I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE
   Andrew M. Harris, Mayor

II. ROLL CALL
   J. Cherilynn Mynsberge, City Clerk

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

   Announcements:
   • City Offices and the Baldwin Public Library will be closed on Wednesday, July 4th for Independence Day.
   • Birmingham's In the Park free concert series continues on Wednesday, June 27th, in Shain Park at 7 p.m., with a pop/rock performance by Steve Acho. There will be no concert on July 4th.

   Appointments:
   A. Interviews for resident members of the Ad-Hoc Master Plan Selection Committee
      1. Tom McDaniel
      2. Steve Sollish
      3. Gordon Rinschler
   B. Appointments to the Ad-Hoc Master Plan Selection Committee
      1. To appoint ___ to the Ad Hoc Master Plan Selection Committee as a resident representative who is a former City Commissioner to serve for the duration of the consultant selection process.
      2. To appoint ___ to the Ad Hoc Master Plan Selection Committee as a resident representative to serve for the duration of the consultant selection process.
      3. To concur with the Planning Board’s recommendation and appoint Robin Boyle to the Ad Hoc Master Plan Selection Committee as a representative of the Planning Board to serve for the duration of the consultant selection process.
      4. To concur with the Planning Board’s recommendation and appoint Stuart Jeffares to the Ad Hoc Master Plan Selection Committee as a representative of the Planning Board to serve for the duration of the consultant selection process.
      5. To concur with the Multi-Modal Transportation Board’s recommendation and appoint Amy Folberg to the Ad Hoc Master Plan Selection Committee as a representative of the Multi-Modal Transportation Board to serve for the duration of the consultant selection process.
      6. To concur with the Advisory Parking Committee’s recommendation and appoint Al Vaitas to the Ad Hoc Master Plan Selection Committee as a representative of the
Advisory Parking Committee to serve for the duration of the consultant selection process.

7. To concur with the Parks and Recreation Board's recommendation and appoint Heather Carmona to the Ad Hoc Master Plan Selection Committee as a representative of the Parks and Recreation Board to serve for the duration of the consultant selection process.

8. To concur with the Historic District Commission's recommendation and appoint _____ to the Ad Hoc Master Plan Selection Committee as a representative of the Historic District Commission to serve for the duration of the consultant selection process.

9. To concur with the Architectural Review Committee’s recommendation and appoint Christopher Longe to the Ad Hoc Master Plan Selection Committee as a representative of the Architectural Review Committee to serve for the duration of the consultant selection process.

C. Administration of Oath of Office to Appointees

IV. CONSENT AGENDA

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

A. Resolution approving the City Commission meeting minutes of June 4, 2018.

B. Resolution approving the warrant list, including Automated Clearing House payments, dated June 6, 2018 in the amount of $583,519.61.

C. Resolution approving the warrant list, including Automated Clearing House payments, dated June 13, 2018 in the amount of $1,494,189.50.

D. Resolution approving the warrant list, including Automated Clearing House payments, dated June 20, 2018 in the amount of $831,180.14.

E. Resolution setting Monday, July 23, 2018 at 7:30 PM for a public hearing to consider the Final Site Plan & Design and a Special Land Use Permit Amendment at 33588 Woodward to allow the addition of a new accessible bathroom to the existing Shell gasoline service station. (complete resolution in agenda packet)

F. Resolution setting Monday, July 23, 2018 at 7:30 PM for a public hearing to consider a Special Land Use Permit Amendment & Final Site Plan Review for 260 N. Old Woodward - The Morrie, to allow the operation of a restaurant, serving alcoholic liquors, and providing live entertainment with a dancing area. (complete resolution in agenda packet)

G. Resolution approving the service agreement with the Cultural Council of Birmingham/Bloomfield in the amount of $4,200 for services described in Attachment A of the agreement for fiscal year 2018-2019; charging account number 101-299.000-811.0000 for this expenditure; and further directing the Mayor and City Clerk to sign the agreement on behalf of the City.

H. Resolution approving the Tree Care and Removal Agreement with J. H. Hart Urban Forestry, for five years commencing July 1, 2018 and ending June 30, 2023 in the
amount set forth in Attachment C – Cost Proposal, with all other terms and conditions remaining the same. Funds are available in each of the following accounts for these services: Major Street Fund – Street Trees – Tree Trimming Contract account #202-449.005-819.0000; Local Street Fund – Street Trees – Tree Trimming Contract account #203-449.005-819.0000; Parks – Tree Trimming Contract account #101-751.000-819.0000; and Property Maintenance – Tree Trimming Contract account #101-441.003-819.0000. Further, authorizing the Mayor and City Clerk to sign the Agreement upon receipt of all required insurances.

I. Resolution approving the purchase of ten (10) Dumor benches and fourteen (14) trash receptacles for a total purchase price of $34,055.00 from the sole source vendor, Penchura, LLC. Further, waiving the formal bidding requirements. Funds have been budgeted in fiscal year 2017-2018 Capital Projects Fund- Park Benches & Trash Cans for Streetscapes account #401-901.009-981.0100 for this equipment purchase.

J. Resolution approving the purchase of five (5) Murdock drinking fountains in the amount of $21,756.00 from the sole source vendor, Diversified Spec Sales. Further, waiving the formal bidding requirements. Funds have been budgeted in fiscal year 2017-2018 Capital Projects Fund- Drinking Fountains account #401-901.009-981.0100 for this equipment purchase.

K. Resolution approving the purchase of 36A hot asphalt mix at $72.50/ton (2018-2019) and $76.50/ton (2019-2020) and UPM cold patch (delivered) at $119.00/ton (2018-2019) and $123.00/ton (2019-2020) from Cadillac Asphalt LLC for a two year period for the fiscal years 2018-2020 to be charged to accounts #202-449.003-729.0000, #203-449.003-729.0000, #590-536.002-729.0000 and #591-537.005-729.0000.

L. Resolution approving the purchase and installation of three (3) new Carrier Comfort Series furnaces from Great Dane Heating and Cooling in the amount of $8,995.00 from account #401-901.013-977.0000.

M. Resolution awarding the Maple Staircase Retaining Wall contract to Rockworks, LLC in an amount not to exceed $52,000.00. Funds for this project are available in the following accounts: #401-441.003-981.0100-Capital Projects in the amount of $45,000.00 and #101-441.003-811.0000-Property Maintenance-Other Contractual Service in the amount of $7,000.00. Further, authorizing the Mayor and Clerk to sign the agreement upon receipt of the required insurance.

N. Resolution approving the five-year extension of the Metro Act Right of Way Permit for Michigan Bell Telephone Company d/b/a AT&T. (complete resolution in agenda packet)

O. Resolution delegating to the Birmingham City Clerk and her authorized assistants, those being the members of her staff, the following duties of the election commission for the August 7, 2018 Primary Election and the November 6, 2018 General Election:
   - Preparing meeting materials for the election commission, including ballot proofs for approval and a listing of election inspectors for appointment;
   - Contracting for the preparation, printing and delivery of ballots;
   - Providing candidates and the Secretary of State with proof copies of ballots;
   - Providing notice to voters in the case of precinct changes/consolidations;
- Providing election supplies and ballot containers; and
- Preliminary logic and accuracy testing.

P. Resolution approving a 24-month service agreement renewal with Logicalis, Inc. effective July 1, 2018 for City Information Technology services. Further, directing the City Manager to sign the renewal agreement on behalf of the City.

Q. Resolution approving the painting of 109 light poles in Downtown Birmingham with Seaway Painting, LLC in the amount not to exceed $26,125.00. Funds are available in the Street Lighting Maintenance account #202-449.003-937.0500 in the amount of $21,085.00; Local Streets Maintenance, Other Contractual Service account #203-449.003-937.0500 in the amount of $3,150.00 and the Parking Fund account #585-538.006-811.0000 in the amount of $1,890.00 for a total project cost of $26,125.00. Further, waiving the normal bidding requirements because Seaway is a DTE selected contractor. Further, to authorize the Mayor and City Clerk to sign on behalf of the City upon the receipt of the required insurance.

R. Resolution adopting the “Vehicle Use” Policy Amendment as a City policy and authorizing the HR Department to implement and enforce accordingly.

S. Resolution approving the purchase of one (1) new 2018 RAM ProMaster City Tradesman van from Galeana’s Van Dyke Dodge through the State of Michigan extendable purchasing contract #071B7700182 in the amount of $19,488.74 from account #641-441.006.971.0100.

T. Resolution awarding the 2018 Sewer Inspection Program, to Doetsch Industrial Services of Warren, MI in the amount of $345,224.89 to be charged to account number 590-536.001-981.0100. Further, approving the appropriation and budget amendment as follows:

- Sewer Fund:
  - Draw from Net Position 590-000.000-400.0000 $34,522.49 (City Share)
  - State Grant 590-000.000-540.0000 $310,702.40 (Grant share)
  - Total Revenues $345,224.89

- Expenses:
  - Other Contractual Service 590-536.001-811.0000 $345,224.89 (Total contract)

U. Resolution authorizing the IT department to purchase the recommended count of Microsoft Office Suite Standard 2016 and Microsoft Server Standard 2016 Software Licenses from SHI using the Select plus Pricing Agreement. The purchase price not to exceed $26,304.60. Funds are available in the IT Computer Software fund account #636-228.000-742.0000.

V. Resolution approving the proposal from Plante & Moran CRESA, LLC in the amount not to exceed $21,000, plus out-of-pocket expenses for the purpose of assisting with capital planning and operational review consulting services for the Birmingham Ice Arena; contingent upon receipt of proper insurance. Further, waiving the formal bidding requirements. Funds for this purchase are available from General Fund – Parks – Other Contractual Service account #101-751.000-811.0000.
V. UNFINISHED BUSINESS

VI. NEW BUSINESS

A. Public Hearing to consider a Special Land Use Permit & Final Site Plan Review at 191 N. Chester – The Jeffrey
   1. Resolution approving a Special Land Use Permit & Final Site Plan Review for 191 N. Chester – The Jeffrey, to allow office use over 3,000 sf. ft. in the TZ2 zone district. (complete resolution in agenda packet)

B. Public Hearing to consider a Special Land Use Permit at 34977 Woodward–Hazel Ravines Downtown
   1. Resolution approving a Special Land Use Permit Amendment for 34977 Woodward to allow a new restaurant, Hazel Ravines Downtown, to open in the former Stand restaurant, and to allow for design and signage changes for the new restaurant;

   AND

   Resolution authorizing the Chief of Police to sign the MLCC Police Investigation Report (LC-1800) and approving the liquor license transfer request of Hazel & Ravines LLC that requests a transfer of a Class C License to be issued under MCL 436.1521(A)(1)(B) and SDM License with Outdoor Service (1 Area) to be located at 34977 Woodward Avenue, Birmingham, Oakland County, MI 48009;

   AND

   Furthermore, pursuant to Birmingham City Ordinance, authorizing the City Clerk to complete the Local Approval Notice at the request of Hazel & Ravines LLC approving the liquor license transfer request of Hazel & Ravines LLC that requested a Class C License transfer to be issued under MCL 436.1521 (A)(1)(B) & SDM License with Outdoor Service (1 Area) to be located at 34977 Woodward Avenue, Birmingham, Oakland County, MI 48009. (complete resolution in agenda packet)

C. Resolution authorizing the issuance of the Request for Proposals as recommended by the Library Board to finalize designs and prepare for the expansion and renovation of the Youth Services section of the Baldwin Public Library, with the necessary funds to be paid by the Library.

D. Resolution authorizing the City to engage the firm of Jones Lang LaSalle, Inc. to provide development consulting services for an amount not to exceed $91,240 utilizing the Parking Enterprise Fund account #585-538.001-811.0000. Further, directing the Mayor and City Clerk to sign the agreement on behalf of the City contingent upon receipt of required Insurance Certificates. Also, authorizing the City to engage the legal services of Miller Canfield to serve as the development attorney and bond counsel.

E. Resolution authorizing the restoration and expansion of Parking Lot #6 located near 600 N. Old Woodward. Further, waiving the option of creating a special assessment district to defray the cost of this work, and proceed to the plan preparation phase, charging all costs to the Auto Parking System.

F. Resolution accepting the recommendation of the Greenwood Cemetery Advisory Board as approved on June 1, 2018, and approving the amendment to the Operational Procedures, Conditions and Regulations for the Greenwood Cemetery to add Section IX-LOT SALES-PAYMENT PLAN POLICY.
G. Resolution amending the Schedule of Fees, Charges, Bonds and Insurance, Water and Sewer Service Sections, for changes in water, sewer, storm water, industrial surcharge, and industrial waste control charge rates effective for bills with read dates on or after July 1, 2018.

H. Resolution creating an Ad Hoc Joint Senior Services Committee to conduct a long term study and evaluation of the necessary funding and governance model to effectively provide adequate senior services to participating residents, and further, to begin solicitation of one resident member to the committee.

VII. REMOVED FROM CONSENT AGENDA

VIII. COMMUNICATIONS

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

X. REPORTS
   A. Commissioner Reports
   B. Commissioner Comments
   C. Advisory Boards, Committees, Commissions’ Reports and Agendas
   D. Legislation
   E. City Staff

XI. ADJOURN

INFORMATION ONLY

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).
At the regular meeting of Monday, June 25, 2018, the Birmingham City Commission intends to appoint two residents as members of the Ad Hoc Master Plan Selection Committee to serve for the duration of the consultant selection process.

The Ad Hoc Master Plan Selection Committee shall perform a preliminary review of all of the Request for Proposal (RFP) submittals for the new Birmingham Master Plan and develop a recommendation to the City Commission on the selection of a consultant.

Interested citizens may submit an application available at the City Clerk’s office or online at www.bhamgov.org/boardopportunities. Applications must be submitted to the City Clerk’s office on or before noon on Wednesday, June 20, 2018. These documents will appear in the public agenda for the regular meeting at which time the City Commission will discuss recommendations, and may make nominations and vote on appointments.

The applicants below have applied to serve as the resident members of the Committee and will be present at the June 25, 2018 City Commission meeting to be interviewed and considered by the Commission for appointment.

In addition, seven representatives have been recommended from the following boards and committees specified in the City Commission’s resolution of May 14, 2018 which established the ad hoc committee:
- Planning Board – Robin Boyle
- Multi-Modal Transportation Board – Amy Folberg
- Advisory Parking Committee – Al Vaitas
- Parks and Recreation Board – Heather Carmona
- Historic District Commission – John Henke
- Architectural Review Committee – Christopher Longe

If the Commission finds the recommendations acceptable it would be appropriate to formally concur and appoint the representatives.

<table>
<thead>
<tr>
<th>Applicant Name</th>
<th>Criteria/ Qualifications</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tom McDaniel</td>
<td>Resident of the City of Birmingham and former City Commissioner.</td>
</tr>
<tr>
<td>1165 Southfield Rd.</td>
<td></td>
</tr>
<tr>
<td>Steve Sollish</td>
<td>Resident of the City of Birmingham and former City Commissioner.</td>
</tr>
<tr>
<td>1878 Washington Blvd.</td>
<td></td>
</tr>
<tr>
<td>GordonRinschler</td>
<td>Resident of the City of Birmingham and former City Commissioner.</td>
</tr>
<tr>
<td>959 Oakland Ave.</td>
<td></td>
</tr>
</tbody>
</table>
NOTE: All members of boards and commissions are subject to the provisions of City of Birmingham City Code Chapter 2, Article IX, Ethics and the filing of the Affidavit and Disclosure Statement.

SUGGESTED ACTION:
1. To appoint ___ to the Ad Hoc Master Plan Selection Committee as a resident who is a former City Commissioner to serve for the duration of the consultant selection process.
2. To appoint ___ to the Ad Hoc Master Plan Selection Committee as a resident to serve for the duration of the consultant selection process.
3. To concur with the Planning Board’s recommendation and appoint Robin Boyle to the Ad Hoc Master Plan Selection Committee as a representative of the Planning Board to serve for the duration of the consultant selection process.
4. To concur with the Planning Board’s recommendation and appoint Stuart Jeffares to the Ad Hoc Master Plan Selection Committee as a representative of the Planning Board to serve for the duration of the consultant selection process.
5. To concur with the Multi-Modal Transportation Board’s recommendation and appoint Amy Folberg to the Ad Hoc Master Plan Selection Committee as a representative of the Multi-Modal Transportation Board to serve for the duration of the consultant selection process.
6. To concur with the Advisory Parking Committee’s recommendation and appoint Al Vaitas to the Ad Hoc Master Plan Selection Committee as a representative of the Advisory Parking Committee to serve for the duration of the consultant selection process.
7. To concur with the Parks and Recreation Board’s recommendation and appoint Heather Carmona to the Ad Hoc Master Plan Selection Committee as a representative of the Parks and Recreation Board to serve for the duration of the consultant selection process.
8. To concur with the Historic District Commission’s recommendation and appoint John Henke to the Ad Hoc Master Plan Selection Committee as a representative of the Historic District Commission to serve for the duration of the consultant selection process.
9. To concur with the Architectural Review Committee’s recommendation and appoint Christopher Longe to the Ad Hoc Master Plan Selection Committee as a representative of the Architectural Review Committee to serve for the duration of the consultant selection process.
APPLICATION FOR CITY BOARD OR COMMITTEE

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

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

(Please print clearly)

Board/Committee of Interest: Ad Hoc Master Plan Selection Committee
Specific Category/Vacancy on Board: City Resident (Former City Commissioner)

Name: Tom McDaniel
Phone: 248-971-6000
Email: mcdaniel_tom@hotmail.com
Residential Address: 1165 Southfield Rd.
Residential City, Zip: Birmingham, MI 48009
Length of Residence: 54 years
Business Address: —
Business City, Zip: —
Occupation: Retired

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

List your related employment experience: 30 yrs management experience with GM; 12 yrs as Birmingham City Commissioner

List your related community activities: City Commission; HDDRC; Museum Board

List your related educational experience: BA in Economics from Univ of Michigan

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

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

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

Signature of Applicant:

Date: 6/2/18

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

Updated 8/16/17
APPLICATION FOR CITY BOARD OR COMMITTEE

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

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

(Please print clearly)

Board/Committee of Interest: Ad Hoc Master Plan Selection Committee
Specific Category/Vacancy on Board: Resident Member

Name: Steve Sollish
Phone: (248) 891-9117
Email: ssollish@sbcglobal.net

Residential Address: 1878 Washington Blvd.
Residential City, Zip: Birmingham, MI 48009
Length of Residence: 25 years
Business Address: 2006 Tobsal Court
Business City, Zip: Warren, MI 48091
Occupation: Business Owner

Reason for Interest: Explain how your background and skills will enhance the board to which you have applied. Having lived in Birmingham for 25 years I understand its zeitgeist. My educational and business background has taught me to critically review documents and contracts.


List your related community activities: City of Birmingham Citizen's Academy Graduate. Follow city affairs and government.


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

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

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

Signature of Applicant: [Signature]
Date: 06/14/18

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

Updated 10/12/16
APPLICATION FOR CITY BOARD OR COMMITTEE

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

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

(Please print clearly)

Board/Committee of Interest: Ad Hoc Master Plan Selection Committee
Specific Category/Vacancy on Board: Resident/Ex-Commissioner

Name: Gordon Rinschler
Residential Address: 959 Oakwood Ave
Residential City, Zip: 48009
Business Address: 
Business City, Zip: 

Phone: 248-646-2809
Email: grinschler48@gmail.com
Length of Residence: 47 years
Occupation: Retired

Reason for Interest: Explain how your background and skills will enhance the board to which you have applied
Previous service on Commission and other boards provides knowledge and experience

List your related employment experience: 33 years w/chrysler

List your related community activities: Former: Mayor’s Commission. ADDRC, DBH, HDG, Lighthouse of Oakland City, Detroit Saving Cty. Currently Ad Hoc Panelists, NEXT

List your related educational experience: BSMER, MSME,

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

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

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

Signature of Applicant: [Signature]
Date: June 18, 2018

Return the completed and signed application form to: City of Birmingham, City Clerk’s Office, 151 Martin, Birmingham, MI 48009 or by email to cmynsberge@bhamgov.org or by fax to 248.530.1080.
I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Harris called the meeting to order at 7:30 p.m.

II. ROLL CALL

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

Absent, None

Administration: City Manager Valentine, City Attorney Kucharek, Assistant Planner Chapman, Police Chief Clemence, Planning Director Ecker, DPS Manager Filipski, Finance Director/Treasurer Gerber, Assistant City Manager Gunter, Assistant to the City Manager Haines, Building Official Johnson, Deputy Treasurer Klobucar, City Clerk Mynsberge, City Engineer O’Meara, Director of Public Services Wood

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

06-155-18 ANNOUNCEMENTS

Mayor Harris recognized the graduates of the 2018 Citizens Academy:

- Thao Anderson
- Lynn Duerr
- Tim Duerr
- Michael Fenberg
- Aleyandra Gonzalez
- Dan Haugen
- Holly Heiss
- Sonia Just
- Roxane Knier
- Emily Mayer
- Andy Norman
- Pat Olson
- Steve Sollish
- Katherine Stefanou

Mayor Harris announced:

- Birmingham's in the Park free concert series takes place in Shain Park on Wednesday nights at 7 p.m., June 20 through August 15. Plus, enjoy afternoon concerts at noon on July 11 and August 1. Concerts span a diverse range of genres appealing to all ages.
• Enjoy a family-friendly film under the stars at Birmingham Movie Night in Booth Park on Friday, June 22. Pre-show entertainment begins at 7:30 p.m., and the movie starts at dusk.
• The City Commission wishes to recognize Patricia Papadopoulos for two years of service as the Alternate Hearing Officer for the City of Birmingham and to express appreciation for her contributions.

06-156-18 APPOINTMENTS TO THE BOARD OF ETHICS
The City Commission interviewed John J. Schrot, Jr., a current member of the Board.

MOTION: Motion by Commissioner Hoff:
To appoint John J. Schrot, Jr. to the Board of Ethics as a regular member to serve a three-year term to expire June 30, 2021.
VOTE: Yeas, 7
Nays, 0
Absent, 0

06-157-18 APPOINTMENTS TO THE GREENWOOD CEMETERY ADVISORY BOARD
Current members Linda Peterson, Laura Schreiner and George Stern and new applicant Charles McIntyre were unable to attend. Mayor Harris suggested postponing the appointments until applicants are available. The City Commission concurred.

06-158-18 APPOINTMENTS TO THE HISTORIC DISTRICT STUDY COMMITTEE
New applicant Evan Milan and current member Gigi Debbrecht were unable to attend. Current member Patricia Lang notified the City Clerk she wishes to continue serving but was unable to submit her application in time for tonight’s meeting. The City Commission was in agreement to postpone the appointments until applicants are available.

06-159-18 APPOINTMENTS TO THE MUSEUM BOARD
The City Commission interviewed current members Russell Dixon and Tina Krizanic.

MOTION: Motion by Commissioner Bordman:
To appoint Russ Dixon to the Museum Board as a regular member to serve a three-year term to expire July 5, 2021.
VOTE: Yeas, 7
Nays, 0
Absent, 0

MOTION: Motion by Commissioner Boutros:
To appoint Tina Krizanic to the Museum Board as a regular member to serve a three-year term to expire July 5, 2021.
VOTE: Yeas, 7
06-160-18  APPOINTMENT TO THE BOARD OF BUILDING TRADES APPEAL
The City Commission interviewed Bradley Klein.

MOTION:  Motion by Commissioner Sherman:
To appoint Bradley Klein to the Board of Building Trades Appeal as a regular member to serve the remainder of a three-year term to expire May 23, 2019.

VOTE:  Yeas, 7
Nays, 0
Absent, 0

The City Clerk administered the Oath of Office to the appointees.

IV. 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.

06-161-18  APPROVAL OF CONSENT AGENDA
The following items were removed from the Consent Agenda:
- Mayor Pro Tem Bordman:  Item E, Special Event-Seaholm Harriers 5K Run-Walk
  Item F, Special Event-Oral Cancer Awareness 5K Run-Walk
- Commissioner DeWeese said he would abstain from voting on Item A, Approval of the City Commission meeting minutes of May 24, 2018, due to his being absent from the meeting.
- City Manager Valentine asked that Item H be corrected to the ‘2018 Local Street Paving Project’.

MOTION:  Motion by Commissioner Sherman, seconded by Commissioner Boutros:
To approve the Consent Agenda, with Items E, F and I removed, and the correction of Item H from “Resolution awarding the Webster Ave. Paving Project” to “Resolution awarding the 2018 Local Street Paving Project”.

ROLL CALL VOTE:  Yeas,  Mayor Pro Tem Bordman
Commissioner Boutros
Commissioner DeWeese
Mayor Harris
Commissioner Hoff
Commissioner Nickita
Commissioner Sherman

Nays,  None
A. Resolution approving the City Commission meeting minutes of May 24, 2018.

B. Resolution approving the warrant list, including Automated Clearing House payments, dated May 23, 2018 in the amount of $2,991,400.22.

C. Resolution approving the warrant list, including Automated Clearing House payments, dated May 30, 2018 in the amount of $497,390.00.

D. Resolution approving the appropriations and amendments to the fiscal year 2017-2018 budget as follows:

<table>
<thead>
<tr>
<th>Fund Type</th>
<th>Category</th>
<th>Code</th>
<th>Amount</th>
</tr>
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<tbody>
<tr>
<td>General Fund:</td>
<td>Revenues:</td>
<td>101-000.000-657.0000</td>
<td>$ 67,000</td>
</tr>
<tr>
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<td></td>
<td>$ 67,000</td>
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<td></td>
<td>Expenditures:</td>
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<tr>
<td>Community Development</td>
<td>101-371.000-702.0001</td>
<td>($69,050)</td>
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<tr>
<td>Transfers Out</td>
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Solid Waste Fund:
Expenditures:
Personnel Services  226-582.000-702.0001  $ 5,000
Other Contractual Services  226-582.000-941.0000  (5,000)
Total Expenditure Adjustments $ -0-

**Brownfield Redevelopment Authority Fund:**
Revenues:
Property Taxes  243-000.000-402.0001  $ 187,500
Total Revenue Adjustments $ 187,500
Expenditures:
Brownfield Redevelopment Authority Fund  243-691.000-967.0100  $ 187,500
Total Expenditure Adjustments  $ 187,500

**Principal Shopping District Fund:**
Revenues:
Special Assessments  247-000.000-672.0870  $ 15,000
Total Revenue Adjustments $ 15,000
Expenditures:
Principal Shopping District  247-748.000-706.0002  $ 15,000
Total Expenditure Adjustments  $ 15,000

**Capital Projects Fund:**
Revenues:
Draw from Fund Balance  401-000.000-400.0000  $ 233,000
Total Revenue Adjustments $ 233,000
Expenditures:
Public Improvement – Chesterfield Fire Station  401-339.001-977.0000  $ 233,000
Total Expenditure Adjustments  $ 233,000

G. Resolution approving the Change Order for the Springdale Bridge Project with Kyle Builders, Inc., as reviewed and confirmed by AEW and staff, in the amount of $15,000, to be funded from Springdale Golf Course – Public Improvement account #584-753.001-981.0100.

H. Resolution awarding the 2018 Local Street Paving Project, Contract #4-18(P) to Angelo Iafrate Construction Company, of Warren, MI, in the amount of $2,689,473.00, to be charged to the various accounts as detailed in the report; and further approving the appropriations and budget amendments as follows:

**Water Fund**
Revenues:
Draw from Net Position  #591-000.000-400.0000  $ 98,815
Total Revenue Adjustments  $ 98,815

Expenditures:
Public Improvements  #591-537.004-981.0100  $ 98,815
Total Expenditure Adjustments  $ 98,815

J. Resolution setting Monday, July 9, 2018 at 7:30 PM for a Public Hearing to consider necessity for the installation of water and sewer laterals within the 2018 Local Street
Paving project area. Further, setting Monday, July 23, 2018 at 7:30 PM for a Public Hearing to confirm the roll for the installation of water and sewer laterals within the 2018 Local Street Paving project area.

K. Resolution approving the renewal of the EPI annual license with Harvey Electronics that will ensure PCI compliance and secure credit card transactions in the amount of $11,175.00, and further, equally charging all parking garages under the following accounts:

- 585-538.002-811.0000
- 585-538.003-811.0000
- 585-538.004-811.0000
- 585-538.005-811.0000
- 585-538.008-811.0000

06-162-18 RESOLUTION APPROVING THE REQUEST SUBMITTED BY THE BIRMINGHAM HARRIERS/SEAHOLM HIGH SCHOOL TO HOLD A 5K RUN/WALK ON SUNDAY, AUGUST 5, 2018 AT SEAHOLM HIGH SCHOOL

and

RESOLUTION APPROVING THE REQUEST SUBMITTED BY THE ORAL CANCER FOUNDATION TO HOLD A 5K RUN/WALK RACE ON SUNDAY AUGUST 5, 2018 AT SEAHOLM HIGH SCHOOL

City Clerk Mynsberge stated that these two events were held in conjunction last year and each event has increased its number of volunteers. In addition, there will be a police presence at the events. Commissioner Hoff noted the applications for the events indicated:

- 500 attendees for the Birmingham Harriers event;
- 300 attendees for the Oral Cancer Awareness event; and
- The proposed route does not cross any major streets.

MOTION: Motion by Mayor Pro Tem Bordman, seconded by Commissioner Boutros:

To approve the request submitted by the Birmingham Harriers/Seaholm High School to hold a 5K Run/Walk race on Sunday, August 5, 2018, at Seaholm High School and to approve the request submitted by the Oral Cancer Foundation to hold a 5K Run/Walk race on Sunday, August 5, 2018, at Seaholm High School.

VOTE: Yeas, 7
Nays, 0
Absent, 0

06-163-18 RESOLUTION SETTING MONDAY, JUNE 25, 2018 AT 7:30 PM FOR A PUBLIC HEARING TO CONSIDER A SPECIAL LAND USE PERMIT AMENDMENT FOR 34977 WOODWARD

Planning Director Ecker explained that:

- The license Hazel Ravines Downtown will be using is an economic development license (EDL) that is tied to the building.
- The new owners will also be coming before the Commission for their SLUP application.
MOTION: Motion by Commissioner Hoff, seconded by Mayor Pro Tem Bordman:
To set Monday, June 25, 2018 at 7:30 PM for a Public Hearing to consider a Special Land Use Permit Amendment for 34977 Woodward - Hazel Ravines Downtown, to allow for the proposed renovations and decorations.

VOTE: Yeas, 7
Nays, 0
Absent, 0

V. UNFINISHED BUSINESS
None.

VI. NEW BUSINESS
06-164-18 PUBLIC HEARING TO CONFIRM SPECIAL ASSESSMENT DISTRICT - 2018 CAPE SEAL PROJECT - PUBLIC STREET IMPROVEMENT
Mayor Harris opened the public hearing at 7:48 p.m.

Mayor Pro Tem Bordman told the Commission that she and Mayor Harris both live in the assessment district but do not have a conflict of interest per consultation with the City Attorney.

Deputy Treasurer Klobucar reviewed the memo sent to City Manager Valentine on May 24, 2018 regarding the proposed special assessment district.

There being no further comment, Mayor Harris closed the public hearing at 7:49 p.m.

MOTION: Motion by Commissioner Hoff, seconded by Commissioner DeWeese:
To ratify and confirm Special Assessment Roll No. 882 to defray the cost of public street maintenance of all properties fronting and/or siding on the improvement within the 2018 Cape Seal project area, and to direct the City Clerk to endorse said roll, showing the date of confirmation thereof, and to certify said assessment roll to the City Treasurer for collection at or near the time of construction of the improvement; further, that special assessments shall be payable in one (1) payment as provided in Section 94-10 of the Code of the City of Birmingham at five and three quarters percent (5.75%) annual interest. (Formal resolution appended to these minutes as Attachment A.)

VOTE: Yeas, 7
Nays, 0
Absent, 0

06-165-18 PUBLIC HEARING TO CONSIDER THE SPECIAL LAND USE PERMIT AMENDMENT FOR 209 HAMILTON ROW/250 N. OLD WOODWARD - EMAGINE PALLADIUM
Mayor Harris opened the public hearing at 7:50 p.m.
Planning Director Ecker provided an overview of:

- Her May 21, 2018 memo to City Manager Valentine regarding this SLUP proposal; and,
- The physical changes being proposed.

Paul Glanz said:

- The Emagine hopes to have this sixth theater in continuous use, though the exact programming will be determined.
- Food will continue to be available to theater patrons.
- For tables patrons will be provided trays that fit into the theater seat cup-holders and can be sanitized after use.
- A lounge area for food service will be available as well.
- The building will be using one of its Class C licenses for this.
- Regular films may be screened in the sixth theater, but the hope is that private events will comprise the bulk of the sixth theater’s programming time.
- The seats in the sixth theater can be moved.

Planning Director Ecker said the need for a second egress door will be handled through the permitting process.

There being no further comment, Mayor Harris closed the public hearing at 8:01 p.m.

**MOTION:**  Motion by Commissioner Hoff, seconded by Mayor Pro Tem Bordman:
To approve the Special Land Use Permit Amendment for 209 Hamilton Row/250 N Old Woodward – Emagine Palladium, to allow for the renovation and installation of a 35 seat private viewing theater. (Formal resolution appended to these minutes as Attachment B.)

**VOTE:**  Yeas, 7
Nays, 0
Absent, 0

**06-166-18 S. ETON RD. TEMPORARY STRIPING - MAPLE RD. TO 14 MILE RD. - MULTI-MODAL TRANSPORTATION BOARD RECOMMENDATIONS**

Assistant Planner Chapman presented the May 23, 2018 memo to City Manager Valentine regarding the proposed temporary striping on S. Eton.

City Manager Valentine said:

- The trial period will begin once the Commission approves the proposal, and will last until the City has sufficient funding to proceed. The City will be exploring the TAP grant which may cover up to 30% of the projected cost.
- The north end of Maple has referred back for further study after Whole Foods had been open for a year to get an assessment on how the intersection was working. The objective is to determine utilization of the intersection in conjunction with the lighting and the traffic from Whole Foods. That study should conclude within the next two months and will be brought before the Commission with a recommendation. These findings should be possible to incorporate into the temporary striping project.
• The success of the project will be monitored primarily through resident and citizen feedback.
• If the paint wears out, the Commission can approve repainting.
• Once the City has chosen a contractor residents will be notified through all of the City’s usual communication channels regarding the project’s start date.
• The TAP grant application can occur at any time, but the City must be able to match the funds being received in order to qualify for the grant. Thus, the issue is raising said funds.

Assistant Planner Chapman said the only change since the Commission approved the plan is from Yosemite to Villa. The approved motion from December 2017 called for sharrows, but now there will be a designated bicycle lane.

MOTION: Motion by Commissioner Boutros, seconded by Commissioner Nickita:
To accept the recommendation of the Multi-Modal Transportation Board, and to direct staff to proceed with the installation of test features that will provide the majority of the transportation improvements being considered in a temporary mode, at a reduced cost, as outlined below:

1. Installation of painted bumpouts with lane markers at each intersection, as well as pavement markings to improve each crosswalk in accordance with the recommended plan.
2. Installation of sharrows between Maple Rd. and Yosemite Blvd.
3. Removal of parking, and installation of buffered, marked bike lanes for northbound and southbound traffic between Yosemite Blvd. and Villa Rd.
4. Removal of parking on the west side of the street, to provide room for a marked, buffered, and separated two-way bike lane, as well as white lines demarcating the northbound parking lane between Villa Rd. and Lincoln Ave.
5. Installation of double yellow lines and white line to demarcate travel lanes from the southbound parking lane between Lincoln Ave. and 14 Mile Rd.

VOTE: Yeas, 7
Nays, 0
Absent, 0

06-167-18 ONLINE BANKING POLICY
Director of Finance/Treasurer Gerber reviewed his May 17, 2018 memo to City Manager Valentine regarding the City’s online banking policy.

Director of Finance/Treasurer Gerber stated:
• Paper checks would still occasionally be used for City payments.
• Only Treasury and Finance have access to the City’s online banking.
• Plante/Moran has reviewed and approved this proposal.
• This is a living document and can be updated.
• The beginning of the second line of the third paragraph on page three should be amended to read: “Deputy Treasurer has the authority to invest City funds”.
• The City is insured against employee dishonesty, and staff will submit this policy to the City’s insurance carrier to see if it might reduce insurance rates.
• The new assistant finance director is very experienced with these processes.

**MOTION:** Motion by Commissioner Boutros, seconded by Commissioner Hoff:
To approve the Online Banking Policy as presented by Finance Director/Treasurer Gerber, with the correction on page three.

**VOTE:**
- Yeas, 7
- Nays, 0
- Absent, 0

**06-168-18 CROSSWALK PAVEMENT MARKINGS - MATERIAL OPTIONS**

Assistant Planner Chapman reviewed the May 23, 2018 memo to City Manager Valentine regarding material options for the crosswalk pavement markings.

Assistant Planner Chapman explained:
- HPS-8 has a high application cost and, since it is a newer product, has not yet been sufficiently tested in the region to know the material’s longevity. This is why the MMTB did not recommend using HPS-8 on all City crosswalks.
- Polyurea adheres better to concrete and less well to asphalt, but still within the satisfactory range for both surfaces.
- To the average viewer, the marking materials are largely visually indistinguishable from each other.

Commissioners DeWeese and Nickita agreed that this is a work-in-progress and that the City will make updates to the marking material if necessary as the different materials are tested.

**MOTION:** Motion by Commissioner Nickita, seconded by Commissioner DeWeese:
To approve the following materials as recommended by the Multi-Modal Transportation Board on January 4, 2018: Polyurea on all major concrete streets and HPS-8 on all major asphalt streets within the Central Business District, Triangle District, Rail District, and waterborne paint on all other streets. Depending on visibility needs and average daily traffic, polyurea or HPS-8 may be used for crosswalks adjacent to schools.

**VOTE:**
- Yeas, 7
- Nays, 0
- Absent, 0

**06-169-18 RESIDENTIAL STREET WIDTH STANDARDS**

Planning Director Ecker presented the May 18, 2018 memo to City Manager Valentine from Planning Director Ecker, Police Commander Grewe and City Engineer O’Meara.

Commissioner Nickita thanked staff for a very good foundation, and suggested:
- An introduction outlining goals for Birmingham infrastructure, with attention towards ‘complete streets’ and other guiding concepts.
• Making pedestrian safety, walkability, neighborhood enhancement, and building upon the
goals of the master plan the express and primary objective of developing the City’s
infrastructure.
• Acronyms in the Birmingham residential street design standards should be spelled out for
the benefit of people who may not be familiar with them.
• Cost or current potential for disruption should not be weighted very heavily as exceptions
to the 26’ standard since residential roads remain as-built for upwards of forty years.
• Street adherence to or deviation from the standards should also take the widths of
neighboring streets into account. This means bullet point two under the second street
design standards should say that the street width may remain the same, but exceptions
should be provided for circumstances in which a street would not remain the same width.
• The lettered points under section four should include:
  o Does it adhere with complete streets?
  o Is it accommodating multi-modal and mobility issues?
  o Did we consider the neighborhood context and character, identifying the adjacent
street infrastructure and the potential effect of the proposed size?
  o How is the overall neighborhood built, and how does the City want it to be built in
the long term? How does this proposed street-width fit into those considerations?

Planning Director Ecker noted:
• Section four includes the requirement that any exceptions adhere to the Intent of the
standards.
• The MMTB did not focus on multi-modal considerations here because those are separately
considered in the multi-modal plan which primarily do not address residential streets.
• Agreement with Commissioner Nickita’s feedback and said she would bring it back to the
MMTB for addition.

Commissioner Sherman commended the MMTB and suggested:
• Deleting “Exceptions may be considered when factors, such as those described in Section
4, are evident” from section two.
• Rephrasing the second bullet point in section two as “Existing Street is 28 feet or less
in width: If existing street width is 28 ft. or less in width, street may be reconstructed at
the existing width provided there is a reason prescribed under section four.”
• Following Commissioner Nickita’s points for section four, with special focus on the nature
and composition of the neighboring streets.

City Engineer O’Meara explained:
• Part of the reason for keeping existing 28’ streets at 28’ was to avoid debate and
frustration on the part of the residents, since it was only a 2’ difference.
• Some streets are smaller than 24’, so the text was an attempt to not have to widen
streets if there was no reason to do so.

Commissioner Sherman suggested that most of the time there will be an exception leading to a
reduction in the street width from 28’, making the second bullet point in section two superfluous.
Mayor Harris agreed to changing the second point in section two to read “may” instead of “shall”, but said rephrasing the second point in section two to reference the exceptions in section four would have the undesired effect of precluding resident opinion from being a factor in a potential street width-change.

Mayor Pro Tem Bordman said:
- ‘Neighborhood characteristics’ should be made explicit including block length, sidewalks, size of public green space, right-of-way, the distance between sidewalks and the fronts of houses, the size of the lots themselves, the sizes of the homes, the length of time the road has been at its current width and other factors.
- Most studies show that a street-width range of 26’ to 28’ encompasses best practices; not a uniform application of a 26’ street-width.
- Neighborhood preference for street-width should have greater emphasis. It should not be the sole criterion considered, but should be more central than it currently is.

Planning Director Ecker explained that:
- Commercial standards will apply to both commercial blocks and fully commercial streets, and the residential standards will apply to both residential blocks and fully residential streets.
- The street-width standards were approved by the Fire Department.

Commissioner Hoff said changing ‘shall’ to ‘may’ is a positive change, and the exceptions should remain where they are in section two. She also agreed with Mayor Pro Tem Bordman in that resident preference should be a larger factor.

Planning Director Ecker clarified that, as it stands, resident opinion would not sway a decision unless another reason for an exception existed.

Commissioner Nickita clarified this is a policy, not an ordinance, which can be deviated from should the City find it prudent.

Mayor Pro Tem Bordman suggested adding “Where neighbors have a preference for a particular street-width, that preference may only be considered if one or more of the following conditions also exist” as the last sentence in the introduction in section four.

Commissioners Nickita and Sherman suggested this point was identically included in section three.

City Engineer O’Meara said certain streets, such as ones with churches or schools, may have 1,500 vehicles pass through daily.

Planning Director Ecker said the 1,500-vehicle threshold was approved by the City’s consultants and the Police Department.

Commissioner DeWeese:
- Thanked the MMTB and city staff for their work on this document.
Suggested it would be most beneficial if this document were clear enough that the public could understand it.

Said cost considerations can be addressed at the discretion of the Commission.

Pointed out that sometimes more traffic, paradoxically, is better-handled with a narrower street.

Concluded that the document should be returned to the MMTB and the edits made.

City Engineer O'Meara suggested that consideration of on-street parking utilization would reveal some of the ‘neighborhood characteristics’ Mayor Pro Tem Bordman wanted considered because on-street parking utilization would reveal information about a neighborhood’s average lot-size: small lots likely lead to more frequent on-street parking, and larger lots likely lead to more infrequent on-street parking.

Mayor Harris said one conflict is whether neighborhood input is an equally-weighted criterion, or is only considered in conjunction with other criteria.

Planning Director Ecker recommended changing the second point in section two to read “Existing Street is 28 feet or less in width: If existing street width is 28 ft. or less in width, street may be reconstructed at the existing width,” which would have the intended effect of the exception-clause in the introduction to section two being applicable to this statement.

There was consensus that if the last two sentences from section three were moved to section four as a criterion, that would sufficiently resolve various Commissioners’ concerns.

Mayor Harris, with the consensus of the City Commission, deviated from the agenda to address Item 6H before item 6G.

06-170-18 PARKS BOND OPPORTUNITY
City Manager Valentine made a presentation based on his memo to the City Commission dated May 23, 2018.

City Manager Valentine said:

- The City Commission authorized $25 million in 2001, but the City has spent about $20 million.
- Delineated costs of the Parks and Recreation Master Plan are about $10 million at this time, but there are other projects in the Master Plan that have not had their funding requirements laid out yet.
- The Parks and Recreation Board will be coming back to the Commission with project priorities, and what could realistically be completed in the next five years.
- The Commission should approve the next bond issuance by the middle of August if they want it to appear on the November 2018 ballot.
- The City will consult with bond council to make sure the City’s practices are consistent with what is required.
- The conceptual Master Plans will not be enacted without the requisite further study.
Commissioners Hoff and Sherman said they do not want to see this project rushed, and the Commission should not attempt to get this work done in time for the August submission deadline.

**MOTION:** Motion by Commissioner Sherman, seconded by Mayor Pro Tem Bordman:
To direct the Parks and Recreation board to review the 2018 Parks and Recreation Master Plan’s Five-Year Capital Improvement Plan and work with staff to identify facility needs related to the Parks and Recreation operation through a public engagement process to identify a priority list of projects and associated amounts to be considered for a potential parks bond to be implemented over the next 3 to 5 years, and further, to return to the City Commission with a recommendation for consideration.

**VOTE:** Yeas, 7
Nays, 0
Absent, 0

**06-171-18 N. OLD WOODWARD AVENUE/BATES STREET PROJECT**
Assistant City Manager Gunter outlined highlights from the June 4, 2018 memo written to City Manager Valentine regarding this project.

Planning Director Ecker presented a PowerPoint on the N. Old Woodward Parking Deck/Bates Street Extension that detailed the development consultant selection process, the desired amenities for the parking structure, and the Ad Hoc Parking Development Committee’s (AHPDC) recommendation to the City Commission.

City Manager Valentine clarified that the Commission is being asked to allow staff to hire a development consultant to create a development agreement with Walbridge/Woodward Bates Partners LLC, (‘Walbridge’) which would then be returned to the Commission for review and approval at a later date.

City Manager Valentine said a development consultant would:
- Liaise between the City and Walbridge to negotiate the terms of the City’s development agreement with Walbridge.
- Bring a high level of expertise regarding the formulation of this development project.
- Provide the best representation of the interests of the City to Walbridge.

Commissioner Nickita explained as a member of the AHPDC that public-private partnerships (P3) tend to be very complicated, and that is why the AHPDC recommends hiring a development consultant to facilitate the process.

Commissioner Hoff said this decision is a very significant one, and she would like to hear much more Commission input on the details of the plan.

Commissioner DeWeese replied that:
When the Commission approved the Request for Proposal for this project, the Commission reviewed the details extensively at that time and set forth guidelines that were consistent with the City’s 2016 Plan and the Master Plan.

One of the bidders for the RFP listened to the Commission’s direction, and one went well beyond the stated scope and intentions. Commissioner DeWeese prefers working with a bidder that takes the Commission’s direction seriously in the first place. For this reason, Walbridge is the clear choice.

The Walbridge plan is less financially risky for the City and can be built in components if need be.

The City will incur costs resulting from displaced parking after demolition of the previous N. Old Woodward garage and prior to the building of the new garage, but similar costs will be incurred regardless of the plan selected.

A 15-story building would not be in-line with the Birmingham cityscape.

Some details would need to be discussed further, such as the liner buildings requiring floors high enough to be true retail, but those can be addressed during the review of the development agreement.

The Commission is not being asked to approve details yet, but rather to proceed with preliminary planning of this project.

Mayor Pro Tem Bordman said:

- Both plans were beautiful, but that Walbridge’s proposal adhered to the character of Birmingham much more than the proposal from TIR Equities.
- Some concerns remain about details in the Walbridge plan, but those can be addressed.
- The Walbridge plan extends and develops Bates Street as intended by the Master Plan, and increases the amount of pedestrian foot-traffic to include the residential building on the westernmost part of Bates that overlooks the river.
- She is in favor of the whole project, and is in favor of the Walbridge proposal.

Commissioner Sherman noted the proposals were beautiful but insufficiently in-line with the original objective of the AHPDC, which was only to expand parking capacity.

Commissioner Nickita said while the priority was parking expansion, it was necessary to do so in a contextualized way that would enhance the downtown and the sites in question, which is how the AHDPDC and the Commission oriented this task.

Commissioner Nickita continued that the Walbridge plan provides a solution for parking, provides a solution for an under-developed area of Birmingham and enhances the goals of the 2016 Plan. He finished that the question that remains is how to best make this a financial opportunity for the City, which will be determined by continuing this process.

Commissioner Boutros said selecting the right development consultant is essential in order to achieve the primary objective of expanding parking options.
Commissioner Sherman agreed with Commissioner Boutros, stating the focus is expanding parking, with the development of Bates being a secondary consideration.

Planning Director Ecker stated that both proposals address:
- The need for at least 350 additional public parking spaces; and,
- The parking required to accommodate the proposed new developments.

Commissioner DeWeese said the words of caution are wise, but that the next step involves further study and so remains a prudent way of moving forward.

Mayor Harris said he was impressed by the proposals and found them to be in-line with the 2016 Plan and the AHPDC goals. He also agreed the Commission should proceed cautiously, and to that end should secure a development consultant.

**MOTION:** Motion by Mayor Pro Tem Bordman, seconded by Commissioner DeWeese:
To approve the recommendation of the Ad Hoc Parking Development committee and to direct the City to continue discussion with Walbridge/Woodward Bates Partners LLC to advance their proposal for increased parking and Bates Street development in a combined and incremental development approach; and further, to consider the engagement of a development consultant to represent the City in future negotiations.

VOTE: Yeas, 7
Nays, 0
Absent, 0

**VII. REMOVED FROM THE CONSENT AGENDA**
The items removed were discussed earlier in the meeting.

**VIII. COMMUNICATIONS**
None.

**IX. OPEN TO THE PUBLIC FOR MATTERS NOT ON THE AGENDA**
None.

**X. REPORTS**

**06-172-18 COMMISSIONER REPORTS**
The City Commission will appoint one regular member to the Board of Zoning Appeals on July 9, 2018.

**06-173-18 COMMISSIONER COMMENTS**
Commissioner DeWeese said residential parking requirements in downtown Birmingham effectively price out individuals who may not need parking included with their residence because the cost of providing parking is rolled-in to the cost of an apartment. He would like to see more younger and
mixed-income residents downtown. Thus, he would like City staff and Boards to evaluate the structure of Birmingham parking incentives.

Commissioner Nickita agreed with Commissioner DeWeese, noting that the parking requirements are the root cause of many issues with parking in Birmingham and that the parking requirements have not changed while the circumstances in the downtown have changed. He suggested this evaluation can integrate into the Master Plan as it occurs because he sees them as different levels of analysis.

Commissioner DeWeese observed that with ride-sharing and similar services the need to own a car is decreasing, as well, so Birmingham’s parking requirements address a need that is on the decline.

City Manager Valentine said:
- The City’s parking consultants are not looking at any land-use issues.
- The Commission could broach this issue at its upcoming joint meeting with the Planning Board, whereupon the Commission can also provide some direction for further exploring ordinance requirements for parking.

Mayor Pro Tem Bordman said this should be studied sooner than the Planning Board could accommodate, and echoed Commissioner Nickita’s suggestion of a possible ad hoc committee.

City Manager Valentine said that the ad hoc committee might still end up with a number of Planning Board members due to their familiarity with land-use issues, and suggested that this could be re-assigned as the Planning Board’s top priority instead.

Commissioner Hoff suggested procuring an urban parking consultant for the proposed ad hoc committee so that the City is working with someone with expertise in that area.

Commissioner Boutros agreed with Commissioner Hoff that an urban parking consultant should be brought in because it would be such a significant change to the City.

Commissioner Nickita observed that there was consensus among the Commissioners that the issue should be addressed, and proposed making it a priority at the upcoming joint meeting with the Planning Board in order to clarify what the best next steps would be.

XII. ADJOURN

Mayor Harris adjourned the meeting at 11:00 p.m.

_____________________________
J. Cherilynn Mynsberge, City Clerk
To confirm Special Assessment Roll No. 882, to defray the cost of public street maintenance of all properties fronting and/or siding on the improvement within the 2018 Cape Seal as listed in the table submitted on June 4, 2018:

WHEREAS, Special Assessment Roll, designated Roll No. 882, has been heretofore prepared by the Deputy Treasurer for collection, and

WHEREAS, notice was given pursuant to Section 94-7 of the City Code, to each owner or party in interest of property to be assessed, and

WHEREAS, the Commission has deemed it practicable to cause payment of the cost thereof to be made at a date closer to the time of construction and Commission Resolution #05-135-18 provided it would meet this 4th day of June, 2018 for the sole purpose of reviewing the assessment roll, and

WHEREAS, at said hearing held this June 4, 2018, all those property owners or their representatives present have been given an opportunity to be heard specifically concerning costs appearing in said special assessment roll as determined in Section 94-9 of the Code of the City of Birmingham,

NOW, THEREFORE, BE IT RESOLVED, that Special Assessment Roll No. 882 be in all things ratified and confirmed, and that the City Clerk be and is hereby instructed to endorse said roll, showing the date of confirmation thereof, and to certify said assessment roll to the City Treasurer for collection at or near the time of construction of the improvement.

BE IT FURTHER RESOLVED, that special assessments shall be payable in one (1) payment as provided in Section 94-10 of the Code of the City of Birmingham at five and three quarters percent (5.75%) annual interest.

I, Cherilynn Mynsberge, 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 June 4th, 2018.

_________________________________
Cherilynn Mynsberge, City Clerk
WHEREAS, Emagine Palladium filed an application pursuant to Article 7, section 7.34 of Chapter 126, Zoning, of the City Code to operate a food and drink establishment in the B4 zone district in accordance Article 2, Section 2.37 of Chapter 126, Zoning, of the City Code;

WHEREAS, The land for which the Special Land Use Permit Amendment is sought is located on the east side of N. Old Woodward, north of Hamilton Row;

WHEREAS, The land is zoned B-4, and is located within the Downtown Birmingham Overlay District, which permits the operation of food and drink establishments serving alcoholic beverages 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 applicant submitted an application for a Special Land Use Permit Amendment to install a new 35 seat private viewing theater in the former dining area of Four Story Burger;

WHEREAS, The Planning Board reviewed the application on April 25th, 2018 for a Special Land Use Permit Amendment and Final Site Plan Review and recommended with no conditions;

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

NOW, THEREFORE, BE IT RESOLVED, The Birmingham City Commission finds the standards imposed under the City Code have been met, subject to the conditions below, and that Emagine Palladium's application for a Special Land Use Permit Amendment and Final Site Plan at 209 Hamilton Row/250 N Old Woodward is hereby approved;

BE IT FURTHER RESOLVED, That the City Commission determines that to assure continued compliance with Code standards and to protect public health, safety, and welfare, this Special Land Use Permit Amendment is granted subject to the following conditions:
1. Emagine Palladium shall be permitted to provide entertainment in
accordance with their entertainment permit issued by the MLCC;
2. Emagine Palladium shall abide by all provisions of the Birmingham City Code; and
3. The Special Land Use Permit may be canceled by the City Commission upon finding that the continued use is not in the public interest including, but not limited to, violations of the state law or Birmingham City Code.

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

MAY IT BE FURTHER RESOLVED that Emagine Palladium is recommended for the operation of a food and drink establishment serving alcoholic beverages on premises with a Class C Liquor License, at 209 Hamilton Row/250 N Old Woodward, Birmingham, Michigan, 48009, above all others, pursuant to Chapter 10, Alcoholic Liquors, of the Birmingham City Code, subject to final inspection.

I, Cherilynn Mynsberge, 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 June 4th, 2018.

________________________
Cherilynn Mynsberge, City Clerk
### Meeting of Warrant List Dated 06/06/2018

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City of Birmingham
Warrant List Dated 06/06/2018

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Sub Total Checks: $505,702.32
Sub Total ACH: $77,817.29
Grand Total: $583,519.61

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

Mark Gerber
Finance Director/ Treasurer

*-Indicates checks released in advance and prior to commission approval in order to avoid penalty or to meet contractual agreement/obligation.
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### Meeting of 06/25/2018

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Sub Total Checks: $1,393,868.67
Sub Total ACH: $100,320.83
Grand Total: $1,494,189.50

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

Mark Gerber
Finance Director/ Treasurer

*-Indicates checks released in advance and prior to commission approval in order to avoid penalty or to meet contractual agreement/obligation.
City of Birmingham  
6/13/2018

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Sub Total Checks: $732,909.40
Sub Total ACH: $98,270.74
Grand Total: $831,180.14

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

Mark Gerber
Finance Director/ Treasurer

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

6/20/2018

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DATE: June 14, 2018

TO: Joseph A. Valentine, City Manager

FROM: Jana L. Ecker, Planning Director

SUBJECT: To Set a Public Hearing for Final Site Plan & Special Land Use Permit Amendment at 33588 Woodward – Shell Gas Station

The subject property at 33588 Woodward is located in the B2B General Business zone district. The B2B zone lists gasoline service station as a permitted use requiring a Special Land Use Permit (SLUP). The applicant was approved for a SLUP by the City Commission on September 22, 2014. The applicant is now requesting an amendment to the existing SLUP to allow them to construct a small addition to the building to allow for a new accessible bathroom.

On January 24, 2018, the Planning Board conducted a public hearing to discuss a request by the applicant to construct the addition. The Planning Board voted unanimously to recommend approval of the Final Site Plan and Design and the Special Land Use Permit to the City Commission with the following conditions:

1. Confirm that the ice and propane storage units do not exceed 4'; and
2. Comply with the requests of City Departments, including making the required modifications to the site for an ADA compliant sidewalk around the building addition.

However, the applicant had not yet devised a solution to the issue by the time they reached the City Commission for the public hearing on March 12, 2018. At that time the City Commission voted to send the applicant back to the Planning Board for further clarification on the proposed layout of the new sidewalk around the proposed building addition. The City Commission stated they would like to have all issues resolve so that they could review a complete plan that would not be subject to further change after the public hearing.

On April 11, 2018 the applicant appeared before the Planning Board for review of the proposed pedestrian path that consisted of blue striping along the edge of the raised sidewalk abutting the building. At that time the Planning Board postponed the review and instructed the applicant to revise the plans so the existing raised curb is extended and reestablishes a pedestrian walkway along the building as currently exists. The applicant submitted a revised site plan that indicated an expanded sidewalk with a curb in the area by the new bathroom.

On May 9, 2018, the Planning Board once again postponed the SLUP application to June 13, 2018 as the applicant had not yet submitted a detailed site plan as requested by the board.
On June 13, 2018, the Planning Board once again reviewed the proposed sidewalk improvements around the proposed addition. At this time, the applicant submitted an engineered site plan including all topographic details on the site and the proposed sidewalk and ramps in the vicinity of the new addition to the building. The applicant also moved a portion of the outdoor storage from the southern elevation of the building to behind the screen wall that screens the row of parking along the alley from Woodward Avenue. Finally, the applicant provided a building elevation for the west elevation to show the existing ramp conditions and how the grades will match with the proposed sidewalk addition. The Planning Board voted unanimously to recommend approval of the SLUP Amendment and Final Site Plan to the City Commission with the condition that all storefront glazing must comply with the original approval.

Thus, the Planning Division requests that the City Commission set a public hearing date for July 23, 2018 to consider approval of the Final Site Plan and Design and a Special Land Use Permit Amendment to allow the addition of a new bathroom to the existing Shell gasoline station. Please find attached the staff report presented to the Planning Board, along with the relevant plans and supporting documents.

SUGGESTED ACTION:

To set a public hearing date for July 23, 2018 to consider the Final Site Plan & Design and a Special Land Use Permit Amendment at 33588 Woodward to allow the addition of a new accessible bathroom to the existing Shell gasoline service station.
WHEREAS, the Shell gasoline station with a convenience store and a Dunkin Donuts store was granted a Special Land Use Permit on September 22, 2014,

WHEREAS, B5 Investment LLC has now applied for a Special Land Use Permit Amendment, to construct a new accessible bathroom addition on site at 33588 Woodward,

WHEREAS, The land for which the Special Land Use Permit is sought is located at the southeast corner of Woodward Ave. and Chapin Ave.,

WHEREAS, The land is zoned B-2B General Business, which permits a gasoline service station with a convenience store 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 applicant now requests a Special Land Use Permit Amendment to allow for the construction of a new bathroom addition, such application having been filed pursuant to Article 7, section 7.34 of Chapter 126, Zoning of the City Code,

WHEREAS, The Planning Board reviewed the proposed Special Land Use Permit Amendment on January 24, 2018 and recommended that the City Commission approve with the following conditions:

1. Confirm that the ice and propane storage units do not exceed 4’; and
2. Comply with the requests of City Departments, including making the required modifications to the site for an ADA compliant sidewalk around the building addition.

WHEREAS, The City Commission requested that the applicant submitted detailed plans showing the sidewalk around the new addition for review by the Planning Board, the Planning Board reviewed the proposed Special Land Use Permit Amendment on June 13, 2018 at which time the Planning Board voted to recommend approval of the Final Site Plan and SLUP to the City Commission with the condition all storefront glazing must comply with the original approval.

WHEREAS, The applicant has agreed to comply with all conditions for approval as recommended by the Planning Board on June 13, 2018,

WHEREAS, The Birmingham City Commission has reviewed the B5 Investments LLC Special Land Use Permit application as well as the standards for such review as set forth in Article 7, section 7.34 of Chapter 126, Zoning of the City Code,
BE IT FURTHER RESOLVED, The Birmingham City Commission finds the standards imposed on B5 Investments LLC under the City Code have been met, subject to the conditions below and B5 Investments LLC’s application for a Special Land Use Permit Amendment to construct a new accessible bathroom to the existing a gasoline service station, convenience store and Dunkin Donuts store on site at 33588 Woodward, is hereby approved, subject to the attached site plan, with the following conditions:

1. The ice and propane storage units do not exceed 4’;
2. The applicant complies with the requests of City Departments; and
3. All storefront glazing must comply with the original approval.

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

BE IT FURTHER RESOLVED, Except as herein specifically provided, the B5 Investments LLC Company 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 B5 Investments LLC to comply with all the ordinances of the City, may result in the Commission revoking this Special Land Use Permit.

I, Cherilynn Mynsberge, 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 July 23, 2018.

__________________________
Cherilynn Mynsberge, City Clerk
Special Land Use Permit Application  
Planning Division  
Form will not be processed until it is completely filled out.

1. Applicant  
Name: BS Investments, LLC  
Address: 33588 Woodward Ave  
Birmingham, AL 48009  
Phone Number: 248-255-2090  
Fax Number:  
Email Address: Chris@bsinvestsorganization.com

Property Owner  
Name: BS Investments, LLC - Chris Borbat  
Address: 33579 Woodward Ave, 5k 800  
Birmingham, AL 48009  
Phone Number: 248-255-2090  
Fax Number:  
Email Address: chris@bsinvestsorganization.com

2. Applicant’s Attorney/Contact Person  
Name: Chris Borbat  
Address: 33579 Woodward Ave, 5k 800  
Birmingham, AL 48009  
Phone Number: 248-255-2090  
Fax Number:  
Email Address: chris@bsinvestsorganization.com

Project Designer/Developer  
Name: Same as Above  
Address:  
Phone Number:  
Fax Number:  
Email Address: 

3. Required Attachments  
• Warranty Deed with legal description of property  
• Required fee (see Fee Schedule for applicable amount)  
• Two (2) folded copies of plans including a certified land survey, color elevations showing all materials, site plan, landscape plan, photometric plan, and interior plan  
• Photographs of existing site and buildings  
• Samples of all materials to be used  

4. Project Information  
Address/Location of Property: 33588 Woodward Ave  
Birmingham, AL 48009  
Name of Development:  
Sidewell #: 20-31-332 - 001  
Current Use: Gas Station and Dunkin Donuts  
Proposed Use: Same  
Area in Acres: .34  
Current Zoning:  
Zoning of Adjacent Properties:  
Is there a current SLUP in effect for this site?: YES  
Is property located in the floodplain? NO  

Name of Historic District site is in, if any:  
Date of HDC Approval, if any:  
Date of Application for Preliminary Site Plan:  
Date of Preliminary Site Plan Approval:  
Date of Application for Final Site Plan:  
Date of Final Site Plan Approval:  
Date of Revised Final Site Plan Approval:  
Date of Final Site Plan Approval:  
Date of DRB approval, if any:  
Date of Last SLUP Amendment:  
Will proposed project require the division of platted lots? NO

5. Details of the Nature of Work Proposed (Site plan & design elements)  

6. Buildings and Structures

Number of Buildings on site: 1
Height of Building & # of stories: 18' - 1 story

Use of Buildings: Gas Station + Dunkin Donuts
Height of rooftop mechanical equipment:

7. Floor Use and Area (in square feet)

Commercial Structures:
Total basement floor area: 
Number of square feet per upper floor: 
Total floor area: 2600 sq. ft.
Floor area ratio (total floor area divided by total land area): 
Open space: 
Percent of open space: 

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

Office space: 
Retail space: 
Industrial space: 
Assembly space: 
Seating Capacity: 
Maximum Occupancy Load:

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

8. Required and Proposed Setbacks N/A

Required front setback: 
Required rear setback: 
Required total side setback: 
Side setback: 

Proposed front setback: 
Proposed rear setback: 
Proposed total side setback: 
Second side setback: 

9. Required and Proposed Parking N/A

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

Proposed number of parking spaces: 
Typical size of parking spaces: 
Number of spaces < 180 sq. ft.: 
Number of handicap spaces: 
Shared Parking Agreement?: 
Height of light standards in parking area: 
Height of screenwall: 

10. Landscaping N/A

Location of landscape areas: 

Proposed landscape material: 

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11. Streetscape  
Sidewalk width: __________________________________________
Number of benches: ________________________________________
Number of planters: ________________________________________
Number of existing street trees: _____________________________
Number of proposed street trees: ____________________________
Streetscape Plan submitted?: ________________________________

12. Loading  
Required number of loading spaces: _________________________
Typical angle of loading spaces: _____________________________
Screenwall material: ______________________________________
Location of loading spaces on the site: _______________________

13. Exterior Trash Receptacles  
Required number of trash receptacles: _______________________
Location of trash receptacles: ______________________________
Screenwall material: ______________________________________

14. Mechanical Equipment  
Utilities & Transformers:
Number of ground mounted transformers: ____________________
Size of transformers (LxWxH): ______________________________

Number of utility easements:
Screenwall material: ________________________________

Ground Mounted Mechanical Equipment:  
Number of ground mounted units: __________________________
Size of ground mounted units (LxWxH): ______________________

Screenwall material: ______________________________________

Rooftop Mechanical Equipment:  
Number of rooftop units: _________________________________
Type of rooftop units: ____________________________________

Screenwall material: ______________________________________
Location of screenwall: _________________________________

Description of benches or planters: _________________________
Species of existing street trees: ____________________________
Species of proposed street trees: ___________________________

Proposed number of loading spaces: _________________________
Typical size of loading spaces: _____________________________
Height of screenwall: ____________________________________

Proposed number of trash receptacles:
Size of trash receptacles: ________________________________
Height of screenwall: ____________________________________

Location of all utilities & easements: _______________________
Location of all ground mounted units: _______________________
Height of screenwall: ____________________________________
Location of all ground mounted units: _______________________
Height of screenwall: ____________________________________

Percentage of rooftop covered by mechanical units: __________
Distance from units to rooftop units to screenwall: ________
15. Accessory Buildings

Number of accessory buildings: __________________________
Location of accessory buildings: __________________________
Size of accessory buildings: __________________________
Height of accessory buildings: __________________________

16. Building Lighting

Number of light standards on building: __________________________
Size of light fixtures (LxWxH): __________________________
Type of light standards on building: __________________________
Height from grade: __________________________
Maximum wattage per fixture: __________________________
Light level at each property line: __________________________
Proposed wattage per fixture: __________________________
Number & location of holiday tree lighting receptacles: __________________________

The undersigned states the above information is true and correct, and understands that it is the responsibility of the applicant to advise the Planning Division and/or Building Division of any additional changes made to an approved site plan or Special Land Use Permit. The undersigned further states that they have reviewed the procedures and guidelines for site plan review and Special Land Use Permits in Birmingham and have complied with same. The undersigned will be in attendance at the Planning Board meeting when this application will be discussed.

Signature of Owner: __________________________ Date: 10/30/17
Print Name: __________________________

Signature of Applicant: __________________________ Date: 10/30/17
Print Name: __________________________

Signature of Architect: __________________________ Date: 10/30/17
Print Name: __________________________

Office Use Only

Application #: __________________________ Date Received: __________________________ Fee: __________________________
Date of Approval: __________________________ Date of Denial: __________________________ Accepted by: __________________________
Barrick Properties #40, LLC, a Michigan limited liability company, Grantor, whose address is 4307 Delemere Ct., Royal Oak, MI 48073, conveys and warrants to BS Investments, LLC, a Michigan limited liability company, Grantee, whose address is 10531 Highland Rd., White Lake, MI 48382, the following described premises situated in the City of Birmingham, County of Oakland, State of Michigan, to wit: Lots 544 through 550, LEINBACH-HUMPHREY'S WOODWARD AVENUE SUB., as recorded in Liber 27, Page 5, of Plans, Oakland County Records, commonly known as: 33588 Woodward Avenue, Birmingham, MI 48009, for the full consideration of Seven Hundred Seventy-Five Thousand and 00/100 ($775,000.00). Subject to: Easements, restrictions and reservations of record, if any, and any acts or omissions by other than the Grantor herein from or after the 12th day of November, 2013, being the date of a certain Land Contract executed between the parties herein pursuant to which this deed is being given in complete fulfillment thereof.

Dated this 12th day of November, 2013.

Barrick Properties #40, LLC, a Michigan limited liability company

Robert L. Barrick, Manager

STATE OF MICHIGAN

COUNTY OF OAKLAND

The foregoing instrument was acknowledged before me this the 12th day of November, 2013 by Robert L. Barrick, Manager of Barrick Properties #40, LLC, a Michigan limited liability company on behalf of said Barrick Properties #40, LLC.

Instrument Drafted by:
Robert L. Barrick
4307 Delemere Ct.
Royal Oak, MI 48073

When recorded return to:
BS Investments, LLC
10531 Highland Rd.
White Lake, MI 48382

Send subsequent tax bills to:
BS Investments, LLC
10531 Highland Rd.
White Lake, MI 48382

Tax Idm No. 20-31-352-001

Recording Fee: $ State Tr Tax: $ Total Tr Tax: $
New Plans

PROPOSED FLOOR PLAN

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

EXISTING FLOOR/FURNITURE SPACE TO REMAIN

NEWER AREA OF EXISTING MESH-EXTERIOR COLOR TO MATCH EXISTING BRICK.

ENTRY

WALK-IN COOLER

SERVICE COUNTER

STORAGE

KITCHEN

RESTROOM

A-100

COPYRIGHT 2017 ABRO DESIGN GROUP, INC.

PROJECT NO:

PROJECT:

SHEET TITLE:

SHEET NO:

DATE:

ISSUE:

DO NOT SCALE DRAWINGS
USE FIGURED DIMENSIONS ONLY

THESE PLANS ARE THE EXCLUSIVE PROPERTY OF ABRO DESIGN GROUP, INC. THESE PLANS ARE NOT TO BE MODIFIED, REPRODUCED, CHANGED OR COPIED IN ANY FORM OR MANNER WHATSOEVER. NOR ARE THEY TO BE ASSIGNED TO ANY THIRD PARTY WITHOUT FIRST OBTAINING THE EXPRESS WRITTEN PERMISSION CONSENT OF ABRO DESIGN GROUP, INC.
The 0.34 acre subject site, 33588 Woodward Avenue, is located at the corner of Woodward and Chapin. The applicant is seeking a Special Land Use Permit Amendment to relocate the bathroom within the building, which will include a small addition of square footage to the building. The total added area to the building is roughly 79 sq. ft. at the south-western portion of the building, facing the parking lot. The addition will displace the ice and propane storage machines, which are proposed to be relocated to the side of the building, adjacent to the rear parking area.

1.0 Land Use and Zoning

1.1 Existing Land Use – The land use at this parcel is commercial.

1.2 Zoning – The parcel is zoned B2-B, General Business.

1.3 Summary of Adjacent Land Use and Zoning - The following chart summarizes existing land use and zoning adjacent to and/or in the vicinity of the subject site, including the proposed 2016 Regulating Plan zones.

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2.0 Setback and Height Requirements

Please see attached zoning compliance summary sheet for detailed setback and height requirements.

3.0 Screening and Landscaping

3.1 Dumpster Screening – No changes proposed.
3.2 Parking Lot Screening – No changes proposed.
3.3 Mechanical Equipment Screening – No changes proposed.
3.4 Landscaping – No changes proposed.
3.5 Streetscape – No changes proposed.

4.0 Parking, Loading and Circulation

4.1 Parking – No changes proposed.
4.2 Loading – No changes proposed.
4.3 Vehicular Circulation and Access – No changes proposed.
4.4 Pedestrian Circulation and Access – The proposed addition will displace the propane and bagged ice display units, and decrease the width of the current sidewalk along the front of the building where it will be located. The relocation of the propane and ice display units will decrease the sidewalk width significantly, but the applicant has not submitted dimensions for the two units. The proposed addition of the windshield washer fluid display will decrease the width of the sidewalk to 3 ft. 10 in. where it is proposed to be placed.

5.0 Lighting

The applicant is not proposing any changes to the lighting of the property.

6.0 Outdoor Display Standards

The proposed addition to the front of the building will displace the propane and bagged ice displays that currently exist in the space. The applicant is proposing to
relocate the display units to the south side of the building adjacent to the rear parking area, as well as add a windshield washer fluid display to the front of the building. According to Article 9, Section 9.02 of the Zoning Ordinance, Outdoor Display is defined as the placement of any item(s) outside a building for decorative display and/or accessible to the public for the purpose of sale, rent, lease or exhibit. Therefore, the propane and ice storage, as well as the proposed display for windshield washer fluid along the front of the building shall be regulated as outdoor displays.

Article 4, Section 4.67 outlines the requirements for an outdoor display in the B2-B zoning district. The proposed outdoor storage meets several of these standards, but falls short in a few key areas:

1. Outdoor displays shall not exceed a maximum of 4 feet in height.
   - The applicant must confirm that the ice and propane storage units are no more than 4 feet in height, or obtain a variance from the Board of Zoning Appeals. The submitted site plan does show the proposed windshield washer fluid display to be a maximum of four feet tall, meeting the Ordinance.

2. Furniture or shelving used to display goods outside shall be made of finished metal or wood or a material of comparable quality and maintained in a good condition.
   - The existing ice and propane storage units are constructed of metal, but the applicant has indicated that the proposed windshield washer fluid display will be constructed of plastic. The applicant must submit plans showing a windshield washer fluid display unit constructed of metal or wood, or a material of comparable quality, or obtain a variance from the Board of Zoning Appeals.

3. An unobstructed path not less than 5 feet in width shall be continuously maintained for pedestrian access to all business entrances and no point of access or egress from any building shall be blocked at any time.
   - Both the relocation of the ice and propane display units and the new windshield washer fluid display will subtract from the required 5 feet required for pedestrian access. The applicant must submit plans showing an unobstructed continuously maintained 5 foot path for pedestrian access, or obtain a variance from the Board of Zoning Appeals.

7.0 Departmental Reports

7.1 Engineering Division – The Engineering Department has no concerns at this time.
7.2 **Department of Public Services** – No comments have been provided at this time, but will be provided by January 24, 2018.

7.3 **Fire Department** – No comments have been provided at this time, but will be provided by January 24, 2018.

7.4 **Police Department** – No comments have been provided at this time, but will be provided by January 24, 2018.

7.5 **Building Division** – 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 Board and/or Design Review Board and applicant consideration:

1. The proposed addition is projecting into the accessible route (sidewalk) between the existing barrier free parking space and the entrance to the building. The accessible route cannot be reduced to less than 36.00 inches.

2. The plans do not include proposed changes to the interior of the building. It appears that the existing toilet room located between the service counter and kitchen will be removed and the service counter made larger. The plans will need to detail these changes.

8.0 **Design Review**

The proposed 79 sq. ft. addition to the south-west portion of the building will be for the relocation of a restroom to allow for more counter space for the establishment. The applicant has indicated on the site plan that the addition will be constructed with the same brick and paint as the existing building. The applicant has not submitted the elevations or material specifications necessary to complete a design review. **The applicant must submit scaled and colored elevations and material specifications for design review.**

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.
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.

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.

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.

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.

10.0 Recommendation

Based on a review of the site plan submitted, the Planning Division finds that the proposed Final Site Plan does not meet the requirements of Article 7, section 7.27 of the Zoning Ordinance and recommends that the Planning Board recommend POSTPONEMENT of the Final Site Plan and Special Land Use Permit Amendment for 33588 Woodward Ave – Birmingham Shell – pending receipt of the following:

1. The applicant submit scaled and colored elevations and material specifications for the proposed addition;

2. The applicant confirm that the ice and propane storage units are no more than 4 feet in height, or obtain a variance from the Board of Zoning Appeals;

3. The applicant submit plans showing an unobstructed continuously maintained 5 foot path for pedestrian access, or obtain a variance from the Board of Zoning Appeals; and

4. The applicant submit plans showing a windshield washer fluid display unit constructed of metal or wood, or a material of comparable quality, or obtain a variance from the Board of Zoning Appeals.

11.0 Sample Motion Language

Motion to recommend POSTPONEMENT of the Final Site Plan and Special Land Use Permit Amendment for 33588 Woodward Ave – Birmingham Shell – pending receipt of the following:

1. The applicant submit scaled and colored elevations and material specifications for the proposed addition;
(2) The applicant confirm that the ice and propane storage units are no more than 4 feet in height, or obtain a variance from the Board of Zoning Appeals;

(3) The applicant submit plans showing an unobstructed continuously maintained 5 foot path for pedestrian access, or obtain a variance from the Board of Zoning Appeals; and

(4) The applicant submit plans showing a windshield washer fluid display unit constructed of metal or wood, or a material of comparable quality, or obtain a variance from the Board of Zoning Appeals.

OR

Motion to recommend APPROVAL the Final Site Plan and Special Land Use Permit Amendment to the City Commission for 33588 Woodward Ave – Birmingham Shell – with the following conditions:

(1) The applicant submit scaled and colored elevations and material specifications for the proposed addition;

(2) The applicant confirm that the ice and propane storage units are no more than 4 feet in height, or obtain a variance from the Board of Zoning Appeals;

(3) The applicant submit plans showing an unobstructed continuously maintained 5 foot path for pedestrian access, or obtain a variance from the Board of Zoning Appeals; and

(4) The applicant submit plans showing a windshield washer fluid display unit constructed of metal or wood, or a material of comparable quality, or obtain a variance from the Board of Zoning Appeals.

OR

Motion to recommend the DENIAL of the Final Site Plan and Special Land Use Permit Amendment to the City Commission for 33588 Woodward Ave – Birmingham Shell – for the following reasons:

1.___________________________________________________________________
2.___________________________________________________________________
3.___________________________________________________________________
**Zoning Compliance Summary Sheet**
**Final Site Plan Review**
**33588 Woodward – Birmingham Shell**

**Existing Site:** Gasoline Station & Dunkin Doughnuts

Zoning: B2-B, General Business  
Land Use: Commercial

**Existing Land Use and Zoning of Adjacent Properties:**

<table>
<thead>
<tr>
<th></th>
<th>North</th>
<th>South</th>
<th>East</th>
<th>West</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Existing Land Use</strong></td>
<td>Commercial</td>
<td>Commercial</td>
<td>Residential</td>
<td>Commercial</td>
</tr>
<tr>
<td><strong>Overlay Zoning District</strong></td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

**Land Area:**  
Existing: 0.34 acres (14,810 ft²)  
Proposed: 0.34 acres (14,810 ft²) (**No change**)

**Dwelling Units:**  
Existing: 0  
Proposed: 0

**Minimum Lot Area/Unit:**  
Required: 1,000 ft²/ unit (single story hotel or motel)  
2,000 ft²/ unit (two/three story hotel or motel)  
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

Front Setback: Required: N/A
Proposed: 62 ft.

Side Setbacks
Required: 0 ft. from interior side lot line
10 ft. from side lot line abutting a single family district
Proposed: **No changes proposed** (0 ft. to the North, 52 ft. to the south existing)

20 ft. when adjacent to a residential zoning district
Proposed: **No changes proposed** (10 ft. existing)

Min. Front+Rear Setback Required: N/A
Proposed: N/A

Max. Bldg. Height: Permitted: 30 ft., 2 stories
Proposed: **No changes proposed** (18 ft., 1 story existing)

Min. Eave Height: Required: N/A
Proposed: N/A

Floor-Ceiling Height: Required: N/A
Proposed: N/A

Front Entry: Required: N/A
Proposed: N/A

Absence of Bldg. Façade: Required: N/A
Proposed: N/A

Opening Width: Required: N/A
Proposed: N/A

Parking: Required: 8 spaces
Proposed: **No changes proposed** (17 spaces existing)

Min. Parking Space Size: Required: 180 ft²
**Proposed:** No changes proposed (180 ft² existing)

<table>
<thead>
<tr>
<th>Parking in Frontage:</th>
<th>Required:</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed:</td>
<td></td>
<td>N/A</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Loading Area:</th>
<th>Required:</th>
<th>1 (40 x 12 x 14)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed:</td>
<td></td>
<td>No changes proposed (1 existing)</td>
</tr>
</tbody>
</table>

**Screening:**

<table>
<thead>
<tr>
<th>Parking:</th>
<th>Required:</th>
<th>32 in. masonry screen wall</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed:</td>
<td></td>
<td>N/A</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Loading:</th>
<th>Required:</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed:</td>
<td></td>
<td>N/A</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Rooftop Mechanical:</th>
<th>Required:</th>
<th>Full screening to compliment the building</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed:</td>
<td></td>
<td>No changes proposed (6 ft. 2 in. screen wall existing)</td>
</tr>
</tbody>
</table>

<table>
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<tr>
<th>Elect. Transformer:</th>
<th>Required:</th>
<th>Fully screened from public view</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed:</td>
<td></td>
<td>N/A</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Dumpster:</th>
<th>Required:</th>
<th>6 ft. high capped masonry wall with wooden gates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed:</td>
<td></td>
<td>No changes proposed (6 ft. brick screen wall existing)</td>
</tr>
</tbody>
</table>
PROJECT:
BIRMINGHAM GAS STATION
- GAS STATION INTERIOR RENOVATION -
33588 Woodward Ave., Birmingham, MI 48009

PROPOSED EAST ELEVATION

PROPOSED NORTH ELEVATION

PROPOSED AREA OF BUILDING ADDITION
BRICK/Paint COLOR TO MATCH EXISTING BRICK.

OUTDOOR BLACK METAL WIRE SHELVING 6' WIDE X 1' DEEP X NO MORE THAN 4' HIGH FOR WINDSHIELD WASHED Fluid.

1 ICE STORAGE.

2 PROPANE STORAGE.

01.10.18         CLIENT'S REVIEW
BIRMINGHAM GAS STATION

SITE PLAN
33588 WOODWARD AVE.,
BIRMINGHAM, MI 48009

SCALE: 1" = 10'-0"
MEMORANDUM
Planning Division

DATE: June 14, 2018
TO: Joseph A. Valentine, City Manager
FROM: Matthew Baka, Senior Planner
APPROVED: Jana L. Ecker, Planning Director
SUBJECT: Set Public Hearing for Special Land Use Permit Amendment & Final Site Plan Review for 260 N. Old Woodward - The Morrie

The subject site, 260 N. Old Woodward, is located within the Palladium Building in the former Au Cochon and Arthur Avenue restaurant spaces just north of the Hamilton Row and N. Old Woodward intersection. The applicant is proposing a restaurant serving alcoholic liquors, named The Morrie. The concept will be based on The Morrie concept currently based in Royal Oak, and will feature a casual dining style with eclectic roadhouse cuisine. The applicant is proposing the renovated 7,952 sq. ft. restaurant space to contain 214 indoor seats and 16 outdoor seats on a raised platform. Thirty-three of the proposed indoor seats will surround a bar and 240 sq. ft. raised performance stage for live entertainment. The owner of the building currently has a liquor license that may be utilized in this space, and The Morrie is proposing to utilize the license.

On March 28, 2018, the Planning Board conducted a public hearing on the above application for a Special Land Use Permit and Final Site Plan Review for The Morrie. After much discussion, the Planning Board voted unanimously to recommend approval to the City Commission of The Morrie at 260 N. Old Woodward.

On May 14, 2018 the City Commission held a public hearing to consider the above request for a Special Land Use Permit. At that time the applicant disclosed that they intended to have an area designated for dancing during the times when there were musical acts. The City Commission ultimately approved the proposal without the dancing area as it was not disclosed at the Planning Board review, nor shown on the plans. The City Commission felt that the proposal should be reviewed by the Planning Board again with the dancing area included as part of the proposal.

Accordingly, the applicant submitted an application for a SLUP Amendment to include a dancing area. The application will be reviewed at the June 27, 2018 Planning Board meeting. The Planning Division requests that the City Commission set a public hearing for July 23, 2018 to consider the Special Land Use Permit Amendment & Final Site Plan Review. Please find attached the Planning Board staff report and application attachments for your review as well as the Planning Board minutes from March 28, 2018 and City Commission minutes from May 14, 2018.
SUGGESTED ACTION:

To set a public hearing date of July 23, 2018 to consider a Special Land Use Permit Amendment & Final Site Plan Review for 260 N. Old Woodward – The Morrie, to allow the operation of a restaurant, serving alcoholic liquors, and providing live entertainment with a dancing area.
WHEREAS, The Morrie was approved by the City Commission on May 14, 2018 to operate a food and drink establishment in the B4 zone district in accordance Article 2, Section 2.37 of Chapter 126, Zoning, of the City Code;

WHEREAS, The land for which the Special Land Use Permit Amendment is sought is located on the east side of N. Old Woodward, north of Hamilton Row;

WHEREAS, The land is zoned B-4, and is located within the Downtown Birmingham Overlay District, which permits the operation of food and drink establishments serving alcoholic beverages 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 applicant submitted an application for a Special Land Use Permit Amendment and Final Site Plan to add a dancing area to the previously approved new restaurant, The Morrie;

WHEREAS, The Planning Board on June 27, 2018 reviewed the application for a Special Land Use Permit Amendment and Final Site Plan Review and recommended approval of The Morrie with a dancing area;

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

NOW, THEREFORE, BE IT RESOLVED, The Birmingham City Commission finds the standards imposed under the City Code have been met, subject to the conditions below, and that The Morrie's application for a Special Land Use Permit Amendment and Final Site Plan at 260 N. Old Woodward is hereby approved;

BE IT FURTHER RESOLVED, That the City Commission determines that to assure continued compliance with Code standards and to protect public health, safety, and welfare, this Special Land Use Permit Amendment is granted subject to the following conditions:
1. The Morrie shall be permitted to provide entertainment in accordance with their entertainment permit issued by the MLCC;  
2. The Morrie shall abide by all provisions of the Birmingham City Code; and  
3. The Special Land Use Permit may be canceled by the City Commission upon finding that the continued use is not in the public interest including, but not limited to, violations of the state law or Birmingham City Code.

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

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

MAY IT BE FURTHER RESOLVED that The Morrie is recommended for the operation of a food and drink establishment serving alcoholic beverages on premises with a Class C Liquor License, at 260 N. Old Woodward, Birmingham, Michigan, 48009, above all others, pursuant to Chapter 10, Alcoholic Liquors, of the Birmingham City Code, subject to final inspection.

I, Cherilynn Mynsberge, 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 July 23, 2018.

________________________
Cherilynn Mynsberge, City Clerk
Special Land Use Permit Application
Planning Division
Form will not be processed until it is completely filled out.

1. Applicant
Name: AFB Hospitality Group LLC
Address: 273 B7 Woodward Ave
Berkley MI 48072
Phone Number: 248-629-9221 x201
Fax Number: 
Email Address: AFB@AFBhospitalitygroup.com

2. Applicant’s Attorney/Contact Person
Name: KELLY ALLEN
Address: 40950 Woodward Ave
Bloomfield Hills MI 48304
Phone Number: 248-540-7400
Fax Number: 
Email Address: Kallen@anafirm.com

3. Required Attachments
- Warranty Deed with legal description of property
- Required fee (see Fee Schedule for applicable amount)
- Fifteen (15) folded copies of plans including a certified land survey, color elevations showing all materials, site plan, landscape plan, photometric plan, and interior plan
- Photographs of existing site and buildings
- Samples of all materials to be used

4. Project Information
Address/Location of Property: 260 N. Old Woodward Ave, Birmingham MI 48009
Name of Development: 
Sidewalk #: 
Current Use: 
Proposed Use: A-2 RESTAURANT
Area in Acres: 
Current Zoning: D-4 Overlay
Zoning of Adjacent Properties: D-4 Overlay/P
Is there a current SLUP in effect for this site?: Yes
Is property located in the floodplain?: Yes

5. Details of the Nature of Work Proposed (Site plan & design elements)
INTERIOR RENOVATION, EXISTING KITCHEN TO REMAIN, RESTROOM TO REMAIN, BACKROOM TO REMAIN, EXISTING STORE FRONT GLAZING TO REMAIN, EXTERIOR SIGNAGE TO BE RENOVATED

Property Owner
Name: JORDAN JONNA
Address: 4036 TELEGRAF Rd
Suite 201 Bloomfield Hills MI 48002
Phone Number: 248-431-0350
Fax Number: 248-592-6202
Email Address: JJonna@AFJonna.com

Project Designer/Developer
Name: PADDISON ARCHITECTURE
Address: 320 Martin St #110
Birmingham MI 48009
Phone Number: 248-554-9500
Fax Number: 
Email Address:
6. Buildings and Structures **ALREADY ESTABLISHED**

<table>
<thead>
<tr>
<th>Number of Buildings on site:</th>
<th>Use of Buildings:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Height of Building &amp; # of stories:</td>
<td>Height of rooftop mechanical equipment:</td>
</tr>
</tbody>
</table>

7. Floor Use and Area (in square feet)

**Commercial Structures:**

<table>
<thead>
<tr>
<th>Total basement floor area:</th>
<th>Office space:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of square feet per upper floor:</td>
<td>59 SF</td>
</tr>
<tr>
<td>Total floor area: <strong>7,952 SF (NEW RESTAURANT)</strong></td>
<td>Retail space: N/A</td>
</tr>
<tr>
<td>Floor area ratio (total floor area divided by total land area):</td>
<td>Industrial space: N/A</td>
</tr>
<tr>
<td>Open space:</td>
<td>Assembly space: 4,741 SF</td>
</tr>
<tr>
<td>Percent of open space:</td>
<td>Seating Capacity: 251</td>
</tr>
<tr>
<td></td>
<td>Maximum Occupancy Load: 809</td>
</tr>
</tbody>
</table>

**Residential Structures:**

<table>
<thead>
<tr>
<th>Total number of units:</th>
<th>Rental units or condominiums?:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of one bedroom units:</td>
<td>Size of one bedroom units:</td>
</tr>
<tr>
<td>Number of two bedroom units:</td>
<td>Size of two bedroom units:</td>
</tr>
<tr>
<td>Number of three bedroom units:</td>
<td>Size of three bedroom units:</td>
</tr>
<tr>
<td>Open space:</td>
<td>Seating Capacity:</td>
</tr>
<tr>
<td>Percent of open space:</td>
<td>Maximum Occupancy Load:</td>
</tr>
</tbody>
</table>

8. Required and Proposed Setbacks **ALREADY ESTABLISHED**

<table>
<thead>
<tr>
<th>Required front setback:</th>
<th>Proposed front setback:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Required rear setback:</td>
<td>Proposed rear setback:</td>
</tr>
<tr>
<td>Required total side setback:</td>
<td>Proposed total side setback:</td>
</tr>
<tr>
<td>Sidewalk setback:</td>
<td>Second side setback:</td>
</tr>
</tbody>
</table>

9. Required and Proposed Parking **ALREADY ESTABLISHED**

<table>
<thead>
<tr>
<th>Required number of parking spaces:</th>
<th>Proposed number of parking spaces:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Typical angle of parking spaces:</td>
<td>Typical size of parking spaces:</td>
</tr>
<tr>
<td>Typical width of maneuvering lanes:</td>
<td>Number of spaces &lt; 180 sq. ft.:</td>
</tr>
<tr>
<td>Location of parking on the site:</td>
<td>Number of handicap spaces:</td>
</tr>
<tr>
<td>Location of off site parking:</td>
<td>Shared Parking Agreement?:</td>
</tr>
<tr>
<td>Number of light standards in parking area:</td>
<td>Height of light standards in parking area:</td>
</tr>
<tr>
<td>Screenwall material:</td>
<td>Height of screenwall:</td>
</tr>
</tbody>
</table>

10. Landscaping **ALREADY ESTABLISHED**

<table>
<thead>
<tr>
<th>Location of landscape areas:</th>
<th>Proposed landscape material:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
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</tbody>
</table>
11. Streetscape **Existing**

Sidewalk width: **MIN 5'-0"**
Number of benches:
Number of planters:
Number of existing street trees:
Number of proposed street trees:
Street Plan submitted?

Description of benches or planters:
Species of existing street trees:
Species of proposed street trees:

12. Loading **Existing**

Required number of loading spaces:
Typical angle of loading spaces:
Screenwall material:
Location of loading spaces on the site:

Proposed number of loading spaces:
Typical size of loading spaces:
Height of screenwall:

13. Exterior Trash Receptacles **Existing**

Required number of trash receptacles:
Location of trash receptacles:
Screenwall material:

Proposed number of trash receptacles:
Size of trash receptacles:
Height of screenwall:

14. Mechanical Equipment **Already Established**

**Utilities & Transformers:**
Number of ground mounted transformers:
Size of transformers (LxWxH):

Number of utility easements:
Screenwall material:

Location of all utilities & easements:

**Ground Mounted Mechanical Equipment: ****Existing**
Number of ground mounted units:
Size of ground mounted units (LxWxH):
Screenwall material:
Location of all ground mounted units:
Height of screenwall:

**Rooftop Mechanical Equipment: ****Existing**
Number of rooftop units:
Type of rooftop units:
Screenwall material:
Location of screenwalls:
Height of screenwall:
Percentage of rooftop covered by mechanical units:
Distance from units to rooftop units to screenwall:
15. Accessory Buildings \textbf{N/A}

Number of accessory buildings: __________________________
Location of accessory buildings: __________________________
Size of accessory buildings: __________________________
Height of accessory buildings: __________________________

16. Building Lighting \textbf{EXISTING CITY LIGHT POLES}

Number of light standards on building: ______________________
Size of light fixtures (LxWxH): __________________________
Type of light standards on building: _______________________
Height from grade: __________________________

Max. num. wattage per fixture: __________________________
Light level at each property line: _______________________

Proposed wattage per fixture: __________________________
Number & location of holiday tree lighting receptacles: _______________________

The undersigned states the above information is true and correct, and understands that it is the responsibility of the applicant to advise the Planning Division and/or Building Division of any additional changes made to an approved site plan or Special Land Use Permit. The undersigned further states that they have reviewed the procedures and guidelines for site plan review and Special Land Use Permits in Birmingham and have complied with same. The undersigned will be in attendance at the Planning Board meeting when this application will be discussed.

Signature of Owner: __________________________
Print Name: Jordan Tanna
Date: 2/1/2018

Signature of Applicant: __________________________
Print Name: A. F. Bolen
Date: 2/1/2018

Signature of Architect: __________________________
Print Name: Calvin Boddie
Date: 2/1/18

\begin{tabular}{|l|}
\hline
\textbf{Office Use Only} \\
\hline
Application #: ______________
Date Received: ______________
Fee: ______________
Date of Approval: ______________
Date of Denial: ______________
Accepted by: ______________
\hline
\end{tabular}
SPECIAL LAND USE PERMIT APPLICATION CHECKLIST - PLANNING DIVISION

Applicant: AFB HOSPITALITY GROUP LLC  Case #:  Date: 02.01.18

Address: 260 N. OLD WOODWARD AVE  Project: THE MORMIE

All site plans and elevation drawings prepared for approval shall be prepared in accordance with the following specifications and other applicable requirements of the City of Birmingham. If more than one page is used, each page shall be numbered sequentially. All plans must be legible and of sufficient quality to provide for quality reproduction or recording. Plans must be no larger than 24” x 36”, and must be folded and stapled together. The address of the site must be clearly noted on all plans and supporting documentation.

Site Plan for Special Land Use Permit
A full site plan detailing the proposed changes for which approval is requested shall be drawn at a scale no smaller than 1” = 100’ (unless the drawing will not fit on one 24” X 36” sheet) and shall include:

✓ 1. Name and address of applicant and proof of ownership;
✓ 2. Name of Development (if applicable);
✓ 3. Address of site and legal description of the real estate;
NA 4. Name and address of the land surveyor;
✓ 5. Legend and notes, including a graphic scale, north point, and date;
✓ 6. A separate location map;
NA 7. A map showing the boundary lines of adjacent land and the existing zoning of the area proposed to be developed as well as the adjacent land;
NA 8. A list of all requested elements / changes to the site plan;
✓ 9. Any changes requested marked in color on the site plan and on all elevations of any building(s);
NA 10. A chart indicating the dates of any previous approvals by the Planning Board, Board of Zoning Appeals, Design Review Board, City Commission, or the Historic District Committee (“HDC”);
NA 11. Existing and proposed layout of streets, open space and other basic elements of the plan;
NA 12. Existing and proposed utilities and easements and their purpose;
NA 13. Location of natural streams, regulated drains, 100-year flood plains, floodway, water courses, marshes, wooded areas, isolated preserveable trees, wetlands, historic features, existing structures, dry wells, utility lines, fire hydrants and any other significant feature(s) that may influence the design of the development;
NA 14. General description, location, and types of structures on the site;
✓ 15. Details of existing or proposed lighting, signage and other pertinent development features;
NA 16. A landscape plan showing all existing and proposed planting and screening materials, including the number, size, and type of plantings proposed and the method of irrigation; and
NA 17. Any other information requested in writing by the Planning Division, the Planning Board, or the Building Official deemed important to the development.

Elevation Drawings:
Complete elevation drawings detailing the proposed changes for which approval is requested shall be drawn at a scale no smaller than 1" = 100' (unless the drawing will not fit on one 24" X 36" sheet) and shall include:

- ✔ 18. Name and address of applicant and proof of ownership;
- ✔ 19. Name of Development (if applicable);
- ✔ 20. Address of site and legal description of the real estate;
- ✔ 21. A separate location map;
- ✔ 22. Legend and notes, including a graphic scale, north point, date and all relevant dimensions;
- ✔ 23. Color elevation drawings showing the proposed design for each façade of the building;
- ✔ 24. Itemized list of all materials to be used, including exact size specifications, color, style, and the name of the manufacturer; and

NA 25. Elevation drawings of all screenwalls to be utilized in concealing any exposed mechanical or electrical equipment, trash receptacle areas and parking areas;

NA 26. Details of existing or proposed lighting, signage and other pertinent development features;
- ✔ 27. A list of any requested design changes;

NA 28. Location of all exterior lighting fixtures, exact size specifications, color, style and the name of the manufacturer of all fixtures, and a photometry analysis of all exterior lighting fixtures showing light levels to all property lines; and

NA 29. Any other information requested in writing by the Planning Division, the Planning Board, or the Building Official deemed important to the development.
Notice Signs - Rental Application
Community Development

1. Applicant
Name: AFB HOSPITALITY GROUP LLC
Address: 27887 WOODWARD AVE.
BERKLEY, MI 48072
Phone Number: 248-629-9821 X 201
Fax Number: 248-629-9821 X 201

Property Owner
Name: JORDAN JONNA
Address: 4036 TELEGRAPH RD SUITE 201
BLOOMFIELD HILLS MI 48302
Phone Number: 248-981-0350
Fax Number: 248-593-6203

2. Project Information
Address/Location of Property: 260 N. OLD WOODWARD
Name of Development: THE MARRIE
Area in Acres: 0.18 ACRES

Name of Historic District site is in, if any:
Current Use: A-2 RESTAURANT
Current Zoning: D-4 OVERLAY

3. Date of Board Review
Board of Building Trades Appeals:
City Commission:
Historic District Commission:
Planning Board:

Board of Zoning Appeals:
Design Review Board:
Housing Board of Appeals:

The undersigned states the above information is true and correct, and understands that it is the responsibility of the applicant to post the Notice Sign(s) at least 15 days prior to the date on which the project will be reviewed by the appropriate board or commission, and to ensure that the Notice Sign(s) remains posted during the entire 15 day mandatory posting period. The undersigned further agrees to pay a rental fee and security deposit for the Notice Sign(s), and to remove all such signs on the day immediately following the date of the hearing at which the project was reviewed. The security deposit will be refunded when the Notice Sign(s) are returned undamaged to the Community Development Department. Failure to return the Notice Sign(s) and/or damage to the Notice Sign(s) will result in forfeiture of the security deposit.

Signature of Applicant: __________________________
Date: 2/1/2018

Office Use Only
Application #: ________________ Date Received: ________________ Fee: ________________
Date of Approval: ________________ Date of Denial: ________________ Reviewed by: ________________________
**PROPOSED BUILDING RENOVATION FOR:**

**The Morrie**

**PROJECT LOCATION:**
260 N. Old Woodward Ave.
Birmingham, MI 48009

**APPLICANT IN ORIMATION:**
AFB Hospitality Group LLC
27387 Woodward Ave.
Berkley, MI 48072

**GENERAL CONTRACTOR:**
Tower Construction
3863 Telegraph Rd., Suite 200
Bloomfield Twp., MI 48302

**BUILDING USE:**
A-2 Restaurant

**TYPE OF CONSTRUCTION:**
2012 MBC: TYPE IA (PROTECTED)
NFPA 220: CLASS 1

**FIRE SUPPRESSION NOTE:**
The building is provided with a fully automatic fire protection sprinkler system installed (fire suppression system) - work will be designed to meet MBC requirements and City of Birmingham inspection & permit approval. Factory Mutual Standards and specifications shall also be used where not otherwise in conflict with local standards. Sprinkler contractor shall be fully licensed and be responsible for preparation of engineered drawings, submission of drawings to all local and state agencies for approval and coordination of requirements with owners and tenants insurance carrier.

**GOVERNING CODES:**
- 2015 Michigan Building Code
- 2015 Michigan Plumbing Code
- 2015 Michigan Mechanical Code
- 2015 Michigan Rehabilitation Code
- 2015 International Fuel Gas Code
- 2014 Michigan Electrical Code, W/ Part 8 State Amendments
- ICC/ANSI A117.1-2015
- 2015 International Fire Code
- NFPA 13 - 2010
- NFPA 72 - 2010

**TENANT AREA:**
7,952 SQFT

**LOCATION MAP**

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**SHEET INDEX:**
- T.101: TITLE SHEET
- A.101: FLOOR PLAN
- A.201: FLOOR PLAN - DANCE FLOOR
- A.301: INTERIOR PERSPECTIVE IMAGES
- A.302: INTERIOR PERSPECTIVE IMAGES
- A.303: INTERIOR PERSPECTIVE IMAGES
PROPOSED BUILDING RENOVATION FOR:
The Morrie
260 N Old Woodward Ave,
Birmingham, MI 48009

SLUP AMENDMENT
05.16.18

FLOOR PLAN
- DANCE FLOOR

SCALE: 3/16"=1'-0"

FLOOR PLAN
NORTH

6'-3" PATIO

33'-0" PATIO

3'-0"

STAIR

15'-0" RAILING

15'-0" RAILING

12x20

STORAGE

EXISTING KITCHEN TO REMAIN

EXISTING TOILET ROOMS TO REMAIN

EXISTING GlASS AND Entry Door TO REMAIN

EXISTING NANA WALL GlASS WALL SYSTEM OPENS TO DECK SEATING

EXISTING RAMP TO REMAIN

EXISTING GLASS AND ENTRY DOOR TO REMAIN

EXISTING STAIR AND RAILINGS TO REMAIN

REMOVE EXISTING DOOR AND SIDELIGHT

PROPOSED 380 SQFT DANCE FLOOR AREA

PROPOSED 380 SQFT DANCE FLOOR AREA

RAISED BOOTHs
PROJECT NAME
PROPOSED BUILDING RENOVATION FOR
THE MORRIE
260 N OLD WOODWARD AVE, BIRMINGHAM, MI 48009

SPECIAL LAND USE PERMIT
02.01.18
CITY COUNCIL APPROVAL
05.03.18
SLUP AMENDMENT
05.16.18

EXTERIOR ELEVATION
2010.17

FOR REFERENCE NOT TO SCALE

EXISTING GLASS AND ENTRY DOOR TO BE REMOVED, TYP
42" HIGH ALUMINUM RAILING
10'-0"
1'-6"
1'-11"
9'-10"

EXISTING STONE TO REMAIN

RAISED PATIO WITH TREX WOOD LOOK COMPOSITE DECKING SYSTEM

PAINTED ALUMINUM AWNING AT ENTRY
FREE STANDING METAL LETTERS MOUNTED TO METAL FASCIA
NEW METAL FASCIA MOUNTED TO EXISTING STONE FACADE TO REPLACE EXISTING SIGN BAND
EXISTING NANA WALL GLASS WALL SYSTEM OPENS TO DECK SEATING
PROPOSED BUILDING RENOVATION FOR:
THE MORRIE
260 N OLD WOODWARD AVE,
BIRMINGHAM, MI 48009

INTERIOR PERSPECTIVE FOR REFERENCE NOT TO SCALE
INTERIOR PERSPECTIVE FOR REFERENCE NOT TO SCALE
INTERIOR PERSPECTIVE FOR REFERENCE NOT TO SCALE
INTERIOR PERSPECTIVE FOR REFERENCE NOT TO SCALE
**Executive Summary**

The subject site, 260 N. Old Woodward, is proposed in the first floor of the Palladium building just north of the Hamilton Row and N. Old Woodward Intersection. The Morrie features a casual dining style while serving eclectic neighborhoods roadhouse cuisine. The applicant is proposing the renovated 7,952 sq. ft. restaurant space to contain 214 indoor seats and 16 outdoor seats on a raised platform. 33 of the proposed indoor seats will surround a bar and 240 sq. ft. raised performance stage for live entertainment.

On March 28th, 2018, the Special Land Use Permit application was recommended for approval unanimously by the Planning Board with the condition that the proposed signage shall be brought into compliance with the City's Sign Ordinance.

On May 14th, 2018, the applicant went before the City Commission, who determined that a dancing area was not in the original scope of work; therefore it must be re-reviewed by the Planning Board.

The applicant has submitted a Special Land Use Permit Amendment application with associated site plans depicting the location and size of a dancing area proposed in their dining room. The dance floor measures 10 ft. by 38 ft. and is located in front of the raised booth seating area. The applicant is proposing to relocate tables placed in the dancing area during evenings where the dance floor will be used to adjacent areas of the restaurant. The applicant has advised that the tables can be moved without creating unsafe clusters of tables while the dance floor is being used.

**1.0 Land Use and Zoning**

1.1 **Existing Land Use** – The existing land use is commercial, replacing a former Italian restaurant space.

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

<table>
<thead>
<tr>
<th></th>
<th>North</th>
<th>South</th>
<th>East</th>
<th>West</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Existing Land Use</strong></td>
<td>Commercial / Retail</td>
<td>Commercial / Retail</td>
<td>Commercial / Retail</td>
<td>Commercial / Retail</td>
</tr>
<tr>
<td><strong>Existing Zoning District</strong></td>
<td>B-4, Business-Residential</td>
<td>B-4, Business-Residential</td>
<td>B-4, Business-Residential</td>
<td>B-4, Business-Residential</td>
</tr>
<tr>
<td><strong>Downtown Overlay Zoning District</strong></td>
<td>D-4</td>
<td>D-4</td>
<td>D-4</td>
<td>D-4</td>
</tr>
</tbody>
</table>

2.0 **Screening and Landscaping**

2.1 **Screening** - No screening is proposed at this time. However, if needed in the future, the applicant will be required to screen any additional mechanical equipment in accordance with the Zoning Ordinance.

2.2 **Landscaping** - No changes proposed.

3.0 **Parking, Loading, Access, and Circulation**

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

3.2 **Loading** - No changes are proposed.

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

3.4 **Pedestrian Access & Circulation** - Pedestrians will be able to access the restaurant from N. Old Woodward via two entry doors, one on the northern end of the façade and one on the southern portion of the façade. Patrons may enter the restaurant from the elevated outdoor patio as well through a retractable window wall system.
3.5 Streetscape – The previously approved outdoor dining platform is the only proposed change to the streetscape. The applicant has indicated that there will be 5 ft. of unobstructed pedestrian right of way available from the end of the dining platform to the edge of the new Old Woodward streetscape elements such as planters, parking meters and light poles.

4.0 Lighting

The applicant is not proposing any new lighting for the property. New pedestrian street lights will light the property once installed as part of the Old Woodward Reconstruction Project. The applicant has not indicated any illumination for the proposed signage. The applicant must submit any proposed signage lighting to the Planning Department for approval.

5.0 Departmental Reports

5.1 Engineering Division – The Engineering Department has no concerns at this time.

5.2 Department of Public Services – The Department of Public Services has no concerns at this time.

5.3 Fire Department –

5.4 Police Department – The Fire Department has no concerns at this time, but has provided the following comments:

The Police Department will require the floor plans that are submitted for review, and approval, list the proposed occupant load, and egress travel distances. Also the seating spacing and aisles must comply with the IFC 2015.

5.5 Building Department –

6.0 Design Review

Exterior:
The applicant was previously approved for the façade to be comprised of existing stone, existing “Nana” wall glass wall system, existing glass entry doors, a new painted aluminum awning at northern entry, a new metal fascia mounted to the stone façade to replace the existing sign band, and new signage. The Trex Wood composite outdoor platform is proposed to be 10 in. off of the ground with 42 in. high aluminum railings.

Signage:
The applicant was previously approved for signage constructed of metal letters mounted atop the newly proposed metal fascia. The proposed signage reads “The Morrie” and measures 10 ft. long by 1 ft. 6 in. high (19.20 sq. ft.). The Overlay Sign Ordinance allows a single external sign band or zone to be applied to the facade of a building
between the first and second floors, provided that it shall be a maximum of 1.5 feet in vertical dimension by any horizontal dimension.

7.0 Downtown Birmingham 2016 Overlay District

The site is located within the D-4 zone of the DB 2016 Regulating Plan, within the Downtown Birmingham Overlay District. The Planning Division finds the proposed site plan adequately implements the goals of the plan as they relate to outdoor café uses. The 2016 Plan states that outdoor dining space is in the public’s best interest as it enhances street life, thus promoting a pedestrian friendly environment. The 2016 Plan also recommends that a 5’ clear pedestrian passage be provided against the storefronts to ensure that merchants can display and sell their products and so as not to distort the flow of pedestrians.

8.0 Approval Criteria

In accordance with Article 7, section 7.27 of the Zoning Ordinance, the proposed plans for development must meet the following conditions:

(1) The location, size and height of the building, walls and fences shall be such that there is adequate landscaped open space so as to provide light, air and access to the persons occupying the structure.

(2) The location, size and height of the building, walls and fences shall be such that there will be no interference with adequate light, air and access to adjacent lands and buildings.

(3) The location, size and height of the building, walls and fences shall be such that they will not hinder the reasonable development of adjoining property not diminish the value thereof.

(4) The site plan, and its relation to streets, driveways and sidewalks, shall be such as to not interfere with or be hazardous to vehicular and pedestrian traffic.

(5) The proposed development will be compatible with other uses and buildings in the neighborhood and will not be contrary to the spirit and purpose of this chapter.

(6) The location, shape and size of required landscaped open space is such as to provide adequate open space for the benefit of the inhabitants of the building and the surrounding neighborhood.

9.0 Approval Criteria for Special Land Use Permits

Article 07, section 7.34 of the Zoning Ordinance specifies the procedures and approval criteria for Special Land Use Permits. Use approval, site plan approval, and design review are the responsibilities of the City Commission. This section reads, in part:
Prior to its consideration of a special land use application (SLUP) for an initial permit or an amendment to a permit, the City Commission shall refer the site plan and the design to the Planning Board for its review and recommendation. After receiving the recommendation, the City Commission shall review the site plan and design of the buildings and uses proposed for the site described in the application of amendment.

The City Commission’s approval of any special land use application or amendment pursuant to this section shall constitute approval of the site plan and design.

10.0 Suggested Action

Based on a review of the site plans submitted, the Planning Division recommends that the Planning Board recommend APPROVAL of the applicant’s request for Final Site Plan and SLUP Amendment for 260 N. Old Woodward – The Morrie.

11.0 Sample Motion Language

Based on a review of the site plans submitted, the Planning Division recommends that the Planning Board recommend POSTPONE the applicant’s request for Final Site Plan and a SLUP for 260 N. Old Woodward – The Morrie.

OR

Motion to recommend POSTPONEMENT of the Final Site Plan and SLUP to the City Commission for 260 N. Old Woodward – The Morrie, for the following reasons:

1. ________________________________________________________________
2. ________________________________________________________________

OR

Motion to DENIAL of the Final Site Plan and SLUP for 260 N. Old Woodward – The Morrie, with the following conditions:

1. ________________________________________________________________
2. ________________________________________________________________
Minutes of the regular meeting of the City of Birmingham Planning Board held on March 28, 2018. Chairman Scott Clein convened the meeting at 7:30 p.m.

Present: Chairman Scott Clein; Board Members Robin Boyle, Stuart Jeffares, Bert Koseck, Vice-Chairperson Gillian Lazar, Janelle Whipple-Boyce, Bryan Williams; Student Representatives Madison Dominato (arrived at 8:05 p.m.), Ellie McElroy (arrived at 7:45 p.m.)

Also Present: Alternate Board Members Nasseen Ramin, Daniel Share

Absent: Student Representative Sam Fogel

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

03-48-18

2. 260 N. Old Woodward Ave.
The Morrie (formerly Au Cochon and Arthur Avenue)
Application for FINAL SITE PLAN REVIEW AND SLUP to allow a new restaurant with entertainment

Ms. Ramin and Mr. Share gave up their places to Chairman Clein and Ms. Lazar who re-joined the board.

Mr. Baka advised that the subject site, 260 N. Old Woodward Ave., is proposed in the first floor of the Palladium Building just north of the Hamilton Row and N. Old Woodward Ave. Intersection. The existing zoning is B-4/D-4 in the Downtown Overlay. The Morrie features a casual dining style while serving eclectic neighborhood roadhouse cuisine. The applicant is proposing that the renovated 7,952 sq. ft. restaurant space will contain 214 indoor seats and 16 outdoor seats on a raised platform. Thirty-three of the proposed indoor seats will surround a bar and 240 sq. ft. raised performance stage for live entertainment.

Ms. Ecker noted discussion at the City Commission concluded that in general they want to know what the concept is for the entertainment. Ordinance amendments are in place now so that if a problem arises, the Police Chief can address it right away.

The applicant is seeking a SLUP to engage in the sale of liquor. The liquor license is currently with the tenant space, and the Morrie is proposing to utilize that license.
The applicant is also proposing new signage for the Morrie to be located above the restaurant windows.

Design Review
Exterior: The applicant is proposing the façade to be comprised of existing stone, existing “Nana” wall glass wall system, existing glass entry doors, a new painted aluminum awning at the northern entry, a new metal fascia mounted to the stone façade to replace the existing sign band, and new signage. The Trex Wood composite outdoor platform is proposed to be 10 in. off of the ground with 42 in. high aluminum railings. The applicant has not indicated the color or manufacturer of the newly proposed façade materials. The applicant must submit material specification sheets for all newly proposed materials to complete the design review, including any signage.

Signage: The proposed signage will be constructed of metal letters and mounted atop the newly proposed metal fascia. The proposed signage reads “The Morrie” and measures 10 ft. long by 2 ft. high (20 sq. ft.). The Overlay Sign Ordinance allows a single external sign band or zone to be applied to the facade of a building between the first and second floors, provided that it shall be a maximum of 1.5 ft. in vertical dimension by any horizontal dimension. The proposed signage does not meet the sign standards outlined in Article 3, Section 3.04(F) of the Zoning Ordinance, as the sign height it greater than 1.5 ft. The applicant must submit revised signage plans depicting proposed signage that measures no more than 1.5 ft. by any vertical dimension.

Motion by Mr. Williams
Seconded by Ms. Whipple-Boyce to make two documents a part of the record:
1. Letter from the City Manager dated January 23, 2018 addressed to Imagine Palladium dealing with changes to the Zoning Ordinance;
2. An e-mail from Jana. Ecker to board members sent on March 26, 2018 in which she forwards an e-mail from Kelly Allen, Counsel to the applicant, where the applicant describes the types of entertainment that they envision at this location.

Motion carried, 7-0.

VOICE VOTE
Yeas: Williams, Whipple-Boyce, Boyle, Clein, Jeffares, Koseck, Lazar
Nays: None
Absent: None

Mr. Kevin Biddison, Biddison Architecture, passed around samples of the materials. They feel that they are simplifying somewhat of a cluttered elevation and hopefully cleaning it up and making it a bit more visually interesting. They will be more than happy to comply with the Sign Ordinance on the height of the letters. The Morrie will have good food combined with fun and a family orientation.

Mr. Keith Schofield, Director of Operations for the company, described what will happen at the restaurant on a typical week-end. They feel there is a broad enough distance between their property in Royal Oak and this property. They predict that their demographic range in
Birmingham will skew between ages 30 to 32, whereas their Royal Oak restaurant attracts a younger crowd. In response to Mr. Jeffares, Mr. Schofield anticipated there would be times when the Nana walls would be open when music is playing. There will be a cover charge for bands on the week-ends.

Chairman Clein asked for comments from the public on the proposal at 8:50 p.m.

Mr. Kirk Karamanian, 655 Oakland, thought this is a great idea; a family restaurant that also has entertainment in the evening. He feels the Morrie in Royal Oak is a really well run establishment. He urged the Planning Board to approve the proposal.

Mr. Jordan Jonna said he is with Jonna Development Co., the company that redeveloped the Palladium four years ago. In his mind, this is the last key to their project. After visiting the Morrie in Royal Oak, he indicated that he is impressed with every aspect.

In response to Mr. Williams, Ms. Ecker assured him that if there is an issue with noise the City is prepared to deal with a situation where the noise might be considered by some residents to be excessive.

Ms. Whipple-Boyce said she visited the Morrie in Royal Oak and was pleasantly surprised by the atmosphere, by the food, and everything they have done. She thought this really can work in Birmingham. There are tools in place now in the event that something goes wrong. This is unlike anything else in town, and she is really supportive of it and hopes that it succeeds. She felt that it can with something a little different and more than just dining.

Mr. Jeffares added that he thinks the City has a dire need for this type of entertainment.

Mr. Koseck spoke in favor of the proposal but wished they had gone further with the facade treatment.

Mr. Boyle thought their website could be improved.

Motion by Ms. Whipple-Boyce
Seconded by Mr. Williams to recommend approval of the applicant's request for Final Site Plan and a SLUP for 260 N. Old Woodward Ave., the Morrie, with the following condition:
1. The applicant revises the proposed signage to comply with the Overlay Signage Standards.

At 8:57 p.m. there were no comments from the public on the motion.

Motion carried, 7-0.

VOICE VOTE
Yeas: Whipple-Boyce, Williams, Boyle, Clein, Jeffares, Koseck, Lazar
Nays: None
Absent: None
BIRMINGHAM CITY COMMISSION MINUTES
MAY 14, 2018
MUNICIPAL BUILDING, 151 MARTIN
7:30 P.M.

05-136-18 PUBLIC HEARING TO CONSIDER THE SPECIAL LAND USE PERMIT AND FINAL SITE PLAN REVIEW – 260 N. OLD WOODWARD – THE MORRIE

Mayor Harris opened the public hearing at 8:04 p.m.

Planning Director Ecker reviewed her May 3, 2018 memo to City Manager Valentine regarding The Morrie. Planning Director Ecker confirmed the design accommodates the new sidewalk condition post construction, including the required five-foot clearance.

Aaron Bellin, the owner of The Morrie, appeared before the Commission. Mr. Bellin said there will be a dance floor between the bar and booth seating. Planning Director Ecker stated no dance floor was included in the plans submitted to the Planning Board. Kevin Biddison, architect for The Morrie, appeared before the Commission. Mr. Biddison explained:

• A ten-by-ten foot area in front of the bar that would occasionally be cleared of tables to make space for dancing;

• The flooring in the Morrie will be concrete; and

• Soundproofing material would be applied to the ceiling and walls.

Mr. Bellin said:

• The Morrie will be open seven days a week, from 12 p.m. until 11 p.m. on weeknights, and Friday and Saturday until 2 a.m.

• There may be a cover charge depending on the band, ranging from $5 - $20.

Planning Director Ecker confirmed that the applicant specifically told the Planning Board there would be no dance floor at the Birmingham location of The Morrie, and no tables would be cleared to create a dance floor.

John Jonna, co-owner of Vinotecca Wine Bar, appeared before the Commission and offered a statement in support of The Morrie’s opening.

Jordan Jonna, representing AF Jonna Development, L.L.C., the owners of the property at 260 N. Old Woodward, appeared before the Commission. Mr. Jonna stated:

• The Morrie in Royal Oak is not a nightclub. Rather, it creates a sing-along atmosphere with the bands, and “soft dancing”.
• The space was formerly a theater and so already has some soundproofing. City Manager Valentine said a recently adopted ordinance permits the City Manager to suspend activities at a business with a Special Land Use Permit (SLUP) and to require the owner to appear before the Commission for a public hearing should issues regarding the SLUP agreement arise.

Commissioner Boutros told the Commission that the Police Chief of Royal Oak wrote a complimentary email regarding The Morrie’s operations in Royal Oak.

There being no further comment, Mayor Harris closed the public hearing at 8:21 p.m.

MOTION: Motion by Commissioner Boutros, seconded by Mayor Pro Tem Bordman: To approve the Special Land Use Permit and Final Site Plan Review for 260 N. Old Woodward – The Morrie, to allow the operation of a restaurant, serving alcoholic liquors, and providing live entertainment. (Formal resolution appended to these minutes as Attachment B.)

Mayor Pro Tem Bordman expressed concern with the discrepancy regarding the dance floor. Owner confirmed for Commissioner Hoff that there will be valet parking. Commissioner Nickita shared concern that the plans submitted are not fully accurate without depictions of the dance floor. When detail is missing from a SLUP, the City cannot assess a business’ adherence to its permit in an on-going way.

Mayor Harris suggested a motion to amend to include the dance floor as part of the SLUP. Commissioner Boutros consented to this suggestion, and City Attorney Currier stated this would be legally valid. Mayor Pro Tem Bordman drew City Attorney Currier’s attention to a clause on the second page of the proposed SLUP reading “1. The Morrie shall be permitted to provide entertainment in accordance with their entertainment permit issued by the MLCC”. Mayor Pro Tem Bordman asked for clarification as to what is allowed under such a permit. City Attorney Currier said:

• Birmingham has either specifically licensed or prohibited dance floors, historically, as part of a business’ SLUP. There have even been specific hours of permitted operation for dance floors required.

• Reliance on the general provisions of an entertainment permit to address the matter would be inadvisable.

Planning Director Ecker reiterated for Mayor Harris that The Morrie communicated in writing there would be no guest interaction with the band beyond singing.

Commissioner Sherman said the Commission could either send the application back to the Planning Board for review and possible amendment or adopt the SLUP with no dance floor and no dancing.

Mr. Bellin stated that he has been transparent about intended dancing within The Morrie throughout the application process.
Commissioner Sherman replied that the dance floor was not presented as part of the SLUP proposal. The Commission can only move forward on the information presented within an application.

Scott McDonald, general counsel to Mr. Bellin and stand-in for attorney Kelly Allen, clarified the MLCC requires a dance floor be clearly marked and suggested such delineation would be the second part of this application.

Commissioner Nickita replied that the SLUP must be specific because it is part of a contract with the City, and needs to be laid out clearly as part of the application. Commissioner Nickita then requested guidance from City Attorney Currier for the best way to move forward.

City Attorney Currier advised that:

• The Commission should approve the SLUP this evening if they see fit; and,

• Mr. Bellin should be required to appear before the Planning Board for the formulation of an amendment to the SLUP providing details regarding the dance floor and dancing at The Morrie.

Commissioner Sherman clarified this action would allow the applicant to move forward in their application process with the MLCC, while requiring the details necessary for a concrete SLUP with the City. City Attorney Currier concurred.

VOTE: Yeas, 7

Nays, 0

Absent, 0
DATE: June 15, 2018

TO: Joseph A. Valentine, City Manager

FROM: Mark Gerber, Director of Finance/Treasurer

SUBJECT: Cultural Council of Birmingham/Bloomfield 2018-2019 Service Agreement

The City Commission previously approved a master service agreement to be used by various outside agencies that are requesting and have previously received funding from the City. The Cultural Council of Birmingham/Bloomfield (Cultural Council) has completed the required agreement and Attachment A, which provides a description of the services to be provided and the direct benefit of their services to the City. There is no Attachment B as the Cultural Council did not receive a contract in fiscal year 2017-2018. The last fiscal year the City Commission funded the Cultural Council was in 2015-2016.

The Cultural Council is requesting funding totaling $4,200. This is the same amount of funding requested by the Cultural Council in fiscal year 2015-2016. Funding has been approved in the fiscal year 2018-2019 budget for this expenditure. Based on the services that the Cultural Council provides and the direct benefit to the City, it is recommended that the City Commission approve the Cultural Council’s funding request in the amount of $4,200.

SUGGESTED RESOLUTION: To approve the service agreement with the Cultural Council of Birmingham/Bloomfield in the amount of $4,200 for services described in Attachment A of the agreement for fiscal year 2018-2019; to charge account number 101-299.000-811.0000 for this expenditure; and further direct the Mayor and City Clerk to sign the agreement on behalf of the City.
SERVICES AGREEMENT

THIS SERVICES AGREEMENT ("Agreement"), made this 26th day of May, 2018, by and between the CITY OF BIRMINGHAM, having its principal office at 151 Martin Road, Birmingham, MI 48009 ("CITY"), and Cultural Council Birmingham ("SERVICE PROVIDER"), whose address is P.O. Box 465 Birmingham MI 48009, provides as follows:

WITNESSETH:

WHEREAS, the CITY desires to have certain services provided, which shall be of the type, nature and extent as set forth on Attachment A; and

WHEREAS, SERVICE PROVIDER desires to provide said services for the CITY, which it shall do in accordance with the experience it has attained from providing similar services of this nature, under the terms and conditions hereinafter stated.

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

1. SERVICE PROVIDER shall perform the services as set forth on Attachment A. The type, nature and scope may be changed if mutually agreed upon in writing by SERVICE PROVIDER and the CITY.

2. The CITY shall pay a total of $42,000.00 to SERVICE PROVIDER for the performance of this Agreement, which amount shall compensate SERVICE PROVIDER for all aspects of the services to be performed including, but not limited to, all preparation, coordination, management, staffing and all other services incidental thereto. Payment shall be made to SERVICE PROVIDER pursuant to the schedule contained in Attachment A.

3. All services performed shall be of the highest quality and standards that meet or exceed that which is required and expected in that service industry.
4. SERVICE PROVIDER shall provide and designate one supervisor responsible for the coordination of services provided, who shall handle problem solving and be the contact person for the CITY.

5. This Agreement shall commence immediately after both parties have signed in the place and manner indicated below and shall terminate in accordance with the provisions as set forth in Attachment A.

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

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

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

9. SERVICE PROVIDER agrees that neither it nor its employees will discriminate against any employee, independent contractor, or applicant for employment with respect to hire, tenure, terms, conditions or privileges of employment, or a matter directly or indirectly related to employment because of race, color, religion, national origin, age, sex, height, weight or marital status. SERVICE PROVIDER shall inform the CITY of all claims or suits asserted against it by SERVICE PROVIDER’s employees or contractors who work pursuant to this Agreement. SERVICE
PROVIDER shall provide the CITY with periodic status reports concerning all such claims or suits, at intervals established by the CITY.

10. To the fullest extent permitted by law, SERVICE PROVIDER and any entity or person for whom SERVICE PROVIDER 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 reasonable 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, which arises out of or is in any way connected or associated with this Agreement. Such responsibility shall not be construed as liability for damage caused by or resulting solely from the act or omission of the CITY, its elected or appointed officials, employees, volunteers or others working on behalf of the CITY.

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

A. **Workers’ Compensation Insurance**: SERVICE PROVIDER shall procure and maintain during the life of this contract, Workers’ Compensation Insurance, including Employers Liability Coverage, in accordance with all applicable statutes of the State of Michigan.

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

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

D. Additional Insured: Commercial General Liability and Motor Vehicle Liability Insurance, as described above, shall include an endorsement stating the following shall be Additional Insured: The City of Birmingham, including all elected and appointed officials, all employees and volunteers, all boards, commissions and/or authorities and board members, including employees and volunteers thereof. This coverage shall be primary and any other insurance maintained by the additional insureds shall be considered to be excess and non-contributing with this insurance required from SERVICE PROVIDER under this Section.

E. Cancellation Notice: Workers' Compensation Insurance, Commercial General Liability Insurance and Motor Vehicle Liability Insurance, as described above, shall include an endorsement stating the following: "Thirty (30) days Advance Written Notice of Cancellation or Non-Renewal shall be sent to: Finance Department, City of Birmingham, P.O. Box 3001, 151 Martin Street, Birmingham, Michigan 48012.

F. Proof of Insurance Coverage: SERVICE PROVIDER shall provide the CITY at the time the contracts are returned for execution, Certificates of Insurance and/or policies, acceptable to the CITY, as listed below.

1. Two (2) copies of Certificate of Insurance for Workers' Compensation;

2. Two (2) copies of Certificate of Insurance for Commercial General Liability;

3. Two (2) copies of Certificate of Insurance for Vehicle Liability Insurance;

4. If so requested, Certified Copies of all policies mentioned above will be furnished.

G. Coverage Expiration: If any of the above coverages expire during the term of this Agreement, SERVICE PROVIDER shall deliver renewal certificates and/or policies to the CITY at least (10) days prior to the expiration date.
12. If, after the effective date of this Agreement, any official of the CITY or spouse, child, parent or in-law, of such official or employee shall become directly or indirectly interested in this Agreement, or the affairs of SERVICE PROVIDER, the CITY shall have the right to terminate this Agreement without further liability to SERVICE PROVIDER if the disqualification has not been removed within thirty (30) days after the CITY has given SERVICE PROVIDER notice of the disqualifying interest. Ownership of less than one percent (1%) of the stock or other equity interest in a corporation or partnership shall not be a disqualifying interest. Employment shall be a disqualifying interest.

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

14. This Agreement constitutes the entire agreement between the parties hereto pertaining to the subject matter hereof and supersedes all prior and contemporaneous agreements, understandings, negotiations and discussions, whether oral or written, of the parties, except as
specifically set forth herein. No supplement, modification, addition, deletion or waiver of this Agreement or any provision of this Agreement shall be binding unless executed in writing by both parties to be bound thereby.

15. SERVICE PROVIDER and the CITY agree that SERVICE PROVIDER shall be liable for its own actions and neither SERVICE PROVIDER nor its employees or contractors shall be construed as employees of the CITY. Neither party, by virtue of this Agreement, shall have any right, power or authority to act or create any obligation, express or implied, on behalf of the other party, except as specifically outlined herein. SERVICE PROVIDER, including its employees and contractors, shall not be considered entitled or eligible to participate in any benefits or privileges given or extended by the CITY, or be deemed an employee of the CITY for purposes of federal or state withholding taxes, FICA taxes, unemployment, workers' compensation and other employer contributions on behalf of SERVICE PROVIDER or SERVICE PROVIDER's employees or contractors.

16. SERVICE PROVIDER acknowledges that in performing services pursuant to this Agreement, certain confidential and/or proprietary information (including, but not limited to, internal organization, methodology, personnel and financial information, etc.) may become involved. SERVICE PROVIDER recognizes that unauthorized exposure of such confidential or proprietary information could irreparably damage the CITY. Therefore, the SERVICE PROVIDER agrees to use reasonable care to safeguard the confidential and proprietary information and to prevent the unauthorized use or disclosure thereof. SERVICE PROVIDER shall inform its employees and contractors of the confidential or proprietary nature of such information and shall limit access thereto to employees rendering services pursuant to this Agreement. SERVICE PROVIDER further agrees to use such confidential or proprietary information only for the purpose of performing services pursuant to this Agreement.
The said parties have caused this Agreement to be executed as of the date and year above written.

THE CITY OF BIRMINGHAM

By: ________________________________
    Andrew M. Harris, Mayor

By: ________________________________
    J. Cherilynn Mynsberge, City Clerk

[SERVICE PROVIDER]

By: ________________________________
    Its: ________________________________
    Laurie Tennent, President

APPROVED:

Joseph A. Valentine, City Manager
(Approved as to substance)

Timothy J. Currier, City Attorney
(Approved as to form)

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

I. Amount of Funding Requested: 4200.00

II. Amount of funding received from City in current fiscal year: 0

III. Organization's Purpose or Mission:

To support the Arts with art in public places, cityscapes, sculpture + events & awards honoring outstanding citizens' contributions in our city.

IV. Description of Services to be provided (Scope of Work):

7/1/2018 - 6/30/2019

V. Explain the value of the services to the City of Birmingham:

Visual beauty of installed sculptures in our parks, honoring citizens in the community.

VI. List all municipal and/or other funding sources, the percentage of programming costs covered by each source, and the actual dollar amount covered by each source in the current fiscal year.

(List below. Attach additional sheet if necessary.)

Charity Poker twice/year, estimate $500 per year which helps to pay for insurance of sculptures.
(Print Name)

Signature: [Signature] Date: 6/28/18
Auto-Owners Insurance Payment Receipt

CULTURAL COUNCIL OF
929 S ETON ST
BIRMINGHAM, MI 48009-7080

11-0775-00 TFC O'CONNELL AGENCY
27500 FARMINGTON RD STE B
FARMINGTON HILLS, MI 48334-3313

Scheduled for 08/01/2017 - $3,850.00

Confirmation: 20170801-119009965
Billing Account: 006032244
Requested: 08/01/2017 02:05:44 PM

Payment Method: Visa ending in 1251
Cardholder's Name: Cultural Council of Bham/Bmfd
Expiration Date: 07/2020

Agent's Signature: [Signature]

[Signature]
### COMMERCIAL GENERAL LIABILITY COVERAGE

<table>
<thead>
<tr>
<th>COVERAGE</th>
<th>LIMITS OF INSURANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Aggregate</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>(Other Than Products-Completed Operations)</td>
<td></td>
</tr>
<tr>
<td>Products-Completed Operations Aggregate</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>Personal And Advertising Injury</td>
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<tr>
<td>Each Occurrence</td>
<td>$1,000,000</td>
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<tr>
<td>Damage to Premises Rented to You (Fire Damage)</td>
<td>$50,000 Any One Premises</td>
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<tr>
<td>Medical Payments</td>
<td>$5,000 Any One Person</td>
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<tr>
<td>Hired Auto &amp; Non-Owned Auto</td>
<td>$1,000,000 Each Occurrence</td>
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</table>

Twice the "General Aggregate Limit", shown above, is provided at no additional charge for each 12 month period in accordance with form 55885.

**AUDIT TYPE:** Non-Audited

Forms that apply to this coverage:
- 55405 (07-08)
- 59350 (01-15)
- CG0168 (10-92)
- IL0017 (11-85)
- 55146 (06-04)
- IL0021 (07-02)
- CG2106 (05-14)
- 55029 (05-17)
- CG2002 (11-85)
- CG9001 (04-13)
- 55513 (05-17)
- CG2109 (06-15)
- 55029 (05-17)
- CG2196 (03-05)
- IL0286 (04-17)
- CG2132 (05-09)
- CG2147 (12-07)
- 55985 (05-17)
- CG2005 (04-13)
- CG2026 (04-13)
- 59390 (01-15)

### LOCATION 0001 - BUILDING 0001

Location: 940 E Maple Rd, Birmingham, MI 48009-6403

**County:** Oakland

<table>
<thead>
<tr>
<th>CLASSIFICATION</th>
<th>CODE</th>
<th>SUBLINE</th>
<th>PREMIUM BASIS</th>
<th>RATE</th>
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<td>Clubs - Civic, Service Or Social - No Buildings Or Premises Owned Or Leased Except For Office Purposes (Not-For Profit)</td>
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### COMMERCIAL GENERAL LIABILITY COVERAGE - LOCATION 0001 SUMMARY

<table>
<thead>
<tr>
<th>TERRORISM - CERTIFIED ACTS</th>
<th>SEE FORM: 59350, 55405, 59390</th>
<th>PREMIUM</th>
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<tbody>
<tr>
<td></td>
<td>LOCATION 0001</td>
<td>$369.00</td>
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COMMERCIAL INLAND MARINE COVERAGE

COVERAGE PROVIDED

Insurance applies to covered property for which a limit of insurance is shown.

Forms that apply to Inland Marine:
16381 (07-08)  59350 (01-15)  16080 (07-13)  16639 (05-17)  59390 (01-15)

LOCATION 0001 - BUILDING 0001

Location: 940 E Maple Rd, Birmingham, MI 48009-6403

<table>
<thead>
<tr>
<th>COVERAGE</th>
<th>COINSURANCE</th>
<th>DEDUCTIBLE</th>
<th>LIMIT</th>
<th>RATE</th>
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<td>OTHER</td>
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<td>$250</td>
<td>$243,500</td>
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<td>TOTAL FOR THIS COVERAGE:</td>
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COMMERCIAL INLAND MARINE COVERAGE - LOCATION 0001 SUMMARY

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<th>PREMIUM</th>
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</thead>
<tbody>
<tr>
<td>TERRORISM - CERTIFIED ACTS</td>
</tr>
<tr>
<td>LOCATION 0001</td>
</tr>
</tbody>
</table>

A single deductible applies per claim. If more than one item is involved in a claim, the single highest applicable deductible amount is used.
SUPPLEMENTAL DECLARATIONS

16079 MISCELLANEOUS PROPERTY

1. "WIND RAPIDS" (MERRILL & PIERCE STREETS) $ 9,500
2. "TORSO" (OAKLAND & OLD WOODWARD) 24,000
3. "POETRY & TRUTH" BY JOHN SAVUE (220 MERRILL) 10,000
4. "JOURNEY HOME" BY DENNIS OPPENHEIM (MERRILL & BATES) 85,000
5. "BIRD" BY NATHAN DIANA (OAKLAND & FERNDALE) 10,000
6. "HEART OF TETRAHEDRON" BY MARK DISUVERSO (MARLTA BALDWIN PK) 10,000
7. "TOM'S LAMENT" BY JAY WHOLLEY (BALDWIN PARK) 20,000
8. "THE COUNSELOR" BY CHRISTOPHER YOCKEY 10,000

(NORTH OLD WOODWARD PARKING STRUCTURE)

9. "CHOOPY" BY MARK DISUVERO 50,000
   (TRIANGLE-OLD WOODARD & WOODWARD)

10. "LUCKY AT LOVE, UNLUCKY AT GAME, YOU CAN'T HAVE IT ALL" 15,000
    (SOUTH SIDE OF MAPLE BY LINDEN PARK & MARTHA BALDWIN PARK
     BIRMINGHAM MI)
THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED - DESIGNATED PERSON OR ORGANIZATION

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

Name Of Additional Insured Person(s) Or Organization(s):
CITY OF BIRMINGHAM

Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

A. **Section II – Who Is An Insured** is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by your acts or omissions or the acts or omissions of those acting on your behalf:

1. In the performance of your ongoing operations;
2. In connection with your premises owned by or rented to you.

However:

1. The insurance afforded to such additional insured only applies to the extent permitted by law; and
2. If coverage provided to the additional insured is required by a contract or agreement, the insurance afforded to such additional insured will not be broader than that which you are required by the contract or agreement to provide for such additional insured.

B. With respect to the insurance afforded to these additional insureds, the following is added to **Section III – Limits Of Insurance**:

If coverage provided to the additional insured is required by a contract or agreement, the most we will pay on behalf of the additional insured is the amount of insurance:

1. Required by the contract or agreement; or
2. Available under the applicable Limits of Insurance shown in the Declarations; whichever is less.

This endorsement shall not increase the applicable Limits of Insurance shown in the Declarations.
MEMORANDUM

Department of Public Services

DATE: June 11, 2018

TO: Joseph A. Valentine, City Manager

FROM: Lauren A. Wood, Director of Public Services

SUBJECT: Forestry Contract Renewal - Five Years

At the August 22, 2016 City Commission meeting a two year extension was approved for the Tree Care and Removal Agreement with J. H. Hart Urban Forestry. The current Agreement for forestry services expires June 30, 2018. This concludes a fourteen year contract with J. H. Hart Urban Forestry, including three multi-year extensions.

Sealed bids were opened on Tuesday, May 8, 2018 for the cost to provide tree care and removal services for the City of Birmingham. The term of the contract is five (5) years with an option for the City to extend for an additional two years. Two (2) bidders responded and the cost proposals for each are attached. The high bidder is Chop Tree Services from Grand Rapids and J. H. Hart Urban Forestry from Sterling Heights is the lowest qualified bidder for the comprehensive forestry services with the City of Birmingham.

All pricing is based on a time and material cost method which is an hourly rate for all services. The Contractor will provide said services only when requested to do so by the Department of Public Services and works under the direction of the Parks and Recreation Manager. They are assigned, however, to work during the week Monday through Friday and serve as our emergency forestry services Contractor for after hour calls.

The cost proposal received from J. H. Hart Urban Forestry for the first year 2018-2019 provides for an average increase to the hourly rates of eight percent (8%) for the most frequently used services. The last increases were a five percent (5%) increase beginning September 1, 2016 and a five percent (5%) increase beginning July 1, 2017. All other terms and conditions do remain the same. See the attached bid pricing for J. H. Hart over the past nine years.

By way of background, J. H. Hart Urban Forestry has been serving as the forestry services contractor along the City’s right-of-ways, parks and other public properties including trimming, removal and planting services. The following items detail the current scope of services under the existing contract.

1. Cutting and removal of trees and its parts to ground level, removal of stump, clean-up of debris, transport and disposal of brush, logs and chips.
2. Trimming trees and other plants in accordance with standard arboricultural standards under the direction of the City, and chipping logs and limb wood into wood chips, and the transport and disposal of this material.

3. Residential brush pick-up and Christmas tree pick-up after the Holidays.

4. Disposal of woody debris.

5. Trimming and/or removal of trees, shrubs and other vegetation for certain private lots as determined by the Department of Public Services to be in violation of the City’s vegetation ordinance.

6. Holiday light installation and removal, as requested.

7. Emergency Response – Storm Damage removal and clean-up services.

The City of Birmingham has high expectations for the care and maintenance of its forest and as a result there has been a constant increase in the services necessary to maintain and cultivate the community urban forestry at large. J. H. Hart Urban Forestry has been maintaining all public trees on city owned property over the past twenty-nine years. The Department of Public Services continues to strive to assure a high level of service throughout the community.

The Contractor agrees to provide the labor, material supplies and equipment necessary to perform the requested services during the five year renewal, commencing July 1, 2018 and ending June 30, 2023.

The budgeted funds for these services derive from various accounts. The accounts include Major Street Fund – Street Trees – Tree Trimming Contract account #202-449.005-819.0000; Local Street Fund – Street Trees – Tree Trimming Contract account #203-449.005-819.0000; Parks – Tree Trimming Contract account #101-751.000-819.0000; and Property Maintenance – Tree Trimming Contract account #101-441.003-819.0000. In addition, the bid for these services also allows the City of Birmingham at its option to extend the contract for two (2) additional years from July 1, 2023 and ending June 30, 2025 based on review of services.

The forestry budget for these listed funds includes other work by different Contractors for tree planting services for a total amount of $622,500.00 budgeted for citywide forestry services.

SUGGESTED RESOLUTION:
To approve the Tree Care and Removal Agreement with J. H. Hart Urban Forestry, for five years commencing July 1, 2018 and ending June 30, 2023 in the amount set forth in Attachment C – Cost Proposal, with all other terms and conditions remaining the same. Funds are available in each of the following accounts for these services: Major Street Fund – Street Trees – Tree Trimming Contract account #202-449.005-819.0000; Local Street Fund – Street Trees – Tree Trimming Contract account #203-449.005-819.0000; Parks – Tree Trimming Contract account #101-751.000-819.0000; and Property Maintenance – Tree Trimming Contract account #101-441.003-819.0000. Further, to authorize the Mayor and City Clerk to sign the Agreement upon receipt of all required insurances.
<table>
<thead>
<tr>
<th>Time and Material Crew</th>
<th>2018-2019 Hourly Rate</th>
<th>2019-2020 Hourly Rate</th>
<th>2020-2021 Hourly Rate</th>
<th>2021-2022 Hourly Rate</th>
<th>2022-2023 Hourly Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trim – 2 - member Plus aerial tower, chipper, saws, all equipment, traffic control devices, etc</td>
<td>$100.00</td>
<td>$105.50</td>
<td>$111.00</td>
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<td>Trim – 2 - member Overtime Rate</td>
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<td>$168.00</td>
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<tr>
<td>Removal – 3 - member Plus aerial tower, dump truck, chipper, saws, all equipment, traffic control devices, etc</td>
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<td>$150.75</td>
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<td>Removal – 3 - member Overtime Rate</td>
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<tr>
<td>Removal – 4 - member Plus aerial tower, dump truck, chipper, saws, all equipment, traffic control devices, etc</td>
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<td>$195.00</td>
<td>$204.50</td>
<td>$214.00</td>
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<tr>
<td>Removal – 4 - member Overtime Rate</td>
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<tr>
<td>Removal – 5 - member Plus aerial tower, dump truck, chipper, saws, arrow board, all equipment, traffic control devices, etc</td>
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<td>$220.25</td>
<td>$231.50</td>
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<td>Removal – 5 - member Overtime Rate</td>
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<td>Time and Material Crew</td>
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<td>2019-2020 Hourly Rate</td>
<td>2020-2021 Hourly Rate</td>
<td>2021-2022 Hourly Rate</td>
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<tr>
<td>------------------------</td>
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<tr>
<td>Stump Removal - 3 - member Plus dump truck, stump chipper, equipment, traffic control devices, etc</td>
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<td>Residential Brush Pickup - 2 - member Plus dump truck, chipper, saws, all equipment, traffic control devices, etc</td>
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<td>2020-2021 Hourly Rate</td>
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<td>2022-2023 Hourly Rate</td>
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<tr>
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<td>Certified Arborist</td>
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<td>Overtime rate</td>
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ATTACHMENT A - AGREEMENT
For "Tree Care and Removal, Birmingham MI"

This AGREEMENT, made this _______day of ____________, 2018, by and
between CITY OF BIRMINGHAM, having its principal municipal office at 151 Martin
Street, Birmingham, MI (hereinafter sometimes called "City"), and ___J.H. Hart Urban
Forestry___, Inc., having its principal office at ___6600 Product Drive, Sterling Heights, MI
48312___ (hereinafter called "Contractor"), provides as follows:

WITNESSETH:

WHEREAS, the City of Birmingham, through its Department of Public
Services, desires to have the urban forest maintained along the City’s right-of-ways,
parks and other public properties including trimming, removal and planting, and,

WHEREAS, the City, through its Department of Public Services, desires to
have the residential brush picked up and chipped along the City’s right-of-ways,
parks and other public properties, and,

WHEREAS the City, through its Department of Public Services, desires to
have trees, shrubs and other vegetation for certain private lots that are determined
by the Department of Public Services to be in violation of the City’s vegetation
ordinances cut trimmed and/or removed, and,

WHEREAS the City, through its Department of Public Services, desires to
have performed on its behalf and in connection therewith, has prepared a request for
sealed proposals (RFP) endorsed "Tree Care and Removal Contract" which includes
certain instructions to bidders and specifications, and, in connection therewith, has
advertised for and sought sealed proposals endorsed " Tree Care and Removal
Contract," which includes certain qualifications, instructions to bidders,
specifications, and General Contract Conditions (collectively the "RFP"), and,

WHEREAS, the Contractor has made a bid ("Bid") to provide tree care
services including trimming, removal, planting, residential brush pickup, and holiday
light/decoration installation and removal in accordance with the RFP, in the amount
set forth in its bid form, and which bid has been accepted by the City.

