

**BIRMINGHAM CITY COMMISSION AGENDA
DECEMBER 6, 2021
MUNICIPAL BUILDING, 151 MARTIN
7:30 P.M.**

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Therese Longe, Mayor

II. ROLL CALL

Alexandria Bingham, City Clerk

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

ANNOUNCEMENTS

- COVID-19 cases locally are the highest they have been since the beginning of the pandemic. Michigan and Oakland County continue to be at a high level of 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. Please visit the CDC's website on how to safely celebrate the holidays and for more COVID-19 information.
- Mayor Pro Tem Boutros Birthday.

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

V. CONSENT AGENDA

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

- A. Resolution to approve the City Commission meeting minutes of November 22, 2021.
- B. Resolution to approve the warrant list, including Automated Clearing House payments, dated November 24, 2021, in the amount of \$2,211,260.33.
- C. Resolution to approve the warrant list, including Automated Clearing House payments, dated December 1, 2021, in the amount of \$167,982.15.
- D. Resolution to set a public hearing date of January 10, 2022 to consider the Special Land Use Permit Amendment at 298 S. Old Woodward – Daxton Hotel – to allow the transfer of ownership of an existing liquor license.
- E. Resolution to approve the lease agreement between the City and Water Tower Properties and authorize the Mayor and the City Clerk to sign the agreement on behalf of the City.

- F. Resolution approving Dynamic Systems, Inc. be awarded the "Power Washing Sidewalks in Downtown Birmingham 2022-2024" contract for a total project cost not to exceed \$66,300.00. Funds are available from the Birmingham Shopping District Maintenance account #247-748.000-935.0200, and the Parks Other Contractual Services account #101-751.000-811.0000 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.
- G. Resolution to install a No Parking from 7 a.m. to 5 p.m., Permit Exempt zone for School Days on Bird Ave. from Pierce to Edgewood. Further, to direct the Chief of Police and the City Clerk to sign the traffic control order on behalf of the City.
- H. Resolution to reschedule the October 10, 2022 joint meeting of the Birmingham City Commission and Planning Board to a new date of November 21, 2022.
- I. Resolution confirming City Manager's authorization for the emergency expenditure related to the repair of the Park Street Structure elevator by KONE Elevator for a cost not to exceed \$22,765.00 to be charged to the Automobile Parking System Fund, Park Parking Structure Elevator Maintenance account #585-538.003-930.0200.

VI. UNFINISHED BUSINESS

None

VII. NEW BUSINESS

- A. Public Hearing – Wall Art – Request to Continue
 - 1. Resolution to continue the public hearing to consider ordinance amendments to Article 7, Section 7.41-7.46- Processes, Permits, and Fees & Article 9, Section 9.02 Definitions of the Zoning Ordinance to create a wall art definition and review process to the City Commission meeting of December 13, 2021.
- B. Public Hearing – 203 Pierce Street - Toast – Special Land Use Permit Amendment, Final Site Plan and Design Review
 - 1. Resolution to APPROVE the Special Land Use Permit Amendment, Final Site Plan and Design Review application for 203 Pierce Street – Toast – to amend the hours of operation.
 - OR
 - 2. Resolution to POSTPONE the Special Land Use Permit Amendment and Final Site Plan application for 203 Pierce Street – Toast – pending receipt of the following:
 - 1. _____
 - 2. _____
 - 3. _____
 - OR
 - 3. Resolution to DENY the Special Land Use Permit Amendment, Final Site Plan and Design Review application for 203 Pierce Street – Toast.

C. Public Hearing – 2022-2023 Community Development Block Grant Application

1. Resolution approving the Program Year 2022 Community Development Block Grant application with the following projects and respective allocations:

	<u>APPROVED</u> <u>2022-2023**</u>
i. Public Services – Yard Services	\$7,573
ii. Public Services – Senior Services	3,500
iii. Remove Architectural Barriers – Museum Park	<u>25,839</u>
TOTAL	<u>\$36,912</u>

** (TO BE DETERMINED BY THE CITY COMMISSION AT THE DECEMBER 6, 2021 MEETING); and authorize the mayor to sign the application, conflict of interest certification, subrecipient agreement (when available), and other documents resulting from this application on behalf of the City and submit the documents to Oakland County.

- D. Commission discussion on items from prior meeting
(none)
- E. Commission Items for Future Discussion. A motion is required to bring up the item for future discussion at the next reasonable agenda, no discussion on the topic will happen tonight.
- F. Resolution to meet in closed session to discuss pending litigation pursuant to MCL § 15.268(e) of the Open Meetings Act.

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

VIII. REMOVED FROM CONSENT AGENDA
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IX. COMMUNICATIONS

X. REPORTS

- A. Commissioner Reports
 1. Notice of Intention to Appoint to the Multi Modal Transportation Board
 2. Public Arts Board
 3. Cablecasting Board
 4. Stormwater Utility Appeals Board
- B. Commissioner Comments
- C. Advisory Boards, Committees, Commissions' Reports and Agendas
- D. Legislation
- E. City Staff

1. Plante Moran Ice Arena Update & Project Recap
2. Administering a Foundation or Charity
3. Commissioner Attendance at Various Advisory Boards and Committees

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).

Birmingham City Commission Minutes

November 22, 2021

7:30 p.m.

Municipal Building, 151 Martin

Vimeo Link: <https://vimeo.com/event/3470/videos/643775933/>

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

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

II. ROLL CALL

Alexandria Bingham, City Clerk, called the roll.

Present: Mayor Longe
Commissioner Baller
Commissioner Haig
Commissioner Host
Commissioner McLain
Commissioner Schafer

Absent: Mayor Pro Tem Boutros

Administration: City Manager Markus, City Clerk Bingham, Assistant City Manager Ecker, Finance Director Gerber, City Attorney Gojcay, City Attorney Kucharek, Human Resource Manager Lambert, Museum Director Pielack, Assistant City Engineer Zielinski

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

APPOINTMENTS

Scott Tappan, applicant for the Board of Review, was interviewed by the Commission. CA Kucharek explained that Mr. Tappan's spouse is employed by the City. CA Kucharek continued that while there is no official prohibition against the spouse of a City employee serving on a Board, she was concerned with the potential for the appearance of a conflict-of-interest. She said she may propose a policy regarding whether spouses of City employees should be permitted to serve on Boards.

Commissioner McLain noted that members of the Board of Review are compensated for their time, whereas most of the other City Boards are volunteer. She said that would also influence the possibility of an appearance of a conflict-of-interest.

Mr. Tappan stated that his spouse is a part-time employee of the City and said he was unsure if that would make a difference. He said he understood the concern regarding the potential appearance of a conflict-of-interest but did not feel his appointment to a Board should be prohibited.

Commissioner Haig asked CA Kucharek if there was any Board she could recommend for Mr. Tappan, given Mr. Tappan's qualifications and desire to serve.

CA Kucharek said she could not recommend a spouse of a City employee be appointed to any City Board due to the potential for an appearance of impropriety. She said if the Commission wanted to proceed with Mr. Tappan's appointment regardless, the City could seek an advisory opinion from the Board of Ethics.

Mayor Longe noted the City has a tradition of preventing spouses from serving on two different Boards simultaneously, and cited an example in which that policy was followed.

CM Markus said his previous discussions with CA Kucharek had not indicated that a spouse of a City employee was interested in serving on a Board. Consequently, he said he would need more time to determine his personal position on whether a spouse of a City employee should be permitted to serve on a Board.

Mr. Tappan was not nominated for an appointment to the Board of Review. Commissioner Baller stated he would like the City to clarify its policy. The Commissioner stated there were a number of open Board positions in the City for which Mr. Tappan would be eminently qualified.

11-296-21 Appointment of Thomas Loafman to the Board of Review

The Commission interviewed Thomas Loafman for the appointment.

MOTION: Nomination by Commissioner Host:
To appoint Thomas Loafman to the Board of Review as a regular member to serve a three year term to expire December 31, 2024.

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

Nays, None

11-297-21 Appointment of Cynthia Rose to the Board of Review

The Commission interviewed Cynthia Rose for the appointment.

MOTION: Nomination by Commissioner Schafer:
To appoint Cynthia Rose to the Board of Review as a regular member to serve a three year term to expire December 31, 2024.

ROLL CALL VOTE: Ayes, Mayor Longe

Commissioner Baller
Commissioner Haig
Commissioner Host
Commissioner McLain
Commissioner Schafer

Nays, None

11-298-21 Appointment of Elicia Katrib to the Board of Review

Elicia Katrib was unavailable for an interview.

MOTION: Nomination by Commissioner Baller:
To appoint Elicia Katrib to the Board of Review as a regular member to serve the remainder of a three year term to expire December 31, 2023.

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

Nays, None

City Clerk Bingham swore in the present appointees.

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

Patty Edwards and David Bloom both expressed concern with Commissioner Baller's conduct, especially vis-a-vis his written communications with the public.

Mayor Longe noted the matter was on the agenda under Reports.

CA Kucharek advised that Ms. Edwards and Mr. Bloom could proceed with their comments presently, but should address their comments to the Mayor and not to any particular Commissioner.

Based on their concerns, Ms. Edwards and Mr. Bloom both requested that the Commission censure or otherwise admonish Commissioner Baller.

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.

11-299-21 Consent Agenda

The following items were pulled from the Consent Agenda:

Commissioner Baller: Item G – Greenwood Parking Restriction Request

Commissioners Baller and McLain:

Item I – Verizon Wireless' 19 Applications to Install Small Cell Equipment on DTE's Poles in City's ROW

Commissioner Schafer:

Item J – Sidewalk Trip Elimination Services Contract #7-21 (SW) – Addendum Contract Amendment 2

MOTION: Motion by Commissioner Baller, seconded by Commissioner McLain:
To approve the Consent Agenda with the exception of Items G, I, and J.

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

Nays, None

- A. Resolution to approve the City Commission meeting minutes of November 8, 2021.
- B. Resolution to approve the warrant list, including Automated Clearing House payments, dated November 10, 2021, in the amount of \$694,588.33.
- C. Resolution to approve the warrant list, including Automated Clearing House payments, dated November 17, 2021, in the amount of \$1,009,029.05.
- D. Resolution authorizing the IT department to purchase the Nutanix Hyper-converged system from CDWG at total cost not to exceed \$10,283.71. Funds are available in the Machinery and Equipment fund account # 636-228.000-971.0100.
- E. Resolution authorizing the IT department to renew the Laserfiche support contract with MCCi for a total cost of \$13,084.20. Funds are available in the IT Computer Maintenance Fund Account: 636-228.000-933.0600.
- F. Resolution providing direction to authorize the City Clerk to complete the Local Approval Notice at the request of Casa Godi, LLC approving the liquor license request of Casa Godi, LLC requesting a new Class C license to be issued pursuant to MCL 436.1521 (A)(1)(B) with Sunday Sales (AM/PM), Catering Permit and an Outdoor Service Permit (1 Area) located at 470 N Old Woodward, Birmingham, Oakland County, MI 48009.
- H. Resolution to approve the Fourth Amendment with Plante & Moran Cresa, LLC in the amount not to exceed \$11,200.00, with the term ending December 8, 2021 for assisting with capital planning and operational review consulting services for the Birmingham Ice Arena. Funds are available for this work in the Capital Projects - Ice Arena - Buildings account #401-901.001-977.0000.

11-300-21 (Item G) Greenwood Parking Restriction Request

Commissioner Baller pulled the item to note that the draft 2040 Master Plan recommends the City consider simplifying its parking restrictions at some point in the future. He stated that if that aspect of the Plan is

adopted, residents on Greenwood should be aware that the Commission may consider further changes to the permit parking on the street.

MOTION: Motion by Commissioner Baller, seconded by Commissioner Haig:
To approve the installation of a permit exempt 2 hour time zone from 9 a.m. to 6 p.m. on Greenwood St. from Willits St. to Harmon St. Further, to direct the Chief of Police and the City Clerk to sign the traffic control order on behalf of the City.

Commissioner Host said Commissioner Baller was right to note that the 2040 Master Plan may in the future recommend changes to permit parking. He said that, even so, the City would still need a consistent approach to prevent people from parking in the residential neighborhoods when visiting the commercial areas of the City.

Commissioner Schafer noted that the petitions for this change from the residents of Greenwood dated back to 2019. She acknowledged that the delay in implementation was Covid-related, but said the City should verify residents are still in favor of a proposal, as occurred in this case, when there has been an extended delay.

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

Nays, None

11-301-21 (Item I) Verizon Wireless' 19 Applications to Install Small Cell Equipment on DTE's Poles in City's ROW

CA Gojcay and ACE Zielinski stated that this was Verizon's first application to install small cell equipment in the City, and that they are the first provider to apply to install small cell equipment in the City.

CA Gojcay explained that the Small Cell Wireless Deployment Act prevents municipalities from having much discretion in an instance such as this. He stated that allowing installation is mandated by the State as long as the application complies with State law and City ordinances.

Commissioner McLain provided brief further background regarding the item. She stated that the installation trucks and installers are required to have identification, and that any safety questions or issues regarding installation should be addressed with the Birmingham Police Department.

CA Gojcay explained that the proposed non-conforming installations are due to the fact that DTE requires Verizon's boxes to be five feet from DTE's boxes on DTE's utility poles. He explained that the other option would be to install an entire second pole next to the first pole instead of co-locating if the non-conforming installations were undesirable.

There was Commission consensus that higher Verizon boxes, resulting in non-conforming installations, was preferable to adding second poles for the small cell equipment installation.

In reply to Commissioner Haig, David Haslinger, Head of Permitting for Verizon in Michigan, stated that no generators would be added to the poles with small cell equipment during power outages.

MOTION: Motion by Commissioner Baller, seconded by Commissioner McLain:
To approve all 19 Verizon Wireless applications for placement of Verizon Wireless' small cell equipment on DTE's utility poles, and further approving 7 of the 19 applications to exceed the 45 foot height limitations as described in the agreement.

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

Nays, None

11-302-21 (Item J) Sidewalk Trip Elimination Services Contract #7-21 (SW) – Addendum Contract Amendment 2

Commissioner Schafer stated this was part of the City's efforts to make sidewalks safer. She recalled former Commissioner Nickita's recommendation that the City continue working on installing sidewalks where they are currently lacking, and noted that the Multi-Modal Transportation Board is working on prioritizing areas for sidewalk installation. She said the City should continue its efforts to expand sidewalk coverage and safety in the City.

MOTION: Motion by Commissioner Schafer, seconded by Commissioner Host:
To approve an amendment to the extension of the 2021 Sidewalk Trip Elimination Program through the addendum of the Contract #6-18 (SW) for the 2021 sidewalk program repair area, at 2018 contract prices, to Precision Concrete, Inc., in the amount of \$260,000.00 (net increase of \$135,000.00 over the existing contract). All costs shall be charged to account number 101-444.001-981.0100. Further, authorizing the Mayor to sign the approved contract addendum authorizing this work.

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

Nays, None

VI. UNFINISHED BUSINESS

VII. NEW BUSINESS

11-303-21 Fiscal Year 2020-2021 Audit Report Presentation

FD Gerber introduced the item.

Tim St. Andrew and Spender Tawa of Plante Moran presented the audit.

In reply to Commissioner Haig, Mr. St. Andrew explained that because the City had not had an audit in the last two years the City could not qualify as a low-risk auditee. He said that because there were no findings this year, the City could qualify as a low-risk auditee next year if there is another single audit. He stated that next year's testing would be consistent with this year's testing.

Public Comment

Paul Reagan asked what number of the City's employees are covered by the defined benefit plan.

FD Gerber stated it is approximately 30% of employees.

Mr. Reagan asked what the expected replacement ratio of employees in the defined contribution plan is.

FD Gerber said he was unfamiliar with the concept of a replacement ratio in regards to a defined contribution plan.

Mr. Reagan stated that the replacement ratio is the key indicator for evaluating the quality of a benefit plan.

Mr. Reagan continued that the City should press anyone dealing with the City's benefits system to answer what the replacement ratio is because it is essential information. He said that the City has focused a lot on the defined benefit system when there seems to be no issue with it. He said that if Birmingham expects to recruit, retain and reward employees for their service to the City, it has to do so via well-designed programs.

Mr. Reagan stated it may be the case that employees of the City cannot afford to work for the City long-term, and that is one of the reasons why the City is having a difficult time recruiting and retaining employees.

In reply to a second line of inquiry from Mr. Reagan, Mr. St. Andrew said that it would be difficult to determine which City expenditures are commercial and which are residential since many of the expenditures include overhead, such as City Hall, the Fire Department, or the Police Department, which are accessed by commercial and residential users alike. He said trying to separate expenditures in that way would depend on a lot of assumptions.

FD Gerber said he was not aware of any City that does that.

Mr. Reagan said that the City could establish a procedure for determining those expenditures based on a set of assumptions, determine the year-over-year change, and make expenditure decisions based on that information.

Scott Fremont asked what relevance the previous discussion had, saying he found it esoteric.

Mayor Longe thanked FD Gerber, Staff, and the audit team from Plante Moran for their work on the audit.

11-304-21 Nomination for Greenwood Cemetery-National Underground Railroad Network to Freedom Designation

MD Pielack presented the item.

MOTION: Motion by Commissioner Baller, seconded by Commissioner Haig:

To provide direction to the Mayor to sign a letter of consent on behalf of the city and to authorize staff to submit application to the National Park Service to nominate Greenwood Cemetery to the National Underground Railroad Network to Freedom.

In reply to Commissioner Baller, MD Pielack stated that the funds have been raised to provide George and Eliza Taylor with grave markers. She said the City was just waiting on final legal clarification regarding how non-deed holders can install a marker since the City no longer holds the deeds.

She said that the City was also waiting on an appropriate time to celebrate with the funders and the public which has been delayed by Covid-19. She said she was hoping to be able to do so in Spring 2022.

In reply to Commissioner Schafer, MD Pielack said that some newly-digitized archival records of newspapers helped in clarifying Birmingham's connection to the Underground Railroad.

Mayor Longe thanked MD Pielack for her work on this item.

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

Nays, None

11-305-21 Benefit Consulting Services

HRM Lambert presented the item.

MOTION: Motion by Commissioner Host, seconded by Commissioner McLain:
To approve the contract with Gallagher Benefit Services, Inc. in the amount of \$49,000.00 annually, for a three year term, to provide benefit consulting services for the City. Funds are available from the Risk Management Fund, account #677-851.000-811.0000; Further, to direct the Mayor and City Clerk to sign the agreement on behalf of the City.

Mayor Longe said she was thrilled that the City is continuing its trend of undertaking RFPs for its external consulting services. She noted that the costs to the City would be reduced and that Gallagher Benefit Services, Inc. was very qualified.

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

Nays, None

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.

After brief Commission discussion, CM Markus stated he and Staff would draft a policy regarding RFPs for external contract services and would return it to the Commission for review.

VIII. REMOVED FROM CONSENT AGENDA
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IX. COMMUNICATIONS

X. REPORTS

- A. Commissioner Reports
 - 1. Notice of Intention to Appoint to the Birmingham Triangle District Corridor Improvement Authority
- B. Commissioner Comments
- C. Advisory Boards, Committees, Commissions' Reports and Agendas
- D. Legislation
- E. City Staff
 - 1. 1st Quarter Budget Report
 - 2. 1st Quarter Investment Report
 - 3. City Manager's Report

CM Markus reviewed the City Manager's Report.

INFORMATION ONLY

XI. ADJOURN

Mayor Longe adjourned the meeting at 9:39 p.m.

City of Birmingham

Warrant List Dated 11/24/2021

Meeting of 11/13/2021

Check Number	Early Release	Vendor #	Vendor	Amount
<u>PAPER CHECK</u>				
282616		000167	ANDERSON ECKSTEIN WESTRICK INC	6,316.50
282618		MISC	ANTO GLASS BLOCK INC	100.00
282619		007033	APPLIED IMAGING	217.41
282620	*	006759	AT&T	108.09
282621	*	006759	AT&T	219.96
282622	*	003703	AT&T MOBILITY	755.58
282623		MISC	ATTIA GROUP LLC	1,750.00
282625		MISC	BAKER DESIGN AND BUILD	200.00
282626	*	002187	BANK'S VACUUM	110.96
282627	*	003839	MATTHEW J. BARTALINO	57.23
282628		MISC	BASEMENT CRACKS & LEAKS/METRO	100.00
282629		003012	BATTERIES PLUS BULBS	83.71
282630		MISC	BEAR, CASEY J	650.00
282631		MISC	BELFOR USA GROUP INC	200.00
282632		MISC	BELFOR USA GROUP INC	200.00
282635		MISC	BINGHAM DEVELOPMENT LLC	2,550.00
282636		MISC	BLOOMFIELD CONSTRUCTION CO	200.00
282637	*	004465	BMI	373.70
282638	*	009095	STEVEN BONORA	25.00
282639		003526	BOUND TREE MEDICAL, LLC	335.30
282640		MISC	BOYCE, JANELLE	2.08
282641		MISC	BRIGHT HOME RENOVATION	100.00
282642		005717	BSB COMMUNICATIONS, INC.	17,610.63
282643		009281	C.E. GLEESON CONSTRUCTORS INC	741,131.54
282644		003907	CADILLAC ASPHALT, LLC	465.13
282646		MISC	CARL AND JENNIFER GENBERG FMLY TRST	100.00
282647	*	000444	CDW GOVERNMENT INC	461.15
282648		MISC	CHARLES J LEMAIRE	100.00
282650	*	007284	CINCINNATI TIME SYSTEMS, INC.	125.00
282651		000605	CINTAS CORPORATION	172.26
282652	*	004188	COFFEE BREAK SERVICE, INC.	137.75
282653	*	008955	COMCAST	534.49
282654	*	000627	CONSUMERS ENERGY	4,044.24
282655		MISC	CREGGER SERVICES INC	1,426.16
282656	*	004830	CUMMINS-ALLISON CORP.	420.72
282657		009327	CXTEC, INC	1,500.00
282658		MISC	D L FLOYD INC	673.70
282659		MISC	D.C. POOLS LLC	100.00
282660	*	MISC	DANT CLAYTON CORPORATION	1,018.00
282661	*	000179	DTE ENERGY	24.69
282662	*	000180	DTE ENERGY	6,962.92
282663		004671	ELDER FORD	740.28

City of Birmingham
Warrant List Dated 11/24/2021

Meeting of 11/13/2021

Check Number	Early Release	Vendor #	Vendor	Amount
282666	*	009100	ENZO WATER SERVICE	300.00
282668		MISC	ESSCO OF WABEEC	200.00
282669		MISC	ETHICAL EXTERIORS	100.00
282670		001495	ETNA SUPPLY	2,115.00
282672		000936	FEDEX	36.67
282673		007136	FERGUSON ENTERPRISES, INC.	229.95
282674		MISC	FLAME FURNACE CO	180.00
282675		MISC	FOUNDATION SYSTEMS OF MICHIGAN INC.	200.00
282676		002532	GOLLING CHRYSLER JEEP DODGE INC	666.75
282677	*	004604	GORDON FOOD	545.09
282678	*	000245	GREAT LAKES POPCORN CO	179.85
282679		000249	GUARDIAN ALARM	259.05
282680		001531	GUNNERS METER & PARTS INC	1,560.00
282681		006346	HARRELL'S LLC	10,643.27
282682	*	001956	HOME DEPOT CREDIT SERVICES	2,522.90
282683		MISC	HOME DEPOT USA INC	500.00
282684	*	MISC	HOWIES HOCKEY TAPE	271.74
282685	*	MISC	HOWLAND'S TRAILER & TRUCK ACCESSORI	2,600.00
282686		005990	ICC INC	145.00
282687		004837	IDEACORE, LLC	75.00
282688		MISC	IDEAL BUILDERS AND REMODELING INC	406.77
282689		001820	IIMC	115.00
282698		MISC	ITEC ENTERPRISES LLC	200.00
282699	*	009299	JACK D. PESHA	29.52
282700	*	009249	JOHN C COOK	350.00
282701		MISC	JOHN LINDSAY MAYER LANDSCAPE ARCHIT	100.00
282702		MISC	JR VERVERSCH BUILDING COMPANY	766.93
282703		005291	KAESER & BLAIR INC	278.03
282706		MISC	KELLY BUILDING & DEVELOPMENT CO LLC	2,347.00
282707		MISC	KENDALL PROJECT MANAGEMENT	300.00
282708	*	004088	KGM DISTRIBUTORS INC	312.00
282709		MISC	KIMBERLY J KENNEDY REVOC TRUST	350.00
282711	*	000362	KROGER COMPANY	30.32
282712		MISC	LAMARCO HOMES LLC	2,000.00
282713		003620	LANGUAGE LINE SERVICES INC	67.50
282714		MISC	LIVE WELL CUSTOM HOME LLC	906.77
282715		MISC	LMB PROPERTIES LLC	1,400.00
282716		005116	MADISON HEIGHTS FIRE DEPT	65.14
282717		004855	MAMC	126.00
282719		MISC	MCCS LLC	200.00
282720		000972	MCKESSON MEDICAL-SURGICAL	5,801.11
282721		MISC	MCLEAN CONSTRUCTION	100.00
282722	*	000369	MCMI	8,179.92

City of Birmingham
Warrant List Dated 11/24/2021

Meeting of 11/13/2021

Check Number	Early Release	Vendor #	Vendor	Amount
282723		009200	MICHAEL MORRISON	7,700.00
282724	*	009143	MICHAEL SHUKWIT	200.00
282725	*	MISC	MICHAEL SIMON	234.00
282726		MISC	MICHIGAN ASPHALT PAVING	100.00
282727		002022	MICHIGAN ASSN. OF FIRE CHIEFS	20.00
282728	*	004388	MICHIGAN CHAPTER I.A.E.I.	175.00
282729		MISC	MICHIGAN EMERGENCY MANAGEMENT ASSOC	50.00
282730		007765	MICHIGAN INDEPENDENT DOOR CO.	75.00
282731	*	008279	MICHIGAN MUNICIPAL EXECUTIVES	145.00
282732		006461	MID AMERICA RINK SERVICES	1,380.00
282733		008319	MKSK INC	23,619.39
282734		002671	MMA	100.00
282735	*	000649	MML WORKERS' COMP FUND	59,976.00
282736		007163	MOBILE HEALTH RESOURCES	2,286.43
282737	*	003842	BRIGETTE MORAN	372.00
282739		002253	NATIONAL BUSINESS FURNITURE	1,541.08
282741		MISC	NICHOLAS & KELLY TALMERS	100.00
282742		MISC	NICK TALMERS	100.00
282743		MISC	Nicole Weber	1,000.00
282744		MISC	OAKES ROOFING SIDING & WINDOWS INC	200.00
282745	*	003461	OBSERVER & ECCENTRIC	695.04
282746	*	000481	OFFICE DEPOT INC	1,592.02
282747		MISC	ONSITE SOLUTIONS INC	200.00
282750		MISC	PELLA WINDOWS & DOORS, INC.	500.00
282751		MISC	Perma Dry LLC	200.00
282754	*	006959	PHOENIX COMMUNICATIONS & CABLING	7,186.98
282755		008028	PK SAFETY SUPPLY	845.71
282756	*	008858	PODS ENTERPRISES, LLC	422.00
282757		008866	PRECISION CONCRETE CUTTING INC	70,947.60
282758		MISC	PRM CUSTOM BUILDERS LLC	6.77
282759	*	006625	PTS COMMUNICATIONS	78.00
282760		002852	QMI GROUP INC	32.00
282761		MISC	R P B HOMES LLC	100.00
282763		MISC	RAPASKI, RYAN	300.00
282764	*	MISC	RE FACTOR TACTICAL	398.32
282765		008852	REDGUARD FIRE & SECURITY	30.00
282766		000492	REGISTER OF DEEDS	30.00
282767		MISC	RESPONDER WIPES	161.76
282768		002566	REYNOLDS WATER	667.80
282769	*	009144	RICHARD TRUDO	1,200.00
282770		000218	ROYAL OAK P.D.Q. LLC	42.83
282771	*	000221	RUSSELL HARDWARE COMPANY	96.60
282772		MISC	SAGE, BRUCE J	100.00

City of Birmingham

Warrant List Dated 11/24/2021

Meeting of 11/13/2021

Check Number	Early Release	Vendor #	Vendor	Amount
282774		MISC	SAS SERVICES INC	200.00
282775	*	009342	KATHERINE SCHAFER	100.00
282776	*	006590	SECURE DOOR, LLC	148.00
282778		006850	SHELBY AUTO TRIM, INC.	432.00
282779	*	004202	SHRED-IT USA	160.15
282780	*	MISC	SOLOMON PLUMBING	460.00
282781	*	009338	SPECIALIZED STEELWORKS, LLC	2,300.00
282782		009341	STAMPMAKER.COM	185.30
282783	*	MISC	STANLEY STEEMER INTERNATIONAL INC.	704.00
282784		009201	STEPHEN SHUKWIT	1,900.00
282785		MISC	STEWART BUILDING	2,000.00
282786		004544	STRYKER SALES CORPORATION	594.14
282788		000286	TARGET SPECIALTY PRODUCTS	834.60
282789		MISC	Ted Gast	1,000.00
282790		MISC	THOMAS SEBOLD & ASSOCIATES, IN	300.00
282792		MISC	THORNTON & GROOMS INC.	881.24
282793		MISC	TIM WOOD	100.00
282794	*	004379	TURNER SANITATION, INC	44.94
282795		007226	VALLEY CITY LINEN	162.35
282796	*	000293	VAN DYKE GAS CO.	181.74
282797	*	000158	VERIZON WIRELESS	116.59
282798	*	000158	VERIZON WIRELESS	49.22
282799		006491	VILLAGE AUTOMOTIVE	396.29
282800		MISC	WALLSIDE INC	500.00
282801		006762	WATCHGUARD VIDEO	64.00
282803	*	000301	PAUL WELLS	17.98
282804	*	001536	JEFFREY WHIPPLE	94.45
282805	*	005794	WINDSTREAM	1,808.87
282806		008408	WISS, JANNEY, ELSTNER ASSOC. INC	30,535.00
282807		000837	WOODWARD CAMERA INC	18.95
SUBTOTAL PAPER CHECK				\$1,071,663.60
<u>ACH TRANSACTION</u>				
4507	*	008847	ABS- AUTOMATED BENEFIT SVCS, INC	64,559.72
4508		003858	ADVANCED LIGHTING & SOUND	22,533.50
4509		009126	AMAZON CAPITAL SERVICES INC	348.53
4509	*	009126	AMAZON CAPITAL SERVICES INC	2,267.32
4510	*	007345	BEVERLY HILLS ACE	56.73
4511		006683	BIRMINGHAM LAWN MAINTENANCE	20,515.00
4511	*	006683	BIRMINGHAM LAWN MAINTENANCE	456.00
4512	*	008840	BIRMINGHAM PUBLIC SCHOOLS-TAXES	28,696.48
4513		009183	BOB ADAMS TOWING	390.00
4514		009195	CROWN CASTLE FIBER LLC	1,466.10
4515	*	006077	DI PONIO CONTRACTING INC	698,661.45

City of Birmingham
Warrant List Dated 11/24/2021

Meeting of 11/13/2021

Check Number	Early Release	Vendor #	Vendor	Amount
4516	*	000565	DORNBOS SIGN & SAFETY INC	67.27
4517		001077	DUNCAN PARKING TECH INC	3,740.75
4518		006181	FIRST CHOICE COFFEE SERV	154.64
4519	*	007314	FLEIS AND VANDENBRINK ENG. INC	6,621.00
4521	*	007870	J.C. EHRLICH CO. INC.	53.00
4522		000261	J.H. HART URBAN FORESTRY	17,621.69
4522	*	000261	J.H. HART URBAN FORESTRY	2,589.00
4523		009298	JCR SUPPLY INC	657.46
4524	*	003458	JOE'S AUTO PARTS, INC.	952.19
4525		004085	KONE INC	214.35
4526	*	003404	LADUKE ROOF.& SHT.METAL CORP	8,000.00
4527	*	005550	LEE & ASSOCIATES CO., INC.	754.00
4529	*	000377	MICHIGAN MUNICIPAL LEAGUE	75.00
4531	*	001035	MUNICIPAL EMERGENCY SERVICES	105.76
4532	*	006359	NYE UNIFORM COMPANY	1,150.00
4533	*	008843	OAKLAND COUNTY TREASURER- TAX PYMNT	52,882.90
4534	*	002767	OSCAR W. LARSON CO.	200.00
4535	*	006853	PAUL C SCOTT PLUMBING INC	1,711.00
4536	*	006027	PENCHURA, LLC	483.00
4537	*	003554	RKA PETROLEUM	973.62
4538	*	000478	ROAD COMM FOR OAKLAND CO	24,006.27
4539	*	001181	ROSE PEST SOLUTIONS	74.00
4540		000254	SOCRRA	69,994.00
4540	*	000254	SOCRRA	250.00
4541		000273	TERMINAL SUPPLY CO.	51.90
4543	*	000969	VIGILANTE SECURITY INC	180.00
4544		002974	VILLAGE OF BEVERLY HILLS	106,083.10
SUBTOTAL ACH TRANSACTION				\$1,139,596.73
GRAND TOTAL				\$2,211,260.33

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 12/01/2021

Meeting of 12/13/2021

Check Number	Early Release	Vendor #	Vendor	Amount
<u>PAPER CHECK</u>				
282809	*	000161	ALPHA PSYCHOLOGICAL SERVICES PC	725.00
282811		000500	ARTECH PRINTING INC	64.00
282811	*	000500	ARTECH PRINTING INC	63.00
282812	*	006759	AT&T	219.96
282813	*	006759	AT&T	1,719.14
282814		MISC	BASEMENT WATERPROOFING & FOUNDATION	200.00
282815		MISC	BLOOMINGDALE CONSTRUCTION COMPANY I	500.00
282816		009215	BOONES EXPRESS LLC	800.00
282817		003526	BOUND TREE MEDICAL, LLC	399.16
282818		MISC	BRICKWORKS PROPERTY RESTORATION	200.00
282819	*	008334	DAVID BUTTIGIEG	161.00
282820		003907	CADILLAC ASPHALT, LLC	149.65
282821		009078	CANON SOLUTIONS AMERICA INC	163.20
282824		000605	CINTAS CORPORATION	146.39
282825		004188	COFFEE BREAK SERVICE, INC.	43.20
282826		009167	COL'S FAMILY RESTAURANT	67.64
282827	*	008955	COMCAST	320.23
282828	*	000627	CONSUMERS ENERGY	1,437.13
282829		002668	CONTRACTORS CLOTHING CO	40.49
282832		MISC	David Edwin Dobbs	100.00
282833		009309	DEALER AUTO PARTS	862.23
282835	*	000179	DTE ENERGY	17.96
282836	*	000179	DTE ENERGY	14.91
282837	*	000179	DTE ENERGY	2,960.59
282838	*	000179	DTE ENERGY	4,605.08
282839	*	000179	DTE ENERGY	1,508.85
282840	*	000179	DTE ENERGY	5,973.69
282841	*	000179	DTE ENERGY	350.75
282842	*	000179	DTE ENERGY	36.89
282843	*	000179	DTE ENERGY	1,636.65
282844	*	000179	DTE ENERGY	187.77
282845	*	000179	DTE ENERGY	573.99
282846	*	000179	DTE ENERGY	18.99
282847	*	000179	DTE ENERGY	15.67
282848	*	000179	DTE ENERGY	54.92
282849	*	000179	DTE ENERGY	1,623.97
282850	*	000179	DTE ENERGY	52.49
282851		MISC	EASY EXIT EGRESS WINDOWS LLC	100.00
282853		MISC	FAIRPLAY HOME MAINTENANCE	400.00
282854	*	000936	FEDEX	24.70
282855	*	008154	GREGORY FOLEY	11.66
282856		MISC	FOREMAN CONSTRUCTION INC	100.00

City of Birmingham
Warrant List Dated 12/01/2021

Meeting of 12/13/2021

Check Number	Early Release	Vendor #	Vendor	Amount
282857		007212	FOSTER BLUE WATER OIL	642.57
282858		MISC	FOUNDATION SYSTEMS OF MICHIGAN INC.	200.00
282859	*	009343	GOVPILOT	6,500.00
282860		MISC	GRENNAN CONSTRUCTION	300.00
282861		MISC	GRIFFIN CEMENT LLC DBA	100.00
282863		008613	HENRY FORD HEALTH SYSTEM	135.00
282864	*	009335	JOEL WILLIAM INGERSOLL	450.00
282865		MISC	ITALY AMERICAN CONSTRUCTION CO	300.00
282866	*	MISC	JAMES BOSTOCK	300.00
282867		MISC	James Swift Construction	100.00
282869		MISC	LYNCH CUSTOM HOMES	6.77
282870	*	MISC	MARCY KUEHN	300.00
282871	*	000972	MCKESSON MEDICAL-SURGICAL	1,870.50
282872		MISC	MCLEAN CONSTRUCTION	100.00
282873	*	001505	MEADOWBROOK INSURANCE GROUP	699.00
282874	*	001715	MICHIGAN NOTARY SERVICE	62.85
282875		008592	NATIONAL HOSE TESTING SPECIALTIES	1,154.40
282876		MISC	NEWMYER INC.	200.00
282877	*	001686	OAKLAND CO CLERKS ASSOC	120.00
282878	*	000477	OAKLAND COUNTY	100.00
282879		005337	OCACP	30.00
282880	*	004370	OCCUPATIONAL HEALTH CENTERS	755.00
282883		008028	PK SAFETY SUPPLY	845.71
282884		008974	PREMIER PET SUPPLY	55.99
282885		MISC	PRIME HOME REMOD LLC	100.00
282886		002852	QMI GROUP INC	178.73
282886	*	002852	QMI GROUP INC	807.00
282887	*	008342	RAIN MASTER CONTROL SYSTEMS	10.00
282888		MISC	RECCHIA, ROBERT	15,000.00
282889		MISC	RENEWAL BY ANDERSEN	500.00
282890	*	MISC	RONALD WILES	300.00
282891		MISC	SCHOENHERR HOMES LLC	100.00
282892		MISC	SEAN D GARDELLA & ASSOCIATES LLC	3,660.00
282893		MISC	SIGNS & ENGRAVING INC	300.00
282894	*	005128	SOCPPWA	40.00
282895	*	007907	SP+ CORPORATION	9,295.00
282897		006062	STRATEGIC ENERGY SOLUTIONS, INC	3,950.00
282897	*	006062	STRATEGIC ENERGY SOLUTIONS, INC	5,530.00
282898	*	000158	VERIZON WIRELESS	128.51
282899	*	000158	VERIZON WIRELESS	978.85
282900	*	009339	RYAN WEINGARTZ	3,350.08
282901	*	001536	JEFFREY WHIPPLE	247.58
SUBTOTAL PAPER CHECK				\$88,454.49

City of Birmingham
Warrant List Dated 12/01/2021

Meeting of 12/13/2021

Check Number	Early Release	Vendor #	Vendor	Amount
<u>ACH TRANSACTION</u>				
4545	*	008847	ABS- AUTOMATED BENEFIT SVCS, INC	45,840.57
4546		009126	AMAZON CAPITAL SERVICES INC	692.68
4547		000261	J.H. HART URBAN FORESTRY	16,036.56
4548		009298	JCR SUPPLY INC	111.62
4549	*	003458	JOE'S AUTO PARTS, INC.	513.48
4550	*	000891	KELLER THOMA	1,567.50
4551	*	008158	LOGICALIS INC	9,700.00
4552	*	000377	MICHIGAN MUNICIPAL LEAGUE	2,914.36
4553	*	000478	ROAD COMM FOR OAKLAND CO	2,139.25
4554		000273	TERMINAL SUPPLY CO.	11.64
SUBTOTAL ACH TRANSACTION				\$79,527.66
GRAND TOTAL				\$167,982.15

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

Planning Division

DATE: December 6, 2021

TO: Thomas Markus, City Manager

FROM: Nicholas Dupuis, Planning Director

SUBJECT: Set Public Hearing for 298 S. Old Woodward – Daxton Hotel – Special Land Use Permit Amendment

INTRODUCTION:

The applicant has submitted an application for a Special Land Use Permit Amendment for the transfer of ownership of an existing liquor license at the existing Daxton Hotel in Downtown Birmingham. When approved for the original SLUP in 2019, the liquor license was owned by the Aparium Hotel Group. The applicant is requesting a change in ownership to Woodward Brown Ventures, LLC, who is also the owner of the real estate and the Daxton Hotel.

BACKGROUND:

No changes are proposed to the layout, design, ownership or operation of the Hotel.

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 will sent out to advertise the public hearing at the City Commission on January 10, 2022.

SUMMARY:

The Planning Division requests that the City Commission consider the Special Land Use Permit Amendment for 298 S. Old Woodward – Daxton Hotel.

ATTACHMENTS:

Please find attached the following documents for your review:

- Special Land Use Permit Resolution
- Application & Supporting Documents

SUGGESTED COMMISSION ACTION:

Make a motion adopting a resolution to set a public hearing date of January 10, 2022 to consider the Special Land Use Permit Amendment at 298 S. Old Woodward – Daxton Hotel – to allow the transfer of ownership of an existing liquor license.

Daxton Hotel
298 S. Old Woodward
Special Land Use Permit Amendment 2021

WHEREAS, A Special Land Use Permit Amendment application was filed in November, 2021 for the transfer of ownership of a liquor license from Aparium Hotel Group to Woodward Brown Ventures, LLC at 298 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 St.;

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 September 25, 2019 reviewed an application for a Special Land Use Permit, Final Site Plan and Design Review for 298 S. Old Woodward – Daxton Hotel – and recommended approval to the City Commission to permit the service of alcoholic liquor using a Class B – Hotel Resort Economic Development License with the following conditions:

1. The applicant must correct all plan sheets for consistency and submit revised operations plan prior to appearing before the City Commission for final approval;
2. The applicant must provide all signage details prior to appearing before the City Commission for final approval;
3. The applicant must comply with the requests of all departments; and
4. The motion reflects the approval of the paper packet of plans received by the Planning Board on September 25, 2019.

WHEREAS, The City Commission on October 28, 2019 reviewed the application for Special Land Use Permit, Final Site Plan and Design Review for 298 S. Old Woodward – Daxton Hotel – and granted the Special Land Use Permit to permit the service of alcoholic liquor using a Class B – Hotel Resort Economic Development License;

WHEREAS, A Special Land Use Permit Amendment application was filed in November 2021 to transfer ownership of the liquor license from the Aparium Hotel Group to Woodward Brown Ventures, LLC with no changes to the building, site, or operations;

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 the Special Land Use Permit Amendment application for 298 S. Old Woodward – Daxton Hotel – 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 the application for a Special Land Use Permit Amendment at 298 S. Old Woodward – Daxton Hotel – 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 Amendment is granted subject to the following conditions:

1. The Daxton Hotel 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, the Daxton Hotel 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 the Daxton Hotel to comply with all the ordinances of the City may result in the Commission revoking this Special Land Use Permit.

BE FURTHER RESOLVED that the Daxton Hotel is recommended for a transfer of ownership of the liquor license from the Aparium Hotel Group to Woodward Brown Ventures, LLC with no changes to the building, site, or operations, 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 January 10, 2021.

