I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Patty Bordman, Mayor

II. ROLL CALL

Cheryl Arft, Acting City Clerk

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

Announcements:
- Commissioner Sherman’s birthday

- The Fire Department Open House will be held on Saturday, October 12th, 2019 at the Adams Fire Station, 572 S. Adams from 1:00 – 4:00 PM. Learn about fire safety and enjoy the many interactive displays and activities. For more information, visit www.bhamgov.org/fire.

- The Birmingham Museum’s fall lecture series will continue on October 17th at 7:00 PM at the Baldwin Public Library with “The Levinsons: First Jewish Family in Birmingham”. Special guests are Levinson descendants Senator Carl Levin and Representative Sander Levin who will be participating in the discussion of their family’s legacy in Birmingham. Seating is limited. Registration is required for this free presentation by going to the Baldwin Library’s website calendar.

Appointments:
A. Interviews for Design Review Board
   1. Natalia Dukas (previously interviewed and appointed to Historical District Committee)
   2. Michael Willoughby

B. Appointments to the Design Review Board
   To appoint _____ to the Design Review Board for a three-year term to expire September 25, 2022.

   To appoint _____ to the Design Review Board for a three-year term to expire September 25, 2022.

C. Interviews for Historic District Commission
   1. Michael Willoughby

D. Appointments to the Historic District Commission
   To appoint _____ to the Historic District Commission for a three-year term to expire _____, 2022.
E. Interviews to the Board of Zoning Appeals
   1. Charles Lillie (will attend)
   2. Francis Rodriguez (attendance uncertain)
   3. Adam Rubin (will attend)

F. Appointments to the Board of Zoning Appeal
   To appoint _____ to the Board of Zoning Appeals for a three-year term to expire October 10, 2022.
   To appoint _____ to the Board of Zoning Appeals for a three-year term to expire October 10, 2022.

G. Interviews for the Multi-Modal Transportation Board – Alternate member
   1. Joseph Zane (will attend)

H. Appointment to the Multi-Modal Transportation Board – Alternate member
   To appoint ___ to the Multi-Modal Transportation Board - Alternate position for a three-year term to expire October 27, 2022.

I. Interviews to Advisory Parking Committee (4 VACANCIES)
   1. Judith Paskiewicz-Professional firm (previously interviewed)
   2. Lisa Silverman – Resident and business owner

J. Appointments to the Advisory Parking Committee
   To appoint ___ to the Advisory Parking Committee as a representative of a professional firm for a three-year term to expire September 4, 2022.
   To appoint ___ to the Advisory Parking Committee as a resident for a three-year term to expire September 4, 2022.

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 Regular City Commission meeting minutes of September 23, 2019.
B. Resolution approving the warrant list, including Automated Clearing House payments, dated September 25, 2019 in the amount of $8,284,484.48.
C. Resolution approving the warrant list, including Automated Clearing House payments, dated October 2, 2019 in the amount of $1,241,488.72.
D. Resolution approving the appointment of election inspectors, absent voter counting board inspectors, receiving board inspectors and other election officials as recommended by the City Clerk for the November 5, 2019 Election pursuant to MCL 168.674(1), setting 10:00 a.m. as the start time for the Absent Voter Counting Board, and granting the City Clerk authority to make emergency appointments of qualified candidates should circumstances warrant to maintain adequate staffing in the various precincts, counting boards and receiving boards.
E. Resolution approving the recommended changes to the Articles of Incorporation for the Southeast Oakland County Water Authority, as approved by the SOCWA Board on August 21, 2019.
F. Resolution awarding the Oak St. Sewer Rehabilitation Project, Contract #11-19 (S), to Bidigare Contractors, Inc., in the amount of $221,600, to be charged to account number 590-536.001-981.0200.

G. Resolution confirming the City Manager’s authorization for the emergency expenditure related to the repair of vehicle #42 by Southeastern Equipment Company in the amount of $8,922.00 from the Auto Equipment Fund account #641.441.006-933.0200, pursuant to Sec. 2-286 of the City Code.

H. Resolution setting Monday, October 28, 2019 at 7:30 PM for a public hearing to consider approval of a Zoning Amendment for Chapter 126, Zoning Ordinance, Appendix C, Exhibit 1, Licenses for Economic Development;

AND

Resolution setting Monday, October 28, 2019 at 7:30 PM for a public hearing for October 28, 2019 to consider approval of an amendment to Chapter 126, Zoning Ordinance, Article 2, Section 2.39 MX, Uses Requiring a Special Land Use Permit to allow the operation of establishments operating with a liquor license obtained under Chapter 10, Alcoholic Liquors, Article II, Division 3, Licenses for Economic Development identified in Appendix C, Exhibit 1.

I. Resolution setting Monday, October 28, 2019 at 7:30 PM for a public hearing to consider approval of a Special Land Use Permit and Final Site Plan and Design Review for Lincoln Yard at 2159 E. Lincoln to allow the use of an economic development liquor license to serve alcohol on premise and to occupy a building more than 6,000 square feet in size in the MX Zone.

J. Resolution setting Monday, October 28, 2019 at 7:30 PM for a public hearing date to consider approval of a Special Land Use Permit and Final Site Plan and Design Review for 298 S. Old Woodward to allow the operation of the Daxton Hotel with the service of alcoholic liquors, in accordance with Article 7, Section 7.34 of the Zoning Ordinance.

K. Resolution approving the Shain Park and City Hall Granite Paver Restoration Project to Superior Scape, Inc., in the amount not to exceed $24,010.00. Funds are available from the Capital Projects Fund account # 401-751.001-981.0100 in the amount of $15,000 and from the Capital Projects Fund account # 401-441.003-981.0100 in the amount of $9,010.00. Further, authorizing the Mayor and City Clerk to sign the agreement on behalf of the City.

V. UNFINISHED BUSINESS

A. Resolution approving a request from the Birmingham Bloomfield Art Center to hold Art Birmingham on S. Old Woodward between approximately Bowers St. and Landon on May 9th–10th, 2020 contingent upon compliance with all permit and insurance requirements and payment of all fees and, further pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event.

VI. NEW BUSINESS

A. Resolution approving a Special Land Use Permit and Final Site Plan and Design Review for 117 Willits to allow the operation of three new food and drink establishments Shift / Sidecar /Slice, serving alcoholic liquors, in accordance with Article 7, Section 7.34 of the Zoning Ordinance;

AND

Resolution authorizing the Chief of Police to sign the MLCC Police Investigation Report (LC-1800) and approving the liquor license request of S-Three, LLC that requests a transfer of interest in a
Class C License to be issued under MCL 436.1521(A)(1)(B) and SDM License with New Outdoor Service and Two New Additional Bar Permits located at 117 Willits, 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 S-Three, LLC approving the liquor license transfer request of S-Three, LLC that requested a Class C License be transferred under MCL 436.1521 (A)(1)(B) & SDM License with New Outdoor Service and Two New Additional Bar permits located at 117 Willits, Birmingham, Oakland County, MI 48009.

B. Presentation on the new water sampling rules under the Michigan Safe Water Drinking Act

C. Resolution to meet in closed session to consider the City Manager’s evaluation pursuant to Section 8(a) of the Open Meetings Act (Act 267 of 1976). A 2/3 roll call vote of the City Commission is not required to call a closed session permitted under Section 8(a).

VII. REMOVED FROM CONSENT AGENDA

VIII. COMMUNICATIONS

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

X. REPORTS

A. Commissioner Reports
   Notice to appoint to Birmingham Shopping District, Historic District Study Committee, and Public Arts Board

B. Commissioner Comments

C. Advisory Boards, Committees, Commissions’ Reports and Agendas

D. Legislation

E. City Staff
   1. Bistro application review

INFORMATION ONLY

XI. ADJOURN

PLEASE NOTE: Due to building security, public entrance during non-business hours is through the Police Department - Pierce St. entrance 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, October 7, 2019 the Birmingham City Commission intends to appoint two members to the Design Review Board to serve a three-year term to expire September 25, 2022.

Interested parties may submit an application available from the city clerk's office on or before noon on Wednesday, October 2, 2019. Applications will appear in the public agenda at which time the commission will discuss recommendations, and may make nominations and vote on appointments.

The function and duty of the Design Review Board is to advise the City Commission in regard to the proper development of the City. The Design Review Board is specifically charged with carrying out the goals, objectives and intent of the City's adopted master plan and urban design plan and other development-oriented plans which may subsequently be adopted. The Design Review Board is authorized to advise and cooperate with the City Commission, City Planning Board, Historic District Commission and other City advisory boards and cooperate with the planning, historic district and legislative bodies of other governmental units in any area outside the boundaries of the City.

**Applicant(s) Presented For City Commission Consideration:**

<table>
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<tr>
<th>Applicant Name</th>
<th>Criteria/ Qualifications</th>
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<tbody>
<tr>
<td>Natalia Dukas</td>
<td>Finance</td>
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<tr>
<td>Michael Willoughby</td>
<td>Architect</td>
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</table>

Members shall represent, insofar as possible, different occupations and professions such as, but not limited to, the legal profession, the financial or real estate professions, and the planning or design professions. Members shall be residents.

**SUGGESTED ACTION:**

To appoint ________________, as a regular member to serve a three-year term to expire September 25, 2022.

To appoint ________________, as a regular member to a three-year term to expire September 25, 2022.
DESIGN REVIEW BOARD

Ordinance #1882

Terms: 3 years

Members: One member of the Design Review Board shall be an architect duly registered in this state, if such person is available. The other members shall represent, insofar as possible, different occupations and professions such as, but not limited to, the legal profession, the financial or real estate professions, and the planning or design professions.

Duties: The function and duty of the Design Review Board is to advise the city commission in regard to the proper development of the city. The Design Review Board is specifically charged with carrying out the goals, objectives and intent of the city's adopted master plan and urban design plan and other development-oriented plans which may subsequently be adopted. The Design Review Board is authorized to advise and cooperate with the City Commission, city Planning Board, Historic District Commission and other city advisory boards and cooperate with the planning, historic district and legislative bodies of other governmental units in any area outside the boundaries of the city.

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<th>Home Business E-Mail</th>
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<td>Ahmet</td>
<td>Klea</td>
<td>1746 Bowers</td>
<td>(248) 836-7286</td>
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<td>12/31/2019</td>
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<td>Debbrecht</td>
<td>Gigi</td>
<td>564 Frank St.</td>
<td>(248) 882-9906</td>
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<td><a href="mailto:kwdeyer@comcast.net">kwdeyer@comcast.net</a></td>
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<td><a href="mailto:nataliadukas@yahoo.com">nataliadukas@yahoo.com</a></td>
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<td>Fuller</td>
<td>Dulce</td>
<td>255 Pierce</td>
<td>(248) 245-4000</td>
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<td>Historical preservation organization member</td>
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<tr>
<td>Jerome</td>
<td>Alexander</td>
<td>1845 Hazel</td>
<td>(248) 417-6833</td>
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<td>Lang</td>
<td>Patricia</td>
<td>1023 Floyd St.</td>
<td>(248) 540-0991</td>
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<td>Mercurio</td>
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<td>1060 Lake Park</td>
<td>(248) 568-4656</td>
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<td><a href="mailto:mwilloughby@mwa-architects.com">mwilloughby@mwa-architects.com</a></td>
<td>Architect</td>
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### CITY BOARD/COMMITTEE ATTENDANCE RECORD

**Name of Board:** Design Review Board  
**Year:** 2019  
**Members Required for Quorum:**

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

---

**Department Head Signature**
## CITY BOARD/COMMITTEE ATTENDANCE RECORD

**Name of Board:** Design Review Board  
**Members Required for Quorum:**  
**Year:** 2018

| MEMBER NAME           | 1/3  | 1/17 | 2/7  | 3/7  | 4/4  | 4/18 | 5/2  | 5/16 | 6/6  | 6/20 | 7/18 | 8/1  | 8/15 | 9/5  | 10/3 | 10/17 | 11/7 | 11/21 | 12/5 | 12/19 | SPEC MTG | SPEC MTG | Total Mtg. Att. | Total Absent | Percent Attended Available |
|----------------------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|-------|--------|--------------|-------------|--------------------------|
| **REGULAR MEMBERS**  |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |       |         |               |              |                 |
| Keith W. Deyer       | NM   | NM   | NM   | NM   | NM   | NM   | NM   | NM   | NM   | NM   | NM   | NM   | NM   | NM   | NM   | NM   | NM   | P    | NM   | NM   | 2     | 3     | 40%          |
| Natalia Dukas        | NM   | NM   | NM   | NM   | NM   | NM   | NM   | NM   | NM   | NM   | NM   | NM   | NM   | NM   | NM   | NM   | NM   | A    | NM   | NM   | 0     | 5     | 0%           |
| John Herke III       | NM   | NM   | NM   | NM   | NM   | NM   | NM   | NM   | NM   | NM   | NM   | NM   | NM   | NM   | NM   | NM   | NM   | A    | NM   | NM   | 4     | 1     | 80%          |
| Thomas Trappeli      | NM   | NM   | NM   | NM   | NM   | NM   | NM   | NM   | NM   | NM   | NM   | NM   | NM   | NM   | NM   | NM   | NA   | NM   | NM   | 1     | 2     | 53%          |
| Lauren Tolles        | NM   | NM   | NM   | NM   | NM   | NM   | NM   | NM   | NM   | NM   | NM   | NM   | NM   | NM   | NM   | NM   | P    | NM   | NM   | 2     | 2     | 50%          |
| Michael Willoughby   | NM   | NM   | NM   | NM   | NM   | NM   | NM   | NM   | NM   | NM   | NM   | NM   | NM   | NM   | NM   | NM   | P    | NM   | NM   | 4     | 1     | 80%          |
| Joe Mancini          | NM   | NM   | NM   | NM   | NM   | NM   | NM   | NM   | NM   | NM   | NM   | NM   | NM   | NM   | NM   | NM   | P    | NM   | NM   | 5     | 0     | 100%         |
| Ava Weh (Student)    | NM   | NM   | NM   | NA   | NA   | NM   | NM   | NM   | NM   | NM   | NM   | NM   | NM   | NM   | NM   | NM   | A    | NM   | NM   | 1     | 3     | 25%          |
| Grace Donati (Student)| NM   | NM   | NM   | NA   | NA   | NM   | NM   | NM   | NM   | NM   | NM   | NM   | NM   | NM   | NM   | NM   | A    | NM   | NM   | 1     | 3     | 25%          |
| **ALTERNATES**       |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |       |         |               |              |                 |
| Dulce Fuller         | NM   | NM   | NM   | P    | NA   | NM   | NM   | NM   | NM   | NM   | NM   | NM   | NM   | NM   | NM   | NM   | P    | NM   | NM   | 4     | 1     | 80%          |
| Adam Charles         | NM   | NM   | NM   | P    | NM   | NM   | NM   | NM   | NM   | NM   | NM   | NM   | NM   | NM   | NM   | NM   | P    | NM   | NM   | 4     | 0     | 100%         |
| Present or Available | 0    | 0    | 0    | 0    | 5    | 0    | 0    | 0    | 0    | 0    | 7    | 0    | 0    | 0    | 5    | 0    | 4    | 0    | 0    | 7    | 0    | 0%          |

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

**Department Head Signature**
# City Board/Committee Attendance Record

## Design Review Board Year: 2017

| Member Name                  | 1/4 | 2/1 | 2/15 | 3/1 | 3/15 | 4/5 | 4/19 | 5/3 | 5/17 | 6/7 | 7/5 | 7/19 | 8/2 | 8/16 | 9/6 | 10/18 | 11/1 | 11/15 | 12/6 | Total Mtgs. Att. | Total Absent | Percent Attend |
|------------------------------|-----|-----|------|-----|------|-----|------|-----|------|-----|-----|------|-----|------|-----|------|------|-------|--------|--------------|
| **Regular Members**          |     |     |      |     |      |     |      |     |      |     |     |      |     |      |     |      |     |       |         |              |
| Mark Coir                    | A   | P   | P    | NM  | NM   | NM  | NM   | NM  | NM   | NM  | NM  | A    | NM  | *    | *   | *    | *    | 2     | 2      | 50%          |
| Keith W. Deyer               | A   | P   | P    | A   | NM   | NM  | NM   | NM  | NM   | NM  | NM  | A    | NM  | A    | NM  | A    | P    | 4     | 4      | 50%          |
| Natalia Dukas                | P   | P   | P    | NM  | NM   | NM  | NM   | NM  | NM   | NM  | NM  | A    | NM  | A    | NM  | A    | P    | 4     | 4      | 50%          |
| John Henke III              | P   | A   | P    | NM  | NM   | NM  | NM   | NM  | NM   | NM  | NM  | P    | NM  | P    | NM  | A    | P    | 5     | 3      | 63%          |
| Joe Mercurio                | *   | *   | *    | *   | *    | *   | *    | *   | *    | *   | *   | *    | *   | *    | *   | *    | P    | 3     | 0      | 100%         |
| Lauren Tolles               | *   | *   | *    | *   | *    | *   | *    | *   | *    | *   | *   | *    | *   | *    | *   | *    | *    | 1     | 2      | 33%          |
| Thomas Trappell             | A   | P   | P    | P   | NM   | NM  | NM   | NM  | NM   | NM  | NM  | P    | NM  | P    | NM  | P    | NM   | 6     | 2      | 75%          |
| Shelli Weisberg             | P   | P   | A    | P   | NM   | NM  | NM   | NM  | NM   | NM  | NM  | P    | NM  | *    | *   | *    | *    | 4     | 1      | 80%          |
| Michael Willoughby          | P   | P   | P    | P   | NM   | NM  | NM   | NM  | NM   | NM  | NM  | P    | NM  | P    | NM  | P    | P    | 8     | 0      | 100%         |
| Josh Chapinelli (student rep.) | A   | A   | A    | A   | NM   | NM  | NM   | NM  | NM   | NM  | NM  | A    | NM  | A    | NM  | A    | A    | 0     | 8      | 0%            |
| Griffin Pfaff (student rep.) | A   | A   | A    | A   | NM   | NM  | NM   | NM  | NM   | NM  | NM  | A    | NM  | A    | NM  | A    | A    | 0     | 8      | 0%            |
| **Alternates**              |     |     |      |     |      |     |      |     |      |     |      |      |     |      |     |      |     |       |         |              |
| Dulce Fuller                | P   | A   | A    | A   | NM   | NM  | NM   | NM  | NM   | NM  | NM  | A    | NM  | A    | NM  | P    | A    | 2     | 6      | 25%          |
| Adam Charles                | P   | A   | P    | A   | NM   | NM  | NM   | NM  | NM   | NM  | NM  | P    | NM  | A    | NM  | P    | A    | 4     | 2      | 67%          |
| **Members in attendance**   | 6   | 6   | 6    | 0   | 0    | 0   | 0    | 0   | 0    | 0   | 0   | 0    | 0   | 0    | 5   | 0    | 5    | 4     |         |              |

**Key:**
- **A** = Absent
- **P** = Present
- **NM** = No Meeting
- **** = Not asked to attend
- * = Not on board

---

Department Head Signature: [Signature]
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  Design Review Board and Historic District Commission

Specific Category/Vacancy on Board  board member

Name  Natalia Dukas

Residential Address  1352 Sutfield Ave

Residential City, Zip  Birmingham, MI 48009

Business Address  

Business City, Zip  

Phone  (248) 535-9950

Email  nataliadukas@yahoo.com

Length of Residence  12 years

Occupation  

Reason for Interest:  Explain how your background and skills will enhance the board to which you have applied.
I would like to continue serving on the Design Review Board and the Historic District Commission.

List your related employment experience  Finance, Ford Motor Co

List your related community activities  Member DLB/HDCC 2013-present

List your related educational experience  B.A. Economics University of California-Berkeley, Historic District Commissioner Training 2014

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

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

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

Signature of Applicant  Natalia Dukas  Date  9/9/19

Return the completed and signed application form to: City of Birmingham, City Clerk’s Office, 151 Martin, Birmingham, MI 48009 or by email to crmnsberger@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: Historic District Commission/Design Review Board
Specific Category/Vacancy on Board

Name: Michael Willoughby
Residential Address: 667 Greenwood
Residential City, Zip: Birmingham, MI 48009
Business Address: 555 40th Street, 2nd Floor
Business City, Zip: Birmingham, MI 48009
Phone: 248-760-8909
Email: mwwilloughby@wcmu-architects.com
Length of Residence: 28 yrs
Occupation: Architect

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

Architect is the main topic of both boards

List your related employment experience
Architect 1972 to present

List your related community activities
Property Committee Crownebrook

List your related educational experience
B.S. Architecture

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

Date: 9/21/19

Return the completed and signed application form to: City of Birmingham, City Clerk’s Office, 151 Martin, Birmingham, MI 48009 or by email to cmwilloughby@bhamgov.org or by fax to 248.530.1060.
NOTICE OF INTENTION TO APPOINT TO
HISTORIC DISTRICT COMMISSION

At the regular meeting of Monday, October 7, 2019, the Birmingham City Commission intends to appoint three regular members to the Historic District Commission to serve three-year terms to expire September 25, 2022.

Interested parties may submit an application available from the City Clerk’s Office on or before noon on Wednesday, October 2, 2019. Applications will appear in the public agenda at which time the commission will discuss recommendations, and may make nominations and vote on appointments.

The function and duty of the Historic District Commission is to advise the City Commission with respect to the proper development of the City with primary emphasis upon the City’s established historic districts, sites, properties and historic resources. The Commission is also authorized to recommend for the guidance of the City Commission amendments to the City Code relating to the control and development of lands within historic districts.

Applicant(s) Presented For City Commission Consideration:

<table>
<thead>
<tr>
<th>Applicant Name</th>
<th>Criteria/ Qualifications</th>
</tr>
</thead>
<tbody>
<tr>
<td>Michael Willoughby</td>
<td>Architect</td>
</tr>
</tbody>
</table>

- A majority of the members shall have a clearly demonstrated interest in or knowledge of historic preservation.
- Must be a resident

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

SUGGESTED ACTION:
To appoint _________________, to the Historic District Commission as a regular member to serve the remainder of a three-year term to expire September 25, 2022.
HISTORIC DISTRICT COMMISSION

Ordinance #1880

Terms: 3 years
Members: A majority of the members shall have a clearly demonstrated interest in or knowledge of historic preservation. Two members shall be appointed from a list submitted by duly organized local historic preservation organizations. If available, one member shall be an architect who has two years of architectural experience or who is duly registered in the State of Michigan.