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

1. It is mutually agreed by and between the parties that the documents consisting of
the Request of Proposal to provide forestry services and the Contractor’s cost
proposal dated ___May 8___, 2018 shall be incorporated herein by reference and shall
become a part of this Agreement and shall be binding upon both parties hereto. If
any of the documents are in conflict with one another, this Agreement shall take
precedence, then the RFP.

2. The Contractor agrees to provide the labor, material, supplies and equipment
necessary to perform the tree care and removal services in accordance with the specifications and conditions contained in the RFP documents for a period of five (5) years/seasons, commencing on July 1, 2018 and ending on June 30, 2023.

3. The City shall pay the Contractor for the performance of this Agreement in time and material bid amount, as set forth in the Contractor's Attachment C, dated __May 8__, 2018 cost proposal, which is attached hereto and made part hereof.

4. This Agreement shall commence upon execution by both parties, unless the City exercises its option to terminate the Agreement in accordance with the Request for Proposals.

5. The City shall have the right to terminate this Agreement prior to the end of the initial term or any of the renewal terms without cause. If the City terminates this Agreement prior to the end of any term, the City shall provide Contractor with 10 days written notice of the early termination. Any claims or fees that Contractor is working on collecting on behalf of the City, and Contractor shall continue to collect such fees and process same pursuant to the terms and conditions of this Agreement through the date of notice of early termination.

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

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

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

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

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

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

12. The Contractor agrees that neither it nor its subcontractors will discriminate against any employee or applicant for employment with respect to hire, tenure, terms, conditions or privileges of employment, or a matter directly or indirectly related to employment because of race, color, religion, national origin, age, sex, height, weight or marital status. The Contractor shall inform the City of all claims or suits asserted against it by the Contractor’s employees who work pursuant to this Agreement. The Contractor shall provide the City with periodic status reports concerning all such claims or suits, at intervals established by the City.

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

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

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

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

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

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

E. **Professional Liability:** Professional liability insurance with limits of not less than $1,000,000 per claim if Contractor will provide service that are customarily subject to this type of coverage.

F. **Pollution Liability Insurance:** Contractor shall procure and maintain during the life of this Agreement Pollution Liability Insurance, with limits of liability of not less than $1,000,000, per occurrence preferred, but claims made accepted.

G. **Owners Contractors Protective Liability:** The Contractor shall procure and maintain during the life of this contract, an Owners Contractors Protective Liability Policy with limits of liability not less than $3,000,000 per occurrence, combined single limit, Personal Injury, Bodily Injury and Property Damage. The City of Birmingham shall be "Name Insured" on said coverage. Thirty (30) days Notice of Cancellation shall apply to this policy.

H. **Cancellation Notice:** Workers' Compensation Insurance, Commercial General Liability Insurance and Motor Vehicle Liability Insurance (and Professional Liability Insurance, if applicable), as described above, shall include an endorsement stating the following: "Thirty (30) days Advance Written Notice of Cancellation or Non-Renewal, shall be sent to: Finance Director, City of Birmingham, PO Box 3001, 151 Martin Street, Birmingham, MI 48012-3001.

I. **Proof of Insurance Coverage:** Contractor shall provide the City of Birmingham at the time the Agreement is returned for execution, Certificates of Insurance and/or policies, acceptable to the City of Birmingham, as listed below.
1) Two (2) copies of Certificate of Insurance for Workers' Compensation Insurance;
2) Two (2) copies of Certificate of Insurance for Commercial General Liability Insurance;
3) Two (2) copies of Certificate of Insurance for Vehicle Liability Insurance;
4) Two (2) copies of Certificate of Insurance for Professional Liability Insurance;
5) If so requested, Certified Copies of all policies mentioned above will be furnished.

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

K. Maintaining Insurance: Upon failure of the Contractor to obtain or maintain such insurance coverage for the term of the Agreement, the City of Birmingham may, at its option, purchase such coverage and subtract the cost of obtaining such coverage from the Agreement amount. In obtaining such coverage, the City of Birmingham shall have no obligation to procure the most cost-effective coverage but may contract with any insurer for such coverage.

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

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

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

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

Department of Public Services
Attn: Lauren Wood
851 Eton Street
Birmingham, MI 48009

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

20. FAIR PROCUREMENT OPPORTUNITY: Procurement for the City of Birmingham will be handled in a manner providing fair opportunity for all businesses. This will be accomplished without abrogation or sacrifice of quality and as determined to be in the best interest of the City of Birmingham.
IN WITNESS WHEREOF, the said parties have caused this Agreement to be executed as of the date and year above written.

WITNESSES:

CONTRACTOR

By:  
Its: President/CEO

CITY OF BIRMINGHAM

By:  
Andrew M. Harris  
Its: Mayor

By:  
J. Cherilynn Brown  
Its: City Clerk

Approved:

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

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

Joseph A. Valentine, City Manager  
(Approved as to substance)

Timothy J. Currier, City Attorney  
(Approved as to form)
CERTIFICATE OF LIABILITY INSURANCE

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFFERS 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 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
Johnston Lewis Assoc Inc
575 E Maple Rd
Troy MI 48084

CONTACT NAME: Amy Blackmer
PHONE (AIC. No.): 2486877698
FAX (AIC. No.): 2486877698
E-MAIL: amy@johnstonlewis.com

INSURER(S) AFFORDING COVERAGE

<table>
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<tr>
<th>NAIC #</th>
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<tr>
<td>19445</td>
<td>National Union Fire Ins Co</td>
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<tr>
<td>19046</td>
<td>Travelers Insurance</td>
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<td>New Hampshire Insurance Co.</td>
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</table>

INSURED
J H Hart Urban Forestry
J H Hart Company Inc.
8600 Product Dr.
Sterling Heights MI 48312

COVERAGES

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<tr>
<th>INSURANCE LIMIT</th>
<th>TYPE OF INSURANCE</th>
<th>ADDITIONAL INSURED</th>
<th>PROD. WOY</th>
<th>POLICY NUMBER</th>
<th>POLICY EFF</th>
<th>POLICY EXP</th>
<th>LIMITS</th>
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<td>6/1/2018</td>
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<td>MED EXP (Any one person): $10,000</td>
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<td>PERSONAL &amp; ADJ INJURY (Ex. occurrence): $1,000,000</td>
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<td>GENERAL AGGREGATE (Ex. occurrence): $2,000,000</td>
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<td>PRODUCTS - COMPOUND AGG (Ex. occurrence): $2,000,000</td>
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<td>AUTOMOBILE LIABILITY</td>
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<td>BODILY INJURY (Per person): $</td>
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<td>UMBRELLA LIABILITY</td>
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<td>ZUP15S57139</td>
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<td>6/1/2018</td>
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<td>AGGREGATE: $2,000,000</td>
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<td>WORKERS' COMPENSATION AND EMPLOYERS' LIABILITY</td>
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<td>WC022293208</td>
<td>6/1/2017</td>
<td>6/1/2018</td>
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<td>E.L. EACH ACCIDENT: $1,000,000</td>
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<td>E.L. DISEASE - EA EMPLOYEE: $1,000,000</td>
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<td>E.L. DISEASE - POLICY LIMIT: $1,000,000</td>
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</tbody>
</table>

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES

Additional Insured: The City of Birmingham including all elected and appointed officials, all boards, commissions and/or authorities and board members. This coverage shall be primary to any coverage that may be available to the additional insured, whether any other available coverage be primary, contributing or excess. Cancellation shall be 30 days except for non-payment which is 10 days.

CERTIFICATE HOLDER
City of Birmingham
Bob Fox, Dept of Public Servic
851 S Eaton
Birmingham MI 48009

CANCELLATION

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

AUTHORIZED REPRESENTATIVE

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ATTACHMENT C - COST PROPOSAL

For "Tree Care and Removal Contract, Birmingham MI"

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

*Attach technical specifications for all proposed materials as outlined in the Contractor's Responsibilities section of the RFP*

**Contract Price:**
The final project cost on the bid form should be determined by multiplying the number, or fraction thereof, units of work actually performed, labor, or material, by the price designated for such items in the proposal.
<table>
<thead>
<tr>
<th>Time and Material Crew</th>
<th>2018-2019 Hourly Rate</th>
<th>2019-2020 Hourly Rate</th>
<th>2020-2021 Hourly Rate</th>
<th>2021-2022 Hourly Rate</th>
<th>2022-2023 Hourly Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trim – 2 - member Plus aerial tower, chipper, saws, all equipment, traffic control devices, etc</td>
<td>$100.00</td>
<td>$105.50</td>
<td>$111.00</td>
<td>$116.50</td>
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<tr>
<td>Trim – 2 - member Overtime Rate</td>
<td>$138.00</td>
<td>$145.50</td>
<td>$153.00</td>
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<td>$168.00</td>
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<td>Removal – 3 - member Plus aerial tower, dump truck, chipper, saws, all equipment, traffic control devices, etc</td>
<td>$143.00</td>
<td>$150.75</td>
<td>$158.50</td>
<td>$166.25</td>
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<td>Removal – 3 - member Overtime Rate</td>
<td>$197.50</td>
<td>$208.13</td>
<td>$218.75</td>
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<tr>
<td>Removal – 4 - member Plus aerial tower, dump truck, chipper, saws, all equipment, traffic control devices, etc</td>
<td>$176.00</td>
<td>$185.50</td>
<td>$195.00</td>
<td>$204.50</td>
<td>$214.00</td>
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<tr>
<td>Removal – 4 - member Overtime Rate</td>
<td>$230.50</td>
<td>$242.88</td>
<td>$255.25</td>
<td>$267.63</td>
<td>$280.00</td>
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<td>Removal – 5 - member Plus aerial tower, dump truck, chipper, saws, arrow board, all equipment, traffic control devices, etc</td>
<td>$209.00</td>
<td>$220.25</td>
<td>$231.50</td>
<td>$242.75</td>
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<td>Removal – 5 - member Overtime Rate</td>
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<td>$277.63</td>
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<td>Time and Material Crew</td>
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<td>2019-2020 Hourly Rate</td>
<td>2020-2021 Hourly Rate</td>
<td>2021-2022 Hourly Rate</td>
<td>2022-2023 Hourly Rate</td>
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<td>Stump Removal – 3 member</td>
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<td>$189.75</td>
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<td>$219.00</td>
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<td>Plus dump truck, stump chipper, equipment, traffic control devices, etc</td>
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<td>Stump Removal – 3 member Overtime Rate</td>
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<td>$247.13</td>
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<td>$90.50</td>
<td>$95.00</td>
<td>$99.50</td>
<td>$104.00</td>
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<tr>
<td>Plus dump truck, all equipment, traffic control devices, etc</td>
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<tr>
<td>Landscape – 2 member Overtime Rate</td>
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<td>Holiday Light – 2 member</td>
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<td>$97.00</td>
<td>$102.00</td>
<td>$107.00</td>
<td>$112.00</td>
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<tr>
<td>Plus aerial tower</td>
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<td>Holiday Light – 2 member Overtime Rate</td>
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<td>Plus dump truck, chipper, saws, all equipment, traffic control devices, etc</td>
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<td>Residential Brush Pickup – 2 member Overtime Rate</td>
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<td>$139.00</td>
<td>$146.00</td>
<td>$153.00</td>
<td>$160.00</td>
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<td>Additional Personnel Rate for each additional person Foreman, Trimmer, Ground Man, etc.</td>
<td>2018-2019 Hourly Rate</td>
<td>2019-2020 Hourly Rate</td>
<td>2020-2021 Hourly Rate</td>
<td>2021-2022 Hourly Rate</td>
<td>2022-2023 Hourly Rate</td>
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<td>Certified Arborist</td>
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<td>Overtime rate</td>
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<td>2020-2021 Hourly Rate</td>
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<tr>
<td>Dump Truck</td>
<td>$10.00</td>
<td>$10.50</td>
<td>$11.00</td>
<td>$11.50</td>
<td>$12.00</td>
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<tr>
<td>Logging Truck W / Lift</td>
<td>$47.00</td>
<td>$50.00</td>
<td>$53.00</td>
<td>$56.00</td>
<td>$59.00</td>
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<td>Stump Chipper</td>
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<td>$48.50</td>
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<td>Water Tanker</td>
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<td>$47.00</td>
<td>$49.00</td>
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<td>$53.00</td>
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<tr>
<td>Loader</td>
<td>$5.00</td>
<td>$5.50</td>
<td>$6.00</td>
<td>$6.50</td>
<td>$7.00</td>
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<td>Truck Lift (75ft) – BID AS A TRACK LIFT (75ft)</td>
<td>$14.00</td>
<td>$15.00</td>
<td>$16.00</td>
<td>$17.00</td>
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<td>Arrow Board</td>
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<td>$4.50</td>
<td>$5.00</td>
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<tr>
<td>Pick- up Truck</td>
<td>$8.00</td>
<td>$8.50</td>
<td>$9.00</td>
<td>$9.50</td>
<td>$10.00</td>
</tr>
</tbody>
</table>
The City currently uses a sole source vendor, Dumor Site Furnishings, sold through Penchura LLC for the purchase of site furnishings uptown including receptacle and city benches, in select parks and for our Recognition Program. This is the result of previous reviews and evaluations of other providers to supply the City of Birmingham with equipment in the approved “Birmingham Green” color, style and custom lettering. Penchura, LLC is the only vendor that can provide the approved style and color. Therefore, no competitive bids were obtained for this purchase.

In order to continue providing standardized equipment throughout downtown and City Parks, the Department of Public Services recommends the purchase of ten (10) Dumor Steel Benches, and fourteen (14) trash receptacles, for a total amount of $34,055.00 from Penchura, LLC. This purchase will be used to replace site furnishings in our newly beautified downtown and supplement our inventory for replacement furnishings.

In 2017, the City purchased new benches and receptacles from this vendor as well. The cost for a bench was $1,288 per bench and the cost for a trash receptacle was $1,300. The 2018 pricing as shown on the quote is $1,265 per bench, and $1,350 per trash receptacle.

This total purchase amount of the benches and receptacles includes freight, custom lettering and the custom color green. Funds are available in the 2017-2018 Capital Projects Fund - Park Benches & Trash Cans for Streetscapes account #401-901.009-981.0100 in the amount of $35,000.

SUGGESTED RESOLUTION:
To approve the purchase of ten (10) Dumor benches and fourteen (14) trash receptacles for a total purchase price of $34,055.00 from the sole source vendor, Penchura, LLC. Further, to waive the formal bidding requirements. Funds have been budgeted in fiscal year 2017-2018 Capital Projects Fund- Park Benches & Trash Cans for Streetscapes account #401-901.009-981.0100 for this equipment purchase.
Bill To
City of Birmingham  
P.O. Box 3001  
151 Martin Street  
Birmingham, MI 48012-3001

Ship To
City of Birmingham  
Public Services (#2552)  
Carrie Laird, 248-530-1714  
851 S. Eton  
Birmingham, MI 48009

<table>
<thead>
<tr>
<th>Customer Contact</th>
<th>Customer Phone</th>
<th>Customer Fax</th>
<th>Terms</th>
<th>P.O. No.</th>
<th>Rep</th>
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<tr>
<td>Carrie Laird</td>
<td>248-530-1714</td>
<td>248-530-1754</td>
<td>Net 30</td>
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<td>LAS</td>
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<table>
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<tr>
<th>Item</th>
<th>Description</th>
<th>Qty</th>
<th>Weight</th>
<th>Price</th>
<th>Total</th>
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<tbody>
<tr>
<td>19-50-Q30</td>
<td>DuMor 5’ Bench, Steel, 2 arms, Insert for 4 x 6 Plaque, Custom Color and Lettering for City of Birmingham</td>
<td>10</td>
<td></td>
<td>1,265.00</td>
<td>12,650.00</td>
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<tr>
<td>CL1</td>
<td>CAST-57-000078</td>
<td>1</td>
<td></td>
<td>150.00</td>
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<tr>
<td>63-947-32-BT-1</td>
<td>Dumor 32 Gal Steel Receptacle, W/Old Bonnet Top</td>
<td>14</td>
<td></td>
<td>1,350.00</td>
<td>18,900.00</td>
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<td>CUST-1</td>
<td>IFS # PLSF-32284PT PARK BENCH GREEN</td>
<td>1</td>
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<td>1,200.00</td>
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<table>
<thead>
<tr>
<th>Freight</th>
<th>Freight</th>
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</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Subtotal: $34,055.00
Sales Tax (0.0%): $0.00
Total: $34,055.00

Proposal good for 30 days.  
Ship Via: common carrier  
Delivery contact name and number: _________________________________

Customer signature below constitutes a purchase order.

889 S. Old US 23, Brighton, MI 48114  
Office: (810) 229-6245  Fax: (810) 229-6256  Toll Free: (888) 778-7529
DATE: J une 15, 2018

TO: Joseph A. Valentine, City Manager

FROM: Lauren A. Wood, Director of Public Services

SUBJECT: Drinking Fountains Purchase

Many of the drinking fountains located in parks and City properties are in need of replacement due to age. In the late summer of 2017, the Department of Public Services purchased a new drinking fountain for Pembroke Park. A picture is included for your reference. This new fountain features a bottle refill station in addition to a fountain bowl. It is a Murdock Fountain, the same quality fountain that is used in other areas of the City. In addition, the model selected offers a freeze resistant option which allows the fountain to stay in place over the winter (not on) and it fared well over last winter.

We have requested pricing to purchase 5 more of these fountains- all with bottle refill stations and fountain bowls, and three (3) with pet bowls and two (2) without. All of these also have the freeze resistant option as well. Diversified Spec Sales is our local rep for Murdock fountains and is considered the only vendor that can provide this selected style. Therefore, no competitive bids were obtained for this purchase.

The total for the five (5) drinking fountains is $21,756.00. See attached proposal for details.

The fountains will replace two (2) existing fountains at St. James Park, one (1) will have a pet bowl near the tennis courts along Grant Street, and one (1) without a pet bowl near the baseball diamond. Howarth Park will receive one (1) fountain to replace one (1) existing, near the baseball diamond, at the corner of Cummings and Emmons. Crestview Park will receive one (1) new fountain with a pet bowl near the tennis courts. West Lincoln well site will receive one (1) fountain with a pet bowl near the tennis courts.

Money has been budgeted in the amount of $25,000 in the Capital Projects Fund Drinking Fountains account #401-901.009-981.0100.

SUGGESTED RESOLUTION:
To approve the purchase of five (5) Murdock drinking fountains in the amount of $21,756.00 from the sole source vendor, Diversified Spec Sales. Further, to waive the formal bidding requirements. Funds have been budgeted in fiscal year 2017-2018 Capital Projects Fund-Drinking Fountains account #401-901.009-981.0100 for this equipment purchase.
To: QUOTE DEPARTMENT  
From: Diversified Spec. Sales, Inc., Oak Park, Michigan 48237  

Bid Date: 2018-06-01  
Expiry Date: 2018-09-29  

Attn.: N/A  
Phone: (248) 398-2400  
Fax: (248) 547-4905  

Job Name: CITY OF BIRMINGHAM  

Comments:  

Section Brand: Murdock  
Header: PER YOUR REQUEST  

<table>
<thead>
<tr>
<th>Label</th>
<th>Product No. Description</th>
<th>Net Price</th>
<th>Qty.</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>GYM74-PF-FRU3</td>
<td>Murdock Mfg - Murdock Pedestal mounted bottle filler with drinking fountain. Pushbutton and hands free sensor operated bottle filler. 18 gage, 304 stainless steel drinking fountain bowl, 12 gage, heavy duty stainless steel construction with corrosion and scratch resistant finish. Satin Stainless finish, Pet fountain receptor (PF), Freeze resistant, below ground valve, three bubblers (FRU3)</td>
<td>$4,756.00</td>
<td>3</td>
<td>$14,268.00</td>
</tr>
<tr>
<td>GYM74-FRU2</td>
<td>Murdock Mfg - Murdock Pedestal mounted bottle filler with drinking fountain. Pushbutton and hands free sensor operated bottle filler. 18 gage, 304 stainless steel drinking fountain bowl, 12 gage, heavy duty stainless steel construction with corrosion and scratch resistant finish. Satin Stainless finish, freeze resistant, below ground valve, Two bubblers (FRU2)</td>
<td>$3,744.00</td>
<td>2</td>
<td>$7,488.00</td>
</tr>
</tbody>
</table>

Section Total: $21,756.00  

NOTE: ALL SHIPMENT F.O.B. CITY OF INDUSTRY, CA  
PRICES GOOD FOR 30 DAYS  
NET 30 DAYS  

ESTIMATED SHIPPING COST FOR 5 UNITS = $ 2458.47 NET  

PO MADE OUT TO DIVERSIFIED SPEC SALES  

Subtotal: $21,756.00  

Terms  
Above prices are list, unless noted.  
Partial or expedited shipments, at customer request, may result in additional freight charges.  
Any material over & above that what is listed is in addition to and therefore not provided for by this quotation.  
Please ensure that all quoted product meets your projects specifications.  
Our company will only be responsible for products shown on the attached quotation.
MEMORANDUM

Department of Public Services

DATE:       June 15, 2018
TO:         Joseph A. Valentine, City Manager
FROM:       Lauren A. Wood, Director of Public Services
SUBJECT:    Bituminous Paving Materials Bid Award

The Department of Public Services (DPS) publicly opened bids titled “Bituminous Paving Materials”, Tuesday, June 12, 2018. Bid specifications were advertised with the Michigan Intergovernmental Trade Network (MITN). The asphalt materials specified were 36A hot asphalt mix used for permanent street repairs, and UPM cold patch which is used for temporary street repairs. There were two bidders, Cadillac Asphalt LLC, and Ajax Materials Corporation. These prices are for a two year period July 1, 2018 - June 30, 2020. The bids are broken down as follows:

<table>
<thead>
<tr>
<th>Material</th>
<th>Cadillac Asphalt LLC 18-19</th>
<th>Cadillac Asphalt LLC 19-20</th>
<th>Ajax Materials Corporation 18-19</th>
<th>Ajax Materials Corporation for 19-20</th>
</tr>
</thead>
<tbody>
<tr>
<td>36A Hot Mix</td>
<td>$72.50/Ton</td>
<td>$76.50/Ton</td>
<td>$67.00/Ton</td>
<td>$73.00 Ton</td>
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<tr>
<td>UPM Cold Patch (Delivered)</td>
<td>$119.00/Ton</td>
<td>$123.00/Ton</td>
<td>$120.00/Ton (50 Ton min.)</td>
<td>$125.00/ Ton (50 Ton min.)</td>
</tr>
<tr>
<td>UPM Cold Patch (Picked Up)</td>
<td>$115.00/Ton</td>
<td>$119.00/Ton</td>
<td>$115.00/Ton</td>
<td>$120.00/ Ton</td>
</tr>
</tbody>
</table>

The Department of Public Services uses the various mixes referenced above for both permanent and temporary asphalt repairs throughout the City. We recommend purchasing this material from Cadillac Asphalt LLC. Our City crews use this product for pothole patching and pavement repairs to streets, alleys, parking lots, and sewer and water trenches. Typically, the purchases of asphalt paving materials cost approximately $80,000.00 annually. This material purchase amount is spread across the Major and Local streets, Sewer, and Water funds.

The price difference between low bid and Cadillac for the hot mix amounts to approximately $3,300 per year, assuming the purchase of 605 tons per year. Given this fact and in order to be most efficient and effective with this purchase, consideration was given to the proximity of the manufacturing plants for pick-up of the 36A Hot Mix. Cadillac Asphalt in Troy has a closer location than Ajax Materials in Rochester Hills; therefore making Cadillac Asphalt the most economical choice taking into account staff pay rates and windshield time to drive to and from the farther pick-up location for this material. Often multiple trips are made on a given day to the plant to pick-up material and DPS uses hot mix five days a week. The additional cost to purchase from the high bidder for the hot mix is less than the extra cost in travel time and productivity to acquire the material.
The pricing during the past year for the hot mix was $59.00/ton and the UPM cold patch (delivered) was $116.00/ton. We purchased both of these materials from Cadillac Asphalt the last two years. The price increase is attributed to supply and demand. The Michigan roads are so bad, more patching is necessitated and the harsh winters caused the patching to start earlier in the season.

SUGGESTED RESOLUTION:
To approve the purchase of 36A hot asphalt mix at $72.50/ton (2018-2019) and $76.50/ton (2019-2020) and UPM cold patch (delivered) at $119.00/ton (2018-2019) and $123.00/ton (2019-2020) from Cadillac Asphalt LLC for a two year period for the fiscal years 2018-2020 to be charged to accounts #202-449.003-729.0000, #203-449.003-729.0000, #590-536.002-729.0000 and #591-537.005-729.0000.
DATE:       June 12, 2018
TO:         Joseph A. Valentine, City Manager
FROM:       Lauren A. Wood, Director of Public Services
SUBJECT:    DPS Furnace Replacements

As part of the 2017-18 budget, the Department of Public Services earmarked funds for the preemptive replacement of aging furnaces at the Public Services facility. Some units are nearly 25 years old, and have recently required minor repairs and service calls.

A thorough inspection of all units was performed by an HVAC contractor in order to determine conditions and establish a priority list. Three were identified as requiring priority replacement - one single unit serving the DPS main office, and a ‘twinned’ unit serving the foremen’s office and multi-purpose room.

A request for quotations was listed on MITN seeking cost proposals for the removal and replacement of 3 furnaces units. The results are as follows:

Great Dane Heating and Air Conditioning, Inc.  $8,995.00
Allied Building Services             $12,860.00

The Department of Public Services recommends awarding the furnace replacement project to Great Dane Heating and Air Conditioning of Clinton Township, MI.

The proposal includes replacement with ultra-high efficiency, 100k BTU Carrier brand furnaces.

SUGGESTED RESOLUTION:
To approve the purchase and installation of three (3) new Carrier Comfort Series furnaces from Great Dane Heating and Cooling in the amount of $8,995.00 from account #401-901.013-977.0000.
DATE: June 12, 2018

TO: Joseph A. Valentine, City Manager

FROM: Lauren A. Wood, Director of Public Services

SUBJECT: Maple Staircase Retaining Wall Replacement

The retaining wall surrounding the staircase at East Maple and S. Eton is in need of removal and replacement due to the deterioration of the stone. The existing stone terrace was installed as part of a beautification project in 2007, where the previous staircase and old broken concrete retaining wall was replaced with a new staircase and a new retaining wall made of Lake Superior limestone. A request for proposals was solicited per the City of Birmingham purchasing guidelines asking qualified vendors to remove and replace the existing retaining wall with Canadian Ledgestone or Michigan Dolomite.

The request for proposal (RFP) was entered into the Michigan Inter-governmental Trade Network (MITN) purchasing system. Sealed proposals were opened Friday, June 1, 2018 for these services. One vendor, Rockworks LLC, responded submitting the results below.

<table>
<thead>
<tr>
<th>Company</th>
<th>Bid Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rockworks, LLC.</td>
<td>$59,250</td>
</tr>
</tbody>
</table>

Rockworks’ proposal includes removal and disposal of the existing stone wall, the installation of a new replacement wall made of Canadian Ledgestone, needed backfill and geotextile fabric installation and replacement of any plant material and mulch affected by the work. There are no new landscape modifications of this area, this is a remove and replace of the wall project only. The proposal was evaluated on the contractor’s ability to provide services as outlined, related experience with similar projects, Contractor background and personnel qualifications, overall costs, and references.

Rockworks LLC is providing a 5 year warranty on the Ledgestone material and also a 5 year warranty on workmanship. Rockworks, LLC has constructed natural stone retaining walls for over 30 years and are considered an expert in the field. They are very knowledgeable in selecting the appropriate stone for the application, and the ledgestone is recommended by them. Additionally, they work with select stone suppliers / quarries that frequently test the stone using the ARC rockery standards of testing, and they will provide this documentation for the stone selected for this project.

Rockworks previous projects include: City of Birmingham, Booth Park in 2006, Midland Country Club with 12,000 FF Ledgestone retaining wall ($900,000), Dow Gardens/Whiting Forest with Ledgestone retaining walls, steps and seating ($380,000), Vistas/ City of Orchard Lake,
Ledgestone retaining wall along Orchard Lake Rd ($160,000). References include Michael Dul Associates, Harley Ellis Devereaux (HED), Hamilton Anderson, and Artisan Engineering.

The Department of Public Services budgeted $45,000 for this project in the Capital Improvement Fund for fiscal year 2017-2018 based on an estimated amount from last year. A completion date of August 31, 2018 was specified in the RFP.

Rockworks, LLC is unable to meet the requested completion date of August 31, 2018 due to a very busy season. They are willing to negotiate the proposed cost based on a modified completion date and our assistance with traffic control measures. Because of the City’s ability to adjust the completion date, which does occur with projects from time to time and provide traffic control devices the Contractor reduced its price by $7,250.00. As a result, Rockworks, LLC agreed to lower the bid price to $52,000 with a revised completion date of prior to November 30, 2018.

Funds in the amount of $45,000 for this service are available in the Capital Projects Fund, #401-441.003-981.0100. The remaining portion of this project, $7,000 will be funded from the General Fund, Property Maintenance-Other Contractual Service Account, #101-441.003-811.0000.

SUGGESTED RESOLUTION:
To award the Maple Staircase Retaining Wall contract to Rockworks, LLC in an amount not to exceed $52,000.00. Funds for this project are available in the following accounts: #401-441.003-981.0100-Capital Projects in the amount of $45,000.00 and #101-441.003-811.0000-Property Maintenance-Other Contractual Service in the amount of $7,000.00. Further, to authorize the Mayor and Clerk to sign the agreement upon receipt of the required insurance.
ATTACHMENT A - AGREEMENT
Maple Staircase Retaining Wall

This AGREEMENT, made this ______ day of ____________, 2018, by and between CITY OF BIRMINGHAM, having its principal municipal office at 151 Martin Street, Birmingham, MI (hereinafter sometimes called "City"), and Rockworks, LLC., having its principal office at 1101 Rhodes Rd, Lake Orion, MI (hereinafter called "Contractor"), provides as follows:

WITNESSETH:

WHEREAS, the City of Birmingham, through its Department of Public Services, is desirous of having work done to replace the stone retaining wall located at Maple and S Eton in the City of Birmingham.

WHEREAS, the City has heretofore advertised for bids for the procurement and performance of services required to perform the removal of the existing stone retaining wall, supply and installation of a new stone wall and all related work including backfill and replacement of materials, and in connection therewith has prepared a request for sealed proposals ("RFP"), which includes certain instructions to bidders, specifications, terms and conditions.

WHEREAS, the Contractor has professional qualifications that meet the project requirements and has made a bid in accordance with such request for cost proposals to perform the removal of the existing stone retaining wall and the supply and installation of a new stone wall and all related work.

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

1. It is mutually agreed by and between the parties that the documents consisting of the Request for Proposal to perform Maple Staircase Retaining Wall and the Contractor’s cost proposal dated June 1, 2018 shall be incorporated herein by reference and shall become a part of this Agreement, and shall be binding upon both parties hereto. If any of the documents are in conflict with one another, this Agreement shall take precedence, then the RFP.

2. The City shall pay the Contractor for the performance of this Agreement in an amount not to exceed $52,000.00, as set forth in the Contractor’s June 1, 2018 cost proposal.

3. This Agreement shall commence upon execution by both parties, unless the City exercises its option to terminate the Agreement in accordance with the Request for Proposals.

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

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

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

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

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

10. The Contractor agrees that neither it nor its subcontractors will discriminate against any employee or applicant for employment with respect to hire, tenure, terms,
conditions or privileges of employment, or a matter directly or indirectly related to employment because of race, color, religion, national origin, age, sex, height, weight or marital status. The Contractor shall inform the City of all claims or suits asserted against it by the Contractor’s employees who work pursuant to this Agreement. The Contractor shall provide the City with periodic status reports concerning all such claims or suits, at intervals established by the City.

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

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

A. **Workers’ Compensation Insurance:** Contractor shall procure and maintain during the life of this Agreement, Workers’ Compensation Insurance, including Employers Liability Coverage, in accordance with all applicable statutes of the State of Michigan.

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

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

D. **Additional Insured:** Commercial General Liability and Motor Vehicle Liability Insurance, as described above, shall include an endorsement stating the following shall be **Additional Insureds:** The City of Birmingham, including all elected and appointed officials, all employee and volunteers, all boards, commissions and/or authorities and board members, including employees and volunteers thereof. This coverage shall be primary to any other coverage that may be available to the additional insured, whether any other available coverage by primary, contributing or excess.
E. Professional Liability: Professional liability insurance with limits of not less than $1,000,000 per claim if Contractor will provide service that are customarily subject to this type of coverage.

F. Pollution Liability Insurance: Contractor shall procure and maintain during the life of this Agreement Pollution Liability Insurance, with limits of liability of not less than $1,000,000, per occurrence preferred, but claims made accepted.

G. Owners Contractors Protective Liability: The Contractor shall procure and maintain during the life of this contract, an Owners Contractors Protective Liability Policy with limits of liability not less than $3,000,000 per occurrence, combined single limit, Personal Injury, Bodily Injury and Property Damage. The City of Birmingham shall be "Name Insured" on said coverage. Thirty (30) days Notice of Cancellation shall apply to this policy.

H. Cancellation Notice: Workers' Compensation Insurance, Commercial General Liability Insurance and Motor Vehicle Liability Insurance (and Professional Liability Insurance, if applicable), as described above, shall include an endorsement stating the following: "Thirty (30) days Advance Written Notice of Cancellation or Non-Renewal, shall be sent to: Finance Director, City of Birmingham, PO Box 3001, 151 Martin Street, Birmingham, MI 48012-3001."

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

1) Two (2) copies of Certificate of Insurance for Workers’ Compensation Insurance;
2) Two (2) copies of Certificate of Insurance for Commercial General Liability Insurance;
3) Two (2) copies of Certificate of Insurance for Vehicle Liability Insurance;
4) Two (2) copies of Certificate of Insurance for Professional Liability Insurance;
5) If so requested, Certified Copies of all policies mentioned above will be furnished.

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

K. Maintaining Insurance: Upon failure of the Contractor to obtain or maintain such insurance coverage for the term of the Agreement, the City of Birmingham may, at its option, purchase such coverage and subtract the cost of obtaining such coverage from the Agreement amount. In obtaining such coverage, the City of Birmingham shall have no obligation to procure the most cost-effective coverage but may contract with any insurer for such coverage.
13. To the fullest extent permitted by law, the Contractor and any entity or person for whom the Contractor is legally liable, agrees to be responsible for any liability, defend, pay on behalf of, indemnify, and hold harmless the City of Birmingham, its elected and appointed officials, employees and volunteers and others working on behalf of the City of Birmingham against any and all claims, demands, suits, or loss, including all costs and reasonable attorney fees connected therewith, and for any damages which may be asserted, claimed or recovered against or from and the City of Birmingham, its elected and appointed officials, employees, volunteers or others working on behalf of the City of Birmingham, by reason of personal injury, including bodily injury and death and/or property damage, including loss of use thereof, which arises out of or is in any way connected or associated with this Agreement. Such responsibility shall not be construed as liability for damage caused by or resulting from the sole act or omission of its elected or appointed officials, employees, volunteers or others working on behalf of the City of Birmingham.

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

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

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

City of Birmingham
Attn: Lauren Wood, Director of Public Services
851 South Eton Street
Birmingham, MI 48009
248-530-1700

17. Any controversy or claim arising out of or relating to this Agreement, or the breach thereof, shall be settled either by commencement of a suit in Oakland County Circuit Court, the 48th District Court or by arbitration. If both parties elect to have the dispute resolved by arbitration, it shall be settled pursuant to Chapter 50 of the Revised Judicature Act for the State of Michigan and administered by the American Arbitration Association with one arbitrator being used, or three arbitrators in the event any party's claim exceeds $1,000,000. Each party shall bear its own costs and expenses and an equal share of the arbitrator's and administrative fees of arbitration. Such arbitration shall qualify as statutory arbitration pursuant to MCL§600.5001 et. seq., and the Oakland County Circuit Court or any court having jurisdiction shall render judgment upon the award of the arbitrator made pursuant to
this Agreement. The laws of the State of Michigan shall govern this Agreement, and
the arbitration shall take place in Oakland County, Michigan. In the event that the
parties elect not to have the matter in dispute arbitrated, any dispute between the
parties may be resolved by the filing of a suit in the Oakland County Circuit Court or
the 46th District Court.

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

IN WITNESS WHEREOF, the said parties have caused this Agreement to be
executed as of the date and year above written.

WITNESSES:

[Signature]

[Signature]

CONTRACTOR

By:

Its: [Signature]

CITY OF BIRMINGHAM

By:

Andrew M. Harris

Its: Mayor

By:

J. Cherilynn Mynsberge

Its: City Clerk

Approved:

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

Timothy J. Currier, City Attorney
(Approved as to form)

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

Joseph A. Valentine, City Manager
(Approved as to substance)
**CERTIFICATE OF LIABILITY INSURANCE**

**TO: CERTIFICATE HOLDER**

**FROM: PRODUCER**
Arthur J. Gallagher Risk Management Services, Inc.
1690 Waterower Place #500
East Lansing MI 48823

**TO: INSURED**
Rockworks LLC
Ray Rogers
1101 Rhodes Road
Lake Orion MI 48360

**DATE:** 6/14/2016

---

**COVERAGES**

**CERTIFICATE NUMBER:** 1244912419

---

<table>
<thead>
<tr>
<th>SER.</th>
<th>TYPE OF INSURANCE</th>
<th>ADJ. SUBR.</th>
<th>YD</th>
<th>POLICY NUMBER</th>
<th>POLICY EFF (MM/DD/YYYY)</th>
<th>POLICY EXP (MM/DD/YYYY)</th>
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<td>SD678366</td>
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<tr>
<td>C</td>
<td>UMBRELLA LIABILITY</td>
<td>OCCUR</td>
<td></td>
<td>SJM388</td>
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| A    | WORKERS COMPENSATION |  Y/N | ROCKW-H | 7/1/2018 | 6/30/2018 | X | PER STATUTE | DISEASE | $500,000 |
| B    | EMPLOYERS LIABILITY |  N/A | ROCKW-H | 7/1/2018 | 6/30/2018 |  | 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**

The City of Birmingham, including all elected and appointed officials, all employees and volunteers, all boards, commissions and/or authorities and board members, including employees and volunteers thereof are listed as additional insured on the general liability and auto liability as it pertains to work performed by the named insured per written contract, per policy conditions. Additional insured Coverage is primary and non-contributory on the General Liability. The Producer will endeavor to mail (30) days written notification to the Certificate Holder named on the certificate if any policy listed on the certificate is cancelled prior to the expiration date. Failure to do so shall impose no obligation or liability of any kind upon the Producer or otherwise alter the policy terms.* In the event of non-pay the carrier is only obligated to give 10 days notice. For Workers comp 20 days notice will be given, per Michigan Work Comp Statute.

---

**CERTIFICATE HOLDER**

City of Birmingham
PO Box 3001
151 Martin Street
Birmingham MI 48012-3001

**CANCELLATION**

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

**AUTHORIZED REPRESENTATIVE**

[Signature]

---

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June 18, 2018

Ms. J. Cherilynn Mynsberge, City Clerk
City of Birmingham
151 Martin Street, P.O. Box 3001
Birmingham, MI 48012-3001

Re: Michigan Bell Telephone Company d/b/a AT&T – Metro Act Right of Way Permit Extension

Dear Ms. Mynsberge:

You will find enclosed the Metro Act Right of Way Permit Extension for Michigan Bell Telephone Company d/b/a AT&T. Also enclosed you will find a copy of a proposed Resolution approving the 5-year extension AT&T is requesting. I have reviewed the Permit Extension AT&T has proposed and have determined that it complies both technically and legally with the mandates of the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act, Act No. 48 of the Public Acts of 2002. My recommendation is that the City Commission approve the Resolution granting AT&T a 5 year extension of the permit.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

BEIER HOWLETT, P.C.

Timothy J. Currier

TJC/jc
Enclosures
cc: Metro Authority (w-cc of encl.)

SUGGESTED ACTION:

To adopt the resolution approving the five-year extension of the Metro Act Right of Way Permit for Michigan Bell Telephone Company d/b/a AT&T.
RESOLUTION

Moved by ___________________________  Seconded by ___________________________

WHEREAS, the State of Michigan enacted the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act, Act No. 48 of the Public Acts of 2002 (the "Act"); and

WHEREAS, the Act, among other things, provides for a Uniform Safe Harbor Permit Application and a Safe Harbor Unilateral Permit for access to and use of the public rights-of-way by telecommunications providers; and,

WHEREAS, the Act further provides, among other things, for the City to approve or deny access to the rights-of-way within 45 days of receiving the Safe Harbor Application from a telecommunications provider; and,

WHEREAS, Michigan Bell Telephone Company d/b/a AT&T Michigan (AT&T) received a Unilateral Permit pursuant to the Act on December 8, 2003; and,

WHEREAS, the City granted AT&T an extension of that permit on December 8, 2008, extending the permit expiration date to December 31, 2010; and,

WHEREAS, the City, on November 16, 2010 received an AT&T Michigan 3 Year Permit Extension created by the Metro Authority, seeking to extend the term of the Permit until December 31, 2013; and,

WHEREAS, The City, on August 6, 2013 received an AT&T Michigan 5 Year Permit Extension created by the Metro Authority, seeking to extend the term of the Permit until December 31, 2018; and,
WHEREAS, The City, on June 11, 2018 received an AT&T Michigan 5 Year Permit Extension created by the Metro Authority, seeking to extend the term of the Permit until December 31, 2023; and,

WHEREAS, the City held a public hearing on June 25, 2018 to consider the Permit Extension between the City of Birmingham and AT&T Michigan; and,

WHEREAS, the City complied with the requirements of the Act by approving this Extension; and,

WHEREAS, the City of Birmingham determined that the AT&T Michigan Metro Act Right Of Way Permit Extension complies with the Act.

NOW, THEREFORE, IT IS HEREBY RESOLVED, that the 5 Year Permit Extension filed by AT&T Michigan is approved.

Passed, adopted and approved this 25th day of June, 2018.

AYES: 


NAYS: 


PRESENT: 


ABSENT: 


CERTIFICATION

I, J. Cherilynn Mynsberge, being the duly appointed and qualified Clerk of the City of Birmingham, Oakland County, Michigan, do hereby certify and declare that the foregoing is a true and correct copy of Resolution, the original of which is on file in my office, adopted by the City of Birmingham Commission at a regular meeting held on June 25, 2018.

J. Cherilynn Mynsberge, City Clerk
DATE: June 11, 2018

TO: Joseph A. Valentine, City Manager

FROM: J. Cherilynn Mynsberge, City Clerk

SUBJECT: Election Commission Delegation of Duties to City Clerk and Authorized Assistants for August 7, 2018 Primary Election and November 6, 2018 General Election

The Birmingham City Charter names the city commission as the election commission:

Chapter IV. – Registrations, Nominations and Elections
Section 22. - [Election commission.]
The city commission shall constitute the election commission for the city and shall perform all of the duties required of the city election commissions by the general laws of the state. It shall appoint the inspectors of election and fix their compensation.

The attached excerpt from the Election Officials' Manual of the Michigan Bureau of Elections (BOE) cites the duties of a city election commission and draws distinctions between those which must be conducted by the election commission and those which may be delegated by the election commission to the City Clerk and her authorized assistants.

To comply with the BOE's recommendation that the election commission documents the delegation of its duties, I respectfully request the City Commission, in its role as the election commission, adopt the following resolution.

SUGGESTED RESOLUTION:
To delegate to the Birmingham City Clerk and her authorized assistants, those being the members of her staff, the following duties of the election commission for the August 7, 2018 Primary Election and the November 6, 2018 General Election:

- Preparing meeting materials for the election commission, including ballot proofs for approval and a listing of election inspectors for appointment;
- Contracting for the preparation, printing and delivery of ballots;
- Providing candidates and the Secretary of State with proof copies of ballots;
- Providing notice to voters in the case of precinct changes/consolidations;
- Providing election supplies and ballot containers; and
- Preliminary logic and accuracy testing.
CITY AND TOWNSHIP ELECTION COMMISSIONS:

Note: The chart above outlines the composition of the local election commissions based on your jurisdiction’s form of government. The only exception to the composition of the local election commission must be provided by a city charter.

City and Township Election Commission members are responsible for the following:

- Establishing precincts, including temporary precinct consolidations for non-State/Federal elections;
- Establishing Absent Voter Counting Boards (AVCBs);
- Assessing voting equipment needs;
- Performing logic and accuracy testing for voting equipment. NOTE: Even if the county performs the programming for the local jurisdictions, it is still the responsibility of the local election commission to conduct pre-election logic and accuracy testing for their voting equipment prior to each election. Preliminary testing may be delegated to the local clerk; however, public accuracy testing must be conducted by the election commission or each members’ designated representative.
- Authorizing the printing and provision of ballots for use in city, township, village and certain school district elections;
- Providing election supplies (including forms and ballot containers);
- Appointing precinct inspectors prior to each election, including AVCB members, Receiving Board members, precinct chairpersons and alternates; note that certified election inspectors must be appointed at least 21 days prior to the election and no more than 40 days prior to each election;
- Notifying major political parties of the appointment of election inspectors in federal and state elections; and
- Carrying out other election related duties for their respective jurisdictions.
Election Commission Responsibilities that should be handled via an Open Meeting by Election Commission Members:

- Approving of ballots
- Appointing precinct inspectors
- Public Accuracy Test
- Precinct Changes / Consolidations
- Adoption of resolution outlining delegated duties

Election Commission Duties that may be delegated to the Local Clerk or authorized assistant (note: Delegated duties should be documented via resolution):

- Preparing meeting materials for the Election Commission (ballots proof for approval, list of election inspectors for appointment, etc.)
- Preparing, printing and delivering ballots
- Providing candidates and the Secretary of State with proof copies of ballots
- Providing notice to voters in the case of precinct changes/consolidations
- Providing election supplies and ballot containers
- Preliminary logic and accuracy testing
- Notifying major political parties of certified precinct Inspector appointments (federal and state elections only)

SCHOOL ELECTION COORDINATING COMMITTEE: Every school district has a School Election Coordinating Committee responsible for determining the details of how special school elections will be administered. The School Election Coordinating Committee is composed of a school election coordinator, the secretary of the school board and the clerks of all jurisdictions covered by the school district. For a school district wholly contained within a single jurisdiction, that clerk is the school election coordinator. In a school district that crosses jurisdiction lines the county clerk is the coordinator.

TYPES OF ELECTIONS

There are several types of elections conducted in Michigan. The following is an overview of the various types.
MEMORANDUM

DATE:       June 15, 2018
TO:         Joseph A. Valentine, City Manager
FROM:       Yvonne Taylor, HR Manager
SUBJECT:    Professional Services Agreement Renewal – Logicalis, Inc.

Background

Following the retirement of Information Technology (IT) Manager, Gary Gemmell, the City received authorization from the City Commission to enter into a 12-month service agreement with Logicalis, Inc. – an IT Integration Solution Provider – beginning on July 5, 2016. Since that time Logicalis has provided IT services to the City such as infrastructure management and upgrading, network and server administration, cybersecurity, and user support and training. The current service agreement expires on June 30, 2018. The new agreement, if approved, would be effective July 1, 2018.

24-Month Renewal Recommendation

During the course of this service agreement, ongoing feedback and information have been collected related to on-site Logicalis staff and quality of services provided. Overall, the City continues to benefit from the placement of one (1) on-site dedicated Network Administrator with access to other Logicalis staff with specialized skills for City projects. Additionally, City staff has provided positive feedback on quality of services rendered including system updates/upgrades, IT equipment procurement, and Help Desk response and resolution.

Given the overall satisfaction of Logicalis’ services rendered, it is recommended to renew the agreement for a 24-month period beginning July 1, 2018, which will provide stability and continuation of major IT projects currently pending and scheduled in the next two (2) fiscal years. Funds are available in the existing budget, and no additional funding is needed. The renewal agreement is attached.

SUGGESTED RESOLUTION:
To approve a 24-month service agreement renewal with Logicalis, Inc. effective July 1, 2018 for City Information Technology services. Further, to direct the City Manager to sign the renewal agreement on behalf of the City.
Staffing SOW
Temporary Assignment Only

This Staffing SOW (the “SOW”) is made pursuant to the Terms and Conditions of Sale between City of Birmingham, Michigan (“Customer”) and Logicalis, Inc. (“Logicalis”) dated June 14, 2016 (the “Agreement”), the terms of which are incorporated herein by reference.

1. General Nature of Services
Provision of consultant(s) to work at the direction of Customer.

2. Labor Cost

<table>
<thead>
<tr>
<th>Anticipated Personnel Role</th>
<th>Monthly Rate</th>
<th>Contract Hours</th>
<th>Duration</th>
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<tbody>
<tr>
<td>Eric Brunk</td>
<td>$9,700.00</td>
<td>40/week</td>
<td>July 1, 2018 – June 30, 2019</td>
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<tr>
<td>Eric Brunk</td>
<td>$9,700.00*</td>
<td>40/week</td>
<td>July 1, 2019 – June 30, 2020</td>
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</table>

The following skills will be provided: Server Administration and Support

* Logicalis and City of Birmingham will agree to perform an annual review to discuss IT management performance and determine whether staff or rate changes should be modified for the second year of this agreement, up to a maximum of three percent (3%) increase.

The pricing in this SOW does not include taxes, if any, which will be Customer’s responsibility.

3. Travel Expenses
Travel expenses, other than those to the Customer’s offices, will be tracked separately and billed directly to Customer. Travel expenses will include cost incurred from travel (airfare, rental car, mileage, tolls, and lodging). Meals, if any, will be billed at the per diem rate of $65.

4. Project Name
Staffing Renewal

5. Project Sponsor (Name of person to whom invoices should be addressed)
Yvonne Taylor

6. Billing Address
City of Birmingham
151 Martin Street
Birmingham, Michigan 48009

7. No Solicitation
In consideration of the furnishing of services by Logicalis, it is agreed that, during the term of this SOW and for 100 business days thereafter, Logicalis shall not solicit any employee of Customer if such employee became known to Logicalis through the relationship established pursuant to this SOW. This prohibition will not apply to job opportunities posted on recruiting websites or in other publications in which Logicalis seeks to find candidates for open positions (absent direct solicitation and/or recruitment).
Acceptance:
To confirm our retention and authorize work to begin on your engagement, please return a signed copy of this document along with a copy of the Purchase Order, if required. Alternatively, you may email a copy to your Logicalis Account Executive or fax a copy to (248) 232-5412. Upon acceptance by Logicalis, a counter-signed copy will be returned to your attention. Any reference to a customer’s Purchase Order or P.O. number does not indicate Logicalis’ acceptance of terms and conditions referenced on/attached to any such P.O.

Accepted By:  
City of Birmingham  
Logicalis, Inc.

Signature  
Printed Name  
Title  
Date

City of Birmingham  
P.O. Number (if provided)

Billing Contact:  
Yvonne Taylor  
City of Birmingham  
151 Martin Street  
Birmingham, Michigan 48009  
248.530.1811

Billing Contact Correction:

Cc: Pat Rotary, Auggie Lagnese
MEMORANDUM

DATE: June 15, 2018

TO: Joseph A. Valentine, City Manager

FROM: Lauren A. Wood, Director of Public Services

SUBJECT: Spring Light Pole Painting Project

The City of Birmingham is responsible for the costs to keep the DTE owned light poles painted to City standards in the downtown. Since DTE Community Lighting is the owner, any work performed to the light poles, including painting, must be done by a DTE approved contractor. Seaway Painting, LLC is the current approved painting contractor for DTE and was contacted by the Department of Public Services for a proposal to paint selected light poles in Birmingham. DTE is aware of this project and agrees to the selected contractor.

Since Seaway Painting, LLC is the current painting contractor for DTE and provided a quote for this project consisting of both tall (56) and short (53) poles, for a total of 109 poles, no other bids were obtained. The work area is North Old Woodward, between Oak and Oakland, all tall light poles in the center median and tall and short poles along the sidewalk areas, short light poles in Municipal Parking Lot 6, Park Street between Maple and Oakland which is comprised of both tall and short light poles, Ferndale between Hamilton and Oakland-short poles, and Brown Street consisting of tall and short light poles. The quote also includes a large electrical panel that is in need of paint in the work zone area and several electrical box covers also in the work area, in the median along North Old Woodward. The total purchase price to accomplish this project is $26,125.

The attached proposal dated May 29, 2018 from Seaway Painting reflects tall poles priced at $245, with the exception of 4 double head poles, meaning 2 arms with lights (only 4) at $270. Small poles are priced at $210.

In Fall 2017, a comparable project involved the painting of DTE Light Poles on West Maple Road. Seaway was the DTE approved contractor for this project as well, and provided the service of painting 72 poles for a total purchase price of $18,280. The poles on West Maple were all tall poles, with an average cost of $253 per pole.

There is a remaining balance of $21,085.00 in the following account: #202-449.003-937.0500, Street Lighting Maintenance, Street Light Post Painting. The remainder of the project cost will be charged to Local Streets Maintenance, Other Contractual Service account #203-449.003-937.0500 in the amount of $3,150.00 (Ferndale St. is local street), and Parking Fund account 585-538.006-811.0000 in the amount of $1,890.00 (Lot 6) for a total of $26,125.00.
SUGGESTED RESOLUTION:
To approve the painting of 109 light poles in Downtown Birmingham with Seaway Painting, LLC in the amount not to exceed $26,125.00. Funds are available in the Street Lighting Maintenance account #202-449.003-937.0500 in the amount of $21,085.00; Local Streets Maintenance, Other Contractual Service account #203-449.003-937.0500 in the amount of $3,150.00 and the Parking Fund account #585-538.006-811.0000 in the amount of $1,890.00 for a total project cost of $26,125.00. Further, to waive the normal bidding requirements because Seaway is a DTE selected contractor. Further, to authorize the Mayor and City Clerk to sign on behalf of the City upon the receipt of the required insurance.
May 29, 2018

City of Birmingham
151 Martin St
Birmingham, MI 48012
Attn: Ms. Carrie Laird

Ref: Painting of Light Poles or Electrical Boxes at Various Locations in Birmingham
Seaway Proposal # 05-24-18

Ms. Laird,
Thank you in advance for the opportunity to quote your painting needs. It is understood that there are multiple posts and electrical boxes in multiple areas that need to be cleaned and coated. The color of the poles will match Sherwin Williams Cedar Green 4032.

Scope of Work General:
• Clean the exterior of the Poles / Electrical Box Covers by hand or air powered tools, solvent wipe the poles.
• Application of primer to the Poles / Electrical Box Covers will be Carbomastic 90 for the first 6 feet of the pole and spot primed thereafter.
• Application of topcoat to the Poles / Electrical Box Covers exterior (Match SW Cedar Green 4032) Carboline Carbothane 134HG

Unit Pricing:

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<thead>
<tr>
<th>Description</th>
<th>Quantity</th>
<th>Unit Price</th>
<th>Extended Price</th>
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<tbody>
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<td>Brown St – Pierce to SOW</td>
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</tr>
<tr>
<td>• Tall Poles</td>
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<td>$1,960.00</td>
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<td>• Short Poles</td>
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<tr>
<td>• Short Poles</td>
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<td>$210</td>
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<td>NOW- Woodward to Willits</td>
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<td>• Tall Pole</td>
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<td>• Tall Pole Double Head</td>
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<td>• Short Pole</td>
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<td>$210</td>
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<tr>
<td>• Large Electrical Box</td>
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<td>NOW- Woodward to Willits Median</td>
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<tr>
<td>• Tall Poles</td>
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<td>• Small Elect. Box Covers</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>• Tall Pole</td>
<td>8</td>
<td>$245</td>
<td>$1,960.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
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<tr>
<td>----------------------</td>
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<td>-----</td>
<td>----------</td>
</tr>
<tr>
<td>Short Pole</td>
<td>13</td>
<td>$210</td>
<td>$2,730.00</td>
</tr>
<tr>
<td>Ferndale St – Hamilton to Oakland</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Short Pole</td>
<td>15</td>
<td>$210</td>
<td>$3,150.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td>$26,125.00</td>
</tr>
</tbody>
</table>

**MDOT ROW**
If a permit is required the City of Birmingham will have to provide the permit.

General Requirements:
- All signs, banners, flags, etc. must be removed from the poles by others. They should not be reinstalled until the poles have achieved final cure. Depending on weather, the cure time could take 7 to 14 days.
- It is recommended that the owner rinse the poles annually after the last snowfall with clean water. This will help remove contaminants that are present on the poles as a result of salting during the winter months.
- It is the sole responsibility of the City to provide any necessary permits or traffic control devices in excess of one Arrow Board that Seaway Painting, LLC will provide. Please note that if work hours are restricted causing a reduction with productivity this price may be amended.

Hoping the above meets with your approval. If you have any questions please give me a call. Please let me know if approved and what time frame you would like to have the poles painted.

Sincerely,

Bill Loughrey
Seaway Painting, LLC
ATTACHMENT A - AGREEMENT
For Spring 2018 Painting Project

This AGREEMENT, made this ______ day of ____________, 2018, by and between CITY OF BIRMINGHAM, having its principal municipal office at 151 Martin Street, Birmingham, MI (hereinafter sometimes called "City"), and Seaway Painting, LLC., having its principal office at 31801 Schoolcraft, Livonia, MI 48150 (hereinafter called "Contractor"), provides as follows:

WITNESSETH:

WHEREAS, the City of Birmingham, through its Department of Public Services, is desirous of having 109 light poles prepped and painted in the City of Birmingham.

WHEREAS, the City has heretofore requested a quote from a qualified, DTE approved contractor to perform the painting of 109 light poles located in Downtown Birmingham.

WHEREAS, the Contractor has professional qualifications that meet the project requirements and has made a bid in accordance with such request for cost proposals to perform the painting of the 109 light poles located North Old Woodward, Park Street, Ferndale Street, Brown St, and Lot 6.

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

1. It is mutually agreed by and between the parties that the documents consisting of the Request for Proposal to perform the painting of 109 light poles located in Downtown Birmingham, and the Contractor’s cost proposal dated May 29, 2018 shall be incorporated herein by reference and shall become a part of this Agreement, and shall be binding upon both parties hereto. If any of the documents are in conflict with one another, this Agreement shall take precedence, then the RFP.

2. The City shall pay the Contractor for the performance of this Agreement in an amount not to exceed $26,125.00, as set forth in the Contractor’s May 29, 2018 cost proposal.

3. This Agreement shall commence upon execution by both parties, unless the City exercises its option to terminate the Agreement in accordance with the Request for Proposals.

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

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

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

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

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

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

10. The Contractor agrees that neither it nor its subcontractors will discriminate against any employee or applicant for employment with respect to hire, tenure, terms, conditions or privileges of employment, or a matter directly or indirectly related to employment because of race, color, religion, national origin, age, sex, height, weight or marital status. The Contractor shall inform the City of all claims or suits asserted against it by the Contractor's employees who work pursuant to this Agreement. The
Contractor shall provide the City with periodic status reports concerning all such claims or suits, at intervals established by the City.

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

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

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

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

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

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

E. **Professional Liability:** Professional liability insurance with limits of not less than $1,000,000 per claim if Contractor will provide service that are customarily subject to this type of coverage.
F. **Pollution Liability Insurance:** Contractor shall procure and maintain during the life of this Agreement Pollution Liability Insurance, with limits of liability of not less than $1,000,000, per occurrence preferred, but claims made accepted.

G. **Owners Contractors Protective Liability:** The Contractor shall procure and maintain during the life of this contract, an Owners Contractors Protective Liability Policy with limits of liability not less than $3,000,000 per occurrence, combined single limit, Personal Injury, Bodily Injury and Property Damage. The City of Birmingham shall be "Name Insured" on said coverage. Thirty (30) days Notice of Cancellation shall apply to this policy.

H. **Cancellation Notice:** Workers' Compensation Insurance, Commercial General Liability Insurance and Motor Vehicle Liability Insurance (and Professional Liability Insurance, if applicable), as described above, shall include an endorsement stating the following: "Thirty (30) days Advance Written Notice of Cancellation or Non-Renewal, shall be sent to: Finance Director, City of Birmingham, PO Box 3001, 151 Martin Street, Birmingham, MI 48012-3001.

I. **Proof of Insurance Coverage:** Contractor shall provide the City of Birmingham at the time the Agreement is returned for execution, Certificates of Insurance and/or policies, acceptable to the City of Birmingham, as listed below.
   1) Two (2) copies of Certificate of Insurance for Workers' Compensation Insurance;
   2) Two (2) copies of Certificate of Insurance for Commercial General Liability Insurance;
   3) Two (2) copies of Certificate of Insurance for Vehicle Liability Insurance;
   4) Two (2) copies of Certificate of Insurance for Professional Liability Insurance;
   5) If so requested, Certified Copies of all policies mentioned above will be furnished.

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

K. **Maintaining Insurance:** Upon failure of the Contractor to obtain or maintain such insurance coverage for the term of the Agreement, the City of Birmingham may, at its option, purchase such coverage and subtract the cost of obtaining such coverage from the Agreement amount. In obtaining such coverage, the City of Birmingham shall have no obligation to procure the most cost-effective coverage but may contract with any insurer for such coverage.

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

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

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

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

   City of Birmingham
   Attn: Lauren Wood
   Department of Public Services
   851 S Eton St
   Birmingham, MI 48009
   (248) 530-1700

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

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

IN WITNESS WHEREOF, the said parties have caused this Agreement to be
executed as of the date and year above written.

WITNESSES:

CONTRACTOR

By: Bill Laughrey

CITY OF BIRMINGHAM

By: Andrew M. Harris
Its: Mayor

By: J. Cherilynn Mynsberge
Its: City Clerk

Approved:

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

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

Timothy J. Currier, City Attorney
(Approved as to form)

Joseph A. Valentine, City Manager
(Approved as to substance)
# ACORD Certificate of Liability Insurance

**Client#: 1058**  
**SEAPAI**  
**DATE**: 8/14/2017

**Producer**
ZERVOS GROUP, INC.  
24724 Farmbrook (248) 355-4411  
P.O. Box 2067  
Southfield, MI 48037-2067

**Insured**
SEAWAY PAINTING, LLC  
31801 Schoolcraft  
Livonia, MI 48150

### Coverages

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<td>CH16EXC850429IC</td>
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<tr>
<td>C</td>
<td>NY15ECP04965IC</td>
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</tbody>
</table>

### Certificate Holder
City of Birmingham  
Attn: Finance Director  
151 Martin Street  
P.O. Box 3001  
Birmingham, MI 48012-3001

**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**

---

**Description of Operations/locations/vehicles**

**Project: Light Pole Painting**

The City of Birmingham, including all elected and appointed officials, all employees and volunteers, all boards, commissions and/or authorities and board members, including employee and volunteers as additional insureds under the commercial general liability portion of the excess liability policy and automobile liability policy for services performed by Seaway Painting L.L.C. as their interest may appear, if required by written contract with the named insured, subject to terms and conditions of the policies.

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**Cancellation**

© 1988-2014 ACORD CORPORATION. All rights reserved.
DATE: June 13, 2018
TO: Joseph A. Valentine, City Manager
FROM: Yvonne Taylor, HR Manager
SUBJECT: “Vehicle Use” Policy Amendment

Background

All staff members operating City vehicles are expected to drive responsibly and follow standard rules of defensive driving for the protection of all concerned; and comply with all federal, state, and local vehicle laws. To ensure personal and public safety in the use of City Vehicles, the HR Department has identified a need to enhance the City’s current Vehicle Use policy. The proposed Vehicle Use policy is intended to provide guidelines for the safe utilization of City vehicles, risk mitigation and staff member disclosure responsibilities.

Current “Vehicle Use” Policy

The City’s current “Vehicle Use” policy reads:

“If your job requires you to drive, you may be assigned a City vehicle. Pool cars are available for use on City business and may be checked out at the Clerk’s Office during regular business hours. If you are driving a City vehicle and are involved in a collision, however minor it may be, you must call the Police Department to make a report. You will also be required to complete a separate report at your department.

If you use your own vehicle on official City business, you will be reimbursed according to the number of miles driven. This reimbursement is designated to cover all costs and expenses including insurance. You must carry auto liability insurance as required by the State of Michigan. The City provides no insurance coverage for employee owned-vehicles.

If your driver’s license is revoked, expired, or suspended, you must notify your supervisor immediately.”

Proposed “Vehicle Use” Policy Amendment

The proposed amendment to the current Vehicle Use policy would result in the modification of the following provision, as “pool cars” are managed by the Department of Public Services:
Modify the following language to reflect:

“Pool cars are available for use on City business and may be checked out at the Clerk’s Office Department of Public Services during regular business hours.”

Additionally, the proposed amendment to the current Vehicle Use policy would result in the addition of the following provisions to enhance disclosure and notification responsibilities, and improve safety guidelines and directives:

Add the following language:

“You must also promptly notify the Human Resources Department if you accumulate more than six (6) points in the past twelve (12) months, or more than ten (10) points in the past five (5) years on your driving record. In the event of license restriction, revocation, expiration or suspension an employee shall not operate any City vehicle contrary to the provisions imposed by the restriction, revocation, expiration or suspension.

Any traffic violation received while operating a City vehicle is the responsibility of the employee. Any fines incurred shall be paid or otherwise resolved promptly by the driver. Employees shall immediately notify their supervisor and Department Head upon receiving a traffic violation while operating a City vehicle.

Employees shall not operate or have in his or her control, any City vehicle while under the influence of alcohol or inebriating drugs. The transportation or storage of any alcohol or controlled substance in a City vehicle is expressly prohibited. An employee violating this policy may be subject to severe disciplinary action, up to and including termination of employment.

The City maintains the authority to determine who will drive a City vehicle, to establish vehicle operator standards, and to revoke the right to drive City vehicles for failure to meet the standards. Privileges to operate a City vehicle on official business extends only as long as the driver operates the vehicle in a safe and efficient manner. A record of preventable accidents, or other disqualifying violations and/or convictions may result in appropriate disciplinary action up to and including removal of driving privileges and termination of employment.”

HR Recommendation
The HR Department recommends adoption and implementation of the attached “Vehicle Use” policy amendment.

SUGGESTED RESOLUTION:
To adopt the “Vehicle Use” Policy Amendment as a City policy and authorize the HR Department to implement and enforce accordingly.
If your job requires you to drive, you may be assigned a City vehicle. Pool cars are available for use on City business and may be checked out at the Department of Public Services during regular business hours. If you are driving a City vehicle and are involved in a collision, however minor it may be, you must call the Police Department to make a report. You will also be required to complete a separate report at your department.

If you use your own vehicle on official City business, you will be reimbursed according to the number of miles driven. This reimbursement is designated to cover all costs and expenses including insurance. You must carry auto liability insurance as required by the State of Michigan. The City provides no insurance coverage for employee owned-vehicles.

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City vehicle #97 is a 2002 GMC Safari van assigned to the Public Services Department water meter shop. Due to its age and condition, the Department of Public Services recommends replacement based on the evaluation score as indicated below:

<table>
<thead>
<tr>
<th>FACTOR</th>
<th>DESCRIPTION</th>
<th>POINTS</th>
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</thead>
<tbody>
<tr>
<td>Age</td>
<td>1 point each year of age</td>
<td>16</td>
</tr>
<tr>
<td>Miles/Hours</td>
<td>1 point each 10,000 miles of usage</td>
<td>6.5</td>
</tr>
<tr>
<td>Type of Service</td>
<td>Type 2 – Standard vehicles with occasional off-road usage</td>
<td>2</td>
</tr>
<tr>
<td>Reliability</td>
<td>Level 2 – In shop 1 time within 3 month period; 1 breakdown/road call within 3 month period</td>
<td>2</td>
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<tr>
<td>M &amp; R Costs</td>
<td>Level 2 - 21-40% of replacement costs</td>
<td>2</td>
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<tr>
<td>Condition</td>
<td>Level 3 – Noticeable imperfections in body and paint surface, some rust, minor damage from add-on equipment, worn interior, and a weak or noisy drive train</td>
<td>3</td>
</tr>
<tr>
<td>TOTAL POINTS</td>
<td>28+, POOR - needs priority replacement</td>
<td>31.5</td>
</tr>
</tbody>
</table>

The Department of Public Services recommends replacing this vehicle with a new 2018 RAM ProMaster City Tradesman van through the State of Michigan extendable purchasing contract #071B7700182 – awarded to Galeana’s Van Dyke Dodge, located in Warren, Mich. – for a total expenditure of $19,488.74. Funds for this purchase are available in the Auto Equipment Fund, account #641-441.006-971.0100.

Upon delivery of the new vehicle - expected within 2-3 weeks - the old vehicle will be stripped of transferrable equipment and will be listed on the Michigan Governmental Trade Network for public auction.

SUGGESTED RESOLUTION:
To approve the purchase of one (1) new 2018 RAM ProMaster City Tradesman van from Galeana’s Van Dyke Dodge through the State of Michigan extendable purchasing contract #071B7700182 in the amount of $19,488.74 from account #641-441.006.971.0100.
DATE: June 18, 2018

TO: Joseph A. Valentine, City Manager

FROM: Paul T. O’Meara, City Engineer

SUBJECT: 2018 Sewer Inspection Program
Contract 9-18(S)

Starting in 2013, the State of Michigan began awarding grants to eligible sewer system owners designed to encourage jurisdictions to make an effort to inspect and identify issues with public sewer systems, improve data and maps of the sewer systems, and finally, develop an asset management plan. The plan is intended to help the jurisdiction understand the needs of the sewer system, and to collect enough revenue to not only pay current expenses, but to develop an appropriate capital improvement program to keep the system solvent and operating adequately well into the future.

Grants known as SAW grants were awarded in three groups over three years, with Birmingham being named as an eligible system in 2016. The grant awarded to Birmingham totals about $1,614,000, with the City agreeing to match about $315,800 over three years. At the time of the grant kickoff, information about the program was forwarded to the Commission, although no formal action was taken at that time.

Since then, our consultant Hubbell, Roth, & Clark (HRC) has been assisting the City in moving through the process. The first large effort taken was with respect to collecting electronic data on the sewer system. Every manhole and catch basin is currently being located electronically, with satellite locating precision, to allow us to improve the accuracy of the sewer maps. Historical data relative to the sewer system has also been moved into a GIS mapping format for easier retrieval in the future. The largest expenditure planned in the SAW grant program is to hire an internal sewer inspection contractor, with the intention that they would clean and inspect with a camera all sewers in Birmingham’s system that are 20 or more years old, up to and including 48 inch pipe. This constitutes the vast majority of the system, and totals over 418,000 ft. of pipe. The work must be completed by August of 2019 in order to allow time for the data to be reviewed, and final Asset Management Plan prepared for submittal to the Michigan Dept. of Environmental Quality (MDEQ).

Given size of the contract, it was decided to split the work into three equal parts. Only Part 1 will be awarded at this time. The City will have the opportunity to fully review the quality and pace of the contractor’s work over the first half of Part 1. If the work is being executed as well as hoped, then staff would make a decision to award Parts 2 and 3 to the contractor as well. This would be done as a separate action approved later by the City Commission. If the contractor is not executing the work satisfactorily, then City staff would make the decision to have them finish the work started under Part 1, and then move to issue a new bidding document seeking bids on Parts 2 and 3.
On June 18, 2018, the Engineering Department opened bids on the above-referenced project. Seven (7) contractors submitted bids for this project. A bid summary is attached for your reference.

The low bidder was Taplin Group, LLC, with their base bid of $999,119.98. We have determined that Taplin Group recently acquired a company known as Terra Contracting, LLC. Terra was the contractor for a much smaller sewer cleaning and inspection contract bid by the City, contracted in 2011. That contract was valued at $65,200. Due to difficulties with timely and complete deliverables, that contract was not fully finished and closed out until 2013. A check on references regarding Taplin’s more recent performance still reveals similar problems of not being able to perform completely or timely.

The second low bidder was Doetsch Industrial Services, Inc., with their bid of $1,036,709.91. (The engineer’s estimate for this contract is $1,060,000.) The second low bid was $37,600 more than the low bid, or an increase of 3.8%. Doetsch Industrial Services, Inc. has a good track record with other clients. They are currently used on a regular basis by the Oakland Co. Water Resources Commissioner’s office, as one of only two contractors that they hire for these services.

Timely delivery will be an important factor on this contract. Once video inspections have been completed, and data is turned over to the City and our consultant, HRC, the analysis of this data will need to be done quickly in order to meet our SAW grant deadline of November, 2019. Given the small difference in overall cost, and the amount of money that could be spent on staff time due to extra effort if the contractor is not timely, staff recommends that the second to the low bidder be awarded the project at this time. It is important to note that the grant is anticipated to fund approximately $905,000 of the total cost of this contract. The City’s match is expected to be about $131,000, or less than 13% of the total cost.

While the contract will have work on virtually every street in the City, impact on adjacent residents will be minimal. The contractor will access sewers from manholes typically located in City streets. Traffic will generally be maintained when working on local streets. Work on major streets will be planned at times when traffic demand is lower. Sewers that must be accessed in backyards or private property will require 24 hour property owner notice in advance of the work.

As is required for all of the City’s construction projects, Doetsch Industrial Services has submitted a 5% bid security with their bid which will be forfeited if they do not provide the signed contracts, bonds and insurance required by the contract following the award by the City Commission.

It is recommended that Part 1 of the 2018 Sewer Inspection Program be awarded to Doetsch Industrial Services of Warren, MI in the amount of $345,224.89. All costs will be charged to the Sewer Fund, account number 590-536.001-981.0100.

SUGGESTED RESOLUTION:

To award the 2018 Sewer Inspection Program, to Doetsch Industrial Services of Warren, MI in the amount of $345,224.89 to be charged to account number 590-536.001-981.0100. Further, to approve the appropriation and budget amendment as follows:
Sewer Fund:

Revenues:
Draw from Net Position 590-000.000-400.0000 $ 34,522.49 (City share)
State Grant 590-000.000-540.0000 $310,702.40 (Grant share)
Total Revenues $345,224.89

Expenses:
Other Contractual Service 590-536.001-811.0000 $345,224.89 (Total contract)
<table>
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<th>Addendums</th>
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<th>Base Bid</th>
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<td>TAPLIN GROUP, LLC</td>
<td></td>
<td></td>
<td>$999,119.98 *</td>
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<tr>
<td>DOETSCH INDUSTRIAL SERVICES, INC.</td>
<td></td>
<td></td>
<td>$1,036,709.91*</td>
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<tr>
<td>PIPETEK INFRASTRUCTURE SERVICES</td>
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<td>$1,104,916.55*</td>
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<td>$1,297,313.15*</td>
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<td>$1,520,470.80</td>
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<td>D.V.M. Utilities, INC</td>
<td></td>
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<td>$2,197,002.45*</td>
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* Corrected by the Engineer
Memorandum

To: Mr. Paul O'Meara
From: Helen Davis, PE, Project Engineer
Date: June 22, 2018
Subject: Review of References

On June 18, 2018, the City of Birmingham received bids for the subject contract. This project includes over 400,000 feet of sewer cleaning and televising, to be completed as part of the Stormwater, Asset Management, and Wastewater (SAW) grant.

Taplin Group was the as-read low bid and Doetsch Environmental Services was the next lowest bid. HRC contacted references for both contractors asking about each company’s use of GIS, the deliverables provided, and if timelines were met.

Each of the five references provided by Taplin were reached and mixed reviews were received. Three of four references for Doetsch were reached and a message was left for the remaining reference. Only positive reviews were received regarding Doetsch.

The City of Birmingham and HRC worked with Taplin Group when they were Terra Contracting on a project in 2011. While the CCTV work was completed in a timely manner, Terra had to return in 2013 to re-televise some segments where the video files were not completely readable. Delivery of acceptable videos and reports was a slow process due mainly to technical glitches with pipe inspection software. The contract was closed out in 2013.

We hope this information is helpful as the City selects a contract for the project.
DATE: 6/25/2018

TO: Joseph A. Valentine, City Manager

FROM: Eric Brunk, It Dept.

SUBJECT: Microsoft Licensing True Up

The city has a select plus volume license agreement with Microsoft, which gives us the ability to install software and operating systems as needed. On a yearly basis as part of our volume license agreement with Microsoft the IT department evaluates our software license usage for software packages and operating systems to verify that we are compliant with Microsoft Licensing requirements.

The city has migrated to the latest server operating system, Microsoft server 2016 standard, on all of its servers. Licensing of those servers were purchase per core in a 2-core bundle. The new environment has four physical servers with 20 cores each for a total of 80 cores. When we purchased the hardware environment last year, we estimated the number of licenses we would need to migrate from the old environment to the new environment based on the existing number of virtual servers. This year after evaluation of the licensing requirements for our server environment, we require an additional 40 2-core licenses for the existing hardware to allow for the number of virtual servers in use. This will cover the 80 cores in the existing hardware.

In addition, the city has begun migrating to the latest release of the Microsoft Office Suite. Our upgrade to that version of the software was set as a two-stage process. The first stage took place in the 2016/2017 budget year where we purchased Microsoft office pro and Microsoft office standard licenses. The IT department set aside funds in the 2017/2018 budget year for the second stage of the upgrade process to take place after evaluating our actual software usage. Over the past year we evaluated the current usage of the different versions of Microsoft office and have determined the need for additional licensing as follows:

Microsoft office Pro 2016 – 0 seats
Microsoft office Standard 2016 – 95 seats

The IT Dept. would like to purchase the licenses through SHI using our Select plus Pricing for Microsoft Volume Licensing of software and support and the cost for the licensing is as follows.

Microsoft Server Standard 2016: $73.08 per license x 40 = $2,923.20

Microsoft Office Suite Standard 2016: $246.12 per License x 95 = $23,381.40
SUGGESTED RESOLUTION:
Authorize the IT department to purchase the recommended count of Microsoft Office Suite Standard 2016 and Microsoft Server Standard 2016 Software Licenses from SHI using the Select plus Pricing Agreement. The purchase price not to exceed $26,304.60. Funds are available in the IT Computer Software fund account # 636-228.000-742.0000
City of Birmingham MI

Eric Brunk  
MI  
United States  
Phone: (248) 530-1800  
Fax:  
Email: ebrunk@bhamgov.org

Inside Account  
Executive  

Michael Vassos  
290 Davidson Ave.  
Somerset, NJ 08873  
Phone: 732-564-8566  
Fax: 732-564-8078  
Email: Michael_Vassos@shi.com

All Prices are in US Dollar (USD)

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Total $26,304.60

Additional Comments

Thank you for choosing SHI International Corp! The pricing offered on this quote proposal is valid through the expiration date listed above. To ensure the best level of service, please provide End User Name, Phone Number, Email Address and applicable Contract Number when submitting a Purchase Order. For any additional information including Hardware, Software and Services Contracts, please contact an SHI Inside Sales Representative at (888) 744-4084.

SHI International Corp. is 100% Minority Owned, Woman Owned Business.  
TAX ID# 22-3009648; DUNS# 61-1429481; CCR# 61-243957G; CAGE 1HTF0

The Products offered under this proposal are subject to the SHI Return Policy posted at [www.shi.com/returnpolicy](http://www.shi.com/returnpolicy), unless there is an existing agreement between SHI and the Customer.
This serves to provide some background pertaining to the Birmingham Ice Sports Arena and why we are recommending we perform a capital planning and operational assessment during the off season. We requested a proposal from Plante Moran CRESA to perform these consulting services, see the attached engagement letter dated May 4, 2018 for details on the scope of work from Plante & Moran.

In a continual effort to examine and explore ways of doing business better and in keeping with improving various City operations we want to conduct a capital projects and operations review of the Ice Arena. Further, over the years, the expenditures exceed revenues around $30,000 on average over the past six years. This being said, I have asked Plante & Moran to submit a proposal, see enclosure, to perform consulting services to assess this operation.

The Consultant will review the current Ice Arena operations, including expenditures, revenue, staffing and procedures. Also included will be an issues and opportunities analysis for the City to consider for the operation of their Ice Arena. The scope of work is broken up into different tasks and includes some of the following:

- Conduct project initiation meeting;
- Collect information and review documents;
- Facility Utilization Services;
- Capital Assessment Services;
- Operational Assessment Services;
- Conduct benchmarking research;
- Conduct preliminary recommendation review;
- Draft report review; and
- Conduct final report publication

An important element of this detailed review and analysis will be to determine a future course for the Arena operations, including facility needs and operational improvements. The project will consist of the proposed improvements and associated capital costs. Along with the final report will be recommendations for improvement based on some of the following known existing conditions.
Building Assessment/ Review

The building from a maintenance perspective has been cared for in a very proactive manner with great care and very efficiently. Not only handling routine or general maintenance, but also preventative maintenance including repairs/replacements of systems; such as compressors, mechanical items, bleachers, fire suppression system, flooring, lighting updates, new roof systems, security cameras, equipment, painting, garage doors, Zamboni, etc.

The challenges going forward are recognized based on continual operational and financial review of the Ice Sports Arena. The Birmingham Ice Arena is a seasonal ice rink without subfloor heating. As a result, each year the refrigeration system needs to be shut down, which requires at least 10-12 weeks for defrosting the subfloor.

An evaluation is needed of the building and a spatial need as the facility continues to age. This includes such areas of the facility as the locker rooms, conference room, and recreation office along with the pro shop space will be examined as part of the capital planning portion by Plante Moran CRESA.

Long-term Capital Projects

Because the rink was built in 1973 there is wear and tear on equipment and materials located in the building. The upcoming remaining capital improvements over the next five years include the following proposed projects: Replace matting phase 2, replace arena refrigeration system which includes the piping and floor in the main arena and studio arena at an estimated cost of $1,900,000, replacement of two AC units, replacement of two hot water heaters, replace refrigerator in concession area and update interior emergency lighting. It is great timing, to study or review building improvements including the existing locker room space, conference room expansion and other interior building improvements to meet the needs of the facility. Continue the retrofit program for LED lights to the Main/Studio Arena via a DTE assessment review. Fire exit door replacement where needed. A majority of these items are needed because they are 45 years old; the remaining items are regular life span replacements.

Five Year Financials and Forecast

The revenue and expenditure history for fiscal years 2012-2017 based on the audit reveals the Ice Arena is operating at a $120,000 deficit over this period, which does not include any capital improvements or equipment purchases. There are several factors which contribute to this: decline in arena rentals including the main arena and studio ice, decrease in ice show registrations and admissions, concession sales down and pro shop lease/sales eliminated starting in 2011. The arena rental revenue is declining over the years, despite rates being reviewed annually and adjusted upward accordingly. Our current rates are competitive to local area rinks. The Basic Skills program which is run by the City with contracted coaches had its best year during 15-16. A significant decline in the Figure Skating memberships and the request for a reduced ice rental cost is a primary contributor.
The major building improvements and repairs at the Ice Arena since July 1991 through June 2017 total approximately $1,845,122. As you are aware, the Ice Arena is funded by the General Fund.

**Summer Rentals**

Due to the required shut down period and actively removing the ice from both rinks, the arena is available for summer rental activities. Over the years and most regularly since 2012, we have promoted and held a few events, pickleball, Mom to Mom sales, Fitness rentals, etc. Indoor activity in the summer months is not such a big attraction, but we will continue to pursue options. There is opportunity for further exploration with for this specific summer period of time. This summer we are partnered with NEXT to offer six pickleball courts inside the Ice Arena. Plante & Moran will also examine opportunities for summer rentals as part of the analysis.

**Current Operational Adjustments**

This skating season 2017-2018 we added new user groups (High School Hockey) capturing an additional $40,000 in revenue. All of their games and practices are now out our rink. We changed our skating session during the day to Open Skate to attract all age groups. In addition, some other changes are adding Clinics, Tournaments and a Sunday night rental. The groups and teams using the Ice Arena are all vying for use during the same time slots, after school and nights. The slower periods, of course, are mornings and early afternoons.

Based on the above background information, therefore, it is determined no advantage will be gained by the City bidding out this professional services work; especially since Plante & Moran already performs the annual audit and financial services, when needed, for the City of Birmingham. Therefore, no competitive bids were obtained for these services. Because of their extensive financial knowledge and understanding of the City of Birmingham including client experience with other Ice Arenas, Plante & Moran CRESA was contacted to assist in this project.

The fee for the professional consulting services by Plante & Moran CRESA will not exceed $21,000, plus out-of-pocket costs. The expected duration for the performance of this project is approximately three (3) months. Funds are available for this work in the Parks – Other Contractual Service account #101-751.000-811.0000.

SUGGESTED RESOLUTION:
To approve the proposal from Plante & Moran CRESA, LLC in the amount not to exceed $21,000, plus out-of-pocket expenses for the purpose of assisting with capital planning and operational review consulting services for the Birmingham Ice Arena; contingent upon receipt of proper insurance. Further, to waive the formal bidding requirements. Funds for this purchase are available from General Fund – Parks – Other Contractual Service account #101-751.000-811.0000.
June 20, 2018

Ms. Lauren Wood
Director of Public Services
851 South Eton Street
Birmingham, MI 48009

via e-mail: lwood@bhamgov.org

RE: Proposal for Capital Planning and Consulting Services for City of Birmingham Ice Arena

Dear Ms. Wood:

Thank you for the opportunity to allow PLANTE & MORAN CRESA, LLC (“PMC”) to present our proposal to provide Capital Planning and Consulting Services to the CITY OF BIRMINGHAM (“CB”). We appreciate the confidence you are placing in PMC.

PMC agrees on behalf of itself and each of its employees that no such person or entity shall represent the products or services of any architect, engineer, property owner, landlord, contractor or any related vendor.

ENGAGEMENT

It is our understanding that the engagement generally will involve Capital Planning and Consulting Services for work at CB’s ice arena located at 2300 E Lincoln Street in Birmingham, Michigan (the “Project”). The Project services to be provided by PMC for this engagement are more particularly described in the Scope of Services attached as Exhibit A (“Services”) and will be performed subject to the Terms and Conditions attached as Exhibit B.

PMC shall commence providing Capital Planning and Consulting Services, as set forth in Exhibit A (“Capital Planning Services”), upon CB’s acceptance and execution of this proposal. Upon a successful passage of a bond issuance, if requested by CB, a separate engagement letter for PMC services will be mutually agreed upon by CB and PMC for the implementation of the capital improvement program approved by CB (the “Project”).

In preparing this proposal, PMC has made the following key assumptions regarding this engagement. These key assumptions have been relied upon by PMC in determining the required Services, PMC’s compensation for its Services, and the terms of this engagement:

- The duration of the Capital Planning and Consulting portion of the Project is approximately three (3) months.
- The Project will generally consist of the assessment of the existing ice arena and surrounding site
- The Project will generally consist of the proposed improvements and associated capital costs. Costs could be through the operating fund or capital fund.
The facilities shall be constructed of normal, durable, and readily available materials, as used in the construction of public facilities.

COMPENSATION/INVOICING

PMC will be compensated by CB for services performed as follows at a fixed fee of Twenty One Thousand, and no/100 Dollars ($21,000.00) and in accordance with the payment terms set forth in Exhibit B to this proposal:

Capital Planning Services

- For its Capital Planning Services, PMC shall receive a fixed fee of Fifteen Thousand and No/100 Dollars ($15,000), plus reimbursable expenses such as mileage, printing, overnight courier services, etc. invoiced at cost, without mark-up.

Operational Review Consulting Services

- For its Operational Review Consulting Services, PMC shall receive a fixed fee of Six Thousand and No/100 Dollars ($6,000), plus reimbursable expenses such as mileage, printing, overnight courier services, etc. invoiced at cost, without mark-up.

Invoicing

- PMC will invoice in three (3) equal monthly amounts of Seven Thousand and no/100 Dollars ($7,000.00) plus reimbursable expenses.

TERM OF ENGAGEMENT

PMC will commence its Capital Planning and Consulting Services upon execution of this proposal, and will provide such services for up to three (3) consecutive months.

ACCEPTANCE

To accept this proposal including the terms of this letter and Exhibits A and B attached hereto, please sign the Accepted and Agreed acknowledgement below and return it to me. Upon execution below, this proposal (including Exhibits A and B) will become a binding agreement (the “Agreement”) between CITY OF BIRMINGHAM and PLANTE & MORAN CRESA, LLC. Should you have any questions please contact me at 248.223.3316.

Sincerely,

PLANTE & MORAN CRESA, LLC

Paul R. Wills, AIA, LEED AP
Partner

We accept this proposal, including Exhibits A and B attached hereto, which sets forth the entire agreement between CB and PMC for the services specified herein. We acknowledge that such acceptance creates a binding agreement between CITY OF BIRMINGHAM and PLANTE & MORAN CRESA, LLC.

Accepted and Agreed:

CITY OF BIRMINGHAM

By: Ms. Lauren Wood

Its: Director of Operations

Date: ____________________________
EXHIBIT A

SCOPE OF SERVICES

Upon execution of PLANTE & MORAN CRESA, LLC’s ("PMC") proposal to the CITY OF BIRMINGHAM ("CB") dated June 20, 2018, this Exhibit A shall be incorporated into the Agreement between CB and PMC.

PMC shall provide the following Services:

**Capital Planning and Consulting Services**: Upon execution of the Agreement PMC shall commence providing capital planning and consulting services as set forth below:

- **Facility Utilization Services**:
  - **Facility Utilization Summary**: PMC shall develop a Facility Utilization Summary based on current and projected programs and CB’s goals and objectives, as set forth by CB, relative to facility configurations. The summary may include various options and options for CB review and approval.

- **Capital Assessment Services**:
  - **Facility and Operational Improvement Plan**: PMC will meet with CB’s Administration to discuss facility and operational system improvement needs and generate an implementation strategy based on CB’s program goals and budget. The strategy will categorize the areas of need/goals by: critical, deferred maintenance and enhancement.
  - **Building/Site Visits**: PMC will visit CB’s the existing ice arena and adjacent site as necessary to assist in evaluating building sites and facilities including parking lots, interior and exterior conditions, electrical and HVAC system conditions, etc. to recommend upgrades to support the desired operational systems.
  - **Technology Assessment**: PMC will meet with CB’s Director of Operations and others as appropriate to assist in defining updated technology needs and provide input on best practices and technology trends seen in other ice arenas.
  - **Facility Improvement and Capital Issue Planning Report**: Upon approval and acceptance of a revised ice arena facility and technology needs assessment by CB, PMC will assist CB to develop capital referendum information materials which communicate the needs to voters.

- **Operational Assessment Services**:
  - **Comparable Analysis**: Plante Moran will gather information on similar operations to inform CB of comparable practices. We will work jointly with CB to identify 3-5 comparable organizations and also develop a questionnaire for CB to review, amend, and approve. This questionnaire will serve as a script for interviews for ice arena operations.
  - **Comparable Interviews**: We will request an introductory message from the City to authenticate that we act on behalf of the City and will schedule remote interviews to glean information related to programs, operational standards, staffing levels, budgets, and other pertinent information. These meetings will be scheduled so that City participants may join in the call, if desired.
• **Summary Report:** The product of the comparable analysis will be a summary memo (4-6 pages) that includes the project approach, a summary of each participatory organization, key observations, and comparability information that will be shared in a table format. Because participation by the jurisdictions is voluntary, we recommend that CB consider offering a copy of the memo to participants in order to increase the likelihood of participation.

[END OF EXHIBIT A]
EXHIBIT B

TERMS AND CONDITIONS

Upon execution of PLANTE & MORAN CRESA, LLC’s (“PMC”) proposal to the CITY OF BIRMINGHAM (“CB”) dated June 20, 2018, this Exhibit B shall be incorporated into the Agreement between CB and PMC.

1. PMC'S SERVICES:

1.1. PMC’s services (the “Services”) include the consulting services designated on Exhibit A to the Agreement and any additional services, if any, performed by PMC in connection with its engagement under the Agreement. PMC shall perform the Services in accordance with the Terms and Conditions in this Exhibit B.

1.2. If PMC determines that key assumptions of this engagement listed in the Agreement significantly change, or that additional services are necessary or advisable in the interest of CB, PMC may notify CB and clearly describe such services in writing, including a cost estimate for the performance of same. If accepted by CB, PMC and CB shall mutually agree in writing to an increase in PMC’s compensation for such additional services before the work is performed.

1.3. PMC and CB acknowledge that PMC shall have no authority, express or implied, to enter into written or oral agreements on behalf of CB, to take any other actions with respect to CB’s Project or the business affairs of CB, or to commit or otherwise obligate CB in any manner whatsoever, without the prior written approval of CB. The Services provided by PMC are inherently advisory in nature. PMC shall have no responsibility for management decisions or management functions.

1.4. PMC is not a certified public accountant and cannot conduct reviews or audit of information provided by the City or other third parties. Therefore PMC cannot provide an opinion on, or assurance of, the reliability of such information. Misstatements and/or material misstatements in such information may exist that impact the results of the analysis, advice, recommendations, or conclusions provided as part of PMC’s services.

1.5. Any recommendations made by PMC regarding the hiring of any consultant, architect, construction manager, contractor, or any other third shall represent the collective opinion of the Project team based on the limited information available at the time. No such recommendation shall be construed in any way as a warranty or guarantee of satisfactory performance, adherence to any budget or cost, or any other measure of success as it pertains to the Project by any such consultant, architect, construction manager, contractor, or any other third party.

2. CB’S RESPONSIBILITIES:

2.1. CB shall designate a representative with authority to act on CB's behalf to be the contact person for purposes of the communications between CB and PMC regarding PMC's Services. James Larson-Shidler, Deputy Superintendent of Administrative and Business Services of CB and Paul Wills, Partner of PMC will be the Representatives unless notified otherwise.

2.2. CB shall provide full information to PMC regarding CB's requirements as necessary for the performance of PMC's Services.

Exhibit B-1
2.3. CB shall provide information, review documents provided by PMC, and render decisions relating to PMC’s Services on a timely basis so as not to delay the performance of PMC’s Services.

2.4. CB shall engage third parties to provide services, including by way of example, surveyors, testing consultants, engineers, attorneys and risk management consultants, as reasonably required for the performance of PMC’s Services.

2.5. CB shall obtain all governmental approvals required for CB’s use and operation of the facilities and systems which are the subject of this engagement.

2.6. CB shall pay PMC for Services in accordance with payment terms in the Agreement and these Terms and Conditions.

2.7. CB agrees to report promptly in writing to PMC any default or defect in PMC’s services or non-conformance with any provision of this agreement.

2.8. CB covenants and agrees during the term of this Agreement and for the period of one year after its completion or termination not to solicit for employment, on behalf of CB or any other entity, any PMC staff member or members working on the engagement under this Agreement, including former PMC staff members.

3. PMC’S RESPONSIBILITIES:

3.1. PMC shall perform the Services in accordance with the standard of professional skill and care exercised by other consultants performing similar services under similar circumstances.

3.2. PMC does not warrant or guarantee the outcome of project pro formas, budgets or other financial projections developed by PMC or others for use in connection with its Services. Budgets, cost estimates, schedules, and financial projections prepared by PMC represent PMC’s best professional judgment as a consultant. It is recognized, however, that neither PMC nor CB has control over the cost of labor, materials or equipment, market conditions, contractors’ methods of determining bid prices or other competitive bidding or negotiating conditions. PMC cannot and does not warrant or represent that the outcome of bids or negotiated prices will not vary from any Project budget proposed, established or approved by CB, or from any cost estimate, projection or evaluation prepared by PMC.

3.3. PMC shall not be responsible for the failure of engineers, architects, general contractors, subcontractors, vendors, attorneys, or other party to carry out their respective duties and obligations to CB. PMC is not responsible for the performance of any party not employed directly by PMC, and PMC is not responsible for the performance of consultants engaged by PMC in connection with PMC’s Services under this Agreement.

3.4. PMC’s Services do not include professional architectural or engineering services. PMC shall not be responsible for the design of any project, for any errors, omissions or other deficiencies in the construction drawings and specifications for a project, for any other error or omissions of architects or other design professionals, if any, in connection with a project, or for the failure of the construction drawings and specifications for a project to comply with the requirements of CB.
or CB’s landlord or subtenants or with applicable codes or legal requirements. It shall be the responsibility of CB’s architect, not PMC, to identify building code and other legal requirements pertaining to the design, including the conformance of construction to any design or code requirements, of a project for CB.

3.5. PMC shall not be responsible for construction means, methods, techniques, sequences and procedures, and safety programs and measures employed by contractors or others in the performance of their contracts, and shall not be responsible for the failure of any contractor or supplier to carry out work in accordance with the construction drawings and specifications or other contract requirements.

3.6. Any acts of PMC in providing consultation, advice and/or recommendations to CB regarding the performance or the default of CB’s architect, contractor(s), vendors or other consultant(s), shall not be deemed to be the assumption by PMC of management, control, of the architect, contractor(s), vendors or consultants or of CB’s Project. Any such advice or recommendation, or the absence thereof, shall no way operate as an assumption of, or guarantee of, the services of any third party by PMC.

3.7. PMC is not an attorney at law, and the Services provided by PMC exclude professional legal services. If the scope of PMC’s Services includes assistance with the negotiations of agreements on behalf of CB, such agreements shall be subject to CB’s approval. CB shall provide for the review of such agreements by CB’s attorneys and insurance consultants as deemed to be appropriate by CB.

4. **COMPENSATION:**

4.1. For the performance of Services, CB shall compensate PMC as provided in the Agreement. Unless provided otherwise in the Agreement, PMC shall submit invoices for Services rendered by PMC to CB. All invoices shall be prepared in accordance with the compensation terms in the Agreement and CB agrees to pay invoice within thirty (30) days after receipt thereof; provided, however, that in the event CB disputes the accuracy for any invoice prepared and presented, payment for the portion which is disputed by CB may be withheld until such dispute is resolved.

4.2. PMC shall be entitled to additional compensation if any of the following occur: increase in the Scope of Services designated on Exhibit A or other changes in the scope of PMC’s Services; change in any of the key assumptions of this engagement listed in the Agreement; change in the time period for performance of PMC’s Services; change in the nature of the Services required to be performed, including changes that require more effort or resources of PMC; change in CB’s budget, schedule, delivery method, or scope or nature of the transaction or Project; default of CB’s architect, contractor(s), consultants or vendors; delay or interruption in the transaction or Project; failure of CB to follow the advice and recommendations of PMC; or failure of CB to provide adequate financing for the Project/transaction on a timely basis.

4.3. Should PMC be required to provide evidence, prepare for hearings, evaluate claims, assist in the review or preparation of claims or defenses, or otherwise participate or assist in the resolution of legal disputes either: (i) on behalf of CB, or (ii) resulting from PMC’s role as consultant or Project Management (unless caused by PMC’s gross negligence or intentional misconduct), PMC will be reimbursed on a “Time and Materials” basis, which is defined to mean the numbers of hours of
Services performed by PMC’s personnel multiplied by PMC’s then current standard hourly rates ("Standard Hourly Rates") plus the direct cost incurred by PMC in performance of such services.

4.4. In the event CB fails to pay PMC any amount due to PMC under this Agreement, and if such failure to pay continues for a period of fifteen (15) days following written notice of non-payment, PMC may, without prejudice to any other remedy PMC may have, suspend all or some of PMC’s Services until all amounts due to PMC have been paid by CB.

4.5. Any taxes or fees, enacted by local, state or federal government subsequent to the date of this agreement, and based on gross receipts or revenues will be added to the amounts due under this agreement, in accordance with any such fees or taxes.

5. **LIMITATION ON LIABILITY:**

5.1 In no event shall CB or PMC be liable to the other for special, incidental or consequential damages, including without limitation, loss of anticipated profits, revenue or use of capital, loss of use of leased spaces, and penalties imposed under the leases, whether based on contract, tort, negligence, strict liability or otherwise; provided, however, that the foregoing shall not limit or preclude a claim of PMC with respect to compensation due to PMC under this Agreement.

5.2 PMC’s liability under this Agreement shall not in any event exceed the amounts of compensation for Services paid to PMC under this Agreement.

6. **ENVIRONMENTAL CONDITION OF SITE:**

6.1 CB has disclosed to PMC in writing the existence of all known and suspected Asbestos, PCBs, Petroleum, Hazardous Waste, Radioactive Material, hazardous substances, and other similar conditions (Constituents of Concern) located at or adjacent to all property owned or controlled by CB which is the subject of this engagement (Sites), including type, quantity, and location.

6.2 CB represents to PMC that to the best of its knowledge no Constituents of Concern, other than those disclosed in writing to PMC, exist at any Site.

6.3 If PMC becomes aware of an undisclosed Constituent of Concern, then PMC shall notify (1) CB and (2) appropriate governmental officials if PMC reasonably concludes that doing so is required by applicable laws.

6.4 It is acknowledged and agreed by CB and PMC that PMC’s scope of services do not include any services related to Constituents of Concern. If PMC or any other party encounters an undisclosed Constituent of Concern, or if investigative or remedial action, or other professional services, are necessary with respect to disclosed or undisclosed Constituents of Concern, then PMC may, at its option and without liability for consequential or any other damages, suspend performance of Services related to the Site(s) affected thereby until CB: (1) retains appropriate specialist consultant(s) or contractor(s) to identify and, as appropriate, abate, remediate, or remove the Constituents of Concern; and (2) warrants that the specific site is in full compliance with applicable laws.
6.5 If the presence at any Site of undisclosed Constituents of Concern affects the performance of PMC's Services under this Agreement, then PMC shall have the option of (1) accepting an adjustment in its compensation and in the time for completion of its Services, or both; or (2) terminating this Agreement.

6.6 CB acknowledges that PMC is performing professional Services for CB and that PMC is not and shall not be required to be an "owner," "arranger," "operator," "generator," or "transporter" of hazardous substances, as defined in the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as emended, which are or may be encountered at or adjacent to any Site in connection with PMC's activities under this Agreement.

7. MISCELLANEOUS:

7.1. Nothing contained in this Agreement shall create a contractual relationship or a cause of action in favor of a third party against either CB or PMC. The Services performed by PMC under this Agreement are for the sole benefit of CB, and shall not be relied upon by other parties.

7.2. PMC and CB may not assign its rights under this Agreement without the prior written consent of the other.

7.3. PMC shall be entitled to use CB's name, photographs, renderings, narrative descriptions and similar materials relating to PMC's Services in connection with publications, awards, press releases, and marketing materials upon prior approval from CB.

7.4. Prior to the initiation of any legal proceedings, CB and PMC agree to submit all claims, disputes, or controversies to each other in writing. For a period of fourteen (14) days after the dispute is presented, discussions shall be held between the principal decision maker(s) of CB and PMC (as designated by the respective parties) in an effort to resolve the dispute. If the dispute is not resolved and reduced to a written settlement agreement within such fourteen (14) day period, then the parties shall submit the dispute to arbitration.

7.5. Any disputes between CB and PMC relating to PMC's Services or this Agreement shall be governed by the laws of the State of Michigan. Any claim, dispute or other matter in question arising out of or relating to this Agreement or breach thereof shall be settled exclusively by final and binding arbitration administered by the American Arbitration Association under its Construction Industry Arbitration Rules of the American Arbitration Association and judgment upon the award rendered by the arbitrator(s) may be entered in any court of competent jurisdiction. Demand for arbitration shall be filed in writing with the other party to this Agreement and with the American Arbitration Association. A demand for arbitration shall be made within a reasonable time after the claim; dispute or other matter in question has arisen. In no event shall the demand for arbitration be made after the date when institution of legal or equitable proceedings based on such claim, dispute or other matter in question would be barred by the applicable statutes of limitations. Arbitration shall include, by consolidation, joinder or in any other manner, an additional person or entity not a party to this Agreement, including, without limitation, contractors, contractors' employees, and contractors' sub-contractors, and any other person or entity sought to be joined.

7.6. PMC and CB shall each maintain insurance coverage as deemed by each to be necessary for its own protection; provided, however, that CB shall include PMC as an additional insured under CB's
general liability insurance policy with respect to claims and losses related to this engagement only. In addition, if PMC provides Services under this Agreement in connection with the construction of a project for CB, the following shall apply: (i) CB’s contractor’s general liability insurance for such project shall include PMC as an additional insured; and (ii) PMC and CB shall each waive all rights against each other and the contractors, consultants, agents and employees of the other for any loss or damage, for which property insurance is maintained by the injured party, and PMC and CB each shall require appropriate similar waivers from their contractors, consultants and agents.

7.7. Provided that CB has paid all amounts due to PMC under this Agreement, the CB shall be entitled to use all studies, reports, summaries, cost estimates, budgets, and other documents prepared by PMC in the performance of its Services; provided, however that the CB shall not disclose or permit other parties to use such information and documents. PMC shall be entitled to retain copies of such documents for PMC’s files. Notwithstanding the foregoing, PMC shall retain all ownership and intellectual property rights in, and the CB shall not use or permit the use by others of, all standard contract provisions and modifications, financial analysis programs and similar tools developed by PMC for PMC’s use generally and not developed solely for purposes of this engagement.

7.8. No failure by CB or PMC to insist upon strict performance of any covenant, agreement, term or condition of this Agreement or to exercise any right, term or remedy for a breach of this Agreement, shall constitute a waiver of any such breach or of such covenant, agreement, term or condition.

8. TERMINATION:

8.1 This Agreement may be terminated by CB upon thirty (30) days prior notice if PMC is in default under this Agreement and fails to cure such default within the thirty (30) day notice period. Provided that CB is acting in good faith, CB shall be entitled to terminate this Agreement without cause upon thirty (30) days prior written notice to PMC.

8.2 This Agreement may be terminated by PMC upon thirty (30) days prior written notice in the event of any of the following defaults by CB and failure of CB to cure such default within such thirty (30) day period: CB fails to make payment of amounts due to PMC under this Agreement; CB fails to acknowledge and reasonably follow the advice or recommendations of PMC; or CB otherwise is in default under this Agreement.

8.3 If PMC’s Services are suspended for more than thirty (30) consecutive days, PMC may terminate this Agreement upon thirty (30) days prior written notice to CB.

8.4 In the event this Agreement is terminated for any reason, PMC shall be compensated on an equitable basis for services performed as of the effective date of termination in accordance with this Agreement. Upon any such termination and payment of amounts due to PMC, the parties hereto shall be released of any and all further liability hereunder.
9. **THIS AGREEMENT:**

9.1 CB and PMC accept the obligations of good faith and fair dealings towards each other with respect to this engagement.

9.2 This Agreement includes the proposal executed by PMC and CB, Exhibit A Scope of PMC's Services, Exhibit B Terms and Conditions, and other documents, if any, listed in the Agreement. This Agreement sets forth the entire, integrated agreement between PMC and CB, supersedes all prior proposals, negotiations, representations and agreements, whether written or oral, between PMC and CB, and shall govern the relationship between PMC and CB with respect to all Services provided by PMC to CB in connection with the engagement described in the Agreement. This Agreement may be amended only by written instrument signed by both PMC and CB.

9.3 Neither this Agreement nor PMC's performance of Services shall be deemed to create a partnership or joint venture between CB and PMC.

[END OF EXHIBIT B]
**CERTIFICATE OF LIABILITY INSURANCE**

**THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFER 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**
Marsh & McLennan Agency LLC  
15415 Middlebelt Road  
Livonia MI 48154-3805

**INSURED**
P&M Holding Group, LLP & Subsidiaries;  
Plante & Moran, PLLC  
c/o Bonnie Kozikowski  
26300 Northwestern Hwy., #120  
Southfield MI 48076-3750

**INSURER(S) AFFORDING COVERAGE**
- Federal Insurance Company
- Vigilant Insurance Company

**CERTIFICATE NUMBER:** 615362456  
**REVISION NUMBER:**

**COVERAGES**

<table>
<thead>
<tr>
<th>INSURER</th>
<th>TYPE OF INSURANCE</th>
<th>ADDED SUBSCRIBER</th>
<th>POLICY NUMBER</th>
<th>POLICY EFF (MM/DD/YYYY)</th>
<th>POLICY EXP (MM/DD/YYYY)</th>
<th>LIMITS</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>COMMERCIAL GENERAL LIABILITY</td>
<td>X</td>
<td>35756613</td>
<td>3/13/2018</td>
<td>3/13/2019</td>
<td>EACH OCCURRENCE $1,000,000</td>
</tr>
<tr>
<td>A</td>
<td>AUTOBOMOBILE LIABILITY</td>
<td>X</td>
<td>73283017</td>
<td>3/13/2018</td>
<td>3/13/2019</td>
<td>COBINED SINGLE LIMIT (Ea accident) $1,000,000</td>
</tr>
<tr>
<td>A</td>
<td>UMBRELLA LIABILITY</td>
<td>X</td>
<td>79833330</td>
<td>3/13/2018</td>
<td>3/13/2019</td>
<td>EACH OCCURRENCE $1,000,000</td>
</tr>
<tr>
<td>B</td>
<td>WORKERS COMPENSATION AND EMPLOYER'S LIABILITY</td>
<td>N/A</td>
<td>71653087</td>
<td>3/13/2018</td>
<td>X</td>
<td>PER STATUTE (Ex. Employee) $1,000,000</td>
</tr>
</tbody>
</table>

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

City of Birmingham, all elected and appointed officials, all employees and volunteers, all boards, commissions and/or authorities and board members including employees and volunteers thereof are included as additional insureds for general liability coverage on a primary and non-contributory basis to the extent provided in the attached form #80-02-2367 and additional insured for auto liability to the extent provided in the attached form #16-02-0292.

**CERTIFICATE HOLDER**

City of Birmingham  
151 Martin Street  
Birmingham MI 48012-3001

**CANCELATION**

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**

Amy Micallef, CIC, CISR, LIC, AAI, AIS  
amicallef@mma-mi.com

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# NOTICE OF PUBLIC HEARING

**BIRMINGHAM CITY COMMISSION**  
**SPECIAL LAND USE PERMIT & FINAL SITE PLAN REVIEW**

| Meeting Date, Time, Location: | Monday, June 25, 2018 at 7:30 PM  
Municipal Building, 151 Martin  
Birmingham, MI |
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Location of Request:</td>
<td>191 N. Chester – The Jeffrey</td>
</tr>
<tr>
<td>Nature of Hearing:</td>
<td>To consider the Special Land Use Permit and Final Site Plan Review to allow office use over 3,000 sq. ft.</td>
</tr>
</tbody>
</table>
| City Staff Contact:           | Jana Ecker 248.530.1841          
jecker@bhamgov.org |
| Notice Requirements:          | Mailed to all property owners and occupants within 300 feet of subject address. Publish June 3, 2018 |
| Approved minutes may be reviewed at: | City Clerk's Office |

Persons wishing to express their views may do so in person at the hearing or in writing addressed to City Clerk, City of Birmingham, 151 Martin, Birmingham, MI 48009.

Persons with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk's Office at 248.530.1880 (voice) or 248.644.5115 (TDD) at least one day in advance to request mobility, visual, hearing or other assistance.
The subject site, 191 N. Chester, is located at the southwest corner of the intersection at Willits and N. Chester. The applicant is proposing to renovate the existing building that was formerly the Christian Science Church for use as an office building. The property is zoned TZ2 which allows office use over 3,000 sq. ft. with a Special Land Use Permit. In addition, Article 07, section 7.27 E (3) of the Birmingham Zoning Ordinance requires that this project also submit a Community Impact Statement.

On April 25, 2018 the Planning Board conducted a public hearing on the above application as well as a review of the Community Impact Statement (CIS). The hearing was continued to May 9, 2018 to allow the applicant time to provide some additional information that was outstanding from the CIS.

On May 8, 2018, the applicant appeared before the Board of Zoning Appeals and was granted a variance in lieu of providing one loading space.

On May 9, 2018, the Planning Board continued the public hearing on the above application for a Special Land Use Permit, Final Site Plan Review and CIS. The Planning Board voted unanimously to accept the CIS with the following conditions:

1. Applicant provide mitigation strategies for control of noise vibration and dust;
2. Applicant will be required to bury all utilities on the site subject to the concurrence of the City Engineer.
3. Applicant provide space for the separation of recyclables; and
4. Applicant provide information on all life safety issues and Fire Dept. approval, as well as details on the proposed security system provided to and approved by the Police Dept.

The Planning Board also voted to recommend approval of the SLUP and FSP review to the City Commission of The Jeffery at 191 N. Chester with the condition that the applicant submit for administrative approval material samples and specifications to complete the design review for the garage door.

Accordingly, the City Commission set a public hearing date of June 25, 2018 to consider the above request for a Special Land Use Permit. Please find attached the Planning Board staff
report, meeting minutes and application attachments for your review.

SUGGESTED ACTION:

To approve a Special Land Use Permit & Final Site Plan Review for 191 N. Chester – The Jeffrey, to allow office use over 3,000 sf. ft. in the TZ2 zone district.
WHEREAS, The owner of the property located at 191 N. Chester filed an application pursuant to Article 7, section 7.34 of Chapter 126, Zoning, of the City Code to allow an office use in the TZ2 zone district in accordance with Article 2, Section 2.43 of Chapter 126, Zoning, of the City Code;

WHEREAS, The land for which the Special Land Use Permit is sought is located at the southwest corner of the Chester and Willits intersection;

WHEREAS, The land is zoned TZ2, which permits office use over 3,000 sq. ft. 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 applicant submitted an application for a Special Land Use Permit and Final Site Plan to open an office building at 191 N. Chester, The Jeffrey, with tenant spaces greater than 3,000 sq. ft.;

WHEREAS, The Planning Board on May 9, 2018 voted to accept the CIS as provided by the applicant for the proposed development at 191 N. Chester, the Jeffrey with the following conditions:
   1. Applicant provide mitigation strategies for control of noise vibration and dust;
   2. Applicant will be required to bury all utilities on the site subject to the concurrence of the City Engineer;
   3. Applicant provide space for the separation of recyclables; and
   4. Applicant provide information on all life safety issues and Fire Dept. approval, as well as details on the proposed security system provided to and approved by the Police Dept.

WHEREAS, The Planning Board on May 9, 2018 reviewed the application for a Special Land Use Permit and Final Site Plan Review and recommended approval of 191 N. Chester, The Jeffrey, with the condition that the applicant submits for administrative approval material samples and specifications to complete the design review for the garage door;
WHEREAS, the applicant has agreed to comply with the conditions of approval recommended by the Planning Board;

WHEREAS, the Board of Zoning Appeals, on May 8, 2018 granted the applicant a variance in lieu of one required loading space;

WHEREAS, the Birmingham City Commission has reviewed The Jeffrey’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 The Jeffrey’s application for a Special Land Use Permit and Final Site Plan at 191 N. Chester is hereby approved;

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

1. The Jeffrey shall abide by all provisions of the Birmingham City Code;
2. The Special Land Use Permit may be canceled by the City Commission upon finding that the continued use is not in the public interest including, but not limited to, violations of the state law or Birmingham City Code;
3. Applicant provide mitigation strategies for control of noise vibration and dust;
4. Applicant will be required to bury all utilities on the site subject to the concurrence of the City Engineer;
5. Applicant provide space for the separation of recyclables;
6. Applicant provide information on all life safety issues and Fire Dept. approval, as well as details on the proposed security system provided to and approved by the Police Dept.; and
7. Applicant submits for administrative approval material samples and specifications to complete the design review for the garage door.

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

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

I, Cherilynn Mynsberge, 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 June 25, 2018.

Cherilynn Mynsberge, City Clerk
Combined CIS & Site Plan Review Application
Planning Division

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

1. Applicant
Name: SAM SURNOW
Address: 320 MARTIN ST, SUITE 100
        BIRMINGHAM, MI 48009
Phone Number: 248-877-4000
Fax Number: 248-854-9300
Email Address: sam@bournow.com

2. Applicant’s Attorney/Contact Person
Name: KEVIN BIDDISON, AIA
Address: 320 MARTIN ST, SUITE 10
        BIRMINGHAM, MI 48009
Phone Number: 248-854-9300
Fax Number: 248-854-9900
Email Address: kb@biddison-aid.com

3. Required Attachments
- Warranty Deed with legal description of property
- Required fee (see Fee Schedule for applicable amount)
- Two (2) folded copies of scaled plans including a certified land survey, color elevations showing all materials, site plan, landscape plan, photometric plan, and interior floor plan
- Photographs of existing site and/or building
- Samples of all materials to be used
- Catalog sheets for all proposed lighting, mechanical equipment and outdoor furniture
- A signed letter from DTE approving the location of all electrical transformers and electrical equipment
- Completed Checklist
- Digital copy of plans
- Additional information as required

4. Project Information
Address/Location of Property: 191 N CHESTER ST
Name of Development: THE JEFFREY
Sidwell #: 
Current Use: CHURCH
Current Zoning: T22
Is property located in the floodplain? NO

Name of Historic District site is in, if any: 
Date of HDC Approval, if any: 
Date of approval of DRB, if any: 
Area in Acres: 0.398
Proposed Use: OFFICE - COMMERCIAL
Zoning of Adjacent Properties: T23, R7, R1
Will proposed project require the division of platted lots? NO

5. Details of the Proposed Development (Attach separate sheet if necessary)
1) REMOVAL OF EXISTING PORCH & EXISTING ENTRY ON THE EAST,
2) ADDITION OF NEW LOBBY & ENTRY TO PROPERTY LINE (EAST)
3) ADDITION OF NEW OFFICE SPACE TO THE WEST.
4) REPAIR & PAINT EXISTING MASONRY.
5) REPLACE EXISTING ROOF
6) INTERIOR DEMOLITION & RENOVATION
7) EXISTING LIMESTONE DETAILING TO REMAIN
8) GRADING & LANDSCAPING TO MEET CITY OF BIRMINGHAM REQUIREMENTS.
6. Buildings and Structures
Number of Buildings on site: 1
Height of Building & # of stories: 2
Use of Buildings: OFFICE - LEASE SPACE
Height of rooftop mechanical equipment: EXISTING 26 1/2

7. Floor Use and Area (in square feet)

<table>
<thead>
<tr>
<th>Proposed Commercial Structures:</th>
<th>Proposed Residential Structures:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total basement floor area: 10011.5 SF (GROSS)</td>
<td>Total number of units: NA</td>
</tr>
<tr>
<td>Number of square feet per upper floor: 10260.60</td>
<td>Number of one bedroom units: -</td>
</tr>
<tr>
<td>Total floor area: 27,290.25 SF (GROSS)</td>
<td>Number of two bedroom units: -</td>
</tr>
<tr>
<td>Floor area ratio (total floor area divided by total land area): 0.68</td>
<td>Number of three bedroom units: -</td>
</tr>
<tr>
<td>Open space: 6,220.68 SF</td>
<td>Open space: -</td>
</tr>
<tr>
<td>Percent of open space: 25.8%</td>
<td>Percent of open space: -</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Proposed Additions:</th>
<th>Proposed Additions:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total basement floor area, if any, of addition: -</td>
<td>Total basement floor area, if any, of addition: -</td>
</tr>
<tr>
<td>Number of floors to be added: NA</td>
<td>Number of floors to be added: NA</td>
</tr>
<tr>
<td>Number of square feet added per floor: -</td>
<td>Number of square feet added per floor: -</td>
</tr>
<tr>
<td>Total floor area (including addition): 27,290.25 SF (GROSS)</td>
<td>Total floor area (including addition): -</td>
</tr>
<tr>
<td>Floor area ratio (total floor area divided by total land area): 0.68</td>
<td>Floor area ratio (total floor area divided by total land area): -</td>
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<td>Open space: 6,220.68</td>
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</tr>
<tr>
<td>Percent of open space: 25.8%</td>
<td>Percent of open space: -</td>
</tr>
</tbody>
</table>

8. Required and Proposed Setbacks
Required front setback: 0' 0" (N & E)
Required rear setback: 10' (E & W)
Required total side setback: NA
Side setback: NA

9. Required and Proposed Parking
Required number of parking spaces: 10
Typical angle of parking spaces: 90
Typical width of parking lanes: 20'
Location of parking on the site: CORNER OF LOWER CUL
Location of off site parking: CITY PARKING STRUCT.
Number of light standards in parking area: EXIST. STREETLIGHT
Screenwall material: CONC. MASONRY RETAINING WALL

10. Landscaping
Location of landscape areas: ALONG WILLITS ST CHESTER STREETS

Proposed number of parking spaces: 10
Proposed total side setback: 6' 7" (S) : 20.6' (W)
Proposed front setback: 14' 4" (N) : 0' 9" (E)
Proposed total side setback: NA
Proposed front setback: NA

Proposed landscape material: REFER TO ATTACHED LANDSCAPE PLAN.
11. Streetscape
Sidewalk width: 6'-0"
Number of benches: NA
Number of planters: NA
Number of existing street trees: 3
Number of proposed street trees: 1 EVERY 40' ALONG STREET
Streetscape Plan submitted?: NA

Description of benches or planters: NA
Species of existing street trees: REFER TO LANDSCAPE PL.
Species of proposed street trees: REFER TO LANDSCAPE PL.

12. Loading
Required number of loading spaces: REQUESTING EZA TO OMIT LOADING ZONE REQUIREMENT
Typical angle of loading spaces: -
Screenwall material: -
Location of loading spaces on the site: -

Proposed number of loading spaces: -
Typical size of loading spaces: -
Height of screenwall: -

13. Exterior Trash Receptacles
Required number of trash receptacles: -
Location of trash receptacles: LOWER LVL GARAGE
Screenwall material: NA

Proposed number of trash receptacles: TRASH RECEPTACLE TO BE INSIDE GARAGE
Size of trash receptacles: NA
Height of screenwall: NA

14. Mechanical Equipment
Utilities & Transformers:
Number of ground mounted transformers: NA
Size of transformers (LxWxH): NA

Number of utility easements: NA
Screenwall material: NA

Ground Mounted Mechanical Equipment:
Number of ground mounted units: NA
Size of ground mounted units (LxWxH): -

Screenwall material: -

Rooftop Mechanical Equipment:
Number of rooftop units: EXISTING TO REMAIN OR BE REPLACED
Type of rooftop units: -

Screenwall material: NA
Location of screenwalls: NA.

Location of all utilities & easements: SEE ENGINEERING & ARCHITECTURAL PLAN.

Location of all ground mounted units: -
Height of screenwall: -

Location of all rooftop units: NA
Size of rooftop units (LxWxH): EXISTING UNITS TO REMAIN OR BE REPLACED
Height of screenwall: -
Percentage of rooftop covered by mechanical units: EXIST.
Distance from rooftop units to all screenwalls: EXIST.

15. Accessory Buildings
Number of accessory buildings: 0
Location of accessory buildings: -

Size of accessory buildings: -
Height of accessory buildings: -
16. Building Lighting
Number of light standards on building: **SEE PHOTOMETRIC**
Size of light fixtures (LxWxH): ____________________________
Maximum wattage per fixture: ____________________________
Proposed wattage per fixture: ____________________________
Light level at each property line: _________________________
Height from grade: ________________________________

17. Site Lighting
Number of light fixtures: **EXIST STREET LIGHTING**
Size of light fixtures (LxWxH): **TO REMAIN**
Maximum wattage per fixture: ____________________________
Proposed wattage per fixture: ____________________________
Light level at each property line: _________________________
Height from grade: ________________________________
Number & location of holiday tree lighting receptacles: ________

The undersigned states the above information is true and correct, and understands that it is the responsibility of the applicant to advise the Planning Division and/or Building Division of any additional changes made to an approved site plan. The undersigned further states that they have reviewed the procedures and guidelines for site plan review in Birmingham, and have complied with same. The undersigned will be in attendance at the Planning Board meeting when this application will be discussed.

Signature of Owner: ____________________________ Date: 4/13/18
Print Name: **SAM BURNOW**

Signature of Applicant: ____________________________ Date: 4/13/18
Print Name: **SAM BURNOW**

Signature of Architect: ____________________________ Date: 4/13/18
Print Name: **KEVIN BIDDLE**

Office Use Only

Application #: ____________________________ Date Received: ____________________________ Fee: ____________________________
Date of Approval: ____________________________ Date of Denial: ____________________________ Accepted by: ____________________________
COMBINED SITE PLAN REVIEW & COMMUNITY IMPACT STUDY APPLICATION CHECKLIST
PLANNING DIVISION

Applicant: SAM SURNOW Case #: Date: 4-13-12
Address: 220 MARTIN ST, SUITE 100
BIRMINGHAM, MI 48009 Project: THE JEFFREY

All site plans and elevation drawings prepared for approval shall be prepared in accordance with the following specifications and other applicable requirements of the City of Birmingham. If more than one page is used, each page shall be numbered sequentially. All plans must be legible and of sufficient quality to provide for quality reproduction or recording. Plans must be no larger than 24” x 36”, and must be folded and stapled together. The address of the site must be clearly noted on all plans and supporting documentation.

Site Plan
A full site plan detailing the proposed changes for which approval is requested shall be drawn at a scale no smaller than 1” = 100’ (unless the drawing will not fit on one 24” X 36” sheet) and shall include:

   X  1. Name and address of applicant and proof of ownership;
   X  2. Name of Development (if applicable);
   X  3. Address of site and legal description of the real estate;
   X  4. Name and address of the land surveyor;
   X  5. Legend and notes, including a graphic scale, north point, and date;
   X  6. A separate location map;
   X  7. A map showing the boundary lines of adjacent land and the existing zoning of the area proposed to be developed as well as the adjacent land;
   X  8. Details of all proposed site plan changes;
   X  9. A chart indicating the dates of any previous approvals by the Planning Board, Board of Zoning Appeals, Design Review Board, or the Historic District Commission (“HDC”);
   X 10. Existing and proposed layout of streets, open space and other basic elements of the plan;
   X 11. Existing and proposed utilities and easements and their purpose;
   X 12. Location of natural streams, regulated drains, 100-year flood plains, floodway, water courses, marshes, wooded areas, isolated preserving trees, wetlands, historic features, existing structures, dry wells, utility lines, fire hydrants and any other significant feature(s) that may influence the design of the development;
   X 13. General description, location, and types of structures on the site;
   X 14. Details of existing or proposed lighting, signage and other pertinent development features;
   X 15. Elevation drawings showing proposed design;
   X 16. Screening to be utilized in concealing any exposed mechanical or electrical equipment and all trash receptacle areas;
   X 17. Location of all exterior lighting fixtures;
   X 18. A landscape plan showing all existing and proposed planting and screening materials, including the number, size, and type of plantings proposed and the method of irrigation; and
19. Any other information requested in writing by the Planning Division, the Planning Board, or the Building Official deemed important to the development.

**Elevation Drawings**

Complete elevation drawings detailing the proposed changes for which approval is requested shall be drawn at a scale no smaller than 1" = 100' (unless the drawing will not fit on one 24" X 36" sheet) and shall include:

- **✗** 20. Color elevation drawings showing the proposed design for each façade of the building;
- **✗** 21. List of all materials to be used for the building, marked on the elevation drawings;
- **NA** 22. Elevation drawings of all screenwalls to be utilized in concealing any exposed mechanical or electrical equipment, trash receptacle areas and parking areas;
- **✗** 23. Details of existing or proposed lighting, signage and other pertinent development features;
- **✗** 24. A list of any requested design changes;
- **✗** 25. Itemized list of all materials to be used, including exact size specifications, color, style, and the name of the manufacturer;
- **✗** 26. Location of all exterior lighting fixtures, exact size specifications, color, style and the name of the manufacturer of all fixtures, and a photometric analysis of all exterior lighting fixtures showing light levels to all property lines; and
- **✗** 27. Any other information requested in writing by the Planning Division, the Planning Board, or the Building Official deemed important to the development.
The Jeffrey
191 N Chester St
Birmingham, MI
Community Impact Study
(Combined C.I.S. and Site Plan Review)

The Jeffrey
191 N Chester
Birmingham, MI

Applicant:
Sam Surnow
320 Martin St, Suite 100
MI 48009
(248) 877-4000
sam@surnow.com

Architect:
Kevin Biddison
Biddison Architecture
320 Martin St, LL Suite 10
Birmingham, MI 48009
(248) 554-9500

Civil Engineer:
Patrick Williams
Nowak & Fraus Engineers
46777 Woodward Ave,
Pontiac, MI 48342
(248) 332-7931

Land Surveyor:
Nowak & Fraus Engineers
46777 Woodward Ave,
Pontiac, MI 48342
(248) 332-7931

Traffic:
Stonefield Engineering & Design, LLC
28454 Woodward Ave., Royal Oak, MI 48067
(248) 247-1115

Acoustical:
Darren Brown
Kolano & Saha
3559 Sashabaw Road
Waterford, MI 48329
(248) 674-4100
djbrown@kandse.com
Soils: Amy Schneider
G2 Consulting Group
1866 Woodslee St
Troy, MI 48083
(248) 680-0400
aschneider@g2consultinggroup.com

Soils: (Existing Study)
Performance Environmental Services, Inc
30553 Wixom Road, Suite 500
Wixom, MI 48393
(248) 926-3800

Air Quality:
BDS Environmental
13845 East Nine Mile
Warren, MI 48089
(586) 755-9030

Phase 1 Environmental Study:
Performance Environmental Services, Inc
30553 Wixom Road, Suite 500
Wixom, MI 48393
(248) 926-3800
Community Impact Study  
(Combined C.I.S. and Site Plan Review)  

The Jeffrey  
191 N Chester  
Birmingham, MI

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Combined CIS & Site Plan Review Application
Planning Division
Form will not be processed until it is completely filled out.

1. Applicant
Name: SAM BURNOW
Address: 320 MARTIN ST, SUITE 100
        BIRMINGHAM, MI 48009
Phone Number: 248.577.4000
Fax Number:
Email Address: sam@burnow.com

Property Owner
Name: CHESTER STREET PARTNERS, LLC
Address: 320 MARTIN ST, SUITE 100
        BIRMINGHAM, MI 48009
Phone Number: 248.577.4000
Fax Number:
Email Address:

2. Applicant's Attorney/Contact Person
Name: KEVIN BIDDISON, AIA
Address: 320 MARTIN ST, SUITE 10
        BIRMINGHAM, MI 48009
Phone Number: 248.554.9900
Fax Number:
Email Address: kb@biddison-ad.com

Project Designer/Developer
Name: KEVIN BIDDISON, AIA
Address: 320 MARTIN ST, SUITE 10
        BIRMINGHAM, MI 48009
Phone Number: 248.554.9900
Fax Number:
Email Address: kb@biddison-ad.com

3. Required Attachments
- Warranty Deed with legal description of property
- Required fee (see Fee Schedule for applicable amount)
- Two (2) folded copies of sealed plans including a certified land survey, color elevations showing all materials, site plan, landscape plan, photometric plan, and interior floor plan
- Photographs of existing site and/or building
- Samples of all materials to be used
- Catalog sheets for all proposed lighting, mechanical equipment and outdoor furniture
- A signed letter from DTE approving the location of all electrical transformers and electrical equipment
- Completed Checklist
- Digital copy of plans
- Additional information as required

4. Project Information
Address/Location of Property: 191 N CHESTER ST

Name of Development: THE JEFFREY
Sidewell #: 
Current Use: CHURCH
Current Zoning: T22

Is property located in the floodplain? NO

Name of Historic District site is in, if any: __
Date of HDC Approval, if any: __
Date of approval of DRB, if any: __
Area in Acres: 0.398
Proposed Use: OFFICE - COMMERCIAL
Zoning of Adjacent Properties: T23, R7, B1

Will proposed project require the division of platted lots? NO

5. Details of the Proposed Development (Attach separate sheet if necessary)
1) REMOVAL OF EXISTING PORCH & EXISTING ENTRY ON THE EAST.
2) ADDITION OF NEW LOBBY & ENTRY TO PROPERTY LINE (EAST).
3) ADDITION OF NEW OFFICE SPACE TO THE WEST.
4) REPAIR & PAINT EXISTING MASONRY.
5) REPLACE EXISTING ROOF
6) INTERIOR DEMO & RENOVATION
7) EXISTING LIMESTONE DETAILING TO REMAIN
8) GRADING & LANDSCAPING TO MEET CITY OF BIRMINGHAM REQUIREMENTS.
6. Buildings and Structures
Number of Buildings on site: 1
Height of Building & # of stories: 2
Use of Buildings: OFFICE - LEASE SPACE
Height of rooftop mechanical equipment: EXISTING 28'

7. Floor Use and Area (in square feet)
Proposed Commercial Structures:
Total basement floor area: 10011.5 SF (GROSS)
Number of square feet per upper floor: 27290.25 SF (GROSS)
Total floor area: 27290.25 SF (GROSS)
Floor area ratio (total floor area divided by total land area): 0.58
Open space: 6,220.68 SF
Percent of open space: 38.8%
Office space: 6210 + 9518 + 6,742 = 22,470
Retail space: -
Industrial space: -
Assembly space: -
Seating Capacity: -
Maximum Occupancy Load: TBD
Rental units or condominiums?: -
Size of one bedroom units: -
Size of two bedroom units: -
Size of three bedroom units: -
Maximum Occupancy Load: -

Proposed Residential Structures:
Total number of units: NA
Number of one bedroom units: -
Number of two bedroom units: -
Number of three bedroom units: -
Open space: -
Percent of open space: -

Proposed Additions:
Total basement floor area, if any, of addition: NA
Number of floors to be added: NA
Number of square feet added per floor: NA
Total floor area (including addition): 27290.25 (GROSS)
Floor area ratio (total floor area divided by total land area): 0.58
Open space: 6,220.68
Percent of open space: 38.8%
Use of addition: OFFICE SPACE / LOBBY
Height of addition: MAX. EXIST. HT. TO MATCH NEW
Office space in addition: -
Industrial space in addition: -
Assembly space in addition: -
Maximum Occupancy Load (including addition): TBD

8. Required and Proposed Setbacks
Required front setback: 0.01 (N & E)
Required rear setback: 101 (W)
Required total side setback: NA
Side setback: 0.01
Proposed front setback: 14.4' (N), 0.9' (E)
Proposed rear setback: 6.7' (S), 20.6' (W)
Proposed total side setback: NA
Second side setback: NA

9. Required and Proposed Parking
Required number of parking spaces: 0
Typical angle of parking spaces: 90
Typical width of maneuvering lanes: 20'
Location of parking on the site: NW CORNER FLOWER UWL
Location of off site parking: CITY PARKING STRU.
Number of light standards in parking area: EXIST STREETLIGHT
Screenwall material: CONC. MASONS HARD WALL.
Proposed number of parking spaces: (3) OUTDOOR (3) INDOOR
Typical size of parking spaces: 180 SF
Number of spaces < 180 sq. ft.: -
Number of handicaps: 2
Shared Parking Agreement?: -
Height of light standards in parking area: NA
Height of screenwall: EXIST 8'-0''

10. Landscaping
Location of landscape areas: ALONG WILLITS & CHESTER STREETS
Proposed landscape material: REFER TO ATTACHED LANDSCAPE PLAN.
11. Streetscape
Sidewalk width: 6'-0"
Number of benches: NA
Number of planters: NA
Number of existing street trees: 3
Number of proposed street trees: 1 EVERY 40 ALONGST
Streetscape Plan submitted?: NA

Description of benches or planters: NA
Species of existing street trees: REFER TO LANDSCAPE PL.
Species of proposed street trees: REFER TO LANDSCAPE PL.

12. Loading
Required number of loading spaces: REQUESTING = BA TO OMIT LOADING ZONE REQUIREMENT
Typical angle of loading spaces: -
Screenwall material: -
Location of loading spaces on the site: -

Proposed number of loading spaces: -
Typical size of loading spaces: -
Height of screenwall: -

13. Exterior Trash Receptacles
Required number of trash receptacles: -
Location of trash receptacles: LOWER LVL GARAGE
Screenwall material: NA

Proposed number of trash receptacles: TO BE INSIDE GARAGE
Size of trash receptacles: NA
Height of screenwall: NA

14. Mechanical Equipment
Utilities & Transformers:
Number of ground mounted transformers: NA
Size of transformers (LxWxH): NA

Number of utility easements: NA
Screenwall material: NA

Ground Mounted Mechanical Equipment:
Number of ground mounted units: NA
Size of ground mounted units (LxWxH): -

Screenwall material: -

Location of all utilities & easements: SEE ENGINEERING & ARCHITECTURAL PLAN.
Height of screenwall: NA

Rooftop Mechanical Equipment:
Number of rooftop units: EXISTING TO REMAIN OR BE REPLACED
Type of rooftop units: -

Screenwall material: NA
Location of screenwalls: NA

Location of all rooftop units: NA
Size of rooftop units (LxWxH): EXISTING UNITS TO REMAIN OR BE REPLACED
Height of screenwall: -
Percentage of rooftop covered by mechanical units: EXIST.
Distance from rooftop units to all screenwalls: EXIST.

15. Accessory Buildings
Number of accessory buildings: 0
Location of accessory buildings: -

Size of accessory buildings: -
Height of accessory buildings: -
16. Building Lighting
Number of light standards on building: SEE PHOTOMETRIC
Type of light standards on building: SEE PHOTOMETRIC
Size of light fixtures (LxWxH): " "
Maximum wattage per fixture: " 
Light level at each property line: " "
Height from grade: " "
Proposed wattage per fixture: " "

17. Site Lighting
Number of light fixtures: EXIST STREET LIGHTING TO REMAIN
Size of light fixtures (LxWxH): TO REMAIN
Maximum wattage per fixture: 
Light level at each property line: 
Proposed wattage per fixture: 
Type of light fixtures: 
Height from grade: 
Number & location of holiday tree lighting receptacles: 

The undersigned states the above information is true and correct, and understands that it is the responsibility of the applicant to advise the Planning Division and/or Building Division of any additional changes made to an approved site plan. The undersigned further states that they have reviewed the procedures and guidelines for site plan review in Birmingham, and have complied with same. The undersigned will be in attendance at the Planning Board meeting when this application will be discussed.

Signature of Owner: __________________________ Date: 4/13/18
Print Name: SAM BURNOW

Signature of Applicant: __________________________ Date: 4/13/18
Print Name: SAM BURNOW

Signature of Architect: __________________________ Date: 4/13/18
Print Name: KEVIN BIDDESON

Office Use Only
Application #: __________________________ Date Received: __________________________ Fee: __________________________
Date of Approval: __________________________ Date of Denial: __________________________ Accepted by: __________________________
COMBINED SITE PLAN REVIEW & COMMUNITY IMPACT STUDY APPLICATION CHECKLIST
PLANNING DIVISION

Applicant: SAM BURNOW  Case #:  Date: 4-12-20

Address: 820 MARTIN ST. SUITE 100  Project: THE JEFFREY
BIRMINGHAM, MI 48009

All site plans and elevation drawings prepared for approval shall be prepared in accordance with the following specifications and other applicable requirements of the City of Birmingham. If more than one page is used, each page shall be numbered sequentially. All plans must be legible and of sufficient quality to provide for quality reproduction or recording. Plans must be no larger than 24” x 36”, and must be folded and stapled together. The address of the site must be clearly noted on all plans and supporting documentation.

Site Plan
A full site plan detailing the proposed changes for which approval is requested shall be drawn at a scale no smaller than 1” = 100’ (unless the drawing will not fit on one 24” X 36” sheet) and shall include:

☐ 1. Name and address of applicant and proof of ownership;
☐ 2. Name of Development (if applicable);
☐ 3. Address of site and legal description of the real estate;
☐ 4. Name and address of the land surveyor;
☐ 5. Legend and notes, including a graphic scale, north point, and date;
☐ 6. A separate location map;
☐ 7. A map showing the boundary lines of adjacent land and the existing zoning of the area proposed to be developed as well as the adjacent land;
☐ 8. Details of all proposed site plan changes;
☐ 9. A chart indicating the dates of any previous approvals by the Planning Board, Board of Zoning Appeals, Design Review Board, or the Historic District Commission (“HDC”);
☐ 10. Existing and proposed layout of streets, open space and other basic elements of the plan;
☐ 11. Existing and proposed utilities and easements and their purpose;
☐ 12. Location of natural streams, regulated drains, 100-year flood plains, floodway, water courses, marshes, wooded areas, isolated preservable trees, wetlands, historic features, existing structures, dry wells, utility lines, fire hydrants and any other significant feature(s) that may influence the design of the development;
☐ 13. General description, location, and types of structures on the site;
☐ 14. Details of existing or proposed lighting, signage and other pertinent development features;
☐ 15. Elevation drawings showing proposed design;
☐ 16. Screening to be utilized in concealing any exposed mechanical or electrical equipment and all trash receptacle areas;
☐ 17. Location of all exterior lighting fixtures;
☐ 18. A landscape plan showing all existing and proposed planting and screening materials, including the number, size, and type of plantings proposed and the method of irrigation; and
19. Any other information requested in writing by the Planning Division, the Planning Board, or the Building Official deemed important to the development.

Elevation Drawings

Complete elevation drawings detailing the proposed changes for which approval is requested shall be drawn at a scale no smaller than 1” = 100’ (unless the drawing will not fit on one 24” X 36” sheet) and shall include:

- 20. Color elevation drawings showing the proposed design for each façade of the building;
- 21. List of all materials to be used for the building, marked on the elevation drawings;
- 22. Elevation drawings of all screenwalls to be utilized in concealing any exposed mechanical or electrical equipment, trash receptacle areas and parking areas;
- 23. Details of existing or proposed lighting, signage and other pertinent development features;
- 24. A list of any requested design changes;
- 25. Itemized list of all materials to be used, including exact size specifications, color, style, and the name of the manufacturer;
- 26. Location of all exterior lighting fixtures, exact size specifications, color, style and the name of the manufacturer of all fixtures, and a photometric analysis of all exterior lighting fixtures showing light levels to all property lines; and
- 27. Any other information requested in writing by the Planning Division, the Planning Board, or the Building Official deemed important to the development.
Notice Signs - Rental Application
Community Development

1. Applicant
Name: SAM CURNOW
Address: 320 MARTIN ST, SUITE 100
        BIRMINGHAM, MI 48009
Phone Number: 248.877.4000
Fax Number: 

2. Project Information
Address/Location of Property: 191 N CHESTER
Name of Development: THE JEFFREY
Area in Acres: 0.398

3. Date of Board Review
Board of Building Trades Appeals: –
City Commission: –
Historic District Commission: –
Planning Board: –

Board of Zoning Appeals: 08.29.17
Design Review Board: –
Housing Board of Appeals: –

The undersigned states the above information is true and correct, and understands that it is the responsibility of the applicant to post the Notice Sign(s) at least 15 days prior to the date on which the project will be reviewed by the appropriate board or commission, and to ensure that the Notice Sign(s) remains posted during the entire 15 day mandatory posting period. The undersigned further agrees to pay a rental fee and security deposit for the Notice Sign(s), and to remove all such signs on the day immediately following the date of the hearing at which the project was reviewed. The security deposit will be refunded when the Notice Sign(s) are returned undamaged to the Community Development Department. Failure to return the Notice Sign(s) and/or damage to the Notice Sign(s) will result in forfeiture of the security deposit.

Signature of Applicant: 
Date: 4.12.18

Office Use Only
Application #: 
Date Received: 
Fee: 
Date of Approval: 
Date of Denial: 
Reviewed by:
As a neighbor to the office development on 191 N Chester Street, we support the proposed changes to the plan which are shown above, and look forward to The Surnow Company's completion of this iconic project.

Signature: [Signature]

Name(s): Ludwig
Address: 520 W 11th St
As a neighbor to the office development on 191 N Chester Street, we support the proposed changes to the plan which are shown above, and look forward to The Surnow Company's completion of this iconic project.

Signature

Derek Hodgson / Karen Haady Hodgson

Address:

468 Williams Street
As a neighbor to the office development on 191 N Chester Street, we support the proposed changes to the plan which are shown above, and look forward to The Surnow Company's completion of this iconic project.

Signature

Name(s):
JONATHAN STEIN
Address:
412 Willits

Signature

Lauren Stein
Address:
412 Willits
As a neighbor to the office development on 191 N Chester Street, we support the proposed changes to the plan which are shown above, and look forward to The Surnow Company's completion of this iconic project.

Signature: [Signature]
Name(s): [Name(s)]
Address: [Address]
As a neighbor to the office development on 191 N Chester Street, we support the proposed changes to the plan which are shown above, and look forward to The Surnow Company's completion of this iconic project.

Signature: [Signature]
Name(s): OTTO SOEDING
Address: 504 WILLITS ST.
BIRMINGHAM, MI 48009
As a neighbor to the office development on 191 N Chester Street, we support the proposed changes to the plan which are shown above, and look forward to The Surnow Company’s completion of this iconic project.

Signature
sick cohen
Name(s):
Address: 382 Willits
As a neighbor to the office development on 191 N Chester Street, we support the proposed changes to the plan which are shown above, and look forward to The Surnow Company’s completion of this iconic project.

Signature

Name(s): 532 Willits
Address: 3/13/18
As a neighbor to the office development on 191 N Chester Street, we support the proposed changes to the plan which are shown above, and look forward to The Surnow Company’s completion of this iconic project.

Name(s): STUART M KAUFMAN
Address: 424 WILLITS
As a neighbor to the office development on 191 N Chester Street, we support the proposed changes to the plan which are shown above, and look forward to The Surnow Company's completion of this iconic project.

Signature
Name(s): Susan Martin
Address: 487 Willy St
Birmingham, MI 48009
Section 2. Proof of Ownership
Property Transfer Affidavit

This form must be filed whenever real estate or some types of personal property are transferred (even if you are not recording a deed). The Affidavit must be filed by the new owner with the assessor for the city or township where the property is located within 45 days of the transfer. The information on this form is NOT CONFIDENTIAL.

1. Street Address of Property
   191 Chester Street

2. County
   Oakland

3. Date of Transfer (or land contract signed)
   April 30, 2015

4. Location of Real Estate (Check appropriate field and enter name in the space below.)
   
   [X] City
   [ ] Township
   [ ] Village

   Birmingham

5. Purchase Price of Real Estate
   $300,000.00

6. Seller's (Transferor) Name
   First Church of Christ Scientist, Birmingham, MI

7. Property Identification Number (PIN). If you don't have a PIN, attach legal description.
   PIN, This number ranges from 10 to 25 digits. It usually includes hyphens and sometimes includes letters. It is on the property tax bill and on the assessment notice.
   19-25-356-023

Items 10 - 15 are optional. However, by completing them you may avoid further correspondence.

10. Type of Transfer. Transfers include deeds, land contracts, transfers involving trusts or wills, certain long-term leases and interest in a business. See page 2 for list.
   [ ] Land Contract
   [X] Lease
   [X] Deed
   [ ] Other (specify)

11. Was property purchased from a financial institution?
   [ ] Yes
   [X] No

12. Is the transfer between related persons?
   [ ] Yes
   [X] No

13. Amount of Down Payment
   [ ] $0

14. If you financed the purchase, did you pay market rate of interest?
   [ ] Yes
   [X] No

15. Amount Financed (Borrowed)
   [ ] $0

EXEMPTIONS

Certain types of transfers are exempt from uncapping. If you believe this transfer is exempt, indicate below the type of exemption you are claiming. If you claim an exemption, your assessor may request more information to support your claim.

[ ] Transfer from one spouse to the other spouse
[ ] Change in ownership solely to exclude or include a spouse
[ ] Transfer between certain family members *(see page 2)*
[ ] Transfer of that portion of a property subject to a life lease or life estate (until the life lease or life estate expires)
[ ] Transfer to effect the foreclosure or forfeiture of real property
[ ] Transfer by redemption from a tax sale
[ ] Transfer into a trust where the settlor or the settlor's spouse conveys property to the trust and is also the sole beneficiary of the trust
[ ] Transfer resulting from a court order unless the order specifies a monetary payment
[ ] Transfer creating or ending a joint tenancy if at least one person is an original owner of the property (or his/her spouse)
[ ] Transfer to establish or release a security interest (collateral)
[ ] Transfer of real estate through normal public trading of stocks
[ ] Transfer between entities under common control or among members of an affiliated group
[ ] Transfer resulting from transactions that qualify as a tax-free reorganization
[ ] Transfer of qualified agricultural property when the property remains qualified agricultural property and receivable is filed
[ ] Transfer of qualified forest property when the property remains qualified forest property and affidavit has been filed
[ ] Transfer of land with qualified conservation easement (land only - not improvements)
[ ] Other, specify:

CERTIFICATION

I certify that the information above is true and complete to the best of my knowledge.