Alexandria Bingham
City Clerk



LAW OFFICES

ADKISON, NEED, ALLEN, & RENTROP

PROFESSIONAL LIMITED LIABILITY COMPANY

KELLY A. ALLEN
JESSICA A. HALLMARK
JOHN W. KUMMER
GREGORY K. NEED
G. HANS RENTROP

39572 Woodward, Suite 222
Bloomfield Hills, Michigan 48304
Telephone (248) 540-7400
Facsimile (248) 540-7401
www.ANAfirm.com

OF COUNSEL:

PHILLIP G. ADKISON
KEVIN M. CHUDLER
KATHERINE A. TOMASIK

November 16, 2021

Via Electronic Mail

Nicholas Dupuis, Planning Director
City of Birmingham
151 Martin Street
P.O. Box 3001
Birmingham, MI 48012

**Re: Daxton Hotel
Special Land Use Permit Amendment as to Ownership Only**

Dear Mr. Dupuis:

The Daxton Hotel was issued a Special Land Use Permit to operate with a B Hotel Liquor License ("Liquor License").

The Liquor License is held by Aparium Hotel Group. Woodward Brown Ventures, LLC ("Woodward Brown") owns the real estate and the business. Woodward Brown is taking the management of the Daxton Hotel in-house.

Consequently, the Liquor License is being transferred from Aparium Hotel Group to Woodward Brown.

There will be no change to the layout or concept of the Daxton Hotel. This is a request for change of ownership of the Liquor License only. Attached for your reference is an organization chart for Woodward Brown, which is ultimately owned by Mark Mitchell's trusts. The City is familiar with Mr. Mitchell and his success at the Daxton Hotel.

Attached is a Special Land Use Permit Application for Woodward Brown. The fee in the amount of \$200 will be hand delivered to the Planning Division on Wednesday, November 17th.

We understand that this matter will be considered by the City Commission after the Planning Division's review.

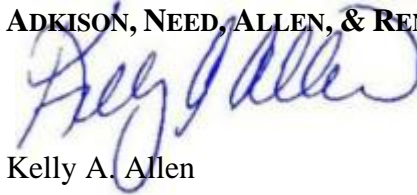
An application to transfer the Liquor License has been filed with the Michigan Liquor Control Commission. An application is being submitted to the Birmingham Police Department on November 17th. Commander Busen is reviewing the same.

If you have any questions, please contact me.

Thank you very much for your assistance and consideration.

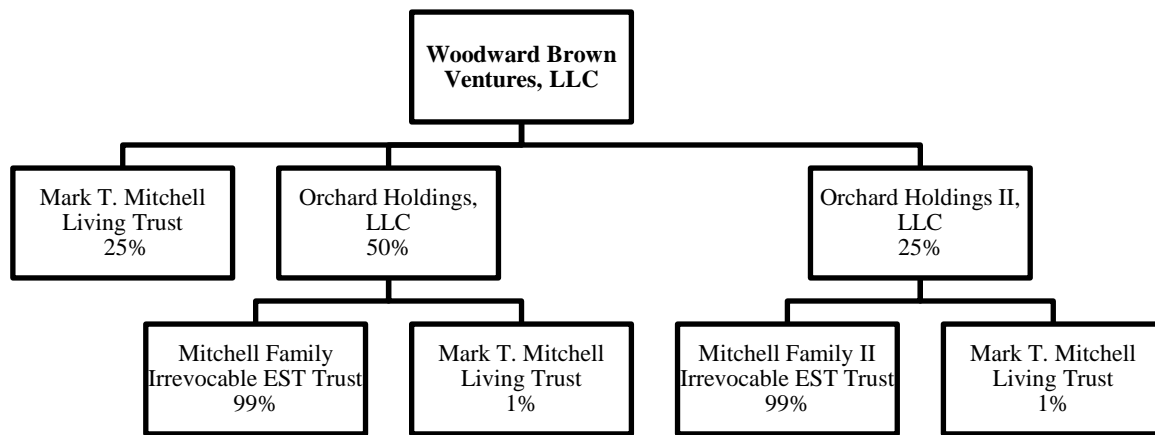
Very truly yours,

ADKISON, NEED, ALLEN, & RENTROP, PLLC



Kelly A. Allen

KAA/kjp
Enclosure





Special Land Use Permit Application

Planning Division

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

1. Applicant

Name: Woodward Brown Ventures, LLC/Aparium Hotel Group
 Address: 298 S Old Woodward Ave., Birmingham, MI 48009
 Phone Number: 248-247-3814
 Fax Number: _____
 Email address: jsilverman@mitchellfo.com

2. Property Owner

Name: Woodward Brown Ventures, LLC
 Address: 298 S Old Woodward Ave., Birmingham, MI 48009
 Phone Number: 248-247-3814
 Fax Number: _____
 Email address: jsilverman@mitchellfo.com

3. Applicant's Attorney/Contact Person

Name: Kelly A. Allen, Esq.
 Address: 39572 Woodward, Suite 222, Bloomfield Hills, MI 48304
 Phone Number: 248-540-7400
 Fax Number: _____
 Email address: kallen@anafirm.com

4. Project Designer/Developer

Name: N/A
 Address: _____
 Phone Number: _____
 Fax Number: _____
 Email address: _____

5. Required Attachments

- I. Two (2) paper copies and one (1) digital copy of all project plans including:
 - i. A detailed Existing Conditions Plan including the subject site in its entirety, including all property lines, buildings, structures, curb cuts, sidewalks, drives, ramps and all parking on site and on the street(s) adjacent to the site, and must show the same detail for all adjacent properties within 200 ft. of the subject site's property lines;
 - ii. A detailed and scaled Site Plan depicting accurately and in detail the proposed construction, alteration or repair;
 - iii. A certified Land Survey;
 - iv. Interior floor plans;
 - 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: 298 S Old Woodward and 325 E Brown St.
 Name of development: Daxton Hotel
 Sidwell #: 19-36-202-009 and 19-36-202-016
 Current Use: Hotel; 5th floor residential
 Proposed Use: Hotel; 5th floor residential
 Area of Site in Acres: 0.62 acres
 Current zoning: B-4/O-4
 Is the property located in the floodplain? No
 Name of Historic District Site is located in: Downtown Overlay
 Date of Historic District Commission Approval: 6/21/17
 Date of Application for Preliminary Site Plan: 4/26/17
 Date of Preliminary Site Plan Approval: 5/24/17

Date of Application for Final Site Plan: 6/28/17
 Date of Final Site Plan Approval: 8/9/17
 Date of Application for Revised Final Site Plan: 1/31/19
 Date of Revised Final Site Plan Approval: 4/28/18
 Date of Design Review Board Approval: N/A
 Is there a current SLUP in effect for this site? Yes
 Date of Application for SLUP: _____
 Date of SLUP Approval: _____
 Date of Last SLUP Amendment: N/A
 Will proposed project require the division of platted lots? N/A
 Will proposed project require the combination of platted lots? N/A

7. Details of the Proposed Development (attach separate sheet if necessary)

The Class B Hotel Economic Development license is currently held by the management company, Aparium Hotel Group. The Special Land Use was issued to the Daxton Hotel with Woodward Brown Ventures, LLC ("WBV") as the applicant. WBV is bringing the management of the Daxton Hotel in house. Therefore, the liquor license is being transferred from Aparium Hotel Group to WBV. There is no change to the concept or layout. There is no change of ownership of the real estate or the business, only the liquor license.

8. Buildings and Structures

Number of Buildings on Site: N/A
Height of Buildings & # of Stories: N/A

Use of Buildings: N/A
Height of Rooftop Mechanical Equipment: N/A

9. Floor Use and Area (in Square Feet)

Proposed Commercial Structures:

Total basement floor area: N/A
Number of square feet per upper floor: N/A
Total floor area: N/A
Floor area ratio (total floor area ÷ total land area): N/A
Open space: N/A
Percent of open space: N/A

Office Space: N/A
Retail Space: N/A
Industrial Space: N/A
Assembly Space: N/A
Seating Capacity: N/A
Maximum Occupancy Load: N/A

Proposed Residential Structures:

Total number of units: N/A
Number of one bedroom units: N/A
Number of two bedroom units: N/A
Number of three bedroom units: N/A
Open space: N/A
Percent of open space: N/A

Rental units or condominiums? N/A
Size of one bedroom units: N/A
Size of two bedroom units: N/A
Size of three bedroom units: N/A
Seating Capacity: N/A
Maximum Occupancy Load: N/A

Proposed Additions:

Total basement floor area, if any, of addition: N/A
Number of floors to be added: N/A
Square footage added per floor: N/A
Total building floor area (including addition): N/A
Floor area ratio (total floor area ÷ total land area): N/A
Open Space: N/A
Percent of open space: N/A

Use of addition: N/A
Height of addition: N/A
Office space in addition: N/A
Retail space in addition: N/A
Industrial space in addition: N/A
Assembly space in addition: N/A
Maximum building occupancy load (including addition): N/A

10. Required and Proposed Setbacks

Required front setback: N/A
Required rear setback: N/A
Required total side setback: N/A
Side setback: N/A

Proposed front setback: N/A
Proposed rear setback: N/A
Proposed total side setback: N/A
Second side setback: N/A

11. Required and Proposed Parking

Required number of parking spaces: N/A
Typical angle of parking spaces: N/A
Typical width of maneuvering lanes: N/A
Location of parking on site: N/A
Location of parking off site: N/A
Number of light standards in parking area: N/A
Screenwall material: N/A

Proposed number of parking spaces: N/A
Typical size of parking spaces: N/A
Number of spaces <180 sq. ft.: N/A
Number of handicap spaces: N/A
Shared parking agreement? N/A
Height of light standards in parking area: N/A
Height of screenwall: N/A

12. Landscaping

Location of landscape areas: N/A

Proposed landscape material: N/A

13. Streetscape

Sidewalk width: N/A

Number of benches: N/A

Number of planters: N/A

Number of existing street trees: N/A

Number of proposed street trees: N/A

Streetscape plan submitted? N/A

Description of benches or planters: N/A

Species of existing trees: N/A

Species of proposed trees: N/A

14. Loading

Required number of loading spaces: N/A

Typical angle of loading spaces: N/A

Screenwall material: N/A

Location of loading spaces on site: N/A

Proposed number of loading spaces: N/A

Typical size of loading spaces: N/A

Height of screenwall: N/A

Typical time loading spaces are used: N/A

15. Exterior Waste Receptacles

Required number of waste receptacles: N/A

Location of waste receptacles: N/A

Screenwall material: N/A

Proposed number of waste receptacles: N/A

Size of waste receptacles: N/A

Height of screenwall: N/A

16. Mechanical Equipment

Utilities and Transformers:

Number of ground mounted transformers: N/A

Size of transformers (L•W•H): N/A

Number of utility easements: N/A

Screenwall material: N/A

Location of all utilities & easements: N/A

Height of screenwall: N/A

Ground Mounted Mechanical Equipment:

Number of ground mounted units: N/A

Size of ground mounted units (L•W•H): N/A

Screenwall material: N/A

Location of all ground mounted units: N/A

Height of screenwall: N/A

Rooftop Mechanical Equipment:

Number of rooftop units: N/A

Type of rooftop units: N/A

Screenwall material: N/A

Location of screenwall: N/A

Location of all rooftop units: N/A

Size of rooftop units (L•W•H): N/A

Percentage of rooftop covered by mechanical units: N/A

Height of screenwall: N/A

Distance from rooftop units to all screenwalls: N/A

17. Accessory Buildings

Number of accessory buildings: N/A

Location of accessory buildings: N/A

Size of accessory buildings: N/A

Height of accessory buildings: N/A

18. Building Lighting

Number of light standards on building: N/A

Type of light standards on building: N/A

Size of light fixtures (L•W•H): N/A
Maximum wattage per fixture: N/A
Light level at each property line: N/A

Height from grade: N/A
Proposed wattage per fixture: N/A

19. Site Lighting

Number of light fixtures: N/A
Size of light fixtures (L•W•H): N/A
Maximum wattage per fixture: N/A
Light level at each property line: N/A

Type of light fixtures: N/A
Height from grade: N/A
Proposed wattage per fixture: N/A
Holiday tree lighting receptacles: N/A

20. Adjacent Properties

Number of properties within 200 ft.: N/A

Property #1

Number of buildings on site: N/A
Zoning district: N/A
Use type: N/A
Square footage of principal building: N/A
Square footage of accessory buildings: N/A
Number of parking spaces: N/A

Property Description: N/A

North, south, east or west of property? N/A

Property #2

Number of buildings on site: N/A
Zoning district: N/A
Use type: N/A
Square footage of principal building: N/A
Square footage of accessory buildings: N/A
Number of parking spaces: N/A

Property Description: N/A

North, south, east or west of property? N/A

Property #3

Number of buildings on site: N/A
Zoning district: N/A
Use type: N/A
Square footage of principal building: N/A
Square footage of accessory buildings: N/A
Number of parking spaces: N/A

Property Description: N/A

North, south, east or west of property? N/A

Property #4

Number of buildings on site: N/A
Zoning district: N/A
Use type: N/A
Square footage of principal building: N/A
Square footage of accessory buildings: N/A
Number of parking spaces: N/A

Property Description: N/A

North, south, east or west of property? N/A

Property #5

Number of buildings on site: N/A
Zoning district: N/A
Use type: N/A
Square footage of principal building: N/A
Square footage of accessory buildings: N/A
Number of parking spaces: N/A

Property Description: N/A

North, south, east or west of property? N/A

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: DocuSigned by: JEFFREY SILVERMAN 97C61C491456450... Date: 11/16/2021

Print Name: Jeffrey Silverman

Signature of Applicant: DocuSigned by: JEFFREY SILVERMAN 97C61C491456450... Date: 11/16/2021

Print Name: Jeffrey Silverman

Signature of Architect: _____ Date: _____

Print Name: _____

Office Use Only

Application #: _____ Date Received: _____ Fee: _____

Date of Approval: _____ Date of Denial: _____ Accepted by: _____

DATE: November 29, 2021

TO: Thomas M. Markus, City Manager

FROM: Mark Gerber, Finance Director/Treasurer

SUBJECT: Lease Agreement – 35046 Woodward Ave. (Formerly Alban's Bottle & Basket)

INTRODUCTION:

The lease agreement between the owner, Water Tower Properties, and the City at this location has expired and a new lease must be approved by the City Commission.

BACKGROUND:

The property at 35046 Woodward Ave. is currently being used as a medical office building. According to the City's zoning ordinance, the property does not have sufficient parking on site for the businesses in the building. To be compliant with the zoning ordinance, the owner must lease additional spaces on perimeter of the water tower site currently owned by the City.

There are 23 parking spaces available in total on the west and south sides of the property which are included in this lease. Previously, the owner of the property paid \$692 per month for these spaces or approximately \$30/space/month. The new 20-year lease calls for \$45/space/month for the first 5 years, \$50/space/month for the next 5 years, \$55/space/month for the next 5 years, and \$60/space/month for the final 5 years. This will allow the owner to incorporate these costs into future lease agreements with their tenants.

Currently, the City charges \$70/space/month at most of its structures, except for Chester which is at \$50/space/month. This situation is unique where the spaces being leased are not in the downtown parking district nor are they typical public parking spaces where there is metered parking. The situation is also unique in that the City controls the parking requirements and the property from which the owner must lease the spaces.

LEGAL REVIEW:

The attached lease agreement was negotiated and prepared by legal counsel.

FISCAL IMPACT:

The City would see an initial increase in revenue of approximately 50% from this lease or \$4,116 annually.

PUBLIC COMMUNICATIONS:

None.

SUMMARY

It is recommended that the City Commission approve the agreement and have the clerk and mayor sign the agreement on behalf of the City.

ATTACHMENTS:

- Lease Agreement between the City and Water Tower Properties

SUGGESTED COMMISSION ACTION:

Make a motion adopting a resolution to approve the lease agreement between the City and Water Tower Properties and authorize the mayor and the city clerk to sign the agreement on behalf of the City.

LEASE AGREEMENT

11/1/22 This Lease Agreement ("Agreement"), made and entered into on 11/1/22 between the **CITY OF BIRMINGHAM** a Michigan Municipal Corporation ("Lessor"), whose address is 151 Martin Street, Birmingham, MI 48009, and **WATER TOWER PROPERTIES OF BIRMINGHAM MICHIGAN, LLC** a Michigan Limited Liability Company, ("Lessee") whose address is 35046 Woodward, Birmingham, MI 48009.

WHEREAS, the Lessor is the owner of the following described property, to wit:

(See attached Exhibit A); and

WHEREAS, the Lessor desires to lease the south half of the described property; and

WHEREAS, the Lessee desires to lease the south side of the parking lot portion of the property ("Parking Lot") for public parking purposes as shown in Exhibit B; and

WHEREAS, the Lessee desires to lease the west side of the parking lot portion of the property ("Parking Lot") for public parking purposes as shown on Exhibit C; and

WHEREAS, the parties have agreed to enter into this Lease of property to enable the Lessee to proceed with providing public parking.

NOW, THEREFORE, FOR THE COVENANTS AND AGREEMENTS HEREIN MADE, IT IS HEREBY AGREED AS FOLLOWS:

1. This Agreement shall be for a term commencing on 11/1/22 and shall expire twenty (20) years from the date of commencement.
2. It is the intent of the parties that the leased premises shall, at all times, be used to provide parking in connection with the use of Lessee's building and the City must approve any assignment of Lessee's transfer of this Lease.
3. The Lessee shall have use of the south and west end of the property for the Lessee's parking purposes.
4. The Lessees shall provide general maintenance of the entire parking lot during that period it is being used for the Lessee's parking purposes under the terms of this lease, including snow removal from the parking lot. Should repaving be required during the term of this Lease, Lessor and Lessee will enter into an agreement for paving purposes and the City of Birmingham will have the opportunity for bidding the repaving project subject to charter and ordinance provisions. All repaving matters shall be agreed upon in writing as an Addendum to this Agreement.
5. The Lessees shall be responsible for necessary repairs to the parking lot during the term of this lease including those as a result of damage caused by activity

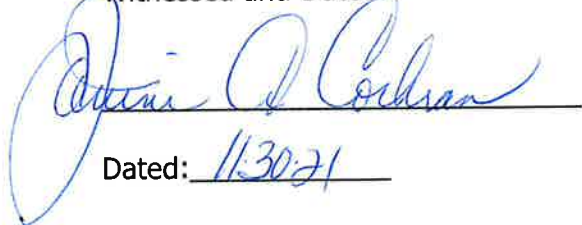
attributable to the use of the parking lot for damage that would occur beyond normal wear and tear.

6. The Lessee shall not make any alterations, additions, or improvements without Lessor's written consent and that Lessor shall, in all events, comply with all applicable ordinances and laws of the Lessee in connection with its duties and responsibilities.
7. 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.
8. The Lessee shall be permitted to erect signage indicating "Parking for Medical Building Only. All others will be towed at owner's expense," and agree to remove said signage at its cost at termination of the lease. The fabrication of the signs will be paid for and coordinated by the Lessee with the consent of the City at Lessee's expense.
9. The City of Birmingham shall have the unrestricted right to enter upon the leased premises for the purpose of inspecting, servicing or maintaining the water tank and utility lines, and may, in its discretion prevent the use of any portion of the leased premises for temporary periods as the Lessor may deem necessary to maintain and service the water tank and utility lines. The City of Birmingham agrees to keep the water tank and utility lines in good repair and order. In addition, the City of Birmingham is responsible for maintaining the landscaping around the water tank, including weeding, mowing, flower beds and water drainage to conform to the appearance of a "well maintained City of Birmingham lot." Any parking space subject to this Lease Agreement that is unusable due to the City's access for maintenance or other reasons will be deducted prorata from the agreed upon leased price for the period of the space or spaces that are unusable when the space(s) are unusable for more than ten (10) consecutive days.
10. Prior to commencement of this Lease, the Lessee shall furnish Lessor Certificates of Insurance showing that the Lessee has obtained and there is currently in effect the insurance coverage described in this Lease Agreement. The certificate shall indicate that the Lessee is an additional named insured, and that each of the insurance contracts require the insurance carrier to give the City of Birmingham ten (10) days' notice of cancellation prior to cancellation of any insurance coverage.
11. During the term of this Lease, the Lessees shall maintain liability insurance on said property providing a minimum of \$1,000,000.00 limits and will hold the Lessor harmless from any claim or liability arising out of the Lessee's use of said property.

To the fullest extent permitted by law, the Lessee and any entity or person for whom Lessee 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 Lessee 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, or City owned property causing damage to the parking spaces, or property in the parking spaces.

12. Upon failure of Lessee to perform any of its obligations under this Lease, the Lessor will provide notice to the Lessee of the violation, and the Lessee will have thirty (30) days to resolve the violation. If the violation is not resolved in thirty (30) days, this Lease shall be terminated.
13. Lessee shall have the right to cancel this Lease at any time by giving Lessor a one (1) month written notice. Termination of this Lease, however, shall not result in any waiver of the obligation of Lessee to pay any outstanding obligations due.
14. Payment shall be made from Lessee Water Tower Properties of Birmingham, MI LLC to the City of Birmingham in the amount of Forty-five Dollars (\$45.00) per parking space per month for the first five (5) year term. The second five (5) year term will be Fifty Dollars (\$50.00) per parking space per month. The following five (5) year term will be Fifty-five (\$55.00) per parking space per month. The last five (5) year term will be Sixty Dollars (\$60.00) per parking space per month.
15. The Lessor represents and warrants to the Lessees that it has good marketable title to the leased property and is the owner in fee thereof.
16. This Lease shall be binding upon and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns.
17. This Lease Agreement supersedes any and all prior permits or leases granted to this Lessee by the City of Birmingham.

Witnessed and Dated:


Dated: 11/30/21

LESSEE:

WATER TOWER PROPERTIES OF
BIRMINGHAM, MI LLC

By: 

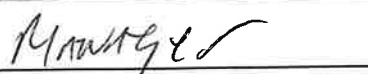
Its: 

Exhibit A

**Parcel
Identification
Number**

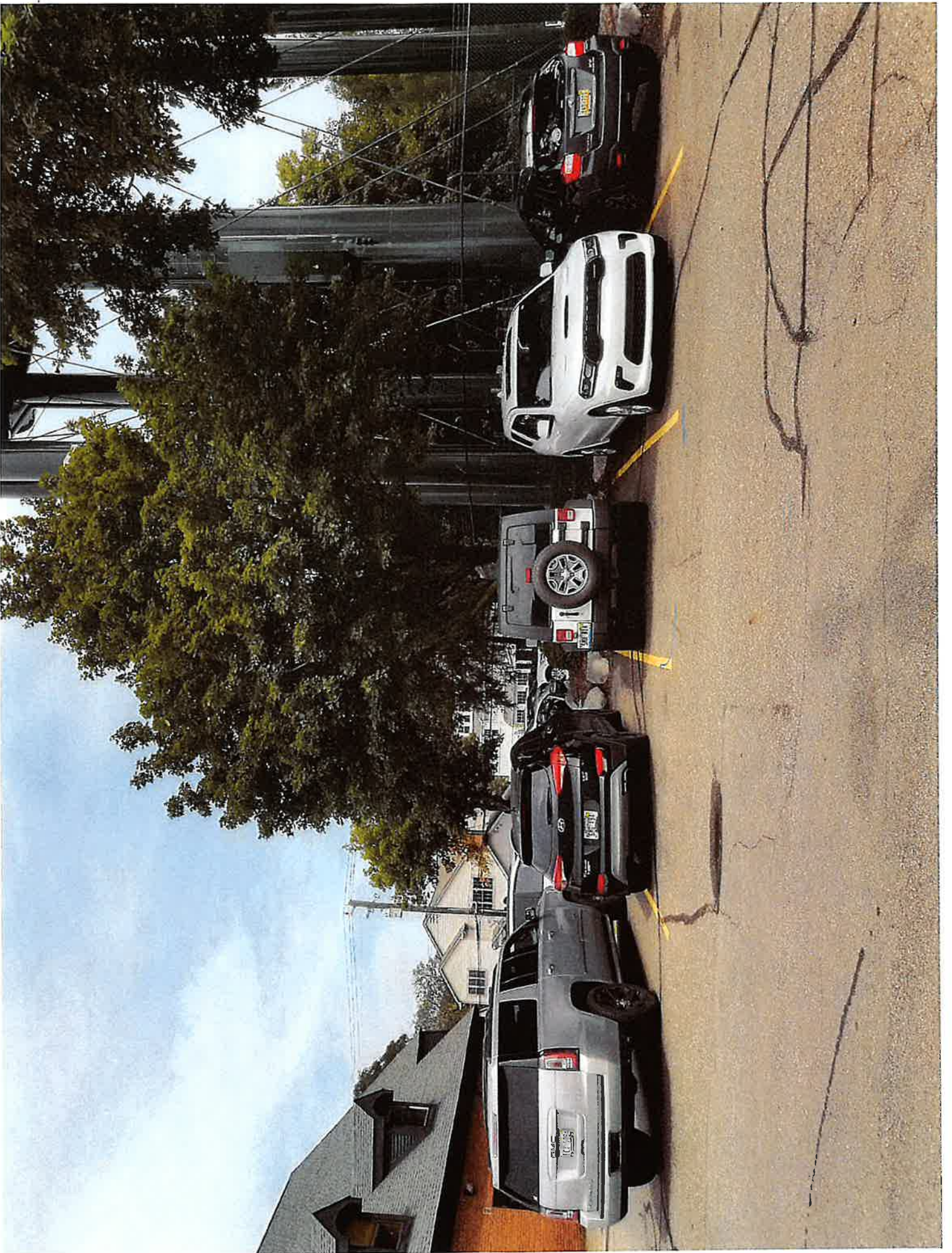
1925483021

**Owner Name
CITY OF
BIRMINGHAM**

Property Description

T2N, R10E, SEC 25 ASSESSOR'S PLAT NO 26 PART OF LOTS 2, 3 & 4 BEG AT NE COR OF LOT 3, TH S 02-12-40 E 170.0 FT, TH S 87-45-00 W 145.37 FT, TH N 02-12-40 W 150.0 FT, TH S 87-45-00 W 104.43 FT, TH N 02-15-00 W 20.0 FT, TH N 87-45-00 E 250.0 FT TO BEG, ALSO N 20 FT OF LOT 21 OF 'RIDGEDALE PARK SUB' EXC THAT PART TAKEN FOR RD

Exhibit B
Water Tower South Side 1 of 2



Water Tower South Side 2 of 2

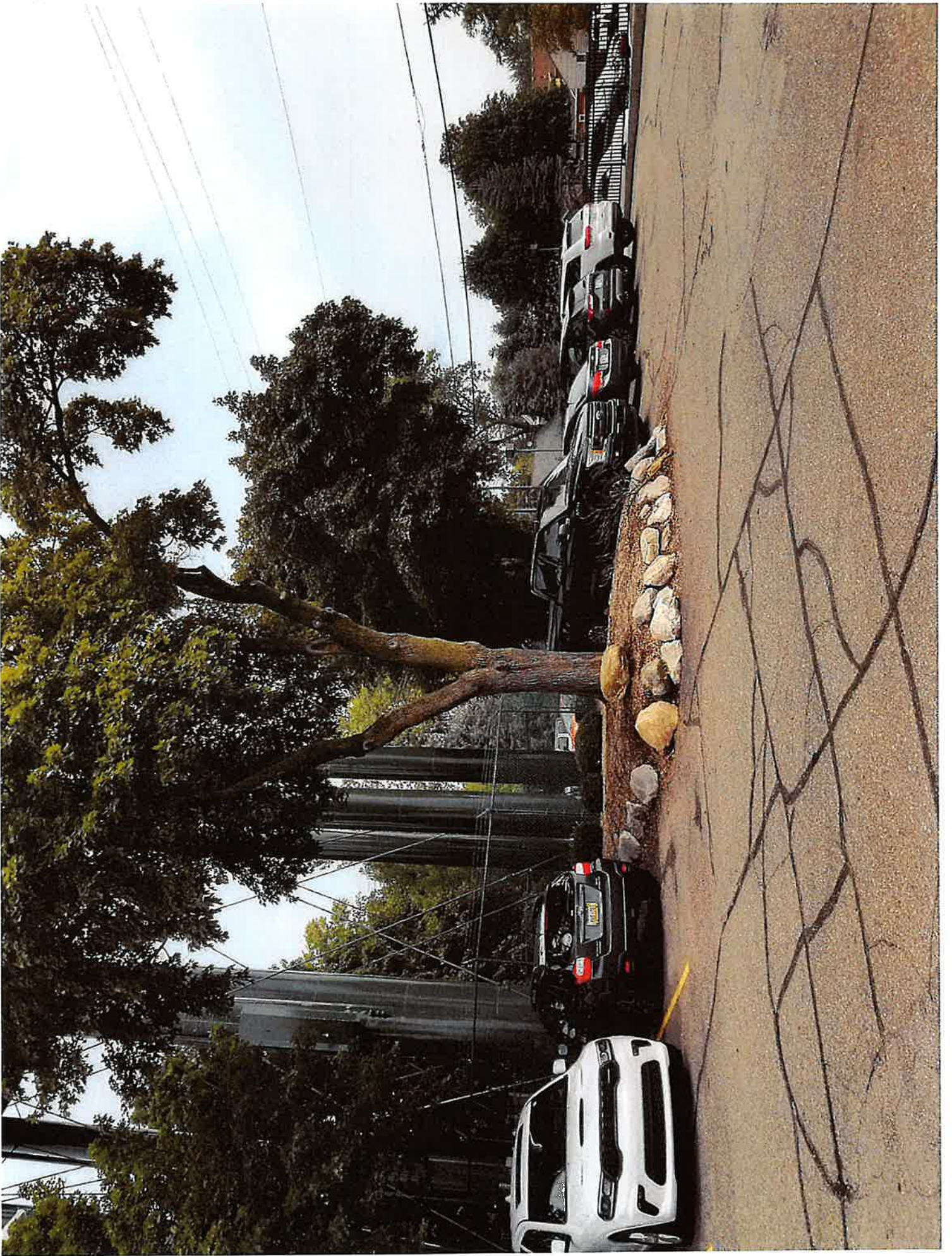


Exhibit C

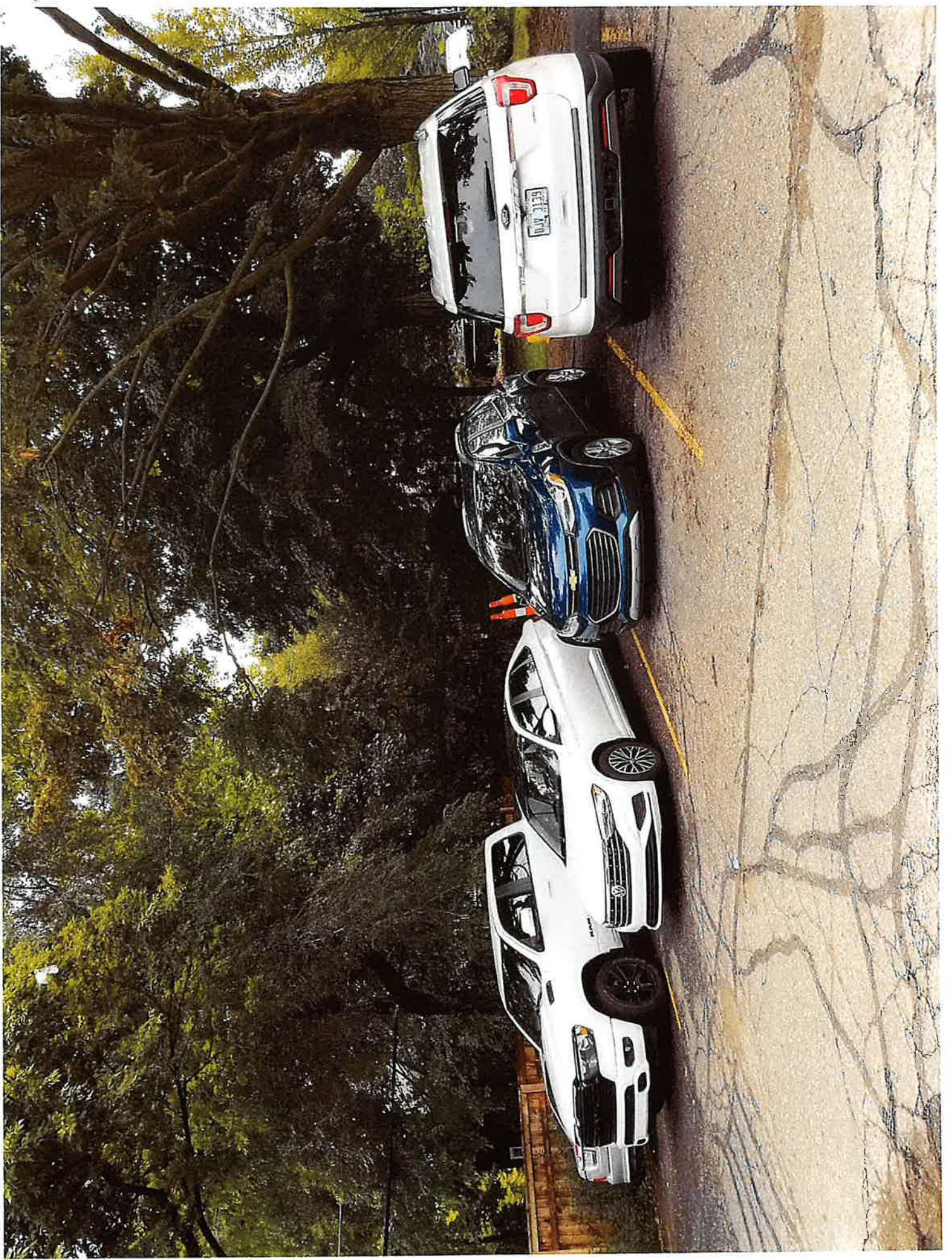
Water Tower West Side 1 Of 3



Water Tower West Side 2 Of 3



Water Tower West Side 3 of 3





MEMORANDUM

Department of Public Services

DATE: November 24, 2021

TO: Thomas M. Markus, City Manager

FROM: Lauren A. Wood, Director of Public Services

SUBJECT: Power Washing Sidewalks Downtown 2022-2024

INTRODUCTION:

The City of Birmingham Department of Public Services (DPS) in partnership with the Birmingham Shopping District (BSD) manages the power washing of sidewalks in the Central Business District (CBD) every year. Sealed bids were opened on Tuesday, September 14, 2021 for the cost to perform power washing in the CBD twice a year, once in Spring and once late Summer, between 2022-2024. The Request for Proposals (RFP) was entered into the Michigan Inter-Governmental Trade Network (MITN) purchasing system.

BACKGROUND:

Traditionally, power washing of sidewalks occurred on an as-needed basis, with the Department of Public Services procuring quotes from qualified contractors. For the past 2 calendar years, 2020 and 2021, only one power washing application took place, in part due to construction in the downtown and secondly, due to the pandemic. In years prior to 2020, the typical schedule for power washing was an application in the Spring and an application in the Fall.

The scope of work for contract includes two power washing applications in the CBD by June 30 and September 30, with the option to have a third application if necessary for the years 2022, 2023, and 2024. Power washing keeps the sidewalks downtown sanitary and visually appealing, removing gum, spills and other debris.

Two (2) bidders responded to our request for proposals. The result of the sealed bids follows in the table below.

Bidder	Base Bid	Deviations?
Dynamic Systems, Inc.	\$66,300.00	No
CurbCo Sweeping, Inc.	\$77,220.00	No

The contractor will use heated power washers to treat Old Woodward, Maple, Hamilton Row, Ferndale, Pierce, Shain Park, Henrietta, Merrill, and E. Brown. Due to these areas being heavily congested, work is always scheduled to take place between 10 p.m. and 6 a.m. to avoid pedestrian interference, with each application typically taking 5-7 nights of work.

Each power washing application is priced at \$11,050 for the entirety of the 3-year contract or two applications per year. The one time application price for 2021 from a different vendor was \$10,810, but for this contract, an additional area on Henrietta was added so this pricing is appropriate.

Dynamic Systems, Inc. is able to perform all work as requested.

LEGAL REVIEW:

The City Attorney has completed a review of this contract agreement and approved with signature.

FISCAL IMPACT:

This work is performed annually and the cost is shared 50/50 between the Department of Public Services and Birmingham Shopping District. This project was included in the 2021-2022 Approved Budget. Funds are available from the Birmingham Shopping District Maintenance account #247-748.000-935.0200 and the Parks Other Contractual Services account #101-751.000-811.0000 for these services.

PUBLIC COMMUNICATIONS:

The Birmingham Shopping District (BSD) notifies business owners prior to each application so they can anticipate the work and remove any necessary site furnishings.

SUMMARY:

The RFP requires bidders to provide references, completed projects similar in scope, size and purpose, and written plan/timeline for the project. After reviewing all submitted materials, checking references, and conducting an interview, the DPS recommends awarding the Power Washing Sidewalks Downtown project to Dynamic Systems, Inc. They have previously worked with the city performing power washing in 2009 and 2011-2019. Also, they are the lowest responsible and responsive bidder for "Power Washing Sidewalks in Downtown Birmingham 2022-2024."

Upon award, the contractor will be notified to secure a hydrant permit and notify DPS when work is scheduled before each application.

ATTACHMENTS:

The Agreement including the required Insurance Certificate, Bidder's Agreement, Cost Proposal, and Iran Sanctions Act Vendor Certification Form are attached for your review.

SUGGESTED COMMISSION ACTION:

To make a motion adopting a resolution approving Dynamic Systems, Inc. be awarded the "Power Washing Sidewalks in Downtown Birmingham 2022-2024" contract for a total project cost not to exceed \$66,300.00. Funds are available from the Birmingham Shopping District Maintenance account #247-748.000-935.0200, and the Parks Other Contractual Services account #101-751.000-811.0000 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.

**ATTACHMENT A - AGREEMENT
For Power Washing Sidewalks in
Downtown Birmingham 2022-2024**

ATTACHMENT A - AGREEMENT
For Power Washing Sidewalks in Downtown Birmingham 2022-2024

This AGREEMENT, made this _____ day of _____, 2021, by and between CITY OF BIRMINGHAM, having its principal municipal office at 151 Martin Street, Birmingham, MI (hereinafter sometimes called "City"), and Dynamic Systems, Inc., having its principal office at 25401 Glendale, Redford, MI 48239 (hereinafter called "Contractor"), provides as follows:

WITNESSETH:

WHEREAS, the City of Birmingham, through its Department of Public Services, is desirous of perform power washing of sidewalks downtown (locations in scope of work) in the City of Birmingham.

WHEREAS, the City has heretofore advertised for bids for the procurement and performance of services required to perform power washing of sidewalks in downtown Birmingham (locations in scope of work), and in connection therewith has prepared a request for sealed proposals ("RFP"), which includes certain instructions to bidders, specifications, terms and conditions.

WHEREAS, the Contractor has professional qualifications that meet the project requirements and has made a bid in accordance with such request for cost proposals to to perform power washing of sidewalks in downtown Birmingham (locations in scope of work).

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 perform power washing of sidewalks in downtown Birmingham (locations in scope of work) and the Contractor's cost proposal dated September 14, 2021 shall be incorporated herein by reference (Exhibits A- E) 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 Contractor for the performance of this Agreement in an amount not to exceed \$66,300.00, as set forth in the Contractor's September 14, 2021 cost proposal.

3. This Agreement shall commence upon execution by both parties, unless the City exercises its option to terminate the Agreement in accordance with the Request for Proposals and shall be for a 3-year period of time.

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

5. The Contractor and the City agree that the Contractor is acting as an independent Contractor with respect to the Contractor's role in providing services to the City pursuant to this Agreement, and as such, shall be liable for its own actions and neither the Contractor nor its employees shall be construed as employees of the City. Nothing contained in this Agreement shall be construed to imply a joint venture or partnership and neither party, by virtue of this Agreement, shall have any right, power or authority to act or create any obligation, express or implied, on behalf of the other party, except as specifically outlined herein. Neither the City nor the Contractor shall be considered or construed to be the agent of the other, nor shall either have the right to bind the other in any manner whatsoever, except as specifically provided in this Agreement, and this Agreement shall not be construed as a contract of agency. The Contractor shall not be 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.

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

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

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

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

10. The Contractor 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 Contractor shall inform the City of all claims or suits asserted against it by the Contractor's employees who work pursuant to this Agreement. The Contractor shall provide the City with periodic status reports concerning all such claims or suits, at intervals established by the City.

11. The Contractor 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.

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

A. Workers' Compensation Insurance:

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

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

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

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

D. Additional Insured: Commercial General Liability and Motor Vehicle Liability Insurance, as described above, shall include an endorsement stating the following:
Additional Insureds: The City of Birmingham, including all elected and appointed officials, all employee and volunteers, all boards, commissions and/or authorities and board members, including employees and volunteers

thereof. This coverage shall be primary to any other coverage that may be available to the additional insured, whether any other available coverage by primary, contributing or excess.

- E. Professional Liability: If applicable, professional liability insurance with limits of not less than \$1,000,000 per claim if Contractor will provide service that are customarily subject to this type of coverage.
- F. Pollution Liability Insurance: Contractor shall procure and maintain during the life of this Agreement Pollution Liability Insurance, with limits of liability of not less than \$1,000,000, per occurrence preferred, but claims made accepted.
- G. Owners Contractors Protective Liability: The Contractor shall procure and maintain during the life of this contract, an Owners Contractors 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.
- H. 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.
- I. Proof of Insurance Coverage: Contractor shall provide the City of Birmingham at the time the Agreement is returned for execution, Certificates of Insurance and/or policies, acceptable to the City of Birmingham, as listed below.
 - 1) Two (2) copies of Certificate of Insurance for Workers' Compensation Insurance;
 - 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.
- J. Coverage Expiration: If any of the above coverages expire during the term of this Agreement, Contractor shall deliver renewal certificates and/or policies to the City of Birmingham at least (10) days prior to the expiration date.
- K. Maintaining Insurance: Upon failure of the Contractor to obtain or maintain such insurance coverage for the term of the Agreement, the City of Birmingham may, at its option, purchase such coverage and subtract the cost of obtaining such coverage from the Agreement amount. In obtaining such coverage, the City of Birmingham shall have no obligation to procure the most cost-effective coverage but may contract with any insurer for such coverage.

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

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

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

16. The City shall be the owner of all the drawings, specifications or other documents prepared by the Contractor. Any modifications made to the drawings by the City shall be clearly marked as such on the modified document. The City may not use these documents for any purpose other than pursuant to the activities provided for in this Agreement.

17. Notices shall be given to:
City of Birmingham
c/o Ms. Lauren Wood
851 S. Eton Rd.
Birmingham, MI 48009

With copies to:

Mary M. Kucharek, City Attorney
Beier Howlett, P.C.
3001 W. Big Beaver Rd., Ste.
#200 Troy, MI 48084

CONTRACTOR

Dynamic Systems, Inc.

25401 Glendale

Redford, MI 48239

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.

