost design.

He also designed the original Forest Lake Country Club in Bloomfield Township.

The two structures were built in the mid-1920s and both have been enlarged from the original design.





STEPHEN CANTRELL/staff photographer

Randi Watchowski stands in the doorway of sports not only a cedar covered entrance but her front entrance. The Gothic-styled entry also a Gothic-shaped door as well.

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MICHAEL S. GREEN/The Detroit News

"His homes are domiciles. . . . Every day I find something new to enjoy," said Marshall Fredericks, who lives in this Frost home.

# Final recognition, at last

■ **Unique:** City honors the late architect Wallace Frost by giving homeowners certificates of pedigree.

By Rebecca Powers  
THE DETROIT NEWS

Architect Wallace Frost, who put his trademark touch on 39 Birmingham homes, is finally getting his due.

For the past year, the Birmingham Historic District and Design Review Commission has been studying the residential works of Frost, documenting the various design influences during his 42-year career.

Next month, the city will present owners with a certificate verifying the Frost pedigree of their homes.

"Frost homes are different than the houses going up now that are just so many boxes transferred to plywood," said Birmingham sculptor Marshall Fredericks, who lives in a Frost home beside Quarton Lake.

"His homes are domiciles. You get attached to them. Every day I find something new to enjoy."

Because Frost studied at the University of Pennsylvania under Paul Philippe Cret, his ear-

ly design influence was French.

Frost was brought to Detroit in the 1920s by Albert Kahn, who designed several notable Detroit landmarks, including the Fisher Building.

Early Frost houses, circa 1925, have a farm colonial look. Later, the French influence from Cret appeared.

In the mid-1930s, after spending time in California during the Depression, Frost returned to Michigan and, until his death in 1962, built several homes with a Spanish contemporary look.

The architect's granddaughter, Hanah Frost, lives in one of the Birmingham contemporaries.

"I was in this house at ages 6 and 7, and it has effected my dreams ever since," she said. "I have the most amazing sort of spaces in my dreams."

In her home, the spaces include 14-foot-high ceilings, a curved glass wall and a curved staircase at the center of the house.

She described Frost's homes as exhibiting joy of design.

That pleasure of architecture is evident in Fredericks' house where a hidden spiral staircase leads from the living room to the master suite.

"The original owner told me he liked to slip down into the living room and read in his pajamas," said Fredericks, who has lived in the home for 40 years.

There are other eccentricities.

"Frost doorways are not just rectangles,"

Fredericks said. "He seemed to be able to individualize everything."

Bruce Brooks, who once lived in a Frost home on Wimbelton in Birmingham, helped the city compile background on Frost.

"He had a way of presenting the house so that when you entered it, the space was confining. Then the rooms opened up from there."

Other signature Frost details included peaked roof lines, detailing under the eaves and changing from brick to cinder block at the corners.

"He used yellow pine on the floors, alternating seven- and nine-inch planking," Brooks said.

While living in California, Frost built a home now owned by conductor Zubin Mehta, Brooks said. That home was featured in a 1985 issue of *Architectural Digest*, which described the house as reminiscent of a Provencal manor.

Frost's only child, Jon Frost, who is a rancher in Pueblo, Colo., describes his father as a "kind person who was somewhat arrogant in his ideas of architecture."

"He and Frank Lloyd Wright did a lot of arguing," the younger Frost said. "He felt Mr. Wright did too much advertising of himself."

"Another thing that galled him was when someone came in and wanted him to build a home. He said a house is something you build. A home is something your family creates."

The Detroit News 12/22/91

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# Tour stars 'little house' for big need

by LINDA LaMARRE  
Iowa Staff Writer

"Why can't people live as informally in the city as they can in the north woods?"

"They can."

"I'm glad, because that's what I want to do."

That exchange — or something like it — occurred 39 years ago between Irene Murphy and architect Wallace Frost.

As clearly as Mrs. Murphy can recall, it amounted to the sum total of the specifications she gave Frost, who now is deceased, for the design of her home.

**ACCORDING TO THE** Detroit chapter of the American Institute of Architects, Mrs. Murphy's house, located in Birmingham, probably represents the "first serious modern residential design" by a Detroit-area architect.

As such, the institute is featuring her house and five others on its first architects' house tour from noon to 5 p.m. next Sunday.

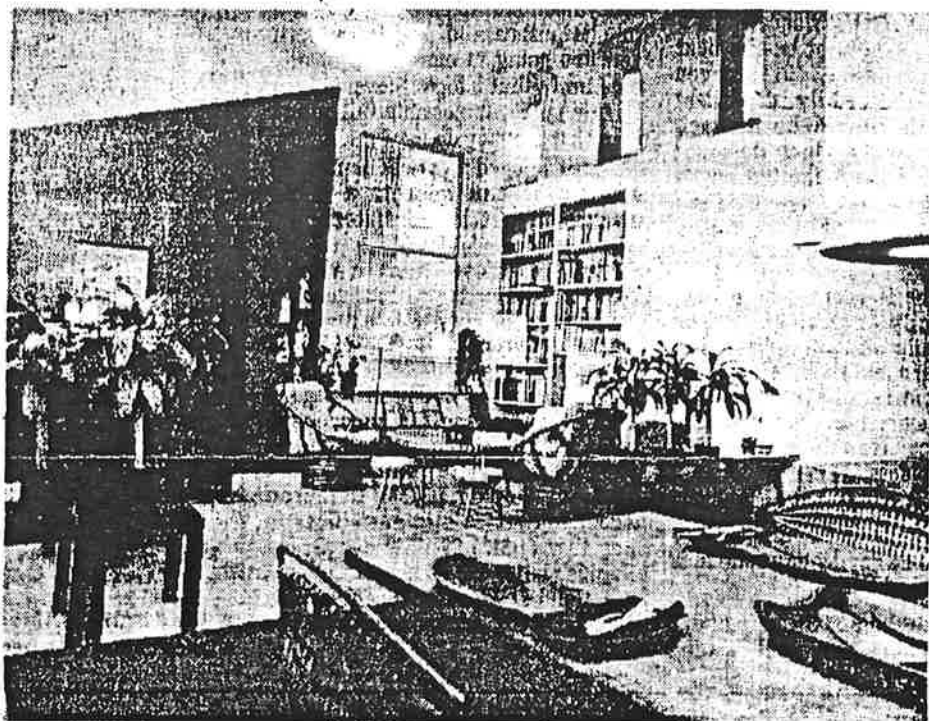
Mrs. Murphy says that Frost looked upon her house as a "guinea pig," a challenge to see how much space and romance could be achieved in a little house.

The experiment has proved successful. From the time Mrs. Murphy, her young daughter, sister, housekeeper and housekeeper's granddaughter moved into it in 1940, it has met a variety of needs.

**"HE PROVIDED** secret places my daughter enjoyed as a young girl and teen, endless nooks for hobbies, so you don't have to spread everything on the dining table, and little places for sewing, writing and business, so you don't have to clean up every night," she says.

Mrs. Murphy's demands on a living space are many.

The house had to accommodate art, collections and the furniture she acquired in Manila during the time she lived there with her



BY DUANE E. BELANGER OF THE

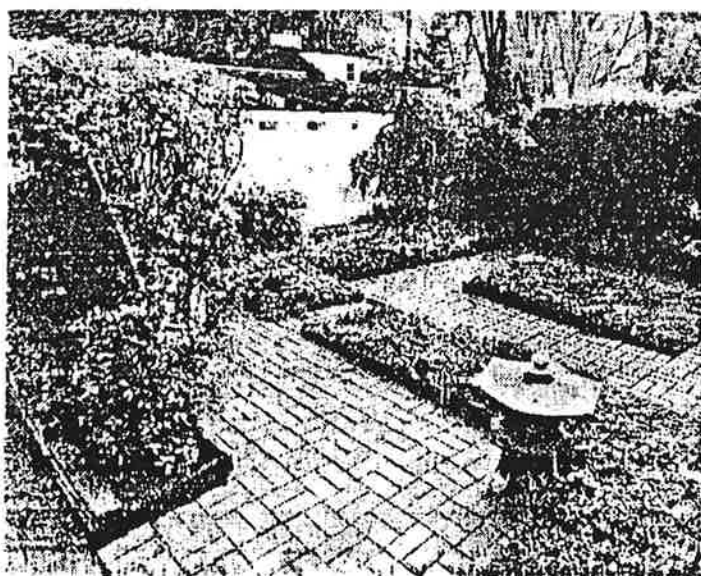
**SURPRISE** — Spacious, two-story high living room extending off small, low-ceiling entry foyer is among architectural "surprises" employed by late architect Wallace Frost. Rice paper temple lanterns between shoji screens light balcony above bookcases.

brother-in-law, Frank Murphy, governor-general to the Philippines from 1933-35 and Michigan Governor from 1937-38

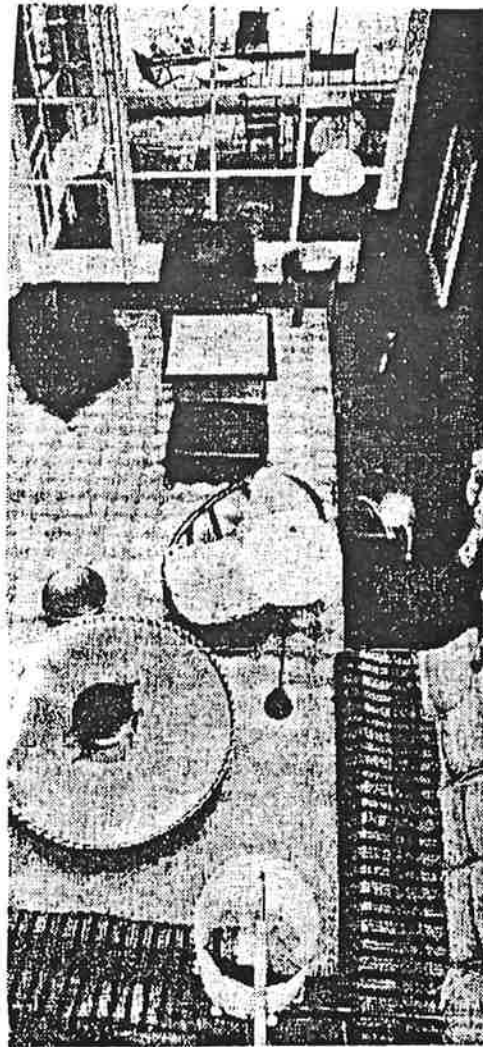
Mrs. Murphy, who was widowed in 1936, was later appointed social affairs officer by the United Nations and, with government funding, worked with Cranbrook artists in developing Philippine arts and crafts for export.

**THE HOUSE ALSO** has provided office space for the import/wholesale business, dealing largely in Philippine-made goods, she has operated for 24 years, for her work as University of Michigan regent (she is now a regent emeritus), and for her writings and those of her sister, Helen Ellis, a retired

Continued on Page 5D







BY DUANE E. BELANGER OF THE NEWS

**OVERVIEW** — The living room (as seen from balcony). Two-level deck addition beyond window was designed by Finnish architect Olav Hammarstrom.

## *Tour a 'little house' made for big needs*

Detroit librarian and expert on Michigan during the Civil War.

It looks from the approach like a one-room garage home, but visitors will be surprised to learn it contains approximately 2,000 square feet, three floors, four bedrooms, two bathrooms, three walled gardens and a partially covered, two-level deck on a lot just 50 by 120 feet.

The lot, with three others containing Frost-designed homes, is located at the end of a secluded Birmingham lane where trees, shrubbery and ground plantings create pleasant vistas and all the privacy of a tropical rain forest.

"He told me to get as little land as you can as long as you can control the view," says Mrs. Murphy. "He told me to build your house all over the land, with 'human dimensions,' so that it doesn't look like you couldn't go out, walk over and touch something.

"It's just the kind of house that people want today."

**OTHER ARCHITECTS'** homes on tour are the Affleck house designed by Frank Lloyd Wright in 1941, located in Bloomfield Hills and a gift this year to Lawrence Institute of Technology; private residences designed by Sigmund Blum (1971) in Franklin and Peter Else (1970) in Bloomfield Township; a contemporary addition to a traditional home by Ed and Betty-Lee Francis (1974) in Franklin and a Birmingham cluster house by Carl Luckenbach (1962).

Tickets are \$7.50 and include a map and brochure. A bus ticket is \$3. Both are available by sending a stamped, self-addressed envelope to the Detroit chapter, American Institute of Architects, Beaubien House, 553 East Jefferson, Detroit 48226, or by phone at 965-4100.

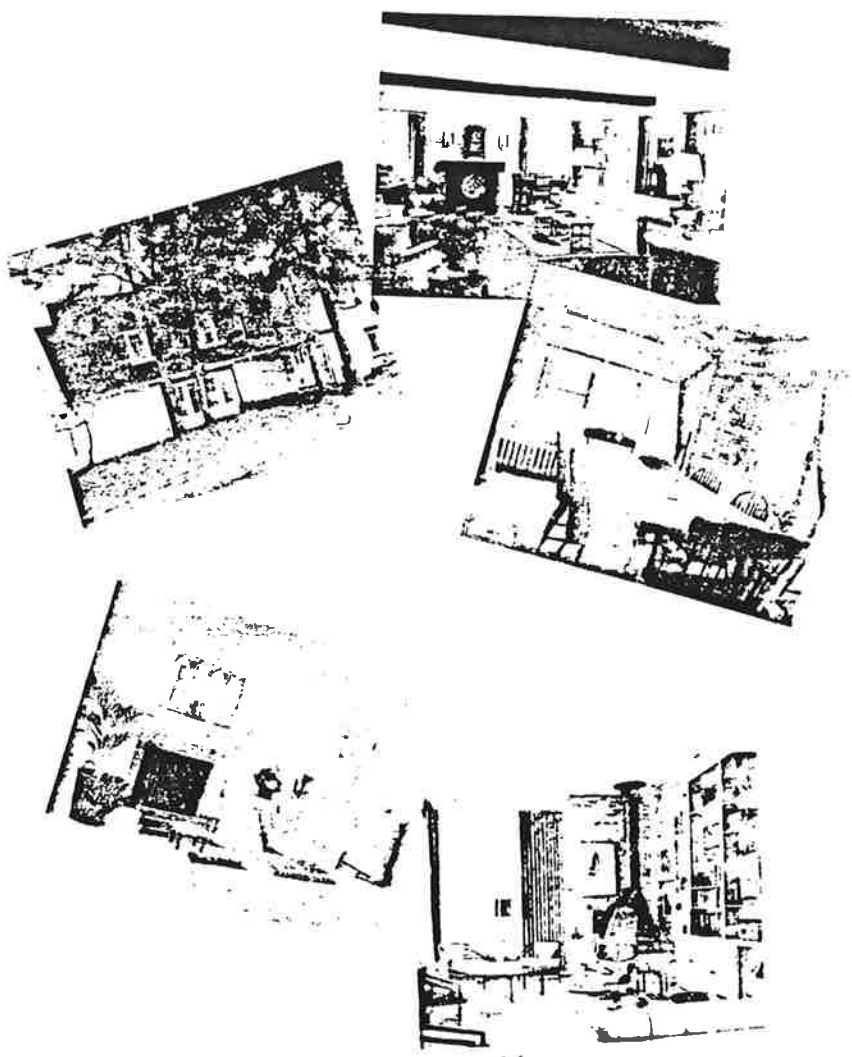
On tour day, tickets may be purchased at the Great American Building Concourse, 280 North Woodward (at Oakland) in Birmingham. Children under 12 will not be admitted, nor are cameras permitted.

# EARLY or LATE, Frost Houses are Warm and Charming

by Julie Candler



Photo of architect Wallace Frost  
courtesy of Frost family.



Design elements of some Frost homes. Photos courtesy  
of homeowners. Mark Arpin photographer.

Tucked in among the trees and greenery of Birmingham, sometimes down lanes hardly anyone knows are there, are about 50 houses that are different from the rest. They are architectural gems, so full of charm and personality that anyone who knows about architect Wallace Frost can recognize them as his work.

From the '20s until his death in 1962, Frost designed houses that nestle into their sites as if nature had intended it that way. The architect once said that his goal was to achieve "a feeling of joy." Occupants of his houses say he succeeded.

Connie Bouchard and his wife, Helen, call their house "Wallace Frost #1." Bruce Brooks, Birmingham resident who has researched the Frost works, thinks it is the only one inspired by an English yeoman's cottage. Most of Frost's early houses borrowed from French country residences.

Frost built the Bouchard house, at 576 Tooting Lane in Birmingham, for himself and his wife in 1922. It was the house her husband liked the best, Grace Frost once told Bouchard.

"This was the first house to be built in the Midwest of cement blocks," says Bouchard, referring to the architect's frequent use of the white-painted blocks.

There's nothing symmetrical about this house's low rectangular exterior. Stone steps descend from the sidewalk toward the front door. To a visitor's left is a long section that houses the living room, with dormer windows on the roof above it. To the right of the stone walk, a smaller section of house extends toward the street. It contains the entrance foyer and a small den.

The front door is at right angles to the house. Beside it is a white-painted, wooden bench. Another section to the right of the entrance foyer and den contains the kitchen and a two-car garage (originally one-car).

"We absolutely love the cross-shaped floor plan of this house," says Bouchard, who has lived in it 40 years. "You don't have to go through any other room to get to a room."

Like many Frost houses, the far wall of the big living room (22 feet x 34 feet) features a large fireplace. In some of the structures, fireplaces are massive. Windows are the casement type and sectioned. A long bay window looks out on Tooting Lane and another big window on the opposite side makes the room part of the woody scene behind the house.

"He seemed to do as much as he could to use light," says George E. Eads, who once lived in a Frost house at 691 Pilgrim. "Winters are dark. In all the Frost houses I have seen he built large windows on two sides of the living room. The living rooms are just absolutely beautiful."

Another feature of Frost houses, including the Bouchards', is massive wooden ceiling beams. They are 12-inch by 12-inch, Bouchard claims, and were taken from an old schooner being dismantled on the Detroit riverfront. Other owners say their similar wooden beams were brought from Oregon.

The room displays other Frost characteristics: recessed windows on either side of the fireplace, elegant woodwork, including floor-to-ceiling bookshelves along the wall near the entrance, and a lower level requiring a step down from the foyer.

"You get a great feeling when you go up the stairs of a Frost house," says Birmingham architect George Zonars, who particularly admires the earlier houses.

Upstairs at the Bouchards', there's a fireplace in the master bedroom. Frost designed the house with three bedrooms plus a two-room live-in suite for the servant. (In the '20s nearly every family had a maid.) A back stairway leads from the kitchen to the maid's suite, which was occupied by the Bouchards' sons. "Our boys liked those stairs because they could sneak out without our knowing it."

Most of the same features are in the Frost house occupied by Trudy and George White. It was inspired by the French country style.

"You know how most houses look terrible without furniture in them?" asked Trudy White, whose house was empty when she first saw it 22 years ago. "This house looks better without furniture. With all the nice architectural details, it doesn't need furniture."

Her husband adds, "You don't get bored with this house."

Trudy White agrees. "You go away and come back and you always feel like you are seeing home for the first time and you think what a really unique house this is."

The Whites' beamed living room is dominated by a huge copper-hooded fireplace. As he did with his first house, Frost made interesting use of levels to root the Whites' place onto its lot. There's a step down into the living room, and another into the kitchen. Two wide doorways off the Whites' living room are arched, another Frost signature.



In the upstairs hall, another Frost trademark is a door leading onto a tiny railed balcony, intended for shaking out the dust mop or airing bedding.

The dining room floor is laid with pegged oak planks of different sizes. Outside a front door displaying finely-crafted hardware hangs a handsome wrought-iron lantern. The thick door opens into an entranceway leading to a second door, which is the old-fashioned Dutch variety Frost favored. Either the top or bottom half can be opened separately.

"My husband likes to open the top of our Dutch door and tell Halloween trick-or-treaters that they broke our door," says Pat Coe, who lives in a more traditional Frost house with a Dutch Colonial look at 967 Rivenoak.

Coe's husband caught the spirit that Wallace Frost deliberately designed into the houses. "It was a feeling of fun and warmth," said John Richardson.

Richardson, who once lived in a Frost design at 715 Wimbleton, became so enthusiastic that he began assembling

material for a book about the architect. Bruce Brooks, former occupant of a Frost, collaborated with Richardson. Brooks can show you his photographs of every one of the architect's designs he has been able to discover.

Altogether, Brooks knows of 90 Frost designs around the country. A few are in Grosse Pointe Park.

It's not uncommon for the houses to sell even before the real estate company gets a call. Before the Brookses found theirs, Leslie Brooks identified Frost houses and began giving owners her name on the back of a recipe card.

Owner John Richardson heard the brick and stone French Norman house at 244 Wimbleton might be sold and called Leslie and Bruce Brooks. The Brookses made an appointment. They stepped into the foyer, took one look at the living room and bought the house.

"Wallace Frost was a charming, shy person, who loved people," Richardson told The Birmingham Historical Society in 1981.

Frost was born in 1892 in Uniontown, Pennsylvania and studied architecture at the University of Pennsylvania. His first job was as a civilian with the U.S. Army in Washington, D.C. during World War I. He worked with the well-known architect, Albert Kahn.

After the war, Kahn persuaded him to join his Detroit firm. Frost's job included work on projects such as portions of the General Motors Building.

Frost's great interest was in country homes, so he resigned and set up his own office in Birmingham in 1925. "He was sensitive to tradition," Richardson said. "He studied houses in Europe and gleaned many ideas there."

"He was a cosmopolitan man who was well-traveled. Not many architects were at that time," says Brooks. "He was influenced by Spanish, Italian, French and English houses, and mixed things he liked."

In 1928 Frost built the house at 244 Wimbleton where the Brooks family once lived. "He and his wife intended to live there," says Bruce Brooks. "By the time

they were ready to move in, the depression hit. The house remained vacant until about 1933."

Connie Bouchard says Frost also lost the house on Tooting Lane. "The bank auctioned it off for about \$3500," claims Bouchard. "Nobody could keep anything then."

That was when the Frosts went to live in Florence and toured and studied more houses, says Brooks. "You could live inexpensively in Europe."

When he came back to the Detroit area, there was no work, so he went to California and worked there until 1938.

"He came under the California Spanish influence and started to do contemporary houses when he returned here," says Brooks.

One of the contemporaries belongs to Edwin W. Deer, DDS, and his wife, Jean. It shows the California ranch influence, all on one floor except for a guest suite over the garage.

Dr. Deer says it was built in 1946 and was the first of the contemporaries here. The

house was a style all its own, with a modern look that seems timeless.

Instead of big sectional bay windows of the earlier period, the Deer house was unbroken panes of floor-to-ceiling picture windows looking out on the backyard pool. In place of a separate dining room, a section of the big L-shaped living room serves that purpose. The Deer residence has a large fireplace in the living room and a smaller one in the master bedroom.

Says Dr. Deer, "We wouldn't want to live anywhere else. Jean says the only way she's going to get out of here is when they wheel her out."

Another of the Frost structures in Birmingham is the playhouse of The Village Players at 752 Chestnut, where Frost was a member. The original entrance is concealed by the addition of a lobby. But the huge fireplace and the arched door to the theatre are among the telltale Frost signs.

John Richardson didn't write the book about Frost. After five years in Birmingham, he was transferred back to the West Coast. Bruce Brooks remains the community's authority. Whenever there's

doubt about the authenticity of a Frost house, they call in Brooks. "The houses are dramatic and dynamic. It's an identifiable style that reads so well you can pick it up," he says. He knows all the clues to look for.

Neither Brooks nor Richardson knew Wallace Frost. They became close friends with Grace Frost, a witty and charming woman who died two years ago. She helped them find and identify many of her husband's designs.

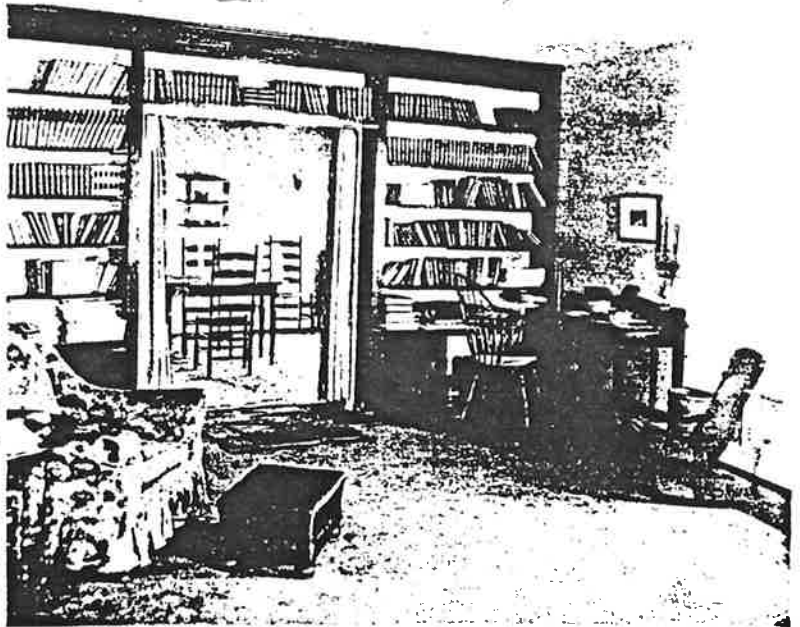
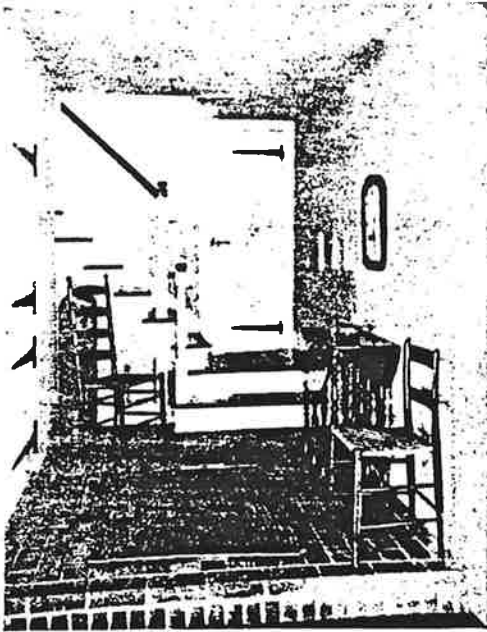
Once Brooks drove her by a house whose owners claimed a Frost heritage. Mrs. Frost looked and said, "No way that was done by him."

"He was a stickler for detail," says Brooks. "If you go inside there are some really telltale signs. He used the same suppliers and fixtures a lot. He was very precise in providing a quality and a feeling that makes the people in a house think about the architect and realize that he must have been a special person.

"I'm sorry," he says, "that I never knew the man." ■

The House of  
Frederick E. Good  
Buckingham Road  
Birmingham

Wallace Frost, Architect

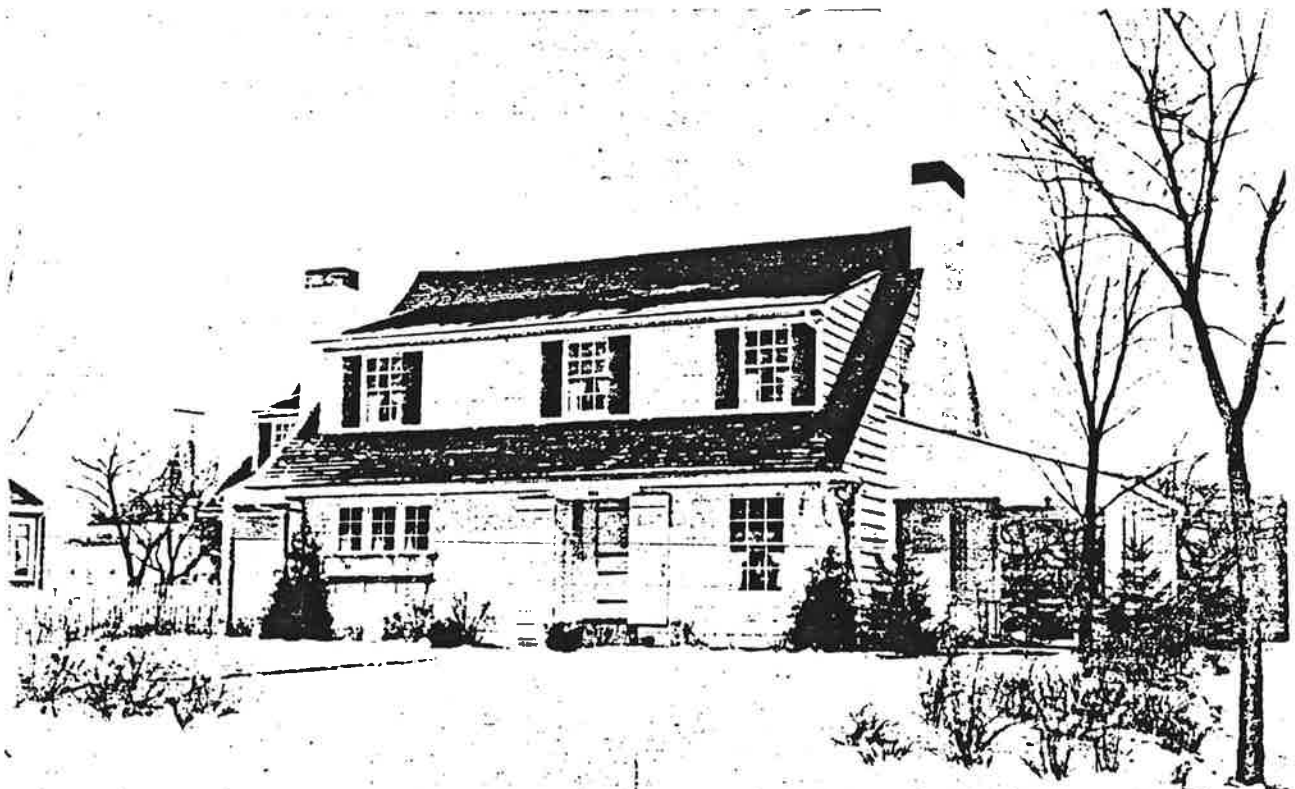


Photographs by T. Ellison

*Above: Although the rooms are rather small they are given the effect of spaciousness by the wide openings between. The living-room and dining-room occupy the back of the house overlooking the garden.*

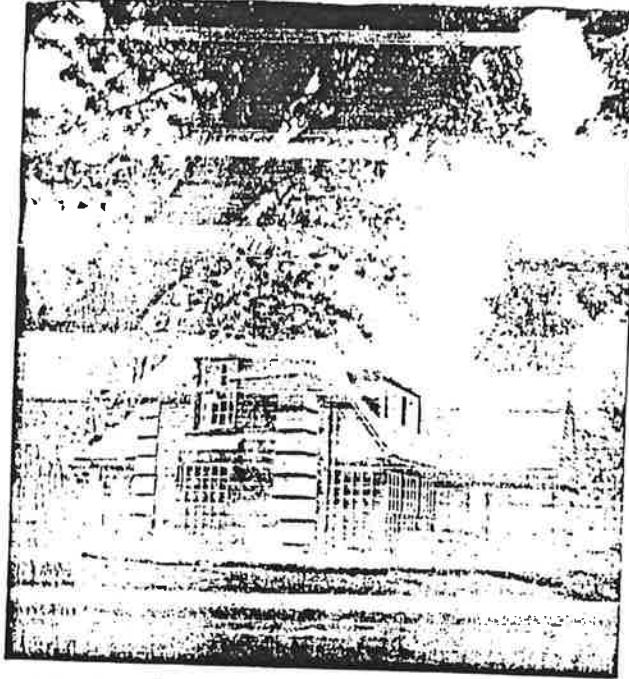
*Left: This delightful little entrance hall sets the character of the house with its white board doors, iron hinges and fixtures and scrubbed brick floor. The front door opens in sections.*

*Below: The white clapboard house is Dutch colonial in type. Note the deeply recessed front door with its outer storm door and brick steps. Behind the open porch is a charming small sunken garden.*





## "LONG SEARCH ENDS HAPPILY"



A heavy growth of ivy had completely covered the beautiful exterior or detailing of this home designed by Wallace Frost.

# Architect's name sold the house

Story: CORINNE ABATT  
Photos: DICK KELLEY

Would you buy a house purely because it was designed by a particular architect? Many people would probably say no — price, location, size, style and condition would all have priority.

But those who search for and find Wallace Frost houses are a different breed. There's a magic about the architect who designed houses in the metropolitan area in the late '20s and early '30s that has a lure that equals great paintings, diamonds or Oriental treasures.

Finding a Frost home isn't easy; most sell before they ever go on the market. Leslie Brooks of Birmingham was aware of that when she and her husband, Bruce, used to talk about Frost in reverent tones. In her search, Mrs. Brooks took the most direct route. She identified the Frost homes in the Birmingham area in which she wanted to live and further refined her list to the ones she figured she and her husband could afford. Then she contacted the owners directly although none of the homes were for sale.

"I would stop by and leave my name on the back of a recipe card," she said. "My friends used to tease me saying I was getting a reputation as that crazy lady who was always putting messages on the back of a card that said 'from the kitchen of.'"

But she never had any luck contacting the people who lived at 244 Wimbleton although this happened to be a Frost home she and her husband particularly admired from the outside.

SHE DID LEAVE a card with another Frost home owner, John Richardson, and when he heard that 244 Wimbleton might be sold, he called the Brooks. She said Richardson understood her quest, he had gone through a similar hunt himself. When he was transferred to this area from California, he told his family the only solace for leaving the Pacific Coast sunshine would be to live in a Wallace Frost home.

Leslie and Bruce Brooks made an appointment to see the home on Wimbleton, stepped into the foyer, took one quick look at the living room and bought the house. They moved in last December.

No second thoughts — and no regrets.

"I saw that bay window in the living room and I knew my grand piano belonged there," Mrs. Brooks said. "Every morning when we get up we find something else to enjoy — it's like living in a dream."

All of the elements that characterize Frost homes of that period when he was taking his inspiration from European architecture — particularly French Norman — are present in the Brooks' home — fine woods, natural materials, many levels, imported hardware — the best of everything, plus charm.

All the dormers are insulated. The attic is plastered, all floors are hardwood. In the living room, all the natural wood beams around the fireplace are faced with copper.

One pleasing touch is that all of the brass hardware was imported from

(Continued on page 5A)

## "FROST HOME ADAPTS TO MODERN LIVING"

(Continued from page 3A)  
England — and in true Gilbert and Sullivan style, the couple have polished up the handle of the big front door — and many other doors as well.

When they took up the living room carpeting, they found an extra wide perfectly matched pine-board floor. The dining room floor is oak. Natural brick is used in the entryway. To add to the French Norman look, the architect used natural wood beams in the foyer. An arched doorway with a paneled cherry wood door leads down several steps from the foyer to the kitchen. A circular stairway leads from the foyer to the upstairs, and this one has a vaulted ceiling, another detail characteristic of Frost.

Mrs. Brooks said the rough plaster walls in the downstairs area are still in excellent condition after 52 years with only a few tiny cracks. Bay windows were another typical Frost detail and this home has one in the living room and another in the dining room along with other windows set deep enough for window seats.

WHILE THE basic structure was in excellent shape and had remained unaltered through the years, the minute the Brooks moved into the home, their efforts went into bringing the home back to as close to its original shape as possible. All carpeting was removed to expose the natural wood floors. All drapes were taken down from the paned glass windows and all paint removed from the solid wood doors.

One of the most tiring jobs and one that elicited pro and con comments was to take 50 years growth of ivy from the brick exterior. But this wasn't the desirable house ivy; this type was a natural hiding place for mice and other small undesirable wildlife.

As the heavy vines came down, the structural details of the outside were uncovered to show the natural stone and brick patterns.

The Brookses made little attempt to maintain pure period furnishings, except in the master bedroom. Longtime antique collectors, they gathered a pleasing assortment of things they liked.

"We bought most of them as junk and my husband refinished them," Mrs. Brooks said.

They were sure, however, that they wanted a master bedroom that was middle or late 19th century, all the way. The Victorian bedroom set was acquired at an estate sale. It had been stored in a barn and was badly water damaged before Bruce Brooks took over and turned it into a beautiful set with a gleaming finish.

Mrs. Brooks covered the master bedroom walls with a mauve and brown print material, something she swears she'll never use for wallcovering again (too difficult to hang), and made curtains and pillows to match. When they bought the bed, they guessed the headboard would fit in the master bedroom with little room to spare. In actual fact, the ceilings are hip and there is but one place where the bed fits, but that's where they hoped it would go anyway.

Mrs. Brooks sat on the enclosed porch, looked through the doorway to the living room and dining room and said, "The thing that is so remarkable to me about Frost is that he could design a house 52 years ago that is so viable for a family now. With very few structural changes — he saw it all 50 years ago."

THE NATURAL woods of the antiques which Bruce Brooks refinished, the splashes of color in the Oriental style rugs which highlight the natural

wood floors, the live plants and the touches of another era in the brass accessories, Tiffany-style lamps and handwoven pillows all make this home one that is full of natural light and natural materials, sparked by touches of vibrant color.

Two daughters, Becky and Lisa, have what amounts to a separate suite of bedrooms on the second floor connected by a bathroom, and there is ample room for guests.

Bruce Brooks just completed laying a herringbone pattern wood floor in the kitchen and now the major tasks are almost complete.

He, a designer for General Motors, and his wife, a pianist and piano teacher, can begin to relax. All of their work over the past nine months to bring the home to prime condition has paid off.

## '23 ————— HOW VILLAGE PLAYERS BEGAN ————— '83

"Let's give a show, kids! My uncle has a barn." The line, immortalized in the ancient Mickey Rooney-Judy Garland movies, was (and is) what raised the curtain on The Village Players of Birmingham in 1923. Trouping with their dream, Players have mounted some 400 productions — around 900 performances, with never a dark house.

They trouped without a theater to begin with, with home-made tools of their craft, with ice forming under the leaky doors; with a boom, a depression, a war. They triumphed and, occasionally, they bombed, but they never let go of the dream.

Jack Gafill (deceased) a high school student in 1922, first proposed the formation of a dramatic group in the tiny village of Birmingham. Sixteen fellow citizens, and charter Players thereby, considered and kindled and in February of 1923, they organized as The Village Players, a private amateur theatrical club. Not a community theater — their stated purpose: "To produce at intervals, small plays which have been worked out on an artistic standard, and not with a view of financial benefit."

The Charter Players quickly enrolled a number of interested others on their roster, and elected Loren Robinson president. Their purpose went into the by-laws: "... shall be to produce plays, study the drama, play direction, costuming and scenery design, to encourage the writing of plays and to promote interest in the drama."

Curtains parted, for the first time ever on the Players' show, in spring of 1923. "*The Maker of Dreams*," described as "a one-act Pierrot fantasy" by author Oliphant Downs, had as actors, Rolfe Spinning, Caroline Reilly and Forbes Hascall. The original Birmingham Community House, a renovated farm house on the present site of the post office truck lot, was their Playhouse. Makeup and dressing rooms were across the street, in the living room of another Player, with cast and crews sprinting through the scant traffic of the era, to the theater.

Players huffed and puffed the pool table in the small main room into a corner, and strung wire from wall to wall to hang a sleazy black curtain. Scenery, constructed in the Robinson's basement, was of paper, tacked to wood frames. Lights were a row of tin dishpans reflecting bare bulbs.

But it was theater! Members and a few guests sat on floor cushions for the first few rows, on kindergarten chairs in the center of the house and on full-sized chairs at the back, simulating the usual ramp floor of a regular theater.

Next year (1924-26) Players built membership, audiences and play schedule. A one- (eventually two-) night public performance at the old Baldwin High School auditorium, under the loving and tireless sponsorship of Player Ruth (Mrs. Charles J.) Shain. They were a smash!

It was time to build the dream's muscle with money. The Players bought the present property on Chestnut Street to be within walking distance of most of the town. To build the Playhouse, they devised a system of five-year pledges, guaranteed by the signatures of those players who were local businessmen, to satisfy the old Birmingham National Bank. Architect and member, Wallace Frost, designed the building. Construction was by member Bob Tillotson, with materials provided by member Spud Simpson, both on a non-profit basis.

Special gifts were many and generous. Mr. and Mrs. Loren Stauch gave the maple floor for the auditorium; Bess (Mrs. Graham John) Graham the stage curtain, which served until 1958 when the stage was widened. The Robinsons donated the curtain mechanism; the Zelter Dowlings the rope, rigging and overhead mechanisms; the Shains, the fireplace and fittings.

First performance in the present theater was given in November of 1926. Heaven for the theater nuts, with a backstage area designed by Robinson, one of whose status symbols was a card in the stagehands' union; real footlights, real costumes and makeup applied by Jake Hirschfield, who brought his professional crews out from Detroit until Players learned how to do it themselves.



## MEMORANDUM

Planning Division

**DATE:** October 25<sup>th</sup>, 2021

**TO:** Thomas Markus, City Manager

**FROM:** Nicholas Dupuis, Planning Director

**SUBJECT:** Public Hearing for 34977 Woodward – Hazel's – Special Land Use Permit Amendment, Final Site Plan & Design Review

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### INTRODUCTION:

The applicant has submitted an application for a Special Land Use Permit Amendment for a name change at an existing food and drink establishment serving alcoholic beverages for on premise consumption in Downtown Birmingham. The establishment is proposing a change from "Hazel, Ravines & Downtown" to "Hazel's".

### BACKGROUND:

No changes are proposed to the layout, design, ownership or operation of the restaurant. Minor sign changes are proposed, which may be approved through the Planning Division pursuant to Article 7, Section 7.32 (A).

### LEGAL REVIEW:

The City Attorney has reviewed this application and has no objections as to form and content.

### FISCAL IMPACT:

There are no fiscal impacts for this agenda item.

### PUBLIC COMMUNICATIONS:

Notices were sent out to advertise the public hearing at the City Commission on October 25, 2021.

### SUMMARY:

The Planning Division requests that the City Commission consider the Special Land Use Permit Amendment for 34977 Woodward – Hazel's.

### ATTACHMENTS:

Please find attached the following documents for your review:

- Special Land Use Permit Resolution
- Site/Design Plans
- Application & Supporting Documents

### SUGGESTED COMMISSION ACTION:

Make a motion adopting a resolution to approve the Special Land Use Permit Amendment at

34977 Woodward – Hazel's – to allow a name change from "Hazel, Ravines & Downtown" to "Hazel's".

**Hazel's**  
34977 Woodward  
Special Land Use Permit Amendment 2021

WHEREAS, A Special Land Use Permit Amendment application was filed in September 2021 for approval of a name change from "HAZEL, RAVINES & DOWNTOWN" to "HAZEL'S" at 34977 Woodward;

WHEREAS, The land for which the Special Land Use Permit Amendment is sought is located on the southwest corner of Woodward Ave. and Maple Rd.;

WHEREAS, The land is zoned B4, which permits the operation of food and drink establishments serving alcoholic beverages for on premise consumption with a Special Land Use Permit;

WHEREAS, The Planning Board on May 23, 2018 reviewed an application for a Special Land Use Permit, Final Site Plan and Design Review for HAZEL, RAVINES & DOWNTOWN and recommended approval to the City Commission to allow a new food and drink establishment serving alcoholic beverages for on premise consumption and associated interior/exterior renovations with the following conditions:

1. The applicant must remove the evergreen shrub letter sign, as it is in the public right-of-way;
2. The applicant must bring the signage into compliance in regards to size, and reduce the number of signs to one or obtain a variance from the Board of Zoning Appeals;
3. The applicant must correct the indoor/outdoor dining area plan to show 20 seats, or adjust the seating calculation to include a 22 seat patio;
4. The applicant must provide the location of all new lighting fixtures prior to City Commission approval; and
5. The applicant addresses the requests of all City Departments.

WHEREAS, The City Commission on June 25, 2018 reviewed the application for Special Land Use Permit, Final Site Plan and Design Review for HAZEL, RAVINES & DOWNTOWN and granted the Special Land Use Permit to allow the new food and drink establishment serving alcoholic beverages for on premise consumption and associated interior/exterior renovations;

WHEREAS, The Special Land Use Permit Amendment application was filed in September 2021 to change the name from "HAZEL, RAVINES & DOWNTOWN" to "HAZEL'S" with no changes to the layout, design, ownership or operation of the restaurant;

WHEREAS, The applicant has agreed to provide all requested information and to comply with the requests of all City departments;

WHEREAS, The Planning Division has reviewed the application and approved the revised sign plan per Article 7, Section 7.32 (A) of the Zoning Ordinance;

WHEREAS, The Birmingham City Commission has reviewed HAZEL'S' Special Land Use Permit Amendment 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 HAZEL'S' application for a Special Land Use Permit Amendment, Final Site Plan and Design Review at 34977 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. HAZEL'S shall abide by all provisions of the Birmingham City Code; and
2. The Special Land Use Permit may be canceled by the City Commission upon finding that the continued use is not in the public interest.

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

BE IT FURTHER RESOLVED, Except as herein specifically provided, HAZEL'S 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 HAZEL'S to comply with all the ordinances of the City may result in the Commission revoking this Special Land Use Permit.

BE FURTHER RESOLVED that HAZEL'S is recommended for a name change from "Hazel, Ravines, & Downtown" to "Hazel's", 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 October 25, 2021.

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**Alexandria Bingham**  
City Clerk



# MEMORANDUM

Planning Division

**DATE:** October 25<sup>th</sup>, 2021

**TO:** Thomas Markus, City Manager

**FROM:** Nicholas Dupuis, Planning Director

**SUBJECT:** 34977 Woodward – Hazel's – Signage Review

The applicant is proposing a name change from "Hazel, Ravines & Downtown" to "Hazel's" at an existing food and drink establishment in Downtown Birmingham. With the name change, the applicant has submitted a revised signage plan for the exterior of the building, which involves a recovering of the existing signs (7), which are located on canopies at the northeast corner of the building, as well as the main entrance canopy on Peabody. The principle building frontage measures roughly 119 linear feet, which permits 178.5 square feet of signage. The former signage for "Hazel, Ravines & Downtown" measured 31.1 square feet. A detailed signage review for the building is provided below:

Sign Content	Sign Type	Location	Area (Sq. Ft.)
Coastal Seafood Casual (4)	Canopy	Northeast Corner	4.16 (1.04 each)
Hazel's	Canopy	Northeast Corner	0.58
Hazel's Seafood	Canopy	Peabody Entrance	3.86
Anchor Graphics (7)	Canopy	Interior of Canopies	14.9
Greenleaf Trust (3, Existing)	Name Letter	Woodward/Peabody	67.8 (22.6 each)
Ogletree Deakins (2, Existing)	Name Letter	Woodward/Peabody	28.6 (14.3 each)
Finnea Group (2, Existing)	Name Letter	Woodward/Peabody	28.6 (14.3 each)
<b>TOTAL PROPOSED</b>	-	-	148.5
<b>TOTAL PERMITTED</b>	-	-	178.5





LAW OFFICES

# ADKISON, NEED, ALLEN, & RENTROP

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OF COUNSEL:

PHILLIP G. ADKISON  
KEVIN M. CHUDLER  
KATHERINE A. TOMASIK

September 9, 2021

Via Electronic Mail

Jana Ecker, Planning Director  
City of Birmingham  
151 Martin St.  
Birmingham, MI 48009

**Re: Hazel & Ravines, LLC  
34977 Woodward Avenue #400  
Request for Amendment to Special Land Use Permit**

Dear Ms. Ecker:

Hazel & Ravines, LLC requests an amendment to its Special Land Use Permit which was approved by the City in 2018. This request is made to change the assumed name of the business to "Hazel's" and to change the name on the canopy signs.

Attached are the Special Land Use Permit Application form, renderings, and dimensions of the proposed signs, and the Certificate of the Assumed Name.

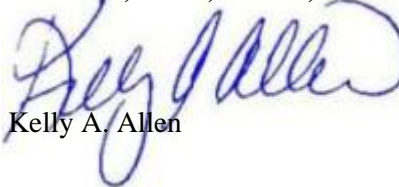
The fee of \$200 will be hand delivered to the Planning Department.

If you have any questions or need any further information, please do not hesitate to contact my office.

As always, we appreciate you, Nick, and Brooks!

Very truly yours,

ADKISON, NEED, ALLEN, & RENTROP, PLLC



Kelly A. Allen

KAA/kjp  
Enclosures



## Special Land Use Permit Application – Economic Development License Planning Division

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

### 1. Applicant

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone Number: \_\_\_\_\_  
Fax Number: \_\_\_\_\_  
Email address: \_\_\_\_\_

### 2. Property Owner

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone Number: \_\_\_\_\_  
Fax Number: \_\_\_\_\_  
Email address: \_\_\_\_\_

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

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone Number: \_\_\_\_\_  
Fax Number: \_\_\_\_\_  
Email address: \_\_\_\_\_

### 4. Project Designer/Developer

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone Number: \_\_\_\_\_  
Fax Number: \_\_\_\_\_  
Email address: \_\_\_\_\_

### 5. Required Attachments

- I. Two (2) paper copies and one (1) digital copy of all project plans including:
  - i. A detailed Existing Conditions Plan including the subject site in its entirety, including all property lines, buildings, structures, curb cuts, sidewalks, drives, ramps and all parking on site and on the street(s) adjacent to the site, and must show the same detail for all adjacent properties within 200 ft. of the subject sites property lines;
  - ii. A detailed and scaled Site Plan depicting accurately and in detail the proposed construction, alteration or repair;
  - iii. A certified Land Survey;
  - iv. Interior floor plans;
  - v. A Landscape Plan;
  - vi. A Photometric Plan;
  - vii. Colored elevation drawings for each building elevation;
- II. Specification sheets for all proposed materials, light fixtures and mechanical equipment;
- III. Samples of all proposed materials;
- IV. Photographs of existing conditions on the site including all structures, parking areas, landscaping and adjacent structures;
- V. Current aerial photographs of the site and surrounding properties;
- VI. Warranty Deed, or Consent of Property Owner if the applicant is not the owner;
- VII. Any other data requested by the Planning Board, Planning Department, or other City Departments.

### 6. Project Information

Address/Location of the property: \_\_\_\_\_  
\_\_\_\_\_  
Name of development: \_\_\_\_\_  
Sidwell #: \_\_\_\_\_  
Current Use: \_\_\_\_\_  
Proposed Use: \_\_\_\_\_  
Area of Site in Acres: \_\_\_\_\_  
Current zoning: \_\_\_\_\_  
Is the property located in the floodplain? \_\_\_\_\_  
Name of Historic District Site is Located in: \_\_\_\_\_  
Date of Historic District Commission Approval: \_\_\_\_\_

Date of Application for Preliminary Site Plan: \_\_\_\_\_  
Date of Preliminary Site Plan Approval: \_\_\_\_\_  
Date of Application for Final Site Plan: \_\_\_\_\_  
Date of Final Site Plan Approval: \_\_\_\_\_  
Date of Application for Revised Final Site Plan: \_\_\_\_\_  
Date of Revised Final Site Plan Approval: \_\_\_\_\_  
Date of Design Review Board Approval: \_\_\_\_\_  
Is there a current SLUP in effect for this site? \_\_\_\_\_  
Date of Application for SLUP: \_\_\_\_\_  
Date of SLUP Approval: \_\_\_\_\_  
Date of Last SLUP Amendment: \_\_\_\_\_

**7. Details of the Proposed Development (attach separate sheet if necessary)**

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**8. Buildings and Structures**

Number of Buildings on Site: \_\_\_\_\_  
Height of Buildings & # of Stories: \_\_\_\_\_

Use of Buildings: \_\_\_\_\_  
Height of Rooftop Mechanical Equipment: \_\_\_\_\_

**9. Floor Use and Area (in Square Feet)**

**Structures:**

Restaurant Space: \_\_\_\_\_  
Office Space: \_\_\_\_\_  
Retail Space: \_\_\_\_\_

Number of Residential Units: \_\_\_\_\_  
Rental or Condominium? \_\_\_\_\_  
Total Floor Area: \_\_\_\_\_

**10. Proposed Restaurant Operation**

Number of Indoor Seats: \_\_\_\_\_  
Number of Outdoor Seats: \_\_\_\_\_  
Entertainment Proposed: \_\_\_\_\_  
Previous LCC Complaints? \_\_\_\_\_  
Number of Tables along Street Façade: \_\_\_\_\_  
Type of Cuisine: \_\_\_\_\_

Bar Area? \_\_\_\_\_  
Number of Seats at Bar: \_\_\_\_\_  
Full Service Kitchen? \_\_\_\_\_  
Percentage of Glazing Proposed: \_\_\_\_\_  
Years of Experience in Birmingham: \_\_\_\_\_  
Years of Experience Outside Birmingham: \_\_\_\_\_

**11. Proposed Setbacks**

Required Front Setback: \_\_\_\_\_  
Required Rear Setback: \_\_\_\_\_  
Required Total Side Setback: \_\_\_\_\_

Proposed Front Setback: \_\_\_\_\_  
Proposed Rear Setback: \_\_\_\_\_  
Proposed Total Side Setback: \_\_\_\_\_

**12. Outdoor Dining Facility**

Location (sidewalk right-of-way or on-street parking space): \_\_\_\_\_  
Hours of Operation: \_\_\_\_\_  
Width of unobstructed sidewalk between door and café? (5 ft. required): \_\_\_\_\_  
Platform Proposed: \_\_\_\_\_  
Trash Receptacles: \_\_\_\_\_

Number of Tables/Chairs: \_\_\_\_\_  
Material of Tables/Chairs: \_\_\_\_\_  
Tables Umbrellas Height & Material: \_\_\_\_\_  
Number and Location of Parking Spaces Utilized: \_\_\_\_\_  
Screenwall Material: \_\_\_\_\_  
Enclosure Material: \_\_\_\_\_

**13. Required and Proposed Parking**

Required number of parking spaces: \_\_\_\_\_  
Location of parking on site: \_\_\_\_\_  
Screenwall material: \_\_\_\_\_

Shared Parking Agreement? \_\_\_\_\_  
Location of parking off site: \_\_\_\_\_  
Height of screenwall: \_\_\_\_\_

**14. Landscaping**

Location of landscape areas: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Proposed landscape material: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## 15. Streetscape

Sidewalk width: \_\_\_\_\_  
Number of benches: \_\_\_\_\_  
Number of planters: \_\_\_\_\_  
Number of existing street trees: \_\_\_\_\_  
Number of proposed street trees: \_\_\_\_\_  
Streetscape plan submitted? \_\_\_\_\_

Description of benches or planters: \_\_\_\_\_

Species of existing trees: \_\_\_\_\_

Species of proposed trees: \_\_\_\_\_

## 16. Loading

Required number of loading spaces: \_\_\_\_\_  
Typical angle of loading spaces: \_\_\_\_\_  
Screenwall material: \_\_\_\_\_  
Location of loading spaces on site: \_\_\_\_\_

Proposed number of loading spaces: \_\_\_\_\_

Typical size of loading spaces: \_\_\_\_\_

Height of screenwall: \_\_\_\_\_

Typical time loading spaces are used: \_\_\_\_\_

## 17. Exterior Waste Receptacles

Required number of waste receptacles: \_\_\_\_\_  
Location of waste receptacles: \_\_\_\_\_  
Screenwall material: \_\_\_\_\_

Proposed number of waste receptacles: \_\_\_\_\_

Size of waste receptacles: \_\_\_\_\_

Height of screenwall: \_\_\_\_\_

## 18. Mechanical Equipment

### Utilities and Transformers:

Number of ground mounted transformers: \_\_\_\_\_  
Size of transformers (L•W•H): \_\_\_\_\_  
Number of utility easements: \_\_\_\_\_  
Screenwall material: \_\_\_\_\_

Location of all utilities & easements: \_\_\_\_\_

Height of screenwall: \_\_\_\_\_

### Ground Mounted Mechanical Equipment:

Number of ground mounted units: \_\_\_\_\_  
Size of ground mounted units (L•W•H): \_\_\_\_\_  
Screenwall material: \_\_\_\_\_

Location of all ground mounted units: \_\_\_\_\_

Height of screenwall: \_\_\_\_\_

### Rooftop Mechanical Equipment:

Number of rooftop units: \_\_\_\_\_  
Type of rooftop units: \_\_\_\_\_  
Screenwall material: \_\_\_\_\_  
Location of screenwall: \_\_\_\_\_

Location of all rooftop units: \_\_\_\_\_

Size of rooftop units (L•W•H): \_\_\_\_\_

Percentage of rooftop covered by mechanical units: \_\_\_\_\_

Height of screenwall: \_\_\_\_\_

Distance from rooftop units to all screenwalls: \_\_\_\_\_

## 19. Accessory Buildings

Number of accessory buildings: \_\_\_\_\_  
Location of accessory buildings: \_\_\_\_\_

Size of accessory buildings: \_\_\_\_\_

Height of accessory buildings: \_\_\_\_\_

## 20. Building Lighting

Number of light standards on building: \_\_\_\_\_  
Size of light fixtures (L•W•H): \_\_\_\_\_  
Maximum wattage per fixture: \_\_\_\_\_  
Light level at each property line: \_\_\_\_\_

Type of light standards on building: \_\_\_\_\_

Height from grade: \_\_\_\_\_

Proposed wattage per fixture: \_\_\_\_\_

## 21. Site Lighting

Number of light fixtures: \_\_\_\_\_  
Size of light fixtures (L•W•H): \_\_\_\_\_  
Maximum wattage per fixture: \_\_\_\_\_  
Light level at each property line: \_\_\_\_\_

Type of light fixtures: \_\_\_\_\_

Height from grade: \_\_\_\_\_

Proposed wattage per fixture: \_\_\_\_\_

Holiday tree lighting receptacles: \_\_\_\_\_

## 22. Adjacent Properties

Number of properties within 200 ft.: \_\_\_\_\_

**Property #1**

Number of buildings on site: \_\_\_\_\_  
Zoning district: \_\_\_\_\_  
Use type: \_\_\_\_\_  
Square footage of principal building: \_\_\_\_\_  
Square footage of accessory buildings: \_\_\_\_\_  
Number of parking spaces: \_\_\_\_\_

Property Description: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
North, south, east or west of property? \_\_\_\_\_

**Property #2**

Number of buildings on site: \_\_\_\_\_  
Zoning district: \_\_\_\_\_  
Use type: \_\_\_\_\_  
Square footage of principal building: \_\_\_\_\_  
Square footage of accessory buildings: \_\_\_\_\_  
Number of parking spaces: \_\_\_\_\_

Property Description: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
North, south, east or west of property? \_\_\_\_\_

**Property #3**

Number of buildings on site: \_\_\_\_\_  
Zoning district: \_\_\_\_\_  
Use type: \_\_\_\_\_  
Square footage of principal building: \_\_\_\_\_  
Square footage of accessory buildings: \_\_\_\_\_  
Number of parking spaces: \_\_\_\_\_

Property Description: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
North, south, east or west of property? \_\_\_\_\_

**Property #4**

Number of buildings on site: \_\_\_\_\_  
Zoning district: \_\_\_\_\_  
Use type: \_\_\_\_\_  
Square footage of principal building: \_\_\_\_\_  
Square footage of accessory buildings: \_\_\_\_\_  
Number of parking spaces: \_\_\_\_\_

Property Description: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
North, south, east or west of property? \_\_\_\_\_

**Property #5**

Number of buildings on site: \_\_\_\_\_  
Zoning district: \_\_\_\_\_  
Use type: \_\_\_\_\_  
Square footage of principal building: \_\_\_\_\_  
Square footage of accessory buildings: \_\_\_\_\_  
Number of parking spaces: \_\_\_\_\_

Property Description: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
North, south, east or west of property? \_\_\_\_\_

**Property #6**

Number of buildings on site: \_\_\_\_\_  
Zoning district: \_\_\_\_\_  
Use type: \_\_\_\_\_  
Square footage of principal building: \_\_\_\_\_  
Square footage of accessory buildings: \_\_\_\_\_  
Number of parking spaces: \_\_\_\_\_


Property Description: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
North, south, east or west of property? \_\_\_\_\_


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

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

Signature of Owner: Patricia M. Owens Date: 9.8.2021

Print Name: Patricia M. Owens

Signature of Applicant: 

Date: 9/7/2021 

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

Signature of Architect: \_\_\_\_\_ Date: \_\_\_\_\_

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

*Office Use Only*

Application #: \_\_\_\_\_ Date Received: \_\_\_\_\_ Fee: \_\_\_\_\_

Date of Approval: \_\_\_\_\_ Date of Denial: \_\_\_\_\_ Accepted by: \_\_\_\_\_



HAZEL'S

SEAFOOD

SEAFOOD CASUAL

COASTAL SEAFOOD CASUAL

FROM THE  
COAST

FROM  
**FRESH**  
FROM  


MAINE  
**LOBSTER**  
COAST



# HAZEL'S

COASTAL **SEAFOOD** CASUAL

COASTAL **SEAFOOD** CASUAL

COASTAL **SEAFOOD** CASUAL







GRAPHICS IN  
PMS YELLOW 5%



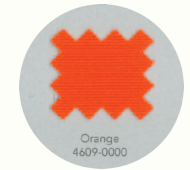
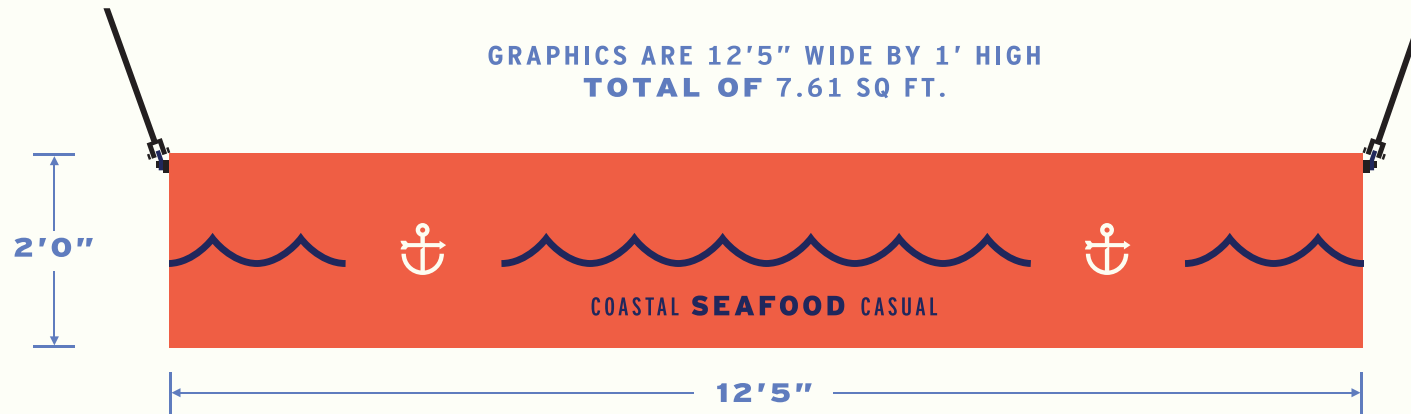
GRAPHICS ARE 4'2" WIDE BY 3" HIGH  
TOTAL OF 1.04 SQ FT.

GRAPHICS ARE 2'3" WIDE BY 3" HIGH  
TOTAL OF .58 SQ FT.

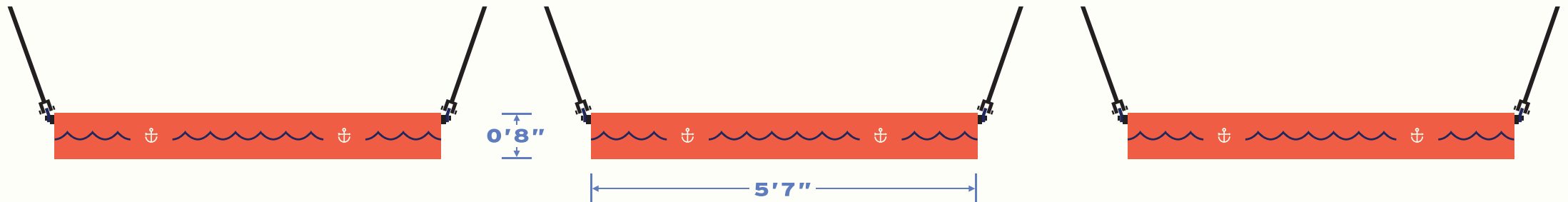
GRAPHICS ARE 4'2" WIDE BY 3" HIGH  
TOTAL OF 1.04 SQ FT.

EXTERIOR

TOTAL OF 6.52 SQ FT.



GRAPHICS IN  
PMS YELLOW 5%  
PMS 2758U



GRAPHICS ARE 5'5" WIDE BY 3" HIGH  
TOTAL OF 1.21 SQ FT.

GRAPHICS ARE 5'5" WIDE BY 3" HIGH  
TOTAL OF 1.21 SQ FT.

GRAPHICS ARE 5'5" WIDE BY 3" HIGH  
TOTAL OF 1.21 SQ FT.

INTERIOR

TOTAL OF 11.24 SQ FT.



Form Revision Date 07/2016

## CERTIFICATE OF ASSUMED NAME

For use by DOMESTIC LIMITED LIABILITY COMPANY

*Pursuant to the provisions of Act 23, Public Acts of 1993, the undersigned execute the following Certificate:*

1. The identification number assigned by the Bureau is:

802177569

2. The name of the limited liability company is:

HAZEL & RAVINES, LLC

3. The assumed name under which business is to be transacted is:

HAZEL'S

This document must be signed by an authorized officer or agent (corporations); a member, manager, or an authorized agent (limited liability companies); or general partner (limited partnerships):

Signed this 3rd Day of September, 2021 by:

Signature	Title	Title if "Other" was selected
Kelly A. Allen	Authorized Agent	

By selecting ACCEPT, I hereby acknowledge that this electronic document is being signed in accordance with the Act. I further certify that to the best of my knowledge the information provided is true, accurate, and in compliance with the Act.

☐ Decline ☒ Accept

***MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS***  
***FILING ENDORSEMENT***

***This is to Certify that the*** CERTIFICATE OF ASSUMED NAME

***for***

HAZEL & RAVINES, LLC

***ID Number:*** 802177569

to transact business under the assumed name of  
HAZEL'S

***received by electronic transmission on*** September 03, 2021 , ***is hereby endorsed.***

***Filed on*** September 03, 2021, ***by the Administrator.***

***The document is effective on the date filed, unless a subsequent effective date within 90 days after received date is stated in the document.***

Expiration Date: December 31, 2026



***In testimony whereof, I have hereunto set my hand and affixed the Seal of the Department, in the City of Lansing, this 3rd day of September, 2021.***

*Linda Clegg*

***Linda Clegg, Director***

***Corporations, Securities & Commercial Licensing Bureau***



## MEMORANDUM

Planning Division

**DATE:** October 25<sup>th</sup>, 2021

**TO:** Thomas Markus, City Manager

**FROM:** Nicholas Dupuis, Planning Director

**SUBJECT:** Public Hearing for 210 S. Old Woodward – Zana – Special Land Use Permit, Final Site Plan & Design Review

---

### INTRODUCTION:

The applicant has submitted an application for a Special Land Use Permit, Final Site Plan and Design Review for a new food and drink establishment serving alcoholic liquors for on premise consumption and associated interior/exterior renovations in an existing first floor tenant space in Downtown Birmingham.

