

**BIRMINGHAM CITY COMMISSION AGENDA**  
**APRIL 15, 2024**  
**MUNICIPAL BUILDING, 151 MARTIN**  
**7:30 P.M.**

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

Elaine McLain, 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**

- Proclamation for Rotary Club 100 years.
- Residents are invited to participate at the Parks and Recreation Board Meeting on Tuesday, May 7 at 6:30 p.m. at the Department of Public Services to provide feedback on preliminary design work for the Booth Park Entry Plaza and Trail Improvements project. Those who cannot attend may still provide feedback during the month of May via an online survey coming soon on Engage Birmingham at [engage.bhamgov.org](https://engage.bhamgov.org). Sign up to receive notifications about this and other parks and recreation projects at [bhamgov.org/enews](https://bhamgov.org/enews).
- Please join us for our annual Arbor Day Celebration this month on Arbor Day, Friday, April 26<sup>th</sup> at 4:15 p.m. near the Quarton Elementary School tennis courts at the corner of Oak Street and N. Glenhurst Drive. We will celebrate our 46<sup>th</sup> year as a Tree City USA and Quarton School students will participate in a short program and help plant a new tree, a Hackberry, which is native to Michigan. All are welcome to attend and parking is available at Quarton Elementary School for this event only.

**APPOINTMENTS**

- A. Housing Board of Appeals
1. Nadim Yahchouchi

To appoint \_\_\_\_\_ as a regular member to the Housing Board of Appeals to serve a three-year term to expire May 4, 2027.

To appoint \_\_\_\_\_ as a regular member to the Housing Board of Appeals to serve the remainder of a three-year term to expire May 4, 2026.

- B. Public Arts Board
1. Kristin Lewis

To appoint \_\_\_\_\_ to the Public Arts Board to serve as an alternate member for the remainder of a three-year term to expire January 28, 2025.

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

**V. CONSENT AGENDA**

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

\*Minutes from the April 4, 2024 City Commission meeting will be presented at the May 6, 2024 City Commission meeting.

- A. Resolution to approve the warrant list, including Automated Clearing House payments, dated April 11, 2024 in the amount of \$790,000.49.
- B. Resolution to support statutory revenue sharing reform and support the adoption of State of Michigan House Bills 4274 and 4275.
- C. Resolution to set the Public Hearing of Necessity of installing new pavement meeting the requirements for assessment, for all properties within the project area on Pierce Alley, from Merrill Street to Pierce Street, and West Maple Alley, from Henrietta Street to Pierce Street on Monday, May 6, 2024 at 7:30 P.M.; and

If necessity is determined on May 6, 2024, to meet on Monday, May 20, 2024, at 7:30 P.M., for the purpose of conducting the Public Hearing to Confirm the Assessment Roll for the new pavement installation meeting the requirements for assessment, for all properties within the project area on Pierce Alley, from Merrill Street to Pierce Street, and West Maple Alley, from Henrietta Street to Pierce Street.

- D. Resolution to set the Public Hearing of Necessity for the road surface cape seal treatment meeting the requirements for assessment, for all properties within the project area on N. Worth Street from Rivenoak to Kennesaw and Knox to Maple, Rosedale Avenue from Oakland to Rivenoak, Oakdale Avenue from Oakland to Ridgedale, Oxford Drive from Madison to Rivenoak, Lawndale Avenue from Madison to Oakland, Chestnut Street from Elm to Adams, Hazel Avenue from Elm to Adams, Worthington Avenue from Southfield to Latham, Wakefield Drive from Southfield to Latham and Latham to Norfolk, and Southlawn Drive from Southfield to Latham on Monday, May 6, 2024, at 7:30 P.M.; and

If necessity is determined on May 6, 2024, to meet on Monday, May 20, 2024, at 7:30 P.M., for the purpose of conducting the Public Hearing to Confirm the Assessment Roll for the new pavement installation meeting the requirements for assessment, for all properties within the project area on N. Worth Street from Rivenoak to Kennesaw and Knox to Maple, Rosedale Avenue from Oakland to Rivenoak, Oakdale Avenue from Oakland to Ridgedale, Oxford Drive from Madison to Rivenoak, Lawndale Avenue from Madison to Oakland, Chestnut Street from Elm to Adams, Hazel Avenue from Elm to Adams, Worthington Avenue from Southfield to Latham, Wakefield Drive from Southfield to Latham and Latham to Norfolk, and Southlawn Drive from Southfield to Latham.

**VI. CITY MANAGER’S REPORT**

The City Manager’s Report regularly occurs on the second City Commission meeting of the month. Additionally, reports from prior months can be viewed on the City’s [website bhamgov.org/manager](http://bhamgov.org/manager).

- A. City Manager’s Report dated April 15, 2024.

**VII. UNFINISHED BUSINESS**

None.

**VIII. NEW BUSINESS**

- A. Public Hearing – 34244 Woodward – Papa Joe’s & Bistro Joe’s – Special Land Use Permit Review

- 1. No Action Required (if satisfied with results of public hearing).

OR

- 2. Make a motion adopting a resolution to add the Memorandum of Understanding to the Special Land Use Permit for Bistro Joe’s/Papa Joes.

OR

- 3. Make a motion adopting a resolution to revoke the Special Land Use Permit for 34244 Woodward – Bistro Joe’s/Papa Joe’s.

- B. Public Hearing – 245 S. Eton – Big Rock Italian Chophouse – Special Land Use Permit Amendment, Final Site Plan & Design Review

- 1. Resolution to approve the Special Land Use Permit Amendment, Final Site Plan and Design Review application for 245 S. Eton – Big Rock Italian Chophouse.

- C. Resolution to establish a policy to assess all residential properties that have rear yards located on a road being converted from an unimproved road to an improved road at 85% of the long-foot costs for the rear yard frontage;

OR

Resolution to establish a policy to assess all residential properties that have rear yards located on a road being converted from an unimproved road to an improved road at 25% of the long-foot costs for the rear yard frontage;

OR

Resolution to establish a policy to exempt rear yard frontages for all residential properties from special assessment when the rear yard fronts a road being converted from an unimproved road to an improved road.

- D. 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.
- E. Commission discussion on items from a prior meeting.

**IX. REMOVED FROM CONSENT AGENDA**

**X. COMMUNICATIONS**

- A. Shirley & Arlington Letters

**XI. REPORTS**

- A. Commissioner Reports
  - 1. Notice of intention to appoint to the Historic District Study Committee
  - 2. Notice of intention to appoint to the Board of Ethics
- B. Commissioner Comments
- C. Advisory Boards, Committees, Commissions' Reports and Agendas
- D. Legislation
- E. City Staff

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



# PROCLAMATION

## Birmingham Rotary Tribute

- WHEREAS,** The Rotary Club of Birmingham, Michigan was founded in 1924, one hundred years ago, and is now celebrating its Centennial; and
- WHEREAS,** The Birmingham Rotary Club is a proud member of Rotary International and Local 36380, who follow the Four Way Test:  
First: Is it the Truth?  
Second: Is it fair to all concerned?  
Third: Will it build good will and better friendships?  
Forth: Will it be beneficial to all concerned? and;
- WHEREAS,** The Birmingham Rotary Club has a diverse membership, whose motto is: "Service Above Self" and;
- WHEREAS,** The Birmingham Rotary Club provides service projects supporting both our local community and communities internationally, including the End Polio Now Initiative and sponsoring clean water by providing and digging wells around the world, and;
- WHEREAS,** The Birmingham Rotary Club proudly celebrates "100 Service Projects Over 100 Years," to mark its Centennial Celebration.
- NOW THEREFORE,** Be it resolved with this official proclamation that that I, Elaine McLain, Mayor of the City of Birmingham, on behalf of the City Commission and citizens of Birmingham, do hereby recognize and acknowledge the contributions and efforts made in celebration of the Rotary Club of Birmingham Centennial celebration.

On behalf of the City of Birmingham and the residents of Birmingham this 15<sup>th</sup> day of April, 2024.

Elaine McLain, Mayor



**NOTICE OF INTENTION TO APPOINT TO THE  
HOUSING BOARD OF APPEALS**

At the meeting of Monday, April 15, 2024, the Birmingham City Commission intends to appoint two regular members to the Housing Board of Appeals to serve three-year terms to expire May 4, 2027 and three regular members to serve the remainder of a three-year terms to expire May 4, 2026. Members shall be educated or experienced in building, construction administration, social services, real estate or other responsible positions.

The Housing Board of Appeals was established in order to provide an appeal process from regulation derived from the housing and maintenance requirements found in Chapter 22 of the City Code. The purpose of the housing and maintenance regulations is to protect, preserve and promote the physical and social wellbeing of the people, to regulate privately and publicly owned dwellings for the purpose of maintaining adequate sanitation and public health.

Interested citizens may submit an application available at the City Clerk’s office or online at [www.bhamgov.org/boardopportunities](http://www.bhamgov.org/boardopportunities). Applications must be submitted to the City Clerk's office on or before noon on Wednesday, April 10, 2024. These documents will appear in the public agenda for the regular meeting at which time the City Commission will discuss recommendations, and may make nominations and vote on appointments.

Applicant Name	Criteria/Qualifications
	Applicants shall be educated or experienced in building construction administration, social services, real estate or other responsible positions.
Nadim Yahchouchi	Architect/Builder with a Bachelor's of Architecture from Illinois Institute of Technology, Class of 2015 & Minors in Construction Management from Illinois Institute of Technology

*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.*

Attendance records are not included. The last official meeting for the HBA was April 3, 2007. The State of Michigan Construction Code Act requires the City to have an appeals board in place to hear appeals of decisions pertaining to the building and property maintenance codes. The HBA is in place to hear appeals from the property maintenance codes. The City has not had an appeal of one of its decisions since 2007.

**SUGGESTED ACTION:**

To appoint \_\_\_\_\_ as a regular member to the Housing Board of Appeals to serve a three-year term to expire May 4, 2027.

To appoint \_\_\_\_\_ as a regular member to the Housing Board of Appeals to serve a three-year term to expire May 4, 2027.

To appoint \_\_\_\_\_ as a regular member to the Housing Board of Appeals to serve the remainder of a three-year term to expire May 4, 2026.

To appoint \_\_\_\_\_ as a regular member to the Housing Board of Appeals to serve the remainder of a three-year term to expire May 4, 2026.

To appoint \_\_\_\_\_ as a regular member to the Housing Board of Appeals to serve the remainder of a three-year term to expire May 4, 2026.

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## ClerksOffice- APPLICATION FOR CITY BOARD OR COMMITTEE [#1]

1 message



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'Wufoo' via Clerks Office <ClerksOffice@bhamgov.org>

Thu, Mar 28, 2024 at 11:59 AM

Reply-To: no-reply@wufoo.com

To: ClerksOffice@bhamgov.org

Board/Committee of Interest	HOUSING BOARD OF APPEALS
Specific Category/Vacancy on Board (see below)	Architect
Name	Nadim Yahchouchi
Residential Address	 <a href="#">1208 Emmons Ave</a> <a href="#">BIRMINGHAM, MI 48009</a> <a href="#">United States</a>
Business Address	 <a href="#">1208 Emmons Ave</a> <a href="#">BIRMINGHAM, MI 91351</a> <a href="#">United States</a>
Phone Number	(818) 636-2869
Email	<a href="mailto:nadimy@creativedropinc.com">nadimy@creativedropinc.com</a>
By providing your email to the City, you agree to receive news and notifications from the City. If you do not wish to receive these messages, you may unsubscribe at any time.	
Length of Residence	1 year
Occupation	Architect/Builder

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

Greetings,

I come from a family of builders. My journey with residential construction and architecture began at an incredibly young age. I was seventeen when I started working with homeowners designing and building their dream houses. After working for six years with a single-family builder, I got my builder's license in California and did home renovation projects through my own company. In 2012, I moved to Chicago as a full-time student to pursue my architecture degree. After graduation, I joined a highly reputable residential architecture firm in Los Angeles. I held the position of a construction administrator for the first two years, then later moved to become a project architect, working on the production of construction documents. During the five years, I worked on large scale multi-family and mixed-use projects in mostly urban settings. The project's size ranged from eighty units to seven hundred units with over sixty thousand square feet of commercial and amenity spaces. In 2020, I became a licensed architect in California. I started my own design-build firm, Creativedrop. The firm specializes in single family, and accessory dwelling units. Our mission is to make project delivery worry-free to homeowners.

In 2022, I decided to start a new venture in real estate development. I moved to birmingham and purchased properties and I am in the process of building my first single family house in this town. I am now a licensed architect and residential builder in Michigan. The residents here and the city staff have been nothing short of helpful and welcoming



to me throughout my transition. In an attempt to give back to this warm community, I am eager to join this committee of talented individuals. I bring an architectural perspective that is homeowner conscious, climate sensitive, contemporary, and adequate for suburban and urban communities. I would be very honored to assist the Birmingham community in overcoming its housing challenges and fulfill its needs.

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### List your related employment experience

Company: Creativedrop Inc.

Role: President / Chief Architect

Main Responsibilities:

Site conditions and facility assessment.

- Define project objectives and program with the owner.
- Project Feasibility Study.
- Develop Project Schedule.
- Establish a project budget with the client.
- Design spatial layout .
- Ensure compliance with the zoning and building regulations.
- Coordinate the design with consultants: Structural, Mechanical, Electrical, Plumbing, Interiors and Energy.
- Collaborate with engineers to produce construction documents.
- Obtain necessary building permits and zoning clearances.
- Solicit bids and proposals from general contractors.
- Negotiate contracts and agreements for construction work and services.
- maintain records of permits, approvals, and contracts.
- managed project documentation.
- Establish communication channels and protocols for ongoing project coordination.
- Assemble project team members and assign roles and responsibilities.
- Develop system for tracking project progress, changes, and milestones.
- Develop Logistic plans for delivery and storage of materials.
- Secure insurance coverage and bonding, as necessary.
- Identify potential risks and hazards associated with the project.

Company: Tagawa Smith Martin Inc

Role: Project Architect / Construction Administrator

Responsibilities as a Construction Administrator:

Duties: The tasks I was responsible for on those projects are the following:

- Solicit bids and proposal from qualified suppliers.
- Maintain accurate records of permits, approvals, contracts, and correspondence.
- Respond to Contractor's RFI and Submittals.
- Review of Shop drawings against design intent.
- Coordinating between contractors and design consultants.
- Construction progress log and inspection.
- Revising construction documents per as-built conditions

Responsibilities as Project Architect:

- Translate schematic designs into detailed architectural drawings.
- Coordinate with engineers and consultants to integrate structural and mechanical, and electrical systems.
- Ensure compliance with building, zoning codes and other legal requirements.
- Prepare permit drawings and documentation for submission to city departments.
- Address any comments or revisions from regulatory review processes.
- Review design decisions and materials for cost implications and identify opportunities for value engineering.

- Present design development progress to clients and incorporate client input and revisions into the design, as necessary.
- Ensure alignment between client expectations and project objectives.
- Conduct interdisciplinary coordination meetings to resolve conflicts and ensure design Compatibility.
- Prepare comprehensive construction drawings, specifications, and contract documents.
- Ensure alignment between client expectations and project objectives.
- Ensure accuracy and completeness of all design documentation.

Company: American Building Solutions

Role: Project Manager

Main Responsibilities:

- Develop Project schedule and timeline.
- Allocate Resources such as manpower, material, and equipment.
- Evaluate site conditions, including site access, staging areas and utility access.
- Identify hazard and potential challenges that would impact construction.
- Solicit bids and proposal from qualified contractors and suppliers.
- negotiate contracts and agreements for construction services and materials.
- Develop logistics plans for Transportation, delivery and storage of materials.
- In charge of preparing construction site, including installing temporary facilities.
- Develop a system for tracking project progress, changes, and milestones.
- Assemble project team members and assign roles and responsibilities.

List your related community activities	I am new to the community.
List your related educational experience	Bachelor's of Architecture from Illinois Institute of Technology, Class of 2015 Minors in Construction Management from Illinois Institute of Technology
To the best of your knowledge, do you or a member of your immediate family have any direct financial or business relationships with any supplier, service provider or contractor of the City of Birmingham from which you or they derive direct compensation or financial benefit? If yes, please explain.	No
Do you currently have a relative serving on the board/committee to which you have applied?	No

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Are you an elector (registered voter) in the City of Birmingham? No

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# HOUSING BOARD OF APPEALS

Chapter 22 - Sections 22-312 – 22-314

Seven Members

Requirements: Qualified by education or experience in building, construction administration, social services, real estate, or other responsible positions.

Terms: Three year - expire the first Monday in May

Meetings held as needed.

Appointed by the City Commission

Last Name	First Name	Home Address	Home Business E-Mail	Appointed	Term Expires
<b>Bradford</b>	<b>Wadette</b>	256-509-7193 1221 Bowers St 2714 Birmingham	256-509-7193 <i>Wadettebradford@yahoo.com</i>	6/3/2019 Investments	5/4/2025
<b>Claussen</b>	<b>Karson</b>	1627 Maryland Blvd Birmingham	(248) 688-4517 <i>karson.claussen@gmail.com</i>	4/26/2021 Building Inspector	5/4/2024
<b>Taylor</b>	<b>Robert</b>	3693 W. Bradford Bloomfield Twp	248-892-3316 <i>bobtaylr@gmail.com</i>	5/10/2010 Realtor	5/4/2025
<b>Vacated</b>	<b>5/4/2023</b>				5/4/2026
<b>Vacated</b>	<b>5/4/2023</b>				5/4/2026

Last Name	First Name	Home Business	Appointed	Term Expires
<b>Vacated</b>	<b>5/4/2023</b>			5/4/2026
<b>Vincenti</b>	<b>Philip</b>	(248) 722-4747	4/9/2018	5/4/2024
938 Lakeside			building/contractor	
Birmingham	48009	<i>pvincenti@tcwall.com</i>		

### *DIVISION 3. APPEALS*

#### **Sec. 22-311. Authorized.**

- (a) Any owner or person who is aggrieved with the ruling or decision of the building official in any matter relative to the interpretation or enforcement of any of the provisions of this article, may appeal the decision or interpretation.
- (b) The appeal shall be made to the housing board of appeals.

(Ord. No. 2070, 10-24-11)

#### **Sec. 22-312. Board created; purpose.**

In order that the provisions of this article may be reasonably applied and substantial justice done in instances where practical difficulties are apparent or undue hardship would result from carrying out the strict letter of this article, a housing board of appeals is hereby created. The duty of the board shall be to consider appeals from the decision of the officials charged with the enforcement of this article, and to determine in particular cases whether any deviation from the strict enforcement of this article will violate the intent of this article and jeopardize public health and safety.

(Ord. No. 2070, 10-24-11)

#### **Sec. 22-313. Membership and appointment.**

The housing board of appeals shall consist of seven members, who shall be appointed by the city commission. The city commission shall appoint to the board, members qualified by education or experience in building construction, administration, social services, real estate or other responsible positions. The building official, the fire chief and the health officer or their representatives shall be ex officio members.

(Ord. No. 2070, 10-24-11)

#### **Sec. 22-314. Term of office.**

The term of office of members of the housing board of appeals shall be for three years, but in the first instance after the passage of this Code, two members shall be appointed for one year, two members for two years and three members for three years. These terms shall then expire the first Monday in May.

(Ord. No. 2070, 10-24-11)

#### **Sec. 22-315. Meetings, rules of procedure, quorum.**

The housing board of appeals shall meet once a month, provided there are pending appeals. There shall be a fixed place of meeting and all meetings shall be open to the public. The board shall adopt its own rules of

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procedure and keep a record of its proceedings, showing the action of the board, and the vote of each member upon each question considered. The presence of five members shall be necessary to constitute a quorum.

(Ord. No. 2070, 10-24-11)

**Sec. 22-316. Officers, records.**

The housing board of appeals shall elect from its membership a chairman and vice-chairman. A secretary, who shall be an employee of the city, shall be appointed whose duty it shall be to maintain a permanent official record of all of its transactions; such records shall be public records.

(Ord. No. 2070, 10-24-11)

**Sec. 22-317. Appeals procedure.**

Appeals from the rulings of the building official may be made to the housing board of appeals within 20 days of the issuance of an order by the official. Such appeal may be taken by any person aggrieved by any ruling or determination of any officer, department, board or commission of the city. The appellant shall file with the building official and with the board a notice of appeal specifying the grounds therefor. With each notice of appeal filed, there shall be paid a fee in the amount set forth in the schedule of fees, charges, bonds and insurance to cover the city's cost of handling such appeal, provided that such fees may be returned or retained after hearing at the discretion of the board. The building official shall forthwith transmit to the board a summary report of all previous action taken. The board may at its discretion call upon the building official to explain his action. The final disposition of such appeal shall be in the form of a resolution, either reversing, modifying or affirming, wholly or partly, the decision of the determination appealed from. In order to find for the appellant, four members of the board must concur. In order to overturn a previous decision of the board, five members of the board must concur.

(Ord. No. 2070, 10-24-11)

**Sec. 22-318. Hearings.**

The housing board of appeals shall fix a reasonable time for the hearing of the appeal and give due notice thereof to interested parties and decide the same within a reasonable time. Within the limits of its jurisdiction, the board of appeals may reverse or affirm, in whole or in part, or may make such order, requirement, decision or determination as in its opinion ought to be made in the premises, and to that end shall have all the power of the building official from whom such appeal is taken.

(Ord. No. 2070, 10-24-11)

**Sec. 22-319. Decisions.**

The decision of the housing board of appeals shall be final unless an appeal therefrom to Oakland County Circuit Court is taken within 20 days from the date of the board's decision.

(Ord. No. 2070, 10-24-11)

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**Sec. 22-320. Notices.**

The housing board of appeals may prescribe such notice to any interested person and the neighbors surrounding the structure or premises in connection with which the appeal is taken, as shall be deemed reasonable by the board.

(Ord. No. 2070, 10-24-11)

**Secs. 22-321—22-330. Reserved.**





**NOTICE OF INTENTION TO APPOINT TO  
PUBLIC ARTS BOARD**

At the regular meeting of Monday, April 15, 2024, the Birmingham City Commission intends to appoint one alternate member to the Public Arts Board to serve the remainder of a three-year term to expire January 28, 2025.

In so far as possible, the members shall represent a major cultural institution, be 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. Applications must be submitted to the city clerk's office on or before noon on Wednesday, April 10, 2024. 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.

Applicant(s) Presented For City Commission Consideration:

<b>Applicant Name</b>	<b>Criteria/Qualifications</b>
Kristin Lewis	Long term resident and recently retired art teacher with a B.S. and M.Ed. Art Education.

**SUGGESTED ACTION:**

To appoint \_\_\_\_\_ as an alternate member to the Public Arts Board to serve the remainder of a three-year term to expire January 28, 2025.

**ClerksOffice- APPLICATION FOR CITY BOARD OR COMMITTEE [#2]**

1 message

'Wufoo' via Clerks Office <ClerksOffice@bhamgov.org>

Sat, Apr 6, 2024 at 10:37 AM

Reply-To: no-reply@wufoo.com

To: clerksOffice@bhamgov.org

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

I was recently able to retire early from a 29-year career as an art educator. During my teaching tenure, I served on many school improvement committees and Fine Arts department committees which aimed to promote programs that best benefited students. I earned both a B.S. and a M.Ed. in Art Education and have broad knowledge of art as a subject of study and methods and materials in art making processes. I have been a resident of Birmingham for 16 years and have two teenage children who attend BPS. I have a deep appreciation for the beauty of Birmingham including all the great public art sculptures that enhance the city. I feel I have a qualifying perspective as an art educator and that I could contribute to my community by serving on the Public Arts board.

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<b>List your related educational experience</b>	M.Ed. in Art Education 2002 Wayne State University
	B.S. in Art Education 1994 Wayne State University

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<b>To the best of your knowledge, do you or a member of your immediate family have any direct financial or business relationships with any supplier, service provider or contractor of the City of Birmingham from which you or they derive direct compensation or financial benefit? If yes, please explain.</b>	No
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<b>Do you currently have a relative serving on the board/committee to which you have applied?</b>	no
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<b>Are you an elector (registered voter) in the City of Birmingham?</b>	yes
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# PUBLIC ARTS BOARD

City Code - Chapter 78, Article V

Terms - 3 years

7 regular members - At least 4 members shall be residents of the City of Birmingham. The remaining members may or may not be residents of Birmingham. 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.

2 alternate members - must meet one of the already established criteria for regular members

Objectives -

- 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;
- 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.

Last Name	First Name	Home Business E-Mail	Appointed	Term Expires
<b>Andi</b> 1819 Washington Blvd Birmingham	<b>Harris</b> 48009	(248)765-3202 <i>andi.celeste.harris@gmail.com</i>	3/27/2023 Regular member	1/28/2026
<b>Carey</b> 937 Smith Ave Birmingham	<b>Elaine</b> 48009	(718) 490-9837 <i>ekcarey@gmail.com</i>	10/16/2023 Alternate member	1/28/2026
<b>Eddleston</b> 892 Purdy Birmingham	<b>Jason</b> 48009	(248) 703-3808 <i>jason28e@yahoo.com</i>	12/5/2016 Regular member	1/28/2025
<b>Graham</b> 884 Knox Birmingham	<b>Pam</b> 48009	(248) 408-6277 <i>pamcracker@gmail.com</i>	2/27/2023 Regular member	1/28/2026

Last Name Home Address	First Name	Home Business E-Mail	Appointed	Term Expires
<b>Heller</b> 176 Linden Birmingham	<b>Barbara</b> 48009	(248) 540-1310 (313) 833-7834 <i>bheller@dia.org</i>	1/28/2002 Regular member	1/28/2027
<b>Hosseini</b> 540 Landon St Birmingham	<b>Shabnam</b> 48009	(857) 272-8680 <i>shosseini.hello@gmail.com</i>	2/12/2024 Regular Member	1/28/2027
<b>Ritchie</b> 1455 South Eton Birmingham	<b>Anne</b> 48009	(248) 635-1765 <i>anneritchie7@yahoo.com</i>	9/12/2016 Regular member	1/28/2025
<b>Vacant</b>				1/28/2025 Alternate member
<b>VanGeldereren</b> 3795 Loch Bend Commerce Twp.	<b>Annie</b> 48382	(248) 408-6132 <i>annievangeldereren@bbartcenter.org</i>	1/13/2020 Artist/major cultural institution	1/28/2026
<b>Weinberg</b>	<b>Alexa</b>		2/12/2024 Student representative	12/31/2024

ARTICLE V. - PUBLIC ARTS BOARD

*Footnotes:*

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**Editor's note**— *Ord. No. 1773, adopted December 17, 2001, enacted provisions intended for use as §§ 78-100—78-112. To preserve the style of this Code, and at the discretion of the editor, said provisions have been redesignated as §§ 78-101—78-113.*

Sec. 78-101. - Definitions.

*Art, civic* means visual art pertaining to a person, place or event relating to or belonging to a city or municipality.

*Art, public* means one or more pieces of civic, visual or performance art designed specifically for ownership by the public or display on property owned by the public.

*Art, visual* means the conscious production or arrangement of colors, forms or other elements in a manner that affects the human senses in a graphic or plastic medium.

*Competition* means a process established by the public arts board to review specific art work(s) for a specific site, for the purposes of making a recommendation to the public arts board.

*Jury* means an ad hoc committee or individual appointed by the public arts board to review specific art work(s) for the purposes of making a recommendation to the public arts board.

*Performance art* means works of art that create a situation and are conducted for a duration determined by the artist and/or spectator.

*Rules of procedure* means a written description of the board's mission statement, objectives, organization of meetings, membership, terms of service, procedure for the election of officers, and procedures for the review of public art work.

(Ord. No. 1773, 12-17-01)

Sec. 78-102. - Created.

There is hereby created a public arts board for the city. The public arts board is a locally organized board and is not established by any enabling legislation of the state.

(Ord. No. 1773, 12-17-01)

Sec. 78-103. - Composition and terms of members.

The public arts board shall be appointed by the city commission and consists of the city manager and his/her designated representative(s) as nonvoting ex-officio members and seven voting members.

At least four members of the public arts board shall be residents of the city. The remaining members and ex-officio members may or may not be residents of the city.

In so far as possible, the members shall represent a major cultural institution such as Cranbrook Academy and/or the Detroit Institute of Arts, the Birmingham/Bloomfield Arts Council (BBAC), a registered architect of the state, an artist, an art historian and an art consultant. Members of the public arts board may also be members of the design review board, the historic district commission, the parks and recreation board, or the planning board.

The initial members of the public arts board shall be appointed for the following terms: Two for one year, two for two years and three for three years. Thereafter, all such appointments, except to fill vacancies, shall be for a term of three years.

The city commission may appoint two alternate members to serve as needed on the public arts board during their term of appointment. An alternate member may be called on a rotating basis to sit as a regular member of the public arts board in the absence of a regular member. An alternate member may also be called to service in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. An alternate member having been appointed shall serve in the case until a final decision has been made. An alternate member shall have the same voting rights as a regular member of the public arts board.

(Ord. No. 1773, 12-17-01; Ord. No. 1884, 7-24-06; Ord. No. 2234, 5-22-17)

#### Sec. 78-104. - Vacancies.

All appointments for the purpose of filling vacancies occurring otherwise than by expiration of term of office, shall be for the remainder of the term of office.

(Ord. No. 1773, 12-17-01)

#### Sec. 78-105. - Compensation.

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

(Ord. No. 1773, 12-17-01)

#### Sec. 78-106. - Removal.

Members of the public arts board may, after a public hearing, may be removed without cause by a majority vote of the city commission.

(Ord. No. 1773, 12-17-01)

Sec. 78-107. - Organization and election of officers.

The public arts board shall, from its appointed members, annually elect a chairperson and vice-chairperson whose terms of office shall be fixed by the rules of procedure of the public arts board. The chairperson shall preside over the public arts board and shall have the right to vote. The vice-chairperson shall, in absence, or disability of the chairperson perform the duties of the chairperson and shall have the right to vote. The city manager or his or her authorized representative shall act as secretary of the public arts board, and maintain a record of all of its proceedings.

The public arts board shall, at its first meeting establish the rules of procedure for conducting its business.

(Ord. No. 1773, 12-17-01)

Sec. 78-108. - Meetings and quorum.

The public arts board shall set a time and place for a regular meeting which will be held at least four times annually and shall determine the manner in which special meetings may noticed and held.

All meetings of the public arts board shall be open to the public. Any person or his duly constituted representative shall be entitled to appear and be heard on any matter applicable to the business at hand before the public arts board makes its recommendation to the city commission.

At least four members of the public arts board shall constitute a quorum for the transaction of its business.

The proceedings of each meeting of the public arts board, shall be recorded by the city manager or his or her authorized representative, acting as secretary.

(Ord. No. 1773, 12-17-01)

Sec. 78-109. - Assistance.

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

(Ord. No. 1773, 12-17-01)



### Sec. 78-110. - Objectives.

To enrich the city's civic and cultural heritage, the public arts board is established to provide a level of expertise and objectivity to recommend to the city commission works of art to become the property of or for display upon property owned by the city.

To promote a rich, diverse, and stimulating cultural environment in order to enrich the lives of the city's residents, business owners, employees and visitors and to enhance the city's image both nationally and internationally.

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.

(Ord. No. 1773, 12-17-01)

### Sec. 78-111. - Duties.

The public arts board shall establish rules of procedure to describe the board's mission statement, objectives, organization of meetings, membership, terms of service, procedure for the election of officers, and procedures for the review of public art work. See section 78-106.

With the exception of art works to be placed in museums or art galleries, the public arts board shall have the responsibility to review all works of art to become the property of or placed upon property owned by the city. See section 78-109.

The public arts board shall have the responsibility to review publicly owned property for the purposes of consideration for the display of public art. The public arts board shall recommend to the city commission the establishment of general guidelines for site selection, maintenance program(s) for ensuring the structural integrity and aesthetic quality of the site and any work of art, including the removal of any work of art.

The public arts board shall have the responsibility to pursue sources of public funding for arts and cultural education, design competitions, special events etc., that may be necessary to advance the objectives of the public arts board. See section 78-109. In fulfilling such duties, the public arts board may seek assistance from city staff, and others for the completion of applications for grants, scholarships and other sources of public funding, including the administration of such funds. See section 78-108. The city may also accept private donations and gifts to advance the goals, objectives and duties of the public arts board. The city manager shall be responsible for the administration of any funds, account or endowments created to accept such gifts or donations and to administer any honorariums or other expenses incurred for the activities of the public arts board including but not limited to juries and design competitions.

It shall also be the responsibility of the public arts board to increase public awareness and promote education of the importance of public art as an enrichment of the quality of life for the residents, business owners, employees and visitors to the city.

The public arts board shall prepare an annual report of its activities, accomplishments and a description of how the public arts board has attempted to achieve its objectives. See section 78-109. This report shall be presented to the city commission.

(Ord. No. 1773, 12-17-01)

#### Sec. 78-112. - Review of public art.

The public arts board, within its rules of procedure, as set forth in section 78-106, shall establish its vision statement and processes for the review of public art works. The public arts board may also appoint a jury or hold design competitions for the selection and review of public art works. See section 78-108.

The public arts board shall make a recommendation regarding the proposed public art work to the city commission. However, a positive recommendation shall not be required to advance the proposed artwork for review by the city commission.

In the event that a display and/or installation of civic, public or visual art is proposed on a site that is within the jurisdiction of another board of this city, it shall be reviewed by and reported on by such board before it is presented to the city commission.

(Ord. No. 1773, 12-17-01)

#### Sec. 78-113. - Scope of authority.

The public arts board may select and appoint a jury or hold a competition for the review of any public art project as provided for in sections 78-106 and 78-111. The jury or competition held for any public art project shall serve the public arts board as an ad hoc committee for the duration of the project only.

The public arts board is a non-administrative board serving to make recommendations to the city commission but may not assume any legislative or administrative authority in the operation of any city department or publicly owned property, except as specifically provided in this article.

(Ord. No. 1773, 12-17-01)

**City of Birmingham**  
**Warrant List Dated 04/11/2024**

Meeting of 04/15/2024

Check Number	Early Release	Vendor #	Vendor	Amount
<u>PAPER CHECK</u>				
297321		BDREFUND	4 WAY CEMENT	100.00
297322	*	006965	7UP DETROIT	183.20
297323		BDREFUND	Advance Title Agency LLC	906.59
297324	*	007266	AETNA BEHAVIORAL HEALTH LLC	579.09
297325		009813	ALMA TIRE SERVICE INC	2,381.88
297326	*	009393	AMANDA MCBRIDE	360.00
297327		BDREFUND	AMERICAN STANDARD ROOFING	100.00
297328		MISC	ANNA RABINOWITZ	54.94
297329		009202	AQUARIUM DESIGN INC	240.00
297330		000500	ARTECH PRINTING INC	2,206.00
297331		BDREFUND	BABI CONSTRUCTION INC	1,400.00
297332		009609	BALIAN LEGAL, PLC	2,568.00
297333		009568	BEDROCK EXPRESS LTD	1,296.99
297334		009535	BIRMINGHAM PAPERS	624.00
297335		BDREFUND	BOJI GROUP	1,000.00
297336		003526	BOUND TREE MEDICAL, LLC	3,696.46
297337		BDREFUND	BOYLE, ROBERT M	100.00
297338		BDREFUND	BRICKWORKS PROPERTY RESTORATION	300.00
297339		000433	BRODART COMPANY	137.23
297340		BDREFUND	C & S CONSTRUCTION	100.00
297341		008959	CASS COLLISION CLAWSON, INC	100.00
297342		BDREFUND	CEDAR WORKS INC	200.00
297343		000902	CENGAGE LEARNING INC	39.98
297344		009167	COL'S FAMILY RESTAURANT	101.75
297345	*	000619	THE COMMUNITY HOUSE	150.00
297346		008512	COOL THREADS EMBROIDERY	511.96
297347		BDREFUND	COPPER BAYS FLASHING GUTTERS & MORE	100.00
297348		009656	CORBIN DESIGN, INC	1,850.00
297349		BDREFUND	CRAIGIE, LESLIE ANN	100.00
297350	*	009145	CREATIVE COLLABORATIONS	3,800.00
297351	*	009815	CULLIGAN OF ANN ARBOR/DETROIT	69.39
297352		006104	DAPHNE'S HEADCOVERS	807.38
297353		009309	DEALER AUTO PARTS	240.87
297354		000575	DEMCO, INC	102.99
297355		009130	DOG WASTE DEPOT	1,175.64
297356	*	MISC	DOMINIC LANE	17.50
297357		BDREFUND	DONS ELECTRICAL SERVICE INC	130.00
297358	*	000179	DTE ENERGY	59.77
297359	*	000179	DTE ENERGY	19.77
297360	*	000179	DTE ENERGY	63.70
297361	*	000179	DTE ENERGY	204.56
297362	*	000179	DTE ENERGY	81.54

**City of Birmingham**  
**Warrant List Dated 04/11/2024**

Meeting of 04/15/2024

Check Number	Early Release	Vendor #	Vendor	Amount
297363	*	000179	DTE ENERGY	188.07
297364	*	000179	DTE ENERGY	2,596.91
297365	*	000179	DTE ENERGY	92.78
297366	*	000179	DTE ENERGY	2,229.34
297367	*	000179	DTE ENERGY	137.97
297368		000975	DUKE'S ROOT CONTROL INC.	125,085.30
297369		MISC	EASTERN MICHIGAN UNIVERSITY	100.00
297370		000493	ED RINKE CHEVROLET BUICK GMC	384.77
297371		008139	ENVISIONWARE INC.	723.68
297372		BDREFUND	ESSCO DEVELOPMENT	200.00
297373		BDREFUND	EVER-DRY OF SOUTHEASTERN MI	200.00
297374		BDREFUND	FATHI, AL	900.00
297375	*	004514	FEDEX OFFICE	14.45
297376	*	009387	FRAIBERG & PERNIE PLLC	720.00
297377	*	009802	GIULIA PINCETTI	127.50
297378		BDREFUND	GOOD OL BOYS CUSTOM CARPENTRY LLC	200.00
297379	*	004604	GORDON FOOD	656.88
297380	*	001377	HAGOPIAN CLEANING SERVICES	2,268.00
297381		001447	HALT FIRE INC	146.81
297382		BDREFUND	HAMILL, THOMAS	1,000.00
297383	*	001956	HOME DEPOT CREDIT SERVICES	122.84
297384		BDREFUND	HOME DEPOT USA INC	500.00
297385	*	009563	HOWIES HOCKEY INC	56.34
297386		BDREFUND	HRH CONSTRUCTION LLC	2,000.00
297387		000948	HYDROCORP	1,381.00
297388		001090	INGRAM LIBRARY SERVICES	13,567.75
297391		000342	INTERSTATE BATTERIES OF SE MICH	655.38
297392	*	009401	IRENE S WASSEL	720.00
297393	*	009843	JAMES ABUD	200.00
297394		BDREFUND	JODIE EICKHOFF	50.00
297395		MISC	JOSHUA PARKS	20.34
297396	*	009403	JUSTIN ZAYID	1,440.00
297397		BDREFUND	LAG Birmingham, LLC	200.00
297398		006043	LANDSCAPE STRUCTURES INC	459.93
297399	*	009386	LAW OFFICE OF BRIAN P. FENECH	1,800.00
297400	*	009388	LAW OFFICE OF PATRICK G. GAGNIUK	432.00
297401		006817	LEXISNEXIS RISK DATA MANAGEMENT INC	100.00
297402		000797	THE LIBRARY NETWORK	1,844.77
297403	*	009422	ALEX LINKE	71.38
297404		009375	LITHIA MOTORS, INC SUPPORT SERVICES	330.61
297405		BLREFUND	MARE MEDITERRANEAN	1,296.00
297406		009847	MARY VAN HAAREN	625.00
297407		BDREFUND	Massage Rain LLC	100.00

**City of Birmingham**  
**Warrant List Dated 04/11/2024**

Meeting of 04/15/2024

Check Number	Early Release	Vendor #	Vendor	Amount
297408		008793	FASTFIELD, INC.	83.95
297409		009351	MERRITT CIESLAK DESIGN PLC	1,000.00
297410		008207	METAL MART U.S.A.	973.84
297411		BDREFUND	MICHIGAN ASPHALT PAVING	100.00
297412	*	009717	MICHIGAN GOLF COURSE SUPERINTENDENT	150.00
297413	*	002459	MICHIGAN PARKING ASSOCIATION	250.00
297414	*	006461	MID AMERICA RINK SERVICES	1,314.19
297415		009630	MIDWAY CLEANING CO, LLC	800.00
297416		001950	MILLER CANFIELD PADDOCK AND	245.00
297417	*	MISC	MOTOR CITY RAW	27.00
297418	*	004827	NICK'S MAINTENANCE SERVICE	10,700.00
297419		BDREFUND	NORTHERN SIGN CO INC	200.00
297420		MISC	NORTHFIELD TOWNSHIP AREA LIBRARY	38.00
297421		002853	OAKLAND COMMUNITY COLLEGE	775.00
297422	*	009478	ODP BUSINESS SOLUTIONS, LLC	128.04
297423		BDREFUND	PADRAIC BALLO	100.00
297424	*	009827	PARKER TECHNOLOGY, LLC	3,488.12
297425		BDREFUND	PELLERITO & SONS CONSTRUCTION	200.00
297426	*	008323	JOHN PETERS	200.00
297427	*	002518	PITNEY BOWES INC	879.76
297428		BDREFUND	PREMIER BUILDER INC	100.00
297429	*	009394	RABAA & NACHAWATI PLLC	360.00
297430	*	009394	RABAA & NACHAWATI PLLC	600.00
297431	*	008342	RAIN MASTER CONTROL SYSTEMS	38.85
297432	*	001314	REDFORD TWP UNICYCLE CLUB INC	400.00
297433		008852	REDGUARD FIRE & SECURITY INC	300.00
297434		002675	RESERVE ACCOUNT	5,000.00
297435		BDREFUND	ROMA CEMENT CO INC	100.00
297436		BDREFUND	SAKER, JOSEPH G	100.00
297437	*	002806	SAM'S CLUB/SYNCHRONY BANK	490.13
297438		BDREFUND	SCHULER, STEN	100.00
297439	*	009601	SCNS INC	142.56
297440		BDREFUND	SEYA MURRAY	100.00
297441		BDREFUND	SMOLYANOV HOME IMPROVMENT	100.00
297442	*	000260	SPARTAN DISTRIBUTORS INC	738.20
297443		MISC	ST. CLAIR COUNTY LIBRARY	17.89
297444	*	006895	STATE OF MICHIGAN	2,505.00
297445		007408	T-MOBILE	644.80
297446	*	000272	TENNANT SALES & SVC CO	2,075.80
297447	*	009850	THE TOLEDO TICKET CO.	1,265.34
297448		BDREFUND	THOMAS SEBOLD & ASSOCIATES, IN	500.00
297449		BDREFUND	TIEN HOANG	100.00
297450		BDREFUND	TODAY'S CONSTRUCTION	300.00

**City of Birmingham**  
**Warrant List Dated 04/11/2024**

Meeting of 04/15/2024

Check Number	Early Release	Vendor #	Vendor	Amount
297451	*	009552	TRAFFIC & SAFETY CONTROL SYSTEMS	60.00
297452		BDREFUND	TRIAN CONSTRUCTION	200.00
297453	*	004379	TURNER SANITATION, INC	225.00
297454		008632	TURNOUT MANAGEMENT	305.00
297455		008632	TURNOUT MANAGEMENT	277.00
297456		005631	ULTIMATE REEL GRINDING LLC	3,330.00
297457	*	001279	US FIGURE SKATING ASSOC.	87.50
297458	*	004580	V.I.L. CONSTRUCTION, INC.	155,510.67
297459	*	000293	VAN DYKE GAS CO.	123.30
297460	*	000158	VERIZON WIRELESS	133.27
297461	*	000158	VERIZON WIRELESS	49.19
297462	*	000158	VERIZON WIRELESS	330.11
297463	*	000158	VERIZON WIRELESS	76.02
297464	*	009806	VFP FIRE SYSTEMS	450.00
297465		BDREFUND	WALLSIDE INC	1,000.00
297466		005112	WOLVERINE	433.56
297467		004512	WOLVERINE POWER SYSTEMS	835.00
297468		BDREFUND	WYNNE, MICHAEL R	100.00
297469	*	TAXMISC	ZACHARY SKLAR	6,932.76
297470	*	008438	JORDAN ZALE	64.31
SUBTOTAL PAPER CHECK				\$402,461.14

ACH TRANSACTION

10404	*	001357	ART/DESIGN GROUP LTD	520.00
10405	*	008009	TREVOR BAKER	164.30
10406	*	009383	BATTI LAW PLLC	360.00
10407	*	000517	BEIER HOWLETT P.C.	264.00
10408	*	007345	BEVERLY HILLS ACE	19.39
10409		008840	BIRMINGHAM PUBLIC SCHOOLS-TAXES	31,989.91
10410	*	000542	BLUE WATER INDUSTRIAL PRODUCTS INC	118.50
10411	*	009540	CIVICPLUS, LLC	350.00
10412	*	008044	CLUB PROPHET	554.00
10413		001367	CONTRACTORS CONNECTION INC	2,530.80
10414	*	007359	DETROIT CHEMICAL & PAPER SUPPLY	289.60
10415	*	000565	DORNBOS SIGN & SAFETY INC	136.20
10416	*	001077	DUNCAN PARKING TECH INC	7,642.35
10417		000196	EJ USA, INC.	1,030.98
10418		009697	FLOCK GROUP INC	350.00
10419	*	000243	GRAINGER	320.12
10420	*	009824	H&H POWDERCOATING	2,700.00
10421	*	001672	HAYES PRECISION INC	125.00
10422	*	009382	HB LAW, PLLC	720.00
10423		000331	HUBBELL ROTH & CLARK INC	19,025.00
10424	*	009303	TREVOR WEAVER	137.80

**City of Birmingham**  
**Warrant List Dated 04/11/2024**

Meeting of 04/15/2024

Check Number	Early Release	Vendor #	Vendor	Amount
10425	*	009390	IDUMESARO LAW FIRM, PLLC	720.00
10426	*	009249	JCC CREATIVE LLC	250.00
10427	*	009559	JENETTE MAITZ	2,439.50
10428	*	003458	JOE'S AUTO PARTS, INC.	274.69
10429	*	007827	HAILEY R KASPER	966.00
10430	*	009385	LAW OFFICE OF MICHAEL J. DICK	468.00
10431	*	009398	MARCIA C ROSS PC	720.00
10432		002013	MIDWEST TAPE	887.91
10433	*	009242	MILES PARTNERSHIP LLLP	1,430.00
10434	*	005634	GINA MOODY	78.84
10435	*	009276	NEWTONS SOLUTIONS LLC	400.00
10436	*	007856	NEXT	31,658.00
10437		008843	OAKLAND COUNTY TREASURER- TAX PYMNT	33,141.73
10438	*	009395	ORLANDO LAW PRACTICE PC	1,188.00
10439	*	002767	OSCAR W. LARSON CO.	239.00
10440	*	001181	ROSE PEST SOLUTIONS	50.00
10441		000254	SOCRRA	86,202.00
10442	*	001097	SOCWA	141,303.23
10443	*	009625	STANTEC CONSULTING SERVICES	8,030.64
10444		000273	TERMINAL SUPPLY CO.	370.00
10445	*	005806	ULINE	125.86
10446	*	009379	YELLOW DOOR LAW	7,248.00
SUBTOTAL ACH TRANSACTION				\$387,539.35
GRAND TOTAL				\$790,000.49

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.