I WITNESS: Contractor:

[Signature]

By: David Mekler
Its: President

STATE OF MICHIGAN)
)

ss: COUNTY OF
OAKLAND)

On this 11 day of Nov, 2021, before me personally
appeared David Mekler, who acknowledged that with authority
on behalf of Dynamic Systems Inc to do so he/she signed this Agreement.

[Signature]
Notary Public

ALEX G YVONNOU
Notary Public, State of Michigan
County of Wayne
My Commission Expires Sep. 23, 2025
Acting in the County of Oakland

Wayne County, Michigan
Acting in Oakland County, Michigan


My commission expires: 09/23/2025

CITY OF BIRMINGHAM


By: _____
Pierre Boutros
Its: Mayor

By: _____
Alexandria D. Bingham
Its: City Clerk


APPROVAL (Sec 2-289 City Code)




Lauren Wood, Director of Public Services
(Approved as to substance)



Mark Gerber, Director of Finance
(Approved as to financial obligation)



Mary Kucharek, City Attorney
(Approved as to form)



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



DYNAS-1

OP ID: DA

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
09/20/2021

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).

PRODUCER The Dearborn Agency, Inc. 22691 Michigan Avenue Dearborn, MI 48124 Kimberly A. Gibas, CIC, CAWC		313-562-8373		CONTACT NAME: Kimberly A. Gibas, CIC, CAWC	
				PHONE (A/C, No, Ext): 313-562-8373	FAX (A/C, No): 313-562-5371
				E-MAIL ADDRESS:	
				INSURER(S) AFFORDING COVERAGE	
				NAIC #	
				INSURER A: Westfield Insurance	
				INSURER B: MTM (Manufacturing Technology)	
				INSURER C:	
				INSURER D:	
				INSURER E:	
				INSURER F:	

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

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <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:			CWP4680355	06/26/2021	06/26/2022	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
A	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input checked="" type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY			CWP4680355	06/26/2021	06/26/2022	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$			CWP4680355	06/26/2021	06/26/2022	EACH OCCURRENCE \$ 2,000,000 AGGREGATE \$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y/N If yes, describe under DESCRIPTION OF OPERATIONS below		N/A	2021-322500	06/26/2021	06/26/2022	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 5,000,000 E.L. DISEASE - EA EMPLOYEE \$ 5,000,000 E.L. DISEASE - POLICY LIMIT \$ 5,000,000

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

The city of Birmingham, including all elected and appointed officials, all employee and volunteers, all boards, commissions and/or authorities and board members, including employees and volunteers thereof are additional insured in respect to general and auto liability when required by written contract.

CERTIFICATE HOLDER

City of Birmingham
151 Martin Street
Birmingham, MI 48012

CANCELLATION

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

AUTHORIZED REPRESENTATIVE

NOTEPAD

INSURED'S NAME Dynamic Systems, Inc.

DYNAS-1
OP ID: DA

PAGE 2
Date 09/20/2021

General Liability

- Primary and Noncontributory/ other insurance condition Per endorsement CG2001

- Additional Insureds- Automatic Status per endorsement CG7143

*State or governmental Agency

*Controlling Interest

*Managers or Lessors of premise

*Mortgage, Assignee or Receiver

*Owners or other interests from Whom land has been leased

*Co Owners of Insureds Premises

*Lessor of Leased Equipment

*vendors

- Additional Insured-Owners ,Lessee or Contractors - Scheduled person or organization per endorsement CG2010

-Waiver of Subrogation -Automatic Status per endorsement CG7143

AUTO/ Per endorsement CA7077

-Additional Insured by Contract, Agreement or Permit

-Waiver of Subrogation

ATTACHMENT B - BIDDER'S AGREEMENT
For Power Washing Sidewalks in Downtown Birmingham 2022-2024

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

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

PREPARED BY
(Print Name) David Mekled

DATE 9/14/2021

TITLE President

DATE 9/14/2021

AUTHORIZED SIGNATURE



E-MAIL ADDRESS
david.mekled@dynsys.com

COMPANY
Dynamic Systems, Inc.

ADDRESS
25401 Glendale
Redford, MI 48239

PHONE
313-563-1145

NAME OF PARENT COMPANY
N/A

PHONE
N/A

ADDRESS
N/A

ATTACHMENT C - COST PROPOSAL

For Power Washing Sidewalks in Downtown Birmingham 2022-2024

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

**Attach any chemical specifications for all proposed materials as outlined in the Contractor's Responsibilities section of the RFP (p. 6)*

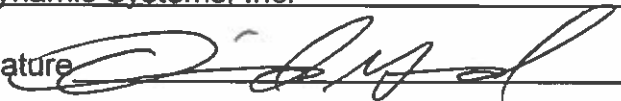
Location	2022 total (2 applications)	2023 total (2 applications)	2024 total (2 applications)	Total 3-year bid
Maple Rd (North and South Sides) Peabody to Bates	\$4968	\$4968	\$4968	\$14904
Merrill St (North and South Sides) Old Woodward to Pierce	\$1840	\$1840	\$1840	\$5520
Hamilton Row (North and South Sides) N Old Woodward to Park St	\$1840	\$1840	\$1840	\$5520
Old Woodward Ave (East and West Sides) Willits to Brown	\$5152	\$5152	\$5152	\$15456
Ferndale Ave (East and West Sides) Hamilton to Oakland	\$920	\$920	\$920	\$2760
Pierce St (East and West Sides) Maple to Merrill	\$1840	\$1840	\$1840	\$5520
Henrietta St (East Side Only) Maple to Martin	\$920	\$920	\$920	\$2760
E. Brown St (North and South Sides) Old Woodward to Peabody	\$920	\$920	\$920	\$2760
Shain Park (Exterior and Interior Walks, Pavillion Area, No Granite)	\$3700	\$3700	\$3700	\$11100
Alternate Bid - Additional Application for all locations	\$9950	\$9950	\$9950	\$29850

60,780

By signing below, contractor agrees to honor pricing and meet established deadlines:

Firm Name Dynamic Systems, Inc.

Authorized signature



Date

9/14/2021



25401 Glendale
Redford, MI 48239

(800) 252-1145
(313) 563-1145
FAX (313) 561-1197

09/14/2021

City of Birmingham Department of Public Service

RE: Powerwashing Sidewalks in Downtown Birmingham Proposal 2022-2024

Dynamic Systems is pleased to submit this proposal for Power washing the Downtown Birmingham Sidewalks

Commitment: Dynamic Systems, Inc. is absolutely committed to perform the work described in the RFP to the City Of Birmingham

Qualifications: Dynamic has unique qualifications for the providing Power Washing services to the City of Birmingham

Locally-Owned and Operated	Crews are not sub-contracted
Previously Performed This Service For City of Birmingham	Multi Client Volume Leveraging
Routine Safety training and Standards and Proper Insurance	History of Successful On Time Completion of Large Scale Individual Services

Thank you for your consideration of our quote,

Sincerely,
David Mekled
Dynamic Systems, Inc.
25401 Glendale
Redford, MI 48239
o 313-563-1145 f 313-561-1197
david.mekled@dynsys.com



25401 Glendale
Redford, MI 48239

(800) 252-1145
(313) 563-1145
FAX (313) 561-1197

Dynamic Systems is the best qualified company to perform the work outlined in the Power washing RFP.

Our proposal/pricing is designed around the following 6 components:

- We are locally owned and operated
- We use technology, the latest procedures and equipment to perform high quality service at a low cost
- We have 42 years experience in the industry and a positive performance history with the City of Birmingham
- We have Routine safety training and standards meetings to maintain safety and quality.
- We utilize our base of clients and locations to leverage volume savings
- We have a history of successful one time large scale projects

Everyone in our industry claims to provide janitorial services at a low cost with quality and attention to detail. Any company that makes it as a finalist for this RFP probably does those things. However, only a few things will make the 10% difference between good and great in this project: local ownership, technology and advanced equipment, experience, training, multi-client volume leveraging, and previous success in smooth transitions. Only our firm can make all these claims. That is our 10% advantage that will make a 100% difference.

Being locally owned and operated, we are able to adjust and maintain proper quality levels and staffing levels regardless of the situation. We have a finger on the pulse of your facility.

Utilizing our buying power from our supply division, we stay abreast of the latest technology in procedure, cleaners and equipment. One example of this is the utilization of large heated pressure washing units and specialized walk behind tools that allow for thorough cleaning over a wider area. These tools also reduce overspray. Proper equipment results in a faster and more thorough job.

We are experienced in providing service to your areas. Dynamic was contracted by City of Birmingham for power washing services in 2009, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, and 2019. We have experience with the area and are sensitive to the downtown customer and proprietors' needs. Furthermore, our experience in the industry as a service provider in facilities cleaning for 35 years gives us an advantage in knowing how to efficiently remove gum and stains.

Our staff is trained in our facility before being sent to your site. Our training consists of proper procedures and on the safety requirements of the customer. Furthermore, we carry insurance that exceeds your requirements and because we have provided service for you before, you are already listed as a certificate holder.

Our client base keeps our crews busy 24/7. With this volume, we are able to run crews with multiple weekly shifts to keep any one crew from "burn out". We are also able to reroute crews to keep a smooth flow to the projects process.

Dynamic is known to be successful in performing large scale projects on time for Municipalities, Retail Sites, Property Managers and Construction Contractors. We have the equipment and staffing resources to start the new contract when you are ready.

In Conclusion, Dynamic Systems was awarded the contract for powerwashing downtown Birmingham in 2009, and 2011 through 2019. From this experience, we are uniquely aware of what is required to perform this job. We are very adept at working with municipalities (as can be seen by our references below) and we hold the proper insurance that municipalities require. Thank you for the opportunity to bid.

Scope of work Plan

Services will be performed at night between 10:00PM and 6:00AM Sunday night through Thursday night in order to avoid the higher traffic from Birmingham's Friday and Saturday nightlife. Work on Friday and Saturday night will be performed in areas with less night time entertainment traffic and starting later to avoid those higher foot traffic times.

Equipment

We use state of the art equipment including *heated* powerwashers that are able to produce 4000 psi of pressure with heat. Adding high heat to the process allows for a more efficient and thorough job allowing us to complete your job sooner with better results. We are confident we are able to meet that deadline with our resources of equipment and labor. Your streets are known for high profile specialty shops. In order to not disturb or damage the facade of your stores, we utilize equipment that minimizes overspray and concentrates the water pressure on the concrete using multiple spinning spray heads. Please see attached pictures of our process.





25401 Glendale
Redford, MI 48239

(800) 252-1145
(313) 563-1145
FAX (313) 561-1197

DYNAMIC SYSTEMS MAINTENANCE CONCEPT

Dynamic Systems is celebrating our 42nd year in the janitorial service industry.

Our Services

Dynamic Systems delivers a specialized range of maintenance solutions and services dedicated to helping organizations protect their costly investment in all surfaces, and to preserving the aesthetics of their interior and exterior spaces. Our team of professionals will work closely with you to ensure that you get the results you expect – and all of our work is completely guaranteed.

Our services include:

- Carpet Cleaning Programs
- Pressure Washing (Concrete and Awning Cleaning)
- Hard Floor Cleaning
- Vacuum Rotation Program
- Complete Line of Janitorial Supplies
- Complete Line of Janitorial Services including:
 - Window Washing
 - High Dusting
 - Office Cleaning
- Emergency Restoration Services such as:
 - Water
 - Fire
 - Odor
- Consultation, Training, and Recommendations
- Site Inspection and Analysis

Contact

David Mekled
Account Manager
313.563.1145 office
800.884.8234 toll free
david.mekled@DynSys.com

Reference List

City of Birmingham

Carrie Laird

Parks and Rec Manager

248-530-1714

City of Rochester Hills

Keri Bright

Procurement Analyst

248-841-2533

City of Dearborn

Debbie Lerini

Executive Assistant – Dept of Public Works

313-943-2394

ATTACHMENT D - IRAN SANCTIONS ACT VENDOR CERTIFICATION FORM
For Power Washing Sidewalks in Downtown Birmingham

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.

PREPARED BY
(Print Name) David Mekled

DATE 9/14/2021

TITLE President

DATE 9/14/2021

AUTHORIZED SIGNATURE



E-MAIL ADDRESS
david.mekled@dynsys.com

COMPANY
Dynamic Systems, Inc

ADDRESS
25401 Glendale
Redford, MI 48239

PHONE
313-563-1145

NAME OF PARENT COMPANY

PHONE

ADDRESS

TAXPAYER I.D.# 80-0235204

DATE: November 23, 2021

TO: Thomas M. Markus, City Manager

FROM: Scott A. Grewe, Operations Commander

SUBJECT: Bird Ave. Permit Parking Request

INTRODUCTION:

A request was received from Richard Pourcho, a resident living at 262 Bird Ave., to install permit parking restrictions on Bird Ave. from Pierce to Edgewood. See attached letter dated September 20, 2021.

BACKGROUND:

Staff met with Mr. Pourcho to discuss the situation. He stated numerous staff members of Pierce School park on Bird during the school day making it difficult for residents and/or their guests to park on the street in front of their homes. Mr. Pourcho also stated the school has been contacted in the past to ask the staff to not park on the street and to use their own lot. He advised, this typically results in a short-term solution and staff reverts back to parking on the street.

Mr. Pourcho provided a petition signed by 100% of the residences (11 out of 11) in the requested area in favor of permit parking. Additionally, he provided pictures of the parking, that he states is typical every day during school hours.

The residents of Bird Ave. from Pierce to Edgewood have requested the installation of parking by permit only on school days. Staff discussed options with Mr. Pourcho, as the requested signage would restrict resident's visitors. Staff suggested a 2-hour time zone from 7a-5p, permit exempt on school days. Additionally, the current draft of the City Wide Master Plan recommends the use of a 2-hour time zone, permit exempt, to address parking concerns in areas near schools. However, Mr. Pourcho stated a 2 hour time zone would not remove much of the unwanted parkers. He stated the school has numerous staff members that only report to the school a short time each day and that these staff members are frequently parked on Bird.

This topic was discussed at the November 4, 2021 Multi-Modal Transportation Board (MMTB) meeting. The MMTB passed a recommendation to install a "No Parking 7 a.m. to 5 p.m. Permit Exempt" restriction on Bird from Pierce to Edgewood on the south side of the road.

LEGAL REVIEW:

No review conducted.

FISCAL IMPACT:

The signs will be ordered and installed by DPS with an approximate cost of \$300.00.

PUBLIC COMMUNICATIONS:

100% of the residents affected by this change were contacted and signed in favor of the recommended change. Additionally, the principle at Pierce Elementary has been contacted in the past and advised of the complaints and asked to have staff park in their lot. Since these efforts have not corrected the problem, the principle was made aware this request was going to the City.

SUMMARY

A request was received by residents of Bird Ave. to install a no parking restriction, on the south side of the road, for school days, from 7 a.m. to 5 p.m. (Permit Exempt) due to staff from Pierce Elementary parking on the street making this area inaccessible to residents. Despite efforts with school administration to encourage staff to use the school parking lot, the problem persists. As a result, 100% of the residents in the requested area signed a petition in favor of the new restriction.

The MMTB reviewed the request and passed a recommendation to the City Commission to approve the installation of the requested restriction.

ATTACHMENTS:

1. Letter from Mr. Pourcho requesting restricted parking.
2. Guidelines for Permit Parking Requests.
3. MMTB minutes from the November 4, 2021 meeting.
4. Signed petitions by residents.
5. Pictures provided by Mr. Pourcho of the current condition.

SUGGESTED COMMISSION ACTION:

Make a motion adopting a resolution to install a No Parking from 7 a.m. to 5 p.m., Permit Exempt zone for School Days on Bird Ave. from Pierce to Edgewood. Further, to direct the Chief of Police and the City Clerk to sign the traffic control order on behalf of the City.

To:

Commander Mr. Scott Grewe

From:

Richard Pourcho

262 Bird Ave.

Birmingham, MI 48009

(586) 306-1852

Subject: Request the City of Birmingham to designate "South Side of Bird, from Pierce St. to Edgewood" as "Parking by Permit only on School Days"

The purpose of this note is to request that the City Proceed with 100 % approval of a petition of the home owners of this block.

➤ **What was done:**

- In the attachments you will find the blank petition that was sent out to all 11 home owners and to the 8 Condos that were on the block.
- When we talked about this you told me to get this approved it would take at least 75% of the Home owners. The Condo Owners at the end of the street did not count but...
- You also told me you would be interested in what the Condo owners at the end of the street thought as they park on the street also.
- So I gave the petition to all 8 of the condo owners that face Bird Ave.

➤ **Results:**

- Attached you will find the results of the petition, as well as the copies of the Actual petitions that were given back to me. There are a total of 11 Homes on this side of the block.
 - 11/11 – **100% of the home owners voted to have the Permit Parking installed.**
 1. I got all these back by September 15, 2021 (From 8/28/21 to 9/15/21, >2weeks).
 2. Many home owners told me that this was overdue and we as Home Owners have put up with the situation that we have been facing for a long time.
 3. Additionally with a **lot of home owners working from home now need the street parking and thus it has become a mess for us.**
 - 4/8 – Condo Owners supplied their vote to have permit parking installed. Got NO RESPONSE from 4 Condo Owners. I know Condo Owners do not count but if they did we have 15/19 for a **78.9 % Approval Rating**
- You asked me for pictures so I have attached pictures taken then of the street and the problem as you have asked me to do. These pictures were mostly taken September 1&2 of 2021 (This Year). The last 2 pictures taken on 9/7/21 (I took 1 picture from my driveway west towards Pierce Street, and just turned around and took the second from my driveway East towards Edgewood.

To: Commander Mr. Scott Grewe (Continued)

- **My Own experience:** (Which most home owners told me they agree).
 - I have lived here with my wife for the past 11 years.
 1. Limited street parking for us, but **you can only use street parking in the day time for only ~2.0 months out of a year (Mid-June to late August - when school is out for the summer). The reason is that the Pierce Elementary School Workers are parking on the street when they come to work.**
 2. I have not had my leaves picked up in 11 years as the sweeper cannot get the curb where they are at because of all the cars. I have had to bag all my leaves in the fall.
 3. We have not had the curb side of our street cleaned by the street sweeper because of all the Pierce Elementary workers cars.
 4. Residents that need to come and go during the day have to park elsewhere to use street parking, not in front of the Property they pay Property Taxes for (some times in the next block).
 5. **Now with a lot of people working from home, they need street parking, but with Pierce Elementary workers using the street it has become a mess for us.**
- **What has been done before this action:**
 - For the past 10+ years the principal has been called at least 5 times to ask his staff to just park into the school lot. This has helped a little and for a short time, then it goes back to where we were.
 - This spring (2021) Birmingham Police Commander Mr. S. Grewe was nice enough to call the school on our behalf. This got more action then we have had but it lasted less than a month.
 - We have put notes on cars asking them to PLEASE consider parking in the school lot. This did not work either. (See Attachments).

The petition I made up describes the action we expect from the city (as best as I can remember it when we talked about this how to do it).

Attachments:

- Final Results by house in spread sheet.
- The Blank Petition I sent to 11 home owners, and 8 condo owners.
- The Final ACTUAL petitions given back to me with the Signatures & Vote of the home owners.
- The Final ACTUAL petitions given back to me with the Signatures & Vote of the Condo owners.
- Pictures of the first week of school 2021 (This year), that you have asked me to get. The last 2 pictures were from 9/8/2021 (I wanted you to see this is not a fluke with another day of pictures).
- The tag that has been put on cars for almost 8+ Years asking a Bird Parking person that works at School to move to the school lot.

Please it is at this point I would expect the city to support the home owners and their wishes. Please let me know what the status is on this issue going forward. Thanks for all your help and guidance. This is the last place we can get help for this issue.

Sincerely,  Richard Pourcho - 262 Bird Ave. Birmingham, MI 48009. Phone: (586) 306-1852

GUIDELINES FOR RESIDENTIAL PERMIT PARKING REQUESTS

The City Commission has established the following prerequisites governing requests for permit parking in the residential areas.

1. Requests shall be by petition submitted to the City Commission and signed by the residential and non-residential non-conforming occupants of the area of consideration.
 - A. At least 75% of the addresses in the area of consideration must favor the request.
 - B. Regardless of the number of signatures per address, each address shall have only one "vote".
2. Permit parking requests shall apply to residential areas only.
3. Non-residential non-conforming businesses in the residential area petitioning for permit parking shall be included in any subsequent permit parking district.
 - A. Each non-residential non-conforming address shall count as one vote regardless of the number of signatures for that address.
4. The area of consideration for permit parking must consist of at least one city block on at least one side of the street, except;
 - A. Where a portion of the street is zoned non-residential, that portion shall not be included.
5. The area of consideration for permit parking must be located in close proximity to a major commercial, industrial or school area where the City Commission determines that the spill-over parking is or may be detrimental to the neighborhood.
6. Residential permit parking shall not be permitted on a street or side of a street where municipal parking meters exist.
7. The City Commission may refer the request to the Multi Modal Transportation Board for a recommendation.
8. All residential permit parking streets will be reviewed on a biennial basis.
9. All residential permit parking requests may include a two hour time zone that is permit parking exempt.

DRAFT

City Of Birmingham Multi-Modal Transportation Board Thursday, November 4, 2021

151 Martin Street, City Commission Room 205, Birmingham, MI

Minutes of the regular meeting of the City of Birmingham Multi-Modal Transportation Board held Thursday, November 4, 2021.

Chair Schafer convened the meeting at 6:01 p.m.

1. Rollcall

Present: Chair Katie Schafer; Board Members Andrew Haig, David Hocker, David Lurie, Tom Peard, Doug White (arrived 6:05 p.m., sat in audience); Alternate Board Member Joe Zane; Student Representative Alex Walters

Absent: Alternate Board Member Amanda Fishburn; Student Representatives Lauren Morris, Justin Schoener

Administration:

Brooks Cowan, Senior Planner (SP)
Laura Eichenhorn, City Transcriptionist (CT)
Scott Grewe, Operations Commander (OC)
Jim Surhigh, Consulting City Engineer (CCE)
Scott Zielinski, Assistant City Engineer (ACE)

Fleis & Vandenbrink (F&V):

Julie Kroll

MKSK: Brad Strader

2. Introductions

3. Review Agenda

4. Approval of MMTB Minutes of August 5, 2021 & October 7, 2021

Motion by Mr. Haig

Seconded by Mr. Peard to approve the MMTB Minutes of August 5, 2021 as submitted.

Motion carried, 6-0.

VOICE VOTE

Yeas: Schafer, Zane, Lurie, Haig, Peard, Hocker

Nays: None

Motion by Mr. Hocker

Seconded by Mr. Zane to approve the MMTB Minutes of October 7, 2021 as submitted.

Motion carried, 6-0.

VOICE VOTE

Yeas: Hocker, Schafer, Zane, Lurie, Haig, Peard

Nays: None

5. Multi-Modal Transportation Plan Roadway Improvements (2021-2022)

a. Pierce Street, Lincoln to 14 Mile, Bike Lane Options

ACE Zielinski introduced the item.

Mr. Strader presented the item.

OC Grewe informed the Board that there are often speed complaints on Pierce. He cautioned that removing parking could result in further increased speeds.

The Board noted during discussion that none of the options resulted in an ideal set of conditions on Pierce.

After further Board discussion, ACE Zielinski suggested that seven feet on each side of the road be marked off with paint to create visual interference and to observe the impact on speeds. He noted that both the parking lane and the bicycle lane plus a two-foot buffer would be seven feet. He said that would give the City time to observe changes and solicit resident feedback.

Mr. Strader noted that when on-street parking on the southbound side of Eton was removed along with other changes the speeds went down. Residents along Eton also felt safer when the parking was removed because it improved sight distances and reduced crashes.

CCE Surhigh said the painting trial could be done after the road is resurfaced in Spring 2022.

Chair Schafer recommended studying whether the sidewalks should be widened south of Southlawn instead of along the whole length of Pierce. She noted that would help preserve the mature trees north of Southlawn.

Mr. Haig noted that both the current narrowness of the driveways and some of the proposed conditions might be particularly difficult for bus drivers going to and from Pierce School.

Mr. Zane recommended getting feedback from Pierce Street residents and members of the Pierce School community, including the bus drivers.

Mr. Zane and Chair Schafer agreed that the item should be re-addressed at a future meeting once more information has been gathered.

6. Bird Street Parking Permit Request

OC Grewe presented the item. He clarified that:

- He was amending the recommended action to be for a permit-exempt time zone from 7 a.m. to 5 p.m. on weekdays without the two hour allowance after a discussion with resident Richard Pourcho.
- Mr. Pourcho reported that this issue preceded Pierce School's parking lot construction.
- This was the first unanimous resident petition OC Grewe has received for the addition of permit parking.
- There is adequate on-site parking for teachers at Pierce, but that they prefer to park on Bird because it is closer to the school.

Public Comment

Mr. Pourcho asked the Board to support the recommendation to add permit parking to Bird.

Motion by Mr. Zane

Seconded by Mr. Peard to recommend to the City Commission the approval of the installation of a permit-exempt time zone from 7 a.m. to 5 p.m. on Bird from Pierce to Edgewood on the south side of Bird on weekdays.

Motion carried, 6-0.

VOICE VOTE

Yeas: Hocker, Schafer, Zane, Lurie, Haig, Peard

Nays: None

7. Sidewalk Prioritization and CIP Recommendations

SP Cowan and CCE Surhigh presented the item.

Mr. Lurie said he suspected too few people would use a sidewalk along Greenwood Cemetery (Greenwood) to justify the cost of installation. He also said he would not be in favor of removing the trees next to Greenwood to install the sidewalk.

Mr. Haig said he also did not think a sidewalk along Greenwood would receive much use.

SP Cowan noted that Oak Ave along Greenwood is part of the Neighborhood Connector Loop and also a major road, which is why the prospect of adding a sidewalk in that location was being raised.

ACE Zielinski said that pedestrians coming from the west heading downtown would be likely to use a sidewalk along Greenwood if it were available.

Mr. Lurie said that pedestrians would still have to cross south at Old Woodward even if they followed the path described.

There was Board consensus that it would be more appropriate to add sidewalks to residential streets with no sidewalk coverage before adding sidewalks to streets that already have a sidewalk on one side. There was also consensus that safety-critical areas with more difficult right-of-ways

should be considered as higher priorities.

8. S. Eton Striping and Multi-Modal Enhancements

SP Cowan, Mr. Strader, and Ms. Kroll presented the item.

Chair Schafer noted that she had emailed photo and video of some recent road improvements in Ann Arbor and recommended the Board consider whether some of the aspects of the improvements could be replicated in Birmingham.

Mr. Strader said he would look into the improvements Chair Schafer was referencing.

Ms. Kroll said it might be the Williams Street Bikeway.

In reply to Mr. Peard, Mr. Strader acknowledged that one booklet from the Federal Highway Administration (FHA) advises against installing a level two-way cycle track on a two-way road. He said that if a two-way cycle track were to be installed on a two-way road it is preferable for it to be raised. He clarified that the recommendation from the FHA did not amount to a hard-and-fast rule.

The presenters there have been a lot of innovations in the discipline of enhancing multi-modal options since the original recommendations were made for S. Eton in 2017. They said they would return to the Board with some of those newer options as appropriate.

9. Meeting Open to the Public for items not on the Agenda

Michael St. Germain reviewed his letter and his Birmingham Pedestrians Project submittal which was included at the end of the meeting's agenda packet. He added that improvements to the medians on Woodward where pedestrians wait could increase a sense of pedestrian safety.

Mr. Strader stated that he, Ms. Kroll and Staff would be meeting with MDOT about improving the safety multiple Woodward crossings. He stated Ms. Kroll asked MDOT to conduct a road safety audit at all pedestrian crossings of Woodward, including crossings occurring outside of crosswalks. MDOT was also asked to devise an overall pedestrian crossing plan. He said there were also possibilities of working with Ferndale and other communities along Woodward to advocate for increased safety.

Chair Schafer noted MDOT officials were also in attendance at a recent Commission meeting discussing the issue.

ACE Zielinski summarized improvements being made presently to the Brown/Forest intersection with Woodward. He also summarized condition differences between the Ferndale and Birmingham portions of Woodward.

Ms. Kroll explained how pedestrian clearance intervals are calculated. She said implementation of leading pedestrian intervals could be one option for increasing pedestrian safety along Woodward. She said she would have to pull the permits for Ferndale to know exactly how their crossings are timed.

Mr. Lurie raised concerns about speeds on residential streets.

Mr. Strader said that he and Staff could bring back a previous Board practice of having informational presentations during meetings with lighter agendas, and that traffic calming methods would be a worthwhile topic to study for one of those presentations.

Mr. Zane said he would be interested in learning more about how the decision is made to close off a street to through traffic. He cited Chestnut as one example, saying he thought it would be better to limit through traffic that continues onto Woodward.

Mr. Peard congratulated Chair Schafer and Mr. Haig on their election to the Commission.

It was explained that Chair Schafer and Mr. Haig would be resigning their positions with the Board after their swearings in with the Commission on November 8, 2021.

10. Miscellaneous Communications

11. Next Meeting – December 2, 2021

12. Adjournment

No further business being evident, the board members adjourned at 8:12 p.m.

Brooks Cowan, Senior Planner

Saturday, August 28, 2021

To: House owners of South Side of Bird, from Pierce St. to Edgewood
From: R. D. Pourcho, 262 Bird Ave, Birmingham, MI 48009

Dear Neighbors,

House Owners: ([Condo Owners see below](#))

The purpose of this note is to have you vote on the Issue Below.

Why: We have limited street parking for us. But for the 11 years I have lived here, most of us can only use it for only ~2.5 months (Mid-June to early September) during the day. The reason is that the Pierce Elementary School Workers are parking on the street when they come to work. This has hampered: *Fall Leaf Pick up, *Street Cleaning Spring and Fall, *Residents that need to come and go during the day have to park elsewhere to use street parking, not in front of the Property they pay Property Taxes for.

What has been done before this action: For the past 10+ years the principal has been called at least 5 times to ask his staff to just park into the school lot. This has helped a little and for a short time, then it goes back to where we were. This spring Birmingham Police Commander Mr. S. Greewe called the school Board and asked that the school workers park in there lot. This got more action then we have had but it lasted less than a month. Notes were put on cars asking them if they would PLEASE consider parking in the school lot. This did not work either. I have talked to 4 home owners around me and they are also tired of this. Note: In the Past Several School Workers have told residents to NOT PARK AT THE SCHOOL

What will happen if 75% of us agree (11 houses)? At no Cost to Home owners the City will put up the street signs. Home Owners or Occupants will get a sticker for their car from the police station (\$5-\$8 dollars, Commander Greewe as not sure), that will last forever for that car. They can park on the street any day any time.

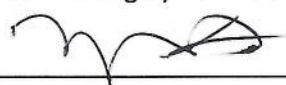
What we are asking for: Request the City of Birmingham to designate "South Side of Bird, from Pierce St. to Edgewood St. as "Parking by Permit Only on School Days"

Condo Owners at the end of the Bird St. near Pierce street: Your vote will not count as you have a Parking lot and should be parking in there. But Police would be interested in your Vote as you are can also get a Permit sticker if the home owners agree.

I Tony McGucken (<Print Name Here), vote as shown below, as the present occupant for 212, 222, 250, 262, 286, 298, 306, 328, 366, 370, 390, Condo # (Circle One), Bird St. Birmingham, MI 48009. **Check one below:**

☒ I am **IN** favor of the Request the City of Birmingham to designate "South Side of Bird, from Pierce St. to Edgewood" as "Parking by Permit only on School Days"

☐ I am **NOT** favor of the Request the City of Birmingham to designate "South Side of Bird, from Pierce St. to Edgewood" as "Parking by Permit only on School Days"

 8/21
(Sign Here). & Date

Please Return by September 15, 2021 to R.D. Pourcho 262 Bird, Birmingham, MI 48009 (Just Drop in my mail box is good enough). I will send to City when I have all. Thanks Note: Yes I do have a life, but I am doing this for all of us to make life a little easier for everyone... ☺. School has plenty of parking for them, they use it for there convince, not ours.

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What has been done before this action: For the past 10+ years the principal has been called at least 5 times to ask his staff to just park into the school lot. This has helped a little and for a short time, then it goes back to where we were. This spring Birmingham Police Commander Mr. S. Greewe called the school Board and asked that the school workers park in there lot. This got more action then we have had but it lasted less than a month. Notes were put on cars asking them if they would PLEASE consider parking in the school lot. This did not work either. I have talked to 4 home owners around me and they are also tired of this. Note: In the Past Several School Workers have told residents to NOT PARK AT THE SCHOOL

What will happen if 75% of us agree (11 houses)? At no Cost to Home owners the City will put up the street signs. Home Owners or Occupants will get a sticker for their car from the police station (\$5-\$8 dollars, Commander Greewe was not sure), that will last forever for that car. They can park on the street any day any time.

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I Joel & Tanya Doner (<Print Name Here), vote as shown below, as the present occupant for 212, 222, 250, 262, 286, 298, 306, 328, 366, 370, 390, Condo # (Circle One), Bird St. Birmingham, MI 48009. **Check one below:**

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Joel Doner 8/29/21
(Sign Here). & Date

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Saturday, August 28, 2021

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What has been done before this action: For the past 10+ years the principal has been called at least 5 times to ask his staff to just park into the school lot. This has helped a little and for a short time, then it goes back to where we were. This spring Birmingham Police Commander Mr. S. Greewe called the school Board and asked that the school workers park in there lot. This got more action then we have had but it lasted less than a month. Notes were put on cars asking them if they would PLEASE consider parking in the school lot. This did not work either. I have talked to 4 home owners around me and they are also tired of this. Note: In the Past Several School Workers have told residents to NOT PARK AT THE SCHOOL

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I DAVID BURNETT (<Print Name Here), vote as shown below, as the present occupant for 212, 222, 250, 262, 286, 298, 306, 328, 366, 370, 390, Condo # (Circle One), Bird St. Birmingham, MI 48009. **Check one below:**

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David Burnett
(Sign Here). & Date 8/31/21

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 8/28/21
(Sign Here). & Date

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 8/28/2021
(Sign Here). & Date

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What will happen if 75% of us agree (11 houses)? At no Cost to Home owners the City will put up the street signs. Home Owners or Occupants will get a sticker for their car from the police station (\$5-\$8 dollars, Commander Greewe was not sure), that will last forever for that car. They can park on the street any day any time.

What we are asking for: Request the City of Birmingham to designate "South Side of Bird, from Pierce St. to Edgewood St. as "Parking by Permit Only on School Days"

Condo Owners at the end of the Bird St. near Pierce street: Your vote will not count as you have a Parking lot and should be parking in there. But Police would be interested in your Vote as you are can also get a Permit sticker if the home owners agree.

I CHRIS MEE (<Print Name Here), vote as shown below, as the present occupant for 212, 222, 250, 262, 286, 298, 306, 328, 366, 370, 390, Condo # (Circle One), Bird St. Birmingham, MI 48009. **Check one below:**

☒ I am **IN** favor of the Request the City of Birmingham to designate "South Side of Bird, from Pierce St. to Edgewood" as "Parking by Permit only on School Days"

☐ I am **NOT** favor of the Request the City of Birmingham to designate "South Side of Bird, from Pierce St. to Edgewood" as "Parking by Permit only on School Days"

Chris Mee
(Sign Here). & Date

Please Return by September 15, 2021 to R.D. Pourcho 262 Bird, Birmingham, MI 48009 (Just Drop in my mail box is good enough). I will send to City when I have all. Thanks Note: Yes I do have a life, but I am doing this for all of us to make life a little easier for everyone... ☺. School has plenty of parking for them, they use it for there convince, not ours.

Saturday, August 28, 2021

To: House owners of South Side of Bird, from Pierce St. to Edgewood
From: R. D. Pourcho, 262 Bird Ave, Birmingham, MI 48009

Dear Neighbors,

House Owners: (Condo Owners see below)

The purpose of this note is to have you **vote on the Issue Below.**

Why: We have limited street parking for us. But for the 11 years I have lived here, most of us can only use it for **only ~2.5 months (Mid-June to early September) during the day.** **The reason is that the Pierce Elementary School Workers are parking on the street when they come to work.** This has hampered: *Fall Leaf Pick up, *Street Cleaning Spring and Fall, *Residents that need to come and go during the day have to park elsewhere to use street parking, not in front of the Property they pay Property Taxes for.

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I Allison Caducio (<Print Name Here), vote as shown below, as the present occupant for 212, 222, 250, 262, 286, 298, (306) 328, 366, 370, 390, Condo # (Circle One), Bird St. Birmingham, MI 48009. **Check one below:**

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Allison Caducio 9/1/21

(Sign Here). & Date

Please Return by September 15, 2021 to R.D. Pourcho 262 Bird, Birmingham, MI 48009 (Just Drop in my mail box is good enough). I will send to City when I have all. Thanks Note: Yes I do have a life, but I am doing this for all of us to make life a little easier for everyone... ☺. School has plenty of parking for them, they use it for there convince, not ours.

Saturday, August 28, 2021

To: House owners of South Side of Bird, from Pierce St. to Edgewood
From: R. D. Pourcho, 262 Bird Ave, Birmingham, MI 48009

Dear Neighbors,

House Owners: ([Condo Owners see below](#))

The purpose of this note is to have you vote on the Issue Below.

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I Renee L. Cuchetti (<Print Name Here), vote as shown below, as the present occupant for 212, 222, 250, 262, 286, 298, 306, 328, 366, 370, 390, Condo # (Circle One), Bird St. Birmingham, MI 48009. **Check one below:**

☒ I am **IN** favor of the Request the City of Birmingham to designate "South Side of Bird, from Pierce St. to Edgewood" as "Parking by Permit only on School Days"

☐ I am **NOT** favor of the Request the City of Birmingham to designate "South Side of Bird, from Pierce St. to Edgewood" as "Parking by Permit only on School Days"

Renee L. Cuchetti 8/28/2021
(Sign Here). & Date

Please Return by September 15, 2021 to R.D. Pourcho 262 Bird, Birmingham, MI 48009 (Just Drop in my mail box is good enough). I will send to City when I have all. Thanks Note: Yes I do have a life, but I am doing this for all of us to make life a little easier for everyone... ☺. School has plenty of parking for them, they use it for there convince, not ours.

Thank you RD!

Saturday, August 28, 2021

To: House owners of South Side of Bird, from Pierce St. to Edgewood
From: R. D. Pourcho, 262 Bird Ave, Birmingham, MI 48009

Dear Neighbors,

House Owners: ([Condo Owners see below](#))

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I Kenneth Konop (<Print Name Here), vote as shown below, as the present occupant for 212, 222, 250, 262, 286, 298, 306, 328, 366, 370, 390, Condo # (Circle One), Bird St. Birmingham, MI 48009. **Check one below:**

☒ I am **IN** favor of the Request the City of Birmingham to designate "South Side of Bird, from Pierce St. to Edgewood" as "Parking by Permit only on School Days"

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KS Aug 31, 2021
(Sign Here). & Date

Please Return by September 15, 2021 to R.D. Pourcho 262 Bird, Birmingham, MI 48009 (Just Drop in my mail box is good enough). I will send to City when I have all. Thanks Note: Yes I do have a life, but I am doing this for all of us to make life a little easier for everyone... ☺. School has plenty of parking for them, they use it for there convince, not ours.

Saturday, August 28, 2021

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From: R. D. Pourcho, 262 Bird Ave, Birmingham, MI 48009

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House Owners: ([Condo Owners see below](#))

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I CHRISTINA HINKLE (<Print Name Here), vote as shown below, as the present occupant for 212, 222, 250, 262, 286, 298, 306, 328, 366, 370, 390, Condo # (Circle One), Bird St. Birmingham, MI 48009. **Check one below:**

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Christina Hinkle 9/1/21
(Sign Here). & Date

Please Return by September 15, 2021 to R.D. Pourcho 262 Bird, Birmingham, MI 48009 (Just Drop in my mail box is good enough). I will send to City when I have all. Thanks Note: Yes I do have a life, but I am doing this for all of us to make life a little easier for everyone... ☺. School has plenty of parking for them, they use it for there convince, not ours.

Saturday, August 28, 2021

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From: R. D. Pourcho, 262 Bird Ave, Birmingham, MI 48009

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I Armen Darakjian (<Print Name Here), vote as shown below, as the present occupant for 212, 222, 250, 262, 286, 298, 306, 328, 366, 370, 390 Condo # _____ (Circle One), Bird St. Birmingham, MI 48009. **Check one below:**

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 9/13/21
(Sign Here). & Date

Please Return by September 15, 2021 to R.D. Pourcho 262 Bird, Birmingham, MI 48009 (Just Drop in my mail box is good enough). I will send to City when I have all. Thanks Note: Yes I do have a life, but I am doing this for all of us to make life a little easier for everyone... ☺. School has plenty of parking for them, they use it for there convince, not ours.













Carroll's Car Wash
Car Wash 1000
Car Wash 1000
Car Wash 1000

Taken
9/11/21

School
Worked
Was Asked
3 Times Now
Not To Park
Not Please Use
School
Parking



MEMORANDUM

Clerk's Office

DATE: December 6, 2021

TO: Tom Markus, City Manager

FROM: Alexandra Bingham, City Clerk

SUBJECT: Rescheduling of October 10, 2022 City Commission/Planning Board Joint Meeting

INTRODUCTION:

Due to a conflict with the Jewish holiday Sukkot, the October 10, 2022 joint meeting of the Birmingham City Commission and Planning Board needs to be rescheduled.

BACKGROUND:

The previously approved 2022 Birmingham City Commission meeting schedule included a joint meeting with the planning board that falls during Sukkot, which is Oct. 9 – 11, 2022. The recommended date for the rescheduled meeting is Monday, November 21, 2022.

In the revised schedule, the commission will meet two times in October and three times in the month of November as follows:

- Regular Meeting – Monday, October 3
- Regular Meeting – Monday, October 24
- Regular Meeting – Monday, November 14
- Joint CC/PB – Monday, November 21
- Regular Meeting – Monday, November 28

The rescheduled joint City Commission/Planning Board meeting will be held at the DPS facility conference room, 851 S. Eton, and will begin at 7:30 PM.

LEGAL REVIEW:

n/a

FISCAL IMPACT:

n/a

PUBLIC COMMUNICATIONS:

The revised meeting date will be published in the city commission and planning board meeting calendars on the city's website as soon as it is approved. The originally scheduled meeting was not included in the printed city calendar mailed to residents. The Clerk's Office will utilize the typical public notification process and social media to inform citizens about the meeting closer to the date.

SUMMARY:

The City Commission is being asked to approve a rescheduled date of Monday, November 21, 2022, for the joint City Commission and Planning Board meeting previously scheduled for October 10, 2022.

ATTACHMENTS:

1. Redlined 2022 Birmingham City Commission 2022 meeting schedule
2. Revised 2022 Birmingham City Commission 2022 meeting schedule

SUGGESTED COMMISSION ACTION:

To make a motion to approve a resolution to reschedule the October 10, 2022 joint meeting of the Birmingham City Commission and Planning Board to a new date of November 21, 2022.



