

**BIRMINGHAM CITY COMMISSION AGENDA**  
**APRIL 3, 2023**  
**MUNICIPAL BUILDING, 151 MARTIN**  
**7:30 P.M.**

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

Therese Longe, Mayor

**II. ROLL CALL**

Alexandria Bingham, City Clerk

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

**ANNOUNCEMENTS**

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

**APPOINTMENTS**

**A. Parks & Recreation Appointment**

1. Joe Wrobel

To appoint \_\_\_\_\_ to the Parks and Recreation Board as an alternate member to serve a three-year term to expire March 13, 2026.

**B. Recognition of Promotions**

1. Dispatcher Jamie Debanò – Promoted to Dispatch Manager on March 18, 2023.
2. Officer Michael Manzo – Promoted to Patrol Sergeant on March 27, 2023.
3. Officer Jordan Zale – Promoted to Patrol Sergeant on January 13, 2023.
4. Sgt. Alex Linke – Promoted to Patrol Lieutenant on January 13, 2023.
5. Lt. Ryan Kearney – Promoted to Operations Captain on December 6, 2022.

**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 Monday, March 27, 2023 will be available at the April 24, 2023 meeting.

- A. Resolution to approve the warrant list, including Automated Clearing House payments, dated March 29, 2023 in the amount of \$1,988,743.60.
- B. Resolution approving an emergency water line repair expenditure and approving the appropriation and amendment of the 2022/2023 budget as follows:

Automobile Parking System:

Revenues:

Draw from Fund Balance	514.1-000.000-400.0000	\$32,040.00
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Expenditures:

Other Contractual Services	514.1-594.008-811.0000	\$32,040.00
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- C. Resolution to approve a change order to the 2022 Concrete Sidewalk Program #8-22 (SW) for the 2023 Concrete Sidewalk Program #6-23 (SW) in the amount not to exceed of \$490,120.00 once the 2023/2024 budget is approved. In addition, to authorize the City Engineer to sign the Change Order on behalf of the City. Funding for this project has been budgeted in the following accounts:

Fund Account	Fund ID Number	Budget	Change Order Amount
General Sidewalk	101-444.001-981.0100	\$340,750.00	\$340,750.00
Major Streets Fund	202-449.001-981.0100	\$86,385.00	\$86,385.00
Local Street Fund	203-449.001-981.0100	\$62,985.00	\$62,985.00

- D. Resolution to approve a change order to the 2021 Sewer Rehabilitation Program #8-21 (S) for the 2022-2023 Sewer Rehabilitation Program #8-23 (S) in the amount not to exceed of \$460,000.00. In addition, to authorize the City Engineer to sign the Change Order on behalf of the City. Funding for this project has been budgeted in the following accounts:

Fund Account	Fund ID Number	Budget	Change Order Amount
Sewer Fund	590.0-537.000-981.0200	\$460,000.00	\$460,000.00

- E. Resolution to set a public hearing date of May 22, 2023 to consider the recommendation of the Planning Board to adopt and approve in its entirety the Birmingham Plan 2040, inclusive of all maps, plats, charts, and other related matter, figures and the Future Land Use Map.
- F. Resolution to increase the golf course fees by the following amounts:
- Memberships for Non-Residents and Businesses by \$25.
  - Memberships for Residents by \$5.
  - Individual fees for rounds of golf by 50 cents for both weekday and weekends for Adult Member, Sr/Jr Member, Adult Guest and Sr/Jr Guest.



- G. Resolution to approve the application to request reimbursement for the maximum allotment of \$2,705.23 for eligible mosquito control activity under Oakland County's West Nile Virus Fund Program.

## **VI. UNFINISHED BUSINESS**

- A. Public Hearing for 2023 Liquor License
1. WHOLE FOODS  
Resolution to accept the termination and relinquishment of the Special Land Use Permit held by Whole Foods upon the onset of construction, or a violation of the Special Land Use Permit, or a maximum of 90 days from today, or whichever event occurs first.

## **VII. NEW BUSINESS**

- A. Public hearing for a lot combination of 34350 Woodward Avenue and 909-911 Haynes Street, Fred Lavery Porsche, Parcel #19-36-281-022 and Parcel #19-36-281-030. (Request to Postpone)
1. Motion to postpone the public hearing and consideration of the lot combination of 34350 Woodward Ave and 909-911 Haynes Street, Fred Lavery Porsche, parcel #19-36-281-022 and parcel # 19-36-281-030 to a date of April 24, 2023 per the request of the applicant in order to have the SLUP hearing and lot combination on the same date.
- B. Public Hearing for 34350 Woodward Ave & 909-911 Haynes Street – Fred Lavery Porsche Dealership – Special Land Use Permit, Final Site Plan & Design Review (Request to Postpone)
1. Motion to postpone the public hearing and consideration of the Special Land Use Permit, Final Site Plan and Design Review application for 34350 Woodward Ave – Fred Lavery Porsche – to April 24, 2023 per the request of the applicant to allow more time to review conditions of the SLUP contract.
- C. Resolution to approve a special event permit as requested by the MIU Men's Health Foundation to hold the Cogs & Kegs bicycle ride on June 12, 2023 contingent upon compliance with all permit and insurance requirements and payment of all fees and, further pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event, or event cancellation that may be deemed necessary by administrative staff, leading up to or at the time of the event.
- D. Resolution for the City to join together with other local governments and public agencies to influence regulatory processes and utility practices through participation in the Michigan Municipal Association for Utility Issues, in the amount of \$3,133 for a one-year membership. Funding for this project is available in account #101-170.000-955.03.
- E. Commission Items for Future Discussion. A motion is required to bring up the item for future discussion at the next reasonable agenda, no discussion on the topic will happen tonight.

- F. Commission discussion on items from a prior meeting
  - 1. Discussion on Administering a Foundation or Charity
    - a) See prior advice from City Attorney Mary Kucharek
  - 2. Discussion on Policy for Sponsoring and Administering Events
  - 3. Establishing an Ad Hoc Senior Services Committee

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

## **IX. COMMUNICATIONS**

- A. Jay Shell, Birmingham Farms Neighborhood Association
  - 1. Jay Shell – Communication via Power Point
  - 2. Email exchanges regarding Jay Shell's request
  - 3. Birmingham's Historical Population by U.S. Decennial Census
  - 4. Birmingham's 15-year History of Water Consumption
  - 5. Birmingham Building Code – Provisions which make new construction demands on utility services less demanding and more efficient

## **X. REPORTS**

- A. Commissioner Reports
  - 1. Notice of Intention to Appoint to the Parks and Recreation Board
- 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 requieren alojamiento, tales como servicios de interpretación, la participación efectiva en esta reunión deben ponerse en contacto con la Oficina del Secretario Municipal al (248) 530-1880 por lo menos el día antes de la reunión pública. (Title VI of the Civil Rights Act of 1964).*



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

At the regular meeting of Monday, April 3, 2023, the Birmingham City Commission intends to appoint to the Parks and Recreation Board an alternate member to serve the remainder of a three year term expiring on March 13, 2026.

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, March 29, 2023. These applications will appear in the public agenda for the regular meeting at which time the City Commission will discuss recommendations, and may make nominations and vote on the appointments.

Responsibilities

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

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

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

Applicant(s) Presented for City Commission Consideration:

<b>Applicant Name</b>	<b>Criteria</b> Members must be electors (registered voters) of the City of Birmingham.	<b>Qualifications</b>
Joe Wrobel	Registered Elector	Attorney, experience with planning park activities and usage

**SUGGESTED ACTION:**

To appoint \_\_\_\_\_ to the Parks and Recreation Board as an alternate member to serve a three-year term to expire March 13, 2026.

# PARKS AND RECREATION BOARD

## Article II, Section 78

Objectives: The Parks and Recreation Board shall promote a recreation program and a park development program for the City. The Board shall recommend to the city commission for adoption such rules and regulations pertaining to the conduct and use of parks and public grounds as are necessary to administer the same and to protect public property and the safety, health, morals, and welfare of the public.

Seven regular members, Three-year Terms, Appointed by the City Commission

Two alternate members, Three-year Terms, Appointed by the City Commission

Members must be electors of the City of Birmingham

Meetings held the first Tuesday of each month at 6:30 PM.

Last Name	First Name	Home Business E-Mail	Appointed	Term Expires
<b>Carmona</b> 887 Lakeview Ave.	<b>Heather</b>	(248) 867-1346  <i>htcarmona@sbcglobal.net</i>	3/12/2018 Regular Member	3/13/2024
<b>Collins</b> 958 Pleasant	<b>Susan</b>	(248) 761-6873  <i>sbdcollins@comcast.net</i>	3/9/2020 Regular Member	3/13/2024
<b>Glasier</b>	<b>Kate</b>		2/27/2023 Student representative	12/31/2023
<b>Graham</b> 884 Knox	<b>Pam</b>	(248) 408-6277  <i>pamcracker@gmail.com</i>	1/13/2020 Regular Member	3/13/2026

Last Name Home Address	First Name	Home Business E-Mail	Appointed	Term Expires
<b>Kupczyk</b> 592 W Lincoln	<b>Sarah</b>	(773)414-4727  <i>sc23carroll@gmail.com</i>	3/27/2023 Regular Member	3/13/2026
<b>Lipp</b> 2682 Buckingham	<b>Anne</b>	(248) 225-0136  <i>aecubera@gmail.com</i>	11/23/2020 Regular Member	3/13/2025
<b>Reynolds</b>	<b>Archie</b>		2/27/2023 Student representative	12/31/2023
<b>Rusche</b> 358 Henley St.	<b>John</b>	(248) 731-7068 (248) 219-8114  <i>jprusche@aol.com</i>	9/6/2018 Regular Member	3/13/2024
<b>Sweeney</b> 160 Larchlea Ave	<b>Steve</b>	(248) 875-9973  <i>stevesweeney22@yahoo.com</i>	3/28/2022 Regular Member	3/13/2026
<b>Vacated</b>	<b>3/13/2023</b>		Alternate	3/13/2026

Last Name	First Name	Home Business	Appointed	Term Expires
Home Address		E-Mail		

<b>Vacated</b>	<b>3/27/2023</b>			3/13/2025
			Alternate	

*Position opening due to alternate moving to regular member. Will be noticed at the 4/3/2023 meeting with an interview date for 5/8/2023*



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

### APPLICATION FOR CITY BOARD OR COMMITTEE

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

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

(Please print clearly)

Board/Committee of Interest PARKS & REC BOARD

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

Name JOE WRABEL Phone 248-225-5937

Residential Address 2665 WINDEMERE Email \* WRABEL4J@AOL.COM

Residential City, Zip BIRMINGHAM, MI 48009 Length of Residence 25+ YEARS

Business Address SAME Occupation ATTORNEY

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

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

EXPERIENCED WITH PLANNING PARK ACTIVITIES AND USAGE.

List your related employment experience 30+ YEARS PENSION (ERISA) ATTORNEY

List your related community activities PEMBROKE MANOR ASSOC. - PAST TREASURER  
ACTIVITIES CHAIR

List your related educational experience B.S. PUBLIC ADMINISTRATION - OAKLAND U.  
J.D. WMU - COOLEY LAW SCHOOL - 1/84

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

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

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

Joseph F. Wrabel III  
Signature of Applicant

3/10/2023  
Date

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

**JOSEPH F. WROBEL III**  
2665 Windemere  
Birmingham, Michigan 48009  
(248) 225-5937  
[wrobel4joe@gmail.com](mailto:wrobel4joe@gmail.com)

## **EDUCATIONAL BACKGROUND**

- \* Western Michigan University Thomas M. Cooley Law School, Lansing, Michigan  
JURIS DOCTOR, January 1985
- \* State Bar of Michigan, Current Member in Good Standing
- \* American Society of Pension Professionals and Actuaries,  
Qualified 401(k) Administrator
- \* Oakland University, Rochester, Michigan BACHELOR OF SCIENCE, June 1981  
Major: Public Administration/Public Policy

**OBJECTIVE** To be considered the office “go to” pension professional.

## **RELATED EXPERIENCE**

**ERISA ATTORNEY** at Michigan Pension & Financial, Inc. Farmington Hills, Michigan (3/2021–present) Continued responsibilities include drafting, review, submission, amendment, administration and termination of Defined Benefit and Defined Contribution Pension Plan and Trust documents. Set-up and use of pension software Relius ASP Systems for preparation of original and restated pension plan and trust documents, Plan amendments, ERISA Research, and Plan Administration. <https://michiganpension.com/>

**VICE PRESIDENT/CORPORATE COUNSEL** at Pension Consultants, Inc. Farmington Hills, Michigan (5/1987-2/2021)  
Responsibilities included drafting, review, submission, amendment, administration and termination of Defined Benefit and Defined Contribution Pension Plan and Trust documents. Use of pension software Relius ASP Systems for preparation of original and restated pension plan and trust documents for clients of Pension Consultants, Inc., Actuarial Benefits Corporation, and Michigan Pension & Financial, Inc.

Use of pension software DATAIR for plan valuation, discrimination testing and reporting, including preparation and electronic filing of Form 5500. Use of research software CCH by Wolters Kluwer for legal issues involving the Internal Revenue Code, ERISA, Department of Labor and PBGC regulations.

IRS, DOL and PBGC plan audit representation. Favorable Determination Letter submissions to the IRS, and use of remedial correction programs under IRS and DOL regulations.

Position involved interaction with plan sponsors, participants, and professional advisors.

LinkedIn Profile: <https://www.linkedin.com/in/joe-wrobel-85a5a022/>



## ***ARTICLE II. PARKS AND RECREATION BOARD<sup>1</sup>***

### **Sec. 78-26. Created; composition.**

There is hereby created a parks and recreation board consisting of the city manager and the director of public services or their designated representatives as nonvoting ex-officio members, and seven members, who are electors in the city, appointed by the city commission.

The city commission may appoint two alternate members to serve as needed on the parks and recreation board during their term of appointment. An alternate member may be called on a rotating basis to sit as a regular member of the parks and recreation 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 parks and recreation board.

(Code 1963, § 3.21; Ord. No. 2233, 5-22-17)

### **Sec. 78-27. Terms of members; vacancies.**

The initial members of the parks and recreation 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. All appointments for the purpose of filling vacancies occurring otherwise than by expiration of term of office, shall be for the unexpired term.

(Code 1963, § 3.21)

### **Sec. 78-28. Organization.**

Within 15 days after the appointment of members to the original parks and recreation board and within 15 days after the making of annual appointments to the board, the members of the board shall meet in regular session and elect from the members a chairman who shall be the presiding officer of the board, and a vice-chairman who shall serve in the absence of the chairman. A secretary who shall keep and maintain the minutes and records of the board shall also be elected. The secretary need not be a member of the board. The terms of office for such officers shall be one year and until their successors have been elected, and there shall be no limitation upon successive elections of the same person to any office. The ex-officio members of the board may not act as chairman or vice-chairman but may act as secretary.

(Code 1963, § 3.22)

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<sup>1</sup>Cross reference(s)—Boards and commissions, § 2-171 et seq.

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### **Sec. 78-29. Compensation.**

All members of the parks and recreation board, except ex-officio members, shall serve without compensation.

(Code 1963, § 3.23)

### **Sec. 78-30. Meetings and quorum.**

The parks and recreation board shall set a time for a regular meeting at least once each month and shall determine the manner in which special meetings may be noticed and held. The chairman may cancel a meeting if there is no matter requiring consideration by the board. A quorum for the transaction of business at the regular and special meetings shall be five members, at least one of whom shall be an ex-officio member or his designated representative.

(Code 1963, § 3.24; Ord. No. 2022, 2-22-10)

### **Sec. 78-31. Objectives and duties.**

The parks and recreation board shall promote a recreation program and a park development program for the city. In carrying out these objectives it shall:

- (1) Serve as a forum for the consideration of policy matters related to the operation of a park and recreation program.
- (2) Advise the public with regard to the policies established by the city commission relating to the park and recreation program.
- (3) Serve in advisory capacity to the city commission in regard to all matters affecting parks and recreation which are referred to it by the city commission.
- (4) Recommend to the city commission a recreation program, fee schedules, and the adoption of a long-range program for the development of park areas and facilities.
- (5) Recommend to the city commission hours of operation and allocation of facility use.

(Code 1963, § 3.25)

### **Sec. 78-32. Regulations.**

The parks and recreation board shall recommend to the city commission for adoption such rules and regulations pertaining to the conduct and use of parks and public grounds as are necessary to administer the same and to protect public property and the safety, health, morals, and welfare of the public. The violation of any such duly adopted rule or regulation by any party shall be deemed to constitute a violation of this section.

(Code 1963, § 3.26)

### **Sec. 78-33. Scope of authority.**

The parks and recreation board is a nonadministrative board serving solely in an advisory capacity. In that capacity, the board may make recommendations to the city commission but may not assume any legislative or

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administrative authority in the operation of any city department, park, or recreation facility except as specifically provided in this article.

(Code 1963, § 3.27)

**Secs. 78-34—78-55. Reserved.**



## MEMORANDUM

Police Department

**DATE:** March 23, 2023

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

**FROM:** Scott A. Grewe, Chief of Police

**SUBJECT:** Recognition of Promotion

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### INTRODUCTION:

In the last few months, there have been several promotions within the police department. To be placed on the eligibility list, an applicant must complete an examination procedure consisting of a written test and an oral board interview. Additional factors included in the final rankings are their evaluation of service and performance ratings, credit for years of service to the department and credit for college education.

#### Eligibility Requirements for Rank Promotion

1. Dispatch Manager – Dispatcher with a minimum of 4 years seniority.
2. Sergeant - Police Officer with a minimum of 4 years seniority.
3. Lieutenant – Must have obtained the rank of Sergeant.
4. Captain – Must have obtained the rank of Lieutenant.

The Birmingham Police Department is proud to announce the promotion of the following members of our agency who continue to show their dedicated service to our community and the Birmingham Police Department:

1. Dispatcher Jamie Debano – Promoted to Dispatch Manager on March 18, 2023.
2. Officer Michael Manzo – Promoted to Patrol Sergeant on March 27, 2023.
3. Officer Jordan Zale – Promoted to Patrol Sergeant on January 13, 2023.
4. Sgt. Alex Linke – Promoted to Patrol Lieutenant on January 13, 2023.
5. Lt. Ryan Kearney – Promoted to Operations Captain on December 6, 2022.

# City of Birmingham

## Warrant List Dated 03/29/2023

Meeting of 04/03/2023

Check Number	Early Release	Vendor #	Vendor	Amount
<u>PAPER CHECK</u>				
291320	*	006965	7UP DETROIT	251.20
291321		009346	ACCUFORM PRINTING & GRAPHICS, INC	1,468.00
291322		009376	TAIL ACTIVEWEAR	1,175.60
291323		009117	ALL CITY DOGS INC	2,650.00
291324	*	009393	AMANDA MCBRIDE	500.00
291325		009462	AMERICAN SWING PRODUCTS, INC	871.20
291326	*	003703	AT&T MOBILITY	838.16
291327		009609	BALIAN LEGAL, PLC	1,200.00
291328		009616	BANDIT INDUSTRIES, INC.	239.76
291329		009568	BEDROCK EXPRESS LTD	1,393.85
291329	*	009568	BEDROCK EXPRESS LTD	657.80
291330		000522	BIG BEAVER PLUMBING, HEATING INC.	350.00
291331	*	007540	BIO SYSTEMS, INC.	1,245.00
291332	*	009627	BLUE CROSS BLUE SHIELD OF MICHIGAN	145,913.86
291333		003526	BOUND TREE MEDICAL, LLC	136.20
291334	*	006953	JACQUELYN BRITO	44.00
291335	*	006520	BS&A SOFTWARE, INC	550.00
291336		009137	CGS, INC	1,005.00
291337		008243	CHARTER TOWNSHIP OF BLOOMFIELD	762.12
291338	*	008006	CLEAR RATE COMMUNICATIONS, INC	1,648.81
291339	*	MISC	COMERICA BANK	13,282.14
291341	*	MISC	CONNIE HOGAN	54.00
291342	*	000627	CONSUMERS ENERGY	10,626.19
291343		008512	COOL THREADS EMBROIDERY	876.87
291344	*	009549	DANIEL CRUMP DBA	1,400.00
291345	*	MISC	DAVID UNDERDOWN	44.00
291346	*	009557	ZECO, LLC	660.00
291347		000575	DEMCO, INC	317.81
291348		009515	KAMERON DIMITRY	221.39
291349	*	007498	RONALD L. DIX	51.09
291350	*	000190	DOWNRIVER REFRIGERATION	163.10
291351	*	000179	DTE ENERGY	5,539.92
291352	*	000179	DTE ENERGY	182.23
291353	*	000274	E-Z-GO DIVISION OF TEXTRON INC	3,127.86
291354		000493	ED RINKE CHEVROLET BUICK GMC	257.40
291355		009620	CITY OF FARMINGTON HILLS	1,225.00
291356		009620	CITY OF FARMINGTON HILLS	275.00
291357	*	004514	FEDEX OFFICE	29.80
291358		007136	FERGUSON ENTERPRISES, INC.	296.95
291359	*	007366	FIRST ADVANTAGE OCCUPATIONAL CORP	44.23
291360	*	009556	MADELINE GOLD	120.00
291361	*	004604	GORDON FOOD	227.34

**City of Birmingham**  
**Warrant List Dated 03/29/2023**

Meeting of 04/03/2023

Check Number	Early Release	Vendor #	Vendor	Amount
291362	*	006666	GRID 4 COMMUNICATIONS INC.	226.28
291363		000249	GUARDIAN ALARM	513.60
291364		001447	HALT FIRE INC	1,747.08
291365	*	001956	HOME DEPOT CREDIT SERVICES	261.77
291366		BDREFUND	HRH CONSTRUCTION LLC	400.00
291367	*	001307	JOSHUA HUSTED	5,900.00
291368	*	MISC	IAN NOCK	21.35
291369		001090	INGRAM LIBRARY SERVICES	5,711.61
291371	*	009401	IRENE S WASSEL	300.00
291372	*	MISC	JACKSON DISTRICT LIBRARY	20.85
291373		000347	JOHN R. SPRING & TIRE CENTER INC.	2,713.56
291374	*	009403	JUSTIN ZAYID	900.00
291375		BDREFUND	K & A SIGNS, INC	100.00
291376	*	004088	KGM DISTRIBUTORS INC	519.00
291377		004904	KONICA MINOLTA BUSINESS SOLUTIONS	2,697.75
291378	*	009386	LAW OFFICE OF BRIAN P. FENECH	1,250.00
291379	*	009388	LAW OFFICE OF PATRICK G. GAGNIUK	1,370.00
291380		000797	THE LIBRARY NETWORK	1,662.00
291381		009375	LITHIA MOTORS, INC SUPPORT SERVICES	2,042.86
291382	*	009143	MICHAEL SHUKWIT	250.00
291383		009621	MICHIGAN DEPARTMENT OF AGRICULTURE	75.00
291384		000230	MIKE SAVOIE CHEVROLET INC	1,056.51
291385		009623	NEWSBANK, INC	3,539.00
291386		004827	NICK'S MAINTENANCE SERVICE	18,120.00
291387	*	004370	OCCUPATIONAL HEALTH CENTERS	120.00
291388	*	009478	ODP BUSINESS SOLUTIONS, LLC	926.73
291389		BDREFUND	OFFER & ASSOCIATES INC	500.00
291390		001626	OXFORD OVERHEAD DOOR SALES CO.	511.00
291391	*	009624	PERFORMANCE ENVIRONMENT SERVICES	990.00
291392		007588	PERMACARD	1,805.55
291393	*	005310	POINTE ENVIRONMENTAL SERVICES INC.	2,340.00
291394		009614	PROGRESSIVE PLUMBING SUPPLY CO	186.86
291394	*	009614	PROGRESSIVE PLUMBING SUPPLY CO	197.00
291395		004137	R & R FIRE TRUCK REPAIR INC	2,561.00
291395	*	004137	R & R FIRE TRUCK REPAIR INC	15,366.00
291396	*	008342	RAIN MASTER CONTROL SYSTEMS	38.85
291397	*	UBREFUND	RATTNER, RUTH F	154.81
291398	*	007507	RIEDEL SHOES INC	579.92
291399	*	007562	MIKE ROMANOWSKI	492.89
291400		009548	SHARE CORPORATION	236.52
291401		007907	SP+ CORPORATION	3,112.00
291402		004544	STRYKER SALES CORPORATION	627.97
291403	*	MISC	THE CITY OF LATHRUP VILLAGE	500.00

# City of Birmingham

## Warrant List Dated 03/29/2023

Meeting of 04/03/2023

Check Number	Early Release	Vendor #	Vendor	Amount
291404	*	MISC	TODD BORSE	200.00
291405	*	000293	VAN DYKE GAS CO.	168.54
291406	*	000158	VERIZON WIRELESS	868.01
291407	*	002171	WEISSMAN'S COSTUMES	238.27
291408	*	UBREFUND	WICO METAL PRODUCTS HOLDING COMPANY	3,706.94
291409		005112	WOLVERINE	33.13
291410		007999	ZEROFRICTION, LLC	391.09
SUBTOTAL PAPER CHECK				\$290,174.18
<u>ACH TRANSACTION</u>				
7586		009126	AMAZON CAPITAL SERVICES INC	13.35
7587		009126	AMAZON CAPITAL SERVICES INC	88.99
7588		009126	AMAZON CAPITAL SERVICES INC	106.50
7589		009126	AMAZON CAPITAL SERVICES INC	69.50
7590		009126	AMAZON CAPITAL SERVICES INC	126.72
7591		009126	AMAZON CAPITAL SERVICES INC	497.99
7592		009126	AMAZON CAPITAL SERVICES INC	46.93
7593		009126	AMAZON CAPITAL SERVICES INC	39.95
7594		009126	AMAZON CAPITAL SERVICES INC	499.00
7595		009126	AMAZON CAPITAL SERVICES INC	670.18
7596		009126	AMAZON CAPITAL SERVICES INC	269.99
7597		009126	AMAZON CAPITAL SERVICES INC	128.15
7598	*	009126	AMAZON CAPITAL SERVICES INC	182.91
7599		009126	AMAZON CAPITAL SERVICES INC	219.11
7600		009126	AMAZON CAPITAL SERVICES INC	13.56
7601	*	003946	ARAMARK	364.26
7602	*	001357	ART/DESIGN GROUP LTD	130.00
7603	*	009383	BATTI LAW PLLC	2,090.00
7604	*	003282	LISA MARIE BRADLEY	462.00
7605	*	008983	BRENNA SANDLES	364.00
7606	*	009413	KATHRYN BURRICK	585.79
7607		000605	CINTAS CORPORATION	204.82
7608		000605	CINTAS CORPORATION	36.77
7609		002668	CONTRACTORS CLOTHING CO	516.19
7610		001367	CONTRACTORS CONNECTION INC	123.75
7611	*	007314	FLEIS AND VANDENBRINK ENG. INC	107.50
7612	*	000243	GRAINGER	869.07
7613	*	001672	HAYES PRECISION INC	95.00
7614	*	009382	HB LAW, PLLC	300.00
7615		000331	HUBBELL ROTH & CLARK INC	39,456.55
7616	*	003824	THOMAS I. HUGHES	83.98
7617	*	009390	IDUMESARO LAW FIRM, PLLC	300.00
7618		000261	J.H. HART URBAN FORESTRY	17,039.00
7619	*	003458	JOE'S AUTO PARTS, INC.	935.71

**City of Birmingham**  
**Warrant List Dated 03/29/2023**

Meeting of 04/03/2023

Check Number	Early Release	Vendor #	Vendor	Amount
7620	*	000891	KELLER THOMA	453.75
7621		004085	KONE INC	8,695.00
7622	*	009385	LAW OFFICE OF MICHAEL J. DICK	2,565.00
7623	*	005550	LEE & ASSOCIATES CO., INC.	1,925.00
7624		002013	MIDWEST TAPE	2,833.83
7625		007755	NETWORK SERVICES COMPANY	586.20
7626		001864	NOWAK & FRAUS ENGINEERS	7,987.00
7627	*	006359	NYE UNIFORM COMPANY	1,828.50
7628	*	009395	ORLANDO LAW PRACTICE PC	560.00
7629	*	006853	PAUL C SCOTT PLUMBING INC	1,376.38
7630	*	001181	ROSE PEST SOLUTIONS	47.00
7631	*	003785	SIGNS-N-DESIGNS INC	100.00
7632	*	009577	SYMPHONY WISE	484.00
7633	*	002037	TOTAL ARMORED CAR SERVICE, INC.	281.45
7634		009128	WITMER PUBLIC SAFETY GROUP INC	412.27
7635	*	009379	YELLOW DOOR LAW	5,388.00
7636	*	008840	BIRMINGHAM PUBLIC SCHOOLS-TAXES	593,566.38
7637	*	008843	OAKLAND COUNTY TREASURER- TAX PYMNT	1,000,327.44
7638	*	007856	NEXT	2,115.00
SUBTOTAL ACH TRANSACTION				\$1,698,569.42
GRAND TOTAL				\$1,988,743.60

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



Mark Gerber  
Finance Director/ Treasurer

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





## **MEMORANDUM**

Engineering Department

**DATE:** April 3, 2023

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

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

**SUBJECT:** Emergency Repair of 8-Inch Water Service  
Chester Street Parking Structure

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### **INTRODUCTION:**

On February 2, 2023, water was found in and around the southwest corner of the Chester Street Parking Structure. It was determined there was a break on the 8-inch water service to the parking structure. Due to the depth of the existing water service, D'Angelo Brothers, Inc. repaired the 8-inch water service. A budget amendment is required for the emergency repair of the 8-inch water service.

### **BACKGROUND:**

The Engineering Department and Department of Public Services (DPS) received notification on February 2, 2023, of water in and around the southwest corner of the Chester Street Parking Structure. DPS turned off the water service on February 2, 2023, and on February 6, 2023 they exposed the existing 8-inch water service to make the repair. Approximately 10 feet from the parking structure, the water service was around 10-12 feet deep and continued deeper the closer it was to the parking structure. Design plans were found and the 8-inch water service enters the mechanical room and the second lower level of the structure at 16 feet deep. DPS does not have the equipment to make a water service repair at this depth.

The city met with three (3) contractors who have current contracts and insurance with the city to review the conditions. We received two (2) quotes from contractors, and one (1) was nonresponsive, as listed in the attached summary. The lowest quote was for \$32,038.00 from D'Angelo Brothers, Inc., the current contractor for the Lead Service Replacement Program. The 8-inch water service repair was completed the week of February 20, 2023. The break was located a few inches from the outside structure wall at 16 feet deep.

### **LEGAL REVIEW:**

No legal review was performed as it was emergency work.

**FISCAL IMPACT:**

A budget amendment is required in the following funds for the emergency repair of the 8-inch water service:

Fund Account	Fund ID Number	Budget	Quotes
Automobile Parking System	514.1-594.008-811.0000	\$0.00	\$32,038.00

**PUBLIC COMMUNICATIONS:**

A notification regarding the road closure for the water service repair was given to adjacent properties.

**SUMMARY:**

The Engineering Department requests a budget amendment for the emergency repair of the 8-inch water service at the Chester Street Parking Structure.

**ATTACHMENTS:**

- Chester Street Parking Structure Quote Summary (1 page)
- D'Angelo Brothers Quote (2 pages)

**SUGGESTED COMMISSION ACTION:**

Make a motion confirming and approving an emergency water line repair expenditure and approving the appropriation and amendment of the 2022/2023 budget as follows:

**Automobile Parking System:**

Revenues:

Draw from Fund Balance	514.1-000.000-400.0000	\$32,040.00
------------------------	------------------------	-------------

Expenditures:

Other Contractual Services	514.1-594.008-811.0000	\$32,040.00
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<b>Chester Street Parking Structure 8-inch Water Service Quotes</b>			
	<b>Angelo Iafrate Construction</b>	<b>D'Angelo Brothers, Inc.</b>	<b>Pamar Enterprises</b>
8-inch Water Service Repair	\$75,335.00	\$32,038.00	N/A



**PO Box 531330**  
**Livonia, MI 48153**

**TO:** City of Birmingham

**ATTN:** Melissa Coatta

## Estimate

2/7/23

### Chester Parking Structure Water Main Break

DESCRIPTION OF WORK TO BE COMPLETED	Qty.	Unit	Hrs.	Rate	Total Per Line
Mobilize & Excavate 8" Water Main. Install Trench Box and Shoring					
Mobilize 315 Excavator & Skid & Loader	2	EA	-	\$ 425.00	\$ 850.00
Traffic Control	1	EA	1	\$ 750.00	\$ 750.00
Service Trucks. F250, Peterbilt, F 350	3	HR	10	\$ 35.00	\$ 1,050.00
Excavator & Operator	1	HR	10	\$ 155.00	\$ 1,550.00
Skid Steer & Operator Regular Time	1	HR	8	\$ 80.00	\$ 640.00
Skid Steer & Operator Over Time	1	HR	2	\$ 88.00	\$ 176.00
Loader & Operator	1	HR	8	\$ 90.00	\$ 720.00
Loader & Operator OT	1	HR	2	\$ 120.00	\$ 240.00
Labor, Regular Time	6	HR	8	\$ 48.00	\$ 2,304.00
Labor, Over Time	6	HR	2	\$ 58.00	\$ 696.00
Dump Truck Semi Regular Time	3	HR	8	\$ 90.00	\$ 2,160.00
Dump Truck Semi Over Time	3	HR	2	\$ 95.00	\$ 570.00
Hydro Vactor	1	HR	8	\$ 330.00	\$ 2,640.00
Trench Box	1	Day	1	\$ 500.00	\$ 500.00
Plates, Sheeting, Z Sheets	1	Day	1	\$ 500.00	\$ 500.00
					\$ 15,346.00
Make Water Main Repair, Backfill, Compact and Remove Shoring. Clean site, Place 21AA & Cold Patch					
Service Trucks. F250, Peterbilt, F 350	3	HR	10	\$ 35.00	\$ 1,050.00
Excavator & Operator	1	HR	10	\$ 155.00	\$ 1,550.00
Skid Steer & Operator Regular Time	1	HR	8	\$ 80.00	\$ 640.00
Skid Steer & Operator Over Time	1	HR	2	\$ 88.00	\$ 176.00
Loader & Operator	1	HR	8	\$ 90.00	\$ 720.00
Loader & Operator OT	1	HR	2	\$ 120.00	\$ 240.00
Labor, Regular Time	6	HR	8	\$ 48.00	\$ 2,304.00
Labor, Over Time	6	HR	2	\$ 58.00	\$ 696.00
Dump Truck Semi Regular Time	2	HR	8	\$ 90.00	\$ 1,440.00
Dump Truck Semi Over Time	2	HR	2	\$ 95.00	\$ 380.00
Generator	1	Day	1	\$ 100.00	\$ 100.00
Pump	1	Day	1	\$ 60.00	\$ 60.00
Trench Box	1	Day	1	\$ 500.00	\$ 500.00
Plates, Sheeting, Z Sheets	1	Day	1	\$ 500.00	\$ 500.00
Compaction	1	HR	4	\$ 84.00	\$ 336.00
					\$ 10,692.00

Materials					
6A Stone	12	Ton	-	\$ 32.00	\$ 384.00
Haul Off	120	Ton	-	\$ 11.00	\$ 1,320.00
21 AA LimeStone	12	Ton	-	\$ 28.00	\$ 336.00
Class II Sand	120	Ton	-	\$ 18.00	\$ 2,160.00
8" Water Main Repair parts	1	LS	-	\$ 1,800.00	\$ 1,800.00
					\$ 6,000.00
<b>TOTAL</b>					<b>\$ 32,038.00</b>

**Vince D'Angelo (248) 515-1942**

Excludes additional time associated with unknow utilities or items.

Excludes Dewatering

Assuming all work can be completed in 2 full days. Any work past 2 days will be charged per WRC T&M Rates attached

Excludes all restoration

Light Traffic Control

Assuming 8" repair parts will be no more then (2) 8" 45 bends, threaded rod, solid sleeve, acessories and or a clamp



## **MEMORANDUM**

Engineering Department

**DATE:** April 3, 2023

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

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

**SUBJECT:** Change Order to the 2022 Concrete Sidewalk Repair Program #8-22(SW)  
to add the 2023 Concrete Sidewalk Repair Program #6-23(SW)

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### **INTRODUCTION:**

The City currently has an open contract with Luigi Ferdinandi and Sons Cement Company for the 2022 Concrete Sidewalk Repair Program #8-22 (SW). Luigi Ferdinandi and Sons Cement Company has offered to hold all their unit prices from the 2022 Concrete Sidewalk Repair Program for the upcoming 2023 Concrete Sidewalk Repair Program. The Engineering Department is recommending a change order to the 2022 Concrete Sidewalk Repair Program #8-22 (SW) to add the 2023 Concrete Sidewalk Repair Program #6-23 (SW).

### **BACKGROUND:**

At the July 25, 2022 City Commission Meeting, the 2022 Concrete Sidewalk Repair Program was awarded to Luigi Ferdinandi and Sons Cement Company. They completed work in Area 5 (Southfield Road to Cranbrook Road and Maple Road to 14 Mile Road), ADA Ramps in Area 1B (Old Woodward to Woodward and Maple Road to Ravine), and Oak Avenue Sidewalk in Fall/Winter of 2022. They are scheduled to start construction toward late April/beginning of May to complete the rest of the work on this program which includes city-wide scattered concrete repairs, Maple Road granite bench pads, Ice Arena sidewalk replacement, and Ann Street Sidewalk Replacement.

The 2023 Sidewalk Repair Program includes work in Area 6 (West City limits to Rouge River and Quarton Road to Maple Road), ADA Ramps in Area 1A (Chester Street to North Old Woodward and North Old Woodward Parking Structure to Maple Road), city-wide scattered concrete repairs, Shain Park sidewalk repairs, and 12 concrete bike pads at various locations throughout the City.

Luigi Ferdinandi and Sons Cement Company has offered to hold all their unit pricing from the 2022 Concrete Sidewalk Repair Program for the upcoming 2023 Concrete Sidewalk Repair Program and start construction in July. The Engineering Department recommends this due several reasons. There has been an increase in labor and material over the past year, and Engineering Department has seen higher unit pricing on recently bid projects. If this project went

out for public bidding, the unit pricing will be higher than the bids received in June 2022. The City will also save money on issuing the project specifications and time to bid on the project. Also, the Engineering Department can tailor the proposed scope of work to match the City's current budget for the 2023 Sidewalk Program.

**LEGAL REVIEW:**

The City Attorney reviewed the 2022 Concrete Sidewalk Program contract and City Ordinances and see no legal issues.

**FISCAL IMPACT:**

The 2023 Sidewalk Program Project was budgeted for in the 2023/2024 budget across the General Sidewalk Fund, Major Street Fund, and Local Street Funds. The change order will be funded by the following accounts:

Fund Account	Fund ID Number	Budget	Change Order Amount
General Sidewalk	101-444.001-981.0100	\$340,750.00	\$340,750.00
Major Streets Fund	202-449.001-981.0100	\$86,385.00	\$86,385.00
Local Street Fund	203-449.001-981.0100	\$62,985.00	\$62,985.00

The change order will not be signed until the 2023/2024 budget is approved.

**PUBLIC COMMUNICATIONS:**

Communication with property owners in the project area will include the general project announcement.

**SUMMARY:**

The Engineering Department is recommending a change order to the 2022 Concrete Sidewalk Repair Program #8-22 (SW) to add the 2023 Concrete Sidewalk Repair Program #6-23 (SW).

**ATTACHMENTS:**

- Primary Project Area Map (one page)
- Luigi Ferdinandi and Sons Cement Company Letter (one page)
- 2022 Concrete Sidewalk Program Project Proposal and Contract (19 pages)
- First Amendment to the 2022 Concrete Sidewalk Repair Program #8-22 (SW)

**SUGGESTED COMMISSION ACTION:**



Make a motion adopting a resolution to approve a change order to the 2022 Concrete Sidewalk Program #8-22 (SW) for the 2023 Concrete Sidewalk Program #6-23 (SW) in the amount not to exceed of \$490,120.00 once the 2023/2024 budget is approved. In addition, to authorize the City Engineer to sign the Change Order on behalf of the City. Funding for this project has been budgeted in the following accounts:

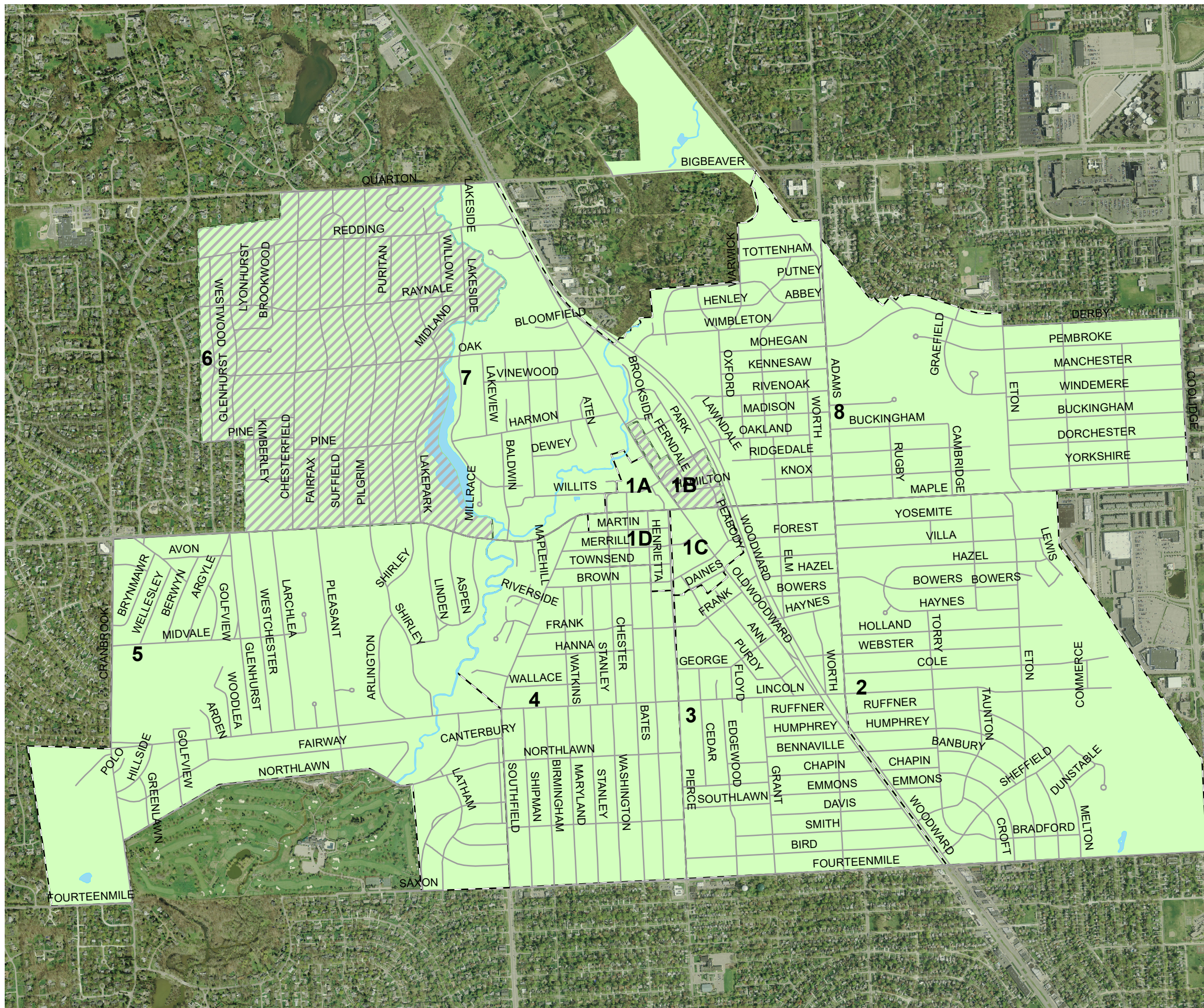
Fund Account	Fund ID Number	Budget	Change Order Amount
General Sidewalk	101-444.001-981.0100	\$340,750.00	\$340,750.00
Major Streets Fund	202-449.001-981.0100	\$86,385.00	\$86,385.00
Local Street Fund	203-449.001-981.0100	\$62,985.00	\$62,985.00



# 2023 Capital Improvements

## Legend

-  2023 Sidewalk Target Area
-  Sidewalk Program Districts



1 inch = 1,496 feet

Disclaimer: The information provided by this program has been compiled from recorded deeds, plats, taxmaps, surveys, and other public records and data. It is not a legally recorded map or survey.

The data provided hereon may be inaccurate or out of date and any person or entity who relies on said information for any purpose whatsoever does so solely at his or her own risk.

Data Sources: Oakland County GIS Utility, City of Birmingham



**LUIGI FERDINANDI & SON CEMENT CO.**  
**16481 COMMON RD.**  
**ROSEVILLE, MI 48066**  
**586-774-1000 FAX 586-774-1001**  
**Email: Info@luigicement.com**

Anderson Eckstein and Westrick, Inc.  
51301 Schoenherr Rd.  
Shelby Twp, MI 48315  
Attn: Ryan Kern, P.E

RE: City of Birmingham 2022 Concrete sidewalk repair program

March 23, 2023

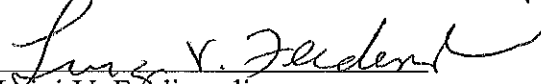
Dear Ryan,

The purpose of this letter is to confirm that we will hold our pricing as originally quoted in the City of Birmingham 2022 Concrete Sidewalk Repair Program Contract#8-22(SW).

We will hold the prices for the entire 2023 calendar year.

If you have any questions or would like to discuss any upcoming projects; please call me directly at 586-615-6101 (cell phone).

Sincerely,

  
Luigi V. Ferdinandi  
Vice President

**PROPOSAL**  
**2022 CONCRETE SIDEWALK REPAIR PROGRAM**  
**CONTRACT #8-22(SW)**

**TO THE CITY OF BIRMINGHAM, MICHIGAN:**

The undersigned, being familiarized with the local conditions affecting the cost of the work and the Contract Documents including all those sections listed in the Index, hereby proposes to perform everything noted herein and to provide and furnish all labor, materials, except as otherwise specified, necessary to construct and complete in a workmanlike manner all of the work required to be performed for the **2022 Concrete Sidewalk Repair Program, Contract #8-22(SW)** in conformance with the requirements shown or implied in the above contract documents all of which are hereby made a part of this contract at the following unit prices as here stated and further defined in the specifications.

Bidder has examined copies of all Contract Documents and of following addenda:

Date	Addendum Number
N/A	1

**Bidder must write out in words the unit price of each item on the line provided under each pay item.**

No.	ITEMS FOR BID	QTY	UNITS	UNIT PRICE	AMOUNT
WORK ITEMS – 2022 CITY WIDE SCATTERED CONCRETE REPAIRS					
1.	Earth Excavation	100	CYD	10	1000
2.	Remove & Replace Concrete Curb & Gutter Match Existing Section @ _____	200	LF	50	10000
3.	Remove & Replace 4" Concrete Sidewalk @ _____	1,600	SF	10	16000

No.	ITEMS FOR BID	QTY	UNITS	UNIT PRICE	AMOUNT
4.	Remove & Replace 6" Concrete Sidewalk/Ramp/Drive Approach @ _____	600	SF	11	6600
5.	7" Concrete Pavement Repair – MDOT Type P1 Concrete @ _____	300	SYD	90	27000
6.	9" Concrete Pavement Repair – MDOT Type P-NC Concrete @ _____	300	SYD	99	29700
7.	Sidewalk Ramp Detectable Warning Plates @ _____	50	SF	50	2500
8.	Subgrade Undercutting, 8" Limestone, MDOT 21AA @ _____	200	SYD	27	5400
9.	Sawcutting @ _____	1,500	LF	2	3000
10.	Utility Structure Cover Adjustment @ _____	5	EA	500	2500
11.	Restoration, 3" Topsoil, Seed & Mulch @ _____	250	SF	4	1000
12.	Traffic Control - Major Street Lane Closure @ _____	1	EA	5000	5000
SUBTOTAL – 2022 CITY WIDE SCATTERED CONCRETE REPAIRS				\$ 109,700	

No.	ITEMS FOR BID	QTY	UNITS	UNIT PRICE	AMOUNT
<b>WORK ITEMS – 2022 SIDEWALK PROGRAM AREA 5</b>					
13.	Remove & Replace Concrete Curb or Curb & Gutter @ _____	100	LF	50	5000
14.	Remove & Replace 4" Concrete Sidewalk @ _____	2,500	SF	10	25000
15.	Remove & Replace 6" Concrete Sidewalk//Ramp/Drive Approach @ _____	250	SF	12	3000
16.	Sawcutting for Curbs @ _____	100	LF	10	1000
17.	Sidewalk Ramp Detectable Warning Plates @ _____	60	SF	50	3000
<b>SUBTOTAL – 2022 SIDEWALK PROGRAM (AREA 5)</b>				\$ 37,000	

No.	ITEMS FOR BID	QTY	UNITS	UNIT PRICE	AMOUNT
<b>WORK ITEMS – 2022 SIDEWALK ADA RAMP PROGRAM</b>					
18.	Earth Excavation @ _____	150	CYD	30	4500

19.	Subgrade Undercutting, 8 inch Limestone, MDOT 21AA @_____	20	CYD	60	1200
20.	Remove Concrete Sidewalk/Ramp @_____	1,800	SF	2	3600
21.	Remove & Replace Concrete Curb or Curb & Gutter @_____	100	LF	50	5000
22.	4 inch Sidewalk/Ramp @_____	1,500	SF	11	16500
23.	9" Concrete Pavement Repair – MDOT Type P-NC Concrete @_____	50	SYD	180	9000
24.	6 inch Sidewalk/Ramp @_____	300	SF	13	3900
25.	4 inch Exposed Aggregate Sidewalk @_____	250	SF	12	3000
26.	6 inch Exposed Aggregate Sidewalk @_____	50	SF	20	1000
27.	Remove and Reuse Brick Pavers @_____	250	SF	15	3750
28.	Sidewalk Ramp Detectable Warning Plates @_____	100	SF	50	5000

29.	Utility Structure Cover Adjustment @ _____	4	EA	500	2000
30.	Sawcutting for Curbs @ _____	100	LF	10	1000
31.	Remove and Replace Signage @ _____	1	EA	500	500
32.	Sign Post, U-Channel @ _____	36	LF	30	1080
33.	Caulking @ _____	500	LF	5	2500
34.	Sealing Exposed Aggregate Concrete @ _____	1000	SF	2	2000
35.	Restoration, 3" Topsoil, Seed & Mulch @ _____	500	SF	4	2000
SUBTOTAL - 2022 SIDEWALK ADA RAMP PROGRAM				\$ 67,530 -	

No.	ITEMS FOR BID	QTY	UNITS	UNIT PRICE	AMOUNT
<b>WORK ITEMS – GENERAL WORK ITEMS</b>					
36.	Bituminous Mixture No. 13 Wearing @ _____	100	TONS	250	25000
37.	Handpatching, HMA 13A, Varying Thickness @ _____	100	TONS	250	25000
38.	Inspector Crew Days _____ DAYS	20	DAYS	\$600.00	12000
<b>SUBTOTAL – GENERAL WORK ITEMS</b>				\$ 62,000	

No.	ITEMS FOR BID	QTY	UNITS	UNIT PRICE	AMOUNT
<b>WORK ITEMS – MAPLE ROAD GRANITE BENCH PADS</b>					
39.	Earth Excavation @ _____	35	CYD	30	1050
40.	4 inch Aggregate Base @ _____	100	SYD	18	1800
41.	6 inch Concrete Sidewalk @ _____	800	SF	12	9600
<b>SUBTOTAL – MAPLE ROAD GRANITE BENCH PADS</b>				\$ 12,450	

No.	ITEMS FOR BID	QTY	UNITS	UNIT PRICE	AMOUNT
<b>WORK ITEMS – OAK AVENUE SIDEWALK (GREENWOOD CEMETARY)</b>					
42.	Earth Excavation @ _____	130	CYD	30	3900
43.	4 inch Aggregate Base @ _____	425	SYD	18	7650
44.	Relocate Tree @ _____	6	SF	500	3000
45.	Relocate Sign @ _____	5	SF	100	500
46.	Remove Precast Paver Block Wall @ _____	20	SF	50	1000
47.	4 inch Concrete Sidewalk @ _____	3500	SF	10	35000
48.	Remove and Replace 6 inch Concrete Sidewalk @ _____	300	SF	12	3600
<b>SUBTOTAL – OAK STREET SIDEWALK</b>				\$ 54,650	



No.	ITEMS FOR BID	QTY	UNITS	UNIT PRICE	AMOUNT
<b>WORK ITEMS – ICE ARENA SIDEWALK REPLACEMENT</b>					
49.	Remove and Replace 6 inch Concrete Sidewalk/Ramp/Drive @ _____	600	SF	12	7200
50.	Concrete Joint Repair @ _____	255	SF	10	2550
<b>SUBTOTAL – ICE ARENA SIDEWALK</b>				\$ 9750-	

No.	ITEMS FOR BID	QTY	UNITS	UNIT PRICE	AMOUNT
<b>WORK ITEMS – ANN STREET SIDEWALK REPLACEMENT</b>					
51.	Earth Excavation @ _____	10	CYD	30	300
52.	Earth Embankment @ _____	40	CYD	100	4000
53.	Remove Concrete Sidewalk @ _____	140	SYD	18	2520
54.	Remove Concrete Driveway @ _____	15	SYD	18	270

55.	Remove Concrete Pavement @ _____	181	SYD	18	3258
56.	4 inch Concrete Sidewalk @ _____	770	SF	10	7700
57.	6 inch Concrete Sidewalk/Ramp/Drive Approach @ _____	1,200	SF	12	14400
58.	Concrete Curb and Gutter, MDOT Detail F4 @ _____	280	LF	50	14000
59.	Restoration, 3" Topsoil and Sod @ _____	100	SYD	4	400
<b>SUBTOTAL - ANN STREET SIDEWALK</b>				\$ 46848-	

**TOTAL BID:** \$ 399,928.00

**TOTAL BID (WRITE OUT IN WORDS):**

Accompanying this proposal is a certified check, bid bond or bank draft in the amount of five (5) percent of the total bid, payable to the City of Birmingham, Michigan, which it is agreed will be forfeited to the City of Birmingham if the undersigned fails to enter into a contract in conformity with the form of contract incorporated herein, and furnish bonds and insurance as specified within twenty-one (21) days after the contract is awarded to the undersigned or withdraws this bid within sixty (60) days of the date hereof.

In submitting this bid, it is understood that the right is reserved by the City of Birmingham, Michigan to reject any or all bids.

The undersigned hereby agrees to execute a contract with the City of Birmingham, Michigan according to the forms attached hereto and furnish the required bonds, all within twenty-one (21) days after the award of the contract; and will fully complete all work as stated under TIME OF COMPLETION and LIQUIDATED DAMAGES in Supplemental Instructions to Bidders.

The Bidder will identify the business entity as individuals, or if doing business under assumed name, indicate assumed name, partnership (naming partners) and indicate official capacity of persons executing proposal and bid.

Contractor's Name Luigi Ferdinandi & Son Cement CO. INC  
Street Address 16480 Common  
City Roseville County Macomb  
State/Zip Code Mi 48066  
Email Address info@luigicement.com  
Telephone (586) 774-1000 Fax (586) 774-1001  
Date 6/16/2022  
Signed by Luigi V. Ferdinandi  
Print Name: Luigi V. Ferdinandi  
Title: Vice President  
If a corporation, give state in which incorporated: Michigan  
Witnessed: Rosanna Sniezek  
Print Name: Rosanna Sniezek  
Name of Superintendent Luigi Ferdinandi  
Supervision & time sequence according to the General Requirements

Give below at least three (3) references as to ability to do work proposed.

See attachment ①

Name _____	Address _____
Firm _____	Telephone _____
Name _____	Address _____
Firm _____	Telephone _____
Name _____	Address _____
Firm _____	Telephone _____

Give below the last five (5) projects worked on, including those currently in progress, in chronological order. The names need not all be different from those listed above:

Project #1: Name of Project: \_\_\_\_\_

Date Started \_\_\_\_\_ Finished \_\_\_\_\_

Name \_\_\_\_\_ Address \_\_\_\_\_

Firm \_\_\_\_\_ Telephone \_\_\_\_\_

Project #2: Name of Project: \_\_\_\_\_

Date Started \_\_\_\_\_ Finished \_\_\_\_\_

Name \_\_\_\_\_ Address \_\_\_\_\_

Firm \_\_\_\_\_ Telephone \_\_\_\_\_

Project #3: Name of Project: \_\_\_\_\_

Date Started \_\_\_\_\_ Finished \_\_\_\_\_

Name \_\_\_\_\_ Address \_\_\_\_\_

Firm \_\_\_\_\_ Telephone \_\_\_\_\_

Project #4: Name of Project: \_\_\_\_\_

Date Started \_\_\_\_\_ Finished \_\_\_\_\_

Name \_\_\_\_\_ Address \_\_\_\_\_

Firm \_\_\_\_\_ Telephone \_\_\_\_\_

Project #5: Name of Project: \_\_\_\_\_

Date Started \_\_\_\_\_ Finished \_\_\_\_\_

Name \_\_\_\_\_ Address \_\_\_\_\_

Firm \_\_\_\_\_ Telephone \_\_\_\_\_

*see attachment*  
*(1) & (2)*

*None At this time*  
Give below all the subcontractors to be used on the project: If additional space is necessary, please use the back of this page. Should the contractor wish to use any subcontractors that are not on this list after award, the contractor shall submit a written request to the Engineer and obtain authorization for same, prior to proceeding. All subcontractors not listed must receive written approval from the City of Birmingham, prior to working on this project.

Name \_\_\_\_\_ Address \_\_\_\_\_

Firm \_\_\_\_\_ Telephone \_\_\_\_\_

Type of Work to be Performed: \_\_\_\_\_

Name \_\_\_\_\_ Address \_\_\_\_\_

Firm \_\_\_\_\_ Telephone \_\_\_\_\_

Type of Work to be Performed: \_\_\_\_\_

Name \_\_\_\_\_ Address \_\_\_\_\_

Firm \_\_\_\_\_ Telephone \_\_\_\_\_

Type of Work to be Performed: \_\_\_\_\_

Name \_\_\_\_\_ Address \_\_\_\_\_

Firm \_\_\_\_\_ Telephone \_\_\_\_\_

Type of Work to be Performed: \_\_\_\_\_

Name \_\_\_\_\_ Address \_\_\_\_\_

Firm \_\_\_\_\_ Telephone \_\_\_\_\_

Type of Work to be Performed: \_\_\_\_\_

Name \_\_\_\_\_ Address \_\_\_\_\_

Firm \_\_\_\_\_ Telephone \_\_\_\_\_

Type of Work to be Performed: \_\_\_\_\_

END OF SECTION

**LUIGI FERDINANDI & SON CEMENT CO.  
16481 COMMON RD.  
ROSEVILLE, MI 48066  
586-774-1000 FAX 586-774-1001**

**ATTACHMENT # 1**

**PROJECT REFERENCES-and-Years of Experience**

**MAJOR CONSTRUCTION PROJECTS COMPLETED FOR MUNICIPALITIES IN LAST 5 YEARS:**

<b>PROJECT</b>	<b>OWNER</b>	<b>ENGINEER-Contact</b>	<b>AMOUNT/DATE COMPLETED</b>
City of Warren- SAD Sidewalk repairs	City of Warren	Joe Jenkins, City of Warren engineer, -586-759-9308	\$792,000, November 2021
City of Warren – SAD Pavement repairs	City of Warren	Joe Jenkins, City of Warren engineer, -586-759-9308	\$1,520,000, December 2021
Mt. Clemens road and sidewalk repairs 2020 and 2021	City of Mt. Clemens, MI	Jeff Wood -Public Services Director One Crocker Blvd. Mount Clemens, MI 586-469-6847 Kyle Seidel, Senior project engineer AEW – 586-726-1234	\$756,000 –Sidewalk program 2021 completed in Nov 2021  \$371,000 Pavement repair program -2020 \$166,000 Sidewalk program-2020 completion: December, 2020
City of Birmingham 2020 Sidewalk Repair Program	City of Birmingham, MI	Ryan Kern P.E Project Manager – AEW- 586-726-1234	\$518,000 – sidewalk completed in 2021 and ramps and scattered concrete completed in 2020
City of Farmington 2020 2021 Sidewalk program	City of Farmington, MI	OHM Advisors 34000 Plymouth Rd. Livonia MI Michael McNutt 734-522-6711	\$196,000 completed October 2021 \$502,500 completed August 2020
City of Berkley 2020 Sidewalk Replacement Program	City of Berkley	Hubbell,Roth & Clark Inc. 555 Hulet Dr Bloomfield Hills, MI Edward Zmich 248-454-6300	\$298,000 completed October 2021 \$96,100 completed September 2020
Sterling Heights Concrete and turf replacement program	City of Sterling Heights, MI	Jim Nichols – Water Division Supervisor	\$131,000 completion November,2021

2021, 2020, 2019, 2018, 2017		40555 Utica Rd. Sterling Heights MI 586-446-2445	\$101,700 completion: November, 2020  \$98,600 completion November, 2019  \$159,300 completion November, 2018
Macomb Township 2020-2019-2018 Sidewalk repair program	Macomb Township, MI	Jason Gelle Facilities and Grounds Maintenance 54111 Broughton Macomb Twp, MI  586-992-0710	\$480,000 completed June 2020  \$252,000 completed November, 2019  \$2,045,000 completed December, 2018
Macomb Township Sidewalk Ramp Improvements FY 2019	Macomb Township, MI	Anderson, Eckstein & Westrick, Inc. 51301 Schoenherr Rd Shelby Twp, MI 48315 586-726-1234- Mike Smith	\$140,000 completed October 2020
City of Sterling Heights 2019 Sidewalk Replacement Program	City of Sterling Heights, MI	Brent Bashaw, City Engineer for Sterling Heights. 586-446-2720	\$1,068,000 Completion: November, 2019
City of Eastpointe 2019 Sidewalk Replacement Program	City of Eastpointe, MI	Anderson, Eckstein & Westrick, Inc. 51301 Schoenherr Rd Shelby Twp, MI 48315 586-726-1234	\$345,000 completion :July, 2019
City of Pleasant Ridge 2019 Sidewalk Replacement Program	City of Pleasant Ridge, MI	Anderson, Eckstein & Westrick, Inc. 51301 Schoenherr Rd Shelby Twp, MI 48315 586-726-1234	\$320,000 completion: September, 2019
Macomb Township 2017 Sidewalk Gap infill project	Macomb Township, MI	Brent Kraft -Giffels Webster Engineers 6303 26 Mile Rd. Washington, MI  586-781-8950	\$677,000.00 December, 2017
Sterling Heights Utility Structure program	Sterling Heights, MI	Jonathan P. Orzel Sewer Division Supervisor (586)446-2445	\$112,000.00 October 2016



Plymouth Township Sidewalk Program	Plymouth Twp	Patrick J. Fellrath, P.E.Division of Public ServicesCharter Township of Plymouth(734) 354-3270 Ext. 5	\$155,000 August 2016
2014-City of Birmingham Sidewalk – concrete Program	City of Birmingham 151 Martin St. Birmingham, MI	Paul O'Meara 248-530-1850 Email: pomeara@bhamgov.org	\$566,810.00 July 2014

**LUIGI FERDINANDI & SON CEMENT CO.**  
 16481 COMMON RD.  
 ROSEVILLE, MI 48066  
 586-774-1000 FAX 586-774-1001

**ATTACHMENT #2: CURRENT PROJECTS UNDER CONTRACT 6-16-22**

PROJECT	OWNER	ENGINEER-Contact	CONTRACT AMOUNT	START/ EXPECTED COMPLETION DATE:	Percent: % complete
City of Sterling Heights 2022 Sidewalk program	City of Sterling Heights	Brent Bashaw, PE City Engineer 586.446.2489	\$1,393,312.00	July to October 2022	0%
City of Warren: 2021 Pavement and sidewalk repair programs	City of Warren	Joe Jenkins, City of Warren Engineering 586.759.9308	\$1,800,000.00	April to June 2022	75%
City of Mt. Clemens: 2022 Asphalt Pavement Program	City of Mt. Clemens	AEW: Ashley Casey 586-726-1234	\$177,000.00	May to June 2022	75%
City of Mt Clemens – 2022 Sidewalks	City of Mt. Clemens	AEW: Kyle Seidel 586-726-1234	\$390,110.00	April to May 2022	95%
City of Sterling Heights Utility Structure and concrete repairs	City of Sterling Heights	Jonathan Orzel- City Engineer 586-446-2445	\$50,000.00	June 2022	50%
City of Farmington Sidewalk Program	City of Farmington	OHM Advisors – Michael McNutt (734) 522-6711	\$200,000.00	July 2022	0%
Various private concrete jobs	Various commercial, and residential	NA. A detailed list available upon request	\$650,000.00	April to June 2022	0%

**2022 CONCRETE SIDEWALK REPAIR PROGRAM - #8-22(SW)**

**CONTRACT**

**THIS AGREEMENT** made the 23 day of July, 2022, by and between the CITY OF BIRMINGHAM, Oakland County, Michigan, hereinafter called the "City", and Luigi Ferdinandi and Son Cement Company, Inc. of the City of Roseville, County of Macomb, State of Michigan, hereinafter called the "Contractor", relative to Contract No. 8-22(SW), otherwise known as: 2022 CONCRETE SIDEWALK REPAIR PROGRAM in the amount of \$399,928.00 to wit:

1. The documents consisting of RFP, including all exhibits and the General Contract Conditions, and the Bid shall be incorporated herein by reference, shall become a part of this Agreement, and shall be binding upon both parties hereto. In the event that there is a conflict between these documents, this Agreement shall control, then the RFP, and then the Bid.

2. The Contractor shall furnish all labor, materials and appliances necessary, and to all the work as set forth in the Proposal, and in accordance with the plans and specifications, which have been made a part of this agreement in a manner, time and place, as therein set forth.

- a. The Contractor shall provide a Performance Bond, which form is attached hereto and incorporated herein by reference to protect the City, and conditioned upon the faithful performance of the contract in accordance with the plans, specifications and terms hereof.
- b. The Contractor shall provide a Payment Bond which form is attached hereto and incorporated herein by reference for the protection of the claimants as defined in MCL §129.201(6) to supply labor or materials to the principal Contractor or his Subcontractor and the prosecution of the work provided for in this contract.

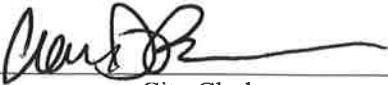
3. Time is of the essence of this agreement. All of the work to be performed by the Contractor shall be completed on or before the Time of Completion, as set forth in the Supplemental Instructions to Bidders. The Contractor shall pay to the City as liquidated damages, the amount per day as set forth under Liquidated Damages in the Supplemental Instructions to Bidders, for each calendar day after the date specified under Time of Completion that the work to be performed by the Contractor is not completed. Liquidated damages are established because of the difficulty in ascertaining actual damages which the City might sustain, and are not intended as a penalty.

4. The City promises and agrees to pay said Contractor for all labor, materials and appliances supplied, and for all work performed under this agreement at the unit prices provided in the attached Proposals and Specifications.

5. For the faithful performances of the terms of this agreement, said parties respectively bind themselves, their successors, heirs, executors, administrators and assigns.


**IN WITNESS WHEREOF**, the parties execute this agreement as of the day and year first written above.

Attest

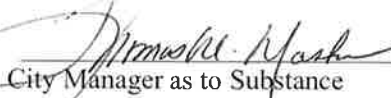


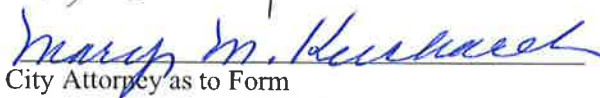
City Clerk

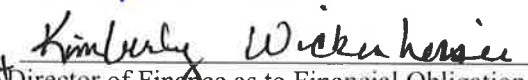
Witnessed


  
Rosanna Snieszko  
Witness

APPROVAL (1.135 City Code)

  
City Manager as to Substance

  
City Attorney as to Form

  
Asst. Director of Finance as to Financial Obligation

  
City Engineer

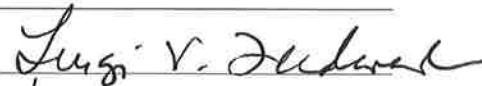
CITY OF BIRMINGHAM

By:



Mayor

By:

  
Luigi V. DeLuca  
Contractor  
CO.  
etc.

**FIRST AMENDMENT TO THE  
2022 CONCRETE SIDEWALK REPAIR PROGRAM #8-22 (SW)  
DATED July 25, 2022 BETWEEN THE CITY OF BIRMINGHAM  
AND LUIGI FERDINANDI & SON CEMENT CO., INC.  
TO ADD THE 2023 CONCRETE SIDEWALK REPAIR PROGRAM #6-23(SW)**

**THIS FIRST AMENDMENT** to the 2022 Concrete Sidewalk Repair Program #8-22(SW) dated July 25, 2022 by and between the **CITY OF BIRMINGHAM**, a Michigan Municipal Corporation, having its principal municipal office at 151 Martin Street, Birmingham, MI, 48009 ("City") and **LUIGI FERDINANDI & SON CEMENT CO., INC.** ("Contractor"), a Michigan Corporation, with offices located at 16481 Common Road, Roseville, MI 48066 does hereby amend its Agreement as follows:

**WHEREAS**, the 2022 Concrete Sidewalk Repair Program #8-22(SW) was awarded to Luigi Ferdinandi & Sons Cement Co. at the July 25, 2022 City Commission meeting; and,

**WHEREAS** the 2022 Concrete Sidewalk Repair Program #8-22(SW) was entered into on July 25, 2022 which is attached hereto as Exhibit A; and,

**WHEREAS**, the City currently has an open contract with Luigi Ferdinandi & Sons Cement Company for the 2022 Concrete Sidewalk Repair Program #8-22 (SW); and,

**WHEREAS**, the Engineering Department is recommending a change order to the 2022 Concrete Sidewalk Repair Program #8-22 (SW) to add the 2023 Concrete Sidewalk Repair Program #6-23 (SW); and,

**WHEREAS**, Contractor completed work in Area 5 (Southfield Road to Cranbrook Road and Maple Road to 14 Mile Road), ADA Ramps in Area 1B (Old Woodward to Woodward and Maple Road to Ravine), and Oak Avenue Sidewalk in Fall/Winter of 2022. Contractor is scheduled to start construction toward late April/beginning of May to complete the rest of the work on this

program which includes city-wide scattered concrete repairs, Maple Road granite bench pads, Ice Arena sidewalk replacement, and Ann Street Sidewalk Replacement; and,

**WHEREAS,** the 2023 Sidewalk Repair Program includes work in Area 6 (West City limits to Rouge River and Quarton Road to Maple Road), ADA Ramps in Area 1A (Chester Street to North Old Woodward and North Old Woodward Parking Structure to Maple Road), city-wide scattered concrete repairs, Shain Park sidewalk repairs, and 12 concrete bike pads at various locations throughout the City; and,

**WHEREAS,** Contractor has offered to hold all their unit pricing from the 2022 Concrete Sidewalk Repair Program for the upcoming 2023 Concrete Sidewalk Repair Program and start construction in July. The Engineering Department recommends this for several reasons. There has been an increase in labor and material over the past year, and Engineering Department has seen higher unit pricing on recently bid projects. If this project went out for public bidding, the unit pricing will be higher than the bids received in June 2022. The City will also save money on issuing the project specifications and time to bid on the project. Also, the Engineering Department can tailor the proposed scope of work to match the City's current budget for the 2023 Sidewalk Program; and,

**WHEREAS,** funding for this project has been budgeted for in the 2023/2024 budget across the General Fund, Major Street Fund, and Local Street Funds, as follows:

Fund Account	Fund ID Number	Budget	Change Order Amount
General Sidewalk	101-444.001-981.0100	\$340,750.00	\$340,750.00
Major Streets Fund	202-449.001-981.0100	\$86,385.00	\$86,385.00
Local Street Fund	203-449.001-981.0100	\$62,985.00	\$62,985.00

**NOW, THEREFORE,** in consideration of the mutual covenants, terms and conditions set forth in this First Amendment, the parties hereto mutually covenant and agree to amend the Agreement as follows:

Term. The initial term of this Agreement shall be for a period of one (1) year commencing on \_\_\_\_\_ through \_\_\_\_\_, 2024. In addition to any other termination rights granted herein, either party may terminate this Agreement at any time without cause or penalty by giving at least thirty (30) days prior written notice of termination.

The parties shall adopt the 2023 Concrete Sidewalk Repair Program #6-23(SW) in an amount not to exceed Four Hundred Ninety Thousand One Hundred Twenty Dollars (\$490,120.00).

All other provisions of the 2022 Concrete Sidewalk Repair Program #8-22(SW) shall remain in full force and effect.

**IN WITNESS WHEREOF**, the said parties have caused this Amendment to be executed on this 30th day of March, 2023.

**LUIGI FERDINANDI & SONS CEMENT CO.**

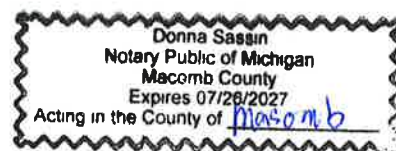
By: Luigi V. Ferdinandi  
Its: Vice President

STATE OF MI )  
COUNTY OF Macomb ) ss:  
)

On this 30 day of March, 2023, before me personally appeared Luigi V. Ferdinandi, who acknowledged that with authority on behalf of Luigi Ferdinandi & Sons Cement Co. to do so he/she signed this Agreement.

Donna Sassin  
Notary Public  
Macomb County, Michigan  
Acting in Macomb County, Michigan

My commission expires: 7-26-27




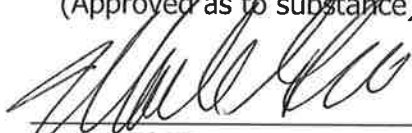
**CITY OF BIRMINGHAM**


By: \_\_\_\_\_  
Therese Longe, Mayor

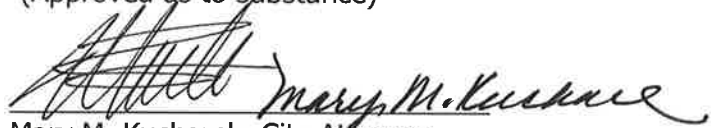
By: \_\_\_\_\_  
Alexandria D. Bingham, Clerk

Approved:

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

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

  
\_\_\_\_\_  
for Melissa A. Coatta, City Engineer  
(Approved as to substance)

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





## **MEMORANDUM**

Engineering Department

**DATE:** April 3, 2023

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

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

**SUBJECT:** Change Order to the 2021 Sewer Rehabilitation Program #8-21 (S)  
to add the 2022-2023 Sewer Rehabilitation Program #8-23 (S)

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### INTRODUCTION:

The 2021 Sewer Rehabilitation Program contract with the City of Birmingham is still open. D.V.M. Utilities, Inc. (DVM) has offered to hold most of their unit pricing from the 2021 Sewer Rehabilitation Program for the 2022-2023 Sewer Rehabilitation Program. The Engineering Department recommends a change order to the 2021 Sewer Rehabilitation Program #8-21 (S) to add the 2022-2023 Sewer Rehabilitation Program #8-23 (S).