Duties: The function and duty of the Historic District Commission is to advise the City Commission with respect to the proper development of the city with primary emphasis upon the city’s established historic districts, sites, properties and historic resources. The Commission is also authorized to recommend for the guidance of the City Commission amendments to the City Code relating to the control and development of lands within historic districts.

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<tr>
<th>Last Name</th>
<th>First Name</th>
<th>Home Phone</th>
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<th>Appointed</th>
<th>Term Expires</th>
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<tr>
<td>Ahmet</td>
<td>Klea</td>
<td>(248) 836-7286</td>
<td>2/25/2019</td>
<td>Student Representative</td>
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<tr>
<td>Burley</td>
<td>Doug</td>
<td>(248) 761-9905</td>
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<tr>
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<tr>
<td>Dukas</td>
<td>Natalia</td>
<td>(248) 885-8535</td>
<td>9/9/2013</td>
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<td>9/25/2022</td>
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<tr>
<td>Filthaut</td>
<td>Kevin</td>
<td>1158 Webster Ave.</td>
<td>(248) 761-0009</td>
<td>2/12/2018</td>
<td>9/25/2019</td>
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<tr>
<td>Fuller</td>
<td>Dulce</td>
<td>255 Pierce</td>
<td>(248) 245-4000</td>
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<td><a href="mailto:jwhenke@aol.com">jwhenke@aol.com</a></td>
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<tr>
<td>Lang</td>
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<td>1023 Floyd St.</td>
<td>(248) 540-0991</td>
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<td><a href="mailto:mwilloughby@mwa-architects.com">mwilloughby@mwa-architects.com</a></td>
<td>architect</td>
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### CITY BOARD/COMMITTEE ATTENDANCE RECORD

**Name of Board:** HDC  
**Members Required for Quorum:**  
**Year:** 2019

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**Present or Available:** 7 0 0 7 5 0 2 0 0 0 0 0 0 0 3 7 0 0 0 0 0 0 0 0 0 0 0 0 0 #DIV/0!

**KEY:**  
- **A** = Member absent  
- **P** = Member present or available  
- **CP** = Member available, but meeting canceled for lack of quorum  
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*Department Head Signature*
## CITY BOARD/COMMITTEE ATTENDANCE RECORD

Name of Board: HDC  
Members Required for Quorum:  
Year: 2018

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Present or Available: 0 5 0 0 0 3 0 0 0 0 0 0 5 4 0 5 8 5 4 4 0 5 0 0

**KEY:**  
A = Member absent  
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[Department Head Signature]
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</tbody>
</table>

**KEY:**
- A = Absent
- P = Present
- NM = No meeting
- ** = Not asked to attend
- * = Not on board

Department Head Signature
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: Historic District Commission / Design Review Board

Specific Category/Vacancy on Board

Name: Michael Williams

Residential Address: 167 Greenwood

Residential City, Zip: Birmingham, MI 48009

Business Address: 555 N. Old Woodward 251

Business City, Zip: Birmingham, MI 48009

Phone: 248-760-8903

Email: muilliams@mum-architects.com

Length of Residence: 28 yrs

Occupation: Architect

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

Architecture is the main topic of both boards.

List your related employment experience:

Architect 1972 to present

List your related community activities:

Property Committee Cranbrook

List your related educational experience:

BS Architecture

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: 9/21/19

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

Updated 8/16/17
NOTICE OF INTENTION TO APPOINT TO BOARD OF ZONING APPEALS

At the regular meeting of Monday, October 7, 2019 the Birmingham City Commission intends to appoint two regular members to the Board of Zoning Appeals to serve the remainder of a three-year term to expire October 10, 2022.

Interested parties may recommend others or themselves for these positions by submitting a form available from the City Clerk's office. Applications must be submitted to the City Clerk's office on or before noon on Wednesday, October 2, 2019. Applications will appear in the public agenda at which time the City Commission will discuss recommendations, and may make nominations and vote on appointments.

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

Applicant(s) Presented For City Commission Consideration:

<table>
<thead>
<tr>
<th>Applicant Name</th>
<th>Criteria/Qualifications</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adam Rubin</td>
<td>Resident and registered voter</td>
</tr>
<tr>
<td>700 Emmons</td>
<td></td>
</tr>
<tr>
<td>Charles Lillie</td>
<td>Resident and registered voter</td>
</tr>
<tr>
<td>496 S. Glenhurst</td>
<td></td>
</tr>
<tr>
<td>Francis Rodriguez</td>
<td>Resident and registered voter</td>
</tr>
<tr>
<td>333 Pilgrim</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:

To appoint _____________ to the Board of Zoning Appeals as a regular member to serve a three-year term to expire on October 10, 2022.

To appoint _____________ to the Board of Zoning Appeals as a regular member to serve a three-year term to expire on October 10, 2022.
The Board of Zoning Appeals acts on questions arising from the administration of the zoning ordinance, including the interpretation of the zoning map. The board hears and decides appeals from and reviews any order, requirement, decision or determination made by the building official.

<table>
<thead>
<tr>
<th>Last Name</th>
<th>First Name</th>
<th>Home Address</th>
<th>Business E-Mail</th>
<th>Appointed</th>
<th>Term Expires</th>
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<tbody>
<tr>
<td>Attia</td>
<td>George (Jerry)</td>
<td>1859 Henrietta</td>
<td><a href="mailto:jerry.attia@gmail.com">jerry.attia@gmail.com</a></td>
<td>9/16/2019</td>
<td>10/10/2020</td>
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<tr>
<td>Canvasser</td>
<td>Jason</td>
<td>369 Kimberly</td>
<td><a href="mailto:jcanvasser@clarkhill.com">jcanvasser@clarkhill.com</a></td>
<td>7/9/2018</td>
<td>10/10/2020</td>
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<tr>
<td>Hart</td>
<td>Kevin</td>
<td>2051 Villa</td>
<td><a href="mailto:khartassociates@aol.com">khartassociates@aol.com</a></td>
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<td>10/10/2020</td>
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<td>Lilley</td>
<td>Richard</td>
<td>648 Cherry Ct.</td>
<td><a href="mailto:dicklilley@icloud.com">dicklilley@icloud.com</a></td>
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<td>Lillie</td>
<td>Charles</td>
<td>496 S. Glenhurst</td>
<td><a href="mailto:lilliecc@sbcglobal.net">lilliecc@sbcglobal.net</a></td>
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<tr>
<td>Miller</td>
<td>John</td>
<td>544 Brookside</td>
<td><a href="mailto:feymiller@comcast.net">feymiller@comcast.net</a></td>
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<tr>
<td>Morganroth</td>
<td>Erik</td>
<td>631 Ann</td>
<td>(248) 762-9822</td>
<td><a href="mailto:emorganroth@comcast.net">emorganroth@comcast.net</a></td>
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<tr>
<td>Reddy</td>
<td>Ron</td>
<td>763 Wallace</td>
<td>313-820-7491</td>
<td><a href="mailto:ron.reddy01@gmail.com">ron.reddy01@gmail.com</a></td>
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<td>Rodriguez</td>
<td>Francis</td>
<td>333 Pilgrim</td>
<td>248-631-7933</td>
<td><a href="mailto:francis@korolaw.com">francis@korolaw.com</a></td>
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## CITY BOARD/ COMMITTEE ATTENDANCE RECORD

Name of Board: Board of Zoning Appeals  
Year: 2019

Members Required for Quorum: 4

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<th>MAY</th>
<th>JUNE</th>
<th>JULY</th>
<th>AUG</th>
<th>SEPT</th>
<th>OCT</th>
<th>NOV</th>
<th>DEC</th>
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<th>SPEC MTG</th>
<th>Total Mtgs. Att.</th>
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**KEY:**
- **A** = Member absent
- **P** = Member present or available
- **CP** = Member available, but meeting canceled for lack of quorum
- **CA** = Member not available and meeting was canceled for lack of quorum
- **NA** = Member not appointed at that time
- **NM** = No meeting scheduled that month
- **CM** = Meeting canceled for lack of business items

Department Head Signature
### CITY BOARD/COMMITTEE ATTENDANCE RECORD

**Name of Board:** BOARD OF ZONING APPEALS  
**Year:** 2018  
**Members Required for Quorum:** 4

<table>
<thead>
<tr>
<th>MEMBER NAME</th>
<th>JAN</th>
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<th>OCT</th>
<th>NOV</th>
<th>DEC</th>
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</tbody>
</table>

**Present or Available:**  
7 8 8 7 8 6 5 7 7 6 8 7 0 0

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

**Department Head Signature**
# City Board/Commission Attendance Record

**Board/Commission:** Board of Zoning Appeals  
**Year:** 2017

<table>
<thead>
<tr>
<th>Member Name</th>
<th>1/10</th>
<th>2/14</th>
<th>3/14</th>
<th>4/18</th>
<th>5/9</th>
<th>6/13</th>
<th>7/11</th>
<th>8/8</th>
<th>9/12</th>
<th>10/17</th>
<th>11/14</th>
<th>12/5</th>
<th>Total Mts.</th>
<th>Total Absent</th>
<th>Percent Attend</th>
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<td>P</td>
<td>P</td>
<td>A</td>
<td>P</td>
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<td>NM</td>
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<tr>
<td>Jeffrey Jones</td>
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<tr>
<td>Randolph Judd</td>
<td>P</td>
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<td>A</td>
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<td>P</td>
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<tr>
<td>Charles Lillie</td>
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<td>A</td>
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<tr>
<td>Eric Morganroth</td>
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<tr>
<td>Jason Canvasser</td>
<td>P</td>
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<td>P</td>
<td>P</td>
<td>P</td>
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<td>P</td>
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<td>NM</td>
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<tr>
<td>Cynthia Grove</td>
<td>P</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
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<td>NA</td>
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<tr>
<td>Kristen Baiardi</td>
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<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
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</tbody>
</table>

**Members in attendance:** 7 7 7 7 7 8 7 7 7 7 7 0

**KEY:**  
- **A** = Absent  
- **P** = Present  
- **NM** = No Meeting  
- **NA** = Not Appointed at this time

---

**Department Head Signature**
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  Board of Zoning Appeals
Specific Category/Vacancy on Board  Regular Board Member

Name  Charles C. Lillie
Residential Address  496 South Glenhurst
Residential City, Zip  Birmingham, MI 48009

Business Address  41000 Woodward Ave., Suite 310 East
Business City, Zip  Bloomfield Hills, MI 48304

Phone  (248) 642-6881
Email  LILLIECC@SBCGLOBAL.NET
Length of Residence  48 Years
Occupation  Attorney

Reason for Interest: Explain how your background and skills will enhance the board to which you have applied ________
Continuing interest in the development of the city. I am an attorney and a portion of my practice deals with real estate. I have been a member of the Board of Zoning Appeals for 35 years.

List your related employment experience  Attorney - Real Estate Matters - 1971 to Present

List your related educational experience  University of Michigan - BBA and JD, Walsh College MSPA

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  Charles C. Lillie
Date  9/23/2019

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.

Updated 8/6/17
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  Board of Zoning Appeals
Specific Category/Vacancy on Board  Alternate Member

Name  Adam Rubin  Phone  248-935-6734
Residential Address  700 Emmons Ave
Residential City, Zip  Birmingham, 48009
Business Address  348 E. Maple Rd.
Business City, Zip  Birmingham, 48009

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

As an attorney with experience in both the public and private sectors, my background and skill set will allow me to bring a fair and balanced approach to the board, understanding the application of zoning ordinances to various requests from local residents.

List your related employment experience  Assistant Attorney General for the State of Michigan - Alcohol and Gambling Enforcement Division (2008-2011); General Counsel at PrizeLogic (2011-2018); VP - Legal at Shift Digital in Birmingham (2018-present)

List your related community activities  Former regional board member at Anti-Defamation League
Current board member of Jewish Federation of Metro Detroit (Next Gen Division)

List your related educational experience
B.A. University of Michigan 2005; J.D University of Detroit Mercy School of Law 2008

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  Date  9-10-19

Return the completed and signed application form to: City of Birmingham, City Clerk’s Office, 151 Martin, Birmingham, MI 48009 or by email to cmyrnsberger@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 ____________________________ Board of Zoning Appeals
Specific Category/Vacancy on Board_____________________________ Regular Member

Name________________________ Phone_______________
Francis Rodriguez 248 631 7933

Residential Address ____________________________
333 Pilgrim

Residential City, Zip ____________________________ Birmingham 48009

Business Address ____________________________
550 W. Merrill, Ste 100
Birmingham 48009

Reason for Interest: Explain how your background and skills will enhance the board to which you have applied
Current member of BZA. About 1/3 of my practice concentrates on real estate and governance. I review and interpret regulations daily.

List your related employment experience
I have served on the BZA as an alternate or regular member since January 2018. See my bio at kordlaw.com
For specific real estate examples:

List your related community activities
AIA

List your related educational experience
Please see above

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: My wife is an interior designer and works with clients in Birmingham.

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 ________ 9/24/19 ______

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

Updated 8/16/17
NOTICE OF INTENTION TO APPOINT TO THE
MULTI-MODAL TRANSPORTATION BOARD

At the regular meeting of Monday, October 7, 2019, the Birmingham City Commission intends
to appoint one alternate member to the Multi-Modal Transportation Board with Traffic-focused
Education/Experience to a serve three-year term to expire October 27, 2019.

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, October 2, 2019. 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.

In so far as possible, the seven member committee shall be composed of the following: one
pedestrian advocate member; one member with a mobility or vision impairment; one
member with traffic-focused education and/or experience; one bicycle advocate member;
one member with urban planning, architecture or design education and/or experience; and
two members at large living in different geographical areas of the City. Applicants for this
position do not have be a qualified elector or property owner in Birmingham.

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

Applicant(s) Presented For City Commission Consideration:

<table>
<thead>
<tr>
<th>Applicant Name</th>
<th>Criteria/Qualifications</th>
</tr>
</thead>
<tbody>
<tr>
<td>Joseph Zane</td>
<td>Traffic-focused education/experience.</td>
</tr>
</tbody>
</table>

SUGGESTED ACTION:
To appoint ________, as a regular member who has traffic-focused education and/or
to the Multi-Modal Transportation Board to serve a three-year term to expire
October 27, 2022.

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

Chapter 110, Sections 110-26 & 110-27

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

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

Term: Three years.

<table>
<thead>
<tr>
<th>Last Name</th>
<th>First Name</th>
<th>Home Address</th>
<th>Home Business Address</th>
<th>E-Mail</th>
<th>Appointed</th>
<th>Term Expires</th>
</tr>
</thead>
<tbody>
<tr>
<td>Edwards</td>
<td>Lara</td>
<td>1636 Bowers</td>
<td>(734) 717-8914</td>
<td><a href="mailto:lmedwards08@gmail.com">lmedwards08@gmail.com</a></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Birmingham</td>
<td>48009</td>
<td>4/28/2014</td>
<td>3/24/2020</td>
<td>Member at large from different geographical areas of the city.</td>
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<tr>
<td>Folberg</td>
<td>Amy</td>
<td>1580 Latham</td>
<td>(248) 890-9965</td>
<td><a href="mailto:amy.folberg@gmail.com">amy.folberg@gmail.com</a></td>
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<tr>
<td></td>
<td></td>
<td>Birmingham</td>
<td>48009</td>
<td>12/14/2015</td>
<td>3/24/2020</td>
<td>Member at large from different geographical areas of the city.</td>
</tr>
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<td>Last Name</td>
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<td>Home Address</td>
<td>Business Address</td>
<td>Home Phone</td>
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</tr>
<tr>
<td>Isaksen</td>
<td>Daniel</td>
<td>1386 Yorkshire</td>
<td>Birmingham</td>
<td>(734) 9046867</td>
<td><a href="mailto:isaksen.dan@gmail.com">isaksen.dan@gmail.com</a></td>
<td>5/8/2017</td>
</tr>
<tr>
<td>Pompi</td>
<td>Bennett</td>
<td></td>
<td>Birmingham</td>
<td>(734) 9042544</td>
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<td>2/25/2019</td>
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<tr>
<td>Rontal</td>
<td>Daniel</td>
<td>926 Bird</td>
<td>Birmingham</td>
<td>(734) 904-2544</td>
<td><a href="mailto:darontal@gmail.com">darontal@gmail.com</a></td>
<td>10/27/2016</td>
</tr>
<tr>
<td>Schafer</td>
<td>Katie</td>
<td>1966 Fairway</td>
<td>Birmingham</td>
<td>(248) 835-5064</td>
<td><a href="mailto:schafekat@gmail.com">schafekat@gmail.com</a></td>
<td>3/13/2017</td>
</tr>
<tr>
<td>Slanga</td>
<td>Johanna</td>
<td>4410 Charing Way</td>
<td>Bloomfield Hills</td>
<td>(248) 761-9567</td>
<td><a href="mailto:johannaslanga@gmail.com">johannaslanga@gmail.com</a></td>
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<td>VACANT</td>
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<tr>
<td>White</td>
<td>Doug</td>
<td>1342 Holland St.</td>
<td></td>
<td></td>
<td>(248) 825-2223</td>
<td>5/14/2018</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Birmingham</td>
<td></td>
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<tr>
<td>Zane</td>
<td>Joseph</td>
<td>1014 Chestnut St.</td>
<td></td>
<td></td>
<td>(248) 563-3381</td>
<td>12/10/2018</td>
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<td></td>
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<td><a href="mailto:Joseph.Michael.Zane@gmail.com">Joseph.Michael.Zane@gmail.com</a></td>
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## CITY BOARD/COMMITTEE ATTENDANCE RECORD

**Name of Board:** Multi Modal Transportation Board  
**Year:** 2019  
**Members Required for Quorum:** 4

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<th>FEB</th>
<th>MAR</th>
<th>APR</th>
<th>MAY</th>
<th>JUNE</th>
<th>JULY</th>
<th>AUG</th>
<th>SEPT</th>
<th>OCT</th>
<th>NOV</th>
<th>DEC</th>
<th>SPEC MTG</th>
<th>SPEC MTG</th>
<th>Total Mtgs. Att.</th>
<th>Total Absent</th>
<th>Percent Attended Available</th>
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<tr>
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<td>NM</td>
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<td>NM</td>
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</tr>
<tr>
<td>Amy Folberg</td>
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<td>Johanna Slanga</td>
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<td>1</td>
<td>83%</td>
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<tr>
<td>Doug White</td>
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<tr>
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<td>P</td>
<td>P</td>
<td>NM</td>
<td>A</td>
<td>P</td>
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<td><strong>ALTERNATES</strong></td>
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<tr>
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<td>NA</td>
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<td>P</td>
<td>NM</td>
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<td>P</td>
<td>NM</td>
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</tr>
<tr>
<td>Chris Capone (Sdnt)</td>
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<td>P</td>
<td>P</td>
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<td>6</td>
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<td>80%</td>
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</tbody>
</table>

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

[Signature]

**Department Head Signature**
# City Board/Committee Attendance Record

**Name of Board:** Multi Modal Transportation Board  
**Members Required for Quorum:** 4  
**Year:** 2018

<table>
<thead>
<tr>
<th>MEMBER NAME</th>
<th>JAN</th>
<th>FEB</th>
<th>MAR</th>
<th>APR</th>
<th>MAY</th>
<th>JUNE</th>
<th>JULY</th>
<th>AUG</th>
<th>SEPT</th>
<th>OCT</th>
<th>NOV</th>
<th>DEC</th>
<th>SPEC MTG</th>
<th>SPEC MTG</th>
<th>Total Mtgs. Att.</th>
<th>Total Absent</th>
<th>Percent Attended Available</th>
</tr>
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</tr>
<tr>
<td>Vionna Adams</td>
<td>P</td>
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<td></td>
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<td></td>
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<tr>
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<td>P</td>
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<td>P</td>
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<td>NA</td>
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<td>NA</td>
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</tr>
<tr>
<td>Andy Lawson</td>
<td>P</td>
<td>A</td>
<td>P</td>
<td>A</td>
<td>NA</td>
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<td>NA</td>
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<tr>
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<td>A</td>
<td>NA</td>
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<tr>
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<tr>
<td>Daniel Rontal</td>
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<tr>
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<tr>
<td>Doug White</td>
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<td>NA</td>
<td>NA</td>
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<td>P</td>
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<td>4</td>
<td>0</td>
<td>100%</td>
</tr>
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</table>

| **ALTERNATES**   |     |     |     |     |     |      |      |     |      |     |     |     |         |         |                      |             |                        |
| Katie Schafer    | P   | P   | P   | P   | P   | P    | P    | A   | P    | P   | P   | P   | NM       |         | 10                   | 1            | 91%                    |
| Daniel Isakson   | P   | P   | P   | P   | P   | P    | P    | A   | A    | P   | P   | P   | NM       |         | 9                    | 2            | 82%                    |
| Alex Lindstrom Stdt | P     |     |     |     |     |      |      |     |      |     |     |     |         |         |                      |             |                        |
| Reserved         |     |     |     |     |     |      |      |     |      |     |     |     |         |         | 0                    | 1            | 0%                     |
| Present or Available | 8   | 4   | 8   | 5   | 5   | 6    | 7    | 3   | 5    | 6   | 5   | 0   |         |         | 0                    | 0            | 0%                     |

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

Department Head Signature

#DIV/0!
# CITY BOARD/COMMITTEE ATTENDANCE RECORD

**Board/Committee:** Multi Modal Transportation Board  
**Year:** 2017

<table>
<thead>
<tr>
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<th>2/2</th>
<th>3/2</th>
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<th>5/4</th>
<th>6/1</th>
<th>7/20</th>
<th>8/3</th>
<th>9/7</th>
<th>10/19</th>
<th>11/2</th>
<th>12/7</th>
<th>Total Mtgs. Att.</th>
<th>Total Absent</th>
<th>Percent Attend</th>
</tr>
</thead>
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<td>Vionna Adams</td>
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<td>4</td>
<td>64%</td>
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<tr>
<td>Lara Edwards</td>
<td>NM</td>
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<td>P</td>
<td>10</td>
<td>1</td>
<td>91%</td>
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<tr>
<td>Andy Lawson</td>
<td>NM</td>
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<tr>
<td>Amy Folberg</td>
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<td>A</td>
<td>9</td>
<td>2</td>
<td>82%</td>
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<td>Daniel Rontal</td>
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<td>A</td>
<td>8</td>
<td>3</td>
<td>73%</td>
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<tr>
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<td>P</td>
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<td>8</td>
<td>3</td>
<td>73%</td>
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<tr>
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<tr>
<td>Katie Schafer</td>
<td>NM</td>
<td>A</td>
<td>A</td>
<td>P</td>
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<td>P</td>
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<td>82%</td>
</tr>
<tr>
<td>Daniel Isaksen</td>
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<td>P</td>
<td>6</td>
<td>5</td>
<td>55%</td>
</tr>
</tbody>
</table>

**Members in attendance:** 0 5 4 6 6 9 7 5 7 7 7 6

**KEY:**  
- A = Absent  
- P = Present  
- NM = No Meeting

[Signature]

Department Head Signature
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 ____________________________________________

Multi-Modal Transportation Board

Specific Category/Vacancy on Board Alternate Member (to 10/27/2022)

Name ___________________________ Joseph Zane ___________________________

Phone ___________________________ 248-563-3381 ___________________________

Residential Address 1014 Chestnut St ______________________________________

Email ___________________________ Joseph.Michael.Zane@gmail.com ___________________________

Residential City, Zip Birmingham, MI 48009 ______________________________________

Length of Residence 2.5 Years ______________________________________

Business Address P.O. Box 710 ______________________________________

Occupation IT Consultant ______________________________________

Business City, Zip Birmingham, MI 48012 ______________________________________

Reason for Interest: Explain how your background and skills will enhance the board to which you have applied. As someone who is passionate about the future of cities and the impact of new technology on how we move, I would love to contribute a new perspective on the city's transportation infrastructure.