City of Birmingham

A Walkable Community

BIRMINGHAM CITY COMMISSION 2022 MEETING SCHEDULE

MONTH	DAY	MEETING	LOCATION
January	10	Regular Meeting	Municipal Building
	22 (Sat)	Long Range Planning	8:30 AM Municipal Building
	24	Regular Meeting	Municipal Building
February	14	Regular Meeting	Municipal Building
	28	Regular Meeting	Municipal Building
March	14	Regular Meeting	Municipal Building
	28	Regular Meeting	Municipal Building
April	11	Regular Meeting	Municipal Building
	25	Regular Meeting	Municipal Building
May	7 (Sat)	Budget Hearing	8:30 AM Municipal Building
	9	Regular Meeting	Municipal Building
	23	Regular Meeting	Municipal Building
June	13	Regular Meeting	Municipal Building
	20	Joint Commission/Planning Bd.	DPS Facility
	27	Regular Meeting	Municipal Building
July	11	Regular Meeting	Municipal Building
	25	Regular Meeting	Municipal Building
August	15	Regular Meeting	Municipal Building
	29	Regular Meeting	Municipal Building
September	12	Regular Meeting	Municipal Building
	19	Regular Meeting	Municipal Building
October	3	Regular Meeting	Municipal Building
	10	Joint Commission/Planning Bd.	DPS Facility
	24	Regular Meeting	Municipal Building
November	14	Regular Meeting	Municipal Building
	21	Joint Commission/Planning Bd.	DPS Facility
	28	Regular Meeting	Municipal Building
December	5	Regular Meeting	Municipal Building
	19	Regular Meeting	Municipal Building

- All meetings are scheduled to begin at 7:30 PM unless otherwise noted. The public may participate in person or virtually through ZOOM: <https://zoom.us/j/655079760> Meeting ID: 655 079 760
- Approved minutes of the City Commission are available in the City Clerk's Office and on the City website at www.bhamgov.org.
 - Municipal Building, 151 Martin, Birmingham, MI 48009
 - DPS Facility, 851 S. Eaton, Birmingham, MI 48009

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).



City of Birmingham

A Walkable Community

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DATE: 12/2/2021

TO: Thomas M. Markus, City Manager

FROM: Ryan Weingartz, Parking System Manager

SUBJECT: Park Street Parking Structure Elevator Repair

INTRODUCTION:

Staff was notified on December 1, 2021 that the controller drive at the elevator at Park Street Structure needs to be replaced. This is the only elevator located at Park Structure and is currently out of service do to the failed controller drive.

BACKGROUND:

KONE elevator, who has been the maintenance company for the City's elevators for an extended period of time, advised and prepared a proposal to replace the controller drive. KONE elevator has troubleshot the elevator and found the controller is bad and must be replaced.

LEGAL REVIEW:

None

FISCAL IMPACT:

The proposal provided by KONE is \$22,765.00. This would be paid out of the parking fund.

PUBLIC COMMUNICATIONS:

None

SUMMARY

Replace controller drive on Park Street Structure Elevator. The proposal includes labor, materials, tools and supervision.

ATTACHMENTS:

1. Proposal from KONE Elevator

SUGGESTED COMMISSION ACTION:

- A. Make a motion adopting a resolution confirming City Manager's authorization for the emergency expenditure related to the repair of the Park Street Structure elevator by KONE Elevator for a cost not to exceed \$22,765.00 to be charged to the Automobile Parking System Fund, Park Parking Structure Elevator Maintenance account #585-538.003-930.0200



Elevators Escalators

13:30

City of Birmingham
151 Martin
Birmingham MI 48012

ATTN: John Galik

KONE Inc.
11864 Belden Court
Livonia, MI 48150
Tel (734) 513-6944
Fax (734) 513-6948
www.kone.com
kevin.strasser@kone.com

Re : Park Street Parking elevator
Description of Work

We propose to furnish and install the necessary labor, materials, tools and supervision to perform the following work on the one passenger at Park street Parking

We have troubleshot the elevator and found the controller drive is bad and must be repaired or replaced. Ed, the elevator mechanic, has replaced the obvious parts but it appears to be something in the power supply. This is an obsolete drive. The drive manufacturer does not support this drive. We have two options on this. We can pull off and attempt a repair or install a new drive . We have to repair/replace this obsolete drive for the elevator to operate reliably. If we pull out the original drive and send in for repair, which I have had some success doing, it will save labor and we will not have to pull a permit and do an inspection. The price for this would be \$16,340. If the drive is unrepairable, they'll let us know and we can go from there and we wont charge you. The second option is replacement to a new drive. We may also have to upgrade the software to run the new drive and elevator. When the drive is replaced we have to pull and conduct a State of Michigan permit inspection and test. We anticipate a three day replacement as we have to set up the entire elevator from the start, set all the parameters, perform a full load test and conduct this inspection. The price would be \$22,765.00.

Price

Our total price to perform the above-mentioned work amounts to: \$ see above options

Our price includes applicable labor, material and permit fees. This proposal is not binding on KONE until approved by an authorized KONE representative. Pricing is subject to KONE's attached Terms and Conditions for tendered repairs and, by signing below, Purchaser hereby agrees to these Terms and Conditions. Price is valid for 30 days from date of this proposal.

During the course of our work, should deficiencies, code violations, or other issues be discovered, we will promptly notify Purchaser and provide a separate quotation to correct these issues.

ACCEPTANCE: The foregoing Agreement is hereby
signed and accepted in duplicate on behalf of City of
Birmingham

Respectfully submitted by,
KONE Inc.

(Signature)

Kevin Strasser, Sales

(Print Name)

(Approved By) Authorized Representative

(Print Title)

Title

Date: ____ / ____ / ____

Date: ____ / ____ / ____



MEMORANDUM

Planning Department

DATE: December 1, 2021

TO: Thomas M. Markus, City Manager

FROM: Nicholas Dupuis, Planning Director

SUBJECT: Public Hearing – Wall Art – Request to Postpone

On November 8, 2021, the City Commission motioned to set a public hearing date to consider Zoning Ordinance amendments relating to a new concept of wall art for December 6, 2021.

At this time, City Staff would like to request that this item be postponed to the next available City Commission meeting of December 13, 2021 to allow additional time for Staff to review the proposed ordinance language with legal counsel. Furthermore, Staff would like to modify the request to include amendments to the Fee Schedule for a new application for wall art that is proposed within the new ordinance language.

Procedurally, the City Commission should open the public hearing, note the staff request for a postponement/continuation of the public hearing to December 13, 2021, allow the public to speak on the subject, and then proceed with a Commission Action.

Suggested Commission Action

Make a motion adopting a resolution to continue the public hearing to consider ordinance amendments to Article 7, Section 7.41-7.46- Processes, Permits, and Fees & Article 9, Section 9.02 Definitions of the Zoning Ordinance to create a wall art definition and review process to the City Commission meeting of December 13, 2021.

7A



MEMORANDUM

Planning Department

DATE: November 29th, 2021

TO: Thomas M. Markus, City Manager

FROM: Brooks Cowan, Senior Planner

APPROVED: Nick Dupuis, Planning Director

SUBJECT: Public Hearing – 203 Pierce Street - Toast – Special Land Use Permit Amendment, Final Site Plan and Design Review

INTRODUCTION:

Toast has operated as a bistro at 203 Pierce Street since 2008. A condition of Toast's original approval is that it be open for dinner hours in order to bring activity to the area and provide dining opportunities during evening hours. Toast's menu specializes in breakfast and lunch offerings and the applicant has cited difficulties in attracting patrons for dinner hours, therefore the applicant is requesting to amend their hours of operation.

BACKGROUND:

Toast's original approval from 2008 indicated they would be open until 5 pm on Sunday, 9pm Monday-Wednesday, and 12am Thursday-Saturday. In 2018, City staff was made aware that Toast was closing prior to the hours documented in their 2008 SLUP agreement. Article 7, Section 7.34 of the Zoning Ordinance states that once a permit for a Special Land Use has been granted as to any parcel of land, no change in that use may be made nor may any addition to or change in the building or improvements on the parcel of land take place until a new request for approval has been filed with the City Commission and the City Commission has approved the request for change.

On January 9th, 2019, the applicant went before the Planning Board for a pre-application discussion regarding a proposal to change their hours of operation to eliminate dinner hours and host special events in the evenings instead, such as cooking classes and private parties. Toast wished to close at 3 p.m. Monday through Friday and 4 p.m. on Saturday and Sunday. During the meeting, Board members expressed positive responses to the proposals, as Toast is the only restaurant on Pierce open for breakfast, serves two meals (breakfast and lunch), and activates the street during the morning and afternoon hours.

On February 25th, 2019, the restaurant went before the City Commission for a hearing regarding the 2018-2019 renewal of their Liquor License. During the meeting, the change in hours was discussed as a violation of their SLUP. Toast had proposed to close between 3 pm to 4 pm every day, however the City Commission had indicated during the liquor license review that they were not in support of the proposal.

On April 24th, 2019, the applicant appeared before the Planning Board to request a Special Land Use Permit Amendment to change the hours of operation from those approved in the Special Land Use Permit obtained in 2008. As a compromise to the City Commission's comments on hours of operation during liquor license review, Toast proposed to stay open into evening hours closer to the weekend on Wednesday through Saturday with proposed hours of operation as follows:

Sunday.....	8 am – 4 pm
Monday-Tuesday.....	7 am – 3 pm
Wednesday.....	7 am – 8 pm
Thursday-Friday.....	7 am – 8 pm
Saturday.....	8 am – 9 pm

The Planning Board was amenable to the proposed changes and felt that the applicant satisfied the intent of the Bistro Ordinance. The Board then moved to recommend the proposed changes, citing that the applicant satisfied the Bistro Ordinance requirements, and that multiple restaurants had opened on or near Pierce Street and do not have as strict of hours of operation requirements as Toast.

On June 3rd, 2019, the applicant appeared before the City Commission to amend their hours of operation for an earlier closing time. The City Commission discussed how the goal of the Bistro Ordinance was to enliven the streets and encourage traffic downtown and being closed for dinner is not what they envisioned. The City Commission encouraged the applicant to stay open later for dinner, however the applicant indicated difficulties attracting such business when Toast's brand is identified as a breakfast and lunch restaurant. The City Commission approved the proposed changes in hours with the condition that the agreement include "minimum" hours of operation, meaning the applicant may stay open later than indicated, but not close earlier.

On August 4th, 2021, Toast was issued a violation notice for not being in compliance with their SLUP agreement in regards to hours of operation. The subject bistro has been closing at 3pm Monday-Friday and 4pm Saturdays and Sundays, which is 5 hours earlier than the hours indicated in the 2019 SLUP agreement.

At this time, the applicant is proposing to eliminate dinner hours and proposes the following hours of operation:

Monday-Friday.....	8 AM – 3 PM
Saturday-Sunday.....	8 AM – 4 PM

On October 27th, 2021, the Planning Board reviewed the SLUP Amendment and moved to recommend approval to the City Commission, stating that Toast activates the area during breakfast and lunch hours, other bistros have opened in the surrounding area since 2008 which activate the area during the dinner hours, and that the Zoning Ordinance does not specifically require that bistros remain open during dinner hours. The phrase "minimum hours of operation" was included in the motion to enable the applicant to stay open for dinner hours if they so choose.

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 NOTIFICATION:

As required for Special Land Use Permit and Final Site Plan Reviews, a legal ad was placed in a newspaper of local circulation to advertise the nature of the request in advance of the October 27th, 2021 Planning Board meeting, and notices were sent out to all property owners and tenants within 300 ft. of the property. In addition, a second legal ad will be placed in a newspaper of local circulation and notices will be sent to all property owners and tenants within 300 ft. of the property to advertise the public hearing at the City Commission on December 6th, 2021.

SUMMARY:

The Planning Division requests that the City Commission consider the Special Land Use Permit Amendment, Final Site Plan and Design Review application for 203 Pierce Street – Toast.

ATTACHMENTS:

- Special Land Use Permit Resolution
- Application & Supporting Documents
- Site/Design Plans
- Planning Division Reports
- Meeting Minutes

SUGGESTED COMMISSION ACTION:

Make a motion adopting a resolution to APPROVE the Special Land Use Permit Amendment, Final Site Plan and Design Review application for 203 Pierce Street – Toast – to amend the hours of operation.

OR

Make a motion to POSTPONE the Special Land Use Permit Amendment and Final Site Plan application for 203 Pierce Street – Toast – pending receipt of the following:

1. _____
2. _____
3. _____

OR

Make a motion adopting a resolution to DENY the Special Land Use Permit Amendment, Final Site Plan and Design Review application for 203 Pierce Street – Toast.

**TOAST RESTAURANT
203 PIERCE
SPECIAL LAND USE PERMIT AMENDMENT
2021**

WHEREAS, Toast Restaurant filed an application pursuant to Article 7, section 7.34 of Chapter 126, Zoning, of the City Code to request a change in the hours of operation of the bistro;

WHEREAS, The land for which the Special Land Use Permit Amendment is sought is located on the east side of Pierce Street between W. Maple and Merrill;

WHEREAS, The land is zoned B-4, Business Residential, and is located within the Downtown Birmingham Overlay District, which permits bistros 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 October 27, 2021 reviewed the application for a Special Land Use Permit Amendment to request a change in the hours of operation, and recommended approval of the amended SLUP for 203 Pierce - Toast, incorporating the hours in the letter of September 10th, 2021 (as noted below);

WHEREAS, The Final Site Plan for 203 Pierce – Toast reviewed by the Planning Board on October 27th, 2021 included the original approved seating plan with no changes to the number or placement of indoor or outdoor seats;

WHEREAS, The Birmingham City Commission has reviewed the Toast Restaurant 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 Toast Restaurant's application for a Special Land Use Permit Amendment authorizing the operation of a bistro at 203 Pierce in accordance with Chapter 10, Alcoholic Liquors, is hereby approved;

BE IT FURTHER RESOLVED, That the City Commission determines that to assure continued compliance with Code standards and to protect public health, safety, and welfare, this Special Land Use Permit Amendment is granted to request a change in the hours of operation of the bistro subject to the following conditions:

- 1) The applicant maintain minimum hours of operation as presented this evening:
Monday through Friday 8 a.m. – 3 p.m.
Saturday and Sunday 8 a.m. – 4 p.m.

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, Toast Restaurant 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 Toast Restaurant to comply with all the ordinances of the city may result in the Commission revoking this Special Land Use Permit.

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 December 6th, 2021.

Alexandria Bingham, City Clerk



LAW OFFICES

ADKISON, NEED, ALLEN, & RENTROP

PROFESSIONAL LIMITED LIABILITY COMPANY

KELLY A. ALLEN
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OF COUNSEL:

PHILLIP G. ADKISON
KEVIN M. CHUDLER
KATHERINE A. TOMASIK

September 10, 2021

Via Electronic Mail

Jana Ecker, Planning Director
Nicholas Dupuis, City Planner
Brooks Cowan, City Planner
City of Birmingham
151 Martin Street
Birmingham, MI 48012

**Re: Toast Birmingham, LLC
Special Land Use Amendment**

Dear Ms. Ecker, Mr. Dupuis, and Mr. Cowan:

As you know, Toast was issued a Violation Notice for changing its hours of operation from the approved Special Land Use Permit ("SLUP"). The approved SLUP is dated June 3, 2019. The purpose of this letter is to explain the circumstances regarding the change of hours and to request that the SLUP be amended to change the hours of operation. Specifically, Toast is requesting that the SLUP be amended to NOT require Toast to be open for or serve dinner.

Attached to this letter is a SLUP application form stating the reason for the current SLUP amendment and various documents as described below. The application fee in the amount of \$2,800 is being hand delivered to the Planning Department today.

VIOLATION NOTICE

Toast was issued a violation notice for not being open during the dinner hours as set forth in the approved SLUP from June 3, 2019.

Toast operated in compliance with the approved SLUP until the Covid-19 shutdown. Upon reopening for indoor dining in the summer of 2020, Toast no longer served dinner. During this time period, restaurants were allowed to open at a reduced capacity. During this time, there was constant uncertainty as to the ability to reopen at 100% capacity, by virtue of the ever-changing orders from the Governor and MDHHS.

Most of Toast's employees were receiving unemployment benefits from the State of Michigan for an extended period during this time frame and did not come back to work because the benefits they were receiving often outweighed their ability to earn in a post-shutdown time.

The State-ordered shutdowns created a hardship on all restaurants. Toast understood that when they reopened, they were not required to operate during the hours required under the approved SLUP.

If this is incorrect, it was not an intentional violation of the approved SLUP. It was a misunderstanding. However, it was virtually impossible for Toast to operate during the dinner hours. There was then and is now a national labor shortage. The statistics in Michigan are staggering when related to the restaurant industry. Upon reopening, Toast, struggled to be open for breakfast and lunch. Their current employees, who remained faithful to the owners, were and are working many hours and overtime.

Having been issued the Violation Notice, Toast considered trying to come into compliance with the approved SLUP, but has been unable to do so. Therefore, Toast is submitting this request for a further amendment to its SLUP.

REQUEST FOR SLUP AMENDMENT

Toast requests an amendment to its approved SLUP for the sole purpose of changing the approved hours to eliminate dinner hours.

Toast first opened in Birmingham in 2008. In 2008, the City Commission approved a SLUP with specific hours which required Toast to maintain "nighttime hours", as follows:

*"The applicant must maintain nighttime hours, Monday-Wednesday 7am-9pm;
Thursday-Saturday & Sunday 7am-midnight; Sunday 7am-5pm."*

When Toast opened, the City Commission had concerns about activating Pierce Street, which is one of the purposes of granting a Bistro License. Since that time there are now four Bistros on Pierce Street, including, Elie's, Streetside, and Townhouse. All of these Bistros are open for dinner but do not open for breakfast.

Subsequently, the SLUP was amended in June of 2019, requiring the hours set forth below as "Approved Hours." The Proposed Hours are on the right, below, and are the basis for this amended SLUP request.

Approved Hours.....	Proposed Hours
Sunday: 8 a.m. – 4 p.m.	8 a.m. – 4 p.m. (No change)
Monday-Tuesday: 7 a.m. – 3p.m.	8 a.m. – 3 p.m.
Wednesday: 7 a.m. – 8 p.m.	8 a.m. – 3 p.m.

Thursday-Friday: 7 a.m. – 8p.m.....8 a.m. – 3 p.m.
Saturday: 8 a.m. –9p.m.8 a.m. – 4 p.m.

DOCUMENTS REQUIRED FOR SLUP AMENDMENT

The SLUP amendment application submitted in February of 2019 is attached with the documents which have not changed since that time, including:

I(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.

I(ii). A detailed and scaled Site Plan depicting accurately and in detail the proposed construction, alteration or repair.

I(iii). A Certified Land Survey.

I(iv). Interior floor plans.

I(v). A Landscape Plan.

I(vii). Colored elevation drawings for each building elevation.

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.

NOTE: The landlord entity is Maple Pierce, LLC. The manager of the Landlord entity is Kevin Denha. Please note that the warranty deed is in the name of 50935 Van Dyke, LLC. After the closing on the building this entity' name was changed to Maple Pierce, LLC. A copy of the warranty deed and the name change are attached.

ADDITIONAL DOCUMENTS

In addition to the above, the following should be noted:

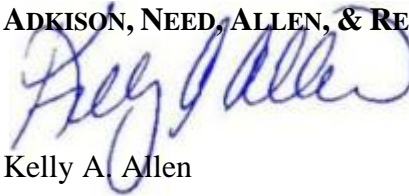
Toast added an awning to the cover the patio. The awning was approved by the Building Department.

Current photos of the patio are attached which show the umbrellas and the planters.

Please let us know if you require anything further. Thank you for your professional assistance in this matter.

Very truly yours,

ADKISON, NEED, ALLEN, & RENTROP, PLLC



Kelly A. Allen

KAA/kjp
Enclosures



Special Land Use Permit Application – Bistro Planning Division

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

1. Applicant

Name: Toast Birmingham, LLC
 Address: 203 Pierce

 Phone Number: _____
 Fax Number: _____
 Email address: _____

3. Applicant's Attorney/Contact Person

Name: Kelly A. Allen, Esq.
 Address: 39572 Woodward, Suite 222, Bloomfield Hills, MI 48304

 Phone Number: 248-540-7400
 Fax Number: 248-540-7401
 Email address: kallen@anafirm.com

2. Property Owner

Name: Maple Pierce Properties, LLC
 Address: 40700 Woodward, Suite 125, Bloomfield Hills, MI

 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: 203 Pierce

 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)

Toast requests an amended Special Land Use Permit such that specific hours are not required. There are no changes to the layout, number of seats, or ownership. Toast's SLUP was last amended in 2019. All of the documents pertaining to the property and interior of the restaurant are the same. See the attached letter for further explanation.

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 Bistro 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. Required and 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:  Date: 9/10/2021
DocuSigned by:
B9B4BCB9DAD24BA...

Print Name: Regan K. Bloom

Signature of Applicant:  Date: 9/10/2021
DocuSigned by:
B9B4BCB9DAD24BA...

Print Name: Regan K. Bloom

Signature of Architect: _____ Date: _____

Print Name: _____

Office Use Only

Application #: _____ Date Received: _____ Fee: _____

Date of Approval: _____ Date of Denial: _____ Accepted by: _____



Special Land Use Permit Application – Bistro Planning Division

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

1. Applicant

Name: Toast Birmingham, LLC
Address: 203 Pierce Street
Birmingham, MI 48009
Phone Number: 248-258-6278
Fax Number: 248-479-1800
Email address: finance@eatattoast.com

3. Applicant's Attorney/Contact Person

Name: Anthony Minicilli (Contact Person)
Address: 23150 Woodward Ave
Ferdale, MI 48220
Phone Number: 734-716-4405
Fax Number: 248-479-1800
Email address: finance@eatattoast.com

2. Property Owner

Name: Maple-Pierce Properties
Address: 700 N. Old Woodward Ave., Suite 300
Birmingham, MI 48009
Phone Number: 248-865-1515
Fax Number: _____
Email address: msarafa@visiongrowthpartners.com

4. Project Designer/Developer

Name: Krieger Associates
Address: 2120 E. Eleven Mile Rd.
Royal Oak, MI 48067
Phone Number: 248-414-9270
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. Any other data requested by the Planning Board, Planning Department, or other City Departments.

6. Project Information

Address/Location of the property: 203 Pierce Street
Birmingham, MI 48220
Name of development: Toast: A Neighborhood Joint
Sidwell #: _____
Current Use: Restaurant/Bar A-2
Proposed Use: Same
Area of Site in Acres: .08
Current zoning: D-4
Is the property located in the floodplain? No
Name of Historic District Site is Located in: Shane Park
Date of Historic District Commission Approval: 3/28/2008

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: _____

CITY OF BIRMINGHAM
Date 02/26/2019 12:53:39 PM
Ref 00156850
Receipt 471036
Amount \$2,700.00
And 100.00
Sisva found

7. Details of the Proposed Development (attach separate sheet if necessary)

No new development. We are changing ours to Monday through Friday: 7am - 3pm and Saturday and Sunday: 8am - 4pm

8. Buildings and Structures

Number of Buildings on Site: 1
Height of Buildings & # of Stories: 2 Stories

Use of Buildings: 1 Floor: Restaurant 2nd Floor: offices
Height of Rooftop Mechanical Equipment: _____

9. Floor Use and Area (in Square Feet)

Structures:

Restaurant Space: 3,298 sq ft
Office Space: 2nd level approximately the same
Retail Space: None

Number of Residential Units: None
Rental or Condominium? None
Total Floor Area: 3,298 sq ft

10. Proposed Bistro Operation

Number of Indoor Seats: 65
Number of Outdoor Seats: 52
Entertainment Proposed: None
Previous LCC Complaints? None
Number of Tables along Street Façade: 6 on sidewalk; 16 on platform
Type of Cuisine: America

Bar Area? Yes; 168 sq feet
Number of Seats at Bar: 9 seats
Full Service Kitchen? Yes
Percentage of Glazing Proposed: Existing
Years of Experience in Birmingham: 11
Years of Experience Outside Birmingham: 18 years

11. Required and 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): Both
Hours of Operation: M-F: 7am - 3pm S & S: 8am-4pm
Width of unobstructed sidewalk between door and café? (5 ft. required): 5ft
Platform Proposed: Yes
Trash Receptacles: Existing Public

Number of Tables/Chairs: 22 Tables; 52 seats
Material of Tables/Chairs: Metal
Tables Umbrellas Height & Material: 7' canvas
Number and Location of Parking Spaces Utilized: Two
Screenwall Material: N/A
Enclosure Material: N/A

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: 12' 8"
Number of benches: None
Number of planters: None
Number of existing street trees: One
Number of proposed street trees: None
Streetscape plan submitted? On File

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

16. Loading

Required number of loading spaces: 1
Typical angle of loading spaces: Ally
Screenwall material: N/A
Location of loading spaces on site: Rear Ally

Proposed number of loading spaces: None
Typical size of loading spaces: N/A
Height of screenwall: N/A
Typical time loading spaces are used: Ally: 7am - 3pm

17. Exterior Waste Receptacles

Required number of waste receptacles: 0
Location of waste receptacles: N/A
Screenwall material: N/A

Proposed number of waste receptacles: 0
Size of waste receptacles: N/A
Height of screenwall: N/A

18. Mechanical Equipment

Utilities and Transformers:

Number of ground mounted transformers: 0
Size of transformers (L•W•H): N/A
Number of utility easements: 0
Screenwall material: N/A

Location of all utilities & easements: N/A
Height of screenwall: N/A

Ground Mounted Mechanical Equipment:

Number of ground mounted units: None (Basement)
Size of ground mounted units (L•W•H): N/A
Screenwall material: N/A

Location of all ground mounted units: None
Height of screenwall: N/A

Rooftop Mechanical Equipment:

Number of rooftop units: Existing
Type of rooftop units: Existing
Screenwall material: N/A
Location of screenwall: Units no visible from street

Location of all rooftop units: On roof
Size of rooftop units (L•W•H): Existing
Percentage of rooftop covered by mechanical units: Existing
Height of screenwall: N/A
Distance from rooftop units to all screenwalls: N/A

19. Accessory Buildings

Number of accessory buildings: 0
Location of accessory buildings: N/A

Size of accessory buildings: N/A
Height of accessory buildings: N/A

20. Building Lighting

Number of light standards on building: 4
Size of light fixtures (L•W•H): Existing
Maximum wattage per fixture: 50w
Light level at each property line: Low

Type of light standards on building: Existing
Height from grade: 7' 0"
Proposed wattage per fixture: _____

21. Site Lighting

Number of light fixtures: N/A
Size of light fixtures (L•W•H): N/A
Maximum wattage per fixture: N/A
Light level at each property line: N/A

Type of light fixtures: N/A
Height from grade: N/A
Proposed wattage per fixture: N/A
Holiday tree lighting receptacles: N/A

22. Adjacent Properties

Number of properties within 200 ft.: 2

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? _____

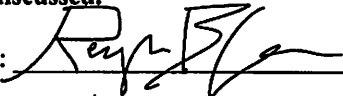
Property #6

Number of buildings on site: _____
Zoning district: _____
Use type: _____
Square footage of principal building: _____
Square footage of accessory buildings: _____
Number of parking spaces: _____

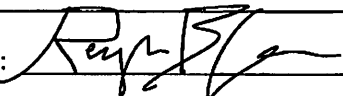
Property Description: _____

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.

Signature of Owner:  Date: 02/21/19

Print Name: Regan K Bloom

Signature of Applicant:  Date: 02/21/19

Print Name: Regan K Bloom

Signature of Architect: _____ Date: _____

Print Name: _____

Office Use Only

Application #: _____ Date Received: _____ Fee: _____

Date of Approval: _____ Date of Denial: _____ Accepted by: _____

e-recorded

LIBER 51496 PAGE 602

0011796

OAKLAND COUNTY TREASURERS CERTIFICATE

I HEREBY CERTIFY that there are no TAX LIENS or TITLES held by the state or any individual against the within description and all TAXES on same are paid for five years previous to the date of this instrument as appears by the records in the office except as stated.

Reviewed By: RC

Jan 23, 2018

5.00 E-FILE

Sec. 135, Act 206, 1893 as amended
ANDREW E. MEISNER, County Treasurer

Not Examined

LIBER 51496 PAGE 602

\$21.00 DEED - COMBINED

\$4.00 REMONUMENTATION

\$5.00 AUTOMATION

\$30,960.00 TRANSFER TX COMBINED

01/23/2018 05:09:49 PM RECEIPT# 8712

PAID RECORDED - Oakland County, MI

Lisa Brown, Clerk/Register of Deeds



WARRANTY DEED

Corporate(Platted/Condominium)

Drafted By:

Diana Sharer, Sole Member
Cedarcliff LLC
8855 Warwick Street
Beverly Hills, MI 48025

Return To:

50935 Van Dyke, LLC
40700 Woodward Avenue, Suite 125
Bloomfield Hills, MI 48304

Send Tax Bills To:

50935 Van Dyke, LLC
40700 Woodward Avenue, Suite 125
Bloomfield Hills, MI 48304

Recording Fee: \$30.00

File Number: 774840 - BH

State Transfer Tax:

\$27,000.00

Tax Parcel No.: 19-36-201-020

County Transfer Tax:

\$3,960.00

Know All Persons by These Presents: That **Cedarcliff LLC, a Michigan Limited Liability Company** whose address is 8855 Warwick Street, Beverly Hills, MI 48025

Convey(s) and Warrant(s) to **50935 Van Dyke, LLC, a Michigan limited liability company** whose address is 40700 Woodward Avenue, Suite 125, Bloomfield Hills, MI 48304

the following described premises situated in the City of **Birmingham**, County of **Oakland**, State of Michigan, to wit:

(SEE ATTACHED EXHIBIT A)

More commonly known as: **165 through 217 Pierce Street, Birmingham, MI 48009**

For the full consideration of: **three million six hundred thousand Dollars (\$3,600,000.00)**

Subject To:

See Attached Exhibit B - Permitted Exceptions



First American Title Insurance Company

First American Title

4

(Attached to and becoming a part of Warranty Deed dated: January 09, 2018 between Cedarcliff LLC, a Michigan Limited Liability Company, as Seller(s) and 50935 Van Dyke, LLC, a Michigan limited liability company, as Purchaser(s).)

Dated this January 09, 2018.

Seller(s):

Cedarcliff LLC, a Michigan limited liability company

By: Diana J. Sharer
Name: Diana Sharer
Title: Sole Member AKA Diana J. Sharer (C6)

State of Michigan
County of Oakland

The foregoing instrument was acknowledged before me this January 09, 2018 by Diana Sharer, Sole Member of Cedarcliff LLC, a Michigan Limited Liability Company. AKA Diana J. Sharer (C6)



Notary Public:
Notary County/State: /
County Acting In:
Commission Expires:

(Attached to and becoming a part of Warranty Deed dated: January 09, 2018 between Cedarcliff LLC, a Michigan Limited Liability Company, as Seller(s) and 50935 Van Dyke, LLC, a Michigan limited liability company, as Purchaser(s).)

EXHIBIT A

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

Part of Lots 15 and 16, ASSESSOR'S PLAT NO. 24, according to the recorded plat thereof, as recorded in Liber 54 of Plats, page 72, Oakland County Records, described as: Beginning at a point distant North 01 degree 52 minutes 25 seconds West 22 feet from the Southwest corner of Lot 16; thence North 87 degrees 60 minutes 00 seconds East 100.56 feet; thence North 05 degrees 21 minutes 50 seconds East 20.34 feet; thence North 35 degrees 22 minutes 05 seconds West 57.55 feet; thence North 11 degrees 52 minutes 30 seconds West 17.15 feet; thence South 54 degrees 26 minutes 10 seconds West 82.08 feet; thence South 01 degree 52 minutes 25 seconds East 41.48 feet to beginning; ALSO including the Southerly part of Lot 17, ASSESSOR'S PLAT NO. 24, according to the recorded plat thereof, as recorded in Liber 54 of Plats, page 72, Oakland County Records, measuring 3 feet on the Easterly lot line and 48.53 feet on the Westerly lot line.

Tax Parcel Number: 19-36-201-020

MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

FILING ENDORSEMENT

This is to Certify that the CERTIFICATE OF AMENDMENT TO THE ARTICLES OF
ORGANIZATION

for

MAPLE PIERCE PROPERTIES, LLC

ID Number: 801712582

received by electronic transmission on January 10, 2018 ***, is hereby endorsed.***

Filed on January 10, 2018 ***, 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.



In testimony whereof, I have hereunto set my hand and affixed the Seal of the Department, in the City of Lansing, this 10th day of January, 2018.

Julia Dale, Director

Corporations, Securities & Commercial Licensing Bureau

LARA Corporations
Online Filing System
Department of Licensing and Regulatory Affairs

Form Revision Date 07/2016

CERTIFICATE OF AMENDMENT TO THE ARTICLES OF ORGANIZATION

For use by DOMESTIC LIMITED LIABILITY COMPANY

Pursuant to the provisions of Act 23, Public Acts of 1993, the undersigned executes the following Certificate of Amendment:

The identification number assigned by the Bureau is:	801712582
The name of the limited liability company is:	50935 VAN DYKE, LLC
The date of filing the original Articles of Organization was:	12/3/2013

Complete only those articles being amended.

Article I

The name of the limited liability company as amended, is:

MAPLE PIERCE PROPERTIES, LLC

Article III

The duration of the limited liability company if other than perpetual is:

PERPETUAL

The amendment was approved by unanimous vote of all the members entitled to vote.

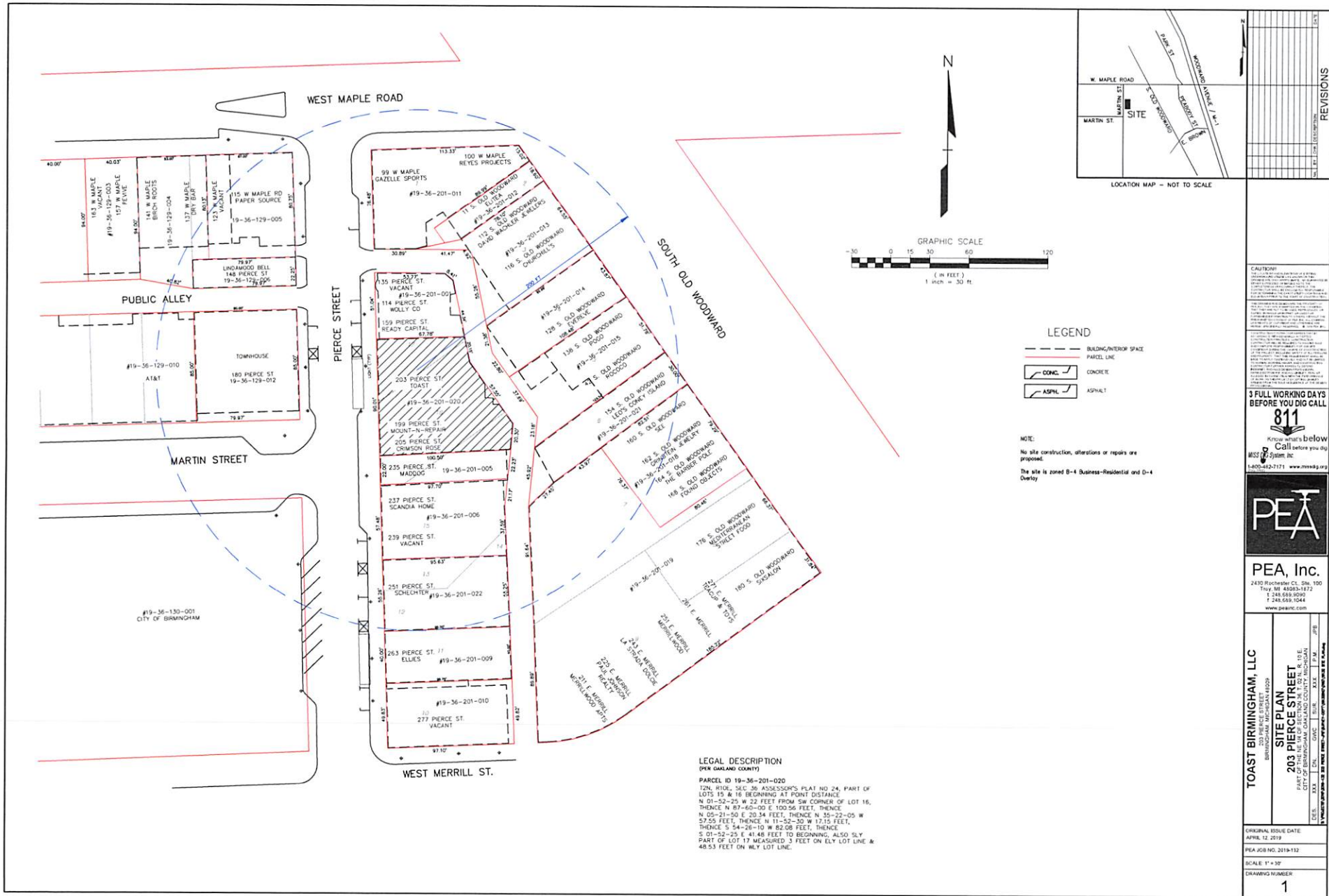
This document must be signed by a member, manager, or an authorized agent:

Signed this 10th Day of January, 2018 by:

Signature	Title	Title if "Other" was selected
KEVIN DENHA	Member	

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



REVISIONS	
NO.	DATE
1	12/12/2019

CAUTION:
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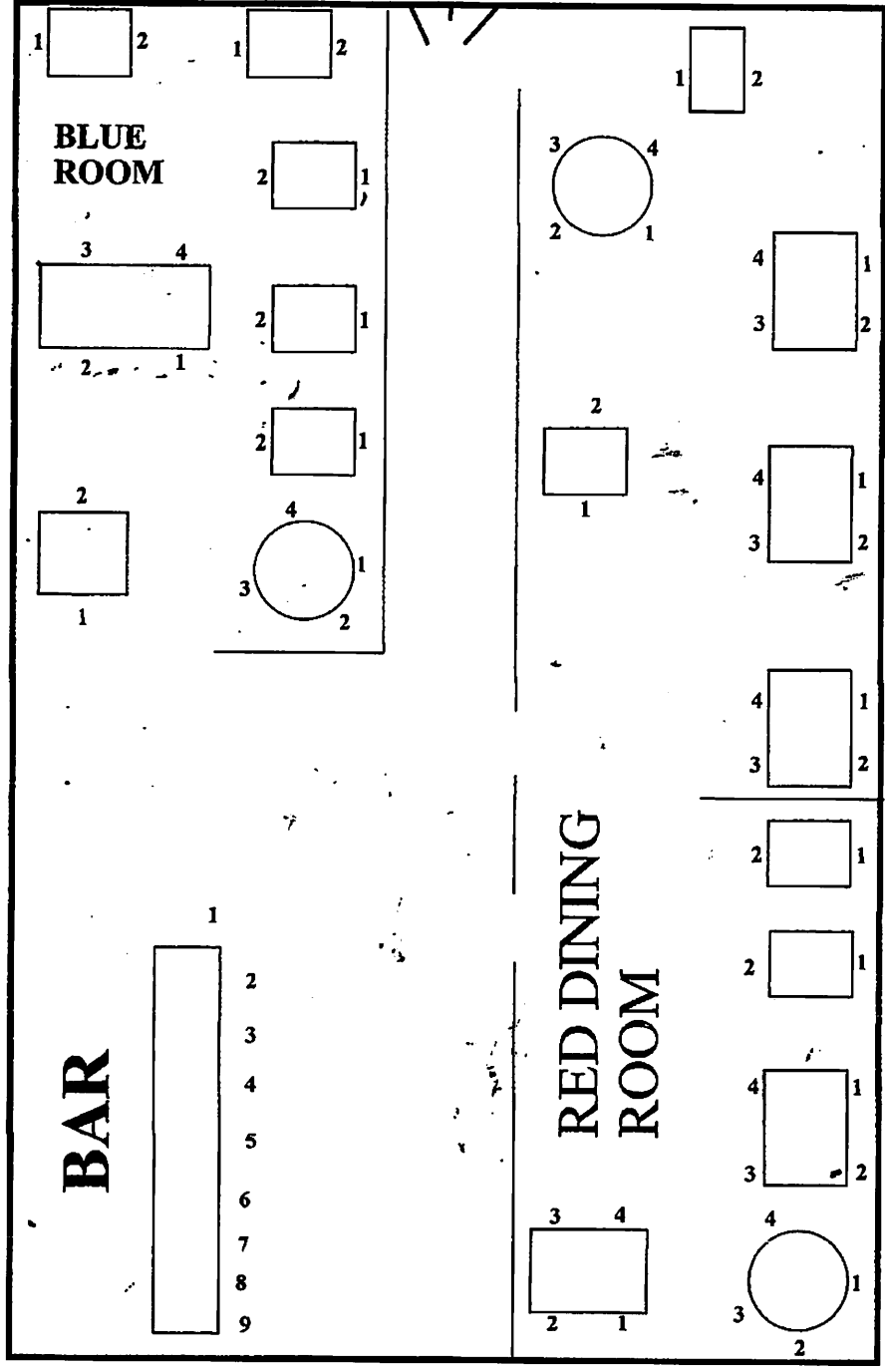
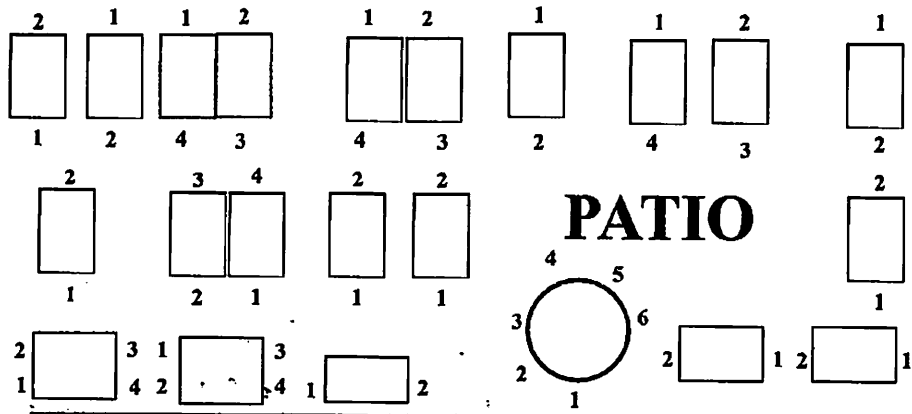
PEA, Inc.
2430 Rochester Ct. Ste. 100
Troy, MI 48063-1872
T 248.688.8090
F 248.688.1044
www.peainc.com

TOAST BIRMINGHAM, LLC
203 PIERCE STREET
BIRMINGHAM, ALABAMA 35203
SITE PLAN
203 PIERCE STREET
CITY OF BIRMINGHAM, OAKLAND COUNTY, ALABAMA

DATE: 12/12/2019
BY: J. K. J. P.M.
CHECKED: J. K. J. P.M.
APPROVED: J. K. J. P.M.