### BACKGROUND:

The Engineering Department received bids for the 2021 Sewer Rehabilitation Program on September 2, 2021, and DVM was the lowest bidder. The City awarded the contract at the [September 20, 2021](#) City Commission Meeting. DVM completed the field work of the 2021 Sewer Rehabilitation Program in January 2023, and review of the televised sewer video is currently occurring.

The 2022-2023 Sewer Rehabilitation will include the same work scope of cleaning and televising sewers with reporting, as-needed heavy cleaning, as-needed cut root intrusion, as-needed cut and grind protruding sewer leads, as-needed internal sewer repair sleeves, and as-needed sewer joint grouting.

DVM has offered to hold 27 of their 41 bid items from the 2021 Sewer Rehabilitation Program for the 2022-2023 Sewer Rehabilitation Program. For the 14 of the bid items, they are asking for a price increase of \$0.25 increments per linear foot. The requested increase is due to an increase in labor costs from September 2021 to today. Enclosed is a summary of the requested new pricing for the 14 bid items.

The Engineering Department recommends a change order to the 2021 Sewer Rehabilitation Program to add the 2023 Sewer Rehabilitation Program due to several reasons. The additional

increase request by DVM for the 14 unit prices is still below the second low bidder from the 2021 Sewer Rehabilitation Program bid in September 2021. The City would also have cost savings for the project by not issuing project specifications for bidding and the award process. This cost savings can go to additional sewer segments for cleaning and televising. Also, due to the current bidding environment, we would most likely see higher bid pricing from the Fall of 2021. DVM has the availability in their schedule to start this project this Spring.

#### LEGAL REVIEW:

The City Attorney reviewed the 2021 Sewer Rehabilitation Program contract and the City Ordinance and see no legal issues.

#### FISCAL IMPACT:

The 2022-2023 Sewer Rehabilitation was budgeted for in the 2022-2023 budget in the Sewer Fund. The change order will be funded by the following account:

Fund Account	Fund ID Number	Budget	Change Order Amount
Sewer Fund	590.0-537.000-981.0200	\$460,000.00	\$460,000.00

#### PUBLIC COMMUNICATIONS:

Property owners affected by the work will be notified in advance through the use of door-hangers, and general project updates online and through targeted e-blast.

#### SUMMARY:

The Engineering Department is recommending a change order to the 2021 Sewer Rehabilitation Program #8-21 (S) to add the 2022-2023 Sewer Rehabilitation Program #8-23 (S).

#### ATTACHMENTS:

- DVM Request New Pricing (1 page)
- 2021 Sewer Rehabilitation Program Bid Summary (2 pages)
- 2021 Sewer Rehabilitation Program Proposal and Contract (19 pages)
- First amendment to the 2021 Sewer Rehabilitation Program #8-21 (S) (4 Pages)

#### SUGGESTED COMMISSION ACTION:

Make a motion adopting a resolution to approve a change order to the 2021 Sewer Rehabilitation Program #8-21 (S) for the 2022-2023 Sewer Rehabilitation Program #8-23 (S) in the amount not to exceed of \$460,000.00. In addition, to authorize the City Engineer to sign the Change Order on behalf of the City. Funding for this project has been budgeted in the following accounts:

Fund Account	Fund ID Number	Budget	Change Order Amount
Sewer Fund	590.0-537.000-981.0200	\$460,000.00	\$460,000.00

BID ITEM		2021 BID	DVM Proposed Increase
2.	Clean & Televisé with PACP Reporting, Combined 8" (SAN)	\$2.50	\$2.75
3.	Clean & Televisé with PACP Reporting, Combined 10" (SAN)	\$2.50	\$2.75
4.	Clean & Televisé with PACP Reporting, Combined 12" (SAN)	\$2.50	\$2.75
5.	Clean & Televisé with PACP Reporting, Combined 15" (SAN)	\$2.60	\$3.00
6.	Clean & Televisé with PACP Reporting, Combined 18" (SAN)	\$2.60	\$3.00
7.	Clean & Televisé with PACP Reporting, Combined 21" (SAN)	\$2.60	\$3.00
8.	Clean & Televisé with PACP Reporting, Combined 24" (SAN)	\$3.00	\$3.25
9.	Clean & Televisé with PACP Reporting, Combined 27" (SAN)	\$3.00	\$3.25
10.	Clean & Televisé with PACP Reporting, Combined 30" (SAN)	\$3.00	\$3.25
11.	Clean & Televisé with PACP Reporting, Combined 36" (SAN)	\$3.50	\$3.75
12.	Clean & Televisé with PACP Reporting, Combined 42" (SAN)	\$4.25	\$4.50
13.	Clean & Televisé with PACP Reporting, Combined 48" (SAN)	\$5.00	\$5.25
14.	Clean & Televisé with PACP Reporting, Combined 54" (SAN)	\$5.50	\$5.75
15.	Clean & Televisé with PACP Reporting, Combined 60" (SAN)	\$6.60	\$7.00
16.	Clean & Televisé with PACP Reporting, Combined 66" (SAN)	\$8.00	\$8.00
17.	Clean & Televisé with PACP Reporting, Combined 72" (SAN)	\$9.25	\$9.25

BID TABULATION  
2021 SEWER REHABILITATION PROGRAM - CONTRACT #8-21(S)  
CITY OF BIRMINGHAM  
OAKLAND COUNTY

Bids Due: Day, September 2 2021 at Time 2:00 p.m.  
HRC Job # 20200098

**D.V.M. UTILITIES, INC.**  
6045 Sims Rd, Suite 2  
Sterling Heights, MI 48313

**PIPELINE MANAGEMENT CO.**  
2673 E. Maple Rd  
Milford, MI 48381

**PIPETEK INFRASTR. SERVICES**  
12119 Levan Rd  
Livonia, MI 48150

Item	Quantity	Unit	Unit Price	Total Cost	Unit Price	Total Cost	Unit Price	Total Cost
1. Mobilization (10% Max)	1	LS	\$75,000.00	\$75,000.00	\$95,000.00	\$95,000.00	\$120,000.00	\$120,000.00
2. Clean and Televis with PACP Reporting, Combined Sewer 8"	12,224	LFT	\$2.50	\$30,560.00	\$3.50	\$42,784.00	\$3.25	\$39,728.00
3. Clean and Televis with PACP Reporting, Combined Sewer 10"	6,945	LFT	\$2.50	\$17,362.50	\$3.75	\$26,043.75	\$3.55	\$24,654.75
4. Clean and Televis with PACP Reporting, Combined Sewer 12"	18,378	LFT	\$2.50	\$45,945.00	\$4.00	\$73,512.00	\$3.75	\$68,917.50
5. Clean and Televis with PACP Reporting, Combined Sewer 15"	9,990	LFT	\$2.60	\$25,974.00	\$4.25	\$42,457.50	\$4.00	\$39,960.00
6. Clean and Televis with PACP Reporting, Combined Sewer 18"	13,330	LFT	\$2.60	\$34,658.00	\$4.50	\$59,985.00	\$4.15	\$55,319.50
7. Clean and Televis with PACP Reporting, Combined Sewer 21"	8,900	LFT	\$2.60	\$23,140.00	\$4.75	\$42,275.00	\$4.25	\$37,825.00
8. Clean and Televis with PACP Reporting, Combined Sewer 24"	4,744	LFT	\$3.00	\$14,232.00	\$5.00	\$23,720.00	\$4.50	\$21,348.00
9. Clean and Televis with PACP Reporting, Combined Sewer 27"	973	LFT	\$3.00	\$2,919.00	\$5.50	\$5,351.50	\$4.75	\$4,621.75
10. Clean and Televis with PACP Reporting, Combined Sewer 30"	4,092	LFT	\$3.00	\$12,276.00	\$6.00	\$24,552.00	\$5.25	\$21,483.00
11. Clean and Televis with PACP Reporting, Combined Sewer 36"	4,217	LFT	\$3.50	\$14,759.50	\$7.00	\$29,519.00	\$5.75	\$24,247.75
12. Clean and Televis with PACP Reporting, Combined Sewer 42"	4,156	LFT	\$4.25	\$17,663.00	\$8.00	\$33,248.00	\$6.00	\$24,936.00
13. Clean and Televis with PACP Reporting, Combined Sewer 48"	1,637	LFT	\$5.00	\$8,185.00	\$9.00	\$14,733.00	\$7.00	\$11,459.00
14. Clean and Televis with PACP Reporting, Combined Sewer 54"	992	LFT	\$5.50	\$5,456.00	\$10.00	\$9,920.00	\$8.00	\$7,936.00
15. Clean and Televis with PACP Reporting, Combined Sewer 60"	1,895	LFT	\$6.60	\$12,507.00	\$11.00	\$20,845.00	\$10.00	\$18,950.00
16. Clean and Televis with PACP Reporting, Combined Sewer 66"	1,142	LFT	\$8.00	\$9,136.00	\$12.00	\$13,704.00	\$11.00	\$12,562.00
17. Clean and Televis with PACP Reporting, Combined Sewer 72"	406	LFT	\$9.25	\$3,755.50	\$15.00	\$6,090.00	\$13.00	\$5,278.00
18. Heavy Cleaning, 8" to 12", as needed	34	HR	\$275.00	\$9,350.00	\$450.00	\$15,300.00	\$225.00	\$7,650.00
19. Heavy Cleaning, 15" to 21", as needed	45	HR	\$275.00	\$12,375.00	\$450.00	\$20,250.00	\$225.00	\$10,125.00
20. Heavy Cleaning, 24" to 36", as needed	25	HR	\$275.00	\$6,875.00	\$450.00	\$11,250.00	\$225.00	\$5,625.00
21. Heavy Cleaning, 42" or greater, as needed	10	HR	\$275.00	\$2,750.00	\$450.00	\$4,500.00	\$225.00	\$2,250.00
22. Video Inspect Sewer Lateral	1,200	LFT	\$2.75	\$3,300.00	\$1.00	\$1,200.00	\$2.25	\$2,700.00
23. Video Inspect Sewer Lateral Set Up	59	EA	\$75.00	\$4,425.00	\$400.00	\$23,600.00	\$125.00	\$7,375.00
24. Cut Root Intrusion	88	EA	\$65.00	\$5,720.00	\$50.00	\$4,400.00	\$50.00	\$4,400.00
25. Cut/Grind Mineral Deposit	245	EA	\$65.00	\$15,925.00	\$50.00	\$12,250.00	\$50.00	\$12,250.00
26. Cut/Grind Protuding Sewer Leads, Clay	66	EA	\$75.00	\$4,950.00	\$125.00	\$8,250.00	\$150.00	\$9,900.00
27. Cut/Grind Protuding Sewer Leads, Plastic with Rubber Boot	19	EA	\$75.00	\$1,425.00	\$500.00	\$9,500.00	\$150.00	\$2,850.00
28. Cut/Grind Protuding Sewer Leads, Cast Iron	3	EA	\$550.00	\$1,650.00	\$500.00	\$1,500.00	\$1,200.00	\$3,600.00
29. Internal Sewer Repair Sleeve, 8" to 12" dia., 24" Length, as needed	7	EA	\$4,250.00	\$29,750.00	\$3,000.00	\$21,000.00	\$1,250.00	\$8,750.00
30. Internal Sewer Repair Sleeve, 15" to 21" dia., 24" Length, as needed	5	EA	\$6,000.00	\$30,000.00	\$6,000.00	\$30,000.00	\$2,200.00	\$11,000.00
31. Internal Sewer Repair Sleeve, 24" to 36" dia., 24" Length, as needed	5	EA	\$9,850.00	\$49,250.00	\$9,000.00	\$45,000.00	\$2,500.00	\$12,500.00
32. Internal Sewer Spot Liner, CIPP, 8" to 12" dia., as needed	50	LFT	\$675.00	\$33,750.00	\$1,000.00	\$50,000.00	\$1,000.00	\$50,000.00
33. Internal Sewer Spot Liner, CIPP, 15" to 21" dia., as needed	40	LFT	\$900.00	\$36,000.00	\$1,950.00	\$78,000.00	\$1,950.00	\$78,000.00

5D

BID TABULATION  
2021 SEWER REHABILITATION PROGRAM - CONTRACT #8-21(S)  
CITY OF BIRMINGHAM  
OAKLAND COUNTY

Bids Due: Day, September 2 2021 at Time 2:00 p.m.  
HRC Job # 20200098

**D.V.M. UTILITIES, INC.**  
6045 Sims Rd, Suite 2  
Sterling Heights, MI 48313

**PIPELINE MANAGEMENT CO.**  
2673 E. Maple Rd  
Milford, MI 48381

**PIPETEK INFRASTR. SERVICES**  
12119 Levan Rd  
Livonia, MI 48150

Item	Quantity	Unit	Unit Price	Total Cost	Unit Price	Total Cost	Unit Price	Total Cost
34. Internal Sewer Spot Liner, CIPP, 24" to 36" dia., as needed	25	LFT	\$1,325.00	\$33,125.00	\$2,800.00	\$70,000.00	\$1,650.00	\$41,250.00
35. Sewer Grouting Set Up	234	EA	\$475.00	\$111,150.00	\$50.00	\$11,700.00	\$1,595.00	\$373,230.00
36. Sewer Joint Grouting, 8" to 12" dia.	195	EA	\$290.00	\$56,550.00	\$50.00	\$9,750.00	\$220.00	\$42,900.00
37. Sewer Joint Grouting, 15 to 21" dia.	81	EA	\$555.00	\$44,955.00	\$75.00	\$6,075.00	\$385.00	\$31,185.00
38. Sewer Joint Grouting, 24" to 36" dia	68	EA	\$1,050.00	\$71,400.00	\$100.00	\$6,800.00	\$550.00	\$37,400.00
39. Traffic Control, S Old Woodward	1	LS	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$7,500.00	\$7,500.00
40. Traffic Control, on Major Streets, as needed	12	EA	\$2,760.00	\$33,120.00	\$1,500.00	\$18,000.00	\$1,500.00	\$18,000.00
41. Inspector Crew Days	\$600/day	DAYS	140	\$84,000.00	100	\$108,000.00	120	\$108,000.00
<b>TOTAL BID AMOUNT</b>				<b>\$1,045,323.50</b>		<b>\$1,140,064.75</b>		<b>\$1,410,816.25</b>

**Other Bids:**

Inland Waters Pollution Control, Inc. - \$1,420,355.25  
National Power Rodding Corp. - \$1,581,680.20

**ENGINEER:**

Hubbell, Roth & Clark, Inc.  
555 Hulet Drive  
Bloomfield Hills, MI 48302

**SECTION 00400 – PROPOSAL**

**2021 SEWER REHABILITATION PROJECT**

**TO THE CITY OF BIRMINGHAM, MICHIGAN:**

The undersigned, being familiarized with the local conditions affecting the cost of the work and the Contract Documents including all those sections listed in the Index, hereby proposes to perform everything noted herein and to provide and furnish all labor, materials, except as otherwise specified, necessary to construct and complete in a workmanlike manner all of the work required to be performed for **2021 Sewer Rehabilitation Project** in conformance with the requirements shown or implied in the above contract documents all of which are hereby made a part of this contract at the following unit price as here stated and further defined in the specifications.

Bidder has examined copies of all Contract Documents and of following addenda:

Date	Addendum Number
8/23/2021	1

**Bidder must write out in words the unit price of each item on the line provided under each pay item.**

NO.	ITEMS FOR BID	QTY	UNITS	UNIT PRICE	AMOUNT
1.	Mobilization (10% Max) @	1	LS	\$75,000.00	\$75,000.00
2.	Clean and Televiser with PACP reporting, Combined Sewer 8" @	12,224	LFT	\$2.50	\$30,560.00
3.	Clean and Televiser with PACP reporting, Combined Sewer 10" @	6,945	LFT	\$2.50	\$17,362.50
4.	Clean and Televiser with PACP reporting, Combined Sewer 12" @	18,378	LFT	\$2.50	\$45,945.00

NO.	ITEMS FOR BID	QTY	UNITS	UNIT PRICE	AMOUNT
5.	Clean and Televises with PACP reporting, Combined Sewer 15" @	9,990	LFT	\$2.60	\$25,974.00
6.	Clean and Televises with PACP reporting, Combined Sewer 18" @	13,330	LFT	\$2.60	\$34,658.00
7.	Clean and Televises with PACP reporting, Combined Sewer 21" @	8,900	LFT	\$2.60	\$23,140.00
8.	Clean and Televises with PACP reporting, Combined Sewer 24" @	4,744	LFT	\$3.00	\$14,232.00
9.	Clean and Televises with PACP reporting, Combined Sewer 27" @	973	LFT	\$3.00	\$2,919.00
10.	Clean and Televises with PACP reporting, Combined Sewer 30" @	4,092	LFT	\$3.00	\$12,276.00
11.	Clean and Televises with PACP reporting, Combined Sewer 36" @	4,217	LFT	\$3.50	\$14,759.50
12.	Clean and Televises with PACP reporting, Combined Sewer 42" @	4,156	LFT	\$4.25	\$17,663.00
13.	Clean and Televises with PACP reporting, Combined Sewer 48" @	1,637	LFT	\$5.00	\$8,185.00
14.	Clean and Televises with PACP reporting, Combine Sewer 54" @	992	LFT	\$5.50	\$5,456.00
15.	Clean and Televises with PACP reporting, Combined Sewer 60" @	1,895	LFT	\$6.60	\$12,507.00
16.	Clean and Televises with PACP reporting, Combined Sewer 66" @	1,142	LFT	\$8.00	\$9,136.00

NO.	ITEMS FOR BID	QTY	UNITS	UNIT PRICE	AMOUNT
17.	Cleaning and Televis with PACP reporting, Combined Sewer 72" @	406	LFT	\$9.25	\$3,755.50
18.	Heavy Cleaning, 8" to 12", as needed @	34	HR	\$275.00	\$9,350.00
19.	Heavy Cleaning, 15" to 24", as needed @	45	HR	\$275.00	\$12,375.00
20.	Heavy Cleaning, 24" to 36", as needed @	25	HR	\$275.00	\$6,875.00
21.	Heavy Cleaning, 42" or greater, as needed @	10	HR	\$275.00	\$2,750.00
22.	Video Inspect Sewer Lateral @	1,200	LFT	\$2.75	\$3,300.00
23.	Video Inspect Sewer Lateral Set Up @	59	EA	\$75.00	\$4,425.00
24.	Cut Root Intrusion @	88	EA	\$65.00	\$5,720.00
25.	Cut/Grind Mineral Deposit @	245	EA	\$65.00	\$15,925.00
26.	Cut/Grind Protuding Sewer Leads, Clay, as needed @	66	EA	\$75.00	\$4,950.00
27.	Cut/Grind Protuding Sewer Leads, Plastic with Rubber Boot, as needed @	19	EA	\$75.00	\$1,425.00
28.	Cut/Grind Protuding Sewer Leads, Cast Iron, as needed @	3	EA	\$550.00	\$1,650.00
29.	Internal Sewer Repair Sleeve, 8" to 12" dia., 24" Length, as needed @	7	EA	\$4,250.00	\$29,750.00



NO.	ITEMS FOR BID	QTY	UNITS	UNIT PRICE	AMOUNT
30.	Internal Sewer Repair Sleeve, 15" to 21" dia., 24" Length, as needed @	5	EA	\$6,000.00	\$30,000.00
31.	Internal Sewer Repair Sleeve, 24" to 36" dia., 24" Length, as needed @	5	EA	\$9,850.00	\$49,250.00
32.	Internal Sewer Spot Liner, CIPP, 8" to 12" dia., as needed @	50	LFT	\$675.00	\$33,750.00
33.	Internal Sewer Spot Liner, CIPP, 15" to 21" dia., as needed @	40	LFT	\$900.00	\$36,000.00
34.	Internal Sewer Spot Liner, CIPP, 24" to 36" dia., as needed @	25	LFT	\$1,325.00	\$33,125.00
35.	Sewer Grouting Set Up @	234	EA	\$475.00	\$111,150.00
36.	Sewer Joint Grouting, 8" to 12" dia. @	195	EA	\$290.00	\$56,550.00
37.	Seal Joint Grouting, 15" to 21" dia. @	81	EA	\$555.00	\$44,955.00
38.	Seal Joint Grouting, 24" to 36" dia. @	68	EA	\$1,050.00	\$71,400.00
39.	Traffic Control, S Old Woodward @	1	LS	\$10,000.00	\$10,000.00
40.	Traffic Control, on Major Streets, as needed @	12	EA	\$2,760.00	\$33,120.00
41.	Inspector Crew Days	140	\$600/DAY	\$600.00	\$84,000.00

**TOTAL BID:**

\$1,045,323.50

**TOTAL BID: (WRITE OUT IN WORDS):**

One Million Forty-Five Thousand Three Hundred Twenty-Three Dollars and Fifty Cents

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Accompanying this proposal is a certified check, bid bond or bank draft in the amount of five (5) percent of the total bid, payable to the City of Birmingham, Michigan, which it is agreed will be forfeited to the City of Birmingham if the undersigned fails to enter into a contract in conformity with the form of contract incorporated herein, and insurance as specified within fourteen (14) days after the contract is awarded to the undersigned or withdraws this bid within sixty (60) days of the date hereof.

In submitting this bid, it is understood that the right is reserved by the City of Birmingham, Michigan to reject any or all bids.

The undersigned hereby agrees to execute a contract with the City of Birmingham, Michigan according to the forms attached hereto and furnish the required bonds and certificates of insurance, all within twenty-one (21) days after the award of the contract; and will fully complete all work as stated under TIME OF COMPLETION and LIQUIDATED DAMAGES in Supplemental Instructions to Bidders.

The Bidder will identify the business entity as individuals, or if doing business under assumed name, indicate assumed name, partnership (naming partners) and indicate official capacity of persons executing proposal and bid.

Contractor's Name D.V.M. Utilities, Inc.

Street Address 6045 Sims Road, Suite 2

City Sterling Heights County Macomb

State/Zip Code Michigan/48313

Telephone (586)979-0402 FAX (586)979-8295

Date 9/2/2021

Signed by 

Print Name Daniel A. DiLegge

Title President

If a corporation, give state in which incorporated Michigan

Witnessed: 

Print Name: Karl J Bates III

Name of Superintendent Antonio Cavaliere

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Give below at least three references as to ability to do work proposed.

Name Frank Varicalli Address 51301 Schoenherr Road, Shelby Twp, MI

Firm Anderson, Eckstein, Westrick Telephone (586)726-1234

Name Greg Marker, P.E. Address 34000 Plymouth Road, Livonia, MI

Firm OHM Advisors Telephone (313)481-1257

Name Richard Cook Address One Public Works Drive, Waterford, MI

Firm Oakland County Water Resources Commissioner Telephone (248)431-7050

Give below the last five projects worked on, including those currently in progress, in chronological order. The names need not all be different from those listed above:

Project #1: Name of Project: See Attachment

Date Started \_\_\_\_\_ Finished \_\_\_\_\_

Name \_\_\_\_\_ Address \_\_\_\_\_

Firm \_\_\_\_\_ Telephone \_\_\_\_\_

Project #2: Name of Project: \_\_\_\_\_

Date Started \_\_\_\_\_ Finished \_\_\_\_\_

Name \_\_\_\_\_ Address \_\_\_\_\_

Firm \_\_\_\_\_ Telephone \_\_\_\_\_

Project #3: Name of Project: \_\_\_\_\_

Date Started \_\_\_\_\_ Finished \_\_\_\_\_

Name \_\_\_\_\_ Address \_\_\_\_\_

Firm \_\_\_\_\_ Telephone \_\_\_\_\_

Project #4: Name of Project: \_\_\_\_\_

Date Started \_\_\_\_\_ Finished \_\_\_\_\_

Name \_\_\_\_\_ Address \_\_\_\_\_

Firm \_\_\_\_\_ Telephone \_\_\_\_\_

Project #5: Name of Project: \_\_\_\_\_

Date Started \_\_\_\_\_ Finished \_\_\_\_\_

Name \_\_\_\_\_ Address \_\_\_\_\_

Firm \_\_\_\_\_ Telephone \_\_\_\_\_

Give below all the subcontractors to be used on the project: If additional space is necessary, please use the back of this page. Should the contractor wish to use any subcontractors that are not on this list after award, the contractor shall submit a written request to the Engineer and obtain authorization for same, prior to proceeding. All subcontractors not listed must receive written approval from the City of Birmingham, prior to working on this project.

Name David Guth Address 32900 Capitol Street, Livonia, MI

Firm United Resource Telephone (734)338-7730

Type of Work to be Performed: Sewer Cleaning & CCTV Inspection

Name \_\_\_\_\_ Address \_\_\_\_\_

Firm \_\_\_\_\_ Telephone \_\_\_\_\_

Type of Work to be Performed: \_\_\_\_\_

Name \_\_\_\_\_ Address \_\_\_\_\_

Firm \_\_\_\_\_ Telephone \_\_\_\_\_

Type of Work to be Performed: \_\_\_\_\_

Name \_\_\_\_\_ Address \_\_\_\_\_

Firm \_\_\_\_\_ Telephone \_\_\_\_\_

Type of Work to be Performed: \_\_\_\_\_

Name \_\_\_\_\_ Address \_\_\_\_\_

Firm \_\_\_\_\_ Telephone \_\_\_\_\_

Type of Work to be Performed: \_\_\_\_\_

Name \_\_\_\_\_ Address \_\_\_\_\_

Firm \_\_\_\_\_ Telephone \_\_\_\_\_

Type of Work to be Performed: \_\_\_\_\_

Name \_\_\_\_\_ Address \_\_\_\_\_

Firm \_\_\_\_\_ Telephone \_\_\_\_\_

Type of Work to be Performed: \_\_\_\_\_

Name \_\_\_\_\_ Address \_\_\_\_\_

Firm \_\_\_\_\_ Telephone \_\_\_\_\_

Type of Work to be Performed: \_\_\_\_\_

Name \_\_\_\_\_ Address \_\_\_\_\_

Firm \_\_\_\_\_ Telephone \_\_\_\_\_

Type of Work to be Performed: \_\_\_\_\_

**END OF SECTION**



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## ***PORTFOLIO OF PROJECTS***

### ***CCTV INSPECTION AND CLEANING***

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- **2021 Sewer & Catch Basin Cleaning and Television Inspection Project**  
Owner: City of Oak Park, MI  
Engineer: City of Oak Park  
Contact: Dan Samuel (248)691-7452  
Cleaning and CCTV Inspection of 127,000 lf of 8" – 54" sanitary and storm sewers, and cleaning of 700 Catch Basin Structures  
Start: September 2021, Completion: Ongoing  
Total Contract Amount - \$121,487.50
- **City of Rochester 2021 Storm & Sanitary CCTV Program**  
Owner: City of Rochester, MI  
Engineer: Anderson, Eckstein & Westrick, Inc.  
Contact: Aseel Putros (586)726-1234  
Cleaning and CCTV Inspection of 135,000 lf of 6" – 36" sanitary sewers.  
Start: August 2021, Completion: Ongoing  
Total Contract Amount - \$121,487.50
- **Charter Township of Chesterfield, MI 2020 Sanitary Sewer Cleaning and CCTV Investigation**  
Owner: Chesterfield Township, MI  
Engineer: Anderson, Eckstein & Westrick, Inc.  
Contact: Frank Varicalli (586)726-1234  
Cleaning and CCTV Inspection of 105,100 lf of 6" – 36" sanitary sewers.  
Start: January 2021, Completion: Ongoing  
Total Contract Amount - \$213,505.00
- **Charter Township of Clinton, MI 2020 SAW Grant Sanitary Sewer Cleaning and CCTV Investigation Contract 1**  
Owner: Clinton Township, MI  
Engineer: Anderson, Eckstein & Westrick, Inc.  
Contact: Frank Varicalli (586)726-1234  
Cleaning and CCTV Inspection of 270,000 lf of 6" – 36" sanitary sewers and inspection of 600 sanitary sewer manholes.  
Start: June 2020, Completion: Ongoing  
Total Contract Amount - \$562,375.00



- **Charter Township of Clinton, MI 2020 SAW Grant Sanitary Sewer Cleaning and CCTV Investigation Contract 2**  
Owner: Clinton Township, MI  
Engineer: Anderson, Eckstein & Westrick, Inc.  
Contact: Frank Varicalli (586)726-1234  
Cleaning and CCTV Inspection of 270,000 lf of 6" – 36" sanitary sewers and inspection of 600 sanitary sewer manholes.  
Start: June 2020, Completion: Ongoing  
Total Contract Amount - \$552,946.50
- **Sewer Cleaning & CCTV Investigation**  
Owner: Utica Community Schools  
Engineer: Anderson, Eckstein & Westrick, Inc.  
Contact: Frank Varicalli (586)726-1234  
Cleaning and CCTV Inspection of 17,000 lf of 6" – 36" sewers and cleaning 82 drainage structures.  
Start: June 2020, Completion: November 2020  
Total Contract Amount - \$99,034.00
- **2018 Sanitary Sewer Cleaning & CCTV Inspection**  
Owner: Charter Township of Shelby, MI  
Engineer: Fazal Khan & Associates, Inc. / Anderson, Eckstein & Westrick, Inc.  
FKA Contact: Tom DeHondt, (586)739-8007  
AEW Contact: Gordon Wilson (586)726-1234  
Cleaning & CCTV inspection of approx. 230,000 lf of 8" thru 36" sanitary sewer pipe.  
Rebuild, reconstruct and adjust sanitary approx. 200 sewer manholes.  
Start: August 2018, Completion: March 2020  
Total Contract Amount - \$1,600,000.00
- **2018 Sanitary Sewer Cleaning and CCTV Investigation, SAW Grant No. 1377-01, AEW Project No. 0165-0002**  
Owner: City of Sterling Heights, MI  
Engineer: Anderson, Eckstein & Westrick  
Contact: Frank Varicalli (586)726-1234  
Cleaning and CCTV investigation of 277,500 lf of 6"-60" sanitary sewers.  
Start: March 2019, Completion: January 2020  
Total Contract Amount - \$1,196,301.10
- **2018 Saw Grant Sewer Cleaning and Television Investigation Program**  
Owner: City of Lincoln Park, MI  
Engineer: Hennessey Engineers  
Contact: Ryan Kern (734)759-1600  
Cleaning & CCTV inspection of approx. 66,000 lf of 8" thru 48" sanitary sewer pipe.  
Start: July 2018, Completion: December 2018  
Total Contract Amount - \$178,362.50





## Utilities, Inc.

6045 Sims Rd., Suite #2,  
Sterling Heights, MI 48313  
Ph: 586-979-0402  
Fax: 586-979-8295  
Email: ddilegge@dvmutilities.com

- **Clean, Televis & Assess Storm Sewer Systems**  
Owner: Huron-Clinton Metropolitan Authority, MI  
Contact: Andrew Caulk (810)623-3555  
Cleaning & CCTV inspection of approx. 65,000 lf of 6" thru 48" storm sewer pipe.  
Start: July 2018, Completion: November 2018  
Total Contract Amount - \$168,379.00
- **2017 Sanitary Sewer Cleaning and CCTV Investigation, AEW Pro. No. 0100-0452**  
Owner: City of Roseville, MI  
Engineer: Anderson, Eckstein & Westrick  
Contact: Frank Varicalli (586)726-1234  
Cleaning and CCTV investigation of 111,500 lf of 6"-48" sanitary sewers.  
Start: October 2017, Completion: May 2018  
Total Contract Amount - \$232,975.00
- **2016 Sanitary Sewer Collection System CCTV Project**  
Owner: Bay County Department of Water and Sewer, Bay City, MI  
Contact: Tim Fitzgerald, Collection Maintenance Supervisor (989)684-388  
CCTV inspection of approx. 230,000 lf of 8" to 60" gravity sanitary sewer collection system and additional sewer cleaning as required.  
Start: June 2016, Completion: May 2017  
Total Contract Amount - \$219,131.97
- **Clinton Township 2015 Sanitary Sewer TV & Cleaning Program**  
Owner: Charter Township of Clinton, MI  
Contact: Danny Doyle, Chief Inspector (586)791-1766  
Engineer: Giffels Webster Engineers, Inc.  
Contact: Loren Crandell/Scott J. Chabot, P.E. (586)781-8950  
Clean & televise approx. 230,000 lf of 6" thru 42" sanitary sewer including laterals.  
Start: December 2015, Completion: December 2016  
Total Contract Amount - \$431,360.30
- **Riverbank Storm Sewer Project**  
Owner: City of Lincoln Park, MI  
Contact: John Kozuh, DPS Director (313)386-9000 Ext. 2703  
Clean and televise approx. 2,000 lf of 36" & 42" Storm Sewer, Install 2 EA storm sewer manholes and cleaning of pump stations.  
Start: December 2016, Completion: April 2017  
Total Contract Amount - \$89,472.50
- **U of M Hubbard Road Reconstruction, Work Order #237-1, URS Project No. - 12944297.56520.00000**  
Owner: University of Michigan, Ann Arbor, MI  
Engineer: URS Corporation, Contact: Leo Davies (616)681-1233  
Televise approx. 1300 lf of up to 24" storm sewer, televise & locate storm sewer leads and CCTV inspection of manholes.  
Start/Completion - March 2014  
Total Contract Amount - \$3,500.00



**Utilities, Inc.**

6045 Sims Rd., Suite #2,  
Sterling Heights, MI 48313  
Ph: 586-979-0402  
Fax: 586-979-8295  
Email: ddilegge@dvmutilities.com

- **Sanitary Sewer System Improvements-Sewer Cleaning & Televising, Contract 2**  
Owner: Village of Breckenridge, MI  
Contact: Jeff Ostrander, Village Manager (989)842-3109  
Engineer: Fleis & Vandenbrink Engineering, Inc.  
Contact: Gary Bartow (989)837-3280  
Clean & televise 8", 10" & 12" sanitary sewer including laterals  
approximately 35,000 lf. Also, includes sewer rehabilitation to reduce inflow &  
infiltration by CIPP lining of 8" & 10" pipe approx. 2,500 lf., MH grouting & point  
repairs.  
Start: May 2011, Completion February 2013  
Total Contract Amount - \$362,911.00
- **2011 Annual Emergency Excavation, Water & Sewer Repairs**  
Owner: City of Warren, MI  
Contact: Danuta Dordeski, Acting City Engineer (586)759-9300  
Perform water main & sewer repairs on as needed basis.  
Also included as part of the contract is CCTV sewer inspection & cleaning of  
sanitary sewer main including laterals.  
Contract Duration – April 2011 to April 2012  
Total Contract Amount - \$160,000.00



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## ***PORTFOLIO OF PROJECTS***

### ***CIPP INSTALLATIONS, MANHOLE REHABILITATION, PIPELINE GROUTING AND TRENCHLESS POINT REPAIRS***

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- **Sanitary Sewer Cured in Place Lining and Grouting, Pontiac-North**  
Owner: Oakland County Water Resources Commissioner, Waterford, MI  
Contact: Gero Nichols, P.E. (248)858-0958  
Clean & CCTV 9,450 lf of 8"-21" sanitary sewer, installation of 9,450 lf of 8"-21" CIPP Liner, 116 lateral joint grout installations, and 96 mainline sewer grout installations.  
Start: August 2021, Completion: Ongoing  
Total Contract Amount - \$561,732.00
- **Pontiac Cut & Grout (OCWRC Project 1-3394)**  
Owner: Oakland County Water Resources Commissioner, Waterford, MI  
Contact: Rick DeVisch, P.E. (248)858-0958  
Rehabilitation of 7806 lf of 8"-18" sanitary sewers by root and mineral deposits, and mainline sewer grouting.  
Start: August 2021, Completion: Ongoing  
Total Contract Amount - \$269,975.00
- **Commerce Crossings Sanitary Sewer and Manhole Rehabilitation**  
Owner: Oakland County Water Resources Commissioner, Waterford, MI  
Contact: Karen Warren, P.E. (248)858-0958  
Installation of 922 lf of 21" CIPP Liner, and rehabilitation of 1 Manhole with geopolymer mortar.  
Start: August 2021, Completion: Ongoing  
Total Contract Amount - \$206,250.00
- **Rummell Relief Drain Pipe & Outlet Rehabilitation and Repairs**  
Owner: Oakland County Water Resources Commissioner, Waterford, MI  
Contact: Geoff S. Wilson, P.E. (248)858-0958  
Stop water infiltration between 40 joints of 72" RCP pipe with a combination of hydrophobic polyurethane grout, and hydraulic cement.  
Start: June 2020, Completion: November 2020  
Total Contract Amount - \$110,202.50



**Utilities, Inc.**

6045 Sims Rd., Suite #2,  
Sterling Heights, MI 48313  
Ph: 586-979-0402  
Fax: 586-979-8295  
Email: ddilegge@dvmutilities.com

- **Main Street and Novi Road Sanitary Sewer Repair and Lining Project**  
Owner: City of Northville, MI  
Engineer: ROWE Professional Services Company  
Contact: Jack Wheatly, P.E. (810)869-5121  
Install 926 lf of 12" dia. CIPP Liner, chemical grout sealing, 12" sanitary sewer installation via open cut methods, and misc. pavement removal and replacement.  
Start: June 2020, Completion: August 2020  
Total Contract Amount - \$193,253.50
- **DTE Conners Creek Demo Project**  
Owner: DTE Energy  
Prime Contractor: Independence Excavating  
Contact: Adam Mocny  
Abandon 1000 lf of 20' wide X 7' tall box culvert.  
Start/Completion: January 2020  
Total Contract Amount - \$1,096,000.00
- **Clinton Township Zone 6 Manhole Rehabilitation**  
Owner: Clinton Township, MI  
Engineer: Anderson, Eckstein & Westrick  
Contact: Scott Chabot: (586)726-1234  
Rehabilitation of 40 manholes with cementitious liner, repointing & sealing joints, MH bench & channel repair, and chemical grout injection to seal leaks.  
Start: April 2018, Completion: March 2020  
Total Contract Amount: \$149,690.00
- **CLINTON TWP-Emergency Storm Sewer Manhole Repair at Ridgewood Condos, Project No. 0242-0013**  
Owner: Clinton Township, MI  
Engineer: Anderson, Eckstein & Westrick, Inc.  
Contact: Scott Chabot, P. E. (586)726-1234  
Removal and replacement of 5' diameter storm manhole #36 with 2' sump. Removal and replacement of (1) section of 36" C76 CLII concrete storm sewer pipe. Install SW Dura-Plate 6100 Epoxy Manhole Liner on the manhole.  
Start: August 2019, Completion: September 2019  
Total Contract Amount - \$106,219.11
- **Collection System Upgrades - Leland Township**  
Owner: Leland Township, Lake Leelanau, MI  
Engineer: Gosling Czubak Engineering Sciences, Traverse City, MI  
Contact: Glenna L. Wood, Project Engineer, (231)946-9191  
Install 180 lf of 10" CIPP liner, structural manhole rehabilitation, & chemical grouting to seal leaks.  
Start: April 2018, Completion: June 2018  
Total Contract Amount - \$159,590.00



- **Pearl Beach Pump Station Rehabilitation project**  
Owner: County of St. Clair, MI  
Contact: Kirk Weston (810)364-5720  
Rehabilitation of pump station wet well with CEMTEC rapid cure vertical grade mortar and Sherwin Williams DURA PLATE-6100.  
Start/Completion: July 2018  
Total Contract Amount - \$55,000.00
- **2017 Sewer Rehabilitation-Stoney Creek Metropark**  
Owner: Huron-Clinton Metroparks, Brighton, MI  
Contact: Andrew Storer, P.E. (810)494-6054 and Andrew Caulk, P.E. (810)623-3555  
Install 1,948 lf of 8" dia. CIPP liner with cleaning and pre & post CCTV Investigation, & sanitary sewer MH structure Adjustment.  
Start: October 2017, Completion: December 2017  
Total Contract Amount - \$64,136.00
- **OMID Pipe Leak Patching – Conner & State Fair Detroit, MI**  
Owner: Oakland County Water Resources Commissioner, Waterford, MI  
Contact: Sid Lockhart, P.E. (248)858-0958  
Prime Contractor: Weiss Construction, Co., Detroit, MI,  
Contact: Sam Davis (313)567-4500  
Stop water infiltration between 4 joints of 72" steel pipe with a combination of hydrophobic polyurethane grout, oakum rope, hydraulic cement and patch the joints. Hard seal the joints with EpoxyTec CPP epoxy paste.  
Start: August 2017, Completion: October 2017  
Total Contract Amount - \$15,000.00
- **Clinton Township Zone 6 Sanitary Sewer Open Cut Point Repairs**  
**Location: 34250 Groesbeck Hwy (Harbor House Restaurant), Clinton Twp., MI**  
Owner: Charter Township of Clinton, MI  
Contact: Danny Doyle, Chief Inspector (586)791-1766  
Engineer: Giffels Webster Engineers, Inc.  
Contact: Loren Crandell/Scott J. Chabot, P.E. (586)781-8950  
Perform open cut sanitary sewer point repairs, Install 10" CIPP sewer liner with cleaning and pre & post CCTV inspection approximately 305 lf, and chemical grouting of infiltration prior to liner installation  
Start: December 2015, Completion: September 2016  
Total Contract Amount - \$591,209.50
- **Sanitary Sewer System Improvements-Sewer Cleaning & Televising, Contract 2**  
Owner: Village of Breckenridge, MI  
Engineer: Fleis & Vandenbrink Engineering, Inc.  
Contact: Gary Bartow (989)837-3280  
Clean & televise approx.. 35,000 lf of 8", 10" & 12" sanitary sewer including laterals and installation of 2,500 lf 8" and 10" CIPP liners. Additional project work included, MH grouting & point repairs.  
Start: May 2011, Completion: February 2013  
Total Contract Amount - \$362,911.00



**Utilities, Inc.**

6045 Sims Rd., Suite #2,  
Sterling Heights, MI 48313  
Ph: 586-979-0402  
Fax: 586-979-8295  
Email: [ddilegge@dvmutilities.com](mailto:ddilegge@dvmutilities.com)

- **Sanitary Sewer System Improvements, Contract 1- Section B (Phase II)**  
Hampton Township, MI  
Contact: Terry Spegel, Supervisor (989)893-7541  
Engineer: Fleis & Vandenbrink, Inc.  
Contact: Gary Bartow (989)837-3280  
CCTV Sewer inspection & cleaning of approx. 100,000 lf, of sewers, manhole rehabilitation, and 2,300 lf of 12" - 21" CIPP liners and CIPP part liners.  
Start: January 2011, Completion: December 2012  
Total Contract Amount - \$1,082,116.28

**SECTION 00500**

**AGREEMENT**

**THIS AGREEMENT** made the 20<sup>th</sup> day of September, 2021 by and between the CITY OF BIRMINGHAM, Oakland County, Michigan, hereinafter called the "City", and D.V.M. Utilities, Inc of the City of Sterling Heights, County of Macomb, State of Michigan, hereinafter called the "Contractor", otherwise known as: **2021 SEWER REHABILITATION PROGRAM** in the amount of \$ 1,045,323.50 to wit:

1. The documents consisting of RFP, including all exhibits and the General Contract Conditions, and the Bid shall be incorporated herein by reference, shall become a part of this Agreement, and shall be binding upon both parties hereto. In the event that there is a conflict between these documents, this Agreement shall control, then the RFP, and then the Bid.

2. The Contractor shall furnish all labor, materials and appliances necessary, and to all the work as set forth in the Proposal, and in accordance with the plans and specifications, which have been made a part of this agreement in a manner, time and place, as therein set forth.

- a. The Contractor shall provide a Performance Bond, which form is attached hereto and incorporated herein by reference to protect the City, and conditioned upon the faithful performance of the contract in accordance with the plans, specifications and terms hereof.
- b. The Contractor shall provide a Payment Bond which form is attached hereto and incorporated herein by reference for the protection of the claimants as defined in MCL §129.201(6) to supply labor or materials to the principal Contractor or his Subcontractor and the prosecution of the work provided for in this contract.

3. Time is of the essence of this agreement. All of the work to be performed by the Contractor shall be completed on or before the Time of Completion, as set forth in the Supplemental Instructions to Bidders. The Contractor shall pay to the City as liquidated damages, the amount per day as set forth under Liquidated Damages in the Supplemental Instructions to Bidders, for each calendar day after the date specified under Time of Completion that the work to be performed by the Contractor is not completed. Liquidated damages are established because of the difficulty in ascertaining actual damages which the City might sustain, and are not intended as a penalty.

4. The City promises and agrees to pay said Contractor for all labor, materials and appliances supplied, and for all work performed under this agreement at the unit prices provided in the attached Proposals and Specifications.



5. For the faithful performances of the terms of this agreement, said parties respectively bind themselves, their successors, heirs, executors, administrators and assigns.

***IN WITNESS WHEREOF***, the parties execute this agreement as of the day and year first written above.

Attest

Witnessed

City Clerk

CITY OF BIRMINGHAM

By:

Mayor

By:

DANIEL A. DUECKEL, PRESIDENT  
DMA UTILITIES, INC.

Contractor

APPROVAL (1.135 City Code)

City Manager as to Substance

City Attorney as to Form

Director of Finance as to Financial Obligation

City Engineer

**END OF SECTION**



**FIRST AMENDMENT TO THE 2021 SEWER REHABILITATION PROGRAM #8-21 (S)  
DATED SEPTEMBER 20, 2021 BETWEEN THE CITY OF BIRMINGHAM  
AND D.V.M. UTILITIES, INC.  
TO ADD THE 2022-2023 SEWER REHABILITATION PROGRAM #8-23 (S)**

**THIS FIRST AMENDMENT** to the 2021 Sewer Rehabilitation Program #8-21 (S) dated September 20, 2021 by and between the **CITY OF BIRMINGHAM**, a Michigan Municipal Corporation, having its principal municipal office at 151 Martin Street, Birmingham, MI, 48009 ("City") and **D.V.M. UTILITIES, INC.** ("DVM") a Michigan Corporation with offices located at 6045 Sims Road, Ste. 2, Sterling Heights, MI 48313 does hereby amend its Agreement as follows:

**WHEREAS**, the City awarded the original contract at the September 20, 2021 Commission meeting; and,

**WHEREAS**, the 2021 Sewer Rehabilitation Program #8-21 (S) was entered into on September 20, 2021, which is attached hereto as Exhibit A; and,

**WHEREAS**, the parties desire to extend the term of the Agreement for one (1) year to add the 2022-2023 Sewer Rehabilitation Program #8-23 (S); and,

**WHEREAS**, DVM completed the field work of the 2021 Sewer Rehabilitation Program in January 2023, and review of the televised sewer video is currently occurring; and,

**WHEREAS**, the 2022-2023 Sewer will include the same work scope of cleaning and televising sewers with reporting, as-needed heavy cleaning, as-needed cut root intrusion, as-needed cut and grind protruding sewer leads, as-needed internal sewer repair sleeves, and as-needed sewer joint grouting; and,

**WHEREAS**, DVM has offered to hold 27 of their 41 bid items from the 2021 Sewer Rehabilitation Program for the 2022-2023 Sewer Rehabilitation Program. For the 14 of the bid

items, they are asking for a price increase of \$0.25 increments per linear foot. The requested increase is due to an increase in labor costs from September 2021 to today; and,

**WHEREAS**, the Engineering Department recommends a change order to the 2021 Sewer Rehabilitation Program to add the 2023 Sewer Rehabilitation Program due to several reasons. The additional increase request by DVM for the 14 unit prices is still below the second low bidder from the 2021 Sewer Rehabilitation Program bid in September 2021. The City would also have cost savings for the project by not issuing project specifications for bidding and the award process. This cost savings can go to additional sewer segments for cleaning and televising. Due to the current bidding environment, we would most likely see higher bid pricing from the Fall of 2021. DVM has the availability in their schedule to start this project this Spring; and,

**WHEREAS**, funding for this project has been budgeted with the Sewer Fund ID Number 590.0-537.000-981.0200, with a budget of Four Hundred Sixty Thousand Dollars (\$460,000.00).

**NOW, THEREFORE**, in consideration of the mutual covenants, terms and conditions set forth in this First Amendment, the parties hereto mutually covenant and agree to amend the Agreement as follows:

Term. The initial term of this Agreement shall be for a period of one (1) year commencing on \_\_\_\_\_ through \_\_\_\_\_, 2024. In addition to any other termination rights granted herein, either party may terminate this Agreement at any time without cause or penalty by giving at least thirty (30) days prior written notice of termination.

The parties shall adopt the 2022-2023 Sewer Rehabilitation Program #8-23 (S) in an amount not to exceed Four Hundred Sixty Thousand Dollars (\$460,000.00).

All other provisions of the 2021 Sewer Rehabilitation Program #8-21 (S) dated September 20, 2021 shall remain in full force and effect.

**IN WITNESS WHEREOF**, the said parties have caused this Amendment to be executed  
on this 30th day of March, 2023.

**D.V.M. UTILITIES, INC.**

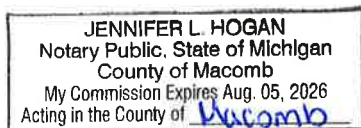
By: [Signature]  
Its: SENIOR MANAGER

STATE OF Michigan )  
 ) ss:  
COUNTY OF Macomb )

On this 30th day of March, 2023, before me personally appeared  
Karl Bates, who acknowledged that with authority on behalf of **D.V.M. UTILITIES, INC.**  
to do so he/she signed this Agreement.

Jennifer L. Hogan  
Notary Public  
Macomb County, Michigan  
Acting in Macomb County, Michigan

My commission expires: 08-05-2024

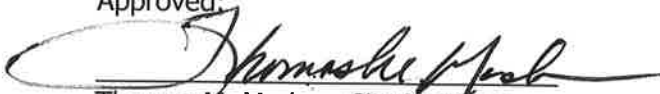


**CITY OF BIRMINGHAM**

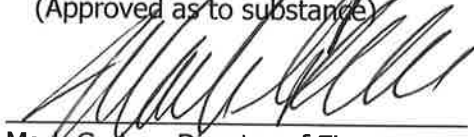
By: \_\_\_\_\_  
Therese Longe, Mayor

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

Approved:



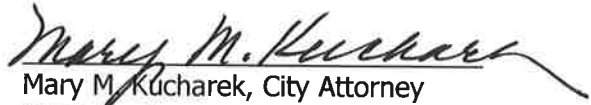
Thomas M. Markus, City Manager  
(Approved as to substance)



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



for Melissa A. Coatta, City Engineer  
(Approved as to substance)



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



## MEMORANDUM

Planning Division

**DATE:** April 3, 2023

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

**FROM:** Nicholas Dupuis, Planning Director

**SUBJECT:** Set Public Hearing – The Birmingham Plan 2040

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### INTRODUCTION:

#### **The Comprehensive Master Plan**

A Master Plan is a document and policy guide designed to help communities conceive a vision of what they want to look like in the future. Master Plans are written and adopted by a local Planning Commission and might also be adopted by a local legislative body, although Master Plans are not laws on their own. In Birmingham, the Planning Board is a locally organized board and is not established under the Municipal Planning Commission Act, Act No. 285 of the Public Acts of Michigan of 1931 (MCL 125.31 et seq.), as amended. Thus, the Planning Board acts as a recommending body to the City Commission, which assumes the role of a Planning Commission for the purposes of master plan adoption in the City of Birmingham

#### **Michigan Planning Enabling Act**

The legal authority to carry out the master planning process is granted by Article III of the [Michigan Planning Enabling Act](#) (the “Act”). Within the Act, there are several legal requirements that a municipality must follow when preparing a master plan including future land use, public participation, notifying other government agencies, and adoption procedure. The City of Birmingham closely followed the requirements of the Act.

### BACKGROUND:

#### **Process Overview**

The City of Birmingham embarked on a comprehensive master plan update beginning in the summer of 2018 with the creation and posting of a Request for Proposals soliciting qualified

professionals to conduct a comprehensive master plan update. In the fall of 2018, a consultant team that included DPZ CoDesign, McKenna, Gibbs Planning Group and Jacobs Engineering was selected to provide the services. The master planning process kicked off in January 2019, after which the City had numerous public input sessions including charrettes, roundtable discussions, neighborhood input sessions, surveys, drop-in clinics, and presentations. Upon receiving the first draft of the Birmingham Plan 2040 (the "2040 Plan"), the City began to hold what would become over 40 total public reviews/discussions between the Planning Board, City Commission, and several joint meetings. A complete history of reviews related to the 2040 Plan is summarized in the following table:

DATE	REVIEW TOPIC	LINKS
<b>MASTER PLAN RFP &amp; CONSULTANT SELECTION</b>		
April 9, 2018	City Commission vote to issue RFP	<a href="#">Agenda</a> – <a href="#">Minutes</a>
May 14, 2018	City Commission Vote to Establish Ad Hoc Master Plan Selection Committee	<a href="#">Agenda</a> – <a href="#">Minutes</a>
July 31, 2018	Ad Hoc Master Plan Selection Committee RFP Review	-
August 29, 2018	Ad Hoc Master Plan Selection Committee Interviews and Recommendation	-
September 17, 2018	City Commission Approves Agreement with DPZ	<a href="#">Agenda</a> – <a href="#">Minutes</a>
<b>PRE-DRAFT</b>		
May 20, 2019	Preview and Discussion of Plan Topics	<a href="#">Agenda</a> – <a href="#">Minutes</a>
July 8, 2019	City Commission Master Plan Update	<a href="#">Agenda</a> – <a href="#">Minutes</a>
July 10, 2019	Master Plan Update	<a href="#">Agenda</a> – <a href="#">Minutes</a>
August 28, 2019	Master Plan Discussion	<a href="#">Agenda</a> – <a href="#">Minutes</a>
September 23, 2019	City Commission Master Plan Update	<a href="#">Agenda</a> – <a href="#">Minutes</a>
October 17, 2019	Joint Meeting – 1 <sup>st</sup> Draft Discussion	<a href="#">Agenda</a>
October 23, 2019	Master Plan Update	<a href="#">Agenda</a> – <a href="#">Minutes</a>
November 13, 2019	Master Plan Update	<a href="#">Agenda</a> – <a href="#">Minutes</a>
December 9, 2019	City Commission resolution to approve Draft #1 Review Schedule	<a href="#">Agenda</a> – <a href="#">Minutes</a>
January 8, 2020	Master Plan Review Process Update	<a href="#">Agenda</a> – <a href="#">Minutes</a>
<b>FIRST DRAFT</b>		
February 12, 2020	Premises & Future City Vision	<a href="#">Agenda</a> – <a href="#">Minutes</a>
March 11, 2020	Neighborhood Components	<a href="#">Agenda</a> – <a href="#">Minutes</a>
May 13, 2020	Master Plan Review Process Discussion	<a href="#">Agenda</a> – <a href="#">Minutes</a>
June 10, 2020	Master Plan Review Process Discussion	<a href="#">Agenda</a> – <a href="#">Minutes</a>
June 15, 2020	Joint Meeting Master Plan Review Process	<a href="#">Agenda</a> – <a href="#">Minutes</a>
June 24, 2020	Master Plan Review Process Discussion	<a href="#">Agenda</a> – <a href="#">Minutes</a>
August 12, 2020	Master Plan Themes pt. 1	<a href="#">Agenda</a> – <a href="#">Minutes</a>

September 9, 2020	Master Plan Themes pt. 2	<a href="#">Agenda</a> – <a href="#">Minutes</a>
November 11, 2020	Mixed-Use Districts	<a href="#">Agenda</a> – <a href="#">Minutes</a>
January 13, 2021	Neighborhood & Housing Policy	<a href="#">Agenda</a> – <a href="#">Minutes</a>
February 10, 2021	Neighborhood Plans & Shared Elements	<a href="#">Agenda</a> – <a href="#">Minutes</a>
March 8, 2021	City Commission Resolution Outlining the Remaining Master Plan Review Process	<a href="#">Agenda</a> – <a href="#">Minutes</a>
March 10, 2021	Direction Summary from Review of 1 <sup>st</sup> Draft	<a href="#">Agenda</a> – <a href="#">Minutes</a>
March 22, 2021	City Commission Resolution Directing Preparation of Draft #2 (Postponed)	<a href="#">Agenda</a> – <a href="#">Minutes</a>
April 19, 2021	City Commission Resolution Directing Preparation of Draft #2	<a href="#">Agenda</a> – <a href="#">Minutes</a>
<b>SECOND DRAFT</b>		
October 11, 2021	Joint Meeting Draft #2 Receipt Update	<a href="#">Agenda</a> – <a href="#">Minutes</a>
October 13, 2021	2 <sup>nd</sup> Draft Receipt and Review Process	<a href="#">Agenda</a> – <a href="#">Minutes</a>
November 10, 2021	Introduction, Future Land Use Map, Chapter 1 (Connecting the City)	<a href="#">Agenda</a> – <a href="#">Minutes</a>
December 8, 2021	Chapter 2 (Embraced Managed Growth)	<a href="#">Agenda</a> – <a href="#">Minutes</a>
January 12, 2022	Chapter 3 (Retain Neighborhood Quality)	<a href="#">Agenda</a> – <a href="#">Minutes</a>
February 9, 2022	Chapter 4 ( Support Mixed-Use Districts) & Chapter 5 (Advance Sustainability Practices)	<a href="#">Agenda</a> – <a href="#">Minutes</a>
March 9, 2022	Summary of Recommendations – Draft #2	<a href="#">Agenda</a> – <a href="#">Minutes</a>
April 18, 2022	City Commission Resolution Directing Preparation of Draft #3	<a href="#">Agenda</a> – <a href="#">Minutes</a>
<b>THIRD DRAFT</b>		
August 10, 2022	Draft #3 Review Process Update	<a href="#">Agenda</a> – <a href="#">Minutes</a>
September 14, 2022	Final Draft Receipt and Process Confirmation	<a href="#">Agenda</a> – <a href="#">Minutes</a>
October 3, 2022	Resolution Authorizing 63-Day Notice Period	<a href="#">Agenda</a> – <a href="#">Minutes</a>
January 11, 2023	Final Draft & Public Comment Review	<a href="#">Agenda</a> – <a href="#">Minutes</a>
February 8, 2023	Final Draft & Public Comment Review	<a href="#">Agenda</a> – <a href="#">Minutes</a>
March 8, 2023	Recommendation to Adopt 2040 Master Plan	<a href="#">Agenda</a> – <a href="#">Minutes</a>
April 3, 2023	Set Public Hearing Date for City Commission	-
May 22, 2023	Resolution to Formally Adopt Master Plan	-

Throughout the review process, the consultant team has maintained a webpage ([www.thebirminghamplan.com](http://www.thebirminghamplan.com)) that has provided several important services over the last 4 years including the following:

- Provided a means for the public to submit comments directly to the consultant team.
- Acted as a repository for all documents relating to the master plan that the consultant has produced.

- Compiled and made available a history of all master plans and studies relevant to the 2040 Plan.
- Made readily available each draft of the 2040 Plan as it was updated.

### **Required 63-Day Public Notice Period**

As noted in the table above, on October 3, 2022, the City Commission authorized the 63-day distribution period for the final draft of the 2040 Plan pursuant to the requirements of Article III, Section 125.3841 of the Michigan Planning Enabling Act, and to notify the secretary of the Planning Commission to provide copies of the proposed master plan to all of the necessary entities pursuant to MCL 125.3841(2). The following entities were included in the distribution:

- Neighboring Municipalities:
  - Beverly Hills
  - Bloomfield Hills
  - Bloomfield Township
  - Royal Oak
  - Troy
- Regional Planning Agencies:
  - SEMCOG
  - Oakland County
- Public Transportation Agencies:
  - Regional Transit Authority
  - SMART
  - Michigan Department of Transportation – Metro Region
- Railroad Agencies:
  - Amtrak
  - Canadian National Railway

Upon the closing of the 63-day distribution period, one comment was received from Oakland County. In summation, the County determined that the Birmingham Plan 2040 was NOT inconsistent with the plan of any city, village, or township that received notice of the draft plan.

### **Public Participation & Evolution of the 2040 Plan**

Public participation is vital to the success of the 2040 Plan. The City of Birmingham has taken a meaningful and expansive approach to public participation, which started before the consultant team was even selected. In the Request for Proposals, extensive public participation was listed as an explicit requirement, which included a detailed community engagement plan that allowed for public input throughout the entire process from visioning to formal adoption of the 2040 Plan.

As noted in the process outline section above, there was substantial opportunity for public participation in the early stages in the process. This was an intentional and standard approach to



the master planning process. This engagement helps capture opinions, preferences, and visions for the community's future. With the feedback received during this robust engagement period, the consultants produced a first draft.

As reviews of the first draft and all subsequent drafts of the 2040 Plan continued, so did the opportunities for public participation. This resulted in a final draft that has been informed by the public. During the process, several high profile concepts or recommendations were altered including:

- Neighborhood Seams
- Accessory Dwelling Units
- Commercial Destinations

Importantly, public participation does not end with the adoption of the 2040 Plan. Each recommendation in the 2040 Plan will be studied, vetted, and considered in open public meetings.

### **The Future of the 2040 Plan**

Once a master plan is adopted, the City is tasked with prioritizing and considering the recommendations of the plan through in-depth reviews. Some recommendations may need to be broken down into more manageable subtasks, or next steps, with responsibilities assigned accordingly. At present, the 2040 Plan contains 30 recommendations with varying levels of complexity.

It is imperative to understand that a master plan is not a static document. An annual review of a master plan is necessary to complete the following tasks:

1. Review goals and major recommendations.
2. Review action table and progress toward completing this year's priorities.
3. Review prior year's rezoning's and development decisions. Discuss if there are any trends that need to be addressed.
4. Identify any potential plan amendments to work on for the upcoming year that can be prepared and adopted then incorporated at a later date when the master plan is updated.
5. Identify any zoning ordinance updates to undertake in the coming year.

Performing the annual review and thoroughly documenting the process and the machinations of the master plan is essential when it comes to the master plan review after 5 years of adoption as required by the Michigan Planning Enabling Act. At 5 years, it should be determined whether any amendments are needed or whether the plan is still relevant to today's conditions. Generally, the goals, objectives and future land use plan should be carefully reviewed to contrast with current development trends as well as any major changes or diversions from the plan that have taken place in order to consider whether the plan needs to be updated.

#### LEGAL REVIEW:

The City Attorney has reviewed the report and its attachments and is satisfied that the plans development followed the statutory requirements for the development of a master plan.

#### FISCAL IMPACT:

There is no fiscal impact for this agenda item.

#### PUBLIC COMMUNICATIONS:

Since the beginning of the comprehensive master planning process, there has been extensive public communications for the 2040 Plan including social media posts, constant contact email updates, FAQ's, and regular inclusion on public meeting agendas.

In addition, as required by the Michigan Planning Enabling Act, a legal ad was placed in a newspaper of general circulation prior to the public hearing at the Planning Board on March 8, 2023. An additional legal ad will be placed in a newspaper of general circulation prior to the public hearing at the City Commission on May 22, 2023.

Finally, as required by the Michigan Planning Enabling Act, an additional notice of the public hearing is required to be sent to each entity to which the 2040 Plan was distributed for the required 63-day notice period prior to the public hearing at the City Commission on May 22, 2023.

#### SUMMARY:

The Planning Division requests that the City Commission set a public hearing date of May 22, 2023 to consider the recommendation of the Planning Board to adopt and approve in its entirety the Birmingham Plan 2040, inclusive of all maps, plats, charts, and other related matter, figures and the Future Land Use Map.

#### ATTACHMENTS:

- [The Birmingham Plan 2040](#) (Please follow link. Hard copies of the 2040 Plan may be provided upon request)

#### SUGGESTED COMMISSION ACTION:

Make a motion adopting a resolution to set a public hearing date of May 22, 2023 to consider the recommendation of the Planning Board to adopt and approve in its entirety the Birmingham Plan 2040, inclusive of all maps, plats, charts, and other related matter, figures and the Future Land Use Map.



## MEMORANDUM

Department of Public Services

**DATE:** April 3, 2023

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

**FROM:** Scott D. Zielinski, DPS Director

**SUBJECT: Fee Schedule Increase Recommendation – Golf Courses**

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### INTRODUCTION:

During the yearly budget review it was noted that Golf Course fees have not been increased in over 10 years. With the current forecasted safety and maintenance projects, it has been determined that the golf course should increase fees to help offset current and future planned projects.

Per the City Code, fees for applications, plan reviews, permits, inspections, licenses, registrations, appeals, and other charges or penalties shall be as specified in the Schedule of Fees, Charges, Bonds and Insurance. All fees are subject to change from time to time as recommended by city staff and as determined by resolution of the City Commission.

Per the City of Birmingham 2023 Fee Schedule, Golf Course fees are to be adjusted by resolution of City Commission with the recommendation of the Parks and Recreation Board.

### BACKGROUND:

As you are aware, the Lincoln Hills Golf Course is starting a safety project to reconstruct the Hole #1 Cart Path and T-box, which will result in a draw of approximately \$900,000.00 from the Golf Course funds. In addition to this project, city staff has noted the need for additional projects at both Springdale and Lincoln Hills Golf Courses associated with various improvements related to items such as: safety repairs, stream

bank improvements, drainage improvements, irrigation improvements, path improvements, storage improvements, and various other facility repairs and upgrades that are needed in order to keep up with the maintenance needs and to improve course safety.

The 2023 increases will be applied to memberships and single round costs for both members and guests. Staff plans to increase fees as follows:

Resident Memberships - Increase of \$5

New - \$20 (\$15 in 2022)

Renewal - \$15 (\$10 in 2022)

Non Resident Memberships – Increase of \$25

Single - \$175 (\$150 in 2022)

Dual - \$225 (\$200 in 2022)

Family - \$275 (\$250 in 2022)

Business Membership - Increase of \$25

Business - \$125 (\$100 in 2022)

Individual rounds by 50 cents across the board.

Weekday

Adult Member \$15.00 (\$14.50 in 2022)

Sr/Jr Member \$10.00 (\$9.50 in 2022)

Adult Guest \$19.50 (\$19.00 in 2022)

Sr/Jr Guest \$13.50 (\$13.00 in 2022)

Weekends

Adult Member \$16.00 (\$15.50 in 2022)

Sr/Jr Member \$11.00 (\$10.50 in 2022)

Adult Guest \$20.50 (\$20.00 in 2022)

Sr/Jr Guest \$14.50 (\$14.00 in 2022)

These rates were presented to the Parks and Recreation Board at a special meeting on Tuesday, March 28, 2023, where they passed a motion in support of the rate increases proposed by staff as noted in the appended unapproved draft minutes of the meeting.

**LEGAL REVIEW:**

This fee increase procedure has been reviewed and confirmed by the City Attorney.

**FISCAL IMPACT:**

The increase in course fees will continue to help offset the planned costs associated with current and future maintenance costs for the golf courses. Staff estimates that the increase in fees will result in an addition of approximately \$60,000.00 in revenue this season.

**PUBLIC COMMUNICATIONS:**

City staff has updated fee information at the golf courses and online.

**SUMMARY:**

Due to the costs of current course improvements, and due to future planned safety and maintenance projects, City staff recommends the increase of fees for the golf courses as described above in the report. The Parks and Recreation Board has supported the recommendation for an increase in rates as presented.

**ATTACHMENTS:**

Parks and Recreation Board Draft Meeting Minutes for March 28, 2023

2022 Golf Report from Parks and Recreation Board Agenda Packet for March 7<sup>th</sup>, 2023 ([agenda](#)-minutes) see pages 9-36.

Parks and Recreation Board Agenda Packet for March 28, 2023 ([agenda](#)-minutes)

**SUGGESTED COMMISSION ACTION:**

Make a motion adopting a resolution to increase the golf course fees by the following amounts:

- Memberships for Non-Residents and Businesses by \$25.
- Memberships for residents by \$5.
- Individual fees for rounds of golf by 50 cents for both weekday and weekends for Adult Member, Sr/Jr Member, Adult Guest and Sr/Jr Guest.

**PARKS AND RECREATION BOARD  
SPECIAL MEETING MINUTES  
March 28, 2023**

Pam Graham, Vice-Chairperson, called the special meeting to order at 6:30 pm at 851 South Eton.

**MEMBERS PRESENT:**

Pam Graham  
Anne Lipp  
John Rusche  
Steve Sweeney

**MEMBERS ABSENT:**

Heather Carmona  
Susan Collins

**ADMINISTRATION:**

Scott Zielinski, Director of Public Services  
Connie J. Folk, Recreation Coordinator  
Jacky Brito, Golf Course Manager

**GUESTS:**

none

**Agenda item #1: Fee Schedule Increase Recommendation – Golf Course**

Graham at the last regular meeting of the parks and Recreation the parks board reviewed a detailed financial report of the golf course operation. At that time there was no recommendation or discussion about additional fees or scheduled being necessary for the future year.

Graham stated there had been some discussion about that and some motivation to present recommendations to the City Commission at a meeting next week. Therefore, this committee is convening in order to review the recommendations.

DPS Director Zielinski stated there is a requirement for the department to present to the parks and recreation board to raise fees and then to get a recommendation from the parks and recreation board to the city commission for approval of the proposed rate increase.

The intended golf fee increases is to off-set current and future capital projects for both golf course. The department has identified stream bank stabilization, erosion concerns around the bridges at the courses and additional capital improvement concerns.

DPS Director Zielinski state this is the first and will likely be in future years slowly increasing the rates. The greens fees will be increase .50 cents this year with the resident memberships increasing \$5 and the non-resident and business memberships increasing \$25 it's a slow impact and the idea is to keep growing our revenue ahead of where we're going to be before being hit by construction costs.

Lipp asked these are all the increase in fees knowing that the registration of junior golf registration is right around the corner.

GCM Brito confirmed that the junior golf program would not be increasing.

It was moved by Lipp, seconded by Sweeney, to approve the recommended 2023 golf course fess proposed by staff to be a .50 increase for greens fees, to increase the resident membership by \$5, and the business and non-resident memberships would be increased by \$25.

**Ayes,**

Pam Graham, Anne Lipp, John Rusche, and  
Steve Sweeney

**Nays,**

None

**Absent,**

Heather Carmona, Susan Collins

Graham stated the next regular meeting will be held on Tuesday, April 4, 2023, at 6:30 pm, at 851 South Eton.

Meeting adjourned at 6:48 pm

Connie J. Folk, Recreation Coordinator



## MEMORANDUM

Department of Public Services

**DATE:** April 3, 2023

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

**FROM:** Scott D. Zielinski, DPS Director

**SUBJECT:** Oakland County West Nile Expense Reimbursement Request

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### INTRODUCTION:

Upon recommendation of the Oakland County Executive, the Oakland County Board of Commissioners continues to establish a West Nile Virus Fund Program to assist cities, villages and townships (CVT) in addressing mosquito control activities.

Oakland County's West Nile Virus Fund Program authorizes Oakland County CVT to apply for reimbursement of eligible expenses incurred in connection with personal mosquito protection measures/activity, mosquito habitat eradication, mosquito larvicides or focused adult mosquito insecticide spraying in designated community green areas.

The 2023 West Nile Virus (WNV) Prevention Reimbursement amount designated for the City of Birmingham is \$2,705.23. Birmingham must apply for reimbursement and our project must meet the eligibility requirements as determined by the Oakland County Health Division. This is the nineteenth year for this reimbursement program.

### BACKGROUND:

In 2003, we began treating approximately 2,300 catch basins throughout the community. The City of Birmingham incurs expenses in connection with mosquito control activities. We currently purchase the mosquito control material from Clarke Mosquito Control. We have been pleased with the treatment plan of the citywide catch basins and continue to stay current on best practices for mosquito control. Community education has also been an integral part of this program each year. Reimbursement from Oakland County for the program this year is \$2,705.23.

### LEGAL REVIEW:

All documentation has been reviewed and approved by the City Attorney's Office.



**FISCAL IMPACT:**

The reimbursement amount of \$2,705.23 will offset the expenditure made for the material purchase from the Sewer Fund-Operating Supplies Account #590.0-538.000-729.0000.

**PUBLIC COMMUNICATIONS:**

Information about this program and the West Nile Virus is available on the City's website.

**SUMMARY**

We spend approximately \$11,000 in larvicide material to administer our mosquito control program each season. The program includes treating local catch basins once during the season. This activity is eligible for reimbursement under Oakland County's West Nile Virus Fund Program.

**ATTACHMENTS:**

A resolution requesting reimbursement for the maximum allotment of \$2,705.23 for eligible mosquito control activity under Oakland County's West Nile Virus Fund Program.

**SUGGESTED COMMISSION ACTION:**

Make a motion adopting a resolution to approve the application to request reimbursement for the maximum allotment of \$2,705.23 for eligible mosquito control activity under Oakland County's West Nile Virus Fund Program.

**CITY OF BIRMINGHAM RESOLUTION AUTHORIZING WEST  
NILE VIRUS FUND EXPENSE REIMBURSEMENT REQUEST**

**WHEREAS**, upon recommendation of the Oakland County Executive, the Oakland County Board of Commissioners has established a West Nile Virus Fund Program to assist Oakland County cities, villages and townships in addressing mosquito control activities; and

**WHEREAS**, Oakland County's West Nile Virus Fund Program authorizes Oakland County cities, villages and townships to apply for reimbursement of eligible expenses incurred in connection with personal mosquito protection measures/activity, mosquito habitat eradication, mosquito larviciding or focused adult mosquito insecticide spraying in designated community green areas; and

**WHEREAS**, the City of Birmingham, Oakland County, Michigan has incurred expenses in connection with mosquito control activities believed to be eligible for reimbursement under Oakland County's West Nile Virus Fund Program.

**NOW THEREFORE BE IT RESOLVED** that the Birmingham City Commission authorizes and directs its Director of Public Services, as agent for the City of Birmingham, in the manner and to the extent provided under Oakland County Board of Commissioners, to request reimbursement of eligible mosquito control activity under Oakland County's West Nile Virus Fund Program.