List your related employment experience: 2 years at FCA working in automotive IT. A consulting engagement with P3, a startup that builds public/private partnerships in intelligent traffic systems. Ford Patent Engineer focused on mobility and connected vehicles

List your related community activities. Member of Birmingham Rotary, Birmingham Optimists, Birmingham/Bloomfield Kiwanis and the local chapter of the Marine Corps League. Ran for State Representative (2018) on a platform of innovative transportation solutions for the autonomous vehicle future. Alternate member of MM TB since November 2018


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 ______________________________________ 1 October 2017 __________________________

Date

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

Updated 8/16/17
NOTICE OF INTENTION TO APPOINT TO THE
ADVISORY PARKING COMMITTEE

At the regular meeting of Monday, August 5, 2019, the Birmingham City Commission intends to appoint three regular members to the Advisory Parking Committee to serve three-year terms expiring September 4, 2022. (a resident shopper, a resident, and a representative of a professional firm in the parking assessment district) one regular member who is a restaurant owner in the parking assessment district to serve the remainder of a three-year term to expire 9/4/2020, one regular member who is a building owner in the parking assessment district to serve the remainder of a three-year term to expire 9/4/2021, and one alternate member to serve the remainder of a three-year term to expire 9/4/2020.

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, July 31, 2019. 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.

Committee Duties
The Advisory Parking Committee shall provide guidance to the City Commission in the management of Birmingham’s Auto Parking System. The Committee shall recognize parking requirements of the CBD and fairly assess the costs to users. It will provide for attractive, maintained and safe facilities.

Applicant(s) Presented For City Commission Consideration:

<table>
<thead>
<tr>
<th>Applicant Name</th>
<th>Criteria/ Qualifications</th>
</tr>
</thead>
<tbody>
<tr>
<td>Judith Paskiewicz</td>
<td>Resident who is a representative of a professional firm in the parking assessment district</td>
</tr>
<tr>
<td>Lisa Silverman</td>
<td>Resident</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:

To appoint _____ to the Advisory Parking Committee as a regular member who is a resident to serve a three-year term to expire September 4, 2022.

To appoint _____ to the Advisory Parking Committee as a regular member who is a resident representing a professional firm in the parking assessment district to serve a three-year term to expire September 4, 2022.
ADVISORY PARKING COMMITTEE


Terms: Three years
Appointment requirements for regular members: The majority of the members shall be residents and membership shall be as follows:
- Downtown commercial representatives - large retail - 1 member; small retail - 1 member;
- professional firm - 1 member; building owner - 1 member; restaurant owner - 1 member;
- downtown employee representative - 1 member; residential - two members who do not qualify under any of the previous categories, and one resident shopper.
2 alternate members may be appointed who own property, own a business or work in the parking assessment district.

The Advisory Parking Committee shall provide guidance to the City Commission in the management of Birmingham's Auto Parking System. The committee shall recognize parking requirements of the CBD and fairly assess the costs to users. It will provide for attractive, maintained and safe facilities.

<table>
<thead>
<tr>
<th>Last Name</th>
<th>First Name</th>
<th>Home Address</th>
<th>Business Phone</th>
<th>E-Mail</th>
<th>Appointed</th>
<th>Term Expires</th>
</tr>
</thead>
<tbody>
<tr>
<td>Champagne</td>
<td>Gayle</td>
<td>833 Hazel</td>
<td>(248) 978-5581</td>
<td><a href="mailto:gchampagne1@aol.com">gchampagne1@aol.com</a></td>
<td>9/23/2019</td>
<td>9/4/2022</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Birmingham</td>
<td></td>
<td></td>
<td>Resident Shopper</td>
<td></td>
</tr>
<tr>
<td>Honhart</td>
<td>Anne</td>
<td>197 E. Frank</td>
<td>(248) 644-3678</td>
<td><a href="mailto:ahonhart@atlaswelding.com">ahonhart@atlaswelding.com</a></td>
<td>9/4/1984</td>
<td>9/4/2021</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Birmingham</td>
<td></td>
<td></td>
<td>Resident</td>
<td></td>
</tr>
<tr>
<td>Kalczynski</td>
<td>Steven</td>
<td>100 Townsend</td>
<td>(248) 642-7900</td>
<td><a href="mailto:skalczynski@yahoo.com">skalczynski@yahoo.com</a></td>
<td>11/26/2012</td>
<td>9/4/2020</td>
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<tr>
<td></td>
<td></td>
<td>Birmingham</td>
<td></td>
<td></td>
<td>Large Retail</td>
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</tr>
<tr>
<td>Krueger</td>
<td>Lisa</td>
<td>348 Ferndale Ave</td>
<td>(248) 921-0099</td>
<td><a href="mailto:lisakrug21@gmail.com">lisakrug21@gmail.com</a></td>
<td>3/30/2015</td>
<td>9/4/2020</td>
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<tr>
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<tr>
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### CITY BOARD/COMMITTEE ATTENDANCE RECORD

**Name of Board:** Advisory Parking Committee  
**Year:** 2019  
**Members Required for Quorum:** 4

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Department Head Signature
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**Members Required for Quorum:** 4  
**Year:** 2018

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[Signature]

Department Head's Signature
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Department Head Signature
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 website www.bhamgov.org/boardopportunities.

(Please print clearly)

Board/Committee of Interest: Parking Advisory Board
Specific Category/Vacancy on Board: Resident

Name: Judith Paskeiwicz
Residential Address: 560 Woodland
Residential City, Zip: Birmingham MI 48009

Business Address: 600 N. Old Woodward
Business City, Zip: Birmingham MI 48009

Phone: 248-535-9898
Email: judithpaskeiwicz@outlook.com
Length of Residence: 30 years
Occupation: Psychologist

Reason for Interest: Explain how your background and skills will enhance the board to which you have applied. Have you lived and worked in the "near downtown" area for many years and so have had long-term experience with the needs of residents, businesses, customers and visitors?

In my work, I practive being a careful and responsive listener, value the concerns and viewpoints of others and support understanding and problem solving. To bring these skills to my work on the Board, I would like to represent the North Parkside Advisory Board.

List your related community activities: 

List your related educational experience: M.S. (Social Work), Ph.D. (Clinical Psychology)

To the best of your knowledge, do you or a member of your immediate family have any direct financial relationships with any supplier, service provider or contractor of the City of Birmingham from which you have 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: Judith Paskeiwicz
Date: 9/4/2019

[Signature] 8/5/2019, 2:40 PM
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: Advisory Parking Committee
Specific Category/Vacancy on Board: Resident (I also have a business in Birmingham)

Name: Lisa Silverman
Phone: 248.895.3230
Email: Lisa8229@aol.com
Residential Address: 1200 Hatham St.
Residential City, Zip: Birmingham, 48009
Length of Residence: 27 years
Business Address: 1019 Hayes St.
Business City, Zip: Birmingham, MI 48009
Occupation: Clinical Psychologist

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

As a 27 year resident & business owner in Birmingham, I have experienced the growth & changes actively & thoroughly. I'm a qualified mediator, have a level head & a strong sense of fairness, & love my community. I have 20 years of experience as a Head of 3rd Circuit Court as well as private practice. I have administrative skills, listening & evaluation skills, & creative thinking.

List your related employment experience: City resident, business owner, & business consumer!
List your related educational experience: Ph.D. in Clinical Psychology = strong thinking, reasoning, listening & writing skills.

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

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

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

Signature of Applicant: Lisa Silverman
Date: 9/26/19

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

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

II. ROLL CALL

PRESENT: Mayor Bordman
Mayor Pro Tem Boutros
Commissioner DeWeese
Commissioner Harris
Commissioner Hoff
Commissioner Nickita
Commissioner Sherman

ABSENT: None

Administration: City Manager Valentine, City Attorney Currier, Assistant City Manager Gunter, Acting City Clerk Arft, Human Resource Manager Myers, City Engineer O’Meara, City Planner Ecker, Assistant Engineer Fletcher, DPS Director Wood, DPS Manager Filipski, Police Chief Clemence, Finance Director Gerber, Deputy Treasurer Klobucar

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

09-221-19 ANNOUNCEMENTS

• Commissioner Sherman’s birthday was withdrawn. His birthday is on October 3rd and will be observed at the regular meeting of the City Commission on October 7, 2019.
• State Senator Mallory McMorrow addressed the City Commission and all attendees of this meeting with updates from her office.
  o The state budget had not been passed as of this meeting.
  o The School Aide Fund K-12 budget was passed last week, which was split along party lines in the house. Wherein the senate, all of the senate democrats voted no on the school aide fund budget along with one republican. Studies have been commissioned by the state to show what is needed for education funding; and while the budget did show improvement, it did not include enough to include education for all students.
  o Adequate funding for the implementation of the Lead and Copper Rule is a priority for this office.
She noted that she serves on the following committees: Energy and Technology, Minority Vice Chair for Economic Development and Small Business, and Retention of people of the State.

Coffee hours and public constituent hours are held biweekly; dates and times are posted on the Senator's website.

There is a Senior Listening Tour scheduled to address senior's concerns.

The office of the Senator is also organizing town halls in the near future to address the important issues of the constituency.

Mayor Bordman asked about revenue sharing and the State's attempts to pull back on local control. Senator McMorrow expressed that the governor had been very vocal about the federal mandates that decreased revenue sharing to municipalities. She went on to say that whether or not you felt strongly about the Governor's $.45 gas tax to support road restoration, it raised the necessary revenue of $2.5B annually to allow increases in education funding and lock off the school aide fund from being robbed with other budget holes. It also increased revenue sharing to a step in the right direction. It is the mindset that funds need to be returned to local communities and local schools. If affluent communities are struggling due to decreases in revenue sharing, than less affluent communities are struggling as well. She asked that communities help her office in becoming a loud voice. Senator McMorrow is advocating to give full local control back to municipalities because there are a lot of issues that should not be managed on the State level.

09-222-19 APPOINTMENT TO THE MUSEUM BOARD
Patrick J. Hughes, City Manager Valentine's appointment to the Museum Board, was interviewed by the Commission for confirmation.

**MOTION:** Motion by Commissioner Harris:
To confirm the City Manager's appointment of Patrick J. Hughes to the Museum Board as a Business Owner member for a three-year term to expire July 5, 2022.

VOTE:
Ayes, 7
Nays, 0

09-223-19 APPOINTMENT TO THE ADVISORY PARKING COMMITTEE
Gayle Champagne (resident shopper) and Judith Paskiewicz (resident) were interviewed for appointment to the Advisory Parking Committee.

Commissioner Hoff noted that this is an important board; and suggested that Ms. Paskiewicz serve as a business member as opposed to a resident member due to her business interest in Birmingham.

Mayor Bordman suggested that Commission postpone Ms. Paskiewicz's appointment until the next regular meeting of the City Commission and told her that she would not have to come back for an interview.

**MOTION:** Motion by Commissioner Deweese:
To appoint Gayle Champagne to the Advisory Parking Committee as a regular member who is a resident shopper within the Parking Assessment District to serve a three-year term to expire September 4, 2022.
VOTE:    Ayes, 7  
         Nays, 0  
Acting City Clerk Arft swore in the appointees into office.

### 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.

### 09-224-19 APPROVAL OF CONSENT AGENDA

The following items were removed from the consent agenda:

| Commissioner Hoff: | Item D - Resolution approving funding in the amount of $3,587.00 for the removal of the bus shelter near the northeast corner of Woodward and 14 Mile Road, and the relocation and installation of this bus shelter to the northwest corner of the intersection of Woodward and 14 Mile Road, on the north side of 14 Mile Road; |
|                   | AND Resolution approving funding in the amount of $17,500.00 for site preparation and sidewalk installation at the transit stop on 14 Mile west of Woodward, and for site preparation, sidewalk installation and construction of a retaining wall at the transit stop on E. Maple west of Coolidge; |
|                   | AND Resolution approving funding in the amount of $23,290.00 for the purchase and installation of a new bus shelter at the existing SMART bus stop on the north side of E. Maple just west of Coolidge Highway; |
|                   | AND Resolution approving the appropriations and amendment to the 2019-2020 General Fund and Capital Projects Fund budgets. |
| City Manager Valentine: | Item E - Resolution approving the contract change amount with WCI Contractors, Inc. in the amount not to exceed $9,426.00, to be funded from account 401-751.001-981.0100 and further; approving the appropriation and amendment to the fiscal year 2019-2020 General Fund and Capital Projects Fund budgets. |

**MOTION:** Motion by Commissioner Sherman, supported by Commissioner Nickita:  
To approve the Consent Agenda, excluding Items D and E, which were pulled from consent.

**ROLL CALL VOTE:** Ayes: Mayor Bordman
A. Resolution approving the Regular City Commission meeting minutes of September 16, 2019.

B. Resolution approving the warrant list, including Automated Clearing House payments, dated September 18, 2019 in the amount of $1,634,175.38.

C. Resolution authorizing the City Manager to cast a vote, on the City’s behalf, for the incumbent member of the Michigan Municipal League Liability and Property Pool Board of Directors for three-year term, beginning January 1, 2020.

F. Resolution confirming the City Manager’s authorization for an emergency expenditure pursuant to Sec. 2-286 of the City Code in the amount of $8,469.84 at the Chester Street parking garage to meet fire safety inspection requirement to be paid by account #585-538.008-977.0000

09-225-19 (ITEM D) PURCHASE AND INSTALLATION OF FAST BUS SHELTER
Commissioner Hoff asked when will the FAST shelters be installed, and are there only two. Ms Ecker expressed that the shelters will be installed as soon as possible. There is a six week lead time on material, but the goal is to have the shelter installed by the time the weather changes. There is only one proposed to be installed at this time is located at Woodward and 14 Mile Rd.

Mayor Bordman noted that the bus system have significantly improved by FAST bus service. She sought to encourage everyone to use alternative transportation to reduce the number of cars in use.

**MOTION:** Motion by Commissioner Hoff, supported by Commissioner Sherman:
To approve the resolution for funding in the amount of $3,587.00 for the removal of the bus shelter near the northeast corner of Woodward and 14 Mile Road, and the relocation and installation of this bus shelter to the northwest corner of the intersection of Woodward and 14 Mile Road, on the northside of 14 Mile Road;

**AND**
To approve the resolution for funding in the amount of $17,500.00 for site preparation and sidewalk installation at the transit stop on 14 Mile west of Woodward, and for site preparation, sidewalk installation and construction of a retaining wall at the transit stop on E. Maple west of Coolidge;

**AND**
To approve the resolution for funding in the amount of $23,290.00 for the purchase and installation of a new bus shelter at the existing SMART bus stop on the north side of E. Maple just west of Coolidge Highway;

**AND**
Approving the Resolution for the appropriations and amendment to the 2019-2020 General Fund and Capital Projects Fund budgets.

VOTE: Ayes, 7
    Nays, 0

**09-226-19 (ITEM E) KENNING PARK BALL FIELD CHANGE ORDER**

Ms. Wood presented a corrected suggested resolution. Commissioner Hoff asked who would be paying for the scoreboards, and why would sod be installed as opposed to seeding.

Ms. Wood explained that the cost of the scoreboards, as specified, were included in the initial contract. She also explained that sodding as opposed to seeding was less labor intensive; therefore reducing the cost. While there was no added cost to the infield improvements, the outfield is a lot larger. The modification resulted in a net increase of $16,130.00.

Mayor Bordman asked Ms. Wood to elaborate on the effect of seeding vs. sod for the DPS crews during spring in preparation for field use. Ms. Wood explained why sod was a better value for the product.

**MOTION:** Motion by Commissioner Hoff, and supported by Commissioner Harris (Board Member of the BLL, a 3rd party beneficiary to this contract):

To approve the contract change amount with WCI Contractors, Inc. in the amount not to exceed $20,702.00, to be funded from account 401-751.001-981.0100. The new contract amount is $757,702.00. Further, to approve the appropriation and amendment to the fiscal year 2019-2020 General Fund and Capital Projects Fund budgets as follows:

**General Fund**

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**Capital Projects Fund**

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Expenditures:

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VOTE: Ayes, 7
    Nays, 0
V. UNFINISHED BUSINESS

09-227-19  MAPLE ROAD STREETSCAPE DESIGN REFINEMENTS

Brad Straiter, MKSK Consultant, presented this item.

- Commissioner Hoff asked what will be in the space next to the pedestrian crosswalk. Mr. Straiter expressed that a raised platform would be in that space.
- Mayor Bordman expressed that the intersection is very difficult for pedestrians, and believes the raised platform would make it more difficult for pedestrians.
- Commissioner Nickita asked if the rhythm of the trees would be maintained and tree locations North and South would align. Mr. Straiter confirmed that it would in both cases.
- Commissioner DeWeese expressed that the barrier free change is an improvement.
- Commissioner Harris was assured that the standard at the Baptist church would be maintained.
- Mayor Pro Tem Boutros asked if the new ADA requirements are “a must” and would that mean losing parking spaces. He was advised that the new ADA suggestion would not reduce spaces or affect the walkability zone.
- Pierce & Maple would improve pedestrian visibility and provide scooter or bike parking.
- Commissioner Nickita noted that at the edge of Phase I and II of the project, the new trees that are in planter boxes are not aligned. He wanted to see them aligned.
- Mayor Pro Tem Boutros agreed with Commissioner Nickita.
- New Mid-block Pedestrian Crossing refinements would maintain tree alignment.
- Peabody/Woodward-MDOT agreed to go down to 10 foot lanes; sidewalk to about 13 ft
- Commissioner Hoff asked if vehicles would be able to go across Maple from Peabody to Park; Park would be 2 ways. Initially there were 72 parking spaces in the area to be improved; the current proposal appears to reduce parking to 54 spaces from 72.
- Director O'Meara verified that there would only be a loss of 6 spaces from 72.
- Commissioner Nickita would like to change the sidewalk to align the access points to the path. He would like to further make suggestions on the landscape issues and the Commission’s intention to align the trees down Maple. He would like to emphasize the entrance to Peabody and Park going west, by doing something different.
- Mayor Bordman asked that while entertaining something different, keep in mind that a native species would be favored.
- Commissioner DeWeese asked if the refinement would include giving drivers greater visibility.

MOTION: Motion by Mayor Pro Tem Boutros and supported by Commissioner DeWeese:
To endorse the Maple Road Streetscape design refinements implemented by the design team as presented with the following revisions:

- Align existing trees and revise the planter enclosures to match the proposed Maple St. trees and planters.
- Alignment of the crosswalk at the NW corner of Park and Maple with the sidewalk on N. Maple.
- Designate an alternative native species of tree in the three (3) planters on Maple between Peabody and Woodward to be differentiated from the trees west of Park and Peabody.

VOTE: Ayes, 7
Nays, 0
VI. NEW BUSINESS

09-228-19 PUBLIC HEARING OF CONFIRMATION FOR THE LAKEVIEW AVENUE PAVING SPECIAL ASSESSMENT DISTRICT.

Mayor Bordman opened the Public Hearing at 8:38 P.M.

Deputy Treasurer Klobucar presented this item.

- Mayor Bordman noted that the interest rate went down ¼ pt from 6.25% to 6%.
- Commissioner De Weese asked does the assessment take place once this project is approved. Construction starts first, and then cost would be assessed when the City receives final cost of construction. The project has an estimated start at the end of 2020. The Commission went further to say that he has heard from people who live on Lakeview and wanted concrete curbs and asphalt surfaces. They would like to have more input on material and flexibility on what they are willing to pay.
- City Manager Joe Valentine expressed with regard to final cost, the Commission is being asked to approve the estimated costs of the project; and the actual costs will be based on actual construction. Right now, the policy stipulates concrete for any new street constructed within the city limits. As the ad hoc unimproved study committee looks at that policy, going forward, it could change in spring of next year. If changes were implemented, it would apply to Lakeview Avenue when it is improved.
- Mayor Bordman wanted to discuss a communication from a resident regarding some homeowners who are planning to put their homes on the market; could their liens be delayed until the house is sold.
- City Attorney Currier replied that the answer is no the lien cannot be delayed. Once the roll is confirmed, the lien is attached for the amount because it has to go across the board for everyone that is involved in the Special Assessment District. He went on to say that the lien would be a private matter between the buyer and seller in the instances of real estate transactions.
- There were no comments from the public.

Mayor Bordman closed the Public Hearing at 8:46 P.M.

MOTION: Motion by Commissioner Hoff and supported by Mayor Pro Tem Boutros:
To approve the resolution ratifying and confirming the Special Assessment Roll No. 893 to defray the cost of construction for Lakeview Avenue Paving, and directing the City Clerk to endorse said roll, showing the date of confirmation and to certify said assessment roll to the City Treasurer for collection at or near the time of construction of the improvement; and further, special assessments shall be payable in ten (10) payments as provided in Section 94-10 of the City Code with an annual interest rate of six percent (6%) on all unpaid installments.

WHEREAS, Special Assessment Roll, designated Roll No. 893, has been heretofore prepared for collection,

AND

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

AND
WHEREAS, the Commission has deemed it practicable.

VOTE: Ayes, 7
Nays, 0

09-229-19 RESOLUTION ACCEPTING THE RECOMMENDATIONS OF THE MULTIMODAL TRANSPORTATION BOARD.