**Resolution In Support of Statutory Revenue Sharing Reform  
State of Michigan House Bills 4274 and 4275**

- WHEREAS,** The City of Birmingham, along with other local governments in Michigan, relies on annual State of Michigan revenue sharing payments to provide services to residents; and
- WHEREAS,** State of Michigan revenue sharing accounts for approximately five percent of the City of Birmingham's general fund revenue; and
- WHEREAS,** State revenue sharing in Michigan is divided into two types: constitutional and statutory, with the latter being subject to legislative appropriations; and
- WHEREAS,** Through the State of Michigan's annual appropriations process, actual statutory revenue-sharing payments to cities, villages, townships and counties have been below full funding each year since 2001; and
- WHEREAS,** In 2023, the City of Birmingham received approximately \$500,000.00 dollars less in statutory revenue sharing payments than it did in 2003; and
- WHEREAS,** Projections calculated and provided by the Michigan Municipal League indicated that the reduction in statutory sharing is a cumulative total of approximately \$15 million dollars over the past twenty years in lost revenue; and
- WHEREAS,** House Bills 4274 and 4275 would amend the Michigan Trust Fund Act and the General Sales Tax Act, respectively, to establish a "Revenue Sharing Trust Fund" that would distribute money from sales tax revenue to local units of government; and
- WHEREAS,** HB 4274 and HB 4275 would create a stable and predictable revenue source by dedicating a portion of the sales tax revenue for annual statutory revenue sharing payments dedicated for cities, villages, townships and counties.

**NOW THEREFORE,** be it resolved with this official resolution, that Mayor McClain and the City Commission of Birmingham hereby ask the Governor of the State of Michigan, the Michigan State Legislature and other State of Michigan officials to support the adoption of House Bills 4274 and 4275.

On behalf of the City Commission on this 15<sup>th</sup> day of April,  
2024,

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Elaine McLain, Mayor





## MEMORANDUM

Engineering Department

**DATE:** April 10, 2024

**TO:** Jana L. Ecker, City Manager

**FROM:** Melissa A. Coatta, City Engineer

**SUBJECT:** Pierce Alley and West Maple Alley Project, Contract #8-24(P)  
Set Public Hearing Dates for Notice of Necessity and Confirmation of Roll for Paving  
Special Assessment District (SAD)

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### INTRODUCTION:

Pierce Alley, from Merrill Street to Pierce Street, and West Maple Alley, from Henrietta Street to Pierce Street, will be repaved this construction season. While minor maintenance and pavement patching for alleys is paid for by the General Fund, major capital improvements have historically been subject to a 100% special assessment.

### BACKGROUND:

The City will be repaving Pierce Alley, from Merrill Street to Pierce Street, and West Maple Alley, from Henrietta Street to Pierce Street. As in previous alley projects, major capital improvements for pavement in the alleys have been subject to a 100% special assessment. This project will include the concrete pavement, dumpster screening, and replacement of the old street light fixtures with the current City standard light fixture.

### LEGAL REVIEW:

Chapter 94 – Special Assessments of the Birmingham City Code outlines the process by which a special assessment is conducted in the City of Birmingham. This project will follow the prescribed City Code procedures.

### FISCAL IMPACT:

Revenue generated from the Pavement SAD for Pierce Alley and West Maple Alley will cover the construction costs incurred by the City for the construction of these improvements.

### SUSTAINABILITY:

N/A

**PUBLIC COMMUNICATIONS:**

Notice of the Hearing of Necessity and Confirmation of Roll is to be distributed by the Clerk's Office. The Engineering Department will hold a property owner meeting on Tuesday, April 23, 2024, from 5:30 pm to 7:00 pm to explain the associated work, assessment cost, and answer questions.

**SUMMARY:**

The Engineering Department recommends that a Public Hearing of Necessity to form a Special Assessment District for the installation of new pavement as part of the Pierce Alley and West Maple Alley Project be scheduled at the regularly scheduled City Commission meeting on May 6, 2024, followed by a Public Hearing for Confirmation of the Roll on May 20, 2024.

**ATTACHMENTS:**

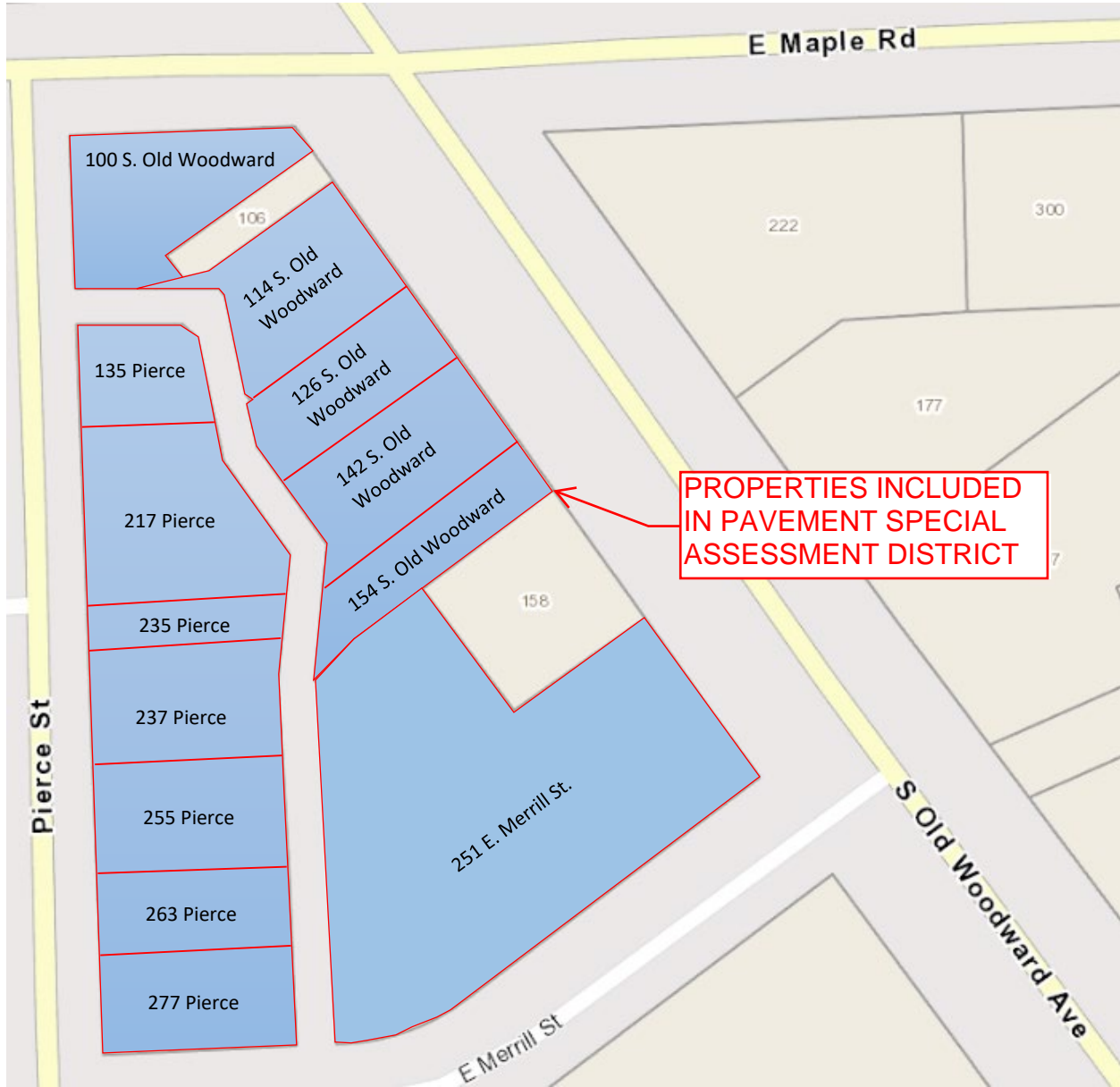
- Map of Proposed Special Assessment District for Pavement (2 pages).

**SUGGESTED COMMISSION ACTION:**

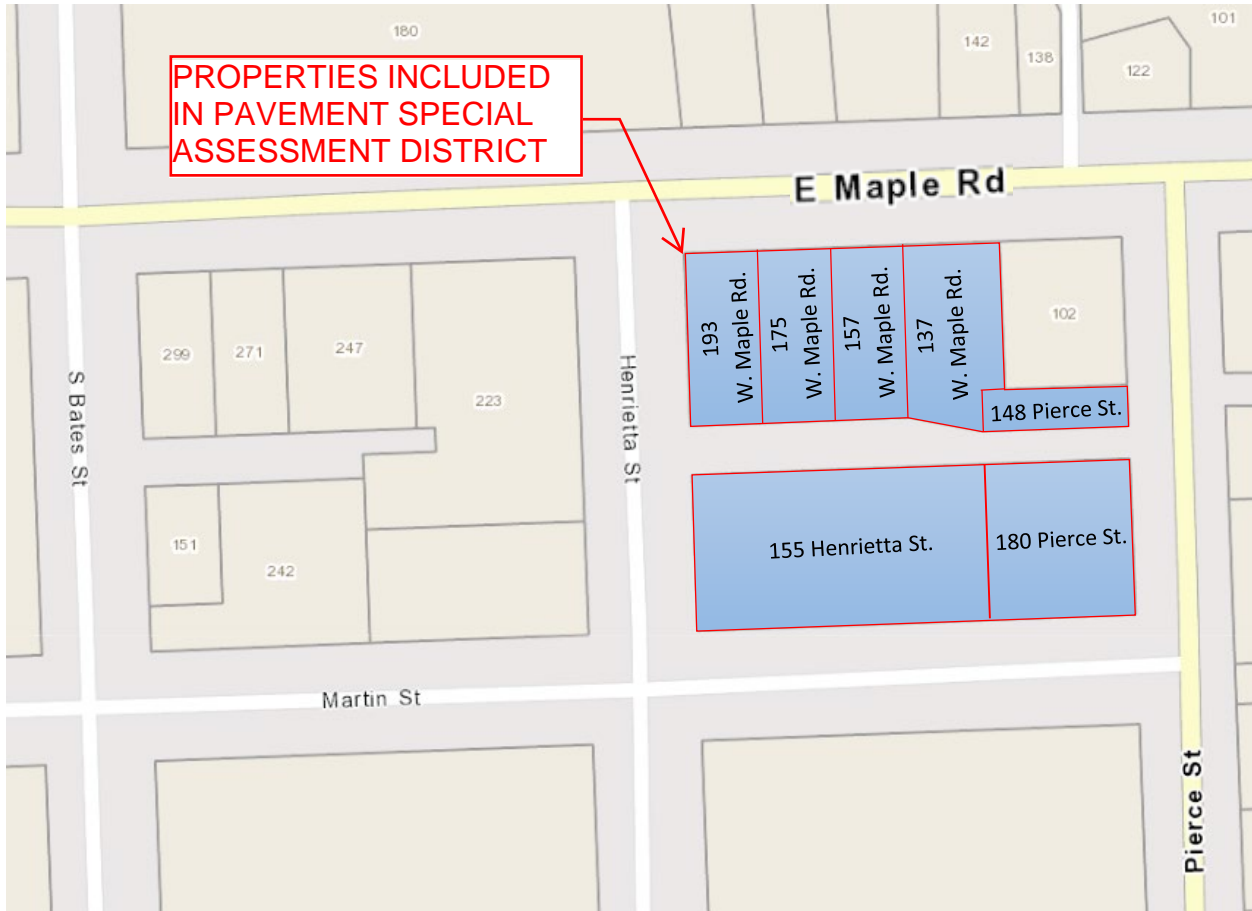
Make a motion adopting a resolution to set the Public Hearing of Necessity of installing new pavement meeting the requirements for assessment, for all properties within the project area on Pierce Alley, from Merrill Street to Pierce Street, and West Maple Alley, from Henrietta Street to Pierce Street on Monday, May 6, 2024 at 7:30 P.M.; and

If necessity is determined on May 6, 2024, to meet on Monday, May 20, 2024, at 7:30 P.M., for the purpose of conducting the Public Hearing to Confirm the Assessment Roll for the new pavement installation meeting the requirements for assessment, for all properties within the project area on Pierce Alley, from Merrill Street to Pierce Street, and West Maple Alley, from Henrietta Street to Pierce Street.

# **PIERCE ALLEY PROJECT AREA**



# WEST MAPLE ALLEY PROJECT AREA





## **MEMORANDUM**

Engineering Department

**DATE:** April 10, 2024

**TO:** Jana L. Ecker, City Manager

**FROM:** Melissa A. Coatta, City Engineer

**SUBJECT:** 2023-2024 Cape Seal Program, Contract #5-24(P)  
Set Public Hearing Dates for Notice of Necessity and Confirmation of Roll for Paving  
Special Assessment District (SAD)

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### **INTRODUCTION:**

The Engineering Department is currently working on the 2023-2024 Cape Seal Program on ten (10) streets in the City. The existing unimproved road surface will be restored with a new cape-seal treatment as part of the unimproved street maintenance program.

### **BACKGROUND:**

The streets in the project area are located between Woodward Avenue and Adams Road and north of Lincoln, and the southwest corner of the City between Norfolk, Southfield Road, and Saxon Drive. These streets were rated in poor condition in the 2023 PASER (Pavement Surface Evaluation and Rating). The City policy has been to defray the costs of cape-seal treatments on unimproved streets by creating a Special Assessment District (SAD) consisting of the properties that benefit from this treatment.

### **LEGAL REVIEW:**

Chapter 94 – Special Assessments of the Birmingham City Code outlines the process by which a special assessment is conducted in the City of Birmingham. This project will follow the prescribed City Code procedures.

### **FISCAL IMPACT:**

Revenue generated from the Pavement SAD for the 2023-2024 Cape Seal Program will defray costs incurred by the City for the construction of these improvements.

### **SUSTAINABILITY:**

N/A

**PUBLIC COMMUNICATIONS:**

Notice of the Hearing of Necessity and Confirmation of Roll is to be distributed by the Clerk's Office. The Engineering Department will hold a property owner meeting on Wednesday, April 24, 2024, from 5:30 pm to 7:00 pm to explain the associated work, assessment cost, and answer questions.

**SUMMARY:**

The Engineering Department recommends that a Public Hearing of Necessity to form a Special Assessment District for the installation of new pavement as part of the 2023-2024 Cape Seal Program be scheduled at the regularly scheduled City Commission meeting on May 6, 2024, followed by a Public Hearing for Confirmation of the Roll on May 20, 2024.

**ATTACHMENTS:**

- Map of Proposed Special Assessment District for Cape Seal Treatment (7 pages).

**SUGGESTED COMMISSION ACTION:**

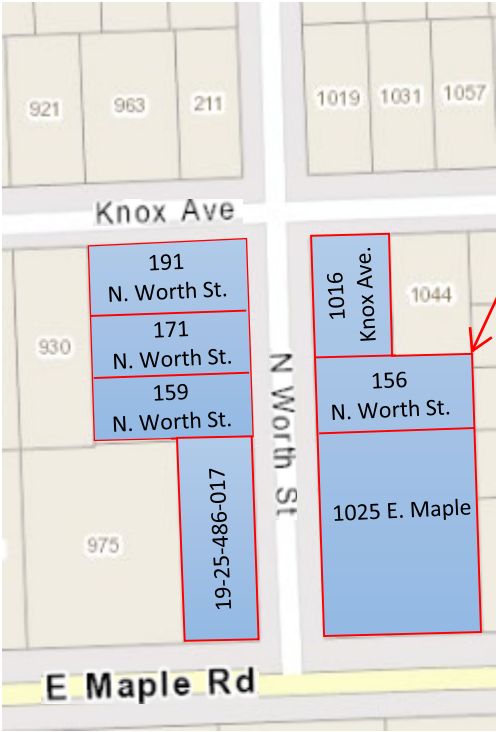
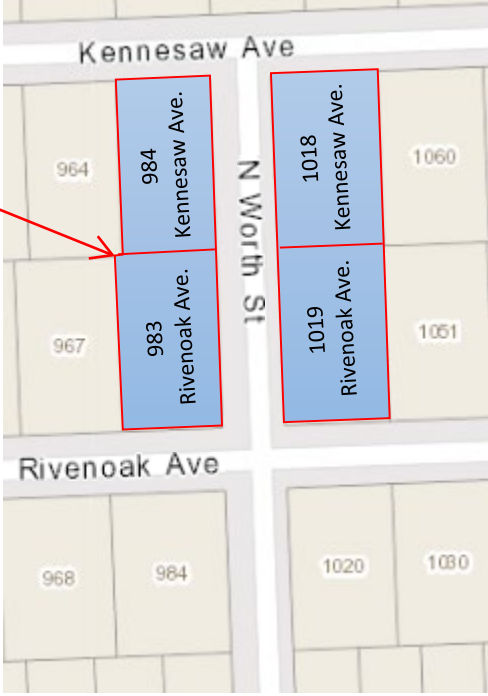
Make a motion adopting a resolution to set the Public Hearing of Necessity for the road surface cape seal treatment meeting the requirements for assessment, for all properties within the project area on N. Worth Street from Rivenoak to Kennesaw and Knox to Maple, Rosedale Avenue from Oakland to Rivenoak, Oakdale Avenue from Oakland to Ridgedale, Oxford Drive from Madison to Rivenoak, Lawndale Avenue from Madison to Oakland, Chestnut Street from Elm to Adams, Hazel Avenue from Elm to Adams, Worthington Avenue from Southfield to Latham, Wakefield Drive from Southfield to Latham and Latham to Norfolk, and Southlawn Drive from Southfield to Latham on Monday, May 6, 2024, at 7:30 P.M.; and

If necessity is determined on May 6, 2024, to meet on Monday, May 20, 2024, at 7:30 P.M., for the purpose of conducting the Public Hearing to Confirm the Assessment Roll for the new pavement installation meeting the requirements for assessment, for all properties within the project area on N. Worth Street from Rivenoak to Kennesaw and Knox to Maple, Rosedale Avenue from Oakland to Rivenoak, Oakdale Avenue from Oakland to Ridgedale, Oxford Drive from Madison to Rivenoak, Lawndale Avenue from Madison to Oakland, Chestnut Street from Elm to Adams, Hazel Avenue from Elm to Adams, Worthington Avenue from Southfield to Latham, Wakefield Drive from Southfield to Latham and Latham to Norfolk, and Southlawn Drive from Southfield to Latham.

# CAPE SEAL PROJECT AREA

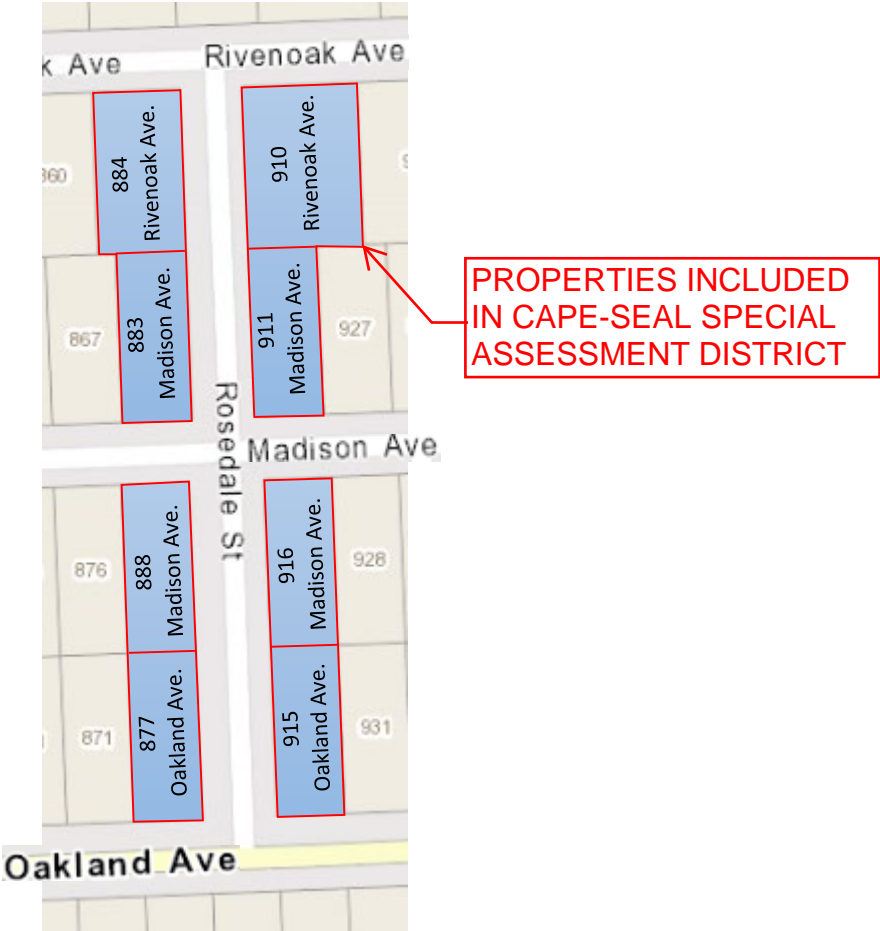
## 1. North Worth St.: Rivenoak to Kennesaw and Knox to Maple

PROPERTIES INCLUDED IN CAPE-SEAL SPECIAL ASSESSMENT DISTRICT



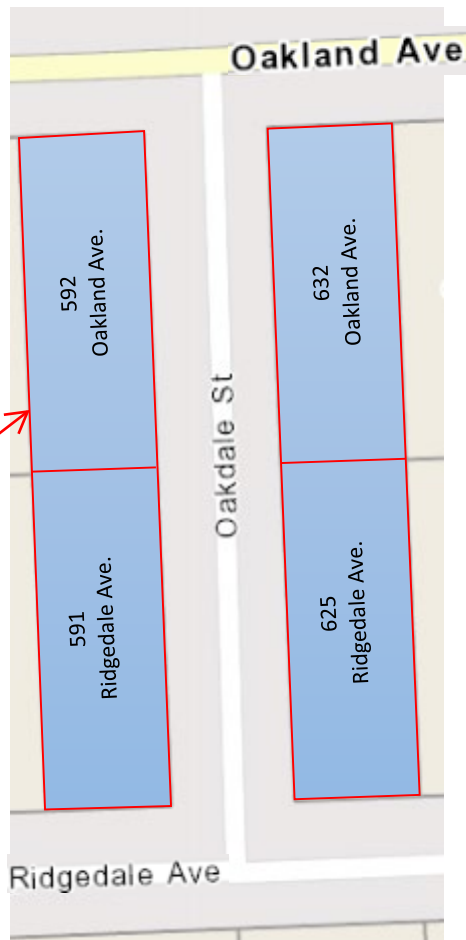
PROPERTIES INCLUDED IN CAPE-SEAL SPECIAL ASSESSMENT DISTRICT

**2. Roesdale St.: Oakland to Rivenoak**





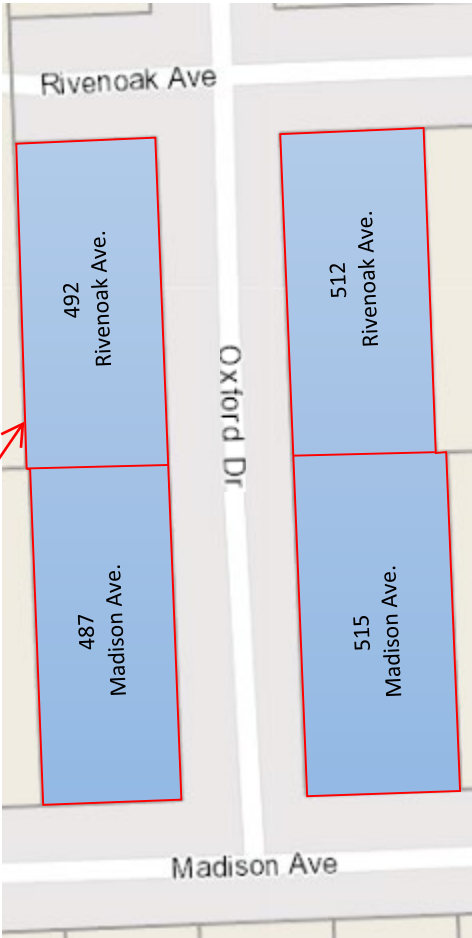
### 3. Oakdale St.: Oakland to Ridgedale



PROPERTIES INCLUDED  
IN CAPE-SEAL SPECIAL  
ASSESSMENT DISTRICT

**4. Oxford Dr.: Madison to Rivenoak**

PROPERTIES INCLUDED  
IN CAPE-SEAL SPECIAL  
ASSESSMENT DISTRICT



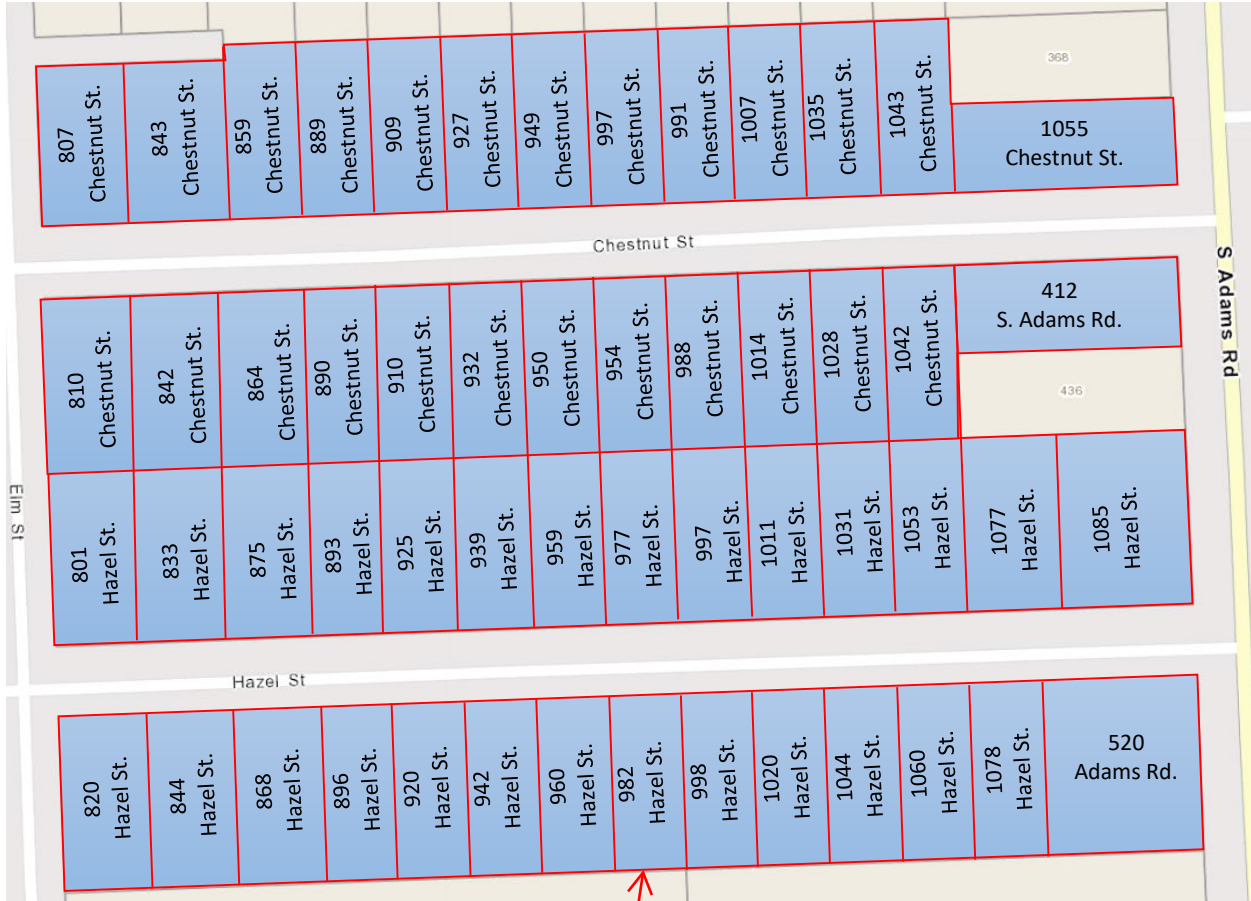
## 5. Lawndale St.: Madison to Oakland

PROPERTIES INCLUDED  
IN CAPE-SEAL SPECIAL  
ASSESSMENT DISTRICT



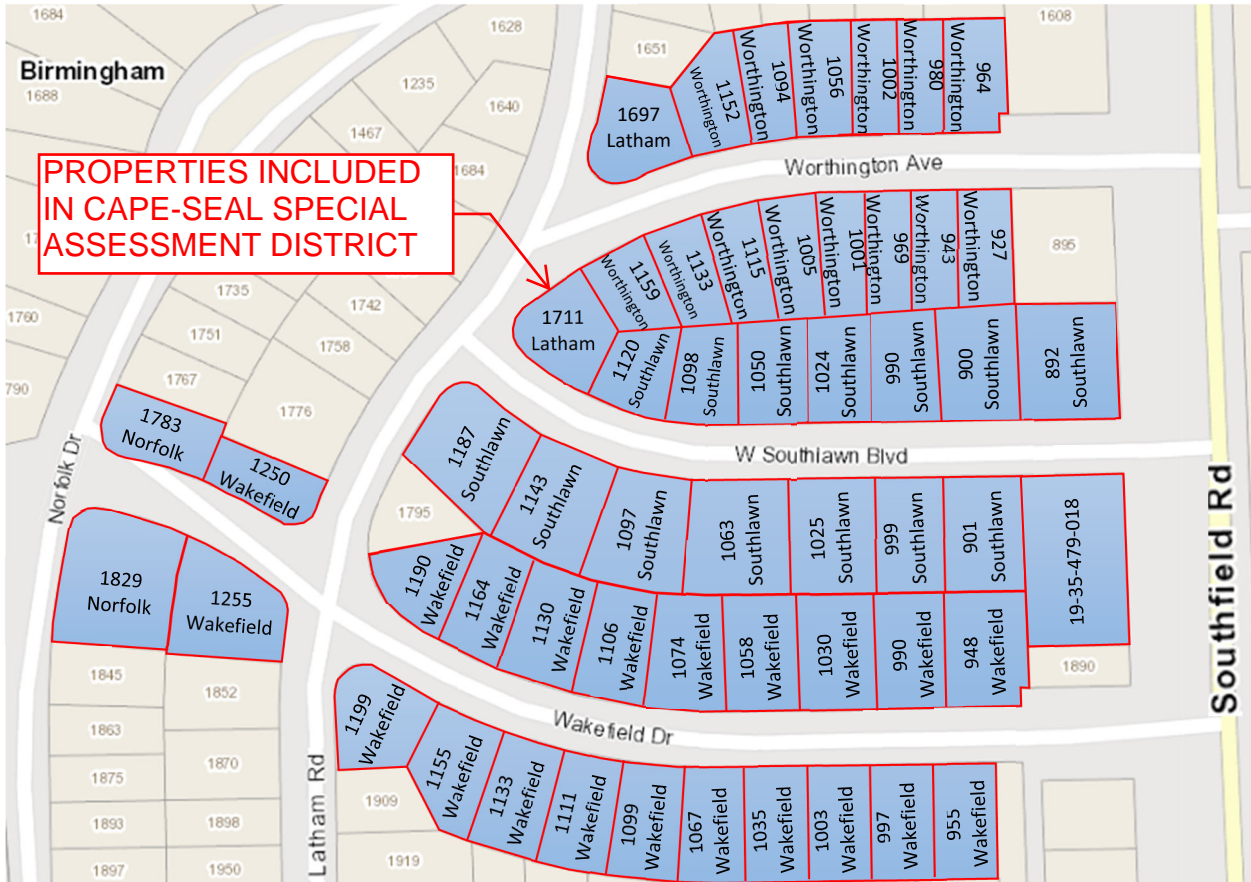
**6. Chestnut St.: Elm to Adams**

**7. Hazelnut St.: Elm to Adams**



**PROPERTIES INCLUDED  
IN CAPE-SEAL SPECIAL  
ASSESSMENT DISTRICT**

- 8. **Worthington Ave.: Southfield to Latham**
- 9. **Wakefield Dr.: Southfield to Latham, and Latham to Norfolk**
- 10. **West Southlawn Blvd.: Southfield to Latham**





## **CITY MANAGER'S REPORT**

April 2024

### **Baldwin Public Library**

#### **Library Board**

The Library Board will meet on Monday, April 15 at 7:30 p.m. for its regular meeting. Board meetings are held in the second floor Board Room.

#### **Phase 3 Construction Project**

The Phase 3 addition and renovation project was originally scheduled to reopen to the public the week of April 15. Unfortunately, we have encountered an issue with the entry staircase that will delay our reopening until June. At a recent Owner/Architect/Contractor meeting, Building Official Bruce Johnson expressed his concerns with the quality of finishing on the cast in place concrete steps. He had Building Inspector Mike Morad measure the steps for code compliance. Morad found that a few steps were higher or shallower than allowed by code. The expected height of the staircase in the architectural plan was 63", however the steps as built were 63.75" high. While this amount is minimal, this height overage did have a cascading effect on the staircase, which caused it to be non-compliant with the building code. Because the stairs were designed and constructed with nine steps and a center landing, the staircase design left little margin for construction variance, resulting in a total height that exceeded code requirements.

To address this, the staircase has undergone a redesign and will now feature ten shorter and deeper steps without a landing. This necessitates the removal and reconstruction of the existing stairs and handrails to ensure compliance with the building code. Our construction firm estimates this process will take approximately 8-9 weeks at no additional cost to the City. We do not anticipate any other construction related issues related to this phase of renovation and are happy we will be able to access and offer use of some spaces that have been unavailable since July 2023.

In brighter news, the exterior plaza furniture has arrived and been installed. Landscaping work and plantings began the week of April 8. Both the plaza and sidewalks along Bates and Merrill will be accessible to the public from mid-April onwards. Additionally, the Merrill Street entrance and outdoor return slot are slated to open in June upon completion of the project. Until then, library visitors should continue to enter the library via the ramp at the north entrance, at the corner of Bates and Martin Streets. The outside dropbox will also remain available on Martin Street.

Regrettably, the open house scheduled for May 18 has been postponed due to the project delay. We invite you to mark your calendars for our fall open house and ribbon-cutting ceremony on Sunday, September 15, 2024, from 1:00 to 3:00 p.m. For further details about the project, please visit [www.baldwinlib.org/renovation](http://www.baldwinlib.org/renovation).

#### **Library Tour**

If you'd like to learn even more about the library, join Director Rebekah Craft for a Behind the Scenes Tour. You'll visit staff areas, learn how items are added to the collection, and hear about new programs

and services. The next tour will meet in the Library's Claudia Ireland room on Wednesday, May 15, at 4:00 p.m.

## Upcoming Events of Interest

### A Night of Poetry with Tariq Luthun

Monday, April 22, 2024, 7:00pm - 8:00pm

Please come celebrate poetry month and National Arab American History month by attending a reading from local poet and author Tariq Luthun. In addition to his poetry work, Mr. Luthun currently hosts the Ann Arbor poetry slam, the second longest running tenured poetry slam in the country.

### NYT & WSJ from Home

Learn how to access popular newspapers, including the New York Times and the Wall Street Journal with your Baldwin Public Library card.

### Free Comic Book Day!

Saturday, May 4, 2024, All Day

It's Free Comic Book Day at local comic shops and BPL. Swing by the library, pick up a comic and vote for your favorite comic book character. We'll have comics for kids, teens, and adults on a first come, first served basis. One comic book per person, please.

### Friends of the BPL Used Book & Media Sale

Saturday, May 4, 2024, 10:00am - 4:00pm

Shop tons of great gently used inventory on the lower level of the Library.

### Books and Blankets Family Story Time

Saturday, May 4, 2024, 10:30am - 11:00am

Bring a blanket and enjoy a story time that is fun for the whole family. Story times use a first come, first served ticketing system. Tickets will be available 15 minutes before story time begins and will be handed out until 5 minutes after the scheduled start time. Please see [baldwinlib.org/storytime](https://www.baldwinlib.org/storytime) for complete details.

Learn more about these events and other programs coming to Baldwin at <https://www.baldwinlib.org/calendar/>.

## The Birmingham Museum

Museum Director Leslie Pielack is one of a cohort of 19 fellow history professionals accepted into this summer's **American Association of State and Local History's 2024 History Leadership Institute**. The competitive program is part educational, part think tank, and represents one of the most highly regarded professional development opportunities for public historians. Through the program, Leslie will work with her colleagues from organizations across the U.S. to refine their leadership skills as well as address contemporary issues and trends affecting community museums. This information will be especially relevant as the Museum Board works toward a comprehensive updated strategic plan for the museum later this year.



## **Birmingham Shopping District**

### **Executive Director Position**

Interviews for the Birmingham Shopping District Executive Director position took place on Monday, April 8, 2024. It is anticipated a candidate will be selected over the next few weeks and presented to the public at the May 2, 2024 Birmingham Shopping District Board meeting.

### **Farmers Market Opening Day Celebration**

Sunday, May 5 from 9 a.m. - 2 p.m. at 660 North Old Woodward Avenue

The Birmingham Farmers Market returns in May with a record number of vendors, monthly special events, fitness activities, and a new logo! Join us as we officially kick off the Farmers Market season with the Opening Day Celebration on May 5! We have an exciting day planned with over 50 local vendors selling Michigan-grown produce, meat and dairy, floral arrangements, plants, artisan goods and more, in addition to live music, food trucks, crafts for kids and other festivities. Free reusable totes will be distributed to market attendees throughout the event (while supplies last).



The market is open every Sunday, May 5 through October 27 from 9 a.m. – 2 p.m. For more information and special events schedule, visit [ALLINBirmingham.com/FarmersMarket](https://www.allinbirmingham.com/farmersmarket), like us on [Facebook](https://www.facebook.com/birminghamfarmersmarket) and follow us on [Instagram](https://www.instagram.com/birminghamfarmersmarket).

## **Building Department**

### **Board of Zoning Appeals**

There were three cases on the agenda for the March 12, 2024 Board of Zoning Appeals regular meeting:

1. 508 W. Lincoln: The property owner requested a variance from the minimum distance between their house and a proposed in-ground swimming pool. The variance was approved by a 5/2 vote.
2. 705 Davis: The owners requested variances from the minimum side yard setback, total combined side yard setbacks and the minimum distance between houses to construct additions to the front and rear of their existing nonconforming home. The variances were all approved by a 7/0 vote.
3. 1982 Haynes: The property owner requested a variance from the minimum distance between houses to construct a new house with a detached garage on the lot. The variance was approved by a 7/0 vote.

### **Electrical Inspector Ed Rosett**

After 23 years of serving Birmingham as its electrical inspector, Ed has decided to retire at the end of June. Ed's expertise in his trade, along with his professionalism in performing his duties made him a valuable member of the team and he will be missed. A recruitment is underway for his replacement.

### **Online Permit Applications**

In March we processed 431 permits online, bringing this year's total permits processed electronically to 1,109.

### **Monthly Report**

The Building Department's [monthly report](#) has been revised to show the previous month's permit activity, along with charts showing the building permit activity trend over the past year.



**City Clerk's Office**

**Birmingham Parade and Party**

**The Celebrate Birmingham Hometown Parade is on Sunday, May 19, 2024 at 1:00 pm, rain or shine, followed by a family oriented party in Shain Park.**



You have three opportunities to participate in the 2024 Celebrate Birmingham Hometown Parade and party in Shain Park:

- Participant - walking proudly with your organization in the parade and/or showcasing your organization with a table at the party in Shain park;
- Sponsor - supporting the parade with a financial, or in-kind donation and being recognized for your contribution; and/or
- Volunteer - donating about two hours of your time on the day of the parade.

**Register as a participant, sponsor or volunteer at [www.bhamgov.org/parade](http://www.bhamgov.org/parade).**

Please feel free to invite all groups with which you are associated to join in the parade celebration.

You are invited to go to [www.bhamgov.org/parade](http://www.bhamgov.org/parade) for easy online registration. Don't delay, parade participants need to register by May 1, 2024 and sponsors need to register by April 26, 2024. Your email address will be used to notify you of key information as the parade date approaches.

This year we will feature some returning parade favorites as well as welcome new participants to our hometown tradition. At this year's party in Shain Park attendees can expect excitement, entertainment and enticing scents from food trucks. All ages are welcome and encouraged to attend this can't miss celebration!

**Election News**

**August 6, 2024 - State Primary Election**

The initial mailing of absentee ballots is tentatively scheduled for the last week of June.

**November 5, 2024 - General Election**

The initial mailing of absentee ballots is tentatively scheduled for the last week of September.

**Voters with an absentee ballot can...**

1. Return your ballot by mail or drop box  
\*Keep in mind the spoiling ballot deadlines listed below
2. Vote your absentee ballot at one of your Early Voting sites (NEW with Prop 22-2)
3. Vote your absentee ballot at your precinct on Election Day (NEW with Prop 22-2)

**Early Voting Dates for August and November 2024**

<u>Day</u>	<u>August 6, 2024 Election</u>	<u>November 5, 2024 Election</u>	<u>Time</u>
Saturday	7/27	10/26	8:30 a.m. to 4:30 p.m.
Sunday	7/28	10/27	8:30 a.m. to 4:30 p.m.
Monday	7/29	10/28	8:30 a.m. to 4:30 p.m.