**DATED**

**SIGNED**

**CERTIFIED**



## MEMORANDUM

Legal Department

**DATE:** April 3, 2023

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

**FROM:** Mary M. Kucharek, City Attorney  
Nicholas Dupuis, Planning Director  
Scott Grewe, Chief of Police

**SUBJECT:** Public Hearing - Whole Foods-2023 Liquor License Inspection

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### INTRODUCTION:

As a part of the Annual Liquor License Renewal process, the Planning Division and Police Department conducted inspections and provided enforcement histories for establishments that sell intoxicating liquor for consumption on the premises in the City pursuant to Chapter 10 of the Birmingham Code of Ordinances.

### BACKGROUND:

On February 27, 2023 (Agenda), 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 the establishment listed below to consider whether the City Commission shall file objections with the Michigan Liquor Control Commission. City Staff has followed up with this establishment and has provided an update on the status of the complaint filed:

#### **Whole Foods – 2100 E. Maple:**

Issues – Planning & Police Violations: Unpermitted e-commerce staging area blocking windows, sold to minor during a liquor decoy operation in 2022.

Resolution – For the e-commerce issue, representatives from Whole Foods have contacted the Planning Division and have indicated that they wish to relocate the e-commerce facility into what is currently the Maple Road Taproom. As a result, Whole Foods will have to surrender their Special Land Use Permit and would no longer be able to serve alcoholic liquors for on premise consumption. A copy of the proposed floor plan with the relocated e-commerce facility is attached for your review.

For the sale to minor, on March 7, 2023, the City Clerk mailed letters to businesses found to be in non-compliance at the Commission meeting held on February 27, 2023. The letter that was sent to Whole Foods that sold alcohol to minors contained the following from the police department:

“Due to the nature of the violation, the Police Department is requiring ownership or management of Whole Foods to provide the City with written proof identifying the date and time training was held with staff regarding the sale of alcohol. Training shall specifically cover prevention steps taken to ensure that illegal alcohol sales to minors are prevented. This written proof shall be sent before Wednesday, March 22, 2023, to the attention of Police Chief Scott Grewe, 151 Martin, Birmingham MI 48009 or sgrewes@bhamgov.org.”

A letter dated March 23, 2023 from a representative for Whole Foods states that the employee who sold to the minor did not follow policy and was terminated.

On March 27, 2023, the applicant explained to the City Commission that Whole Foods will no longer be serving liquor on the premises, and rather is going to be placing its Class C License into escrow with the Michigan Liquor Control Commission. Whole Foods intends to construct an e-commerce staging area in the area currently operating as a bistro. Whole Foods has sent in its plans and is currently awaiting a building permit.

As a result of the deconstruction of a bistro, Whole Foods is requesting that the Commission grant six months from the date the City approves building plans to construct the e-commerce staging area in the area currently operating as a bistro. Upon the commencement of the permit issuance, the Special Land Use Permit held by Whole Foods will be relinquished and terminated.

While Whole Foods is requesting six months, staff is only requesting a maximum of 90 days for termination of the SLUP.

#### LEGAL REVIEW:

The City Attorney has prepared this report and suggested action and resolution.

#### FISCAL IMPACT:

Due to the potential for Whole Foods to relinquish their Special Land Use Permit and the use of their Class C liquor license, the City will not receive any applications or fee revenue from the establishment for annual renewals or other liquor license activities.

#### PUBLIC COMMUNICATIONS:

As required by Chapter 10 of the Birmingham Code of Ordinances, the City Manager

notified the owners and operators of licensed establishments for which a public hearing was set via first class certified mail to inform them of the public hearing date set for the March 27, 2023 7:30 p.m. City Commission meeting, and inform them that they may submit any written material for consideration by the City Commission prior to or at the public hearing, that the licensee or counsel of licensee may appear at the hearing in person or via zoom, and that the licensee or counsel of licensee may present witnesses or written evidence for City Commission consideration at the public hearing.

#### SUMMARY:

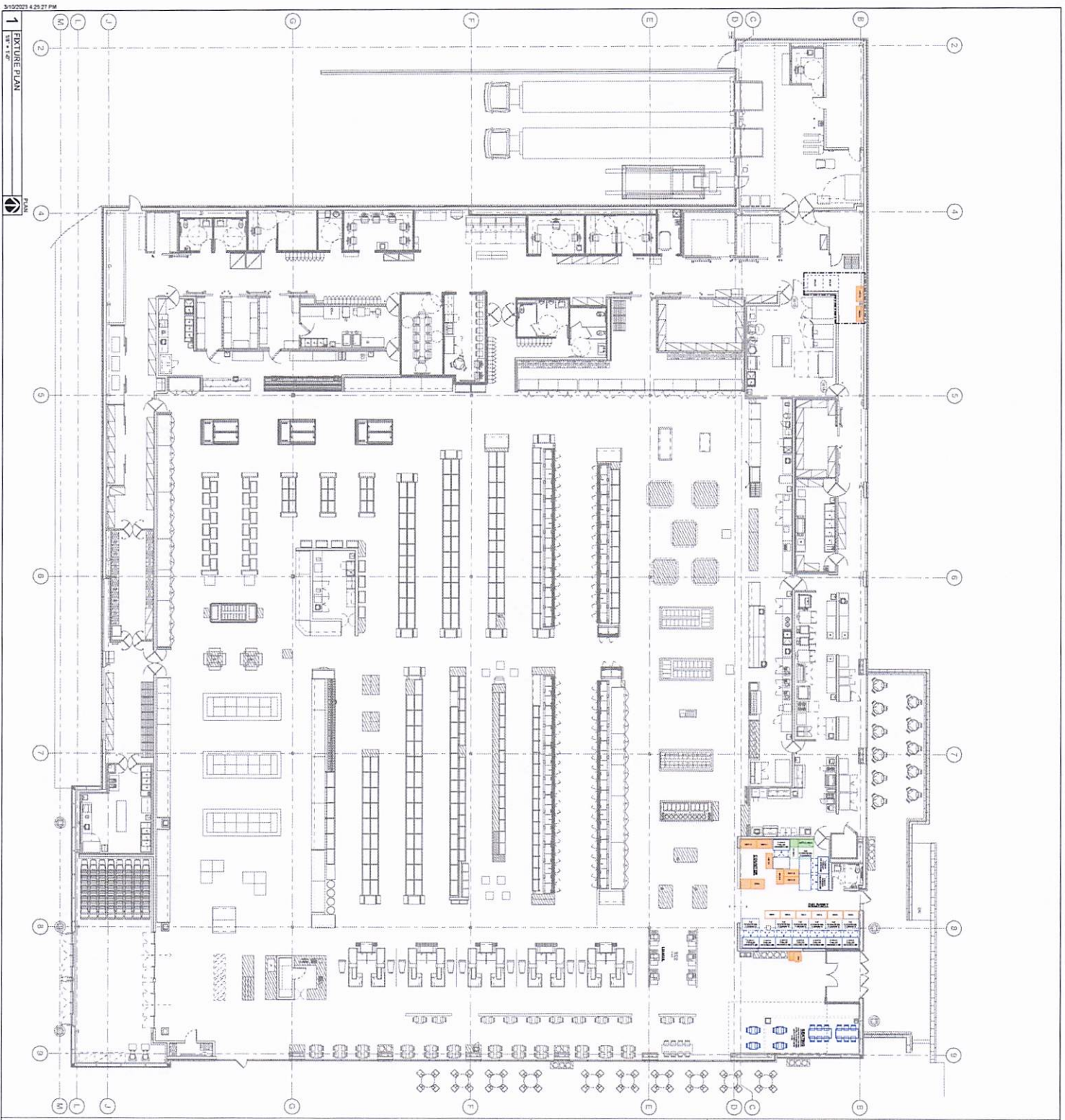
The Planning Department and the City Attorney's office request that the City Commission accept the termination and relinquishment of the Special Land Use Permit held by Whole Foods.

#### ATTACHMENTS:

- Whole Foods proposed new floor plan.
- March 7, 2023 letter to Whole Foods / Maple Room Taproom.
- March 23, 2023 letter to Nicholas Dupuis, Planning Director from Adkison, Need, Allen & Rentrop regarding Whole Foods public hearing.

#### SUGGESTED COMMISSION ACTION:

Make a motion adopting a resolution to accept the termination and relinquishment of the Special Land Use Permit held by Whole Foods upon the onset of construction, or a violation of the Special Land Use Permit, or a maximum of 90 days from today, or whichever event occurs first.



**SYMBOLS LEGEND**

[Symbol]	EXISTING TO REMAIN
[Symbol]	EXISTING - NEW ELEMENT
[Symbol]	EXISTING - NEW PRODUCT
[Symbol]	EXISTING - NEW MATERIAL
[Symbol]	EXISTING - NEW MATERIAL
[Symbol]	NEW
[Symbol]	REMOVE

**SHEET NOTES**

1. SEE SCHEDULE FOR MATERIALS, FINISHES, AND EQUIPMENT.
2. PROVIDE A MINIMUM OF 12" CLEARANCE FROM ALL WALLS AND PARTITIONS.
3. PROVIDE A MINIMUM OF 12" CLEARANCE FROM ALL WALLS AND PARTITIONS.
4. PROVIDE A MINIMUM OF 12" CLEARANCE FROM ALL WALLS AND PARTITIONS.
5. PROVIDE A MINIMUM OF 12" CLEARANCE FROM ALL WALLS AND PARTITIONS.

**EQUIPMENT MATRIX**

ITEM	DESCRIPTION	LOCATION	QTY	UNIT	REMARKS
1	STOVE	KITCHEN	1	EA	
2	OVEN	KITCHEN	1	EA	
3	REF	KITCHEN	1	EA	
4	REF	KITCHEN	1	EA	
5	REF	KITCHEN	1	EA	
6	REF	KITCHEN	1	EA	
7	REF	KITCHEN	1	EA	
8	REF	KITCHEN	1	EA	
9	REF	KITCHEN	1	EA	
10	REF	KITCHEN	1	EA	
11	REF	KITCHEN	1	EA	
12	REF	KITCHEN	1	EA	
13	REF	KITCHEN	1	EA	
14	REF	KITCHEN	1	EA	
15	REF	KITCHEN	1	EA	
16	REF	KITCHEN	1	EA	
17	REF	KITCHEN	1	EA	
18	REF	KITCHEN	1	EA	
19	REF	KITCHEN	1	EA	
20	REF	KITCHEN	1	EA	



Whole Foods/ Maple Room Taproom  
2100 E Maple  
Birmingham, MI 48009

Whole Foods/ Maple Room Taproom  
PO Box 684786  
Austin, TX 78768

March 7, 2023

**RE: 2023 City of Birmingham Annual Liquor License Renewal**

To Manager Ed Kipela,

On February 27, 2023, the City Commission considered the annual renewal of all liquor licenses within the City. All liquor licenses are required to be in compliance with Chapter 10, Alcoholic Liquors to qualify for renewal. Section 10-40 of Chapter 10, Alcoholic Liquors outlines the reasons why the City Commission may object to the renewal of a license for consumption of intoxicating liquor on the premises. A detailed review and inspection of your establishment revealed the following areas of non-compliance with Chapter 10, Alcoholic Liquors, section 10-40:

- Planning Violation: Unpermitted e-commerce staging area obstructing view.
- Police Violation: Sold to minor during a liquor decoy operation in 2022

Accordingly, the City Commission set a public hearing date for **Monday, March 27, 2023 7:30 p.m.** to consider whether to file objections with the Michigan Liquor Control Commission for the renewal of your liquor license in light of the above issues. Please be advised that you may appear at the hearing in person at the hearing or be represented by counsel, and you may present witnesses or written evidence at the hearing or prior to the hearing for consideration by the City Commission.

It is our hope that each of the issues noted above can be corrected prior to the scheduled public hearing on March 27, 2023 to allow the City Commission to approve the renewal of your establishment's liquor license at that time.

Once you have corrected the Planning violation please contact Nick Dupuis, Planning Director at [ndupuis@bhamgov.org](mailto:ndupuis@bhamgov.org) to schedule a re-inspection prior to the March 27, 2023 public hearing.

To correct the Police violation, the Police Department is requiring ownership or management of Whole Foods to provide the City with written proof identifying the date and time training was held with staff

regarding the sale of alcohol. Training shall specifically cover prevention steps taken to ensure that illegal alcohol sales to minors are prevented. This written proof shall be sent to the attention of Police Chief Scott Grewe, 151 Martin, Birmingham MI 48009 or [sgrewe@bhamgov.org](mailto:sgrewe@bhamgov.org).

Thank you for your continued cooperation,

**Alexandria Bingham**

City Clerk  
(248)530-1802  
[Abingham@bhamgov.org](mailto:Abingham@bhamgov.org)

**Christina Woods**

Deputy Clerk  
(248)530-1803  
[Cwoods@bhamgov.org](mailto:Cwoods@bhamgov.org)





LAW OFFICES

**ADKISON, NEED, ALLEN, & RENTROP**

PROFESSIONAL LIMITED LIABILITY COMPANY

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JOHN W. KUMMER  
GREGORY K. NEED  
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Telephone (248) 540-7400  
Facsimile (248) 540-7401  
[www.ANAfirm.com](http://www.ANAfirm.com)

OF COUNSEL:  
PHILLIP G. ADKISON  
KEVIN M. CHUDLER  
GARY R. RENTROP  
KATHERINE A. TOMASIK

March 23, 2023

Via Electronic Mail

Nicholas Dupuis, Planning Director  
City of Birmingham  
151 Martin Street  
Birmingham, MI 48009

**Re: Whole Foods  
2100 E Maple Rd.  
Public Hearing**

Dear Mr. Dupuis:

We represent Whole Foods in liquor licensing matters. Whole Foods' Class C liquor license and Special Land Use Permit will be discussed at a public hearing before the City Commission on March 27<sup>th</sup>. The public hearing is being conducted as part of the City's annual liquor license review.

The issue is that Whole Foods is using the front area at the northeast corner of the store for e-commerce staging. The equipment for this use obstructed the view into the space. Further, a Whole Foods employee was cited for selling alcohol to a minor in a decoy operation in 2022. This sale took place in the store.

Whole Foods has decided to cease operations of the Bistro/Class C license. Whole Foods attempted to find space in the store to operate the e-commerce business but has been unable to reposition this portion of the business adequately, without using the restaurant space. Whole Foods is working with the City on a proposal to accommodate the e-commerce business in compliance with all City Ordinances. The plans have been submitted to the City.

The Class C license will be placed in escrow with the Michigan Liquor Control Commission as of March 27<sup>th</sup>. Since Whole Foods will not be using the Class C license, a Special Land Use Permit will no longer be required.

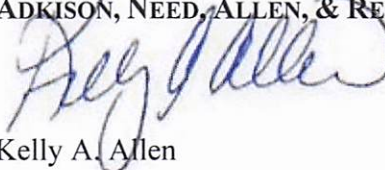
Whole Foods will continue to operate its full-service grocery store with liquor licenses to

sell beer, wine, and spirits for off premise consumption. The employees are trained in the sale of alcohol through an internal program. The employee who sold to a minor in 2022 was terminated in accordance with Whole Foods' policy of strict compliance with liquor laws. Additional steps have been taken since then to provide additional training to employees.

A Whole Foods representative will be present at the Public Hearing to answer any questions the City may have. Thank you for your consideration.

Very truly yours,

ADKISON, NEED, ALLEN, & RENTROP, PLLC



Kelly A. Allen

/kjp

*m:\whole foods\birmingham sdd & class c\corres\2023-03-23 ltr to ndupuis.docx*



## MEMORANDUM

Planning Division

**DATE:** March 28<sup>th</sup>, 2023

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

**FROM:** Brooks Cowan, Senior Planner

**APPROVED:** Nicholas Dupuis, Planning Director

**SUBJECT:** Public hearing for a lot combination of 34350 Woodward Avenue and 909-911 Haynes Street, Fred Lavery Porsche, Parcel # 19-36-281-022 and Parcel # 19-36-281-030.  
**(Request to Postpone)**

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### INTRODUCTION:

The owner of 34350 Woodward Avenue and 909-911 Haynes Street is seeking approval for a lot combination of two parcels into one in order to accommodate a new 2-3 story building for the Fred Lavery Porsche Dealership.

### BACKGROUND:

The subject properties are located on the northeast corner of the intersection at Haynes Street, Elm Street, and Woodward Avenue. The Fred Lavery Porsche Dealership is located at 34350 Woodward Ave while a two story commercial building is located at 907-911 Haynes Street. The applicant is proposing to demolish the existing buildings, combine the lots, and construct a multi-story auto sales agency capable of accommodating a larger fleet of vehicles on-site.

Auto sales agencies and auto show rooms within the MU-5 and MU-7 Zone require a Special Land Use Permit (SLUP), which the applicant obtained November 8<sup>th</sup>, 2010 for the 34350 Woodward parcel only.

In November of 2020 and January of 2021, the applicant appeared before City Commission to request a lot combination, however the applicant had yet to complete a formal review process with the Planning Board for expanding use under a SLUP. The applicant was directed to obtain site plan and SLUP review prior to completing the lot combination process.

On December 1<sup>st</sup>, 2022, ([Agenda](#) – [Minutes](#)) the applicant appeared before the Multi-Modal Transportation Board (MMTB) to review recommendations of the Triangle District Plan's concepts

for the intersection of Elm Street, Haynes Street, and Woodward Avenue.

On January 25<sup>th</sup>, 2023, ([Agenda](#) – [Minutes](#)) the Planning Board reviewed the application for the Final Site Plan and Special Land Use Permit (FSP & SLUP). The Planning Board moved to recommend approval of the FSP & SLUP with obtaining a lot combination as a condition of approval.

The Combination of Land Parcels Ordinance (Chapter 102, Section 102-83) requires that the following standards be met for approval of a lot combination.

- (1) *The Combination will result in lots or parcels of land consistent with the character of the area where the property is located, Chapter 126 of this Code for the zone district in which the property is located, and all applicable master land use plans.*

In regards to character of the area, the property is located within the City's Triangle District. The area is surrounded by a variety of uses and buildings ranging from one story to five stories in height which are mostly surrounded by surface parking.

In regards to zoning, 34350 Woodward is zoned MU-7 in the Triangle Overlay District while 907-911 Haynes Street is zoned MU-5. Both parcels are zoned B-2 in the underlying Zoning District. As previously mentioned, auto sales and auto showrooms are permitted with approval of a Special Land Use Permit in the MU-5 and MU-7 Zones. The subject property's SLUP application in 2010 was for one parcel only at 34350 Woodward and expanding the auto sales and auto showroom use requires a SLUP amendment.

The applicant has appeared before the Planning Board for Preliminary and Final Site Plan review with the new building proposal. The applicant has satisfied all Zoning Ordinance requirements and merited a recommendation of approval from the Planning Board to City Commission.

In regards to applicable Master Plans, the Triangle District Plan recommends that Worth Street be realigned to connect Bowers Street to the proposed Worth Plaza to improve connectivity within the Triangle District. City staff has determined not to pursue the Worth Street extension due to complications, one of which being a lack of control over the property to the north necessary for completing the extension.

The Triangle District Master Plan also recommends that the intersection of Elm Street at Haynes Street and Woodward Avenue be realigned to reduce speeds of vehicles exiting Woodward Ave onto Elm Street, reduce turning conflicts, and enhance pedestrian safety at the crosswalks. The applicant has appeared before the Multi-Modal Transportation Board and Planning Board for review of this intersection. There was general consensus from each board that option C2 of the Triangle District Plan which includes a one way southbound Elm Street with an extended bumpout to prevent turning conflicts from Haynes Street. The implementation of option C2 was recommended by staff as a condition of approval for the applicant's Final Site Plan and SLUP.

**Accordingly, the proposed lot combination appears to satisfy this requirement.**

- (2) *All residential lots formed as a result of a combination shall be a maximum width of no more than twice the average lot width of all lots in the same zone district within 300 feet*

*on the same street.*

**The proposed combination is commercial, not residential, therefore this requirement is not applicable.**

- (3) *All residential lots formed as a result of a combination shall be a maximum area of no more than twice the average lot area of all lots in the same zone district within 300 feet on the same street.*

**The proposed combination is commercial, not residential, therefore this requirement is not applicable.**

- (4) *The combination will result in building envelopes on the combined parcels that will allow for the placement of buildings and structures in a manner consistent with the existing rhythm and pattern of development within 500 feet in all directions in the same zone district.*

The Triangle District has a variety of buildings types ranging in height and size, many of which are surrounded by large surface parking lots. **Given the existing conditions of the lower Triangle District, the proposed lot combination and building envelope appear to meet this requirement.**

- (5) *Any due or unpaid taxes or special assessments upon the property have been paid in full.*

There are no outstanding taxes due on this property. **The proposal meets this requirement.**

- (6) *The combination will not adversely affect the interest of the public or the abutting property owners. In making this determination, the City Commission shall consider, but not be limited to the following:*

*a.) The location of proposed buildings or structures, the location and nature of vehicular ingress or egress so that the use or appropriate development of adjacent land or buildings will not be hindered, nor the value thereof impaired.*

**Based on the attached survey the proposed lot combination and building envelope appear to meet this requirement.**

*b.) The effect of the proposed combination upon any floodplain areas, wetlands and other natural features and the ability of the applicant to develop a buildable site on the resulting parcel without unreasonable disturbances of such natural features.*

**The property is not located in a floodplain or wetlands, nor adjacent to a floodplain or wetlands.**

*c.) The location, size, density and site layout of any proposed structures or buildings as they may impact an adequate supply of light and air to adjacent properties and the capacity of essential public facilities such as police and fire protection, drainage structures, municipal sanitary sewer and water, and refuse disposal.*

**The proposed lot combination does not appear to impact the supply of light and air to adjacent properties or the ability of the City to provide essential services.**

**LEGAL REVIEW:**

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

**FISCAL IMPACT:**

There are no fiscal impacts for this agenda item.

**PUBLIC COMMUNICATIONS:**

As required for lot combinations, notices were sent out to all property owners and tenants within 300 ft. of the property in advance of the April 3<sup>rd</sup>, 2023 public hearing at the City Commission.

**SUMMARY:**

The Planning Division requests that the City Commission consider postponing the public hearing to a date of April 24<sup>th</sup>, 2023 to consider the lot combination of 34350 Woodward Ave and 909-911 Haynes Street - Fred Lavery Porsche - parcel # 19-36-281-022 and parcel # 19-36-281-030 per the request of the applicant in order to have the SLUP hearing and lot combination hearing on the same date.

**ATTACHMENTS:**

- Letter to the City
- Registered land surveys
- Proof of ownership

**SUGGESTED ACTION:**

Make a motion to postpone the public hearing and consideration of the lot combination of 34350 Woodward Ave and 909-911 Haynes Street, Fred Lavery Porsche, parcel # 19-36-281-022 and parcel # 19-36-281-030 to a date of April 24<sup>th</sup>, 2023 per the request of the applicant in order to have the SLUP hearing and lot combination on the same date.

**LAVERY MICHIGAN DEALERSHIP  
PROPERTIES NO. 1, LLC  
440 LAKE PARK  
BIRMINGHAM, MI 48009  
248-645-5930**

March 24, 2023

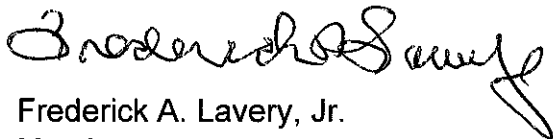
Brooks Cowan  
City of Birmingham  
151 Martin Street  
Birmingham, MI 48009

RE: SLUP, Site Plan and Lot Combination Review by City Commission  
Fred Lavery Porsche Company

Dear Brooks:

By this letter I am requesting that you postpone the City Commission reviews of our final site plan design review and SLUP from the April 3, 2023 meeting to April 24, 2023. This will allow review of our lot combination request at the meeting on April 24, 2023. I also assume your file is complete with what you need for these reviews.

Sincerely,



Frederick A. Lavery, Jr.  
Member



Williams Williams Rattner & Plunkett, P.C.  
Attorneys and Counselors

380 North Old Woodward Avenue  
Suite 300  
Birmingham, Michigan 48009

Tel: (248) 642-0333  
Fax: (248) 642-0856

[www.wwrplaw.com](http://www.wwrplaw.com)

March 3, 2023

***By Email and Hand Delivery***

Richard D. Rattner  
[rdr@wwrplaw.com](mailto:rdr@wwrplaw.com)

City Commission  
City of Birmingham  
151 S. Martin Street  
Birmingham, MI 48009  
Attn: Nicholas Dupuis

Re: Combination of Platted Lots Application for Parcel Nos. 19-36-281-030 and 19-36-281-022, property known as 34350 Woodward Avenue and 909-911 Haynes Street, Birmingham, MI (“Application”)

Dear Mr. Dupuis and Members of the City Commission:

We submit this letter in support of the Application filed by Lavery Michigan Dealership No. I, LLC (“Applicant”) for a lot combination of the parcels commonly known as 34350 Woodward Avenue and 909-911 Haynes Street, Birmingham, MI (the “Subject Property”). Please let this letter suffice as the required statement of reason for the requested lot combination, as required by the Combination of Platted Lots Application, paragraph 5.

The Application was submitted as part of a series of applications filed with the Planning Department on behalf of Applicant and its proposed development project at the Subject Property. The purpose of the lot combination is to create a single parcel on the corner of Elm and Haynes Streets and Woodward Avenue, upon which Applicant plans to build a three (3) story retail automobile dealership, with a 130 space parking garage. The Woodward parcel has operated as a Porsche automobile sales dealership for the past thirteen (13) years, and after Applicant’s acquisition of the Haynes parcel in 2014, it has operated as supporting office and parking space for the dealership at various times. The Applicant desires to redesign and combine both parcels in order to make it a seamless part of the Porsche dealership.

On January 25, 2023, the City of Birmingham Planning Board conditionally approved Applicant’s application for a Special Land Use Permit (SLUP) and its site plan to develop this project. One of the conditions to SLUP approval is that “the applicant obtain a lot combination to create a single parcel for 34350 Woodward Ave & 909-911 Haynes Street.” See attached Exhibit 1, Meeting Minutes from January 25, 2023 Planning Board Meeting. Applicant is now required to obtain approval from the City Commission for its SLUP and site plan, which it plans to do at the Commission’s March 13, 2023 meeting. Senior City Planner Brooks Cowan



informed Applicant that the City would like include the lot combination hearing with the SLUP hearing at this meeting.

The following analysis of the relevant portions of the City of Birmingham Code of Ordinances provides further support for the Application.

**Ordinance Sec. 102-83 – Lot Combination Standards for approval**

***(1) The combination will result in lots or parcels of land consistent with the character of the area where the property is located, Chapter 126 of this Code for the zone district in which the property is located, and all applicable master land use plans.***

The Subject Property has operated as a Porsche auto sales dealership for the past thirteen (13) years, although the Subject Property currently consists of the sales building and a surface parking lot for automobile storage, as well as a two-story building that Applicant used as office space under a temporary SLUP amendment. A T-Mobile Cell Phone Store is immediately to the northwest (across Elm) and a single-story office building is directly to the north. South across Haynes is the Walgreens drug store, which sits on a large parcel. The proposed development is consistent with the character of the area where the property is located because it will unify the existing two parcels and the incongruous buildings and surface parking thereon into one cohesive structure: a three (3) story retail automobile dealership with a 130-space parking garage.

The Subject Property is in the Triangle District of Birmingham, and the proposed combination will result in a development that comports exactly with the vision of the 2007 Triangle District Urban Design Plan (“2007 Plan”). The 2007 Plan provides the following vision for development in the District: “The Triangle District is a stage for bold and distinctive architecture that creates a unique identity for the neighborhood and City. Building masses are the primary features, replacing the bleak” surface parking lots that currently dominate the landscape. (2007 Plan, p. 1).

The relevant sections of the City of Birmingham Zoning Ordinance Sec. 126-3.05(C), include the following purpose of the Triangle District: “Minimize traffic congestion, inefficient surface parking lots,” which is exactly what this combination and development will do. The proposed combination is consistent with the standards of development in the Triangle District, as evidenced by the conditional approval of the SLUP and site plan.

The lot combination will create a single parcel which will allow Applicant to build a structure with more mass and a parking garage, achieving the two primary goals set forth in the 2007 Triangle District Plan and the Zoning Ordinance. It also will contribute to a continuous

streetscape down this block of Haynes, ridding it of some of the break currently caused by surface parking.

- (2) All residential lots formed as a result of a combination shall be a maximum width of no more than twice the average lot width of all lots in the same zone district within 300 feet on the same street.***

The Subject Property is a commercial lot and therefore this standard of approval is not applicable.

- (3) All residential lots formed as a result of a combination shall be a maximum area of no more than twice the average lot area of all lots in the same zone district within 300 feet on the same street.***

The Subject Property is a commercial lot and therefore this standard of approval is not applicable.

- (4) The combination will result in building envelopes on the combined parcels that will allow for the placement of buildings and structures in a manner consistent with the existing rhythm and pattern of development within 500 feet in all directions in the same zone district.***

The Applicant desires to develop the Subject Property in a manner already addressed that will allow for a new three (3) story retail automobile dealership, with a 130-space parking garage, on the site of Applicant's currently retail automobile dealership. This is consistent with development within 500 feet of the Subject Property. The proposed development is not inconsistent with the existing rhythm and pattern of development within 500 feet in all directions (such as the large Walgreens building to the south) and is consistent with the 2007 Triangle District Plan, which seeks to promote the development of larger mass buildings with parking structures.

- (5) Any due or unpaid taxes or special assessments upon the property have been paid in full.***

There are no unpaid taxes or special assessments related to the Subject Property.

***(6) The combination will not adversely affect the interest of the public or the abutting property owners.***

The proposed lot combination combines two parcels that are used in the same manner as proposed by the new development. The combination will have no negative impact on the public or the abutting property owners and will improve traffic flow and parking concerns in the surrounding area (see Ordinance Sec. 102-83(6)(a)). The Subject Property is not located in a floodplain, wetland, or other area with protected natural features, nor will the proposed combination and development impact the public or abutting property owners' supply of light, air, or access to essential public facilities (see Ordinance Sec. 102-83(6)(b-c)).

### **Conclusion**

This Application to combine the two lots to create one unified parcel on the Subject Property is a benefit to the health, safety, and welfare of our community and satisfies the spirit and intent of Ordinance Section 102-83(1) – (6). We respectfully request the lot combination be recommended for approval to the City Commission.

Very truly yours,

WILLIAMS WILLIAMS RATTNER & PLUNKETT, PC

*Richard D. Rattner*

Richard D. Rattner

CERTIFICATE OF SURVEY  
ORIGINAL PARCEL CONFIGURATION

LEGAL DESCRIPTION

(Per Survey Oakland)

19-36-281-030  
T2N, R10E, SEC 36 BOWERS ADD ELY PART OF LOT 6 BEG AT NE LOT COR, TH WLY 1.35 FT ALG N LOT LINE, TH S 01-00-00 W 65.50 FT PARA TO E LOT LINE, TH SELY 52.89 FT TO SE LOT COR, TH NLY 118.42 FT ALG E LOT LINE TO BEG, ALSO ALL OF LOTS 7, 8 & 9, ALSO WLY PART OF LOT 10 MEAS 10.14 FT ALG N LOT LINE & 10.58 FT ALG S LOT LINE

LEGAL DESCRIPTION

(Per Survey Oakland)

19-36-281-022  
T2N, R10E, SEC 36 BOWERS ADD LOT 3 EXC THAT PART TAKEN FOR HWY, ALL OF LOTS 4 & 5, ALSO LOT 6 EXC ELY PART BEG AT NE LOT COR, TH W 1.35 FT ALG N LOT LINE, TH SLY 65.50 FT PARA TO E LOT LINE, TH SELY 52.89 FT TO SE LOT COR, TH NLY ALG LOT LINE TO BEG



CLIENT: Lavery Michigan Dealership Properties No. 1, LLC 909 HAYNES STREET BIRMINGHAM, MICHIGAN 48009	SCALE:     —	JOB No: 2019-344
	DATE: 9/18/19	DWG. No: 1 of 4

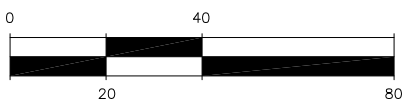
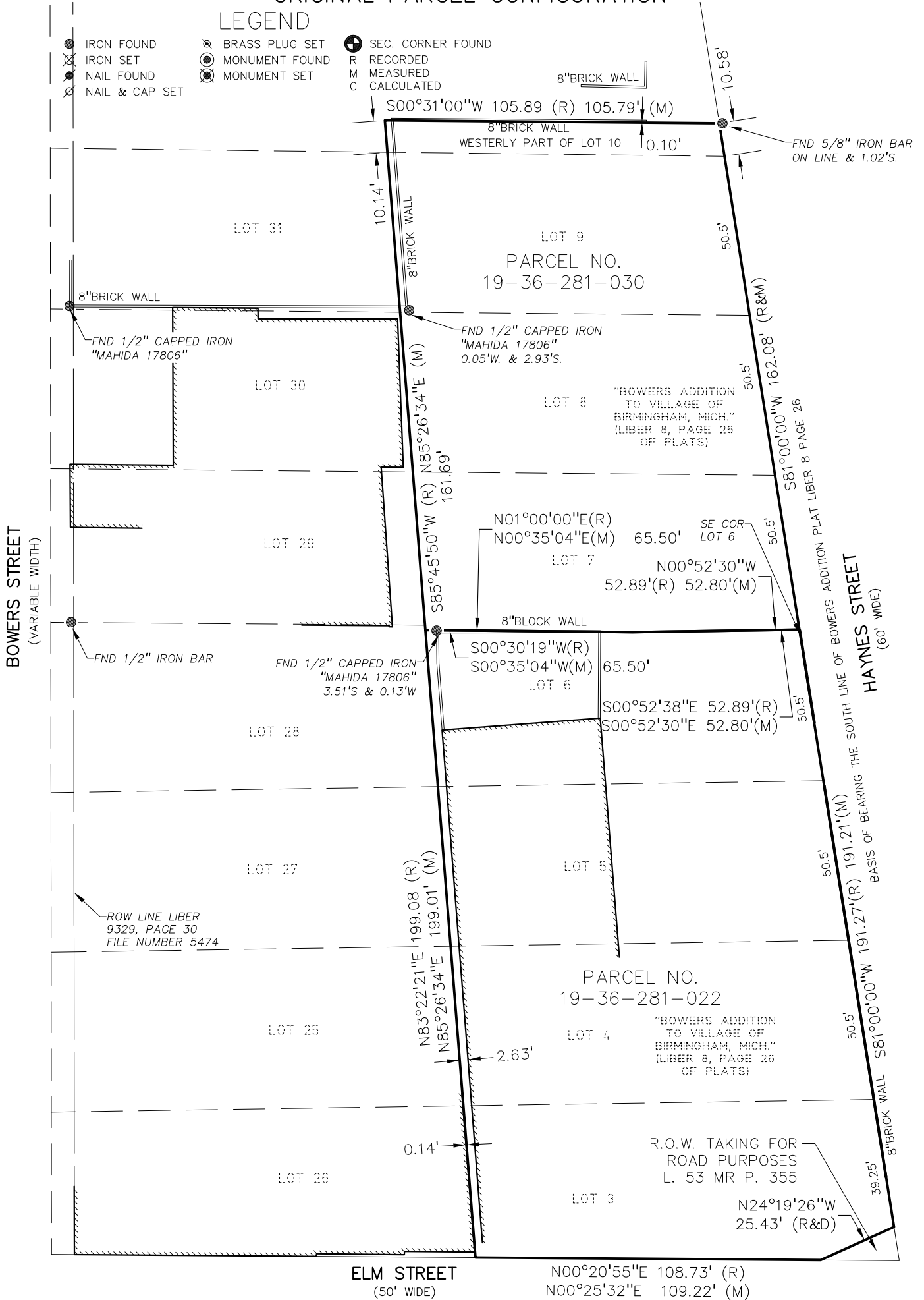
PEA, Inc.

2430 Rochester Ct, Ste 100  
Troy, MI 48063-1872  
t: 248.689.9090  
f: 248.689.1044  
www.peainc.com

CERTIFICATE OF SURVEY  
ORIGINAL PARCEL CONFIGURATION

LEGEND

- IRON FOUND  
IRON SET  
NAIL FOUND  
NAIL & CAP SET  
BRASS PLUG SET  
MONUMENT FOUND  
MONUMENT SET  
SEC. CORNER FOUND  
R RECORDED  
M MEASURED  
C CALCULATED



CLIENT:  
Lavery Michigan Dealership Properties No. 1, LLC  
909 HAYNES STREET  
BIRMINGHAM, MICHIGAN 48009

SCALE: 1" = 40'

DATE: 9/18/19

JOB No: 2019-344

DWG. No: 2 of 4

PEA, Inc.

2430 Rochester Ct. Ste 100  
Troy, MI 48063-1872  
t: 248.689.9090  
f: 248.689.1044  
www.peainc.com

CERTIFICATE OF SURVEY  
PROPOSED PARCEL CONSOLIDATION

LEGAL DESCRIPTION  
(Per PEA Inc.)

Combined Parcel

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

A parcel of land lying in "Bowers Addition" being a part of Section 36, Town 2 North, Range 10 East, including all of lots 3, 4, 5, 6, 7, 8, 9, and the westerly 10.14 feet along the northerly line of Lot 10 and the westerly 10.58 feet along the southerly line of Lot 10, excluding a portion taken for Right-of-Way purposes, as described in Liber 53 Miscellanies Records, Page 355,, more particularly described as;

Commencing at the southwest corner of Lot 3, thence N81°00'00"E, 10.79 feet along the south line of said Lot 3 to the Point of Beginning;  
thence N24°19'26"W, 25.43 feet;  
thence N00°25'32"E, 109.22 feet along the West Line of said Lot 3 and the East Line of Elm Street;  
thence N85°26'34"E, 360.70 feet along the North Line of Lots 3–10 of said Bower's Addition;  
thence S00°31'00"W, 105.79 feet;  
thence S81°00'00"W, 353.29 feet along the South Line of said Lots 3–10 and the North Line of Haynes Street to the Point of Beginning.  
Containing 0.99 Acres more or less.

Basis of bearing the south line of Bowers Addition Plat Liber 8 Page 26

CERTIFICATION

I, Todd D. Shelly, being a Licensed Professional Surveyor, hereby certify, that I have surveyed and mapped the parcel(s) heron described and that the relative positional precision of each corner is within the limits accepted by the practice of professional surveying and that all the requirements of P.A. 132 of 1970, as amended, have been complied with.

DATE






Michigan Professional Surveyor No. 41111  
Agent for PEA, Inc.

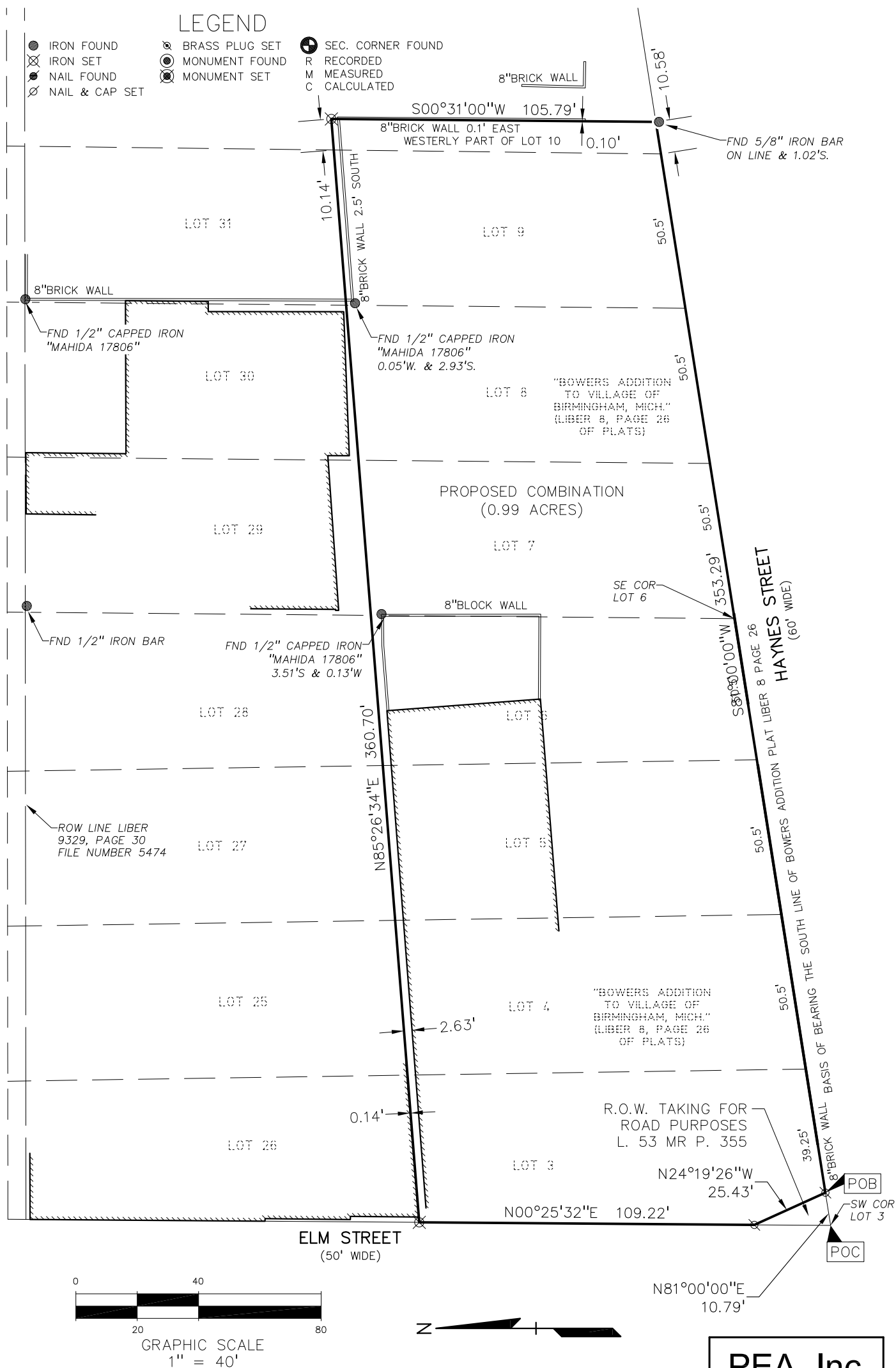


**PEA, Inc.**  
2430 Rochester Ct, Ste 100  
Troy, MI 48063-1872  
t: 248.689.9090  
f: 248.689.1044  
www.peainc.com

CLIENT: Lavery Michigan Dealership Properties No. 1, 909 HAYNES STREET BIRMINGHAM, MICHIGAN 48009	SCALE: – LC	JOB No: 2019–344
	DATE: 9/18/19	DWG. No: 3 of 4

## LEGEND

- |  |  |   |
|--|--|---|
|  IRON FOUND     |  BRASS PLUG SET |  SEC. CORNER FOUND |
|  IRON SET       |  MONUMENT FOUND | R RECORDED  |
|  NAIL FOUND     |  MONUMENT SET   | M MEASURED  |
|  NAIL & CAP SET |  | C CALCULATED  |



PEA, Inc.

2430 Rochester Ct, Ste 100  
Troy, MI 48063-1872  
t: 248.689.9090  
f: 248.689.1044  
[www.peainc.com](http://www.peainc.com)

CLIENT:  
Lavery Michigan Dealership Properties No. 1, LLC  
909 HAYNES STREET  
BIRMINGHAM, MICHIGAN 48009

SCALE: 1" = 40'

JOB No: 2019-344

DATE: 9/18/19

DWG. No: 4 of 4

S:\PROJECTS\2019\2019-344 LAVERY-BARDHA PARCEL CONSOLIDATION\SURVEY-DEPT\19344BND\DWG\19-344 Parcel consolidation.dwg: RAT

EXHIBIT A

LEGAL DESCRIPTION

Land situated in the City of Birmingham, Oakland County, Michigan, more particularly described as:

Lot 3 of "Bowers Addition", according to the plat thereof recorded in Liber 8 of Plats, Page 26, Oakland County Records, except that part taken for highway; also together with:

All of Lots 4 and 5 of "Bowers Addition", according to the plat thereof recorded in Liber 8 of Plats, Page 26, Oakland County Records; also together with

Lot 6 of "Bowers Addition", according to the plat thereof recorded in Liber 8 of Plats, Page 26, Oakland County Records, except the Easterly part, beginning at the Northeast Lot corner; thence West 1.35 feet along the Lot line; thence Southerly 65.50 feet parallel to the East Lot line; thence South 52.89 feet to the Southeast Lot corner; thence Northerly along said Lot line to the beginning.

Sidwell #: 19-36-281-022  
Commonly Known As: 835 and 845 Haynes Street

Commonly Known as 34350 Woodward Ave.  
Birmingham, MI

See Attached letter





July 9, 2012

Ms. Sandy Melki  
US Auto Group, Ltd.  
34602 Woodward Ave.  
Birmingham, Michigan 48009

Ms. Melki:

This letter is to confirm the City of Birmingham did change the address of the property where the Fred Lavery Company / Porsche Dealership are located. The previous address was 835 Haynes Street and the new address is 34350 Woodward Avenue. If you have any questions regarding this matter please contact me at (248) 530-1849 during normal business hours.

Sincerely,

A handwritten signature in black ink that reads "Kenneth P. Cooper". The signature is fluid and cursive.

Kenneth P. Cooper  
Assistant Building Official

A2  
EXHIBIT A - LEGAL DESCRIPTION

Tax Id Number(s): 19-36-281-030

Land Situated In the City of Birmingham in the County of Oakland in the State of MI

Town 2 North, Range 10 East, Section 36, BOWERS ADDITION SUBDIVISION, as recorded in Liber 8, Page 26 of Plats, Oakland County Records. Easterly part of Lot 6 beginning at Northeast lot corner, thence Westerly 1.35 feet along North lot line, thence South 01 degrees 00 minutes 00 seconds West 65.50 feet parallel to East lot line, thence Southeasterly 52.89 feet to Southeast lot corner, thence Northerly 118.42 feet along East lot line to beginning, also all of Lots 7, 8 and 9, also Westerly part of Lot 10 measures 10.14 feet along North lot line and 10.58 feet along South lot line.

Client Reference: 907 & 911 Haynes St. , Birmingham, MI 48009

**EXHIBIT A**

**LEGAL DESCRIPTION**

Land situated in the City of Birmingham, Oakland County, Michigan, more particularly described as:

Lot 3 of "Bowers Addition", according to the plat thereof recorded in Liber 8 of Plats, Page 26, Oakland County Records, except that part taken for highway; also together with:

All of Lots 4 and 5 of "Bowers Addition", according to the plat thereof recorded in Liber 8 of Plats, Page 26, Oakland County Records; also together with

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Sidwell #: 19-36-281-022  
Commonly Known As: 835 and 845 Haynes Street

**EXHIBIT B**

**EXCEPTIONS**

1. Taxes and assessments for the year 2010 and thereafter which constitute a lien on the Property but are not yet due and payable.
2. Highway Easement recorded in Liber 53, Page 355 of Miscellaneous Records, Oakland County Records, Michigan.

OAKLAND.1841170.1

EXHIBIT A - LEGAL DESCRIPTION

Tax Id Number(s): 19-36-281-030

Land Situated In the City of Birmingham in the County of Oakland in the State of MI

Town 2 North, Range 10 East, Section 36, BOWERS ADDITION SUBDIVISION, as recorded in Liber 8, Page 26 of Plats, Oakland County Records. Easterly part of Lot 6 beginning at Northeast lot corner, thence Westerly 1.35 feet along North lot line, thence South 01 degrees 00 minutes 00 seconds West 65.50 feet parallel to East lot line, thence Southeasterly 52.89 feet to Southeast lot corner, thence Northerly 118.42 feet along East lot line to beginning, also all of Lots 7, 8 and 9, also Westerly part of Lot 10 measures 10.14 feet along North lot line and 10.58 feet along South lot line.

Client Reference: 907 & 911 Haynes St. , Birmingham, MI 48009

**EXHIBIT B**

**EXCEPTIONS**

1. Lease dated June 3, 2010 between Sheriban and Agim Bardha and Spa Mariana, LLC, successor in interest to Corpo Chair Massage, LLC.

OAKLAND COUNTY TREASURER'S CERTIFICATE  
This is to certify that there are no delinquent property  
taxes as of this date owed to our office on this property.  
No representation is made as to the status of any taxes,  
liens or titles owed to any other entities.

MAY 15 2015

1.00

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

LIBER 48188 PAGE 142  
\$22.00 DEED - COMBINED  
\$4.00 REMONUMENTATION  
\$17,200.00 TRANSFER TX COMBINED  
05/18/2015 03:32:24 PM RECEIPT# 56415  
PAID RECORDED - Oakland County, MI  
Lisa Brown, Clerk/Register of Deeds

STATE OF  
MICHIGAN

OAKLAND  
05/18/2015  
56415

REAL ESTATE  
TRANSFER TAX

\$2,200.00 CO  
\$15,000.00 ST  
001002777

## WARRANTY DEED

THEODORE N. MITCHELL AND KATHY MITCHELL, husband and wife, GREGORY MITCHELL AND ATHINA MITCHELL, husband and wife, AND MARK MITCHELL AND MARTHA MITCHELL, husband and wife (collectively, "Grantor"), whose address is 339 N. Center Street, Northville, Michigan 48167 ("Grantor"), conveys and warrants to Lavery Michigan Dealership Properties a Michigan limited liability company ("Grantee"), whose address is 33583 Woodward Ave. Birmingham the premises situated in the City of Birmingham, Oakland County, Michigan, more specifically described as: \*\*MI 48009

\*No. 1, LLC, a Michigan limited liability company

See Exhibit A hereto

for the sum set forth on the Real Estate Transfer Tax Valuation Affidavit filed herewith, subject only to the exceptions set forth on Exhibit B hereto.

If the land being conveyed is unplatted, the following is deemed to be included:

Grantor grants to Grantee the right to make all division(s) under Section 108 of the Land Division Act, Act No. 288 of the Public Acts of 1967, as amended.

This property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan Right to Farm Act.

Dated:

April 30, 2015

OK - LB

Cert

[SIGNATURES BEGIN ON NEXT PAGE]

Warranty Deed

1508076

26

RECEIVED  
OAKLAND COUNTY  
REGISTER OF DEEDS

2015 MAY 13 AM 10:59

SP  
A  
Cert

GRANTOR:

Theodore N. Mitchell

Theodore N. Mitchell

Kathy Mitchell

Kathy Mitchell, his wife

Gregory Mitchell

Gregory Mitchell

Athina Mitchell

Athina Mitchell, his wife

Mark Mitchell

Mark Mitchell

Martha Mitchell

Martha Mitchell, his wife

STATE OF MICHIGAN )

COUNTY OF OAKLAND ) ss.

The foregoing instrument was acknowledged before me in OAKLAND County, Michigan, this 10<sup>th</sup> day of June, 2010, by Theodore N. Mitchell and Kathy Mitchell, his wife.

Sandra J. Melki

Print name: Sandra J. Melki

Notary Public

State of Michigan, County of \_\_\_\_\_

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

Acting in the County of \_\_\_\_\_



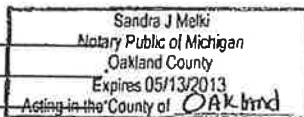
Warranty Deed



STATE OF MICHIGAN )  
COUNTY OF Oakland ) ss.

The foregoing instrument was acknowledged before me in Oakland County, Michigan, this 16<sup>th</sup> day of June, 2010, by Gregory Mitchell and Athina Mitchell, his wife.

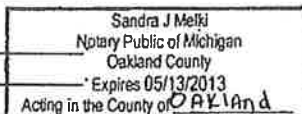
Sandra J Melki  
Print name: Sandra J. Melki  
Notary Public  
State of Michigan, County of \_\_\_\_\_  
My commission expires \_\_\_\_\_  
Acting in the County of \_\_\_\_\_



STATE OF MICHIGAN )  
COUNTY OF Oakland ) ss.

The foregoing instrument was acknowledged before me in Oakland County, Michigan, this 16<sup>th</sup> day of June, 2010, by Mark Mitchell and Martha Mitchell, his wife.

Sandra J Melki  
Print name: Sandra J. Melki  
Notary Public  
State of Michigan, County of \_\_\_\_\_  
My commission expires \_\_\_\_\_  
Acting in the County of \_\_\_\_\_



**Drafted by and when recorded return to:**  
Howard N. Luckoff, Esq.  
Honigman Miller Schwartz and Cohn LLP  
2290 First National Building  
660 Woodward Avenue  
Detroit, MI 48226

Send subsequent tax bills to: Grantee

Recording Fee: \$ \_\_\_\_\_

Transfer Tax: See Real Estate Transfer Tax Valuation Affidavit

Warranty Deed

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

JUN 06 2014

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

1.00

00-1862

LIBER 47102 PAGE 586  
\$19.00 DEED - COMBINED  
\$4.00 REMONUMENTATION

06/06/2014 03:17:34 PM RECEIPT# 53438  
PAID RECORDED - Oakland County, MI  
Lisa Brown, Clerk/Register of Deeds

## COVENANT DEED

Agim Bardha and Sheriban Bardha, husband and wife (collectively, "Grantor"), whose address is 550 Bates, Birmingham, Michigan 48009, hereby sells, conveys, grants and bargains to Lavery Michigan Dealership Properties No. 1, LLC, a Michigan limited liability company ("Grantee"), whose address is 440 Lake Park Drive, Birmingham, Michigan 48009, the premises situated in the City of Birmingham, Oakland County, Michigan, more specifically described as:

See Exhibit A hereto

for the sum set forth on the Real Estate Transfer Tax Valuation Affidavit filed herewith.

Grantor, for itself, its successors and assigns, covenants, grants, bargains, and agrees to and with Grantee, its successors and assigns, that, subject to the exceptions set forth on Exhibit B hereto, Grantor has not done, committed or knowingly suffered to be done or committed any act, matter, or thing whatsoever, whereby the premises hereby granted, or any part thereof, is, or shall or may be, charged or encumbered in title, estate or otherwise.

If the land being conveyed is unplatted, the following is deemed to be included:

Grantor grants to Grantee the right to make all division(s) under Section 108 of the Land Division Act, Act No. 288 of the Public Acts of 1967, as amended.

This property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan Right to Farm Act.

[SIGNATURES ON NEXT PAGE]

OK - LG


REVENUE TO BE AFFIXED  
AFTER RECORDING

Covenant Deed  
Page 1 of 2

RECEIVED  
OAKLAND COUNTY  
REGISTER OF DEEDS  
2014 JUN -6 PM 3:17

**SIGNATURE PAGE TO COVENANT DEED FROM  
SHERIBAN AND AGIM BARDHA TO LAVERY MICHIGAN DEALERSHIP  
PROPERTIES NO. 1, LLC**

**GRANTOR:**

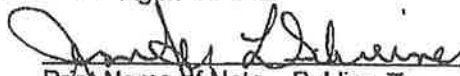
  
\_\_\_\_\_  
Sheriban Bardha

  
\_\_\_\_\_  
Agim Bardha

Dated as of June 2, 2014

STATE OF MICHIGAN     )  
                                      ) SS.  
COUNTY OF OAKLAND    )

This instrument was acknowledged before me in Oakland County, Michigan, on the 2nd of June, 2014, by Sheriban Bardha and Agim Bardha.

  
\_\_\_\_\_  
Print Name of Notary Public: Jennifer L. Schreiner  
Notary Public, State of Michigan, County of Oakland  
My commission expires: 4/11/20  
Acting in the County of Oakland

**~~Drafted by and when recorded return to:~~**

Sarah Baumgartner, Esq.  
Honigman Miller Schwartz and Cohn LLP  
660 Woodward Avenue  
2290 First National Building  
Detroit, MI 48226-3506

**When Recorded Return to:**

Title Source, Inc. -  
Commercial Team  
662 Woodward Avenue  
Detroit, MI 48226  
TSI#: 58767941

Send subsequent tax bills to: Grantee

Recording Fee: \$ \_\_\_\_\_

Transfer Tax: See Real Estate Transfer Tax Valuation Affidavit

Covenant Deed  
Page 2 of 2



## MEMORANDUM

Planning Division

**DATE:** March 28<sup>th</sup>, 2023

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

**FROM:** Brooks Cowan, Senior Planner

**APPROVED:** Nicholas Dupuis, Planning Director

**SUBJECT:** Public Hearing for 34350 Woodward Ave & 909-911 Haynes Street – Fred Lavery Porsche Dealership – Special Land Use Permit, Final Site Plan & Design Review  
**(Request to Postpone)**

---

### INTRODUCTION:

The applicant has submitted an application for a Special Land Use Permit, Final Site Plan and Design Review for a three-story auto sales agency in the MU-5 and MU-7 zones of the Triangle District.

### BACKGROUND:

The applicant originally received a Special Land Use Permit in 2010 to operate a Porsche car dealership at 34350 Woodward Ave. The applicant is proposing to demolish the existing building as well as the adjacent site at 909-911 Haynes, combine the lots, and construct a multi-story auto sales agency capable of accommodating a larger fleet of vehicles on-site.

On October 26<sup>th</sup>, 2022 ([Agenda](#) – [Minutes](#)), the applicant appeared before the Planning Board for a Community Impact Study and Preliminary Site Plan review. An item of discussion was the new garage door and curb cut facing the pedestrian crosswalk on Elm Street. Staff recommended that the applicant coordinate with staff and relevant boards on considering a reconfiguration for Elm Street. Upon review the Planning Board moved to accept the CIS with the following conditions:

1. The applicant resolve all issues related to the Transportation Impact Study as requested by the City's traffic consultants;
2. The applicant obtain site plan review and recommendation from the Multi-Modal Transportation Board (MMTB) related to vehicular and pedestrian traffic safety features for the intersection of Haynes Street, Elm Street, and Woodward Ave;
3. The applicant provide the Planning Department with copies of any existing due care plans, plans developed in connection with the construction of the project, information about the existence of any vapors during the process of construction, and plans for remediation of any hazardous vapors identified; and

4. The applicant comply with all requests from City Departments.

The Planning Board also moved to recommend the Preliminary Site Plan with the following conditions:

1. The applicant obtain site plan review and recommendation from the MMTB related to vehicular and pedestrian traffic safety features for the intersection of Haynes Street, Elm Street, and Woodward Ave;
2. The applicant provide sidewalks along Elm Street, Woodward Ave, and Haynes Street that are a minimum of 12 feet wide;
3. The applicant comply with all department requests.

On December 1<sup>st</sup>, 2022, ([Agenda](#) – [Minutes](#)) the applicant appeared before the Multi-Modal Transportation Board (MMTB) to review recommendations of the Triangle District Plan's concepts for the intersection of Elm Street, Haynes Street, and Woodward Avenue. The Multi-Modal Transportation Board moved to recommend option C2 which is reducing Elm Street to one-way southbound between Bowers Street and Haynes Street. The MMTB also mentioned that they did not want Elm Street realignment to interfere with the project's timeline.

On January 25<sup>th</sup>, 2023, ([Agenda](#) – [Minutes](#)) the Planning Board reviewed the application with discussion regarding the merits of keeping Elm Street two-ways and moving the crosswalk north (C1), versus changing Elm Street to one-way southbound with an enlarged bumpout to prevent vehicles exiting Woodward northbound onto Elm Street (C2). The Planning Board expressed a priority to enhance the safety of Elm Street with converting it to one-way southbound in option C2 and moved to recommend approval to the City Commission the Special Land Use Permit, Final Site Plan and Design Review application for 34350 Woodward Ave & 909-911 Haynes Street – Fred Lavery Porsche - with the following conditions:

1. The applicant must provide details regarding the species of landscaping proposed for the entrance to ensure that no prohibited species are being used;
2. The applicant relocate the crosswalk on Elm to the north to avoid conflict with the service entry to a location approved by Staff;
3. **The Planning Board expresses a high priority on making the intersection of Haynes, Woodward, and Elm safer through a reconfiguration similar to Option C2 as expeditiously as possible by the City Commission;**
4. The applicant provide updated site plans and surveys addressing concerns related to the electrical pole in the sidewalk on the northwest corner of the property;
5. The applicant provide updated lighting information regarding the light fixture specifications and the parking lot circulation area lumen values;
6. The Planning Board approve deviations to the architectural requirements of Section 3.09(D)(1), Section 3.09(B)(2), and Section 3.09(A)(4) to enable the applicant creativity and flexibility in design for a metal exterior, a non-inset front door, and a garage door on the front façade with the condition that the applicant provide a front elevation drawing of the proposed building superimposed on a color drawing or photograph of the entire block showing the relation of the proposed building design to other buildings along the block;
7. The applicant comply with all department requests; and,
8. That the applicant obtain a lot combination to create a single parcel for 34350 Woodward Ave & 909-911 Haynes Street.

The applicant has coordinated with staff on providing all required documents and applications required by the Planning Board in their conditions of approval. The applicant has applied for a lot combination which is scheduled for April 3<sup>rd</sup>, 2023. **City staff recommends that the City Commission consider requiring the applicant to be responsible for all costs related to the reconfiguration of Elm Street.**

#### LEGAL REVIEW:

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

#### FISCAL IMPACT:

The Triangle District Urban Design Plan recommends a reconfiguration of the intersection of Woodward Ave, Haynes Street, and Elm Street adjacent to the subject site. **If the City Commission wishes to have the recommended improvements made to the subject intersection, the City Commission may require that the applicant make such improvements at their own cost as a condition of their SLUP.** If the applicant is not required to provide such changes, then the City of Birmingham would be responsible for any costs related to reconfigurations of Elm Street as recommended by the Triangle District Plan if the City wishes to pursue such enhancements.

#### PUBLIC COMMUNICATIONS:

As required for a Special Land Use Permit, Final Site Plan and Design Review, a legal ad was placed in a newspaper of local circulation to advertise the nature of the request in advance of the January 25<sup>th</sup>, 2023 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 were sent out to advertise the public hearing at the City Commission on March 13<sup>th</sup>, 2023.

#### SUMMARY:

The Planning Division requests that the City Commission consider postponing the public hearing and consideration of the Special Land Use Permit, Final Site Plan and Design Review application for 34350 Woodward Ave – Fred Lavery Porsche – to April 24<sup>th</sup>, 2023 per the request of the applicant to allow more time to review conditions of the SLUP contract.

#### ATTACHMENTS:

Please find attached the following documents for your review:

- Special Land Use Permit Resolution
- Special Land Use Permit Contract
- Postponement Request Letter
- Final Site Plans
- Planning Board report
- Triangle District Urban Design Plan – relevant pages

#### SUGGESTED COMMISSION ACTION:

Make a motion to postpone the public hearing and consideration of the Special Land Use Permit, Final Site Plan and Design Review application for 34350 Woodward Ave – Fred Lavery Porsche – to April 24<sup>th</sup>, 2023 per the request of the applicant to allow more time to review conditions of the SLUP contract.

**Fred Lavery Porsche**  
34350 Woodward Ave & 909-911 Haynes Street  
Special Land Use Permit 2023

WHEREAS, A Special Land Use Permit application was filed in November 2022 for approval of a new three-story auto sales agency in the the MU-7 and MU-5 zoning districts;

WHEREAS, The land for which the Special Land Use Permit is sought is located on the east side of Woodward Ave at the northeast corner of Elm Street and Haynes Street;

WHEREAS, The land is zoned MU-7 and MU-5, which permits the operation of an auto sales agency with a Special Land Use Permit;

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

WHEREAS, The Planning Board on January 25<sup>th</sup>, 2023 reviewed the application for a Special Land Use Permit , Final Site Plan and Design Review and recommended approval to the City Commission for the contstruction of a new three-story auto sales agency with the following conditions:

1. The applicant must provide details regarding the species of landscaping proposed for the entrance to ensure that no prohibited species are being used;
2. The applicant relocate the crosswalk on Elm to the north to avoid conflict with the service entry to a location approved by Staff;
3. The Planning Board expresses a high priority on making the intersection of Haynes, Woodward, and Elm safer through a reconfiguration similar to Option C2 as expeditiously as possible by the City Commission;
4. The applicant provide updated site plans and surveys addressing concerns related to the electrical pole in the sidewalk on the northwest corner of the property;
5. The applicant provide updated lighting information regarding the light fixture specifications and the parking lot circulation area lumen values;
6. The Planning Board approve deviations to the architectural requirements of of Section 3.09(D)(1), Section 3.09(B)(2), and Section 3.09(A)(4) to enable the applicant creativity and flexibility in design for a metal exterior, a non-inset front door, and a garage door on the front façade with the condition that the applicant provide a front elevation drawing of the proposed building superimposed on a color drawing or photograph of the entire block showing the relation of the proposed building design to other buildings along the block;
7. The applicant comply with all department requests; and,
8. That the applicant obtain a lot combination to create a single parcel for 34350 Woodward Ave & 909-911 Haynes Street.

WHEREAS, The Birmingham City Commission has reviewed Fred Lavery Porsche's Special Land Use Permit application and the standards for such review as set forth in Article 7, section 7.36 of Chapter 126, Zoning, of the City Code;

NOW, THEREFORE, BE IT RESOLVED, The Birmingham City Commission finds the

standards imposed under the City Code have been met, subject to the conditions below, and that Fred Lavery Porsche's application for a Special Land Use Permit, Final Site Plan and Design Review at 34350 Woodward Ave is hereby approved;

BE IT FURTHER RESOLVED, That the City Commission determines that to ensure continued compliance with Code standards and to protect public health, safety, and welfare, this Special Land Use Permit is granted subject to the following conditions:

- a) Fred Lavery Porsche shall abide by all provisions of the Birmingham City Code including any subsequently amended or enacted ordinances; and
- b) Fred Lavery Porsche shall comply with the conditions of approval assigned by the Planning Board and City Commission; and
- c) The Special Land Use Permit may be canceled by the City Commission upon finding that the continued use is not in the public interest; and
- d) In order for the development of the new Fred Lavery Porsche to occur, there will need to be a reconfiguration of Elm Street at the intersection of Elm Street, Haynes Street and Woodward Avenue; and
- e) After a traffic study of the area including the intersection of Elm Street, Haynes Street and Woodward Avenue, the reconfiguration of Elm Street shall be developed and designed by Fred Lavery Porsche with approval of all elements of the reconfiguration including, but not limited to design, materials, etc., by the City Engineer;
- f) Fred Lavery Porsche shall be responsible for all costs related to the reconfiguration of Elm Street including, but not limited to designs, traffic studies, materials, labor any and all other necessary costs to the satisfaction of the City Engineer;
- g) Fred Lavery Porsche shall enter into a streetscape agreement with the City Planner and City Engineer that will address all elements including, but not limited to moving the DTE electric pole on the northwest corner of the property, the electric vehicle charging stations, and the Elm Street reconfiguration; and
- h) The applicant shall comply with the conditions of approval assigned by the Planning Board and City Commission.

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, Fred Lavery Porsche 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 Fred Lavery Porsche to comply with all the ordinances of the City may result in the Commission revoking this Special Land Use Permit.

BE FURTHER RESOLVED that Fred Lavery Porsche is recommended for the construction of a three-story auto sales agency, 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 24<sup>th</sup>, 2023.

---

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

**CONTRACT FOR A SPECIAL LAND USE PERMIT**  
**FOR 34350 WOODWARD AVE & 909-911 HAYNES STREET**  
**– FRED LAVERY PORSCHE**

This Contract is entered into this \_\_\_\_ day of \_\_\_\_\_, 2023 by and between **LAVERY MICHIGAN DEALERSHIP PROPERTIES NO. 1 LLC** (Fred Lavery Porsche), whose address is 440 Lake Park, Birmingham, MI 48009 (Licensee), **LAVERY MICHIGAN DEALERSHIP PROPERTIES NO. 1 LLC**, whose address is 440 Lake Park, Birmingham, MI 48009 (Property Owner), 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**, a Special Land Use Permit Application was filed on November 15<sup>th</sup>, 2022 for approval of a new three story auto sales agency; and,

**WHEREAS**, the land for which the Special Land Use Permit Agreement is sought is located on the northeast corner of the intersection of Haynes Street, Woodward Ave, and Elm Street; and,

**WHEREAS**, the land is zoned MU-7 and MU-5 in the Triangle District Overlay which permits the operation of an auto sales agency 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 receiving recommendations on the site plan and design from the Planning Board for the proposed Special Land Use;

**WHEREAS**, the City of Birmingham Commission is approving this agreement in granting a contract to Lavery Michigan Dealership Properties No. 1 LLC (Fred Lavery Porsche) for the issuance of a Special Land Use Permit for an auto sales agency in accordance with Chapter 126, Article 2, Section 2.27(C)(2)(c).

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

1. Licensee acknowledges that no modifications to the site plan, floor plan, elevations or operation of the auto sales agency may be made unless approved by the City Commission through a Special Land Use Permit Amendment. Modifications include, but are not limited to, name changes, ownership changes, remodeling, etc.

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

3. Licensee agrees that its failure to follow any of the provisions herein may be grounds for the Birmingham City Commission to revoke the Special Land Use Permit which would prohibit Licensee from operating the auto sales agency. Licensee agrees that in addition to the City of Birmingham's right to seek 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 agrees

that it shall reimburse the City all of its costs and actual attorney fees incurred by the City in seeking the revocation of the Special Land Use Permit, as well as enforcing such other rights as may be available at law and/or in equity.

4. To the fullest extent permitted by law, Licensee and Property Owner and any entity or person for whom Licensee and the Property Owner is legally liable, agrees to be responsible for any liability, defend, pay on behalf of, indemnify, and hold harmless the City, its elected and appointed officials, employees and volunteers and others working on behalf of the City against any and all claims, demands, suits, or loss, including all costs connected therewith, including all costs and actual attorney fees, and for any damages which may be asserted, claimed or recovered against or from the City, its elected and appointed officials, employees, volunteers or others working on behalf of the City, by reason of personal injury, including bodily injury, death and/or property damage, including loss of use thereof, which arises out of or is in any way connected or associated with Licensee's operation of an establishment at the Property.

5. 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.

6. Any disputes arising under this Contract shall be settled either by commencement of a suit in Oakland County Circuit Court or by compulsory arbitration, at the election of the City. The Licensee and Property Owner shall notify the City of any dispute it has arising out of this Contract and shall demand that the City elect whether the dispute is to be resolved by submitting it to compulsory arbitration or by commencement of a suit in Oakland County Circuit Court. The City shall make its election in writing within thirty (30) days from the receipt of such notice. If the City elects to have the dispute resolved by compulsory arbitration, it shall be settled pursuant to Chapter 50 of the Revised Judicature Act for the State of Michigan, with each of the parties appointing one arbitrator and the two thus appointed appointing a third. In the event the City fails to make such an election, any dispute between the parties may be resolved by the filing of a suit in the Oakland County Circuit Court.

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

8. 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.

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

- a) Fred Lavery Porsche shall abide by all provisions of the Birmingham City Code including any subsequently amended or enacted ordinances; and
- b) Fred Lavery Porsche shall comply with the conditions of approval assigned by the Planning Board and City Commission; and
- c) The Special Land Use Permit may be canceled by the City Commission upon finding that the continued use is not in the public interest; and

- d) In order for the development of the new Fred Lavery Porsche to occur, there will need to be a reconfiguration of Elm Street at the intersection of Elm Street, Haynes Street and Woodward Avenue; and
- e) After a traffic study of the area including the intersection of Elm Street, Haynes Street and Woodward Avenue, the reconfiguration of Elm Street shall be developed and designed by Fred Lavery Porsche with approval of all elements of the reconfiguration including, but not limited to design, materials, etc., by the City Engineer;
- f) Fred Lavery Porsche shall be responsible for all costs related to the reconfiguration of Elm Street including, but not limited to designs, traffic studies, materials, labor any and all other necessary costs to the satisfaction of the City Engineer;
- g) Fred Lavery Porsche shall enter into a streetscape agreement with the City Planner and City Engineer that will address all elements including, but not limited to moving the DTE electric pole on the northwest corner of the property, the electric vehicle charging stations, and the Elm Street reconfiguration; and
- h) The applicant shall comply with the conditions of approval assigned by the Planning Board and City Commission.

10. Failure to comply with any of the above conditions shall result in termination of the Special Land Use Permit.

11. Except as herein specifically provided, Fred Lavery Porsche 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 Fred Lavery Porsche to comply with all the ordinances of the City may result in the Commission revoking this Special Land Use Permit.

12. Fred Lavery Porsche is recommended for the operation of an auto sales agency, subject to final inspection.

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

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

**LAVERY MICHIGAN DEALERSHIP  
PROPERTIES NO. 1 LLC (Licensee)**

By: \_\_\_\_\_

Its: \_\_\_\_\_

**LAVERY MICHIGAN DEALERSHIP  
PROPERTIES NO. 1 LLC**

(Property Owner)

By: \_\_\_\_\_

Its: \_\_\_\_\_

STATE OF MICHIGAN     )  
  ) ss:  
COUNTY OF OAKLAND    )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2023, before me personally appeared \_\_\_\_\_, who acknowledged that with authority on behalf of **LAVERY MICHIGAN DEALERSHIP PROPERTIES NO. 1 LLC**, Licensee and Property Owner to do so he/she signed this Agreement.

\_\_\_\_\_  
Notary Public  
\_\_\_\_\_  
County, Michigan  
Acting in \_\_\_\_\_ County, Michigan  
My commission expires: \_\_\_\_\_

#### **CITY OF BIRMINGHAM**

By: \_\_\_\_\_  
Therese Longe, Mayor

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

APPROVED:

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

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

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

**LAVERY MICHIGAN DEALERSHIP  
PROPERTIES NO. 1, LLC  
440 LAKE PARK  
BIRMINGHAM, MI 48009  
248-645-5930**

March 24, 2023

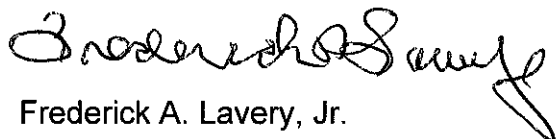
Brooks Cowan  
City of Birmingham  
151 Martin Street  
Birmingham, MI 48009

RE: SLUP, Site Plan and Lot Combination Review by City Commission  
Fred Lavery Porsche Company

Dear Brooks:

By this letter I am requesting that you postpone the City Commission reviews of our final site plan design review and SLUP from the April 3, 2023 meeting to April 24, 2023. This will allow review of our lot combination request at the meeting on April 24, 2023. I also assume your file is complete with what you need for these reviews.