ORIGINAL ISSUE DATE:
APRIL 12, 2019
PEA JOB NO. 2019-132
SCALE: 1" = 30'
DRAWING NUMBER:
1

A.1



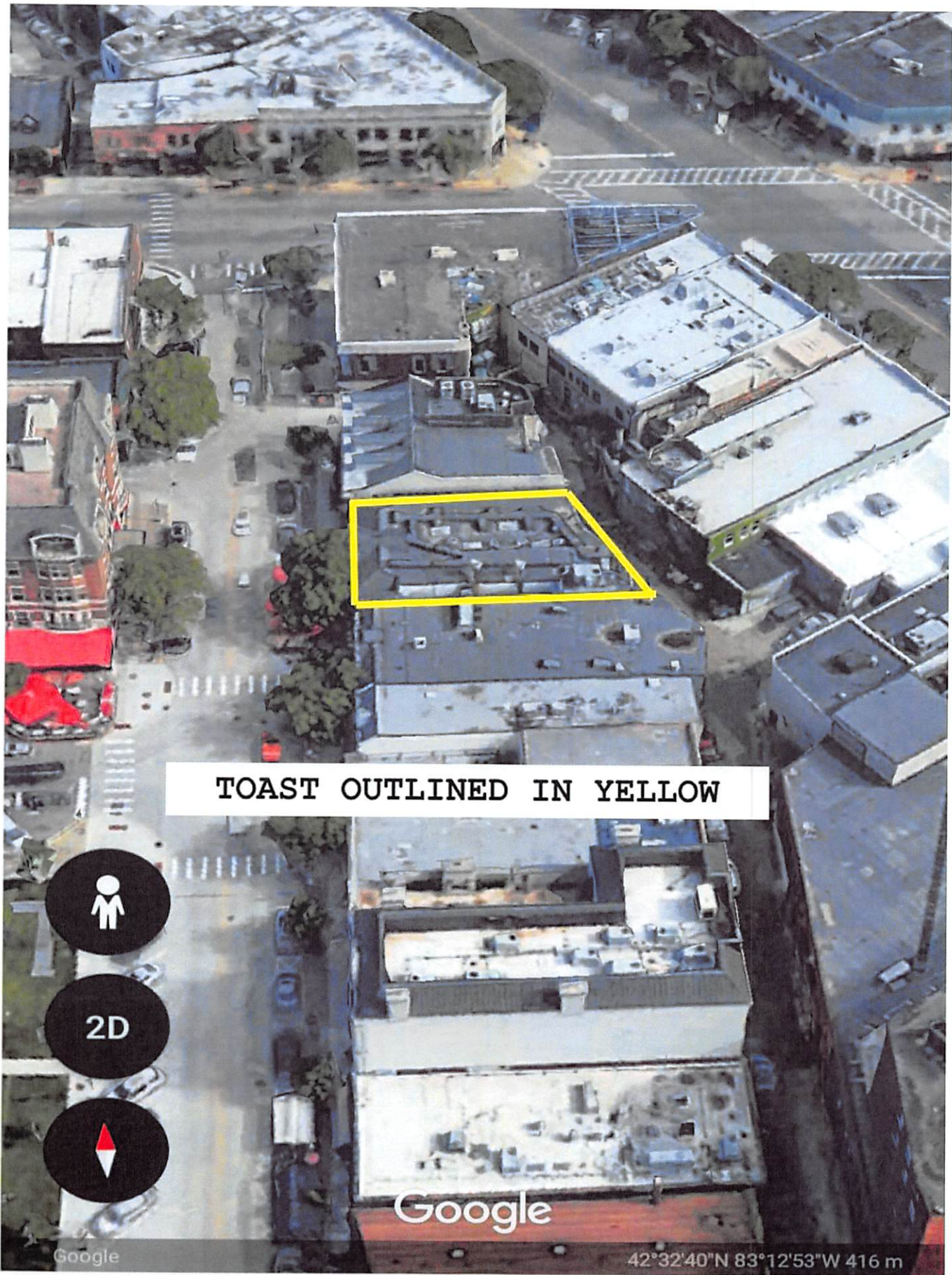












TOAST OUTLINED IN YELLOW



Google

42°32'40"N 83°12'53"W 416 m

Park
IN
BIRMINGHAM
The Shopping District
2 hours
free
parking
IN
all decks





ANIMAL FRIENDLY
OUTDOOR AREA
ANIMAL ACCESS ONLY
THROUGH OUTDOOR DINING
AREA



NO PARKING
ANYTIME
→

Pierce & Co.

TOAS



MEMORANDUM

Planning Department

DATE: October 22th, 2021

TO: Planning Board

FROM: Brooks Cowan, Senior Planner

APPROVED: Nicholas Dupuis, Planner Director

SUBJECT: 203 Pierce St. – Toast – Special Land Use Permit Amendment and Final Site Plan Review

Toast has operated as a Bistro at 203 Pierce Street since 2008. A condition of Toast's original approval is that it be open for dinner hours in order to bring activity to the space and provide dining opportunities during evening hours. Toast's original approval from 2008 indicated they would be open until 5 pm on Sunday, 9pm Monday-Wednesday, and 12am Thursday-Saturday.

In 2018, City staff was made aware that Toast was closing prior to the hours documented in their 2008 SLUP agreement. Article 7, Section 7.34 of the Zoning Ordinance states that once a permit for a Special Land Use has been granted as to any parcel of land, no change in that use may be made nor may any addition to or change in the building or improvements on the parcel of land take place until a new request for approval has been filed with the City Commission and the City Commission has approved the request for change.

On January 9th, 2019, the applicant went before the Planning Board for a pre-application discussion regarding a proposal to change their hours of operation to eliminate dinner hours and host special events in the evenings instead, such as cooking classes and private parties. Toast wished to close at 3 p.m. Monday through Friday and 4 p.m. on Saturday and Sunday. During the meeting, Board members expressed positive responses to the proposals, as Toast Bistro is the only restaurant on Pierce open for breakfast, serves two meals (breakfast and lunch), and activates the street during the morning and afternoon hours.

On February 25th, 2019, the restaurant went before the City Commission for a hearing regarding the 2018-2019 renewal of their Liquor License. During the meeting, the change in hours was discussed as a violation of their SLUP. Toast had proposed to close between 3 pm to 4 pm every day, however City Commission had indicated during Liquor License review that they were not in support of the proposal.

On April 24th, 2019, the applicant appeared before the Planning Board to request a Special Land Use Permit Amendment to change the hours of operation from those approved in the Special Land Use Permit obtained in 2008. As a compromise to City Commission's comments on hours of operation during liquor license review, Toast proposed to stay open into evening hours closer to the weekend on Wednesday through Saturday with proposed hours of operation as follows:

Sunday.....	8 am – 4 pm
Monday-Tuesday.....	7 am – 3 pm
Wednesday.....	7 am – 8 pm
Thursday-Friday.....	7 am – 8 pm
Saturday.....	8 am – 9 pm

The Planning Board was amenable to the proposed changes and felt that the applicant satisfied the intent of the Bistro Ordinance. The Board then moved to recommend the proposed changes, citing that the applicant satisfies the Bistro Ordinance requirements, and that multiple restaurants had opened on or near Pierce Street and do not have as strict of hours of operation requirements as Toast.

On June 3rd, 2019, the applicant appeared before City Commission to amend their hours of operation for an earlier closing time. Commission discussed how the goal of the Bistro Ordinance was to enliven the streets and encourage traffic downtown. Being closed for dinner is not what was envisioned. Commission encouraged the applicant to stay open later for dinner, however the applicant indicated difficulties attracting such business when Toast's brand is identified as a breakfast and lunch restaurant. The Commission approved the proposed changes in hours with the condition that the agreement include "minimum" hours of operation, meaning the applicant may stay open later than indicated, but not close earlier.

On August 4th, 2021, The applicant "Toast" was issued a violation notice for not being in compliance with their SLUP agreement in regards to hours of operation. The subject Bistro has been closing at 3pm Monday-Friday and 4pm Saturdays and Sundays, which is 5 hours earlier than the hours indicated in the 2019 SLUP agreement.

At this time, the applicant is proposing to eliminate the dinner hours and proposes the following hours of operation:

Monday-Friday.....7 AM – 3 PM
Saturday-Sunday.....8 AM – 4 PM

1.0 Land Use and Zoning

- 1.1 Existing Land Use – The existing land use is commercial.
 - 1.2 Existing Zoning – The property is currently zoned B-4, Business-Residential, and D-4 in the Downtown Overlay District. The existing use and surrounding uses appear to conform to the permitted uses of each Zoning District.
 - 1.3 Summary of Land Use and Zoning - The following chart summarizes existing land use and zoning adjacent to and/or in the vicinity of the subject site.
-

	North	South	East	West
Existing Land Use	Commercial / Retail	Commercial / Retail	Commercial / Retail	Commercial / Retail / Residential
Existing Zoning District	B-4, Business-Residential	B-4, Business-Residential	B-4, Business-Residential	B-4, Business-Residential
Downtown Overlay Zoning District	D-4	D-4	D-4	D-4

2.0 Bistro Requirements

Article 9, Section 9.02, Definitions, of the Zoning Ordinance defines a bistro as a restaurant with a full service kitchen with interior seating for no more than 65 people and additional seating for outdoor dining for no more than 65 people.

Article 3, Section 3.04(C)(10) of the Zoning Ordinance permits bistros in the Downtown Overlay District as long as the following conditions are met:

- No direct connect additional bar permit is allowed and the maximum seating at a bar cannot exceed 10 seats;
 - Alcohol is served only to seated patrons, except those standing in a defined bar area;
 - No dance area is provided;
 - Only low key entertainment is permitted;
 - Bistros must have tables located in the storefront space lining any street, or pedestrian passage;
 - A minimum of 70% glazing must be provided along building facades facing a street or pedestrian passage between 1' and 8' in height;
-

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

The only proposed change to the Bistro requirements is for (g) – operations of the bistro regarding an earlier closing time. **At this time, the applicant appears to meet the Bistro requirements listed above.**

3.0 Screening and Landscaping

2.1 Screening – No changes proposed.

2.2 Landscaping – No changes proposed.

4.0 Parking, Loading, Access, and Circulation

3.1 Parking – As the subject site is located within the Parking Assessment District, the applicant is not required to provide on-site parking.

3.2 Loading – No changes are proposed.

3.3 Vehicular Access & Circulation - Vehicular access to the building will not be altered.

3.4 Pedestrian Access & Circulation – No changes proposed.

3.5 Streetscape – No changes proposed.

4.0 Lighting

The applicant is not proposing any new lighting for the property.

5.0 Departmental Reports

- 5.1 Engineering Division – Engineering has no concerns at this time.
- 5.2 Department of Public Services – DPS has no concerns at this time.
- 5.3 Fire Department – The Fire Department has no concerns at this time.
- 5.4 Police Department – The Police Department has no concerns at this time.
- 5.5 Building Department – The Building Department has no concerns at this time.

6.0 Design Review

The applicant is not proposing any exterior changes as a part of the Special Land Use Permit Amendment. The applicant has 65 indoor seats and 52 outdoor seats. The applicant is approved for 20 seats located on the sidewalk and 32 seats located on the dining deck which occupies two parking spaces. The applicant is current with all outdoor dining licenses and there are no pending violations.

7.0 Downtown Birmingham 2016 Plan

The site is located within the D-4 zone of the Downtown Birmingham Overlay District. The Downtown 2016 Plan encourages a mix of uses in the downtown to encourage visitors and social activation during the morning, afternoon, and night. Toast is within the Downtown 2016 Plan's Central Business District retail loop consisting of Pierce, Merrill, Woodward and Maple. This loop allows pedestrians to window shop without encountering gaps in store frontage or interruptions by vehicular traffic. Restaurants along this loop includes Toast, Elie's, Streetside, La Strada, Sushi Japan, Leo's Coney Island, Kaku Sushi, Churchills Cigar Bar, Eli Tea Bar, and Planthropie. When considering restaurants across the street from the subject loop, there is Townhouse, 220 Merrill, Hyde Park Steakhouse, Pernoi (alley), Starbucks, and Clean Juice (opening to be determined). A number of the surrounding restaurants are open for dinner, helping to balance out dining offerings at all times of the day.

The Planning Division finds the proposed SLUP amendment adequately enhances street life along this loop during breakfast and lunch hours within the downtown, thus helping to promoting a pedestrian friendly environment and assisting in activating the downtown during the morning and afternoon hours.

8.0 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 not diminish the value thereof.
 - (4) The site plan, and its relation to streets, driveways and sidewalks, shall be such as to not interfere with or be hazardous to vehicular and pedestrian traffic.
 - (5) The proposed development will be compatible with other uses and buildings in the neighborhood and will not be contrary to the spirit and purpose of this chapter.
 - (6) The location, shape and size of required landscaped open space is such as to provide adequate open space for the benefit of the inhabitants of the building and the surrounding neighborhood.

In addition, Article 7, Section 7.36 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.

The applicant appears to satisfy approval criteria of 7.27 and 7.36 of the Zoning Ordinance. Closing before dinner hours does not appear to be contrary to the spirit and intent of the Zoning Ordinance as the approved use activates the space and supports economic vitality of Pierce Street between W. Maple and Merrill Street during morning and afternoon hours seven days a week.

10.0 Suggested Action

Based on a review of the site plans submitted, the Planning Division recommends that the Planning Board recommend **APPROVAL** to the City Commission of the applicant's request for Special Land Use Permit Amendment and Final Site Plan Review for 203 Pierce – Toast. It is also recommended that the terminology "minimum hours of operation" be included into the SLUP agreement to permit the applicant to stay open later into the evening if economically feasible.

The Planning Division's recommendation is based on the consideration that the applicant is open and providing dining services to patrons of Birmingham at times when other restaurants and Bistros are not. Toast is open for breakfast and lunch and enhances the economic vitality of Pierce Street during those times. The Planning Division's

recommendation is also based on the precedent that other Bistros have not been required to be open during the morning and provide service during typical breakfast, lunch and dinner hours.

If the City wishes to deny the applicant's request and require Toast to maintain current dinner hours Wednesday-Saturday, the Planning Division recommends that the City consider a temporary social district trial on Pierce Street from Merrill to the alley intersection, similar to what Royal Oak, Ferndale, and Northville have in order to activate the space. Doing so could assist the surrounding businesses in activating the space and attracting more business at all times of the day.

11.0 Sample Motion Language

The Planning Board recommends **APPROVAL** to the City Commission of the Special Land Use Permit Amendment Final Site Plan Review for 203 Pierce – Toast.

OR

Motion to recommend **POSTPONEMENT** of the Special Land Use Permit Amendment and Final Site Plan Review for 203 Pierce – Toast, for the following reasons:

1. _____
2. _____
3. _____

OR

Motion to recommend **DENIAL** of the Special Land Use Permit Amendment and Final Site Plan Review for 203 Pierce – Toast, for the following reasons:

1. _____
2. _____
3. _____

OR

Motion to recommend **DENIAL** of the Special Land Use Permit Amendment and Final Site Plan Review for 203 Pierce – Toast, for the following reasons:

1. _____
 2. _____
 3. _____
-

AND

To consider a temporary social district trial on Pierce Street from Merrill to the alley intersection as an effort to activate the space and encourage social gathering at all times of the day for the benefit of residents, visitors, and surrounding businesses.

**CITY OF BIRMINGHAM
JOINT MEETING OF THE PLANNING BOARD AND
HISTORIC DISTRICT COMMISSION
WEDNESDAY, MARCH 26, 2008**

Minutes of the Joint meeting of the City of Birmingham Planning Board held March 26, 2008. Chairman Robin Boyle convened the meeting at 7:32 p.m.

Present: Chairman Robin Boyle; Board Members Brian Blaesing (arrived at 7:47 p.m.), Gillian Lazar, Mark Nickita, Janelle Whipple-Boyce

Absent: Board Members Sam Haberman, Bryan Williams; Student Representative Cole Fredrick

03-58-08

Approval of the Minutes of the Planning Board Meeting held March 12, 2008

Motion by Mr. Nickita

Seconded by Ms. Whipple-Boyce to approve the Minutes of March 12 as prepared.

Motion carried, 4-0.

VOICE VOTE

Yeas: Nickita, Whipple-Boyce, Boyle, Lazar

Nays: None

Absent: Blaesing, Haberman, Williams

03-59-08

Approval of the Minutes of the Planning Board Meeting held December 12, 2007

Motion by Ms. Whipple-Boyce

Seconded by Ms. Lazar to approve the Minutes of December 12 as revised.

Motion carried, 4-0.

VOICE VOTE

Yeas: Whipple-Boyce, Lazar, Nickita, Boyle

Nays: None

Absent: Blaesing, Haberman, Williams

03-60-08

Chairperson's Comments (none)

03-61-08

Approval of the Agenda (two reviews withdrawn)

03-62-08

SPECIAL LAND USE PERMIT ("SLUP")

203 Pierce St.

Toast Birmingham bistro, request for Bistro License, New Establishment

FINAL SITE PLAN REVIEW

203 Pierce St.

Toast Birmingham bistro, request for Bistro License, New Establishment

Ms. Robinson advised that the subject site is located on the east side of Pierce St. between Maple Rd. and Martin St. The parcel is zoned B-4 Business-Residential and D-4 in the Downtown Overlay District. The applicant, a new restaurant, is seeking approval of a Bistro License under Chapter 10, Alcoholic Liquors, of the City Code. Chapter 10 requires that the applicant obtain a SLUP and approval from the City Commission to operate an establishment with a Bistro License within the City. Bistro requirements allow two new bistros in the calendar year 2008. Accordingly, the applicant will be required to receive a recommendation from the Planning Board on the Final Site Plan and SLUP, and then obtain approval from the City Commission for the final site plan, SLUP, and for the operation of a Bistro License.

As the applicant is also proposing signage and changes to the exterior of the building, and because the building is located within the CBD Historic District, approval from the Historic District Commission ("HDC") is also required.

In accordance with the Commission resolution passed December 10, 2007, since parking spaces are being taken out of service for this proposal, the applicant must also submit plans of the dining deck for review by the Advisory Parking Committee ("APC").

Toast Birmingham is proposing to have 9 seats in the 174 sq. ft. bar area. Toast Birmingham bistro does not propose any dancing area, but they wish to have low key musical entertainment. They also propose to have tables located in the storefront space lining Pierce St., and to provide the existing 70 percent glazing along the front façade. They propose to install a new canvas black awning over the café, directly against the building.

Toast Birmingham is also proposing 26 seats for outdoor dining, with 18 on an elevated platform along Pierce St., and 8 seats on the sidewalk directly adjacent to the south side

of the front elevation of the building. A 5 ft. clear passage will be maintained along the public sidewalk. They propose to construct a temporary 12 ft. 5 ½ in. by 20 ft. platform of composite non-slip decking fastened with clips to provide a level outdoor dining surface on the sidewalk and into the street. The platform is proposed to extend 7 ft. into one parking space along Pierce St. The applicant is also proposing a 3.5 ft. high custom-made metal fencing system to enclose the outdoor dining space.

At the recommendation of the Planning Division, the restaurant will maintain hours that extend into the evening. Mr. Thom Bloom said Birmingham Toast hours will be Monday–Wednesday 7 a.m. – 9 p.m.; Thursday–Saturday 7 a.m. – midnight; Sunday 7 a.m. – 5 p.m.

Mr. Drew Norton was present to represent Toast Birmingham. With him were Thom and Regan Bloom, the business owners; Mr. Jason Kregar, the architect; along with the head chef, Rubin Griffin. Mr. Norton indicated the applicant has satisfied or is prepared to satisfy all of the conditions raised by the Planning Division.

Mr. Bloom discussed some of the special events they may want to have in the evening, such as wine tastings for charitable events, guest chef cooking classes, and art gallery showing/openings with local artists. On the weekends there could be a Bloody Mary and Belini/Mimosa bar. The front section can be closed off as a private dining area for larger parties while they are operating the restaurant. Lastly, they manage quite a robust catering business out of their establishment for upscale corporate events. They request that on occasion there be some light entertainment such as a violin or a harp in the background, but nothing loud. If they are given the opportunity to have a bistro license Mr. Bloom feels it will be a benefit to the City, the patrons, and the community, as well as something they would very much enjoy.

He distributed a final draft of the dinner menu and a summary on the history of Toast. They have been in business in Ferndale for seven years. Due to the success of their Ferndale, location they are very confident that they will provide a very unique and lively establishment in Birmingham with some additional offerings.

Mr. Kregar clarified that the bistro tables measure 28 in. x 24 in. The restaurant seating will be adjusted to accommodate 65 people.

Mr. Nickita noted the board has not done this sort of dual outdoor enclosure in the past. His issue was congestion on the sidewalk. He suggested moving the entrance to the small dining area along the building to the north side, and flipping the outer platform 180 degrees in order to have the ramp access near the door.

Mr. Blaesing indicated he is extremely pleased after looking at the presentation. This is the kind of establishment that the board was hoping to get, right in the middle of town, and run by proprietors who have been successful with another establishment. The more synergy that occurs with the restaurants, the art community, shopping, and the office crowd, the better the whole downtown will work. He is concerned about having the dual

outdoor dining areas because he feels that when a pedestrian walks up and sees tables on both sides of the sidewalk the pedestrian may be intimidated and shy away. Mr. Blaesing is reluctant to approve with dining on both sides of the sidewalk, because he thinks it takes up too much of the public space and sets a precedent for other applicants to come in with seating on both sides and further constrict sidewalk width and functionality. His view is that the board should approve outside dining on one side or the other, see how it goes for a year, and if they think it is going to work, the applicant can come back next year and get seating on the other side. Once the seating is in, however, it is not easy to take it out.

Mr. Nickita noted that to the north there is an existing stone planter that protrudes from the building frontage almost the exact same distance as this dining area. So, the planter has already established the pedestrian path away from the building. Therefore, in this condition he is absolutely comfortable with the two dining areas. Walking between tables makes for a very interesting urban experience and he doesn't think people would be intimidated. Ms. Lazar noted the dining areas are enclosed by a railing.

Chairman Boyle said that if it is determined that outdoor dining on both sides of the sidewalk is not working out, it is not beyond the realm of common sense to remove the seating next to the building. There is the opportunity to be flexible.

Mr. Nickita observed the board has set a bit of a precedent as to the construction of platforms. Mr. Bloom said they have looked at designs that have been approved and designed their platform to those exact specs. The railings will be painted black.

No members of the public came forward to comment at 8:20 p.m.

Motion by Mr. Nickita

Seconded by Ms. Whipple-Boyce to approve the applicant's request for Final Site Plan and a SLUP to permit a Bistro License for Toast Birmingham restaurant at 203 Pierce with the following conditions:

- 1) The applicant maintain nighttime hours as presented this evening, Monday–Wednesday 7 a.m. – 9 p.m.; Thursday–Saturday 7 a.m. – midnight; Sunday 7 a.m. – 5 p.m.;**
- 2) The applicant pay for the removal and re-installment of the parking meter where the outdoor dining platform is located;**
- 3) The applicant appear before the Historic District Commission for all building changes and signage;**
- 4) The applicant execute a contract with the City of Birmingham for use of the right-of-way;**
- 5) The applicant obtain an outdoor dining permit from the City of Birmingham for use of the right-of-way;**
- 6) The applicant comply with all requests of City departments;**
- 7) The applicant shall provide low-key entertainment as desired;**
- 8) The color of the railing is black as presented;**

- 9) The tables measure 24 in. x 28 in. as opposed to 28 in. x 28 in.;
- 10) The entry to the east outdoor seating area is at the north side of the enclosure and the west patio access is at the north side of the enclosure, flipped from what is shown;
- 11) The seating be 65 seats, with no more than ten at the bar in accordance to the Ordinance.

There was no discussion from the audience at 8:30 p.m.

Motion carried, 4-1.

VOICE VOTE

Yeas: Nickita, Whipple-Boyce, Boyle, Lazar

Nays: Blaesing

Absent: Haberman, Williams

APPROVED

CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, JANUARY 9, 2019
City Commission Room
151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Planning Board held on January 9, 2019. Chairman Scott Clein convened the meeting at 7:30 p.m.

A. ROLL CALL

Present: Chairman Scott Clein; Board Members Robin Boyle, Stuart Jeffares, Bert Koseck, Daniel Share, Janelle Whipple-Boyce, Bryan Williams

Also Present: Alternate Board Member Jason Emerine

Absent: Alternate Board Member Nasseen Ramin; Student Representatives Madison Dominato, Sam Fogel, Ellie McElroy

Administration: Matt Baka, Sr. Planner
Jana Ecker, Planning Director
Carole Salutes, Recording Secretary

Fleis & Vanderbrink ("F&V")
Julie Kroll

01-07-19

H. PRE-APPLICATION DISCUSSION

1. 203 Pierce St., Toast Birmingham

Mr. Tony ~~Manicilli~~ **Minicilli**, Director of Operations for Toast, was present with Mr. Chris ~~Gadelka~~ **Gadulka**, Executive Chef, and Ms. Reagan **Regan** Bloom with Toast. Mr. Manicilli said they are looking to change the required hours of their Special Land Use Permit ("SLUP") to 7 a.m. to 3 p.m. Monday through Friday and 8 a.m. to 4 p.m. on week-ends. They want to eliminate dinner and do special events in the evenings such as cooking classes and private parties.

Ms. Ecker advised they are required under their SLUP to serve breakfast, lunch, and dinner. To change that condition they would have to amend their SLUP. They can do one of two things to correct the violation:

- Start serving dinner again; or
- Go before the Planning Board and City Commission to get approval to strike the condition that they must serve dinner.

Ms. Ecker explained if they just wanted to have a restaurant with regular dining and no alcohol they would not need a SLUP. At the time this SLUP was approved the Planning Board and City Commission didn't feel a bistro license should be issued if the street would not be activated in the evenings. Mr. ~~Manicilli~~ **Minicilli** said on week-ends their customers generally have about an hour wait. During that wait, most people are in the City and walking around. Even if it is during the day and not at night they are adding to activity on the street.

Board members requested that in Toast's application for a change in their SLUP they include details on their special events and average customer count after 3 p.m. over the last six months or so.

Mr. Williams pointed out there are three other restaurants on Pierce and that are open at night and none are open for breakfast. So he would be inclined to go forward with this request.

Mr. ~~Manicilli~~ **Minicilli** responded for Ms. Whipple-Boyce that they have had 15 special events in the evening through December. He anticipates seeing an increase in pop-ups, cooking classes, or other events. He described a pop-up as an invitation for another chef to come in and set up a temporary restaurant with a different menu other than theirs for a one night event. The purpose is to receive an indication of whether to invest in opening a new restaurant.

Ms. ~~Reagan~~ **Regan Bloom** opined that increasing competition has had something to do with their declining dinner crowd.

Mr. Jeffares said these people have tried everything to get people in for dinner and it has been a valiant effort. They do quite a few events in the evening and he didn't think the board should try to force anybody to lose money.

BIRMINGHAM CITY COMMISSION MINUTES
FEBRUARY 25, 2019
MUNICIPAL BUILDING, 151 MARTIN
7:30 P.M.

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Patty Bordman called the meeting to order at 7:30 PM.

II. ROLL CALL

ROLL CALL:	Present:	Mayor Bordman Mayor Pro Tem Boutros Commissioner DeWeese Commissioner Harris Commissioner Hoff Commissioner Nickita
	Absent:	Commissioner Sherman

Administration: City Manager Valentine, Assistant City Manager Gunter, City Attorney Currier, Police Chief Clemence, Planning Director Ecker, Finance Director Gerber, Building Official Johnson, Library Director Koschik, City Engineer O'Meara, City Clerk Mynsberge, Birmingham Shopping District Executive Director Tighe

02-047-19

LIQUOR LICENSE REVIEW AND RENEWAL

Commissioner Nickita recused himself from discussing and voting on 220 Merrill and Toast due to business relationships with the owners of both establishments.

City Clerk Mynsberge presented the item.

Commissioner Hoff thanked staff for the clarity of the submitted reports.

Comments/Clarification

Planning Director Ecker explained:

- Elie's Mediterranean filled out their liquor license application incorrectly in regards to numbers, but upon the Planning Department on-site review it was clear that Elie's was actually in compliance

City Clerk Mynsberge confirmed:

- Rojo and Sidecar share an owner and together owe the City \$16,325 in taxes and water bills. The owner entered into a payment plan with the City for the water bills on February 25, 2019 by paying a portion and agreeing to continue making regular payments on the debt. The outstanding taxes for both establishments remain unpaid.

Mayor Bordman invited Stephen Simon, owner of Rojo and Sidecar, to speak to the Commission.

Mr. Simon explained both Rojo and Sidecar were purchased in bankruptcy court in June 2018. There are current talks with the City and Oakland County as to whether the July 2018 taxes are due from the current or previous owner. In addition, the company's accountant has indicated that the assets purchased were only about \$20,000, which would free the business from owing taxes.

City Attorney Currier said with respect to the delinquent taxes he was unsure because he was not familiar with the bankruptcy filing. He could not say whether that was a matter the bankruptcy court was taking into consideration, but that it would have some priority with respect to payment in the bankruptcy court. If the priority stays as-is, eventually the property will go to tax sale.

Commissioner Harris suggested setting a March 25, 2019 public hearing date to encourage a speedy resolution of the matter on the part of the previous owner and Mr. Simon.

Mayor Bordman concurred and advised Mr. Simon that the tax liability may fall to him if he intends to keep the restaurants. She said this was not legal advice, but that it seemed to her that if the previous owner were mandated to pay by the court that Mr. Simon would be reimbursed.

Commissioner DeWeese said Toast has been slow in addressing issues with the City, including the fact that Toast is in violation of its Special Land Use Permit (SLUP) because it is not currently operating in the evenings.

Planning Director Ecker explained:

- Toast had been subject to code enforcement for not providing dinner hours as per their SLUP. The owners then came to a pre-application meeting with the Planning Department to discuss either providing dinner hours or applying for a SLUP amendment.
- Toast ultimately submitted an application and attendant fee for a SLUP amendment earlier in the day on February 25, 2019, hoping not to provide regular dinner hours but to provide evening space for cooking classes and other activities instead.
- Toast would not likely receive a public hearing regarding their application with the Planning Board before the end of April 2019.

Toast representative Tony Minicilli came forward to address the Commission. He explained:

- Toast's hours were changed in October 2018, and they were unaware their SLUP was contingent on having dinner hours. He said that he believed Toast was the only restaurant that had a SLUP requiring evening hours.
- When Toast was made aware that they were in violation of their SLUP, Toast was advised to re-apply.
- He is the Director of Operations, and neither he nor the current owner were part of the SLUP process when it was originally granted to Toast by Birmingham. Toast was originally owned by married couple Thom and Regan Bloom, and they since divorced with Regan retaining ownership of the restaurant along with investors.

Mayor Bordman stated:

- SLUPs require any change in ownership be reviewed by the City Commission.
- Since Toast did not submit their change in ownership for review to the City Commission, the restaurant has now made the City aware of an additional violation of their SLUP.
- Given the major problems with the operation of the restaurant, she recommended setting a public hearing for Toast on March 25, 2019.

Commissioner Hoff noted there were several restaurants with discrepancies between the number of seats allowed and the number of seats the Planning Department found upon inspection. She added that as of the submission of the information to the City Commission, many of those discrepancies had not been resolved. She asked Mayor Bordman if the Commission could speak with representatives from the establishments in violation present this evening to see whether the discrepancies have since been resolved.

Mayor Bordman concurred, suggested reviewing the discrepancies one establishment at a time, and asked whether a representative from Bella Piatti was present.

Nino Cutraro introduced himself as the owner of Bella Piatti.

Mayor Bordman asked Mr. Cutraro why he had not responded to contact from the City regarding the issue with the number of seats in Bella Piatti.

Mr. Cutraro said he never saw any communication from the City regarding the matter.

Mayor Bordman invited Planning Director Ecker to confirm that attempts to contact Bella Piatti had occurred.

CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, APRIL 24, 2019
City Commission Room
151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Planning Board held on April 24, 2019. Chairman Scott Clein convened the meeting at 7:30 p.m.

A. ROLL CALL

Present: Chairman Scott Clein; Board Members Robin Boyle, Stuart Jeffares, Daniel Share, Janelle Whipple-Boyce, Bryan Williams; Alternate Board Member Jason Emerine; Student Representative Sophia Trimble

Absent: Board Member Bert Koseck; Student Representative John Utlej

Administration: Jana Ecker, Planning Director
Nicholas Dupuis, City Planner
Laura Eichenhorn, Transcriptionist

Present in Audience: Alternate Board Member Nasseen Ramin

04-059-19

F. Request for Special Land Use Permit Review and Request for Final Site Plan and Design Review

1. 203 Pierce – Toast – Request for approval of a SLUP Amendment and Final Site Plan Review to permit a change of hours of operation and a change of ownership.

City Planner Dupuis presented the item.

Kelly Allen, Attorney for Toast, noted that the correct proposed hours were listed in her letter dated April 18, 2019 and included on page 83 of the agenda packet. She continued:

- Toast was one of the first two restaurants issued a bistro license in Birmingham in 2008. Ms. Allen had served as attorney for Toast at the time, and she had mostly worked with former co-owner Thomas Bloom.
- The goal of bistro licenses was to activate the street, especially with nighttime hours. Toast agreed to attempt nighttime hours, even though the focus was more of a breakfast and brunch experience. Toast tried to attract dinner patrons for ten years, and the efforts were largely unsuccessful.
- When Reagan Bloom assumed full ownership of Toast following her divorce from Mr. Bloom, she was unaware that Toast was obligated to stay open into the evening hours as part of the establishment's contract with the City.

- The City has many more bistros now, and the necessity of Toast having evening hours is no longer extant. City streets are now well-utilized in the evenings.
- Since the originally proposed change in hours was explicitly discouraged by the Commission, Toast is proposing a compromise in hours to try and meet the Commission's directive.
- Toast will attempt the proposed compromise hours in earnest, but they still may not be successful. If that is the case, Toast may be back before the Planning Board and the Commission in the future.
- During the change in ownership Toast acquired new investors and went through the required changes with the Michigan Liquor Control Commission. The attorneys handling that process did not come before the City to update the information as required by ordinance, so Ms. Allen is facilitating that process now. She expects all involved parties will be cleared by the City's Police Department.
- Toast's seating is now in compliance with the original SLUP. Toast will be open during all of the hours proposed in Ms. Allen's April 18, 2019 letter, and may host special events during some of its evening hours on occasion.

Mr. Jeffares noted other bistro license holders that seem to have less onerous hour requirements. He stated that Bella Piatti is not open for business two days out of the week, that La Strada is not open for business on Mondays, and that both Tallulah Wine Bar & Bistro and Bistro Joe's have days they are not open for business. Meanwhile, Toast is required to be open for all meals seven days a week.

Ms. Allen agreed with Mr. Jeffares, and suggested that a slight hardship is being imposed on Toast in terms of the evening hours.

Mr. Boyle noted that the City was imposing the requirement that Toast revise its schedule to stay open during evenings. He suggested that since the City is requiring this, the City could help publicize Toast's new hours and correct the perception that Toast will continue to remain closed in the evenings.

Chairman Clein said he understood the Commission's concerns, acknowledged it was a policy issue for the Commission to decide, and would not try to persuade them differently. He also opined that a reduction or elimination of evening hours would not negatively impact evening activity on Pierce Street.

Motion by Mr. Share

Seconded by Mr. Williams to recommend approval of the amended SLUP for 203 Pierce - Toast, incorporating the hours in the letter of April 18, 2019, based on the fact that of the six items in Article 7, Section 7.2.7 Items One, Two, Three, Four, and Six remain unchanged and Item Five, which relates to compatibility and the spirit and purpose are well-satisfied by changing circumstances over time including the evening activation of Pierce Street.

Motion carried, 7-0.

VOICE VOTE

Yeas: Share, Williams, Clein, Boyle, Emerine, Jeffares, Whipple-Boyce
Nays: None

Motion by Mr. Share

Seconded by Mr. Williams to recommend approval of the Final Site Plan for 203 Pierce - Toast, which includes the original seating plan contained in the applicant's submittal materials and the letter of April 18, 2019. With reference to Article 7, Section 7.2.7, all of the site plan issues are satisfied.

Motion carried, 7-0.

APPROVED

BIRMINGHAM CITY COMMISSION MINUTES
JUNE 3, 2019
MUNICIPAL BUILDING, 151 MARTIN
7:30 P.M.

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE
--

Mayor Patty Bordman called the meeting to order at 7:30 PM.

II. ROLL CALL

Present: Mayor Bordman
Mayor Pro Tem Boutros
Commissioner DeWeese
Commissioner Hoff
Commissioner Nickita
Commissioner Sherman

Absent: Commissioner Harris

Administration: City Manager Valentine, City Attorney Currier, Communications Director Byrnes, Police Chief Clemence, Planning Director Ecker, DPS Manager Filipski, Finance Director Gerber, Building Official Johnson, City Clerk Mynsberge, DPS Director Wood

VI. NEW BUSINESS

06-149-19

PUBLIC HEARING TO CONSIDER A SPECIAL LAND USE AMENDMENT AND LIQUOR LICENSE OWNERSHIP CHANGE FOR TOAST – 203 PIERCE

Mayor Bordman opened the public hearing at 7:58.

Commissioner Nickita recused himself due to a current business relationship with one of the owners of the building as well as the applicant.

Planning Director Ecker presented the item.

Commissioner Hoff pointed out that on the special land use permit application, the hours of operation under outdoor dining facility differ from what was just presented. If the restaurant remains open for dinner, wouldn't the outdoor dining area stay open when weather permits?

Planning Director Ecker expressed that it was probably a mistake on the application and advised Commissioner Hoff to refer those questions to the applicant.

Attorney Kelly Allen, representing Toast, introduced Rita Bloom and Tony Micelli of Toast. Attorney Allen stated, in regard to Commissioner Hoff's question, a letter was submitted on April 18th and it reflected the hours that you see in the packet. The outdoor dining area will be open the same hours as the operation of the restaurant.

Mayor Bordman expressed that she was very pleased to see the willingness to make changes to the hours so that evening dining is available and said she will be supportive of the application.

Commissioner Sherman expressed that he was also very pleased and has no issue with the restaurant being closed some evenings at dinner time, but, he is a little concerned with closing at 8:00 or 9:00 p.m. on Thursday, Friday, and Saturday when there are a lot of people walking around and many restaurants are having their first seating. He asked the owners to consider staying open until 10:00 p.m. Thursday through Saturday.

Attorney Allen, owner representative, responded with a respectful no. In the past, there has not been a demand for dinner at Toast and that is why the hours were cut back. Ms. Bloom, partner, explained that they have tried many combinations of lunch and dinner without success. She added that they are going to continue to try and find a sweet spot for evening hours by putting a fun twist on breakfast at night.

Commissioner Sherman went on to advise the restaurant to stay open until "at least 8:00 p.m." He encouraged late hours on the weekend because the restaurant is a big space to have closed during the dinner hour. Commissioner Sherman also reminded the commission that the goal of the Bistro Ordinance was to enliven the streets and to bring traffic downtown. To have one bistro on Pierce Street with the lights off is not what the commission envisioned.

Mayor Bordman agreed with Commissioner Sherman's suggestion on the change of wording to allow the applicant to eventually grow the business and extend hours of operation.

Commissioner DeWeese expressed that by changing the agreement to read "minimum" hours of operation, the applicant has the flexibility to best serve the customer.

Mayor Pro Tem Boutros was supportive but struggled with the applicant limiting their hours. He wondered if it is a staffing issue and said he believes that they can be successful if marketing and advertising strategies are used to increase the dinner crowd.

Ms. Bloom explained that it is not a staffing issue, it is a brand issue. She explained that the brand is a breakfast and lunch bistro. Incorporating dinner into a strong breakfast brand suggests that people will double down on a restaurant for three meals. People generally go to the applicant for breakfast and lunch; it is going to be a struggle to push the hours that the Commission is requiring.

Commissioner Hoff supported approval of the proposal with the suggestions of other Commissioners. She also expressed confidence in what the restaurant owner says is best for her establishment.

Attorney Allen called attention to an error in the letter of April 18th, listing hours of operation on Sunday from 7am – 4 pm. The hours are 8:00a.m. – 4 p.m. on Sunday. She requested that the letter be amended to reflect the correction.

Commissioner Hoff asked if the applicant would consider staying in business without the bistro license. The answer was an emphatic no.

Maureen Sarle, 1585 Henrietta and 12 year Birmingham resident, stated that she likes Toast and asked Ms. Bloom if the applicant ever marketed breakfast for dinner. Ms. Bloom's response was yes.

Aljosa Krajisnik, a millennial, asked if dinner prices are similar to Leo's Coney Island (under \$10.00) which can attract people 24 hours per day.

Ms. Bloom explained her prices are more than \$10.00 for dinner but admitted to being on the lower end of Birmingham dinner prices.

Mayor Bordman closed the public hearing at 8:16 p.m.

MOTION: Motion by Commissioner DeWeese, and seconded by Mayor Pro Tem Boutros: To approve a Special Land Use Permit Amendment for 203 Pierce, aka Toast, to reflect an ownership change and change in the hours of operation, with the correction of Sunday hours to 8:00 a.m. until 4:00 p.m. and the amendment of language to read "the applicant shall maintain minimum hours of operation."

AND

To authorize the Chief of Police to sign the MLCC Police Investigation Report (LC-1800) and to approve the liquor license request of Toast Birmingham, LLC that requests a transfer of interest in a Class C License to be issued under MCL 436.1521(A)(1)(B) and SDM License with Outdoor Service (1 Area) located at 203 Pierce, Birmingham, Oakland County, MI 48009. Furthermore, pursuant to Birmingham City Ordinance, to authorize the City Clerk to complete the Local Approval Notice at the request of Toast Birmingham, LLC approving the liquor license transfer request of Toast Birmingham, LLC that requested a Class C License be transferred under MCL 436.1521 (A)(1)(B) & SDM License with Outdoor Service (1 Area) located at 203 Pierce, Birmingham, Oakland County, MI 48009. *Formal resolution appended to these minutes as Attachment A.*

VOTE:	Yeas,	5
	Nays,	0



MEMORANDUM

Finance Department

DATE: November 29, 2021

TO: Thomas M. Markus, City Manager

FROM: Mark Gerber, Director of Finance/Treasurer
Kathryn Burrick, Senior Accountant

SUBJECT: 2022-2023 Community Development Block Grant Application
Public Hearing

INTRODUCTION:

The purpose of the December 6, 2021 public hearing is to: receive citizen input regarding the 2022-2023 Program Year Community Development Block Grant (CDBG) program; make a determination of eligible project(s) to be pursued; and determine the amount of funds to be allocated to each project.

BACKGROUND:

The CDBG program is a U.S. Department of Housing and Urban Development (HUD) program that provides funds annually to entitlement jurisdictions. CDBG funds housing, public facility and public service activities that benefit low-income households and persons with special needs. Oakland County receives CDBG funds as an "urban county". Participating communities must join with the County to receive CDBG funding. The City of Birmingham has been a participant of the CDBG program for over 30 years.

The City of Birmingham has been given a planning allocation of \$36,912, which is the same as last year's revised allocation. Under CDBG guidelines communities may: a) spend a maximum of 30%, or \$11,073, of their 2022-2023 funding allocation on public service activities; b) allocate no less than \$3,500 per activity; and c) allocate funding to no more than 4 activities.

In the past, the City has allocated the maximum amount of funding (30%) to public service activities. This funding is typically allocated towards senior services and yard services (see attachments for activity descriptions). In the past, these activities have been administered by an outside agency which is selected through a bid process every program year. Historically, NEXT has administered these services.