Tuesday	7/30	10/29	8:30 a.m. to 4:30 p.m.
Wednesday	7/31	10/30	8:30 a.m. to 4:30 p.m.
Thursday	8/1	10/31	12:00 p.m. to 8:00 p.m.
Friday	8/2	11/1	8:30 a.m. to 4:30 p.m.
Saturday	8/3	11/2	8:30 a.m. to 4:30 p.m.
Sunday	8/4	11/3	8:30 a.m. to 4:30 p.m.

**Early Voting Locations:**

- Waterford Oaks Activities Center, 2800 Watkins Lake Road, Waterford, MI 48328
- Bloomfield Township Public Library, 1099 Lone Pine Rd. Bloomfield Twp., MI 48302

Early voting is a component of proposal 2022-2 and includes a Constitutional right to no less than 9 days of early voting in each Statewide and Federal election (even year election) for no less than 8 hours per day. Early voting will look and feel just like voting on Election Day.

For more information on early voting check out [bhamgov.org/vote](http://bhamgov.org/vote).

<b>August 6, 2024 State Primary</b>	<b><u>Important Election Deadlines</u></b>	<b>November 5, 2024 General Election</b>
Tuesday, July 23, 2024 through Election Day	Same-day voter registration <u>with your local clerk</u> , proof of residency required	Tuesday, October 22, 2024 through Election Day
Friday, July 26, 2024	<b>5:00 p.m. deadline to spoil an absentee ballot that was already submitted to the Clerk</b>	Friday, October 25, 2024
Saturday, July 25, 2024 through Sunday, August 4, 2024	Early Voting	Saturday, October 26, 2024 through Sunday, November 3, 2024
Friday, August 2, 2024	5:00 p.m. deadline for the clerk to send absentee ballots by first class mail	Friday, November 1, 2024
Monday, August 5, 2024	4:00 p.m. deadline for voters to spoil their absentee ballot that was lost or destroyed in-person at the Clerk's Office	Monday, November 4, 2024
Tuesday, August 6, 2024	8:00 p.m. deadline for absentee ballots to be delivered to the clerk for tabulation	Tuesday, November 5, 2024
Friday, August 9, 2024	5:00 p.m. deadline for a voter to cure a signature on an AV ballot return envelope that was otherwise a valid ballot to be tabulated	Friday, November 8, 2024
Monday, August 12, 2024	Deadline to receive and count a ballot submitted by an Overseas Voter postmarked on or before Election Day	Monday, November 11, 2024

**Absentee ballots will be issued as requests are received up until the absentee ballot issuing deadlines.**

Becoming a Permanent Mail Ballot Voter

Since the passage of Proposal 2022-2 clerks now maintain a Permanent Mail Ballot List. Birmingham voters began opting into the Permanent Mail Ballot List by checking a box on their November 7, 2023 absentee ballot application. This box is also available on the 2024 absentee ballot applications.

Voters can opt in or out of the Permanent Ballot list at any time by sending a written request to the City Clerk’s Office.

**Voters on the Permanent Mail Ballot List should make sure they keep current contact information on file with the City Clerk’s Office including mailing address (especially for those that travel outside of Birmingham during times that ballots are being mailed) as well as phone and email contacts. Ballots are not allowed to be forwarded so the Clerk’s Office will be contacting all voters whose absentee ballots bounced back to the Clerk’s Office in the mail.**

No Postage Necessary!

Absentee ballot applications and absentee ballot return envelopes for the entire State of Michigan are equipped with a business reply mail permit that will cover the cost of postage for any ballot or application mailed within the United States.

Return Envelopes - What to look out for

Outgoing absentee ballots (to the voter) are blue.

All absentee ballot return envelopes (coming back to the Clerk) will be purple.

**Greenwood Cemetery Advisory Board (GCAB)**

The next meeting for the GCAB is scheduled for May 3, 2024. To view Greenwood Cemetery Advisory Board agendas and minutes visit [www.bhamgov.org/GCAB](http://www.bhamgov.org/GCAB).

**Board of Ethics**

The next Board of Ethics meeting is yet to be determined. To view the Ethics Board agendas and minutes visit [www.bhamgov.org/ethics](http://www.bhamgov.org/ethics).

**Board Appointments**

The City of Birmingham is looking for dedicated individuals who want to give back to their community by serving on one of our many boards or commissions. Birmingham’s different boards and commissions make recommendations that shape the City’s future. Serving on a board or commission is a great way to get involved in your community, meet new people and make a positive impact. Don't miss out on the chance to make a difference - go to [www.bhamgov.org/boardopportunities](http://www.bhamgov.org/boardopportunities) to view all the available openings and apply at [www.bhamgov.org/boardapplication](http://www.bhamgov.org/boardapplication).

<b>Board</b>	<b>Openings</b>	<b>Application Due by Noon</b>	<b>Interview/ Appointment at City Commission meeting 7:30 pm</b>
Ad Hoc Senior Recreation Center	1 Non-voting student	Until Filled	
Advisory Parking Committee	1 Regular member (retail) term ending 9/1/2026	Until Filled	

	1 Alternate member term ending 9/1/2026		
Architectural Review Committee	1 Regular member term ending 4/11/2025	Until Filled	
Birmingham Area Cable Board	1 Regular Birmingham resident terms ending 3/30/27 1 Alternate Birmingham resident term ending 3/30/26 1 Alternate Birmingham resident term ending 3/30/25	Until Filled	
Birmingham Shopping District	1 Member shall be a business operator or person with interest in property located within the district, 4-year term ending 11/16/2026	Until Filled	
Board of Review	1 Regular member to serve a 3-year term expiring 12/31/2025 1 Alternate member to serve 3-year term expiring 12/31/2026 1 Alternate member to serve the remainder of a 3-year term expiring 12/31/2025	Until filled	
Board of Zoning Appeals	1 Alternate member term ending 2/18/2026	Until Filled	
Brownfield Redevelopment Authority	1 Regular member term ending 5/23/2026 1 Regular member term ending 5/23/2024	Until Filled	
Ethics Board	1 Alternate member term ending 6/30/2026	Until Filled	
Housing Board of Appeals	2 Regular member terms ending 5/4/2027 & 3 Regular members, terms ending 5/4/2026	4/10/24	4/15/24
Martha Baldwin Park Board	2 Regular member terms ending 5/1/2028	4/10/24	4/15/24
Multi Modal Transportation Board	2 Alternate members	4/3/24	4/8/24
Parks & Rec Board	1 Alternate member term ending 3/13/2025	Until Filled	
Public Arts Board	1 Alternate member to serve a 3-year term expiring 01/28/2025	Until Filled	
Stormwater Utility Appeals Board	3 Regular member terms ending 1/31/2026 2 Alternate members 1/31/2025		

Triangle District Corridor Improvement Authority	1 Resident of the developed area or area within 1/2 mile of the development area, term ending 12/15/2027	Until Filled	
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**City Manager’s Office**

**Ad Hoc Aging in Place Committee (AIPC)**

The AIPC Community Survey closed on April 1, 2024. All of the results are being tabulated by City staff for presentation to the AIPC at their Wednesday, April 24, 2024 meeting. The AIPC will also assign members to interview respondents from the Community Survey who asked for follow-up personal interviews regarding their survey responses. Once all of the Community Survey data is examined and analyzed, the AIPC will begin the process of laying out an outline for the proposed aging in place action plan.

**YMCA Building (Ad Hoc Senior/Recreation Center Committee)**

The Ad Hoc Senior/Recreation Center Committee has met four times since its creation, including an on-site tour of the YMCA building at their April 10, 2024 meeting. The Ad Hoc Senior/Recreation Center Committee presented their proposed vision statement and their goals and objectives for the project at the City Commission's April 8, 2024 meeting. The City Commission approved both. The City Commission also approved the proposed timeline for the project, which included securing an owner's representative (OR) for the City through a request for proposal (RFP) process. Consistent with the timeline, City Staff will also prepare a request for qualifications (RFQ) for the hiring of an architect for final design and construction plan preparation.

**Communications**

**Around Town e-Newsletter**

The communications team is working on the May edition of the Around Town e-Newsletter, which will include information about the Memorial Day Ceremony, DPS Open House, golf and ice arena news, and more. Follow [this link to view the April edition](#) of the Around Town e-Newsletter.



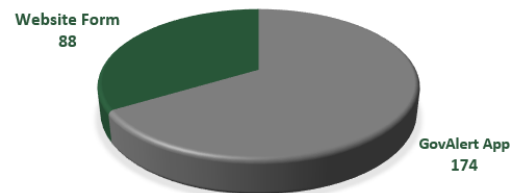
**Receive Updates from Birmingham**

Receive the latest news from Birmingham by signing up to receive our newsletter and alerts at [www.bhamgov.org/enews](http://www.bhamgov.org/enews). Subscribers receive important information specific to their neighborhood, emergency alerts and our newsletter featuring upcoming events, meetings, City projects, developments and more. Also follow us on [Facebook](#) and [Instagram](#) @BhamGov.

**GovPilot Quarterly Report**

During the first quarter of 2024, we received a total of 262 citizen requests through the GovPilot system, up from 194 requests last year during the same time period. There were 174 requests received via the [GovAlert app](#), and 88 via our [website form](#).

**GOVPILOT QUARTERLY REPORT  
JANUARY - MARCH 2024  
262 CITIZEN REQUESTS RECEIVED**



## BIRMINGHAM CITY COMMISSION - UPCOMING AGENDA ITEMS

Meeting	Topic	Dates Addressed	Status
4/8/24	Annual update on electric lawn equipment.	4/8/24	In progress
2/12/24	City-run events and sponsors.	3/4/24	In progress
10/2/23	Implementation of crosswalk standards	10/2/23 10/16/23 11/13/23	In progress
5/8/23	Woodward noise	5/8/23 6/5/23	In progress
2/27/23	Bench and Little Library for Pat Andrews	3/13/23 5/8/23	In progress

### Department of Public Services

#### **Booth Park Entry Plaza & Trail Improvements Update**

Grissim, Metz, and Andriese, the consultant hired to prepare design and construction drawings for this project, held a kickoff meeting with the Parks and Recreation Board at their April 2, 2024 meeting. Topographical survey work is underway.

Residents are invited to participate at the Parks and Recreation Board Meeting on Tuesday, May 7 at 6:30 p.m. at the Department of Public Services to provide feedback on preliminary design work for the Booth Park Entry Plaza and Trail Improvements project. Those who cannot attend may still provide feedback during the month of May via an online survey coming soon on Engage Birmingham at [engage.bhamgov.org](https://engage.bhamgov.org). Sign up to receive notifications about this and other parks and recreation projects at [bhamgov.org/enews](https://bhamgov.org/enews).

#### **Michigan Natural Resources Trust Fund Grant**

The DPS's grant application for a MDNR Trust Fund Grant for the Booth Park Entry Plaza and Trail Improvements project was submitted on time, prior to the April 1, 2024 deadline.

#### **Forestry Quarterly Update**

##### Arbor Day Celebration:

Please join us for our annual Arbor Day Celebration this month on Arbor Day, Friday, April 26 at 4:15 p.m. near the Quarton Elementary School tennis courts at the corner of Oak Street and N. Glenhurst Drive. We will celebrate our 46<sup>th</sup> year as a Tree City USA and Quarton School students will participate in a short program and help plant a new tree, a Hackberry, which is native to Michigan. All are welcome to attend and parking is available at Quarton Elementary School for this event only.

##### Spring Tree Purchase and Plant Project

The DPS is currently assembling a planting list and will request proposals from qualified contractors to plant 150+ trees along various street right-of-ways and in parks. We anticipate this project to be awarded in May. The City replants trees after they have been removed and/or when there is adequate spacing in the easement using the "right tree, right place" method and a focus on species diversity (native when possible). Existing overhead and underground utilities are taken into account, as well as other standard urban forestry practices such as appropriate spacing from other trees, signs, light poles,

structures, crosswalks, etc. Vacant tree wells in the shopping district will also be replanted as part of this project and in some cases eliminated where safety conflicts were created, such as blocking a stop sign or causing line-of-sight issues between drivers and pedestrians.

#### Storm Damage Report from January 12th

The City's urban forest was battered by a heavy snow and wind storm on January 12, 2024. Between 250-300 City trees required more than a minor cleanup effort with further work and evaluation (ranging from repairing a broken limb to ensure it heals properly, or removing a completely tipped over tree off of a parked vehicle). The City and its forestry contractor spent weeks cleaning up all of the tree debris and brush from City and private properties. As of February 22, the City arborist had evaluated the trees and determined 139 City trees needed to be removed, 95 of which are prohibited species (68.3%). Silver Maples (47), Norway Maples (40), and Pear trees (5) represented the most populous prohibited species damaged in the storm that require removal.

### **Engineering Department**

#### **Illicit Discharge to Rouge River**

The City has determined the source of the sanitary sewer discharge and discussions are occurring with the property owner. We have been keeping the Michigan Department of Environment, Great Lakes, and Energy (EGLE) aware of the City's progress.

#### **Lead Service Replacement Program**

The City will be starting a door-knocking effort to replace water lead services at no cost to property owners. If the property owner is not available, a flier will be left. If you receive a flier, please follow the listed steps to schedule your water service replacement.

#### **Water Service Verification Program**

The City has a deadline of October 2024 to submit material information from 364 water service lines to the Michigan Department of Environment, Great Lakes, and Energy (EGLE). The City randomly selected 364 water services to verify the material for this EGLE requirement. The City will be knocking on doors to talk to property owners about verifying the "In-Home/Business" water service line material. If a property owner is not home, a flier will be left with the next steps. Property owners can schedule an inspection by an authorized City representative at (248) 303-2292 or determine the in-home/business material themselves with the steps provided in the property owner letter.

#### **Redding Road Project**

The Redding Road Project began on April 8, 2024, with pavement removal and water main installation. Redding Road is closed westbound between Lake Park Drive and Woodward Avenue. Local traffic only is being maintained eastbound on Redding Road.

#### **Edgewood Road Project**

The Edgewood Road Project will start on April 22, 2024. Edgewood Road will be closed northbound between Southlawn and Lincoln. Local traffic only will be maintained southbound on Edgewood Road.

#### **Pierce and West Maple Alley Project**

The Engineering Department will host a property owner's meeting on Tuesday, April 23, 2024 from 5:30 pm – 7:00 pm to discuss the upcoming project.

#### **2023-2024 Cape Seal Program**

The Engineering Department will host a property owner's meeting on Wednesday, April 24, 2024 from 5:30 pm – 7:00 pm to discuss the upcoming project.

## **MDOT – Woodward Ave. and Brown/Forest Intersections**

Construction started on March 6, 2024. This work requires daily single lane closures along northbound and southbound Woodward. At times, Brown and Forest may be closed for up to 10 days for construction.

## **South Old Woodward Avenue Reconstruction (Phase 3) – Award**

The South Old Woodward Avenue Reconstruction (Phase 3) Project received the American Public Works Association (APWA) Metro Detroit Branch 2023 Project of the Year for Transportation (\$5 million - \$25 million) award on Wednesday, March 27, 2024.

For more information about these projects or programs, please contact the Engineering Department at (248) 530-1840.

## **Finance Department**

The Finance Department is excited to announce that this year's 2024-2025 Manager Recommended Budget was prepared using a new web-based platform from OpenGov. This platform changed the way the City prepares the budget. Previously, the budget preparation process was very labor intensive in that it involved creating several documents in Word and Excel, converting them into PDFs and then combining individual PDFs together. The new platform allows the City to perform all budget preparation in one software. Using this software, City administration is able to see various budget scenarios which assists in the decision-making process. The City is also able to generate two versions of the budget. The first is a web-based budget book which allows viewers to find the information they are looking for much faster. The other version is the standard PDF version. Both versions contain links to project pages and the City's website, making it easier for readers to find information.

## **Fire Department**

### **LUCAS Chest Compression System**

The Birmingham Fire Department responds to over 1,700 medical emergencies each year. Responding firefighter/paramedics bring various medical equipment and medications to help stabilize patients. The rescue trucks are like tiny mobile emergency rooms. One particular piece of equipment that helps during CPR is the LUCAS Chest Compression System. This device provides consistent quality chest compressions during prolonged resuscitation attempts. It allows responders to free up hands to help with additional Advanced Life Support treatments, and eliminates the chance of provider fatigue caused by prolonged resuscitation attempts. It also provides a level of safety to our responders during transport, as the LUCAS device can continue providing consistent quality compressions without requiring the firefighter/paramedics to stand in the back of a moving vehicle.

To give residents an idea of what they may see in response to an emergency medical call involving CPR, the Fire Department, along with help from IT and Communications, put together a short video showing some of our equipment, including the LUCAS Chest Compression System. Watch the video at [bhamgov.org/lucas](https://bhamgov.org/lucas).

A special thank you to the following individuals for helping with this project:

- Lt./Medic Mark Mischle
- FF/Medic Ryan Wiseman
- FF/Medic Hunter Gillick
- FF/Medic Kyle Kraft
- Firefighter Jeremy Turner
- Jamil Kim
- Marianne Gamboa





**Human Resources**

**New Hires**

The City of Birmingham extends warm congratulations to our newly hired employees from March 13, 2024 to April 9, 2024. Their skills, expertise and enthusiasm are a valuable addition to our team.

<b>Department</b>	<b>Name</b>	<b>Position</b>	<b>Type</b>
DPS	Green, Austin	P&F Operator	Full Time (Teamsters)
Library	Gusho, Mia	Library Page	Part Time
Library	Lusk, Zoe	Library Page	Part Time
Police	McIntyre, Nancy	Crossing Guard	Temporary
Library	Sulecki, Keegan	Substitute Librarian	Part Time
DPS	Jones, Brian	Seasonal Golf Maintenance	Seasonal
DPS	Kowaleski, Patrick	Temporary Laborer	Seasonal

### April Hiring Anniversaries

The City of Birmingham celebrated the hiring anniversaries of several employees. We extend our heartfelt appreciation for their exceptional service and unwavering dedication. Their contributions are deeply valued and recognized.

<b>Years Of Service</b>	<b>Employee</b>	<b>Department</b>	<b>Position</b>
1	Borton, Cory	Engineering	Assistant Director Of Engineering
1	Barnosky, Charles	DPS	Temp Laborer
2	Pedigo, Suzanne	Community Dev.	Coordinator Community Develop
3	Kaminske, Maria	Police	Police Dispatcher
3	Kraft, Kyle	Fire Dept.	Fire / AEMT
4	Clark, Gregory	DPS	Temp Laborer
4	Borse, Todd	DPS	P&F Operator
4	Bonora, Steve	Fire Dept.	Fire / AEMT
4	Bachus, Owen	Fire Dept.	Fire / AEMT
5	Mcgaughey, Brendan	DPS	Parks & Forestry Foreman
5	Asher, Elaine	Library	Substitute Librarian
5	Naples, John	Community Dev.	Zoning Officer Part Time
6	Isbell, Rosemary	Library	Librarian II
6	Gudenburr, Alyssa	Library	Librarian
6	Vassallo, Cheryl	Parking	Parking Meter /Crossing Guard
7	Dupuis, Nicholas	Community Dev.	Director Of Planning
9	Cronkite, Ethan	Library	Librarian II
9	Crawford, Cameron	Library	Library Assistant II

10	Grill, Bryan	DPS	Golf Operations Manager
11	Soper, Nicholas	Fire Dept.	Fire / AEMT
11	Baldwin, Patricia	IT	IT Technician
12	Glenn, Robert	Library	Library Operations Assistant
15	Gvozdoch, Carolyn	Library	Library Assistant II
20	Hardy, Bryan	Engineering	Engineering Inspector II
22	Soave, Jr, Alan	Fire Dept.	Battalion Chief
25	Grewe, Scott	Police	Police Chief
28	Kasparian, George	Library	Library Assistant I

### **Employment Opportunities**

The City is currently accepting applications for the following positions. To submit an application or for more information go to [www.bhamgov.org/jobs](http://www.bhamgov.org/jobs).

<b>Department</b>	<b>Position</b>	<b>Type</b>	<b>Application Closing</b>
Building	Electrical Inspector	Full Time (AFSCME)	April 18, 2024
Golf	Junior Ranger	Seasonal	Until Filled
Golf	Clubhouse Service	Seasonal	Until Filled
Golf	Golf Maintenance	Seasonal	Until Filled
DPS	Park Attendant	Seasonal	Until Filled
DPS	Parks Laborer	Seasonal	Until Filled
Building	Plumbing Inspector	Full Time	Until Filled

### **Information Technology**

#### **Artificial Intelligence (AI) Guidelines**

The Artificial Intelligence Committee was created in June of 2023. It was charged with reviewing AI usage among City staff, the possibility of using AI as a tool in City departments, and drafting guidelines or a policy for its use.

The Committee surveyed City staff on current ChatGPT usage, general interest in Generative AI, and possible uses throughout the City. We reviewed guidelines from other municipalities, many articles from industry experts, and discussed whether we should create a policy or guidelines for its usage.

The committee determined guidelines would be an appropriate document at this time. We finalized those guidelines in March of 2024 and have now [published them for the use of Generative AI](#) throughout City departments.

## **Planning Department**

### **Planning Board**

A tentative Planning Board list of scheduled and/or recently completed items is provided below:

1. 33816 Woodward – Auto Europe – Final Site Plan & Design Review (Completed March 27, 2024)
2. The Birmingham Plan 2040 – Prioritization of Key Actions (May 8, 2024)
3. Triangle District Mixed-Use Standards – Study Session (May 8, 2024)

As a reminder, the first joint meeting of 2024 between the City Commission and Planning Board is scheduled for June 10. The Planning Board has been working diligently to provide the City Commission with a prioritization of key actions from the Birmingham Plan 2040 and is eager to discuss their proposals. In addition, the Planning Board would like to discuss Woodward Ave. and the approval process for public projects.

### **Historic District Commission**

The Historic District Commission's [Historic Preservation Master Plan survey](#) is still live on Engage Birmingham! This survey will form the bones of the plan along with the other planned engagements in the first phase of plan writing. Other engagements will include historic property owner roundtable sessions, in-person events, open meetings and workshops, and more.

In other news, the building at 100 N. Old Woodward (historic Parks & Wooster buildings) recently received a 2024 Building Award from the Michigan Historic Preservation Network. The award is presented to outstanding rehabilitation projects that have made a significant contribution to the preservation of Michigan's heritage. Congratulations to the project team, as well as the Historic District Commission for their hard work throughout the duration of the project.

## **Police Department**

### **Women in Law Enforcement**

Sgt. Rebekah Springer, Ofc. Gina Moody and Ofc. Lisa Wayner attended the 2024 Michigan Women in Law Enforcement Conference, hosted by Michigan State Police (MSP) in early April. This conference is designed to showcase equity and promote excellence for individuals working in the policing community. The two-day conference included topics such as "Reshaping Our Law Enforcement Careers into Mentorship", "The Superpower of Sisterhood", a roundtable discussion on women's resilience and a panel on "Justice is Served-Women Defining Justice in Law Enforcement". The conference hosted a variety of speakers that ranged from a Chief Deputy Director with MSP, federal agents, wellness and resiliency specialists, and officers from agencies around the country. A key discussion on the National 30x30 Initiative by Maureen McGough was held. The goal of this program is to increase women in law enforcement recruitment by 30% by the year 2030. Currently, women make up only 12% of sworn officers and 3% of police leadership in the U.S.

At the Birmingham Police Department, women currently make up 11% of all sworn police officers. Additionally, Dispatch Manager Jamie Irwin has been selected to fill an officer vacancy and will be attending the police academy this summer. With this addition, women officers will represent 14% of our agency's sworn positions.

### **Traffic Safety Summit**

Operations Captain Ryan Kearney attended the 2024 Traffic Safety Summit March 11-13 at the Kellogg Conference Center in East Lansing. The conference was hosted by the Michigan Office of Highway Safety Planning (OHSP) and included a Project Directors meeting for the current FY24 Project Directors grant.

It was a great opportunity for Project Directors from around the State to meet OHSP staff and engage in a discussion regarding requirements and best practices. Captain Kearney also attended several breakout sessions including grant sponsored traffic enforcement campaigns such as seatbelt enforcement and distracted driving. In addition, he attended legal update classes focusing on operating while intoxicated and the intricacies of sobriety evaluations and reports writing.

### **Woodward Cruising Update**

Since Easter weekend, Birmingham Police have been stepping up enforcement of cruise related traffic due to warmer weather and activity ramping up. Officers are brought in on overtime to specifically address issues related to illegal activity surrounding cruise traffic. A significant amount of this overtime will be covered by the grant the Police Department was awarded through the Office of Highway Safety Planning (OHSP).

### **Adopt a Senior Program**

Lt. Ray Faes has been very active with our Adopt a Senior program. After being dispatched to a home in Birmingham for an elderly man who had walked away, Lt. Faes began making regular visits to the home to check on the elderly couple. The elderly male, suffering from dementia, continued to walk away from the home at all hours of the day and night. Lt. Faes, using his own funds, purchased and installed door alarms so the man's wife would be alerted should he attempt to leave the home. This has had a tremendous impact on reducing the risk of this resident walking away. Lt. Faes has continued to check in on the residents and is working with our CoRe program to provide the couple with resources in the area.

Anyone wanting more information regarding our department's Adopt a Senior program may contact Dispatcher Joseph Misiak at [jmisiak@bhamgov.org](mailto:jmisiak@bhamgov.org).

### **Youth Police Academy**

The Birmingham Police Department is proud to participate in the 2nd Annual Regional Youth Police Academy. The first year was incredibly successful and we look forward to once again partnering with the Auburn Hills Police Department, Bloomfield Township Police Department and Rochester Police Department. Topics covered during the event include criminal investigations, criminal law and procedure, traffic stops, firearms safety, CPR certification, a tour of the 48th District Court, evidence technician training and presentations from officers who have a variety of specialties within their agency. Anyone 14-18 years of age who lives in one of our jurisdictions, attends high school (or recently graduated from a school) in one of our districts, or has a parent who lives or works in one of the participating communities is eligible.

The program is free of charge and all students receive an academy t-shirt and free daily lunch. This year the academy will be held from June 24-27, 2024, and will be located at the Bloomfield Township Police Training Facility. Applications are available at the Birmingham Police front desk and are due by May 24, 2024.

## **Parking Systems Update**

### **EV Charging Update**

Staff submitted an Invitation to Bid (ITB) for EV charging stations in December 2023. The City was interested in installing electric vehicle charging stations (EVCS) in the Shain Park Lot and the Chester Street parking garage. In the proposed scope, interested contractors were asked to design, build, operate and maintain EVCS, including the furnishing and installation of hardware with accompanying software implementation for facilitation and management of EVCS, primarily for public use in the City of Birmingham.

Furthermore, the City desired to enter into a revenue sharing model with one (1) or more firms as a result of the ITB. The contractor would be responsible for all costs associated with the deployment of EV

charging station infrastructure, collecting revenue for providing EV charging services to vehicle owners, and would share a percentage of that revenue with the City under this model.

A mandatory pre-bid meeting was held and six (6) different companies attended, however, only three (3) of the six companies actually submitted bids.

After reviewing the three bids, staff did not feel they were strong enough to proceed with a recommendation. There were significant issues with each of the three bids. One contractor failed to provide a signed agreement, another did not have any experience and was hoping to use Birmingham as a selling point to launch their product, and the third contractor had poor comments from references.

Staff presented their recommendation and bids to the Advisory Parking Committee (APC) for their review and recommendation. The APC agreed that none of the three bids were worthy of awarding the contract. At the direction of the APC, staff will do more research on EV charging and issue an updated ITB to solicit additional bids.

### **Occupancy**

MARCH AVG CAPACITY	
Chester Garage (880)	26.00%
Old Woodward (745)	23.00%
Park Garage (811)	20.00%
Peabody Garage (437)	35.00%
Pierce Garage (706)	38.00%

### **Free Parking Report**

Follow this [link to view the free parking report](#). This report shows a two-month snapshot of the total number of parked cars, broken down by how many paid to park versus how many parked for two hours or less, which is free in all decks.

### **Monthly Occupancy**

Follow this [link to view an occupancy report](#) for the month of March. This report shows a breakdown of both transient (daily) and monthly parkers at each garage, and how full each garage is on average by hour for the month.

### **Daily Occupancy by Garage**

Follow this [link to view the daily occupancy numbers](#) in each garage during the month of March.

### **Future Agenda Items**

Download a summary of [future agenda items](#).

### **Future Workshop Items**

Download a summary of [future workshop items](#).



## MEMORANDUM

Planning Department

**DATE:** April 8, 2024

**TO:** Jana Ecker, City Manager

**FROM:** Nicholas Dupuis, Planning Director

**SUBJECT:** 34244 Woodward – Papa Joe’s & Bistro Joe’s – Special Land Use Permit Review

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### INTRODUCTION:

Due to the issues observed during the 2023 liquor license review period, the City Commission set a public hearing to review the Special Land Use Permit for Bistro Joe’s/Papa Joes. The issues included site maintenance issues and observations in the bistro related to seating that exceeded their permitted maximum.

### BACKGROUND:

Bistro Joe’s/Papa Joe’s received their original Special Land Use Permit (SLUP) on November 19, 2007 as one of the first bistros to take advantage of the newly passed bistro ordinances in the City. The SLUP was amended in 2009 and 2011, and has remained relatively unchanged since.

On February 12, 2024 ([Agenda – Minutes](#)), the City Commission reviewed all establishments currently holding a Class B, Class C, or Microbrewery Liquor License and moved to set a public hearing for several establishments to consider whether the City Commission would file objections with the Michigan Liquor Control Commission, which included Bistro Joe’s/Papa Joe’s.

On March 18, 2024 ([Agenda](#)), the City Commission moved to set a public hearing for April 15, 2024 to adopt a resolution to approve the renewal of liquor license for the 2024 licensing period for Papa Joe’s/Bistro Joe’s, which holds a Class C liquor license, that is in compliance with Chapter 10, Alcoholic Liquors of the City Code, and to request consideration of a memorandum of understanding relating to the bistro operation going forward, and to determine whether the establishment is in violation of their Special Land Use Permit.

At this time, Planning Department staff has worked with the owner of Bistro Joe’s/Papa Joe’s to obtain a Memorandum of Understanding, which is intended to serve as a written acknowledgment and understanding of the requirements of Chapter 10, Alcoholic Liquors of the City Code and compliance with approved site plans.

### LEGAL REVIEW:

The City Attorney has reviewed this request and has no objections as to form and content.

**FISCAL IMPACT:**

There are no fiscal impacts for this agenda item.

**SUSTAINABILITY:**

Not Applicable.

**PUBLIC COMMUNICATIONS:**

As required for Special Land Use Permit reviews, a legal ad was placed in a newspaper of local circulation to advertise the nature of the request in advance of the April 15, 2024 public hearing at the City Commission, and notices were sent out to all property owners and tenants within 300 ft. of the property.

**SUMMARY:**

The Planning Division requests that the City Commission consider the Special Land Use Permit for 34244 Woodward – Bistro Joe’s/Papa Joe’s. In addition, to consider adding the Memorandum of Understanding to their Special Land Use Permit.

**ATTACHMENTS:**

Please see attached the following documents:

- Memorandum of Understanding

**SUGGESTED COMMISSION ACTION:**

No Action Required (*if satisfied with results of public hearing* ).

OR

Make a motion adopting a resolution to add the Memorandum of Understanding to the Special Land Use Permit for Bistro Joe’s/Papa Joes.

OR

Make a motion adopting a resolution to revoke the Special Land Use Permit for 34244 Woodward – Bistro Joe’s/Papa Joe’s.



**MEMORANDUM OF UNDERSTANDING  
REGARDING CHAPTER 10, ALCOHOLIC LIQUORS  
OF THE BIRMINGHAM CITY CODE**

This Memorandum of Understanding Regarding Chapter 10, Alcoholic Liquors of the Birmingham City Code (“Memorandum of Understanding”), is entered into as of April \_\_, 2024, by and between **PAPA JOE’S BIRMINGHAM, LLC**, a Michigan limited liability company, whose address is 34244 Woodward Ave, Birmingham, Michigan 48009, (Licensee), and the **CITY OF BIRMINGHAM**, a Michigan Municipal Corporation, whose address is 151 Martin Street, Birmingham, Michigan 48009 (City).

**R E C I T A L S :**

**WHEREAS**, the Licensee operates its business known as Bistro Joe's with a Class C Liquor License pursuant to the Michigan Liquor Code being MCLA 436.1 et seq. (“Liquor License”); and,

**WHEREAS**, the Licensee is approved to operate as a “Bistro” under the City’s Code of Ordinances and its Zoning Ordinance and,

**WHEREAS**, the Licensee is approved to operate under the City’s Ordinances as a Bistro in accordance with Chapter 10, Alcoholic Liquors Division 2 and Division 4, and

**WHEREAS**, the Licensee’s land is zoned B-2, General Business and is located within the Triangle Overlay District which permits Bistros with a Special Land Use Permit; and

**WHEREAS** the Licensee is permitted to operate a Bistro with a Special Land Use Permit under Chapter 126, Zoning Ordinance, Articles 7, Section 7.34 (the Ordinances and Special Land Use Permit provisions cited herein are collectively referred to as the “Bistro Ordinances”); and

**WHEREAS**, the Bistro Ordinances limit the number of seats in a Bistro to 65, which may include up to 10 seats at a bar; and

**WHEREAS**, the City held a public hearing on April 15, 2024 regarding the renewal of the Liquor License; and,

**WHEREAS**, The City found that Bistro Joe’s was in violation of the City’s Ordinances inasmuch as there were more than 65 seats in Bistro Joes;

**WHEREAS**, the City did not object to the renewal of the Liquor License, but rather resolved that the Liquor License would be renewed contingent upon the Licensee entering into this Memorandum of Understanding.

**NOW, THEREFORE**, the Licensee acknowledges and memorializes its understanding as follows:

1. The Licensee acknowledges that it is strictly bound by the Bistro Ordinances, including but not limited to the limit of 65 seats, which 65 seats includes 10 seats at the bar;
2. The Licensee acknowledges and understands that its failure to strictly adhere to the Bistro Ordinances, or any other requirement set forth in City’s Ordinances, may be grounds for the City to suspend, revoke or not recommend to the Michigan Liquor Control Commission that the Liquor License be renewed or for the City Commission; and

3. The Licensee further understand that any violation of the Bistro Ordinances may constitute a violation of the Licensee’s Special Land Use Permit; and,

4. The Licensee understands that in the event the Licensees violates the Bistro Ordinances, the City will hold a public hearing to determine whether the City shall file an objection to the renewal of the Liquor License with the MLCC, and/or act regarding the Special Land Use Permit; which may result in terminating the Special Land Use Permit; and

5. Licensee agrees that it shall adhere to all Federal, State, and Local ordinances currently in effect or as subsequently amended or enacted.

**IN WITNESS WHEREOF**, the parties hereby have executed this Contract as of the date set forth above.

**Papa Joe’s Birmingham, LLC (Licensee)**

By: \_\_\_\_\_  
Anthony Curtis

Its: Member

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

**CITY OF BIRMINGHAM**

By: \_\_\_\_\_  
,Elaine McLain, Mayor

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

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

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

APPROVED:

\_\_\_\_\_  
Jana Ecker, City Manager  
(Approved as to substance)  
Date: \_\_\_\_\_

\_\_\_\_\_  
Nicholas Dupuis, Planning Director  
(Approved as to substance)  
Date: \_\_\_\_\_

\_\_\_\_\_  
Mary M. Kucharek, City Attorney  
(Approved as to form)  
Date: \_\_\_\_\_

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## MEMORANDUM

Planning Division

**DATE:** April 5, 2024

**TO:** Jana Ecker, City Manager

**FROM:** Nicholas Dupuis, Planning Director

**SUBJECT:** Public Hearing for 245 S. Eton – Big Rock Italian Chophouse – Special Land Use Permit Amendment, Final Site Plan & Design Review

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### INTRODUCTION:

The applicant has submitted a Special Land Use Permit Amendment, Final Site Plan and Design Review application for an addition to an existing food and drink establishment serving alcoholic liquors for on premise consumption in the historic Birmingham Grand Trunk Western Railroad Depot building. The subject site is located on the east side of S. Eton, south of Maple.

The overall project, which is currently under construction, will introduce a new restaurant concept, Big Rock Italian Chophouse, with little change to the existing building and site. The project includes new outdoor dining, replacement of select existing materials, new fixtures/furnishings, new signage, and minor façade changes. The new addition will be located on the south side of the building and will consist of additional second floor space for the “Club Room.”

### BACKGROUND:

On July 12, 2023 ([Agenda](#) – [Minutes](#)), the Planning Board moved to recommend approval of a Special Land Use Permit, Final Site Plan and Design Review application to the City Commission for a new food and drink establishment serving alcoholic liquors for on premise consumption with minor changes to the building/site. On August 28, 2023 ([Agenda](#) – [Minutes](#)), the City Commission moved to approve the Special Land Use Permit, Final Site Plan and Design Review as presented.

On February 28, 2024 ([Agenda](#) – [Minutes](#)), the Planning Board reviewed a Special Land Use Permit Amendment, Final Site Plan and Design Review application for a new addition to the south side of the building and moved to recommend approval to the City Commission with the following conditions:

1. The applicant must gain Design Review approval from the HDC before the public hearing at the City Commission;

2. The applicant provide for trash cans in the outdoor dining area locations approved by the Planning Department; and,
3. The applicant must comply with the requests of all City Departments.

On March 6, 2024 ([Agenda](#)), the Historic District Commission moved to approve the historic Design Review application having determined that the proposal met the Secretary of the Interior Standards for Rehabilitation numbers 1, 2, 5, 9 and 10.

A complete set of updated site/design plans that address the conditions of approval from the Planning Board, Historic District Commission and City departments have been provided and are attached to this report.

**LEGAL REVIEW:**

The City Attorney has reviewed this request and has no objections as to form and content.

**FISCAL IMPACT:**

There are no fiscal impacts for this agenda item.

**SUSTAINABILITY:**

Not applicable.

**PUBLIC COMMUNICATIONS:**

As required for Special Land Use Permit and Final Site Plan Reviews, a legal ad was placed in a newspaper of local circulation to advertise the nature of the request in advance of the February 28, 2024 Planning Board meeting, and notices were sent out to all property owners and tenants within 300 ft. of the property. In addition, a second round of notices was sent out to advertise the public hearing at the City Commission meeting on April 15, 2024.

**SUMMARY:**

The Planning Division requests that the City Commission consider the Special Land Use Permit Amendment, Final Site Plan and Design Review application for 245 S. Eton – Big Rock Italian Chophouse.

**ATTACHMENTS:**

Please see attached the following documents:

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

**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 245 S. Eton – Big Rock Italian Chophouse.

**Big Rock Italian Chophouse  
245 S. Eton  
Special Land Use Permit Amendment 2024**

WHEREAS, A Special Land Use Permit Amendment application was filed in January 2024 for approval of a new addition to an existing food and drink establishment serving alcoholic liquors for on premise consumption in the historic Birmingham Grand Trunk Western Railroad Depot building at 245 S. Eton;

WHEREAS, The land for which the Special Land Use Permit is sought is located on the east side of S. Eton, south of Maple Rd.;

WHEREAS, The land is zoned B2B (General Business), which permits alcoholic beverage sales for on premise consumption with a Special Land Use Permit;

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

WHEREAS, The Planning Board on February 28, 2024 reviewed the application for a Special Land Use Permit Amendment, Final Site Plan and Design Review and recommended approval to the City Commission with the following conditions:

1. The applicant must gain Design Review approval from the HDC before the public hearing at the City Commission;
2. The applicant provide for trash cans in the outdoor dining area locations approved by the Planning Department; and,
3. The applicant must comply with the requests of all City Departments.

WHEREAS, The Historic District Commission on March 6, 2024 reviewed an application for Design Review and moved to approve the addition having determined that the proposal met the Secretary of the Interior Standards for Rehabilitation numbers 1, 2, 5, 9 and 10:

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

WHEREAS, The Birmingham City Commission has conducted a public hearing on April 15, 2024, and has reviewed Big Rock Italian Chophouse's Special Land Use Permit Amendment application and the standards for such review as set forth in Article 7, section 7.36 of Chapter 126, Zoning, of the City Code;

NOW, THEREFORE, BE IT RESOLVED, The Birmingham City Commission finds the standards imposed under the City Code have been met, subject to the conditions below, and that Big Rock Italian Chophouse's application for a Special Land Use Permit Amendment, Final Site Plan and Design Review at 245 S. Eton 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. Big Rock Italian Chophouse shall abide by all provisions of the Birmingham City Code;
2. Big Rock Italian Chophouse shall comply with the conditions of approval assigned by the Planning Board, Historic District Commission, City Departments, and City Commission;
3. The property owner work with City Staff to provide an easement to the City of up to 5 feet attached to the sidewalk north of the existing historic building for the purpose of an 8'-10' wide shared use path, contingent upon the City receiving a TAP Grant for the proposed S. Eton project, applied for on June 21, 2023 and subsequently amended; and
4. The Special Land Use Permit may be canceled by the City Commission upon finding that the continued use is not in the public interest.

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

BE IT FURTHER RESOLVED, Except as herein specifically provided, Big Rock Italian Chophouse 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 Big Rock Italian Chophouse to comply with all the ordinances of the City may result in the Commission revoking the Special Land Use Permit.

BE FURTHER RESOLVED that Big Rock Italian Chophouse is recommended for approval of a new addition to an existing food and drink establishment serving alcoholic liquors for on premise consumption in the historic Birmingham Grand Trunk Western Railroad Depot building, above all others, subject to final inspection.

I, Alexandria Bingham, City Clerk of the City of Birmingham, Michigan, do hereby certify that the foregoing is a true and correct copy of the resolution adopted by the Birmingham City Commission at its regular meeting held on April 15, 2024.

---

**Alexandria Bingham**  
**City Clerk**

**CONTRACT FOR A CLASS C LIQUOR LICENSE FOR  
245 S. ETON – BIG ROCK ITALIAN CHOPHOUSE**

This Contract is entered into this 9 day of April, 2024 by and between **BIG ROCK CHOPHOUSE VENTURE, LLC**, whose address is 245 S. Eton Street, Birmingham, MI 48009 (Licensee), **ETON STATION, LLC**, whose address is 2051 Villa Ste. 106, Birmingham, MI 48009 (Property Owner), and the **CITY OF BIRMINGHAM**, a Michigan Municipal Corporation, whose address is 151 Martin Street, Birmingham, Michigan 48009 (City).

**RECITALS:**

**WHEREAS**, a Special Land Use Permit Amendment application was filed in January 2024 for approval of a new addition to an existing food and drink establishment serving alcoholic liquors for on premise consumption in the historic Birmingham Grand Trunk Western Railroad Depot building at 245 S. Eton; and

**WHEREAS**, the land for which the Special Land Use Permit Agreement is sought is located on the east side of S. Eton, south of Maple Rd.; and

**WHEREAS**, the land is zoned B2B (General Business) which permits the sale of alcoholic liquors for on premise consumption with a Special Land Use Permit; and

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

**WHEREAS**, the City of Birmingham Commission is granting a contract to Licensee for the approval of the continued use of an on-premises liquor license, Special Land Use Permit.

**NOW, THEREFORE**, the parties agree as follows:

1. Licensee has a state issued liquor license for use solely at the Property. Any transfer of the aforementioned license from the Property to any other location in the City of Birmingham shall require the approval of the Birmingham City Commission in accordance with Section 10-83 of the City of Birmingham Code of Ordinances. In addition, any expansion of the Property shall also require the approval of the Birmingham City Commission.

2. Licensee further acknowledges that it must maintain a Special Land Use Permit for the sale of alcoholic liquors for on premise consumption as required by the Birmingham City Code of Ordinances. It is agreed that Licensee shall comply with all provisions of the Special Land Use Permit, or any amendments thereto, as a condition of this contract. Licensee further acknowledges and agrees that a violation of any provision of the Special Land Use Permit or the Michigan Liquor Control Code is a violation of the terms of this contract entitling the City to exercise any or all of the remedies provided herein.