### BACKGROUND:

On September 23, 2021, the Planning Board moved to recommend approval to the City Commission the Special Land Use Permit, Final Site Plan and Design Review application for 210 S. Old Woodward with the following conditions:

1. The applicant must submit revised sign plans that meet the requirements of the Sign Ordinance;
2. The Planning Board approves the proposed 64% glazing citing Article 4, Section 4.90 (E) of the Zoning Ordinance;
3. The Planning Board approves the projections into the S. Old Woodward right-of-way; and
4. The applicant must comply with the requests of all City Departments.

In addition to the Planning Board, the applicant was required to go before the Historic District Commission for Design Review, as the building is located within the Central Business Historic District. On October 20, 2021, the Historic District Commission approved the Design Review application for 210 S. Old Woodward with the following conditions:

1. The Historic District Commission APPROVES the vertically oriented sign located outside of the Sign Band; and
2. The Historic District Commission APPROVES the projection into the S. Old Woodward right-of-way.

The applicant has submitted revised plans meeting the requirements of the Planning Board and Historic District Commission.

### LEGAL REVIEW:

The City Attorney has reviewed this application and has no objections as to form and content.

**FISCAL IMPACT:**

There are no fiscal impacts for this agenda item.

**PUBLIC COMMUNICATIONS:**

As required for Special Land Use Permit and Final Site Plan Reviews, a legal ad was placed in a newspaper of local circulation to advertise the nature of the request in advance of the September 23, 2021 Planning Board meeting, and notices were sent out to all property owners and tenants within 300 ft. of the property. Similar notices were also sent out to advertise the review at the Historic District Commission. In addition, a second round of notices was sent out to advertise the public hearing at the City Commission on October 25, 2021.

**SUMMARY:**

The Planning Division requests that the City Commission consider the Special Land Use Permit, Final Site Plan and Design Review application for 210 S. Old Woodward – Zana.

**ATTACHMENTS:**

Please find attached the following documents for your review:

- Special Land Use Permit Resolution
- Planning Division Reports
- Site/Design Plans
- Application & Supporting Documents
- Meeting Minutes

**SUGGESTED COMMISSION ACTION:**

Make a motion adopting a resolution approving the Special Land Use Permit, Final Site Plan and Design Review application for 210 S. Old Woodward – Zana – to allow the addition of a new food and drink establishment serving alcoholic beverages for on premise consumption and associated interior/exterior renovations.

**Zana**  
210 S. OLD WOODWARD  
Special Land Use Permit 2021

WHEREAS, A Special Land Use Permit application was filed in September 2021 for approval of a new food and drink establishment serving alcoholic beverages for on premise consumption and associated interior/exterior renovations at 210 S. Old Woodward;

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

WHEREAS, The land is zoned B4, which permits the operation of food and drink establishments serving alcoholic beverages for on premise consumption with a Special Land Use Permit;

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

WHEREAS, The Planning Board on September 23, 2021 reviewed the application for a Special Land Use Permit, Final Site Plan and Design Review and recommended approval to the City Commission to allow a new food and drink establishment serving alcoholic beverages for on premise consumption and associated interior/exterior renovations with the following conditions:

1. The applicant must submit revised sign plans that meet the requirements of the Sign Ordinance;
2. The Planning Board approves the proposed 64% glazing citing Article 4, Section 4.90 (E) of the Zoning Ordinance;
3. The Planning Board approves the projections into the S. Old Woodward right-of-way; and
4. The applicant must comply with the requests of all City Departments.

WHEREAS, The Historic District Commission on October 20, 2021 reviewed the application for Design Review and approved the exterior changes to the building located within the Central Business Historic District with the following conditions;

1. The Historic District Commission APPROVES the vertically oriented sign located outside of the Sign Band; and
2. The Historic District Commission APPROVES the projection into the S. Old Woodward right-of-way.

WHEREAS, The applicant has agreed to provide all requested information and to comply with the requests of all City departments;

WHEREAS, The Birmingham City Commission has reviewed ZANA'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 ZANA'S application for a Special Land Use Permit, Final Site Plan and Design Review at 210 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. ZANA shall abide by all provisions of the Birmingham City Code; and
2. The Special Land Use Permit may be canceled by the City Commission upon finding that the continued use is not in the public interest.

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

BE IT FURTHER RESOLVED, Except as herein specifically provided, ZANA 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 ZANA to comply with all the ordinances of the City may result in the Commission revoking this Special Land Use Permit.

BE FURTHER RESOLVED that ZANA is recommended for the operation of a new food and drink establishment serving alcoholic beverages for on premise consumption and associated interior/exterior renovations, above all others, subject to final inspection.

I, Alexandria Bingham, City Clerk of the City of Birmingham, Michigan, do hereby certify that the foregoing is a true and correct copy of the resolution adopted by the Birmingham City Commission at its regular meeting held on October 25, 2021.

---

**Alexandria Bingham**  
**City Clerk**





## **MEMORANDUM**

**Planning Division**

**DATE:** September 23<sup>rd</sup>, 2021

**TO:** Planning Board Members

**FROM:** Nicholas Dupuis, Planning Director

**SUBJECT:** 210 S. Old Woodward – Zana – Special Land Use Permit, Final Site Plan & Design Review

---

The subject site, 210 S. Old Woodward, is currently a vacant 1<sup>st</sup> floor tenant space within an existing two-story commercial building fronting S. Old Woodward. The applicant has submitted a Special Land Use and Final Site Plan and Design Review application proposing a new restaurant serving alcoholic beverages for on premise consumption, extensive interior renovations, and changes to the front façade.

The new proposal for the front of the restaurant involves the introduction of a Nana Wall system in the existing openings that will create a flexible indoor/outdoor dining area, glass canopies, exterior lighting, signage, and annual plantings. A full review of ordinances and design is provided in the relevant sections below.

The applicant has stated that Zana will serve modern causal American cuisine. The tenant space will contain a 114 seat restaurant in the front, with a 130 seats in a banquet facility located in the rear. The applicant is proposing to be open from 11:30 AM to 11 PM, Tuesday through Sunday.

Finally, due the subject sites location within the Central Business Historic District, the applicant is required to submit a Design Review application to the Historic District Commission for approval of these changes. The applicant is scheduled to go before the Historic District Commission on October 6<sup>th</sup>, 2021.

The Birmingham Code of Ordinances states that a contract for transfer and a Special Land Use Permit are required for all licenses approved under Chapter 10 – Alcoholic Liquors. The licensee must comply with all provisions of the contract and Special Land Use Permit, and any amendments thereto as a condition of granting of a requested transfer. Accordingly, the applicant must obtain a recommendation from the Planning Board on the Special Land Use and Final Site Plan/Design Review application, which is then reviewed for final consideration by the City Commission.

## 1.0 Land Use and Zoning

1. Existing Land Use – Two-story commercial building.
2. Zoning – B4 (Business-Residential) and D4 (Downtown Overlay)
3. Summary of Adjacent Land Use and Zoning –

	North	South	East	West
Existing Land Use	Commercial	Commercial	Commercial	Commercial
Existing Zoning District	B4 (Business-Residential)	B4 (Business-Residential)	B4 (Business-Residential)	B4 (Business-Residential)
Overlay Zoning District	D4	D4	D4	D4

## 2.0 Setback and Height Requirements

Please see the attached zoning compliance summary sheet for details on setback and height requirements. There are currently no issues with bulk, height or placement with the Special Land Use Permit, Final Site Plan/Design Review application submitted.

## 3.0 Screening and Landscaping

1. Dumpster Screening – There are no changes proposed to the dumpster or screening on site.
2. Parking Lot Screening – There are no changes proposed to the parking conditions on site or associated screening.
3. Mechanical Equipment Screening – The applicant has submitted a rooftop plan detailing the replacement of 3 existing exhaust fans and 1 existing makeup air unit in the middle of the rooftop. The applicant has advised that this is a like-for-like replacement which will not significantly alter the mechanical conditions on the roof. Thus, the Planning Division did not require the applicant to provide screening for the units. **The Planning Board may wish to discuss the disposition of the rooftop units and whether or not the applicant should be required to install screening.**
4. Landscaping – There are no changes proposed to landscaping on site.

5. Streetscape – There are no changes proposed to the newly constructed streetscape along S. Old Woodward

#### **4.0 Parking, Loading and Circulation**

1. Parking – There are no changes to the parking requirements on site.
2. Loading – There are no changes to the loading requirements.
3. Vehicular Circulation and Access – There are no changes proposed to the vehicular circulation and access.
4. Pedestrian Circulation and Access – There are no changes proposed to pedestrian access on site.

#### **5.0 Lighting**

The applicant is proposing several new light fixtures to accent the proposed signage, canopies, building columns, and entryway. A summary of the new fixtures can be found in the following table:

<b>Fixture</b>	<b>Type</b>	<b>Location</b>	<b>Lumens</b>
Kalypso IP67	Linear LED	Edge of Sign	775
El Capitan	LED Wall Sconce	Top of Columns	?
PUKLED	LED Downlights	Entryway Canopy	176
Kalypso IP67	Internal LED	Glass Canopies	?

Each of these fixtures proposed appears to be fully cutoff as required by Article 4, Section 4.21 (D) of the Zoning Ordinance.

In addition to specifications for each light fixture, the applicant has also submitted a photometric plan detailing the illuminance levels on the site with the new fixtures. Article 4, Section 4.21 (E) requires the intensity of light on a site to be no greater than 1.5 maintained foot-candles at any property line for commercially zoned properties. In addition, the intensity of light on a site, which provides a front setback of less than 5 ft., shall be measured from 5 ft. beyond the front property line. The photometric plan indicates illuminance levels of 0.2 maintained foot-candles at the 5 ft. boundary along S. Old Woodward.

#### **6.0 Departmental Reports**

1. Engineering Division – Please see attached Engineering Division Comments.

2. Department of Public Services – The Department of Public Services has provided the comment that landscape bed protection will be required as a part of this project to prevent damage to the landscaping and tree in front of the space.
3. Fire Department – Please see attached Fire Department comments.
4. Police Department – The Police Department has no concerns at this time.
5. Building Division – Please see attached Building Division comments.

## 7.0 Design Review

The proposed façade renovations include a new Nana Wall window system, canopies, annual plantings, and signage. Please see the following table for a list of all proposed materials:

Material	Location	Color
Nana Wall Window System	Front facade	Black/Clear
Stainless Steel Planters (3)	Base of columns	Steel
Sculptural Rods	Columns	Steel
Laminated Glass	Canopies (3)	-
Insulated Glass Storefront	North/south facades	Black/Clear

As the building is located in the Downtown Overlay, there are certain architectural standards that must be met in regards to façade materials and design in relation to the proposed façade renovations:

1. At least 90% of the exterior finish material on all facades that face a street shall be limited to the following: glass, brick, cut stone, cast stone, coarsely textured stucco, or wood. Dryvit or E.F.I.S is prohibited.
2. The primary colors of building exteriors shall be compatible with the colors of adjacent buildings and in character with the surrounding area, although the trim may be of a contrasting color.
3. Storefronts shall be directly accessible from public sidewalks. Each storefront must have transparent areas, equal to 70% of its portion of the facade, between one and eight feet from the ground. The wood or metal armature (structural elements to support canopies or signage) of such storefronts shall be painted, bronze, or powder-coated.
4. Clear glazing is required on the first floor. Lightly tinted glazing is permitted on upper floors only. Windows shall not be blocked with opaque materials or the back of shelving units or signs.
5. Facade openings, including porches, windows, and colonnades, shall be vertical in proportion.
6. Sliding doors and sliding windows are prohibited along frontage lines.

At this time, it appears as though the applicant meets the majority of the Downtown Overlay Architectural Standards. The façade is predominantly brick (existing), stone

(existing) and glass, the proposal contains façade openings that are vertically proportioned, and the color scheme appears to be compatible with the building and its surrounding area. The storefront is accessible from the S. Old Woodward right-of-way, which takes patrons up stairs or a ramp and into the reception area for the restaurant. Previous tenants at the space have kept the front portion of the tenant space open and accessible from the outside, whereas this proposal creates a permanent storefront at the north side that now limits access to the space through the main entrance. Finally, the Planning Division has determined that the Nana Wall system is a bi-fold door system and is not considered a "sliding door" in reference to the Downtown Overlay Architectural Standards.

### Signage

The applicant is proposing to install one new 51.4 sq. ft. (25.7 sq. ft. per side) projecting sign spanning from the sign band to the top of the 2<sup>nd</sup> floor windows that reads "Zana." There are several issues with the sign as proposed:

1. Although the text alone is a much smaller dimension, Article 2, Section 2.03 (A) of the Sign Ordinance states that the area of a sign face (one face) shall be computed by means of the smallest square or rectangle that will encompass the extreme limits of the writing, representation, emblem or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed.
2. Table B of the Sign Ordinance permits projecting signs to be 7.5 sq. ft. per side for a maximum of 15 sq. ft. total.
3. Projecting signs must be placed within the Sign Band, which is defined as a horizontal band extending the full width of the building facade and located between the highest first floor windows and the bottom of the second floor windows.
4. There are several other signs located on the building that need to be included in the calculation for permitted combined sign area. The applicant has not submitted to total linear length of the building to determine the maximum combined sign area, and subsequently whether or not the proposed sign exceeds such.

Thus, **the applicant must submit revised sign plans that meet the requirements of the Sign Ordinance.**

### Glazing

As the applicant is proposing to renovate the existing storefront, which includes new windows, the applicant will be required to meet the Glazing standards outlined in Article 3, Section 3.04 of the Zoning Ordinance which requires transparent areas equal to 70% of its portion of the facade, between one and eight feet from the ground. Additionally, only clear glazing is required on the first floor, which is currently defined as 80% Visual Light Transmittance.

The applicant has submitted specifications for the proposed glass which indicate an 80% visual light transmittance. In addition, the applicant has also submitted glazing

calculations from grade equaling 64%. Due to the unique condition on site and the elevated placement of the 1<sup>st</sup> floor, the applicant has also submitted glazing calculations from the 1<sup>st</sup> floor plane equaling 83%. Although the applicant does not meet the 70% glazing requirement, the Planning Division finds the existing conditions on site unique enough to consider a modification of this standard per Article 4, Section 4.90, which states that:

To allow flexibility in design, these standards may be modified by a majority vote of those appointed and serving on the appropriate reviewing body including the Planning Board, Design Review Board, and/or Historic District Commission for architectural design considerations provided that the following conditions are met:

- a. The subject property must be in a zoning district that allows mixed uses;
- b. The scale, color, design and quality of materials must be consistent with the building and site on which it is located;
- c. The proposed development must not adversely affect other uses and buildings in the neighborhood;
- d. Glazing above the first story shall not exceed a maximum of 70% of the façade area;
- e. Windows shall be vertical in proportion.

At this time, the applicant appears to meet the conditions listed above. Thus, **the Planning Board should consider modifying the glazing requirement for the subject site, reducing the required glazing from 70% to 64%.**

#### Projections into the Right-of-Way

The applicant is proposing two laminated glass canopies that project 4 ft. S. Old Woodward right-of-way. Article 4, Section 4.74 (D)(4)(c)(i) 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 sidewalk in front of Zana is 9.5 ft. wide, which permits a maximum 5 ft. awning projection. The proposed 4.6 ft. awning meets these requirements. Thus, **the applicant must receive approval from the Planning Board for the projections into the S. Old Woodward right-of-way.**

## 8.0 Required Attachments

	Submitted	Not Submitted	Not Required
Existing Conditions Plan	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Detailed and Scaled Site Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Certified Land Survey	<input 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Site & Aerial Photographs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## 9.0 Approval Criteria

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

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

In addition, Article 7, Section 7.26 requires applications for a Special Land Use Permit to meet the following criteria:

- ☐1 ☐The use is consistent with and will promote the intent and purpose of this Zoning Ordinance.
- ☐2 ☐The use will be compatible with adjacent uses of land, the natural environment, and the capabilities of public services and facilities affected by the land use.
- ☐3 ☐The use is consistent with the public health, safety and welfare of the city.
- ☐4 ☐The use is in compliance with all other requirements of this Zoning Ordinance.
- ☐5 ☐The use will not be injurious to the surrounding neighborhood.
- ☐6 ☐The use is in compliance with state and federal statutes.

### 10.0 Recommendation

Based on a review of the site plan submitted, the Planning Division recommends that the Planning Board recommend **APPROVAL** to the City Commission the Special Land Use and Final Site Plan/Design Review application for 210 S. Old Woodward – Zana – with the following conditions:

1. The applicant must submit revised sign plans that meet the requirements of the Sign Ordinance;
2. The Planning Board approves the proposed 64% glazing citing Article 4, Section 4.90 (E) of the Zoning Ordinance;
3. The Planning Board approves the projections into the S. Old Woodward right-of-way; and
4. The applicant must comply with the requests of all City Departments.

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

Motion to recommend **APPROVAL** to the City Commission the Special Land Use Permit for 210 S. Old Woodward – Zana – subject to the conditions of Final Site Plan & Design Review approval.

**OR**

Motion to **POSTPONE** the Special Land Use Permit for 210 S. Old Woodward – Zana – pending receipt of the following:

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

**OR**

Motion to recommend **DENIAL** to the City Commission the Special Land Use Permit for 210 S. Old Woodward – Zana – for the following reasons:

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

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

Motion to recommend **APPROVAL** to the City Commission the Final Site Plan & Design Review for 210 S. Old Woodward – Zana – with the following conditions:



1. The applicant must submit revised sign plans that meet the requirements of the Sign Ordinance;
2. The Planning Board approves the proposed 64% glazing citing Article 4, Section 4.90 (E) of the Zoning Ordinance;
3. The Planning Board approves the projections into the S. Old Woodward right-of-way; and
4. The applicant must comply with the requests of all City Departments.

**OR**

Motion to **POSTPONE** the Final Site Plan & Design Review for 210 S. Old Woodward – Zana – pending receipt of the following:

1. The applicant must submit revised sign plans that meet the requirements of the Sign Ordinance;
2. The Planning Board approves the proposed 64% glazing citing Article 4, Section 4.90 (E) of the Zoning Ordinance;
3. The Planning Board approves the projections into the S. Old Woodward right-of-way; and
4. The applicant must comply with the requests of all City Departments.

**OR**

Motion to recommend the **DENIAL** to the City Commission the Final Site Plan & Design Review for 210 S. Old Woodward – Zana – for the following reasons:

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

**Zoning Compliance Summary Sheet  
Special Land Use Permit, Final Site Plan and Design Review  
210 S. Old Woodward - Zana**

**Existing Site:** 2-Story Commercial Building

Zoning: B4 (Business-Residential) & D4 (Downtown Overlay)

Land Use: Commercial

**Existing Land Use and Zoning of Adjacent Properties:**

	North	South	East	West
<b>Existing Land Use</b>	Commercial	Commercial	Commercial	Commercial
<b>Existing Zoning District</b>	B4 (Business-Residential)	B4 (Business-Residential)	B4 (Business-Residential)	B4 (Business-Residential)
<b>Overlay Zoning District</b>	D4	D4	D4	D4

**Land Area:** Existing: 0.723 ac.  
Proposed: 0.723 ac. **(no changes proposed)**

**Dwelling Units:** Existing: 0 units  
Proposed: 0 units

**Minimum Lot Area/Unit:** Required: N/A  
Proposed: N/A

**Min. Floor Area /Unit:** Required: N/A  
Proposed: N/A

**Max. Total Floor Area:** Required: 100% for commercial, office  
Proposed: 100% Commercial (900 sq. ft.)

**Min. Open Space:** Required: N/A  
Proposed: N/A

**Max. Lot Coverage:** Required: N/A  
Proposed: N/A

<b>Front Setback:</b>	Required:	0 ft.
	Proposed:	0 ft. <b>(no changes proposed)</b>
<b>Side Setbacks</b>	Required:	0 ft.
	Proposed:	0 ft. <b>(no changes proposed)</b>
<b>Rear Setback:</b>	Required:	Equal to adjacent buildings
	Proposed:	0 ft. <b>(no changes proposed)</b>
<b>Min. Front+Rear Setback</b>	Required:	N/A
	Proposed:	N/A
<b>Max. Bldg. Height:</b>	Permitted:	80 ft., 5 stories
	Proposed:	37 ft., 2-stories <b>(no changes proposed)</b>
<b>Min. Eave Height:</b>	Required:	58 ft.
	Proposed:	37 ft. <b>(no changes proposed)</b>
<b>Floor-Ceiling Height:</b>	Required:	12 ft.
	Proposed:	None listed
<b>Front Entry:</b>	Required:	On frontage line
	Proposed:	On frontage line <b>(no changes proposed)</b>
<b>Absence of Bldg. Façade:</b>	Required:	32 in. screenwall
	Proposed:	N/A
<b>Opening Width:</b>	Required:	25 ft.
	Proposed:	N/A
<b>Parking:</b>	Required:	0 spaces
	Proposed:	0 spaces <b>(no changes proposed)</b>
<b>Min. Parking Space Size:</b>	Required:	180 sq. ft.
	Proposed:	N/A
<b>Parking in Frontage:</b>	Required:	Off-street parking contained in the first story shall not be permitted within 10 feet of any building facade on a frontage line or between the building facade and the frontage line.
	Proposed:	No parking in 1st story <b>(no changes proposed)</b>
<b>Loading Area:</b>	Required:	None
	Proposed:	None

#### Screening:

<u>Parking:</u>	Required:	32 in. masonry screen wall
	Proposed:	N/A
<u>Loading:</u>	Required:	Minimum 6 ft. screen wall
	Proposed:	N/A
<u>Rooftop Mechanical:</u>	Required:	Fully screened from public view
	Proposed:	None <b>(no changes proposed)</b>
<u>Elect. Transformer:</u>	Required:	Obscured from public view
	Proposed:	N/A
<u>Dumpster:</u>	Required:	6 ft. masonry w/ wood gate
	Proposed:	None <b>(no changes proposed)</b>

**CITY OF BIRMINGHAM**  
**Community Development – Building Department**  
**151 Martin Street, Birmingham, MI 48009**

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September 14, 2021

RE: Special Land Use Permit Review Comments  
210 S. Old Woodward, Zana

As requested, the Building Department has examined the plans for the proposed project referenced above. The plans were provided to the Planning Department for site plan review purposes only and present conceptual elevations and floor plans. Although the plans lack sufficient detail to perform a code review, the following comments are offered for Planning Design Review purposes and applicant consideration:

**Applicable Building Codes:**

- **2015 Michigan Building Code.** Applies to all buildings other than those regulated by the *Michigan Residential Code*.
- **2015 Michigan Mechanical Code.** (Residential requirements for mechanical construction in all detached one and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with a separate means of egress and their accessory structures are contained in the Michigan Residential Code)
- **2015 Michigan Plumbing Code.** (Residential requirements for plumbing construction in all detached one and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with a separate means of egress and their accessory structures are contained in the Michigan Residential Code)
- **2017 National Electrical Code along with the Michigan Part 8 Rules.** (Residential requirements for electrical construction in all detached one and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with a separate means of egress and their accessory structures are contained in the Michigan Residential Code)

**Review Comments:**

1. The proposal seems to be very similar to the prior tenant. No building code concerns at this time.



# MEMORANDUM

(Engineering)

**DATE:** September 17, 2021

**TO:** Nicholas Dupuis, Planning Director

**FROM:** Scott Zielinski, PE, Assistant City Engineer

**SUBJECT:** Zana, HDC Review Dawing Comments

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As requested the engineering department has conducted a review of the latest drawings for the planned Zana Restaurant.

1. The renovation of the space appears to be mostly interior with minor façade changes, engineering does not observe any items that need comment in regards to the plans at this time. The facility appears to be using existing water and sewer services.
2. Obstruction permits will be required for any of the following activities;
  - a. Dumpster placement
  - b. Any work being performed in the City Right-Of-Way (sidewalk space or roadway)



# CITY OF BIRMINGHAM FIRE DEPARTMENT

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572 SOUTH ADAMS • BIRMINGHAM, MICHIGAN 48009 • 248.530.1900 FAX 248.530.1950

**210 S. Old Woodward**

**Zana Restaurant**

**Plan Review**

The following comments are from the Birmingham Fire Department and are in reference to:

**Preliminary site plan submittal initial comments**

1. Install Knox key box on exterior of building on the S. Old Woodward side. Contact Fire Marshal for ordering and installation.
2. Fire alarm and suppression systems to be intact during all phases of this project.
3. Full fire alarm system with revised plans to be installed. Submit plans to AHJ for approval.
4. Full fire suppression plans to be submitted to AHJ for review and approval.
5. Submit commercial hood plans to AHJ for review and approval.
6. Occupant load to be determined by Assistant Building Official and Fire Marshal
7. Private dining area and banquet rooms require separate occupant load if enclosed. Doors shall be egress compliant for these rooms.
8. Utility closet door and walk in cooler door in kitchen are in path of egress when swung open. These doors shall not impede path of egress any time. **Disapproved.**
9. Install hand rails on 4 step stairs, near rear egress.
10. Exterior glass canopies require fire suppression protection in all areas (canopies and door entry).

Jack D. Pesh

Fire Marshal

Birmingham Fire Department



## Special Land Use Permit Application

### Planning Division

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

#### 1. Applicant

Name: JAMES ESSHAKI  
Address: 210 SOUTH OLD WOODWARD  
BIRMINGHAM, MICHIGAN  
Phone Number: 248 645 5900  
Fax Number:  
Email address: JESSHAKI@ESSCODEVELOPMENT.COM

#### 2. Property Owner

Name: JAMES ESSHAKI  
Address: 210 SOUTH OLD WOODWARD  
BIRMINGHAM, MICHIGAN  
Phone Number: 248 645 5900  
Fax Number:  
Email address: JESSHAKI@ESSCODEVELOPMENT.COM

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

Name: JOHN H. GARDNER, AIA Architect  
Address: 555 South Old Woodward Ave. #27L  
Birmingham, Michigan  
Phone Number: 248 642 3990  
Fax Number: NA  
Email address: GARDNER-ARCH1@SBCGLOBAL.NET

#### 4. Project Designer/Developer

Name: Luckenbach|Ziegelman|Gardner Architects pllc - John H. Gardner, AIA  
Address: 555 SOUTH OLD WOODWARD #27L  
BIRMINGHAM, MICHIGAN  
Phone Number: 248 642 3990  
Fax Number: NA  
Email address: GARDNER-ARCH1@SBCGLOBAL.NET

#### 5. Required Attachments

- I. Two (2) paper copies and one (1) digital copy of all project plans including:
  - i. A detailed Existing Conditions Plan including the subject site in its entirety, including all property lines, buildings, structures, curb cuts, sidewalks, drives, ramps and all parking on site and on the street(s) adjacent to the site, and must show the same detail for all adjacent properties within 200 ft. of the subject site's property lines;
  - ii. A detailed and scaled Site Plan depicting accurately and in detail the proposed construction, alteration or repair;
  - iii. A certified Land Survey;
  - iv. Interior floor plans;
  - v. A Landscape Plan;
  - vi. A Photometric Plan;
  - vii. Colored elevation drawings for each building elevation;
- II. Specification sheets for all proposed materials, light fixtures and mechanical equipment;
- III. Samples of all proposed materials;
- IV. Photographs of existing conditions on the site including all structures, parking areas, landscaping and adjacent structures;
- V. Current aerial photographs of the site and surrounding properties;
- VI. Warranty Deed, or Consent of Property Owner if applicant is not the owner;
- VII. Any other data requested by the Planning Board, Planning Department, or other City Departments.

#### 6. Project Information

Address/Location of the property: 210 SOUTH OLD WOODWARD  
Name of development: ZANA Restaurant  
Sidwell #: 38-3577595  
Current Use: VACANT - Previous Vinoteknia Restaurant Space  
Proposed Use: NEW RESTAURANT, BANQUET, KITCHEN, TLT RMS = 11,100 SF  
Area of Site in Acres: .732 ACRES  
Current zoning: B2 D4  
Is the property located in the floodplain? NO  
Name of Historic District Site is located in: DOWNTOWN  
Date of Historic District Commission Approval:  
Date of Application for Preliminary Site Plan:  
Date of Preliminary Site Plan Approval:

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



## 7. Details of the Proposed Development (attach separate sheet if necessary)

PROPOSED NEW RESTAURANT TO BE LOCATED IN EXISTING VACANT LEASE SPACE. FORMER LOCATION OF VINOTECHIA.

PROJECT SCOPE: RENOVATED "STOREFRONT", ENCLOSING EXISTING EAST OUTSIDE TERRACE AREA W/ OPERABLE NANA WALL DOORS ALONG OLD WOODWARD FRONTAGE.

CLEAR GLASS STOREFRONT GLAZING ON THE NORTH & SOUTH SIDES OF OLD TERRACE. COMPLETE NEW RENOVATION OF INTERIOR. DINING & BAR TO BE LOCATED IN THE EAST AREA OF THE SPACE.

TWO BANQUET ROOM AREAS ARE AVAILABLE FOR FUNCTIONS AT THE REAR (WESTERN) PORTION OF THE INTERIOR SPACE.

THE REMAINDER OF THE SPACE IS DEVOTED TO KITCHEN AND PUBLIC RESTROOM AREAS.

RESTAURANT USES EXISTING COMMON ENCLOSED DUMPSTER AREA LOCATED WITHIN EXISTING GARAGE SPACE ACCESSIBLE FROM MERRILL STREET THROUGH OVERHEAD GARAGE DOORS.

## 8. Buildings and Structures

Number of Buildings on Site: 1 (ONE) / Existing Cornice Height = 37'

Height of Buildings & # of Stories: @ ZANA Location / 2 Stories- No Changes.

Use of Buildings: 1ST LEVEL RETAIL, 2ND LEVEL SPA & OFFICE

Height of Rooftop Mechanical Equipment: EXIST'G HEIGHT = Varies, 2-10 feet.

## 9. Floor Use and Area (in Square Feet)

### Proposed Commercial Structures:

Total basement floor area: NO BASEMENT

Number of square feet per upper floor: 27,375 SF Main Level Floor Area

Total floor area: PROPOSED RESTAURANT FLOOR AREA = 11,100 SF NET

Floor area ratio (total floor area ÷ total land area):

Open space:

Percent of open space:

Office Space: NA

Retail Space: NA

Industrial Space: NA

Assembly Space: NA

Seating Capacity: RESTAURANT = 144 / BANQUET AREA = 120

Maximum Occupancy Load: CALCULATE

### Proposed Residential Structures:

Total number of units: NA

Number of one bedroom units: NA

Number of two bedroom units: NA

Number of three bedroom units: NA

Open space: NA

Percent of open space: NA

Rental units or condominiums? NA

Size of one bedroom units: NA

Size of two bedroom units: NA

Size of three bedroom units: NA

Seating Capacity: NA

Maximum Occupancy Load: NA

### Proposed Additions:

Total basement floor area, if any, of addition: NA

Number of floors to be added: 0

Square footage added per floor: 0

Total building floor area (including addition): 59,140 SF

Floor area ratio (total floor area ÷ total land area):

Open Space:

Percent of open space:

Use of addition: NA

Height of addition: NA

Office space in addition: NA

Retail space in addition: NA

Industrial space in addition: NA

Assembly space in addition: NA

Maximum building occupancy load (including addition): NA

## 10. Required and Proposed Setbacks

Required front setback: 0'

Required rear setback: 0'

Required total side setback: 0'

Side setback: 0'

Proposed front setback: 0' - No Changes Proposed

Proposed rear setback: 0' - No Changes Proposed

Proposed total side setback: 0' - No Changes Proposed

Second side setback: NA

## 11. Required and Proposed Parking

Required number of parking spaces: 0 (PARKING ASSESSMENT DISTRICT)

Typical angle of parking spaces: NA

Typical width of maneuvering lanes: NA

Location of parking on site: NA

Location of parking off site: NA

Number of light standards in parking area: NA

Screenwall material: NA

Proposed number of parking spaces: NA

Typical size of parking spaces: NA

Number of spaces <180 sq. ft.: NA

Number of handicap spaces: NA

Shared parking agreement? NA

Height of light standards in parking area: NA

Height of screenwall: NA

## 12. Landscaping

Location of landscape areas:

SMALL STAINLESS STEEL PLANTERS ATTACHED TO BUILDING 20 INCHES X 8 INCHES  
WITH ROUNDED CORNERS.

Proposed landscape material:

ANNUAL PLANTINGS. SEE ATTACHED PLANTING DETAIL SHEET

## 13. Streetscape

Sidewalk width: 16'-10" FROM CURB TO BUILDING FACADE

Number of benches: 1 EXISTING CITY BENCH

Number of planters: 1 EXISTING CITY PLANTER

Number of existing street trees: 1 CITY TREE

Number of proposed street trees: ENGLISH OAK (Quercus robur)

Streetscape plan submitted? Yes

Description of benches or planters: EXISTING CITY TO REMAIN

Species of existing trees: ENGLISH OAK

Species of proposed trees: NO NEW TREES PROPOSED

## 14. Loading

Required number of loading spaces: 3 LOADING SPACES ON SITE

Typical angle of loading spaces: LOADING ON MERRILL STREET

Screenwall material: ENCLOSED IN EXISTING MASONRY GARAGE

Location of loading spaces on site: INSIDE BUILDING/MERRILL STREET SIDE

Proposed number of loading spaces: NO CHANGES

Typical size of loading spaces: EXISTING- NO CHANGES

Height of screenwall: COMPLETELY ENCLOSED W/IN BUILDING

Typical time loading spaces are used: MORNINGS

## 15. Exterior Waste Receptacles

Required number of waste receptacles: NA

Location of waste receptacles:

Screenwall material:

Proposed number of waste receptacles:

Size of waste receptacles:

Height of screenwall:

## 16. Mechanical Equipment

### Utilities and Transformers:

Number of ground mounted transformers: NA

Size of transformers (L•W•H): NA

Number of utility easements: NA

Screenwall material: NA

Location of all utilities & easements: West Side of Building In Alley.

See attached survey for location

Height of screenwall:

### Ground Mounted Mechanical Equipment:

Number of ground mounted units: NA

Size of ground mounted units (L•W•H): NA

Screenwall material: NA

Location of all ground mounted units: NA

Height of screenwall: NA

### Rooftop Mechanical Equipment:

Number of rooftop units: NA - EXISTING TO REMAIN

Type of rooftop units: 3 New Exhaust Fans Proposed to Replace Existing

Approx 2' in diameter & 2' tall. See Attached Specification Sheet

Screenwall material: Currently no screen walls exist

Location of screenwall:

Location of all rooftop units: SEE ATTACHED ROOF PLAN

Size of rooftop units (L•W•H): 2'X2'X2'

Percentage of rooftop covered by mechanical units: 5% (1600 sf)

Height of screenwall: No screenwalls exist

Distance from rooftop units to all screenwalls: NA

## 17. Accessory Buildings

Number of accessory buildings: NA

Location of accessory buildings: NA

Size of accessory buildings: NA

Height of accessory buildings: NA

## 18. Building Lighting

Number of light standards on building: SEE ATTACHED LIGHTING A1.04

Type of light standards on building: Surface Mounted & Recessed  
Existing on Building. No Changes proposed to existing.

Size of light fixtures (L•W•H): SEE SHEET A1.04  
Maximum wattage per fixture: 7 WATTS  
Light level at each property line: NTE 1.5 FT CANDLES

Height from grade: 9' & 12'  
Proposed wattage per fixture: 1.5 & 7 WATTS

## 19. Site Lighting

Number of light fixtures: 1 Streetlight in front of ZANA - NO CHANGES  
Size of light fixtures (L•W•H): Existing City of Birmingham  
Maximum wattage per fixture: Existing City or Birmingham  
Light level at each property line:

Type of light fixtures: Existing City of Birmingham  
Height from grade: Approx 10' above grade  
Proposed wattage per fixture:  
Holiday tree lighting receptacles:

## 20. Adjacent Properties

Number of properties within 200 ft.: See attached Map / Diagram Sheet A-1.01

### Property #1

Number of buildings on site: MERRILLWOOD BUILDING (1)  
Zoning district: B4/D5  
Use type: MIXED USE  
Square footage of principal building: -  
Square footage of accessory buildings: NA  
Number of parking spaces: NA

### Property Description:

Office / Retail / Restaurant w/ Apartments/Condominiums on upper levels

North, south, east or west of property? NORTH

### Property #2

Number of buildings on site: 255 SOUTH OLD WOODWARD (1)  
Zoning district: B4/D4  
Use type: OFFICE  
Square footage of principal building:  
Square footage of accessory buildings:  
Number of parking spaces:

Property Description: RETAIL & OFFICE AT GRADE, OFFICES AT UPPER LEVELS

North, south, east or west of property? EAST

### Property #3

Number of buildings on site: 220 MERRILL STREET (1)  
Zoning district: B4/D4  
Use type: RESTAURANT  
Square footage of principal building:  
Square footage of accessory buildings:  
Number of parking spaces:

Property Description: RESTAURANT

North, south, east or west of property? WEST

### Property #4

Number of buildings on site: BROWN STREET CENTER (1)  
Zoning district: B4/D4  
Use type: OFFICE  
Square footage of principal building:  
Square footage of accessory buildings:  
Number of parking spaces:

Property Description: OFFICES AT GRADE AND UPPER LEVELS

North, south, east or west of property? SOUTHEAST

### Property #5

Number of buildings on site: DAXON HOTEL (1)  
Zoning district: B4/D4  
Use type: HOTEL / RETAIL  
Square footage of principal building:  
Square footage of accessory buildings:  
Number of parking spaces:

Property Description: HOTEL LOBBY, RECEPTION, RESTAURANT AND RETAIL SPACES AT GRADE LEVEL. HOTEL ROOMS ON UPPER LEVELS.

North, south, east or west of property? SOUTH

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

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

Signature of Owner:

*James Esshaki*

Date: 9-1-2021

Print Name:

James Esshaki

Signature of Applicant:

*James Esshaki*

Date: 9-1-2021

Print Name:

James Esshaki

Signature of Architect:

*John H. Gardner*

Date:

9/1/2021

Print Name:

John H. Gardner

Office Use Only

Application #: \_\_\_\_\_ Date Received: \_\_\_\_\_ Fee: \_\_\_\_\_

Date of Approval: \_\_\_\_\_ Date of Denial: \_\_\_\_\_ Accepted by: \_\_\_\_\_



## Notice Signs - Rental Application Community Development

### 1. Applicant

Name: JAMES ESSHAKI  
Address: 210 SOUTH OLD WOODWARD  
  
Phone Number: 645 5900  
Fax Number: \_\_\_\_\_  
Email address: JESSHAKI@ESSCODEVELOPMENT.COM

### Property Owner

Name: JAMES ESSHAKI  
Address: 210 SOUTH OLD WOODWARD  
  
Phone Number: 645 5900  
Fax Number: \_\_\_\_\_  
Email address: JESSHAKI@ESSCODEVELOPMENT.COM

### 2. Project Information

Address/Location of Property: 210 SOUTH OLD WOODWARD  
Name of Development: ZANA RESTAURANT  
Area in Acres: EXISTING BUILDING SITE = .73 A

Name of Historic District site is in, if any: DOWNTOWN  
Current Use: VACANT  
Current Zoning: B4 / D4

### 3. Date of Board Review

Board of Building Trades Appeals: \_\_\_\_\_  
City Commission: \_\_\_\_\_  
Historic District Commission: \_\_\_\_\_  
Planning Board: \_\_\_\_\_

Board of Zoning Appeals: \_\_\_\_\_  
Design Review Board: \_\_\_\_\_  
Housing Board of Appeals: \_\_\_\_\_

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

Signature of Applicant: \_\_\_\_\_

Date: 9-1-2021

#### Office Use Only

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



# MEMORANDUM

Planning Division

**DATE:** October 6<sup>th</sup>, 2021  
**TO:** Historic District Commission  
**FROM:** Nicholas Dupuis, Planning Director  
**SUBJECT:** 210 S. Old Woodward – Zana – Design Review

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**Zoning:** B4 (Business-Residential) & D4 (Downtown Overlay)  
**Existing Use:** Commercial

## Introduction

The applicant has submitted a Design Review application for façade renovations at an existing tenant space in Downtown Birmingham for a new restaurant, "Zana". The subject site is located on the west side of S. Old Woodward, north of Brown. The building is not a designated historic resource in the City. However, the building is located within the Central Business Historic District.

On September 23<sup>rd</sup>, 2021, the Planning Board moved to recommend approval to the City Commission the Special Land Use Permit, Final Site Plan and Design Review application for 210 S. Old Woodward – Zana – with the following conditions:

1. The applicant must submit revised sign plans that meet the requirements of the Sign Ordinance;
2. The Planning Board approves the proposed 64% glazing citing Article 4, Section 4.90 (E) of the Zoning Ordinance;
3. The Planning Board approves the projections into the S. Old Woodward right-of-way; and
4. The applicant must comply with the requests of all City Departments.

In addition to these conditions, the applicant was also required to submit a Design Review application to the Historic District Commission due to the sites location within the Central Business Historic District.

## Building Exterior

The proposed façade renovations include a new Nana Wall window system, canopies, annual plantings, and signage Please see the following table for a list of all proposed materials:

Material	Location	Color
Nana Wall Window System	Front facade	Black/Clear
Stainless Steel Planters (3)	Base of columns	Steel
Sculptural Rods	Columns	Steel
Laminated Glass	Canopies (3)	-
Insulated Glass Storefront	North/south facades	Black/Clear

As the building is located in the Downtown Overlay, there are specific architectural standards that must be met in regards to façade materials and design:

1. At least 90% of the exterior finish material on all facades that face a street shall be limited to the following: glass, brick, cut stone, cast stone, coarsely textured stucco, or wood. Dryvit or E.F.I.S is prohibited.
2. Storefronts shall be directly accessible from public sidewalks. Each storefront must have transparent areas, equal to 70% of its portion of the facade, between one and eight feet from the ground. The wood or metal armature (structural elements to support canopies or signage) of such storefronts shall be painted, bronze, or powder-coated.
3. Facade openings, including porches, windows, and colonnades, shall be vertical in proportion.
4. Sliding doors and sliding windows are prohibited along frontage lines.
5. Facades may be supplemented by awnings, which shall be straight sheds without side flaps, not cubed or curved. Awnings shall be between 8 and 12 feet above sidewalk grade at the lower drip edge.

At this time, it appears as though the applicant meets the majority of the Downtown Overlay Architectural Standards. The façade is predominantly brick (existing), stone (existing) and glass, the proposal contains façade openings that are vertically proportioned, and the color scheme appears to be compatible with the building and its surrounding area. The storefront is accessible from the S. Old Woodward right-of-way, which takes patrons up stairs or a ramp and into the reception area for the restaurant. Previous tenants at the space have kept the front portion of the tenant space open and accessible from the outside, whereas this proposal creates a permanent storefront at the north side that now limits access to the space through the main entrance. Finally, the Planning Division has determined that the Nana Wall system is a bi-fold door system and is not considered a “sliding door” in reference to the Downtown Overlay Architectural Standards.

## Signage

The applicant is proposing to install one new 14.5 sq. ft. (7.25 sq. ft. per side) projecting sign on the column between the canopies that reads “Zana.” Article 1, Table B of the Sign Ordinance states that projecting signs must be placed within the Sign Band, which is defined as a horizontal band extending the full width of the building facade and located between the highest first floor windows and the bottom of the second floor windows. The sign plan shows the projecting sign

below the transom area and canopies, which is not within the sign band. However, Article 1, Section 1.05 (K)(5) states that “where the Historic District Commission has determines that a horizontal sign band is not architecturally available based on building design, a vertically oriented sign may be allowed.” The applicant has requested that the Historic District Commission consider the unique disposition of the building and its elevated first floor height, and consider permitting the vertically oriented sign.

Thus, **the applicant must obtain approval from the Historic District Commission for the vertically oriented sign outside of the sign band.**

### Lighting

The applicant is proposing several new light fixtures to accent the proposed signage, canopies, building columns, and entryway. A summary of the new fixtures can be found in the following table:

Fixture	Type	Location	Lumens
Kalypso IP67	Linear LED	Edge of Sign	775
EI Capitan	LED Wall Sconce	Top of Columns	?
PUKLED	LED Downlights	Entryway Canopy	176
Kalypso IP67	Internal LED	Glass Canopies	?

Each of these fixtures proposed appears to be fully cutoff as required by Article 4, Section 4.21 (D) of the Zoning Ordinance.

In addition to specifications for each light fixture, the applicant has also submitted a photometric plan detailing the illuminance levels on the site with the new fixtures. Article 4, Section 4.21 (E) requires the intensity of light on a site to be no greater than 1.5 maintained foot-candles at any property line for commercially zoned properties. In addition, the intensity of light on a site, which provides a front setback of less than 5 ft., shall be measured from 5 ft. beyond the front property line. The photometric plan indicates illuminance levels of 0.2 maintained foot-candles at the 5 ft. boundary along S. Old Woodward.

### Planning and Zoning

As the building/site is not changing its use or size, there are no bulk, height or area requirements that must be reviewed at this time. However, a review of the following planning and zoning issues is warranted based on the proposed façade renovation:

- Glazing – As the applicant is proposing to renovate the existing storefront, which includes new windows, the applicant will be required to meet the Glazing standards outlined in Article 3, Section 3.04 of the Zoning Ordinance which requires transparent areas equal to 70% of its portion of the facade, between one and eight feet from the ground.



Additionally, only clear glazing is required on the first floor, which is currently defined as 80% Visual Light Transmittance.

The applicant has submitted specifications for the proposed glass which indicate an 80% visual light transmittance. In addition, the applicant has also submitted glazing calculations from grade equaling 64%. Due to the unique condition on site and the elevated placement of the 1<sup>st</sup> floor, the applicant has also submitted glazing calculations from the 1<sup>st</sup> floor plane equaling 83%. Although the applicant does not meet the 70% glazing requirement, the Planning Division finds the existing conditions on site unique enough to consider a modification of this standard per Article 4, Section 4.90, which states that:

To allow flexibility in design, these standards may be modified by a majority vote of those appointed and serving on the appropriate reviewing body including the Planning Board, Design Review Board, and/or Historic District Commission for architectural design considerations provided that the following conditions are met:

1. The subject property must be in a zoning district that allows mixed uses;
2. The scale, color, design and quality of materials must be consistent with the building and site on which it is located;
3. The proposed development must not adversely affect other uses and buildings in the neighborhood;
4. Glazing above the first story shall not exceed a maximum of 70% of the façade area;
5. Windows shall be vertical in proportion.

**The Planning Board moved to modify the glazing requirement for the subject site, reducing the required glazing from 70% to 64%.**

- Projections into the Right-of-Way – The applicant is proposing two laminated glass canopies that project 4 ft. S. Old Woodward right-of-way. Article 4, Section 4.74 (D)(4)(c)(i) 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 sidewalk in front of Zana is 9.5 ft. wide, which permits a maximum 5 ft. awning projection. The proposed 4.6 ft. awning meets these requirements. **The applicant received approval from the Planning Board for the projections into the S. Old Woodward right-of-way.**

However, the redesign of the signage from the Planning Board review has left a projection into the right-of-way unaccounted for, which must be reviewed by the Historic District Commission. The laminated glass fin running from the top of the projecting sign to the bottom of the second floor windows projects 2.5 ft. into the S. Old Woodward right-of-way. The projection dimension meets the requirements stated above, and will require Historic District Commission approval.

**Thus, the applicant must receive approval from the Historic District Commission for the projection into the S. Old Woodward right-of-way.**

### Required Attachments

	Submitted	Not Submitted	Not Required
Detailed and Scaled Site Plan	<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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Site & Aerial Photographs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Design Standards

Article 7, Section 7.09 states that the Design Review Board shall review all documents submitted pursuant to this section and shall determine the following:

1. All of the materials required by this section have been submitted for review.
2. All provisions of this Zoning Ordinance have been complied with.
3. The appearance, color, texture and materials being used will preserve property values in the immediate neighborhood and will not adversely affect any property values.
4. The appearance of the building exterior will not detract from the general harmony of and is compatible with other buildings already existing in the immediate neighborhood.
5. The appearance of the building exterior will not be garish or otherwise offensive to the sense of sight.
6. The appearance of the building exterior will tend to minimize or prevent discordant and unsightly properties in the City.
7. The total design, including but not limited to colors and materials of all walls, screens, towers, openings, windows, lighting and signs, as well as treatment to be utilized in concealing any exposed mechanical and electrical equipment, is compatible with the intent of the urban design plan or such future modifications of that plan as may be approved by the City Commission.

### Planning Division Analysis

Based on the requirements of Article 7, Section 7.09, the Planning Division recommends that the Historic District Commission **APPROVE** the Design Review application for 210 S. Old Woodward – Zana – with the following condition:

1. The Historic District Commission APPROVES the vertically oriented sign located outside of the Sign Band; and
2. The Historic District Commission APPROVES the projection into the S. Old Woodward right-of-way.

### Sample Motion Language

Motion to **APPROVE** the Design Review application for 210 S. Old Woodward – Zana – with the following condition:

1. The Historic District Commission APPROVES the vertically oriented sign located outside of the Sign Band; and
2. The Historic District Commission APPROVES the projection into the S. Old Woodward right-of-way.

**OR**

Motion to **POSTPONE** the Design Review application for 210 S. Old Woodward – Zana – pending receipt of the following:

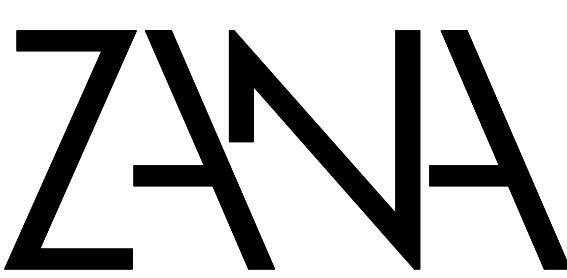
1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

**OR**

Motion to **DENY** the Design Review application for 210 S. Old Woodward – Zana – for the following reasons:

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





ZANA Restaurant  
Historic District Commission Review  
210 South Old Woodward, Birmingham, Michigan



Zoning Information  
Building Area / Building Criteria

Zoning	
- Zoning = B4	
- Downtown Overlay District = D4	
- Part of Downtown Birmingham Parking Assessment District	
- Downtown Historic District	
Building Code	
- Use Group: A3 - Restaurant	
- Number of Stories Proposed Restaurant Space Renovation 1	
- Existing Level 1 Restaurant Net Area	11,100 sf net interior area
- Occupant Load (Actual Number, See A102)	353
- Construction Type	2B
Legal Description:	
See Site Plan - Sheet S-1	

HDC AND SLIP REVIEW

Sheet Schedule

ARCHITECTURAL	
●	A 100 TITLE, SHEET SCHEDULE, AND ZONING INFORMATION
●	A 101 PARTIAL SURVEY, LOCATION, AND SITE INFORMATION
●	S1 SURVEY
●	A 102 FLOOR PLAN, EXISTING PHOTOS, PROPOSED INTERIOR RENDERINGS
●	A 103 PARTIAL FLOOR PLAN, RENDERINGS, AND ELEVATIONS
●	A 104 EXTERIOR LIGHTING DETAILS AND PHOTOMETRICS
●	A 105 WALL SECTION AND DETAILS
●	M300 MECHANICAL ROOF PLAN

HISTORIC DISTRICT  
COMMISSION REVIEW

seal:



Luckenbach|Ziegelman|Gardner  
Architects  
555 S. Old Woodward Ave, Suite 27L  
Birmingham, Michigan 48009

email:  
gardner-arch@sbcbglobal.net  
tele:  
248.642.3990

issue	date
HDC Review	10/06/2021

sheet title:

Title Sheet  
Sheet Schedule  
& Zoning  
Information

project:



project address:  
210 South Old Woodward  
Birmingham, Michigan

designed	
drawn	
coordination checked	
checked	approved

project number:  
020-2021

sheet number:  
A-1.00



# HDC REVIEW SLUP REVIEW

seal:

L|Z|G  
Architects

Luckenbach|Ziegelman|Gardner  
A r c h i t e c t s

555 S. Old Woodward Ave. Suite 27L  
Birmingham, Michigan 48009

email:  
gardner-arch1@sbcglobal.net

tele:  
248.642.3990

iss <sup>ue</sup>	date
SLUP Review	9/23/2021
HDC Review	10/07/2021

Sheet title

Screening  
Site Information

ZNA

Direct address

210 St Old Ward  
Wirin a Mician

des~~i~~gned

drawn

c~~o~~rdination c~~o~~nc~~e~~ded

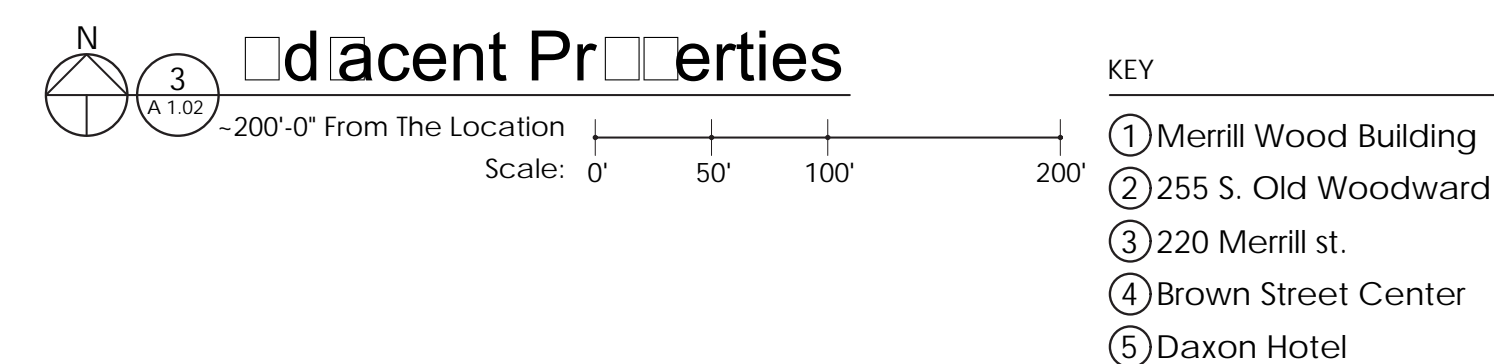
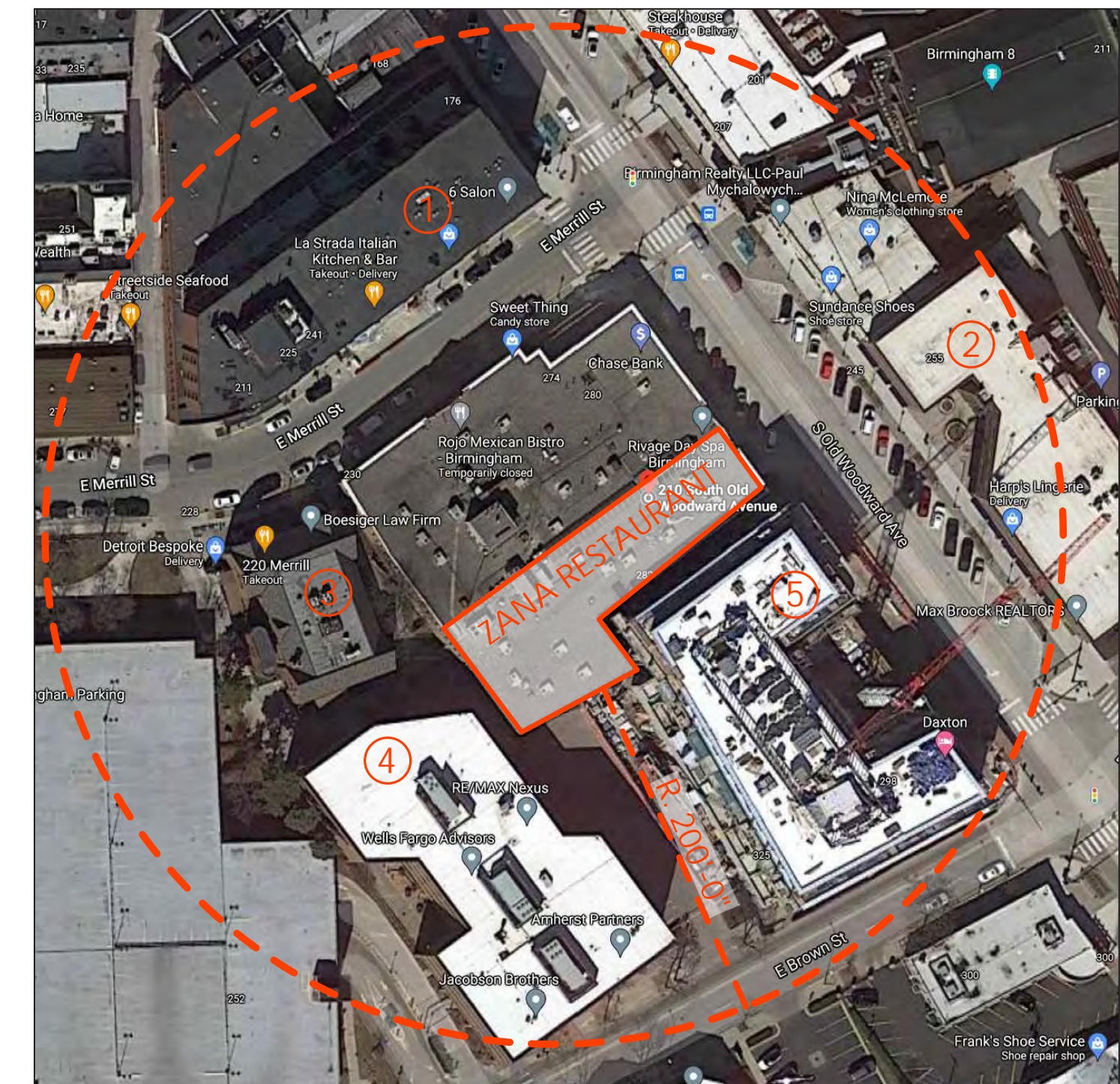
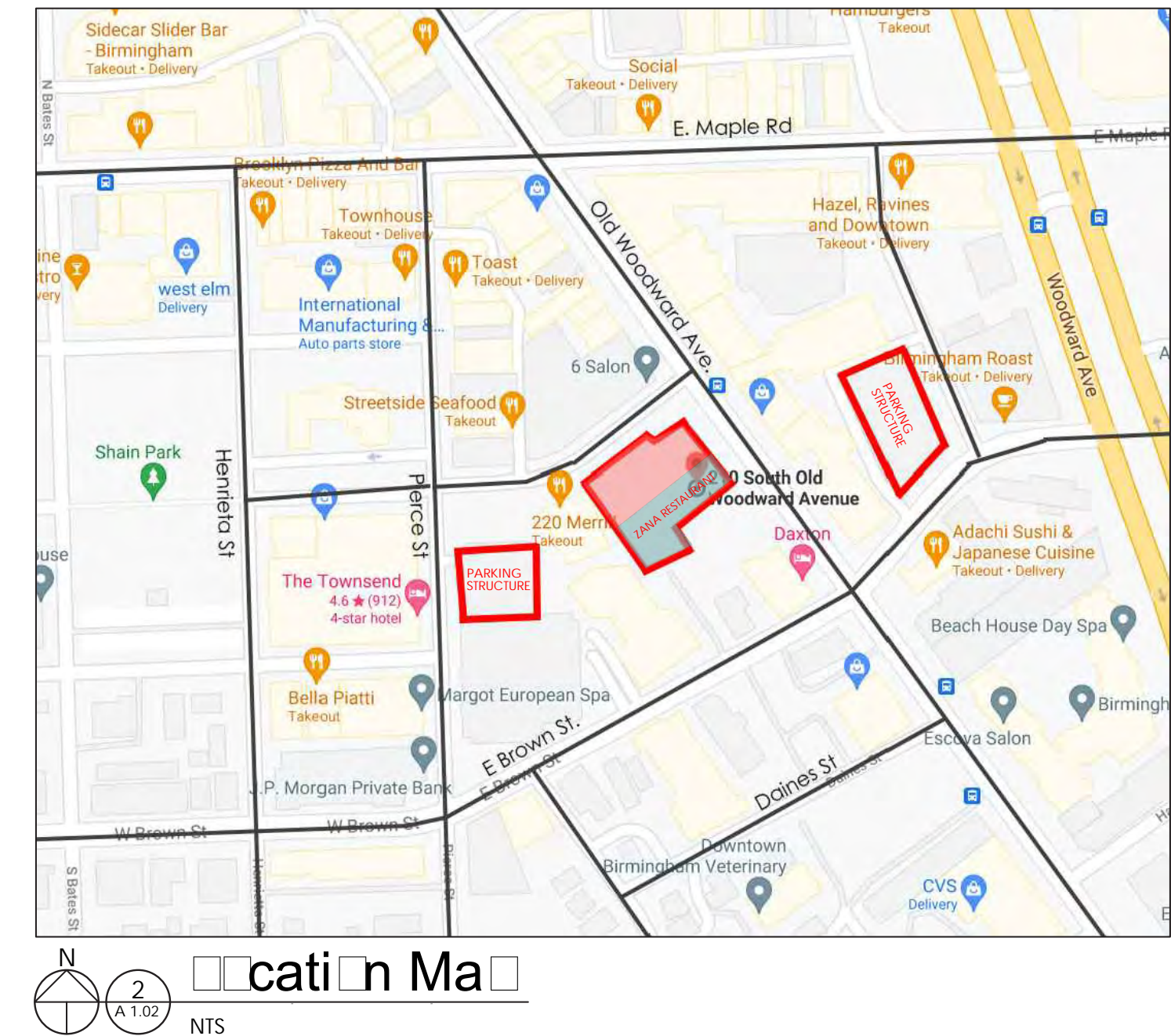
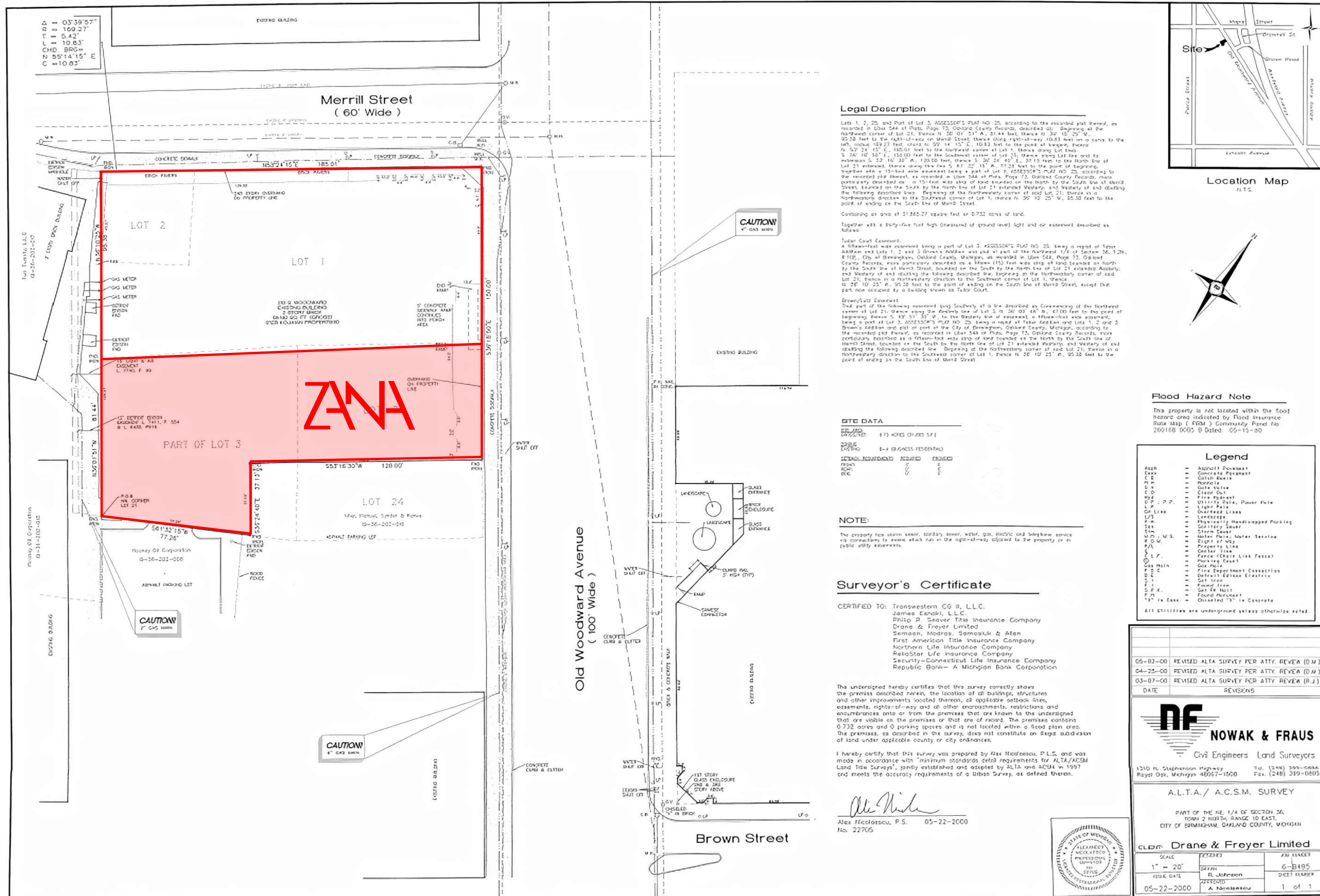
c~~o~~nc~~e~~ded      a~~rr~~o~~rr~~ed

Reflection

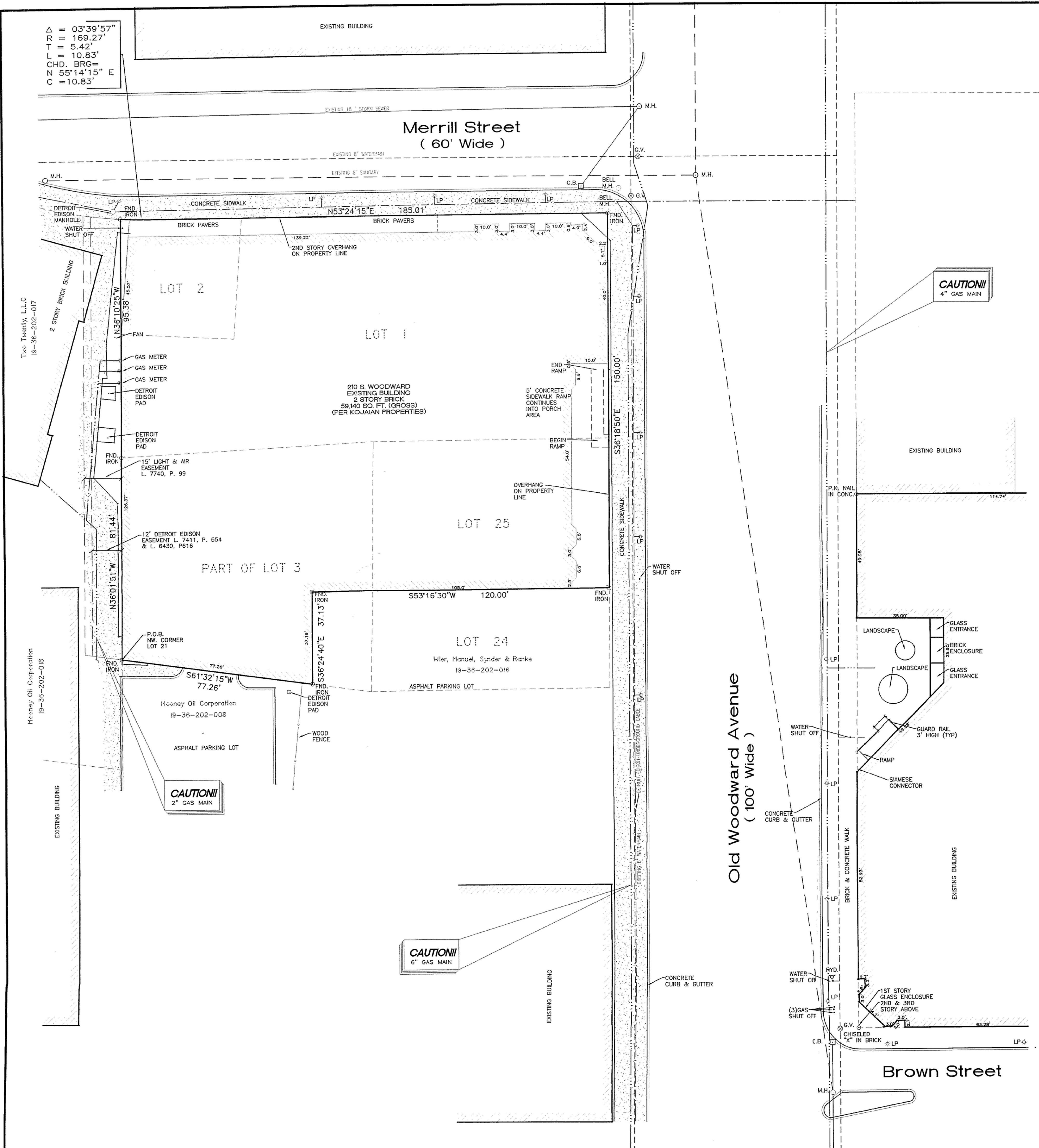
020 2021

s \_ eet n \_ \_ \_ er \_

□ □ 1.01







# Legal Description

Lots 1, 2, 25, and Part of Lot 3, ASSESSOR'S PLAT NO. 25, according to the recorded plat thereof, as recorded in Liber 54A of Plats, Page 73, Oakland County Records, described as: Beginning at the Northwest corner of Lot 21; thence N. 36° 01' 51\"/>

Containing an area of 31,865.27 square feet or 0.732 acres of land.