Since the City has so few low-income residents, the City is really restricted on what it can do with the remaining funding. The remaining funding is usually allocated to minor home repair and/or the removal of architectural barriers. The minor home repair activity provides funding for repairs to homes of low-income residents that typically are less than \$5,000 per repair (see attached activity description). This activity is also administered by an outside agency which is selected through a bid process when funding is allocated to this activity. The removal of architectural barriers activity provides funding to retrofit City property which was not ADA compliant such as bathrooms and entrances to public facilities.

Federal regulations governing the public hearing process require: the public hearing to first be opened to the public for comment; after public comment, the public hearing should then be closed; **after the public hearing has been closed, the City Commission may then discuss the application and take action by roll call vote.** At the close of the public hearing, the eligible projects are required to be identified, along with the approved funding allocations. The deadline for submitting the grant application is Friday, December 17, 2021.

LEGAL REVIEW:

No legal review required.

FISCAL IMPACT:

No impact this fiscal year. The amount approved will be included in the 2022-2023 annual budget.

PUBLIC COMMUNICATIONS:

This public hearing was noticed in the Birmingham Eccentric.

SUMMARY:

Staff recommends that the maximum amount of public services funding of \$11,073 be allocated as follows: Senior Services \$3,500 and Yard Services \$7,573 as has been historically done. In addition, staff recommends the remaining funding of \$25,839 be allocated to the removal of architectural barriers located at the Birmingham Museum's John West Hunter Park to provide a barrier free parking space and provide a barrier free boardwalk and pathways overlooking the pond and Rouge River.

It is suggested that the City Commission approve the allocation of CDBG funds as proposed above, that the Finance Director prepare the 2022-2023 Community Development Block Grant application and conflict of interest certification according to those funding allocations, and that the mayor be authorized to sign the application, conflict of interest certification, and subrecipient agreement (when available).

ATTACHMENTS:

1. Proposed Summary of Application Funding
2. Conflict of Interest Certification

SUGGESTED RESOLUTION:

Make a motion adopting a resolution approving the Program Year 2022 Community Development Block Grant application with the following projects and respective allocations:

	APPROVED 2022-2023**
1. Public Services – Yard Services	\$ 7,573
2. Public Services – Senior Services	3,500
3. Remove Architectural Barriers – Museum Park	<u>25,839</u>
TOTAL	<u>\$ 36,912</u>

** (TO BE DETERMINED BY THE CITY COMMISSION AT THE DECEMBER 6, 2021 MEETING);

and authorize the mayor to sign the application, conflict of interest certification, subrecipient agreement (when available), and other documents resulting from this application on behalf of the City and submit the documents to Oakland County.

PY 2022 CDBG APPLICATION PART 2 - APPLICANT INFORMATION

A - APPLICANT CONTACT

Community:	CITY OF BIRMINGHAM, MICHIGAN		
PY 2022 CDBG Planning Allocation:	\$36,912		
Contact Person:	Mark Gerber		
Telephone:	(248) 530-1814		
Best time to contact:	Monday-Friday, 8:00 am-5:00 pm		
DUNS #:	07-423-9450		
Copy of current SAMS attached:	Yes <input checked="" type="checkbox"/>	If No, Explain: _____	
Is community subject to Single Audit?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	_____

B - PROPOSED PROJECTS

Example	Project # <u>1</u>	Name: <u>Code Enforcement</u>	Allocation: <u>\$80,834</u>
	Project # <u>1</u>	Name: <u>Remove Architectural Barriers #731619</u>	Allocation: \$ <u>25,839</u>
	Project # <u>2</u>	Name: <u>Yard Services #73217</u>	Allocation: \$ <u>7,573</u>
	Project # <u>3</u>	Name: <u>Senior Services #731712</u>	Allocation: \$ <u>3,500</u>
	Project # _____	Name: _____	Allocation: \$ _____
Total # of Projects:		3	
# of Public Service Projects:		2	
Public Service %:		30%	

C - AFFIDAVIT OF COMPLIANCE

<p>The undersigned certifies that the information in this application is true and correct. In applying for CDBG funds, the applicant has read, understands and agrees to comply with all the provisions of all federal regulations issued thereto by the U.S. Department of Housing and Urban Development (HUD), state and local regulations and laws.</p>	
Name of Highest Elected Official or Designee:	Therese Longe
Title of Highest Elected or Designee:	Mayor
Signature:	

PY 2022 CDBG APPLICATION PART 2 - CONTINUED

D - CONFLICT OF INTEREST CERTIFICATION

Code of Federal Regulations Title 24, Volume 3 Revised as of April 1, 2004 CITE: 24CFR570.611

TITLE 24--HOUSING AND URBAN DEVELOPMENT CHAPTER V--OFFICE OF ASSISTANT SECRETARY FOR COMMUNITY PLANNING AND DEVELOPMENT, DEPARTMENT OF HUD

Part 570 Community Development Block Grants

Subpart K Other Program Requirements

Sec. 570.611 Conflict of interest

(a) Applicability. (1) In the procurement of supplies, equipment, construction, and services by recipients and by subrecipients, the conflict of interest provisions in 24 CFR 85.36 and 24 CFR 84.42, respectively, shall apply. (2) In all cases not governed by 24 CFR 85.36 and 84.42, the provisions of this section shall apply. Such cases include the acquisition and disposition of real property and the provision of assistance by the recipient or by its subrecipients to individuals, businesses, and other private entities under eligible activities that authorize such assistance (e.g., rehabilitation, preservation, and other improvements of private properties or facilities pursuant to Sec. 570.202; or grants, loans, and other assistance to businesses, individuals, and other private entities pursuant to Sec. 570.203, 570.204, 570.455, or 570.703(i)).

(b) Conflicts prohibited. The general rule is that no persons described in paragraph (c) of this section who exercise or have exercised any functions or responsibilities with respect to CDBG activities assisted under this part, or who are in a position to participate in a decision making process or gain inside information with regard to such activities, may obtain a financial interest or benefit from a CDBG-assisted activity, or have a financial interest in any contract, subcontract, or agreement with respect to a CDBG-assisted activity, or with respect to the proceeds of the CDBG-assisted activity, either for themselves or those with whom they have business or immediate family ties, during their tenure or for one year thereafter.

(c) Persons covered. The conflict of interest provisions of paragraph (b) of this section apply to any person who is an employee, agent, consultant, officer, or elected official or appointed official of the recipient, or of any designated public agencies, or of subrecipients that are receiving funds under this part.

(d) Exceptions. Upon the written request of the recipient, HUD may grant an exception to the provisions of paragraph (b) of this section on a case-by-case basis when it has satisfactorily met the threshold requirements of (d)(1) of this section, taking into account the cumulative effects of paragraph (d)(2) of this section.

(1) Threshold requirements. HUD will consider an exception only after the recipient has provided the following documentation: (i) A disclosure of the nature of the conflict, accompanied by an assurance that there has been public disclosure of the conflict and a description of how the public disclosure was made; and (ii) An opinion of the recipient's attorney that the interest for which the exception is sought would not violate State or local law.

(2) Factors to be considered for exceptions. In determining whether to grant a requested exception after the recipient has satisfactorily met the requirements of paragraph (d)(1) of this section, HUD shall conclude that such an exception will serve to further the purposes of the Act and the effective and efficient administration of the recipient's program or project, taking into account the cumulative effect of the following factors, as applicable: (i) Whether the exception would provide a significant cost benefit or an essential degree of expertise to the program or project that would otherwise not be available; (ii) Whether an opportunity was provided for open competitive bidding or negotiation; (iii) Whether the person affected is a member of a group or class of low-income persons intended to be the beneficiaries of the assisted activity, and the exception will permit such person to receive generally the same interests or benefits as are being made available or provided to the group or class; (iv) Whether the affected person has withdrawn from his or her functions or responsibilities, or the decision making process with respect to the specific assisted activity in question; (v) Whether the interest or benefit was present before the affected person was in a position as described in paragraph (b) of this section; (vi) Whether undue hardship will result either to the recipient or the person affected when weighed against the public interest served by avoiding the prohibited conflict; and (vii) Any other relevant considerations. By applying for CDBG funds, the Participating Community certifies that they have read the above:

Community Name:	CITY OF BIRMINGHAM, MICHIGAN
Name of Highest Elected Official or Designee:	Therese Longe
Title of Highest Elected or Designee:	Mayor
Signature:	

MEMORANDUM

DATE: December 6, 2021

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

FROM: Mary M. Kucharek

SUBJECT: Closed session on December 6, 2021 to discuss pending litigation

INTRODUCTION:

- This matter involves discussion of pending litigation involving Daniel and Jola Forthoffer and Anthony and Paula Beshouri (110 Baldwin Road and 122 Baldwin Road).

LEGAL REVIEW:

- I am requesting closed session on December 6, 2021 pursuant to MCL § 15.268 Sec. 8(e) of the Open Meetings Act to discuss pending litigation.

FISCAL IMPACT:

- To be discussed in closed session.

ATTACHMENTS:

- Open Meetings Act (Excerpt) Act 267 of 1976, MCL § 15.268 Closed sessions; permissible purposes.

SUGGESTED COMMISSION ACTION:

- Make a motion adopting a resolution to meet in closed session to discuss pending litigation pursuant to MCL § 15.268(e) of the Open Meetings Act.

applicable. Nothing in this section bars a public body from meeting in emergency session in the event of a severe and imminent threat to the health, safety, or welfare of the public when 2/3 of the members serving on the body decide that delay would be detrimental to efforts to lessen or respond to the threat. However, if a public body holds an emergency public meeting that does not comply with the 18-hour posted notice requirement, it shall make paper copies of the public notice for the emergency meeting available to the public at that meeting. The notice shall include an explanation of the reasons that the public body cannot comply with the 18-hour posted notice requirement. The explanation shall be specific to the circumstances that necessitated the emergency public meeting, and the use of generalized explanations such as "an imminent threat to the health of the public" or "a danger to public welfare and safety" does not meet the explanation requirements of this subsection. If the public body directly or indirectly maintains an official internet presence that includes monthly or more frequent updates of public meeting agendas or minutes, it shall post the public notice of the emergency meeting and its explanation on its website in the manner described for an internet posting in subsection (4). Within 48 hours after the emergency public meeting, the public body shall send official correspondence to the board of county commissioners of the county in which the public body is principally located, informing the commission that an emergency public meeting with less than 18 hours' public notice has taken place. The correspondence shall also include the public notice of the meeting with explanation and shall be sent by either the United States postal service or electronic mail. Compliance with the notice requirements for emergency meetings in this subsection does not create, and shall not be construed to create, a legal basis or defense for failure to comply with other provisions of this act and does not relieve the public body from the duty to comply with any provision of this act.

(6) A meeting of a public body may only take place in a residential dwelling if a nonresidential building within the boundary of the local governmental unit or school system is not available without cost to the public body. For a meeting of a public body that is held in a residential dwelling, notice of the meeting shall be published as a display advertisement in a newspaper of general circulation in the city or township in which the meeting is to be held. The notice shall be published not less than 2 days before the day on which the meeting is held, and shall state the date, time, and place of the meeting. The notice shall be at the bottom of the display advertisement, set off in a conspicuous manner, and include the following language: "This meeting is open to all members of the public under Michigan's open meetings act".

(7) A durational requirement for posting a public notice of a meeting under this act is the time that the notice is required to be accessible to the public.

History: 1976, Act 267, Eff. Mar. 31, 1977;—Am. 1978, Act 256, Imd. Eff. June 21, 1978;—Am. 1982, Act 134, Imd. Eff. Apr. 22, 1982;—Am. 1984, Act 167, Imd. Eff. June 29, 1984;—Am. 2012, Act 528, Imd. Eff. Dec. 28, 2012.

15.266 Providing copies of public notice on written request; fee.

Sec. 6. (1) Upon the written request of an individual, organization, firm, or corporation, and upon the requesting party's payment of a yearly fee of not more than the reasonable estimated cost for printing and postage of such notices, a public body shall send to the requesting party by first class mail a copy of any notice required to be posted pursuant to section 5(2) to (5).

(2) Upon written request, a public body, at the same time a public notice of a meeting is posted pursuant to section 5, shall provide a copy of the public notice of that meeting to any newspaper published in the state and to any radio and television station located in the state, free of charge.

History: 1976, Act 267, Eff. Mar. 31, 1977.

15.267 Closed sessions; roll call vote; separate set of minutes.

Sec. 7. (1) A 2/3 roll call vote of members elected or appointed and serving is required to call a closed session, except for the closed sessions permitted under section 8(a), (b), (c), (g), (i), and (j). The roll call vote and the purpose or purposes for calling the closed session shall be entered into the minutes of the meeting at which the vote is taken.

(2) A separate set of minutes shall be taken by the clerk or the designated secretary of the public body at the closed session. These minutes shall be retained by the clerk of the public body, are not available to the public, and shall only be disclosed if required by a civil action filed under section 10, 11, or 13. These minutes may be destroyed 1 year and 1 day after approval of the minutes of the regular meeting at which the closed session was approved.

History: 1976, Act 267, Eff. Mar. 31, 1977;—Am. 1993, Act 81, Eff. Apr. 1, 1994;—Am. 1996, Act 464, Imd. Eff. Dec. 26, 1996.

15.268 Closed sessions; permissible purposes.

Sec. 8. A public body may meet in a closed session only for the following purposes:

(a) To consider the dismissal, suspension, or disciplining of, or to hear complaints or charges brought

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

At the regular meeting of Monday, January 24, 2022, the Birmingham City Commission intends to appoint to the Multi-Modal Transportation Board one regular member to serve the remainder of a three-year term that will expire March 24, 2024, and two regular members to serve the remainder of three-year terms that will expire March 24, 2022.

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

Interested citizens may submit an application available at the City Clerk's office or online at www.bhamgov.org/boardopportunities. Applications must be submitted to the City Clerk's office on or before noon on Wednesday, January 19, 2022. These documents will appear in the public agenda for the regular meeting at which time the City Commission will discuss recommendations, and may make nominations and vote on appointments.

Duties of the Multi-Modal Transportation Board

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

Criteria/Qualifications of Open Position	Date Applications Due (by noon)	Date of Interview
In so far as possible, members shall represent pedestrian advocacy, mobility or vision impairment, traffic-focused education/experience, bicycle advocacy, urban planning, architecture or design education/experience, or different geographical areas of Birmingham. Members may or may not be electors (registered voter) or property owners of the City of Birmingham.	1/19/22	1/24/22

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



NOTICE OF INTENTION TO APPOINT TO PUBLIC ARTS BOARD

At the regular meeting of Monday, January 24, 2022, the Birmingham City Commission intends to appoint three regular members to the Public Arts Board to serve three-year terms to expire January 28, 2025, and one alternate member to serve a three-year term to expire January 28, 2025.

In so far as possible, the members shall represent a major cultural institution, a registered architect of the state of Michigan, an artist, an art historian, and an art consultant. Members may also be members of the Historic District Commission, Design Review Board, the Parks and Recreation Board, or the Planning Board. At least four members of the Board shall be residents of the City of Birmingham.

The objectives of the Public Arts Board are to enrich the city's civic and cultural heritage; to promote a rich, diverse, and stimulating cultural environment in order to enrich the lives of the city's residents, business owners, employees, and all visitors; and to establish an environment where differing points of view are fostered, expected, and celebrated by providing the opportunity for such expression through the display of public art.

Interested citizens may apply for this position by submitting an application available from the City Clerk's office or online at www.bhamgov.org/boardopportunities. Applications must be submitted to the City Clerk's office on or before noon on Wednesday, January 19, 2022. These applications will appear in the public agenda for the regular meeting at which time the commission will discuss recommendations, and may make nominations and vote on the appointments.

Criteria/Qualifications of Open Position	Date Applications Due (by noon)	Date of Interview
Members shall, in so far as possible, represent a major cultural institution, a registered architect of the State of Michigan, an artist, an art historian, and an art consultant. Members may also be members of the Historic District Commission, Design Review Board, the Parks and Recreation Board, or the Planning Board. At least four members of the Board shall be residents of the City of Birmingham.	1/19/2022	1/24/2022

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



NOTICE OF INTENTION TO APPOINT TO THE CABLECASTING BOARD

At the regular meeting of Monday, January 24, 2022, the Birmingham City Commission intends to appoint one member to the Cablecasting Board to serve the remainder of a three-year term expiring March 30, 2023. Applicants must be residents of the City of Birmingham.

Interested citizens may submit an application available at the City Clerk's office or online at www.bhamgov.org/boardopportunities. Applications must be submitted to the City Clerk's office on or before noon on Wednesday, January 19, 2022. These applications will appear in the public agenda for the regular meeting at which time the City Commission will discuss recommendations, and may make nominations and vote on the appointments.

Duties of the Cablecasting Board

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

Criteria/Qualifications of Open Position	Date Applications Due (by noon)	Date of Interview
Member must be resident of the City of Birmingham	1/19/22	1/24/2022

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



NOTICE OF INTENTION TO APPOINT STORM WATER UTILITY APPEALS BOARD

At the regular meeting of Monday, January 24, 2022, the Birmingham City Commission intends to appoint 1 regular member to serve the remainder of a three-year term to expire January 31, 2023, and two alternate board members to serve three-year terms to expire January 31, 2025. Members and alternates shall serve at the will of the commission. Members and alternates shall hold office until their successors are appointed. The City Commission shall fill a vacancy by an appointment only.

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

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

Interested citizens may submit a form available from the City Clerk's office on or before noon on Wednesday, January 19, 2022. These applications will appear in the public agenda for the regular meeting at which time the commission will discuss recommendations, and may make nominations and vote on the appointments.

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

Criteria/Qualifications of Open Position	Date Applications Due (by noon)	Date of Interview
At least one of the alternate members shall be a licensed professional engineer not employed by the local unit of government, and have legal, administrative or other desirable qualifications that will aid him or her in the performance of the duties of the board members.	1/19/2022	1/24/2022



plante moran | cresa

City of Birmingham Ice Sports Arena Renovation/Addition Project

City of Birmingham City Commission Update 12-6-21

10E1



Birmingham Ice Sports Arena – Project Timeline

November 2020

City of Birmingham Voters Approve Parks & Recreation Bond

City Commissioners Approval of Plante Moran CRESA Engagement for Owner Representation Services

December 2020

Environmental Consultant Engagement - NOVA

Architect/Engineer RFP issued, short list, interviews

City Commissioner Recommendation and Approval of Andrus Architects/Comprehensive Engineering/B32 Engineers

January 2021

Andrus Architects program confirmation, schematic design and estimate

Nowak & Fraus Civil Engineer engagement for site development

February 2021

Andrus Architects design document development



Birmingham Ice Sports Arena – Project Timeline

March 2021

Andrus Architects design document development and Construction Documents for Bidding

Prepared and issued General Contractor RFP, received 4 proposals

April 2021

Post bid interview with general contractors and reference checks

City Commissioner recommendation for General Contractor. C.E. Gleeson and budget approval

Abatement of ACM by abatement contractor– floor tile, plaster

G2 Civil consultant engagement – soil borings and testing services

C.E. Gleeson mobilization

May 2021

PA/Sound & Technology RFP and award – Advanced Lighting and Sound

Commissioning services engagement – SES Engineers



Birmingham Ice Sports Arena – Team Engagements





City of Birmingham Commissioners:

Mayor Pierre Boutros

Mayor Pro-Tem Therese Longe

Commissioner Clinton Baller

Commissioner Rackeline J. Hoff

Commissioner Brad Host

Commissioner Mark Nickita

Commissioner Stuart Lee Sherman



City of Birmingham Parks & Recreation Board:

Heather Carmona – Chairperson

Dominic Pulis – Vice Chairperson

Ross Kaplan

Pam Graham

Eleanor Noble

John Rusche

Susan Collins

Anne Lipp – Alternate

Jeffery LaBelle – Alternate

Alison Chapnick – Student Rep.

R.J. Carrel – Student Rep.



City of Birmingham Architectural Review Committee
City of Birmingham Building Department
City of Birmingham Planning Department
City of Birmingham Fire Department
City of Birmingham Department of Public Services:

Lauren Wood – Director of Public Services
Carrie Laird – Parks & Recreation Manager
Connie Folk – Recreation Coordinator



Birmingham Ice Sports Arena – Communication

- Bi-weekly Owner Meetings
- Bi-weekly Design/Construction Meetings
- Project Site Meetings
- Monthly Dashboard Reports

City of Birmingham Ice Arena Meeting Agenda

DATE: May 11, 2021
TO: City of Birmingham Parks & Recreation
FROM: Robert Stempien, AIA, – Plante Moran CRESA (PMC)
PROJECT: Ice Sports Arena Renovation/Addition Project
PURPOSE: Owners Update Meeting

plante moran CRESA
REAL ESTATE CONSULTANTS

City of Birmingham Ice Arena Meeting Agenda

DATE: May 11, 2021
TO: City of Birmingham Parks & Recreation
FROM: Robert Stempien, AIA, – Plante Moran CRESA (PMC)
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plante moran CRESA
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City of Birmingham Ice Arena Meeting Agenda

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PROJECT: Ice Sports Arena Renovation/Addition Project
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plante moran CRESA
REAL ESTATE CONSULTANTS

1. Budget
Commissioner Approved Budget on 4-12-21 = \$5,797,600
Potential Credits/Add:
 - New bleachers – Change Request #1 \$14,105 add Pending approval
 - Flooring – Change Request #2: \$18,106 credit Pending approval
 - Controls – Change Request #3: \$10,850 credit Pending approval
 - Reconditioned transformer – Change Request #4 \$217 credit Pending approval
 - Reduced Cooling Tonnage 54/-40,000 credit
 - Eliminate mech. vest. Epoxy finish \$18,174 credit
 - Electrical Switch +/- \$28,000 add

2. Additional Project Costs
 - Electrical Primary replacement
 - Commissioning
 - AV/PA and technology
 - Security
 - Material Testing

3. Schedule
 - Transformer
 - Wood ceiling
 - Mechanical equipment
 - Plastic benches
4. Approvals/RFP's
 - Commissioning – SES, Pending
 - AV/PA and Technology Services RFP due 5-18-21
 - Material Testing – G2 (?)
5. Marketing
 - Project updates – web site, Commissioners
 - Naming rights

Action

No.

1. Action Item
2. Action Item
3. Action Item
4. Action Item
5. Action Item
6. Action Item
7. Action Item
8. Action Item
9. Action Item
10. Action Item

Action Items

No.	Description	Responsibility	Status	Target Date
1	GB bid doc. Requirements	Carrie	Pending	11-24-20
2	GB attorney contact info.	Lauren	Pending	11-24-20



City of Birmingham – Ice Sports Arena Project | May 2021 Dashboard Report



Project Highlights:
• 10% City of Birmingham voter approval of Parks and Recreation Bond

4 Month Project Schedule:

APRIL
• April Parks & Recreation Board meeting update

JUNE

• June Parks & Recreation Board meeting update



City of Birmingham – Ice Sports Arena Project | June 2021 Dashboard Report



Project Highlights:
• 70% City of Birmingham voter approval of Parks and Recreation Bond

4 Month Project Schedule:

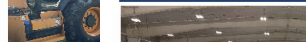
MAY

JULY

• July Parks & Recreation Board meeting update



City of Birmingham – Ice Sports Arena Project | July 2021 Dashboard Report



Project Highlights:
• 70% City of Birmingham voter approval of Parks and Recreation Bond

3 Month Project Schedule:

JULY
• July Parks & Recreation Board meeting update

AUGUST (cont.)

• Finish interior painting
• Elect/Plumbing/HVAC/Fire Suppression



City of Birmingham – Ice Sports Arena Project | October 2021 Dashboard Report



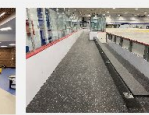
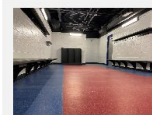
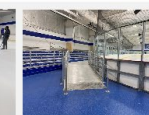
Project Highlights & Value Add Items:

- 70% City of Birmingham voter approval of Parks and Recreation Bond
- Commissioner approval of \$5,797,600 Project Budget
- Managed budget items/savings to-date:
 - Rubber flooring discount
 - Ice plant mech. system value engineering savings
 - BSI Booster contributions
 - BHA trophy case lighting donation
- Negotiated new ADA compliant bleacher installation vs. retrofit existing
- Electrical primary replacement
- Added exterior metal siding and soffit painting
- Added energy efficient LED light fixtures to lobby restrooms and conference room

- Updated entry ticket booth counter
- Added new lobby toilets and new toilet partitions
- Add additional painted rooms/areas to work scope
- Added LiveHawk (Nov/Dec installation)
- Project is under Commissioner approved budget

Project Schedule:

- November Parks & Recreation Board Meeting update
- Final Clean
- Ice installation – Main and Studio Rinks
- Project punch list
- Commissioning
- Final inspections