3. Licensee acknowledges that no modifications to the site plan, floor plan, elevations or operation of the establishment may be made unless approved by the City Commission through

a Special Land Use Permit Amendment as required in the Zoning Ordinance. Modifications include, but are not limited to, name changes, ownership changes, remodeling, changes in the number of interior or exterior seats, etc.

4. Licensee acknowledges that outdoor dining is permitted with a valid Outdoor Dining License which is applied for and granted annually with an outdoor dining site approval based upon the applicable and current ordinances for the given year of application.

5. Licensee agrees that it shall not apply or seek from the Michigan Liquor Control Commission any permit endorsements to its liquor license whether available in the current Michigan Liquor Control Code or in future Michigan Liquor Control Codes, or amendments thereto, without the prior approval of the Birmingham City Commission.

6. Licensee further agrees that it shall not seek any change in its license status/class whether such changes are available now in the current Michigan Liquor Control Code or in future Michigan Liquor Control Codes, or amendments thereto, without prior approval of the Birmingham City Commission.

7. Licensee agrees that it shall adhere to all Federal, State and Local ordinances currently in effect or as subsequently amended or enacted.

8. Licensee agrees that its failure to follow any of the provisions herein may be grounds for the Michigan Liquor Control Commission to suspend, revoke or not renew its liquor license and/or for the Birmingham City Commission to revoke the Special Land Use Permit, either of which would prohibit Licensee from operating the establishment. Licensee agrees that in addition to the City of Birmingham's right to seek suspension, revocation or non-renewal of its liquor license and/or revocation of the Special Land Use Permit, the City retains any and all rights to enforce this Contract that may be available to it in law or in equity. Licensee further agrees that it shall reimburse the City all of its costs and actual attorney fees incurred by the City in seeking the suspension, revocation or non-renewal of its liquor license and revocation of the Special Land Use Permit, as well as enforcing such other rights as may be available at law and/or in equity.

9. To the fullest extent permitted by law, Licensee and any entity or person for whom Licensee is legally liable, agrees to be responsible for any liability, defend, pay on behalf of, indemnify, and hold harmless the City, its elected and appointed officials, employees and volunteers and others working on behalf of the City against any and all claims, demands, suits, or loss, including all costs connected therewith, including all costs and actual attorney fees, and for any damages which may be asserted, claimed or recovered against or from the City, its elected and appointed officials, employees, volunteers or others working on behalf of the City, by reason of personal injury, including bodily injury, death and/or property damage, including loss of use thereof, which arises out of or is in any way connected or associated with Licensee's operation of an establishment at the Property. The Licensee is not liable if the act or omission is the City's.

10. In the event Licensee fails to reimburse the City the costs and/or attorney fees as required herein, or any part thereof, then said amount could be transferred to the tax roll in accordance with Section 1-14 of the Birmingham City Code as acknowledged by the Property Owner, ETON STATION, LLC, whose address is 2051 Villa Ste. 106, Birmingham, MI 48009.



11. Any disputes arising under this Contract, not within the jurisdiction of the Michigan Liquor Control Commission, shall be settled either by commencement of a suit in Oakland County Circuit Court or by compulsory arbitration, at the election of the City. If both parties elect to have the dispute resolved by arbitration, it shall be settled pursuant to Chapter 50 of the Revised Judicature Act for the State of Michigan and administered by the American Arbitration Association with one arbitrator being used, or three arbitrators in the event any party's claim exceeds \$1,000,000. Each party shall bear its own costs and expenses and an equal share of the arbitrator's and administrative fees of arbitration. Such arbitration shall qualify as statutory arbitration pursuant to MCL §600.5001 et seq., and the Oakland County Circuit Court or any court having jurisdiction shall render judgment upon the award of the arbitrator made pursuant to this Agreement. The laws of the State of Michigan shall govern this Agreement, and the arbitration shall take place in Oakland County, Michigan. In the event that the parties elect not to have the matter in dispute arbitrated, any dispute between the parties may be resolved by the filing of a suit in a federal or state court with jurisdiction over Oakland County, Michigan.

12. This contract shall be governed by and performed, interpreted and enforced in accordance with the laws of the State of Michigan.

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

14. The City determines that to ensure continued compliance with Code standards and to protect public health, safety, and welfare, this Special Land Use Permit is granted subject to the following conditions:

- a. Licensee shall abide by all provisions of the Birmingham City Code; and
- b. Licensee shall comply with the conditions of approval assigned by the Historic District Commission, Planning Board and City Commission;
- c. The property owner work with City Staff to provide an easement to the City of up to 5 feet attached to the sidewalk north of the existing historic building for the purpose of an 8'-10' wide shared use path, contingent upon the City receiving a TAP Grant for the proposed S. Eton project, applied for on June 21, 2023 and subsequently amended; and
- d. The Special Land Use Permit may be canceled by the City Commission upon finding, after proper notice and a hearing, that the continued use is not in the public interest.

15. Failure to comply with any of the above conditions may result in termination of the Special Land Use Permit after the licensee has been given notice and a hearing.

16. Except as herein specifically provided, Licensee 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 Licensee to comply with all the ordinances of the City may result in the Commission revoking this Special Land Use Permit, after notice and a hearing.

17. Licensee is recommended for the operation of an establishment serving alcoholic beverages for on premise consumption and associated interior/exterior renovations, above all others, subject to final inspection.

18. This Contract shall be binding upon and apply and inure to the benefit of the parties hereto and their respective successors or assigns. The covenants, conditions, and the agreements herein contained are hereby declared binding on the City and Licensee. It is further agreed that there shall be no change, modification, or alteration hereof, except in writing, signed by all of the parties hereto. Neither party shall assign any of the rights under this contract without prior approval, in writing, of the other. Any attempt at assignment without prior written consent shall be void and of no effect.

*(This space intentionally left blank)*

IN WITNESS WHEREOF, the parties hereby have executed this Contract as of the date set forth above.

BIG ROCK CHOPHOUSE VENTURE, LLC (Licensee)

By: [Signature]

Its: Founder & CEO

Date: 4.10.24

STATE OF MICHIGAN )  
 ) ss:  
COUNTY OF OAKLAND )

On this 9 day of Apr. 1, 2024, before me personally appeared M. Cameron Mitchell who acknowledged that with authority on behalf Cameron Mitchell Restaurants, LLC to do so signed this Agreement.

[Signature]  
Notary Public  
Franklin County, Michigan  
Acting in Franklin County, Michigan  
My commission expires: N/A



KERRY T. BOYLE  
Attorney at Law  
Notary Public, State of Ohio  
My Commission Has No Expiration  
Section 147.03 R.C.

ETON STATION, LLC (Property Owner)  
(as to paragraph 10 only)

By: [Signature]

Its: 79 MANAGER

STATE OF MICHIGAN )  
 ) ss:  
COUNTY OF OAKLAND )

On this 9<sup>th</sup> day of April, 2024, before me personally appeared John Kelly, who acknowledged that with authority on behalf of Eton Station, LLC to do so signed this Agreement.

[Signature]  
Notary Public  
Oakland County, Michigan  
Acting in Oakland County, Michigan  
My commission expires: 1/14/2027

**CITY OF BIRMINGHAM**

By: \_\_\_\_\_  
Elaine McLain, Mayor

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

APPROVED:

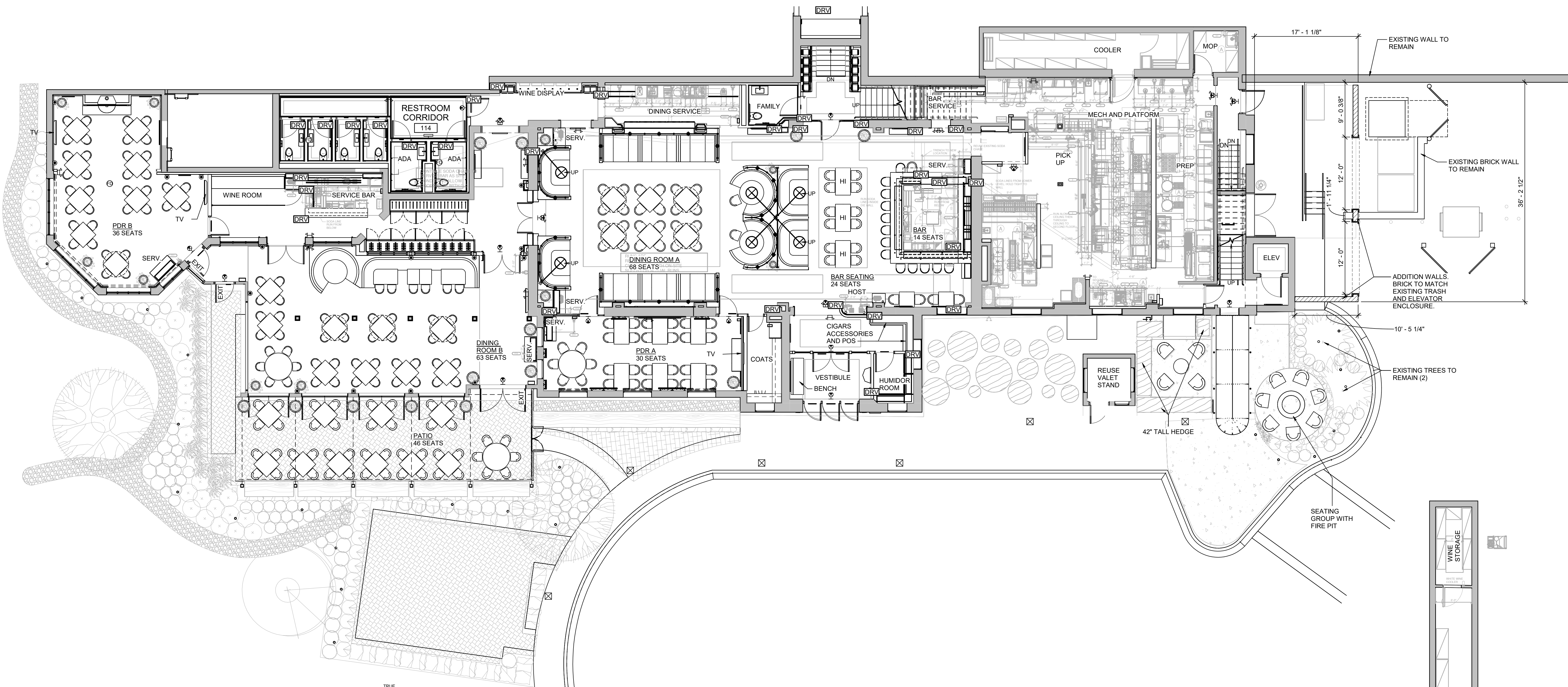
\_\_\_\_\_  
Jana L. Ecker, City Manager  
(Approved as to substance)

\_\_\_\_\_  
Nicholas J. Dupuis, Planning Director  
(Approved as to substance)

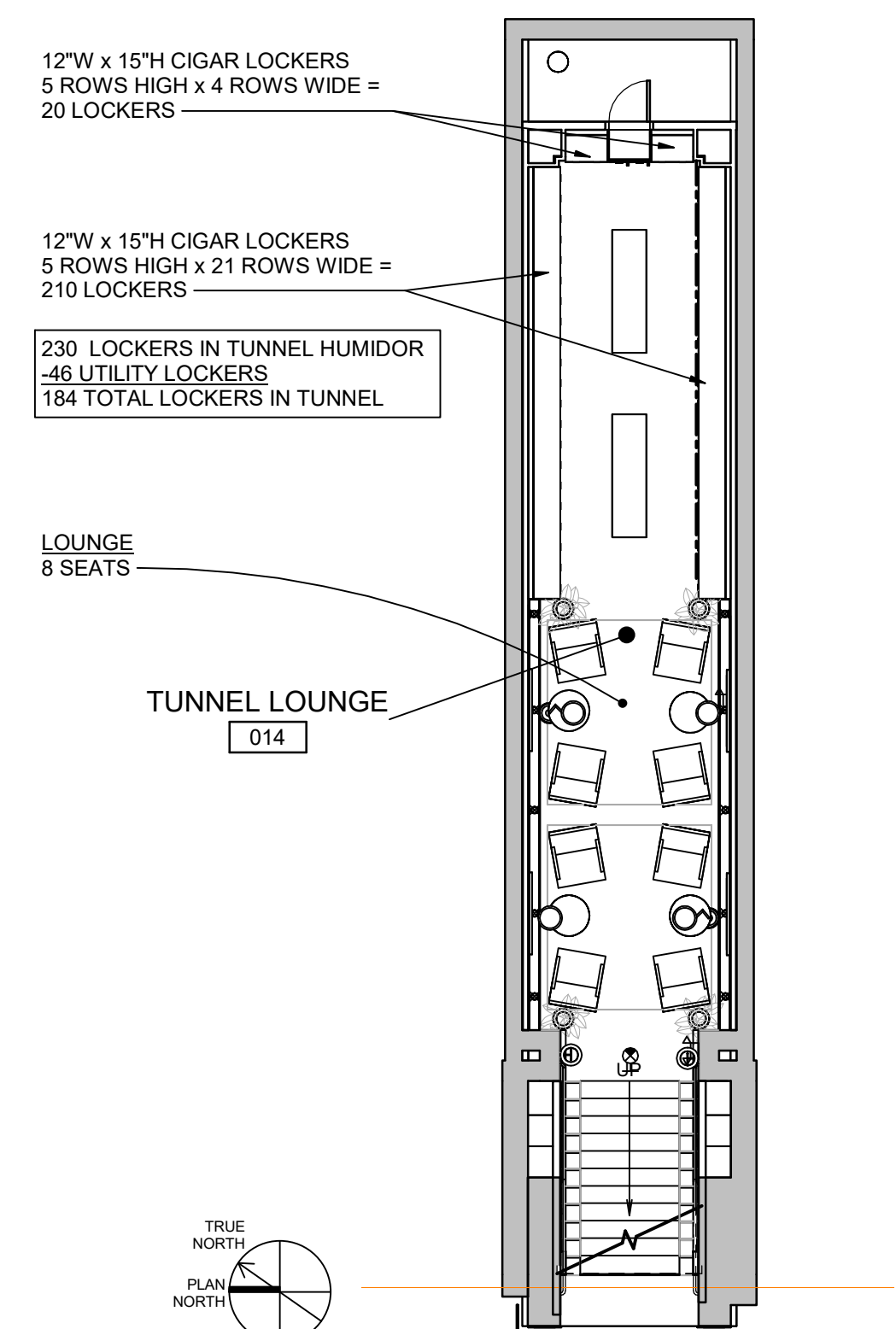
\_\_\_\_\_  
Mary M. Kucharek, City Attorney  
(Approved as to form)

## SEATING COUNT TABLE

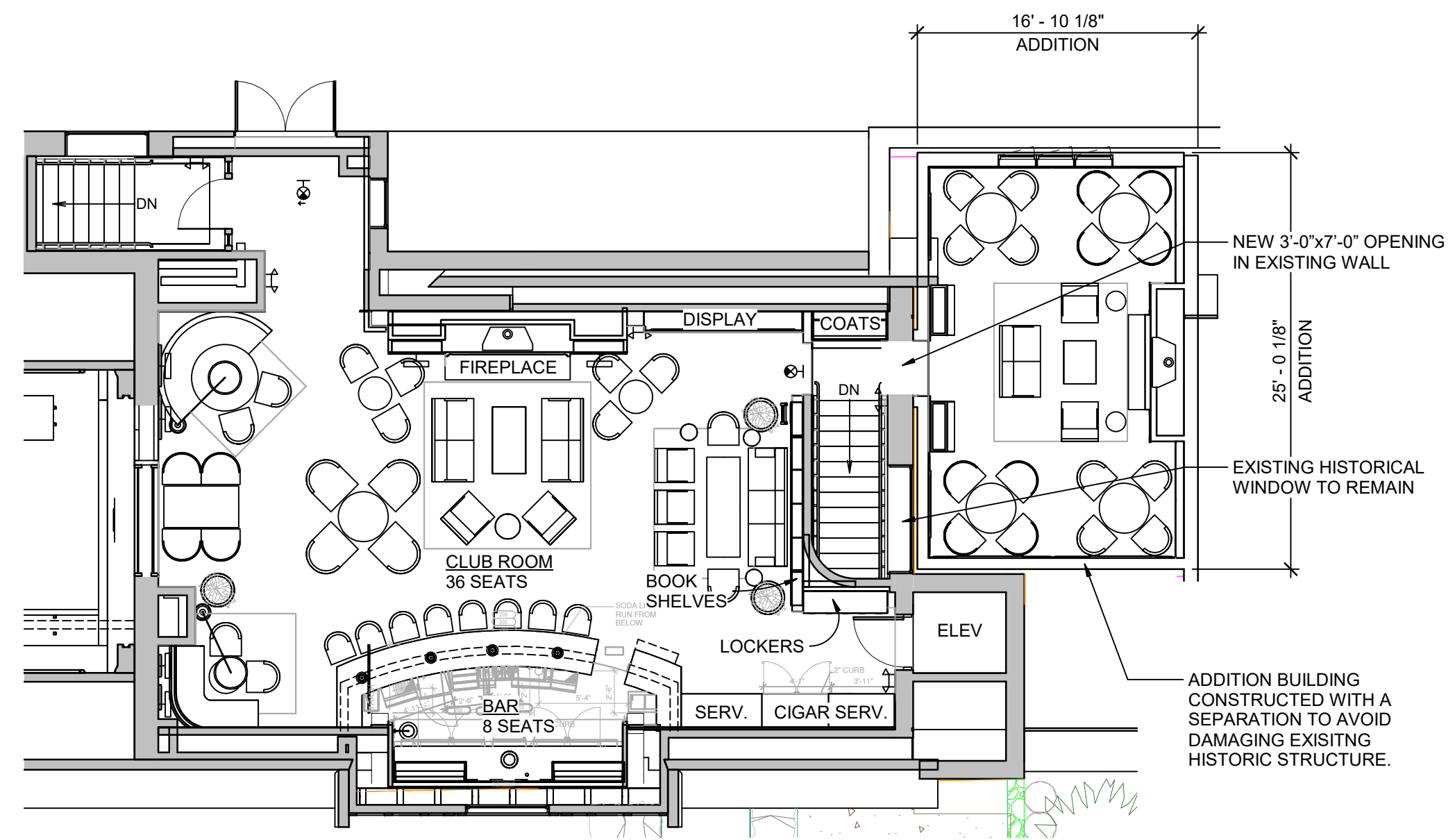
TYPE	COUNT	TOTAL
4 TOP	4	= 16
LOUNGE CHAIR	2	= 2
SOFA	1	= 2
		20
BAR SEATING		
4 TOP	5	= 20
4 TOP U-BOOTH	2	= 8
BAR STOOL	13	= 13
BAR SEATING		41
CLUB ROOM		
4 TOP	5	= 20
5 TOP	1	= 5
6 TOP	1	= 6
BAR STOOL	8	= 8
LOUNGE CHAIR	5	= 5
SOFA	2	= 4
CLUB ROOM		48
COVERED PATIO		
4 TOP - PATIO	10	= 40
6 TOP - PATIO	1	= 6
COVERED PATIO		46
DINING ROOM B		
12 TOP	2	= 4
4 TOP	9	= 36
5 TOP	2	= 10
5 TOP - ROUND BOOTH	1	= 5
16 TOP	1	= 16
DINING ROOM B		61
MAIN DINING ROOM		
4 TOP	6	= 24
4 TOP PULLMAN BOOTH	6	= 24
4 TOP U-BOOTH	2	= 8
6 TOP	2	= 12
MAIN DINING ROOM		68
PDR A		
4 TOP	6	= 24
6 TOP	1	= 6
PDR A		30
PDR B		
4 TOP	9	= 36
PDR B		36
TUNNEL		
LOUNGE CHAIR	6	= 6
TUNNEL		6
		358
TOTAL DINING		358



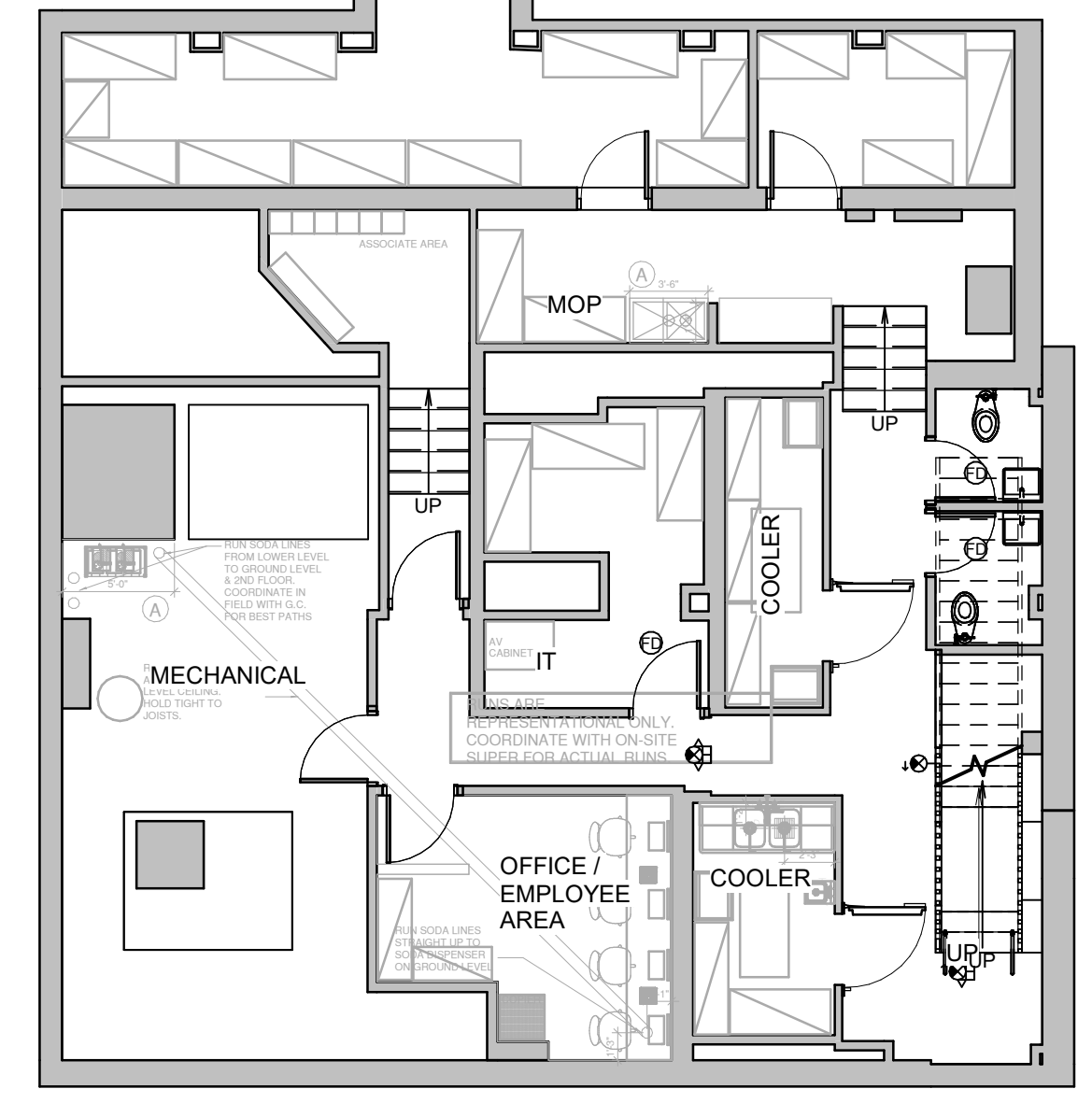
**1 SCHEMATIC FLOOR PLAN - LEVEL 1**  
SCALE: 1/8" = 1'-0"



**2 SCHEMATIC FLOOR PLAN - TUNNEL**  
SCALE: 1/8" = 1'-0"



**3 SCHEMATIC FLOOR PLAN - MEZZ**  
SCALE: 1/8" = 1'-0"



**4 SCHEMATIC FLOOR PLAN - LL**  
SCALE: 1/8" = 1'-0"

MARK	DATE	DESCRIPTION
	02/22/2024	ISSUED FOR HDC SUBMISSION
	01/18/2024	ISSUED FOR HDC SUBMISSION
	10/20/2023	ISSUED FOR HDC SUBMISSION
	06/09/2023	ISSUED FOR PLANNING DEPT. REV.
	06/09/2023	ISSUED FOR DESIGN DEVELOPMENT
	03/24/2023	DESIGN REVIEW - PLANNING

## SCHEMATIC DESIGN FOR BIG ROCK

245 S ETON STREET  
BIRMINGHAM, MI 48009

PROJECT NO: 3672  
CAD DWG FILE: C:\Users\jansens\Documents\3672 Big Rock\_RSD\_3672\3672BIGRAT.rvt  
DRAWN BY: Author  
CHECKED BY: Checker  
COPYRIGHT: © 2023 KNAUER INCORPORATED. ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE THE ORIGINAL AND UNPUBLISHED WORK OF KNAUER INCORPORATED AND THE SAME MAY NOT BE REPRODUCED, COPIED, OR DISCLOSED WITHOUT THE WRITTEN CONSENT OF KNAUER INCORPORATED.

SCALE: DRAWING SCALE MAY VARY. REFER TO EACH DRAWING FOR ITS SCALE.  
SHEET TITLE  
**SCHEMATIC FLOOR PLAN**

# A-1.1



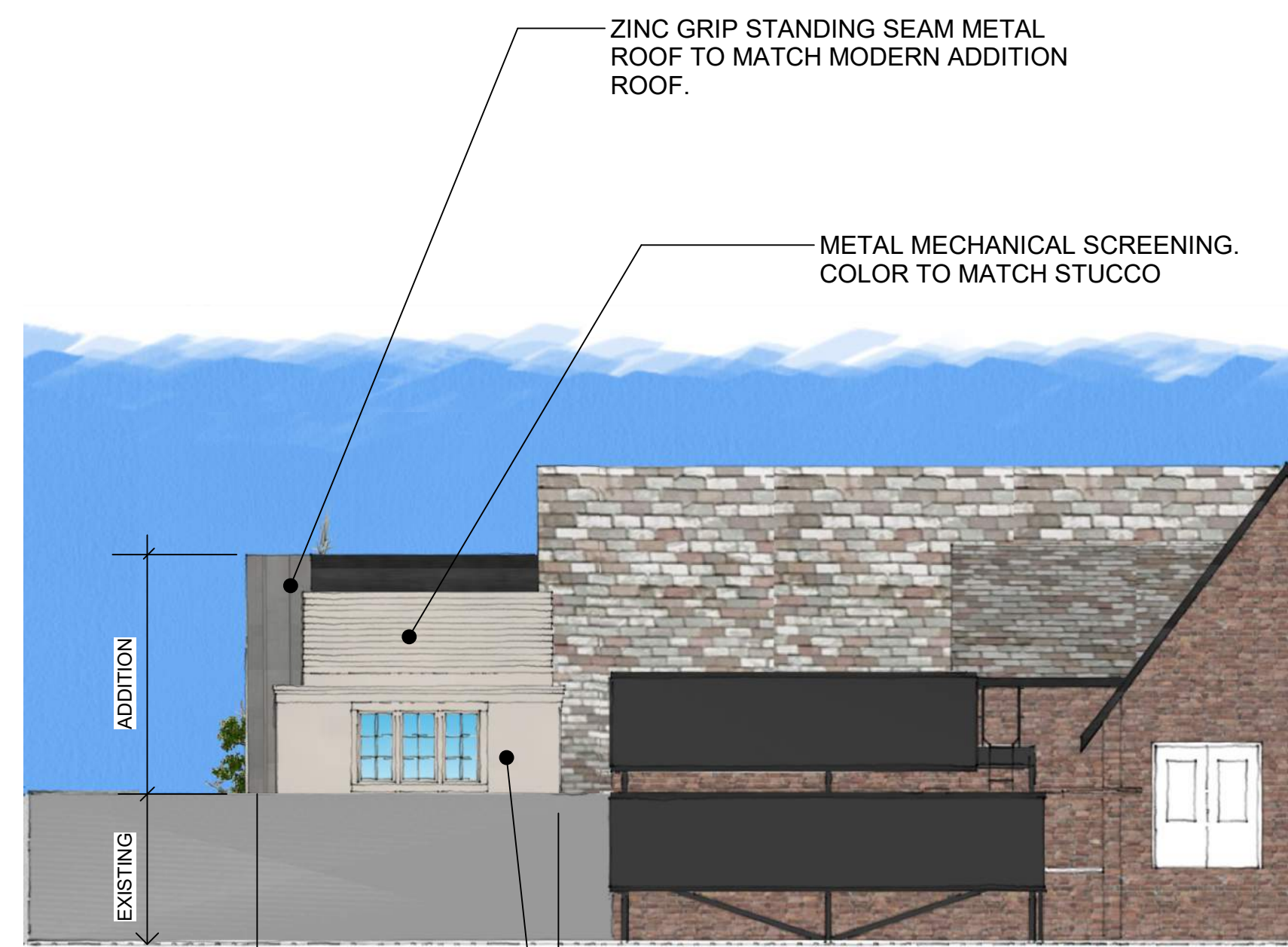
**WEST EXTERIOR ELEVATION**

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

EXISTING VALET STAND TO REMAIN. PAINT EXISTING TRIM BLACK.  
3'-6" TALL EVERGREEN HEDGEROW  
EXISTING CANOPY STRUCTURE WITH NEW CANOPY FABRIC (BLACK)  
SEATING GROUP WITH FIREPIT

ZINC GRIP STANDING SEAM METAL ROOF TO MATCH MODERN ADDITION ROOF.

THIN BRICK TO MATCH EXISTING BRICK ON ELEVATOR TOWER AND TRASH ENCLOSURE



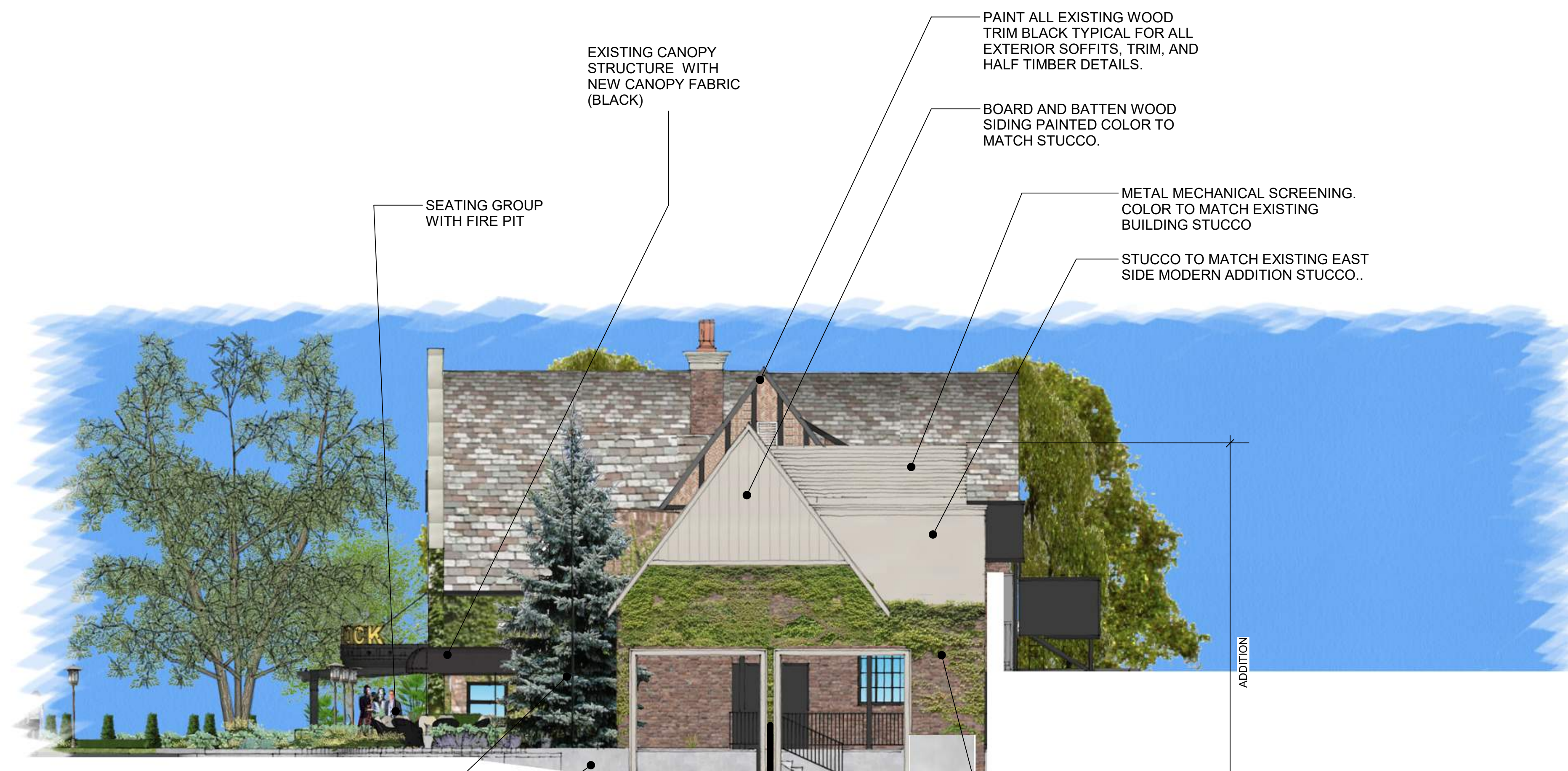
**WEST ADDITION EXTERIOR ELEVATION**

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

ZINC GRIP STANDING SEAM METAL ROOF TO MATCH MODERN ADDITION ROOF.

METAL MECHANICAL SCREENING. COLOR TO MATCH STUCCO

STUCCO TO MATCH EXISTING EAST SIDE MODERN ADDITION STUCCO..



**SOUTH EXTERIOR ELEVATION**

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

EXISTING CANOPY STRUCTURE WITH NEW CANOPY FABRIC (BLACK)

SEATING GROUP WITH FIRE PIT

PAINT ALL EXISTING WOOD TRIM BLACK TYPICAL FOR ALL EXTERIOR SOFFITS, TRIM, AND HALF-TIMBER DETAILS.

BOARD AND BATTEN WOOD SIDING PAINTED COLOR TO MATCH STUCCO.

METAL MECHANICAL SCREENING. COLOR TO MATCH EXISTING BUILDING STUCCO

STUCCO TO MATCH EXISTING EAST SIDE MODERN ADDITION STUCCO..

EXISTING TREES TO REMAIN (2)  
ADD CONCRETE WALL TO MATCH TO MAINTAIN RETAINING AREA

THIN BRICK TO MATCH EXISTING BRICK ON ELEVATOR TOWER AND TRASH ENCLOSURE

MARK	DATE	DESCRIPTION
02/22/2024	ISSUED FOR HDC SUBMISSION	
01/18/2024	ISSUED FOR HDC SUBMISSION	
10/20/2023	ISSUED FOR HDC SUBMISSION	
06/09/2023	ISSUED FOR PLANNING DEPT. REV.	
06/09/2023	ISSUED FOR DESIGN DEVELOPMENT	
03/24/2023	DESIGN REVIEW - PLANNING	

SCHEMATIC DESIGN FOR  
**BIG ROCK**

245 S ETON STREET  
BIRMINGHAM, MI 48009

PROJECT NO: 3672

CAD DWG FILE: C:\Users\james@knauer.com\Documents\3672 Big Rock\_RSD\_3672.dwg

DRAWN BY: Author

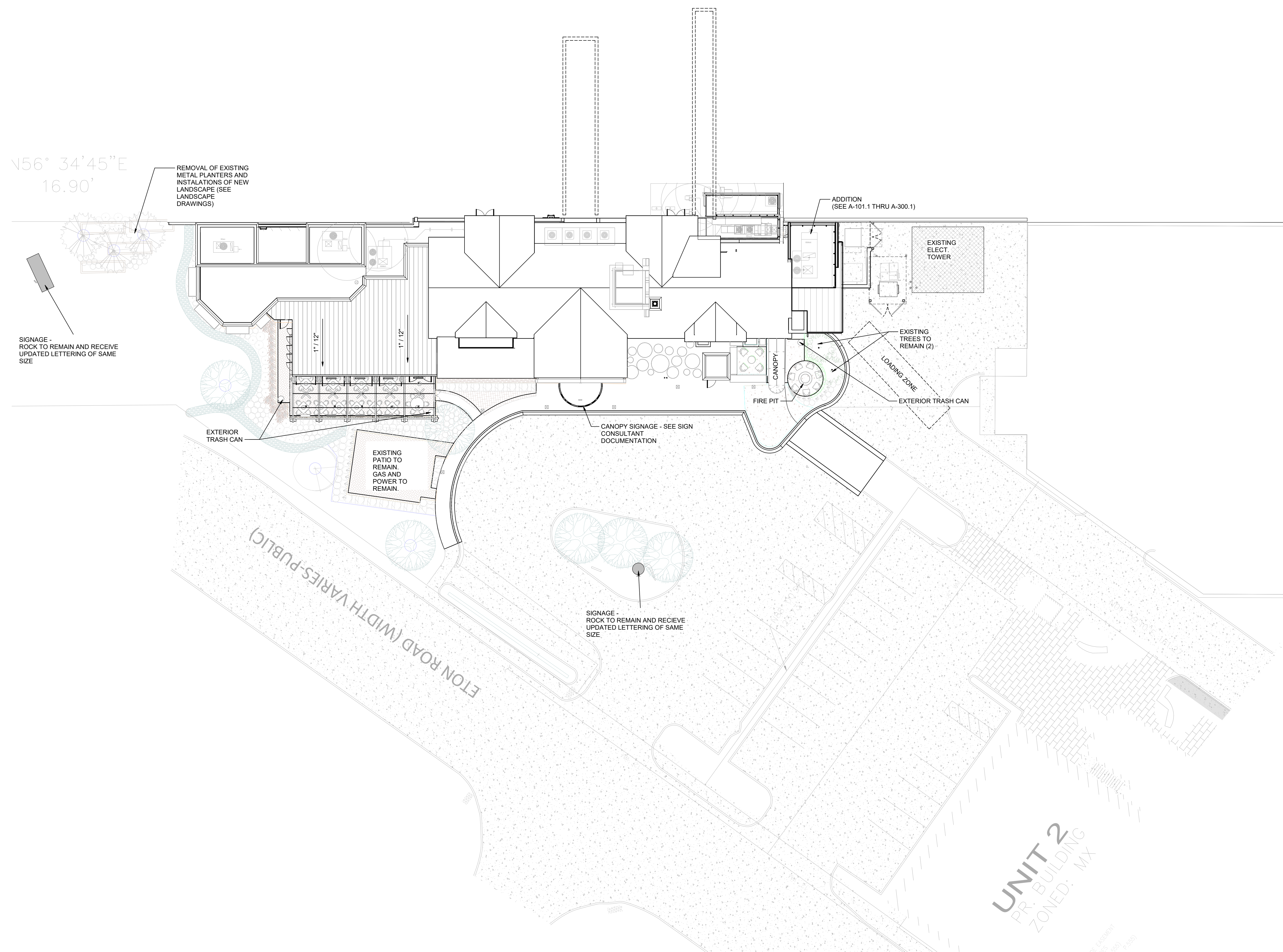
CHECKED BY: Checker

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SCALE: 0 4' 8' 16'  
1/8" = 1'-0"

SHEET TITLE  
**SCHEMATIC EXTERIOR ELEVATIONS**

**A-2**



**1** ARCHITECTURAL SITE PLAN  
 SCALE: 1/16" = 1'-0"

MARK	DATE	DESCRIPTION
1	01/11/2024	BID BULLETIN - 01
	10/06/2023	ISSUED FOR BID
	09/19/2023	ISSUED FOR PERMIT COMMENTS
	08/22/2023	ISSUED TO LANDLORD
	08/03/2023	ISSUED FOR PERMIT

ISSUED

**PERMIT SET**  
**BIG ROCK**

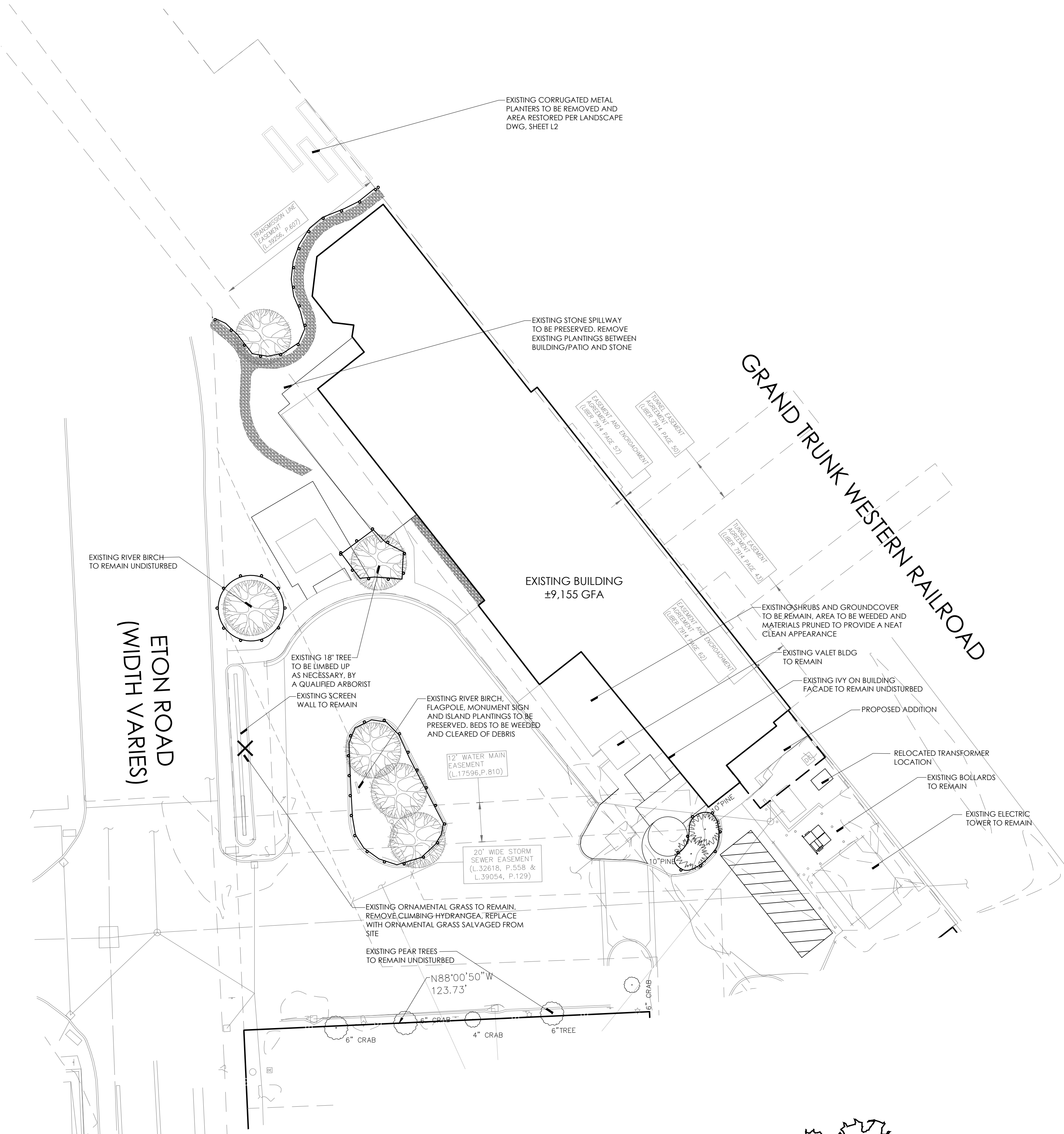
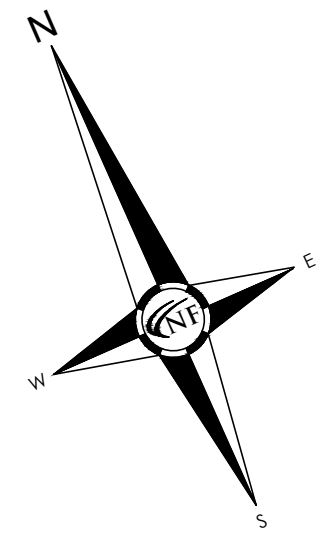
245 S ETON STREET  
BIRMINGHAM, MI 48009

PROJECT NO: 3672  
 CAD DWG FILE: C:\Users\jansens\Documents\3672 Big Rock\_RSD\_jansens\BIGAT.rvt  
 DRAWN BY: Author  
 CHECKED BY: Checker  
 COPYRIGHT: © 2023 KNAUER INCORPORATED. ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE THE ORIGINAL AND UNPUBLISHED WORK OF KNAUER INCORPORATED AND THE SAME MAY NOT BE DUPLICATED, USED, OR DISCLOSED WITHOUT THE WRITTEN CONSENT OF KNAUER INCORPORATED.