Engineering Director Paul O’Meara presented this item.

- Changes to Cranbrook Road, which is in disrepair from Maple to 14 Mile Road.
- Cranbrook Rd is a County road and it is the County’s responsibility to maintain it.
- The County does not have sufficient funds for the repair and have asked Birmingham to assume some responsibility for the repair.
- It runs along the school and Birmingham has agreed to participate in the repair.
- Birmingham’s share of the project has already been budgeted.
- The following recommendations resulted from the Master Plan Meetings.
  - The section from Maple to Lincoln to be converted from 4 lanes to 3 lanes.
  - 3 - 11 ft lanes and a bike lane
  - Township is building a sidewalk
  - Crossing island at Midvale
  - Crosswalk N. of Seaholm
  - Opportunity to bring federal program (TAP Grant)
- Mayor Pro Tem Boutros asked what is the amount that Bloomfield Township committed to contributing to the project. Mr. O’Meara replied that they are funding 100% of the sidewalk and a $400,000 of the resurfacing cost of the road.
- Commissioner DeWeese questioned if the pedestrian crosswalk accommodates bike crossing. Mr. O’Meara confirmed that it is not recommended.
- Commissioner Sherman asked what happens if the TAP grant does not materialize and would the City still be able to put in a bike lane. Mr. O’Meara expressed that it had not been addressed because in the current conditions, there would only be a bike lane in one direction and may be confusing to the public.
- Commissioner Nickita asked if the City is intending to have a standard crosswalk there. Mr. O’Meara replied that they are envisioning using the same design used on Maple Road.
- Mayor Bordman asked if the $912,062.13 all Birmingham or would there be additional money applied to this road from Oakland County and Bloomfield Township. Mr O’Meara expressed that it is actually a $1,600,000 cost for the road resurfacing project; being split 50% with Oakland County, 25% Bloomfield Township, and 25% Birmingham. In addition, $912,062.13 is the Multi-Modal project for the sidewalks and bike lanes. Assuming the TAP grant is approved, the net cost to the City is $182,000, which would be raised from special assessments.
- Commissioner Hoff noted that the City has been very wise in banking the tri-party road-funding program, allowing the City to have money set aside for this project. She also asked if bikes and pedestrians share the shared use path. Mr. O’Meara replied yes.

MOTION: Motion by Mayor Pro Tem Boutros, supported by Commissioner DeWeese:
Approving the resolution to accept the following recommendations of the Multi-Modal Transportation Board:
1. The installation of improved pedestrian crossings at the intersections of Cranbrook Rd. at both Midvale Rd. and Middlebury Lane, to be included in the upcoming resurfacing project to be completed by the Road Commission for Oakland County.

2. To direct staff to apply for a Transportation Alternatives Program (TAP) grant to obtain federal funds to cover up to 80% of the construction cost of multi-modal improvements to consist of:
   a. The installation of a 10 ft. wide concrete mixed-use path for pedestrian and bicycle usage on the east side of Cranbrook Rd. from Midvale Rd. to Lincoln Ave., and on the west side of Cranbrook Rd. from Lincoln Ave. to 14 Mile Rd.
   b. Extension of Neighborhood Connector Route signs and sharrows on Midvale Rd. from Cranbrook Rd. to Larchlea Rd.
   c. The installation of 5 ft. wide concrete sidewalks on the east side of Cranbrook Rd. from Lincoln Ave. to Northlawn Dr., and on the south side of Lincoln Ave., from Cranbrook Rd. to Golfview Blvd.
   d. The installation of a 5 ft. wide concrete sidewalk on the north side of 14 Mile Rd. from Crosswick Rd. to Cranbrook Rd. (Lincoln Hills Golf Course frontage).

Commissioner Hoff commented that this is an example of how the Commission does focus on the best interest of the residents; coupled with the Lakeview Avenue street improvement project. These programs are specifically for the safety, convenience, and for the walkability for the residents in this area.

VOTE: Ayes, 7
Nays, 0

09-230-19 RESOLUTION ACCEPTING TRAFFIC SIGNAL CHANGES AT THE NORTH OLD WOODWARD AND WILLITS INTERSECTION.

Julie Crowe, Fleis and Vandenbrink, presented the item.

- Mayor Bordman feels secure knowing that there is a signal for the pedestrian only to get into the intersection without fear of a car turning right at the same time.
- Pro Tem Boutros expressed that the only solution is to have no turn on red anywhere. However, he does not know the impact of enforcing not turn on red.
- Commissioner Nickita asked how much traffic capacity this intersection has relative to the Brown and Old Woodward. The information was not available.
- Mayor Pro Tem Boutros noted that Maple and Old Woodward is believed to be unsafe by pedestrians.
- Commissioner Hoff asked for accident statistics for the police chief. He responded no and no and expressed that he does not know of the intersection being unsafe.
- Commissioner Sherman suggested that this type of proposal does not require physical improvement; therefore, a test would be easy. Mr. O’Meara corrected him because there is a physical improvement involved of $17,000 to change the traffic signal.
- City Manager Valentine asked what could be done on a trial basis that does not involve a capital improvement and provide benefit.
- Mr. O’Meara suggested moving right turn lanes closer to the center and use temporary bump out markers on both sides of the street that do not influence the east west movement but will affect Old Woodward crosswalk width.
- Commissioner Hoff believes that the improvements being offered for $17,000 and when redesigned make the adjustments. She further suggests that any test should be done during the summer when pedestrian traffic is heavy.
- Mayor Pro Tem Boutros agrees with Commissioner Hoff, but if the trial phase does not work, will the light head be reusable. He expressed that he does not want a long trial.
- Commissioner Nickita believes that a 4-month test with minimal cost is appropriate. He also cannot see justification for a dedicated bus lane.
- Mayor Bordman noted that the proposed change does not a leading pedestrian interval (LPI) and that is the part that should be tested.

**MOTION:** No action taken. Mayor Bordman suggested without objection that this item be returned to the agenda later.

**09-231-19 RESOLUTION TO MEET IN CLOSED SESSION PURSUANT TO SECTIONS 8(E) AND 8(H) OF THE OPEN MEETINGS ACT**

**MOTION:** Motion by Commissioner Sherman, seconded by Commissioner Hoff:
To meet in closed session pursuant to the Open Meetings Act Section 8(e) regarding Baller/Bloom v. City of Birmingham and Section 8(h) to consider material exempt from discussion or disclosure by state or federal statute.

**ROLL CALL VOTE:**

**Ayes:** Mayor Bordman  
Mayor Pro Tem Boutros  
Commissioner DeWeese  
Commissioner Harris  
Commissioner Hoff  
Commissioner Nickita  
Commissioner Sherman

**Nays:** None

No action expected after closed session.

To closed session at 9:53 P.M.

**VII. REMOVED FROM CONSENT AGENDA**

**VIII. COMMUNICATIONS**

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

Michael Horowitz, new residents to Birmingham, apologized for not coming to a meeting before the August election. He has seen the empty storefronts downtown and downtown does define the City. He felt that the Bates Street project was very exciting. Approximately ⅓ of the registered voters cast a ballot. He contended that most of the people in favor of the project or had no preference, stayed at home. He hopes that the plan or some version of the plan would reappear on the ballot. He expressed that he is sad because the parking problem really affects commerce in the City.

Mark Koroi, Warren, spoke about the Federal Lawsuit and said that it was disturbing. He felt that the Senator’s campaign material is in the Commission Room is a violation of the Michigan
Campaign Financing Act. He wanted to remind the Commission that Open Meetings Act allow for open speech by the public.

X. REPORTS

A. Commissioner Reports
   1. Notice of Intention to Appoint to the Design Review Board and Historical District Commission, the Board of Zoning Appeals, and the Multi-Modal Transportation Board on October 7, 2019.

B. Commissioner Comments

C. Advisory Boards, Committees, Commissions’ Reports and Agendas

D. Legislation

E. City Staff
   1. Master Plan Report, submitted by City Planner Ecker
      Mayor Bordman noted that a draft of the master plan has not been written yet; she hopes to have a draft at the 10/17 Joint Planning/City Commission Meeting
   2. Street Lighting Update – Triangle District & Downtown, submitted by City Engineer O’Meara
   3. Parking Utilization report, submitted by Assistant City Manager Gunter, she noted that the dashboard was too blurry.

XI. ADJOURN

Mayor Bordman adjourned the meeting at 11:10 P.M.

Cheryl Aft, Acting City Clerk

/vc

PLEASE NOTE: Due to building security, public entrance during non-business hours is through the Police Department – Pierce St. entrance only.
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**SUBTOTAL PAPER CHECK** $528,702.17

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### Warrant List Dated 09/25/2019

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Mark Gerber  
Finance Director/ Treasurer

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### City of Birmingham
**Warrant List Dated 10/02/2019**

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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.*
DATE: September 30, 2019

TO: Joseph A. Valentine, City Manager

FROM: Cheryl Arft, Acting City Clerk

SUBJECT: Appointment of Election Inspectors for November 5, 2019 Election

As the official Election Commission for the City of Birmingham, election law requires the City Commission to appoint at least three election inspectors, to include at least one election inspector from each major political party, for each precinct. Under MCL 168.16 only the Republican and Democratic parties qualify as a “major party”. The deadline to appoint election inspectors for the November 5, 2019 Special Election is October 15, 2019. Attached is a list of inspectors that have been assigned to serve for the November 5, 2019 Election.

SUGGESTED RESOLUTION:
Resolution approving the appointment of election inspectors, absent voter counting board inspectors, receiving board inspectors and other election officials as recommended by the City Clerk for the November 5, 2019 Election pursuant to MCL 168.674(1), setting 10:00 a.m. as the start time for the Absent Voter Counting Board, and granting the City Clerk authority to make emergency appointments of qualified candidates should circumstances warrant to maintain adequate staffing in the various precincts, counting boards and receiving boards.
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DATE: September 16, 2019

TO: Joseph A. Valentine, City Manager

FROM: Paul T. O'Meara, City Engineer

SUBJECT: Southeast Oakland Co. Water Authority (SOCWA) Articles of Incorporation Update

INTRODUCTION:
In 1953, Birmingham was one of 11 communities that formed an authority to jointly purchase water from the City of Detroit. The authority has worked well over the years as an intermediary to deliver and store water north from 8 Mile Rd. for most of the suburban communities in the immediate area. The current Articles of Incorporation have not been revised since 1983. The SOCWA Board has reviewed and approved minor “housekeeping” changes that should be made at this time. The governing bodies of all eleven member communities must also approve the revisions before the agreement can become effective.

BACKGROUND:
General Manager Jeff McKeen, with input from SOCWA attorney Robert Davis, have worked together to identify several items in the current Articles that are out of date or are no longer necessary. A list of changes summarizing the changes is attached, as well as the reasons for the changes. All are minor in nature, and do not fundamentally change our relationship with SOCWA in any way.

The most significant change has to do with how votes are apportioned on the SOCWA Board. Votes for the SOCWA Board are based on average water sales delivered to each community from the preceding year, with one vote being apportioned for each 250 million gallons of water sold. During the period from about 2007 to 2017, water sales have declined for all the communities, and for metro Detroit in general. The decline was first attributed to the poor economy at the end of last decade, but now appears to be due to the increasing use of water saving devices and appliances. Under the current system, Southfield has 13 votes, Royal Oak has 7, and Birmingham has 3. Most of the other communities have only 1 vote, or 2 at the most. By lowering the threshold from 250 to 200 million gallons sold, voting power from the smaller communities will be better differentiated.

LEGAL REVIEW:
All member communities had the opportunity to have the suggested changes reviewed by their legal counsel before they were voted on by the Board as a whole. The suggested changes have been reviewed and approved by the City Attorney’s office.
FISCAL IMPACT:
Nothing in the suggested changes will result in any fiscal changes for which the City is responsible for, nor are they anticipated to make any changes in SOCWA’s overall operating costs.

SUMMARY
Minor updates to the SOCWA Articles of Incorporation have been approved by the SOCWA Board. In order to become official, the governing bodies of all eleven member communities must also approve the updates. The City Commission is asked to pass a resolution of support.

ATTACHMENTS:
• Letter of Introduction from SOCWA Legal Counsel.
• Proposed SOCWA Articles of Incorporation
• Summary of recommended changes, and reason for change.
• Existing SOCWA Articles of Incorporation, dated 1983.

SUGGESTED RESOLUTION:
To approve the recommended changes to the Articles of Incorporation for the Southeast Oakland County Water Authority, as approved by the SOCWA Board on August 21, 2019.
September 5, 2019

Members of the SOCWA Board
3910 W. Webster Road
Royal Oak, MI 48073

Re: Southeastern Oakland County Water Authority ("SOCWA")
    Articles of Incorporation Amendments

Dear Board Members:

The purpose of this letter is to get the concurrence of the governing body of your community with proposed amendments to the current SOCWA Articles of Incorporation.

SOCWA’s current Articles of Incorporation were adopted in 1983. In the 36 years since the Articles were first adopted, several provisions have become obsolete. This prompted us to make revisions to the Articles. While the proposed revisions may appear significant, they do not change the legal relationship between SOCWA and its member communities or the day-to-day activities of SOCWA.

The current agreements between SOCWA and the 11 SOCWA member communities (Berkley, Beverly Hills, Bingham Farms, Birmingham, Clawson, Huntington Woods, Lathrup Village, Pleasant Ridge, Royal Oak, Southfield and Southfield Twp.) are in effect until June 30, 2038. The proposed amendment of SOCWA’s Articles of Incorporation have no effect on the membership agreements.

By way of background, SOCWA currently buys water from the Great Lakes Water Authority (GLWA, the successor organization of DWSD) and delivers water to its member communities through an extensive network of water pumping and storage facilities. SOCWA provides lower water rates by eliminating peak usage charges from GLWA by utilizing SOCWA’s water storage system to buy water from GLWA during the night hours when customer demand is lower and delivering that water to the member communities during the day when customer demand is higher.

The SOCWA water storage and pumping system also provides improved security and reliability of water supply to the SOCWA communities by allowing SOCWA to buy water from a number of GLWA supply points. The SOCWA water storage system also provides a limited backup to GLWA supply in case of an emergency.
SOCWA also provides 24 hour per day/365 day per year oversight of the SOCWA water system, field monitoring of both water quality and the water supply system, water quality monitoring and regulatory compliance, regional water emergency coordination and a source of additional technical expertise on water issues to the SOCWA member communities.

SOCWA is the largest single water customer of GLWA and SOCWA staff is able to influence GLWA operations and decision making. SOCWA staff is also very actively involved in the GLWA customer partnering process.

The proposed changes to SOCWA’s Articles of Incorporation are summarized in the attached table. The reason for making each change is also identified. I have also included the existing articles and a clean copy of the proposed new Articles.

The revised Articles of Incorporation were unanimously approved by the SOCWA Board on August 21, 2019. In order to become legally effective, the proposed Articles of Incorporation now need to be approved by the governing body of each SOCWA member community. The SOCWA Board is recommending approval of the revised Articles of Incorporation. Should you or your municipal attorney have any questions, please feel free to call me at 586-469-4300. If you want, Jeff McKeen (SOCWA General Manger) and I are available to appear at your meeting to present this agenda item and answer questions accordingly.

Very truly yours,

Robert Charles Davis  
General Counsel, SOCWA
AMENDED
ARTICLES OF INCORPORATION
OF THE
SOUTHEASTERN OAKLAND COUNTY WATER AUTHORITY

(Amended as of -------- 2019)

These Amended Articles of Incorporation are adopted by the constituent municipalities for the purpose of continuing an Authority under the provisions of Act No. 196 of the Michigan Public Acts of 1952.

ARTICLE I
Legal Name

The name of this Authority is "Southeastern Oakland County Water Authority."

ARTICLE II
Constituent Municipalities

The names of the municipalities constituting this Authority are: City of Berkley, Village of Beverly Hills, Village of Bingham Farms, City of Birmingham, City of Clawson, City of Huntington Woods, City of Lathrup Village, City of Pleasant Ridge, City of Royal Oak, City of Southfield and Township of Southfield, all in Oakland County, Michigan, sometimes herein referred to as the “constituent municipalities.” The Village of Franklin shall become a constituent municipality upon the exercise of jurisdiction over a water supply system within its boundaries.

ARTICLE III
Purposes of SOCWA

The purposes of SOCWA are all lawful purposes allowed under the Enabling Law and these Articles.

ARTICLE IV
Powers of SOCWA

This Authority shall be a body corporate with power to sue or to be sued in any court of this state. The Authority shall be comprised of the territory lying within the constituent municipalities. No change in municipal jurisdiction over any territory within the Authority shall in any manner affect the Authority or its boundaries. This Authority shall possess all the powers granted by
statute and by these Articles, and all powers necessary to carry out the purpose of its incorporation and those incident thereto. The enumeration of any powers herein shall not be construed as a limitation upon its general powers unless the context shall clearly indicate otherwise. This Authority shall have a corporate seal. The powers granted to SOCWA under the Enabling Law shall be in addition to those granted by any other state statute or these Articles.

**ARTICLE V**

**Dissolution of SOCWA**

This Authority shall continue in existence until dissolved by act of the parties or by law. This Authority shall not be dissolved if such dissolution would operate as an impairment of any of its existing contracts.

**ARTICLE VI**

**Fiscal Year**

The fiscal year of the Authority shall commence on the first day of July in each year and end on the 30th day of June of the following year.

**ARTICLE VII**

**The Board**

The governing body of this Authority shall be a Board of Trustees (sometimes hereinafter referred to as the "Board") which shall be constituted of one (1) representative from each constituent municipality, who shall be appointed by the governing body of such municipality on or before the 15th day of June of each year, and shall serve during the next fiscal year and until their successor is appointed. The members of the Board of Trustees shall serve without compensation but the Board in its discretion may authorize the payment of the actual expenditures of any member, incurred in connection with the business of the Authority.

The Board shall, at its July meeting of each year, place on its Agenda the issue of “organization”. At the July organizational meeting, the Board shall select a Chair, a Vice-Chair, and a Secretary, who shall otherwise be existing members of the Board. At such organization meeting, the Board shall also select a Treasurer and a Finance Director, who may or may not be members of the Board. Such officers shall serve until the July organizational meeting of the following year and/or until
their respective successors shall be selected. No person shall serve as Chair, Vice Chair or Secretary after he/she ceases to be a member of the Board.

The governing body of each Constituent municipality shall, at the time of appointing its regular representative on the Board of Trustees also appoint an alternate representative who shall have the right to act in the place of the regular representative in event of the latter's absence from any meeting of the Board of Trustees, but the alternate’s authority shall be limited to the business conducted at such meeting. For any other purpose he/she shall not be considered a member of the Board. It shall not be necessary to serve notice of meeting upon such alternates. No appointment to the Board and no selection of an officer of the Board shall be deemed to be invalid because it was not made within or at the time specified in these Articles. Any Board member or any alternate may be removed at any time by action of the governing body of the municipality which he/she represents. Any officer of SOCWA may be removed by action of the Board by a majority vote of the Constituent Members.

**ARTICLE VIII**

**Board Vacancy**

In event of a vacancy on the Board, the governing body of the municipality entitled to such representative, shall fill the vacancy for the unexpired term. In event of a vacancy in any office of the Board, such vacancy shall be filled by the Board for the unexpired term. In case of the temporary absence or disability of any officer, the Board may appoint some person to temporarily act in their stead except that, in event of the temporary absence or disability of the Chair, the Vice-Chair shall so act.

**ARTICLE IX**

**Voting Power**

The number of votes to which each representative on the Board of Trustees shall from time to time be entitled, shall be one vote for each 200 million gallons, or a major fraction thereof, of water delivered during the preceding fiscal year by the Authority to the municipality which he/she represents. Under all circumstances, each representative shall have at least one vote.
The representative of any municipality becoming a constituent municipality in the future shall be entitled to one (1) vote until that municipality shall have been a constituent municipality of the Authority for a complete fiscal year, at which time the number of votes shall be determined in accordance with the provisions of this Article.

ARTICLE X
Board Meetings and Voting

All meetings of the Board shall comply with Michigan’s Open Meetings Act, MCL 12.261, et. Seq., including all future amendments. Meetings of the Board shall be held monthly, at such times and places as shall be prescribed by resolution of the Board. Special meetings of the Board may be called by the Chair, or any three (3) Constituent Members of the Board, by serving written notice of the time, place and purpose thereof, upon each member of the Board, personally, or by leaving it at his/her office, at least seventy-two (72) hours prior to the time of such meeting, or by depositing the same in a United States Post Office or mail box within the limits of SOCWA, at least seventy-two (72) hours prior to the time of such meeting, enclosed in a sealed envelope properly addressed to him/her at his/her home or office address, with postage fully prepaid thereon or by sending an email to the email address provided by the Constituent member. Special meetings of the Board at which all Constituent Members are present shall be deemed to be valid even though no written notice thereof may have been given as above provided. Any Constituent Member of the Board may waive notice of any meeting either before or after the holding thereof. The presence of not less than four members of the Board holding more than fifty per centum of the total voting power of the entire Board, shall be required for a quorum.

The Board shall act by motion, resolution, or ordinance. For the passage of any motion, resolution or ordinance, there shall be required the affirmative vote of not less than four members of the Board possessing more than one-half of the total votes of the entire Board, except where a larger vote is required by these Articles. The Board shall have the right to adopt, from time to time, rules governing the procedure which are not in conflict with the terms of any statute or of these Articles. Board procedures shall be governed by Robert’s Rules of Order, as amended from time to time. The Board shall keep minutes of its proceedings, which shall be approved and signed by the Chair.
and Secretary. All votes shall be by "Yea" and "Nay". The journal shall show how each member voted and the total number of votes for and against each motion, resolution or ordinance.

**ARTICLE XI**

**General Manager**

The Board of Trustees shall appoint a General Manager. The General Manager shall be the chief administrative officer of the Authority and shall perform all of the purely administrative functions of the Authority, unless otherwise expressly delegated in these Articles. All such functions shall be performed in harmony with the adopted policies and direction of the Board. The General Manager shall serve at the will and direction of the Board.