Together with a thirty-five foot high (measured at ground level) light and air easement described as follows:

## Tudor Court Easement:

A fifteen-foot wide easement being a part of Lot 3, ASSESSOR'S PLAT NO. 25, being a replat of Taber Addition and Lots 1, 2 and 3 Brown's Addition and plat of part of the Northeast 1/4 of Section 36, T.2N., R.10E., City of Birmingham, Oakland County, Michigan, as recorded in Liber 54A, Page 73, Oakland County Records, more particularly described as a fifteen (15) foot wide strip of land bounded on North by the South line of Merrill Street, bounded on the South by the North line of Lot 21 extended Westerly; and Westerly of and abutting the following described line: beginning at the Northwest corner of said Lot 21; thence in a Northwesterly direction to the Southwest corner of Lot 1; thence N. 36° 10' 25\"/>

## Brown/Lutz Easement:

That part of the following easement lying Southerly of a line described as Commencing at the Northwest corner of Lot 21; thence along the Westerly line of Lot 3, N. 36° 00' 48\"/>

## SITE DATA

SITE AREA	
GROSS/NET:	0.73 ACRES (31,865 S.F.)
ZONING	
EXISTING:	B-4 (BUSINESS RESIDENTIAL)
SETBACK REQUIREMENTS	REQUIRED PROVIDED
FRONT:	0' 0'
REAR:	0' 0'
SIDE:	0' 0'

## NOTE:

The property has storm sewer, sanitary sewer, water, gas, electric and telephone service via connections to mains which run in the right-of-way adjacent to the property or in public utility easements.

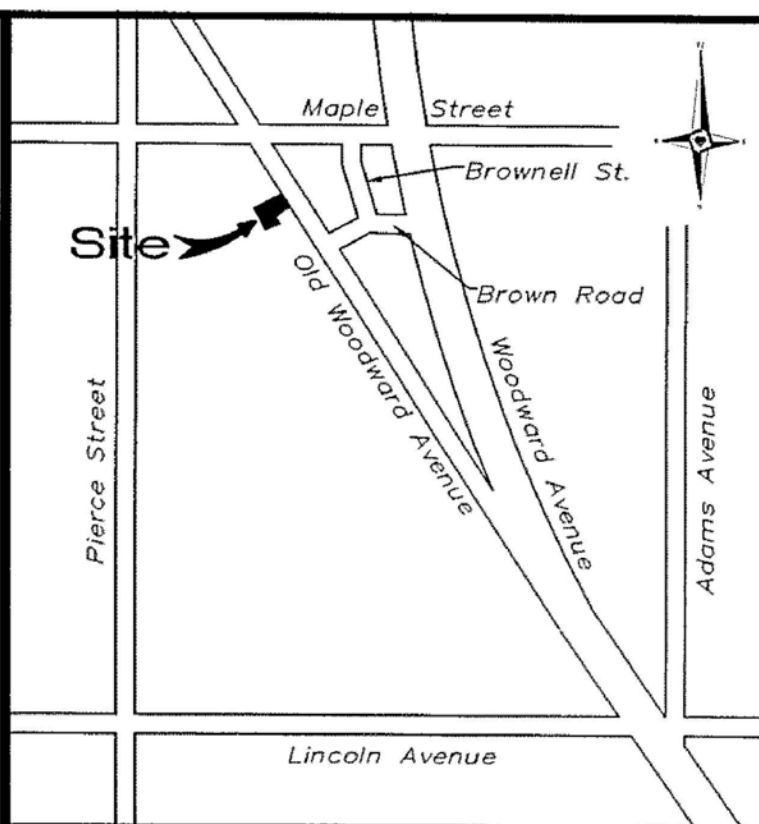
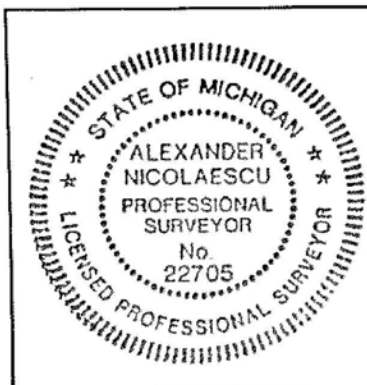
## Surveyor's Certificate

CERTIFIED TO: Transwestern CG II, L.L.C.  
James Eshaki, L.L.C.  
Philip R. Seaver Title Insurance Company  
Drane & Freyer Limited  
Semaan, Modras, Samosiuk & Allen  
First American Title Insurance Company  
Northern Life Insurance Company  
ReliaStar Life Insurance Company  
Security-Connecticut Life Insurance Company  
Republic Bank— A Michigan Bank Corporation

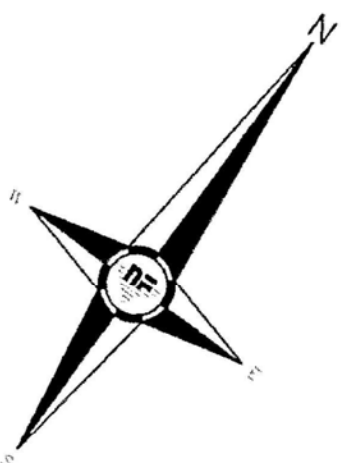
The undersigned hereby certifies that this survey correctly shows the premiss described herein, the location of all buildings, structures and other improvements located thereon, all applicable setback lines, easements, rights-of-way and all other encroachments, restrictions and encumbrances onto or from the premisses that are known to the undersigned that are visible on the premisses or that are of record. The premisses contains 0.732 acres and 0 parking spaces and is not located within a flood plain area. The premisses, as described in the survey, does not constitute an illegal subdivision of land under applicable county or city ordinances.

I hereby certify that this survey was prepared by Alex Nicolaescu, P.L.S. and was made in accordance with "minimum standards detail requirements for ALTA/ACSM Land Title Surveys", jointly established and adopted by ALTA and ACSM in 1997 and meets the accuracy requirements of a Urban Survey, as defined therein.

Alex Nicolaescu, P.S. 05-22-2000  
No. 22705



Location Map  
N.T.S.



## Flood Hazard Note

This property is not located within the flood hazard area indicated by Flood Insurance Rate Map ( FIRM ) Community Panel No. 260168 0005 B Dated: 05-15-80

## Legend

Asph.	Asphalt Pavement
Conc.	Concrete Pavement
C.B.	Catch Basin
M.H.	Manhole
G.V.	Gate Valve
C.O.	Clean Out
Hyd.	Fire Hydrant
U.P. ; P.P.	Utility Pole; Power Pole
L.P.	Light Pole
OH Line	Overhead Lines
L/S	Landscape
P.H.	Physically Handicapped Parking
San.	Sanitary Sewer
Stm.	Storm Sewer
W.M. ; W.S.	Water Main; Water Service
R.O.W.	Right of Way
P/L	Property Line
C.L.F.	Center Line
O	Fence (Chain Link Fence)
Parking Count	Parking Count
Gas Main	Gas Main
F.D.C.	Fire Department Connection
D.E.	Detroit Edison Electric
S.I.	Set Iron
F.I.	Found Iron
S.P.K.	Set PK Nail
F.M.	Found Monument
"X" in Conc.	Chiseled "X" in Concrete

All Utilities are underground unless otherwise noted.

DATE	REVISIONS
05-02-00	REVISED ALTA SURVEY PER ATTY. REVIEW (D.M.)
04-25-00	REVISED ALTA SURVEY PER ATTY. REVIEW (D.M.)
03-07-00	REVISED ALTA SURVEY PER ATTY. REVIEW (R.J.)

**NF NOWAK & FRAUS**  
Civil Engineers Land Surveyors  
1310 N. Stephenson Highway Royal Oak, Michigan 48067-1508 Tel. (248) 399-0886 Fax. (248) 399-0805

A.L.T.A./ A.C.S.M. SURVEY		
PART OF THE NE. 1/4 OF SECTION 36, TOWN 2 NORTH, RANGE 10 EAST, CITY OF BIRMINGHAM, OAKLAND COUNTY, MICHIGAN		
CLIENT: Drane & Freyer Limited		
SCALE 1" = 20'	DESIGNED R. Johnson	JOB NUMBER 6-B495
ISSUE DATE 05-22-2000	APPROVED A. Nicolaescu	SHEET NUMBER 1 of 1

S.1



seal:

L|Z|G  
Architects

Luckenbach/Ziegelman/Gardner  
Architects  
555 S. Old Woodward Ave, Suite 27L  
Birmingham, Michigan 48009

email:  
gardner-archi@sbcglobal.net  
tele:  
248.642.3990

issue	date
SLUP REVIEW	SEPT 23, 2021
HDC REVIEW	OCT 07, 2021

sheet title:  
Level One  
Floor Plan  
Project  
Images

project:

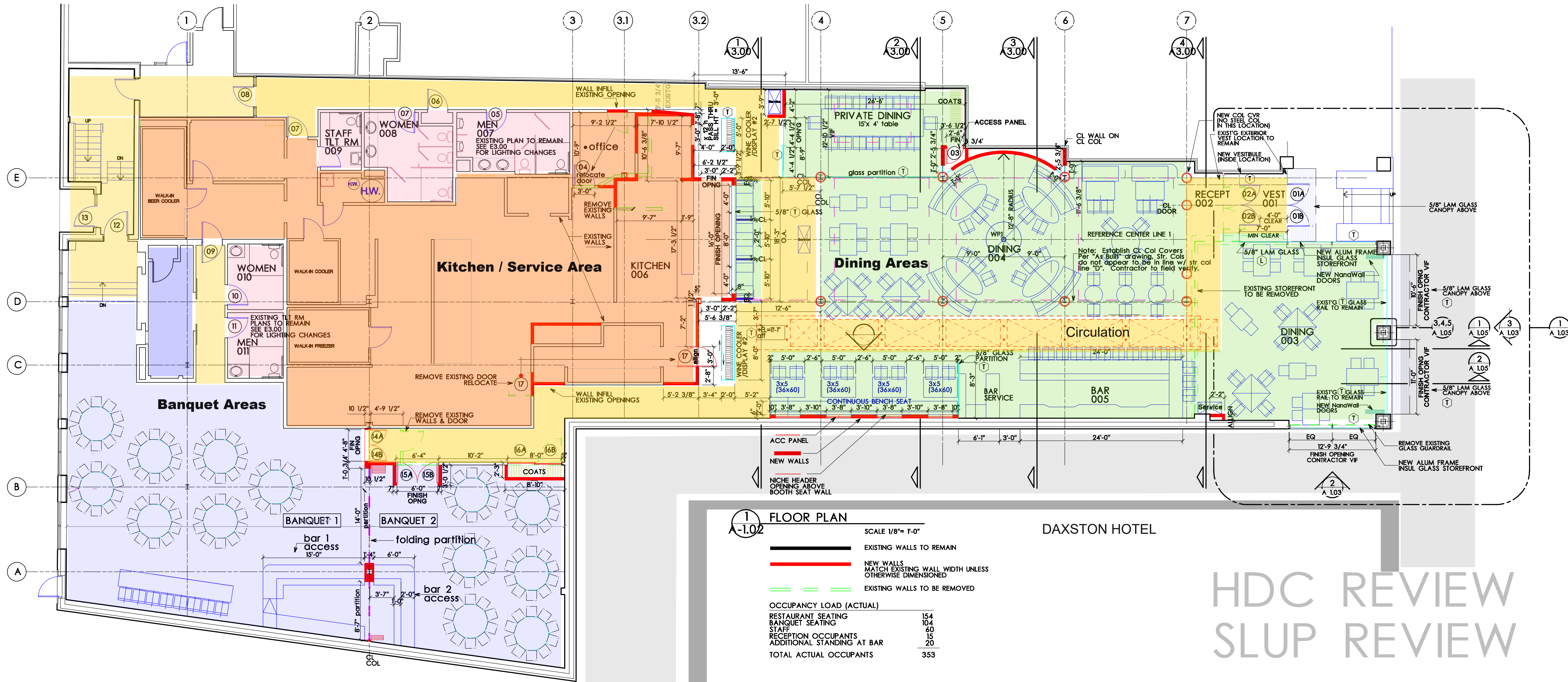
ZANA

project address:  
210 South Old Woodward  
Birmingham, Michigan

designed JHG  
drawn JG  
coordination checked  
checked approved

project number:  
003-2021

sheet number:  
A-1.02



EXTERIOR



A EXISTING EXTERIOR  
South Portion of Plaza Bldg - Looking West



B EXISTING EXTERIOR  
South Elevation - Looking NW  
(Alley Side View Between Daxton)



C EXISTING EXTERIOR  
Old Woodward Avenue  
Looking Southwest



PROPOSED EXTERIOR  
Old Woodward Avenue  
Looking Southwest - Evening Scene



D EXISTING EXTERIOR  
Old Woodward / Merrill Street  
Chase Bank - Glass Canopy

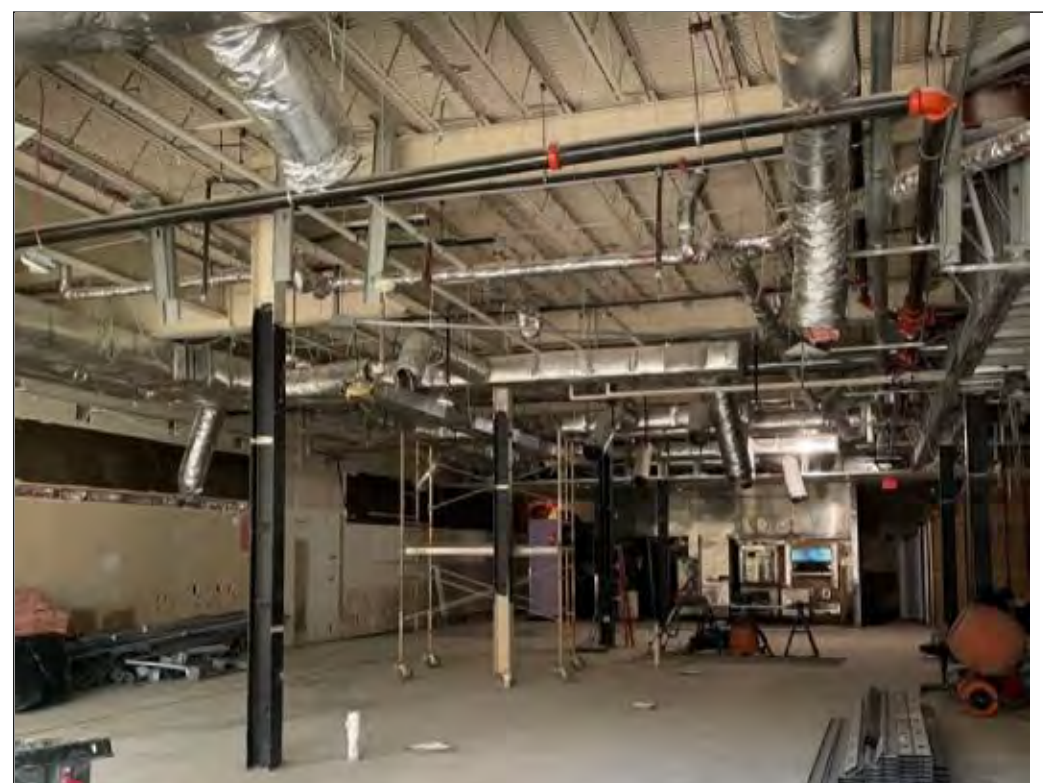


E.1 EXISTING EXTERIOR  
Old Woodward / Merrill Street  
Plaza Bldg - Looking South



E.2 PROPOSED EXTERIOR  
Old Woodward / Merrill Street  
Plaza Bldg - Looking South

INTERIOR



F EXISTING INTERIOR  
Main Dining Room  
Looking West



G PROPOSED INTERIOR  
Main Dining Room  
Looking West

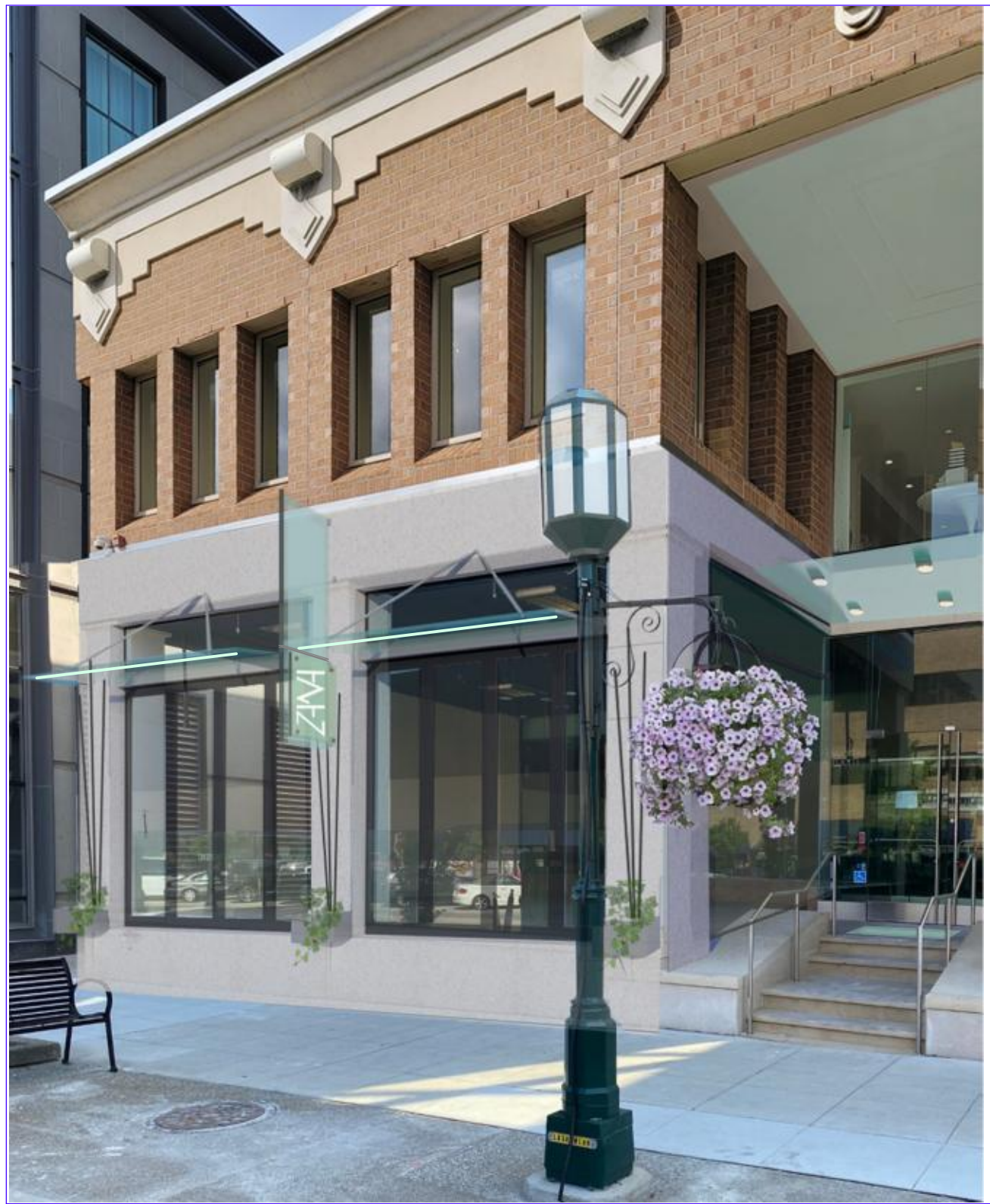


H PROPOSED INTERIOR  
Looking West  
Main Dining Room to Right  
Bar Area to Left



J PROPOSED INTERIOR  
Main Dining Room  
Looking North

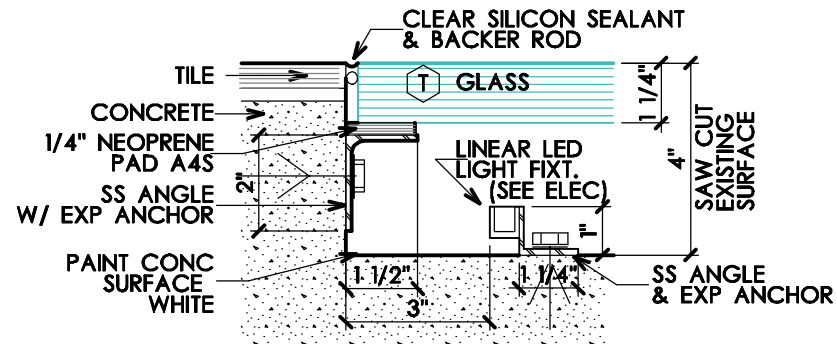




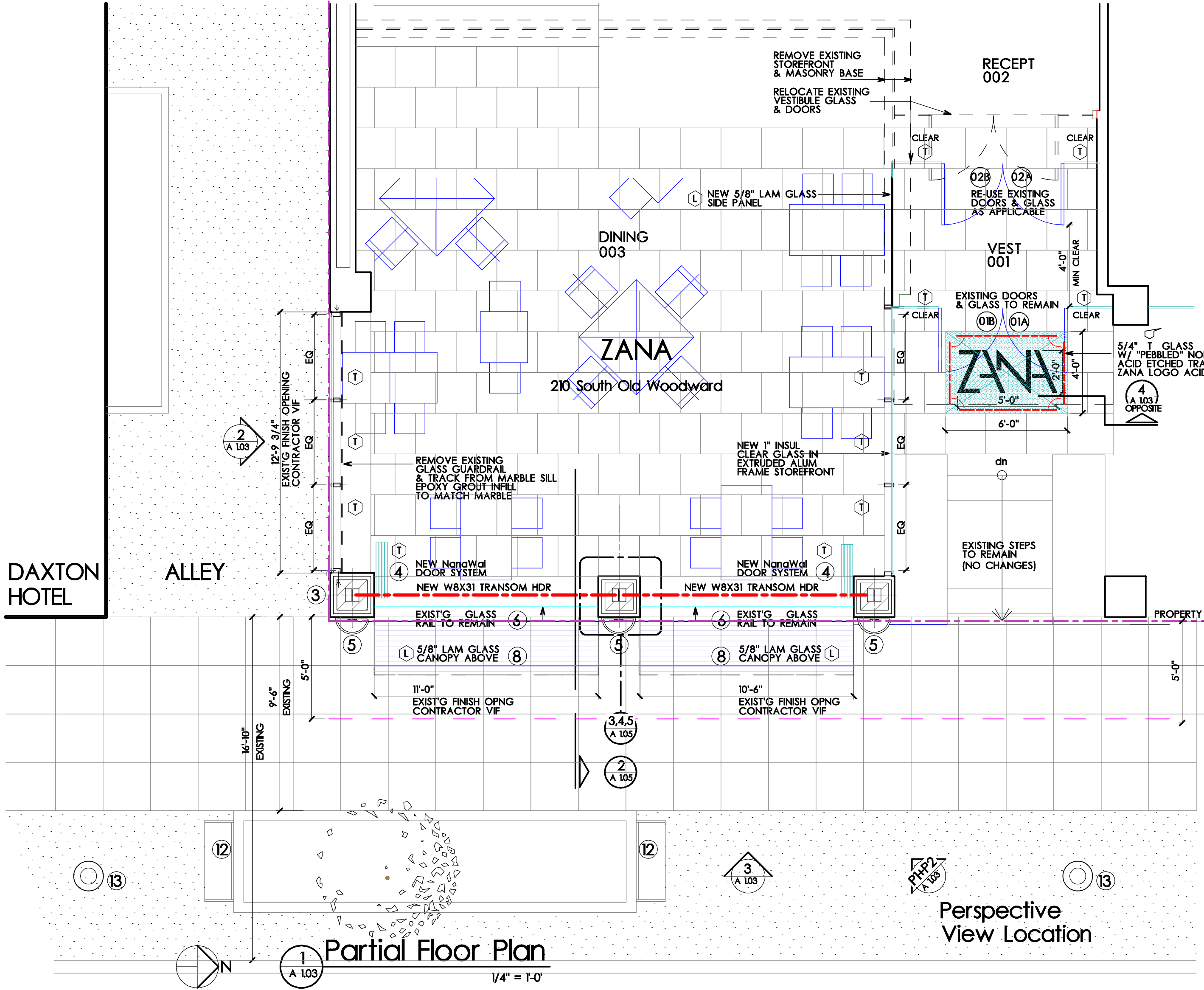
P1  
A 103  
Exterior Perspective  
Day Time



P2  
A 103  
Exterior Perspective  
Night Time

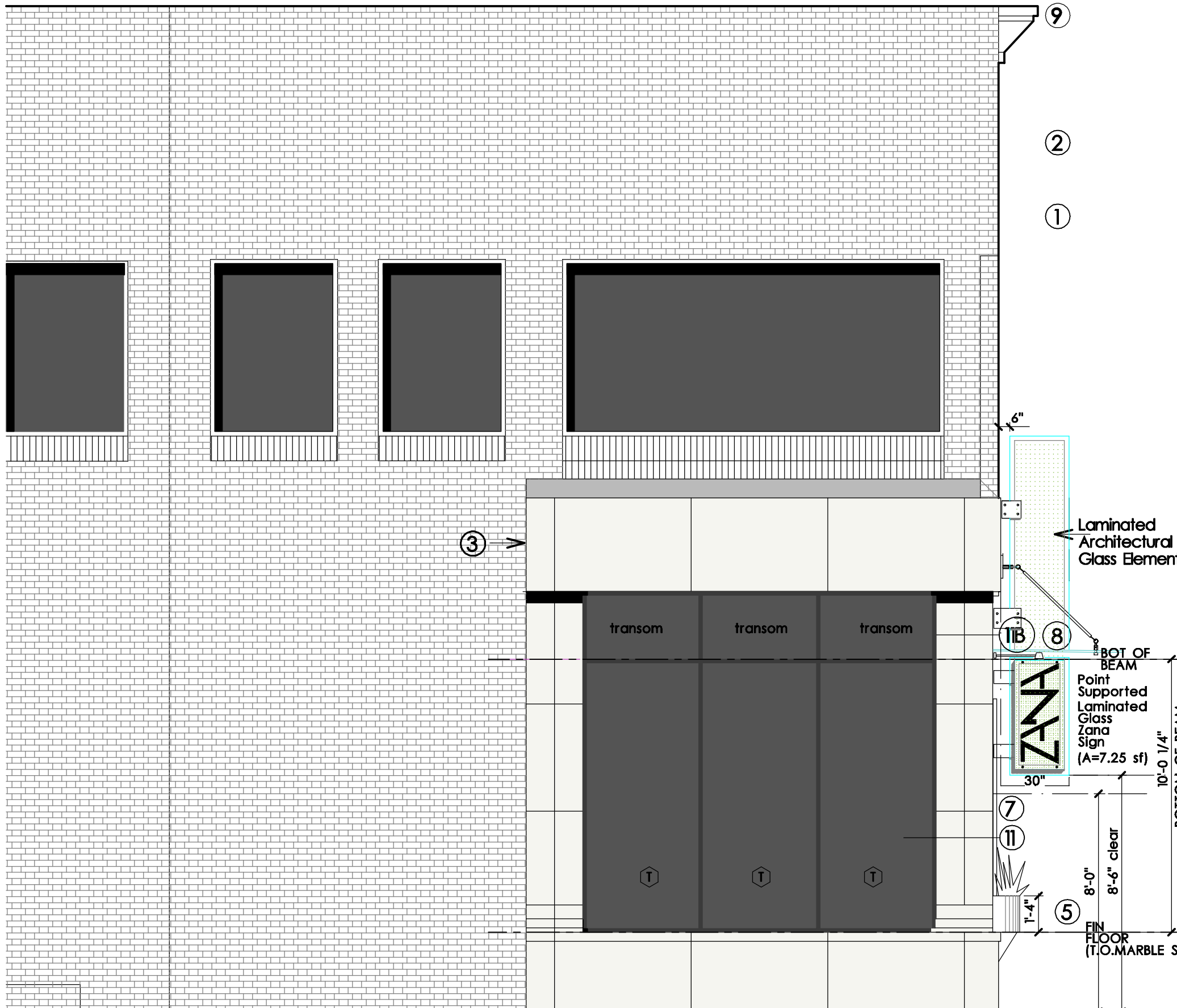


4  
A 103  
Section Detail  
Glass Entry "Mat" 1/2" = 1'-0"



Partial Floor Plan  
1/4" = 1'-0"

Perspective  
View Location



2  
A 103  
Partial South Elevation  
1/4" = 1'-0"

- DRAWING KEY
- 1 New Laminated Glass Signage
  - 2 Existing Building Material = Brick
  - 3 Existing Building Material = Marble
  - 4 Operable Glass & Aluminum Frame Door System (NanaWall / Color = Black)
  - 5 16 GA Stainless Steel Planters with Annual Plantings (See Plan Det - A 105)
  - 6 Existing Tempered Glass Guard Rail to Remain
  - 7 1/2" x 1/2" Stainless Steel Sculptural Rods - Plant Climbing Lattice
  - 8 Laminated Glass Canopy / Awning w/ Threaded Stainless Steel Rod Support
  - 9 Existing Building Cornice
  - 10 New Light Fixtures
  - 11 New 1" Clear Insulated Tempered Glass in Extruded Aluminum Storefront Framing System
  - 11B 1" Insulated Glass Transom (Clear)
  - 12 Existing City of Birmingham Planter, Street Tree, & Bench
  - 13 Existing Street Light

PERFORMANCE CALCULATOR

NEW GLASS SPECIFICATIONS:

Make-up Name	Glass 1 & Coating	Glass 2 & Coating	Transmittance	Reflectance	Transmittance	Reflectance	U-Value	Thermal Properties
	Visible Light	Solar Energy	Visible Light	Solar Energy	Visible Light	Solar Energy		
	Transmittance	Reflectance	Transmittance	Reflectance	Transmittance	Reflectance		
Default Make-up 01	Clear Float (North America)	Clear Float (North America)	80	15	15	67	13	0.74
Default Make-up 01	Clear Float (North America)	Clear Float (North America)	80	15	15	67	13	0.74

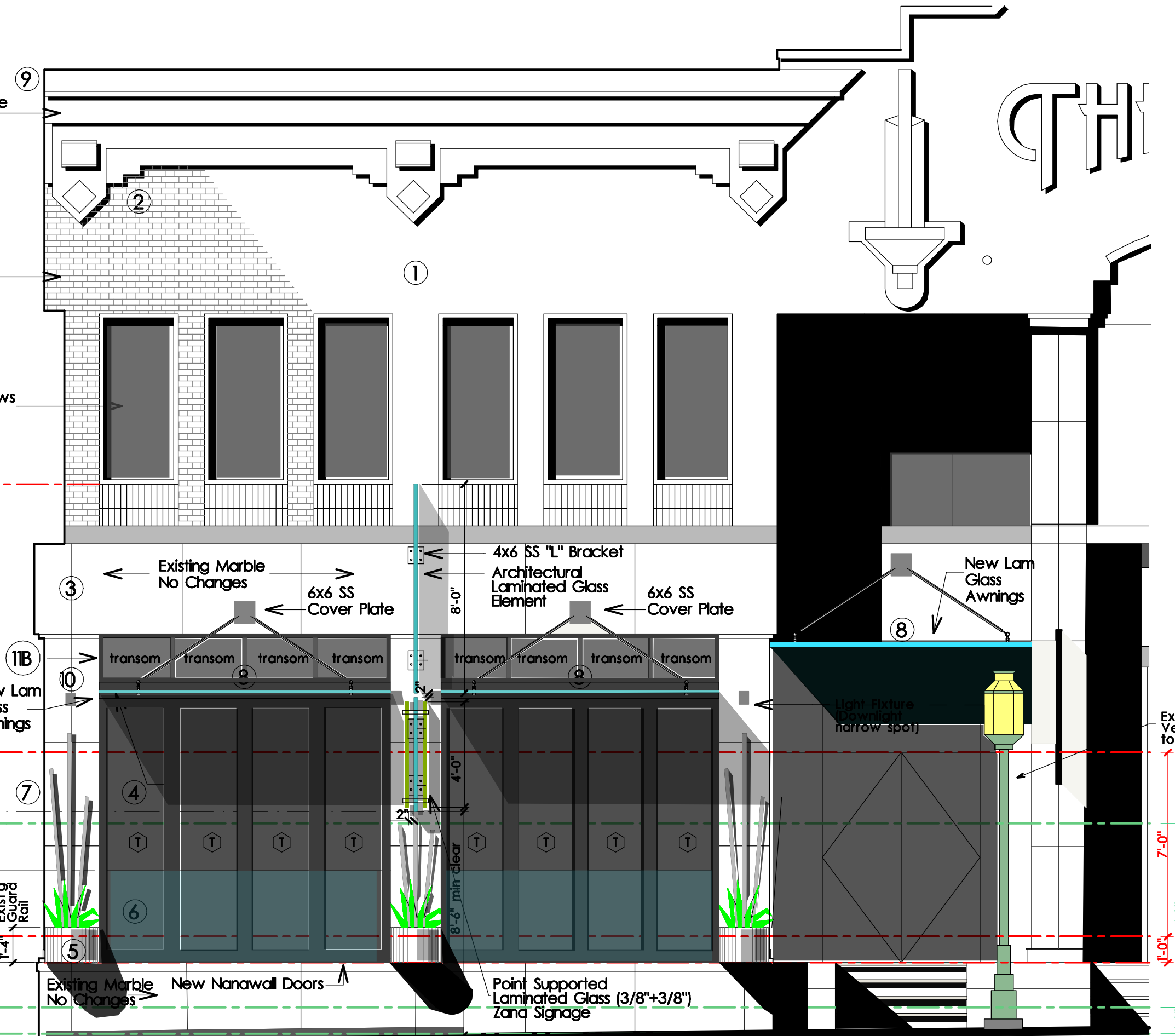
Calculation Standard: NFRC 2010

GLASS 1	Clear Float (North America)	Thickness = 1/4" (6mm)	#1	#2
GAP 1	100% Air, 1/2" (12.7mm)			
GLASS 2	Clear Float (North America)	Thickness = 1/4" (6mm)	#3	#4

Total Unit (Nominal) = 1 in

Estimated Nominal Glazing Weight: 5.75 lb/sf

G  
A 103  
Clear Glass  
Specification



3  
A 103  
Partial East Elevation  
1/4" = 1'-0"

% GLAZING FROM GRADE LEVEL: 168 SF GLASS / 262 SF TOTAL AREA = 64% GLAZING

% GLAZING FROM FLOOR LEVEL: 217 SF GLASS AREA / 262 SF TOTAL AREA = 83% GLAZING

seal:

L/Z/G  
Architects

Luckenbach|Ziegelman|Gardner  
Architects

555 S. Old Woodward Ave, Suite 27L  
Birmingham, Michigan 48009

email:  
gardner-arch@sbglobal.net

tele:  
248.642.3990

issue	date
HDC Review	10/06/2021

HDC REVIEW

sheet title:

Partial Floor Plan  
Renderings  
& Exterior  
Elevations

project:

ZANA

project address:  
210 South Old Woodward  
Birmingham, Michigan

designed  
drawn  
coordination checked  
checked approved

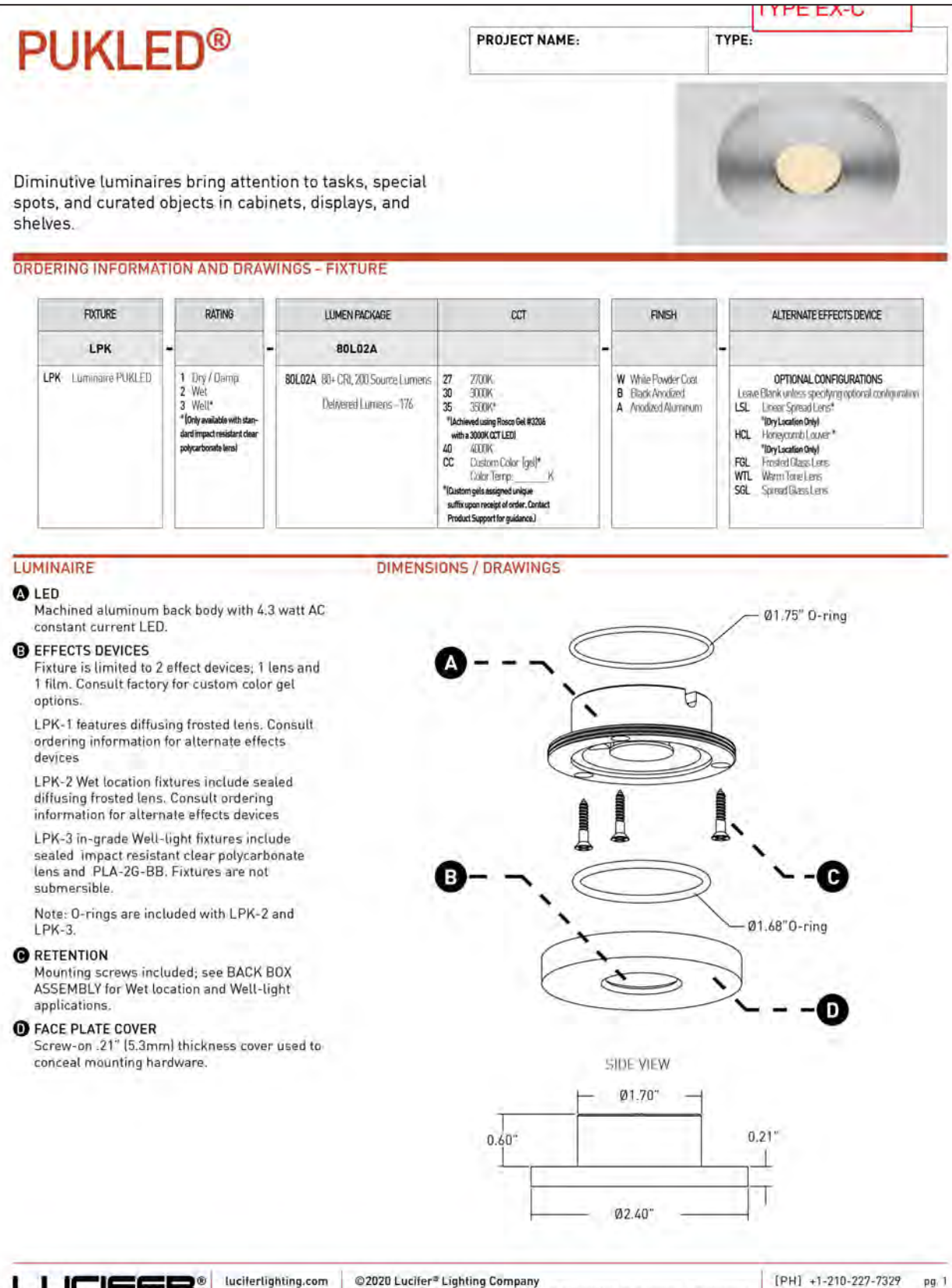
project number:  
020-2021

sheet number:

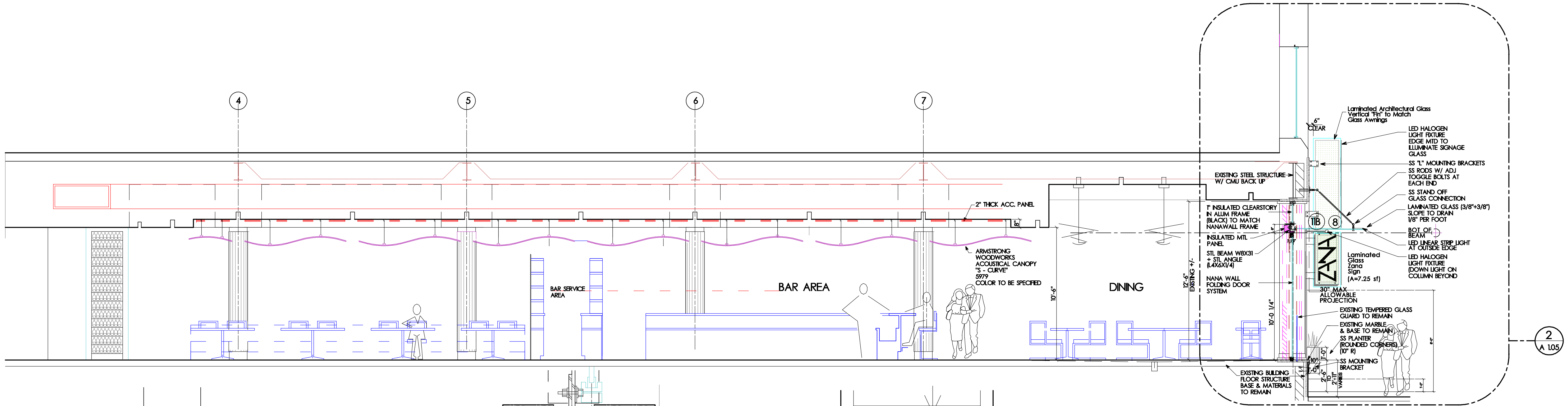
A-1.03



## NTS







1 E-W Building Section  
1/4" = 1'-0"

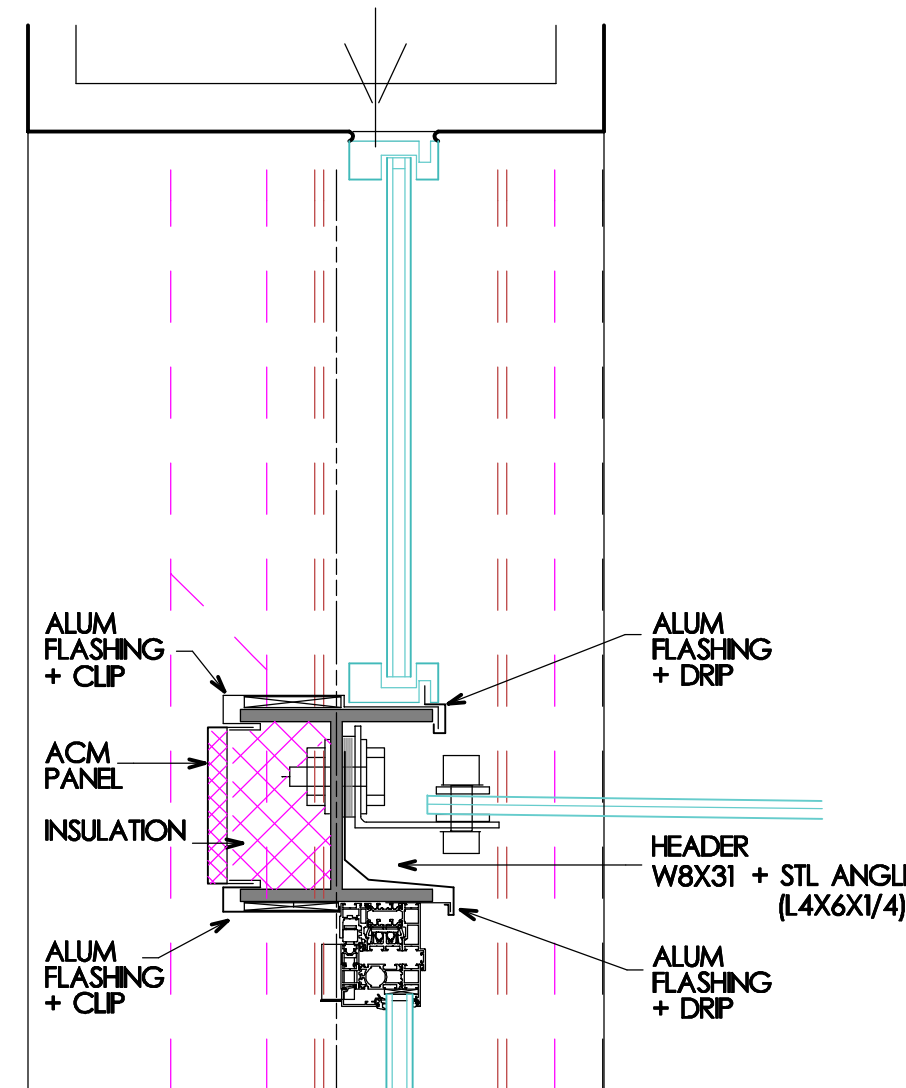


1 ALOE VERA SUCCULENT PLANT  
VERTICAL ELEMENT

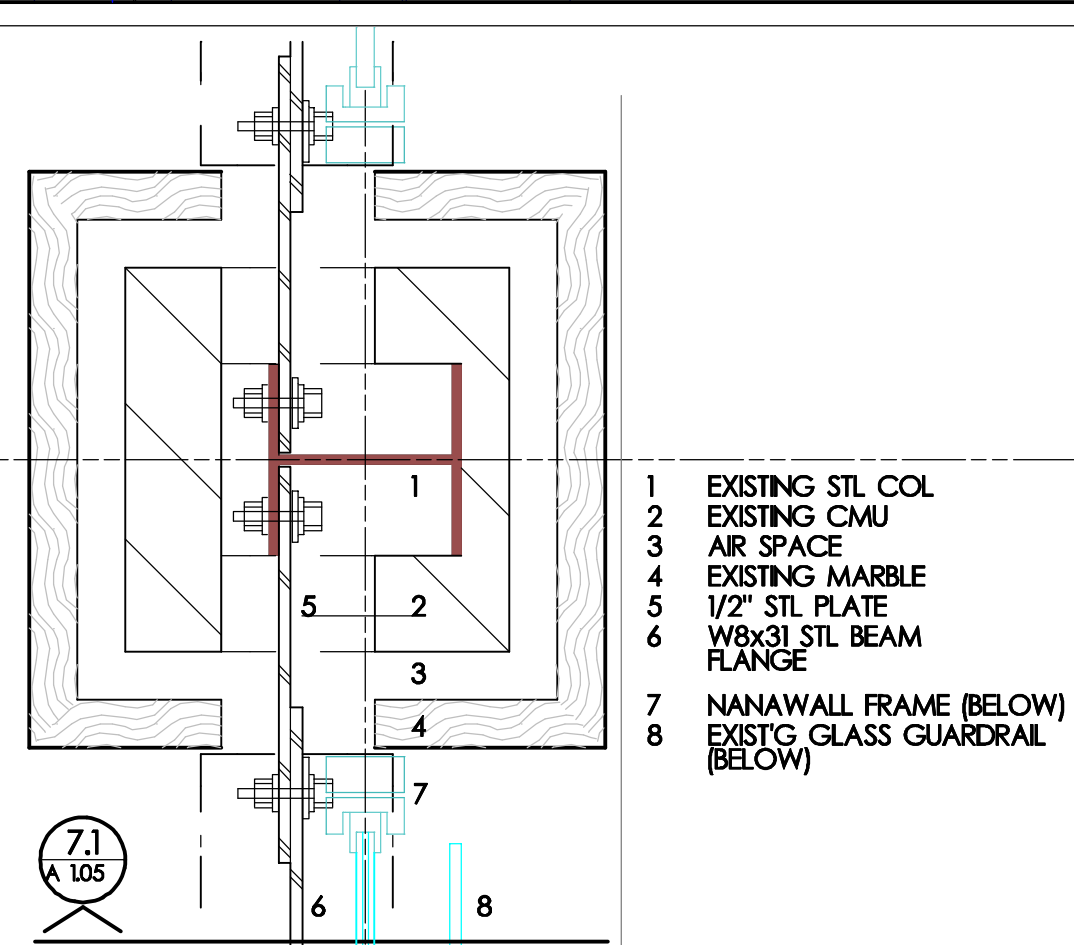


2 RED PAGODA / SHARKS TOOTH  
SUCCULENT PLANT  
LOW GROWING PLANTED AT BASE OF ALOE PLANT

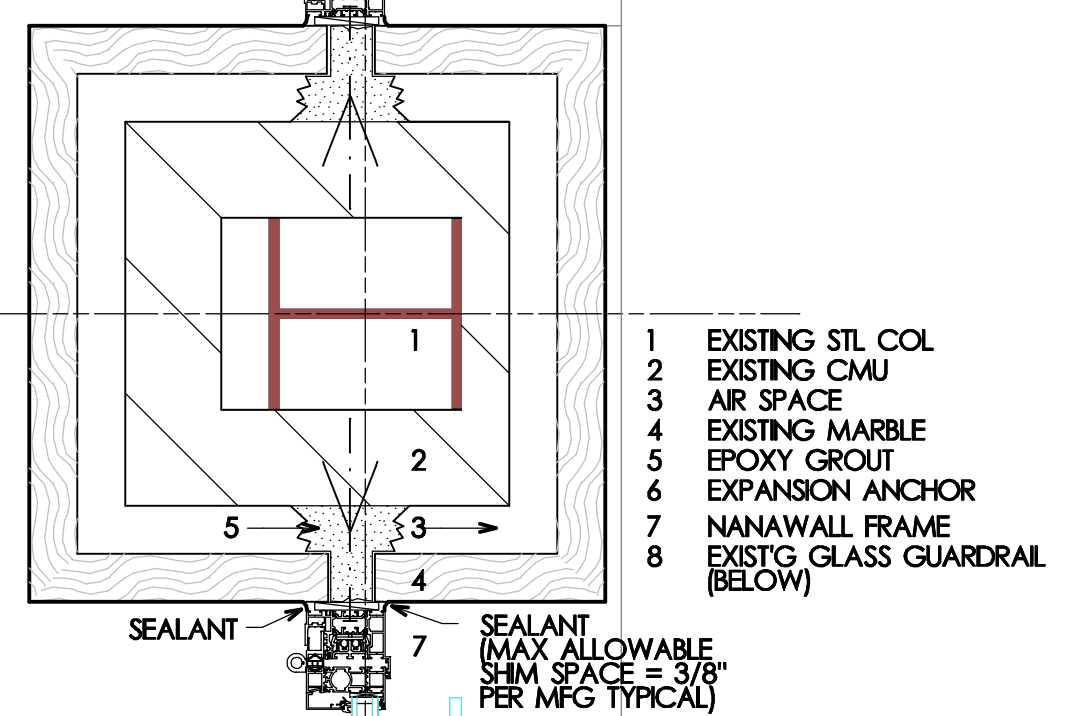
12 Plant Details  
A 105



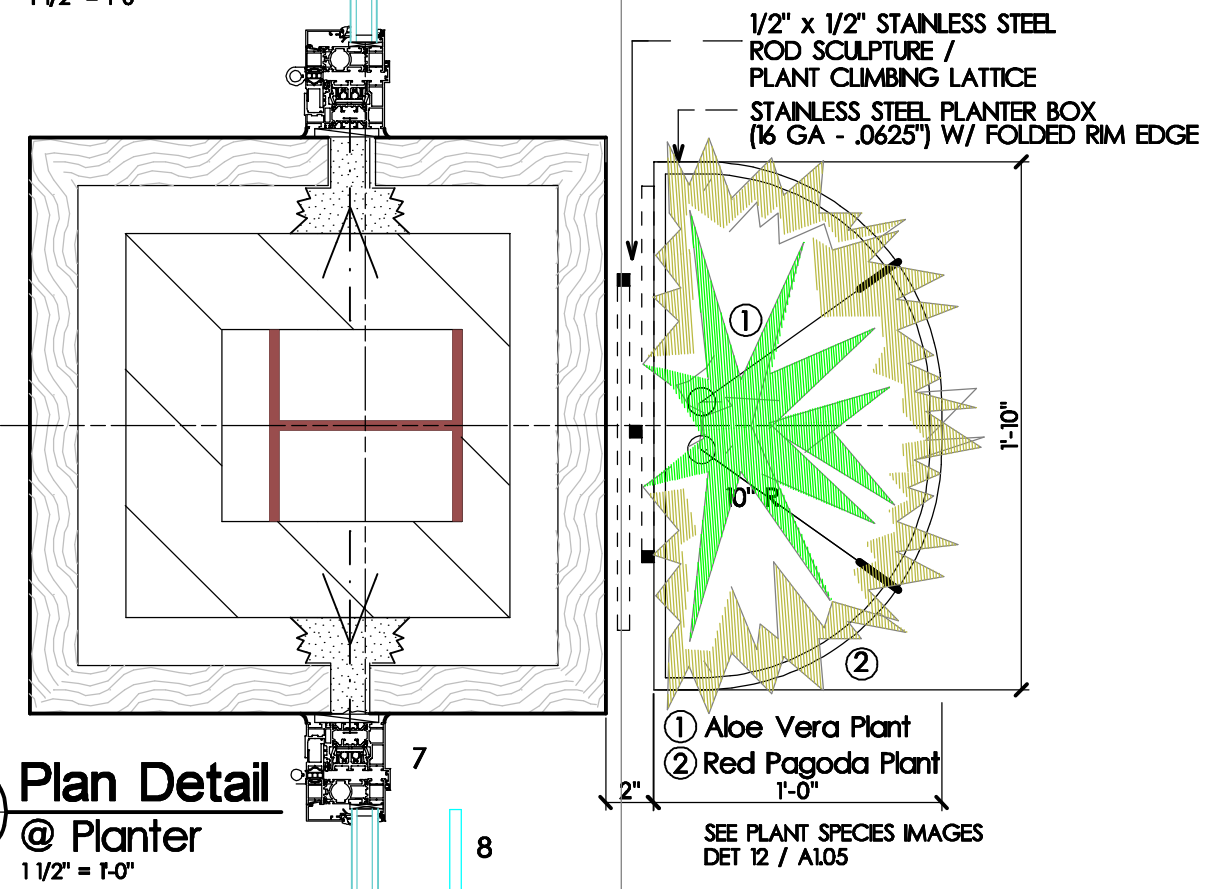
7.1 Section Detail  
Steel Transom Header  
3" = 1'-0"



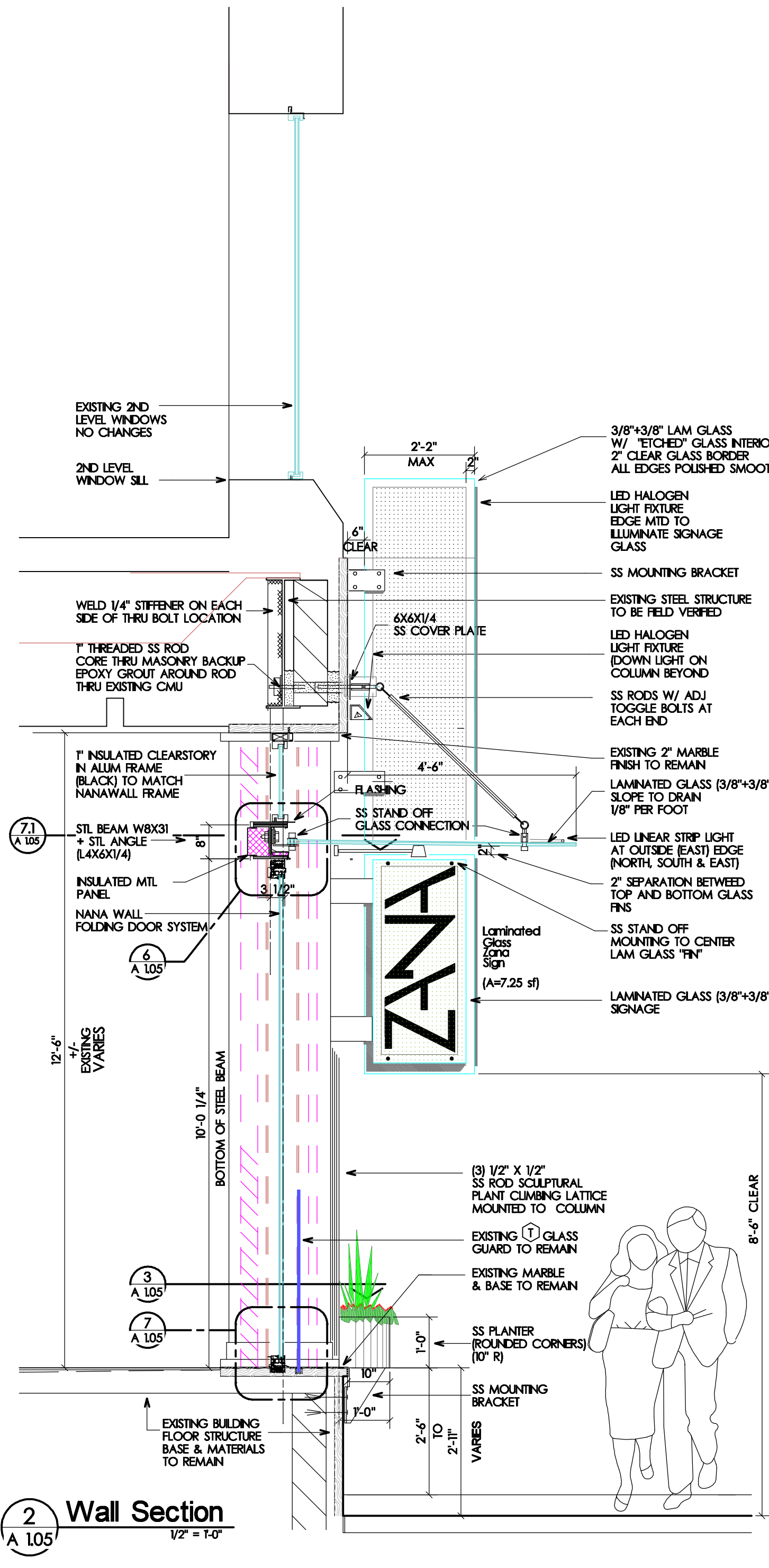
5 Plan Detail  
Header Detail  
1 1/2" = 1'-0"



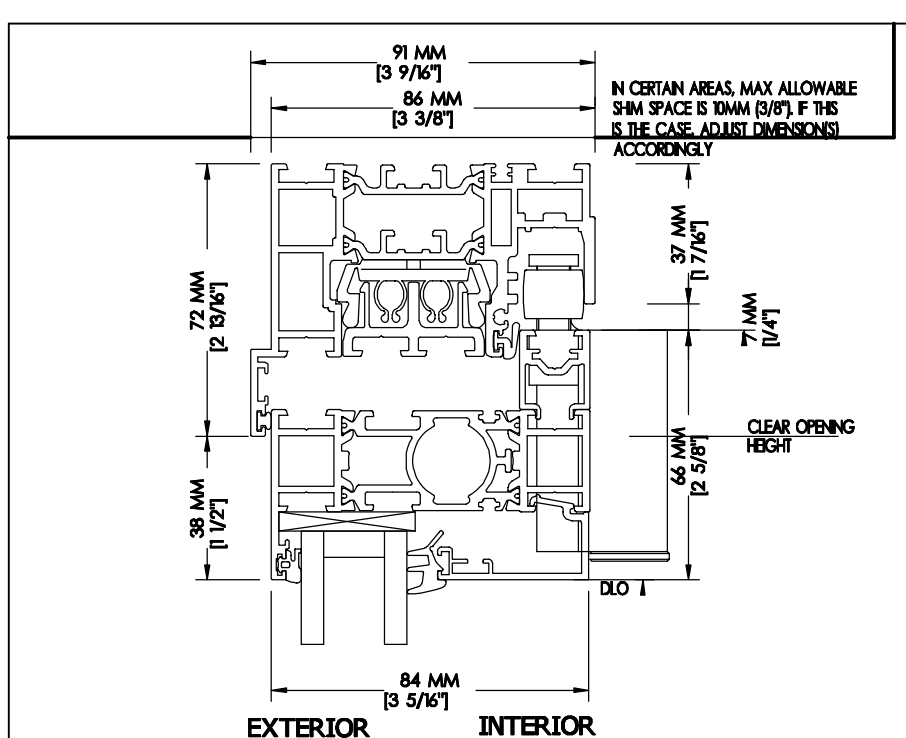
4 Plan Detail  
Jamb  
1 1/2" = 1'-0"



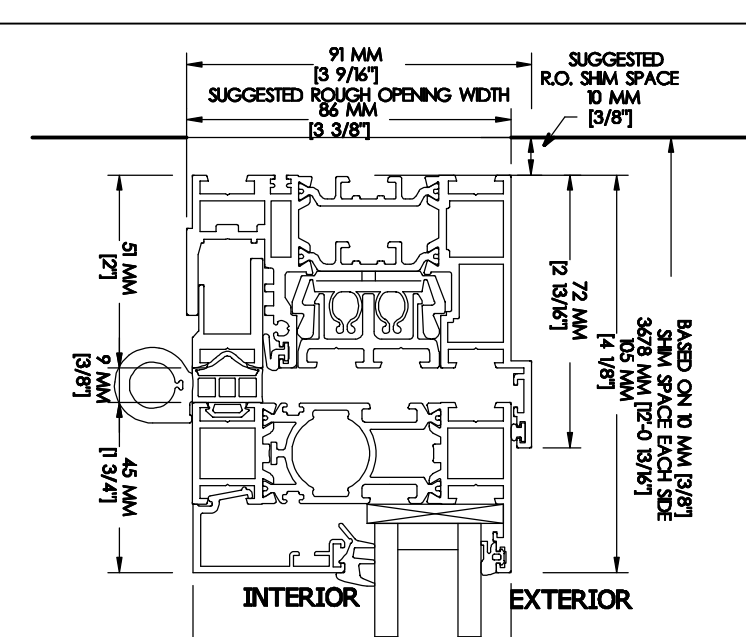
3 Plan Detail  
@ Planter  
1 1/2" = 1'-0"



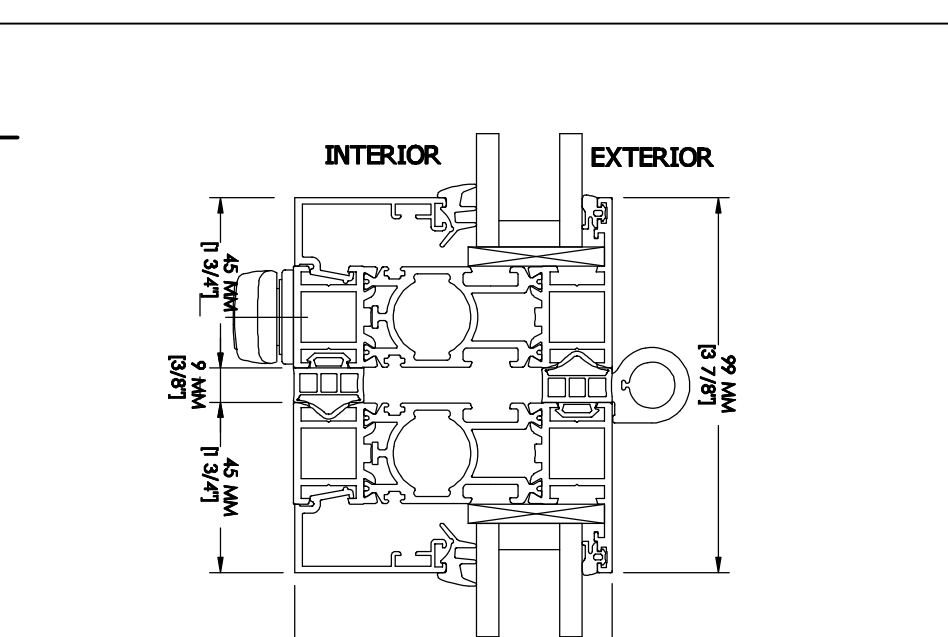
2 Wall Section  
1/2" = 1'-0"