SCALE: DRAWING SCALE MAY VARY. REFER TO EACH DRAWING FOR ITS SCALE.

SHEET TITLE  
**SITE PLAN**

**AS-101**



ETON ROAD  
(WIDTH VARIES)

GRAND TRUNK WESTERN RAILROAD

EXISTING BUILDING  
±9,155 GFA

EXISTING 18" TREE  
TO BE LIMBED UP  
AS NECESSARY, BY  
A QUALIFIED ARBORIST

EXISTING RIVER BIRCH,  
FLAGPOLE, MONUMENT SIGN  
AND ISLAND PLANTINGS TO BE  
PRESERVED, BEDS TO BE WEEDED  
AND CLEARED OF DEBRIS

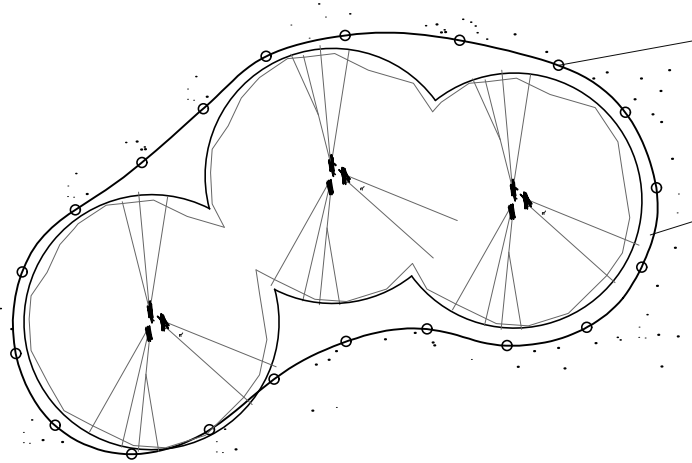
12" WATER MAIN  
EASEMENT  
(L-17596, P-810)

20' WIDE STORM  
SEWER EASEMENT  
(L-32618, P-558 &  
L-39054, P-129)

EXISTING ORNAMENTAL GRASS TO REMAIN,  
REMOVE CLIMBING HYDRANGEA, REPLACE  
WITH ORNAMENTAL GRASS SALVAGED FROM  
SITE

EXISTING PEAR TREES  
TO REMAIN UNDISTURBED

N88°00'50"W  
123.73'



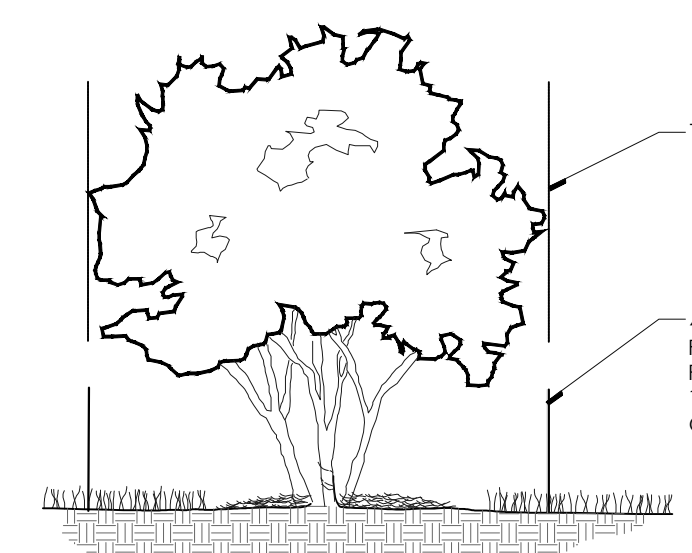
TREE PROTECTION DETAIL-PLAN

5/8" X 6" RE-ROD, OR  
EQUAL, SUPPORT POSTS  
EVERY 10' O.C.  
INSTALL POSTS A MIN. 24"  
INTO GROUND, TYPICAL

4' HIGH FENCING, AS SPECIFIED,  
TO BE PLACED 1' OUTSIDE THE DRIP  
LINE OR LIMITS OF GRADING, AS  
INDICATED ON PLAN, TYPICAL

NOTE:  
FENCING TO BE 4' HIGH ORANGE  
SNOW FENCE, OR APPROVED EQUAL

PROTECTION FENCING TO BE  
MAINTAINED THROUGHOUT THE  
CONSTRUCTION PERIOD



TREE PROTECTION DETAIL-SECTION

**DEMOLITION NOTES:**

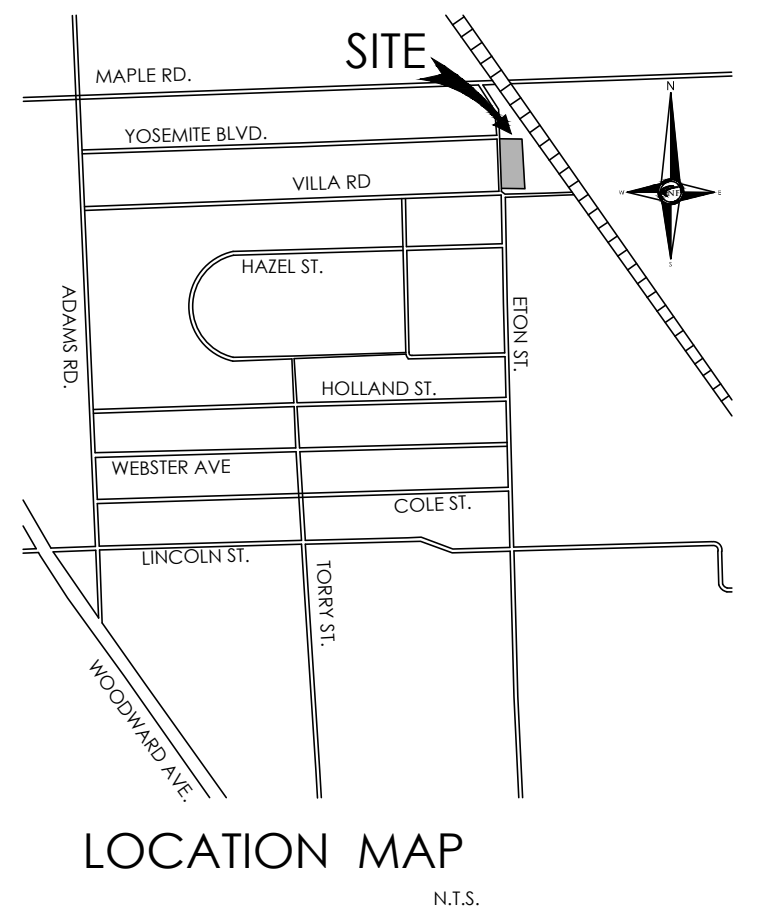
- IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY ALL EXISTING SURVEY INFORMATION INCLUDING THE UTILITY SYSTEMS BEFORE ANY DEMOLITION OR CONSTRUCTION WORK OCCURS. ANY DISCREPANCIES WITH THE SURVEY INFORMATION SHALL BE REPORTED TO THE ARCHITECT AND OWNER'S REPRESENTATIVE IMMEDIATELY.
- CONTRACTOR SHALL BE RESPONSIBLE FOR MAKING HIMSELF FAMILIAR WITH ALL UNDERGROUND UTILITIES, PIPES AND STRUCTURES. CONTRACTOR SHALL TAKE SOLE RESPONSIBILITY FOR COST INCURRED DUE TO DAMAGE AND REPLACEMENT OF SAID UTILITIES.
- ALL EXISTING IMPROVEMENTS, MATERIALS AND PLANT MATERIAL TO REMAIN WITHIN THE NEW CONSTRUCTION AREA SHALL BE PROPERLY AND ADEQUATELY PROTECTED FROM DAMAGE DURING THE DEMOLITION OPERATIONS. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RESTORE TO THE ORIGINAL CONDITION ANY OF THESE EXISTING ITEMS THAT ARE DAMAGED OR DISTURBED IN ANY WAY.
- ALL MATERIALS TO BE REUSED OR SALVAGED SHALL BE STORED IN AN AREA DESIGNATED BY THE CITY ENGINEER FOR THAT PURPOSE. ALL SALVAGED MATERIALS SHALL REMAIN THE PROPERTY OF THE CITY ENGINEER.
- STREETS, SIDEWALKS AND ADJACENT PROPERTIES SHALL BE PROTECTED THROUGHOUT THE WORK AS REQUIRED BY LOCAL CODES AND REGULATIONS AND APPROVED BY THE OWNER.
- ALL MATERIAL SPECIFIED TO BE REMOVED SHALL BE DISPOSED OF OFF-SITE PER LOCAL CODES AND REGULATIONS. CONTRACTOR SHALL COORDINATE METHOD OF DISPOSAL WITH CITY ENGINEER PRIOR TO COMMENCEMENT OF WORK.
- MATERIALS TO BE REUSED OR SALVAGED SHALL BE STORED IN AN AREA DESIGNATED BY THE OWNER'S REPRESENTATIVE FOR THAT PURPOSE. ALL SALVAGED MATERIALS SHALL REMAIN THE PROPERTY OF THE OWNER.
- DURING DEMOLITION OPERATIONS EVERY EFFORT SHALL BE MADE TO CONTROL DUST, PER CITY REQUIREMENTS.
- TREES AND SHRUBS TO BE REMOVED WITHIN THE LIMITS OF WORK SHALL BE CLEARLY IDENTIFIED WITH BRIGHTLY COLORED RIBBON.
- GRUBBING SHALL INCLUDE ALL WEEDS, SHRUBS, STUMPS AND ROOT SYSTEMS OF REMOVED PLANT MATERIAL, IRRIGATION PIPING AND ANY OTHER IRRIGATION MATERIALS WITHIN THE LIMITS OF DEMOLITION. GRUBBING SHALL BE TO THE DEPTHS BELOW PROPOSED IMPROVEMENTS INDICATED AS FOLLOWS: CONCRETE PAVING AND WALKWAYS-TOTAL DEPTH OF PAVING AND SUB-BASE; ASPHALT PAVING-TOTAL DEPTH OF PAVING AND SUB-BASE; LAWN AND OTHER PLANTINGS AREAS-REMOVE DEPTH REQUIRED OF STUMPS AND ROOTS OVER TWO (2) INCHES IN DIAMETER AND TURF.
- PROTECT EXISTING TREES TO REMAIN PER TYPICAL TREE PROTECTION DETAIL.
- STOCKPILED TOPSOIL SHALL BE STORED ON SITE AND REMAIN PROTECTED FROM CONTAMINATION PRIOR TO REDISTRIBUTION.
- SAWCUT AND REMOVE EXISTING ASPHALT AS REQUIRED TO INSTALL NEW SITE IMPROVEMENTS AND ADJUST GRADES WITHIN CITY STREETS. ALL WORK WITHIN CITY RIGHT OF WAY SHALL MEET CITY STANDARDS AND SPECIFICATIONS.
- ARRANGE FOR APPLICABLE UTILITY COMPANY TO RELOCATE EXISTING CABLES, WIRES, PHONE LINES, ETC. ALONG WITH EDISON POWER LINES AS REQUIRED.
- CONTRACTOR SHALL SECURE AND PAY FOR ALL APPLICABLE PERMITS AND FEES NECESSARY FOR THE COMPLETE CONSTRUCTION OF THE PROJECT.

**LEGEND:**

- TREES TO BE REMOVED
- TREES TO REMAIN
- TREE PROTECTION FENCING

**GENERAL TREE PROTECTION NOTES**

- APPROVED TREE PROTECTION SHALL BE ERECTED PRIOR TO THE START OF CONSTRUCTION ACTIVITIES, AND SHALL REMAIN IN PLACE UNTIL THE IN PLACE UNTIL CONSTRUCTION IS COMPLETE.
- ALL UNDERSTORY VEGETATION WITHIN THE LIMITS OF PROTECTIVE FENCING SHALL BE PRESERVED.
- NO PERSON MAY CONDUCT ANY ACTIVITY WITHIN THE DRIP LINE OF ANY TREE DESIGNATED TO REMAIN, INCLUDING BUT NOT LIMITED TO, PLACING SOLVENTS, BUILDING MATERIALS, CONSTRUCTION EQUIPMENT, OR SOIL DEPOSITS WITHIN THE DRIP LINE.
- WHERE GROUPINGS OF TREES ARE TO REMAIN, TREE FENCING SHALL BE PLACED AT THE LIMITS OF GRADING LINE.
- DURING CONSTRUCTION, NO PERSON SHALL ATTACH ANY DEVICE OR WIRE TO ANY TREE, SCHEDULED TO REMAIN.
- ALL UTILITY SERVICE REQUESTS MUST INCLUDE NOTIFICATION TO THE INSTALLER THAT PROTECTED TREES MUST BE AVOIDED. ALL TRENCHING SHALL OCCUR OUTSIDE OF THE PROTECTIVE FENCING.
- SWALES SHALL BE ROUTED TO AVOID THE AREA WITHIN THE DRIP LINES OF PROTECTED TREES.
- TREES LOCATED ON ADJACENT PROPERTIES THAT MAY BE AFFECTED BY CONSTRUCTION ACTIVITIES MUST BE PROTECTED.
- ROOT ZONES OF PROTECTED TREES SHOULD BE SURROUNDED WITH RIGIDLY STAKED FENCING.
- THE PARKING OF IDLE AND RUNNING EQUIPMENT SHALL BE PROHIBITED UNDER THE DRIP LINE OF PROTECTED TREES.
- THE STRIPPING OF TOPSOIL FROM AROUND PROTECTED TREES SHALL BE PROHIBITED.
- ALL TREES TO BE REMOVED SHALL BE CUT AWAY FROM TREES TO REMAIN.
- THE GRUBBING OF UNDERSTORY VEGETATION WITHIN CONSTRUCTION AREAS SHOULD BE CLEARED BY CUTTING VEGETATION AT THE GROUND WITH A CHAIN SAW OR MINIMALLY WITH A HYDRO-AXE.
- THE CONTRACTOR IS RESPONSIBLE FOR THE REPLACEMENT PER ORDINANCE GUIDELINES, FOR THE DAMAGE OR REMOVAL OF ANY TREE DESIGNATED TO REMAIN.
- TREES TO BE REMOVED SHALL BE FIELD VERIFIED, EVALUATED AND FLAGGED FOR REMOVAL BY THE LANDSCAPE ARCHITECT OR FORESTER, ONLY AS DIRECTED BY THE OWNER OR OWNER'S REPRESENTATIVE.



LOCATION MAP  
N.T.S.



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

SEAL



PROJECT  
Proposed Restaurant

CLIENT  
Cameron Mitchell  
Restaurants  
Contact: Randy Roberty  
Phone: 380-219-2582  
Email:  
roberty@cameronmitchell.com

PROJECT LOCATION  
Part of the NE 1/4  
of Section 31  
T. 2 North, R. 11 East,  
City of Birmingham,  
Oakland County, Michigan

SHEET  
Tree Removal Plan



REVISIONS

05/18/23	REVISED PER OWNER REVIEW
07/25/23	REVISED PER PC
09/01/23	ISSUED FOR BID
09/22/23	REVISED PER ARCHITECT
11/30/23	REVISED PER CLIENT
01/02/24	REVISED PER CLIENT
02/13/24	REVISED PER CLIENT

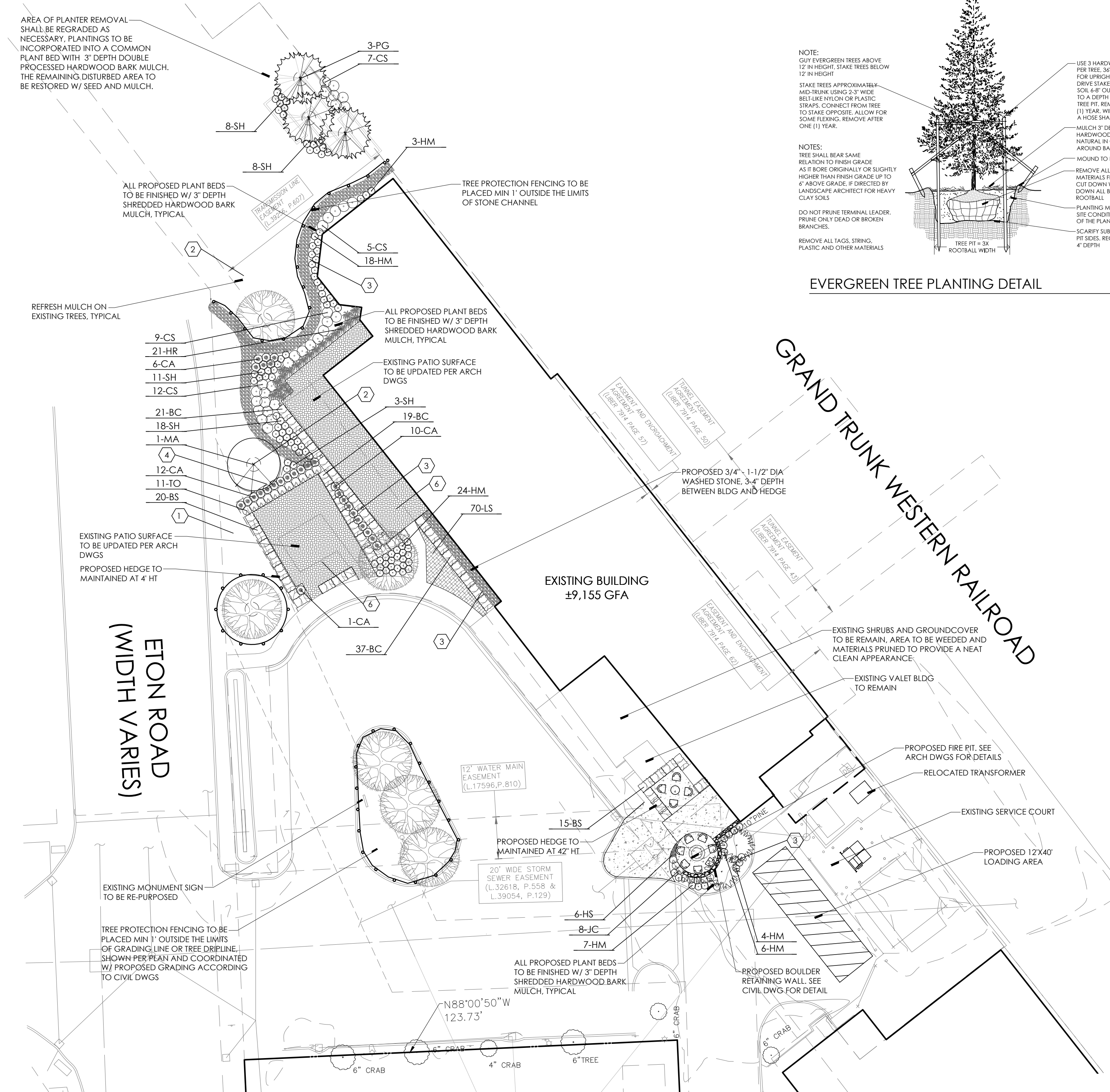
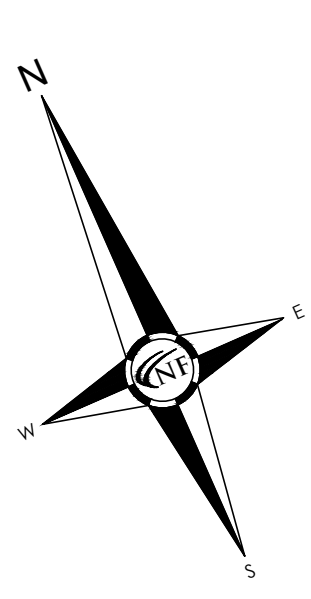
DRAWN BY:  
G. Ostrowski  
DESIGNED BY:  
G. Ostrowski  
APPROVED BY:  
G. Ostrowski

DATE:  
05-01-2023

SCALE: 1" = 20'

NFE JOB NO. SHEET NO.  
**E103-04 L1**





**CONSTRUCTION NOTES:**

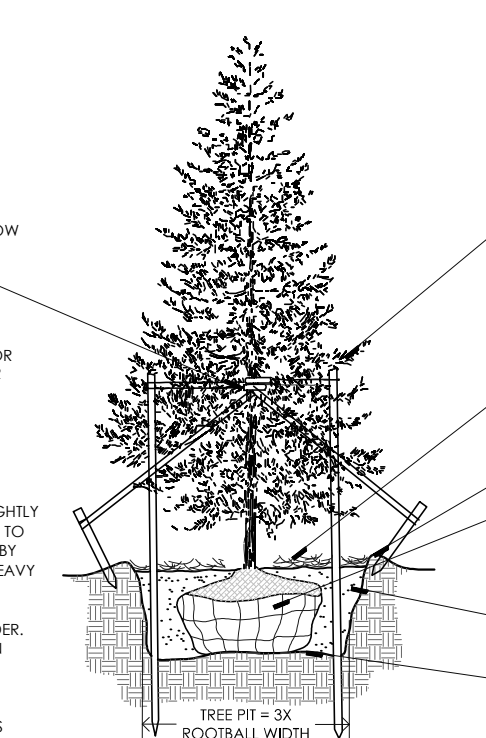
- IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY ALL EXISTING SURVEY INFORMATION INCLUDING THE UTILITY SYSTEMS BEFORE ANY DEMOLITION OR CONSTRUCTION WORK OCCURS. ANY DISCREPANCIES WITH THE SURVEY INFORMATION SHALL BE REPORTED TO THE ARCHITECT AND OWNER'S REPRESENTATIVE IMMEDIATELY.
- CONTRACTOR SHALL BE RESPONSIBLE FOR MAKING HIMSELF FAMILIAR WITH ALL UNDERGROUND UTILITIES, PIPES AND STRUCTURES. CONTRACTOR SHALL TAKE SOLE RESPONSIBILITY FOR COST INCURRED DUE TO DAMAGE AND REPLACEMENT OF SAID UTILITIES.
- CONTRACTOR SHALL NOT WILLFULLY PROCEED WITH CONSTRUCTION AS DESIGNED WHEN IT IS OBVIOUS THAT UNKNOWN OBSTRUCTIONS AND / OR GRADE DIFFERENCES EXIST THAT MAY NOT HAVE BEEN KNOWN DURING THE DESIGN. SUCH CONDITIONS SHALL BE IMMEDIATELY BROUGHT TO THE ATTENTION OF THE CITY ENGINEER. THE CONTRACTOR SHALL ASSUME FULL RESPONSIBILITY FOR ALL NECESSARY REVISIONS DUE TO LACK OF SUCH NOTIFICATION.
- CONTRACTOR SHALL BE RESPONSIBLE FOR ANY COORDINATION WITH SUBCONTRACTORS AS REQUIRED TO ACCOMPLISH OPERATIONS.
- CONTRACTOR IS RESPONSIBLE FOR REPLACEMENT OF ANY EXISTING MATERIALS THAT ARE DAMAGED DURING CONSTRUCTION.
- SEE SPECIFICATIONS FOR CONSTRUCTION REQUIREMENTS, MATERIALS, AND EXECUTION.
- ALL PROPERTY LINES AND LOT LINES SHALL BE VERIFIED PRIOR TO COMMENCING WORK.
- CONTRACTOR SHALL SUBMIT ALL SAMPLES PER SPECIFICATIONS. ALL SAMPLES SHALL BE APPROVED BY THE ARCHITECT OR OWNER'S REPRESENTATIVE PRIOR TO CONSTRUCTION.
- DIMENSIONAL FLEXIBILITY SHALL BE WITHIN PLANT BEDS ONLY.
- CONTRACTOR SHALL COORDINATE ALL SITE LAYOUT WITH THE LANDSCAPE ARCHITECT AND REPORT ANY DIMENSIONAL DISCREPANCIES PRIOR TO CONSTRUCTION.
- HANDICAPPED RAMPS SHALL MEET ALL CURRENT BARRIER FREE DESIGN CODES.



**NF ENGINEERS**  
 CIVIL ENGINEERS  
 LAND SURVEYORS  
 LAND PLANNERS

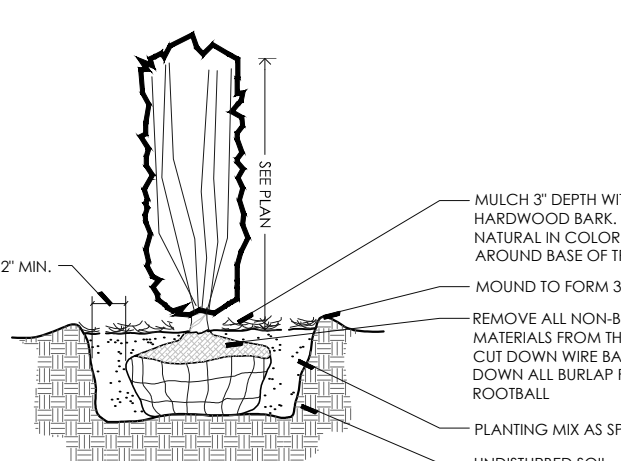
NOWAK & FRAUS ENGINEERS  
 4677 WOODWARD AVE.  
 PONTIAC, MI 48342-5032  
 Phone: (248) 332-7931  
 FAX: (248) 332-8257

**EVERGREEN TREE PLANTING DETAIL**

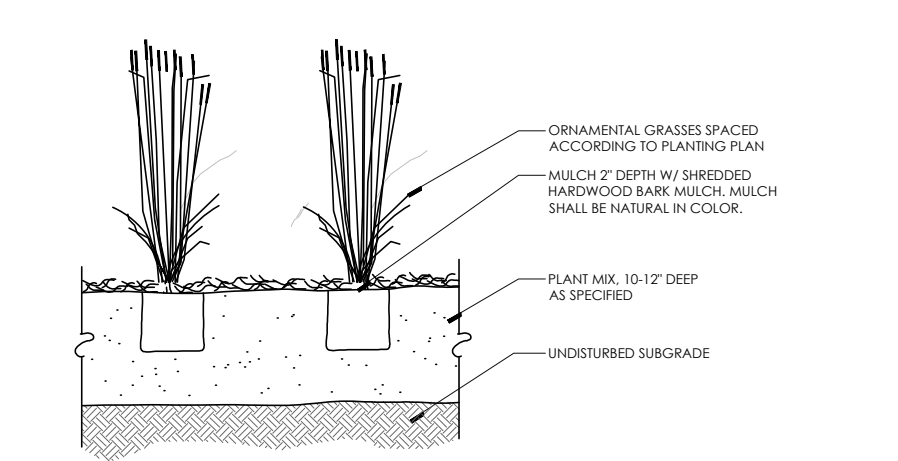


**GRAND TRUNK WESTERN RAILROAD**

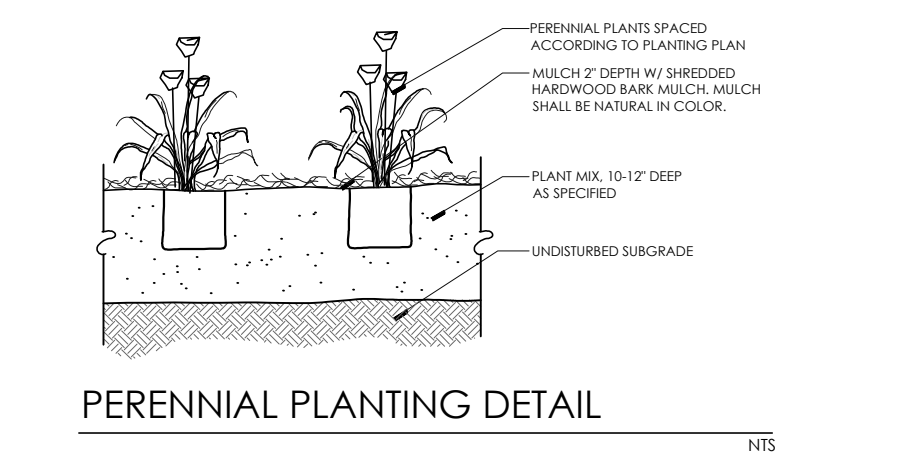
**UPRIGHT EVERGREEN SHRUB PLANTING DETAIL**



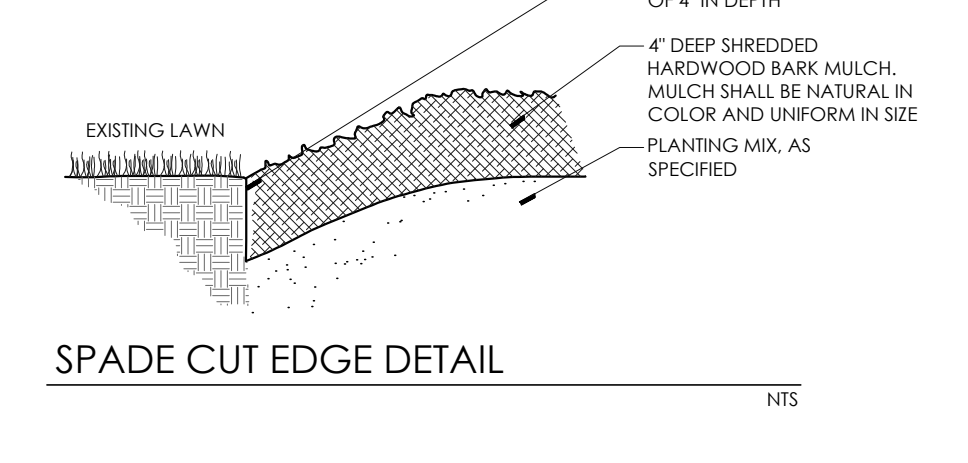
**ORNAMENTAL GRASS PLANTING DETAIL**



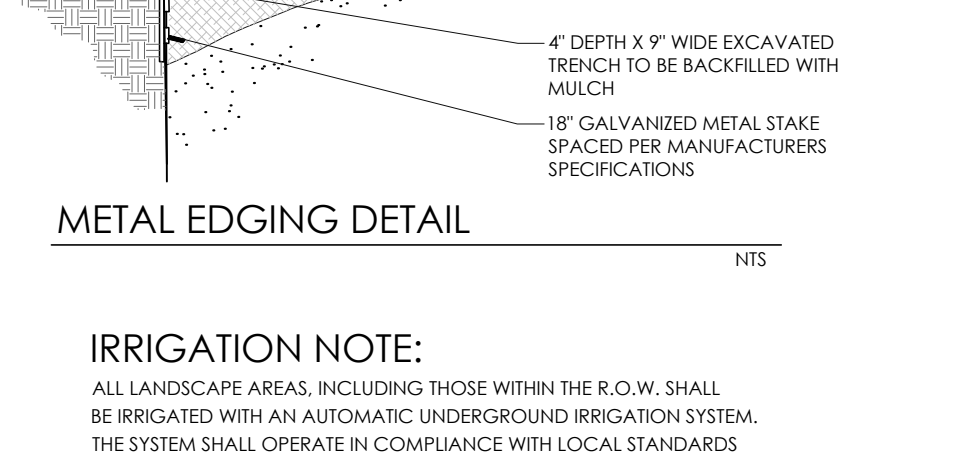
**PERENNIAL PLANTING DETAIL**



**SPADE CUT EDGE DETAIL**



**METAL EDGING DETAIL**



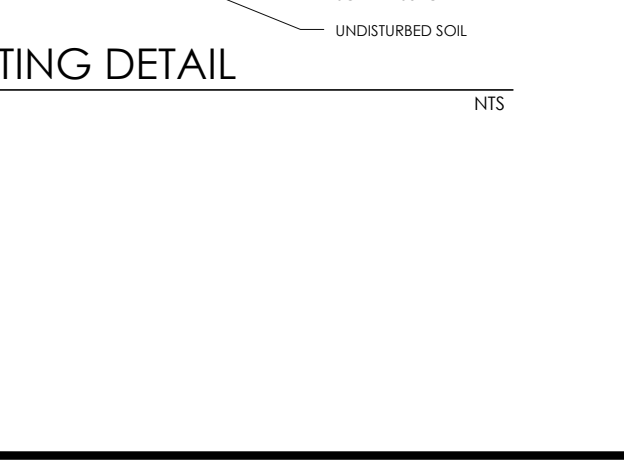
**GROUND COVER KEY**

- SOD DISTURBED AREAS ON 3" TOPSOIL
- 4" DIA SPADE CUT EDGE W/ 3" SHREDDED BARK MULCH
- 3" DEPTH DOUBLE SHREDDED HARDWOOD BARK MULCH
- 3/16" X 4" STEEL EDGING STACKED PER MANUFACTURER
- PERGOLA STRUCTURE PER ARCH DWGS
- PATIO PAVEMENT PER ARCH DWGS

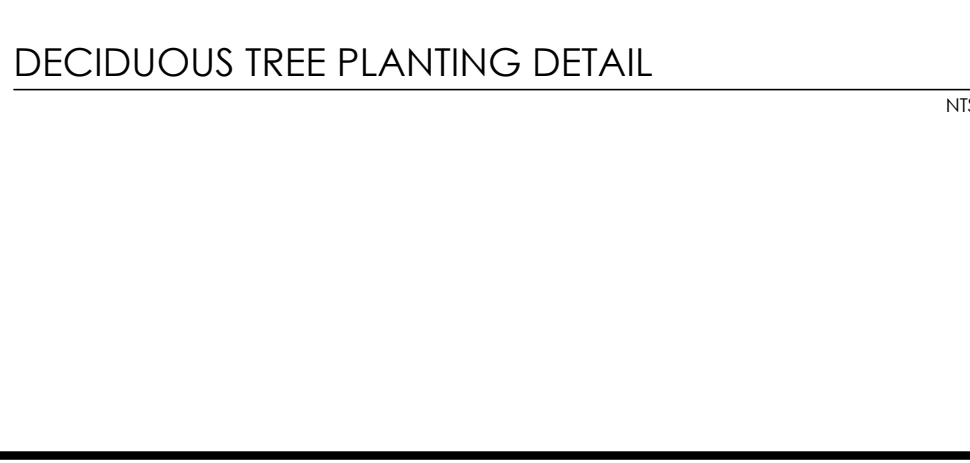
**GENERAL SOD NOTE:**

ALL LAWN AREAS DESIGNATED TO BE SODDED, SHALL BE SODDED WITH A BLENDED DURABLE BLUEGRASS SOD, TYPICALLY GROWN IN THE REGION. ALL TURF SHALL BE PLACED ON A MINIMUM 3" PREPARED TOPSOIL, AND WATERED DAILY UNTIL ESTABLISHMENT. IN AREAS SUBJECT TO EROSION, SODDED LAWN SHALL BE STABILIZED WHERE NECESSARY, AND LAID PERPENDICULAR TO SLOPES. SOD INSTALLATION SHALL OCCUR ONLY: SPRING: APRIL TO JUNE | FALL: AUGUST 15 TO OCTOBER 15

**HEDGE PLANTING DETAIL**



**DECIDUOUS TREE PLANTING DETAIL**



**PLANT SCHEDULE**

KEY	QTY	BOTANICAL/COMMON NAME	SIZE	SPACING	ROOT	COMMENT
<b>TREES</b>						
PG	3	Picea glauca 'Densata' Black Hills Spruce	8' HT	SEE PLAN	B&B	FILL TO GROUND
PS	1	Prunus serotina 'Pink Flr' Pink Flowering Cherry	2.5' CAL	SEE PLAN	B&B	FULLY BRANCHED HEADS
<b>SHRUBS</b>						
BC	77	Buxus x 'Northern Charm' Northern Charm Boxwood	30-36" HT	30" OC	B&B	MAINTAIN AS 3' HT HEDGE
BS	35	Buxus microphylla 'Sprinter' Sprinter Boxwood	36" HT	30" OC	B&B	MAINTAIN AS 4' HT HEDGE
CS	33	Cornus sericea 'Kelsey' Kelsey Red Twig Dogwood	24" HT	3' OC	B&B	
JC	11	Juniperus scopulorum 'Skyrocket' Skyrocket Juniper	6' HT	30" OC	B&B	MAINTAIN AS 5' HT HEDGE
TO	11	Thuja occidentalis 'Smaragd' Emerald Green Arborvitae	6-7' HT	36" OC	B&B	MAINTAIN AS HEDGE
<b>GROUNDCOVERS/PERENNIALS</b>						
CA	29	Calamagrostis a. 'Karl Foerster' Karl Foerster Feather Reed Grass	3 GAL	28" OC	CONT	
HM	62	Hakonechloa macroa 'All Gold' All Gold Japanese Forest Grass	2 GAL	18" OC	CONT	
HR	21	Hosta 'Risky Business' Risky Business Hosta	2 GAL	18" OC	CONT	
HS	6	Hemerocallis 'Stella D'Oro' Stella D'Oro Daylily	2 GAL	24" OC	CONT	
LS	70	Liriope spicata Creeping Lilyturf	1 GAL	15" OC	CONT	
SH	48	Sporobolus heterolepis 'Tara' Tara Prairie Dropseed	2 GAL	18" OC	CONT	

**GENERAL LANDSCAPE NOTES**

- LANDSCAPE CONTRACTOR SHALL VISIT SITE, INSPECT EXISTING CONDITIONS AND REVIEW PROPOSED PLANNING AND RELATED WORK. IN CASE OF DISCREPANCY BETWEEN PLAN AND PLANT LIST, THE PLAN SHALL GOVERN UNLESS CONTRACTOR'S LANDSCAPE ARCHITECT WITH ANY CONCERNS.
- CONTRACTOR SHALL VERIFY LOCATIONS OF ALL ON-SITE UTILITIES PRIOR TO BEGINNING CONSTRUCTION ON EITHER PHASE OF WORK. ANY DAMAGE OF HEREFROM SERVICES SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.
- CONTRACTOR SHALL COORDINATE ALL RELATED ACTIVITIES WITH OTHER TRADES AND SHALL REPORT ANY UNACCEPTABLE SITE CONDITIONS TO THE OWNER'S REPRESENTATIVE PRIOR TO COMMENCING WORK.
- PLANTS SHALL BE FULLY BRANCHED AND HEALTHY VIGOROUS GROWING CONDITION.
- PLANTS SHALL BE WATERED BEFORE AND AFTER PLANTING IS COMPLETE.
- ALL TREES MUST BE FULLY FERTILIZED AND MULCHED AND SHALL BE GUARANTEED TO EXHIBIT A NORMAL GROWTH CYCLE FOR AT LEAST ONE (1) YEAR FOLLOWING PLANTING.
- ALL MATERIAL SHALL CONFORM TO THE GUIDELINES ESTABLISHED IN THE MOST RECENT EDITION OF THE NATIONAL STANDARD FOR HURSTER STOCK. CONTRACTOR WILL SUPPLY FINISHED GRADE AND EXCAVATE AS NECESSARY TO SUPPLY PLANT BEDS WITH FINISHED GRADE AS INDICATED IN PLANT DETAILS AND A DEPTH OF 4" IN ALL LAWN AREAS.
- CONTRACTOR SHALL SCREEN AND REMOVE ALL DEBRIS, FOREIGN MATERIAL, AND STONE. SLOW RELEASE FERTILIZER SHALL BE ADDED TO THE PLANT BEDS BEFORE BEING BACKFILLED. APPLICATION SHALL BE AT THE MANUFACTURER'S RECOMMENDED RATE.
- AMENDED PLANT MIX (PREPARED TOPSOIL) SHALL CONSIST OF 1/3 SCREENED TOPSOIL, 1/3 SAND, AND 1/3 "SOFT" COMPOST. MIXED WELL AND SPREAD TO A DEPTH AS INDICATED IN PLANTING DETAILS.
- ALL PLANTINGS SHALL BE MULCHED WITH SHREDDED HARDWOOD BARK, SPREAD TO A DEPTH OF 2" FOR TREES AND SHRUBS, AND 2" ON ANNUALS, PERENNIALS, AND GROUNDCOVER PLANTINGS. MULCH SHALL BE FREE FROM DEBRIS AND FOREIGN MATERIAL, AND FREE OF INCOMPATIBLE SOD.
- NO SUBSTITUTIONS OR CHANGES OF LOCATION OR PLANT TYPE SHALL BE MADE WITHOUT THE APPROVAL OF THE LANDSCAPE ARCHITECT OR OWNER'S REPRESENTATIVE.
- THE LANDSCAPE ARCHITECT SHALL BE NOTIFIED OF ANY DISCREPANCIES BETWEEN THE PLANS AND FIELD CONDITIONS THROUGHOUT THE GUARANTEE PERIOD.
- THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING ALL PLANT MATERIAL AND FIELD CONDITIONS THROUGHOUT THE GUARANTEE PERIOD.
- THE LANDSCAPE ARCHITECT OR OWNER'S REPRESENTATIVE SHALL HAVE THE RIGHT TO OBJECT ANY WORK OR MATERIAL THAT DOES NOT MEET THE REQUIREMENTS OF THE PLANS AND/OR SPECIFICATIONS.
- THE LANDSCAPE CONTRACTOR SHALL SED AND MULCH OR SOD (AS INDICATED ON PLANS) ALL AREAS DESIGNATED AS SUCH ON THE PLANS. THROUGHOUT THE CONTRACT LIMITS FURTHER, THE CONTRACTOR SHALL BE RESPONSIBLE FOR RESTORING AREAS DISTURBED DURING CONSTRUCTION, NOT IN THE CONTRACT LIMITS, TO EQUAL OR GREATER CONDITION.
- ALL LANDSCAPE AREAS SHALL HAVE PROPER DRAINAGE THAT PREVENTS EXCESSIVE WATER FROM PONDING ON LAWN AREAS OR AROUND TREES AND SHRUBS.
- ALL LANDSCAPE AREAS SHALL BE IRRIGATED WITH AN AUTOMATIC UNDERGROUND SYSTEM.