**ARTICLE XII**

**Board Officers**

The Chair of the Board shall be the presiding officer thereof. Except as herein otherwise provided, he/she shall not have any executive or administrative functions. In the absence or disability of the Chair, the Vice-Chair shall perform the duties of the Chair. The Secretary shall be the recording officer of the Board. The Treasurer shall be custodian of the funds of the Authority. The Finance Director shall be the chief accounting officer of the Authority. All monies shall be deposited in financial institutions or investments, to be designated by the Board, and all checks or other forms of withdrawal therefrom shall be signed by the Treasurer, Chairman or Secretary of the Board and countersigned by the Finance Director or General Manager. The Treasurer, and such other officers and employees as the Board shall determine, shall give to the Authority a bond in an amount as determined by the Board, conditioned upon the faithful performance of the duties of their respective offices. The cost of said bonds shall be paid by the Authority. The officers of the Board shall have such other powers and duties as may be conferred upon them by the Board.

**ARTICLE XIII**

**Property**

The Authority may acquire private property for a water supply system by purchase, construction, lease, gift, devise or condemnation, either within or without its corporate limits, and may hold, manage, control, sell, exchange or lease such property. For the purpose of condemnation, the
Authority may proceed under the provisions of Act 149 of the Public Acts of 1911, as now or hereafter amended, or any other appropriate statute.

**ARTICLE XIV**

**Contracts-Members**

The Authority and its constituent municipalities shall enter into a contract or contracts for the sale by the Authority and purchase by the municipalities, of water provided that such contracts shall be for a period not exceeding fifty (50) years. The Authority shall continue to furnish water to any constituent municipality for such of its non-resident customers as were described by name or location in the original water supply contract between it and the Authority, and the daily water demand of such non-resident customers shall be included in the daily water demand of the municipality. In other cases, the furnishing of water by a constituent municipality to non-resident customers shall be contingent upon approval of the Board. If such a contract shall specify the charges to be made for such service, then such charges shall be subject to increase by the Authority at any time if necessary, in order to provide funds to meet its obligations.

As of the effective date of these Articles, the current members of the Authority have purchased and paid for the Allocated Capacity values displayed in the table below:

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</table>
*If Franklin becomes a constituent municipality.

The contract with the City of Huntington Woods shall be exclusive of the properties therein owned by the City of Detroit and designated as the Rackham Municipal Golf Course and the Detroit Zoological Park. There shall be a separate contract between the Authority and the City of Detroit for furnishing water to these Detroit properties.

Should any constituent municipality use water in any one day in excess of its allocated capacity as herein specified during any two 24-hour periods, its allocated capacity shall be increased as of July 1 of the next succeeding fiscal year to an amount corresponding to the average of the two days when the maximum use had occurred, and a demand charge shall then be paid based upon said increased allocation. The Board may enter into agreements with the constituent municipalities to provide for additional allocated capacity prior to the financing and construction of additions or improvements to the Authority system to provide additional water supply.

The demand charge (Ready-To-Serve Charge) shall be calculated by dividing the Net Position (or equivalent) of the Authority in dollars as determined by the Auditors of the Authority at the end of the most recent fiscal year by the then current total Allocated Capacity (in million gallons per day). This demand charge (in $ per million gallons per day) shall be multiplied by the additional allocated capacity to obtain a Total Increased Demand Charge that shall be paid to the Authority over a twenty-five (25) year period in equal annual amounts.

If the Board approves a new member community, including the Village of Franklin, following the provisions of Article XXIII, the contract for the new member community shall contain a Demand Charge (Ready-to-Serve) charge as calculated above.
ARTICLE XV
Contracts – Non-Members

The Authority may also enter into a contract with any non-constituent city, village or township or with any city water supply district as defined in Section 3 of Act 107 of the Public Acts of 1941, as now amended, or to any similar independently financed and operated water supply system in a prescribed water supply district, for the sale and purchase of water, and may provide for charges greater than those to the constituent municipalities, but the charges thereunder shall be subject to change by the Authority from time to time.

ARTICLE XVI
Contracts – Water Purchase

The Authority shall have the power to contract with any public corporation for the purchase of water by the Authority from such public corporation.

ARTICLE XVII
Bonds

For the purpose of acquiring, improving, enlarging and/or extending a water supply system or systems, this Authority may issue self-liquidating revenue bonds, in accordance with the provisions of Act 94 of the Public Acts of 1933, as now or hereafter amended, or any other act providing for the issuance of such bonds, provided, that no such bonds shall be a general obligation of the Authority but shall be payable solely from revenues of the Authority’s water supply system or systems.

ARTICLE XVIII
Board Compensation

The Board shall have the power to secure all necessary services to carry out the functions of the Authority and to fix the compensation therefor: provided, that no officer or employee of any constituent municipality shall receive any compensation from the Authority except by the vote of members of the Board possessing at least two-thirds of the total voting power of the entire Board.
ARTICLE XIX

Annual Audit

The Board shall cause an annual audit to be made of its financial transactions by a certified public accountant and shall furnish a copy thereof to each constituent municipality.

ARTICLE XX

Members Refusing to Contract

If any constituent municipality shall refuse or neglect to enter into a contract for the purchase of water from the Authority, then the Board by the vote of members thereof possessing at least two-thirds of the total voting power of the entire Board, may expel such municipality as a constituent part of the Authority. The Board may not modify or cancel any contract upon which its revenues are based, if the same would impair the obligation of any bond contract. Any existing contract between a constituent municipality and the Authority shall not be modified unless approved by the vote of not less than two-thirds of the members of the Board. Contracts with any municipality becoming a constituent member of the Authority in the future shall be approved by not less than two-thirds of the members of the Board.

ARTICLE XXI

Revenue Shortfall

If for any reason the total income of the Authority during any fiscal year shall not be sufficient to satisfy its obligations accruing during such year, including payments to be made to the Bond and Interest Redemption Fund if revenue bonds are outstanding, the Board may decide to impose additional an additional charge to offset the revenue shortfall. If authorized by the Board, the amount of any deficiency shall be prorated among the constituent municipalities, in accordance with the amount of water delivered by the Authority to said respective municipalities during such fiscal year, which amount shall be considered as an additional charge for water.

ARTICLE XXII

Amendment of Articles

These Articles of Incorporation may be amended as provided in said Act 196 of the Public Acts of 1952 as now existing or hereafter amended. All Amendments to these Articles require a positive vote of the legislative body of each Constituent Member and a unanimous vote of the Board.
ARTICLE XXIII

Addition of New Members

Any city, village or township which at any time is not a constituent part of this Authority, may become a part thereof in the manner provided by said Act 196 of the Public Acts of 1952 as now existing or hereafter amended, and shall thereafter be deemed to be both an incorporating and constituent municipality. A municipality may become a Constituent Member of SOCWA by a positive vote of that municipality’s legislative body and by and Amendment of these Articles consistent with the procedure set forth in Article XXVI above.

ARTICLE XXIV

Publication of Articles

These Articles shall be published once in a newspaper circulating within the SOCWA Constituent Member communities. One printed copy of such Articles of Incorporation certified as a true copy thereof, with the date and place of publication, shall be filed with each the Secretary of State and the Clerk of the County of Oakland, within thirty (30) days after execution has been completed.

ARTICLE XXV

Effective Date

This Authority shall become effective upon the filing of printed copies of these Articles, as provided in the preceding Article.
<table>
<thead>
<tr>
<th>SECTION of NEW ARTICLES</th>
<th>SECTION OF OLD ARTICLES</th>
<th>SUMMARY OF CHANGES</th>
<th>REASON FOR CHANGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Title and Article I</td>
<td>Title and Article I</td>
<td>No change</td>
<td></td>
</tr>
<tr>
<td>Each Article</td>
<td>Added heading to identify topic of Article</td>
<td></td>
<td>Clarity</td>
</tr>
<tr>
<td>Each Article</td>
<td>Eliminated specific gender references</td>
<td>Remove obsolete provisions</td>
<td></td>
</tr>
<tr>
<td>Article II</td>
<td>Article II</td>
<td>Include old Southfield Twp. municipalities (and Franklin) as members, delete listing of members creating SOCWA, members listed in alphabetical order</td>
<td>Clarity</td>
</tr>
<tr>
<td>Article III</td>
<td>Article III</td>
<td>Purpose broadened to include all lawful purposes allowed under enabling law</td>
<td>Allows SOCWA to perform other possible functions within the scope of the enabling law</td>
</tr>
<tr>
<td>Article IV</td>
<td>Article IV</td>
<td>Expands powers of SOCWA to include any powers granted under the Enabling Law, any other State Statutes and the Articles</td>
<td>Allows SOCWA to perform other possible functions, within the scope of the enabling law and State statutes</td>
</tr>
<tr>
<td>Article V</td>
<td>Article V</td>
<td>No change</td>
<td></td>
</tr>
<tr>
<td>Article VI</td>
<td>Article VI</td>
<td>No change</td>
<td></td>
</tr>
<tr>
<td>Article VII</td>
<td>Article VII</td>
<td>Removed second Wednesday in July at 3:00 requirement for Annual Meeting, removed Assistant Secretary position, deleted obsolete language about start up of Authority</td>
<td>Remove obsolete provisions</td>
</tr>
<tr>
<td>Article VIII</td>
<td>Article VIII</td>
<td>No change</td>
<td></td>
</tr>
<tr>
<td>Article IX</td>
<td>Article IX</td>
<td>Eliminated references to initial year of operation and to 1959 votes, changed basis for votes from 250 million gallons to 200 million gallons</td>
<td>Remove obsolete provisions, more accurately reflect weighted voting</td>
</tr>
<tr>
<td>Article X</td>
<td>Article X</td>
<td>Add email to options for notifying Board Members of special board meetings. Adopts Robert’s Rules of Order and compliance with Michigan Open Meetings Act. Increase notification of Special Meetings from 24 hours to 72 hours.</td>
<td>Remove obsolete provisions. Formally adopt the use of Robert’s Rules, currently used informally, at all Board meetings. Clarifies that Board meetings will be in compliance with Open Meetings Act</td>
</tr>
<tr>
<td>SECTION of NEW ARTICLES</td>
<td>SECTION OF OLD ARTICLES</td>
<td>SUMMARY OF CHANGES</td>
<td>REASON FOR CHANGE</td>
</tr>
<tr>
<td>-------------------------</td>
<td>-------------------------</td>
<td>-----------------------------------------------------------------------------------</td>
<td>-----------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Article XI</td>
<td>Article XI</td>
<td>No change</td>
<td></td>
</tr>
<tr>
<td>Article XII</td>
<td>Article XII</td>
<td>Deleted Assistant Secretary position, removed new members to new Article XXIII, replaced banks with financial institutions and investments</td>
<td>Remove obsolete provision, provide additional flexibility for investing Authority funds</td>
</tr>
<tr>
<td>Article XIII</td>
<td>Article XIII</td>
<td>No change</td>
<td></td>
</tr>
<tr>
<td>Article XIV</td>
<td>Article XIV</td>
<td>Updated Allocated Capacity values, eliminated estimated Max Day, redefined demand charge using a formula and deleted specific value for demand charge</td>
<td>Provide flexibility for demand charge to change in future, remove obsolete provisions</td>
</tr>
<tr>
<td>Article XV</td>
<td>Article XV</td>
<td>No change</td>
<td></td>
</tr>
<tr>
<td>Article XVI</td>
<td>Article XVI</td>
<td>No change</td>
<td></td>
</tr>
<tr>
<td>Article XVII</td>
<td>Article XVII</td>
<td>No change</td>
<td></td>
</tr>
<tr>
<td>Article XVIII</td>
<td>Article XVIII</td>
<td>No change</td>
<td></td>
</tr>
<tr>
<td>Article XIX</td>
<td>Article XIX</td>
<td>No change</td>
<td></td>
</tr>
<tr>
<td>Article XX</td>
<td>Article XX</td>
<td>Spelled out “two-thirds”</td>
<td>Consistent usage</td>
</tr>
<tr>
<td>Article XXI</td>
<td>Article XXI</td>
<td>Required Board authorization of additional charges due to revenue shortfalls</td>
<td>Provide flexibility for Board to address revenue shortfalls</td>
</tr>
<tr>
<td>Deleted</td>
<td>Article XXII</td>
<td>Deleted allocation of moneys needed for establishing SOCWA</td>
<td>Remove obsolete provision</td>
</tr>
<tr>
<td>Article XXII</td>
<td>Article XXIII</td>
<td>Deleted reference to incorporating members, clarified amendment of Articles, removed New Members to new Article XXIII</td>
<td>Remove obsolete provision</td>
</tr>
<tr>
<td>Article XXIII</td>
<td>New</td>
<td>Developed new Article on New Members</td>
<td></td>
</tr>
<tr>
<td>Article XXIV</td>
<td>Article XXIV</td>
<td>Deleted requirement to publish Articles in Daily Tribune, eliminates requirements for specific people to publish Articles</td>
<td>Remove obsolete provision, provide flexibility for publication of Articles</td>
</tr>
<tr>
<td>Article XXV</td>
<td>Article XXV</td>
<td>Clarified when new Articles become effective</td>
<td>Clarity</td>
</tr>
</tbody>
</table>
ARTICLES OF INCORPORATION
OF THE
SOUTHEASTERN OAKLAND COUNTY WATER AUTHORITY
(Amended as of January 1983)

These Articles of Incorporation are adopted by the incorporating municipalities for the purpose of creating an Authority under the provisions of Act No. 196 of the Michigan Public Acts of 1952.

ARTICLE I

The name of this Authority is "Southeastern Oakland County Water Authority."

ARTICLE II

The names of the municipalities creating this Authority are: City of Royal Oak, City of Birmingham, City of Berkley, City of Huntington Woods, City of Pleasant Ridge, City of Clawson, and Township of Southfield, all in Oakland County, Michigan, sometimes herein referred to as the "constituent municipalities." The municipalities incorporated from the area originally included in Southfield Township, which in addition to the above, are now constituent municipalities are as follows: City of Lathrup Village, City of Southfield, Village of Beverly Hills. The Village of Franklin and the Village of Bingham Farms shall become constituent municipalities upon the exercise of jurisdiction over a water supply system within their respective boundaries.

ARTICLE III

The purpose of this Authority is to acquire, own and operate a water supply system or systems as defined in said Act.

ARTICLE IV

This Authority shall be a body corporate with power to sue or to be sued in any court of this state. The Authority shall be comprised of the territory lying within the incorporating municipalities. No change in municipal jurisdiction over any territory within the Authority shall in any manner affect the Authority or its boundaries. It shall possess all the powers granted by statute and by these Articles, and all powers necessary to carry out the purpose of its incorporation and those incident thereto. The enumeration of any powers herein shall not be construed as a limitation upon its general powers unless the context shall clearly indicate otherwise. It shall have a corporate seal.

ARTICLE V

This Authority shall continue in existence until dissolved by act of the parties or by law: provided, that it shall not be dissolved if such dissolution would operate as an impairment of any of its contracts.

ARTICLE VI

The fiscal year of the Authority shall commence on the first day of July in each year and end on the 30th day of June of the following year.

ARTICLE VII

The governing body of this Authority shall be a Board of Trustees (sometimes hereinafter referred to as the "Board") which shall be constituted of one (1) representative from each constituent municipality, who shall be appointed by the governing body of such municipality on or before the 15th day of June of each year, and shall serve during the next fiscal year and until his successor is appointed. The members of the Board of Trustees shall serve without compensation but the Board in its discretion may authorize the payment of the actual expenditures of any member, incurred in connection with the business of the Authority. The Board shall meet on the second Wednesday in July of each year at 3:00 P.M., at the place of holding the meetings of the Board for the purpose of organization. At such organization meeting the Board shall select a Chairman, a Vice-Chairman, and a Secretary, who shall be members of
the Board. At such organization meeting, the Board shall also select a Treasurer, a Finance Director, and an Assistant Secretary, who may or may not be members of the Board. The positions of Treasurer and Assistant Secretary may be held by the same person; or the positions of Finance Director and Assistant Secretary may be held by the same person, but in that event such person shall not be authorized to act both as Assistant Secretary and Finance Director in signing and countersigning checks. Such officers shall serve until the organization meeting of the following year and/or until their respective successors shall be selected. Providing that no person shall serve as Chairman, Vice-Chairman or Secretary after he ceases to be a member of the Board. Within twenty (20) days after this Authority shall become effective, the governing body of each constituent municipality shall select its representative on the Board to serve for the remainder of the then fiscal year and within thirty (30) days after such effective date the Board members shall meet for the purpose of organizing the Board for the balance of such fiscal year. The time and place of such meeting shall be fixed in writing by members of the Board holding at least fifty-one per centum of the voting power of the entire Board, and notice thereof served upon all members in the manner provided in Article X. The agreement for such meeting may name the temporary chairman thereof. The governing body of each constituent municipality shall at the time of appointing its regular representative on the Board of Trustees also appoint an alternate representative who shall have the right to act in the place of the regular representative in event of the latter's absence from any meeting of the Board of Trustees, but his authority shall be limited to the business conducted at such meeting. For any other purpose he shall not be considered a member of the Board. It shall not be necessary to serve notice of meeting upon such alternates. No appointment to the Board and no selection of an officer of the Board shall be deemed to be invalid because it was not made within or at the time specified in these Articles. Any board member or any alternate may be removed at any time by action of the governing body of the municipality which he represents. Any officer may be removed by action of the Board of Trustees.

ARTICLE VIII

In event of a vacancy on the Board, the governing body of the municipality entitled to such representative, shall fill the vacancy for the unexpired term. In event of a vacancy in any office of the Board, such vacancy shall be filled by the Board for the unexpired term. In case of the temporary absence or disability of any officer, the Board may appoint some person to temporarily act in his stead except that, in event of the temporary absence or disability of the Chairman, the Vice-Chairman shall so act.

ARTICLE IX

When the Authority shall have operated its water supply system for a complete fiscal year, then thereafter each representative on the Board of Trustees shall be entitled to one vote for each 250 million gallons, or a major fraction thereof, of water delivered during the preceding fiscal year by the Authority to the municipality which he represents: Provided, that each such representative shall have at least one vote. For the fiscal year beginning July 1, 1959, each representative on the Board of Trustees shall be entitled to the number of votes hereinafter indicated after the name of the municipality which he represents:
<table>
<thead>
<tr>
<th>Constituent Municipality</th>
<th>No. of Votes</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Berkley</td>
<td>3</td>
</tr>
<tr>
<td>Village of Beverly Hills</td>
<td>1</td>
</tr>
<tr>
<td>City of Birmingham</td>
<td>4</td>
</tr>
<tr>
<td>City of Clawson</td>
<td>1</td>
</tr>
<tr>
<td>City of Huntington Woods</td>
<td>1</td>
</tr>
<tr>
<td>City of Lathrup Village</td>
<td>1</td>
</tr>
<tr>
<td>City of Pleasant Ridge</td>
<td>1</td>
</tr>
<tr>
<td>City of Royal Oak</td>
<td>10</td>
</tr>
<tr>
<td>City of Southfield</td>
<td>2</td>
</tr>
<tr>
<td>Township of Southfield</td>
<td>1</td>
</tr>
</tbody>
</table>

The representative of any municipality becoming a constituent municipality in the future shall be entitled to one (1) vote until that municipality shall have been a constituent municipality of the Authority for a complete fiscal year, at which time the number of votes shall be determined in accordance with the provisions of this Article.

**ARTICLE X**

Meetings of the Board shall be held at least bi-monthly, at such times and place as shall be prescribed by resolution of the Board. Special meetings of the Board may be called by the Chairman, or any three (3) members thereof, by serving written notice of the time, place and purpose thereof, upon each member of the Board, personally, or by leaving it at his place of residence, at least twenty-four (24) hours prior to the time of such meeting, or by depositing the same in a United States Post Office or mail box within the limits of the Authority, at least seventy-two (72) hours prior to the time of such meeting, enclosed in a sealed envelope properly addressed to him at his home or office address, with postage fully prepaid thereon. Special meetings of the Board at which all members are present shall be deemed to be valid even though no written notice thereof may have been given as above provided. Any member of the Board may waive notice of any meeting either before or after the holding thereof. The presence of not less than four members of the Board holding more than fifty per centum of the total votes of the entire Board, shall be required for a quorum. The Board shall act by motion, resolution, or ordinance. For the passage of any motion, resolution or ordinance, there shall be required the affirmative vote of not less than four members of the Board possessing more than one-half of the total votes of the entire Board, except where a larger vote is required by these Articles. The Board shall have the right to adopt rules governing its procedure which are not in conflict with the terms of any statutes or of these Articles. The Board shall keep a journal of its proceedings, which shall be signed by the Chairman and Secretary. All votes shall be by "Yeas" and "Nays". The journal shall show how each member voted and the total number of votes for and against each motion, resolution or ordinance.

**ARTICLE XI**

The Board of Trustees shall appoint a General Manager. The General Manager shall be the chief administrative officer of the Authority, and shall perform all of the purely administrative functions of the Authority, unless otherwise delegated in these Articles. All such functions shall be performed in harmony with the adopted policies of the Board.

**ARTICLE XII**

The Chairman of the Board shall be the presiding officer thereof. Except as herein otherwise provided, he shall not have any executive or administrative functions. In the absence or disability of the Chairman, the Vice-Chairman shall perform the duties of the Chairman. The Secretary shall be the recording officer of the Board. The Treasurer shall be custodian of the funds of the Authority. The Finance Director shall be the chief accounting officer of the Authority. All monies shall be deposited in a bank or banks, to be designated by the Board, and
all checks or other forms of withdrawal therefrom shall be signed by the Treasurer, Chairman or Secretary of the Board and countersigned by the Finance Director or General Manager. The Assistant Secretary shall under all conditions and circumstances be authorized to act in place of the Secretary. Except as in these Articles otherwise provided, the Assistant Secretary shall have custody of the official records of the Authority. The Treasurer, and such other officers and employees as the Board shall determine, shall give to the Authority a bond in an amount as determined by the Board, conditioned upon the faithful performance of the duties of their respective offices. The cost of said bonds shall be paid by the Authority. The officers of the Board shall have such other powers and duties as may be conferred upon them by the Board. Any city, village or township which at any time is not a constituent part of this Authority, may become a part thereof in the manner provided by said Act 196 of the Public Acts of 1952 as now existing or hereafter amended, and shall thereafter be deemed to be both an incorporating and constituent municipality.

**ARTICLE XIII**

The Authority may acquire private property for a water supply system by purchase, construction, lease, gift, devise or condemnation, either within or without its corporate limits, and may hold, manage, control, sell, exchange or lease such property. For the purpose of condemnation it may proceed under the provisions of Act 149 of the Public Acts of 1911, as now or hereafter amended, or any other appropriate statute.