Signature

Date

Name and title, if signer is other than the owner
Sam Surnow, President

Daytime Phone Number
248-865-3000

E-mail Address
sam@surnow.com
WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS: That FIRST CHURCH OF CHRIST, SCIENTIST, BIRMINGHAM, MICHIGAN, a Michigan Ecclesiastical Association ("Seller"), whose address is 191 North Chester Street, Birmingham, Michigan 48009 conveys and warrants to CHESTER STREET PARTNERS, LLC, a Michigan limited liability company, whose address is 320 Martin Street, Suite 100, Birmingham, Michigan 48009 ("Purchaser"), the following described premises in the City of Birmingham, Oakland County, Michigan:

The North 96.50 feet of Lots 14, 15 and 16 of Willets Addition to the City of Birmingham according to the plat thereof as recorded in Liber 3 of Plats, Page 6, Oakland County Records.

TAX PARCEL ID: 19-25-356-023
COMMON ADDRESS: 191 North Chester Street, Birmingham, Michigan 48009

For the full consideration of: See attached Real Estate Transfer Tax Valuation Affidavit.

subject to easements and building and use restrictions of record, and subject to the lien of taxes not yet due and payable. 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. The grantor grants to the 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.

Dated: April 30, 2015

Grantor:

FIRST CHURCH OF CHRIST, SCIENTIST, BIRMINGHAM, MICHIGAN,
a Michigan Ecclesiastical Association

By:  
Whitney Shepard
its Chairman
State of Michigan
County of Oakland

Acknowledged before me in Oakland County, Michigan, on April 30, 2015, by Whitney Shepard, the Chairman of the First Church of Christ, Scientist, Birmingham, Michigan.

Notary Public
Oakland County, Michigan
My commission expires May 11, 2016. Acting in the County of Oakland

When recorded return to Grantee.

DRAFTED BY:  
Jay N. Siefman
320 Martin, Suite 120
Birmingham, Michigan 48009
248-851-2288
jay@siefman.com

REVENUE TO BE AFFIXED AFTER RECORDING
Section 3. Vicinity Map
Overlay Zoning Districts

- C
- D-2
- D-3
- D-4
- P
- Terminating Vistas
- Downtown Overlay Boundary
- Retail Frontage (Redline Retail)
Section 5. C.I.S. Checklist - Supplemental Information
Section 6. Zoning Requirements – (see section 4 and survey)
Section 7. Noise Impact Study
Section 8. Traffic Impact Study
Section 9. Phase 1 Environmental Site Assessment
Section 10. Soils Investigation
Section 11. Air Quality Information
Section 5  CIS Checklist Supplemental Information

The Jeffrey
191 N Chester
Birmingham, MI 48009

Combined CIS and Site Plan Review Supplemental Information

General Information

1. Name and address of applicant and proof of ownership;
   See Section 2

2. Name of Development (if applicable);
   The Jeffrey

3. Address and Legal description
   191 N Chester Birmingham, MI 48009
   See survey for legal description

4. Name and address of the land surveyor;
   Nowak & Fraus Engineers
   46777 Woodward Ave, Pontiac, MI 48342
   (248) 332-7931

5. Legend and notes, including a graphic scale, north point, and date;
   See Site Plan

6. A separate location map;
   Please refer to Section 3 for Vicinity and sheet SP.100b and SP.100c
   for Location map

7. A map showing the boundary lines of adjacent land and the existing zoning of the
   area proposed to be developed as well as the adjacent land;
   Please refer to Section 4 for Zoning Map

8. Details of all proposed site plan changes
   • Removal of existing porch and existing entry on the east.
   • Addition of new lobby and entry to the property line (east)
   • Addition of new office space to the west (no additional building footprint)
   • Addition of garage entry to the north.
   • Grading and landscaping to meet city of Birmingham requirements.
Planning & Zoning Issues

9. Recommended land use of the subject property as designated on the future land use map of the City’s Master Plan;
   **Current Zoning TZ2; See section 4**

10. Goals and objectives of the city’s Master Plans that demonstrate the city’s support of the proposed development;

   - Proposed project is to be constructed within the boundaries of the Birmingham Overlay District and implement the Downtown Birmingham Plan
   - Proposed project encourages a form of development that will achieve the physical qualities necessary to enhance the economic vitality of Downtown Birmingham
   - Previously site plan approved two-story front addition is built to the width and property line as required under the TZ2 zoning
   - The proposed additions on the west do not increase the existing building footprint and are in keeping with the proposed front addition

11. Whether or not the project site is located within an area of the city for which an The Planning Board in which special design has adopted urban Design Plan criteria or other supplemental development requirements apply;
   **Yes**

12. The current zoning classification of the subject property;
   **Current zoning of the subject property is TZ2. Property will conform to this zoning.**

13. The zoning classification required for the proposed development;
   **TZ2**

14. The existing land uses adjacent to the proposed project:
   **TZ3, R7, R1**

15. Complete the attached “Zoning Requirements Analysis” chart;
    **Refer to Section 4**

Land Development Issues

16. A survey and site drainage plan;
    **Refer to the enclosed engineering plans of the site**

17. Identify any sensitive soils on site that will require stabilization or alteration in order to support the proposed development:
No sensitive soils

18. Whether or not the proposed development will occur on a steep slope, and if so, the measures that will be taken to overcome potential erosion, slope stability and runoff;
Refer to enclosed paving, grading and soil erosion plan. During construction of the building, care will be taken to prevent sediment laden soils from leaving the site by employing soil erosion best management techniques.

19. The volume of excavated soils to be removed from the site and /or delivered to the Site, and a map of the proposed haul routes;
Approximately 970 CY of in-place soils will be removed from the site for the construction of the new addition on the east. Refer to attached haul route map at the end of this section.

20. Identify the potential hazards and nuisances that may be created by the proposed development and the suggested methods of mitigating such hazards;
No potential hazards and nuisances.

Private Utilities

21. Indicate the source of all required private utilities to be provided;
• Refer to the enclosed utility plan of the site
• Electricity, Natural and cable/telephone services – existing to remain

22. Provide verification that all required utility easements have been secured for necessary private utilities:
Refer to the enclosed utility plan of the site.

Noise Levels

23. Provide a reading of existing ambient noise and estimated future noise levels on the site:
Included in the Appendix is a study completed by Kolano and Saha Consulting Engineers for Sound Level Measurements and Noise Impact Assessment,

24. Indicate whether the project will be exposed to or cause noise levels which exceed those levels prescribed in Chapter 50, Division 4, Section 50-71 through 50-77 of the Birmingham City Code, as amended:
The Noise Impact Assessment Study prepared for the property concludes that the proposed development will be able to comply with the Birmingham Noise Ordinance limits.

25. Indicate whether the site is appropriate for the proposed activities and facilities given the existing ambient noise and the estimated future noise levels of the site:
Based on the information provided the Noise Impact Assessment study through deliberate effort to minimize noisy equipment, the proposed development will be able to comply with the Birmingham Noise Ordinance limits.

**Air Quality**

26. Indicate whether the project is located in the vicinity of a monitoring station where air quality violations have been registered and, if so, provide information as to whether the project will increase air quality problems in the area:

The property is located in the Southeast Michigan Air Quality District. The monitoring station is located in Oak Park. Current Ambient Air Quality Standards are under existing minimum standards as set forth by the EPA.

27. Indicate if the nature of the project or its potential users would be particularly sensitive to existing air pollution levels and, if so, indicate how the project has been designed to mitigate possible adverse effects:

The development is consistent with the other downtown Birmingham projects. HVAC equipment units will have filters and the exhausts will be designed to meet all current code requirements.

28. Indicate whether the proposal will establish a trend which, if continued, may lead to violation of air quality standards in the future:

We do not anticipate that the development will establish a trend that will adversely affect air quality within the Downtown District.

29. Indicate whether the proposed project will have parking facilities for more than 75 cars and indicate percentage of required parking that is proposed:

The proposed development will have (3) outdoor and (8) indoor parking spaces located in the parking garage. The code requires no parking spaces to be provided.

**Environmental Design and Historic Values**

30. Indicate whether there will be demonstrable destruction or physical alteration of the natural or human made environment on site or in the right of way (ie. clearance of trees, substantial regrading etc.):

Refer to enclosed engineering site plans.

The sidewalks and streetscape on Chester and Willits will be rebuilt to the appropriate standards.

Willits will have a new garage entrance drive.

31. Indicate whether there will be an intrusion of elements out of character or scale with the existing physical environment (ie. significant changes in size, scale of building, floor levels, entrance patterns, height, materials, color or style from
that of surrounding developments); 
No

32. Indicate all elements of the project that are eligible for LEED points if the building were to be LEED certified; 
We have determined that LEED certification will not be a part of this development.

33. Indicate whether the proposed structure will block or degrade views, change the skyline or create a new focal point; 
The structure will not degrade views. We believe that the building will create a new focal point. Letters from neighbors approving new views are attached as a part of the application.

34. Indicate whether there will be objectionable visual pollution introduced directly or indirectly due to loading docks, trash receptacles or parking, and indicate mitigation measures for same; 
We are requesting a variance from the loading dock requirement. Trash receptacles and recycling are located within the building and will not cause visual pollution. Indoor parking is accessed by a new entry/exit from Willits St.

35. Indicate whether there will be an interference with or impairment of ambient conditions necessary for the enjoyment of the physical environment (ie. vibration, dust, odor, heat, glare etc.); 
The proposed development will not generate abnormal vibrations, dust, odor, heat, glare or other noxious elements that would prohibit enjoyment of the existing environment.

36. Indicate whether the project area and environs contain any properties listed on the National Register of Historic Places or the city’s inventory of historic structures: 
This property does not appear on the National Register of Historic Places or the City’s Inventory of historic structures.

37. Provide any information on the project area that the State Historic Preservation Office (SHPO) may have: 
We are not aware of the property appearing on the SHPO

38. Indicate whether there will be other properties within the boundaries or in the vicinity of the project that appear to be historic and thus require consultation with the SHPO as to eligibility for the National register; 
No surrounding properties appear to be historic.

39. Indicate whether the Department of the Interior has been requested to make a determination of eligibility on properties the SHPO or HDC deems eligible and affected by the project; 
There is no indication that the Department of the Interior has been requested to make a determination on the historic value of the surrounding properties.
40. Provide proof that the HDC has been given an opportunity to comment on properties that are listed on or have been found eligible for the National Register and which would be affected by the project;

**Does Not Apply**

**Refuse**

41. Indicate whether the existing or planned solid waste disposal system will adequately service the proposed development including space for separation of recyclable materials;

*Space for refuse and recycling areas for the building occupants will be provided as per standards of the city and area.*

42. Indicate whether the design capacity of the existing or planned solid waste disposal system will be exceeded as a result of the project:

*Solid waste generated from this facility will be standard and can be handled easily by local waste management companies.*

43. Indicate whether existing or planned waste water systems will be able to adequately service the proposed development:

*Yes. The existing sewer service flow basis of design and capacity of the combined sewer has been reviewed and confirmed by the City Engineer.*

44. Indicate whether the design capacity of these facilities will be exceeded as a result of the project;

*It is not anticipated that the design capacity of the municipal combined sewer will be exceeded by the development.*

45. Indicate the elements of the project that have been incorporated to reduce the amount of water entering the sewer system (such as low flush toilets, Energy Star appliances, restricted flow faucets, greywater recycling etc.) ;

*Building design will incorporate restricted flow plumbing fixtures and Energy Star appliances wherever possible.*

**Storm Sewer**

46. Indicate whether existing or planned storm water disposal and treatment systems will adequately serve the proposed development:

*Yes*

47. Indicate whether the design capacity of these facilities will be exceeded as a result of the project;

*It is not anticipated that the design capacity of the municipal sewer system will be exceeded by the proposed development.*
48. Indicate the elements of the project that have been incorporated to reduce the amount of storm water entering the sewer system (such as the use of pervious concrete, rain gardens, greywater recycling, green paved etc.):

**All care will be taken by ownership to use appropriate storm water management techniques, in accordance with the Birmingham Storm water Ordinance.**


**Water Service**

49. Indicate whether either the municipal water utility or onsite water supply system is adequate to serve the proposed project;

**Existing domestic system to be adequate; new fire suppression system to be added.**

50. Indicate whether the water quality is safe from both a chemical and bacteriological standpoint;

**The latest published water quality report can be found at the following address:**


51. Indicate whether the intended location of the service will be compatible with the location and elevation of the main;

**Existing system to remain or be relocated**

**Public Safety**

52. Whether or not the project location provides adequate access to police, fire and emergency medical services:

**Building is directly on Chester and Willits Street right of way line and offers direct access for emergency personnel.**

53. Whether or not the proposed project design provides easy access for emergency vehicles and individuals (ie. are there obstacles to access, such as one way roads, narrow bridges etc.);

**Project located on corner of on Chester and Willits Street with direct access to all local arteries.**

54. Whether or not there are plans for a security system which can be expanded, and whether approval for same has been granted by the police department;

**A security system is proposed. Approval upon review to meet all police department requirements.**

55. Detailed description of all fire access to the building, site, fire hydrants and water connections;
Fire department connection to be coordinated per fire department; Full fire suppression throughout; Access to all floors via fire stairs and elevators; Full state of the art alarm system

56. Whether or not there are plans for adherence to all city and N.F.P.A. fire codes: All NFPA codes will be followed.

57. Proof that one elevator has been designed to accommodate a medical cart: New Elevator to accommodate a medical cart

58. Detailed specifications on all fire lanes/parking lot surfaces/alleys/streets to demonstrate the ability to accommodate the weight of emergency / fire vehicles; Existing street access, concrete parking lot surfaces

59. Detailed description of all fire suppression systems: To be submitted with Construction Documents

60. Provide completed FORM A – Transportation Study Questionnaire (Abbreviated); See Traffic Impact Assessment as prepared by Stonefield engineering.

61. Provide completed FORM B – Transportation Study Questionnaire if required by the city’s transportation consultant; See Traffic Impact Assessment as prepared by Stonefield engineering. Does not apply if absent in the study

62. Indicate whether transportation facilities and services will be adequate to meet the needs of all users (i.e. access to public transportation, bicycle accommodations, pedestrian connections, disabled, elderly etc.);
   • Bus Stop is located in close proximity on Maple
   • A Bike rack will be provided to accommodate (2) bikes
   • Pedestrian access available at Chester and Willits St.
   • Full Barrier free access to all levels of the building

63. Indicate how the project will improve the mobility of all groups by providing transportation choices;
   Occupants and visitors can easily access the facility by foot via sidewalks, by car from parking on the street or from nearby parking deck and by bus. A Bike rack will be provided for bikers. The building is located adjacent to the city’s neighborhood connector route.

64. Indicate how the users of the building will be encouraged to use public transit and non motorized forms of transportation;
   A Bus stop is in close proximity on Maple. A Bike rack will be provided on site for occupants and visitors. The Bike rack will be consistent with Birmingham city standards.
65. Indicate the elements that have been incorporated into the site and surrounding right-of-way to encourage mode shift away from private vehicle trips;
A Bus stop in close proximity on Maple. A Bike rack on site will be provided for (2) bikes

66. Indicate the elements of the project that have been provided to improve the comfort and safety of cyclists (such as secured or covered bicycle parking, lockers, bike lanes/paths, bicycle share program etc.);
A Bike rack will be provided on site for (2) bikes

67. Indicate the elements of the project that have been provided to improve the comfort and safety of pedestrians (such as wheelchair ramps, crosswalk markings, pedestrian activated signal lights, bulb outs, benches, landscaping, lighting etc.);
- Wheelchair and all barrier free access provided
- Access route developed north and east of building including planters and trees
- The building is located adjacent to the city’s neighborhood connector route.

68. Indicate the elements of the project that have been provided to encourage the use of sustainable transportation modes (such as receptacles for electric vehicle charging, parking for scooters/Smart cars etc.);
Not at this time

69. Indicate whether there are any visual indicators of pond and / or stream water quality problems on or near the site;
Not Applicable

70. Indicate whether the project will involve any increase in impervious surface area and if so, indicate the runoff control measures that will be undertaken:
Refer to the enclosed survey and drainage plans paving plans of the site.

71. Indicate whether the project will affect surface water flows on water levels of ponds or other water bodies:
It is not anticipated that the development will impact any existing surface water flows of ponds or other water bodies.

72. Indicate whether the project may affect or be affected by a wetland, flood plain, or floodway;
It is not anticipated that the development will be impacted or propose impact an existing wetland, floodplain, or floodway. Refer to the enclosed engineering site plans

73. Indicate whether the project location or construction will adversely impact unique natural features on or near the site;
It is not anticipated that the development will be impact or propose impact an existing unique natural features on or near the site.
74. Indicate whether the project will either destroy or isolate a unique natural feature from public access;
Current site is private and the development will not impede the public access to amenities that surround it.

75. Indicate whether any unique natural feature will pose safety hazards for the proposed development;
No existing natural feature will pose any safety hazards for the development.

76. Indicate whether the project will damage or destroy existing wildlife habitats;
Proposed project will not destroy and existing wildlife or habitats

Other Information

77. Any other information as may reasonably be required by the city to assure an adequate analysis of all existing and proposed site features and conditions.
Our office will be happy to supply all additional requested information by the city.

Professional Qualifications

The preparer(s) of the CIS must indicate their professional qualifications, which must include registration in the state of Michigan in their profession where licensing is a state requirement for the practice of the profession (i.e. engineer, surveyor, architect etc.). Where the state does not require licensing (i.e. planner, urban designer, economist etc.), the preparer must demonstrate acceptable credentials including, but not limited to, membership in professional societies, university degrees, documentation illustrating professional experience in preparing CIS related materials for similar projects.

Kevin Biddison, AIA
April 25, 2018

Ms. Julie Knoll, P.E.
Fleis & VanDenbrink
27725 Stansbury Blvd. Suite 195
Farmington Hills, Mi. 48334

Re: 191 Chester Street – The Jeffery
Community Impact Statement and Traffic Study

Dear Ms. Knoll,

Please review the item by item response to your review and questions regarding the above referenced project.

Community Impact Study:

1. Adjacentcy to the City’s neighborhood connector route is so noted and has been added to the CIS as requested.
2. A single bike rack consistent with City Standards will be provided which will handle two bikes and will be more than enough to provide space for those who wish to ride a bike to work. The Post Office building at 320 Martin Street, which Mr. Surnow also owns and resides in, is the same square footage with a single City bike rack out front on the sidewalk, which has proven to more than service the needs of that building.
3. The current site is very tight and does not provide for additional areas that could be designated strictly for pick up and drop off for ride sharing. Since the front entry of the building faces Chester and is located at the sidewalk we feel that those few in this small building who might be ride sharing would have access to the City parking directly in front of the building for this pick up and drop off.
4. We can review the possibility of bike parking inside the garage but due to the very tight nature of that area for the purpose for which it was intended it might not be possible. However since we are providing one bike rack for both occupants and visitors it will need to be on site not in the garage.
5. The cross walk at the corner of Maple and Chester is currently in place. This gives access from the downtown area and the Chester Street Parking structure, which is where the majority of the buildings occupants and visitors will park and walk to the building. No other street crossing points exist, any future crosswalk at the Willits and Chester corner would be provided by the City of Birmingham.

Traffic Impact Study:

Refer to the attached response from Stonefield Engineering.

Site Plan:

1. The proposed ADA ramp on the Corner of Willits Street was a requirement discussed with the City of Birmingham Building and Engineering Departments on site and was provided at their request to give ADA accessibility to an existing non-compliant corner for use for a future pedestrian cross walk. Any crosswalk development to the north side of Willits will be provided by the City of Birmingham in the future it is not part of our project work.
2. The existing ADA parking space and access to the building has been reviewed and approved but the City of Birmingham Engineering Department and was designed in conjunction with them.
3. ADA access from the garage will be provided via the new elevator on the lower level. If the building becomes a multi-tenant facility a corridor would be provided from the garage into the common areas of the building to allow for direct access to the elevator. In addition the front entry of the building on Chester Street will provide grade level access into the building which will be provided with an internal ADA ramp along with the elevator to provide access to all levels of the building.

Thank you for your input on this project we look forward to seeing it service the community in a positive way as it is redeveloped. If you have any further questions or concerns please do not hesitate to contact me.

Sincerely,

Kevin Biddison, AIA
Biddison architecture
Mr. Kevin Biddison  
Biddison Architecture  
320 Martin Street, Suite 10  
Birmingham, MI 48009

Subject: Birmingham CIS - Sound Level Measurements and Noise Impact Assessment  
re: The Jeffrey at 191 N Chester Street  
Birmingham, MI

Dear Mr. Biddison:

At your request and authorization Kolano and Saha Engineers, Inc. (K&SE) conducted an investigation to review the environmental noise associated with the proposed remodel and expansion at 191 N Chester Street. This investigation includes a review of the measurements at the development site to understand the current ambient noise condition with an evaluation of the proposed development to help assess if noise associated with this development will be compatible at this location.

On-Site Sound Level Measurements

We conducted measurements using a Brüel & Kjær 2270 environmental noise analyzer with a precision outdoor microphone assembly. This instrumentation was calibrated before and after measurements using an acoustic calibrator traceable to the National Institute for Standards and Technology. It was set to measure for a continuous period from April 11th starting at 12:00 PM to April 12 at 4:00 PM. The measurement equipment was located approximately 20 feet south of the closest lane of Willits Street and approximately 90 feet west of the closest lane of Chester Street. The measurements were conducted at an elevation of approximately 7 feet above ground. The location of this measurement position is detailed in Exhibit 1.

The results of the measurements are presented in a graph of sound level versus time in Exhibit 2. This graph contains two plot lines: the 5 minute L_{eq} (energy average level), the hourly L_{eq} and the daytime and nighttime averaged sound levels. Note that the daytime averaged sound level does not include the public warning system siren sound level as this noise source is excluded from the ordinance noise limitations and is intentionally loud for the public welfare. The sources of noise in the sound levels measured were primarily from local traffic on Willits and N Chester Streets with some contribution from construction activities related to the renovation of the 191 N Chester Street building. Sound levels in this area are generally quieter than other location in Birmingham where more traffic and people are present such as along the Woodward, Old Woodward corridors and other major thoroughfares.
City of Birmingham Noise Ordinance

The City of Birmingham addresses noise in their ordinance under Part II – City Code, Chapter 50 – Environment, Article II. Nuisances, Division 4 – Noise. This ordinance provides information of Definitions, general prohibitions, specific prohibitions, decibel level prohibitions, general exemptions and test procedures. The objective limits cited in this ordinance (as Table 1) are:

<table>
<thead>
<tr>
<th>Use of Property Producing the Sound</th>
<th>Use of Property Receiving the Sound</th>
<th>Sunday to Saturday 7:00 a.m. to 7:00 p.m.</th>
<th>Sunday to Saturday 7:00 p.m. to 7:00 a.m.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>Residential</td>
<td>75</td>
<td>60</td>
</tr>
<tr>
<td>Commercial</td>
<td>Residential</td>
<td>80</td>
<td>60</td>
</tr>
<tr>
<td>Residential</td>
<td>Commercial</td>
<td>80</td>
<td>60</td>
</tr>
<tr>
<td>Commercial</td>
<td>Commercial</td>
<td>90</td>
<td>75</td>
</tr>
</tbody>
</table>

Exemptions to these limits include power equipment operations between 7AM and 7PM that do not exceed 100 dB(A) at or beyond the property line, construction noise between 7AM and 7PM Monday-Saturday excluding holidays (with additional provisions), and snow removal which does not exceed 90 dB(A) at or beyond the property line.

Properties to the north and to the west are residential and have noise limits of 80 dB(A) daytime and 60 dB(A) nighttime. Property to the south and east are commercial and have noise limits of 90 dB(A) daytime and 75 dB(A) nighttime. Using the daytime and nighttime average sound levels (54 dB(A) and 48 dB(A) respectively) as maximum noise level design goals can help maintain the current sound environment and help minimize additional impact to the adjacent community.

Proposed Development Noise Impact

From a noise perspective, the proposed renovation and expansion for the proposed office building is generally similar to other office buildings in Birmingham. The site of the building is directly adjacent to residential properties to the north. Based upon the results of the 24 hour site noise measurements, the residents of these homes are likely used to a quieter environment than other properties located closer to major thoroughfares in the city. As a result, deliberate attention should be given to the noise control of building-related mechanical and electrical services to help minimize undue noise impact to the adjacent residents.

The renovation and expansion of the three-level building is expected to be used for office lease space. The Lower Level is planned to have a new parking garage with 8 vehicle spaces, office lease space, a storage room, a mechanical room and the new expanded area to the east being used for a lounge and patio. The First Floor is planned to be office lease space with a new lobby in the expanded area. The Second Floor is planned to be office lease space. The sources of noise expected from the building include:
Heating and Cooling Mechanical Systems

Based on communications with you for this project, it is our understanding that residential size heating and air conditioning systems is expected for each of the levels. These systems are expected to have condenser-compressor units outdoors for cooling during warm weather. The high-efficiency versions of these types of units are generally quieter and less likely to be significant sources of noise. However, even the low-noise versions of these units should be carefully located on the site to minimize noise transmission to adjacent residential properties.

Below Grade Parking Exhaust Fans

To ventilate vehicle exhaust gasses, one or more fans are expected for the lower level enclosed parking. Careful selection and location of these fans can help minimize any adverse noise impact created by their operation. Mixed flow style fans with variable speed drives tend to be less noisy, though noise control elements should also be considered to help minimize noise impact to local residents as well as occupants of The Jeffrey.

Emergency Power Generator

It is not clear at this point whether or not an emergency power generator will be required for this building. If included, a generator has the potential for excessive noise. With proper location selection, provisions for adequate generator noise controls and exhaust muffling, and minimal actual operation time (weekly or bimonthly maintenance cycles are normally expected), we expect that a generator can be made to comply with the ordinance and create minimal noise impact. Considering noise impact, the optimal location of the generator may be to the south of the building toward the east side.

Conclusion

Based on the information we have been provided and deliberate effort to minimize noisy equipment, we anticipate that the proposed development will be able to comply with the Birmingham Noise Ordinance limits.

Mr. Biddison, should you have questions or need additional assistance on this matter, do not hesitate to call.

Sincerely,

KOLANO AND SAHA ENGINEERS, INC.

Darren Brown, P.E.
INCE Board Certified
Consultant
EXHIBIT 1

191 N CHESTER STREET AERIAL SITE VIEW DETAILING SOUND LEVEL MEASUREMENT LOCATION
EXHIBIT 2

Ambient Sound Levels at 191 N Chester Street
Measured 20 Feet South of Willits Street and 90 Feet West of N Chester Street;
Sound is predominantly from local vehicle traffic

Measurements Conducted for: **Biddision Architecture**

*The daytime average sound level does not include the public warning system siren.*
Traffic Impact Assessment of Proposed Renovation and New Addition For

THE JEFFREY
191 North Chester Street
Birmingham, Michigan 48009

Prepared For:
Kevin Biddison, AIA
Biddison Architecture + Design
320 Martin Street, Suite 10
Birmingham, MI 48009

Applicant Information:
Sam Surnow
320 Martin Street, Suite 100
Birmingham, MI 48009

Prepared: April 12, 2018
Revised: April 25, 2018

STONEFIELD
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Executive Summary

The Applicant is proposing to renovate the existing First Church of Christ Scientist building to provide a three (3)-floor office building. The proposed building would provide approximately 24,702 square feet of gross floor office space, and parking would be provided via a ground-level parking garage and existing on-site parking. Construction and full occupancy is expected by 2020.

Existing access is provided via one (1) curb-cut along Willits Street servicing three (3) right-angle parking spaces. Under the proposed development program, an additional curb-cut along Willits Street would be constructed providing access to a gated parking area on the lower level of the building, which would provide eight (8) parking spaces. The existing three (3) right-angle parking spaces are proposed to remain as-is. The site is located within the parking assessment district, and as such, no parking is required for the proposed development. To provide a conservative analysis, all of the new vehicular traffic to the site was routed to use the gated access point, however it is anticipated that a portion of the parking demand generated by the site would utilize public parking spaces in the City of Birmingham.

This Traffic Impact Assessment was prepared by Stonefield Engineering & Design, LLC, utilized the City of Birmingham’s Traffic Study Questionnaire (Form A), as well as accepted traffic engineering practices for Traffic Impact Assessments.

The key findings and conclusions developed in this study are as follows:

1. The site driveway of the proposed office building is projected to generate eight (8) vehicle trips during the weekday morning peak hour (8 in, 0 out) and eight (8) vehicle trips during the weekday evening peak hour (0 in, 8 out). Along the total roadway network, the proposed office building is projected to generate an increase of 44 vehicle trips during the weekday morning peak hour (39 in, 5 out) and an increase of 21 trips during the weekday evening peak hour (1 in, 21 out) as compared to the existing development.
2. The traffic generated by the site would be dispersed throughout the roadway network as a majority of the site-generated traffic would likely need to park in public parking areas.
3. The proposed development would further the City’s Multi-Modal Transportation Plan by providing an ADA-accessible ramp at the intersection of Willits Street and Chester Street, replacing an existing non-accessible staircase at the intersection.
4. The proposed development would further the City’s Multi-Modal Transportation Plan by extending the sidewalk along Willits Street to the edge of the property, providing a location for a future sidewalk connection on the neighboring property to the west.
5. No roadway lane improvements are warranted by the proposed development.
6. There would be 11 parking spaces provided on-site. As the site is located within the parking assessment district, the proposed development is not required to provide parking on-site. It is anticipated that a portion of the site’s parking demand would be satisfied utilizing public parking on-street and within parking garages.
Introduction

The Applicant is proposing to renovate the existing First Church of Christ Scientist building to provide a three (3)-floor office building. The proposed building would provide approximately 24,702 square feet of gross floor office space, and parking would be provided via a ground-level parking garage and existing on-site parking. The subject property is located at the southwest quadrant of the intersection of North Chester Street and Willits Street in the City of Birmingham, Oakland County, Michigan. The site location is shown on Figure 1. The subject property Parcel Identification Number (PIN) is designated as 19-25-356-023. The site has approximately 116 feet of frontage along Chester Street and 180 feet of frontage along Willits Street. The existing site is presently developed with a two (2)-story building previously occupied by the First Church of Christ Scientist. Construction and full occupancy is expected by 2020.

Existing access is provided via one (1) curb-cut along Willits Street servicing three (3) right-angle parking spaces. Under the proposed development program, an additional curb-cut along Willits Street would be constructed providing access to a gated parking area on the lower level of the building, which would provide eight (8) parking spaces. The existing three (3) right-angle parking spaces are proposed to remain as-is. The site is located within the parking assessment district, and as such, no parking is required for the proposed development. To provide a conservative analysis, all of the new vehicular traffic to the site was routed to use the gated access point, however it is anticipated that a portion of the parking demand generated by the site would utilize public parking spaces in the City of Birmingham.

This Traffic Impact Assessment was prepared by Stonefield Engineering & Design, LLC, and utilized the City of Birmingham’s Traffic Study Questionnaires (Form A), as well as accepted traffic engineering practices for Traffic Impact Assessments.

Existing Conditions

Roadway Characteristics

Chester Street is located along the easterly side of the property with a general north-south orientation and generally provides one (1) lane of travel in each direction. Along the site frontage, additional lanes are provided approaching the intersection with Maple Road to the south. At its northern terminus along the frontage, Chester Street curves to the east and becomes Willits Street, an east-west oriented roadway.

Chester Street is classified on the National Functional Classification Map as a Major Collector roadway and has a posted speed limit of 25 mph. Curb and sidewalk are provided along both sides of the roadway, a striped shoulder is provided along the easterly side of the roadway approaching Willits Street, and on-street parking is permitted within the site vicinity within two (2) metered parking spaces along the westerly side of the roadway. Additional metered on-street parking is provided south of Maple Road. Chester Street provides north-south mobility for residential, commercial, religious, and educational uses along its length. Street level view of the site from Chester Street is provided on Figure 2.

Willits Street is located along the northerly side of the property with a general east-west orientation and generally provides one (1) lane of travel in each direction. Along the site frontage, Willits Street is approximately 24 feet in width. East of Chester Street, Willits Street widens to provide metered, on-street parking along both sides of the roadway.

Willits Street is classified on the National Functional Classification Map as a Major Collector roadway to the east of Chester Street, and is classified as a local roadway to the west of Chester Street. Along the site frontage, curb and sidewalk are provided along both sides of the roadway, shoulders are not provided, and on-street parking is not permitted. East of Chester Street, curb and sidewalk are provided along both sides of the roadway, shoulders are not provided, and metered on-street parking is not provided in designated spaces. Willits Street provides east-west mobility for residential uses west of Chester Street and commercial uses east of Chester Street. Street level view of Willits Street is provided in Figure 3 and Figure 4.
Figure 1. Site Location Map
Figure 2. Street View From Northbound Chester Street
Figure 3. Street View From Westbound Willits Street
Figure 4. Street View From Eastbound Willits Street
Chester Street and Willits Street intersect to form an unsignalized T-intersection, with the eastbound approach of Willits Street operating under stop control. At the intersection, the westbound approach of Willits Street continues southbound on Chester Street and the northbound approach of Chester Street continues eastbound on Willits Street without stop control. Left-turns from the eastbound approach of Willits Street and from the northbound approach of Chester Street are not permitted.

Alternate Modes of Transportation

Sidewalks are provided along both sides of Chester Street and Willits Street abutting the site. Crosswalks are not provided at the intersection of Chester Street and Willits Street, however crosswalks are provided at signalized intersections located one (1) block away along Chester Street and Willits Street in the southerly and easterly directions. Given the narrow width of the roadway, crossing the westerly leg of Willits Street at the intersection appears reasonably feasible via an existing residential driveway and a small staircase. As this crossing is not ADA-accessible, the application is proposing installation of an ADA-accessible ramp for crossing the westerly leg. A midblock pedestrian crossing across Chester Street or the easterly leg of Willits Street is not recommended given the horizontal curvature in the roadway, limiting sight distance for both pedestrians looking for motorists and vice versa.

There does not appear to be signed or striped bicycle lanes, bicycle routes, or bicycle parking in the site vicinity. A bicycle rack will be provided on-site to accommodate bicycle parking.

SMART offers fixed-route bus service along Maple Road south of the site via Route 445 and Route 780. The nearest stop for these routes is located at the intersection of Maple Road and Bates Street, an approximately two (2)-block walk from the site. Information regarding the nearby bus routes is provided within the appendix.

Traffic Volumes

Stonefield utilized observed traffic volume counts and mapping provided by SEMCOG to determine the daily and hourly traffic along the subject roadways. Specifically, Stonefield utilized count data at the locations shown in Table 1.

<table>
<thead>
<tr>
<th>Street Location</th>
<th>Year</th>
<th>AADT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Willits Street</td>
<td>2008</td>
<td>7,660</td>
</tr>
<tr>
<td></td>
<td>2016</td>
<td>9,305</td>
</tr>
<tr>
<td>Chester Street</td>
<td>2008</td>
<td>3,500</td>
</tr>
<tr>
<td></td>
<td>2016</td>
<td>3,430</td>
</tr>
<tr>
<td>Chester Street</td>
<td>2008</td>
<td>3,100</td>
</tr>
</tbody>
</table>

Based to the SEMCOG data available proximate to the site, it was determined that the data along Willits Street would provide the most conservative estimate of the existing traffic volume along the Chester Street site frontage. The 2008 and 2016 SEMCOG data along Willits Street was utilized to calculate an annual growth rate of approximately 2.5%.

The calculated annual growth rate was applied to the 2016 SEMCOG traffic volume data along Willits Street for two (2) years to calculate the 2018 existing daily volume. A typical K-factor for urbanized areas of nine (9%) percent was then used to calculate the 2018 hourly volume during the weekday morning and weekday evening peak hours. The 2008 SEMCOG 15-minute interval traffic volumes along Willits Street were utilized to determine the directional distribution of the existing volumes along the Chester Street site frontage. Table 2 summarizes the calculation of the existing volumes along the Chester Street site frontage.
TABLE 2 – EXISTING TRAFFIC VOLUME CALCULATION

<table>
<thead>
<tr>
<th>2016 SEMCOG Volume</th>
<th>Annual Growth Rate</th>
<th>2018 Daily Volume</th>
<th>K-Factor</th>
<th>2018 Hourly Volume</th>
</tr>
</thead>
<tbody>
<tr>
<td>9,305</td>
<td>2.5%</td>
<td>9,776</td>
<td>9%</td>
<td>880</td>
</tr>
</tbody>
</table>

Traffic volume data is not available for Willits Street directly along the site frontage. However, given the local classification of the roadway, traffic volumes are not anticipated to be significant. The 2018 Existing Traffic Volumes are illustrated on Figure 5 and the SEMCOG traffic volume data utilized in this report is provided within the appendix.

Future Conditions

Trip Generation

Trip generation projections for the proposed office building were prepared utilizing the Institute of Transportation Engineers’ (ITE) Trip Generation Manual, 10th Edition. Trip generation rates associated with Land Use 710 “General Office Building” were cited for the proposed 24,702-square-foot office building. Trip generation projections were also prepared for the existing church utilizing rates associated with Land Use 560 “Church” to compare the trip generation of the existing development with the proposed development. Table 3 provides the weekday morning peak hour, weekday evening peak hour, and weekday daily trip generation volumes associated with the proposed office building and the existing church.

TABLE 3 – TRIP GENERATION PROJECTIONS

<table>
<thead>
<tr>
<th>Land Use</th>
<th>ITE Code</th>
<th>Amount</th>
<th>Weekday Morning Peak Hour</th>
<th>Weekday Evening Peak Hour</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing: Church</td>
<td>560</td>
<td>17,930 SF</td>
<td>Enter 4</td>
<td>Exit 2</td>
</tr>
<tr>
<td>Proposed: General Office Building</td>
<td>710</td>
<td>24,702 SF</td>
<td>Enter 50</td>
<td>Exit 25</td>
</tr>
<tr>
<td>Trip Difference</td>
<td>+149</td>
<td>+39</td>
<td>+5</td>
<td>+44</td>
</tr>
<tr>
<td>Total Increase at Site Driveway</td>
<td>+8</td>
<td>+8</td>
<td>+8</td>
<td>+8</td>
</tr>
</tbody>
</table>

As indicated in Table 1, the proposed development would be expected to generate an trip increase of 44 new trips to the adjacent roadway network during the weekday morning peak hour and an increase of 21 new trips during the weekday evening peak hour. Because of the size of the parking supply on-site, the proposed development would only generate eight (8) trips during the weekday morning peak hour and eight (8) trips during the weekday evening peak hour at the site driveway. The remaining trips would be dispersed throughout the roadway network as motorists use public on-street and garage parking. As such, the trip increase at any particular approach would be minimal.

Trip Distribution

The projected trips were distributed on the adjacent roadway network. For the purpose of the distribution, the trips were routed to and from the site driveway, however it is anticipated that traffic volumes would likely be dispersed throughout the grid-style network of downtown Birmingham as motorists use public on-street and garage parking. Figure 6 provides the weekday morning and weekday evening trip distribution at the site driveway.

During the morning peak hour, a majority of trips will enter the site as employees arrive at the office for a typical workday. Specifically, per the ingress/egress distribution provided by ITE, 86% of trips would enter the site and 14% would exit the site during the morning peak hour.
SITE

LEGEND
- Existing Roadway
- Proposed Driveway
- AM (PM) Peak Hour Traffic Volume

FIGURE 5
2018 Existing Traffic Volumes
FIGURE 6
Site-Generated Trip Distribution
During the evening peak hour, a majority of trips will exit the site as employees depart the office after a typical workday. Specifically, per the ingress/egress distribution provided by ITE, 16% of trips would enter the site and 84% would exit the site during the evening peak hour.

**Trip Assignment**

The trips generated by the proposed office development have been assigned to individual turning movements as shown in Figure 7.

Future total traffic was determined by adding the traffic generated by the site to the calculated traffic volumes on the roadway network with applied 2.5% annual growth rate to represent the 2020 Build Traffic Volumes. This traffic volume is provided in Figure 8.

**Traffic Impacts**

**Volume Impacts**

Based on the trips generated by the proposed office building, and the calculated traffic volumes on Chester Street and Willits Street, the southbound traffic volume on Chester Street along the site frontage is projected to increase by approximately 1% percent during the weekday morning peak hour and approximately 4% percent during the weekday evening peak hour, and the westbound traffic volume on Willits Street east of Chester Street is projected to increase by approximately 6% percent during the weekday morning peak hour and approximately 1% percent during the weekday evening peak hour.

**Level of Service Impacts**

Based on Transportation Impact Analysis for Site Development published by ITE, a trip increase of less than 100 vehicles trips would likely not change the level of service of the roadway system or appreciably increase the volume-to-capacity ratio of an intersection approach. The proposed development is projected to generate 50 total trips during the weekday morning peak hour and 30 total trips during the weekday evening peak hour. As such, the proposed office development is not anticipated to significantly impact the operations of the adjacent roadway network.

**Transportation Standards**

Access to the site is proposed exclusively along Willits Street. The roadway is approximately 24 feet wide and does not permit on-street parking, resulting in one (1) 12-foot lane in each direction for vehicular traffic. The narrow roadway cross-section promotes lower vehicular speeds in both the residential and downtown portions of the roadway, and as such should not be widened in the vicinity of the site to provide a left-turn lane or provide other transportation standards. Figure 9 and Figure 10 provide street level view of Willits Street in the vicinity of the access point.

**Non-Vehicular Access**

The proposed office building is anticipated to generate additional pedestrian traffic in the area. Consistent with the City’s Multi-Modal Transportation Plan, improvements along the site frontage are proposed to accommodate pedestrians in the area. An ADA-accessible ramp is proposed at the southwest corner of the intersection of Willits Street and Chester Street, which would replace a non-ADA-accessible staircase leading to the roadway.

As shown on Figure 3.2A – Proposed Sidewalks of the City’s Multi-Modal Transportation Plan (portion appended), properties west of the subject site are categorized as “Priority 2: Complete Sidewalk Gaps in Neighborhood.” As part of the development program, a six (6)-foot-wide sidewalk would be extended from its current terminus at the existing on-site surface parking to the edge of the property line, allowing for a sidewalk connection on the adjacent property at a future date.
Proposed Office Building
191 North Chester Street
City of Birmingham, Oakland County, Michigan
Traffic and Parking Assessment Report

Willits Street

North Chester Street

SITE

LEGEND
- Existing Roadway
- Proposed Driveway
- AM (PM) Peak Hour Traffic Volume
Figure 9. View From Driveway to Westbound Willits Street

Figure 10. View From Driveway to Eastbound Willits Street
As shown on Figure 3.7A – Proposed Neighborhood Connector Routes of the City’s Multi-Modal Transportation Plan (portion appended), Willits Street is designated as a future neighborhood connector route west of Chester Street for local bicycle traffic. The neighborhood connector route along Willits Street was completed in 2017.

Parking Supply

The site is located within the parking assessment district, and as such, no parking is required for the proposed development. The existing site provides three (3) right-angle parking spaces along Willits Street. Under the development plan, these spaces would be maintained, and an eight (8)-space gated garage would be located on the lower level of the development. This equates to a total of 11 spaces provided on-site for the proposed office development. It is likely that additional parking supply beyond the on-street parking supply would be necessary to accommodate the parking demand of the proposed office.

There are several parking structures within walking distance of the site that may accommodate parking demand generated by the site. The 180 Chester Street parking garage is located approximately 250 feet south of the site, and the 333 North Old Woodward Avenue parking garage is located approximately 500 feet east of the subject property. It is Stonefield’s understanding that there is presently a waiting list for monthly parking permits within the City garages, however parking in excess of six (6) hours is permitted within the garages, suitable for employees of an office use. Short-term visitors would be able to utilize metered on-street parking or parking garages within vicinity of the subject site.

Key Findings and Conclusions

The key findings and conclusions developed in this study are as follows:

1. The site driveway of the proposed office building is projected to generate eight (8) vehicle trips during the weekday morning peak hour (8 in, 0 out) and eight (8) vehicle trips during the weekday evening peak hour (0 in, 8 out). Along the total roadway network, the proposed office building is projected to generate an increase of 44 vehicle trips during the weekday morning peak hour (39 in, 5 out) and an increase of 21 trips during the weekday evening peak hour (1 in, 21 out) as compared to the existing development.
2. The traffic generated by the site would be dispersed throughout the roadway network as a majority of the site-generated traffic would likely need to park in public parking areas.
3. The proposed development would further the City’s Multi-Modal Transportation Plan by providing an ADA-accessible ramp at the intersection of Willits Street and Chester Street, replacing an existing non-accessible staircase at the intersection.
4. The proposed development would further the City’s Multi-Modal Transportation Plan by extending the sidewalk along Willits Street to the edge of the property, providing a location for a future sidewalk connection on the neighboring property to the west.
5. No roadway lane improvements are warranted by the proposed development.
6. There would be 11 parking spaces provided on-site. As the site is located within the parking assessment district, the proposed development is not required to provide parking on-site. It is anticipated that a portion of the site’s parking demand would be satisfied utilizing public parking on-street and within parking garages.
TECHNICAL APPENDIX
Mr. Charles Olivo is accomplished in numerous aspects of Civil, Infrastructure, Highway, and Traffic and Transportation Engineering having completed projects for private development/redevelopment entities, public jurisdictional agencies, and local municipalities. Serving clients throughout the Northeast and Midwest, he has professional experience designing and managing the unique and diverse elements of land development and infrastructure design. Mr. Olivo is involved with engineering design from project inception and conceptual development through the entitlement and construction process. His experience in the Civil Engineering field has involved the shaping of development parcels inclusive of both on-site and off-site impacts and access management features.

Preparation of detailed traffic and civil engineering findings during the Due Diligence/Site Assessment process for over 300 development sites to serve as the cornerstone of project viability and create a critical reference point during feasibility assessment. Through thorough research of local development codes and an understanding of development opportunities and constraints, Mr. Olivo has successfully prepared numerous Site and Traffic Analyses for development/redevelopment projects and programs.

Preparation of engineered Site Plan and Traffic Roadway Plan documents to serve as essential components in the land use permitting and entitlement process. Mr. Olivo has been integrally involved in the preparation of over 300 construction document sets, studies, analyses, and assessments associated with land development projects. He has established a reputation of high-quality design, innovative thinking, and understanding of client objectives throughout his experience.

Mr. Olivo has been a key advocate in urban infill development and the advancement of smart growth techniques. He has been the transportation engineer of record for numerous development and redevelopment plans.

Mr. Olivo has been qualified as a traffic and site Engineering Expert and provided testimony before approximately 100 Land Use Boards throughout the country. In addition, he has presented to client groups, public governing bodies, and civic associations to explain the impacts of private development/redevelopment projects and the proposed improvement/mitigation measures associated with these projects.

Mr. Olivo’s project experience includes traffic analysis, traffic signal and intersection improvement design, zoning review, site investigation and due diligence, concept preparation, stormwater management and stormwater conveyance system design, grading utility design, soil erosion and sediments, control design, and project coordination.
CITY OF BIRMINGHAM TRAFFIC IMPACT ASSESSMENT FORM (FORM A)
FORM A - TRAFFIC STUDY QUESTIONNAIRE

Applicant:  Sam Surnow  Case#:____________________________________

Date: 4/25/2018  Address:  320 Martin Street, Suite 100, Birmingham, MI 48009

1. Proposed Project

Brief description of the proposed project: Proposed renovation of an existing church into an office build.

Access would be provided via one (1) driveway along Willits Street, serving eight (8) parking spaces within

an enclosed garage. Three (3) surface parking spaces would remain, for a total of 11 spaces on-site.

Use of building(s):  Office  Gross square footage:  24,702.25 SF (garage not included)

Net square footage:  23,382 SF  Number of parking spaces:  11

Site plan attached:  Included with CIS

2. Driveway Movements (a.m. and p.m. peak hours)

<table>
<thead>
<tr>
<th>Driveway:</th>
<th>Left In:</th>
<th>Right In:</th>
<th>Left Out:</th>
<th>Right Out:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Full-movement along Willits Street (AM)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Full-movement along Willits Street (PM)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

3. Transportation Standards

Using the City Design and Construction standards or where appropriate, County Road Commission and

Michigan Department of Transportation standards, identify the following:

Passing lanes:  No passing lanes provided on Willits Street along the site frontage.

Tapers:  No lane tapers provided on Willits Street along the site frontage.

Turn Lanes:  No turn lanes provided on Willits Street along the site frontage.
Evaluate sight distances at project driveways: **Stopping sight distance is provided on appended Figure 1A (page A8). Willits Street is generally straight and flat within the vicinity of the driveway, it appears sufficient sight distance is provided.**

Vehicle stacking analysis (if drive-up facilities are proposed): **N/A**
STOPPING SIGHT DISTANCE AT SIGHT DRIVEWAY
Note: AASHTO Stopping Sight Distance for 25 MPH is 155 feet.
EXCERPTS FROM CITY'S MULTI-MODAL TRANSPORTATION PLAN
Proposed Sidewalks:

- **Existing Sidewalks**
- **Priority 1:** Complete Sidewalks along Major Roads
- **Priority 2:** Complete Sidewalk Gaps in Neighborhood
- **Priority 3:** Add Sidewalks to Neighborhood

**Web Survey Results:**

- About 38% of respondents walk to work and/or the store daily or weekly
- About 80% of respondents walk for fun and/or exercise daily or weekly
- Around 79% of respondents feel a complete sidewalk system is very important to non-motorized trips actually happening in the future

**FIGURE 3.2A PROPOSED SIDEWALKS**

APPROXIMATELY 2.5 MILES OF SIDEWALK ARE PROPOSED ALONG PRIMARY ROADS IN THE CITY OF BIRMINGHAM
FIGURE 3.7A PROPOSED NEIGHBORHOOD CONNECTOR ROUTES

Approximately 15.4 miles of neighborhood connector routes and 2.25 miles of paved off-road trails are proposed.

Web Survey Results:
- Around 73% of respondents would be comfortable riding a bike along a Bike Route on a Residential Road.
SMART BUS STOPS & ROUTES IN SITE VICINITY
Figure 2A. SMART Bus Route 445: zoomed in (top) & zoomed out (bottom)
Figure 3A. SMART Bus Route 780: zoomed in (top) & zoomed out (bottom)
SEMCOG TRAFFIC VOLUME DATA
Proposed Office Building
191 North Chester Street
City of Birmingham, Oakland County, Michigan
Traffic and Parking Assessment Report

FIGURE 4A
SEMCOG Traffic Volume Data

2008 AADT: 7,660
2016 AADT: 9,305
2018 DHV: 880

2008 AADT: 3,500
2018 DHV: 403

2008 AADT: 3,430
2016 AADT: 3,100
2018 DHV: 293
Figure 5A. 2008 Traffic Volume Data on Willits Street Between Old Woodward Avenue and Chester Street
Figure 6A. 2008 Traffic Volume Data on Willits Street Between Old Woodward Avenue and Chester Street (Eastbound)
Figure 7A. 2008 Traffic Volume Data on Willits Street Between Old Woodward Avenue and Chester Street (Westbound)
Figure 8A. 2016 Traffic Volume Data on Willits Street Between Old Woodward Avenue and Chester Street
Figure 10A. 2008 Traffic Volume Data on Chester Street Between Maple Road and Brown Street
Figure 11A. 2008 Traffic Volume Data on Chester Street Between Maple Road and Brown Street (Northbound)
Figure 12A. 2008 Traffic Volume Data on Chester Street Between Maple Road and Brown Street (Southbound)
Figure 13A. 2016 Traffic Volume Data on Chester Street Between Maple Road and Brown Street
April 25, 2018

Ms. Jana L. Ecker
Planning Director
City of Birmingham
151 Martin Street
Birmingham, MI 48012

RE: Response to CIS and TIA Review
191 N. Chester Street – The Jeffrey
City of Birmingham, Oakland County, Michigan
SE&D Job No.: S-18051

Dear Ms. Ecker:

Stonefield Engineering and Design (“SE&D”) is in receipt of the Community Impact Statement and Traffic Impact Assessment Review letter dated April 24, 2018 issued by Fleis & Vandenbrink for the above-referenced development. Additionally, a revised Traffic Impact Assessment, dated April 25, 2018, has been prepared based on the comments provided within the review letter. The following are responses prepared by our office with respect to the review letter comments:

1. The TIA is dated April 12, 2017. For the record, please confirm if this date and correct as necessary.

   The first issuance of the Traffic Impact Assessment was prepared April 12, 2018. The 2017 date has been revised.

2. The trip generation used in the analysis was developed based on data from the Institute of Transportation Engineer’s (ITE) Trip Generation Manual, 10th Edition using land use code 710-General Office Building. Please confirm the following regarding the proposed land use:
   a. Is the intention of this office building to be used by a single tenant or multiple tenants?

      Based on consultations with the project’s Architect, it is not known at this time if the office space would be utilized by a single tenant or multiple tenants.

   b. Confirm the gross square footage (GSF) of the site. The CIS, TIA and Site Plan all have differing GSF for this site.

      The gross floor area utilized within the Traffic Impact Assessment was updated to be consistent with the Architectural Plans dated April 13, 2018.

3. A trip generation comparison of the previous land use and the proposed land uses should be provided.
A trip generation comparison between the proposed office use and the previous church use has been provided and is included within the revised Traffic Impact Assessment.

4. On Page 15 the study states that Willits Street is designated as a future neighborhood connector route. The neighborhood connector route was completed in 2017, this should be reflected in the study.

This comment is noted. The revised Traffic Impact Assessment reflects the completed status of the neighborhood connector route.

5. The projected trip generation for this site using the parking garage. Since the parking garage only has 8 spaces, the site traffic trip distribution as shown is misleading. It is anticipated that the majority of site generated traffic will use the adjacent parking facilities and therefore will not have a significant impact to the traffic volumes on Chester Street.

The trip assignment has been revised to show the anticipated trip generation at the site driveway with respect to the parking supply.

6. The completed Traffic Study Questionnaire-Form A should be provided.

The completed Traffic Study Questionnaire-Form A is provided within the revised Traffic Impact Assessment.

7. The traffic engineer for this project should consult with F&V and MKSK to verify the necessary scope of work for this project and an updated TIA should be provided in accordance with the approved scope of work.

Stonefield has consulted F&V regarding the scope of work for this project and has verified that the revised Traffic Impact Assessment meets the minimum requirements of the scope.

If you have any questions regarding the above information, please contact our office.

Best Regards,

Charles D. Olivo, PE, PTOE
Stonefield Engineering and Design, LLC

Tim Ponton
Stonefield Engineering and Design, LLC
April 2, 2015

Chester Street Partners, LLC
Attn: Mr. Rob Krochmal
320 Martin Street, Suite 100
Birmingham, Michigan 48009

RE: PHASE I ENVIRONMENTAL SITE ASSESSMENT REPORT
FIRST CHURCH OF CHRIST SCIENTIST PROPERTY
191 N. CHESTER STREET
BIRMINGHAM, MICHIGAN
PERFORMANCE PROJECT # 151226

Dear Mr. Krochmal:

Performance Environmental Services, Inc. (Performance) completed a Phase I Environmental Site Assessment Report for the above referenced property.

Performance personnel conducted these professional services in accordance with customary principles and practices in the area of environmental science and engineering, and in general conformance with the American Society for Testing Materials (ASTM) E 1527-13, Standard Practice for Conducting Environmental Site Assessments and is intended to comply with USEPA All Appropriate Inquiry (AAI) guidelines.

Attached, please find the Phase I Environmental Site Assessment Report. If there are any questions or comments concerning this report, please do not hesitate to contact us.

Sincerely,

PERFORMANCE ENVIRONMENTAL SERVICES, INC.

Julie Pratt
Senior Project Professional

Dennis A. Wood
Senior Project Manager

JAP/DAW:jap
Attachments
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1.0 SUMMARY

Mr. Rob Krochmal representing Chester Street Partners, LLC contracted Performance Environmental Services, Inc. (*Performance*) to conduct a Phase I Environmental Site Assessment (ESA) of the property located at 191 N. Chester Street in Birmingham, Oakland County, Michigan. *Performance* was contracted to evaluate the study property and visually evaluate surrounding properties for the presence of environmental concerns. The purpose of the Phase I ESA study was to establish an information base for assessing the likelihood of potential environmental concerns at the subject property. Mr. Krochmal has indicated that the Phase I ESA is being conducted to evaluate present and past environmental conditions as a part of due diligence activities related to a real estate transaction (acquisition, potential financing and possible redevelopment) involving the subject site.

*Performance* conducted this Phase I ESA in order to provide a professional opinion of the possible presence of Recognized Environmental Conditions (hereafter referred to as “RECs”) or other possible environmental concerns, if any, associated with the subject site. This Phase I ESA was conducted in general conformance with the American Society for Testing Materials (ASTM) E 1527-13, Standard Practice for Conducting Environmental Site Assessments and is intended to comply with USEPA All Appropriate Inquiry (AAI) guidelines.

As defined in the ASTM Designation E 1527-13, the term *Recognized Environmental Condition* means, "...the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: (1) due to any release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment."

Based on historical documentation, the first developed use of the property appears to be residential, with date of development sometime prior to 1921. The subject property was developed for religious use in the 1920’s. The church building has been expanded and remolded over time, with current use remaining a religious institution. A review of historical documentation and municipal records did not identify any use, storage and/or handling of petroleum products or other hazardous materials at the subject property, with the exception of a former heating oil UST system formerly located on the property.

*Performance* submitted a Freedom of Information Act request to the Remediation Redevelopment Division (RRD) of the Michigan Department of Environmental Quality (MDEQ). Limited file documentation was available, including a Site Assessment / Closure Report, generated by Enkon Environmental Services, dated October 31, 1990. According to the report, Enkon was retained to provide site assessment during removal of a 1,000 gallon heating oil UST located at the subject property. The underground storage tank was buried beneath the front lawn, immediately adjacent to the southeast corner of the building. The report noted that the steel walls and galvanized product lines were in good shape based on observations at the time of removal.

As the tank was uncovered, soil samples were field screened for volatile organic compounds. Evidence of PID readings ranged from 10 ppm to 125 ppm. Grab samples collected from the cavity subsequent to tank removed indicated no evidence of VOCs. A total of six soil samples were collected for analysis for BEX and PNAs. Depths of the samples were not provided, but included sidewall and bottom excavation...
samples. It was concluded by Enkon that other than the overburden soils (estimated 50 cubic yards), no contamination was encountered. The contaminated soils were disposed of offsite.

Based on available environmental site assessment research obtained and reviewed and visual observations of the study property and surrounding properties, Performance concludes there are no known recognized environmental conditions (REC’s) on the study property or on adjoining properties with the potential to impact the study property.

Site assessment activities were conducted associated with the former UST system. Evidence of minimal contamination was observed at the time of removal in overburden soils formerly located on top of the former UST, which were apparently removed and disposed offsite. Subsequent excavation verification samples collected from the excavation bottom and sidewalls indicated no evidence of contamination was present. A Closure Report / Site Assessment Report was prepared concluding no further assessment was necessary to address the former heating oil UST system.

In accordance with ASTM Standard 1527-13, based on available environmental site assessment research obtained and reviewed and visual observations of the study property and surrounding properties, Performance concludes there are no known REC’s on the study property or on adjoining properties with the potential to impact the study property. The heating oil UST is considered a Historical REC (HREC). By definition, an HREC includes a past release of any hazardous substances or petroleum products that has occurred in connection with the property and has been addressed to the satisfaction of the applicable regulatory authority or meeting unrestricted residential use criteria established by a regulatory authority, without subjecting the property to any required controls (for example, property use restrictions, activity and use limitations, institutional controls, or engineering controls). Based on the sampling conducted and associated laboratory analysis, the presence of the former heating oil UST is a Historical REC (HREC). The HREC does not present a current REC.

2.0 INTRODUCTION

Mr. Rob Krochmal on behalf of Chester Street Partners, LLC contracted Performance Environmental Services, Inc. (Performance) to conduct a Phase I Environmental Site Assessment (ESA) of the property located at 191 N. Chester Street in Birmingham, Oakland County, Michigan. Refer to Plate I in Appendix 1, Site Location Map, for general site location.

The subject site is described by the U.S. Geological Survey as being in Township 2 North, Range 10 East, Section 25, City of Birmingham, Oakland County, Michigan. The subject property is located on the southwest corner of Willits Street and N. Chester Street, having an address of 191 N. Chester Street. The following information was obtained from the City of Birmingham Assessing Department:

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<tr>
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<td>191 N. Chester Street</td>
<td>First Church of Christ Scientist</td>
</tr>
</tbody>
</table>
Performance was contracted to evaluate the study property and visually evaluate surrounding properties for the presence of environmental concerns. The purpose of the Phase I ESA study was to establish an information base for assessing the likelihood of potential environmental conditions at the subject property. The Phase I ESA is being conducted to evaluate present and past environmental conditions as a part of due diligence activities related to a real estate transaction (acquisition, potential financing) involving the subject site.

Performance conducted the Phase I ESA in order to provide a professional opinion of the possible presence of Recognized Environmental Conditions (hereafter referred to as “RECs”) or other possible environmental concerns, if any, associated with the subject site. The Phase I ESA was conducted in general conformance with the American Society for Testing Materials (ASTM) E 1527-13, Standard Practice for Conducting Environmental Site Assessments and is intended to comply with USEPA All Appropriate Inquiry (AAI) guidelines.

As defined in the ASTM Designation E 1527-13, the term Recognized Environmental Condition means, "...the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: (1) due to any release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment."

The following report summarizes Performance’s evaluations and conclusions based upon its environmental site assessment research and field activities.

2.1 Reliance

The information and opinions included in this report are for the exclusive use of Chester Street Partners, LLC. Any other parties seeking reliance upon this report must obtain prior written approval from Performance for such reliance. Performance specifically disclaims any and all claims by parties claiming as a third party beneficiary.

3.0 SCOPE OF WORK

To assess the likelihood of potential environmental concerns at and surrounding the subject property, Performance conducted the following activities:

- A review of the study property legal description and available site maps and USGS maps.
- A field survey of the study site for evidence of site contamination. Performance visually surveyed the subject property to identify potential sources of soil and/or water contamination. This site survey included an examination of the area for evidence of chemical and/or hazardous substances or waste, an accumulation of solid waste, PCB-containing transformers and fluids, above ground and underground storage tanks, potential asbestos-containing materials, potential lead based paint, stressed vegetation, stained or discolored soil/pavement/flooring and/or surface water, or other physical characteristics that may indicate the potential for environmental concern. Color photographs were taken to document site conditions at the time of the survey.
- An examination of available radon data for the study property area in order to determine the potential for radon concerns.
• A visual assessment of the adjoining properties for the presence of environmental concerns with the potential to impact the study property including industrial shops, gas service stations, disposal facilities, or other land usage that may indicate the potential for environmental concern.

• An examination of historical aerial photographs, topographic maps, Sanborn Maps, and city directories, when available, of the study property and surrounding areas to identify prior land usage that may indicate the potential for environmental concern.

• An examination of previous environmental reports, when made available by Client, generated for the subject property.

• An examination of title documentation for the study property, when made available by Client, to identify previous business concerns or land use restrictions with the potential to impact the study property.

• A review of available environmental documentation within distances as specified in the ASTM standard E1527-13, concerning local environmental contamination events. As a part of Performance’s regulatory record review, an environmental regulatory report was obtained from Environmental Data Resources, Inc. (EDR). The EDR report is a tabulation of data from records compiled by Local, State and Federal Government Agencies.

• Interviews with the current or previous site owner and/or building manager (if available), and interviews and/or Freedom of Information Act (FOIA) requests to the city and/or township, county and state regulatory officials that may indicate the potential for environmental concerns to be present.

3.1 Limitations/Qualifications

Performance personnel conducted these professional services in accordance with customary principles and practices in the area of environmental science and engineering, and in general conformance with the American Society for Testing Materials (ASTM) E 1527-13, Standard Practice for Conducting Environmental Site Assessments and is intended to comply with USEPA All Appropriate Inquiry (AAI) guidelines. Performance has made appropriate inquiry with regard to the presence of hazardous materials or petroleum products in the environments at the study property based upon the Scope of Work. The conclusions presented in the report were based solely on the services described herein and not on scientific tasks or procedures beyond the scope of work or on the time or budgetary constraints imposed by the client. Performance is not to be held responsible for the independent findings, opinions or recommendations made by others based on the field inspection and regulatory and title search data documented by this report.

Please note that all environmental assessments conducted by surficial evaluation are ultimately limited to the context that conclusions are developed and recommendations are made from data drawn from limited research, research time and site inspection. Subsurface conditions were not field investigated as part of this study. In addition, as time progresses, a change may occur in the environmental conditions at the study property and at the surrounding properties.

In preparing this report, Performance relied on specific information provided by federal, state, county, and/or local officials and other parties referenced herein and on available information reviewed in the files of federal, state, county, and/or local officials made available to
Performance personnel at the time and under the conditions noted. Performance did not attempt to independently verify the accuracy or completeness of the information received or reviewed during the course of this investigation.

In preparing this report, Performance did not make any specific attempts to check on the compliance of past or present previous owners of the site with respect to any federal, state, county, and/or local laws or regulations, environmental or otherwise. Compliance issues are most accurately addressed with the completion of a Regulatory Compliance Audit, which is outside the scope of work for this investigation.

Environmental concerns, which are beyond the scope of a Phase I ESA as defined by ASTM include the following: ACMs, LBP, radon, water infiltration, mold and wetlands. These issues may affect environmental risk at the subject property and may warrant discussion and/or assessment; however, are considered non-scope issues.

Concurrent with the Phase I ESA, Performance personnel conducted a survey for the potential presence of suspect asbestos-containing materials (ACMs). This hazardous materials assessment is not included as a part of the Phase I ESA, but is available under separate cover.

Client agrees that in the event information regarding environmental or other hazardous waste issues at the study property that were known by the client or that come to the attention of the client or client’s agent upon completion of this investigation, such information will be brought to the attention of Performance. Performance reserves the right to evaluate such information and based on this evaluation, modify the conclusions stated in the report.

3.2 Limiting Conditions/Data Gaps

Performance has evaluated the information obtained during the completion of the Phase I ESA and has identified the following limiting conditions, deviations, exceptions, data failures and/or significant data gaps:

- Performance was only able to obtain a limited amount of historical Assessing, Building and Fire Department Records from the respective sources.

- Performance was granted access to the readily accessible portions of the property. Performance only conducted a visual observation of the areas safely accessible and did not access the roof area.

- Performance requested information relative to deed restrictions and environmental liens, and a title search from the Report User. This information was not provided at the time of the assessment. The lack of title abstract or chain of title documentation limited identification of prior owners and any encumbrances.

- Performance provided the Client with a User Questionnaire and owner/operator/occupant questionnaire to be completed. This information was not provided to Performance to assist in completion of the assessment.
The following sources were reviewed during the course of this assessment and found to be limited: aerial photographs were not available prior to 1937; city directories were not available prior to 1973; topographic maps prior to 1908 were not reasonably ascertainable from local agencies; Sanborn maps provided limited coverage, and other historical sources did not provide coverage of the subject property.

Based on the results of Performance assessment and the additional information gathered, no further investigation appears warranted to address these data gaps as Performance was able to draw a conclusion in regard to the prior use of the subject site from other sources. The remaining data gaps were not determined to be material in identifying a Recognized Environmental Conditions (RECs) they are not considered by ASTM standards to be significant and therefore, are not individually addressed in this report.

4.0 PHYSICAL SITE CHARACTERIZATION

The subject site is described by the U.S. Geological Survey as being in Township 2 North, Range 10 East, Section 25, City of Birmingham, Oakland County, Michigan. The subject property is located on the southwest corner of Willits Street and N. Chester Street, having an address of 191 N. Chester Street. The following information was obtained from the City of Birmingham Assessing Department:

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</table>

4.1 Current Land Use

The subject property consists of a multi-story commercial building containing offices, meeting rooms, worship center and utility/maintenance rooms. The site is currently used for religious purposes, operated by the First Church of Christ, Scientist. The building encompasses most of the property, with some green space and landscaping to the north, east and west of the building. A paved driveway is situated south of the property. Refer to Plate II, Aerial Site Map in Appendix 1 for additional site details.

4.2 Current Surrounding Properties Land Use

The subject property is located on the southwest corner of Willits Street N. Chester Street, one block north of Maple Road. Surrounding properties include commercial and residential development. The following table provides information regarding adjoining properties:

<table>
<thead>
<tr>
<th>Direction from Subject Site</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Residential dwellings</td>
</tr>
<tr>
<td>South</td>
<td>Commercial Offices, residential dwelling and barn</td>
</tr>
<tr>
<td>East</td>
<td>Parking structures, commercial offices</td>
</tr>
<tr>
<td>West</td>
<td>Residential dwelling</td>
</tr>
</tbody>
</table>
4.3 Topography

The United States Geological Survey (USGS) Birmingham, Michigan Quadrangle 7.5-minute series topographic map dated 1981, photo-revised from 1968, was reviewed for this ESA. According to the contour lines on the topographic map, the subject property is located at approximately 780 feet above mean sea level (MSL). The contour lines in the area of the subject property indicate the area is sloping toward the northwest. The subject property is depicted on the 1981 map as urban land.

Performance personnel referenced the USGS Maps to determine the distance and direction to the nearest body of water. The USGS Map indicated the closest water body to the study property appears to be the River Rouge, approximately 500 feet west of the site. At the time of the site visit, the topography of the site indicated a gently slope to the west/northwest. Refer to Plate I, Site Location Map in Appendix 1 for the USGS Map.

4.4 Hydrogeology

According to topographic map interpretation, the direction of groundwater in the vicinity of the subject property is inferred to flow to the northwest. No settling ponds, lagoons, surface impoundments, wetlands or natural catch basins were observed on the subject property during this assessment. According to available information, the subject property and surrounding properties utilize a public water system operated by the City of Birmingham.

4.5 Geology

The EDR Radius Report included a review of the United States Department of Agriculture (USDA) Soil Conservation Survey of Oakland County, Michigan. The soil in the area of the subject site is classified as comprised primarily of the Urban Land. This association is generally described as variable soils near the surface. A copy of the soils information is presented in the EDR Radius report included as an appendix to this report.

According to the online MDEQ GeoWebFace program (http://ww2.deq.state.mi.us/GeoWebFace) the general area of the subject site is identified as “Lacustrine Clay and Silt” and bedrock in the general area of the subject site is identified as “Coldwater Shale”.

5.0 SITE RECONNAISSANCE

Performance personnel conducted a walk-through evaluation of the study property on March 5, 2015. Performance personnel traversed the property to identify areas of potential environmental concern. Performance was accompanied during the site walk. This section details the characteristics of the study property as observed on March 5, 2015, by Julie Anna Pratt, Senior Project Professional with Performance.
5.1 General Site Characteristics

At the time of the site walk, the study property consisted of the Church of Christ Scientist, an active religious building. Performance did not observe the study property to be utilized as a gasoline station, motor repair facility, commercial printing facility, dry cleaner, photo developing laboratory, junkyard or landfill, or as a waste treatment, storage, disposal, processing, or recycling facility.

Vehicle access to the site is limited, as the site is located in the heavily developed downtown Birmingham area. A small driveway and parking area is located at the northwest corner of the site. The building encompasses most of the property, with some landscape and grass adjoining the building to the north, east and west.

Refer to Appendix 2 for Site Photographs of the subject property.

5.2 Potential Environmental Concerns

5.2.1 Chemical Use, Storage, and/or Waste Management

Performance personnel visually evaluated the study property to identify areas of chemical use, storage, and/or waste management. At the time of the site visit, the property was an active religious building. There was no evidence of the current use or storage of petroleum products or hazardous materials in significant quantities on the subject site. Small quantities of some chemicals and cleaners consistent with general commercial uses were noted stored in the building interior.

5.2.2 Above Ground/Underground Storage Tanks

Performance personnel conducted a visual evaluation of the study property to identify the absence or presence of any above ground storage tanks (ASTs) or underground storage tanks (USTs). Performance personnel did not observe obvious evidence of any former or current ASTs or USTs on the study property. Performance did observe one unexplained, capped steel pipe extending from beneath the basement floor near the southeast corner of the building.

The lack of visible evidence of USTs, and the fact that the individuals and agencies identified in this report may not be aware of, or did not have record of, the presence of any USTs, does not preclude the possibility that USTs could be present at the subject site. Visible evidence of USTs, such as fill ports or vent pipes, may have been obscured from view, and a UST could have been used at the subject site property without the knowledge of the current owner/operator, site contact, or government agency.
5.2.3 Surficial Evaluation (staining, corrosion, stressed vegetation, pools of liquid)

*Performance* did not observe any obvious soil staining, corrosion or surface water contamination (i.e., discoloration, sheen) at the subject site. Snow covered the exterior of the subject property, limiting observations.

5.2.4 Odors

*Performance* did not observe any obvious odors at the subject site.

5.2.5 Drains/Sumps

*Performance* did observe interior floor drains and an apparent sump on the subject property. The apparent sump was identified in the utility/mechanical room near the southeast portion of the property (adjacent to current Sunday school children’s area). Visual evaluation of the drains did not identify any unusual staining, sheen or debris. The apparent sump like structure was dry, with no unusual staining, sheen or debris.

5.2.6 Pits/Ponds/Lagoons

*Performance* did not observe any pits, ponds or lagoons at the subject site.

5.2.7 Excavation/landfilling

*Performance* did not observe any visually obvious areas of landfilling activities at the subject site.

5.2.8 PCB Transformers and Fluids

*Performance* personnel conducted a visual evaluation of the study property to identify the absence or presence of any PCB-containing fluids or electrical equipment, including transformers. The various switches and/or equipment located in the study property building were observed to be in good condition, with no evidence of leaks or staining.

*Performance* personnel observed fluorescent light ballasts located throughout the study property building. *Performance* personnel did not inspect the light ballasts to determine if the light ballasts were PCB containing. However, based on the age of the study property building, *Performance* considers the fluorescent light ballasts to possess the potential to contain PCB fluids.

The typically accepted industry phase-out date for the use of PCBs in electrical equipment is 1979. Based on the date of construction, the presence of PCBs on the subject property is possible.
5.2.9  **Solid Waste Management**

*Performance* personnel visually evaluated the study property to identify areas of solid waste management. A dumpster was observed immediately south of the church building adjacent to the adjoining farm building. No issues associated with illicit dumping or other concerns were noted.

5.2.10  **Utilities**

The facility is serviced by the City of Birmingham public water and sewer. There are no known water supply wells or septic system on the property or adjoining properties. According to the Michigan Public Service Commission (MPSC), electricity to the subject property is provided by DTE Energy Company (DTE) and natural gas is supplied by Consumers Energy.

5.3  **Non-ASTM Scope Considerations**

5.3.1  **Asbestos-Containing Materials**

Pursuant to the Code of Federal Regulations 29 CFR 1926.1101 and 1910.1001, surfacing materials and thermal system insulation in buildings constructed *prior to January 1, 1981* must be presumed to be asbestos-containing materials (PACM). Also, asphalt and vinyl flooring material installed *prior to January 1, 1981* must be treated as asbestos-containing.

Based on the age of the study property building, *Performance* personnel's visual observation, information obtained other sources, and current regulations, *Performance* considers the building to possess a high potential to contain ACMs.

Employers or building owners may demonstrate that PACM do not contain asbestos by properly testing the materials in accordance with the OSHA standards. In addition, the OSHA regulations require building owners to exercise due diligence to inform employers and employees about the presence and location of ACM and PACM. Additionally, OSHA standards require building and facility owners to maintain records concerning the presence, location and quantity of ACM and PACM in the building/facility.

Concurrent with the Phase I ESA, *Performance* personnel conducted a survey for the potential presence of suspect asbestos-containing materials (ACMs). This hazardous materials assessment is not included as a part of the Phase I ESA, but is available under separate cover.

5.3.2  **Lead-Based Paint**

Buildings constructed prior to 1978 have an increased potential to contain lead-based paint. Lead was a major ingredient in most oil interior and exterior paints prior to 1950. In the early 1950s, other ingredients became more popular, but some lead pigments,
corrosion inhibitors, and drying agents were still commonly used. Lead was first regulated in residential paint in 1972 at 0.5 percent and “banned” in 1978, meaning that paint could contain no more than 0.06 percent lead by dry weight.

*Performance* personnel observed the portions of the interior and exterior of the study property building to have been painted. Based on the age of the study property building, *Performance’s* observations and current regulation, *Performance* considers the study property building to possess a high potential to contain lead based paint.

5.3.3 Radon

*Performance* personnel reviewed radon-testing documentation summarized in the EDR Radius Report. *Performance* evaluated the radon information for Zip Code 48009 in Birmingham, Oakland County, which participated in the radon study.

The radon results for the City of Birmingham showed that the study property is in a Zone 2 Federal EPA Radon Zone. The indoor average radon level is less than 4.0 picocuries/liter (piC/L) of air and greater than 2.0 piC/L.

Local radon gas concentrations can vary substantially with permeability and type of soils, points of entry, and type of ventilation within a building. The only way to determine the absence or presence of radon is to perform a radon test.

5.3.4 Water Intrusion

*Performance* did not observe obvious evidence of water intrusion inside the structure on the subject site. No standing water or current moisture was observed.

A cursory visual evaluation for water intrusion was performed to provide a general indication of obvious potential for its presence, and the cursory visual evaluation is not considered a comprehensive investigation.
5.3.5  **Wetlands/Surface Water**

*Performance* personnel conducted a visual evaluation of the study property to identify the potential presence of wetland areas or habitat, and *Performance* personnel observed none on the subject property.

5.4  **Adjoining Properties Land Use**

*Performance* personnel conducted a visual assessment of the adjoining properties as feasible from the subject property and public road right-of-ways in order to identify any businesses with the potential to impact the study property. Adjoining properties include commercial businesses and residential dwellings, with no obvious signs or evidence of the use, storage and/or handling of petroleum products or hazardous materials.

The adjoining properties *may* utilize chemicals and petroleum products and/or generate chemical and petroleum wastes, which can impact soil and groundwater. Currently, *Performance* has no knowledge of actual environmental contamination emanating from any adjoining or nearby properties.

6.0  **USER PROVIDED INFORMATION**

*Performance* provided a User Questionnaire to the prospective purchaser for completion. A completed User Questionnaire has not been received as of the date of this report.

6.1  **Title Records, Environmental Liens and AULs**

*Performance* was not provided with any title documentation or other documentation indicating the presence of environmental liens or property use restrictions on the subject site.

6.2  **Specialized Knowledge**

The User did not provide any information regarding specialized knowledge regarding the study property or former property usage. At the time of the site visit, Mr. Krochmal did provide visual observation of historical building plans and blueprints, showing the former heating oil UST system located at the southeast portion of the site. In addition, Mr. Krochmal had copies of waste disposal manifests and indicated he would forward copies to *Performance* attention. Copies of the requested documentation have not been received as of the date of this report.
6.3 Actual Knowledge of the User

The User indicated that he has no actual knowledge regarding the study property. The extent of former known usage included use as the Church of Christ Scientist.

6.4 Valuation Reduction for Environmental Issues

Performance was not provided with any evidence that indicated that a valuation reduction has occurred in this property transaction due to environmental issues at the subject site.

6.5 Commonly Known or Reasonably Ascertainable Information

Performance was not provided with any commonly known or reasonably ascertainable information regarding any environmental issues at the subject site.

6.6 Previous Reports and Other Provided Documentation

Performance was not provided with any previous reports or other documentation regarding the subject site.

7.0 INTERVIEWS

Performance provided an ASTM Transaction Screen Questionnaire to the Client to be forwarded to the current property owner for completion. As of the date of this report, a completed questionnaire has not been completed. At the time of the site visit, an owner/operator representative was not present at the site.

7.1 Interview with Owner

An ASTM Transaction Screen questionnaire was not received. Owner contact information was not provided.

7.2 Interview with User

An ASTM Transaction Screen questionnaire was not received from the User.

7.3 Interview with Site Manager

An ASTM Transaction Screen questionnaire was not received. Site operator contact information was not provided.

7.4 Interviews with Past Owners, Operators and Occupants

An ASTM Transaction Screen questionnaire was not received. Contact information for past owners, operators and/or occupants was not provided.
7.5 Interviews with Others

No interviews, other than those provided in the Phase I ESA, were conducted by Performance.

8.0 REGULATORY AGENCY INFORMATION

8.1 Standard Federal, State and Tribal Environmental Database Record Sources

As a part of Performance's regulatory record review, an environmental regulatory report was ordered from Environmental Data Resources, Inc. (EDR). The EDR report is a tabulation of data from the federal U.S. Environmental Protection Agency (USEPA), the Michigan Department of Environmental Quality (MDEQ) and the County Environmental Health Department's records. The record review includes, but is not limited to, research and information from the following databases:

- Federal, State and Tribal National Priorities List (NPL) records and delisted records;
- Federal, State and Tribal Comprehensive Environmental Response, Compensation and Liability Index System (CERCLIS) records;
- Federal Cerclis NFRAP list;
- Federal Resource, Conservation and Recovery Act (RCRA) CORRACTS Facilities List;
- Federal RCRA non-CORRACTS TSD facility list;
- Federal RCRA Generators List;
- Federal Institutional Control/Engineering Control registries;
- Federal Emergency Response Notification System (ERNS) list;
- State and Tribal Hazardous Waste Sites (SHWS);
- State and Tribal Landfill and/or solid waste disposal facilities;
- State and Tribal leaking underground storage tanks (LUST);
- State and Tribal registered underground storage tanks (RUST);
- State and Tribal Institutional Control/Engineering Control registries;
- State and Tribal volunteer cleanup sites; and,
- State and Tribal Brownfield Sites.

The EDR report searches government databases in accordance with the ASTM Standard for conducting Phase I Environmental Site Assessments. The ASTM Standard determines the search distances based on the potential of government database sites to impact the study property. A copy of the EDR report can be found in Appendix 4.

Performance reviewed EDR's Radius Map with GeoCheck® for the subject site and identified the following sites within the various ASTM radii:
• There are five known RCRA – CESQG sites within one-quarter mile of the subject site;
• There are two known RCRA – NonGen sites within one-quarter mile of the subject site;
• There are two known Brownfield sites within one-half mile of the subject site;
• There are two known AUL sites within one-half mile of the subject site;
• There are ten known LUST sites within one-half mile of the subject site;
• There are three known UST sites within one-quarter mile of the subject site;
• There are sixteen known INVENTORIES sites within one-half mile of the subject site; including the subject property.
• There are no known Part 201 sites within one-half mile of the subject site;
• There are seven known BEA sites within one-half mile of the subject site;
• The subject property is listed in the WDS database; and,
• There are three EDR Historical Auto Station sites within one-quarter mile of the subject site

Performance’s review of the environmental databases considered the potential of contamination from adjoining and nearby sites. To evaluate which of the sites identified in the EDR report present a potential environmental risk to the subject site, Performance considered the following criteria: type of database on which the site was identified; location, direction, and distance of the site relative to the subject site; anticipated or known groundwater flow direction and soil conditions in the area; and, surface and subsurface obstructions and diversions present near the property.

The subject property was listed in the EDR database report: WDS and INVENTORY. The INVENTORY listing identified no listing for a BEA submittal, and identified it as a Part 201 Site. No additional information was provided. The WDS database listed the subject property as having an identification number. No additional information was provided regarding type of waste and absence/presence of any violations.

Several properties were identified within one-quarter of a mile from the property. Based on the distance from the site, as well as likely contaminants, these properties do not present an environmental concern to the subject property.

Performance also evaluated the Orphan list as presented in the EDR Radius Report. These are sites identified by EDR as having the potential to impact the subject property, but could not be located because of an incorrect or incomplete addresses. There were no orphan sites identified.

8.1.1 Vapor Migration

ASTM Standard E2600-10, Guide for Vapor Encroachment Screening on Property Involved in Real Estate Transactions, is a reference document in ASTM E1527-13. Vapor migration must also be considered no differently than contaminated groundwater
migration in the Phase I investigation. “Migrate” and “migration” are defined in E1527 as “the movement of hazardous substances or petroleum products in any form, including, for example, solid and liquid at the surface or subsurface, and vapor in the subsurface.”

In accordance with E2600-10, the screening process includes:

- Identification of any known or suspected contaminated sites with chemicals of concern within the area of concern (search distances are different for sites contaminated with non-petroleum hydrocarbons such as chlorinated volatile organics, versus sites contaminated with petroleum hydrocarbons);
- Evaluate for hydraulic or physical barriers between the subject property and the contaminated site; and
- Evaluate groundwater flow direction information to reduce the area of concern based on location in comparison to the subject property (i.e. up gradient, down gradient, or side gradient).

As discussed in the previous section, the subject property was identified as an Inventory and WDS site. Classification in these databases indicates the use, storage and handling of petroleum products and/or other hazardous materials. The extent of any spills or releases on the subject property is not known at this time.

Based on the absence of any sites of known contamination within the critical distance of the subject property, the potential for vapor migration onto the subject site from an adjoining or nearby site to impact the subject property is minimal.

8.2 Michigan Department of Environmental Quality File Review

The subject property was identified in the EDR Radius Report. Performance determined that an MDEQ FOIA file review was necessary for the subject property. Performance submitted a request to the Remediation and Redevelopment Division (RRD) and the Resource Management Group (RMG) of the MDEQ to conduct an in-house review of any available files for the subject property.

On Monday, March 16, 2015, an in-house review of available documentation was conducted. Limited file documentation was available. A Site Assessment / Closure Report, generated by Enkon Environmental Services, dated October 31, 1990 was reviewed. According to the report, Enkon was retained to provide site assessment during removal of a 1,000 gallon heating oil UST located at the subject property. The underground storage tank was buried beneath the front lawn, immediately adjacent to the southeast corner of the building.

Subsurface conditions encountered during removal of the former UST indicated a thin layer of topsoil overlying at least four feet of light brown, mixed sand and gravel. The tank was a steel, 1,000 gallon UST with no corrosion protection. It was noted that the steel walls and galvanized product lines were in good shape.
As the tank was uncovered, soil samples were field screened for volatile organic compounds. Evidence of PID readings ranged from 10 ppm to 125 ppm in the overburden soils on top of the former UST. Grab samples collected from the cavity subsequent to tank removed indicated no evidence of VOCs. A total of six soil samples were collected for analysis for BEX and PNAs. Depths of the samples were not provided, but included sidewalk and bottom excavation samples. The sidewalk samples from the western wall were collected adjacent to the former piping run extending to the building. It was concluded by Enkon that other than the overburden soils (estimated 50 cubic yards), no contamination was encountered.

*Performance* also evaluated the Waste Data System (WDS) database with the MDEQ. Limited information was available, identifying the site as a liquid industrial waste generator. Based on the known religious use of the site, and limited information available, the WDS listing is likely associated with the former heating oil UST system.

### 8.3 City of Birmingham Municipal Offices

On March 5, 2015, *Performance* personnel visited the City of Birmingham to review file documentation from the Assessor’s Office, Building Department and Fire Department. A Freedom of Information Act request was submitted to the City Clerk requesting to review available files regarding the study property. On March 17, 2015, the Assessing Department provided an email response indicating that since the property has been tax exempt, no assessing documentation is available for review. The Building and Fire Departments provided available documentation for in-house review.

On March 18, 2015, Community Development Department electronic files were evaluated during an in-house scheduled visit with Ms. Sabrina Martin. The files included several permits and plans for signs, plumbing, electrical and other building related items. Included in the files were architectural plans identifying an existing 1,000 gallon fuel oil UST at the southeast corner of the building, with associated piping running west along the southern side of the building.

On March 18, 2015, the Fire Department paper files were evaluated during an in-house scheduled visit. The files included a permit dated October 1990 for the removal of one 1,000 gallon UST. A City of Birmingham Fire Department memorandum also was in the file documenting removal of one 1,000 gallon UST. The tank was removed by D & H Richmond, with “minimal contamination observed”.

It is *Performance’s* opinion that the minimal contamination observed was likely the overburden soils that were excavated from top of the tank and removed for offsite disposal.

A copy of the City of Birmingham municipal documentation is included in Appendix 5.

### 9.0 SITE HISTORY

A profile of the historical usage of the site was developed by reviewing available historical records where available. *Performance’s* evaluation is summarized in the following sections.
9.1 Historical Aerial Photographs

Performance personnel reviewed aerial photographs of the study property from various years between 1937 through 2012 provided by EDR. Oakland County Property Gateway aerial photographs from 1940 through 2014 were also referenced. The photographs were reviewed to aid in determining past site usage and any area(s) where any environmental contamination would be suspected. Refer to Appendix 6 for copies of the EDR and Oakland County Aerial Photographs. Details regarding these photographs can be found in the following table.

<table>
<thead>
<tr>
<th>YEAR</th>
<th>SCALE</th>
<th>Description/Observations</th>
</tr>
</thead>
<tbody>
<tr>
<td>1937</td>
<td>1&quot;=500’</td>
<td>The subject property appears to be developed, surrounded by trees and what appear to be residential dwellings.</td>
</tr>
<tr>
<td>1940</td>
<td>1&quot;=100’</td>
<td>The photograph is blurred preventing observations.</td>
</tr>
<tr>
<td>1949</td>
<td>1&quot;=500’</td>
<td>The subject property appears to be developed, surrounded by trees and residential dwellings.</td>
</tr>
<tr>
<td>1952</td>
<td>1&quot;=500’</td>
<td>No significant changes from the previous photograph.</td>
</tr>
<tr>
<td>1956</td>
<td>1&quot;=500’</td>
<td>The subject property remains similar, adjoined by residential dwellings. The properties east of N. Chester appear to be increasingly commercial.</td>
</tr>
<tr>
<td>1963</td>
<td>1&quot;=100’</td>
<td>The church building has expanded. Parking areas are situated east of N. Chester Street.</td>
</tr>
<tr>
<td>1967</td>
<td>1&quot;=500’</td>
<td>No significant changes from the previous photograph.</td>
</tr>
<tr>
<td>1972</td>
<td>1&quot;=500’</td>
<td>No significant changes from the previous photograph.</td>
</tr>
<tr>
<td>1974</td>
<td>1&quot;=100’</td>
<td>No significant changes from the previous photograph.</td>
</tr>
<tr>
<td>1980</td>
<td>1&quot;=100’</td>
<td>The subject property remains similar. The adjoining property to the south (east) is vacant grass covered land.</td>
</tr>
<tr>
<td>1981</td>
<td>1&quot;=500’</td>
<td>No significant changes from the previous photograph.</td>
</tr>
<tr>
<td>1983</td>
<td>1&quot;=500’</td>
<td>The subject property remains similar. The adjoining property to the south is now a commercial building.</td>
</tr>
<tr>
<td>1987</td>
<td>1&quot;=500’</td>
<td>No significant changes from the previous photograph.</td>
</tr>
<tr>
<td>1990</td>
<td>1&quot;=500’</td>
<td>No significant changes from the previous photograph.</td>
</tr>
<tr>
<td>1997</td>
<td>1&quot;=500’</td>
<td>No significant changes from the previous photograph.</td>
</tr>
<tr>
<td>1999</td>
<td>1&quot;=500’</td>
<td>No significant changes from the previous photograph.</td>
</tr>
<tr>
<td>2000, 2002</td>
<td>1&quot;=100’</td>
<td>No significant changes from the previous photograph.</td>
</tr>
<tr>
<td>2005</td>
<td>1&quot;=500’</td>
<td>No significant changes from the previous photograph.</td>
</tr>
<tr>
<td>2006, 2008</td>
<td>1&quot;=100’</td>
<td>No significant changes from the previous photograph.</td>
</tr>
<tr>
<td>2009, 2010, 2012</td>
<td>1&quot;=500’</td>
<td>The property appears similar to that observed at the time of the site visit.</td>
</tr>
<tr>
<td>2014</td>
<td>1&quot;=100’</td>
<td>The property appears similar to that observed at the time of the site visit.</td>
</tr>
</tbody>
</table>
9.2 Historical Topographic Maps

*Performance* personnel reviewed topographic maps of the study property from various years between 1908 and 1981 provided by EDR. The maps were reviewed to aid in determining past site usage and any area(s) where any environmental contamination would be suspected. Refer to Appendix 7 for copies of the EDR Topographic Maps.

**Topographic Maps**

<table>
<thead>
<tr>
<th>YEAR</th>
<th>Map</th>
<th>Description/Observations</th>
</tr>
</thead>
<tbody>
<tr>
<td>1908</td>
<td>Rochester Quad; 15 Min. Series</td>
<td>The City of Birmingham is developed. The surrounding areas are sparsely developed. The River Rouge is apparent to the west.</td>
</tr>
<tr>
<td>1936</td>
<td>Birmingham Quad; 7.5 Min. Series</td>
<td>The subject property is developed as a church. Adjoining properties are also developed, but type of usage is undetermined.</td>
</tr>
<tr>
<td>1945</td>
<td>Birmingham Quad; 7.5 Min. Series</td>
<td>No significant changes are observed from the previous topographic map.</td>
</tr>
<tr>
<td>1952</td>
<td>Birmingham Quad; 7.5 Min. Series</td>
<td>The subject area is shaded in pink, indicating heavily developed Urban Land.</td>
</tr>
<tr>
<td>1968</td>
<td>Birmingham Quad; 7.5 Min. Series</td>
<td>No significant changes are observed from the previous topographic map.</td>
</tr>
<tr>
<td>1973</td>
<td>Birmingham Quad; 7.5 Min. Series</td>
<td>No significant changes are observed from the previous topographic map.</td>
</tr>
<tr>
<td>1981</td>
<td>Birmingham Quad; 7.5 Min. Series</td>
<td>The subject site is located in a heavily developed area of Birmingham. Surface elevation is estimated to be 780 feet above mean sea level (MSL). The River Rouge is located northwest of the subject site.</td>
</tr>
</tbody>
</table>

9.3 Sanborn Fire Insurance Maps

*Performance* personnel contacted EDR and requested a Sanborn Fire Insurance Map site search for the subject property. Fire insurance maps typically depict the locations of manufacturing and industrial concerns within the city limits and potential fire hazards existing within individual structures. Many times areas of environmental concern, such as the location of underground storage tanks, can be found by referencing fire insurance maps. *Performance* received a response from EDR indicating Sanborn maps were available for the subject property for years between 1910 and 1960.

**Sanborn Maps**

<table>
<thead>
<tr>
<th>YEAR</th>
<th>Description/Observations</th>
</tr>
</thead>
<tbody>
<tr>
<td>1910</td>
<td>Coverage is not available for the west side of N. Chester Street. The properties east of N. Chester include residential dwellings.</td>
</tr>
<tr>
<td>1915</td>
<td>No significant changes from the previous Sanborn map.</td>
</tr>
<tr>
<td>1921</td>
<td>The subject property is depicted as a residential dwelling. Adjoining properties are residential.</td>
</tr>
<tr>
<td>1926</td>
<td>The subject property is vacant. Adjoining properties remain residential.</td>
</tr>
<tr>
<td>1931</td>
<td>The subject property is developed with the First Church of Christ Scientist.</td>
</tr>
<tr>
<td>1949</td>
<td>No significant changes from the previous Sanborn map.</td>
</tr>
<tr>
<td>1960</td>
<td>The original structure is noted as having been built in 1926. Building additions were added to the south and west, noted as having been constructed in 1953.</td>
</tr>
</tbody>
</table>
A copy of the Sanborn Maps is provided as an attachment in Appendix 8.

9.4 City Directories

City directories list the names, residence location, and sometimes even the occupation of city residents for a given year. They also frequently contain similar information about commercial establishments, thus providing specific addresses and names of establishments over time. City directories allow a researcher to build a history of a site and surrounding area over time and may give an indication if an area has been occupied by businesses that historically have caused environmental problems.

Performance personnel reviewed a City Directory Abstract provided by EDR. City Directory sources included the Cole Information Services and the Polk’s City Directory Company. The information obtained is summarized in the following paragraph. The addresses listed are inferred subject property addresses from referencing Sanborn maps and municipal documentation.

City Directory Addresses

<table>
<thead>
<tr>
<th>Year</th>
<th>Subject Property</th>
<th>Adjoining South (east)</th>
<th>Adjoining South (west)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1973</td>
<td>First Church of Christ Scientist</td>
<td>Residential</td>
<td>Residential</td>
</tr>
<tr>
<td>1977</td>
<td>First Church of Christ Scientist</td>
<td>Residential</td>
<td>Residential</td>
</tr>
<tr>
<td>1982</td>
<td>First Church of Christ Scientist</td>
<td>W. Maple Associates</td>
<td>Residential</td>
</tr>
<tr>
<td>1987</td>
<td>First Church of Christ Scientist</td>
<td>Commercial offices</td>
<td>Residential</td>
</tr>
<tr>
<td>1992</td>
<td>First Church of Christ Scientist</td>
<td>Commercial offices</td>
<td>No Listing</td>
</tr>
<tr>
<td>1995</td>
<td>First Church of Christ Scientist</td>
<td>Commercial offices</td>
<td>Residential</td>
</tr>
<tr>
<td>1999</td>
<td>First Church of Christ Scientist</td>
<td>Commercial offices</td>
<td>Residential</td>
</tr>
<tr>
<td>2003</td>
<td>First Church of Christ Scientist</td>
<td>Commercial offices</td>
<td>Residential</td>
</tr>
<tr>
<td>2008</td>
<td>First Church of Christ Scientist</td>
<td>Commercial offices</td>
<td>Occupant Unknown</td>
</tr>
<tr>
<td>2013</td>
<td>First Church of Christ Scientist</td>
<td>Commercial offices</td>
<td>Residential</td>
</tr>
</tbody>
</table>

Upon review of the city directories for the study property, it appears that the study property was developed for church use prior to 1973. Adjoining properties to the south included residential and commercial use. No gasoline stations, motor repair facilities, dry cleaners, photo developing laboratories, junkyards or landfills were listed as occupants of the study property or adjoining properties to the south.

A copy of the City Directory Image is included as Appendix 9.
9.5 Title Documentation

A fifty-year title search for the subject property can provide additional information regarding the present and previous owners of the site. The chain of title gives the names of previous owners of the subject property, which may provide information as to the previous uses of the property. The records checked in a title search may also identify long-term lessees who may have occupied the site. Performance was not provided with title documentation; Performance was unable to evaluate for evidence of environmental concerns or restrictions or identify previous ownership.

9.6 Previous Environmental Reports

Performance was not provided with any previous environmental reports for the subject site.

10.0 EVALUATIONS AND CONCLUSIONS

Performance conducted this Phase I ESA in order to provide a professional opinion of the possible presence of RECs or other possible environmental concerns, if any, associated with the subject site. This Phase I ESA was conducted in general conformance with the ASTM E 1527-13, Standard Practice for Conducting Environmental Site Assessments and is intended to comply with USEPA AAI guidelines.

10.1 Findings

Based on historical documentation, the first developed use of the property appears to be residential, with date of development sometime prior to 1921. The subject property was developed for religious use in the 1920’s. The church building has been expanded and remodeled over time, with current use remaining a religious institution. A review of historical documentation and municipal records did not identify any use, storage and/or handling of petroleum products or other hazardous materials at the subject property, with the exception of a former heating oil UST system formerly located on the property.

Performance submitted a Freedom of Information Act request to the Remediation Redevelopment Division (RRD) of the Michigan Department of Environmental Quality (MDEQ). Limited file documentation was available, including a Site Assessment / Closure Report, generated by Enkon Environmental Services, dated October 31, 1990. According to the report, Enkon was retained to provide site assessment during removal of a 1,000 gallon heating oil UST located at the subject property. The underground storage tank was buried beneath the front lawn, immediately adjacent to the southeast corner of the building. The report noted that the steel walls and galvanized product lines were in good shape based on observations at the time of removal.

As the tank was uncovered, soil samples were field screened for volatile organic compounds. Evidence of PID readings ranged from 10 ppm to 125 ppm. Grab samples collected from the cavity subsequent to tank removed indicated no evidence of VOCs. A total of six soil samples were collected for analysis for BEX and PNA's. Depths of the samples were not provided, but
included sidewall and bottom excavation samples. It was concluded by Enkon that other than the overburden soils (estimated 50 cubic yards), no contamination was encountered. The contaminated soils were disposed of offsite.

Based on available environmental site assessment research obtained and reviewed and visual observations of the study property and surrounding properties, *Performance* concludes there are no known recognized environmental conditions (REC’s) on the study property or on adjoining properties with the potential to impact the study property.

Site assessment activities were conducted associated with the former UST system. Evidence of minimal contamination was observed at the time of removal in overburden soils formerly located on top of the former UST, which were apparently removed and disposed offsite. Subsequent excavation verification samples collected from the excavation bottom and sidewalls indicated no evidence of contamination was present. A Closure Report / Site Assessment Report was prepared concluding no further assessment was necessary to address the former heating oil UST system.

### 10.2 Opinions

In accordance with ASTM Standard 1527-13, no evidence of current recognized environmental conditions (REC) or Controlled REC’s at or adjoining the subject site. The heating oil UST is considered a Historical REC (HREC). A past release of any hazardous substances or petroleum products that has occurred in connection with the property and has been addressed to the satisfaction of the applicable regulatory authority or meeting unrestricted residential use criteria established by a regulatory authority, without subjecting the property to any required controls (for example, property use restrictions, activity and use limitations, institutional controls, or engineering controls). Based on the sampling conducted and associated laboratory analysis, the HREC does not present a current REC.

### 10.3 Recommendations

Based on available environmental site assessment research obtained and reviewed and visual observations of the study property and surrounding properties, *Performance* concludes there are no known REC’s on the study property or on adjoining properties with the potential to impact the study property. The presence of a former heating oil UST is a Historical REC (HREC). However, site assessment activities were conducted at the time of removal with no evidence of soil contamination encountered in closure verification sampling.

### 10.4 Non Scope Considerations

Based on the age of the structure, *Performance* recommended performing an asbestos survey of the structure on the study property before any renovation, demolition or any maintenance activities that may disturb the building materials. The results of the survey are submitted under separate cover.
*Performance* personnel observed fluorescent lighting and other electrical equipment in the study property building. *Performance* personnel did not inspect the light ballasts or other electrical equipment to determine if any were PCB containing. However, due to age of the building, *Performance* considers the light ballasts and other electrical equipment within the study property building to have potential to contain PCB fluids. *Performance* recommends testing the light ballasts and other electrical equipment before disposal to determine if they contain PCB fluids. If the items contain PCB fluids, special handling and disposal procedures may be required.

10.5 **Environmental Professional**

I declare that, to the best of my professional knowledge and belief, I meet the definition of Environmental Professional as defined in §312.10 of 40 CFR 312. I have the specific qualifications based on education, training, and experience to assess a property of the nature, history and setting of the subject property. I have performed the all appropriate inquiries in general conformance with the standards and practices set forth in 40 CFR Part 312.

______________________________
[Signature]
Signature of Environmental Professional

______________________________
April 2, 2015
Date

**Julie Anna Pratt**
Printed Name of Environmental Professional
11.0 QUALIFICATIONS

*Performance* personnel conducted these professional services in accordance with customary principles and practices in the area of environmental science and engineering, and in general conformance with the American Society for Testing Materials (ASTM) E 1527-13, Standard Practice for Conducting Environmental Site Assessments and is intended to comply with USEPA All Appropriate Inquiry (AAI) guidelines. *Performance* has made appropriate inquiry with regard to the presence of hazardous materials or petroleum products in the environments at the study property based upon the Scope of Work. The conclusions presented in the report were based solely on the services described herein and not on scientific tasks or procedures beyond the scope of work or on the time or budgetary constraints imposed by the client. *Performance* is not to be held responsible for the independent findings, opinions or recommendations made by others based on the field inspection and regulatory and title search data documented by this report.

Please note that all environmental assessments conducted by surficial evaluation are ultimately limited to the context that conclusions are developed and recommendations are made from data drawn from limited research, research time and site inspection. Subsurface conditions were not field investigated as part of this study. In addition, as time progresses, a change may occur in the environmental conditions at the study property and at the surrounding properties.

In preparing this report, *Performance* relied on specific information provided by federal, state, county, and/or local officials and other parties referenced herein and on available information reviewed in the files of federal, state, county, and/or local officials made available to *Performance* personnel at the time and under the conditions noted. *Performance* did not attempt to independently verify the accuracy or completeness of the information received or reviewed during the course of this investigation.

In preparing this report, *Performance* did not make any specific attempts to check on the compliance of past or present previous owners of the site with respect to any federal, state, county, and/or local laws or regulations, environmental or otherwise. Compliance issues are most accurately addressed with the completion of a Regulatory Compliance Audit, which is outside the scope of work for this investigation.

As noted within the scope of work, *Performance* personnel conducted a survey for the potential of suspect asbestos-containing materials (ACMs). The survey was conducted separately from the scope of work included in the Phase I ESA, and is available under separate cover.

Client agrees that in the event information regarding environmental or other hazardous waste issues at the study property that were known by the client or that come to the attention of the client or client’s agent upon completion of this investigation, such information will be brought to the attention of *Performance*. *Performance* reserves the right to evaluate such information and based on this evaluation, modify the conclusions stated in the report.
12.0 REFERENCES


2) Aerial Photographs provided by EDR.

3) Radius Map with GeoCheck®, provided by EDR under date of March 5, 2015.

4) City Directory Abstract, 1973 through 2013, provided by EDR.

5) City of Birmingham Assessor, Building, and Fire Department Records for the subject site.

6) Historical Sanborn Fire Insurance, provided by EDR.

7) Google and Bing Aerial Photographs and Maps.
Appendix 1
Figures
FIGURE 2: AERIAL SITE MAP

Commercial Property
191 N. Chester Road
Birmingham, Oakland County, MI

Legend
Approximate Property Boundary

PROJECT: 151226
DATE: 3/15/15
PREPARED BY: JAP

30553 Wixom Road, Suite 500
Wixom, Michigan 48393
Voice: 248.926.3800
Fax: 248.926.3838
Appendix 2
Photographs
Near northeast corner of the property looking at the east building elevation.

Near northeast corner of the property looking west along Willits Street.

Photographer: Julie Pratt
191 N. Chester, Birmingham, Michigan

Date: 3/5/15
Project No: 151226
Near the northwest corner of the building looking east.

Near the northwest corner of the building looking south.

Photographer: Julie Pratt
191 N. Chester, Birmingham, Michigan

Date: 3/5/15
Project No: 151226
At the southeast corner of the building looking north.

At the southeast corner of the building looking west.

Photographer: Julie Pratt
191 N. Chester, Birmingham, Michigan

Date: 3/5/15
Project No: 151226
Near the southwest corner of the building looking east along southern property boundary.

Near the southwest corner of the building looking north along the west building elevation.

Photographer: Julie Pratt  
191 N. Chester, Birmingham, Michigan  
Date: 3/5/15  
Project No: 151226
Interior view.

Interior view.

Photographer: Julie Pratt
191 N. Chester, Birmingham, Michigan

Date: 3/5/15
Project No: 151226
Interior view.

Interior view.

Photographer: Julie Pratt
191 N. Chester, Birmingham, Michigan

Date: 3/5/15
Project No: 151226
Interior view.

Interior view.

Photographer: Julie Pratt
191 N. Chester, Birmingham, Michigan

Date: 3/5/15
Project No: 151226
Interior view.

Interior view.

Photographer: Julie Pratt
191 N. Chester, Birmingham, Michigan

Date: 3/5/15
Project No: 151226
Interior view (oil turbine for pipe organs).

Interior view.

Photographer: Julie Pratt  
191 N. Chester, Birmingham, Michigan  
Date: 3/5/15  
Project No: 151226
Interior view.

Unexplained sump in utility room.

Photographer: Julie Pratt
191 N. Chester, Birmingham, Michigan

Date: 3/5/15
Project No: 151226
Interior view.

Interior view, unexplained capped steel pipe.

Photographer: Julie Pratt  
191 N. Chester, Birmingham, Michigan  
Date: 3/5/15  
Project No: 151226
Adjoining commercial building to the south.

Adjoining commercial building with parking to the east across N. Chester.

Photographer: Julie Pratt
191 N. Chester, Birmingham, Michigan

Date: 3/5/15
Project No: 151226
Residential dwellings north of Willits Street.

Residential dwelling adjoining west.

Photographer: Julie Pratt  
191 N. Chester, Birmingham, Michigan  
Date: 3/5/15  
Project No: 151226
Appendix 3
Questionnaires, Title Documentation
No Questionnaires Provided to *Performance* as of Date of Report

No Title Documentation Provided to *Performance* as of Date of Report
Appendix 4
Environmental Regulatory Report
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### GEOCHECK ADDENDUM

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Thank you for your business.
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with any questions or comments.

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TARGET PROPERTY INFORMATION

ADDRESS

191 N. CHESTER
OAKLAND County, MI 48009

COORDINATES

Latitude (North): 42.5472000 - 42˚ 32’ 49.92”
Longitude (West): 83.2187000 - 83˚ 13’ 7.32”
Universal Tramverse Mercator: Zone 17
UTM X (Meters): 317326.1
UTM Y (Meters): 4712705.5
Elevation: 782 ft. above sea level

USGS TOPOGRAPHIC MAP ASSOCIATED WITH TARGET PROPERTY

Target Property Map: 42083-E2 BIRMINGHAM, MI
Most Recent Revision: 1981

AERIAL PHOTOGRAPHY IN THIS REPORT

Portions of Photo from: 20120629, 20120702
Source: USDA

TARGET PROPERTY SEARCH RESULTS

The target property was identified in the following records. For more information on this property see page 7 of the attached EDR Radius Map report:

<table>
<thead>
<tr>
<th>Site</th>
<th>Database(s)</th>
<th>EPA ID</th>
</tr>
</thead>
<tbody>
<tr>
<td>FIRST CHURCH OF CHRIST 191 N. CHESTER ST. BIRMINGHAM, MI 48009</td>
<td>INVENTORY</td>
<td>N/A</td>
</tr>
<tr>
<td>FIRST CHURCH OF CHRIST 191 N CHESTER ST BIRMINGHAM, MI 48009</td>
<td>WDS</td>
<td>N/A</td>
</tr>
</tbody>
</table>
DATABASES WITH NO MAPPED SITES

No mapped sites were found in EDR’s search of available ("reasonably ascertainable ") government records either on the target property or within the search radius around the target property for the following databases:

STANDARD ENVIRONMENTAL RECORDS

**Federal NPL site list**
- NPL......................... National Priority List
- Proposed NPL........ Proposed National Priority List Sites
- NPL LIENS................. Federal Superfund Liens

**Federal Delisted NPL site list**
- Delisted NPL.............. National Priority List Deletions

**Federal CERCLIS list**
- CERCLIS................... Comprehensive Environmental Response, Compensation, and Liability Information System
- FEDERAL FACILITY........ Federal Facility Site Information listing

**Federal CERCLIS NFRAP site List**
- CERC-NFRAP.............. CERCLIS No Further Remedial Action Planned

**Federal RCRA CORRACTS facilities list**
- CORRACTS................. Corrective Action Report

**Federal RCRA non-CORRACTS TSD facilities list**
- RCRA-TSDF............... RCRA - Treatment, Storage and Disposal

**Federal RCRA generators list**
- RCRA-LQG................. RCRA - Large Quantity Generators
- RCRA-SQG............... RCRA - Small Quantity Generators

**Federal institutional controls / engineering controls registries**
- US ENG CONTROLS......... Engineering Controls Sites List
- US INST CONTROL......... Sites with Institutional Controls
- LUCIS...................... Land Use Control Information System

**Federal ERNS list**
- ERNS....................... Emergency Response Notification System

**State- and tribal - equivalent CERCLIS**
- SHWS....................... This state does not maintain a SHWS list. See the Federal CERCLIS list and Federal NPL list.
EXECUTIVE SUMMARY

**State and tribal landfill and/or solid waste disposal site lists**
SWF/LF. Solid Waste Facilities Database

**State and tribal leaking storage tank lists**
INDIAN LUST. Leaking Underground Storage Tanks on Indian Land

**State and tribal registered storage tank lists**
AST. Aboveground Tanks
INDIAN UST. Underground Storage Tanks on Indian Land
FEMA UST. Underground Storage Tank Listing

**State and tribal voluntary cleanup sites**
INDIAN VCP. Voluntary Cleanup Priority Listing

**State and tribal Brownfields sites**
BROWNFIELDS. Brownfields and UST Site Database

**ADDITIONAL ENVIRONMENTAL RECORDS**

**Local Lists of Landfill / Solid Waste Disposal Sites**
DEBRIS REGION 9. Torres Martinez Reservation Illegal Dump Site Locations
ODI. Open Dump Inventory
HIST LF. Inactive Solid Waste Facilities
SWRCY. Recycling Facilities
INDIAN ODI. Report on the Status of Open Dumps on Indian Lands

**Local Lists of Hazardous waste / Contaminated Sites**
US CDL. Clandestine Drug Labs
PART 201. Part 201 Site List
DEL PART 201. Delisted List of Contaminated Sites
CDL. Clandestine Drug Lab Listing
US HIST CDL. National Clandestine Laboratory Register

**Local Land Records**
LIENS 2. CERCLA Lien Information
LIENS. Lien List

**Records of Emergency Release Reports**
HMIRS. Hazardous Materials Information Reporting System
SPIPPS. Pollution Emergency Alerting System

**Other Ascertainable Records**
DOT OPS. Incident and Accident Data
## EXECUTIVE SUMMARY

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
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<tbody>
<tr>
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<td>Department of Defense Sites</td>
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<td>FUDS</td>
<td>Formerly Used Defense Sites</td>
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<td>CONSENT</td>
<td>Superfund (CERCLA) Consent Decrees</td>
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<td>Records Of Decision</td>
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<td>UMTRA</td>
<td>Uranium Mill Tailings Sites</td>
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<td>US MINES</td>
<td>Mines Master Index File</td>
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<td>TRIS</td>
<td>Toxic Chemical Release Inventory System</td>
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<td>TSCA</td>
<td>Toxic Substances Control Act</td>
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<td>FTTS</td>
<td>FIFRA/ TSCA Tracking System - FIFRA (Federal Insecticide, Fungicide, &amp; Rodenticide Act)/TSCA (Toxic Substances Control Act)</td>
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<td>HIST FTTS</td>
<td>FIFRA/TSCA Tracking System Administrative Case Listing</td>
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<td>PCB Activity Database System</td>
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<td>Material Licensing Tracking System</td>
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<td>RADINFO</td>
<td>Radiation Information Database</td>
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<tr>
<td>FINDS</td>
<td>Facility Index System/Facility Registry System</td>
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<td>RAATS</td>
<td>RCRA Administrative Action Tracking System</td>
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<td>Risk Management Plans</td>
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<td>Underground Injection Wells Database</td>
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<td>Drycleaning Establishments</td>
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<td>List of Active NPDES Permits</td>
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<td>State Coalition for Remediation of Drycleaners Listing</td>
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<td>US AIRS</td>
<td>Aerometric Information Retrieval System Facility Subsystem</td>
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<td>US FIN ASSUR</td>
<td>Financial Assurance Information</td>
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<tr>
<td>EPA WATCH LIST</td>
<td>EPA WATCH LIST</td>
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<tr>
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<td>Steam-Electric Plant Operation Data</td>
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<td>PRP</td>
<td>Potentially Responsible Parties</td>
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<td>2020 COR ACTION</td>
<td>2020 Corrective Action Program List</td>
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<td>COAL ASH EPA</td>
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<td>COAL ASH</td>
<td>Coal Ash Disposal Sites</td>
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### EDR HIGH RISK HISTORICAL RECORDS

#### EDR Exclusive Records
- EDR MGP: EDR Proprietary Manufactured Gas Plants
- EDR US Hist Cleaners: EDR Exclusive Historic Dry Cleaners

### EDR RECOVERED GOVERNMENT ARCHIVES

#### Exclusive Recovered Govt. Archives
- RGA LUST: Recovered Government Archive Leaking Underground Storage Tank
- RGA PART 201: Recovered Government Archive State Hazardous Waste Facilities List
- RGA LF: Recovered Government Archive Solid Waste Facilities List

### SURROUNDING SITES: SEARCH RESULTS

Surrounding sites were identified in the following databases.
Elevations have been determined from the USGS Digital Elevation Model and should be evaluated on a relative (not an absolute) basis. Relative elevation information between sites of close proximity should be field verified. Sites with an elevation equal to or higher than the target property have been differentiated below from sites with an elevation lower than the target property. Page numbers and map identification numbers refer to the EDR Radius Map report where detailed data on individual sites can be reviewed.

Sites listed in **bold italics** are in multiple databases.

Unmappable (orphan) sites are not considered in the foregoing analysis.

### STANDARD ENVIRONMENTAL RECORDS

**Federal RCRA generators list**

RCRA-CESQG: RCRAInfo is EPA’s comprehensive information system, providing access to data supporting the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984. The database includes selective information on sites which generate, transport, store, treat and/or dispose of hazardous waste as defined by the Resource Conservation and Recovery Act (RCRA). Conditionally exempt small quantity generators (CESQGs) generate less than 100 kg of hazardous waste, or less than 1 kg of acutely hazardous waste per month.

A review of the RCRA-CESQG list, as provided by EDR, and dated 12/09/2014 has revealed that there are 5 RCRA-CESQG sites within approximately 0.25 miles of the target property.

<table>
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<tr>
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<td>BALDWIN HOUSE</td>
<td>200 CHESTER ST</td>
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<td>MICHIGAN BELL TELEPHONE COMPANY</td>
<td>155 HENRIETTA ST</td>
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<td>FULLER CENTRAL PARK PROPERTIES</td>
<td>111 S OLD WOODWARD</td>
<td>E 1/8 - 1/4 (0.236 mi.)</td>
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**Lower Elevation**

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<th>Direction / Distance</th>
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<td>JFK INVESTMENT COMPANY LLC</td>
<td>280 N OLD WOODWARD AVE</td>
<td>ENE 1/8 - 1/4 (0.180 mi.)</td>
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**State and tribal leaking storage tank lists**

LUST: The Leaking Underground Storage Tank Incident Reports contain an inventory of reported leaking underground storage tank incidents. The data come from the Department of Environmental Quality’s Leaking Underground Storage Tank (LUST) Database.

A review of the LUST list, as provided by EDR, and dated 12/02/2014 has revealed that there are 10 LUST sites within approximately 0.5 miles of the target property.

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**Lower Elevation**

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<th>Direction / Distance</th>
<th>Map ID</th>
<th>Page</th>
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</thead>
<tbody>
<tr>
<td>BIRMINGHAM PUBLIC SCHOOLS</td>
<td>550 W MERRILL</td>
<td>SSW 1/8 - 1/4 (0.164 mi.)</td>
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<tr>
<td>SUNOCO #0008-4178</td>
<td>35001 WOODWARD AVE</td>
<td>E 1/4 - 1/2 (0.361 mi.)</td>
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</table>
EXECUTIVE SUMMARY

State and tribal registered storage tank lists

UST: The Underground Storage Tank database contains registered USTs. USTs are regulated under Subtitle I of the Resource Conservation and Recovery Act (RCRA). The data come from the Department of Environmental Quality's Michigan UST database.

A review of the UST list, as provided by EDR, and dated 12/02/2014 has revealed that there are 3 UST sites within approximately 0.25 miles of the target property.

State and tribal institutional control / engineering control registries

AUL: A listing of sites with institutional and/or engineering controls in place.

A review of the AUL list, as provided by EDR, and dated 11/23/2014 has revealed that there are 2 AUL sites within approximately 0.5 miles of the target property.
EXECUTIVE SUMMARY

ADDITIONAL ENVIRONMENTAL RECORDS

Local Brownfield lists

US BROWNFIELDS: The EPA’s listing of Brownfields properties from the Cleanups in My Community program, which provides information on Brownfields properties for which information is reported back to EPA, as well as areas served by Brownfields grant programs.

A review of the US BROWNFIELDS list, as provided by EDR, and dated 12/22/2014 has revealed that there are 2 US BROWNFIELDS sites within approximately 0.5 miles of the target property.

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<tr>
<td>WEISS SAMONA</td>
<td>34901 WOODWARD AVENUE</td>
<td>ESE 1/4 - 1/2 (0.392 mi.)</td>
<td>I28</td>
<td>34</td>
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<tr>
<td>GREEN’S ART SUPPLY</td>
<td>400 SOUTH OLD WOODWARD</td>
<td>ESE 1/4 - 1/2 (0.408 mi.)</td>
<td>K32</td>
<td>42</td>
</tr>
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</table>

Local Lists of Hazardous waste / Contaminated Sites

INVENTORY: The Inventory of Facilities has three data sources: Facilities under Part 201, Environmental Remediation, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA) identified through state funded or private party response activities (Projects); Facilities under Part 213, Leaking Underground Storage Tanks of the NREPA; and Facilities identified through submittals of Baseline Environmental Assessments (BEA) submitted pursuant to Part 201 or Part 213 of the NREPA. The Part 201 Projects Inventory does not include all of the facilities that are subject to regulation under Part 201 because owners are not required to inform the Department of Environmental Quality (DEQ) about the facilities and can pursue cleanup independently. Facilities that are not known to DEQ are not on the Inventory, nor are locations with releases that resulted in low environmental impact. Part 213 facilities listed here may have more than one release; a list of releases for which corrective actions have been completed and list of releases for which corrective action has not been completed is located on the Leaking Underground Storage Tanks Site Search webpage. The DEQ may or may not have reviewed and concurred with the conclusion that the corrective actions described in a closure report meets criteria. A BEA is a document that new or prospective property owners/operations disclose to the DEQ identifying the property as a facility pursuant to Part 201 and Part 213. The Inventory of BEA Facilities overlaps in part with the Part 201 Projects facilities and Part 213 facilities. There may be more than one BEA for each facility.

A review of the INVENTORY list, as provided by EDR, and dated 01/27/2015 has revealed that there are 15 INVENTORY sites within approximately 0.5 miles of the target property.

<table>
<thead>
<tr>
<th>Lower Elevation</th>
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</tr>
</thead>
<tbody>
<tr>
<td>BIRMINGHAM PUBLIC SCHOOLS</td>
<td>550 W MERRILL</td>
<td>SSW 1/8 - 1/4 (0.164 mi.)</td>
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<td>15</td>
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<tr>
<td>COMERICA BANK BIRMINGHAM</td>
<td>322 N. OLD WOODWARD</td>
<td>ENE 1/8 - 1/4 (0.171 mi.)</td>
<td>D11</td>
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<tr>
<td>CATALYST DEVELOPMENT CO. 8, LL</td>
<td>34977 WOODWARD AVENUE</td>
<td>E 1/4 - 1/2 (0.359 mi.)</td>
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<tr>
<td>SUNOCO GASOLINE STATION (FORMERLY SHELL - HUNTER)</td>
<td>35001 WOODWARD AVENUE</td>
<td>E 1/4 - 1/2 (0.361 mi.)</td>
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<td>WOODWARD BROWN ASSOCIATES, LLC</td>
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<td>ESE 1/4 - 1/2 (0.390 mi.)</td>
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<tr>
<td>CHINESE RESTAURANT</td>
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<td>1/4 - 1/2 (0.391 mi.)</td>
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<tr>
<td>WOODWARD BROWN ASSOC LLC</td>
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<td>GREEN’S ART SUPPLY</td>
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<td>JAX KAR WASH #048</td>
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EXECUTIVE SUMMARY

Other Ascertainable Records

RCRA NonGen / NLR: RCRAInfo is EPA’s comprehensive information system, providing access to data supporting the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984. The database includes selective information on sites which generate, transport, store, treat and/or dispose of hazardous waste as defined by the Resource Conservation and Recovery Act (RCRA). Non-Generators do not presently generate hazardous waste.

A review of the RCRA NonGen / NLR list, as provided by EDR, and dated 12/09/2014 has revealed that there are 2 RCRA NonGen / NLR sites within approximately 0.25 miles of the target property.

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<tr>
<td>HOLLYWOOD SHERIDAN ASSOCIATES</td>
<td>185 OAKLAND AVE</td>
<td>ENE 1/8 - 1/4 (0.212 mi.)</td>
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<td>DAKOTA</td>
<td>280 HARMON ST</td>
<td>N 1/8 - 1/4 (0.238 mi.)</td>
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BEA: A BEA is a document that new or prospective property owners/operations disclose to the DEQ identifying the property as a facility pursuant to Part 201 and Part 213. The Inventory of BEA Facilities overlaps in part with the Part 201 Projects facilities and Part 213 facilities. There may be more than one BEA for each facility.

A review of the BEA list, as provided by EDR, and dated 08/21/2013 has revealed that there are 7 BEA sites within approximately 0.5 miles of the target property.

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<td>BROWN STREET OFFICE BUILDING</td>
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<td>CHINESE RESTAURANT</td>
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<td>1/4 - 1/2 (0.391 mi.)</td>
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<td>WOODWARD BROWN ASSOCIATES, LLC</td>
<td>34901 WOODWARD AVENUE</td>
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<tr>
<td>JAX KAR WASH #048</td>
<td>34745 WOODWARD</td>
<td>ESE 1/4 - 1/2 (0.416 mi.)</td>
<td>L34</td>
<td>48</td>
</tr>
<tr>
<td>SIMON LAND DEVELOPMENT GROUP L</td>
<td>35975 WOODWARD AVE</td>
<td>N 1/4 - 1/2 (0.464 mi.)</td>
<td>M37</td>
<td>55</td>
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EDR HIGH RISK HISTORICAL RECORDS

EDR US Hist Auto Stat: EDR has searched selected national collections of business directories and has collected listings of potential gas station/filling station/service station sites that were available to EDR researchers. EDR’s review was limited to those categories of sources that might, in EDR’s opinion, include gas station/filling station/service station establishments. The categories reviewed included, but were not limited to gas, gas station, gasoline station, filling station, auto, automobile repair, auto service station, service station, etc. This database falls within a category of information EDR classifies as "High Risk Historical Records", or HRHR. EDR’s HRHR effort presents unique and sometimes proprietary data about past sites and operations that typically create environmental concerns, but may not show up in current government records searches.

A review of the EDR US Hist Auto Stat list, as provided by EDR, has revealed that there are 3 EDR US Hist Auto Stat sites within approximately 0.25 miles of the target property.

<table>
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<th>Address</th>
<th>Direction / Distance</th>
<th>Map ID</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not reported</td>
<td>322 N OLD WOODWARD AVE</td>
<td>ENE 1/8 - 1/4 (0.171 mi.)</td>
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<td>16</td>
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</table>
## EXECUTIVE SUMMARY

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<th>Address</th>
<th>Direction / Distance</th>
<th>Map ID</th>
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<td>180 OAKLAND AVE</td>
<td>ENE 1/8 - 1/4 (0.221 mi.)</td>
<td>E15</td>
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</table>
There were no unmapped sites in this report.
This report includes Interactive Map Layers to display and/or hide map information. The legend includes only those icons for the default map view.

SITE NAME: 191 N. Chester
ADDRESS: 191 N. Chester
Birmingham MI 48009
LAT/LONG: 42.5472 / 83.2187

CLIENT: Performance Environmental
CONTACT: Julie Pratt
INQUIRY #: 4225651.2s
DATE: March 05, 2015 3:56 pm
# MAP FINDINGS SUMMARY

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### ADDITIONAL ENVIRONMENTAL RECORDS

#### Local Brownfield lists
- US BROWNFIELDS 0.500 0 0 2 NR NR 2

#### Local Lists of Landfill / Solid Waste Disposal Sites
- DEBRIS REGION 9 0.500 0 0 0 NR NR 0
- ODI 0.500 0 0 0 NR NR 0
- HIST LF 0.500 0 0 0 NR NR 0
- SWRCY 0.500 0 0 0 NR NR 0
- INDIAN ODI 0.500 0 0 0 NR NR 0

#### Local Lists of Hazardous waste / Contaminated Sites
- US CDL TP NR NR NR NR NR 0
- INVENTORY 0.500 1 0 2 13 NR NR 16
- PART 201 1.000 0 0 0 0 NR 0
- DEL PART 201 1.000 0 0 0 0 NR 0
- CDL TP NR NR NR NR NR 0
- US HIST CDL TP NR NR NR NR NR 0

#### Local Land Records
- LIENS 2 TP NR NR NR NR NR 0
- LIENS TP NR NR NR NR NR 0

#### Records of Emergency Release Reports
- HMRIS TP NR NR NR NR NR 0
- SPILLS TP NR NR NR NR NR 0

#### Other Ascertainable Records
- RCRA NonGen / NLR 0.250 0 2 NR NR NR 2
- DOT OPS TP NR NR NR NR NR 0
- DOD 1.000 0 0 0 0 NR 0
- FUDS 1.000 0 0 0 0 NR 0
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## EDR HIGH RISK HISTORICAL RECORDS

**EDR Exclusive Records**

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| EDR US Hist Auto Stat | 0.250                 | 0               | 3     | NR        | NR        | NR      | 3   |
| EDR US Hist Cleaners | 0.250                 | 0               | 0     | NR        | NR        | NR      | 0   |

## EDR RECOVERED GOVERNMENT ARCHIVES

**Exclusive Recovered Govt. Archives**

| RGA LUST         | TP                      | NR              | NR    | NR        | NR        | NR      | NR  | 0             |
| RGA PART 201     | TP                      | NR              | NR    | NR        | NR        | NR      | NR  | 0             |
| RGA LF           | TP                      | NR              | NR    | NR        | NR        | NR      | NR  | 0             |

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TP = Target Property  
NR = Not Requested at this Search Distance  
Sites may be listed in more than one database
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### A1

**Target**

191 N. CHESTER ST.

**Property**

BIRMINGHAM, MI  48009

**Site 1 of 2 in cluster A**

**Actual:**

782 ft.

**INVENTORY:**

- Bea Number: Not reported
- Township: Birmingham
- District: Southeast MI
- Data Source: Part 201
- Latitude: 42.54709
- Longitude: -83.21811

### A2

**Target**

191 N CHESTER ST

**Property**

BIRMINGHAM, MI  48009

**Site 2 of 2 in cluster A**

**Actual:**

782 ft.

**WDS:**

- Site Id: MIG000025741
- WMD Id: 450284
- Site Specific Name: FIRST CHURCH OF CHRIST
- Mailing Address: 191 N CHESTER ST
- Mailing City/State/Zip: 48009
- Mailing County: OAKLAND

### B3

**SSE**

180 CHESTER ST

**Property**

BIRMINGHAM, MI  48009

**Site 1 of 3 in cluster B**

**Relative:**

Higher

**Actual:**

783 ft.

**RCRA-CESQG:**

- Date form received by agency: 03/02/2006
- Facility name: CENTRAL PARKING SYSTEM
- Facility address: 180 CHESTER ST
  BIRMINGHAM, MI 48009
- EPA ID: MIK937473619
- Contact: CATHERINE BURCH
- Contact address: 180 CHESTER ST
  BIRMINGHAM, MI 48009
- Contact country: US
- Contact telephone: (248) 540-9690
- Contact email: Not reported
- EPA Region: 05
- Classification: Conditionally Exempt Small Quantity Generator
- Description: Handler: generates 100 kg or less of hazardous waste per calendar month, and accumulates 1000 kg or less of hazardous waste at any time; or generates 1 kg or less of acutely hazardous waste per calendar month, and accumulates at any time: 1 kg or less of acutely hazardous waste; or 100 kg or less of any residue or contaminated soil, waste or other debris resulting from the cleanup of a spill, into or on any land or water, of acutely hazardous waste; or generates 100 kg or less of any residue or contaminated soil, waste or other debris resulting from the cleanup of a spill, into or on any land or water, of acutely hazardous waste during any calendar month, and accumulates at any
IGNITABLE HAZARDOUS WASTES ARE THOSE WASTES WHICH HAVE A FLASHPOINT OF LESS THAN 140 DEGREES FAHRENHEIT AS DETERMINED BY A PENSKY-MARTENS CLOSED CUP FLASH POINT TESTER. ANOTHER METHOD OF DETERMINING THE FLASH POINT OF A WASTE IS TO REVIEW THE MATERIAL SAFETY DATA SHEET, WHICH CAN BE OBTAINED FROM THE MANUFACTURER OR DISTRIBUTOR OF THE MATERIAL. LACQUER THINNER IS AN EXAMPLE OF A COMMONLY USED SOLVENT WHICH WOULD BE CONSIDERED AS IGNITABLE HAZARDOUS WASTE.
## Map Findings

<table>
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<th>Map ID</th>
<th>Direction</th>
<th>Distance</th>
<th>Elevation</th>
<th>Site</th>
<th>Database(s)</th>
<th>EPA ID Number</th>
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<td>508 ft.</td>
<td>508 ft.</td>
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<td>UST U003834374</td>
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<td>514 ft.</td>
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<td>0.097 mi.</td>
<td>782 ft.</td>
<td>Site 2 of 3 in cluster B</td>
<td>RCRA-CESQG 1014925103</td>
<td>MIK7562944448</td>
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</table>

### Mutual Benefit Life

- **Location:** 280 WEST MAPLE RD, BIRMINGHAM, MI 48084
- **Product:** Fuel Oil
- **Dates:**
  - **Install Date:** 01/01/1928
  - **Remove Date:** 12/02/1993

- **Accuracy:** 100 ft.
- **Accuracy Value Unit:** Feet
- **Source:** STATE OF MICHIGAN
- **Desc Category:** Plant Entrance (Freight)
- **Point Line Area:** POINT
- **Method of Collection:** Address Matching-House Number
- **Tank Status:** Removed from Ground
- **Tank ID:** 1
- **Capacity:** Not Reported
- **Piping Material:** Unknown
- **Impressed Device:** No

### Baldwin House

- **Location:** 200 CHESTER ST, BIRMINGHAM, MI 48009
- **RCRA-CESQG:** MIK7562944448

- **Date form received by agency:** 04/12/2011
- **Facility name:** BALDWIN HOUSE
- **Facility address:** 200 CHESTER ST, BIRMINGHAM, MI 48009
- **EPA ID:** MIK7562944448
- **Contact:** DON DURR
- **Contact address:** Not reported
- **Contact country:** US
- **Contact telephone:** (248) 540-4555
- **Contact email:** SEAN.KELLY@WASTE365.COM
- **EPA Region:** 05
Baldwin House (Continued)

Classification: Conditionally Exempt Small Quantity Generator

Description: Handler: generates 100 kg or less of hazardous waste per calendar month; or generates 1 kg or less of acutely hazardous waste per calendar month, and accumulates at any time: 1 kg or less of acutely hazardous waste; or 100 kg or less of any residue or contaminated soil, waste or other debris resulting from the cleanup of a spill, into or on any land or water, of acutely hazardous waste; or generates 100 kg or less of any residue or contaminated soil, waste or other debris resulting from the cleanup of a spill, into or on any land or water, of acutely hazardous waste during any calendar month, and accumulates at any time: 1 kg or less of acutely hazardous waste; or 100 kg or less of any residue or contaminated soil, waste or other debris resulting from the cleanup of a spill, into or on any land or water, of acutely hazardous waste.

Owner/Operator Summary:

Owner/operator name: BALDWIN HOUSE - DON DURR
Owner/operator address: Not reported
Owner/operator country: Not reported
Owner/operator telephone: Not reported
Legal status: Private
Owner/Operator Type: Operator
Owner/Op start date: 04/11/2011
Owner/Op end date: Not reported

Handler Activities Summary:

U.S. importer of hazardous waste: No
Mixed waste (haz. and radioactive): No
Recycler of hazardous waste: No
Transporter of hazardous waste: No
Treater, storer or disposer of HW: No
Underground injection activity: No
On-site burner exemption: No
Furnace exemption: No
Used oil fuel burner: No
Used oil processor: No
User oil refiner: No
Used oil fuel marketer to burner: No
Used oil Specification marketer: No
Used oil transfer facility: No
Used oil transporter: No

Hazardous Waste Summary:

Waste code: D001
IGNITABLE HAZARDOUS WASTES ARE THOSE WASTES WHICH HAVE A FLASHPOINT OF LESS THAN 140 DEGREES FAHRENHEIT AS DETERMINED BY A PENSKY-MARTENS CLOSED CUP FLASH POINT TESTER. ANOTHER METHOD OF DETERMINING THE FLASH POINT OF A WASTE IS TO REVIEW THE MATERIAL SAFETY DATA SHEET, WHICH CAN BE OBTAINED FROM THE MANUFACTURER OR DISTRIBUTOR OF THE MATERIAL. LACQUER THINNER IS AN EXAMPLE OF A COMMONLY USED SOLVENT WHICH WOULD BE CONSIDERED AS IGNITABLE HAZARDOUS WASTE.

**Violation Status:** No violations found
PROPOSED BALDWIN HOUSE SITE  (Continued)  U001777213

Point Line Area: POINT
Desc Category: Plant Entrance (Freight)
Method of Collection: Address Matching-House Number
Latitude: 42.54567
Longitude: -83.21853

Tank ID: 1
Tank Status: Closed in Ground
Capacity: Not reported
Product: UNK
Install Date: Not reported
Remove Date: 01/01/1969
Tank Release Detection: Not reported
Pipe Realease Detection: Not reported
Piping Material: Unknown
Piping Type: Not reported
Construction Material: Unknown
Impressed Device: No

WDS:
Site Id: MIK756294448
WMD Id: 489340
Site Specific Name: BALDWIN HOUSE
Mailing Address: 200 CHESTER ST
Mailing City/State/Zip: 48009 OAKLAND

C7  BIRMINGHAM CO (M57110)  UST  U003322266
ESE  155 HENRIETTA  N/A
1/8-1/4  BIRMINGHAM, MI  75202
0.149 mi.  SITE 1 of 2 in cluster C
788 ft.

Relative: Higher
Actual: 783 ft.

Facility ID: 00011669
Facility Type: ACTIVE
Owner Name: AT&T MICHIGAN
Owner Address: 308 S AKARD STE 1700
Owner City,St,Zip: DALLAS, TX 75202
Owner Country: USA
Owner Contact: Lisa Espinosa
Owner Phone: (877) 648-2073
Contact: Rayshell Wamsley
Contact Phone: (214) 464-5394
Date of Collection: 01/11/2001
Accuracy: 100
Accuracy Value Unit: FEET
Horizontal Datum: NAD83
Source: STATE OF MICHIGAN
Point Line Area: POINT
Desc Category: Plant Entrance (Freight)
Method of Collection: Address Matching-House Number
Latitude: 42.54619
Longitude: -83.21589

Tank ID: 1
Tank Status: Currently In Use
BIRMINGHAM CO (M57110)  (Continued)  U003322266

Capacity: 4000
Product: Diesel
Install Date: 05/08/1969
Remove Date: Not reported
Pipe Realease Detection: Interstitial Monitoring/Second Containment
Piping Material: Unknown
Piping Type: Suction: Valve at Tank
Construction Material: Fiberglass Reinforced plastic
Impressed Device: No

Tank ID: 2
Tank Status: Currently In Use
Capacity: 4000
Product: Diesel
Install Date: 05/08/1969
Remove Date: Not reported
Pipe Realease Detection: Interstitial Monitoring/Second Containment
Piping Material: Unknown
Piping Type: Suction: Valve at Tank
Construction Material: Fiberglass Reinforced plastic
Impressed Device: No

Tank ID: 3
Tank Status: Currently In Use
Capacity: 4000
Product: Diesel
Install Date: 05/08/1969
Remove Date: Not reported
Pipe Realease Detection: Interstitial Monitoring/Second Containment
Piping Material: Unknown
Piping Type: Suction: Valve at Tank
Construction Material: Fiberglass Reinforced plastic
Impressed Device: No
MICHIGAN BELL TELEPHONE COMPANY  (Continued)  
1000237764

Contact email: Not reported
EPA Region: 05
Classification: Conditionally Exempt Small Quantity Generator
Description: Handler: generates 100 kg or less of hazardous waste per calendar month, and accumulates 1000 kg or less of hazardous waste at any time; or generates 1 kg or less of acutely hazardous waste per calendar month, and accumulates at any time: 1 kg or less of acutely hazardous waste; or 100 kg or less of any residue or contaminated soil, waste or other debris resulting from the cleanup of a spill, into or on any land or water, of acutely hazardous waste; or generates 100 kg or less of any residue or contaminated soil, waste or other debris resulting from the cleanup of a spill, into or on any land or water, of acutely hazardous waste during any calendar month, and accumulates at any time: 1 kg or less of acutely hazardous waste; or 100 kg or less of any residue or contaminated soil, waste or other debris resulting from the cleanup of a spill, into or on any land or water, of acutely hazardous waste.

Owner/Operator Summary:
Owner/operator name: MICH BELL TELEPHONE
Owner/operator address: Not reported
Owner/operator country: Not reported
Owner/operator telephone: Not reported
Legal status: Private
Owner/Operator Type: Owner
Owner/Op start date: 06/21/1998
Owner/Op end date: Not reported

Owner/operator name: MICH BELL TELEPHONE
Owner/operator address: Not reported
Owner/operator country: Not reported
Owner/operator telephone: Not reported
Legal status: Private
Owner/Operator Type: Operator
Owner/Op start date: 06/21/1998
Owner/Op end date: Not reported

Handler Activities Summary:
U.S. importer of hazardous waste: No
Mixed waste (haz. and radioactive): No
Recycler of hazardous waste: No
Transporter of hazardous waste: No
Treater, storer or disposer of HW: No
Underground injection activity: No
On-site burner exemption: No
Furnace exemption: No
Used oil fuel burner: No
Used oil processor: No
User oil refiner: No
Used oil fuel marketer to burner: No
Used oil Specification marketer: No
Used oil transfer facility: No
Used oil transporter: No
MICHIGAN BELL TELEPHONE COMPANY (Continued)

Historical Generators:
Date form received by agency: 06/01/1981
Site name: MICHIGAN BELL TELEPHONE COMPANY
Classification: Not a generator, verified

Hazardous Waste Summary:
Waste code: D001
Waste name: IGNITABLE HAZARDOUS WASTES ARE THOSE WASTES WHICH HAVE A FLASHPOINT OF LESS THAN 140 DEGREES FAHRENHEIT AS DETERMINED BY A PENSKY-MARTENS CLOSED CUP FLASH POINT TESTER. ANOTHER METHOD OF DETERMINING THE FLASH POINT OF A WASTE IS TO REVIEW THE MATERIAL SAFETY DATA SHEET, WHICH CAN BE OBTAINED FROM THE MANUFACTURER OR DISTRIBUTOR OF THE MATERIAL. LACQUER THINNER IS AN EXAMPLE OF A COMMONLY USED SOLVENT WHICH WOULD BE CONSIDERED AS IGNITABLE HAZARDOUS WASTE.

Waste code: D001
Waste name: IGNITABLE HAZARDOUS WASTES ARE THOSE WASTES WHICH HAVE A FLASHPOINT OF LESS THAN 140 DEGREES FAHRENHEIT AS DETERMINED BY A PENSKY-MARTENS CLOSED CUP FLASH POINT TESTER. ANOTHER METHOD OF DETERMINING THE FLASH POINT OF A WASTE IS TO REVIEW THE MATERIAL SAFETY DATA SHEET, WHICH CAN BE OBTAINED FROM THE MANUFACTURER OR DISTRIBUTOR OF THE MATERIAL. LACQUER THINNER IS AN EXAMPLE OF A COMMONLY USED SOLVENT WHICH WOULD BE CONSIDERED AS IGNITABLE HAZARDOUS WASTE.

Violation Status: No violations found

FINDS:
Registry ID: 110003719183

Environmental Interest/Information System
RCRAInfo is a national information system that supports the Resource Conservation and Recovery Act (RCRA) program through the tracking of events and activities related to facilities that generate, transport, and treat, store, or dispose of hazardous waste. RCRAInfo allows RCRA program staff to track the notification, permit, compliance, and corrective action activities required under RCRA.

INVENTORY S102851783
INVENTORY LUST N/A

SSW 550 W MERRILL BIRMINGHAM, MI 99999
1/8-1/4 0.164 mi. 866 ft.
0.164 mi.

Relative: Lower
Actual: 779 ft.

INVENTORY:
Bea Number: Not reported
Township: Not reported
District: Southeast MI
Data Source: Part 213
Latitude: 42.54593
Longitude: -83.21942

LUST:
Facility ID: 50000584
Source: STATE OF MICHIGAN
Owner Name: Nrt Owner
BIRMINGHAM PUBLIC SCHOOLS (Continued)

Owner Address: Unknown
Owner City,St,Zip: Unknown, MI 99999
Owner Contact: Not reported
Owner Phone: Not reported
Country: USA
District: Region 1 - SE Michigan District Office
Site Name: Birmingham Public Schools
Latitude: 42.54592
Longitude: -83.21942
Date of Collection: 01/11/2001
Method of Collection: Address Matching-House Number
Accuracy: 100
Accuracy Value Unit: FEET
Horizontal Data: NAD83
Point Line Area: POINT
Desc Category: Plant Entrance (Freight)

Leak Number: C-1462-90
Release Date: 08/08/1990
Substance Released: Not reported
Release Status: Open
Release Closed Date: Not reported

D10
ENE 322 N OLD WOODWARD AVE
1/8-1/4
0.171 mi.
901 ft.
Site 1 of 2 in cluster D
Relative: Lower
Actual: 771 ft.
EDR Historical Auto Stations:
Name: LONG LAKE AUTO LLC
Year: 2005
Address: 322 N OLD WOODWARD AVE

D11
ENE COMERICA BANK BIRMINGHAM
1/8-1/4
0.171 mi.
901 ft.
Site 2 of 2 in cluster D
Relative: Lower
Actual: 771 ft.
INVENTORY:
Bea Number: Not reported
Township: Birmingham
District: Southeast MI
Data Source: Part 201
Latitude: 42.54826
Longitude: -83.2162
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<td>BLOOMFIELD HILLS, MI 48302</td>
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<td>RANDY L’HOTE</td>
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.corrective action activities required under RCRA.

Conservation and Recovery Act (RCRA) program through the tracking of

RCRAInfo is a national information system that supports the Resource

Information System

RCRAInfo is a national information system that supports the Resource

Environmental Conservation and Recovery Act (RCRA) program through the tracking of events and activities related to facilities that generate, transport, and treat, store, or dispose of hazardous waste. RCRAInfo allows RCRA program staff to track the notification, permit, compliance, and corrective action activities required under RCRA.

IGNITABLE HAZARDOUS WASTES ARE THOSE WASTES WHICH HAVE A FLASHPOINT OF LESS THAN 140 DEGREES FAHRENHEIT AS DETERMINED BY A PENSKY-MARTENS CLOSED CUP FLASH POINT TESTER. ANOTHER METHOD OF DETERMINING THE FLASH POINT OF A WASTE IS TO REVIEW THE MATERIAL SAFETY DATA SHEET, WHICH CAN BE OBTAINED FROM THE MANUFACTURER OR DISTRIBUTOR OF THE MATERIAL. LACQUER THINNER IS AN EXAMPLE OF A COMMONLY USED SOLVENT WHICH WOULD BE CONSIDERED AS IGNITABLE HAZARDOUS WASTE.

No violations found

Registry ID: 110058887744

Environmental Interest/Information System

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199 PIERCE ST

EDR US Hist Auto Stat 1015298290

N/A

1/8-1/4

0.210 mi.

1109 ft.

EDR Historical Auto Stations:

Name: AUTOMOTIVE ADVISORY PARTNERS LLC

Year: 2009

Address: 199 PIERCE ST

13

ESE

199 PIERCE ST

BIRMINGHAM, MI 48009

EDR US Hist Auto Stat 1015298290

N/A

1/8-1/4

0.210 mi.