Sincerely,



Frederick A. Lavery, Jr.  
Member

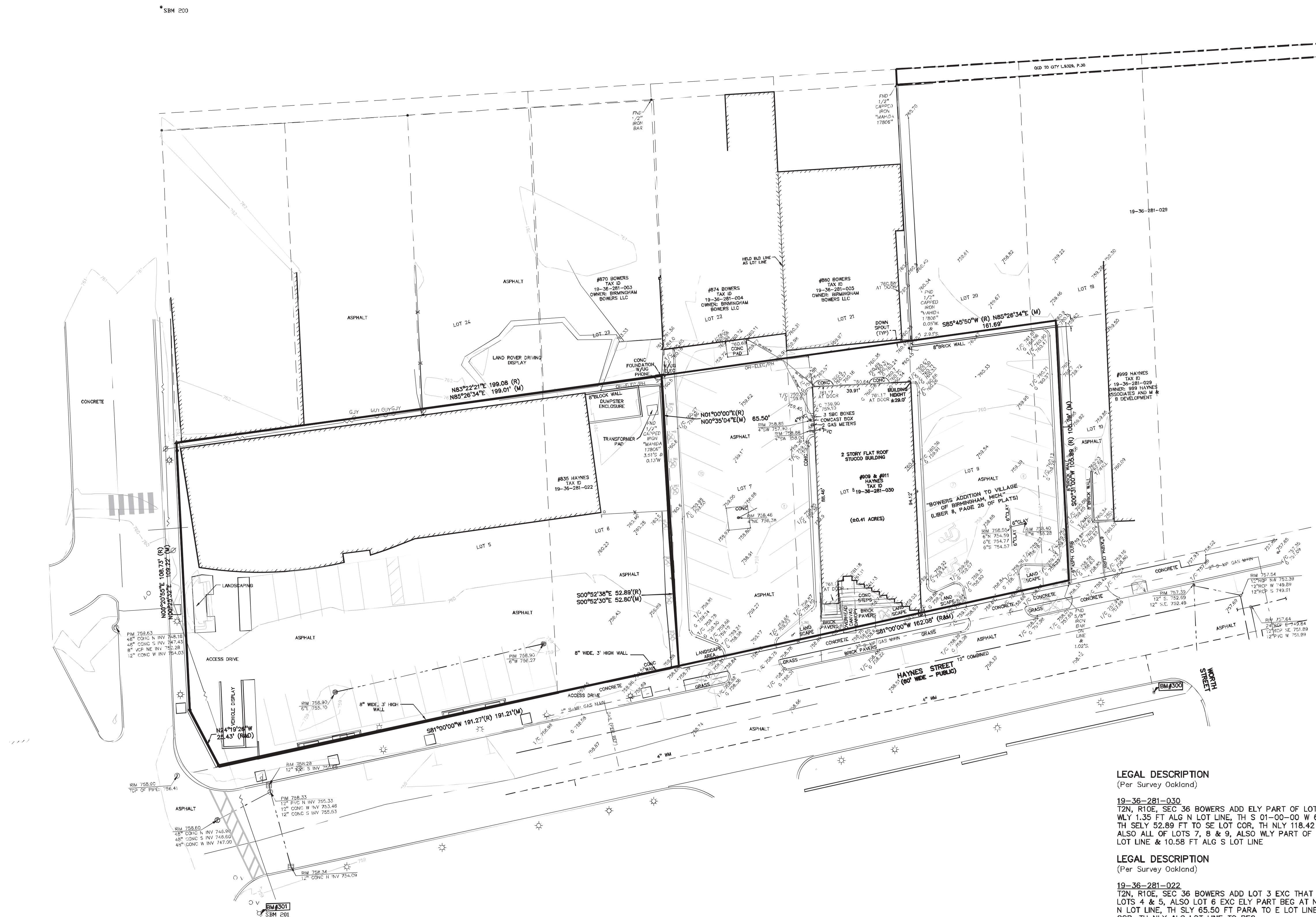
**Fred Lavery Company - Porsche Woodward DID**  
34350 Woodward Ave, Birmingham, MI 48009

Date: MARCH 13, 2023  
SPECIAL LAND USE PERMIT (SLUP) REVIEW

## ARCHITECTURAL DRAWINGS:

				A 0.00	TITLE SHEET
				C 100	SURVEY
				C 110	SURVEY DIAGRAM -PROPERTIES WITHIN 200 & 500 FEET
				C 21	OPTION C2 OF THE TRIANGLE DISTRICT PLAN - ELM STREET CONCEPT
				C 3.0	SITE PLAN C3   ELM STREET CROSSWALK MOVED TO NORTH CONCEPT "C3.0"
				S 3	SITE PLAN S3   ELM - HAYNES - WOODWARD INTERSECTION CONFIGURATION "S3"
				A 100	ARCHITECTURAL SITE PLAN
				A/LA 100.1	SITE + LANDSCAPE PLAN
				A 100.2	SITE PHOTOS   BUILDING MATERIAL IMAGES / SPECS
				A 201	FLOOR PLAN - LEVEL 1
				A 202	FLOOR PLAN - LEVEL 2
				A 203	NOT ISSUED THIS SET
				A 204	FLOOR PLAN - LEVEL 3
				A 205	ROOF PLAN
				A 400	BUILDING ELEVATIONS - SOUTH & WEST
				A 401	BUILDING ELEVATIONS - NORTH & EAST
				A 402	ELM STREET & HAYNES STREET ENTIRE BLOCK FACADE ELEVATIONS
				A 400 G	BUILDING ELEVATIONS - SOUTH & WEST FACADE GLASS & OPENINGS CALCULATIONS
				M 01	MECHANICAL ROOF PLAN
				L 01	EXTERIOR LIGHTING / PHOTOMETRICS
				L 011	PHOTOMETRICS PLAN DETAILS: AREAS 1 & 2
				L 012	PHOTOMETRICS PLAN DETAILS: AREA 3



<sup>a</sup>SBM 200












**LEGAL DESCRIPTION**  
(Per Survey Oakland)

19-36-281-030  
T2N, R10E, SEC 36 BOWERS ADD ELY PART OF LOT 6 BEG AT NE LOT COR, TH WLY 1.35 FT ALG N LOT LINE, TH S 01-00-00 W 65.50 FT PARA TO E LOT LINE, TH SELY 52.89 FT TO SE LOT COR, TH NLY 118.42 FT ALG E LOT LINE TO BEG, ALSO ALL OF LOTS 7, 8 & 9, ALSO WLY PART OF LOT 10 MEAS 10.14 FT ALG N LOT LINE & 10.58 FT ALG S LOT LINE





















**LEGAL DESCRIPTION**  
(Per Survey Oakland)

19-36-281-022  
T2N, R10E, SEC 36 BOWERS ADD LOT 3 EXC THAT PART TAKEN FOR HWY, ALL OF LOTS 4 & 5, ALSO LOT 6 EXC ELY PART BEG AT NE LOT COR, TH W 1.35 FT ALG N LOT LINE, TH SLY 65.50 FT PARA TO E LOT LINE, TH SELY 52.89 FT TO SE LOT COR, TH NLY ALG LOT LINE TO BEG

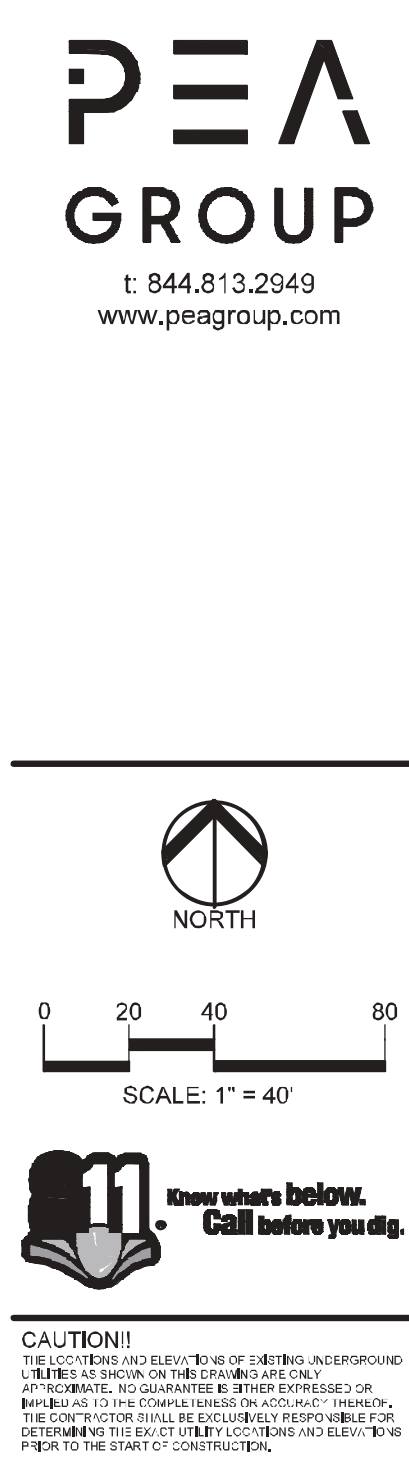
# LEGEND

 IRON FOUNDRY  ROCK SET  NAIL FOUNDRY  NAIL & NAIL SET	 UNFINISHED PLUG SET  MONUMENT FOOT  MONUMENT SET	 RECT. CORNER FOUND  RECTIFIED  MEASURED  CALCULATED
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## FIELD NOTES

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TELEPHONE UG CABLE FEDERAL & MANHOLE  
 TELEPHONE UG CABLE METER & HANDLINE  
 CABLE METER & HANDLINE MANNER  
 WATERMETER, HYD. GATE VALVE, TAPPING SLEEVE & VALVE  
 SANITARY DRYER, GATE VALVE  
 FORMER BENCH, CLEARANCE & MANHOLE  
 COINTEGRATED BENCH & MANHOLE  
 SQUARE, ROUND & BENCH CATCH BASIN, YARD  
 POST, SIGN, TRANSFORMER  
 WATER VALVE, REED, TRANSFORMER, BENCH, SERVICE, SHUT-OFF  
 MOUNT, TRANSFORMER, PROTECTION CONTROL VALVE  
 UNIDENTIFIED STRUCTURE  
 CUT ELEVATION  
 CONTINUOUS  
 FENCE  
 GUARD RAIL  
 STREET LIGHT  
 BEN  
 ROCK  
 CONCRETE  
 ASPHALT  
 GRAVEL  
 GRAVEL SHOULDER



**CLIENT**  
**LAVERY MICHIGAN**  
**DEALERSHIP**  
**PROPERTIES**  
**NO. 1, LLC**  
34602 WOODWARD AVENUE  
BIRMINGHAM, MICHIGAN 48409

PROJECT TITLE  
**PORSCHE  
WOODWARD**  
34350 WOODWARD AVENUE  
CIRCLINGHAM, OAKLAND COUNTY, MICHIGAN

REVISIONS
10.26.2022 CIS / Preliminary Site Plan Review
1/1 1.25.2023 Final Site Plan Review

ORIGINAL ISSUE DATE:  
SEPTEMBER 22, 2022

DRAWING TITLE  
**TOPOGRAPHIC  
SURVEY**

PEA JOB NO.	2019-344
P.M.	JPB
DN.	GWC
DES.	LKP
DRAWING NUMBER:	

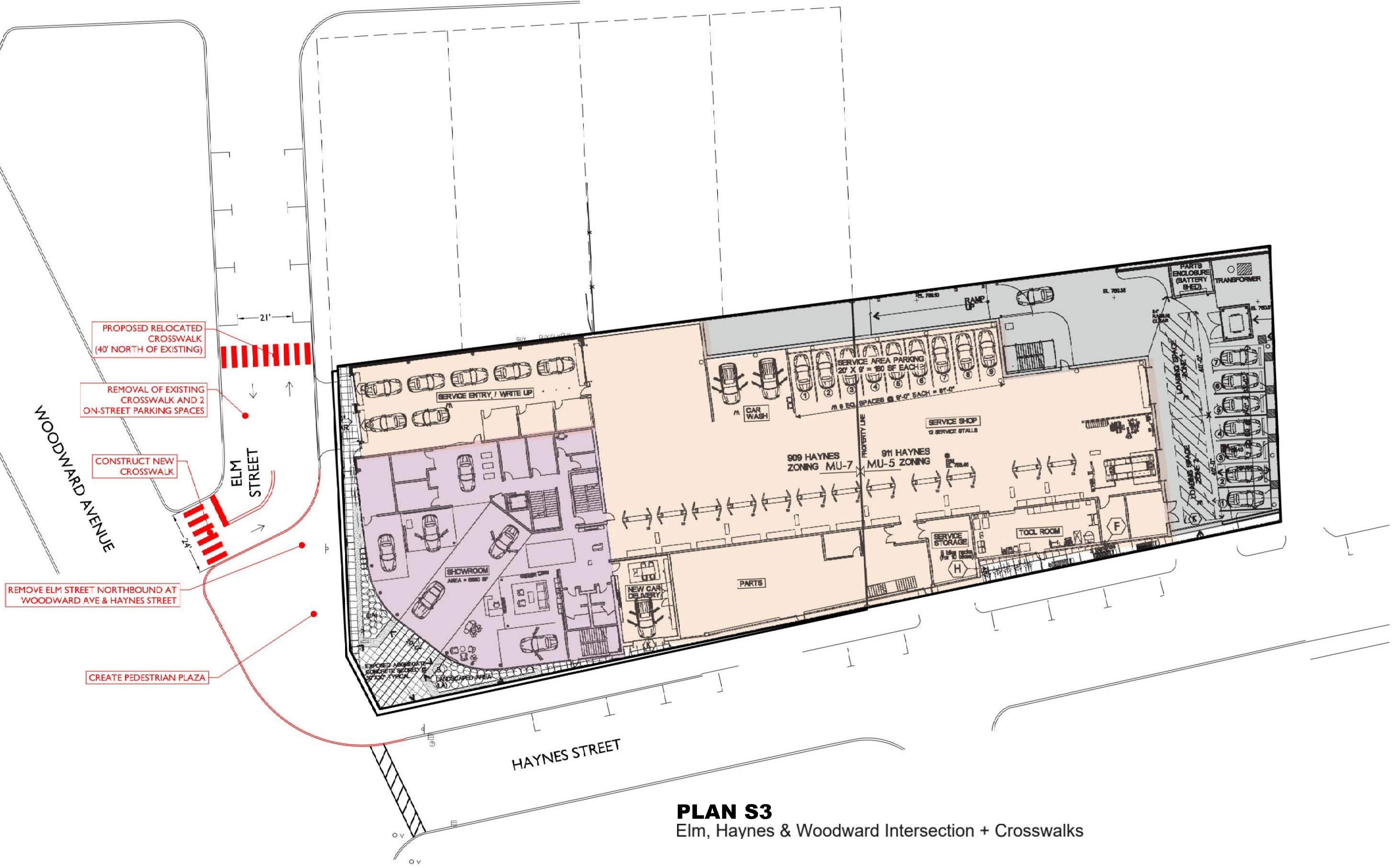
C-1.0



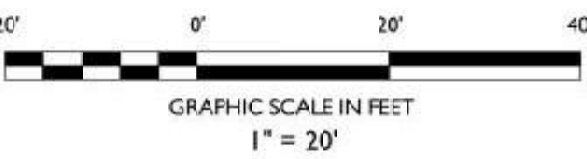




Option C1 of Triangle District Plan Elm Street Concept



**PLAN S3**  
Elm, Haynes & Woodward Intersection + Crosswalks



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engineering & design

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Princeton, NJ • Tampa, FL • Detroit, MI  
www.stonefieldeng.com

Headquarters: 92 Park Avenue, Rutherford, NJ 07070  
Phone 201.340.4468 • Fax 201.340.4472

ELM STREET MITIGATIONS

**PROPOSED CAR  
DEALERSHIP DEVELOPMENT**

34350 WOODWARD AVENUE  
CITY OF BIRMINGHAM  
OAKLAND COUNTY, NEW JERSEY

CHARLES D. OLIVO, P.E.  
MICHIGAN LICENSE No. 6201058303  
LICENSED PROFESSIONAL ENGINEER

**STONEFIELD**  
engineering & design

SCALE: 1" = 20' PROJECT ID: DET-220179

TITLE: ELM STREET/HAYNES  
STREET/WOODWARD  
AVENUE INTERSECTION  
CONFIGURATION (ALT)

DRAWING:

**S 3.00**

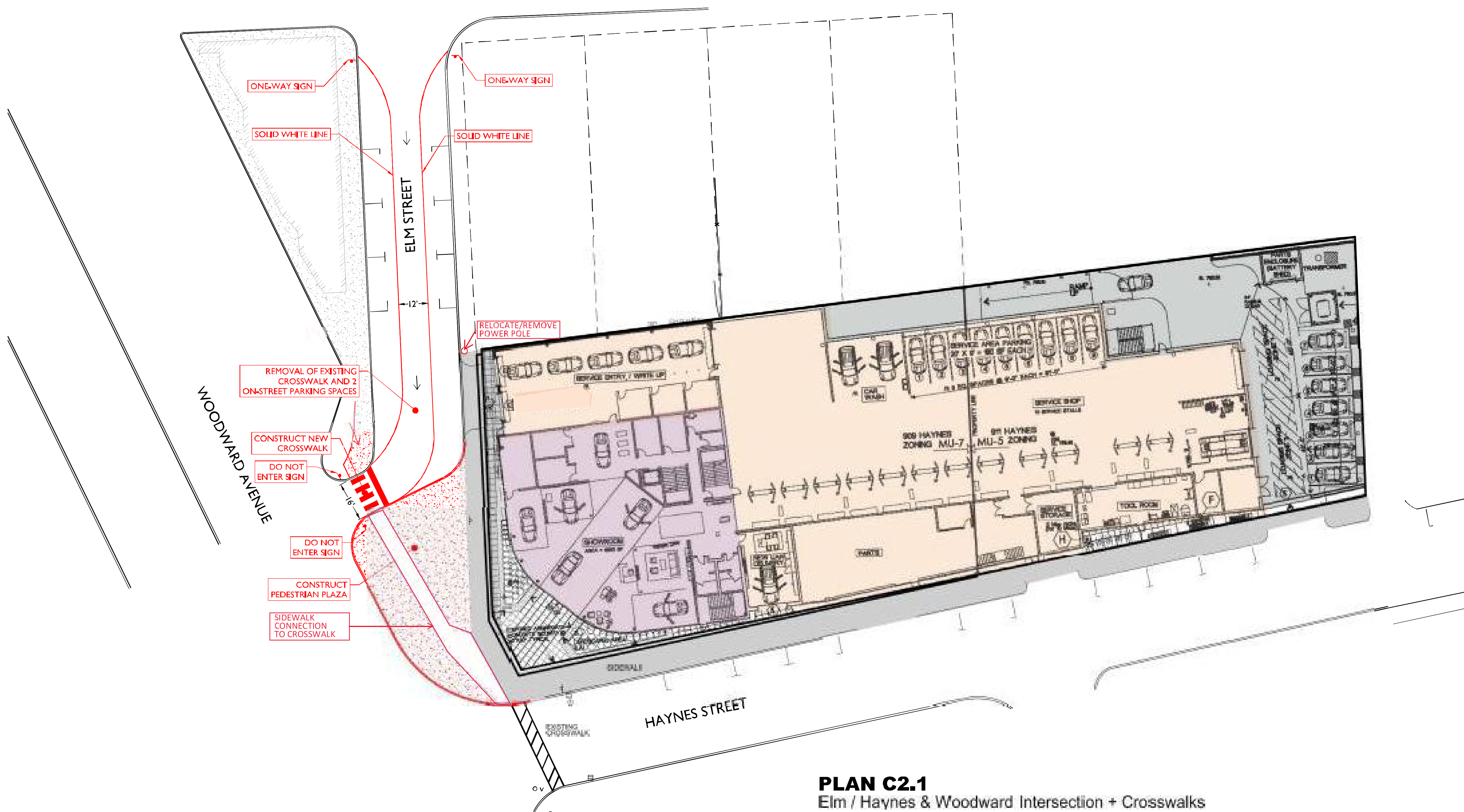
NOT APPROVED FOR CONSTRUCTION

ISSUE	DATE	BY	DESCRIPTION
2	01/16/2023	NK	FOR MULTI-MODAL TRANSPORTATION BOARD
1	11/28/2022	NK	FOR MULTI-MODAL TRANSPORTATION BOARD

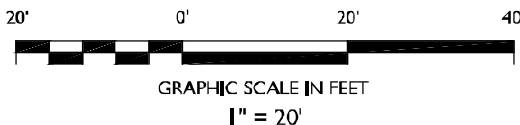
Z:\PROJECTS\2022\DET-220179\FILED\AVERT\POSCHE - 3435 Woodward Avenue, Birmingham, Michigan\DET-220179-01-ELM STREET EXHIBITS\DWG



Option C2 of the Triangle District Plan Elm Street Concept



PLAN C2.1  
Elm / Haynes & Woodward Intersection + Crosswalks



ISSUE	DATE	BY	DESCRIPTION
3	01/20/2023	NK	PER CITY COMMENTS
2	01/16/2023	NK	FOR MULTIMODAL TRANSPORTATION BOARD
1	11/28/2022	NK	FOR MULTIMODAL TRANSPORTATION BOARD

NOT APPROVED FOR CONSTRUCTION

**STONEFIELD**  
engineering & design

Rutherford, NJ • New York, NY • Boston, MA  
Princeton, NJ • Tampa, FL • Detroit, MI  
www.stoniefeldeng.com

Headquarters: 92 Park Avenue, Rutherford, NJ 07070  
Phone 201.340.4468 • Fax 201.340.4472

ELM STREET MITIGATIONS

**PROPOSED CAR  
DEALERSHIP DEVELOPMENT**

34350 WOODWARD AVENUE  
CITY OF BIRMINGHAM  
OKLAHOMA COUNTY, NEW JERSEY

CHARLES D. OLIVO, P.E.  
MICHIGAN LICENSE No. 620055803  
LICENSED PROFESSIONAL ENGINEER

**STONEFIELD**  
engineering & design

SCALE: 1" = 20' PROJECT ID: DET-220177

TITLE: ELM STREET/HAYNES  
STREET/WOODWARD  
AVENUE INTERSECTION  
CONFIGURATION (ALT)

DRAWING:

**C2.10**



**PRAXIS3**

**Fred Lavery Company**

Luckenbach  
Ziegelman  
Gardner  
Architects  
PLLC

**Porsche Woodward DID**  
34350 Woodward Ave, Birmingham, MI 48009


**Site Plan**

**Project No. 21063**

10.26.2022 CIS / Preliminary  
Site Plan Review  
/1/ 1.25.2023  
Final Site Plan Review  
/2/ 3.13.2023 SLUP Review

**A100**



A tall, grey, rectangular monument stands on a paved area. At the top is a shield-shaped crest with a red and gold design and the text "FRED LIVERY" above it. Below the crest, the name "Fred Lavery" is inscribed in black capital letters. In the background, there is a modern building with large windows and a parking lot with several cars.

A close-up photograph of a concrete surface, showing a vertical crack running through the center. The concrete is light gray with visible aggregate. A horizontal joint is visible near the top of the image.

Fred Lavery Company

**Porsche Woodward DID**  
34350 Woodward Ave, Birmingham, MI 48009

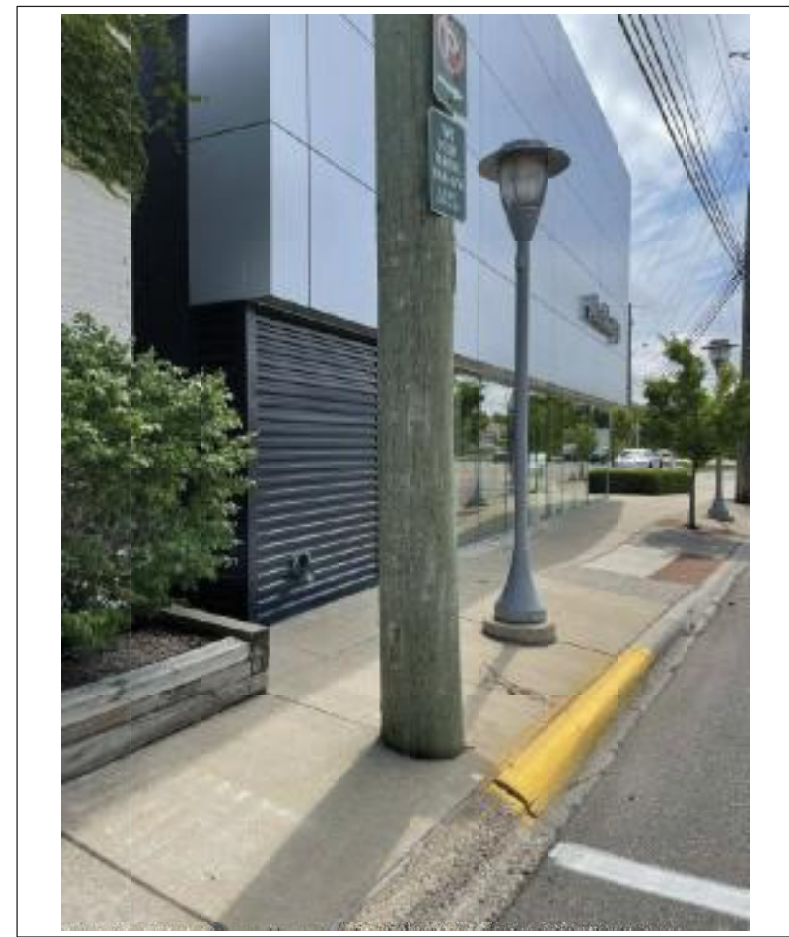
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10.26.2022 CIS / Preliminary  
Site Plan Review  
/1\ 1.25.2023  
Final Site Plan Review  
/2\ SLUP Review

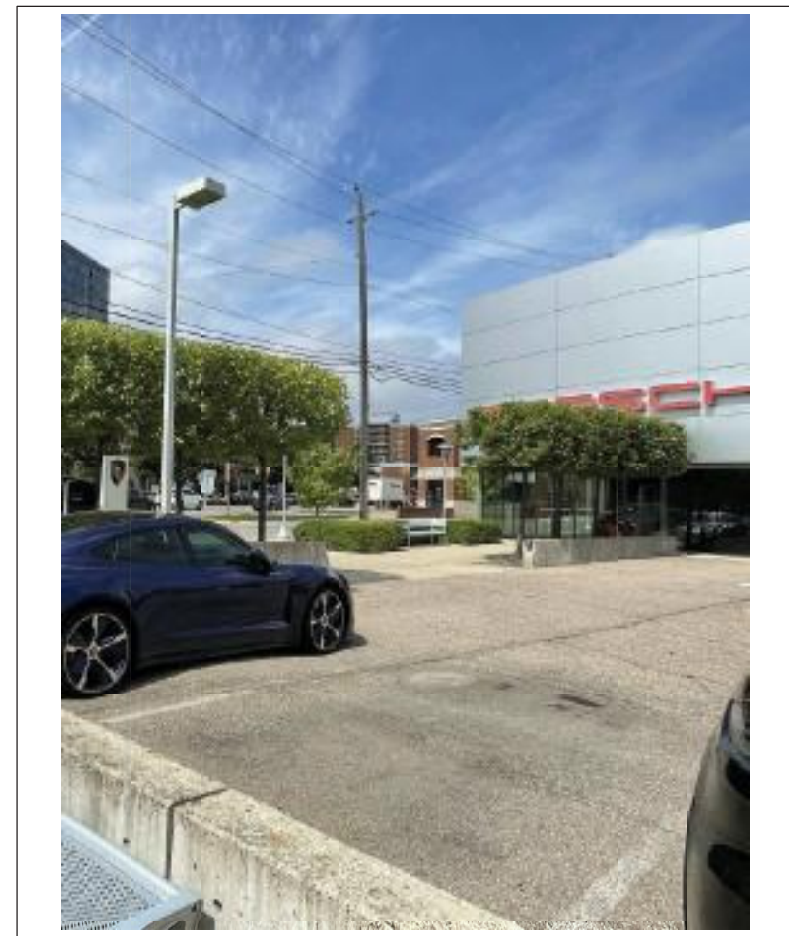
A/LA 100.1



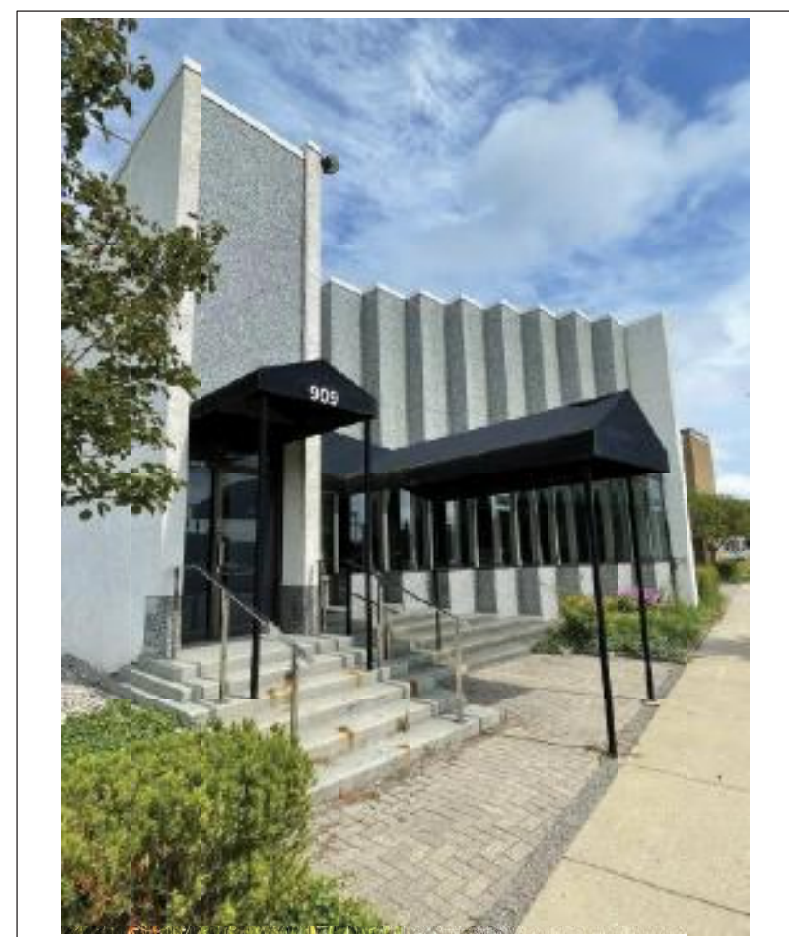
EXISTING CONDITIONS



1 S. ELM ST. (NW CORNER) LOOKING SOUTH - EXISTING TO BE REMOVED

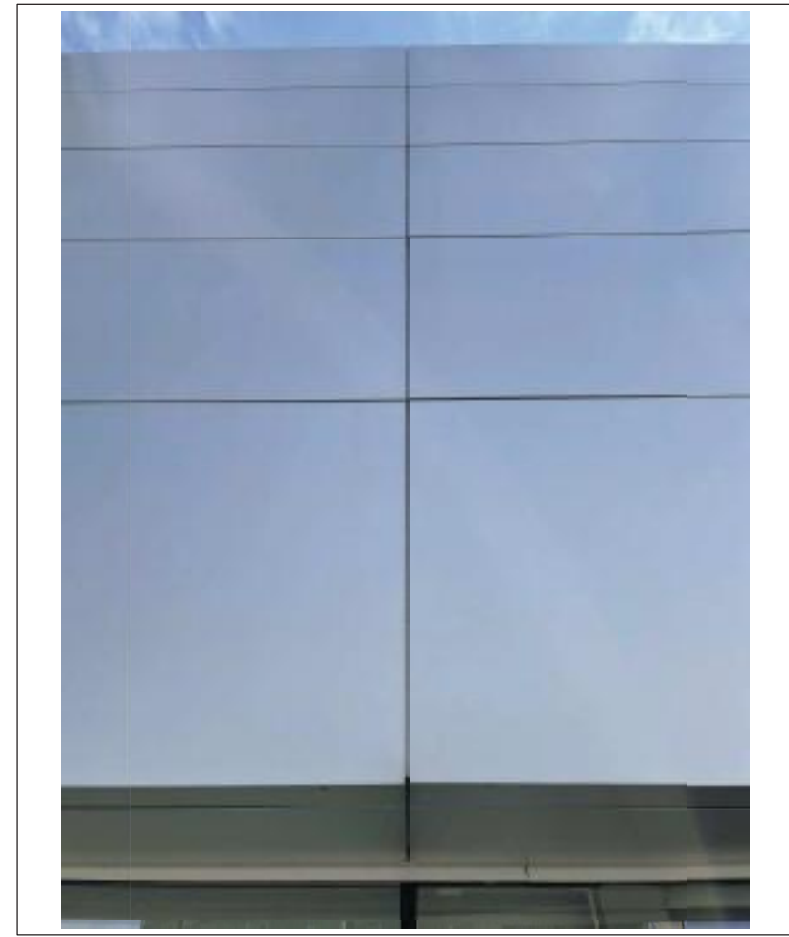


2 HAYNES ST. (SW CORNER) LOOKING WEST - EXISTING TO BE REMOVED



3 HAYNES ST. (SOUTH SIDE) LOOKING EAST - EXISTING TO BE REMOVED

PROPOSED MATERIALS



4 TYPICAL METAL COMPOSITE WALL PANELING (CP-1)



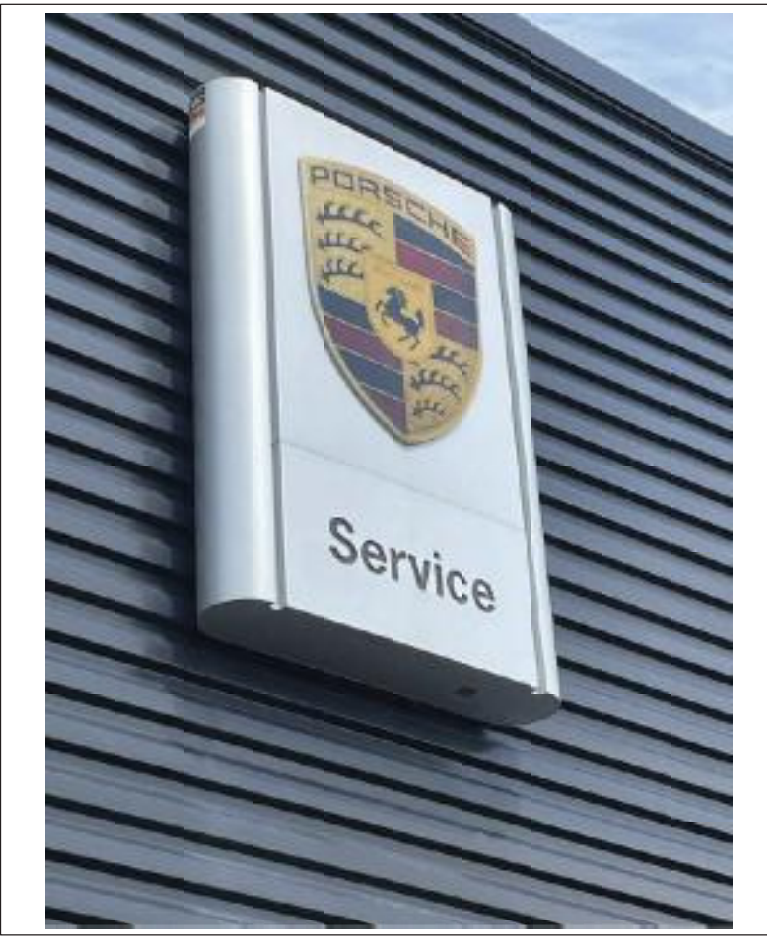
5 TYPICAL RIBBED METAL WALL PANELING (MP-1)



6 EXISTING PYLON GROUND SIGN - To Be Reused



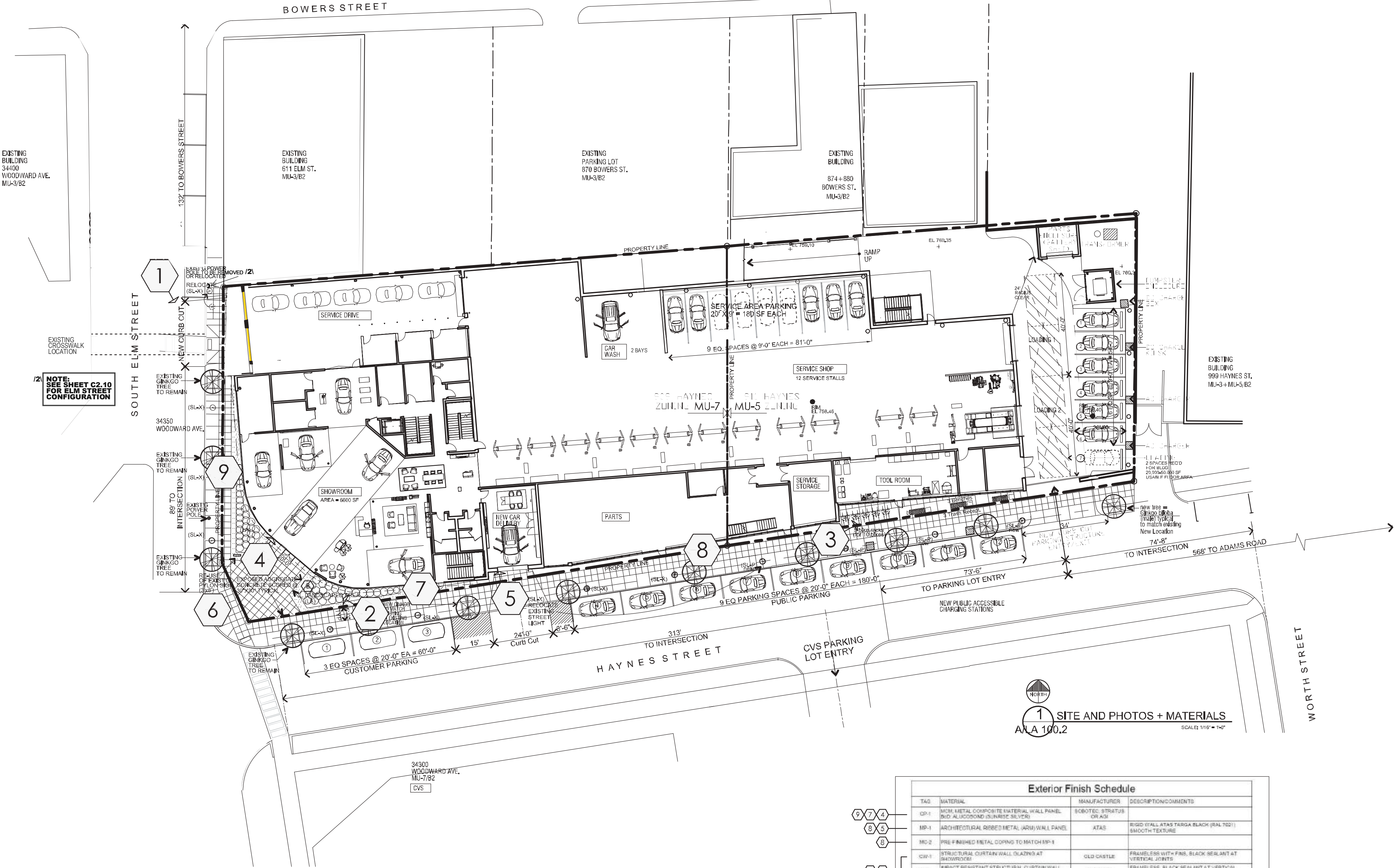
7 TYPICAL PORSCHE WALL SIGNAGE



8 TYPICAL PORSCHE SERVICE SIGNAGE

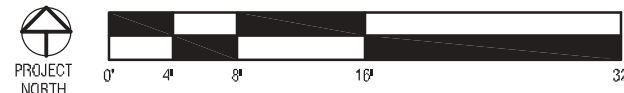


9 TYPICAL WALL SIGNAGE

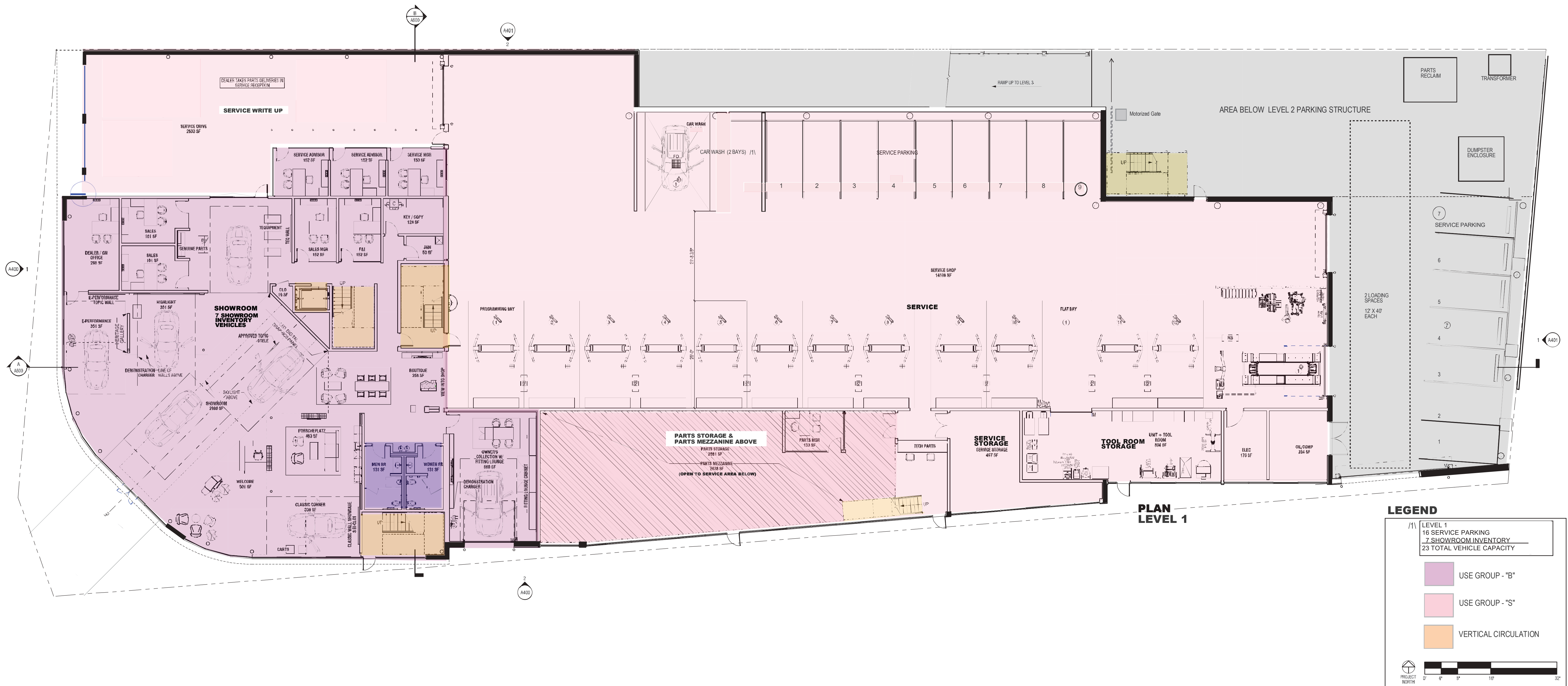


1 SITE AND PHOTOS + MATERIALS  
ALA 100.2  
SCALE 1/8" = 1'-0"

Exterior Finish Schedule		
TAG	MATERIAL	MANUFACTURER DESCRIPTION/COMMENTS
CP-1	MCM METAL COMPOSITE EXTERIOR WALL PANEL (NO. 4) (COLOR: DUNNICK SILVER)	SCOTEC STRATUS CR-45
MP-1	ARCHITECTURAL RIBBED METAL (ALU) WALL PANEL	ATAS
MP-2	PREFINISHED METAL CORING TO MATCH MP-1	
CW-1	STRUCTURAL CURTAIN WALL GLAZING AT SHOWROOM	OLD CASTLE
CW-2	IMPACT RESISTANT STRUCTURAL CURTAIN WALL GLAZING AT SHOWROOM	SLINGSHOT
CW-3	STRUCTURAL CURTAIN WALL GLAZING	OLD CASTLE
SP-1	ALUMINUM STOREFRONT	OLD CASTLE
SL-1	ALUMINUM FRAMED SKYLIGHT	SUPERIOR OR OLD CASTLE
CP-2	EXTERIOR PAINT/EXTERIOR COATINGS	SHOWIN WILLIAMS
BP-1	EXTERIOR PAINT	SHOWIN WILLIAMS
CN-1	CONCRETE	
CN-2	INTERIORLY COLORED BEADLE STAMPED CONCRETE	
CN-3	INTERIORLY COLORED CONCRETE	
PU-1	CONCRETE PAVERS	







**PRAXIS3**

Fred Lavery Company

Luckenbach|  
Ziegelman|  
Gardner  
Architects PLLC

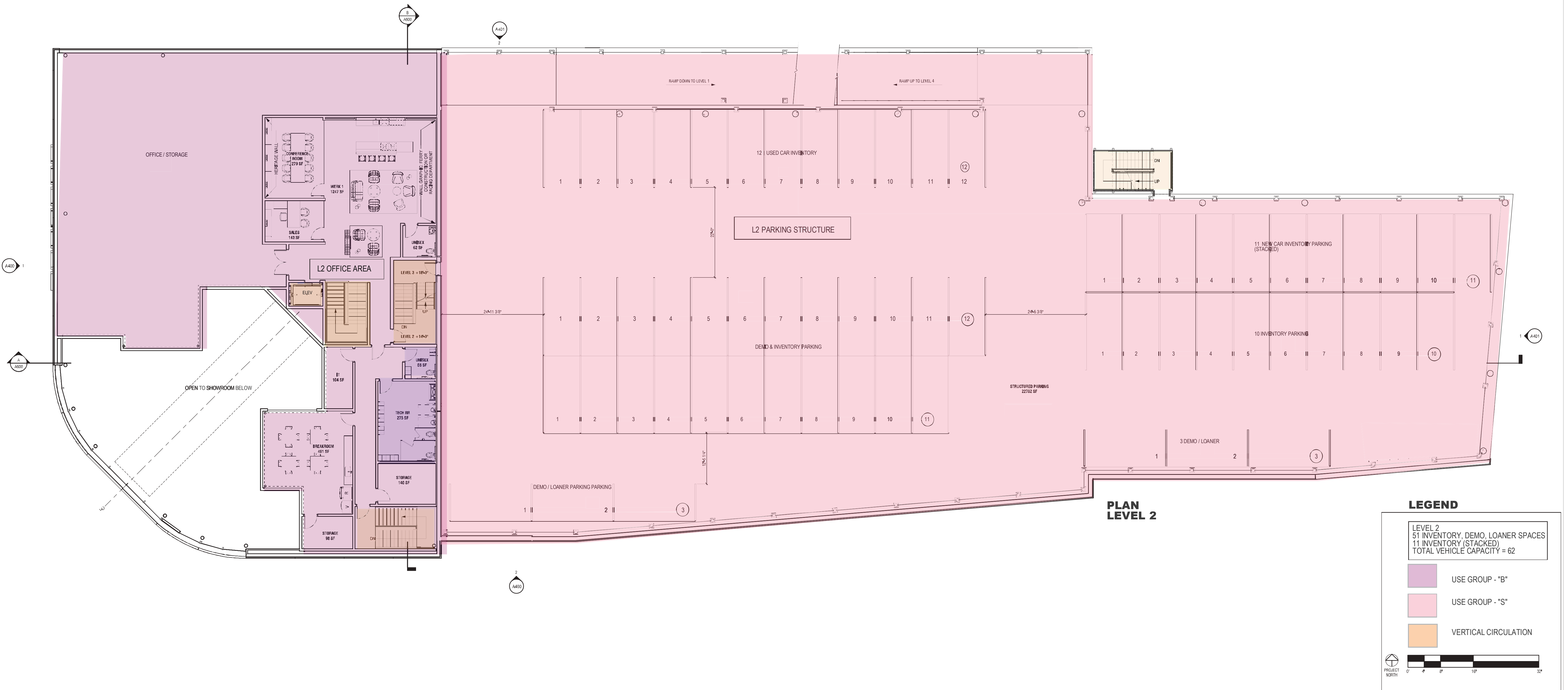
**Porsche Woodward DID**  
34350 Woodward Ave, Birmingham, MI 48009

Floor Plan - Level 1

Project No. 21063

10.26.2022 CIS / Preliminary  
Site Plan Review  
/11 1.25.2023  
Final Site Plan Review  
/2 3.13.2023 SLUP Review

A201



**PRAXIS3**

Fred Lavery Company

Luckenbach|  
Ziegelman|  
Gardner  
Architects PLLC

**Porsche Woodward DID**  
34350 Woodward Ave, Birmingham, MI 48009

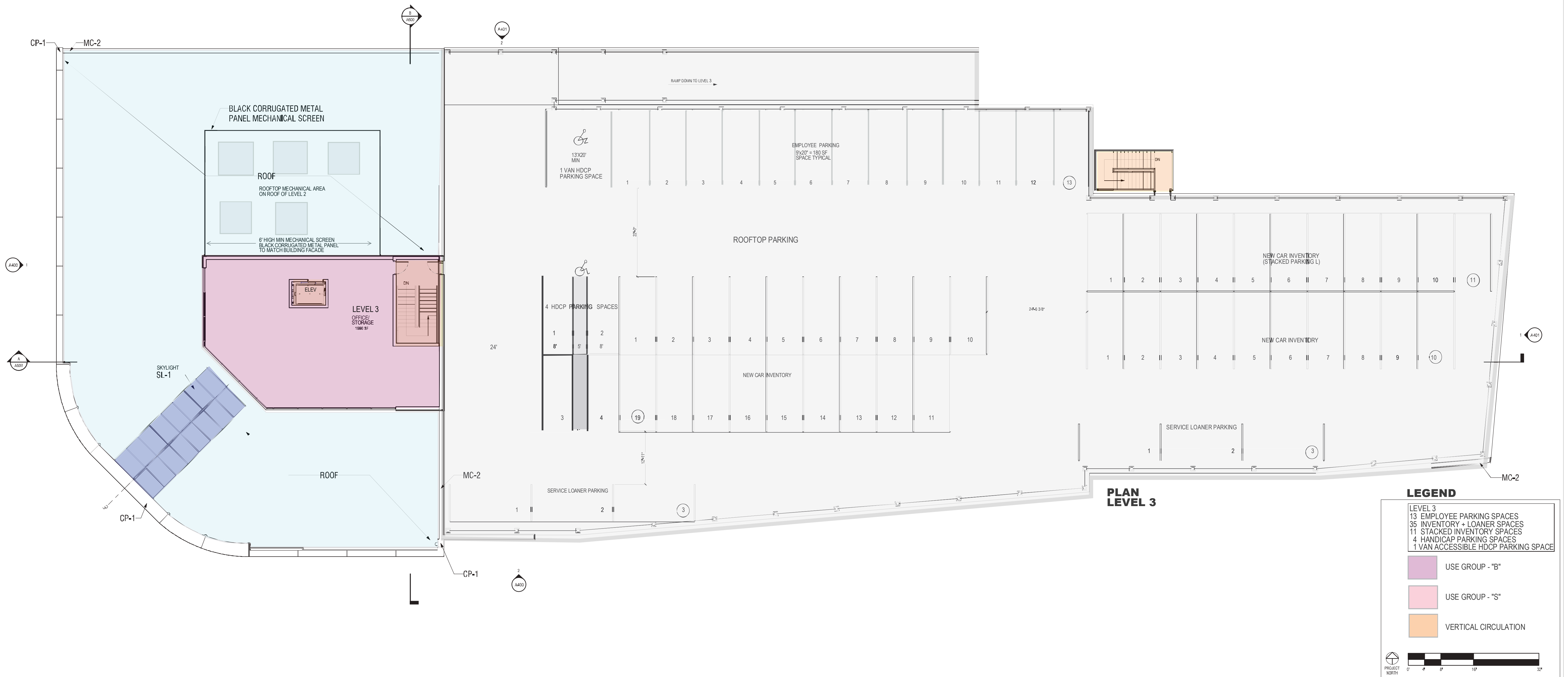
Floor Plan - Level 2

Project No. 21063

10.26.2022 CIS / Preliminary  
Site Plan Review  
/1/ 1.25.2023  
Final Site Plan Review  
/2/ 3.13.2023 SLUP Review

A202





**PRAXIS3**

Fred Lavery Company

Luckenbach  
Ziegelman  
Gardner  
Architects  
PLLC

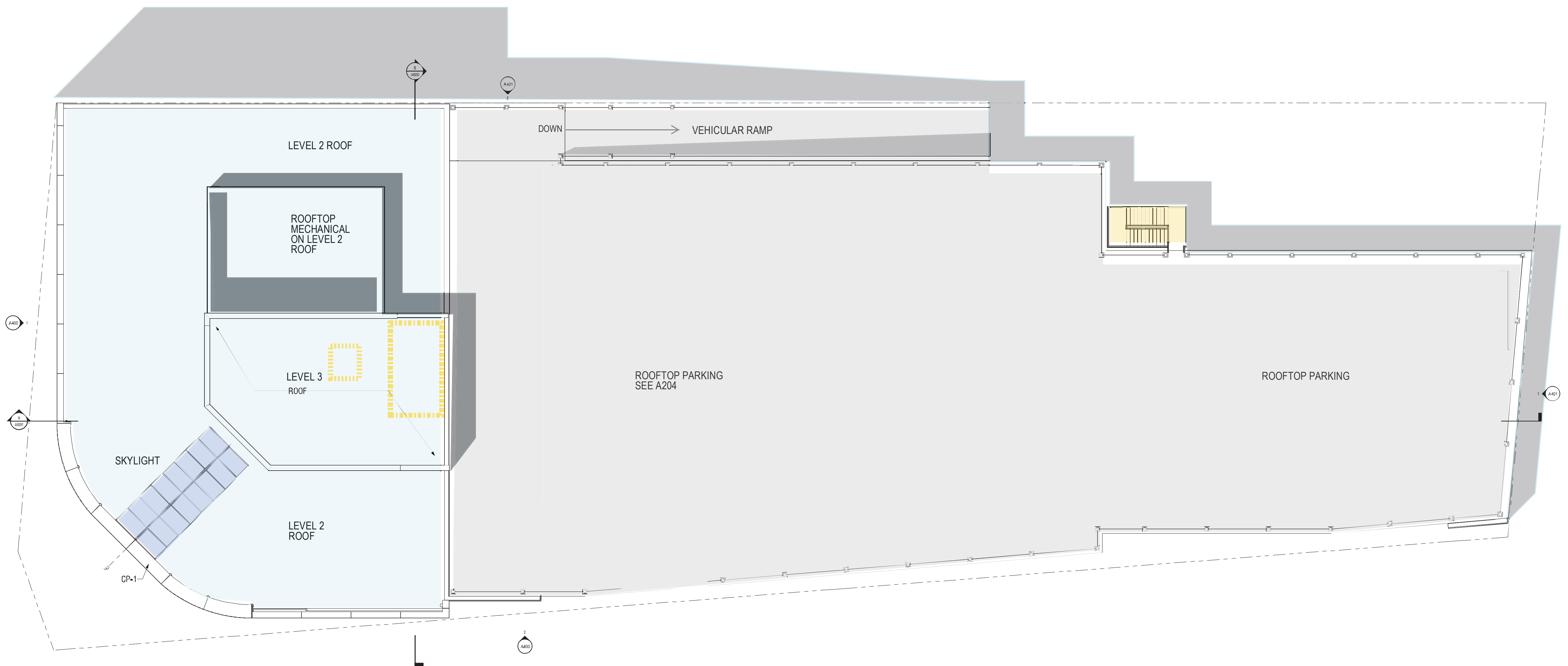
**Porsche Woodward DID**  
34350 Woodward Ave, Birmingham, MI 48009

**Level 3 - Parking and Storage**

**Project No. 21063**

10.26.2022 CIS / Preliminary  
Site Plan Review  
/1/ 1.25.2023  
Final Site Plan Review  
/2/ 3.13.2023 SLUP Review

**A204**



**PRAXIS3**

Fred Lavery Company

Luckenbach  
Ziegelman  
Gardner  
Architects  
PLLC

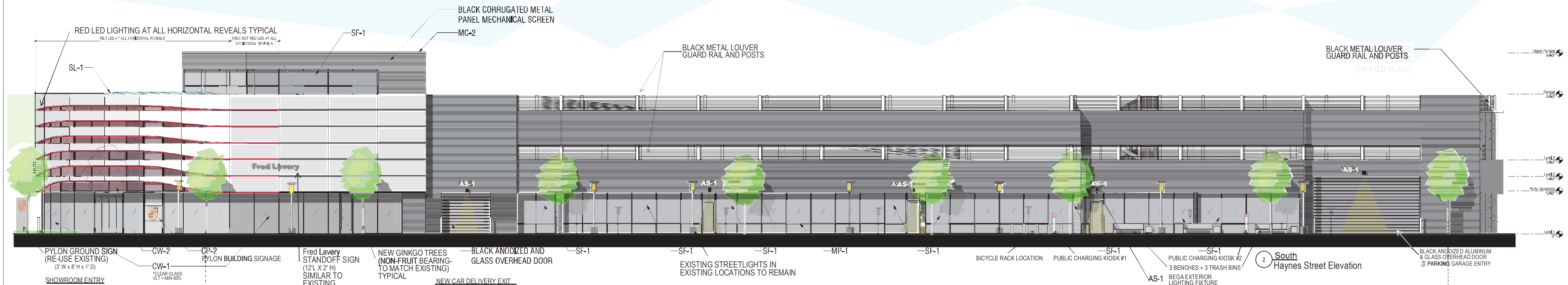
**Porsche Woodward DID**  
34350 Woodward Ave, Birmingham, MI 48009

**Roof Plan**

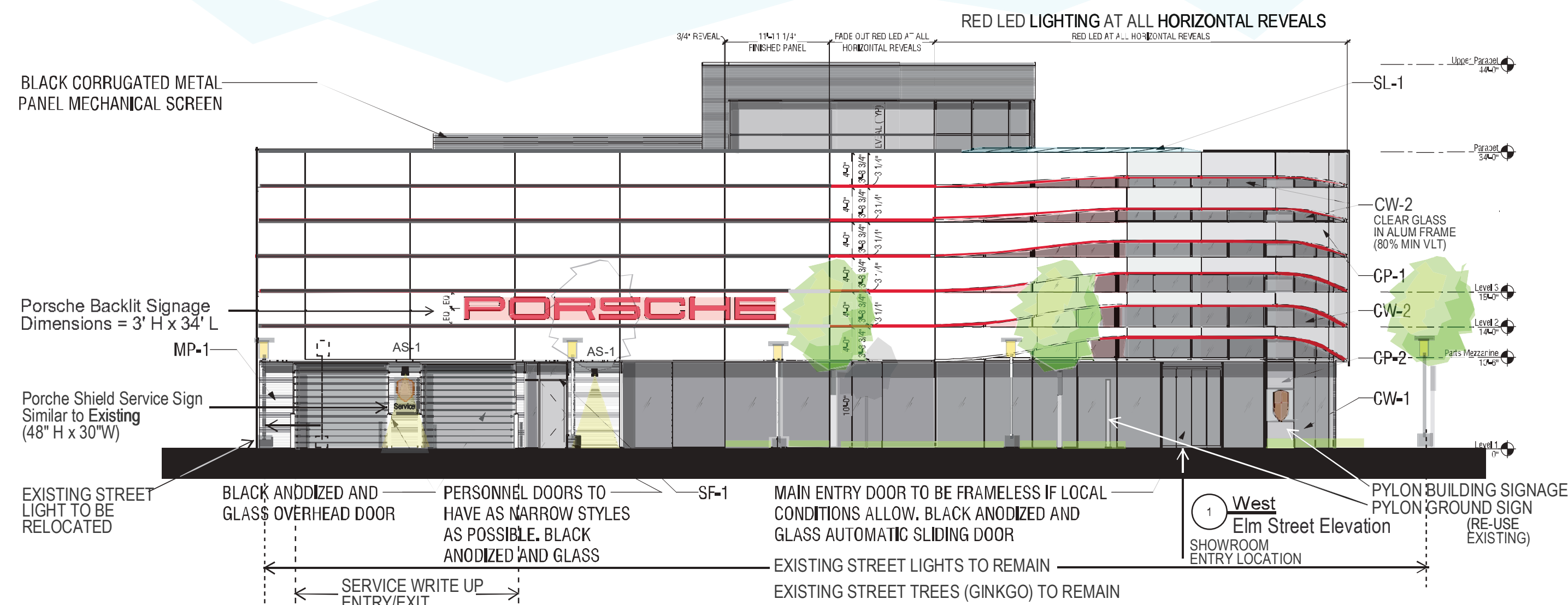
**Project No. 21063**

10.26.2022 CIS / Preliminary  
Site Plan Review  
/1/ 1.25.2023  
Final Site Plan Review  
/2/ 3.13.2023 SLUP Review

**A205**

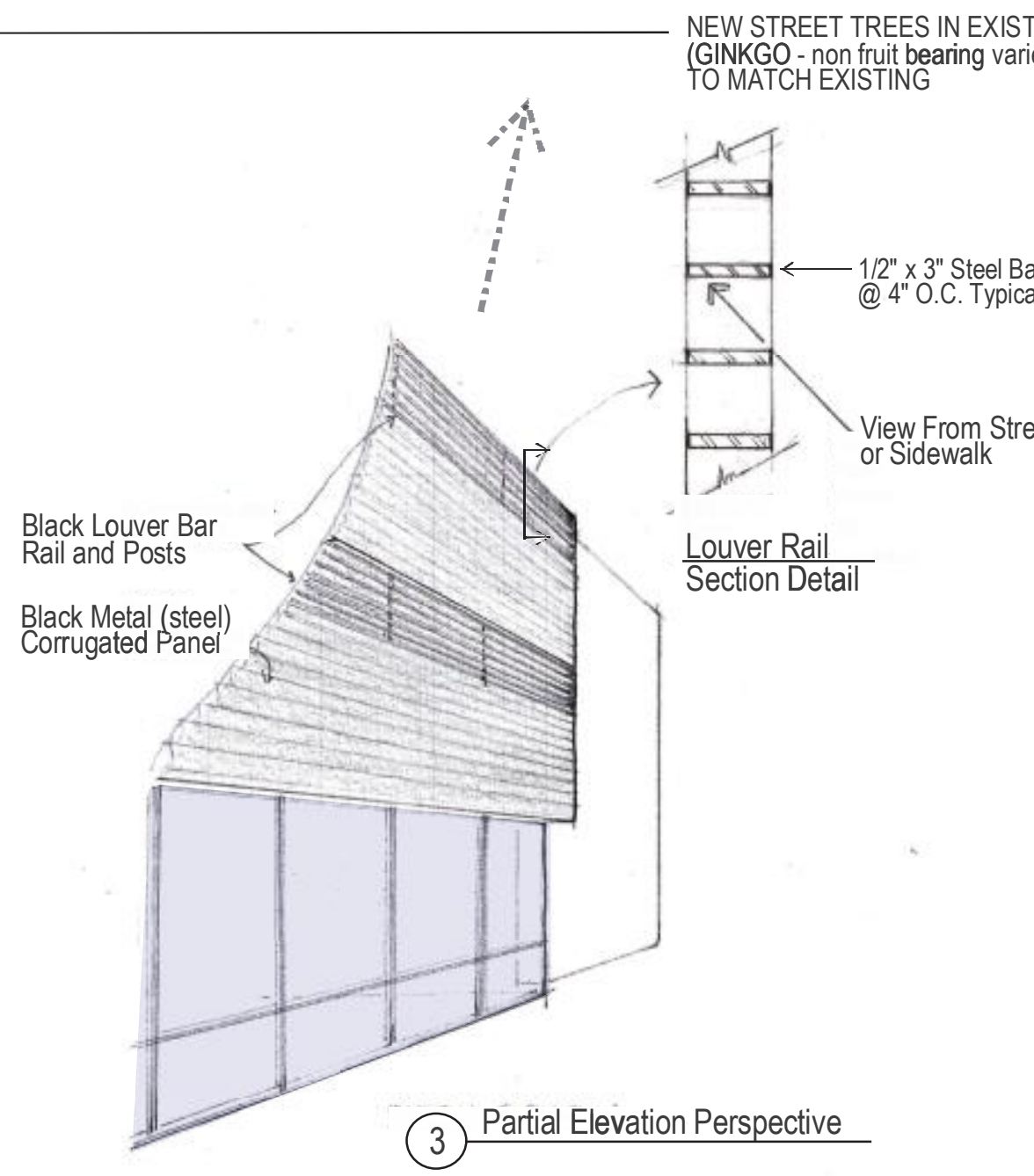


2 South Haynes Street Elevation



1 West Elm Street Elevation

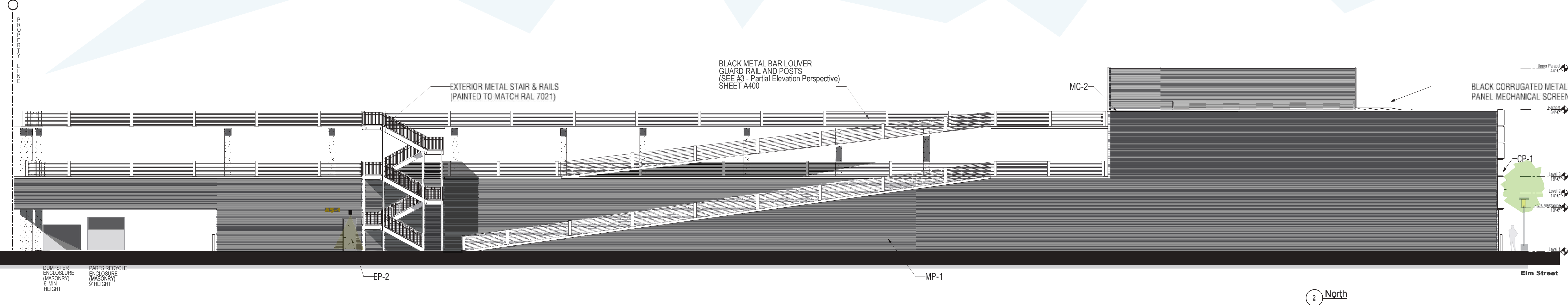
Exterior Finish Schedule			
TAG	MATERIAL	MANUFACTURER	DESCRIPTION/COMMENTS
CP-1	MCM METAL COMPOSITE MATERIAL WALL PANEL B&G ALUCOBOND (SUNBSE SILVER)	SOBOTEC STRATUS OR AIG	
CP-2	MCM METAL COMPOSITE MATERIAL WALL PANEL B&G ALUCOBOND (TRAFFIC WHITE RAL 9016)	SOBOTEC STRATUS OR AIG	
MP-1	ARCHITECTURAL RIBBED METAL (ARM) WALL PANEL	ATAS	RED WALL ATAS TARGA BLACK (RAL 7021) SMOOTH TEXTURE
MC-2	PRE-FINISHED METAL COPING TO MATCH MP-1		
CW-1	STRUCTURAL CURTAIN WALL GLAZING AT SHOWROOM W/ CLEAR GLASS - VLT = MIN 80%	OLD CASTLE	FRAMELESS WITH FINIS. BLACK SEALANT AT VERTICAL JOINTS
CW-1	IMPACT RESISTANT STRUCTURAL CURTAIN WALL GLAZING AT SHOWROOM	SLIMPACT	FRAMELESS. BLACK SEALANT AT VERTICAL JOINTS
CW-2	STRUCTURAL CURTAIN WALL GLAZING W/ CLEAR GLASS - MIN VLT = 80%	OLD CASTLE	7-1/2\"/>
SF-1	ALUMINUM STOREFRONT	OLD CASTLE	4-1/2\"/>
SL-1	ALUMINUM FRAMED SKYLIGHT	SUPERSKY OR OLD CASTLE	LOW SLOPE, CLEAR ANODIZED
EP-2	EXTERIOR PAINT/ELASTOMERIC COATING	SHERWIN WILLIAMS	SVI 6950 CAVALIER, SEMI-GLOSS SHEEN
EP-3	EXTERIOR PAINT		ALL EXPOSED STRUCTURAL STEEL, MATCH RAL 9007, SEMI-GLOSS SHEEN
CN-1	CONCRETE		SITE HARDSCAPES/SIDEWALKS AT SHOWROOM, LIGHT BROWN FINISHED
CN-2	INTEGRALLY COLORED SEALED STAMPEDED CONCRETE		SITE HARDSCAPES/SIDEWALKS AT SHOWROOM, (RAL 7021) DARK GREY
CN-3	INTEGRALLY COLORED CONCRETE		SITE HARDSCAPES/RETAINING WALLS, (RAL 7021) DARK GREY
PV-2	CONCRETE PAVERS		SITE HARDSCAPES/SIDEWALKS AT SHOWROOM, (RAL 7021) DARK GREY, TIGHT JOINTS



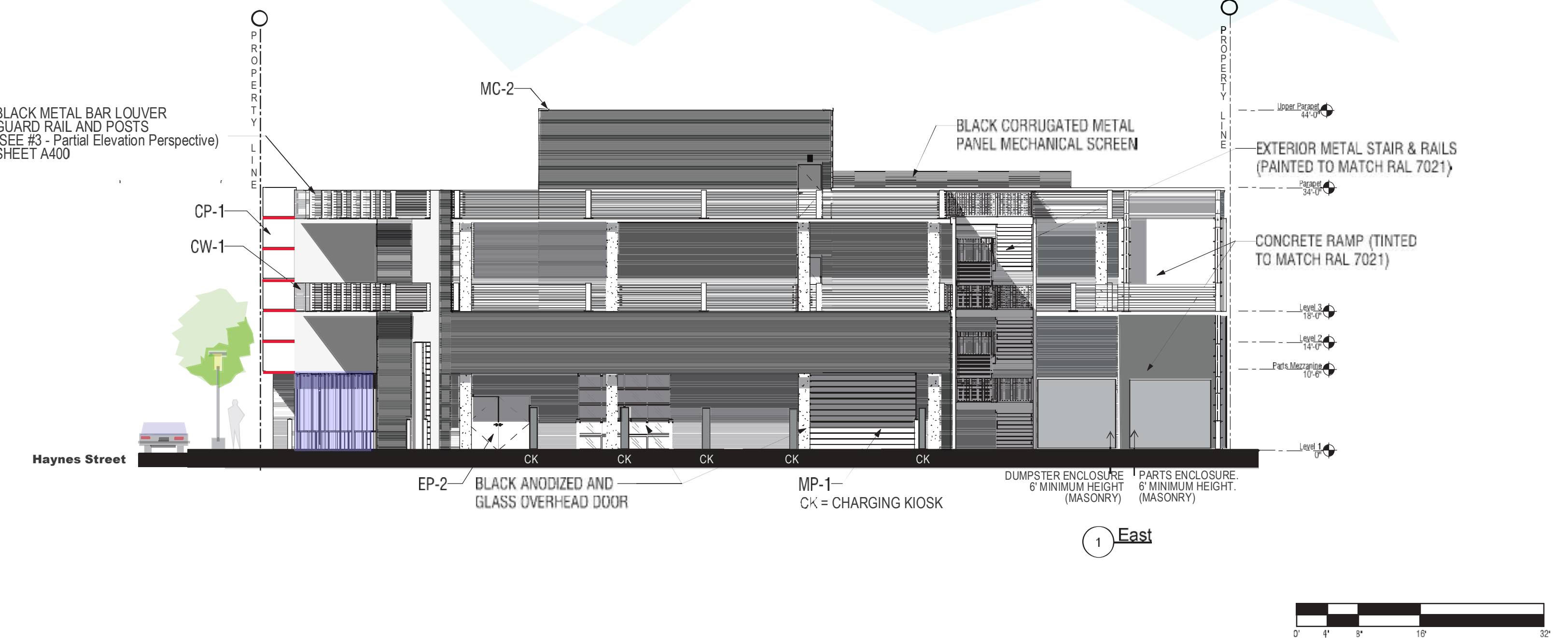
3 Partial Elevation Perspective

Fred Lavery Company		Luckenbach Ziegelman Gardner Architects PLLC	Porsche Woodward DID 34350 Woodward Ave, Birmingham, MI 48009	Elevations	Project No. 21063	10.26.2022 CIS/ Preliminary Site Plan Review 09.15.2022 Final Site Plan Review 12.31.2023 SLUP Review	A400
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Exterior Finish Schedule			
TAG	MATERIAL	MANUFACTURER	DESCRIPTION/COMMENTS
CP-1	RCW METAL COMPOSITE MATERIAL WALL PANEL, BLD. ALLIGATOR (SUNRISE SILVER)	SCOTED, STRATUS OR AGI	
CP-2	RCW METAL COMPOSITE MATERIAL WALL PANEL, BLD. ALLIGATOR (TRAFFIC WHITE RAL 9016)	SCOTED, STRATUS OR AGI	
WP-1	ARCHITECTURAL RUBBER METAL (DARK) WALL PANEL	ATAS	RUBBER WALL ATAS TARGA BLACK (RAL 7021) SMOOTH TEXTURE
MC-2	PRE-FINISHED METAL COPING TO MATCH MP-1		
CW-1	STRUCTURAL CURTAIN WALL GLAZING AT SHOWROOM	OLD CASTLE	FRAMELESS WITH FINIS, BLACK SEALANT AT VERTICAL JOINTS
CW-1	IMPACT RESISTANT STRUCTURAL CURTAIN WALL GLAZING AT SHOWROOM	SLIMPACT	FRAMELESS, BLACK SEALANT AT VERTICAL JOINTS
CW-2	STRUCTURAL CURTAIN WALL GLAZING	OLD CASTLE	1-1/2" DEEP SYSTEM, CLEAR ANODIZED
SP-1	ALUMINUM STOREFRONT	OLD CASTLE	1-1/2" DEEP SYSTEM, BLACK ANODIZED
SL-1	ALUMINUM FRAMED SKYLIGHT	SUPERSKY OR OLD CASTLE	LOW SLOPE, CLEAR ANODIZED
EP-2	EXTERIOR PAINT LAST OVER COATING	SHERWIN WILLIAMS	SW 6890 DAVAR, SEMI GLOSS SHEEN
EP-3	EXTERIOR PAINT		ALL EXPOSED STRUCTURAL STEEL MATCH RAL 9007, SEMI GLOSS SHEEN
CN-1	CONCRETE		SITE HARDSCAPES/SEWALKS AT SHOWROOM, LIGHT BROWN FINISHED
CN-2	INTEGRALLY COLORED SEALED STAMPED CONCRETE		SITE HARDSCAPES/SEWALKS AT SHOWROOM, (RAL 7021) DARK GREY
CN-3	INTEGRALLY COLORED CONCRETE		SITE HARDSCAPES/SEWALKS AT SHOWROOM, (RAL 7021) DARK GREY
PV-2	CONCRETE PAVING		SITE HARDSCAPES/SEWALKS AT SHOWROOM, (RAL 7021) DARK GREY, TIGHT JOINTS