CITY OF BIRMINGHAM ICE SPORT ARENA RENOVATION/ADDITION PROJECT

plante moran | cresa

Birmingham Ice Sports Arena – 6 Months Construction

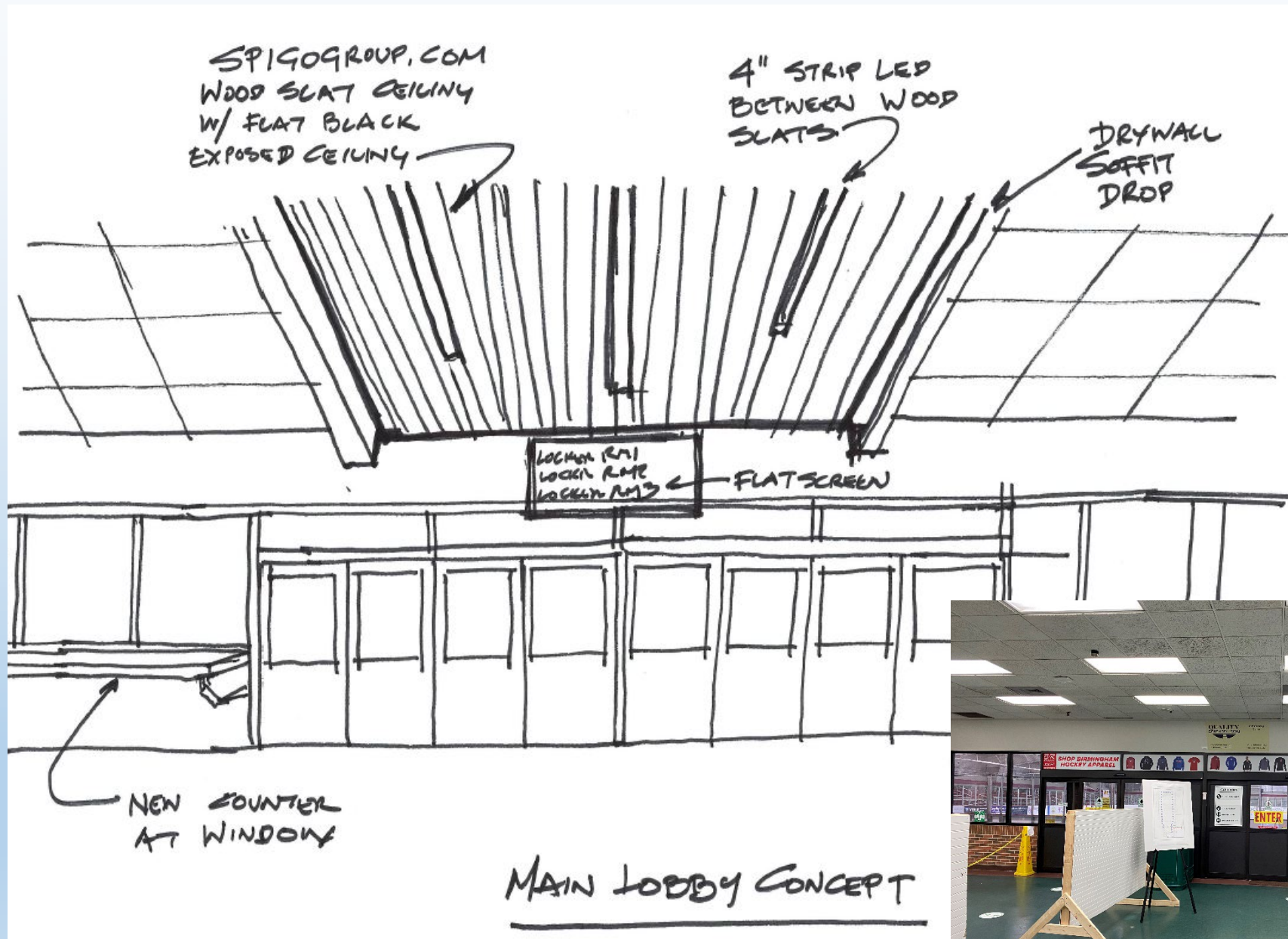


May 2021 thru October 2021

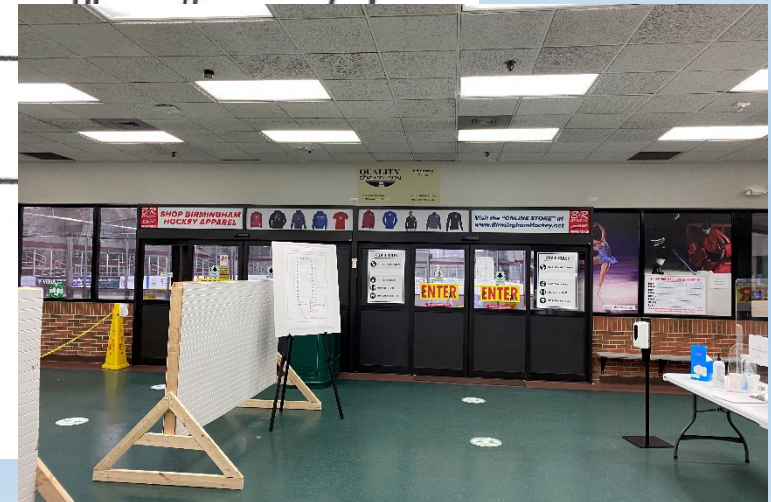




Birmingham Ice Sports Arena – Lobby Renovation



Before





Birmingham Ice Sports Arena – Lobby Renovation



Before





Birmingham Ice Sports Arena – Lobby Renovation

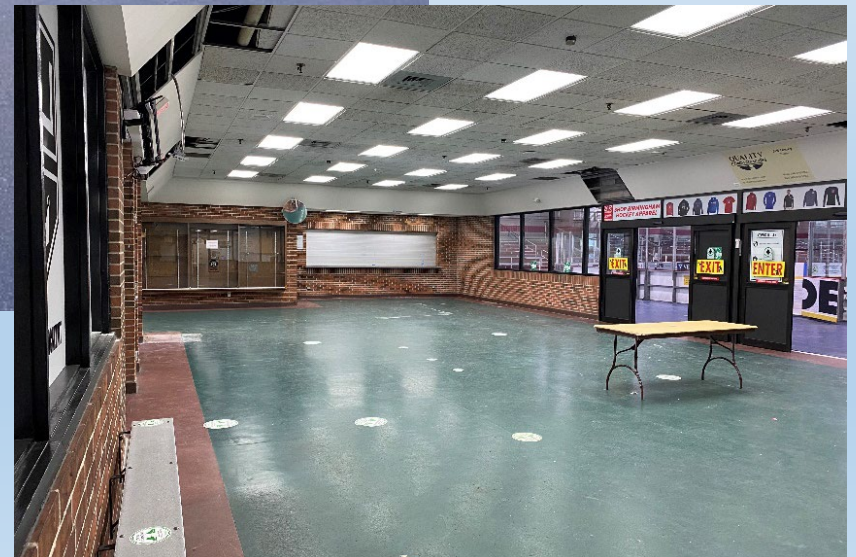




Birmingham Ice Sports Arena – Lobby Renovation



Before



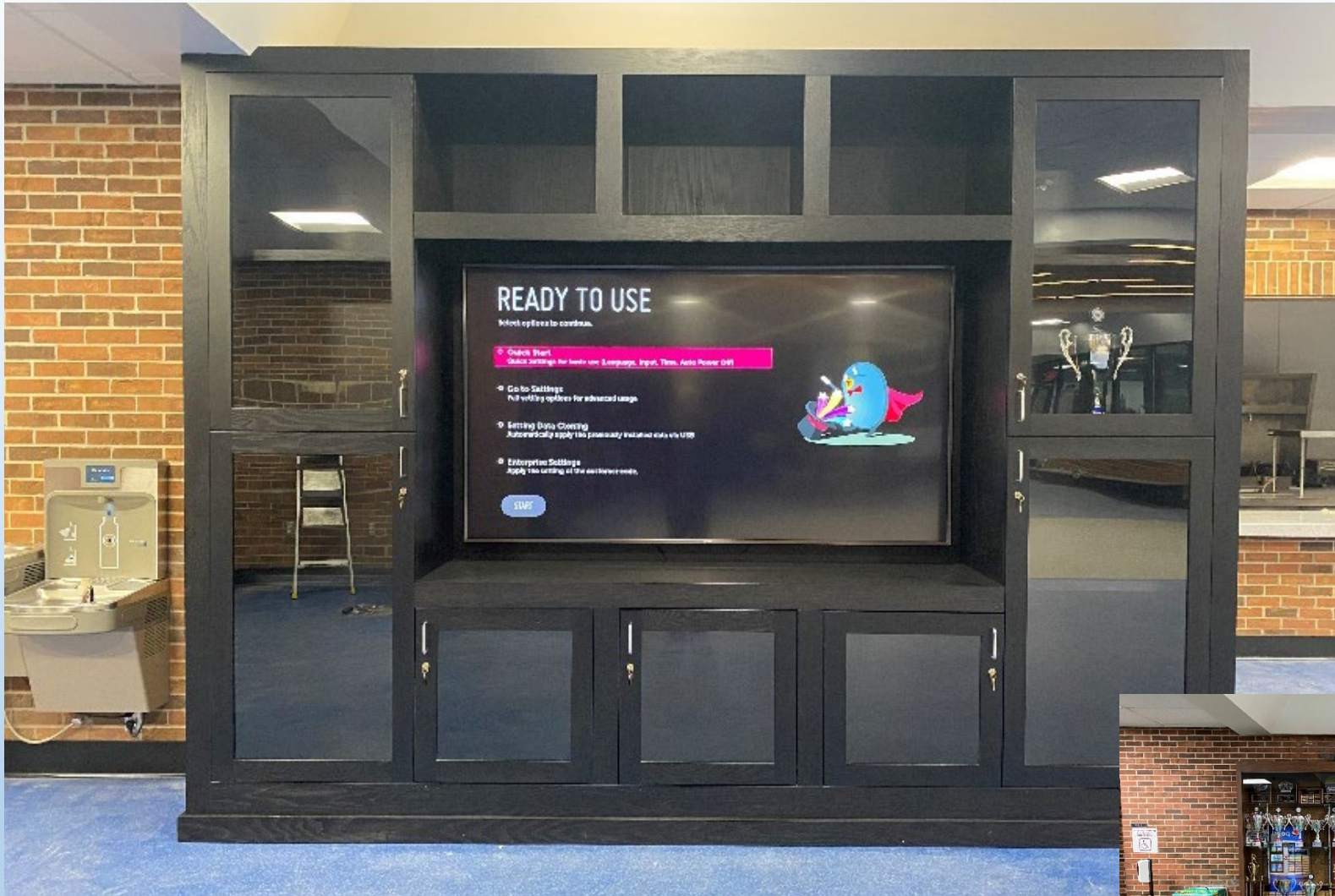


Birmingham Ice Sports Arena – Lobby Renovation





Birmingham Ice Sports Arena – Lobby Renovation



Before





Birmingham Ice Sports Arena – Lobby Restrooms



Before





Birmingham Ice Sports Arena – Lobby Renovation





Birmingham Ice Sports Arena – Studio Rink



Before





Birmingham Ice Sports Arena – Studio Rink



Before



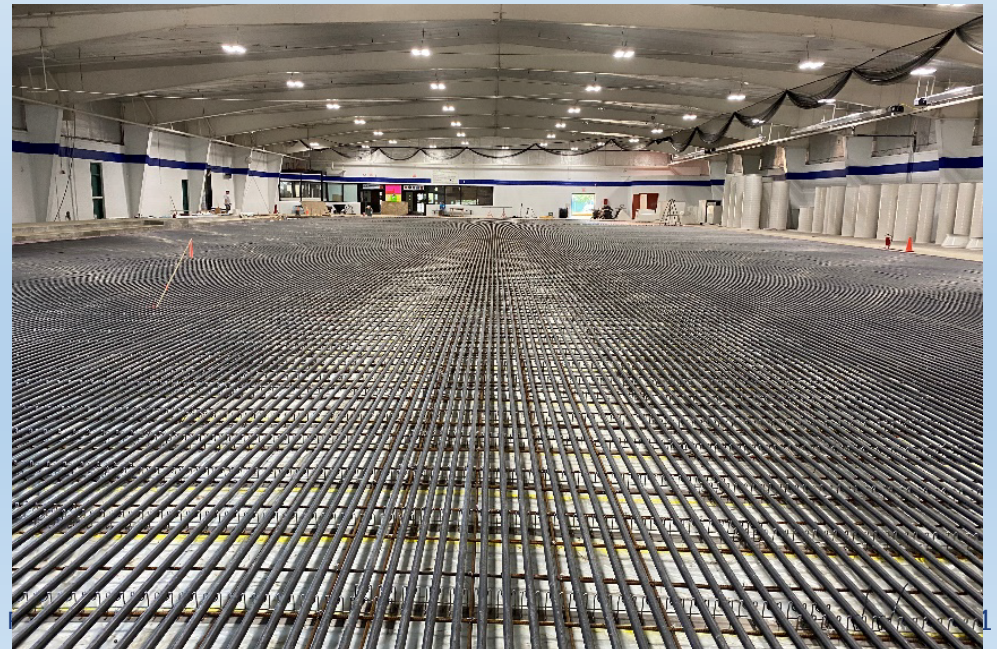


Birmingham Ice Sports Arena – Studio Rink



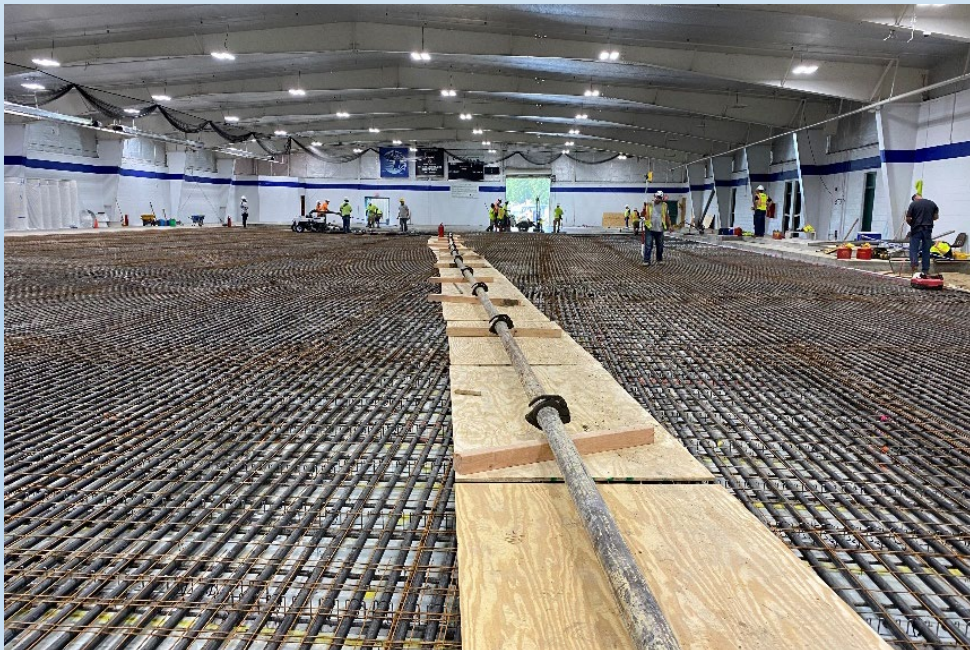


Birmingham Ice Sports Arena – Main Rink





Birmingham Ice Sports Arena – Main Rink





Birmingham Ice Sports Arena – Main Rink



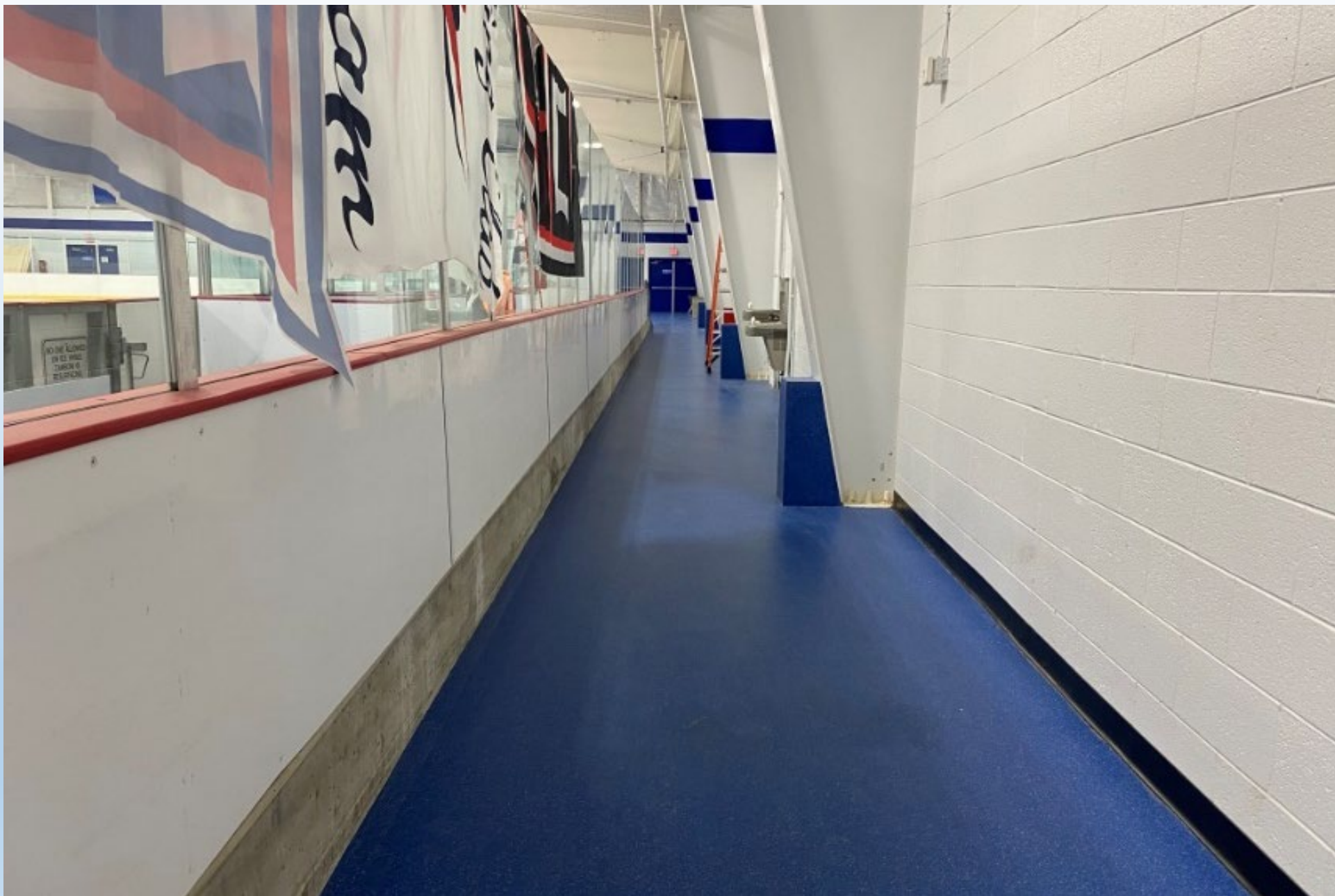


Birmingham Ice Sports Arena – Main Rink



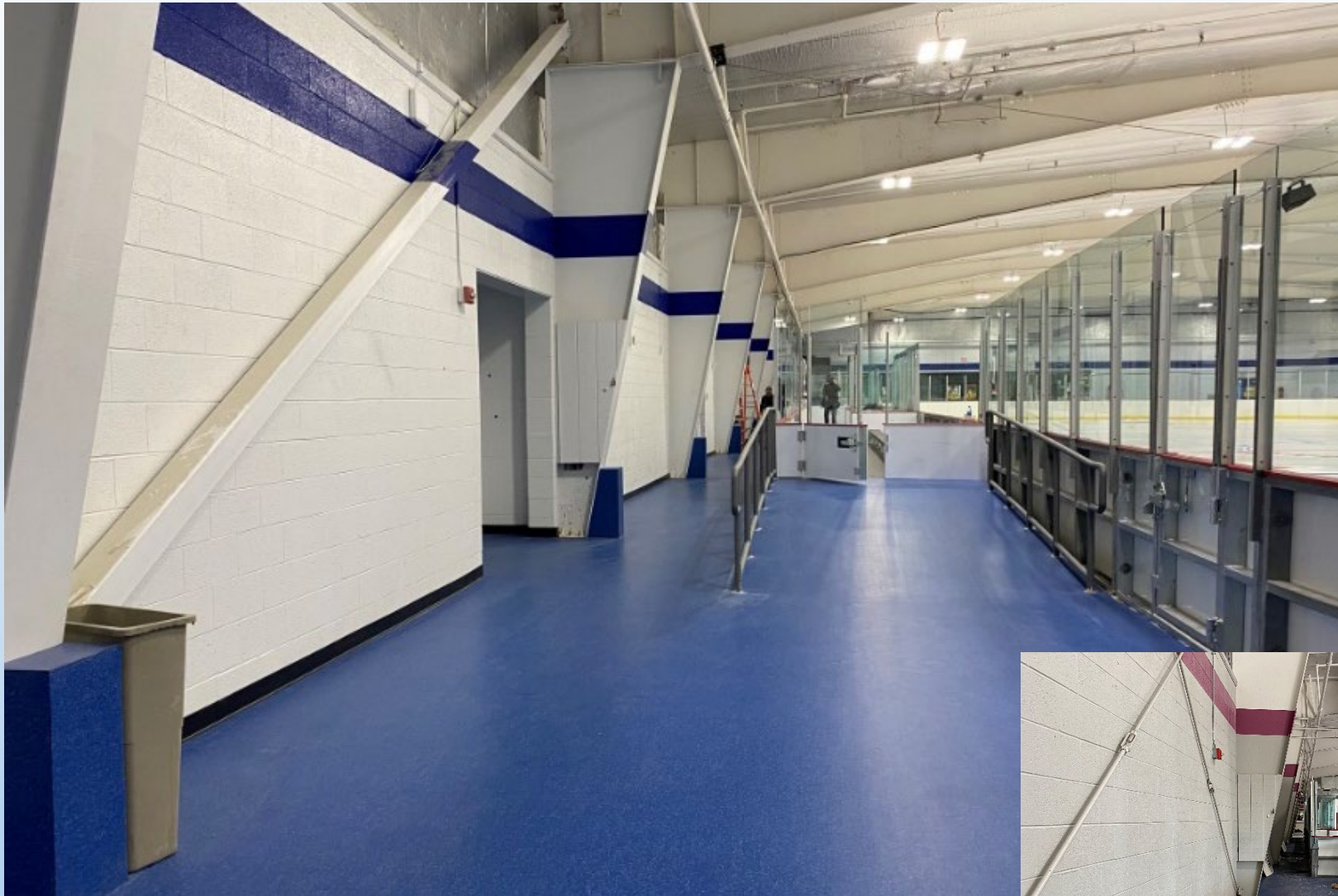


Birmingham Ice Sports Arena – Main Rink

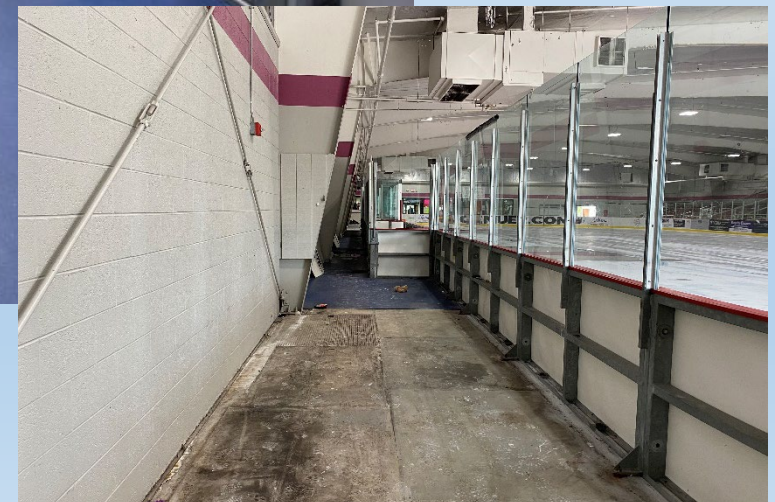




Birmingham Ice Sports Arena – Main Rink



Before





Birmingham Ice Sports Arena – Main Rink



Before





Birmingham Ice Sports Arena – Main Rink





Birmingham Ice Sports Arena- Spectator Heating

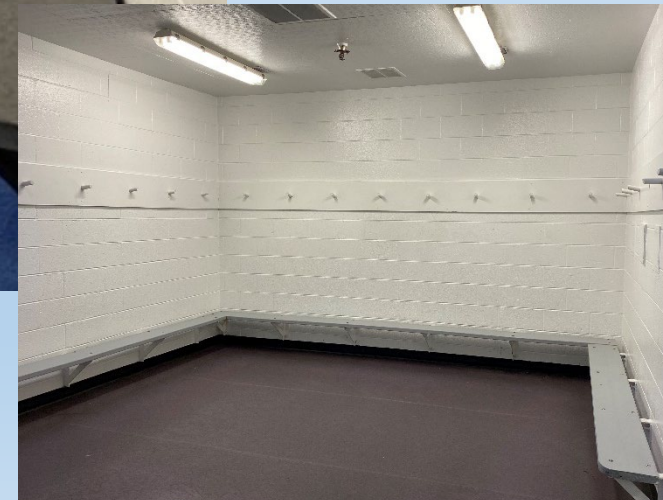




Birmingham Ice Sports Arena – Locker Rooms

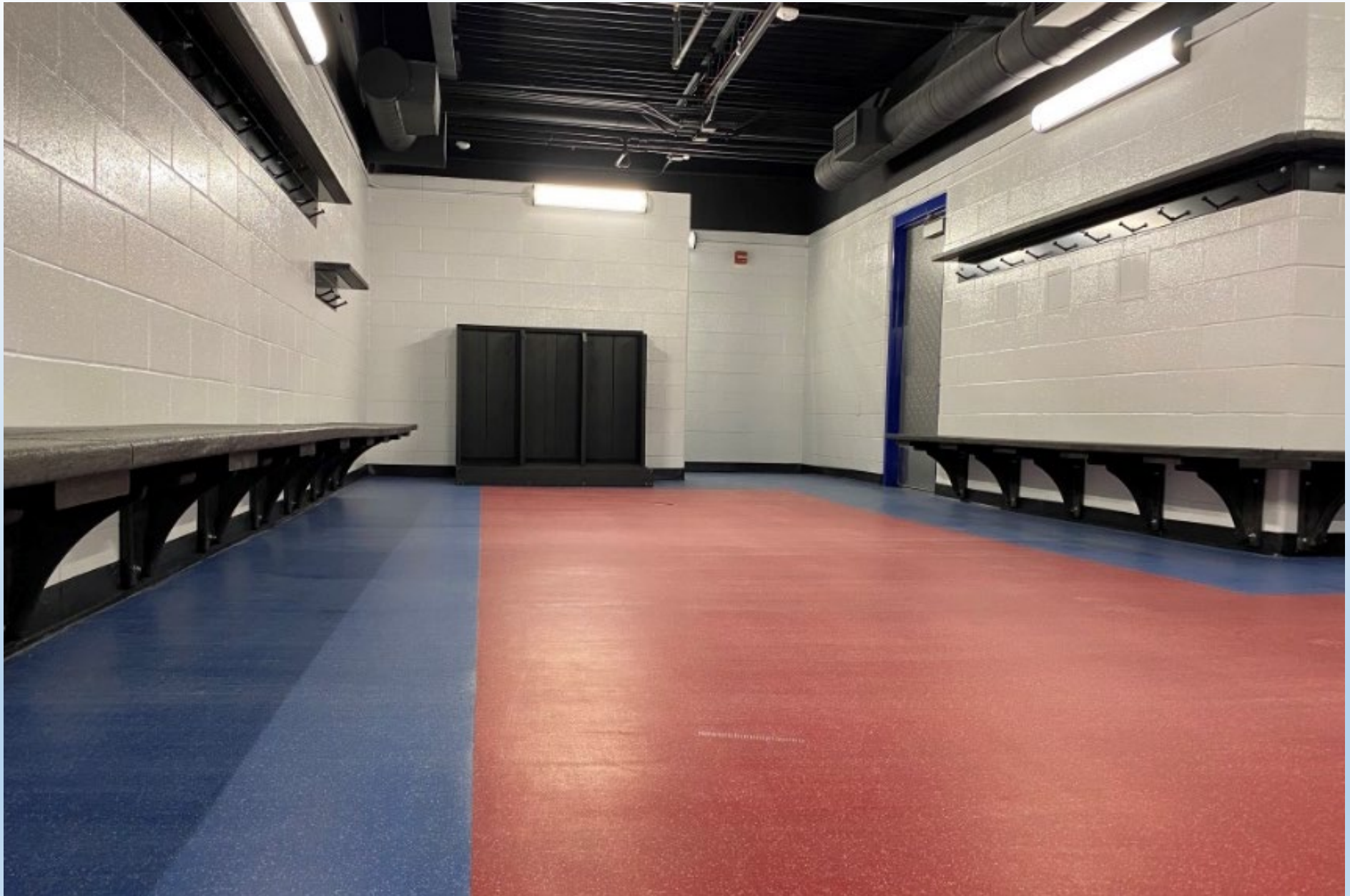


Before





Birmingham Ice Sports Arena – Locker Rooms





Birmingham Ice Sports Arena – Locker Rooms





Birmingham Ice Sports Arena – Locker Rooms





Birmingham Ice Sports Arena – Locker Rooms





Birmingham Ice Sports Arena – Locker Room





Birmingham Ice Sports Arena –Mechanical Room



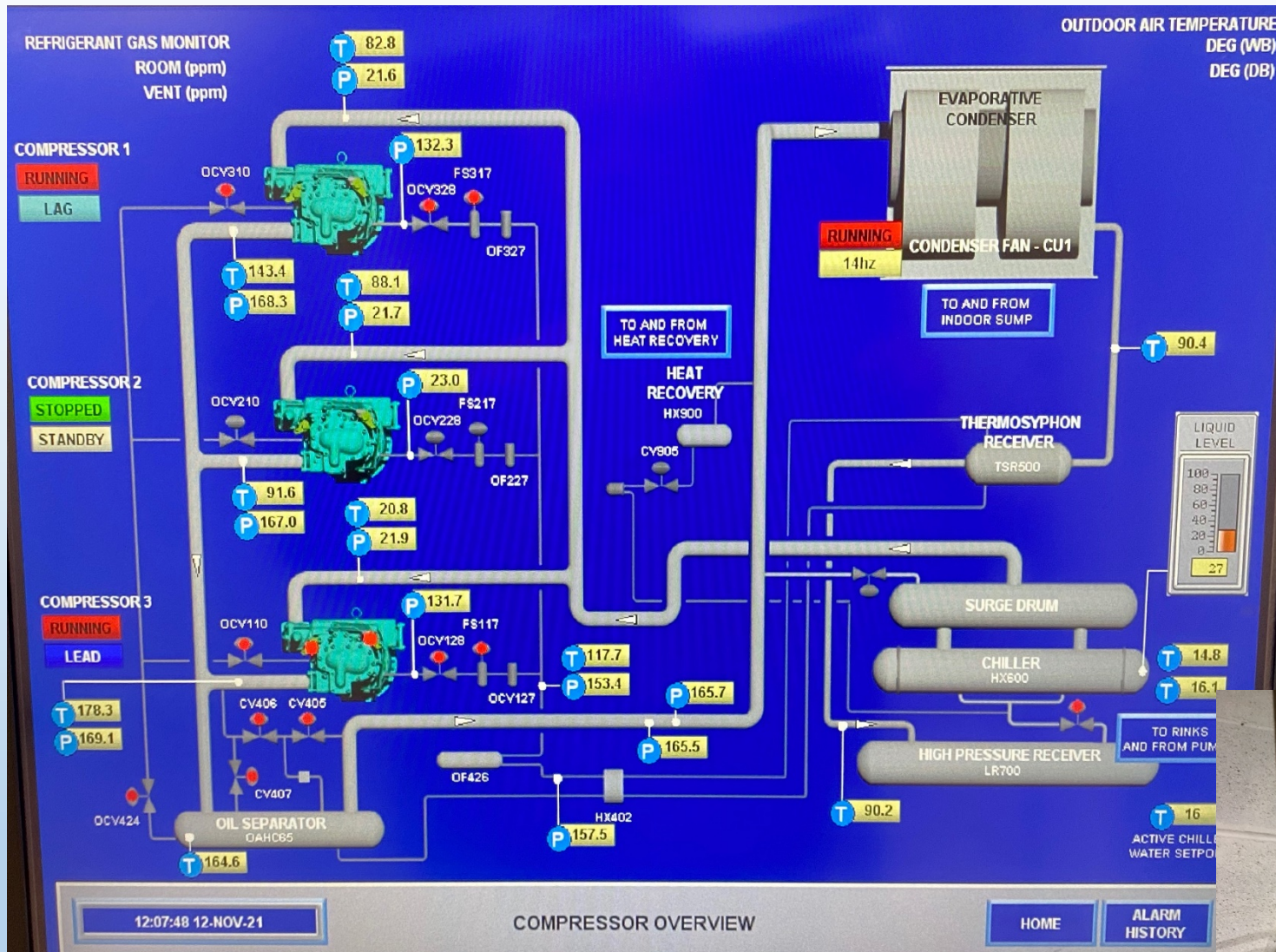


Birmingham Ice Sports Arena –Mechanical Room Renovation





Birmingham Ice Sports Arena –Mechanical Room Controls



Before





Birmingham Ice Sports Arena –Mechanical Room Renovation



Birmingham Ice Sports Arena –Mechanical Room Renovation





Birmingham Ice Sports Arena – Dehumidification Unit Install





Birmingham Ice Sports Arena – New Primary & Transformer





Birmingham Ice Sports Arena –Interior Signage





Birmingham Ice Sports Arena – Exterior Painting



Before





Birmingham Ice Sports Arena – Exterior Painting



Before



Birmingham Ice Sports Arena- Technology Upgrades

- Lobby Locker Assignment Monitor
- Concession Menu Display Monitor
- Main Rink (8) Speaker System with Wireless PA Capabilities
- Lobby Speaker System
- Studio Rink Speaker System
- 86" Lobby Smart TV
- Party Room TV
- Conference Room TV
- Rink Wide Wi-fi Coverage
- Upgraded Security/Camera System





Birmingham Ice Sports Arena-Value Added Scope Items

- New ADA Compliant Spectator Bleachers
- Exterior Building Painting
- New Electrical Service & Primary Switch
- New Lobby Toilet Room Partitions, Toilets, LED Lighting





Birmingham Ice Sports Arena - Final Cost

Commissioner Approved Construction Budget (4-12-2021): \$5,797,606

Project Managed Expenses (as of 11-29-21): \$5,633,406

Amount Under Approved Budget: **\$164,200**



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Plante Moran Cresa

3000 Town Center, Suite 100 | Southfield, MI 48075

PMCRESA.COM

REPORT

DATE: December 6, 2021
TO: Thomas M. Markus, City Manager and City Commission
FROM: Mary M. Kucharek
SUBJECT: Administering a Foundation or Charity

The question has been posed whether the City of Birmingham ought to create or administer a foundation or charity. The answer to that question is, *I do not find that practice advisable.*

A private foundation is any organization that is described in Sec. 501(c)(3) of the Internal Revenue. The definition divides Sec. 501(c)(3) organizations into two (2) classes: private foundation and public charities.

Public Charities: Organizations that are classified as public charities are those that are usually affiliated with churches, hospitals, medical research organizations, colleges and universities. These organizations usually have an active program of fundraising and receiving contributions from many sources including the general public, governmental agencies, corporations, private foundations and other public charities. The monies received from these activities must further the organizations' purposes in supporting one or more public charities.

Private Foundations: Private foundations in contrast typically have single major source of funding, usually gifts from one entity rather than from many sources, and the primary purpose of the foundation is the making of grants to other charitable organizations to individuals rather than direct operation of the charitable program.

The City must be legally responsible in the handling and expending of public funds. It is a well-settled area of law, and there has been no relaxation in the rules, that municipalities are forbidden to expend public funds for private purposes and all revenues must satisfy state laws and state law mandated accounting practices.

Generally, the City of Birmingham's ability to spend money is granted by certain sections of the Michigan Constitution, state laws, and grants of power to the City by the Home Rule City Act. Municipalities only have power to expend funds for public purposes. One of the tests to determine a "public purpose" is whether the expenditure grants a direct benefit to a significant part of the public.

In the *Handbook for Municipal Officials*, Section 4: Finance, Chapter 23: Limits of Municipal Expenditures it states:

"What is a Public Purpose?"

The Michigan Supreme Court has defined the objective of a public purpose:

Generally a public purpose has for its objective the promotion of the public health, safety, morals, general welfare, security, prosperity, and contentment of all the inhabitants or residents within the municipal corporation, the sovereign powers of which are used to promote such public purpose...The right of the public to receive and enjoy the benefit of the use determines whether the use is public or private. (*Hays v City of Kalamazoo*, 316, Mich 443,453-454)

I am aware that our neighboring City, Royal Oak has recently created such an entity. The City of Royal Oak has placed itself in a position where it is receiving donations and administering them to programs and projects in the City of Royal Oak with, at times, subjectivity. The Articles of Incorporation authorizes the corporation to grant monies and gifts to individuals. I have serious concerns about the potential comingling of public funds and its administration versus a foundational program and its administration. While it is true there are times when citizens or organizations make a donation to the City of Birmingham requesting that it be applied in a certain fashion, I find that very different than the actual fundraising efforts that a foundation would require. I would encourage private citizens to endeavor the formation of a 501(c)(3) to offer the City of Birmingham benefit, but I do not believe that it is the best practice for the City of Birmingham to undertake the endeavor.

REPORT

DATE: December 6, 2021

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

FROM: Mary M. Kucharek

SUBJECT: Commissioners Attendance at Various Advisory Boards and Committees

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

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

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

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

CHARTER TOWNSHIP OF BLOOMFIELD
NOTICE OF PUBLIC HEARING
ZONING BOARD OF APPEALS

Notice is hereby given that the Zoning Board of Appeals will hold a public hearing at the Bloomfield Township Hall, 4200 Telegraph Road, on **TUESDAY, December 14, 2021 at 7:00 P.M.** to consider the following appeal:

Seeking approval for proposed accessory structures and uses, Sec 23 & 24 Bloomfield Estates Sub Lots 60 & 61, Lot 59, Lot 58, Lot 57, Part of Lot 55, Lot 56, Part of Lot 69:

- A 20 ft. by 30 ft. by 14 ft. high electric Go Kart garage located in the rear yard with a track and a 36 ft. 12 ft by 14 ft. Go Kart cabana with a viewing platform;
- A combination of 4 ft. high and 6 ft. high fencing along the northerly rear lot line;
- An 8 ft. high decorative fencing along the easterly lot line;
- A 4 ft. high perimeter wall with stone cap located along the Strathmore Road and Brookdale Road frontages;
- A 28 ft. by 83 ft. by 21 ft. high security quarters located in the Strathmore frontage;
- A 124 ft. by 58 ft. by 26 ft. high caretakers quarters located in the rear yard;
- A 49 ft. by 26 ft. by 32 ft. high pool cabana, a pool with a lazy river, spa, firepit, relocated play structure and play house and a rockscape waterfall in the pool and a slide with a maximum height of 14 ft. located in the Strathmore Road frontage;
- Six (6) 3 ft. by 3 ft. by 9 ft. high illuminated piers, with 6 ft. high wing walls, and (3) 6 ft. high gates along both the Brookdale Rd. and Strathmore Rd. frontages;
- A 37 ft. by 63 ft. by 22 ft. high conservatory located in the rear yard;
- A 26 ft. by 26 ft. by 17 ft. high gazebo located in the rear yard;
- A 75 ft. by 18 ft. by 15 ft. high prefabricated batting cage located in the rear yard;
- A sports court with 10 ft. fencing, trampoline area, play structures, and zip line with an 8 ft. and 24 ft. high platform, a 21 ft. by 81 ft. by 14 ft. high sports cabana,
- Ground mounted mechanical units not immediately adjacent to the house,
- Accessory structure space exceeding 50 percent of the ground floor or the main building.
- A bridge and a 50 ft. by 51 ft. by 14 ft. high rockscape feature located in the Brookdale front yard.
- Five (5) site fountains with a maximum height of 2 ft.
- Five (5) art work not to exceed 14 ft. in height.
- Temporary storage of a construction trailer and construction fencing.

The Code of the Charter Township of Bloomfield, Section 42-5.1 states that accessory uses / structures shall not be erected in any yard, except a rear yard, shall be set back at least 16 ft. from the side and rear lot lines, shall not exceed fourteen (14) feet in height, shall be screened from adjacent residences with evergreen and deciduous material, which will obscure view twelve (12) months of the year, that such vegetation shall be maintained in a healthy condition, and shall require the review and approval of the Zoning Board of Appeals. Accessory uses shall not exceed one-half (1/2) of the ground floor area of the main building. The Code of the Charter Township of Bloomfield, Section 42-5.1, states that ground mounted mechanical and electrical equipment shall be permitted in any rear yard when placed immediately adjacent to the residential building or in a side yard or secondary front yard, when placed immediately adjacent to the residential building, outside of the required setback and properly screened. The Code of the Charter Township of Bloomfield, Section 42-5.7 states that fences in a residential district shall be located in a side or rear yard and cannot exceed 4 ft. in height. The Code of the Charter Township of Bloomfield, Section 42-5.5 stated open storage on residential lots or parcels and parking and/or open storage of any conveyance for use on the land, in the air or on the water, other than licensed private passenger cars, shall be specifically prohibited on all residential lots or parcels of land except as otherwise permitted by the Zoning Board of Appeals. (5095 Brookdale, 19-24-326-023, Strathmore LLC, 241 Strathmore, Strathmore LLC, 19-24-326-010, 251 Strathmore, 19-24-326-011, Strathmore LLC 265 Strathmore, 19-24-326-012, 19-24-326-018, Strathmore LLC, 275 Strathmore, 19-24-326-019, Strathmore LLC and Vacant Lot, 19-24-326-017, Strathmore LLC)

SEE BACK FOR MORE INFORMATION

IO - Information Only

Described as: Sec 23 & 24 Bloomfield Estates Sub Lots 60 & 61, Lot 59, Lot 58, Lot 57, Part of Lot 55, Lot 56, Part of Lot 69

Sidwell No: 5095 Brookdale, 19-24-326-023, Strathmore LLC, 241 Strathmore, Strathmore LLC, 19-24-326-010, 251 Strathmore, 19-24-326-011, Strathmore LLC 265 Strathmore, 19-24-326-012, 19-24-326-018, Strathmore LLC, 275 Strathmore, 19-24-326-019, Strathmore LLC and Vacant Lot, 19-24-326-017, Strathmore LLC

*Patricia Voelker, Director
Planning, Building and Ordinance*

Complete copies of the appeals can be viewed at the Township Hall during regular business hours in the Planning, Building, and Ordinance Department, from 7:00 a.m. to 5:30 p.m., Monday through Thursday. Comments may be provided at the public hearing or by writing to: Bloomfield Township Planning, Building, and Ordinance Department, P.O. Box 489, Bloomfield Hills, MI 48303-0489 - Telephone: (248) 433-7795 - Fax: (248) 433-7729 or via email to zba-publiccomment@bloomfieldtwp.org

To view the meeting live, go to Comcast Channel 15 or AT&T Channel 99 or via the internet: [Bloomfield Twp., MI – Public Meetings](#)



To view the Zoning Board of Appeals packet posted on Documents on Demand by the end of business **Thursday, December 9th** you can use the QR code to the right.



NOTE: The Charter Township of Bloomfield will provide necessary, reasonable auxiliary aids and services at all meetings to individuals with disabilities. All such requests must be made at least five days prior to said meeting. Individuals with disabilities requiring auxiliary aids or services should contact the Bloomfield Township Planning Division by writing or calling the following: Planning Division, P.O. Box 489, Bloomfield Hills, MI 48303-0489 - Telephone: (248) 433-7795 - Fax: (248) 433-7729.

Dated: November 29, 2021

IO - Information Only

CHARTER TOWNSHIP OF BLOOMFIELD
NOTICE OF PUBLIC HEARING
ZONING BOARD OF APPEALS

Notice is hereby given that the Zoning Board of Appeals will hold a public hearing at the Bloomfield Township Hall, 4200 Telegraph Road, on **TUESDAY, December 14, 2021 at 7:00 P.M.** to consider the following appeal:

Seeking approval for the following, Section 26 Quarton Heath Part of Lot 4:

- A 17 ft. by 18 ft. by 11 ft. high pavilion located in the rear yard and setback at least 16 ft. from all lot lines;
- A 10 ft. by 10 ft. by 8 ft. high pergola with a 7 ft. by 7 ft. by 4 ft. high hot tub located underneath, located in the rear yard and setback at least 16 ft. from all lot lines.

The Code of the Charter Township of Bloomfield, Section 42-5.1 states that accessory uses / structures shall not be erected in any yard, except a rear yard, shall be set back at least 16 ft. from the side and rear lot lines, shall not exceed fourteen (14) feet in height, shall be screened from adjacent residences with evergreen and deciduous material, which will obscure view twelve (12) months of the year, that such vegetation shall be maintained in a healthy condition, and shall require the review and approval of the Zoning Board of Appeals. (S. HA, 1949 Quarton Rd., 19-26-126-018)

Described as: Section 26 Quarton Heath Part of Lot 4

Sidwell No: 19-26-126-018

Patricia Voelker, Director
Planning, Building and Ordinance

Complete copies of the appeals can be viewed at the Township Hall during regular business hours in the Planning, Building, and Ordinance Department, from 7:00 a.m. to 5:30 p.m., Monday through Thursday. Comments may be provided at the public hearing or by writing to: Bloomfield Township Planning, Building, and Ordinance Department, P.O. Box 489, Bloomfield Hills, MI 48303-0489 - Telephone: (248) 433-7795 - Fax: (248) 433-7729 or via email to zba-publiccomment@bloomfieldtwp.org

To view the meeting live, go to Comcast Channel 15 or AT&T Channel 99 or via the internet: [Bloomfield Twp., MI – Public Meetings](#)



To view the Zoning Board of Appeals packet posted on Documents on Demand by the end of business **Thursday, December 9th** you can use the QR code to the right.



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Dated: November 24, 2021

IO - Information Only

**CITY CLERK
CITY OF BIRMINGHAM
P.O. BOX 3001, 151 MARTIN STREET
BIRMINGHAM, MI 48012**

**STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION NOTICE
OF HEARING
FOR THE ELECTRIC CUSTOMERS OF
DTE ELECTRIC COMPANY
CASE NO. U-21050**

- DTE Electric Company requests Michigan Public Service Commission's approval to implement a power supply cost recovery plan for the twelve months ending December 31, 2022.
- The information below describes how a person may participate in this case.
- You may call or write DTE Electric Company, One Energy Plaza, 570 SB, Detroit, MI 48226, (800) 477-4747 for a free copy of its application. Any person may review the documents at the offices of DTE Electric Company or on the Commission's website at: michigan.gov/mpscdockets.
- A pre-hearing will be held:

DATE/TIME: Monday, December 13, 2021 at 10:30 AM

BEFORE: Administrative Law Judge Katherine Talbot

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 in advance of the hearing.

The Michigan Public Service Commission (Commission) will hold a pre-hearing to consider DTE Electric Company's (DTE Electric) September 30, 2021 application requesting the Commission to approve: 1) the authority for DTE Electric to implement its Power Supply Cost Recover (PSCR) Plan in its rate schedules for 2022 jurisdictional sales of electricity that are subject to the PSCR clause; 2) the continuing of mercury and alkaline sorbents, urea, ammonia, limestone, NOx allowance expense, and SO2 allowance expense as recoverable PSCR costs for the 2022 PSCR Year and thereafter; 3) DTE Electric's five-year forecast and associated actions and decisions; 4) the implementation of DTE Electric's proposed PSCR Plan and maximum PSCR Factor in its rates for 2022 jurisdictional sales of electricity that are subject to the PSCR clause, and otherwise expedite approval of its request for a

INFORMATION ONLY

levelized 2022 maximum PSCR Factor of 6.65 mills per kWh in customers' bills for the period January 1, 2022 through December 31, 2022; 5) DTE Electric's plans and associated actions addressing capacity resources and approving the related expenses; 6) the Transfer Price treatment of renewable energy in DTE Electric's PSCR process as proposed; 7) DTE Electric's request for recovery of the expense associated with DTE Electric's agreements with NEXUS Gas Transmission, including the TEAL Amendment; 8) DTE Electric's request for Commission approval of the expense associated with lateral construction and transportation, firm gas transportation, and storage services executed with Vector Pipeline L.P., DTE Gas Company, Enbridge Inc., and Washington 10 Storage Corporation, as proposed; 9) DTE Electric's request for recovery of the PSCR expense associated with the VGPs, Rider 18 energy-outflow, and DR customer capacity expenses, as proposed; and 10) DTE Electric further additional relief and authority.

All documents filed in this case shall be submitted electronically through the Commission's E-Dockets website at: michigan.gov/mpscdockets. 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: mpscdockets@michigan.gov. If you require assistance prior to e-filing, contact Commission staff at (517) 284-8090 or by email at: mpscdockets@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 December 6, 2021. (Interested persons may elect to file using the traditional paper format.) The proof of service shall indicate service upon DTE Electric Company's attorney, Jon P. Christinidis, One Energy Plaza, Detroit, MI 48226.

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-21050**. Statements may be emailed to: mpscdockets@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.

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.

The Utility Consumer Representation Fund has been created for the purpose of aiding in the representation of residential utility customers in various Commission proceedings. Contact the Chairperson, Utility Consumer Participation Board, Department of Licensing and Regulatory Affairs, P.O. Box 30004, Lansing, Michigan 48909, for more information.

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.; 1969 PA 306, as amended, MCL 24.201 et seq.; 1982 PA 304, as amended, MCL 460.6j et seq.; and Parts 1 & 4 of the Michigan Office of Administrative Hearings and Rules, Mich. Admin Code, and R 792.10401 through R 792.10448.

TRANSPORTATION WORK AUTHORIZATION

TYPE OF WORK		FISCAL CONTROL #	
CONSTRUCTION TRAFFIC SIGNAL		21T039	
WORK TO BE PERFORMED BY		DIVISION AUTH #	
ROAD COMMISSION FOR OAKLAND CO		18102  PW Link	
IF NOT UNDER TERMS OF TRUNKLINE MAINTENANCE CONTRACT, ENTER CONTRACT NUMBER		CS #	
		63051	
LOCATION		PR #	
M1 (WOODWARD) SB @ BROWN ST M1 (WOODWARD) NB @ FOREST AVE		614101	
		JOB #	TRUNKLINE #
		213965	M1
TOWNSHIP, CITY OR VILLAGE		SIGNAL OR POLE #	
BIRMINGHAM		63051-01-050	
COUNTY		REGION	
OAKLAND		7	
STARTING DATE	ESTIMATED COMPLETION DATE	DIVISION	
11/18/2021		TSMO/TRAFFIC SIGNALS UNIT	
DATE WORK COMPLETED			

ESTIMATED PROJECT COST

A (1) LABOR	\$14,089
B MATERIALS	\$9,766
C EQUIPMENT	\$5,064
D OVERHEAD	\$7,466
E OTHER	
TELEPHONE	
POWER	\$15,000
DEPT. OF LABOR	
F LESS:	
Salvage Credits	
G Total Est. Cost	\$51,385
ESTIMATED BY	EC
PREPARED BY	EC

DESCRIPTION OF WORK TO BE PERFORMED

All materials incorporated in the work will be accepted on the basis of a visual inspection by a representative of the performing agency. The Department retains the right to sample and test at its option.

THIS WORK IS TO BE PERFORMED DURING THE PERIOD 11/2021 THROUGH 02/2022 WITH THE CLOSING DATE BEING SEPTEMBER 30.

ANY WORK NOT STARTED BY THIS DATE OR WORK IN PROGRESS BEYOND THIS DATE MUST BE CHARGED TO NEXT YEAR'S PROGRAM USING PROJECT / PHASE NUMBERS.

RETAIN ALL REMAINING CODING INFORMATION IN THIS INSTANCE (FISCAL CONTROL #, DIVISION AUTHORIZATION #, PCA NO., JOB #, ETC.)

PLEASE BE AWARE OF DOCUMENTATION INFORMATION CHANGE REQUIREMENTS FOR TWA PACKAGES:

- PLEASE HAVE THE ELECTRICIAN THAT DID THE WORK FILL OUT THE MIDDLE SECTION OF THE INSPECTION AND COMPLETION REPORT. ANSWER THE TWO QUESTIONS ABOUT MAINTENANCE OF TRAFFIC. AFTER THE MIDDLE SECTION IS FILLED OUT; THE ELECTRICIAN WILL HAVE THEIR SUPERVISOR FILL OUT THE BOTTOM SECTION. ONCE THE ENTIRE DOCUMENT HAS BEEN FILLED OUT, PLEASE SEND IT BACK TO MDOT/PLACED IN PROJECTWISE (ERIK SMALLEY) FOR OUR RECORDS.
- PLEASE FILL OUT THE SIGNAL FORCE ACCOUNT DAILY FIELD RECORD FOR WORK ACTIVITIES COMPLETED IN THE DURATION OF THE PROJECT NEED TO BE SENT BACK TO MDOT/PLACED IN PROJECTWISE.
- COPIES OF TIME SHEETS SHOWING TIME CHARGED AGAINST THIS JN/WORK ORDER NEED TO BE SENT BACK TO MDOT/PLACED IN PROJECTWISE.
- COPIES OF INVOICES FOR PURCHASING ANY EQUIPMENT FOR THIS JN/WORK ORDER NEED TO BE SENT BACK TO MDOT/PLACED IN PROJECTWISE.
- COPIES OF CATALOG CUTS FOR ANY MATERIAL USED IN THE PROJECT NEED TO BE SENT BACK TO MDOT/PLACED IN PROJECTWISE.

PLEASE NOTE An overrun of the estimate in excess of 10% (except an overrun less than \$100) must either have prior approval of the authorizing division or must be accompanied by an explanation outlining unforeseeable difficulties encountered while performing the work which resulted in the overcharge.

PERCENT	NAME/ADDRESS OF THOSE PARTICIPATING IN COSTS	FEDERAL PARTICIPATION - ACTION BY FHWA OR	
	FHWA	APPROVED BY	DATE
		NOT ELIGIBLE	DATE
		SEE LETTER /PR 1240 DATED 11/01/2001 (Attach copy if available)	
		Required only when work is to be performed by direct or contract maintenance forces.	
		REVIEWED BY (Traffic Signal Design)	DATE
AUTHORIZED BY:			
	DATE		

LDPR PROFILE	FUND	DEPT	UNIT	APPR UNIT	LOCATION	ACTIVITY	PROGRAM	PHASE	AMOUNT
67200	1116	591	6720	41950	1L02	6990	213965CON	09	\$51,385
67200	1116	591	6720	41950	1L02	6700	213965CON	11	\$250

**TRANSPORTATION
WORK AUTHORIZATION**
(Continuation Sheet)

FISCAL CONTROL # 21T039		DIVISION AUTH. # 18102	
CS# 63051		PR # 614101	
JOB # 213965		TRUNKLINE # M1	
SIGNAL / POLE # 63051-01-050	REGION 7	DIVISION T AND S	

NOTES:

- 6 PLEASE REFERENCE THE MDOT PLAN NO. 63051 - 01 - 050 DATED 10/27/2021.
- 7 RETAIN THE REMAINING TRAFFIC SIGNAL EQUIPMENT.
- 8 INSTALL (3) 35'4 WOOD POLES.
- 9 INSTALL ESTIMATE ITEMS.
 - 1 ECH 2W-2C-BA Ped, CD (LED)
 - 1 ECH Subbase, LM
 - 32 LFT Wood Post 4"x 6"
 - 3 ECH 40'4 Wood Pole
 - 50 LFT Conduit, DB, 1, 1 1/2 inch
 - 4 ECH Span Wire
 - 250 LFT 600V. 1-2/C#16 P.J. CABLE SHIELDED
 - 16 SFT Sidewalk, Conc, 4 inch
 - 2 ECH 1W-2C-BA Ped, CD (LED)
 - 360 LFT 600V. 1-7C #16 P.J. Cable
 - 6 SFT Sign, Type IIIB
 - 28 LFT Post, Steel, 3 lb
 - 2 ECH Wood Pole, Fit Up, TS Cable
 - 2 ECH Wood Post Foundation
- 10 THIS WORK REQUEST PER FIELD REVIEW DATED 10/12/2021 FROM METRO REGION TO TRAFFIC SIGNALS.
- 11 SEE ATTACHED TRAFFIC SIGNAL TIMING PERMIT DATED 11/05/2021.