1109 ft.

EDR Historical Auto Stations:

Name: AUTOMOTIVE ADVISORY PARTNERS LLC

Year: 2009

Address: 199 PIERCE ST
HOLLYWOOD SHERIDAN ASSOCIATES LLC

185 OAKLAND AVE
BIRMINGHAM, MI 48009

RCRA NonGen / NLR: 1014392513
FINDS: MIK674636881

Site 1 of 2 in cluster E

Relative: Lower
Actual: 773 ft.

Date form received by agency: 06/24/2010
Facility name: HOLLYWOOD SHERIDAN ASSOCIATES LLC
Facility address: 185 OAKLAND AVE
BIRMINGHAM, MI 48009
EPA ID: MIK674636881
Mailing address: 5700 CROOKS RD
TROY, MI 48098
Contact: JOHN PITRONE
Contact address: 185 OAKLAND AVE
BIRMINGHAM, MI 48009
Contact country: US
Contact telephone: (248) 879-7777
Contact email: Not reported
EPA Region: 05
Classification: Non-Generator
Description: Handler: Non-Generators do not presently generate hazardous waste

Owner/operator Summary:

Owner/operator name: HOLLYWOOD SHERIDAN ASSOCIATES LLC
Owner/operator address: Not reported
Owner/operator country: Not reported
Owner/operator telephone: Not reported
Legal status: Private
Owner/Operator Type: Operator
Owner/Op start date: 01/02/1999
Owner/Op end date: Not reported

Owner/operator name: HOLLYWOOD SHERIDAN ASSOCIATES LLC
Owner/operator address: Not reported
Owner/operator country: Not reported
Owner/operator telephone: Not reported
Legal status: Private
Owner/Operator Type: Owner
Owner/Op start date: 01/02/1999
Owner/Op end date: Not reported

Handler Activities Summary:

U.S. importer of hazardous waste: No
Mixed waste (haz. and radioactive): No
Recycler of hazardous waste: No
Transporter of hazardous waste: No
Treater, storer or disposer of HW: No
Underground injection activity: No
On-site burner exemption: No
Furnace exemption: No
Used oil fuel burner: No
Used oil processor: No
User oil refiner: No
Used oil fuel marketer to burner: No
HOLLYWOOD SHERIDAN ASSOCIATES LLC (Continued)

Used oil Specification marketer: No
Used oil transfer facility: No
Used oil transporter: No

Hazardous Waste Summary:
Waste code: D001
Waste name: IGNITABLE HAZARDOUS WASTES ARE THOSE WASTES WHICH HAVE A FLASHPOINT OF LESS THAN 140 DEGREES FAHRENHEIT AS DETERMINED BY A PENSKY-MARTENS CLOSED CUPFLASH POINT TESTER. ANOTHER METHOD OF DETERMINING THE FLASH POINT OF A WASTE IS TO REVIEW THE MATERIAL SAFETY DATA SHEET, WHICH CAN BE OBTAINED FROM THE MANUFACTURER OR DISTRIBUTOR OF THE MATERIAL. LACQUER THINNER IS AN EXAMPLE OF A COMMONLY USED SOLVENT WHICH WOULD BE CONSIDERED AS IGNITABLE HAZARDOUS WASTE.

Violation Status: No violations found

FINDS:
Registry ID: 110044620372

Environmental Interest/Information System
MS-ENSITE (Mississippi - Tools For Environmental Management And Protection Organizations). Mississippi Department of Environmental Quality (MDEQ) Office of Pollution Control's (OPC) maintains enSite. It is the electronic Environmental Site Information System that that regulates compliance assurance, permitting, activity tracking, and maintenance of a single agency interest-link to definition master file.
FULLER CENTRAL PARK PROPERTIES LLC (Continued) 1016142307

Contact address: Not reported
Contact country: US
Contact telephone: (248) 642-0024
Contact email: STEVE@FULLERCENTRALPARK.COM
EPA Region: 05
Classification: Conditionally Exempt Small Quantity Generator
Description: Handler: generates 100 kg or less of hazardous waste per calendar month, and accumulates 1000 kg or less of hazardous waste per calendar month, and accumulates at any time: 1 kg or less of acutely hazardous waste; or 100 kg or less of any residue or contaminated soil, waste or other debris resulting from the cleanup of a spill, into or on any land or water, of acutely hazardous waste; or generates 100 kg or less of any residue or contaminated soil, waste or other debris resulting from the cleanup of a spill, into or on any land or water, of acutely hazardous waste during any calendar month, and accumulates at any time: 1 kg or less of acutely hazardous waste; or 100 kg or less of any residue or contaminated soil, waste or other debris resulting from the cleanup of a spill, into or on any land or water, of acutely hazardous waste

Owner/Operator Summary:
Owner/operator name: FULLER CENTRAL PARK PROPERTIES LLC
Owner/operator address: Not reported
Owner/operator country: Not reported
Owner/operator telephone: Not reported
Legal status: Private
Owner/Operator Type: Owner
Owner/Op start date: 06/01/1976
Owner/Op end date: Not reported

Owner/operator name: FULLER CENTRAL PARK PROPERTIES LLC
Owner/operator address: Not reported
Owner/operator country: Not reported
Owner/operator telephone: Not reported
Legal status: Private
Owner/Operator Type: Operator
Owner/Op start date: 06/01/1976
Owner/Op end date: Not reported

Handler Activities Summary:
U.S. importer of hazardous waste: No
Mixed waste (haz. and radioactive): No
Recycler of hazardous waste: No
Transporter of hazardous waste: No
Treater, storer or disposer of HW: No
Underground injection activity: No
On-site burner exemption: No
Furnace exemption: No
Used oil fuel burner: No
Used oil processor: No
User oil refiner: No
Used oil fuel marketer to burner: No
FULLER CENTRAL PARK PROPERTIES LLC (Continued)

Hazardous Waste Summary:
- Waste code: D001
- Waste name: IGNITABLE HAZARDOUS WASTES ARE THOSE WASTES WHICH HAVE A FLASHPOINT OF LESS THAN 140 DEGREES FAHRENHEIT AS DETERMINED BY A PENSKY-MARTENS CLOSED CUP FLASH POINT TESTER. ANOTHER METHOD OF DETERMINING THE FLASH POINT OF A WASTE IS TO REVIEW THE MATERIAL SAFETY DATA SHEET, WHICH CAN BE OBTAINED FROM THE MANUFACTURER OR DISTRIBUTOR OF THE MATERIAL. LACQUER THINNER IS AN EXAMPLE OF A COMMONLY USED SOLVENT WHICH WOULD BE CONSIDERED AS IGNITABLE HAZARDOUS WASTE.

Violation Status: No violations found

FINDS:
- Registry ID: 110055448608
- Environmental Interest/Information System
  - RCRAInfo is a national information system that supports the Resource Conservation and Recovery Act (RCRA) program through the tracking of events and activities related to facilities that generate, transport, and treat, store, or dispose of hazardous waste. RCRAInfo allows RCRA program staff to track the notification, permit, compliance, and corrective action activities required under RCRA.
DAKOTA (Continued)

| Legal status:                      | Private                  |
| Owner/Operator Type:               | Operator                 |
| Owner/Op start date:              | 06/19/2001               |
| Owner/Op end date:                | Not reported             |
| Owner/operator name:              | DAKOTA                   |
| Owner/operator address:           | Not reported             |
| Owner/operator country:           | Not reported             |
| Owner/operator telephone:         | Not reported             |
| Legal status:                     | Private                  |
| Owner/Operator Type:              | Owner                    |
| Owner/Op start date:              | 06/19/2001               |
| Owner/Op end date:                | Not reported             |

Handler Activities Summary:
- U.S. importer of hazardous waste: No
- Mixed waste (haz. and radioactive): No
- Recycler of hazardous waste: No
- Transporter of hazardous waste: No
- Treater, storer or disposer of HW: No
- Underground injection activity: No
- On-site burner exemption: No
- Furnace exemption: No
- Used oil fuel burner: No
- Used oil processor: No
- User oil refiner: No
- Used oil fuel marketer to burner: No
- Used oil Specification marketer: No
- Used oil transfer facility: No
- Used oil transporter: No

Hazardous Waste Summary:
- Waste code: D001
- Waste name: IGNITABLE HAZARDOUS WASTES ARE THOSE WASTES WHICH HAVE A FLASHPOINT OF LESS THAN 140 DEGREES FAHRENHEIT AS DETERMINED BY A PENSKY-MARTENS CLOSED CUP FLASH POINT TESTER. ANOTHER METHOD OF DETERMINING THE FLASH POINT OF A WASTE IS TO REVIEW THE MATERIAL SAFETY DATA SHEET, WHICH CAN BE OBTAINED FROM THE MANUFACTURER OR DISTRIBUTOR OF THE MATERIAL. LACQUER THINNER IS AN EXAMPLE OF A COMMONLY USED SOLVENT WHICH WOULD BE CONSIDERED AS IGNITABLE HAZARDOUS WASTE.

Violation Status: No violations found
### BROWN STREET OFFICE BUILDING (Continued)

Category: No Hazardous Substance(s)
Determination 20107A: No Request
Reviewer: tiernang
Division Assigned: RRD

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<th>Direction</th>
<th>Distance</th>
<th>Elevation</th>
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<th>EPA ID Number</th>
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**F19**  
**East**  
**1/4-1/2**  
**0.359 mi.**  
**1895 ft.**  
**Site 1 of 3 in cluster F**

Relative: Lower  
Actual: 779 ft.

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<tr>
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</tr>
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<tr>
<td>Longitude:</td>
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**G20**  
**East**  
**1/4-1/2**  
**0.361 mi.**  
**1907 ft.**  
**Site 1 of 2 in cluster G**

Relative: Lower  
Actual: 779 ft.

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<td>Facility ID:</td>
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<tr>
<td>Source:</td>
<td>STATE OF MICHIGAN</td>
</tr>
<tr>
<td>Owner Name:</td>
<td>Sunoco Inc (R&amp;M)</td>
</tr>
<tr>
<td>Owner Address:</td>
<td>1735 Market St 12nd Floor</td>
</tr>
<tr>
<td>Owner City,St,Zip:</td>
<td>Philadelphia, PA 19103</td>
</tr>
<tr>
<td>Owner Contact:</td>
<td>Environmental Compliance Officer</td>
</tr>
<tr>
<td>Owner Phone:</td>
<td>(215) 246-8513</td>
</tr>
<tr>
<td>Country:</td>
<td>USA</td>
</tr>
<tr>
<td>District:</td>
<td>Region 1 - SE Michigan District Office</td>
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<tr>
<td>Site Name:</td>
<td>Sunoco #0008-4178</td>
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<tr>
<td>Latitude:</td>
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</tr>
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<td>Longitude:</td>
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<td>Desc Category:</td>
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<tr>
<td>Leak Number:</td>
<td>C-0924-96</td>
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<tr>
<td>Release Date:</td>
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<tbody>
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<td>SUNOCO INC (R&amp;M)</td>
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<tr>
<td>Owner Address:</td>
<td>1735 MARKET ST 12ND FLOOR</td>
</tr>
<tr>
<td>Tank ID</td>
<td>Tank Status</td>
</tr>
<tr>
<td>---------</td>
<td>-------------</td>
</tr>
<tr>
<td>1</td>
<td>Removed from Ground</td>
</tr>
<tr>
<td>2</td>
<td>Removed from Ground</td>
</tr>
<tr>
<td>3</td>
<td>Removed from Ground</td>
</tr>
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SUNOCO #0008-4178 (Continued)

Tank ID: 4
**Tank Status:** Removed from Ground  
Capacity: 8000  
Product: Gasoline  
Install Date: 05/05/1982  
Remove Date: 10/01/2003  
Tank Release Detection: Automatic Tank Gauging, Inventory Control, Tank Tightness Testing  
Pipe Release Detection: Automatic Line Leak Detectors, Line Tightness Testing  
Piping Material: Fiberglass reinforced plastic  
Piping Type: Pressure  
Construction Material: Composite (Steel w/Fiberglass), Fiberglass Reinforced plastic  
Impressed Device: No

Tank ID: 5
**Tank Status:** Removed from Ground  
Capacity: 8000  
Product: Gasoline  
Install Date: 05/05/1982  
Remove Date: 10/01/2003  
Tank Release Detection: Automatic Tank Gauging, Inventory Control, Tank Tightness Testing  
Pipe Release Detection: Automatic Line Leak Detectors, Line Tightness Testing  
Piping Material: Fiberglass reinforced plastic  
Piping Type: Pressure  
Construction Material: Fiberglass Reinforced plastic  
Impressed Device: No

Tank ID: 6
**Tank Status:** Removed from Ground  
Capacity: 1000  
Product: Used Oil  
Install Date: 04/01/1988  
Remove Date: 10/14/1998  
Tank Release Detection: Tank Tightness Testing  
Pipe Release Detection: Line Tightness Testing  
Piping Material: Fiberglass reinforced plastic  
Piping Type: Gravity Feed?  
Construction Material: Composite (Steel w/Fiberglass)  
Impressed Device: No

BEA:
Secondary Address: Not reported  
BEA Number: 2477  
District: Southeast MI  
Date Received: 07/30/2004  
Submitter Name: Birmingham Property, LLC  
Petition Determination: No Request  
Petition Disclosure: 0  
Category: No Hazardous Substance(s)  
Determination 20107A: No Request  
Reviewer: mitchelf  
Division Assigned: Environmental Response Division

WDS:
Site Id: MID087750204
<table>
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<tr>
<th>Site Specific Name</th>
<th>HORTONS BIRMINGHAM SUNOCO NUMBER 84178</th>
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<tbody>
<tr>
<td>Mailing Address</td>
<td>1801 MARKET STREET</td>
</tr>
<tr>
<td>Mailing City/State/Zip</td>
<td>19103</td>
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<tr>
<td>Mailing County</td>
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<table>
<thead>
<tr>
<th>Site 2 of 2 in cluster G</th>
<th></th>
</tr>
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<tbody>
<tr>
<td>East</td>
<td>SUNOCO GASOLINE STATION (FORMER)</td>
</tr>
<tr>
<td>35001 WOODWARD AVENUE</td>
<td>INVENTORY</td>
</tr>
<tr>
<td>1/4-1/2</td>
<td>S114038915</td>
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<tr>
<td>OAKLAND (County), MI 48009</td>
<td>N/A</td>
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<tr>
<td>1907 ft.</td>
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<td>Relative: Lower</td>
<td>Bea Number: 200402477/LV</td>
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<td>Township: Birmingham</td>
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<td>Actual: 779 ft.</td>
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<tr>
<td></td>
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<td></td>
<td>Latitude: Not reported</td>
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<tr>
<td></td>
<td>Longitude: Not reported</td>
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</table>

<table>
<thead>
<tr>
<th>Site 2 of 3 in cluster F</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>East</td>
<td>SHELL - HUNTER</td>
</tr>
<tr>
<td>34977 WOODWARD AVE</td>
<td>INVENTORY</td>
</tr>
<tr>
<td>1/4-1/2</td>
<td>LUST</td>
</tr>
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<td>BIRMINGHAM, MI 49007</td>
<td>U003319719</td>
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<table>
<thead>
<tr>
<th>LUST:</th>
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<tbody>
<tr>
<td>Facility ID</td>
<td>00002267</td>
</tr>
<tr>
<td>Source: STATE OF MICHIGAN</td>
<td></td>
</tr>
<tr>
<td>Owner Name: Catalyst Development Co LLC</td>
<td></td>
</tr>
<tr>
<td>Owner Address: 100 W Michigan Ave Ste 300</td>
<td></td>
</tr>
<tr>
<td>Owner City,St,Zip: Kalamazoo, MI 49007</td>
<td></td>
</tr>
<tr>
<td>Owner Contact: Not reported</td>
<td></td>
</tr>
<tr>
<td>Owner Phone: (269) 492-6811</td>
<td></td>
</tr>
<tr>
<td>Country: USA</td>
<td></td>
</tr>
<tr>
<td>District: Region 1 - SE Michigan District Office</td>
<td></td>
</tr>
<tr>
<td>Site Name: Shell - Hunter</td>
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<td>Latitude: 42.53925</td>
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<td>Longitude: -83.20683</td>
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<tr>
<td>Date of Collection: 01/11/2001</td>
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<tr>
<td>Method of Collection: Address Matching-House Number</td>
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<td>Accuracy: 100</td>
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<tr>
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<td>Horizontal Data: NAD83</td>
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<td>Leak Number: C-0274-08</td>
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</table>
### SHELL - HUNTER (Continued)

**UST:**
- **Facility ID:** 00002267
- **Facility Type:** CLOSED
- **Owner Name:** CATALYST DEVELOPMENT CO LLC
- **Owner Address:** 100 W MICHIGAN AVE STE 300
- **Owner City, St, Zip:** KALAMAZOO, MI 49007
- **Owner Country:** USA
- **Owner Contact:** Not reported
- **Owner Phone:** (269) 492-6811
- **Contact:** Ms Patti Ownes
- **Contact Phone:** (269) 492-6811
- **Date of Collection:** 01/11/2001
- **Accuracy:** 100
- **Accuracy Value Unit:** FEET
- **Source:** STATE OF MICHIGAN
- **Point Line Area:** POINT
- **Desc Category:** Plant Entrance (Freight)
- **Method of Collection:** Address Matching-House Number
- **Latitude:** 42.53925
- **Longitude:** -83.20683

**Tank ID:** 1
- **Tank Status:** Removed from Ground
- **Capacity:** 8000
- **Product:** Gasoline
- **Install Date:** 09/01/1971
- **Remove Date:** 12/07/1999
- **Tank Release Detection:** Automatic Tank Gauging, Inventory Control
- **Pipe Release Detection:** Line Tightness Testing
- **Piping Material:** Fiberglass reinforced plastic
- **Piping Type:** Pressure
- **Construction Material:** Fiberglass Reinforced plastic
- **Impressed Device:** No

**Release Date:** 12/10/2008
- **Substance Released:** Used Oil
- **Release Status:** Open
- **Release Closed Date:** Not reported

**Leak Number:** C-0480-89
- **Release Date:** 12/08/1989
- **Substance Released:** Not reported
- **Release Status:** Closed
- **Release Closed Date:** 05/23/2000

**Leak Number:** C-1061-89
- **Release Date:** 12/08/1989
- **Substance Released:** Gasoline
- **Release Status:** Closed
- **Release Closed Date:** 05/23/2000

**Leak Number:** C-1336-98
- **Release Date:** 12/30/1998
- **Substance Released:** Unknown, Unknown
- **Release Status:** Closed
- **Release Closed Date:** 08/04/1999

**UST:**
- **Facility ID:** 00002267
- **Facility Type:** CLOSED
- **Owner Name:** CATALYST DEVELOPMENT CO LLC
- **Owner Address:** 100 W MICHIGAN AVE STE 300
- **Owner City, St, Zip:** KALAMAZOO, MI 49007
- **Owner Country:** USA
- **Owner Contact:** Not reported
- **Owner Phone:** (269) 492-6811
- **Contact:** Ms Patti Ownes
- **Contact Phone:** (269) 492-6811
- **Date of Collection:** 01/11/2001
- **Accuracy:** 100
- **Accuracy Value Unit:** FEET
- **Source:** STATE OF MICHIGAN
- **Point Line Area:** POINT
- **Desc Category:** Plant Entrance (Freight)
- **Method of Collection:** Address Matching-House Number
- **Latitude:** 42.53925
- **Longitude:** -83.20683

**Tank ID:** 1
- **Tank Status:** Removed from Ground
- **Capacity:** 8000
- **Product:** Gasoline
- **Install Date:** 09/01/1971
- **Remove Date:** 12/07/1999
- **Tank Release Detection:** Automatic Tank Gauging, Inventory Control
- **Pipe Release Detection:** Line Tightness Testing
- **Piping Material:** Fiberglass reinforced plastic
- **Piping Type:** Pressure
- **Construction Material:** Fiberglass Reinforced plastic
- **Impressed Device:** No
SHELL - HUNTER (Continued)

Tank ID: 2
Tank Status: Removed from Ground
Capacity: 10000
Product: Gasoline
Install Date: 12/01/1982
Remove Date: 12/07/1999
Tank Release Detection: Automatic Tank Gauging, Inventory Control
Pipe Release Detection: Line Tightness Testing
Piping Material: Fiberglass reinforced plastic
Piping Type: Pressure
Construction Material: Fiberglass Reinforced plastic
Impressed Device: No

Tank ID: 3
Tank Status: Removed from Ground
Capacity: 10000
Product: Gasoline
Install Date: 12/01/1982
Remove Date: 12/07/1999
Tank Release Detection: Automatic Tank Gauging, Inventory Control
Pipe Release Detection: Line Tightness Testing
Piping Material: Fiberglass reinforced plastic
Piping Type: Pressure
Construction Material: Fiberglass Reinforced plastic
Impressed Device: No

Tank ID: 4
Tank Status: Removed from Ground
Capacity: 550
Product: Used Oil
Install Date: 04/15/1949
Remove Date: 10/13/1989
Tank Release Detection: Not reported
Pipe Release Detection: Not reported
Piping Material: Galvanized Steel
Piping Type: Not reported
Construction Material: Asphalt Coated or Bare Steel
Impressed Device: No

Tank ID: 5
Tank Status: Removed from Ground
Capacity: 15000
Product: Gasoline
Install Date: 12/01/1999
Remove Date: 10/29/2003
Tank Release Detection: Automatic Tank Gauging
Pipe Release Detection: Automatic Line Leak Detectors, Interstitial Monitoring Double Walled Piping
Piping Material: Double Walled, ENVIRON GEOFLEX
Piping Type: Pressure
Construction Material: Fiberglass Reinforced plastic
Impressed Device: No
### SHELL - HUNTER (Continued)

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<thead>
<tr>
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<th>Tank Status</th>
<th>Capacity</th>
<th>Product</th>
<th>Install Date</th>
<th>Remove Date</th>
<th>Tank Release Detection</th>
<th>Pipe Release Detection</th>
<th>Piping Material</th>
<th>Piping Type</th>
<th>Construction Material</th>
<th>Impressed Device</th>
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<th>Tank Status</th>
<th>Capacity</th>
<th>Product</th>
<th>Install Date</th>
<th>Remove Date</th>
<th>Tank Release Detection</th>
<th>Pipe Release Detection</th>
<th>Piping Material</th>
<th>Piping Type</th>
<th>Construction Material</th>
<th>Impressed Device</th>
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<tr>
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<th>Tank Status</th>
<th>Capacity</th>
<th>Product</th>
<th>Install Date</th>
<th>Remove Date</th>
<th>Tank Release Detection</th>
<th>Pipe Release Detection</th>
<th>Piping Material</th>
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<td>Not reported</td>
<td>Kerosene</td>
<td>Not reported</td>
<td>12/01/1998</td>
<td>Not reported</td>
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<td>Bare Steel</td>
<td>Suction: Valve at Tank</td>
<td>Asphalt Coated or Bare Steel</td>
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<th>Tank ID</th>
<th>Tank Status</th>
<th>Capacity</th>
<th>Product</th>
<th>Install Date</th>
<th>Remove Date</th>
<th>Tank Release Detection</th>
<th>Pipe Release Detection</th>
<th>Piping Material</th>
<th>Piping Type</th>
<th>Construction Material</th>
<th>Impressed Device</th>
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<td>11</td>
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<td>500</td>
<td>Used Oil</td>
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<td>Not reported</td>
<td>Unknown</td>
<td>Not reported</td>
<td>Asphalt Coated or Bare Steel</td>
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### MAP FINDINGS

#### Site 3 of 3 in cluster F

<table>
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<tr>
<td>Office Status:</td>
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<td>Time Received by DNRE Staff:</td>
<td>Not reported</td>
</tr>
<tr>
<td>Time Occur:</td>
<td>Not reported</td>
<td>Date Of PEAS Call:</td>
<td>12/23/2000</td>
</tr>
<tr>
<td>Complainant / Company:</td>
<td>Sgt. Henry w/Michigan State Police</td>
<td>Complainant Address:</td>
<td>Unknown</td>
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<tr>
<td>Company Involved:</td>
<td>Foster’s Oil, Inc.</td>
<td>DEQ Division Involved:</td>
<td>SWQD/ State Police</td>
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<tr>
<td>Incident Description:</td>
<td>into a storm drain. The Birmingham Fire Department is on the scene. A gas tanker delivering gasoline accidentally pumped 103 gallons of gasoline</td>
<td>Description:</td>
<td>Not reported</td>
</tr>
</tbody>
</table>

### AUL:
- **Status:** Pending
- **Site Name:** Not reported
- **Property:** On-site location
- **Land Use Restriction Type:** RC
- **Program Type:** Part 213
- **Program Support Assigned User:** Not reported
- **Program Support Assigned Date:** Not reported
- **Legal Description Of Property:** Not reported
- **Based On The Deq Ref #:** 11121309003
- **MDEQ Reference Number:** RC-RRD-213-09-003
- **Property Or Description Restricted Area:** Not reported
- **Lead Division:** RRD
- **File Name Of Hyperlinked Legal Doc:** Not reported
- **Mapped Polygons Area In Acres:** 0.29999999999999999
- **Mapped Polygons Area In Square Miles:** Not reported
- **Date Data Entry Started:** Not reported
- **Date Data Entry Finished:** Not reported
- **Individual Or Staff Assoc With The Mapping:** Not reported
- **Program Used To Map Restricted Features:** Not reported
- **Date Legal Paperwork Stamped/Filed/Register Of Deeds:** 01/12/2009
- **Commercial I Land Use Restriction:** 0
- **Commercial ii Land Use Restriction:** 0
- **Commercial iii Land Use Restriction:** 0
- **Commercial Iv Land Use Restriction:** 0
- **Industrial Land Use Restriction:** 0
- **Residential Land Use Restriction:** 1
- **Recreational Land Use Restriction:** 0
- **Multiple Land-Use Restrictions:** 0
- **Site Specific Restrictions:** 0
- **Groundwater Consumption Restrictions:** 0
- **Groundwater Contact Restrictions:** 0
- **Special Well Construction Requirements:** 0
- **Special Building Restrictions:** 0
- **Excavation And Soil Movement Restrictions:** 0
- **Soil Movement Requirements:** 0
- **There Is A Restriction On All Construction:** 0

**PEAS:**

**Program Used To Map Restricted Features:** Not reported
**Individual Or Staff Assoc With The Mapping:** Not reported

**S104912434**
**SPILLS**
**AUL**
**N/A**
**BEA**
**WDS**
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<tr>
<th>Map Comments</th>
<th>Site Id</th>
<th>WDS Id</th>
<th>Site Specific Name</th>
<th>Mailing Address</th>
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<tbody>
<tr>
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<td></td>
<td>MIR00044230</td>
<td>413573</td>
<td>CATALYST DEVELOPMENT CO 8 LLC</td>
<td>34977 WOODWARD AVE</td>
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<tr>
<td>Comment</td>
<td>Mailing City/State/Zip</td>
<td>Mailing County</td>
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<tr>
<td>Gas Station, Birmingham Services Inc</td>
<td>48104</td>
<td>OAKLAND</td>
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### BEA:
- **Secondary Address**: (FORMERLY 120 S. HUNTER STREET)
- **BEA Number**: 1071
- **District**: Southeast MI
- **Date Received**: 02/07/2000
- **Submitter Name**: ANDREW BOJI
- **Petition Determination**: No Request
- **Petition Disclosure**: 0
- **Category**: Same Hazardous Substance(s)
- **Determination 20107A**: No Request
- **Reviewer**: temppm
- **Division Assigned**: Storage Tank Division

### BEA:
- **Secondary Address**: Not reported
- **BEA Number**: 4000
- **District**: Southeast MI
- **Date Received**: 09/12/2008
- **Submitter Name**: Catalyst Development Co. 8, LLC
- **Petition Determination**: No Request
- **Petition Disclosure**: 0
- **Category**: Same Hazardous Substance(s)
- **Determination 20107A**: No Request
- **Reviewer**: tiernang
- **Division Assigned**: Storage Tank Division

### BEA:
- **Secondary Address**: (Formerly 120 Hunter)
- **BEA Number**: 2187
- **District**: Southeast MI
- **Date Received**: 11/05/2003
- **Submitter Name**: Fuller Central Park Properties IV, LLC
- **Petition Determination**: Affirmed
- **Petition Disclosure**: 1
- **Category**: No Hazardous Substance(s)
- **Determination 20107A**: Affirmed
- **Reviewer**: mitchelf
- **Division Assigned**: Storage Tank Division
<table>
<thead>
<tr>
<th>Site</th>
<th>Elevation</th>
<th>Distance</th>
<th>Database(s)</th>
<th>Site Elevation</th>
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<tr>
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<td>INVENTORY</td>
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<tr>
<td>WOODWARD BROWN ASSOCIATES, LLC</td>
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<tr>
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<tr>
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<tr>
<td>2060 ft.</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Relative:</td>
<td>Lower</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Actual:</td>
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<tr>
<td>H25</td>
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<td></td>
<td>BEA</td>
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<tr>
<td>CHINESE RESTAURANT</td>
<td>BEA</td>
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<tr>
<td>856 NORTH OLD WOODWARD AVENUE</td>
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<tr>
<td>BIRMINGHAM, MI 48009</td>
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<td>N/A</td>
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<tr>
<td>2063 ft.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Site 1 of 2 in cluster H</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Relative:</td>
<td>Lower</td>
<td></td>
<td></td>
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<tr>
<td>Actual:</td>
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<tr>
<td>H26</td>
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<td>CHINESE RESTAURANT</td>
<td>INVENTORY</td>
<td>S114033310</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>856 NORTH OLD WOODWARD AVENUE</td>
<td>INVENTORY</td>
<td>S114033310</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>OAKLAND (County), MI 48009</td>
<td>INVENTORY</td>
<td>S114033310</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>2063 ft.</td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Site 2 of 2 in cluster H</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Relative:</td>
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<td></td>
</tr>
<tr>
<td>Actual:</td>
<td>751 ft.</td>
<td></td>
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</tr>
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</table>
### I27
**WOODWARD BROWN ASSOCIATES, LLC**

**ESE**

**34901 WOODWARD AVENUE**

**BIRMINGHAM, MI 48073**

**BEA**

**S110624723**

#### Site 1 of 3 in cluster I

<table>
<thead>
<tr>
<th>Direction</th>
<th>Distance</th>
<th>Elevation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1/4-1/2</td>
<td>0.392 mi.</td>
<td>2069 ft.</td>
</tr>
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</table>

- **Relative:** Site 1 of 3 in cluster I
- **Actual:** SE 34901 WOODWARD AVENUE
- **BEA:** Woodward Brown Associates, LLC
- **Date Received:** 09/16/2010
- **Petition Determination:** No Request
- **Petition Disclosure:** 0
- **Category:** No Hazardous Substance(s)
- **Determination 20107A:** No Request
- **Reviewer:** berakr
- **Division Assigned:** RRD

### I28
**WEISS SAMONA**

**ESE**

**34901 WOODWARD AVENUE**

**BIRMINGHAM, MI 48009**

**US BROWNFIELDS**

**1016357344**

#### Site 1 of 3 in cluster I

<table>
<thead>
<tr>
<th>Direction</th>
<th>Distance</th>
<th>Elevation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1/4-1/2</td>
<td>0.392 mi.</td>
<td>2071 ft.</td>
</tr>
</tbody>
</table>

- **Relative:** Site 2 of 3 in cluster I
- **Actual:** SE 34901 WOODWARD AVENUE
- **Property name:** WEISS SAMONA
- **Property #:** .52
- **Property Description:** The Property was developed as a feed mill in 1915. From at least 1921 to at least 1931 the Property was used as a lumber and coal yard, with up to nine buildings and several areas labeled as lumber piles. By 1944 the northern portion of the Property was developed with a bowling alley and by 1949 the southwest corner of the Property was developed with a hand laundry building. The southern portion of the Property was occupied by a used car lot by 1960. The bowling alley reportedly operated until at least 1973 when it was occupied for retail uses. A commercial strip mall building was constructed by 1974 and occupied the southern portion of the Property until 2005. Since the demolition of the buildings in 2005, the Property has been used as a parking lot.
- **Latitude:** Not reported
- **Longitude:** Not reported
- **HCM label:** Not reported
- **Map scale:** Not reported
- **Point of reference:** Not reported
- **Datum:** Not reported
- **ACRES property ID:** 115761
- **Start date:** Not reported
- **Completed date:** Not reported
- **Acres cleaned up:** Not reported
- **Cleanup funding:** Not reported
- **Cleanup funding source:** Not reported
- **Assessment funding:** 2800
- **Assessment funding source:** US EPA - Brownfields Assessment Cooperative Agreement
- **Redevelopment funding:** Not reported
- **Redev. funding source:** Not reported
- **Redev. funding entity name:** Not reported
WEISS SAMONA (Continued)

Redevelopment start date: Not reported
Assessment funding entity: EPA
Cleanup funding entity: Not reported
Grant type: H
Accomplishment type: Phase I Environmental Assessment
Accomplishment count: 0
Cooperative agreement #: 00E92301
Ownership entity: Private
Current owner: Not reported
Did owner change: Not reported
Cleanup required: Unknown
Video available: Not reported
Photo available: Yes
Institutional controls required: U
IC Category proprietary controls: Not reported
IC cat. info. devices: Not reported
IC cat. gov. controls: Not reported
IC cat. enforcement permit tools: Not reported
IC in place date: Not reported
IC in place: Not reported
State/tribal program date: Not reported
State/tribal program ID: Not reported
State/tribal NFA date: Not reported
Air contaminated: Not reported
Air cleaned: Not reported
Asbestos found: Not reported
Asbestos cleaned: Not reported
Controlled substance found: Not reported
Controlled substance cleaned: Not reported
Drinking water affected: Not reported
Drinking water cleaned: Not reported
Groundwater affected: Y
Groundwater cleaned: Not reported
Lead contaminant found: Y
Lead cleaned up: Not reported
No media affected: Not reported
Unknown media affected: Not reported
Other cleaned up: Not reported
Other metals found: Y
Other metals cleaned: Not reported
Other contaminants found: Not reported
Other contaminants found description: Not reported
PAHs found: Not reported
PAHs cleaned up: Not reported
PCBs found: Not reported
PCBs cleaned up: Not reported
Petro products found: Not reported
Petro products cleaned: Not reported
Sediments found: Not reported
Sediments cleaned: Not reported
Soil affected: Y
Soil cleaned up: Not reported
Surface water cleaned: Not reported
VOCs found: Y
VOCs cleaned: Not reported
Cleanup other description: Not reported
Num. of cleanup and re-dev. jobs: Not reported
WEISS SAMONA (Continued)

| Past use greenspace acreage: | Not reported |
| Past use residential acreage: | Not reported |
| Past use commercial acreage: | .52 |
| Past use industrial acreage: | Not reported |
| Future use greenspace acreage: | Not reported |
| Future use residential acreage: | Not reported |
| Future use commercial acreage: | Not reported |
| Future use industrial acreage: | Not reported |
| Greenspace acreage and type: | Not reported |
| Superfund Fed. landowner flag: | Not reported |
| Arsenic cleaned up: | Not reported |
| Cadmium cleaned up: | Not reported |
| Chromium cleaned up: | Not reported |
| Copper cleaned up: | Not reported |
| Iron cleaned up: | Not reported |
| mercury cleaned up: | Not reported |
| nickel cleaned up: | Not reported |
| No clean up: | Not reported |
| Pesticides cleaned up: | Not reported |
| Selenium cleaned up: | Not reported |
| SVOCs cleaned up: | Not reported |
| Unknown clean up: | Not reported |
| Arsenic contaminant found: | Not reported |
| Cadmium contaminant found: | Not reported |
| Chromium contaminant found: | Not reported |
| Copper contaminant found: | Not reported |
| Iron contaminant found: | Not reported |
| Mercury contaminant found: | Not reported |
| Nickel contaminant found: | Not reported |
| No contaminant found: | Not reported |
| Pesticides contaminant found: | Not reported |
| Selenium contaminant found: | Not reported |
| SVOCs contaminant found: | Not reported |
| Unknown contaminant found: | Not reported |
| Future Use: Multistory | Not reported |
| Media affected Bluilding Material: | Not reported |
| Media affected indoor air: | Not reported |
| Building material media cleaned up: | Not reported |
| Indoor air media cleaned up: | Not reported |
| Unknown media cleaned up: | Not reported |
| Past Use: Multistory | Not reported |

Recipient name: Oakland County
Grant type: Assessment
Property name: WEISS SAMONA
Property #: Not reported
Parcel size: .52

Property Description: The Property was developed as a feed mill in 1915. From at least 1921 to at least 1931 the Property was used as a lumber and coal yard, with up to nine buildings and several areas labeled as lumber piles. By 1944 the northern portion of the Property was developed with a bowling alley and by 1949 the southwest corner of the Property was developed with a hand laundry building. The southern portion of the Property was occupied by a used car lot by 1960. The bowling alley reportedly operated until at least 1973 when it was occupied for retail uses. A commercial strip mall building was constructed by 1974 and occupied the southern portion of the Property until 2005. Since
The demolition of the buildings in 2005, the Property has been used as a parking lot.

Latitude: Not reported
Longitude: Not reported
HCM label: Not reported
Map scale: Not reported
Point of reference: Not reported
Datum: Not reported
ACRES property ID: 115761
Start date: Not reported
Completed date: Not reported
Acres cleaned up: Not reported
Cleanup funding: Not reported
Cleanup funding source: Not reported
Assessment funding: 5400
Assessment funding source: US EPA - Brownfields Assessment Cooperative Agreement
Redevelopment funding: Not reported
Redev. funding source: Not reported
Redev. funding entity name: Not reported
Redevelopment start date: Not reported
Assessment funding entity: EPA
Cleanup funding entity: Not reported
Grant type: H
Accomplishment type: Phase II Environmental Assessment
Accomplishment count: 0
Cooperative agreement #: 00E92301
Ownership entity: Private
Current owner: Not reported
Did owner change: Not reported
Cleanup required: Unknown
Video available: Not reported
Photo available: Yes
Institutional controls required: U
IC Category proprietary controls: Not reported
IC cat. info. devices: Not reported
IC cat. gov. controls: Not reported
IC cat. enforcement permit tools: Not reported
IC in place date: Not reported
IC in place: Not reported
State/tribal program date: Not reported
State/tribal program ID: Not reported
State/tribal NFA date: Not reported
Air contaminated: Not reported
Air cleaned: Not reported
Asbestos found: Not reported
Asbestos cleaned: Not reported
Controlled substance found: Not reported
Controlled substance cleaned: Not reported
Drinking water affected: Not reported
Drinking water cleaned: Not reported
Groundwater affected: Y
Groundwater cleaned: Not reported
Lead contaminant found: Y
Lead cleaned up: Not reported
No media affected: Not reported
Unknown media affected: Not reported
Other cleaned up: Not reported
### WEISS SAMONA (Continued)

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<td>Other contams found description:</td>
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<td>PAHs found:</td>
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<td>PCBs found:</td>
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<td>PCBs cleaned up:</td>
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<td>Y</td>
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<td>Soil cleaned up:</td>
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<td>Surface water cleaned:</td>
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<td>VOCs found:</td>
<td>Y</td>
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<td>VOCs cleaned:</td>
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<td>Num. of cleanup and re-dev. jobs:</td>
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<td>Past use greenspace acreage:</td>
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<tr>
<td>Past use commercial acreage:</td>
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<tr>
<td>Past use industrial acreage:</td>
<td>Not reported</td>
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<td>Future use greenspace acreage:</td>
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<td>Media affected Building Material:</td>
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<tr>
<td>Building material media cleaned up:</td>
<td>Not reported</td>
</tr>
</tbody>
</table>
### WEISS SAMONA (Continued)

- Indoor air media cleaned up: Not reported
- Unknown media cleaned up: Not reported
- Past Use: Multistory

#### FINDS:
- Registry ID: 110043085050
- Environmental Interest/Information System
  - US EPA Assessment, Cleanup and Redevelopment Exchange System (ACRES)
  - is an federal online database for Brownfields Grantees to
    electronically submit data directly to EPA.

---

### I29 WOODWARD BROWN ASSOC LLC

#### INVENTORY
- Site 3 of 3 in cluster I

- **Relative:** Lower
- **Actual:** 775 ft.

- **Bea Number:** Not reported
- **Township:** Birmingham
- **District:** Southeast MI
- **Data Source:** Part 201
- **Latitude:** 42.54567
- **Longitude:** -83.21134

### J30 MOBIL #03-K9Q

#### AUL
- Site 1 of 2 in cluster J

- **Relative:** Lower
- **Actual:** 740 ft.

- **Status:** Pending
- **Property:** on-site
- **Land Use Restriction Type:** RC
- **Program Type:** Part 213
- **Legal Description Of Property:** Not reported
- **Based On The Deq Ref #:** 11121314091
- **MDEQ Reference Number:** RC-RD-213-14-091
- **Property Or Description Restricted Area:** Not reported
- **Lead Division:** RD
- **File Name Of Hyperlinked Legal Doc:** Not reported
- **Mapped Polygons Area In Acres:** Not reported
- **Mapped Polygons Area In Square Miles:** Not reported
- **Date Data Entry Started:** Not reported
- **Date Data Entry Finished:** Not reported
- **Individual Or Staff Assoc With The Mapping:** Not reported
- **Program Used To Map Restricted Features:** Not reported
- **Date Legal Paperwork Stamped/Filed/Register Of Deeds:** Not reported
- **Commercial I Land Use Restriction:** 0
**MOBIL #03-K9Q (Continued)**

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<td>Commercial IV Land Use Restriction</td>
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<td>Industrial Land Use Restriction</td>
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<tr>
<td>Residential Land Use Restriction</td>
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<tr>
<td>Recreational Land Use Restriction</td>
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</tr>
<tr>
<td>Multiple Land-Use Restrictions</td>
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<tr>
<td>Site Specific Restrictions</td>
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</tr>
<tr>
<td>Groundwater Consumption Restrictions</td>
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</tr>
<tr>
<td>Groundwater Contact Restrictions</td>
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</tr>
<tr>
<td>Special Well Construction Requirements</td>
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<tr>
<td>Special Building Restrictions</td>
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</tr>
<tr>
<td>Excavation And Soil Movement Restrictions</td>
<td>0</td>
</tr>
<tr>
<td>Soil Movement Requirements</td>
<td>0</td>
</tr>
<tr>
<td>There Is A Restriction On All Construction</td>
<td>0</td>
</tr>
<tr>
<td>Monitoring Well Protected, No Tampering Or Removal</td>
<td>0</td>
</tr>
<tr>
<td>There Is An Exposure Barrier In Place</td>
<td>0</td>
</tr>
<tr>
<td>There Is A Health And Safety Plan</td>
<td>0</td>
</tr>
<tr>
<td>There Is A Permanent Marker On The Site</td>
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**Map Comments:** Not reported

**Comment:** April 24, 2014 consultant requested DEQ reference #.

---

**MOBIL #03-K9Q**

**INVENTORY:**

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<th>Value</th>
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<tbody>
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<td>Facility ID</td>
<td>00016689</td>
</tr>
<tr>
<td>Source</td>
<td>STATE OF MICHIGAN</td>
</tr>
<tr>
<td>Owner Name</td>
<td>Hannawa &amp; Adams LLC</td>
</tr>
<tr>
<td>Owner Address</td>
<td>1065 E Maple Rd</td>
</tr>
<tr>
<td>Owner City,St,Zip</td>
<td>Birmingham, MI 48009</td>
</tr>
<tr>
<td>Owner Contact</td>
<td>Kyle Hannawa</td>
</tr>
<tr>
<td>Owner Phone</td>
<td>Not reported</td>
</tr>
<tr>
<td>Country</td>
<td>USA</td>
</tr>
<tr>
<td>District</td>
<td>Region 1 - SE Michigan District Office</td>
</tr>
<tr>
<td>Site Name</td>
<td>Mobil SS #03-K9Q</td>
</tr>
<tr>
<td>Latitude</td>
<td>42.54758</td>
</tr>
<tr>
<td>Longitude</td>
<td>-83.20581</td>
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</table>

**UST:**

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<th>Value</th>
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</thead>
<tbody>
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<td>Horizontal Data</td>
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<td>Point Line Area</td>
<td>POINT</td>
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<td>Desc Category</td>
<td>Plant Entrance (Freight)</td>
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**MOBIL #03-K9Q (Continued)**

<table>
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<th>Release Date</th>
<th>Substance Released</th>
<th>Release Status</th>
<th>Release Closed Date</th>
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<td>C-0322-04</td>
<td>07/15/2004</td>
<td>Gasoline, Gasoline, Gasoline, Used Oil</td>
<td>Open</td>
<td>Not reported</td>
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<tr>
<td>C-0571-93</td>
<td>05/12/1993</td>
<td>Used Oil, Gasoline</td>
<td>Closed</td>
<td>07/31/1996</td>
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<td>C-1693-91</td>
<td>08/19/1991</td>
<td>Unknown</td>
<td>Closed</td>
<td>07/31/1996</td>
</tr>
<tr>
<td>C-1748-91</td>
<td>08/26/1991</td>
<td>Unknown</td>
<td>Closed</td>
<td>07/31/1996</td>
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**UST:**
- **Facility ID:** 00016689
- **Facility Type:** ACTIVE
- **Owner Name:** HANNAWA & ADAMS LLC
- **Owner Address:** 1065 E MAPLE RD
- **Owner City,St,Zip:** BIRMINGHAM, MI 48009
- **Owner Country:** USA
- **Owner Contact:** Kyle Hannawa
- **Owner Phone:** Not reported
- **Contact:** Kyle Hannawa
- **Contact Phone:** (248) 755-2509
- **Date of Collection:** 10/04/2007
- **Accuracy:** 100
- **Accuracy Value Unit:** FEET
- **Horizontal Datum:** NAD83
- **Source:** STATE OF MICHIGAN
- **Point Line Area:** POINT
- **Desc Category:** Plant Entrance (Freight)
- **Method of Collection:** GPS Code Meas. Standard Positioning Service SA Off
- **Latitude:** 42.54758
- **Longitude:** -83.20580

**Tank:**
- **ID:** 1
- **Status:** Currently In Use
- **Capacity:** 10000
- **Product:** Gasoline
- **Install Date:** 04/21/1984
- **Remove Date:** Not reported
- **Release Detection:** Automatic Tank Gauging
- **Pipe Release Detection:** Automatic Line Leak Detectors, Line Tightness Testing
- **Piping Material:** Fiberglass reinforced plastic
- **Piping Type:** Pressure
- **Construction Material:** Fiberglass Reinforced plastic
- **Impressed Device:** No
MOBIL #03-K9Q (Continued)

Tank ID: 2
**Tank Status:** Currently In Use
Capacity: 8000
Product: Gasoline
Install Date: 04/21/1984
Remove Date: Not reported
Tank Release Detection: Automatic Tank Gauging
Pipe Realease Detection: Automatic Line Leak Detectors, Line Tightness Testing
Piping Material: Fiberglass reinforced plastic
Piping Type: Pressure
Construction Material: Fiberglass Reinforced plastic
Impressed Device: No

Tank ID: 3
**Tank Status:** Currently In Use
Capacity: 6000
Product: Gasoline
Install Date: 04/21/1984
Remove Date: Not reported
Tank Release Detection: Automatic Tank Gauging
Pipe Realease Detection: Automatic Line Leak Detectors, Line Tightness Testing
Piping Material: Fiberglass reinforced plastic
Piping Type: Pressure
Construction Material: Fiberglass Reinforced plastic
Impressed Device: No

Tank ID: 4
**Tank Status:** Removed from Ground
Capacity: 1000
Product: Used Oil
Install Date: 06/01/1984
Remove Date: 06/01/2005
Tank Release Detection: Automatic Tank Gauging
Pipe Realease Detection: Automatic Line Leak Detectors, Line Tightness Testing
Piping Material: Fiberglass reinforced plastic
Piping Type: Gravity Fed?
Construction Material: Composite(Steel w/Fiberglass), Epoxy Coated Steel, Fiberglass Reinforced plastic
Impressed Device: No

---

K32  ESE  1/4-1/2  2156 ft.  Site 1 of 2 in cluster K

**Property Description:**
Original development of the subject property occurred prior to 1921 with four residential dwellings. The former northern dwelling was converted into a vulcanizing operation between 1921 and 1926, which operated at the property until the structure was demolished in 1930.
GREEN'S ART SUPPLY (Continued)

The eastern dwelling was redeveloped as a plumbing supply company between 1921 and 1926, which operated (and included several additions) until the early 1950s when the building was demolished.

The central dwelling was demolished in 1930, and the northern and central portions of the subject property were redeveloped with a gasoline filling station and automotive service garage in late 1930.

The former western dwelling was demolished between 1931 and 1940, and the area was converted into a parking lot. The northern and central portions of the property were occupied by Sternals Auto Supply/Service until 1957 and Standard Oil Company in at least 1945.

The southern warehouse portion of the current building was constructed between 1949 and 1952, and was historically utilized as offices for an Edsel automotive dealership until approximately 1957.

The building was redeveloped for retail use in 1958 and the northern portion of the building was expanded between 1963 and 1967 to include the current layout. The property has been occupied by Greens Art Supply since 1958.

Latitude: 42.543816
Longitude: -83.21211
HCM label: Address Matching-House Number
Map scale: Not reported
Point of reference: Entrance Point of a Facility or Station
Datum: North American Datum of 1983
ACRES property ID: 170095
Start date: Not reported
Completed date: Not reported
Acres cleaned up: Not reported
Cleanup funding: Not reported
Cleanup funding source: Not reported
Assessment funding: 9900
Assessment funding source: US EPA - Brownfields Assessment Cooperative Agreement
Redevelopment funding: Not reported
Redev. funding source: Not reported
Redev. funding entity name: Not reported
Redevelopment start date: Not reported
Assessment funding entity: EPA
Cleanup funding entity: Not reported
Grant type: P
Accomplishment type: Phase II Environmental Assessment
Accomplishment count: 0
Cooperative agreement #: 00E01208
Ownership entity: Not reported
Current owner: Not reported
Did owner change: Not reported
Cleanup required: No
Video available: No
Photo available: Yes
Institutional controls required: N
IC Category proprietary controls: Not reported
IC cat. info. devices: Not reported
IC cat. gov. controls: Not reported
IC cat. enforcement permit tools: Not reported
IC in place date: Not reported
IC in place: No
State/tribal program date: Not reported
State/tribal program ID: Not reported
State/tribal NFA date: Not reported
GREEN'S ART SUPPLY (Continued)

Air contaminated: Not reported
Air cleaned: Not reported
Asbestos found: Not reported
Asbestos cleaned: Not reported
Controled substance found: Not reported
Controled substance cleaned: Not reported
Drinking water affected: Not reported
Drinking water cleaned: Not reported
Groundwater affected: Not reported
Groundwater cleaned: Not reported
Lead contaminant found: Y
Lead cleaned up: Not reported
No media affected: Not reported
Unknown media affected: Not reported
Other cleaned up: Not reported
Other metals found: Not reported
Other metals cleaned: Not reported
Other contaminants found: Not reported
Other contams found description: Not reported
PAHs found: Not reported
PAHs cleaned up: Not reported
PCBs found: Not reported
PCBs cleaned up: Not reported
Petro products found: Not reported
Petro products cleaned: Not reported
Sediments found: Not reported
Sediments cleaned: Not reported
Soil affected: Y
Soil cleaned up: Not reported
Surface water cleaned: Not reported
VOCs found: Y
VOCs cleaned: Not reported
Cleanup other description: Not reported
Num. of cleanup and re-dev. jobs: Not reported
Past use greenspace acreage: Not reported
Past use residential acreage: Not reported
Past use commercial acreage: .58
Past use industrial acreage: Not reported
Future use greenspace acreage: Not reported
Future use residential acreage: Not reported
Future use commercial acreage: Not reported
Future use industrial acreage: Not reported
Greenspace acreage and type: Not reported
Superfund Fed. landowner flag: Not reported
Arsenic cleaned up: Not reported
Cadmium cleaned up: Not reported
Chromium cleaned up: Not reported
Copper cleaned up: Not reported
Iron cleaned up: Not reported
mercury cleaned up: Not reported
nickel cleaned up: Not reported
No clean up: Not reported
Pesticides cleaned up: Not reported
Selenium cleaned up: Not reported
SVOCs cleaned up: Not reported
Unknown clean up: Not reported
Arsenic contaminant found: Not reported
### GREEN'S ART SUPPLY

**Property Description:**
The original development of the subject property occurred prior to 1921 with four residential dwellings. The former northern dwelling was converted into a vulcanizing operation between 1921 and 1926, which operated at the property until the structure was demolished in 1930. The eastern dwelling was redeveloped as a plumbing supply company between 1921 and 1926, which operated (and included several additions) until the early 1950s when the building was demolished. The central dwelling was demolished in 1930, and the northern and central portions of the subject property were redeveloped with a gasoline filling station and automotive service garage in late 1930. The former western dwelling was demolished between 1931 and 1940, and the area was converted into a parking lot. The northern and central portions of the property were occupied by Sternals Auto Supply/Service until 1957 and Standard Oil Company in at least 1945. The southern warehouse portion of the current building was constructed between 1949 and 1952, and was historically utilized as offices for an Edsel automotive dealership until approximately 1957. The building was redeveloped for retail use in 1958 and the northern portion of the building was expanded between 1963 and 1967 to include the current layout. The property has been occupied by Greens Art Supply since 1958.

<table>
<thead>
<tr>
<th>Site</th>
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<table>
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<th>Past Use: Multistory</th>
<th>Media affected Bluiding Material</th>
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<tr>
<td>Indoor air media cleaned up</td>
<td>Not reported</td>
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<td>Unknown media cleaned up</td>
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<td>Media affected indoor air</td>
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<td>Property name</td>
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<table>
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<table>
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<td>Iron</td>
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<tr>
<td>Mercury</td>
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</tr>
<tr>
<td>Nickel</td>
<td></td>
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<tr>
<td>No contaminant</td>
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</tr>
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<td>Pesticides</td>
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<tr>
<td>Selenium</td>
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</tr>
<tr>
<td>SVOCs</td>
<td></td>
</tr>
<tr>
<td>Unknown contaminant</td>
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</tr>
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</table>

**Acres cleaned up:** Not reported

**Start date:** Not reported

**Completed date:** Not reported

**Acres cleaned up:** Not reported

**Cleanup funding source:** Not reported

**Latitude:** 42.543816
**Longitude:** -83.21211
**HCM label:** Address Matching-House Number
**Map scale:** Not reported
**Point of reference:** Entrance Point of a Facility or Station
**Datum:** North American Datum of 1983

---

**Notes:**
- Supply since 1958.
- The current layout. The property has been occupied by Greens Art Supply since 1958.
- The central dwelling was demolished in 1930, and the northern and central portions of the subject property were redeveloped with a gasoline filling station and automotive service garage in late 1930.

---

**Address Matching-House Number:**
- Not reported

---

**Ownership Information:**
- Not reported

---

**Other Information:**
- Not reported
**GREEN'S ART SUPPLY (Continued)**

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<th>Category</th>
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<td>Petro products cleaned</td>
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<td>Sediments found</td>
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<td>Sediments cleaned</td>
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<td>Soil affected</td>
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<tr>
<td>Soil cleaned up</td>
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GREEN'S ART SUPPLY (Continued) 1016603767

Surface water cleaned: Not reported
VOCs found: Y
VOCs cleaned: Not reported
Cleanup other description: Not reported
Num. of cleanup and re-dev. jobs: Not reported
Past use greenspace acreage: Not reported
Past use residential acreage: Not reported
Past use commercial acreage: .58
Past use industrial acreage: Not reported
Future use greenspace acreage: Not reported
Future use residential acreage: Not reported
Future use commercial acreage: Not reported
Future use industrial acreage: Not reported
Greenspace acreage and type: Not reported
Superfund Fed. landowner flag: Not reported
Arsenic cleaned up: Not reported
Cadmium cleaned up: Not reported
Chromium cleaned up: Not reported
Copper cleaned up: Not reported
Iron cleaned up: Not reported
mercury cleaned up: Not reported
nickel cleaned up: Not reported
No clean up: Not reported
Pesticides cleaned up: Not reported
Selenium cleaned up: Not reported
SVOCs cleaned up: Not reported
Unknown clean up: Not reported
Arsenic contaminant found: Not reported
Cadmium contaminant found: Not reported
Chromium contaminant found: Not reported
Copper contaminant found: Not reported
Iron contaminant found: Not reported
Mercury contaminant found: Not reported
Nickel contaminant found: Not reported
No contaminant found: Not reported
Pesticides contaminant found: Not reported
Selenium contaminant found: Not reported
SVOCs contaminant found: Not reported
Unknown contaminant found: Not reported
Future Use: Multistory 0
Media affected Bluding Material: Not reported
Media affected indoor air: Not reported
Building material media cleaned up: Not reported
Indoor air media cleaned up: Not reported
Unknown media cleaned up: Not reported
Past Use: Multistory Not reported
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<th>District</th>
<th>County</th>
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<th>UST</th>
<th>Location</th>
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</thead>
<tbody>
<tr>
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<td>USA</td>
<td>STATE OF MICHIGAN</td>
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</tbody>
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**LUST:**
- Facility ID: 00001952
- Source: STATE OF MICHIGAN
- Owner Name: JAX KAR WASH #048
- Owner Address: 34745 WOODWARD
- Owner City,St,Zip: BIRMINGHAM, MI 48011
- Owner Contact: Not reported
- Owner Phone: Not reported
- Country: USA
- District: Region 1 - SE Michigan District Office
- Site Name: JAX KAR WASH #048
- Latitude: 42.53949
- Longitude: -83.20706
- Date of Collection: 01/11/2001
- Method of Collection: Address Matching-House Number
- Accuracy: 100
- Accuracy Value Unit: FEET
- Horizontal Data: NAD83
- Point Line Area: POINT
- Desc Category: Plant Entrance (Freight)
- Leak Number: C-0859-00
- Release Date: 10/27/2000
- Substance Released: Unknown
- Release Status: Open
- Release Closed Date: Not reported

**UST:**
- Facility ID: 00001952
- Facility Type: CLOSED
- Owner Name: JAX KAR WASH #048
- Owner Address: 34745 WOODWARD
- Owner City,St,Zip: BIRMINGHAM, MI 48011
- Owner Country: USA
- Owner Contact: Not reported
- Owner Phone: Not reported
- Contact: Abdeem Shakoor
- Contact Phone: (781) 231-9300
- Date of Collection: 01/11/2001
- Accuracy: 100
- Accuracy Value Unit: FEET

**EPA ID Number:** S116710702

**Description:**
- GREEN'S ART SUPPLY (Continued)
- Latitude: Not reported
- Longitude: Not reported
### JAX KAR WASH #048 (Continued)

**Tank ID:** 1  
**Tank Status:** Removed from Ground  
**Capacity:** 10000  
**Product:** Gasoline  
**Install Date:** 01/01/1966  
**Remove Date:** 10/27/2000  
**Tank Release Detection:** Not reported  
**Pipe Realease Detection:** Not reported  
**Piping Material:** Galvanized Steel  
**Piping Type:** Not reported  
**Construction Material:** Asphalt Coated or Bare Steel  
**Impressed Device:** No

**Tank ID:** 2  
**Tank Status:** Removed from Ground  
**Capacity:** 10000  
**Product:** Gasoline  
**Install Date:** 01/01/1966  
**Remove Date:** 10/27/2000  
**Tank Release Detection:** Not reported  
**Pipe Realease Detection:** Not reported  
**Piping Material:** Galvanized Steel  
**Piping Type:** Not reported  
**Construction Material:** Asphalt Coated or Bare Steel  
**Impressed Device:** No

### BEA:

**Secondary Address:** Not reported  
**BEA Number:** 1459  
**District:** Southeast MI  
**Date Received:** 08/08/2001  
**Submitter Name:** BMW CAR WASH, L.L.C.  
**Petition Determination:** No Request  
**Petition Disclosure:** 0  
**Category:** Same Hazardous Substance(s)  
**Determination 20107A:** No Request  
**Reviewer:** cokt  
**Division Assigned:** Storage Tank Division

### WDS:

**Site Id:** MIG000026887  
**WMD Id:** 429618  
**Site Specific Name:** WASH DEPOT  
**Mailing Address:** 34745 WOODWARD AVE  
**Mailing City/State/Zip:** 48009  
**Mailing County:** OAKLAND
### MAP FINDINGS

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<tr>
<th>L35</th>
<th>JAX KAR WASH</th>
<th>ESE</th>
<th>34745 WOODWARD AVENUE</th>
<th>INVENTORY</th>
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<th>SPEEDWAY LLC</th>
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<th>34750 WOODWARD AVE</th>
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<tr>
<td>Contact: CHARLES A BESSE</td>
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<tr>
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<tr>
<td>Contact telephone: (937) 863-6272</td>
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<td>Contact email: <a href="mailto:CABESSE@SPEEDWAY.COM">CABESSE@SPEEDWAY.COM</a></td>
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<td>Handler: generates 100 kg or less of hazardous waste per calendar month, and accumulates 1000 kg or less of hazardous waste at any time; or generates 1 kg or less of acutely hazardous waste per calendar month, and accumulates at any time: 1 kg or less of acutely hazardous waste; or 100 kg or less of any residue or contaminated soil, waste or other debris resulting from the cleanup of a spill, into or on any land or water, of acutely hazardous waste; or generates 100 kg or less of any residue or contaminated soil, waste or other debris resulting from the cleanup of a spill, into or on any land or water, of acutely hazardous waste during any calendar month, and accumulates at any time: 1 kg or less of acutely hazardous waste; or 100 kg or less of any residue or contaminated soil, waste or other debris resulting from the cleanup of a spill, into or on any land or water, of acutely hazardous waste</td>
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**Owner/Operator Summary:**
- **Owner/operator name:** SPEEDWAY LLC
- **Owner/operator address:** Not reported
- **Owner/operator country:** Not reported
- **Owner/operator telephone:** Not reported
- **Legal status:** Private
- **Owner/Operator Type:** Operator
SPEEDWAY LLC (Continued)

Owner/Op start date: 06/10/1999
Owner/Op end date: Not reported
Owner/operator name: SPEEDWAY LLC
Owner/operator address: Not reported
Owner/operator country: Not reported
Owner/operator telephone: Not reported
Legal status: Private
Owner/Operator Type: Owner
Owner/Op start date: 06/10/1999
Owner/Op end date: Not reported

Handler Activities Summary:
U.S. importer of hazardous waste: No
Mixed waste (haz. and radioactive): No
Recycler of hazardous waste: No
Transporter of hazardous waste: No
Treater, storer or disposer of HW: No
Underground injection activity: No
On-site burner exemption: No
Furnace exemption: No
Used oil fuel burner: No
Used oil processor: No
User oil refiner: No
Used oil fuel marketer to burner: No
Used oil Specification marketer: No
Used oil transfer facility: No
Used oil transporter: No

Historical Generators:
Date form received by agency: 06/03/2005
Site name: SPEEDWAY SUPERAMERICA LLC
Classification: Conditionally Exempt Small Quantity Generator

Date form received by agency: 09/17/1998
Site name: SPEEDWAY SUPERAMERICA LLC
Classification: Not a generator, verified

Date form received by agency: 09/02/1993
Site name: SPEEDWAY SUPERAMERICA LLC
Classification: Conditionally Exempt Small Quantity Generator

Hazardous Waste Summary:
Waste code: D001
Waste name: IGNITABLE HAZARDOUS WASTES ARE THOSE WASTES WHICH HAVE A FLASHPOINT OF LESS THAN 140 DEGREES FAHRENHEIT AS DETERMINED BY A PENSKY-MARTENS CLOSED CUP FLASH POINT TESTER. ANOTHER METHOD OF DETERMINING THE FLASH POINT OF A WASTE IS TO REVIEW THE MATERIAL SAFETY DATA SHEET, WHICH CAN BE OBTAINED FROM THE MANUFACTURER OR DISTRIBUTOR OF THE MATERIAL. LACQUER THINNER IS AN EXAMPLE OF A COMMONLY USED SOLVENT WHICH WOULD BE CONSIDERED AS IGNITABLE HAZARDOUS WASTE.

Waste code: D001
Waste name: IGNITABLE HAZARDOUS WASTES ARE THOSE WASTES WHICH HAVE A FLASHPOINT OF LESS THAN 140 DEGREES FAHRENHEIT AS DETERMINED BY A PENSKY-MARTENS
CLOSED CUP FLASH POINT TESTER. ANOTHER METHOD OF DETERMINING THEFLASH POINT OF A WASTE IS TO REVIEW THE MATERIAL SAFETY DATA SHEET,WHICH CAN BE OBTAINED FROM THE MANUFACTURER OR DISTRIBUTOR OFTHE MATERIAL. LACQUER THINNER IS AN EXAMPLE OF A COMMONLY USED SOLVENTWHICH WOULD BE CONSIDERED AS IGNITABLE HAZARDOUS WASTE.

Waste code: D001
Waste name: IGNITABLE HAZARDOUS WASTES ARE THOSE WASTES WHICH HAVE A FLASHPOINT OFLESS THAN 140 DEGREES FAHRENHEIT AS DETERMINED BY A PENSKY-MARTENS CLOSED CUP FLASH POINT TESTER. ANOTHER METHOD OF DETERMINING THEFLASH POINT OF A WASTE IS TO REVIEW THE MATERIAL SAFETY DATA SHEET,WHICH CAN BE OBTAINED FROM THE MANUFACTURER OR DISTRIBUTOR OF THE MATERIAL. LACQUER THINNER IS AN EXAMPLE OF A COMMONLY USED SOLVENTWHICH WOULD BE CONSIDERED AS IGNITABLE HAZARDOUS WASTE.

Violation Status: No violations found

FINDS:

Registry ID: 110003685968

Environmental Interest/Information System

RCRAInfo is a national information system that supports the Resource Conservation and Recovery Act (RCRA) program through the tracking of events and activities related to facilities that generate, transport, and treat, store, or dispose of hazardous waste. RCRAInfo allows RCRA program staff to track the notification, permit, compliance, and corrective action activities required under RCRA.

LUST:

Facility ID: 00016370
Source: STATE OF MICHIGAN
Owner Name: Speedway LLC
Owner Address: PO Box 1500
Owner City,St,Zip: Springfield, OH 45501
Owner Contact: Not reported
Owner Phone: (937) 864-3000
Country: USA
District: Region 1 - SE Michigan District Office
Site Name: Total #2528
Latitude: 42.54488
Longitude: -83.20977
Date of Collection: 04/06/2007
Accuracy: 100
Accuracy Value Unit: FEET
Horizontal Data: NAD83
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<td>Owner Phone:</td>
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<tr>
<td>Contact:</td>
<td>Toby Rickabaugh</td>
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**Tank ID: 1**

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<td>Capacity:</td>
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<td>Product:</td>
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<td>Pipe Realease Detection:</td>
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<td>Piping Material:</td>
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<td>Construction Material:</td>
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**Tank ID: 2**

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SPEEDWAY LLC (Continued) 1000844604

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<td>Diesel</td>
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<td>Fiberglass reinforced plastic</td>
<td>Pressure</td>
<td>Cathodically Protected Steel</td>
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M37 SIMON LAND DEVELOPMENT GROUP LLC INVENTORY U003320634
North 35975 WOODWARD AVE LUST N/A
1/4-1/2 BIRMINGHAM, MI 48084 UST N/A
0.464 mi. Site 1 of 2 in cluster M BEA N/A
2451 ft. WDS N/A

Relative: Lower
Bea Number: Not reported
Township: Not reported
District: Southeast MI
Data Source: Part 213
Latitude: 42.55355
Longitude: -83.21936

LUST:
Facility ID: 00005681
Source: STATE OF MICHIGAN
SIMON LAND DEVELOPMENT GROUP LLC (Continued)

Owner Name: Simon Land Development Group LLC
Owner Address: 1826 Northwood Dr
Owner City,St,Zip: Troy, MI 48084
Owner Contact: Fawzi Simon
Owner Phone: (248) 688-9625
Country: USA
District: Region 1 - SE Michigan District Office
Site Name: Amoco #5791
Latitude: 42.55354
Longitude: -83.21935
Date of Collection: 01/11/2001
Method of Collection: Address Matching-House Number
Accuracy: 100
Accuracy Value Unit: FEET
Horizontal Datum: NAD83
Point Line Area: POINT
Desc Category: Plant Entrance (Freight)

Leak Number: C-0008-89
Release Date: 01/13/1989
Substance Released: Not reported
Release Status: Open
Release Closed Date: Not reported

UST:
Facility ID: 00005681
Facility Type: CLOSED
Owner Name: SIMON LAND DEVELOPMENT GROUP LLC
Owner Address: 1826 NORTHWOOD DR
Owner City,St,Zip: TROY, MI 48084
Owner Country: USA
Owner Contact: Fawzi Simon
Owner Phone: (248) 688-9625
Contact: Faiz Simon
Contact Phone: (313) 292-5500
Date of Collection: 01/11/2001
Accuracy: 100
Accuracy Value Unit: FEET
Horizontal Datum: NAD83
Source: STATE OF MICHIGAN
Point Line Area: POINT
Desc Category: Plant Entrance (Freight)
Method of Collection: Address Matching-House Number
Latitude: 42.55354
Longitude: -83.21935

Tank ID: 1
Tank Status: Removed from Ground
Capacity: 6000
Product: Diesel
Install Date: 04/26/1962
Remove Date: 02/09/1989
Tank Release Detection: Not reported
Pipe Release Detection: Not reported
Piping Material: Galvanized Steel
Piping Type: Not reported
Construction Material: Asphalt Coated or Bare Steel,Lined Interior
Impressed Device: No
<table>
<thead>
<tr>
<th>Tank ID</th>
<th>Status</th>
<th>Product</th>
<th>Capacity</th>
<th>Install Date</th>
<th>Remove Date</th>
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<th>Construction Material</th>
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<tr>
<td>2</td>
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<td>Gasoline</td>
<td>6000</td>
<td>04/26/1962</td>
<td>12/01/1988</td>
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<td>Galvanized Steel</td>
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<tr>
<td>3</td>
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<td>04/26/1962</td>
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<td>04/26/1970</td>
<td>12/01/1988</td>
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### Tank Status: Removed from Ground

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<tr>
<th>Tank ID</th>
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<th>Remove Date</th>
<th>Tank Release Detection</th>
<th>Pipe Release Detection</th>
<th>Piping Material</th>
<th>Piping Type</th>
<th>Construction Material</th>
<th>Impressed Device</th>
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<tbody>
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<td>7</td>
<td>12000</td>
<td>Gasoline</td>
<td>04/26/1986</td>
<td>10/11/2007</td>
<td>Automatic Tank Gauging</td>
<td>Automatic Line Leak Detectors</td>
<td>Fiberglass reinforced plastic</td>
<td>Pressure</td>
<td>Cathodically Protected Steel</td>
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<td>12000</td>
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<td>10/11/2007</td>
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<td>9</td>
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<td>10/11/2007</td>
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<td>Fiberglass reinforced plastic</td>
<td>Pressure</td>
<td>Cathodically Protected Steel</td>
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<td>10</td>
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</table>
SIMON LAND DEVELOPMENT GROUP LLC (Continued)

Capacity: 560
Product: Used Oil
Install Date: 11/10/1989
Remove Date: 11/01/2007
Tank Release Detection: Automatic Tank Gauging
Pipe Realease Detection: Automatic Line Leak Detectors
Piping Material: Fiberglass reinforced plastic, Vent.
Piping Type: Not reported
Construction Material: Cathodically Protected Steel
Impressed Device: No

BEA:
Secondary Address: Not reported
BEA Number: 3735
District: Southeast MI
Date Received: 11/21/2007
Submitter Name: Simon Land Development Group, LLC
Petition Determination: No Request
Petition Disclosure: 0
Category: No Hazardous Substance(s)
Determination 20107A: No Request
Reviewer: mitchelf
Division Assigned: Storage Tank Division

Secondary Address: Not reported
BEA Number: 3161
District: Southeast MI
Date Received: 05/31/2006
Submitter Name: Simon Land Development Group, LLC
Petition Determination: No Request
Petition Disclosure: 0
Category: No Hazardous Substance(s)
Determination 20107A: No Request
Reviewer: schlauf
Division Assigned: Storage Tank Division

WDS:
Site Id: MID985606458
WMD Id: 404537
Site Specific Name: A & G AUTO CARE
Mailing Address: 35975 WOODWARD AVE
Mailing City/State/Zip: 48009
Mailing County: OAKLAND

INVENTORY: S114035253
INVENTORY: N/A

M38 GASOLINE STATION
North 35975 WOODWARD AVENUE
1/4-1/2 OAKLAND (County), MI 48009
0.464 mi. 2451 ft. Site 2 of 2 in cluster M

Relative: Lower
Actual: 747 ft.
Bea Number: 200703735LV
District: Southeast MI
Data Source: BEA
Latitude: Not reported
Longitude: Not reported
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<th>Site</th>
<th>39</th>
<th>ESTATE MOTORS</th>
<th>464 S WOODWARD AVE</th>
<th>BIRMINGHAM, MI 99999</th>
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<td>UOST</td>
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<td>Owner Contact:</td>
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<td>Mailing Address:</td>
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<th>GHAFAI PROPERTIES INC</th>
<th>36101 WOODWARD AVE</th>
<th>BIRMINGHAM, MI 48009</th>
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TC4225651.2s Page 60
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<td>Owner City, St, Zip:</td>
<td>Birmingham, MI 48009</td>
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<td>(248) 647-0020</td>
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<p>| <strong>UST:</strong>                          |                                                                     |
| Facility ID:                      | 00034940                                                            |
| Facility Type:                    | ACTIVE                                                              |
| Owner Name:                       | GHAFARI PROPERTIES LLC                                              |
| Owner Address:                    | 36101 WOODWARD AVE                                                  |
| Owner City, St, Zip:              | BIRMINGHAM, MI 48009                                                |
| Owner Country:                    | USA                                                                 |
| Owner Contact:                    | Not reported                                                        |
| Owner Phone:                      | (248) 647-0020                                                       |
| Contact:                          | Sejaan Ghafari                                                      |
| Contact Phone:                    | (248) 647-0020                                                       |
| Date of Collection:               | 01/05/2007                                                          |
| Accuracy:                         | 100                                                                 |
| Accuracy Value Unit:              | FEET                                                                |
| Horizontal Datum:                 | NAD83                                                               |
| Source:                           | STATE OF MICHIGAN                                                   |
| Point Line Area:                  | POINT                                                               |
| Desc Category:                    | Plant Entrance (Freight)                                            |</p>
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<th>Piping Type</th>
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<td>Gasoline</td>
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<td>09/13/1990</td>
<td>Removed from Ground</td>
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<td>Fiberglass reinforced plastic</td>
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<td>4</td>
<td>10000</td>
<td>Gasoline</td>
<td>09/13/1990</td>
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<td>Currently In Use</td>
<td>Automatic Tank Gauging</td>
<td>Double Walled, Flexible Piping</td>
<td>Pressure, Pressure, Pressure</td>
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GHAFARI PROPERTIES INC (Continued) U003426133

Impressed Device: No

Tank ID: 5
Tank Status: Currently In Use
Capacity: 10000
Product: Gasoline
Install Date: 09/13/1990
Remove Date: Not reported
Tank Release Detection: Automatic Tank Gauging
Pipe Release Detection: Automatic Line Leak Detectors, Line Tightness Testing
Piping Material: Fiberglass Reinforced Plastic
Piping Type: Pressure
Construction Material: Lined Interior, Double Walled
Impressed Device: No

Tank ID: 6
Tank Status: Currently In Use
Capacity: 10000
Product: Gasoline
Install Date: 09/13/1990
Remove Date: Not reported
Tank Release Detection: Automatic Tank Gauging
Pipe Release Detection: Automatic Line Leak Detectors, Line Tightness Testing
Piping Material: Automatic Line Leak Detectors, Line Tightness Testing
Piping Type: Pressure
Construction Material: Fiberglass Reinforced Plastic
Impressed Device: No

Tank ID: 7
Tank Status: Currently In Use
Capacity: 10000
Product: Gasoline
Install Date: 09/13/1990
Remove Date: Not reported
Tank Release Detection: Automatic Tank Gauging
Pipe Release Detection: Automatic Line Leak Detectors, Line Tightness Testing
Piping Material: Double Walled, Flexible Piping
Piping Type: Gravity Fed?, Pressure
Construction Material: Fiberglass Reinforced Plastic
Impressed Device: No

Tank ID: 8
Tank Status: Currently In Use
Capacity: 6000
Product: Water
Install Date: 11/22/2011
Remove Date: Not reported
Tank Release Detection: Not reported
Pipe Release Detection: Automatic Line Leak Detectors
Piping Material: Double Walled, Flexible Piping
Piping Type: Not reported
Construction Material: Fiberglass Reinforced Plastic, Double Walled
Impressed Device: No
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<tr>
<th>City</th>
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</table>

NO SITES FOUND
To maintain currency of the following federal and state databases, EDR contacts the appropriate governmental agency on a monthly or quarterly basis, as required.

**Number of Days to Update:** Provides confirmation that EDR is reporting records that have been updated within 90 days from the date the government agency made the information available to the public.

**STANDARD ENVIRONMENTAL RECORDS**

**Federal NPL site list**

NPL: National Priority List

National Priorities List (Superfund). The NPL is a subset of CERCLIS and identifies over 1,200 sites for priority cleanup under the Superfund Program. NPL sites may encompass relatively large areas. As such, EDR provides polygon coverage for over 1,000 NPL site boundaries produced by EPA’s Environmental Photographic Interpretation Center (EPIC) and regional EPA offices.

- **Date of Government Version:** 12/16/2014
- **Date Data Arrived at EDR:** 01/08/2015
- **Date Made Active in Reports:** 02/09/2015
- **Number of Days to Update:** 32

**NPL Site Boundaries**

Sources:

- EPA’s Environmental Photographic Interpretation Center (EPIC)
  Telephone: 202-564-7333
- EPA Region 1
  Telephone: 617-918-1143
- EPA Region 2
  Telephone: 215-814-5418
- EPA Region 3
  Telephone: 404-562-8033
- EPA Region 4
  Telephone: 312-886-6686
- EPA Region 5
  Telephone: 206-553-8665
- EPA Region 6
  Telephone: 214-655-6659
- EPA Region 7
  Telephone: 913-551-7247
- EPA Region 8
  Telephone: 303-312-6774
- EPA Region 9
  Telephone: 415-947-4246
- EPA Region 10
  Telephone: 202-564-7333

**Proposed NPL:** Proposed National Priority List Sites

A site that has been proposed for listing on the National Priorities List through the issuance of a proposed rule in the Federal Register. EPA then accepts public comments on the site, responds to the comments, and places on the NPL those sites that continue to meet the requirements for listing.

- **Date of Government Version:** 12/16/2014
- **Date Data Arrived at EDR:** 01/08/2015
- **Date Made Active in Reports:** 02/09/2015
- **Number of Days to Update:** 32

**NPL LIENS:** Federal Superfund Liens

Federal Superfund Liens. Under the authority granted the USEPA by CERCLA of 1980, the USEPA has the authority to file liens against real property in order to recover remedial action expenditures or when the property owner received notification of potential liability. USEPA compiles a listing of filed notices of Superfund Liens.

- **Date of Government Version:** 10/15/1991
- **Date Data Arrived at EDR:** 02/02/1994
- **Date Made Active in Reports:** 03/30/1994
- **Number of Days to Update:** 56
Federal Delisted NPL site list

DELISTED NPL: National Priority List Deletions

The National Oil and Hazardous Substances Pollution Contingency Plan (NCP) establishes the criteria that the EPA uses to delete sites from the NPL. In accordance with 40 CFR 300.425.(e), sites may be deleted from the NPL where no further response is appropriate.

Date of Government Version: 12/16/2014  Source: EPA
Date Data Arrived at EDR: 01/08/2015  Telephone: N/A
Date Made Active in Reports: 02/09/2015  Last EDR Contact: 01/08/2015
Number of Days to Update: 32  Next Scheduled EDR Contact: 04/20/2015
Data Release Frequency: Quarterly

Federal CERCLIS list

CERCLIS: Comprehensive Environmental Response, Compensation, and Liability Information System

CERCLIS contains data on potentially hazardous waste sites that have been reported to the USEPA by states, municipalities, private companies and private persons, pursuant to Section 103 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). CERCLIS contains sites which are either proposed to or on the National Priorities List (NPL) and sites which are in the screening and assessment phase for possible inclusion on the NPL.

Date of Government Version: 10/25/2013  Source: EPA
Date Data Arrived at EDR: 11/11/2013  Telephone: 703-412-9810
Date Made Active in Reports: 02/13/2014  Last EDR Contact: 02/27/2015
Number of Days to Update: 94  Next Scheduled EDR Contact: 06/08/2015
Data Release Frequency: Quarterly

FEDERAL FACILITY: Federal Facility Site Information listing

A listing of National Priority List (NPL) and Base Realignment and Closure (BRAC) sites found in the Comprehensive Environmental Response, Compensation and Liability Information System (CERCLIS) Database where EPA Federal Facilities Restoration and Reuse Office is involved in cleanup activities.

Date of Government Version: 07/21/2014  Source: Environmental Protection Agency
Date Data Arrived at EDR: 10/07/2014  Telephone: 703-603-8704
Date Made Active in Reports: 10/20/2014  Last EDR Contact: 01/09/2015
Number of Days to Update: 13  Next Scheduled EDR Contact: 04/20/2015
Data Release Frequency: Varies

Federal CERCLIS NFRAP site List

CERCLIS-NFRAP: CERCLIS No Further Remedial Action Planned

Archived sites are sites that have been removed and archived from the inventory of CERCLIS sites. Archived status indicates that, to the best of EPA's knowledge, assessment at a site has been completed and that EPA has determined no further steps will be taken to list this site on the National Priorities List (NPL), unless information indicates this decision was not appropriate or other considerations require a recommendation for listing at a later time.

This decision does not necessarily mean that there is no hazard associated with a given site; it only means that, based upon available information, the location is not judged to be a potential NPL site.

Date of Government Version: 10/25/2013  Source: EPA
Date Data Arrived at EDR: 11/11/2013  Telephone: 703-412-9810
Date Made Active in Reports: 02/13/2014  Last EDR Contact: 02/27/2015
Number of Days to Update: 94  Next Scheduled EDR Contact: 06/08/2015
Data Release Frequency: Quarterly

Federal RCRA CORRACTS facilities list

CORRACTS: Corrective Action Report

CORRACTS identifies hazardous waste handlers with RCRA corrective action activity.
Federal RCRA non-CORRACTS TSD facilities list

RCRA-TSDF: RCRA - Treatment, Storage and Disposal
RCRAInfo is EPA’s comprehensive information system, providing access to data supporting the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984. The database includes selective information on sites which generate, transport, store, treat and/or dispose of hazardous waste as defined by the Resource Conservation and Recovery Act (RCRA). Transporters are individuals or entities that move hazardous waste from the generator offsite to a facility that can recycle, treat, store, or dispose of the waste. TSDFs treat, store, or dispose of the waste.

Federal RCRA generators list

RCRA-LQG: RCRA - Large Quantity Generators
RCRAInfo is EPA’s comprehensive information system, providing access to data supporting the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984. The database includes selective information on sites which generate, transport, store, treat and/or dispose of hazardous waste as defined by the Resource Conservation and Recovery Act (RCRA). Large quantity generators (LQGs) generate over 1,000 kilograms (kg) of hazardous waste, or over 1 kg of acutely hazardous waste per month.

RCRA-SQG: RCRA - Small Quantity Generators
RCRAInfo is EPA’s comprehensive information system, providing access to data supporting the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984. The database includes selective information on sites which generate, transport, store, treat and/or dispose of hazardous waste as defined by the Resource Conservation and Recovery Act (RCRA). Small quantity generators (SQGs) generate between 100 kg and 1,000 kg of hazardous waste per month.

RCRA-CESQG: RCRA - Conditionally Exempt Small Quantity Generators
RCRAInfo is EPA’s comprehensive information system, providing access to data supporting the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984. The database includes selective information on sites which generate, transport, store, treat and/or dispose of hazardous waste as defined by the Resource Conservation and Recovery Act (RCRA). Conditionally exempt small quantity generators (CESQGs) generate less than 100 kg of hazardous waste, or less than 1 kg of acutely hazardous waste per month.
Federal institutional controls / engineering controls registries

US ENG CONTROLS: Engineering Controls Sites List
A listing of sites with engineering controls in place. Engineering controls include various forms of caps, building foundations, liners, and treatment methods to create pathway elimination for regulated substances to enter environmental media or affect human health.

Date of Government Version: 09/18/2014
Date Data Arrived at EDR: 09/19/2014
Date Made Active in Reports: 10/20/2014
Number of Days to Update: 31
Source: Environmental Protection Agency
Telephone: 703-603-0695
Last EDR Contact: 02/26/2015
Next Scheduled EDR Contact: 06/15/2015
Data Release Frequency: Varies

US INST CONTROL: Sites with Institutional Controls
A listing of sites with institutional controls in place. Institutional controls include administrative measures, such as groundwater use restrictions, construction restrictions, property use restrictions, and post remediation care requirements intended to prevent exposure to contaminants remaining on site. Deed restrictions are generally required as part of the institutional controls.

Date of Government Version: 09/18/2014
Date Data Arrived at EDR: 09/19/2014
Date Made Active in Reports: 10/20/2014
Number of Days to Update: 31
Source: Environmental Protection Agency
Telephone: 703-603-0695
Last EDR Contact: 02/26/2015
Next Scheduled EDR Contact: 06/15/2015
Data Release Frequency: Varies

LUCIS: Land Use Control Information System
LUCIS contains records of land use control information pertaining to the former Navy Base Realignment and Closure properties.

Date of Government Version: 12/03/2014
Date Data Arrived at EDR: 12/12/2014
Date Made Active in Reports: 01/29/2015
Number of Days to Update: 48
Source: Department of the Navy
Telephone: 843-820-7326
Last EDR Contact: 02/16/2015
Next Scheduled EDR Contact: 06/01/2015
Data Release Frequency: Varies

Federal ERNS list

ERNS: Emergency Response Notification System
Emergency Response Notification System. ERNS records and stores information on reported releases of oil and hazardous substances.

Date of Government Version: 09/29/2014
Date Data Arrived at EDR: 09/30/2014
Date Made Active in Reports: 11/06/2014
Number of Days to Update: 37
Source: National Response Center, United States Coast Guard
Telephone: 202-267-2180
Last EDR Contact: 12/29/2014
Next Scheduled EDR Contact: 04/13/2015
Data Release Frequency: Annually

State- and tribal - equivalent CERCLIS

SHWS: This state does not maintain a SHWS list. See the Federal CERCLIS list and Federal NPL list.

State and tribal landfill and/or solid waste disposal site lists
### SWF/LF: Solid Waste Facilities Database

Solid Waste Facilities/Landfill Sites. SWF/LF type records typically contain an inventory of solid waste disposal facilities or landfills in a particular state. Depending on the state, these may be active or inactive facilities or open dumps that failed to meet RCRA Subtitle D Section 4004 criteria for solid waste landfills or disposal sites.

<table>
<thead>
<tr>
<th>Date of Government Version</th>
<th>Date Data Arrived at EDR</th>
<th>Date Made Active in Reports</th>
<th>Number of Days to Update</th>
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<td>Semi-Annually</td>
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### State and tribal leaking storage tank lists

#### LUST: Leaking Underground Storage Tank Sites

Leaking Underground Storage Tank Incident Reports. LUST records contain an inventory of reported leaking underground storage tank incidents. Not all states maintain these records, and the information stored varies by state.

<table>
<thead>
<tr>
<th>Date of Government Version</th>
<th>Date Data Arrived at EDR</th>
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<td>02/16/2015</td>
<td>06/01/2015</td>
<td>Annually</td>
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#### INDIAN LUST R9: Leaking Underground Storage Tanks on Indian Land

LUSTs on Indian land in Arizona, California, New Mexico and Nevada

<table>
<thead>
<tr>
<th>Date of Government Version</th>
<th>Date Data Arrived at EDR</th>
<th>Date Made Active in Reports</th>
<th>Number of Days to Update</th>
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#### INDIAN LUST R7: Leaking Underground Storage Tanks on Indian Land

LUSTs on Indian land in Iowa, Kansas, and Nebraska

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<th>Date Made Active in Reports</th>
<th>Number of Days to Update</th>
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#### INDIAN LUST R6: Leaking Underground Storage Tanks on Indian Land

LUSTs on Indian land in New Mexico and Oklahoma.

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<th>Next Scheduled EDR Contact</th>
<th>Data Release Frequency</th>
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#### INDIAN LUST R5: Leaking Underground Storage Tanks on Indian Land

Leaking underground storage tanks located on Indian Land in Michigan, Minnesota and Wisconsin.

<table>
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<th>Date of Government Version</th>
<th>Date Data Arrived at EDR</th>
<th>Date Made Active in Reports</th>
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INDIAN LUST R10: Leaking Underground Storage Tanks on Indian Land

Date of Government Version: 11/10/2014  Source: EPA Region 10
Date Data Arrived at EDR: 11/14/2014  Telephone: 206-553-2857
Date Made Active in Reports: 02/09/2015  Last EDR Contact: 01/26/2015
Number of Days to Update: 87  Next Scheduled EDR Contact: 05/11/2015
Data Release Frequency: Quarterly

INDIAN LUST R8: Leaking Underground Storage Tanks on Indian Land
LUSTs on Indian land in Colorado, Montana, North Dakota, South Dakota, Utah and Wyoming.

Date of Government Version: 11/04/2014  Source: EPA Region 8
Date Data Arrived at EDR: 11/07/2014  Telephone: 303-312-6271
Date Made Active in Reports: 11/17/2014  Last EDR Contact: 01/26/2015
Number of Days to Update: 10  Next Scheduled EDR Contact: 05/11/2015
Data Release Frequency: Quarterly

INDIAN LUST R1: Leaking Underground Storage Tanks on Indian Land
A listing of leaking underground storage tank locations on Indian Land.

Date of Government Version: 02/01/2013  Source: EPA Region 1
Date Data Arrived at EDR: 05/01/2013  Telephone: 617-918-1313
Date Made Active in Reports: 11/01/2013  Last EDR Contact: 01/30/2015
Number of Days to Update: 184  Next Scheduled EDR Contact: 05/11/2015
Data Release Frequency: Quarterly

INDIAN LUST R4: Leaking Underground Storage Tanks on Indian Land
LUSTs on Indian land in Florida, Mississippi and North Carolina.

Date of Government Version: 07/30/2014  Source: EPA Region 4
Date Data Arrived at EDR: 08/12/2014  Telephone: 404-562-8677
Date Made Active in Reports: 08/22/2014  Last EDR Contact: 01/26/2015
Number of Days to Update: 10  Next Scheduled EDR Contact: 05/11/2015
Data Release Frequency: Semi-Annually

State and tribal registered storage tank lists

UST: Underground Storage Tank Facility List
Registered Underground Storage Tanks. UST’s are regulated under Subtitle I of the Resource Conservation and Recovery Act (RCRA) and must be registered with the state department responsible for administering the UST program. Available information varies by state program.

Date of Government Version: 12/02/2014  Source: Dept of Environmental Quality
Date Data Arrived at EDR: 12/04/2014  Telephone: 517-335-4035
Date Made Active in Reports: 01/19/2015  Last EDR Contact: 02/16/2015
Number of Days to Update: 46  Next Scheduled EDR Contact: 06/01/2015
Data Release Frequency: Annually

UST 2: Underground Storage Tank Listing
A listing of underground storage tank site locations that have unknown owner information.

Date of Government Version: 01/28/2015  Source: Dept of Environmental Quality
Date Data Arrived at EDR: 01/29/2015  Telephone: 517-335-7211
Date Made Active in Reports: 02/20/2015  Last EDR Contact: 01/19/2015
Number of Days to Update: 22  Next Scheduled EDR Contact: 05/04/2015
Data Release Frequency: Annually

AST: Aboveground Tanks
Registered Aboveground Storage Tanks.
INDIAN UST R1: Underground Storage Tanks on Indian Land
The Indian Underground Storage Tank (UST) database provides information about underground storage tanks on Indian land in EPA Region 1 (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont and ten Tribal Nations).

Date of Government Version: 02/01/2013
Date Data Arrived at EDR: 05/01/2013
Date Made Active in Reports: 01/27/2014
Number of Days to Update: 271
Source: EPA, Region 1
Telephone: 617-918-1313
Last EDR Contact: 01/30/2015
Next Scheduled EDR Contact: 05/11/2015
Data Release Frequency: Varies

INDIAN UST R4: Underground Storage Tanks on Indian Land
The Indian Underground Storage Tank (UST) database provides information about underground storage tanks on Indian land in EPA Region 4 (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee and Tribal Nations).

Date of Government Version: 07/30/2014
Date Data Arrived at EDR: 08/12/2014
Date Made Active in Reports: 08/22/2014
Number of Days to Update: 10
Source: EPA Region 4
Telephone: 404-562-9424
Last EDR Contact: 01/26/2015
Next Scheduled EDR Contact: 05/11/2015
Data Release Frequency: Semi-Annually

INDIAN UST R5: Underground Storage Tanks on Indian Land
The Indian Underground Storage Tank (UST) database provides information about underground storage tanks on Indian land in EPA Region 5 (Michigan, Minnesota and Wisconsin and Tribal Nations).

Date of Government Version: 11/03/2014
Date Data Arrived at EDR: 11/05/2014
Date Made Active in Reports: 11/17/2014
Number of Days to Update: 12
Source: EPA Region 5
Telephone: 312-886-6136
Last EDR Contact: 01/26/2015
Next Scheduled EDR Contact: 05/11/2015
Data Release Frequency: Semi-Annually

INDIAN UST R6: Underground Storage Tanks on Indian Land
The Indian Underground Storage Tank (UST) database provides information about underground storage tanks on Indian land in EPA Region 6 (Louisiana, Arkansas, Oklahoma, New Mexico, Texas and 65 Tribes).

Date of Government Version: 10/06/2014
Date Data Arrived at EDR: 10/29/2014
Date Made Active in Reports: 11/06/2014
Number of Days to Update: 8
Source: EPA Region 6
Telephone: 214-665-7591
Last EDR Contact: 01/26/2015
Next Scheduled EDR Contact: 05/11/2015
Data Release Frequency: Semi-Annually

INDIAN UST R7: Underground Storage Tanks on Indian Land
The Indian Underground Storage Tank (UST) database provides information about underground storage tanks on Indian land in EPA Region 7 (Iowa, Kansas, Missouri, Nebraska, and 9 Tribal Nations).

Date of Government Version: 09/23/2014
Date Data Arrived at EDR: 11/25/2014
Date Made Active in Reports: 01/29/2015
Number of Days to Update: 65
Source: EPA Region 7
Telephone: 913-551-7003
Last EDR Contact: 01/26/2015
Next Scheduled EDR Contact: 05/11/2015
Data Release Frequency: Varies

INDIAN UST R8: Underground Storage Tanks on Indian Land
The Indian Underground Storage Tank (UST) database provides information about underground storage tanks on Indian land in EPA Region 8 (Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming and 27 Tribal Nations).
INDIAN UST R9: Underground Storage Tanks on Indian Land
The Indian Underground Storage Tank (UST) database provides information about underground storage tanks on Indian land in EPA Region 9 (Arizona, California, Hawaii, Nevada, the Pacific Islands, and Tribal Nations).

INDIAN UST R10: Underground Storage Tanks on Indian Land

FEMA UST: Underground Storage Tank Listing
A listing of all FEMA owned underground storage tanks.

State and tribal institutional control / engineering control registries

AUL: Engineering and Institutional Controls
A listing of sites with institutional and/or engineering controls in place.

State and tribal voluntary cleanup sites

INDIAN VCP R1: Voluntary Cleanup Priority Listing
A listing of voluntary cleanup priority sites located on Indian Land located in Region 1.

INDIAN VCP R7: Voluntary Cleanup Priority Listing
A listing of voluntary cleanup priority sites located on Indian Land located in Region 7.
**State and tribal Brownfields sites**

**BROWNFIELDS: Brownfields and USTfield Site Database**
All state funded Part 201 and 213 sites, as well as LUST sites that have been redeveloped by private entities using the BEA process. Be aware that this is not a list of all of the potential brownfield sites in Michigan.

<table>
<thead>
<tr>
<th>Date of Government Version</th>
<th>Source: Dept of Environmental Quality</th>
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<tbody>
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<td>Data Release Frequency:</td>
<td>Varies</td>
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**BROWNFIELDS 2: Brownfields Building and Land Site Locations**

A listing of brownfield building and land site locations. The listing is a collaborative effort of Michigan Economic Development Corporation, Michigan Economic Developers Association, Detrot Edison, Detroit Area Commercial Board of Realtors.

<table>
<thead>
<tr>
<th>Date of Government Version</th>
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**ADDITIONAL ENVIRONMENTAL RECORDS**

**Local Brownfield lists**

**US BROWNFIELDS: A Listing of Brownfields Sites**
Brownfields are real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. Cleaning up and reinvesting in these properties takes development pressures off of undeveloped, open land, and both improves and protects the environment. Assessment, Cleanup and Redevelopment Exchange System (ACRES) stores information reported by EPA Brownfields grant recipients on brownfields properties assessed or cleaned up with grant funding as well as information on Targeted Brownfields Assessments performed by EPA Regions. A listing of ACRES Brownfield sites is obtained from Cleanups in My Community. Cleanups in My Community provides information on Brownfields properties for which information is reported back to EPA, as well as areas served by Brownfields grant programs.

<table>
<thead>
<tr>
<th>Date of Government Version</th>
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<td>Semi-Annually</td>
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</table>

**Local Lists of Landfill / Solid Waste Disposal Sites**

**DEBRIS REGION 9: Torres Martinez Reservation Illegal Dump Site Locations**
A listing of illegal dump sites location on the Torres Martinez Indian Reservation located in eastern Riverside County and northern Imperial County, California.

<table>
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<tr>
<th>Date of Government Version</th>
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<tbody>
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</table>
ODI: Open Dump Inventory
An open dump is defined as a disposal facility that does not comply with one or more of the Part 257 or Part 258 Subtitle D Criteria.

- Date of Government Version: 06/30/1985
- Date Data Arrived at EDR: 08/09/2004
- Date Made Active in Reports: 09/17/2004
- Number of Days to Update: 39
- Source: Environmental Protection Agency
- Telephone: 800-424-9346
- Last EDR Contact: 06/09/2004
- Next Scheduled EDR Contact: N/A
- Data Release Frequency: No Update Planned

HIST LF: Inactive Solid Waste Facilities
The database contains historical information and is no longer updated.

- Date of Government Version: 03/01/1997
- Date Data Arrived at EDR: 02/28/2003
- Date Made Active in Reports: 03/06/2003
- Number of Days to Update: 6
- Source: Dept of Environmental Quality
- Telephone: 517-335-4034
- Last EDR Contact: 02/28/2003
- Next Scheduled EDR Contact: N/A
- Data Release Frequency: No Update Planned

SWRCY: Recycling Facilities
A listing of recycling center locations.

- Date of Government Version: 07/11/2014
- Date Data Arrived at EDR: 07/11/2014
- Date Made Active in Reports: 08/11/2014
- Number of Days to Update: 31
- Source: Dept of Environmental Quality
- Telephone: 517-241-5719
- Last EDR Contact: 12/29/2014
- Next Scheduled EDR Contact: 04/13/2015
- Data Release Frequency: Varies

INDIAN ODI: Report on the Status of Open Dumps on Indian Lands
Location of open dumps on Indian land.

- Date of Government Version: 12/31/1998
- Date Data Arrived at EDR: 12/03/2007
- Date Made Active in Reports: 01/24/2008
- Number of Days to Update: 52
- Source: Environmental Protection Agency
- Telephone: 703-308-8245
- Last EDR Contact: 02/02/2015
- Next Scheduled EDR Contact: 05/18/2015
- Data Release Frequency: Varies

Local Lists of Hazardous waste / Contaminated Sites

US CDL: Clandestine Drug Labs
A listing of clandestine drug lab locations. The U.S. Department of Justice ("the Department") provides this web site as a public service. It contains addresses of some locations where law enforcement agencies reported they found chemicals or other items that indicated the presence of either clandestine drug laboratories or dumpsites. In most cases, the source of the entries is not the Department, and the Department has not verified the entry and does not guarantee its accuracy. Members of the public must verify the accuracy of all entries by, for example, contacting local law enforcement and local health departments.

- Date of Government Version: 11/10/2014
- Date Data Arrived at EDR: 12/01/2014
- Date Made Active in Reports: 02/09/2015
- Number of Days to Update: 70
- Source: Drug Enforcement Administration
- Telephone: 202-307-1000
- Last EDR Contact: 03/03/2015
- Next Scheduled EDR Contact: 06/15/2015
- Data Release Frequency: Quarterly

INVENTORY: Inventory of Facilities
The Inventory of Facilities has three data sources: Facilities under Part 201, Environmental Remediation, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA) identified through state funded or private party response activities (Projects); Facilities under Part 213, Leaking Underground Storage Tanks of the NREPA; and Facilities identified through submittals of Baseline Environmental Assessments (BEA) submitted pursuant to Part 201 or Part 213 of the NREPA. The Part 201 Projects Inventory does not include all of the facilities that are subject to regulation under Part 201 because owners are not required to inform the Department of Environmental Quality (DEQ) about the facilities and can pursue cleanup independently. Facilities that are not known to DEQ are not on the Inventory, nor are locations with releases that resulted in low environmental impact. Part 213 facilities listed here may have more than one release; a list of releases for which corrective actions have been completed and list of releases for which corrective action has not been completed is located on the Leaking Underground Storage Tanks Site Search webpage. The DEQ may or may not have reviewed and concurred with the conclusion that the corrective actions described in a closure report meets criteria. A BEA is a document that new or prospective property owners/operations disclose to the DEQ identifying the property as a facility pursuant to Part 201 and Part 213. The Inventory of BEA Facilities overlaps in part with the Part 201 Projects facilities and Part 213 facilities. There may be more than one BEA for each facility.

PART 201: Part 201 Site List
A Part 201 Listed site is a location that has been evaluated and scored by the DEQ using the Part 201 scoring model. The location is or includes a "facility" as defined by Part 201, where there has been a release of a hazardous substance(s) in excess of the Part 201 residential criteria, and/or where corrective actions have not been completed under Part 201 to meet the applicable cleanup criteria for unrestricted residential use. The Part 201 List does not include all of the sites of contamination that are subject to regulation under Part 201 because owners are not required to inform the DEQ about the sites and can pursue cleanup independently. Sites of environmental contamination that are not known to DEQ are not on the list, nor are sites with releases that resulted in low environmental impact.

DEL PART 201: Delisted List of Contaminated Sites
A deleted site has been removed from the Part 201 List because information known to the DEQ at the time of the evaluation does not support inclusion on the Part 201 List. This designation is often applied to sites where changes in cleanup criteria resulted in a determination that the site no longer exceeds any applicable cleanup criterion. A delisted site has been removed from the Part 201 List because response actions have reduced the levels of contaminants to concentrations which meet or are below the criteria for unrestricted residential use.

CDL: Clandestine Drug Lab Listing
A listing of clandestine drug lab locations.
US HIST CDL: National Clandestine Laboratory Register
A listing of clandestine drug lab locations. The U.S. Department of Justice ("the Department") provides this web site as a public service. It contains addresses of some locations where law enforcement agencies reported they found chemicals or other items that indicated the presence of either clandestine drug laboratories or dumpsites. In most cases, the source of the entries is not the Department, and the Department has not verified the entry and does not guarantee its accuracy. Members of the public must verify the accuracy of all entries by, for example, contacting local law enforcement and local health departments.

Date of Government Version: 11/10/2014
Date Data Arrived at EDR: 12/01/2014
Date Made Active in Reports: 02/09/2015
Number of Days to Update: 70

Local Land Records
LIENS 2: CERCLA Lien Information
A Federal CERCLA ("Superfund") lien can exist by operation of law at any site or property at which EPA has spent Superfund monies. These monies are spent to investigate and address releases and threatened releases of contamination. CERCLIS provides information as to the identity of these sites and properties.

Date of Government Version: 02/18/2014
Date Data Arrived at EDR: 03/18/2014
Date Made Active in Reports: 04/24/2014
Number of Days to Update: 37

LIENS: Lien List
An Environmental Lien is a charge, security, or encumbrance upon title to a property to secure the payment of a cost, damage, debt, obligation, or duty arising out of response actions, cleanup, or other remediation of hazardous substances or petroleum products upon a property, including (but not limited to) liens imposed pursuant to CERCLA 42 USC * 9607(1) and similar state or local laws. In other words: a lien placed upon a property’s title due to an environmental condition

Date of Government Version: 12/12/2014
Date Data Arrived at EDR: 01/21/2015
Date Made Active in Reports: 02/20/2015
Number of Days to Update: 30

Records of Emergency Release Reports
HMIRS: Hazardous Materials Information Reporting System
Hazardous Materials Incident Report System. HMIRS contains hazardous material spill incidents reported to DOT.

Date of Government Version: 09/30/2014
Date Data Arrived at EDR: 10/01/2014
Date Made Active in Reports: 11/06/2014
Number of Days to Update: 36

PEAS: Pollution Emergency Alerting System
Environmental pollution emergencies reported to the Department of Environmental Quality such as tanker accidents, pipeline breaks, and release of reportable quantities of hazardous substances.

Date of Government Version: 11/30/2014
Date Data Arrived at EDR: 12/12/2014
Date Made Active in Reports: 01/20/2015
Number of Days to Update: 39
Other Ascertainable Records

RCRA NonGen / NLR: RCRA - Non Generators
RCRAInfo is EPA's comprehensive information system, providing access to data supporting the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984. The database includes selective information on sites which generate, transport, store, treat and/or dispose of hazardous waste as defined by the Resource Conservation and Recovery Act (RCRA). Non-Generators do not presently generate hazardous waste.

Date of Government Version: 12/09/2014  Source: Environmental Protection Agency
Date Data Arrived at EDR: 12/29/2014  Telephone: 312-886-6186
Date Made Active in Reports: 01/29/2015  Last EDR Contact: 12/29/2014
Number of Days to Update: 31  Next Scheduled EDR Contact: 04/13/2015
Data Release Frequency: Varies

DOT OPS: Incident and Accident Data
Department of Transportation, Office of Pipeline Safety Incident and Accident data.

Date of Government Version: 07/31/2012  Source: Department of Transportation, Office of Pipeline Safety
Date Data Arrived at EDR: 08/07/2012  Telephone: 202-366-4595
Date Made Active in Reports: 09/18/2012  Last EDR Contact: 02/03/2015
Number of Days to Update: 42  Next Scheduled EDR Contact: 05/18/2015
Data Release Frequency: Varies

DOD: Department of Defense Sites
This data set consists of federally owned or administered lands, administered by the Department of Defense, that have any area equal to or greater than 640 acres of the United States, Puerto Rico, and the U.S. Virgin Islands.

Date of Government Version: 12/31/2005  Source: USGS
Date Data Arrived at EDR: 11/10/2006  Telephone: 888-275-8747
Date Made Active in Reports: 01/11/2007  Last EDR Contact: 01/15/2015
Number of Days to Update: 62  Next Scheduled EDR Contact: 04/27/2015
Data Release Frequency: Semi-Annually

FUDS: Formerly Used Defense Sites
The listing includes locations of Formerly Used Defense Sites properties where the US Army Corps of Engineers is actively working or will take necessary cleanup actions.

Date of Government Version: 06/06/2014  Source: U.S. Army Corps of Engineers
Date Data Arrived at EDR: 09/10/2014  Telephone: 202-528-4285
Date Made Active in Reports: 09/18/2014  Last EDR Contact: 12/12/2014
Number of Days to Update: 8  Next Scheduled EDR Contact: 03/23/2015
Data Release Frequency: Varies

CONSENT: Superfund (CERCLA) Consent Decrees
Major legal settlements that establish responsibility and standards for cleanup at NPL (Superfund) sites. Released periodically by United States District Courts after settlement by parties to litigation matters.

Date of Government Version: 12/31/2013  Source: Department of Justice, Consent Decree Library
Date Data Arrived at EDR: 01/24/2014  Telephone: Varies
Date Made Active in Reports: 02/24/2014  Last EDR Contact: 12/24/2014
Number of Days to Update: 31  Next Scheduled EDR Contact: 04/13/2015
Data Release Frequency: Varies

ROD: Records Of Decision
Record of Decision. ROD documents mandate a permanent remedy at an NPL (Superfund) site containing technical and health information to aid in the cleanup.

Date of Government Version: 11/25/2013  Source: EPA
Date Data Arrived at EDR: 12/12/2013  Telephone: 703-416-0223
Date Made Active in Reports: 02/24/2014  Last EDR Contact: 12/12/2014
Number of Days to Update: 74  Next Scheduled EDR Contact: 03/23/2015
Data Release Frequency: Annually
UMTRA: Uranium Mill Tailings Sites
Uranium ore was mined by private companies for federal government use in national defense programs. When the mills shut down, large piles of the sand-like material (mill tailings) remain after uranium has been extracted from the ore. Levels of human exposure to radioactive materials from the piles are low; however, in some cases tailings were used as construction materials before the potential health hazards of the tailings were recognized.

Date of Government Version: 09/14/2010
Date Data Arrived at EDR: 10/07/2011
Date Made Active in Reports: 03/01/2012
Number of Days to Update: 146

Source: Department of Energy
Telephone: 505-845-0011
Last EDR Contact: 02/27/2015
Next Scheduled EDR Contact: 06/08/2015
Data Release Frequency: Varies

US MINES: Mines Master Index File
Contains all mine identification numbers issued for mines active or opened since 1971. The data also includes violation information.

Date of Government Version: 12/30/2014
Date Data Arrived at EDR: 07/31/2013
Date Made Active in Reports: 09/13/2013
Number of Days to Update: 44

Source: Department of Labor, Mine Safety and Health Administration
Telephone: 303-231-5959
Last EDR Contact: 01/29/2015
Next Scheduled EDR Contact: 03/16/2015
Data Release Frequency: Semi-Annually

TRIS: Toxic Chemical Release Inventory System
Toxic Release Inventory System. TRIS identifies facilities which release toxic chemicals to the air, water and land in reportable quantities under SARA Title III Section 313.

Date of Government Version: 12/31/2011
Date Data Arrived at EDR: 07/31/2013
Date Made Active in Reports: 09/13/2013
Number of Days to Update: 29

Source: EPA
Telephone: 202-260-0250
Last EDR Contact: 01/29/2015
Next Scheduled EDR Contact: 06/08/2015
Data Release Frequency: Annually

TSCA: Toxic Substances Control Act
Toxic Substances Control Act. TSCA identifies manufacturers and importers of chemical substances included on the TSCA Chemical Substance Inventory list. It includes data on the production volume of these substances by plant site.

Date of Government Version: 12/31/2012
Date Data Arrived at EDR: 01/15/2015
Date Made Active in Reports: 01/29/2015
Number of Days to Update: 14

Source: EPA
Telephone: 202-260-5521
Last EDR Contact: 12/22/2014
Next Scheduled EDR Contact: 04/06/2015
Data Release Frequency: Every 4 Years

FTTS: FIFRA/ TSCA Tracking System - FIFRA (Federal Insecticide, Fungicide, & Rodenticide Act)/TSCA (Toxic Substances Control Act)
FTTS tracks administrative cases and pesticide enforcement actions and compliance activities related to FIFRA, TSCA and EPCRA (Emergency Planning and Community Right-to-Know Act). To maintain currency, EDR contacts the Agency on a quarterly basis.

Date of Government Version: 04/09/2009
Date Data Arrived at EDR: 04/16/2009
Date Made Active in Reports: 05/11/2009
Number of Days to Update: 25

Source: EPA/Office of Prevention, Pesticides and Toxic Substances
Telephone: 202-566-1667
Last EDR Contact: 02/23/2015
Next Scheduled EDR Contact: 06/08/2015
Data Release Frequency: Quarterly

FTTS INSP: FIFRA/ TSCA Tracking System - FIFRA (Federal Insecticide, Fungicide, & Rodenticide Act)/TSCA (Toxic Substances Control Act)
A listing of FIFRA/TSCA Tracking System (FTTS) inspections and enforcements.

Date of Government Version: 04/09/2009
Date Data Arrived at EDR: 04/16/2009
Date Made Active in Reports: 05/11/2009
Number of Days to Update: 25

Source: EPA
Telephone: 202-566-1667
Last EDR Contact: 02/23/2015
Next Scheduled EDR Contact: 06/08/2015
Data Release Frequency: Quarterly
HIST FTTS: FIFRA/TSCA Tracking System Administrative Case Listing
A complete administrative case listing from the FIFRA/TSCA Tracking System (FTTS) for all ten EPA regions. The information was obtained from the National Compliance Database (NCDB). NCDB supports the implementation of FIFRA (Federal Insecticide, Fungicide, and Rodenticide Act) and TSCA (Toxic Substances Control Act). Some EPA regions are now closing out records. Because of that, and the fact that some EPA regions are not providing EPA Headquarters with updated records, it was decided to create a HIST FTTS database. It included records that may not be included in the newer FTTS database updates. This database is no longer updated.

Date of Government Version: 10/19/2006
Date Data Arrived at EDR: 03/01/2007
Date Made Active in Reports: 04/10/2007
Number of Days to Update: 40
Source: Environmental Protection Agency
Telephone: 202-564-2501
Last EDR Contact: 12/17/2007
Next Scheduled EDR Contact: 03/17/2008
Data Release Frequency: No Update Planned

HIST FTTS INSPI: FIFRA/TSCA Tracking System Inspection & Enforcement Case Listing
A complete inspection and enforcement case listing from the FIFRA/TSCA Tracking System (FTTS) for all ten EPA regions. The information was obtained from the National Compliance Database (NCDB). NCDB supports the implementation of FIFRA (Federal Insecticide, Fungicide, and Rodenticide Act) and TSCA (Toxic Substances Control Act). Some EPA regions are now closing out records. Because of that, and the fact that some EPA regions are not providing EPA Headquarters with updated records, it was decided to create a HIST FTTS database. It included records that may not be included in the newer FTTS database updates. This database is no longer updated.

Date of Government Version: 10/19/2006
Date Data Arrived at EDR: 03/01/2007
Date Made Active in Reports: 04/10/2007
Number of Days to Update: 40
Source: Environmental Protection Agency
Telephone: 202-564-2501
Last EDR Contact: 12/17/2008
Next Scheduled EDR Contact: 03/17/2008
Data Release Frequency: No Update Planned

SSTS: Section 7 Tracking Systems
Section 7 of the Federal Insecticide, Fungicide and Rodenticide Act, as amended (92 Stat. 829) requires all registered pesticide-producing establishments to submit a report to the Environmental Protection Agency by March 1st each year. Each establishment must report the types and amounts of pesticides, active ingredients and devices being produced, and those having been produced and sold or distributed in the past year.

Date of Government Version: 12/31/2009
Date Data Arrived at EDR: 12/10/2010
Date Made Active in Reports: 02/25/2011
Number of Days to Update: 77
Source: EPA
Telephone: 202-564-4203
Last EDR Contact: 01/26/2015
Next Scheduled EDR Contact: 05/11/2015
Data Release Frequency: Annually

ICIS: Integrated Compliance Information System
The Integrated Compliance Information System (ICIS) supports the information needs of the national enforcement and compliance program as well as the unique needs of the National Pollutant Discharge Elimination System (NPDES) program.

Date of Government Version: 07/31/2014
Date Data Arrived at EDR: 10/29/2014
Date Made Active in Reports: 11/06/2014
Number of Days to Update: 8
Source: Environmental Protection Agency
Telephone: 202-564-5088
Last EDR Contact: 01/09/2015
Next Scheduled EDR Contact: 04/27/2015
Data Release Frequency: Quarterly

PADS: PCB Activity Database System
PCB Activity Database. PADS Identifies generators, transporters, commercial storers and/or brokers and disposers of PCB's who are required to notify the EPA of such activities.

Date of Government Version: 07/01/2014
Date Data Arrived at EDR: 10/15/2014
Date Made Active in Reports: 11/17/2014
Number of Days to Update: 33
Source: EPA
Telephone: 202-566-0500
Last EDR Contact: 01/16/2015
Next Scheduled EDR Contact: 04/27/2015
Data Release Frequency: Annually
MLTS: Material Licensing Tracking System
MLTS is maintained by the Nuclear Regulatory Commission and contains a list of approximately 8,100 sites which possess or use radioactive materials and which are subject to NRC licensing requirements. To maintain currency, EDR contacts the Agency on a quarterly basis.
Date of Government Version: 12/29/2014
Date Data Arrived at EDR: 01/08/2015
Date Made Active in Reports: 01/29/2015
Number of Days to Update: 21
Source: Nuclear Regulatory Commission
Telephone: 301-415-7169
Last EDR Contact: 12/04/2014
Next Scheduled EDR Contact: 03/23/2015
Data Release Frequency: Quarterly

RADINFO: Radiation Information Database
The Radiation Information Database (RADINFO) contains information about facilities that are regulated by U.S. Environmental Protection Agency (EPA) regulations for radiation and radioactivity.
Date of Government Version: 10/07/2014
Date Data Arrived at EDR: 10/08/2014
Date Made Active in Reports: 10/20/2014
Number of Days to Update: 12
Source: Environmental Protection Agency
Telephone: 202-343-9775
Last EDR Contact: 02/27/2015
Next Scheduled EDR Contact: 04/20/2015
Data Release Frequency: Quarterly

FINDS: Facility Index System/Facility Registry System
Facility Index System. FINDS contains both facility information and 'pointers' to other sources that contain more detail. EDR includes the following FINDS databases in this report: PCS (Permit Compliance System), AIRS (Aerometric Information Retrieval System), DOCKET (Enforcement Docket used to manage and track information on civil judicial enforcement cases for all environmental statutes), FURS (Federal Underground Injection Control), C-DOCKET (Criminal Docket System used to track criminal enforcement actions for all environmental statutes), FFIS (Federal Facilities Information System), STATE (State Environmental Laws and Statutes), and PADS (PCB Activity Data System).
Date of Government Version: 08/16/2014
Date Data Arrived at EDR: 09/10/2014
Date Made Active in Reports: 10/20/2014
Number of Days to Update: 40
Source: EPA
Telephone: (312) 353-2000
Last EDR Contact: 02/27/2015
Next Scheduled EDR Contact: 03/23/2015
Data Release Frequency: Quarterly

RAATS: RCRA Administrative Action Tracking System
RCRA Administration Action Tracking System. RAATS contains records based on enforcement actions issued under RCRA pertaining to major violators and includes administrative and civil actions brought by the EPA. For administration actions after September 30, 1995, data entry in the RAATS database was discontinued. EPA will retain a copy of the database for historical records. It was necessary to terminate RAATS because a decrease in agency resources made it impossible to continue to update the information contained in the database.
Date of Government Version: 04/17/1995
Date Data Arrived at EDR: 07/03/1995
Date Made Active in Reports: 08/07/1995
Number of Days to Update: 35
Source: EPA
Telephone: 202-564-4104
Last EDR Contact: 06/02/2008
Next Scheduled EDR Contact: 09/01/2008
Data Release Frequency: No Update Planned

RMP: Risk Management Plans
When Congress passed the Clean Air Act Amendments of 1990, it required EPA to publish regulations and guidance for chemical accident prevention at facilities using extremely hazardous substances. The Risk Management Program Rule (RMP Rule) was written to implement Section 112(r) of these amendments. The rule, which built upon existing industry codes and standards, requires companies of all sizes that use certain flammable and toxic substances to develop a Risk Management Program, which includes a(n): Hazard assessment that details the potential effects of an accidental release, an accident history of the last five years, and an evaluation of worst-case and alternative accidental releases; Prevention program that includes safety precautions and maintenance, monitoring, and employee training measures; and Emergency response program that spells out emergency health care, employee training measures and procedures for informing the public and response agencies (e.g., the fire department) should an accident occur.

Date of Government Version: 08/01/2014  Source: Environmental Protection Agency
Date Data Arrived at EDR: 08/12/2014  Telephone: 202-564-8600
Date Made Active in Reports: 11/06/2014  Last EDR Contact: 01/26/2015
Number of Days to Update: 86  Next Scheduled EDR Contact: 05/11/2015
Data Release Frequency: Varies

BRS: Biennial Reporting System
The Biennial Reporting System is a national system administered by the EPA that collects data on the generation and management of hazardous waste. BRS captures detailed data from two groups: Large Quantity Generators (LQG) and Treatment, Storage, and Disposal Facilities.

Date of Government Version: 12/31/2011  Source: EPA/NTIS
Date Data Arrived at EDR: 02/26/2013  Telephone: 800-424-9346
Date Made Active in Reports: 04/19/2013  Last EDR Contact: 02/24/2015
Number of Days to Update: 52  Next Scheduled EDR Contact: 06/08/2015
Data Release Frequency: Biennially

UIC: Underground Injection Wells Database
A listing of underground injection well locations. The UIC Program is responsible for regulating the construction, operation, permitting, and closure of injection wells that place fluids underground for storage or disposal.

Date of Government Version: 01/30/2015  Source: Dept of Environmental Quality
Date Data Arrived at EDR: 01/30/2015  Telephone: 517-241-1515
Date Made Active in Reports: 02/20/2015  Last EDR Contact: 01/26/2015
Number of Days to Update: 21  Next Scheduled EDR Contact: 05/11/2015
Data Release Frequency: Varies

DRYCLEANERS: Drycleaning Establishments
A listing of drycleaning facilities in Michigan.

Date of Government Version: 01/21/2015  Source: Dept of Environmental Quality
Date Data Arrived at EDR: 01/22/2015  Telephone: 517-335-4586
Date Made Active in Reports: 02/20/2015  Last EDR Contact: 01/19/2015
Number of Days to Update: 29  Next Scheduled EDR Contact: 05/04/2015
Data Release Frequency: Annually

NPDES: List of Active NPDES Permits
General information regarding NPDES (National Pollutant Discharge Elimination System) permits and NPDES Storm Water permits.

Date of Government Version: 01/06/2015  Source: Dept of Environmental Quality
Date Data Arrived at EDR: 01/08/2015  Telephone: 517-241-1300
Date Made Active in Reports: 01/20/2015  Last EDR Contact: 01/08/2015
Number of Days to Update: 12  Next Scheduled EDR Contact: 04/20/2015
Data Release Frequency: Varies

AIRS: Permit and Emissions Inventory Data
Permit and emissions inventory data.
BEA: Baseline Environmental Assessment Database
A BEA is a document that new or prospective property owners/operations disclose to the DEQ identifying the property as a facility pursuant to Part 201 and Part 213. The Inventory of BEA Facilities overlaps in part with the Part 201 Projects facilities and Part 213 facilities. There may be more than one BEA for each facility.

INDIAN RESERV: Indian Reservations
This map layer portrays Indian administered lands of the United States that have any area equal to or greater than 640 acres.

SCRD DRYCLEANERS: State Coalition for Remediation of Drycleaners Listing
The State Coalition for Remediation of Drycleaners was established in 1998, with support from the U.S. EPA Office of Superfund Remediation and Technology Innovation. It is comprised of representatives of states with established drycleaner remediation programs. Currently the member states are Alabama, Connecticut, Florida, Illinois, Kansas, Minnesota, Missouri, North Carolina, Oregon, South Carolina, Tennessee, Texas, and Wisconsin.

COAL ASH EPA: Coal Combustion Residues Surface Impoundments List
A listing of coal combustion residues surface impoundments with high hazard potential ratings.

US FIN ASSUR: Financial Assurance Information
All owners and operators of facilities that treat, store, or dispose of hazardous waste are required to provide proof that they will have sufficient funds to pay for the clean up, closure, and post-closure care of their facilities.

PCB TRANSFORMER: PCB Transformer Registration Database
The database of PCB transformer registrations that includes all PCB registration submittals.
Date of Government Version: 02/01/2011  Source: Environmental Protection Agency
Date Data Arrived at EDR: 10/19/2011  Telephone: 202-566-0517
Date Made Active in Reports: 01/10/2012  Last EDR Contact: 01/30/2015
Number of Days to Update: 83  Next Scheduled EDR Contact: 05/11/2015
Data Release Frequency: Varies

Financial Assurance 1: Financial Assurance Information Listing
Financial assurance information.

Date of Government Version: 01/09/2015  Source: Dept of Environmental Quality
Date Data Arrived at EDR: 01/16/2015  Telephone: 517-335-6610
Date Made Active in Reports: 02/20/2015  Last EDR Contact: 01/05/2015
Number of Days to Update: 35  Next Scheduled EDR Contact: 04/20/2015
Data Release Frequency: Varies

WDS: Waste Data System
The Waste Data System (WDS) tracks activities at facilities regulated by the Solid Waste, Scrap Tire, Hazardous Waste, and Liquid Industrial Waste programs.

Date of Government Version: 12/08/2014  Source: Dept of Environmental Quality
Date Data Arrived at EDR: 12/08/2014  Telephone: 517-284-6562
Date Made Active in Reports: 01/20/2015  Last EDR Contact: 02/23/2015
Number of Days to Update: 43  Next Scheduled EDR Contact: 06/08/2015
Data Release Frequency: Quarterly

COAL ASH: Coal Ash Disposal Sites
Coal fired power plants in Southeast Michigan that have coal ash handling on site.

Date of Government Version: 10/15/2014  Source: Dept of Environmental Quality
Date Data Arrived at EDR: 10/16/2014  Telephone: 586-753-3754
Date Made Active in Reports: 11/26/2014  Last EDR Contact: 01/05/2015
Number of Days to Update: 41  Next Scheduled EDR Contact: 04/20/2015
Data Release Frequency: Varies

EPA WATCH LIST: EPA WATCH LIST
EPA maintains a "Watch List" to facilitate dialogue between EPA, state and local environmental agencies on enforcement matters relating to facilities with alleged violations identified as either significant or high priority. Being on the Watch List does not mean that the facility has actually violated the law only that an investigation by EPA or a state or local environmental agency has led those organizations to allege that an unproven violation has in fact occurred. Being on the Watch List does not represent a higher level of concern regarding the alleged violations that were detected, but instead indicates cases requiring additional dialogue between EPA, state and local agencies - primarily because of the length of time the alleged violation has gone unaddressed or unresolved.

Date of Government Version: 08/30/2013  Source: Environmental Protection Agency
Date Data Arrived at EDR: 03/21/2014  Telephone: 617-520-3000
Date Made Active in Reports: 06/17/2014  Last EDR Contact: 02/09/2015
Number of Days to Update: 98  Next Scheduled EDR Contact: 05/25/2015
Data Release Frequency: Quarterly

PRP: Potentially Responsible Parties
A listing of verified Potentially Responsible Parties

Date of Government Version: 10/25/2013  Source: EPA
Date Data Arrived at EDR: 10/17/2014  Telephone: 202-566-6023
Date Made Active in Reports: 10/20/2014  Last EDR Contact: 02/13/2015
Number of Days to Update: 3  Next Scheduled EDR Contact: 05/25/2015
Data Release Frequency: Quarterly

2020 COR ACTION: 2020 Corrective Action Program List
The EPA has set ambitious goals for the RCRA Corrective Action program by creating the 2020 Corrective Action Universe. This RCRA cleanup baseline includes facilities expected to need corrective action. The 2020 universe contains a wide variety of sites. Some properties are heavily contaminated while others were contaminated but have since been cleaned up. Still others have not been fully investigated yet, and may require little or no remediation. Inclusion in the 2020 Universe does not necessarily imply failure on the part of a facility to meet its RCRA obligations.
<table>
<thead>
<tr>
<th>Data</th>
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**LEAD SMELTER 1:** Lead Smelter Sites
A listing of former lead smelter site locations.

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**LEAD SMELTER 2:** Lead Smelter Sites
A list of several hundred sites in the U.S. where secondary lead smelting was done from 1931 and 1964. These sites may pose a threat to public health through ingestion or inhalation of contaminated soil or dust.

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**FEDLAND:** Federal and Indian Lands

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</table>

**US AIRS (AFS):** Aerometric Information Retrieval System Facility Subsystem (AFS)
The database is a sub-system of Aerometric Information Retrieval System (AIRS). AFS contains compliance data on air pollution point sources regulated by the U.S. EPA and/or state and local air regulatory agencies. This information comes from source reports by various stationary sources of air pollution, such as electric power plants, steel mills, factories, and universities, and provides information about the air pollutants they produce. Action, air program, air program pollutant, and general level plant data. It is used to track emissions and compliance data from industrial plants.

<table>
<thead>
<tr>
<th>Data</th>
<th>Value</th>
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</thead>
<tbody>
<tr>
<td>Date of Government Version: 10/16/2014</td>
<td>Source: EPA</td>
</tr>
<tr>
<td>Date Data Arrived at EDR: 10/31/2014</td>
<td>Telephone: 202-564-2496</td>
</tr>
<tr>
<td>Date Made Active in Reports: 11/17/2014</td>
<td>Last EDR Contact: 02/06/2015</td>
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<tr>
<td>Number of Days to Update: 17</td>
<td>Next Scheduled EDR Contact: 04/13/2015</td>
</tr>
<tr>
<td>Data Release Frequency: Annually</td>
<td></td>
</tr>
</tbody>
</table>

**US AIRS MINOR:** Air Facility System Data
A listing of minor source facilities.

<table>
<thead>
<tr>
<th>Data</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date of Government Version: 10/16/2014</td>
<td>Source: EPA</td>
</tr>
<tr>
<td>Date Data Arrived at EDR: 10/31/2014</td>
<td>Telephone: 202-564-2496</td>
</tr>
<tr>
<td>Date Made Active in Reports: 11/17/2014</td>
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<tr>
<td>Number of Days to Update: 17</td>
<td>Next Scheduled EDR Contact: 04/13/2015</td>
</tr>
<tr>
<td>Data Release Frequency: Annually</td>
<td></td>
</tr>
</tbody>
</table>
Financial Assurance 2: Financial Assurance Information Listing
A listing of financial assurance information for solid waste facilities. Financial assurance is intended to ensure that resources are available to pay for the cost of closure, post-closure care, and corrective measures if the owner or operator of a regulated facility is unable or unwilling to pay.
Date of Government Version: 01/05/2011
Date Data Arrived at EDR: 01/07/2011
Date Made Active in Reports: 02/14/2011
Number of Days to Update: 38
Source: Dept of Environmental Quality
Telephone: 517-335-4034
Last EDR Contact: 12/29/2014
Next Scheduled EDR Contact: 04/13/2015
Data Release Frequency: Varies

COAL ASH DOE: Sleam-Electric Plan Operation Data
A listing of power plants that store ash in surface ponds.
Date of Government Version: 12/31/2005
Date Data Arrived at EDR: 08/07/2009
Date Made Active in Reports: 10/22/2009
Number of Days to Update: 76
Source: Department of Energy
Telephone: 202-586-8719
Last EDR Contact: 01/15/2015
Next Scheduled EDR Contact: 04/27/2015
Data Release Frequency: Varies

EDR HIGH RISK HISTORICAL RECORDS

EDR Exclusive Records
EDR MGP: EDR Proprietary Manufactured Gas Plants
The EDR Proprietary Manufactured Gas Plant Database includes records of coal gas plants (manufactured gas plants) compiled by EDR’s researchers. Manufactured gas sites were used in the United States from the 1800’s to 1950’s to produce a gas that could be distributed and used as fuel. These plants used whale oil, rosin, coal, or a mixture of coal, oil, and water that also produced a significant amount of waste. Many of the byproducts of the gas production, such as coal tar (oily waste containing volatile and non-volatile chemicals), sludges, oils and other compounds are potentially hazardous to human health and the environment. The byproduct from this process was frequently disposed of directly at the plant site and can remain or spread slowly, serving as a continuous source of soil and groundwater contamination.
Date of Government Version: N/A
Date Data Arrived at EDR: N/A
Date Made Active in Reports: N/A
Number of Days to Update: N/A
Source: EDR, Inc.
Telephone: N/A
Last EDR Contact: N/A
Next Scheduled EDR Contact: N/A
Data Release Frequency: No Update Planned

EDR US Hist Auto Stat: EDR Exclusive Historic Gas Stations
EDR has searched selected national collections of business directories and has collected listings of potential gas station/filling station/service station sites that were available to EDR researchers. EDR’s review was limited to those categories of sources that might, in EDR’s opinion, include gas station/filling station/service station establishments. The categories reviewed included, but were not limited to gas, gas station, gasoline station, filling station, auto, automobile repair, auto service station, service station, etc. This database falls within a category of information EDR classifies as “High Risk Historical Records”, or HRHR. EDR’s HRHR effort presents unique and sometimes proprietary data about past sites and operations that typically create environmental concerns, but may not show up in current government records searches.
Date of Government Version: N/A
Date Data Arrived at EDR: N/A
Date Made Active in Reports: N/A
Number of Days to Update: N/A
Source: EDR, Inc.
Telephone: N/A
Last EDR Contact: N/A
Next Scheduled EDR Contact: N/A
Data Release Frequency: Varies

EDR US Hist Cleaners: EDR Exclusive Historic Dry Cleaners
EDR has searched selected national collections of business directories and has collected listings of potential dry cleaner sites that were available to EDR researchers. EDR’s review was limited to those categories of sources that might, in EDR’s opinion, include dry cleaning establishments. The categories reviewed included, but were not limited to dry cleaners, cleaners, laundry, laundromat, cleaning/laundry, wash & dry etc. This database falls within a category of information EDR classifies as “High Risk Historical Records”, or HRHR. EDR’s HRHR effort presents unique and sometimes proprietary data about past sites and operations that typically create environmental concerns, but may not show up in current government records searches.
EDR RECOVERED GOVERNMENT ARCHIVES

Exclusive Recovered Govt. Archives

RGA LUST: Recovered Government Archive Leaking Underground Storage Tank

The EDR Recovered Government Archive Leaking Underground Storage Tank database provides a list of LUST incidents derived from historical databases and includes many records that no longer appear in current government lists. Compiled from Records formerly available from the Department of Environmental Quality in Michigan.

Source: Department of Environmental Quality
Telephone: N/A
Last EDR Contact: 06/01/2012
Next Scheduled EDR Contact: N/A
Data Release Frequency: Varies

RGA LF: Recovered Government Archive Solid Waste Facilities List

The EDR Recovered Government Archive Landfill database provides a list of landfills derived from historical databases and includes many records that no longer appear in current government lists. Compiled from Records formerly available from the Department of Environmental Quality in Michigan.

Source: Department of Environmental Quality
Telephone: N/A
Last EDR Contact: 06/01/2012
Next Scheduled EDR Contact: N/A
Data Release Frequency: Varies

RGA PART 201: Recovered Government Archive State Hazardous Waste Facilities List

The EDR Recovered Government Archive State Hazardous Waste database provides a list of SHWS incidents derived from historical databases and includes many records that no longer appear in current government lists. Compiled from Records formerly available from the Department of Environmental Quality in Michigan.

Source: Department of Environmental Quality
Telephone: N/A
Last EDR Contact: 06/01/2012
Next Scheduled EDR Contact: N/A
Data Release Frequency: Varies

OTHER DATABASE(S)

Depending on the geographic area covered by this report, the data provided in these specialty databases may or may not be complete. For example, the existence of wetlands information data in a specific report does not mean that all wetlands in the area covered by the report are included. Moreover, the absence of any reported wetlands information does not necessarily mean that wetlands do not exist in the area covered by the report.

CT MANIFEST: Hazardous Waste Manifest Data

Facility and manifest data. Manifest is a document that lists and tracks hazardous waste from the generator through transporters to a tsd facility.

Source: Department of Energy & Environmental Protection
Telephone: 860-424-3375
Last EDR Contact: 11/17/2014
Next Scheduled EDR Contact: 03/02/2015
Data Release Frequency: No Update Planned
NJ MANIFEST: Manifest Information
Hazardous waste manifest information.
Date of Government Version: 12/31/2011
Date Data Arrived at EDR: 07/19/2012
Date Made Active in Reports: 08/28/2012
Number of Days to Update: 40
Source: Department of Environmental Protection
Telephone: N/A
Last EDR Contact: 01/12/2015
Next Scheduled EDR Contact: 04/27/2015
Data Release Frequency: Annually

NY MANIFEST: Facility and Manifest Data
Manifest is a document that lists and tracks hazardous waste from the generator through transporters to a TSD facility.
Date of Government Version: 01/01/2015
Date Data Arrived at EDR: 02/04/2015
Date Made Active in Reports: 02/27/2015
Number of Days to Update: 23
Source: Department of Environmental Conservation
Telephone: 518-402-8651
Last EDR Contact: 02/04/2015
Next Scheduled EDR Contact: 05/18/2015
Data Release Frequency: Annually

PA MANIFEST: Manifest Information
Hazardous waste manifest information.
Date of Government Version: 12/31/2013
Date Data Arrived at EDR: 07/21/2014
Date Made Active in Reports: 08/25/2014
Number of Days to Update: 35
Source: Department of Environmental Protection
Telephone: 717-783-8990
Last EDR Contact: 01/19/2015
Next Scheduled EDR Contact: 05/04/2015
Data Release Frequency: Annually

RI MANIFEST: Manifest Information
Hazardous waste manifest information.
Date of Government Version: 12/31/2013
Date Data Arrived at EDR: 07/15/2014
Date Made Active in Reports: 08/13/2014
Number of Days to Update: 29
Source: Department of Environmental Management
Telephone: 401-222-2797
Last EDR Contact: 02/23/2015
Next Scheduled EDR Contact: 06/08/2015
Data Release Frequency: Annually

WI MANIFEST: Manifest Information
Hazardous waste manifest information.
Date of Government Version: 12/31/2013
Date Data Arrived at EDR: 06/20/2014
Date Made Active in Reports: 08/07/2014
Number of Days to Update: 48
Source: Department of Natural Resources
Telephone: N/A
Last EDR Contact: 12/12/2014
Next Scheduled EDR Contact: 03/30/2015
Data Release Frequency: Annually

Oil/Gas Pipelines: This data was obtained by EDR from the USGS in 1994. It is referred to by USGS as GeoData Digital Line Graphs from 1:100,000-Scale Maps. It was extracted from the transportation category including some oil, but primarily gas pipelines.

Sensitive Receptors: There are individuals deemed sensitive receptors due to their fragile immune systems and special sensitivity to environmental discharges. These sensitive receptors typically include the elderly, the sick, and children. While the location of all sensitive receptors cannot be determined, EDR indicates those buildings and facilities - schools, daycares, hospitals, medical centers, and nursing homes - where individuals who are sensitive receptors are likely to be located.

AHA Hospitals:
Source: American Hospital Association, Inc.
Telephone: 312-280-5991
The database includes a listing of hospitals based on the American Hospital Association’s annual survey of hospitals.

Medical Centers: Provider of Services Listing
Source: Centers for Medicare & Medicaid Services
Telephone: 410-786-3000
A listing of hospitals with Medicare provider number, produced by Centers of Medicare & Medicaid Services, a federal agency within the U.S. Department of Health and Human Services.
Nursing Homes  
Source: National Institutes of Health  
Telephone: 301-594-6248  
Information on Medicare and Medicaid certified nursing homes in the United States.

Public Schools  
Source: National Center for Education Statistics  
Telephone: 202-502-7300  
The National Center for Education Statistics’ primary database on elementary and secondary public education in the United States. It is a comprehensive, annual, national statistical database of all public elementary and secondary schools and school districts, which contains data that are comparable across all states.

Private Schools  
Source: National Center for Education Statistics  
Telephone: 202-502-7300  
The National Center for Education Statistics’ primary database on private school locations in the United States.

Daycare Centers: Day Care Centers, Group & Family Homes  
Source: Bureau of Regulatory Services  
Telephone: 517-373-8300

Flood Zone Data: This data, available in select counties across the country, was obtained by EDR in 2003 & 2011 from the Federal Emergency Management Agency (FEMA). Data depicts 100-year and 500-year flood zones as defined by FEMA.

NWI: National Wetlands Inventory. This data, available in select counties across the country, was obtained by EDR in 2002, 2005 and 2010 from the U.S. Fish and Wildlife Service.

State Wetlands Data: Wetlands Inventory  
Source: Department of Natural Resources  
Telephone: 517-241-2254

Scanned Digital USGS 7.5' Topographic Map (DRG)  
Source: United States Geologic Survey  
A digital raster graphic (DRG) is a scanned image of a U.S. Geological Survey topographic map. The map images are made by scanning published paper maps on high-resolution scanners. The raster image is georeferenced and fit to the Universal Transverse Mercator (UTM) projection.

STREET AND ADDRESS INFORMATION

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TARGET PROPERTY ADDRESS

191 N. CHESTER
191 N. CHESTER
BIRMINGHAM, MI 48009

TARGET PROPERTY COORDINATES

Latitude (North): 42.5472 - 42° 32' 49.92"
Longitude (West): 83.2187 - 83° 13' 7.32"
Universal Tranverse Mercator: Zone 17
UTM X (Meters): 317826.1
UTM Y (Meters): 4712705.5
Elevation: 782 ft. above sea level

USGS TOPOGRAPHIC MAP

Target Property Map: 42083-E2 BIRMINGHAM, MI
Most Recent Revision: 1981

EDR’s GeoCheck Physical Setting Source Addendum is provided to assist the environmental professional in forming an opinion about the impact of potential contaminant migration.

Assessment of the impact of contaminant migration generally has two principal investigative components:

1. Groundwater flow direction, and
2. Groundwater flow velocity.

Groundwater flow direction may be impacted by surface topography, hydrology, hydrogeology, characteristics of the soil, and nearby wells. Groundwater flow velocity is generally impacted by the nature of the geologic strata.
GROUNDWATER FLOW DIRECTION INFORMATION
Groundwater flow direction for a particular site is best determined by a qualified environmental professional using site-specific well data. If such data is not reasonably ascertainable, it may be necessary to rely on other sources of information, such as surface topographic information, hydrologic information, hydrogeologic data collected on nearby properties, and regional groundwater flow information (from deep aquifers).

TOPOGRAPHIC INFORMATION
Surface topography may be indicative of the direction of surficial groundwater flow. This information can be used to assist the environmental professional in forming an opinion about the impact of nearby contaminated properties or, should contamination exist on the target property, what downgradient sites might be impacted.

TARGET PROPERTY TOPOGRAPHY
General Topographic Gradient: General NW

SURROUNDING TOPOGRAPHY: ELEVATION PROFILES

Source: Topography has been determined from the USGS 7.5' Digital Elevation Model and should be evaluated on a relative (not an absolute) basis. Relative elevation information between sites of close proximity should be field verified.
HYDROLOGIC INFORMATION
Surface water can act as a hydrologic barrier to groundwater flow. Such hydrologic information can be used to assist the environmental professional in forming an opinion about the impact of nearby contaminated properties or, should contamination exist on the target property, what downgradient sites might be impacted.

Refer to the Physical Setting Source Map following this summary for hydrologic information (major waterways and bodies of water).

FEMA FLOOD ZONE
Target Property County: OAKLAND, MI
Flood Plain Panel at Target Property: 26125C - FEMA DFIRM Flood data
Additional Panels in search area: Not Reported

HYDROGEOLOGIC INFORMATION
Hydrogeologic information obtained by installation of wells on a specific site can often be an indicator of groundwater flow direction in the immediate area. Such hydrogeologic information can be used to assist the environmental professional in forming an opinion about the impact of nearby contaminated properties or, should contamination exist on the target property, what downgradient sites might be impacted.

Site-Specific Hydrogeological Data*:
Search Radius: 1.25 miles
Status: Not found

AQUIFLOW®
Search Radius: 1.000 Mile.

EDR has developed the AQUIFLOW Information System to provide data on the general direction of groundwater flow at specific points. EDR has reviewed reports submitted by environmental professionals to regulatory authorities at select sites and has extracted the date of the report, groundwater flow direction as determined hydrogeologically, and the depth to water table.

<table>
<thead>
<tr>
<th>MAP ID</th>
<th>LOCATION FROM TP</th>
<th>GENERAL DIRECTION GROUNDWATER FLOW</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not Reported</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
GROUNDWATER FLOW VELOCITY INFORMATION
Groundwater flow velocity information for a particular site is best determined by a qualified environmental professional using site specific geologic and soil strata data. If such data are not reasonably ascertainable, it may be necessary to rely on other sources of information, including geologic age identification, rock stratigraphic unit and soil characteristics data collected on nearby properties and regional soil information. In general, contaminant plumes move more quickly through sandy-gravelly types of soils than silty-clayey types of soils.

GEOLOGIC INFORMATION IN GENERAL AREA OF TARGET PROPERTY
Geologic information can be used by the environmental professional in forming an opinion about the relative speed at which contaminant migration may be occurring.

ROCK STRATIGRAPHIC UNIT | GEOLOGIC AGE IDENTIFICATION
--- | ---
Era: | Paleozoic
System: | Devonian
Series: | Upper Devonian
Code: | D3 (decoded above as Era, System & Series)

DOMINANT SOIL COMPOSITION IN GENERAL AREA OF TARGET PROPERTY

The U.S. Department of Agriculture’s (USDA) Soil Conservation Service (SCS) leads the National Cooperative Soil Survey (NCSS) and is responsible for collecting, storing, maintaining and distributing soil survey information for privately owned lands in the United States. A soil map in a soil survey is a representation of soil patterns in a landscape. The following information is based on Soil Conservation Service SSURGO data.

Soil Map ID: 1

Soil Component Name: Urban land
Soil Surface Texture: Not reported
Hydrologic Group: Not reported
Soil Drainage Class: Not reported
Hydric Status: Unknown
Corrosion Potential - Uncoated Steel: Not Reported
Depth to Bedrock Min: > 0 inches
Depth to Watertable Min: > 0 inches
No Layer Information available.

Soil Map ID: 2

Soil Component Name: Urban land
Soil Surface Texture: Not reported
Hydrologic Group: Not reported
Soil Drainage Class: Not reported
Hydric Status: Unknown
Corrosion Potential - Uncoated Steel: Not Reported
Depth to Bedrock Min: > 0 inches
Depth to Watertable Min: > 0 inches
No Layer Information available.

Soil Map ID: 3

Soil Component Name: Cohoctah
Soil Surface Texture: fine sandy loam
Hydrologic Group: Class B/D - Drained/undrained hydrology class of soils that can be drained and are classified.
Soil Drainage Class: Poorly drained
Hydric Status: Partially hydric

Corrosion Potential - Uncoated Steel: High

Depth to Bedrock Min: > 0 inches

Depth to Watertable Min: > 0 inches

### Soil Layer Information

<table>
<thead>
<tr>
<th>Layer</th>
<th>Boundary</th>
<th>Soil Texture Class</th>
<th>Classification</th>
<th>Saturated hydraulic conductivity micro m/sec</th>
<th>Soil Reaction (pH)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>0 inches</td>
<td>11 inches</td>
<td>fine sandy loam</td>
<td>COARSE-GRAINED SOILS, Sands, Silty Sands.</td>
<td>Max: 42 Min: 14</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Max: 7.8 Min: 6.1</td>
</tr>
<tr>
<td>2</td>
<td>11 inches</td>
<td>48 inches</td>
<td>sandy loam</td>
<td>COARSE-GRAINED SOILS, Sands, Silty Sands.</td>
<td>Max: 42 Min: 14</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Max: 8.4 Min: 6.1</td>
</tr>
<tr>
<td>3</td>
<td>48 inches</td>
<td>59 inches</td>
<td>gravelly sand</td>
<td>COARSE-GRAINED SOILS, Sands, Clean Sands, Poorly graded sand.</td>
<td>Max: 141 Min: 141</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Max: 8.4 Min: 7.4</td>
</tr>
</tbody>
</table>

### Soil Map ID: 4

Soil Component Name: Urban land

Soil Surface Texture: fine sandy loam

Hydrologic Group: Class B/D - Drained/undrained hydrology class of soils that can be drained and are classified.