Haynes Street Block



Elm Street Block

	Fred Lavery Company	Luckenbach Ziegelman Gardner Architects PLLC	Lavery Porsche Woodward 34350 Woodward Ave, Birmingham, MI 48009	Entire Block Facades	Project No. 21063	03.13.2023 SLUP REVIEW	A402
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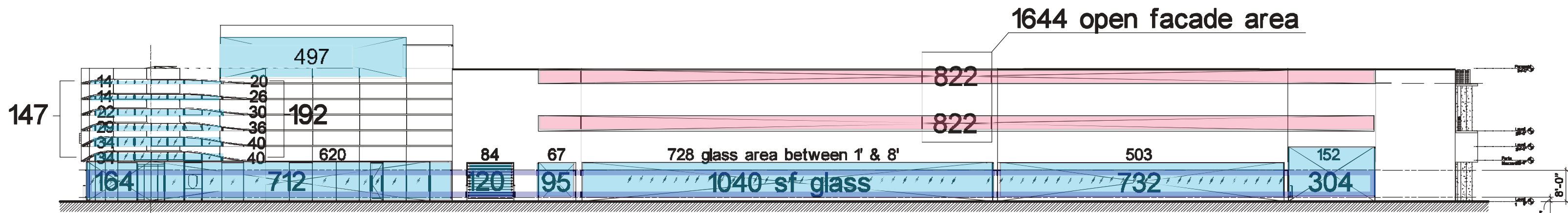


SOUTH FACADE GLASS AREA =	4,003 SF
TOTAL SOUTH FACADE AREA =	12,668 SF
PERCENTAGE GLASS =	$4,003 / 12,668 (100) = 31.5\%$

SOUTH FACADE OPEN AREA =	1,644 SF
TOTAL SOUTH FACADE AREA =	12,668 SF
PERCENTAGE OPEN AREA =	$1,644 / 12,668 (100) = 13\%$

SOUTH FACADE GLASS & OPEN AREA =	5,647 SF
TOTAL SOUTH FACADE AREA =	12,668 SF
PERCENTAGE GLASS + OPEN AREA =	$5,647 / 12,668 (100) = 44.5\%$

HAYNES STREET ELEVATION  
FACADE OPEN AREA AND GLASS AREA CALCULATIONS



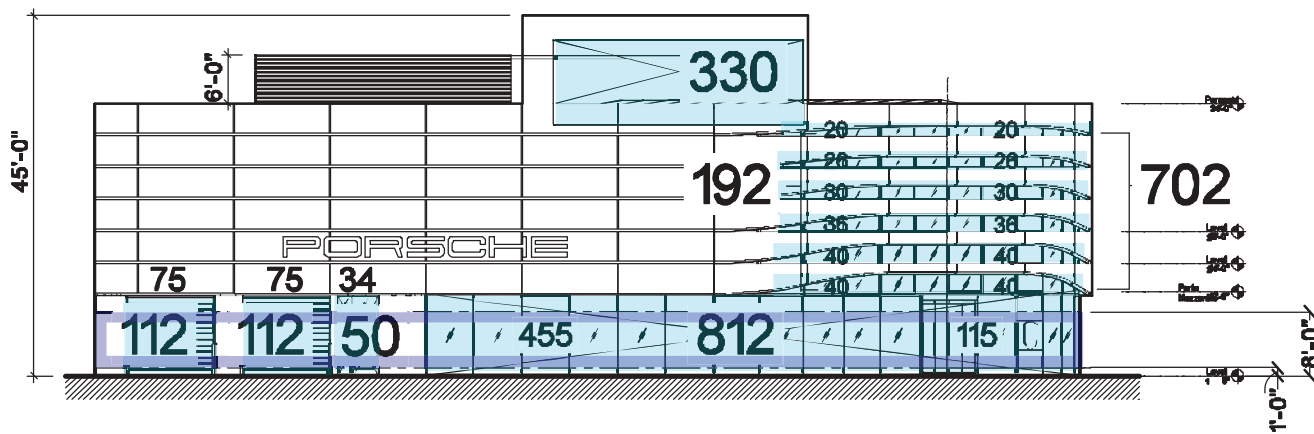
HAYNES STREET ELEVATION (SOUTH)

TOTAL GLASS AREA =	2,154 SF
TOTAL AREA BETWEEN 1' & 8' =	2,484 SF
% GLASS BETWEEN 1' & 8' =	$2,154 / 2,484 (100)$
TOTAL PERCENT GLASS =	86.7% (MIN. REQ'D = 70%)

HAYNES STREET ELEVATION  
GLASS PERCENTAGE BETWEEN 1' & 8 FEET

WEST FACADE GLASS AREA =	2,310 SF
TOTAL SOUTH FACADE AREA =	4,740 SF
PERCENTAGE GLASS AREA =	$2,310 / 4,740 (100) = 46.4\%$

ELM STREET ELEVATION  
FACADE GLASS CALCULATIONS

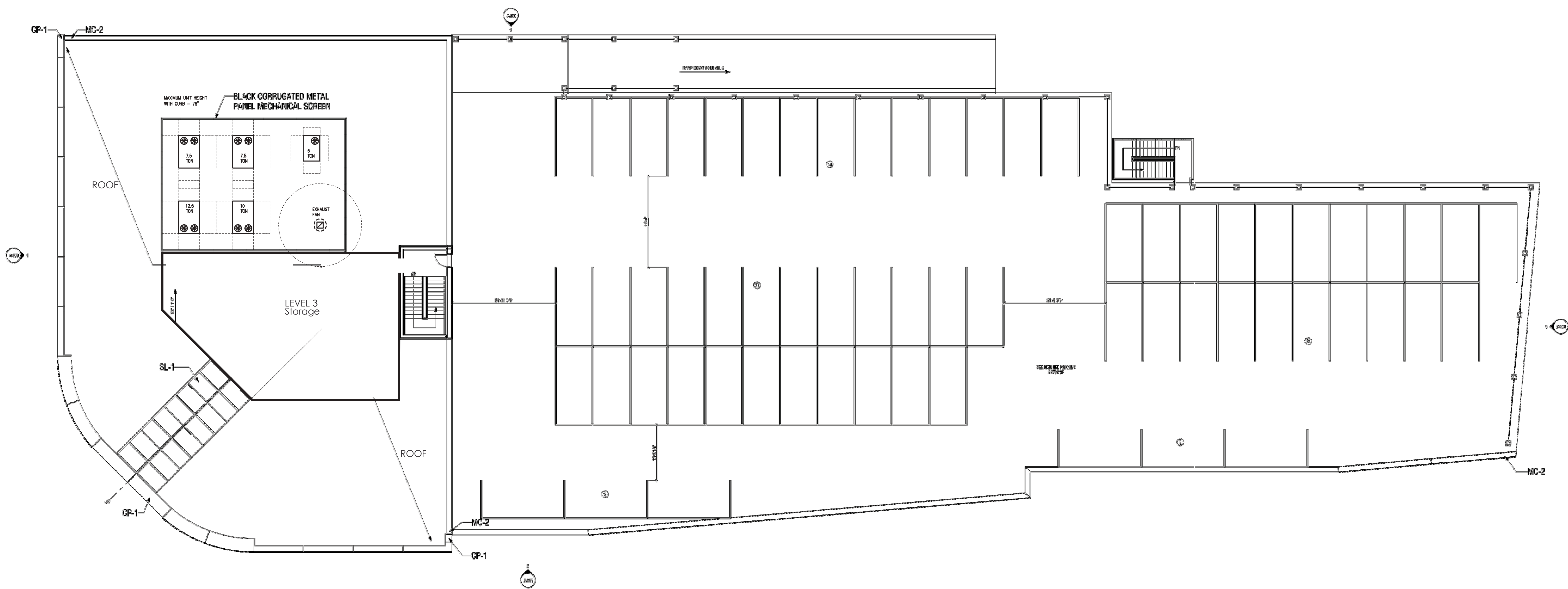


ELM STREET ELEVATION (WEST)

TOTAL GLASS AREA =	754 SF
TOTAL AREA BETWEEN 1' & 8' =	865 SF
% GLASS BETWEEN 1' & 8' =	$754 / 865 (100)$
TOTAL PERCENT GLASS =	87.2% (MIN. REQ'D = 70%)

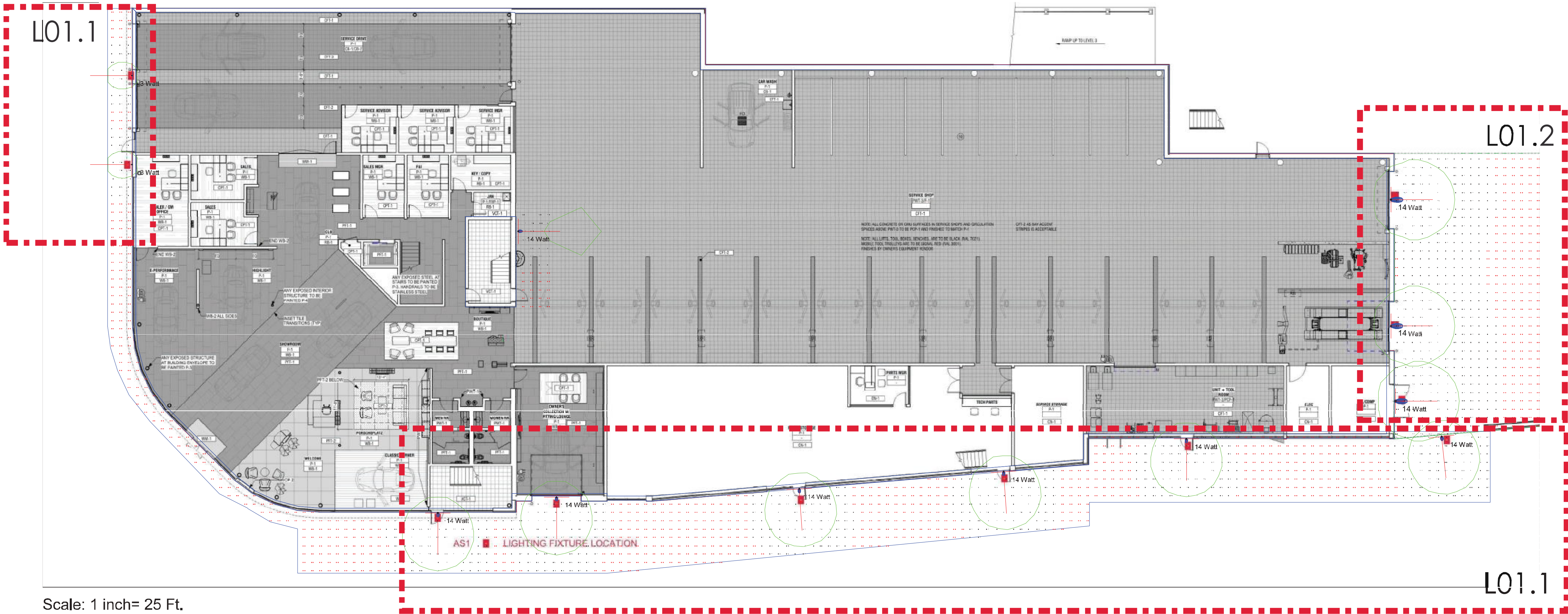
ELM STREET ELEVATION  
% GLASS BETWEEN 1' & 8'





<b>PRAXIS3</b>	<b>Fred Lavery Company</b>	<b>Porsche Woodward DID</b> 34350 Woodward Ave, Birmingham, MI 48009	<b>Mechanical Roof Plan</b>	<b>Project No. 21063</b>	10.26.2022 CIS / Preliminary Site Plan Review /1/ 1.25.2023 Final Site Plan Review /2/ 3.13.2023 SLUP Review	<b>M01</b>
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Scale: 1 inch= 25 Ft.

LIGHTING FIXTURE SCHEDULE				
SYMBOL	TYPE	QTY	WATTS	LUMENS
⊕	14 Watt	7	17	1217
⊕	3 Watt	2	5	145

CALCULATION SUMMARY					
LABEL	UNITS	AVG	MAX	MIN	MAX/MIN
Garage Area_Floor	Fc	1.72	42.6	0.0	N.A.
Sidewalk_Planar	Fc	1.09	11.6	0.0	N.A.
Upper Garage Entry	Fc	4.71	34.9	0.0	N.A.

NOTES:

1. STANDARD LIGHT REFLECTANCE VALUES: 80% CEILING, 50% WALLS, 20% FLOORS.
2. TYPICAL CALCULATION PLANE HEIGHTS ARE INDICATED BY FLOOR BEING AT 0'-0" AND WORKPLANE BEING AT 2'-6".
3. LUMINAIRES SHOWN ARE BASIS OF DESIGN.

date

REVISION  
X

5145 Livernois, Suite 100  
Troy, Michigan 48068-3275  
T: 248-879-5666 F: 248-879-007  
www.PeterBassoAssociates.com  
PBA Project #



PROJECT TITLE  
LAVERY PORSCHE EXTERIOR LIGHTING

SHEET TITLE  
EXTERIOR LIGHTING CALCULATIONS

DATE

10.26.2022 CIS / Preliminary  
Site Plan Review

BY:

/1/ 1.25.2023  
Final Site Plan Review

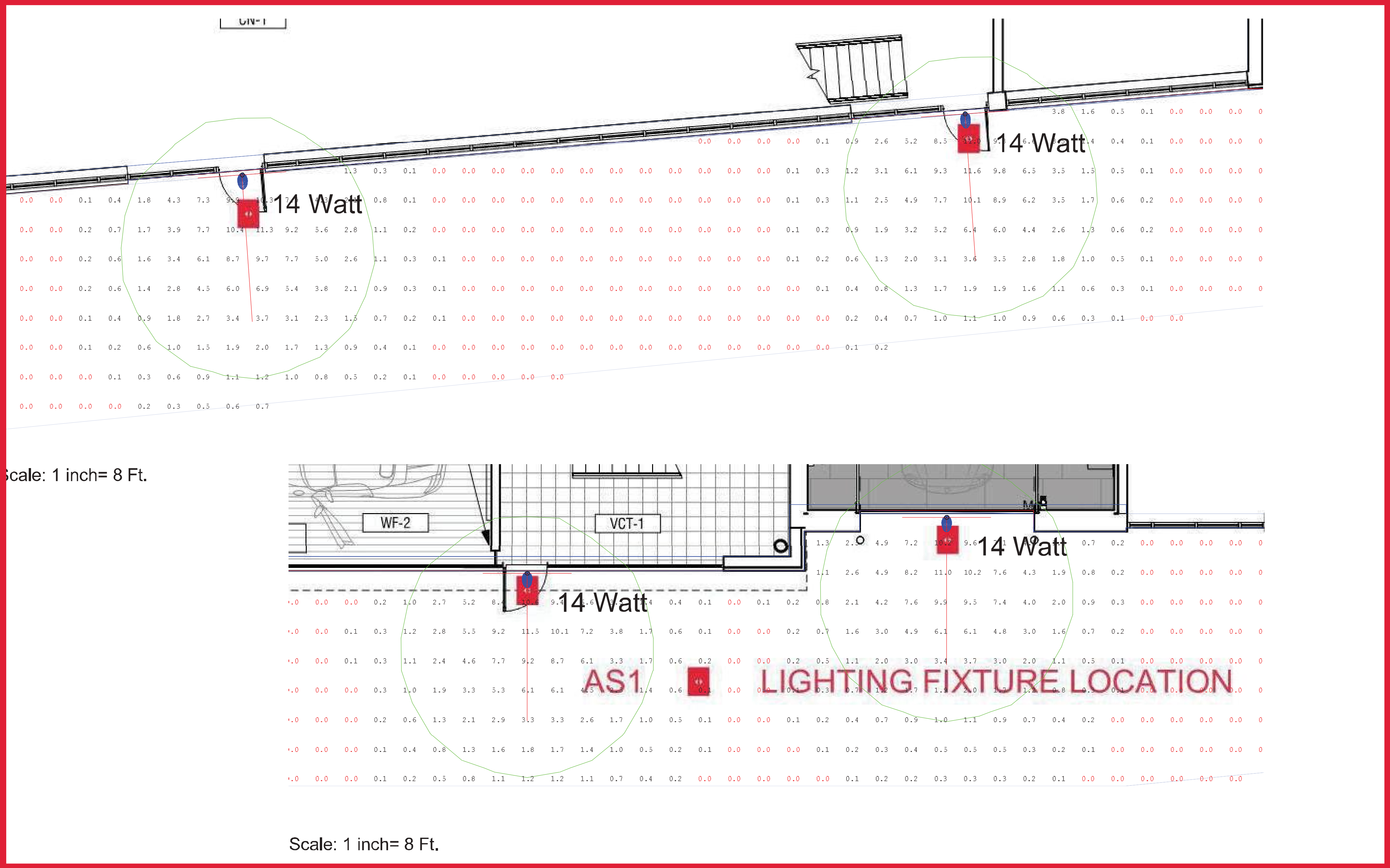
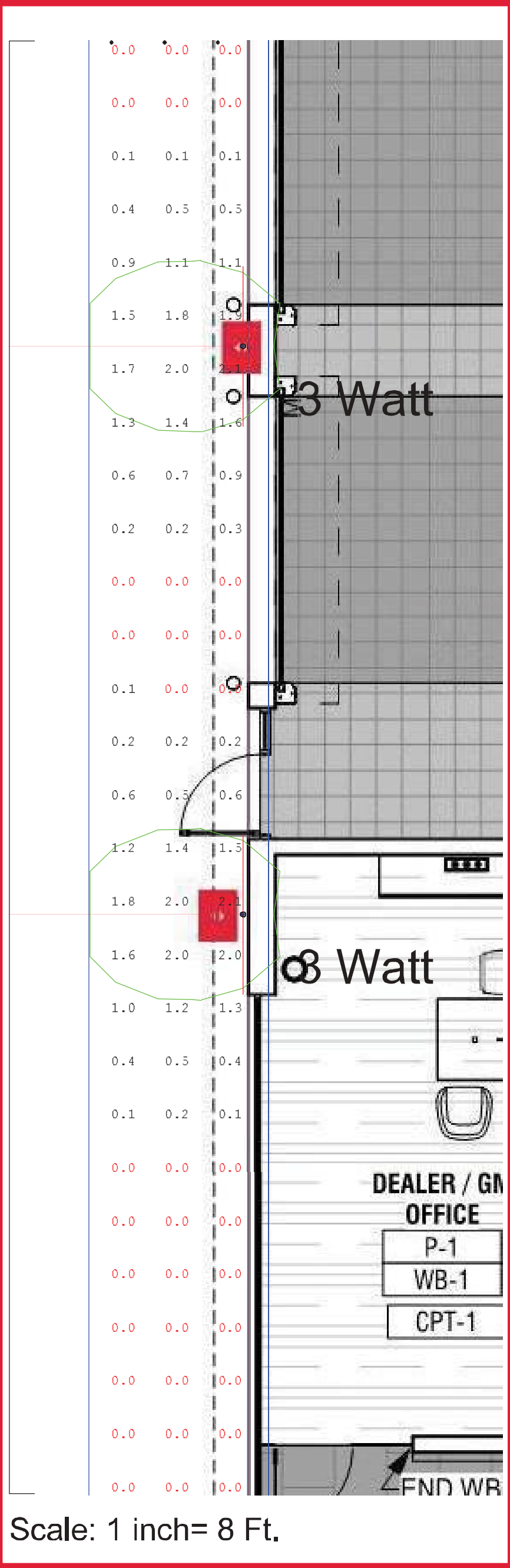
AS/KD

/2/ 3.13.2023  
SLUP Review

SHEET No.

L01





LIGHTING FIXTURE SCHEDULE					
SYMBOL	TYPE	QTY	WATTS	LUMENS	DESCRIPTION / NOTES
⊙	22 Watt	3	26	2023	
⊙	14 Watt	7	17	1217	
⊙	3 Watt	2	5	145	

CALCULATION SUMMARY					
LABEL	UNITS	AVG	MAX	MIN	MAX/MIN
Garage Area_Floor	Fc	1.72	42.6	0.0	N.A.
Sidewalk_Planar	Fc	1.09	11.6	0.0	N.A.
Upper Garage Entry	Fc	4.71	34.9	0.0	N.A.

- NOTES:**
1. STANDARD LIGHT REFLECTANCE VALUES: 80% CEILING, 50% WALLS, 20% FLOORS.
  2. TYPICAL CALCULATION PLANE HEIGHTS ARE INDICATED BY FLOOR BEING AT 0'-0" AND WORKPLANE BEING AT 2'-6".
  3. LUMINAIRES SHOWN ARE BASIS OF DESIGN.


10.26.2022 CIS / Preliminary  
Site Plan Review  
/1/ 1.25.2023  
Final Site Plan Review  
/2/ 3.13.2023  
SLLUP REVIEW

DATE  
2022-08-26

BY:  
AS/KD

SHEET No.  
L01.1

5145 Livernois, Suite 100  
Troy, Michigan 48068-3275  
T: 248-879-5666 F: 248-879-007  
www.PeterBassoAssociates.com  
PBA Project #

  
Peter Basso Associates Inc.  
CONSULTING ENGINEERS

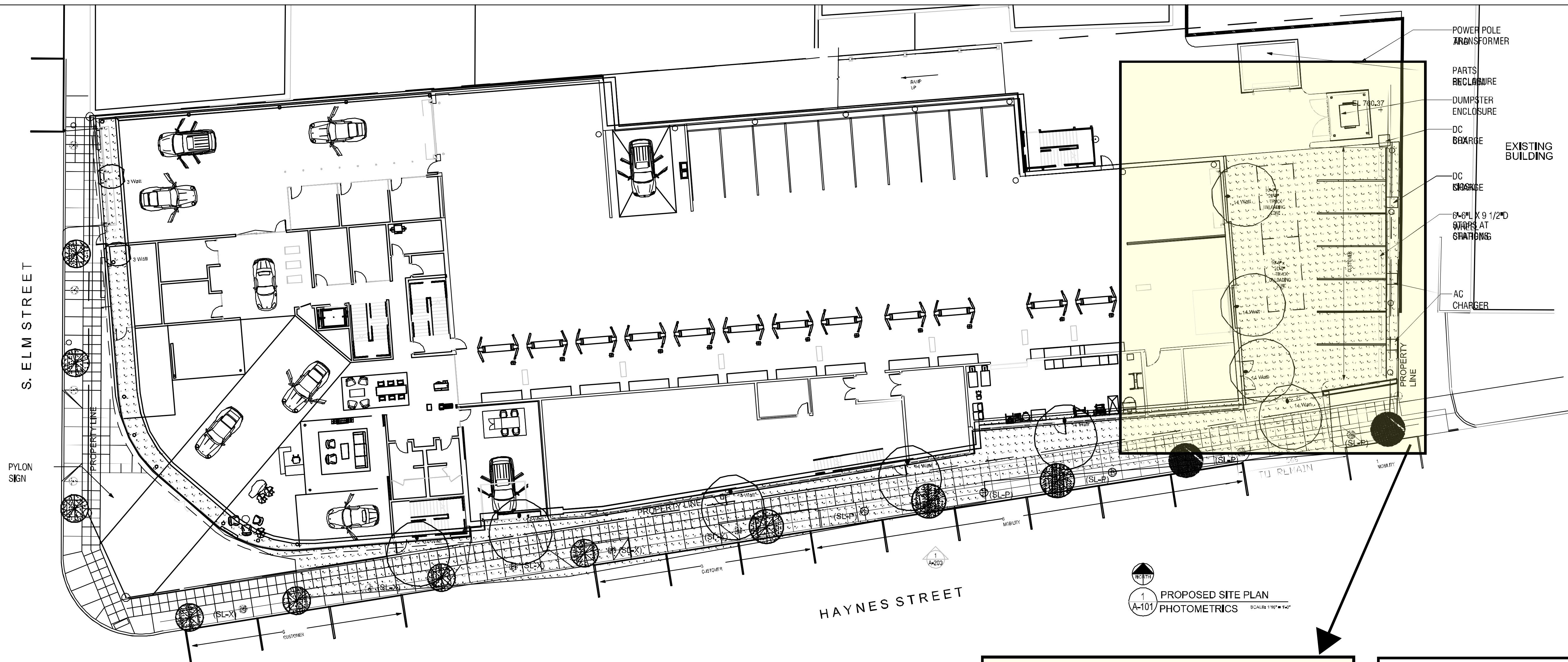
REVISION  
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PROJECT TITLE  
LAVERY PORSCHE EXTERIOR LIGHTING

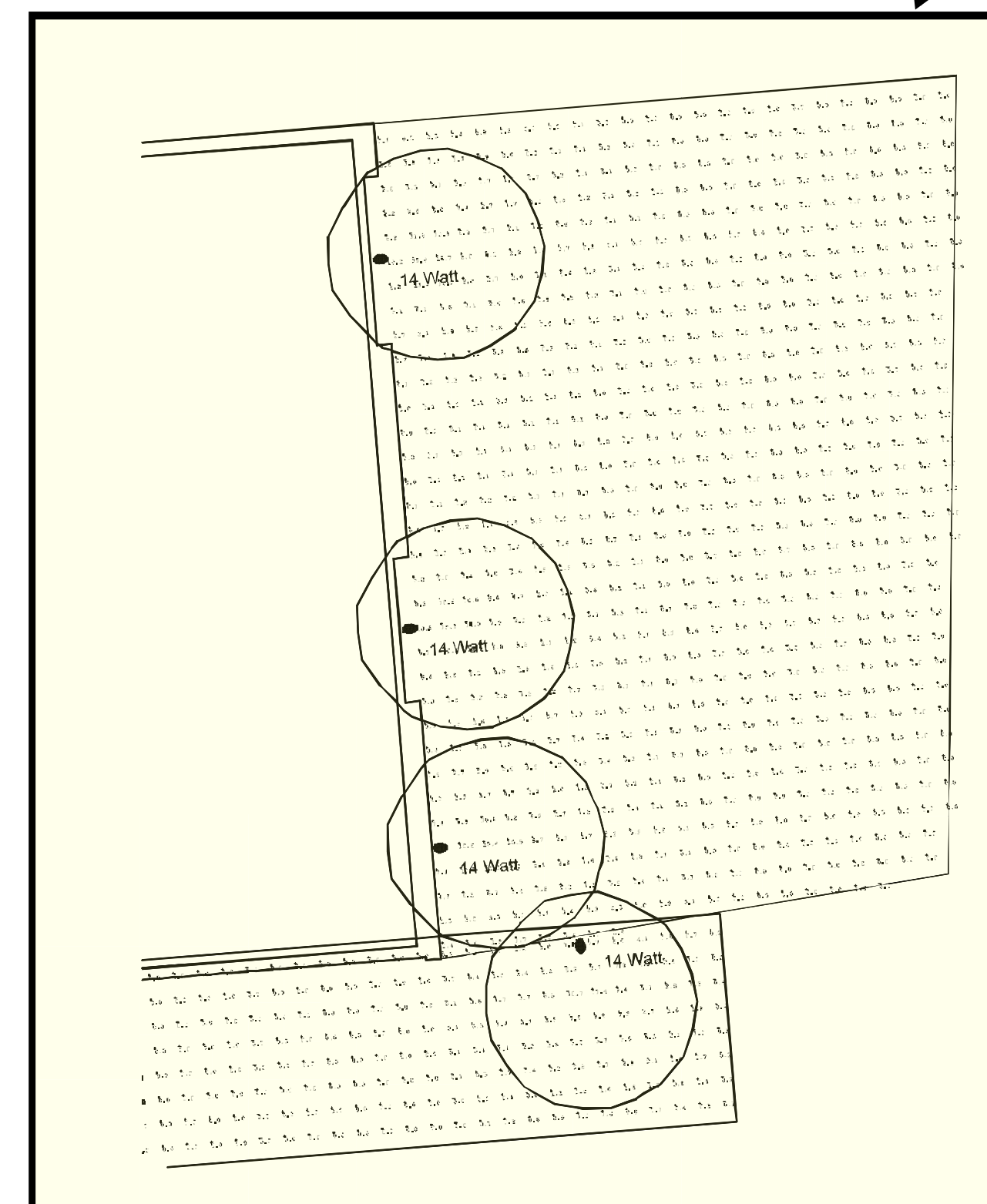
SHEET TITLE  
EXTERIOR LIGHTING CALCULATIONS

date





1  
A-101  
PROPOSED SITE PLAN  
PHOTOMETRICS  
SCALE: 1/8" = 1'-0"



2  
A-112  
PLAN DETAIL- MAIN LEVEL PARKING STRUCTURE CIRCULATION  
PHOTOMETRICS - LIGHTING LEVELS  
SCALE: 1/8" = 1'-0"

CALCULATION SUMMARY					
LABEL	FIXTURE UNITS	AVE	MAX	MIN	
Garage Area Floor	14W Fc	2.50	15.4	0.0	
Sidewalk Planar	14W Fc	1.09	11.6	0.0	

**LED wall luminaires - directed light**

**BEGA**

**Application:**  
LED wall luminaires with directed light distribution designed for general illumination of parking areas and building exteriors from various mounting heights.

**Materials:**  
Luminaire housing constructed of die-cast extruded grade 6061 aluminum (see also page 10) 4000-0 aluminum alloy.

**Other features:**  
Reflector made of pure anodized aluminum.  
Sensors replaced robotically to ensure precise treatment for increased precision.

**High temperature aluminum jacket:**  
Mechanically resistant and heat resistant.

**IP68, tested to North American standards, suitable for wall locations.**  
Protection class IP68.

**Height:** 2.20m

**Technical:**  
Operating voltage: 120-277V AC  
Maximum ambient temperature: +40°C  
LED module voltage: 14.0V  
System voltage: 17.0V  
Connectivity: D-102 77VAC and 12V DC variable  
Color rendering index: Ra > 90  
Luminous flux: 1,218 lumens (2200K)  
Lumens at 2700K: 1,200 (800K)  
Lumens at 3000K: 1,200 (800K)

**LED color temperature:**  
□ 2200K - Product number: K2  
□ 2700K - Product number: K3  
□ 3000K - Product number: K4  
□ 3500K - Product number: K5  
□ 4000K - Product number: K6

**Notes:**  
BEGA standard luminaires are made of anodized aluminum powder coat with a lifetime of 100,000 hours.  
Available colors: □ Black (SL0) □ White (SL1) □ Grey (SL2) □ Silver (SL3) □ Blue (SL4) □ Green (SL5) □ Red (SL6) □ Yellow (SL7) □ Orange (SL8) □ Purple (SL9) □ Pink (SL10) □ Brown (SL11) □ Gold (SL12) □ Silver (SL13) □ Black (SL14) □ White (SL15) □ Grey (SL16) □ Silver (SL17) □ Blue (SL18) □ Green (SL19) □ Red (SL20) □ Yellow (SL21) □ Orange (SL22) □ Purple (SL23) □ Pink (SL24) □ Brown (SL25) □ Gold (SL26) □ Silver (SL27) □ Black (SL28) □ White (SL29) □ Grey (SL30) □ Silver (SL31) □ Blue (SL32) □ Green (SL33) □ Red (SL34) □ Yellow (SL35) □ Orange (SL36) □ Purple (SL37) □ Pink (SL38) □ Brown (SL39) □ Gold (SL40) □ Silver (SL41) □ Black (SL42) □ White (SL43) □ Grey (SL44) □ Silver (SL45) □ Blue (SL46) □ Green (SL47) □ Red (SL48) □ Yellow (SL49) □ Orange (SL50) □ Purple (SL51) □ Pink (SL52) □ Brown (SL53) □ Gold (SL54) □ Silver (SL55) □ Black (SL56) □ White (SL57) □ Grey (SL58) □ Silver (SL59) □ Blue (SL60) □ Green (SL61) □ Red (SL62) □ Yellow (SL63) □ Orange (SL64) □ Purple (SL65) □ Pink (SL66) □ Brown (SL67) □ Gold (SL68) □ Silver (SL69) □ Black (SL70) □ White (SL71) □ Grey (SL72) □ Silver (SL73) □ Blue (SL74) □ Green (SL75) □ Red (SL76) □ Yellow (SL77) □ Orange (SL78) □ Purple (SL79) □ Pink (SL80) □ Brown (SL81) □ Gold (SL82) □ Silver (SL83) □ Black (SL84) □ White (SL85) □ Grey (SL86) □ Silver (SL87) □ Blue (SL88) □ Green (SL89) □ Red (SL90) □ Yellow (SL91) □ Orange (SL92) □ Purple (SL93) □ Pink (SL94) □ Brown (SL95) □ Gold (SL96) □ Silver (SL97) □ Black (SL98) □ White (SL99) □ Grey (SL100) □ Silver (SL101) □ Blue (SL102) □ Green (SL103) □ Red (SL104) □ Yellow (SL105) □ Orange (SL106) □ Purple (SL107) □ Pink (SL108) □ Brown (SL109) □ Gold (SL110) □ Silver (SL111) □ Black (SL112) □ White (SL113) □ Grey (SL114) □ Silver (SL115) □ Blue (SL116) □ Green (SL117) □ Red (SL118) □ Yellow (SL119) □ Orange (SL120) □ Purple (SL121) □ Pink (SL122) □ Brown (SL123) □ Gold (SL124) □ Silver (SL125) □ Black (SL126) □ White (SL127) □ Grey (SL128) □ Silver (SL129) □ Blue (SL130) □ Green (SL131) □ Red (SL132) □ Yellow (SL133) □ Orange (SL134) □ Purple (SL135) □ Pink (SL136) □ Brown (SL137) □ Gold (SL138) □ Silver (SL139) □ Black (SL140) □ White (SL141) □ Grey (SL142) □ Silver (SL143) □ Blue (SL144) □ Green (SL145) □ Red (SL146) □ Yellow (SL147) □ Orange (SL148) □ Purple (SL149) □ Pink (SL150) □ Brown (SL151) □ Gold (SL152) □ Silver (SL153) □ Black (SL154) □ White (SL155) □ Grey (SL156) □ Silver (SL157) □ Blue (SL158) □ Green (SL159) □ Red (SL160) □ Yellow (SL161) □ Orange (SL162) □ Purple (SL163) □ Pink (SL164) □ Brown (SL165) □ Gold (SL166) □ Silver (SL167) □ Black (SL168) □ White (SL169) □ Grey (SL170) □ Silver (SL171) □ Blue (SL172) □ Green (SL173) □ Red (SL174) □ Yellow (SL175) □ Orange (SL176) □ Purple (SL177) □ Pink (SL178) □ Brown (SL179) □ Gold (SL180) □ Silver (SL181) □ Black (SL182) □ White (SL183) □ Grey (SL184) □ Silver (SL185) □ Blue (SL186) □ Green (SL187) □ Red (SL188) □ Yellow (SL189) □ Orange (SL190) □ Purple (SL191) □ Pink (SL192) □ Brown (SL193) □ Gold (SL194) □ Silver (SL195) □ Black (SL196) □ White (SL197) □ Grey (SL198) □ Silver (SL199) □ Blue (SL200) □ Green (SL201) □ Red (SL202) □ Yellow (SL203) □ Orange (SL204) □ Purple (SL205) □ Pink (SL206) □ Brown (SL207) □ Gold (SL208) □ Silver (SL209) □ Black (SL210) □ White (SL211) □ Grey (SL212) □ Silver (SL213) □ Blue (SL214) □ Green (SL215) □ Red (SL216) □ Yellow (SL217) □ Orange (SL218) □ Purple (SL219) □ Pink (SL220) □ Brown (SL221) □ Gold (SL222) □ Silver (SL223) □ Black (SL224) □ White (SL225) □ Grey (SL226) □ Silver (SL227) □ Blue (SL228) □ Green (SL229) □ Red (SL230) □ Yellow (SL231) □ Orange (SL232) □ Purple (SL233) □ Pink (SL234) □ Brown (SL235) □ Gold (SL236) □ Silver (SL237) □ Black (SL238) □ White (SL239) □ Grey (SL240) □ Silver (SL241) □ Blue (SL242) □ Green (SL243) □ Red (SL244) □ Yellow (SL245) □ Orange (SL246) □ Purple (SL247) □ Pink (SL248) □ Brown (SL249) □ Gold (SL250) □ Silver (SL251) □ Black (SL252) □ White (SL253) □ Grey (SL254) □ Silver (SL255) □ Blue (SL256) □ Green (SL257) □ Red (SL258) □ Yellow (SL259) □ Orange (SL260) □ Purple (SL261) □ Pink (SL262) □ Brown (SL263) □ Gold (SL264) □ Silver (SL265) □ Black (SL266) □ White (SL267) □ Grey (SL268) □ Silver (SL269) □ Blue (SL270) □ Green (SL271) □ Red (SL272) □ Yellow (SL273) □ Orange (SL274) □ Purple (SL275) □ Pink (SL276) □ Brown (SL277) □ Gold (SL278) □ Silver (SL279) □ Black (SL280) □ White (SL281) □ Grey (SL282) □ Silver (SL283) □ Blue (SL284) □ Green (SL285) □ Red (SL286) □ Yellow (SL287) □ Orange (SL288) □ Purple (SL289) □ Pink (SL290) □ Brown (SL291) □ Gold (SL292) □ Silver (SL293) □ Black (SL294) □ White (SL295) □ Grey (SL296) □ Silver (SL297) □ Blue (SL298) □ Green (SL299) □ Red (SL300) □ Yellow (SL301) □ Orange (SL302) □ Purple (SL303) □ Pink (SL304) □ Brown (SL305) □ Gold (SL306) □ Silver (SL307) □ Black (SL308) □ White (SL309) □ Grey (SL310) □ Silver (SL311) □ Blue (SL312) □ Green (SL313) □ Red (SL314) □ Yellow (SL315) □ Orange (SL316) □ Purple (SL317) □ Pink (SL318) □ Brown (SL319) □ Gold (SL320) □ Silver (SL321) □ Black (SL322) □ White (SL323) □ Grey (SL324) □ Silver (SL325) □ Blue (SL326) □ Green (SL327) □ Red (SL328) □ Yellow (SL329) □ Orange (SL330) □ Purple (SL331) □ Pink (SL332) □ Brown (SL333) □ Gold (SL334) □ Silver (SL335) □ Black (SL336) □ White (SL337) □ Grey (SL338) □ Silver (SL339) □ Blue (SL340) □ Green (SL341) □ Red (SL342) □ Yellow (SL343) □ Orange (SL344) □ Purple (SL345) □ Pink (SL346) □ Brown (SL347) □ Gold (SL348) □ Silver (SL349) □ Black (SL350) □ White (SL351) □ Grey (SL352) □ Silver (SL353) □ Blue (SL354) □ Green (SL355) □ Red (SL356) □ Yellow (SL357) □ Orange (SL358) □ Purple (SL359) □ Pink (SL360) □ Brown (SL361) □ Gold (SL362) □ Silver (SL363) □ Black (SL364) □ White (SL365) □ Grey (SL366) □ Silver (SL367) □ Blue (SL368) □ Green (SL369) □ Red (SL370) □ Yellow (SL371) □ Orange (SL372) □ Purple (SL373) □ Pink (SL374) □ Brown (SL375) □ Gold (SL376) □ Silver (SL377) □ Black (SL378) □ White (SL379) □ Grey (SL380) □ Silver (SL381) □ 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Pink (SL570) □ Brown (SL571) □ Gold (SL572) □ Silver (SL573) □ Black (SL574) □ White (SL575) □ Grey (SL576) □ Silver (SL577) □ Blue (SL578) □ Green (SL579) □ Red (SL580) □ Yellow (SL581) □ Orange (SL582) □ Purple (SL583) □ Pink (SL584) □ Brown (SL585) □ Gold (SL586) □ Silver (SL587) □ Black (SL588) □ White (SL589) □ Grey (SL590) □ Silver (SL591) □ Blue (SL592) □ Green (SL593) □ Red (SL594) □ Yellow (SL595) □ Orange (SL596) □ Purple (SL597) □ Pink (SL598) □ Brown (SL599) □ Gold (SL600) □ Silver (SL601) □ Black (SL602) □ White (SL603) □ Grey (SL604) □ Silver (SL605) □ Blue (SL606) □ Green (SL607) □ Red (SL608) □ Yellow (SL609) □ Orange (SL610) □ Purple (SL611) □ Pink (SL612) □ Brown (SL613) □ Gold (SL614) □ Silver (SL615) □ Black (SL616) □ White (SL617) □ Grey (SL618) □ Silver (SL619) □ Blue (SL620) □ Green (SL621) □ Red (SL622) □ Yellow (SL623) □ Orange (SL624) □ Purple (SL625) □ Pink (SL626) □ Brown (SL627) □ Gold (SL628) □ Silver (SL629) □ Black (SL630) □ White (SL631) □ Grey (SL632) 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Grey (SL758) □ Silver (SL759) □ Blue (SL760) □ Green (SL761) □ Red (SL762) □ Yellow (SL763) □ Orange (SL764) □ Purple (SL765) □ Pink (SL766) □ Brown (SL767) □ Gold (SL768) □ Silver (SL769) □ Black (SL770) □ White (SL771) □ Grey (SL772) □ Silver (SL773) □ Blue (SL774) □ Green (SL775) □ Red (SL776) □ Yellow (SL777) □ Orange (SL778) □ Purple (SL779) □ Pink (SL780) □ Brown (SL781) □ Gold (SL782) □ Silver (SL783) □ Black (SL784) □ White (SL785) □ Grey (SL786) □ Silver (SL787) □ Blue (SL788) □ Green (SL789) □ Red (SL790) □ Yellow (SL791) □ Orange (SL792) □ Purple (SL793) □ Pink (SL794) □ Brown (SL795) □ Gold (SL796) □ Silver (SL797) □ Black (SL798) □ White (SL799) □ Grey (SL800) □ Silver (SL801) □ Blue (SL802) □ Green (SL803) □ Red (SL804) □ Yellow (SL805) □ Orange (SL806) □ Purple (SL807) □ Pink (SL808) □ Brown (SL809) □ Gold (SL810) □ Silver (SL811) □ Black (SL812) □ White (SL813) □ Grey (SL814) □ Silver (SL815) □ Blue (SL816) □ Green (SL817) □ Red (SL818) □ Yellow (SL819) □ Orange (SL820) □ Purple (SL821) □ Pink (SL822) □ Brown (SL823) □ Gold (SL824) □ Silver (SL825) □ Black (SL826) □ White (SL827) □ Grey (SL828) □ Silver (SL829) □ Blue (SL830) □ Green (SL831) □ Red (SL832) □ Yellow (SL833) □ Orange (SL834) □ Purple (SL835) □ Pink (SL836) □ Brown (SL837) □ Gold (SL838) □ Silver (SL839) □ Black (SL840) □ White (SL841) □ Grey (SL842) □ Silver (SL843) □ Blue (SL844) □ Green (SL845) □ Red (SL846) □ Yellow (SL847) □ Orange (SL848) □ Purple (SL849) □ Pink (SL850) □ Brown (SL851) □ Gold (SL852) □ Silver (SL853) □ Black (SL854) □ White (SL855) □ Grey (SL856) □ Silver (SL857) □ Blue (SL858) □ Green (SL859) □ Red (SL860) □ Yellow (SL861) □ Orange (SL862) □ Purple (SL863) □ Pink (SL864) □ Brown (SL865) □ Gold (SL866) □ Silver (SL867) □ Black (SL868) □ White (SL869) □ Grey (SL870) □ Silver (SL871) □ Blue (SL872) □ Green (SL873) □ Red (SL874) □ Yellow (SL875) □ Orange (SL876) □ Purple (SL877) □ Pink (SL878) □ Brown (SL879) □ Gold (SL880) □ Silver (SL881) □ Black (SL882) □ White (SL883) □ Grey (SL884) □ Silver (SL885) □ Blue (SL886) □ Green (SL887) □ Red (SL888) □ Yellow (SL889) □ Orange (SL890) □ Purple (SL891) □ Pink (SL892) □ Brown (SL893) □ Gold (SL894) □ Silver (SL895) □ Black (SL896) □ White (SL897) □ Grey (SL898) □ Silver (SL899) □ Blue (SL900) □ Green (SL901) □ Red (SL902) □ Yellow (SL903) □ Orange (SL904) □ Purple (SL905) □ Pink (SL906) □ Brown (SL907) □ Gold (SL908) □ Silver (SL909) □ Black (SL910) □ White (SL911) □ Grey (SL912) □ Silver (SL913) □ Blue (SL914) □ Green (SL915) □ Red (SL916) □ Yellow (SL917) □ Orange (SL918) □ Purple (SL919) □ Pink (SL920) □ Brown (SL921) □ Gold (SL922) □ Silver (SL923) □ Black (SL924) □ White (SL925) □ Grey (SL926) □ Silver (SL927) □ Blue (SL928) □ Green (SL929) □ Red (SL930) □ Yellow (SL931) □ Orange (SL932) □ Purple (SL933) □ Pink (SL934) □ Brown (SL935) □ Gold (SL936) □ Silver (SL937) □ Black (SL938) □ White (SL939) □ Grey (SL940) □ Silver (SL941) □ Blue (SL942) □ Green (SL943) □ Red (SL944) □ Yellow (SL945) □ Orange (SL946) □ Purple (SL947) □ Pink (SL948) □ Brown (SL949) □ Gold (SL950) □ Silver (SL951) □ Black (SL952) □ White (SL953) □ Grey (SL954) □ Silver (SL955) □ Blue (SL956) □ Green (SL957) □ Red (SL958) □ Yellow (SL959) □ Orange (SL960) □ Purple (SL961) □ Pink (SL962) □ Brown (SL963) □ Gold (SL964) □ Silver (SL965) □ Black (SL966) □ White (SL967) □ Grey (SL968) □ Silver (SL969) □ Blue (SL970) □ Green (SL971) □ Red (SL972) □ Yellow (SL973) □ Orange (SL974) □ Purple (SL975) □ Pink (SL976) □ Brown (SL977) □ Gold (SL978) □ Silver (SL979) □ Black (SL980) □ White (SL981) □ Grey (SL982) □ Silver (SL983) □ Blue (SL984) □ Green (SL985) □ Red (SL986) □ Yellow (SL987) □ Orange (SL988) □ Purple (SL989) □ Pink (SL990) □ Brown (SL991) □ Gold (SL992) □ Silver (SL993) □ Black (SL994) □ White (SL995) □ Grey (SL996) □ Silver (SL997) □ Blue (SL998) □ Green (SL999) □ Red (SL1000) □ Yellow (SL1001) □ Orange (SL1002) □ Purple (SL1003) □ Pink (SL1004) □ Brown (SL1005) □ Gold (SL1006) □ Silver (SL1007) □ 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## MEMORANDUM

Planning Division

**DATE:** January 20<sup>th</sup>, 2023

**TO:** Planning Board

**FROM:** Brooks Cowan, Senior Planner

**Approved:** Nick Dupuis, Planning Director

**SUBJECT:** 34350 Woodward & 909-911 Haynes Street - Fred Lavery Porsche – SLUP Amendment and Final Site Plan and Design Review

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The applicant is proposing to demolish both buildings at 34350 Woodward Ave and 909-911 Haynes Street and construct a three story auto sales agency spanning across both properties. Both parcels are zoned B-2, General Business. 34350 Woodward is zoned MU-7 in the Triangle Overlay District while 909-911 Haynes Street is zoned MU-5. Auto sales agencies require a Special Land Use Permit (SLUP) to operate in the B2 District as well as the MU-5 and MU-7 Districts. The applicant originally received a Special Land Use Permit in 2010 to operate a Porsche car dealership at 34350 Woodward Ave. Upon approval, the applicant will also be required to apply for a lot combination with the City Commission. The lot combination hearing with City Commission shall be held after the SLUP hearing.

In 2016, the applicant received a temporary SLUP amendment to use the building next door at 909-911 Haynes as an office for the Porsche sales and management team for one year while renovations were made to the Porsche dealership at 34350 Woodward Ave. Conditions of approval were that the applicant could not have cars for sale parked on 909-911 Haynes Street.

In [January 2020](#), the applicant appeared before the Planning Board for Final Site Plan review and SLUP amendment to demolish the building at 909-911 Haynes Street and expand the Porsche dealership's parking lot. After discussions regarding how the Triangle District Overlay requires expanding uses to bring the entire site into conformity, and that the Triangle District Urban Design Plan's Worth Street Extension is recommended to pass through the subject property, the owner withdrew their application.

In January, March, and April of 2021, the applicant appeared before City Commission to apply for a lot combination. It was determined that expanding the use through a lot combination meant that the site would not satisfy the requirements of the Zoning Ordinance, and therefore would not satisfy the requirements for a lot combination. It was recommended that the applicant appear



before the Planning Board and obtain Final Site Plan and SLUP approval before obtaining a lot combination. **City staff recommends that the Planning Board review the City Commission Memos from [January 25<sup>th</sup>, 2021](#), [March 22<sup>nd</sup>, 2021](#), and [April 26<sup>th</sup>, 2021](#) regarding the lot combination of the subject site and recommendations of the Triangle District Urban Design Plan.**

On [October 26<sup>th</sup>, 2022](#), the applicant appeared before the Planning Board for a Community Impact Study and Preliminary Site Plan Review. Upon review the Planning Board moved to accept the CIS with the following conditions:

1. The applicant resolve all issues related to the Transportation Impact Study as requested by the City's traffic consultants;
2. The applicant obtain site plan review and recommendation from the Multi-Modal Transportation Board (MMTB) related to vehicular and pedestrian traffic safety features for the intersection of Haynes Street, Elm Street, and Woodward Ave;
3. The applicant provide the Planning Department with copies of any existing due care plans, plans developed in connection with the construction of the project, information about the existence of any vapors during the process of construction, and plans for remediation of any hazardous vapors identified; and,
4. The applicant comply with all requests from City Departments.

The Planning Board also moved to recommend the Preliminary Site Plan with the following conditions:

1. The applicant obtain site plan review and recommendation from the MMTB related to vehicular and pedestrian traffic safety features for the intersection of Haynes Street, Elm Street, and Woodward Ave;
2. The applicant provide sidewalks along Elm Street, Woodward Ave, and Haynes Street that are a minimum of 12 feet wide;
3. The applicant comply with all department requests.

On [December 1<sup>st</sup>, 2022](#), the applicant appeared before the Multi-Modal Transportation Board to review recommendations of the Triangle District Plan's concepts for the intersection of Elm Street, Haynes Street, and Woodward Avenue. The Multi-Modal Transportation Board moved to recommend option C2 which is reducing Elm Street to one-way southbound between Bowers Street and Haynes Street. (Minutes are attached).

The applicant has addressed some of the recommendations of staff regarding Elm Street, while also providing a concept of their preferred Elm Street alignment with the updated Final Site Plan and SLUP review.

## 1.0 Land Use & Zoning

- 1.1 **Existing Land Use** – The existing land use is commercial with two buildings, one an auto sales agency and the other a two story office-retail use
- 1.2 **Zoning** – The subject site exists within the B2 (General Business), MU-5 (Mixed-Use 5), and MU-7 (Mixed-Use 7) Zoning Districts.
- 1.3 **Summary of Adjacent Land Use & Zoning** – The following chart summarizes existing land use and zoning classifications of the adjacent and/or nearby properties:

	<b>North</b>	<b>South</b>	<b>East</b>	<b>West</b>
<b>Existing Land Use</b>	Commercial/ Office	Commercial/ Office	Commercial/ Office	Commercial
<b>Existing Zoning District</b>	B2 (General Business)	B2 (General Business)	B2 (General Business) & O2 (Office-Commercial)	B2 (General Business)
<b>Overlay Zoning District</b>	MU-3 & MU-5	MU3 & MU-5	N/A	MU-5 & MU-7

## 2.0 Setback, Bulk, & Height Requirements

The attached zoning compliance summary analysis provides the required and proposed bulk, area, and placement regulations for the proposed project. The applicant appears to satisfy the bulk, area and placement requirements of the Triangle District with particular clarifications noted below.

Article 3, Sections 3.08(C) & 3.08(D) of the Triangle District Overlay requires building facades in the MU-5 and MU-7 Districts to be built within 0-5 feet of the front lot line for a minimum of 75% of the street frontage length which the applicant appears to satisfy. Furthermore, Article 3.08(F) allows frontyard building setback exceptions when additional sidewalk and landscaping enhancements have been provided which is the case for the proposed showroom entrance at the corner of Elm, Woodward Ave, and Haynes.

It is also of note that the Triangle District Overlay does not regulate the size of the third floor. Article 3, Sections 3.08(C) & 3.08(D) for the MU-5 and MU-7 Districts only require three floors as a minimum. The third floor is proposed to be 1,660 square feet. Obtaining a lot combination will bring both parcels into conformity.

## 3.0 Screening & Landscaping

- 3.1 **Dumpster Screening** – The dumpster is proposed to be located in the northeast corner of the property. The eastern elevation indicates the dumpster will consist of masonry and with a 6' minimum height, which is also concealed by the Haynes Street Façade.

- 3.2 Parking Lot Screening – Article 4, Section 4.54 (C) of the Zoning Ordinance requires screening to be placed along the front or side of any parking facility that abuts a street, alley, passage or mixed passage. The site plan indicates 7 ground level parking spaces accessible from Haynes Street. The ground level parking spaces are screened by the building's two-story metal façade along Haynes Street as indicated in the eastern elevation design.

The applicant has provided black metal louvers for the upper level parking facility in order prevent large blank walls from facing Haynes Street. The black metal louvers also provide adequate screening for the upper level parking.

- 3.3 Mechanical Equipment Screening – The site plan indicates rooftop and ground-mounted mechanical units that will require screening. The level 3 floor plan indicates five mechanical rooftop units screened by a black corrugated metal panel screen wall that is 5 feet in height and will match the building façade. The proposed rooftop mechanical units are 39 inches in height and therefore are completely concealed by the screenwall. The ground level transformer on the northeast corner of the building is screened by the building's façade along Haynes Street.

- 3.4 Landscaping – The applicant is proposing additional landscaping at the entrance of the building on the corner of Haynes, Woodward, and Elm. Article 4, Section 4.20(E) of the Zoning Ordinance does not require the applicant to provide landscaping on-site due to its location in a commercial zoning district. **The applicant must provide details regarding the species of landscaping proposed for the entrance to ensure that no prohibited species are being used.**

Streetscape Elements – The applicant has provided a number of street trees, street lights, and streetscape furnishings. In terms of street trees, Article 4, Section 4.20 (G) requires at least 1 street tree for each 40 linear feet of frontage along a street. The site plan indicates a total of 11 street trees which satisfies the ordinance requirements. A breakdown of the required and proposed street trees is provided below:

Street	Linear Frontage (ft.)	Required	Provided
Haynes	313'	8	8
Elm	89'	2	3
Woodward	25'	N/A	0
<b>Total</b>			<b>11</b>

The site plan indicates a total of 13 street lights which appear to be adequately spaces approximately 40 feet apart. All streetlights proposed are expected to meet the streetscape standards for the Triangle District.

In regards to streetscape furnishings, the applicant has proposed 3 benches, 3 trash receptacles, and 5 bike racks along Haynes Street. All benches, bike racks,

and trash receptacles are expected to meet the streetscape standards of the Triangle District.

To support an all electric fleet, the applicant is also providing two electric car charging kiosks for the public along Haynes Street on the eastern portion of the property.

Section 3, Article 3.12(B) requires sidewalks in the Triangle Overlay District to be a minimum of 12 feet wide. The sidewalk surrounding the building appears to be 12 feet along Haynes and Elm Street.

The northwest corner of the property has a congested sidewalk space transitioning from the subject site to the northern property on Elm Street. There is an electrical pole in the middle of the sidewalk and a city streetlight directly south of it which impedes pedestrian passage.

#### **4.0 Parking, Loading & Circulation**

- 4.1 Parking – Article 4, Section 4.46 of the Zoning Ordinance requires the applicant to provide the following off-street parking for the uses proposed in the site plans submitted:

<b>Proposed Use</b>	<b>Requirements</b>	<b>Area or Units</b>	<b>Spaces</b>
Sales Room	1 per 300 SF	<b>6,800 SF</b>	<b>23</b>
Office	1 per 300 SF	<b>8,460 SF</b>	<b>4</b>
Service Stalls	1 per Stall	<b>12 Stalls</b>	<b>12</b>
Other (Storage)	1 per 550 SF	<b>4,269 SF</b>	<b>8</b>
<b>Total Required</b>	-	-	<b>47</b>
<b>Total Proposed</b>	-	-	<b>155</b>

Article 4, Section 4.46(A) Table A Parking Standards of the Zoning Ordinance requires motor vehicle sales and service establishments to provide 1 space for each 300 square feet of floor area of sales room plus 1 space per each auto service stall, not to be used for new or used car storage.

The first floor sales room is 6,800 square feet, while the cumulative office space on floors one, two, and three is 8,460 square feet. There are 12 service stalls and 4,269 square feet of storage which is classified as "other" for parking. The applicant is required to provide 47 parking spaces on-site for the proposed uses.

The applicant is providing a total of 155 parking spaces that consist of 7 ground level surface parking spaces, 10 interior building service parking spaces on the first floor, 62 parking spaces on the second level parking facility, 64 parking spaces on the third floor, and 12 public on-street parking spaces. City staff did not count showroom spaces as open and accessible. The applicant satisfies the parking requirements.

Article 3, Section 3.08(G)(1)(b) of the Zoning Ordinance permits no more than 60 feet of parking lot frontage for corner lots. Given that all parking spaces are within the building façade, the applicant appears to satisfy this requirement.

Article 3, Section 3.08(G)(4) of the Zoning Ordinance enables the Planning Board to allow a multi-level parking facility above the first floor to occupy the frontage provided that the façade of the parking structure is integrally designed with the architecture of the overall building, utilizes the same building materials, and has wall openings that provide proportions and rhythm that are compatible with building upper story fenestration. The applicant has proposed a series of black metal louvers for the upper level parking facility that appears to be integrally designed with the architecture of the overall building.

- 4.2 Loading – Based on the habitable commercial space within the proposed development, the applicant is required to provide two off-street loading space with the following minimum dimensions: 40 feet long, 12 feet wide and 14 feet high. Article 4, Section 4.24(C)(4) requires that loading spaces be screened. The loading spaces are located within the interior elevations of the building and are screened by the front façade and garage door.
- 4.3 Vehicle Circulation & Access – The site plans indicate that the main vehicular access to the site will be from Hanyes Street on the east side of the property. The access drive is 24 feet wide and is regulated by a black anodized aluminum and glass overhead door. Vehicles may enter at the ground level parking lot and take the ramp to the second or third floor parking structure facility. The curb cut along Haynes Street also provides access to the ground level service shop.

Article 3, Section 3.09(A)(4) of the Zoning Ordinance does not allow garage doors on the front façade, however Architectural exemptions are available through the provisions of Article 3, Section 3.11 of the Zoning Ordinance. The Planning Board may wish to discuss the presence of an overhead door regulating access to on-site parking.

In regards to on-site vehicular circulation, the site plans indicate that employee parking will be on a portion of the the third level parking facility. A large portion of the second and third level parking facility will be used for vehicle inventory.

A second curb cut for vehicular ingress and egress is proposed on the northwest corner of the building facing Elm Street. The proposed curb cut will provide access to the interior of the building for the service shop. Access to the service area is also regulated by a black anodized and glass overhead door. A concern of City staff is that the proposed curb cut for vehicular ingress and egress is facing a pedestrian crosswalk connecting across Elm Street and Woodward Ave.

As discussed during the CIS & Preliminary Site Plan Review, the Triangle District Plan calls out the intersection of Elm Street, Bowers Street, and Woodward Ave as



an area unsafe for pedestrians and vehicle, and therefore recommends three different option for restructuring Elm Street.

On December 1<sup>st</sup>, 2022, the Multi-Modal Transportation Board (MMTB) reviewed the Triangle District Plan's recommendations for Elm Street in relation the applicant's proposed project. Upon discussion of the project and the three different options for Elm Street, the MMTB recommended option C2 which includes a bump out that cuts off Haynes Street from Elm Street and reduces Elm Street to one-way southbound. Option C2 also eliminates the right-turn action from northbound Woodward Ave onto Elm Street. The MMTB provided some commentary on the timeline of the project, however as an advisory board, that is not within their purview.

The applicant has provided two different concepts for updating the vehicular and pedetrian access to the intersection of Haynes Street, Elm Street, and Woodward Ave. One concept is option C2 from the Triangle District Plan as recommended by the MMTB. The other concept incorporates recommendations of option C1 of the Triangle District Plan where Elm Street remains a two-way street. The extended bumpout of option C1 would require northbound cars on Woodward Ave to slow down to complete the right turn onto northbound Elm Street.

It is also of note that City staff discussed the proposal of enhancing the intersection of Haynes Street, Elm Street, and Woodward Ave with MDOT. The representatives were in support of enhancing the intersection and indicated pulling a permit for review should only take 4-6 weeks.

**The Planning Division requests that the Planning Board recommend a preference for the Triangle District Plan's recommendations for Elm Street in relation to the proposed project and provide direction for the applicant regarding options C1 or C2 with Elm Street being a one way or two way street.**

- 4.4 Pedestrian Circulation & Access – The main pedestrian access to the building is at the corner of Elm Street, Woodward Ave, and Haynes Street which leads into the Porsche showroom. There are four additional pedestrian entrances to the site facing Haynes Street, and one facing Elm Street.

The updated site plan maintains a 12 foot sidewalk surrounding the entire frontage of the property. A concern of City staff is that there is an electrical pole in the sidewalk to the right of the proposed garage facing Elm Street. The Engineering Department comments from Preliminary Site Plan included requiring the applicant to move the electrical pole in the middle of the sidewalk. This concern has not been addressed in the updated site plans. **Therefore the applicant must provide updated site plans and surveys addressing concerns related to the electrical pole in the sidewalk on the northwest corner of the property.**

As previously mentioned, a concern of City staff is that there is a pedestrian crosswalk in the Elm Street location where the applicant is proposing a curb cut for a garage to the service area. Options C1 & C2 of the Triangle District Plan attempt to address issues of the vehicular speeds and pedestrian crossings at this intersection. The Planning Division recommends that the Planning Board discuss their preference of options for Elm Street in order to enhance the pedestrian safety of crossing Elm Street near Woodward Ave.

## **5.0 Lighting**

The applicant is proposing twelve exterior light fixtures. Eight lights are proposed to face the street frontage of Elm and Haynes Street, two exterior lights will face the eastern parking lot, and one exterior light is proposed in the exterior. The exterior light fixtures pictured on the elevations labeled AS-1 appear to be cut-off fixtures and are labeled as Bega exterior lighting fixtures, however the plans do not appear to provide a detailed specification sheet regarding the type of light fixture. Information such as the watts and lumens have been provided though. **The applicant must provide staff specifications of the exterior lights to verify they are cut off fixtures.**

The applicant has also provided a detailed photometric plan of the site. The lumens do not exceed 1.5 foot candles at any property line. **City staff request that the applicant update the photometric plan to provide a table showing the range of lumen values for the parking circulation area on the east side of the building to verify the lighting requirements for parking lot circulation areas have been met.**

## **6.0 Departmental Reports**

1. **Engineering Division** – Comments from the Engineering Division will be provided by the Planning Board meeting of January 25<sup>th</sup>, 2023.
2. **Department of Public Services** – Comments from DPS will be provided by the Planning Board meeting of January 25<sup>th</sup>, 2023.
3. **Fire Department** – Please see the attached Fire Department comments.
4. **Police Department** – The Police Department have no concerns and think either option for Elm Street is better than what currently exists.
5. **Building Division** – Please see the attached Building Department comments.
6. **Parking Manager** – The Parking Manager has no concerns at this time.

## 7.0 Design Review

The proposed building has frontage along Elm Street and Haynes Street where the first floor façade predominantly consists of glazing. The showroom entrance has a metallic design above that appears to be modeled after the Porsche 911 rear window louvers. The curved architectural reveals will be illuminated by red lighting. The Western elevation has a large "PORSCHE" sign in red with silver metal composite spanning most of the façade above the first floor glazing.

The southern elevation has a long stretch of glazing for the first floor parts and storage rooms facing Haynes Street. Levels two and three consist of ribbed metal with metal louvers where the multi-level parking facility is. As previously mentioned, Article 3, Section 3.08(G)(4) of the Zoning Ordinance enables the Planning Board to allow a multi-level parking facility above the first floor to occupy the frontage provided that the façade of the parking structure is integrally designed with the architecture of the overall building, utilizes the same building materials, and has wall openings that provide proportions and rhythm that are compatible with building upper story fenestration.

A portion of the first floor on the eastern elevation is exposed where the parking and charging kiosks are located. Behind the parking spaces are glass overhead doors for service station entry and access to the upper level parking facility. Levels two and three are exposed parking facility space with metal louvers and guard rail posts.

The northern elevation consists of architectural ribbed metal metal louvers and guard rail posts for the multi-level parking facility. There are no windows facing north along the 0' lot line.

In regards to ground floor glazing, the first floor of the Haynes Street elevation has a glazing percentage of 86.7% and the first floor of Elm street has a glazing percentage of 87.2%. Both street facing elevations satisfy the glazing requirement of 70% minimum between 1-8 feet from ground level. The applicant must provide staff with glass specification sheets to verify that the glazing meets the requirements of 66% visual light transmittance and reflectivity of 15% or less.

In regards to Article 3, Section 3.09 *Commercial/Mixed Use Architectural Requirements* of the Triangle District Overlay, there are a few issues with the proposed design. Article 3, Section 3.09(D)(1) requires that all walls exposed to public view or parking area shall be constructed of not less than 60% brick, stone, or glass. The proposed building does not satisfy the building material requirements of the Triangle District Overlay given that the exterior is predominantly metal.

Article 3, Section 3.09(B)(2) requires the front entranceway to be inset 3 feet from the front building wall. The curving front entranceway of the Porsche dealership does not appear to satisfy this requirement though.

It is also of note that the applicant is proposing two overhead doors on their front façade, one facing Elm Street and another facing Haynes Street. The garage doors consist of black

anodized aluminum and glass. However, Article 3, Section 3.09(A)(4) states that garage doors shall not be permitted on a front façade.

Article 3, Section 3.11 of the Triangle District Overlay requirements enables the Planning Board to approve deviations to the architectural requirements of Section 3.09 in order to allow for creativity and flexibility in design with the following standards:

The Planning Board may approve deviations to the architectural requirements of Section 3.09 and Section 3.10 in order to allow for creativity and flexibility in design. A front elevation drawing of the proposed building shall be provided superimposed on a color drawing or photograph of the entire block showing the relation of the proposed building design to other buildings along the block, which shall be utilized to evaluate the proposed building design based upon all of the following criteria:

- A. Demonstrates innovation in architectural design, provided the building design shall be in keeping with the desired character of the Triangle Overlay District, as articulated in the Triangle District Urban Design Plan.
- B. The building is oriented towards the front sidewalk with a functioning entrance and enhances the continuity of the pedestrian oriented environment. A modification shall not result in an increased dominance of vehicular parking or garage doors along the front of the building.
- C. The roof design shall not be out of character with other buildings along the block and shall be within the minimum and maximum height requirements of the district.
- D. The exterior finish materials shall be of equal or better quality and durability as those permitted herein, with the intent to allow for new technologies in building material while maintaining the desired character of the Triangle Overlay District.
- E. Ground floor windows shall be provided along the front sidewalk to maintain the pedestrian orientation of the streetscape and upper story windows shall not be incompatible with the rhythm and proportions of windows on other buildings along the block.

**The Planning Division recommends that the Planning Board approve deviations to the architectural requirements of of Section 3.09(D)(1), Section 3.09(B)(2), and Section 3.09(A)(4) to enable the applicant creativity and flexibility in design for a metal exterior, a non-inset front door, and a garage door on the front façade with the condition that the applicant provide a front elevation drawing of the proposed building superimposed on a color drawing or photograph of the entire block showing the relation of the proposed building design to other buildings along the block.**

#### Signage

The Elm Street elevation has a red Porsche backlit sign 102 SF in dimension. The curved entryway at the corner of Elm and Haynes Street has two pylon ground signs that are both 24 SF in dimension. The Haynes Street elevation has a sign reading "Fred Lavery" 24 SF in dimension. The total signage square footage is 174 SF, which is less than the nearly 500 feet of total street frontage of the property.

## 8.0 Required Attachments

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

## 9.0 Approval Criteria

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

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

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

- (1) The use is consistent with and will promote the intent and purpose of this Zoning Ordinance.



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

## **10.0 Recommendation**

Based on a review of the site plans submitted, the requirements outlined in Article 7, Section 7.27 of the Zoning Ordinance, and the SLUP requirements of Article 7, Section 7.36, the Planning Division recommends that the Planning Board recommend **APPROVAL** of the SLUP and Final Site Plan for 34350 Woodward Ave & 909-911 Haynes Street with the following conditions:

1. The applicant must provide details regarding the species of landscaping proposed for the entrance to ensure that no prohibited species are being used;
2. The applicant provide option (C1 or C2) as indicated in the submitted proposals of the Triangle District Plan's recommendations for Elm Street to be included in the site plan and proposed survey before the public hearing with City Commission;
3. the applicant provide updated site plans and surveys addressing concerns related to the electrical pole in the sidewalk on the northwest corner of the property;
4. The applicant provide updating lighting information regarding the light fixture specifications and the parking lot circulation area lumen values;
5. The Planning Board approve deviations to the architectural requirements of of Section 3.09(D)(1), Section 3.09(B)(2), and Section 3.09(A)(4) to enable the applicant creativity and flexibility in design for a metal exterior, a non-inset front door, and a garage door on the front façade with the condition that the applicant provide a front elevation drawing of the proposed building superimposed on a color drawing or photograph of the entire block showing the relation of the proposed building design to other buildings along the block; and
6. The applicant comply with all department requests.

## 11.0 Sample Motion Language

Motion to recommend **APPROVAL** to the City Commission of the Special Land Use Permit for 34350 Woodward Ave & 909-911 Haynes Street with the following conditions:

1. The applicant must provide details regarding the species of landscaping proposed for the entrance to ensure that no prohibited species are being used;
2. The applicant provide option (C1 or C2) as indicated in the submitted proposals of the Triangle District Plan's recommendations for Elm Street to be included in the site plan and proposed survey before the public hearing with City Commission;
3. the applicant provide updated site plans and surveys addressing concerns related to the electrical pole in the sidewalk on the northwest corner of the property;
4. The applicant provide updating lighting information regarding the light fixture specifications and the parking lot circulation area lumen values;
5. The Planning Board approve deviations to the architectural requirements of of Section 3.09(D)(1), Section 3.09(B)(2), and Section 3.09(A)(4) to enable the applicant creativity and flexibility in design for a metal exterior, a non-inset front door, and a garage door on the front façade with the condition that the applicant provide a front elevation drawing of the proposed building superimposed on a color drawing or photograph of the entire block showing the relation of the proposed building design to other buildings along the block; and
6. The applicant comply with all department requests.

**OR**

Motion to **POSTPONE** the Special Land Use Permit for 34350 Woodward Ave & 909-911 Haynes Street pending receipt of the following:

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

**OR**

Motion to recommend **DENIAL** to the City Commission of the Special Land Use Permit for 34350 Woodward Ave & 909-911 Haynes for the following reasons:

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

Motion to recommend **APPROVAL** to the City Commission of the Final Site Plan and Design Review for 34350 Woodward Ave & 909-911 Haynes Street with the following conditions:

7. The applicant must provide details regarding the species of landscaping proposed for the entrance to ensure that no prohibited species are being used;
8. The applicant provide option (C1 or C2) as indicated in the submitted proposals of the Triangle District Plan's recommendations for Elm Street to be included in the site plan and proposed survey before the public hearing with City Commission;
9. the applicant provide updated site plans and surveys addressing concerns related to the electrical pole in the sidewalk on the northwest corner of the property;
10. The applicant provide updating lighting information regarding the light fixture specifications and the parking lot circulation area lumen values;
11. The Planning Board approve deviations to the architectural requirements of of Section 3.09(D)(1), Section 3.09(B)(2), and Section 3.09(A)(4) to enable the applicant creativity and flexibility in design for a metal exterior, a non-inset front door, and a garage door on the front façade with the condition that the applicant provide a front elevation drawing of the proposed building superimposed on a color drawing or photograph of the entire block showing the relation of the proposed building design to other buildings along the block; and
12. The applicant comply with all department requests.

**OR**

Motion to **POSTPONE** the Final Site Plan and Design Review for 34350 Woodward Ave & 909-911 Haynes Street pending receipt of the following:

4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_

**OR**

Motion to recommend **DENIAL** to the City Commission of the Final Site Plan and Design Review for 34350 Woodward Ave & 909-911 Haynes for the following reasons:

4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_

**Zoning Compliance Summary Sheet  
SLUP and Final Site Plan Review  
34350 Woodward Ave & 909-911 Haynes**

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**Existing Site:** 1 story auto sales agency & 2 story commercial building

**Zoning:** B2 (General Business) & MU-5/MU-7 (Triangle District Overlay)

**Land Use:** Retail/Office/ Auto Sales Agency

**Existing Land Use and Zoning of Adjacent Properties:**

	North	South	East	West
<b>Existing Land Use</b>	Commercial/ Office	Commercial/ Retail	Commercial/ Office	Commercial
<b>Existing Zoning District</b>	B2 (General Business)	B2 (General Business)	B2 (General Business) & O2 (Office-Commercial)	B2 (General Business)
<b>Overlay Zoning District</b>	MU3	MU-7 & MU-5	MU-5	MU3

**Land Area:** Existing: 42,875 SF  
Proposed: 42,875 SF

**Dwelling Units:** Existing: 0 units  
Proposed: 0 units

**Minimum Lot Area/Unit:** Required: N/A  
Proposed: N/A

**Min. Floor Area /Unit:** Required: N/A  
Proposed: N/A

**Max. Total Floor Area:** Required: N/A  
Proposed: N/A

**Min. Open Space:** Required: N/A  
Proposed: N/A

**Max. Lot Coverage:** Required: N/A

	Proposed:	N/A
<b>Front Setback:</b>	Required:	0-5 ft. for a minimum of 75% of the street frontage length
	Proposed:	Within 0-5 feet of the front lot line for greater than 75% of the street frontage length.
<b>Side Setbacks</b>	Required:	0 ft. with walls facing side lot line w/ no windows 10 ft. for walls with windows
	Proposed:	0 ft.
<b>Rear Setback:</b>	Required:	N/A
	Proposed:	N/A
<b>Max. Bldg. Height:</b>	Permitted:	66 ft., 5 stories (MU-5) 90 ft., 7 stories (MU-7)
	Proposed:	45 ft., 3 stories
<b>Min. Bldg. Height:</b>	Permitted:	34 ft., 3 stories (MU-5) 34 ft., 3 stories (MU-7)
	Proposed:	45 ft., 3 stories
<b>Floor-Floor Height:</b>	Required:	14 ft. minimum (1 <sup>st</sup> story)
	Proposed:	14 ft
<b>Front Entry:</b>	Required:	On frontage line
	Proposed:	On frontage line
<b>Absence of Bldg. Façade:</b>	Required:	N/A
	Proposed:	N/A
<b>Opening Width:</b>	Required:	N/A
	Proposed:	N/A
<b>Parking:</b>	Required:	35 off-street spaces
	Proposed:	47 off-street spaces available to workers and patrons 160 total on-site: accessible + inventory
<b>Min. Parking Space Size:</b>	Required:	180 sq. ft.
	Proposed:	180 sq. ft.
<b>Parking in Frontage:</b>	Required:	N/A
	Proposed:	N/A
<b>Loading Area:</b>	Required:	2 off-street loading space 40 ft. x 12 ft. x 14 ft.