**ARTICLE XIV**

The Authority and its several constituent municipalities shall enter into a contract or contracts for the sale by the Authority and purchase by the municipalities, of water: Provided that such contracts shall be for a period not exceeding fifty (50) years. The Authority shall continue to furnish water to any constituent municipality for such of its non-resident customers as were described by name or location in the original water supply contract between it and the Authority, and the daily water demand of such non-resident customers shall be included in the daily water demand of the municipality. In other cases, the furnishing of water by a constituent municipality to non-resident customers shall be contingent upon approval of the Board. If such a contract shall specify the charges to be made for such service, then such charges shall be subject to increase by the Authority at any time if necessary in order to provide funds to meet its obligations. Each such contract shall provide that, in addition to any other charges, the constituent municipality shall pay to the Authority in each fiscal year a demand charge (Ready-To-Serve Charge) of Three Thousand Eighteen Dollars and Eighteen Cents ($3,018.18) per million gallons of allocated capacity as hereinafter set forth, said allocated capacity being based upon a maximum day’s capacity of seventy million gallons; said payments to begin as of July 1, 1956, and to continue for a period of twenty-five (25) years. Each municipality shall pay these demand charges on an annual basis, and in those instances when payments are deferred and made at a date later than this schedule provides, these deferred payments shall bear interest at the rate of three per cent (3%) per annum compounded semi-annually from the due date of the payment to the actual date of said payment. Said allocated capacity and estimated maximum day for each constituent municipality is specified as follows:
<table>
<thead>
<tr>
<th>Municipality</th>
<th>Allocated Capacity</th>
<th>Estimated Maximum Day</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(Million Gallons Daily)</td>
<td>M.G.D.</td>
</tr>
<tr>
<td>City of Berkley</td>
<td>5.53</td>
<td>5.30</td>
</tr>
<tr>
<td>Village of Beverly Hills</td>
<td>5.50</td>
<td>6.25</td>
</tr>
<tr>
<td>*Village of Bingham Farms</td>
<td>0.00</td>
<td>1.50</td>
</tr>
<tr>
<td>City of Birmingham</td>
<td>8.49</td>
<td>9.75</td>
</tr>
<tr>
<td>City of Clawson</td>
<td>4.40</td>
<td>4.80</td>
</tr>
<tr>
<td>*Village of Franklin</td>
<td>0.00</td>
<td>2.70</td>
</tr>
<tr>
<td>City of Huntington Woods (Exclusive of the Rackham Golf Course and Detroit Zoological Properties)</td>
<td>3.22</td>
<td>3.95</td>
</tr>
<tr>
<td>City of Huntington Woods (portion within Rackham Golf Course and Detroit Zoological Properties)</td>
<td>2.09</td>
<td>2.09</td>
</tr>
<tr>
<td>City of Lathrup Village</td>
<td>3.20</td>
<td>3.80</td>
</tr>
<tr>
<td>City of Pleasant Ridge</td>
<td>1.96</td>
<td>1.75</td>
</tr>
<tr>
<td>City of Royal Oak</td>
<td>21.42</td>
<td>21.00</td>
</tr>
<tr>
<td>City of Southfield</td>
<td>14.19</td>
<td>40.00</td>
</tr>
<tr>
<td>Township of Southfield</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td><strong>Total:</strong></td>
<td>70.00</td>
<td>102.89</td>
</tr>
</tbody>
</table>

*If they become constituent municipalities.

The contract with the City of Huntington Woods shall be exclusive of the properties therein owned by the City of Detroit and designated as the Rackham Municipal Golf Course and the Detroit Zoological Park. There shall be a separate contract between the Authority and the City of Detroit for furnishing water to these Detroit properties. Should any constituent municipality use water in any one day in excess of its allocated capacity as herein specified during any two 24-hour periods, its allocated capacity shall be increased as of July 1 of the next succeeding fiscal year to an amount corresponding to the average of the two days when the maximum use had occurred, and the demand charge shall then be paid based upon said increased allocation. The Board may enter into agreements with the constituent municipalities to provide for additional allocated capacity prior to the financing and construction of additions or improvements to the Authority system to provide additional water supply: Provided that such municipalities shall not be required to acquire allocated capacity in excess of the “estimated maximum day” as heretofore listed, except in those cases where the actual usage exceeds this estimate.

The demand charge based upon the allocated capacity, in the total amount of seventy million gallons per day as is herein set forth shall be on the basis of Three Thousand Eighteen Dollars and Eighteen Cents ($3,018.18) per million gallons per day of allocated capacity to be paid in each year for a period of twenty-five (25) years from and after July 1, 1956. Any payments not made in accordance with the above schedule shall bear interest at the rate of three per cent (3%) per annum compounded semi-annually from said due date as provided for herein to the actual date of said payment. If any allocated capacity, in addition to that provided for to any constituent municipality in the allocation of the seventy million gallons per day as specified herein, is provided by agreement or is required as a result of usage as is herein authorized, an annual demand charge in the amount of Three Thousand Eighteen Dollars and Eighteen Cents ($3,018.18) per million gallons per day of said additional allocated capacity shall be paid by the constituent municipality and the amount of such increase in demand charge shall be in effect for
a period of twenty-five (25) years from the date of such increase. Such demand charge shall be payable monthly in advance.

ARTICLE XV
The Authority may also enter into a contract with any non-constituent city, village or township or with any city water supply district as defined in Section 3 of Act 107 of the Public Acts of 1941, as now amended, or to any similar independently financed and operated water supply system in a prescribed water supply district, for the sale and purchase of water, and may provide for charges greater than those to the constituent municipalities, but the charges thereunder shall be subject to change by the Authority from time to time.

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ARTICLE XVII
For the purpose of acquiring, improving, enlarging and/or extending a water supply system or systems, this Authority may issue self-liquidating revenue bonds, in accordance with the provisions of Act 94 of the Public Acts of 1933, as now or hereafter amended, or any other act providing for the issuance of such bonds, provided, that no such bonds shall be a general obligation of the Authority but shall be payable solely from revenues of the Authority’s water supply system or systems.

ARTICLE XVIII
The Board shall have the power to secure all necessary services to carry out the functions of the Authority and to fix the compensation therefor: provided, that no officer or employee of any constituent municipality shall receive any compensation from the Authority except by the vote of members of the Board possessing at least two-thirds of the total voting power of the entire Board.

ARTICLE XIX
The Board shall cause an annual audit to be made of its financial transactions by a certified public accountant, and shall furnish a copy thereof to each constituent municipality.

ARTICLE XX
If any constituent municipality shall refuse or neglect to enter into a contract for the purchase of water from the Authority, then the Board by the vote of members thereof possessing at least two-thirds (2/3rds) of the total voting power of the entire Board, may expel such municipality as a constituent part of the Authority. The Board may not modify or cancel any contract upon which its revenues are based, if the same would impair the obligation of any bond contract. Any existing contract between a constituent municipality and the Authority shall not be modified unless approved by the vote of not less than 2/3rds of the members of the Board. Contracts with any municipality becoming a constituent member of the Authority in the future shall be approved by not less than 2/3rds of the members of the Board.

ARTICLE XXI
If for any reason the total income of the Authority during any fiscal year shall not be sufficient to satisfy its obligations accruing during such year, including payments to be made to the Bond and Interest Redemption Fund if revenue bonds are outstanding, then the amount of any deficiency shall be prorated among the constituent municipalities, in accordance with the amount of water delivered by the Authority to said respective municipalities during such fiscal year, which amount shall be considered as an additional charge for water.

ARTICLE XXII
The legislative body of each city, village or township which is a constituent part of this Authority shall raise by tax or pay from its general or water funds, moneys necessary to pay its portion of the cost of incorporating this Authority and operating the same until such time as its water supply system shall be in operation and producing revenues, and also its portion of any
preliminary capital expenditures. The proportionate share of each municipality shall be determined by applying that percentage which its estimated 1970 Maximum Daily Demand bears to the total estimated 1970 Maximum Daily Demand of all constituent municipalities.

**ARTICLE XXIII**

These Articles of Incorporation may be amended as provided in said Act 196 of the Public Acts of 1952 as now existing or hereafter amended. Any city, village or township which at any time is not a constituent part of this Authority, may become a part thereof in the manner provided by said Act 196 of the Public Acts of 1952 as now existing or hereafter amended, and shall thereafter be deemed to be both an incorporating and constituent municipality.

**ARTICLE XXIV**

These Articles shall be published once in “The Daily Tribune”, a newspaper circulating within the Authority. One printed copy of such Articles of Incorporation certified as a true copy thereof with the date and place of publication, shall be filed with each the Secretary of State and the Clerk of the County of Oakland, within thirty (30) days after execution has been completed. Edward M. Shafter of the City of Royal Oak, Michigan, is hereby designated as the person to cause these Articles to be published, certified and filed as aforesaid. In event he shall be unable to act or shall neglect to act, then Donald C. Egbert of the City of Birmingham, Michigan, shall act in his stead.

**ARTICLE XXV**

This Authority shall become effective upon the filing of printed copies of these Articles, as provided in the preceding Article.

These Articles have been adopted by the several incorporating municipalities, as hereinafter set forth in the following endorsements, and in witness whereof the Mayor and Clerk of each city, and the Supervisor and Clerk of the Township of Southfield, have endorsed hereon the statement of such adoption.
DATE: October 3, 2019
TO: Joseph A. Valentine, City Manager
FROM: Paul T. O’Meara, City Engineer
SUBJECT: Oak St. Sewer Rehabilitation Project
Contract #11-19(S)

INTRODUCTION:
Bids for the Oak St. Sewer Rehabilitation Project were opened on October 3, 2019. The City received two bids. The low bidder was Bidigare Contractors, Inc.

BACKGROUND:
As outlined in the attached staff report to the City Commission dated September 20, 2019, the 6-inch diameter public sewer installed within the front yards of four homes on Oak St. (west of Chesterfield Ave.) represents a unique condition with unique challenges. Since the previous request for proposals (known as Contract #10-19(S)) did not net any bids, a revised bidding package using the pipe bursting method was issued for bids.

Although no plan exists, our records lead us to believe that the original 6-inch diameter sewer was installed around 1928. It is in need of rehabilitation. To reduce original construction costs, the builder that subdivided the property built the sewer in the front yards, about 15 ft. from the front face of the homes. Fortunately, an easement for access and maintenance was provided to the City at that time. Efforts to line the sewer have proved unsuccessful. The pipe bursting technique is the next option that is available to rehabilitate it short of full excavation. With pipe bursting, excavations will be required at each end of the sewer segment, 275 ft. apart. Four intermediate excavations will also be required, at each point where a house connection exists. The actual pipe bursting and subsequent installation of new pipe will be a one day process, with several days of preparation and restoration before and after. Once finished, the City will have a new 8-inch diameter plastic sewer that will be easier to maintain, much more reliable, and have a 100-year anticipated service life.

The low bidder was Bidigare Contractors, Inc., of Plymouth, MI, with their bid of $221,600. Bidigare has an excellent record of quality work, including keeping the work site clean, and working well on restoration. They have worked for seven years in a row in Bloomfield Twp., using the pipe bursting technique to replace several thousand feet of public water mains. The restoration work involved on this project will include restoration of mature landscape beds, brick paver driveways, irrigation, etc., therefore, excellent restoration will be paramount.

We are confident that they have the qualifications to be successful at this project.
LEGAL REVIEW:
The City’s standard contract language was used for this bidding document. No legal review is required at this time.

FISCAL IMPACT:
The engineer’s estimate from Hubbell, Roth, & Clark was $176,400. The low bid is substantially higher. After reviewing the proposal, the prices reflect the current demand for these services, as well as the constrained work environment where the contractor will be required to work on several private properties, conducting their operation in a neat, organized, and efficient manner. Funding exists in the Sewer Fund for this contract in the current fiscal year, under account number 590-536.001-981.0200.

SUMMARY:
It is recommended that the Oak St. Sewer Rehabilitation Project, Contract #11-19(S), be awarded to Bidigare Contractors, Inc., in the amount of $221,600.

ATTACHMENTS:
- Bid Summary – October 3, 2019
- Plan of Work Area
- Staff Report regarding Contract #10-19(S)

SUGGESTED RESOLUTION:
To award the Oak St. Sewer Rehabilitation Project, Contract #11-19 (S), to Bidigare Contractors, Inc., in the amount of $221,600, to be charged to account number 590-536.001-981.0200.
# BID SUMMARY

**CITY OF BIRMINGHAM**  
**2019 OAK ST. SEWER REHABILITATION**  
**CONTRACT # 11-19 (S)**  
**October 3, 2019 - 2:00 PM**

<table>
<thead>
<tr>
<th>Company Name</th>
<th>Addendums</th>
<th>5% Bid Security</th>
<th>Base Bid</th>
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<tbody>
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<td>Bidigare Contractors Inc.</td>
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<td>Bond</td>
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<tr>
<td>Pamar Enterprises</td>
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<td>Bond</td>
<td>$276,510.00</td>
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DATE:   September 20, 2019

TO:   Joseph A. Valentine, City Manager

FROM:  Paul T. O’Meara, City Engineer

SUBJECT:  2019 Sewer Lining Program
           Contract #10-19(S)

In late 2017, the Engineering Dept. bid a large sewer lining contract that contained 14 blocks of
backyard sewer lining, as well as lining located on the Old Woodward Ave. downtown paving
project. That work was completed in the fall of 2018.

Since then, City staff has continued to work on easement acquisitions, although progress has
been slow. As of August, the City had just two blocks of backyard sewers that were cleared and
ready for lining. We also have one 275 ft. long section of 6 inch sewer located on Oak St. in front
yards that needs to be lined. This is the only section of 6 inch sewer that the City currently
maintains in its public sewer system (all other sewers are 8 inch diameter and above).

In August, a sewer lining contract was put together and issued for bids. A location map of the
work areas is attached. The tan colored sewers represent blocks that we are currently preparing
to line in the near future, since the number of easements now required on each block is very few.
The blocks that are highlighted in red with page numbers identified are ready for lining, and were
included in this bidding document.

It is rare that 6 inch sewer is used for a public system, as it is difficult to work with internally.
We confirmed that this sewer was sized such that lining contractors could install a liner within it,
but they cannot operate a robot after it is lined to re-establish the house connections, allowing
them to drain again. As such, in order to line this sewer, a contractor would have to excavate
and expose the sewer at each of four points where the adjacent homes connect to it, so that
after it is lined, the liner could be cut out and removed at each sewer connection in the open
holes. Each homes’ sewer lateral would then have to be reconstructed and each hole backfilled.
These excavations are proposed about fifteen feet away from the front face of each house, and
landscape restoration will include brick paver driveways, mature shrubbery, underground
electrical, etc.

Given the preference to address this 6 inch sewer issue before winter weather would make
landscape restoration impossible, the City issued a proposal for bids on the Oak St. sewer segment
being lined, along with the two blocks in the Quarton Lake Subdivision backyard section that
could also be lined. The project had an engineer’s estimate of about $350,000.

The bid opening date was September 17. No bids were received. Phone calls were placed to
prospective bidders to determine why there was no interest in the project. Comments included
that the small size of the contract, coupled with the need to hire subcontractors for excavation
and restoration made it undesirable, when there are many other more standard lining contracts available to keep these firms busy.

With this in mind, the Engineering Dept. will be employing a different strategy, as follows:

1. The Oak St. sewer segment that involves open excavations is more time sensitive, given that winter is approaching. Lining firms are not used to dealing with excavations and landscape restoration. As a result, we have redesigned this rehabilitation to be a pipe bursting contract (instead of lining). With pipe bursting, the manholes at each end of the sewer segment must be removed. A missile is then sent through the existing sewer ramming it to make a larger opening. In this case, 8 inch plastic pipe will be pulled into the cavity. New manholes will then be installed, and each sewer connection will have to be re-established with open excavation pits at each of the four house connections. We have prepared a new request for proposals, and have advertised it for bid. The new project will open it to a different group of contractors. Since pipe bursting contractors are used to dealing with excavations, they will be more prepared to deal with the complexities of this job. We are still hoping to get the Oak St. segment done and restored this fall.

2. City staff is now making a more concerted effort to acquire additional sewer easements, particularly on those blocks where very few remaining gaps are holding up an entire block. With additional effort in the coming few months, we are hoping that additional work can be added, and a larger backyard sewer lining contract can be issued for bids this winter.
MEMORANDUM
Department of Public Services

DATE: September 24, 2019

TO: Joseph A. Valentine, City Manager

FROM: Lauren A. Wood, Director of Public Services
Aaron J. Filipski, Public Services Manager

SUBJECT: Emergency Repairs – Case Front-End Loader #42

INTRODUCTION:
Vehicle #42 – a 2012 Case front-end loader – required an emergency expenditure in order to expedite repairs to its brake system.

BACKGROUND:
During its annual comprehensive inspection, technicians noted that the brake conditions on loader #42 were within .2mm of manufacturer specifications, due, in part, to its extensive on-road use for leaf and snow removal. Because this equipment is critical to those operations, a failure requiring lengthy repairs would significantly affect DPS operations.

In the interest of avoiding operational delays, particularly during peak season, the Department of Public Services requested approval for an emergency expenditure to replace the brakes.

LEGAL REVIEW:
This item does not require legal review.

FISCAL IMPACT:
The Department of Public Services requested a purchase order in the amount of $8,922.00 from the Automotive Equipment Fund, equipment maintenance account #641.441.006-933.0200.

SUMMARY:
The Department of Public Services requests City Commission confirmation of the manager’s authorization to proceed with the emergency repairs related to vehicle #42.

ATTACHMENTS:
This report contains no attachments.

SUGGESTED RESOLUTION:
To confirm the City Manager’s authorization for the emergency expenditure related to the repair of vehicle #42 by Southeastern Equipment Company in the amount of $8,922.00 from the Auto Equipment Fund account #641.441.006-933.0200, pursuant to Sec. 2-286 of the City Code.
Date: October 7th, 2019

To: Joseph A. Valentine, City Manager

From: Jana Ecker, Planning Director

Subject: Set Public Hearing for Zoning Amendments to Chapter 126, Zoning Ordinance Appendix C, Exhibit 1 Economic Development Licenses Map to allow the use of Economic Development Licenses in the southern portion of the Rail District with an approved Special Land Use Permit and for Chapter 126, Zoning Ordinance Article 2, Section 2.39, MX Uses Requiring a Special Land Use Permit.

Introduction:
The applicant and owner of 2159 E. Lincoln Street has requested a zoning amendment to have the property located at 2159 E. Lincoln Street, Parcel # 20-31-401-006 added to the properties eligible for an Economic Development License. Properties with an Economic Development License may operate an establishment with on premise sales and consumption of liquor if they obtain a Special Land Use Permit and meet the criteria of Chapter 10, Article II, Division 3 of the Municipal Code.

Background:
The majority of the parcels currently eligible for an Economic Development License are located along Woodward Avenue between Oakland and Lincoln Avenue in the commercial areas of the Downtown Overlay and Triangle District as identified in Appendix C, Exhibit 1 of the Zoning Ordinance. Establishments currently operating with an Economic Development license include All Seasons, Hazel Ravines & Downtown, and Triple Nickel. At this time, there are no parcels eligible for an Economic Development License east of Adams Road in Birmingham.

On September 11th, 2019, the Planning Board considered the purpose of the Economic Development Liquor License, the goals of the Eton Road Corridor Plan, and the existing conditions of the southern portion of the Rail District in relation to the applicant’s request. Based upon review, the Planning Board motioned to recommend an amendment to appendix C, Exhibit 1 of the Zoning Ordinance to include all properties along E. Lincoln and Cole Street in the Rail District to be eligible for an Economic Development License, including 2159 E. Lincoln. The justification for this recommendation was to evaluate the corridor as a whole and not one property at a time.

Legal Review:
The City Attorney has reviewed the documentation and has no concerns.
FISCAL IMPACT:
Expanding the boundary for properties eligible for an Economic Development License has the potential to increase the tax revenue for the City due to approval criteria requiring a 500% increase in assessed value and/or an investment of ten million dollars.

SUMMARY:
The applicant has applied for a zoning amendment to have 2159 E. Lincoln Street qualify to be eligible for an Economic Development License. Upon review, the Planning Board has recommended a zoning amendment for all properties in the southern Rail District along E. Lincoln Street and Cole Street in addition the applicant’s subject property to be eligible for an Economic Development License.

ATTACHMENTS:
- Zoning Amendment Resolution
- Zoning Amendment Application
- Planning Board Staff Report
- Planning Board Minutes

SUGGESTED RESOLUTION:
To set a public hearing for October 28, 2019 to consider approval of a Zoning Amendment for Chapter 126, Zoning Ordinance, Appendix C, Exhibit 1, Licenses for Economic Development;

AND

To set a public hearing for October 28, 2019 to consider approval of an amendment to Chapter 126, Zoning Ordinance, Article 2, Section 2.39 MX, Uses Requiring a Special Land Use Permit to allow the operation of establishments operating with a liquor license obtained under Chapter 10, Alcoholic Liquors, Article II, Division 3, Licenses for Economic Development identified in Appendix C, Exhibit 1.
ORDINANCE NO.________

THE CITY OF BIRMINGHAM ORDAINS:
AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

TO AMEND APPENDIX C, EXHIBIT 1, ECONOMIC DEVELOPMENT LICENSES MAP.
ORDINANCE NO.________

THE CITY OF BIRMINGHAM ORDAINS:
AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

TO AMEND SECTION 2.39, MX (MIXED USE) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES TO AMEND THE USES REQUIRING A SPECIAL LAND USE PERMIT.

Section 2.39 MX (Mixed Use) District Intent, Permitted Uses, and Special Uses

Accessory Permitted Uses

- Alcoholic beverage sales*
- Dwelling – accessory*
- Garage – private
- Greenhouse – private
- Home occupation
- Loading facility – off street*
- Outdoor café*
- Outdoor sales or display of goods*
- Parking facility – off-street*
- Parking Structure*
- Renting of Rooms*
- Sign
- Swimming Pool - private

Uses Requiring a Special Land Use Permit

- alcoholic beverage sales (on-premise consumption)
- bistros operating with a liquor license granted under the authority of Chapter 10, Alcoholic Liquors, Division 4 – Bistro Licenses
- church
- college
- dwelling – first floor with frontage on Eton Road
- establishments operating with a liquor license obtained under Chapter 10, Alcoholic Liquors, Article II, Division 3, Licenses for Economic Development identified in Appendix C, Exhibit 1
- outdoor storage*
- parking structure (not accessory to principal use)
- religious institution
- school-private
- school-public
- residential use combined with a permitted nonresidential use with frontage on Eton Road
- any permitted principal use with a total floor area greater than 6,000 sq. ft.
Uses Requiring City Commission Approval

- assisted living
- continued care retirement community
- independent hospice facility
- independent senior living
- regulated uses*
- skilled nursing facility

ORDAINED this _____ day of ________, 2019 to become effective 7 days after publication.