Soil Drainage Class: Drained

Hydric Status: Partially hydric

Corrosion Potential - Uncoated Steel: Not Reported

Depth to Bedrock Min: > 0 inches

Depth to Watertable Min: > 46 inches

No Layer Information available.
Soil Map ID: 5

Soil Component Name: Urban land
Soil Surface Texture: fine sandy loam
Hydrologic Group: Class B/D - Drained/undrained hydrology class of soils that can be drained and are classified.

Soil Drainage Class: Partially hydric
Hydric Status: Unknown
Corrosion Potential - Uncoated Steel: Not Reported
Depth to Bedrock Min: > 0 inches
Depth to Watertable Min: > 130 inches

No Layer Information available.

Soil Map ID: 6

Soil Component Name: Urban land
Soil Surface Texture: fine sandy loam
Hydrologic Group: Class B/D - Drained/undrained hydrology class of soils that can be drained and are classified.

Soil Drainage Class: Partially hydric
Hydric Status: Unknown
Corrosion Potential - Uncoated Steel: Not Reported
Depth to Bedrock Min: > 0 inches
Depth to Watertable Min: > 46 inches

No Layer Information available.

LOCAL / REGIONAL WATER AGENCY RECORDS

EDR Local/Regional Water Agency records provide water well information to assist the environmental professional in assessing sources that may impact ground water flow direction, and in forming an opinion about the impact of contaminant migration on nearby drinking water wells.
### WELL SEARCH DISTANCE INFORMATION

<table>
<thead>
<tr>
<th>DATABASE</th>
<th>SEARCH DISTANCE (miles)</th>
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<tbody>
<tr>
<td>Federal USGS</td>
<td>1.000</td>
</tr>
<tr>
<td>Federal FRDS PWS</td>
<td>Nearest PWS within 1 mile</td>
</tr>
<tr>
<td>State Database</td>
<td>1.000</td>
</tr>
</tbody>
</table>

### FEDERAL USGS WELL INFORMATION

<table>
<thead>
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<th>MAP ID</th>
<th>WELL ID</th>
<th>LOCATION FROM TP</th>
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<tbody>
<tr>
<td>1</td>
<td>USGS400000482179</td>
<td>1/4 - 1/2 Mile WSW</td>
</tr>
<tr>
<td>3</td>
<td>USGS400000482170</td>
<td>1/4 - 1/2 Mile WSW</td>
</tr>
<tr>
<td>13</td>
<td>USGS400000482207</td>
<td>1/2 - 1 Mile NNW</td>
</tr>
</tbody>
</table>

### FEDERAL FRDS PUBLIC WATER SUPPLY SYSTEM INFORMATION

<table>
<thead>
<tr>
<th>MAP ID</th>
<th>WELL ID</th>
<th>LOCATION FROM TP</th>
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<tbody>
<tr>
<td>2</td>
<td>Mi2080663</td>
<td>1/4 - 1/2 Mile ENE</td>
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</tbody>
</table>

Note: PWS System location is not always the same as well location.

### STATE DATABASE WELL INFORMATION

<table>
<thead>
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<th>WELL ID</th>
<th>LOCATION FROM TP</th>
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</thead>
<tbody>
<tr>
<td>4</td>
<td>Mi3000000095906</td>
<td>1/2 - 1 Mile North</td>
</tr>
<tr>
<td>A5</td>
<td>Mi3000000095936</td>
<td>1/2 - 1 Mile NNE</td>
</tr>
<tr>
<td>B6</td>
<td>Mi3000000096235</td>
<td>1/2 - 1 Mile North</td>
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<tr>
<td>A7</td>
<td>Mi3000000096148</td>
<td>1/2 - 1 Mile NNE</td>
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<tr>
<td>B8</td>
<td>Mi3000000096406</td>
<td>1/2 - 1 Mile North</td>
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<tr>
<td>B9</td>
<td>Mi3000000096414</td>
<td>1/2 - 1 Mile North</td>
</tr>
<tr>
<td>C10</td>
<td>Mi3000000096323</td>
<td>1/2 - 1 Mile NNE</td>
</tr>
<tr>
<td>C11</td>
<td>Mi3000000096345</td>
<td>1/2 - 1 Mile NNE</td>
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<tr>
<td>14</td>
<td>Mi3000000092595</td>
<td>1/2 - 1 Mile WSW</td>
</tr>
</tbody>
</table>
Violations information not reported.

Population: Not Reported
City Served: 083 12 48
Facility Longitude: 42 32 54
Facility Latitude: S

System Owner/Responsible Party
Addressee / Facility:
BIRMINGHAM 48012
980 N HUNTER BLVD
HUNTER & OAK SHELL SERVICE

PWS ID: MI2080663
Date Initiated: 7706
Date Deactivated: Not Reported
PWS Name: HUNTER & OAK SHELL SERVICE
980 N HUNTER BLVD
BIRMINGHAM 48012

Addressee / Facility:
System Owner/Responsible Party
LARRY TROY

Facility Latitude: 42 32 54
Facility Longitude: 083 12 48
City Served: Not Reported
Treatment Class: Untreated
Population: 00000035

Violations information not reported.
### Map ID
- **Direction:** WSW
- **Distance:** 1/4 - 1/2 Mile
- **Elevation:** Lower

<table>
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<table>
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<th>Org. Identifier</th>
<th>USGS-MI</th>
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<td>Formal name</td>
<td>USGS Michigan Water Science Center</td>
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<tr>
<td>Monloc Identifier</td>
<td>USGS-423242083132801</td>
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<tr>
<td>Monloc name</td>
<td>02N 10E 36BBBC 01</td>
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<td>Monloc type</td>
<td>Well</td>
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<tr>
<td>Monloc desc</td>
<td>Not Reported</td>
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<tr>
<td>Huc code</td>
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<table>
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- **Distance:** 1/2 - 1 Mile
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TC4225651.2s  Page A-13
### GEOCHECK® - PHYSICAL SETTING SOURCE MAP FINDINGS

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B6 North 1/2 - 1 Mile Lower

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GEOCHECK® - PHYSICAL SETTING SOURCE MAP FINDINGS

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Town range: 02N 10E  Section: 25
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Well addr: 94 MANOR CT
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Wsn: 0
Well num: Not Reported  Driller id: 25
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Screen to: 70
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Pct pcm 5: 0  Pct na 5: 0
| Pct aq 6: | 0 | Pct maq 6: | 0 |
| Pct cm 6: | 0 | Pct pcm 6: | 0 |
| Pct na 6: | 0 | Pct aq 7: | 0 |
| Pct maq 7: | 0 | Pct cm 7: | 0 |
| Pct pcm 7: | 0 | Pct na 7: | 0 |
| Pct aq 8: | 0 | Pct maq 8: | 0 |
| Pct cm 8: | 0 | Pct pcm 8: | 0 |
| Pct na 8: | 0 | Pct aq 9: | 0 |
| Pct maq 9: | 0 | Pct cm 9: | 0 |
| Pct pcm 9: | 0 | Pct na 9: | 0 |
| Pct aq 10: | 0 | Pct maq 10: | 0 |
| Pct cm 10: | 0 | Pct pcm 10: | 0 |
| Pct na 10: | 0 | Pct aq 11: | 0 |
| Pct maq 11: | 0 | Pct cm 11: | 0 |
| Pct pcm 11: | 0 | Pct na 11: | 0 |
| Pct aq 12: | 0 | Pct maq 12: | 0 |
| Pct cm 12: | 0 | Pct pcm 12: | 0 |
| Pct na 12: | 0 | Pct aq 13: | 0 |
| Pct maq 13: | 0 | Pct cm 13: | 0 |
| Pct pcm 13: | 0 | Pct na 13: | 0 |

Within sec: Y
Loc match: Y

Aq code 1: D
Hit swl: F

A7
NNE
1/2 - 1 Mile
Higher

Wellid: 630000004243
County: Oakland
Town range: 02N 10E
Owner name: ANDREW P TRESTRAIL
Well addr: 1250 OXFORD
Well depth: 118
Well type: Household
Wssn: 0
Well numb: Not Reported
Const date: 1988-03-16 00:00:00.000
Case dia: 4
Case depth: 118
Screen frm: 113
Screen to: 118
Swf: 34
Test depth: 52
Test hours: 4
Test rate: 35
Grouted: 1
Pmp cpcity: 0
Latitude: 42.55690875
Longitude: -83.21311792
### GEOCHECK® - PHYSICAL SETTING SOURCE MAP FINDINGS

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<thead>
<tr>
<th>Method</th>
<th>Address Matching-House Number</th>
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<tbody>
<tr>
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</tr>
<tr>
<td>Elev. method</td>
<td>Topograhic Map Interpolation</td>
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<tr>
<td>Elev. flag</td>
<td>ELEV_DIF &gt; 20 feet -- Abs(Elevation feet DEM_Elevation) &gt; 20 feet</td>
</tr>
<tr>
<td>Swf. flag</td>
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<tr>
<td>Elev. dem</td>
<td>781</td>
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<td>Elev. mix</td>
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<td>Aq. flag</td>
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| Pct aq. | 45 |
| Pct aq. d | 45 |
| Pct maq. | 0 |
| Pct cm. | 42 |
| Pct pcm. | 13 |
| Pct na. | 0 |
| Pct flag | Not Reported |
| D r. type | Not Reported |
| A. thickness | 16 |
| A. pct maq | 0 |
| A. pct cm | 42 |
| A. pct pcm | 13 |
| A. pct na | 0 |
| A. pct flag | Not Reported |
| A. hit swl | F |
| A. hit rock | F |
| A. sc lmp1 | Wet/Moist |
| A. sc lmp2 | 100 |
| A. sc lmp3 | 0 |
| Pct maq 1 | 0 |
| Pct cm 1 | 0 |
| Pct pcm 1 | 0 |
| Pct na 1 | 0 |
| Pct maq 2 | 65 |
| Pct cm 2 | 35 |
| Pct pcm 2 | 0 |
| Pct na 2 | 0 |
| Pct maq 3 | 58 |
| Pct cm 3 | 0 |
| Pct pcm 3 | 0 |
| Pct na 3 | 0 |
| Pct maq 4 | 20 |
| Pct cm 4 | 80 |
| Pct pcm 4 | 0 |
| Pct na 4 | 0 |
| Pct maq 5 | 0 |
| Pct cm 5 | 35 |
| Pct pcm 5 | 0 |
| Pct na 5 | 0 |
| Pct maq 6 | 0 |
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| Pct na 6 | 0 |
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| Pct maq 12 | 0 |
| Pct cm 12 | 0 |
| Pct pcm 12 | 0 |
| Pct na 12 | 0 |
| Pct maq 13 | 0 |
| Pct cm 13 | 0 |
| Pct pcm 13 | 0 |
### GEOCHECK® - PHYSICAL SETTING SOURCE MAP FINDINGS

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### B8
**North**
1/2 - 1 Mile
**Lower**

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<td>Owner name: STEPHEN E GLAZEK</td>
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<td>Well addr: 85 MANOR RD</td>
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<td>T2:</td>
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**GEOCHECK® - PHYSICAL SETTING SOURCE MAP FINDINGS**

**B9 North 1/2 - 1 Mile Lower**

**MI WELLS MI3000000096414**
Wellid: 63000004240
County: Oakland
Town range: 02N 10E
Owner name: SHERYL RYAN
Well addr: 86 MANOR RD
Well depth: 255
Well type: Household
Wsn: 0
Well num: Not Reported
Const date: 1979-01-08 00:00:00.000
Case dia: 4
Case depth: 203.8
Screen frm: 0
Screen to: 0
Swl: 25
Test depth: 150
Test hours: 9
Test rate: 11
Grouted: 0
Latitude: 42.55813405
Longitude: -83.21818952
Methd coll: Address Matching-House Number
Elevation: 748
Elev methd: Topographc Map Interpolation
Depth flag: Not Reported
Elev flag: Not Reported
Swl flag: Not Reported
Elev dem: 748
Elev miv: 748
Aq flag: Not Reported
Pct aq: 27
Pct aq d: 9
Pct maq: 0
Pct maq r: 0
Pct cm d: 78
Pct cm: 64
Pct pcm r: 9
Pct na: 0
Pct na d: 0
Pct flag: Not Reported
D r type: Not Reported
A thickness: 0
A pct aq: 0
A pct maq: 0
A pct cm: 0
A thickness2: 0
A pct aq2: 0
A pct maq2: 0
A pct cm2: 0
A hit swl: F
A hit top: F
A hit rock: F
A sc lith1: Not Reported
A sc lmaq1: Not Reported
A sc lmaq2: Not Reported
A sc lith2: Not Reported
A sc lmaq2: Not Reported
Pct maq1: 0
Pct cm1: 100
Pct na1: 0
Pct maq2: 0
Pct cm2: 100
Pct na2: 0
Pct maq3: 0
Pct cm3: 100
Pct na3: 0
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Pct na4: 0
Pct maq5: 0
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<td>ELEV_DIF &gt; 20 feet -- Abs(Elevation feet DEM_Elevation) &gt; 20 feet</td>
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<td>Swf Flag:</td>
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| Pct Aq 3: | 0    |
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| Pct Aq 5: | 0    |
| Pct Aq 6: | 0    |
| Pct Aq 7: | 0    |
| Pct Aq 8: | 0    |
| Pct Aq 9: | 0    |
| Pct Aq 10: | 0 |
| Pct Aq 11: | 0 |
| Pct Aq 12: | 0 |
| Pct Aq 13: | 0 |

| Pct Aq R: | 0    |
| Pct Aq 2 R: | 0   |
| Pct Aq 3 R: | 0  |
| Pct Aq 4 R: | 0  |
| Pct Aq 5 R: | 0  |
| Pct Aq 6 R: | 0  |
| Pct Aq 7 R: | 0  |
| Pct Aq 8 R: | 0  |
| Pct Aq 9 R: | 0  |
| Pct Aq 10 R: | 0 |
| Pct Aq 11 R: | 0 |
| Pct Aq 12 R: | 0 |
| Pct Aq 13 R: | 0 |

| Pct Maq:  | 0    |
| Pct Maq 2: | 0   |
| Pct Maq 3: | 0  |
| Pct Maq 4: | 0  |
| Pct Maq 5: | 0  |
| Pct Maq 6: | 0  |
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| Pct Maq 10: | 0 |
| Pct Maq 11: | 0 |
| Pct Maq 12: | 0 |
| Pct Maq 13: | 0 |

| Pct M:  | 0    |
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| Pct Maq 4 M: | 0  |
| Pct Maq 5 M: | 0  |
| Pct Maq 6 M: | 0  |
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| Pct Maq 10 M: | 0 |
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| Pct Maq 5 C: | 0  |
| Pct Maq 6 C: | 0  |
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| Pct Maq 10 C: | 0 |
| Pct Maq 11 C: | 0 |
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| Pct Maq 13 C: | 0 |

| Pct M R: | 0    |
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| Pct Maq 4 M R: | 0  |
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| Pct Maq 2 C R: | 0   |
| Pct Maq 3 C R: | 0  |
| Pct Maq 4 C R: | 0  |
| Pct Maq 5 C R: | 0  |
| Pct Maq 6 C R: | 0  |
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| Pct Maq 8 C R: | 0  |
| Pct Maq 9 C R: | 0  |
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| Pct Maq 11 C R: | 0 |
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| Pct Maq 13 C R: | 0 |

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| Pct Aq 3: | 0  |
| Pct Aq 4: | 0  |
| Pct Aq 5: | 0  |
| Pct Aq 6: | 0  |
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| Pct Aq 8: | 0  |
| Pct Aq 9: | 0  |
| Pct Aq 10: | 0 |
| Pct Aq 11: | 0 |
| Pct Aq 12: | 0 |
| Pct Aq 13: | 0 |

| Pct Aq R: | 0    |
| Pct Aq 2 R: | 0   |
| Pct Aq 3 R: | 0  |
| Pct Aq 4 R: | 0  |
| Pct Aq 5 R: | 0  |
| Pct Aq 6 R: | 0  |
| Pct Aq 7 R: | 0  |
| Pct Aq 8 R: | 0  |
| Pct Aq 9 R: | 0  |
| Pct Aq 10 R: | 0 |
| Pct Aq 11 R: | 0 |
| Pct Aq 12 R: | 0 |
| Pct Aq 13 R: | 0 |
Within sec: Y  Loc match: Y
Aq code 1: D
Hit swl: F
Alt k2: 123
Horiz Conduct: .11019
Vert Conduct: .0002
T2: 13.5536
D50plek: 3.7634

C11
NNE
1/2 - 1 Mile
Higher

Wellid: 63000004245  Import id: 63028025009
County: Oakland  Township: Bloomfield
Town range: 02N 10E  Section: 25
Owner name: BETTIANN ALESSANDRI
Well addr: 1360 OXFORD
Well depth: 124
Well type: Household
Wsn: 0
Well num: Not Reported  Driller id: 414
Const date: 1997-05-10 00:00:00.000  Case type: Steel-black
Case dia: 5
Case depth: 116
Screen frm: 116
Screen to: 124
Swl: 25
Test depth: 110
Test hours: 2
Test rate: 12  Test methd: Unknown
Grouted: 1  Pmp cpcity: 0
Latitude: 42.55785745
Longitude: -83.21296502
Methd coll: Address Matching-House Number
Elevation: 748
Elev methd: Topographoc Map Interpolation  Depth flag: Not Reported
Elev flag: ELEV_DIF > 20 feet -- Abs(Elevation feet DEM_Elevation) > 20 feet
Swl flag: Not Reported
Elev dem: 781  Elev dif: 33
Elev miv: 748  Aq code: Drift Well
Aq flag: Not Reported
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Pct na d: 0  Pct na r: 0
Pct flag: Not Reported  Rock top: -1
D r type: Not Reported  Spc cpcity: 0
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County: Oakland  Township: Bloomfield
Town range: 02N 10E  Section: 25
Owner name: MASAT IZU
Well addr: 265 MANOR RD
Well depth: 94
Well type: Household
Wsn: 0
Well num: Not Reported  Driller id: 25
Const date: 1976-05-21 00:00:00.000  Case type: Unknown
Case dia: 6
Case depth: 87.7
Screen frm: 88
Screen to: 93
Swl: 18
Test depth: 50
Test hours: 4
Test rate: 80  Test methd: Unknown
Grouted: 0  Pmp cpcity: 0
Latitude: 42.55870845
Longitude: -83.21481572
Methd col: Address Matching-House Number
Elevation: 748
Elev methd: Topographc Map Interpolation  Depth flag: Not Reported
Elev flag: Not Reported
Swl flag: Not Reported
Elev dem: 751  Elev dif: 3
Elev miv: 748  Aq code: Drift Well
Aq flag: Not Reported
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Pct maq: 0  Pct maq d: 0
Pct cm d: 0  Pct cm r: 39
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Pct na d: 0  Pct na r: 0
Pct flag: Not Reported  Rock top: -1
D r type: Not Reported  Spc cpcity: 0
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A pct maq: 0  A pct pcm: 0
A pct cm: 0  A pct na: 53
A thickns2: 75  A pct aq2: 9
A pct maq2: 0  A pct pcm2: 31
A pct cm2: 49  A pct na2: 11
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A hit rock: F  A sc lith1: Lithology Unknown
A sc lmod1: Not Reported  A sc lmq1: NA
A sc lpt1: 100  A sc lmq2: Not Reported
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### GEOCHECK® - PHYSICAL SETTING SOURCE MAP FINDINGS

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#### 13

**NNW**

**1/2 - 1 Mile**

**Lower**

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GEOCHECK® - PHYSICAL SETTING SOURCE MAP FINDINGS

Aquifer type: Not Reported
Construction date: 19290101
Well depth: 81
Well depth units: ft
Well hole depth: Not Reported

Ground-water levels, Number of Measurements: 1
Date: 1929-03-01

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County: Oakland
Township: Bloomfield
Town range: 02N 10E
Section: 35
Owner name: RICHARD M & LYDIA G WALLACE
Well addr: 860 PLEASANT
Well depth: 103
Well type: Irrigation
Wssn: 0
Well num: Not Reported
Driller id: 25
Const date: 1970-03-24 00:00:00.000
Case dia: 4
Case depth: 97
Screen frm: 98
Screen to: 103
Swl: 20
Test depth: 95
Test hours: 4
Test rate: 10
Test method: Unknown
Grouted: 0
Pmp cpcity: 0
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Elevation: 735
Elev meth: Topographoc Map Interpolation
Depth flag: Not Reported
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Elev dif: 6
Elev miv: 735
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## AREA RADON INFORMATION

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### Federal EPA Radon Zone for OAKLAND County: 2

Note: Zone 1 indoor average level > 4 pCi/L.
: Zone 2 indoor average level >= 2 pCi/L and <= 4 pCi/L.
: Zone 3 indoor average level < 2 pCi/L.

Federal Area Radon Information for Zip Code: 48009

Number of sites tested: 5

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TOPOGRAPHIC INFORMATION

USGS 7.5' Digital Elevation Model (DEM)
Source: United States Geologic Survey
EDR acquired the USGS 7.5' Digital Elevation Model in 2002 and updated it in 2006. The 7.5 minute DEM corresponds to the USGS 1:24,000- and 1:25,000-scale topographic quadrangle maps. The DEM provides elevation data with consistent elevation units and projection.

Scanned Digital USGS 7.5' Topographic Map (DRG)
Source: United States Geologic Survey
A digital raster graphic (DRG) is a scanned image of a U.S. Geological Survey topographic map. The map images are made by scanning published paper maps on high-resolution scanners. The raster image is georeferenced and fit to the Universal Transverse Mercator (UTM) projection.

HYDROLOGIC INFORMATION

Flood Zone Data: This data, available in select counties across the country, was obtained by EDR in 2003 & 2011 from the Federal Emergency Management Agency (FEMA). Data depicts 100-year and 500-year flood zones as defined by FEMA.

NWI: National Wetlands Inventory. This data, available in select counties across the country, was obtained by EDR in 2002, 2005 and 2010 from the U.S. Fish and Wildlife Service.

State Wetlands Data: Wetlands Inventory
Source: Department of Natural Resources
Telephone: 517-241-2254

HYDROGEOLOGIC INFORMATION

AQUIFLOW® Information System
Source: EDR proprietary database of groundwater flow information
EDR has developed the AQUIFLOW Information System (AIS) to provide data on the general direction of groundwater flow at specific points. EDR has reviewed reports submitted to regulatory authorities at select sites and has extracted the date of the report, hydrogeologically determined groundwater flow direction and depth to water table information.

GEOLOGIC INFORMATION

Geologic Age and Rock Stratigraphic Unit

STATSGO: State Soil Geographic Database
Source: Department of Agriculture, Natural Resources Conservation Services
The U.S. Department of Agriculture’s (USDA) Natural Resources Conservation Service (NRCS) leads the national Conservation Soil Survey (NCSS) and is responsible for collecting, storing, maintaining and distributing soil survey information for privately owned lands in the United States. A soil map in a soil survey is a representation of soil patterns in a landscape. Soil maps for STATSGO are compiled by generalizing more detailed (SSURGO) soil survey maps.

SSURGO: Soil Survey Geographic Database
Source: Department of Agriculture, Natural Resources Conservation Services (NRCS)
Telephone: 800-672-5559
SSURGO is the most detailed level of mapping done by the Natural Resources Conservation Services, mapping scales generally range from 1:12,000 to 1:63,360. Field mapping methods using national standards are used to construct the soil maps in the Soil Survey Geographic (SSURGO) database. SSURGO digitizing duplicates the original soil survey maps. This level of mapping is designed for use by landowners, townships and county natural resource planning and management.
LOCAL / REGIONAL WATER AGENCY RECORDS

FEDERAL WATER WELLS

PWS: Public Water Systems
Source: EPA/Office of Drinking Water
Telephone: 202-564-3750
Public Water System data from the Federal Reporting Data System. A PWS is any water system which provides water to at least 25 people for at least 60 days annually. PWSs provide water from wells, rivers and other sources.

PWS ENF: Public Water Systems Violation and Enforcement Data
Source: EPA/Office of Drinking Water
Telephone: 202-564-3750

USGS Water Wells: USGS National Water Inventory System (NWIS)
This database contains descriptive information on sites where the USGS collects or has collected data on surface water and/or groundwater. The groundwater data includes information on wells, springs, and other sources of groundwater.

OTHER STATE DATABASE INFORMATION

RADON

State Database: MI Radon
Source: Department of Environmental Quality
Telephone: 517-335-9551
Radon Test Results

Michigan Radon Test Results
Source: Department of Environmental Quality
Telephone: 517-335-8037
These results are from test kits distributed by the local health departments and used by Michigan residents. There is no way of knowing whether the devices were used properly, whether there are duplicates (or repeat verification) test (i.e., more than one sample per home), etc.

Area Radon Information
Source: USGS
Telephone: 703-356-4020
The National Radon Database has been developed by the U.S. Environmental Protection Agency (USEPA) and is a compilation of the EPA/State Residential Radon Survey and the National Residential Radon Survey. The study covers the years 1986 - 1992. Where necessary data has been supplemented by information collected at private sources such as universities and research institutions.

EPA Radon Zones
Source: EPA
Telephone: 703-356-4020
Sections 307 & 309 of IRAA directed EPA to list and identify areas of U.S. with the potential for elevated indoor radon levels.

OTHER

Airport Landing Facilities: Private and public use landing facilities
Source: Federal Aviation Administration, 800-457-6656

Epicenters: World earthquake epicenters, Richter 5 or greater
Source: Department of Commerce, National Oceanic and Atmospheric Administration

Earthquake Fault Lines: The fault lines displayed on EDR's Topographic map are digitized quaternary faultlines, prepared in 1975 by the United State Geological Survey
Appendix 5
Local Documentation
March 19, 2015

JULIE PRATT
PERFORMANCE ENVIRONMENTAL SERVICES INC
30553 WIXOM ROAD SUITE 500
WIXOM MI 48393

RE: FOIA REQUEST
191 N CHESTER
BIRMINGHAM, OAKLAND COUNTY, MI
PARCEL #: 19-25-356-023

Dear Ms. Pratt:

Your request is approved in part and denied in part. Per your request and a review of our records, the Oakland County Health Division (OCHD) has no information regarding on-site sewage disposal permits, well logs, or water well permits for the captioned property. This Division does not maintain files for LUSTs, ASTs or USTs for this site. There are no known landfills on this property.

Your request for information regarding “...not limited to…” and “...hazardous material usage...” is denied for the reason that it fails to meet conditions of MCL 15.233(1) of the Freedom of Information Act, Act 442 of 1976 (FOIA), in that it does not describe a public record sufficiently to enable the public body to find the public record.

If you wish to modify your request by providing a complete list of specific concerns and properties, with date ranges for the information you desire, OCHD will provide available information in compliance with the FOIA.

It is recommended that you contact the Michigan Department of Licensing and Regulatory Affairs and the Michigan Department of Environmental Quality as those agencies have regulatory authority over certain environmental pollutants and monitoring activities. Similarly, it is advised that you contact the local water supply and sewer agencies as they may have authority over certain aspects of the captioned property. If you have any questions, please contact this Division at (248) 858-1312.
YOUR FURTHER LEGAL RIGHTS

To the extent that this response, in your opinion, constitutes a denial of your FOIA rights under the Michigan Freedom of Information Act, your statutory remedies under MCL 15.240, as required to be provided to you by the statute, are as follows:

MCL 15.240

(1) If a public body makes a final determination to deny all or a portion of a request, the requesting person may do 1 of the following at his or her option:
   (a) Submit to L. Brooks Patterson, Oakland County Executive, a written appeal that specifically states the word "appeal" and identifies the reason or reasons for reversal of the denial.
   (b) Commence an action in the circuit court to compel the public body's disclosure of the public records within 180 days after a public body's final determination to deny the request.

(2) Within 10 days after receiving a written appeal pursuant to subsection (1)(a), the head of the public body shall do one of the following:
   (a) Reverse the disclosure denial.
   (b) Issue a written notice to the requesting person upholding the disclosure denial.
   (c) Reverse the disclosure denial in part and issue a written notice to the requesting person upholding the disclosure denial in part.
   (d) Under unusual circumstances, issue a notice extending for not more than 10 business days the period during which the head of the public body shall respond to the written appeal. The head of the public body shall not issue more than one notice of extension for a particular written appeal.

(3) A board or commission that is the head of a public body is not considered to have received a written appeal under subsection (2) until the first regularly scheduled meeting of that board or commission following submission of the written appeal under subsection (1)(a). If the head of the public body fails to respond to a written appeal pursuant to subsection (2), or if the head of the public body upholds all or a portion of the disclosure denial that is the subject of the written appeal, the requesting person may seek judicial review of the nondisclosure by commencing an action in the circuit court under subsection (1)(b).

(4) In an action commenced under subsection (1)(b), a court that determines a public record is not exempt from disclosure shall order the public body to cease withholding or to produce all or a portion of a public record wrongfully withheld, regardless of the location of the public record. The circuit court of the county in which the complainant resides or has his or her principal place of business, or the circuit court for the county in which the public record or an office of the public body is located has venue over the action. The court shall determine the matter de novo and the burden is on the public body to sustain its denial. The court, on its own motion, may view the public record in controversy in private before reaching a decision. Failure to comply with an order of the court may be punished as contempt of court.

(5) An action commenced under this section and appeal from an action commenced under this section shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.

(6) If a person asserting the right to inspect, copy, or to receive a copy of all or a portion of a
public record prevails in an action commenced under to this section, the court shall award reasonable attorneys' fees, costs, and disbursements. If the person or the public body prevails in part, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements. The award shall be assessed against the public body liable for damages under subsection.

(7) If the circuit court determines in an action commenced under this section that the public body has arbitrarily and capriciously violated this act by refusal or delay in disclosing or providing copies of a public record, the court shall award, in addition to any actual or compensatory damages, punitive damages in the amount of $500.00 to the person seeking the right to inspect or receive a copy of a public record. The damages shall not be assessed against an individual, but shall be assessed against the next succeeding public body, that is not an individual and that kept or maintained the public record as a part of its public function.

Sincerely,

OAKLAND COUNTY HEALTH DIVISION
Department of Health and Human Services

Richard C. Peresky, R.E.H.S., M.S.
Senior Public Health Sanitarian
Environmental Health Services

cc: Anthony Drautz, R.S., M.S.A., Administrator, Environmental Health Services
City of Birmingham, Michigan
FIRE AND BUILDING
INSPECTION DEPARTMENTS
PERMIT

Fee $10.00  Date 10/17/90

191 N. Chester, Birmingham, MI 48009

Street and Number Permit No.

All installations and operations under this permit shall conform to the requirements of the Birmingham City Code.

A permit is hereby granted for:

The use of explosives
The installation of tanks for flammable liquids
The installation of Liquefied Petroleum Gas Systems

The installation of Dry-Cleaning or Dry-dyeing equipment.
Removing one 1,000 gallon tank

D & H Richman  17205 MacArthur, Redford, MI 48240

Permit granted to Address

Permit includes

APPLICANT’S COPY – White  TREASURER’S COPY – Pink  INSPECTOR’S COPY – Yellow  CLERK’S COPY – Green
Underground Storage Tank

<table>
<thead>
<tr>
<th>NAME</th>
<th>CHRISTIAN SCIENCE CHURCH</th>
</tr>
</thead>
<tbody>
<tr>
<td>ADDRESS</td>
<td>191 N. CHESTER</td>
</tr>
<tr>
<td>ENVIRONMENTAL ENGINEER</td>
<td>D. Rex Bleeker</td>
</tr>
</tbody>
</table>

FILE

<table>
<thead>
<tr>
<th>TANK 1</th>
<th>TANK 2</th>
<th>TANK 3</th>
<th>TANK 4</th>
</tr>
</thead>
<tbody>
<tr>
<td>PRODUCT:</td>
<td>FUEL OIL</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SERIAL NO:</td>
<td>665 606</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SIZE - IF KNOWN:</td>
<td>1000 gal</td>
<td></td>
<td></td>
</tr>
<tr>
<td>IS TANK REPLACED:</td>
<td>NO</td>
<td></td>
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</table>

Minimal Contamination Observed.

Tanks Removed by D. H. Richmond (248-90)
MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY  
REQUEST FOR DISCLOSURE OF DEQ RECORDS  
Under The Freedom Of Information Act  
This information is required under 1976 PA 442, as amended, in order to request public records.  
Due: 3-17-15

<table>
<thead>
<tr>
<th>ALL INFORMATION MUST BE TYPED OR PRINTED EXCEPT FOR WRITTEN SIGNATURES</th>
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</thead>
<tbody>
<tr>
<td>Company Name or Organization (if applicable)</td>
</tr>
<tr>
<td>Performance Environmental Services</td>
</tr>
<tr>
<td>Requester’s First Name</td>
</tr>
<tr>
<td>Julie</td>
</tr>
<tr>
<td>Address (Street and Number)</td>
</tr>
<tr>
<td>30553 Wixom Road, Suite 500</td>
</tr>
<tr>
<td>City</td>
</tr>
<tr>
<td>Wixom</td>
</tr>
</tbody>
</table>

This request is for records from [ ] Lansing Central and/or [ ] District Office

☐ I wish to review the records listed below
☐ I wish to receive a copy of the records listed below
☐ I wish to receive an estimate for the cost of fulfilling my request

SUBMISSION DATE: 3/9/15

NOTE: To refine the searching process, you may wish to narrow down your request by calling the Environmental Assistance Center (1-800-662-9278) for assistance, or checking specific boxes related to particular divisions. If you do not see what you are looking for in the list below, please feel free to use the additional comments field. For additional program information, please click here.

Programs: If you are only requesting the available information from certain programs, then please list the site number (i.e., Site 1, 2, etc. or "ALL") in the appropriate form field(s) provided below. (see division acronyms in site table below).

<table>
<thead>
<tr>
<th>Program Description</th>
<th>Site Number</th>
<th>Division Acronym</th>
<th>Division Acronym</th>
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<tbody>
<tr>
<td>AGD - Permits</td>
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<td>OWMR (RMG) - Hazardous Waste, ID#: 1</td>
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</tr>
<tr>
<td>RRD - BEA Only</td>
<td>1</td>
<td>OWMR (RMG) - Solid Waste/Scrap Tires/Medical Waste / /</td>
<td></td>
</tr>
<tr>
<td>RRD - Environmental Remediation</td>
<td>1</td>
<td>OCGM - Oil, Gas and Minerals</td>
<td></td>
</tr>
<tr>
<td>RRD - Leaking Underground Storage Tanks (Part 213)</td>
<td>1</td>
<td>WRD - Groundwater</td>
<td></td>
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<tr>
<td>RRD - Superfund</td>
<td></td>
<td>WRD - Water Permits</td>
<td></td>
</tr>
<tr>
<td>Storage Tanks (Part 211)</td>
<td>SUBMIT to</td>
<td>WRD - Stormwater</td>
<td></td>
</tr>
<tr>
<td>Jim Lucas - <a href="mailto:Lucasj@michigan.gov">Lucasj@michigan.gov</a></td>
<td>DLARA</td>
<td></td>
<td></td>
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<tr>
<td>ODMMA (RMG) - Public Water Supply</td>
<td>WRD - Wetlands</td>
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Check boxes for each Division you are requesting files from  
(You must provide the section, township, range for oil, gas and minerals records)

<table>
<thead>
<tr>
<th>Description</th>
<th>Air Quality (AGD)</th>
<th>Oil, Gas &amp; Minerals (OCGM)</th>
<th>Remediation &amp; Redevelopment (RRD)</th>
<th>Resource Management (RMG)</th>
<th>Water Resources (WRD)</th>
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</thead>
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<td></td>
</tr>
<tr>
<td>191. N. Chester, Birmingham, MI</td>
<td>Oakland</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Site 2</td>
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<td>Site 3</td>
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<td>Site 4</td>
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<tr>
<td>Site 5</td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

Additional Comments: Please contact me to schedule an on-site file review of available documentation.
SITE ASSESSMENT / CLOSURE REPORT

1-1,000 Gallon Heating Oil U.S.T

FIRST CHURCH OF CHRIST SCIENCE

Located at
191 North Chester Street
Birmingham, MI 48009

Prepared for
Martha Moyer

FIRST CHURCH OF CHRIST SCIENCE
191 North Chester Street
Birmingham, MI 48009

BY
ENKON ENVIRONMENTAL SERVICES, INC.

October 31, 1990
AUTHORIZATION

ENKON Environmental Services, Inc. was retained by Ms. Martha Moyer of The First Church of Christ Science to perform the site assessment/closure report for a 1,000 gallon heating oil underground storage tank (U.S.T) which was located at the First Church of Christ Science in Birmingham, Michigan.

SCOPE OF WORK

The scope of work consisted of the following tasks:

- Conduct a visual survey of the vicinity, examining for: surrounding populations and land usage; locations and distance to nearby surface water structures; locations and distance to any drinking water or other types of water wells; locations and distance to any subsurface sewers, conduits, other UST’s, and other buried structures on the property.

- Perform a visual examination of the exterior surface of the underground storage tank; checking for signs of deterioration or other potential exit points which may have allowed the stored product to escape.

- Analyze the air inside the interior chamber of the exhumed tank to ensure the absence of any residual flammable liquids or explosive organic vapor concentrations using on-site analytical techniques.

- Perform a visual inspection on the excavation zone walls and floor after the tank was exhumed; examining for signs of contamination from the product in the storage tank.

- Remove selected soil "grab" samples from the walls and floor of the excavation zone and conduct a "head space" analysis on them; examining for the presence of "volatile organic compounds" using on-site analytical techniques.

- Perform random spot checks of the ambient air around the excavation zone during the act of removing the contaminated soil; examining for the presence of released "volatile organic compounds" using on-site analytical techniques.
Monitor the soil removal with an ORGANIC VAPOR ANALYZER to insure that only contaminated soils are stockpiled for later off-site disposal.

After completing the removal of the contaminated soil which surrounded the underground storage tank, obtain the required soil samples for off-site laboratory analysis.

ANALYTICAL METHODOLOGY

On-site sample analysis was performed using a Foxboro Model 128 ORGANIC VAPOR ANALYZER/GAS CHROMATOGRAPH (OVA/GC). Two different analysis procedures were used; direct ambient air vapor analysis and analysis of samples which have been prepared using a modified version of the "head space" organic vapor development procedure. A complete discussion of both the Model 128 OVA/GC and the modified "head space" sample preparation procedure are attached in Appendix C of this document.

Canton Analytical Laboratory, Inc. in the city of Ypsilanti, Michigan was used to perform the required off-site sample analyses.

SITE CLIMATOLOGICAL CONDITIONS

The city of Birmingham is located in the humid continental climatic zone of lower Southeast Michigan. Birmingham's climate is controlled by 1) its proximity to Lake St. Clair, and 2) the many small natural lakes which are north and west of the city. The mean annual temperature is 48.5° F with the mean summer and winter temperatures being 70.9° F and 25.3° F respectively. The area receives an average of 30.35 inches of rain distributed across an average of 67 days each year. The mean annual wind is from the southwest at 10.0 miles per hour. An average October day has a typical high temperature of 63.7° F and a typical low temperature of 42.7° F. The day that the tank was removed, the weather was sunny, 70° F, with 20 MPH southwesterly winds.
SITE VICINITY CONDITIONS

The property consists of a sixty feet wide by one hundred fifty feet deep parcel of land located at 191 North Chester Street in the city of Birmingham. It is bordered on the west by a single family residence, on the north by Willits Street, on the east by North Chester Street, and on the south by a paved alley. There is a single ten thousand (estimated) square feet building located on the property. The underground storage tank was buried beneath the front lawn immediately adjacent to the southeast corner of the building. A drawing depicting the location of the heating oil U.S.T. is included in Appendix A of this report. The entire parcel of land and the building is used as a place of worship and study.

The property is located along the northwestern edge of downtown Birmingham. The neighborhood surrounding this piece of property is used for both residential and office and commercial purposes. The closest residential dwellings were approximately two hundred fifty feet both north and west of the excavation zone. No potable or other use water wells were observed within a 1000 feet radius of the excavation zone. The closest surface water structure was a stream which ran through a park approximately one half mile to the west.

North Chester Street is a major, four lane, vehicular artery which is part of the traffic diversion loop around downtown Birmingham. It experiences heavy traffic during the normal commuting and working hours of each work day.

The church building is connected to the municipal potable water supply and sewage system. No storm drains, or sewer manhole covers were observed within 1000 of the excavation zone.

SITE GROUNDWATER CONDITIONS

During the period of time that the UST was being removed, the excavation zone did not display any groundwater activity.
SOIL DESCRIPTION

The typical wall profile consists of four inches of sod above an eighteen inch layer of black sandy loam topsoil. The soil below the topsoil horizon consists of at least four feet of light brown mixed sand and gravel.

TANK DESCRIPTION

The tank was a standard, single wall, steel 1,000 gallon underground storage tank (UL Serial # 665606). Except for the asphalt coating, the tank did not have any corrosion protection. A thorough examination of the tank failed to uncover any signs of corrosion or other potential points of product release. The steel walls of the tank, as well as the galvanized product lines were all in excellent shape. The tank was inspected by Mr. David Edginton, Fire Marshal for the city of Birmingham.

ON-SITE SOIL ANALYSIS

ENKON arrived on-site and discovered that the contractor, (D & H Richmond), had already exposed the top of the tank. Soil from the exposed edges of the tank were sampled and analyzed on-site for entrained "volatile organic compounds" (VOC). The initial readings were: north side, 125 parts per million (ppm); east side, 10 ppm; south side, 15 ppm; west side, 25 ppm.

After the tank was removed ENKON collected samples from the excavation walls and floor and analyzed them on-site for the presence of VOCs. None of these samples contained any entrained VOCs.

Upon completion of the sampling and on-site analysis of the excavation zone soil surfaces, the final soil samples were collected for submittal to Canton Analytical Laboratory.

The analytical results for these samples are summarized in the table below. A copy of the laboratory analytical report is included in Appendix B of this document.
### Summary of the Laboratory Analysis of the Final Soil Samples

<table>
<thead>
<tr>
<th></th>
<th>SS#1 (mg/kg)</th>
<th>SS#2 (mg/kg)</th>
<th>SS#3 (mg/kg)</th>
<th>SS#4 (mg/kg)</th>
<th>SS#5 (mg/kg)</th>
<th>SS#6 (mg/kg)</th>
<th>MDNR Limit (ppm)</th>
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<td></td>
<td></td>
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<tr>
<td>Benzene</td>
<td>&lt;0.01</td>
<td>&lt;0.01</td>
<td>&lt;0.01</td>
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<td>Ethylbenzene</td>
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<td>Toluene</td>
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<tr>
<td>Xylenes</td>
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<td>&lt;0.01</td>
<td>&lt;0.01</td>
<td>&lt;0.01</td>
<td>0.01</td>
</tr>
</tbody>
</table>

#### 610 Polymeric Aromatics

|                  |              |              |              |              |              |              |                  |
|------------------|--------------|--------------|--------------|--------------|--------------|--------------|                  |
| Naphthalene      | <0.04        | <0.04        | <0.04        | <0.04        | <0.04        | <0.04        | 0.04             |
| Acenaphthylene   | <0.06        | <0.06        | <0.06        | <0.06        | <0.06        | <0.06        | 0.06             |
| Acenaphethene    | <0.04        | <0.04        | <0.04        | <0.04        | <0.04        | <0.04        | 0.04             |
| Fluorene         | <0.02        | <0.02        | <0.02        | <0.02        | <0.02        | <0.02        | 0.02             |
| Phenanthrene     | <0.02        | <0.02        | <0.02        | <0.02        | <0.02        | <0.02        | 0.02             |
| Anthracene       | <0.02        | <0.02        | <0.02        | <0.02        | <0.02        | <0.02        | 0.02             |
| Fluoranthene     | <0.02        | <0.02        | <0.02        | <0.02        | <0.02        | <0.02        | 0.02             |
| Pyrene           | <0.02        | <0.02        | <0.02        | <0.02        | <0.02        | <0.02        | 0.02             |
| Benzo(a)anthracene | <0.02       | <0.02        | <0.02        | <0.02        | <0.02        | <0.02        | 0.02             |
| Chrysene         | <0.02        | <0.02        | <0.02        | <0.02        | <0.02        | <0.02        | 0.02             |
| Benzo(b)fluoranthene | <0.02    | <0.02        | <0.02        | <0.02        | <0.02        | <0.02        | 0.02             |
| Benzo(k)fluoranthene | <0.02     | <0.02        | <0.02        | <0.02        | <0.02        | <0.02        | 0.02             |
| Benzo(a)pyrene   | <0.02        | <0.02        | <0.02        | <0.02        | <0.02        | <0.02        | 0.02             |
| Dibenzo(a,h)anthracene | <0.02  | <0.02        | <0.02        | <0.02        | <0.02        | <0.02        | 0.02             |
| Benzo(ghi)pyrene | <0.02        | <0.02        | <0.02        | <0.02        | <0.02        | <0.02        | 0.02             |
| Indeno(1,2,3-cd)pyrene | <0.02 | <0.02        | <0.02        | <0.02        | <0.02        | <0.02        | 0.02             |

**SS#1** = Excavation zone; north wall composite  
**SS#2** = Excavation zone; east wall composite  
**SS#3** = Excavation zone; south wall composite  
**SS#4** = Excavation zone; west wall composite  
**SS#5** = Excavation floor; 1,000 gallon heating oil tank; north end  
**SS#6** = Excavation floor; 1,000 gallon heating oil tank; south end  
**MDNR** = Michigan Department of Natural Resources Type A Criteria Limits
ENKON Environmental Services, Inc.
First Church of Christ Science - Birmingham, Michigan

CONCLUSION

As shown by the off-site analytical laboratory results, all the exposed soil surfaces of the U.S.T excavation zone at the First Church of Christian Science meet the Michigan Department of Natural Resources Underground Storage Tank Type "A" Closure Criteria.

It is the opinion of ENKON Environmental Services, Inc. that, no residual potential environmental impact to the surrounding soil and groundwater from the removal of the 1,000 gallon heating oil underground storage tank and approximately fifty cubic yards of soil from the First Church of Christian Science facility in Birmingham, Michigan appears evident.

Sincerely,
ENKON Environmental Services, Inc.

D. Rex Bleeker
Environmental Engineer
APPENDIX A - - -
MAPS & DRAWINGS

I  Site Location
II  Soil Sample Locations
Main Entrance Stairs

Concrete Sidewalk

Remote Fill Line
(End was capped)

Soil Profile
4" Sod
Black Sandy Loam
Topsoil

18"

Brown

Light Brown
2" Mixed Sand
and Gravel

Excavation Zone
15' long by 8' wide by 6' deep

Paved Alleyway

Project: 1st Church of Chris. Sci.
Date: 10/18/90
Scale: None
APPENDIX B

LABORATORY ANALYTICAL RESULTS

I Definitions

II EP Toxicity Limits

III TCLP Limits

IV MDNR Petroleum Hydrocarbon Limits

V Published Laboratory Results
EXPLANATION OF THE SYMBOLS USED

BTEX = An acronym for benzene, toluene, ethyl benzene, xylenes.
EPTOX = Extraction Procedure Toxicity; a 24 hour acidic water extraction procedure followed by analysis of the extract for pH, corrosivity, 10 metals, and 24 organic compounds.
MDL = Minimum Detection Level; the lowest analytical quantity which can be detected by the instrument. Varies from instrument to instrument and method to method. A series of general guidelines are usually provided for reference.
mg/kg = milligrams per kilogram (equivalent to ppm).
These units are used with solid (dry weight) materials.
mg/L = milligrams per Liter (equivalent to ppm).
These units are used with liquid materials.
PAH = An acronym for polynuclear aromatic hydrocarbons; a class of multi-ring organic molecules (also called PNA).
PNA = See PAH
ppb = parts per billion; the number of units out of a total of one billion units (units of weight - usually micrograms).
ppm = parts per million; the number of units out of a total of one million units (units of weight - usually milligrams).
TPH = Total petroleum hydrocarbons; the combined total of all the analyzed petroleum hydrocarbon concentrations.
ug/kg = micrograms per kilogram (equivalent to ppb).
These units are used with solid (dry weight) materials.
ug/L = micrograms per Liter (equivalent to ppb).
These units are used with liquid materials.

CORROSIVITY = A material with a pH of 2.0 or less or 12.5 or more. The standard is the ability to corrode bare steel at a rate of 1/4 inch or more per year under specific test conditions.
FLASH POINT = The temperature at which a liquid or solid gives off enough vapor to form an ignitable mixture with the air above the material's surface.
IGNITABILITY = The temperature at which the material or it's vapors catches fire in an enclosed place and in the presence of a source of ignition (usually expressed as the Flash Point.)
pH = A measure of the acidity or alkalinety of a material. It is represented by a number which is the logarithm of the reciprocal of the hydrogen ion concentration of a solution.
REACTIVITY = A partial definition is; a cyanide- or sulfide-bearing material which, when exposed to pH conditions between 2.0 and 12.5 emits toxic fumes in dangerous quantities.

1 gram = 1,000 milligrams = 1,000,000 micrograms
1 Liter \((\text{H}_2\text{O})\) = 1 kilogram = 1,000 grams = 1,000,000 milligrams
= 1,000,000,000 micrograms
<table>
<thead>
<tr>
<th>Analyte</th>
<th>Minimum Detection Limit</th>
<th>Maximum Limit for Nonhazardous</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ignitability, F° EPA Method 1010</td>
<td>Not Applicable</td>
<td>&gt; 140 F°</td>
</tr>
<tr>
<td>Corrosivity, pH Units EPA M 9040</td>
<td>Not Applicable</td>
<td>2.0&lt;X&lt;12.5</td>
</tr>
<tr>
<td>Reactivity; as Cyanide, EPA 9010</td>
<td>1.00 mg/kg</td>
<td>250 mg/kg</td>
</tr>
<tr>
<td>Reactivity; as Sulfide, EPA 9030</td>
<td>1.00 mg/kg</td>
<td>500 mg/kg</td>
</tr>
<tr>
<td>Arsenic, EP Tox., EPA Meth. 7060</td>
<td>0.05 mg/kg</td>
<td>5.0 mg/kg</td>
</tr>
<tr>
<td>Barium, EP Tox., EPA Method 7080</td>
<td>0.10 mg/kg</td>
<td>100.0 mg/kg</td>
</tr>
<tr>
<td>Cadmium, EP Tox., EPA Meth. 7130</td>
<td>0.01 mg/kg</td>
<td>1.0 mg/kg</td>
</tr>
<tr>
<td>Chromium, EP Tox., EPA Meth 7190</td>
<td>0.05 mg/kg</td>
<td>5.0 mg/kg</td>
</tr>
<tr>
<td>Copper, EP Tox., EPA Method 7210</td>
<td>0.01 mg/kg</td>
<td>100.0 mg/kg</td>
</tr>
<tr>
<td>Lead, EP Tox., EPA Method 7420</td>
<td>0.01 mg/kg</td>
<td>5.0 mg/kg</td>
</tr>
<tr>
<td>Mercury, EP Tox., EPA Meth. 7470</td>
<td>0.01 mg/kg</td>
<td>0.2 mg/kg</td>
</tr>
<tr>
<td>Selenium, EP Tox., EPA Meth 7740</td>
<td>0.05 mg/kg</td>
<td>1.0 mg/kg</td>
</tr>
<tr>
<td>Silver, EP Tox., EPA Method 7760</td>
<td>0.01 mg/kg</td>
<td>5.0 mg/kg</td>
</tr>
<tr>
<td>Zinc, EP Tox., EPA Method 7950</td>
<td>0.01 mg/kg</td>
<td>500.0 mg/kg</td>
</tr>
<tr>
<td>Endrin (1,2,3,4,10,10-hexachlororo-1,7-Epoxy-1,4,4a,5,6,7,8,8a octahydro 1,4-endo, endo-5.8-dimethanonaphthalene)</td>
<td>0.006 mg/kg</td>
<td>0.020 mg/kg</td>
</tr>
<tr>
<td>Lindane (1,2,3,4,5,6-hexa-chlorocyclohexane, gamma isomer)</td>
<td>0.076 mg/kg</td>
<td>0.400 mg/kg</td>
</tr>
<tr>
<td>Methoxychlor (1,1,1-trichloro-2,2-bis(p-methoxyphenyl)ethane)</td>
<td>0.0001 mg/kg</td>
<td>10.0 mg/kg</td>
</tr>
<tr>
<td>Toxaphene (C_{12}H_{10}Cl_{6}. Technical chlorinated camphene, 67-69 % Cl)</td>
<td>0.001 mg/kg</td>
<td>0.5 mg/kg</td>
</tr>
<tr>
<td>2,4,D EPA Method 8150 2,4-D(2,4-Dichlorophenoxyacetic Acid)</td>
<td>0.001 mg/kg</td>
<td>10.0 mg/kg</td>
</tr>
<tr>
<td>2,4,5-TP EPA Method 8150 2,4,5 TP Silvex (2,4,5-Trichlorophenoxypropionic acid)</td>
<td>0.001 mg/kg</td>
<td>1.0 mg/kg</td>
</tr>
</tbody>
</table>
## TCLP Waste Characterization

<table>
<thead>
<tr>
<th>Analyte</th>
<th>Minimum Detection Limit in soil (ppm)</th>
<th>Maximum Nonhazardous Material Limit (ppm)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>GENERAL CHARACTERISTICS</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Flash Point</td>
<td>Not Applicable</td>
<td>140° F</td>
</tr>
<tr>
<td>Corrosivity (pH)</td>
<td>Not Applicable</td>
<td>&lt;2.0 or &gt;12.5</td>
</tr>
<tr>
<td>Reactivity as Cyanide</td>
<td>1.0</td>
<td>Level determined</td>
</tr>
<tr>
<td>Reactivity as Sulfide</td>
<td>1.0</td>
<td>for each case.</td>
</tr>
<tr>
<td><strong>METALS (TCLP Extraction)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Arsenic (As)</td>
<td>0.05</td>
<td>5.0</td>
</tr>
<tr>
<td>Barium (Ba)</td>
<td>0.01</td>
<td>100.0</td>
</tr>
<tr>
<td>Cadmium (Cd)</td>
<td>0.01</td>
<td>1.0</td>
</tr>
<tr>
<td>Chromium (Cr)</td>
<td>0.05</td>
<td>5.0</td>
</tr>
<tr>
<td>Lead (Pb)</td>
<td>0.01</td>
<td>5.0</td>
</tr>
<tr>
<td>Mercury (Hg)</td>
<td>0.01</td>
<td>0.2</td>
</tr>
<tr>
<td>Selenium (Se)</td>
<td>0.01</td>
<td>1.0</td>
</tr>
<tr>
<td>Copper (Cu) [MDNR only]</td>
<td>0.01</td>
<td>100.0</td>
</tr>
<tr>
<td>Zinc (Zn) [MDNR only]</td>
<td>0.01</td>
<td>500.0</td>
</tr>
<tr>
<td><strong>VOLATILE ORGANIC COMPOUNDS (Zero Headspace Extraction)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Benzene</td>
<td>0.005</td>
<td>0.5</td>
</tr>
<tr>
<td>Carbon Tetrachloride</td>
<td>0.005</td>
<td>0.5</td>
</tr>
<tr>
<td>Chlorobenzene</td>
<td>0.005</td>
<td>100.0</td>
</tr>
<tr>
<td>Chloroform</td>
<td>0.005</td>
<td>6.0</td>
</tr>
<tr>
<td>1,4-Dichlorobenzene</td>
<td>0.005</td>
<td>7.5</td>
</tr>
<tr>
<td>1,2-Dichloroethane</td>
<td>0.005</td>
<td>0.5</td>
</tr>
<tr>
<td>1,1-Dichloroethylene</td>
<td>0.005</td>
<td>0.7</td>
</tr>
<tr>
<td>Methyl Ethyl Ketone</td>
<td>0.050</td>
<td>200.0</td>
</tr>
<tr>
<td>Pyridine</td>
<td>Not Detected</td>
<td>5.0</td>
</tr>
<tr>
<td>Tetrachloroethylene</td>
<td>0.005</td>
<td>0.7</td>
</tr>
<tr>
<td>Trichloroethylene</td>
<td>0.005</td>
<td>0.5</td>
</tr>
<tr>
<td>Vinyl Chloride</td>
<td>0.010</td>
<td>0.2</td>
</tr>
<tr>
<td><strong>ACID EXTRACTABLES (TCLP Extraction)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>o-Cresol</td>
<td>0.660</td>
<td>200.0</td>
</tr>
<tr>
<td>m-Cresol</td>
<td>0.660</td>
<td>200.0</td>
</tr>
<tr>
<td>p-Cresol</td>
<td>0.660</td>
<td>200.0</td>
</tr>
<tr>
<td>Cresol (total)</td>
<td>0.660</td>
<td>200.0</td>
</tr>
<tr>
<td>Pentachlorophenol</td>
<td>0.660</td>
<td>100.0</td>
</tr>
<tr>
<td>2,4,5-Trichlorophenol</td>
<td>0.660</td>
<td>400.0</td>
</tr>
<tr>
<td>2,4,6-Trichlorophenol</td>
<td>0.660</td>
<td>2.0</td>
</tr>
<tr>
<td><strong>BASE NEUTRAL COMPOUNDS (TCLP Extraction)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hexachlorobenzene</td>
<td>0.660</td>
<td>0.13</td>
</tr>
<tr>
<td>Hexachloro-1,3-butadiene</td>
<td>0.660</td>
<td>0.5</td>
</tr>
<tr>
<td>Hexachloroethane</td>
<td>0.660</td>
<td>3.0</td>
</tr>
<tr>
<td>Nitrobenzene</td>
<td>0.660</td>
<td>2.0</td>
</tr>
<tr>
<td>2,4-Dinitrotoluene</td>
<td>0.660</td>
<td>0.13</td>
</tr>
<tr>
<td><strong>PESTICIDES (TCLP Extraction)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Endrin</td>
<td>0.006</td>
<td>0.02</td>
</tr>
<tr>
<td>Lindane</td>
<td>0.076</td>
<td>0.4</td>
</tr>
<tr>
<td>Methoxychlor</td>
<td>0.017</td>
<td>10.0</td>
</tr>
<tr>
<td>Chlordane</td>
<td>0.0017</td>
<td>0.03</td>
</tr>
<tr>
<td>Heptachlor</td>
<td>0.0017</td>
<td>0.008</td>
</tr>
<tr>
<td><strong>HERBIACIDES (TCLP Extraction)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2,4-D</td>
<td>0.001</td>
<td>10.0</td>
</tr>
<tr>
<td>2,4,5-TP (Silvex)</td>
<td>0.001</td>
<td>1.0</td>
</tr>
</tbody>
</table>
### Michigan DNR Recommended Maximum Concentration Levels

Criteria for Petroleum Hydrocarbons in Soil and Water

(All values are expressed in parts per million-ppm)

<table>
<thead>
<tr>
<th></th>
<th>Type &quot;A&quot; Criteria</th>
<th>Type &quot;B&quot; Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Soil</td>
<td>Groundwater</td>
</tr>
<tr>
<td><strong>BTX</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Benzene</td>
<td>0.010</td>
<td>0.001</td>
</tr>
<tr>
<td>Ethylbenzene</td>
<td>0.010</td>
<td>0.001</td>
</tr>
<tr>
<td>Toluene</td>
<td>0.010</td>
<td>0.001</td>
</tr>
<tr>
<td>Xylenes</td>
<td>0.010</td>
<td>0.001</td>
</tr>
<tr>
<td><strong>MTBE</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Methyl(tert)butylether</td>
<td>0.010</td>
<td>0.001</td>
</tr>
</tbody>
</table>

### 610 POLYNUCLEAR AROMATICS

<table>
<thead>
<tr>
<th></th>
<th>Type &quot;A&quot; Criteria</th>
<th>Type &quot;B&quot; Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Soil</td>
<td>Groundwater</td>
</tr>
<tr>
<td>Acenaphthene</td>
<td>0.020</td>
<td>0.003</td>
</tr>
<tr>
<td>Acenaphthylene</td>
<td>0.060</td>
<td>0.006</td>
</tr>
<tr>
<td>Anthracene</td>
<td>0.020</td>
<td>0.003</td>
</tr>
<tr>
<td>Benzo(a)anthracene</td>
<td>0.020</td>
<td>0.003</td>
</tr>
<tr>
<td>Benzo(a)pyrene</td>
<td>0.020</td>
<td>0.003</td>
</tr>
<tr>
<td>Benzo(b)fluoranthene</td>
<td>0.020</td>
<td>0.003</td>
</tr>
<tr>
<td>Benzo(ghi)perylene</td>
<td>0.020</td>
<td>0.003</td>
</tr>
<tr>
<td>Benzo(k)fluoranthene</td>
<td>0.020</td>
<td>0.003</td>
</tr>
<tr>
<td>Chrysene</td>
<td>0.020</td>
<td>0.003</td>
</tr>
<tr>
<td>Dibenzo(a,h)anthracene</td>
<td>0.020</td>
<td>0.003</td>
</tr>
<tr>
<td>Fluoranthene</td>
<td>0.020</td>
<td>0.003</td>
</tr>
<tr>
<td>Fluorene</td>
<td>0.020</td>
<td>0.003</td>
</tr>
<tr>
<td>Indeno(1,2,3-cd)pyrene</td>
<td>0.020</td>
<td>0.003</td>
</tr>
<tr>
<td>Naphthalene</td>
<td>0.040</td>
<td>0.004</td>
</tr>
<tr>
<td>Phenanthrene</td>
<td>0.020</td>
<td>0.003</td>
</tr>
<tr>
<td>Pyrene</td>
<td>0.020</td>
<td>0.003</td>
</tr>
</tbody>
</table>

* Values are the method of detection's limit.
+ When criteria are below method of detection limits, target remediation levels are method of detection limits.
# Chain of Custody Record

**Client:** First Church of Christian Science  
**Location:** 191 North Cedar Road  
**Investigator:** Joe Blocker

<table>
<thead>
<tr>
<th>Item #</th>
<th>Date</th>
<th>Time</th>
<th>Grab Comp.</th>
<th>Type of Analysis</th>
<th>Description of Sample</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>10/17</td>
<td>C</td>
<td>BTEX/PNA</td>
<td></td>
<td>North Wall Compont</td>
</tr>
<tr>
<td>2</td>
<td>10/17</td>
<td>C</td>
<td>BTEX/PNA</td>
<td></td>
<td>East Wall Compont</td>
</tr>
<tr>
<td>3</td>
<td>10/17</td>
<td>C</td>
<td>BTEX/PNA</td>
<td></td>
<td>South Wall Compont</td>
</tr>
<tr>
<td>4</td>
<td>10/17</td>
<td>C</td>
<td>BTEX/PNA</td>
<td></td>
<td>West Wall Compont</td>
</tr>
<tr>
<td>5</td>
<td>10/17</td>
<td>G</td>
<td>BTEX/PNA</td>
<td></td>
<td>East Floor N Tank End</td>
</tr>
<tr>
<td>6</td>
<td>10/17</td>
<td>G</td>
<td>BTEX/PNA</td>
<td></td>
<td>East Floor S Tank End</td>
</tr>
<tr>
<td>7</td>
<td>10/17</td>
<td>C</td>
<td>EP-TOX metal &amp; fuel greases</td>
<td>BTEX, PCB</td>
<td>Waste Sink Compont</td>
</tr>
</tbody>
</table>

---

**Date:** 10/18/93  
**Relinquish:** Joe Blocker  
**Recipient:** Joseph P. Sullivan  

**Date:** 10/18/93  
**Relinquish:** Joseph P. Sullivan  
**Recipient:** Sandy Mier  

**Date:**  
**Relinquish:**  
**Recipient:**  

**Date:**  
**Relinquish:**  
**Recipient:**  

**Date:**  
**Relinquish:**  
**Recipient:**  

**Date:**  
**Relinquish:**  
**Recipient:**  

**Date:**  
**Relinquish:**  
**Recipient:**  

---

<table>
<thead>
<tr>
<th>SAMPLES RECEIVED 10/18/90</th>
</tr>
</thead>
<tbody>
<tr>
<td>LAB#</td>
</tr>
<tr>
<td>------</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>------</td>
</tr>
<tr>
<td>BETX</td>
</tr>
<tr>
<td>Benzene</td>
</tr>
<tr>
<td>Ethylbenzene</td>
</tr>
<tr>
<td>Toluene</td>
</tr>
<tr>
<td>Xylenes</td>
</tr>
<tr>
<td>PCB'S BY AROCHLOR</td>
</tr>
<tr>
<td>PCB-1016</td>
</tr>
<tr>
<td>PCB-1221</td>
</tr>
<tr>
<td>PCB-1232</td>
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<tr>
<td>PCB-1242</td>
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<tr>
<td>PCB-1248</td>
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</tr>
<tr>
<td>PCB-1260</td>
</tr>
<tr>
<td>PCB-1262</td>
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<tr>
<td>PCB, Total</td>
</tr>
</tbody>
</table>

*Higher level of detection due to matrix interference.
APPENDIX C — — —

EQUIPMENT DESCRIPTIONS

I  Organic Vapor Analyzer
   Instrument Description

II  Procedure for Testing Soil
    for the Presence of Organic
    Vapors
ORGANIC VAPOR ANALYZER INSTRUMENT DESCRIPTION

The Foxboro Instruments "Century" Model 128 ORGANIC VAPOR ANALYZER is a sensitive instrument designed to measure trace quantities of organic materials in air. It is essentially a flame ionization detector such as utilized in laboratory gas chromatographs and has similar analytical capacities. The flame ionization detector is an almost universal detector for organic compounds with the sensitivity to measure in the parts per million range (V/V) in the presence of such interfering gases such as atmospheric moisture, nitrogen oxides, carbon monoxide, and carbon dioxide.

In general, the hydrogen flame ionization detector is more sensitive for hydrocarbons than any other class of organic compounds. The response of the detector varies from compound to compound, but gives repeatable results with all types of hydrocarbons; i.e., saturated hydrocarbons (alkanes), unsaturated hydrocarbons, (alkenes and alkynes) and aromatic hydrocarbons.

The instrument consists of a portable, self contained eight inch by twelve inch by sixteen inch case containing the electronics, the sampling air pump, valves, plumbing, hydrogen gas storage cylinder, and flame oxidation chamber. The case has a hand held probe attached to it by an eighteen inch long cable. The hand held probe contains both the sample up-take tube and the analog concentration display meter.

Volatile organic carbon vapors in air are detected when the hand held probe draws them into the instrument using a stream of air. The sampled air is passed through a chamber containing a hydrogen flame. Any combustible organic carbon vapors present in the air stream are burned by the hydrogen flame. The combustion products of most carbon containing vapors (carbon dioxide, carbon monoxide and the FREON family of gases excluded) produce charged ions. The instrument is configured to collect these charged products on a special collector plate located in the combustion chamber. The accumulation of the charged particles on this plate increases the amount of electric current passing through the plate charging circuit, creating an electrical signal which is then
converted to a meter reading for display on the instrument's dial meter.

The electronics are configured to ensure that there is a direct correlation between the amount of collected ions and the displayed concentration values. This allows the operator to calibrate the meter to provide specific concentration readings for a particular gas. Most of the time methane gas in air \((\text{CH}_4)\) is used to perform the calibration. Although other gases can be used.

Prior to operation, the instrument is calibrated as follows. First the indicating dial meter is "zeroed" out by drawing clean air (air passed through an activated charcoal cartridge) through the probe and adjusting the "zero" control. Next a commercially prepared gas mixture (usually 100 ppm methane [\(\text{CH}_4\)] in air) is introduced into the instrument and the "gain" control adjusted until the reading on the dial meter corresponds to the concentration of the gas mixture. Next the linearity is set by switching to the next higher "readout-scale" setting and adjusting the set screw located in the face of the analog display to correspond to the correct reading. This allows the detector to accurately respond to the concentration of volatile organic carbon vapors across three magnitudes of concentration; 1 to 10 ppm, 10 to 100 ppm, and 100 to 1000 ppm.

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**PROCEDURE FOR TESTING SOIL FOR THE PRESENCE OF ORGANIC VAPORS**

The analysis for the presence of organic vapors entrained in a soil or water sample is accomplished by filling a clean pint jar about three quarters full with the material in question. The jar opening is covered with a layer of aluminum foil and the lid loosely replaced on the jar. The sample is then allowed to warm-up for a short period of time (usually a couple of minutes) to allow the material to outgas any entrained vapors. The operator then removes the lid and inserts the tip of the hand held probe through the layer of aluminum foil into the upper portion of the jar and obtains a reading. This process is usually referred to as "Head Space Analysis".
Fax Transmission

TO: Oladipo Oyinlan -- Detroit District Supv. for DNR

DATE: October 19, 1990

FAX NO.: 313/953-0243

FROM: Karen Provenzano

SUBJECT: Notice for removal of contaminated soils

REPLY REQUESTED: ( ) YES (x) NO

COMMENTS:

PLEASE ACCEPT THIS AS OUR 48 HOUR NOTICE THAT REMOVAL OF CONTAMINATED SOILS WILL OCCUR ON OR AFTER TUESDAY, OCTOBER 23, 1990

THE FOLLOWING JOBSITE:

1. MILLER -- AT 32910 PLYMOUTH ROAD IN LIVONIA

2. JEANS H. WARP -- AT 29950 TWELVE MILE IN FARMINGTON HILLS

2. METRO REO -- AT 23544 HOOVER ROAD IN WARREN

5. FIRST CHURCH OF CHRIST -- AT 191 N. CHESTER IN BIRMINGHAM

1. ST. CLAIR COUNTY (CAPEC) -- AT 21 AIRPORT DRIVE IN PORT HU...
Appendix 6
Aerial Photographs
Environmental Data Resources, Inc. (EDR) Aerial Photo Decade Package is a screening tool designed to assist environmental professionals in evaluating potential liability on a target property resulting from past activities. EDR's professional researchers provide digitally reproduced historical aerial photographs, and when available, provide one photo per decade.

When delivered electronically by EDR, the aerial photo images included with this report are for ONE TIME USE ONLY. Further reproduction of these aerial photo images is prohibited without permission from EDR. For more information contact your EDR Account Executive.

Thank you for your business.
Please contact EDR at 1-800-352-0050 with any questions or comments.

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Date EDR Searched Historical Sources:
Aerial Photography March 05, 2015

Target Property:
191 N. Chester
Birmingham, MI 48009

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4225651.9

2
Appendix 7
Topographic Maps
191 N. Chester
191 N. Chester
Birmingham, MI 48009

Inquiry Number: 4225651.4
March 05, 2015
EDR Historical Topographic Map Report

Environmental Data Resources, Inc.s (EDR) Historical Topographic Map Report is designed to assist professionals in evaluating potential liability on a target property resulting from past activities. EDRs Historical Topographic Map Report includes a search of a collection of public and private color historical topographic maps, dating back to the early 1900s.

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Historical Topographic Map

TARGET QUAD
NAME: BIRMINGHAM
MAP YEAR: 1936

SITE NAME: 191 N. Chester
ADDRESS: 191 N. Chester
Birmingham, MI 48009
LAT/LONG: 42.5472 / -83.2187

CLIENT: Performance Environmental
CONTACT: Julie Pratt
INQUIRY#: 4225651.4
RESEARCH DATE: 03/05/2015

SERIES: 7.5
SCALE: 1:31680
### Historical Topographic Map

**TARGET QUAD**

- **NAME:** BIRMINGHAM
- **MAP YEAR:** 1981
- **PHOTOREVISED FROM:** 1968
- **SERIES:** 7.5
- **SCALE:** 1:24000

**SITE NAME:** 191 N. Chester

- **ADDRESS:** 191 N. Chester
- **Birmingham, MI 48009**
- **LAT/LONG:** 42.5472 / -83.2187

**CLIENT:** Performance Environmental

- **CONTACT:** Julie Pratt
- **INQUIRY#:** 4225651.4
- **RESEARCH DATE:** 03/05/2015
Appendix 8
Sanborn Maps
The Sanborn Library has been searched by EDR and maps covering the target property location as provided by Performance Environmental were identified for the years listed below. The Sanborn Library is the largest, most complete collection of fire insurance maps. The collection includes maps from Sanborn, Bromley, Perris & Browne, Hopkins, Barlow, and others. Only Environmental Data Resources Inc. (EDR) is authorized to grant rights for commercial reproduction of maps by the Sanborn Library LLC, the copyright holder for the collection. Results can be authenticated by visiting www.edrnet.com/sanborn.

The Sanborn Library is continually enhanced with newly identified map archives. This report accesses all maps in the collection as of the day this report was generated.

**Certified Sanborn Results:**

| Site Name: | 191 N. Chester |
| Address: | 191 N. Chester |
| City, State, Zip: | Birmingham, MI 48009 |
| Cross Street: | |
| P.O. #: | NA |
| Project: | 151226 |
| Certification #: | 9057-411B-BC55 |

Maps Provided:

- 1960
- 1949
- 1931
- 1926
- 1921
- 1915

**Limited Permission To Make Copies**

Performance Environmental (the client) is permitted to make up to FIVE photocopies of this Sanborn Map transmittal and each fire insurance map accompanying this report solely for the limited use of its customer. No one other than the client is authorized to make copies. Upon request made directly to an EDR Account Executive, the client may be permitted to make a limited number of additional photocopies. This permission is conditioned upon compliance by the client, its customer and their agents with EDR's copyright policy; a copy of which is available upon request.

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Sanborn Sheet Thumbnails
This Certified Sanborn Map Report is based upon the following Sanborn Fire Insurance map sheets.

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Volume 1, Sheet 2
Volume 1, Sheet 9
This Certified Sanborn Map combines the following sheets. Outlined areas indicate map sheets within the collection.

Volume 1, Sheet 2
Volume 1, Sheet 9
This Certified Sanborn Map combines the following sheets. Outlined areas indicate map sheets within the collection.

Volume 1, Sheet 2
Volume 1, Sheet 4
Volume 1, Sheet 6
This Certified Sanborn Map combines the following sheets. Outlined areas indicate map sheets within the collection.
This Certified Sanborn Map combines the following sheets. Outlined areas indicate map sheets within the collection.

Volume 1, Sheet 2
This Certified Sanborn Map combines the following sheets. Outlined areas indicate map sheets within the collection.
Appendix 9
City Directory Abstract
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EXECUTIVE SUMMARY

DESCRIPTION

Environmental Data Resources, Inc.’s (EDR) City Directory Report is a screening tool designed to assist environmental professionals in evaluating potential liability on a target property resulting from past activities. EDR’s City Directory Report includes a search of available city directory data at 5 year intervals.

RESEARCH SUMMARY

The following research sources were consulted in the preparation of this report. A check mark indicates where information was identified in the source and provided in this report.

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### Findings

**Target Property Street**

191 N. Chester  
Birmingham, MI 48009

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271 TENDER INC
280 BARBARA A SCHIFF PHD
BERLONI AMERICA CHICAGO LLC
EHRlich FOLEY & SERWER PC INC
EPSTEIN STONEMAN & SCHMIER METROWEST
MCKELVIE DELUCA PC
STONEMAN & SCHMIER INVESTMENTS PLYMO
WIRELESS OHIO
299 LINDA DRESNER
330 MEYERS STEIN
WHIMSICAL OCCASIONS
355 SAINT JAMES EPISCOPAL CHURCH
TEAM
360 FARMER JACK
MC CANN ERICKSON DETROIT
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BATOR & BERLIN PC
BRISTOL CAPITAL GROUP
CARLSON GASKEY & OLDS PC
CONCEPT WATERHOUSE LLC
EL CAMINO RESOURCES LTD
INTEGRATE DEAN APPRAISAL
JAMAL HAMMOD & ASSOCIATES PC
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SHANNON DEVELOPMENT LLC
SPERRY VANNNESS PROPERTY INVEST
UPTOWN MORTGAGE INC
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NAT CANVASSER
P BARNHART
P WEINNER
PAUL BOULUS
PAUL DUROCHER
PAUL KUEBLER
PHYLLIS FOREMAN
R GARVIN
R KELLY
R SKOCZEK
ROBERT SHAUGHNESSY
ROSE VOLPIANSKI
RUBY CURRIN
S SUTKIN
SAMUEL MANCUSO
SUE ARBOLEDA
SYLVIA CICHY
T CASEY
TAMATHA WILSON
V SWEENEY
VAN CROMAR
WALTER BRENT
WILLIAM GUISINGER
WILMA WOLF
W MAPLE RD  1999

245  BLOOMFIELD OPTICAL
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     SELL TOM
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     MRCHNT OF VINO MRKTPLC MRCHNT OF VINO CELLAR COLL
271  ANNIE ADGATE
     LEONARD DUCKMAN
     RICHARD HOPCROFT
     TENDER INCORPORATED
     TODDS ROOM
280  EHRLICH JOSEPH H ATTORNEY
     FISH MICHAEL A ATTORNEY
     FOLEY FRED A ATTORNEY
     GREGORY GEORGE W ATTORNEY
     LEE HENRY P PC ATTORNEY
     MAPLE BATES ASSOCIATES
     RUPP EHRLICH FOLEY SERWER & FISH
     SERWER WILLIAM D ATTORNEY
     STERNBERG JEFFREY S ATTORNEY
     STONEMAN MARTIN ATTORNEY
282  G N C
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286  KIDDLYWINKS
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     BAYER ROBERT B
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     CAIN DAVID G ATTORNEY
     CAMERON ROWE PLC ATTORNEY
     CAVANAGH COMPANY THE
     DELIN SYLVIA ATTORNEY AT LAW
     FEMRITE MARCIA E ATTORNEY
     HEALTH SOLUTIONS HARRIS HEALTHTRENDS
     HECK ERMA L ATTORNEY
     HULBERT CATHERINE ATTORNEY
     JOHNSON SHEILA M ATTORNEY
     MEDI ASSIST
     MEGERIAN KATHLEEN A ATTORNEY
     ODONNELL J TERENCE ATTORNEY
     PARKER D ANN PC ATTORNEY
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     ROBINSON JEFFREY ASSOCIATES INCORPORATED
W MAPLE RD  1999  (Cont'd)

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     SIEGEL BRUCE G ATTORNEY
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     STONE & COMPANY INCORPORATED
     TISDALE PAUL A ATTORNEY
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     WARTHEL DANIEL CPA
     WEBB WILLIAM W ATTORNEY
     ZARTARIAN MARK ATTORNEY

460  CARRIE HERSEY

484  LINDA BLOCH

500  HUNTER HOUSE MUSEUM

556  BIRMINGHAM CITY OF ALLEN HOUSE CUSTODIAN

679  OCCUPANT UNKNOWN

681  Q SUTTON

695  OCCUPANT UNKNOWN

697  OCCUPANT UNKNOWN

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GEORGE W GREGORY
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MARK KELLER W END
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    D H BORSENIK ATY
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    HENRY L GOLD
    HM SHOWTIME
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</table>
MAPLE RD  1992

245  BLMFLD OPTICL CNTR
247  HANSEL N GRETEL SH
        TOM SCHEY ATY
254  MERCHANT OF VINO
268  TWIGS INC
271  MARKO, S
        MILANO FUR&LEATHER
280  A S BROWN DVLPMNT
        ASB ASSET MNGMT
        DEJAGER CONSTRCTN
        ENTERTAINMENT DIRC
        LONE PINE REALTY
282  BENETTON
284  GULIANS
296  MARK KELLER W END
299  LINDA DRESNER INC
336  JACOBSONS
355  OPPORTUNITY SHOP
        ST ANNES GIFT SHOP
        ST JAMES EPISC CH
        ST JAMES OPPTY SHP
        ST JAMES UNDERCRFT
        ST JAMES NRSRY SCH
400  1ST CNTNTL REALTY
        A S WORTMAN ATY
        AERIE PRESS INC
        AMTEL SYSTEMS
        BENDER&BORSENIK A
        BHM FAMILY THERAPY
        BLUE STAR FNDTN
        BRYAN KNEZ ATY
        BRYEN, ERIC R
        C G HATHAWAY ATY
        C P REISMAN ATY
        CMPRHNSV SEARCH
        CREATIVE LIFE
        D ANN PARKER
        D H BORSENIK ATY
        D L MORRIS ATY
        D L PHILLIPS ATY
        D WARTEL CPA
        DAVID G CAIN ATY
        DAVID L MORRIS ATY
        DR T L STULBERG
        E H LERCHEN JR ATY
        E R BRYEN PC
        E SILVERMAN ATY
        ENERGY RESOURCE MG
        ERMA L HECK ATY
        EXECUTIVE SUITES
<table>
<thead>
<tr>
<th>Target Street</th>
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<tbody>
<tr>
<td>W MAPLE RD</td>
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<p>|   | 400        | FLD ENTERPRISES |
|   | 400        | FOUR TWO FOUR ASCS |
|   | 400        | G T YOUNG ATY |
|   | 400        | GREGORY BATOR ATY |
|   | 400        | H M BABCOCK ATY |
|   | 400        | HECK&amp;WEBB ATY |
|   | 400        | HENRY GOLD ATY |
|   | 400        | HONIGMAN-SINGER A |
|   | 400        | HYMAN&amp;LIPPITT ATY |
|   | 400        | J B WOLFE ATY |
|   | 400        | JACK B WOLFE ATY |
|   | 400        | JACK B WOLFE PC |
|   | 400        | KEELER GROUP |
|   | 400        | LAWRENCE ASSOCS |
|   | 400        | LEASELINE FNCL |
|   | 400        | M E WEAVER ATY |
|   | 400        | M ZARTARIAN ATY |
|   | 400        | MAPLE EXEC SUITES |
|   | 400        | MARK ZARTARIAN ATY |
|   | 400        | MAUREEN DUFFY ATY |
|   | 400        | MCCUEN&amp;ASSOCS |
|   | 400        | MICHL J KINNEY ATY |
|   | 400        | MORTGAGE BROKERS |
|   | 400        | N A BEAMISH ATY |
|   | 400        | P A TISDALE ATY |
|   | 400        | PACIFIC WRLD MRTGE |
|   | 400        | PAUL LOOCK ATY |
|   | 400        | PAUL W HARTY ATY |
|   | 400        | PETER E ROBINSON |
|   | 400        | R A CAMERON PROF |
|   | 400        | ROBINSON-JEFFREY |
|   | 400        | ROWE CAMERON |
|   | 400        | SCREENVISN CINEMA |
|   | 400        | SEMIKRON INC |
|   | 400        | STULBERG, TRACEY L |
|   | 400        | TAMBRANDS CORP |
|   | 400        | V A SAPIENZA ATY |
|   | 400        | WARTEL, DANIEL |
|   | 400        | WEAVER&amp;DUFFY ATY |
|   | 400        | WILLIAM WEBB ATY |
|   | 400        | WORLD WIDE FNCL |
|   | 400        | WRLD WIDE MORTGAGE |
|   | 400        | ZARTARIAN&amp;BATOR A |
|   | 484        | DANIELSON, LEN |
|   | 484        | WOHL, JOHN H |
|   | 500        | HUNTER HSE MUSEUM |
|   | 556        | ALLEN HS HSTRCL HM |
|   | 556        | CITY ALLEN HOUSE |
|   | 679        | DELAURA, ROBERT |
|   | 747        | PRESKIN, GREGORY |</p>
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<tr>
<th>Target Street</th>
<th>Cross Street</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
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<td>✔</td>
<td>Cole Information Services</td>
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</table>

| 763 | ROBERTS, DALE G |

(Cont'd)
<table>
<thead>
<tr>
<th>Source</th>
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<td>Target Street</td>
<td>Cross Street</td>
<td>Year</td>
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<tr>
<td>-------------------</td>
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<td>--------------</td>
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<td>1982</td>
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296*PICKWICK SHOPS       6429610
299*TODAY STORE           6477730
336*JACOBSONS STR         6446900
355*BIRMINGHAM TOWN HL    MI41544
*OPPORTUNITY SHOP         MI46442
*ST JAMES EPISC CH        MI40820
*ST JAMES EPISCOPAL       MI46442
*ST JAMES EPS CPL CH      MI49804
*ST JAMES EPS CHRCH       MI41544
424 ROSEMARIE KLAIBER    6450759
460 R ASH                 6452318
SCOTT A HERSEY           6446553
WARREN HERSEY            6446553
519*PANKOTAN SCHL        MI44677
*PAUL PANKOTAN           MI44677
556                      NP
679 JEFFREY SURNOW       6455032
MICHAEL SURNOW           6455032
681 MRS FRANK FLEMING    6470847
695 D R FREDERICKS       6467120
697 I SWATMAN             6455493
747 M S ESSERY           6440660
763 DALE G ROBERTS       MI65177
775                      NP

1010 WARREN S BOOTH      6443168
1022 CARL A UNDERHILL    6444279
1034 GEORGE C BOOTH      6444389
1046 WEST H GALLOGLY     6442021
1068 RICHARD WAGNER      6443708
1092 GERALD J SUCHER     6468141
1108 JAMES C ALLEN       MI43197

W MAPLE RD    1977
<table>
<thead>
<tr>
<th>Target Street</th>
<th>Cross Street</th>
<th>Source</th>
</tr>
</thead>
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<tr>
<td>N CHESTER ST</td>
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<td>Bresser's Cross-Index Directory</td>
</tr>
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<table>
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<tr>
<th>Source</th>
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<td>1973</td>
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<td>Cross Street</td>
<td>Source</td>
<td></td>
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<tr>
<td>W MAPLE RD</td>
<td>1973</td>
<td>Bresser's Cross-Index Directory</td>
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</table>

<table>
<thead>
<tr>
<th>Address</th>
<th>Phone Number</th>
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</thead>
<tbody>
<tr>
<td>294*ARDELS</td>
<td>MI42142</td>
</tr>
<tr>
<td>296*WABECK PHARMACY</td>
<td>MI46333</td>
</tr>
<tr>
<td>299*GRINNFLL BRCTHERS</td>
<td>MI45135</td>
</tr>
<tr>
<td>336*JACOBSONS</td>
<td>6446900</td>
</tr>
<tr>
<td>355*OPPORTUNITY SHCP</td>
<td>MI46442</td>
</tr>
<tr>
<td>*BIRNGH TOWN HALL</td>
<td>MI41544</td>
</tr>
<tr>
<td>*ST JAMES EPISC CH</td>
<td>MI40820</td>
</tr>
<tr>
<td>*ST JAMES EPSCL CH</td>
<td>MI49804</td>
</tr>
<tr>
<td>*ST JAMES EPSCHRCH</td>
<td>MI41544</td>
</tr>
<tr>
<td>*ST JAMES EP CH SHP</td>
<td>MI46442</td>
</tr>
<tr>
<td>424 JOHANNA ROBINSON</td>
<td>6451548</td>
</tr>
<tr>
<td>460 R G MOSIER</td>
<td>6422458</td>
</tr>
<tr>
<td>THOMAS CLARKE</td>
<td>6459744</td>
</tr>
<tr>
<td>SCOTT A HERSEY</td>
<td>6446553</td>
</tr>
<tr>
<td>WARREN HERSEY</td>
<td>6446553</td>
</tr>
<tr>
<td>484 J H COSTELLO</td>
<td>6427801</td>
</tr>
<tr>
<td>519*PANKOTAN SCHL BLLT</td>
<td>MI44677</td>
</tr>
<tr>
<td>*P PANKOTAN STUDIO</td>
<td>MI44677</td>
</tr>
<tr>
<td>556 HARRY ALLEN</td>
<td>6427721</td>
</tr>
<tr>
<td>**</td>
<td>**</td>
</tr>
<tr>
<td>679 S A LARSON</td>
<td>6475611</td>
</tr>
<tr>
<td>681 MRS FRANK FLEMING</td>
<td>6470847</td>
</tr>
<tr>
<td>695 D R FREDERICKS</td>
<td>6467120</td>
</tr>
<tr>
<td>697 HARRY W RAPP</td>
<td>6460159</td>
</tr>
<tr>
<td>747 MRS WM E ESSERY</td>
<td>6440660</td>
</tr>
<tr>
<td>763 DALE G ROBERTS</td>
<td>615177</td>
</tr>
<tr>
<td>775 M D WARTCHOW</td>
<td>6425427</td>
</tr>
</tbody>
</table>
March 19, 2015

Mr. Rob Krochmal  
Chester Street Partners, LLC  
320 Martin Street, Suite 100  
Birmingham, MI 48009

RE:  HAZARDOUS MATERIALS SURVEY REPORT  
191 N. CHESTER STREET  
BIRMINGHAM, MICHIGAN  
PERFORMANCE PROJECT #151225

Dear Mr. Krochmal:

In accordance with your request, Performance Environmental Services, Inc. conducted a hazardous materials survey of the property located at 191 N. Chester Street in Detroit, Michigan. To complete the survey, an EPA certified and Michigan Department of Licensing and Regulatory Affairs (LARA) accredited Asbestos Building Inspector performed an on-site investigation of the property and collected samples suspected of containing asbestos in accessible areas within the study area. The purpose of the survey was to note the presence of materials that have the potential to become hazardous during demolition and to locate and to identify building materials suspected of containing asbestos. The suspected asbestos-containing samples were analyzed at a National Voluntary Laboratory Accreditation Program (NVLAP) accredited laboratory using Polarized Light Microscopy (PLM).

As a result of our survey and laboratory analysis, the following hazardous and asbestos-containing materials were identified:

<table>
<thead>
<tr>
<th>Hazardous Material</th>
<th>~ Quantity</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Exit sign</td>
<td>18</td>
<td>By doors throughout, box in 1st floor storage room by furnace and boiler rooms</td>
</tr>
<tr>
<td>Thermostat</td>
<td>10</td>
<td>Throughout</td>
</tr>
<tr>
<td>Copy machine</td>
<td>2</td>
<td>East room between boys and girls bathrooms on 1st floor, administrative office by south foyer</td>
</tr>
<tr>
<td>Fluorescent light bulb</td>
<td>200</td>
<td>Sunday school and day care areas, storage rooms</td>
</tr>
<tr>
<td>Fluorescent light ballast</td>
<td>90</td>
<td>Sunday school and day care areas, storage rooms</td>
</tr>
<tr>
<td>Window air conditioning unit</td>
<td>3</td>
<td>Treasurer and board of directors rooms, administrative office off south foyer</td>
</tr>
<tr>
<td>Fire extinguisher</td>
<td>8</td>
<td>Throughout</td>
</tr>
<tr>
<td>Computer monitor</td>
<td>3</td>
<td>East room between boys and girls bathrooms on 1st floor, administrative office by south foyer</td>
</tr>
<tr>
<td>Furnace</td>
<td>4</td>
<td>Boiler and furnace rooms</td>
</tr>
<tr>
<td>Compact fluorescent light bulb</td>
<td>18</td>
<td>In box in storage room between boiler and furnace rooms</td>
</tr>
<tr>
<td>Material Description</td>
<td>Asbestos-Containing Material</td>
<td>Location</td>
</tr>
<tr>
<td>----------------------</td>
<td>-----------------------------</td>
<td>----------</td>
</tr>
<tr>
<td>9&quot; x 9&quot; Floor tile (green with black and white specks) and black mastic</td>
<td>Floor tile</td>
<td>Treasurer and committee rooms, soloist room closet, closets in corridor west of south foyer</td>
</tr>
<tr>
<td>Textured paint on soft plaster</td>
<td>Paint</td>
<td>Men’s and women’s bathrooms off south corridor in upper level</td>
</tr>
<tr>
<td>Carpet glue (yellow) over 9&quot; x 9&quot; floor tile (green with black and white specks) and black mastic</td>
<td>Floor tile</td>
<td>Board of directors and soloist rooms, west and south upper level corridors</td>
</tr>
<tr>
<td>Firedoors and/or fireframes</td>
<td>Firedoors and/or fireframes</td>
<td>Office corridor behind main auditorium, north door in west corridor, Sunday school north entrance doors, furnace room door</td>
</tr>
<tr>
<td>Exterior window glaze</td>
<td>Glaze</td>
<td>Windows throughout</td>
</tr>
</tbody>
</table>
Attached, please find the Hazardous Materials Survey Report, which includes the complete laboratory data and the chain of custody records. If there are any questions or comments concerning this report or our recommendations, please do not hesitate to contact us.

Respectfully,

PERFORMANCE ENVIRONMENTAL SERVICES, INC.

Jeffrey S. Gross  
Senior Project Manager

Dennis A. Wood  
Senior Project Manager

JSG/DAW:hr

Attachments
# TABLE OF CONTENTS

1.0  INTRODUCTION ......................................................................................................................... 1
2.0  SCOPE OF WORK .......................................................................................................................... 1
3.0  SURVEY OVERVIEW AND FINDINGS .......................................................................................... 1
4.0  SUMMARY AND RECOMMENDATIONS ....................................................................................... 6
APPENDIX ................................................................................................................................. SURVEY DOCUMENTATION
1.0 INTRODUCTION

Chester Street Partners (Chester) contracted Performance Environmental Services, Inc. (Performance) to conduct a hazardous materials survey of the property located at 191 N. Chester Street in Birmingham, Michigan. The purpose of the survey was to note the presence of materials that have the potential to become hazardous during renovation or demolition and to locate and identify building materials suspected of containing asbestos. Performance representative Mr. Thomas Carpenter (Accreditation #A34314) conducted the on-site survey and sample collection activities on March 5-6, 2015.

2.0 SCOPE OF WORK

Chester provided locations for the scope of work and the subsequent survey area. An EPA certified and Michigan Department of Licensing and Regulatory Affairs (LARA) accredited Asbestos Building Inspector performed the survey to note the presence of materials that have the potential to become hazardous during renovation or demolition and to locate and sample materials suspected of containing asbestos. Performance also provided project review, report preparation and consultation services during the course of this project.

As part of this study, Performance completed the following:

1) Conducted a survey of accessible areas to note the presence of materials that have the potential to become hazardous during renovation or demolition and to locate building materials suspected of containing asbestos;
2) Collected bulk material samples for subsequent analysis by Polarized Light Microscopy (PLM); and,
3) Submitted bulk samples collected during this survey to a National Voluntary Laboratory Accreditation Program (NVLAP) accredited laboratory for PLM analysis.

Performance assembled the information collected during the study in this report, which details the laboratory results and locations of sampled materials.

3.0 SURVEY OVERVIEW AND FINDINGS

3.1 SUSPECTED HAZARDOUS AND ASBESTOS-CONTAINING BUILDING MATERIALS

As a result of our survey, Performance observed equipment that contained materials that may become hazardous during demolition. The potentially hazardous materials were documented as follows:

<table>
<thead>
<tr>
<th>Hazardous Material</th>
<th>~ Quantity</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Exit sign</td>
<td>18</td>
<td>By doors throughout, box in 1st floor storage room by furnace and boiler rooms</td>
</tr>
<tr>
<td>Thermostat</td>
<td>10</td>
<td>Throughout</td>
</tr>
<tr>
<td>Hazardous Material</td>
<td>~ Quantity</td>
<td>Location</td>
</tr>
<tr>
<td>-----------------------------------------------</td>
<td>------------</td>
<td>--------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Copy machine</td>
<td>2</td>
<td>East room between boys and girls bathrooms on 1st floor, administrative office by south foyer</td>
</tr>
<tr>
<td>Fluorescent light bulb</td>
<td>200</td>
<td>Sunday school and day care areas, storage rooms</td>
</tr>
<tr>
<td>Fluorescent light ballast</td>
<td>90</td>
<td>Sunday school and day care areas, storage rooms</td>
</tr>
<tr>
<td>Window air conditioning unit</td>
<td>3</td>
<td>Treasurer and board of directors rooms, administrative office off south foyer</td>
</tr>
<tr>
<td>Fire extinguisher</td>
<td>8</td>
<td>Throughout</td>
</tr>
<tr>
<td>Computer monitor</td>
<td>3</td>
<td>East room between boys and girls bathrooms on 1st floor, administrative office by south foyer</td>
</tr>
<tr>
<td>Furnace</td>
<td>4</td>
<td>Boiler and furnace rooms</td>
</tr>
<tr>
<td>Compact fluorescent light bulb</td>
<td>18</td>
<td>In box in storage room between boiler and furnace rooms</td>
</tr>
<tr>
<td>Lawn mower</td>
<td>1</td>
<td>Storage room between boiler and furnace rooms</td>
</tr>
<tr>
<td>Snow blower</td>
<td>1</td>
<td>Storage room between boiler and furnace rooms</td>
</tr>
<tr>
<td>Gasoline container</td>
<td>2</td>
<td>Storage room between boiler and furnace rooms</td>
</tr>
<tr>
<td>Paint can (gallon)</td>
<td>19</td>
<td>Storage room between boiler and furnace rooms</td>
</tr>
<tr>
<td>Paint can (pint)</td>
<td>1</td>
<td>Storage room between boiler and furnace rooms</td>
</tr>
<tr>
<td>Paint can (quart)</td>
<td>19</td>
<td>Storage room between boiler and furnace rooms, closet by hall to boiler room</td>
</tr>
<tr>
<td>Spray paint can</td>
<td>11</td>
<td>Storage room between boiler and furnace rooms</td>
</tr>
<tr>
<td>Can of paint thinner</td>
<td>1</td>
<td>Storage room between boiler and furnace rooms</td>
</tr>
<tr>
<td>Pesticide spray can</td>
<td>6</td>
<td>Storage room between boiler and furnace rooms, storage closet in hall to boiler room</td>
</tr>
<tr>
<td>Oiling can (small)</td>
<td>1</td>
<td>Storage room between boiler and furnace rooms</td>
</tr>
<tr>
<td>Small engine oil (small bottles)</td>
<td>3</td>
<td>Boiler room</td>
</tr>
<tr>
<td>Tank</td>
<td>1</td>
<td>Boiler room</td>
</tr>
<tr>
<td>Corrosive material (5 gallon)</td>
<td>2</td>
<td>Boiler room</td>
</tr>
<tr>
<td>Underground fuel oil tank</td>
<td>1</td>
<td>Underground NE of boiler room</td>
</tr>
<tr>
<td>WD40 (small can)</td>
<td>1</td>
<td>Closet off hall to boiler room</td>
</tr>
</tbody>
</table>

Performance also observed twenty (20) types of material suspected of containing asbestos. The suspect materials were classified into homogeneous areas. A homogeneous area (HA) is a building material that appears similar in terms of color, texture, and apparent date of application. The materials were assigned HA numbers 1 through 20, and were compiled as follows:

1) 9” x 9” Floor tile (green with black and white specks) and black mastic;
2) 1’ x 1’ Glued-on ceiling tile (medium and large holes, uneven) and dark brown gluepods;
3) Textured paint on soft plaster;
4) Carpet glue (yellow) over 9” x 9” floor tile (green with black and white specks) and black mastic;
5) Hard plaster;
6) Firedoors and/or fireframes;
7) 1’ x 1’ Glued-on ceiling tile (small holes, uneven) and black gluepods;
8) 1’ x 1’ Glued-on ceiling tile (gouges) and dark brown gluepods;
9) 0”-6” O.D. Mudded pipe fitting insulation on fiberglass straight run pipe insulation;
10) >6”-12” O.D. Mudded pipe fitting insulation on fiberglass straight run pipe insulation;
11) 1’ x 1’ Glued-on ceiling tile (large, evenly spaced holes) and brown gluepods;
12) Exterior window glaze;
13) Exterior caulk;
14) Sink undercoating (black);
15) 0”-6” O.D. Millboard straight run pipe insulation;
16) 0”-6” O.D. Mudded pipe fitting insulation on Millboard straight run pipe insulation;
17) Mud between cloth and tar-coated fiberglass duct insulation;
18) Covebase mastic (brown);
19) Carpet glue (yellow) and black mastic; and,
20) Sliding firedoor.

### 3.2 IDENTIFIED ASBESTOS-CONTAINING BUILDING MATERIALS

*Performance* collected fifty-three (53) bulk material samples of the identified homogeneous areas and submitted them to an NVLAP-accredited laboratory for PLM analysis. As the laboratory results indicate, **asbestos was detected in the following HA numbers:**

<table>
<thead>
<tr>
<th>HA #</th>
<th>Material Description</th>
<th>Asbestos-Containing Material</th>
<th>Location</th>
<th>Asbestos Content</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>9” x 9” Floor tile (green with black and white specks) and black mastic</td>
<td>Floor tile</td>
<td>Treasurer and committee rooms, soloist room closet, closets in corridor west of south foyer</td>
<td>10% Chrysotile/NAD</td>
</tr>
<tr>
<td>3</td>
<td>Textured paint on soft plaster</td>
<td>Paint</td>
<td>Men’s and women’s bathrooms off south corridor in upper level</td>
<td>12% Chrysotile</td>
</tr>
<tr>
<td>4</td>
<td>Carpet glue (yellow) over 9” x 9” floor tile (green with black and white specks) and black mastic</td>
<td>Floor tile</td>
<td>Board of directors and soloist rooms, west and south upper level corridors</td>
<td>NAD/10% Chrysotile/NAD</td>
</tr>
<tr>
<td>6</td>
<td>Firedoors and/or fireframes</td>
<td>Firedoors and/or fireframes</td>
<td>Office corridor behind main auditorium, north door in west corridor, Sunday school north entrance doors, furnace room door</td>
<td>Assumed</td>
</tr>
<tr>
<td>12</td>
<td>Exterior window glaze</td>
<td>Glaze</td>
<td>Windows throughout</td>
<td>0-1.5% Chrysotile</td>
</tr>
<tr>
<td>13</td>
<td>Exterior caulk</td>
<td>Caulk</td>
<td>Window frames, door frames and vent edges</td>
<td>2% Chrysotile</td>
</tr>
<tr>
<td>HA #</td>
<td>Material Description</td>
<td>Asbestos-Containing Material</td>
<td>Location</td>
<td>Asbestos Content</td>
</tr>
<tr>
<td>------</td>
<td>---------------------</td>
<td>-------------------------------</td>
<td>----------</td>
<td>-----------------</td>
</tr>
<tr>
<td>14</td>
<td>Sink undercoating (black)</td>
<td>Sink undercoating</td>
<td>Day care room on 1st floor</td>
<td>10% Chrysotile</td>
</tr>
<tr>
<td>15</td>
<td>0”-6” O.D. Millboard straight run pipe insulation</td>
<td>Insulation</td>
<td>Under auditorium, storage/mechanical room NE of boiler room, furnace room, storage room east of furnace room</td>
<td>10% Chrysotile</td>
</tr>
<tr>
<td>16</td>
<td>0”-6” O.D. Mudded pipe fitting insulation on Millboard straight run pipe insulation</td>
<td>Fitting insulation</td>
<td>Under auditorium, storage/mechanical room NE of boiler room, furnace room, storage room east of furnace room</td>
<td>0-25% Chrysotile</td>
</tr>
<tr>
<td>17</td>
<td>Mud between cloth and tar-coated fiberglass duct insulation</td>
<td>Cloth</td>
<td>Furnace room and storage room east of furnace room</td>
<td>20% Chrysotile</td>
</tr>
<tr>
<td>20</td>
<td>Sliding firedoor</td>
<td>Firedoor</td>
<td>North boiler room door</td>
<td>Assumed</td>
</tr>
</tbody>
</table>

Refer to the attached Appendix for the complete laboratory data and the Chain of Custody records.

### 3.3 DISCUSSION

#### 3.3.1 Asbestos Control and Management

Renovation and demolition activities, as well as some maintenance activities have the potential to disturb materials and release asbestos fibers into the environment.

**EPA:**
The Environmental Protection Agency (EPA), under the National Emission Standards for Hazardous Air Pollutants (NESHAPS), requires notification and procedures for emissions control depending on whether the asbestos material in question falls into the definition of “Regulated Asbestos-Containing Material” (RACM). NESHAPS defines RACM as:

- (a) Friable asbestos material,
- (b) Category I nonfriable ACM that has become friable,
- (c) Category I nonfriable ACM that will be or has been subjected to sanding, grinding, cutting, or abrading, or
- (d) Category II nonfriable ACM that has a high probability of becoming or has become crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition or renovation operations.
The proceeding items summarize basic requirements for demolition and renovation projects according to NESHAPS:

(1) In a facility being **demolished**, notification requirements and procedures for asbestos emission control apply if the combined amount of RACM is (i) At least 260 linear feet on pipes or at least 160 square feet on other facility components, or (ii) At least 35 cubic feet off facility components where the length or area could not be measured previously.

(2) In a facility being **demolished**, only the notification requirements apply, if the combined amount of RACM is (i) *Less than* 260 linear feet on pipes and less than 160 square feet on other facility components, and (ii) *Less than* 35 cubic feet off facility components where the length or area could not be measured previously or there is no asbestos.

(3) If the facility is being **demolished** under an order of a State or local government agency issued because the facility is structurally unsound and in danger of imminent collapse, specific requirements apply (see NESHAPS for details).

(4) If the facility is being **renovated**, notification requirements and procedures for asbestos emission control apply if the combined amount of RACM to be stripped, removed, dislodged, cut, drilled, or similarly disturbed is (i) At least 260 linear feet on pipes or at least 160 square feet on other facility components, or (ii) At least 35 cubic feet off facility components where the length or area could not be measured previously.

**Michigan LARA:**
According to the Michigan Department of Licensing and Regulatory Affairs (LARA), in a facility where demolition, renovation or encapsulation is to occur, notification requirements and procedures for asbestos emission control apply if the combined amount of RACM is at least 10 linear feet on pipes or at least 15 square feet on other facility components.

### 3.3.2 Survey Limitations and Miscellaneous Field Notes

*Performance* noted that was no access to the roof. In addition, above ceiling access was extremely limited and most of the building had plaster ceilings or glued-on ceiling tiles. Damage via bulk sampling was kept to a minimum per the client; therefore, samples that required damage to intact materials were taken in very limited locations to minimize damage.

*Performance* quantified the visible TSI under the auditorium floor but the entire area was not visible; there might be some TSI that was not visible. In addition, there might be additional TSI under the floors, behind walls and above ceilings that would not have been visible during the survey.

The scope of work for this project did not include the sampling of ceramic tile. Potential asbestos-containing materials associated with ceramic tile include underlying flooring materials and/or mastic.
Although *Performance* made every attempt to locate below floor heating ducts, there may be asbestos-containing heating ducts inside or under the cement slab floor that were not visible or were inaccessible.

*Performance* made every attempt to sample the chimney stack (if present); however, there may be asbestos-containing material inside the stack that was not visible or was inaccessible.

Remodeling and renovations within buildings often result in asbestos-containing flooring products (flooring and mastics) being covered with non-asbestos flooring products. Although every attempt is made to delineate flooring types during survey activities, due to the limited destructive nature of sampling *Performance* assumes asbestos-containing materials may be present below sampled flooring in areas not inspected. It is imperative that if flooring finishes in an area differ from areas where samples were collected, additional samples are collected and analyzed of the newly uncovered material before disturbance occurs.

*Performance* did not sample any system that presented a health and safety hazard to the inspector such as energized electrical systems, elevator components, active mechanical systems, or within confined spaces.

*Performance* has prepared this report for the express use of its clients and their approved agents. Although some of the information included in this report or in portions of this report may be required to be included in notifications to various parties, this report is not intended to be used as an asbestos specification or work plan.

This report is based upon conditions observed at the property at the time of the inspection. This report does not intend to identify all hazards or to indicate that other hazards do not exist at the project site. Environmental conditions and regulations are subject to constant change and reinterpretation.

### 4.0 SUMMARY AND RECOMMENDATIONS

#### Hazardous Materials:

The items listed in the hazardous materials table in section 3.1 of this report contain materials that can become hazardous during renovation or demolition. *Performance recommends removing the hazardous materials before renovation or demolition and properly disposing of the materials according to the applicable laws and regulations.*

The scope of work for this project did not include testing for lead-based paint. *Performance* did note that peeling paint was found throughout the structure. Although current regulations do not require removal of lead-based paint prior to renovation or demolition, *Performance recommends testing for airborne lead during renovation or demolition activities* to ensure that worker exposure does not exceed permissible exposure limits. Furthermore, *Performance* recommends avoiding activities that may increase worker exposure to potential airborne lead. Activities that can increase worker exposure include sanding, grinding, cutting, or abrading lead-based painted materials.
Asbestos-Containing Materials:

Friable Materials:

_Performance_ recommends abating the textured paint (HA#3), thermal system insulation materials (HA#15 and HA#16) and mud cloth (HA#17) if they have the potential to be disturbed. If the identified materials are not removed or disturbed, then _Performance_ recommends that an Operations and Maintenance Program be prepared to facilitate the in-place management of these asbestos-containing materials.

Category I Nonfriable Materials:

Referring to the definition of RACM in section 3.3.1, EPA NESHAPS requires removal of Category I nonfriable ACM prior to a renovation or demolition if they have become friable or if they will be or have been subjected to sanding, grinding, cutting, or abrading.

If the facility is being renovated, _Performance_ recommends abating the flooring materials (HA#1 and HA#4) if it has the potential to be disturbed.

As per EPA and OSHA regulations, if the facility is being demolished, abatement of the flooring materials would not typically be required unless one of the following occurs:

1. The flooring material becomes non-intact (ACM has crumbled, been pulverized, or otherwise deteriorated so that the asbestos is no longer likely to be bound with its matrix) during the demolition activities;
2. The flooring material becomes a RACM (Category I nonfriable that has become friable or that will be or has been subjected to sanding, grinding, cutting, or abrading) through aggressive demolition methods; or,
3. The concrete under the flooring must be reclaimed.

However, due to current regulatory interpretation and enforcement which states that standard demolition techniques are resulting in Category I non-friable material becoming either non-intact or friable, _Performance recommends abating_ the flooring materials (HA#1 and HA#4) prior to the facility being demolished. Based on the current regulatory stance on Category I non-friable material, if the material is not abated prior to demolition activities, the potential exists for citations and fines for the owner and operator by the regulatory agencies.

If the identified materials are not removed or disturbed and is remaining in place, then _Performance_ recommends that an Operations and Maintenance Program be prepared to facilitate the in-place management of these asbestos-containing materials.

Category II Nonfriable Materials:

Referring to the definition of RACM in section 3.3.1, EPA NESHAPS requires removal prior to a renovation or demolition of all Category II nonfriable ACM that has a high probability of becoming or has become crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition or renovation operations. Due to the ambiguous nature of this statement,
Performance recommends abating the exterior window glaze (HA#12), exterior caulk (HA#13) and sink undercoating (HA#14) if they have the potential to be disturbed.

If the identified materials are not removed or disturbed, then Performance recommends that an Operations and Maintenance Program be prepared to facilitate the in-place management of these asbestos-containing materials.

**Assumed Materials:**

The firedoors and/or fireframes (HA#6 and HA#20) are assumed to contain a friable asbestos-containing material and therefore cannot be disturbed (drilled, sawed, etc.) during renovation or demolition activities. Performance recommends removing the firedoors intact, with its associated doorframes, before any renovation or demolition activities. If the identified materials are not removed or disturbed, then Performance recommends that an Operations and Maintenance Program be prepared to facilitate the in-place management of these asbestos-containing materials.
APPENDIX

SURVEY DOCUMENTATION

CONTENTS

- CERTIFICATES OF LABORATORY ANALYSIS
- CHAIN OF CUSTODY RECORDS
Certificate of Laboratory Analysis  
Test Method, Polarized Light Microscopy (PLM)  

Project: 191 N. Chester St.  
Project # 151225

<table>
<thead>
<tr>
<th>Report To</th>
<th>Material</th>
<th>Layer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr. Thomas Carpenter</td>
<td>9x9 Green w/Black &amp; White Speck FT</td>
<td>S. Closet in Large Com.Rm. UL SW End</td>
</tr>
<tr>
<td>Performance Environmental Services, Inc.</td>
<td>S. Closet in Large Com.Rm. UL SW End</td>
<td>No Asbestos Observed</td>
</tr>
<tr>
<td>30553 Wixom Rd., Ste. 500</td>
<td>Mastic</td>
<td>Layer 2 of 2</td>
</tr>
<tr>
<td>Wixom, MI 48393</td>
<td>9x9 Green w/Black &amp; White Speck FT</td>
<td>Layer 1 of 2</td>
</tr>
</tbody>
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For Layered Samples, each component will be analyzed and reported separately.

Asbestos Type/Percent | Non-Asbestos
---|---
YES | Other - 90%
NO | Other - 100%

Lab ID #: 57569 - 01  
Cust. #: 1-1  
Material: 9x9 Green w/Black & White Speck FT  
Location: S. Closet in Large Com.Rm. UL SW End  
Appearance: grey, fibrous, homogenous  
Layer: 1 of 2

Lab ID #: 57569 - 01a  
Cust. #: 1-1  
Material: Mastic  
Location: S. Closet in Large Com.Rm. UL SW End  
Appearance: black, nonfibrous, homogenous  
Layer: 2 of 2

Lab ID #: 57569 - 02  
Cust. #: 1-2  
Material: 9x9 Green w/Black & White Speck FT  
Location: S. Closet in Large Com.Rm. UL SW End  
Appearance:  
Layer: 1 of 2

Test Method EPA 600/R-93/116 was used to analyze the above samples. Matrix interference and/or resolution limits may yield false negative results in certain circumstances. Suspect floor tiles containing <1% should be tested with SEM or TEM. This certificate of analysis relates only to the samples tested and to insure the integrity of the results, may only be reproduced in full. This certificate may not be used by the customer to claim product endorsement by NVLAP or any agency of the US Government. APEX Research Inc. is not responsible for the accuracy of the results for layered samples or samples comprising multiple materials. Liability limited to cost of analysis.

Robert T. Letarte Jr., Laboratory Director

APEX Research Inc., 11054 Hi Tech Drive, Whitmore Lake, MI 48189 (734) 449-9990, Fax (734) 449-9991
Certificate of Laboratory Analysis
Test Method, Polarized Light Microscopy (PLM)

Project: 191 N. Chester St.
Project # 151225

Report To:
Mr. Thomas Carpenter
Performance Environmental Services, Inc.
30553 Wixom Rd., Ste. 500
Wixom, MI 48393

ARI Report # 15-57569
Date Collected: 3/5-6/2015
Date Received: 03/09/15
Date Analyzed: 03/11/15
Date Reported: 03/11/15

Sample Information

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<td>57569 - 02a</td>
<td>Asbestos Present: NO</td>
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<td>Cust. #:</td>
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<td></td>
</tr>
<tr>
<td>1-2</td>
<td></td>
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</tr>
<tr>
<td>Material:</td>
<td>Mastic</td>
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<tr>
<td>Location:</td>
<td>S. Closet in Large Com.Rm. UL SW End</td>
<td></td>
</tr>
<tr>
<td>Appearance:</td>
<td>black, nonfibrous, homogenous</td>
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<td>Layer:</td>
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<tr>
<th>Lab ID #:</th>
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<th>Cellulose - 90%</th>
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<tbody>
<tr>
<td>57569 - 03</td>
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<td>Other - 10%</td>
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<td>Cust. #:</td>
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<tr>
<td>Material:</td>
<td>1x1 Glued-On CT-Med &amp; Lrg Holes-Uneven</td>
<td></td>
</tr>
<tr>
<td>Location:</td>
<td>Lrg Committee Rm. By Partition-UL SW End</td>
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<tr>
<td>Appearance:</td>
<td>brown, fibrous, homogenous</td>
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</tr>
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<td>Layer:</td>
<td>1 of 2</td>
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<tr>
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<th>Other - 100%</th>
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</thead>
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<tr>
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<tr>
<td>Cust. #:</td>
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<td></td>
</tr>
<tr>
<td>Material:</td>
<td>Glue Pod</td>
<td></td>
</tr>
<tr>
<td>Location:</td>
<td>Lrg Committee Rm. By Partition-UL SW End</td>
<td></td>
</tr>
<tr>
<td>Appearance:</td>
<td>brown, nonfibrous, homogenous</td>
<td></td>
</tr>
<tr>
<td>Layer:</td>
<td>2 of 2</td>
<td></td>
</tr>
</tbody>
</table>

For Layered Samples, each component will be analyzed and reported separately.

Robert T. Letarte Jr., Laboratory Director

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NVLAP Lab Code 102118-0

APEX Research Inc., 11054 Hi Tech Drive, Whitmore Lake, MI 48189 (734) 449-9990, Fax (734) 449-9991
Certificate of Laboratory Analysis  
Test Method, Polarized Light Microscopy (PLM)  

Project: 191 N. Chester St.  
Project # 151225  

<table>
<thead>
<tr>
<th>Sample Information</th>
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<th>Non-Asbestos</th>
</tr>
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<tbody>
<tr>
<td>Lab ID #: 57569 - 04</td>
<td>Asbestos Present: <strong>NO</strong></td>
<td>Cellulose - 90%</td>
</tr>
<tr>
<td>Cust. #: 2-2</td>
<td>No Asbestos Observed</td>
<td>Other - 10%</td>
</tr>
<tr>
<td>Material: 1x1 Glued-On CT-Med &amp; Lrg Holes-Uneven</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Location: Lrg Committee Rm. By Partition-UL SW End</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appearance: brown, fibrous, homogenous</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Layer: 1 of 2</td>
<td></td>
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</tbody>
</table>

| Lab ID #: 57569 - 04a | Asbestos Present: **NO** | Other - 100% |
| Cust. #: 2-2 | No Asbestos Observed | | |
| Material: Glue Pod | | |
| Location: Lrg Committee Rm. By Partition-UL SW End | | |
| Appearance: brown, nonfibrous, homogenous | | |
| Layer: 2 of 2 | | |

| Lab ID #: 57569 - 05 | Asbestos Present: **NO** | Cellulose - 80% |
| Cust. #: 2-3 | No Asbestos Observed | Other - 20% |
| Material: 1x1 Glued-On CT-Med & Lrg Holes-Uneven | | |
| Location: Lrg Committee Rm. By Partition-UL SW End | | |
| Appearance: brown, fibrous, homogenous | | |
| Layer: 1 of 2 | | |

For Layered Samples, each component will be analyzed and reported separately.

---

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NVLAP Lab Code 102118-0

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For Layered Samples, each component will be analyzed and reported separately.

For Layered Samples, each component will be analyzed and reported separately.

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Robert T. Letarte Jr., Laboratory Director

---

For Layered Samples, each component will be analyzed and reported separately.
# Certificate of Laboratory Analysis

Test Method, Polarized Light Microscopy (PLM)

Project: 191 N. Chester St.  
Project #: 151225

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<th>Report To:</th>
<th>ARI Report #: 15-57569</th>
</tr>
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<tbody>
<tr>
<td>Mr. Thomas Carpenter</td>
<td>Date Collected: 3/5-6/2015</td>
</tr>
<tr>
<td>Performance Environmental Services, Inc.</td>
<td>Date Received: 03/09/15</td>
</tr>
<tr>
<td>30553 Wixom Rd., Ste. 500</td>
<td>Date Analyzed: 03/11/15</td>
</tr>
<tr>
<td>Wixom, MI 48393</td>
<td>Date Reported: 03/11/15</td>
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## Sample Information

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<td>Material: Glue Pod</td>
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<td>Location: Lrg Committee Rm. By Partition-UL SW End</td>
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<td></td>
</tr>
<tr>
<td>Appearance: brown, nonfibrous, homogenous</td>
<td></td>
<td></td>
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<tr>
<td>Layer: 2 of 2</td>
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<table>
<thead>
<tr>
<th>Lab ID #: 57569 - 06</th>
<th>Asbestos Present: NO</th>
<th>Non-Asbestos: Cellulose - 90%</th>
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<td>Cust. #: 2-4</td>
<td>No Asbestos Observed</td>
<td>Other - 10%</td>
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<td>Material: 1x1 Glued-On CT-Med &amp; Lrg Holes-Uneven</td>
<td></td>
<td></td>
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<tr>
<td>Location: Small Committee Rm - Upper Level SW End</td>
<td></td>
<td></td>
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<tr>
<td>Appearance: brown, fibrous, homogenous</td>
<td></td>
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<td>Location: Small Committee Rm - Upper Level SW End</td>
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</tr>
<tr>
<td>Appearance: brown, nonfibrous, homogenous</td>
<td></td>
<td></td>
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<tr>
<td>Layer: 2 of 2</td>
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</table>

For Layered Samples, each component will be analyzed and reported separately.

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Test Method, Polarized Light Microscopy (PLM)  
Project: 191 N. Chester St.  
Project #: 151225

Report To:  
Mr. Thomas Carpenter  
Performance Environmental Services, Inc.  
30553 Wixom Rd., Ste. 500  
Wixom, MI 48393

ARI Report #: 15-57569  
Date Collected: 3/5-6/2015  
Date Received: 03/09/15  
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Date Reported: 03/11/15

<table>
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<th>Sample Information</th>
<th>Asbestos Type/Percent</th>
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<tbody>
<tr>
<td>Lab ID #: 57569 - 07</td>
<td>Asbestos Present: NO</td>
<td>Cellulose - 90%</td>
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<td>Cust. #: 2-5</td>
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<td>Other - 10%</td>
</tr>
<tr>
<td>Material: 1x1 Glued-On CT-Med &amp; Lrg Holes-Uneven</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Location: Small Committee Rm - Upper Level SW End</td>
<td></td>
<td></td>
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<tr>
<td>Appearance: brown,fibrous,homogenous</td>
<td></td>
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<td>Layer: 1 of 2</td>
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<td>Material: Glue Pod</td>
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<td>Location: Small Committee Rm - Upper Level SW End</td>
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<td>Appearance: brown,nonfibrous,homogenous</td>
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<td>Layer: 2 of 2</td>
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<tr>
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<th>Asbestos Present: YES</th>
<th>Other - 88%</th>
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<td>Cust. #: 3-1</td>
<td>Chrysotile - 12%</td>
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<td>Material: Textured Paint on Soft Plaster</td>
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</tr>
<tr>
<td>Location: SE Men's Bath-Upper Level E. End Window</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appearance: white,fibrous,homogenous</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Layer: 1 of 1</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

For Layered Samples, each component will be analyzed and reported separately.

Robert T. Letarte Jr., Laboratory Director

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APEX Research Inc., 11054 Hi Tech Drive, Whitmore Lake, MI 48189 (734) 449-9990, Fax (734) 449-9991

NVLAP Lab Code 102118-0
Certificate of Laboratory Analysis  
Test Method, Polarized Light Microscopy (PLM)  
Project: 191 N. Chester St.  
Project # 151225  

<table>
<thead>
<tr>
<th>Sample Information</th>
<th>Asbestos Type/Percent</th>
<th>Non-Asbestos</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lab ID #: 57569 - 09</td>
<td>Asbestos Present:</td>
<td></td>
</tr>
<tr>
<td>Cust. #: 3-2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Material: Textured Paint on Soft Plaster</td>
<td>NOT ANALYZED</td>
<td></td>
</tr>
<tr>
<td>Location: SE Men's Bath-Upper Level W. End Window</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appearance:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Layer: of</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| Lab ID #: 57569 - 10 | Asbestos Present:     |              |
| Cust. #: 3-3         |                       |              |
| Material: Textured Paint on Soft Plaster | NOT ANALYZED | |
| Location: SE Women's Bath - Upper Lvl by Ctr Vent | | |
| Appearance:         |                       |              |
| Layer: of           |                       |              |

| Lab ID #: 57569 - 11 | Asbestos Present: NO | Other - 100% |
| Cust. #: 5-1         | No Asbestos Observed |              |
| Material: Hard Plaster - Finish Coat | | |
| Location: E. Wall of Balcony of Auditorium | | |
| Appearance: white, nonfibrous, homogenous | | |
| Layer: 1 of 2        |                       |              |

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</tr>
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<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Wixom, MI 48393</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| Date Received: | | | Date Reported: | |
| 03/09/15 | | | 03/11/15 |

| Date Analyzed: | Location: | Appearance: | Asbestos Type/Percent | Non-Asbestos |
| 03/11/15 | | | | |

<table>
<thead>
<tr>
<th>Sample Information</th>
<th>Asbestos Type/Percent</th>
<th>Non-Asbestos</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lab ID #: 57569 - 11a</td>
<td>Asbestos Present: NO</td>
<td>Other - 100%</td>
</tr>
<tr>
<td>Cust. #: 5-1</td>
<td>Chrysotile - Trace</td>
<td></td>
</tr>
<tr>
<td>Material: Base Coat</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Location: E. Wall of Balcony of Auditorium</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appearance: grey,fibrous,homogenous</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Layer: 2 of 2</td>
<td>POINT COUNT RESULT</td>
<td></td>
</tr>
</tbody>
</table>

| Lab ID #: 57569 - 12 | Asbestos Present: NO | Other - 100% |
| Cust. #: 5-2 | No Asbestos Observed | |
| Material: Hard Plaster - Finish Coat | | |
| Location: Attic Organ Above Stage of Audit. E. Wall | | |
| Appearance: white,nonfibrous,homogenous | | |
| Layer: 1 of 2 | POINT COUNT RESULT | |

| Lab ID #: 57569 - 12a | Asbestos Present: NO | Other - 99.75% |
| Cust. #: 5-2 | Chrysotile - 0.25% | |
| Material: Base Coat | | |
| Location: Attic Organ Above Stage of Audit. E. Wall | | |
| Appearance: grey,fibrous,homogenous | | |
| Layer: 2 of 2 | POINT COUNT RESULT | |

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---

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NVLAP Lab Code 102118-0
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Project: 191 N. Chester St.  
Project # 151225

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<td>3/5-6/2015</td>
</tr>
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<td></td>
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<td></td>
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</tr>
</thead>
<tbody>
<tr>
<td>03/09/15</td>
<td>03/11/15</td>
</tr>
</tbody>
</table>

| Location: Attic Organ Above Stage of Audit. N. Wall |
| Appearance: grey, fibrous, homogenous |
| Layer: 1 of 2 |

| Material: Base Coat |
| Asbestos Present: NO |
| Lab ID #: 57569 - 13 |
| Cust. #: 5-3 |

| Location: Attic Organ Above Stage of Audit. N. Wall |
| Appearance: white, nonfibrous, homogenous |
| Layer: 2 of 2 |

| Material: Hard Plaster - Finish Coat |
| Asbestos Present: NO |
| Lab ID #: 57569 - 13a |
| Cust. #: 5-3 |

| Location: Chase in Day Care Rm - N. End of 1st FL |
| Appearance: white, nonfibrous, homogenous |
| Layer: 1 of 2 |

| Material: Hard Plaster - Finish Coat |
| Asbestos Present: NO |
| Lab ID #: 57569 - 14 |
| Cust. #: 5-4 |

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# Certificate of Laboratory Analysis

Test Method, Polarized Light Microscopy (PLM)

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<td>03/11/15</td>
<td>03/11/15</td>
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## Sample Information

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<thead>
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<th>Lab ID #: 57569 - 14a</th>
<th>Asbestos Type/Percent</th>
<th>Non-Asbestos</th>
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</thead>
<tbody>
<tr>
<td>Cust. #: 5-4</td>
<td>Asbestos Present: NO</td>
<td>Other - 99.75%</td>
</tr>
<tr>
<td>Material: Base Coat</td>
<td>Chrysotile - 0.25%</td>
<td></td>
</tr>
<tr>
<td>Location: Chase in Day Care Rm - N. End of 1st FL</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appearance: grey, fibrous, homogenous</td>
<td>POINT COUNT RESULT</td>
<td></td>
</tr>
<tr>
<td>Layer: 2 of 2</td>
<td></td>
<td></td>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th>Lab ID #: 57569 - 15</th>
<th>Asbestos Type/Percent</th>
<th>Non-Asbestos</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cust. #: 5-5</td>
<td>Asbestos Present: NO</td>
<td>Other - 100%</td>
</tr>
<tr>
<td>Material: Hard Plaster - Finish Coat</td>
<td>No Asbestos Observed</td>
<td></td>
</tr>
<tr>
<td>Location: Storage/Mech Rm. by NE Stairs-1st FL</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appearance: white, nonfibrous, homogenous</td>
<td>POINT COUNT RESULT</td>
<td></td>
</tr>
<tr>
<td>Layer: 1 of 2</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Lab ID #: 57569 - 15a</th>
<th>Asbestos Type/Percent</th>
<th>Non-Asbestos</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cust. #: 5-5</td>
<td>Asbestos Present: NO</td>
<td>Other - 99.5%</td>
</tr>
<tr>
<td>Material: Base Coat</td>
<td>Chrysotile - 0.25%</td>
<td></td>
</tr>
<tr>
<td>Location: Storage/Mech Rm. by NE Stairs-1st FL</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appearance: grey, fibrous, homogenous</td>
<td>POINT COUNT RESULT</td>
<td></td>
</tr>
<tr>
<td>Layer: 2 of 2</td>
<td></td>
<td></td>
</tr>
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Test Method, Polarized Light Microscopy (PLM)

Project: 191 N. Chester St.
Project #: 151225

Report To:
Mr. Thomas Carpenter
Performance Environmental Services, Inc.
30553 Wixom Rd., Ste. 500
Wixom, MI 48393

ARI Report #: 15-57569
Date Collected: 3/5-6/2015
Date Received: 03/09/15
Date Analyzed: 03/11/15
Date Reported: 03/11/15

Location:
Layer:
Location:
Appearance:
Location:
Layer:
Appearance:
Location:
Layer:
Appearance:

Material: Base Coat
Material: Hard Plaster - Finish Coat
Material: Hard Plaster - Finish Coat

Asbestos Present: NO
Asbestos Present: NO
Asbestos Present: NO

Other - 99.75%
Other - 100%
Other - 100%

Sample Information

Lab ID #: 57569 - 16
Lab ID #: 57569 - 16a
Lab ID #: 57569 - 17

Cust. #: 5-6
Cust. #: 5-6
Cust. #: 5-7

Other - 100%
Other - 99.75%
Other - 100%

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Sample Information

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<th>Lab ID #: 57569 - 17a</th>
<th>Asbestos Type/Percent</th>
<th>Non-Asbestos</th>
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</thead>
<tbody>
<tr>
<td>Cust. #: 5-7</td>
<td>Asbestos Present: NO</td>
<td>Other - 100%</td>
</tr>
<tr>
<td>Material: Base Coat</td>
<td>Chrysotile - Trace</td>
<td></td>
</tr>
<tr>
<td>Location: Storage/Mech Rm. NE of Boiler RM S. Wall</td>
<td>POINT COUNT RESULT</td>
<td></td>
</tr>
<tr>
<td>Appearance: grey,fibrous,homogenous</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Layer: 2 of 2</td>
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<table>
<thead>
<tr>
<th>Lab ID #: 57569 - 18</th>
<th>Asbestos Type/Percent</th>
<th>Non-Asbestos</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cust. #: 7-1</td>
<td>Asbestos Present: NO</td>
<td>Cellulose - 90%</td>
</tr>
<tr>
<td>Material: 1x1 Glued-On CT - Sm. Holes Uneven</td>
<td>No Asbestos Observed</td>
<td>Other - 10%</td>
</tr>
<tr>
<td>Location: SW Corner of Soloist Rm - UL S. End</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appearance: brown,fibrous,homogenous</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Layer: 1 of 2</td>
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<td></td>
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<table>
<thead>
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<th>Lab ID #: 57569 - 18a</th>
<th>Asbestos Type/Percent</th>
<th>Non-Asbestos</th>
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</thead>
<tbody>
<tr>
<td>Cust. #: 7-1</td>
<td>Asbestos Present: NO</td>
<td>Other - 100%</td>
</tr>
<tr>
<td>Material: Glue Pod</td>
<td>No Asbestos Observed</td>
<td></td>
</tr>
<tr>
<td>Location: SW Corner of Soloist Rm - UL S. End</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appearance: black,nonfibrous,homogenous</td>
<td></td>
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<tr>
<td>Layer: 2 of 2</td>
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<tbody>
<tr>
<td>Cust. #:</td>
<td>7-2</td>
</tr>
<tr>
<td>Material:</td>
<td>1x1 Glued-On CT - Sm. Holes Uneven</td>
</tr>
<tr>
<td>Location:</td>
<td>SW Corner of Soloist Rm- UL S. End</td>
</tr>
<tr>
<td>Appearance:</td>
<td>brown,fibrous,homogenous</td>
</tr>
<tr>
<td>Layer:</td>
<td>1 of 2</td>
</tr>
</tbody>
</table>

Asbestos Present: **NO**  
No Asbestos Observed  
Non-Asbestos:  
Cellulose - 90%  
Other - 10%

---

<table>
<thead>
<tr>
<th>Lab ID #:</th>
<th>57569 - 19a</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cust. #:</td>
<td>7-2</td>
</tr>
<tr>
<td>Material:</td>
<td>Glue Pod</td>
</tr>
<tr>
<td>Location:</td>
<td>SW Corner of Soloist Rm - UL S. End</td>
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<tr>
<td>Appearance:</td>
<td>black,nonfibrous,homogenous</td>
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<tr>
<td>Layer:</td>
<td>2 of 2</td>
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Asbestos Present: **NO**  
No Asbestos Observed  
Non-Asbestos:  
Other - 100%

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<table>
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<td>Cust. #:</td>
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<tr>
<td>Material:</td>
<td>1x1 Glued-On CT - Sm. Holes Uneven</td>
</tr>
<tr>
<td>Location:</td>
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<tr>
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Asbestos Present: **NO**  
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Non-Asbestos:  
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Other - 10%

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Project # 151225

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<tbody>
<tr>
<td>Mr. Thomas Carpenter</td>
<td>Asbestos Present: NO</td>
<td>Other - 100%</td>
</tr>
<tr>
<td>Performance Environmental Services, Inc.</td>
<td>No Asbestos Observed</td>
<td></td>
</tr>
<tr>
<td>30553 Wixom Rd., Ste. 500</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wixom, MI 48393</td>
<td></td>
<td></td>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th>Location:</th>
<th>Asbestos Present: NO</th>
<th>Non-Asbestos</th>
</tr>
</thead>
<tbody>
<tr>
<td>SW Corner of Soloist Rm - UL S. End</td>
<td>Cellulose - 5%</td>
<td></td>
</tr>
<tr>
<td>Material: Glue Pod</td>
<td>Mineral Wool - 65%</td>
<td>Other - 30%</td>
</tr>
<tr>
<td>Appearance: black, nonfibrous, homogenous</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Layer: 2 of 2</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Location:</th>
<th>Asbestos Present: NO</th>
<th>Non-Asbestos</th>
</tr>
</thead>
<tbody>
<tr>
<td>SE End of Main Foyer - Upper Level</td>
<td>Cellulose - 5%</td>
<td></td>
</tr>
<tr>
<td>Material: Glue Pod</td>
<td>Mineral Wool - 65%</td>
<td>Other - 30%</td>
</tr>
<tr>
<td>Appearance: white, fibrous, homogenous</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Layer: 1 of 2</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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Robert T. Letarte Jr., Laboratory Director
Certificate of Laboratory Analysis
Test Method, Polarized Light Microscopy (PLM)

Project: 191 N. Chester St.  
Project # 151225

<table>
<thead>
<tr>
<th>Location</th>
<th>Layer</th>
<th>Appearance</th>
<th>Material</th>
<th>Asbestos Present</th>
<th>Non-Asbestos</th>
</tr>
</thead>
<tbody>
<tr>
<td>SE End of Main Foyer - Upper Level</td>
<td>1 of 2</td>
<td>white, fibrous, homogenous</td>
<td>Glue Pod</td>
<td>NO</td>
<td>Cellulose - 5%</td>
</tr>
<tr>
<td>1x1 Glued-On Ceiling Tile - Gouges</td>
<td></td>
<td></td>
<td></td>
<td>No Asbestos Observed</td>
<td>Mineral Wool - 60%</td>
</tr>
<tr>
<td>57569 - 22</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Other - 35%</td>
</tr>
<tr>
<td>1x1 Glued-On Ceiling Tile - Gouges</td>
<td>2 of 2</td>
<td>brown, nonfibrous, homogenous</td>
<td></td>
<td>NO</td>
<td>Other - 100%</td>
</tr>
<tr>
<td>8-2</td>
<td></td>
<td></td>
<td></td>
<td>No Asbestos Observed</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Lab ID #: 57569 - 22a</td>
<td>Asbestos Present: NO</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Cust. #: 8-2</td>
<td>No Asbestos Observed</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Material: Glue Pod</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Location: SE End of Main Foyer - Upper Level</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Appearance: brown, nonfibrous, homogenous</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Layer: 2 of 2</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Lab ID #: 57569 - 23</td>
<td>Asbestos Present: NO</td>
<td></td>
<td></td>
<td>Cellulose - 5%</td>
</tr>
<tr>
<td></td>
<td>Cust. #: 8-3</td>
<td>No Asbestos Observed</td>
<td></td>
<td></td>
<td>Mineral Wool - 65%</td>
</tr>
<tr>
<td></td>
<td>Material: 1x1 Glued-On Ceiling Tile - Gouges</td>
<td></td>
<td></td>
<td></td>
<td>Other - 30%</td>
</tr>
<tr>
<td></td>
<td>Location: SE End of Main Foyer - Upper Level</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Appearance: white, fibrous, homogenous</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Layer: 1 of 2</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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NVLAP Lab Code 102118-0

Robert T. Letarte Jr., Laboratory Director
Certificate of Laboratory Analysis  
Test Method, Polarized Light Microscopy (PLM)  
Project: 191 N. Chester St.  
Project # 151225

**Report To:**  
Mr. Thomas Carpenter  
Performance Environmental Services, Inc.  
30553 Wixom Rd., Ste. 500  
Wixom, MI 48393  
ARI Report #: 15-57569  
Date Collected: 3/5-6/2015  
Date Received: 03/09/15  
Date Analyzed: 03/11/15  
Date Reported: 03/11/15

<table>
<thead>
<tr>
<th>Sample Information</th>
<th>Asbestos Type/Percent</th>
<th>Non-Asbestos</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lab ID #: 57569 - 23a</td>
<td>Asbestos Present: NO</td>
<td>Other - 100%</td>
</tr>
<tr>
<td>Cust. #: 8-3</td>
<td>No Asbestos Observed</td>
<td></td>
</tr>
<tr>
<td>Material: Glue Pod</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Location: SE End of Main Foyer - Upper Level</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appearance: brown, nonfibrous, homogenous</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Layer: 2 of 2</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Lab ID #: 57569 - 24</th>
<th>Asbestos Present: NO</th>
<th>Cellulose - 10%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cust. #: 9-1</td>
<td>No Asbestos Observed</td>
<td>Mineral Wool - 20%</td>
</tr>
<tr>
<td>Material: 0-6&quot;OD Mudded PFI on FG Straight Run PI</td>
<td></td>
<td>Other - 70%</td>
</tr>
<tr>
<td>Location: AHU-2 Space E. of SE Stairs - Upper Level</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appearance: grey, fibrous, nonhomogenous</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Layer: 1 of 1</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Lab ID #: 57569 - 25</th>
<th>Asbestos Present: NO</th>
<th>Cellulose - 10%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cust. #: 9-2</td>
<td>No Asbestos Observed</td>
<td>Mineral Wool - 20%</td>
</tr>
<tr>
<td>Material: 0-6&quot;OD Mudded PFI on FG Straight Run PI</td>
<td></td>
<td>Other - 70%</td>
</tr>
<tr>
<td>Location: Chase in Day Care Rm - N. End of 1st FL</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appearance: grey, fibrous, nonhomogenous</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Layer: 1 of 1</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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Robert T. Letarte Jr., Laboratory Director

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NVLAP Lab Code 102118-0
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Project: 191 N. Chester St.  
Project # 151225

**Report To:**  
Mr. Thomas Carpenter  
Performance Environmental Services, Inc.  
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Wixom, MI 48393  
ARI Report #: 15-57569  
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Date Reported: 03/11/15

<table>
<thead>
<tr>
<th>Sample Information</th>
<th>Asbestos Type/Percent</th>
<th>Non-Asbestos</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lab ID #: 57569 - 26</td>
<td>Asbestos Present: NO</td>
<td>Cellulose - 10%</td>
</tr>
<tr>
<td>Cust. #: 9-3</td>
<td>No Asbestos Observed</td>
<td>Mineral Wool - 20%</td>
</tr>
<tr>
<td>Material: 0-6&quot;OD Mudded PFI on FG Straight Run PI</td>
<td></td>
<td>Other - 70%</td>
</tr>
<tr>
<td>Location: NW End of Boiler Rm/ Hot Water Tank-1st</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appearance: grey, fibrous, nonhomogenous</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Layer: 1 of 1</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| Lab ID #: 57569 - 27 | Asbestos Present: NO | Mineral Wool - 25% |
| Cust. #: 10-1 | No Asbestos Observed | Other - 75% |
| Material: >6-12"OD Mudded PF/ FG Straight Run PI | | |
| Location: SW Corner Storage/Mech NE of Boiler Rm | | |
| Appearance: grey, fibrous, homogenous | | |
| Layer: 1 of 1 | | |

| Lab ID #: 57569 - 28 | Asbestos Present: | Mineral Wool - 25% |
| Cust. #: 10-2 | No Asbestos Observed | Other - 75% |
| Material: >6-12"OD Mudded PFI/ FG Straight Run PI | | |
| Location: SW Corner of Boiler Rm by W. Door-1st FL | | |
| Appearance: grey, fibrous, homogenous | | |
| Layer: 1 of 1 | | |

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Project: 191 N. Chester St.  
Project # 151225

Report To:  
Mr. Thomas Carpenter  
Performance Environmental Services, Inc.  
30553 Wixom Rd., Ste. 500  
Wixom, MI 48393

ARI Report #: 15-57569  
Date Collected: 3/5-6/2015  
Date Received: 03/09/15  
Date Analyzed: 03/11/15  
Date Reported: 03/11/15

<table>
<thead>
<tr>
<th>Sample Information</th>
<th>Asbestos Type/Percent</th>
<th>Non-Asbestos</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lab ID #: 57569 - 29</td>
<td>Asbestos Present: NO</td>
<td>Mineral Wool - 30%</td>
</tr>
<tr>
<td>Cust. #: 10-3</td>
<td>No Asbestos Observed</td>
<td>Other - 70%</td>
</tr>
<tr>
<td>Material: &gt;6-12&quot;OD Muddled PFI/ FG Straight Run PI</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Location: SE Corner of Boiler Rm - 1st FL</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appearance: grey, fibrous, homogenous</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Layer: 1 of 1</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| Lab ID #: 57569 - 30 | Asbestos Present: NO | Cellulose - 80% |
| Cust. #: 11-1 | No Asbestos Observed | Other - 20% |
| Material: 1x1 Glued-On CT (Lrg Evenly Spaced Holes) | | |
| Location: N. End of Sunday School Area - 1st FL | | |
| Appearance: brown, fibrous, homogenous | | |
| Layer: 1 of 2 | | |

| Lab ID #: 57569 - 30a | Asbestos Present: NO | Other - 100% |
| Cust. #: 11-1 | No Asbestos Observed | |
| Material: Glue Pod | | |
| Location: N. End of Sunday School Area - 1st FL | | |
| Appearance: brown, nonfibrous, homogenous | | |
| Layer: 2 of 2 | | |

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**Certificate of Laboratory Analysis**  
Test Method, Polarized Light Microscopy (PLM)  
Project: 191 N. Chester St.  
Project # 151225

| Location: N. End of Sunday School Area - 1st FL | Material: Glue Pod | Appearance: brown, nonfibrous, homogenous |
| Layer: 1 of 2 | Lab ID #: 57569 - 31 | Non-Asbestos: Cellulose - 80% |
| Cust. #: 11-2 | | Other - 20% |
| Lab ID #: 57569 - 31a | Asbestos Present: NO | No Asbestos Observed |
| Cust. #: 11-2 | Material: 1x1 Glued-On CT (Lrg Evenly Spaced Holes) | Location: N. End of Sunday School Area - 1st FL |
| Appearance: brown, nonfibrous, homogenous | Layer: 1 of 2 | |

**Sample Information**

| Layer: 1 of 2 | Lab ID #: 57569 - 32 | Asbestos Present: NO | No Asbestos Observed |
| Cust. #: 11-3 | Material: 1x1 Glued-On CT (Lrg Evenly Spaced Holes) | Location: N. End of Sunday School Area - 1st FL |
| Appearance: brown, fibrous, homogenous | Layer: 1 of 2 | Cellulose - 80% |
| Other - 20% |

For Layered Samples, each component will be analyzed and reported separately.

---

Robert T. Letarte Jr., Laboratory Director

---

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Project: 191 N. Chester St.
Project # 151225

Report To:
Mr. Thomas Carpenter
Performance Environmental Services, Inc.
30553 Wixom Rd., Ste. 500
Wixom, MI 48393

ARI Report # 15-57569
Date Collected: 3/5-6/2015
Date Received: 03/09/15
Date Analyzed: 03/11/15
Date Reported: 03/11/15

Date Analyzed: 03/11/15

Location: N. End of Sunday School Area - 1st FL
Appearance: brown, fibrous, homogenous
Layer: 1 of 2

Sample Information

Lab ID #: 57569 - 33
Cust. #: 11-4
Material: Glue Pod
Location: N. End of Sunday School Area - 1st FL
Appearance: brown, fibrous, homogenous
Layer: 1 of 2

Asbestos Present: NO
No Asbestos Observed
Other - 100%
Cellulose - 80%
Other - 20%

Lab ID #: 57569 - 33a
Cust. #: 11-4
Material: Glue Pod
Location: N. End of Sunday School Area - 1st FL
Appearance: brown, nonfibrous, homogenous
Layer: 2 of 2

Asbestos Present: NO
No Asbestos Observed
Other - 100%

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<table>
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<tr>
<th>Report To:</th>
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<th>Date Collected:</th>
<th>Date Received:</th>
<th>Date Analyzed:</th>
<th>Date Reported:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr. Thomas Carpenter</td>
<td>15-57569</td>
<td>3/5-6/2015</td>
<td>03/09/15</td>
<td>03/11/15</td>
<td>03/11/15</td>
</tr>
</tbody>
</table>

Performance Environmental Services, Inc.  
30553 Wixom Rd., Ste. 500  
Wixom, MI 48393

<table>
<thead>
<tr>
<th>Location:</th>
<th>Layer:</th>
<th>Appearance:</th>
<th>Material:</th>
<th>Cst. #:</th>
<th>Asbestos Present:</th>
<th>Lab ID #:</th>
</tr>
</thead>
<tbody>
<tr>
<td>N. End of Sunday School Area - 1st FL</td>
<td>1 of 2</td>
<td>brown,fibrous,homogenous</td>
<td>Glue Pod</td>
<td>11-5</td>
<td>NO</td>
<td>57569 - 34</td>
</tr>
<tr>
<td>N. End of Sunday School Area - 1st FL</td>
<td>2 of 2</td>
<td>brown,fibrous,homogenous</td>
<td>1x1 Glued-On CT (Lrg Evenly Spaced Holes)</td>
<td>11-5</td>
<td>NO</td>
<td>57569 - 34a</td>
</tr>
<tr>
<td>In Girl's Bathrm. NE of Boiler Rm-1st FL</td>
<td>1 of 1</td>
<td>grey,fibrous,homogenous</td>
<td>Exterior Window Glaze</td>
<td>12-1</td>
<td>NO</td>
<td>57569 - 35</td>
</tr>
</tbody>
</table>

Asbestos Present: NO  
No Asbestos Observed  
Cellulose - 80%  
Other - 20%  
Cellulose - 3%  
Other - 97%

For Layered Samples, each component will be analyzed and reported separately.