**Screening:**

Proposed: 2 off-street loading space  
40 ft. x 12 ft. x 14 ft.

Parking: Required: 6 ft. masonry screen wall  
Proposed: Screened by building facade

Loading: Required: Screened from view  
Proposed: Interior loading area screened by building

Rooftop Mechanical: Required: Screened from view  
Proposed: 5 ft. screen wall

Elect. Transformer: Required: Obscured from public view  
Proposed: Screened by building facade

Dumpster: Required: Masonry screen wall with wood gates  
Proposed: Screened by building facade and masonry screen wall





# CITY OF BIRMINGHAM FIRE DEPARTMENT

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572 SOUTH ADAMS • BIRMINGHAM, MICHIGAN 48009 • 248.530.1900 FAX 248.530.1950

January 19th, 2023

RE: Final Site Plan Review Comments  
34350 Woodward, Fred Lavery

- Follow International Fire Code 2015 for submitted plans.
- Sec. 54-32. - Emergency Power Shutdown Device  
All commercial and residential structures/buildings constructed or having major renovations performed after the implementation of this ordinance shall provide a KNOX-VAULT 4500 Series Power Shutdown device, and installed as approved by the Fire Marshal, located on the exterior of the building. All required power shut down devices shall be installed and maintained at the building owner's expense. All required power shut down devices shall be installed by a qualified, licensed electrician.
- Knox Pad Locks required on construction fencing access gates
- Follow Chapter 33 of IFC 2015 edition "Fire Safety During Construction and Demolition"
- A Knox Box will be required
- Sprinkler System and Alarm Plans-Submit plans to AHJ for review and approval .
- CO Gas detection system and ventilation for parking garages as needed.
- FDC – facing the street within 100 feet of a Fire Hydrant.
- Construction phase of the project install a standpipe system with access to all floors
- Bi-Directional amplifier may be required. First responder radio signal strength will be assessed toward the end of the construction phase.
- All life safety requirements listed in International Fire Code and NFPA documents and standards shall be followed and enforced.

**CITY OF BIRMINGHAM**  
**Community Development – Building Department**  
**151 Martin Street, Birmingham, MI 48009**

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January 19, 2023

RE: Final Site Plan Review Comments  
34350 Woodward, Fred Lavery

As requested, the Building Department has examined the plans for the proposed project referenced above. The plans were provided to the Planning Department for site plan review purposes only and present conceptual elevations and floor plans. Although the plans lack sufficient detail to perform a code review, the following comments are offered for Planning Design Review purposes and applicant consideration:

**Applicable Building Codes:**

- **2015 Michigan Building Code.** Applies to all buildings other than those regulated by the *Michigan Residential Code*.
- **2015 Michigan Mechanical Code.** (Residential requirements for mechanical construction in all detached one and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with a separate means of egress and their accessory structures are contained in the Michigan Residential Code)
- **2018 Michigan Plumbing Code.** (Residential requirements for plumbing construction in all detached one and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with a separate means of egress and their accessory structures are contained in the Michigan Residential Code)
- **2017 National Electrical Code along with the Michigan Part 8 Rules.** (Residential requirements for electrical construction in all detached one and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with a separate means of egress and their accessory structures are contained in the Michigan Residential Code)

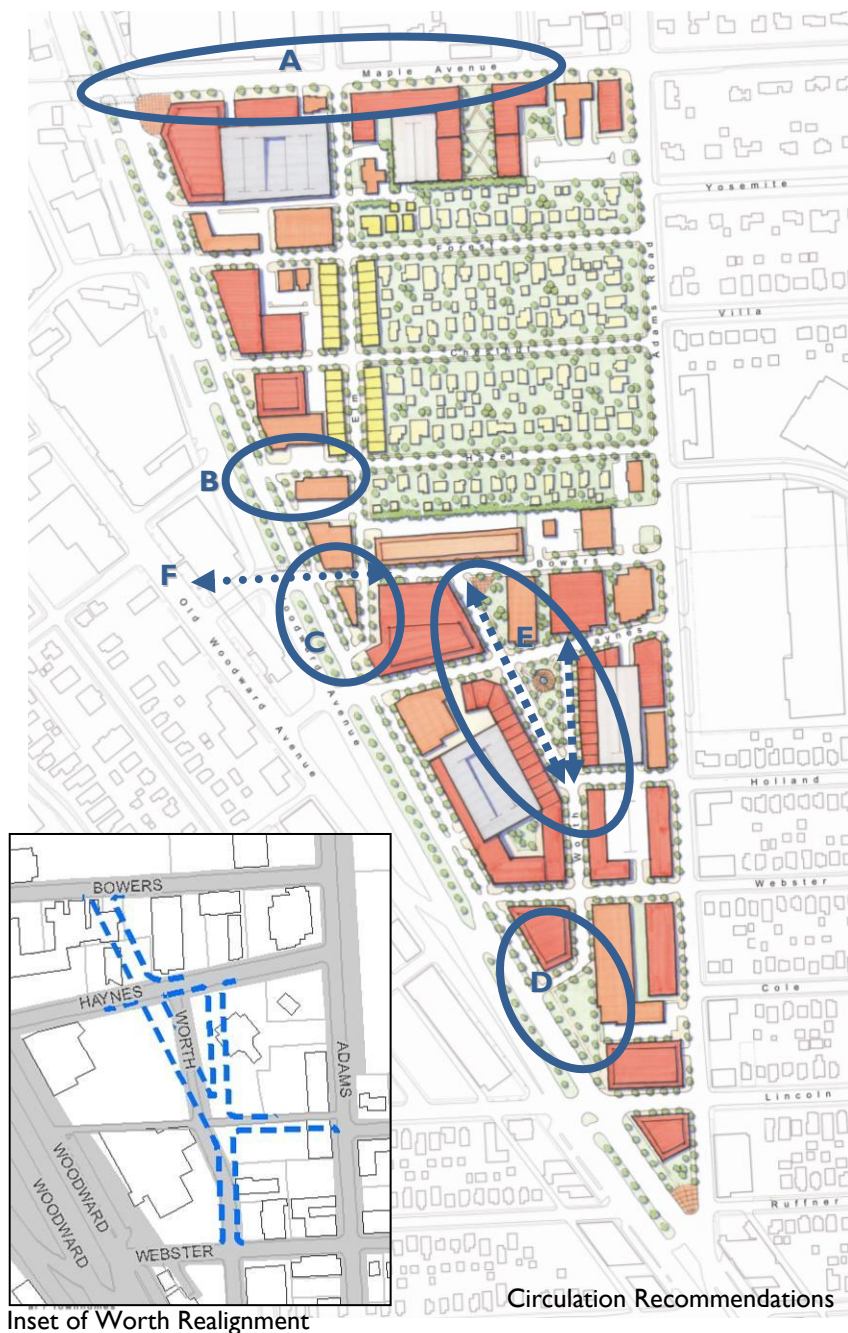
**Review Comments: (These comments remain from our initial review)**

1. Exterior doors shall not open or project into the public right of way (Building Code Section 3202.2)
2. The proposed building is setback 0-feet from the north and east property lines. These walls will need to have a fire resistive rating in accordance with Table 601 of the MBC. Table 705.8 of the Building Code will not permit the proposed openings on the first floor and all parking levels.
3. The rooftop parking level will require access to two remote exit stairways (Building Code Section 406.5.7).

**CITY OF BIRMINGHAM**  
**Community Development – Building Department**  
**151 Martin Street, Birmingham, MI 48009**

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4. The N/E exit stair will need to be enclosed with fire barriers in accordance with Chapter 10 of the Building Code and comply with item 3 above.
5. The office/storage area on level 3 has access to only 1 exit stair. Access to two exits is required in accordance with Section 1006 of the Building Code.
6. The exit stairs on level 2 in the office area are not remotely separated as required by Section 1007.1.1 of the Building Code.



## Circulation

To supplement the streetscape and walkability improvements, there are a number of roadway improvements recommended through the Triangle District. Some will enhance traffic operations and safety, while others are intended to make the district more walkable.

**Maple Road (A).** Maple Road between Woodward and Adams should be converted from two lanes in each direction to an imbalanced roadway configuration, for example with two westbound lanes, one eastbound lane and a center turn lane, as depicted in A1. This configuration would improve access into the Triangle along Elm Street and to the businesses along Maple without widening. Additionally, intersection improvements should be made at Elm and Maple to better emphasize this entrance to the Triangle District.

**Hazel Street (B).** The segment of Hazel between Woodward and Elm could be closed to minimize the number of access points along Woodward Avenue and minimize cut-through traffic in the residential neighborhood. The new space could be used as open space or could be conferred to a property owner or developer in a beneficial exchange.

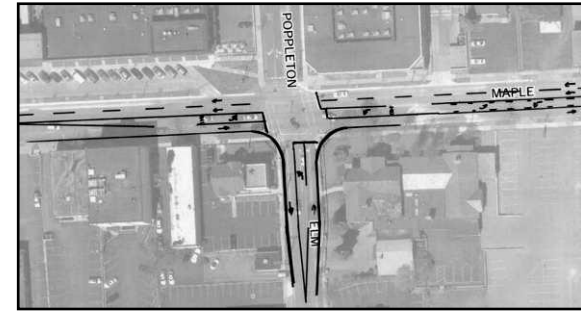
**Woodward/Elm (C).** There are a number of options for the short block of Elm Street between Bowers and Woodward Avenue (C). Because of the slight angle from Woodward Avenue, traffic on Woodward Avenue tends to enter Elm at high speeds. In addition, the intersection with Bowers has limited sight distance because of building placements and a narrow right-of-way. The intersection of Elm at Woodward should be reconfigured to require traffic entering the District at Elm to make a right turning movement rather than merely veering right (C1). This would slow traffic and improve safety for pedestrians and motorists. Additionally, this portion of Elm south of Bowers could be converted to southbound traffic only with the former northbound lanes converted to angled street parking (C2). Alternatively, this segment could be vacated altogether and used as open space or developable land for an adjacent parcel (C3).

**Woodward/Worth (D).** The intersection of Worth Street at Woodward Avenue shares many of the same problems as Bowers discussed above. It is recommended that this intersection be reconfigured to form a right angle, greatly slowing traffic and creating the opportunity in the vacated right-of-way for a small greenspace with public art, landscaping, and wayfinding signs.

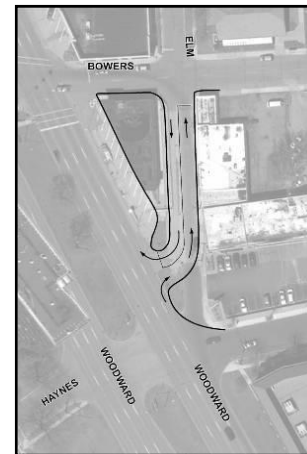
**Worth Street (E).** Currently Worth Street ends at Haynes Street. This prevents circulation between the Triangle District's northern and southern halves. Worth should be realigned parallel to Woodward Avenue and extended to Bowers. This will improve north/south interior connectivity within the Triangle District and better link the north and south halves of the District, which will help support redevelopment of this area. This road reconfiguration will also allow the creation of Worth Plaza in the heart of the Triangle District. The alignment of Worth Street will be through the rear of the Boarder's parking lot and buildings currently located between Bowers and Haynes. Therefore Worth Street realignment will need to be done in conjunction with the development of a parking structure and redevelopment of the properties on the north side of Haynes. The specific alignment shown on this plan is conceptual and could be varied, provided the ultimate alignment created Worth Plaza.

**Bowers Street (F).** Bowers Street should also be emphasized as an east/west connector corridor that connects the residential areas east of Adams to the Triangle District and Downtown.

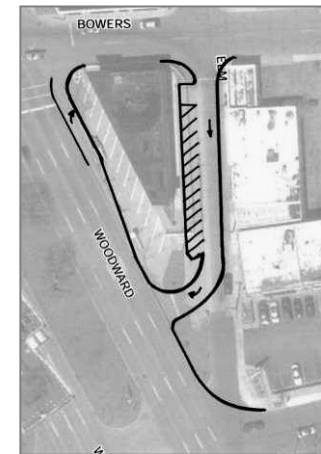
Additional traffic modeling and detailed geometric designs will need to be evaluated further by the City's traffic engineer prior to implementing these recommendations.



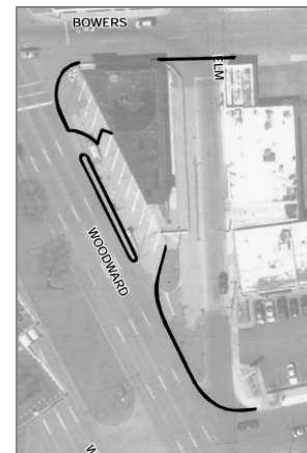
Maple Road (A1)



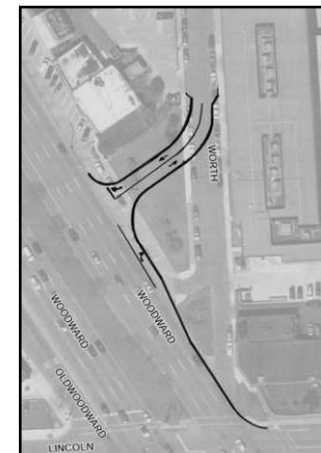
Woodward/Elm (C1)



Woodward/Elm (C2)



Woodward/Elm (C3)



Woodward/Worth (D1)





## MEMORANDUM

City Clerk's Office

**DATE:** April 3, 2023

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

**FROM:** Alexandria Bingham, City Clerk

**SUBJECT:** Special Event Application: Cogs & Kegs

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### INTRODUCTION:

The Michigan Institute of Urology (MIU) Men's Health Foundation has submitted a special event application to hold the annual Cogs & Kegs bicycle ride on June 12, 2023. Set up for the event is scheduled on June 12 from 3 p.m. to 6 p.m. The event begins at 6 p.m. and concludes at 10 p.m. Police will close the intersection of South Eton Street and Maple Road at the beginning and end of the event. Teardown is scheduled for 9 p.m. to 10:30 p.m.

### BACKGROUND:

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

Cogs & Kegs is bike ride that begins and ends at Griffin Claw Brewing Co. It offers 30-mile and 10-mile routes on roadways through multiple communities, including parts of Eton, Maple, Northlawn and Lincoln in Birmingham (route maps in attached application). Participants gather at Griffin Claw to celebrate after the rides. Cogs & Kegs is intended to raise awareness for prostate cancer and men's health issues, and is a fundraiser for the MIU Men's Health Foundation. MIU Men's Health Foundation has sponsored the event annually since 2016 with approval from the Birmingham Police Department without a special event permit because the event occurs on private property.

The following events occur in June 2023 in Birmingham and do not pose a conflict for this event:

Birmingham Village Fair	June 1 - 4	Shain Park
Farmers Market	June 4, 11, 18 & 25	Lot 6
Movie Night	June 9	Booth Park
In the Park Concerts	June 15, 21 & 28	Shain Park
Yoga in the Park	June 24	Shain Park

### LEGAL REVIEW:

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



**FISCAL IMPACT:**

All costs associated with this event will be paid by applicant.

**PUBLIC COMMUNICATIONS:**

MIU Men's Health Foundation notified residents and businesses about the details of this event by letter which was mailed at least two weeks prior to the commission meeting. The addresses that were notified were within 300 feet of the event space.

**SUMMARY:**

The City Commission is being asked to approve a special event permit for the Cogs & Kegs bike ride to be held June 12, 2023 from 6 p.m. to 10 p.m., with set up from 3 p.m. to 6 p.m. that day. Teardown begins at 9 p.m. and concludes at 10:30 p.m.

**ATTACHMENTS:**

1. Special event application
2. Notification letter with map of event area distributed to residents/businesses within 300 feet of the event area dated March 20. Notification addresses are on file in the Clerk's Office.
3. Hold harmless agreement
4. Department approval page with comments and estimated costs

**SUGGESTED COMMISSION ACTION:**

To make a motion adopting a resolution to approve a special event permit as requested by the MIU Men's Health Foundation to hold the Cogs & Kegs bicycle ride on June 12, 2023 contingent upon compliance with all permit and insurance requirements and payment of all fees and, further pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event, or event cancellation that may be deemed necessary by administrative staff, leading up to or at the time of the event.

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

MAR 10 2023

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

Police Department acknowledgement: \_\_\_\_\_

**I. EVENT DETAILS**

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

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

(Please print clearly or type)

Date of Application 3/9/23

Name of Event Cogs & Kegs

Detailed Description of Event (attach additional sheet if necessary) Cogs & Kegs is a bike ride event that begins and ends at Griffin Claw Brewing Co. We have two routes, a 30-mile and 10-mile. After the ride participants will gather at Griffin Claw to celebrate.

Location Griffin Claw Brewing Co, 575 Eton St., Birmingham, MI

Date(s) of Event 6/12/23 Hours of Event 6p-10p

Date(s) of Set-up 6/12/23 Hours of Set-up 3p-6p

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

Date(s) of Tear-down 6/12/23 Hours of Tear-down 9p-10:30p

Organization Sponsoring Event MIU Men's Health Foundation

Organization Address 419 Golf View Lane, Rochester, MI 48309

Organization Phone 855-664-3576

Contact Person Andrea L Hamilton

Contact Phone 313-806-7761

Contact Email hamiltona@miumenshealthfoundation.org

## II. EVENT INFORMATION

1. Organization Type non-profit  
(city, non-profit, community group, etc.)
2. Additional sponsors or participants (Provide name, address, contact person, status, etc. for all additional organizations sponsoring your event.) We have corporate sponsors however they are not involved in the planning or execution of the event.  
\_\_\_\_\_  
\_\_\_\_\_
3. **\*The city encourages collaboration amongst non-profit organizations to bring the greatest benefit to the community. Please explain your efforts to do so** We invite our partner non-profits to be part of the event with vendor tables to provide attendees with their resources and information.  
\_\_\_\_\_  
\_\_\_\_\_
4. Is the event a fundraiser? YES ☒ NO ☐  
List beneficiary MIU Men's Health Foundation  
List expected income \$4,500 Attach information about the beneficiary.
5. First time event in Birmingham? YES ☐ NO ☒  
If no, describe We've had the event annually since 2016  
\_\_\_\_\_
6. Total number of people expected to attend per day 350
7. The event will be held on the following City property: (Please list)  
☒ Street(s) The route will includes parts of S Eton, East Maple, and N Eton  
\_\_\_\_\_  
☐ Sidewalk(s) \_\_\_\_\_  
\_\_\_\_\_  
☐ Park(s) \_\_\_\_\_  
\_\_\_\_\_

8. Will street closures be required? YES ☒ NO ☐

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

What parking arrangements will be necessary to accommodate attendance?  
Describe Street parking

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

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

Describe 20-30, we will have law enforcement and Foundation volunteers

1 Birmingham officer to block E. Maple / S. Eton intersection @  
Start & Finish of race.

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

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

Describe Michigan State Police will be present, police will escort the riders on the route as well.

Extra patrol from on-duty personnel

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

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

12. Will music be provided? YES ☐ NO ☒

Live Amplification Loudspeakers

Recorded Time music will begin \_\_\_\_\_

Time music will end \_\_\_\_\_

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

13. Will there be signage in the area of the event? YES ☒ NO ☐  
 Number of signs/banners 20  
 Size of signs/banners 12" x 12"  
 Submit a photo/drawing of the sign(s). **A sign permit is required.**

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

**LIST OF VENDORS/PEDDLERS**  
 (attach additional sheet if necessary)

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

### III. EVENT LAYOUT

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

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

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

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

TYPE	QUANTITY	SIZE
Tents/Canopies/Awnings (A permit is required for tents over 400 square feet)		
Portable Toilets		
Rides		
Displays		
Vendors		
Temporary Structure (must attach a photo)		
Other (describe)		



## SIGNATURE OF APPLICANT REQUIRED

EVENT NAME Cogs & Kegs  
EVENT DATE 06/12/23

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

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

Andrea L Hamilton 3-9-23  
Signature Date

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

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

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



**MIU** **MEN'S HEALTH**  
FOUNDATION



The MIU Men's Health Foundation was formed in 2008 by Dr. Michael Lutz to address health disparities for urban men, specifically the lack of available healthcare and the early detection of treatable diseases. Since its inception, the Foundation has grown to become the leading advocacy for men's health in Michigan through its unique programs and research that address health disparities, reduce disproportionately high rates of unhealthy behaviors, identify diseases early when many are treatable, support men during treatment and reduce mortality rates for urban men. Data gathered at our events confirm that race, ethnicity, socioeconomic status and geographic location are key factors contributing to the lack of available healthcare and disparities in men's health. The MIU Men's Health Foundation is committed to providing education, diagnostics, treatment and support to eliminate these health disparities among men and save lives.

Since its inception, the Men's Health Foundation has provided more than 100,000 free health screenings to 9,000+ Michigan men. Each year the foundation expands its offerings by providing additional services based on need. More than 300 volunteers provide 3,000+ volunteer hours each year to make our healthcare events possible. Understanding the importance of data, we have gathered medical, socioeconomic, behavioral and genetic data from the start and now have an unmatched database of men's health information. Our data analysis has provided insight into root causes and contributors to health issues, influencers of good health, health attitudes, beliefs, lifestyles, and behaviors. This data has been used in several research publications and shared with the United States Department of Health and Human Services as well as many healthcare providers and organizations across the country.

In 2020 all indoor events were cancelled due to COVID. Data from our past events revealed that for a large percentage of attendees, our events provided their only health care throughout the year. Realizing that men needed health screening more than ever during the pandemic, Dr. Lutz contacted the Mayor's office and together they organized a safe, drive through Men's Health Event where 620 men received key health screenings. We are proud that we were able to provide the only men's health-screening event in the U.S. that year. In 2021, the Men's Health Event returned to Ford Field where over 700 attendees received free health screenings, education and resources to improve their health. 97.6 cents of every dollar raised by the Men's Health Foundation goes directly to programs and services benefiting participants. The Foundation is regularly recognized by the Governor for improving the lives of Michigan men and their families.

The following is a brief summary of our key events and programs:

**MIU****MEN'S HEALTH  
FOUNDATION**

The cost of cancer treatment can be stressful and often devastating for patients and families. Prostate cancer patients that file bankruptcy are two times more likely to die. The Blue Fund was created to ease financial stress by providing financial assistance to prostate cancer patients while undergoing active treatment. The Blue Fund enables men and their families to focus on the most important thing - healing.

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The Prostate Cancer Survivorship Series offers free knowledge sharing events with leading health care professionals. Prostate cancer survivors and their families gain the latest insights about the disease, emerging treatment methods, share experiences and ask questions so that they are better informed and better prepared.

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Over 1,000 prostate cancer survivors, family and friends "Run for the Ribbon" each Father's Day to promote awareness, education, research, treatment and celebrate prostate cancer survivorship.



**MIU** | **MEN'S HEALTH**  
FOUNDATION



Cogs & Kegs includes a police-escorted 10-mile and 30-mile bicycle ride to raise awareness for prostate cancer and men's health issues, ending with a post-ride gathering with 200 friends at a local brewery.

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**BLUE**  
**MONDAY**  
MEN'S HEALTH

Blue Monday was created in 2015 and has been growing into an international movement to increase awareness for men's health issues. Blue Monday kicks off Men's Health Week with local businesses displaying blue lights and employees wearing blue to support men's health.

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## **MEN'S HEALTH EVENT**

The Men's Health Event is the largest men's health event in the U.S. providing free health screenings, educational seminars and on-site one-on-one consultations with healthcare professionals. Each year more than 14,000 free health screenings are provided at the event. Men not only come away with a comprehensive health assessment and screenings for some of the most treatable diseases, they also receive valuable health information and a better understanding of how to stay healthy.

For more information about any of MIU Men's Health Foundation's services and offerings, please visit our website at [miumenshealthfoundation.org](http://miumenshealthfoundation.org).

### 30-Mile Route



START: north on S Eton St  
R on East Maple Rd  
L on N Eton Street  
L on Witherbee Dr  
R on Brooklawn Rd  
R on Wrenwood Dr  
L on W Big Beaver Road  
R on Henhawk Dr  
R on Oakhill Dr  
L on Newgate Dr  
R onto Upton Dr  
R on Palmerston Dr  
L on Beach Rd  
Continue on Arlund Way (curves L)  
R onto West Square Lake Rd  
L onto Beach Rd  
L onto Limerick Lane  
L on West South Blvd.  
R onto South Adams Rd  
L onto South Grey Rd  
R onto Primary  
L on Juniper Ave  
R on Auburn  
R onto S. Adams  
R on South Blvd  
L onto Brandywine Dr  
L on Shaker Heights Dr  
L on Shaker Heights Ct  
R on Squirrel Valley Dr  
R on Squirrel Rd  
R on Westview Rd  
Proceed straight onto Kingsley Trl  
L onto Kensington Rd  
L onto W Wattles Rd  
L on Squirrel Rd  
R on Lenox Rd  
L on Vhay Lane  
L on E Square Lake Rd  
R onto Squirrel Road  
R on South Blvd  
(turns into W South Blvd after N Adams)  
R on Coolidge Highway  
R onto W Square Lake Rd  
L on Arlund Way Rd



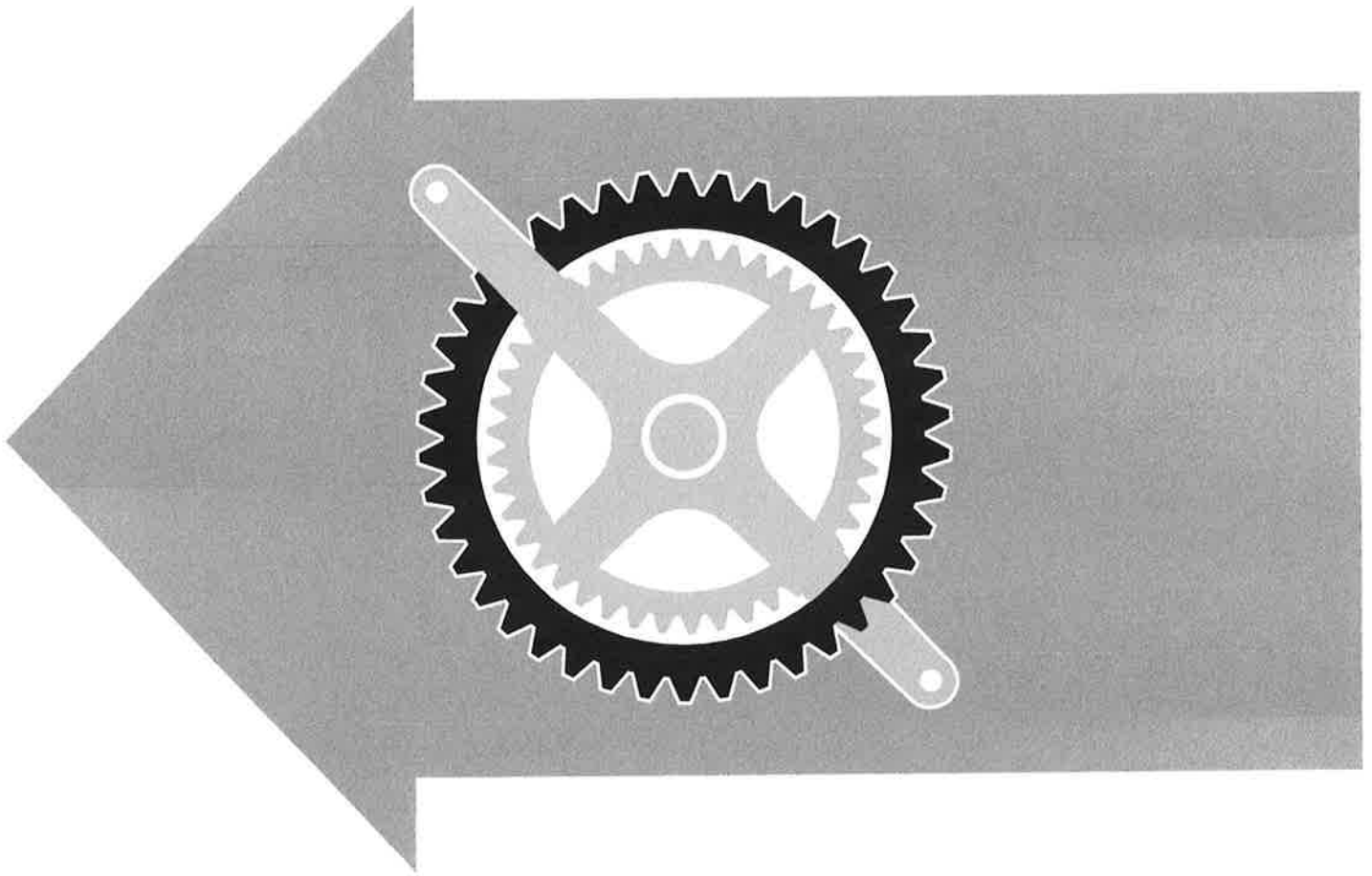
Continue on Beach Rd-curves R  
R onto Hampton Lane  
L on Wendover St  
L on Myddleton Dr  
R on Wendover Rd  
L onto Oakhill Dr  
L on Henhawk Dr  
R onto W Big Beaver Rd  
L on Brooklawn  
L on Witherbee Dr  
R on N Eton St  
R on East Maple Rd  
L on S Eton St  
Arrive back at Griffin Claw

## 10-Mile Route



START: south on S Eton St  
 R on East Lincoln  
 (turns into West Lincoln)  
 L on Golfview Blvd  
 L on Northlawn Blvd  
 R on Latham  
 R on Saxon  
 L on Faircrest St  
 (turns into Riverside Dr.)  
 L on Chelsea Place  
 R on Weston Dr.  
 L on Beverly Rd.  
 (turns into Normandy)  
 L on Mandalay Ave.  
 L on Nakota Rd  
 R on Cooper Ave  
 (turns into S. Eton)  
 Arrive back!

Sample Sign 12" x 12" Square





419 Golf View Lane 🏳️ Rochester, MI 48309 🏳️ 855-66-HELP-MEN  
info@MIUMensHealthFoundation.org 🏳️ MIUMensHealthFoundation.org

## HOLD-HARMLESS AGREEMENT

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

Andrea L Hamilton  
Applicant's signature

3-9-23  
Date

### BOARD MEMBERS

Ken Bloom   Thomas Boike, M.D.   Lawrence M. Elkus   Jason Hafron, M.D.   Jaclynn Hawkins, MSW, Ph.D.  
Elisabeth Heath, M.D.   Michael D. Lutz, M.D.   Jordan Maier, M.D.   Mark A. Moyad, M.D., MPH   William Plies   Kristofer Stimac



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

03/09/2023

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

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

PRODUCER	CONTACT NAME: Kristyn Langbeen
STERLING INSURANCE GROUP	PHONE (A/C, No, Ext): (586) 323-5700
13900 Lakeside Circle	FAX (A/C, No): (586) 323-5703
	E-MAIL: klangbeen@sterlingagency.com
	ADDRESS:
	INSURER(S) AFFORDING COVERAGE
Sterling Heights MI 48313-1318	INSURER A: United States Liability Insurance Co
	INSURER B: American Casualty of Reading PA
	INSURER C:
	INSURER D:
	INSURER E:
	INSURER F:
INSURED	NAIC #
Michigan Institute of Urology Men's Health Foundation	20427
419 Golf View Lane	
Rochester MI 48309	

## COVERAGES

CERTIFICATE NUMBER: CL233930787

REVISION NUMBER:

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

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC OTHER:			NBP1552572G	05/23/2022	05/23/2023	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ Damageto Premises \$ 100,000 COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS ONLY						
	UMBRELLA LIAB EXCESS LIAB DED RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory In NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N <input type="checkbox"/>	N/A	WC612141454	05/12/2022	05/12/2023	PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ 500,000 E.L. DISEASE - EA EMPLOYEE \$ 500,000 E.L. DISEASE - POLICY LIMIT \$ 500,000

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

City of Birmingham, including all elected and appointed officials, all employees and volunteers, al boards, commissions and ot authorities and board members including employees and volunteers thereof are included as additional insured for General Liability per written contract or agreement. Insurance is primary and non-contributory.

## CERTIFICATE HOLDER

## CANCELLATION

City of Birmingham 151 Martin Street  Birmingham MI 48009	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE
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NBP1552572G

Renewal of Number

POLICY DECLARATIONS

No. NBP1552572H

**United States Liability Insurance Company**

1190 Devon Park Drive, Wayne, Pennsylvania 19087

A Member Company of United States Liability Insurance Group

Direct Bill Policy

## NAMED INSURED AND ADDRESS:

MICHIGAN INSTITUTE OF UROLOGY MEN'S HEALTH  
FOUNDATION  
419 GOLF VIEW LANE  
ROCHESTER, MI 48309

This Policy is exempt from the filing requirements of  
Section 2236 of the Insurance Code of 1956, 1956 PA 218  
and MCL 500.2236

POLICY PERIOD: (MO. DAY YR.) From: 05/23/2022 To: 05/23/2023

12:01 A.M. STANDARD TIME AT YOUR  
MAILING ADDRESS SHOWN ABOVE

FORM OF BUSINESS: Non-Profit Corporation

BUSINESS DESCRIPTION: Foundation

IN RETURN FOR THE PAYMENT OF THE PREMIUM, AND SUBJECT TO ALL THE TERMS OF THIS POLICY, WE AGREE  
WITH YOU TO PROVIDE THE INSURANCE AS STATED IN THIS POLICY.

THIS POLICY CONSISTS OF THE FOLLOWING COVERAGE PARTS FOR WHICH A PREMIUM IS INDICATED.  
THIS PREMIUM MAY BE SUBJECT TO ADJUSTMENT.

	PREMIUM
Businessowners Liability Coverage Part	\$1,036.00
Businessowners Property Coverage Part	\$101.00

TOTAL:	\$1,137.00
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Coverage Form(s) and Endorsement(s) made a part of this policy at time of issue

See Endorsement EOD (1/95)

Agent: R-T SPECIALTY, LLC (PITTSBURGH) (5940)  
651 Holiday Dr., Suite 400  
Pittsburgh, PA 15220

Issued: 04/20/2022 12:40 PM

Broker: Sterling Insurance Agency

By:   
Authorized Representative

UPD (08-07)

THESE DECLARATIONS TOGETHER WITH THE COMMON POLICY CONDITIONS, COVERAGE PART DECLARATIONS,  
COVERAGE PART COVERAGE FORM(S) AND FORMS AND ENDORSEMENTS, IF ANY, ISSUED TO FORM A PART THEREOF,  
COMPLETE THE ABOVE NUMBERED POLICY.



# EXTENSION OF DECLARATIONS

Policy No. NBP1552572H

Effective Date: 05/23/2022

12:01 AM STANDARD TIME AT YOUR MAILING ADDRESS

## FORMS AND ENDORSEMENTS

The following forms apply to multiple coverage parts

<i>Endt#</i>	<i>Revised</i>	<i>Description of Endorsements</i>
BP0003	01/10	Businessowners Coverage Form
BP0136	04/21	Michigan Changes
BP0417	01/10	Employment-Related Practices Exclusion
BP0448	01/06	Additional Insured - Designated Person Or Organization
BP0488	07/02	Liquor Liability
BP0497	01/06	Waiver Of Transfer Of Rights Of Recovery Against Others To Us
BP-102	01/15	Exclusion Of War, Military Action And Terrorism
BP-107	04/08	Actual Cash Value Definition
BP-11	05/04	Exclusion - Fiduciary Liability And Financial Services
BP-115	07/08	Protective Devices Or Services Provisions
BP-145 NPP	06/10	Blanket Additional Insured Endorsement
BP-15	07/04	Business Income And Extra Expense Limit
BP1505	05/14	Exclusion - Access Or Disclosure Of Confidential Or Personal Information And Data -Related Liability - Limited Bodily Injury Exception Not Included
BP-152	08/10	Separation Of Insureds Clarification Endorsement
BP1560	02/21	Cyber Incident Exclusion
BP-165	05/18	Exclusion - Specific Activities, Events or Conditions or Over 2,500 People
BP-168	11/11	Exclusion - Injury To Performers Or Entertainers
BP-172	10/13	Primary And Non-Contributory - Written Contract
BP-183	04/18	Infringement of Copyright, Patent, Trademark, Trade Secret, or Trade Dress Endorsement
BP-40	03/11	Molestation Or Abuse Exclusion
BP-48	05/16	Exclusion Asbestos, Lead Contamination, Absolute Pollution, Mold, Fungus, Bacteria, Virus And Organic Pathogen
BP-49	01/13	Absolute Exclusion For Pollution, Organic Pathogen, Silica, Asbestos And Lead
BP-58	05/07	Animal Exclusion
BP-59	02/13	Exclusion - Athletic Activity Or Sport Participants
BP-60	05/07	Exclusion For Bleacher Collapse
BP-65	05/07	Exclusion For Mechanical Rides
BP-8 SP	10/19	Limits of Insurance Under Multiple Coverage Forms
BP-85	10/10	Punitive Or Exemplary Damages Exclusion
BP-88	04/06	Expanded Definition Of Bodily Injury
BP-90	11/10	Amended Definition
BP-95	05/07	Exclusion For Climbing, Rebounding And Interactive Games And Devices
BP-96	05/07	Exclusion For Firearms, Fireworks And Other Pyrotechnic Devices
BP-97	05/07	Exclusion For Event Vendor/Exhibitor & Contractor

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## EXTENSION OF DECLARATIONS

Policy No. NBP1552572H

Effective Date: 05/23/2022

12:01 AM STANDARD TIME AT YOUR MAILING ADDRESS

### FORMS AND ENDORSEMENTS

Jacket	07/19	Policy Jacket
L 541	12/20	Extension of Terrorism Coverage
Notice- CyberIncidentExcl- BP	01/21	Cyber Incident Exclusion Endorsement - Advisory Notice to Policyholder
TRIADN	12/20	Disclosure Notice of Terrorism Insurance Coverage

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# BUSINESSOWNERS PROPERTY COVERAGE PART DECLARATIONS

Policy No. NBP1552572H

Effective Date: 05/23/2022  
12:01 STANDARD TIME

## DESCRIPTION OF PREMISES

Prem	Bldg	Location, Construction, Occupancy and Other Information	Territory	Fire Code
1	1	419 Golf View Lane, Rochester, MI 48309	003	0702
		Description: Foundation		
		Covered Causes of Loss: Special	Protection Class	6
		Construction: Frame	Square Footage:	388
		Special Deductible: None	Special Deductible Type:	

## COVERAGES PROVIDED - INSURANCE AT THE DESCRIBED PREMISES APPLIES ONLY FOR COVERAGES FOR WHICH A LIMIT OF INSURANCE IS SHOWN

Prem	Bldg	Coverage	Limits of Insurance	Deductible	Coinsurance % or Monthly Indemnity	+ Valuation	Premium
All		Terrorism Coverage		\$0			\$51 MP
1	1	Business Income and Extra Expense	\$50,000	\$0			Included
1	1	Business Personal Property	\$5,000	\$1,000		RC	Included
MINIMUM PREMIUM FOR PROPERTY COVERAGE PART:							\$101
TOTAL PREMIUM FOR PROPERTY COVERAGE PART:							\$101 MP
MP - minimum premium							
+ Valuation: ACV - Actual Cash Value; RC - Replacement Cost; RC/ACV - Replacement Cost/ACV Roof FBV - Functional Building Value; AA - Agreed Amount; ALS - Actual Loss Sustained							

LOSS PAYABLE(S): NONE

Coverage Form(s)/Part(s) and Endorsement(s) made a part of this policy at time of issue:

See Endorsement EOD (01/95)

THESE DECLARATIONS ARE PART OF THE POLICY DECLARATIONS CONTAINING THE NAME OF THE INSURED AND THE POLICY PERIOD.

# BUSINESSOWNERS GENERAL LIABILITY COVERAGE PART DECLARATIONS

Policy No. NBP1552572H

Effective Date: 05/23/2022

12:01 STANDARD TIME

## LIMITS OF INSURANCE

Liability and Medical Expenses	\$1,000,000
Medical Expense (per person)	\$5,000
Damages To Premises Rented To You (Any One Premises)	\$100,000

An Aggregate Limit of Liability applies to this Coverage as defined in SECTION II - LIABILITY, paragraph D.4. of the Businessowners Coverage Form.

## LIABILITY DEDUCTIBLE

\$0

## LOCATIONS OF ALL PREMISES YOU OWN, RENT OR OCCUPY

Location	Address	Territory
1	419 Golf View Lane, Rochester, MI 48309	003

## PREMIUM COMPUTATION

Loc	Classification	Code No.	Premium Basis	Pr/Co	Rate		Advance Premium	
					All Other	Pr/Co	All Other	
1	Terrorism Coverage	08811	5.00% of prem. (\$987)					\$49
1	Waiver of Rights of Recovery	49956	1 Person Or Organization	0.000	0.000	Included	Included	
1	Blanket Additional Insured - Non-Profit Package	49950	1 Flat	0.000	100.000	\$0	\$100	
1	Primary and Non-Contributory - Written Contract	44448	1 Person Or Organization	0.000	50.000	\$0	\$50	
1	Blanket Special Events Liability - Non-Profit Organizations	00041	Flat	0.000	500.000	\$0	\$500	
1	Blanket Special Events Liquor Liability coverage - Non-Profit Organizations	00043	Flat	0.000	200.000	\$0	\$200	
1	Foundation - Not-For-Profit only	41668	388 Per 1,000 Total Area	0.000	220.473	\$0	\$86	
1	Additional Insured - Designated Person	49950	1 Per Additional Insured	0.000	50.000	\$0	\$50	
1	Concession Stand - incidental to other operations	11168	100 Per 1,000 Sales	0.000	14.983	\$0	\$1	
MINIMUM PREMIUM FOR GENERAL LIABILITY COVERAGE PART:								\$594
TOTAL PREMIUM FOR GENERAL LIABILITY COVERAGE PART:								\$1,036
(This Premium may be subject to adjustment.) MP - minimum premium								

Coverage Form(s)/Part(s) and Endorsement(s) made a part of this policy at time of issue:

See Form EOD (01/95)

THESE DECLARATIONS ARE PART OF THE POLICY DECLARATIONS CONTAINING THE NAME OF THE INSURED AND THE POLICY PERIOD.



**Workers Compensation And Employers Liability Insurance  
Information Page**

**WORKERS COMPENSATION AND EMPLOYERS LIABILITY POLICY INFORMATION PAGE**

**Policy Information**

**Coverage Provided By**

American Casualty Company of Reading, Pennsylvania  
a Stock Insurance Company  
151 N Franklin St  
Chicago, IL 60606

**NCCI Carrier Code: 10030**

**Policy Number**

**Policy Number:** WC 6 12141454  
**Renewal of:** WC 6 12141454

**Item 1 Named Insured and Mailing Address**

MICHIGAN INSTITUTE OF UROLOGY MEN'S HEALTH  
FOUNDATION  
419 GOLF VIEW LN  
ROCHESTER, MI 48309-4477

**Producer Information**

STERLING GROUP  
13900 LAKESIDE CIR  
STERLING HEIGHTS, MI 48313-1442

**Producer Processing Code:** 060-050556

**Type of Entity:** Corporation (Not Otherwise Classified)  
**FEIN Number:** 26-4340897  
**Intrastate ID No.:** 5280702A

**If there are other Named Insureds:** See Name and Address Schedule attached.

**If there are other work places not shown above:** See Name and Address Schedule attached.

**Item 2 Policy Period**

05/12/2022 to 05/12/2023 at 12:01 a.m. Standard Time at the **Named Insured's** mailing address shown above.

**Anniversary Rating Date:** NONE

**Item 3 A. Workers Compensation Insurance: Part One of this policy applies to the Workers Compensation Law of the states listed here:**

**States:** MI

**Item 3 B. Employers Liability Insurance: Part Two of this policy applies to work in each state listed in Item 3.A. The limits of our liability under Part Two are:**

<b>Bodily Injury by Accident</b>	<b>\$500,000</b>	<b>each accident</b>
<b>Bodily Injury by Disease</b>	<b>\$500,000</b>	<b>policy limit</b>
<b>Bodily Injury by Disease</b>	<b>\$500,000</b>	<b>each employee</b>

WC000001

Form No: P-33398-E (06-1987)  
Information Page; Page: 1 of 2  
Underwriting Company: American Casualty Company of Reading, Pennsylvania, 151 N Franklin St,  
Chicago, IL 60606

**Policy No:** WC 6 12141454  
**Policy Effective Date:** 05/12/2022  
**Policy Page:** 6 of 27



**Workers Compensation And Employers Liability Insurance  
Information Page**

**Item 3 C. Other States Insurance:** Part Three of this policy applies to the states, if any, listed here:

**States:** All states except AK, ND, OH, WA, WY and states designated in Item 3A of the Information Page

**Item 3 D. This policy includes these endorsements and schedules:**

Schedule of Operations, Endorsement Schedule, Named Insured Schedule, Name and Address Schedule and Payment Plan Schedule

**Item 4 Estimated Annual Premium**

The premium for this policy will be determined by our Manual of Rules, Classifications, Rates and Rating Plans.

All information required below is subject to verification and change by audit.

**Adjustment of Premium shall be made:** At Policy Expiration

**Classification of Operations:** See Schedule of Operations Attached

	<b>Estimated Annual Premium</b>	<b>\$117</b>
	<b>Premium Discount</b>	<b>\$0</b>
	<b>Expense Constant</b>	<b>\$160</b>
	<b>Terrorism Premium</b>	<b>\$3</b>
	<b>Catastrophe (O/T Cert Acts of Terror)</b>	<b>\$2</b>
<b>Minimum Premium</b>	<b>\$169</b>	
	<b>Total Estimated Annual Premium</b>	<b>\$282</b>
	<b>Total Estimated Cost</b>	<b>\$282.00</b>
<b>Deposit Premium</b>	<b>\$282</b>	

**Account Number:** 3029024153

**Date of Issuance:** 03/28/2022

**Policy Issuance Office:** MICHIGAN

**Countersigned:**

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

**By:** \_\_\_\_\_

**Authorized Agent**

Chairman of the Board

Secretary

WC000001

Form No: P-33398-E (06-1987)

Information Page; Page: 2 of 2

Underwriting Company: American Casualty Company of Reading, Pennsylvania, 151 N Franklin St,  
Chicago, IL 60606

Policy No: WC 6 12141454

Policy Effective Date: 05/12/2022

Policy Page: 7 of 27



## SPECIAL EVENT REQUEST NOTIFICATION LETTER

DATE: 3/10/23

TO: Resident/Owner

220 S ETON ST, BIRMINGHAM, MI, 48009  
Address

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

### **EVENT INFORMATION**

NAME OF EVENT: Cogs & Kegs

LOCATION: Griffin Claw Brewing Co, 575 Eton St, Birmingham

DATE(S) OF EVENT 6/12/23 HOURS OF EVENT 6p-10p

BRIEF DESCRIPTION OF EVENT/ACTIVITY: Cogs & Kegs is a charity bike ride with a 30-mile and 10-mile ride option. Please find routes attached. The ride will only briefly pass by your home/business between 6:30p-8p.

DATE(S) OF SET-UP 6/12/23 HOURS OF SET-UP 3-6p

DATE(S) OF TEAR-DOWN 6/12/23 HOURS OF TEAR-DOWN 9-10:30p

DATE OF CITY COMMISSION MEETING: April 3, 2023

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

EVENT ORGANIZER: MIU Men's Health Foundation

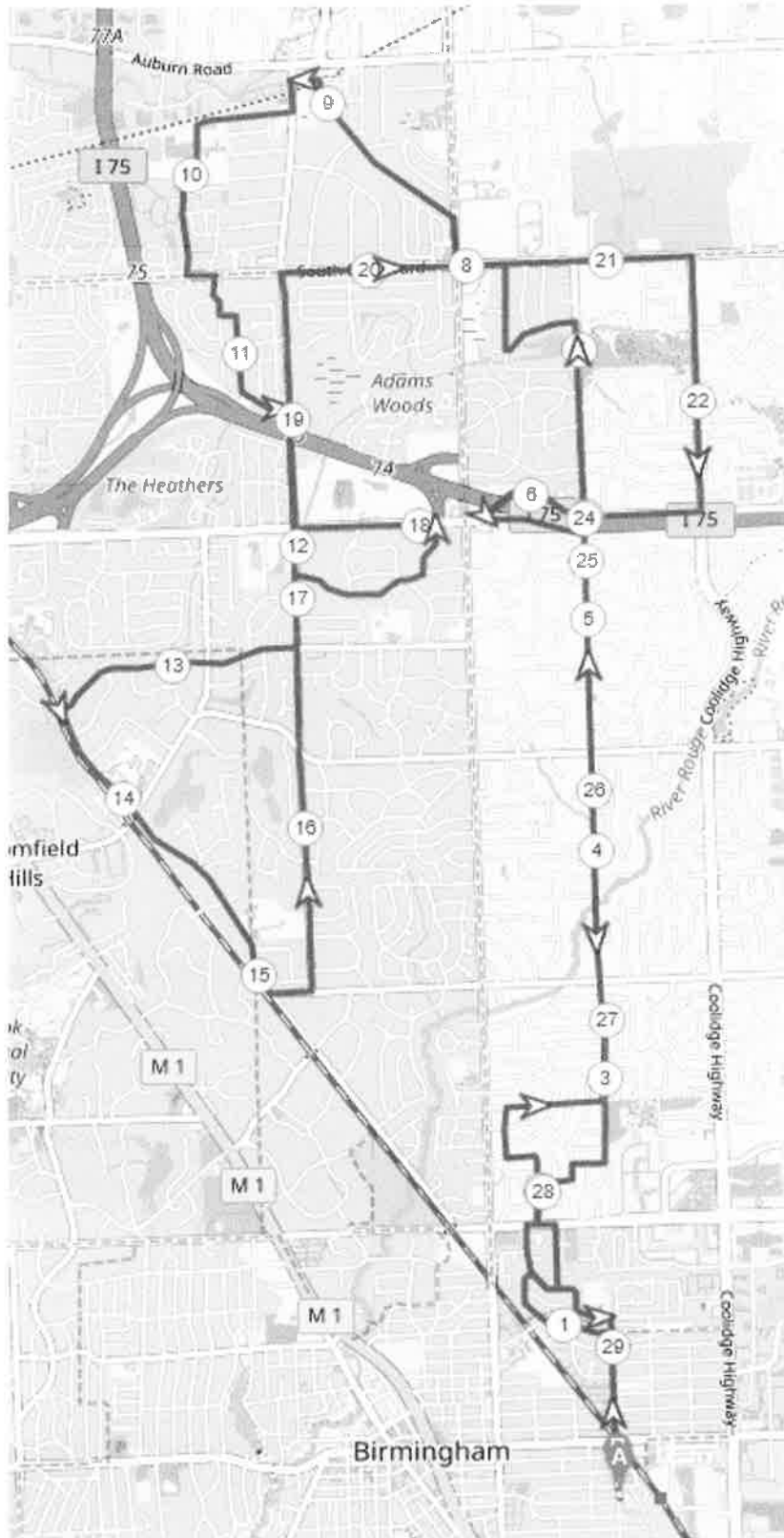
ADDRESS: 419 Golf View Lane, Rochester, MI 48309

PHONE: 855-664-3576

FOR QUESTIONS ON DAY OF EVENT, CONTACT: Andrea Hamilton 313-806-7761

Please find route maps and directions attached.

### 30-Mile Route



[Type here]

START: north on S Eton St  
R on East Maple Rd  
L on N Eton Street  
L on Witherbee Dr  
R on Brooklawn Rd  
R on Wrenwood Dr  
L on W Big Beaver Road  
R on Henhawk Dr  
R on Oakhill Dr  
L on Newgate Dr  
R onto Upton Dr  
R on Palmerston Dr  
L on Beach Rd  
Continue on Arlund Way (curves L)  
R onto West Square Lake Rd  
L onto Beach Rd  
L onto Limerick Lane  
L on West South Blvd.  
R onto South Adams Rd  
L onto South Grey Rd  
R onto Primary  
L on Juniper Ave  
Continue on Beach Rd-curves R  
R onto Hampton Lane  
L on Wendover St  
L on Myddleton Dr  
R on Wendover Rd  
L onto Oakhill Dr  
L on Henhawk Dr  
R onto W Big Beaver Rd  
L on Brooklawn  
L on Witherbee Dr  
R on N Eton St  
R on East Maple Rd  
L on S Eton St  
Arrive back at Griffin Claw

R on Auburn  
R onto S. Adams  
R on South Blvd  
L onto Brandywine Dr  
L on Shaker Heights Dr  
L on Shaker Heights Ct  
R on Squirrel Valley Dr  
R on Squirrel Rd  
R on Westview Rd  
Proceed straight onto Kingsley Trl  
L onto Kensington Rd  
L onto W Wattles Rd  
L on Squirrel Rd  
R on Lenox Rd  
L on Vhay Lane  
L on E Square Lake Rd  
R onto Squirrel Road  
R on South Blvd  
(turns into W South Blvd after N Adams)  
R on Coolidge Highway  
R onto W Square Lake Rd  
L on Arlund Way Rd

[Type here]

## 10-Mile Route



**START: south on S Eton St**  
**R on East Lincoln**  
**(turns into West Lincoln)**  
**L on Golfview Blvd**  
**L on Northlawn Blvd**  
**R on Latham**  
**R on Saxon**  
**L on Faircrest St**  
**(turns into Riverside Dr.)**  
**L on Chelsea Place**  
**R on Weston Dr.**  
**L on Beverly Rd.**  
**(turns into Normandy)**  
**L on Mandalay Ave.**  
**L on Nakota Rd**  
**R on Cooper Ave**  
**(turns into S. Eton)**  
**Arrive back!**

[Type here]

## DEPARTMENT APPROVALS

**LICENSE NUMBER #23-00012167**

**NOTE TO STAFF:** Please submit approval by March 23, 2023

**EVENT NAME:**  
**COMMISSION HEARING DATE:**  
**DATE OF EVENT:**

**Cogs & Kegs**  
**April 3, 2023**  
**June 12, 2023**

DEPARTMENT	APPROVED	COMMENTS	PERMITS REQUIRED (Must be obtained directly from individual departments)	ESTIMATED COSTS (Must be paid two weeks prior to the event. License will not be issued if unpaid.)	ACTUAL COSTS (Event will be invoiced by the Clerk's office after the event)
<b>PLANNING</b> 101.0-000.000-636.0005 248.530.1855	TBC	No Cost No Comment		0	
<b>BUILDING</b> 101.0-000.000.636.0005 248.530.1850	MJM	No department involvement.		\$0	
<b>FIRE</b> 101.0-000.000-636.0004 248.530.1900	AS	EMS to respond from the station(s) Maintain 20' fire lane		\$0	
<b>POLICE</b> 101.0-000.000.636.0003 248.530.1870	RK	1 officer for traffic control at Maple/S Eton for start and finish of race. Extra patrol by on-duty officers.		\$335.58	
<b>PUBLIC SERVICES</b> 101.0-000.000-636.0002 248.530.1642	CL	No department involvement		\$0	
<b>ENGINEERING</b> 101.0-000.000.636.0002 248.530.1839	Kc	Obstruction permit for blocking intersection of Maple & Eton	Obstruction	\$65	\$65
<b>SP+ PARKING</b>	AF	No department involvement	None	\$0	\$0
<b>INSURANCE</b> 248.530.1807		Need to submit COI no less than 2 weeks prior to event. Need to submit Hold Harmless Agreement	None	\$0	\$0

<b>CLERK</b> <b>101.0-000.000-614.0000</b> 248.530.1803		Notification letters to be mailed by applicant no later than 3/20/23. Notification addresses on file in the Clerk's Office.	Applications for vendors license must be submitted no later than 5/26/23.	\$200 pd 3/10/23	
				<b>TOTAL DEPOSIT REQUIRED</b>  <b>\$600.58</b>	<b>ACTUAL COST</b>

**FOR CLERK'S OFFICE USE**

Deposit paid \_\_\_\_\_365.00\_\_\_\_\_

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

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





## MEMORANDUM

City Manager's Office

**DATE:** March 27, 2023

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

**FROM:** Jana Ecker, Assistant City Manager

**SUBJECT:** DTE Issues

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### INTRODUCTION:

During the first few months of 2023, hundreds of thousands of metro Detroit residents, businesses and institutions repeatedly lost power to their homes and businesses during the coldest months of the year.

### BACKGROUND:

Thousands of Birmingham residents were displaced from their homes and businesses due to a lack of power causing heating, lighting and communications systems to shut down. As a result, our residents suffered personal losses from these power outages, including damaged pipes, flooding, spoiled food and medication, the cost of alternative housing for their families and pets, not to mention the emotional stress of dealing with the cold weather, lack of power and the related health and safety concerns.

During power outages, many residents called into the City offices for assistance, frustrated by the frequency and length of power outages and the lack of communication from DTE and Consumers. Residents sought assistance from the City as DTE did not answer their phone calls or provide accurate (or any, in some cases) estimates of power restoration. In addition, the City was burdened with the additional costs of providing public safety officers at hundreds of downed wires, sites with tree damage expected to down a wire, fighting fires caused by downed wires, responding to health calls and welfare checks due to a loss of power, and the establishment of an overnight warming center for our residents.

While the City does not regulate utility companies, nor control the rates charged to consumers, the City shares the reliability concerns raised by residents. A combined effort of State officials and the public services regulatory commissions will be needed to engage in a meaningful conversation on how to improve the reliability of electric utility services, to increase regulatory standards and/or to provide reliability standards to hold public service providers accountable to their customers.

The Michigan Public Service Commission (MPSC) is charged with regulatory authority over electric, gas and telecommunication service providers. The stated mission of the MPSC is to serve the public by ensuring safe, reliable, and accessible energy and telecommunications services at reasonable rates. The three commission members are appointed by the Governor. During the month of March, the MPSC conducted multiple public meetings across the state to hear from residents who were frustrated by repeated power outages.

On March 21, 2023, the MPSC conducted a virtual public meeting, and at the beginning of the meeting, the MPSC commission members advised that they have been working on increasing transparency with DTE and Consumers in the following ways:

- Requiring DTE and Consumers to report outages by Census tracts monthly;
- Conducting an audit of DTE and Consumers utility systems, to be done by an independent auditor; and
- Increased the payment owed from DTE or Consumers to \$35/day for customers that experience outages.

At this meeting, I spoke before the MPSC to outline the concerns expressed by Birmingham residents and City staff and officials regarding the ongoing reliability issues and the impacts on our citizens. In addition, a letter was also submitted into the record via email (see attached). Comments made on behalf of Birmingham residents by City staff were also televised in part on WXYZ Channel 7 news.

Given the ongoing electric utility issues, it appears that additional oversight is required for public utilities such as DTE and Consumers to ensure the provision of reliable and efficient energy, at an economical cost to customers. Higher standards are clearly needed for the quality of services, distribution of services and reliability of public services to ensure that residents have access to a reliable power grid.

In order to advocate for improvement, it is recommended that the City join the Michigan Municipal Association for Utility Issues (MI-MAUI) to work together with other local governments and public agencies to influence regulatory processes, utility practices and proposed rate increases. MI-MAUI brings municipalities together to advocate for reduced municipal street lighting rates, reduced electric and gas tariffs, and lower rates and support for utility green-power programs. In addition, MI-MAUI monitors and analyzes MPSC rate cases of interest to local government, represents members at MPSC hearings, provides regular updates on issues and addresses issues such as renewable energy and climate and sustainability goals. Joining MI-MAUI would allow the City to add to the collective focus and expertise of other municipalities and organizations and work together to encourage change. The membership fee to join MI-MAUI is based on a 0.03% of the City's total annual regulated utility costs, which is calculated at \$3133 for a one year membership. A representative of MI-MAUI will be in attendance at the April 3, 2023 City Commission meeting to discuss the benefits of membership and to answer any questions.

#### LEGAL REVIEW:

The City Attorney has reviewed this memo and attachments and has no concerns.

**FISCAL IMPACT:**

Membership dues to participate in the MI-MAUI were not included in the current fiscal year budget. However, given the ongoing utility issues experienced by Birmingham residents, it is recommended that the City invest in a membership in MI-MAUI to advocate for change. While not budgeted, funds are available in account #101-170.000-955.03 should the City Commission wish to join MI-MAUI.

**PUBLIC COMMUNICATIONS:**

As discussed in the Background section above (MPSC hearing on March 21, 2023).

**SUMMARY:**

The City Commission may wish to adopt a resolution for the City to join together with other local governments and public agencies to influence regulatory processes and utility practices through participation in MI-MAUI, in the amount of \$3133 for a one year membership.

**ATTACHMENTS:**

- Letter to the Michigan Public Services Commission dated March 21, 2023
- Overview of the purpose and goals of the Michigan Municipal Association for Utility Issues (MI-MAUI)
- Rate Case Summary filed by DTE with the MPSC on February 7, 2023 requesting rate increases, amendment of the existing rules governing the distribution and supply of electric energy, and miscellaneous accounting authority (MPSC Case No. U-21297)

**SUGGESTED COMMISSION ACTION:**

Make a motion adopting a resolution for the City to join together with other local governments and public agencies to influence regulatory processes and utility practices through participation in the Michigan Municipal Association for Utility Issues, in the amount of \$3133 for a one year membership. Funding for this project is available in account #101-170.000-955.03.



March 21, 2023

Executive Secretary  
Michigan Public Service Commission  
7109 W. Saginaw Highway  
Lansing, MI 48917

*Sent via email to:*  
[mpscedockets@michigan.gov](mailto:mpscedockets@michigan.gov).

**Re: Public Comment on Reliability of Electric Services**

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The first few months of 2023 have been very difficult for the hundreds of thousands of metro Detroit residents, businesses and institutions that have repeatedly lost power to their homes and businesses during the coldest months of the year in Michigan. Hundreds of thousands of people were displaced from their homes and businesses due to a lack of power causing heating, lighting and communications systems to shut down in areas all across the state.

The residents and businesses of metro-Detroit and the State of Michigan have very limited options to consider for the purchase of public utilities, and even less control over the rates and rate changes for these public utility services. Given such limited competition in the market, it would appear that additional oversight is required for public utilities such as DTE Electric Company ("DTE") to ensure the provision of reliable and efficient energy, at an economical cost to customers. Higher standards are clearly needed for the quality of services, distribution of services and reliability of public services to ensure that residents have access to a reliable power grid.

DTE Electric Company recently sent out public relations messages to residents and businesses advising that Michigan has "faced a series of severe weather events, including our largest ice storm in 50 years, followed by a heavy snowstorm and 45+ mph winds" in an attempt to justify the repeated power outages. However, the same communications go on to state that "what was once considered a "historic" storm has now become the unwelcome norm" as global climate change occurs and weather patterns shift. DTE's statement acknowledges climate change and the resulting change in the severity of our "new norm" of weather patterns. Global climate change is not a new phenomenon, and yet despite acknowledging the need to adapt and adjust their infrastructure, DTE has not strategically invested in updates to provide a reliable power grid for customers that works when we need it the most, such as the coldest months of winter, or the hottest months of summer.

As a resident of Oakland County, I have personally experienced at least 3 prolonged periods without power at my residence since last summer. However, I write to you as a public servant, representing the residents of the City of Birmingham, thousands of whom also experienced prolonged periods without power at their homes and businesses. Our residents suffered extensive personal losses from these power outages, including damaged pipes, flooding, spoiled food and medication, the cost of alternative housing for their families and pets, not to mention the emotional stress of dealing with the cold weather, lack of power and the related health and safety concerns. The small credit proposed by DTE for customers

affected by the power outage does not even come close to covering the expenses incurred by residents. In addition, the City was burdened with the additional costs of providing public safety officers at hundreds of downed wires, sites with tree damage expected to down a wire, fighting fires caused by downed wires, responding to health calls and welfare checks due to a loss of power, and the establishment of an overnight warming center for our residents.

It is time for local residents, business owners and the Michigan Public Service Commission ("MPSC") to demand a new course of action for DTE and other public utilities, to demand strategic investment to create a solid and sustainable power grid for the future, to increase regulatory standards and provide reliability standards to hold public service providers accountable to their customers.

It is of the utmost importance that the MPSC require substantial infrastructure investments into the power grid to strengthen the existing grid to increase reliability and efficiency, and to seek out new methods and systems to deliver power that are different from the outdated methods currently in use.

For years, DTE has promoted the need for increased investment in tree trimming around overhead lines, and has acknowledged that the majority of power outages experienced by their customers are caused by "tree interference". Yet, instead of converting the overhead lines to an underground system, DTE and others wage an unending battle against nature to trim and remove trees and vegetation near overhead power lines. Excessive tree trimming can impact the health of the tree, is unsightly, and is a temporary solution, as trees continue to grow each year, requiring ongoing trimming services. Future investment in the power grid should **mandate** the conversion of existing overhead power lines and related infrastructure to an underground system, using modern technology. Areas with a history of frequent power outages should be prioritized for conversion from an overhead to an underground system. Not only will an underground system provide much improved reliability for customers, it will also greatly reduce safety concerns associated with downed power lines and the significant risks they pose to human safety and property destruction.

The time for change has come, and the MPSC must ensure that all residents are provided with a reliable and efficient electrical grid, at an economical cost. DTE cannot continue to operate in the same manner, using the same outdated distribution system as it always has, and continue to request rate increases to invest in the same "improvements" to the electric grid that have proven unsuccessful in the past. Our residents and business owners deserve better performance from DTE and our electric grid.

Sincerely,

Jana L. Ecker  
Assistant City Manager  
City of Birmingham

### ***A collective, expert voice for local governments on utility rates and services***

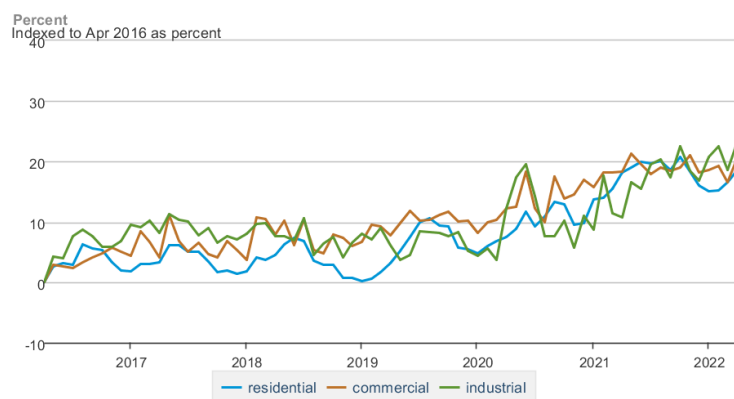
Local governments and public agencies are eager to reduce their energy costs and impacts, but individually lack capacity and expertise to influence utility rates, regulations and business practices. By joining together in the Michigan Municipal Association for Utility Issues (MI-MAUI), local governments and public agencies gain collective clout, focus and expertise to influence regulatory processes and utility practices. MI-MAUI represents municipal fiscal, service and policy interests in utility rate cases at the Michigan Public Service Commission, participates in MPSC working groups and collaboratives, and works directly with utilities to advance municipal interests.

#### ***What's at stake?***

Since passage of Michigan's 2016 energy law, electricity rates have risen rapidly – despite increased use of historically cheap natural gas to generate power.

Working together, local governments gain a powerful, collective voice defending their fiscal, policy, climate and community development goals. MI-MAUI has successfully intervened in several utility rate cases to oppose increases to municipal street lighting rates and to hold utilities accountable for frequent and lengthy outages. MAUI also intervenes to defend interest of residential ratepayers served by local governments, advocating fair rates, better reliability and customer protections.

**Average retail price of electricity, Michigan, monthly**



Data source: U.S. Energy Information Administration

#### ***Recent and current priorities***

MAUI intervenes in most electric rate cases filed by DTE and Consumers Energy, representing municipal interests in rates and reliability for streetlights and residential customers and billing protections for residents and local business. In 2021, MI-MAUI helped negotiate a settlement with DTE that created a municipal “anchor tenant” solar program, under which local governments may host utility-scale, DTE-owned and operated solar facilities that power municipal facilities with additional power available to other DTE customers who wish to support local renewable energy.

MI-MAUI participates in many MPSC working groups to represent municipal operating, fiscal and policy interests. We serve on MPSC's Low-Income Energy Policy Board, Energy Affordability and Accessibility Collaborative and the Customer Data Access and Privacy working group. MI-MAUI also researches innovative solutions to utility-related issues for municipalities: in 2021, for example, with state EGLE grant support we researched energy-efficiency potential of leak reduction initiatives by water utilities, to quantify potential savings and identify ways to provide energy efficiency financing for water-conservation efforts.

While we actively monitor and participate in MPSC rate cases to serve municipal interests, MI-MAUI prioritizes direct, proactive dialogue with utilities, which can be faster, cheaper, more flexible and collaborative than formal regulatory processes. MAUI's collective, expert and focused representation gives municipalities better-informed and unified representation with utilities, making it easier for utilities to respond to municipal needs.



### ***MAUI's Scope and Role***

MAUI represents local governments and other independent public agencies served by investor-owned utilities throughout Michigan, focusing on municipal operations including:

- municipal street lighting tariffs, technologies and maintenance practices;
- electric and gas tariffs and utility practices affecting municipal buildings, water treatment plants, etc.;
- tariffs and policies related to solar PV and microgrids serving municipal facilities;
- rates and rules for utility green-power programs; and more.

MAUI also addresses issues not directly related to municipal costs and operations, including right-of-way issues, energy facility siting policies and city-wide renewable energy, and climate and sustainability goals. MAUI primarily addresses energy issues but may take on any utility service regulated by the MPSC. MAUI can also provide technical support to local governments in volatile or opaque markets such as recycling, waste hauling and energy hedging contracts.

MI-MAUI is an IRS 501(c)(3) organization that does not advocate for candidates or legislation.

### ***Benefits, Services, Costs***

- Monitoring and analysis of MPSC rate cases of interest to local public governments/agencies; referral to legal and technical experts when municipalities wish to intervene formally in rate cases;
- Representation of member interests in MPSC policy proceedings;
- Coordination with and technical support for legislative advocacy partners;
- Monthly teleconference update on MI-MAUI activities and opportunities;
- Convening of issue dialogues and collaborations with utilities.

In most cases, membership or participation costs are figured as a small percentage of a government/agency's annual regulated-utility costs. MI-MAUI may take on special projects at the request of one or more members, with costs determined on a case-by-case basis.

### **Contact**

Rick Bunch, Executive Director: (m)206-595-8293, [rick@mi-maui.org](mailto:rick@mi-maui.org)



Jon P. Christinidis  
(313) 235-7706  
Jon.christinidis@dteenergy.com

February 7, 2023

Lisa Felice  
Executive Secretary  
Michigan Public Service Commission  
7109 West Saginaw Highway  
Lansing, MI 48917

RE: In the matter of the Application of **DTE ELECTRIC COMPANY** for authority to increase its rates, amend its rate schedules and rules governing the distribution and supply of electric energy, and for miscellaneous accounting authority  
MPSC Case No. U-21297

Dear Ms. Felice:

Attached for electronic filing in the above captioned matter is DTE Electric Company's Rate Case Summary. Also attached is the Proof of Service.

Very truly yours,

Jon P. Christinidis

JPC/erb  
Attachments  
cc: Service List

STATE OF MICHIGAN  
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter of the Application of	)	
<b>DTE ELECTRIC COMPANY</b>	)	
for authority to increase its rates, amend	)	Case No. U-21297
its rate schedules and rules governing the	)	
distribution and supply of electric energy, and	)	
<u>for miscellaneous accounting authority.</u>	)	

**DTE ELECTRIC COMPANY’S RATE CASE SUMMARY**

In accordance with the Michigan Public Service Commission’s (“MPSC” or the “Commission”) July 31, 2017 Order in Case No. U-18238, DTE Electric Company (“DTE Electric” or the “Company”) submits its Rate Case Summary. DTE Electric’s Rate Case Summary is being provided for informational purposes only. Modifications may be made to the Company’s upcoming rate case filing that could impact the information contained herein.

In DTE Electric’s most recent rate case, Case No. U-20836, the Company requested the Commission authorize an adjustment to retail rates for the generation and distribution of electricity to provide additional revenue in the amount of \$388 million annually.<sup>1</sup> This was based on the utilization of a projected test year commencing November 1, 2022 and ending October 31, 2023. In its November 18, 2022 Order in Case No. U-20836, the Commission authorized DTE Electric to increase its retail rates for the generation and distribution of electricity by \$31 million annually (a 71 cent increase per month to the average residential customer) with a Return on Equity of 9.9%. New rates based on the Commission Order dated November 18, 2022 in Case No. U-20836 were

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<sup>1</sup> The Company’s revenue deficiency was voluntarily revised downward to \$367.2 million during the course of the proceeding.

implemented on November 25, 2022.

DTE Electric's upcoming rate case filing, Case No. U-21297, is being primarily driven by the Company's continued distribution infrastructure investments to improve customer power reliability and generation investments to bring cleaner energy faster to the state. Based on the evidentiary support provided in its upcoming filing, DTE Electric requests that the Commission authorize the Company to adjust its retail rates for the generation and distribution of electricity to provide additional revenue in the amount of approximately \$622 million (\$619 million if the investment recovery mechanism (IRM) proposed by the Company is accepted) annually based on a projected 12-month test year of December 1, 2023 through November 30, 2024. The Company is requesting a Return on Equity of 10.25% based on a 50% equity / 50% debt capital structure, and uses inflation factors of 3.6% for 2022, 3.2% for 2023, and 2.66% for 11 months of 2024. The Company is utilizing a historical test year of 2021.