____________________________
Patty Bordman, Mayor

____________________________
Cheryl Arft, Acting City Clerk
APPLICATION FOR ZONING MAP OR ORDINANCE CHANGE  
Birmingham, Michigan

TO THE CITY COMMISSION:

The undersigned hereby makes application to the City Commission to:

1. Zoning Map Change:

   Change premises described as:

   2159 E. Lincoln Street

   see attached Exhibit A

   No. Street

   Legal Description

   from its present zoning classification of MX (Mixed-Use) inclusion in the Economic Development District to .

   A sealed land survey showing location, size of lot and placement of building (if any) on the lot to scale must be attached.

   Statements and reason for request or other data have a direct bearing on the request.

2. Change premises described as:

   2159 E. Lincoln Street

   No. Street

   see attached Exhibit A

   Legal Description

   from its present zoning classification of MX (Mixed-Use) inclusion in the Economic Development District to .

   A sealed land survey showing location, size of lot and placement of building (if any) on the lot to scale must be attached.

   Statements and reasons for request or other data have a direct bearing on the request.

   Signature of Applicant:

   Print Name: Bus Bar, LLC

   Name of Owner: Curt Catallo

   Address and Telephone Number: 90 N. Main Street

   Clarkston, MI 48346
APPLICATION FOR ZONING MAP OR ORDINANCE CHANGE
Birmingham, Michigan

A letter of authority, or power of attorney, shall be attached in case the appeal is made by a person other than the actual owner of the property.

Date Received: 8-14-19  Received By:  

Resolution No.  Approved/Denied

Application Fee: $1,500.00  Receipt Number 498254

The petitioner shall be responsible for any costs incurred by consultant, including but not limited to traffic and environmental, contracted by the city to review the proposed site plan and/or community impact study as determined by the city planner.
LEGAL DESCRIPTION OF DEMISED PREMISES

Land Situated in the City of Birmingham, County of Oakland, State of Michigan, and described as follows:
Lot 499 (except for the West 14.81 feet) through Lot 504, also part of vacated Lincoln Avenue adjacent to same as vacated by resolutions in Liber 3029, Page 152 and Liber 3029, Page 154, inclusive, of Sheffield Estates No. 1, as recorded in Liber 44, Page 40 of Oakland County Records.

Tax ID: Part of 20-31-401-006

Commonly known as: 2159 East Lincoln Street, Birmingham, Michigan 48009
City of Birmingham
Economic Development Licenses

Economic Development Parcels
August 14, 2019

City Commission, c/o City Clerk
City of Birmingham
151 Martin Street
Birmingham, MI 48009

Dear City Commission Members

First and foremost; on behalf of Union Joints I would like to thank you for a clearly defined vision and much appreciated guidance in regard to the activation of your Rail District. When the Union Joints contingent last appeared before you, we were sharing our vision for the repurposing of your former school bus garage at 2159 East Lincoln. Through that process of site plan approvals and the corresponding pitch for a bistro license, we learned two things: 1. The cost of our endeavors can’t be supported by the restrictions that are attached to a bistro license; 2. We really love the Rail District and believe in the City’s vision.

Although we pulled out from the ring in regard to the bistro license process; we did not pull back on our interest in or commitment to the building and project itself. Since our last submission: Union Joints has purchased the building from our friends and neighbors at Armstrong-White; brought on KC Crain, our partner at Vinsetta Garage, as an investor in the proposed undertaking; and, we’ve secured financing for the project from our team at Chase. We did this by sharing our passion for the project and by sharing a business model that supports the expense of repurposing this structure. It is our belief here, as it is in all of our buildings, that a repurposed structure delivers something that’s difficult to emulate in a new build. We believe that this character—this hint of history, this narrative in the mortar of a building like your former bus garage—warrants an investment that often exceeds the cost of new construction. For us, the investment in reviving a building the neighbors have long known gives additional vibrancy to a district that has a pulse all its own. For those who frequent your bustling recreation center; this long dormant property will bustle to life in a way that’s designed to service their needs and appeal to their senses. For the neighbors who kindly shared regret when we withdrew from our bistro attempt; the kind of activation they were hoping to see has a chance once again: and their kids have a chance to bus at an old bus garage or make a stop at the last stop. Generally, our joints are developed in a way they don’t put an emphasis on economics: they put an emphasis on making a difference in a neighborhood or a community. While it would be faster and cheaper to open a restaurant in a strip mall, our steadfast commitment to space, place and community will always be our hallmark. As such, this dedication requires an economic development license to fuel the engine of this particular passion... to act as a catalyst for this expensive undertaking and support the model of this repurposing.

Sincerely,

[Signature]

Curt Catallo, Owner
Union Joints
The applicant and owner of 2159 E. Lincoln Street has requested a zoning amendment to have the property located at 2159 E. Lincoln Street, Parcel # 20-31-401-006 added to the properties eligible for an Economic Development License. Properties with an Economic Development License may operate an establishment with on premise sales and consumption of liquor if they obtain a Special Land Use Permit and meet the criteria of Chapter 10, Article II, Division 3 of the Municipal Code. A liquor license associated with an Economic Development License does not have a limit on the number of seats inside or outside of the establishment. The applicant is applying to have an Economic Development License for their restaurant concept “Lincoln Yard” at this site.

**Background:**
According to the Municipal Code Chapter 10, Article II, Division 3, Licenses for Economic Development Section 10-60, - Purpose:

> The purpose of this division is to establish a policy and conditions to allow the City Commission the ability to approve a request to transfer a liquor license into the city in excess of the city’s quota licenses if the request is deemed to constitute a substantial economic development and benefit to the city, to establish criteria for selecting applicants, and to provide limitations on the influx of new liquor licenses and to insure controlled growth and development regarding liquor licenses and to evaluate the impact of increased liquor licenses on the city.

The majority of the parcels eligible for an Economic Development License are located along Woodward Avenue between Oakland and Lincoln Avenue in the commercial areas of the Downtown Overlay and Triangle District as identified in Appendix C, Exhibit 1 of the Zoning Ordinance pictured below. Establishments currently operating with an Economic Development license include All Seasons, Hazel Ravines & Downtown, and Triple Nickel. At this time, there are no parcels eligible for an Economic Development License east of Adams Road in Birmingham.
One property within the Rail District was considered for an Economic Development License in the past. On December 14, 2016, the Planning Board conducted a public hearing to consider liquor license options for Whole Foods at 2100 E. Maple Road. The Planning Board recommended two options to the City Commission which consisted of (a) include 2100 E. Maple as a property eligible for an economic development license in Appendix C, Exhibit 1 of the Zoning Ordinance or (b) establish a designated boundary for the Rail District in which Bistros are permitted. The difference being bistro have a maximum number of 65 indoor seats, and 65 outdoor seats. Meanwhile an Economic Development License does not have a cap on seating, but the project must constitute a substantial economic development and benefit to the City.

At that time, the Planning Board also discussed expanding the economic development boundaries along Maple from Elm to Adams as pictured below, as well as the possibility of re-visiting the Economic Development License policy with the City Commission and considering Economic Development Licenses on a case-by-case basis unrestricted by geographic locations.
On February 13th, 2017, the City Commission decided against amending the boundaries in Appendix C, Exhibit 1 for 2100 E. Maple. The City Commission chose to define the boundary for the Rail District and amend the Zoning Ordinance to allow bistro within the MX and B2 Zones within the Rail District, thus including 2100 E. Maple in the Rail District. Relevant memos and minutes from both meetings are attached.

In regards to Birmingham’s Eton Road Corridor Plan, the Rail District is envisioned as a vibrant mixed-use corridor, stating:

The Eton Road Corridor will be a mixed-use corridor with a range of commercial, service, light industrial and residential uses that serve the needs of the residents of Birmingham. Creative site Planning will be encouraged to promote high quality, cohesive development that is compatible with the existing uses in the corridor and the adjacent single-family residential neighborhoods (pg. 8).

Since adoption of the MX Zone as recommended by the Eton Rail Corridor Plan, the City has seen substantial development in the north end of the Rail District. Such projects include The Reserve luxury banquet facility, District Lofts condos, Irongate live-work units, Crosswinds mixed-use development, and Griffin Claw Brewing Company.

Meanwhile the southern portion of the Rail District has maintained the majority of its original buildings which are mostly single story cinder block buildings and surface parking lots. Two new buildings have been constructed at the end of E. Lincoln; The Sheridan and the 2425 E. Lincoln medical building. Both of these projects obtained TIF approval from the Brownfield Redevelopment Board. Restaurant use in the southern portion of the Rail District is limited as Beyond Juice is currently the only restaurant south of Bowers and Eton.
The Eton Road Corridor Plan characterizes the area surrounding E. Lincoln Street and Cole Street as small scale industrial uses located on overcrowded sites with unscreened outdoor storage of goods, materials, and vehicles, limited parking facilities, and reliance on truck and vehicular traffic (pg. 11-12). Some of the characteristics listed at the time of the plan have changed while many others have remained the same.

Future land use goals of the Eton Road Corridor Plan include recommendations for zoning policy that encourages a mix of uses in the corridor that are compatible with the adjacent single-family residential neighborhoods and discourages large scale commercial and industrial uses. The plan also recommends a southern gateway to provide an inviting entrance to the Rail District at the northeast corner of Eton Road and E. Lincoln Street. Currently the northeast corner involves a grassy park beside a single story office parcel which is adjacent to the vacant bus repair building under review.

**Current Application:**
While none of the properties located within the Rail District are currently within the Economic Development License boundaries identified in the Appendix C, Exhibit 1, the applicant asks that the City consider including 2159 E. Lincoln as a property that qualifies for an Economic Development license to promote activity and redevelopment in the Rail District.

In regards to the subject property, 2159. E Lincoln Street is a former bus repair building for Birmingham Public Schools. It is currently a vacant single story cinder block structure surrounded by chain link fencing and razor wires. The parking lot surface is in disrepair and the building appears to be in need of maintenance and general repairs. To the east is a multi-tenant single story building composed of an auto-repair shop and an interior design store & warehouse. To the west is a single story office building currently occupied by Armstrong White. To the north is a former warehouse that has been repurposed for office use and a fitness studio.
The subject property at 2159 E. Lincoln is 0.80 acres with a single story structure that is 5,602 square feet in size. The assessed value for the property is currently $182,740. Parcels below an assessed value of $200,000 in this corridor are generally either surface parking lots serving the adjacent building, or small single story buildings on smaller lots as pictured below in red. New developments in the Rail District have predominantly been on the north side over the past 20 years and are generally assessed at values over $1,000,000 as pictured in blue below.
The applicant has indicated that the cost of their endeavors cannot be supported by the restrictions attached to the Bistro License but they continue to pursue this location because they believe the City’s vision for the Rail District suits the restaurant concept they are trying to achieve. The applicant believes their project will bring substantial improvements and an increase in assessed value to the property while increasing the vibrancy and quality of destinations in the southern portion of the Rail District. They would like to retain the original building envelope while making aesthetic improvements because it is their belief that a repurposed structure delivers something that is difficult to emulate in a new building. The applicant believes reviving an existing building will provide additional vibrancy and provide greater activation to the surrounding area. The justification for an Economic Development License would be that a restaurant of this nature would act as a growth catalyst for the surrounding corridor and activate the space by contributing to the goals of the Eton Road Corridor Plan by providing a mix of uses.

**Suggested Action:**
Based upon a review of the intent for an Economic Development License, the goals of the Eton Road Corridor Plan, and existing conditions of the southern portion of the Rail District, the Planning Board recommends the following to the City Commission:

1.) To amend Chapter 126, Zoning Ordinance, Appendix C, Exhibit 1, Economic Development License Map to allow the potential use of an Economic Development License at 2159 E. Lincoln Street with an approved Special Land Use Permit.

Allowing the use of an Economic Development license in the south end of the Rail District has the potential to stimulate investments in an area that has remained relatively stagnant since the adoption of the Eton Road Corridor Plan and the MX Zone. Thus, the Planning Division recommends an amendment to the map in Appendix C, Exhibit 1 of the Zoning Ordinance to include additional properties in the south portion of the Rail District along Cole Street and E. Lincoln Street, and an amendment to allow the use of an Economic Development License in the MX District.

2.) To amend Chapter 126, Zoning Ordinance, Article 2, Section 2.39 MX, Uses Requiring a Special Land Use Permit to allow the operation of establishments operating with a liquor license obtained under Chapter 10, Alcoholic Liquors, Article II, Division 3, Licenses for Economic Development identified on Exhibit 1; Appendix C.
ORDINANCE NO.________

THE CITY OF BIRMINGHAM ORDAINS:
AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

TO AMEND APPENDIX C, EXHIBIT 1, ECONOMIC DEVELOPMENT LICENSES MAP.

(Suggested Action 1)
City of Birmingham
Economic Development Licenses

(Suggested Action 2)
ORDAINED this _____ day of __________, 2019 to become effective 7 days after publication.

____________________________
Patty Bordman, Mayor

____________________________
Cherilynn Mynesberge, City Clerk
ORDINANCE NO.______

THE CITY OF BIRMINGHAM ORDAINS:
AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

TO AMEND SECTION 2.39, MX (MIXED USE) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES TO AMEND THE USES REQUIRING A SPECIAL LAND USE PERMIT.

Section 2.39 MX (Mixed Use) District Intent, Permitted Uses, and Special Uses

Accessory Permitted Uses
- Alcoholic beverage sales*
- Dwelling – accessory*
- Garage – private
- Greenhouse – private
- Home occupation
- Loading facility – off street*
- Outdoor café*
- Outdoor sales or display of goods*
- Parking facility – off-street*
- Parking Structure*
- Renting of Rooms*
- Sign
- Swimming Pool - private

Uses Requiring a Special Land Use Permit
- alcoholic beverage sales (on-premise consumption)
- bistros operating with a liquor license granted under the authority of Chapter 10, Alcoholic Liquors, Division 4 – Bistro Licenses
- church
- college
- dwelling – first floor with frontage on Eton Road
- establishments operating with a liquor license obtained under Chapter 10, Alcoholic Liquors, Article II, Division 3, Licenses for Economic Development identified on Exhibit 1; Appendix C
- outdoor storage*
- parking structure (not accessory to principal use)
- religious institution
- school-private
- school-public
- residential use combined with a permitted nonresidential use with frontage on Eton Road
• any permitted principal use with a total floor area greater than 6,000 sq. ft.

**Uses Requiring City Commission Approval**
• assisted living
• continued care retirement community
• independent hospice facility
• independent senior living
• regulated uses*
• skilled nursing facility

ORDAINED this ______ day of __________, 2019 to become effective 7 days after publication.

____________________________
Patty Bordman, Mayor

____________________________
Cherilynn Mynsberge, City Clerk
Minutes of the regular meeting of the City of Birmingham Planning Board held on September 11, 2019. Chairman Scott Clein convened the meeting at 7:33 p.m.

A. ROLL CALL

Present: Chairman Scott Clein, Board Members Stuart Jeffares, Bert Koseck, Daniel Share, Janelle Whipple-Boyce, Bryan Williams; Alternate Board Member Jason Emerine; Student Representatives Sophia Trimble, John Utley

Absent: Board Member Robin Boyle; Alternate Board Member Nasseem Ramin

Administration: Jana Ecker, Planning Director
Brooks Cowan, City Planner
Laura Eichenhorn, Transcriptionist

09-139-19

G. Public Hearings

1. An ordinance to amend Chapter 126, Zoning, of the Code of the City of Birmingham:

   To amend Appendix C, Exhibit 1 to include the property at 2159 E. Lincoln as a property qualified for an Economic Development License (EDL);

2. An ordinance to amend Chapter 126, Zoning, of the Code of the City of Birmingham:

   To amend Article 2, Section 2.39, MX (Mixed Use) District, to consider allowing establishments operating with a liquor license obtained under Chapter 10, Alcoholic Liquors, Article II, Division 3, Licenses for Economic Development (only permitted on those parcels within the Rail District identified on Exhibit 1; Appendix C) with a valid Special Land Use Permit.

City Planner Cowan presented the item.

Mr. Williams said that consistent with the Commission’s practice the Board should discuss an area, per the Planning Department’s suggestion, and not a particular property.
Mr. Jeffares said EDLs are beneficial both through the revenue generated for the City by the license and through the development an EDL allows. He said he was in support of expanding where in the City an EDL could be granted for these reasons.

Mr. Share said he would be in support of expanding EDLs to the south portion of the Rail District along Cole, excluding the two parcels on the east side where there has recently been significant development since the goal of the EDLs is to promote new development.

In reply to Mr. Koseck, Planning Director Ecker stated the master planning team has suggested more effort could be put into the development of the lower Rail District. The team suggested that loosening the City’s ordinances in the lower Rail District could be one way of spurring that development and encouraging more creative and varied uses of the area.

Chairman Clein noted that the question before the Board was whether to expand EDLs within the context of the City’s current planning and ordinances. He said that while the discussion of the master planning team’s potential recommendations were well taken, the master plan itself had not been delivered yet and the Board should be making this decision based on current conditions.

Planning Director Ecker told Mr. Williams that any restaurant developed in the lower Rail District would be required to meet the City’s standard parking requirements.

Chairman Clein invited public comment.

Andrew Haigh said he was in support of the Board’s inclination to expand the area in which EDLs could be granted, as opposed to adding a single parcel. He said he was concerned that EDLs do not include a limit on the number of seats either inside or outside of an establishment, especially in light of the City’s efforts towards traffic calming in the area. He said residents of the area would be enthusiastic about appropriate development in the area, while noting they would also like to maintain the benefits gained from the City’s traffic calming scheme.

Chairman Clein told Mr. Haigh that the City could influence the number of seats with a SLUP and that any EDL establishments would still be required to comply with building codes dictating the number of seats allowed in a building.

Katherine Aboud spoke as the owner of a business directly to the west of 2159 E. Lincoln. She said she was strongly in support of expanding the area in which EDLs can be granted, stating that development in the area would highly benefit her business and the area as a whole.

Motion by Mr. Williams
Seconded by Mr. Koseck to receive and file the emails from Alexis Catherine Pollock, Bryan Anderson and Alicia Birach in favor of the development at Lincoln Yard.

Motion carried, 7-0.

VOICE VOTE
Yeas: Williams, Koseck, Share, Jeffares, Whipple-Boyce, Clein, Emerine
Nays: None
Motion by Mr. Jeffares
Seconded by Mr. Koseck based upon a review of the intent for an Economic Development License, the goals of the Eton Road Corridor Plan, and existing conditions of the southern portion of the Rail District, the Planning Board recommends the following to the City Commission:

1.) To amend Chapter 126, Zoning Ordinance, Appendix C, Exhibit 1, Economic Development License Map to allow the potential use of an Economic Development License per suggested action #2 with an approved Special Land Use Permit.

2.) To amend Chapter 126, Zoning Ordinance, Article 2, Section 2.39 MX, Uses Requiring a Special Land Use Permit to allow the operation of establishments operating with a liquor license obtained under Chapter 10, Alcoholic Liquors, Article II, Division 3, Licenses for Economic Development identified on Exhibit 1; Appendix C.

Motion carried, 7-0.

VOICE VOTE
Yeas: Jeffares, Koseck, Share, Whipple-Boyce, Clein, Emerine, Williams
Nays: None

Planning Director Ecker confirmed that these suggested ordinance amendments and the SLUP and Final Site Plan Review for 2159 E. Lincoln would proceed to the Commission at the same time.
INTRODUCTION:
The applicant, Bus Bar, LLC, is seeking a Special Land Use Permit (SLUP) for the use of an Economic Development Liquor License to engage in the sale and consumption of alcohol on premise and to occupy a building more than 6,000 square feet in the MX Zone. The applicant is proposing to operate Lincoln Yard restaurant, combined with a small carry out restaurant called Little Yard.

At this time, this subject property is not within the boundaries identified in Appendix C, Exhibit 1 of the Zoning Ordinance to qualify for an Economic Development Liquor License, though the applicant has applied for a zoning amendment to have this property added to Appendix C, Exhibit 1, and to allow the use of economic development licenses in the MX district with a Special Land Use Permit. These requests for zoning amendments will be presented to the City Commission prior to the public hearing to consider the SLUP request for Lincoln Yard at 2159 E. Lincoln.

BACKGROUND:

On September 25, 2019, the Planning Board reviewed the SLUP and corresponding site plan review, and voted unanimously to recommend approval to the City Commission for 2159 E. Lincoln, the Lincoln Yard, with the following conditions:

1. The applicant must obtain zoning amendment approval for 2159 E. Lincoln to be eligible for an Economic Development License according to Chapter 126, Zoning, Appendix C, Exhibit 1 and section 2.39 of the Zoning Code;
2. Applicant provide details regarding what type of liquor license they will transfer into the City, who owns it, where it was purchased from and if they are requesting endorsements attached to the liquor license;
3. Applicant provide a cross parking agreement that permits parking on 2125 E. Lincoln during all hours of operation for Little Yard and Lincoln Yard;
4. The cross parking agreement be registered with the Oakland County Registrar of Deeds;
5. The applicant will be in breach of their SLUP agreement if parking agreement is not intact and
6. No changes to driveways or curb cuts may be approved without a SLUP amendment;
7. The applicant explore revising the pedestrian entrance area and increase the
8. The applicant shall meet with neighbors to the north to explore connectivity from Cole Street.

The draft Planning Board minutes from September 25, 2019 are not yet available for review, but will be prior to the public hearing.

LEGAL REVIEW:
The City Attorney has reviewed the documentation and has no concerns.

FISCAL IMPACT:
There are no fiscal impacts based on the approval of the SLUP and Final Site Plan for the Lincoln Yard.

SUMMARY:
The applicant is seeking approval for a Special Land Use Permit (SLUP) and Final Site Plan & Design Review to allow Lincoln Yard to use an economic development liquor license at 2159 E. Lincoln to serve alcohol on premise and to occupy a building more than 6,000 square feet in size in the MX Zone.