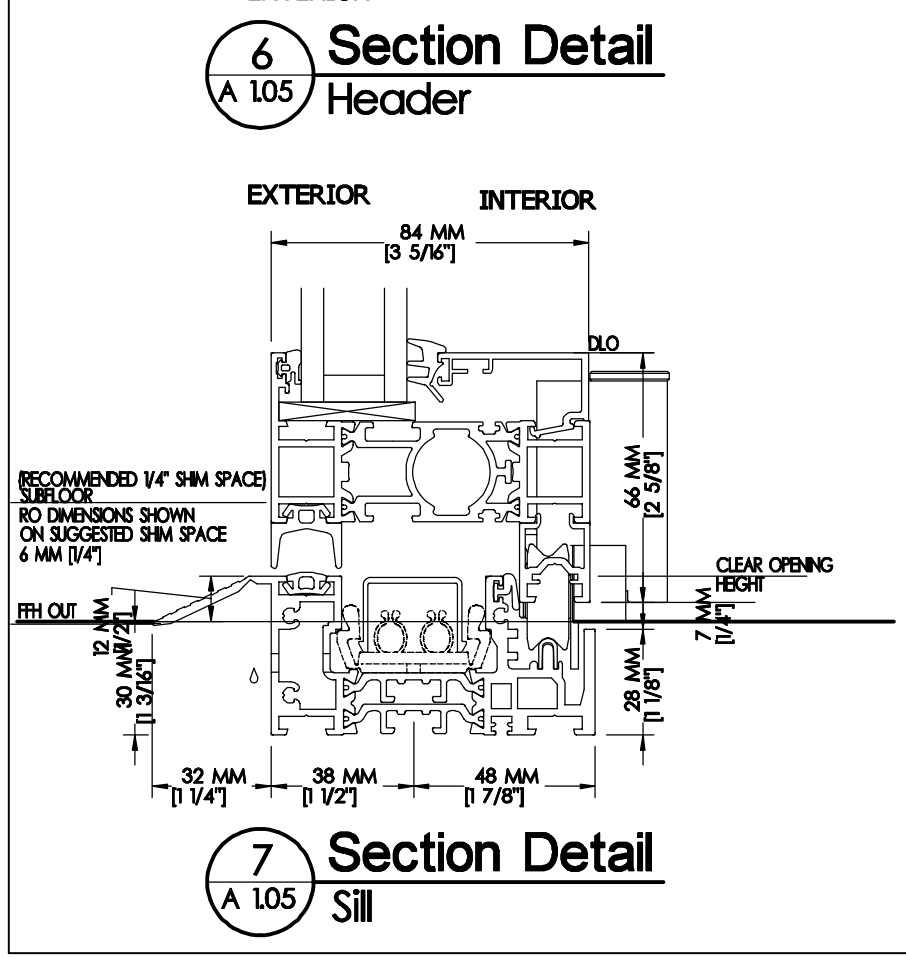
6 Section Detail  
Header  
A 105



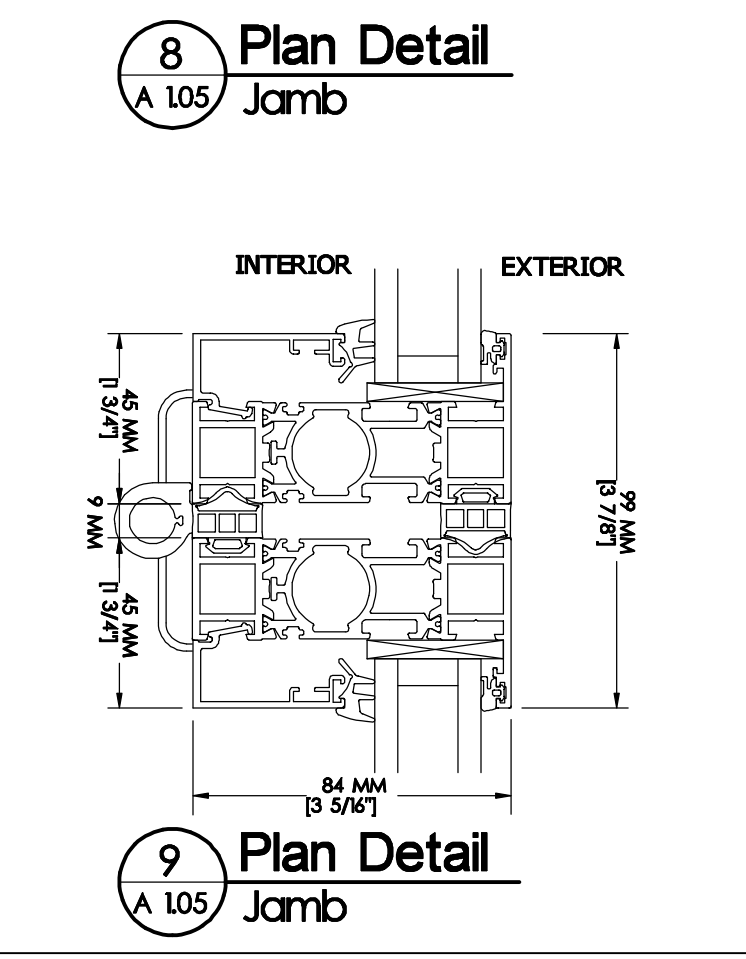
8 Plan Detail  
Jamb  
A 105



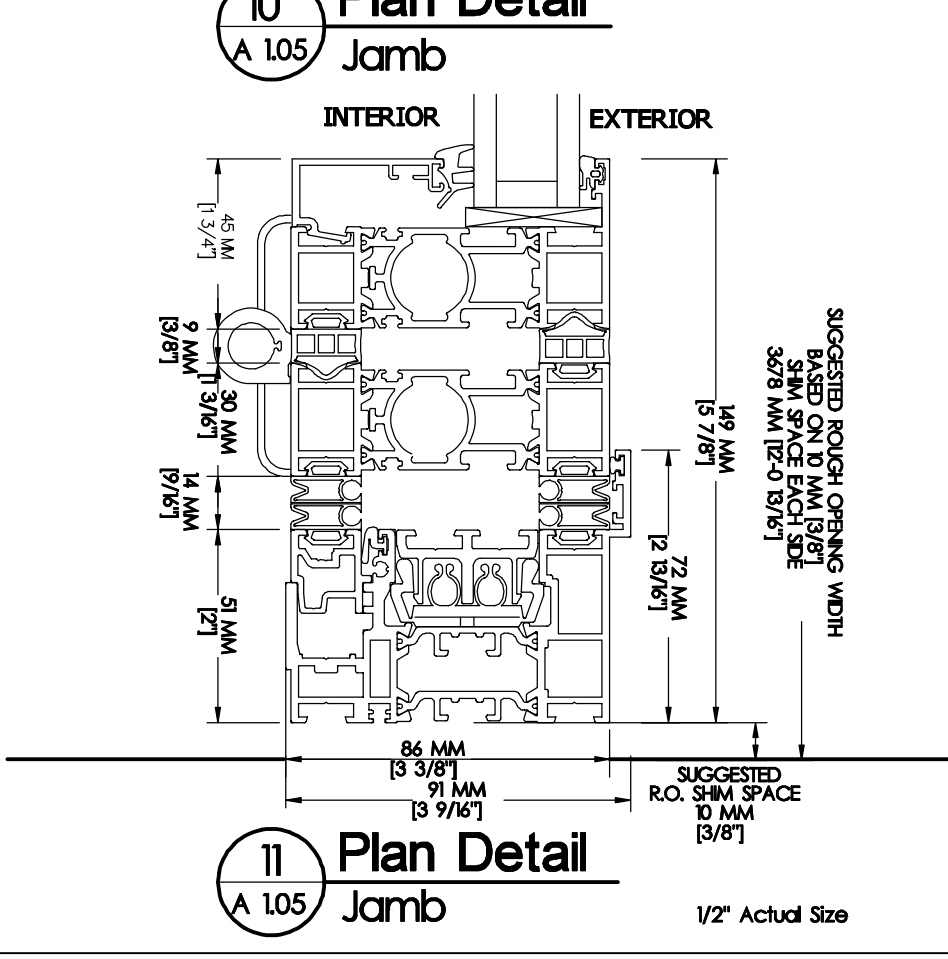
10 Plan Detail  
Jamb  
A 105



7 Section Detail  
Sill  
A 105



9 Plan Detail  
Jamb  
A 105



11 Plan Detail  
Jamb  
A 105

HDC REVIEW

NANA WALL DETAILS

seat:

L|Z|G  
Architects

Luckenbach/Ziegelman/Gardner  
Architects

555 S. Old Woodward Avenue 27L  
Birmingham, Michigan 48009

email:  
gardner-arch@sbcbglobal.net

tele:  
248.642.3990

issue	date
SLUP Review	SEPT 23, 2021
HDC Review	OCT 07, 2021
HDC Review	OCT 07, 2021

sheet title:

Building + Wall  
Sections

Plan & Section  
Details

project:

ZANA

project address:

210 South Old Woodward  
Birmingham, Michigan

designed: JHG  
drawn: JG  
coordination checked:  
checked: approved

project number:

003-2021

sheet number:

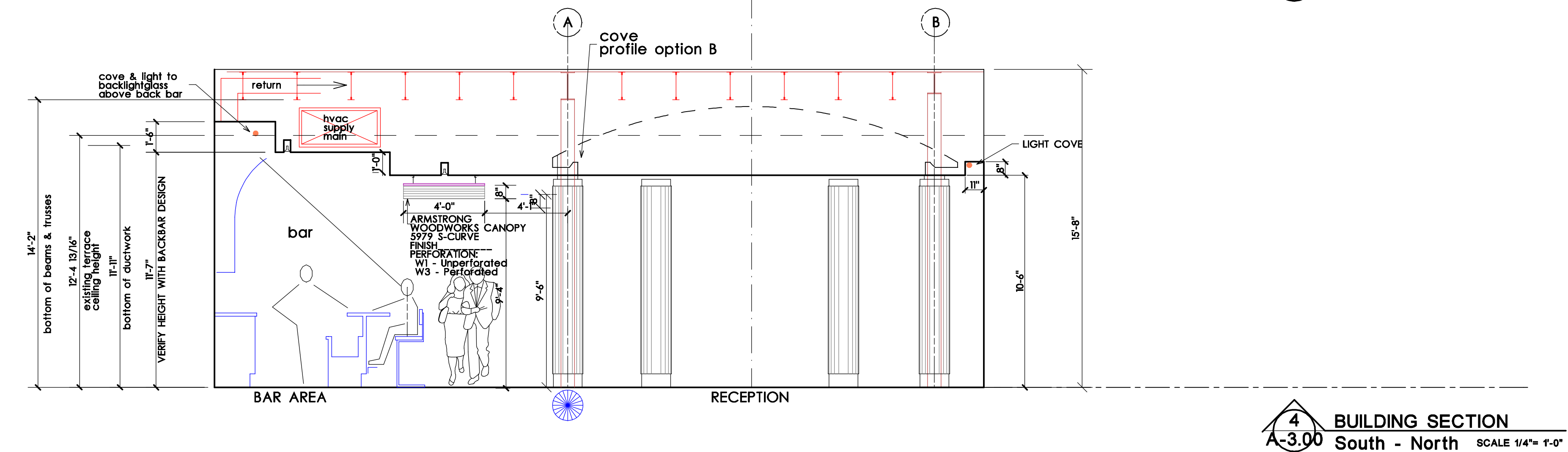
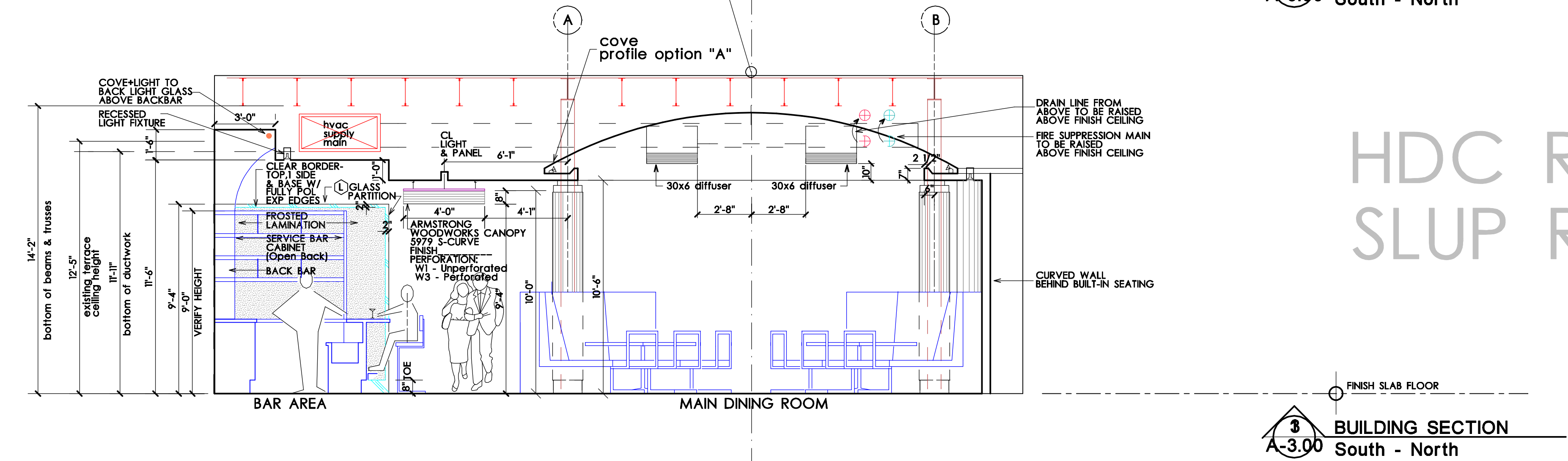
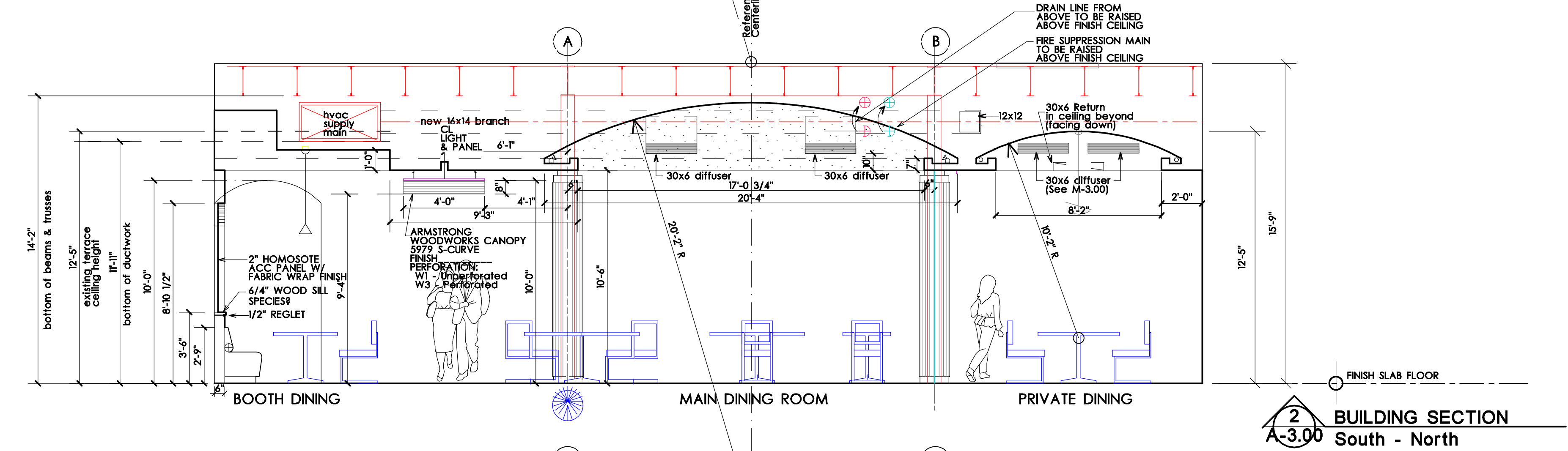
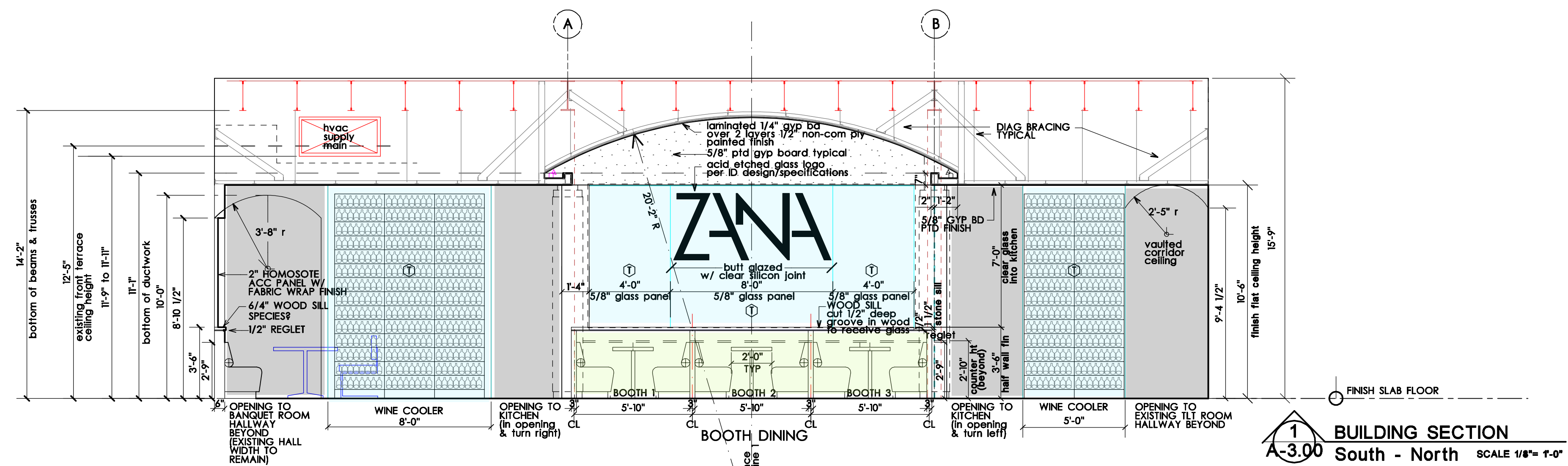
A-105



L|Z|G  
Architects

[illegible]

sheet number:  
**A-1.05.1**







NORTH

SCALE:  $3/32''=1'-0''$



NORTH

SCALE:  $3/32'' = 1' - 0''$





## Design Review Application

### Planning Division

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

#### 1. Applicant

Name: James Esshaki, Essco Development  
 Address: 210 South Old Woodward  
 Phone Number: 248 645 5900  
 Email address: jesshaki@esscodevelopment.com

#### 2. Property Owner

Name: James Esshaki, Essco Development  
 Address: Same  
 Phone Number: Same  
 Email address: Same

#### 3. Project Contact Person

Name: Same as above  
 Address: \_\_\_\_\_  
 Phone Number: \_\_\_\_\_  
 Email address: \_\_\_\_\_

#### 4. Project Designer/Developer

Name: Luckenbach/Ziegelman/Gardner Architects, PLLC  
 Address: 555 South Old Woodward 27L  
John H. Gardner, RA, AIA  
 Phone Number: 248 642 3990  
 Email address: gardner-arch1@sbcglobal.net

#### 5. Required Attachments

- I. Two (2) paper copies and one (1) digital copy of all project plans including:
  - i. A detailed and scaled Site Plan depicting accurately and in detail the proposed construction, alteration or repair;
  - ii. Colored elevation drawings for each building elevation;
  - iii. A Landscape Plan (if applicable);
  - iv. A Photometric Plan (if applicable);
- II. Specification sheets for all proposed materials, light fixtures and mechanical equipment;

- III. Samples of all proposed materials;
- IV. Photographs of existing conditions on the site including all structures, parking areas, landscaping and adjacent structures;
- V. Current aerial photographs of the site and surrounding properties;
- VI. Warranty Deed, or Consent of Property Owner if applicant is not the owner;
- VII. Any other data requested by the Planning Board, Planning Department, or other City Departments.

#### 6. Project Information

Address/Location of the property: 210 South Old Woodward  
 Name of development: Zana Restaurant  
 Sidwell #: \_\_\_\_\_  
 Current Use: Vacant lease space  
 Proposed Use: Restaurant  
 Area of Site in Acres: \_\_\_\_\_  
 Current zoning: B4

	Yes	No
Is the property located in a floodplain? -----	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is the property within a Historic District? -----	<input checked="" type="checkbox"/>	<input type="checkbox"/>
→ If so, which? <u>Downtown</u>		
Will the project require a variance? -----	<input type="checkbox"/>	<input checked="" type="checkbox"/>
→ If so, how many? -		
Has the project been reviewed by another board?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
→ If so, which? <u>Has been reviewed by HDC.</u>		
<u>Re-review proposed changes/updates to</u>		

#### 7. Details of the Proposed Development (attach separate sheet if necessary)

New restaurant. Exterior: Enclosure of existing open terrace area w/ new storefront glazing (clear glass) & operable Nanawall doors on Old Woodward frontage. New laminated glass awnings on Old Woodward frontage.  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

## 8. Required and Proposed Parking

Required number of parking spaces: In DT Parking  
Proposed number of parking spaces: Assessment District  
Location of parking on site: \_\_\_\_\_  
Location of parking off site: \_\_\_\_\_  
Shared parking agreement? \_\_\_\_\_  
Size of surface parking lot: \_\_\_\_\_

Number of underground parking levels: NA  
Typical size of parking spaces: \_\_\_\_\_  
Typical width of maneuvering lanes: \_\_\_\_\_  
Number of handicap spaces: \_\_\_\_\_  
Screenwall material: \_\_\_\_\_  
Height of screenwall: \_\_\_\_\_

## 9. Landscaping

Location of landscape areas: new small stainless steel  
planters affixed to 210 Old Woodward facade columns.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Proposed landscape material: See Sheet A-1.03  
Two types of perennial succulent plants:  
- Aloe vera  
-Red pagoda  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## 10. Streetscape

Sidewalk width: 16'-10"  
Number of benches: 1 existing city bench  
Number of planters: 1 existing city planter

Number of existing street trees: 1 existing city tree  
Number of proposed street trees: 0  
Number of waste receptacles: 0

## 11. Loading

Required number of loading spaces: na  
Proposed number of loading spaces: \_\_\_\_\_  
Location of loading spaces on site: \_\_\_\_\_

Typical size of loading spaces: - \_\_\_\_\_  
Screenwall material: \_\_\_\_\_  
Height of screenwall: \_\_\_\_\_

## 12. Exterior Waste Receptacles

Required number of waste receptacles: na  
Proposed number of waste receptacles: \_\_\_\_\_  
Location of waste receptacles: \_\_\_\_\_

Size of waste receptacles: - \_\_\_\_\_  
Screenwall material: \_\_\_\_\_  
Height of screenwall: \_\_\_\_\_

## 13. Mechanical Equipment

### Utilities and Transformers:

Number of ground mounted transformers: na  
Location of all utilities & easements: \_\_\_\_\_  
\_\_\_\_\_

Size of transformers (L•W•H): - \_\_\_\_\_  
Screenwall material: \_\_\_\_\_  
Height of screenwall: \_\_\_\_\_

### Ground Mounted Mechanical Equipment:

Number of ground mounted units: na  
Location of all ground mounted units: \_\_\_\_\_  
\_\_\_\_\_

Size of ground mounted units (L•W•H): - \_\_\_\_\_  
Screenwall material: \_\_\_\_\_  
Height of screenwall: \_\_\_\_\_

### Rooftop Mechanical Equipment:

Number of rooftop units: 1 replacement makeup air unit  
Type of rooftop units: make up air replacement  
Location of all rooftop units: in existing location (See M3)  
Size of rooftop units (L•W•H): 3 replacement exhaust fan

Location of screenwall: - \_\_\_\_\_  
Screenwall material: \_\_\_\_\_  
Height of screenwall: \_\_\_\_\_  
Distance from rooftop units to all screenwalls: \_\_\_\_\_

## 14. Building & Site Lighting

Number of light fixtures on building: 3 types (See A-1.04)  
Light level at each property line: 0.2 foot candles  
Type of light fixtures on building: See A-1.04  
Location of light fixtures on building: See A-1.04  
\_\_\_\_\_  
\_\_\_\_\_

Number of light fixtures on site: 1 existing City Street Light  
Type of light fixtures on site: Existing City  
Height from grade: - \_\_\_\_\_  
Location of light fixtures on site: - \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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

Signature of Owner: James Eschaki Date: 9/17/2021  
Print name: James Eschaki

Signature of Applicant: James Eschaki Date: 9/17/2021  
Print Name: James Eschaki

Signature of Architect: John H. Gardner Date: 9/17/2021  
Print Name: John H. Gardner

*Office Use Only*

Application #: PDR21-0016 Date Received: \_\_\_\_\_ Fee: \$350  
Date of Approval: \_\_\_\_\_ Date of Denial: \_\_\_\_\_ Accepted By: \_\_\_\_\_

## **F. Rezoning Applications**

None.

**09-145-21**

## **G. Community Impact Studies**

None.

**09-146-21**

## **H. Special Land Use Permit and Final Site Plan and Design Review**

**1. 210 S. Old Woodward – Zana** – Request for a Special Land Use Permit for a new food and drink establishment with alcoholic beverage sales for on premise consumption and request for Final Site Plan and Design Review for interior/exterior changes for a new restaurant.

PD Dupuis presented the item.

John Gardner, architect, Joseph Shallal, attorney, Mario Camaj, owner, James Esshaki, building owner, Robert White, lighting designer, and Sabrina Buchanan, interior designer, were present on behalf of the application.

Mr. Camaj stated he intended the restaurant and kitchen to be open 11:30 a.m. every day, and until 11 p.m. on weekdays and 12 a.m. on weekends. He said that he may discuss a valet share with the Daxton but that was yet to be determined.

Ms. Whipple-Boyce said she the open front of the restaurant was one of the location's best features, and asked why Mr. Camaj was enclosing the space.

In reply to Ms. Whipple-Boyce, Mr. Camaj explained that the second kitchen would take up some of the former patio. Consequently, he said he wanted to maximize the amount of space that could be used year-round, hence the addition of the NanaWall. He said the NanaWall would be open whenever weather permits. He also stated that he did not have any plans to use the alley between Zana and the Daxton.

Mr. Jeffares recommended adding a second NanaWall to allow for cross ventilation.

Mr. Camaj stated that Zana would provide food and drink, or just drink, for any events using Zana's banquet space.

In reply to Mr. Boyle, Mr. Camaj confirmed that appropriate steps would be taken to ensure the rear of Zana remains safe.



Since the new mechanicals would have the same footprint as the present mechanicals the Board concurred there was no need to add screening.

**Motion by Mr. Share**

**Seconded by Mr. Boyle to recommend approval to the City Commission for the Final Site Plan & Design Review for 210 S. Old Woodward – Zana – with the following conditions:**

- 1. The applicant must submit revised sign plans that meet the requirements of the Sign Ordinance;**
- 2. The Planning Board approves the proposed 64% glazing citing Article 4, Section 4.90 (E) of the Zoning Ordinance;**
- 3. The Planning Board approves the projections into the S. Old Woodward right-of-way; and,**
- 4. The applicant must comply with the requests of all City Departments.**

**Motion carried, 6-0.**

**ROLL CALL VOTE**

Yeas: Share, Boyle, Whipple-Boyce, Emerine, Williams, Jeffares

Nays: None

**Motion by Mr. Share**

**Seconded by Ms. Whipple-Boyce to recommend approval to the City Commission for the Final Site Plan & Design Review for 210 S. Old Woodward – Zana – subject to the conditions of Final Site Plan & Design Review approval:**

- 1. The applicant must submit revised sign plans that meet the requirements of the Sign Ordinance;**
- 2. The Planning Board approves the proposed 64% glazing citing Article 4, Section 4.90 (E) of the Zoning Ordinance;**
- 3. The Planning Board approves the projections into the S. Old Woodward right-of-way; and,**
- 4. The applicant must comply with the requests of all City Departments.**

**Motion carried, 6-0.**

**ROLL CALL VOTE**

Yeas: Share, Whipple-Boyce, Emerine, Williams, Jeffares, Boyle

Nays: None

**09-147-21**

**I. Study Sessions**

**1. Wall Art**

**DATE:** 10/18/2021

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

**FROM:** Jack Todd, Deputy Treasurer  
Mark Gerber, Finance Director/Treasurer

**SUBJECT:** Resolution for Confirming S.A.D. #893S and S.A.D #893W  
Lakeview Ave Project #2-20 (P), Water & Sewer Lateral Special  
Assessment

---

#### INTRODUCTION:

A public hearing on the confirmation of the special assessment roll for water and sewer improvements on Lakeview is being held on October 25, 2021. The special assessment will reimburse the City for improvements made to property owner's water service lines and sewer laterals that were made when Lakeview Ave. was reconstructed. If the City Commission approves the roll, the residents who had improvements done will be billed for the cost of the improvements.

#### BACKGROUND:

At the City Commission meeting on September 13, 2021, the City Commission set October 4, 2021, to hold a public hearing of necessity for water and sewer improvements made during the reconstruction of Lakeview Ave. in the fall of 2020 and set October 25, 2021, as the public hearing of confirmation of the special assessment roll.

The City Commission held the public hearing of necessity on October 4, 2021, and approved the creation of a special assessment district. Attached to this report, is the special assessment rolls for the water and sewer improvements.

There are two special assessment rolls being confirmed tonight. One is for the water improvements (SAD 893W) and one is for the sewer improvements (SAD 893S). These rolls are being separated because they will be reimbursing two separate funds and our accounting system does not allow multiple fund special assessments.

Property owners are not being charged for any lead water service lines that the City is responsible for replacing in accordance with state statute.

Comments during the hearing of confirmation are limited to those questions specifically addressing the assessment rolls pursuant to Section 94-9 of the City Code.

#### LEGAL REVIEW:

The Lakeview Special Assessment District has received the status of "necessity" as determined by the Commission on October 4, 2021. The next step in the process for establishment of a Special Assessment District is to "confirm the roll," which simply means the Commission validates

the properties that have received a benefit from the special public improvement, are in fact the appropriate lots to be charged.

Birmingham ordinance Sec. 94-9, Special assessment roll, states the confirmation of the special assessment roll for improvements shall be established before the construction contract begins. The proposed project report dated June 28, 2019 made clear and noticed all interested parties that the sewer and water lateral and service lines would be in need of replacement, and a second Special Assessment District would be established in order to pay for these improvements. It was clear the Special Assessment District for water and sewer was to be completed prior to the planning, contracting, and construction of these improvements, which are health safety measures. These improvements commenced during the height, panic and chaos of the unprecedented COVID crisis. As a result, this out of sequence hearing process has occurred.

COVID hit, then the height of restrictions were ordered, and more importantly the domino effect of reactions to COVID occurred during March and April of 2020 lasting for months and months. These restrictions, reactions and shutdown of nearly all public services complicated the order of sequence of the City's hearing process. Thankfully, the health and safety of the citizens of Lakeview Street continued with construction of the water and sewer lines commencing in the summer months of 2020, despite the fact that the Chief City Engineer retired in January of 2020, and interim engineering staff did the best they could to continue to provide necessary and critical services to the citizens of Lakeview.

While we somehow managed to have limited Commission meetings during those critical and chaotic summer months, this out of sequence hearing process occurred due to the COVID situation beyond anyone's control, during the times when we were prohibited from conducting in person hearings. Sec. 94-13. - Adjustments and corrections, at subsection (c) Invalid assessments, offers relief for situations such as this:

- (1) "whenever any special assessment shall, in the opinion of the commission, be incorrect or invalid by reason of any irregularity or informality in the proceedings, or if any court or tribunal of competent jurisdiction shall adjudge the assessment to be illegal, the commission may, regardless of whether the improvement has been made or not, or whether any part of the assessment has been paid or not, cause a new assessment to be made for the same purpose for which the former assessment was made.
- (2) All proceedings on such reassessment and for the collection thereof shall be conducted in the same manner as provided for the original assessment.

With the convergence of the lack of a city engineer, many turnovers with treasury and engineering staff, and most importantly the height of the uncertain COVID restrictions and reactions, the out of sequence hearing process occurred. The public improvements have been completed for the citizens of Lakeview and the confirmation of the roll should be completed in order for the Special Assessment District to be completed and assessed.

#### FISCAL IMPACT:

If confirmed, the special assessments will reimburse the Water Fund \$8,003 and the Sewer Fund \$55,445. Property owners will have 10 years to pay the special assessment.

**PUBLIC COMMUNICATIONS:**

Property owners were notified by mail of the public hearing dates. If the City Commission confirms the special assessment rolls, the Treasurer's office will notify the property owners in the special assessment district of the confirmation and the lien on their property.

**SUMMARY:**

The Treasurer's office recommends that the City Commission conduct the public hearing of confirmation of special assessment districts 893S and 893W and further to confirm the rolls as attached to this report.

**ATTACHMENTS:**

- Proposed Special Assessment Rolls
- Memorandum: Lakeview Ave Project #2-20(P), Water and Sewer Lateral Special Assessment District Public Hearing of Necessity

**SUGGESTED COMMISSION ACTION:**

Motion adopting a resolution confirming special assessment rolls 893S and 893W as follows:

WHEREAS, Special Assessment Roll, designated Roll No. 893S and Roll No. 893W, has been heretofore prepared for collection, and

WHEREAS, notice was given pursuant to Section 94-7 of the City Code, to each owner or party-in-interest of property to be assessed, and

WHEREAS, the Commission has deemed it practicable to cause payment of the cost thereof to be made after the time of construction and

Commission Resolution 10-259-21 provided it would meet this 25<sup>th</sup> day of October, 2021 for the sole purpose of reviewing the assessment roll, and

WHEREAS, at said hearing held this October 25th, 2021, all those property owners or their representatives present have been given an opportunity to be heard specifically concerning costs appearing in said special assessment roll,

NOW, THEREFORE, BE IT RESOLVED, that Special Assessment Roll No. 893S and Roll No. 893W be in all things ratified and confirmed, and that the City Clerk be and is hereby instructed to endorse said roll, showing the date of confirmation thereof, and to certify said assessment roll to the City Treasurer for collection at or near the time of construction of the improvement.

BE IT FURTHER RESOLVED, that special assessment shall be payable in ten (10) payments as provided in Section 94-10 of the Code of the City of Birmingham, with an annual interest rate of four and one quarter percent (4.25%) on all unpaid installments.

<b>SIDEWELL NUMBER</b>	<b>ADDRESS</b>		<b>SEWER LATERALS COST SAD 893S</b>		<b>WATER SERVICE COST SAD 893W</b>		<b>TOTAL ASSESSED COST</b>
19-25-301-001	870 LAKEVIEW		\$1,560.00		\$0.00		\$1,560.00
19-25-301-002	856 LAKEVIEW		\$1,560.00		\$0.00		\$1,560.00
19-25-301-003	836 LAKEVIEW		\$1,560.00		\$0.00		\$1,560.00
19-25-301-004	790 LAKEVIEW		\$1,560.00		\$0.00		\$1,560.00
19-25-301-005	784 LAKEVIEW		\$1,560.00		\$0.00		\$1,560.00
19-25-301-006	764 LAKEVIEW		\$1,560.00		\$0.00		\$1,560.00
19-25-304-001	684 LAKEVIEW		\$1,430.00		\$0.00		\$1,430.00
19-25-304-009	666 LAKEVIEW		\$1,625.00		\$1,908.00		\$3,533.00
19-25-304-010	650 LAKEVIEW		\$910.00		\$0.00		\$910.00
19-25-304-011	636 LAKEVIEW		\$1,235.00		\$0.00		\$1,235.00
19-25-304-012	620 LAKEVIEW		\$1,430.00		\$0.00		\$1,430.00
19-25-304-013	608 LAKEVIEW		\$1,430.00		\$0.00		\$1,430.00
19-25-304-014	590 LAKEVIEW		\$1,105.00		\$1,828.50		\$2,933.50
19-25-304-046	560 LAKEVIEW		\$1,755.00		\$0.00		\$1,755.00
19-26-427-016	859 LAKEVIEW		\$2,405.00		\$0.00		\$2,405.00
19-26-427-017	831 LAKEVIEW		\$1,625.00		\$0.00		\$1,625.00
19-26-427-019	755 LAKEVIEW		\$2,470.00		\$0.00		\$2,470.00
19-26-427-020	739 LAKEVIEW		\$1,625.00		\$0.00		\$1,625.00
19-26-427-023	675 LAKEVIEW		\$1,300.00		\$0.00		\$1,300.00
19-26-427-024	667 LAKEVIEW		\$1,625.00		\$0.00		\$1,625.00
19-26-427-025	655 LAKEVIEW		\$2,470.00		\$0.00		\$2,470.00
19-26-427-026	647 LAKEVIEW		\$2,860.00		\$1,298.50		\$4,158.50
19-26-427-027	633 LAKEVIEW		\$2,470.00		\$0.00		\$2,470.00
19-26-427-030	591 LAKEVIEW		\$2,535.00		\$0.00		\$2,535.00
19-26-427-031	587 LAKEVIEW		\$2,470.00		\$0.00		\$2,470.00
19-26-427-032	563 LAKEVIEW		\$1,560.00		\$1,643.00		\$3,203.00
19-26-427-034	549 LAKEVIEW		\$2,405.00		\$1,325.00		\$3,730.00
19-26-427-036	523 LAKEVIEW		\$2,470.00		\$0.00		\$2,470.00
19-26-427-037	507 LAKEVIEW		\$2,405.00		\$0.00		\$2,405.00
19-26-427-038	707 LAKEVIEW		\$2,470.00		\$0.00		\$2,470.00
			\$55,445.00		\$8,003.00		\$63,448.00

**DATE:** September 27, 2021

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

**FROM:** James J. Surhigh, Consulting City Engineer

**SUBJECT:** Lakeview Ave Project #2-20(P)  
Water & Sewer Lateral Special Assessment District  
Public Hearing of Necessity

---

**INTRODUCTION:**

At the City Commission meeting of September 13, 2021, the City Commission set a date of October 4, 2021 to hold a public hearing of necessity for the replacement of water and sewer laterals located within the limits of the Lakeview Ave. paving project. Also, at that meeting, the City Commission set the date for a public hearing to confirm the assessment roll on October 25, 2021 should the special assessment district be authorized.

**BACKGROUND:**

In 2020, Lakeview Ave was reconstructed between Oak Ave and Harmon Street from an un-improved street to an improved street. With that project, improvements to the sewer and water system were made. A special assessment district was authorized to defray the costs of the road construction to the benefitting property owners. However, the special assessment district was not officially created for the necessary sewer and water lateral replacements associated with the project.

In Accordance with current policy, the Engineering Dept. replaced all older sewer laterals (50 years or older) underneath the new proposed pavement for the Lakeview Ave project. In addition, in accordance with current policy, all water services less than 1 inch diameter were replaced with a 1 inch diameter service. When these services are replaced, the costs for replacement are paid for by the benefitting property owner at the unit rate quoted by the contractor for the project.

Lead water services were also replaced as part of the project in accordance with rules established by the Michigan Department of Environmental, Great Lakes, and Energy (EGLE) requiring the complete removal and replacement of lead water services between the connection of the Main and the water meter at the residence. Property owners requiring lead water service replacement are not part of this SAD, as the City is required to pay for this work, in accordance with EGLE rules.

In total, 30 properties in the project area were determined to have an older sewer lateral meeting the requirements for replacement, of which, 5 additionally had a water service meeting the requirements for replacement. All property owners in the district have been sent public hearing notice. To date, our office has taken a number of calls asking for clarifications about the upcoming project. We are not aware of any objections at this time.

#### LEGAL REVIEW:

The suggested Special Assessment District is consistent with the City Charter, and past precedence, with the exception that the homes that had a lead water service that were replaced between the connection to the water main and to the water meter in the home are excluded from the SAD, in accordance with the revised requirements of the Michigan Dept. of Environmental, Great Lakes and Energy (EGLE). No legal review is required.

#### FISCAL IMPACT:

The costs being charged will defray the City's costs that were paid to the contractor associated with the pipe installation for the sewer and water service laterals that needed to be replaced. As has been done traditionally, the City is subsidizing this program to a small degree in that inspection and restoration costs are covered by the City as a part of the overall cost of the project.

#### SUMMARY:

The Engineering Department recommends that the City Commission conduct the public hearing of necessity, and authorize the special assessment district to defray the cost of the installation of new water and sewer laterals completed within the project area of the Lakeview Ave Paving Project #2-20(P).

#### ATTACHMENTS:

- Map of proposed Special Assessment District
- Notice of Public Hearing from the City Clerk
- Memo presented to City Commission at meeting on September 13, 2021, recommending setting the public hearing dates for the special assessment for water and sewer lateral replacements

#### SUGGESTED COMMISSION ACTION:

Conduct the Public Hearing of Necessity and make a motion to adopt the resolution establishing necessity for the Lakeview Ave. paving project water and sewer lateral replacement special assessment district.

WHEREAS, The City Commission has established a policy requiring the replacement of undersized or lead water lateral lines and sewer laterals in excess of fifty years old when the City street is open for repairs or reconstruction; and

WHEREAS, The City Commission is of the opinion that replacement of water and sewer laterals not meeting current criteria as a part of the planned road paving project is declared a necessity; and

WHEREAS, Formal bids have been received and the actual cost per foot for replacement of the water and sewer laterals has been determined,

RESOLVED, That all sewer and water laterals not meeting current criteria located within the limits of the following streets shall be replaced as a part of the Lakeview Ave. Paving Project (Contract #2-20(P)): Lakeview Ave., between Harmon and Oak Street.

RESOLVED, That at such time as the Assessor is directed to prepare the assessment roll, of which 100% of the contractor's charge to replace water and sewer lateral (calculated at the rate of \$53.00 per foot for water laterals and \$65.00 per foot for sewer laterals) shall be charged to the adjoining property owners benefiting from the said laterals,

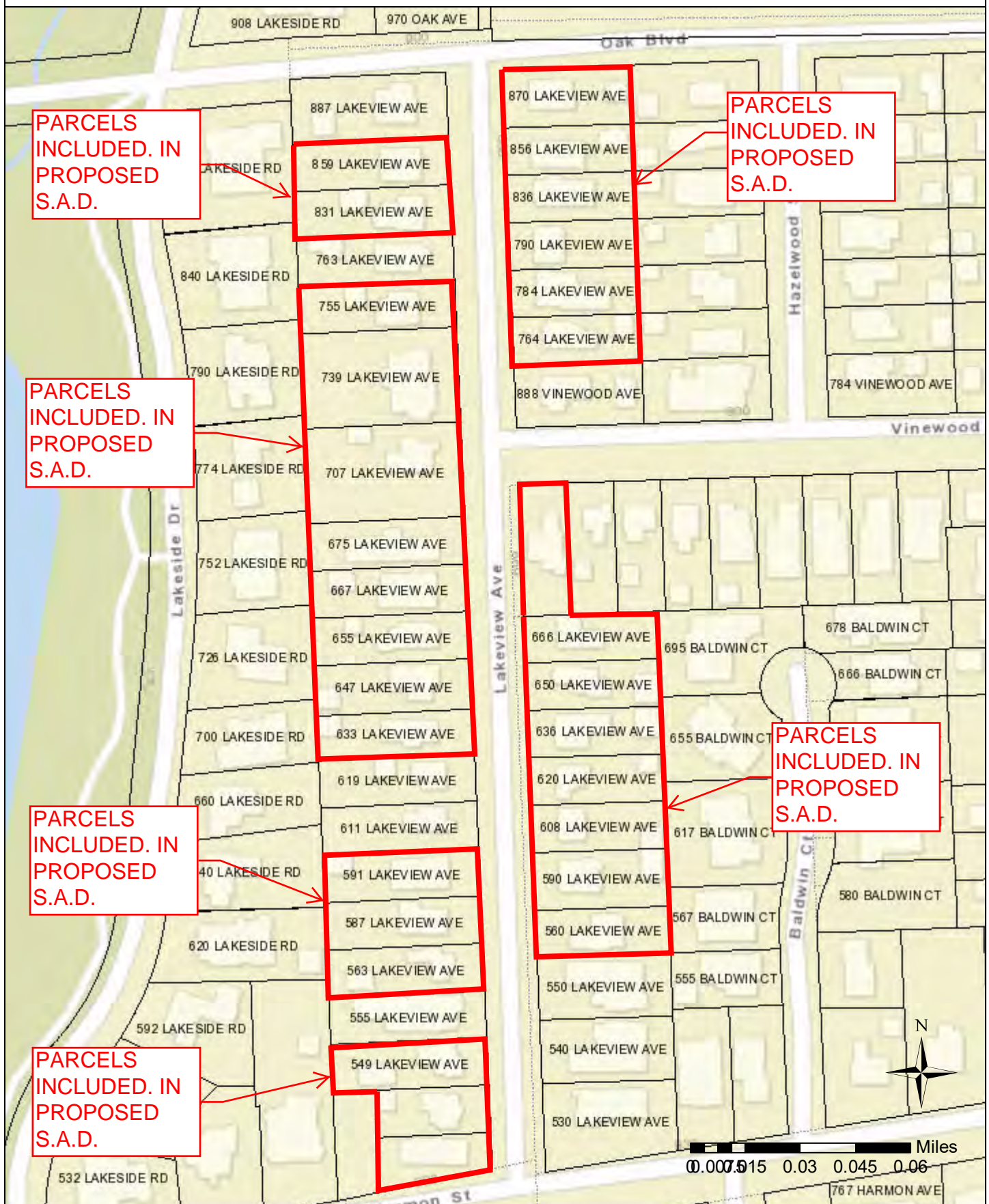
RESOLVED, That there be a special assessment district created and special assessments levied in accordance with benefits against the properties within such assessment district, said special assessment district shall be all properties, within the district of 30 parcels as listed in the following table:

SIDWELL NO.	ADDRESS	SEWER LATERAL LENGTH	SEWER LATERAL COST	WATER LATERAL LENGTH	WATER LATERAL COST	TOTAL ASSESSED COST
19-25-301-001	870 LAKEVIEW	24	\$1,560.00	0	0	\$1,560.00
19-25-301-002	856 LAKEVIEW	24	\$1,560.00	0	0	\$1,560.00
19-25-301-003	836 LAKEVIEW	24	\$1,560.00	0	0	\$1,560.00
19-25-301-004	790 LAKEVIEW	24	\$1,560.00	0	0	\$1,560.00
19-25-301-005	784 LAKEVIEW	24	\$1,560.00	0	0	\$1,560.00
19-25-301-006	764 LAKEVIEW	24	\$1,560.00	0	0	\$1,560.00
19-25-304-001	684 LAKEVIEW	22	\$1,430.00	0	0	\$1,430.00
19-25-304-009	666 LAKEVIEW	25	\$1,625.00	36	\$1,908.00	\$3,533.00
19-25-304-010	650 LAKEVIEW	14	\$ 910.00	0	0	\$ 910.00
19-25-304-011	636 LAKEVIEW	19	\$1,235.00	0	0	\$1,235.00
19-25-304-012	620 LAKEVIEW	22	\$1,430.00	0	0	\$1,430.00
19-25-304-013	608 LAKEVIEW	22	\$1,430.00	0	0	\$1,430.00
19-25-304-014	590 LAKEVIEW	17	\$1,105.00	34.5	\$1,828.50	\$2,933.50
19-25-304-046	560 LAKEVIEW	27	\$1,755.00	0	0	\$1,755.00
19-26-427-016	859 LAKEVIEW	37	\$2,405.00	0	0	\$2,405.00
19-26-427-017	831 LAKEVIEW	25	\$1,625.00	0	0	\$1,625.00
19-26-427-019	755 LAKEVIEW	38	\$2,470.00	0	0	\$2,470.00
19-26-427-020	739 LAKEVIEW	25	\$1,625.00	0	0	\$1,625.00
19-26-427-023	675 LAKEVIEW	20	\$1,300.00	0	0	\$1,300.00
19-26-427-024	667 LAKEVIEW	25	\$1,625.00	0	0	\$1,625.00
19-26-427-025	655 LAKEVIEW	38	\$2,470.00	0	0	\$2,470.00
19-26-427-026	647 LAKEVIEW	44	\$2,860.00	24.5	\$1,298.50	\$4,158.50
19-26-427-027	633 LAKEVIEW	38	\$2,470.00	0	0	\$2,470.00
19-26-427-030	591 LAKEVIEW	39	\$2,535.00	0	0	\$2,535.00
19-26-427-031	587 LAKEVIEW	38	\$2,470.00	0	0	\$2,470.00
19-26-427-032	563 LAKEVIEW	24	\$1,560.00	31	\$1,643.00	\$3,203.00
19-26-427-034	549 LAKEVIEW	37	\$2,405.00	25	\$1,325.00	\$3,730.00
19-26-427-036	523 LAKEVIEW	38	\$2,470.00	0	0	\$2,470.00
19-26-427-037	507 LAKEVIEW	37	\$2,405.00	0	0	\$2,405.00
19-26-427-038	707 LAKEVIEW	38	\$2,470.00	0	0	\$2,470.00



RESOLVED, That the Commission shall meet on Monday, October 25, 2021, at 7:30 P.M., for the purpose of conducting a public hearing to confirm the roll for the replacement of water and sewer laterals within the Lakeview Ave. Paving Project area.

## SPECIAL ASSESSMENT DISTRICT FOR SEWER & WATER LATERAL REPLACEMENT



## **CORRECTED NOTICE**

The previously mailed notice of this public hearing misidentified the project name in the title heading.  
The city clerk's office apologizes for any confusion from the prior notice.

### **NOTICE OF PUBLIC HEARINGS**

#### **BIRMINGHAM CITY COMMISSION**

#### **PUBLIC HEARING OF NECESSITY**

#### **PUBLIC HEARING OF CONFIRMATION**

#### **FOR THE REPLACEMENT OF SEWER & WATER SERVICES WITHIN THE LAKEVIEW PAVING PROJECT AREA**

Meeting Date, Time, Location:	<b>HEARING OF NECESSITY FOR SPECIAL ASSESSMENT DISTRICT</b> Monday, October 4, 2021, at 7:30 p.m. Municipal Building, 151 Martin Birmingham, MI
Meeting Date, Time, Location:	<b>HEARING OF CONFIRMATION FOR SPECIAL ASSESSMENT DISTRICT</b> Monday, October 25, 2021, 7:30 PM Municipal Building, 151 Martin, Birmingham, MI
Location:	Within the Lakeview Avenue Paving Project Area - specifically between Oak Ave and Harmon Street
Nature of Improvement:	Replacement of sewer and water services within the Lakeview Ave Paving project area
City Staff Contact:	Jim Surhigh, 248.530.1839 <a href="mailto:cityengineer@bhamgov.org">cityengineer@bhamgov.org</a>
Notice Requirements:	Mailed to affected property owners Published September 19, 2021
Approved minutes may be reviewed at:	City Clerk's Office

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

However, if you fail to protest either in person or by letter received on or before the date of the hearing, you cannot appeal the amount of the special assessment to the Michigan Tax Tribunal.

The property owner may file a written appeal of the special assessment with the State Tax Tribunal within 30 days after the confirmation of the special assessment roll if that special assessment was protested at the hearing held for the purpose of confirming the roll.

All special assessments, including installment payments, shall, from the date of the confirmation thereof, constitute a lien on the respective lots or parcels assessed, and until paid shall be charged against the respective owners of the lots or parcels assessed.

Persons with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk's Office at 248.530.1880 (voice) or 248.644.5115 (TDD) at least one day in advance to request mobility, visual, hearing or other assistance.



## MEMORANDUM

Engineering Dept.

**DATE:** September 8, 2021

**TO:** Tom Markus, City Manager

**FROM:** Jim Surhigh, Consultant City Engineer  
Scott Zielinski, Assistant City Engineer

**SUBJECT:** Lakeview Ave Project #2-20(P)  
Water & Sewer Lateral Special Assessment District  
Public Hearing of Necessity and Assessment Roll

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### INTRODUCTION:

In 2020, Lakeview Ave was reconstructed between Oak Ave and Harmon Street from an un-improved street to an improved street. The Special Assessment District (SAD) associated with the necessary replacement of Water and Sewer Laterals not meeting current City standards as part of the project was not formally established prior to construction. The Engineering Department is requesting the Public Hearing Dates for the sewer and lateral replacement SAD be set.

### BACKGROUND:

In Accordance with current policy, the Engineering Dept. replaced all older sewer laterals (50 years or older) underneath the new proposed pavement for the Lakeview Ave project. In addition, per current policy, all water services less than 1 inch diameter were replaced with a 1 inch diameter service. Services are replaced and are paid for by the property owner at the unit rate quoted by the contractor. This work was part of the improvement project that was to be paid for by special assessment against the benefiting properties.

Lead water services were also replaced as part of the project in accordance with rules established by the Michigan Department of Environmental, Great Lakes, and Energy (EGLE) requiring the complete removal and replacement of lead water services between the connection of the Main and the water meter at the residence. Property owners requiring lead water service replacement are not part of this SAD, in accordance with EGLE rules.

### LEGAL REVIEW:

The suggested Special Assessment District is consistent with the City Charter, and past precedence, with the exception that the homes that had a lead water service that were replaced all the way to the water meter are excluded from the SAD, in accordance with

the revised requirements of the Michigan Dept. of Environmental Quality (MDEQ). No legal review is required.

#### FISCAL IMPACT:

The costs being charged will defray the City's costs that were paid to the contractor relative to the pipe installation for the sewer and water service laterals that needed to be replaced. As has been done traditionally, the City is subsidizing this program to a small degree in that inspection and restoration costs are covered by the City as a part of the overall cost of the project.

#### SUMMARY:

It is recommended that the City Commission set the public hearing, and authorize the Special Assessment District to defray the cost of the installation of new water and sewer laterals within the project area of the Lakeview Ave Project #2-20(P).

#### ATTACHMENTS:

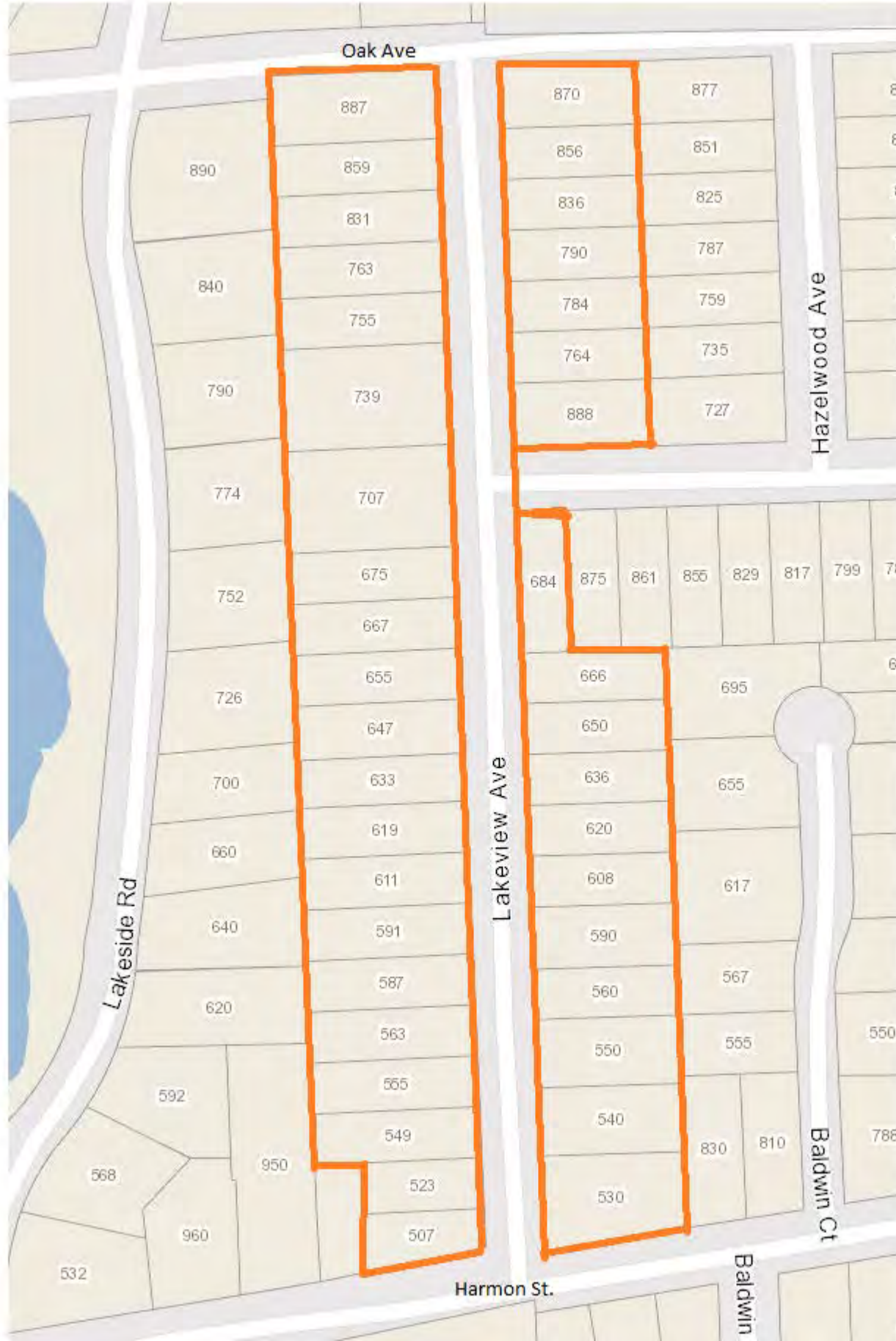
- Map of proposed assessment district.

#### SUGGESTED COMMISSION ACTION:

Make a motion to adopt a resolution setting a public hearing on Monday, October 4, 2021, at 7:30 P.M., for the purpose of determining the necessity for the replacement of sewer and water services within the Lakeview Ave Paving project area.

Be it further RESOLVED, that the City Commission meet on Monday, October 25, 2021 at 7:30 P.M. for the purpose of conducting a Public Hearing to Confirm the Assessment Roll for the replacement of sewer and water services in the Lakeview Ave Paving project area.







## MEMORANDUM

City Manager's Office

**DATE:** October 20, 2021

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

**FROM:** Jana Ecker, Assistant City Manager

**SUBJECT:** Woodward Avenue Pedestrian Safety Issues

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### INTRODUCTION:

On September 17, 2021, a second fatal pedestrian accident occurred on Woodward Avenue at the pedestrian crossing at the Brown/Forest intersection. Previously, Wesley Stamps was also fatally injured crossing Woodward on August 8, 2020 in the same vicinity. As a result, the City received extensive public outcry calling for Birmingham to address the safety concerns with this dangerous intersection. However, the entire 200' wide Woodward Avenue right-of-way is owned and controlled by the Michigan Department of Transportation (MDOT) and not by the City. Thus, the City has no jurisdiction over Woodward Avenue, and the design of the roadway is entirely controlled by MDOT, including the location and timing of all vehicle and pedestrian traffic signals, all pedestrian crossings (whether at grade, below grade or on a bridge over Woodward), intersection geometry, speed limits and roadway maintenance and improvements.

### BACKGROUND:

Birmingham and many other Woodward communities have spent the last several decades working to enhance the Woodward Corridor through the use of pedestrian scale building placement and design, multi-modal amenities, landscaping and other measures to create a human-scale, safe and comfortable corridor for all of our residents, of all ability levels, using all modes of transportation. However, cities do not have the jurisdiction to make required safety improvements in the Woodward Avenue right-of-way.

Over the past several years, the City has repeatedly expressed ongoing safety concerns for pedestrians at the intersection of Woodward and Brown/Forest to MDOT officials. Specifically, the City has requested the addition of a signal to improve the pedestrian crossing over the northbound lanes of Woodward, the addition of an overhead HAWK signal, pedestrian signals, crosswalk enhancements, as well as traffic calming measures to be implemented along the corridor.

The City has continued to press MDOT to invest in pedestrian crossing improvements at the intersection of Woodward and Brown/Forest, and others along the corridor. City officials were able to organize a meeting with MDOT officials on site last month. At the conclusion of the meeting on September 22, 2021, City officials advised MDOT that immediate action was needed to improve pedestrian safety. The City requested additional signage, lighting, pavement markings or even the addition of containers of pedestrian high visibility orange fluorescent crossing flags on both sides of the Woodward crossing, and to have one or more of these safety measures installed within one week. City officials also asked MDOT to schedule a Road Safety Audit as soon as possible.

Over a month has now passed, and MDOT has not installed any permanent or temporary pedestrian safety measures at the Woodward and Brown/Forest pedestrian crossing. The City has reached out to Governor Whitmer and State legislators to request assistance in compelling MDOT to address the safety concerns at Woodward and Brown/Forest. MDOT officials have not formally provided any commitment to install or implement any pedestrian safety measures, nor scheduled a Road Safety Audit.

However, the City was informed by Ms. Swanson, Oakland TSC Manager with MDOT during a telephone call on October 18, 2021, that MDOT had approved the installation of flashing beacons on the crosswalk signage on both sides of Woodward to be installed as soon as possible, funded by MDOT. Ms. Swanson also indicated that MDOT had approved installation of a new traffic signal for the northbound lanes of Woodward, and the addition of pedestrian countdown signal heads on both the southbound and northbound lanes of Woodward, to be funded by MDOT, and installed in the summer of 2022. Ms. Swanson indicated that she was drafting a letter outlining this formal commitment, which she expected to complete by the end of the week.

Ms. Lori Swanson, Oakland TSC Manager, and Ms. Kimberly Webb, Metro Region Engineer, with the Michigan Department of Transportation will be in attendance at the City Commission meeting on October 25, 2021 to update the public regarding MDOT's immediate and long term plans to address the ongoing pedestrian safety issues at Woodward and Brown/Forest.

Since the on site meeting with MDOT representatives, City staff conducted a site inspection of the MDOT right-of-way to survey existing vegetation to determine if any tree trimming was needed to address sight distance concerns. City staff found that there are no trees, tree limbs or other vegetation obstructing sight distance for pedestrians or drivers, nor any vegetation obstructing any of the existing street lighting located in the MDOT right-of-way.

Since the on site meeting, City staff has also surveyed the existing street lighting in the vicinity of the Brown/Forest crosswalk and noted that there are lighting issues in the MDOT right-of-way. Accordingly, City staff also met with a representative of DTE to discuss potential improvements to the overhead street lighting in the MDOT right-of-way. Current deficiencies were noted with regards to overall illumination levels, and light distribution at grade in the vicinity of the Woodward and Brown/Forest pedestrian crossing. After a review of available options, the City Manager has committed to making the lighting improvements to replace the existing high pressure sodium luminaires with new LED luminaires on Woodward from Lincoln to Maple, subject to receipt and approval of the appropriate DTE agreements. In addition, the City Manager has committed to purchasing upgraded LED luminaires to provide brighter lighting at the Woodward and Brown/Forest pedestrian crosswalk, subject to receipt and approval of the appropriate DTE agreements.

Mr. Brandon Faron, DTE Community Lighting Account Manager, will be in attendance via Zoom at the City Commission meeting on October 25, 2021 to respond to any questions on the proposed new lighting.

As mentioned above, the City has received extensive public outcry calling for safety improvements at the Woodward and Brown/Forest pedestrian crossing. Local residents contacted Channel 4 news, WDIV, and on October 14, 2021, Channel 4 ran a segment on the 11:00pm news, with a follow



up web article on October 15, 2021. Clinton Baller purchased and installed pedestrian crossing safety flags, and installed them on either side of the Woodward and Brown/Forest crosswalk. Since the meeting with MDOT officials, City staff has also conducted research into the use of pedestrian flags to increase the visibility of pedestrians in marked crosswalks, and studied other communities that have used the flags as tools to enhance the safety of pedestrians. Based on this research, City staff recommends seeking approval from MDOT for the pedestrian crosswalk flag system that has already been installed on Woodward at Brown/Forest.

#### LEGAL REVIEW:

The City Attorney has reviewed the proposed agreement with DTE to upgrade the LED lighting on Woodward and has no objection as to form or substance.

#### FISCAL IMPACT:

As the City does not own or control Woodward Avenue, the City does not have a budget allocated for safety upgrades. However, the City Manager has indicated a willingness to cover the estimated \$23,340 in costs quoted by DTE to install upgraded LED lighting on Woodward to enhance the visibility and safety of pedestrian crossings on Woodward, and to pay for the replacement of pedestrian safety flags as needed.

#### PUBLIC COMMUNICATIONS:

With two pedestrian fatalities having occurred during the past 14 months, there has been media coverage of both the fatal accidents and the need to address the pedestrian safety issues at the intersection of Woodward and Brown/Forest. Local residents have reached out to the City to express their concerns, and the City has responded through discussions at public meetings, social media, and correspondence with MDOT, the Governor and our State legislators, with copies to local news media. The pedestrian safety issues were discussed with Senator Mallory McMorrow personally at the October 4, 2021 City Commission meeting, and with Representative Mari Manoogian on October 20, 2021 via Zoom.

#### SUMMARY:

The City requests that MDOT take immediate corrective action at the pedestrian crossing at Woodward and Brown/Forest through the installation of pedestrian signals, LED Enhanced Warning signs, advance yield lines, positive offset lighting and/or pedestrian hybrid beacons or other safety measures.

City staff recommends upgrading Woodward Avenue's median lighting, in the MDOT right-of-way, to LED lighting between Maple Road and Lincoln St., and to include higher illumination LED lighting at the Woodward and Brown/Forest pedestrian crossing to enhance the safety of the crossing. DTE can complete the project in this area by the end of the year if approved. This work will both improve pedestrian safety in this area, and will also reduce lighting costs over time.

City staff also recommends seeking approval from MODT for a pedestrian crosswalk flag system on Woodward Avenue at the Brown/Forest crossing to increase the visibility of pedestrians and improve driver awareness.

#### ATTACHMENTS:

- Letter from Manager Markus dated September 23, 2021
- Letter from Police Chief Clemence dated October 4, 2021

- Letter from Senator McMorrow and State Representative Manoogian received October 4, 2021
- Letter from Assistant City Manager Ecker dated October 8, 2021
- Letter from Assistant City Manager Ecker dated October 13, 2021
- Engineering Department report and agreement with DTE for upgraded LED lighting on Woodward
- Police Department report on pedestrian crosswalk safety flags

**SUGGESTED COMMISSION ACTION:**

Make a motion adopting a resolution approving the DTE Purchase Agreement to upgrade to LED lighting on the Woodward Avenue median between Maple Road and Lincoln St.;

Further to authorize and direct the City Manager to sign the DTE Lighting Agreement with funding to be provided from Account #401-901.010-981.0100, in an amount not to exceed \$23,340.00.

AND

Make a motion authorizing the Chief of Police and the City Engineer to seek approval from the Michigan Department of Transportation for a pedestrian crosswalk flag system on Woodward Avenue at Brown/Forest;

Further to approve the Chief of Police to purchase additional pedestrian crosswalk flags as needed and to charge this expenditure to the Major Streets Fund Traffic Controls operating supplies account # 202-303.001-729.0000.