The key drivers associated with the Company's revenue requirement are:

<b>Key Drivers • Revenue Requirements (\$000,000)</b>	
	Revenue Requirement Impact
a. Rate Base	\$292
b. Return on Equity	42
c. Cost of Debt and Capital Structure	29
d. Operating Expenses	124
e. Sales Margin	102
f. Other	30
<b>g. Total Revenue Requirement Impact</b>	<b>\$619</b>

The revenue requirement associated with rate base is as follows:

<b>Key Drivers • Rate Base (\$000)</b>			
	<b>Drivers</b>	<b>Rate Base Impact</b>	<b>Revenue Requirement Impact (Return on, Return of and Property Tax)</b>
a.	Last Rate Base Order	\$20,406,679	\$1,386,075
b.	Utility Plant	2,988,118	345,061
c.	Depreciation Reserve	(845,111)	(57,402)
d.	Net Nuclear Fuel and Capital Lease Property	47,172	3,204
e.	Working Capital	14,372	976
f.	Requested Rate Base	\$22,611,230	\$1,677,914
g.	<b>Increase from Last Rate Base Order</b>	<b>\$2,204,551</b>	<b>\$291,839</b>

With respect to rate design, DTE Electric is proposing, among other things, certain changes to the Company's tariffs, and rules and regulations, including but not limited to Rate Schedule D1.13, Rider 22, and amendments to Rate Schedule D1.6, Rate Schedule D1.9, Rate Schedule D3, Rider 14, and Rider 21. In addition, the Company is proposing an IRM focused on certain distribution capital expenditures that address customer safety, customer reliability, and the integration of increasing levels of Electric Vehicle and Distributed Energy Resources that will be recovered by means of an IRM surcharge.

For the projected test year, the Company's average overall rate increase will be:

<b>Residential</b>	<b>Total Net Increase/ (Decrease) (%)</b>
D1/D1.6	18.9%
D1.1 Interruptible Air	15.5%
D1.2 Time of Day	16.9%
D1.7 Time of Day	17.5%
D1.8 Dynamic	14.5%
D1.9 Electric Vehicle	15.4%

D1.11 Time of Use	13.7% <sup>2</sup>
D2 Electric Space Heat	16.6%
D5 Water Heating	16.8%
Total Residential	13.9%
<b>Secondary</b>	
D1.1 Interruptible Air	11.1%
D1.7 Time of Day	15.0%
D1.8 Dynamic	11.6%
D 1.9 Electric Vehicle	14.1%
D3 General Service	11.2%
D3.1 Unmetered	12.5%
D3.2 Secondary Ed.	16.5%
D3.3 Interruptible	12.4%
D3.5 Charging Service	6.1%
D4 Large General Serv.	11.8%
D5 Comm. Water Htg.	12.4%
E1.1 Energy Street Ltg.	12.5%
R7 Greenhouse Ltg.	13.2%
R8 Space Conditioning	11.6%
Total Secondary	11.5%
<b>Primary</b>	
D11 Primary Supply	8.4%
D12 Exp. Lg. Customer	-
D6.2 Primary Ed.	10.9%
D8 Interruptible Primary	8.8%
D10 Elementary Schools	8.4%
R1.1 Alt. Metal Melting	6.2%
R1.2 Elec. Process Htg.	9.7%
R3 Standby	7.9%
R10 Interruptible Supply	(15.0%)
Total Primary	7.0%
D13 XL High Load	26.6%
<b>Other</b>	
D9 Protective Ltg.	21.1%
E1 Municipal Street Ltg	13.5%
E2 Traffic Lights	9.1%
Total Other	14.2%
<b>Total All Classes</b>	<b>11.8%</b>

<sup>2</sup> The D1.11 Time of Use rate represents 94.9% of all residential customers' base rate in the projected test year.



In addition to the requests described above, DTE Electric is seeking Commission approval of certain accounting requests, including but not limited to, regulatory asset treatment for certain costs associated with the Company's Delivered Fuel Electrification Pilot and Power Supply Cost Recovery accounting treatment for potential tax credits related to nuclear generation. Additionally, the Company is proposing several pilot programs in this filing pertaining to electric vehicle charging, distribution non-wire alternatives, battery energy storage, demand response initiatives and a customer option to prepay for electric service.

In Case No. U-18238, the Commission established new standard rate case filing forms and instructions based on the 10-month statutory rate case processing timeframe. The Company will include all available information related to these requirements.

DTE Electric intends to file its upcoming electric rate case on February 10, 2023, which will allow for new rates to be effective as early as December 10, 2023.

Respectfully Submitted,

DTE ELECTRIC COMPANY

By:

\_\_\_\_\_  
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Paula Johnson-Bacon (P55862)  
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(313) 235-7706

Dated: February 7, 2023

**STATE OF MICHIGAN**  
**BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION**

In the matter of the Application of                    )  
**DTE ELECTRIC COMPANY** for                                )  
authority to increase its rates, amend its                )  
rate schedules and rules governing the                    )  
distribution and supply of electric energy,            )  
and for miscellaneous accounting authority        )

Case No. U-21297

**PROOF OF SERVICE**

STATE OF MICHIGAN        )  
  ) ss.  
COUNTY OF WAYNE        )

ESTELLA R. BRANSON states that on February 7, 2023, she served a copy of DTE Electric Company's Rate Case Summary in the above captioned matter, via electronic mail upon the persons listed on the attached service list.

\_\_\_\_\_  
ESTELLA R. BRANSON

**MPSC Case No. U-21297**  
**Service List (U-20561 and U-20836 combined)**  
**Page 1**

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**MPSC Case No. U-21297**  
**Service List (U-20561 and U-20836 combined)**  
**Page 2**

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**MPSC Case No. U-21297**  
**Service List (U-20561 and U-20836 combined)**  
**Page 3**

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## REPORT

---

**DATE:** December 6, 2021  
**TO:** Thomas M. Markus, City Manager and City Commission  
**FROM:** Mary M. Kucharek  
**SUBJECT:** Administering a Foundation or Charity

---

The question has been posed whether the City of Birmingham ought to create or administer a foundation or charity. The answer to that question is, *I do not find that practice advisable.*

A private foundation is any organization that is described in Sec. 501(c)(3) of the Internal Revenue. The definition divides Sec. 501(c)(3) organizations into two (2) classes: private foundation and public charities.

**Public Charities:** Organizations that are classified as public charities are those that are usually affiliated with churches, hospitals, medical research organizations, colleges and universities. These organizations usually have an active program of fundraising and receiving contributions from many sources including the general public, governmental agencies, corporations, private foundations and other public charities. The monies received from these activities must further the organizations' purposes in supporting one or more public charities.

**Private Foundations:** Private foundations in contrast typically have single major source of funding, usually gifts from one entity rather than from many sources, and the primary purpose of the foundation is the making of grants to other charitable organizations to individuals rather than direct operation of the charitable program.

The City must be legally responsible in the handling and expending of public funds. It is a well-settled area of law, and there has been no relaxation in the rules, that municipalities are forbidden to expend public funds for private purposes and all revenues must satisfy state laws and state law mandated accounting practices.

Generally, the City of Birmingham's ability to spend money is granted by certain sections of the Michigan Constitution, state laws, and grants of power to the City by the Home Rule City Act. Municipalities only have power to expend funds for public purposes. One of the tests to determine a "public purpose" is whether the expenditure grants a direct benefit to a significant part of the public.



In the *Handbook for Municipal Officials*, Section 4: Finance, Chapter 23: Limits of Municipal Expenditures it states:

**"What is a Public Purpose?"**

The Michigan Supreme Court has defined the objective of a public purpose:

Generally a public purpose has for its objective the promotion of the public health, safety, morals, general welfare, security, prosperity, and contentment of all the inhabitants or residents within the municipal corporation, the sovereign powers of which are used to promote such public purpose...The right of the public to receive and enjoy the benefit of the use determines whether the use is public or private. (*Hays v City of Kalamazoo*, 316, Mich 443,453-454)

I am aware that our neighboring City, Royal Oak has recently created such an entity. The City of Royal Oak has placed itself in a position where it is receiving donations and administering them to programs and projects in the City of Royal Oak with, at times, subjectivity. The Articles of Incorporation authorizes the corporation to grant monies and gifts to individuals. I have serious concerns about the potential comingling of public funds and its administration versus a foundational program and its administration. While it is true there are times when citizens or organizations make a donation to the City of Birmingham requesting that it be applied in a certain fashion, I find that very different than the actual fundraising efforts that a foundation would require. I would encourage private citizens to endeavor the formation of a 501(c)(3) to offer the City of Birmingham benefit, but I do not believe that it is the best practice for the City of Birmingham to undertake the endeavor.



## **MEMORANDUM**

City Clerk's Office

**DATE:** March 29, 2023

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

**FROM:** Alexandria Bingham, City Clerk

**SUBJECT:** **Commission Discussion on Items from a Prior Meeting – Special Events**

---

### **INTRODUCTION:**

At the regular City Commission meeting of March 13, 2023 Commissioner Baller brought up the item of Policy for Sponsoring and Administering Special Events. Attached are supporting documents that include the current City Code and Application which outline the City's current regulations and policy as a reference for the discussion.

### **ATTACHMENTS:**

- Birmingham City Code regarding Special Events
- Current Special Event Application

Sec. 26-116. - Special events licensing.

Additional vendor licenses may be authorized for a special event by the city clerk as follows:

- (1) Any such request must be in conjunction with a special event as defined by the City Code.
- (2) Such a request must have the prior written authorization from the coordinator of the special event.

(Ord. No. 2064, 4-11-11)

Sec. 26-117. - Requirements for all applications.

- (a) Applications. All applicants for a license under this chapter shall pay to the city the fee required by the schedule of fees, bonds, charges and insurance, and, file with the city clerk a sworn application in the form required by the city clerk, which shall include the following:
  - (1) The name of the person(s) who will engage in vending, soliciting or peddling within the city, including the person's current address of residence and length of residence at such address, business address if other than the residence address, business and residence telephone numbers, driver's license number, and a physical description including height, weight, and color of hair and eyes.
  - (2) A brief description of the business or activity to be conducted including the methods to be used and a description of the types of goods or services to be sold.
  - (3) The dates, hours and location for which the right to engage in vending, soliciting or peddling is sought.
  - (4) Proof that the applicant has obtained all licenses or permits required by state law.
  - (5) The names of three references who will certify as to the applicant's good moral character and business responsibility.
  - (6) If employed and acting as an agent, the name, address and telephone number of the parent organization who is being represented, and when and where this organization was formed, including the form of its organization.
  - (7) A statement as to whether the applicant or its parent organization has ever been found to have violated a municipal ordinance regulating vending, soliciting or peddling.
  - (8) A statement as to whether the applicant or an officer or director of the applicant's parent organization has ever been convicted of a felony, and if so, the date and location of such conviction, and a brief description of the offense.
  - (9) A current photograph of the applicant and/or a photograph of the person(s) who will be engaged in the vending, taken within 60 days immediately prior to the date of the filing of the application, which picture shall be two inches by two inches in size showing the head and

shoulders of the applicant and or vendor, peddler or solicitor, in a clear and distinguishing manner.

(10) The application shall be signed by the applicant stating that the information contained therein is true and correct, that the city shall have the right to investigate and verify the information contained in the application, and that the applicant has read the vendors, solicitors and peddlers ordinance and agrees to abide by its terms.

(11) Such other information as the city clerk shall determine to be appropriate.

(b) Requirements of all vendors, solicitors and peddlers.

(1) Loud noises, speaking devices, lights. No drum, loudspeaker, amplifier, or other instrument or device which creates noise, or flashing lights which are for the purpose of attracting attention to commercial or noncommercial enterprises so as to annoy or disturb the quiet, comfort or repose of persons in any office, dwelling or other residence, or other place of employment or repose shall be used and may be treated as a violation under this chapter, and chapter 50, article II, division 4.

(2) Frozen confection vendors shall not utilize any bell, chime or other noisemaking device beyond a moderate noise level for the purpose of attracting persons to buy the frozen confection. This prohibition shall not be construed to exclude the customary horn required under the motor vehicle laws of the state.

(3) Off-limit locations. No vendor, peddler or solicitor shall conduct business within 50 feet of any school, church, synagogue or place of worship during services or within one hour of services; courthouse; police station; or other public location unless specifically authorized pursuant to the terms of the license. In addition, the city manager shall have power to designate such streets, sidewalks, parts of streets, or sidewalks, districts or areas where it shall be unlawful for any licensee to operate or conduct her/his business, such designation to be made based upon congested traffic conditions, character of the neighborhood, or if the conduct of such business constitutes a public nuisance.

(4) "No Soliciting" signs and "No Soliciting" list. No solicitor or peddler shall enter into property that has a posted "No Soliciting" sign or shall remain on property after being requested to leave by the occupant. No solicitor or peddler shall solicit or peddle their wares or enter any property that is listed on the no soliciting list on file at the city clerk's office.

(5) Threatening or harassing behavior. No vendor, solicitor or peddler shall threaten or harass any citizen in the course of their activities or in any way engage in conduct that threatens the health and safety of another or causes a nuisance.

(6) Effect of delinquent personal property taxes. No vendor, solicitor or peddler license shall be granted to any person owing any personal property taxes or other indebtedness to the city, or who contemplates using any personal property on which personal property taxes are owed, in the operation of such business.

- (7) Sales limited to products on application. Vendors, solicitors and peddlers shall be limited to the sale of products specified on their application. Amendments to originally approved applications must be submitted to the city clerk for review and approval, and shall not be effective prior to such approval. An application fee of an amount established in the schedule of fees, charges, bonds and insurance must accompany each request for an amendment.
  - (8) Licenses non-sellable and non-transferable. Vendor, solicitor and peddler's licenses issued under the authority of this chapter shall be non-sellable and non-transferable, either as to persons or as to location.
- (c) Traffic regulations, obstructing public places.
- (1) Vendors, solicitors and peddlers shall observe all traffic and parking regulations. Unless specifically approved, vendors, peddlers and solicitors shall not conduct business in a congested area, or occupy a stationary location on a public street, sidewalk, parkway, park, parking lot, or any other public property which is to be used by pedestrians or persons operating motor vehicles. Such vendors, peddlers and/or solicitors shall be presumed to have occupied a location if he/she has conducted business in any such public place for a period in excess of ten minutes.
  - (2) Sales to persons standing in roadway, to vehicles at red lights and to vehicles in moving traffic lanes are prohibited.
- (d) Display of license required. All vendors, solicitors and peddlers shall display the license provided by the city clerk, on his or her person or in a prominent place on their vehicle or removable or non-permanent stand. The failure of a vendor, peddler and/or solicitor to conspicuously and constantly exhibit such license when engaged in his/her licensed business shall be sufficient cause for the suspension or revocation of his/her license.

Any certificate or license issued by the Oakland County Health Department shall also be prominently displayed on any vehicle or stand subject to this article.

- (e) Prices posted. A vendor and frozen confection vendor shall have posted on their vehicle, removable stand or non-permanent stand, the current prices charged for each item sold and no item shall be sold for more than the posted price.
- (f) Litter clean-up required. Vendors shall (at their own expense) keep the sidewalks, streets, and other public places adjoining and adjacent to their locations of business clean and free from any refuse generated or resulting from the operation of their business.
  - (1) Under no circumstances may any vendor, solicitor or peddler use any city trash can, dumpster or other receptacle, drain or sewer to dispose of any litter, refuse, substance, fluid, liquid or grease.
  - (2) Violation of this subparagraph more than twice during one license year may constitute license

revocation.

- (g) Cash deposit for litter clean-up. Vendors shall file with the city a cash deposit for the removal of any litter on any sidewalk, street and/or other public place adjoining and adjacent to their locations in the event the vendor fails to maintain such areas in compliance with this article. The amount of the cash deposit shall be set forth in the schedule of fees, charges, bonds and insurance. If the vendor fails to remove any such litter, the city may remove the litter and charge the costs against the cash deposit. In the event a vendor exhausts its cash deposit, the vendor shall be invoiced by the city for any restoration or litter on city property in excess of the amount of the deposit.
- (h) Commercial vendors, peddlers and solicitors shall obtain insurance as set forth in the schedule of fees, charges, bonds and insurance.
- (i) Commercial vendors shall agree to indemnify and hold the city harmless, the language of which is set forth in the schedule of fees, charges, bonds and insurance.

(Ord. No. 2064, 4-11-11)



## APPLICATION FOR SPECIAL EVENT PERMIT PARKS AND PUBLIC SPACES

- I. EVENT DETAILS
- II. EVENT INFORMATION
- III. EVENT LAYOUT
- IV. SAMPLE LETTER TO NOTIFY AFFECTED PROPERTY OWNERS/BUSINESSES WITHIN 300 FEET OF EVENT LOCATION
- V. INSURANCE INFORMATION
  - INSURANCE REQUIREMENTS
  - HOLD HARMLESS AGREEMENT
- VI. POLICIES AND PROCEDURES
- VII. CHECKLIST
- VIII. SAMPLE MAPS
- IX. DEPARTMENTAL APPROVAL PAGE

### TIME LINE AS REQUIRED BY COMMISSION ADOPTED POLICY

TIME	REQUIREMENT
At least 90 days prior to event	<ul style="list-style-type: none"> <li>• Events utilizing City sidewalks and/or streets must meet with the Police Department Special Events officer prior to submitting this application.</li> <li>• Application and attachments must be submitted</li> <li>• COVID-19 Health and Safety Plans</li> </ul>
At least two (2) weeks prior to Commission hearing	<ul style="list-style-type: none"> <li>• Letters mailed to affected property owners/businesses within 300 feet of event area</li> <li>• Copy of letter and distribution list provided to Clerk</li> </ul>
Three (3) weeks prior to the event	<ul style="list-style-type: none"> <li>• Final additions/changes must be submitted for approval.</li> </ul>
Two (2) weeks prior to event	<ul style="list-style-type: none"> <li>• All building, electrical, sign, and hydrant permits must be obtained</li> <li>• All permit fees must be paid and insurance certificates must be submitted and approved</li> <li>• All peddler/vendors applications must be submitted for approval</li> </ul>

Special Event Application Revised – 02/09/22

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

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

**Police Department acknowledgement:** \_\_\_\_\_

**I. EVENT DETAILS**

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

<b>FEES:</b>	<b>FIRST TIME EVENT:</b>	<b>\$200.00</b>
	<b>ANNUAL APPLICATION FEE:</b>	<b>\$165.00</b>

**(Please print clearly or type)**

Date of Application \_\_\_\_\_

Name of Event \_\_\_\_\_

Detailed Description of Event (attach additional sheet if necessary) \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Location \_\_\_\_\_

Date(s) of Event \_\_\_\_\_ Hours of Event \_\_\_\_\_

Date(s) of Set-up \_\_\_\_\_ Hours of Set-up \_\_\_\_\_

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

Date(s) of Tear-down \_\_\_\_\_ Hours of Tear-down \_\_\_\_\_

Organization Sponsoring Event \_\_\_\_\_

Organization Address \_\_\_\_\_

Organization Phone \_\_\_\_\_

Contact Person \_\_\_\_\_

Contact Phone \_\_\_\_\_

Contact Email \_\_\_\_\_

## II. EVENT INFORMATION

1. Organization Type \_\_\_\_\_  
(city, non-profit, community group, etc.)
2. Additional sponsors or participants (Provide name, address, contact person, status, etc. for all additional organizations sponsoring your event.) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
3. **\*The city encourages collaboration amongst non-profit organizations to bring the greatest benefit to the community. Please explain your efforts to do so** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
4. Is the event a fundraiser?    YES ☐    NO ☐  
List beneficiary \_\_\_\_\_  
List expected income \_\_\_\_\_ Attach information about the beneficiary.
5. First time event in Birmingham?    YES ☐    NO ☐  
If no, describe \_\_\_\_\_  
\_\_\_\_\_
6. Total number of people expected to attend per day \_\_\_\_\_
7. The event will be held on the following City property: (Please list)  
☐ Street(s) \_\_\_\_\_  
\_\_\_\_\_  
☐ Sidewalk(s) \_\_\_\_\_  
\_\_\_\_\_  
☐ Park(s) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8. Will street closures be required? YES ☐ NO ☐

**(Police Department acknowledgement prior to submission of application is required) (initial here)\_\_\_\_\_**

What parking arrangements will be necessary to accommodate attendance?  
Describe\_\_\_\_\_

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

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

Describe\_\_\_\_\_

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

**(Police Department acknowledgement prior to submission of application is required.) (initial here)\_\_\_\_\_**

Describe\_\_\_\_\_

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

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

12. Will music be provided? YES ☐ NO ☐

\_\_\_\_\_Live \_\_\_\_\_Amplification \_\_\_\_\_Loudspeakers

Recorded Time music will begin \_\_\_\_\_

Time music will end \_\_\_\_\_

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

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

Number of signs/banners \_\_\_\_\_

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

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

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

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

#### **LIST OF VENDORS/PEDDLERS**

(attach additional sheet if necessary)

<b>VENDOR NAME</b>	<b>GOODS TO BE SOLD</b>	<b>WATER HOOK-UP REQUIRED?</b>	<b>ELECTRIC REQUIRED?</b>

### III. EVENT LAYOUT

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

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

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

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

TYPE	QUANTITY	SIZE
Tents/Canopies/Awnings (A permit is required for tents over 400 square feet)		
Portable Toilets		
Rides		
Displays		
Vendors		
Temporary Structure (must attach a photo)		
Other (describe)		



## SIGNATURE OF APPLICANT REQUIRED

EVENT NAME \_\_\_\_\_

EVENT DATE \_\_\_\_\_

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

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

---

Signature

Date

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

-----

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

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

## SAMPLE NOTIFICATION LETTER

### SPECIAL EVENT REQUEST NOTIFICATION LETTER

DATE: \_\_\_\_\_

TO: \_\_\_\_\_  
Residential Property or Business Owner  
\_\_\_\_\_  
Address

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

#### **EVENT INFORMATION**

NAME OF EVENT: \_\_\_\_\_

LOCATION: \_\_\_\_\_

DATE(S) OF EVENT \_\_\_\_\_ HOURS OF EVENT \_\_\_\_\_

BRIEF DESCRIPTION OF EVENT/ACTIVITY: \_\_\_\_\_

\_\_\_\_\_

DATE(S) OF SET-UP \_\_\_\_\_ HOURS OF SET-UP \_\_\_\_\_

DATE(S) OF TEAR-DOWN \_\_\_\_\_ HOURS OF TEAR-DOWN \_\_\_\_\_

DATE OF CITY COMMISSION MEETING: \_\_\_\_\_

The city commission meets in room 205 of the Municipal Building at 151 Martin at 7:30 pm. You may also attend virtually through ZOOM:

<https://zoom.us/j/655079760> Meeting ID: 655 079 760. **A complete copy of the application to hold this special event is available for your review at the City Clerk's Office (248/530-1880).** Log on to [www.bhamgov.org/events](http://www.bhamgov.org/events) for a complete list of special events.

EVENT ORGANIZER: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE: \_\_\_\_\_

FOR QUESTIONS ON DAY OF EVENT, CONTACT: \_\_\_\_\_

**A map showing street closures must be attached.**

## V. INSURANCE INFORMATION

### **INSURANCE REQUIREMENTS**

For most types of activities, the City requires a certificate of insurance and a signed hold-harmless agreement on the event sponsor's letterhead. Please submit a copy of your standard certificate of insurance with your completed application, which will be reviewed for compliance with the City's insurance requirements.

Following are the general insurance requirements for events held on City property (items A thru I). If alcoholic beverages are to be served, you will need to add the coverage described in item J. The required limits and conditions may vary depending upon the scope of the event and the organization of the event sponsor. You will be notified of additional insurance requirements, if applicable, upon completion of the review process.

- A. Workers' Compensation Insurance. Workers' compensation insurance, including employers' liability coverage, in accordance with all applicable statutes of the state.
- B. Commercial General Liability (CGL) Insurance. Commercial general liability insurance on an "occurrence basis," with limits of liability not less than \$1,000,000 per occurrence combined single limit, personal injury, bodily injury and property damage. Coverage shall include broad form general liability extensions or equivalent.
- C. Motor Vehicle Liability Insurance. Motor vehicle liability insurance, including all applicable no-fault coverages, with limits of liability of not less than \$1,000,000 per occurrence combined single limit bodily injury and property damage. Coverage shall include all owned vehicles, all non-owned vehicles, and all hired vehicles.
- D. Additional Insured. Commercial general liability insurance and motor vehicle liability insurance as described above shall include an endorsement stating the following shall be *Additional Insureds: The City of Birmingham, including all elected and appointed officials, all employee and volunteers, all boards, commissions and/or authorities and board members, including employees and volunteers thereof. This coverage shall be primary to any other coverage that may be available to the additional insured, whether any other available coverage by primary, contributing or excess.*

- E. Cancellation Notice. Thirty days advance written notice of insurance cancellation, non-renewal and/or reduction or material change in coverage shall be provided to the City. Notice of cancellation, material change or reduction shall be attached to the certificate of insurance, or otherwise evidenced as in effect under the policy listed.
- F. Proof of Insurance Coverage. The City shall be provided with certificates of insurance evidencing the coverages outlined above.
- G. Expiration. If any of the above coverages expire, renewal certificates and/or policies must be provided to the City at least ten days prior to the expiration date.
- H. Acceptability of Insurance Company. All coverages shall be with insurance carriers licensed to do business in the state. All coverages shall be with carriers acceptable to the City.
- I. Hold-Harmless Agreement. The hold-harmless agreement should be submitted on the applicant's letterhead or stationery and signed by an authorized representative of the organization. (See attached)

If alcoholic beverages are to be served, you will need to add the coverage described in item J, below:

- J. Liquor Liability Insurance: The event sponsor shall procure and maintain for this event liquor liability insurance with limits of liability of not less than \$1,000,000 per occurrence for each covered location. The liquor liability insurance as described above shall include an endorsement naming the City of Birmingham as additional insured.

The following language must be submitted **on the applicant's letterhead** and **signed** by an authorized representative of the organization.

---

### **HOLD-HARMLESS AGREEMENT**

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

---

**Applicant's signature**

**Date**

## VI. POLICIES AND PROCEDURES

1. The City Commission will have sole and complete discretion in deciding whether to issue a permit for special events in parks and other open spaces.
2. The City of Birmingham will determine a capacity of Shain Park for public events based upon the wear and tear, recovery of grass and plants, impact on local businesses, institutions (Library, Community House) and residents.
3. The order of event priority for the allocation of the right to utilize parks and open spaces for special events shall be guided by the following:
  - a. civic events
  - b. cultural, education or social events,
  - c. entertainment and amusement events,
  - d. promotional events that benefit the City's image
  - e. income-generating events, both for and non-profit
4. Prioritization among sponsors shall be guided by the following:
  - a. Programs, festivals and events sponsored by the City or the PSD
  - b. Community groups (defined as a non-profit organization whose members consist of at least 75% City residents, or 50% City residents, and 75% Birmingham Public School District residents.)
  - c. Non-profit organizations and public agencies
  - d. Commercial organizations holding non-promotional events that do not charge a fee or generate revenue
  - e. Commercial organizations within Birmingham
  - f. Commercial organizations outside Birmingham
5. Applications and fee must be submitted at least **ninety (90) days prior to the date of the proposed event**. The non-refundable application fee is due when the application is submitted. The applicant is required to meet with the Police Department's Special Event officer in advance of application submission to discuss the proposed event regarding run/walk route, proposed road closures (if any), use of intersections/sidewalks/streets, number of Police and/or volunteers needed, and potential costs if City safety personnel are needed.



6. Application must include a detailed map of the event site. The application must include the location of the following if applicable:
- street closures **(Police Department input required prior to submission of application)**
  - tents / canopies
  - tables
  - signs
  - trash receptacles / dumpsters
  - barricades
  - audio equipment / band
  - rides / inflatables
  - vendor booths
  - displays
  - portable toilets
  - layout of start/finish area (if on public property)
  - temporary structures or displays of any kind (picture required)
7. The ordinance requires a permit fee in an amount to be determined by the City administration to reimburse the City for the costs incurred in providing services for the event including but not limited to police, fire, sanitation services or arranging for traffic alterations.
8. All permit fees (building, sign, electrical, hydrant), event permit fee, and all insurance certifications must be obtained/submitted **at least two weeks prior to the event.**
9. Applicant must notify all potentially affected property owners within 300 feet of the event location and advise them of the date and time the application will be considered by the City Commission, the date and time of the proposed event, and a description of the activity. Applicant must provide a copy of the letter and distribution list to the Clerk's Office **two weeks prior to the commission hearing.** (Sample letter included with this application.)
10. All vendors/peddler applications must be submitted **two weeks prior to the event.**
11. All vendors and event participants are required to park in the parking structures.
12. Any additions/changes must be submitted for approval **at least three weeks prior to the event.** Substantial changes/additions to an event will require commission approval.

## VII. . CHECKLIST

### **ATTACHMENTS TO INCLUDE WITH SPECIAL EVENT APPLICATION**

- ↗ Completed special event application
- ↗ Application fee (payable to "City of Birmingham")
- ↗ Map of event area detailing
  - street closures (**Police Department input required prior to submission of application**)
  - tents / canopies
  - tables
  - signs
  - trash receptacles / dumpsters
  - barricades
  - audio equipment / band
  - rides / inflatables
  - vendor booths
  - displays
  - portable toilets
  - layout of start/finish area (if on public property)
  - temporary structures or displays of any kind (picture required)
- ↗ Map of the route(s)
- ↗ Written route(s)
- ↗ Photo of display or temporary structure
- ↗ Sample of signs/banners – including size
- ↗ Hold Harmless Agreement (signed, on event sponsor's letterhead)
- ↗ Insurance certificate
- ↗ Letter to affected property owners (must include map of event area or route)\*
- ↗ List of addresses the letter was distributed (includes all residential and businesses in the event area, along the route, and affected by street closures)\*
- ↗ List of vendors
- ↗ If fundraiser: Information about the beneficiary

*\*Letter to affected property owners and list of addresses must be submitted to the clerk's office at least two weeks prior to the city commission meeting.*

---

#### **OFFICE USE ONLY**

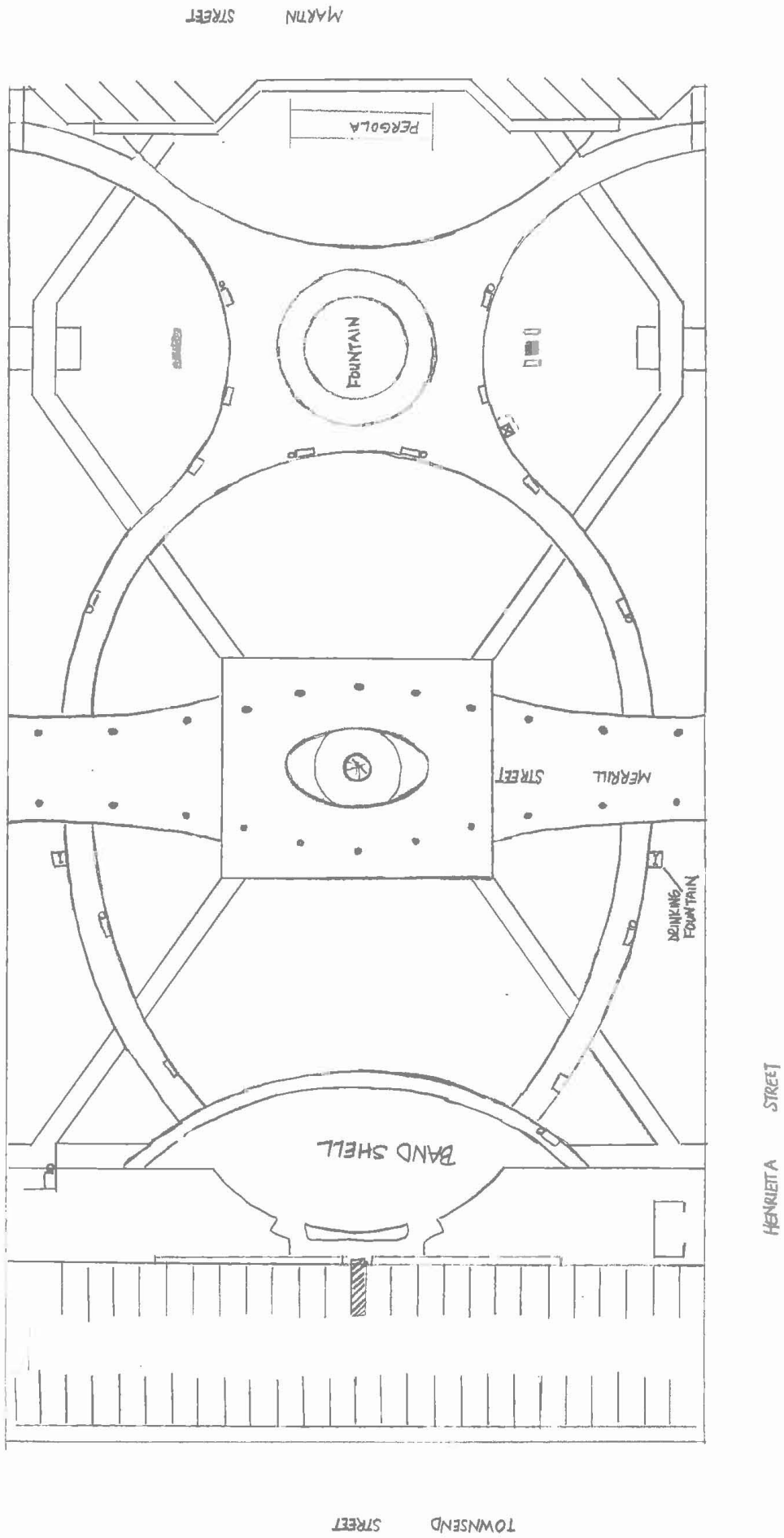
Received \_\_\_\_\_ by \_\_\_\_\_

Date \_\_\_\_\_

License Number \_\_\_\_\_

The above highlighted items must be submitted by \_\_\_\_\_<sup>14</sup>

Date of Commission meeting \_\_\_\_\_



Sham Park Map

# Birmingham Map



- Legend**
- City Boundary
  - Lakes and Rivers
  - Streams
  - Parcels



## DISCLAIMER:

The information provided on this site is for convenience only and is compiled from recorded deeds, plats, tax maps, surveys, and other public records and data. Much of the data was not compiled or created by the City of Birmingham. In the preparation of this report, extensive efforts have been made to offer the most current, correct, and clearly expressed information possible. However, inadvertent errors, inaccuracies, and omissions can occur. Official versions should be used as a primary information source for verification of the information provided on these pages. Users are advised that their use of any of this information is at their own risk. The City of Birmingham, its consultants and data providers, do not assume, and hereby disclaim, legal responsibility for the information contained herein which is provided "as is" with no warranties of any kind whether such errors, inaccuracies or omissions result from negligence, accident or any other cause.

# Birmingham, MI Residential Square Foot Growth

- Increasing Demands on Infrastructure –

Jay R. Shell, Birmingham Farms Neighborhood Association

# Increasing Demands on Infrastructure

- **Electrical Grid – increasing frequency and duration of electrical outages**
- Sewer
- Water

# What This Is Not About

- DTE and regulation of the utility
- Sewer or water but concept applies to both



# What This Is About

- City of Birmingham continuing to approve residential building permits while basic infrastructure services become more fragile
- Problems:
  - Safety
  - Food Loss
  - Disruption
  - Unreliability of a basic service

# Square Foot Growth Example

## -simple 'bathroom' analysis:

South Side of Northlawn between Southfield Road and Rouge River

### 1994

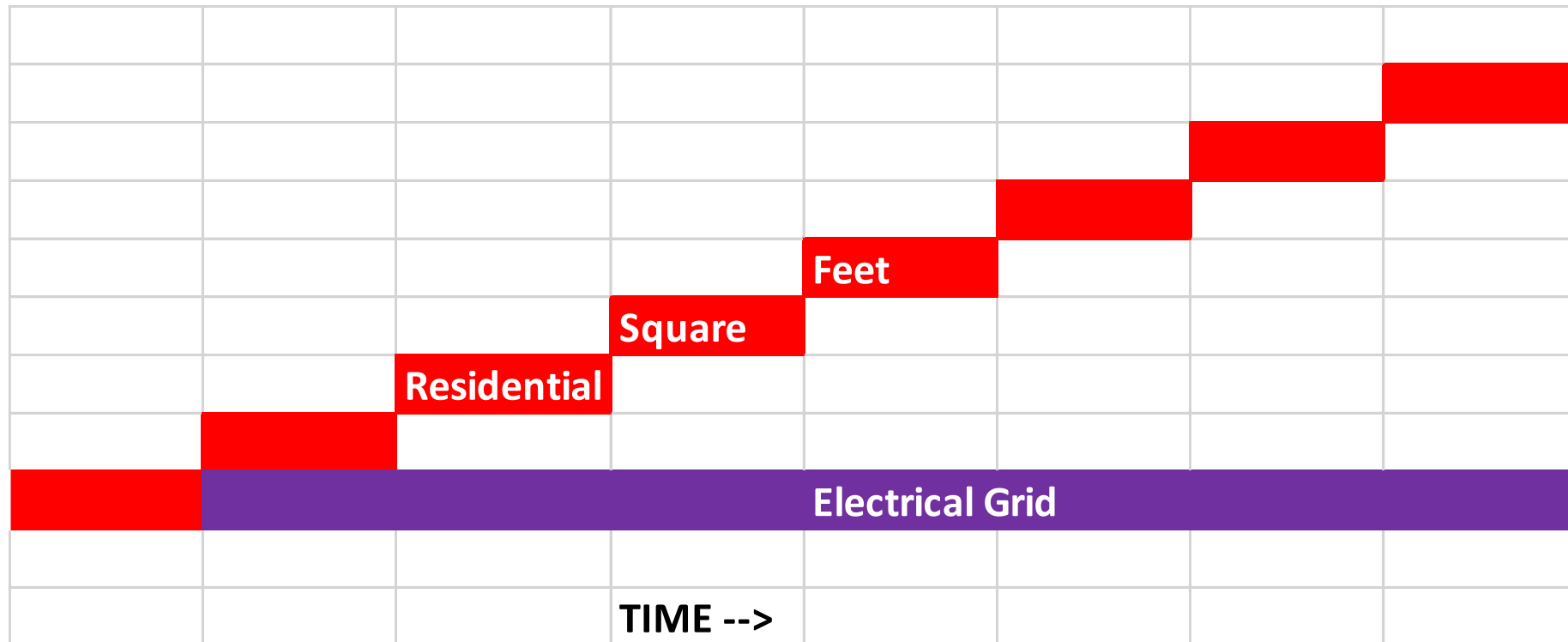
- 14 homes
- Approximately 32 bathrooms

### 2023

- 17 homes
- Approximately 71 bathrooms
  - 122% growth in bathrooms
  - At least comparable growth in total residential square foot

\* And people are not just building bathrooms  
– a lot of residential square foot being added throughout Birmingham neighborhoods

# Unsustainable Math Equation



# Questions

- Can City provide total residential square foot permitted growth over last 25 years?
- Can City provide residential property tax base growth over last 25 years from the approved permitted growth?
- Can City provide total investment in residential electrical infrastructure over last 25 years to support the permitted residential square foot growth?
  - Water services?
  - Sewer services?
  - Do not include downtown business district infrastructure rip and replace spend



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

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**Fwd: DTE: We are Committed to Improving Reliability, Investments are Key**

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**Tom Markus** <tmarkus@bhamgov.org>

Fri, Mar 17, 2023 at 1:04 PM

To: City Commission &lt;city-commission@bhamgov.org&gt;, Department Heads &lt;departmentheads@bhamgov.org&gt;, Jennifer L Whitteaker &lt;jennifer.whitteaker@dteenergy.com&gt;, Marianne Gamboa &lt;MGamboa@bhamgov.org&gt;

Marianne: Please push this out though social media and add to our website.

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

From: **Jennifer Whitteaker** <jennifer.whitteaker@dteenergy.com>

Date: Fri, Mar 17, 2023 at 12:59 PM

Subject: DTE: We are Committed to Improving Reliability, Investments are Key

To: Tom Markus &lt;tmarkus@bhamgov.org&gt;

**DTE****We are Committed to Improving Reliability,  
Investments are Key**

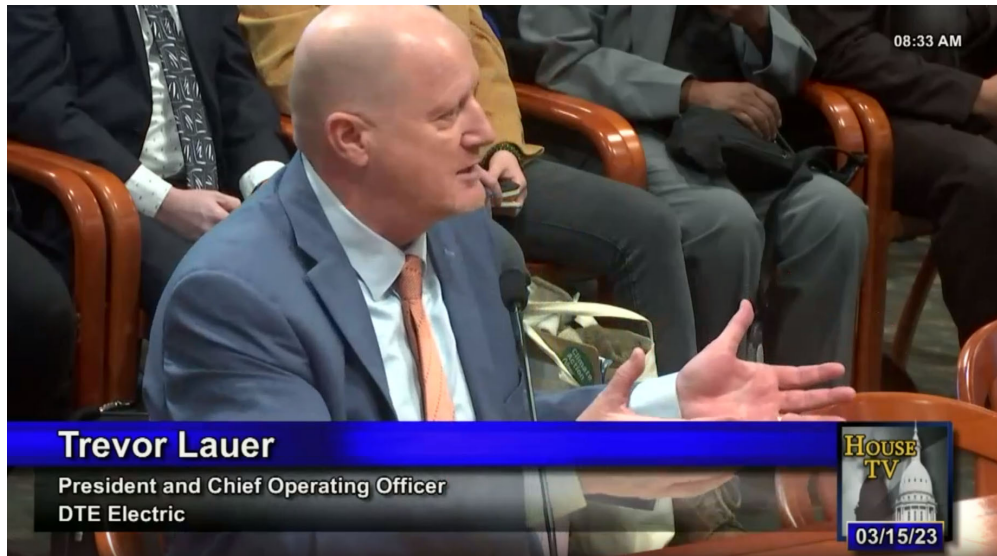
In recent weeks, our nation and the state of Michigan faced a series of severe weather events, including our largest ice storm in 50 years, followed by a heavy snowstorm and 45+ mph winds, which caused hundreds of thousands of our customers to lose power. What was once considered a "historic" storm has now become the unwelcome norm, and the severity of this new norm is challenging us and our infrastructure to adapt and adjust.

On behalf of the entire DTE team, we sincerely apologize to those affected by the power outages during the recent waves of extreme weather events.

Our customers and communities that we serve deserve better performance from our electric grid and DTE Energy. We know this and wholeheartedly accept the responsibility of working together to invest in our grid to improve its reliability and performance for our customers.

We also want to express our profound gratitude to each of you and all our partners for your assistance and cooperation during the recent restoration efforts. Your collaboration is critical in helping us provide our customers - your constituents - with the safety messages and resources while we worked to restore power as safely and quickly as possible.

## To Improve Reliability, We Must Accelerate Investments into the Grid



DTE Electric President and COO Trevor Lauer recently visited Lansing to initiate discussions with legislators on how we can improve electric reliability for our customers. To see dramatically improved performance, we must invest in the grid faster to outpace the rate at which we are experiencing severe weather.

To do this, we need support from the Michigan Public Service Commission and stakeholders in DTE's regulatory filings. In February of this year, we filed with the Michigan Public Service Commission for a rate review of our base electric rates. We know that no one wants to pay more for electricity, and we as a state must do everything we can to make electricity reliable and resilient while maintaining affordability. But, while our current pace of investments in the electric grid has yielded improvements for our customers with base rates remaining nearly flat since 2020, we need to do more to speed up these investments to continue reducing the frequency and duration of outages that disrupt life at home, schools, and businesses.

### Smart Grid Automation

We need to drive for full automation of the electric grid within 5 to 6 years – which can fundamentally reduce the duration of outages by allowing us to re-route power on the grid during an outage.

### Tree Trimming

We must continue our investment in enhanced tree trimming. We know that the majority of the time our customers spend without power is due to tree interference. In areas where tree trimming is up-to-date, customers experience a 60-70% improvement in overall reliability.

### Preventative Maintenance

9A2

We must continue preventative maintenance and updating the existing infrastructure – specifically, poles, cross arms, braces, wires, and other equipment that makes the electrical system more reliable and resilient. In 2022, on those most challenged circuits where DTE completed this type of focused maintenance and work, customers experienced a 40-70% improvement in overall reliability.

## **Rebuild the Grid and Undergrounding**

We need to continue the complete rebuild of the older portions of our grid to a modern design. In some instances where it makes sense, we plan to pursue the undergrounding of our distribution system.

---

## **What Can You Do?**

The Michigan Public Service Commission will hold a series of town hall meetings to take public comments on power outages from the recent winter storms. We believe engaging all stakeholders is vital to improving the reliability of our grid. As such, we want to ensure that you are informed about these public forums and have the opportunity to participate. By working together, we can deliver on accelerating the investment that our grid needs and our customers - your constituents - deserve for reliable power.

The Michigan Public Service Commission will hold two in-person town halls on March 20 as well as a virtual town hall meeting on March 21.

### **Jackson Town Hall on March 20, 2023**

12:00 p.m. to 2:30 p.m.

American 1 Credit Union Event Center

[128 W. Ganson St.](#)

Jackson, MI

### **Dearborn Town Hall on March 20, 2023**

5:30 p.m. to 8:00 p.m.

Fordson High School Auditorium

[13800 Ford Road](#)

Dearborn, MI

### **Virtual Town Hall on March 21, 2023**

6:00 p.m. to 8:00 p.m.

Click [here](#) for the event reservation page.

*\* A link to participate through Microsoft Teams will be posted closer to the day of the virtual town hall on the event's webpage.*

Written comments also may be submitted by mail to Executive Secretary, Michigan Public Service Commission, P.O. Box 30221, Lansing, MI 48909, or by email to [mpscdockets@michigan.gov](mailto:mpscdockets@michigan.gov).



Follow DTE on social media to stay updated:



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You received this message because you are subscribed to the Google Groups "DepartmentHeads" group.  
To unsubscribe from this group and stop receiving emails from it, send an email to [departmentheads+unsubscribe@bhamgov.org](mailto:departmentheads+unsubscribe@bhamgov.org).  
To view this discussion on the web visit [https://groups.google.com/a/bhamgov.org/d/msgid/departmentsheads/CALPLqCiUk3CjLGEEo7V85WAROv%2BO35CTzUMxfO\\_cMwzV-%3D\\_qoA%40mail.gmail.com](https://groups.google.com/a/bhamgov.org/d/msgid/departmentsheads/CALPLqCiUk3CjLGEEo7V85WAROv%2BO35CTzUMxfO_cMwzV-%3D_qoA%40mail.gmail.com).



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

## Request to be on an upcoming Meeting Agenda

**Tom Markus** <tmarkus@bhamgov.org>  
 To: Alex Bingham <abingham@bhamgov.org>

Tue, Mar 28, 2023 at 12:35 PM

This should be added under the Jay Shell communications.

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

From: **Jay Shell** <jay.shell@gmail.com>  
 Date: Tue, Mar 14, 2023 at 1:55 PM  
 Subject: Re: Request to be on an upcoming Meeting Agenda  
 To: Tom Markus <tmarkus@bhamgov.org>  
 Cc: City Commission <city-commission@bhamgov.org>, DepartmentHeads <departmentheads@bhamgov.org>

Thank you Tom.

I would suggest option 2 would be the best way to proceed. This gives the commissioners early copy of what we would like to present and should result in a warmed up interaction with all having the opportunity to ponder our questions in advance.

I plan to review our presentation draft with the neighborhood board next Monday and then we should be in a position to send the written request with our presentation attached before end of the month for an April 3rd commission meeting. Let me know if this sounds agreeable.

Thank you,  
 Jay R. Shell

Sent from my iPhone

On Mar 14, 2023, at 11:46 AM, Tom Markus <tmarkus@bhamgov.org> wrote:

Mr. Shell: Our meetings for March include the 27th and for April they include the 3rd and the 24th. You are welcome to come to the meetings and present your concerns / questions under the Agenda item referred to as: Open to the Public for Matters not on the Agenda. This agenda item appears early in the meeting so you will not be waiting long after the start of the meeting to speak. Your second option is to present a more detailed written request with questions and be placed under the Agenda item referred to as: Communications. While the commission does not typically engage in a back and forth conversation under the first method they may interact more with you under Communications because the Commissioners and staff may have had more time to consider your specific questions. In either case it is possible that the matter may be referred to staff for a more complete report. I hope this helps you decide when and how to approach the City Commission with your concerns. Tom Markus

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

From: **Jay Shell** <jay.shell@gmail.com>  
 Date: Mon, Mar 13, 2023 at 3:46 PM  
 Subject: Fwd: Request to be on an upcoming Meeting Agenda  
 To: Tom Markus <tmarkus@bhamgov.org>

Can you assist in getting us on the City COmmission meeting calendar?

JAY

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

From: **Clinton Baller** <clinton@baller4bham.com>  
 Date: Mon, Mar 13, 2023 at 1:55 PM

Subject: Re: Request to be on an upcoming Meeting Agenda  
To: Jay Shell <[jay.shell@gmail.com](mailto:jay.shell@gmail.com)>

Mr. Shell,

Thank you for copying me on this email. Best to contact City Manager Tom Markus ([tmarkus@bhamgov.org](mailto:tmarkus@bhamgov.org)) for information on meeting options.

Best,

Clinton Baller

On Mon, Mar 13, 2023 at 1:25 PM Jay Shell <[jay.shell@gmail.com](mailto:jay.shell@gmail.com)> wrote:

The Birmingham Farms Neighborhood Association is requesting to be added to a future City Commission Meeting.

Topic: Birmingham, MI Residential Square Foot Growth and its impact on the demands for Key Services Infrastructure; such as electricity

As President of the neighborhood association I plan to share a brief presentation that poses some interesting questions relevant to all City of Birmingham homeowners. A dozen of our members +/- also plan to join me - not including their spouses.

Please let me know future meeting options.

Thank you,  
Jay R. Shell  
President,  
Birmingham Farms Neighborhood Association

--

You received this message because you are subscribed to the Google Groups "City Commission" group. To unsubscribe from this group and stop receiving emails from it, send an email to [city-commission+unsubscribe@bhamgov.org](mailto:city-commission+unsubscribe@bhamgov.org). To view this discussion on the web visit <https://groups.google.com/a/bhamgov.org/d/msgid/city-commission/CABbM34W0aSB2aU%3DTMK%3DW5fKX%2Bdqfw38Cjk3%3Da7xYSyz9bVAyZQ%40mail.gmail.com>.



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

## Fwd: DTE: Winter Storm Update - 2/28/2023

1 message

Tom Markus &lt;tmarkus@bhamgov.org&gt;

Tue, Mar 28, 2023 at 2:18 PM

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

Add to communications

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

From: **Jay Shell** <jay.shell@gmail.com>

Date: Thu, Mar 2, 2023 at 11:46 AM

Subject: Re: DTE: Winter Storm Update - 2/28/2023

To: Leslie Pielack &lt;Lpielack@bhamgov.org&gt;

Cc: Alexander Motea <alexmotea@yahoo.com>, Alexandra Harris <akharrisart@gmail.com>, Caroline Ashleigh <info@appraiseyourart.com>, Kristy a <kristybarrett1@yahoo.com>, Marty Logue <gtfieros@comcast.net>, Pat Hughes <33hughes@gmail.com>, Judith Keefer <jlw2014@gmail.com>, Bev Erickson <beverickson@comcast.net>, George Getschman <getschmanfamily@comcast.net>, Leslie Mio <seymourmios@gmail.com>, Tom Markus <tmarkus@bhamgov.org>, Ecker, Jana <Jecker@bhamgov.org>

Leslie,

Our city manager is already well aware of my comments.

Please know that City Government has NO idea the discontent that exists with residents around the out of control development that is straining our infrastructure and we all pay for this in less than expected delivery of core services.

To me the delivery of electricity is a paramount requirement for any resident in our community. And it is completely unacceptable for our city leadership to fail to address the vulnerability that is increasing in our community because of the unabated development.

Putting up adware on the city web site falls far short of addressing the issue.

As a neighborhood association President and part of the connection to our city government I will be pursuing further actions with our city government.

Those willing to join me please chime in.

Regards,

Jay R. Shell

Sent from my iPhone

On Mar 2, 2023, at 9:46 AM, Leslie Pielack <Lpielack@bhamgov.org> wrote:

Good morning, Jay:

My email about the DTE storm information on Tuesday originated from the City Manager's office. I was passing it along as a general informational communication to the Museum Board and the Friends Board for members' reference.

The comments in your "reply all" have been forwarded to the City Manager's office, which is the appropriate place for you to voice your concerns. There is also information about contacting DTE's representative for our area, Jennifer Whitaeker, in the storm update. Her contact information if you missed it is: [jennifer.whitaker@dteenergy.com](mailto:jennifer.whitaker@dteenergy.com).

Thank you,  
Leslie

On Wed, Mar 1, 2023 at 10:18 PM Jay Shell <jay.shell@gmail.com> wrote:

On behalf of my neighborhood of 200 homes that had no power for 4 days we are feeling that Birmingham City leadership is a bit myopic that while we spend millions of dollars to rip and replace the outdated infrastructure - including electrical infrastructure - in the multiple years of downtown improvements, we continue to issue building permits for the replacement of existing homes with much larger homes increasing the electrical demand

9A2

on the already fragile infrastructure, absolutely no proactive electrical infrastructure replacement is encouraged, studied, or discussed for the home owning neighborhoods. Electrical outages are only going to become more frequent in Birmingham. Residents are really getting discouraged.

Jay

Sent from my iPhone

On Feb 28, 2023, at 2:03 PM, Leslie Pielack <[Lpielack@bhamgov.org](mailto:Lpielack@bhamgov.org)> wrote:

Hi everyone,

The City has been working to utilize communications to help residents understand the factors that affect DTE's response to weather issues and what accounts for spotty or extended outages. You may find this information helpful. Also, please be aware that the City has added a page to the website with focused information about power outages.

Please let me know if you have any questions about this, and thank you!  
Leslie

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

From: **Jennifer Whitteaker** <[jennifer.whitteaker@dteenergy.com](mailto:jennifer.whitteaker@dteenergy.com)>

Date: Tue, Feb 28, 2023 at 1:23 PM

Subject: DTE: Winter Storm Update - 2/28/2023

To: Tom Markus <[tmarkus@bhamgov.org](mailto:tmarkus@bhamgov.org)>

# DTE

## Winter Storm Alert: Feb. 28, 2023 Update

Good morning,

Thank you for your continued patience. Here is your 2/28 update.

### Nearly 98% of Customers Affected by Recent Ice Storm Restored

- As of 8 a.m. today, DTE has restored more than 615,000 of the 630,000 customers impacted by the recent ice storm.
- Many remaining outages are "singles," referring to isolated outages affecting only one or two customers. Unlike larger outages where crews can restore power to hundreds at once, "singles" require crews to travel from place to place to address each outage, which may take more time to restore safely.
- Yesterday, DTE announced that an automatic bill credit of \$35 will be applied to customers who experienced a power outage for more than 96 consecutive hours due to the February 22nd ice storm. No action is required on the customer's part to receive credit. It may take up to 90 days for the credit to appear on customer bills.

9A2

- As of last night, all school outages resulting from the February 22nd ice storm have been restored.

## Persistent Winter Conditions Remain a Factor

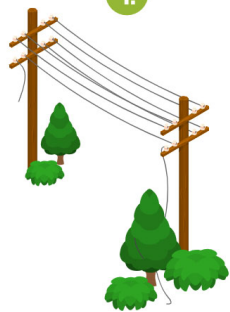
- Yesterday, a combination of windy and icy conditions affected most of our service area, which created challenging working conditions for our field crews and resulted in new outages and wire downs.
- Despite yesterday's weather conditions, crews continued to work around the clock to restore power to all customers affected as quickly and safely as possible.
- Yesterday's weather conditions created new school outages, which we are addressing today as quickly and safely as possible.
- Safety remains a top priority for all DTE employees and field crews, especially as exhaustion sets in.
- Weather forecasts indicate high winds but will diminish through the afternoon. Please note that strong wind conditions may slow our restoration process, as crews are unable to safely operate bucket trucks in high winds.

**Please share information in this newsletter with your constituents.**

## Please Keep Safety Top of Mind

**What to do if you see a downed power line**

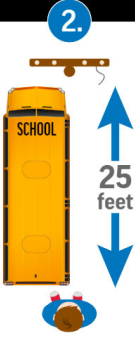
**1.**



**Look up to know what's down.**

Downed lines may be on the ground, wrapped in a tree or hiding behind tall grass or weeds.


**2.**



**Stay a school bus-length away.**

Consider all lines live and stay at least 25 feet, or a school bus-length, away from the line and anything it comes in contact with.

**3.**



**Report it.**

Use the DTE Energy mobile app or call DTE at 800.477.4747 or contact 911 to report the downed line.

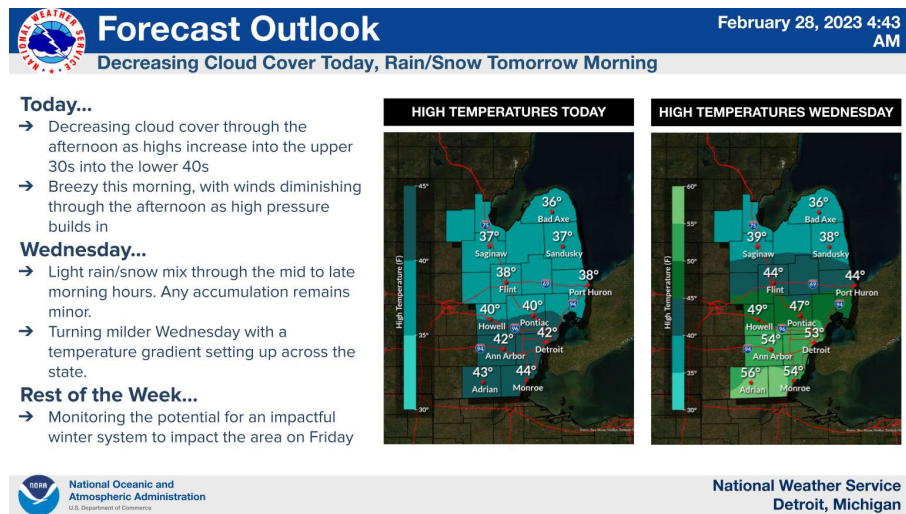
- Report outages or down wires by calling 800-477-4747, clicking below, visiting [outage.dteenergy.com](https://outage.dteenergy.com) or using the DTE Energy mobile app. Downed power lines may be hidden by debris, so be careful as you head outside.
- Stay at least a bus length (25 feet) away from downed power lines and don't touch anything they may be in contact with – always consider them live and dangerous.

• Everyone should also heed the warning of yellow caution tape, which indicates there is a downed power line in the area. **DO NOT CROSS YELLOW CAUTION TAPE.**

• Never use a portable generator inside a home or business. It emits carbon monoxide, which can be deadly. Keep it outside, away from windows and doors, so the fumes won't come in.

[Click Here to Report an Outage or Down Wire](#)

## Weather Outlook



## Stay Warm at a Michigan Warming Centers

With frigid temperatures sweeping the state, DTE is reminding customers that warming centers are available to provide relief from the cold. Each location is subject to availability and capacity restrictions – please call in advance for current information and only travel if the conditions are safe. Click [here](#) or below for more information or to locate a warming center in your area.

[Click Here to Find a Warming Center](#)

## "My Neighbor Has Power...Why Don't I?"

Ryan Stowe, vice president of Distribution Operations, explains how the location of damage on our grid can determine what sections of a neighborhood lose power.





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## Outages After a Storm

Ryan Stowe, vice president of Distribution Operations, explains why some customers had power when storms rolled through our service territory but then experienced an outage later.

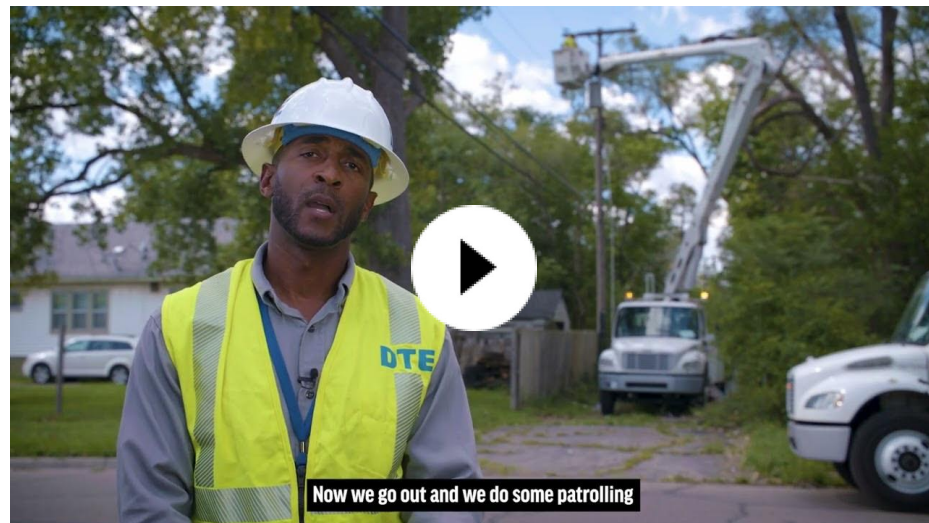


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## Trouble Behind Trouble Explained

MarKeith, Distributions Operations Manager explains how our restoration times are calculated and why they may be adjusted during restoration

when we find trouble behind trouble.



## Frequently Asked Questions

Frequently Asked Storm Questions

**DTE**

### Why don't I see DTE in my neighborhood?

The equipment that delivers power to your home or business may extend several miles from you. So, while you may not see work being done directly in your neighborhood, our crews are still working hard in your area to get your power back on.

### Why is my neighbor's power on and mine still out?

It's possible that two homes in the same neighborhood are served by different electrical wires and equipment. In other cases, there is one factor that originated the outage and another that's preventing us from re-energizing the line. Our crews are working as safely and quickly as possible to restore your power.

### DTE told me my power is back on. It is not. Why?

While most homes in your area may have been restored to power, there may be unexpected issues or damage causing a continued outage for one or just a few customers. We will continue to work around the clock until every customer is restored.

## Frequently Asked Storm Questions

**DTE**

## How do you decide whose power to restore first?

First, we secure the areas around downed power lines to keep the community safe. Next, we restore health and safety facilities like hospitals and police stations. Then, we repair the equipment that delivers power to homes and businesses. From there, we restore the outages impacting the largest numbers of customers in order to get power back on quickly to the largest number of people as possible, while also committing to work around the clock until EVERY customer is restored.

## Why is it taking so long to get a restoration estimate?

Several factors may contribute to a delay in providing a restoration estimate. These factors include safety hazards, inclement weather, crews facing difficulties reaching electrical equipment, or large volume of outages that occurred simultaneously. Our crews will continue to work as safely and quickly as possible to restore power to each and every customer.

## It's past my restoration estimate. Why isn't my power back on?

There are multiple reasons for a potential delay in restoration. These include "trouble behind trouble," where multiple factors are contributing to an outage that were not initially assessed, and inclement weather, which can make it unsafe for our crews to work on electrical equipment.

## Frequently Asked Storm Questions

**DTE**

## A DTE truck was in MY neighborhood, why didn't they restore MY power?

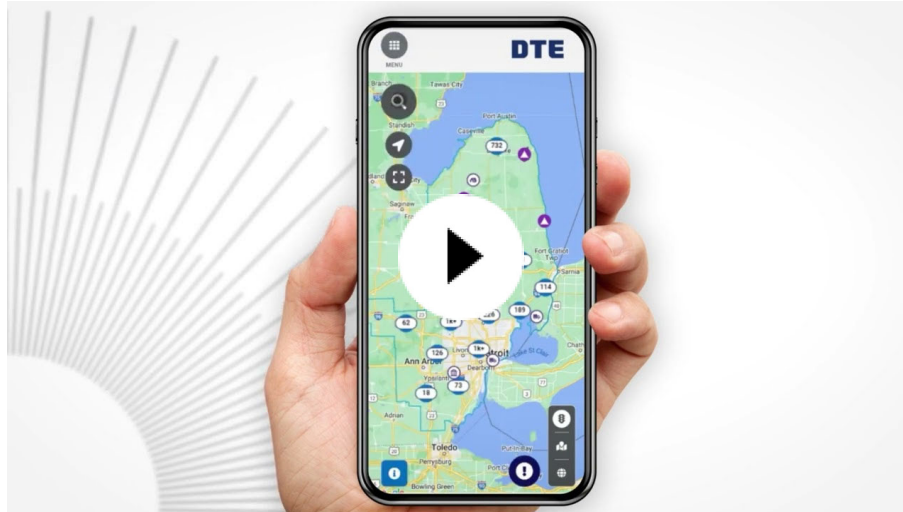
It's possible that two homes in the same neighborhood are served by different electrical wires and equipment. We may have completed work on your neighbor's circuit but are still working to make repairs on yours.

## Why were DTE workers sitting in their truck instead of restoring my power?

- Crews may be waiting for supplies to be delivered that are necessary to do the repairs.
- They may be on standby waiting for severe weather to pass, so they can safely work on electrical equipment.
- There may be a safety issue that needs to be resolved. Areas must be secured and safe before beginning work.
- Workers may be taking a quick break. Our crews work more than 16 hours a day to restore the lines. Quick breaks are important to ensuring crews have the energy and right mindset to safely restore power as quickly as possible.

## Stay Updated on Latest Outage Information

When an outage occurs, one of DTE's top priorities is to deliver real-time, up-to-date information to our customers. With this in mind, our team updated our outage map to ensure customers can access all the information they need, when they need it. Our new enhanced outage map offers a simplified look and an improved user experience. We encourage you to watch the video below to better understand the updates we've made.



To stay updated on the latest outage information and our enhanced outage map, visit our online outage center by clicking below or visiting [outage.dteenergy.com](https://outage.dteenergy.com).

[Click Here to Access Our Outage Center](#)

Follow DTE on social media to stay updated:



--  
Leslie Pielack  
*Director*  
*Birmingham Museum*  
248-530-1682



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Leslie Pielack

*Director*

*Birmingham Museum*

248-530-1682







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

## Regulation of DTE and telecommunication providers

2 messages

**Tom Markus** <tmarkus@bhamgov.org>

Mon, Feb 27, 2023 at 11:50 AM

To: City Commission &lt;city-commission@bhamgov.org&gt;, DepartmentHeads &lt;departmentheads@bhamgov.org&gt;

Cc: NataliePrice@house.mi.gov, SharonMacDonell@house.mi.gov, SamanthaSteckloff@house.mi.gov,

SenMMcMorrow@senate.michigan.gov, gretchen.whitmer@michigan.gov

With the recent loss of power to many properties in our community I offer the following information to help explain how Electric, Gas and Telecommunications are regulated in our state. This information is intended to inform the City Commission, Department Heads and Citizens on how to engage with the agency empowered to regulate these services. Considering the current and widespread loss of electric and telecommunications services, a combined effort of state officials and the MPSC will need to engage in a meaningful conversation on how to improve the reliability of these services.

1. FERC FederalEnergy Regulatory Commission an independent agency that regulates the interstate transmission of electricity, natural gas, and oil.
2. MPSC Michigan Public Service Commission is charged with regulatory authority over electric, gas and telecommunication services providers. The stated mission of the MPSC is to serve the public by ensuring safe, reliable, and accessible energy and telecommunications services at reasonable rates. To file a complaint by phone: 800-292-9555 or 517-284-8100 by mail: MPSC Customer Assistance P.O. 30221 Lansing, MI 48909 or email: [LARA-MPSC-commissioners2@michigan.gov](mailto:LARA-MPSC-commissioners2@michigan.gov). If you wish to file a complaint you should go to the [www.michigan.gov](http://www.michigan.gov) mpsc website and read how to file a complaint whether informal or formal. The three commission members are appointed by the Governor.
3. Overhead transmission lines are vulnerable to failure from freezing / ice conditions weighing on lines and trees which cause down lines. Excessive wind conditions cause damage as well. The stated price to replace aerial lines with underground lines is estimated at several hundred thousands of dollars per mile and it is my understanding that this cost would be passed on to the consumer benefiting from the change in line service. Several individual property owners have taken to purchasing backup power generators (permanent or portable) due to prior outages to insure a power source during DTE outages.
4. While the Governor makes the appointments to the MPSC, I am copying our local legislators so that they might work with the Governor and MPSC to ensure that all necessary and available actions are taken by service providers to ensure reliable service. With weather patterns seemingly becoming more severe due to climate change, new strategies need to be considered to protect the reliability of these services.
5. With our state legislators' activism it is hoped that the MPSC and Governor emphasize the importance of reliable power sources and delivery and that we see measurable improvements to these important systems.
6. Until some major shift in line installation is altered it will be necessary to keep line right of ways cleared of tree and vegetation growth impacting the aerial lines. Oftentimes neighboring property owners object to tree clearing and trimming for numerous reasons. This is a good time to remind property owners that line vegetation clearance is an essential maintenance function too.

minimize downed lines.

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To unsubscribe from this group and stop receiving emails from it, send an email to [departmentheads+unsubscribe@bhamgov.org](mailto:departmentheads+unsubscribe@bhamgov.org).

To view this discussion on the web visit <https://groups.google.com/a/bhamgov.org/d/msgid/departmentheads/CALPLqCj%2BSYPGK8FZ2CDcVRFCv1g-uEa7Ld%3DttRXMiD9Phw5xAA%40mail.gmail.com>.

**Tom Markus** <tmarkus@bhamgov.org>

Wed, Mar 29, 2023 at 9:43 AM

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

Please add to the communications

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

From: **Tom Markus** <tmarkus@bhamgov.org>

9A2

Date: Mon, Feb 27, 2023 at 12:48 PM

Subject: Fwd: Regulation of DTE and telecommunication providers

To: Jay Shell <[jay.shell@gmail.com](mailto:jay.shell@gmail.com)>

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

From: **Tom Markus** <[tmarkus@bhamgov.org](mailto:tmarkus@bhamgov.org)>

Date: Mon, Feb 27, 2023 at 11:55 AM

Subject: Fwd: Regulation of DTE and telecommunication providers

To: Tom Markus <[tmarkus@bhamgov.org](mailto:tmarkus@bhamgov.org)>

[Quoted text hidden]





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

## Fwd: Extended Power Outage

2 messages

**Tom Markus** <tmarkus@bhamgov.org>

Sun, Feb 26, 2023 at 9:53 AM

To: City Commission &lt;city-commission@bhamgov.org&gt;, Department Heads &lt;departmentheads@bhamgov.org&gt;

I will provide an appropriate response.

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

From: **Jay Shell** <jay.shell@gmail.com>

Date: Sun, Feb 26, 2023 at 7:56 AM

Subject: Extended Power Outage

To: Tom Markus &lt;tmarkus@bhamgov.org&gt;

CC: Maureen Field &lt;maureen.b.field@gmail.com&gt;, &lt;wgl400@comcast.net&gt;, Susan Randall &lt;susan.m.randall@sbcglobal.net&gt;, Patrick Seeberg &lt;pjseeberg44@gmail.com&gt;, Bill Burke &lt;billburke@yahoo.com&gt;, Ausra Zurro &lt;ausrazurro@gmail.com&gt;

Tom,

As you know the Birmingham Farms Neighborhood Association has been without electricity for 4 consecutive days. Once the power is restored, I would like your and the City Commission guidance on to whom we can make an appeal with DTE Energy to identify details on where the failure affecting our neighborhood occurred and what is being planned in the future to perform upgrades to improve the strength of our electrical grid and help prevent future failures.

I have lived in the neighborhood for nearly 30 years and not once have I seen proactive electrical infrastructure work being performed. This stuff doesn't last forever, yet customers keep paying higher and higher monthly electrical bills. What's more, in Birmingham we pay some of the highest property tax rates in the state of Michigan, and as such our city government should be prioritizing the delivery of basic services with zero interruptions. That many of our neighbors have had to leave the neighborhood - I am writing this from my daughter's home in New York State - and that our city library is having to operate a warming shelter is pretty unacceptable.

The Birmingham Farms Neighborhood appreciates your assistance.

Regards,  
Jay R.Shell  
President,  
Birmingham Farms Neighborhood Association

Sent from my iPhone

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You received this message because you are subscribed to the Google Groups "City Commission" group.

To unsubscribe from this group and stop receiving emails from it, send an email to [city-commission+unsubscribe@bhamgov.org](mailto:city-commission+unsubscribe@bhamgov.org).To view this discussion on the web visit [https://groups.google.com/a/bhamgov.org/d/msgid/city-commission/CALPLqCg5o1BMGTxjV7b7nbGrG66D\\_n62-T13fR%3DU3jtq2%2BADBA%40mail.gmail.com](https://groups.google.com/a/bhamgov.org/d/msgid/city-commission/CALPLqCg5o1BMGTxjV7b7nbGrG66D_n62-T13fR%3DU3jtq2%2BADBA%40mail.gmail.com).
**Tom Markus** <tmarkus@bhamgov.org>

Wed, Mar 29, 2023 at 9:42 AM

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

Please add to communications

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

From: **Tom Markus** <tmarkus@bhamgov.org>

Date: Mon, Feb 27, 2023 at 12:05 PM

Subject: Fwd: Extended Power Outage

To: Jay Shell &lt;jay.shell@gmail.com&gt;

I am not copying this to others however I thought you may want to adjust your thoughts on tax rates or at least the terminology you use, so I asked our Finance Director to provide the attached information. No one is suggesting that you don't pay a significant amount of property taxes, however the insight Mark Gerber provides may better inform your understanding. I would rather live in a community with constantly improving property values than one which has higher tax rates due to declining values.

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

From: **Mark Gerber** <[Mgerber@bhamgov.org](mailto:Mgerber@bhamgov.org)>

Date: Mon, Feb 27, 2023 at 11:48 AM

Subject: Re: Extended Power Outage

To: Tom Markus <[tmarkus@bhamgov.org](mailto:tmarkus@bhamgov.org)>

The City's tax rate is actually pretty low when compared to our surrounding communities. The City's tax rate is 13.3542. This compares to Clawson at 22.3778, Royal Oak 17.5580, Berkley 15.7752, Beverly Hills 13.6735, Ferndale 24.6953, and Bloomfield Hills 10.9600. You will note that I did not include any townships as those municipalities are not responsible for maintaining their roads, so generally, their taxes are lower (Bloomfield Township's rate is 12.0149). If you add the county and school tax on top of the local taxes you get (2021 data, homestead exemption): Birmingham 40.2062, Clawson 48.3717, Royal Oak 39.4023, Berkley 38.5788, Beverly Hills 40.1607, Ferndale 50.8095, Bloomfield Hills 36.0834. Even from a state perspective, the City's total millage rate is lower than many communities of approximate population size: Mt. Pleasant 44.3433, Adrian 42.9171, Ypsilanti 67.5622, Monroe 43.3223, Auburn Hills 39.0068, Romulus 52.6568, Wyandotte 54.0158, Garden City 57.7899, Madison Heights 46.6624.