Robert T. Letarte Jr., Laboratory Director

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Test Method, Polarized Light Microscopy (PLM)  

Project: 191 N. Chester St.  
Project # 151225

<table>
<thead>
<tr>
<th>Lab ID #: 57569 - 36</th>
<th>Asbestos Type/Percent</th>
<th>Non-Asbestos</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cust. #: 12-2</td>
<td>Material: Exterior Window Glaze</td>
<td>Chrysotile - 1.5%</td>
</tr>
<tr>
<td>Location: Front Window S.of Main Foyer Ent. Doors</td>
<td>Appearance: grey, fibrous, homogenous</td>
<td>POINT COUNT RESULT</td>
</tr>
<tr>
<td>Layer: 1 of 1</td>
<td>Asbestos Present: YES</td>
<td>Other - 98.5%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Lab ID #: 57569 - 37</th>
<th>Asbestos Type/Percent</th>
<th>Non-Asbestos</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cust. #: 13-1</td>
<td>Material: Exterior Caulk</td>
<td>Chrysotile - 2.0%</td>
</tr>
<tr>
<td>Location: NW Door to Sunday School Area - 1st FL</td>
<td>Appearance: grey, fibrous, homogenous</td>
<td>POINT COUNT RESULT</td>
</tr>
<tr>
<td>Layer: 1 of 1</td>
<td>Asbestos Present: YES</td>
<td>Other - 98.0%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Lab ID #: 57569 - 38</th>
<th>Asbestos Type/Percent</th>
<th>Non-Asbestos</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cust. #: 13-2</td>
<td>Material: Exterior Caulk</td>
<td>NOT ANALYZED</td>
</tr>
<tr>
<td>Location: NE Day Care Window - 1st FL</td>
<td>Appearance:</td>
<td></td>
</tr>
<tr>
<td>Layer: of</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

For Layered Samples, each component will be analyzed and reported separately.

Robert T. Letarte Jr., Laboratory Director

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NVLAP Lab Code 102118-0
Certificate of Laboratory Analysis
Test Method, Polarized Light Microscopy (PLM)

Project: 191 N. Chester St.
Project # 151225

Report To:
Mr. Thomas Carpenter
Performance Environmental Services, Inc.
30553 Wixom Rd., Ste. 500
Wixom, MI 48393

ARI Report # 15-57569
Date Collected: 3/5-6/2015
Date Received: 03/09/15
Date Analyzed: 03/11/15
Date Reported: 03/11/15

<table>
<thead>
<tr>
<th>Sample Information</th>
<th>Asbestos Type/Percent</th>
<th>Non-Asbestos</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lab ID #: 57569 - 39</td>
<td>Asbestos Present: <strong>YES</strong></td>
<td>Other - 90%</td>
</tr>
<tr>
<td>Cust. #: 14-1</td>
<td>Chrysotile - 10%</td>
<td>Chrysotile - 10%</td>
</tr>
<tr>
<td>Material: Sink Undercoating - Black</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Location: Day Care Sink - 1st FL</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appearance: black, fibrous, homogenous</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Layer: 1 of 1</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| Lab ID #: 57569 - 40 | Asbestos Present: **NOT ANALYZED** | |
| Cust. #: 14-2 | | |
| Material: Sink Undercoating - Black | | |
| Location: Day Care Sink - 1st FL | | |
| Appearance: | | |
| Layer: | | |

| Lab ID #: 57569 - 41 | Asbestos Present: **YES** | Other - 90% |
| Cust. #: 15-1 | Chrysotile - 10% | Chrysotile - 10% |
| Material: 0-6"OD Millboard Straight Run PI | | |
| Location: Storage/Mech Rm. NE of Boiler Rm S. Ctr | | |
| Appearance: brown, fibrous, nonhomogenous | | |
| Layer: 1 of 1 | | |

For Layered Samples, each component will be analyzed and reported separately.

---

Robert T. Letarte Jr., Laboratory Director

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NVLAP Lab Code 102118-0
Certificate of Laboratory Analysis  
Test Method, Polarized Light Microscopy (PLM)  
Project: 191 N. Chester St.  
Project # 151225

<table>
<thead>
<tr>
<th>Location:</th>
<th>Appearance:</th>
<th>Lab ID #: 57569 - 42</th>
<th>Material: 0-6&quot;OD Millboard Straight Run PI</th>
<th>Cust. #: 15-2</th>
<th>Asbestos Present:</th>
<th>Non-Asbestos:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>grey, fibrous, nonhomogenous</td>
<td></td>
<td>NOT ANALYZED</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Location:</th>
<th>Appearance:</th>
<th>Lab ID #: 57569 - 43</th>
<th>Material: 0-6&quot;OD Millboard Straight Run PI</th>
<th>Cust. #: 15-3</th>
<th>Asbestos Present:</th>
<th>Non-Asbestos:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>NOT ANALYZED</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Location:</th>
<th>Appearance:</th>
<th>Lab ID #: 57569 - 44</th>
<th>Material: 0-6&quot;OD Mudded PFI/ Millboard Straight Run</th>
<th>Cust. #: 16-1</th>
<th>Asbestos Present:</th>
<th>Non-Asbestos:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Cellulose - 10%</td>
<td></td>
<td></td>
<td>Other - 70%</td>
</tr>
</tbody>
</table>

For Layered Samples, each component will be analyzed and reported separately.

Robert T. Letarte Jr., Laboratory Director

Test Method EPA 600/R-93/116 was used to analyze the above samples. Matrix interference and/or resolution limits may yield falsenegative results in certain circumstances. Suspect floor tiles containing <1% should be tested with SEM or TEM. This certificate of analysis relates only to the samples tested and to insure the integrity of the results, may only be reproduced in full. This certificate may not be used by the customer to claim product endorsement by NVLAP or any agency of the US Government. APEX Research Inc. is not responsible for the accuracy of the results for layered samples or samples comprising multiple materials. Liability limited to cost of analysis.
**Certificate of Laboratory Analysis**

**Test Method, Polarized Light Microscopy (PLM)**

**Project: 191 N. Chester St.**
**Project #: 151225**

---

**Report To:**
- Mr. Thomas Carpenter
- Performance Environmental Services, Inc.
- 30553 Wixom Rd., Ste. 500
- Wixom, MI 48393

**ARI Report #:**
15-57569

**Date Collected:**
3/5-6/2015

**Date Received:**
03/09/15

**Date Analyzed:**
03/09/15

**Date Reported:**
03/11/15

---

**Sample Information**

<table>
<thead>
<tr>
<th>Lab ID #: 57569 - 45</th>
<th>Asbestos Present</th>
<th>Non-Asbestos</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cust. #: 16-2</td>
<td>YES</td>
<td>Cellulose - 10%</td>
</tr>
<tr>
<td>Material: 0-6&quot;OD Mudded PFI/ Millboard Straight Run</td>
<td>Chrysotile - 25%</td>
<td>Other - 65%</td>
</tr>
<tr>
<td>Location: SW Corner of Storage Rm Btwn Boiler/Furnace</td>
<td>Appearance: grey, fibrous, nonhomogenous</td>
<td></td>
</tr>
<tr>
<td>Layer: 1 of 1</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| Lab ID #: 57569 - 46 | Asbestos Present | |
|----------------------|------------------|
| Cust. #: 16-3        |                  |
| Material: 0-6"OD Mudded PFI/ Millboard Straight Run NOT ANALYZED | |
| Location: SW Corner of Furnace Rm Along S. Wall | Appearance: |
| Layer: of            |                  |

<table>
<thead>
<tr>
<th>Lab ID #: 57569 - 47</th>
<th>Asbestos Present</th>
<th>Non-Asbestos</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cust. #: 17-1</td>
<td>YES</td>
<td>Cellulose - 10%</td>
</tr>
<tr>
<td>Material: Mud Btwn Cloth &amp; Tar-Coated FG Duct Insul</td>
<td>Chrysotile - 20%</td>
<td>Mineral Wool - 20%</td>
</tr>
<tr>
<td>Location: Duct on SW Corner of Furnace F1-b</td>
<td>Appearance: grey, fibrous, homogenous</td>
<td>Other - 50%</td>
</tr>
<tr>
<td>Layer: 1 of 1</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

---

For Layered Samples, each component will be analyzed and reported separately.

---

**Robert T. Letarte Jr., Laboratory Director**

---

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NVLAP Lab Code 102118-0
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Test Method, Polarized Light Microscopy (PLM)  
Project: 191 N. Chester St.  
Project # 151225

Report To:  
Mr. Thomas Carpenter  
Performance Environmental Services, Inc.  
30553 Wixom Rd., Ste. 500  
Wixom, MI 48393  

ARI Report # 15-57569  
Date Collected: 3/5-6/2015  
Date Received: 03/09/15  
Date Analyzed: 03/11/15  
Date Reported: 03/11/15  

<table>
<thead>
<tr>
<th>Location:</th>
<th>Layer:</th>
<th>Non-Asbestos</th>
</tr>
</thead>
<tbody>
<tr>
<td>Duct on SE Corner of Furnace F2</td>
<td>NOT ANALYZED</td>
<td></td>
</tr>
<tr>
<td>17-3</td>
<td>Material: Mud Btwn Cloth &amp; Tar-Coated FG Duct Insul</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Location:</th>
<th>Layer:</th>
<th>Non-Asbestos</th>
</tr>
</thead>
<tbody>
<tr>
<td>N. Closet Lrg Committee Rm UL SW End</td>
<td>1 of 1</td>
<td></td>
</tr>
<tr>
<td>18-1</td>
<td>Material: Covebase Mastic</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Sample Information</th>
<th>Asbestos Type/Percent</th>
<th>Non-Asbestos</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lab ID #: 57569 - 48</td>
<td>Asbestos Present:</td>
<td></td>
</tr>
<tr>
<td>Cust. #: 17-2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Material: Mud Btwn Cloth &amp; Tar-Coated FG Duct Insul</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Location: Duct on SE Corner of Furnace F2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appearance: brown,nonfibrous,homogenous</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Sample Information</th>
<th>Asbestos Type/Percent</th>
<th>Non-Asbestos</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lab ID #: 57569 - 49</td>
<td>Asbestos Present:</td>
<td></td>
</tr>
<tr>
<td>Cust. #: 17-3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Material: Mud Btwn Cloth &amp; Tar-Coated FG Duct Insul</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Location: Duct on SE Corner of Furnace F2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appearance:</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Sample Information</th>
<th>Asbestos Type/Percent</th>
<th>Non-Asbestos</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lab ID #: 57569 - 50</td>
<td>Asbestos Present: NO</td>
<td></td>
</tr>
<tr>
<td>Cust. #: 18-1</td>
<td>No Asbestos Observed</td>
<td></td>
</tr>
<tr>
<td>Material: Covebase Mastic</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Location: N. Closet Lrg Committee Rm UL SW End</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appearance:</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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Robert T. Letarte Jr., Laboratory Director

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Certificate of Laboratory Analysis  
Test Method, Polarized Light Microscopy (PLM)  
Project: 191 N. Chester St.  
Project # 151225

<table>
<thead>
<tr>
<th>Lab ID #: 57569 - 51</th>
<th>Asbestos Type/Percent</th>
<th>Non-Asbestos</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cust. #: 18-2</td>
<td>Asbestos Present: NO</td>
<td>Other - 100%</td>
</tr>
<tr>
<td>Material: Covebase Mastic</td>
<td>No Asbestos Observed</td>
<td></td>
</tr>
<tr>
<td>Location: N. Closet Lrg Committee Rm UL SW End</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appearance: brown,nonfibrous,homogenous</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Layer: 1 of 1</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Lab ID #: 57569 - 52</th>
<th>Asbestos Type/Percent</th>
<th>Non-Asbestos</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cust. #: 19-1</td>
<td>Asbestos Present: NO</td>
<td>Cellulose - 1%</td>
</tr>
<tr>
<td>Material: Carpet Glue over Black Mastic</td>
<td>No Asbestos Observed</td>
<td>Other - 99%</td>
</tr>
<tr>
<td>Location: E. End of S. Foyer Hall Btw Doors &amp; Stairs</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appearance: black,fibrous,nonhomogenous</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Layer: 1 of 1</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Lab ID #: 57569 - 53</th>
<th>Asbestos Type/Percent</th>
<th>Non-Asbestos</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cust. #: 19-2</td>
<td>Asbestos Present: NO</td>
<td>Cellulose - 1%</td>
</tr>
<tr>
<td>Material: Carpet Glue over Black Mastic</td>
<td>No Asbestos Observed</td>
<td>Other - 99%</td>
</tr>
<tr>
<td>Location: E. End of S. Foyer Hall by Door - Upper Leve</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appearance: black,fibrous,nonhomogenous</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Layer: 1 of 1</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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NVLAP Lab Code 102118-0
<table>
<thead>
<tr>
<th>HA NUMBER</th>
<th>SAMPLE NUMBER</th>
<th>MATERIAL DESCRIPTION</th>
<th>SAMPLING LOCATION</th>
<th>TEM VERIFY (PLM ≤ 1%)</th>
<th>COMMENTS/RESULTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>1-1</td>
<td>9&quot; x 9&quot; Floor tile (green with black and white specks) and black mastic</td>
<td>South closet in large committee room - upper level - SW end</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>1-2</td>
<td>9&quot; x 9&quot; Floor tile (green with black and white specks) and black mastic</td>
<td>South closet in large committee room - upper level - SW end</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>2-1</td>
<td>1' x 1' Glued-on ceiling tile (medium and large holes, uneven) and dark brown glue pods</td>
<td>Large committee room by partition - upper level - SW end</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>2-2</td>
<td>1' x 1' Glued-on ceiling tile (medium and large holes, uneven) and dark brown glue pods</td>
<td>Large committee room by partition - upper level - SW end</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>2-3</td>
<td>1' x 1' Glued-on ceiling tile (medium and large holes, uneven) and dark brown glue pods</td>
<td>Large committee room by partition - upper level - SW end</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>2-4</td>
<td>1' x 1' Glued-on ceiling tile (medium and large holes, uneven) and dark brown glue pods</td>
<td>Small committee room - upper level - SW end</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>2-5</td>
<td>1' x 1' Glued-on ceiling tile (medium and large holes, uneven) and dark brown glue pods</td>
<td>Small committee room - upper level - SW end</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>3-1</td>
<td>Textured paint on soft plaster</td>
<td>SE men's bathroom - upper level - east end of window</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>3-2</td>
<td>Textured paint on soft plaster</td>
<td>SE men's bathroom - upper level - west end of window</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>3-3</td>
<td>Textured paint on soft plaster</td>
<td>SE women's bathroom - upper level - by center vent</td>
<td></td>
<td></td>
</tr>
<tr>
<td>HA NUMBER</td>
<td>SAMPLE NUMBER</td>
<td>MATERIAL DESCRIPTION</td>
<td>SAMPLING LOCATION</td>
<td>TEM VERIFY (PLM ≤ 150)</td>
<td>COMMENTS/RESULTS</td>
</tr>
<tr>
<td>-----------</td>
<td>---------------</td>
<td>-----------------------------------------------------------</td>
<td>---------------------------------------------------------</td>
<td>-------------------------</td>
<td>------------------</td>
</tr>
<tr>
<td>11</td>
<td>5-1</td>
<td>Hard plaster</td>
<td>East wall of balcony of auditorium</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>5-2</td>
<td>Hard plaster</td>
<td>Attic organ space above stage of auditorium - east wall</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>5-3</td>
<td>Hard plaster</td>
<td>Attic organ space above stage of auditorium - north wall</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>5-4</td>
<td>Hard plaster</td>
<td>Chase in day care room - north end of 1st floor</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>5-5</td>
<td>Hard plaster</td>
<td>Storage/mechanical room by NE stairs - 1st floor</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>5-6</td>
<td>Hard plaster</td>
<td>Storage/mechanical room NE of boiler room - 1st floor</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>5-7</td>
<td>Hard plaster</td>
<td>Storage/mechanical room NE of boiler room - 1st floor</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>5-8</td>
<td>1' x 1' Glued-on ceiling tile (small holes, uneven) and black glue pods</td>
<td>SW corner of soloist room - upper level - south end</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>5-9</td>
<td>1' x 1' Glued-on ceiling tile (small holes, uneven) and black glue pods</td>
<td>SW corner of soloist room - upper level - south end</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>5-10</td>
<td>1' x 1' Glued-on ceiling tile (small holes, uneven) and black glue pods</td>
<td>SW corner of soloist room - upper level - south end</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>5-11</td>
<td>1' x 1' Glued-on ceiling tile (small holes, uneven) and black glue pods</td>
<td>SW corner of soloist room - upper level - south end</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>5-12</td>
<td>1' x 1' Glued-on ceiling tile (small holes, uneven) and black glue pods</td>
<td>SW corner of soloist room - upper level - south end</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>5-13</td>
<td>1' x 1' Glued-on ceiling tile (small holes, uneven) and black glue pods</td>
<td>SW corner of soloist room - upper level - south end</td>
<td></td>
<td></td>
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<tr>
<td>11</td>
<td>5-14</td>
<td>1' x 1' Glued-on ceiling tile (small holes, uneven) and black glue pods</td>
<td>SW corner of soloist room - upper level - south end</td>
<td></td>
<td></td>
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<tr>
<td>11</td>
<td>5-15</td>
<td>1' x 1' Glued-on ceiling tile (small holes, uneven) and black glue pods</td>
<td>SW corner of soloist room - upper level - south end</td>
<td></td>
<td></td>
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<tr>
<td>11</td>
<td>5-16</td>
<td>1' x 1' Glued-on ceiling tile (small holes, uneven) and black glue pods</td>
<td>SW corner of soloist room - upper level - south end</td>
<td></td>
<td></td>
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<tr>
<td>11</td>
<td>5-17</td>
<td>1' x 1' Glued-on ceiling tile (small holes, uneven) and black glue pods</td>
<td>SW corner of soloist room - upper level - south end</td>
<td></td>
<td></td>
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<tr>
<td>11</td>
<td>5-18</td>
<td>1' x 1' Glued-on ceiling tile (small holes, uneven) and black glue pods</td>
<td>SW corner of soloist room - upper level - south end</td>
<td></td>
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<tr>
<td>11</td>
<td>5-19</td>
<td>1' x 1' Glued-on ceiling tile (small holes, uneven) and black glue pods</td>
<td>SW corner of soloist room - upper level - south end</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>5-20</td>
<td>1' x 1' Glued-on ceiling tile (small holes, uneven) and black glue pods</td>
<td>SW corner of soloist room - upper level - south end</td>
<td></td>
<td></td>
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<tr>
<td>HA NUMBER</td>
<td>SAMPLE NUMBER</td>
<td>MATERIAL DESCRIPTION</td>
<td>SAMPLING LOCATION</td>
<td>EM VERIFY (PLM ≤ 1%)</td>
<td>COMMENTS/RESULTS</td>
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<tr>
<td>21</td>
<td>8-1</td>
<td>1' x 1' Glued-on ceiling tile (gouges) and dark brown glue pods</td>
<td>SE end of main foyer - upper level</td>
<td></td>
<td></td>
</tr>
<tr>
<td>22</td>
<td>8-2</td>
<td>1' x 1' Glued-on ceiling tile (gouges) and dark brown glue pods</td>
<td>SE end of main foyer - upper level</td>
<td></td>
<td></td>
</tr>
<tr>
<td>23</td>
<td>8-3</td>
<td>1' x 1' Glued-on ceiling tile (gouges) and dark brown glue pods</td>
<td>SE end of main foyer - upper level</td>
<td></td>
<td></td>
</tr>
<tr>
<td>24</td>
<td>9-1</td>
<td>0&quot;-6&quot; O.D. Muddied pipe fitting insulation on fiberglass straight run pipe insulation</td>
<td>AHU-2 space east of SE stairs - upper level</td>
<td></td>
<td></td>
</tr>
<tr>
<td>25</td>
<td>9-2</td>
<td>0&quot;-6&quot; O.D. Muddied pipe fitting insulation on fiberglass straight run pipe insulation</td>
<td>Chase in day care room - north end of 1st floor</td>
<td></td>
<td></td>
</tr>
<tr>
<td>26</td>
<td>9-3</td>
<td>0&quot;-6&quot; O.D. Muddied pipe fitting insulation on fiberglass straight run pipe insulation</td>
<td>NW end of boiler room by hot water tank - 1st floor</td>
<td></td>
<td></td>
</tr>
<tr>
<td>27</td>
<td>10-1</td>
<td>&gt; 6&quot;-12&quot; O.D. Muddied pipe fitting insulation on fiberglass straight run pipe insulation</td>
<td>SW corner of storage/mechanical room NE of boiler room - 1st floor</td>
<td></td>
<td></td>
</tr>
<tr>
<td>28</td>
<td>10-2</td>
<td>&gt; 6&quot;-12&quot; O.D. Muddied pipe fitting insulation on fiberglass straight run pipe insulation</td>
<td>SW corner of boiler room by west door - 1st floor</td>
<td></td>
<td></td>
</tr>
<tr>
<td>29</td>
<td>10-3</td>
<td>&gt; 6&quot;-12&quot; O.D. Muddied pipe fitting insulation on fiberglass straight run pipe insulation</td>
<td>SE corner of boiler room - 1st floor</td>
<td></td>
<td></td>
</tr>
<tr>
<td>30</td>
<td>11-1</td>
<td>1' x 1' Glued-on ceiling tile (large, evenly spaced holes) and brown glue pods</td>
<td>North end of Sunday school area - 1st floor</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### PLM LABORATORY CHAIN OF CUSTODY

**Performance Environmental Services, Inc.**

**PROJECT #:** 151225  
**CLIENT:** Chester Street Partners  
**DATE COLLECTED:** 3/5-6/15  
**PROJECT:** 191 N Chester Street  
**LOCATION:** Birmingham, MI

**TECHNICIAN 1:** Thomas Carpenter  
**TECHNICIAN 2:**

**SAMPLES RELINQUISHED BY:** Thomas W. Carpenter  
**DATE:** 3/7/2015

**NOTIFY RESULTS VIA:** labdata@perform-env.com  
**TURNAROUND TIME:** 48 hours  
**TEST HA LAYERS UNTIL POSITIVE:** Yes

<table>
<thead>
<tr>
<th>HA NUMBER</th>
<th>SAMPLE NUMBER</th>
<th>MATERIAL DESCRIPTION</th>
<th>SAMPLING LOCATION</th>
<th>TEM VERIFY (PLM ≤ 1N)</th>
<th>COMMENTS/RESULTS</th>
</tr>
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<tbody>
<tr>
<td>11</td>
<td>11-2</td>
<td>1′ x 1′ Glued-on ceiling tile (large, evenly spaced holes) and brown glue pods</td>
<td>North end of Sunday school area - 1st floor</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>11-3</td>
<td>1′ x 1′ Glued-on ceiling tile (large, evenly spaced holes) and brown glue pods</td>
<td>North end of Sunday school area - 1st floor</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>11-4</td>
<td>1′ x 1′ Glued-on ceiling tile (large, evenly spaced holes) and brown glue pods</td>
<td>North end of Sunday school area - 1st floor</td>
<td></td>
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<tr>
<td>11</td>
<td>11-5</td>
<td>1′ x 1′ Glued-on ceiling tile (large, evenly spaced holes) and brown glue pods</td>
<td>North end of Sunday school area - 1st floor</td>
<td></td>
<td></td>
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<tr>
<td>12</td>
<td>12-1</td>
<td>Exterior window glaze</td>
<td>Window in girl's bathroom NE of boiler room - 1st floor</td>
<td></td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>12-2</td>
<td>Exterior window glaze</td>
<td>Front window south of main foyer entrance doors - upper level</td>
<td></td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>13-1</td>
<td>Exterior caulk</td>
<td>NW door to Sunday school area - 1st floor</td>
<td></td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>13-2</td>
<td>Exterior caulk</td>
<td>NE day care window - 1st floor</td>
<td></td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>14-1</td>
<td>Sink undercoating (black)</td>
<td>Day care sink - 1st floor</td>
<td></td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>14-2</td>
<td>Sink undercoating (black)</td>
<td>Day care sink - 1st floor</td>
<td></td>
<td></td>
</tr>
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</table>
### Performance
Environmental Services, Inc.

**PROJECT #: 151225**  
**CLIENT: Chester Street Partners**  
**DATE COLLECTED: 3/5-6/15**  
**PROJECT: 191 N Chester Street**  
**LOCATION: Birmingham, MI**

**TECHNICIAN 1:** Thomas Carpenter

**TECHNICIAN 2:**

**SAMPLES RELINQUISHED BY:**

Thomas W. Carpenter

**DATE:** 3/7/2015

**SAMPLES ACCEPTED BY:**

**DATE:**

<table>
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<tr>
<th>HA NUMBER</th>
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<th>MATERIAL DESCRIPTION</th>
<th>SAMPLING LOCATION</th>
<th>TEM VERIFY (PLM ≤ 1%)</th>
<th>COMMENTS/RESULTS</th>
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<tbody>
<tr>
<td>15</td>
<td>15-1</td>
<td>0&quot;-6&quot; O.D. Millboard straight run pipe insulation</td>
<td>Storage/mechanical room NE of boiler room - 1st floor - south center</td>
<td></td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>15-2</td>
<td>0&quot;-6&quot; O.D. Millboard straight run pipe insulation</td>
<td>Storage room between boiler and furnace rooms - south end - 1st floor</td>
<td></td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>15-3</td>
<td>0&quot;-6&quot; O.D. Millboard straight run pipe insulation</td>
<td>Storage room between boiler and furnace rooms - south end - 1st floor</td>
<td></td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>16-1</td>
<td>0&quot;-6&quot; O.D. Mudded pipe fitting insulation on Millboard straight run pipe insulation</td>
<td>Storage/mechanical room NE of boiler room - 1st floor - east end</td>
<td></td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>16-2</td>
<td>0&quot;-6&quot; O.D. Mudded pipe fitting insulation on Millboard straight run pipe insulation</td>
<td>SW end of storage room between boiler and furnace rooms near west door</td>
<td></td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>16-3</td>
<td>0&quot;-6&quot; O.D. Mudded pipe fitting insulation on Millboard straight run pipe insulation</td>
<td>SW corner of furnace room along south wall</td>
<td></td>
<td></td>
</tr>
<tr>
<td>17</td>
<td>17-1</td>
<td>Mud between cloth and tar-coated fiberglass duct insulation</td>
<td>Duct on SW corner of furnace F1-b in furnace room - 1st floor</td>
<td></td>
<td></td>
</tr>
<tr>
<td>17</td>
<td>17-2</td>
<td>Mud between cloth and tar-coated fiberglass duct insulation</td>
<td>Duct on SE corner of furnace F2 in furnace room - 1st floor</td>
<td></td>
<td></td>
</tr>
<tr>
<td>17</td>
<td>17-3</td>
<td>Mud between cloth and tar-coated fiberglass duct insulation</td>
<td>Duct on SE corner of furnace F2 in furnace room - 1st floor</td>
<td></td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>18-1</td>
<td>Covebase mastic (brown)</td>
<td>North closet in large committee room - upper level SW end</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
## PLM Laboratory Chain of Custody

**Project #:** 151225  
**Client:** Chester Street Partners  
**Date Collected:** 3/5-6/15  
**Project:** 191 N Chester Street  
**Location:** Birmingham, MI  
**Technician 1:** Thomas Carpenter  
**Technician 2:**

### Samples relinquished by: Thomas W. Carpenter  
**Date:** 3/7/2015

### Notify results via: labdata@perform-env.com  
**Turnaround Time:** 48 hours  
**Test HA layers until positive:** Yes

<table>
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<tr>
<th>HA Number</th>
<th>Sample Number</th>
<th>Material Description</th>
<th>Sampling Location</th>
<th>TEM Verify (PLM ≤ 1%)</th>
<th>Comments/Results</th>
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</thead>
<tbody>
<tr>
<td>18</td>
<td>18-2</td>
<td>Covebase mastic (brown)</td>
<td>North closet in large committee room - upper level SW end</td>
<td></td>
<td></td>
</tr>
<tr>
<td>19</td>
<td>19-1</td>
<td>Carpet glue (yellow) over black mastic</td>
<td>East end of south foyer hallway between doors and stairs to main foyer - upper level</td>
<td></td>
<td></td>
</tr>
<tr>
<td>19</td>
<td>19-2</td>
<td>Carpet glue (yellow) over black mastic</td>
<td>East end of south foyer hallway by door - upper level</td>
<td></td>
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</tr>
</tbody>
</table>
Section 5  CIS Checklist Supplemental Information

The Jeffrey
191 N Chester
Birmingham, MI 48009

Combined CIS and Site Plan Review Supplemental Information

General Information

1. Name and address of applicant and proof of ownership;
   See Section 2

2. Name of Development (if applicable);
   The Jeffrey

3. Address and Legal description
   191 N Chester Birmingham, MI 48009
   See survey for legal description

4. Name and address of the land surveyor;
   Nowak & Fraus Engineers
   46777 Woodward Ave, Pontiac, MI 48342
   (248) 332-7931

5. Legend and notes, including a graphic scale, north point, and date;
   See Site Plan

6. A separate location map;
   Please refer to Section 3 for Vicinity and sheet SP.100b and SP.100c
   for Location map

7. A map showing the boundary lines of adjacent land and the existing zoning of the
   area proposed to be developed as well as the adjacent land;
   Please refer to Section 4 for Zoning Map

8. Details of all proposed site plan changes
   • Removal of existing porch and existing entry on the east.
   • Addition of new lobby and entry to the property line (east)
   • Addition of new office space to the west (no additional building footprint)
   • Addition of garage entry to the north.
   • Grading and landscaping to meet city of Birmingham requirements.
Planning & Zoning Issues

9. Recommended land use of the subject property as designated on the future land use map of the City’s Master Plan;  
**Current Zoning TZ2; See section 4**

10. Goals and objectives of the city’s Master Plans that demonstrate the city’s support of the proposed development;

- Proposed project is to be constructed within the boundaries of the Birmingham Overlay District and implement the Downtown Birmingham Plan
- Proposed project encourages a form of development that will achieve the physical qualities necessary to enhance the economic vitality of Downtown Birmingham
- Previously site plan approved two-story front addition is built to the width and property line as required under the TZ2 zoning
- The proposed additions on the west do not increase the existing building footprint and are in keeping with the proposed front addition

11. Whether or not the project site is located within an area of the city for which an The Planning Board in which special design has adopted urban Design Plan criteria or other supplemental development requirements apply;  
**Yes**

12. The current zoning classification of the subject property;  
**Current zoning of the subject property is TZ2. Property will conform to this zoning.**

13. The zoning classification required for the proposed development;  
**TZ2**

14. The existing land uses adjacent to the proposed project:  
**TZ3, R7, R1**

15. Complete the attached “Zoning Requirements Analysis” chart;  
**Refer to Section 4**

Land Development Issues

16. A survey and site drainage plan;  
**Refer to the enclosed engineering plans of the site**

17. Identify any sensitive soils on site that will require stabilization or alteration in order to support the proposed development:
No sensitive soils

18. Whether or not the proposed development will occur on a steep slope, and if so, the measures that will be taken to overcome potential erosion, slope stability and runoff; **Refer to enclosed paving, grading and soil erosion plan.** During construction of the building, care will be taken to prevent sediment laden soils from leaving the site by employing soil erosion best management techniques.

19. The volume of excavated soils to be removed from the site and/or delivered to the Site, and a map of the proposed haul routes; **Approximately 970 CY of in-place soils will be removed from the site for the construction of the new addition on the east. Refer to attached haul route map at the end of this section.**

20. Identify the potential hazards and nuisances that may be created by the proposed development and the suggested methods of mitigating such hazards; **No potential hazards and nuisances.**

Private Utilities

21. Indicate the source of all required private utilities to be provided;
   - **Refer to the enclosed utility plan of the site**
   - **Electricity, Natural and cable/telephone services – existing to remain**

22. Provide verification that all required utility easements have been secured for necessary private utilities: **Refer to the enclosed utility plan of the site.**

Noise Levels

23. Provide a reading of existing ambient noise and estimated future noise levels on the site; **Included in the Appendix is a study completed by Kolano and Saha Consulting Engineers for Sound Level Measurements and Noise Impact Assessment,**

24. Indicate whether the project will be exposed to or cause noise levels which exceed those levels prescribed in Chapter 50, Division 4, Section 50-71 through 50-77 of the Birmingham City Code, as amended; **The Noise Impact Assessment Study prepared for the property concludes that the proposed development will be able to comply with the Birmingham Noise Ordinance limits.**

25. Indicate whether the site is appropriate for the proposed activities and facilities given the existing ambient noise and the estimated future noise levels of the site:
Based on the information provided the Noise Impact Assessment study through deliberate effort to minimize noisy equipment, the proposed development will be able to comply with the Birmingham Noise Ordinance limits.

**Air Quality**

26. Indicate whether the project is located in the vicinity of a monitoring station where air quality violations have been registered and, if so, provide information as to whether the project will increase air quality problems in the area:

*The property is located in the Southeast Michigan Air Quality District. The monitoring station is located in Oak Park. Current Ambient Air Quality Standards are under existing minimum standards as set forth by the EPA.*

27. Indicate if the nature of the project or its potential users would be particularly sensitive to existing air pollution levels and, if so, indicate how the project has been designed to mitigate possible adverse effects:

*The development is consistent with the other downtown Birmingham projects. HVAC equipment units will have filters and the exhausts will be designed to meet all current code requirements.*

28. Indicate whether the proposal will establish a trend which, if continued, may lead to violation of air quality standards in the future:

*We do not anticipate that the development will establish a trend that will adversely affect air quality within the Downtown District.*

29. Indicate whether the proposed project will have parking facilities for more than 75 cars and indicate percentage of required parking that is proposed:

*The proposed development will have (3) outdoor and (8) indoor parking spaces located in the parking garage. The code requires no parking spaces to be provided.*

**Environmental Design and Historic Values**

30. Indicate whether there will be demonstrable destruction or physical alteration of the natural or human made environment on site or in the right of way (ie. clearance of trees, substantial regrading etc.):

*Refer to enclosed engineering site plans.*

*The sidewalks and streetscape on Chester and Willits will be rebuilt to the appropriate standards.*

*Willits will have a new garage entrance drive.*

31. Indicate whether there will be an intrusion of elements out of character or scale with the existing physical environment (ie. significant changes in size, scale of building, floor levels, entrance patterns, height, materials, color or style from
that of surrounding developments);
No

32. Indicate all elements of the project that are eligible for LEED points if the building were to be LEED certified;
We have determined that LEED certification will not be a part of this development.

33. Indicate whether the proposed structure will block or degrade views, change the skyline or create a new focal point;
The structure will not degrade views. We believe that the building will create a new focal point. Letters from neighbors approving new views are attached as a part of the application.

34. Indicate whether there will be objectionable visual pollution introduced directly or indirectly due to loading docks, trash receptacles or parking, and indicate mitigation measures for same;
We are requesting a variance from the loading dock requirement. Trash receptacles and recycling are located within the building and will not cause visual pollution. Indoor parking is accessed by a new entry/exit from Willits St.

35. Indicate whether there will be an interference with or impairment of ambient conditions necessary for the enjoyment of the physical environment (ie. vibration, dust, odor, heat, glare etc.);
The proposed development will not generate abnormal vibrations, dust, odor, heat, glare or other noxious elements that would prohibit enjoyment of the existing environment.

36. Indicate whether the project area and environs contain any properties listed on the National Register of Historic Places or the city’s inventory of historic structures:
This property does not appear on the National Register of Historic Places or the City’s Inventory of historic structures.

37. Provide any information on the project area that the State Historic Preservation Office (SHPO) may have:
We are not aware of the property appearing on the SHPO

38. Indicate whether there will be other properties within the boundaries or in the vicinity of the project that appear to be historic and thus require consultation with the SHPO as to eligibility for the National register;
No surrounding properties appear to be historic.

39. Indicate whether the Department of the Interior has been requested to make a determination of eligibility on properties the SHPO or HDC deems eligible and affected by the project;
There is no indication that the Department of the Interior has been requested to make a determination on the historic value of the surrounding properties.
40. Provide proof that the HDC has been given an opportunity to comment on properties that are listed on or have been found eligible for the National Register and which would be affected by the project;  
**Does Not Apply**

**Refuse**

41. Indicate whether the existing or planned solid waste disposal system will adequately service the proposed development including space for separation of recyclable materials;  
**Space for refuse and recycling areas for the building occupants will be provided as per standards of the city and area.**

42. Indicate whether the design capacity of the existing or planned solid waste disposal system will be exceeded as a result of the project;  
**Solid waste generated from this facility will be standard and can be handled easily by local waste management companies.**

43. Indicate whether existing or planned waste water systems will be able to adequately service the proposed development;  
**Yes. The existing sewer service flow basis of design and capacity of the combined sewer has been reviewed and confirmed by the City Engineer.**

44. Indicate whether the design capacity of these facilities will be exceeded as a result of the project;  
**It is not anticipated that the design capacity of the municipal combined sewer will be exceeded by the development.**

45. Indicate the elements of the project that have been incorporated to reduce the amount of water entering the sewer system (such as low flush toilets, Energy Star appliances, restricted flow faucets, greywater recycling etc.);  
**Building design will incorporate restricted flow plumbing fixtures and Energy Star appliances wherever possible.**

**Storm Sewer**

46. Indicate whether existing or planned storm water disposal and treatment systems will adequately serve the proposed development;  
**Yes**

47. Indicate whether the design capacity of these facilities will be exceeded as a result of the project;  
**It is not anticipated that the design capacity of the municipal sewer system will be exceeded by the proposed development.**
48. Indicate the elements of the project that have been incorporated to reduce the amount of storm water entering the sewer system (such as the use of pervious concrete, rain gardens, greywater recycling, green paved etc.):

All care will be taken by ownership to use appropriate storm water management techniques, in accordance with the Birmingham Storm water Ordinance. http://www.bhamgov.org/government/departments/treasury/storm_water_utility_ordinance.php

Water Service

49. Indicate whether either the municipal water utility or onsite water supply system is adequate to serve the proposed project;

Existing domestic system to be adequate; new fire suppression system to be added.

50. Indicate whether the water quality is safe from both a chemical and bacteriological standpoint;

The latest published water quality report can be found at the following address: http://www.bhamgov.org/document_center/Engineering/2015_Water_QualityReport.pdf

51. Indicate whether the intended location of the service will be compatible with the location and elevation of the main;

Existing system to remain or be relocated

Public Safety

52. Whether or not the project location provides adequate access to police, fire and emergency medical services:

Building is directly on Chester and Willits Street right of way line and offers direct access for emergency personnel.

53. Whether or not the proposed project design provides easy access for emergency vehicles and individuals (i.e. are there obstacles to access, such as one way roads, narrow bridges etc.);

Project located on corner of on Chester and Willits Street with direct access to all local arteries.

54. Whether or not there are plans for a security system which can be expanded, and whether approval for same has been granted by the police department;

A security system is proposed. Approval upon review to meet all police department requirements.

55. Detailed description of all fire access to the building, site, fire hydrants and water connections;
Fire department connection to be coordinated per fire department; Full fire suppression throughout; Access to all floors via fire stairs and elevators; Full state of the art alarm system

56. Whether or not there are plans for adherence to all city and N.F.P.A. fire codes: **All NFPA codes will be followed.**

57. Proof that one elevator has been designed to accommodate a medical cart: **New Elevator to accommodate a medical cart**

58. Detailed specifications on all fire lanes/parking lot surfaces/alleys/streets to demonstrate the ability to accommodate the weight of emergency / fire vehicles: **Existing street access, concrete parking lot surfaces**

59. Detailed description of all fire suppression systems: **To be submitted with Construction Documents**

60. Provide completed FORM A –Transportation Study Questionnaire (Abbreviated); **See Traffic Impact Assessment as prepared by Stonefield engineering.**

61. Provide completed FORM B – Transportation Study Questionnaire if required by the city's transportation consultant; **See Traffic Impact Assessment as prepared by Stonefield engineering. Does not apply if absent in the study**

62. Indicate whether transportation facilities and services will be adequate to meet the needs of all users (i.e. access to public transportation, bicycle accommodations, pedestrian connections, disabled, elderly etc.);
   - **Bus Stop is located in close proximity on Maple**
   - **A Bike rack will be provided to accommodate (2) bikes**
   - **Pedestrian access available at Chester and Willits St.**
   - **Full Barrier free access to all levels of the building**

63. Indicate how the project will improve the mobility of all groups by providing transportation choices; **Occupants and visitors can easily access the facility by foot via sidewalks, by car from parking on the street or from nearby parking deck and by bus. A Bike rack will be provided for bikers. The building is located adjacent to the city’s neighborhood connector route.**

64. Indicate how the users of the building will be encouraged to use public transit and non motorized forms of transportation; **A Bus stop is in close proximity on Maple. A Bike rack will be provided on site for occupants and visitors. The Bike rack will be consistent with Birmingham city standards.**
65. Indicate the elements that have been incorporated into the site and surrounding right-of-way to encourage mode shift away from private vehicle trips;

**A Bus stop in close proximity on Maple. A Bike rack on site will be provided for (2) bikes**

66. Indicate the elements of the project that have been provided to improve the comfort and safety of cyclists (such as secured or covered bicycle parking, lockers, bike lanes/paths, bicycle share program etc.);

**A Bike rack will be provided on site for (2) bikes**

67. Indicate the elements of the project that have been provided to improve the comfort and safety of pedestrians (such as wheelchair ramps, crosswalk markings, pedestrian activated signal lights, bulb outs, benches, landscaping, lighting etc.);

- **Wheelchair and all barrier free access provided**
- **Access route developed north and east of building including planters and trees**
- **The building is located adjacent to the city’s neighborhood connector route.**

68. Indicate the elements of the project that have been provided to encourage the use of sustainable transportation modes (such as receptacles for electric vehicle charging, parking for scooters/Smart cars etc.):

**Not at this time**

69. Indicate whether there are any visual indicators of pond and / or stream water quality problems on or near the site;

**Not Applicable**

70. Indicate whether the project will involve any increase in impervious surface area and if so, indicate the runoff control measures that will be undertaken:

**Refer to the enclosed survey and drainage plans paving plans of the site.**

71. Indicate whether the project will affect surface water flows on water levels of ponds or other water bodies:

**It is not anticipated that the development will impact any existing surface water flows of ponds or other water bodies.**

72. Indicate whether the project may affect or be affected by a wetland, flood plain, or floodway;

**It is not anticipated that the development will be impacted or propose impact an existing wetland, floodplain, or floodway. Refer to the enclosed engineering site plans**

73. Indicate whether the project location or construction will adversely impact unique natural features on or near the site;

**It is not anticipated that the development will be impact or propose impact an existing unique natural features on or near the site.**
74. Indicate whether the project will either destroy or isolate a unique natural feature from public access;
**Current site is private and the development will not impede the public access to amenities that surround it.**

75. Indicate whether any unique natural feature will pose safety hazards for the proposed development;
**No existing natural feature will pose any safety hazards for the development.**

76. Indicate whether the project will damage or destroy existing wildlife habitats;
**Proposed project will not destroy and existing wildlife or habitats**

**Other Information**

77. Any other information as may reasonably be required by the city to assure an adequate analysis of all existing and proposed site features and conditions.
**Our office will be happy to supply all additional requested information by the city.**

**Professional Qualifications**

The preparer(s) of the CIS must indicate their professional qualifications, which must include registration in the state of Michigan in their profession where licensing is a state requirement for the practice of the profession (i.e. engineer, surveyor, architect etc.). Where the state does not require licensing (i.e. planner, urban designer, economist etc.), the preparer must demonstrate acceptable credentials including, but not limited to, membership in professional societies, university degrees, documentation illustrating professional experience in preparing CIS related materials for similar projects.

**Kevin Biddison, AIA**
HAUL ROUTE MAP- The Jeffrey
PROPOSED RENOVATION AND NEW ADDITION FOR:
THE JEFFREY

CONDITIONS:

1. Any work indicated is to be executed in accordance with the latest editions of all applicable codes.
2. Fire extinguishers shall be provided by the General Contractor and installed per the fire code.
3. The Contractor shall provide adequate protection of work, materials, and equipment.
4. All work shall be done in compliance with the Occupational Safety and Health Administration standards.

NOTES:

1. The General Contractor is responsible for the cleaning up and removal of all rubbish and debris before the date of acceptance of work.
2. During this period, the General Contractor shall ensure the work is free from defects. All work shall be guaranteed for a period of (1) year from the date the architect has received written approval from the architect.
3. The General Contractor shall obtain "All Risk" insurance and all customary and required workmen's compensation insurance.
4. Any material or labor neither shown on the drawings nor specified, but which is essential to the work, shall be furnished by the Contractor at no extra cost to the Owner.
5. No substitutions of specified materials or equipment will be accepted unless written approval from the architect is given.
6. Substitutions of materials or equipment must be made at the Contractor's risk.
7. Any problem that occurs during construction shall be corrected by the Contractor at no extra cost to the Owner.
8. General Contractor shall provide a list of subcontractors and subcontracts.
9. Any underslab work contractors must check with the landlord or architect to ensure compliance with all requirements and city of Birmingham inspection and permit approval.
10. All lunchroom appliances to be provided by tenant to comply with ADA ICC/A117.1-2009 (typ.) requirements.
11. Signage indicating accessibility provisions shall be provided at each door to comply with ADA ICC/A117.1-2009.
PROPOSED BUILDING RENOVATION FOR:
THE JEFFREY

191 N Chester St
Birmingham, Michigan 48009

REV. PER CITY
05.03.18

EXISTING VIEW FROM WILLITS ST.

PROPOSED VIEW FROM WILLITS ST.

EXISTING VIEW FROM WILLITS ST.

PROPOSED VIEW FROM WILLITS ST.

EXISTING VIEW FROM CHESTER ST.

PROPOSED VIEW FROM CHESTER ST.
PROPOSED BUILDING RENOVATION FOR:
THE JEFFREY
191 N Chester St
Birmingham, Michigan 48009

EXISTING SITE PLAN & SURROUNDINGS
1997.17

EXISTING SITE SURROUNDINGS

APPLICANT INFORMATION
CONTACT PERSON:
Sam Surnow
320 Martin St, Suite 100
Birmingham, MI 48009

PROJECT ADDRESS
191 N Chester St,
Birmingham, MI 48009

ZONED: TZ-2

SP.101b
PROPOSED BUILDING RENOVATION FOR:
THE JEFFREY
191 N Chester St
Birmingham, Michigan 48009

ZONING
SPECIAL LAND USE PERMIT
01.16.18
ZONING BD. APPEAL
02.15.18
PLANNING COMMISSION
03.13.18
REV. PER CITY
05.03.18

PROPOSED SITE PLAN & SURROUNDINGS
1997.17

EXISTING 1.5-STORY RESIDENCE
EXISTING 2-STORY RESIDENCE
EXISTING 3-STORY COMMERCIAL BUILDING
EXISTING 2-STORY RESIDENCE
EXISTING 2-STORY RESIDENCE
EXISTING 2-STORY RESIDENCE
PROPOSED OFFICE RENOVATION & ADDITION

AREAS MARKED IN RED ON "THE JEFFREY"
REPRESENT NEW FLOOR AREA ADDITIONS TO THE BUILDING
PROPOSED BUILDING RENOVATION FOR:
THE JEFFREY
191 N Chester St
Birmingham, Michigan 48009

ZONING
08.29.17
SPECIAL LAND USE PERMIT
01.16.18
ZONING BD. APPEAL
02.15.18
PLANNING COMMISSION
03.13.18
CIS & SITE PLAN REVIEW
04.13.18
REV. PER CITY
05.03.18

ENLARGED PROPOSED SITE PLAN
SCALE: 3/32"=1'-0"
LIGHTING QUALITY COMPLIANCE.

See LUMINAIRE SCHEDULE FOR LIGHT LOSS FACTOR.
PROPOSED BUILDING RENOVATION FOR:
THE JEFFREY
191 N Chester St
Birmingham, Michigan 48009

ZONING
08.29.17 REVIEW
09.29.17 REVIEW
10.09.17
SPECIAL LAND USE
01.15.18
PLANNING COMMISSION
03.13.18
CIS & SITE PLAN REVIEW
04.13.18
REV. PER CITY
05.03.18

LOWER LEVEL
FLOOR PLAN
1997.17

LEGEND:
NEW ADDITION
LEASE SPACE (EXIST. RENOVATION)
GARAGE (EXIST. RENOVATION)

TESTANT AREA FOR LEASE:
- 8265 (OFFICE)
- 912 (STORAGE)
- 7122 SQ FT = 7122 SQ FT

GARAGE AREA:
- 2588 SQ FT

LOWER LEVEL, MEZZ. AREA:
- 252 SQ FT
GROSS FLOOR AREA:
- 10011.5 SQ FT

SCALE: 3/16"=1'-0"
Proposed Building Renovation for:
THE JEFFREY
191 N Chester St
Birmingham, Michigan 48009

Zoning
08.29.17
Review
09.29.17
Special Land Use Permit
01.15.18
Planning Commission
03.13.18
CIS & Site Plan Review
04.13.18
Rev. per City
05.03.18

First Floor Plan

Legend:
- New Addition to Building Footprint
- New Addition to Floor Area Only
- Lease Space (Exist. Renovation)

Tenant Area for Lease: 9,518 SQ FT
Gross Floor Area: 10,266.30 SQ FT

Scale: 3/16" = 1'-0"
PROPOSED BUILDING RENOVATION FOR:
THE JEFFREY
191 N Chester St
Birmingham, Michigan 48009

LEGEND:
- NEW ADDITION TO BLDG.FOOTPRINT
- NEW ADDITION TO FLOOR AREA ONLY
- LEASE SPACE (EXIST. RENOVATION)

SECOND FLOOR PLAN

TENANT AREA FOR LEASE: 6742 SQ FT
GROSS FLOOR AREA: 7812.45 SQ FT

A.102

1997.17

Scale: 3/16"=1'-0"
PROPOSED BUILDING RENOVATION FOR:
THE JEFFREY
191 N Chester St
Birmingham, Michigan 48009

ZONING REVIEW
08.29.17
SPECIAL LAND USE PERMIT
01.15.18
PLANNING COMMISSION
03.13.18
REV. PER CITY
05.03.18

PRELIMINARY SECTIONS
1997.17
A.301
April 24, 2018

Ms. Jana L. Ecker
Planning Director
City of Birmingham
151 Martin Street
Birmingham, Michigan 48012

RE: 191 N. Chester Street – The Jeffery
Community Impact Statement and Traffic Impact Assessment Review

Dear Ms. Ecker:

Fleis & VandenBrink (F&V) and MKSK staff have completed our review of the Community Impact Statement (CIS), the Trip Impact Assessment (TIA) and Site Plan for the proposed office development at 191 N. Chester Street. The CIS was prepared by Biddison Architecture dated April 13, 2018, the TIA was prepared by Stonefield dated April 12, 2017 and the site plan prepared by Nowak and Fraus is dated March 14, 2018. All of the documents were received by F&V and MKSK for review on April 18, 2018. Based on this review, we have the following comments and observations:

**COMMUNITY IMPACT STATEMENT**

1. Item #63 should also identify that the project is located adjacent to the City’s neighborhood connector route.

2. Item #64 states that a bike rack will be provided. Please indicate here how many bike parking spaces will be provided and if the four bike parking spaces proposed are adequate to encourage employees and visitors to use this mode of transportation. The bike rack should be consistent with the City standards and noted herein.

3. Item #65 consider providing ride sharing facilities (pick-up/drop-off areas).

4. Item #66 states that a bike rack will be provided for occupants and visitors. If possible, it is recommended that a bike rack for employees is provided within the parking garage to provide safe, secure and covered bicycle parking.

5. Item #67 states “crosswalks (will be) available at pedestrian access points of the building. Please identify where the pedestrian crosswalks are proposed.

**TRAFFIC IMPACT ASSESSMENT**

1. The TIA is dated April 12, 2017. For the record, please confirm if this date and correct as necessary.

2. The trip generation used in the analysis was developed based on data from the Institute of Transportation Engineer’s (ITE) *Trip Generation Manual, 10th Edition* using land use code 710-General Office Building. Please confirm the following regarding the proposed land use:

   a. Is the intention of this office building to be used by a single tenant or multiple tenants?

   b. Confirm the gross square footage (GSF) of the site. The CIS, TIA and Site Plan all have differing GSF for this site.

3. A trip generation comparison of the previous land use and the proposed land uses should be provided.
4. On Page 15 the study states that Willits Street is designated as a future neighborhood connector route. The neighborhood connector route was completed in 2017, this should be reflected in the study.

5. The projected trip generation for this site using the parking garage. Since the parking garage only has 8 spaces, the site traffic trip distribution as shown is misleading. It is anticipated that the majority of site generated traffic will use the adjacent parking facilities and therefore will not have a significant impact to the traffic volumes on Chester Street.

6. The completed Traffic Study Questionnaire-Form A should be provided.

7. The traffic engineer for this project should consult with F&V and MKSK to verify the necessary scope of work for this project and an updated TIA should be provided in accordance with the approved scope of work.

SITE PLAN

1. There is a proposed ADA ramp that will replace the existing staircase on Willits Street. This ADA ramp does not have a corresponding ramp on the opposite side of the road. The proposed pedestrian connectivity shall be ADA compliant.

2. There is a proposed ADA parking space provided in the existing parking facility to remain. Please verify that this will meet ADA compliance and access via the proposed new sidewalk as shown.

3. There is a proposed ADA parking space in the proposed parking garage. The parking space should meet ADA requirements. In addition, there is no access to the upper floors from the parking garage other than through the lower level leased spaces. Please clarify how ADA access will be provided.

We hope that this review satisfies the City’s current planning needs regarding this project. If you have any questions or concerns, please contact our offices.

Sincerely,

FLEIS & VANDENBRINK

Julie M. Kroll, PE, PTOE
Sr. Project Manager

MKSK Studios

Brad Strader, AICP, PTP
Principal

JMK:BKS:jmk
April 25, 2018

Ms. Julie Knoll, P.E.
Fleis & VanDenbrink
27725 Stansbury Blvd. Suite 195
Farmington Hills, Mi. 48334

Re: 191 Chester Street – The Jeffery
Community Impact Statement and Traffic Study

Dear Ms. Knoll,

Please review the item by item response to your review and questions regarding the above referenced project.

Community Impact Study:

1. Adjacency to the City’s neighborhood connector route is so noted and has been added to the CIS as requested.
2. A single bike rack consistent with City Standards will be provided which will handle two bikes and will be more than enough to provide space for those who wish to ride a bike to work. The Post Office building at 320 Martin Street, which Mr. Surnow also owns and resides in, is the same square footage with a single City bike rack out front on the sidewalk, which has proven to more than service the needs of that building.
3. The current site is very tight and does not provide for additional areas that could be designated strictly for pick up and drop off for ride sharing. Since the front entry of the building faces Chester and is located at the sidewalk we feel that those few in this small building who might be ride sharing would have access to the City parking directly in front of the building for this pick up and drop off.
4. We can review the possibility of bike parking inside the garage but due to the very tight nature of that area for the purpose for which it was intended it might not be possible. However since we are providing one bike rack for both occupants and visitors it will need to be on site not in the garage.
5. The cross walk at the corner of Maple and Chester is currently in place. This gives access from the downtown area and the Chester Street Parking structure, which is where the majority of the buildings occupants and visitors will park and walk to the building. No other street crossing points exist, any future crosswalk at the Willits and Chester corner would be provided by the City of Birmingham.

Traffic Impact Study:

Refer to the attached response from Stonefield Engineering.

Site Plan:

1. The proposed ADA ramp on the Corner of Willits Street was a requirement discussed with the City of Birmingham Building and Engineering Departments on site and was provided at their request to give ADA accessibility to an existing non-compliant corner for use for a future pedestrian cross walk. Any crosswalk development to the north side of Willits will be provided by the City of Birmingham in the future it is not part of our project work.
2. The existing ADA parking space and access to the building has been reviewed and approved but the City of Birmingham Engineering Department and was designed in conjunction with them.
3. ADA access from the garage will be provided via the new elevator on the lower level. If the building becomes a multi-tenant facility a corridor would be provided from the garage into the common areas of the building to allow for direct access to the elevator. In addition the front entry of the building on Chester Street will provide grade level access into the building which will be provided with an internal ADA ramp along with the elevator to provide access to all levels of the building.

Thank you for your input on this project we look forward to seeing it service the community in a positive way as it is redeveloped. If you have any further questions or concerns please do not hesitate to contact me.

Sincerely,

Kevin Biddison, AIA
Biddison architecture
April 25, 2018

Ms. Jana L. Ecker  
Planning Director  
City of Birmingham  
151 Martin Street  
Birmingham, MI 48012

RE: Response to CIS and TIA Review  
191 N. Chester Street – The Jeffrey  
City of Birmingham, Oakland County, Michigan  
SE&D Job No.: S-18051

Dear Ms. Ecker:

Stonefield Engineering and Design (“SE&D”) is in receipt of the Community Impact Statement and Traffic Impact Assessment Review letter dated April 24, 2018 issued by Fleis & Vandenbrink for the above-referenced development. Additionally, a revised Traffic Impact Assessment, dated April 25, 2018, has been prepared based on the comments provided within the review letter. The following are responses prepared by our office with respect to the review letter comments:

1. The TIA is dated April 12, 2017. For the record, please confirm if this date and correct as necessary.

   The first issuance of the Traffic Impact Assessment was prepared April 12, 2018. The 2017 date has been revised.

2. The trip generation used in the analysis was developed based on data from the Institute of Transportation Engineer's (ITE) Trip Generation Manual, 10th Edition using land use code 710-General Office Building. Please confirm the following regarding the proposed land use:
   a. Is the intention of this office building to be used by a single tenant or multiple tenants?

      Based on consultations with the project’s Architect, it is not known at this time if the office space would be utilized by a single tenant or multiple tenants.

   b. Confirm the gross square footage (GSF) of the site. The CIS, TIA and Site Plan all have differing GSF for this site.

      The gross floor area utilized within the Traffic Impact Assessment was updated to be consistent with the Architectural Plans dated April 13, 2018.

3. A trip generation comparison of the previous land use and the proposed land uses should be provided.
A trip generation comparison between the proposed office use and the previous church use has been provided and is included within the revised Traffic Impact Assessment.

4. On Page 15 the study states that Willits Street is designated as a future neighborhood connector route. The neighborhood connector route was completed in 2017, this should be reflected in the study.

   This comment is noted. The revised Traffic Impact Assessment reflects the completed status of the neighborhood connector route.

5. The projected trip generation for this site using the parking garage. Since the parking garage only has 8 spaces, the site traffic trip distribution as shown is misleading. It is anticipated that the majority of site generated traffic will use the adjacent parking facilities and therefore will not have a significant impact to the traffic volumes on Chester Street.

   The trip assignment has been revised to show the anticipated trip generation at the site driveway with respect to the parking supply.

6. The completed Traffic Study Questionnaire-Form A should be provided.

   The completed Traffic Study Questionnaire-Form A is provided within the revised Traffic Impact Assessment.

7. The traffic engineer for this project should consult with F&V and MKSK to verify the necessary scope of work for this project and an updated TIA should be provided in accordance with the approved scope of work.

   Stonefield has consulted F&V regarding the scope of work for this project and has verified that the revised Traffic Impact Assessment meets the minimum requirements of the scope.

If you have any questions regarding the above information, please contact our office.

Best Regards,

Charles D. Olivo, PE, PTOE
Stonefield Engineering and Design, LLC

Tim Ponton
Stonefield Engineering and Design, LLC
To: City of Birmingham Planning Board c/o Ms. Jana Ecker, Planning Director

May 4th, 2018

City of Birmingham
151 Martin Street
Birmingham, Michigan 48012

RE: 191 N. Chester Traffic Study

Dear City of Birmingham Planning Board,

F&V and MKSK reviewed the traffic impact study prepared by Stonefield on behalf of the developer who proposed to redevelop the former church at 191 N Chester into an office building, “The Jeffery”. In response to our review, the applicant’s team made revisions to the Community and Transportation Impact Studies. Those changes are summarized in the letters dated April 25 from Biddison Architecture and Stonefield.

Generally the response and corrections address our previous comments. We had suggested additional bike racks and location of one in the garage to better encourage its use. The applicant’s response was timid and non-committal.

The former church generated traffic and parking during non-peak times. While small, the office will still add traffic and parking demands during the peak weekday periods. The nearest public parking structure has limited available parking. We want to emphasize the importance that the owner assertively pursue programs and incentives to encourage employees to consider alternatives to single occupant vehicle trips. This includes not only making bike use convenient, but also incentives such as offering employees free SMART passes to take transit to work. And also a commitment to work with the City as it evaluates off-site parking shuttles for employees.

Sincerely,

Julie M. Kroll, PE, PTOE
Sr. Project Manager | Fleis and Vanderbink

Brad Strader, AICP, PTP
Principal | MKSK Detroit
Community Impact Study

I. INTRODUCTION

The 0.40 acre subject site, 191 N. Chester is currently a vacant church at the corner of Chester and Willits, at the outer edge of the Downtown Overlay District. The applicant is seeking a Special Land Use Permit to transform the church building into an office complex. The Zoning Ordinance limits tenants of an office building to 3,000 sq. ft. per tenant in the TZ-2 district. The 3 tenant lease spaces proposed measure over 3,000 sq. ft. (6,210 sq. ft., 9,518 sq. ft. & 6,742 sq. ft.), which all exceed the permitted size in the TZ-2 zoning district without a Special Land Use Permit.

The applicant was required to prepare a Community Impact Study in accordance with Article 7, section 7.27(E)(3) of the Zoning Ordinance, as the proposed remodeling/additions bring the total gross floor area of the building north of 20,000 sq. ft., and the additions are greater than 10% of the gross floor area of the existing structure and/or building.

II. COMMUNITY IMPACT STUDY

As stated above, the applicant was required to prepare a Community Impact Study given the size of the proposed development. The Zoning Ordinance recognizes that buildings of a certain size may affect community services, the environment, and neighboring properties. The CIS acts as a foundation for discussion between the Planning Board and the applicant, beyond the normal scope of information addressed in the Special Land Use Permit, Final Site Plan and Design Review application. The Planning Board “accepts” the CIS prior to taking action on the Special Land Use Permit, Final Site Plan and Design Review.
A. Planning & Zoning Issues:

Use

The property is currently zoned TZ-2 (Transitional Zoning 2) and C (Community) in the Downtown Overlay District. The proposed office use is a permitted principal use in the TZ-2 and C zoning districts.

Master Plan Compliance: Downtown Birmingham 2016 Plan

Article 3, section 3.01 of the Zoning Ordinance states that the purposes of the Downtown Birmingham Overlay District are to:

(a) Encourage and direct development within the boundaries of the Overlay Zoning District and implement the 2016 Plan;
(b) Encourage a form of development that will achieve the physical qualities necessary to maintain and enhance the economic vitality of downtown Birmingham and to maintain the desired character of the City of Birmingham as stated in the 2016 Plan;
(c) Encourage the renovation of buildings; ensure that new buildings are compatible with their context and the desired character of the city; ensure that all uses relate to the pedestrian; and, ensure that retail be safeguarded along specific street frontages; and
(d) Ensure that new buildings are compatible with and enhance the historic districts which reflect the city’s cultural, social, economic, political, and architectural heritage.

The proposed development implements some of the recommendations contained in the Downtown Birmingham 2016 Master Plan (“2016 Plan”) as the applicant is proposing to renovate and add to a building Downtown that is compatible with the context and the desired character of the City. The proposed project encourages a form of development that will achieve the physical qualities necessary to enhance the economic vitality of Downtown Birmingham.

The proposed development and its uses relate to the pedestrian, as the building is proposed to be built to the property line at Chester and is proposed with human scale detailing on the first floor, including canopies, large windows, high quality facades, a patio at grade, and pedestrian entrances from Chester and Willits. The 2016 Plan encourages proper building mass and scale to create an environment that is more comfortable to pedestrians creating a walkable downtown. The proposed development will help improve the visual appearance of the area, by creating a denser, more compact development and remaining consistent with the existing architectural traditions and fabrics of Downtown Birmingham. The main entry to the building is proposed to be located on Chester Street.
In addition, the 2016 Plan encourages pedestrian-scale features which should be incorporated on the first floor of buildings and at entrances to help relate buildings to the streetscape. The plan for the proposed building includes pedestrian canopies and extensive glazing.

Streetscape components are an integral part of the 2016 Plan. The applicant is required to maintain the pedestrian scale street lighting and street trees along all streetscapes. The CIS explains that a bike rack will be available to visitors and occupants, but the applicant has not yet provided a full streetscape plan.

**B. Land Development Issues:**

The subject site is currently home to a 3-story church complex with setbacks on all sides. The proposed project will bring the front of the building to the property line with an addition, which will be the only increase in footprint and impervious surface on the site. The adjacent parcels to the east and south are fully developed and impervious areas (Integra and McCann Worldgroup), and public thoroughfares exist to the east and north (Chester and Willits). The applicant has indicated in their site plan that the existing lead to the City stormwater system will remain, and that the development is not anticipated to exceed the capacity of the municipal sewer system.

The applicant has submitted a Phase 1 Environmental Site Assessment (ESA) dated April 2nd, 2015, prepared by Performance Environmental Services. The report concludes that there are no Recognized Environmental Conditions associated with the site, as the property has been home to the Church since the 1920’s. Because of the null findings in the Phase 1 ESA, the applicant did not proceed to a Phase 2 ESA.

The applicant estimates that 970 cubic yards of in-place soils will be removed from the site for construction of the new addition on the east (front) of the building. A haul route has been submitted that shows excavated soils leaving the site eastbound on Willits, southbound on S. Bates, then westbound on W. Maple.

The CIS states that the completed development will not cause any potential hazards or nuisances. However, vibration and dust issues may be present during construction. The applicant has not suggested any mitigation techniques for dust, noise and vibrations that may occur during construction.

**C. Utilities, Noise and Air Issues:**

In accordance with the 2016 Plan, all utilities on the site should be buried to visually enhance the site. Thus, **the applicant will be required to bury all utilities on the site.** The applicant has indicated that all existing utilities present on site will remain and be utilized by the proposed offices. The applicant has indicated that it is believed the existing utilities will be able to adequately supply the development with no capacity issues. **The applicant must gain approval from the City Engineer prior to site plan approvals.**
A noise study was prepared by Kolano and Saha Engineers, Inc. dated April 13th, 2018. Measurements were taken using a calibrated Bruel & Kjaer 2270 environmental noise analyzer from 12:00 p.m. on April 11th to 4:00 p.m. on April 12th. The equipment was placed on the site approximately 20 feet south of the closest traffic lane on Willits, and 90 feet west of the closest traffic lane on Chester. The data gathered a daytime sound level average of 54 dB, and a nighttime sound level average of 45 dB. HUD determined that a level of 65 dB is a desirable goal for residential land use. The sound engineers confirmed that the proposed development will be able to comply with the Birmingham noise ordinance.

The Noise Impact Assessment noted that the only noise that will emanate from the proposed new development will come from the building’s heating and cooling mechanical systems, below grade exhaust fans, and emergency power generator.

The noise study provides that the project site will likely comply with the City’s noise limits for commercial developments. Specification sheets for all mechanical equipment will be reviewed at Final Site Plan Review for noise output to ensure that the City’s noise limits for commercial property will be met.

The applicant has stated in the CIS that the subject site is located in the Southeast Michigan Air Quality District. Monitoring stations are located in Oak Park, and there are no air quality violations in this attainment area. The proposed development use is identical to its surrounding uses and will not establish any trend of air quality standards. Potential air pollution will come from the vehicles in the parking deck and HVAC units.

D. Environmental Design and Historic Values:

The CIS and site plans suggest that there will be no degradation of the physical or natural environments associated with the site. The applicant will be increasing the number of trees currently existing on the property, as well as providing significant improvements to the grading of the sidewalk. The changes will involve a regrading and installation of ADA ramps where stairs are currently present at the corner of Chester and Willits. A complete landscaping and design review, including streetscape elements, will be conducted as a part of the Final Site Plan review process.

The site is not listed on the National Register of Historic Places or located in any of the City’s historic districts.

E. Refuse, Sewer and Water:

The CIS describes a refuse storage area inside of the garage located off of Willits. The CIS does not mention a separate area for recyclables. The applicant has indicated that the solid waste generated from this facility will be standard
and can be handled easily by a local waste management company.

The CIS further states that the development will be utilizing existing sewer and water connections to the site and does not anticipate capacities to be exceeded by the new structure.

F. Public Safety:

The applicant has stated that the proposed development provides direct access for police, fire and emergency vehicles and personnel from both Chester and Willits. Access to the building on Chester is in the center and at grade. Access along Willits street can be made via two entry doors or the proposed garage. The CIS also states that an elevator that can accommodate a medical cart is proposed.

The applicant has not provided information on the required safety measures for the new project, such as a fire suppression system or a Knox Box. This was labeled as TBD in the CIS and will be required at the time of Final Site Plan review. The Police and Fire Departments will require further information to ensure that all life safety issues have been addressed.

The applicant has indicated in the CIS that they will be using a security system and fire suppression system, but has not determined which system and the level of performance. The applicant will be required to submit details of the proposed security system, and they must be provided and approved by the Police Department.

G. Transportation Issues:

The CIS states that on-site parking will support the proposed development in the form of a parking garage with 8 spaces, and 3 spaces off of Willits, but will require the use of public parking as well. In addition, bus service is currently available in close proximity on Maple. Given the location of the proposed development, a vast majority of retail options, restaurants, and personal services are also available within walking distance of the site. The applicant also notes that there will be bike racks available for visitors and occupants.

The applicant has provided a transportation study prepared by Stonefield Engineering dated April 12th, 2017. The applicant used Form A – Traffic Study Questionnaire in lieu of a full Form B – Transportation Study.

The traffic study states that the building is located within Birmingham’s Parking Assessment District, which requires no additional parking. Based on the traffic data gathered, the engineers concluded that trip generation and traffic will be dispersed throughout the roadways due to the need for some visitors/occupants to utilize public parking areas, such as the Chester Street Parking Deck or on-street parking. No roadway improvements are warranted by the proposed
development.

The traffic study has been sent to the City’s traffic engineers, Fleis & Vandenbrink, but a return letter has not been received as of yet. The City expects to receive said letter by April 25th, 2018.

Please see attached letter dated April 24, 2018 from Fleis & Vandenbrink outlining their comments on the traffic study and CIS documents submitted. Several minor issues were raised regarding clerical errors, bicycle parking and storage on site, drop off and pick up facilities, ADA compliance and parking issues. The applicant submitted two letters dated April 25, 2018 to address some of the concerns raised. All of the clerical errors have been corrected and amendments made to the CIS. Since April 25, 2018 the applicant has added one bicycle parking rack (City standard loop) on Chester Street near the front entrance, as they advised they did not have room within the enclosed parking area for bicycle parking. The applicant has also reviewed all ADA and traffic issues with the Engineering Department and the traffic consultant, and made all of the required corrections. Specifically, the applicant has revised the layout of the parking spaces in the ROW along Willits, added a sidewalk across the entry apron to the enclosed parking area, widened the apron of the entry drive, and added crosswalk striping and ADA ramp and landing across on the north side of Willits as requested by the Planning Board. Minor changes were also made to the slope of the ADA ramp proposed on the south side of Willits by the crosswalk. The site plan has also been revised to show all adjacent property conditions around the subject site as requested by the Planning Board. A final review letter from the City’s transportation consultant’s dated May 4, 2018 is attached for your review, approving the traffic study. Several suggestions were made for the applicant to convey to future tenants of the building.

H. Parking Issues:

The CIS indicates that the proposed development will have an enclosed garage beneath the building with 8 parking spaces, as well as an existing small 3-car parking lot on the northwest corner of the property. There is no percentage of required parking for the other uses because the proposed project is within the Parking Assessment District. A thorough discussion of the parking requirements is contained in the attached Special Land Use Permit, Final Site Plan and Design Review report.

I. Natural Features:

The applicant has indicated that there will be little impact on natural features or bodies of water as a result of the proposed development, as the proposed building will be renovated, including a small addition to the front of the building. There are no ponds or streams near the project, and landscaping will be added
to the site.

J. Departmental Reports

1. Engineering Division – The Engineering Department has no concerns at this time.

2. Department of Public Services – The Department of Public Services has no concerns at this time.

3. Fire Department – The Fire Department has no concerns at this time.

4. Police Department – The Police Department has no concerns at this time.

5. Building Division – The Building Division has no concerns at this time.

K. Summary of CIS:

The following issues remain outstanding with regards to the CIS:

(1) Provide mitigation strategies for control of noise vibration and dust;
(2) Applicant will be required to bury all utilities on the site;
(3) Provide space for the separation of recyclables; and
(4) Applicant provide information on all life safety issues and Fire Dept. approval, as well as details on the proposed security system provided to and approved by the Police Department.

L. Suggested Action:

1. To ACCEPT the Community Impact Study as provided by the applicant for the proposed development at 191 N. Chester – The Jeffrey – with the following conditions:

   (1) Provide mitigation strategies for control of noise vibration and dust;
   (2) Applicant will be required to bury all utilities on the site;
   (3) Provide space for the separation of recyclables; and
   (4) Applicant provide information on all life safety issues and Fire Dept. approval, as well as details on the proposed security system provided to and approved by the Police Department.

   OR

2. To POSTPONE action on the Community Impact Study as provided by the applicant for the proposed development at 191 N. Chester – The Jeffrey, allowing the applicant the opportunity to address the issues raised above.

   OR
3. To **DECLINE** the Community Impact Study as provided by the applicant for the proposed development at 191 N. Chester – The Jeffrey – for the following reasons:
   1) ________________________________________________________________
   2) ________________________________________________________________
   3) ________________________________________________________________

**Special Land Use Permit, Final Site Plan & Design Review**

**III. Final Site Plan Review**

The 0.40 acre subject site, 191 N. Chester, is located at the corner of Chester and Willits on the outer edge of Downtown Birmingham. The Planning Board recommended approval to the City Commission for a rezoning from TZ1 to TZ2 on September 13th, 2017 to allow the former Church of Christ Scientist building to become an office space. On October 16th, 2017, the City Commission approved the request for a rezoning to TZ-2. The transformed office building is proposed to contain 22,470 sq. ft. of office space. The Zoning Ordinance limits tenants of an office building to 3,000 sq. ft. per tenant in the TZ-2 district. The proposed floor plans for the renovated office building show three tenant lease spaces, all of which will be over the permitted 3,000 sq. ft. (6,210 sq. ft., 9,518 sq. ft. & 6,742 sq. ft.). Thus, the applicant is seeking a Special Land Use Permit to allow for three office tenants to each exceed 3,000 sq. ft. in area.

A highlight of the proposed transformation of the former Church use to an office use is the proposed 1,355 sq. ft. addition to the front of the building. The applicant is also proposing to add to the upper floors, bringing the sides and the rear of the building outward to maximize tenant lease space. Along with the design of an overhead garage door off of Willits, a new roof, new windows, and new paint, the additions will create an entirely new look for the building. The proposed addition will bring the gross floor area to 27,290.25 sq. ft. (figure includes the 10,011 sq. ft. lower level and the 2,493 sq. ft. indoor garage).

The applicant appeared before, and was approved by the Planning Board on January 25\(^{th}\), 2018 for a Special Land Use Permit, Final Site Plan and Design Review for the renovation and addition to the front of the building. Because the applicant has revised the plans to include more additions, they are required to come before the Planning Board again.

All relevant meeting minutes are attached for your review.

**1.0 Land Use and Zoning**

1.1. **Existing Land Use** – The existing land use is a vacant Church.

1.2. **Zoning** – The parcel is zoned TZ-2 (Transitional Zoning 2) and C (Community) in the Downtown Overlay.
1.3 Summary of Adjacent Land Use and Zoning - The following chart summarizes existing land use and zoning adjacent to and/or in the vicinity of the subject site, including the 2016 Regulating Plan.

<table>
<thead>
<tr>
<th></th>
<th>North</th>
<th>South</th>
<th>East</th>
<th>West</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Existing Land Use</strong></td>
<td>Residential</td>
<td>Commercial</td>
<td>Commercial</td>
<td>Residential</td>
</tr>
<tr>
<td><strong>Existing Zoning District</strong></td>
<td>R2, Single-Family Residential</td>
<td>TZ-3, Transitional Zone-3</td>
<td>B-4, Business-Residential</td>
<td>R2, Single-Family Residential</td>
</tr>
<tr>
<td><strong>Overlay Zoning District</strong></td>
<td>N/A</td>
<td>D-4</td>
<td>D-4</td>
<td>N/A</td>
</tr>
</tbody>
</table>

1. **Setback and Height Requirements**

The attached summary analysis provides the required and proposed bulk, area, and placement regulations for the proposed development.

3.0 **Screening and Landscaping**

3.1 **Dumpster Screening** – The applicant indicated that there will be a designated area for trash collection inside the building underneath the stairs located in the garage area. Therefore, the trash area will be fully screened by the building.

3.2 **Parking Lot Screening** – The subject site is located in the Parking Assessment District and thus no parking is required on site. However, the applicant is proposing an 8-space garage with access off of Willits. Thus, the parking will be fully screened within the building. All proposed parking spaces are 180 sq. ft.

The applicant also noted three existing outdoor spaces that are located at the northwest corner of the property in the application. The submitted site plans show these three existing outdoor spaces, and the applicant indicated that they will be screened on either side with a five foot concrete masonry split face retaining wall which will match the building. As the site currently stands, the spaces are set below grade with a stone retaining wall and landscaping. As these parking spaces directly abut the street for primary access, there is no screen wall screening the view of the parking spaces from Willits. However, these are existing, non-
conforming parking spaces for screening.

3.3 Mechanical Equipment Screening – The applicant has indicated that the building will utilize the existing rooftop mechanical units that are already screened by the parapet of the building. The applicant has also noted that there may be additional mechanical equipment placed on the inside of the building. Therefore, all mechanical equipment will be fully screened.

3.4 Landscaping – The applicant has submitted a landscape plan for the proposed development detailing the size, type, and placement of plants across the site. All of the proposed plantings are permitted and are described in the table below:

<table>
<thead>
<tr>
<th>Botanical/Common Name</th>
<th>Size</th>
<th>Quantity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carpinus Caroliniana/ Native Flame</td>
<td>3” CAL</td>
<td>3</td>
</tr>
<tr>
<td>Tilia cordata/ Chancellor Linden</td>
<td>3” CAL</td>
<td>5</td>
</tr>
<tr>
<td>Thuja accidentalis/ Niagra – Dark Green Arborvitae</td>
<td>8’ HT</td>
<td>6</td>
</tr>
<tr>
<td>Calamagrostis/ Karl Forester Feather Reed Grass</td>
<td>3 GAL</td>
<td>8</td>
</tr>
<tr>
<td>Hemerocalis/ Happy Returns Daylily</td>
<td>2 GAL</td>
<td>44</td>
</tr>
<tr>
<td>Sesleria autumnalis/ Autumn Moor Grass</td>
<td>2 GAL</td>
<td>55</td>
</tr>
</tbody>
</table>

Article 4, Section 4.20 of the Zoning Ordinance requires deciduous trees to be a minimum of 3 inches in caliper. The proposed trees meet this requirement. The applicant is not required to provide parking lot landscaping, as the three existing parking spaces are less than 7,500 sq. ft. in area.

3.5 Streetscape Elements – The submitted site plans show 3 street trees along N. Chester, and 5 street trees along Willits. Article 4, Section 4.20 of the Zoning Ordinance requires one street tree per 40 ft. of frontage; the applicant is required to have 2 streets along N. Chester and 5 street trees along Willits. The applicant meets the standards of Article 4, Section 4.20.

The applicant is proposing substantial changes to the streetscape along Willits to greatly enhance pedestrian circulation. The existing sidewalk along Willits includes several steps due to the grade. The applicant intends to regrade the northern edge of the property and right-of-way to construct a new sidewalk with appropriate slopes and landings to permit the removal of the stairs at the corner of Willits and N. Chester and replace them with a new ADA ramp and pad. This will create a more walkable street in front of the proposed development.

Although the CIS indicates the addition of a bicycle rack for visitors and occupants, the applicant has not shown the location of any bike racks, trash receptacles, or benches on the submitted
4.0 Parking, Loading and Circulation

4.1 Parking – The proposed office building does not require on-site parking, as it is located within the Parking Assessment District. However, the submitted site plans show eight parking spaces within a garage proposed in the lower level of the building. The applicant is also proposing to retain the three existing outdoor spaces located at the north-west corner of the property with an ADA space available. The proposed parking spaces all measure the appropriate 180 sq. ft. in area.

4.2 Loading – Article 4, Section 4.24 of the Zoning Ordinance requires office uses in between 10,001 and 50,000 sq. ft. in size to provide one off-street loading space. The proposed development contains 16,493 sq. ft. of office space, thus is required to provide one off street loading space. The applicant has not proposed an off street loading space. Therefore, the applicant must submit revised plans showing the placement and measurements of one off street loading space, or obtain a variance from the Board of Zoning Appeals. The applicant is scheduled to appear before the Board of Zoning Appeals on May 8th, 2018.

4.3 Vehicular Circulation and Access – Access to the proposed development will predominantly be by foot, but access to the vehicular garage will be via a driveway and garage door off of Willits. The driveway is proposed to be 12 ft. wide.

4.4 Pedestrian Circulation and Access – The principal pedestrian entrance is proposed on N. Chester. The entrance is equipped with an ADA ramp and an elevator to the upper and lower floors. Secondary pedestrian access is also provided along the Willits façade.

5.0 Lighting

The applicant has submitted a photometric plan, along with specification sheets for the proposed luminaires. The photometric plan demonstrates that all of the lighting requirements of Article 4, Section 4.21 of the Zoning Ordinance have been met with regards to property line light levels. There are two recessed canopy lights manufactured by Gotham to be installed beneath the new canopy at the entrance on Chester, at 36.91 watts each. Two wall sconces manufactured by Lithonia Lighting are proposed along the south building elevation at the stair wells. These are 9.15 watts each and proposed to be mounted at a height of 10’. Five architectural wall sconce manufactured by Lithonia Lighting are also proposed on the north and west
building elevations. These fixtures are 12 watts each, and proposed to be mounted at a height of 12’. All proposed lighting is fully cut off and black in color.

6.0 Departmental Reports

1. Engineering Division – The Engineering Department has no concerns at this time.

2. Department of Public Services – The Department of Public Services has no concerns at this time.

3. Fire Department – The Fire Department has no concerns at this time.

4. Police Department – The Police Department has no concerns at this time.

5. Building Division – The Building Division has no concerns at this time.

7.0 Design Review

The applicant is proposing to renovate the existing Church of Christ Scientist to create an office building. The transformation from Church to office will include the removal of the existing porch and entry to create an addition off of the front of the building to be used as the primary entryway to the building, bringing it to the property line. There will also be repairs done and paint (SW 7069 Iron Ore) added to the existing masonry, a new quartz-zinc metal roof, a new garage with a 10’ x 8’ garage door (material and color unknown), and new windows added to the building. Some material samples and colors have been provided at this time, but the missing details must be provided.

For the new addition, the applicant is proposing new grey brick (manufacturer unknown), quartz-zinc metal paneling for coping and roofing, an aluminum clear glass window system, and a new anthra-zinc metal canopy in black for the new front entrance. This will modernize the front of the building and give it more of an office building look, as opposed to a Church look. Since the proposed addition will be bringing the building to the property line, the building’s street presence will match that of the McCann building to the east, and Integra building to the south.

The original building will be painted charcoal grey (SW 7069 Iron Ore) and have a new grey standing seam metal roof installed, along with 24 new clear glass windows/doors. The applicant is also proposing to create three new patios on the property, one off of the new addition, one off of the back of the building at the first floor, and finally, one on the second floor. The patio proposed with the addition will be enclosed with a powder coated aluminum railing. The other patios will be enclosed with aluminum and tempered glass railing systems. Article 3, Section 3.04 of the Zoning Ordinance requires
balconies, railings and porch structures to be wood, metal, cast concrete, or stone. The applicant will need to submit revised plans showing a railing made of metal, wood, cast concrete, or stone, or obtain a variance from the Board of Zoning Appeals. The applicant has revised the plans to show all proposed railings in black powder coated aluminum.

The applicant is not proposing any signage at this time.

The applicant has provided window samples showing clear glass with a visual light transmittance of 80% for the new windows.

8.0 Approval Criteria

In accordance with Article 7, section 7.27 of the Zoning Ordinance, the proposed plans for development must meet the following conditions:

(1) The location, size and height of the building, walls and fences shall be such that there is adequate landscaped open space so as to provide light, air and access to the persons occupying the structure.

(2) The location, size and height of the building, walls and fences shall be such that there will be no interference with adequate light, air and access to adjacent lands and buildings.

(3) The location, size and height of the building, walls and fences shall be such that they will not hinder the reasonable development of adjoining property and not diminish the value thereof.

(4) The site plan, and its relation to streets, driveways and sidewalks, shall be such as to not interfere with or be hazardous to vehicular and pedestrian traffic.

(5) The proposed development will be compatible with other uses and buildings in the neighborhood and will not be contrary to the spirit and purpose of this chapter.

(6) The location, shape and size of required landscaped open space is such as to provide adequate open space for the benefit of the inhabitants of the building and the surrounding neighborhood.

9.0 Recommendation

Based on a review of the site plan submitted, the Planning Division recommends that the Planning Board APPROVE the Special Land Use Permit, Final Site Plan and Design Review for 191 N. Chester – The Jeffrey – with the following conditions:
1. Applicant submit revised plans showing the placement and measurements of one off street loading space, or obtain a variance from the Board of Zoning Appeals; and
2. Applicant submits full material samples and specifications to complete the design review.

10.0 Sample Motion Language

Motion to APPROVE the Special Land Use Permit, Final Site Plan and Design Review for 191 N. Chester – The Jeffrey – subject to the following conditions:

1. Applicant submit revised plans showing the placement and measurements of one off street loading space, or obtain a variance from the Board of Zoning Appeals; and
2. Applicant submits full material samples and specifications to complete the design review.

OR

Motion to DENY the Special Land Use Permit, Final Site Plan and Design Review for 191 N. Chester – The Jeffrey – for the following reasons:
1. _________________________________
2. _________________________________
3. _________________________________

OR

Motion to POSTPONE the Special Land Use Permit, Final Site Plan and Design Review for 191 N. Chester – The Jeffrey – for the following reasons:
1. _________________________________
2. _________________________________
3. _________________________________
Zoning Compliance Summary Sheet
Final Site Plan Review
191 N. Chester

Existing Site: Church of Christ, Scientist

Zoning: TZ-2, Transitional Zone 2 & C, Community
Land Use: Commercial

Existing Land Use and Zoning of Adjacent Properties:

<table>
<thead>
<tr>
<th></th>
<th>North</th>
<th>South</th>
<th>East</th>
<th>West</th>
</tr>
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<tbody>
<tr>
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<td>Residential</td>
<td>Commercial</td>
<td>Commercial</td>
<td>Residential</td>
</tr>
<tr>
<td>Existing Zoning District</td>
<td>R-2, Single-Family Residential</td>
<td>TZ-3, Transitional Zone 3</td>
<td>B-4, Business Residential</td>
<td>R-2, Single-Family Residential</td>
</tr>
<tr>
<td>Overlay Zoning District</td>
<td>N/A</td>
<td>D-4</td>
<td>D-4</td>
<td>N/A</td>
</tr>
</tbody>
</table>

Land Area:
Existing: 0.40 acres (17,370 ft²)
Proposed: 0.40 acres (17,370 ft²)

Dwelling Units:
Existing: 0
Proposed: 0

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
<table>
<thead>
<tr>
<th>Requirement</th>
<th>Required</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Min. Open Space:</strong></td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Max. Lot Coverage:</strong></td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Front Setback:</strong></td>
<td>0-5 ft.</td>
<td>0 ft.</td>
</tr>
</tbody>
</table>
| **Side Setbacks**        | 0 ft. from interior side lot line  
10 ft. from side lot line abutting a single family district | **No changes proposed.** (7 ft. from abutting single family district, 0 ft. along Willits) |
| **Rear Setback:**        | 10 ft.                    | 20 ft. abutting single family zoning district  
**No changes proposed.** (30 ft.) |
| **Min. Front+Rear Setback** | N/A                      | N/A      |
| **Max. Bldg. Height:**   | 30 ft., 2 stories         | **No changes proposed.** (35 ft., 2 stories) |
| **Min. Eave Height:**    | N/A                       | N/A      |
| **Floor-Ceiling Height:**| 14 ft.                    | **No changes proposed.** |
| **Front Entry:**         | N/A                       | N/A      |
| **Absence of Bldg. Façade:** | N/A                  | N/A      |
| **Opening Width:**       | N/A                       | N/A      |
| **Parking:**             | None required, Parking Assessment District  
11 total - 8 within proposed garage, 3 existing | 11 total - 8 within proposed garage, 3 existing |
| **Min. Parking Space Size:** | 180 ft²                 | 180 ft²  |
### Parking in Frontage:

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Required</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Required</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Proposed</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

### Loading Area:

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Required</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Required</td>
<td>1 (40’ x 12’ x 14&quot;)</td>
<td>0</td>
</tr>
<tr>
<td>Proposed</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The applicant must submit plans showing a screened loading space measuring 40 x 12 x 14 or obtain a variance from the Board of Zoning Appeals.

### Screening:

<table>
<thead>
<tr>
<th>Component</th>
<th>Requirement</th>
<th>Required</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parking</td>
<td>Required</td>
<td>6 ft. masonry screen wall</td>
<td>8 spaces fully screened within building</td>
</tr>
<tr>
<td></td>
<td>Proposed</td>
<td>3 existing unscreened legal, non-conforming parking spaces</td>
<td></td>
</tr>
<tr>
<td>Loading</td>
<td>Required</td>
<td>6 ft. masonry screen wall</td>
<td>None proposed</td>
</tr>
<tr>
<td></td>
<td>Proposed</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The applicant must submit plans showing the screening details for one off-street loading space, or obtain a variance from the Board of Zoning Appeals.

### Rooftop Mechanical:

<table>
<thead>
<tr>
<th>Component</th>
<th>Requirement</th>
<th>Required</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rooftop Mechanical</td>
<td>Required</td>
<td>Full screening to compliment the building</td>
<td>Fully screened by existing parapet and building structure.</td>
</tr>
<tr>
<td></td>
<td>Proposed</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Elect. Transformer:

<table>
<thead>
<tr>
<th>Component</th>
<th>Requirement</th>
<th>Required</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elect. Transformer</td>
<td>Required</td>
<td>Fully screened from public view</td>
<td>No transformer is proposed on the property.</td>
</tr>
<tr>
<td></td>
<td>Proposed</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Dumpster:

<table>
<thead>
<tr>
<th>Component</th>
<th>Requirement</th>
<th>Required</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dumpster</td>
<td>Required</td>
<td>6 ft. high capped masonry wall with wooden gates</td>
<td>Fully screened by building.</td>
</tr>
<tr>
<td></td>
<td>Proposed</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Minutes of the regular meeting of the City of Birmingham Planning Board held on September 13, 2017. Chairman Scott Clein convened the meeting at 7:30 p.m.

Present: Chairman Scott Clein; Board Members Robin Boyle, Stuart Jeffares, Bert Koseck, Vice-Chairperson Gillian Lazar, Bryan Williams

Absent: Board Member Janelle Whipple-Boyce; Alternate Board Members Lisa Prasad, Daniel Share; Student Representatives Ariana Afrakhteh, Isabella Niskar

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

REZONING REQUEST

1. 191 N. Chester, First Church of Christ, Scientist
Request for rezoning from TZ-1 to TZ-2 (Transitional Zoning) to allow the adaptive reuse of the existing building for office use

Chairman Clein returned to chair the meeting.

Ms. Ecker reported that the property owner is requesting the rezoning of the property to keep the building as-is on site while renovating the inside for an office use.

The subject site is located on the west side of N. Chester, with single-family homes to the north and office/commercial buildings to the south (Integra Building) and east (McCann Worldgroup Building). The area of the site is .40 acres, the building is 16,000 sq. ft. in size. The subject property is in the Downtown Overlay District and was zoned C - Community Use, due to its former use as a church. At the time of the transitional rezoning the City Commission created the TZ-1 Zone District and the TZ-3 Zone District. They did not create the TZ-2 Zone District then and the property was rezoned TZ-1 which allows only a residential use and not an office use.

The applicant lists a number of reasons that with the City's adoption of TZ-2 into the Zoning Ordinance, the TZ-2 classification would be better suited. The applicant would like to re-purpose the existing church building into an office use. While office use is permitted in the TZ-2 Zoning District, any office use over 3,000 sq. ft. in size would require a Special Land Use Permit ("SLUP"). The applicant has affirmed the building is not suitable for adaptive reuse to residential.
The applicant had meetings with the adjoining property owners who have indicated a desire to keep the existing building as opposed to demolishing it and increasing and changing the height and mass with a new structure. They felt building as it stands would have the least impact on the neighborhood in terms of scale, visibility, and traffic.

The applicant has tried to market the building as a religious institution but has been unsuccessful in finding someone who is interested.

The only physical modification done to the building was in 1956 when an addition was added to the existing church. The church building is still in fair condition today.

Based on a review of the rezoning application and supporting documentation submitted by the applicant, a review of the applicable Master Plan documents, current zoning and recent development trends in the area, the Planning Dept. finds that the applicant meets the established ordinance requirements to qualify for a rezoning of the property from TZ-1 (Transitional Zone 1) to TZ-2 (Transitional Zone 2) to permit the adaptive reuse of the building for office/commercial use. Given the recommendations of the Master Plan and the 2016 Plan, the existing mix of uses in the immediate neighborhood, and given the age and character of the building, the proposal to adaptively reuse the building is appropriate and compatible with the area. The Planning Board will make a recommendation to the City Commission and the City Commission shall make the final determination on whether this potential rezoning should be approved.

Mr. Boyle asked what design oversight there might be with this building if it was rezoned to TZ-2. Ms. Ecker replied that just the design of the building would go to the Design Review Board or come to the Planning Board for review. If they are going to propose over 3,000 sq. ft. of office use, it will come to the Planning Board because it would require a SLUP which would bring in all of the design elements as well as the signage. Then it would go to the City Commission for the final decision.

In response to Mr. Koseck, Ms. Ecker said the applicant has the option to seek a use variance for the building. The Chairman asked about the difference between TZ-1 and TZ-2 with regard to massing and height. Ms. Ecker advised that TZ-1 allows three stories and 35 ft. in height with a minimum of two stories. In TZ-2 only a two-story maximum is allowed.

Ms. Ecker explained for Mr. Boyle that there is no requirement that there must be a mix of uses on a transitional zoned property.

Mr. Williams said a question for the City Attorney would be whether the site can be rezoned to TZ-2 with the condition that the building structure remain the same. Ms. Ecker noted the Planning Board at this level has not made a recommendation to go down the conditional rezoning path.

The applicant, Mr. Sam Surnow, 320 Martin, said they have spent a lot of time over the last three years trying to figure out what to do because they acquired the property before it was rezoned to TZ-1. Based on feedback from all of the neighbors and the
different departments, they have been guided in the direction of rezoning the existing building for office use. They feel it is the best choice. It seems that a residential development would have the potential to change the impact on the neighborhood. On-site parking will be needed to be marketable and to attract tenants. Therefore they will have to take away a few thousand feet in the lower level to make room for ten or fifteen parking spaces. Then, after taking away the common areas, the office space left will be much less than 16,000 sq. ft.

Mr. Surnow stated that they decided not to apply for a use variance with the BZA because having a use variance in a TZ-1 Zone that is meant for residential use only would be contradictory. Also if the City could have rezoned to TZ-2 which didn't exist at the time, it probably would have. They don't have an issue with coming up with an agreement stating they will preserve exactly what is there if the City Commission requested that.

Mr. Kevin Biddison, 320 Martin, added they are excited hopefully to be involved in another project with the Surnows. This is really a similar challenge to what they did with the post office and they are looking to do some of the very same things and create multi-uses for smaller businesses which can tuck into the very unusual nature of the building.

No one from the public came forward with comments at 8:38 p.m.

Mr. Boyle observed that office space is changing. He hoped this iconic building will be redesigned and repurposed in such a way that it can accommodate the contemporary office and how it is going to operate. Also, he thought a mixed use in some shape or form might enliven this street.

Mr. Koseck noted this is a unique building on a challenging site. The Chester Parking Structure is least used so the project could help to populate that. These developers have a proven track record and he is in favor of the proposal to rezone.

Motion by Mr. Koseck
Seconded by Mr. Boyle to recommend approval to the City Commission for the rezoning of 191 N. Chester from TZ-1 (Transitional Zone 1) to TZ-2 (Transitional Zone 2).

Chairman Clein thought the adaptive reuse that is being proposed is awesome and the rezoning to facilitate that makes perfect sense. However he has concerns about rezoning, and that means ten years from now the building could be razed and a 17,000 sq. ft. site could turn into 30,000 sq. ft. of something. He leans toward approving the request because he feels this is a fantastic project but he thinks the Commission needs to weigh those concerns.

At 8:43 p.m. there were no comments from the members of the public on the motion.

Motion carried, 6-0.
ROLLCALL VOTE
Yea: Koseck, Boyle, Clein, Jeffares, Lazar, Williams
Nay: None
Absent: Whipple-Boyce
VI. NEW BUSINESS 10-267-17
PUBLIC HEARING TO CONSIDER THE REZONING OF 191 N.CHESTER FROM TZ1 TO TZ2

From City Planner Ecker’s staff report to City Manager Valentine dated October 6, 2017:

The property owner of 191 N. Chester (The First Church of Christ, Scientist), is requesting the rezoning of the property from TZ-1 (Transitional Zone 1) to TZ-2 (Transitional Zone 2) to allow office use. The subject site is located on the west side of N. Chester, with single family homes to the north and office/commercial buildings to the south (Integra Building) and east (McCann Worldgroup Building). The subject property is currently zoned TZ1 (Transitional Zoning), as well as C - Community Use in the Downtown Overlay District, due to its former use as a Church. On September 13, 2017, the Planning Board conducted a public hearing to consider the requested rezoning. After much discussion, the Planning Board voted to recommend approval of the proposed rezoning to the City Commission. The applicant has submitted a letter voluntarily offering to limit the use of the property at 191 N. Chester to office use only should the rezoning to TZ2 be approved. The applicant has also submitted numerous letters of support from the surrounding property owners.

City Planner Ecker continued:

• In 2015, the Commission created TZ1 and TZ3. TZ2 was added in the past year.
• 191 N. Chester was previously zoned as R4 – Residential, and then it was re-zoned to TZ1. TZ3 allowed too many uses on the site.
• Applicant would now like the property re-zoned to TZ2. TZ2 allows uses beyond residential, which are the only uses permitted by TZ1.
• Applicant is looking to keep the exterior of the building, and to re-build the inside as office space.
• A TZ1 designation is residential, and allows for three stories and a height of thirty-five feet. A TZ2 designation allows for more uses, but it only allows for two stories and a height of thirty feet.
• When an applicant applies for re-zoning, they must submit the following information:
  o An explanation of why the re-zoning is necessary for the preservation and enjoyments of the rights of usage commonly associated with property ownership;
  o An explanation of why the existing zoning classification is no longer appropriate;
  o An explanation of why the proposed re-zoning will not be detrimental to the surrounding properties;
  o A land survey.
• The current applicant explained that:
• The building was determined not to be of interest to any religious institution, and also not tenable for residential adaptation.
  o Re-zoning the building for office use would preserve the current building, does not change the character of the neighborhood, and creates less traffic than a possible residential re-use.

• Planning staff performed a review of the application’s adherence to existing zoning and Master Planning requirements for the site, an analysis of existing uses of the property within the general area, the suitability of the property in question to the uses permitted under the existing zoning classification, and the general trend of development in the area of the property in question, including any changes that have taken place in the zoning classification.

• This area is considered part of a commercial piece on the edge of downtown, which according to the 1980 Master Plan “should be restricted to office and low intensity commercial use” whenever possible. The currently submitted application is in line with this goal.
  o This area is also zoned according to the Downtown Birmingham 2016 Plan as C – 5 October 16, 2017 Community, which requires the City to retain and enhance the character and vitality of downtown, and make sure new architecture is compatible with old. Keeping the exterior of the building, as proposed in the application, is also in line with this goal.
  o The Zoning Ordinance states that “the purpose of the Zoning Ordinance is to guide the growth and development of the City, in accordance with the goals, objectives, and strategies stated within the Birmingham Future Land Use Plan and the 2016 Plan.” The adaptive re-use proposed by the applicant supports the City’s growth, development, and re-use, and maintains the character of the neighborhood.
  o Since there is a four-story office building to the south, the McCann Building to the east, and single family residential homes to the north and west, this proposed zoning change could be considered transitional between the high density commercial business district on one side and the single-family low density residential on the other side.
  o With the current TZ1 zoning, the building in question could not be used for a religious institution without a use variance, since it is restricted to residential use.
  o Several changes have occurred to office buildings in the area, and the only rezoning in the area was the change of this building’s zoning designation from R4 to TZ1.

• Upon review of the aforementioned information, the Planning Department and the Planning Board recommended that 151 N. Chester be re-zoned from TZ1 to TZ2. The Commission should also consider whether to accept the applicant’s offer to restrict the use to office and commercial use only.

City Planner Ecker confirmed for Commissioner Hoff that 151 N. Chester is historical, but is not a historically-designated building, and that the parking would be built out into the basement of the building. City Planner Ecker also confirmed that if this re-zoning is granted, a much larger building could be built in this building’s stead later on.
Mayor Nickita explained that conditional zoning is a possibility in order to address concerns of what would be allowed, although the Commission has not taken that route before.

City Attorney Currier confirmed for Commissioner DeWeese that if any further construction were to occur in the future after this re-zoning, the construction would still need to adhere to both the greater zoning and whatever conditional zoning the Commission may apply.

City Planner Ecker confirmed for Mayor Pro Tem Harris that a Special Land Use Permit (SLUP) would be required for this use, and City Attorney Currier confirmed that if the building were to change hands, the conditions of the SLUP would have to be followed or they would need to be amended by the Commission at the request of the new owner.

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

Sam Surnow of the Surnow Company (320 Martin Street) explained that while many possibilities for the building were explored, the conclusion was that the building would need to be torn down in order to adhere to TZ1. The Surnow Company met with the building’s neighbors in March to solicit feedback, and the neighborhood overwhelmingly expressed its desire to keep the building. Mr. Surnow explained that:

- Of the 16,000 sq. ft., an estimated 3,000 and 4,000 sq. ft. will be used for parking while the rest of the building is maintained;
- The Surnow Company would be willing to restrict traffic exiting the building so that employees could only make a right onto Chester;
- Fire suppression would be included in the parking lot, the building would be made wheelchair-accessible, and it would be brought up to code.

Mr. Biddison, the architect on this project from Biddison Architecture, explained:

- That the main floor would be maintained as public space, with former mechanical spaces being repurposed as storage for office users;
- The trusses may be changed from the inside into an additional useable level;
- An elevator would be added;
- Some stairs would be re-configured;
- And the windows would be maintained, but the floors would be re-positioned so the windows are at an appropriate height.

Mr. Biddison confirmed for Commissioner DeWeese that the parking lot would include about twelve spaces.

City Planner Ecker confirmed for Commissioner Hoff that:

- The Surnow Company can keep the existing roof lines within TZ2 because the building is grandfathered in, even if they decide to build up into the trusses to create a level.
- If the conditional zoning is not accepted, either a church or food and drink establishment could go into the building with a SLUP.
The Surnow Company is considering permanent offices, not bistro offices similar to an application submitted by a previous group.

Lauren Stein spoke in support of the proposed project and re-zoning by the Surnow Company.

Susan Martin wholly supported renovating the existing building with the conditional zoning for business use only.

Mayor Nickita closed the public hearing at 8:36 p.m.

City Planner Ecker explained to Commissioner Hoff that information on traffic pattern changes will not be available until after re-zoning is approved.

**MOTION:** Motion by Commissioner DeWeese, seconded by Commissioner Bordman:
To approve the rezoning of 191 N. Chester from TZ1 (Transitional Zoning) to TZ2 (Transitional Zoning) as recommended by the Planning Board on September 13, 2017 with the conditions as outlined in the letter dated October 5, 2017 from Chester Street Partners, LLC, A Surnow Company.

Mayor Nickita clarified that Birmingham does not usually re-zone in response to developer requests, but that this is a unique situation because:

- The requested zoning designation did not exist at the original time of zoning;
- To maintain the current zoning would essentially require the demolition of the current building and the construction of a higher density space, which is counter to Birmingham’s goals, and;
- The Surnow Company offered to take on additional conditional zoning in order to maintain the intended use category long-term.

**VOTE:**

- Yeas, 7
- Nays, 0
- Absent, 0
Minutes of the regular meeting of the City of Birmingham Planning Board held on January 24, 2018. Chairman Scott Clein convened the meeting at 7:30 p.m.

**Present:** Chairman Scott Clein; Board Members Robin Boyle, Stuart Jeffares, Bert Koseck, Vice-Chairperson Gillian Lazar, Janelle Whipple-Boyce, Bryan Williams

**Also Present:** Nasseem Ramin

**Absent:** Alternate Board Member Daniel Share; Student Representatives Ariana Afrakhteh, Isabella Niskar

**Administration:** Matthew Baka, Sr. Planner
Nicholas Dupuis, Planning Intern
Carole Salutes, Recording Secretary

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2. **191 N. Chester (Church of Christ, Scientist, renamed The Jeffrey)**
   Request for approval of the Final Site Plan and Design to allow for exterior design and site changes to the existing building to convert to office use larger than 3,000 sq. ft. in size

Mr. Dupuis explained the 0.40 acre subject site is located at the corner of Chester and Willits on the outer edge of Downtown Birmingham. The Planning Board recommended approval to the City Commission for a rezoning from TZ-1 to TZ-2 on September 13, 2017 to allow the former Church of Christ Scientist building to permit office use.

The City Commission approved the request for a rezoning to TZ-2. The transformed office building is proposed to contain 16,493 sq. ft. of office space. The Zoning Ordinance limits tenants of an office building to 3,000 sq. ft. per tenant in the TZ-2 District. The proposed floor plans for the renovated office building show three tenant lease spaces, all of which will be over the permitted 3,000 sq. ft. Thus, the applicant is seeking a SLUP to allow for three office tenants to each exceed 3,000 sq. ft. in area. A highlight of the proposed transformation of the former Church use to an office use is the proposed 1,355 sq. ft. addition to the front of the building. Along with the design of an overhead garage door off of Willits, a new roof, new windows, and new paint, a new lobby addition will create an entirely new look for the building.

Based on Article 4, section 4.20 of the Zoning Ordinance, the applicant is required to have two street trees along N. Chester and five street trees along Willits. **Thus, the**
applicant must add an additional tree along Willits or obtain a waiver from the Staff Arborist.

The Dept. of Public Services states that instead of Sweet Gums along Chester St., they require a different variety of tree for this location due to the fruit of the species and the proximity to the sidewalks. Also, irrigation should be installed.

The proposed development contains 16,493 sq. ft. of office space, thus is required to provide one off-street loading space. The applicant has not proposed an off-street loading space. Therefore, the applicant must submit revised plans showing the placement and measurements of one off-street loading space, or obtain a variance from the Board of Zoning Appeals ("BZA").

Design Review
The transformation from Church to office will include the removal of the existing porch and entry to create an addition on the front of the building to be used as the primary entryway to the building, bringing it to the property line. There will also be repairs done and paint (SW 7069 Iron Ore) added to the existing masonry, a new quartz-zinc metal roof, a new garage with a 10 ft. x 8 ft. garage door (material and color unknown), and new windows added to the building. Some material samples and colors have been provided at this time, but the missing details must be provided.

For the new addition, the applicant is proposing new grey brick (manufacturer unknown), quartz-zinc metal paneling for coping and roofing, an aluminum clear glass window system, and a new anthera-zinc metal canopy in black for the new front entrance. This will modernize the front of the building and give it more of an office building look, as opposed to a Church look. The proposed addition will bring the building to the property line and the building's street presence will match that of the McCann Building to the east and the Integra Building to the south.

The original building will be painted charcoal grey (SW 7069 Iron Ore) and have a new grey standing seam metal roof, along with 24 new clear glass windows/doors. The applicant is also proposing to create three new patios on the property, one off of the new addition, one off of the back of the building at the first floor, and finally, one on the second floor. The patio proposed with the addition will be enclosed with a powder coated aluminum railing. The other patios will be enclosed with an aluminum and tempered glass railing system. Article 3, Section 3.04 of the Zoning Ordinance requires balconies, railings and porch structures to be wood, metal, cast concrete, or stone. The applicant will need to submit revised plans showing a railing made of metal, wood, cast concrete, or stone, or obtain a variance from the BZA.

The applicant is not proposing any signage at this time. The applicant has provided window samples showing clear glass with a visual light transmittance of 80% for the new windows.

Mr. Williams received confirmation that the applicant may have to come back for a SLUP amendment when the tenants and signage are identified.
Mr. Jeffares noted there are sterile cultivars of Sweet Gum trees that do not have fruit. Mr. Baka said the applicant would have to talk to the arborist and work that out.

Mr. Boyle felt that adding street furniture does not help in that particular location. Mr. Jeffares said he cannot fathom not having a bike rack on the property, assuming the building has been named after Jeffrey Surnow. There was general agreement on the bike racks.

Mr. Kevin Biddison, Biddison Architecture, 320 Martin, thought the adjustments that are planned will greatly improve the building. The tenant signage will go on the main brick frontage on the Chester side. There is an existing ground sign on the property but they do not know if it is something they would request.

Mr. Sam Surnow, the developer, 320 Martin, agreed there is no other location for signage other than on Chester.

There were no comments from the public at 8:15 p.m.

**Motion by Ms. Whipple-Boyce**  
Seconded by Mr. Williams to recommend APPROVAL the Final Site Plan and Special Land Use Permit to the City Commission for 191 N. Chester, The Jeffrey, with the following conditions:

1. The applicant must add an additional tree along Willits, or obtain a waiver from the Staff Arborist;
2. The applicant replace the proposed Sweet Gum trees along Chester and provide irrigation for trees;
3. The applicant must submit revised plans showing the placement and measurements of one off-street loading space, or obtain a variance from the BZA;  
4. The applicant will need to submit revised plans showing a railing made of metal, wood, cast concrete, or stone, or obtain a variance from the BZA; and  
5. The applicant add bike racks.

Ms. Whipple-Boyce and Mr. Koseck thought the applicant did a great job with the front of the building. Mr. Williams added this is great utilization of an existing structure.

There were no comments from the public on the motion.

**Motion carried, 7-0.**

**VOICE VOTE**  
Yeas: Whipple-Boyce, Williams, Boyle, Clein, Jeffares, Koseck, Lazar  
Nays: None  
Absent: None
Minutes of the regular meeting of the City of Birmingham Planning Board held on April 25, 2018. Chairman Scott Clein convened the meeting at 7:30 p.m.

Present: Chairman Scott Clein; Board Members Robin Boyle, Stuart Jeffares, Bert Koseck, Daniel Share, Bryan Williams; Alternate Board Member Nasseen Ramin; Student Representatives Madison Dominato (left at 9:10 p.m.), Sam Fogel (left at 9:05 p.m.)

Absent: Board Member Janelle Whipple-Boyce; Student Representative Ellie McElroy

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

04-69-18

SPECIAL LAND USE PERMIT ("SLUP")
FINAL SITE PLAN AND DESIGN REVIEW

1. 191 N. Chester
The Jeffery (formerly Church of Christ, Scientist)
Request for approval of Community Impact Study ("CIS"), Application for SLUP, and Final Site Plan and Design Review to allow renovation and expansion to the existing building for office use over 3,000 sq. ft. in size

CIS
Ms. Ecker advised the applicant was required to prepare a CIS in accordance with Article 7, section 7.27(E)(3) of the Zoning Ordinance, as the proposed remodeling/additions bring the total gross floor area of the building above 20,000 sq. ft., and the additions are greater than 10% of the gross floor area of the existing building.

The 0.40 acre subject site is currently a vacant church at the corner of Chester and Willits, at the outer edge of the Downtown Overlay District. The applicant is seeking a SLUP to transform the church building into an office building. The Zoning Ordinance limits tenants of an office building to 3,000 sq. ft. per tenant in the TZ-2 District. The three tenant lease spaces proposed measure over 3,000 sq. ft., and thus all exceed the permitted size in the TZ-2 Zoning District without a SLUP.

The CIS states that the completed development will not cause any potential hazards or nuisances. However, vibration and dust issues may be present during construction. The applicant has not suggested any mitigation techniques for dust, noise and vibrations that may occur during construction. They may want to comment on how they will deal with that during construction. Generally, that is handled through the Building and Engineering Depts.

In accordance with the 2016 Plan, all utilities on the site should be buried to visually enhance the site. Thus, the applicant will be required to bury the existing utilities on the site.
The CIS describes a refuse storage area inside of the garage located off of Willits. The CIS does not mention a separate area for recyclables. The applicant has indicated that the solid waste generated from this facility will be standard and can be handled easily by a local waste management company.

The applicant has not provided information on the required safety measures for the new project, such as a fire suppression system or a Knox Box. This was labeled as TBD in the CIS and will be required at the time of Final Site Plan Review. The Police and Fire Depts. will require further information to ensure that all life safety issues have been addressed. The applicant has indicated in the CIS that they will be using a security system and fire suppression system, but has not determined which system and the level of performance. The applicant will be required to submit details of the proposed security system, and they must be provided to and approved by the Police Dept.

A transportation study has been submitted which was forwarded to the City's Traffic Consultants, Fleis & Vandenbrink ("F&V") and MKSK who provided a letter that Ms. Ecker passed around. It appears there will not be a significant traffic impact as a result of this project. Therefore, no further road improvements are warranted. The applicant has submitted new documentation from Stonefield Engineering with regards to traffic, and a letter from Biddison Architecture regarding some of the other issues. The City's Traffic Consultant did not have time to review the new documentation before tonight's meeting.

Motion by Mr. Williams
Seconded by Mr. Boyle to receive and file three documents:
- Letter dated April 24, 2018 from Fleis & Vandenbrink and MKSK Studios;
- Letter dated April 25, 2018 from Biddison Architecture;
- Letter dated April 25, 2018 from Stonefield Engineering and Designs.

Motion carried, 7-0.

VOICE VOTE
Yeas: Williams, Boyle, Clein, Jeffares, Koseck, Ramin, Share
Nays: None
Absent: Whipple-Boyce

Ms. Ecker mentioned that the F&V letter also talked about the proposed ADA compliant ramp that will replace the existing stairs on Willits. However, when one crosses the street there is no ramp. The Engineering Dept. has indicated they will ask the applicant to complete a ramp and striping to the other side. Also, F&V has asked the applicant to show that the proposed ADA space in the existing parking facility will remain and to confirm that it meets ADA requirements. Further, to make sure the ADA spot in the proposed parking garage will meet ADA requirements, and also to make sure there is direct access from the parking lot into the building and to the elevator.

Mr. Boyle suggested that some of the requirements of the CIS could be reduced because they add up to a lot of work in the applicant's part to collect all of the information.

Mr. Kevin Biddison, Biddison Architecture, 320 Martin, noted that the sidewalk will extend across the drive. Also there is a future sidewalk that will be extended to the west. All of the ADA ramps and exterior parking spaces have already been approved by the Engineering Dept. The building has complete ADA access from the garage level as well as from the sidewalk at Chester.
Mr. Jeffares observed that the crosswalk from the ramp on the northeast corner of the property ends in someone's driveway. Chairman Clein noted the City Engineer will review whether or not that is appropriate.

The Chairman invited members of the public to come forward and speak about the CIS at 8:25 p.m.

Mr. Derek Hutchins said he is the owner of 468 Willits, which is the driveway that was mentioned. He stated that generally he is in support of the project. He cautioned that when the steps along Willits are replaced by a ramp, it will become totally dangerous in the winter when there is ice and snow. Also, he suggested maybe the ramp entering into the lower level could be opened up from the road so it is easier to turn in and out.

Mr. Otto Renacosorti thought the upgrade fits right in with the buildings Downtown. He asked the board to keep in mind how dangerous the traffic situation at that corner is for pedestrians.

Mr. Eric Jergins, 460 W. Maple Rd., agreed it will be nice to see something transformational happen to the Church. However he was concerned about the amount of square footage that is being added to the space. The planned addition creates a vertical glass wall along the entire southern elevation that is a full story above and 9 ft. away from his building. Therefore he asked:

- If the building has to go to 27,000 sq. ft.;
- Can the vertical wall be offset further than it is;
- Does it have to be entirely all glass looking over his property.

Even modest modifications to their proposal could make a better connection to surrounding properties.

Mr. Boyle suggested moving the CIS forward and getting to the site plan by asking that the applicant work with the City to address the issues raised.

**Motion by Mr. Share**
**Seconded by Mr. Williams To POSTPONE action on the CIS for 191 N. Chester, The Jeffrey, to May 9, 2018 until the Planning Board receives the final report from the consultants.**

At 8:43 p.m. no comments were heard from the public on this motion.

**Motion carried, 6-1.**

**ROLLCALL VOTE**
Yeas: Share, Williams, Clein, Jeffares, Koseck, Ramin
Nays: Boyle
Absent: Whipple-Boyce

**Final Site Plan Review**
Ms. Ecker recalled the applicant appeared before, and was approved by the Planning Board on January 25, 2018 for a SLUP, and Final Site Plan and Design Review for the renovation and addition to the front of the building. Because the applicant has revised the plans to include more additions, they are required to come before the Planning Board again.
The proposed development contains 16,493 sq. ft. of office space, thus is required to provide one off-street loading space. The applicant has not proposed an off-street loading space. Therefore, the applicant must submit revised plans showing the placement and measurements of one off-street loading space, or obtain a variance from the Board of Zoning Appeals ("BZA"). The applicant is scheduled to appear before the Board of Zoning Appeals on May 8th, 2018.

Ms. Ecker noted the applicant is filling in some of the upper space of the building but the overall height is not being increased. The first-floor footprint remains the same.

Mr. Kevin Biddison pointed out the changes from the last review.

A highlight of the proposed transformation of the former Church use to an office use is the proposed 1,355 sq. ft. addition to the front of the building. They are also proposing to add to the second floor by bumping out to the south and to the west, in order to maximize tenant lease space. The first-floor footprint of the building is not changing. Along with the design of an overhead garage door off of Willits, a new roof, new windows, and new paint, the changes will create an entirely new look for the building. The proposed additions will bring the gross floor area to 27,290.25 sq. ft. (figure includes the 10,011 sq. ft. lower level and the 2,493 sq. ft. indoor garage).

A new driveway is proposed off of Willits which comes into an indoor garage containing eight spaces. In addition, the site contains three more spaces off of Willits.

In response to Mr. Share, Mr. Biddison explained the height of 191 Chester is basically the same as the office building immediately to the south on the corner of Maple Rd. and Chester.

Mr. Biddison stated as long as the Engineering Dept. is fine with them having a wider curb cut for the driveway, he has no issue with it.

Mr. Sam Surnow, the developer, 320 Martin, said that after the Planning Board's approval in January, they realized that the existing product design was incomplete. While the front facade opened up the building, it didn't really solve the issue of the natural light. By adding glass to the south side which faces a commercial alley and the dormer that would replace the eyesore where the HVAC equipment is on the north, they realized the space would be drastically improved. Closing in the roof area not only tied the building together but it allowed them to utilize the space effectively while staying within the building footprint.

All of the residential neighbors have supported them in writing. With respect to Mr. Jergins' comments, Mr. Surnow didn't think that it was necessarily realistic to think that the existing structure would stay there forever. Because they have one person who is on the commercial side that doesn't agree with their plan, he feels like there is only so much they can do, so they have come to the Planning Board for Site Plan approval.

In answer to Chairman Clein's inquiry about how they plan to operate the facility if the variance for the off-street loading space is granted, Mr. Biddison responded the only deliveries will be from small vans or UPS trucks. When a tenant moves in or out every few years, it can be managed at a time when there is low traffic. There is not an area on the site where a truck could fit. They entertained trying to provide space in the front of the building from the sidewalk to the building, and they were told by the Engineering Dept. that if they can only get 35 ft., that is not enough. Forty feet is needed. There are also parking spaces on the street that can be used for deliveries.
Ms. Ecker showed the materials which are the same as last time. She noted the issues that have to be resolved by Final Site Plan Review:

- The off-street loading space;
- The glass material that is proposed for the outdoor terrace railings;
- Full material samples and spec sheets on all the materials and mechanical equipment;
- Streetscape elements.

Mr. Biddison advised there is one other item, which is the landscape comments, and they have all been taken care of. The glass rails are now steel rails. Burial of the overhead electric service will have to be addressed. All other utilities are underground. The building will be fully suppressed. There will be a Knox Box on the front, and the Fire Dept. connection will be updated in the CIS.

Mr. Williams announced he likes the better utilization of space. The Police Dept. needs to address this intersection because it is not safe.

Mr. Jeffares noted from a massing standpoint under TZ-1, if this building were torn down a new development could have larger massing than what exists presently.

**Design Review**

The transformation from Church to office will include the removal of the existing porch and entry to create an addition off of the front of the building to be used as the primary entryway to the building, bringing it to the property line. There will also be repairs done and paint (SW 7069 Iron Ore) added to the existing masonry, a new quartz-zinc metal roof, a new garage with a 10 ft. x 8 ft. garage door, and new windows added to the building.

For the new addition, the applicant is proposing new grey brick, quartz-zinc metal paneling for coping and roofing, an aluminum clear glass window system, and a new anthra-zinc metal canopy in black for the new front entrance. Since the proposed addition will be bringing the building to the property line, the building's street presence will match that of the McCann building to the east, and the Integra building to the south.

The original building will be painted charcoal grey (SW 7069 Iron Ore) and have a new grey standing seam metal roof installed, along with 24 new clear glass windows/doors.

**Motion by Mr. Boyle**

Seconded by Mr. Share to POSTPONE to May 9, 2018 action on the CIS, Final Site Plan and Design Review, and SLUP for 191 N. Chester, The Jeffery, in order to allow the applicant to undertake the necessary amendments to the site plan as the board has requested. In particular, identifying the interchange, the crosswalks, the location of the entrance, and expanding the apron of the entrance for the parking area to go on a site plan that the board would then sign. At the same time, from the sample language in front of the board, make sure the applicant complies with the site issues regarding details and the like.

Mr. Koseck cautioned that when the applicant comes back they should make it really clear on the drawings what is existing and what is new. Aerial photographs will make it easier to tell the story.

There were no comments on the motion from members of the audience at 9:15 p.m.

**Motion carried, 7-0.**

VOICE VOTE
Yeas: Boyle, Share, Klein, Jeffares, Koseck, Ramin, Williams
Nays: None
Absent: Whipple-Boyce
Minutes of the regular meeting of the City of Birmingham Planning Board held on May 9, 2018. Chairman Scott Clein convened the meeting at 7:30 p.m.

**Present:** Chairman Scott Clein; Board Members Robin Boyle (arrived at 7:48 p.m.), Stuart Jeffares, Bert Koseck, Daniel Share, Janelle Whipple-Boyce, Bryan Williams; Student Representatives Madison Dominato (left at 8:45 p.m.), Ellie McElroy

**Absent:** Alternate Board Member Nasseen Ramin; Student Representative Sam Fogel

**Administration:** Brooks Cowan, Planner

Jana Ecker, Planning Director

Carole Salutes, Recording Secretary

**05-80-18**

**SPECIAL LAND USE PERMIT ("SLUP")**

**FINAL SITE PLAN AND DESIGN REVIEW**

2. **191 N. Chester The Jeffery** (formerly Church of Christ, Scientist)

   Request for approval of Community Impact Study ("CIS"), Application for SLUP, and Final Site Plan and Design Review to allow renovation and expansion to the existing building for office use over 3,000 sq. ft. in size

**CIS**

Ms. Ecker reported that a letter dated May 4, 2018 has been received from Fleis & Vandenberg and MKSK, the City’s traffic consultants, and they have signed off on the traffic portion of the study.

Ms. Ecker advised that since April 25, 2018 the applicant has added one bicycle parking rack (City standard loop) on Chester near the front entrance, and they advised they did not have room within the enclosed parking area for bicycle parking. The applicant has also reviewed all ADA and traffic issues with the Engineering Dept. and the traffic consultant, and made all of the required corrections. Specifically, the applicant has revised the layout of the parking spaces in the R-O-W along Willits, added a sidewalk across the entry apron to the enclosed parking area, widened the apron of the entry drive, and added crosswalk striping, ADA ramp and landing across on the north side of
Willits as requested by the Planning Board. Minor changes were also made to the slope of the ADA ramp proposed on the south side of Willits by the crosswalk. The site plan has also been revised to show all adjacent property conditions around the subject site as requested by the Planning Board.

Mr. Williams thought the applicant should address whether all utilities on site will be buried as required and how that relates to adjoining properties. Chairman wanted to see them buried unless there is a reason otherwise. There seems to be only one strand from the pole across the street so it doesn't seem onerous to him.

Mr. Kevin Biddison, Biddison Architecture, 320 Martin, came forward. It is correct that the only feed is from a pole across the street. They will look at that and work with the City Engineer. Also, some additional bike parking will be provided inside. The security system will be taken care of once they know the number of tenants. The Engineering Dept. allowed them to put in a flare up to 2.5 ft. wide at the end of the drive. There is a room inside the garage that will be used for recycling and trash. As far as noise and dust during construction, they will take whatever precautions are necessary. The demo is already completed, which is probably the worst part, so he doesn't see any problems going forward.

**Motion by Mr. Williams**
**Seconded by Mr. Share to ACCEPT the CIS as provided by the applicant for the proposed development at 191 N. Chester, the Jeffery with the following conditions:**

1. Applicant provide mitigation strategies for control of noise vibration and dust;
2. Applicant will be required to bury all utilities on the site subject to the concurrence of the City Engineer.
3. Applicant provide space for the separation of recyclables; and
4. Applicant provide information on all life safety issues and Fire Dept. approval, as well as details on the proposed security system provided to and approved by the Police Dept.

**Motion carried, 5-0.**

**VOICE VOTE**

Yeas: Williams, Share, Clein, Jeffares, Whipple-Boyce

Nays: None

Absent: Boyle, Koseck

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*Special Land Use Permit ("SLUP"), Final Site Plan and Design Review*

Ms. Ecker reported that the applicant received a variance from the Board of Zoning Appeals to eliminate the required loading space. They have now added a bicycle parking rack along N. Chester in front of the new lobby addition. Additionally, the applicant has revised the plans to show all proposed railings in black powder coated aluminum.

**Motion by Mr. Williams**
Seconded by Mr. Jeffares to APPROVE the SLUP, Final Site Plan and Design Review for 191 N. Chester, The Jeffrey, subject to the following condition: 1. Applicant submits for administrative approval material samples and specifications to complete design review for the garage door.

No one from the public wished to speak on the motion.

Motion carried, 5-0.

VOICE VOTE
Yeas: Williams, Jeffares, Clein, Share, Whipple-Boyce
Nays: None
Absent: Boyle, Koseck
## NOTICE OF PUBLIC HEARING

BIRMINGHAM CITY COMMISSION
SPECIAL LAND USE PERMIT AMENDMENT

| Meeting Date, Time, Location: | Monday, June 25, 2018 at 7:30 PM  
Municipal Building, 151 Martin  
Birmingham, MI |
| Location of Request: | 34977 Woodward-Hazel Ravines Downtown |
| Nature of Hearing: | To consider a Special Land Use Permit amendment to allow for the proposed renovations and decorations. |
| City Staff Contact: | Jana Ecker 248.530.1841  
jecker@bhamgov.org |
| Notice Requirements: | Mailed to all property owners and occupants within 300 feet of subject address.  
Publish June 10, 2018 |
| Approved minutes may be reviewed at: | City Clerk's Office |

Persons wishing to express their views may do so in person at the hearing or in writing addressed to City Clerk, City of Birmingham, 151 Martin, Birmingham, MI 48009.

Persons with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk's Office at 248.530.1880 (voice) or 248.644.5115 (TDD) at least one day in advance to request mobility, visual, hearing or other assistance.
MEMORANDUM
Planning Division

DATE:       June 14th, 2018
TO:         Joseph A. Valentine, City Manager
FROM:       Jana Ecker, Planning Director
SUBJECT:    Public Hearing for 34977 Woodward - Hazel Ravines Downtown- Special Land Use Permit and Final Site Plan & Design Review

The subject site is located at 34977 Woodward. The parcel is zoned B-4, Business-Residential and D-4 in the Downtown Overlay District. The applicant, Hazel Ravines Downtown, is seeking a Special Land Use Permit (“SLUP”) to operate a new establishment serving alcoholic liquors and to make interior and exterior changes to the former Stand restaurant space, including replacing awnings, adding planters/landscaping, reworking the vestibule and adding new signage.

On May 23, 2018, the Planning Board conducted a public hearing on the above application for a Special Land Use Permit and Final Site Plan and Design Review for Hazel Ravines Downtown, and the Planning Board voted unanimously to recommend approval to the City Commission of a SLUP for Hazel Ravines Downtown at 34977 Woodward with the following conditions:

1. The applicant must remove the evergreen shrub letter sign, as it is in the public right-of-way;
2. The applicant must bring the signage into compliance in regards to size, and reduce the number of signs to one or obtain a variance from the Board of Zoning Appeals;
3. The applicant must correct the indoor/outdoor dining area plan to show 20 seats, or adjust the seating calculation to include a 22 seat patio;
4. The applicant must provide the location of all new lighting fixtures prior to City Commission approval; and
5. The applicant addresses the requests of all City Departments:

Accordingly, the City Commission set a public hearing date of June 25, 2018 to consider the above request for a Special Land Use Permit Amendment. Please find the attached Planning Board staff report, meeting minutes and application attachments for your review.

Please see attached report from the Police Department outlining the results of their investigation into the new ownership entity. The Police Department investigated the new ownership team and have found nothing in the background of the new owner that would give cause to deny the applicant’s ownership transfer request of Hazel & Ravines LLC.
SUGGESTED ACTION:

To approve a Special Land Use Permit Amendment for 34977 Woodward to allow a new restaurant, Hazel Ravines Downtown, to open in the former Stand restaurant, and to allow for design and signage changes for the new restaurant;

AND

To authorize the Chief of Police to sign the MLCC Police Investigation Report (LC-1800) and to approve the liquor license transfer request of Hazel & Ravines LLC that requests a transfer of a Class C License to be issued under MCL 436.1521(A)(1)(B) and SDM License with Outdoor Service (1 Area) to be located at 34977 Woodward Avenue, Birmingham, Oakland County, MI 48009;

AND

Furthermore, pursuant to Birmingham City Ordinance, to authorize the City Clerk to complete the Local Approval Notice at the request of Hazel & Ravines LLC approving the liquor license transfer request of Hazel & Ravines LLC that requested a Class C License transfer to be issued under MCL 436.1521 (A)(1)(B) & SDM License with Outdoor Service (1 Area) to be located at 34977 Woodward Avenue, Birmingham, Oakland County, MI 48009.
DATE: May 2, 2018

TO: Joseph A. Valentine, City Manager
Jana Ecker, Planning Director

FROM: Mark H. Clemence, Chief of Police

SUBJECT: Hazel & Ravines LLC request to transfer ownership of a Class C and SDM liquor licenses with Sunday sale (AM and PM) and an Outdoor Service Permit to be located at 34977 Woodward Avenue, Birmingham, Oakland County, Michigan, to be issued pursuant to MCL 436.1521(A)(1)(B).

The police department has received a request from Honigman, Miller, Schwartz, and Cohn LLP regarding an application from Hazel & Ravines LLC, to be located at 34977 Woodward Avenue, Birmingham, Oakland County, MI 48009, in regard to the listed subject. Hazel & Ravines LLC has paid the initial fee of $1,500.00 for a business that serves alcoholic beverages for consumption on the premises per section 7.33 of the Birmingham City Code.

Hazel & Ravines LLC will go before the Birmingham Planning Board for Final Site Plan Review and a SLUP to be located at 34977 Woodward Avenue in late June 2018. Hazel & Ravines will also be seeking a Bistro License under Chapter 10, Alcoholic Liquors, of the Birmingham City Code.

There will be two stockholders for Hazel & Ravines LLC. The stockholders are Beth Hussey and Emmele Herrold. Hussey will own 91% of Hazel & Ravines LLC, with Herrold owning the remaining 9%. Hussey has successfully operated the popular One-Eyed Betty restaurant in Ferndale, MI from 2/5/2012 to 10/1/2017. Hussey currently operates the Hub Stadium in Auburn Hills.

Hazel & Ravines proposes to install interior seating for 212 patrons, 26 of which will be at the bar. The outdoor dining area will be on private property and will seat 20 additional patrons adjacent to the building. This outdoor dining area provides for safe and efficient pedestrian flow. Hussey, the restaurateur, has over 20 years of experience in the hospitality industry. She was the operating manager in 3 full service dining restaurants. Lunch and dinner service is planned. Specialties include Yemenese Foul, Porcini and Short Rib, Peruvian Half Chicken, Oaxacan Shrimp, and Vegan Cauliflower Steak. They have applied for a Bistro License in order to serve fine wines and beers. The hours of operation will be Monday – Friday 11:00am to 12:00am, Saturday – Sunday 9:00am-12:00am.

The renovation of the establishment, furniture, fixtures and equipment amounted to $750,000 that was partially financed by a SBA loan from Huntington Bank, along with $200,000 provided from Hussey’s and Herrold’s personal accounts. There are sufficient funds in Hussey’s and Harrold’s bank accounts to pay for additional related business start-up costs. Hazel & Ravines...
signed a 5 year lease, with three additional 5 year options to renew. The initial lease cost is 7% of sales the first year, with a ¼ percent increase each year, capping at 8% of sales in year number 5.

A background check was conducted on both stockholders. Beth Hussey was checked using the Law Enforcement Information Network (LEIN), the Court’s Law Enforcement Management Information System (Clemis) and the Middle Atlantic-Great Lakes Organized Crime Law Enforcement Network (MAGLOCLEN). Hussey has never held a liquor license in the past and has no negative law enforcement contacts.

Emmele Herrold was also checked using the Law Enforcement Information Network (LEIN), the Court’s Law Enforcement Management Information System (Clemis) and the Middle Atlantic-Great Lakes Organized Crime Law Enforcement Network (MAGLOCLEN). Herrold has no past liquor license violations and no negative law enforcement contacts.

**SUGGESTED RESOLUTION:**

To authorize the Chief of Police to sign the MLCC Police Investigation Report (LC-1800) and to approve the liquor license transfer request of Hazel & Ravines LLC that requests a transfer of a Class C License to be issued under MCL 436.1521(A)(1)(B) and SDM License with Outdoor Service (1 Area) to be located at 34977 Woodward Avenue, Birmingham, Oakland County, MI 48009.

Furthermore, pursuant to Birmingham City Ordinance, to authorize the City Clerk to complete the Local Approval Notice at the request of Hazel & Ravines LLC approving the liquor license transfer request of Hazel & Ravines LLC that requested a Class C License transfer to be issued under MCL 436.1521 (A)(1)(B) & SDM License with Outdoor Service (1 Area) to be located at 34977 Woodward Avenue, Birmingham, Oakland County, MI 48009.
WHEREAS, Hazel Ravines Downtown filed an application pursuant to Article 7, section 7.34 of Chapter 126, Zoning, of the City Code to operate a food and drink establishment in the B4 zone district in accordance Article 2, Section 2.37 of Chapter 126, Zoning, of the City Code;

WHEREAS, The land for which the Special Land Use Permit is sought is located on the west side of Woodward Avenue;

WHEREAS, The land is zoned B-4, and is located within the Downtown Birmingham Overlay District, which permits the operation of food and drink establishments serving alcoholic beverages 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 applicant submitted an application for a Special Land Use Permit to open a new establishment serving alcoholic liquors and to make interior and exterior changes and add new signage to the former Stand restaurant space;

WHEREAS, The Planning Board reviewed the application on May 23rd, 2018 for a Special Land Use Permit and Final Site Plan Review and recommended approval to the Birmingham City Commission with the following conditions:

1. The applicant must remove the evergreen shrub letter sign, as it is in the public right-of-way;
2. The applicant must bring the signage into compliance in regards to size, and reduce the number of signs to one or obtain a variance from the Board of Zoning Appeals;
3. The applicant must correct the indoor/outdoor dining area plan to show 20 seats, or adjust the seating calculation to include a 22 seat patio;
4. The applicant must provide the location of all new lighting fixtures prior to City Commission approval; and
5. The applicant addresses the requests of all City Departments.
WHEREAS, The applicant has agreed to comply with the conditions of the Planning Board approval;

WHEREAS, The Birmingham City Commission has reviewed Hazel Ravines Downtown’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 Hazel Ravines Downtown’s application for a Special Land Use Permit and Final Site Plan at 34977 Woodward is hereby approved;

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

1. The applicant must remove the evergreen shrub letter sign, as it is in the public right-of-way;
2. The applicant must bring the signage into compliance in regards to size, and reduce the number of signs to one or obtain a variance from the Board of Zoning Appeals;
3. The applicant must correct the indoor/outdoor dining area plan to show 20 seats, or adjust the seating calculation to include a 22 seat patio;
4. The applicant must provide the location of all new lighting fixtures prior to City Commission approval;
5. The applicant addresses the requests of all City Departments;
6. Hazel Ravines Downtown shall abide by all provisions of the Birmingham City Code; and
7. The Special Land Use Permit may be canceled by the City Commission upon finding that the continued use is not in the public interest including, but not limited to, violations of the state law or Birmingham City Code.

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

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

MAY IT BE FURTHER RESOLVED that Hazel Ravines Downtown is recommended for the operation of a food and drink establishment serving alcoholic beverages on premises with a Class C Liquor License, at 34977 Woodward Avenue,
Birmingham, Michigan, 48009, above all others, pursuant to Chapter 10, Alcoholic Liquors, of the Birmingham City Code, subject to final inspection.

I, Cherilynn Mynsberge, 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 June 25, 2018.

________________________________________
Cherilynn Mynsberge, City Clerk
Special Land Use Permit Application – Economic Development License
Planning Division

1. Applicant
Name: BETH HUSSEY
Address: 2400, CHICKERING LANE
            BLOOMFIELD HILLS, MI 48304
Phone Number: 248-766-0024
Fax Number: 
Email Address: BETH.HUSSEY@GMAIL.COM

2. Applicant’s Attorney/Contact Person
Name: KEVIN BLAIR
Address: 622 N. WASHINGTON SQUARE
            LANSING, MI 48933
Phone Number: 517-377-0270
Fax Number: 517-434-8286
Email Address: KBLAIR@CHONIGMAN.COM

Property Owner
Name: CATALYST DEV/ PATI OWENS
Address: 100 W. MICHIGAN AVE SITE 300
            KALAMAICO, MI 49007
Phone Number: 269-490-6810
Fax Number: 269-490-6811
Email Address: POWENS@CATALYSTDEVCO.COM

Project Designer/Developer
Name: RON AND ROMAN, INC.
Address: 175 E. FRANK ST
            BIRMINGHAM, MI 48009
Phone Number: 248-723-6790
Fax Number: 
Email Address: RON@RONANDROMAN.COM

3. Required Attachments
• Warranty Deed with legal description of property
• Certified Land Survey
• Signed Contract
• Catalog sheets for all proposed lighting & outdoor furniture
• Photographs of existing site and buildings
• Samples and/or specification sheets of all materials to be used.
• Landscape Plan showing all existing and proposed elements

4. Project Information
Address/Location of Property:
34177 WOODWARD AVE
            BIRMINGHAM, MI 48009
Name of Proposed Restaurant: HAYLEI RAVINES
Sidewalk #: 08-19-36-26-001
Current Use: RESTAURANT
Proposed Use: RESTAURANT
Area in Acres: N/A
Current Zoning: R-4.D (over 0.40 acre)
Zoning of Adjacent Property: B-1, B-2
Is there a current SLUP in effect for this site?: YES


5. Details of the Nature of Work Proposed (Site plan & design elements)

SEE ATTACHMENT
6. Buildings and Structures existing on site

Number of Buildings on site: 1
Height of Building & # of stories: EXIST.
Use of Buildings: MIXED USE READ/OFF/RESTAUR
Height of rooftop mechanical equipment: EXIST.

7. Floor Use and Area (in square feet)

<table>
<thead>
<tr>
<th>Structures:</th>
<th>Restaurant Space: 1ST FLO 8,286/BSMT</th>
<th>Office space: N.A.</th>
<th>Retail space: N.A.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bar Area?</td>
<td>NO</td>
<td>N.A.</td>
<td></td>
</tr>
<tr>
<td>Number of Residential Units: N.A.</td>
<td>Number of Rental Condominium: N.A.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

8. Proposed Restaurant Operation

<table>
<thead>
<tr>
<th>Number of Indoor Seats: 212</th>
<th>Number of Outdoor Seats: 20</th>
<th>Type of Cuisine: ECLECTIC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Entertainment Proposed: N.A.</td>
<td>N.A.</td>
<td>Bar Area? YES</td>
</tr>
</tbody>
</table>
| Years of Experience in Birmingham: N.A. | Full Service Kitchen? YES | N.A. |%
| Previous LCC Complaints? N.A. | Percentage of glazing proposed: N.A. | Proposed front setback: N.A. |
| Tables provided along street façade: N.A. | Proposed rear setback: N.A. | Proposed total side setback: N.A. |
| Required front setback: N.A. |                |                        |
| Required rear setback: N.A. |                |                        |
| Required total side setback: N.A. |                |                        |

9. Outdoor Dining Facility

<table>
<thead>
<tr>
<th>Location (sidewalk right-of-way or on-street parking space): NEITHER - CONVERTING EXIST VESTIBULE INTO NEW INDOOR/OUTDOOR PATIO.</th>
<th>Number of tables/chairs: 20 CHAIRS/10 TABLES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hours of operation:</td>
<td>Material of tables/chairs: METAL</td>
</tr>
<tr>
<td>Width of unobstructed sidewalk between door and café (5' required):</td>
<td>Table umbrellas height and material: N.A.</td>
</tr>
<tr>
<td>Platform proposed:                                                                         PRIVATE PROPERTY</td>
<td></td>
</tr>
<tr>
<td>Trash receptacles:                                                                            YES</td>
<td></td>
</tr>
</tbody>
</table>

10. Required and Proposed Parking

<table>
<thead>
<tr>
<th>Number of parking spaces: N.A. - CBD PARKING</th>
<th>Location of parking spaces: N.A.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location off site parking: N.A.</td>
<td>Shared Parking Agreement?: N.A.</td>
</tr>
<tr>
<td>Screenwall material: N.A.</td>
<td>Height of screenwall: N.A.</td>
</tr>
</tbody>
</table>

11. Landscaping

| Location of landscape areas: 0 NORTH EAST CORNER OF PROPERTY & 2 (2) NEW PLANTERS OUTSIDE OF BLDG ENTRY / WHICH IS ALSO PART OF THE NEW INDOOR/OUTDOOR PATIO | Proposed landscape material: |

12. Streetscape

<table>
<thead>
<tr>
<th>Sidewalk width:</th>
<th>Number of benches:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of planters:</td>
<td>Number of existing street trees:</td>
</tr>
<tr>
<td>Number of proposed street trees:</td>
<td>N.A.</td>
</tr>
<tr>
<td>Streetscape Plan submitted?: N.A.</td>
<td>Description of benches or planters:</td>
</tr>
<tr>
<td>Species of existing street trees:</td>
<td>Species of proposed street trees:</td>
</tr>
</tbody>
</table>


13. Loading

Required number of loading spaces: **EXISTING - N.A.**
Location of loading spaces on the site: **ADJACENT TO BLDG.**
Proposed number of loading spaces: **EXISTING - 1**

14. Mechanical Equipment

**Ground Mounted Mechanical Equipment:**
Number of ground mounted units: **N.A.**
Size of ground mounted units (LxWxH): **N.A.**
Screenwall material: **N.A.**
Location of all ground mounted units: **N.A.**
Height of screenwall: **N.A.**

**Rooftop Mechanical Equipment:**
Number of rooftop units: **EXISTING - N.A.**
Type of rooftop units: **N.A.**
Screenwall material: **N.A.**
Location of screenwalls: **N.A.**
Location of all ground mounted units: **N.A.**
Size of rooftop units (LxWxH): **N.A.**
Height of screenwall: **N.A.**
Percentage of rooftop covered by mechanical units: **N.A.**
Distance from units to rooftop units to screenwall: **N.A.**

15. Lighting

Number of light standards on building: **EXISTING**
Size of light fixtures (LxWxH): **N.A.**
Maximum wattage per fixture: **N.A.**
Parking lot lighting: **N.A.**

Type of light standards on building: **N.A.**
Height from grade: **N.A.**
Proposed wattage per fixture: **N.A.**

The undersigned states the above information is true and correct, and understands that it is the responsibility of the applicant to advise the Planning Division and / or Building Division of any additional changes made to an approved site plan or Special Land Use Permit. The undersigned further states that they have reviewed the procedures and guidelines for site plan review and Special Land Use Permits in Birmingham and have complied with same. The undersigned will be in attendance at the Planning Board meeting when this application will be discussed.

Signature of Owner: 
Date: 

Print Name: 
Date: 4/13/18

Signature of Applicant: 
Date: 4/13/18

Print Name: 
Date: 4/13/18

Signature of Architect: 
Date: 4/13/18

Print Name: 

Office Use Only

Application #: 
Date Received: 
Fee: 

Date of Approval: 
Date of Denial: 
Accepted by: 

Notice Signs - Rental Application
Community Development

1. **Applicant**
   - **Name:** Beth Hunter
   - **Address:** 3477 Woodward Ave.
   - **Phone Number:** 248-765-8277

2. **Property Owner**
   - **Name:** Catalyst Development / Park Owners
   - **Address:** 100 W. Michigan Ave. Site 500
   - **Phone Number:** 269-492-6810

3. **Project Information**
   - **Address/Location of Property:** 3477 Woodward Ave.
   - **Name of Development:** Hazel Ravines & Downtown
   - **Area in Acres:**
   - **Name of Historic District site is in, if any:** N.A.
   - **Current Use:** A-2
   - **Current Zoning:** B-4, B-4 overlay

3. **Date of Board Review**
   - **Board of Building Trades Appeals:**
   - **City Commission:**
   - **Historic District Commission:**
   - **Planning Board:**
   - **Board of Zoning Appeals:**
   - **Design Review Board:**
   - **Housing Board of Appeals:**

The undersigned states the above information is true and correct, and understands that it is the responsibility of the applicant to post the Notice Sign(s) at least 15 days prior to the date on which the project will be reviewed by the appropriate board or commission, and to ensure that the Notice Sign(s) remains posted during the entire 15 day mandatory posting period. The undersigned further agrees to pay a rental fee and security deposit for the Notice Sign(s), and to remove all such signs on the day immediately following the date of the hearing at which the project was reviewed. The security deposit will be refunded when the Notice Sign(s) are returned undamaged to the Community Development Department. Failure to return the Notice Sign(s) and/or damage to the Notice Sign(s) will result in forfeiture of the security deposit.

**Signature of Applicant:** ___________________________  **Date:** 4/13/18

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**Office Use Only**

<table>
<thead>
<tr>
<th>Application #:</th>
<th>Date Received:</th>
<th>Fee:</th>
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<th>Date of Approval:</th>
<th>Date of Denial:</th>
<th>Reviewed by:</th>
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HAZEL · RAVINES & DOWNTOWN
CASUAL FINE DINING

NEW CANVAS COLOR
SUNBRELLA FOREST GREEN

EXISTING MANKATO STONE
ON BUILDING

LOGO COLOR
PANTONE 396C

EXISTING BRONZE
ALUMINUM WINDOW SASH

PAINTED METAL
TRELLIS COLOR
MARKET PATIO TABLE & CHAIR
FERMOB METAL FOLDING BISTRO COLLECTION IN “POPPY”

HONEY OAK STILE & RAIL ENTRY & WOOD WALL TRIM

ILLUMINATED WALL PANELS

CERAMIC MOSAIC 1” HEX FLOOR TILE AT ENTRY,
CINNABAR, CRISP LINEN, LUMINARY GOLD

BRONZE PLATE
Butterbur plants in existing planting bed

Clambering hydrangea on trellises

Skyrocket juniper in terra cotta pot

Pruned evergreen shrub letters in corten framed angled planting bed

Iron oxide steel primer color on ornamental railing
**FLF15 / FLF30 / FLF50**

**Flood lights**

This series has a thin, smart and stylish shape with excellent cooling and high lumen efficacy of 115-120 lm/w. With various mounting options, this series is a great choice for anyone needing large amounts of light at a energy saving cost.