September 23, 2021

Ms. Gretchen Whitmer, Governor

Ms. Mari Manoogian, State Representative, 40<sup>th</sup> House District

Ms. Mallory McMorrow, State Senator, District 13

**Re: Pedestrian Safety Concerns on Woodward Avenue**

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It is with great sadness that I pass along the news that we had yet another fatal pedestrian accident this past weekend on Woodward Avenue that involved the loss of life of one of our residents. This is the second pedestrian fatality that has recently occurred at the pedestrian crossing at the Brown/Forest intersection in Birmingham south of Maple Road. In August 2020, there was another pedestrian fatally injured attempting to cross Woodward at the same intersection.

Extensive public outcry has been received in my office, by our City Commission members and City staff this past week calling for Birmingham to address the safety concerns with this dangerous intersection. However, as you are aware, the entire 200' wide Woodward Avenue right-of-way is owned and controlled by the Michigan Department of Transportation (MDOT) and not by the City. Thus, the City has no jurisdiction over Woodward Avenue, and the design of the roadway is entirely controlled by MDOT, including the location and timing of all vehicle and pedestrian traffic signals, all pedestrian crossings (whether at grade, below grade or on a bridge over Woodward), intersection geometry, speed limits and roadway maintenance and improvements. The City's only role in the design and improvement of Woodward Avenue is to investigate incidents, record observations and request assistance and action from MDOT.

Over the past several years, the City has repeatedly expressed ongoing safety concerns for pedestrians at the intersection of Woodward and Brown/Forest to MDOT officials. Specifically, the City has requested the addition of a signal to improve the pedestrian crossing over the northbound lanes of Woodward, the addition of an overhead HAWK signal, pedestrian signals, crosswalk enhancements, as well as traffic calming measures to be implemented along the corridor.

The City continues to press MDOT to invest in pedestrian crossing improvements at the intersection of Woodward and Brown/Forest, and others along the corridor. In fact, the City reached out to MDOT officials through our transportation consultants this summer to attempt yet again to persuade MDOT of the clear danger for pedestrians crossing Woodward Avenue at Brown/Forest. Several weeks ago a meeting was finally scheduled with MDOT officials and traffic engineers to meet on site to discuss our ongoing safety concerns for pedestrians at this intersection. Earlier this week, MDOT officials requested cancellation of this on site meeting due to predicted rain and cold weather. Naturally, this was not well received by the City given the fatal accident that occurred this past weekend. MDOT agreed to meet as originally planned.

This morning, myself, Birmingham Police Chief Clemence, Commander Scott Grewe, City officials from the Planning and Engineering Departments and the City's transportation consultants all met on site, in the rain, to impress upon the two MDOT officials present the clear and present danger at this intersection and the need for immediate action to prevent further injury or death. It was clear from the ensuing discussion that the MDOT officials in attendance did not have the authority to offer any short term or long term solutions to the ongoing safety issues at the intersection of Brown/Forest. We were advised that MDOT could start by conducting pedestrian and traffic counts, perhaps request a Road Safety Audit and study the area to determine what improvements may be warranted.

In response, the City advised MDOT short term efforts needed to be made immediately to address the safety issues and to at least improve pedestrian safety while all of the appropriate studies are conducted. Unfortunately, the City has been told on several occasions in the past that MDOT would conduct safety assessments and studies at this intersection, and get back to us with recommendations. Yet, the dangerous situation remains and another fatality has occurred.

As the top elected officials in Michigan, each of you has the opportunity and obligation to provide executive and legislative oversight for the Michigan Department of Transportation to ensure that the health, safety and welfare of our citizens is protected, and that MDOT takes immediate and appropriate action to address dangerous conditions on our roadways to prevent further loss of life.

Birmingham and many other Woodward communities have spent the last several decades working to enhance the Woodward Corridor through the use of pedestrian scale building placement and design, multi-modal amenities, landscaping and other measures to create a human-scale, safe and comfortable corridor for all of our residents, of all ability levels, using all modes of transportation. However, cities do not have the jurisdiction to make the required safety improvements in the Woodward Avenue right-of-way, but the State of Michigan does have this obligation.

The City of Birmingham asks that MDOT stop spending valuable resources and time on an ITS interstate traffic messaging system on Woodward while ignoring the pressing pedestrian safety issues. The addition of interstate-scale equipment and signage will have a significant negative impact on the aesthetics of the corridor and will not be compatible with the efforts of Birmingham, Royal Oak, Ferndale, Pleasant Ridge, Detroit and other local communities to create a less auto-centric corridor. It is incumbent upon MDOT to prioritize and allocate limited funding to those projects that are in fact necessary and valuable for enhancing the safety of our transportation infrastructure, for all users. The City of Birmingham understands that there are many other components of our transportation infrastructure along Woodward that are in dire need of funding, including but not limited to, pedestrian crossing improvements, the provision of a continuous and safe sidewalk network, bicycle infrastructure and traffic calming measures.

The City of Birmingham requests that each of you exercise your executive oversight and require MDOT to prioritize funding along Woodward for the improvement of the pedestrian environment over the vehicular environment, and specifically for safety improvements at the intersection of Woodward and Brown/Forest before another fatality occurs.

Yours truly,

A handwritten signature in black ink, appearing to read "T. Markus".

Thomas M. Markus,  
City Manager

Cc: Birmingham City Commission  
Birmingham Eccentric (Open Letter)  
Downtown Publication (Open Letter)



## **BIRMINGHAM POLICE DEPARTMENT**

**MARK H. CLEMENCE, CHIEF OF POLICE**

October 4, 2021

Ms. Gretchen Whitmer, Governor

C/O: Ms. Amanda Dietlin, Community Affairs Liaison – Office of the Governor

Ms. Mari Manoogian, State Representative, 40<sup>th</sup> House District

Ms. Mallory McMorrow, State Senator, District 13

Mr. Chuck Moss, Oakland County Commissioner, District 12

### **RE: Pedestrian Safety Concerns on Woodward Avenue – Site Visit**

To All,

As you all are aware, the City of Birmingham has had two pedestrian fatalities on Woodward Avenue near Brown/Forest over the past 13 months. As a police officer working in the City for the past 37 years, I can assure you that this loss of life is unprecedented and totally unacceptable to me as the chief of police, to our entire City staff and to our community members. As the elected officials for our City, I would like to invite you to come to your constituent community and meet with me and other City staff to observe the area for yourselves. A site visit would allow the City the opportunity to show each of you first hand where the safety concerns are and discuss potential solutions with you. The primary reason for requesting that you attend a site visit is to detail the urgency of the City's situation and that we move forward together with actions that will lead to swift and immediate changes to dramatically improve the safety of pedestrian and vehicular safety at this location.

I understand that Woodward Avenue is under the jurisdiction of the Michigan Department of Transportation (MDOT). The City is working with MDOT to improve the pedestrian



crossings in the area and looking at other possible enhancements that would improve both pedestrian safety and have an impact on traffic calming. It is our hope, that with your assistance, the City can see this process streamlined in order to expeditiously create a safe environment for all. While we have met at the site with MDOT, their record of accomplishment for addressing safety concerns at this location has been buried in bureaucracy. That situation cannot continue. MDOT must address these safety concerns at this location as soon as possible. Once this immediate concern has been addressed, the City would like to move forward with a more comprehensive examination of Woodward Ave to address pedestrian safety as a whole and to integrate the road into the fabric of our "walkable" community. I am quite certain that all of the communities along the Woodward corridor share this desire. It should be noted that Birmingham is unique in that Woodward Avenue effectively runs through the middle of the city. It is imperative that residents on both sides of Woodward Ave are able to safely traverse Woodward Ave in order for our community to truly be united.

In the interest of time, I would be happy to coordinate the site visit. I propose the last week of October (October 26, 27, and 28) or the first week of November (November 2, 3, and 4). Please email me at [mclemence@bhamgov.org](mailto:mclemence@bhamgov.org) or call me at 248-530-1875 with your availability on these dates. I look forward to the opportunity to expand your understanding of the safety issues present and to discuss potential solutions.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "M. H. Clemence". The signature is fluid and cursive, with the first name "M." and last name "Clemence" clearly distinguishable.

Mark H. Clemence

Chief of Police



13TH DISTRICT  
BINSFELD OFFICE BUILDING  
P.O. BOX 30005  
LANSING, MI 48209-7526

**MICHIGAN SENATE**  
**STATE SENATOR MALLORY MCMORROW**

PHONE: (517) 373-2523  
FAX: (517) 373-5669  
senmcmorrow@senate.michigan.gov  
senate.michigan.gov/mcmorrow

Dear City Manager Markus,

Thank you for reaching out to our office regarding the public safety concerns at the pedestrian crossing at the Brown/Forest intersection in Birmingham. After receiving your letter and hearing concerns from a number of residents, our office reached out to the Michigan Department of Transportation (MDOT) to ensure they are aware of the seriousness of this issue and the steps the department is taking to ensure it gets addressed swiftly. MDOT responded to our office with their solutions for improvements to this pedestrian crossing, their communication is shared below.

**What has been done so far:**

- MDOT met internally to discuss possible solutions to improve pedestrian safety.
- MDOT collected pedestrian counts for the Woodward at Forest/Brown crosswalk for two days:
  - 9/8/2021, 4:00 pm -5:00 pm, 17 pedestrians crossed (three elderly pedestrians were included and counts as two pedestrians)
  - 9/9/2021, 8:00 am to 9:00 am, 9 ped crossed

MDOT had an onsite meeting with Birmingham's City Manager and city officials at the Woodward/Forest Ave. pedestrian crossing. During the field visit, the team observed pedestrian activity, reviewed intersection geometry, and identified a few immediate action steps for both the city of Birmingham and MDOT.

**Immediate action steps for MDOT:**

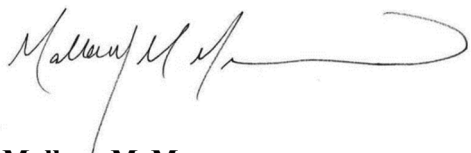
- The Oakland TSC staff will observe pedestrian activities from Forest Ave. to Hazel Street to determine if Forest Ave is the best location for pedestrians to cross.
- MDOT is exploring installing flashing beacons on northbound Woodward Avenue on the existing pedestrian ahead crossing signs.
- MDOT will deploy the speed radar trailer on Woodward Ave.
- MDOT will investigate installing pedestrian countdown signals for SB Woodward at Forest/Brown crosswalk.
- MDOT will evaluate installing a traffic signal with pedestrian countdown signals for NB Woodward at Forest/Brown crosswalk.
- TSC is determining if a pedestrian RSA should be completed.

**Actions Steps of City Identified by MDOT:**

- The city will investigate removing grown tree branches to improve sight distance.
- The city will investigate installing/changing overhead streetlights.
- The city will provide MDOT with a list of upcoming special events so MDOT can observe and conduct a pedestrian count study.
- The city will provide possible origins and destinations on both sides of Woodward Avenue.
- The city will provide input regarding any pedestrian activity to the south of Forest Ave such as pedestrians crossing near Speedway or transit stops.

As this project is currently in the study phase, MDOT is not able to provide us with a specific timeline, however, we have been assured this is a top priority and has been expedited. We will continue to provide updates as we work with MDOT on identifying solutions at the state level.

Sincerely,



**Mallory McMorrow**  
State Senator  
13<sup>th</sup> District



**Mari Manoogian**  
State Representative  
40<sup>th</sup> District

Cc:

Birmingham City Commission





October 8, 2021

Ms. Gretchen Whitmer, Governor

Ms. Mari Manoogian, State Representative, 40<sup>th</sup> House District

Ms. Mallory McMorrow, State Senator, District 13

**Re: Pedestrian Safety Concerns on Woodward Avenue**

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Today, it will have been four weeks since we had yet another pedestrian fatality occur on Woodward Avenue at the pedestrian crossing located at the Brown/Forest intersection in Birmingham.

City Manager Tom Markus wrote to each of you on September 23, 2021 and requested your assistance to exercise your executive and legislative oversight and require the Michigan Department of Transportation ("MDOT") to take immediate action to correct the dangerous conditions on Woodward at Brown/Forest to prevent further loss of life. City Manager Markus also requested your assistance to require MDOT to prioritize future funding along Woodward for the improvement of the pedestrian environment.

As noted in our previous letter, extensive public outcry has been received from City residents asking for immediate improvements to address the safety concerns at the dangerous intersection of Woodward and Brown/Forest, and concerns continue to come in from citizens. However, the entire 200' wide Woodward Avenue right-of-way is owned and controlled by MDOT and not by the City. The City's only role in the design and improvement of Woodward Avenue is to investigate incidents, record observations and request assistance and action from MDOT.

In response to our previous correspondence, the City received a joint response letter dated October 4, 2021 from State Senator McMorrow and State Representative Manoogian. This letter stated that both offices reached out to MDOT to ensure they were aware of the seriousness of the safety issues at Woodward and Brown/Forest, and to inquire as to the actions taken by MDOT to swiftly address the dangerous conditions. The letter states that MDOT responded to their request with the following solutions for improvements to this pedestrian crossing:

**What has been done so far:**

- MDOT met internally to discuss possible solutions to improve pedestrian safety;
- MDOT collected pedestrian counts on September 8 and 9, 2021 for the Woodward at Brown/Forest crosswalk area; and
- MDOT met onsite with City officials and identified action steps for both the City and MDOT.

### **Immediate Action Steps for MDOT:**

- The Oakland TSC staff will **observe** pedestrian activities from Forest to Hazel on Woodward to determine if Brown/Forest is the best location for pedestrians to cross;
- MDOT is **exploring** installing flashing beacons on NB Woodward on the existing pedestrian ahead crossing signs
- MDOT will deploy the speed radar trailer on Woodward;
- MDOT will **investigate** installing pedestrian countdown signals for SB Woodward at Brown/Forest
- MDOT will **evaluate** installing a traffic signal with pedestrian countdown signals for NB Woodward at Brown/Forest
- TSC is **determining** if a pedestrian RSA should be completed. (Emphasis added)

### **Action Steps of City Identified by MDOT:**

- City will investigate removing grown tree branches to improve sight distance;
- City will investigate installing/changing overhead streetlights;
- City will provide MDOT with a list of upcoming specials events so MDOT can observe and conduct a pedestrian count study;
- City will provide possible origins and destinations on both sides of Woodward; and
- City will provide input regarding any pedestrian activity to the south of Forest such as pedestrians crossing near Speedway or transit stops.

While the City appreciates the efforts of Senator McMorrow and State Representative Manoogian to reach out to MDOT for a status update, MDOT's response as outlined in the October 4, 2021 letter continues to demonstrate a lack of urgency to address the clear and present danger to pedestrians at the intersection of Woodward and Brown/Forest.

MDOT's response also conflicts with information provided to the City. MDOT has indicated that so far they met internally to discuss possible solutions to improve pedestrian safety, they have collected pedestrian counts for the Woodward and Brown/Forest intersection, and that they have met with City officials on site. However, when City officials met on site on September 22, 2021, the MDOT representatives stated that they had not conducted any pedestrian counts at the intersection.

MDOT's response further provides that their staff will observe pedestrian activities from Forest to Hazel on Woodward, they will explore installing flashing beacons at the Brown/Forest crosswalk, investigate installing pedestrian countdown signals, evaluate adding a new traffic signal, and determine if a pedestrian Road Safety Audit should be completed. Each of these statements were offered as "solutions for improvements to this pedestrian crossing". Yet these "solutions" involve MDOT agreeing only to observe, explore, investigate and evaluate existing conditions and crossing improvements, with no commitment whatsoever to install or implement any permanent improvements. The only site change MDOT proposes is to temporarily deploy a speed radar trailer on Woodward.

However, MDOT's response assigns specific action items and site improvements to the City of Birmingham. This is clearly a deflection of responsibility for the safety, design and operation of Woodward to the City, despite the fact that MDOT owns and controls the entire 200' width of Woodward Avenue. It should also be noted that the information requested from the City with

regards to upcoming special events and possible origins and destinations on Woodward in the vicinity of the Brown/Forest pedestrian crossing were provided directly to the MDOT representatives present at the site visit on September 22, 2021.

Since the site meeting with MDOT representatives, City staff has conducted a site inspection of the MDOT right-of-way to survey existing vegetation to determine if any tree trimming was needed to address sight distance concerns. City staff found that there are no trees, tree limbs or other vegetation obstructing sight distance for pedestrians or drivers, nor any vegetation obstructing any of the existing street lighting located in the MDOT right-of-way. City staff has also surveyed the existing street lighting in the vicinity of the Brown/Forest crosswalk and noted that there are lighting issues in the MDOT right-of-way.

Accordingly, City staff also met with a representative of DTE earlier this week to discuss potential improvements to the overhead street lighting in the MDOT right-of-way. Current deficiencies were noted with regards to overall illumination levels, and light distribution at grade in the vicinity of the Woodward and Brown/Forest pedestrian crossing. After a review of available options, the City Manager has committed to making the lighting improvements to replace the existing high pressure sodium luminaires with new LED luminaires on Woodward from Lincoln to Maple, subject to receiving the appropriate DTE agreements. In addition, the City Manager has committed to purchasing upgraded LED luminaires to provide brighter lighting at the Woodward and Brown/Forest pedestrian crosswalk, subject to receiving the appropriate DTE agreements.

At the conclusion of the on site meeting on September 22, 2021, City officials advised MDOT that immediate action was needed to improve pedestrian safety. The City requested additional signage, lighting, pavement markings or even the addition of containers of pedestrian high visibility orange fluorescent crossing flags on both sides of the Woodward crossing, and to have one or more of these safety measures installed within one week. City officials also asked MDOT to schedule a Road Safety Audit as soon as possible.

Four weeks have now passed, and MDOT has not installed any permanent or temporary pedestrian safety measures at the Woodward and Brown/Forest pedestrian crossing. MDOT officials have not provided any commitment to install or implement any pedestrian safety measures, nor scheduled a Road Safety Audit.

The City of Birmingham has continued to reach out to MDOT over the past month and has specifically requested the consideration of the following safety improvement alternatives for emergency implementation at the Brown/Forest pedestrian crossing:

1. The installation of pedestrian signal heads at the existing west leg of the intersection;
2. The installation of LED Enhanced Warning signs;
3. The installation of advance yield lines and signage on NB Woodward at the uncontrolled crossing, as recommended on page 27 of MDOT's Best Design Practices manual;
4. The installation of additional lighting, with a positive offset, as recommended on page 33 of MDOT's Best Design Practices manual; and/or
5. The installation of a Pedestrian Hybrid Beacon, a pedestrian traffic signal or a grade separated crossing to comply with MDOT's Type D crossing standards.

The only response the City has received from MDOT to date was an email that indicated that MDOT was currently working on a guidance document for the installation of LED Enhanced Warning signs, but the document was still being reviewed by the Traffic Safety Statewide

Alignment Team and had not yet been finalized. Despite this response to delay consideration of LED Enhanced Warning signs, these signs are already installed and in use on I-75 within Oakland County and could certainly be considered for the Brown/Forest crossing on Woodward. Advance yield lines, overhead crossing signage with beacons and rapid flashing beacons are also currently in use on Telegraph due to previous pedestrian fatalities, and could immediately be installed on Woodward at the Brown/Forest pedestrian crossing to prevent additional injury or death.

The City of Birmingham has requested pedestrian crossing improvements at Brown/Forest for many years, and has been told on several occasions that MDOT would conduct safety assessments and studies at this intersection, and get back to us with recommendations. The same answer is given each time...MDOT will study the issue. Yet, the dangerous situation remains.

Once again, MDOT has indicated in their response to Senator McMorrow and State Representative Manoogian that they are currently "in the study phase" and thus unable to provide a specific timeline for the implementation of pedestrian safety measures on Woodward at Brown/Forest. This is simply not enough. Two pedestrians have lost their lives at this intersection over the past 13 months, and still no improvements have been made. Years have passed in which MDOT has had more than enough time to study the issues at this crossing. Immediate action is needed, and it is incumbent upon each of you as elected officials to ensure that pedestrian improvements are installed and/or implemented immediately to protect the health, safety and welfare of our citizens.

The City of Birmingham requests your intervention to compel MDOT to take immediate corrective action at the pedestrian crossing at Woodward and Brown/Forest through the installation of pedestrian signals, LED Enhanced Warning signs, advance yield lines, positive offset lighting and/or pedestrian hybrid beacons or other safety measures. Further, the City requests your assistance to compel MDOT officials to appear before the Birmingham City Commission on October 25, 2021 to inform the public of both immediate and long term plans to address the pedestrian safety issues on Woodward at Brown/Forest to reduce the clear and present danger to our citizens.

Yours truly,

Jana L Ecker,  
Assistant City Manager

Cc: Paul Ajegba, Director, MDOT  
Chuck Moss, Oakland County Commissioner  
Thomas Markus, Birmingham City Manager  
Birmingham City Commission  
City Department Heads



October 13, 2021

Ms. Gretchen Whitmer, Governor

Ms. Mari Manoogian, State Representative, 40<sup>th</sup> House District

Ms. Mallory McMorrow, State Senator, District 13

**Re: Pedestrian Safety Concerns on Woodward Avenue**

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Birmingham City Manager Tom Markus wrote to each of you on September 23, 2021 and requested your assistance to exercise your executive and legislative oversight and require the Michigan Department of Transportation ("MDOT") to take immediate action to correct the dangerous conditions on Woodward at Brown/Forest to prevent further loss of life. City Manager Markus also requested your assistance to require MDOT to prioritize future funding along Woodward for the improvement of the pedestrian environment.

Birmingham Police Chief Clemence wrote to you on October 4, 2021, again seeking your assistance to motivate MDOT to immediately address pedestrian safety concerns at the intersection of Woodward and Brown/Forest. And further, to request that MDOT move forward with a comprehensive review of Woodward Avenue to address pedestrian safety as a whole and to integrate the road into the fabric of our walkable community.

I also wrote to each of you again on October 8, 2021 requesting your intervention to compel MDOT to take immediate corrective action at the pedestrian crossing at Woodward and Brown/Forest through the installation of pedestrian signals, LED Enhanced Warning signs, advance yield lines, positive offset lighting and/or pedestrian hybrid beacons or other safety measures.

To date, more than four weeks after the second pedestrian death occurred at the intersection of Woodward and Brown/Forest, MDOT has not made any permanent or temporary improvements to the existing pedestrian crossing despite ongoing requests for immediate action.

What has MDOT done? They have placed a speed trailer in the median in the vicinity of the crosswalk. In addition, on October 12, 2021 MDOT officials advised the City's transportation consultants at Fleis and VandenBrink that a quote has been requested from the Road Commission for Oakland County ("RCOC") for the following:

- The installation of pedestrian signal heads on the southbound leg of the Woodward and Brown/Forest intersection on the existing signal equipment; and

- The installation of a flashing beacon to the existing advance crosswalk signage located in advance of the marked crosswalks on both the northbound and southbound lanes of Woodward.

While the installation of pedestrian signal heads on the southbound leg of the intersections would certainly enhance the safety of this portion of the pedestrian crosswalk, the addition of flashing beacons to existing signage will likely have a minimal effect on enhancing pedestrian safety in the crossing on the northbound leg of the intersection. Safety measures that would directly improve the safety of pedestrians on the northbound leg include the installation of LED Enhanced Warning signs, advance yield lines, positive offset lighting and/or pedestrian hybrid beacons at the pedestrian crossing, as previously requested by the City of Birmingham.

With that being said, the City is thankful that MDOT has now recognized the pedestrian safety concerns at the intersection of Woodward and Brown/Forest, and has agreed that physical improvements are necessary to ensure the safety of pedestrians at this location. The City certainly supports the installation of the above elements offered by MDOT as an interim measure.

However, MDOT has also advised that they do not have any funding available to implement even the above interim improvements, but that they are able to install the pedestrian signal heads and flashing beacons immediately if the City is willing to fund these improvements. Once again, MDOT's response is to deflect responsibility for safety issues in their right-of-way to the City of Birmingham, despite the fact that MDOT owns and controls the entire 200' width of Woodward Avenue.

This latest response from MDOT raises yet more questions:

- When will the estimated costs be available from the RCOC?
- Is MDOT requesting that the City of Birmingham pay for needed safety improvements on a roadway under MDOT's jurisdiction?
- Is MDOT asking the City of Birmingham to front the costs of these interim safety measures and then reimburse the City these funds at some specified future date?
- If so, when will MDOT be able to free up money to reimburse the City of Birmingham?
- Is it standard practice for MDOT to shirk responsibility for the design, operation and safety of State owned roads and deflect them onto local communities?
- How is it that MDOT has no money available to address clear and pressing pedestrian safety issues only two weeks into the start of their fiscal year?

MDOT continues to demonstrate to the citizens of Birmingham, and all Michigan residents, a lack of urgency to address clear and present danger to pedestrians on roadways owned and operated by MDOT. I implore each of you as elected officials to ensure that pedestrian improvements are installed and/or implemented immediately to protect the health, safety and welfare of our citizens.

Once again the City of Birmingham requests your intervention to compel MDOT to take immediate corrective action at the pedestrian crossing at Woodward and Brown/Forest through the installation of pedestrian signals, LED Enhanced Warning signs, advance yield lines, positive offset lighting and/or pedestrian hybrid beacons or other safety measures. Further, the City requests your assistance to compel MDOT officials to appear before the Birmingham City Commission on

October 25, 2021 to inform the public of both immediate and long term plans to address the pedestrian safety issues on Woodward at Brown/Forest.

Yours truly,

Jana L Ecker,  
Assistant City Manager

Cc: Paul Ajegba, Director, MDOT  
Chuck Moss, Oakland County Commissioner  
Thomas Markus, Birmingham City Manager  
Birmingham City Commission  
City Department Heads

**DATE:** October 20, 2021

**TO:** Thomas M. Markus, City Manager  
Jana Ecker, Assistant City Manager

**FROM:** Scott D. Zielinski, Assistant City Engineer

**SUBJECT:** Woodward Ave. Lighting Improvements

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**INTRODUCTION:**

As part of the evaluation for safety improvements to the crosswalk across Woodward at E Brown St / Forest Ave, the City contacted DTE to see what improvements could be made to the lighting conditions of the crosswalk intersection, DTE provided recommendations for improving lighting conditions in both the immediate area of this crosswalk and the surrounding area to help improve pedestrian safety.

**BACKGROUND:**

Woodward Avenue has a pedestrian crossing that starts on the north side of E. Brown St. The cross walk proceeds across the southbound lanes of Woodward to the median between the southbound and north bound lanes. From the median the cross walk continues across the northbound lanes to the east to the north side of Forest Ave.

The primary lighting for this particular crosswalk is provided by the DTE lights in the median of Woodward Avenue.

The City met with DTE to discuss options for the best way to increase visibility in the crosswalk area by improving the lighting conditions of the cross walk area. The current lights in the median are High Pressure Sodium lights that provide an orange-amber light. DTE advised that an upgrade to a more efficient LED light would provide an immediate improvement to visibility. DTE advised as part of this work upgrading the lighting from Maple Road all the way to Lincoln St. should be undertaken (see the attached diagram provided by DTE).

By upgrading to LED, how many more lumens of light will be created and will that make this section of roadway more visible?

- The 136w LED luminaire has 17,400 initial delivered lumens. Approximately 128 lumens per watt. This luminaire has a Type II lighting distribution pattern. It will throw the light forward 50' measuring .5fc. Then have a lateral distribution of .5fc at approx. 80', .1fc at approx. 130'.



- The 238w LED luminaire has 29,185 initial delivered lumens. Approximately 123 lumens per watt. This luminaire has a Type II lighting distribution pattern. It will throw the light forward approx. 60' measuring .5fc. Then have a lateral distribution of .5fc at approx. 100', .1fc at approx. 160'.
- The 250w High Pressure Sodium has 23,000 lumens. 92 lumens per watt.

How will this area be brighter if there are less lumens in the LED?

- The existing 250w HPS luminaires have a drop glass lens. These are often referred to as omni-directional emitters because they throw out light/lumens in nearly all directions (including up in the sky). So you "lose" lumens because of that. Whereas LED luminaires have more of a direct light source. Generally, more of the LED light output goes where it is wanted (the road), and less where it's not wanted (up into the sky).
- HPS lamps give off an orange-amber glow and appear darker. Whereas the LEDs emit a bright white light and makes objects (people, buildings, cars, etc...) brighter.

What is the aesthetic difference in the light quality and how has the public reacted to that condition in other communities?

- The current lamp source along this stretch is High Pressure Sodium (HPS). HPS lamps emit an orange-amber light (~2200 Kelvin). Whereas the LED being proposed emit a natural white light (4000 Kelvin) that is comparable to the moonlight.
- Upgrading the lights to LED will brighten the roadway and make objects more visible (compared to HPS)
- For a heavy vehicle and pedestrian traffic area such as this, DTE believes that an overwhelming majority of residents will appreciate the new LED lighting source. All new projects that DTE has worked on with the City in the past 5 years have all been LED. So, the residents are already familiar with the nice white light. It is likely that some people might not like the LEDs. But the focus of this project is making this area safer.

What is the logic behind doing the roadway from Maple to Lincoln if we are prioritizing the Brown/Forest intersection?

If the focus of the project was to concentrate at the crosswalks, why are you recommending converting all the lights (from Maple to Lincoln) to LED?

- In short, it's easier on the eyes (retina, cones/rods) to have a consistent light source (LED), as opposed to the eyes having to adapt to a HPS light, then LED light, then HPS light.

How long will it take to install all the lights after the agreement is signed?

- Generally, our process allows 90 days to complete a project of this size. The 90 day process starts when we receive the signed agreement and payment for the project. However, the DTE representative feels confident that if DTE receives the signed agreements and payment by the end of the month, that DTE can have the project completed by mid/late-December.

#### LEGAL REVIEW:

The DTE Purchase Agreement was reviewed by the City Attorney, they have no objection to the form or substance of the agreement.

#### FISCAL IMPACT:

DTE's Purchase agreement indicates the total cost of the LED upgrade to be \$23,340.00. This cost has been confirmed by DTE. The City will save \$4,032.36 per year in costs related to lighting expenses. Upon completion of the project there will be a rebate of \$1,632.00.

#### SUMMARY:

In summary the City is looking to upgrade Woodward Avenues median lighting between the light on the north side of the Maple/Woodward intersection through the south side of the Lincoln/Woodward intersection to LED lighting for the median poles. DTE can complete the project in this area by the end of the year if approved. This work will both improve pedestrian safety in this area while saving the city money in lighting costs over time.

#### ATTACHMENTS:

DTE Purchase agreement including the Lighting Improvement map.

#### SUGGESTED COMMISSION ACTION:

Make a motion, adopting a resolution approving the DTE Purchase Agreement to upgrade the lighting to LED lighting for the Woodward Avenue Median between the Maple Road and Lincoln St., and to authorize and direct the City Manager to sign the DTE Lighting Agreement to proceed with this work.

## Exhibit A to Master Agreement


### Purchase Agreement

This Purchase Agreement (this “Agreement”) is dated as of October 11, 2021 between DTW Electric Company (“Company”) and City of Detroit (“Customer”).

This Agreement is a “Purchase Agreement” as referenced in the Master Agreement for Municipal Street Lighting dated April 11, 2011 (the “Master Agreement”) between Company and Customer. The terms of the Master Agreement are incorporated herein by reference. In the event of an inconsistency between this Agreement and the Master Agreement, the terms of this Agreement shall control.

Customer requests Company to furnish, install, operate and maintain street lighting equipment as set forth below.

1. DTW Work Order Number	00009000	
	Indicate the Work Order Number for current installed equipment	
2. Location where equipment will be installed	Westward side between Main and Lincoln as described on the attached sheet as <u>Attachment 1</u> .	
3. Total number of units to be installed	1	
4. Description of equipment to be installed (the “ <u>Equipment</u> ”):	<b>Underground Streetlight Conversion</b> 200w High Pressure Sodium to 100w LED 1000w High Pressure Sodium to 100w LED 10 200w High Pressure Sodium to 28w LED 1 100w LED to 28w LED	
5. Estimated Total Annual Carries	2111.1	
6. Estimated Total Annual Post Charges if selected	0.00	
7. Contribution in aid of Construction (“ <u>CIAC Amount</u> ”)	Total estimated construction cost including labor, materials and overhead	20000.00
	Revenue credit	0.00
	<b>CIAC Amount (cost minus revenue)</b>	<b>\$23,340.00</b>
	Credit for Post Charges if selected	0.00
8. Payment of CIAC Amount	Due at the time of execution of this Agreement <b>\$23,340.00</b>	
9. Term of Agreement	10 years. Upon expiration of the initial term of this Agreement shall continue on a month-to-month basis until terminated by either party with 30 days prior written notice to the other party.  If Post Charge “box” is checked the Customer agrees to maintain term.  10 years. Upon expiration of the initial term of this Agreement shall continue on a month-to-month basis until terminated by either party	

	<p>written consent of the parties or either party with thirty (30) days prior written notice to the other party.</p>
<p>10. Does the requested Customer information meet IISOP recommended practices?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If "No", Customer must sign below and acknowledge that the information does not meet IISOP recommended practices</p> <p>Sign here <input type="text"/> </p>
<p>11. Customer address and offices</p>	<p>City/State/Zip</p> <p>101 Martin Street</p> <p>Ann Arbor MI 48102</p>

## 12. Special Order Material Terms

\_\_\_\_\_ a portion of the equipment consists of special order material. ☐ No ☒ Yes

If "Yes" is checked, Customer and Company agree to the following additional terms.

1. Customer acknowledges that a portion of the equipment is special order material ("SOM") and not Company's standard stock. Customer will purchase and stock replacement SOM and spare parts as provided in Section 1 below. When replacement equipment or spare parts are installed from Customer's inventory, Company will credit Customer in the amount of the then-current material cost of Company's standard stock equipment in lieu of which the SOM is being used.

2. Customer will maintain an inventory of at least 30 units and 30 spares and another material agreed to by Company and Customer and will replenish the stock of ordered material no later than thirty (30) calendar days after the material is drawn from inventory. Costs of initial inventory are included in this agreement. If Customer fails to maintain the required inventory, Company, after 30 days' notice to Customer, may (but is not required to) order replacement SOM and Customer will reimburse Company for its costs including the labor costs associated with Company's management of the stock of the SOM no later than thirty (30) calendar days after receipt of Company's invoice for such costs. Customer's acknowledges that failure to maintain required inventory could result in extended delays due to SOM lead times.

C. The inventory will be stored at \_\_\_\_\_. Access to Customer's inventory site must be provided between the hours of 9:00 am to 4:00 pm, Monday through Friday with the exceptions of federal holidays. If Company is unable to access the site during such hours for an unreasonably cause, Company is hereby notified and notified in writing to complete the work as scheduled and if unable at its option, to cure the inventory itself and have Customer to reimburse Company's costs for doing so. Customer shall name an authorized representative to contact regarding inventory access, sales transactions and provide the following contact information to Company:

Name \_\_\_\_\_ Title \_\_\_\_\_

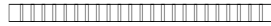
Phone Number \_\_\_\_\_ Email \_\_\_\_\_

Customer will provide notice to Company of any changes in the authorized Customer Representative. Customer must comply with SOM manufacturer's recommended inventory storage guidelines and practices. Damaged SOM will not be installed by Company.

D. In the event that SOM is damaged by a third party, Company shall (but is not required to) pursue a damage claim against such third party for all of Company's costs incurred because of the claim including all labor and replacement material. Company will notify Customer as to whether Company will pursue the claim within a reasonable time of the SOM being damaged.

3. In the event that SOM becomes obsolete, discontinued or incompatible with Company's infrastructure, Customer shall select new alternate SOM that is compatible with Company's then-existing infrastructure. If Customer does not select compatible alternate SOM, Company reserves the right to select compatible SOM that is in its reasonable judgment substantiated by a reasonable replacement of the SOM with standard material in either case being entitled to reimbursement from Customer for Company's costs in providing such transition of supply including internal overhead and labor costs.

4. Solid Costumer experience, in Company's reasonable judgment, excessive SPD equipment failures that are not supported by SPD manufacturer warranties. Customer will replace the SPD equipment with either Customer supported Solid State or High Intensity Discharge ballast in Company's discretion. The customer to complete these replacements to standard street lighting equipment with the responsibility of Customer.



Customer and Costumer have executed this Purchase Agreement as of the date first written above.

Customer

Costumer

DT Electric Customer

City of Air in a

\_\_\_\_\_

\_\_\_\_\_

SIGN HERE

Signature\_\_\_\_\_

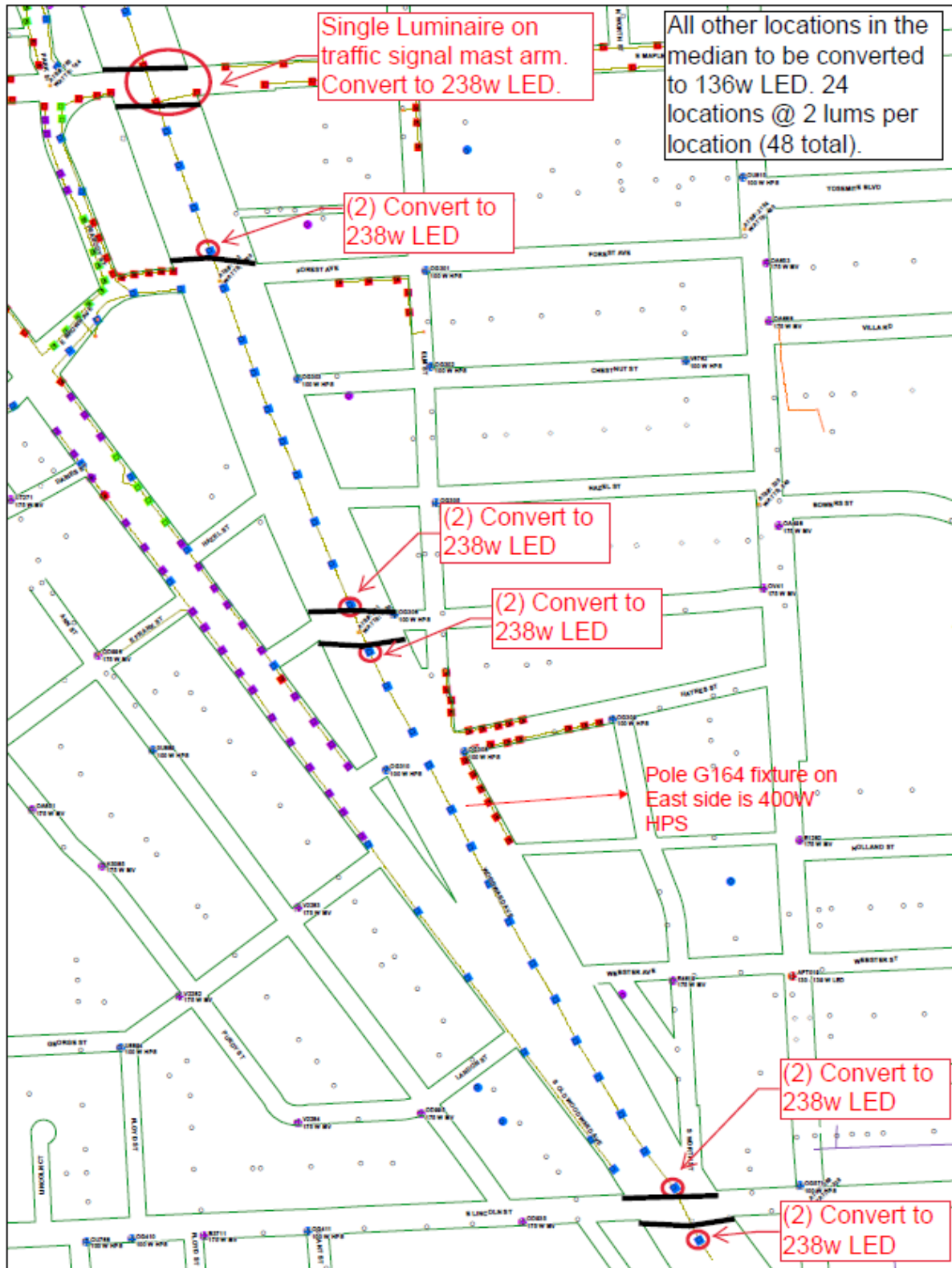
Signature\_\_\_\_\_

Title\_\_\_\_\_

Title\_\_\_\_\_

# Attachment 1 to Purchase Agreement

## Map of Location



## MEMORANDUM

(Police Department)

**DATE:** October 13, 2021

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

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

**SUBJECT:** Pedestrian Safety – Crosswalk Flags

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### INTRODUCTION:

Two fatal pedestrian crashes at Woodward and Brown/Forest have occurred in the past thirteen months. In both of these incidents the pedestrians were struck by vehicles (northbound and southbound) as they attempted to walk across Woodward Avenue.

Many cities throughout the country have incorporated the use of pedestrian flags at select intersections to reinforce pedestrian safety. Pedestrian flag programs place bright colored flags at crosswalks to help pedestrians obtain the attention of motorists. Pedestrians simply pick up a flag from the storage canister when reaching a crosswalk, hold the flag out raised toward the street, wait for traffic to clear, cross the street holding the flag and leave the flag in the canister on the other side of the street. Pedestrian flags are not traffic control devices. Pedestrian flags are tools to increase visibility and driver awareness. Criteria for determining locations for use of pedestrian flags (pedflags) currently in use by other communities include: the crosswalk must be marked and NOT controlled by any traffic control device (signal, sign or beacon).

### BACKGROUND:

Pedestrian flags are low cost items and installation is simple. Approximately 10 flags are used at each crosswalk. Flag holder containers are attached to existing sign posts or utility poles near the ends of crosswalks. If no mounting post is available, one could be easily installed. Once the installation of the flag holders and signs are complete the only ongoing cost is for replacement flags. Many communities use volunteers (merchants, scouts, community members) to monitor, redistribute and replace flags.

The proposed flags would be 12"x12" in size, printed on high visibility orange vinyl coated nylon material and would include a reflective strip sewn into each side of the flags. The flags would be attached to a 24" wooden dowel.

The City of Kirkland, Washington implemented a pedflag program in 1995 in an attempt to improve pedestrian safety. This program was instituted following two fatal pedestrian accidents in 1994. A resident of Kirkland had seen a pedestrian flag system in Japan and suggested a similar program. As of 2019, Kirkland has over 90 crosswalks with pedflags.



The City of Bellvue, Washington launched a pedflag pilot project in 2017 to evaluate the effectiveness of pedestrian flags. After a one year study, the engineer evaluating the program noted that although the flags can draw more attention to pedestrians, the use of the flags was limited and most people chose not to pick up and use the flags. Senior Transportation Engineer Kurt Latt of the Bellvue Transportation Department stated that he is "not convinced that the flags are beneficial to pedestrian safety." Mr. Latt stated that he would not promote crosswalk flags on high speed multi-lane divided highways as a higher level of scrutiny is warranted under these circumstances.

Several communities utilize pedestrian crossing flags in school zones to improve pedestrian visibility and enhance driver awareness. The City of Arlington, Massachusetts implemented a pedestrian crossing flag program to improve safety around schools. The pedestrian flags were determined to be a low cost measure to improve pedestrian visibility. Response from this program was reported to be overwhelmingly positive and the program was extended to other schools and locations.

The City of Seattle, Washington installed pedestrian crossing flags at 17 locations as part of a pilot program in 2008. The pilot program lasted for 3 years. After evaluation of the results at the 17 pilot locations (including measuring motorist compliance at the 17 crosswalks) the Seattle Department of Transportation ended the pilot program. The evaluation concluded that availability of flags did not seem to make pedestrians more visible to motorists. Theft and maintenance of flags were other issues cited upon termination of the pilot program. The Seattle program ended after it found that "there was not a consistent pattern of improved compliance observed, and some locations were not able to be evaluated due to frequent theft of the flags."

Berkeley, California implemented a pedflag program at 7 intersections between 2001 and 2004. The results of this program revealed that only 2% of pedestrians used the flags. Theft of flags was also a significant issue in Berkeley and the city had to buy 8,000 flags due to theft related disappearances. The conclusions from Berkeley were that "the flag program did not seem to have a significant effect on pedestrian safety."

Salt Lake City, Utah initiated a crosswalk flags program after that city was declared "not pedestrian friendly". In 2000, the mayor of Salt Lake City created a pedestrian safety committee aimed at reducing pedestrian injury accidents. The crosswalk flags program was part of several safety measures initiated in 2000. Pedestrian flag usage in Salt Lake City resulted in increased visibility and the flags clearly signaled pedestrians' desire to cross the street. The Salt Lake City project showed that both pedestrians and drivers thought that there was a benefit of the simple presence of the flags available at crosswalks.

Due to lack of funding and increased demand for additional flagged intersections the Salt Lake City, an Adopt-a-Crosswalk Program was initiated in 2001. This program allows individuals or businesses to "adopt" crosswalks – the sponsor monitors the flags and purchases replacement flags when needed. The city is responsible for the purchase and installation of the flag holders, usage signs and the initial supply of flags. While six initial crosswalks were equipped with flags in 2000, by 2007 there were 40 city maintained flag locations in the Salt Lake City downtown area. The Adopt-a-Crosswalk program resulted in an additional 134 "adopted" crosswalks; 46 adopted by schools and 88 adopted by businesses and residents.

Salt Lake City (SLC) Transportation Planner Dan Bergenthal stated that SLC has utilized crosswalk flags on an eight-lane divided highway. This project was initiated after permission was granted from the Utah Department of Transportation (UDOT). Mr. Bergenthal stated that crosswalk flags are used only on unprotected and non-signalized crossings and he added that SLC received "little grief" from UDOT. The SLC city attorney reviewed the crosswalk flag program prior to implementation and found no liability issues or objections as the flags are not official traffic control devices. Mr. Bergenthal also stated that there are no COVID policies or procedures for the crosswalk flags.

Salt Lake City modified city ordinances to increase penalties for drivers who fail to yield for disabled pedestrians, pedestrians carrying orange flags and school crossing guards with a recommended fine of \$425.00.

After installation of the initial crosswalk flags in Salt Lake City, observations and interviews revealed that 11% of pedestrians were using the flags. 6 months after installation the flag usage was estimated at 14%. Although the usage was low, media coverage resulted in increased public awareness about pedestrian safety education. The pedestrian flags and Adopt-a-Crosswalk program have been credited with inducing a 31% decrease in citywide pedestrian injury crashes.

Roger Millar, vice president of Smart Growth America and director of the National Complete Streets Coalition created a flag program in McCall, Idaho when he was the community development director for that city. Millar stated that the program worked well and is not concerned by occasional flag theft. Mr. Millar says that the flags are "a great amenity" particularly for families, seniors and people who take additional street crossing cautions.

A crosswalk flag pilot project could be implemented at Woodward Avenue at Brown/Forest at little expense.

- (8) 12"x18" aluminum usage signs (directions for pedestrian flag use)  
@ \$22.00 each = \$176.00  
(vendor: Dornbos Signs)
- (4) galvanized U-channel posts @ \$59.70 each = \$238.80  
(vendor: Dornbos Signs)
- (24) 12"x12" orange vinyl coded nylon high visibility pedestrian flags with reflective strips sewn into both sides of flag (mounted onto a 24" wooden dowel handle). Includes (4) sturdy all-weather flag storage canisters and post mounting hardware = \$399.98 (vendor: See Me Flags)
- Replacement flags are available for a cost of \$6.00 each – sold by the dozen (24 spare flags including shipping = \$166.00)  
(vendor: See Me Flags)

Total cost for Woodward Avenue at Brown/Forest intersection pedflag project = \$980.78

LEGAL REVIEW:

The city attorney was asked to review this program and found no objections or legal actions required.

**FISCAL IMPACT:**

Funding is available in the Major Streets Traffic Controls operating supplies account number 202303.001-729.0000 to provide for the purchase of the materials needed for the implementation of a crosswalk flag program at the Woodward Avenue Brown/Forest Street intersection. A budget amendment or budget adjustment is not required.

**PUBLIC COMMUNICATIONS:**

None

**SUMMARY:**

The purpose of pedestrian flags is to assist pedestrians in gaining attentiveness from motorists. It is paramount that pedestrians remain vigilant and use safe street crossing techniques at all intersections. Some issues concerning pedestrian crossing flags include clarity of use, management of flags to maintain availability on both sides of the street, theft of flags and consistent monitoring of flag supply. Similar to the SLC experience in Utah, the City of Birmingham would have to receive permission from the Michigan Department of Transportation (MDOT) for the installation of a pedflag system at Woodward and Brown/Forest.

Topics for study during the pedestrian flag pilot project will include:

- Determine whether pedestrians use the flags or choose to cross without them
- Determine whether drivers respond differently to a pedestrian using a flag
- Determine the frequency at which flags go missing and other maintenance required
- Determine if the pedestrian flags increase overall safety for users

**ATTACHMENTS:**

- Crosswalk Flag Usage Instructions Sign Proof
- Crosswalk Flag, Canisters and Usage Photo

**SUGGESTED COMMISSION ACTION:**

Make a motion authorizing the chief of police and the city engineer to seek approval from the Michigan Department of Transportation to install a pedestrian crosswalk flag system on Woodward Avenue at Forest/Brown; further to approve the chief of police to purchase additional pedestrian crosswalk flags as needed; further to charge this expenditure to the Major Streets Fund Traffic Controls operating supplies account # 202-303.001-729.0000.





**DATE:** Oct 18, 2021

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

**FROM:** Jana Ecker, Assistant City Manager

**SUBJECT:** Phase 3 South Old Woodward Design Concept Update

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**INTRODUCTION:**

The City is currently working on plans for the design and reconstruction of Phase 3 of the Old Woodward project. MKSK was the lead concept designer for the previous two phases of the project (2018 for N. Old Woodward, and 2020 for Maple Road) and for Phase 3 as well. Design concept plans have now been completed, using the design elements approved in earlier phases. At this time, the City Commission is asked to approve the design concept plans and to direct City staff to move forward with the preparation of construction plans so that this project may be ready to bid out in early 2022, for construction in the spring/summer of 2022.

**BACKGROUND:**

The City Commission approved an overall plan plus the details for Phase 1 in 2017. Phase 1 included Old Woodward (Brown to Oakland) and portions of Maple Road adjacent to Old Woodward, and was completed in 2018. The City Commission then approved Phase 2 (Maple Road from Chester to Woodward) in 2019 and it was completed in 2020.

Phase 3 South Old Woodward will begin in 2022, and will include the reconstruction of South Old Woodward between Brown and Landon. Similar to the award winning 2018 (Phase 1) and 2020 (Phase 2) projects, Phase 3 will also include new underground infrastructure, new streetscape elements, enhanced crosswalks, improved on-street accessible parking spaces and new landscaping to provide enhanced safety for pedestrians, drivers and cyclists, and to enhance the beauty of the southern entrance to Downtown Birmingham. The conceptual design proposed is consistent with the elements incorporated into Phases 1 and 2, including street cross sections, parking, crosswalks, medians, paving, lighting, site furnishings and landscaping. The conceptual design for Phase 3 also includes particular attention and recommendations for terminating vistas within the project area, provides infrastructure for some electric vehicle parking/charging spaces at the south end, green infrastructure elements, and provides a consistent southern gateway design that mirrors the northern end of Old Woodward.

There are several remaining areas that will be part of a future phase including Old Woodward north of Oak Street, Old Woodward from Lincoln to Landon, the shared space south of Landon between Old Woodward and Woodward, and the potential redesign of pedestrian crossings across Woodward that will require a coordinated approach to work with MDOT.

There has been discussion about holding off on some or all of Phase 3 at this time given the recommendation to create a new Haynes Square where S. Old Woodward and Woodward merge. However, this recommendation is contained in the draft 2040 Plan, which has not been adopted,

and is still undergoing public review and input. If the draft 2040 Plan is adopted with the recommendations to create Haynes Square, a full study and detailed design plans would need to be prepared. The future implementation of Haynes Square, if approved, would involve the complete redevelopment of multiple private properties south of Haynes (private property owners would pay for streetscape upgrades for new construction), the redesign of the entry/exit to Woodward Avenue (and thus review and approval by MDOT) and the creation of a public park on City owned and MDOT owned right-of-way. Each of these elements are long term, complex projects in and of themselves, and individually subject to approval by MDOT, the desire and ability of private owners to redevelop their individual properties, and future funding for public park improvements. However, traffic calming, pedestrian crossing improvements, sidewalk improvements and street improvements are needed now to improve the safety and aesthetics of South Old Woodward and to enhance one of the main entrances to Downtown Birmingham.

For all of the reasons noted above, City staff does not recommend postponing all, or a portion of, the Phase 3 South Old Woodward project for a potential future project that has not been approved, designed or funded.

#### LEGAL REVIEW:

No formal legal review is required at this time.

#### FISCAL IMPACT:

A total of \$8,140,000 is budgeted for the Phase 3 South Old Woodward project. During FY21-22, \$1,000,000 has been allocated from the Major Streets Fund, with the remainder of the funds budgeted from the Capital Projects Fund, Water Fund, Sewer Fund and the General Fund in FY22-23. City staff is currently awaiting an estimate on the proposed design based on current market conditions to determine if the current allocation will be sufficient given current supply chain and labor issues.

#### PUBLIC COMMUNICATIONS:

There has been an extensive public review process for the conceptual design of Phase 3 of the Old Woodward project. The design plans have been reviewed at the following public meetings:

- Multi-Modal Transportation Board on June 3, 2021, July 8, 2021 and August 5, 2021;
- Advisory Parking Committee on June 16, 2021;
- Meeting of the Birmingham Shopping District's Merchants on July 13, 2021;
- Public Open House at the Baldwin Library on August 3, 2021;
- Birmingham Shopping District Board on August 5, 2021; and
- Planning Board on August 25, 2021

In addition, there have been numerous public communications on the Phase 3 South Old Woodward project through the use of social media, the City's constant contact communication system, and monthly e-newsletters. In addition, the City launched an Engage Birmingham web survey to solicit additional public input on June 30, 2021, which has remained open for residents to weigh in on the design.

#### SUMMARY:

The City Commission is asked to approve the design concept plans and to direct City staff to move forward with the preparation of construction plans so that this project remains on schedule and ready to bid out in early 2022, for construction in the spring/summer of 2022.

Representatives from MKSK, Fleis & VandenBrink and Nowak & Fraus will be in attendance at the City Commission meeting to walk through the proposed design concept plans and to answer questions, as will City staff from the Engineering, Planning and Police departments.

**ATTACHMENTS:**

- PowerPoint Presentation with design concepts
- Engage Birmingham Survey
- Relevant meeting minutes

**SUGGESTED COMMISSION ACTION:**

Make a motion approving the design concept plans for Phase 3 of the Old Woodward project and providing direction to City staff to move forward with the preparation of detailed construction drawings, with funding to be provided from Account #202-449.001-981.0100.



# SOUTH OLD WOODWARD AVE DESIGN

## CITY COMMISSION MEETING

OCTOBER 25, 2021



**MKSK**



### **CITY OF BIRMINGHAM:**

JANA ECKER  
JIM SURHIGH

### **MKSK:**

MATT MANDA  
HALEY WOLFE  
BRAD STRADER

### **FLEIS & VANDENBRINK:**

JULIE KROLL  
JACOB SWANSON

### **NOWAK & FRAUS:**

PAUL TULIKANGAS  
BRETT BUCHHOLZ



# PROJECT PHASING





# PROJECT GOALS

- **Complement Phase 1 & 2**
- Reduce vehicle speeds, **improve pedestrian safety**
- **Improve walkability** and safety, intuitive crossings
- **Reduce conflicts:** parking across intersections, parking backing into crosswalks
- Upgrade to be **ADA compliant**
- Add **green space, seating areas, and dining**
- **Optimize parking** to include **electric vehicles, scooters and bicycles**
- Integrate **green infrastructure**
- **Regular communication** with businesses





# PHASE 1 VS. PHASE 3

- **Consistent design features:**
  - Lighting
  - Paving materials
  - Cross section
  - Parking configuration
  - Landscape design
  - Site furnishings
- **Variations in Phase 3:**
  - More pedestrian crossings
  - Access to surface lots, parking structures
  - Offset intersections
  - Stormwater management
  - Traffic calming (medians, stop signs)
  - Electric vehicle infrastructure (4 spaces)
  - Noise pollution concerns
  - Terminating vistas





# PUBLIC ENGAGEMENT

- Online public surveys
- Public Open House
- City Commissioner input on Phase 1 and 2
- Accessory Parking Committee
- Principal Shopping District Board
- One-on-one meetings with business owners (on-going)
- Multi Modal Transportation Board
- Merchants meeting
- Planning Board





# COMMUNITY FEEDBACK

“Need more places for pedestrians to cross South Old Woodward and Woodward

“Terminate Old Woodward (exit to Woodward) it ends by 555 building. This street bodies **sensitive neighborhood communities**, such as single-family homes.”

“Would like to see the **median** extended further south along old Woodward.”

-  PUBLIC FEEDBACK
-  BUSINESS OWNER FEEDBACK
-  OTHER FEEDBACK

“Communication to businesses throughout the process is vital.”

“Need to start soon and work to finish before busy fall season.”

“Keep as much parking as possible, especially ot North end.”

“It is not safe for vehicles to turn onto S. Old Woodward from Bowers, George St. etc. Need bump outs to improve visiblity.”





BROWN

DAINES

HAZEL

E. FRANK

BOWERS

HAYNES

GEORGE

LONDON

WOODWARD

OLD WOODWARD



# TYPICAL STREETSCAPE - NORTH OF HAYNES





# TYPICAL STREET SECTION - NORTH OF HAYNES



PROPOSED

+/- 10'	5'	2' CURB	15.5'	13'	9'	13'	15.5'	2' CURB	5'	+/- 10'
WALKWAY	AMENITY ZONE		ANGLED PARKING	TRAVEL LANE	MEDIAN	TRAVEL LANE	ANGLED PARKING		AMENITY ZONE	WALKWAY

EXISTING

+/- 10'	15.5'	19'	19'	15.5'	+/- 10'
WALKWAY	ANGLED PARKING	TRAVEL LANE	TRAVEL LANE	ANGLED PARKING	WALKWAY



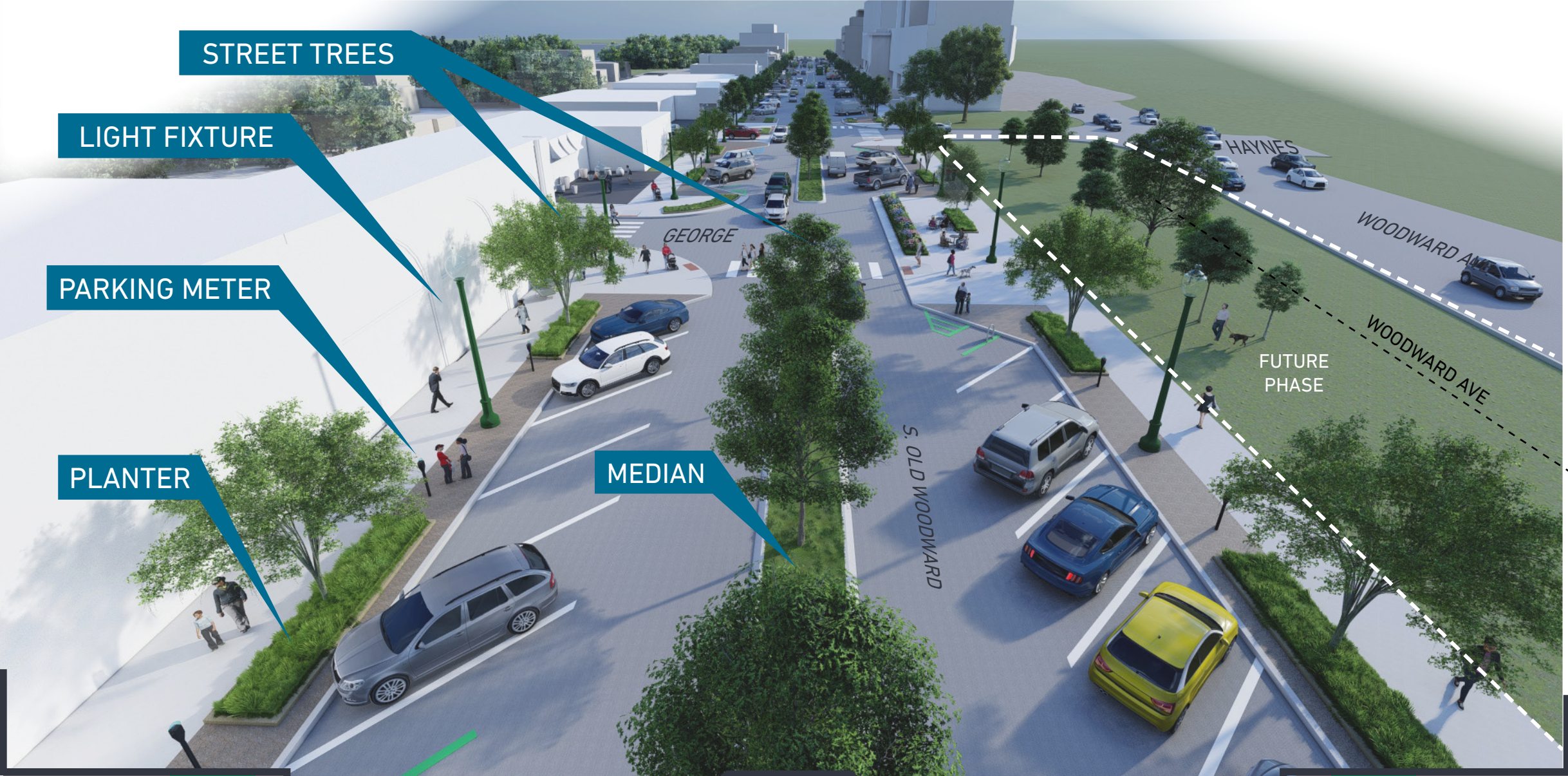


# TYPICAL STREETSCAPE - SOUTH OF HAYNES





# TYPICAL STREET SECTION - SOUTH OF HAYNES



PROPOSED

+/- 10'	5'	2' CURB	15.5'	13'	9'	13'	15.5'	2' CURB	5'	+/- 10'
WALKWAY	AMENITY ZONE		ANGLED PARKING	TRAVEL LANE	MEDIAN	TRAVEL LANE	ANGLED PARKING		AMENITY ZONE	WALKWAY

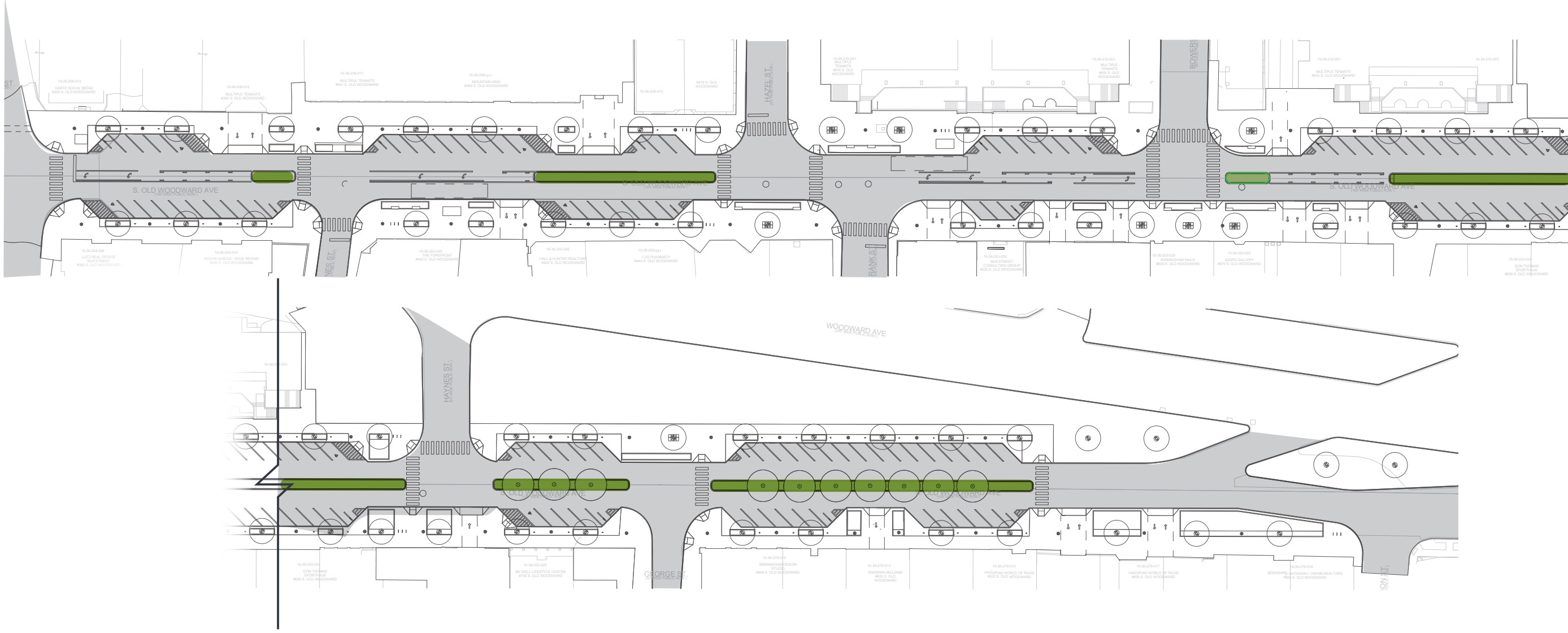
EXISTING

+/- 10'	15.5'	19'	19'	15.5'	+/- 10'
WALKWAY	ANGLED PARKING	TRAVEL LANE	TRAVEL LANE	ANGLED PARKING	WALKWAY





# MEDIANS



## REASONS TO HAVE:

### MEDIANS

- Where left hand turning movements are low
- Low vehicular queues at intersections
- Increase green space and landscaping
- Slows traffic
- Protection for crossing pedestrians
- Reduces vehicles crossing opposing traffic to park

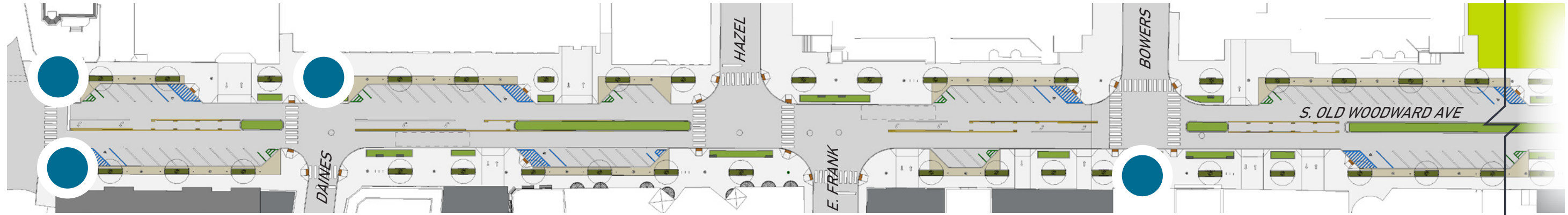
### VS

### CENTER TURN LANES

- Higher turning movements
- Medium to high vehicular queues at intersections
- Business loading zone or access
- Temporary snow removal



# TERMINATING VISTAS

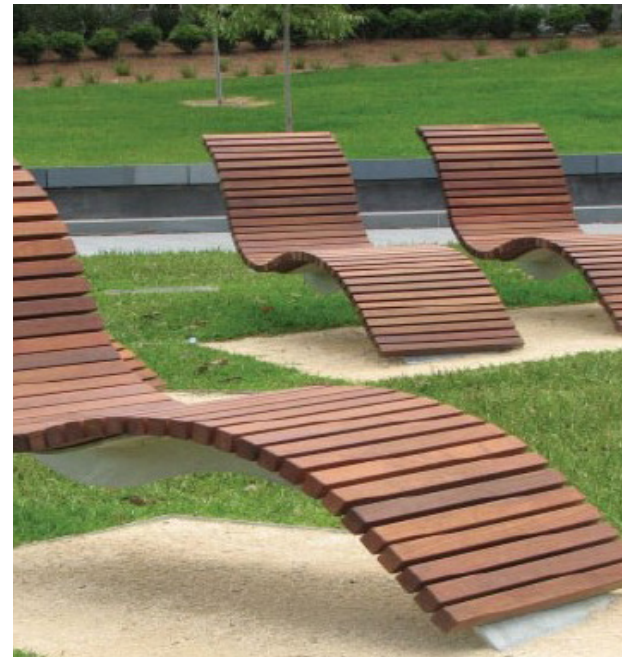
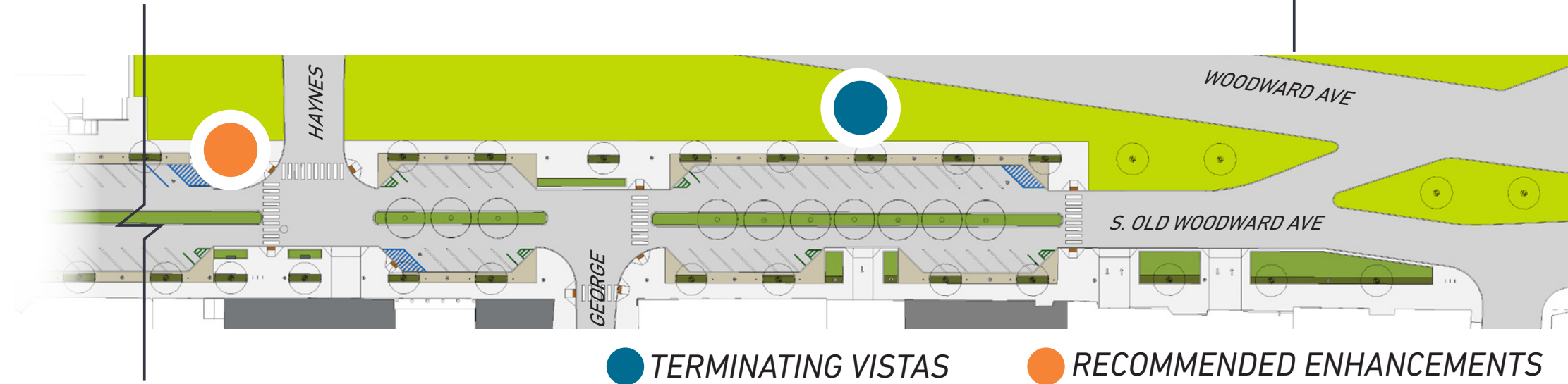


- Locations based on city Terminating Vista report.