**PROJECT LOCATION**  
 Part of the NE 1/4 of Section 31  
 T. 2 North, R. 11 East,  
 City of Birmingham,  
 Oakland County, Michigan

**SHEET**  
 Landscape Plan

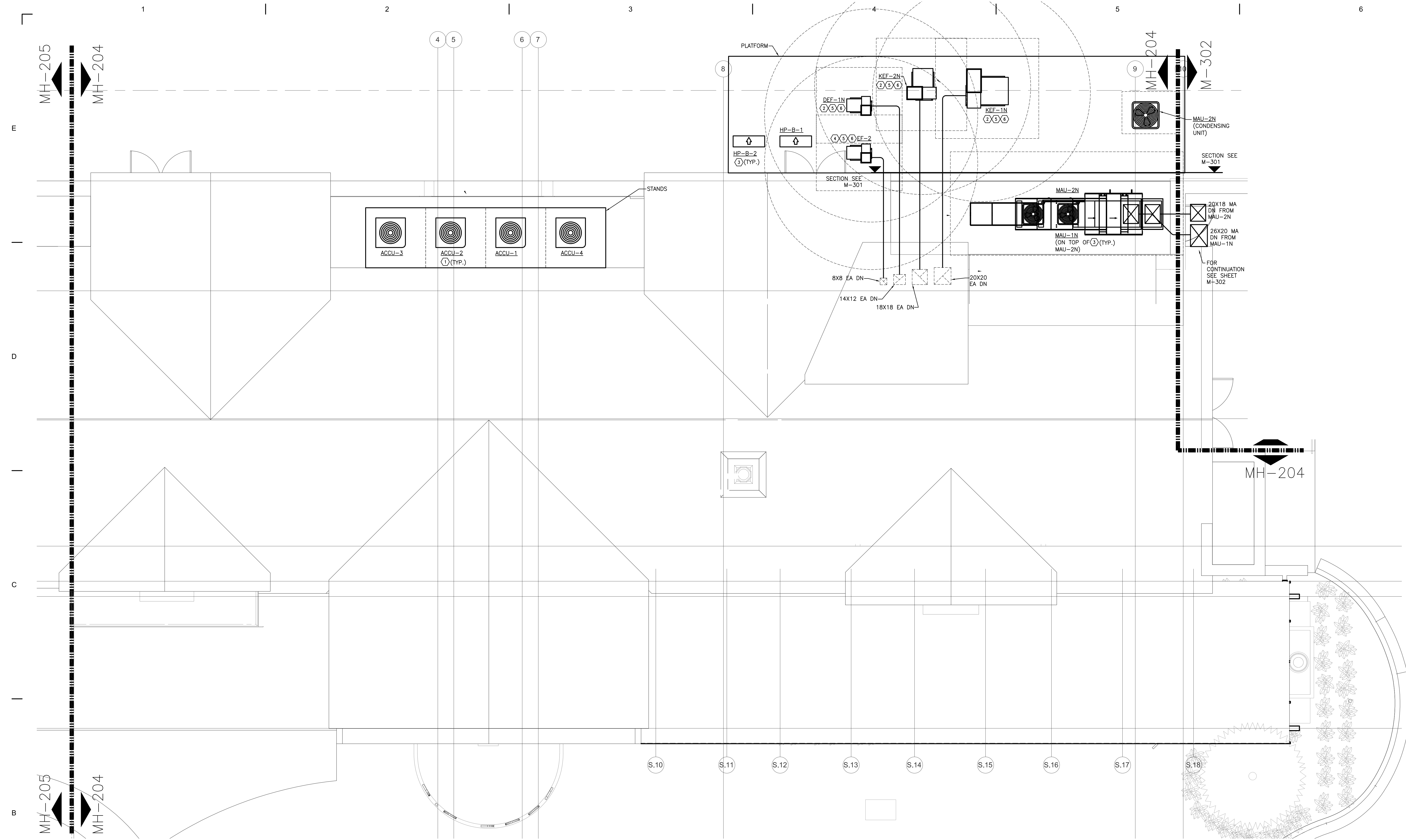


**REVISIONS**

05/18/23	REVISED PER OWNER REVIEW
07/25/23	REVISED PER PC
09/01/23	ISSUED FOR BID
09/22/23	REVISED PER ARCHITECT
11/30/23	REVISED PER CLIENT
01/02/24	REVISED PER CLIENT
02/13/24	REVISED PER CLIENT

**DRAWN BY:**  
 G. Ostrowski  
**DESIGNED BY:**  
 G. Ostrowski  
**APPROVED BY:**  
 G. Ostrowski  
**DATE:**  
 05-01-2023

**SCALE:** 1" = 20'  
 X X X 0 X X X  
**NFE JOB NO.** E103-04 **SHEET NO.** L2



**MECHANICAL HVAC ROOF PLAN-SOUTH**  
 SCALE: 1/4"=1'-0"  
 NORTH

**GENERAL NOTES:**

- GN1. SEE M-100 TO M-106 FOR SCHEDULES, NOTES & LEGENDS.
- GN2. PROVIDE ACCESS DOOR FOR ALL FIRE DAMPERS & MANUAL BALANCE DAMPER IN GYP BOARD CEILING OR SOFFIT.
- GN3. SEE ARCHITECTURAL DRAWING FOR LIFE SAFETY TO PROVIDE APPROPRIATE DAMPERS.
- GN4. MAINTAIN MINIMUM 10'-0" DISTANCE FROM ROOF EDGE FOR ALL HVAC UNITS. OTHERWISE PROVIDE HANDRAIL.
- GN5. TERMINATE ALL VENTS 3'-0" ABOVE ANY FORCED AIR INLET LOCATED WITH IN 10'-0".
- GN6. TERMINATE ALL EXHAUST DUCTS 3'-0" FROM ROOF EDGE.
- GN7. PROVIDE 2" FOAM INSULATION WITH PVC JACKET FOR ALL DUCTS RUN ON ROOF. JACKET COLOR TO MATCH THE ROOF.

**KEY DRAWING NOTES:**

- ① PROVIDE AIR COOLED CONDENSING UNIT AS SHOWN ON PLAN. SEE SCHEDULE FOR DETAIL. COORDINATE FINAL LOCATION WITH ARCHITECT/OWNER. DISTANCE BETWEEN INDOOR AND OUTDOOR UNIT SHALL NOT EXCEED MANUFACTURER RECOMMENDATION.
- ② PROVIDE KITCHEN EXHAUST & DISHWASHER EXHAUST FAN AS SHOWN ON PLAN. SEE SCHEDULE FOR DETAIL.
- ③ PROVIDE MAKE UP UNIT AS SHOWN ON PLAN. SEE SCHEDULE FOR DETAIL.
- ④ PROVIDE EXHAUST FAN. SEE SCHEDULE FOR DETAILS.
- ⑤ MAINTAIN MINIMUM 10'-0" DISTANCE BETWEEN EXHAUST OUTLET AND MAU INTAKE. IF DISTANCE CAN'T BE ACHIEVED, EXTEND EXHAUST OUTLET MINIMUM 3'-0" ABOVE OUTSIDE AIR INTAKE. IF 10 FT. DISTANCE CAN BE ACHIEVED EXTEND DISCHARGE TO THE SCREEN WALL.
- ⑥ INSTALL FANS ON STANDS. FIELD COORDINATE EXACT FAN HEIGHT WITH EXHAUST DUCT SLOPE.

**Preliminary**  
 02/23/2024 10:07:04 AM



MARK	DATE	DESCRIPTION
4	01/11/24	BID BULLETIN-01
3	10/06/23	ISSUED FOR BID
2	07/24/23	PERMIT
1	06/29/23	REVIEW

**BIG ROCK**

245 S ETON STREET  
 BIRMINGHAM, MI 48009

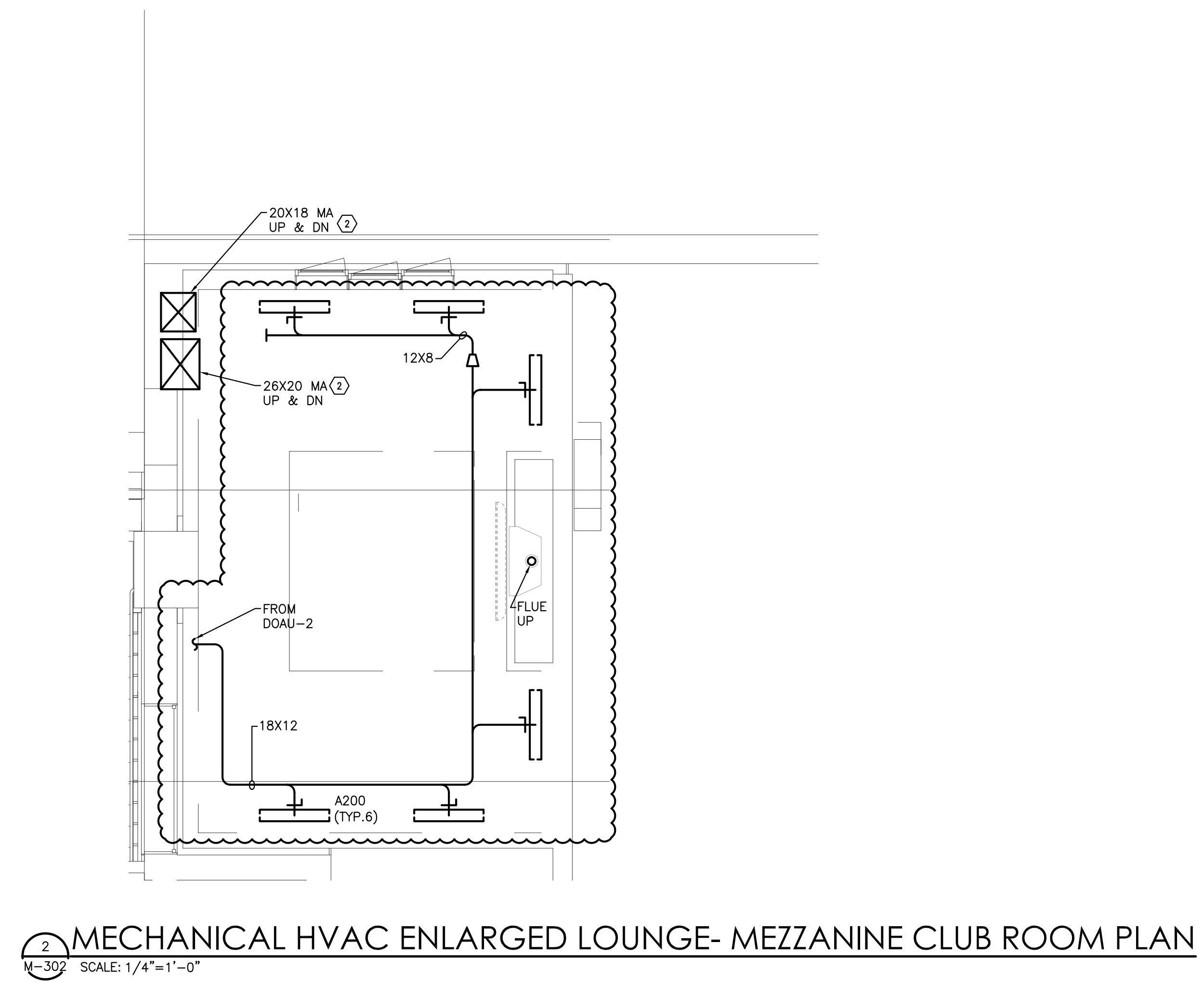
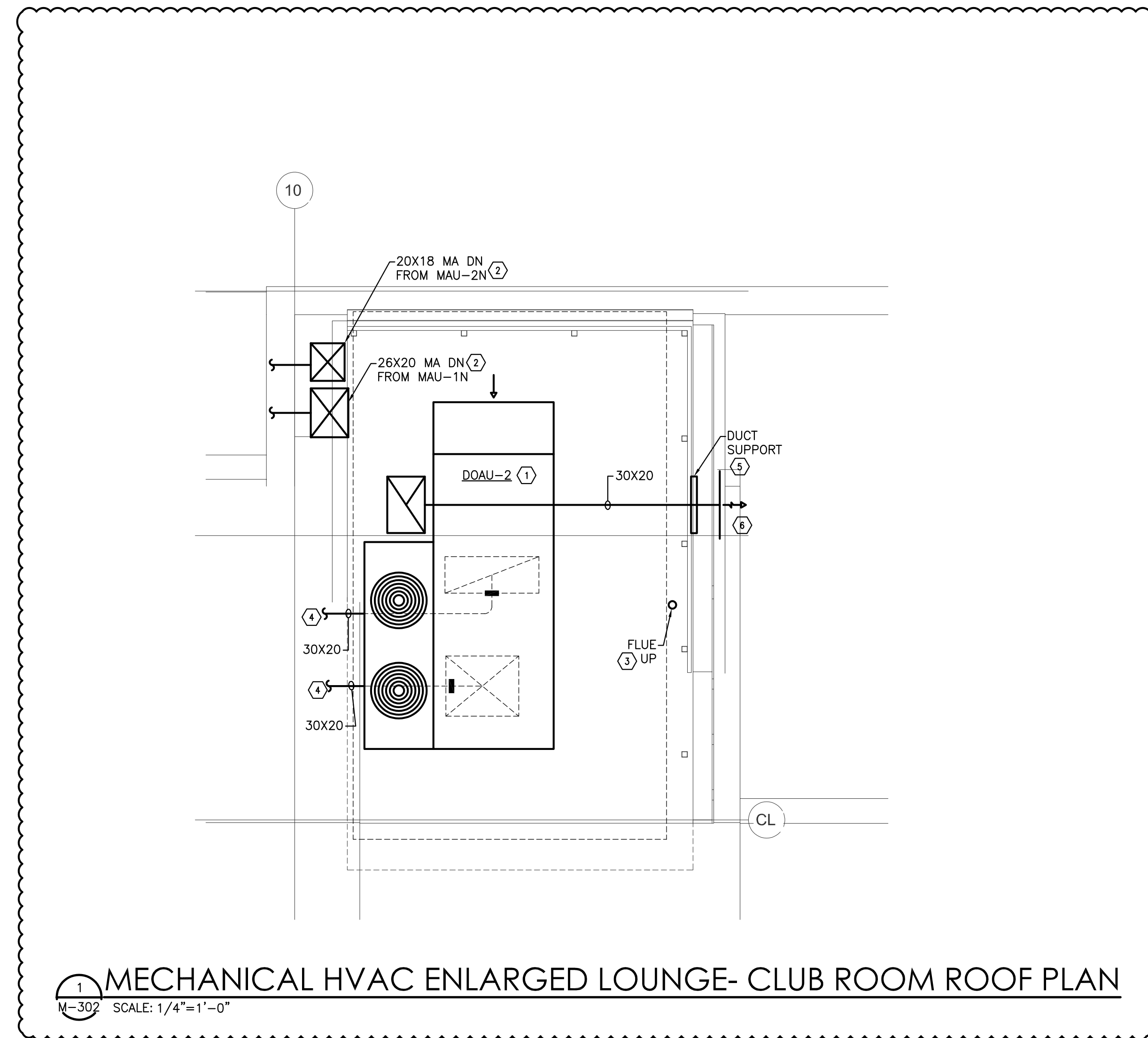
PROJECT NO:	3672
CAD DWG FILE:	
DRAWN BY:	SSE
CHECKED BY:	MMM

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SCALE: 0 2' 4' 8'  
 1/4" = 1'-0"

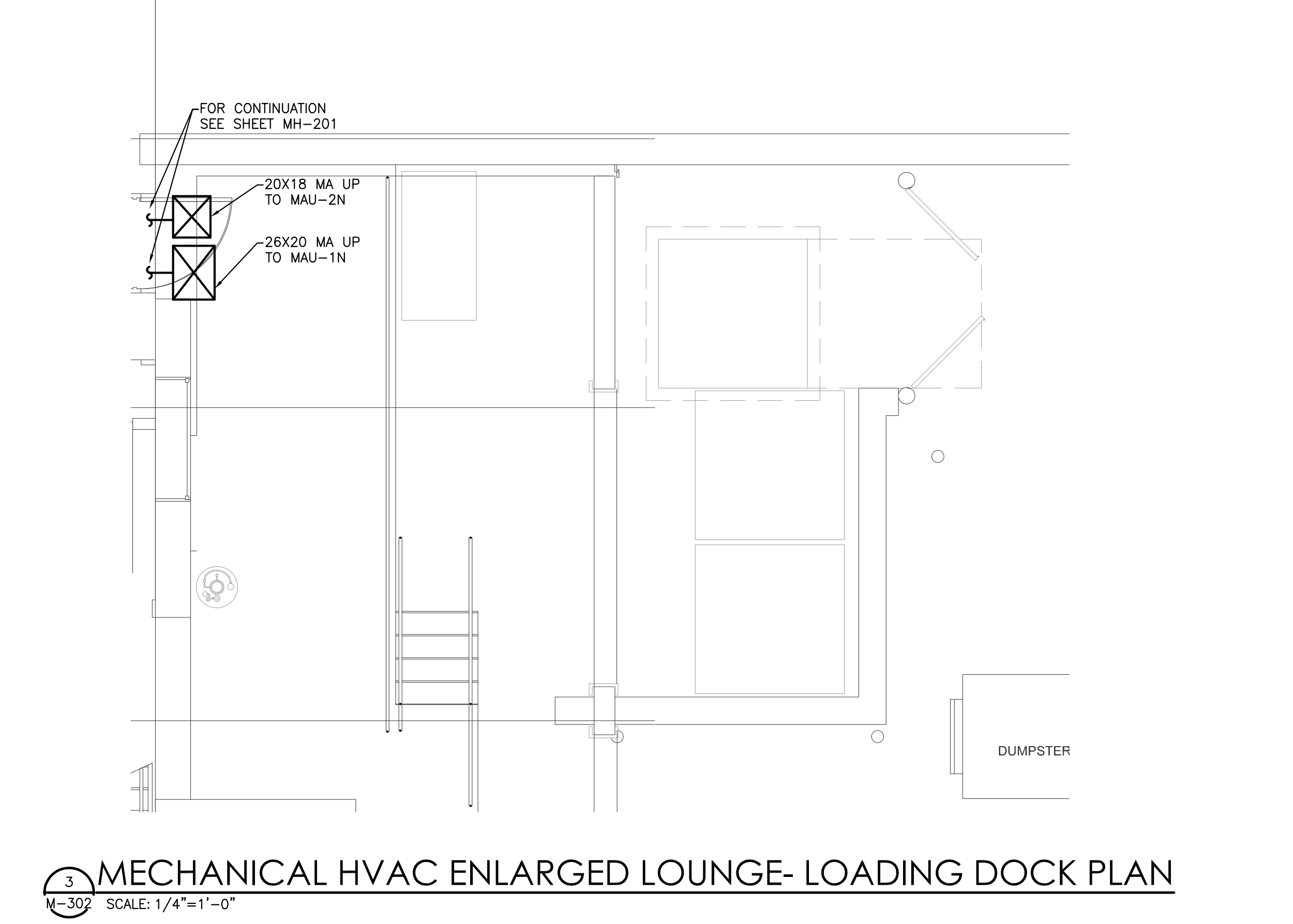
SHEET TITLE  
**MECHANICAL HVAC ROOF PLAN - SOUTH**

**MH-204**

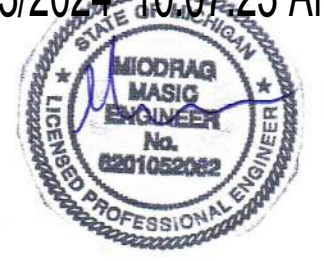


- GENERAL DRAWING NOTES:**
- GN1. ALL DUCT SUPPORT SHALL BE PER SMACNA WITH ADEQUATE SPACE FOR PIPING & CONDUIT ABOVE DUCTWORK.
  - GN2. ALL DUCTWORK IN CHASE SHALL BE INSULATED WITH 2" INSULATION, VAPOR BARRIER & JACKET.
  - GN3. SEE M-100 TO M-106 FOR SCHEDULES, NOTES & LEGENDS.
  - GN4. ALL EXPOSED DUCTWORK SHALL BE FLAT ROUND OR SPIRAL ROUND. COORDINATE COLOR WITH ARCHITECT AND OWNER.
  - GN5. COORDINATE DUCTWORK WITH PIPING AND STORM DRAIN.
  - GN6. PROVIDE ACCESS DOOR FOR ALL FIRE DAMPERS & MANUAL BALANCE DAMPER IN GYP BOARD CEILING OR SOFFIT.
  - GN7. COORDINATE FINAL THERMOSTAT LOCATION WITH OWNER/ARCHITECT.
  - GN8. NO PIPING OR DUCTWORK SHOULD RUN IN STAIR TOWERS.
  - GN9. SEE ARCHITECTURAL DRAWING FOR LIFE SAFETY TO PROVIDE APPROPRIATE DAMPERS.

- KEY DRAWING NOTES:**
- ① PROVIDE DEDICATED OUTSIDE AIR UNIT AS SHOWN PLAN. SEE SCHEDULE FOR DETAIL.
  - ② MAKE UP AIR DUCT UP AND CONNECT TO ITS CORRESPONDING MAKE UP AIR UNIT. SEE SHEET MH-204 FOR CONTINUATION.
  - ③ INSTALL FIREPLACE FLUE PIPE PER MANUFACTURER'S INSTALLATION MANUAL. EXTEND FLUE MIN. 3 FT. ABOVE DOAU-2 OUTSIDE AIR INTAKE.
  - ④ SUPPLY AND RETURN AIR DUCT FROM DOAU-2. SEE SHEET MH-203 FOR CONTINUATION.
  - ⑤ CONNECT EXHAUST DUCT TO EXHAUST OUTLET. INSTALL THE DUCT ABOVE DOAU-2. PROVIDE DUCT SUPPORT.
  - ⑥ CUT EXHAUST OUTLET AT 45° DEGREES AND PROVIDE BIRD SCREEN.



**Preliminary**  
02/23/2024 - 10:07:23 AM



MARK	DATE	DESCRIPTION
2	01/29/24	BULLETIN-02
1	10/30/23	ADDENDUM #1

**BIG ROCK**  
345 S ETON STREET  
BIRMINGHAM, MI 48009

PROJECT NO: 3672  
CAD DWG FILE:  
DRAWN BY: SSE  
CHECKED BY: MMM

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SCALE: 0 2' 4' 8'  
1/4" = 1'-0"

SHEET TITLE  
**MECHANICAL HVAC ENLARGED LOUNGE ADDITION PLAN**

**M-302**



## MEMORANDUM

Planning Division

**DATE:** February 28, 2024

**TO:** Planning Board Members

**FROM:** Nicholas Dupuis, Planning Director

**SUBJECT:** 245 S. Eton – Big Rock – Special Land Use Permit Amendment (SLUP), Final Site Plan & Design Review – Public Hearing

---

The applicant has submitted a Special Land Use Permit Amendment, Final Site Plan and Design Review application for a new addition to the historic Birmingham Grand Trunk Western Railroad Depot building. The subject site is located on the east side of S. Eton, south of Maple.

On July 12, 2023 ([Agenda](#) – [Minutes](#)), the Planning Board moved to recommend approval of a Special Land Use Permit, Final Site Plan and Design Review application to the City Commission for a new food and drink establishment serving alcoholic liquors for on premise consumption with minor changes to the building/site. On August 28, 2023 ([Agenda](#) – [Minutes](#)), the City Commission moved to approve the Special Land Use Permit, Final Site Plan and Design Review as presented.

On February 21, 2024 ([Agenda](#)), the Historic District Commission (HDC) reviewed the proposal a second time after postponing the application to offer the applicant an opportunity to revise the site/design plans to better differentiate the addition from the original historic building per the [Secretary of the Interior’s Standards for Rehabilitation](#). The HDC moved to again postpone the project and requested that the new design that was proposed by the applicant, which is the one that is attached to this report, be formally reviewed by the HDC for approval. **The applicant must gain Design Review approval from the HDC before the public hearing at the City Commission.**

The Birmingham Code of Ordinances states that a contract for transfer and a Special Land Use Permit are required for all licenses approved under Chapter 10 – Alcoholic Liquors. The licensee must comply with all provisions of the contract and Special Land Use Permit, and any amendments thereto as a condition of granting of a requested transfer. Accordingly, the applicant must obtain a recommendation from the Planning Board on the Special Land Use and Final Site Plan/Design Review application, which is then reviewed for final consideration by the City Commission.

## 1.0 Land Use and Zoning

- 1.1 Existing Land Use – The existing site is a vacant two-story commercial building, which is a designated historic resource.
- 1.2 Existing Zoning – B2B (General-Business)
- 1.3 Summary of Adjacent Land Use and Zoning – The following chart summarizes the existing land use and zoning adjacent to and/or in the vicinity of the subject site.

	North	South	East	West
Existing Land Use	Public Property	Commercial/ Residential	Public Property	Residential
Existing Zoning District	PP (Public Property)	MX (Mixed-Use)	PP (Public Property)	R6 (Multiple-Family Residential)
Overlay Zoning District	N/A	N/A	N/A	N/A

## 2.0 Setback and Height Requirements

There are no issues with the bulk, area or placement of the proposed addition.

## 3.0 Screening and Landscaping

- 3.1 Dumpster Screening – The existing dumpster enclosure is not proposed to change as a part of the Special Land Use Permit Amendment, Final Site Plan and Design Review application submitted.
- 3.2 Parking Lot Screening – There are no changes proposed to the existing parking lot or existing capped masonry screen wall. The existing screen wall appears to meet current ordinances.
- 3.3 Mechanical Equipment Screening – There are no changes proposed to the previously approved mechanical screening enclosures on site. However, there is a new screening enclosure proposed behind the pitched roof of the addition that will house one new mechanical unit that appears to be fully screened.
- 3.4 Landscaping – There are no changes proposed to most of the previously approved landscaping on site. However, there are minor modifications at the south end that meet the requirements of the Zoning Ordinance.

3.5 Streetscape – There are no new streetscape items proposed as a part of this Special Land Use Permit Amendment and Final Site Plan/Design Review application.

#### 4.0 **Parking, Loading and Circulation**

4.1 Parking – Please see the below breakdown of the parking required for the Big Rock, as well as the other sites that utilize the nearby private parking structure (figures derived from [December 16, 2021](#) parking analysis from the District Lofts Phase III review and updated with more specific Big Rock figures). The addition provides the Big Rock Chophouse with an additional 421 sq. ft. of area to consider, which brings the total square footage of the food and drink establishment to 12,621 sq. ft.:

<b>Property</b>	<b>Required Off-Street Parking</b>
Big Rock Chophouse	168
2051 Villa (Building A)	49
375 S. Eton (Building B)	56
325 S. Eton (Building C)	73
<a href="#">FAR Overages</a>	57
<b>Total Required</b>	<b>403</b>
<b>Total Provided</b>	<b>403</b>

4.2 Loading – There are no changes proposed to most of the previously approved landscaping on site. The new addition will not interfere with the designated loading area.

4.3 Vehicular Circulation and Access – Vehicular circulation and access is not proposed to change. The site will retain the existing drive approach from S. Eton, as well as the existing circular drive and parking facility.

4.4 Pedestrian Circulation and Access – Pedestrian circulation and access is not proposed to change. The site will retain the existing pedestrian walkways and main pedestrian entrance.

#### 5.0 **Lighting**

There are no new light fixtures proposed as a part of the Special Land Use Permit Amendment, Final Site Plan and Design Review application submitted.

#### 6.0 **Design Review**

As noted above, the Historic District Commission performed a historic Design Review for the proposal, which is summarized below. Each item has also been re-reviewed for

applicability to other sections of the Zoning Ordinance that the HDC may not have considered.

Façade: There are no changes proposed to the main façade of the building. The addition is proposed to be constructed of brick to match the elevator shaft, northern addition, and dumpster enclosure (notably, the brick would not replicate the historic brick) as well as board and batten features and metal screening painted to match the existing stucco on the building. The roof is proposed to be a standing seam zinc roof. There are no specific architectural standards that are required to be met in this zoning district.

Outdoor Dining: In a change to the original SLUP approval, the applicant is now proposing to significantly reduce the outdoor dining patio located south side of the building, which will now maintain the existing valet stand, landscaped area and covered walkway. This new patio will contain 11-seats and will no longer have a pergola.

Overall, the applicant is required to familiarize themselves with the Outdoor Dining Standards outlined in Article 4, Section 4.44 of the Zoning Ordinance. Some design-related standards that should be discussed in this report are:

1. Outdoor dining facilities shall provide and service refuse containers within the outdoor dining facility and maintain the area in good order. Public trash receptacles are not permitted to be utilized by outdoor dining facilities.
  - The site plans submitted do not show a trash receptacle within either of the outdoor dining facilities.
2. Outdoor dining facilities shall not contain enclosures as defined in Article 9, Section 9.02 of the Zoning Ordinance.
  - Enclosure is defined as “a vertical wall, panel, or other material that extends above 42 in. in height which provides extended relief from weather and impedes physical and/or visual access to the outdoor dining space. For the purposes of this definition, enclosure does not include exterior building walls.” The applicant is proposing a 42 in. evergreen hedge that meets this requirement.

*(This space intentionally left blank)*

## 7.0 Required Attachments

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

## 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 nor diminish the value thereof.
- (4) The site plan, and its relation to streets, driveways and sidewalks, shall be such as to not interfere with or be hazardous to vehicular and pedestrian traffic.
- (5) The proposed development will be compatible with other uses and buildings in the neighborhood and will not be contrary to the spirit and purpose of this chapter.
- (6) The location, shape and size of required landscaped open space is such as to provide adequate open space for the benefit of the inhabitants of the building and the surrounding neighborhood.

In addition, Article 7, Section 7.26 requires applications for a Special Land Use Permit to meet the following criteria:



- (1) The use is consistent with and will promote the intent and purpose of this Zoning Ordinance.
- (2) The use will be compatible with adjacent uses of land, the natural environment, and the capabilities of public services and facilities affected by the land use.
- (3) The use is consistent with the public health, safety and welfare of the city.
- (4) The use is in compliance with all other requirements of this Zoning Ordinance.
- (5) The use will not be injurious to the surrounding neighborhood.
- (6) The use is in compliance with state and federal statutes.

### **9.0 Recommendation**

Based on a review of the site plan submitted, the Planning Division recommends that the Planning Board recommend **APPROVAL** of the Special Land Use Amendment and Final Site Plan/Design Review application for 245 S. Eton – Big Rock – subject to the following conditions:

1. The applicant must gain Design Review approval from the HDC before the public hearing at the City Commission; and
2. The applicant must comply with the requests of all City Departments.

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

Motion to recommend for **APPROVAL** the Final Site Plan & Design Review for 245 S. Eton – Big Rock – subject to the following conditions:

1. The applicant must gain Design Review approval from the HDC before the public hearing at the City Commission; and
2. The applicant must comply with the requests of all City Departments.

**OR**

Motion to **POSTPONE** the Final Site Plan & Design Review for 245 S. Eton – Big Rock – pending receipt of the following:

1. The applicant must gain Design Review approval from the HDC before the public hearing at the City Commission; and
2. The applicant must comply with the requests of all City Departments.

**OR**

Motion to recommend for **DENIAL** to the City Commission the Final Site Plan & Design Review for 245 S. Eton – Big Rock – for the following reasons:

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

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

Motion to recommend for **APPROVAL** to the City Commission the Special Land Use Permit Amendment for 245 S. Eton – Big Rock – subject to the conditions of Final Site Plan & Design Review approval.

**OR**

Motion to **POSTPONE** the Special Land Use Permit Amendment 245 S. Eton – Big Rock – pending receipt of the following:

1. The; and
2. The applicant must comply with the requests of all City Departments.

**OR**

Motion to recommend for **DENIAL** to the City Commission the Special Land Use Permit Amendment for 245 S. Eton – Big Rock – for the following reasons:

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



## MEMORANDUM

Engineering Department

**DATE:** April 10, 2024

**TO:** Jana L. Ecker, City Manager

**FROM:** Melissa A. Coatta, City Engineer

**SUBJECT:** Rear Yard Road Assessment from Unimproved to Improved Road Assessment Policy

---

### INTRODUCTION:

The upcoming Arlington, Shirley, and Brandon project will include properties on Linden Road that have a rear yard located on Shirley. The City needs to create a policy for how much should be assessed when a rear yard abuts a street that will be converted from an unimproved road to an improved road.

### BACKGROUND:

There are seven (7) properties on Linden Road that have rear yard property lines along Shirley Road as shown in Attachment A. There is a current parcel on Shirley Road along 114 Linden, 136 Linden, 144 Linden, and part of 176 Linden that measures 0.75' wide and 279.40' long that was donated to the City in 1939 as shown in Figure 1 of Attachment A, and deed document in Attachment B. In 1940, another parcel was donated to the City to Maple Road right of way east of Shirley Road that measures 0 to 4.28' wide, and 86.94' to 87.55' long as shown in Attachment A- Figure 2, and documented in Attachment C.

Arlington and Shirley were previously cape sealed in 1976, 1982, 1986, and 2005. The Engineering Department was able to find information from the 1986 and 2005 cape seal assessments. In 1986, 4 properties were not assessed for a cape seal treatment on Shirley: 114 Linden, 136 Linden, 144 Linden, and 176 Linden. 200 Linden, 203 Linden, and 252 Linden were assessed in 1986 as summarized in Attachment D. In 2005, all 7 properties were not assessed for cape seal on Shirley.

Current City policies for cape seal treatment are as follows:

- 85% of the long-foot costs for improvement are assessed on all properties fronting on the improvement.
- 25% of the short-foot costs for improvement are assessed on all residential properties siding on the improvement.

- 85% of the short-foot costs for improvement are assessed on improved business properties siding on the improvement.
- 25% of the short-foot costs for improvement are assessed on vacant business properties siding on the improvement.

The City has researched records to see how rear yard properties located on a street that will be converted from an unimproved road to an improved road are assessed and did not find a previous policy on this. Per the City's Ordinance, Chapter 24 – Special Assessments, Sec. 94-3, Commission Authority states “The city commission shall have the power and authority to determine that the whole or any part of the cost of any public improvement shall be defrayed by special assessments upon the property especially benefitted, consistent with the procedures set forth in this chapter.”

**LEGAL REVIEW:**

The City Attorney has reviewed the proposed resolution and has no objection as to form or content.

**FISCAL IMPACT:**

Estimated paving assessment cost at 85% is \$290 to \$400 per foot of frontage, depending on the width of the street. Any revenues generated from a SAD will help defray the costs incurred by the City for the construction of these improvements.

**SUSTAINABILITY:**

N/A

**PUBLIC COMMUNICATIONS:**

A letter was mailed to the seven (7) properties on Linden whose rear yard is located on Shirley about this meeting. During the special assessment process, property owners will receive notifications and public notice will occur.

**SUMMARY:**

The Engineering Department will be creating a special assessment district on Arlington, Shirley, and Brandon Streets and needs direction on assessing properties that have rear yards located on a road being converted from an unimproved road to an improved road. The City Commission is being asked to consider adopting one of three suggested resolutions that will give the Engineering Department the necessary direction.

**ATTACHMENTS:**

- Attachment A: Location Map of Properties along Linden that have rear yards located on Shirley.
- Attachment B: Warranty Deed 11/30/1930
- Attachment C: Warranty Deed 1940
- Attachment D: 1986 Cape Seal Assessment Summary
- Property card information from Treasurer’s Office
- Birmingham Park Allotment Plat
- Coryell Park Plat

SUGGESTED COMMISSION ACTION:

Make a motion adopting a resolution to establish a policy to assess all residential properties that have rear yards located on a road being converted from an unimproved road to an improved road at 85% of the long-foot costs for the rear yard frontage;

OR

Make a motion adopting a resolution to establish a policy to assess all residential properties that have rear yards located on a road being converted from an unimproved road to an improved road at 25% of the long-foot costs for the rear yard frontage;

OR

Make a motion adopting a resolution to establish a policy to exempt rear yard frontages for all residential properties from special assessment when the rear yard fronts a road being converted from an unimproved road to an improved road.

Attachment A: Location Map

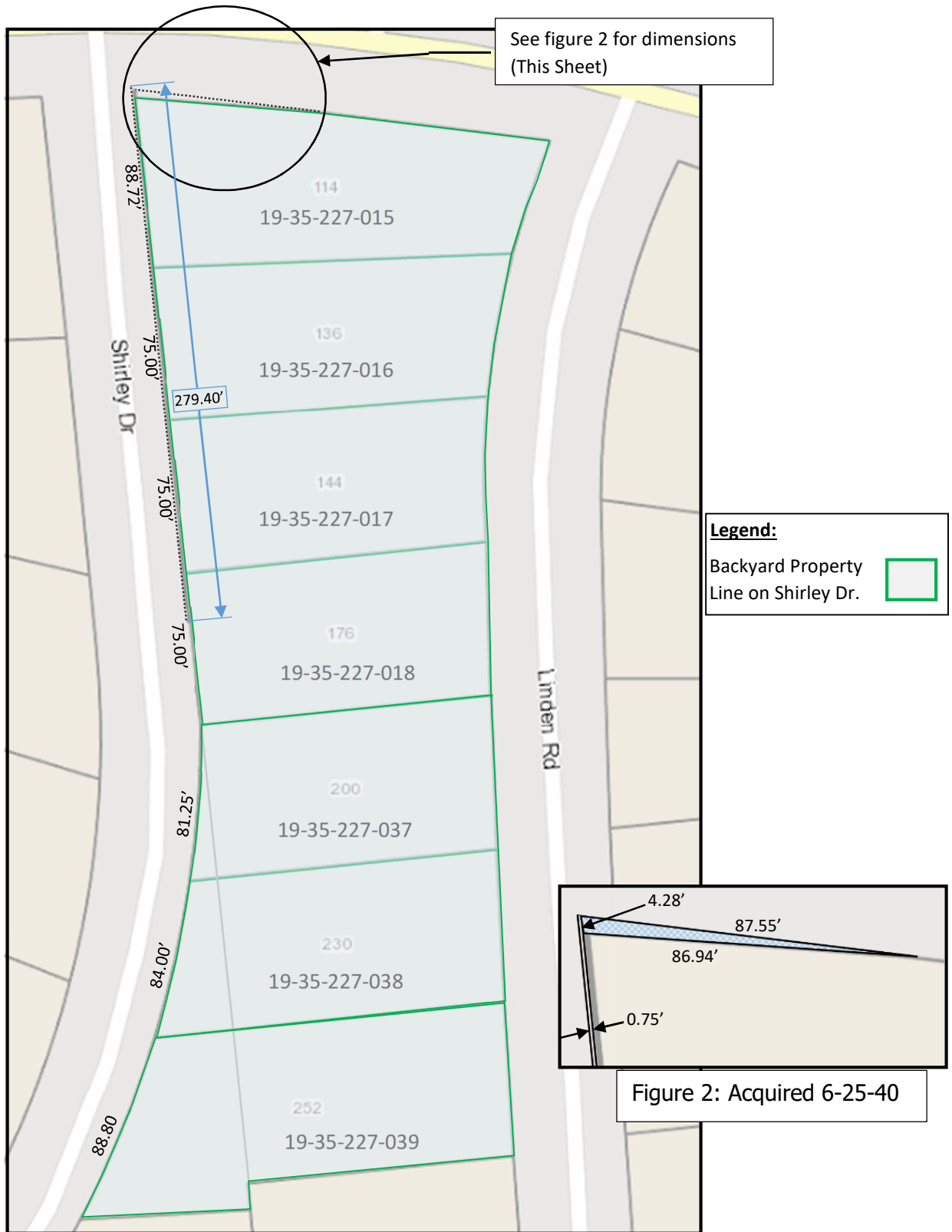


Figure 1: Rear yards along Shirley Map

RELEASE OF PART OF MORTGAGED PREMISES

KNOW ALL MEN BY THESE PRESENTS, That for a valuable consideration, receipt whereof is hereby acknowledged, land in the City of Birmingham, County of Oakland, and State of Michigan, described as:

Beginning at the Northwest corner of Lot 1 of Birmingham Park Allotment in the City of Birmingham, Oakland County, Michigan; thence south 84° 56' east along the north line of said Lot 1, a distance of 87.55 feet; thence north 87° 43' west, a distance of 86.94 feet to a point in the west line of said Lot 1; thence north 4° 30' west along the west line of said Lot 1, a distance of 4.28 feet to the point of beginning,

is hereby released from the lien of a certain mortgage dated October 18, 1938, made by CLARENCE G. HEINMILLER and JEAN M. HEINMILLER, his wife, as mortgagors, to MORTGAGE INVESTMENT CORPORATION, a Texas Corporation, mortgagee, recorded in the office of the Register of Deeds of Oakland County, Michigan, on October 20, 1938, in Liber 856 of Mortgages, page 95, which was assigned to FEDERAL NATIONAL MORTGAGE ASSOCIATION, a corporation organized and existing pursuant to Title III of the National Housing Act as amended, by assignment similarly recorded on December 14, 1938, in Liber 841 of Mortgages, page 256, to the intent that said mortgage shall cease to be a lien on the land above described but shall remain in full force and effect as to the other lands in said mortgage described.

IN WITNESS WHEREOF, said FEDERAL NATIONAL MORTGAGE ASSOCIATION has caused these presents to be executed in its name by its Attorney-in-Fact thereunto duly authorized this 7<sup>TH</sup> day of June, A. D. 1940.

FEDERAL NATIONAL MORTGAGE ASSOCIATION

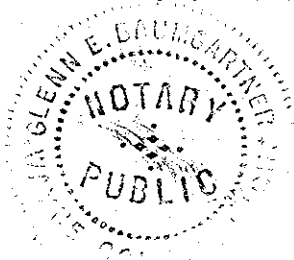
By Arthur J. Fushman  
Arthur J. Fushman  
Attorney-in-Fact

In presence of:

A. R. McKay  
A. R. McKay  
Glenn E. Baumgartner  
Glenn E. Baumgartner

STATE OF MICHIGAN:  
County of Wayne : ss.

On this 7<sup>TH</sup> day of June, A. D. 1940, before me, a Notary Public in and for said County, personally appeared ARTHUR J. FUSHMAN, known to me to be the person described in and who executed the foregoing instrument for and in behalf of the within named FEDERAL NATIONAL MORTGAGE ASSOCIATION as its Attorney-in-Fact, and acknowledged that he executed said instrument as the free act and deed of said Corporation by authority of its Board of Directors.



Glenn E. Baumgartner  
Notary Public, Wayne County, Michigan  
Glenn E. Baumgartner  
My commission expires: Notary Public, Wayne County  
My commission expires May 31, 1943

1941  
14004  
Partial Release

Federal National Mortgage Association

to

Lawrence P. Hennrich  
of

Register's Office  
SS

Oakland County

This instrument was received for record

JUL 24 1940 at 10:30 o'clock A. M.

and recorded in Liber 903

of MTR on page 4467

of ~~the~~ ~~same~~ ~~name~~ ~~as~~ ~~above~~ ~~mentioned~~ ~~in~~ ~~the~~ ~~Register~~

10  
1941  
14004  
Partial Release

LIBER 903

447



This Indenture, Made this 30th day of November

in the year of our Lord one thousand nine hundred and thirty-nine

BETWEEN Clarence G. Heinmiller and Jean M. Heinmiller, his wife  
of 114 Linden Road, Birmingham, Michigan, parties

of the first part,  
and the City of Birmingham, Michigan, party

of the second part,

Witnesseth, That the said parties of the first part, for and in consideration of the sum of  
Thirty Two Dollars and sixty cents Dollars,  
to them in hand paid by the said party of the second part, the receipt whereof is hereby  
confessed and acknowledged, do by these presents grant, bargain, sell, remise, release, alien and confirm  
unto the said party of the second part, and its successors

~~XXX XXXXX~~ FOREVER, all that certain piece or parcel of land situate and being in  
the City of Birmingham County of Oakland

and State of Michigan, and described as follows, to-wit: Beginning at the Northwest  
corner of Lot 1 of Birmingham Park Allotment in the City of  
Birmingham, Oakland County, Michigan

Thence south 84° 56' east along the north line of said Lot 1, a  
distance of 87.55 feet;

Thence north 87° 43' west, a distance of 86.94 feet to a point  
in the west line of said Lot 1;

Thence north 4° 30' west along the west line of said Lot 1, a  
distance of 4.28 feet to the point of beginning.

OAKLAND COUNTY TREASURER'S CERTIFICATE

No. R. 9075 Pontiac, Mich. May 27, 1940

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 this office except as stated.

Sec. 126 Act 206-1898 As. Am.

County Treasurer

*Charles A. Sparks*  
JAS

Together with all and singular the hereditaments and appurtenances thereunto belonging or in anywise  
appertaining: To Have and to Hold the said premises, as herein described, with the appurtenances, unto  
the said party of the second part and to its successors ~~heirs and assigns~~

FOREVER. And the said Clarence G. Heinmiller and Jean M. Heinmiller  
parties of the first part,

for themselves, their heirs, executors and administrators, do covenant, grant, bargain and  
agree to and with the said party of the second part its successors ~~heirs~~

~~and assigns~~, that at the time of the ensembling and delivery of these presents  
they are well seized of the above granted premises in fee simple; that they are free from all  
incumbrances whatever. Except a certain mortgage held

3982  
P 9075  
2-10  
3/5

# WARRANTY DEED

SHORT FORM

Clarence G. and Jean M.

Heimiller + wife

TO

City of Birmingham

REGISTER'S OFFICE

County of OKLAHOMA ss.

This instrument was presented and

received for record this

day of JUN 25 1940 A.D. 19

at 2:30 o'clock P M., and

recorded in Liber 1237 of Deeds,

on Page 627-8 as a proper certificate

was furnished in compliance with Section

3957, Compiled Laws of 1897.

*Clarence Heimiller*  
Register of Deeds.

THE RIEGLE PRESS, FLINT, MICHIGAN

*Clarence Heimiller*  
*2-3-40*

856-95

1. Where conveyance is made to corporation or partnership, the following may be inserted, "its successors," and draw a line through the word "heirs."

to me known to be the person S described in and who executed the within instrument, who HAVE acknowledged the same to be Clarence G. Heimiller and Jean M. Heimiller, his wife free act and deed.