The City's tax rate is only a portion of the overall tax bill. The other taxes represent county and school taxes. The City's tax levy makes up approximately 34% of the overall tax bill. The City has lowered its tax levy each year for the past 8 years. We are able to do this due to the reinvestment in the residential and commercial areas of our City. In fact, a resident that has not made improvements to their home over the past 8 years has seen a less than inflationary increase in City-levied taxes.

A resident's tax bill is calculated by multiplying the tax rate by the value of the property. Even with a lower tax rate, Birmingham residents may pay more property taxes than residents in other municipalities due to the value of their property. The reason why Birmingham properties are higher than most communities is because of services which are provided in addition to good schools, and proximity to a thriving downtown.

On Sun, Feb 26, 2023 at 2:42 PM Tom Markus <[tmarkus@bhamgov.org](mailto:tmarkus@bhamgov.org)> wrote:

Please craft a response regarding tax rates. Our tax rates are relatively low compared to other jurisdictions providing comparable services. We have lowered tax rates for the past — of years. What is high is our property values which speaks to the high demand for Birmingham real estate. Even with low property tax rates when you have high values the net result is still significant property taxes. Also mention what percent of the taxes are based on our City compared to schools and county taxes.

[Quoted text hidden]

--

Mark Gerber, CPA  
Finance Director/Treasurer  
City of Birmingham  
151 Martin Street  
PO Box 3001  
Birmingham, MI 48012-3001  
(248) 530-1814 phone  
(248) 530-1090 fax

**\*Important Note to Residents\***

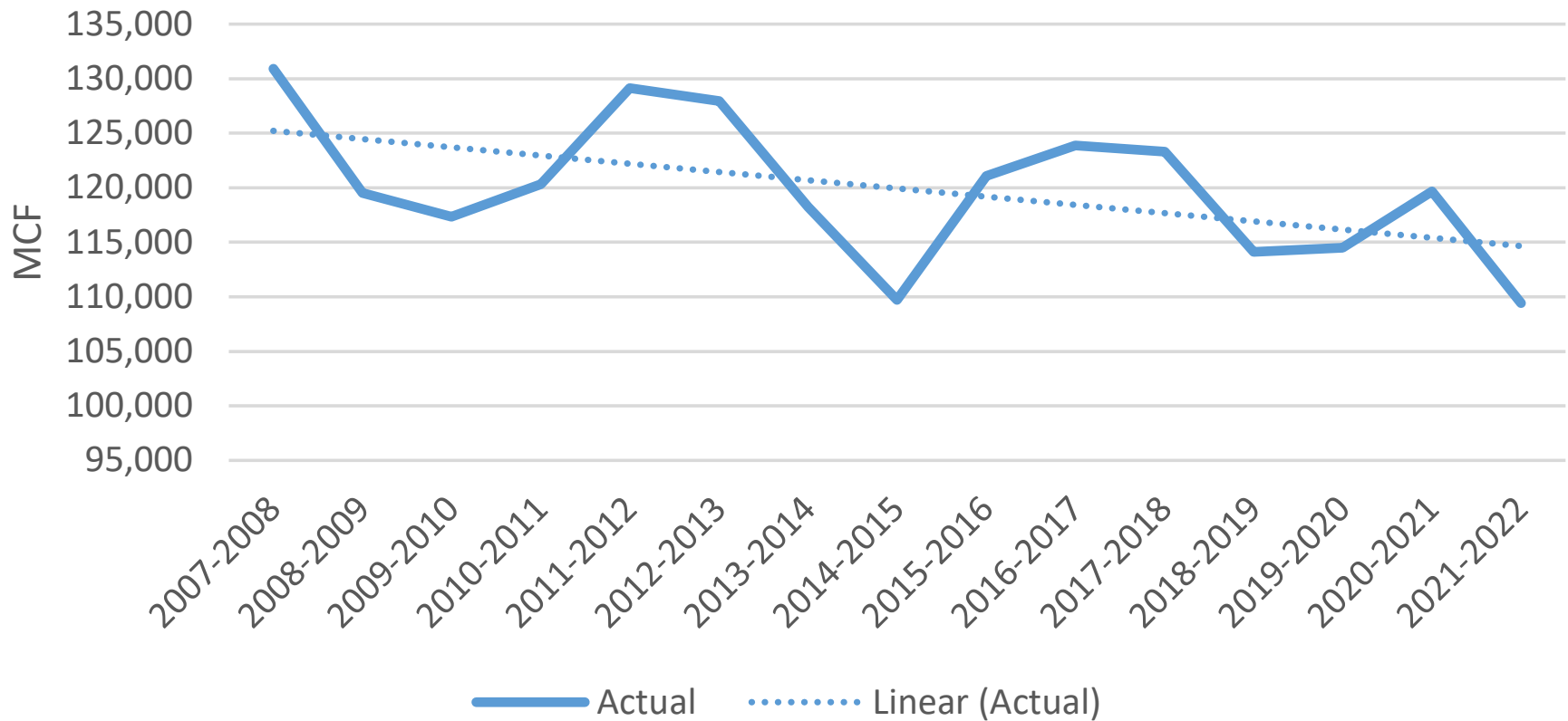
Let's connect! Join the Citywide Email System to receive important City updates and critical information specific to your neighborhood at [www.bhamgov.org/citywideemail](http://www.bhamgov.org/citywideemail).

# City of Birmingham, Michigan

Historical population		
Census	Pop.	%±
1880	733	—
1890	899	22.6%
1900	1,170	30.1%
1910	1,607	37.4%
1920	3,694	129.9%
1930	9,539	158.2%
1940	11,196	17.4%
1950	15,467	38.1%
1960	25,525	65.0%
1970	26,170	2.5%
1980	21,689	−17.1%
1990	19,997	−7.8%
2000	19,291	−3.5%
2010	20,103	4.2%
2020	21,813	8.5%
U.S. Decennial Census <sup>[15]</sup>		

# City of Birmingham, Michigan

## 15 Year History Water Consumption





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

## Fwd: New construction

1 message

**Tom Markus** <tmarkus@bhamgov.org>  
To: Alex Bingham <abingham@bhamgov.org>

Wed, Mar 29, 2023 at 4:13 PM

Place in pending

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

From: **Bruce Johnson** <Bjohnson@bhamgov.org>

Date: Wed, Mar 29, 2023 at 4:00 PM

Subject: Re: New construction

To: Tom Markus &lt;tmarkus@bhamgov.org&gt;

Tom,

Energy efficiency has definitely improved over the past several years and will continue to do so as building codes are updated. The following list are some areas where efficiency has improved over the last 15 years or so.

### Insulation:

- The R-value required in exterior walls has increased from R-13 to R-20.
- The R-value for ceilings has increased from R-30 to R38.
- Insulation is required around all windows and doors and wall plates are sealed to the floors to prevent air leakage.
- Blower door tests are required when the house is completed to demonstrate compliance with the code requirement of four or less air changes per hour.

### Mechanical:

- Furnace and air conditioning efficiency ratings have improved.
- Air ducts are required to be sealed and must be insulated when installed in unconditioned spaces.

### Electrical:

- Lighting is much more efficient with the use of LED fixtures and bulbs.
- Energy Star ratings for appliances installed in homes have improved reducing energy usage.
- While not an efficiency improvement, DTE requires all new electrical services installed for new homes and many additions to be installed underground.

### Plumbing:

- Faucets are equipped with restrictors to reduce water usage.
- New water heaters are much more efficient than older ones.
- Toilets utilize much less water

In summary, while the improvements in energy efficiency noted above are minimum requirements in the building codes, many new homes constructed utilize design features and equipment that achieve even higher efficiency ratings.

Bruce

On Wed, Mar 29, 2023 at 11:58 AM Tom Markus <tmarkus@bhamgov.org> wrote:

A review of our water consumption shows declining consumption. Recently, I have listened to comments concerning added square footage and more bathrooms suggesting a heavy demand on our infrastructure. With our new construction are there code provisions that require more efficiency in water use, electricity use and other improvements that make newer houses more efficient than houses built in earlier times? More efficient water heaters, toilets requiring less water, better insulation, passive solar, more efficient heating systems. Do we require new homes to have their electric lines buried vs strung from poles?

--

9A5

Bruce R. Johnson  
Building Official  
City of Birmingham  
[151 Martin Street](#)  
[Birmingham, MI 48009](#)  
(248) 530-1842 Office  
(248) 530-1292 Fax

**\*Important Note to Residents\***

Let's connect! Join the Citywide Email System to receive important City updates and critical information specific to your neighborhood at [www.bhamgov.org/citywideemail](http://www.bhamgov.org/citywideemail).



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

At the regular meeting of Monday, May 8, 2023, the Birmingham City Commission intends to appoint to the Parks and Recreation Board an alternate member to serve the remainder of a 3-year term to expire March 13, 2025.

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 3, 2023. These applications will appear in the public agenda for the regular meeting at which time the City Commission will discuss recommendations, and may make nominations and vote on the appointments.

Responsibilities

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

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

<b>Criteria/Qualifications of Open Position</b>	<b>Date Applications Due (by noon)</b>	<b>Date of Interview</b>
Members must be electors (registered voters) of the City of Birmingham.	5/3/2023	5/8/2023

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





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

## Fwd: Follow-up letter... this very important corner

1 message

**Tom Markus** <tmarkus@bhamgov.org>  
To: Alex Bingham <abingham@bhamgov.org>

Mon, Mar 27, 2023 at 1:19 PM

Info only next agenda

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

From: **Scot Beaton** <scotbeaton@gmail.com>

Date: Mon, Mar 27, 2023 at 1:15 PM

Subject: Follow-up letter... this very important corner

To: &lt;tmarkus@bhamgov.org&gt;, &lt;jecker@bhamgov.org&gt;, &lt;mfairbairn@bhamgov.org&gt;, &lt;mgamboa@bhamgov.org&gt;

### Time Sensitive Please Post/Share

Follow-up to my open letter to the architect/developer, the planning board and the citizens of Birmingham MI.

I watched the video. Is the southeast corner of Maple and Woodward Avenue the center of the universe... for the residents of Birmingham you kinda could say yes. Many say Michigan is the center of the universe; 'it's in the shape of God's hand'... LOL All fun aside I sincerely thank the planning board for taking the time to read my email and referring to it during your discussion. Also thank you for entering the letter into the public record and attaching it to future meetings with other citizen comments regarding this very important corner. I also thank you passing my email on to the applicant. I did also emailed them directly.

'As stunning as the Guardian Building' is a really big ask... "The World's Most Beautiful Art Deco Buildings From New York to Shanghai, By Elizabeth Stamp July 21, 2016 [www.architecturaldigest.com](http://www.architecturaldigest.com). Number 4 The Guardian Building "The Art Deco skyscraper—nicknamed the Cathedral of Finance—was designed by architect Wirt C. Rowland and completed in 1929." Now that I have reread my own letter this is way too big of an ask for this corner... But I did learn this a long time ago "When you reach for the stars, you may not quite get them, but you won't come up with a handful of mud either." — Leo Burnett

Your architect/developer does not hide the fact they are big, nor what they do. The Guardian Building was built to show off a headquarters for a financial institution... way different story at Maple and Woodward Avenue. Your applicant, they build rental apartments, retail... sell off and move on. They don't hide that fact and with all the BS out there as of late we should sincerely thank them for their honesty. They have also shown they respect in principle Birmingham zoning codes and planning studies. Many out-of-town architect/developers ask for more... more density more profit; this is not them. This does not mean Birmingham has to settle for 'more of the same.'

Let me make a few suggestions before they attend your next meeting. Birmingham has many buildings with 'timeless architecture and individual character' Suggest what you like. They build for profit with the least amount of resistance and move on. Suggest the kind of facade building design you like... I'm pretty sure they will accommodate your taste and appreciate your input. Guessing games cost money. PLEASE watch this video New York City's Great 1920s Revival <https://www.youtube.com/watch?v=rfsuU8V40U0> ... It's really good!!! Encourage citizen input but please remind them that they are following in principle your zoning codes and planning studies. The podium that faces Woodward Avenue second floor parking above the retail could be a fake second floor of Architecture. Windows and Juliet balconies. Fake is OK if done well. The sidewalk, building street level setback... very few planners show sun studies... We do not know what kind of retail may find a home there... but sidewalk cafes that face warm sunsets in the summer sounds like a good idea, sitting down get something to eat and drink, then go upstairs. Was a good idea in ancient Roman apartments for over a thousand years... still a good idea today... your going to need a wider sidewalk along Woodward Avenue if you like outdoor cafes. Just a few initial thoughts.

Why does the massing of this structure not match all the good thoughts that went into the Triangle District Urban Design Plan. The citizens of Birmingham and planners envisioned a 9 story building that would face the corner...

INFORMATION ONLY

Both Maple and Woodward Avenue equal partners in the building design. What is been presented only favors Woodward Avenue, diminishing Maple to be just a side street. 34977 Woodward Ave is an outstanding looking building in many ways on the southwest corner the design faces the corner not just Woodward Avenue. They do present a case to bring more sunlight to the pool for the residents and less road noise. (How much less road noise I doubt very little.) Besides is this not the famous Woodward Avenue... all kinds of residents may love sitting on their balcony watching all the classic cars go by, not someone sitting by a seasonal outdoor pool. But because they have now pushed the massive 9 story building back from Woodward Avenue, that now will not match the massing of the westside of Woodward Avenue the building is forever going to through a lot of shade on their eastern neighbor diminishing their property value... is this a good idea? ... What is the summer solstice shadow at 6:00 pm or 9:00 pm daylight savings time. Watching the video the applicant rolls over this planning board commissioner concern and no defense from other planning board commissioner's. They are big but please do not let them intimate you. Yes... that's a harsh comment I apologize. Thin towers even taller than 9 stories would bring more sunlight to the entire area year-round.

Woodward Avenue is under a lot of public pressure to become a complete street\* parkway not today's auto and truck highway. November 3rd, 1939 the car split Birmingham in half with an 8 lane boulevard highway. The Triangle District Urban Design Plan ...hours of hard thoughtful work heals many historical east west wounds... most of Birmingham's attention has been on the westside. One critique I personally do feel some of the facade illustrations lack individual character presented in the plan. Could be argued you get what you illustrate. Massing is an important conversation; and what you approve...? Will we still drive around Birmingham or through Birmingham. Will there be something of significance built there to connect the east to the west? Planning commissioner can be a thankless job, rarely if ever the auditorium is filled with residents telling you how great of a public service you are doing, more like the opposite. Let me say you are a great planning board, Birmingham is a beautiful and well planned city. Your dedication and service shows throughout the city. I wish you and your talented applicant all the very best in the decisions that will be made regarding this eastside corner.

Art Deco thin twin towers; takes me back to the Leo Burnett quote... No podium. No retail. No visible parking or loading. Goes beyond the Triangle District Urban Design Plan Study. For the architect/developer to turn a profit? Don't know how tall they would have to be, I'm sure more than 9 stories, probably more like 20 each. Would be fun to ask how tall. Your applicant has the talent to build tall. Such a big idea like that would be historic for the city of Birmingham and still worth saving 150+ years from now. Birmingham is a bold artistic town with big shoulders... Suggestion, if you are also inspired by such a bold idea slowdown, give your architect/developer a 24 month property tax holiday, no tax for 24 months. Start with a clean slate. Use this gift to draw up bold ideas for this very important corner, share with the community what could go there. Design something memorable... then write the zoning code to match the development, not a development to match the zoning code. Suggestion, work with the faculty and students 2 miles up the street; Cranbrook Academy of Art, what would they do? What would Albert Kahn or Eero Saarinen have built or the late Zaha Hadid?

Always thanks for your time

Scot Beaton

<https://www.linkedin.com/in/scot-beaton-474a7b51>

note: As of late I'm having second thoughts in general with all planning studies, they can stifle creativity.

note: Please share this open letter with friends, family and business associates, please share with the applicant way before the next meeting.

\*complete street is an approach to planning, designing, building, operating, and maintaining streets that enables safe access for all people who need to use them, including pedestrians, bicyclists, motorists and transit riders of all ages and abilities.

INFORMATION ONLY





That this house near downtown Birmingham built in 1895 has survived the city's yearslong trend of tearing down and rebuilding makes it an exception. | JAMES COOKE

## 130-year-old house for sale in Birmingham 'an exception' where new construction dominates

BY NICK MANES

It's not much of an overstatement to say that the neighborhoods around downtown Birmingham have been teardown central in recent years.

But there are exceptions. Case in point: A nearly 130-year-old Victorian house just outside the affluent Oakland County city's central business district, has been newly placed on the market and is chock full of modern amenities. The house on Pierce Street about four blocks south of the shopping and dining options on Maple Road, is listed for sale at just less than \$2.2 million.

While some of the restoration work, including an expansion of the home in the early 1990s, was done by a previous owner, current owners David and Jen McNulty



Jen and David McNulty bought the 1895 Victorian-style house on Pierce Street in Birmingham in 2013.

say they've completed work on every bathroom, bedroom, the kitchen and other parts of the house.

"Every room was basically touched by us," Jen McNulty said.

Property records show the couple — now empty nesters and looking to downsize from the nearly 4,600-square-foot home built in 1895 — paid \$1.425 million for the house in 2013.

Beyond the upkeep of the home — which still includes original woodwork for flooring, banisters and other features, as well as an attic-turned-lounge space where the McNultys said there are "no kids allowed" — Jen McNulty pointed to another appealing feature: In the decade the family has lived there they've never lost power or had a flood.

See **VICTORIAN** on Page 16

## BLAC focuses on economics, community

Nonprofit matches young entrepreneurs with jobs, housing

BY DARLENE A. WHITE

A community development project is breathing new life into abandoned homes and neighborhoods in Detroit while supporting young, Black would-be entrepreneurs.

The Black Legacy Advancement Coalition or BLAC is a nonprofit that is working to identify, connect and redistribute existing capital within the Black community to promote the advancement of Black people. The organization works in a variety of sectors, including economic empowerment, criminal justice reform, education, faith, legal reform, race relations and many more.

One effort it has underway is the Ground Up Project, which focuses on real estate.

"We work to revitalize properties in African American neighborhoods, while spurring on new business development in our communities," Dexter R. Sullivan, president of BLAC, said.

The nonprofit, which has been around since 2020, has had its first success with the purchase of a home in the LaSalle Gardens neighborhood near Henry Ford Hospital. Soon it will expand with more real estate purchases.

The coalition reported \$100,916 in revenue and \$59,115 in expenses for fiscal 2022 ended Sept. 30, according to unaudited financials it provided to Crain's. It ended the year with just over \$93,000 in net assets.

In 2022, BLAC purchased the single-family residence for \$250,000. In a joint effort between Sullivan and Brian Cole, the owner of Aza Homes, the house was renovated completely. The partnership empowered BLAC's leadership to co-design the space with Nadiene Johnson, a community partner. Weeks later, Johnson contributed to the 2,942-square-foot renovation project by selecting the furniture layout and securing donations from local businesses.

See **BLAC** on Page 17

## Deal with Meijer gives energy to former Atwater Brewery owner's new Fül Beverage

BY JAY DAVIS

Mark Rieth, the former owner of Detroit-based Atwater Brewery, believes his new Fül Beverage business is positioned to grow globally — starting in the Midwest with the help of Meijer Inc.

Rieth struck a deal with the Walker-based supermarket chain to stock Fül beverages (pronounced "fuel") in 130 Meijer locations in Michigan, Wisconsin, Ohio, Indiana, Illinois and Kentucky. The drinks can be seen on Meijer shelves now.



Rieth

"Meijer is a great partner, having chosen our products to be on its shelves," Rieth told Crain's. "The move is part of our Midwest expansion into other retailers as we push for national exposure. One thing Meijer does well as a Michigan-based company is they're always willing to listen to local vendors and suppliers."

Meijer officials did not respond to multiple requests for comment.

Rieth bought Atwater in 2005, sold it to a Molson Coors division in January 2020 and officially left Atwater in December 2021. He launched Detroit-based Fül Beverage last summer as a nonalcoholic beverage company focused on hydration drinks, including NA craft brews and all-natural alternative energy and recovery drinks.

Including the Meijer deal, Fül is in 700-900 stores, according to Rieth.

See **BEVERAGE** on Page 16



Detroit-based Fül Beverage is being sold in 130 Meijer stores in Michigan, Wisconsin, Ohio, Indiana, Illinois and Kentucky. | FÜL BEVERAGE





## Michigan local government leaders report increased problems with workforce recruitment, retention, and other issues

By Debra Horner, Thomas Ivacko, and Natalie Fitzpatrick

This report presents the opinions of Michigan's local government leaders on a range of issues regarding their jurisdictions' workforce, including recruitment, retention, and retirement turnover. These findings are based on statewide surveys of local government leaders from the Spring 2022 wave of the Michigan Public Policy Survey (MPPS), with comparisons to the Spring 2017 MPPS wave.

**The Michigan Public Policy Survey (MPPS)** is an ongoing census survey of all 1,856 general purpose local governments in Michigan conducted since 2009 by the Center for Local, State, and Urban Policy (CLOSUP). Respondents for the Spring 2022 wave of the MPPS include county administrators, board chairs, and clerks; city mayors, managers, and clerks; village presidents, managers, and clerks; and township supervisors, managers, and clerks from 1,327 jurisdictions across the state.



Center for Local, State, and Urban Policy

 | Gerald R. Ford School of Public Policy

## Key Findings

- Statewide, 92% of Michigan's local governments report having some kind of paid employees (full-time, part-time, seasonal, or temporary), while 8% say they have none at all. These levels are essentially unchanged from 2017.
  - » Nearly all Michigan counties and cities report having full-time employees and the overwhelming majority also have part-time employees. Meanwhile, 75% of villages and just 31% of townships report having full-time employees.
- Recruiting employees with the necessary skills is a common problem, reported by 60% of Michigan's local leaders in 2022, up from 48% in 2017. Only 16% of jurisdictions statewide say recruiting is not a problem at all.
  - » Among jurisdictions with over 30,000 residents, 89% report that recruitment is a problem, including 41% who say it is a significant problem. Among mid-sized jurisdictions with between 5,001-10,000 residents, reports of significant recruitment problems have tripled in the past five years, up to 28% in 2022 from 9% in 2017.
- Retaining current employees is a growing problem as well, reported by 32% of jurisdictions with employees in 2022, up sharply from 17% in 2017.
  - » Two-thirds (64%) of jurisdictions with over 30,000 residents have problems retaining current employees, up from 43% in 2017. Among jurisdictions with 5,001-10,000 residents, retention problems have more than tripled in the past five years to 37%, up from 12%. Meanwhile, even in the state's smallest jurisdictions—those with fewer than 1,500 residents—that have any type of paid employee, retention problems have increased to 26%, up from 17%.
- Local leaders express concern about a variety of other workforce problems, especially in Michigan's largest jurisdictions, among whom 62% report problems with turnover due to retirements, 58% note problems with employee workload, 54% identify low employee morale, and 48% report challenges due to hostile interactions from the public.
  - » Among places where local leaders report their employees have recently experienced harassment or other abuse, 79% say new employee recruitment is a problem (including 40% who say it is a significant problem); by comparison, 52% of jurisdictions that did not report harassment by the public have recruitment problems. Similarly, employee retention problems are more likely to be reported among jurisdictions that have experienced harassment or other abuse against non-elected jurisdiction personnel (45% vs 25%).

## Background

The COVID-19 pandemic triggered enormous turmoil in the U.S. labor market, in both the public and private sectors, with repercussions still being felt today. Widespread job losses in the early months of the pandemic<sup>1</sup> gave way to tight labor markets in 2021,<sup>2</sup> with challenges for recruitment and retention of personnel driven in part by turnover in the labor force that has been dubbed the “Great Resignation.”<sup>3</sup> Through the end of 2022, the national labor market remained turbulent. Hiring demand was high despite concerns over inflation and a possible recession, as the wave of employees quitting their positions for new ones or leaving the job market altogether continued.<sup>4</sup>

In Michigan, pressures on employers have persisted, as unemployment and participation in the labor force both declined in 2021 and 2022. According to the U.S. Bureau of Labor Statistics, by September of 2022, Michigan’s labor force participation rate (60.1%) was lower than the Midwest region as a whole and ranked as the 11th lowest among all 50 states.<sup>5</sup> In the public sector, approximately 14% of Michigan’s workforce is employed by either the state, local, or federal governments.<sup>6</sup> And although this is below the nationwide average, it is still a significant portion of the state’s workers. Among this group are public works, police, fire, election, administrative, and other local government personnel that are critical to the welfare and quality of life of communities across the state.

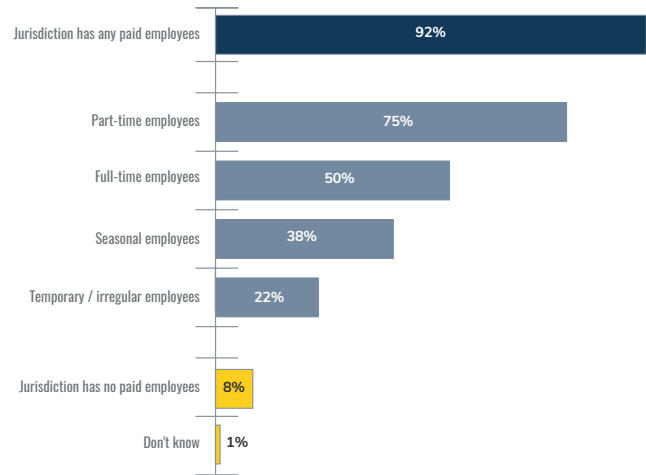
To get a sense of how Michigan local government leaders view current workforce challenges in their jurisdictions, the Spring 2022 MPPS revisited questions asked on the 2017 wave of the survey regarding local governments’ personnel issues, including potential problems with hiring, retention, turnover, and other workforce challenges they may be facing.

## Most Michigan jurisdictions have at least some paid employees, but only half have full-time employees

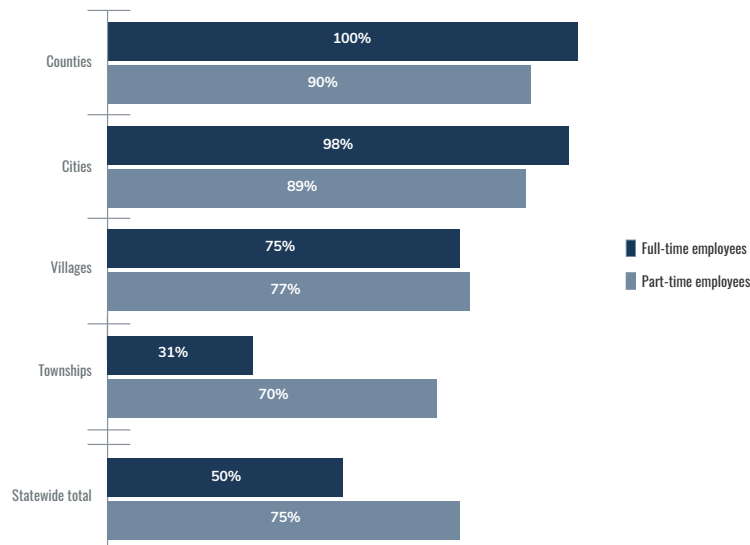
In 2022, 92% of Michigan’s local jurisdictions reported having at least some type of paid employees beyond their government’s elected officials (see *Figure 1a*). The most common type are regular part-time employees, reported by 75% of local governments. Meanwhile, 50% of local units report having full-time employees, 38% report seasonal workers, and 22% report having temporary/irregular employees. Despite the disruptions faced by many employers including local governments as a result of the COVID-19 pandemic that began in 2020, these personnel levels are essentially unchanged since the last time the MPPS asked this question in 2017.<sup>7</sup>

Nearly all Michigan counties and cities have full-time employees and the overwhelming majority also have part-time employees (see *Figure 1b*). Meanwhile, around three-quarters of villages report having full-time (75%) and part-time employees (77%). By contrast, just 31% of townships report having full-time employees, 70% have part-time employees, and 11% of townships have no paid employees. Again, these general proportions are equivalent to those reported on the 2017 MPPS.

**Figure 1a**  
Percentage of jurisdictions reporting various types of employees in their workforce



**Figure 1b**  
Percentage of jurisdictions reporting various types of employees in their workforce, by jurisdiction type

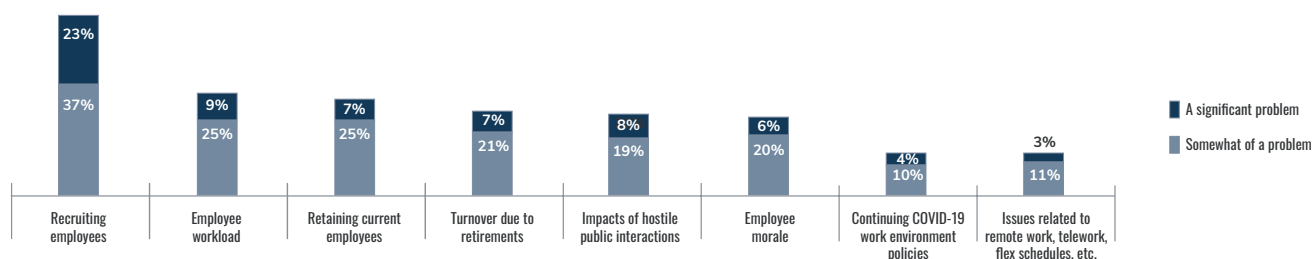


## A majority of Michigan local governments struggle to recruit employees with the needed skills

Local leaders who indicated their jurisdictions have at least some non-temporary employees were asked about a series of personnel challenges their jurisdiction might be experiencing. Recruiting employees with needed skills is by far the most common concern, with 60% statewide indicating that recruitment is somewhat of a problem (37%) or a significant problem (23%) for their government (see *Figure 2*). Although less widespread, around a third report that employee workload (34%) and employee retention (32%) are problems, while about a quarter say turnover due to retirement (28%), impacts of hostile public interactions (27%), and employee morale (26%) are problems. Fewer local leaders across the state report problems with COVID-19 workplace policies or issues related to remote work (14%).

**Figure 2**

Local officials' assessments of personnel problems facing their jurisdiction's government (among jurisdictions that have full-time, part-time, and/or seasonal employees)



Note: responses for "not much of a problem," "not a problem at all," and "don't know" not shown





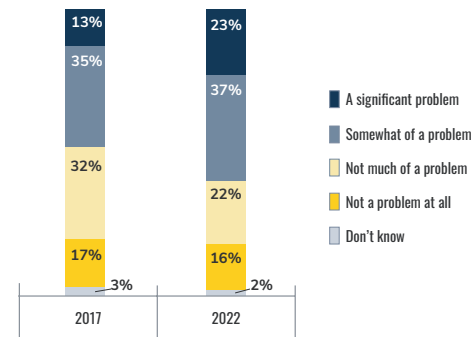
## Local governments increasingly struggle to recruit qualified employees

Problems with employee recruitment have risen substantially over the past five years. Among jurisdictions with non-temporary employees, 60% say recruiting employees with the necessary skills is a problem, including nearly a quarter (23%) who say it is a *significant* problem, which is up from 13% in 2017 (see *Figure 3a*). Only 16% of local leaders across the state say that employee recruitment is not a problem at all for their local government.

Recruiting challenges have increased in jurisdictions of every type and size. In particular, 42% of city officials reported in 2022 that recruiting employees with needed skills is a significant problem, up from 25% in 2017 (see *Figure 3b*). Meanwhile, over a third (36%) of county officials, and 27% of village officials report significant recruiting problems. By jurisdiction size, a full 89% of the largest jurisdictions—those with over 30,000 residents—report that recruiting employees with needed skills is a problem, including 41% who say it is a significant problem (see *Figure 3c*). And notably, among mid-sized jurisdictions with between 5,001-10,000 residents, significant problems with recruiting have tripled in the past five years, up to 28% in 2022 from 9% in 2017.

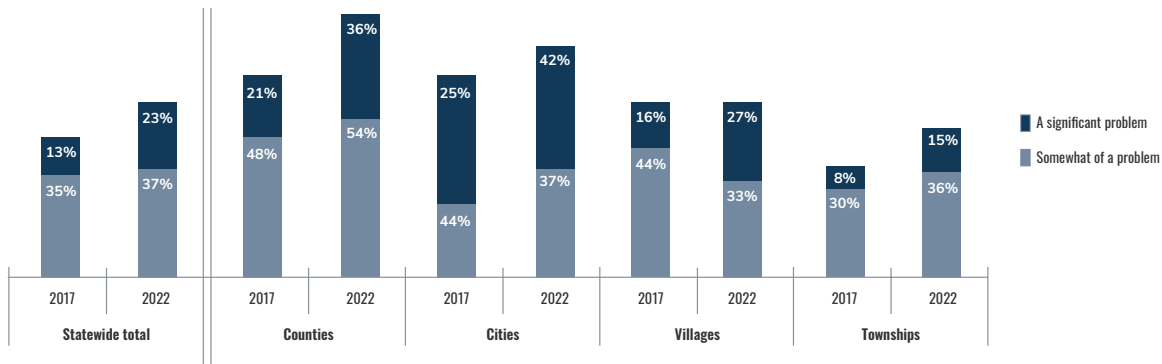
**Figure 3a**

Local officials' assessments of problems in their jurisdictions recruiting employees with needed skills, 2017 vs. 2022



**Figure 3b**

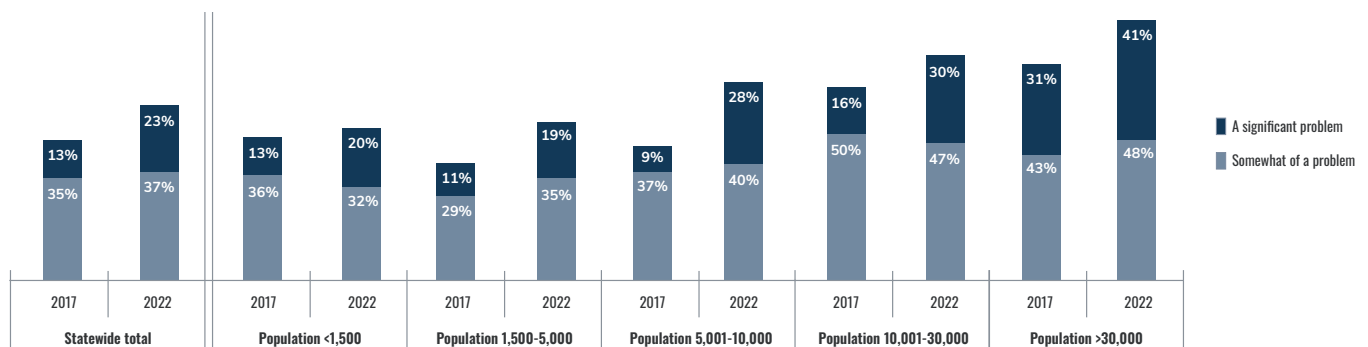
Local officials' assessments of problems in their jurisdictions recruiting employees with needed skills, 2017 vs. 2022, by jurisdiction type



Note: responses for "not much of a problem," "not a problem at all," and "don't know" not shown

**Figure 3c**

Local officials' assessments of problems in their jurisdictions recruiting employees with needed skills, 2017 vs. 2022, by population size



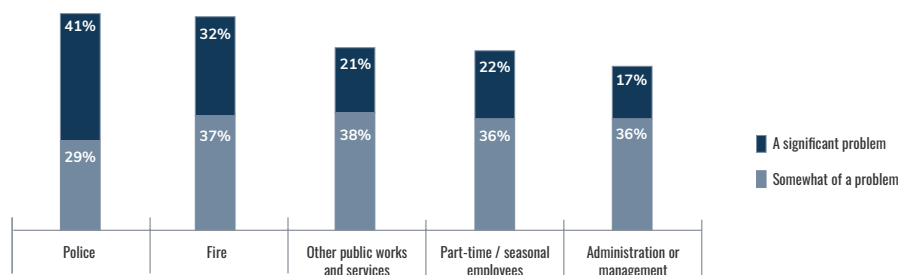
Note: responses for "not much of a problem," "not a problem at all," and "don't know" not shown

Among those with at least some recruitment challenges, the most common areas of concern are for hiring police officers and firefighters. As shown in *Figure 4*, among those with police services, 70% say finding qualified candidates is somewhat of a problem (29%) or a significant problem (41%). This includes 52% of city officials who say it is a significant problem. Among those with local fire services, 32% say finding qualified employees is a significant problem, including 37% of jurisdictions with between 5,001-10,000 residents.

Almost two-thirds (62%) of local leaders selected two or more types of position where they are having recruitment problems, including 43% who selected at least three job types. This highlights that most jurisdictions facing problems with recruitment face them in multiple areas, rather than the problems being concentrated in one specific segment of the workforce.

**Figure 4**

Percent of jurisdictions reporting problems recruiting qualified candidates for various positions (among those who have trouble recruiting and who have employees in a particular service area)





## Retention is a problem particularly for counties and larger jurisdictions

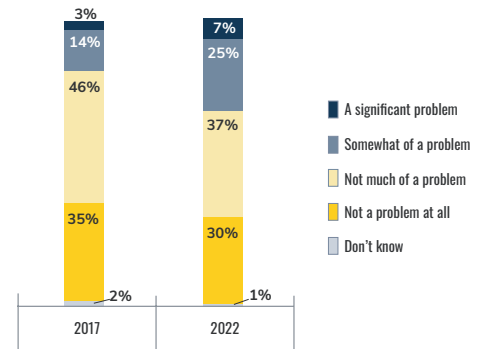
Compared with recruitment, employee retention is a less common problem for local governments across the state, but these challenges have increased, too. As of 2022, nearly a third (32%) statewide said that retaining current employees is a problem for their jurisdiction, up sharply from 17% in 2017 (see *Figure 5a*). Of course, these problems are also widespread in the private sector, as the “Great Resignation” took hold in the COVID era, and employees of all kinds increasingly resigned and quit their jobs at employers of all kinds, across the country.<sup>8</sup>

In 2022, 61% of Michigan’s counties reported that retention of employees was somewhat of a problem (48%) or a significant problem (13%), up sharply from 2017 (see *Figure 5b*). Only 7% of counties say retention is not a problem at all. Similarly, the percentage of city officials who say retention is a problem rose to 45% in 2022, from 26% in 2017.

This pattern is reflected in comparisons by jurisdiction size, where larger jurisdictions struggle the most to retain employees. Two-thirds (64%) of jurisdictions with over 30,000 residents have somewhat of a problem (53%) or a significant problem (11%) retaining current employees, up from 43% in 2017 (see *Figure 5c*). Among jurisdictions with 5,001-10,000 residents, concerns about employee retention have more than tripled in the past five years (from 12% to 37%). Meanwhile, even in the state’s smallest jurisdictions that have employees, more than a quarter (26%) now report retention is a problem, up from 17% five years earlier.

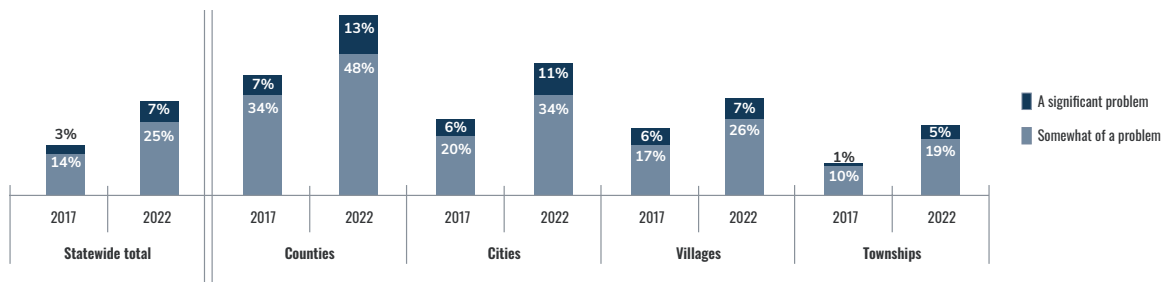
**Figure 5a**

Local officials’ assessments of problems in their jurisdictions with retaining current employees, 2017 vs. 2022



**Figure 5b**

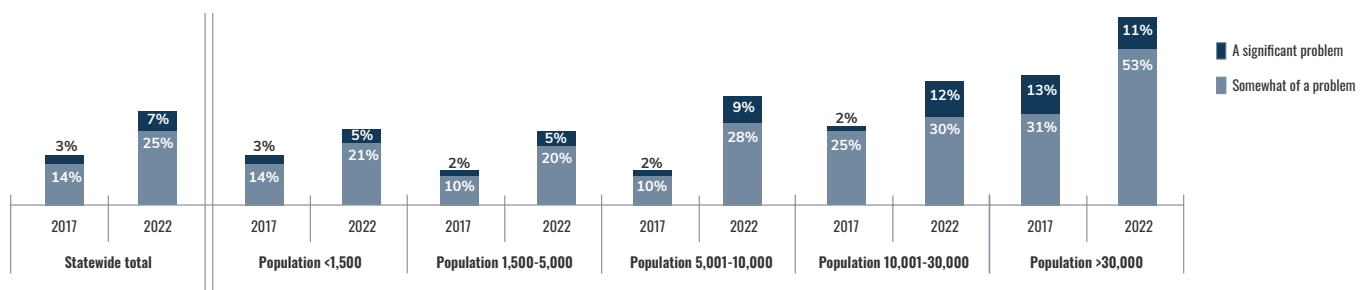
Local officials’ assessments of problems in their jurisdictions with retaining current employees, 2017 vs. 2022, by jurisdiction type



Note: responses for “not much of a problem,” “not a problem at all,” and “don’t know” not shown

**Figure 5c**

Local officials’ assessments of problems in their jurisdictions with retaining current employees, by population size



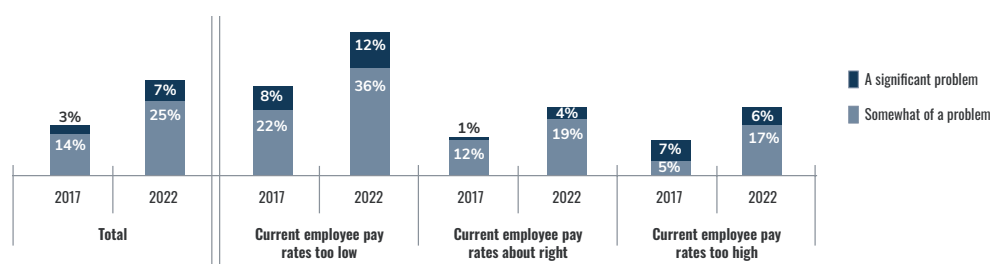
Note: responses for “not much of a problem,” “not a problem at all,” and “don’t know” not shown

## Low compensation is linked to retention problems

A recent MPPS report summarized Michigan local leaders' views on employee pay rates, noting that despite a decade of gradual increases in employee wages and salaries, many still believe their local government's pay rates are too low.<sup>9</sup> Concerns over low compensation correlate with reported problems regarding retention of current employees. For jurisdictions where local officials say pay rates for current employees are too low, nearly half (48%) say employee retention is a problem, compared with 23% in jurisdictions who say their current pay rates are just right or too high (see *Figure 6*).

**Figure 6**

Local officials' assessments of problems in their jurisdictions with retaining current employees, by assessments of jurisdiction pay rates for current employees



Note: responses for "not much of a problem," "not a problem at all," and "don't know" not shown.



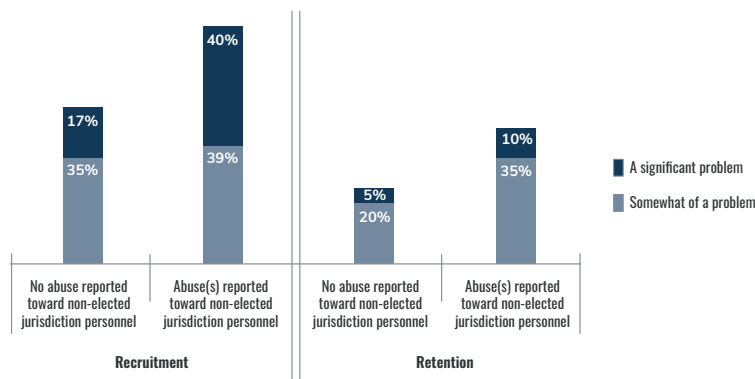
# Recruitment and retention problems are more common in places experiencing public harassment and abuse of jurisdiction personnel

Harassment or other abuse of local government representatives by the public may also contribute to personnel challenges. In 2022, leaders from 53% of jurisdictions statewide reported harassment, threats, or even violence (including property damage) against members of the local government as part of their role in local government, including against top officials themselves.<sup>10</sup> Furthermore, 44% say the local climate of abuse towards government personnel is impacting willingness of people to serve or work in local government, while 27% say the hostile public interactions make the jobs of their current local workforce harder.

As shown in *Figure 7*, among places where local leaders report that jurisdiction personnel (not including elected officials) have recently experienced harassment or other abuse, 79% say employee recruitment is a problem. This includes 40% who say it is a *significant* problem, compared to 17% in jurisdictions that did not report such harassment. Officials from jurisdictions which report harassment or other abuse against non-elected jurisdiction personnel are also more likely to report problems with retention (45% vs 25%). These differences are statistically significant even when accounting for factors like jurisdiction type, population size, pay rates, and other potential contributing factors.

**Figure 7**

Local officials' assessments of problems in their jurisdictions with recruitment and retention, by experience with harassment, threats, and violence of jurisdiction personnel



Note: responses for “not much of a problem,” “not a problem at all,” and “don’t know” not shown

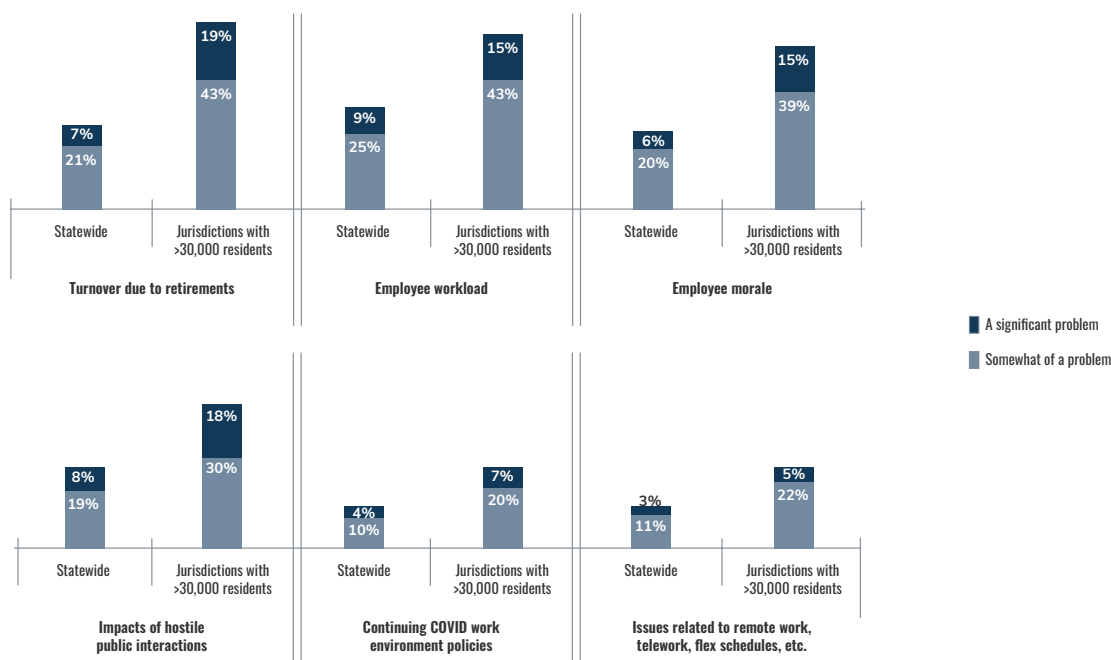
## Larger jurisdictions experience additional workforce problems

Local governments across Michigan, but particularly the largest jurisdictions, face additional workforce challenges beyond recruitment and retention. One common problem is turnover from retirements. Statewide, 28% of jurisdictions with employees report this problem, but this more than doubles to 62% among jurisdictions with over 30,000 residents (see *Figure 8*). Similar patterns are found for a variety of additional problems, including employee workload, morale, hostile public interactions, and COVID-related issues.

For a full breakdown of personnel problems by jurisdiction size, type, and region, see *Appendices A-C*.

**Figure 8**

Local officials' assessments of personnel issues in their jurisdictions, statewide vs. among the state's largest jurisdictions (those with more than 30,000 residents)



Note: responses for “not much of a problem,” “not a problem at all,” and “don’t know” not shown



## Conclusion

The COVID-19 pandemic caused disruptions to the local government workforce in Michigan and across the nation, and although the percentage of Michigan local jurisdictions that maintain paid staff has remained stable since 2017, a significantly higher number report problems across a wide range of personnel issues. In particular, jurisdictions of all types and sizes have faced increased difficulty recruiting qualified employees, particularly where officials believe pay for new hires is too low or where there have been reports of harassment of local government staff by the public. Larger jurisdictions have especially struggled and, as of 2022, nearly two-thirds (64%) of jurisdictions with over 30,000 residents report trouble retaining current employees, up from less than half that reported retention problems pre-COVID, in 2017.



## Notes

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## Survey Background and Methodology

The MPPS is an ongoing survey program, interviewing the leaders of Michigan's 1,856 units of general purpose local government, conducted by the Center for Local, State, and Urban Policy (CLOSUP) at the University of Michigan in partnership with the Michigan Municipal League, Michigan Townships Association, and Michigan Association of Counties. Surveys are conducted each spring (and prior to 2018, were also conducted each fall). The program has covered a wide range of policy topics and includes longitudinal tracking data on "core" fiscal, budgetary and operational policy questions and designed to build-up a multi-year time-series.

In the Spring 2022 iteration, surveys were sent by the Center for Local, State, and Urban Policy (CLOSUP) via the internet and hardcopy to top elected and appointed officials (including county administrators and board chairs; city mayors and managers; village presidents, clerks, and managers; and township supervisors, clerks, and managers) from all 83 counties, 280 cities, 253 villages, and 1,240 townships in the state of Michigan.

The Spring 2022 wave was conducted from April 4 – June 6, 2022. A total of 1,327 jurisdictions in the Spring 2022 wave returned valid surveys (62 counties, 202 cities,

167 villages, and 896 townships), resulting in a 71% response rate by unit. The margin of error for the survey as a whole is +/- 1.44%. The key relationships discussed in the above report are statistically significant at the  $p < .05$  level or below, unless otherwise specified. Missing responses are not included in the tabulations, unless otherwise specified. Some report figures may not add to 100% due to rounding within response categories. Quantitative data are weighted to account for non-response. "Voices Across Michigan" verbatim responses, when included, may have been edited for clarity and brevity. Contact CLOSUP staff for more information.

Detailed tables of the data analyzed in this report broken down several ways—by jurisdiction type (county, city, township, or village); by population size of the respondent's community, by the region of the respondent's jurisdiction; and by self-identified rural, mostly rural, mostly urban, or urban categories—are available online at the MPPS homepage: [closup.umich.edu/michigan-public-policy-survey](https://closup.umich.edu/michigan-public-policy-survey).

*The survey responses presented here are those of local Michigan officials, while further analysis represents the views of the authors. Neither necessarily reflects the views of the University of Michigan, or of other partners in the MPPS.*

## Appendix A

Local officials' assessments of personnel problems in their jurisdictions (among jurisdictions that have full-time, part-time, and/or seasonal employees), by jurisdiction size

	Jurisdiction Population Size					
	<1,500	1,500-5,000	5,001-10,000	10,001-30,000	>30,000	Total Statewide
<b>Retaining current employees</b>						
Not a Problem at All	38%	34%	19%	18%	5%	30%
Not Much of a Problem	34%	39%	44%	40%	29%	37%
Somewhat of a Problem	21%	20%	28%	30%	53%	25%
A Significant Problem	5%	5%	9%	12%	11%	7%
Don't Know	2%	1%	1%	0%	2%	1%
<b>Turnover due to retirements</b>						
Not a Problem at All	44%	39%	25%	17%	7%	35%
Not Much of a Problem	35%	25%	41%	38%	28%	36%
Somewhat of a Problem	14%	18%	27%	31%	43%	21%
A Significant Problem	3%	6%	5%	14%	19%	7%
Don't Know	4%	1%	1%	0%	2%	2%
<b>Recruiting employees with needed skills</b>						
Not a Problem at All	22%	18%	9%	7%	1%	16%
Not Much of a Problem	23%	26%	22%	16%	9%	22%
Somewhat of a Problem	32%	35%	40%	47%	48%	37%
A Significant Problem	20%	19%	28%	30%	41%	23%
Don't Know	4%	2%	1%	0%	1%	2%
<b>Employee morale</b>						
Not a Problem at All	42%	34%	19%	21%	6%	32%
Not Much of a Problem	36%	42%	47%	45%	40%	40%
Somewhat of a Problem	14%	18%	28%	26%	39%	20%
A Significant Problem	4%	4%	4%	8%	15%	6%
Don't Know	4%	2%	2%	0%	0%	2%
<b>Employee workload</b>						
Not a Problem at All	31%	27%	16%	15%	6%	24%
Not Much of a Problem	36%	42%	48%	35%	35%	39%
Somewhat of a Problem	22%	22%	25%	37%	43%	25%
A Significant Problem	9%	8%	9%	13%	15%	9%
Don't Know	3%	2%	2%	0%	1%	2%

	Jurisdiction Population Size					
	<1,500	1,500-5,000	5,001-10,000	10,001-30,000	>30,000	Total Statewide
<b>Impacts of hostile public interactions</b>						
Not a Problem at All	38%	30%	20%	17%	9%	29%
Not Much of a Problem	40%	42%	45%	41%	40%	41%
Somewhat of a Problem	16%	17%	23%	29%	30%	19%
A Significant Problem	3%	8%	10%	13%	18%	8%
Don't Know	4%	2%	2%	0%	3%	3%
<b>Continuing COVID-19 work environment policies (e.g., employee vaccine mandates, masking rules, etc.)</b>						
Not a Problem at All	51%	44%	28%	29%	25%	42%
Not Much of a Problem	35%	40%	51%	48%	46%	41%
Somewhat of a Problem	6%	10%	13%	19%	20%	10%
A Significant Problem	3%	3%	6%	4%	7%	4%
Don't Know	5%	3%	2%	0%	1%	3%
<b>Issues related to remote work, telework, flexible schedules, etc.</b>						
Not a Problem at All	53%	47%	29%	36%	20%	44%
Not Much of a Problem	30%	39%	48%	42%	51%	38%
Somewhat of a Problem	7%	9%	14%	20%	22%	11%
A Significant Problem	3%	2%	4%	2%	5%	3%
Don't Know	7%	2%	5%	0%	3%	4%

## Appendix B

Local officials' assessments of personnel problems in their jurisdictions (among jurisdictions that have full-time, part-time, and/or seasonal employees), by jurisdiction type

	Jurisdiction Type				
	Counties	Cities	Villages	Townships	Total Statewide
Retaining current employees					
Not a Problem at All	7%	21%	27%	36%	30%
Not Much of a Problem	32%	33%	40%	38%	37%
Somewhat of a Problem	48%	34%	26%	19%	25%
A Significant Problem	13%	11%	7%	5%	7%
Don't Know	0%	1%	1%	2%	1%
Turnover due to retirements					
Not a Problem at All	10%	16%	42%	41%	35%
Not Much of a Problem	30%	31%	33%	38%	36%
Somewhat of a Problem	50%	33%	16%	16%	21%
A Significant Problem	10%	19%	5%	3%	7%
Don't Know	0%	1%	3%	2%	2%
Recruiting employees with needed skills					
Not a Problem at All	0%	7%	14%	20%	16%
Not Much of a Problem	11%	12%	24%	26%	22%
Somewhat of a Problem	54%	37%	33%	36%	37%
A Significant Problem	36%	42%	27%	15%	23%
Don't Know	0%	2%	2%	3%	2%
Employee morale					
Not a Problem at All	9%	18%	34%	38%	32%
Not Much of a Problem	37%	42%	38%	41%	40%
Somewhat of a Problem	37%	30%	19%	16%	20%
A Significant Problem	17%	9%	6%	3%	6%
Don't Know	0%	1%	3%	3%	2%
Employee workload					
Not a Problem at All	11%	9%	25%	30%	24%
Not Much of a Problem	35%	34%	37%	42%	39%
Somewhat of a Problem	38%	39%	28%	19%	25%
A Significant Problem	16%	16%	7%	7%	9%
Don't Know	0%	2%	3%	2%	2%



	Jurisdiction Type				
	Counties	Cities	Villages	Townships	Total Statewide
<b>Impacts of hostile public interactions</b>					
Not a Problem at All	15%	22%	32%	32%	29%
Not Much of a Problem	44%	35%	43%	43%	41%
Somewhat of a Problem	34%	24%	19%	17%	19%
A Significant Problem	7%	17%	4%	6%	8%
Don't Know	0%	2%	3%	3%	3%
<b>Continuing COVID-19 work environment policies (e.g., employee vaccine mandates, masking rules, etc.)</b>					
Not a Problem at All	28%	36%	47%	44%	42%
Not Much of a Problem	51%	46%	39%	39%	41%
Somewhat of a Problem	18%	12%	9%	9%	10%
A Significant Problem	3%	4%	2%	4%	4%
Don't Know	0%	3%	4%	4%	3%
<b>Issues related to remote work, telework, flexible schedules, etc.</b>					
Not a Problem at All	21%	38%	54%	46%	44%
Not Much of a Problem	51%	43%	32%	37%	38%
Somewhat of a Problem	27%	11%	7%	10%	11%
A Significant Problem	2%	3%	2%	3%	3%
Don't Know	0%	5%	5%	4%	4%

## Appendix C

Local officials' assessments of personnel problems in their jurisdictions (among jurisdictions that have full-time, part-time, and/or seasonal employees), by region

	Region of Michigan						
	Upper Peninsula	Northern Lower Peninsula	West Central	East Central	Southwest	Southeast	Total Statewide
Retaining current employees							
Not a Problem at All	38%	29%	30%	37%	32%	20%	30%
Not Much of a Problem	39%	40%	40%	34%	33%	37%	37%
Somewhat of a Problem	17%	25%	23%	22%	28%	30%	25%
A Significant Problem	5%	6%	5%	5%	7%	11%	7%
Don't Know	2%	1%	3%	2%	0%	1%	1%
Turnover due to retirements							
Not a Problem at All	35%	35%	41%	42%	36%	22%	35%
Not Much of a Problem	34%	38%	37%	36%	35%	33%	36%
Somewhat of a Problem	23%	21%	16%	13%	19%	32%	21%
A Significant Problem	6%	4%	4%	5%	10%	10%	7%
Don't Know	2%	2%	3%	3%	1%	2%	2%
Recruiting employees with needed skills							
Not a Problem at All	15%	18%	20%	18%	16%	9%	16%
Not Much of a Problem	34%	21%	22%	25%	16%	18%	22%
Somewhat of a Problem	30%	38%	35%	35%	42%	39%	37%
A Significant Problem	20%	21%	21%	19%	24%	32%	23%
Don't Know	2%	3%	2%	3%	2%	2%	2%
Employee morale							
Not a Problem at All	41%	34%	35%	33%	33%	21%	32%
Not Much of a Problem	35%	40%	38%	45%	38%	45%	40%
Somewhat of a Problem	19%	19%	19%	13%	22%	26%	20%
A Significant Problem	2%	6%	5%	7%	6%	6%	6%
Don't Know	3%	2%	3%	3%	1%	2%	2%
Employee workload							
Not a Problem at All	28%	26%	26%	24%	28%	16%	24%
Not Much of a Problem	44%	39%	39%	40%	35%	39%	39%
Somewhat of a Problem	19%	23%	26%	23%	26%	31%	25%
A Significant Problem	7%	10%	6%	10%	11%	12%	9%
Don't Know	2%	2%	3%	3%	1%	2%	2%



	Region of Michigan						
	Upper Peninsula	Northern Lower Peninsula	West Central	East Central	Southwest	Southeast	Total Statewide
<b>Impacts of hostile public interactions</b>							
Not a Problem at All	40%	31%	25%	33%	29%	22%	29%
Not Much of a Problem	42%	41%	45%	42%	38%	40%	41%
Somewhat of a Problem	13%	20%	20%	16%	23%	22%	19%
A Significant Problem	3%	6%	7%	6%	7%	14%	8%
Don't Know	2%	2%	3%	3%	3%	2%	3%
<b>Continuing COVID-19 work environment policies (e.g., employee vaccine mandates, masking rules, etc.)</b>							
Not a Problem at All	53%	45%	41%	46%	42%	31%	42%
Not Much of a Problem	31%	43%	42%	39%	39%	47%	41%
Somewhat of a Problem	10%	8%	9%	7%	13%	15%	10%
A Significant Problem	4%	2%	4%	5%	3%	4%	4%
Don't Know	3%	3%	5%	4%	3%	2%	3%
<b>Issues related to remote work, telework, flexible schedules, etc.</b>							
Not a Problem at All	51%	46%	43%	45%	44%	39%	44%
Not Much of a Problem	29%	36%	41%	38%	39%	43%	38%
Somewhat of a Problem	14%	12%	7%	7%	13%	13%	11%
A Significant Problem	2%	4%	3%	5%	2%	2%	3%
Don't Know	5%	2%	7%	5%	2%	3%	4%

## Previous MPPS reports

MPPS Policy Brief: Michigan local government officials' assessments of workforce wages and benefits (January 2023)

Michigan local leaders report near-term improvements in fiscal health, especially in large jurisdictions, yet long-term concerns increase (December 2022)

Michigan local leaders' concerns about U.S. democracy at state and federal levels ease somewhat, but remain grim (November 2022)

MPPS Policy Brief: Local government officials give mixed reviews to Michigan's new approach to redistricting (October 2022)

Michigan local government leaders say civic relationships and civil discourse remain healthy, despite worsening national politics (October 2022)

Michigan local government leaders remain confident about their election security and administration, though concerns about disinformation increase (September 2022)

MPPS Policy Brief: Statewide survey finds a majority of Michigan local governments experiencing harassment or other abuse (September 2022)

MPPS Policy Brief: A survey of Michigan local government leaders on American Rescue Plan Act funding and uses (July 2022)

Local leaders' pessimism about Michigan's direction continues, but eases slightly from last year (July 2022)

Internet presence among Michigan local governments: websites, online services, and experience with virtual meetings (May 2022)

Michigan local leaders' views on recycling: current challenges and opportunities for improvement (April 2022)

Recycling Issues, Policies, and Practices among Michigan Local Governments (March 2022)

Michigan local leaders report little change in the tone of civic discourse in their communities, but are concerned about local impacts of increasingly hostile national partisan politics (January 2022)

Michigan local government officials report improved fiscal health after a year of COVID-19, but not yet back to pre-pandemic levels (December 2021)

Michigan local officials' assessments of American democracy at the state and federal levels decline sharply (November 2021)

The lingering impacts of the COVID-19 pandemic on Michigan communities and local governments (October 2021)

Michigan local governments report fewer economic challenges one year into the COVID-19 pandemic, and describe efforts to support local businesses (September 2021)

Local leaders' views on Michigan's initial COVID-19 vaccine rollout in Spring 2021 (August 2021)

Local leaders' concerns about Michigan's direction spike, while evaluations of state leaders sink over the past year (July 2021)

Michigan local leaders' views on state's new approach to electoral redistricting (February 2021)

COVID-19 pandemic sparks Michigan local leaders' concerns for fiscal health (December 2020)

The functioning of democracy at the local level: a compendium of findings from the Michigan Public Policy Survey of local leaders (December 2020)

Energy Issues and Policies in Michigan Local Governments (October 2020)

Michigan local leaders expect increased challenges for the 2020 election, but are confident about administering accurate elections (October 2020)

Michigan Local Energy Survey (MiLES): Intergovernmental collaboration on sustainability and energy issues among Michigan local governments (September 2020)

Confidence in the accuracy of Michigan's 2020 Census count among local leaders was not very high, slips further (August 2020)

Michigan local leaders expect mixed impacts from expanded voter registration and absentee voting reforms (July 2020)

Local leaders' evaluations of Michigan's direction and Governor's performance during the COVID-19 pandemic's arrival (July 2020)

The initial impact of the COVID-19 pandemic on Michigan communities and local governments (June 2020)

Energy policies and environmental leadership among Michigan's local governments (January 2020)

Mixed signals continue for Michigan local governments' fiscal health, while future outlooks worsen (December 2019)

Michigan local officials' views on the next recession: timing, concerns, and actions taken (October 2019)

Michigan local government preparations and concerns regarding the 2020 U.S. Census (September 2019)

New Governor, new evaluations of the direction Michigan is headed among local leaders (August 2019)

Positive working relationships reported among Michigan's local elected officials (June 2019)

Community poverty and the struggle to make ends meet in Michigan, according to local government leaders (March 2019)

The state of community civic discourse, according to Michigan's local government leaders (December 2018)



Despite sustained economic growth, Michigan local government fiscal health still lags (November 2018)

Michigan local government leaders' views on medical and recreational marijuana (September 2018)

Rising confidence in Michigan's direction among local leaders, but partisan differences remain (July 2018)

Michigan local government officials weigh in on housing shortages and related issues (June 2018)

Approaches to land use planning and zoning among Michigan's local governments (May 2018)

Workforce issues and challenges for Michigan's local governments (January 2018)

Local leaders' views on elections in Michigan: accuracy, problems, and reform options (November 2017)

Michigan local government officials report complex mix of improvement and decline in fiscal health, but with overall trend moving slowly upward (October 2017)

Michigan local leaders want their citizens to play a larger role in policymaking, but report declining engagement (August 2017)

Michigan local leaders' views on state preemption and how to share policy authority (June 2017)

Improving communication, building trust are seen as keys to fixing relationships between local jurisdictions and the State government (May 2017)

Local leaders more likely to support than oppose Michigan's Emergency Manager law, but strongly favor reforms (February 2017)

Local government leaders' views on drinking water and water supply infrastructure in Michigan communities (November 2016)

Michigan local leaders say property tax appeals are common, disagree with 'dark stores' assessing (October 2016)

Local officials say Michigan's system of funding local government is broken, and seek State action to fix it (September 2016)

Michigan local governments report first declines in fiscal health trend since 2010 (August 2016)

Michigan local leaders' doubts continue regarding the state's direction (July 2016)

Hospital access primary emergency medical concern among many Michigan local officials (July 2016)

Firefighting services in Michigan: challenges and approaches among local governments (June 2016)

Most local officials are satisfied with law enforcement services, but almost half from largest jurisdictions say their funding is insufficient (April 2016)

Local leaders say police-community relations are good throughout Michigan, but those in large cities are concerned about potential civil unrest over police use-of-force (February 2016)

Report: Responding to budget surplus vs. deficit: the preferences of Michigan's local leaders and citizens (December 2015)

Michigan's local leaders concerned about retiree health care costs and their governments' ability to meet future obligations (October 2015)

Fiscal health rated relatively good for most jurisdictions, but improvement slows and decline continues for many (September 2015)

Confidence in Michigan's direction declines among state's local leaders (August 2015)

Michigan local government leaders' views on private roads (July 2015)

Few Michigan jurisdictions have adopted Complete Streets policies, though many see potential benefits (June 2015)

Michigan local leaders have positive views on relationships with county road agencies, despite some concerns (May 2015)

Michigan local government leaders say transit services are important, but lack of funding discourages their development (April 2015)

Michigan local leaders see need for state and local ethics reform (March 2015)

Local leaders say Michigan road funding needs major increase, but lack consensus on options that would raise the most revenue (February 2015)

Michigan local government leaders' views on employee pay and benefits (January 2015)

Despite increasingly formal financial management, relatively few Michigan local governments have adopted recommended policies (December 2014)

Most Michigan local officials are satisfied with their privatized services, but few seek to expand further (November 2014)

Michigan local governments finally pass fiscal health tipping point overall, but one in four still report decline (October 2014)

Beyond the coast, a tenuous relationship between Michigan local governments and the Great Lakes (September 2014)

Confidence in Michigan's direction holds steady among state's local leaders (August 2014)

Wind power as a community issue in Michigan (July 2014)

Fracking as a community issue in Michigan (June 2014)

The impact of tax-exempt properties on Michigan local governments (March 2014)

Michigan's local leaders generally support Detroit bankruptcy filing despite some concerns (February 2014)

Michigan local governments increasingly pursue placemaking for economic development (January 2014)

Views on right-to-work legislation among Michigan's local government leaders (December 2013)

Michigan local governments continue seeking, and receiving, union concessions (October 2013)

Michigan local government fiscal health continues gradual improvement, but smallest jurisdictions lagging (September 2013)

Local leaders evaluate state policymaker performance and whether Michigan is on the right track (August 2013)

Trust in government among Michigan's local leaders and citizens (July 2013)

Citizen engagement in the view of Michigan's local government leaders (May 2013)

Beyond trust in government: government trust in citizens? (March 2013)

Local leaders support reforming Michigan's system of funding local government (January 2013)

Local leaders support eliminating Michigan's Personal Property Tax if funds are replaced, but distrust state follow-through (November 2012)

Michigan's local leaders satisfied with union negotiations (October 2012)

Michigan's local leaders are divided over the state's emergency manager law (September 2012)

Fiscal stress continues for hundreds of Michigan jurisdictions, but conditions trend in positive direction overall (September 2012)

Michigan's local leaders more positive about Governor Snyder's performance, more optimistic about the state's direction (July 2012)

Data-driven decision-making in Michigan local government (June 2012)

State funding incentives increase local collaboration, but also raise concerns (March 2012)

Local officials react to state policy innovation tying revenue sharing to dashboards and incentive funding (January 2012)

MPPS finds fiscal health continues to decline across the state, though some negative trends eased in 2011 (October 2011)

Public sector unions in Michigan: their presence and impact according to local government leaders (August 2011)

Despite increased approval of state government performance, Michigan's local leaders are concerned about the state's direction (August 2011)

Local government and environmental leadership: views of Michigan's local leaders (July 2011)

Local leaders are mostly positive about intergovernmental cooperation and look to expand efforts (March 2011)

Local government leaders say most employees are not overpaid, though some benefits may be too generous (February 2011)

Local government leaders say economic gardening can help grow their economies (November 2010)

Local governments struggle to cope with fiscal, service, and staffing pressures (August 2010)

Michigan local governments actively promote U.S. Census participation (August 2010)

Fiscal stimulus package mostly ineffective for local economies (May 2010)

Fall 2009 key findings report: educational, economic, and workforce development issues at the local level (April 2010)

Local government officials give low marks to the performance of state officials and report low trust in Lansing (March 2010)

Local government fiscal and economic development issues (October 2009)

All MPPS reports are available online at: <http://closup.umich.edu/mpps-publications>



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The Center for Local, State, and Urban Policy (CLOSUP), housed at the University of Michigan's Gerald R. Ford School of Public Policy, conducts and supports applied policy research designed to inform state, local, and urban policy issues. Through integrated research, teaching, and outreach involving academic researchers, students, policymakers and practitioners, CLOSUP seeks to foster understanding of today's state and local policy problems, and to find effective solutions to those problems.

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# PROPOSAL 2

## USHERS IN EXPANDED VOTING RIGHTS

By Randy Hannan



**A**t last November's general election, state voters overwhelmingly approved Proposal 2, which embedded a host of voting rights and requirements—some old and some new—in the Michigan Constitution. Organizers of the “Promote the Vote” petition drive collected more than 660,000 signatures to place the measure on the statewide ballot, which then passed with 60 percent of the vote.

The approval of Proposal 2 comes just a few years after Michigan voters approved 2018's Proposal 3, another citizen-led initiative that enshrined in the state constitution a series of voting rights such as same-day registration and no-reason absentee voting.

### Identification at the Polling Place

With the passage of Proposal 2, several existing provisions of Michigan's election law are now codified in the state constitution, including the right of voters to verify their identity at the polling place with a photo ID or a signed affidavit. This provision effectively precludes the Legislature from enacting more stringent identification requirements for voting in Michigan.

### Absentee Ballot Applications

Many clerks (not to mention political parties, advocacy organizations, and candidates) routinely send absentee ballot applications to voters in advance of every election. Under the constitutional amendment, a voter need only submit a single application to their local clerk to vote by absentee ballot in all future elections. The practical effect of this change is that clerks will be able to send actual absentee ballots to all voters who submit the one-time application.

Amending the state constitution was just the first step toward implementing many of these enhanced voting rights and procedures. According to Lansing City Clerk Chris Swope, enabling legislation will be required to clarify some of the new provisions. In addition, Swope says the state Legislature will need to appropriate money to pay for several new mandates, including a state-funded absentee ballot drop box for every 15,000 voters in every jurisdiction across the state, plus postage costs associated with clerks mailing out absentee ballot applications and ballots, and for voters returning their applications and ballots through the mail.

According to a 2022 analysis by the nonpartisan House Fiscal Agency (HFA), the state will need to spend more than \$2 million and local jurisdictions will spend another million to meet the constitutional drop box requirement. Postage for an estimated six million absentee ballots is expected to cost the state nearly \$5 million for each statewide election.



## Early Voting

From a policy standpoint, the most significant change—and the one most likely to present challenges for clerks around the state—is the mandatory early voting period. Michigan now joins 23 other states and the District of Columbia in adopting early voting. For the first time in state history, all Michigan jurisdictions will be required to offer early voting for a minimum of nine days in advance of statewide or federal elections.

“While it is likely to ease congestion at election day voting precincts, especially on and around college campuses that experienced massive voting lines in the 2022 general election, early voting is certain to create new financial burdens for local communities,” Swope said. “Nothing in the constitutional amendment requires the state to underwrite any of the costs of implementing early voting, so local clerks and their units of government likely will be on the hook for staffing, security, equipment, and other expenses.”

The constitutional amendment also requires early voting to mirror the election precinct experience, where voters complete their ballot then feed it into the counting machine. In addition, more than six election precincts can be combined in one early voting location and multiple jurisdictions within a county can join together to offer early voting. While multijurisdictional collaboration can go a long way toward spreading the financial burden among the individual partners, Swope noted that how these arrangements will work in practice remains to be seen.

The new constitutional requirements also specify that only election officials are authorized to conduct election audits, which precludes the sort of independent election audits pursued by several organizations in the 2020 election cycle.

And, after past controversies over private funding to support the administration of public elections, the new constitutional language makes clear that private entities are authorized to make donations to support election administration so long as the donations are publicly disclosed and that the source of the donation is not a “foreign source.”




PROMOTE  VOTE



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According to Lansing's Swope, city, township, and county clerks across the state already have started asking questions about implementation of the new constitutional mandates and offering suggestions for actions the Michigan Legislature should take to clarify issues related to the early voting process, how much the state will actually pay local units for "state-funded" absentee ballot drop boxes and postage, and related matters.

The League will continue to follow these issues and report on significant proposals to enact enabling legislation and appropriations concerning the voting rights constitutional amendment. 

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