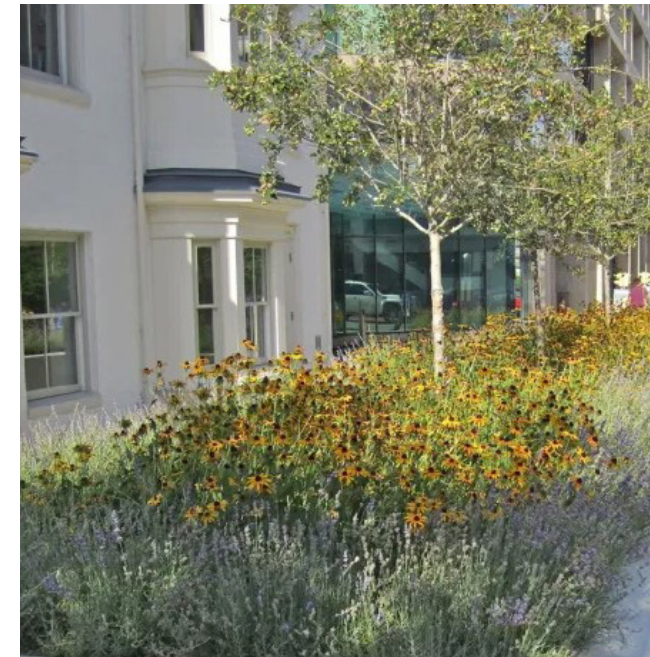
- Terminating Vistas can include:

- Sculptures
- Artistic furniture
- Artistic utilities
- Landscaping
- Wall art

- Concrete pads for future sculptures proposed at Terminating Vista locations and/or enhanced landscaping.



ARTISTIC FURNITURE



ENHANCED LANDSCAPING

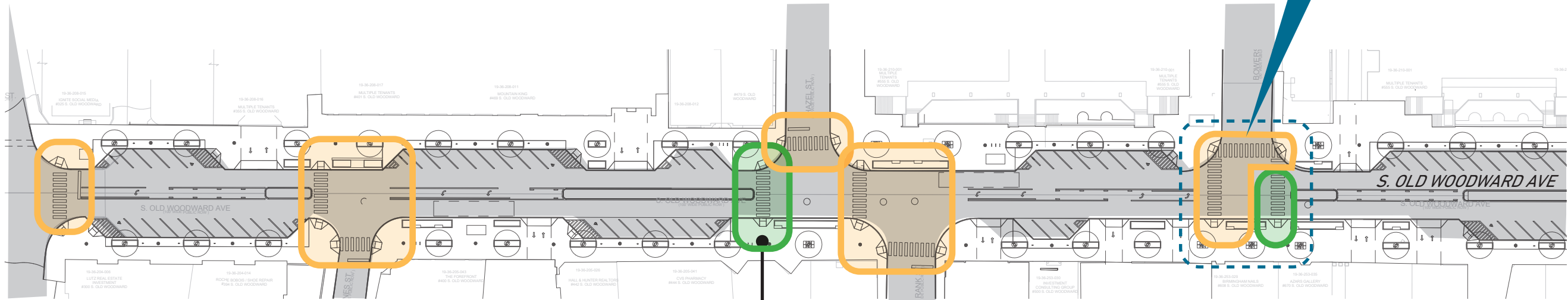


SCULPTURE

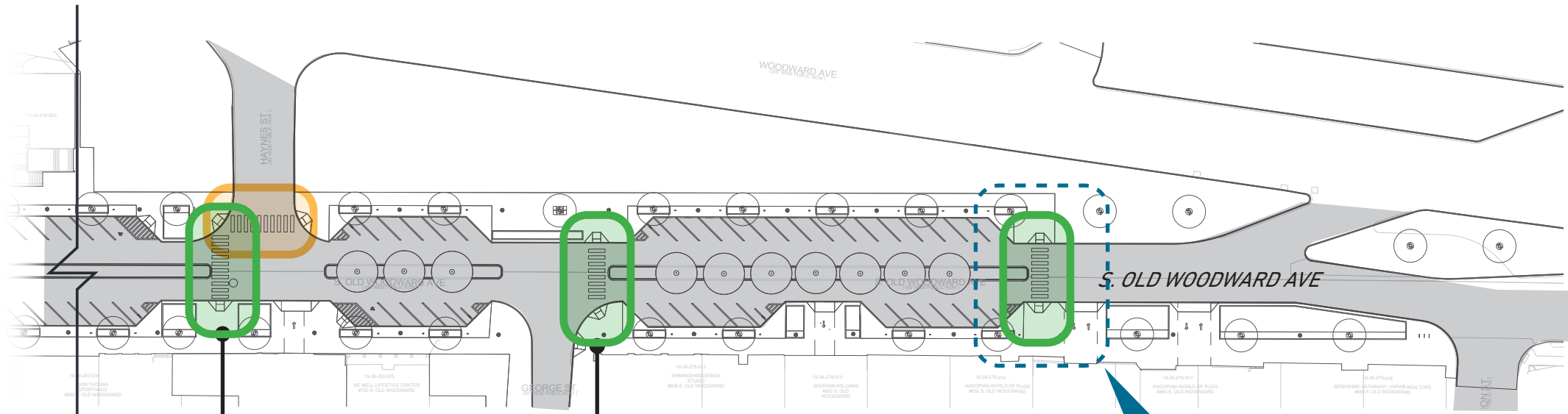


# IMPROVED WALKABILITY INTUITIVE CROSSWALKS

- EXISTING CROSSING
- PROPOSED CROSSING
- POTENTIAL RAISED CROSSING



N. OF HAZEL

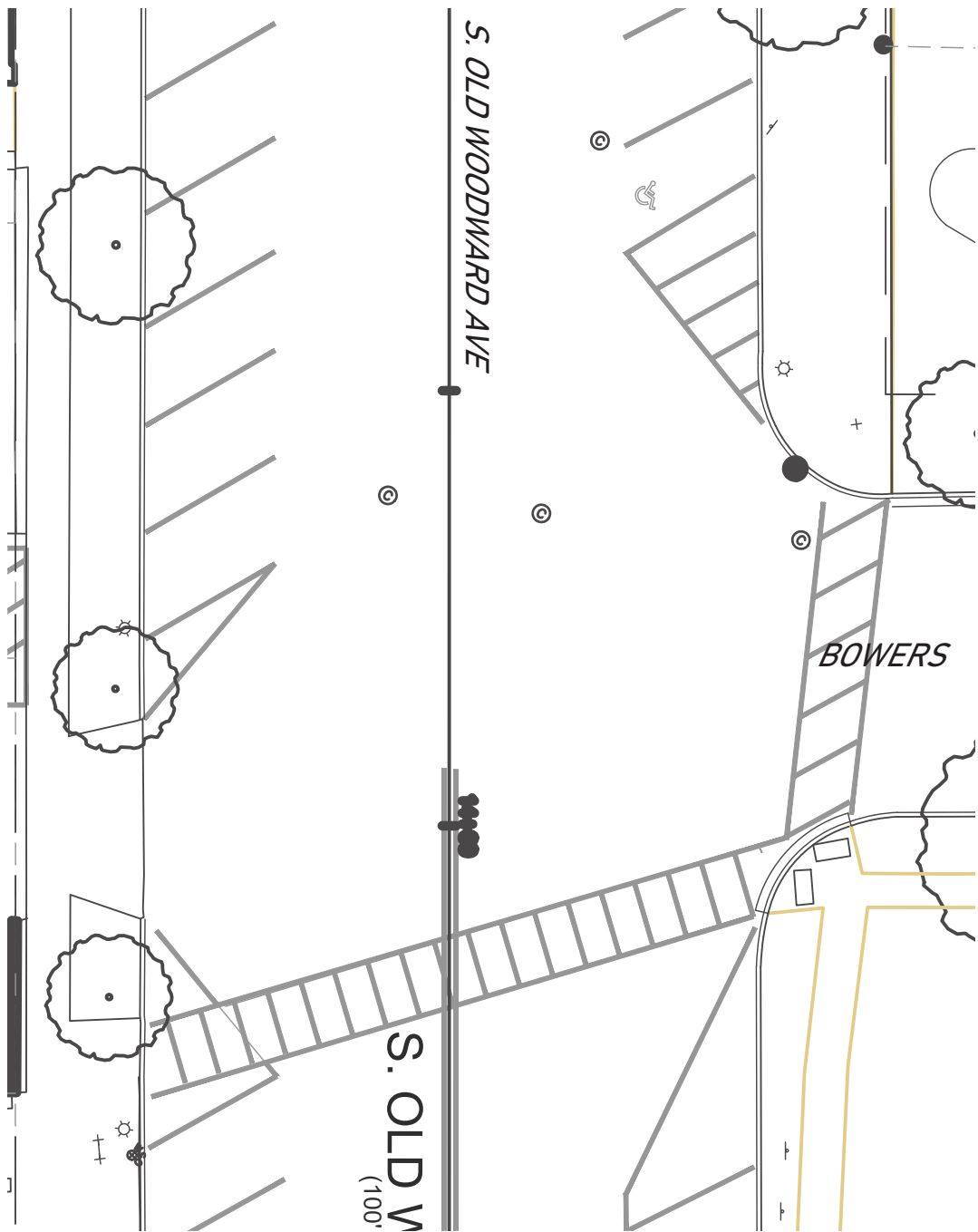


N. OF HAYNES

S. OF GEORGE

The 4 additional crossings proposed are necessary based on recorded pedestrian counts and safety.

# BUMP-OUTS / OFFSET INTERSECTIONS



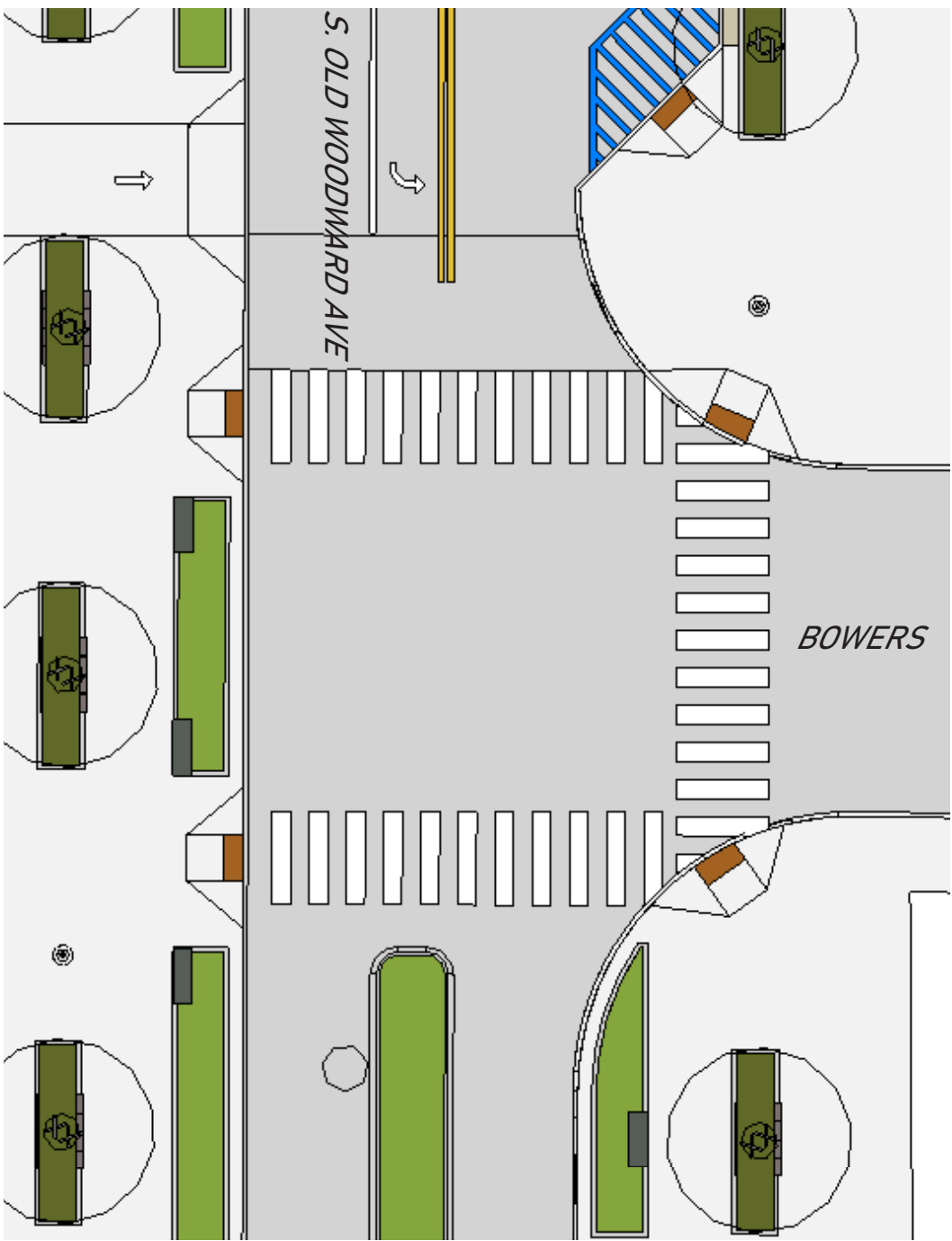
EXISTING CONDITION

**Assure sight and physical distance for pedestrians** at driveways, crosswalks, parking, and intersections.

**Slows down vehicles** because they create a narrowed visual corridor.\*

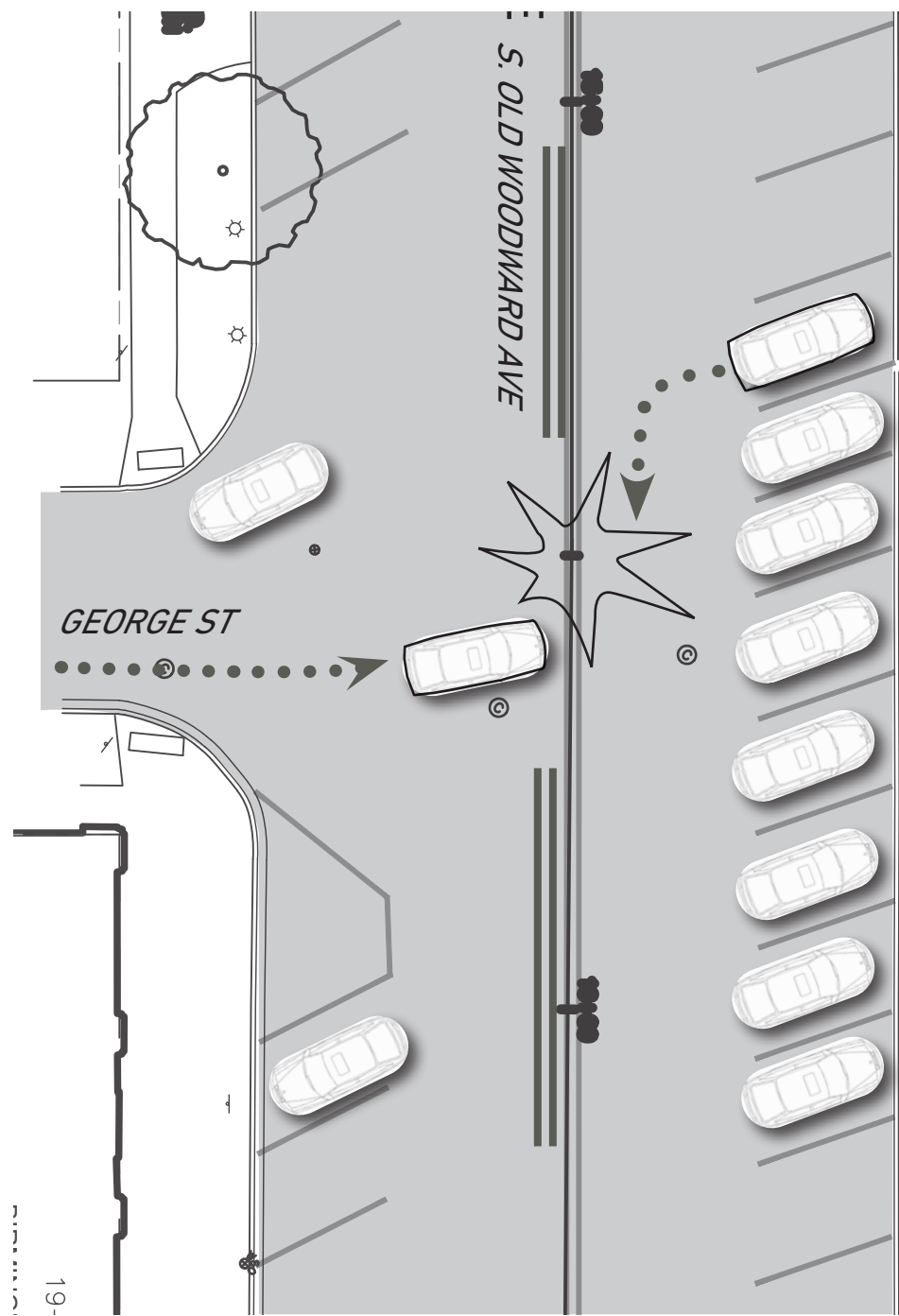
Bump-outs also **create opportunities** for seating areas, outdoor dining, landscape, public art, and other amenities.

*\*USDOT Federal Highway Administration*



PROPOSED CONDITION

# BUMP-OUTS (CONTINUED) / OFFSET INTERSECTIONS



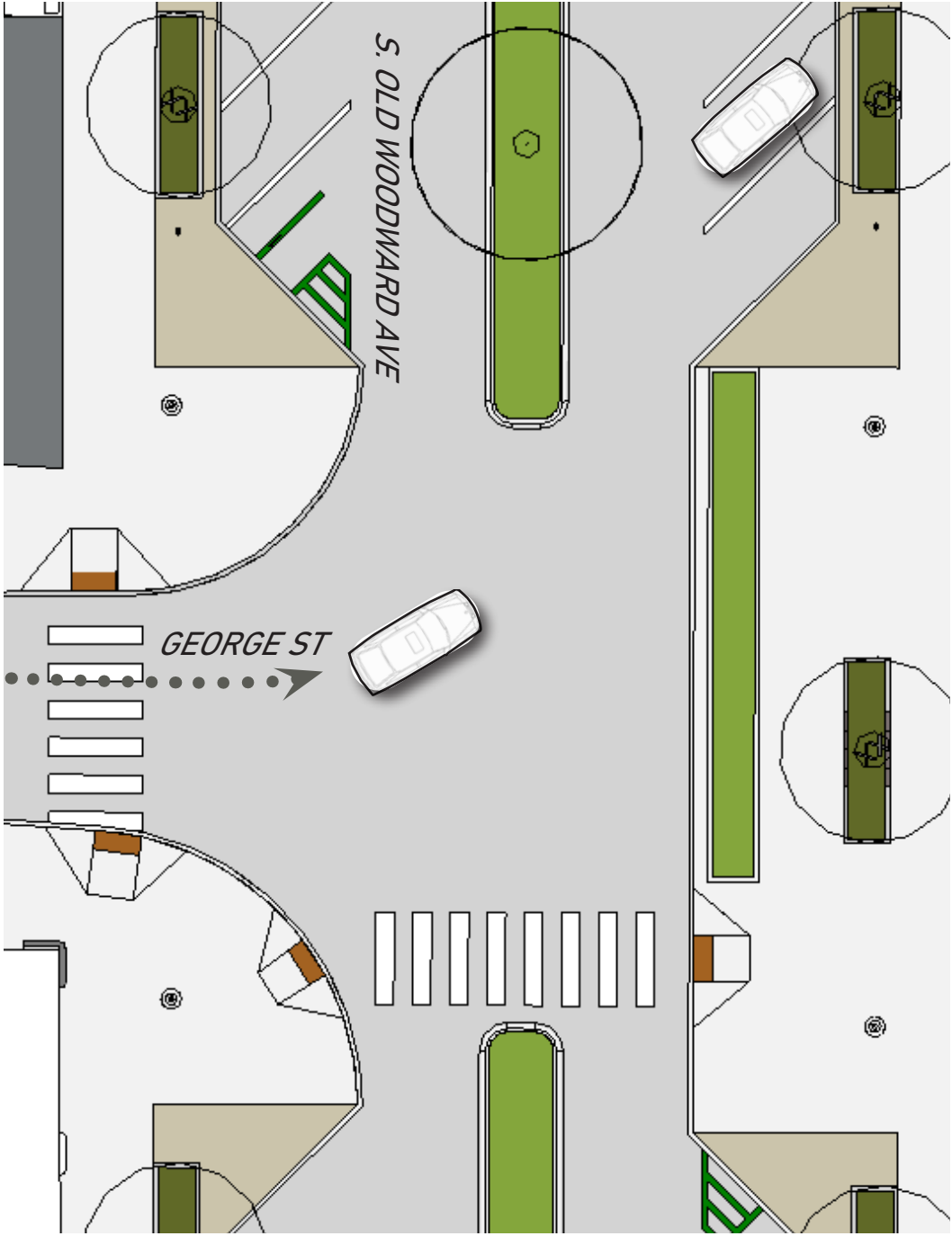
EXISTING CONDITION

Angled parking where vehicles back into an intersection or crosswalk is **dangerous**.

Parking too close to intersections also results in **reduced visibility** between motorists and pedestrians.\*

The proposed design uses **bump-outs** to eliminate these situations at all intersections and crosswalks

*\*USDOT Federal Highway Administration*



PROPOSED CONDITION



**Bird's eye of South Old Woodward  
Ave, south of Hazel/Frank St.  
Bus stop relocation**





# BOWERS INTERSECTION - 3 WAY STOP OPTION

Rendering of South Old Woodward Ave, southwest of Bowers St.





# BOWERS INTERSECTION - RAISED INTERSECTION OPTION

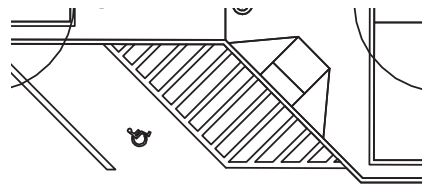


Rendering of South Old Woodward Ave, southwest of Bowers St.



# OPTIMIZE PARKING AND SAFETY

EXISTING SPACES: 160  
EXISTING UTILIZATION: 44%\*  
PROPOSED SPACES: 100  
PROPOSED UTILIZATION: 72%\*  
*\*Optimum utilization is 85%*



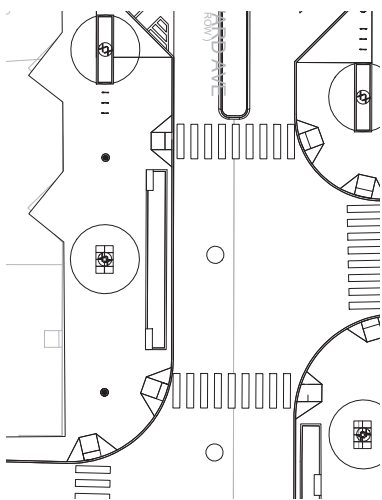
**ADA SPACES**  
Each ADA space now has barrier-free ramp access



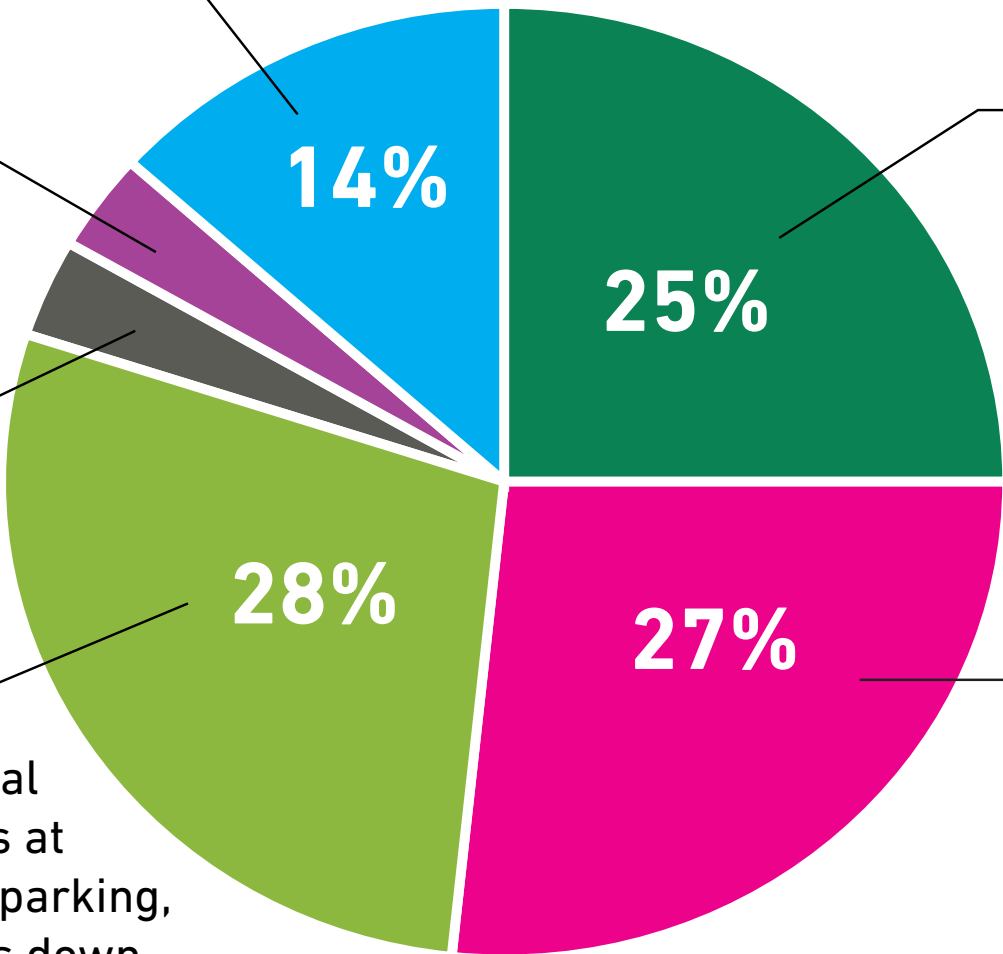
**VALET FOR RESTORATION HARDWARE**



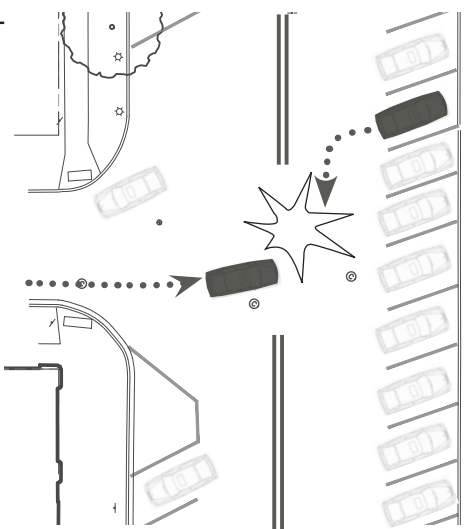
**BUS STOP AT BOWERS**



**BUMP-OUTS**  
Assure sight and physical distance for pedestrians at driveways, crosswalks, parking, and intersections. Slows down vehicles because they create a narrowed visual corridor.



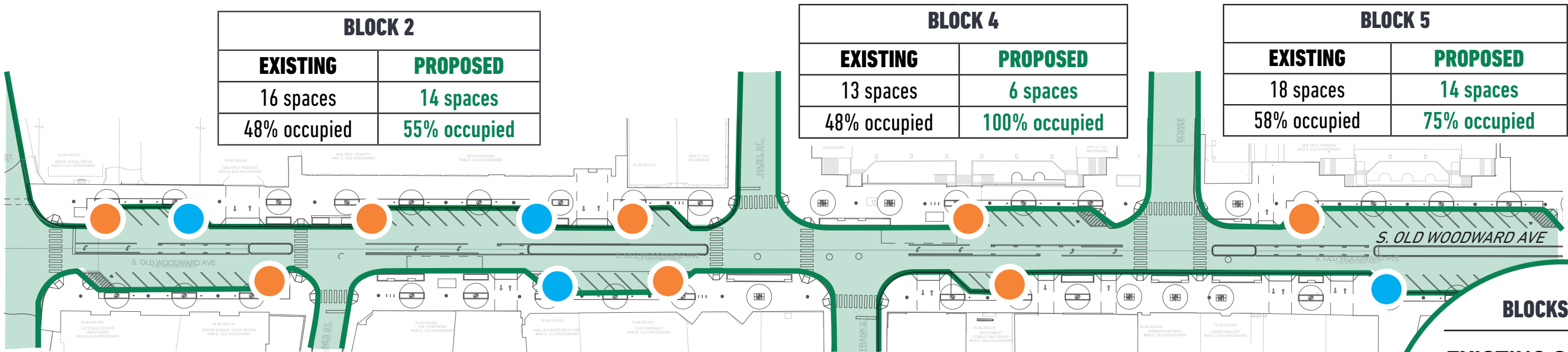
**PROPOSED CROSSWALKS**  
Crosswalks proposed are necessary based on pedestrian counts and safety.



**ANGLED PARKING MOVEMENT**  
Angled parking which backs into an intersection or crosswalk is dangerous.

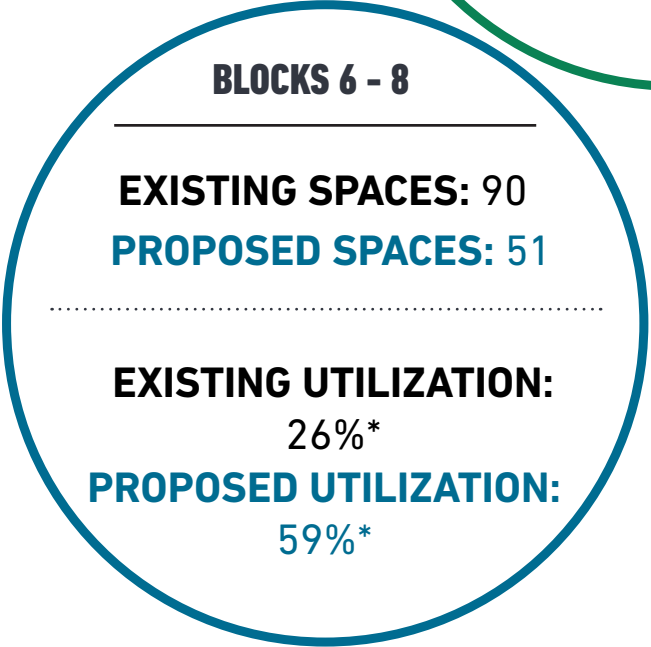
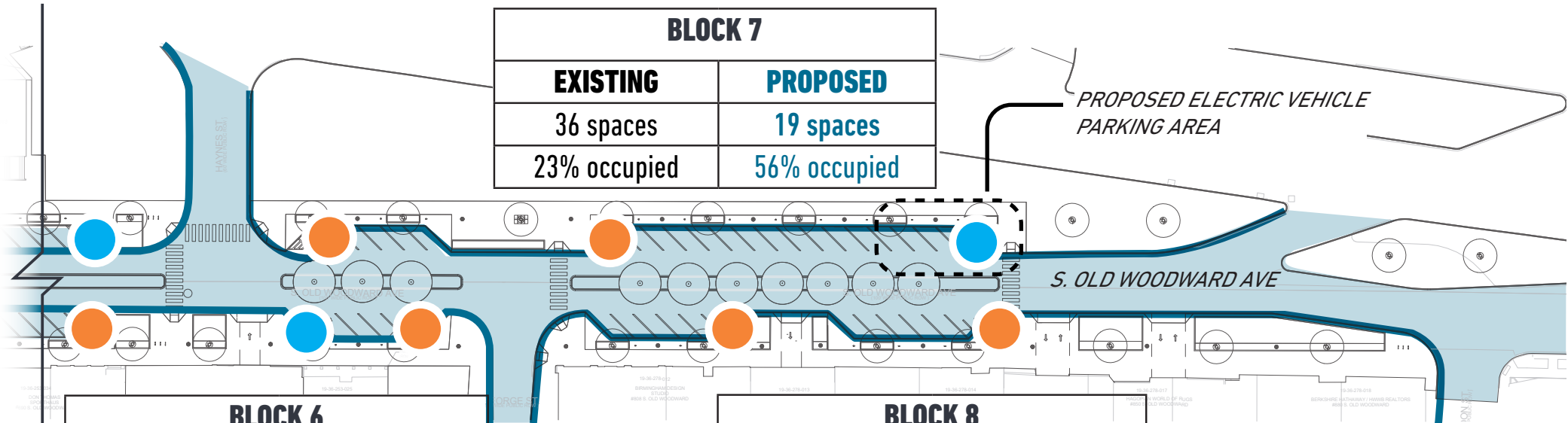
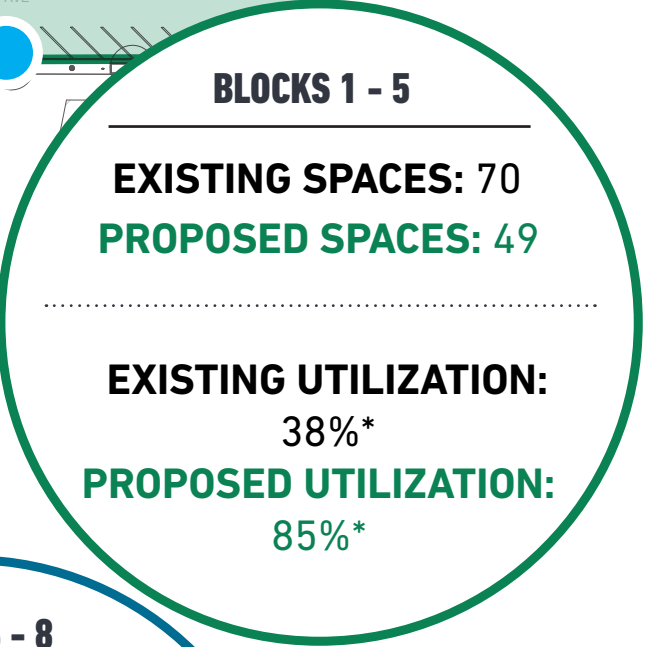
# OPTIMIZE PARKING AND ACCESSIBILITY

SCOOTER PARKING    ADA PARKING



BLOCK 1	
EXISTING	PROPOSED
7 spaces	9 spaces
72% occupied	56% occupied

BLOCK 3	
EXISTING	PROPOSED
16 spaces	6 spaces
52% occupied	100% occupied

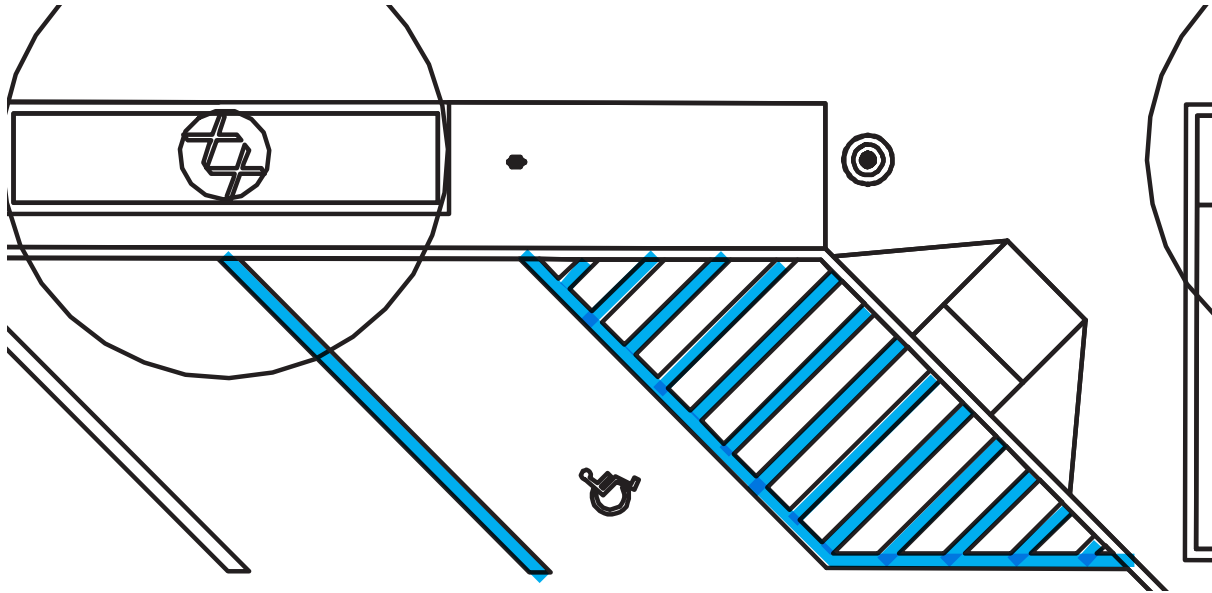


\*Optimum utilization is 85%



# ADA COMPLIANCE

## PROPOSED TYPICAL ADA PARKING SPACE



Existing ADA spaces require users to use either ramps at crosswalks or even driveways.

Each ADA space now has barrier-free ramp access (requiring use of 2 full sized regular spaces).

The proposed design implements at least 1 ADA space per block (as built in Phase 1).



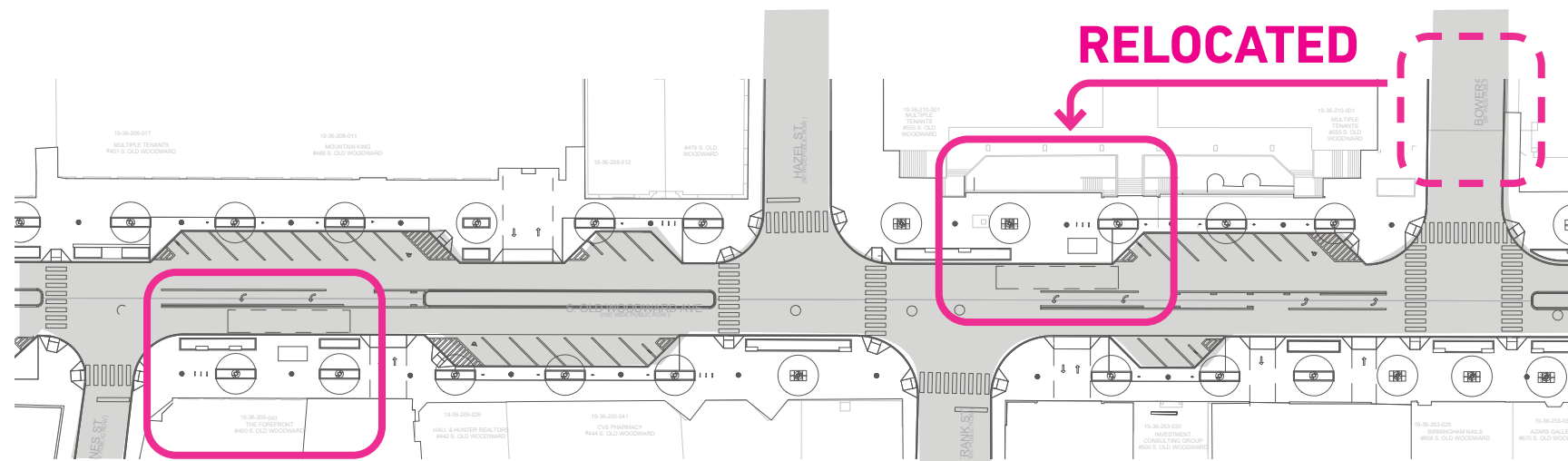
**PHASE 1 ADA PARKING SPACE**



**EXISTING TYPICAL  
ADA PARKING SPACE**



# BUS STOPS



- Bus stop locations
  - South bound: Daines and Old Woodward
  - North-bound: Hazel and Old Woodward (moved from Bowers)
- Must accommodate new 60 ft SMART vehicles
- Shelter to match previous phases
- ADA compliant

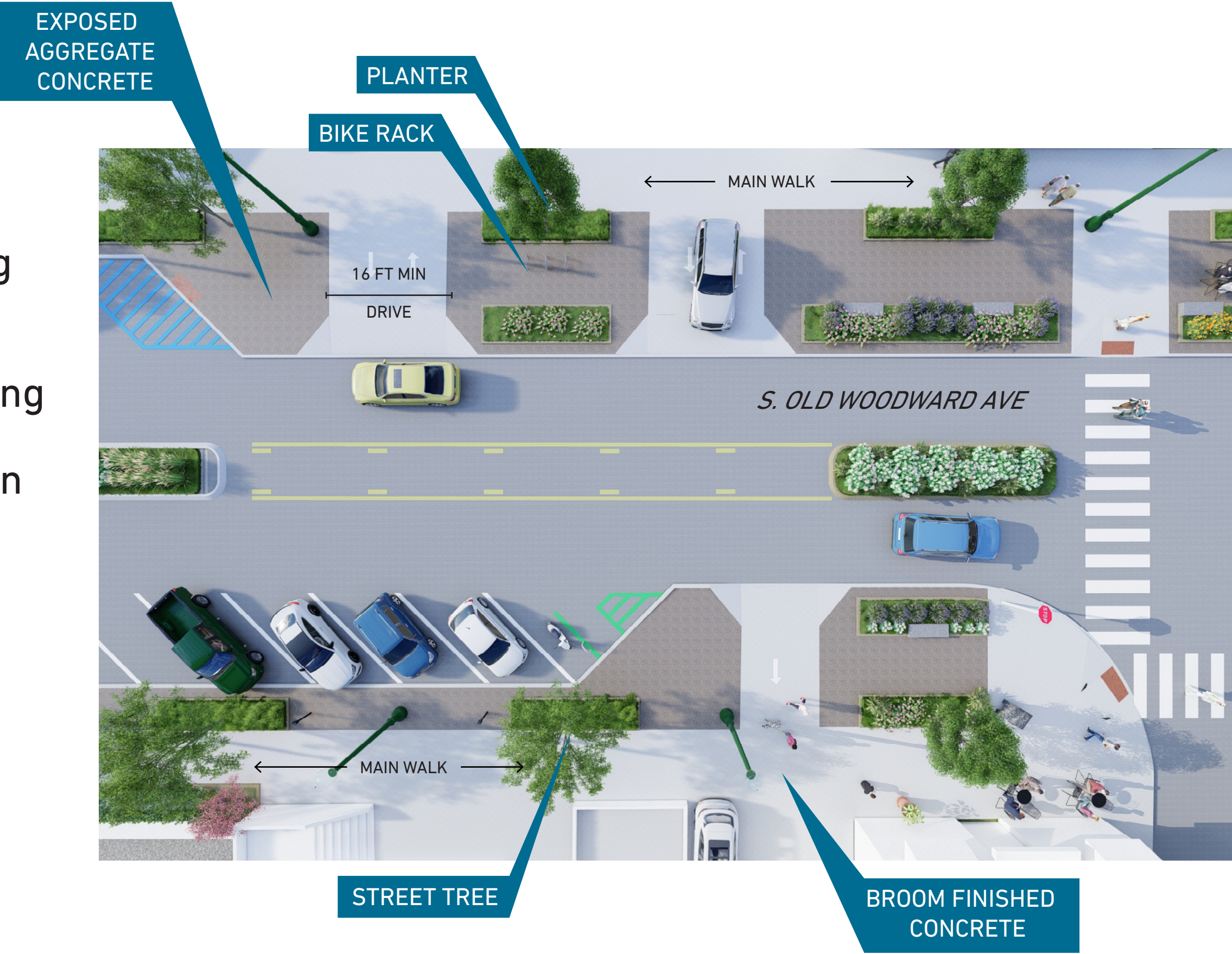


Bus stop at Hazel/Frank



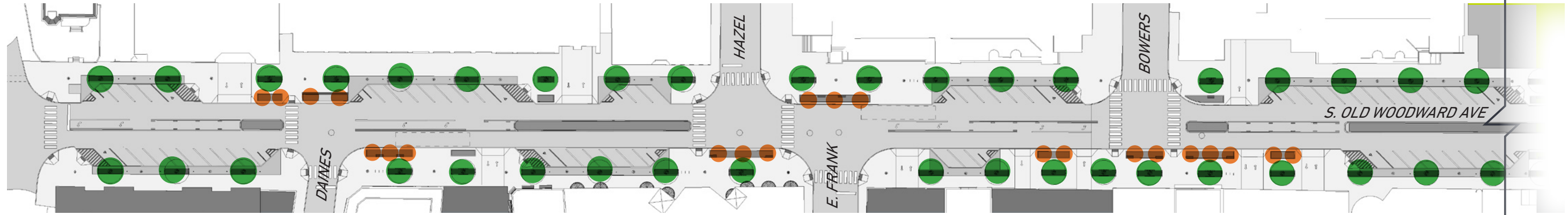
# DRIVEWAYS

- Numerous drives to surface lots and parking structures
- Drives to have contrasting material to delineate vehicular and pedestrian zones

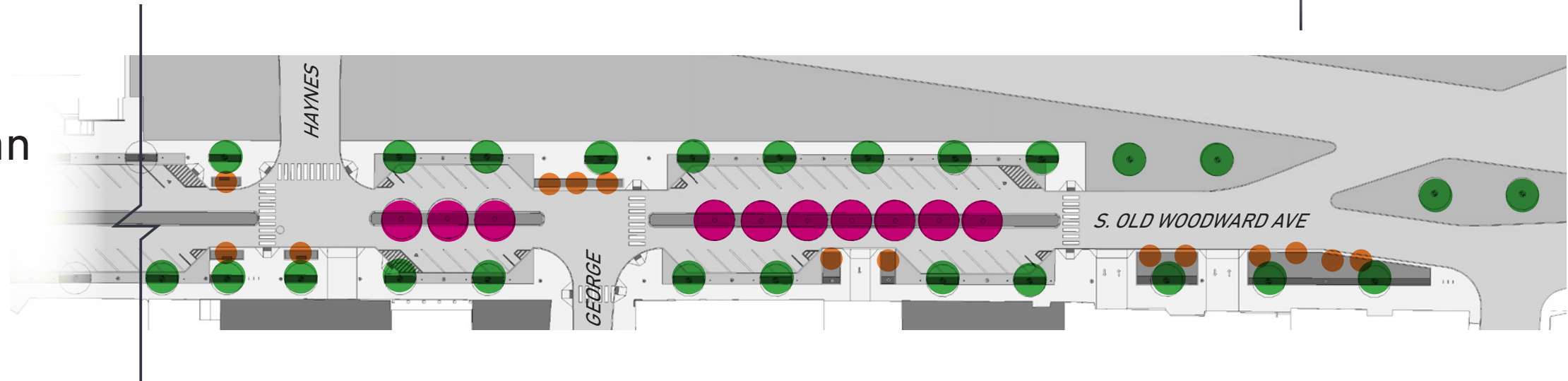




# STREET TREE STRATEGY



- Street tree in planters, median trees, ornamental trees
- Vary species for biodiversity, avoid monoculture
- Complement Phase 1 & 2, evaluate success of species planted, adjust as needed
- Species selected in accordance to city Tree Management Plan and market availability



● STREET TREES



● MEDIAN TREES

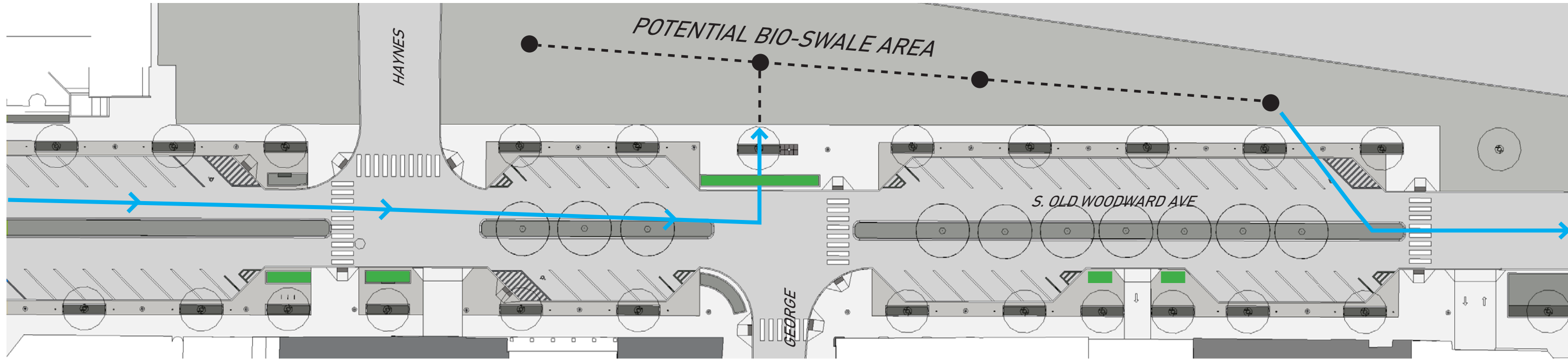


● ORNAMENTAL TREES





# GREEN INFRASTRUCTURE



- Large planters as rain gardens can mitigate some stormwater impact. Stormwater retention may include larger subsurface storage in addition to planters.
- Potential bio-swale south of Haynes, infrastructure only in this phase
- Educational / case study
- Opportunities to collaborate with local horticulture, sustainability, or watershed coalitions.





# DISCUSSION

# Provide Feedback on Past Projects

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## **SURVEY RESPONSE REPORT**

30 June 2021 - 18 October 2021

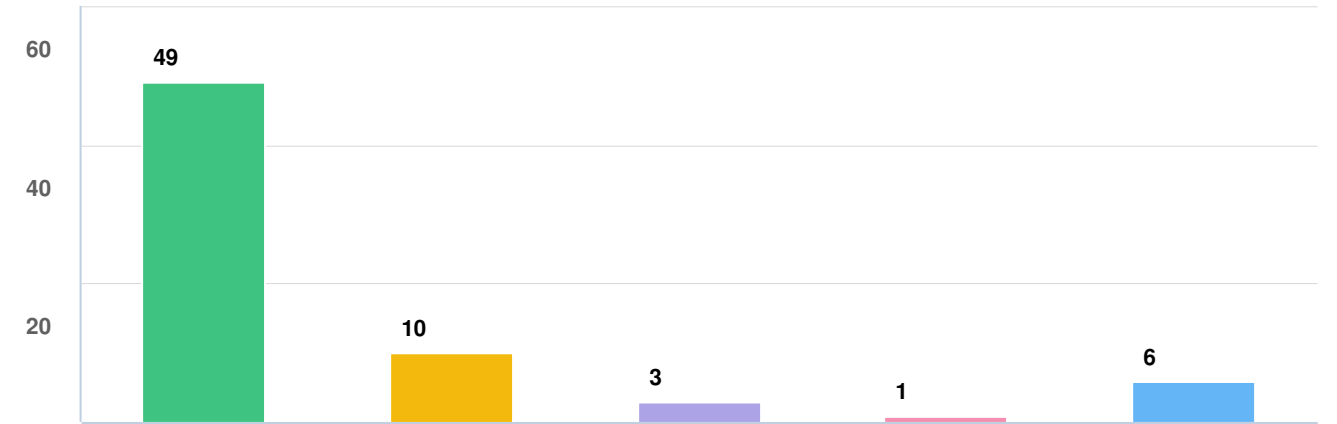
### **PROJECT NAME:**

Old Woodward Reconstruction



# REGISTRATION QUESTIONS

Q1 What best describes you? (check all that apply)

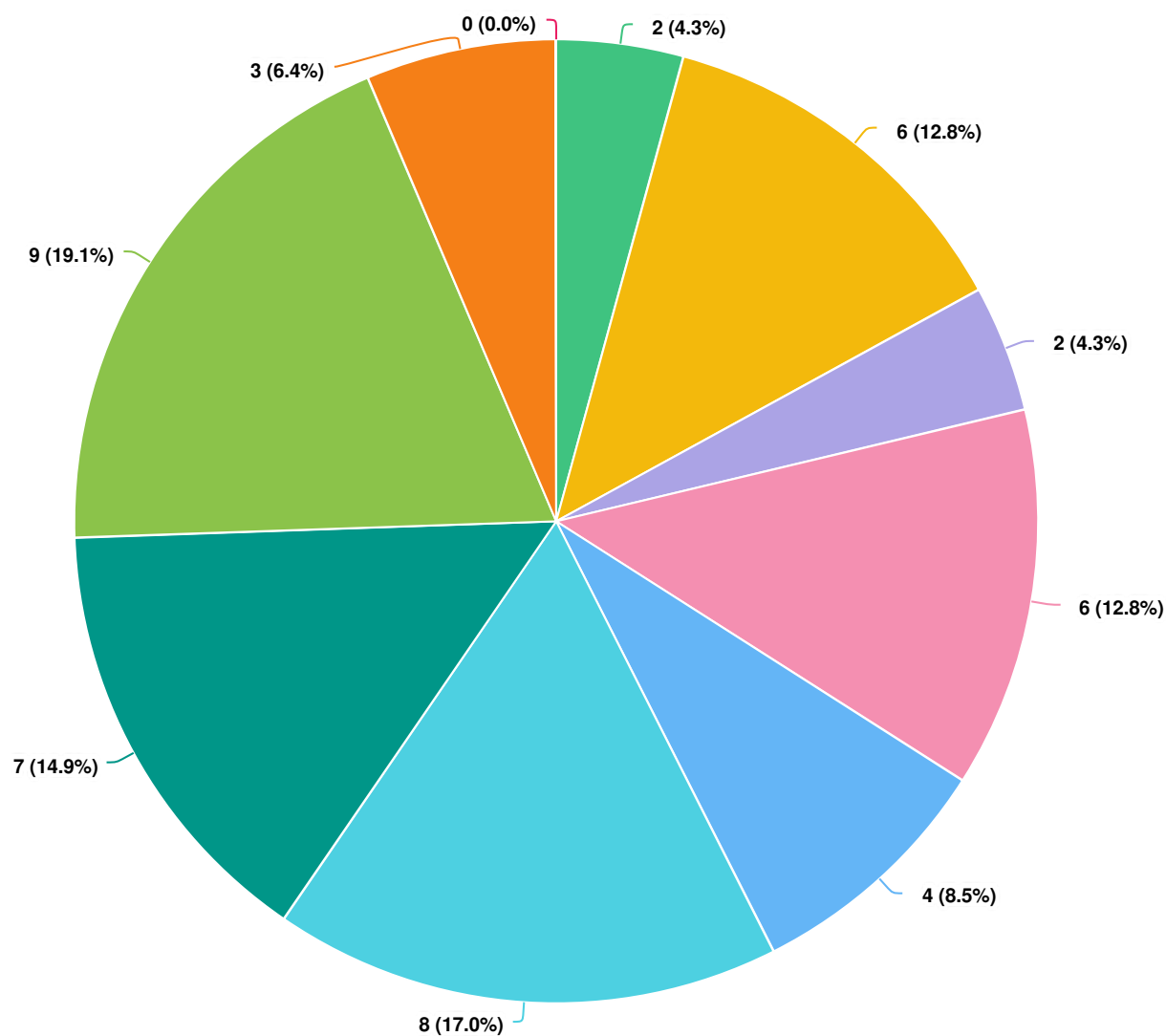


- Question options**
- ☒ I live in Birmingham.
  - ☒ I work in Birmingham.
  - ☒ I own a business in Birmingham.
  - ☒ I am a student in Birmingham.
  - ☒ I am a frequent visitor to Birmingham.

Mandatory Question (50 response(s))  
Question type: Checkbox Question



**Q2** Which section of Birmingham do you live in?

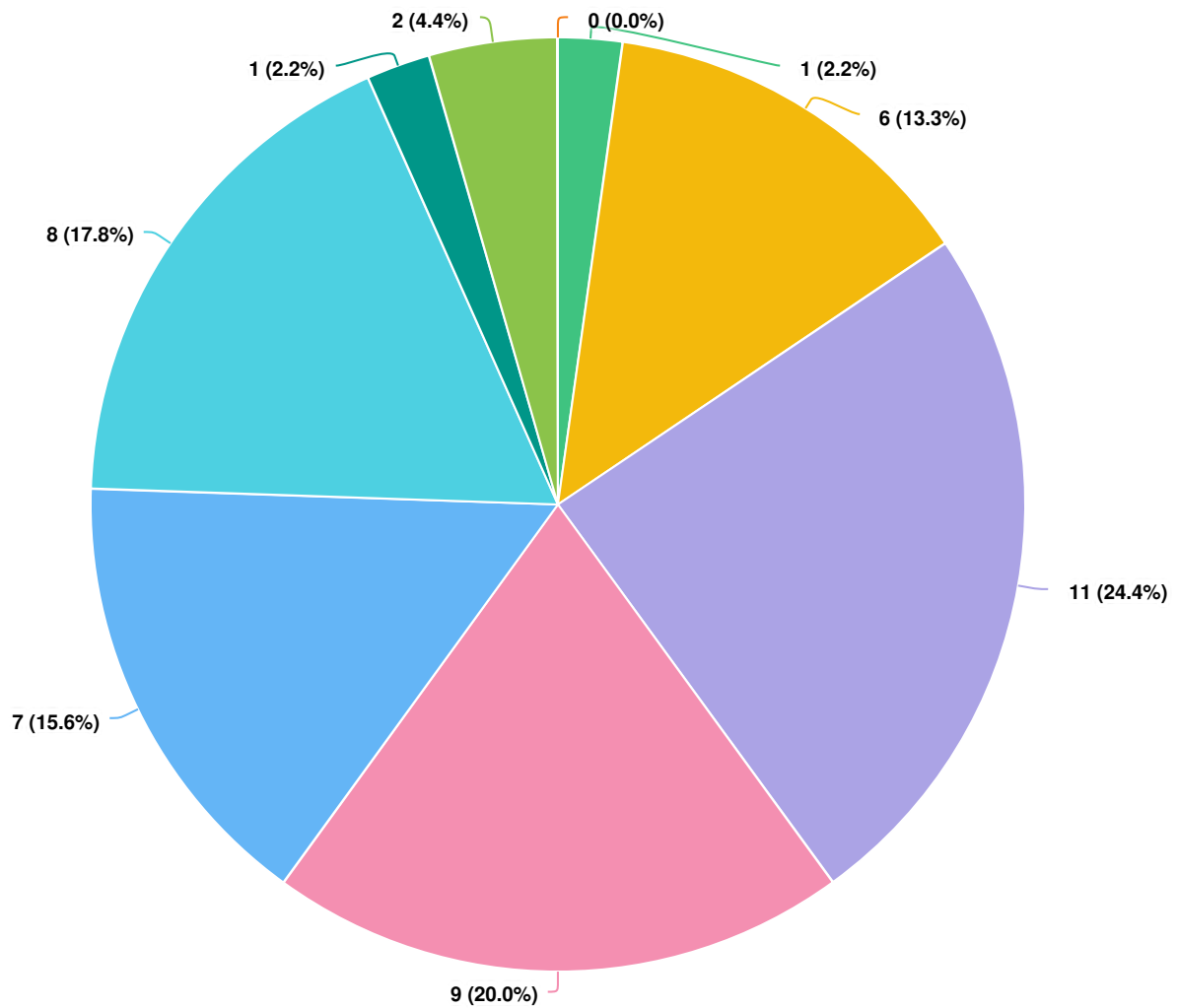


**Question options**

1 2 3 4 5 6 7 8 9 N/A

Optional question (47 response(s), 3 skipped)  
Question type: Dropdown Question

**Q3** In which decade were you born?



**Question options**

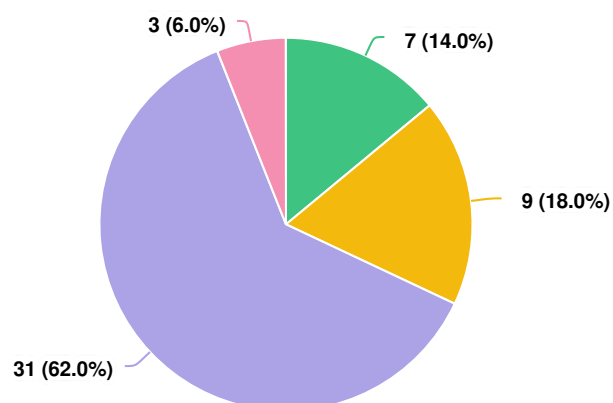
1931-1940 1941-1950 1951-1960 1961-1970 1971-1980 1981-1990 1991-2000  
After 2000 Before 1931

Optional question (45 response(s), 5 skipped)  
Question type: Dropdown Question



# SURVEY QUESTIONS

**Q1** | How have you primarily experienced the improvements on Old Woodward and Maple?



**Question options**

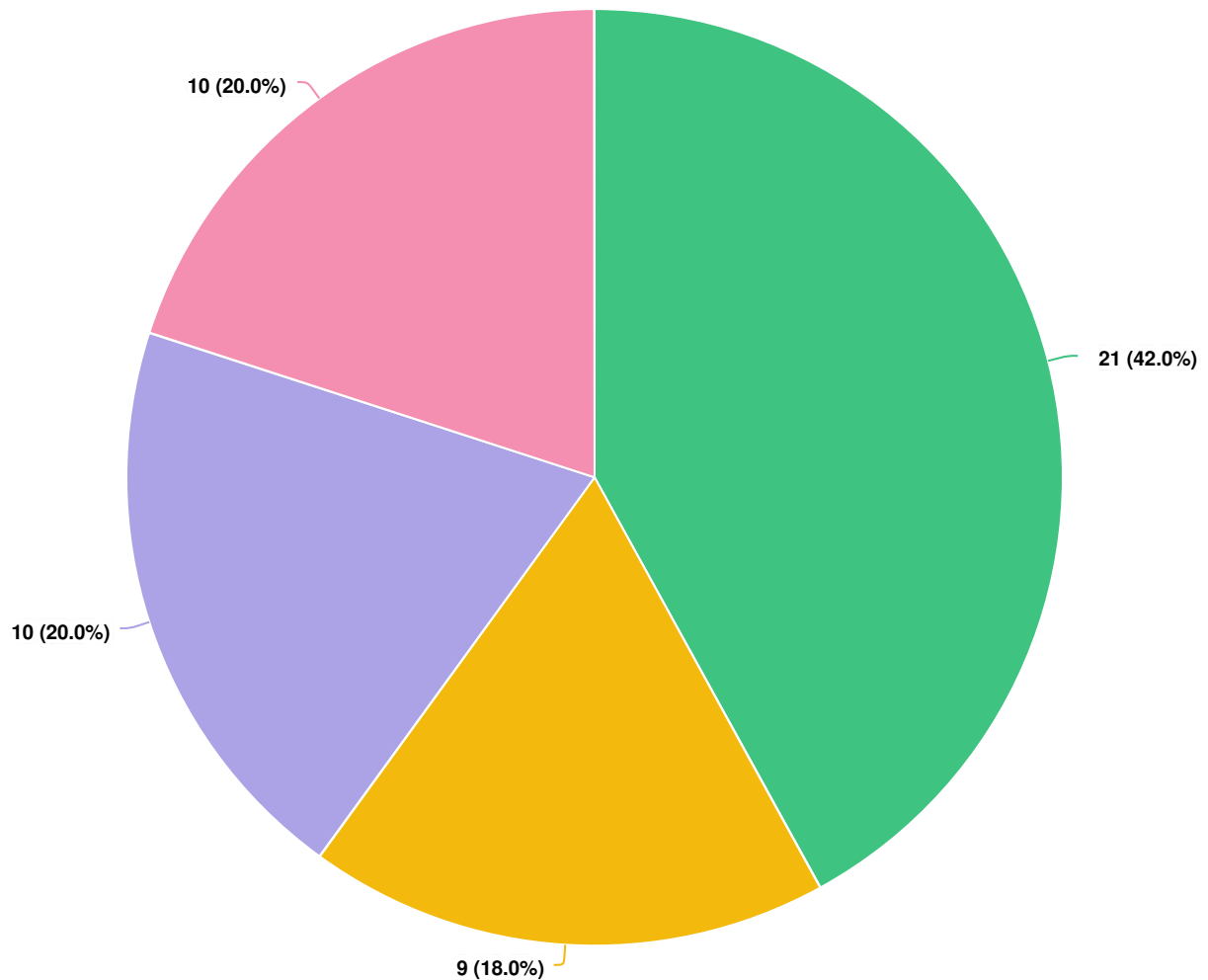
☐ As a pedestrian   ☐ As a driver   ☐ Equally as a pedestrian and driver   ☐ Other (please specify)

*Optional question (50 response(s), 0 skipped)*

*Question type: Radio Button Question*



**Q2** | How do you rate your satisfaction with the reconstruction projects of Maple and Old Woodward (north and south of Maple)?