Clarence G. Heimiller and Jean M. Heimiller, his wife in and for said County, personally appeared before me, one thousand nine hundred and thirty-nine

On this 30 day of November in the year

STATE OF MICHIGAN,  
County of Oakland ss.  
*A. S. Rosso*  
*F. R. Woolfenden*  
Signed, Sealed and Delivered in Presence of

*Clarence G. Heimiller*  
*Jean M. Heimiller*  
*Jean M. Heimiller*

In Witness Whereof, The said part Y of the first part have hereunto set their hands and seals the day and year first above written.

and that they will, and their heirs, executors, and administrators shall Warrant and Defend the same against all lawful claims whatsoever,

628 by LIBER1237 Mortgagee

This Indenture, Made this 30th day of November

in the year of our Lord one thousand nine hundred and thirty-nine

BETWEEN Clarence G. Heinmiller and Jean M. Heinmiller

of 114 Linden Road, Birmingham, Michigan, parties

of the first part,

and the City of Birmingham, Michigan, party

of the second part,

Witnesseth, That the said parties of the first part, for and in consideration of the sum of Thirty Two Dollars and sixty cents Dollars,

to them in hand paid by the said party of the second part, the receipt whereof is hereby confessed and acknowledged, do by these presents grant, bargain, sell, remise, release, alien and confirm unto the said party of the second part, and its successors

~~forever~~ FOREVER, all that certain piece or parcel of land situate and being in the City of Birmingham County of Oakland

and State of Michigan, and described as follows, to-wit: Beginning at the Northwest

corner of Lot 1 of Birmingham Park Allotment in the City of

Birmingham, Oakland County, Michigan

Thence south 84° 56' east along the north line of said Lot 1, a distance of 87.55 feet;

Thence north 87° 43' west, a distance of 86.94 feet to a point in the west line of said Lot 1;

Thence north 4° 30' west along the west line of said Lot 1, a distance of 4.28 feet to the point of beginning.

Together with all and singular the hereditaments and appurtenances thereunto belonging or in anywise appertaining: To Have and to Hold the said premises, as herein described, with the appurtenances, unto the said party of the second part and to its successors

FOREVER. And the said Clarence G. Heinmiller and Jean M. Heinmiller

parties of the first part,

for them selves, their heirs, executors and administrators, do covenant, grant, bargain and agree to and with the said party of the second part its successors

~~and assign~~ that at the time of the ensembling and delivery of these presents they are

well seized of the above granted premises in fee simple; that they are free from all incumbrances whatever. Except a certain mortgage held

WARRANTY DEED

SHORT FORM

Clarence G. and Jean M.

Heimiller

TO

City of Birmingham

REGISTRAR'S OFFICE

County of

ss.

This instrument was presented and

received for record this

day of A. D. 19

at o'clock M., and

recorded in Liber of Deeds,

on Page, as a proper certificate

was furnished in compliance with Section

3957, Compiled Laws of 1897.

Register of Deeds.

THE RIEGLE PRESS, FLINT, MICHIGAN

1. Where conveyance is made to corporation or partnership, the following may be inserted, "its successors," and draw a line through the word "heirs."

My commission expires Aug 10 19 41

Notary Public, County, Michigan.

A. Stanley Rosso

acknowledged the same to be their free act and deed. have

to me known to be the person described in and who executed the within instrument, who

Clarence G. Heimiller and Jean M. Heimiller

one thousand nine hundred and thirty-nine in and for said County, personally appeared

On this day of in the year

STATE OF MICHIGAN, County of Oakland ss. 30

Signed, Sealed and Delivered in Presence of A. S. Rosso E. R. Roodenberg

In Witness Whereof, The said part of the first part hereunto set their hand and seal the day and year first above written

and that they will, and their heirs, executors, and administrators shall Warrant and Defend the same against all lawful claims whatsoever,

by Mortgagee

Howard H. Barnett

Affidavit

as to

Birmingham Park Allotment

May 12, 1922.

Affidavit

Howard H. Barnett, Registered Civil Engineer, Pontiac Mich. being duly sworn, deposes and says that he is the surveyor who made the survey and plat of "Birmingham Park Allotment" recorded Jan 30, 1920 on page 25 of Liber 23 of Plats in the Register of Deeds' Office, Oakland Co. Mich.

Deponent further states that a typographical error was made on Lots 2,3,4 and 110 of said plat, namely, that lots 2,3 and 4 as actually measured and staked on the ground have a west boundary dimension of 75 ft. each instead of 80 ft. as shown on said plat, and that lot 110 has a west boundary dimension of 65.03 ft. instead of 48.03 ft. as shown on said plat and that no other dimensions on the plat are in any way affected by this error.

Further deponent saith not.

Howard H. Barnett

Sworn and subscribed to before me a notary public in and for the County of Oakland, State of Michigan this 12th day of May A. D. 1922.

Margaret H. E. Lynch

Notary Public Oakland Co. Mich.

My commission expires Feb. 6-1924.

Received for record May 12, 1922 at 3 o'clock P. M.

Stanley C. Rogers, Register.

Affidavit of

Frank W. Osgood

State of Michigan }  
County of Oakland } ss.

Frank W. Osgood being duly sworn says that he lives in Royal Oak, County and State aforesaid, and is the grantor in a certain deed executed by himself and by Harry J. Osgood on April 7, 1922 and recorded April 10, 1922, in Liber 302 of Deeds at page 644, in the office of the Register of Deeds for Oakland County, Michigan, conveying to Harold C. Hoyt and Olive M. Osgood lot number 15 of Osgood's subdivision in Royal Oak, County and State aforesaid.

Deponent further says that at the date he executed the said deed, April 7, 1922, he was an unmarried man, and that the statement made in the certificate of acknowledgment attached to said deed that he was a married man was at the time and is now incorrect.

Frank W. Osgood

Sworn and subscribed to before me this 11 day of May A. D. 1922.

E. W. Hutchins

Notary Public Wayne County, Mich.

My commission expires 2/15/1925.

Received for record May 17, 1922 at 9:30 o'clock A. M.

Stanley C. Rogers, Register.

RELEASE OF PART OF MORTGAGED PREMISES

KNOW ALL MEN BY THESE PRESENTS, That for a valuable consideration, receipt whereof is hereby acknowledged, land in the City of Birmingham, County of Oakland, and State of Michigan, described as:

Beginning at the Northwest corner of Lot 1 of Birmingham Park Allotment in the City of Birmingham, Oakland County, Michigan; thence south 84° 56' east along the north line of said Lot 1, a distance of 87.55 feet; thence north 87° 43' west, a distance of 86.94 feet to a point in the west line of said Lot 1; thence north 4° 30' west along the west line of said Lot 1, a distance of 4.28 feet to the point of beginning,

is hereby released from the lien of a certain mortgage dated October 18, 1938, made by CLARENCE G. HEINMILLER and JEAN M. HEINMILLER, his wife, as mortgagors, to MORTGAGE INVESTMENT CORPORATION, a Texas Corporation, mortgagee, recorded in the office of the Register of Deeds of Oakland County, Michigan, on October 20, 1938, in Liber 856 of Mortgages, page 95, which was assigned to FEDERAL NATIONAL MORTGAGE ASSOCIATION, a corporation organized and existing pursuant to Title III of the National Housing Act as amended, by assignment similarly recorded on December 14, 1938, in Liber 841 of Mortgages, page 256, to the intent that said mortgage shall cease to be a lien on the land above described but shall remain in full force and effect as to the other lands in said mortgage described.

IN WITNESS WHEREOF, said FEDERAL NATIONAL MORTGAGE ASSOCIATION has caused these presents to be executed in its name by its Attorney-in-Fact thereunto duly authorized this 7<sup>TH</sup> day of June, A. D. 1940.

FEDERAL NATIONAL MORTGAGE ASSOCIATION

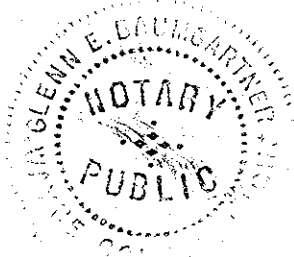
By Arthur J. Fushman  
Arthur J. Fushman  
Attorney-in-Fact

In presence of:

A. R. McKay  
A. R. McKay  
Glenn E. Baumgartner  
Glenn E. Baumgartner

STATE OF MICHIGAN:  
County of Wayne : ss.

On this 7<sup>TH</sup> day of June, A. D. 1940, before me, a Notary Public in and for said County, personally appeared ARTHUR J. FUSHMAN, known to me to be the person described in and who executed the foregoing instrument for and in behalf of the within named FEDERAL NATIONAL MORTGAGE ASSOCIATION as its Attorney-in-Fact, and acknowledged that he executed said instrument as the free act and deed of said Corporation by authority of its Board of Directors.



Glenn E. Baumgartner  
Notary Public, Wayne County, Michigan  
Glenn E. Baumgartner  
My commission expires: Notary Public, Wayne County  
My commission expires May 31, 1943



This Indenture, Made this 30th day of November

in the year of our Lord one thousand nine hundred and thirty-nine

BETWEEN Clarence G. Heinmiller and Jean M. Heinmiller, his wife  
of 114 Linden Road, Birmingham, Michigan, parties

of the first part,  
and the City of Birmingham, Michigan, party

of the second part,

Witnesseth, That the said parties of the first part, for and in consideration of the sum of  
Thirty Two Dollars and sixty cents Dollars,  
to them in hand paid by the said party of the second part, the receipt whereof is hereby  
confessed and acknowledged, do by these presents grant, bargain, sell, remise, release, alien and confirm  
unto the said party of the second part, and its successors

FOREVER, all that certain piece or parcel of land situate and being in  
the City of Birmingham County of Oakland

and State of Michigan, and described as follows, to-wit: Beginning at the Northwest  
corner of Lot 1 of Birmingham Park Allotment in the City of  
Birmingham, Oakland County, Michigan

Thence south 84° 56' east along the north line of said Lot 1, a  
distance of 87.55 feet;

Thence north 87° 43' west, a distance of 86.94 feet to a point  
in the west line of said Lot 1;

Thence north 4° 30' west along the west line of said Lot 1, a  
distance of 4.28 feet to the point of beginning.

OAKLAND COUNTY TREASURER'S CERTIFICATE

No. R 9075 Pontiac, Mich. May 27, 1940

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 this office except as stated.

Sec. 126 Act 206-1898 As. Am.

County Treasurer

Charles A. Sparks  
JD

Together with all and singular the hereditaments and appurtenances thereunto belonging or in anywise  
appertaining: To Have and to Hold the said premises, as herein described, with the appurtenances, unto  
the said party of the second part and to its successors

FOREVER. And the said Clarence G. Heinmiller and Jean M. Heinmiller  
parties of the first part,

for themselves, their heirs, executors and administrators, do covenant, grant, bargain and  
agree to and with the said party of the second part its successors

and assigns, that at the time of the ensealing and delivery of these presents  
they are well seized of the above granted premises in fee simple; that they are free from all  
incumbrances whatever Except a certain mortgage held



3982  
P 30025  
2-10  
3/5

# WARRANTY DEED

SHORT FORM

Clarence G. and Jean M.

Heimiller + wife

TO

City of Birmingham

REGISTER'S OFFICE

County of OKLAHOMA ss.

This instrument was presented and

received for record this

day of JUN 25 1940 A.D. 19

at 2:30 o'clock P M., and

recorded in Liber 1237 of Deeds,

on Page 627-8 as a proper certificate

was furnished in compliance with Section

3957, Compiled Laws of 1897.

*Clarence Heimiller*  
Register of Deeds.

THE RIEGLE PRESS, FLINT, MICHIGAN

*Clarence Heimiller*  
*2-3-40*

856-95

1. Where conveyance is made to corporation or partnership, the following may be inserted, "its successors," and draw a line through the word "heirs."

My commission expires Aug 10 1941

Notary Public, Clarence Heimiller, County, Michigan.

*A. S. Rosso*  
acknowledged the same to be free act and deed.

to me known to be the person S described in and who executed the within instrument, who HAVE

Clarence G. Heimiller and Jean M. Heimiller, his wife

one thousand nine hundred and thirty-nine

On this 30 day of November in the year

STATE OF MICHIGAN,  
County of Oakland ss.

Signed, Sealed and Delivered in Presence of  
*A. S. Rosso*  
*F. R. Woodruff*

*Clarence G. Heimiller*  
*Jean M. Heimiller*  
*Jean M. Heimiller*

seals the day and year first above written.

In Witness Whereof, The said part Y of the first part have hereunto set their hands and

shall Warrant and Defend the same against all lawful claims whatsoever,

and that they will, and their heirs, executors, and administrators

by Mortgagee

LIBER 1237

This Indenture, Made this 30th day of November

in the year of our Lord one thousand nine hundred and thirty-nine

BETWEEN Clarence G. Heinmiller and Jean M. Heinmiller

of 114 Linden Road, Birmingham, Michigan, parties

of the first part,

and the City of Birmingham, Michigan, party

of the second part,

Witnesseth, That the said parties of the first part, for and in consideration of the sum of Thirty Two Dollars and sixty cents Dollars,

to them in hand paid by the said party of the second part, the receipt whereof is hereby confessed and acknowledged, do by these presents grant, bargain, sell, remise, release, alien and confirm unto the said party of the second part, and its successors

~~forever~~ FOREVER, all that certain piece or parcel of land situate and being in the City of Birmingham County of Oakland

and State of Michigan, and described as follows, to-wit: Beginning at the Northwest

corner of Lot 1 of Birmingham Park Allotment in the City of

Birmingham, Oakland County, Michigan

Thence south 84° 56' east along the north line of said Lot 1, a distance of 87.55 feet;

Thence north 87° 43' west, a distance of 86.94 feet to a point in the west line of said Lot 1;

Thence north 4° 30' west along the west line of said Lot 1, a distance of 4.28 feet to the point of beginning.

Together with all and singular the hereditaments and appurtenances thereunto belonging or in anywise appertaining: To Have and to Hold the said premises, as herein described, with the appurtenances, unto the said party of the second part and to its successors

FOREVER. And the said Clarence G. Heinmiller and Jean M. Heinmiller

parties of the first part,

for them selves, their heirs, executors and administrators, do covenant, grant, bargain and agree to and with the said party of the second part its successors

~~and assign~~ that at the time of the ensembling and delivery of these presents they are

well seized of the above granted premises in fee simple; that they are free from all incumbrances whatever. Except a certain mortgage held

WARRANTY DEED

SHORT FORM

Clarence G. and Jean M.

Heimiller

TO

City of Birmingham

REGISTRER'S OFFICE

County of \_\_\_\_\_ } ss.

This instrument was presented and

received for record this \_\_\_\_\_

day of \_\_\_\_\_ A. D. 19 \_\_\_\_\_

at \_\_\_\_\_ o'clock \_\_\_\_\_ M., and

recorded in Liber \_\_\_\_\_ of Deeds,

on Page \_\_\_\_\_, as a proper certificate

was furnished in compliance with Section

3957, Compiled Laws of 1897.

Register of Deeds.

THE RIEGLE PRESS, FLINT, MICHIGAN

1. Where conveyance is made to corporation or partnership, the following may be inserted, "its successors," and draw a line through the word "heirs."

My commission expires \_\_\_\_\_ 19 \_\_\_\_\_

Notary Public, \_\_\_\_\_ County, Michigan.

*A. Stanley Ross*

acknowledged the same to be \_\_\_\_\_ free act and deed. \_\_\_\_\_ have

to me known to be the person \_\_\_\_\_ described in and who executed the within instrument, who

Clarence G. Heimiller and Jean M. Heimiller

one thousand nine hundred and \_\_\_\_\_ thirty-nine in and for said County, personally appeared

On this \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_

STATE OF MICHIGAN, County of *Oakland* ss. *30*

Signed, Sealed and Delivered in Presence of *A. S. Rosso* *E. R. Rooden*

*Clarence G. Heimiller* *Jean M. Heimiller*

In Witness Whereof, The said part \_\_\_\_\_ of the first part ha \_\_\_\_\_ hereunto set \_\_\_\_\_ their \_\_\_\_\_ hand \_\_\_\_\_ and \_\_\_\_\_ seal \_\_\_\_\_ the day and year first above written.

and that they will, and their heirs, executors, and administrators shall Warrant and Defend the same against all lawful claims whatsoever,

by \_\_\_\_\_ Mortgagee

<b>SAD719 (1986)</b>					
<b>Sidewell Num</b>	<b>Address</b>	<b>Cost</b>	<b>Length (ft)</b>	<b>Est. Cost Per Ft Assessed to Property</b>	<b>Notes</b>
19-35-227-015	114 Linden	\$103.36	93	\$1.11	Back yard on Shirley / Deleted / Not part of SAD719
19-35-227-016	136 Linden	\$85.00	80	\$1.06	Back yard on Shirley / Deleted / Not part of SAD719
19-35-227-017	144 Linden	\$85.00	80	\$1.06	Back yard on Shirley / Deleted / Not part of SAD719
19-35-227-018	176 Linden	\$85.00	80	\$1.06	Back yard on Shirley / Deleted / Not part of SAD719
19-35-227-037	200 Linden	\$85.00	81	\$1.05	Back yard on Shirley / Has garage access on Shirley
19-35-227-038	230 Linden	\$85.00	84	\$1.01	Back yard on Shirley
19-35-227-039	252 Linden	\$94.50	102	\$0.93	Back yard on Shirley

19-35-227-016

2006 SIDEWALK INVOICE #8368 PAID

19-35-227-017

1986 Seal Coat SA0719 PAID

19-35-227-018

1986 Seal Coat SA0719

PAID

1999-2000 SIDEWALK INVOICE #259 PAID

2002 TRASH REFUSE INVOICE #2331 PAID

51-1-35

19-35-227-037

1976 Road Oil - SAD 663 PAID

1986 Seal Coat SAD 719 PAID

SAD 741-1991 STREET  
MAINT. PROGRAM

TRANSF. CITY  
TO 10.92 TAX  
ROLL

2002 REFUSE FEE INVOICE #2263

VOID



19-35-227-038

1986 Seal Coat - SA0719

TRANSE CITY  
TO 19-37 TAX  
ROLL

51- 2-35

19-35-227-039

Assessors Replat of  
Coryell Park

Lot 2 Block 35

Sewer #619 *pl* 1968 TRANSF CITY TAX ROLL PAID

Sewer #619 Defic. 1969 TRANSF CITY TAX ROLL PAID ~~POSTED~~

*1976 Road Util - SAD 663* PAID

*1986 Seal Coat SAD 719* PAID

1999-2000 SIDEWALK INVOICE #256 TRANSF. SAD TO 200 ROLL # 780

SAD 780 - DELINQUENT BILLS NO. 2 - 2000 TRANSF. CITY TAX ROLL TO 2001

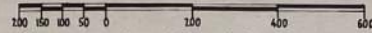
2006 SIDEWALK INVOICE #8369 PAID



# "ASSESSOR'S REPLAT OF CORYELL PARK"

VILLAGE OF BIRMINGHAM OAKLAND CO. MICH.

SCALE: 1 INCH = 200 FEET

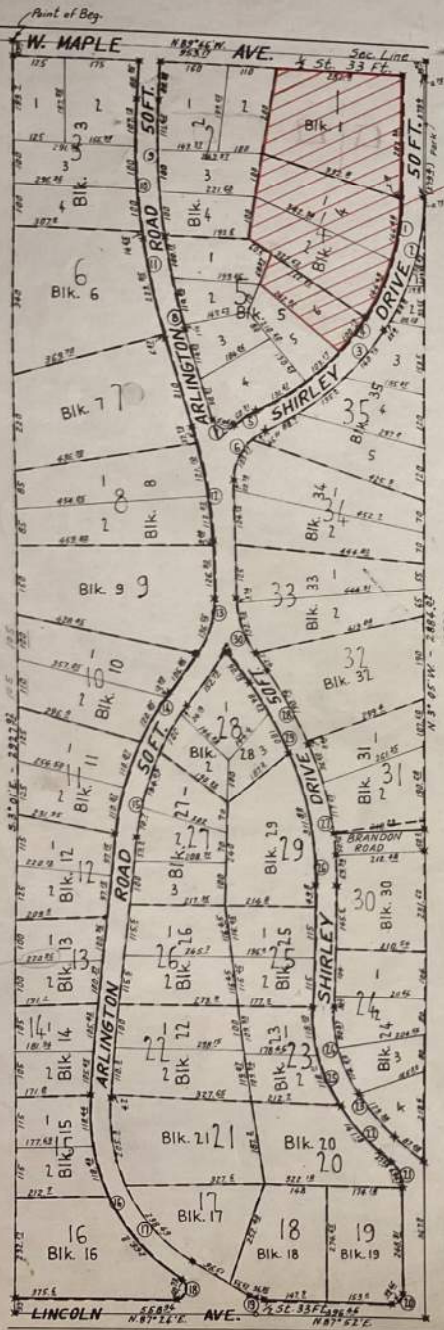


All dimensions are shown in feet and decimals thereof.

ESTIMATED  
Jan 29 1929  
R. T. Hare

Register's Office  
Oakland County  
JAN 30 1929  
Plate 49  
39

N 1/2 Cor. S 89° 46' E  
Sec 35 832.77



CORYELL PARK NO. 1

CURVE DATA

NO	Δ	Radius	Arc
1	13° 10'	502.75	291.15
2	33° 10'	552.96	320.63
3	33° 52'	616.60	364.46
4	33° 52'	566.60	336.91
5	19° 30'	177.72	69.31
6	47° 19'	127.72	149.47
7	115° 45'	29.54	59.68
8	8° 22'	1530.9	223.19
9	11° 39'	1532.69	311.60
10	11° 39'	1582.49	321.77
11	8° 22'	1580.9	230.72
12	16° 26'	944.33	270.85
13	37° 20'	209.58	136.56
14	31° 46'	643.19	356.58
15	31° 46'	593.16	328.86
16	64° 37'	463.51	500.17
17	64° 37'	393.61	443.79
18	149° 43'	23.24	69.73
19	29° 49'	69.86	36.35
20	90° 54'	2.57	39.55
21	48° 39'	81.82	69.67
22	13° 30'	599.18	141.18
23	13° 30'	549.18	129.38
24	35° 46'	328.60	205.2
25	35° 46'	378.60	236.21
26	24° 44'	722.48	311.88
27	24° 44'	772.48	333.46
28	11° 35'	960.28	194.16
29	11° 35'	910.28	186.23
30	35° 30'	219.40	135.26

KNOW ALL MEN BY THESE PRESENTS:

That I, Roy K. M. Cullen Assessor of the Village of Birmingham, Oakland Co. Mich., by virtue of authority in me vested by Section 3350, Compiled Laws of 1915, as amended, having been duly authorized by the Village Commission have caused the land described in the annexed plat to be surveyed, laid out and platted, to be known as "ASSESSOR'S REPLAT OF CORYELL PARK" Village of Birmingham Oakland Co. Mich., and that the streets, as shown on said plat are hereby dedicated to the use of the public.

Witnesses:  
Roy K. M. Cullen  
Robert E. Emmitt

Roy K. M. Cullen  
Assessor of the Village of Birmingham Oakland Co. Mich.

STATE OF MICHIGAN }  
COUNTY OF OAKLAND } 55

On this 29th day of Jan A.D. 1928 before me, a Notary Public in and for said county personally came the above named Assessor of the Village of Birmingham Oakland Co. Mich., known to me to be the person who executed the above dedication and acknowledged the same to be his free act and deed as such Assessor.

Myrtle E. Carson  
Notary Public Oakland County Mich.  
My commission expires Jan 8 - 1929

SURVEYOR'S CERTIFICATE:

I hereby certify that the plat hereon delineated is a correct one and that permanent metal monuments of not less than one inch in diameter and fifteen inches in length set in a concrete base at least four inches in diameter and forty-eight inches in depth have been placed at points marked thus \* as thereon shown at all angles in the boundaries of the land platted, at all the intersections of streets, and at the intersections of streets with the boundaries of the plat as shown on said plat.

McAlpine-Starr Inc  
Engineers-Surveyors  
Birmingham Mich.  
by R. S. McAlpine Reg. Surveyor

I, Roy K. M. Cullen Assessor of the Village of Birmingham, Oakland Co. Mich., hereby certify that because of ownership in small parcels of property, shown on this plat, and for other reasons it appears necessary and advisable to make an assessors plat of same.

Roy K. M. Cullen  
Assessor of the Village of Birmingham Oakland Co. Mich.

DESCRIPTION:

Beginning at a point in the north line of Sec. 35 T 2 N R 10 E, Village of Birmingham Oakland Co. Mich., S. 89° 46' E - 832.77 ft. From the N 1/2 Cor. of said Sec. 35, thence S 3° 01' E - 2927.32 ft. to the center of Lincoln Ave., thence N 87° 24' E - 552.34 ft. and N 87° 52' E - 396.46 ft. along the center line of Lincoln Ave. thence N 3° 05' W - 2886.32 ft. to the north line of Sec. 35, thence N 89° 46' W - along the north line of Sec. 35 - 953.17 ft. to the point of beginning.

CERTIFICATE OF MUNICIPAL APPROVAL:

This plat was approved by the Village Commission of the Village of Birmingham Oakland Co. Mich., at a meeting held Dec 5 1928

Approved by the Board of Trustees  
of Oakland County Michigan  
this 29th day of Jan 1929  
Edward Hemberger  
Chairman

Myrtle E. Carson  
Village Clerk

Note:-  
Red lines and red numbers indicate lot lines and numbers of original Coryell Park.



# Rear Yard Road Assessment

Unimproved Road to Improved Road Assessment  
Policy

Engineering  
Department

Date: April 15, 2024

# Rear Yard Road Assessment Unimproved Road to Improved Road

## ➤ Overview

- Current special assessment policies
- Upcoming project
- Historical information along upcoming project
- Suggested resolutions



# Rear Yard Road Assessment Unimproved Road to Improved Road

## ➤ Current Policy

- Unimproved Road – Cape Seal Treatment Special Assessment:
  - 85% of the front-foot costs for improvement are assessed on all properties fronting on the improvement. City pays 15% of costs.
  - 25% of the side-foot costs for improvement are assessed on all residential properties siding on the improvement. City pays 75% of costs.
- Unimproved Road to Improved Road:
  - 85% of the front-foot costs for improvement are assessed on all properties fronting on the improvement. City pays 15% of costs
  - For single family houses, if the longer side of a corner property faces the street being constructed, the City will pay two-thirds (2/3) of the cost of the assessment for that property. The property owner will be charged the remaining third (1/3). If the short side of a corner property faces the street to be constructed, the owner pays 100% of the assessment.

# Rear Yard Road Assessment Unimproved Road to Improved Road

## ➤ Current Policy

- None
- No records of any projects with rear property lines located on a road that was converted from an unimproved road to an improved road



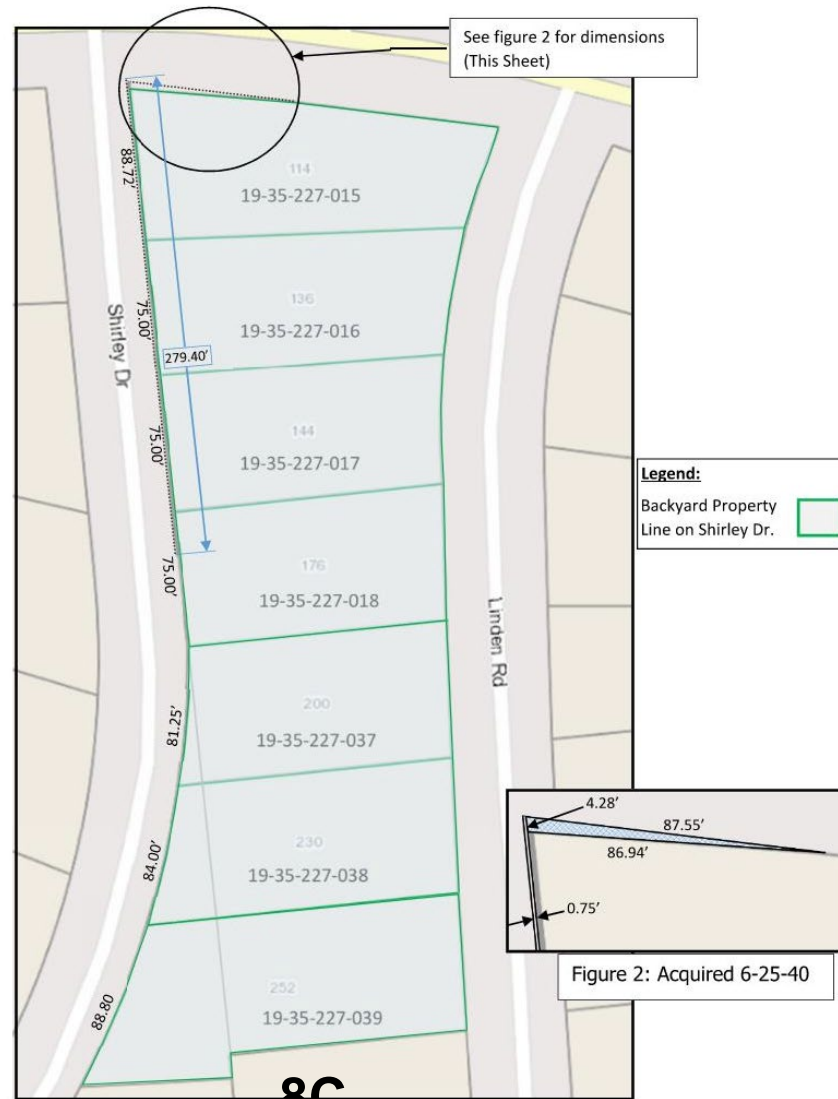
# Rear Yard Road Assessment Unimproved Road to Improved Road

## ➤ Upcoming Project

- Arlington and Shirley Project
- Budget for fiscal year 2024/2025
- February 5, 2024: City Commission passed a resolution for Arlington and Shirley to be converted to an improved road

# Rear Yard Road Assessment Unimproved Road to Improved Road

➤ Upcoming Project

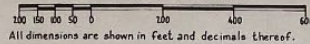




# "ASSESSOR'S REPLAT OF CORYELL PARK"

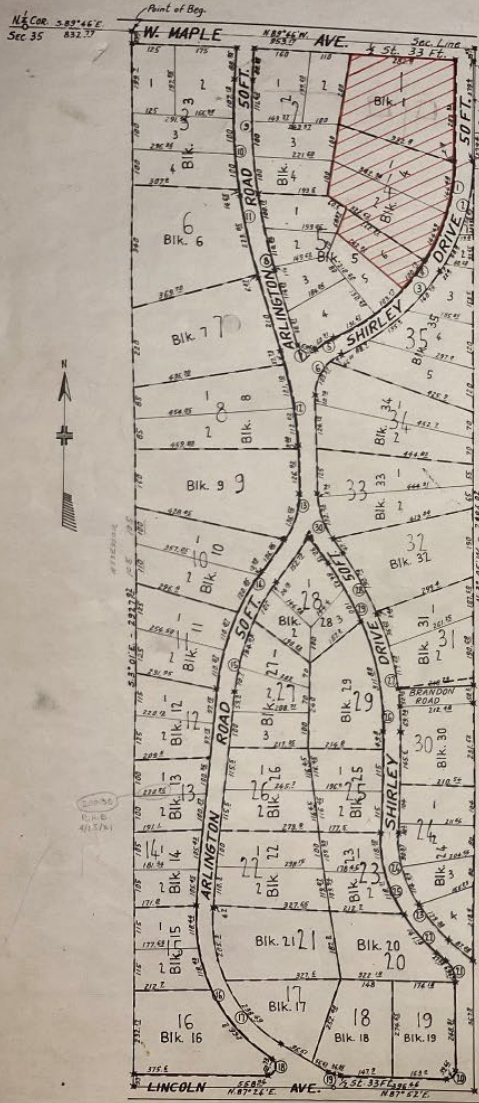
VILLAGE OF BIRMINGHAM OAKLAND CO. MICH.

SCALE: 1 INCH = 200 FEET



All dimensions are shown in feet and decimals thereof.

45-30  
 Jan 27-1929  
 2. 49. 39  
 Register's Office  
 Oakland County  
 JAN 30 1929  
 2. 49. 39  
 Peate  
 Recorder



CORYELL PARK NO. 1

### CURVE DATA

No	Δ	Radius	Arc
1	33°10'	502.34	291.19
2	33°10'	552.36	320.07
3	33°42'	416.60	366.66
4	31°52'	566.00	336.91
5	19°30'	177.22	60.31
6	67°19'	127.22	169.47
7	115°45'	29.56	59.68
8	8°22'	1530.7	223.79
9	11°39'	1532.49	311.50
10	11°39'	1502.49	321.27
11	8°22'	1580.0	230.75
12	16°26'	344.93	270.95
13	37°20'	209.58	136.06
14	31°46'	463.16	356.58
15	31°46'	593.16	328.86
16	64°37'	643.51	500.17
17	64°37'	393.61	443.79
18	149°45'	23.52	60.79
19	29°49'	629.86	36.35
20	90°54'	2.52	39.56
21	48°39'	81.82	69.47
22	13°30'	599.18	161.18
23	13°30'	549.18	129.88
24	35°46'	328.60	205.0
25	35°46'	378.60	236.21
26	24°46'	772.48	311.88
27	24°46'	772.48	333.45
28	11°35'	960.28	194.74
29	11°35'	910.28	184.24
30	35°30'	219.49	135.56

KNOW ALL MEN BY THESE PRESENTS:

That I, Robert M. Gillen Assessor of the Village of Birmingham, Oakland Co. Mich., by virtue of authority in me vested by Section 3350, Compiled Laws of 1915, as amended, having been duly authorized by the Village Commission have caused the land described in the annexed plat to be surveyed, laid out and platted, to be known as "ASSESSOR'S REPLAT OF CORYELL PARK" Village of Birmingham Oakland Co. Mich., and that the streets shown on said plat are hereby dedicated to the use of the public.

Witnesses:

Robert M. Gillen  
Robert E. Emmitt

Robert M. Gillen  
 Assessor of the Village of Birmingham Oakland Co. Mich.

STATE OF MICHIGAN } ss  
 COUNTY OF Oakland }

On this 27th day of Jan A.D. 1928 before me, a Notary Public in and for said county personally came the above named Assessor of the Village of Birmingham Oakland Co. Mich., known to me to be the person who executed the above dedication and acknowledged the same to be his free act and deed as such Assessor.

Myrtle E. Carson  
 Notary Public Oakland County Mich.  
 My commission expires Jan 27 - 1929

### SURVEYOR'S CERTIFICATE:

I hereby certify that the plat hereon delineated is a correct one and that permanent metal monuments of not less than one inch in diameter and fifteen inches in length set in a concrete base at least four inches in diameter and forty-eight inches in depth have been placed at points marked thus \* as thereon shown at all angles in the boundaries of the land platted, at all the intersections of streets, and at the intersections of streets with the boundaries of the plat as shown on said plat.

McAlpine-Starr Inc  
 Engineers-Surveyors  
 Birmingham Mich.  
 by W. A. McAlpine Reg. Surveyor

I, Robert M. Gillen Assessor of the Village of Birmingham, Oakland Co. Mich., hereby certify that because of ownership in small parcels of property, shown on this plat, and for other reasons it appears necessary and advisable to make an assessors plat of same.

Robert M. Gillen  
 Assessor of the Village of Birmingham Oakland Co. Mich.

### DESCRIPTION:

Beginning at a point in the north line of Sec. 35, T2N R.10E. Village of Birmingham Oakland Co. Mich., S. 89°46'E - 832.27 ft. From the N.E. Cor. of said Sec. 35, thence S 3°01'E - 2327.32 ft. to the center of Lincoln Ave, thence N 87°24'E - 558.26 ft. and N 87°52'E - 396.56 ft. along the center line of Lincoln Ave thence N 3°05'W - 2884.82 ft. to the north line of Sec 35, thence N 89°46'W along the north line of Sec. 35 - 353.97 ft. to the point of beginning.

### CERTIFICATE OF MUNICIPAL APPROVAL:

This plat was approved by the Village Commission of the Village of Birmingham Oakland Co. Mich., at a meeting held Nov 5 1928

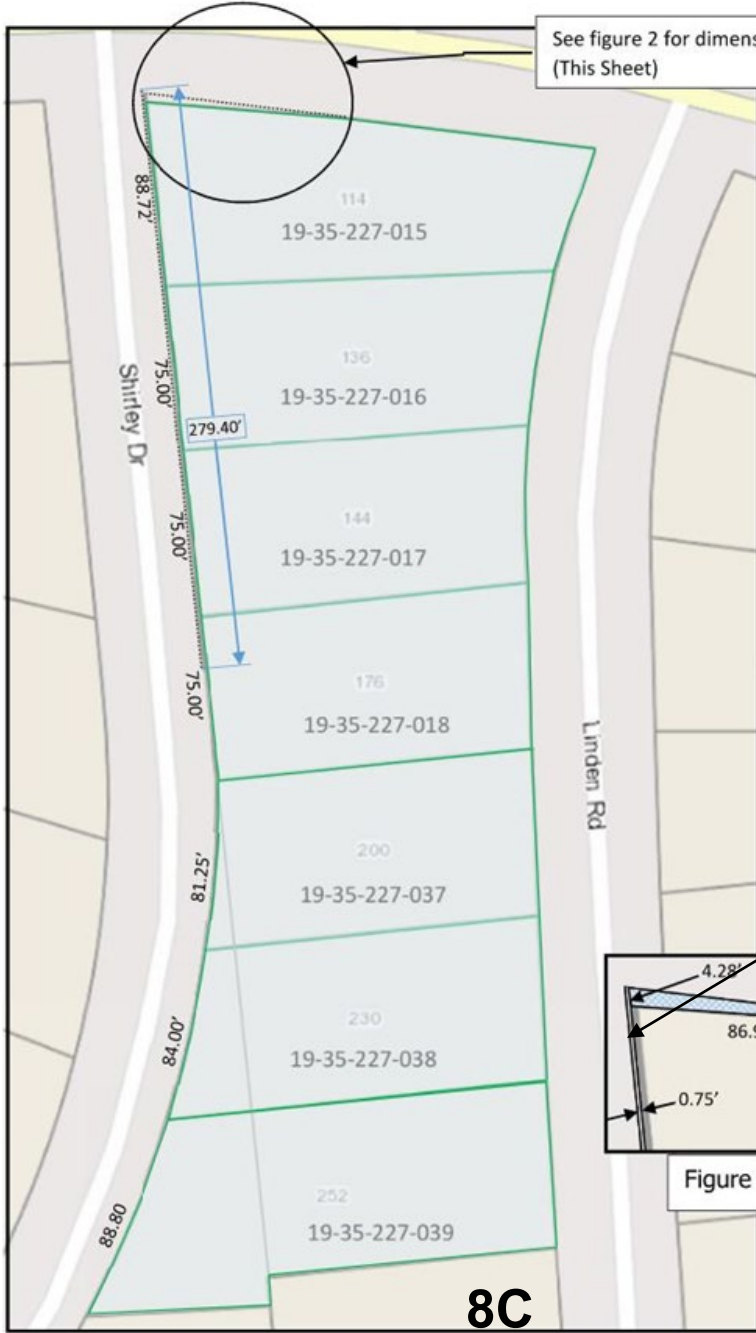
Approved by the Board of Trustees of the Village of Birmingham  
 Oakland County Mich.  
 May 10, 1928  
Robert E. Emmitt  
 Chairman

Myrtle E. Carson  
 Village Clerk

Note:—  
 Red lines and red numbers indicate lot lines and numbers of Original Coryell Park.



See figure 2 for dimensions  
(This Sheet)



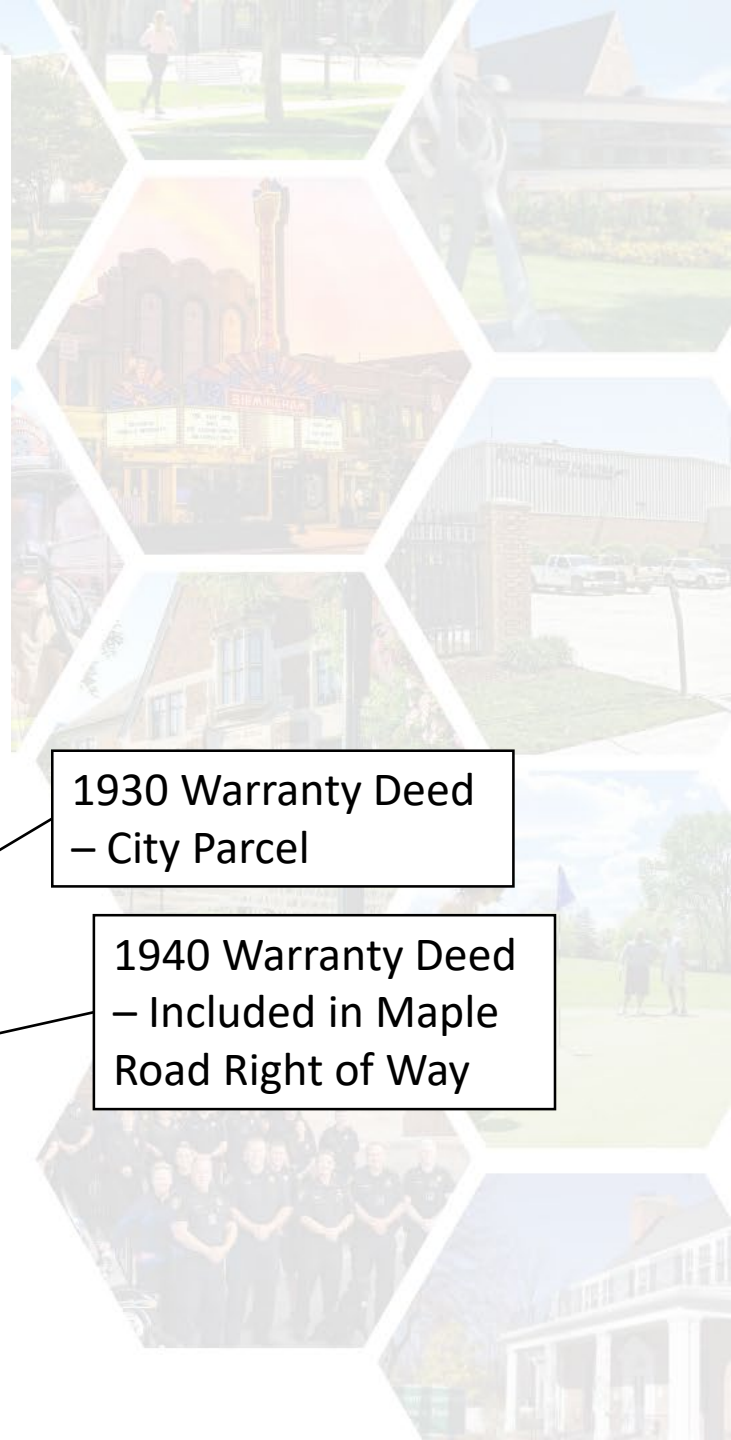
**Legend:**  
Backyard Property Line on Shirley Dr.