**Features**

- Corrosion-Resistant Coating Finish
- Imported high-dense aluminum alloy housing
- High transparency and weather resistant lens
- Color options: Bronze, Black, White, Gray

**Applications**

- Architecture
- Sports grounds
- Billboards
- High Ways
- Tunnels, Bridges

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**Specifications**

<table>
<thead>
<tr>
<th>Feature</th>
<th>FLF15</th>
<th>FLF30</th>
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<tr>
<td><strong>Model:</strong></td>
<td>FLF15</td>
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<td><strong>Lumen Efficacy:</strong></td>
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<td><strong>Lumen Output:</strong></td>
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<td>15W</td>
<td>30W</td>
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<td><strong>Dimmable:</strong></td>
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| **Dimensions:**      | Yoke: 4.66 in x 4.25 in x 1.5 in  
Knuckle: 6.89 in x 4.76 in x 3.07 in | Yoke: 6.6 in x 6.75 in x 1.6 in  
Knuckle: 4.72 in x 3.27 in x 2.60 in | Yoke: 7.8 in x 8.5 in x 1.8 in  
Knuckle: 8.62 in x 5.94 in x 3.54 in |
| **Rating:**          | IP65        | IP65        | IP65        |
| **Warranty:**        | 5 Year      | 5 Year      | 5 Year      |
| **Mounting Option:** | YK(Yoke)/KN (Knuckle) | YK(Yoke)/KN (Knuckle) | YK(Yoke)/KN (Knuckle) |
Halogen: FL-103B-MR8-20
LED: FL-103B-LED-T3-4

Halogen
Model#: FL-103B-MR8-20
Size: 1 3/8”W X 4”L
Material: Solid Brass
Finish: Natural Bronze
Mounting: ½” NPT stake included
Lens: Clear Tempered
Electrical: 12V AC
Lamp: 20W MR8
Light Spread: Up to 10 ft. x 30 degree
Lumens: 800 avg.
Lamp Life: 2,000 hours avg.

LED
Model#: FL-103B-LED-T3-4
Size: 1 3/8”W X 4”L
Material: Solid Brass
Finish: Natural Bronze
Mounting: ½” NPT stake included
Lens: Clear Tempered
Electrical: 9v – 15v AC
Lamp: 4W T3
Kelvin: 3000k, Warm White
Compare to: 20w MR8
Light Spread: Up to 10 ft. x 30 degree
Lumens: 320 avg.
Lamp Life: 30,000 hours avg.

Tiparillo Accent Liter

Key Features:
Solid brass material with natural finish.
Tempered lens.
High temperature socket and O ring.
Adjustable glare shield and light source allows for varying beam control.
Heavy construction (tool-less).
INFINILINE® X 120V LED Strip Light

SPECIFICATION SHEET

INFINILINE® X

<table>
<thead>
<tr>
<th>Lumens¹</th>
<th>Max. Run²</th>
<th>Custom Produced</th>
<th>LED Chips</th>
<th>Color Temperature</th>
<th>CRI</th>
<th>Dimmable</th>
<th>Field Cuttable</th>
<th>Dimensions</th>
<th>Environment</th>
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<td>200 feet</td>
<td>4 in. Increments</td>
<td>36/foot</td>
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Voltage/Wattage: 120V / 4.57W/ft.

Voltage/Wattage: 120V / 4.57W/ft.

ADDITIONAL ACCESSORIES

Accessories listed below fully support our Tape Light product line. Further information on these products and more accessories can be found in our latest catalog or online at www.DiodeLED.com.

SKU | DESCRIPTION
--- | --------------------------------------------------------------------------------------------------
DI-INF-MTCL-5 | MOUNTING CLIP (5 PACK)
Small clip used to secure INFINILINE® X LED Strip Light. Includes 5 clips and 5 screws.

DI-INF-MTCH | MOUNTING CHANNEL
Cuttable channel used to secure INFINILINE® X LED Strip Light.

Visit the product page at www.DiodeLED.com for installation guides, .IES files, voltage drop charts, and LM-79 reports.

SKU Builder

DI - 120V - INFX - CSTM³ (length)

Voltage | Model | Color Temp | Length
-------|-------|-----------|-------
120V | INFX | CSTM³ | (length)
27 | 40 | 20 feet custom cut
30 | 45 |
35 | 60 |

Example: DI-120V-INFX42-CSTM-20’ = Diode, 120 Volt, INFINILINE®, 4,200° CCT, 20 feet custom cut.
EXECUTIVE SUMMARY

The subject site is located at 34977 Woodward on the west side of Woodward, on the southwest corner of Woodward and Maple. The parcel is zoned B-4, Business-Residential and D-4 in the Downtown Overlay District.

The applicant is proposing to make several design changes to the exterior of the building including replacing awnings, adding planters/landscaping, and reworking the vestibule. The proposed new restaurant, Hazel Ravines Downtown, will replace the former restaurant, The Stand.

Chapter 10 of the Birmingham City Code requires that the applicant obtain a Special Land Use Permit Amendment and approval from the City Commission to make changes to an establishment with an Economic Development License within the City of Birmingham. Accordingly, the applicant will be required to obtain a recommendation from the Planning Board on the Final Site Plan and Design Review and Special Land Use Permit, and then obtain approval from the City Commission for the Final Site Plan and Design Review, and Special Land Use Permit.

1.0 Land Use and Zoning

1.1 Existing Land Use - The site is currently used as a mixed-use commercial building (Greenleaf Trust) with 4th and 5th floor residential units. The tenant space changes applied for are located in the first floor restaurant space.

1.2 Existing Zoning - The property is currently zoned B-4, Business-Residential, and D-4 in the Downtown Overlay District. The existing use and surrounding uses appear to conform to the permitted uses of each Zoning District.

1.3 Summary of Land Use and Zoning - The following chart summarizes existing land use and zoning adjacent to and/or in the vicinity of the subject site.
2.0 Screening and Landscaping

2.1 Screening – No changes are proposed at this time.

2.2 Landscaping – The applicant is proposing no removals of existing landscaping. Rather, the applicant is proposing to add several landscape elements including:

- Three new raised angled planting beds with pruned evergreen shrubs formed to read “HRD” on the east road berm, facing Woodward in the MDOT right-of-way.
- Two new planters along the Woodward streetscape placed in between rearranged existing benches. Planters to be filled with Skyrocket Juniper in terracotta pots.
- Replacing shrubs in the corner garden with Butterbur plants as well as adding painted metal trellises with Climbing Hydrangea approximately 9 ft. in height.
- Two new planter boxes along the building western façade, adjacent to the proposed reworked entrance to the indoor/outdoor patio. Planter boxes are to be filled with Climbing Hydrangea on painted metal trellises approximately 9 ft. in height.

The applicant complies with Article 4, Section 4.20 (Landscaping) of the Zoning Ordinance.

3.0 Parking, Loading, Access, and Circulation

3.1 Parking – The subject site is located within the Parking Assessment District, thus the applicant is not required to provide on-site parking for the restaurant use.

3.2 Loading – No changes are proposed at this time.
3.3 Vehicular Access & Circulation - Vehicular access to the building will not be altered.

3.4 Pedestrian Access & Circulation - The western entry is proposed to be reworked, thus all pedestrian access to the new restaurant will be on Peabody. Pedestrian access to the office uses above will remain on Maple.

3.5 Streetscape - The applicant is proposing to rearrange four existing benches along the eastern (Woodward) streetscape to make room for two planters in between them. The applicant is also proposing the aforementioned planters in the Woodward right-of-way with bushes spelling the letters “H R D.” No other changes are proposed to the streetscape; however, the Planning Board may wish to require the addition of bike racks or waste receptacles where they see fit.

The applicant is also proposing to add a new concrete walk from the existing sidewalk to the existing bus stop area located at the southeast corner of the property. This addition will support the intent of Birmingham’s Multi-Modal Transportation Plan in that the concrete pad will upgrade the physical environment of the transit facility creating a safer and more comfortable environment for transit users and pedestrians, as well as make it more handicap accessible. The Planning Board may also wish to require the applicant to add a bench or bike rack to this location.

4.0 Lighting

The applicant is proposing to remove (8) of the existing decorative sconces where the new trellises are proposed. Also, the applicant is proposing the addition of two new exterior floodlights at each bay around the architectural features on the east and north elevations. The applicant has submitted specification sheets for two separate styles of light fixtures. The proposed flood light fixtures are bronze in color, have a 1,725 lumen output, and measure roughly 5 x 4 x 2 inches in dimension. The second light fixture for which specification sheets were supplied, have a natural brass finish, can be halogen (800 lumen) or LED (320 lumen), and are roughly 2 x 4 inches in dimension.

The new lights are proposed to be installed on the ground and directed upwards to illuminate the architectural bays on the building. The landscape lights would also be installed on the ground at each of the trellis locations, directed upwards onto the trellis plantings. The Planning Board may wish to approve the lighting if they see fit.

Article 4, Section 4.21 of the Zoning Ordinance requires all light fixtures to be full cutoff or cutoff, as defined in Section 9.02, and positioned in a manner that does not unreasonably invade abutting or adjacent properties. Exception to cutoff luminaries can be made at the discretion of the Planning Board, Historic District Commission, or Design Review Board under any of the following conditions:

a. The distribution of upward light is controlled by means of refractors or shielding to the effect that it be used solely for the purpose of decorative enhancement of
the luminaire itself and does not expel undue ambient light into the nighttime environment.

b. The luminaire is neither obtrusive nor distracting, nor will it create a traffic hazard or otherwise adversely impact public safety, with appropriate methods used to eliminate undesirable glare and/or reflections.

c. The luminaire is consistent with the intent of the Master Plan, Urban Design Plan(s), Triangle district plan, Rail District plan and/or Downtown Birmingham 2016 Report, as applicable.

d. The scale, color, design or material of the luminaire will enhance the site on which it is located, as well as be compatible with the surrounding buildings or neighborhood.

e. Lighting designed for architectural enhancement of building features (i.e. architectural enhancement lighting). Appropriate methods shall be used to minimize reflection and glare.

f. The site lighting meets all requirements set forth in this ordinance including, but not limited to, light trespass and nuisance violations.

5.0 Departmental Reports

5.1 Engineering Division - The Engineering Department has provided the following comments.

- The existing sidewalk on the west side of the building is already minimal. Installing planter boxes that take this below the minimum five feet is inappropriate.

5.2 Department of Public Services - No comments have been received at the time of this time.

5.3 Fire Department - The Fire Department has given the following comments:

The fire department has no concerns with the concept of this proposed project. But, looking at the supplied plans, they appear to be also remodeling areas inside this existing restaurant, along with the vestibule, and the dining patio. Floor plans, fire suppression plans, and fire alarm plans will need to be submitted for reviews.

Also note, the occupant load schedule lists seating at 20 for the Market Patio, but the plan depicts seating for 22 people.

5.4 Police Department - The Police Department has no concerns at this time.

5.5 Building Division - No comments had been received at the time of this report.

6.0 Design Review
The applicant is proposing the following changes to the first floor restaurant space:

1. Replace 6 existing aluminum awnings with new fabric awnings (Sunbrella “Forest Green”) on painted metal frames.
2. Rework landscaping in corner landscape beds with new proposed ground mounted sculptural signage letters (Pantone “396 C”) and new groundcover with landscaping lighting, as well as a new painted metal fence (Iron Oxide Steel Primer) behind the existing curb. Trellises will also be installed on the façade to support climbing hydrangeas.
3. Remove the existing metal canopy over the west entrance and remove the glass storefront entry wall to convert the entry vestibule into an indoor/outdoor seating patio. The canopy will be replaced with a new fabric awning (Sunbrella “Forest Green”) on a painted metal frame with new signage above. The new patio will have illuminated wall panels and new tile flooring (Ceramic Mosaic Hex Tile “Cinnabar, Crisp Linen, Luminary Gold”).

The applicant has submitted details and samples on the proposed design materials and colors.

The proposed fabric awnings will be colored Forest Green (by Sunbrella). The valences will contain signage colored Pantone 396 C (a flat yellow). Signage details are provided in the next section.

SIGNAGE

The applicant is proposing signage along the replaced canopies at the northeast corner of the building, as well as over the new entry canopy on the west entrance. The proposed signs for the project are indicated at nine (9) different locations. Seven of the new canopies have signage proposed, the large weathervane sculpture is considered a sign, and the hedges proposed to spell the initials of the restaurant would be considered a sign under the definition of a sign in the Sign Ordinance.

Article 01 section 1.10 B(4)(d) states the following: Each business whose principle square footage is on the first story, may have one sign per entry. The proposal does not meet these requirements. The applicant is located on the first floor however they only have one entrance which permits only one sign. Article 01 section 1.10 B(4) states the following; A single external sign band or zone may be applied to the facade of a building between the first and second floors, provided that it shall be a maximum of 1.5 feet in vertical dimension by any horizontal dimension. Woodward Avenue Address: The external sign band or zone shall be a maximum of 2 feet in vertical dimension by any horizontal dimension. The proposal meets this requirement.

The proposed canopy signs at the northeast corner involve 6 canopies with one word per canopy. The signs read “Hunter Ravines & Downtown” in the aforementioned Pantone 396 C flat yellow color. The total signage dimensions for the each set of signage (one on Woodward frontage and one on Maple frontage) is 7 ft. 1 in. wide by 5 ½ in. tall, which equals around 3.22 sq. ft. per sign. There are six total signs, which equal 19.32 sq. ft. of signage total.

The signage located at the west entrance along Peabody St. is located on a canopy over the reworked entrance to the indoor/outdoor dining area. The signage measures 10 ft. 1 in. wide by 1 ft. 2 in. tall. The west entrance canopy signage is proposed to be lit by an LED strip located
at the bottom of the fascia. **The applicant will need to submit the specifications on the LED stripping before City Commission approval.**

The landscaping beds located in the road berm along Woodward containing pruned evergreen shrub letters H, R, and D must also be considered a sign based on the definition of “Sign” given in Article 3, Section 3.02 of the Sign Ordinance. Article 1, Section 1.03 (G) further states that no sign shall be erected or placed in the public right of way. The road berm located in front of the proposed restaurant is considered a public right of way, thus no signage is allowed.

Finally, the applicant is proposing a sculptural metal weathervane in the landscaping bed at the northeast corner of the building. The turning element of the weathervane contains the letters H, R and D, and an arrow is proposed to read “Entrance on Peabody.” Although no dimensions are given, the weathervane appears to rise over 8 ft. in height, which is greater than the maximum height allowed for a ground sign. The weathervane appears to be a pole sign and would fall under the prohibited sign types outlined in Article 1, Section 1.03 (E) of the Sign Ordinance.

**The applicant must remove the evergreen shrub letter sign, as it is in the public rights of way, remove the weathervane pole sign (or submit specifications showing dimensions equaling no greater than 30 sq. ft. per side and a maximum of 8 ft. tall), and reduce the number of signs to one or obtain a variance from the Board of Zoning Appeals.**

### 7.0 Downtown Birmingham 2016 Overlay District

The site is located within the D-4 zone of the DB 2016 Regulating Plan, within the Downtown Birmingham Overlay District. The D-4 zone encourages mixed use, five story buildings such as this. Restaurant use on the first floor is permitted under the definition of retail contained in Article 9, section 9.02, Definitions, in the Zoning Ordinance.

### 8.0 Approval Criteria for Final Site Plan

In accordance with Article 7, section 7.27 of the Zoning Ordinance, the proposed plans for development must meet the following conditions:

(1) The location, size and height of the building, walls and fences shall be such that there is adequate landscaped open space so as to provide light, air and access to the persons occupying the structure.

(2) The location, size and height of the building, walls and fences shall be such that there will be no interference with adequate light, air and access to adjacent lands and buildings.

(3) The location, size and height of the building, walls and fences shall be such that they will not hinder the reasonable development of adjoining property not diminish the value thereof.
(4) The site plan, and its relation to streets, driveways and sidewalks, shall be such as to not interfere with or be hazardous to vehicular and pedestrian traffic.

(5) The proposed development will be compatible with other uses and buildings in the neighborhood and will not be contrary to the spirit and purpose of this chapter.

(6) The location, shape and size of required landscaped open space is such as to provide adequate open space for the benefit of the inhabitants of the building and the surrounding neighborhood.

9.0 Approval Criteria for Special Land Use Permits

Article 07, section 7.34 of the Zoning Ordinance specifies the procedures and approval criteria for Special Land Use Permits. Use approval, site plan approval, and design review are the responsibilities of the City Commission. This section reads, in part:

Prior to its consideration of a special land use application (SLUP) for an initial permit or an amendment to a permit, the City Commission shall refer the site plan and the design to the Planning Board for its review and recommendation. After receiving the recommendation, the City Commission shall review the site plan and design of the buildings and uses proposed for the site described in the application of amendment.

The City Commission’s approval of any special land use application or amendment pursuant to this section shall constitute approval of the site plan and design.

10.0 Suggested Action

Based on a review of the site plans submitted, the Planning Division recommends that the Planning Board recommend APPROVAL of the Special Land Use Permit, Final Site Plan & Design Review for 34977 Woodward – Hazel Ravines Downtown – with the following conditions:

1. The applicant must remove the evergreen shrub letter sign, as it is in the public rights of way, bring the signage into compliance in regards to size, and reduce the number of signs to one or obtain a variance from the Board of Zoning Appeals;
2. The applicant correct the indoor/outdoor dining area plan to show 20 seats, or adjust the seating calculation to include a 22 seat patio;
3. The applicant provide the location of all new lighting fixtures prior to City Commission approval; and
4. The applicant address the requests of all City departments.

11.0 Sample Motion Language

Based on a review of the site plans submitted, the Planning Division recommends that the Planning Board recommend APPROVAL of the Special Land Use Permit, Final Site Plan & Design Review for 34977 Woodward – Hazel Ravines Downtown – with the following conditions:
Plan & Design Review for 34977 Woodward – Hazel Ravines Downtown – with the following conditions:

1. The applicant must remove the evergreen shrub letter sign, as it is in the public rights of way, bring the signage into compliance in regards to size, and reduce the number of signs to one or obtain a variance from the Board of Zoning Appeals;
2. The applicant must correct the indoor/outdoor dining area plan to show 20 seats, or adjust the seating calculation to include a 22 seat patio;
3. The applicant must provide the location of all new lighting fixtures prior to City Commission approval; and
4. The applicant address the requests of all City departments.

OR

Motion to recommend **DENIAL** of the Special Land Use Permit, Final Site Plan & Design Review for 34977 Woodward – Hazel Ravines Downtown – for the following reasons:

1. 
2. 
3. 

OR

Motion to recommend **POSTPONEMENT** of the Special Land Use Permit, Final Site Plan & Design Review for 34977 Woodward – Hazel Ravines Downtown – with the following conditions:

1. 
2. 
3. 
Zoning Compliance Summary Sheet  
CIS and Preliminary Site Plan Review  
34977 Woodward - Hazel Ravines & Downtown

**Existing Site:** 5-story mixed use building (Greenleaf Trust)

- **Zoning:** B-4 (Business-Residential), D-4 (Downtown Overlay)
- **Land Use:** Commercial, Office, Residential

**Existing Land Use and Zoning of Adjacent Properties:**

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<th>South</th>
<th>East</th>
<th>West</th>
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<td>Vacant</td>
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<td>Commercial</td>
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<td>B-4, Business Residential</td>
<td>B-2 (General Business)</td>
<td>B-4, Business Residential</td>
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<td>D-4 (Downtown Overlay)</td>
<td>D-4 (Downtown Overlay)</td>
<td>MU-7, (Triangle District Overlay)</td>
<td>D-4 (Downtown Overlay)</td>
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**Land Area:**
- **Existing:** 8,295 sq. ft.
- **Proposed:** 8,295 sq. ft. (no changes proposed)

**Dwelling Units:**
- **Existing:** N/A
- **Proposed:** N/A

**Minimum Lot Area/Unit:**
- **Required:** N/A
- **Proposed:** N/A

**Min. Floor Area / Unit:**
- **Required:**
  - 600 sq. ft. (one bedroom)
  - 800 sq. ft. (two bedroom)
  - 1,000 sq. ft. (three or more bedroom)
- **Proposed:** N/A

**Max. Total Floor Area:**
- **Required:** 100% for commercial/office uses
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<td>Max. Lot Coverage:</td>
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<td>32 in. capped masonry wall</td>
<td>Fully screened by building (no changes proposed)</td>
<td></td>
</tr>
<tr>
<td>Loading:</td>
<td>6 ft. capped masonry screenwall</td>
<td>Loading space is on-street (no changes proposed)</td>
<td></td>
</tr>
<tr>
<td>Rooftop Mechanical:</td>
<td></td>
<td></td>
<td>Fully screened from public view</td>
</tr>
<tr>
<td>Item</td>
<td>Required</td>
<td>Proposed</td>
<td></td>
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<td>----------------------</td>
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<td></td>
</tr>
<tr>
<td><strong>Elect. Transformer</strong></td>
<td>N/A</td>
<td>Fully screened from public view (no changes proposed)</td>
<td></td>
</tr>
<tr>
<td><strong>Dumpster</strong></td>
<td>6 ft. masonry screenwall with wood gates</td>
<td>Fully screened by building (no changes proposed)</td>
<td></td>
</tr>
</tbody>
</table>
5. REMOVE (6) EXISTING ALUMINUM AWNING COMPONENTS AT NORTH EAST CORNER, REMOVE EXISTING "THE STAND" SIGNAGE FROM SIGN BAND AND INSTALL (6) NEW FABRIC AWNINGS ON PAINTED METAL FRAMES.

REWORK LANDSCAPING IN CORNER LANDSCAPE BEDS WITH NEW PROPOSED GROUND MOUNTED SCULPTURAL SIGNAGE LETTERS AND NEW (RIVERROCK OR KYOTO STONE) GROUNDCOVER, AND NEW LANDSCAPE LIGHTING.

REMOVE (1) EXISTING METAL CANOPY AND "THE STAND" SIGNAGE FROM OVER EXISTING ENTRY AT WEST SIDE OF BUILDING; REMOVE ALUMINUM SASH AND GLASS STOREFRONT ENTRY WALL, CONVERT ENTRY VESTIBULE INTO INDOOR/OUTDOOR PATIO AREA WITH NEW FABRIC AWNING ON PAINTED METAL FRAME AND NEW SIGNAGE ABOVE NEW AWNING. REWORK OF VESTIBULE INCLUDES INSTALLATION OF NEW ALUMINUM AND GLASS STOREFRONT AT EAST END AS NEW ENTRY TO RESTAURANT, AND INSTALLATION OF ILLUMINATED WALL PANELS ON NORTH AND SOUTH WALLS. WESTERN ENTRY AREA TO HAVE (2) NEW EXTERIOR PLANTERS WITH _______LANDSCAPING.
TRANSMITTAL

Date: 5/1/2018

To: Jana Ecker/Nicholas Dupuis
Planning Department
City of Birmingham

From: Nicole Adler
Ron and Roman, Inc.

Re: Hazel, Ravines & Downtown
SLUP
34977 Woodward Ave.

Encl: (2) copies – plans, elevations, renderings, materials & cut sheets
SPECIAL LAND USE PERMIT ("SLUP")
FINAL SITE PLAN AND DESIGN REVIEW

2. 34977 Woodward Ave., Hazel Ravines & Downtown (formerly The Stand) - Application for SLUP and Final Site Plan and Design Review to open a new restaurant serving alcoholic liquors, with exterior design changes and new signage proposed.

Mr. Baka noted the subject site is located at 34977 Woodward Ave. on the southwest corner of Woodward Ave. and Maple Rd. The parcel is zoned B-4, Business-Residential and D-4 in the Downtown Overlay District. The applicant is proposing to make several design changes to the building including replacing awnings, adding planters/landscaping, and reworking the vestibule. They are proposing to enlarge the bar and add three new banquet rooms to the dining area. There will be table tops along the windows on the north façade.

The proposed new restaurant, Hazel Ravines & Downtown, will replace the existing restaurant, The Stand. Chapter 10 of the Birmingham City Code requires that the applicant obtain a SLUP Amendment and approval from the City Commission to make changes to an establishment with an Economic Development Liquor License within the City of Birmingham. An Economic Development License does not restrict size nor does it require outdoor dining. Accordingly, the applicant will be required to obtain a recommendation from the Planning Board on the Final Site Plan and Design Review and SLUP, and then obtain approval from the City Commission for the Final Site Plan and Design Review, and SLUP.

Design Review

The applicant is proposing the following changes to the first floor restaurant space:

1. Replace six existing aluminum awnings with new fabric awnings (Sunbrella “Forest Green”) on painted metal frames.
2. Rework landscaping in corner landscape beds with new proposed ground mounted sculptural signage letters (Pantone “396 C”) and new groundcover with landscaping lighting in the M-DOT right-of-way, as well as a new painted metal fence (Iron Oxide Steel Primer) behind the existing curb. Trellises will also be installed on the façade to support climbing Hydrangeas.
3. Remove the existing metal canopy over the west entrance and remove the glass storefront entry wall to convert the entry vestibule into an indoor/outdoor seating patio. The canopy will be replaced with a new fabric awning (Sunbrella “Forest Green”) on a painted metal frame with new signage above. The new patio will have illuminated wall panels and new tile flooring (Ceramic Mosaic Hex Tile “Cinnabar, Crisp Linen, Luminary Gold”).

The applicant has submitted details and samples on the proposed design materials and colors.

Signage
Mr. Baka advised that the applicant is proposing signage along the replaced canopies at the northeast corner of the building, as well as over the new entry canopy on the west entrance.

The proposed signs for the project are indicated at nine different locations. Seven of the new canopies have signage proposed, the large weathervane sculpture is considered a sign, and the hedges proposed to spell the initials of the restaurant would be considered a sign under the definition of a sign in the Sign Ordinance.

Article 01 section 1.10 B (4) (d) states the following: Each business whose principal square footage is on the first story may have one sign per entry. The proposal does not meet these requirements. The applicant is located on the first floor; however they only have one entrance which permits only one sign.

Article 01 section 1.10 B (4) states the following: A single external sign band or zone may be applied to the facade of a building between the first and second floors, provided that it shall be a maximum of 1.5 ft. in vertical dimension by any horizontal dimension. Woodward Avenue Address: The external sign band or zone shall be a maximum of 2 ft. in vertical dimension by any horizontal dimension. The proposal meets this requirement.

The proposed canopy signs at the northeast corner involve six canopies with one word per canopy. The signs read “Hunter Ravines & Downtown” in the aforementioned Pantone 396 C flat yellow color. The total signage dimensions for the each set of signage (one on Woodward Ave. frontage and one on Maple Rd. frontage) is 7 ft. 1 in. wide by 5 ½ in. tall. There are six total signs, which equal 19.32 sq. ft. of signage total. The signage located at the west entrance along Peabody St. is located on a canopy over the reworked entrance to the indoor/outdoor dining area. The signage measures 10 ft. 1 in. wide by 1 ft. 2 in. tall. The west entrance canopy signage is proposed to be lit by an LED strip located at the bottom of the fascia.

The landscaping beds located in the road berm along Woodward Ave. containing pruned evergreen shrub letters H, R, and D must also be considered a sign based on the definition of “Sign” given in Article 3, section 3.02 of the Sign Ordinance. The applicant must remove the evergreen shrub letter sign, as it is in the public right-of-way, remove the weathervane pole sign (or submit specifications showing dimensions equaling no greater than 30 sq. ft. per side and a maximum of 8 ft. tall), and reduce the number of signs to one or obtain a variance from the Board of Zoning Appeals (“BZA”).

Mr. Koseck received confirmation that the evergreen letter sign that is located in the M-DOT right-of-way would be subject to Birmingham’s landscape standards, but would have to be approved by M-DOT.

Mr. Roman Bonislawski, Ron and Roman Architects, explained they are not proposing to serve outside in the patio area. However, people are welcome to purchase food at the Grab and Go Market to be consumed there. The mosaic tiles and illuminated walls invite people into this casual spot. It is a public space for anyone to use. Inside they are eliminating one banquet room, keeping one and then creating a new banquet set-up for private functions. The rest of the changes on the interior will be a brand new, fresh, casual, Birmingham appropriate spot. The sculpture on the corner is an operable weathervane that works with the signage band so that people will notice it and be directed towards the entrance. It has always been a sore spot.
with them that the businesses that occur at this really important intersection cannot succeed. However, they are in agreement that this is probably the best opportunity to succeed. Responding to Ms. Whipple-Boyce, Mr. Bonislawski explained the picket fence shows as a traditional piece on the corner.

Mr. Koseck noted that part of the problem with The Stand was that people could not see into it. With this proposal he feels the picket fence and the HRD plantings make the site look cluttered and they don't beckon him to come in.

Mr. Bonislawski said with regard to the fence that part of what they do is to introduce a small component of shock value. The fence relates back to the neighborhood aspect of what the business is. The downtown feature is the trendier characteristic of the proposal and the ravines is the more eclectic, world traveled feature.

In discussing why two previous restaurants on that site failed, Mr. Williams observed that he has eaten at both Zazios and The Stand and has had better meals elsewhere. What he disliked about both of them was the openness. So, to him what has been done inside is a significant improvement. Adding some private dining and meeting rooms is probably a good thing.

Chairman Clein agreed with Mr. Koseck on the fence. He is very happy with the internal changes on the project but really dislikes the HRD landscape signage. He didn't think it would receive approval from the State. He didn't have an issue with the other proposed signage but did not like the weathervane.

No one from the public had comments on the project at 9 p.m.

Ms. Whipple-Boyce thought the proposal is great and hopes that it succeeds. The interior layout is so much improved. She loves the patio where there will be tons of morning traffic. Then people will come back for afternoon meetings in the great little banquet rooms. Further, she supports the additional band signage on the building because she thinks it is essential and it will be up-lighted from below. However, she was not a huge fan of the landscaped HRD sign or the fence.

Mr. Jeffares thought they are on the right track with making the dining area smaller. While he agrees with everybody on the HRD, he feels it would be cool to do something different with that space.

Motion by Mr. Williams
Seconded by Ms. Whipple-Boyce that based on the site plans submitted, the Planning Board recommends APPROVAL to the City Commission of the SLUP, Final Site Plan and Design Review for 34977 Woodward Ave., Hunter, Ravines & Downtown with the following conditions:

1. The applicant must remove the evergreen shrub letter sign, as it is in the public right-of-way;
2. The applicant must bring the signage into compliance in regards to size, and reduce the number of signs to one or obtain a variance from the Board of Zoning Appeals;
3. The applicant must correct the indoor/outdoor dining area plan to show 20 seats, or adjust the seating calculation to include a 22 seat patio;
4. The applicant must provide the location of all new lighting fixtures prior to City Commission approval; and
5. The applicant addresses the requests of all City Departments.

Motion carried, 7-0.

VOICE VOTE
Yea: Williams, Whipple-Boyce, Boyle, Clein, Emerine, Jeffares, Koseck
Nay: None
Absent: None
MEMORANDUM

Office of the City Manager

DATE: June 22, 2018

TO: City Commission

FROM: Joseph A. Valentine, City Manager

SUBJECT: Baldwin Library Youth Room Renovation

As previously reported by the Library Director, plans have been underway to initiate Phase 2 of the Baldwin Public Library expansion and renovation of the Youth Services section.

On June 18, 2018 the Library Board passed a motion approving issuing an RFP for design development, construction drawings, bidding and construction administration for the expansion and renovation of the Youth Services section of the Library.

The RFP was also reviewed by City staff and is being presented for consideration by the City Commission to authorize its issuance. Once designs are completed, this item will return to the City Commission for approval to bid the project based on the final designs.

Suggested Resolution:

To authorize the issuance of the Request for Proposals as recommended by the Library Board to finalize designs and prepare for the expansion and renovation of the Youth Services section of the Baldwin Public Library, with the necessary funds to be paid by the Library.
At its June 18, 2018, meeting, the Baldwin Public Library Board of Directors approved the issuance of a Request for Proposals (RFP) for design development, construction drawings, bidding, and construction administration for the proposed expansion and renovation of the Youth Services section of the Library. Below is the relevant excerpt from the draft minutes of the meeting:

**Motion:** To approve the issuance of a Request for Proposals (RFP) for design development, construction drawings, bidding, and construction administration, based on a draft, on page 19, for the proposed expansion and renovation of the Youth Services section of the Baldwin Public Library, conditioned on review and approval by the City.

1<sup>st</sup> Pisano
2<sup>nd</sup> Mark

Yeas: Pisano, Underdown, Aidenbaum and Mark.

Nays: None.

Absent and excused: Suhay and Tera.

The motion was approved unanimously.

The Library Board respectfully requests that the Birmingham City Commission now consider the proposed RFP and approve its issuance.
Sealed proposals endorsed “EXPANSION AND RENOVATION OF YOUTH SERVICES SECTION OF BALDWIN PUBLIC LIBRARY”, will be received at the Administrative Office of the Baldwin Public Library, 300 West Merrill Street, Birmingham, Michigan, 48009; until 3:30 p.m. on Monday, July 30, 2018, after which time bids will be publicly opened and read.

Bidders will be required to attend a mandatory pre-bid meeting on Monday, July 9, 2018, at 2:00 p.m. at the Baldwin Public Library. Bidders must register for the pre-bid meeting by 4:00 on Friday, July 6, 2018, by contacting Associate Library Director Rebekah Craft at rebekah.craft@baldwinlib.org.

The Baldwin Public Library, in conjunction with the City of Birmingham, Michigan, is accepting sealed bid proposals from qualified professional firms to carry out design development, construction drawings, provide bid assistance and construction administration for the expansion and renovation of the Services section of the Baldwin Public Library, based on the conceptual/schematic design developed by Luckenbach Ziegelman Gardner. This work must be performed as specified in accordance with the specifications contained in this Request For Proposals (RFP).

The RFP, including the specifications, may be obtained online from the Michigan Inter-governmental Trade Network at http://www.mitn.info or at the Baldwin Public Library, 300 West Merrill St., Birmingham, Michigan, ATTENTION: Rebekah Craft, Associate Director.

The acceptance of any proposal made pursuant to this invitation shall not be binding upon the City until an agreement has been executed.

Submitted to MITN: 
Mandatory Pre-Bid Meeting: 
Deadline for Submissions: 
Contact Person:

<table>
<thead>
<tr>
<th>Submitted to MITN:</th>
<th>June 26, 2018</th>
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</thead>
<tbody>
<tr>
<td>Mandatory Pre-Bid Meeting:</td>
<td>July 9, 2018</td>
</tr>
<tr>
<td>Deadline for Submissions:</td>
<td>3:30 p.m. on Monday, July 30, 2018</td>
</tr>
<tr>
<td>Contact Person: Rebekah Craft, Associate Director</td>
<td>300 W Merrill St.</td>
</tr>
<tr>
<td>Phone:</td>
<td>248.554.4682</td>
</tr>
<tr>
<td>Email:</td>
<td><a href="mailto:rebekah.craft@baldwinlib.org">rebekah.craft@baldwinlib.org</a></td>
</tr>
</tbody>
</table>
REQUEST FOR PROPOSALS
For Expansion and Renovation of Youth Services Section of
Baldwin Public Library

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INTRODUCTION
For purposes of this request for proposals the City of Birmingham, Michigan (hereby known as “City”) and the Baldwin Public Library (hereby known as “Library”) will be referred to as “Client” and the private firm will hereby be referred to as “Architect.”

The Client is accepting sealed bid proposals from qualified professional firms to provide architectural services to carry out design development, construction drawings, provide bid assistance, and construction administration for the expansion and renovation of the Youth Services section of the Baldwin Public Library, based on the conceptual/schematic designs of January 27, 2018, included as Attachment E herein. This work must be performed as specified in accordance with the specifications outlined by the Scope of Work contained in this Request For Proposals (RFP).

During the evaluation process, the Client reserves the right, where it may serve the Client’s best interest to request additional information or clarification from proposers, or to allow corrections of errors or omissions. At the discretion of the Client, firms submitting proposals may be requested to make oral presentations as part of the evaluation.

It is anticipated the selection of a firm will be completed by August 13, 2018. An Agreement for services will be required with the selected Architect. A copy of the Agreement is contained herein for reference. Contract services will commence upon execution of the service agreement by the Client.

The Architect will work with the Library on the Design Development and Construction Drawing phases, with the City in a supportive role. The Architect will then work with the City during the Bidding and Construction Administration phases, with the Library in a supportive role.

REQUEST FOR PROPOSALS (RFP)
The purpose of this RFP is to request sealed bid proposals from qualified parties presenting their qualifications, capabilities and costs to provide architectural services to carry out design development, construction drawings, provide bid assistance and construction administration for the expansion and renovation of the Youth Services section of the Baldwin Public Library, based on the conceptual/schematic designs of January 27, 2018, included as Attachment E herein.

MANDATORY PRE-BID MEETING
Prior to submitting a bid, interested firms are required to attend a pre-bid meeting to conduct an on-site visit of the location and access to the project location to make inquiries about the RFP. The pre-bid meeting is scheduled for July 9, 2018, at 2:00 p.m. at the Baldwin Public Library.
INVITATION TO SUBMIT A PROPOSAL

Proposals shall be submitted no later than 3:30 p.m. on Monday, July 30, 2018 to:

Baldwin Public Library
Attn: Rebekah Craft
300 W. Merrill St.
Birmingham, Michigan 48009

rebekah.craft@baldwinlib.org

One (1) original and one (1) print copy and one (1) electronic copy, in PDF format, of the proposal shall be submitted. The two print copies of the proposal should be firmly sealed in an envelope, which shall be clearly marked on the outside, “EXPANSION AND RENOVATION OF YOUTH SERVICES SECTION OF BALDWIN PUBLIC LIBRARY.” Any proposal received after the due date cannot be accepted and will be rejected and returned, unopened, to the proposer. Proposer may submit more than one proposal provided each proposal meets the functional requirements.

INSTRUCTIONS TO BIDDERS

1. Any and all forms requesting information from the bidder must be completed on the attached forms contained herein (see Architect’s Responsibilities). If more than one bid is submitted, a separate bid proposal form must be used for each.

2. Any request for clarification of this RFP shall be made in writing and delivered to: Rebekah Craft, Associate Director, 300 W. Merrill St., Birmingham, MI 48009 or rebekah.craft@baldwinlib.org. Such request for clarification shall be delivered, in writing, no later than 5 days prior to the deadline for submissions. Any request will be reviewed by the Client, and responses will be shared with all bidders who signed in at the Pre-Bid Meeting.

3. All proposals must be submitted following the RFP format as stated in this document and shall be subject to all requirements of this document including the instruction to respondents and general information sections. All proposals must be regular in every respect and no interlineations, excisions, or special conditions shall be made or included in the RFP format by the respondent.

4. The contract will be awarded by the Client to the most responsive and responsible bidder with the lowest price and the contract will require the completion of the work pursuant to these documents.

5. Each respondent shall include in his or her proposal, in the format requested, the cost of performing the work. Municipalities are exempt from Michigan State Sales and Federal Excise taxes. The Baldwin Public Library is a sub-unit of the City of Birmingham, a tax-exempt municipal government located in Oakland.
County. Do not include such taxes in the proposal figure. The Client will furnish the successful company with tax exemption information when requested.

6. Each respondent shall include in their proposal the following information: Firm name, address, city, state, zip code, telephone number, and fax number. The company shall also provide the name, address, telephone number and e-mail address of an individual in their organization to whom notices and inquiries by the City and Library should be directed as part of their proposal.

EVALUATION PROCEDURE AND CRITERIA
The evaluation panel will consist of members of the Baldwin Public Library Board of Directors and any other person(s) designated by the City who will evaluate the proposals based on, but not limited to 1) the ability to provide services as outlined, 2) related experience with similar projects, Architect background, and personnel qualifications, 3) quality of materials proposed, 4) overall costs, and 5) references. This review will consider the following criteria:

1. Experience and qualifications of the proposed team members, including interior design staff and partners, who will be assigned to the Project.
2. Experience and demonstrated ability in the design of libraries and similar public projects, with priority given to experience and ability in the design of libraries.
3. Demonstrated understanding of the expectations of Birmingham and/or similar communities that place high value on aesthetics of public spaces, as well as an understanding of the importance of the Library as part of Birmingham’s civic center.
4. Bid price for design development, preparation of construction documents, bidding assistance, and construction administration for the project.
5. Demonstrated performance in execution of projects on time and within budget.
6. Quality and completeness of proposal.

TERMS AND CONDITIONS
1. The Client reserves the right to reject any or all proposals received, waive informalities, or accept any proposal, in whole or in part, it deems best. The Client reserves the right to award the contract to the next most qualified Architect if the successful Architect does not execute a contract within ten (10) business days after the award of the proposal.

2. The Client reserves the right to request clarification of information submitted and to request additional information of one or more Architects.
3. The Client reserves the right to terminate the contract at its discretion should it be determined that the services provided do not meet the specifications contained herein. The Client may terminate this Agreement at any point in the process upon notice to Architect sufficient to indicate the Client’s desire to do so. In the case of such a stoppage, the Client agrees to pay Architect for services rendered to the time of notice, subject to the contract maximum amount.

4. Any proposal may be withdrawn up until the date and time set above for the opening of the proposals. Any proposals not so withdrawn shall constitute an irrevocable offer, for a period of ninety (90) days, to provide the services set forth in the proposal.

5. The cost of preparing and submitting a proposal is the responsibility of the Architect and shall not be chargeable in any manner to the Client.

6. Payment will be made within thirty (30) days after invoice has been accepted by the Client. Acceptance by the Client is defined as authorization by the designated Client representative to this project that all the criteria requested under the Scope of Work contained herein have been provided. Invoices are to be rendered each month following the date of execution of an Agreement with the Client.

7. The Architect will not exceed the timelines established for the completion of this project.

8. The successful bidder shall enter into and will execute the contract as set forth and attached as Attachment A.

9. The Client will own the final designs and documents prepared by the Architect as part of this RFP.

ARCHITECT’S RESPONSIBILITIES
Each bidder shall provide the following as part of their proposal:

1. All completed and signed forms requested for completion within this RFP.
   a. Bidder’s Agreement (Attachment B)
   b. Cost Proposal (Attachment C)
   c. Iran Sanctions Act Vendor Certification Form (Attachment D)
   d. Agreement (Attachment A - only if selected by the Client).

2. Provide a description of completed projects (including library projects) that demonstrate the firm’s ability to complete projects of similar scope, size, and purposed, and in a timely manner, and within budget.
3. Include a statement of design philosophy, especially in regards to public libraries in the 21st century.

4. Provide a description of the firm, including resumes and professional qualifications of the principals involved in administering the project, as well as all others associated with the firm that are assigned to the project and include names, titles, phone numbers, email addresses and assigned role for the project.

5. Provide a list of sub-architects and their qualifications, which include names, titles, phone numbers, email addresses and their respective role in this project as applicable.

6. Any changes in the staff members assigned to the project (principals, staff and/or others) shall be communicated to the Client in writing within two (2) business days.

7. Provide three (3) client references from past projects, include name of contact, title, and current phone number. At least two (2) of the client references should be for projects of a similar size and scope for a municipal client.

8. Provide a project timeline addressing each section within the Scope of Work and a description of the overall project approach. Include a statement that the Architect will be available according to the proposed timeline.

9. The Architect will be responsible for any changes necessary for the plans to be approved by the Client.

CLIENT RESPONSIBILITIES
1. The Client will provide a designated representative to work with the Architect to coordinate both the Client and the Architect’s efforts and to inspect and verify any work performed by the Architect. During the design development and creation of construction document phase, the lead agency will be the Library, and during the bidding and construction administration phase, the lead agency will be the City.

2. The Library will provide access to the building during regular business hours.

SETTLEMENT OF DISPUTES
The successful bidder agrees to certain dispute resolution avenues/limitations. Please refer to paragraph 17 of the Agreement attached as Attachment A for the details and what is required of the successful bidder.
INSURANCE
The successful bidder is required to procure and maintain certain types of insurances. Please refer to paragraph 12 of the Agreement attached as Attachment A for the details and what is required of the successful bidder.

CONTINUATION OF COVERAGE
The Architect also agrees to provide all insurance coverages as specified. Upon failure of the Architect to obtain or maintain such insurance coverage for the term of the agreement, the City and Library may, at their option, purchase such coverage and subtract the cost of obtaining such coverage from the contract amount. In obtaining such coverage, the Client shall have no obligation to procure the most cost effective coverage but may contract with any insurer for such coverage.

EXECUTION OF CONTRACT
The bidder whose proposal is accepted shall be required to execute the contract and to furnish all insurance coverages as specified within ten (10) days after receiving notice of such acceptance. Any contract awarded pursuant to any bid shall not be binding upon the Client until a written contract has been executed by both parties. Failure or refusal to execute the contract shall be considered an abandonment of all rights and interest in the award and the contract may be awarded to another. The successful bidder agrees to enter into and will execute the contract as set forth and attached as Attachment A.

INDEMNIFICATION
The successful bidder agrees to indemnify the City and the Library and various associated persons. Please refer to paragraph 13 of the Agreement attached as Attachment A for the details and what is required of the successful bidder.

CONFLICT OF INTEREST
The successful bidder is subject to certain conflict of interest requirements/restrictions. Please refer to paragraph 14 of the Agreement attached as Attachment A for the details and what is required of the successful bidder.

EXAMINATION OF PROPOSAL MATERIALS
The submission of a proposal shall be deemed a representation and warranty by the Architect that it has investigated all aspects of the RFP, that it is aware of the applicable facts pertaining to the RFP process and its procedures and requirements, and that it has read and understands the RFP. Statistical information which may be contained in the RFP or any addendum thereto is for informational purposes only.

PROJECT TIMELINE
1. Mandatory pre-bid meeting will be held at the Library on Monday, July 9, 2018, at 2:00 p.m.

2. Proposals will be submitted by 3:30 p.m. on Monday, July 30, 2018
3. The Library Board will recommend the successful candidate to the Birmingham City Commission, which will make the final decision to execute an agreement at its regularly scheduled meeting on August 13, 2018.

4. Architect will have the Design Development and Construction Document elements outlined in the Scope of Work section of this RFP completed by December 20, 2018.

5. The Bidding and Construction Administration phases will occur only after funding for the Project has been confirmed.

The Architect will not exceed the timelines established for the completion of this project.

SCOPE OF WORK
The Architect shall perform the following services in accordance with the requirements as defined herein.

Overview

The Baldwin Public Library—located at 300 West Merrill in downtown Birmingham—was built in 1927, with major additions completed in 1960 and 1982. The original building was designed by Marcus Burrowes; the 1960 addition was designed by Linn Smith; and the 1982 building was designed by Gunnar Birkerts.

The main purpose of this RFP is to secure design development, construction drawings, bidding assistance, and construction administration services for the expansion and renovation of the Youth Services section of the Baldwin Public Library, based on a concept plan previously developed. That design is detailed in Attachment E.

Program Confirmation

1) Assist Library in determination of responsibilities, procedures, and schedule requirements. The Architect will be responsible for documentation of all meetings associated with the Project.

2) Review existing studies, space programming, layouts and designs provided by Library with regard to the Scope of Work of the project. Provide early advice to the Library on possible changes to the objectives to assure feasibility, quality, meeting cost budget, and minimizing reductions in service during construction.
3) Confirm with Library the professional fees and the schedule.

PHASE 1

Design Development

1) Based on the conceptual/schematic designs of January 27, 2018, develop Design Development Documents for the Library’s approval. The process will include meetings with Library staff to hear their opinions, meetings with Library administration and the Library Board Building Committee, and a presentation to the Library Board.

2) The Design Development Documents shall illustrate and describe the development of the approved Schematic Design Documents and shall consist of drawings and other documents—including plans, sections, elevations, typical construction details, and diagrammatic layouts of building systems—to fix and describe the size and character of the Project as to architectural; interior design; structural, mechanical, and electrical systems; and landscaping (children’s terrace, children’s garden, landscaping along Bates Street, etc.)—including lighting, acoustics, and internal materials and finishes—and such other elements as may be appropriate. The Design Development Documents shall also include outline specifications that identify major materials and systems and establish in general their quality levels.

3) The Architect shall update cost estimates (including a line-by-line breakout of all fees, architectural costs, construction costs, furnishings, shelving, technology, and construction and design contingencies) and submit them to the Library.

4) The Architect shall update the project phasing plan and construction timeline and submit those to the Library.

5) The Architect shall provide renderings of internal and external features suitable for public viewing and preliminary code compliance review by the City’s Building Department.

6) The Architect shall ensure that all proposed work—including mechanical and electrical—will not compromise possible future modifications and additions to the building.
7) The Library will determine, in consultation with the Architect, if a library planning consultant is needed and, if so, the extent of the involvement.

Construction Documents

1) Construction documents shall include, but not be limited to, detailed civil, architectural, engineering, and shop drawings for the construction of this project.

2) Based on the Library’s approval of the Design Development Documents and the Library’s authorization of any adjustments in the Project requirements and the budget for the cost of work, the Architect shall prepare Construction Documents for the Library’s approval.

3) The process will include meetings with Library staff, the Library Board Building Committee and the City’s Building Department.

4) The Construction Documents shall illustrate and describe the further development of the approved Design Development Documents and shall consist of drawings, specifications, and structural calculations, setting forth in detail the quality levels of materials and systems. Any and all terms and conditions associated with construction documents will be subject to the review and approval of the City.

5) The Architect shall provide 4 sets of the competed construction documents to the City’s Building Department for code compliance review.

6) The Architect shall make any necessary updates to the cost estimates.

7) The Architect shall ensure that all work proposed—including mechanical and electrical—will not compromise possible future modifications and additions to the building.

8) Design Development and Construction Documents shall be completed by December 20, 2018.

PHASE 2
Bidding Assistance

1. The Architect, following the approval of the Construction Documents and the latest preliminary cost estimate of construction cost, shall assist the Client in obtaining bids and shall assist in the bidding process by:
   a) Assisting the Client in the preparation of the Architectural specifications for the City’s bid documents.
   b) Assisting the Client by participating in a mandatory pre-bid meeting with bidders for construction.
   c) Assisting the Client in the preparation of responses to questions from the prospective bidders and providing clarifications and interpretations of the bidding specification documents to all prospective bidders in the form of addenda.
   d) Assist in the evaluation of bids for the selection of a construction contractor.

Construction Administration

1. The Architect shall assist the City in providing administration of the construction project. The Architect’s responsibility to provide assistance under this section of the Scope of Work shall commence upon the award of the initial contract for construction and terminates upon the payment of the final payment to the construction contractor.

2. The Architect shall be a representative of and shall advise and consult with the City during the administration of the contract for construction. The Architect shall regularly advise and consult with the City during the construction phase.

3. The Architect shall visit the site and may be accompanied by a representative of the City’s Building Department at intervals appropriate to the stage of construction, or as otherwise agreed by the City and Architect, (1) to become generally familiar with and to keep the City informed about the progress and quality of the portion of the work completed, (2) to endeavor to guard the City against defects and deficiencies in the work, and (3) to determine in general if the work is being performed in a manner indicating that the work, when fully completed, will be in accordance with the contract documents. However, the Architect shall not be required to make exhaustive continuous on-site inspections to check the quality or quantity of work. The Architect shall neither have control over or charge of, not be responsible for, the construction means, methods, techniques, sequences or procedures, or for safety precautions and programs in connection with the work.
4. The Architect shall report to the City all known deviations from the contract documents and from the most recent construction schedule submitted by the construction contractor. However, the Architect shall not be responsible for the construction contractor’s failure to perform work in accordance with the requirements of the contract documents. The Architect shall be responsible for the Architect’s negligent acts or omissions, but shall not have control over or charge of and shall not be responsible for acts or omissions of the construction contractor, subcontractors, or their agents or employees, or of any acts of any other persons or entities performing portions of the work.

5. The Architect shall, at times outlined in this RFP, have access to the construction site to facilitate its visits.

6. Except for code compliance or permit related issues as deemed necessary by the City, the Architect shall serve as the primary contact in communicating with the construction contractor concerning matters arising out of or relating to the construction documents. Communications by and with the Architect’s consultants shall be through the Architect.

7. The Architect has the authority to reject work that does not conform to the contract documents, following consultation with the City.

8. The Architect shall review and respond to requests for information about the contract documents.

9. The Architect shall maintain a record of submittals and copies of submittals supplied by the construction contractor.

10. The Architect may authorize minor changes in the work that are consistent with the intent of the contract documents and do not involve an adjustment in the contract sum or an extension of the contract time, upon review and approval by the City and Library.

11. The Architect shall conduct inspections to determine the date or dates of substantial completion and the date of final completion.

12. The Architect shall prepare change orders and construction change directives, with supporting documentation and data if deemed necessary by the City for the City’s approval and execution in accordance with the construction documents.

13. The Architect shall review and certify the amounts due the construction contractor to the designated City representative.
ATTACHMENT A - AGREEMENT
For Expansion and Renovation of Youth Services Section of
Baldwin Public Library

This AGREEMENT, made this _______ day of ____________, 2018, by and between CITY OF BIRMINGHAM, having its principal office at 151 Martin Street, Birmingham MI (hereinafter sometimes called “City/Library”), and ______________, Inc., having its principal office at _____________________ (hereinafter called "Architect"), provides as follows:

WITNESSETH:

WHEREAS, the City of Birmingham, in conjunction with the Baldwin Public Library, is desirous of having work completed to perform design development, creation of construction drawings, provide bidding assistance, and construction administration for the expansion and renovation of the Youth Services section of the Baldwin Public Library, based on the approved concept plan of January 27, 2018.

WHEREAS, the City/Library has heretofore advertised for bids for the procurement and performance of services required to perform design development, creation of construction drawings, provide bidding assistance, and construction administration for the expansion and renovation of the Youth Services section of the Baldwin Public Library, based on the approved conceptual/schematic designs of January 27, 2018, and in connection therewith has prepared a request for sealed proposals (“RFP”), which includes certain instructions to bidders, specifications, terms and conditions.

WHEREAS, the Architect has professional qualifications that meet the project requirements and has made a bid in accordance with such request for cost proposals to perform design development, creation of construction drawings, provide bidding assistance, and construction administration for the expansion and renovation of the Youth Services section of the Baldwin Public Library, based on the approved conceptual/schematic designs of January 27, 2018.

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

1. It is mutually agreed by and between the parties that the documents consisting of the Request for Proposal to perform design development, creation of construction drawings, provide bidding assistance, and construction administration for the expansion and renovation of the Youth Services section of the Baldwin Public Library, based on the approved conceptual/schematic designs of January 27, 2018, and the Architect’s cost proposal dated ______________, 2018 shall be incorporated herein by reference and
shall become a part of this Agreement, and shall be binding upon both parties hereto. If any of the documents are in conflict with one another, this Agreement shall take precedence, then the RFP.

2. The City/Library shall pay the Architect for the performance of this Agreement in an amount not to exceed ________________, as set forth in the Architect’s ____________, 2018 cost proposal.

3. This Agreement shall commence upon execution by both parties, unless the City/Library exercises its option to terminate the Agreement in accordance with the Request for Proposals.

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

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

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

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

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

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

10. The Architect agrees that neither it nor its subcontractors will discriminate against any employee or applicant for employment with respect to hire, tenure, terms, conditions or privileges of employment, or a matter directly or indirectly related to employment because of race, color, religion, national origin, age, sex, height, weight or marital status. The Architect shall inform the City/Library of all claims or suits asserted against it by the Architect’s employees who work pursuant to this Agreement. The Architect shall provide the City/Library with periodic status reports concerning all such claims or suits, at intervals established by the City/Library.

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

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

   A. **Workers’ Compensation Insurance:** Architect shall procure and maintain during the life of this Agreement, Workers’ Compensation Insurance, including Employers Liability Coverage, in accordance with all applicable statutes of the State of Michigan.

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

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

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

E. **Professional Liability:** Professional liability insurance with limits of not less than $1,000,000 per claim if Architect will provide services that are customarily subject to this type of coverage.

F. **Pollution Liability Insurance:** Architect shall procure and maintain during the life of this Agreement, Pollution Liability Insurance, with limits of liability of not less than $1,000,000, per occurrence preferred, but claims made accepted.

G. **Owners Architects Protective Liability:** The Architect shall procure and maintain during the life of this contract, an Owners Architects Protective Liability Policy with limits of liability not less than $3,000,000 per occurrence, combined single limit, Personal Injury, Bodily Injury and Property Damage. The City of Birmingham and the Baldwin Public Library shall be “Name Insured” on said coverage. Thirty (30) days Notice of Cancellation shall apply to this policy.

H. **Cancellation Notice:** Workers' Compensation Insurance, Commercial General Liability Insurance and Motor Vehicle Liability Insurance (and Professional Liability Insurance, if applicable), as described above, shall include an endorsement stating the following: “Thirty (30) days Advance Written Notice of Cancellation or Non-Renewal, shall be sent to: Finance Director, City of Birmingham, PO Box 3001, 151 Martin Street, Birmingham, MI 48012-3001.

I. **Proof of Insurance Coverage:** Architect shall provide the City of Birmingham, at the time the Agreement is returned for execution, Certificates of Insurance and/or policies, acceptable to the City of Birmingham, as listed below.

1) Two (2) copies of Certificate of Insurance for Workers' Compensation Insurance;
2) Two (2) copies of Certificate of Insurance for Commercial General Liability Insurance;
3) Two (2) copies of Certificate of Insurance for Vehicle Liability Insurance;
4) Two (2) copies of Certificate of Insurance for Professional Liability Insurance;
5) If so requested, Certified Copies of all policies mentioned above will be furnished.

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

K. Maintaining Insurance: Upon failure of the Architect to obtain or maintain such insurance coverage for the term of the Agreement, the City of Birmingham may, at its option, purchase such coverage and subtract the cost of obtaining such coverage from the Agreement amount. In obtaining such coverage, the City of Birmingham shall have no obligation to procure the most cost-effective coverage but may contract with any insurer for such coverage.

13. To the fullest extent permitted by law, the Architect and any entity or person for whom the Architect is legally liable, agrees to be responsible for any liability, defend, pay on behalf of, indemnify, and hold harmless the City of Birmingham and the Baldwin Public Library, their elected and appointed officials, employees and volunteers and others working on behalf of the City/Library 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 and the Baldwin Public Library, its elected and appointed officials, employees, volunteers or others working on behalf of the City of Birmingham and the Baldwin Public Library, by reason of personal injury, including bodily injury and death and/or property damage, including loss of use thereof, which arises out of or is in any way connected or associated with this Agreement. Such responsibility shall not be construed as liability for damage caused by or resulting from the sole act or omission of its elected or appointed officials, employees, volunteers or others working on behalf of the City/Library.

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

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

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

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

IN WITNESS WHEREOF, the said parties have caused this Agreement to be executed as of the date and year above written.

WITNESSES:

ARCHITECT

By: ________________________________

Its:

CITY OF BIRMINGHAM

By: ________________________________

Andrew Harris
Its: Mayor
Approved:

_______________________________

Joe Valentine, City Manager
(Approved as to substance)

_______________________________

Timothy J. Currier, City Attorney
(Approved as to form)

_______________________________

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

_______________________________

Doug Koschik, Library Director
(Approved as to substance)

By: _____________________________

Cherilynn Mynsberge
Its: City Clerk

________________________________

J
oe Valentine, City Manager
(Approved as to substance)

________________________________

Timothy J. Currier, City Attorney
(Approved as to form)

________________________________

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

________________________________

Doug Koschik, Library Director
(Approved as to substance)
ATTACHMENT B - BIDDER’S AGREEMENT
For Expansion and Renovation of Youth Services Section of Baldwin Public Library

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

1. They have carefully examined the specifications, terms and Agreement of the Request for Proposal and all other provisions of this document and understand the meaning, intent, and requirement of it.

2. They will enter into a written contract and furnish the item or items in the time specified in conformance with the specifications and conditions contained therein for the price quoted by the proponent on this proposal.

PREPARED BY
(Print Name) DATE

TITLE DATE

AUTHORIZED SIGNATURE E-MAIL ADDRESS

COMPANY

ADDRESS PHONE

NAME OF PARENT COMPANY PHONE

ADDRESS
ATTACHMENT C - COST PROPOSAL
For Expansion and Renovation of Youth Services Section of Baldwin Public Library

In order for the bid to be considered valid, this form must be completed in its entirety. The cost for the Scope of Work shall be itemized by a dollar amount based on the Phases and elements included in this Request for Proposal as follows:

<table>
<thead>
<tr>
<th>COST PROPOSAL</th>
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<tbody>
<tr>
<td>ITEM</td>
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<tr>
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</tr>
<tr>
<td>Phase 1</td>
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<tr>
<td>Design Development</td>
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<td>Construction Documents</td>
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<td>Phase 2</td>
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<tr>
<td>Bidding Assistance</td>
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<tr>
<td>Construction Administration</td>
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<tr>
<td>TOTAL BID AMOUNT</td>
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</table>

Firm Name_________________________________

Authorized signature___________________________ Date____________

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

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

**PREPARED BY**
(Print Name)  
**DATE**

**TITLE**  
**DATE**

**AUTHORIZED SIGNATURE**  
**E-MAIL ADDRESS**

**COMPANY**

**ADDRESS**  
**PHONE**

**NAME OF PARENT COMPANY**  
**PHONE**

**ADDRESS**

**TAXPAYER I.D.#**
By the end of the conceptual/schematic stage, the Library decided that the orientation of the shelving should be east-west, rather than north-south. The first rendering in this section—the aerial view—is from an early stage in the process and shows the shelving positioned north-south. Therefore, that aspect of the rendering should be considered incorrect. The three plans illustrating the interior layout of the Youth Room show the shelving positioned east-west. They are correct.

The expansion and renovation of the Youth Room is Phase 2 of a proposed three-phase project. The last plan in this section shows Phase 2 (in blue) in relation to Phase 1 (already completed) and Phase 3 (proposed for 2022-2023).
Youth Room Expansion and Renovation  
Cost Estimates as of January 2018

The cost of the project, in 2019 dollars, is estimated to be $2,231,000. The total cost, in 2019 dollars, including owner’s contingency, is estimated to be $2,348,000.
Project Scope

• Phase 2
  a. Renovation: Existing furniture/carpets, costs based on future databases
  b. Renovate youth staff offices, lighting, restrooms
  c. Toilet rooms; redesign to tie into setting
  d. Youth siting/adornt.

• Phase 3
  e. Remove existing drop ceiling
  f. Replace existing structural concrete for ceiling
  g. New lighting to match grand hall
  h. New modular furniture, new carpet, sunrooms:
  i. Renovate existing plaster, lighting, woodwork
  j. Possible redesign of beach stools return
  k. New coffee karts
  l. New carpet, seating, windows
  m. New seating, entrance/exit
  n. New lighting, exit
  o. New furniture, seating, technology
  p. New exterior, seating, landscaping
  q. New signage/identif. at entrance/exit
  r. New exterior, lighting, landscaping
  s. New signage/identif. at entrance/exit

BPL

Luckenbach | Ziegelman | Gardner Architects
The following report was prepared by Testing Engineers & Consultants, Inc., 1343 Rochester Road, P.O. Box 249, Troy, Michigan 48099, in February 2018.
GEOTECHNICAL INVESTIGATION

FOR

Proposed Youth Services Renovation/Addition
Baldwin Public Library
300 W. Merrill
Birmingham, Michigan

TEC Report: 58620

By:

Testing Engineers & Consultants, Inc.
1343 Rochester Road
P.O. Box 249
Troy, Michigan 48099-0249
(248) 588-6200

February 21, 2018
Mr. Doug Koschik, Director  
Baldwin Public Library  
300 W. Merrill Street  
Birmingham, Michigan 48009

Re: Geotechnical Investigation for  
Proposed Youth Services Renovation/Addition  
Baldwin Public Library  
300 W. Merrill  
Birmingham, Michigan

Dear Mr. Koschik:

Please find enclosed the results of a geotechnical investigation performed at the above referenced site. This geotechnical report presents our field and laboratory results; engineering analysis; and our recommendations for design of foundation and slabs, as well as important construction considerations.

As you may know, Testing Engineers & Consultants, Inc. (TEC) has fifty one years of experience in Quality Control Testing and Construction Inspection. We would be pleased to provide any of these services on this project.

Should you have any questions regarding this report, please let us know. It has been a pleasure to be of service to you.

Respectfully submitted,

TESTING ENGINEERS & CONSULTANTS, INC.

Carey J. Suhan, P.E.,  
Vice President, Geotechnical  
& Environmental Services

CJS/In  
Enclosure  
cc: Luckenbach/Ziegelman/Gardner Architects, Attn: Mr. John Gardner
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## APPENDIX

TEST BORING LOCATION PLAN

LOGS OF TEST BORINGS

SIEVE ANALYSIS RESULTS

GENERAL NOTES FOR SOIL CLASSIFICATION
1.0 INTRODUCTION

This report presents the results of a geotechnical investigation for the proposed Baldwin Public Library renovation/addition located at 300 W. Merrill in Birmingham, Michigan. Authorization to perform this investigation was given by Mr. Doug Koschik, Director, Baldwin Public Library in a signed copy of TEC Proposal 060-18-0001 dated January 3, 2018.

Based on information provided, we understand that the project will consist of construction of a single story building addition on a crawl space to match the existing building. The addition will be mostly on the east side of the existing building and loads are expected to be moderate.

The footprint of the proposed addition will be 2,026 square feet and the renovation area will be 5,500 square feet. The addition will be built at the eastern area of the existing library building. The present ground elevation is about +780 feet and the existing floor slab over the crawl space is 786.65 feet.

The architects also requested that as an option the crawl space is not to be constructed and the floor slab for the addition be supported on engineered fill at the required elevation in order to match the elevation of the existing floor slab.

The purpose of this investigation was to obtain information necessary to determine basic engineering properties of soils at the site through a series of test borings and laboratory tests performed on the soil samples obtained during the field investigation. This information has been evaluated to provide the general recommendations for site development preparations, foundation requirements, floor slab designs and other geotechnical information.

2.0 FIELD INVESTIGATION

Three test borings were drilled on the site at the locations shown on the Test Boring Location Plan. The locations are accurate to within a short distance of the locations shown on the location plan included in the appendix. The location of the test borings was given to us by the architect. The test borings were drilled on February 6 and 7, 2018 with truck-mounted auger equipment to a depth of 25 feet.

Drilling methods and standard penetration tests were performed in general accordance with the current ASTM D1452 and D1586 procedures, respectively. These procedures specify that a standard 2-inch O.D. split-barrel sampler be driven by a 140-pound hammer with a free fall of 30 inches. The number of hammer blows required to drive the split-barrel sampler through three successive 6-inch increments is recorded on the Test Boring Log. The first 6-inch increment is used for setting the sampler firmly in the soil and the sum of the hammer blows for the second and third increments is referred to as the “Standard Penetration Index” (N). N values were obtained with an automatic trip hammer.
2.0 FIELD INVESTIGATION (Cont’d)

From the standard penetration test a soil sample is recovered in the liner sampler tubes that are located inside the split-barrel sampler. Upon recovery of a soil sample, the liner tubes are removed from the split-barrel sampler and placed in a container which is sealed to minimize moisture losses during transportation to the laboratory. Standard penetration tests are usually made at depths of 2 ½, 5, 7 ½ and 10 feet and at 5-foot depth intervals thereafter. These parameters may vary for a given project depending on the nature of the subsoils and the geotechnical information required.

3.0 LABORATORY TESTING

The laboratory testing consisted of determining the unconfined compressive strength, the natural bulk density and the natural moisture content of the soil samples recovered in the liner sampler tubes. In the unconfined compression tests, the compressive strength of the soil is determined by axially loading a soil sample until failure is observed or 15% strain, whichever occurs first. The above referenced test data are recorded on the boring logs. Some test results may deviate from the norm because of variations in texture, imperfect samples, presence of pebbles and/or sand streaks, etc. The results are still reported although they may not be relevant.

The particle size distribution of three granular soil samples was also determined. The distribution provides estimates of the permeability and permeability-related behavior of the granular soils. The results are included in the appendix.

The laboratory test results apply to the samples tested and some results may not be representative of the soil mass because of variations in composition and texture, as well as imperfect samples and presence of pebbles and/or sand streaks in cohesive samples, etc.

Samples taken in the field are retained in our laboratory for 60 days and are then destroyed unless special disposition is requested by the client. Samples retained over a long period of time are subject to moisture loss and are then no longer representative of the conditions initially encountered.

4.0 GENERAL SUBSURFACE CONDITIONS

4.1 Subsoil Conditions

The soil conditions encountered in the borings are presented on the individual boring logs. Each log presents the soil types encountered at that location as well as laboratory test data, ground water data, and other pertinent information. Descriptions of the various soil consistencies, relative densities and particle sizes are given in the Appendix. Definitions of the terms and symbols utilized in this report may be found in ASTM D653.
4.1 Subsoil Conditions (Cont’d)

The subsurface conditions encountered in the borings may be generalized as follows for purpose of analysis. Please refer to the limitations regarding the uncertainties involved in such a generalization.

Stratification lines shown on the boring logs are approximate indications of change from one soil type to another and are not intended to represent an area of exact geological change.

The strata encountered are described below:

**Concrete**

A concrete slab 4 inches thick was encountered in Boring No. 3 overlying a layer of dark brown sand.

**Dark Brown Sand Fill To Possible Fill**

A layer of dark brown sand and trace of gravel (with some topsoil in Boring No. 2) was encountered in all borings. This layer extends a depth of 3 feet.

Standard penetration values in the dark brown sand range from 5 to 10 blows per foot. Bulk densities range from 101 to 125 pounds per cubic foot (pcf) with moisture contents range from 9 percent to 17.2 percent of the dry weight of the soil.

**Brown Medium To Fine Sand**

A deposit of brown medium to fine sand with some silt and trace of gravel is present below the fill and possible fill. This deposit extends to a depth of 14.5 feet in Boring No. 1 to 17 feet in Boring No. 3.

Standard penetration values range from 3 to 38 blows per foot. Bulk densities range from 102 to 127 pcf with moisture contents of 2.1 percent to 18.8 percent of the dry weight of the soil. The higher moisture contents may indicate the presence of silt or clay in the granular soils.

**Gray Clay With Some Silt**

A deposit of moist gray clay with some silt and trace of gravel was found below the sand and continues to the end of the test borings (25’).

Standard penetration values range from 10 to 15 blows per foot with unconfined compressive strengths of 2,310 to 6,180 psf. Bulk densities range from 120 to 137 pcf with moisture contents of 14 percent to 32.6 percent of the dry weight of the soil.
4.2 Ground Water Observations

Water level readings were taken in the bore holes during and after the completion of drilling. These observations are noted on the respective Test Boring Logs. Ground water was first encountered at depths ranging from 13’3” in Boring No. 3 to 14’ in Boring No. 2. At completion of the borings and removal of the augers, Boring No. 2 caved at 13’4”. Ground water was measured in Boring No. 3 at 12’2”. No ground water was noted in Boring No. 1, at the completion of the boring.

It should be noted that short-term ground water observations may not provide a reliable indication of the actual ground water table. In clayey soils this would be due to the slow rate of infiltration of water into the borehole as well as the potential for water to become trapped in overlying layers of the granular soils during periods of heavy rainfall. It should be expected that ground water levels fluctuate with seasonal and climatic changes. Elevations of gray colored soils tend to indicate a ground water level of long term low static water table.

5.0 ANALYSIS AND RECOMMENDATIONS

5.1 Proposed Development

The proposed development is to consist of a single story addition mostly at the east side of the existing Baldwin Public Library. The single story building addition will have a crawl space to match the existing building. The footprint of the addition will be about 2,026 square feet. Renovations will take place in areas with total footprint of about 5,500 square feet. The elevation of the floor slab of the addition will be the same as that of the floor slab of the existing library.

5.2 Ground Water Conditions

The position of water levels found in test borings may vary somewhat depending on seasonal precipitation. At the level encountered in the borings, it should present little problems for design or construction of foundations of the addition. We have assumed that the utilities are in place. Any seepage water encountered during construction should be controllable by direct pumping from excavations.

5.3 Recommended Earthwork Operations

Within the limits of areas to be developed, the surface concrete, vegetation and topsoil should be removed prior to the site being graded. Areas which will receive surface pavements should then be rolled with a vibrating roller to consolidate the loose sand. This should be followed by a proofroll to identify soft or yielding areas. Small equipment will likely need to be used in the crawl space area.
5.3  **Recommended Earthwork Operations (Cont’d)**

Care should be taken during the use of the vibrating roller to avoid damaging the existing building. It may be possible to stabilize soft areas with crushed stone or concrete. Soft spots that cannot be stabilized should be removed and replaced with compacted engineered fill.

Engineered backfill required for construction excavations or fill required to achieve desired grades should preferably consist of clean and well graded granular soils. On-site material could be satisfactory for use, particularly for balancing and grading the site if they are approved by the geotechnical engineer. Fill should be placed in uniform layers not more than 9 inches in thickness with the soils in each layer compacted to a minimum of 95% of the maximum density as determined by ASTM D-1557. Fill should be at approximately the optimum moisture content during placement and compaction. Furthermore, frozen material must not be used as fill and fill should not be placed on frozen ground.

Since the surface soils are predominantly sands, lateral support structure or side sloping with a minimum 1 ½H:1V ratio will be required for the anticipated excavations. Care must be exercised when excavating adjacent to existing foundations to avoid undermining them. Soils exposed in the bases of all satisfactory foundation excavations should be protected against any detrimental change in conditions such as from disturbances, rain or freezing. Surface run-off water should be drained away from the excavations and not be allowed to pond. If possible, all footing concrete should be placed the same day the excavation is made. If this is not possible, the footing excavations should be adequately protected.

5.4  **Foundation Recommendations**

The on-site soils are generally acceptable for support of the proposed structure on shallow foundations. Local building codes and climatic conditions require that exterior foundations be placed at a minimum depth of 3 ½ feet below finished grade to provide for adequate frost protection. Interior foundations may be below the floor at a lesser depth if not exposed to frost penetration. In any case, the footings should be deep enough to bear on original soil below the fill. At minimum depths, foundations both interior and exterior can be designed for a maximum net allowable bearing pressure of 1,500 psf.

In the area of Boring No. 3, a very loose layer of moist brown sand with trace of gravel was encountered at a depth of 3 to 5 ½ feet below existing ground surface. It is recommended that the foundations in the area be extended to 5 ½ to 6 feet.

The recommended design bearing pressure should provide a factor of safety of about 2.5 to 3 against shear failure and limit differential settlements between adjacent columns to less than ¾ inch.

Alternatively all of the foundations could be extended to a depth of 6 ½ feet and be designed for a net allowable bearing capacity of 2,500 psf.

At areas where the new foundations abut existing foundations the new foundations should be sloped in order to place the new foundations at the same elevations as the existing foundations.
5.4 Foundation Recommendations (Cont’d)

To minimize the lateral earth pressure on the crawl space walls, the walls should be backfilled with clean sand fill. Material meeting MDOT Class II grading requirements or approved alternate should suffice. Care should be exercised to limit the compaction of the backfill in order to avoid overstressing the walls. Light compaction equipment and thin fill lifts should be used.

The walls should be designed to resist the at-rest lateral pressure imposed by the granular fill, i.e., they should be designed against the pressure from a liquid with an equivalent fluid weight of 60 pcf. This value assumes that a properly installed and maintained perimeter drain will eliminate the water pressure on the wall.

From a review of the borings and assumptions made about the lower lying soils a seismic site class of D is recommended for design. It is assumed that the lower lying soils below the bottom of the borings have an average N value between 15 and 50 and shear strengths between 1000 psf and 2000 psf. This appears to be a reasonable assumption from general geology of the area. This is based off of the Michigan Building Code, which incorporates the International Building Code.

5.5 Floor Slabs and Pavements

The subgrade resulting from the site preparation, as outlined in the recommended earthwork operations section, will provide a fair subgrade for support of pavements and floor slabs. The pavements should be sloped and shaped in order to provide effective surface drainage and prevent water ponding.

Floor slabs, sidewalks and other concrete pavements should be placed on a minimum of 4 inches of clean compacted sand meeting MDOT Class II specifications or MDOT 21AA which will remain more stable during concrete placement.

In the event that a crawl space is not to be used and the floor slab in the area of the addition is to be placed on engineered fill, the fill should be prepared as per the recommendations given in the Earthwork Preparation section. Furthermore, the following considerations should be made as outlined below.

Exposed subgrades deteriorate over time, however, and if left alone for a while the prepared subgrade should again be thoroughly proofrolled immediately prior to placement of fill to raise the grade to verify its suitability. Any disturbed materials encountered during the proofroll should be re-compacted or removed and replaced with engineered fill. Subgrade soils for slabs on grade and pavements should be protected against frost during winter construction. Any frozen soils should be thawed and compacted, or removed and replaced with engineered fill prior to slab-on-grade and pavement construction.
5.5 Floor Slabs and Pavements (Cont’d)

To permit slab settlement without damaging other structural elements, the slab should be detailed with isolation joints at walls and around footings. As an alternate to construction of isolation joints at column footings, the footings could be separated from the slab with a minimum of six inches of compacted granular fill. Based upon the encountered subgrade soils, the stipulated subgrade preparation procedures and the expected fill to raise the grade, an estimated standard Modulus of Subgrade Reaction (30-inch diameter plate) of 150 pounds per cubic inch may be used for design. To improve the uniformity of support, the slab should be placed on a minimum of six inches of clean compacted granular fill meeting MDOT Class II grading requirements or dense graded crushed aggregate.

The slab performance can be improved through a number of details. Shrinkage cracks can be controlled by installing welded wire fabric in the slab. Cracking can also be reduced through the use of control joints.

Water vapor normally passes through concrete and evaporates from its surface if the concrete is not sealed. Even good quality, well-consolidated concrete is not impermeable to the slow passage of water vapor. Many floor coverings and floor finishes/seals are impermeable, that is, they act like a vapor retarder and the build-up of moisture beneath them is likely to damage the covering/finish. Even when such coverings/finishes are not used, moisture can condense beneath objects on the floor promoting creation of mildew and molds. Furthermore, where the subgrade consists of saturated cohesive soils, water from curing concrete can increase the moisture in the subgrade soils and, in turn, decrease their modulus of subgrade reaction.

For the above reasons, we generally recommend that damp-proofing in the form of a vapor retarder be provided beneath floor slabs that will receive an impermeable floor covering/finish as well as where the floor/room will be used for a purpose that makes passage of water through the floor undesirable. In any event we recommend placement of a vapor retarder beneath the crawl space floor or directly on the crawl space if a floor slab is not constructed.

It should be understood that placement of a vapor retarder beneath a concrete slab reduces but does not eliminate moisture transmission through the slab and suppliers of potential floor covering/finish should be consulted with regard to moisture transmission tolerances. We recommend that the vapor retarder be placed in accordance with American Concrete Institute (ACI) recommendations.

5.6 Limitations

The field and laboratory data, analysis and recommendations presented in this report are based on the field conditions during the time of this investigation. These conditions are not expected to change except maybe near the excavations of existing foundations.
5.6 Limitations (Cont’d)

Based on our field and laboratory data these conditions are indicative of the site. Changes and unforeseen conditions may be encountered during the construction period due to unforeseen conditions (during the field investigation) and ground changes during construction. Therefore, a geotechnical engineer familiar with the site should be present to ensure that proper construction procedures are used.

6.0 DESIGN REVIEW AND FIELD MONITORING

The evaluations and recommendations presented in this report relative to site preparation and building addition foundations have been formulated on the basis of assumed and provided data relating to the location, type and finished grades for the proposed structure and adjacent areas. Any significant change in this data should be brought to our attention for review and evaluation with respect to the prevailing subsoil conditions.

When the building addition and foundation plans are finalized, a consultation should be arranged with us for a review to verify that the evaluations and recommendations have been properly interpreted.

Soil conditions at the site could vary from those generalized on the basis of test borings made at specific locations. It is therefore recommended that Testing Engineers & Consultants, Inc. be retained to provide soil engineering services during the site preparation, excavation and foundation phases of the proposed project. This is to observe compliance with the design concepts, specifications and recommendations. Also, this provides opportunity for design changes to be made in the event that subsurface conditions differ from those anticipated prior to the start of construction.

Harry I. Papadopoulos, PhD  
Senior Project Engineer

Carey J. Suhan, PE  
Vice President, Geotechnical & Environmental Services
APPENDIX

Test Boring Location Plan
Logs Of Test Borings
Sieve Analysis Results
General Notes For Soil Classification
<table>
<thead>
<tr>
<th>Depth (ft)</th>
<th>Sample Type</th>
<th>N</th>
<th>Strata Change</th>
<th>Soil Classification</th>
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**Boring No.:** 1  **Job No.:** 58620  **Project:** Proposed Youth Services Renovation/Addition

**Client:** Baldwin Public Library  **Location:** Birmingham, Michigan

**Type of Rig:** Truck  **Drilled By:** I. Mickle

**Drilling Method:** Solid Stem Augers  **Started:** 2/6/2018

**Ground Surface Elevation:**  **Completed:** 2/6/2018

**Water Encountered:** 13'6"  **At Completion:** None

**Boring No.:** 1

"N" - Standard Penetration Resistance  
SS - 2" J.D. Split Spoon Sample  
LS - Sectional Liner Sample  
ST - Shelby Tube Sample  
AS - Auger Sample  
w - H2O, % of dry weight  
d - Bulk Density,pcf  
qu - Unconfined Compression,psf  
DP - Direct Push  
RC - Rock Core
### Boring No.: 2  
**Job No.:** 58620  
**Project:** Proposed Youth Services Renovation/Addition

**Client:** Baldwin Public Library  
**Type of Rig:** Truck  
**Drilling Method:** Solid Stem Augers

**Ground Surface Elevation:**

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- **N** - Standard Penetration Resistance  
- **SS** - 2' I.D. Split Spoon Sample  
- **LS** - Sectional Liner Sample  
- **ST** - Shelby Tube Sample  
- **AS** - Auger Sample  
- **W** - H2O, % of dry weight  
- **D** - Bulk Density,pcf  
- **qu** - Unconfined Compression, psf  
- **DP** - Direct Push  
- **RC** - Rock Core

**Water Encountered:** 14'0"  
**At Completion:** Caved In 13'4"  
**Boring No.:** 2
### Boring No.: 3  
**Job No.:** 58620  
**Project:** Proposed Youth Services Renovation/Addition

**Client:** Baldwin Public Library  
**Type of Rig:** Truck  
**Drilling Method:** Solid Stem Augers  
**Ground Surface Elevation:**

**Location:** Birmingham, Michigan  
**Drilled By:** I. Mickle  
**Started:** 2/6/2018  
**Completed:** 2/6/2018

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<td>Bottom of Borehole at 25'</td>
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**N** - Standard Penetration Resistance  
**SS** - 2” J.D. Split Spoon Sample  
**LS** - Sectional Liner Sample  
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**AS** - Auger Sample  
**w** - H2O, % of dry weight  
**d** - Bulk Density,pcf  
**qu** - Unconfined Compression, psf  
**DP** - Direct Push  
**RC** - Rock Core  

**Water Encountered:** 13'3"  
**At Completion:** 12'2"  
**Boring No:** 3
Material Description: Brown Medium to Fine Sand With Some Silt, Trace of Gravel

Sample Source / Depth: B-1 @ 5'

Sample Location: TEC Lab Sample Number: 4111

Intended Use: Brown Medium to Fine Sand With Some Silt, Trace of Gravel

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<td>100.0</td>
<td>Reviewed By:</td>
<td>G. Putt</td>
</tr>
<tr>
<td>3/8&quot;</td>
<td>10.1</td>
<td>2.1</td>
<td>97.9</td>
<td></td>
<td></td>
</tr>
<tr>
<td>#4</td>
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<td>91.0</td>
<td></td>
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</tr>
<tr>
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</tr>
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<td>34.9</td>
<td>65.1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>#30</td>
<td>114.2</td>
<td>44.5</td>
<td>55.5</td>
<td></td>
<td></td>
</tr>
<tr>
<td>#40</td>
<td>139.5</td>
<td>54.4</td>
<td>45.6</td>
<td></td>
<td></td>
</tr>
<tr>
<td>#100</td>
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<td>80.5</td>
<td>19.5</td>
<td></td>
<td></td>
</tr>
<tr>
<td>#200</td>
<td>223.1</td>
<td>87.0</td>
<td>13.0</td>
<td></td>
<td></td>
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<tr>
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<td>256.5</td>
<td>100.0</td>
<td>0.0</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>


Remarks:
**Material Description:** Brown Fine Sand With Trace of Gravel & Silt  
**Date Sampled:** 2/6/18  
**Sample Source / Depth:** B-3 @ 5'  
**Sample Location:**  
**Sampled By:** I. Mickle  
**TEC Lab Sample Number:** 4112  
**Intended Use:**  

### AGGREGATE ANALYSIS

<table>
<thead>
<tr>
<th>Sieve No.</th>
<th>Total Weight Retained (g)</th>
<th>Total Percent Retained (%)</th>
<th>Total Percent Passing (%)</th>
<th>Specification Range</th>
<th>Sample Data</th>
</tr>
</thead>
<tbody>
<tr>
<td>3&quot;</td>
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<td>0.0</td>
<td>Initial Sample Weight (g)</td>
<td>225.7</td>
</tr>
<tr>
<td>2-1/2&quot;</td>
<td>216.4</td>
<td>95.9</td>
<td>4.1%</td>
<td>Weight After Wash (g)</td>
<td>216.4</td>
</tr>
<tr>
<td>1-1/2&quot;</td>
<td>216.4</td>
<td>95.9</td>
<td>4.1%</td>
<td>Loss in Weight (g)</td>
<td>9.3</td>
</tr>
<tr>
<td>1&quot;</td>
<td>216.4</td>
<td>95.9</td>
<td>4.1%</td>
<td>Loss by Wash (%)</td>
<td>4.1%</td>
</tr>
<tr>
<td>3/4&quot;</td>
<td>216.4</td>
<td>95.9</td>
<td>4.1%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1/2&quot;</td>
<td>216.4</td>
<td>95.9</td>
<td>4.1%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3/8&quot;</td>
<td>216.4</td>
<td>95.9</td>
<td>4.1%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>#4</td>
<td>216.4</td>
<td>95.9</td>
<td>4.1%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>#10</td>
<td>216.4</td>
<td>95.9</td>
<td>4.1%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>#20</td>
<td>216.4</td>
<td>95.9</td>
<td>4.1%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>#30</td>
<td>216.4</td>
<td>95.9</td>
<td>4.1%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>#40</td>
<td>216.4</td>
<td>95.9</td>
<td>4.1%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>#100</td>
<td>216.4</td>
<td>95.9</td>
<td>4.1%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>#200</td>
<td>216.4</td>
<td>95.9</td>
<td>4.1%</td>
<td></td>
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</tr>
</tbody>
</table>

**Test Method:** ASTM C117/C136  
**Reviewed By:** G. Putt  
**Tested By:** H. Spahiu

**Remarks:**

Respectfully Submitted:  
Testing Engineers and Consultants, Inc.
Material Description: Brown Fine Sand With Trace of Gravel & Silt

Sample Source / Depth: B-3 @ 7.5'

Sample Location: TEC Lab Sample Number: 4113

Sample Location: TEC Lab Sample Number: 4113

Intended Use: Brown Fine Sand With Trace of Gravel & Silt B-3 @ 7.5'

<table>
<thead>
<tr>
<th>Sieve No.</th>
<th>Total Weight Retained</th>
<th>Total Percent Retained</th>
<th>Total Percent Passing</th>
<th>Specification Range</th>
<th>SAMPLE DATA</th>
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</thead>
<tbody>
<tr>
<td>3&quot;</td>
<td></td>
<td></td>
<td></td>
<td>Initial Sample Weight (g)</td>
<td>227.3</td>
</tr>
<tr>
<td>2-1/2&quot;</td>
<td></td>
<td></td>
<td></td>
<td>Weight After Wash (g)</td>
<td>216.3</td>
</tr>
<tr>
<td>1-1/2&quot;</td>
<td>0.0</td>
<td>100.0</td>
<td></td>
<td>Loss in Weight (g)</td>
<td>11.0</td>
</tr>
<tr>
<td>1&quot;</td>
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<td>0.5</td>
<td>99.5</td>
<td>Loss by Wash (%)</td>
<td>4.8%</td>
</tr>
<tr>
<td>3/4&quot;</td>
<td>2.1</td>
<td>0.9</td>
<td>99.1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1/2&quot;</td>
<td>8.0</td>
<td>3.5</td>
<td>96.5</td>
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<td></td>
</tr>
<tr>
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<td>94.5</td>
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<td></td>
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<tr>
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<td>#30</td>
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<td>93.1</td>
<td>6.9</td>
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<td>G. Putt</td>
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<tr>
<td>Total Sample</td>
<td>227.3</td>
<td>100.0</td>
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</tr>
</tbody>
</table>


Remarks:
SOIL DESCRIPTIONS

In order to provide uniformity throughout our projects, the following nomenclature has been adopted to describe soil characteristics:

CONSISTENCY AND RELATIVE DENSITY

<table>
<thead>
<tr>
<th>COHESIVE SOILS</th>
<th>GRANULAR SOILS</th>
</tr>
</thead>
<tbody>
<tr>
<td>UNCONFINED COMPRESSIVE STRENGTH, PSF</td>
<td>“N” VALUES</td>
</tr>
<tr>
<td>Below 500</td>
<td>0 – 2</td>
</tr>
<tr>
<td>500 – 1,000</td>
<td>3 – 4</td>
</tr>
<tr>
<td>1,000 – 2,000</td>
<td>5 – 8</td>
</tr>
<tr>
<td>2,000 – 4,000</td>
<td>9 – 15</td>
</tr>
<tr>
<td>4,000 – 8,000</td>
<td>16 – 30</td>
</tr>
<tr>
<td>8,000 – 16,000</td>
<td>31 – 50</td>
</tr>
<tr>
<td>Over 16,000</td>
<td>51+</td>
</tr>
</tbody>
</table>

Material Types By Particle Size

ASTM D2487

BOULDERS | Stones Over 12” In Diameter
COBBLES | Stones 3” To 12” In Diameter
GRAVEL | #4 To 3” Diameter
COARSE SAND | #10 To #4 Sieves
MEDIUM SAND | #40 To #10 Sieves
<table>
<thead>
<tr>
<th>Material Types By Particle Size</th>
<th>ASTM D2487</th>
</tr>
</thead>
<tbody>
<tr>
<td>FINE SAND</td>
<td>#200 To #40 Sieves</td>
</tr>
<tr>
<td>SILT</td>
<td>Minus #200 Sieve Material, Fairly Non-Plastic, Falls Below “A”-Line</td>
</tr>
<tr>
<td>CLAY</td>
<td>Minus #200 Sieve Material Plastic Material That Has A Tendency To Stick Together, Can Be Rolled Into Fine Rods When Moistened; Falls Above “A”-Line</td>
</tr>
<tr>
<td>PEAT</td>
<td>Black Organic Material Containing Partially Decayed Vegetable Matter</td>
</tr>
<tr>
<td>MARL</td>
<td>Fresh Water Deposits Of Calcium Carbonate, Often Containing Percentages Of Peat, Clay &amp; Fine Sand</td>
</tr>
<tr>
<td>SWAMP BOTTOM DEPOSITS</td>
<td>Mixtures Of Peat, Marl, Vegetation &amp; Fine Sand Containing Large Amounts Of Decayable Organic Material</td>
</tr>
</tbody>
</table>
ATTACHMENT G – DRAWINGS OF EXISTING CONDITIONS

For Expansion and Renovation of Youth Services Section of Baldwin Public Library

The following drawings were prepared by Shelter Design Studio, 104 W. Fourth Street, Suite 303, Royal Oak, Michigan 48067, in November 2017.
ATTACHMENT H – HEATING AND COOLING EVALUATION

For Expansion and Renovation of Youth Services Section of Baldwin Public Library

The following report was prepared by Peter Basso Associates, 5145 Livernois, Suite 100, Troy, MI 48098, in January 2018.
## Heating and Cooling Evaluation Summary

<table>
<thead>
<tr>
<th></th>
<th>Calculated Existing System Capacity</th>
<th>Proposed System Capacity Requirements</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Heating Load</td>
<td>126,945 BTUH</td>
<td>99,120 BTUH</td>
<td>OK, capacity of existing system is more than what is required for the expanded area.</td>
</tr>
<tr>
<td>Cooling Load</td>
<td>190,417 BTUH</td>
<td>208,719 BTUH</td>
<td>The cooling demand of the proposed expansion exceeds the capacity of the existing system. The proposed expansion is approx. 18,300 BTUH or about 1.5 tons greater than what is available.</td>
</tr>
</tbody>
</table>

The perimeter heat loss per lineal foot of the proposed expansion wall is less than 200 BTUH/LF and based on good engineering practice would not require supplemental heating elements, but might be considered.
DATE:       June 21, 2018
TO:         Joseph A. Valentine, City Manager
FROM:       Tiffany J. Gunter, Assistant City Manager
SUBJECT:    Professional Services Contract Recommendation - Development Consultant for N. Old Woodward Avenue / Bates Street Project

A recommendation was made on the meeting of June 4, 2018 directing the City to continue discussion with Walbridge / Woodward Bates Partners LLC to advance their proposal for increased parking and Bates Street development in a combined and incremental development approach; and further, to consider the engagement of a development consultant to represent the City in future negotiations.

A development consultant would be part of a comprehensive development team that would also include key staff, outside development attorney, bond counsel, and an environmental consultant to represent the City’s interests in further evaluating and structuring a development deal with Woodward Bates Partners LLC.

The scope of the Development Consultant would include the following:

- Lead the proposal evaluation and analysis required to support contract negotiations with the Developer in cooperation with staff, environmental consultant, and the development attorney;
- Provide periodic updates to the City and attend internal meetings as required;
- Review pro formas and financial plans prepared by the Developer and comments on the project’s overall financial structure and assumptions including, but not limited to:
  - Rental Rates
  - Absorption Schedule
  - Lease Up Cost
  - Vacancy Rates
  - Cost of Capital
  - Operating Expenses
  - Debt Structure
  - Developer Equity Allocation;
- Review of debt and equity structure as proposed for the project;
- Review any available term sheets, commitment letters, etc. from lenders;
- Analyze source and stability of Developer equity;
• Conduct a cursory market survey to evaluate proposal plans in the context of current market conditions as well as the City’s master plan;
• Review background and experience of project team members with respect to project completion and successful delivery; and
• Attendance at meetings and communication with the City and other identified parties relevant to the success of the proposed development.

The City’s development team would also include the expertise of an environmental consultant who would evaluate any environmental issues with the property should they exist, development counsel who would be responsible for negotiating and drafting a development agreement for the project along with bond counsel that would advise the City in establishing a bond component for the applicable public parking elements of the project.

Although competitive bidding is not required for Professional Services under the City’s purchasing regulations, a Request for Quotes (RFQ) was issued to a qualified group of development consultants to provide cost proposals for these services. Three cost proposals were received that all met the minimum criteria sought after in the RFQ. The firms included:

<table>
<thead>
<tr>
<th>Firm Name</th>
<th>Bid Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Plante Moran Cresa/REIA</td>
<td>$75,000</td>
</tr>
<tr>
<td>Jones Lang LaSalle Inc.</td>
<td>$91,240</td>
</tr>
<tr>
<td>S2 Partners, LLC</td>
<td>$308,000</td>
</tr>
</tbody>
</table>

The cost differential between the quotes was due to the number of estimated hours required to complete the work. While Jones Lang LaSalle (JLL) estimated approximately 370 hours at $170 per hour and S2 Partners, LLC estimated approximately 960 hours at $300 per hour, Plante Moran Cresa/REIA (PMC) estimated a total cost not to exceed $75,000 with an hourly rate ranging between $200-350 per hour, which would provide approximately 272 hours if we calculate using the mid-range cost per hour.

Staff reviewed the project approach for each of the firms and concluded that the approach outlined in the JLL quote was clear with respect to their role in supporting and participating in contract negotiations while the PMC quote offered a deliverable of a final report with findings, observations, and conclusions without a clear deliverable as it relates to contract negotiations.

JLL provided the most comprehensive response to the City’s request and the following resolution recommends that JLL be selected as the Development Consultant for the N. Old Woodward / Bates Street Project.

Staff and the City Attorney also evaluated multiple Development Attorney’s to support the review of the proposed development and lead negotiations in establishing a public/private development agreement, as well as, bond counsel. Staff recommends engaging the services of
Miller Canfield for these roles. Pat McGow of Miller Canfield has served as the City’s bond counsel for several years. Pat has recommended Joe Fazio as strong development counsel that will lead negotiations on behalf of the City. Joe’s specific areas of expertise include complex commercial real estate acquisitions and developments, with extensive experience in ground leasing, entity formation, public/private development agreements, as well as conventional, securitized and tax-increment financing.

SUGGESTED RESOLUTION:

To authorize the City to engage the firm of Jones Lang LaSalle, Inc. to provide development consulting services for an amount not to exceed $91,240 utilizing the Parking Enterprise Fund account #585-538.001-811.0000. Further, direct the Mayor and City Clerk to sign the agreement on behalf of the City contingent upon receipt of required Insurance Certificates. Also, to authorize the City to engage the legal services of Miller Canfield to serve as the development attorney and bond counsel.
REQUEST FOR QUOTE

City of Birmingham
N. Old Woodward Parking Garage/
Bates Street Extension and Mixed
Use Development Project

Development Consulting Services

06 | 21 | 18
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Cover Letter

01. Requested forms

02. Similar projects

03. Firm description

04. Sub-consultants

05. Conflicts of interest

06. References

07. Timeline and approach

08. Contract negotiations
June 21, 2018

Ms. Tiffany Gunter  
Assistant City Manager  
City of Birmingham  
P.O. Box 3001  
Birmingham, MI 48012

RE: PROPOSAL FOR DEVELOPMENT CONSULTING SERVICES  
N. OLD WOODWARD PARKING GARAGE / BATES STREET EXTENSION AND MIXED USE DEVELOPMENT

Dear Tiffany,

JLL's Project and Development Services team is pleased to present this proposal to provide development consulting services for your upcoming parking garage and mixed use development project located in Birmingham, MI. We operate in a client-focused, best-in-class service delivery mindset. Our approach is to work as an extension of our clients, and instill a collaborative work environment with professional team members to drive the focus of your vision and goals.

JLL has unparalleled expertise and experience as a full-service, one-stop, vertically integrated real estate services and investment management firm providing service to a multitude of public sector clients. We are positioned to exceed the solicitation requirements and believe we can add significant value through the following components:

- **Experienced team** – Zarah Broglin will be your dedicated resource and single point of contact for this project. Zarah is highly versed in the delivery of new development and parking structure projects. Zarah will rely on this experience, as well as her interactions with JLL's research team and the financial support of Kirco Manix, to expertly analyze the Developer's proposal to ensure accuracy and the best outcome for the City of Birmingham.

- **Public sector expertise** - We have helped more than 250 public sector clients find new ways to maximize their real estate. We combine public and private sector best practices and experience to deliver a full range of integrated real estate solutions and financial advisory services focused on the unique needs and missions of public sector organizations. JLL is the premier provider of P3 Advisory Services in the nation and will bring that expertise to bear to the City of Birmingham.

- **Strong research platform** - JLL has a local research team that is experienced and knowledgable in providing our clients with the most accurate and timely market data. For this project, we will use this expertise to ensure market intelligence and insight aligns with the Developer's due diligence package.

We would be honored to partner with the City of Birmingham for your upcoming development consulting project. Please do not hesitate to contact me if you need additional information at +1 313 910 6396.

Sincerely,

JLL

Timothy R. Kay  
Managing Director  
Project and Development Services  
Tim.Kay@am.jll.com
01. Requested forms
01. Requested forms

ATTACHMENT B - BIDDER’S AGREEMENT
Development Consulting Services

In submitting this quote, as herein described, the Consultant agrees that:

1. They have carefully examined the specifications, terms and Agreement of the Request for Quote and all other provisions of this document and understand the meaning, intent, and requirement of it.

2. They will enter into a written contract and furnish the item or items in the time specified in conformance with the specifications and conditions contained therein for the price quoted by the proponent on this proposal.

Tim Kay
PREPARED BY
(Date)

Managing Director
TITLE

AUTHORIZED SIGNATURE
E-MAIL ADDRESS

JLL
COMPANY

226 E. Hudson Ave., Royal Oak, MI
ADDRESS

248-581-3311
PHONE

Jones Lang LaSalle Americas, Inc.
NAME OF PARENT COMPANY

312-782-5800
PHONE

200 E. Randolph Drive, Chicago, IL 60601
ADDRESS
01. Requested forms

ATTACHMENT C - COST PROPOSAL
Development Consulting Services

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

Attach technical specifications for all proposed materials as outlined in the Consultant Consultant’s Responsibilities section of the RFQ

<table>
<thead>
<tr>
<th>COST PROPOSAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>ITEM</td>
</tr>
<tr>
<td>----------------</td>
</tr>
<tr>
<td>Proposal Evaluation and Analysis (Labor based on rate of $170 per hour* Estimated number of hours = 370 hours)</td>
</tr>
<tr>
<td>Contract Negotiation, Meetings, and final Recommendation (est. 6 weeks)</td>
</tr>
<tr>
<td>Reimbursable Expenses</td>
</tr>
<tr>
<td>TOTAL QUOTE AMOUNT</td>
</tr>
<tr>
<td>GRANDTOTAL AMOUNT</td>
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</table>

<table>
<thead>
<tr>
<th>OPTIONAL QUOTE: OWNER’S REP FEES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Senior Project Manager - FTE</td>
</tr>
</tbody>
</table>

*Estimated level of effort. This can be adjusted up or down as we understand more about project delivery and phasing.

Firm Name JLL

Authorized signature ___________________________ Date 6/21/2018
01. Requested forms

ATTACHMENT D - IRAN SANCTIONS ACT VENDOR CERTIFICATION FORM
Development Consulting Services

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

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

Tim Kay 6/21/2018
PREPARED BY DATE
(Print Name)

Managing Director 6/21/2018
TITLE DATE

AUTHORIZED SIGNATURE Tim.Kay@am.jll.com E-MAIL ADDRESS

JLL COMPANY

226 E. Hudson Ave., Royal Oak, MI 248-581-3311
ADDRESS PHONE

Jones Lang LaSalle Americas, Inc. 312-782-5800
NAME OF PARENT COMPANY PHONE

200 E. Randolph Drive, Chicago, IL 60601
ADDRESS

36-4160760 TAXPAYER I.D.#
02. Similar projects
02. Similar projects

City of Grand Rapids
Real Estate Consulting and Brokerage

Challenge
Grand Rapids has been investing in the growth, vibrancy, and resilience of its downtown and focusing on the Grand River as a key asset. To bolster these efforts, the City will relocate staff and operations housed at the 201 Market Ave SW Site, a 15.8 acre river front municipal facility, and make the Site available as a mixed-use redevelopment opportunity. Proceeds from the sale of the 201 Market site as well as available Brownfield TIF are needed to fund the City’s relocation off of the Site. JLL was engaged to provide real estate consulting and brokerages services related to new facility programming, acquisition of a new municipal facility site, as well as developer procurement and transaction negotiations for the 201 Market Ave SW Site.

New Facility Program & Lean Consulting
In developing the space program for the New Facility, JLL partnered with an A/E firm with experience in projects focused on driving efficiencies for public facilities, as well as a consulting partner with expertise in the lean approach to assessing and improving operational performance. JLL worked closely with the A/E and Lean Consultants, as well as a number of city stakeholders to assess space use in a number of facility areas to identify opportunities to drive efficiency, while securing buy in from the managers and staff who will ultimately be utilizing the new facility. The resulting new facility program will deliver a modern and efficient facility that eliminates waste and drives cost savings.

Using information integrated from the new facility program, JLL’s brokerage team is working with the City to identify and acquire a new facility site that will meet the program needs, and which is strategically located for municipal service delivery.

201 Market Ave SW Redevelopment: Dual-Stage Procurement Process
Redevelopment of the 201 Market Site presents a number of unique challenges and opportunities, including the delivery of a public riverwalk, a large public green space requirement, and the availability of Brownfield TIF. As such, JLL worked with the City to develop and administer a two-stage procurement process, beginning with an RFQ identifying Respondents with the appropriate technical and financial capacity to deliver a large-scale, mixed-use project to the Site, before proceeding to the RFP.

Project Details

Services:
- Architecture/Engineering Sub-consultant Procurement
- Site Selection and Acquisition
- Development Advisory Services
- Market Analysis
- Financial Analysis
- RFQ/RFP Preparation
- Developer Solicitation
- Transaction Negotiation

Geographies:
Grand Rapids, MI

Development Requirements:
New City Facility: 20 – 30 acres
201 Market Site: 15.8 Acres
- Large-scale, mixed-use
- Mixed-income housing
- Public riverwalk
- Public green/open space
- Multi-modal transportation integration
stage where qualified Respondents would be asked to submit their development plan for the Site and financial offer to the City.

**Market Analysis**

To develop an understanding of likely development scenarios for the 201 Market Site, JLL first undertook a comprehensive market analysis of office, retail, multi-family, and hotel dynamics in downtown Grand Rapids. Working closely with JLL’s market experts in Grand Rapids, JLL analyzed market dynamics at the local, city-wide, and regional level to ensure that demand was sufficient and that projects both completed and underway would not significantly compete. To assess latent multi-family housing demand, JLL conducted a review of downtown vs. City-wide population growth and housing availability across multiple comparable cities, including Grand Rapids. The results illustrated how insufficient housing stock was depressing population growth in Grand Rapids’ downtown core, and demonstrated latent demand for new multi-family housing. JLL’s Market Analysis confirmed that there was enough market demand across several product types for the Site to be an attractive redevelopment opportunity.

**Request for Qualifications**

JLL developed and marketed an RFQ targeted at local, regional, and national development teams that highlighted Grand Rapids as a center of growth and economic opportunity in West Michigan. The Real Capital Markets (‘RCM’) platform was utilized to assist with marketing efforts and a website ‘www.201market.com’ was created for public access to RFQ materials. A broad-based Evaluation Committee comprised of City staff and diverse community stakeholders was assembled to formally assess the RFQ responses. Evaluation Committee members utilized a quantitative scoring methodology to assess various evaluation factors drawn from submission requirements and evaluation criteria outlined in the RFQ. To assess the financial capacity of the RFQ Respondents, the JLL team assessed the relevant financial information provided in the RFQ Responses as well as conducted reference calls with the commercial and/or institutional credit references that were provided by each Respondent. After a round of interviews with the highest scoring RFQ Respondent Teams, the Evaluation Committee was able to identify the top 3 qualified RFQ Respondents who would be invited to respond to the RFP.

**Request for Proposals**

The Request for Proposals is designed to solicit the proposed development profile of the Site, as well as financial offer to the City. JLL worked with the City to draft an RFP document that outlines the City’s development requirements for the Site, including requirements for the delivery of:

- Mixed-income housing
- Public riverwalk
- Public green / open space
- Multi-modal transportation Infrastructure
- High-quality retail
- Green Infrastructure and sustainable design.

The RFP also requested that Respondents address specific plans for diversity, inclusion, and equity as it relates to construction contracting, ongoing operations of the project, and community partnerships. JLL led the Evaluation Committee members through a quantitative evaluation process that balanced the above outlined development requirements for the Site, with the Respondent’s financial offer to the City.

JLL continues to work closely with the City on due diligence conversations with the RFP respondents to determine feasibility of the RFP responses and determine next steps.
The Detroit Medical Center (DMC) wanted to create a new home for their renowned Cardio Team One and the Harper Outpatient Surgery Center. The location also needed to serve as the gateway to the DMC’s main midtown campus, and invite the community to enjoy the historic DMC ground. With this investment, the DMC is making a statement that they continue to support the city and its workforce, and the home for national leaders in healthcare services.

Customized Solution
The DMC selected JLL to provide program management services for the South Campus Improvement project because of their confidence and previous experience working with the Detroit-based team.

The Heart Hospital is a six story ambulatory facility that includes five cardiac catheterization and electrophysiology labs for interventional cardiology, cardiac diagnostic imaging programs, and five operating rooms. The two upper floors will be developed as medical office space to support the DMC’s orthopedic and cardiology programs.

The project site is adjacent to three hospitals and connected to the new South Campus Parking Structure. The Parking Structure provides space for 1,700 vehicles, and also houses the south campus power house which provides power to support the Heart Hospital and emergency power for the Heart Hospital, Children’s Hospital of Michigan and the Children’s Critical Care Tower. The JLL team developed a detailed phasing plan so that the construction impact to adjacent facilities was minimized.

Results
The project scope expanded to include additional connections to the main Harper Hospital and equipment changes. The schedule was also changed because of the delay to vacate a structure needed to be demolished as part of the project. With these impacts, the JLL team was able to complete the project according to the originally approved schedule and budget. The project also achieved LEED certification.
02. Similar projects

College for Creative Studies
A. Alfred Taubman Center for Design Education

The eleven story Argonaut Building, built between 1928 and 1936, is the former home of General Motor’s design and engineering operations. Newly renovated, it is once again a center of design, housing a middle/high school, the College for Creative Studies, student housing for 300, a dining facility, an auditorium, a conference center and office space available for lease.

This project consisted of the 760,000 square foot complete renovation. Scope of work included: abatement, underground storage tank removal, extensive structural repair, elevator modernization, complete window replacement, new roofing, replacement of all mechanical/electrical systems and exterior historic restoration.

In addition to the main building, a new gym and traffic circulation strategies involved demolishing an obsolete parking structure, construction of a parking deck for 483 cars and a surface lot with 178 spaces, on adjacent parcels.

Customized Solution
In order to make this project reality, a complex financing strategy of non-for-profit and for-profit entities was employed to obtain the necessary donations, historical tax credits, grants and bonds. JLL was retained in early 2008, after schematic design, and some key consultants selections. Due to requirements, construction activities started in April 2008, before either design or $140 million financing package was completed.

As a result of project timing, all activities were extremely condensed and required rapid analysis, multiple validations, constant risk and change management. Due to the mixed use of the building, this project was also extremely complex regarding city, state, and federal agencies.

JLL provided leadership in gap assessments, design management, phasing strategies, cost management, building operation, schedule analysis, sustainability, and quality assurance.

Results
Our value engineering activities were successful in reducing over $4M and further expertise reviewing contractor change pricing and work methodology have resulted in approximately $1M in savings. The building is also LEED certified.

Project Details

Challenge
- Historic Exterior Renovation
- Mixed Use / Multiple Jurisdictions
- Asbestos Abatement
- New Mechanical and Electrical Systems
- Compressed Schedule
- Phased Project Delivery
- Evolving Financial/Funding Requirements

Solution
- JLL has managed all contractors and vendors to provide value and mitigate risk

Results
- Accurate, independent cost forecasting
- Extensive change management
- Successful cost savings exceeding $5M
- Projected on-time occupancy despite 6 months of delays
03. Firm description
03. Firm description

WHO WE ARE
Jones Lang LaSalle Incorporated was established by the 1999 merger of the Jones Lang Wootton (‘JLW’) companies, founded in England in 1783, with LaSalle Partners Incorporated, founded in the United States in 1968. We are a financial and professional services firm specializing in real estate – offering comprehensive integrated real estate and investment management services on a local, regional and global basis to owner, occupier and investor clients. We are an industry leader in property and corporate facilities management services, with a portfolio of approximately 4.6 billion square feet worldwide.

Our full range of real estate services offers strategic and practical solutions to increase productivity across the real estate life cycle. We offer our range of services globally from regional headquarters in the US, UK and Singapore, including:

- Tenant representation
- Lease administration and audit
- Project and development management
- Facilities management
- Corporate finance
- Consulting
- Energy and sustainability services
- Agency leasing
- Property management
- Capital markets
- Investment management
- Hotel advisory
- Real estate investment banking

INDUSTRY RECOGNITION AND AWARDS
JLL is recognized worldwide for its superior service delivery, strong business metrics, high ethical standards and its demonstrated commitment to sustainability initiatives. A 2018 recipient of the ENERGY STAR® Sustained Excellence Award by the U.S. Environmental Protection Agency, we also were named to FORTUNE Magazine’s “World’s Most Admired Companies” and “America’s Best Employers” in 2018.

We are also proud to be named the 2015 “Best of the Best” Top Diversity Employer and 2015 Top Supplier Diversity Program by the Black EOE
03. Firm description

Journal as well as Hispanic Network Magazine. Each year since 2010, the International Association of Outsourcing Professionals® has named JLL among the best service providers across all industries on its annual Global Outsourcing 100® list—including “Super Star” status in 2016, in which we earned the highest possible ranking in each of the judging categories.

PUBLIC INSTITUTIONS PRACTICE
Our Public Institutions practice has a dedicated team of public sector specialists with access to our firm’s network of resources and specialty practices. We combine public and private sector best practices and experience to deliver a full range of integrated real estate solutions and financial advisory services focused on the unique needs and missions of public sector organizations. Our areas of expertise include: real estate strategy; market/economic analysis; financial feasibility analysis; highest and best use studies; master planning and land use analysis; complex, large-scale, mixed-used development; enhanced use leasing; lease acquisitions; property disposals; integrated facilities management; sustainability advisory; transit-oriented development; developer solicitation; project marketing; deal structuring; negotiations; transaction closure; portfolio and asset management; project management; and public private partnerships.

Our goals
Transforming real estate portfolios into more efficient inventories that meet organizational needs, we assist our clients in implementing and executing their real estate strategies from concept development through operations and maintenance management at federal, state and local levels. These efforts often involve negotiations and oversight of private sector developers, financiers, construction firms, landlords, property managers and jurisdictional entities. Our experience in the public and private sectors provides agencies the insight and expertise necessary to align a real estate portfolio with the agency’s strategic goals. Unlocking the value once trapped in underutilized real estate and facilities can help fund programs critical to an agency’s mission.

JLL RESEARCH
Market information is a critical component of every phase of the real estate process. At JLL, we invest in cutting edge technologies and devote unprecedented manpower to tracking market data to create a sophisticated, tactical model of research and analysis. The firm employs nearly 100 full-time research professionals in the U.S. that provide a full suite of standard and customized analytical services to our clients. With this data, our local research team works diligently to catalogue and analyze market data.
03. Firm description

PROJECT TEAM

Senior Project Manager, Zarah Broglin, will be leading the proposal evaluation and analysis process, ensuring all aspects of the Developer’s due diligence proposal are reviewed to ensure project success.

Zarah will team with our local JLL research staff who will be developing the market-driven data to determine demand and scale of each element of this mixed use development. This effort will ensure the scale is correct to drive a proper proforma. In addition, Zarah will engage a financial analyst from our JLL Public Institutions team as needed.

JLL will also be engaging Kirco Manix as a sub-consultant on this project. Kirco Manix will support validation of cost estimates and assumptions in the Developer proposal in a peer review.
Zarah Broglin, LEED AP

Senior Project Manager
Project and Development Services

Current Responsibilities
Ms. Broglin is a Senior Project Manager for JLL’s Project and Development Services team. Her responsibilities include managing costs and establishing strategic, mutually beneficial partnerships and relationships with users, vendors and service providers. Ms. Broglin is currently managing the due diligence process for two new developments for Mercedes Benz Financial Services and Mercedes Benz Research and Engineering of North America.

Experience
Ms. Broglin has a significant amount of experience in the management of various projects, including ground up construction and demolition projects, infrastructure improvements, historic renovations, manufacturing, hospital facilities, sports arenas, parking garages and LEED projects.

Prior to joining JLL, Ms. Broglin was a Project Manager at CBRE in Dearborn, Michigan working at Ford Land Account. Ms. Broglin was responsible for managing all facets of project management (budget, schedule, procurement, quality and risk) for manufacturing and real estate projects including planning, design, construction, occupancy and closeout. She was held accountable for the management of concurrent projects at Ford Land while adhering to their priorities, planning, forecasting and coordinating tasks with impacted parties and customers, and interfacing with government agencies as necessary. Ms. Broglin’s recent completed project was the restoration of historic Ford Engineering Laboratory, which received “The Project of the Year” award from Construction Association of Michigan (CAM).

Ms. Broglin has also served as a Project Manager for Wayne State University and Senior Project Engineer at Beaumont Hospital as part of a joint venture between Barton Malow and Skanska where she was given full responsibility for creating and managing the project budget and working closely with the project architect, owner and subcontractors to monitor project activities.

Education and Affiliations
Ms. Broglin has a significant amount of experience in the management of various projects, including ground up construction and demolition projects, infrastructure improvements, historic renovations, manufacturing, hospital facilities, sports arenas, parking garages and LEED projects.

Select Client List
MBFS and MBRDNA - Due Diligence
Toyota
Ann Arbor, MI Tech Center
Ground Up Construction of Toyota Purchasing Building – LEED Platinum V4
147,000 SF
Ford Land
Ford Engineering Lab
280,000 SF
Wayne State University
Misc. Infrastructure Improvement Project
Wayne State Medical Clinic - 50K SF
Wayne State University Parking Deck
Beaumont Hospital
Troy Emergency Center/Critical Care Center
250,000 SF
University of Michigan
Mott Hospital - Preconstruction Support
Ann Arbor, MI
1M SF
04. Sub-consultants
04. Sub-consultants

**KIRCO MANIX**
JLL will engage Kirco Manix as a sub-consultant on this project. Kirco Manix will support validation of cost estimates and assumptions in the Developer proposal in a peer review.
05. Conflicts of interest
05. Conflicts of interest

FULL DISCLOSURE
Upon full review of the Request for Quote, as well as the Developer’s due diligence package, JLL has not identified any parties which it has had a relationship with over the past five (5) years, nor any other conflict of interest that would prevent our team from performing the requested services.
06. Client references
## 06. Client references

### CLIENT REFERENCES

<table>
<thead>
<tr>
<th>Mr. Ron Henry</th>
<th>Beaumont Health (previously at DMC)</th>
<th>Tel +1 248 953 6414</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr. Richard Rogers</td>
<td>President</td>
<td>College for Creative Studies</td>
</tr>
<tr>
<td>Ms. Kara Wood</td>
<td>Economic Development Director</td>
<td>City of Grand Rapids</td>
</tr>
</tbody>
</table>
07. Timeline and approach
07. Timeline and approach

PROJECT APPROACH
JLL has worked with numerous clients, serving as their trusted advisor delivering feasibility analysis, financial analysis, development consulting services and sharing development best practices gained from years of work delivering similar services for a host of public industry clients.

When it comes to the delivery of the proposal evaluation and analysis required for this project, our team is readily available to deliver on your project requirements within the timeframe specified in the Request for Quote, as well as within our project timeline detailed on the following page.

Scope of Services
In order to successfully assist, guide and advise the City on this project, our team will implement the following steps to ensure the Developer’s proposal is achievable:

• Confirm project goals in terms of cost, schedule and physical requirements through a meeting with City.
• Review Developer plans, specifications, schedule and financial proposal to ascertain conformance with project goals and objectives.
• Provide client with all necessary protection and rights of approval through a thorough review of the Developer’s due diligence and cost proposal to ensure the City’s goals and objectives are accurately reflected in the project.
• Coordinate interface between client’s core team and the Developer’s team to make certain that the Developer is capturing client’s interest in all aspects of the proposal evaluation and analysis process.
• Represent City in reviewing and commenting on the due diligence package prepared by Developer, including the:
  – Master plan
  – Area demographics
  – Site plans
  – Space programming
  – Cost estimates
  – Phasing schedule
  – Market research
  – Any additional assumptions
• Conduct financial review and analysis of the proposed development, including proformas, financial plans.
• Ascertain that all known and unknown costs are included in the Development Budget.
• Review and scrutinize the costs associated with the build-out of the project to enable client to obtain best possible value.
• Provide comments and assumptions on the project’s overall financial structure, including, but not limited to:
  – Rental rates
  – Absorption schedule
  – Lease up cost
  – Vacancy rates
  – Cost of Capital
• Operating expenses
• Debt structure
Developer Equity Allocation
• Review debt and equity structure as proposed for the project
• Review any available term sheets, commitment letters, etc. from lenders
• Analyze source and stability of Developer equity
• Conduct cursory market survey to evaluate proposal plans in the context of current market conditions, as well as the City’s master plan
• Review background and experience of project team members with respect to project completion and successful delivery
• Act as a conduit for communication and resolution of day-to-day queries, conflicts and issues that may arise on the project.
• Coordinate City’s involvement throughout the proposal evaluation and analysis process to enable positive engagement, buy-in to results, necessary support and responsive decision making as required to support the demands of the project.
• Meet regularly with the City and other identified parties to advise on key issues and recommend solutions at the end of the propos- al evaluation and analysis process relative to the success of the proposed development.
07. Timeline and approach

PROJECT TIMELINE
We anticipate the following timeline in order to sufficiently review the Developer’s due diligence package:

- Review Area Demographics and City's Master Plan for Development: 7/9/18 – 7/23/18
- Review and Validate Developer Proposed Site Plans: 7/23/18- 8/13/18
- Review Developer's Assumptions 8/13/18 - 8/20/18
- Space Programming: 8/20/18- 9/17/18
- Cost Estimates: 9/17/18- 10/8/18
- Phasing Schedule: 9/17/18- 10/8/18
- Market Analysis: 10/8/18- 10/15/18
- Contract Negotiations: 10/15/18- 11/29/18
- Final Recommendations: 12/3/18
08. Contract negotiations
08. Contract negotiations

If JLL is awarded the project, we are prepared to meet frequently with the City during the contract negotiation phase, in order to finalize terms and conditions.
Contact:

Tim Kay
Managing Director
Project and Development Services
JLL
226 East Hudson Avenue, Suite 200
Royal Oak, MI 48067
Tel + 1 313 910 6396
Tim.Kay@am.jll.com
REQUEST FOR QUOTES
Development Consulting Services

Sealed quotes endorsed “Development Consulting Services”, will be received at the Office of the City Clerk, 151 Martin Street, PO Box 3001, Birmingham, Michigan, 48012; until June 21, 2018 at 2:00 p.m., after which time quotes will be publicly opened and read.

The City of Birmingham, Michigan is accepting sealed quotes from qualified professional firms to evaluate the public private partnership proposal, as submitted by Walbridge / Woodward Bates Partners, to construct a new parking garage at 333 N. Old Woodward, extend Bates Street, and build additional mixed use facilities on publicly owned land in downtown Birmingham. The Walbridge / Woodward Bates proposal is included as Attachment E. The City of Birmingham is requesting assistance to analyze the key parameters of the project, as proposed. For purposes of this request for quotes the City of Birmingham will hereby be referred to as “City” and the Walbridge / Woodward Bates Partners will hereby be referred to as “Developer.” The scope of this engagement will include an evaluation of the due diligence package submitted by the Developer. The review will consider materials such as the City’s master plan, area demographics, site plans, space programming, cost estimates, phasing schedule, market research, and all assumptions used in the Developer’s proposal. The selected consultant will work cooperatively in an advisory capacity to the City to assist, guide, and advise staff through project development and contract negotiations with the intent to enter into a final agreement that would initiate the N. Old Woodward Parking Garage / Bates Street extension and Mixed Use Development project with the Developer. Submitting firms are expected to include the necessary services and associated fees for all consultants as required for a complete quote.

Deadline for Submissions: Thursday, June 21, 2018 at 2:00 p.m.
Contact Person:
Tiffany Gunter
Assistant City Manager
P.O. Box 3001,
Birmingham, MI 48012
Email: tgunter@bhamgov.org
Phone: 248-530-1827
REQUEST FOR QUOTES
For Development Consulting Services

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INTRODUCTION

For purposes of this request for quotes the Development Consultant will hereby be referred to as “Consultant.”

The City requests quotes from qualified professional firms to provide advisory services to the City to assist, guide, and advise staff through project development and contract negotiations with the Developer with the intent to initiate the N. Old Woodward Parking Garage / Bates Street Extension and Mixed Use Development project. Submitting firms are expected to include the necessary services and associated fees for all consultants as required for a complete quote.

This work must be performed as specified in accordance with the specifications contained in the Request For Quote (RFQ). The project can be summarized as follows (with additional detail found in Attachment E):

The N. Old Woodward Parking Garage is a five level parking structure and surface lot with, 745 parking spaces. The structure was constructed in 1968 and occupies a large portion of the parcel. The City seeks to demolish the existing parking structure and reconstruct a structure that provides additional parking capacity based on planned future capacity needs while also providing an improved urban street presence that offers privately occupied square footage as a component of the build out. In addition, the City is desirous of selling or leasing the existing open space areas of the parcel at its west (extend Bates St. frontage) and south (Willits St. frontage) ends. The currently open areas could potentially be used for private mixed use buildings while adding public amenities, such as connections to a public park and a plaza.

During the evaluation process, the City reserves the right where it may serve the City’s best interest to request additional information or clarification from proposers, or to allow corrections of errors or omissions. At the discretion of the City, firms submitting quotes may be requested to make oral presentations as part of the selection process.

It is anticipated the selection of a Consultant will be completed by June 25, 2018. An agreement for services will be required with the selected Consultant. A copy of the agreement is contained herein for reference as Attachment A. Contract services will commence upon execution of the agreement by the City.

REQUEST FOR QUOTES (RFQ)

The purpose of this RFQ is to request sealed quotes from qualified parties presenting their qualifications, capabilities and costs to provide the herein described development consulting services.
INVITATION TO SUBMIT A QUOTE
Quotes shall be submitted no later than Thursday, June 21, 2018 at 2:00 p.m.

City of Birmingham
Attn: City Clerk
151 Martin Street
Birmingham, Michigan 48009

One (1) original paper and one (1) PDF copy of the quote shall be submitted. The quote should be firmly sealed in an envelope, which shall be clearly marked on the outside Development Consulting Services.” Any proposal received after the due date cannot be accepted and will be rejected and returned, unopened. Bidders may submit more than one quote provided each quote meets the functional requirements of this RFQ.

INSTRUCTIONS TO BIDDERS

1. Any and all forms requesting information from the bidder must be completed on the attached forms contained herein (see Consultant’s Responsibilities). If more than one quote is submitted, a separate quote proposal form must be used for each.

2. Any request for clarification of this RFQ shall be made in writing and delivered to: Tiffany J. Gunter, Assistant City Manager, 151 Martin St., Birmingham MI 48009 (tgunter@bhamgov.org, 248-530-1827). Such request for clarification shall be delivered, in writing, no later than 2 days prior to the deadline for submissions.

3. All quotes must be submitted following the RFQ format as stated in this document and shall be subject to all requirements of this document including the instruction to respondents and general information sections. All quotes must be regular in every respect and no interlineations, excisions, or special conditions shall be made or included in the RFQ format by the respondent.

4. The contract will be awarded by the City to the most responsive and responsible bidder with the lowest price and the contract will require the completion of the work pursuant to these documents.

5. Each respondent shall include in his or her quote, in the format requested, the cost of performing the work. Municipalities are exempt from Michigan State Sales and Federal Excise taxes. The City will furnish the successful company with tax exemption information when requested. Quotes should continue to include costs for taxable supplies that the Consultant will have to purchase during the execution of this project.

6. Each respondent shall include in their quote the following information: Firm name, address, city, state, zip code, and telephone number. The company shall also provide the name, address, telephone number and e-mail address of an individual in their organization to whom notices and inquiries by
the City should be directed as part of their proposal.

EVALUATION PROCEDURE AND CRITERIA
The evaluation of a Consultant will be conducted by City staff resulting in a recommendation to the City for approval. Staff will evaluate the proposals based on, but not limited to, the following criteria:

1. Ability to provide services as outlined.
2. Prior experience with negotiating contracts for designing and constructing parking structures and large scale mixed use developments in an urban, walkable downtown environment with both public and private elements.
3. Prior experience with risk management planning that includes balancing project scope, budget, and quality effectively.
4. Prior experience with projects that have both public and private financing components.
5. Prior experience with cost estimating for parking facilities.
6. Overall costs.
7. References.
8. Ability to meet schedule.
9. Innovative and/or creative approaches to providing the services that provide additional efficiencies or increased performance capabilities.
10. Qualifications of personnel assigned to the project.
11. Quality and completeness of the quote.

TERMS AND CONDITIONS
These guidelines are provided to assist participating firms in formulating a thorough response. The successful firm shall ensure/understand that:

1. The Development Consultant team will work closely with City designated staff to create negotiated terms for the project that meet the needs of the City and leverage the publicly owned assets optimally. The successful firm will be considered a key part of the project team. A strong, positive working relationship must be maintained.
2. All licenses required for a discipline by the State of Michigan shall be maintained during the course of the engagement.
3. The Consultant will provide a single point of contact for the duration of the engagement and perform with a consistent team.
8. All required insurances are to be maintained by the Consultant during the course of the engagement.
9. The City reserves the right to reject any or all quotes received, waive informalities, or accept any quote, in whole or in part, it deems best. The City reserves the right to award the contract to the next most qualified Consultant if the successful Consultant does not execute a contract within ten (10) days after the award of the quote.
10. The City reserves the right to request clarification of information submitted and to request additional information of one or more Consultants.
11. The City reserves the right to terminate the contract at its discretion should it be determined that the services provided do not meet the specifications contained herein. The City may terminate the agreement at any point in the process upon
notice to Consultant sufficient to indicate the City’s desire to do so. In the case of such a stoppage, the City agrees to pay Consultant for services rendered to the time of notice, subject to the contract maximum amount.

12. Any quote may be withdrawn up until the date and time set above for the opening of the proposals. Any quotes not so withdrawn shall constitute an irrevocable offer, for a period of ninety (90) days, to provide the services set forth in the quote.

13. The cost of preparing and submitting a quote is the responsibility of the Consultant and shall not be chargeable in any manner to the City.

14. Payment will be made within thirty (30) days after invoice. Acceptance by the City is defined as authorization by the designated City representative to this project that all the criteria requested under the Scope of Work contained herein have been provided. Invoices are to be rendered each month following the date of execution of an Agreement with the City.

15. The successful bidder shall enter into and will execute the contract as set forth and attached as Attachment A.

16. The City desires a single contract with the primary firm rather than separate contracts with any subordinate companies represented on the proposed team.

CONSULTANT’S RESPONSIBILITIES

Each bidder shall provide the following as part of their quote:

1. Complete and sign all forms requested for completion within this RFQ.
   a. Bidder’s Agreement (Attachment B)
   b. Detailed Cost Estimate (Attachment C)
   c. Iran Sanctions Act Vendor Certification Form (Attachment D)
   d. Agreement (Attachment A - Only if selected by the City).

2. Provide a detailed description of similarly completed projects with both public and private elements that demonstrate the Consultant’s ability to complete projects of similar scope, size, and purpose, and in a timely manner, and within budget.

3. Provide a description of the firm, including resumes and professional qualifications of the principals involved in administering the project.

4. Provide a list of sub-consultants and their qualifications, if applicable.

5. Provide full disclosure of any business relationships or conflicts of interest with any parties identified as part of the proposed project within past five (5) years.

6. Provide three (3) client references from past projects, include current phone numbers. At least two (2) of the client references should be for projects regarding similar subject matter to the N. Old Woodward Parking Garage / Bates Street Extension and Mixed Use Development project.

7. Provide a project timeline addressing each section within the Scope of Work
and a description of the overall project approach. Include a statement that the Consultant will be available according to the proposed timeline.

8. During the contract negotiations, the Consultant will meet frequently with the City as the terms and conditions are being settled.

CITY RESPONSIBILITY
1. The City will provide dedicated staff, engage a development attorney to assist general counsel to work with the Consultant, and establish an internal Development Committee tasked with conducting and finalizing negotiations with the Developer.

SETTLEMENT OF DISPUTES
The successful bidder agrees to certain dispute resolution avenues/limitations. Please refer to paragraph 17 of the Agreement attached as Attachment A for the details and what is required of the successful bidder.

INSURANCE
The successful bidder is required to procure and maintain certain types of insurances. Please refer to paragraph 12 of the Agreement attached as Attachment A for the details and what is required of the successful bidder.

CONTINUATION OF COVERAGE
The Consultant also agrees to provide all insurance coverages as specified. Upon failure of the Consultant to obtain or maintain such insurance coverage for the term of the agreement, the City may, at its option, purchase such coverage and subtract the cost of obtaining such coverage from the contract amount. In obtaining such coverage, Birmingham shall have no obligation to procure the most cost effective coverage but may contract with any insurer for such coverage.

EXECUTION OF CONTRACT
The bidder whose quote is accepted shall be required to execute the contract and to furnish all insurance coverages as specified within ten (10) days after receiving notice of such acceptance. Any contract awarded pursuant to any quote shall not be binding upon the City until a written contract has been executed by both parties. Failure or refusal to execute the contract shall be considered an abandoned all rights and interest in the award and the contract may be awarded to another. The successful bidder agrees to enter into and will execute the contract as set forth and attached as Attachment A.

INDEMNIFICATION
The successful bidder agrees to indemnify the City and various associated persons. Please refer to paragraph 13 of the Agreement attached as Attachment A for the details and what is required of the successful bidder.

CONFLICT OF INTEREST
The successful bidder is subject to certain conflict of interest requirements/restrictions.
Please refer to paragraph 14 of the Agreement attached as Attachment A for the details and what is required of the successful bidder.

**EXAMINATION OF QUOTE**
The submission of a quote shall be deemed a representation and warranty by the Consultant that it has investigated all aspects of the RFQ, that it is aware of the applicable facts pertaining to the RFQ process and its procedures and requirements, and that it has read and understands the RFQ. Statistical information which may be contained in the RFQ or any addendum thereto is for informational purposes only.

**TENTATIVE PROJECT TIMELINE**

<table>
<thead>
<tr>
<th>Event</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Award Development Consultant Service Agreement:</td>
<td>June 25, 2018</td>
</tr>
<tr>
<td>Project Kickoff Meeting</td>
<td>July 9, 2018</td>
</tr>
<tr>
<td>Development Committee Meetings (Minimum 9)</td>
<td>July – Nov. 2018</td>
</tr>
<tr>
<td>Final Recommendation to City of Proposed Contract Terms</td>
<td>Nov – Dec. 2018</td>
</tr>
<tr>
<td>(In partnership with Development Attorney)</td>
<td></td>
</tr>
<tr>
<td>Contract Termination (or Expiration): Project Commencement</td>
<td>January 2019</td>
</tr>
</tbody>
</table>
SCOPE OF WORK

The City of Birmingham is requesting assistance from a Professional Development Consulting Firm to analyze the key parameters of the N. Old Woodward Parking Garage / Bates Street Extension and Mixed Used Development Project. The scope of this engagement will include an evaluation of the due diligence package originally submitted by the Developer as included here as Attachment E. The review will also consider materials such as the City’s master plan, area demographics, site plans, space programming, cost estimates, phasing schedule, market research, and all assumptions used in the Developer’s proposal. The selected consultant will work cooperatively in an advisory capacity to the City to assist, guide, and advise staff through project development and contract negotiations with the intent to enter into a final agreement that would initiate the N. Old Woodward Parking Garage / Bates Street extension and Mixed Use Development project with the Developer.

The final agreement resulting from this engagement would be based on the following key assumptions related to the initial proposal:

- A single construction manager for the project;
- Total estimated project budget of approximately $132 million;
- Anticipated project timeline spanning from March 2019- March 2021; and
- The resulting facilities, both public and private are to be constructed of normal, durable, and readily available materials.

Project Deliverables:

- Development Consultant will lead the proposal evaluation and analysis required to support contract negotiations with the Developer in cooperation with staff, environmental consultant, and the development attorney;
- Development Consultant will provide periodic updates to the City and attend internal meetings as required;

Evaluation and Analysis

- The evaluation and analysis of the proposed development by the Development Consultant must include:
  - Review of pro formas and financial plans prepared by the Developer and comments on the project’s overall financial structure and assumptions including, but not limited to:
    - Rental Rates, Absorption Schedule, Lease Up Cost, Vacancy Rates, Cost of Capital, Operating Expenses, Debt Structure, Developer Equity Allocation;
  - Review of debt and equity structure as proposed for the project;
  - Review any available term sheets, commitment letters, etc. from lenders;
  - Analyze source and stability of Developer equity;
  - Cursory market survey to evaluate proposal plans in the context of current market conditions as well as the City’s master plan;
  - Review background and experience of project team members with respect to project completion and successful delivery; and
  - Attendance at meetings and communication with the City and other identified parties relevant to the success of the proposed development.
OPTIONAL INFORMATION REQUEST

In January 2019, if the decision is made by the City to pursue an agreement with the Developer’s, it is anticipated that an engagement with an Owner’s Representative will follow. If your firm has the capacity and relevant experience in this area, you are welcome to submit any relevant materials for the City to review with your quote for Consulting Services along with pricing. The quote should be based on the existing project assumptions per the Walbridge / Woodward Bates Partners proposal, as presented in Attachment E.
This AGREEMENT, made this_______day of____________, 2018, by and between CITY OF BIRMINGHAM, having its principal municipal office at 151 Martin Street, Birmingham, MI (hereinafter sometimes called “City”), and______________, Inc., having its principal office at____________________(hereinafter called "Consultant"), provides as follows:

WITNESSETH:

WHEREAS, the City of Birmingham, through its City Manager’s Office, is desirous of securing qualified professional firms to evaluate the public private partnership proposal, as submitted by the Walbridge / Woodward Bates Partners, to construct a new parking garage at 333 N. Old Woodward, extend Bates Street, and build additional mixed use facilities on publicly owned land in downtown Birmingham with the intent to negotiate a final agreement to be approved by the City to initiate construction.

WHEREAS, the Consultant has professional qualifications that meet the project requirements and has made a quote in accordance with such request for Development Consulting Services,

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

1. It is mutually agreed by and between the parties that the documents consisting of the Request for Quote to perform the requested evaluation and provide advice and assistance to the City to negotiate an agreement with the Developer, and the Consultant’s cost proposal dated__, 2018 shall be incorporated herein by reference and shall become a part of this Agreement, and shall be binding upon both parties hereto. If any of the documents are in conflict with one another, this Agreement shall take precedence, then the RFQ.

2. The City shall pay the Consultant for the performance of this Agreement in an amount not to exceed__________________, as set forth in the Consultant’s ____________ , 2018 cost proposal.

3. This Agreement shall commence upon execution by both parties, unless the City exercises its option to terminate the Agreement in accordance with the Request for Quotes.

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

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

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

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

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

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

10. The Consultant agrees that neither it nor its sub-consultants will discriminate against any employee or applicant for employment with respect to hire, tenure, terms, conditions or privileges of employment, or a matter directly or indirectly related to employment because of race, color, religion, national origin, age, sex, height, weight or marital status. The Consultant shall inform the City of all claims or suits asserted against it by the Consultant’s employees who work pursuant to this Agreement. The Consultant shall provide the City with periodic status reports concerning all such claims or suits, at intervals established by the City.

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

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

A. **Workers’ Compensation Insurance**: Consultant shall procure and maintain during the life of this Agreement, Workers' Compensation Insurance, including Employers Liability Coverage, in accordance with all applicable statutes of the State of Michigan.

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

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

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

E. **Professional Liability**: Professional liability insurance with limits of not less than $1,000,000 per claim if Consultant will provide service that are customarily subject to this type of coverage.

F. **Cancellation Notice**: Workers’ Compensation Insurance, Commercial General Liability Insurance and Motor Vehicle Liability Insurance (and Professional Liability Insurance, if applicable), as described above, shall include an endorsement stating the following: "Thirty (30) days Advance Written Notice of Cancellation or Non-Renewal, shall be sent to: Finance Director, City of Birmingham, PO Box 3001, 151 Martin Street, Birmingham, MI 48012-3001.

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

1) Two (2) copies of Certificate of Insurance for Workers' Compensation Insurance;
2) Two (2) copies of Certificate of Insurance for Commercial General Liability Insurance;
3) Two (2) copies of Certificate of Insurance for Vehicle Liability Insurance;
4) Two (2) copies of Certificate of Insurance for Professional Liability Insurance;
5) If so requested, Certified Copies of all policies mentioned above will be furnished.

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

I. **Maintaining Insurance:** Upon failure of the Consultant to obtain or maintain such insurance coverage for the term of the Agreement, the City of Birmingham may, at its option, purchase such coverage and subtract the cost of obtaining such coverage from the Agreement amount. In obtaining such coverage, the City of Birmingham shall have no obligation to procure the most cost-effective coverage but may contract with any insurer for such coverage.

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

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

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

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

   City of Birmingham           CONSULTANT
   Attn: Tiffany J. Gunter      (Insert Consultant Information)
   151 Martin Street
   Birmingham, MI 48009
   248-530-1827
17. Any controversy or claim arising out of or relating to this Agreement, or the breach thereof, shall be settled either by commencement of a suit in Oakland County Circuit Court, the 48th District Court or by arbitration. If both parties elect to have the dispute resolved by arbitration, it shall be settled pursuant to Chapter 50 of the Revised Judicature Act for the State of Michigan and administered by the American Arbitration Association with one arbitrator being used, or three arbitrators in the event any party's claim exceeds $1,000,000. Each party shall bear its own costs and expenses and an equal share of the arbitrator's and administrative fees of arbitration. Such arbitration shall qualify as statutory arbitration pursuant to MCL§600.5001 et. seq., and the Oakland County Circuit Court or any court having jurisdiction shall render judgment upon the award of the arbitrator made pursuant to this Agreement. The laws of the State of Michigan shall govern this Agreement, and the arbitration shall take place in Oakland County, Michigan. In the event that the parties elect not to have the matter in dispute arbitrated, any dispute between the parties may be resolved by the filing of a suit in the Oakland County Circuit Court or the 48th District Court.

18. FAIR PROCUREMENT OPPORTUNITY: Procurement for the City of Birmingham will be handled in a manner providing fair opportunity for all businesses. This will be accomplished without abrogation or sacrifice of quality and as determined to be in the best interest of the City of Birmingham.
IN WITNESS WHEREOF, the said parties have caused this Agreement to be executed as of the date and year above written.

WITNESSES:
CONSULTANT

__________________________  __________________________
By: ______________________
Its:

CITY OF BIRMINGHAM

__________________________  __________________________
By: ______________________
Its: Mayor

__________________________  __________________________
By: ______________________
Cherilynn Mynsberge
Its: City Clerk

Approved:

Tiffany J. Gunter, Assistant City Manager
(Approved as to substance)

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

Timothy J. Currier, City Attorney
(Approved as to form)

Joseph A. Valentine, City Manager
(Approved as to substance)
ATTACHMENT B - BIDDER’S AGREEMENT
Development Consulting Services

In submitting this quote, as herein described, the Consultant agrees that:

1. They have carefully examined the specifications, terms and Agreement of the Request for Quote and all other provisions of this document and understand the meaning, intent, and requirement of it.

2. They will enter into a written contract and furnish the item or items in the time specified in conformance with the specifications and conditions contained therein for the price quoted by the proponent on this proposal.

<table>
<thead>
<tr>
<th>PREPARED BY</th>
<th>DATE</th>
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<tbody>
<tr>
<td>(Print Name)</td>
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<thead>
<tr>
<th>NAME OF PARENT COMPANY</th>
<th>PHONE</th>
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| ADDRESS |
ATTACHMENT C - COST PROPOSAL
Development Consulting Services

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

Attach technical specifications for all proposed materials as outlined in the Consultant Consultant’s Responsibilities section of the RFQ

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<tr>
<th>COST PROPOSAL</th>
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<tr>
<td>ITEM</td>
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<tr>
<td>Proposal Evaluation and Analysis</td>
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<td>Contract Negotiation, Meetings, and Recommendations</td>
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<tr>
<td>Reimbursable Expenses</td>
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<td>TOTAL QUOTE AMOUNT</td>
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<th>ADDITIONAL QUOTE ITEMS</th>
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<th>OPTIONAL QUOTE: OWNER’S REP FEES</th>
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Firm Name

Authorized signature

Date
ATTACHMENT D - IRAN SANCTIONS ACT VENDOR CERTIFICATION FORM
Development Consulting Services

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

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

PREPARED BY  DATE
(Print Name)

TITLE  DATE

AUTHORIZED SIGNATURE  E-MAIL ADDRESS

COMPANY

ADDRESS  PHONE

NAME OF PARENT COMPANY  PHONE

ADDRESS

TAXPAYER I.D.#
AGREEMENT

N. Old Woodward Parking Garage / Bates Street Extension and Mixed Use Development Project – Development Consultant Services

This AGREEMENT, made this _____ day of ____________, 2018, by and between CITY OF BIRMINGHAM, having its principal municipal office at 151 Martin Street, Birmingham, MI (hereinafter sometimes called "City"), and ____________________________, Inc., having its principal office at ____________________________, (hereinafter called "Consultant"), provides as follows:

WITNESSETH:

WHEREAS, the City of Birmingham, through its City Manager’s Office, is desirous of securing qualified professional firms to evaluate the public private partnership proposal, as submitted by the Walbridge / Woodward Bates Partners, to construct a new parking garage at 333 N. Old Woodward, extend Bates Street, and build additional mixed use facilities on publicly owned land in downtown Birmingham with the intent to negotiate a final agreement to be approved by the City Commission to initiate construction.

WHEREAS, the Consultant has professional qualifications that meet the project requirements and has made a bid in accordance with such request for Development Consulting Services,

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

1. It is mutually agreed by and between the parties that the documents consisting of the Request for Quote to perform the requested evaluation and provide advice and assistance to the City to negotiate an agreement with the Developer, and the Consultant’s cost proposal dated June 21, 2018 shall be incorporated herein by reference and shall become a part of this Agreement, and shall be binding upon both parties hereto. If any of the documents are in conflict with one another, this Agreement shall take precedence, then the RFQ.

2. The City shall pay the Consultant for the performance of this Agreement in an amount not to exceed $91,240, as set forth in the Consultant’s June 21, 2018 cost proposal.
3. This Agreement shall commence upon execution by both parties, unless the City exercises its option to terminate the Agreement in accordance with the Request for Quotes.

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

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

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

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

8. If any provision of this Agreement is declared invalid, illegal or unenforceable, such provision shall be severed from this Agreement and all other provisions shall remain in full force and effect.
9. This Agreement shall be binding upon the successors and assigns of the parties hereto, but no such assignment shall be made by the Consultant without the prior written consent of the City. Any attempt at assignment without prior written consent shall be void and of no effect.

10. The Consultant agrees that neither it nor its subconsultants will discriminate against any employee or applicant for employment with respect to hire, tenure, terms, conditions or privileges of employment, or a matter directly or indirectly related to employment because of race, color, religion, national origin, age, sex, height, weight or marital status. The Consultant shall inform the City of all claims or suits asserted against it by the Consultant's employees who work pursuant to this Agreement. The Consultant shall provide the City with periodic status reports concerning all such claims or suits, at intervals established by the City.

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

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

   A. **Workers' Compensation Insurance**: Consultant shall procure and maintain during the life of this Agreement, Workers' Compensation Insurance, including Employers Liability Coverage, in accordance with all applicable statutes of the State of Michigan.

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

   C. **Motor Vehicle Liability**: Consultant shall procure and maintain during the life of this Agreement Motor Vehicle Liability Insurance, including all applicable no-fault coverages, with limits of liability of not less than $1,000,000 per occurrence combined single limit Bodily Injury and Property Damage. Coverage shall include all owned vehicles, all non-owned vehicles, and all hired vehicles.
D. **Additional Insured:** Commercial General Liability and Motor Vehicle Liability Insurance, as described above, shall include an endorsement stating the following shall be **Additional Insureds:** The City of Birmingham, including all elected and appointed officials, all employee and volunteers, all boards, commissions and/or authorities and board members, including employees and volunteers thereof. This coverage shall be primary to any other coverage that may be available to the additional insured, whether any other available coverage by primary, contributing or excess.