M1 (WOODWARD) SB @ BROWN ST

REF. NO: 63051-01-050

Oakland

[illegible]

\$9,766

PERSONNEL	RATE HOUR	EST. HOURS	EST. COST
ELECTRICIANS	\$		
TRAVEL TIME	\$		
TRAVEL EXPENSE(\$110.00 PER MAN PER DAY)			
LABOR ADDITIVE 0.00 %			

EQUIPMENT COSTS	RATE HOUR	EST. HOURS	EST. COST
	\$0.00		
	\$0.00		
	\$0.00		

STATE OF MICHIGAN	OTHER COST	_____
DEPARTMENT OF TRANSPORTATION	POWER COMPANY COST	_____
	TELEPHONE COST	_____
	DEPT. OF LABOR COST	_____
	SUB TOTAL	_____
	OVERHEAD 17 %	_____
	SUB TOTAL	_____
	CREDIT	_____
ESTIMATED BY	FINAL TOTAL ESTIMATED COST	_____
DATE: 11/09/2021		

***NON PARTICIPATION BY FHWA**

Woodward Avenue and Brown Street - Add Pedestrian Signals

Woodward Avenue and Forest - Add Sign Flashers

MDOT # 63051-01-050 (Co. 5131)

MDOT Job # 213965

RCOC Work -- Non-Contractor Cost Estimate

ROAD COMMISSION FOR OAKLAND COUNTY LABOR AND EQUIPMENT			
ESTIMATED BY: D. DENEAU	DATE:	11/09/21	
LABOR:	#HRS	RATE	TOTAL
LABOR:			
ELECTRICIANS	104	\$28.00	\$2,912.00
LABORERS	104	\$23.00	\$2,392.00
ENGINEERING	16	\$29.00	\$464.00
IN FIELD DATA COLLECTION AND INSTALLATION			
ELECTRICIANS	0	\$25.00	\$0.00
INSPECTION			
TECHNICIANS	32	\$26.00	\$832.00
SUBTOTAL:			\$6,600.00
FRINGE BENEFITS:		113%	\$7,488.36
TOTAL LABOR:			\$14,088.36
EQUIPMENT RENTAL:	#HRS	RATE	TOTAL
VAN	32	\$12.00	\$384.00
BOOM TRUCK	104	\$45.00	\$4,680.00
FOLLOW TRUCK	104	\$35.00	\$3,640.00
AUGER TRUCK	0	\$45.00	\$0.00
TOTAL EQUIPMENT RENTAL:			\$5,064.00
MATERIALS:			
			0.00
			\$0.00
TOTAL ESTIMATED COST:			\$19,152.36

ROAD COMMISSION FOR OAKLAND COUNTY COUNTY SUPPLIED MATERIALS/UTILITIES				
ESTIMATED BY:	DATE:			
MATERIALS:	QTY.	UNIT	UNIT PRICE	TOTAL
MDOT MATERIALS COST ESTIMATION				\$9,766.00
TOTAL MATERIALS:				\$9,766.00
CONTRACTOR WORK:				TOTAL
WOOD POLE INSTALLATION				\$15,000.00
TOTAL CONTRACTOR WORK:				\$15,000.00
TOTAL ESTIMATED COST:				\$24,766.00

TOTAL ESTIMATE (includes 17% admin/fringe)	\$51,384.48
---	--------------------

NTCIP TRAFFIC SIGNAL TIMING PERMIT

	PHASE	1	2	3	4	5	6	7	8	TIMING INSTALLED 09/24/21	PRE-EMPT COUNTDOWN PEDS <input checked="" type="checkbox"/>
APPROACH			SB		EB					REMARKS 11/05/2021 Updated timing permit with pedestrian clearance times for new pedestrian signals installation.	
MINIMUM GREEN			10		7						
PASSAGE			0.0		0.0						
MAXIMUM GREEN NO. 1			70		22						
MAXIMUM GREEN NO. 2			0		0						
YELLOW CLEARANCE			4.3		3.0						
ALL RED CLEARANCE			1.7		2.7						
WALK			7		7						
FLASHING DON'T WALK (FDW) CLEARANCE			11		12						
EXT PED CLR (EOG, EOY, 3.0s)			3.0s		3.0s						
START UP PHASE(S)		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
VEHICLE RECALL (NONE, MIN, MAX, SOFT)			MAX		MAX						
PEDESTRIAN RECALL (NONE, RECL, OTHR)			RECL		RECL						
DUAL ENTRY (Y, N)			N		N						
MODE (CRD, MIN, MAX, D-CRD, NOCRD)			CRD		NOCRD						
DAILY FLASH (Y, R, DK, NA)			NA		NA						
CONFLICT FLASH (Y, R, DK)			Y		R						
EVNT/ACTN PLN 1	OFFSET 25	CYCLE 90			67						
EVNT/ACTN PLN 2	OFFSET 25	CYCLE 90			67						
EVNT/ACTN PLN 3	OFFSET 25	CYCLE 90			67						
EVNT/ACTN PLN	OFFSET	CYCLE									
EVNT/ACTN PLN	OFFSET	CYCLE									
EVNT/ACTN PLN	OFFSET	CYCLE									

LESS FREQUENTLY USED FEATURES
 WALK REST MODIFIER (Y, N) (Cycle Ped in Free)

--	--	--	--	--	--	--	--	--	--


 LEAD PEDESTRIAN INTERVAL

--	--	--	--	--	--	--	--	--	--

 RED MAX EXTENSION (Dilemma Zone Mitigation)

--	--	--	--	--	--	--	--	--	--

PHASE	VEHICLE OVERLAPS	Load Bay	Phases Overlapped	T.G. (s)	Y (s)	R (s)	FYA Phases Perm Prot	Flash Daily	Confl
1	Overlap Phase								
2 SB M-1 (Woodward)	=								
3	=								
4 Brown St.	=								
5	=								
6	=								
7	=								
8	=								



FLASH HOURS:

		DAILY	<input type="checkbox"/>	NONE	<input checked="" type="checkbox"/>
--	--	-------	--------------------------	------	-------------------------------------

CONTROLLER and FIRMWARE#
☐ Siemens (SEPAC)
☐ ECONOLITE (EOS)
☐ Other:

PREPARED BY: CJS
 DATE: 11/05/21

LOCATION:
 M-1 (Woodward) SB @ Brown
 CITY/TWP: Birmingham
 COUNTY : Oakland

MILE POINT 4.88	CONTROL SECTION-SPOT # 63051-01-050
--------------------	--

Job # (If Applicable): 213965

CLEAR ALL

ADVANCED TIMING PARAMETERS FORM

SYSTEM INFORMATION	LEFT-TURN PHASING										RING AND BARRIER STRUCTURE															
System Type: <input type="checkbox"/> Central Group ID <input checked="" type="checkbox"/> TBC <input type="checkbox"/> None <input type="checkbox"/> Other:	Phase # / Description		Permissive-Protected		Protected-Only			R1	B1				B2				B3				B4					
			Lead	Lag	Split	Lead	Lag		2				4													
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	R2																			
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	R3																			
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	R4																			
Controller Location ID: Interconnect: <input type="checkbox"/> HARDWIRE <input type="checkbox"/> FIBER-OPTIC <input type="checkbox"/> RADIO <input type="checkbox"/> SERIAL RADIO Hop Pattern: <input type="checkbox"/> IP RADIO <input type="checkbox"/> TBC <input type="checkbox"/> GPS CLOCK <input type="checkbox"/> CELL MODEM <input checked="" type="checkbox"/> NONE <input type="checkbox"/> Other:	VEHICULAR AND PEDESTRIAN DETECTION										COORDINATION/OPERATION SETTINGS															
	Approach	Vehicle Detection						Pedestrian Detection				CHANGE (ADD ONLY, ADD/SUBT, OTHR)								ADD/SUBT						
		Movements and Call Delay (s)			Locking			Phase # / Crossing		Load Switch #		REST IN WALK FOR COORD PHASE (Y/N)								N						
		Left	Thru	Right	Left	Thru	Right					PUSHBUTTONS FOR COORD PHASE (Y/N)								N						
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																			
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																			
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																			
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																			
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																			
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																			
ADDITIONAL EVENT/ACTION PLAN DATA																DISAPPEARING CASE SIGN										
PHASE			1	2	3	4	5	6	7	8																
EVNT/ACTN PLN	OFFSET	CYCLE																								
EVNT/ACTN PLN	OFFSET	CYCLE																								
EVNT/ACTN PLN	OFFSET	CYCLE																								
EVNT/ACTN PLN	OFFSET	CYCLE																								
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EVNT/ACTN PLN	OFFSET	CYCLE																								
EVNT/ACTN PLN	OFFSET	CYCLE																								
EVNT/ACTN PLN	OFFSET	CYCLE																								
REMARKS																										
											PREPARED BY: CJS DATE: 11/05/21 <input checked="" type="checkbox"/> MDOT <input type="checkbox"/> County <input type="checkbox"/> City <input type="checkbox"/> Consultant LOCATION: M-1 (Woodward) SB @ Brown CONTROL SECTION-SPOT # 63051-01-050															

Schedule #	Days of Week	Start Date	End Date	Day Plan #	Events
1	Saturday & Sunday	January 1st	December 31st	1	#1 - Normal
2	Monday-Friday	January 1st	December 31st	2	#1 - Normal #2 - AM PEAK 07:00-10:00 #3 - PM PEAK 15:00-18:00
3				3	
4				4	

Schedule remarks including floating holiday schedules	
---	--

Day Plan #	Events	Day Plan #	Events	Day Plan #	Events	Day Plan #	Events
5		6		7		8	

[illegible]

PREPARED BY: CJS	DATE: 11/05/21	LOCATION: M-1 (Woodward) SB @ Brown	CONTROL SECTION-SPOT #	63051-01-050
------------------	----------------	-------------------------------------	------------------------	--------------

PREEMPTION INFORMATION FORM

Preemption Description:																				Preempt System Data										
Preempt # =	Seconds	PhsTm?	Load Switch	1	2	3	4	5	6	7	8	9	10	11	12	--	--	--	--	Locking	Y	Ring	1	2	3	4	Preempt Overrides			
Entry Ped Cl		N	Vehicle	Phas/Ovl																Delay (s)		MIN					Preempt Overrides Flash <input type="checkbox"/>			
Entry Yellow		Y		Track																Extend (s)		GRN/WLK (s)								
Entry Red Cl		Y		Dwell																Duration (s)										
Track Green				Cycle																Max Call (s)		Order of Priority	PE1	PE2	PE3	PE4	PE5	PE6		
Track Ped Cl		N		Exit																Link PreEmpt #			1	2	3	4	5	6		
Track Yellow		Y	Ped	Phase #																Exit Free or Crd		PE Status Pos in Pedestrian LSs	Ped Y1	Ped Y2	Ped Y3	Ped Y4	Ped Y5	Ped Y6	Ped Y7	Ped Y8
Track Red Cl		Y		Track																Display Case Sign?		PE# Represented		1		2		3		4
Dwell Green				Dwell																No Turn on Red	N	REMARKS :								
Exit Ped Cl		Y		Cycle																No Right Turn	N									
Exit Yellow		Y																		No Left Turn	N									
Exit Red Cl		Y																	Other Case Sign	N										
Preemption Description:																														
Preempt # =	Seconds	PhsTm?	Load Switch	1	2	3	4	5	6	7	8	9	10	11	12	--	--	--	--	Locking	Y									
Entry Ped Cl		N	Vehicle	Phas/Ovl																Delay (s)										
Entry Yellow		Y		Track																Extend (s)										
Entry Red Cl		Y		Dwell																Duration (s)										
Track Green				Cycle																Max Call (s)										
Track Ped Cl		N		Exit																Link PreEmpt #										
Track Yellow		Y	Ped	Phase #																Exit Free or Crd										
Track Red Cl		Y		Track																Display Case Sign?										
Dwell Green				Dwell																No Turn on Red	N									
Exit Ped Cl		Y		Cycle																No Right Turn	N									
Exit Yellow		Y																		No Left Turn	N									
Exit Red Cl		Y																	Other Case Sign	N										
Preemption Description:																														
Preempt # =	Seconds	PhsTm?	Load Switch	1	2	3	4	5	6	7	8	9	10	11	12	--	--	--	--	Locking	Y									
Entry Ped Cl		N	Vehicle	Phas/Ovl																Delay (s)										
Entry Yellow		Y		Track																Extend (s)										
Entry Red Cl		Y		Dwell																Duration (s)										
Track Green				Cycle																Max Call (s)										
Track Ped Cl		N		Exit																Link PreEmpt #										
Track Yellow		Y	Ped	Phase #																Exit Free or Crd										
Track Red Cl		Y		Track																Display Case Sign?										
Dwell Green				Dwell																No Turn on Red	N									
Exit Ped Cl		Y		Cycle																No Right Turn	N									
Exit Yellow		Y																		No Left Turn	N									
Exit Red Cl		Y																	Other Case Sign	N										
Preemption Description:																														
Preempt # =	Seconds	PhsTm?	Load Switch	1	2	3	4	5	6	7	8	9	10	11	12	--	--	--	--	Locking	Y									
Entry Ped Cl		N	Vehicle	Phas/Ovl																Delay (s)		PREPARED BY: CJS	DATE: 11/05/21							
Entry Yellow		Y		Track																Extend (s)		LOCATION:								
Entry Red Cl		Y		Dwell																Duration (s)		M-1 (Woodward) SB @ Brown								
Track Green				Cycle																Max Call (s)										
Track Ped Cl		N		Exit																Link PreEmpt #										
Track Yellow		Y	Ped	Phase #																Exit Free or Crd		CONTROL SECTION-SPOT #								
Track Red Cl		Y		Track																Display Case Sign?		63051-01-050								
Dwell Green				Dwell																No Turn on Red	N									
Exit Ped Cl		Y		Cycle																No Right Turn	N									
Exit Yellow		Y																		No Left Turn	N									
Exit Red Cl		Y																	Other Case Sign	N										



1515B (01/01)

TRANSPORTATION WORK AUTHORIZATION INSPECTION AND COMPLETION REPORT

Attach to Performing Agency's Copy of Work Authorization

TYPE OF WORK		FISCAL CONTROL #	
CONSTRUCTION TRAFFIC SIGNAL		21T039	
WORK TO BE PERFORMED BY		DIVISION AUTH #	
ROAD COMMISSION FOR OAKLAND CO		18102	
IF NOT UNDER TERMS OF TRUNKLINE MAINTENANCE CONTRACT, ENTER CONTRACT NUMBER		CS #	
		63051	
LOCATION		PR #	
M1 (WOODWARD) SB @ BROWN ST		614101	
		JOB #	TRUNKLINE #
		213965	M1
		SIGNAL OR POLE #	REGION
		63051-01-050	7
TOWNSHIP, CITY OR VILLAGE	COUNTY	DIVISION	
BIRMINGHAM	OAKLAND	TRAFFIC AND SAFETY/TRAFFIC SIGNALS UNIT	

WORK COMPLETION AND MATERIALS APPROVAL

The following information is to be supplied by the performing agency upon completion of the work and forwarded to the District/Region office of the originating Division. If any deviation from work description was necessary, explain in detail under Remarks.

All work specified on the Authorization was completed on _____ (Date)

SIGNATURE	TITLE	DATE

REMARKS:

--

INSPECTION AND APPROVAL

The following information is to be supplied by the Region/TSC office.

I certify that installation was inspected and approved on _____ (Date) and that the traffic signal operation was in accordance with the authorized work.

SIGNATURE	TITLE	DATE

REMARKS:

--

**PLEASE FORWARD TO TRAFFIC SAFETY DIVISION, TRAFFIC SIGNALS UNIT
UPON COMPLETION OF INSPECTION AND APPROVAL**

[illegible]

TRAFFIC SIGNAL TIMING RECORD

*Information required by Act 51 of 1951,
as documentation for potential litigation.*

COMPLETE AND RETURN

FILE REF.	LOCATION	
Timing installed as authorized by permit dated.		DATE INSTALLED
Timing NOT installed as authorized. Copy of corrected permit enclosed. Explanation:		

TIMING PERMIT IN CONTROLLER	INSTALLED BY
-----------------------------	--------------

TRAFFIC SIGNAL TIMING RECORD

*Information required by Act 51 of 1951,
as documentation for potential litigation.*

COMPLETE AND RETURN

FILE REF.	LOCATION	
Timing installed as authorized by permit dated.		DATE INSTALLED
Timing NOT installed as authorized. Copy of corrected permit enclosed. Explanation:		

TIMING PERMIT IN CONTROLLER	INSTALLED BY
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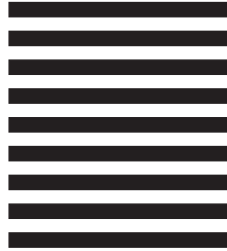
COMPLETE AND RETURN

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Timing installed as authorized by permit dated.		DATE INSTALLED
Timing NOT installed as authorized. Copy of corrected permit enclosed. Explanation:		

TIMING PERMIT IN CONTROLLER	INSTALLED BY
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IF MAILED
IN THE
UNITED STATES



BUSINESS REPLY MAIL

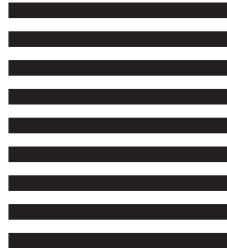
FIRST-CLASS MAIL PERMIT NO. 1312 LANSING, MI

POSTAGE WILL BE PAID BY ADDRESSEE

MICHIGAN DEPARTMENT OF TRANSPORTATION
TRAFFIC & SAFETY DIVISION
TRAFFIC SIGNALS UNIT
PO BOX 30050
LANSING MI 48909-9791



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BUSINESS REPLY MAIL

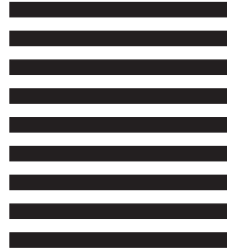
FIRST-CLASS MAIL PERMIT NO. 1312 LANSING, MI

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MICHIGAN DEPARTMENT OF TRANSPORTATION
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BUSINESS REPLY MAIL

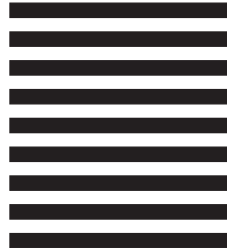
FIRST-CLASS MAIL PERMIT NO. 1312 LANSING, MI

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TRAFFIC & SAFETY DIVISION
TRAFFIC SIGNALS UNIT
PO BOX 30050
LANSING MI 48909-9791



ELECTRICAL DEVICES INSTALLATION COMPLETION DATE

Information required by MDOT to complete billing process

COMPLETE AND RETURN

1 2 3 4 5 6 7

REGION:

FILE REF.	W.O. NO.	
LOCATION		
WORK TO BE PERFORMED BY		
COMPLETION DATE	CIRCUIT NO.	
CABLE NO.	PAIR NO.	
WATTAGE CHANGE Yes No	UTILITY Detroit Edition Consumer Energy Other	
SIGNATURE	TITLE	DATE

ELECTRICAL DEVICES INSTALLATION COMPLETION DATE

Information required by MDOT to complete billing process

COMPLETE AND RETURN

1 2 3 4 5 6 7

REGION:

FILE REF.	W.O. NO.	
LOCATION		
WORK TO BE PERFORMED BY		
COMPLETION DATE	CIRCUIT NO.	
CABLE NO.	PAIR NO.	
WATTAGE CHANGE Yes No	UTILITY Detroit Edition Consumer Energy Other	
SIGNATURE	TITLE	DATE

ELECTRICAL DEVICES INSTALLATION COMPLETION DATE

Information required by MDOT to complete billing process

COMPLETE AND RETURN

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REGION:

FILE REF.	W.O. NO.	
LOCATION		
WORK TO BE PERFORMED BY		
COMPLETION DATE	CIRCUIT NO.	
CABLE NO.	PAIR NO.	
WATTAGE CHANGE Yes No	UTILITY Detroit Edition Consumer Energy Other	
SIGNATURE	TITLE	DATE

ELECTRICAL DEVICES INSTALLATION COMPLETION DATE

Information required by MDOT to complete billing process

COMPLETE AND RETURN

1 2 3 4 5 6 7

REGION:

FILE REF.	W.O. NO.	
LOCATION		
WORK TO BE PERFORMED BY		
COMPLETION DATE	CIRCUIT NO.	
CABLE NO.	PAIR NO.	
WATTAGE CHANGE Yes No	UTILITY Detroit Edition Consumer Energy Other	
SIGNATURE	TITLE	DATE



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IF MAILED
IN THE
UNITED STATES



BUSINESS REPLY MAIL
FIRST-CLASS MAIL PERMIT NO. 1312 LANSING, MI

POSTAGE WILL BE PAID BY ADDRESSEE

MICHIGAN DEPARTMENT OF TRANSPORTATION
TRAFFIC & SAFETY DIVISION
TRAFFIC SIGNALS UNIT
PO BOX 30050
LANSING MI 48909-9791



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UNITED STATES



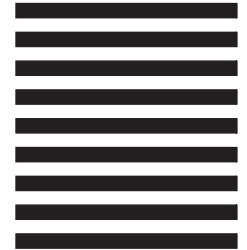
BUSINESS REPLY MAIL
FIRST-CLASS MAIL PERMIT NO. 1312 LANSING, MI

POSTAGE WILL BE PAID BY ADDRESSEE

MICHIGAN DEPARTMENT OF TRANSPORTATION
TRAFFIC & SAFETY DIVISION
TRAFFIC SIGNALS UNIT
PO BOX 30050
LANSING MI 48909-9791



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UNITED STATES



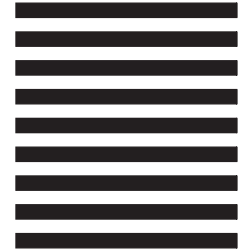
BUSINESS REPLY MAIL
FIRST-CLASS MAIL PERMIT NO. 1312 LANSING, MI

POSTAGE WILL BE PAID BY ADDRESSEE

MICHIGAN DEPARTMENT OF TRANSPORTATION
TRAFFIC & SAFETY DIVISION
TRAFFIC SIGNALS UNIT
PO BOX 30050
LANSING MI 48909-9791



NO POSTAGE
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UNITED STATES



BUSINESS REPLY MAIL
FIRST-CLASS MAIL PERMIT NO. 1312 LANSING, MI

POSTAGE WILL BE PAID BY ADDRESSEE

MICHIGAN DEPARTMENT OF TRANSPORTATION
TRAFFIC & SAFETY DIVISION
TRAFFIC SIGNALS UNIT
PO BOX 30050
LANSING MI 48909-9791



Traffic Control Devices Layout Request

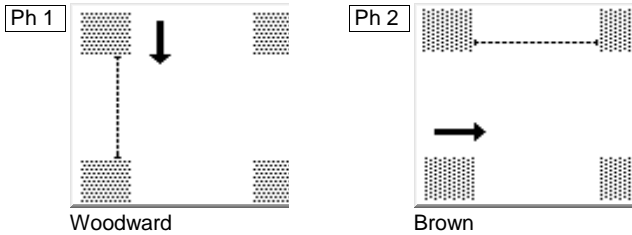
10/12/2021

Location M1 (WOODWARD) SB @ BROWN ST				File No. 63051-01-050	
City/Twp BIRMINGHAM	Fips Code 8640	Control Section 63051	Mile Pt 4.88	County Oakland	
Approved Per FIELD REVIEW		From Traffic Signals	To Metro Region	Memo Date 10/12/21	
Operational Analysis By Seder, Caleb			Initial Request Date 10/12/2021		PR # 0616808
Work Status Construction				Layout Request Date 10/12/21	
Prepare Layout		Layout Type Routine	By Date Indicated	Coordinate With <input type="checkbox"/> CS <input type="checkbox"/> Job	Job/CS Number

TRAFFIC SIGNAL

Controller Type		Operation		Detection	
Model: _____ Mount: _____ <input checked="" type="checkbox"/> Existing		<input type="checkbox"/> Fixed-Time <input type="checkbox"/> Semi-Actuated <input type="checkbox"/> Full-Actuated		Type: _____ Location: _____ Size: _____	
Signal Indications		Pedestrian Indications		Countdown Ped Indications	
<input type="checkbox"/> 8 Inch <input type="checkbox"/> 12 Inch		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Crossing: N and W Legs	
Push-Button Actuated Crossing: _____					

Phasing/Operation	Left Turn Phasing: _____ Right Turn Green Arrow Facing: _____	<input type="checkbox"/> Fixed-Time <input type="checkbox"/> Actuated
--------------------------	--	--



Interconnect		Timing <input type="checkbox"/> Permit Attached	See:
Type: Local		Pre-emption Type:	<input type="checkbox"/> Computer <input type="checkbox"/> Bridge <input type="checkbox"/> Fire <input type="checkbox"/> Opticom <input type="checkbox"/> Rail <input type="checkbox"/> Manual <input type="checkbox"/> EVAS <input type="checkbox"/> ITS
Master At: _____			

Other Electrical Devices:			
<input type="checkbox"/> Overhead Flashing Beacon	<input type="checkbox"/> School Flashers	<input type="checkbox"/> Fire Device	<input type="checkbox"/> Keep Right
<input type="checkbox"/> School Speed Limit	<input type="checkbox"/> Advanced Warning Sign Flasher	Size Optical Inch	
<input type="checkbox"/> Case Sign:	<input type="checkbox"/> Other		

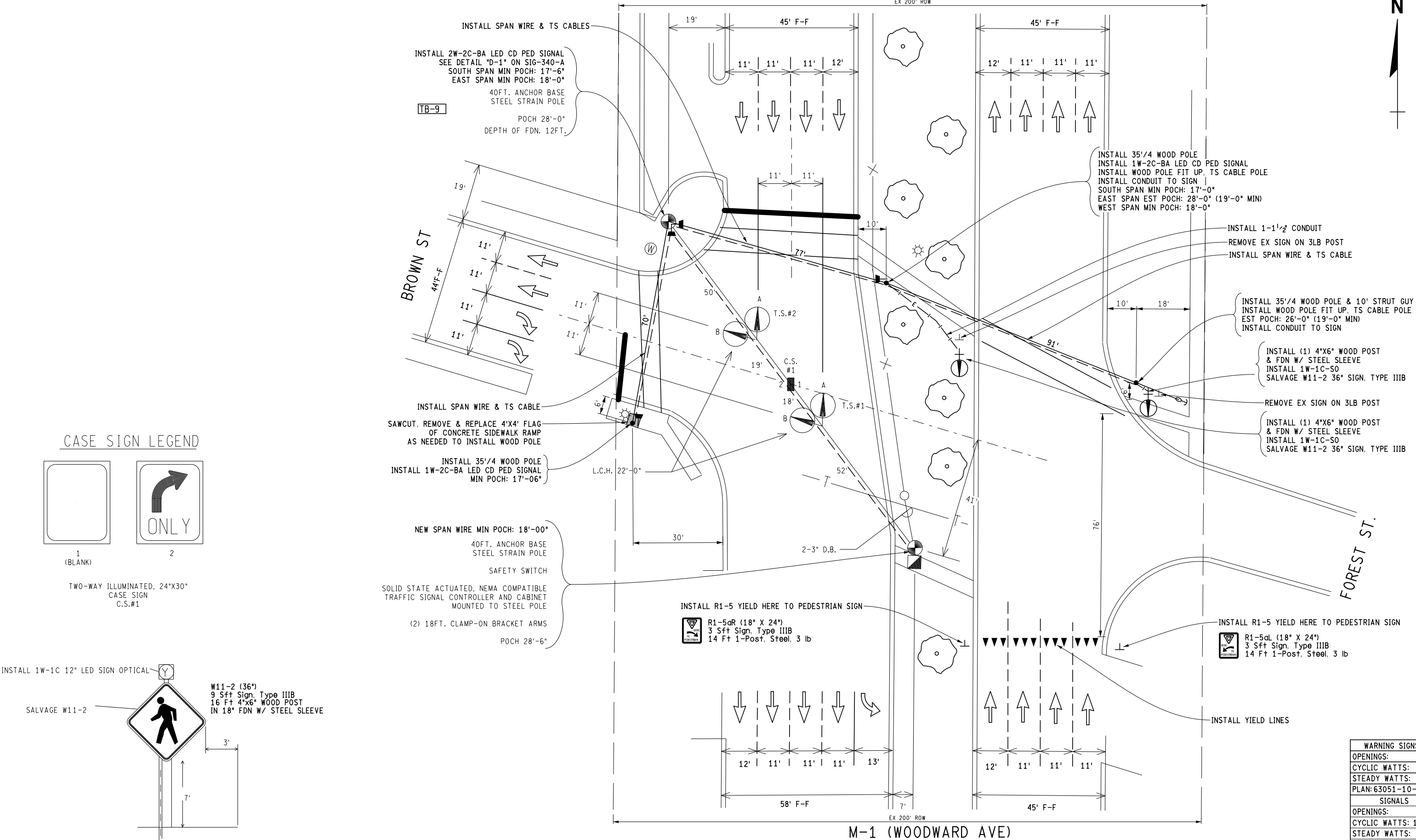
Remarks
Install LED countdown pedestrian signals crossing Brown St and N leg of Woodward

☐ Construction Project _____ **Job No.** _____ **Letting Date:** _____

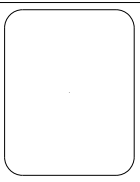
☐ By Work Order ☐ By Contract ☐ Federal-Aid Funds _____ ☐ M\$

Layout Prepared By: _____ **Date** _____

M-1 (WOODWARD AVE)



CASE SIGN LEGEND



1
(BLANK)

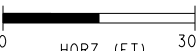


2

TWO-WAY ILLUMINATED, 24"X30"
CASE SIGN
C.S.#1

WARNING SIGNS	
OPENINGS:	2
CYCLIC WATTS:	44
STEADY WATTS:	0
PLAN: 63051-10-150	
SIGNALS	
OPENINGS:	17
CYCLIC WATTS:	1824
STEADY WATTS:	240
PLAN: 63051-01-050	

FINAL ROW PLAN REVISIONS (SUBMITTAL DATE:)					
NO.	DATE	AUTH	DESCRIPTION	NO.	DATE



FILE: 213965_6305101050_CON001.dgn

DATE: 10/27/21

DESIGN UNIT: SIGNALS

TSC: OAKLAND

CS: 63051

JN: 213965

TWA#18102

TRAFFIC SIGNAL CONSTRUCTION SHEET
M1 (WOODWARD AVE) SB @ BROWN ST
CITY OF BIRMINGHAM, OAKLAND COUNTY



DRAWING SHEET
SECT

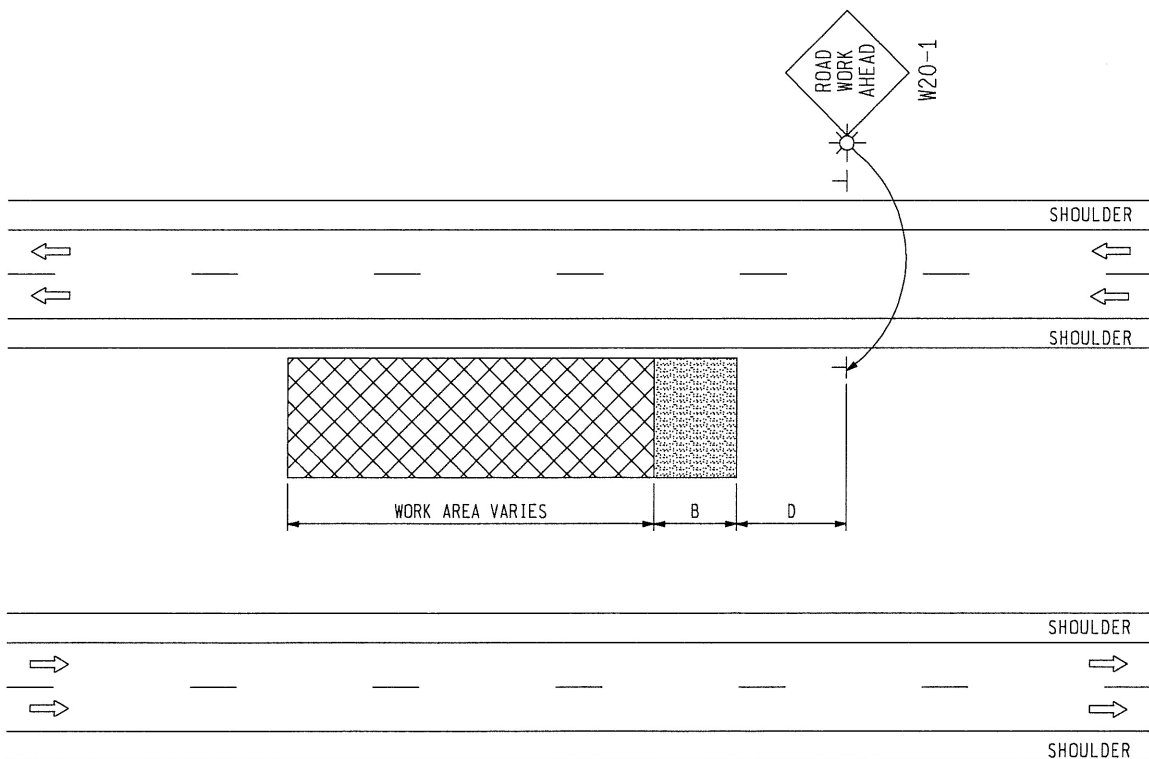
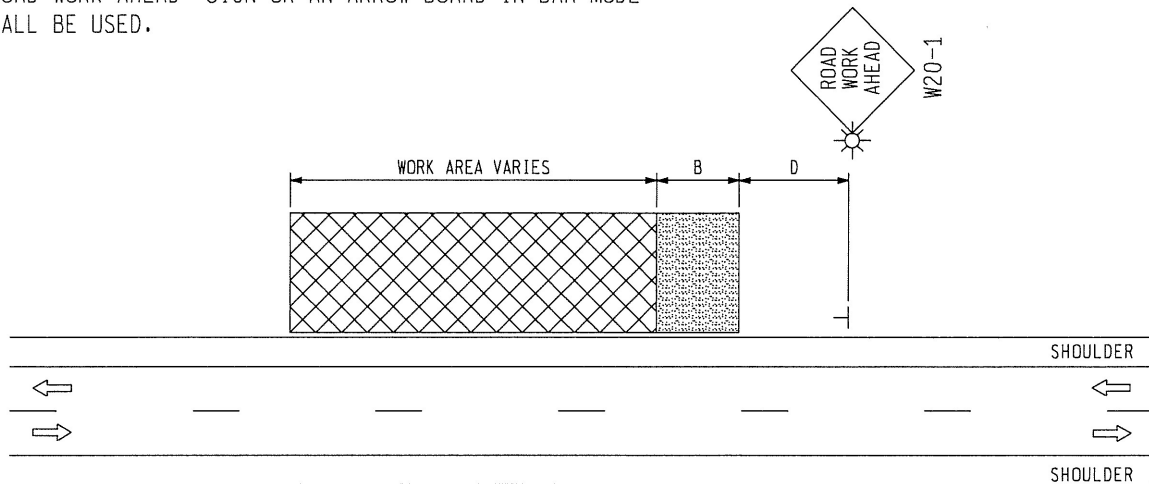
NOTES

NO SIGNS ARE REQUIRED IF DURATION IS SHORT-DURATION OR MOBILE.

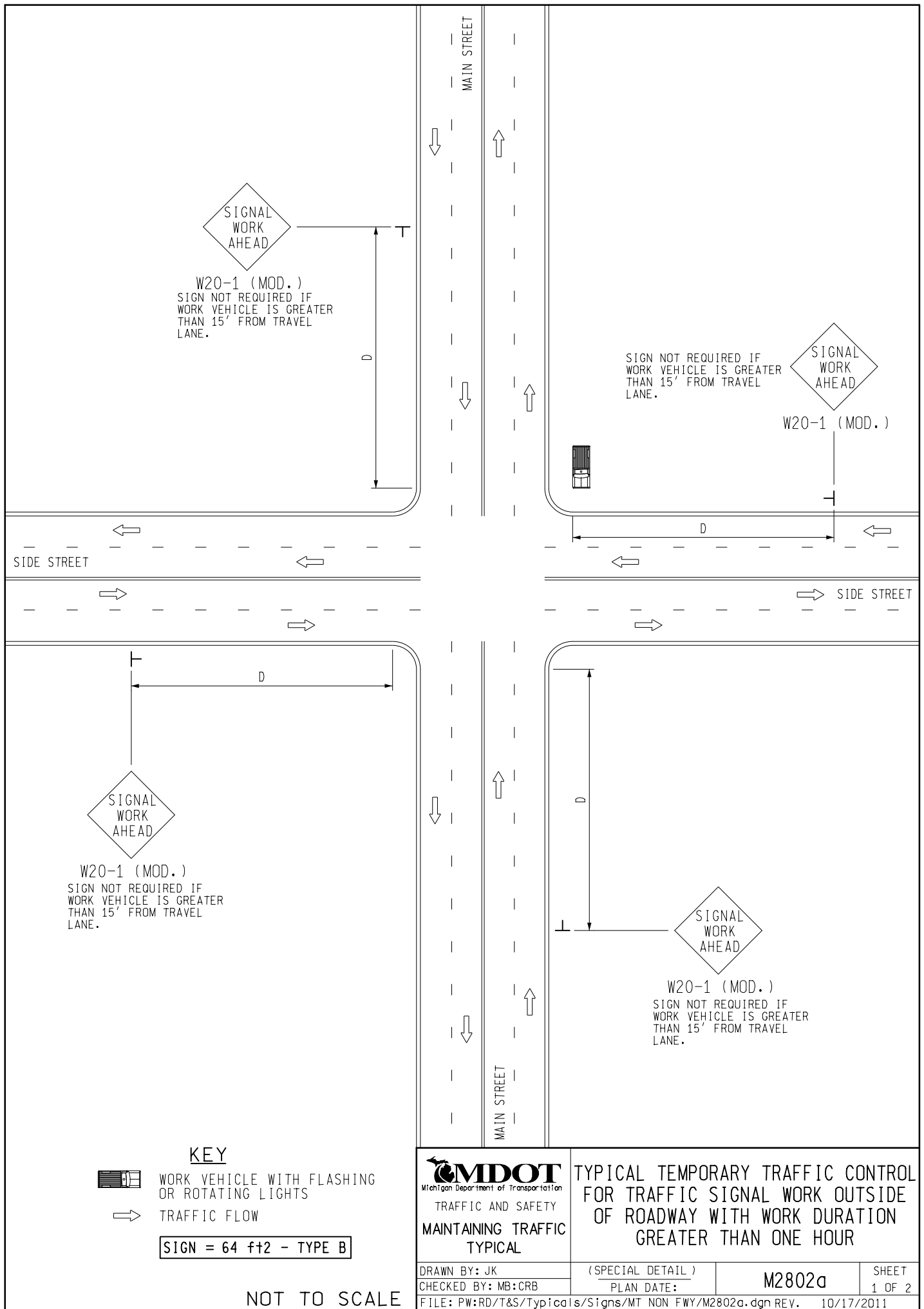
IF THE OPERATION HAS A VEHICLE(S) PARKED ON THE SHOULDER, OR VEHICLES ACCESSING THE WORK SITE VIA THE HIGHWAY OR CROSSING THE HIGHWAY TO PERFORM OPERATIONS, A "ROAD WORK AHEAD" SIGN OR AN ARROW BOARD IN BAR MODE SHALL BE USED.

KEY

-  TYPE A WARNING FLASHER (REQUIRED ON PLYWOOD SIGNS)
-  TRAFFIC FLOW



NOT TO SCALE

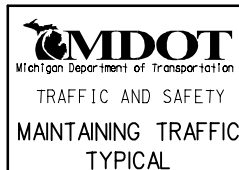


NOTES:

- 1A. SEE M0020a FOR "D" VALUES.
2. ALL NON-APPLICABLE SIGNING WITHIN THE CONSTRUCTION INFLUENCE AREA (CIA) SHALL BE MODIFIED TO FIT CONDITIONS, COVERED OR REMOVED.
3. DISTANCES BETWEEN SIGNS, THE VALUES FOR WHICH ARE SHOWN IN TABLE D, ARE APPROXIMATE AND MAY NEED ADJUSTING AS DIRECTED BY THE ENGINEER.
7. ALL TEMPORARY SIGNS, TYPE III BARRICADES, THEIR SUPPORT SYSTEMS AND LIGHTING REQUIREMENTS SHALL MEET NCHRP 350 CRASH WORTHY REQUIREMENTS STIPULATED IN THE CURRENT EDITION OF THE MICHIGAN MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, THE CURRENT EDITION OF THE STANDARD SPECIFICATIONS FOR CONSTRUCTION, THE STANDARD PLANS AND APPLICABLE SPECIAL PROVISIONS. ONLY DESIGNS AND MATERIALS APPROVED BY MDOT WILL BE ALLOWED.
32. THESE SIGNS SHALL BE LEFT IN PLACE AT THEIR PRESCRIBED LOCATIONS UNTIL ALL TEMPORARY TRAFFIC CONTROL HAS BEEN REMOVED.
35. THESE SIGNS ARE INTENDED TO BE USED WITHIN THE LIMITS OF THE TEMPORARY SEQUENCE SIGNING AS IS SHOWN ON 1 OF 2. THESE SIGNS ARE NOT TO BE INTERMINGLED WITH ANY OTHER TEMPORARY SEQUENCE SIGNING EXCEPT AS SHOWN.
- IF THE AERIAL BUCKET IS LOCATED OVER ACTIVE TRAVEL LANE(S), THE CONTRACTOR MUST HAVE A DESIGNATED PERSON "SPOTTER" ENSURING THAT THE LOWEST POINT OF THE BUCKET DOESN'T TRAVEL BELOW THE MINIMUM 14 FOOT VERTICAL CLEARANCE REQUIREMENTS. THE SPOTTER SHOULD KNOW THE ACTUAL HEIGHT OF THE SIGNAL TO DETERMINE THE MINIMUM WORKING HEIGHT.
- SUFFICIENT VERTICAL DISTANCE FROM ACTIVE TRAFFIC MUST BE MAINTAINED AT ALL TIMES. IF THE WORK OPERATION REQUIRES THE MINIMUM 14 FOOT WORKING HEIGHT TO BE COMPROMISED, THE CONTRACTOR SHALL EITHER UTILIZE AN ALTERNATE SET UP OR PLACE THE INTERSECTION IN A 4 WAY STOP USING APPROPRIATE SIGNING AND USE A TRAFFIC REGULATOR TO CONTROL TRAFFIC THROUGH THE INTERSECTION.
- ALL SIGNS SHOULD BE CONTAINED WITHIN THE SIGNAL INFLUENCE AREA.

SIGN SIZES

DIAMOND WARNING - 48" x 48"



TYPICAL TEMPORARY TRAFFIC CONTROL
FOR TRAFFIC SIGNAL WORK OUTSIDE
OF ROADWAY WITH WORK DURATION
GREATER THAN ONE HOUR

DRAWN BY: JK

(SPECIAL DETAIL)

M2802a

SHEET

CHECKED BY: MB:CRB

PLAN DATE:

2 OF 2

NOT TO SCALE

FILE: PW:RD/T&S/Typicals/Signs/MT NON FWY/M2802a.dgn REV. 10/17/2011

MINIMUM MERGING TAPER LENGTH "L" (FEET)

OFFSET	POSTED SPEED LIMIT, MPH (PRIOR TO WORK AREA)									
FEET	25	30	35	40	45	50	55	60	65	70
1	10	15	20	27	45	50	55	60	65	70
2	21	30	41	53	90	100	110	120	130	140
3	31	45	61	80	135	150	165	180	195	210
4	42	60	82	107	180	200	220	240	260	280
5	52	75	102	133	225	250	275	300	325	350
6	63	90	123	160	270	300	330	360	390	420
7	73	105	143	187	315	350	385	420	455	490
8	83	120	163	213	360	400	440	480	520	560
9	94	135	184	240	405	450	495	540	585	630
10	104	150	204	267	450	500	550	600	650	700
11	115	165	225	293	495	550	605	660	715	770
12	125	180	245	320	540	600	660	720	780	840
13	135	195	266	347	585	650	715	780	845	910
14	146	210	286	374	630	700	770	840	910	980
15	157	225	307	400	675	750	825	900	975	1050

TAPER LENGTH "L" IN FEET

THE FORMULAS FOR THE MINIMUM LENGTH OF A MERGING TAPER IN DERIVING THE "L" VALUES SHOWN IN THE ABOVE TABLES ARE AS FOLLOWS:

"L" = $\frac{W \times S^2}{60}$ WHERE POSTED SPEED PRIOR TO THE WORK AREA IS 40 MPH OR LESS

"L" = S x W WHERE POSTED SPEED PRIOR TO THE WORK AREA IS 45 MPH OR GREATER

L = MINIMUM LENGTH OF MERGING TAPER
S = POSTED SPEED LIMIT IN MPH
PRIOR TO WORK AREA
W = WIDTH OF OFFSET

TYPES OF TAPERS

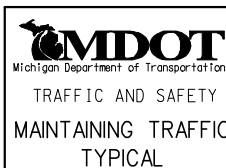
UPSTREAM TAPERS

MERGING TAPER
SHIFTING TAPER
SHOULDER TAPER
TWO-WAY TRAFFIC TAPER

DOWNSTREAM TAPERS
(USE IS OPTIONAL)

TAPER LENGTH

L - MINIMUM
1/2 L - MINIMUM
1/3 L - MINIMUM
100' - MAXIMUM
100' - MINIMUM
(PER LANE)



TABLES FOR "L", "D" AND "B" VALUES

DRAWN BY: CON:AE:djf
CHECKED BY: BMM

JUNE 2006
PLAN DATE:
FILE: K:/DGN/TSR/STDS/ENGLISH/MNTTRF/M0020a.dgn

M0020a

SHEET
1 OF 2

REV. 08/21/2006

DISTANCE BETWEEN TRAFFIC CONTROL DEVICES "D"
AND LENGTH OF LONGITUDINAL BUFFER SPACE ON
"WHERE WORKERS PRESENT" SEQUENCES

"D" DISTANCES	POSTED SPEED LIMIT, MPH (PRIOR TO WORK AREA)									
	25	30	35	40	45	50	55	60	65	70
D (FEET)	250	300	350	400	450	500	550	600	650	700

GUIDELINES FOR LENGTH OF
LONGITUDINAL BUFFER SPACE "B"

SPEED* MPH	LENGTH FEET
20	33
25	50
30	83
35	132
40	181
45	230
50	279
55	329
60	411
65	476
70	542

* POSTED SPEED, OFF PEAK 85TH PERCENTILE SPEED PRIOR TO WORK STARTING, OR THE ANTICIPATED OPERATING SPEED

1 BASED UPON AMERICAN ASSOCIATION OF STATE HIGHWAY AND TRANSPORTATION OFFICIALS (AASHTO) BRAKING DISTANCE PORTION OF STOPPING SIGHT DISTANCE FOR WET AND LEVEL PAVEMENTS (A POLICY ON GEOMETRIC DESIGN OF HIGHWAY AND STREETS), AASHTO. THIS AASHTO DOCUMENT ALSO RECOMMENDS ADJUSTMENTS FOR THE EFFECT OF GRADE ON STOPPING AND VARIATION FOR TRUCKS.



TABLES FOR "L", "D" AND "B" VALUES

DRAWN BY: CON:AE:djf

JUNE 2006

M0020a

SHEET
2 OF 2

CHECKED BY: BMM

PLAN DATE:

FILE: K:/DGN/TSR/STDS/ENGLISH/MNTTRF/M0020a.dgn

REV. 08/21/2006