1930 Warranty Deed – City Parcel

1940 Warranty Deed – Included in Maple Road Right of Way

Figure 2: Acquired 6-25-40

8C



# Rear Yard Road Assessment Unimproved Road to Improved Road

## ➤ Historical Information

- Arlington and Shirley Project
- Previous Cape Seal Treatments: 1976, 1982, 1986, and 2005
- 1986 Cape Seal:

SAD719 (1986)					
Sidewell Num	Address	Cost	Length (ft)	Est. Cost Per Ft Assessed to Property	Notes
19-35-227-015	114 Linden	\$103.36	93	\$1.11	Back yard on Shirley / Deleted / Not part of SAD719
19-35-227-016	136 Linden	\$85.00	80	\$1.06	Back yard on Shirley / Deleted / Not part of SAD719
19-35-227-017	144 Linden	\$85.00	80	\$1.06	Back yard on Shirley / Deleted / Not part of SAD719
19-35-227-018	176 Linden	\$85.00	80	\$1.06	Back yard on Shirley / Deleted / Not part of SAD719
19-35-227-037	200 Linden	\$85.00	81	\$1.05	Back yard on Shirley / Has garage access on Shirley
19-35-227-038	230 Linden	\$85.00	84	\$1.01	Back yard on Shirley
19-35-227-039	252 Linden	\$94.50	102	\$0.93	Back yard on Shirley

- 2005 Cape Seal: No assessment to properties on Linden

# Rear Yard Road Assessment Unimproved Road to Improved Road

## ➤ Suggested Resolutions:

- Establish a policy to assess all residential properties that have rear yards located on a road being converted from an unimproved road to an improved road at 85% of the long-foot costs for the rear yard frontage
- Establish a policy to assess all residential properties that have rear yards located on a road being converted from an unimproved road to an improved road at 25% of the long-foot costs for the rear yard frontage
- Establish a rear yard frontage policy to exempt all residential property from special assessment when the rear yard only fronts a road being converted from an unimproved road to an improved road





Alex Bingham <abingham@bhamgov.org>

---

## Mon Apr 8 meeting - Arlington/Shirley

1 message

---

**Lauren Buttazzoni** <lmbuttazzoni@comcast.net>

Sun, Apr 7, 2024 at 6:45 PM

To: "emclain@bhamgov.org" <emclain@bhamgov.org>, "kschafer@bhamgov.org" <kschafer@bhamgov.org>, "along@bhamgov.org" <along@bhamgov.org>, "tlonge@bhamgov.org" <tlonge@bhamgov.org>, "ahaig@bhamgov.org" <ahaig@bhamgov.org>, "jecker@bhamgov.org" <jecker@bhamgov.org>, "abingham@bhamgov.org" <abingham@bhamgov.org>, "bhost@bhamgov.org" <bhost@bhamgov.org>, "mkucharek@bhlaw.us.com" <mkucharek@bhlaw.us.com>

RE: Arlington and Shirley Water and Sewer repair and road resurfacing project

Dear Commissioners:

At tomorrow's meeting, please make a motion and vote to approve getting bids, including at least one for HDD, for our streets. Thank you.

Sincerely,  
Lauren M Buttazzoni  
248.866.2830

Alex Bingham <[abingham@bhamgov.org](mailto:abingham@bhamgov.org)>

---

**Fwd: Arlington/Shirley Road Project**

1 message

---

**Jana Ecker** <[Jecker@bhamgov.org](mailto:Jecker@bhamgov.org)>  
To: Alex Bingham <[abingham@bhamgov.org](mailto:abingham@bhamgov.org)>

Mon, Apr 8, 2024 at 11:28 AM

**Jana L. Ecker**  
**City Manager**  
**Birmingham, MI**  
**(248) 530-1811**

----- Forwarded message -----

**From:** Elaine McLain <[emclain@bhamgov.org](mailto:emclain@bhamgov.org)>  
**Date:** Sun, Apr 7, 2024 at 4:35 AM  
**Subject:** Fwd: Arlington/Shirley Road Project  
**To:** Jana Ecker/City Manager <[jecker@bhamgov.org](mailto:jecker@bhamgov.org)>

FYI for your cc:

Elaine McLain  
Mayor, City of Birmingham MI  
248-225-9903

Begin forwarded message:

**From:** William Edmunds <[williamcedmunds@gmail.com](mailto:williamcedmunds@gmail.com)>  
**Date:** April 6, 2024 at 9:32:35 PM EDT  
**To:** [emclain@bhamgov.org](mailto:emclain@bhamgov.org), [kschafer@bhamgov.org](mailto:kschafer@bhamgov.org), [along@bhamgov.org](mailto:along@bhamgov.org), [tlonge@bhamgov.org](mailto:tlonge@bhamgov.org),  
[ahaig@bhamgov.org](mailto:ahaig@bhamgov.org), [bhost@bhamgov.org](mailto:bhost@bhamgov.org), [cballer@bhamgov.org](mailto:cballer@bhamgov.org)  
**Subject:** Arlington/Shirley Road Project

Dear Commissioners: We are writing to express our desire that the Commission consider the use of, and obtain one or more bids for, horizontal directional drilling (HDD) in connection with the installation of water and sewer infrastructure under Arlington and Shirley roads. Although we are not engineers and do not claim to have professional expertise in matters of this nature, it appears that HDD is a recognized method for this type of project and that it may be less costly and intrusive than complete excavation of the streets. At a minimum, it seems logical and reasonable for the Commission to at least examine this alternative and obtain one or more bids in determining whether it would be in the best interest of all residents of Birmingham, including those on Arlington and Shirley, to use HDD in this particular circumstance.

We understand that the Commission and the city staff have already devoted a considerable amount of time to this project, and we appreciate that the Commission has carefully considered the many issues and concerns raised by the residents. Given the extensive impact that this project will have, physically, financially and otherwise, we ask that you give the same degree of consideration in reviewing whether the use of HDD would yield a more cost effective and less intrusive result than complete excavation of the streets.

Respectfully submitted,

William and Nancy Edmunds  
1420 West Lincoln (Northwest corner of Lincoln and Arlington)**10A**

4/8/24, 11:58 AM

City of Birmingham MI Mail - Fwd: Arlington/Shirley Road Project

Birmingham 48009



Alex Bingham <abingham@bhamgov.org>

## FW: Arlington/Shirley Special Assessment District

1 message

John Graham <johnnyg411@gmail.com>

Mon, Apr 8, 2024 at 7:02 AM

To: "emclain@bhamgov.org" <emclain@bhamgov.org>, "kschafer@bhamgov.org" <kschafer@bhamgov.org>, "along@bhamgov.org" <along@bhamgov.org>, "tlonge@bhamgov.org" <tlonge@bhamgov.org>, "ahaig@bhamgov.org" <ahaig@bhamgov.org>, "bhost@bhamgov.org" <bhost@bhamgov.org>  
Cc: "jecker@bhamgov.org" <jecker@bhamgov.org>, "abingham@bhamgov.org" <abingham@bhamgov.org>, "mkucharek@bhlaw.us.com" <mkucharek@bhlaw.us.com>

We will rely on experts to tell us the best way to handle the street, sewer and water repairs on our street.

The water supply is terrible and breaks once a year, the potholes on the road are awful and the sewer in front of my house in the street does not drain. Whatever method is chosen, I want to make sure that the street in front of my house can drain to the sewer. The sewer is actually higher than the road surface and water sits for a long time. The entire front of our house ices over in the road when we have colder weather and rain or thawing that happens. With no sidewalks we have to walk in the road and to get to the road sometimes I am stepping thru puddles or on ice. I want to make sure that this is fixed if I am paying for the repairs.

I am also concerned that either the price has gone up for 100 feet of repairs or Jim is misrepresenting the facts. I have not seen anything other than the original mailed letter that said the cost would be \$30,000 per 100 ft with the potential for some overages. Has something changed?

John Graham

550 Shirley Rd

**From:** jmirro <jmirro@intromarketing.com>

**Date:** Sunday, April 7, 2024 at 4:10 PM

**To:** jrsteeds@gmail.com <jrsteeds@gmail.com>, repstein@ajmpack.com <repstein@ajmpack.com>, 'Joan Epstein' <jmce55@aol.com>, joemdurham@gmail.com <joemdurham@gmail.com>, vanessar626@yahoo.com <vanessar626@yahoo.com>, 'Charles Schwartz' <cschwartz14@mac.com>, csosnick14@mac.com <csosnick14@mac.com>, 'Gretchen Gonzales Davidson' <ggdavidson444@gmail.com>, 'Douglas Friedel, Jr.' <dougjr@ddpdm.com>, 'Diana Marsh' <dianamarsh@gmail.com>, johnnyg411@gmail.com <johnnyg411@gmail.com>, theresamcarter@gmail.com <theresamcarter@gmail.com>, TeamR5@comcast.net <TeamR5@comcast.net>, kgaudette@teladjust.com <kgaudette@teladjust.com>, cgaudette@aigai.com <cgaudette@aigai.com>, lynn.trease@comcast.net <lynn.trease@comcast.net>, tony.trease@comcast.net <tony.trease@comcast.net>, 'Diana Peraino' <diana.peraino@gmail.com>, nwperaino@gmail.com <nwperaino@gmail.com>

**Cc:** 'Midge Moran' <midgemoran@kw.com>, georgenemoran@gmail.com <georgenemoran@gmail.com>

**Subject:** FW: Arlington/Shirley Special Assessment District

Dear Neighbors,

If you are receiving this letter, it means that you have been off the neighborhood email list for a few months because we believed that you no longer wished to receive status/recap reports in the effort to reverse the City's plan to narrow our streets, cut down 137 trees in the right of way space and add sidewalks. Due to the efforts of a majority of our property owners, the City agreed not to take these 3 actions at the 2-5-24 Commission Meeting. As a result of this event, a number of property owners have contacted me to get back on the email list and this is an effort to reach others who might have the same goal.

The City has now proposed to replace our water mains and sewers by excavating and reconstructing our streets and assess each homeowner approximately \$50,000 per 100-foot frontage for this work. The majority of property owners are also opposed to this plan since it would make our streets unusable for weeks, threaten the destruction of about 100 trees from under-street root disturbance and be an unnecessary financial burden. In its place, a majority of property owners support Horizontal Directional Drilling to replace water mains/sewers followed by a street repair/cape seal process that may cost us about \$5,000 per 100-foot frontage. Shown below is the latest letter to the Commissioners recommending they vote on a 2-alternative bid plan at tomorrow's meeting to confirm the cost differential for these two alternatives.

If you are in favor of this approach, please email a letter to the Commissioners today with your opinion and bcc me if you wish it to be shared with the neighborhood (see addresses below). Please also attend tomorrow's Commission Meeting at 7:30 pm to voice your opinion. If you wish to stay on this email list for future status reports/recaps, you need do nothing. If you wish not to receive any of this information in the future, please respond "Unsubscribe." Thank you.

Jim Mirro



Alex Bingham &lt;abingham@bhamgov.org&gt;

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**Please vote to include HDD bids for our Shirley/Arlington project**

2 messages

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**Elaine C Hazel** <echazel2@yahoo.com>

Mon, Apr 8, 2024 at 11:21 AM

To: "emclain@bhamgov.org" <emclain@bhamgov.org>, "kschafer@bhamgov.org" <kschafer@bhamgov.org>, "along@bhamgov.org" <along@bhamgov.org>, "tlonge@bhamgov.org" <tlonge@bhamgov.org>, "ahaig@bhamgov.org" <ahaig@bhamgov.org>, Brad Host <bhost@bhamgov.org>  
Cc: "jecker@bhamgov.org" <jecker@bhamgov.org>, "abingham@bhamgov.org" <abingham@bhamgov.org>, "mkucharek@bhlaw.us.com" <mkucharek@bhlaw.us.com>

Dear Commissioners,

I earnestly request that at today's (April 8th) meeting, you will be open to recognizing residents' concerns about the best approach to replacing our aging water mains and sewers. I would ask that you support bidding for this project to include horizontal directional drilling (HDD) contractors. I understand that HDD was performed successfully on Redding Street. The conflicting information provided about the feasibility of using HDD on our streets has created an element of mistrust.

I would suggest that if you refuse to even consider the HDD alternative for Shirley and Arlington, it will give the appearance of special interests at work. It seems obvious, given the support by residents of HDD because of its cost-saving (\$5,000 versus \$50,000), time-saving, and less-destructive nature, that you would want to act in your constituents' best interests. And if not, it raises suspicion as to **why** not.

Thank you in advance for your willingness to be transparent tonight and to make a motion and to vote in favor of including an HDD bid for Shirley and Arlington.

Sincerely,  
Elaine C. Hazel  
188 Shirley

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**Jana Ecker** <Jecker@bhamgov.org>

Mon, Apr 8, 2024 at 11:30 AM

To: Alex Bingham &lt;abingham@bhamgov.org&gt;

**Jana L. Ecker**  
**City Manager**  
**Birmingham, MI**  
**(248) 530-1811**

[Quoted text hidden]



Alex Bingham &lt;abingham@bhamgov.org&gt;

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## Upcoming Vote on April 8, 2024

1 message

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**EDWARD KULNIS** <ekulnis@comcast.net>

Sun, Apr 7, 2024 at 7:06 PM

To: emclain@bhamgov.org, kschafer@bhamgov.org, along@bhamgov.org, tlonge@bhamgov.org, ahaig@bhamgov.org

Cc: "jecker@bhamgov.org" &lt;jecker@bhamgov.org&gt;, "abingham@bhamgov.org" &lt;abingham@bhamgov.org&gt;

All:

It has come to my attention that the Birmingham Commissioners have yet another opportunity to positively impact a plan to protect the unique setting on Arlington and Shirley streets. You can accomplish this by voting to approve 2-alternative bid plan for the Arlington/Shirley street project that includes using HDD (Horizontal Directional Drilling) to replace our water mains and sewers with repair/cape seal done afterward.

I strongly urge you to vote "yes" on this proposal and protect the beauty of these streets as well as supporting the wishes of the majority of the residents.

Sincerely,

Edward Kulnis  
768 Southfield Road



Special Assessment District and Arlington/Shirley Application

CLERK'S OFFICE

RECEIVED

Special Assessment District: Michigan law states that a local government entity such as a township or municipality may create a SAD (Special Assessment District) for the purpose of financing a neighborhood improvement project through an assessment against each individual parcel of real property benefitting from the improvement. However, the SAD plan must demonstrate that the levy will create a "direct, specific and unique monetary benefit to the parcels." In addition, it must be demonstrated that the "market value will rise in proportion to the assessment amount." While the amount of market value increase need not be exactly equal to the assessment, there must exist some proportionate increase for the levy to be legally valid. If this "direct and proportionate" test is not demonstrated, the Michigan Tax Tribunal has the authority to declare the SAD to be null and void, with funding of the improvement project being declared the responsibility of the local government entity that initiated the SAD.

Normal Process: In most normal situations, demonstrating a "direct and proportionate benefit" for the land parcels is not difficult. This most often happens when a gravel road is upgraded to an asphalt road or when an unimproved road is upgraded to an improved road with some of the following engineered features: curbs, gutters, crowns, drain grates, water/sewer access chambers, manhole covers, etc.

Arlington/Shirley: In the case of Arlington/Shirley Streets, however, these streets already have all the engineered features described above and that are normally associated with an improved street. Excavating these streets to replace needed water mains and sewers, then reconstructing these two streets with the same features will not result in a "direct and proportionate" increase in each parcel's market value due to the approximately \$50,000 assessment necessary to cover the approximately \$4 million project cost spread over 80 parcels. In fact, the parcel values may actually decline if street excavation leads to the expected loss of approximately 100 trees due to root disturbance under the streets. Because of this probable outcome, Arlington and Shirley property owners will appeal the SAD to the Michigan Tax Tribunal with a likely outcome that the \$4 million cost will be reassigned to the City of Birmingham which will trigger a budget deficit condition.

Better SAD Plan: Based on the above analysis, it makes more sense to use HDD (Horizontal Directional Drilling) to install new water mains and sewers on Arlington and Shirley Streets with this drilling cost and the pipe cost charged to the water and sewer fund. Then, repair both streets' existing rough spots and lateral connection borings. Finally, finish both streets with a cape seal top coat after the 15 new house projects are completed in 2025. If Westwood Street is a good example, the cost for this plan should be approximately \$400,000 which results in a more reasonable \$5,000 Special Assessment for each of the 80 parcels. This amount can more easily pass the "direct and proportionate" test due to a smoother pavement and no loss of trees. Best of all, this plan will not be appealed to the Tax Tribunal by Arlington and Shirley property owners.

Special Assessment/3-31-24.





Alex Bingham &lt;abingham@bhamgov.org&gt;

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## Arlington/Shirley Special Assessment District

1 message

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**jmirro** <jmirro@intromarketing.com>

Fri, Apr 5, 2024 at 9:51 PM

To: Elaine McLain <emclain@bhamgov.org>, kschafer@bhamgov.org, along@bhamgov.org, tlonge@bhamgov.org, ahaig@bhamgov.org, bhost@bhamgov.org

Cc: Jana Ecker <Jecker@bhamgov.org>, abingham@bhamgov.org, mkucharek@bhlaw.us.com

Dear Commissioners,

**Background:** Thank you for creating a New Business agenda item for the Arlington/Shirley street project at the last Commission Meeting. We also appreciate Mayor McLain's detailed description during the meeting of "the process" used for creating the Special Assessment District (SAD) for our two streets and for the planned May 20 public hearing on the chosen SAD plan.

**Research:** Based on this information, we have researched our options for the Arlington/Shirley SAD project and have created a one-page summary to guide our efforts in the most productive manner for both the City Staff and our property owners. Our goal is to create an affordable plan for the property owners that is also environmentally responsible to save our heritage trees from below-street root disturbance, while not creating a potential fiscal problem for the City of Birmingham after the SAD plan is chosen. This plan is shown in the first attachment.

**Reviews:** To determine the validity of this plan, we provided a copy of the first attachment to the President of the Michigan Assessors Association and to the Chairperson of the Michigan Tax Commission for their review. We also provided them with letters from Cranbrook Pavement, OCRC and MDOT (last 3 attachments) and discussed our plan with both of them over the phone. Neither one of these individuals have found a flaw in the logic of this plan. Yesterday I provided a copy of this plan to City Treasurer, Mark Gerber, and briefly discussed our goals with him. I also gave him a copy to forward to the City Manager with his comments and delivered a copy to the City Engineer. Our purpose in doing this is to work together with the City Staff as much as possible to share our research, findings and recommendations.

**Current Plan:** It is our understanding that the current plan is to request contractor bids to excavate/reconstruct our two streets as part of the water main and sewer replacement project without considering the less expensive and more environmentally-responsible use of HDD with a repair/cape seal treatment to be done afterward. As stated in the first attachment, if this current plan is approved, Arlington/Shirley property owners will appeal this SAD to the Michigan Tax Tribunal which may trigger a \$4 million over-budget condition for the City of Birmingham if the Tax Tribunal issues a judgment in favor of the property owners. If this occurs, it will create a lower bond rating and negative publicity for the City which we need to work together to avoid.

**Recommended Plan:** To reduce the risk of this occurring, we recommend that the Commission direct the City Engineer to obtain two bids, one on the excavation/reconstruction plan and a second one on the HDD/repair/cape seal plan to be reviewed by the Commission when the bids arrive and before the SAD plan is voted upon. By doing this, the Commission will know exactly what are the alternative costs facing the City and property owners and be able to make an informed decision that still permits work to begin this summer. It will also avoid wasted effort by the City Engineering Department and the City Finance Department if both alternatives are not evaluated ahead of time. We recommend that this plan to obtain both bids be voted upon at the 4-8-24 Commission Meeting to provide ample time for planning and implementation.

4-8-24 Commission Meeting: I plan to attend this meeting and to make a request in the "Items Not On The Agenda" segment to ask for a Commissioner to make a motion for this 2-bid plan and to ask for all Commissioners to vote "yes" when the vote is taken. If you wish to create another agenda item for this subject as done at the last meeting, I will be glad to answer any questions about our recommendation at that time. Thank you.

Jim Mirro, Resident Agent

Save Our Streets & Trees

A MI Nonprofit Foundation

737 Arlington Street

248-420-5113

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**4 attachments**



**Special Assessment District, 3-31-24..pdf**  
646K



**Cranbrook Pavement Letter, 2-26-24..pdf**  
1312K



**Oakland County Road Commission Letter, 3-8-24..pdf**  
377K



**MDOT Letter, 3-15-24..pdf**  
95K

## Special Assessment District and Arlington/Shirley Application

Special Assessment District: Michigan law states that a local government entity such as a township or municipality may create a SAD (Special Assessment District) for the purpose of financing a neighborhood improvement project through an assessment against each individual parcel of real property benefitting from the improvement. However, the SAD plan must demonstrate that the levy will create a “direct, specific and unique monetary benefit to the parcels.” In addition, it must be demonstrated that the “market value will rise in proportion to the assessment amount.” While the amount of market value increase need not be exactly equal to the assessment, there must exist some proportionate increase for the levy to be legally valid. If this “direct and proportionate” test is not demonstrated, the Michigan Tax Tribunal has the authority to declare the SAD to be null and void, with funding of the improvement project being declared the responsibility of the local government entity that initiated the SAD.

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Special Assessment/3-31-24.



February 26, 2024

Jim Mirro  
737 Arlington  
Birmingham, MI  
48009

Dear Jim,

With respect to the road project we discussed the other day and your question about whether it was possible and/or feasible to install a new 8" water main with all necessary connections to the existing homes on both sides of both Arlington and or Shirley with minimal disturbance to the existing road, the short answer is yes.

Having driven and walked Arlington and Shirley Streets innumerable times (given that I live on Pleasant Street in Birmingham) I am quite sure that a new 8' water main with all needed connections, stop box valves, gate wells could easily be designed and installed using Horizontal Directional Drilling (HDD) and High-Density Polyethylene (HDPE) pipe in lieu of the more commonly used Ductile Iron (DI) and "open cut" installation methods.

Not only is this method approved in Oakland County by the Water Resource Department (OCWRC) but it has the potential to address many of the items I understand to be of concern to many residents. It also does not force a complete reconstruction of a street that could easily be restored to pristine status with other techniques we can discuss at another time.

There is no question that the City of Birmingham would be well served to explore this option as a viable alternative to their earlier plans and you have my permission to share this letter or the content thereof with the City Commission.

All the best,

Nick Talmers, Managing Member  
Cranbrook Contractual Services, LLC  
aka Cranbrook Pavement

(See attached details and specifications for horizontal drilling of watermain from OCWRC).

**SECTION 33 05 23.13  
HORIZONTAL DIRECTIONAL DRILLING**

**PART 1 GENERAL**

**1.01 SUMMARY**

- A. These specifications apply to horizontal directional drilling (HDD) of high density polyethylene pipe (HDPE) for force mains, low pressure sewers, and water mains from 1.25" through 24" diameter.
- B. These specifications are intended to technically describe the nature of the materials, equipment and workmanship required for installing force mains, low pressure sewers, and water mains by HDD methods.
- C. This specification is intended to cover all work necessary for the installation of the pipe as shown on the drawings and as specified herein by HDD methods.

**1.02 PRICE AND PAYMENT PROCEDURES**

- A. Unless indicated otherwise, HDD shall be paid incidental to and shall be included with the unit prices for the pipe installed.
- B. When a specific pay item for HDD is indicated in the Contractor's bid, HDD will be measured, in place, by length, in linear feet.
- C. The unit price for HDD pipe shall include the following.
  - 1. Excavation, use, and backfilling of all access and exit pits.
  - 2. Pilot tunnel boring.
  - 3. Removal and disposal of spoils and drilling fluid including all costs associated with use of vacuum excavation equipment.
  - 4. Traffic control including efforts to maintain access to roads and driveways during all HDD operations.
  - 5. All costs and activities associated with "potholing" to expose existing utility lines.
  - 6. Any and all labor, equipment, and materials required to complete the work not previously called out above.

**1.03 REFERENCES**

- A. ASTM F1962 - 11 Standard Guide for Use of Maxi-Horizontal Directional Drilling for Placement of Polyethylene Pipe or Conduit Under Obstacles, Including River Crossings.
- B. Plastics Pipe Institute – Guidelines for Use of Mini-Horizontal Directional Drilling for Placement of High Density Polyethylene Pipe TR-46 2009.

**1.04 RELATED REQUIREMENTS**

- A. LOW PRESSURE SEWERS – SECTION 33 33 00.

**JIM NASH  
OAKLAND COUNTY WATER RESOURCES COMMISSIONER  
HDD 1 of 7**

May 20, 2013

**SECTION 33 05 23.13  
HORIZONTAL DIRECTIONAL DRILLING**

**B. PACKAGED SEWAGE GRINDER PUMPING UNITS – SECTION 33 32 16.13**

**1.05 QUALIFICATIONS**

- A. HDD Contractors shall have actively engaged in the installation of pipe using HDD methods for a minimum of three years, during which time the Contractor has completed at least 80,000 feet of HDD installations from 1.25" to 24" inches in diameter.

**1.06 SUBMITTALS**

- A. The Contractor shall submit documentation showing a minimum three years of HDD experience with at least 80,000 feet of guided boring installation of 1.25" to 24" diameter projects similar in the scope and value to the project specified in the contract documents. Information must include, but not be limited to the following.
1. Date and duration of work.
  2. Location.
  3. Pipe information (i.e. length, diameter, depth of installation, pipe material, etc.).
  4. Project Owner information (i.e. name, address, telephone number, contact person, etc.).
  5. Contents handled by the pipeline (i.e. water, wastewater, conduit, gas, etc.).
- B. The Contractor shall submit a list of field supervisory personnel and their experience with HDD operations. At least one of the field supervisors listed must be at the site and be responsible for all work at all times when HDD operations are in progress. HDD operations will be postponed until the resume(s) of the Contractor's field supervisory personal have been received.
- C. Working drawings, written procedures, and information that demonstrates in detail the proposed method of operation. This submittal shall include, but not be limited to the following:
1. Size, capacity and setup requirements of all equipment (including drill rig thrust/pullback and rotary torque capacity as well as the mud pump motor size).
  2. HDD guidance system type and information including the accuracy, range, and repeatability values for inclination, roll, and azimuth of the system.
  3. Type of cutting tool head.
  4. Method of monitoring and controlling line and grade.
  5. Arrangement of equipment.
  6. Location and sizes of drilling and receiving pits.
  7. Location of product pipe joining areas and staging areas.
  8. Method of dewatering.
  9. Method of removing spoils.
  10. Carrier pipe type and size.
  11. Method of joining carrier pipe.
  12. Method of installing tracer/detection wire.
  13. Method of abandonment of pilot holes.
  14. Carrier pipe end seals.

**JIM NASH  
OAKLAND COUNTY WATER RESOURCES COMMISSIONER  
HDD 2 of 7**

May 20, 2013

**SECTION 33 05 23.13  
HORIZONTAL DIRECTIONAL DRILLING**

15. Bentonite drilling fluid product information including the following:
  - a. Product information.
  - b. Material specifications.
  - c. Handling procedures.
  - d. Special precautions required.
  - e. Method of mixing and installation.
  - f. Identification of polymer enhancement material or special additives (if applicable).
  - g. Method of measuring and maintaining water and bentonite quality during bore progress.
  - h. MSDS sheet.
- D. Information regarding the clean water source for mixing of drilling fluid.
- E. As-Built Survey
  1. At the completion of pilot hole drilling described herein, Contractor shall provide a tabulation of coordinates referenced to the drilled entry point, which accurately described the location of the pilot hole.
  2. Logs of pullback pressures for each setup upon completion of the installation of each length of pipe.
- F. All drawings, catalog cuts and other descriptive data covering related items in the same system shall be submitted at the same time in order that their complete integrated applicability in the entire system may be adequately reviewed.
- G. If, during construction, the Contractor determines that modifications to the method and equipment as stated in the original submittal are necessary, the Contractor shall submit a plan describing such modifications, including the reasons for the modifications, to the Owner for review prior to making the modification.

**1.07 FIELD CONDITIONS**

- A. HDD operations shall not interfere with, interrupt, or endanger the ground surface or the activities or items upon the surface.
- B. HDD operations shall be confined to the area of work as shown on the project drawings.
- C. The HDD Contractor shall comply with all local ordinances, codes, statutes, rules, and regulations including the Owner's Engineering standards and Occupational Safety and Health Administration requirements.
- D. When rock stratum, boulders, underground obstructions, or other soil conditions that impede the progress of drilling operations are encountered, the Contractor will review the situation with the Owner. The Contractor shall determine the feasibility of continuing drilling operations and review this with the Owner should adjustments or switching to an alternative construction method determined to be necessary.

**JIM NASH  
OAKLAND COUNTY WATER RESOURCES COMMISSIONER  
HDD 3 of 7**

May 20, 2013

**SECTION 33 05 23.13  
HORIZONTAL DIRECTIONAL DRILLING**

**PART 2 PRODUCTS**

**2.01 PIPING MATERIALS**

- A. See **RELATED REQUIREMENTS**.

**2.02 DRILLING FLUID**

- A. No drilling fluid shall be used that does not comply with environmental regulations.
- B. Drilling fluids shall be a mixture of clean water and bentonite clay. The fluid shall be inert. The fluid should remain in the tunnel to insure the stability of the tunnel, reduce drag on the pulled pipe, and provide backfill within the annulus of the pipe and tunnel.
- C. Disposal of excess drilling fluid and spoils shall be the responsibility of the Contractor and shall be conducted in compliance with all relevant regulations, right-of-way, workspace requirements, and permit agreements. Excess drilling fluid and spoils shall be disposed of at an approved location and shall be performed at no additional cost to the Owner. The Contractor is responsible for transporting all excess drilling fluid and spoils to the disposal site and for paying any disposal costs. Excess drilling fluid and spoils shall be transported in a manner that prevents accidental spillage onto roadways. Excess drilling fluid and spoils shall not be discharged into sanitary or storm drain systems, or waterways.
- D. Drilling fluid returns caused by fracturing, formations, or any other means at locations other than the entry and exit points shall be minimized. The Contractor shall immediately clean up and dispose of any drilling fluid and spoils from return areas.
- E. The Contractor shall provide mobile spoils removal equipment capable of quickly removing spoils from entry and exit pits and from return areas. This equipment must be present during all HDD operations to fulfill the disposal requirements previously described.

**2.03 DRILLING WATER**

- A. The Contractor shall provide clean water for the mixing of drill fluid.
- B. The Contractor is responsible for locating a clean water source, and for transportation and storage of water.
- C. The Contractor shall secure appropriate permissions from the entity having jurisdiction over the clean water source.

**PART 3 EXECUTION**

**3.01 PREPARATION**

- A. Excavate access and exit pits as necessary to horizontally directional drill the proposed pipe alignment as shown on the project drawings.

**JIM NASH  
OAKLAND COUNTY WATER RESOURCES COMMISSIONER  
HDD 4 of 7**

May 20, 2013



**SECTION 33 05 23.13  
HORIZONTAL DIRECTIONAL DRILLING**

- B. The drilling procedures and equipment shall provide protection of workers particularly against electrical shock. As a minimum, grounding mats, grounded equipment, hot boots, hot gloves, safety glasses and hard hats shall be used by crewmembers.
- C. The drilling equipment shall be equipped with an operational alarm system capable of detecting electrical current.
- D. The Contractor is responsible for protecting all existing utilities. The Contractor shall call Miss Dig (811) a minimum of 3 working days before any work is to begin. Existing utilities within the path of the proposed horizontal directional bore shall be "pot holed" to determine depth.

**3.02 HORIZONTAL DIRECTIONAL DRILLING OPERATIONS**

**A. Equipment**

- 1. The drilling equipment must be capable of placing the pipe within the planned line and grade without inverse slopes.
- 2. The drilling equipment must meet the minimum thrust/pullback rating, minimum rotary torque rating, and the minimum mud flow pumping capacity to facilitate installation of the product pipe per the contract drawings.
- 3. The guidance system must have the capability of measuring inclination, roll, and azimuth. The guidance system must have an independent means to ensure the accuracy of the installation. The Contractor will demonstrate a viable method to eliminate accumulated error due to inclinometer (pitch or accelerometer). The guidance system shall be capable of generating a plot of the borehole survey for the purpose of an as-built drawing.
- 4. The proposed equipment set up requirements, including but not limited to proposed access and exit pit locations, are at the sole determination of the Contractor. Such information shall be submitted along with all other required information per the specifications.

**3.03 PILOT HOLE BORING**

- A. The entry angle and the pilot hole and the boring process shall maintain a curvature that does not exceed the allowable bending radius of the product pipe.
- B. The pilot hole shall be drilled along the path shown on the plan and profile drawings to the following tolerances:
  - 1. Elevations: Plus or minus six inches.
  - 2. Alignment: Plus or minus six inches.

**JIM NASH  
OAKLAND COUNTY WATER RESOURCES COMMISSIONER  
HDD 5 of 7**

May 20, 2013

**SECTION 33 05 23.13  
HORIZONTAL DIRECTIONAL DRILLING**

3. Curve Radius: No curves will be accepted with a radius less than that shown on the plan and Profile drawings.
- C. Alignment Adjustments and Restarts
1. The Contractor shall follow the pipeline alignment as shown on the drawings within the specifications stated. If adjustments are required, the Contractor shall notify the Engineer and Owner for approval prior to making the adjustments.
  2. In the event of difficulties at any time during boring operations requiring the complete withdrawal from the tunnel, the Contractor may be allowed to withdraw and abandon the tunnel and begin a second attempt at a location approved by the Owner. The Contractor may excavate at the point of the difficulty and install the product pipe by trench method, at no additional cost to the Owner, per the general provisions and specification for construction.
  3. The number of access pits shall be kept to a minimum. The equipment must be capable of boring and installing the proposed diameter product pipe in a continuous run of a minimum distance of 600 feet without intermediate pits.

**3.04 INSTALLING PRODUCT PIPE**

- A. After the pilot hole is completed, the Contractor shall install a swivel to the reamer and commence pullback operations. Should pre-reaming of the tunnel be necessary, it shall be performed at the option of the Contractor and at no additional cost to the Owner.
- B. The reaming diameter shall not exceed 1.4 times the diameter of the product pipe being installed.
- C. The product pipe being pulled into the tunnel shall be protected and supported so that it moves freely and is not damaged by stones and debris on the ground during installation.
- D. Pullback forces shall not exceed the allowable pulling forces for the product pipe.
- E. The Contractor shall allow sufficient length of product pipe to extend past the termination point to allow connections to adjacent pipe sections or gate valves.
- F. Pulled pipes will be allowed 24 hours of stabilization prior to making tie-ins.

**3.05 INSPECTION**

- A. The Contractor will at all times provide and maintain instrumentation which will accurately perform the following functions.
  1. Locate the pilot hole.
  2. Record coordinates referenced to the drilled entry point.
  3. Measure drilling fluid flow discharge rate and pressure.

**JIM NASH  
OAKLAND COUNTY WATER RESOURCES COMMISSIONER  
HDD 6 of 7**

May 20, 2013

**SECTION 33 05 23.13  
HORIZONTAL DIRECTIONAL DRILLING**

- 4. Measure pullback pressure.
- B. The Engineer and Owner will have access to these instruments and readings at all times.

**3.06 OBSTRUCTIONS**

- A. The Owner and Engineer must be notified immediately if any obstruction is encountered that stops the forward progress of the HDD operation. The Contractor must review the situation with the Engineer and Owner and determine the feasibility of continuing drilling operations or switching to an alternative construction method.
- B. Dewatering of pits and excavations must meet the general provisions and specifications as set forth by the Owner's standards. The type of dewatering method used by the Contractor must be approved by the Owner, prior to commencing with the dewatering activity.

**END OF SECTION**

**JIM NASH  
OAKLAND COUNTY WATER RESOURCES COMMISSIONER  
HDD 7 of 7**

May 20, 2013









QUALITY LIFE THROUGH GOOD ROADS:  
ROAD COMMISSION FOR OAKLAND COUNTY  
"WE CARE."

**Board of Road Commissioners**

**Andrea LaLonde**  
Commissioner

**Eric D. McPherson**  
Commissioner

**Nancy Quarles**  
Commissioner

**Dennis G. Kolar, P.E.**  
Managing Director

**Gary Piotrowicz, P.E., P.T.O.E.**  
Deputy Managing Director  
County Highway Engineer

Central Operations Department  
Inventory Control

2420 Pontiac Lake Road  
Waterford, MI 48328

248-858-4798

[www.rcocweb.org](http://www.rcocweb.org)

March 8, 2024


Mr. Jim Mirro  
737 Arlington Road  
Birmingham, MI 48009

Dear Mr. Mirro,

Thank you for inviting me to inspect Arlington and Shirley Streets which I was able to do on March 7, 2024. Based on my 35 years of experience on two road commissions and after reading Birmingham's published definition of "improved" vs. "unimproved" roads, it is my professional opinion that these two streets meet the definition of "improved." Also based on my experience, Horizontal Directional Drilling (HDD) would seem to be a good way to avoid excavating what is basically a very durable road in good condition to replace your water mains and sewers. It is my understanding that you have already talked to my colleague, Mark Davis, who has explained that the City of Birmingham has all the specification information needed from Oakland County to obtain bids from local contractors who know how to do HDD work very successfully.

The property owners of Arlington and Shirley Streets are to be congratulated on proposing a very good plan to save the root system of the 100 trees you have identified as "at risk" if open trench excavation were used instead of HDD. Best wishes for accomplishing your goals and allowing me to comment on your plans.

Sincerely,

  
Mary N. Gillis, P.E.  
Director of Central Operations



STATE OF MICHIGAN  
DEPARTMENT OF TRANSPORTATION  
METRO REGION

GRETCHEN WHITMER  
GOVERNOR

BRADLEY C. WIEFERICH, P.E.  
DIRECTOR

March 15, 2024

Jim Mirro  
737 Arlington Street  
Birmingham, MI 48009

Dear Jim Mirro:

Thank you for contacting the Michigan Department of Transportation (MDOT) with your concern regarding the proposed method of construction to install a new water main on Arlington and Shirley Streets. I reviewed the provided photos and information. My review included the letter from the Oakland County Road Commission and published data from the City of Birmingham. In my professional opinion and for all planning purposes, Arlington and Shirley Streets should be considered "improved streets" and not "unimproved streets".

The Arlington Street and Shirley Street property owners' plan to save these streets with the use of Horizontal Directional Drilling (HDD) to replace water mains and sewers is commendable given the economic and environmental benefits of not excavating two streets that appear to be in excellent condition. If the use of HDD saves the 100 trees you have identified as vulnerable to root disturbance from excavation of the streets, this is a good reason to proceed with HDD.

Again, I thank you for sharing your concern with us. If you have any additional questions regarding this matter, please feel free to contact me at 248-361-0234 or SwansonL@Michigan.gov.

Sincerely,

Lori Swanson, P.E.  
Oakland TSC Manager

OAKLAND TRANSPORTATION SERVICE CENTER  
800 VANGUARD DRIVE • PONTIAC, MICHIGAN 48341  
[www.Michigan.gov/MDOT](http://www.Michigan.gov/MDOT) • 248-451-0001

LH-LAN-0 (01/2023)





Jana Ecker <jecker@bhamgov.org>

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## Fwd: Arlington and Shirley Streets

1 message

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**Jana Ecker** <Jecker@bhamgov.org>  
To: City Commission <city-commission@bhamgov.org>  
Cc: DepartmentHeads <department-heads@bhamgov.org>

Mon, Mar 18, 2024 at 4:37 PM

FYI

**Jana L. Ecker**  
**City Manager**  
**Birmingham, MI**  
**(248) 530-1811**

----- Forwarded message -----  
From: **Swanson, Lori (MDOT)** <SwansonL@michigan.gov>  
Date: Mon, Mar 18, 2024 at 4:14 PM  
Subject: Arlington and Shirley Streets  
To: [jecker@bhamgov.org](mailto:jecker@bhamgov.org) <jecker@bhamgov.org>  
Cc: Yung, Gorette (MDOT) <YungG@michigan.gov>

Hi Jana,

I wanted to provide clarification that I understand that MDOT does not have authority over city of Birmingham streets, specifically Arlington and Shirley Streets. Sorry for any confusion that my letter may have caused.

Lori Swanson, PE  
MDOT Oakland TSC Manager  
248-361-0234



Alex Bingham <abingham@bhamgov.org>

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**Fwd: Upcoming vote**

1 message

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**Jana Ecker** <Jecker@bhamgov.org>  
To: Alex Bingham <abingham@bhamgov.org>

Mon, Apr 8, 2024 at 11:27 AM

**Jana L. Ecker**  
**City Manager**  
**Birmingham, MI**  
**(248) 530-1811**

----- Forwarded message -----

From: **Heidi Pinkert** <gtbmidr@gmail.com>  
Date: Sat, Apr 6, 2024 at 8:15 PM  
Subject: Upcoming vote  
To: <emclain@bhamgov.org>, <kschafer@bhamgov.org>, <along@bhamgov.org>, <tlonge@bhamgov.org>, <ahaig@bhamgov.org>, <bhost@bhamgov.org>  
Cc: <jecker@bhamgov.org>

Dear Commissioners

I would encourage you to vote "yes" for a 2-alternative bid plan for the Arlington/Shirley street project that includes the use of Horizontal Directional Drilling to replace our water mains and sewers with repair/cape seal performed afterwards. This is an extremely viable option for the process, with significant cost savings.

As always, thank you for your consideration of this matter.

Heidi Pinkert  
730 Arlington  
Birmingham



Alex Bingham <abingham@bhamgov.org>

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## Please vote to include an HDD bid in the proposed Arlington-Shirley street project

1 message

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Gary Saltzgeber <gsaltzgeber@yahoo.com>

Sun, Apr 7, 2024 at 2:06 PM

To: "emclain@bhamgov.org" <emclain@bhamgov.org>, "kschafer@bhamgov.org" <kschafer@bhamgov.org>, "along@bhamgov.org" <along@bhamgov.org>, "tlonge@bhamgov.org" <tlonge@bhamgov.org>, "ahaig@bhamgov.org" <ahaig@bhamgov.org>, "bhost@bhamgov.org" <bhost@bhamgov.org>  
Cc: "jecker@bhamgov.org" <jecker@bhamgov.org>, "abingham@bhamgov.org" <abingham@bhamgov.org>, "mkucharek@bhlaw.us.com" <mkucharek@bhlaw.us.com>

Please vote tomorrow for a 2-bid street project alternative for Arlington/Shirley that includes HDD proposals.

It is difficult to understand why the City would be reluctant to consider an HDD alternative for the project if the bids are significantly lower as HDD will be less destructive to tree roots, less disruptive to the neighborhood, and less costly to all.

Thank you.  
Gary Saltzgeber  
188 Shirley Rd



Alex Bingham <abingham@bhamgov.org>

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## Shirley and Arlington

1 message

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**JOHN SMITH** <johnjrpop@aol.com>

Sat, Apr 6, 2024 at 10:06 AM

To: Elaine McClain <emclain@bhamgov.org>, Andrew Haig <ahaig@bhamgov.org>, Anthony Long <along@bhamgov.org>, Katie Schafer <kschafer@bhamgov.org>, Therese Longe <tlonge@bhamgov.org>, Brad Host <bhost@bhamgov.org>

Cc: Ecker <jecker@bhamgov.org>, Kucharek <mkucharek@bhlaw.us.com>, Alexandria Bingham <abingham@bhamgov.org>

Good Morning All,

This is to ask that you vote YES for the alternative plan for Arlington and Shirley employing HDD. That would save Birmingham taxpayers a lot of money and protect ~ 100 trees along those roads.

All the best,  
John and Joan Smith  
230 Linden Rd

Sent from my iPhone

I would ask you to vote in favor of a 2-alternative bid plan for the Arlington/Shirley project that includes using HDD. If selected HDD would be a significant cost savings for the home owners as well as the city. Thank you. Geoffrey Trivax 924 Arlington



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

At the regular meeting of Monday, June 24, 2024 the Birmingham City Commission intends to appoint two regular members to the Historic District Study Committee to serve a three-year term to expire June 25, 2027.

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

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

Interested parties may submit an application available at the City Clerk's Office on or before noon on Wednesday, June 19, 2024. Applications will appear in the public agenda at which time the commission will discuss recommendations, and may make nominations and vote on appointments.

<b>Criteria/Qualifications of Open Position</b>	<b>Date Applications Due (by noon)</b>	<b>Date of Interview</b>
Members shall have a clearly demonstrated interest in or knowledge of historic preservation.	6/24/2024	6/19/2024

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



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

At the regular meeting of Monday, May 6, 2024, the Birmingham City Commission intends to appoint one alternate member to the Board of Ethics to serve the remainder of a three-year term to expire June 30, 2026.

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

Interested citizens may submit an application available at the City Clerk’s office or online at [www.bhamgov.org/boardopportunities](http://www.bhamgov.org/boardopportunities). Applications must be submitted to the City Clerk’s office on or before noon on Wednesday, May 1, 2024. 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 appointment.

<b>Criteria/Qualifications of Open Position</b>	<b>Date Applications Due (by noon)</b>	<b>Date of Interview</b>
Members shall be residents and have legal, administrative or other desirable qualifications.	5/1/2024	5/6/2024

*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.*