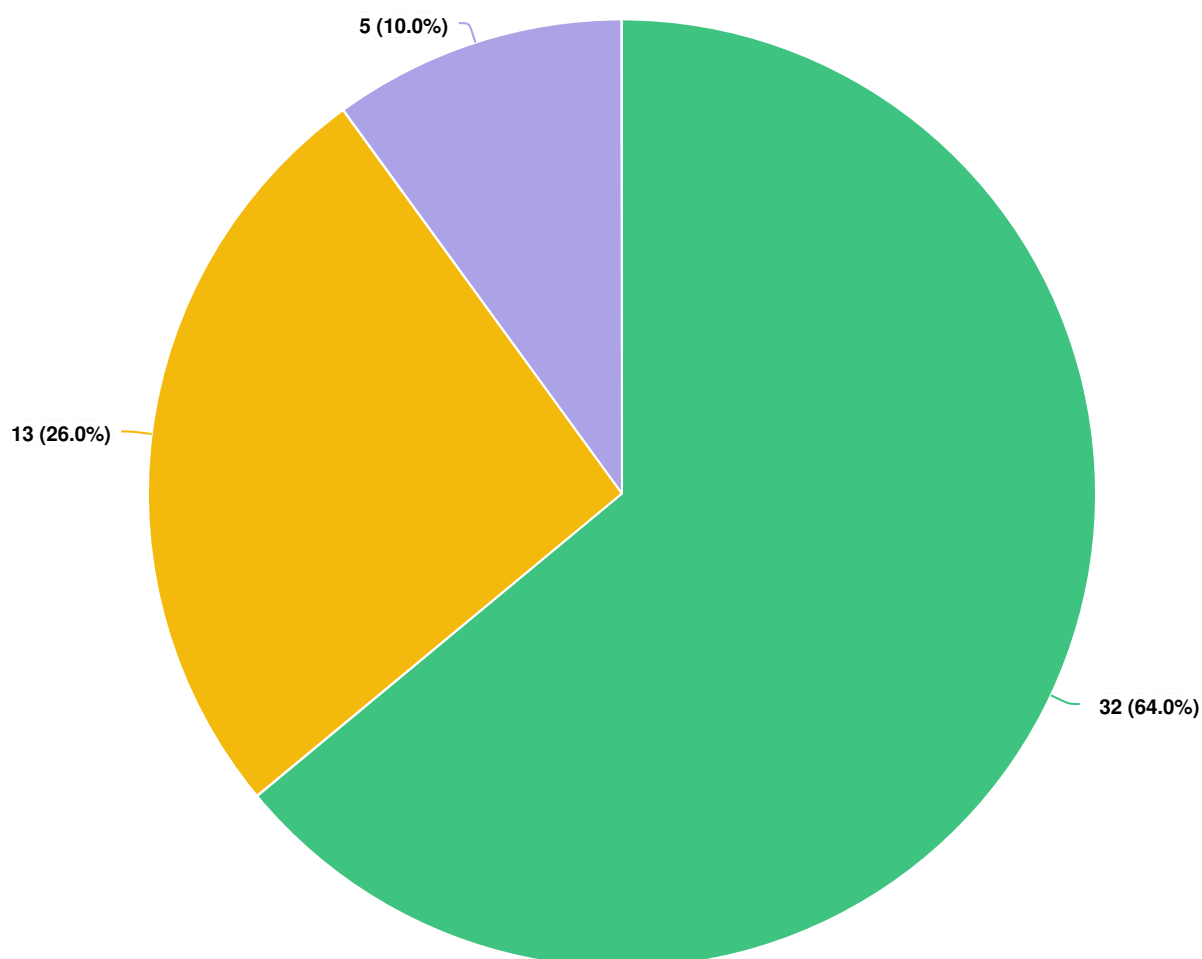


**Question options**

- Well done!
- Great improvement but it took too long to complete.
- The improvement was not worth the effort.
- Other (please specify)

Optional question (50 response(s), 0 skipped)  
Question type: Radio Button Question

**Q3** | Do you feel that you were well informed about the project's progress?

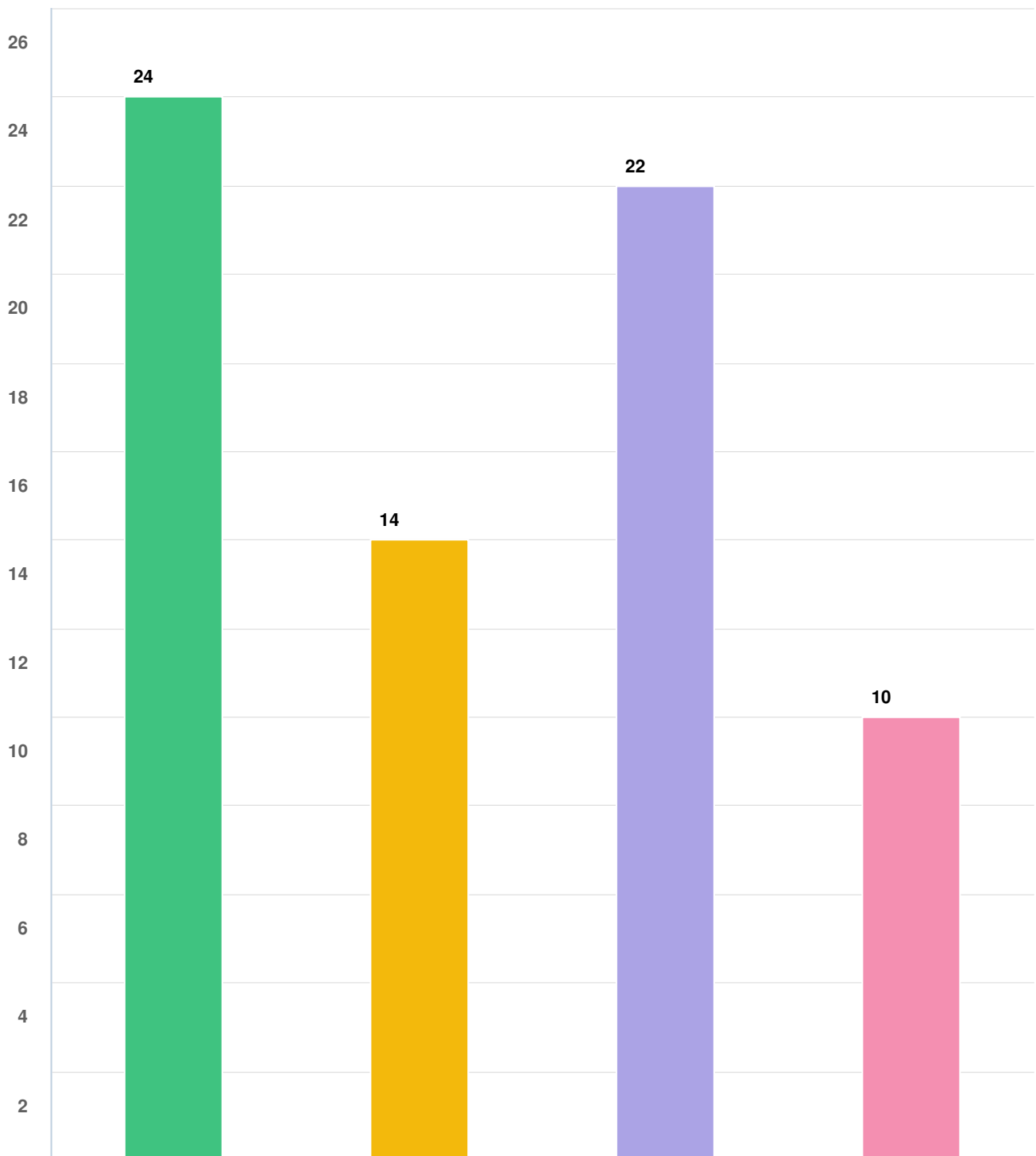


**Question options**

☒ Yes ☐ Fairly well ☐ No

*Optional question (50 response(s), 0 skipped)  
Question type: Radio Button Question*

**Q4** How did you receive information from the City during the Maple and Old Woodward projects?

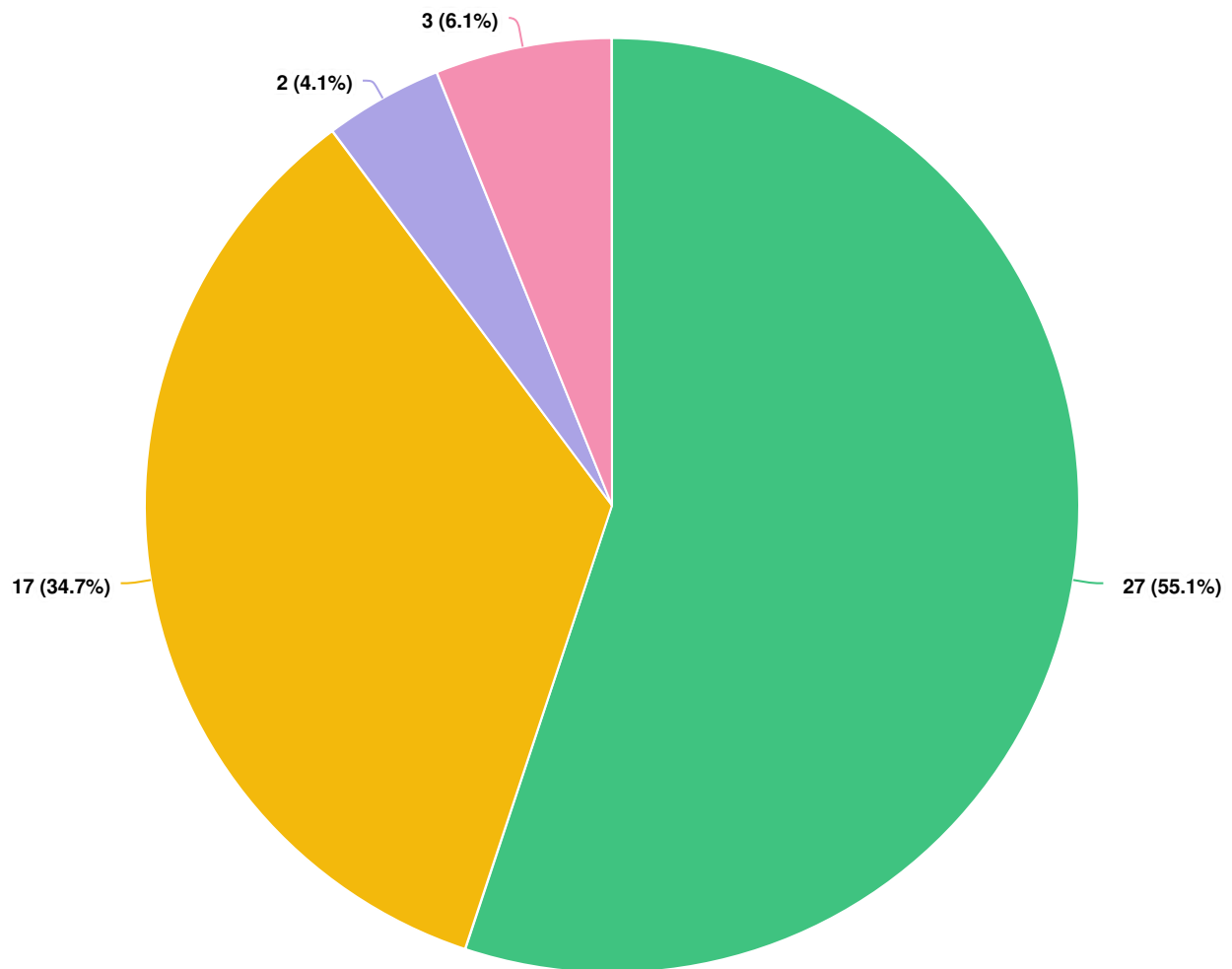


**Question options**

● Weekly e-blasts ● Social media ● The City's website ● Other (please specify)

*Optional question (49 response(s), 1 skipped)*  
*Question type: Checkbox Question*

**Q5** | The Maple and Old Woodward projects featured widened sidewalks. What has been your experience with the widened sidewalks?



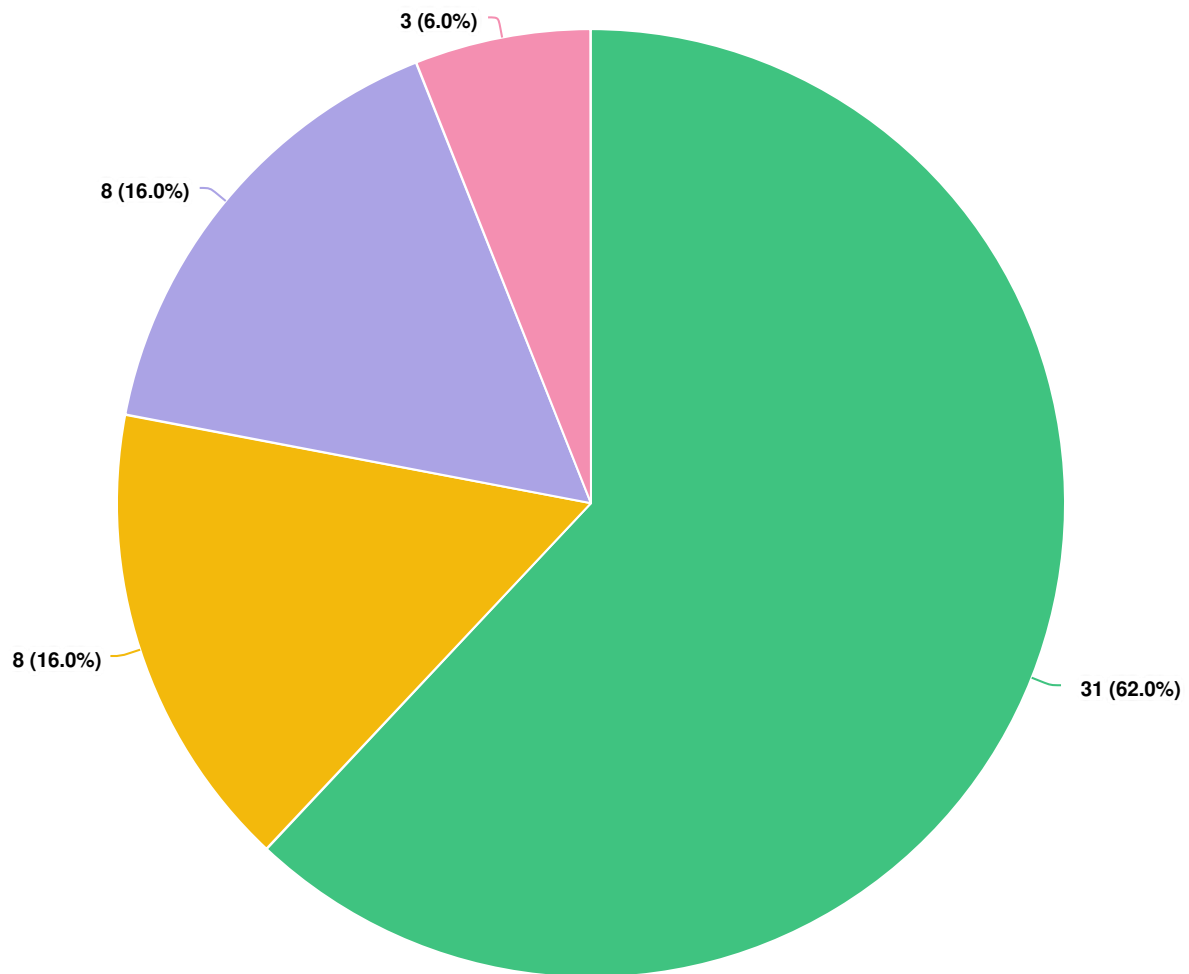
**Question options**

- ☒ I like the widened sidewalks and feel they have increased the streets' walkability.
- ☐ I have not noticed a difference while using the sidewalks on Maple Road and Old Woodward.
- ☐ I do not care for the widened sidewalks.
- ☐ Other (please specify)

Optional question (49 response(s), 1 skipped)  
Question type: Radio Button Question



**Q6** | The Maple and Old Woodward projects featured bumpouts at each intersection to improve crosswalks for pedestrians. What has been your experience with the bumpouts?

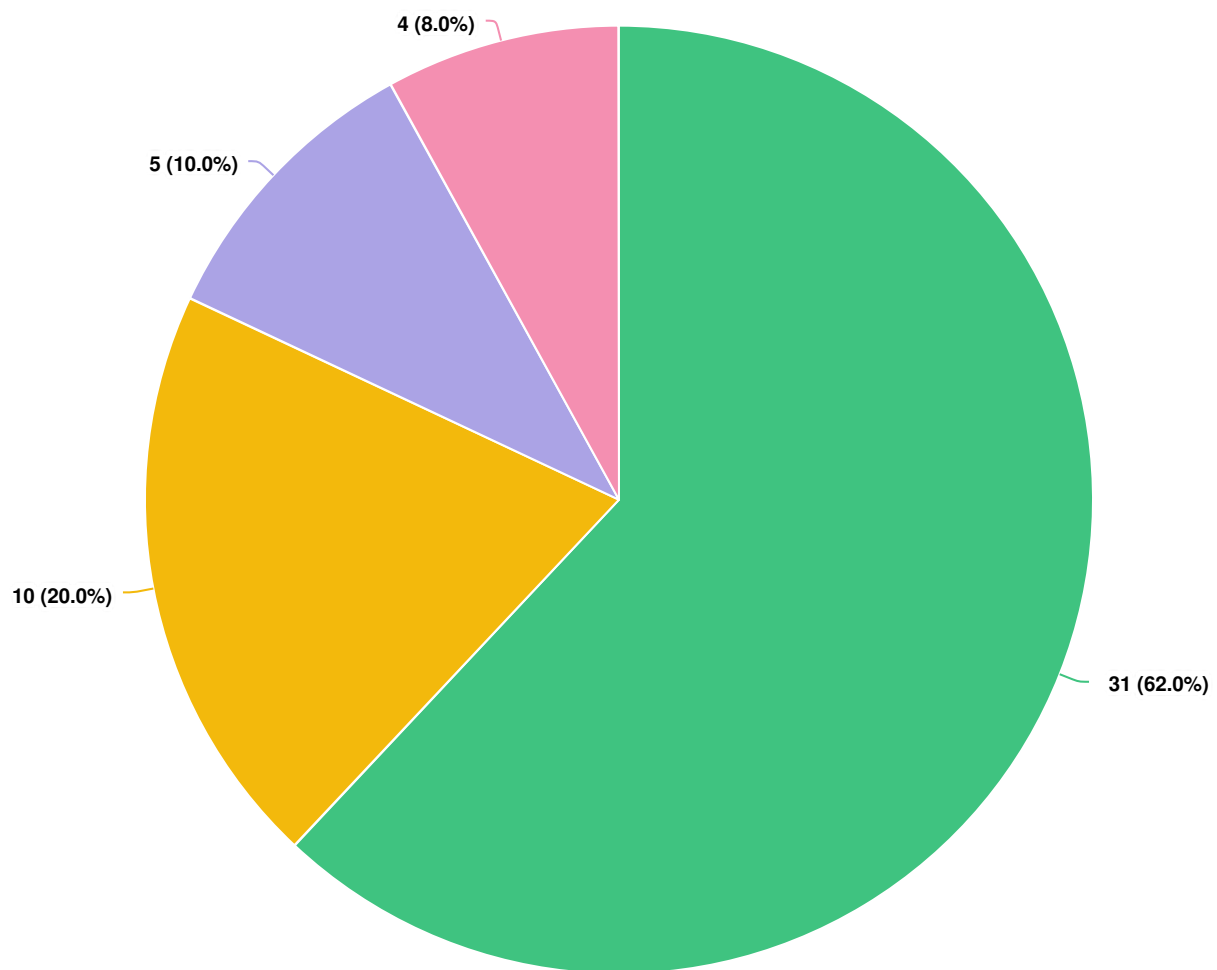


**Question options**

- ☒ I like the bumpouts and feel that they have improved pedestrian safety at the crosswalks. ☐ I have not noticed a difference while using the crosswalks. ☐ I do not care for the bumpouts. ☐ Other (please specify)

*Optional question (50 response(s), 0 skipped)*  
*Question type: Radio Button Question*

**Q7** | The Maple and Old Woodward projects featured mid-block crosswalks. What has been your experience using a mid-block crosswalk?

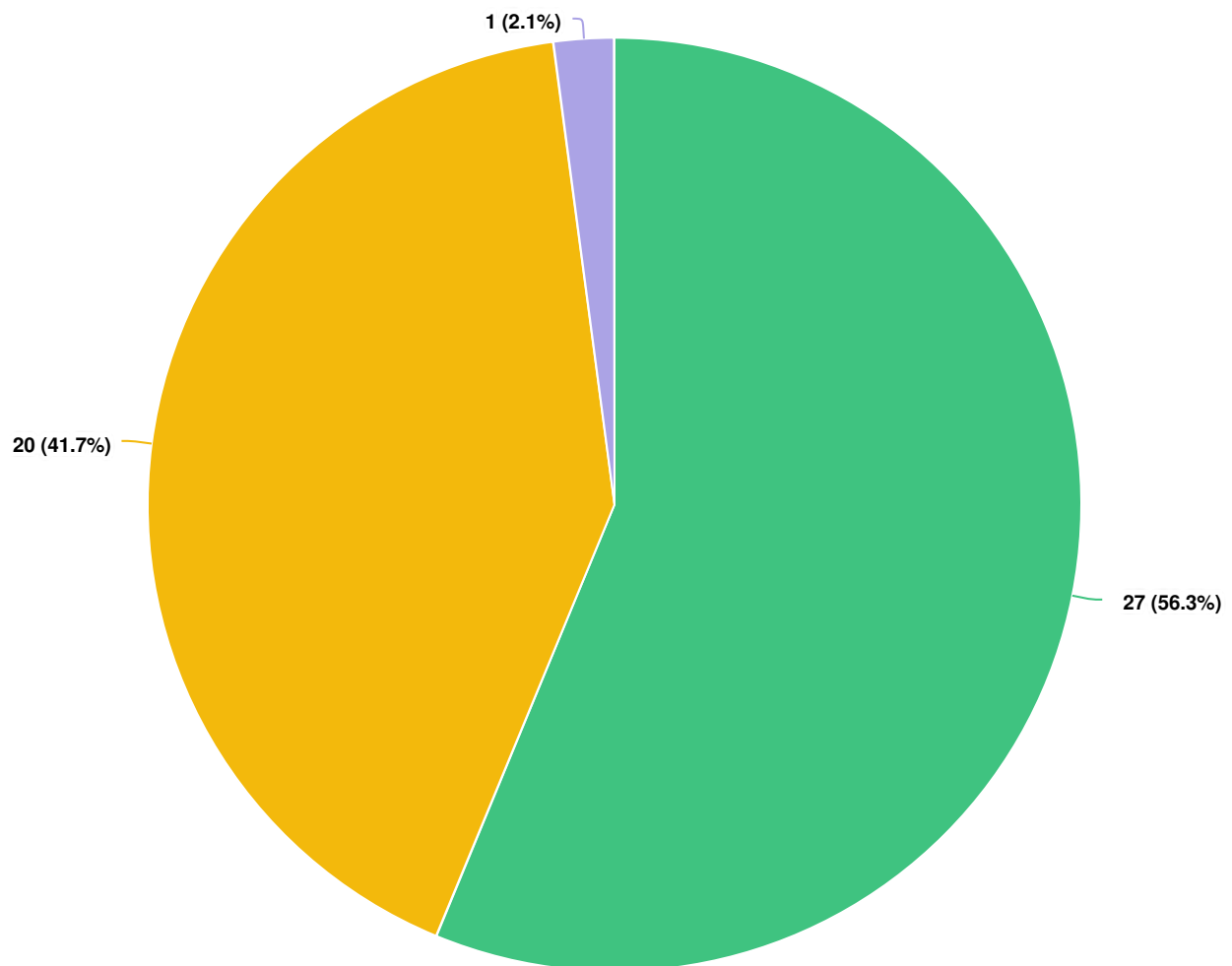


**Question options**

- ☐ I have used a mid-block crosswalk and feel it has improved my experience as a pedestrian.
- ☐ I have used a mid-block crosswalk and do NOT feel that it has improved my experience as a pedestrian.
- ☐ I have not used a mid-block crosswalk.
- ☐ Other (please specify)

*Optional question (50 response(s), 0 skipped)*  
*Question type: Radio Button Question*

**Q8** | Design enhancements from the Maple and Old Woodward projects include exposed aggregate concrete, granite bench seating areas, new street lights, new landscaping, and cell phone charging stations. What is your opinion about the look and feel of Mapl...



**Question options**

- ☒ I love it! The previous projects were great improvements.
- ☐ I like some of the enhancements but not all.
- ☐ I do not like the previous designs enhancements.

Optional question (48 response(s), 2 skipped)  
Question type: Radio Button Question

## Q9 | What do you like about the design?

Screen Name Redacted

7/06/2021 11:12 AM

I think the larger sidewalks are a good idea. With that said, I feel that neighborhood restaurants should be able to keep their outside areas intact. The pandemic is still not over and these businesses are still not out of danger. The city should be doing what it can to promote the use of restaurants and still keep people safe. Many people prefer eating outside in a covered shelter. I think the city officials including Tom Markus need to wake up. Give these businesses a change to come back. Also, I'm not sure how useful these outdoor charging stations are. Seems like they weren't needed. I have never had a parking problem in Birmingham. I go to Birmingham regularly either as a pedestrian or a driver. If a street space isn't available, I use one of the parking structures. The only thing I will say about the structures is that I think people should have the option of paying for a space with cash. Not everyone wants to use a credit card. I also believe that Birmingham has not put enough emphasis on bicycle lanes. When



I am riding my bicycle I feel like I'm in the way on the sidewalk and the street. Bicycle lanes should definitely be under consideration as part of any future improvement to city streets.

Screen Name Redacted

7/06/2021 11:51 AM

The mid-block crosswalks and wider sidewalks add a level of safety for my family that I am very pleased with.

Screen Name Redacted

7/06/2021 01:58 PM

The design not only improved walkability, but enhanced the appearance of the downtown.

Screen Name Redacted

7/08/2021 04:27 AM

I like the inclusion of green spaces and the care of them.

Screen Name Redacted

7/09/2021 05:34 AM

Both the aesthetically and functionally improved for pedestrians but my experience has been no difference for how people drive in town.

Screen Name Redacted

7/12/2021 05:05 AM

VISUALLY APPEALING. CONTEMPORARY DESIGN - IT LOOKED DATED BEFORE. THE CITY PUTS INTO PRACTICE WHAT IT PREACHES - A WALKABLE COMMUNITY MADE MORE SO BY THESE DESIGN IMPROVEMENT. ALSO, THE UNSEEN. OUT OF SIGHT INFRASTRUCTURE UPGRADES WILL PREVENT FUTURE DISRUPTIONS - BURST PIPES, WATER MAINS, ETC.

Screen Name Redacted

7/13/2021 12:43 PM

The median planting strips are a great visual enhancement. I also believe that they have calmed the traffic.

Screen Name Redacted

7/13/2021 02:32 PM

The flowers and trees.

Screen Name Redacted

7/21/2021 03:31 PM

Love it how vehicle traffic slowed down!, love the design

Screen Name Redacted

7/22/2021 07:12 AM

Could have used more interesting and/or artistic benches

Screen Name Redacted

8/31/2021 09:49 AM

Landscaping Seating area

Screen Name Redacted

8/31/2021 10:46 AM

Aesthetically the renovations is very pleasing. Functionally the parking spaces are don't work well. The parallel spots don't leave enough room for street side exiting of your car as traffic passes way too close. Pull in parking spots are not deep enough for longer vehicles such as trucks/larger suvs

**Optional question** (12 response(s), 38 skipped)

**Question type:** Essay Question

#### Q10 | What elements of the design could be improved in the next phase?

Screen Name Redacted

7/06/2021 11:04 AM

Remove the cars

Screen Name Redacted

7/06/2021 01:57 PM

Wider streets for cars.

Screen Name Redacted

7/13/2021 03:11 PM

eliminate bump-outs, mid block crossings, anything concrete above ground. Concrete is hostile material to my sense of place.

Screen Name Redacted

7/13/2021 04:32 PM

Make the low-level planter smaller

Screen Name Redacted

7/13/2021 07:33 PM

Do not do construction during summer. Focus on less concrete and more greenery.

Screen Name Redacted

7/21/2021 01:35 PM

I like the widened sidewalks but the street parking is very, very narrow. If a person is not parked properly or if they have a large vehicle (SUVs especially), it is extremely tight driving along Maple. I've even seen an instant where a truck could not pass. I'm not sure what size vehicle was used in planning but it certainly wasn't the Suburbans, Navigators, etc. that are all over Birmingham. I'd park in a lot over Maple any day.

Screen Name Redacted

7/24/2021 06:04 AM

I don't think we need the phone charging stations

Screen Name Redacted

The changes on Maple as aesthetically pleasing. But they caused

7/29/2021 05:35 AM

poor traffic flow, and with that bumper to bumper traffic, Pedestrians are still having trouble with crossings. Maple Road is very narrow for Vehicle Traffic and that makes driving thru Birmingham very disconcerting. If Pedestrian Safety was the issue, the plan should have closed Maple and rerouted the traffic to either side of the City.

Screen Name Redacted

8/23/2021 10:53 AM

On Maple you put too many traffic lights what made traffic migrate to other roads that originally did not have the current traffic and therefore do not support the huge traffic. Example: E Lincoln st. The Other roads around the area must be refurbished as well. A traffic project should never consider only one road or few blocks, this is the area that need to be considered in a project like that. It was created a bottle neck at Maple. E. Lincoln st and some other roads should become a "one hand" road only. and traffic should be addressed to 14 mile road which was refurbished and do have structure for a heavier traffic.

Screen Name Redacted

8/30/2021 05:56 PM

Make it more of a walkable city and get rid of as much car traffic as possible

Screen Name Redacted

8/31/2021 08:12 PM

I had hoped for a pedestrian only span on Maple or Old Woodward for outdoor dining and shopping. Or at least more area for outdoor dining. The span from Brown to Landon is less suitable for this purpose and has less foot traffic. It may need new infrastructure but I'm not cosmetic improvements would merit the cost.

Screen Name Redacted

9/28/2021 04:15 PM

Get ride of the bump outs.

**Optional question** (12 response(s), 38 skipped)

**Question type:** Essay Question

## Q11 | What suggestions do you have for future phases?

Screen Name Redacted

7/06/2021 11:04 AM

Solicit, listen to, and act on suggestions from the residents in advance rather than after the fact. This is half the job to take feedback afterward. The southern end project is adjacent to residential neighborhoods. The opportunity to reduce the congestion noise and commercial traffic impact on the neighborhood is now. Southbound traffic from old Woodward needs

to exit just south of the 555 building. Traffic behavior south of that exit is on monitored and out of control. Create huge noise problems. A sound barrier needs to be installed along the grassy triangular area east of the open space. The high dB noise level renders that entire area unusable for human banks. Put in some sound barriers, hard scape. Block the freaking noise

Screen Name Redacted

7/06/2021 11:12 AM

see above.

Screen Name Redacted

7/06/2021 11:51 AM

Phase 3- It is very difficult to turn onto Old Woodward, both north and south, from Frank Street (CVS corner). The plans appear to address some of this issue by slowing down traffic but please review this corner to improve visibility and safety for the homeowners in this area. I couldn't be happier with the news that the construction on the south part of Old Woodward will soon begin. Thank you so much! -Jacob

Screen Name Redacted

7/06/2021 01:58 PM

Take the time to examine every detail, and insist on adherence to the design.

Screen Name Redacted

7/07/2021 04:24 PM

Listen to people that ride bikes for transportation not as a 50 person spandex mob taking over the street.

Screen Name Redacted

7/08/2021 04:27 AM

I'm worried about visibility and safety turning from bowers onto old Woodward.

Screen Name Redacted

7/09/2021 05:34 AM

While other cities all over the country including neighboring ones are improving accessibility for bicycling this design is going in the opposite direction. Phase 1 made it worse for riding a bicycle into town on Old Woodward as there is no way to safely share the road with traffic without dominating the lane. Riding on the sidewalk is dangerous for pedestrians and not really an option. Extending this design further south on Old Woodward is reducing accessibility to town on bicycle. The improvements while very good in some dimensions made it worse for bicycles to travel. On a positive note I do like that there are more fixtures/racks to lock a bicycle up on Old Woodward which is very bicycle friendly; the issue is how to safely ride to one. My suggestion is to include pavement markings and signage to recognize that bicycles have the right to travel on the street. As a tax payer of Birmingham I would like the plan to be more inclusive of bicycling on Old Woodward.



Screen Name Redacted

7/12/2021 05:05 AM

I CANNOT WAIT UNTIL SOUTH OLD WOODWARD IS REDONE  
THUS COMPLETING THE ENTIRE PROJECT. ROLL ON 2022!

Screen Name Redacted

7/13/2021 12:43 PM

South Old Woodward needs the same careful attention to detail as the previous two projects. especially bumpouts and median planting strips The current pedestrian and driving experiences are dreadful. As the southern "gateway" to Birmingham, the existing condition is exceedingly ordinary and is basically a raceway to more interesting sections of town. As residents who regularly walk this area, we look forward to these desperately needed improvements.

Screen Name Redacted

7/13/2021 04:18 PM

Walkability is paramount

Screen Name Redacted

7/13/2021 04:32 PM

Don't make any roadway as narrow as Maple now is

Screen Name Redacted

7/13/2021 07:33 PM

Do not take out the greenery on north old Woodward. Be careful not to change the look and feel from today.

Screen Name Redacted

7/21/2021 05:12 PM

Don't use to much grey and consider historic elements to keep the charms

Screen Name Redacted

7/22/2021 11:51 AM

The city should take more consideration for the safety of the pedestrians when landscaping

Screen Name Redacted

7/24/2021 06:04 AM

There is a crosswalk near Leo's and lots of landscaping in the middle which blocks the view of pedestrians if you are a driver. If there is a mid street walkway, it needs to be clear to see pedestrians. Also crossing Woodward Avenue at Bowers, crosswalk time is not enough to get across the street. I would love to see a bridge to unite both sides.

Screen Name Redacted

7/29/2021 05:35 AM

Birmingham is VERY Bike un friendly. Families and Seniors are now riding their bikes. I am one of them, I can ride to and thru town, but it is not safe, I have to ride on the street in B'ham or walk my bike on the sidewalks. The city is not user friendly. Since the residents pay over 80% of the taxes there should have been more

family friendly thoughts in the development. The changes are strictly, esthetic and for the Commercial Customers. In my Opinion.

Screen Name Redacted

8/23/2021 10:53 AM

Consider a more comprehensive area and all impact in traffic / pedestrians on the neighborhood. As explained on the previous question the simple traffic deviation to E Lincoln st is causing some additional problems to the neighborhood specially for pedestrians with cars on higher speed and difficulty to people to cross E Lincoln st. specially the kids and seniors that use to go to YMCA.

Screen Name Redacted

8/31/2021 08:12 PM

Pedestrian only areas: <https://www.afar.com/magazine/the-10-best-pedestrian-streets-around-the-world>.

Screen Name Redacted

9/28/2021 04:15 PM

Widen the road. When is someone going to get hit getting out of their car. What idiot thought that narrow roads are safer.

Screen Name Redacted

10/12/2021 09:41 AM

Please don't loose the feel of our quant downtown. Who wants to see uninviting, cold , concrete store fronts. I'm all for modernization but I think we can have the best of both worlds. New buildouts can be updated while maintaining the integrity of our downtown history and feel of a small. We are not Chicago, that style would not look good on us. It would be nice to see more roof top dining and such.

**Optional question** (20 response(s), 30 skipped)

**Question type:** Essay Question

**Multi-Modal Transportation Board Minutes**  
**June 3, 2021**

**5. Phase III – S. Old Woodward (Brown to Landon)**

CCE Surhigh and Mr. Strader introduced the item.

Ms. Wolfe, Mr. Manda, and Mr. Strader presented the item.

Mr. Haig expressed concern that the proposed loss of spaces could steer drivers into parking in the residential areas. He said that upcoming business developments in the area might increase the demand on parking, making the loss of spaces even more noticeable.

Acting Vice-Chair Schafer agreed with Mr. Haig, noting that many of the parking spaces being removed are largely used by drivers visiting a specific business and not by drivers parking and walking to downtown.

Mr. Manda stated that the parking currently located at the terminuses of Frank, Hazel and Bowers was not safe either for pedestrians or drivers and must be removed. He noted that there is ample off-street parking in the area.

CCE Surhigh assured the Board members that their concerns would be considered as the plans evolve.

A few Board members expressed appreciation for the green spaces as proposed in Concept B, the proposed benches, and street activation areas.

Ms. Wolfe said she would provide documentation to the Board outlining the number of spaces proposed for removal in each location.

Mr. Manda noted that some of the spaces proposed for removal could be retained if it was determined that was most appropriate for the area.

Two members disagreed as to whether there should be more or fewer crosswalks at Haynes.

Mr. Strader said crosswalks at Haynes were still being evaluated and that traffic counts would be used to help determine the appropriate number.

Two Board members recommended that options for muffling the sound from Woodward be explored for the street activation areas.

It was noted that Staff and consultants would also be meeting with business owners in the area and the public to get feedback on the designs as the process moves forward.

Mr. Strader reminded the MMTB that spaces were removed on N. Old Woodward and Maple and that while businesses were concerned about the potential impact there have been no real adverse effects. He stated that the Commission has emphasized green spaces and pedestrian safety as priorities and that both of the concepts presented move towards those goals.

In reply to comment from Mr. Haig, Mr. Manda agreed that pollinators would be appropriate on the green median if it is installed as proposed in Concept B.

Mr. Manda and Ms. Wolfe added that plants on the median would need to withstand road salt and should likely include some evergreens as well to maintain aesthetics during the winter.

Ms. Kroll noted that EV charging stations were under review with the Advisory Parking Committee (APC).

Mr. Strader recommended that if members of the MMTB had any feedback regarding potential EV charging stations that they submit it to the APC.

**Mr. Haig requested that the MMTB be provided a copy of the proposed concept plan for S. Old Woodward showing the number and location of any parking spaces that may be removed.**

#### Public Comment

Paul Reagan stated he lives near Landon and Old Woodward, and that he is the President of the Homeowners Association there. He agreed that the City should explore ways of minimizing the sound from Old Woodward in order to benefit businesses in the area. He added that Staff and consultants should solicit feedback from the public before the plans get too far along.



**Advisory Parking Committee Minutes**  
**June 16, 2021**

**5. Phase Three, S. Old Woodward Reconstruction**

The team from MKSK and CCE Surhigh presented the item.

A few APC members noted that local businesses had been concerned about a proposed loss of metered parking in this area in the past. They said business owners in the area might express the same concerns in regards to these plans.

Mr. Strader explained MKSK would be soliciting feedback on the plans from both the businesses in the area and from the public at large.

In reply to Mr. Kalczynski, PC Grewe stated that while he did not have exact figures on-hand it seemed that Phases One and Two had been a success. He said that he had received fewer complaints regarding pedestrian safety and that accidents were most likely down. While acknowledging that lessened parking demand resulting from the Covid-19 pandemic may have been a factor, he noted he had not received any complaints regarding reduced parking availability in the areas impacted by Phases One and Two.

The MKSK team noted that they were proposing the relocation of some of the parking lot driveways along this stretch of S. Old Woodward for safety reasons.

Ms. Krueger was in favor of that proposal, stating that relocating some of those driveways would improve the safety of both pedestrians and drivers.

Dr. Paskiewicz thanked the presenters.

PC Grewe stated that if any APC members had further thoughts on the designs after the meeting they could forward those to him and he would forward them on to the design team.

**Multi-Modal Transportation Board Minutes**  
**July 8, 2021**

**5. Phase III – S. Old Woodward (Brown to Landon)**

CP Cowan introduced the item.

Mr. Strader, Ms. Wolfe, and Ms. Kroll presented the item.

Mr. Haig asked if a crosswalk south of Frank had been considered instead of a crosswalk south of Hazel.

Ms. Wolfe said that the crosswalk south of Hazel is used so frequently that MKSK did not consider removing it. Mr. Strader added that there was a driveway too close to the intersection to add a crosswalk south of Frank.

Mr. Strader also stated that they could look into moving the bike rack closer to one of the proposed crosswalks.

The Board agreed with the consultants' endorsement of Option A for the Hazel/Frank intersection.

Ms. Kroll stated that the traffic and pedestrian impacts of the potential RH development were factored into the modelling and development of the Phase III proposals.

The Board agreed with the consultants' endorsement of Option A for the Haynes/George intersection.

In reply to Chair Slanga, Ms. Wolfe said MKSK could look into ways of discouraging cars from using the moped parking near Maple and Old Woodward.

The Board discussed the bus stop proposals and had some concerns with both proposals. It was decided that they would revisit the bus stop proposals once the consultants received feedback from SMART.

There was Board consensus that installing infrastructure for potential future electric vehicle charging would be appropriate.

Ms. Kroll stated that the modelling for the Phase III proposals could be updated to include alleys and parking lot driveways if some of the merchants agree to move their parking lot driveways off of Old Woodward.

**Birmingham Shopping District Board Minutes**  
**August 5, 2021**

Representatives of MKSK did a presentation on the proposed S. Old Woodward reconstruction project that is tentatively scheduled for 2022. This is Phase 3 of the project. The goal is to increase walkability and safety while adding green space and reducing vehicle speeds. It will be very similar to Phase 1 but 750 feet longer.

There will be a net loss of fifty-four parking places, primarily in the southern portion. They hope to have the project start in June. They will be seeking input on detours and other aspects of the project.

**DRAFT Multi-Modal Transportation Board Minutes**  
**August 5, 2021**

Ms. Wolfe, Ms. Kroll, and ACE Zielinski presented the item.

Ms. Wolfe stated:

- She would be meeting with some business owners on S. Old Woodward on August 12, 2021 regarding potentially moving some of their driveways; and,
- SMART had not as yet suggested any changes to the bus stop plans.

Acting Vice-Chair Schafer noted that the project aims to maintain 85% parking utilization along S. Old Woodward, which means that even in removing some of the parking spaces sufficient parking should remain available.

Ms. Wolfe said the item would return for further MMTB review once the team has updated the parking counts provided by PC Grewe.

ACM Ecker stated that the meeting with the S. Old Woodward business owners on August 3, 2021 was attended by about 20 people and was informational in focus.

ACE Zielinski said the responses on Engage Birmingham regarding the project had been largely positive.



**Planning Board Minutes**  
**August 25, 2021**

**F. Courtesy Review**

**1. Old Woodward Reconstruction Project, Phase 3 (Brown to Landon)**

CP Cowan introduced the item.

Haley Wolf of MKSK presented the item.

Ms. Wolf confirmed there would be bicycle racks installed at the bus stops.

Mr. Jeffares said the planned changes for the intersections would likely make it easier for drivers coming off Haines, Hazel, and Bowers to merge onto S. Old Woodward.

Mr. Williams, Mr. Boyle, Mr. Emerine and Chair Clein all recommended that the City consider implementing the more northern aspects of this plan while waiting on the more southern parts. They all noted that the master plan has a proposal for the southernmost part of S. Old Woodward that would require tearing up the current plans, if implemented, in a few years.

Mr. Williams specified he would not consider implementing any of the project south of Bowers at this time; Chair Clein said he would not recommend doing south of Haynes.

Ms. Wolf noted that many retailers in the area offer private parking for customers, and also noted that the team working on this was in ongoing conversations with the local businesses.

Ms. Whipple-Boyce said she liked the proposed changes, and noted that the currently low occupancy rates south of George would likely change if the RH development proceeds.

Mr. Boyle and Chair Clein said some attention should be given to mitigating the speed of drivers coming up S. Old Woodward heading north.

Chair Clein said he liked the plans overall.

Mr. Koseck said the plans would beautify the area and expressed some concern about the impact of the proposed loss of parking on nearby retailers.

Mr. Emerine agreed with Mr. Boyle and Ms. Whipple-Boyce. He also said that while parking is important, pedestrian safety is paramount, opining that the proposed crossings and bump-outs would be a needed improvement.

CCE Surhigh said the City was studying whether to include electric vehicle charging stations along this stretch of S. Old Woodward.

Mr. Share and Chair Clein both recommended that EV charging stations not be installed along S. Old Woodward. Mr. Share explained that the amount of charge that could be gained would be limited and that the parking turnover would be decreased if stations were installed there. Chair Clein noted that if EV charging stations were installed in the area being considered they would have to be removed for the proposed master plan changes.

Ms. Wolf confirmed that none of the sidewalks would be narrower than eight feet.

Chair Clein expressed comfort with the proposed parking space removals as long as Ms. Kroll and the City's Engineers study and approve of the likely traffic and parking impacts on the area and on the nearby residential neighborhoods.



## MEMORANDUM

Engineering Department

**DATE:** October 20, 2021

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

**FROM:** James J. Surhigh, Consulting City Engineer

**SUBJECT:** Unimproved Streets Policy Modifications –  
Process for City-Initiated Projects

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### INTRODUCTION:

On September 13, 2021, the City Commission conducted their second workshop to explore the key recommendations made by the Ad Hoc Unimproved Streets Study Committee in their final report to the City Commission, and hear the Staff's recommendations for moving forward with changes to the process for converting unimproved streets to improved status. The City Commission is being asked to modify the City's current ordinance associated with converting an unimproved street to an improved street by allowing the City to initiate such street improvements. The Engineering Department policy statement regarding the modified ordinance for improving unimproved streets and associated improvements is also attached for the Commission's information.

### BACKGROUND:

There are ninety (90) miles of existing roadway in the City of Birmingham. Approximately 30% (26 miles) of them are classified as "unimproved" streets. An unimproved road is a gravel road, with or without curbs, that has been maintained with chip or cape seal to provide a relatively smooth and dust-free driving surface. These unimproved streets exist due to the majority of neighborhoods in the City being subdivided and open for development prior to 1930. During this time local streets were built with gravel roads with no provision for storm drainage. Residents with unimproved roads often experience issues with flooding and deteriorating road surfaces as a more common occurrence than their neighbors with improved roads.

Today, unimproved streets may be converted to an improved street with construction of engineered pavement and drainage improvements only when a majority of residents on a residential block submit a petition to the City for such an improvement. In order, to convert a road from unimproved to improved, residents must pay a percentage of the total cost via special assessment.

The City Commission heard an increasing number of complaints from residents over the past several years concerning issues with drainage and the condition of the road surface on unimproved streets. In response, the Commission passed a resolution creating an Ad Hoc Unimproved Street Study Committee (AHUSC). The charge of the committee was to conduct a City-Wide study of unimproved streets and provide a recommendation outlining a long-term plan for improving these streets.

The AHUSC convened from June 2018 until December 2020, when it concluded its charge and presented a Final Report to the City Commission on December 21, 2020. The report provides details regarding the various topics related to the issue, and follows with actionable recommendations to modify the City's existing policy and procedures associated with converting an unimproved street to an improved street. The Committee unanimously believes that there are three key areas that should be the focus of their recommendations. These include the:

- 1) Initiation of the petition process by the City and not only by the citizens,
- 2) Selection of the road surface and design alternatives, and
- 3) Identification of funding sources that may allow the City to accelerate the conversion of unimproved roads.

On April 12, 2021, the City Commission held a workshop meeting to discuss these key recommendations, along with a fourth item related to planning for the street improvement projects. On April 26, 2021, the City Commission expressed support of making certain changes to the policies associated with converting unimproved streets to improved status, and gave direction to Staff to further develop the proposed changes.

On September 13, 2021, the City Commission held a second workshop meeting to discuss the recommendations made by the AHUSC, in conjunction with the Staff's recommendations for specific modifications to policies and ordinances that would move the City towards being more proactive with respect to converting unimproved streets to improved status. This report presents changes to the project initiation policy, and related ordinance modifications, for the City Commission to act upon.

With adoption of the proposed changes described herein, the City will be allowed to initiate a project on an unimproved street without waiting for a citizen-led petition effort. With the City-initiated process, an expression of interest survey will be distributed to affected property owners to ascertain the level of support for the proposed project during the preliminary planning stage, and before significant effort is expended by Staff and the City's consultants. At the conclusion of the preliminary planning stage, an interim project report will be presented to the City Commission to act upon and direct Staff to proceed with final design of the project. The existing process for a citizen-led petition effort to initiate a project will remain an option for property owners along unimproved streets.

#### LEGAL REVIEW:

This report, proposed ordinance, and resolutions contained herein have been reviewed by the City Attorney, and found to be in order.

#### FISCAL IMPACT:

There is no fiscal impact associated with the resolutions contained herein, as no changes are proposed to the existing policies related to assessment of costs for street improvements.



#### SUMMARY:

Staff recommends that the City Commission adopt modifications and additions to the ordinance language to allow the City to be proactive in identifying the need of street improvements and initiating such street improvements, and for the creation of Special Assessment Districts to defray the costs of these improvements. Further, to develop the petition process to allow for City-initiated projects and the use of a tool for an “expression of interest” in order to gauge the level of support from property owners in a particular project area before the City expends significant resources towards development of the design of a project, while retaining the ability of property owners to directly petition for a street improvement project.

#### ATTACHMENTS:

- Ordinance to Amend Part II of the City Code, Chapter 94, Sections 94-4 through 94-8 (“redline” version).
- Ordinance to Amend Part II of the City Code, Chapter 94, Sections 94-4 through 94-8 (final amended version).
- Existing policy statement for local road improvements.
- Proposed policy statement for local road improvements (“redline” version).
- Proposed policy statement for local road improvements (final amended version).

#### SUGGESTED COMMISSION ACTION:

Make a motion adopting the proposed Ordinance to amend the City Code, Part II, Chapter 94, Sec. 94-4. – Initiation of Improvement, Sec. 94-5. – Petitions, Sec. 94-6. City Engineer’s Report, Sec. 94-7. – Notice of Public Hearing and Sec. 94.8. – Determination of Necessity by Commission.

**AN ORDINANCE TO AMEND PART II OF THE CITY CODE, CHAPTER 94 – SPECIAL ASSESSMENTS: SEC. 94-4.-INITIATION OF IMPROVEMENT, SEC. 94-5. – PETITIONS, SEC. 94-6. CITY ENGINEER’S REPORT, SEC. 94-7. – NOTICE OF PUBLIC HEARING AND 94.8. – DETERMINATION OF NECESSITY BY COMMISSION**

THE CITY OF BIRMINGHAM ORDAINS:

The City Code, Part II, Chapter 94-4. – Initiation of Improvement, Sec. 94-5. – Petitions, Sec. 94-6. City Engineer’s Report, Sec. 94-7. – Notice of Public Hearing and Sec. 94.8. – Determination of Necessity by Commission, shall read as follows:

**Sec. Sec. 94-4. Initiation of ~~improvement~~Improvement by Commission.**

- (1) Proceedings for ~~the making of~~ public improvements within the city may be commenced by resolution of the city commission, on its own initiative, making the improvement and special assessment mandatory.
- (+2) ~~The commission, in~~ order to ascertain whether ~~50% or not a satisfactory number of~~ property owners to be assessed ~~for a special desire any particular~~ improvement, the City Commission may choose to direct staff to circulate an expression of interest form. Or, the Commission may to be made, may request and receive a petition presented by property owners. therefor, or may receive a petition voluntarily presented.
- (23) The commission shall carefully consider any petition or expression of interest forms received, but both petitions and expression of interest forms shall be advisory only, ~~and shall not be jurisdictional.~~ Petitions or expression of interest forms shall in no event be mandatory upon the commission.

(Ord. No. 1637, 3-24-97)

**Sec. 94-5. ~~Petitions.~~Property owners may petition for an improvement.**

- (a) All property owners initiating petitions shall be circulated and signed on ~~blank~~ forms furnished by the city engineer. Such petitions shall contain, in addition to the signature of the owner(s), a brief description of the property owned by the respective signers thereof, along with a description of the requested improvements and the requested improvement.
- (b) Petitions shall be verified by the affidavit(s) of the petition circulator(s) attesting that signatures on the petition are genuine and that the persons signing are owners of the described properties.
- (c) Petitions shall be filed with the city engineer.
- (d) All petitions shall be referred by the city engineer to the city manager and city clerk. The city manager-clerk shall ~~check-verify~~ the petitions and signatures to determinedetermining whether they conform to the foregoing requirements and shall report ~~his or her~~ the city clerk’s findings to the city engineer and city manager.

(Ord. No. 1637, 3-24-97; Ord. No. 1962, 4-21-08)

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#### **Sec. 94-6. City engineer's report.**

- (a) Before the commission shall decide on making any public improvements, whether initiated by commission or property owners through the petition process, the city engineer shall prepare and submit a preliminary report to the city commission which shall include a general description of the nature and scope of the project, a recommended approach to the project including coordination of other city projects and ~~finding~~ funding sources, preliminary estimates of cost, an estimate of the life of the improvement, a description of the proposed assessment district(s), and such other pertinent information as may enable the commission to determine the cost, scope, extent and necessity of the proposed improvement and whether any portion of the cost should be paid by the city at large. A copy of the city engineer's report shall also be filed with the city clerk for public examination.
- (b) Whenever any property interest is acquired by condemnation or otherwise for the purpose of any public improvement, the cost thereof and of the proceedings required to acquire such property interest may be added to the cost of such public improvement.

(Ord. No. 1637, 3-24-97)

#### **Sec. 94-7. Notice of public hearing.**

- (a) After the filing of the city engineer's report under section 94-6, above, a public hearing before the city commission on the advisability of proceeding to establish a special assessment district for the making of the public improvement shall be set, which hearing shall be held not less than ten days after notice thereof has been both published in a newspaper published or generally circulated in the city, and sent by first-class mail to all property owners in the proposed special assessment district as shown by the current property tax roll of the city. The notice shall include a statement that appearance and protest at the public hearing is required in order to appeal the special assessment to the Michigan Tax Tribunal, and that an owner or interested party, or his or her agent, may appear and protest in person or by letter, if received by the commission prior to the public hearing. The hearing required by this section may be held at any regular or special meeting of the commission.
- (b) At the public hearing on the proposed improvement, all persons interested shall be given an opportunity to be heard.

(Ord. No. 1637, 3-24-97)

#### **Sec. 94-8. Determination of necessity by commission.**

- (a) Following the hearing, the commission may determine whether it is necessary to continue to proceed, or to modify the scope of the public improvement, if necessary, in such a manner as it deems to be in the best interest of the city, provided that if the amount of work is increased or properties are added to the district, then another public hearing shall be held pursuant to notice as prescribed in section 94-7.
- (b) If the commission determines to continue to proceed with the improvement, the commission shall adopt a resolution:
  - (1) Determining the necessity of the improvement;

- (2) Approving the detailed plans and estimates of cost prepared by the city engineer;
- (3) Prescribing what portion of the cost of such improvement shall be paid by special assessment upon the property especially benefited, determining what benefits will be received by affected properties and what portion, if any, of the cost shall be paid by the City;
- (4) Delineating the boundaries of the special assessment district;
- (5) Determining the method or formula to be used in making the assessment; and
- (6) Directing the city manager to prepare a special assessment roll and present the same to the commission for confirmation (unless the special assessment roll was previously prepared).
- (c) The commission may modify the resolution to proceed that was adopted pursuant to subsection (b) at any time, but if any modification will increase the cost or scope of the improvement or add properties to the assessment district, a further public hearing shall be held and notice given as prescribed in section 94-7.

(Ord. No. 1637, 3-24-97; Ord. No. 1962, 4-21-08)

All other Sections of Chapter 94. – SPECIAL ASSESSMENTS, shall remain unaffected.

Ordained this \_\_\_\_ day of \_\_\_\_\_, 2021. Effective upon publication.

\_\_\_\_\_  
Pierre Boutros, Mayor

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

I, Alexandria D. Bingham, City Clerk of the City of Birmingham, do hereby certify that the foregoing ordinance was passed by the Commission of the City of Birmingham, Michigan at a regular meeting held \_\_\_\_\_, 2021 and that a summary was published \_\_\_\_\_, 2021.

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



**AN ORDINANCE TO AMEND PART II OF THE CITY CODE, CHAPTER 94 – SPECIAL ASSESSMENTS: SEC. 94-4.-INITIATION OF IMPROVEMENT, SEC. 94-5. – PETITIONS, SEC. 94-6. CITY ENGINEER’S REPORT, SEC. 94-7. – NOTICE OF PUBLIC HEARING AND 94.8. – DETERMINATION OF NECESSITY BY COMMISSION**

THE CITY OF BIRMINGHAM ORDAINS:

The City Code, Part II, Chapter 94-4. – Initiation of Improvement, Sec. 94-5. – Petitions, Sec. 94-6. City Engineer’s Report, Sec. 94-7. – Notice of Public Hearing and Sec. 94.8. – Determination of Necessity by Commission, shall read as follows:

**Sec. Sec. 94-4. Initiation of Improvement by Commission.**

- (1) Proceedings for making public improvements within the city may be commenced by resolution of the city commission, on its own initiative, making the improvement and special assessment mandatory.
- (2) In order to ascertain whether 50% of property owners to be assessed for a special improvement, the City Commission may choose to direct staff to circulate an expression of interest form. Or, the Commission may receive a petition presented by property owners.
- (3) The commission shall carefully consider any petition or expression of interest forms received, but both petitions and expression of interest forms shall be advisory only. Petitions or expression of interest forms shall in no event be mandatory upon the commission.

(Ord. No. 1637, 3-24-97)

**Sec. 94-5. Property owners may petition for an improvement.**

- (a) All property owners initiating petitions shall be circulated and signed on forms furnished by the city engineer. Such petitions shall contain, in addition to the signature of the owner(s), a brief description of the property owned by the respective signers thereof, along with a description of the requested improvements.
- (b) Petitions shall be verified by the affidavit(s) of the petition circulator(s) attesting that signatures on the petition are genuine and that the persons signing are owners of the described properties.
- (c) Petitions shall be filed with the city engineer.
- (d) All petitions shall be referred by the city engineer to the city manager and city clerk. The city clerk shall verify the petitions and signatures determining whether they conform to the foregoing requirements and shall report-the city clerk’s findings to the city engineer and city manager.

(Ord. No. 1637, 3-24-97; Ord. No. 1962, 4-21-08)

**Sec. 94-6. City engineer's report.**

- (a) Before the commission shall decide on making any public improvements, whether initiated by commission or property owners through the petition process, the city engineer shall prepare and submit a preliminary report to the city commission which shall include a general description of the nature and scope of the project, a recommended approach to the project including coordination of other city projects and funding sources, preliminary estimates of cost, an estimate of the life of the improvement, a description of the proposed assessment district(s), and such other pertinent information as may enable the commission to determine the cost, scope, extent and necessity of the proposed improvement and whether any portion of the cost should be paid by the city at large. A copy of the city engineer's report shall also be filed with the city clerk for public examination.
- (b) Whenever any property interest is acquired by condemnation or otherwise for the purpose of any public improvement, the cost thereof and of the proceedings required to acquire such property interest may be added to the cost of such public improvement.

(Ord. No. 1637, 3-24-97)

**Sec. 94-7. Notice of public hearing.**

- (a) After the filing of the city engineer's report under section 94-6, above, a public hearing before the city commission on the advisability of proceeding to establish a special assessment district for the making of the public improvement shall be set, which hearing shall be held not less than ten days after notice thereof has been both published in a newspaper published or generally circulated in the city, and sent by first-class mail to all property owners in the proposed special assessment district as shown by the current property tax roll of the city. The notice shall include a statement that appearance and protest at the public hearing is required in order to appeal the special assessment to the Michigan Tax Tribunal, and that an owner or interested party, or his or her agent, may appear and protest in person or by letter, if received by the commission prior to the public hearing. The hearing required by this section may be held at any regular or special meeting of the commission.
- (b) At the public hearing on the proposed improvement, all persons interested shall be given an opportunity to be heard.

(Ord. No. 1637, 3-24-97)

**Sec. 94-8. Determination of necessity by commission.**

- (a) Following the hearing, the commission may determine whether it is necessary to continue to proceed, or to modify the scope of the public improvement, if necessary, in such a manner as it deems to be in the best interest of the city, provided that if the amount of work is increased or properties are added to the district, then another public hearing shall be held pursuant to notice as prescribed in section 94-7.
- (b) If the commission determines to continue to proceed with the improvement, the commission shall adopt a resolution:
  - (1) Determining the necessity of the improvement;

- (2) Approving the detailed plans and estimates of cost prepared by the city engineer;
  - (3) Prescribing what portion of the cost of such improvement shall be paid by special assessment upon the property especially benefited, determining what benefits will be received by affected properties and what portion, if any, of the cost shall be paid by the City;
  - (4) Delineating the boundaries of the special assessment district;
  - (5) Determining the method or formula to be used in making the assessment; and
  - (6) Directing the city manager to prepare a special assessment roll and present the same to the commission for confirmation (unless the special assessment roll was previously prepared).
- (c) The commission may modify the resolution to proceed that was adopted pursuant to subsection (b) at any time, but if any modification will increase the cost or scope of the improvement or add properties to the assessment district, a further public hearing shall be held and notice given as prescribed in section 94-7.

(Ord. No. 1637, 3-24-97; Ord. No. 1962, 4-21-08)

All other Sections of Chapter 94. – SPECIAL ASSESSMENTS, shall remain unaffected.

Ordained this \_\_\_\_\_ day of \_\_\_\_\_, 2021. Effective upon publication.

\_\_\_\_\_  
Pierre Boutros, Mayor

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

I, Alexandria D. Bingham, City Clerk of the City of Birmingham, do hereby certify that the foregoing ordinance was passed by the Commission of the City of Birmingham, Michigan at a regular meeting held \_\_\_\_\_, 2021 and that a summary was published \_\_\_\_\_, 2021.

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



## **ENGINEERING DEPT. POLICY STATEMENT**

### **PROCEDURE TO REQUEST CITY STREET PAVEMENT IMPROVEMENTS (Current 2021 Version on City Website)**

#### **LOCAL ROAD PAVEMENT IMPROVEMENTS**

Most of the subdivisions built in Birmingham were complete and in place prior to the Great Depression. The expectations of a public street were different in that era. Cities and villages accepted gravel streets with little provision for drainage.

Subdivisions built today are required to provide public roads with an engineered pavement built to last anywhere from 20 to 40 years. Handling storm drainage is an important part of the design. The cost of the pavement and storm sewer system is paid for by the developer, and that cost is then passed on to the first homeowners who purchase a home or property within the development. After the new street is installed and approved to their standards, the local City then takes over ownership of the pavement, and promises to maintain it into the future.

Birmingham, like other cities built by the 1920's, accepted gravel roads without storm sewer systems to serve as their local streets. By the end of World War II, the public's expectations about what a public road should look like, and how it should function, was changing. Many cities took on ambitious construction programs, funded by bonds, and paid back through special assessments to the adjoining, benefitting properties. Birmingham took a more passive approach, electing to chip seal its gravel roads beginning in the late 1940's. The chip seal helped solve many of the problems of a gravel road, but did not resolve the more complex issues of drainage.

#### Road Improvement Petitioning Process

Most streets in Birmingham have been financed through the creation of a Special Assessment District. The district was authorized by the City Commission because a petition was submitted indicating that over half of the owners on the street were in favor of having their street paved, and that they were prepared to be charged for a portion of the cost. If your property is located on an unimproved road (one surfaced with a temporary cape seal surface consisting of asphalt emulsion and stone chips), then the property has never been included in a special assessment to cover the cost of such an improvement.

Residents interested in having their streets paved are encouraged to call the Engineering Dept. at 248-530-1850, to get the process started. Usually, one or two residents take charge of the process. A petition with the appropriate language is prepared by the



Engineering Dept., and forwarded to the petition circulator. They are then responsible for talking to their neighbors, and collecting signatures on the petition, documenting those that initially support the proposal.

Every street is unique. That is why we ask that petition circulators discuss the specifics with the Engineering Dept. prior to collecting signatures. Generally speaking, a new street will include the following features:

1. New concrete pavement with integral curbs to control drainage, built at 26 ft. wide between the face of the curbs. The 26 ft. width provides just enough room for a car to pass through, if other cars are parked on both sides.
2. The City will review the current conditions of the sewer and water systems. Unimproved streets often need some or all of these systems replaced. The cost of these improvements would be charged to the City's Sewer and Water Funds, and would not be included in the special assessment.
3. In addition to the mains, the City also looks at the age and size of each home's individual water and sewer laterals serving their homes. These pipelines are considered a part of the private system serving each property. If the pavement is being replaced, and these pipes are either too old or too small, they will also be replaced as a part of the project. These costs are charged to the benefitting property, in a separate special assessment.
4. Each driveway approach is removed and replaced to meet the current driveways operating on the street. The size of the approach is measured and billed to the benefitting property. Trees and sidewalks are left in place as much as possible. The grass lawn area between the sidewalk and the new street is removed and regraded to help ensure that the new sidewalk drains correctly. The new lawn area is sodded for quick, high quality restoration. Individual parking areas that may have been built along the edge of the road are removed, and not replaced. The new street is wide enough to support parked cars in most cases.

If a petition is submitted showing over 50% are in favor, the Engineering Dept. will prepare an informational booklet detailing the project being considered, and the costs involved. It is mailed to all owners in the potential district, and a neighborhood meeting is conducted for those that would like to discuss and learn more about what is being considered.