E. **Professional Liability:** Professional liability insurance with limits of not less than $1,000,000 per claim if Consultant will provide service that are customarily subject to this type of coverage.

F. **Owners Consultants Protective Liability:** The Consultant shall procure and maintain during the life of this contract, an Owners Consultants Protective Liability Policy with limits of liability not less than $3,000,000 per occurrence, combined single limit, Personal Injury, Bodily Injury and Property Damage. The City of Birmingham shall be "Name Insured" on said coverage. Thirty (30) days Notice of Cancellation shall apply to this policy.

G. **Cancellation Notice:** Workers' Compensation Insurance, Commercial General Liability Insurance and Motor Vehicle Liability Insurance (and Professional Liability Insurance, if applicable), as described above, shall include an endorsement stating the following: "Thirty (30) days Advance Written Notice of Cancellation or Non-Renewal, shall be sent to: Finance Director, City of Birmingham, PO Box 3001, 151 Martin Street, Birmingham, MI 48012-3001.

H. **Proof of Insurance Coverage:** Consultant shall provide the City of Birmingham at the time the Agreement is returned for execution, Certificates of Insurance and/or policies, acceptable to the City of Birmingham, as listed below.

1) Two (2) copies of Certificate of Insurance for Workers' Compensation Insurance;

2) Two (2) copies of Certificate of Insurance for Commercial General Liability Insurance;

3) Two (2) copies of Certificate of Insurance for Vehicle Liability Insurance;

4) Two (2) copies of Certificate of Insurance for Professional Liability Insurance;

5) If so requested, Certified Copies of all policies mentioned above will be furnished.

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

J. **Maintaining Insurance:** Upon failure of the Consultant to obtain or maintain such insurance coverage for the term of the Agreement, the City of Birmingham may, at its option, purchase such coverage and subtract the cost of obtaining such coverage from the Agreement amount. In obtaining such coverage, the City of Birmingham shall have no obligation to procure the most cost-effective coverage but may contract with any insurer for such coverage.

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

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

15. If Consultant fails to perform its obligations hereunder, the City may take any and all remedial actions provided by the general specifications or otherwise permitted by law.
16. All notices required to be sent pursuant to this Agreement shall be mailed to the following addresses:

City of Birmingham
Attn: Tiffany J. Gunter
151 Martin Street
Birmingham, MI 48009
248-530-1827

CONSULTANT
Jones Lang LaSalle
Attn: Tim Kay
226 E. Hudson Avenue
Royal Oak, MI 48067
248-581-3311

IN WITNESS WHEREOF, the said parties have caused this Agreement to be executed as of the date and year above written.

WITNESSES:

CONTRACTOR

By: ________________________
   (Signature)
   Its: ________________________
   (Title)

CITY OF BIRMINGHAM

By: ________________________
   (Signature)
   Andrew M. Harris
   Its: Mayor

By: ________________________
   (Signature)
   J. Cherilynn Brown
   Its: City Clerk

Approved:

Tiffany J. Gunter, Assistant City Manager
(Approved as to substance)

Mark Gerber
(Approved as to financial obligation)

Timothy J. Currier, City Attorney
(Approved as to form)

Joseph A. Valentine, City Manager
(Approved as to substance)

(Approved as to financial obligation)
Patrick F. McGow
Principal
Public Finance Group Leader

Office

Detroit
T: +1.313.496.7684
O: +1.313.963.6420
F: +1.313.496.7500

Patrick McGow advises cities, counties, townships, villages and authorities on a broad range of infrastructure financing and related legal matters.

As bond counsel, his role is to help his clients understand their legal options and prepares the necessary documentation to

https://www.millercanfield.com/PatMcGow
authorize the issuance and sale of bonds to finance water and sewer projects, brownfield redevelopment, street and road improvements, drainage projects and economic development initiatives, among others. He also has extensive experience in tax-exempt financing for private activity bonds (solid waste and manufacturing facilities) and nonprofit and health-care financings.

In addition to serving as bond counsel in financing transactions, Patrick counsels his clients on other related matters such as special assessments, elections, millage and ballot proposals, state and federal tax issues, and other finance matters. In the area of tax increment financing, Patrick assists in establishing tax increment financing entities, such as downtown development authorities, tax increment finance authorities, local development finance authorities, brownfield redevelopment authorities and corridor improvement authorities.

As a recognized leader in his field, Patrick has written legislation on a variety of municipal finance and tax increment financing issues.

**Representative Matters**

Patrick has served as bond counsel on behalf of cities, counties, townships, drainage districts, authorities, and governmental entities of all types covering all areas of public infrastructure finance for more than 20 years of his career. In addition, he has worked on including major economic development projects and municipal finance legislation.

- **Infrastructure Municipal Bond Issues**
  Represented governmental units on several hundred municipal bond issues totaling over $3 billion dollars for water and sewer utilities, street and road projects, drainage districts, governmental buildings and equipment, parking facilities, brownfield redevelopment and other economic development projects

- **Infrastructure Agreements, Incentives and Bonds**
  Represented a municipality in connection with development agreements, incentives and bond financing for over $10 million

**EDUCATION**

University of Michigan Law School, J.D. 1992

Michigan State University, James Madison College and Honors College, B.A. 1989

**BAR ADMISSIONS**

- Michigan
of road, water and sewer infrastructure to facilitate
development of a major automotive manufacturing facility.

- Joint Recreational Authority Bond Financing
 Acted as bond counsel on the first joint recreational authority
  bond financing in Michigan.

- Utility Company Bond Counsel
  Acted as bond counsel for financing and refinancing solid waste
  and pollution control equipment for a major investor-owned
  utility company.

- Legislative Drafting
  Crafted legislation enabling financing of unfunded pension and
  retiree healthcare legacy costs.

Honors

U.S. News & World Report, Best Lawyers in America, Public
Finance Law, 2010-present; Lawyer of the Year, Public Finance
Law, 2018

DBusiness Magazine, Top Lawyers, Public Finance, 2011-present

University of Michigan Law School, cum laude; Editorial Board,
University of Michigan Journal of Law Reform, 1990-92

Michigan State University, with honors, Phi Beta Kappa

Professional Activities

American Bar Association

State Bar of Michigan

Detroit Metropolitan Bar Association

National Association of Bond Lawyers

Michigan Government Finance Officers Association, Board of
Directors, 2009-2011; Professional Development Committee,
Chairman, 2005-2009

https://www.millercanfield.com/PatMcGow
Bond Club of Detroit, Board of Directors, 2013-present; President, 2018

Government Finance Officers Association

Michigan Municipal Treasurers Association

Michigan Downtown Association

**Civic, Cultural & Social Activities**

Detroit Regional Chamber, Leadership Detroit XXIII Graduate, 2001-2002

Adoption Associates, Inc., Board Member, 2008-2015

**Speeches**


"History of Mackinac Bridge – Bond Financing Story,” Emmet County Essence of Emmet Presentation, Petoskey, Michigan, April 27, 2016

"Debt Financing," Michigan Government Finance Officers
Association Introduction to Public Finance, East Lansing, Michigan,
March 4, 2016

"Fundamentals of Organization" and "Municipal Finance
Fundamentals," Michigan Municipal League Elected Officials
Academy, Frankenmuth, Michigan, Feb. 27, 2016

"Other Post Employment Benefit Bonds," Michigan Government
Finance Officers Association Fall Institute, Mackinac Island,
Michigan, Oct. 6, 2015

"Tax Increment Financing - Old, New Issues," Michigan
Government Finance Officers Association Fall Institute, Mackinac
Island, Michigan, Oct. 5, 2015

"Fundamentals of Organization" and "Municipal Finance
Fundamentals," Michigan Municipal League Elected Officials
Academy, Frankenmuth, Michigan, Feb. 21, 2015

"Debt Financing," Michigan Government Finance Officers
Association Introduction to Public Finance, Lansing, Michigan, Feb.
19, 2015

"Personal Property Tax Update," Michigan Municipal Treasurers
Association Annual Fall Conference, Frankenmuth, Michigan, Oct.
8, 2014

"Bond Finance 101 – From Beginning to End," Michigan
Government Finance Officers Association Fall Institute, Boyne
Falls, Michigan, Sept. 23, 2014

"Debt Financing," Michigan Government Finance Officers
Association Introduction to Public Finance, Lansing, Michigan,
March 6, 2014

"Fundamentals of Organization" and "Municipal Finance
Fundamentals," Michigan Municipal League Elected Officials
Academy, Frankenmuth, Michigan, Feb. 8, 2014

"Pension and OPEB Bonding," Michigan Government Finance
Officers Association Fall Institute, Grand Rapids, Michigan, Sept.
30, 2013
"Bond Market and Legislative Update," Wayne County Treasurers Association Fall Conference, Livonia, Michigan, Sept. 18, 2013


"Continuing Disclosure Requirements and Rule 15c2-12: Past, Present and Future," Michigan Governmental Finance Officers Association Fall Institute, Sept. 21, 2009


Publications


Events

- Before the Bell Breakfast Forum: SEC Municipal Securities Enforcement
Articles

- New Law Consolidates Tax Increment Authorities, Imposes New Reporting Requirements
- Public-Private Partnerships
- The Impact of Tax Reform on Michigan Municipalities and School Districts
- Proposed Tax Reform Legislation Would Increase Financing Costs for Issuers of Tax-Exempt Bonds
- Congressional Tax Bills Threaten Tax-Exempt Bonds for Non-Profit Hospitals
- Transformational Brownfield Projects Eligible for Substantial Tax Incentives Under Recently Enacted Legislation
- IRS Issues New Rules for Management Contracts involving Tax-Exempt Financed Facilities
- Michigan Governor Signs Law Excluding Library Taxes from Capture by Tax Increment Financing Entities
- New Law Limits Ability of Local Governments and School Districts to Communicate Regarding Ballot Questions
- How Michigan’s New Personal Property Tax Law Will Affect Municipalities
- New SEC Regulations of Municipal Advisors and Underwriters Take Effect in July
- Proposed New MSRB Rule on Standards of Conduct for Municipal Advisors
- 107 Miller Canfield Lawyers Recognized as Best Lawyers in America 2018

https://www.millerkanfield.com/PatMcGow
I am following up on our discussion last week about an attorney who could represent the City of Birmingham on a Public-Private Partnership project relating to a commercial development in connection with the City’s parking structure project. My partner Joe Fazio is a real estate attorney who worked on many different P3 projects representing both governmental units and private developers. I have worked with Joe on many different development agreements and real estate matters for municipal clients.

Attached is a short biography of Joe from our firm website. I have also listed below some P3 projects Joe has worked on in recent years, which include:

1. Represented the City of Dearborn in the negotiation of an agreement with Redico for the sale and redevelopment of the Montgomery Ward site in Dearborn for use by Oakwood Hospital and the development by the City of a parking deck financed by TIF revenues. This included negotiated multiple agreements for the development, construction and management of the project and coordinating with the bond financing team for the issuance of bonds by the City’s Brownfield Redevelopment Authority for the parking structure and related infrastructure improvements.

2. Represented the Michigan Senate in the negotiation of the acquisition of a unit in an office building condominium for use as the offices for the State Senators. This project also involved coordination with the issuance of bonds by the Michigan Strategic Fund to finance the public portion of the building improvements.

3. Represented the State Building Authority in connection with the acquisition and redevelopment of the Cadillac Place project in Midtown Detroit, which was a conversion of the former headquarters of General Motors into a State of Michigan office building.

4. Represented the Detroit Building Authority in connection with the acquisition, development and subdivision via a master deed of the Public Safety Building and adjacent parking deck in Detroit, which included the sale of a unit to the State Police for use as a crime lab. This project also involved coordinating with the bond finance team on the City’s portion of the project.

5. Represented the City of Marquette in connection with the sale and development of City owned land which was then used for the development of the new Marquette Hospital. This project included the construction by the City of significant offsite improvements financed by tax increment revenues and the issuance of bonds by the City’s Brownfield Redevelopment Authority.

For these types of matters, we would bill for the time on the development agreements and real estate documents separate from the bond counsel fee and we would bill that monthly on an hourly basis. For this matter, Joe’s hourly rate would be $450 per hour, which is a discount from his standard hourly rate.

I would be happy to discuss this with you, or feel free to contact Joe Fazio directly on this matter. Thank you.
This electronic message and all of its contents and attachments contain information from the law firm of Miller, Canfield, Paddock and Stone, P.L.C. which may be privileged, confidential or otherwise protected from disclosure. The information is intended to be for the addressee only. If you are not the addressee, then any disclosure, copying, distribution or use of this message, or its contents or any of its attachments, is prohibited. If you have received this electronic message in error, please notify us immediately and destroy the original message and all copies.
No matter how complex, Joe’s emphasis is on keeping the parties engaged and focused on the issues to be resolved for the transaction to come to a successful end.

Joe’s specific areas of expertise include complex commercial real estate acquisitions and developments, with extensive experience in ground leasing, entity formation, public/private development agreements, as well as conventional, securitized and tax-increment financing.

**Representative Matters**

**REIT Spin-out and Initial Public Offering**
Represented Second City Capital Partners II, LP, on the spin-out and “roll up” of more than 20 companies holding 16 office properties consisting of 1.85 million sq. ft. of rentable space in five states, and the initial public offering of City Office REIT, Inc.’s common stock.

Joe helped a client obtain approval of a site plan for a 10-story student housing project in the face of significant community opposition. In a stunning reversal of fortune, the city council unanimously approved the project after it had been unanimously rejected by the city planning commission.

In another matter, Joe crafted a plan for a regional shopping center anchored by a national retailer. The complex transaction involved the simultaneous closing on about 11 distinct parcels of land, a sale of a significant portion of the assembled land to a third-party national retailer, closing on a significant tax increment financed special assessment district to fund infrastructure costs, the leasing of approximately 70 percent of the project to be built on the client-retained land, and closing a
Joseph M. Fazio

construction loan.

Honors

Best Lawyers in America, Real Estate Law 2005-present; Litigation-Real Estate 2012-present; 2017 Ann Arbor Litigation - Real Estate Lawyer of the Year; 2015 Ann Arbor Litigation - Real Estate Lawyer of the Year; 2013 Ann Arbor Litigation - Real Estate Lawyer of the Year

Michigan Super Lawyers, Real Estate 2006-present

Chambers USA: America's Leading Lawyers for Business, Real Estate, 2008-present

DBusiness Magazine, Top Lawyers, Real Estate 2011-present

Professional Activities

American Bar Association

State Bar of Michigan, 1985, Real Property Law Section

Washtenaw County Bar Association

Civic, Cultural & Social Activities

Legacy Land Conservancy, Board of Trustees, 2010-present

Ann Arbor Art Center, Chairman of the Board, 2005-2007; Vice President, 2004; Board Member, 2000-2006

Ann Arbor Area Convention and Visitors Bureau, Chairman of the Board of Directors, 2002-2003

Leadership Ann Arbor, Graduate

Speeches

"Lean, Mean, Seen and Green - Solving the Top Issues in Buying, Financing, Leasing, Renovating and Repopulating: Purchase Agreement and Due Diligence Considerations," State Bar of Michigan Real Estate Section Summer Conference, Thompsonville, MI, July 2013

"Increment Financing and the Public Private Real Estate Project –A Practical Analysis," University of Michigan Law School, Real Estate Society Presentation 2/10/09

"Improved Real Estate Due Diligence, including Lease and Financing Issues," Miller Canfield University, October 2004

"The Mechanics of Commercial Development from Start to Finish: Part I - Pre-purchase, Due Diligence, Acquisition of Land and Purchase Agreements," sponsored by the Real Property Law Section of the State Bar of Michigan, 2002
Joseph M. Fazio

“Building the Three-Legal Table--Lender, Borrower and Tenant Issues in the Current Commercial Real State Market,” sponsored by the Real Property Law Section of the State Bar of Michigan, 1999


“Small Business Borrowing,” sponsored by the Livonia Chamber of Commerce, 1997

“Michigan Commercial Real Estate Transactions,” sponsored by Professional Education Systems, Inc. (consisting of full-day seminar and significant set of materials and handouts), 1997
MEMORANDUM
Office of the City Manager

DATE:       June 25, 2018
TO:         Joseph A. Valentine, City Manager
FROM:       Tiffany J. Gunter, Assistant City Manager
SUBJECT:    Parking Lot #6 Expansion

There is strong parking demand five days a week from businesses that surround Parking Lot #6 located adjacent to 600 N. Old Woodward. Demand is exceptionally strong on Wednesdays, Thursdays, and Fridays in the early afternoons. Lot#6 is also home to the City’s popular Farmer’s Market, which is held on the parking lot every Sunday morning from the beginning of May to the end of October. The parking lot is in need of repair due to the wear and tear that results from intense usage.

The Advisory Parking Committee has worked extensively with the business owners of this area since 2006, when demand started growing larger than capacity. Approximately eight years ago, a discussion was held about potentially expanding the lot to the east, in order to gain additional capacity. However, negative feedback from homeowners directly east of the Rouge River and the committee elected to table this matter until a later time. Now that maintenance work is clearly needed on the lot, the Committee thought that it was important to entertain options to gain more capacity in the lot again. Staff was directed to prepare various options to consider.

In December, 2017, staff presented three options to the Committee as follows:

Option #1 – Resurface the existing parking lot, and add a simple landscape buffer of the lot along its east side, at an estimated cost of $242,000.

Option #2 – Resurface the lot, while expanding it about four feet to the east (allowing the addition of 14 parallel parking spaces, while maintaining the existing trees), and adding a simple landscape buffer along its east side, at an estimated cost of $290,000.

Option #3 - Resurface the lot, while expanding it about twenty feet to the east (allowing the addition of 34 parallel parking spaces, and adding extensive landscape and storm water quality improvements), at an estimated cost of $497,600.

The Committee voted to support Option #3. Knowing about previous objections, it was important to notify not only the businesses, but the residential community as well. All homeowners (and businesses) north of Ravine Rd. were mailed the attached postcard to advise them of a scheduled public hearing.

At the Advisory Parking Committee meeting of March 7, 2018, the referenced public hearing was held regarding the various offered options on how to potentially rehabilitate, renovate, or potentially expand Parking Lot #6. Those that spoke at the hearing were generally very supportive of Option #3. After taking comments from several attendees, generally representing nearby businesses, the Committee voted 6-0 to recommend that the City Commission authorize
the restoration of Parking Lot #6, using Option #3. Option #3 represented the larger of two expansion options, wherein the lot would be resurfaced, an additional 34 parking spaces would be added to the east side of the lot, and storm water filtering improvements would be implemented for the entire lot.

The total cost of the project is estimated at approximately $497,600, which can be broken down into three general categories:

a. Resurfacing of the Existing Lot $161,200
b. Expansion of the Parking Area $179,400
c. Storm Water Quality Improvements $157,000

At a subsequent meeting held on May 2, 2018, the Committee reconvened to explore funding alternatives for Parking Lot #6 expansion. The committee explored the possibility of

1) Applying for a grant from MDEQ that could cover up to 80% of the storm water quality improvements ($157,000), but would delay the project by at least one year and potentially add other requirements
2) Activating a special assessment district to cover only the cost of the expansion ($179,400), or
3) Proceed with the project using reserves in the parking enterprise fund.

After a thorough discussion of funding options, the Committee agreed to proceed with the plan to utilize the Parking Enterprise Fund to support the project in its entirety. It was agreed that as a sign of good faith, knowing that the assessment may likely be levied to support the N. Old Woodward garage reconstruction, it is best not to introduce a separate assessment for a relatively small scale project at this time. There was concern that the City is setting a precedent that the parking fund will pay for all minor improvements in the future. They ultimately agreed that the anticipated $40 million improvement was the impetus for the decision and do not expect these circumstances to exist on an on-going basis.

SUGGESTED RESOLUTION:

To authorize the restoration and expansion of Parking Lot #6 located near 600 N. Old Woodward. Further, to waive the option of creating a special assessment district to defray the cost of this work, and proceed to the plan preparation phase, charging all costs to the Auto Parking System.
MUNICIPAL PARKING LOT #6
Funds have been budgeted to resurface Municipal Parking Lot #6, located next to and behind 600 N. Old Woodward Ave. The Parking Committee is considering three different options on how to improve the lot with respect to appearance, storm water quality, and capacity. The Committee would like public input before a final recommendation is made to the City Commission. Please see the Advisory Parking Committee page at www.bhamgov.org for more information and illustrations.
DATE: March 7, 2018
TO: Advisory Parking Committee
FROM: Paul T. O’Meara, City Engineer
SUBJECT: Parking Lot #6 Rehabilitation/Expansion
Public Hearing

At the meeting of December 1, 2018, the Advisory Parking Committee (APC) scheduled a public hearing for the meeting of February 7 regarding the above noted proposal. The public hearing was later postponed to the March 7 meeting so that the parking system consultant interviews could be held during that meeting. Postcards were sent to businesses and homes from the north edge of the assessment district south to Ravine Rd. announcing the public hearing, as well as directing people to the City’s website where the three proposals are detailed.

As of today, no calls or comments have been received, other than from Dr. Vaitas, who has commented that he was not notified. With further research, we have identified that the individual suites were not listed in the tenant database, therefore, not all tenants were notified in his building. Staff is looking into this matter.

TIMING

As you know, this parking lot is in strong demand five days a week from the adjacent business community. In addition, the City’s popular Farmer’s Market is held on the parking lot every Sunday morning from the beginning of May to the end of October. Since the construction also has to occur during May to October, this leaves Saturdays as the only “low impact” day that the lot being closed would have a minor impact on the area. After reviewing the issue with the BSD, we envision that construction could be conducted as follows:

1. If either Option 2 or 3 is selected, there will be concrete curb and paving work to do first along the east edge of the parking lot, and in the case of Option 3, substantial grading and landscape work. We believe it would be best to complete this work first, so that the final asphalt paving could be installed up to the new curb as the last part of the job. Work of this nature could be done during the week, wherein most of the parking in the lot could be kept open to the public, and the existing easterly access drive would be used both for parking space access, as well as an access for the construction activity. Having this area under construction would not cause much disruption to the Farmer’s Market, since the existing asphalt surface would still be as is.

2. Once the curb changes and extra paved area are installed, we recommend that the contract be written such that an asphalt mill be required to complete removal of the existing top surface of asphalt on a Saturday morning. This work could be accomplished in a matter of hours, followed up with an inspection of the remaining asphalt, and then removal and asphalt patching of bad spots. The lot would have to be swept and made
safe for the Farmer’s Market the day after, as well as for use by the businesses the following week.

3. The contract would then stipulate that the final asphalt surface course would be installed on the following Saturday morning. Pavement markings could be installed late that afternoon, making the project essentially finished and ready for full use again that same day.

Staff would appreciate your input relative to the suggested timetable.

Given current projects that are already underway for 2018, it is recommended that this project be authorized soon so that it can be designed and bid later this year, and constructed in April and May of 2019.

**FUNDING**

Typically, parking system improvements are charged completely to the parking system. That can be the case here as well. However, if Option 3 is elected, there is a significant expenditure proposed that can be categorized as an environmental improvement. Currently, unfiltered storm water that picks up dirt and oils from the lot are directed straight into the adjacent Rouge River. By installing a bioswale and settling basin, the storm water would flow slower through these areas and be filtered before entering the river. Such an improvement would qualify for consideration of a grant.

Two grant opportunities are identified in the attached letter from our engineer, HRC. In general terms, it is estimated that the cost of the environmental improvements totals $163,000. If the City receives a grant of 75% of this amount, a savings to the parking system of about $100,000 could be accomplished, considering additional administration costs. Other than the additional administration efforts noted, acquiring the grant would likely result in a delay of an additional year, moving the project to 2020 construction. Delaying the work until 2020 is problematic not only in terms of not bringing any relief to the parking issues in this area, but it also then conflict with the planned Maple Rd. Paving project planned downtown during the same time.

Input from the APC on this matter is also requested.

After conducting a public hearing, the APC should consider moving a recommendation to the City Commission for final adoption, and inclusion in the 2018-19 fiscal year budget.

**SUGGESTED RECOMMENDATION:**

The Advisory Parking Committee recommends that City Commission authorize the restoration of Parking Lot #6, using Option _____.
These are the minutes of the Advisory Parking Committee ("APC") regular meeting held on Wednesday March 7, 2018. The meeting was called to order at 7:30 a.m. by Chairman Al Vaitas.

Present:
Chairman Al Vaitas
Vice-Chairperson Gayle Champagne
Anne Honhart (arrived at 7:36 a.m.)
Steven Kalczynski
Lisa Krueger
Judith Paskiewicz

Absent:
None

SP+ Parking:
Catherine Burch
Sara Burton
Jay O’Dell

BSD:
Ingrid Tighe, Executive Director

Administration:
Austin Fletcher, Asst. City Engineer
Tiffany Gunter, Asst. City Manager
Paul O’Meara, City Engineer
Carole Salutes, Recording Secretary

RECOGNITION OF GUESTS (none)

MINUTES OF REGULAR MEETING OF FEBRUARY 7, 2018

Motion by Ms. Champagne
Seconded by Ms. Krueger to accept the Minutes of February 7, 2018 as presented.
Motion carried, 5-0.

VOICE VOTE:
Yeas: Champagne, Krueger, Kalczynski, Paskiewicz, Vaitas
Nays: None
Absent: Honhart

PUBLIC HEARING
PARKING LOT #6 REHABILITION/EXPANSION

The public hearing opened at 7:35 p.m.

After reviewing the current conditions with an engineering consultant, Hubbell Roth & Clark ("HRC"), the following three options have been prepared in conceptual plan format, with cost estimates attached:

OPTION 1 – RESURFACE EXISTING LOT

The plan shows the areas of the lot that have not been repaved in 20 years. (The remainder of the area was repaved last year as a part of an Oakland County sewer relocation project.) It is envisioned that the top two inches of asphalt would be removed and replaced, with other various base repair work as needed. In order to enhance the area some, arborvitae are proposed to be installed along the east edge of the lot, between the existing mature evergreen trees. Such a project would give the entire lot a new fresh look, but would do nothing to enhance its capacity or storm water quality. The engineer’s estimate for this work, including a contingency, is $242,000.

OPTION 2 – PROVIDE MINOR EXPANSION TO EAST, AND RESURFACE EXISTING LOT

The plan depicts the small 4 ft. wide expansion to the east. The expansion would attempt to save the existing evergreen trees to the east, as well as supplement them with new arborvitae, as in Option 1. The curb relocation would allow for an increase in capacity by 14 parking spaces, or an expansion of 10%. Such a project would give the entire lot a new fresh look. It would do nothing to enhance its storm water quality. The engineer’s estimate, including a contingency, is almost $290,000. During the study of this area, the City’s forestry consultant has acknowledged that the existing evergreen trees planted along the east edge of the lot have passed their prime and several have been removed already through the intervening years. Of the ones that remain, several are diseased and in decline, although others are still strong. Undertaking this option would likely
result in damaging the root structure of some of the trees, which may result in further losses in the coming years.

**OPTION 3 – PROVIDE GREATER EXPANSION TO THE EAST, PROVIDE STORM WATER QUALITY IMPROVEMENTS, AND RESURFACE EXISTING LOT**

Considering the current status of the adjacent evergreen trees, the third plan has proposed their removal, and depicts a 20 ft. expansion to the east, thereby accommodating an expansion of 34 parking spaces. To improve upon the aesthetics and storm water quality of the lot, a bioswale has been proposed behind the east curb edge. The bioswale would be enhanced with plantings that would work as a filter to stop pollutants coming off the lot before they enter the river. The new curb would have several openings to allow storm water to flow into the bioswale. In the lowest area, at the southeast corner, the existing concrete spillway would be removed in favor of a stone lined sedimentation basin. The basin would allow all of the storm water to flow very slowly into the river, allowing pollutants and sediment to drop out of the water before entering the river. Given the close proximity to the river, and the work within the floodplain, the design would have to be approved by the Michigan Dept. of Environmental Quality ("MDEQ"). If done correctly, we assume the MDEQ would endorse this voluntary effort to improve the storm drainage design of an existing parking lot. If this design moves forward, a closer look at the vegetation in the area is recommended. Undesirable or invasive species could be removed and replaced with more desirable plantings that could provide an improved aesthetic and screening effect for the adjacent residential area. Such a project would provide improvements to the lot in many ways, and would also improve the capacity of the lot by 24%. The total cost of this option, including contingency, is estimated at almost $500,000.

If Option 3 is elected, there is a significant expenditure proposed that can be categorized as an environmental improvement. Currently unfiltered storm water that picks up oil and dirt from the lot is directed straight into the Rouge River. By installing a bioswale and settling basin, the storm water would flow slower and be filtered before entering the river. Such an improvement would qualify for consideration of a grant.

Two grant opportunities are identified by our engineer, HRC. In general terms, it is estimated that the cost of the environmental improvements totals $163,000. If the City receives a grant of 75% of this amount, a savings to the parking system of about $100,000 could be accomplished. Acquiring the grant would likely result in a delay of an additional year, moving the project to 2020 construction. Delaying the work until 2020 is problematic not only in terms of not bringing any
relief to the parking issues in this area, but it also would then conflict with the planned Maple Rd. Paving Project planned downtown during the same time.

Responding to Ms. Champagne, Mr. O'Meara said this would be an early 2019 project if they do not attempt to get the grant. There is a nominal cost to apply for the grant. They are looking at gaining about $160,000 with the grant that would just cover the environmental costs and not the paving. Getting the grant would not be a sure thing. The least disruption to the community would be to build the whole project at once.

Mr. O'Meara went on to describe how construction would proceed with the least disturbance to the public and to the Farmer's Market.

Mr. Jamie Burton, Environmental Engineer from HRC, said they will pick Michigan native plants for the bioswale that will slow the water down and take up the nutrients. The goal will be for long-term low maintenance.

Mr. O'Meara verified for Mr. Kalczynski that a parking space in a structure costs $25,000 to $30,000. Chairman Vaitas compared that cost with how much a space would be using Option 3, which is about $6,500.

Mr. O'Meara responded to Dr. Paskiewicz's question about adding in the picnic tables and seating from the Farmer's Market if Option 3 proceeds. He explained they could curve the swale around so that it leaves green space behind the curb and creates seating areas. It was mentioned that the arborvitae would block headlights from residences to the east.

The Chairman took comments from the audience.

Mr. Joe Finessi, business owner in the area, said the payback on $6,500 would be about three years or less. Therefore, it makes sense to go through with it.

Haley is a manager for Luigi Bruni at the north end of Old Woodward Ave. They have 32 employees and over half have parking passes for Lot #6, but a majority of the time they have to pay for parking in other spots in addition to paying for their pass. Their 4,000 sq. ft. business is being impacted the most. The lot is in shambles with many potholes and it is not appropriate for either consumers or for their staff to park. She thought it is imperative that the lot gets done sooner rather than later.

Mr. Brian Najor, Najor Companies, 600 N. Old Woodward Ave. said they own 600 through 640 N. Old Woodward Ave. They think the lot is in immediate need of repair with its many potholes and distress cracks. The cost for a space is pretty cheap compared to what a space in a structure costs. The ability to park
on the side streets has been taken away from business owners because of resident complaints. Therefore they need to utilize the opportunity to get about 34 more spots.

Ms. Tonia Schrem spoke to represent one of the businesses in the 600-620 Building. She stated they need to see some urgency from the Parking Committee. They are losing business because their clients cannot find a place to park and end up turning around and leaving.

Mr. Joe Bongiovanni, said he represents three businesses, Market, Luxe Bar and Grille, and Salvatore Scaloppini; but also is a future homeowner at 680 Brookside. The employee parking element of this discussion is vital. As far as they are concerned as business people, all of the spots near their restaurants are expected to be for customers. He thought some form of a shuttle should be set up that would be beneficial to them.

Ms. Tammy Marinella represented 800 N. Old Woodward, Brogan and Partners. They have 27 employees and they spend $5,800/quarter for parking. They have 19 passes but ten of their employees have to use the meter parking which doubled in price in the last six months. The City will make up the $6,500/space with just one company's parking pass expense.

Ms. Helen Fratell, the owner of Birmingham Wine, said she is one person with no employees and can't get a parking pass. If she pays for meter parking she can't pay her rent at the end of the month. So any spots would be a huge help.

Ms. Carolyn Butcher said she works for Norm Ziegelman Architects at 800 N. Old Woodward Ave. They are desperate for parking. There are no spots. With the construction next door they have lost five spots. It's not just employees trying to park, now there are construction workers as well.

Mr. Robert Greenstone from Greenstone Jewelers on 430 N. Old Woodward Ave. pointed out that Tuesday through Friday every street metered space is used from 11:30 a.m. to 2:30 p.m. all the way to Euclid and beyond. Wednesday through Friday Lot #6 is completely jammed. With the Brookside Condominium construction along N. Old Woodward Ave. they have lost 16 street spaces on the west side of N. Old Woodward Ave. and at least an equal number on the surface lot connected to the N. Old Woodward Parking Structure. All of the additional spaces that are potentially available would be most welcomed by the patrons of the businesses.

Mr. Marvin Acho from One Source, 600 N. Old Woodward Ave., said he has had his parking pass for about eight years. It has gotten more and more frustrating for him every Wednesday, Thursday, and Friday because it is too tough to find a
parking spot from 11 a.m. to 2:30 p.m. He thought the extra parking spots would help.

Ms. Kay Huberty, Certified Nutritional Consultant in private practice at 600 N. Old Woodward Ave. said her patients cannot get in for their health care appointments because they cannot find parking. She strongly endorsed Option 3 and the possibility of more parking for clients.

Mr. Bongiovanni said their three restaurants will wholeheartedly try to maneuver their employees to off-site shuttle lots if the cost is zero or minimal compared to parking in the garage or on-street.

Ms. Gunter stated that the focus of the parking consultant that they selected concerns the demand and supply issues that have come up today. Internally, even without the consultant's help, they have been looking at lots that could potentially be used to expand parking capacity. As part of their parking study they will be working through the BSD and with the merchants to survey and find out the likelihood of daily parkers taking advantage of that option.

Ms. Honhart noted they have offered this before to companies in Birmingham and the companies have not shown interest. Yet, people still expect the City to keep supplying more and more parking spaces.

Haley made one additional comment. She does not think their business is opposed to the shuttle idea. However it is not convenient for most of their staff who leave and come back at various times of the day. Instead of some of the other things that are going on in the City this parking lot is important and imperative.

Motion by Ms. Krueger
Seconded by Ms. Champagne that the APC recommends that the City Commission authorize the restoration of Parking Lot #6, using Option #3.

Motion carried, 6-0.

ROLLCALL VOTE:
Yeas: Krueger, Champagne, Honhart, Kalczynski, Paskiewicz, Vaitas
Nays: None
Absent: None
Mr. O'Meara offered background. A five-story hotel is proposed for the northwest corner of S. Old Woodward Ave. and E. Brown St., the Daxton Hotel. Last July and August, the APC approved a recommendation to remove all of the metered parking in front of the property in order to make space for a valet parking zone.

At their meeting on October 16, 2017, the City Commission did not approve the recommendation. The applicant was asked to study moving the valet to Brown St., and if necessary, reduce the size of the valet on Old Woodward Ave. With the above in mind, the applicant has worked with their traffic engineering team to develop a computer model to demonstrate what would happen if the valet operation was moved to Brown St. Secondly, the applicant is now on record indicating that they can make the valet operation work with two metered parking spaces being installed just south of the proposed Old Woodward Ave. garage exit, with the provision that during times of peak occupancy, the meters could be bagged and taken out of service for additional valet staging area. Since the original proposal called for the removal of eight metered parking spaces, this new proposal is asking for the removal of just six metered parking spaces.

The City Commission has set the new rate per meter at $5,400/year, which is calculated by using $18/day for 300 days per year. The number of days per year reflects the fact that parking is not charged on Sundays, nor on legal holidays, which average 13 per year.

Mr. Rick Rattner, Attorney, 380 N. Old Woodward Ave., introduced Mr. Mike Darga, Traffic Engineer from Giffels Webster; Mr. Matt Schwan from Giffels Webster; and Mr. David Berman, 102 Pierce St., representing the ownership group. Mr. Rattner asked that Mr. Kalczynski recuse himself from hearing this matter, but the request was refused by the Chairman.

Mr. Rattner indicated their model studies have shown that if they use Brown St. for valet service it would block the street all the way down to Pierce. The next thing they did was to see if they could cut down on the number of spaces on S. Old Woodward Ave. being used for regular valet parking. Therefore they added a second level of underground parking, which gave them a total of 56 spaces, of which 29 are required because of the residential floor. They would be used as storage space for valet. So they have done everything they can to provide more parking for the City. For special events they would bag two spaces on Brown St. for the valet.

Therefore their current reduced request in the new configuration when S. Old Woodward Ave. is redone is for six angled parking spaces along S. Old Woodward Ave. and the ability to bag two spaces for special events. Mr. Darga gave a presentation showing on the screen proposed traffic circulation patterns in and out of the parking structure during an event. Mr. Rattner hoped the
Mr. Kalczynski noted that on Merrill and on Townsend St. there is a lot of congestion even with two or three available spaces for the Townsend valet. So, imagine the amount of congestion that will be caused by having valet on one of the main thoroughfares in town. As a result, he felt there has to be a better solution for S. Old Woodward Ave. He sees the potential for a lot of clogged traffic. Mr. Rattner replied the way valets park cars they can accommodate a total of 76 to 80 vehicles in the Daxton garage. Further, the hotel is providing off-street parking for the retailers in the City. Also, their valet never leaves the garage and blocks S. Old Woodward Ave.

Ms. Honhart inquired where the hotel employees will park. Mr. David Berman believed many of the hotel workers will use public transportation. Secondly, they recently secured 200 spaces in the Birmingham Place parking structure, which they own, where hotel employees can park.

Mr. Kalczynski commented the amount of additional parking spaces, although commendable, that will be in the new boutique hotel doesn't necessarily talk about the issue at hand, which is the clogging of the main artery of the City of Birmingham.

Mr. Berman concluded they have completed the additional work that the City requested, evaluated it, and think that it will not cause any major traffic congestion. Also, looking at the highest and best use for that site, they could have built an office building. That office building would have a zero parking requirement because it is in the Parking Assessment District. The hotel has provided 54 actual spaces, up to 80 with valet, and they are using them at off-peak times from when the office workers do not need them. In conclusion, they have done everything they can, going above and beyond what is required to help solve the City's parking problem.

There were no comments from the public at 8:55 a.m.

Motion by Ms. Champagne
Seconded by Ms. Krueger to recommend to the City Commission the removal of six metered on-street parking spaces at 298 S. Old Woodward Ave. to allow for the operation of a valet service by the adjacent property owner, in exchange for an annual payment of $32,400 (at $5,400/meter) to be charged annually.

Motion carried, 5-1.
VOICE VOTE:
Yeas: Champagne, Krueger, Honhart, Paskiewicz, Vaitas
Nays: Kalczynski
Absent: None

PERMIT RULE CHANGE AND TRANSIENT PARKING IN STRUCTURES

Ms. Gunter advised that in the third week of March 2018, the City will undergo a major reconstruction of Old Woodward Ave. and will temporarily remove 130 on-street parking spaces. In an effort to mitigate the impact on our transient parkers and ensure full utilization of the available rooftop valet assist. Ms. Gunter summarized the findings of staff and discussed the rationale for the recommendation. Ms. Gunter noted that the goal is to maximize availability of the first level parking spaces within the decks for transient parkers and maximize utilization of the roof-top valet assist. She noted that, if the recommendations were approved that the CBD could realize an increased capacity of 250 parking spaces within the existing structures and eliminate long-term parking in the prime parking spaces, located on the first floors of each structure.

- Part 1 of the recommendation involves a change in strategy for the structures that will encourage greater turnover of parking spaces in the lower levels of the structure. Staff recommends that all garages will move away from the No Parking between 7 a.m. and 9 a.m. or 7 a.m. and 10 a.m. and replace those signs with 3 hour maximum parking signs that exclude monthly permit holders from parking in these restricted spaces.
- Part II of the recommendation involves a modification to the existing permit rules that require the use of rooftop valet assist for monthly permit parkers when the structure is full. This change would be rolled out along with the parking signage suggestions and staff recommends changing the language on the monthly parking permit rules. Number 5 on the rules currently states the following:

  5. This permit authorizes parking only in designated areas on a first-come first-serve basis. Designated areas are striped with yellow lines. If no space is available in your designated area you may park in any available space in the structure. If the structure is full, you may park in designated areas in any other City Parking Structure (not surfaces lots).

To have the monthly parkers fully utilize their designated space in each structure Staff would like to change the language to the following:

  5. This permit authorizes parking only in designated areas on a first-come first-serve basis. If all available spaces are full, you are required to use the rooftop valet service (if available) at no extra
fee. If the rooftop valet is unavailable, you may park in designated areas in any other City Parking Structure. Parking spaces marked with a 3 hour time limit, as well as any parking meters on streets and surface lots, do not qualify as monthly parking spaces at any time. Any monthly parker not utilizing the rooftop valet, when available, will be required to pay the daily rate at any other City Structure (except for permit holders at the Peabody structure, where valet assist is not available).

Ms. Gunter stated that this recommendation will significantly increase the likelihood that parking spaces are available for transient parkers and will help promote turnover when coupled with the time restrictions. Consistent and similar signage, enforcement, and change of rules in all the structures will give a more positive impression to all parkers.

Ms. Gunter noted that, If approved, staff will begin an intense communication push with our monthly permit holders. The total cost to implement these changes in the first three months is estimated to be $33,768 through the remainder of this current fiscal year. (Signage is estimated at $5,760 and enforcement costs for three months totaling $28,008.) After three months, the cost to maintain enforcement would be $3,112.

Staff will evaluate the performance of the changes over the four month period and Ms. Gunter indicated that this may not be a temporary change. They hope that at the conclusion of the Old Woodward Ave. reconstruction we gain some flexibility in our permitting ability to reduce the wait list.

Mr. O'Dell said to make sure people are only parking for three hours the tires will be tracked electronically by the location of the tire stem. Also they will track license plate numbers through their hand-held system to ensure the monthly parkers are not utilizing those lower spaces. Violators could lose their monthly pass. Transient parkers who ignore the three-hour rule could get a ticket. He noted for Dr. Paskiewicz that the turnaround time for retrieving a car from the valet is only a couple of minutes.

Mr. O'Meara pointed out that after the construction, keeping the valet there would give them the ability to start selling more monthly passes.

Dr. Paskiewicz observed that people who are buying a permit will have full knowledge that they will need to valet park. That may push some people to find a different solution.

Motion by Ms. Honhart
Seconded by Ms. Champagne that the Advisory Parking Committee recommends that the City Commission approves $33,768 to support the implementation of the restricted 3-hour parking/no monthly parking signage at all of the existing parking structures and modification of the existing permit rules to require monthly permit holders to utilize the rooftop valet assist option with an ongoing enforcement cost of $3,112 per month.

Amended by Ms. Krueger (and accepted by makers of the motion) to include this recommendation through the end of the Old Woodward Ave. construction and have it re-evaluated for a long-term solution.

Motion carried, 6-0.

ROLLCALL VOTE:
Yeas: Honhart, Champagne, Kalczynski, Krueger, Paskiewicz, Vaitas
Nays: None
Absent: None

APC SUPPORT FOR CONSTRUCTION MARKETING

Ms. Gunter recalled at the February 7 APC meeting the committee requested additional information from the Birmingham Shopping District ("BSD") to support the request for additional funding to market available parking options during the period that will involve the reconstruction of Old Woodward Ave. The APC requested a specific timeframe for the marketing campaign and details concerning the total media buy. The BSD has provided the requested detail and is seeking a recommendation to approve $60,000 in funding support.

Ms. Tighe stated the BSD will be running a multi-faceted marketing campaign to promote the downtown shopping, dining and spa experience during the Old Woodward reconstruction project. The BSD will highlight the downtown through TV, radio, magazine, newspaper, and through social media ads promoting the popular “2 Hours Free Parking in the Decks” program and free valet parking available during the construction period from April to August 1.

The BSD has committed a total of $100,000 for construction related activities. They are requesting the Advisory Parking Committee to approve a $60,000 commitment from the parking fund to support the marketing campaign.

In addition, wayfinding signs will be printed that show where the valet parking stations are located. Strategic ads will be input into facebook, snap chat and instagram that target consumers in the retail trade area.
Motion by Dr. Paskiewicz  
Seconded by Mr. Kalczynski that the Advisory Parking Committee recommends a one-time expenditure of $60,000 in support of the BSD reconstruction marketing campaign.

Motion carried, 6-0.

ROLLCALL VOTE:  
Yeas: Paskiewicz, Kalczynski, Champagne, Honhart, Krueger, Vaitas  
Nays: None  
Absent: None

MONTHLY FINANCIAL REPORTS

Mr. O'Dell stated that the financials look good.

MEETING OPEN FOR MATTERS NOT ON THE AGENDA

Ms. Gunter provided an update on Staff's first meeting with the Nelson/Nygaard team, the new parking consultant. The purpose of the meeting was to make sure they have a good understanding of the existing conditions and the needs. It is anticipated that next month they will be in front of this committee to report their findings thus far. At the merchant meeting tomorrow a brief survey will be completed so the consultants can get feedback and understand some of the challenges.

Ms. Honhart described experience she has had in the parking structures because the display says "reinsert card" and there is a delay in the gate going up. Mr. O'Dell explained there is a slight delay because the machine encrypts credit card information to keep it safe and then sends the signal to raise the gate. He will check into the message about reinserting the card. They are working through signage to get people to do things in the proper way in order to speed things up.

Further responding to Ms. Honhart, Mr. O'Dell said when someone no longer needs their parking pass it is not allowed for them to give the pass to someone else.

NEXT REGULARLY SCHEDULED MEETING

April 4, 2018
ADJOURNMENT

No further business being evident, the Chairman adjourned the meeting at 9:30 a.m.

__________________________
City Engineer Paul O’Meara
DATE: May 2, 2018
TO: Advisory Parking Committee
FROM: Paul T. O’Meara, City Engineer
SUBJECT: Parking Lot #6 Restoration

At the Advisory Parking Committee meeting of March 7, 2018, a public hearing was held regarding the various offered options on how to potentially renovate and improve Parking Lot #6, located adjacent 600 N. Old Woodward Ave. After taking comments from several attendees, generally representing nearby businesses, the Committee voted 6-0 to recommend that the City Commission authorize the restoration of Parking Lot #6, using Option #3. Option #3 represented the larger of two expansion options, wherein the lot would be resurfaced, an additional 34 parking spaces would be added to the east side of the lot, and storm water filtering improvements would be implemented for the entire lot.

The total cost of the project is estimated at approximately $497,600, which can be broken down into three general categories:

a. Resurfacing of the Existing Lot $161,200
b. Expansion of the Parking Area $179,400
c. Storm Water Quality Improvements $157,000

During the meeting in March, the timing of construction was discussed. Since closing the lot has a significant impact on the surrounding businesses, as well as the Farmer’s Market, which uses the lot every Sunday from May through October, timing the construction by a means that reduces the closure time to a minimum is important. We envision the lot construction would go in the following phases beginning in 2019:

1. Clearing of vegetation, lights, and curb in conflict with expansion to the east.
2. Construction of new curb and base asphalt for expansion to east.
3. Milling of existing asphalt surface.
4. Restoration of natural area to east, and construction of storm water quality improvements.
5. Installation of new asphalt on both existing and new parking lot areas.

We envision that Phases 1, 2, and 4 could be completed with minor daytime closures, since most of the work would be east of the current east edge of the parking lot. Phases 3 and 5 would require a complete closure of the parking lot. The contract would be written that this work must be accomplished on consecutive Saturdays only, allowing the work to be done with relatively little impact on the surrounding businesses. In order to keep impact on the Farmer’s Market reduced, we also envision attempting to get the work completed by the end of May, so
that the work can start potentially in April, when the season has not yet started, and finish in May when traffic is still lower.

Also at the meeting, outside funding sources were discussed to some extent. The involved:

1) **A Michigan Department of Environmental Quality (MDEQ) grant.** A significant amount of funding would be devoted to an improvement of the water quality for the parking lot’s drainage discharge, there is a good chance that the project would qualify for a grant of up to 80% of the cost of that work, or about $125,000. In order to apply for a grant, administered through the MDEQ, plans would have to be prepared and sent to the state agency for review. A waiting period would be involved, likely delaying the work until 2020. Since acquisition of the grant is not a certain thing, the Advisory Parking Committee expressed interest in having this project move forward for 2019 construction.

2) **Utilizing the Parking Assessment District (PAD) to support the cost of the new parking spaces.** Since 34 new parking spaces are proposed, a percentage of the cost of the lot expansion could be spread across the entire PAD. Given that the overall cost of the project is low, and since a potentially significant special assessment may be coming in the future for the reconstruction of the N. Old Woodward Ave. Parking Structure, the Committee may wish to consider the advisability of a smaller special assessment at this time. However, to better understand what the assessment may look like, the following example was prepared for discussion purposes.

**SPECIAL ASSESSMENT RESEARCH FINDINGS:** No special assessment has been levied against the PAD since the completion of the Chester St. Structure in 1989. Historically, a percentage of the construction cost of the project would be applied to the assessment district. Percentages have varied between 15% and 40%, with the most recent one being 15%. The policy on determining how much each property has been assessed has been determined on several factors, including:

1. **Distance from the project being built** (using a system of concentric circles, properties were split into groups radiating out from the project).
2. **Distance from the center of downtown** (the intersection of Maple Rd. and Old Woodward Ave.). In the past, it was thought that being closer to the center of the central business district was more valuable, translating to greater benefit for a property owner if parking was improved.
3. **Higher charges for square footage on the first floor**, as compared to upper commercial floors. In the past, it was felt that the first floor areas were the most valuable, and would have the most to gain from parking improvements.
4. **Residential zoned properties would not be assessed**, as they were required to provide their own parking.

The City may elect to modify the assessment formula as it sees fit to match changing conditions. If an assessment district were created on Parking Lot #6, staff would recommend something that would use the distance from the project as the primary determining factor for benefit received. With the changing retail environment, we believe it is unclear that properties near the center of the district are any more valuable than others. Further, we also do not see that square footage on the first floor now
brings any stronger demand for parking than other commercial floors, especially given the current method of use in office building space.

The attached map with concentric rings was prepared to illustrate a means to split the district into three areas. Properties closest to Parking Lot #6 would receive the largest benefit. Those properties located between Ravine Rd. and the Willits St./Oakland Blvd. intersection would receive a smaller benefit, while those south of Willits St./Oakland Blvd. would receive the smallest benefit.

Historically, it appears that no more than 40% of the total construction cost has been charged to assessment districts. Since the total cost of the project is low, for discussion purposes, the total of 100% of the expansion cost of $179,400 could be used as a starting point. As a suggestion, the percentage of the cost to be raised within each of the three circles could be set to best represent the benefit that each area would receive. For example, in section 1, 60% of the value should be raised. In section 2, 30% of the value should be raised. In section 3, 10% of the value should be raised. This would translate to the following costs per square foot:

Section 1 = $0.777 per sq.ft.
Section 2 = $0.164 per sq.ft.
Section 3 = $0.006 per sq.ft.

Using these rates, the following demonstrates the cost per building for a typical small property (1,500 sq.ft.), and a relatively large property (20,000 sq.ft.):

<table>
<thead>
<tr>
<th>Zone</th>
<th>Estimated Cost, Small Property</th>
<th>Estimated Cost, Large Property</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 1</td>
<td>$1,165</td>
<td>$15,540</td>
</tr>
<tr>
<td>Section 2</td>
<td>$246</td>
<td>$3,280</td>
</tr>
<tr>
<td>Section 3</td>
<td>$9</td>
<td>$120</td>
</tr>
</tbody>
</table>

Previously, parking assessment districts have been set to raise substantially larger sums as a part of a parking structure construction project. As such, owners are allowed to break the payments up into ten increments, and pay it off over 10 years. The sample numbers above show that an assessment district on this project would result in charges much lower than is typically done.

There are obviously many variations that could be employed on an assessment district of this sort. Staff welcomes discussion and debate on the matter, as the Committee wishes. If the Committee is so inclined to consider the creation of an assessment district inadvisable at this time, a sample recommendation follows below:

SUGGESTED RECOMMENDATION:

The Advisory Parking Committee recommends that the City Commission authorize the restoration of Parking Lot #6, using Option #3. Further, the Committee recommends that the Commission waive the option of creating a special assessment district to defray the cost of this work, and proceed to schedule construction, charging all costs to the Auto Parking System.
These are the minutes of the Advisory Parking Committee ("APC") regular meeting held on Wednesday May 2, 2018. The meeting was called to order at 7:30 a.m. by Chairman Al Vaitas.

Present: Chairman Al Vaitas  
Vice-Chairperson Gayle Champagne  
Anne Honhart  
Steven Kalczynski  
Lisa Krueger  
Judith Paskiewicz

Absent: None

SP+ Parking: Catherine Burch  
Sara Burton  
Jay O'Dell

Administration: Austin Fletcher, Asst. City Engineer  
Tiffany Gunter, Asst. City Manager  
Paul O'Meara, City Engineer  
Carole Salutes, Recording Secretary

RECOGNITION OF GUESTS (none)

MINUTES OF REGULAR APC MEETING OF APRIL 4, 2018

Motion by Dr. Paskiewicz  
Seconded by Mr. Kalczynski to accept the Minutes of April 4, 2018 as presented.

Motion carried, 6-0.
VOICE VOTE:
Yeas:  Paskiewicz, Kalczynski, Champagne, Honhart, Krueger, Vaitas
Nays:  None
Absent:  None

LOT #6 FINANCIAL STRATEGY

Mr. O'Meara offered some history. Each time the City built a parking structure, a part of the construction cost was assessed to the entire Assessment District. With regard to the five parking structures, a formula was set up that considered three main factors:

- Properties closest to the structure were assessed at a higher rate than those further away;
- The square footage of the first floor was assessed at a higher rate than the upper floors, assuming they were commercial;
- Properties closer to the center of town were assessed higher than those further away.

Some of those ideas are out of date now because of the changing business environment. Today, we would recommend that the distance from the improvement to the structure is measured, as well as how big the building is. Upper floors put as much demand on the parking system as those on the first level.

A map with concentric rings was prepared to illustrate a means to split the district into three areas. Properties closest to Parking Lot #6 would receive the largest benefit. Those properties located between Ravine Rd. and the Willits St./Oakland Blvd. intersection would receive a smaller benefit, while those south of Willits St./Oakland Blvd. would receive the smallest benefit. For discussion purposes, the total of 100% of the expansion cost of $179,400 could be used as a starting point. As a suggestion, the percentage of the cost to be raised within each of the three circles could be set to best represent the benefit that each area would receive. For example, in section 1, 60% of the value should be raised. In section 2, 30% of the value should be raised. In section 3, 10% of the value should be raised.

Using these rates, the following demonstrates the cost per building for a typical small property (1,500 sq. ft.), and a relatively large property (20,000 sq. ft.):

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</tr>
</tbody>
</table>
Because the City is seriously talking about building a new parking structure at N. Old Woodward Ave., a much larger assessment may be coming in the near future. It might set a bad tone if a small assessment is introduced now and then a much larger one is created in a relatively short time period. Therefore it may be better to defer to the parking fund the cost for adding the 34 new parking spaces to Lot #6.

The Ad Hoc Parking Development Committee reached the conclusion that distinguishing between the first and upper floors of a building doesn't make much sense anymore. As well, the Maple Rd./Old Woodward Ave. intersection doesn't have much bearing on the value of the property today.

Mr. O'Meara explained that adding to or modifying or adding to the Assessment District would be difficult. Deciding on the entrance fee would be difficult because the property has not benefited from the past history. Since the City is not is working to address issues with parking demand, he doesn't think the City would want to add additional buildings to the District.

Ms. Honhart did not state whether the City should or should not pay for the expansion - it is not a lot of money. However if the City does pay for it, someone may come back and say that last time the District was not charged.

To that point Ms. Gunter believed the argument for today is that the documentation and proof can be shown of a commitment on the City's part not to continue to go back and assess over and over again when they have something that is smaller and it is known something larger will be coming up. She thought a strong argument can be made to anybody that comes later and says the City didn't assess previously. The City can say the circumstances surrounding the case were different in that they anticipated a $40 million improvement and wanted to make sure not to put an unnecessary burden on the businesses.

Chairman Vaitas thought that tweaking the formula is following historical trends.

Discussion continued concerning whether the broader use of Lot #6 for the Farmer's Market should contribute in some way to the Parking Assessment District. Mr. O'Meara said the use is being done at a time when the lot is not being used for anything else. The use doesn't damage the Parking System. He noted that at this time the Parking Fund is strong.

Answering Ms. Paskiewicz, Mr. O'Meara explained that the total cost of the entire Lot #6 project is estimated at approximately $497,600. Of that amount, expansion of the parking area is $179,400. Using funds from the Parking System forgoes the opportunity for a grant from the Michigan Dept. of Environmental
Quality. However, the Chairman noted that the wait time to receive the grant would be two years and the grant is not a sure thing.

Ms. Gunter summarized that the suggestion is to not assess now in anticipation of a bigger assessment later.

**Motion by Ms. Champagne**  
Seconded by Ms. Krueger that the Advisory Parking Committee recommends that the City Commission authorize the restoration of Parking Lot #6, using Option 3. Further, the committee recommends that the Commission waive the option of creating a special assessment district to defray the cost of this work, and proceed to schedule construction, charging all costs to the Auto Parking System

**Motion carried, 6-0.**

**VOICE VOTE:**  
Yea:  Champagne, Krueger, Honhart, Kalczynski, Paskiewicz, Vaitas  
Nay:  None  
Absent:  None

**PARKING UPDATE**

Ms. Gunter said she was happy to see that there is availability in the middle of the day on the first floors of the parking structures since they have instituted the changes on the first levels and on the surface lot at N. Old Woodward Ave. Next month she will be able to show some numbers for the amount of turnover that has increased since the change. The week before last 750 cars were parked by the valet service. That number is anticipated to go up again.

Mr. Kalczynski noted he has heard from retailers that some employees are taking advantage of the valet parking service. Ms. Gunter said it is very difficult to control that because it is a complimentary program. They cannot turn people away.

Ms. Gunter reported the parking study team is working on an engagement session with the merchants. A presentation will be provided to the merchants on May 16 and feedback will be gathered.

Finally, another online opinion survey on Birmingham parking is being developed. It will be distributed more widely than the first survey was.
At the last City Commission meeting, one of the commissioners requested that the utilization reports become more exacting. They want to get a better understanding of what happens throughout the day. She has been working with SP+ to try to develop a dashboard that would show useful information so that trends can be seen more readily than in the larger reports that are provided every month.

Dr. Paskiewicz noted that a person who teaches at the Community House has said that people in her classes are consistently complaining about the lack of parking availability. They are saying that even though the sign says there is parking, there is not necessarily parking. If the sign reads 20 or less they don't even bother going in.

Mr. O'Dell explained those 20 spaces are for the valet parking. There is a large component of people that don't realize the valet is there. Also, some people are afraid there will be a charge for valet and others don't want anyone to touch their car.

MONTHLY FINANCIAL REPORTS

Mr. O'Dell announced the Parking Fund is doing well.

MEETING OPEN FOR MATTERS NOT ON THE AGENDA

Mr. O'Meara noted the Lot #6 construction will be scheduled to take place in April and May of next year.

Mr. O'Meara said he has gotten the complaint that the spaces in the Chester St. Structure are narrow. Mr. O'Dell explained the spaces there have double stripes that create a buffer. The spaces look narrow but there are actually 6 in. on each side.

Ms. Honhart observed that some people are unhappy that they have to pull out their credit card in order to enter a parking structure. Ms. Gunter said it is the getting in of the card and getting it out is that has become more of a holdup than whether or not people know to use a credit card. Giving the system three seconds and then proceeding usually works with no problem.

Ms. Honhart noticed that the parking area around the 555 Building is pretty full now. Mr. O'Dell answered that area is only full at certain times. There is more pressure on it now because of the construction. It is always busy in the mornings.
Responding to the Chairman about how the construction is going, Mr. O'Meara said they are very happy with their contractor who is extremely serious about getting a lot done every day. The biggest challenge is the water mains. The existing ones are old and brittle and they break. Then construction has to stop to address that.

NEXT REGULARLY SCHEDULED MEETING

June 6, 2018

ADJOURNMENT

No further business being evident, the Chairman adjourned the meeting at 8:40 a.m.

City Engineer Paul O'Meara

Assistant City Manager Tiffany Gunter
The City's five-year capital improvement plan has allotted $200,000 from the Auto Parking Fund to resurface Parking Lot #6 in fiscal year 2018/19. Given the current plan to reconstruct Old Woodward Ave. further south in the spring and summer of 2018, it is anticipated that this project would be scheduled in the spring of 2019. The APC discussed the ongoing shortage of parking that can be found many weekday afternoons in this area, and asked staff to explore ways to consider expanding the capacity of this lot. After reviewing the current conditions with an engineering consultant, the following three options have been prepared in conceptual plan format, with cost estimates attached:

**OPTION 1 – RESURFACE EXISTING LOT**

The attached plan shows the areas of the lot that have not been repaved in almost 20 years. (The remainder of the area was repaved last year as a part of a Oakland County sewer relocation project.) It is envisioned that the top two inches of asphalt would be removed and replaced, with other various base repair work as needed. In order to enhance the area some, arborvitae are proposed to be installed along the east edge of the lot, between the existing mature evergreen trees. Such a project would give the entire lot a new fresh look, but would do nothing to enhance its capacity or storm water quality. The engineer's estimate for this work, including a contingency, is $242,000.

**OPTION 2 – PROVIDE MINOR EXPANSION TO EAST, AND RESURFACE EXISTING LOT**

The attached plan depicts the small 4 foot wide expansion to the east that was discussed last month. The expansion would attempt to save the existing evergreen trees to the east, as well as supplement them with new arborvitae, as in Option 1. The curb relocation would allow for an increase in capacity by 14 parking spaces, or an expansion of 10%. Such a project would give the entire lot a new fresh look. It would do nothing to enhance its storm water quality. The engineer’s estimate, including a contingency, is almost $290,000.

During the study of this area, the City's forestry consultant has acknowledged that the existing evergreen trees planted along the east edge of the lot have passed their prime. The trees were planted in 1960 when the lot was first constructed, and it is clear that several have been removed already through the intervening years. Of the ones that remain, several are diseased and in decline, although others are still strong. Undertaking this option would likely result in
damaging the root structure of some of the trees, which may result in further losses in the coming years.

**OPTION 3 – PROVIDE GREATER EXPANSION TO THE EAST, PROVIDE STORM WATER QUALITY IMPROVEMENTS, AND RESURFACE EXISTING LOT**

Considering the current status of the adjacent evergreen trees, the attached third plan has proposed their removal, and depicts a 20 foot expansion to the east, thereby accommodating an expansion of 34 parking spaces. To improve upon the aesthetics and storm water quality of the lot, a bioswale has been proposed behind the east curb edge. The bioswale would be enhanced with plantings that would work as a filter to stop pollutants coming off the lot before they enter the river. The new curb would have several openings to allow storm water to flow into the bioswale. In the lowest area, at the southeast corner, the existing concrete spillway would be removed in favor of a stone lined sedimentation basin. The basin would allow all of the storm water to flow very slowly into the river, allowing pollutants and sediment to drop out of the water before entering the river. Given the close proximity to the river, and the work within the floodplain, the design would have to be approved by the Michigan Dept. of Environmental Quality (MDEQ). If done correctly, we assume the MDRQ would endorse this voluntary effort to improve the storm drainage design of an existing parking lot. If this design moves forward, a closer look at the existing vegetation in the area is recommended. Undesirable or invasive species could be removed and replaced with more desirable plantings that could provide an improved aesthetic and screening effect for the adjacent residential area.

Such a project would provide improvements to the lot in many ways, and would also improve the capacity of the lot by 24%. The total cost of this option, including contingency, is estimated at almost $500,000.

**FARMER’S MARKET**

The farmer’s market, now considered an important weekly City event, draws a significant number of visitors to the lot every Sunday from the beginning of May to the end of October, which is also the practical time of year to conduct this work. Once an option for this project has been determined, we plan to work with both the Birmingham Shopping District (BSD) and representatives of the business community to determine how to quickly complete this work in a way that is least disruptive to both interests. Given the number of visitors to the lot each week, the Option 3 design would provide a positive image for the City in terms of the environmental investment that could be showcased as a part of the market.

An representative from engineering firm Hubbell, Roth, & Clark will be in attendance for the meeting to help with the discussion, and answer questions. Should the APC agree upon a favored design, a public hearing for both the business community and the adjacent residential community would be appropriate. A suggested resolution is provided below:

**SUGGESTED RESOLUTION:**

To endorse Option ____ design for the Parking Lot Number 6 Rehabilitation Project, and to conduct a public hearing for the surrounding business and residential
communities at the regularly scheduled meeting of the Advisory Parking Committee, to be held on January 3, 2018, at 7:30 AM.
OPTION 1 - RESURFACING

PARKING LOT No. 6 SITE PLAN

NOTES:

1. PROTECT EXISTING STAND OF PINE TREES ALONG THE EAST SIDE OF THE PARKING LOT.

2. PLANT ARBORVITAES (70 TOTAL @ 4' o.c.) BETWEEN EXISTING PINES FOR ADDITIONAL SCREENING.

CITY OF BIRMINGHAM
PARKING LOT No. 6 REHABILITATION
DESIGN OPTION 1

SITE SECTION - A
SCALE: 1" = 20' HORIZ.
1" = 10' VERT.
NOTES:

1. PROTECT EXISTING STAND OF PINE TREES ALONG THE EAST SIDE OF THE PARKING LOT.

2. EXISTING LIGHT POLES (4 TOTAL) WILL NEED TO BE RELOCATED TO ACCOMODATE NEW PARALLEL PARKING.

3. PLANT ARBORVITAE (70 TOTAL @ 4' o.c.) BETWEEN EXISTING PINES FOR ADDITIONAL SCREENING.
1. Remove existing stand of pine trees along east side of parking lot.

2. Existing light poles (4 total) will need to be relocated to accommodate new parallel parking.

3. Limit removal of existing vegetation and supplement with additional screening as necessary.
## Preliminary Estimate

HRC Job No. 20170989

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**Estimated Construction Costs**

- Option 1 - Resurface Existing Parking Lot: $210,950.00
- Option 2 - Resurface with Parallel Lane Expansion: $251,600.00
- Option 3 - Resurface with Full Lane Expansion and Bioretention: $432,775.00

Construction Contingency (15% of total cost): $31,600.00, $37,700.00, $64,900.00

**Total Project Cost:**

- Option 1: $242,550.00
- Option 2: $289,300.00
- Option 3: $497,675.00
The Greenwood Cemetery Advisory Board (GCAB) recommends an amendment to Greenwood Cemetery Operational Procedures, Conditions and Regulations (Cemetery Regulations) to add a policy regulating installment payment plans for the purchase of cemetery plots. Payment plans are an option currently offered by the Cemetery’s management services contractor, Elmwood Historic Cemetery (Contractor), but Cemetery Regulations are silent on the issue. The GCAB believes a written policy should be adopted by the City of Birmingham.

The GCAB studied the current practice and drafted a policy which maintains the general structure while addressing several economic factors. The policy stipulates:

1. A 24-month maximum period for payment plan agreements.
2. A 20% down payment.
3. Equal monthly payments, with payments allocated equally among all plots included in the payment plan agreement.
4. No interest.
5. A plot must be paid in full before interment takes place.
6. The use of end plots for interment if the remaining plots in a payment plan are not paid in full.
7. Prior payments may not be transferred from one plot to another.
8. For payment plan agreements initiated in 2018 and after, failure to pay off the contract on or before the final payment due date will result in forfeiture of the unpaid plot(s) and all monies paid to date.
9. The Greenwood Cemetery Perpetual Care Fund will receive 75% of each payment made at the time of payment.

City Attorney Currier was consulted on proposed policy language and provided recommendations at the Board’s April and June, 2018 meetings. City Attorney Currier, at the Board’s request, also reviewed the process necessary for establishing a payment plan policy and determined, as stated in his letter dated March 1, 2018, “Further the Payment Plan Policy is a requirement of the City of Birmingham. The contractor in this regard, is required to follow all of the policies of the City of Birmingham that are established by the City Commission. Therefore, no reopening of the contract with the consultant is necessary in this regard.”
The Contractor was provided with a copy of proposed language in December 2017 and invited to attend the Board’s January 2018 meeting. The Contractor did not attend the meeting and did not submit comments. Agenda packets for all GCAB meetings are provided to the Contractor.

ATTACHMENTS:
2. Documentation of the GCAB’s work on the proposed policy from their meetings of:
   a. June 1, 2018
   b. May 4, 2018
   c. April 6, 2018
   d. January 12, 2018
   e. December 8, 2017
   f. November 17, 2017
   g. October 6, 2017
   h. August 4, 2017

SUGGESTED RESOLUTION:
To accept the recommendation of the Greenwood Cemetery Advisory Board as approved on June 1, 2018, and approve the amendment to the Operational Procedures, Conditions and Regulations for the Greenwood Cemetery to add Section IX. LOT SALES - PAYMENT PLAN POLICY.
ATTACHMENT 1 - CURRENT CEMETERY REGULATIONS

CITY OF BIRMINGHAM
GREENWOOD CEMETERY OPERATIONAL PROCEDURES,
CONDITIONS AND REGULATIONS

I. DEFINITIONS:

The following words and phrases, for the purposes of these sections, have the meanings respectively ascribed to them, except in those instances where the context clearly indicates a different meaning.

a. “Cemetery” shall mean Greenwood Cemetery.

b. “Superintendent” shall mean the City Manager or his/her designee.

c. “Marker” shall mean a stone or object denoting the location of a grave and which does not exceed eighteen (18) inches in height, sixteen (16) inches in width, and twenty-four (24) inches in length.

d. “Monument” shall denote a memorial stone or object of a size in excess of that of a marker.

e. “Permanent outside container” shall be a container which encloses a casket. The following are considered permanent outside containers: concrete boxes, concrete, copper or steel burial vaults.

f. “Department” shall mean the Department of Public Services.

g. “Memorial” shall mean monuments or markers.

II. CONDUCT OF PERSONS

Every person entering the cemetery shall be responsible for any damage caused by such person while within the cemetery. No person under eighteen years of age shall enter the cemetery grounds unless accompanied by an adult responsible for his/her conduct, or unless permission has been granted by the Superintendent.

No person shall:

a. Enter the cemetery except through an established gate, and only during the hours from 8:00 A.M. to sundown.

b. Deposit or leave rubbish and debris on any part of the cemetery grounds.

c. Pick, mutilate, remove, or destroy any living plants or parts thereof, whether wild or domestic, on the cemetery grounds, except in the work of maintenance by City employees or its designated contractor.
d. Break, injure, remove, or deface any monument or marker on the cemetery grounds.

e. Bring any dog or animal into the cemetery grounds, unless in compliance with applicable leash law.

f. Bring or discharge any firearm on the cemetery grounds, except in the conduct of military funerals.

g. Carry intoxicants into the cemetery grounds, or consume such while in the cemetery.

h. Advertise on cemetery grounds unless permitted by the City.

i. Conduct her/himself in any other than a quiet and respectful manner while on the cemetery grounds.

III. TRAFFIC REGULATIONS

All traffic laws of the City of Birmingham that are applicable to the operation of vehicles in cemeteries shall be strictly observed. Every person driving a vehicle into the cemetery shall be responsible for any damage caused by such vehicle.

No person shall:

a. Drive a vehicle within the cemetery at a speed in excess of ten (10) miles per hour.

b. Drive or park a vehicle on other than established driveways except for the purpose of maintenance or construction.

c. Turn a vehicle around within the cemetery except by following established driveways.

d. Use a cemetery driveway as a public thoroughfare.

IV. MAINTENANCE AND PERPETUAL CARE

The City and/or its designated Contractor shall be responsible for the maintenance and repair of the driveways, buildings, water system, drainage and fences. The City and/or its designated Contractor shall also cut and maintain the grass areas, remove the leaves, trim and remove trees and shrubs, apply fertilizer as necessary, and in general maintain the cemetery as a place of natural beauty devoted to the burial of the dead.

The City and/or its designated Contractor shall not be responsible for any special care of any particular section, lot or burial space or for the maintenance or repair of any monument, marker or planting placed by the owner. Further, the City and/or its
designated Contractor shall not contract or agree to give special care to any section, lot or burial space except as above provided. The City shall maintain the integrity of damaged historical markers, prior to January 1, 1875, through the perpetual care fund.

V. OPERATIONAL REGULATIONS

The following operational regulations shall apply to all areas within the cemetery:

a. Corners of all lots will be marked by the City, or its designated contractor, with permanent markers set flush with the ground surface, and these shall not be disturbed.

b. The erection of any fence, railing, wall, coping, curbing, trellis, or embankment, or the planting of any hedge, on any lot or grave is prohibited. No cutting of paths shall be permitted.

c. The City, or its designated contractor, shall have the right to remove from any lot any objects, including trees and shrubs and flower pots that are not in keeping with the appearance of the cemetery.

d. Ironwork, seats, vases, and planters shall be allowed on lots, providing that the same shall be kept in good repair and well painted. If not kept in good repair and painted, the Superintendent shall have power and authority to remove same from cemetery, and shall not be liable for any such removal.

e. Planters of iron or granite for the planting of flowers will be removed from lots and put in storage if not filled by July 1st. Planters so removed will be sold for cartage and storage charges, or destroyed, if not claimed within a period of one year.

f. No person shall plant, cut down, remove, or trim any tree, shrub, or plant within the cemetery except by permission of the Superintendent, or a person authorized by him/her to act in his/her stead in matters pertaining to the cemetery.

g. The planting of flowers on any lot, or otherwise disturbing the sod, shall release the City or its designated contractor from all obligation to resod without extra charge therefore. The planting of spirea, rose bushes, peonies, or shrubs that grow over three feet in height, will not be permitted.

h. As soon as flowers, floral pieces, potted plants, flags, emblems, etc., used at funerals or placed on grave at other times, become unsightly or faded, they will be removed, and no responsibility for their protection will be assumed, except for special groups upon notification to the City or its designated contractor.

i. The Superintendent reserves the right to remove from beds, graves, vases, planters, or other containers, all flowers, potted plants, or other decorations, that are set out and then not kept properly watered, trimmed and free from weeds, and to do so as soon as they become objectionable.
VI. MONUMENTS, GRAVE MARKERS AND FOUNDATIONS

MONUMENTS

Monuments will be permitted only on two adjoining side by side graves under one ownership. No more than one monument shall be erected on any lot.

The erection of all monuments shall be subject to the following conditions:

a. Each monument shall be supported on a concrete foundation not smaller than the base of the monument it supports. Such foundation shall be constructed only by the City or its designated contractor after payment therefore has been made. Foundations will be installed April to November, weather dependent, as determined by the Superintendent. Requests received after November 1st will be held until conditions allow for installation.

b. Designs for monuments must be submitted to the Superintendent or to a person designated by him/her to act in his/her stead, when application is made for construction of foundations. A form with the size, material and design must be submitted to the City or its designated contractor for approval and all installation fees must be paid in full prior to delivery of the memorial.

c. No monument of artificial stone, sandstone, limestone, or soapstone will be permitted.

d. All contractors and workers engaged in setting monuments shall be under the supervision of the Superintendent or a person designated by him/her, and they will be held responsible for any damage resulting from their negligence or carelessness. No work of setting monuments shall be started that cannot be completed by the end of the day following the start of such work.

e. No monuments shall be allowed in the flush sections.

MARKERS

a. Markers shall not exceed 1 1/2 feet in height and shall have a minimum horizontal dimension at the base of not less than half of the height. All markers shall be in one piece, and shall be dressed on the bottom at right angles to the vertical axis. These measurements do not apply to government issue markers.

b. Individual markers can be sod set without a concrete foundation.

c. A form with the size, material and design must be submitted to the City or its designated contractor for approval and all installation fees must be paid in full prior to delivery of the memorial. Installation will not occur between November 1st and March 31st unless weather permits.
FLUSH MEMORIAL SECTION - AREAS PLOTTED AFTER JANUARY 1, 2015

a. On grave spaces in Sections B, C, D, K, L, and O, all memorials on new lots plotted after January 1, 2015, must be installed at lawn level. Memorials can be individual markers measuring 24” x 12” x 4” or 16” x 24” x 4” or companion memorials over two (2) graves measuring 48” x 12” x 4”.

b. The memorials must be made of acceptable bronze or granite material and set at lawn level.

c. A form with the size, material and design must be submitted to the City or its designated contractor for approval and all installation fees must be paid in full prior to delivery of the memorial. Installation will not occur between November 1st and March 31st unless weather permits.

VII. FUNERALS, INTERMENTS AND DISINTERMENTS

INTERMENTS

No lot or burial space shall be used for any purpose other than the interment of human remains and the erection of appropriate memorials to the dead.

No interment shall be made in Greenwood Cemetery until a proper burial permit has been issued, and until all other legally required permits have been issued by, and filed with, the proper authorities.

City personnel, or its designated contractor, will provide opening and closing of grave, initial and periodic maintenance only, and will not be responsible for handling and lowering vaults or caskets. Tents, lowering devices and other materials shall be furnished by the funeral director or vault company.

No grave shall be dug closer than six (6) inches from the line of any lot.

In all full burial interments, the casket shall be enclosed in a permanent outside container. Such outside container shall be installed by the funeral director, vault company, or the City’s designated contractor.

In all interments of cremated remains, the container shall be installed by the City, its designated contractor, funeral director or vault company. The size of the container must be submitted with the request for burial.

All funerals within the cemetery shall be under the supervision of the City or its designated contractor. No burials are to be made on Sunday or legal holidays, except by permission of the Superintendent. Overtime charges will apply.

The City must be notified through the City Clerk or its designated contractor, of the time and exact location of proposed interments in time to allow not less than ten (10) hours
of daylight to prepare the grave. If notification occurs less than 10 hours of daylight prior to burial, overtime charges will apply.

Interments that involve preparation or follow-up work during other than regular working hours will be done at an additional charge for the overtime portion of the time required. The maximum charge shall not exceed the normal charges plus the weekend/holiday fee. This fee is in addition to the normal interment or disinterment fee charged during regular working hours.

Interments of the remains of any persons other than the owner or an immediate member of his/her family will be permitted only after the written consent of the owner or the owner’s authorized agent has been filed with the City Clerk or the City’s designated contractor. In case of a minor being the owner, the guardian may give consent upon proof of this authority to act.

Only one (1) interment in any one grave space shall be permitted, except in the case of a parent and infant child, two (2) children dying at about the same time, or in such other unusual cases as it shall seem to the Superintendent to be proper under the circumstances. Such interments shall adhere to Section VIII Burial Rights Policy.

Up to two cremated remains may be placed in the same space if the owner of the grave space or his/her heirs purchase the right to such inurnments. Should the owner permit the burial of such cremated remains, only one additional memorial shall be permitted on the grave space and such memorial shall not be larger than 24 x 12 x 4 inches and installed at lawn level. Up to three (3) cremated remains (only) may be placed on a single grave space.

**DISINTERMENTS**

Disinterment of a burial shall be facilitated by a Michigan licensed funeral director. Said funeral director shall obtain a permit for such removal from the local health officer of Oakland County. Said funeral director shall complete the removal form as required by the City or its designated contractor. Disinterment shall not commence until after issuance of the Oakland County permit is presented to the City or its designated contractor, approval for removal is granted by the City or its designated contractor, and all applicable fees are paid. Such disinterments shall only be scheduled between June 15th and October 15th each year unless approved by the City. The grave space where the disinterment occurred shall immediately be returned to a safe condition.

**VIII. BURIAL RIGHTS POLICY**

Lots purchased from the City after October 1, 2014:

- Full grave
  - One casketed remains and two cremated remains
  - or -
  - Up to three cremated remains

- Cremation grave
  - 3 x 2 feet one cremated remains
3 x 4 feet    two cremated remains

Lots purchased prior to October 1, 2014:

Full grave
One burial right per grave (To add a burial right for cremated remains, must purchase each additional right of burial in the grave. Up to two cremated remains.)
- or -
One cremated remains (To add a burial right for cremated remains, must purchase each additional right of burial in the grave. Up to two cremated remains.)

IX. LOT RESALE POLICY

All graves sold by the City after October 1, 2014 can only be returned to the City. Such graves cannot be transferred from the original purchaser to an unrelated third party. Graves can only be transferred to family according to the Rules of Consanguinity with supporting genealogical documentation.

All graves returned to the City shall receive 50% of the original purchase price from the Greenwood Cemetery Perpetual Care Fund. Upon return of the graves, the City may resell the graves.

(For the purpose this policy, immediate family shall mean the immediate family of the purchaser(s) – spouse, children, grandchildren, parents, siblings, nieces/nephews, grandparents, aunts/uncles, step-children.)

X. SCHEDULE OF FEES AND CHARGES

Fees and other charges are as set forth in the Schedule of Fees, Charges, Bonds and Insurance.

XI. REVISIONS

The obligations of the City as herein set forth may, from time to time, be modified by the Birmingham City Commission.

- October 18, 1971 Resolution No. 1434-71
- February 13, 1984 Resolution No. 02-97-84
- February 23, 2009 Resolution No. 02-52-09
- December 17, 2012 Resolution No. 12-356-12
- August 10, 2015 Resolution No. 08-174-15
- March 27, 2017 Resolution No. 03-82-17 (and confirmed by Greenwood Cemetery Advisory Board on May 5, 2017).
IX. LOT SALES - PAYMENT PLAN POLICY
A payment agreement may be entered into to allow for the purchase price to be paid over a period of time.

Payment agreements require a 20% down payment of the total purchase price, with the remaining balance to be spread into equal monthly payments per plot for a period not to exceed 24 months. Such payment agreements shall be interest free.

A plot being purchased under a payment agreement may not be used for interment until the full purchase price has been paid.

If multiple plots are included in the Purchase Agreement, the monthly payments should be equally allocated to each lot. If the event internment is needed, then the end plot must be fully paid before internment can take place. This will require an additional payment to fully payoff the plot in question. Neither the cemetery, nor the plot owners shall transfer any funds, or credit any prior payments to other plots for this purpose.

For purchase agreements initiated in 2018 and subsequently, failure to pay the entire contract on or before the final payment due date will result in forfeiture of the unpaid plot(s) and all monies paid to date.

The Greenwood Cemetery Perpetual Care Fund will receive 75% of the sale price for each plot sold under a payment agreement at the time of each payment, or upon the expiration date of the purchase agreement, whichever occurs first.

And further to renumber the subsequent three paragraphs accordingly:

X. LOT RESALE POLICY
XI. SCHEDULE OF FEES AND CHARGES
XII. REVISIONS
DATE: June 1, 2018
TO: Greenwood Cemetery Advisory Board
FROM: J. Cherilynn Mynsberge, City Clerk
SUBJECT: Proposed Payment Plan Policy for Cemetery Plots

At the Board’s meeting on April 6, 2018 the City Attorney’s concerns regarding the draft Payment Plan Policy were discussed, and the Board adopted several modifications.

At the Board’s meeting on May 4, 2018 the Board determined the end of paragraph four of the proposed Payment Plan Policy should read “money so allocated will not be shifted to other plots.” The Board discussed this section further in an attempt to convey that money already paid could not be shifted from a plot. City Clerk Mysnberge said she would consult with City Attorney Currier for the appropriate language, and would return with the changes at the June GCAB meeting.

City Attorney Currier has drafted the following replacement to the fourth paragraph:

If multiple plots are included in the Purchase Agreement, the monthly payments should be equally allocated to each lot. In the event internment is needed, then the end plot must be fully paid before internment can take place. This will require an additional payment to fully payoff the plot in question. Neither the cemetery, nor the plot owners shall transfer any funds, or credit any prior payments to other plots for this purpose.

If the Board is in agreement that the revised Payment Plan Policy revision accurately reflects the amendments made on April 6, 2018, a resolution to recommend to the City Commission adoption of the proposed Payment Plan Policy would be in order.

ATTACHMENTS:
Red-lined version of revision proposed by City Attorney Currier
Clean version of policy as revised on 4/6/2018
Excerpt of draft minutes of 5/4/2018 GCAB meeting
Excerpt of minutes of 4/6/2018 meeting

SUGGESTED RESOLUTION:
To recommend to the Birmingham City Commission the approval of an amendment to the Operational Procedures, Conditions and Regulations for the Greenwood Cemetery to add Section IX. LOT SALES - PAYMENT PLAN POLICY as follows:

**IX. LOT SALES - PAYMENT PLAN POLICY**

A payment agreement may be entered into to allow for the purchase price to be paid over a period of time.
Payment agreements require a 20% down payment of the total purchase price, with the remaining balance to be spread into equal monthly payments per plot for a period not to exceed 24 months. Such payment agreements shall be interest free.

A plot being purchased under a payment agreement may not be used for interment until the full purchase price has been paid.

If multiple plots are included in the Purchase Agreement, the monthly payments should be equally allocated to each lot. In the event internment is needed, then the end plot must be fully paid before internment can take place. This will require an additional payment to fully payoff the plot in question. Neither the cemetery, nor the plot owners shall transfer any funds, or credit any prior payments to other plots for this purpose.

For purchase agreements initiated in 2018 and subsequently, failure to pay the entire contract on or before the final payment due date will result in forfeiture of the unpaid plot(s) and all monies paid to date.

The Greenwood Cemetery Perpetual Care Fund will receive 75% of the sale price for each plot sold under a payment agreement at the time of each payment, or upon the expiration date of the purchase agreement, whichever occurs first.

And further to renumber the subsequent three paragraphs accordingly:
X. LOT RESALE POLICY
XI. SCHEDULE OF FEES AND CHARGES
XII. REVISIONS
IX. LOT SALES - PAYMENT PLAN POLICY

A payment agreement may be entered into to allow for the purchase price to be paid over a period of time.

Payment agreements require a 20% down payment of the total purchase price, with the remaining balance to be spread into equal monthly payments per plot for a period not to exceed 24 months. Such payment agreements shall be interest free.

A plot being purchased under a payment agreement may not be used for interment until the full purchase price has been paid.

If multiple plots are included in a purchase agreement, the balance due on any one or more of the plots needed for interment must be fully paid before interment can take place. In the case that only a portion of the plots included in a purchase agreement are paid in full so that interment can take place, an end plot will be utilized first and others located adjacent subsequently as needed. Monthly payments may continue on the other plots. Money so allocated will not be shifted.

For purchase agreements initiated in 2018 and subsequently, failure to pay the entire contract on or before the final payment due date will result in forfeiture of the unpaid plot(s) and all monies paid to date.

The Greenwood Cemetery Perpetual Care Fund will receive 75% of the sale price for each plot sold under a payment agreement at the time of each payment, or upon the expiration date of the purchase agreement, whichever occurs first.
A. CONSIDERATION OF PROPOSED PAYMENT PLAN POLICY FOR CEMETERY PLOTS

City Clerk Mynsberge recapped the Board’s discussion at their May 4, 2018 meeting:

The Board determined the end of paragraph four of the proposed Payment Plan Policy should read “money so allocated will not be shifted to other plots.” The Board discussed this section further in an attempt to convey that money already paid could not be shifted to the plot to be used for interment from a different plot. City Clerk Mysnberge agreed to consult with City Attorney Currier for appropriate language, and return with the changes at the June meeting.

City Clerk Mynsberge reported City Attorney Currier drafted the following replacement to the fourth paragraph:

“If multiple plots are included in the Purchase Agreement, the monthly payments should be equally allocated to each lot. In the event internment is needed, then the end plot must be fully paid before internment can take place. This will require an additional payment to fully payoff the plot in question. Neither the cemetery, nor the plot owners shall transfer any funds, or credit any prior payments to other plots for this purpose.

The Board refined the City Attorney’s recommended language to read:

“If multiple plots are included in the Purchase Agreement, monthly payments shall be equally allocated to each plot. Before internment may occur in any plot (“Interment Plot”) the balance of the Interment Plot must be paid in full. Also, in the event that there are multiple internments needed, in no event shall the selection of the second Interment Plot leave any partially paid plots between the first and the second Interment Plots. This will require an additional payment to fully pay off such plot(s) in question. Neither the cemetery/its agents, nor the plot owners shall transfer any funds, or credit any prior payments for this purpose.”

Motion: Motion by Buchanan, seconded by Suter,
To recommend the approval of the payment plan policy for cemetery plots to the City Commission at the June 25, 2018 Commission meeting.

VOTE: Yeas, 5
Nays, 0
Absent, 2 (Peterson, Stern)
DATE: May 1, 2018
TO: Greenwood Cemetery Advisory Board
FROM: J. Cherilynn Mynsberge, City Clerk
SUBJECT: Proposed Payment Plan Policy for Cemetery Plots

At the Board’s meeting on April 6, 2018 the City Attorney’s concerns regarding the draft Payment Plan Policy were discussed, and the Board adopted several modifications.

Attached are both a red-lined and clean version of the changes as approved by the Board on April 6. Also attached is an excerpt of the minutes from that meeting chronicling the discussion.

If the Board is in agreement that the revised Payment Plan Policy revision accurately reflects the amendments made on April 6, 2018, a resolution to recommend to the City Commission adoption of the proposed Payment Plan Policy would be in order.

ATTACHMENTS:
Red-lined version of policy as revised on 4/6/2018
Clean version of policy as revised on 4/6/2018
Excerpt of draft minutes from 4/6/2018 GCAB meeting
Background material on Payment Plan Policy evolution submitted to GCAB at 4/6/2018 meeting

SUGGESTED RESOLUTION:
To recommend to the Birmingham City Commission the approval of an amendment to the Operational Procedures, Conditions and Regulations for the Greenwood Cemetery to add Section IX. LOT SALES - PAYMENT PLAN POLICY as follows:

A payment agreement may be entered into to allow for the purchase price to be paid over a period of time.

Payment agreements require a 20% down payment of the total purchase price, with the remaining balance to be spread into equal monthly payments per plot for a period not to exceed 24 months. Such payment agreements shall be interest free.

A plot being purchased under a payment agreement may not be used for interment until the full purchase price has been paid.

If multiple plots are included in a purchase agreement, the balance due on any one or more of the plots needed for interment must be fully paid before interment can take place. In the case that only a portion of the plots included in a purchase agreement are paid in full so that interment can take place, an end plot will be utilized first and others located adjacent subsequently as needed. Monthly payments may continue on the other plots. Money so allocated will not be shifted.
For purchase agreements initiated in 2018 and subsequently, failure to pay the entire contract on or before the final payment due date will result in forfeiture of the unpaid plot(s) and all monies paid to date.

The Greenwood Cemetery Perpetual Care Fund will receive 75% of the sale price for each plot sold under a payment agreement at the time of each payment, or upon the expiration date of the purchase agreement, whichever occurs first.

And further to renumber the subsequent three paragraphs accordingly:
X. LOT RESALE POLICY
XI. SCHEDULE OF FEES AND CHARGES
XII. REVISIONS
IX. LOT SALES - PAYMENT PLAN POLICY

A payment agreement may be entered into to allow for the purchase price to be paid over a period of time.

Payment agreements require a 20% down payment of the total purchase price, with the remaining balance to be spread into equal monthly payments per plot for a period not to exceed 24 months. Such payment agreements shall be interest free.

A plot being purchased under a payment agreement may not be used for interment until the full purchase price has been paid.

If multiple plots are included in a purchase agreement, the balance due on any one or more of the plots needed for interment must be fully paid before interment can take place. In the case that only a portion of the plots included in a purchase agreement are paid in full so that interment can take place, an end plot will be utilized first and others located adjacent subsequently as needed. Monthly payments may continue on the other plots. Money so allocated will not be shifted

For purchase agreements initiated in 2018 and subsequently, failure to pay the entire contract on or before the final payment due date will result in forfeiture of the unpaid plot(s) and all monies paid to date.

The Greenwood Cemetery Perpetual Care Fund will receive 75% of the sale price for each plot sold under a payment agreement at the time of each payment, or upon the expiration date of the purchase agreement, whichever occurs first.
B. DISCUSSION OF CITY ATTORNEY’S RESPONSE TO PROPOSED PAYMENT PLAN POLICY FOR CEMETERY PLOTS
City Clerk Mynsberge reported:
  • City Attorney Currier said more clarification is needed regarding payment for multiple plots.
  • She would suggest getting rid of the second sentence in paragraph three.
  • Paragraph four should be expanded to explain how plots should be paid for and used if the buyer is using fewer plots than the number purchased as part of the payment plan.

Ms. Suter suggested the fourth paragraph be changed to read:
“"If multiple plots are included in a purchase agreement, the balance due on any one or more of the plots needed for interment must be fully paid before interment can take place. In the case that only a portion of the plots included in a purchase agreement are paid in full so that interment can take place, an end plot will be utilized first and others located adjacent subsequently as needed. Monthly payments may continue on the other plots.”""

Ms. Schreiner suggested that “money so allocated will not be shifted” be added to the end of the paragraph.

Ms. Gehringer asked that:
  • The word “contractor” be removed from the last paragraph.
  • The City be paid its 75% of each payment up front, and proposed this language: “The Greenwood Cemetery Perpetual Care Fund will receive 75% of the sale price for each plot sold under a payment agreement at the time of each payment, or upon the expiration date of the purchase agreement, whichever occurs first.”

The GCAB was in consensus with the above language.

City Clerk Mynsberge said she would run the proposed language by City Attorney Currier and have the changes for the GCAB at the May 2018 meeting.
A. CONSIDERATION OF PROPOSED PAYMENT PLAN POLICY FOR CEMETERY PLOTS

Ms. Suter said that the end of paragraph four on the first page of the proposed Regulations and Procedures document should read “money so allocated will not be shifted to other plots.”

The Board discussed this section further in an attempt to convey that money already paid could not be shifted from a plot. City Clerk Mysnberge said she would consult with City Attorney Currier for the appropriate language, and would return with the changes at the June GCAB meeting.
DATE: April 3, 2018
TO: Greenwood Cemetery Advisory Board
FROM: J. Cherilynn Mynsberge, City Clerk
SUBJECT: Proposed Payment Plan Policy for Cemetery Plots

In August 2017 the Board began discussions about amending the Operational Procedures, Conditions and Regulations to include a payment plan policy for purchase of cemetery plots. On January 12, 2018 the Board voted “to forward to the City Attorney for review as to form and content and for comments on appropriate next steps the proposed Payment Plan Policy for Cemetery Plots as an addition to the Greenwood Cemetery Operational Procedures, Conditions and Regulations”. City Attorney Currier reviewed the proposed policy and made the following comments in his letter to City Clerk Mynsberge dated March 1, 2018:

“The Payment Plan appears to be complete with one exception, that being the third paragraph which states, “A plot being purchased under a payment agreement may not be used for interment until the full purchase price has been paid.” That is clear. The second sentence states, “If plots are not paid in full but interment is needed, an end plot will be utilized first and others located adjacent subsequently as needed, unless all plots are paid in full at that time.” There appears to be some explanation necessary. The second sentence appears to apply to someone who has purchased multiple plots, and they are applying the purchase price for all the plots to one that requires interment, but it is not clear. If the total amount being paid on multiple plots does not equal the amount necessary to pay for a single plot, is interment still going to be allowed? This needs further explanation and definition in the Payment Plan Policy. It appears to be inconsistent with the first sentence.

Further the Payment Plan Policy is a requirement of the City of Birmingham. The contractor in this regard, is required to follow all of the policies of the City of Birmingham that are established by the City Commission. Therefore, no reopening of the contract with the consultant is necessary in this regard.”

A suggested clarification to address City Attorney Currier’s comments is attached.

If the Board reaches a consensus on revisions to the proposed policy which provide the explanation and definition suggested by the City Attorney, a resolution to recommend to the City Commission adoption of the proposed Payment Plan Policy would be in order.

ATTACHMENTS:
City Attorney’s letter dated March 1, 2018
Red-lined version of revisions made on January 12, 2018
Clean version of revisions made on January 12, 2018
Suggested clarification to address City Attorney’s comments
March 1, 2018

Ms. Cherilynn Mynsberge, City Clerk
City of Birmingham
151 Martin Street, P.O. Box 3001
Birmingham, MI 48012-3001

Re: Greenwood Cemetery Advisory Board
Lot Sales – Payment Plan Policy

Dear Ms. Mynsberge:

I have been requested to review the proposed Lot Sales – Payment Plan Policy that is approved by the Greenwood Cemetery Advisory Board on January 12, 2018. I understand the Payment Plan Policy reads as follows:

“A payment agreement may be entered into to allow for the purchase price to be paid over a period of time.

Payment agreements require a 20% down payment of the total purchase price, with the remaining balance to be spread into equal monthly payments per plot for a period not to exceed 24 months. Such payment agreements shall be interest free.

A plot being purchased under a payment agreement may not be used for interment until the full purchase price has been paid. If plots are not paid in full but interment is needed, an end plot will be utilized first and others located adjacent subsequently as needed, unless all plots are paid in full at that time.

If multiple plots are included in a purchase agreement, the balance due on any one or more of the plots needed for interment must be fully paid before interment can take place. Monthly payments may continue on the other plots included in the purchase agreement for the term of the agreement.

For purchase agreements initiated in 2018 and subsequently, failure to pay the entire contract on or before the final payment due date will result in forfeiture of the unpaid plot(s) and all monies paid to date.

The Greenwood Cemetery Perpetual Care Fund will receive 75% of the sale price for each plot sold under a payment agreement at the time the full purchase price has been received by Contractor or upon the expiration date of the purchase agreement, whichever occurs first.”
The Payment Plan appears to be complete with one exception, that being the third paragraph which states, “A plot being purchased under a payment agreement may not be used for interment until the full purchase price has been paid.” That is clear. The second sentence states, “If plots are not paid in full but interment is needed, an end plot will be utilized first and others located adjacent subsequently as needed, unless all plots are paid in full at that time.” There appears to be some explanation necessary. The second sentence appears to apply to someone who has purchased multiple plots, and they are applying the purchase price for all the plots to one that requires interment, but it is not clear. If the total amount being paid on multiple plots does not equal the amount necessary to pay for a single plot, is interment still going to be allowed? This needs further explanation and definition in the Payment Plan Policy. It appears to be inconsistent with the first sentence.

Further, the Payment Plan Policy is a requirement of the City of Birmingham. The contractor in this regard, is required to follow all of the policies of the City of Birmingham that are established by the City Commission. Therefore, no reopening of the contract with the consultant is necessary in this regard.

If you have any further questions, please do not hesitate to contact me.

Very truly yours,

BEIER HOWLETT, P.C.

TJC/jc
IX. LOT SALES - PAYMENT PLAN POLICY

A payment agreement may be entered into to allow for the purchase price to be paid over a period of time.

Payment agreements require a 20% down payment of the total purchase price, with the remaining balance to be spread into equal monthly payments per plot for a period not to exceed 24 months. Such payment agreements shall be interest free.

A plot being purchased under a payment agreement may not be used for interment until the full purchase price has been paid. If plots are not paid in full but interment is needed, an end plot will be utilized first and others located adjacent subsequently as needed, unless all plots are paid in full at that time.

If multiple plots are included in a purchase agreement, the balance due on any one or more of the plots needed for interment must be fully paid before interment can take place. Monthly payments may continue on the other plots included in the purchase agreement for the term of the agreement.

For purchase agreements initiated in 2018 and subsequently, failure to pay the entire contract on or before the final payment due date will result in forfeiture of the unpaid plot(s) and all monies paid to date.

The Greenwood Cemetery Perpetual Care Fund will receive 75% of the sale price for each plot sold under a payment agreement at the time the full purchase price has been received by Contractor or upon the expiration date of the purchase agreement, whichever occurs first.
IX. LOT SALES - PAYMENT PLAN POLICY

A payment agreement may be entered into to allow for the purchase price to be paid over a period of time.

Payment agreements require a 20% down payment of the total purchase price, with the remaining balance to be spread into equal monthly payments per plot for a period not to exceed 24 months. Such payment agreements shall be interest free.

A plot being purchased under a payment agreement may not be used for interment until the full purchase price has been paid. If plots are not paid in full but interment is needed, an end plot will be utilized first and others located adjacent subsequently as needed, unless all plots are paid in full at that time.

If multiple plots are included in a purchase agreement, the balance due on any one or more of the plots needed for interment must be fully paid before interment can take place. Monthly payments may continue on the other plots included in the purchase agreement for the term of the agreement. In the case that only a portion of the plots included in a purchase agreement are paid in full so that interment can take place, an end plot will be utilized first and others located adjacent subsequently as needed.

For purchase agreements initiated in 2018 and subsequently, failure to pay the entire contract on or before the final payment due date will result in forfeiture of the unpaid plot(s) and all monies paid to date.

The Greenwood Cemetery Perpetual Care Fund will receive 75% of the sale price for each plot sold under a payment agreement at the time the full purchase price has been received by Contractor or upon the expiration date of the purchase agreement, whichever occurs first.
B. Discussion of City Attorney’s Response to Proposed Payment Plan Policy for Cemetery Plots

City Clerk Mynsberge reported:

- City Attorney Currier said more clarification is needed regarding payment for multiple plots.
- She would suggest getting rid of the second sentence in paragraph three.
- Paragraph four should be expanded to explain how plots should be paid for and used if the buyer is using fewer plots than the number purchased as part of the payment plan.

Ms. Suter suggested the fourth paragraph be changed to read:

“If multiple plots are included in a purchase agreement, the balance due on any one or more of the plots needed for interment must be fully paid before interment can take place. In the case that only a portion of the plots included in a purchase agreement are paid in full so that interment can take place, an end plot will be utilized first and others located adjacent subsequently as needed. Monthly payments may continue on the other plots.”

Ms. Schreiner suggested that “money so allocated will not be shifted” be added to the end of the paragraph.

Ms. Gehringer asked that:

- The word “contractor” be removed from the last paragraph.
- The City be paid its 75% of each payment up front, and proposed this language: “The Greenwood Cemetery Perpetual Care Fund will receive 75% of the sale price for each plot sold under a payment agreement at the time of each payment, or upon the expiration date of the purchase agreement, whichever occurs first.”

The GCAB was in consensus with the above language.

City Clerk Mynsberge said she would run the proposed language by City Attorney Currier and have the changes for the GCAB at the May 2018 meeting.
The Board, at its October 6, 2017 meeting, discussed the need for a written policy defining the parameters of a payment plan for cemetery plots.

A draft of that policy was presented to the Board at their December 11, 2017 meeting.

The Board reviewed and evaluated the draft policy, and requested revisions. The revised version is attached.

If the document meets the Board’s approval, the proposed policy should be forwarded to the City Attorney for review as to form and content and for his comments as to the appropriate next steps.

If the Board agrees, I would recommend the following motion:

Moved by , seconded by , to forward to the City Attorney, for review as to form and content and for comments on appropriate next steps, and to the Contractor for comment, the proposed Payment Plan Policy for Cemetery Plots as an addition to the Greenwood Cemetery Operational Procedures, Conditions and Regulations.
IX. LOT SALES - PAYMENT PLAN POLICY

A payment agreement may be entered into to allow for the purchase price to be paid over a period of time.

Payment agreements require a 20% down payment of the total purchase price, with the remaining balance to be spread into equal monthly payments per plot for a period not to exceed 24 months. Such payment agreements shall be interest free.

A plot being purchased under a payment agreement may not be used for interment until the full purchase price has been paid. If plots are not paid in full but interment is needed, the farthest plot on the end will be utilized first and others located adjacent subsequently as needed, unless all plots are paid in full at that time.

If multiple plots are included in a purchase agreement, the balance due on any one or more of the plots needed for interment must be fully paid before interment can take place. Monthly payments may continue on the other plots included in the purchase agreement for the term of the agreement.

For purchase agreements initiated in 2018 and subsequently, failure to pay entire contract in full on or before the final payment due date will result in forfeiture of the property and all monies paid to date.

The Greenwood Cemetery Perpetual Care Fund will receive 75% of the sale price for each plot sold under a payment agreement at the time the full purchase price has been received by Contractor or upon the expiration date of the purchase agreement, whichever occurs first.

Plot sales completed by Contractor and revenues receipted to the Greenwood Cemetery Perpetual Care Fund are subject to inclusion in the City of Birmingham’s annual audit.
Payment Plan Purchase Agreement currently in use by Contractor

PURCHASE AGREEMENT

This agreement made this __ day of __________, ____ by and between THE CEMETERY of Michigan, as Seller ("Cemetery") and

Name: _______________________________ Telephone: (_____) __________________

Address: ____________________________ __________________

Name(s) on Certificate: __________________________

1. Purchases: The Purchaser agrees to Purchase and the Cemetery agrees to sell, subject to all the terms and conditions set forth in this Agreement and to the Rules and Regulations of the Cemetery, now or hereafter in effect (with the Purchaser acknowledging receipt of the Rules and Regulations of the Cemetery as in effect as of the date hereof), the following, (collectively, the “Rights”).

A. Burial Space(s): Lot ______________ Section ____________ Grave #’s ________ Qty of Spaces ______ @ ______ $ ______

B. Crypt Space(s): Bank ______________ Crypt # ________ Tier _________________ Qty of Spaces ______ @ ______ $ ______

C. Niche Space(s): Bank ______________ Niche # ________ Tier _________________

D. Interment/Entombment/Inurnment Fee(s):
   Pre-need ____________________________ @ $ ________ At-Need ____________________________ @ $ ________ $ ______
   Payment for ____________________________ Payment for ____________________________
   Location ____________________________ Location ____________________________
   Payment for ____________________________ Payment for ____________________________
   Location ____________________________ Location ____________________________

E. Memorial for ____________________________ Location ____________________________ $ ______

F. Miscellaneous Merchandise/Fee(s): ____________________________ $ ______
   Sales Tax ____________________________ $ ______
   Total Purchase Price $ ______
   Pre-Need Discount $ ______
   Subtotal $ ______
   Administrative Service Fee $ ______
   Down Payment $ ______
   Balance Due $ ______

Your credit is payable as follows: No. of Payments ____________________________ Amount of Payment $ ____________________________ Due Date ____________

If a payment is late, you will be charged a delinquency fee of the lesser of 5% or $5.00 on any unpaid balance.

2. Continuing Care Fund: In accordance with applicable Michigan law and the Rules and Regulations of the Cemetery, the Purchase Price includes a contribution to the Continuing Care Fund of the Cemetery in an amount at least equal to fifteen percent (15%) of the purchase price of the Rights set forth above, which shall be used for purposes of maintaining the grounds of the Cemetery.

3. Rights Not Included: The Purchase Price does NOT include any charges for or rights with respect to: inscriptions, labor for opening, closing and/or sealing of a crypt or niche, installation of memorials or any other services, products or document customarily required or provided in connection with an entombment, inurnment or interment, including, without limitation, any charges customarily billed by a funeral director.

4. Validity and Effective Date: This Agreement shall not be valid unless and until it is executed and delivered by both the Purchaser and the Cemetery. This agreement shall be effective as of the later to occur of the date the Purchaser and the Cemetery execute this Agreement.

IN WITNESS WHEREOF, the Purchaser and the Cemetery have executed this Agreement to be effective as of the later to occur of the date the Purchaser and the Cemetery execute this Agreement; the Purchaser acknowledges receipt of an executed copy of this Agreement.

CEMETERY REPRESENTATIVE

By: ____________________________
Title: ____________________________
Date: ____________________________

White: Cemetery

PURCHASER

By: ____________________________
Title: ____________________________
Date: ____________________________

Canary: Purchaser
II. ROLL CALL

Present: Linda Peterson  
Margaret Suter  
Darlene Gehringer  
Laura Schreiner  
George Stern  

Absent: Kevin Desmond  
Linda Buchanan  

Administration: City Clerk Mynsberge, Deputy Clerk Arft  

B. FINALIZATION OF RECOMMENDED PAYMENT PLAN POLICY FOR CEMETERY PLOTS

The Board discussed how to indicate that 75% of each payment installment should be immediately remitted to the Greenwood Cemetery Perpetual Care Fund.

Per discussion, a new paragraph was inserted after paragraph two to read: “The Greenwood Cemetery Perpetual Care Fund shall receive 75% of each payment at the time payment is made.”

Ms. Schreiner clarified for Mr. Stern that:

- Per paragraph five, “failure to pay entire contract in full on or before the final payment due date will result in forfeiture of property and all monies paid to date” refers to any plots on a payment plan.  
- This would not apply to occupied plots within said lot, however, since full payment is required for occupation before burial.

Mr. Stern pointed out that “entire contract” in paragraph five could refer to both paid and unpaid plots within a lot. He was concerned that this language indicates that both paid and unpaid plots are forfeited in the case of non-payment, with the paid occupant potentially being disinterred.

Ms. Schreiner agreed with Mr. Stern and suggested that the language be changed to reflect that a fully paid and occupied plot within an unpaid lot would not be forfeited.

Chairperson Gehringer suggested paragraph five be changed to “For purchase agreements initiated in 2018 and subsequently, failure to pay the entire contract on or before the final payment due date will result in forfeiture of the unpaid plot(s) and all monies paid to date.”

Ms. Schreiner shared concern that:

- Paragraphs four and five are redundant.  
- Paragraph three refers to a “farthest plot”, which may lead to confusion in the future regarding how “farthest” is determined.
Mr. Stern suggested that the language in paragraph three be changed to “an end plot” and “interior”, rather than “adjacent”.

Chairperson Gehringer said:
- The language in paragraph three should remain “adjacent”, and not “interior”, because plots within a lot should be filled in succession and not with gaps between the plots.
- “An end plot” would be appropriate language for paragraph three.
- Paragraph three should be amended to “…are not paid in full but interment is needed, an end plot will be utilized first…” with the rest of the paragraph remaining the same.

Mr. Stern asked:
- How plots on a payment plan would be presented in the Audit.
- If the Contractor’s receivables are on the City’s books.

Chairperson Gehringer told Mr. Stern that the Contractor’s receivables are not on the City’s books.

City Clerk Mysnerberge clarified for Mr. Stern that the Board has the power to decide what information goes into the Annual Report, not the audit, as the audit has predefined parameters.

Ms. Schreiner suggested that a column with the title ‘Under Contract’ should be added to the Annual Report.

Chairperson Gehringer:
- Agreed with Ms. Schreiner; and,
- Suggested removing the last paragraph from the policy.

The Board concurred about removing the last paragraph.

**MOTION:** Motion by Schreiner, seconded by Peterson, to forward to the City Attorney for review as to form and content and for comments on appropriate next steps, and to the Contractor for comment, the proposed Payment Plan Policy for Cemetery Plots as an addition to the Greenwood Cemetery Operational Procedures, Conditions and Regulations.

Chairperson Gehringer asked to strike “and to the Contractor for comment”.

**MOTION:** Motion by Schreiner, seconded by Peterson, to forward to the City Attorney for review as to form and content and for comments on appropriate next steps the proposed Payment Plan Policy for Cemetery Plots as an addition to the Greenwood Cemetery Operational Procedures, Conditions and Regulations.

City Clerk Mysnerberge confirmed for Mr. Stern that the contractor received the above information with an invitation to attend this evening’s Board meeting. The contractor did not attend, and no reply was received.

**VOTE:**
- Yeas, 5
- Nays, 0
- Absent, 2 (Desmond, Buchanan)
DATE: December 6, 2017

TO: Greenwood Cemetery Advisory Board

FROM: J. Cherilynn Mynsberge, City Clerk

SUBJECT: Payment Plan Policy for Cemetery Plots

The Board, at its October 6, 2017 meeting, discussed the need for a written policy defining the parameters of a payment plan for cemetery plots.

Attached is a draft policy statement on purchase agreements.

Once the Board reviews, evaluates and makes any desired revisions, the proposed policy should be forwarded to the City Commission with the Board’s recommendation for adoption.

The policy would appropriately become part of the Greenwood Cemetery Operational Procedures, Conditions and Regulations document if adopted by the Commission.

If the Board is ready to approve the policy and forward it to the City Commission I would recommend the following motion:

Moved by , seconded by , to recommend to the City Commission approval of the revision to the Greenwood Cemetery Operational Procedures, Conditions and Regulations document to add the Payment Plan Policy for Cemetery Plots as paragraph IX with the renumbering of subsequent sections of the document.
IX. LOT SALES - PAYMENT PLAN POLICY

Cemetery plots are purchased through the City of Birmingham’s professional cemetery management contractor, Elmwood Historic Cemetery (hereinafter called “Contractor”), having its principal office at 1200 Elmwood Road, Detroit MI 48207.

A payment agreement may be entered into between purchaser and Contractor to allow for the purchase price to be paid over a period of time.

Payment agreements require a 10% down payment of the total purchase price, with the remaining balance to be spread into equal monthly payments for a period not to exceed 24 months. Such payment agreements shall be interest free.

A plot being purchased under a payment agreement may not be used for interment until the full purchase price has been paid.

If multiple plots are included in a purchase agreement, the balance due on any one or more of the plots needed for interment must be fully paid before interment can take place. Monthly payments may continue on the other plots included in the purchase agreement for the term of the agreement.

For purchase agreements initiated in 2015 and subsequently, a 50% refund of the amount paid for any of the plots included in the purchase agreement will be granted as long as the plot is unoccupied.

The Greenwood Cemetery Perpetual Care Fund will receive 75% of the sale price for each plot sold under a payment agreement at the time the full purchase price has been received by Contractor or upon the expiration date of the purchase agreement, whichever occurs first.

Plot sales completed by Contractor and revenues receipted to the Greenwood Cemetery Perpetual Care Fund are subject to inclusion in the City of Birmingham’s annual audit.
GREENWOOD CEMETERY ADVISORY BOARD
MEETING MINUTES
FRIDAY, DECEMBER 8, 2017 AT 8:30 AM
MUNICIPAL BUILDING, ROOM 205, 151 MARTIN

I. CALL TO ORDER
Chairperson Darlene Gehringer called the meeting to order at 8:30 AM.

II. ROLL CALL
Present: Linda Peterson
Margaret Suter
Darlene Gehringer
Linda Buchanan
George Stern
Absent: Kevin Desmond
Laura Schreiner

Administration: City Clerk Mynsberge, Deputy Clerk Arft

A. DISCUSSION OF CONTRACT REVISIONS REGARDING PAYMENT PLANS FOR LOT PURCHASES
Clerk Mynsberge suggested setting the policy first in order to establish the parameters for the payment plan and then ask the City Attorney to review the policy and advise the Board of the next steps in amending the contract. She noted that the City Manager has authorized the Board to request assistance from the City Attorney.

Ms. Gehringer suggested that the terms may not be agreeable to the parties, and would require a revision to the payment plan policy. She believes that before we submit to the City Commission, all parties should be in agreement with it.

Clerk Mynsberge suggested that the Board draft the payment plan policy as the Board would like to see it, with the understanding the Board would like to change the contract, submit the draft to the City Attorney and let him advise the Board how to go forward.

Chairperson Gehringer suggested several changes to the page titled Lot Sales-Payment Plan Policy.

Ms. Peterson asked what happens if the purchaser on a payment plan decides to walk away from the purchase. Ms. Gehringer said the purchaser would lose the money paid, since the contractor has done the paperwork and the plot has been off the market for a period of time.

Ms. Peterson asked when purchasers typically purchase plots. Clerk Mynsberge said we do not have that information, but added there are currently 12 payment plan agreements. Ms. Gehringer asked how many plots are involved in the 12 payment plans.
The Board was in agreement with a 24 month term for payments.

Ms. Peterson confirmed that graves would be used from the edges when more than 1 plot is purchased. Clerk Mynsberge suggested that should be included in policy as well, and added that the purchase plan agreement would be drawn from the policy.

Ms. Gehringer suggested removing the paragraph “For purchase agreements initiated in 2015 and subsequently, a 50% refund of the amount paid for any of the plots included in the purchase agreement will be granted as long as the plot is unoccupied.”

Clerk Mynsberge noted that the paragraph cannot be removed, as it is part of the Rules and Regulations Lot Resale Policy (Section IX). Ms. Gehringer then suggested we say any purchase agreements after 2018.

Ms. Buchanan noted that we need additional language about selling the plot. Ms. Gehringer noted that the 50% refund applies to sold plots only and is discussed in a different area of the Rules and Regulations.

Ms. Gehringer stated she thinks the paragraph should not be included in the payment plan policy. She suggested For purchase agreements initiated in 2018 and subsequently, no refund of any amount paid will be granted. She explained that a purchaser would not own the plot, so they would get no money back.

Clerk Mynsberge explained that the Board needs to draft a payment plan default section for the policy.

Ms. Gehringer suggested removing the current paragraph which begins “For purchase agreements initiated in 2015...”. The following paragraph would be added: For purchase agreements initiated in 2018 and subsequently, failure to pay entire contract in full on or before the final payment due date will result in forfeiture of property and all monies to date.

Ms. Gehringer asked that the Contractor attend the next meeting so the Board can have their input. She requested that we receive a copy of the Contractor’s purchase plan agreement.

Ms. Gehringer suggested adding a statement to the 4th paragraph “A plot being purchased under a payment agreement may not be used for interment until the full purchase price has been paid. If plots are not paid in full, but interment is needed, the farthest plot on the end will be utilized first and others located adjacent subsequently as needed unless all plots are paid in full at that time.

The Board concurred with the changes thus far.

Clerk Mynsberge read the policy with the changes.

Mr. Stern asked Ms. Gehringer about her comment at the last meeting that adding to the existing Rules and Regulations would violate the existing contract. Ms. Gehringer said this is a draft of the policy, and as stated earlier, would have the City Attorney and the Contractor review the policy and ask for input. It will be brought back to the Board, and if approved by
the Board, it will be submitted to the City Commission as an amendment to the contract and then become an amendment to the Greenwood Cemetery policy.

Clerk Mynsberge clarified that this is a draft at this point. After review by Contractor and City Attorney, the Board may make a recommendation to the Commission to amend the contract to include the payment plan policy. Until the Commission approves it, nothing has changed.

Mr. Stern said the word violates is a very strong word. He said there is a process to amend the contract. Ms. Gehringer said the Commission discussed this back in March and the Commission agreed that it was a violation of the contract and asked the Board to suggest a payment plan policy so the contract could be amended, and then we could amend our cemetery operational plan. We are just following the Commission’s direction.

Mr. Stern does not think we should have an amendment to a regulation that specifies a specific contractor. The Rules and Regulations are generic and he objects to the specific wording of the first paragraph. He also does not feel the Rules and Regulations require the City to buy back a plot. It specifies that if an owner wishes to sell a plot, it must be sold to the City. The wording indicates to him that the City would automatically buy back the plot. A concern he has is that someone could buy 8 plots and bury people in alternate spaces and then want to sell back alternate spaces. He thinks the City must retain the right to enforce the contract.

Ms. Gehringer noted that the issue of plot distribution is included in the revisions discussed today, and will be included in the next draft.

Clerk Mynsberge referred Mr. Stern to Section III. Plot Distribution which is on the proposed Purchase Agreement. She clarified that if a purchaser wants to bury loved ones in a specific order, they are obligated to pay for enough plots to do so before the first burial.

Ms. Gehringer agreed with Mr. Stern about removing the reference to Elmwood in the payment plan policy in the first paragraph. Mr. Stern confirmed that currently the payment agreement is between the purchaser and the City and executed by the Contractor. Mr. Stern suggested removing the entire first paragraph.

Clerk Mynsberge suggested the following language for the first paragraph: A payment agreement may be entered into to allow for the purchase price to be paid over a period of time.

Mr. Stern suggested not making the payment schedule definite. Clerk Mynsberge responded that monthly payments allow the Contractor to contact the purchaser quickly before payments get behind too far. She added the Contractor currently follows a monthly payment schedule, and Ms. Gehringer noted that the Board had discussed and agreed on the monthly terms previously.

**MOTION:** Motion by Buchanan, seconded by Suter:
To approve the revised draft of the Lot Sales-Payment Plan Policy, as amended.

**VOTE:**
- Yeas, 5
- Nays, 0
- Absent, 2 (Desmond, Schreiner)
Clerk Mynsberge clarified that she will invite the Contractor's representative to attend the January meeting, discuss the revised draft with the Contractor at that time, and possibly make further changes. Ms. Gehringer requested a copy of the Contractor's purchase agreement in the Board's packet to review prior to the meeting.
The Board, at its October 6, 2017 meeting, discussed the need for a written policy defining the parameters of a payment plan for cemetery plots.

Attached is a draft policy statement on purchase agreements.

Once the Board reviews, evaluates and makes any desired revisions, the proposed policy should be forwarded to the City Commission with the Board’s recommendation for adoption.

The policy would appropriately become part of the Greenwood Cemetery Operational Procedures, Conditions and Regulations document once adopted by the Commission.

If the Board is ready to approve the policy and forward it to the City Commission I would recommend the following motion:

Moved by , seconded by , to recommend to the City Commission approval of the revision to the Greenwood Cemetery Operational Procedures, Conditions and Regulations document to add the Payment Plan Policy for Cemetery Plots as paragraph IX with the renumbering of subsequent sections of the document.
IX. LOT SALES - PAYMENT PLAN POLICY

Cemetery plots are purchased through the City of Birmingham’s professional cemetery management contractor, Elmwood Historic Cemetery (hereinafter called “Contractor”), having its principal office at 1200 Elmwood Road, Detroit MI 48207.

A payment agreement may be entered into between purchaser and Contractor to allow for the purchase price to be paid over a period of time.

Payment agreements require a 10% down payment of the total purchase price, with the remaining balance to be spread into equal monthly payments for a period not to exceed 24 months. Such payment agreements shall be interest free.

A plot being purchased under a payment agreement may not be used for interment until the full purchase price has been paid.

If multiple plots are included in a purchase agreement, the balance due on any one or more of the plots needed for interment must be fully paid before interment can take place. Monthly payments may continue on the other plots included in the purchase agreement for the term of the agreement.

For purchase agreements initiated in 2015 and subsequently, a 50% refund of the amount paid for any of the plots included in the purchase agreement will be granted as long as the plot is unoccupied.

The Greenwood Cemetery Perpetual Care Fund will receive 75% of the sale price for each plot sold under a payment agreement at the time the full purchase price has been received by Contractor or upon the expiration date of the purchase agreement, whichever occurs first.

Plot sales completed by Contractor and revenues receipted to the Greenwood Cemetery Perpetual Care Fund are subject to inclusion in the City of Birmingham’s annual audit.
I. CALL TO ORDER
Chairperson Darlene Gehringer called the meeting to order at 8:30 AM.

II. ROLL CALL
Present: Linda Peterson
       Kevin Desmond
       Margaret Suter
       Darlene Gehringer
       Linda Buchanan

Absent: Laura Schreiner
        George Stern

Administration: Deputy Clerk Arft

A. PAYMENT PLAN POLICY FOR CEMETERY PLOTS
Chairperson Gehringer said:
   • The City Commission wanted the Board to make recommendations to change the contract, but that adding to Birmingham’s cemetery rules and regulations would violate the existing contract.
   • The Board should recommend that the Commission amend the existing contract to include a payment plan policy and should present the Commission with the Board’s suggestion for the policy in the contract.
   • City Attorney Currier would have to review the suggested changes first.

Chairperson Gehringer drafted a proposed purchase agreement and provided each member with a copy. She briefly described the proposed agreement and terms. She stated that the contractor would also have the opportunity to review the proposed agreement and terms.

The Board agreed that each parcel for purchase should be referred to as a ‘plot’, and that a ‘lot’ would refer to multiple plots together.

Chairperson Gehringer continued that she would like the Board to work on its recommendations for changing the contract so that the City can put the policy in its rules and regulations once it is been approved.

Ms. Buchanan stated her approval of Chairperson Gehringer’s draft.

Chairperson Gehringer asked the Board members to put their thoughts together for the December meeting about the Board’s suggestions to the Commission regarding contract revisions.

As amended on December 8, 2017.
DATE: October 4, 2017

TO: Greenwood Cemetery Advisory Board

FROM: J. Cherilynn Mynsberge, City Clerk

SUBJECT: Payment Plan Policy for Cemetery Plots

At the Board’s meeting on August 4, 2017 the subject of current practice for selling cemetery plots under payment plans was discussed. As requested, I contacted the Greenwood Cemetery’s management contractor and have the following information to report:

- Elmwood Historic Cemetery (hereinafter called “Contractor”) does not have a written policy on payment plans to share with the Board.
- Contractor collects all payments for lots over the period of the purchase agreement, and submits the City’s portion when the plot(s) are fully paid. During the period of the purchase plan the Contractor incurs expenses for invoicing, collections, accounting and other normal business expenses.
- If a person paying for a plot on a payment plan passes away before the lot is fully paid, the Contractor collects the full amount owing from the deceased’s family or the deceased’s estate before burial.
- All lots being purchased on a payment plan by the same person are included in one purchase agreement. The amount owing on the first plot to be used must be paid before burial in that plot. Monthly payments then continue in accordance with the purchase agreement.
- Where in a block of lots a burial would be placed depends, because traditionally, for a husband and wife, the man is buried on the left.

The Contractor noted that there are very few, if any, places in the cemetery where multiple plots exist side-by-side.

The Board raised additional questions on August 4, 2017 with the intention of developing a written policy on payment plans. Those questions included whether or not interest should be charged, what the minimum down payment should be, what the maximum length of the payment period should be, and whether or not plots on payment plans refundable. The Board also wondered if earnest money should be charged to hold a plot.
I. CALL TO ORDER
Linda Buchanan, Vice Chairperson called the meeting to order at 8:30 AM.

II. ROLL CALL
PRESENT: Linda Buchanan, Vice Chairperson
Linda Peterson
Laura Schreiner
George Stern
Margaret Suter

ABSENT: Kevin Desmond
Darlene Gehringer, Chairperson

Administration: City Clerk Mynsberge, Transcriptionist Eichenhorn

C. PAYMENT PLAN POLICY FOR CEMETERY PLOTS
Clerk Mynsberge presented the information provided to her by Elmwood, regarding payment plans for cemetery plots, noting:
- There is no written policy for payment plans.
- All payments are collected over the period of the purchase agreement, and the City does not receive its portion until the plot is completely paid. During the payment period Elmwood assumes the costs for invoicing, collections, and other relevant duties.
- She has seen purchase agreements for 36 months, but was advised by Elmwood that they provide two-year, no interest financing, with ten percent down.
- If an individual on a payment plan passes away, said individual will not be interred until the plot has been fully paid.
- If multiple plots are purchased in a group, full payment must be received for the first plot at the time the first plot is needed, and monthly payments may continue on the other plots within the group.
- There are very few places where two plots are available together, let alone multiple plots available together.
- 50% refunds on the grave price are available for plots purchased in 2015 or subsequently, as long as the plot is unoccupied.

Ms. Suter expressed discomfort that there is no written policy, and Ms. Buchanan agreed. Clerk Mynsberge clarified that Elmwood enters into a legal agreement with each purchaser of a cemetery plot.

Ms. Schreiner stated that:
- The Greenwood Cemetery Advisory Board desires to see the outer parameters written down, and;
- That the individual contracts would set forth price, term, time and parties, but it would be beneficial to have the outside possible terms of those contracts defined.
Ms. Schreiner then inquired as to how payment is allocated if plots are purchased in a group, paid for over some period of time, and then one plot needs to be paid in full. In that case, are the previous payments all re-allocated to paying off the balance of the first plot? Or does each plot maintain its partial balance, with the difference for the first plot requiring immediate payment?

Ms. Buchanan cited Ms. Schreiner’s question as evidence that the Advisory Board requires a set of guidelines.

Mr. Stern agreed as well, and stated that the cemetery, acting as advisors for the City, needs to have rules and regulations set forth by the City.

Clerk Mynsberge affirmed for Mr. Stern that it would be appropriate to ask staff for input regarding policy on how City money should be handled in these cases.

Ms. Schreiner asked if the payments become City money when the contract is initiated, or when the money is transferred to the City. Ms. Schreiner continued that it would be wise for the Advisory Board to discuss this matter.

Clerk Mynsberge told Mr. Stern she would find out whether there is an audit procedure for City contractors, and told Ms. Suter that third quarter sales numbers were not yet available.

Mr. Stern asked when City revenue technically becomes City revenue, if a contractor has possession of the revenue first for a period of time. Ms. Schreiner stated that these sorts of transactions likely occur frequently within the City.

Clerk Mynsberge offered to seek input from the appropriate staff regarding the questions raised in this meeting, to present her findings in November, and to prepare a rough draft of the guidelines the Advisory Board is seeking.
1. **CALL TO ORDER**

Darlene Gehringer, Chairperson called the meeting to order at 8:30 AM.

2. **ROLL CALL**

**PRESENT:** Margaret Suter  
Darlene Gehringer  
Linda Buchanan  
Laura Schreiner  
George Stern  

**ABSENT:** Linda Peterson  
Kevin Desmond  

Administration: Clerk Brown, Deputy Clerk Arft

3. **RECOMMENDATION FOR AMENDMENT TO THE CEMETERY CONTRACT WITH ELMWOOD REGARDING PAYMENT PLANS**

Ms. Gehringer reviewed other cemeteries’ policies and reported that some charge interest, while others do not. She noted that the majority of the commissioners did not want to charge interest. Some cities do set a time limit on the payment plan. She said she is unsure if our contractor sets a time limit. She suggested the Board put in writing that we are going to adopt a payment plan and the rules and regulations regarding payment plans. She suggested a down payment at the time of entering into the payment plan, as well as not charging interest.

Ms. Schreiner said that when she went through the purchase process, she was told by the contractor that there was an option for payments. She recalled that there was an immediate payment requirement with a time limit. She agreed that this needs to be formalized.

Ms. Gehringer asked that the Clerk discuss what the contractor’s current practice is for Greenwood purchases.

Ms. Suter expressed concern about being paid from an estate.

Ms. Gehringer questioned whether reimbursements are made if a purchaser decides to not complete the payment plan or decides that the plot is no longer wanted. She noted that when plots are held, other cemeteries require a non-refundable fee to hold the plots.

Ms. Schreiner said we need to determine how the contractor handles these situations and then discuss if it is what the Board is comfortable with, as well as investigate what other cemeteries practices are.

Ms. Gehringer noted that other cemeteries require a non-refundable “holding fee” to hold a plot or plots.
Mr. Stern asked for clarification of where the payments go during the time a plot is being paid off.

Mr. Stern suggested that the contractor be wary of people who buy multiple plots, and how the deceased are being buried in the plots so as not to ruin the resale value of the total parcel.

Clerk Brown will report to the Board at the October meeting.
MEMORANDUM
Finance Department

DATE: June 15, 2018
TO: Joseph A. Valentine, City Manager
FROM: Mark Gerber, Finance Director/Treasurer
SUBJECT: Water/Sewer Rate Changes for 2018-2019

Water Rates
Water rates are recommended to increase $.25 from $4.62 to $4.87, or 5.4%. This is the same rate as was proposed at the budget hearing on April 28th. The increase would raise the annual cost to the average homeowner using 90 units of water by $22.50. The increase is the result of an increase in the cost of water, personnel costs, and depreciation.

Sewer Rates
Sewer rates are recommended to increase $.18 from $7.38 to $7.56, or 2.4%. The increase would raise the annual cost to the average homeowner using 90 units of water by $16.20. This rate is $.10 lower than the rate proposed at the budget hearing on April 28th. The rate proposed at the budget hearing was based on sanitary sewer costs increasing by 4%. As a result of rates approved by the Great Lakes Water Authority (GLWA) sanitary sewer costs are now projected to increase by approximately 2%. The remaining amount of the recommended increase is the result of an increase in depreciation.

Storm Water Rates
Storm water rates are recommended to increase $11 from $184 to $195 per ESWU for Evergreen-Farmington Sewage Disposal District and $5 from $240 to $245 per ESWU for Southeast Oakland Sewage Disposal District. The rate increase for Evergreen-Farmington is higher than what was proposed at the budget hearing due to an increase in allocation of sewage disposal costs to the retention basins by the Oakland County Water Resources Commissioner. The rate increase for Southeast Oakland Sewage Disposal District is slightly less than what was proposed at the budget hearing.

Industrial Surcharge and Industrial Waste Control Charge (IWC)
The charges for Industrial Surcharge and Industrial Waste Control Charge are determined by Great Lakes Water Authority (GLWA). These charges are collected by the City and remitted to GLWA. The City does not keep any of the money it collects for these fees. The Industrial Waste Control Charge is scheduled to decrease approximately 37%. Currently, there is one Birmingham customer charged an Industrial Surcharge.

The new rates will take affect for all billings where the read date is on or after July 1, 2018.

Below are the recommended fee changes:
### DEPARTMENT OF PUBLIC SERVICE

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<th>Section</th>
<th>Existing Fee</th>
<th>Proposed Fee</th>
<th>Change Code</th>
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<td><strong>Water</strong></td>
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<td>Additional charge for water used:</td>
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<td>For each 1,000 gallons or part thereof</td>
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### FINANCE

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<td><strong>Sewer Service Rates (Chapter 114)</strong></td>
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**Storm Water Utility Fee (Chapter 114)**

- **Evergreen-Farmington Sewage Disposal District**
  - For each Equivalent Storm Water Unit (ESWU)
    - Quarterly Fee: $ 46.00  $ 48.75  B
    - Monthly Fee: $ 15.33  $ 16.25  B

- **Southeast Oakland County Sewage Disposal District**
  - For each Equivalent Storm Water Unit (ESWU)
    - Quarterly Fee: $ 60.00  $ 61.25  B
    - Monthly Fee: $ 20.00  $ 20.42  B

**Industrial Surcharge (Chapter 114)**

An industrial surcharge shall be levied against industrial and commercial customers contributing sewage to the system with concentrations of pollutants exceeding the levels described as follows:

- **Amounts of Industrial Surcharge - Total Charge per pound of excess pollutants**
  - Biochemical oxygen demand (BOD), over 275 mg/l: $ 0.487  $ 0.483  C
  - Total suspended solids (TSS), over 350 mg/l: $ 0.494  $ 0.490  C
  - Phosphorus (P), over 12 mg/l: $ 7.282  $ 7.228  C
  - Fats, oils, grease (FOG) over 100 mg/l: $ 0.469  $ 0.465  C

**Industrial Waste Control IWC (Chapter 114)**

An industrial waste control charge shall be levied against all non-residential properties, in accordance with rates established by resolution.
CHANGE CODES
A. Fee has remained the same for many years
B. Proposed fee covers current costs
C. Pass through costs that reflects actual cost of service
D. Fee consistent with neighboring communities
E. New fee
F. Increase to cover normal inflationary increase
G. No longer provide this service
H. Other – Explain

SUGGESTED RESOLUTION:
To amend the Schedule of Fees, Charges, Bonds and Insurance, Water and Sewer Service Sections, for changes in water, sewer, storm water, industrial surcharge, and industrial waste control charge rates effective for bills with read dates on or after July 1, 2018.

Meter Size - Quarterly Charge

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MEMORANDUM
Office of the City Manager

DATE: June 15, 2018

TO: City Commission

FROM: Joseph A. Valentine, City Manager

SUBJECT: Providing Adult Services

Current demographic trends continue to show the “baby boomer” generation will continue to be the largest increasing population segment of all communities both locally and nationally. This trend is also true for Birmingham. Preparing for the expected growth in the service demands of this growing segment of our population warrants ongoing study and direction.

The City currently provides adult services through a contract arrangement with NEXT in conjunction with the communities of Beverly Hills, Bingham Farms, Franklin and Southfield Township. In April of 2012, these communities created a Joint Senior Services Committee to review existing operations and services and provide recommendations for the future. This study concluded with a final report in June of 2013. The recommendations from this report consisted of both short term and long term strategies. The short term recommendations were to expand services and municipal budget requests in order to accommodate the increasing demands with increased hours and programming. This was achieved with increased municipal contributions, which began in 2014. The longer term recommendations were related to facility improvements and/or expansion/replacement. Because this facility is owned by the Birmingham Public Schools (BPS) discussions for improvements have occurred with BPS and resulted in new mechanical equipment being installed this past year. However, the trend of increasing service demands on the existing facility warrants broader conversation on how this growing demand for services will not only be housed, but provided and funded. To this end, I propose the re-creation of the Joint Senior Service Committee comprised of representatives from the current member communities and revisit long term strategies including, but not limited to, service structure, partnerships, funding models, program needs and related service demands based on population trends. This committee would be established by resolution of each participating community. I have had conversations with the respective managers from the current municipal members served by our current partnership on this approach along with the Superintendent for the Birmingham Public Schools. Each respective manager concurred that the re-creation of the Joint Senior Services Committee was an appropriate next step. The attached resolution was collectively drafted to seek appointment of municipal and school representatives to this committee to continue the efforts to address the long term needs for these services.

If the resolution is passed and the committee is created, then we will return at a subsequent meeting for appointment of the committee members.
Suggested Action:

To adopt the resolution creating an Ad Hoc Joint Senior Services Committee to conduct a long term study and evaluation of the necessary funding and governance model to effectively provide adequate senior services to participating residents, and further, to begin solicitation of one resident member to the committee.
RESOLUTION CREATING AN AD HOC JOINT SENIOR SERVICES COMMITTEE TO CONDUCT A LONG TERM
STUDY AND EVALUATION OF THE NECESSARY FUNDING AND GOVERNANCE MODEL TO EFFECTIVELY
PROVIDE ADEQUATE SENIOR SERVICES TO PARTICIPATING COMMUNITY RESIDENTS.

Whereas, the senior population aged 65 and older in Birmingham, Beverly Hills, Bingham Farms and
Franklin is projected to be the largest growing population segment over the next several decades and
these communities wish to prepare for the service needs of this growing demographic, and

Whereas, the communities of Birmingham, Beverly Hills, Bingham Farms, Franklin and Southfield
Township along with the Birmingham Public Schools (herein referred to as Governing Body) had
previously established a Joint Senior Services Committee in 2012 to present recommendations for
improved senior services, and

Whereas, the Joint Senior Services committee presented their final recommendations to the
municipalities in 2013, which was comprised of a two phased approach to address near term (Phase 1)
and longer term (Phase 2) initiatives, and

Whereas, Phase 1 involved increased services and hours based on increased funding requests to the
member communities, and

Whereas, Phase 2 involved a longer term focus centered on a dedicated funding source to address
further increasing service demands and facility needs, and

Whereas, additional study and analysis is necessary to advance recommendations for Phase 2 as the
current senior services funding and governance model in these communities may be insufficient to meet
the increasing demand for senior services, and

Whereas, the governing bodies of the Birmingham Public Schools, City of Birmingham, Village of Beverly
Hills, Village of Bingham Farms, Village of Franklin and Southfield Township wish to explore ways to
meet the increasing demand for senior services.

NOW THEREFORE BE IT RESOLVED that an Ad Hoc Joint Senior Services Committee is hereby established
to develop and recommend a long term plan for addressing the increasing demand for senior services in
accordance with the following:

1. The Committee will be Ad Hoc. The term of the Committee shall continue until March 30, 2019
and the Committee will cease functioning unless otherwise directed by their respective
Governing Body at that time.

2. The Governing Body hereby appoints representatives to the Ad Hoc Joint Senior Services
Committee to be comprised of the following members.

   a) One elected official from each respective Governing Body.
   b) One resident member from each respective municipality appointed by each
      municipality.
   c) One ex-officio member from each school and municipal administration.
3. All meetings of the Committee shall be open to the public. Agenda and minutes for all meetings shall be prepared.

4. The scope of the Committee shall be to develop a long term plan on how to best proceed in addressing the increasing demand for senior services in accordance with the following:

    a. Review the Joint Senior Services Committee Final Recommendation to the Municipalities Report from June 2013.
    b. Evaluate current service demands and projected trends for senior demographics and future service demands.
    c. Analyze current funding sources and operational structure of the current contracted senior service model.
    d. Compare and contrast current senior services funding and governance models in the participating communities to other area communities and best practices.
    e. Review and evaluate cost and budget implications of any proposed recommendations and include strategic funding alternatives.
    f. Compile the Committee’s findings and recommendations into a report to be presented at the end of the Committee’s term.

5. The Committee is not authorized to expend funds or enter into agreements. All recommendations made by the Committee shall be in the form of a report to the Governing Body.

BE IT FURTHER RESOLVED, the ____________________________ hereby appoints
__________________________ as an elected official to the Ad Hoc Committee,
__________________________ as the resident member of the committee, and
__________________________ as an ex-officio administration official to the committee.
Findings, Assumptions and Policy Recommendations

The JSSC has completed its investigation and now reports its findings, assumptions and policy recommendations. JSSC was directed to:

- Study what other area communities are doing with regard to funding and managing senior programs and services.
- Gather public input to create a consensus around what senior programs and services our seniors need and are willing to fund.
- Prepare policy recommendations regarding a combination of programs, services, potential revenue sources and governance models.

Study of the funding and the management of senior programs and services in neighboring communities was addressed in the JSSC Mid-term report (Exhibit 1). Observations of how surrounding communities provide senior services have provided insight about the ways we might move forward in developing a model for our communities.

The senior centers of Bloomfield Senior Services (BSS), Oakland Township, Rochester and Rochester Hills Older Persons Commission (OPC), Royal Oak Senior Center and the Troy Community Center have addressed the growing needs of their seniors. For example, OPC and BSS provide information and referral programs, exercise equipment, lap and/or warm pools for exercise, adult day care services, meals on wheels, transportation and extended hours. Troy and Royal Oak also provide some of these services. A complete list of these services can be found in the Midterm Report Area Senior Centers Matrix. (Exhibit 2)

With regard to funding, OPC and BSS sought a .25 millage for operations and a bond issue to build a senior center and they received overwhelming support from their communities. To govern their senior center, OPC operates under an interlocal agreement which could be a governing guide for our communities. Troy and Royal Oak senior centers, on the other hand, are funded from the general fund, and both are managed by the Parks and Recreation Department.

While other nearby communities generally fund senior services through the local government general fund or a millage, the cost of providing senior services through the Birmingham Area Seniors Coordinating Council (BASCC) has been born largely by the Birmingham Public School (BPS) district through in-kind support estimated at $300,000 (imputed rent on the Midvale facility) and other direct funding amounting to $36,000. Municipal funding, on the
other hand, accounts for only 7% of BASCC total funding. Additional sources of funding for the senior center are transportation grants, fundraising, operating grants, membership dues, programs and donations. (Exhibit 3)

From a financial and facility perspective, BASCC faces an uncertain future. In recent years, BASCC has had no alternative but to use endowment funds to balance its already inadequate annual operating budget. Over the last ten years, this endowment drawdown has totaled over $400,000. This is not sustainable in the long term; expenses will continue to rise and additional programming is required to meet the needs of our seniors.

BASCC’s long-term use of the outdated Midvale facility is also in question. Midvale is shared with the BPS’s Early Childhood Center, an activity that generates revenue and may well be expanded. BPS has embarked on a system-wide strategic planning process and is also conducting a facilities review. The goal is to complete these studies in the Fall of 2013. Whether that is achieved and what conclusion is reached regarding the future use of Midvale are unknown. What we can say, however, is that Dr. Nerad has assured the JSSC that any transition involving Midvale will be handled in such a way that ensures that BASCC will continue to have a home. Therefore, it is reasonable to assume that BASCC will continue to operate at Midvale for at least a few more years.

Now that the JSSC understands what other communities are doing to meet the needs of seniors, we must answer the following question: “What are the needs of seniors in our four communities and how should we fund them?” In order to answer this question, BASCC and the JSSC sought the consultant services of Mitchell Research and Communications, Inc. and the Detroit Executive Service Corps (DESC).

**Mitchell Benchmark Survey**

According to the Mitchell Benchmark Survey, a general population telephone survey, JSSC learned the following:

- Sixty-nine percent think a senior center is important.
- Fifty percent have a favorable impression of BASCC with only four percent having an unfavorable impression. The rest cannot say or are unaware of BASCC. Only forty percent know where BASCC is located.
- If BASCC provided day care, it would be a welcomed service according to sixty-six percent of those surveyed.
- Sixty-five percent support low cost exercise and fitness programs to keep seniors healthier longer.
- Fifty-one percent support increased hours.
- Sixty-four percent support the continued growth of senior programs to meet growing senior needs.
- Sixty-three percent support a millage for expanding programs and services. They want to assure that we keep the programs and services we currently offer.

**DESC Focus Group Results**

DESC Focus Group Results, on the other hand, were qualitative and representative of the general “feelings” of users of BASCC, non-users and caregivers. (Exhibit 4) The following observations were identified through the focus group sessions:

- People tend to view a senior center as an activity center providing a broad range of things to do, including intellectual stimulation, physical activities, games, trips and social interaction.
- Accessibility, transportation and mobility are important, i.e., a senior center should be accessible and the Midvale location meets that criterion.
- Many, however, feel the current facility is outdated. It does not provide gym equipment, or a swimming/therapy pool.

After studying other senior centers in the area and collecting data, the current services provided by BASCC are viewed as marginally meeting the needs of our area seniors. The BASCC mission is to “identify and meet the needs of older adults”. Therefore, the JSSC has prepared a short-term (i.e. Phase I plan) and a long-range vision (i.e. Phase II) and related proforma budget that will more adequately serve our seniors.

**Recommendations**

In the short term, JSSC recommends that BASCC’s operation at Midvale be expanded to increase hours and services by 45%, while only increasing budget expenditures by 24%. Increasing morning and evening hours Monday through Friday and adding Saturday morning hours will also increase senior participation. JSSC also recommends exercise equipment such as weight machines, exercise bikes, treadmill and elliptical equipment. Adding exercise equipment would be a one-time expenditure of $46,000 paid out of the BASCC endowment fund. This will accommodate senior exercise needs, enhance fitness, and increase senior participation.
The additional annual cost of this short-term plan is estimated at $200,000 which includes estimates of $144,500 for additional staff, $52,000 for budget shortfall, and $3,500 for insurance. To cover the expanded programs, municipal contributions from our four communities could be raised either by increased contributions from their general fund or by a millage placed on the ballot of their next general election.

Longer term, it is clear that a major facility upgrade is necessary. When the status of Midvale is resolved, the plan is to either rebuild Midvale (if BPS decides to leave), build an entirely new facility, or upgrade an existing facility. This will accommodate additional services and programs such as adult day care, physical therapy, additional exercise equipment, a heated lap/therapy pool and related classes. Both a facility bond issue and an operational millage would be required to fund this major upgrade.

**Conclusion**

Serving our seniors can no longer be considered an “added education” service provided largely by BPS. This is a municipal responsibility. The benefits to our communities of being senior friendly are well documented and undisputed.

The JSSC has studied the demographics of our four communities. The percentage of homes with children under 18 is, on average, 30% and the number of households with resident seniors averages 39%. Projections show the percentage of seniors will grow faster than any other age segment. Taxpayers in the Birmingham Public School District pay just under 17 mills in local school taxes plus an additional State school tax of 6 mills, of which some is returned to the school district. In contrast, there is no dedicated senior millage. By State law, if approved by the voters, municipalities may assess up to 1 mill for senior services. (Act 39 of 1976 – Senior Funding and Millage)

The JSSC, based on the combined efforts of representatives from the governing bodies, as well as, BASCC and BPS, is recommending:

- The Municipalities support the Phase I plan, and reach agreement as to how it is to be funded by June 1, 2014.
- A small group of JSSC members be appointed as an official communication channel with BPS. This group would also keep the communities updated as decisions regarding Midvale unfold.

Michigan allows up to 1 mill for voter approved Senior Millage. The following communities have taken advantage of this in Oakland County:

- Bloomfield Township
- Madison Heights
- Oakland Township
- Pontiac
- Rochester
- Rochester Hills

June 2013