If over 50% remain in favor of the project after this process, it will be moved forward to the City Commission for a public hearing, and possibly authorization. If the project is authorized, it will be designed and built by the City as soon as funding and construction schedules permit.





### Special Assessment Costs

Since costs change over time, you are encouraged to contact the Engineering Dept. for current numbers. Property owners can expect to be charged based on the following general schedule:

- Paving Assessment – Charged based on a unit rate times the footage of your property facing the street being improved. The unit rate is based on all paving related costs incurred to complete the project, minus 15% paid for by the City. If the property is on a corner, and the long side is being improved, the owner will be charged 33% of the unit rate, while the other 67% is paid for by the City.
- Driveway – Each property that has a driveway or driveways needing approaches to the new street will be charged by the square foot that the contractor charged the City to install them.
- Sewer lateral replacement – Each home served by a sewer lateral that is over 50 years old will have a new PVC pipe installed to replace the existing one. Sewer laterals built under such projects are usually at least half off the cost of getting this work done on an individual basis, reducing the chance that the new pavement will not be damaged by utility cuts in the future.
- Water lateral replacement – Many homes have ¾” dia. pipes serving their homes, some of which are lead. Such pipelines no longer meet current standards. If the home is significantly improved or replaced in the future, the pipeline would have to be replaced at that time, resulting in damage to the new pavement. The cost of this work is generally significantly less if done in conjunction with a City project.

Special assessments can be paid off when due, or paid over a 10 year period, with interest charged on the remaining balance at 1% above the prime rate.



## ENGINEERING DEPT. POLICY STATEMENT

### PROCEDURE FOR CITY STREET IMPROVEMENTS (proposed 2021 version)

Most of the subdivisions built in Birmingham were complete and in place prior to the Great Depression. The expectations of a public street were different in that era. Cities and villages accepted gravel streets with little provision for drainage.

Subdivisions built today are required to provide public roads with an engineered pavement built to last anywhere from 20 to 40 years. Handling storm drainage is an important part of the design. The cost of the pavement and storm sewer system is paid for by the developer, and that cost is then passed on to the first homeowners who purchase a home or property within the development. After the new street is installed and approved to their standards, the local City then takes over ownership of the pavement, and promises to maintain it into the future.

Birmingham, like other cities built by the 1920's, accepted gravel roads without storm sewer systems to serve as their local streets. By the end of World War II, the public's expectations about what a public road should look like, and how it should function, was changing. Many cities took on ambitious construction programs, funded by bonds, and paid back through special assessments to the adjoining, benefitting properties. Birmingham took a more passive approach, electing to chip seal its gravel roads beginning in the late 1940's. The chip seal helped solve many of the problems of a gravel road, but did not resolve the more complex issues of drainage.

### ROAD IMPROVEMENT OPTIONS

#### A. Citizen-Initiated Project:

Street improvement projects in Birmingham have historically been financed through the creation of a Special Assessment District (SAD). The district was authorized by the City Commission after consideration of a petition that was submitted indicating that over half of the property owners on the street were in favor of having their street paved, and that they were prepared to be charged for a portion of the cost. If your property is located on an unimproved road (one surfaced with a temporary cape seal surface consisting of asphalt emulsion and stone chips), then the property has never been included in a special assessment district to cover the cost of constructing a fully-improved road.

Residents interested in having their streets paved are encouraged to call the Engineering Dept. at 248-530-1850, to get the process started. Usually, one or two residents take charge of the process. A petition with the appropriate language is prepared by the Engineering Department., and forwarded to the petition circulator. They are then



responsible for talking to their neighbors, and collecting signatures on the petition, documenting those that initially support the proposal.

Every street is unique. That is why we ask that petition circulators discuss the specifics with the Engineering Dept. prior to collecting signatures. Generally speaking, a new street will include the following features:

1. New concrete pavement with integral curbs to control drainage, built at 26 ft. wide between the face of the curbs. The 26 ft. width provides just enough room for a car to pass through, if other cars are parked on both sides. **An asphalt pavement section, designed to provide an equivalent performing pavement as compared to concrete, along with concrete curb and gutter, may be considered as an alternate pavement design on a case-by-case basis.**
2. The City will review the current conditions of the sewer and water systems **in the public right-of-way, referred to as "mains"**. Unimproved streets often need some or all of these systems replaced. The cost of these improvements would be charged to the City's Sewer and Water Funds, and would not be included in the special assessment.
3. In addition to the mains, the City also looks at the age and size of each home's individual water and sewer laterals serving their homes. These pipelines are considered a part of the private system serving each property. If the pavement is being replaced, and these pipes are either too old or too small, they will also be replaced as a part of the project. These costs are charged to the benefitting property in a separate special assessment **from that established for the road paving.**
4. Each driveway approach is removed and replaced to meet the current **standards for** driveways operating on the street. The size of the approach is measured and billed to the benefitting property **through the road paving special assessment.** Trees and sidewalks are left in place as much as possible. The grass lawn area between the sidewalk and the new street is removed and regraded to help ensure that the new sidewalk drains correctly. The new lawn area is sodded for quick, high quality restoration. Individual parking areas that may have been built along the edge of the road are removed, and not replaced. The new street is wide enough to support parked cars in most cases.

If a petition is submitted showing over 50% are in favor **of the road improvement**, the Engineering **Department** will prepare an informational booklet detailing the project being considered, and **an estimate of the** costs involved. It is mailed to all owners in the potential district, and a neighborhood meeting is conducted for those that would like to discuss and learn more about what is being considered.



If over 50% remain in favor of the project after this process, it will be moved forward to the City Commission for a public hearing, and possibly authorization. If the project is authorized, it will be designed and built by the City as soon as funding and construction schedules permit.

**B. City-Initiated Project:**

From time to time, the City Engineering Department may determine that construction of a project on an unimproved street should be initiated by the City. The main factors for making this determination would be where public sewer and/or water system improvements are needed, and construction of those utilities would necessitate removal of a portion of the existing roadway. Instead of simply restoring the cape-seal road surface after the utility construction, the City may start the process by engaging the property owners on the street about constructing an improved road. The City-initiated process would include the following steps:

1. The Engineering Department will identify project areas as part of the usual Capital Improvement Planning (CIP) process, where projects are planned over the upcoming 5 year time period. Occasionally, the need for a project is more unexpected by nature, and may not be part of the 5-year CIP.
2. Before starting the detailed design phase of a project on an unimproved street, the Engineering Department may engage the property owners that are in the project area to survey their opinions on the project by sending them an Expression of Interest form. Information and questions on the Expression of Interest form could include:
  - a. Project description and explanation of the purpose of the project (improvements to sewer or water system, or other reason) – including anticipated street width, pavement material, construction period, and estimated SAD cost ranges.
  - b. Ask if they are supportive of the project to improve the sewer and/or water system along the street.
  - c. Ask if they are supportive of constructing an improved street upon completion of the underground utility work.
  - d. Ask their opinion if the finished road surface paving material should be concrete or asphalt.

This preliminary Expression of Interest Survey will be communicated to the affected property owners by mail, and email if that has been provided to the City. General communications can be posted on the City's website and social media



outlets to inform the public in general that design of the project will be starting, and if you are one of the affected properties, to look for the survey. The survey would be open for a minimum of 30 days.

3. Begin preliminary design of the project: performing topographic survey; reviewing sewer and water system needs; preparing preliminary plans; and refining cost estimates.
4. Prepare an informational booklet for the project, as described in the Citizen-Initiated Project process section of this procedure document. The information booklet will be mailed to all property owners in the potential SAD, and a neighborhood meeting will be conducted for those that would like to discuss and learn more about what is being considered.
5. Prepare an Interim Report for City-Initiated Unimproved Street Project and present to the City Commission. Interim report would include: Expression of Interest survey results; feedback from public information meeting; cost estimate update including SAD component; and suggested resolution to proceed with final design of the project.
6. Set public hearing dates for road paving SAD and sewer & water lateral replacement SAD; hold public hearings of necessity; and hold public hearings confirming the assessment rolls.
7. Complete project design, and issue bid documents (with alternate paving design if warranted).
8. Present project to City Commission for award of construction contract, and decision on alternates (if any).

With City-initiated projects, the Special Assessment District process and development of costs to be assessed is exactly the same as that followed for petition-initiated projects.

### **SPECIAL ASSESSMENT COSTS**

Since costs **for constructing road improvement projects** change over time, you are encouraged to contact the Engineering Dept. for current **estimated costs**. Property owners can expect to be charged based on the following general schedule:

- **Paving Assessment** – Charged based on a unit rate times the footage of your property facing the street being improved. The unit rate is based on all paving related costs incurred to complete the project, minus 15% paid for by the City. If the property is on a corner, and the long side is being improved, the owner will be charged 33% of the unit rate, while the other 67% is paid for by the City.





- **Driveway Assessment** – Each property that has a driveway or driveways needing approaches to the new street will be charged by the square foot that the contractor charged the City to install them. **The driveway assessment cost will be added to the paving assessment for each benefitting property in the district.**
- **Sewer Lateral Replacement Assessment** – Each home served by a sewer lateral that is over 50 years old, **or constructed with materials or pipe size not meeting current City standards,** will have a new **6”** PVC pipe installed to replace the existing one. Sewer laterals built with the **road improvement** projects are usually at least half off the cost of getting this work done on an individual basis, **and reduces** the chance that the new pavement will **need to** be damaged by utility cuts in the future.
- **Water Lateral Replacement Assessment** – Each home having a  $\frac{3}{4}$ ” dia. pipe, **or any size that is constructed with materials not meeting current City standards, will have a new 1” dia. pipe installed to replace the existing one (or larger size to match existing).** If the home is significantly improved or replaced in the future, the **water lateral** would have to be replaced at that time, resulting in damage to the new pavement. The cost of this work is generally significantly less if done in conjunction with the **road improvement** project **as compared to undertaking the water lateral replacement separately.**

Special assessments for **Paving Assessments**, as well as **Sewer and Water Lateral Replacement Assessments**, can be paid off when due, or paid over a **period of time (typically 10 years)**, with interest charged on the remaining balance, **as determined by the City Commission at the special assessment hearing.**



## **ENGINEERING DEPT. POLICY STATEMENT**

### **PROCEDURE FOR CITY STREET IMPROVEMENTS (proposed 2021 version)**

Most of the subdivisions built in Birmingham were complete and in place prior to the Great Depression. The expectations of a public street were different in that era. Cities and villages accepted gravel streets with little provision for drainage.

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### **ROAD IMPROVEMENT OPTIONS**

#### **A. Citizen-Initiated Project:**

Street improvement projects in Birmingham have historically been financed through the creation of a Special Assessment District (SAD). The district was authorized by the City Commission after consideration of a petition that was submitted indicating that over half of the property owners on the street were in favor of having their street paved, and that they were prepared to be charged for a portion of the cost. If your property is located on an unimproved road (one surfaced with a temporary cape seal surface consisting of asphalt emulsion and stone chips), then the property has never been included in a special assessment district to cover the cost of constructing a fully-improved road.

Residents interested in having their streets paved are encouraged to call the Engineering Dept. at 248-530-1850, to get the process started. Usually, one or two residents take charge of the process. A petition with the appropriate language is prepared by the Engineering Department., and forwarded to the petition circulator. They are then



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2. The City will review the current conditions of the sewer and water systems in the public right-of-way, referred to as “mains”. Unimproved streets often need some or all of these systems replaced. The cost of these improvements would be charged to the City’s Sewer and Water Funds, and would not be included in the special assessment.
3. In addition to the mains, the City also looks at the age and size of each home’s individual water and sewer laterals serving their homes. These pipelines are considered a part of the private system serving each property. If the pavement is being replaced, and these pipes are either too old or too small, they will also be replaced as a part of the project. These costs are charged to the benefitting property in a separate special assessment from that established for the road paving.
4. Each driveway approach is removed and replaced to meet the current standards for driveways operating on the street. The size of the approach is measured and billed to the benefitting property through the road paving special assessment. Trees and sidewalks are left in place as much as possible. The grass lawn area between the sidewalk and the new street is removed and regraded to help ensure that the new sidewalk drains correctly. The new lawn area is sodded for quick, high quality restoration. Individual parking areas that may have been built along the edge of the road are removed, and not replaced. The new street is wide enough to support parked cars in most cases.

If a petition is submitted showing over 50% are in favor of the road improvement, the Engineering Department will prepare an informational booklet detailing the project being considered, and an estimate of the costs involved. It is mailed to all owners in the potential district, and a neighborhood meeting is conducted for those that would like to discuss and learn more about what is being considered.



If over 50% remain in favor of the project after this process, it will be moved forward to the City Commission for a public hearing, and possibly authorization. If the project is authorized, it will be designed and built by the City as soon as funding and construction schedules permit.

**B. City-Initiated Project:**

From time to time, the City Engineering Department may determine that construction of a project on an unimproved street should be initiated by the City. The main factors for making this determination would be where public sewer and/or water system improvements are needed, and construction of those utilities would necessitate removal of a portion of the existing roadway. Instead of simply restoring the cape-seal road surface after the utility construction, the City may start the process by engaging the property owners on the street about constructing an improved road. The City-initiated process would include the following steps:

1. The Engineering Department will identify project areas as part of the usual Capital Improvement Planning (CIP) process, where projects are planned over the upcoming 5 year time period. Occasionally, the need for a project is more unexpected by nature, and may not be part of the 5-year CIP.
2. Before starting the detailed design phase of a project on an unimproved street, the Engineering Department may engage the property owners that are in the project area to survey their opinions on the project by sending them an Expression of Interest form. Information and questions on the Expression of Interest form could include:
  - a. Project description and explanation of the purpose of the project (improvements to sewer or water system, or other reason) – including anticipated street width, pavement material, construction period, and estimated SAD cost ranges.
  - b. Ask if they are supportive of the project to improve the sewer and/or water system along the street.
  - c. Ask if they are supportive of constructing an improved street upon completion of the underground utility work.
  - d. Ask their opinion if the finished road surface paving material should be concrete or asphalt.

This preliminary Expression of Interest Survey will be communicated to the affected property owners by mail, and email if that has been provided to the City. General communications can be posted on the City's website and social media



outlets to inform the public in general that design of the project will be starting, and if you are one of the affected properties, to look for the survey. The survey would be open for a minimum of 30 days.

3. Begin preliminary design of the project: performing topographic survey; reviewing sewer and water system needs; preparing preliminary plans; and refining cost estimates.
4. Prepare an informational booklet for the project, as described in the Citizen-Initiated Project process section of this procedure document. The information booklet will be mailed to all property owners in the potential SAD, and a neighborhood meeting will be conducted for those that would like to discuss and learn more about what is being considered.
5. Prepare an Interim Report for City-Initiated Unimproved Street Project and present to the City Commission. Interim report would include: Expression of Interest survey results; feedback from public information meeting; cost estimate update including SAD component; and suggested resolution to proceed with final design of the project.
6. Set public hearing dates for road paving SAD and sewer & water lateral replacement SAD; hold public hearings of necessity; and hold public hearings confirming the assessment rolls.
7. Complete project design, and issue bid documents (with alternate paving design if warranted).
8. Present project to City Commission for award of construction contract, and decision on alternates (if any).

With City-initiated projects, the Special Assessment District process and development of costs to be assessed is exactly the same as that followed for petition-initiated projects.

### **SPECIAL ASSESSMENT COSTS**

Since costs for constructing road improvement projects change over time, you are encouraged to contact the Engineering Dept. for current estimated costs. Property owners can expect to be charged based on the following general schedule:

- **Paving Assessment** – Charged based on a unit rate times the footage of your property facing the street being improved. The unit rate is based on all paving related costs incurred to complete the project, minus 15% paid for by the City. If the property is on a corner, and the long side is being improved, the owner will be charged 33% of the unit rate, while the other 67% is paid for by the City.





- **Driveway Assessment** – Each property that has a driveway or driveways needing approaches to the new street will be charged by the square foot that the contractor charged the City to install them. The driveway assessment cost will be added to the paving assessment for each benefitting property in the district.
- **Sewer Lateral Replacement Assessment** – Each home served by a sewer lateral that is over 50 years old, or constructed with materials or pipe size not meeting current City standards, will have a new 6” PVC pipe installed to replace the existing one. Sewer laterals built with the road improvement projects are usually at least half off the cost of getting this work done on an individual basis, and reduces the chance that the new pavement will need to be damaged by utility cuts in the future.
- **Water Lateral Replacement Assessment** – Each home having a ¾” dia. pipe, or any size that is constructed with materials not meeting current City standards, will have a new 1” dia. pipe installed to replace the existing one (or larger size to match existing). If the home is significantly improved or replaced in the future, the water lateral would have to be replaced at that time, resulting in damage to the new pavement. The cost of this work is generally significantly less if done in conjunction with the road improvement project as compared to undertaking the water lateral replacement separately.

Special assessments for Paving Assessments, as well as Sewer and Water Lateral Replacement Assessments, can be paid off when due, or paid over a period of time (typically 10 years), with interest charged on the remaining balance, as determined by the City Commission at the special assessment hearing.

**DATE:** October 15, 2021

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

**FROM:** Mark Gerber, Finance Director

**SUBJECT:** Revised Credit Card Policy

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**INTRODUCTION:**

A revision to the current credit card policy is being requested in order to improve efficiency and to allow more departmental access to the City credit card. In addition, an increase in the total City credit card limit is being requested.

**BACKGROUND:**

In 1995, the State Legislature enacted legislation to authorize and regulate credit card transactions for local units of government. At that time, the City Commission in compliance with the state act, adopted a written policy for the use of a City credit card. The last revision to the credit card policy was approved by the City Commission on May 13, 2011 (attached). Since that policy adoption, purchasing trends have leaned towards more credit card use, particularly during the pandemic.

The current policy states that the City Manager and Assistant City Manager are the only individuals authorized to have a City credit card. Any department which wishes to use the City Manager/Assistant City Manager's credit card must fill out a form which describes the reason for the purchase, the dollar amount, and the department head signature. The City Manager/Assistant City Manager will review the request and either approve or deny it. The approved form is given to the Accounting Administrator in Finance who is responsible for coordinating the purchase with the requesting department.

There are many issues with the current process. First, this is a very inefficient and time-consuming process for the City Manager/Assistant City Manager and the Accounting Administrator. Second, it does not work well for travel related expenses as generally the credit card is not available to be presented at the hotel or restaurant at the time of check-in or purchase. Third, it does not allow for occasions when something needs to be purchased quickly such as for a special event after hours or when something needs to be "boosted" for social media.

Allowing more individuals to have access to a credit card would have the following benefits:

- reduce the amount of paperwork and time required to make a purchase,
- potentially consolidate other "purchasing cards" such as Home Depot and Kroger under this program and allow greater flexibility from where the City can make purchases,
- reduce the number of travel related issues when employees attend conferences,
- potentially increase the purchases that are subject to the annual rebate program back to the City,
- helps identify source of fraudulent charges.

State law requires that the policy contain provisions concerning the who will be responsible for the credit card program, what the card can be used for, the responsibilities of the card holder, and the penalties for violating the City's policies.

Because of the number of changes to existing policy and procedures, a redline version of the changes was not prepared. However, the major differences between the proposed credit card policy and the current policy are as follows:

1. Reorganizes all the state statute required policies in one section by reference;
2. Allows additional users as approved by the City Manager;
3. Establishes the Finance Director/Treasurer as the authorized employee in charge of the credit card program;
4. Authorizes the Finance Director/Treasurer to establish credit limits on credit card holders;
5. Revises the procedures related to the new policies.

Additionally, the current total credit card limit is \$15,000. With adding more credit card users to the account, it is requested that the total credit card limit be increased to \$25,000.

#### LEGAL REVIEW:

Legal has determined that the proposed policy is in compliance with state law.

#### FISCAL IMPACT:

Currently, the City's average monthly credit card bill is approximately \$5,000 likely due to the limitations placed on the current policy. It is anticipated that with more card access and less approval restrictions, the monthly bill will likely increase as users will use the card more frequently. While the increase in use of the card will increase the charges and therefore the credit card bill, it is expected that the City will save money from reduced staff time by the Finance Department, the City Manager, and the various departments for submitting, reviewing and processing each use of the credit card. In addition, the City will see increased revenue from the annual credit card rebate program.

#### PUBLIC COMMUNICATIONS:

None.

#### SUMMARY

Staff recommends that the revised policy be approved which will allow for additional credit card users. In addition, it is recommended to increase the City's total credit card limit from \$15,000 to \$25,000.

#### ATTACHMENTS:

- A. Proposed Credit Card Policy and Procedures
- B. Current Credit Card Policy and Procedures
- C. Public Act 266 of 1995

#### SUGGESTED COMMISSION ACTION:

Motion to adopt a resolution approving the proposed credit card policy and procedures and to increase the City's total credit card limit to \$25,000.

**Revised 10/25/2021**

**CITY OF BIRMINGHAM**

**CREDIT CARD POLICY AND PROCEDURES**

The City Commission, through adoption of resolution on October 25, 2021, revised the Credit Card Policies and Procedures permitting the use of City issued credit cards by authorized City personnel in compliance with Public Act 266 of 1995 (Michigan Compiled Laws 129.241 – 129.247).

**Policy**

1. The City Commission designates the Finance Director/Treasurer as the employee responsible for credit card issuance, accounting, monitoring, and retrieval and generally for overseeing compliance with the credit card policy. MCL 129.243 Sec. 3(a)
2. The City credit card may only be used by an employee of the City for purchases of goods or services for official City business. MCL 129.243 Sec. 3(b)
3. Any employee issued a City credit card must submit documentation to the Finance Department for any goods or services purchased including: a description of the goods or services purchased, the vendor name, the cost of the goods and services, the date of the purchase, and the official business for which purchased. MCL 129.243 Sec. 3(c)
4. Any employee issued a City credit card is responsible for its protection and custody and shall immediately notify the Finance Director/Treasurer if the credit card is lost or stolen. MCL 129.243 Sec. 3(d)
5. Any employee issued a City credit card shall return the credit card upon the termination of their employment with the City. MCL 129.243 Sec. 3(e)
6. The Finance Director/Treasurer shall be responsible for creating and maintaining a system of internal accounting controls to monitor the use of the credit cards issued by the City. MCL 129.243 Sec. 3(f)
7. Credit card invoices must be approved prior to payment. MCL 129.243 Sec. 3(g)
8. Credit card invoices must be paid within 60 days after the initial statement date. MCL 129.243 Sec. 3(h)
9. Unauthorized use of the City credit card by an employee shall result in disciplinary measures consistent with law. MCL 129.243 Sec. 3(i)
10. The City Commission shall approve the total City credit card limit by resolution which shall be no higher than 5% of the total budget of the City (as determined by State law) for the current fiscal year. MCL 129.244 Sec. 4(1)
11. The Finance Director/Treasurer will be responsible for determining credit limits for any employee issued a City credit card.
12. The credit card shall not be used for cash advances.

## **Procedures**

### **Requesting a Credit Card**

1. An employee who wishes to have a City credit card must complete a credit card request form which provides a brief justification for the credit card.
2. The City Manager will review the request form and will either approve or deny the request.
3. If approved, the City Manager will give the request form to the Finance Director/Treasurer or Assistant Finance Director who will process the request.
4. When the credit card arrives, the Finance Director/Treasurer or Assistant Finance Director will have the individual sign a form acknowledging receipt of the credit card as well as the City's Credit Card Policy and Procedures.
5. The acknowledgement forms will be forwarded to the Human Resources Department to be included in the employee's personnel file.

### **Using the Credit Card**

1. A card holder shall comply with the City's Credit Card Policy and Procedures and may use the City-issued credit card for any official City business including conferences, travel related expenses, memberships and dues, or other goods and services up to the card's credit limit. Purchases greater than the card holder's credit limit must be pre-approved by the City Manager.
2. Credit card transactions should be entered into the accounts payable program within 5 days following the end of the month in which it was used and the documentation of the transaction should be electronically attached to the accounts payable record. Failure to enter the transactions on a timely basis will result in the suspension of the credit card.
3. Card holders should review the activity on their card at least monthly to ensure no unauthorized transactions have occurred and that all transactions have been entered into the system.
4. If an unauthorized transaction is detected, the card holder is responsible for disputing the charge with the bank and notifying the Finance Director/Treasurer or Assistant Finance Director. Failure to promptly notify the bank and the Finance Director/Treasurer or Assistant Finance Director may result in the card holder reimbursing the City for the transaction.
5. Credit card information should never be saved on a computer or written down anywhere.
6. Allowing another employee to use the credit card is prohibited except in the case of an emergency, subject to prior approval from the City Manager or Assistant City Manager. The card holder is ultimately responsible for all transactions on their credit card.
7. If you experience issues using the credit card, please contact the Finance Department.
8. Failure to follow the City's Credit Card Policy and Procedures may result in disciplinary action up to and including termination and/or referral to the Police Department for investigation.



### **Termination of Employment/Return of the Credit Card**

1. Prior to leaving employment with the City or determining that the credit card is no longer needed, the card holder must ensure that all credit card transactions are entered into the accounts payable system and no other transactions are in process.
2. The card holder must return their credit card to the Finance Director/Treasurer or Assistant Finance Director.
3. The Finance Director/Treasurer or Assistant Finance Director will acknowledge receipt of the credit card on the original credit card request form and forward the completed form to the Human Resources Department.

### **Monitoring of the Credit Card Program**

1. The Finance Director/Treasurer is responsible for establishing reasonable internal controls over the City credit card program.
2. The Finance Director/Treasurer or Assistant Finance Director shall be responsible for activating and cancelling credit cards. If a credit card is returned by a card holder due to a termination of employment or is no longer interested in having a credit card, that credit card will be cancelled and destroyed.
3. If a fraudulent transaction is detected, the credit card will be cancelled and destroyed and a new credit card issued to the card holder.
4. At the beginning of each month, the Finance Department will reconcile the credit card statement with the transactions in the accounts payable system. The Finance Department will ensure that all documentation related to the credit card transactions are attached, accurate as to amount and account number charged, and are for official City business. If documentation is missing, then the Finance Department will contact the card holder to obtain the information.
5. In the event that a card holder does not supply documentation for a transaction within 10 days of the Finance Department's request for information, their card may be suspended from further use by the Finance Director/Treasurer or Assistant Finance Director.
6. If the credit card documentation shows transactions which may not be for official City business, then the Finance Director/Treasurer will forward this documentation to the Human Resources Department and/or Police Department for investigation and suspend the use of the credit card.

**CITY OF BIRMINGHAM  
CREDIT CARD POLICIES AND PROCEDURES**

**I. GUIDELINES FOR CARD USE**

**A. CARD USE**

A credit card will only be issued to the City Manager and Assistant City Manager. The City credit cards will have an authorized maximum spending limit not to exceed \$15,000. If authorization for an expenditure is denied when an attempt is made to use the credit card, the Finance Department should be contacted and given the date, dollar amount and approximate time of the attempted purchase, along with the merchant's name. The department will investigate the denial.

Purchases made via a City credit card must comply with the City's purchasing and expenditure policies. A credit card in no way changes such policies. It merely provides a method for making certain payments. Violations of the City's Credit Card Policies and Procedures may result in a hearing before the City Commission and/or revocation of use privileges. Anyone who has inappropriately used the credit card will be required to reimburse the City of Birmingham for all costs associated with such improper use.

**B. TRANSACTION PROCEDURE**

All credit card transactions can be performed in person, over the phone, or through the mail. Follow these City procedures for management approval and payment of the charges:

1. Complete a credit card transaction request form and submit it to the City Manager's office for approval/denial.
2. Submit the approved credit card transaction request form, with sufficient support documentation/information attached, to the Finance Department (accounts payable) to place the transaction. Finance will notify if further clarification or information is required.
3. Each month, Finance will match these request forms and support documentation with the charges that appear on the credit card statement, assigning account numbers for the respective charges as indicated on the signed transaction request forms.

**C. TAX EXEMPTION**

You must notify the vendor or merchant that your credit card transaction should be tax exempt if it is for goods or services purchased in the State of Michigan. The attached letter on City letterhead should be presented to the vendor if he or she requests documentation for tax and audit purposes. If paid in error, sales tax paid in the State of Michigan may not be reimbursed.

#### **D. ITEMS THAT CAN BE PURCHASED WITH THE CREDIT CARD**

The credit card may be used for any of the following City-related expenses:

1. Petroleum purchases
2. Commodities related to travel
3. Conference registration fees
4. Purchases of goods or services related to City business

The credit card may not be used for the following:

1. Personal use

#### **E. CREDIT CARD SECURITY**

1. Storage of the Credit Card

Keep the credit card in an accessible, but secure, location.

2. Credit Card Account Number

Guard the credit card number carefully. Do not post it or write it down.

3. Sharing (or use by someone other than the cardholder)

The only person entitled to use the credit card is the cardholder whose name appears on the face of the card or someone authorized by the City Manager.

4. Lost or Stolen Cards

If a City credit card is lost or stolen, the Finance Department is to be immediately notified. The Finance Department will notify the bank.

5. Personal Liability

The credit card will not impact the cardholder's personal credit reference. The City-issued credit card is a corporate liability card, not a personal liability card. (The person using the card does have a responsibility to use the credit card in a manner approved by the City, however.)

## CREDIT CARD POLICIES AND PROCEDURES

Page Three

### **II. INTERNAL CONTROL PROCEDURES**

#### **A. FINANCE DEPARTMENT RESPONSIBILITIES**

1. The Finance Department will make application to the bank for a City credit card, securing executed signature cards and interfacing with the bank to guarantee delivery of the credit card to the Finance Department. Upon receipt, the Finance Department will deliver the card to the City Manager or Assistant City Manager.
2. The Finance Department will also be responsible for cancellation of a credit card for the City Manager or Assistant City Manager no longer employed by the City. The Finance Department will collect the card upon termination of the City Manager or Assistant City Manager, destroy the card and deliver same to the bank with notification to cancel the account.
3. The Finance Department will reinstate expired cards and will monitor expiration dates as needed.
4. Upon receipt of the credit card statement, the Finance Department is responsible for reviewing the statement for accuracy. This will include reconciling original receipts to the statement transactions.
5. The reconciled statement will be reviewed and approved by the Finance Director or their designee.
6. The Finance Department will prepare the statements for payment on the next available bill listing. If necessary, checks will be issued prior to approval of the warrant list to avoid finance charges.
7. The Finance Department will be responsible for coordinating the waiving and/or reversing of any and all annual fees and/or finance charges.
8. The Finance Department must retain the approved credit card statements and accompanying receipts on file for seven years.

## **B. OFFICE OF THE CITY MANAGER RESPONSIBILITIES**

1. The City Manager is responsible for ensuring activity and account information are noted on the credit card statement for each line of entry. The City Manager will sign the statement for approval of payment. This approval will attest to the appropriateness of the expenditures (i.e., that they are in compliance with the City's policies and procedures).
2. The City Manager may authorize someone other than himself to use the credit card.

## **C. CARD USER RESPONSIBILITIES**

1. Ensure that the credit card is used in compliance with the City's purchasing and expenditure policies.
2. The credit card may be used by the City Manager or someone authorized by him.
3. Retain all sales slips/register receipts. These receipts must be submitted to the Finance Department to reconcile against the monthly credit card statement. City procedures for management approval and payment of charges must be followed.
4. If the credit card transaction has been made over the phone or by mail, submit a confirming copy of the requisition identifying the date and purpose of the transaction to the City Manager for approval and signature.
5. Ensure that the credit card program procedures defined by the City of Birmingham's Credit Card Policies and Procedures are met.
6. Report lost or stolen cards to the Finance Department immediately.



## CREDIT CARD TRANSACTIONS Act 266 of 1995

AN ACT to authorize and regulate credit card transactions involving local units of government, including the use of credit cards by officers and employees of local units of government; and to provide for powers and duties of certain state and local agencies, officers, and employees.

**History:** 1995, Act 266, Eff. July 8, 1996.

*The People of the State of Michigan enact:*

### 129.241 Definitions.

Sec. 1. As used in this act:

(a) "Budget" means a plan of financial operation for a given period of time, including an estimate of all proposed expenditures from the funds of a local unit and the proposed means of financing the expenditures. As used in section 4(1), budget does not include any of the following:

(i) A fund for which the local unit acts as a trustee or agent.

(ii) An intragovernmental service fund.

(iii) An enterprise fund.

(iv) A public improvement or building and site fund.

(v) A special assessment fund.

(b) "Credit card" means a card or device issued under a credit card arrangement by a person licensed under 1984 PA 379, MCL 493.101 to 493.114, by a person licensed under the consumer financial services act, 1988 PA 161, MCL 487.2051 to 487.2072, or by a depository financial institution as defined in section 1a of the mortgage brokers, lenders, and servicers licensing act, 1987 PA 173, MCL 445.1651a.

(c) "Credit card arrangement" means an unsecured extension of credit for purchasing goods or services from the credit card issuer or any other person that is made to the holder of a credit card and that is accessed with a credit card.

(d) "Credit card policy" means a policy adopted by resolution of a local unit under section 3.

(e) "Governing body" means any of the following:

(i) The council, commission, or other entity vested with the legislative power of a village.

(ii) The council or other entity vested with the legislative power of a city.

(iii) The township board of a township.

(iv) The county board of commissioners of a county.

(v) The board of county road commissioners of a county.

(vi) The board of education of a local school district.

(vii) The board of education of an intermediate school district.

(viii) The board of trustees of a community college district.

(ix) The official body to which is granted general governing powers over an authority or organization of government established by law that may issue obligations under the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821, and that may expend funds of the authority or organization.

(x) A community mental health authority created under section 205 of the mental health code, 1974 PA 258, MCL 330.1205.

(f) "Local school district" means a school district organized under the revised school code, 1976 PA 451, MCL 380.1 to 380.1852, or a district governed by a special or local act.

(g) "Local unit" means any of the following:

(i) A village.

(ii) A city.

(iii) A township.

(iv) A county.

(v) A county road commission.

(vi) A local school district.

(vii) An intermediate school district.

(viii) A community college district.

(ix) An authority or organization of government established by law that may issue obligations under the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821, and that may expend funds of the authority or organization.

(x) A community mental health authority created under section 205 of the mental health code, 1974 PA 258, MCL 330.1205.

**History:** 1995, Act 266, Eff. July 8, 1996;—Am. 2000, Act 169, Imd. Eff. June 20, 2000;—Am. 2002, Act 257, Imd. Eff. May 1, 2002.

#### **129.242 Credit card arrangement; use of credit cards.**

Sec. 2. (1) Subject to sections 3 and 5, the governing body of a local unit may enter into a credit card arrangement.

(2) A credit card arrangement or the use of credit cards under this act is not subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821, or to provisions of law or charter concerning the issuance of debt by a local unit.

**History:** 1995, Act 266, Eff. July 8, 1996;—Am. 2002, Act 257, Imd. Eff. May 1, 2002.

#### **129.243 Adoption of resolution; written policy; provisions.**

Sec. 3. A local unit shall not be a party to a credit card arrangement unless the governing body of the local unit has adopted by resolution a written policy that provides all of the following:

(a) That an officer or employee designated by the credit card policy is responsible for the local unit's credit card issuance, accounting, monitoring, and retrieval and generally for overseeing compliance with the credit card policy.

(b) That a credit card may be used only by an officer or employee of the local unit for the purchase of goods or services for the official business of the local unit. In addition, the credit card policy may limit the specific official business for which credit cards may be used. This subdivision does not limit the applicability of chapter XXIVA or section 174, 175, 219a, or 490a of the Michigan penal code, Act No. 328 of the Public Acts of 1931, being sections 750.157m to 750.157w, 750.174, 750.175, 750.219a, and 750.490a of the Michigan Compiled Laws; section 1a of the code of criminal procedure, Act No. 175 of the Public Acts of 1927, being section 769.1a of the Michigan Compiled Laws; or any other law, or ordinance, applicable to use of a credit card, issued by a local unit, for other than official business of the local unit.

(c) That an officer or employee using credit cards issued by the local unit shall submit to the local unit documentation described in the credit card policy detailing the goods or services purchased, the cost of the goods or services, the date of the purchase, and the official business for which purchased.

(d) That an officer or employee issued a credit card is responsible for its protection and custody and shall immediately notify the local unit if the credit card is lost or stolen.

(e) That an officer or employee issued a credit card shall return the credit card upon the termination of his or her employment or service in office with the local unit.

(f) For a system of internal accounting controls to monitor the use of credit cards issued by the local unit.

(g) For the approval of credit card invoices before payment.

(h) That the balance including interest due on an extension of credit under the credit card arrangement shall be paid for within not more than 60 days of the initial statement date. The local unit shall comply with this provision of the credit card policy.

(i) For disciplinary measures consistent with law for the unauthorized use of a credit card by an officer or employee of the local unit.

(j) Any other matters the governing body considers advisable.

**History:** 1995, Act 266, Eff. July 8, 1996.

#### **129.244 Total combined authorized credit limit; limitation; payment of balance, annual fee, and interest.**

Sec. 4. (1) The total combined authorized credit limit of all credit cards issued by a local unit shall not exceed 5% of the total budget of the local unit for the current fiscal year.

(2) The governing body of a local unit may include in its budget and pay the balance due on any credit cards, including the annual fee and interest.

**History:** 1995, Act 266, Eff. July 8, 1996.

#### **129.245 Limiting or suspending authority to issue and use credit cards; issuance of order; hearing.**

Sec. 5. After a hearing conducted under the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws, the department of treasury may issue an order limiting or suspending the authority of a local unit to issue and use credit cards under this act for failure to comply with the requirements of this act or with the requirements of the local unit's credit card policy.

**History:** 1995, Act 266, Eff. July 8, 1996.

**129.246 Validity of credit card arrangement before effective date of act.**

Sec. 6. A credit card arrangement entered into by a local unit before the effective date of this act is valid but may not be used for credit card transactions on or after the effective date of this act unless the requirements of sections 3 and 4 are complied with.

**History:** 1995, Act 266, Eff. July 8, 1996.

**129.247 Effective date.**

Sec. 7. This act shall take effect 6 months after the date of its enactment.

**History:** 1995, Act 266, Eff. July 8, 1996.



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

At the regular meeting of Monday, November 22, 2021, the Birmingham City Commission intends to appoint two (2) regular members to serve three-year terms to expire December 31, 2024, and one (1) regular member to serve the remainder of a three-year term to expire December 21, 2023. Applicants must be property owners and electors of the City of Birmingham.

The Board of Review, consisting of two panels of three local citizens who must be property owners and electors, is appointed by the City Commission for three-year terms. Although a general knowledge of the City is very helpful, more important are good judgment and the ability to listen carefully to all sides of an issue before making a decision. Approximately three weeks in March are scheduled for taxpayers to protest their assessments and one day each in July and December for correcting clerical errors and mutual mistakes of fact. Two training sessions in February are also required.

Interested citizens may submit an application available at the Clerk's office or online at [www.bhamgov.org/boardopportunities](http://www.bhamgov.org/boardopportunities). Applications must be submitted to the City Clerk's office on or before noon on Wednesday, November 17, 2021. These documents will appear in the public agenda for the regular meeting at which time the City Commission will interview applicants and may make nominations and vote on appointments.

Board members are paid \$110 per diem.

<b>Criteria/Qualifications of Open Position</b>	<b>Date Applications Due (by noon)</b>	<b>Date of Interview</b>
Members must be property owners and electors (registered voters) of the City of Birmingham.	11/17/2021	11/22/2021

*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.*



## **CITY MANAGER'S REPORT**

October 2021

### **Baldwin Public Library**

#### **Front Entrance and Circulation Area Project**

The Library Board's Building Committee continues to meet with Merritt Cieslak Design to plan the Phase 3: Front entrance and Circulation area project. Meeting minutes and the Outreach Initiatives report that details all community feedback received to date can be read online at <https://www.baldwinlib.org/renovation>.

#### **Library Policies**

The Library Board met on October 18 and voted to approve three Library policies, including updates to the Board Bylaws, the Library Group Study Room Policy, and the Library Displays Policy.

#### **Friends of the Baldwin Public Library**

The Friends of the Baldwin Public Library are now accepting donations of used books, DVDs, and CDs. Please limit your donation to two bags/boxes per week. The Friends Fall Used Book Sale will be held from November 6-8 in the Library's lower level.

#### **Strategic Plan**

Director Rebekah Craft and Associate Director Jaclyn Miller are working with the Board's Strategic Planning Committee to update the Library's strategic plan. As part of the process, a survey, which closed on October 15, has been distributed to library users and community members. Two virtual focus groups will be held in the first two weeks of November. Library staff are resuming outreach initiatives with visits to the BPS elementary classrooms as part of the First Grade, First Card program, participation in the YMCA Halloween Festival, and participation in the Beverly Hills Halloween Hoot.

### **The Birmingham Museum**

The park landscape at the Birmingham Museum is one of the most beautiful natural areas in the city, with a spring-fed pond, wildlife, and proximity to the Rouge Corridor trail. However, its topography poses challenges for those who need barrier-free access, and the Museum Board has developed a Landscape Master Plan to both preserve the site and provide greater public accessibility. This project would be integrated with future Rouge Trail improvements as well.



A key component of this barrier-free plan is a perpendicular accessible parking spot at Willits and barrier-free pathways to viewing areas along the northern and western areas of the museum property. The museum is working with the Engineering Department to review proposals for an engineering design to accomplish this objective and facilitate greater public access, and it is anticipated that a firm will be selected in the next few weeks to provide these services.

## **Birmingham Shopping District (BSD)**

### **Evereve Expansion**

The BSD is excited to announce that Evereve has successfully completed its expansion. The company moved from 128 S. Old Woodward to 138 S. Old Woodward and gained approximately 500 additional square feet. Evereve's former space at 128 S. Old Woodward has also been leased to a new business, which will be announced publicly in the near future.

### **State and Liberty**

We are excited to report that State and Liberty, a national retailer specializing in men's athletic fit clothing, has signed a lease for 141 W. Maple Road. They have already installed their sign on the building.

### **South Old Woodward Construction Preparation**

The BSD is working on programs and policies that will help support the businesses expected to be affected by construction on S. Old Woodward next year. This ranges from mass texting services to update business owners about rapidly changing events, to determining the value and potential impact of valet services, and other programs to highlight and promote business in the affected area.

### **2022 Birmingham Cruise Event Location**

The BSD is searching for a new temporary location for the Birmingham Cruise event next year. Staff should have recommendations for the BSD board by the November 4<sup>th</sup> BSD board meeting.

### **Holiday Planning**

The BSD is planning for the holiday season. This begins with the seasonal closing of the Farmers Market on Sunday, October 31<sup>st</sup>.

November 27<sup>th</sup> is Small Business Saturday. The BSD will be promoting this event to encourage shoppers to support small businesses in downtown Birmingham. That same day, Santa House will open. The event will begin with the Santa Walk, in which Santa will arrive downtown riding in a firetruck (thank you, Chief Wells) and then walk through the downtown, ending at Santa House in Shain Park. Businesses will be participating in this event, such as handing out hot chocolate and other promotions along the route.

Starting November 27<sup>th</sup> and continuing every Saturday and Sunday through Christmas Eve, carriage rides will be available in the downtown. Families will also be able to

participate in downtown scavenger hunts over these weekends to win Birmingham Bucks gift cards. The Tree Lighting will take place in Shain Park on December 3<sup>rd</sup>, during the Winter Markt event on December 3<sup>rd</sup>, 4<sup>th</sup>, and 5<sup>th</sup>.

## **Building Department**

### **Monthly Report**

The [Building Department's monthly report](#) provides an update on the following construction activity: building permits issued, building inspections conducted, trades permits issued and trades inspections conducted.

### **Banbury Road Damage Update**

During this construction season, four projects within close proximity to each other on Banbury Road caused damage to the road surface. Though builders are already required to repair any damage caused to streets, it was determined that the damage incurred on Banbury was excessive and will require a complete resurfacing of the road in front of these sites. The City's Cape Seal contractor estimated the resurfacing would cost \$18,000. The Building Department has invoiced each permit holder 25% (\$4,500) of the total resurfacing cost estimate, with the work projected to start in the spring. Two properties have paid their share and the other two have agreed to pay prior to receiving a Certificate of Occupancy. To ensure consistent, uniform building standard adherence in the future, the Building and Engineering Departments will be reviewing the current construction regulations and proposing revisions to the current City codes to better clarify development standards for City streets during construction projects.

### **Online Permit Applications**

In September, we processed 433 online permit applications, bringing our total to 3,185 online permits for 2021.

## **City Clerk's Office**

### **Recognition of Staff**

Thank you to the departments that loaned us staff to help with assembling more than 3,500 absentee ballots for our Sept. 24 initial bulk mailing! We could not have done it without every one of you:

- Teresa Klobucar - Finance
- Jamil Kim – IT and Communications
- Suzanne Pedigo - Community Development
- Heather Tolliver - Community Development
- Brigitte Moran - Community Development
- Mollie Mackinnon - Community Development
- Jessica Hoeck - Library
- Caitlin Donnelly - Museum

- Donna Casaceli - Museum

Another big thank you to John Galick and Dave Bianchette for assisting the clerk's office in delivering 12 trays full of ballots to the Birmingham Post Office.

## **Election News**

Since the Sept. 24 mailing, we have processed a steady stream of applications and ballots, bringing the totals to 4,065 applications received and ballots mailed to voters, and 584 voted ballots completed and returned by voters as of Friday, Oct. 8. All absentee ballots received by 4 pm on Nov. 1, the night before the election, will go to Oakland County for processing. The polls will be open from 7 am to 8 pm on election day, with precinct setup beginning at 6:00 am and tear down after the close of polls.

Election volunteer training started Oct. 6, with multiple sessions scheduled every Wednesday through the end of October for our 80-plus volunteers. We would like additional volunteers for substitute positions and to learn in preparation for the November 2022 elections. Interested candidates can fill out an application online or pick one up at the clerk's office.

**Interested in becoming an election inspector?** Please contact the clerk's office at 248-530-1880. If you'd like to be a part of democracy in action, please complete BOTH of the following forms:

[Election Inspector application](#)

[Training Date Selection and Placement Preferences](#)

A downloadable inspector application and additional details are available on the city's website [www.oaklandcounty.org/electionsinspectors](http://www.oaklandcounty.org/electionsinspectors).

## **Upcoming Special Events**

Veteran's Day annual wreath laying, Shain Park - Nov. 11  
 Santa House, Shain Park - Nov. 27  
 Menorah lighting, Shain Park - Nov. 28 (on Oct. 25 commission agenda)  
 Nativity display, Shain Park - 11/29 - 12/31

## **Greenwood Cemetery Advisory Board (GCAB)**

### Future Agenda Topics for GCAB

November 5, 2021 - Meeting has been cancelled  
 December 3, 2021 - Meeting in-person at City Hall  
 Proposed Meeting topics

- Continued discussion on updating the rules and regulations for Greenwood Cemetery
- Continued discussion on a policy for installing monuments in recognition of a person of historical significance

January 7, 2022 - Meeting in-person at City Hall

- Topics to be determined

### **Upcoming Board Appointments**

As terms expire notice will be given for existing members to reapply or for new applicants to apply to the following boards in October and November:

- Planning Board Alternates
- Multi Modal Board Alternates
- Birmingham Shopping District
- Triangle District Corridor Improvement Authority
- Board of Review

### **Board Vacancies**

The following boards have open positions that were noticed and have not yet been filled:

- Advisory Parking Committee
- Storm Water Utility Appeals Board
- Triangle District Corridor Improvement Authority

## **City Manager's Office**

### **Communications**

#### **Videos**

Continuing with the City's educational video series, the communications team is working on the following videos: leaf collection (published), dog park (coming soon), and the recent OAKWAY Fire Ops 101 Workshop (coming soon).

#### **Engage Birmingham**

Several projects recently concluded on [Engage Birmingham](#). The City Manager would like to remind the City Commission to use Engage Birmingham feedback as just one of many factors to consider when making decisions.

More than 70 names were submitted in the *Name the Sweepers* project on Engage Birmingham, and so far more than 160 participants have voted for their favorite names. The community is encouraged to vote by October 25, 2021.

#### **2022 City Calendar**

The communications team is working on the 2022 city calendar. School-aged Birmingham residents were invited to submit designs for the cover of the calendar on Engage Birmingham. Several designs were submitted and so far more than 100 participants have voted for their favorite design. The community is encouraged to vote by October 31, 2021.

## Website

Website editors in all city departments received training on how to update and edit the new city website. The web team is reviewing the site and preparing for launch in early November.

## Human Resources

### Health Care

The Human Resources Department is receiving bids for new health care consultation.

### Recruitment Update

The following positions have recently been filled:

- (1) Firefighter promoted from part time to full time
- (2) New Firefighters hired one full time & one part time
- (1) New police officer
- New Public Services Manager

### Compensation Recommendations

The Human Resources department is announcing the [2021-22 compensation recommendations](#) for department heads and administrative / management employees. This will cover the annual performance review process, ensuring employee growth and development continues as needed.

## City Staff Vaccination Update

Vaccination Card Tracking			
Department	# Received	Total Staff	Percentage
<b>City Staff</b>	<b>162</b>	<b>215</b>	<b>75%</b>
IT	3	4	75%
BSD	5	7	71%
Community Development	26	31	84%
Fire Dept	34	37	92%
Clerks	4	4	100%
Finance/Treasurer	11	13	85%
Building/Maintenance	1	2	50%
Museum	3	3	100%
Police Dept (w/o crossing guards)	39	58	67%
CM/HR	5	5	100%
DPS (w/o summer seasonals)	31	51	61%



## **Miscellaneous**

### **City Commission Workshops**

The City Commission Workshop regarding Wayfinding, originally scheduled for Monday, November 8, 2021, will now be held on Monday, December 6, 2021 due to the changing of City Commissioners on November 8, 2021. The City Commission Workshop regarding the Strategic Plan that was originally scheduled for Monday, December 6, 2021 has been changed to a discussion that will take place during Long Range Planning on Saturday, January 22, 2022.

### **Foundation for Birmingham Senior Residents Update**

The Board of Trustees of the Foundation for Birmingham Senior Residents has made the decision to terminate the existence of the Foundation after 38 years of providing gifts, grants or loans directly to Birmingham senior citizen residents or indirectly through public charitable entities for the benefit of Birmingham senior residents. All assets are being transferred to NEXT, which has established a separate account for these funds and will continue to distribute to Birmingham senior residents in accordance with the mission of the Foundation.

## **Department of Public Services**

### **2021 Adams Park Concept Plan**

The Parks and Recreation Board at their September 14, 2021 meeting supported the 2021 Adams Park Concept Plan and recommends proceeding with design development services including construction drawings and bid documents with Michael J. Dul & Associates. This new concept version is a refresher of the 2016 concept plan. As part of this updated design process, City Administration received and heard significant public input. For an overview of the comments, visit <https://engage.bhamgov.org/>. The Engage Birmingham page will continue to feature the Adams Park project as it moves forward in the process. The Department of Public Services will be presenting the 2021 Adams Park Concept Plan at the City Commission meeting on November 8, 2021.

By way of a projected schedule for this project after the City Commission meeting, we anticipate Michael J. Dul & Associates, Inc. to proceed with construction drawings and bid specifications. The bidding procedure will be underway during the winter months in order to prepare for a summer 2022 construction project.

### **Ice Arena Project Status**

The Ice Arena will be open for business on Monday, November 1, 2021. The refrigeration system will start up the week of October 25 and the ice made soon thereafter.

Our planning for the official grand opening celebration/ribbon cutting will be next up as this project closes out.

## **Fire Department**

### **Congrats, Birmingham Tech Rescue Team**

On Saturday, October 9th, 2021 the OAKWAY (3202) Technical Rescue Team, along with the North Oakland (3201) Mutual Aid Technical Rescue Team combined in order to be evaluated and as a potential Oakland County Mutual Aid Box Alarm System (MABAS) Tech Rescue Strike Team for the State of Michigan.

This combined County team was evaluated in the following skills: rope rescue, confined space rescue, trench rescue, collapse rescue, and wide area search. Each skill was evaluated at the technician level and the team passed every evaluated section. They've become just the second County team in the State of Michigan to be certified as a MABAS Tech Rescue Strike Team.

The Oakland County team could be deployed anywhere in the State for a Tech Rescue type of incident. Cost recovery for the team's time and equipment will be provided by the State and local agency in need of the team's assistance. I would like to thank the hard work of the Birmingham Tech Rescue Team members and especially OAKWAY Team Leader, Birmingham Battalion Chief Chris Deman.

## **Planning Department**

### **Master Plan 2040**

The highly anticipated second draft of the Birmingham Plan 2040 was released in early October after a yearlong review of the first draft. This second draft has taken into consideration the majority of the recommendations of the Planning Board and City Commission that were created after the public hearings. As discussed at the joint meeting of the Planning Board and City Commission, on Monday October 11<sup>th</sup>, 2021, the Planning Board has outlined a review process for the second draft of the 2040 Plan as follows:

1. November 10<sup>th</sup>, 2021 – Introduction & Chapter 1 (Connect the City)
2. December 8<sup>th</sup>, 2021 – Chapter 2 (Embrace Managed Growth)
3. January 12<sup>th</sup>, 2021 – Chapter 3 (Retain Neighborhood Quality)
4. February 9<sup>th</sup>, 2021 – Chapter 4 (Support Mixed-Use Districts) & Chapter 5 (Advance Sustainability Practices)

After the Planning Board review, a joint meeting of the City Commission and Planning Board will be held to finalize the second draft and authorize distribution of plan for review by entities required by state planning law.

### **Planning Board**

The Planning Board continues to make progress in both the study session and site plan review meetings as 2021 winds down. The Planning Board is currently studying the Outdoor Dining and Glazing ordinance, while also reviewing a new proposal for Wall Art. In addition, the Planning Board recently received direction from the City Commission to study Food Trucks and their potential role in Birmingham. In terms of site plan reviews,

the board is awaiting the Final Site Plan and Design Review applications for the following developments:

- 460 N. Old Woodward – A new 3-story mixed-use development with ground floor retail, second floor office, and two residential units on the third floor with a rooftop use located above. The site currently contains the former Junior League of Birmingham building and associated off-street parking.
- 325 S. Eton St. – Phase 3 of the District Lofts development will contain first floor commercial space and 50 residential units ranging from 596 to 1,072 square feet. With the addition of this final piece, the site itself will also receive an upgrade in circulation and pedestrian movement in the rear, as well as new plaza space and significant landscaping. Due to the size of the commercial space on the first floor, this development will be required to apply for a Special Land Use Permit as well.

### **Historic Preservation**

After a busy year with several high profile historic design review proposals in the Central Business Historic District, the Historic District Commission is poised to embark on two major projects that are designed to further support historic property owners in the city, build public support for preservation, and add historic resources to the City's diverse list of designated historic resources. The first project is the highly anticipated comprehensive historic design guideline update that received \$15,000 in Certified Local Government grant funding. The Request for Proposals (RFP) has been posted to MITN, as well as sent directly to five consultants that were located in the Michigan Historic Preservation Network's 2021 Historic Resource Council Directory. At the time of this entry, 14 consultants have requested the RFP on MITN. The RFP period will close on November 19, 2021, after which the Historic District Commission (HDC) will select a consultant and forward their recommendation onto the State Historic Preservation Office. The design guidelines project will be an important piece of a larger preservation project that the HDC has taken on, which was introduced to the City Commission during the Long Range Planning meeting in 2021. This project is intended to promote historic preservation across the City and reignite proactive preservation efforts that have been relatively dormant for the last decade. Activities discussed at this point involve historic resource audits, survey and designation activities, photos and interactive maps/tours, support for existing historic property owners, and increased trainings.

### **Public Art**

The Public Arts Board continues to bring art into the City through its call for entries program, as well as fielding donation inquiries. Recently, the City unveiled its newest addition, "Dynamic Tension" by Lois Teicher, which is located on W. Maple Rd. and Henrietta. Another recent acquisition, "Steel Horse" by Barry Harrison, is also expected to be installed in the coming weeks in Poppleton Park. At their October 2021 meeting, the Public Arts Board will be reviewing over 10 proposals from three different artists for other locations around the City.

## **Police Department**

### **Congratulations, Lieutenant Ryan Kearney**

Lt. Ryan Kearney graduated from Eastern Michigan University's School of Police Staff and Command Executive Leadership Program. The program is 360 hours over the course of nine months. Lt. Kearney graduated second in his class of forty-four participants. Additionally, each student is required to write a thesis paper on a contemporary problem or issue in policing and present that paper to the class and instructors in an oral presentation. Lt. Kearney won the award for the top paper and presentation on his topic, "Recruiting Future Police Officers Through a Police Cadet Program."

### **Special Investigations Unit Takes Down Home Invasion Crew**

Birmingham has one officer assigned to a multi-jurisdictional (five agencies) Special Investigations Unit (SIU). The SIU recently took down a home invasion crew that targeted older residents. The home invasion crew were staying in local hotels and then would go out during the day and try to gain access to people's homes under the guise of being repair/service workers. While one suspect would distract the homeowner(s), another suspect would then move about the residence and steal valuables. While under surveillance, the SIU team watched the crew enter a residence in Eastpointe of an elderly female and steal jewelry. The SIU team arrested two suspects after they left the residence. The case is pending charges from the Macomb County Prosecutor's Office.

### **Oakland County Narcotics Enforcement Team Update**

The police department's officer assigned to the Oakland County Narcotics Enforcement Team (NET) conducted an extensive investigation on a recent drug overdose causing death of a 19 year old resident. The investigation led to an address in the City of Detroit. A search warrant for the address was secured. After serving the warrant, five people were arrested. Also seized at the address were narcotics, automatic weapons and cash. Charges are being sought through the Wayne County Prosecutor's Office.

### **Widening Crosswalks**

Operations Commander Scott Grewe prepared a memo regarding the implementation of new sidewalk standards throughout the business district this fall. In addition to the annual fall pavement marking services (crosswalks, parking spaces, legends and symbols), Hart Pavement Striping Corporation will be widening 46 crosswalks throughout the business district to conform existing continental markings. For more information, [download the memo here](#).

## **Parking Systems Update**

### **Parking Structure Repairs**

Smith's Waterproofing started the construction project at the North Old Woodward Parking Structure in September and is currently on schedule. Work will go on as long as

weather permits and will pick back up in the spring. The project consists of minor concrete repairs and waterproofing.

The construction project at the Peabody Structure started on October 11, 2021 and is being performed by Pullman. The project primarily consists of preventative repairs. Following project completion at the Peabody Structure, construction will transition to the Chester Parking Structure.

### **Parking Structure Signage**

The Advisory Parking Committee approved the design of new exterior signage at all five (5) parking structures. We are waiting on two (2) additional quotes. New exterior signage and new backlighting will give each structure a facelift and make the structures start to feel more inviting. Below is the approved design. City staff recognizes that we are going to revisit the wayfinding study at the December work session. We view these signs as somewhat temporary, and an inexpensive fix to clean up the structure's image. We expect to be able to move to a more comprehensive look through the eventually adopted wayfinding plan.



### **Future Agenda Items**

Download a summary of [future agenda items](#).

### **Future Workshop Items**

Download a summary of [future workshop items](#).





# City of Bloomfield Hills

45 E Long Lake Rd

Bloomfield Hills, MI 48304

Phone: (248) 644-1520 | Fax: (248) 644-4813

Sarah H. McClure  
**Mayor**

October 13, 2021

Susan McCarthy  
**Mayor Pro Tem**

Brad Baxter  
**Commissioner**

Alice Buckley  
**Commissioner**

William E. Hosler  
**Commissioner**

David Hendrickson  
**City Manager**

Mr. Tom Markus  
City Manager  
City of Birmingham  
151 Martin  
Birmingham, MI 48009

Dear Mr. Markus:

Please be advised that the Bloomfield Hills City Commission at its October 12, 2021 meeting adopted the following motion by a unanimous vote: 'Move that pursuant to Section 9 of the 1985 48th District Court Agreement, as amended, that the City of Bloomfield Hills is terminating the 1985 48th District Court Agreement, as amended, effective for the 2022 calendar year, which termination shall become effective at 12:00 am on January 1, 2022, and that the City Manager shall be instructed to give written notice of the City of Bloomfield Hills termination of the 1985 48th District Court Agreement, as amended, to the City of Birmingham, Bloomfield Township and West Bloomfield within seven days from today.'

Based on the City Commission's October 12, 2021 motion, please consider this letter formal notification that pursuant to Section 9 of the 1985 48th District Court Agreement, the City of Bloomfield Hills is terminating the 1985 48th District Court Agreement, as amended, effective for the 2022 calendar year, which termination shall become effective at 12:00 am on January 1, 2022.

The City hopes that a smooth transition can be made with respect to the City of Bloomfield Hills no longer being a Financial Control Unit of the 48th District Court beginning in the 2022 calendar year, and the City will work cooperatively to assist in that regard.

Sincerely,

David Hendrickson  
City Manager

**INFORMATION ONLY**



Alex Bingham &lt;abingham@bhamgov.org&gt;

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## Comcast Programming Advisory

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**'Comcast Heartland' via Clerks Office** <ClerksOffice@bhamgov.org>

Fri, Oct 15, 2021 at 10:18 AM

Reply-To: Comcast Heartland &lt;Comcast\_Heartland@comcast.com&gt;

Cc: "Mazurek, Kyle" &lt;Kyle\_Mazurek@comcast.com&gt;

Good morning,

As part of our ongoing commitment to keep you and our customers informed about changes to Xfinity TV services, we wanted to update you that effective November 16, 2021, G4 will be added to Digital Starter and the Entertainment Genre Pack (channel 1413). G4 will feature gaming and pop culture shows plus live special programming.

HD service and IP-capable equipment is required to view the channel. A limited number of customers may still have older devices that do not support these channels and will not be able to view them until the devices are replaced.

Please feel free to contact me at 734-359-2038 if you have any questions.

Sincerely,

Kyle V. Mazurek

Manager of External Affairs

Comcast, Heartland Region

[41112 Concept Drive](#)

[Plymouth, MI 48170](#)

# INFORMATION ONLY

**STATE OF MICHIGAN  
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION  
NOTICE OF HEARING  
FOR THE CUSTOMERS OF  
CONSUMERS ENERGY COMPANY  
CASE NO. U-21131**

- Consumers Energy Company requests Michigan Public Service Commission's approval of criteria for the formation of a Legally Enforceable Obligation under the Public Utility Regulatory Policies Act of 1978 and for other relief.
- The information below describes how a person may participate in this case.
- You may call or write Consumers Energy Company, One Energy Plaza, Jackson, MI 49201, (517) 788-0550 for a free copy of its application. Any person may review the documents at the offices of Consumers Energy Company.
- A pre-hearing will be held:

**DATE/TIME:      Wednesday, October 27, 2021 at 10:00 AM**

**BEFORE:          Administrative Law Judge Martin Snider**

**LOCATION:        Video/Teleconferencing**

**PARTICIPATION:**      Any interested person may participate. Persons needing any assistance to participate should contact the Commission's Executive Secretary at (517) 284-8090, or by email at [mpscdockets@michigan.gov](mailto:mpscdockets@michigan.gov) in advance of the hearing.

The Michigan Public Service Commission (Commission) will hold a pre-hearing to consider Consumers Energy Company's September 1, 2021 application requesting the Commission to: 1) grant approval of Consumers Energy Company's proposal to adopt minimum Legally Enforceable Obligation criteria and continue the current Legally Enforceable Obligation determination process of assessing each qualifying facilities (QF) project on a case-by-case basis; 2) in the alternative, grant approval of the Consumers Energy Company's proposed Legally Enforceable Obligation criteria and process for determining a Legally Enforceable Obligation; 3) grant approval of Consumers Energy Company's proposed process for the abrogation of a Legally Enforceable Obligation; and 4) grant Consumers Energy Company other and further relief.

**INFORMATION ONLY**

All documents filed in this case shall be submitted electronically through the Commission's E-Dockets website at: [michigan.gov/mpscedockets](http://michigan.gov/mpscedockets). Requirements and instructions for filing can be found in the User Manual on the E-Dockets help page. Documents may also be submitted, in Word or PDF format, as an attachment to an email sent to: [mpscedockets@michigan.gov](mailto:mpscedockets@michigan.gov). If you require assistance prior to e-filing, contact Commission staff at (517) 284-8090 or by email at: [mpscedockets@michigan.gov](mailto:mpscedockets@michigan.gov).

Any person wishing to intervene and become a party to the case shall electronically file a petition to intervene with this Commission by October 20, 2021. (Interested persons may elect to file using the traditional paper format.) The proof of service shall indicate service upon Consumers Energy Company's Legal Department – Regulatory Group, One Energy Plaza, Jackson, MI 49201.

The prehearing is scheduled to be held remotely by video conference or teleconference. Persons filing a petition to intervene will be advised of the process to participate in the hearing.

Any person wishing to participate without intervention under Mich Admin Code, R 792.10413 (Rule 413), or file a public comment, may do so by filing a written statement in this docket. The written statement may be mailed or emailed and should reference Case No. **U-21131**. Statements may be emailed to: [mpscedockets@michigan.gov](mailto:mpscedockets@michigan.gov). Statements may be mailed to: Executive Secretary, Michigan Public Service Commission, 7109 West Saginaw Hwy., Lansing, MI 48917. All information submitted to the Commission in this matter becomes public information, thus available on the Michigan Public Service Commission's website, and subject to disclosure. Please do not include information you wish to remain private. For more information on how to participate in a case, you may contact the Commission at the above address or by telephone at (517) 284-8090.

Requests for adjournment must be made pursuant to Michigan Office of Administrative Hearings and Rules R 792.10422 and R 792.10432. Requests for further information on adjournment should be directed to (517) 284-8130.

A copy of Consumers Energy Company's application may be reviewed on the Commission's website at: [michigan.gov/mpscedockets](http://michigan.gov/mpscedockets), and at the office of Consumers Energy Company. For more information on how to participate in a case, you may contact the Commission at the above address or by telephone at (517) 284-8090.

Jurisdiction is pursuant to 1909 PA 106, as amended, MCL 460.551 et seq.; 1919 PA 419, as amended, MCL 460.54 et seq.; 1939 PA 3, as amended, MCL 460.1 et seq.; 1982 PA 304, as amended by 1987 PA 81, MCL 460.6h et seq.; 1969 PA 306, as amended, MCL 24.201 et seq.; and Parts 1 & 4 of the Michigan Office of Administrative Hearings and Rules, Mich. Admin Code, R 792.10106 and R 792.10401 through R 792.10448; and PL 95-617, 92 STAT 3117; and 18 CFR 292 et. seq.

**THE MICHIGAN PUBLIC SERVICE COMMISSION MAY  
APPROVE, REJECT, OR AMEND PROPOSALS MADE BY  
CONSUMERS ENERGY.**