ATTACHMENTS:
- SLUP Resolution
- Special Land Use Permit Application
- Planning Board Staff Report
- Site Plans & Material Specification Sheets
- Letters from Residents

SUGGESTED RESOLUTION:
To set a public hearing date for October 28, 2019 to consider approval of a Special Land Use Permit and Final Site Plan and Design Review for Lincoln Yard at 2159 E. Lincoln to allow the use of an economic development liquor license to serve alcohol on premise and to occupy a building more than 6,000 square feet in size in the MX Zone.
WHEREAS, Lincoln Yard filed an application pursuant to Article 7, section 7.34 of Chapter 126, Zoning, of the City Code to operate a new restaurant serving alcoholic liquor with an economic development license in a building greater than 6000 square feet in size;

WHEREAS, The land for which the Special Land Use Permit is sought is located on the north side of E. Lincoln west of Commerce Street;

WHEREAS, The land is zoned MX, Mixed Use, and is located within the southern portion of the Rail District, which permits restaurants serving alcoholic liquor under an economic development license with a Special Land Use Permit;

WHEREAS, The land is zoned MX, Mixed Use, which permits restaurant use in buildings greater than 6000 square feet in size with a Special Land Use Permit;

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

WHEREAS, The Planning Board on September 25, 2019 reviewed the application for a Special Land Use Permit and Final Site Plan and Design Review for the proposed Lincoln Yard to permit the service of alcoholic liquor in the restaurant using an economic development license, in a building greater than 6000 square feet in size, and recommended approval with the following conditions:

1. The applicant must obtain zoning amendment approval for 2159 E. Lincoln to be eligible for an Economic Development License according to Chapter 126, Zoning, Appendix C, Exhibit 1 and section 2.39 of the Zoning Code;
2. Applicant provide details regarding what type of liquor license they will transfer into the City, who owns it, where it was purchased from and if they are requesting endorsements attached to the liquor license;
3. Applicant provide a cross parking agreement that permits parking on 2125 E. Lincoln during all hours of operation for Little Yard and Lincoln Yard;
4. The cross parking agreement be registered with the Oakland County Registrar of Deeds;
5. The applicant will be in breach of their SLUP agreement if parking agreement is not intact and
6. No changes to driveways or curb cuts may be approved without a SLUP amendment;
7. The applicant explore revising the pedestrian entrance area and increase the landscaping zone by reducing 1 parking space; and
8. The applicant shall meet with neighbors to the north to explore
WHEREAS, The applicant has complied with all of the conditions noted by the Planning Board;

WHEREAS, The Birmingham City Commission has reviewed the Lincoln Yard 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 Lincoln Yard’s application for a Special Land Use Permit authorizing the service of alcoholic liquors using an economic development license at 2159 E. Lincoln in accordance with Chapter 10, Alcoholic Liquors, in a building greater than 6000 square feet in size, 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 to allow the operation of Lincoln Yard at 2159 E. Lincoln with the following conditions:

1. The applicant must obtain zoning amendment approval for 2159 E. Lincoln to be eligible for an Economic Development License according to Chapter 126, Zoning, Appendix C, Exhibit 1 and section 2.39 of the Zoning Code;
2. Applicant provide details regarding what type of liquor license they will transfer into the City, who owns it, where it was purchased from and if they are requesting endorsements attached to the liquor license;
3. Applicant provide a cross parking agreement that permits parking on 2125 E. Lincoln during all hours of operation for Little Yard and Lincoln Yard;
4. The cross parking agreement be registered with the Oakland County Registrar of Deeds;
5. The applicant will be in breach of their SLUP agreement if parking agreement is not intact and
6. No changes to driveways or curb cuts may be approved without a SLUP amendment;
7. The applicant explore revising the pedestrian entrance area and increase the landscaping zone by reducing 1 parking space;
8. The applicant shall meet with neighbors to the north to explore connectivity from Cole Street;
9. Lincoln Yard shall abide by all provisions of the Birmingham City Code; and
10. 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, Lincoln Yard 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 Lincoln Yard to comply with all the ordinances of the city may result in the Commission revoking this Special Land Use Permit.

I, Cheryl Arft, City Clerk of the City of Birmingham, Michigan, do hereby certify that the foregoing is a true and correct copy of the resolution adopted by the Birmingham City Commission at its regular meeting held on October 28, 2019.

_______________________________
Cheryl Arft, Acting City Clerk
Special Land Use Permit Application – Economic Development License
Planning Division

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

1. Applicant
Name: Bus Bar LLC
Address: 90 N. Main Street, Clarkson, MI 48346

Phone Number: 248.795.2483
Fax Number: 248.795.2549
Email address: tahakady@unionadworks.com

2. Property Owner
Name: 2159 E. Lincoln LLC
Address: 90 N. Main Street, Clarkson, MI 48346

Phone Number: 248.795.2483
Fax Number: 248.795.2549
Email address: tahakady@unionadworks.com

3. Applicant’s Attorney/Contact Person
Name: Neil Wallace
Address: 59 S. Main Street, #20
Clarkston, MI 48346

Phone Number: 248.626.1600
Fax Number: 248.620.7477
Email address: newall@aol.com

4. Project Designer/Developer
Name: Kieger Klett Architects (Contact: Jeff Klett, R.A.)
Address: 2120 E. 11 Mile Rd, Royal Oak, MI 48067

Phone Number: 248.414.9270
Fax Number: 248.414.9275
Email address: jeff@kiegerklett.com

5. Required Attachments
I. Two (2) paper copies and one (1) digital copy of all project plans including:
   i. A detailed Existing Conditions Plan including the subject site in its entirety, including all property lines, buildings, structures, curb cuts, sidewalks, driveways, ramps and all parking on site and on the street(s) adjacent to the site, and must show the same detail for all adjacent properties within 200 ft. of the subject sites property lines;
   ii. A detailed and scaled Site Plan depicting accurately and in detail the proposed construction, alteration or repair;
   iii. A certified Land Survey;
   iv. Interior floor plans;
   v. A Landscape Plan;
   vi. A Photometric Plan;
   vii. Colored elevation drawings for each building elevation;
II. Specification sheets for all proposed materials, light fixtures and mechanical equipment;
III. Samples of all proposed materials;
IV. Photographs of existing conditions on the site including all structures, parking areas, landscaping and adjacent structures;
V. Current aerial photographs of the site and surrounding properties;
VI. Warranty Deed, or Consent of Property Owner if the applicant is not the owner;
VII. Any other data requested by the Planning Board, Planning Department, or other City Departments.

6. Project Information
Address/Location of the property: 2159 E. Lincoln, Birmingham, MI 48009

Name of development: Lincoln Yard
Sidewall #: Part of 20-31-401-006
Current Use: Unoccupied (Past Use: F-1)
Proposed Use: Restaurant (Assembly A-2)
Area of Site in Acres: 9.81 acres
Current zoning: MX (Mixed Use)
Is the property located in the floodplain? No
Name of Historic District Site is Located in: n/a
Date of Historic District Commission Approval: n/a
Date of Application for Preliminary Site Plan: n/a
Date of Preliminary Site Plan Approval: n/a
Date of Application for Final Site Plan: n/a
Date of Final Site Plan Approval: n/a
Date of Application for Revised Final Site Plan: n/a
Date of Revised Final Site Plan Approval: n/a
Date of Design Review Board Approval: n/a
Is there a current SLUP in effect for this site? No
Date of Application for SLUP: 07/22/2019
Date of SLUP Approval: n/a
Date of Last SLUP Amendment: n/a
7. Details of the Proposed Development (attach separate sheet if necessary)
Renovation to convert existing, single story, 5,715 SF building into a new restaurant (112 SF will be demolished). An additional 1,104 SF building addition is proposed at the rear (North) side of the building as well as a 109 SF building addition at the front (South) side of the building. The total proposed building footprint will be 6,276 SF. The new restaurant (Lincoln Yard) will occupy 5,204 SF of the building. There is an outdoor patio area at grade level in the front (South) yard. The remainder of the interior space will be used for an independent, fast casual restaurant. This restaurant will contain 1,072 SF and will share a kitchen with Lincoln Yard. This independent restaurant will contain an outdoor patio area at grade level in the side (West) yard. The remainder of the site will be utilized for required parking and green space.

8. Buildings and Structures
Number of Buildings on Site: 1
Height of Buildings & # of Stories: 17'-2" +/- (existing to remain) & 1 Story

9. Floor Use and Area (in Square Feet)
Structures:
Restaurant Space: 5,204 SF (Lincoln Yard); 1,072 SF (Independent Restaurant)
Office Space: n/a
Retail Space: n/a

10. Proposed Restaurant Operation
Number of Indoor Seats: 135 (Lincoln Yard); 25 (Independent Restaurant)
Number of Outdoor Seats: 73 (Lincoln Yard); 20 (Independent Restaurant)
Entertainment Proposed: no
Previous LCC Complaints? no
Number of Tables along Street Façade: 10 (Format dining tables)
Type of Cuisine: Elevated American Comfort Food

11. Proposed Setbacks
Required Front Setback: 0
Required Rear Setback: 10.0'
Required Total Side Setback: 0

12. Outdoor Dining Facility
Location (sidewalk right-of-way or on-street parking space): Front of building (south elevation)
Hours of Operation: 7:00 AM to 11:00 PM
Width of unobstructed sidewalk between door and café? (5 ft. required): 5.0'
Platform Proposed: none (outdoor patio proposed)
Trash Receptacles: none (server clears tables)

13. Required and Proposed Parking
Required number of parking spaces: 85
Location of parking on site: East & South ends of lot
Screenwall material: Hedgerow (South)

14. Landscaping
Location of landscape areas: Refer to site plan on sheet C.100

Use of Buildings: Restaurant
Height of Rooftop Mechanical Equipment: TBD (to comply w/ordinance)

Number of Residential Units: n/a
Rental or Condominium? n/a
Total Floor Area: 6,276 SF

Bar Area? yes
Number of Seats at Bar: 13
Full Service Kitchen? yes
Percentage of Glazing Proposed: 14% (building overall)
Years of Experience in Birmingham: none
Years of Experience Outside Birmingham: 24 years

Proposed Front Setback: 59.4'
Proposed Rear Setback: 10.0'
Proposed Total Side Setback: Existing to remain

Number of Tables/Chairs: 73 Chairs+20 Tables (Lincoln); 20 Chairs+5 Tables (Independent)
Material of Tables/Chairs: Vente (refer to C.102)
Tables Umbrellas Height & Material: n/a
Number and Location of Parking Spaces Utilized: 85 spaces (East & South ends of lot)
Screenwall Material: Planters (Refer to plans)
Enclosure Material: Refer to elevations

Shared Parking Agreement? yes (Armstrong White)
Location of parking off site: Adjacent parking lot (Armstrong White)
Height of screenwall: 32' min. (to comply w/ordinance)

Proposed landscape material: Sod
15. Streetscape
- Sidewalk width: 5'0"
- Number of benches: 2 proposed
- Number of planters: 9
- Number of existing street trees: 0
- Number of proposed street trees: 5
- Streetscape plan submitted: yes

Description of benches or planters:
Proposed benches are per city standards
Species of existing trees: American Hornbeam (assumed)
Species of proposed trees: American Hornbeam (to match Armstrong White)

16. Loading
- Required number of loading spaces: 1
- Typical angle of loading spaces: 90 degrees
- Screenwall material: -
- Location of loading spaces on site: adjacent to East side of building

Proposed number of loading spaces: 1
Typical size of loading spaces: 12'0"x 40'-0"
Height of screenwall: -
Typical time loading spaces are used: Varies by delivery

17. Exterior Waste Receptacles
- Required number of waste receptacles: none (server clears tables)
- Location of waste receptacles: none
- Screenwall material: n/a

Proposed number of waste receptacles: none
Size of waste receptacles: n/a
Height of screenwall: n/a

18. Mechanical Equipment

Utilities and Transformers:
- Number of ground mounted transformers: 1
- Size of transformers (L.W+H): T.B.D. (approx. 5'-2" x 5'-2" conc. pad)
- Number of utility easements: 6
- Screenwall material: Planting

Ground Mounted Mechanical Equipment:
- Number of ground mounted units: 9
- Size of ground mounted units (L.W+H): n/a
- Screenwall material: n/a

Rooftop Mechanical Equipment:
- Number of rooftop units: 4 (currently)
- Type of rooftop units: Air handling unit & make-up air unit
- Screenwall material: Pre-finished metal panels
- Location of screenwall: At all roof top units

Location of all utilities & easements: Refer to ALTA survey
Height of screenwall: Height to conceal transformer
Location of all ground mounted units: n/a
Height of screenwall: n/a
Location of all rooftop units: n/a (at roof)
Size of rooftop units (L.W+H): final dimensions T.B.D.
Percentage of rooftop covered by mechanical units:
Height of screenwall: Final hgt. T.B.D. within hgt. of units, to comply w/ord.
Distance from rooftop units to all screenwalls: Required clearance per final selected rooftop units to be provided

19. Accessory Buildings
- Number of accessory buildings: 0
- Location of accessory buildings: n/a

Size of accessory buildings: n/a
Height of accessory buildings: n/a

20. Building Lighting
- Number of light standards on building: 35
- Size of light fixtures (L.W+H): Sizes vary by fixture
- Maximum wattage per fixture: Refer to photometric plan
- Light level at each property line: Refer to photometric plan

Type of light standards on building: Wall mounted
Height from grade: Varies (Refer to elevations)
Proposed wattage per fixture: Refer to photometric

21. Site Lighting
- Number of light fixtures: 6
- Size of light fixtures (L.W+H): Refer to photometric
- Maximum wattage per fixture: Refer to photometric
- Light level at each property line: Refer to photometric

Type of light fixtures: Pole mounted
Height from grade: Refer to photometric
Proposed wattage per fixture: Refer to photometric
Holiday tree lighting receptacles: n/a

22. Adjacent Properties
- Number of properties within 200 ft.: 6
<table>
<thead>
<tr>
<th>Property #1</th>
<th>Property Description: Armstrong White 2126 E. Lincoln Ave. 20-31-401-007</th>
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<tbody>
<tr>
<td>Number of buildings on site: 1</td>
<td>North, south, east or west of property? West</td>
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<tr>
<td>Zoning district: MX (Mixed-Use)</td>
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<tr>
<td>Use type: Office</td>
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<tr>
<td>Square footage of principal building: Unknown</td>
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<tr>
<td>Square footage of accessory buildings: n/a</td>
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<tr>
<td>Number of parking spaces: 58</td>
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<tr>
<th>Property #2</th>
<th>Property Description: 2010 Cole St. 20-31-252-010</th>
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<tr>
<td>Number of buildings on site: 1</td>
<td>North, south, east or west of property? North</td>
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<tr>
<td>Zoning district: MX (Mixed-Use)</td>
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<tr>
<td>Use type: Office (assumed)</td>
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<td>Square footage of principal building: Unknown</td>
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<td>Square footage of accessory buildings: n/a</td>
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<tr>
<td>Number of parking spaces: 30 +/-</td>
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<td>Zoning district: MX (Mixed-Use)</td>
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<td>Use type: Unknown</td>
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<td>Square footage of principal building: Unknown</td>
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<td>Square footage of accessory buildings: n/a</td>
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<td>Number of parking spaces: 15 +/-</td>
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<td>Use type: Office</td>
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<td>Square footage of principal building: Unknown</td>
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<tr>
<td>Square footage of accessory buildings: n/a</td>
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<td>Number of parking spaces: Unknown</td>
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<td>Use type: Mixed-use</td>
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<td>Square footage of accessory buildings: n/a</td>
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<td>Number of parking spaces: Unknown</td>
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<th>Property #6</th>
<th>Property Description: 2300 E. Lincoln Ave. 20-31-403-028</th>
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<td>Number of buildings on site: 1</td>
<td>North, south, east or west of property? South</td>
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<td>Zoning district: PP (Public Property)</td>
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<tr>
<td>Use type: Park</td>
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<tr>
<td>Square footage of principal building: Unknown</td>
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<td>Square footage of accessory buildings: Unknown</td>
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<tr>
<td>Number of parking spaces: 25</td>
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</table>
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: ______________

Print Name: ________________________________

Signature of Applicant: ______________________ Date: ______________

Print Name: ________________________________

Signature of Architect: ______________________ Date: 7/22/2019

Print Name: ________________________________

<table>
<thead>
<tr>
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<td>Application #:</td>
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<td>Date of Approval:</td>
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</table>
Notice Signs - Rental Application
Community Development

1. Applicant
Name: Bus Bar LLC
Address: 90 N. Main Street, Clarkson, MI 48346
Phone Number: 
Fax Number: 
Email address: thekady@unionadworks.com

Property Owner
Name: 2159 E. Lincoln LLC
Address: 90 N. Main Street, Clarkson, MI 48346
Phone Number: 
Fax Number: 
Email address: thekady@unionadworks.com

2. Project Information
Address/Location of Property: 2159 E. Lincoln
Name of Development: Lincoln Yard
Area in Acres: 0.81
Name of Historic District site is in, if any: n/a
Current Use: Lincolin (Past Use: F-1)
Current Zoning: Mixed Use (MX)

3. Date of Board Review
Board of Building Trades Appeals: n/a
City Commission: 
Historic District Commission: n/a
Planning Board: 
Board of Zoning Appeals: n/a
Design Review Board: n/a
Housing Board of Appeals: n/a

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: ______________________

Office Use Only
Application #: __________________________  Date Received: __________________________  Fee: __________________________
Date of Approval: __________________________  Date of Denial: __________________________  Reviewed by: __________________________
Executive Summary

The applicant is proposing a full service restaurant at 2159 E. Lincoln Street titled “Lincoln Yard”. The applicant has applied to renovate the existing vacant building into a 6,276 square foot space that includes an independent fast casual restaurant and the dine-in restaurant Lincoln Yard that serves American comfort food. Lincoln Yard will have 135 indoor seats and 73 outdoor seats. The independent, fast casual restaurant is proposed to connect to Lincoln Yard via a sliding door and offer a carry-out option.

The applicant is seeking a Special Land Use Permit (SLUP) for the use of an Economic Development Liquor License to engage in the sale and consumption of alcohol on premise and to occupy a building more than 6,000 square feet in the MX Zone. At this time, this subject property is not within the boundaries identified in Appendix C, Exhibit 1 of the Zoning Ordinance to qualify for an Economic Development Liquor License, though the applicant has applied for a zoning amendment to have this property added to Appendix C, Exhibit 1.

On August 14th, 2019, the Planning Board reviewed the Final Site Plan application for 2159 E. Lincoln Street. After some initial discussion the Planning Board motioned to postpone recommendation until it had reviewed the subject’s application to be incorporated into the parcels eligible for an Economic Development License.

On September 11th, 2019, The Planning Board considered the application to amend the Zoning Ordinance to include 2159 E. Lincoln Street as a property eligible for an Economic Development Liquor License. The Planning Board considered the intent of the Economic Development License, the goals of the Eton Road Corridor Plan, and the current conditions of the southern portion of the Rail District. Based upon review, the Planning Board motioned to recommend that 2159 E. Lincoln Street, as well as surrounding properties on E. Lincoln Street and Cole Street in the southern portion of the Rail District be added to Appendix C, Exhibit 1 of the Zoning Ordinance. The reasoning for the recommendation of additional properties is that the Planning Board wanted to consider the southern portion of the Rail District as a whole and not one property at a time. The Planning Board felt that the entire southern portion of the Rail District could benefit from substantial investment opportunities.
The subject property must receive final approval from City Commission to be added to Appendix C, Exhibit 1 of the Zoning Ordinance to be eligible for an Economic Development License SLUP. Principal uses in the MX District with a total floor area greater than 6,000 square feet must apply for a Special Land Use Permit as well.

1.0 **Land Use and Zoning**

1.1 *Existing Land Use* – The existing land use is commercial, vacant.

1.2 *Existing Zoning* – The property is currently MX, Mixed-Use. The existing use and surrounding uses appear to conform to the permitted uses.

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.

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<tr>
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<th>North</th>
<th>South</th>
<th>East</th>
<th>West</th>
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</thead>
<tbody>
<tr>
<td><strong>Existing Land Use</strong></td>
<td>Commercial Retail Industrial</td>
<td>Public Property Ice Arena/ Skate Park</td>
<td>Commercial Retail</td>
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<tr>
<td><strong>Existing Zoning District</strong></td>
<td>MX, Mixed-Use</td>
<td>PP, Public Property</td>
<td>MX, Mixed-Use</td>
<td>MX, Mixed-Use</td>
</tr>
</tbody>
</table>

2.0 **Economic Development Liquor License Use**

The applicant is requesting approval of a SLUP to allow the use of an Economic Development Liquor License in a building greater than 6,000 square feet at 2159 E Lincoln Street. Establishments operating with a liquor license obtained under Chapter 10, Alcoholic Liquors, Article II, Division 3, Licenses for Economic Development are permitted with a valid Special Land Use Permit only for those properties identified on the map in Appendix C, Exhibit 1, of the Zoning Ordinance. At this time, the subject property has not been designated as a parcel eligible for an Economic Development Liquor License in Appendix C, Exhibit 1, of the Zoning Ordinance, though the applicant has applied for an amendment to include the subject property on this map.

If the applicant is successful in having the property approved as an area that qualifies for an Economic Development Liquor License, the applicant must satisfy the requirements of Chapter
Chapter 10, Alcoholic Liquors, Article II, Division 3, Licenses for Economic Development in order to qualify for approval.

The purpose of this division is to establish a policy and conditions to allow the city commission the ability to approve a request to transfer a liquor license into the city in excess of the city’s quota licenses if the request is deemed to constitute a substantial economic development and benefit to the city, to establish criteria for selecting applicants, and to provide limitations on the influx of new liquor licenses and to insure controlled growth and development regarding liquor licenses and to evaluate the impact of increased liquor licenses on the city.

Meanwhile, Chapter 10, Alcoholic Liquors, Article II, Division 3, Licenses for Economic Development Section 10-61 outlines requirements an applicant must meet for persons desiring to transfer a liquor license into the City for economic development purposes. The applicant’s responses to such requirements are as follows:

Chapter 10.61 of the Municipal Code:

(1) Utilization of said liquor licenses and details on the number of quota liquor licenses in escrow at the time of application.

The applicant has advised that all quota liquor licenses are currently in use, with the exception of the following, which are currently in escrow for use by future tenants of the buildings where they are held:

1. PEABODY OWNER, LLC, 34965 Woodward
2. WILLITS CO-LICENSE LLC / MITCHELL’S ENTERTAINMENT, INC., 117 Willits
3. WILLITS CO-LICENSE LLC / MITCHELL’S ENTERTAINMENT, INC., 115 Willits
4. THE PALLADIUM OF BIRMINGHAM, LLC, 201 Hamilton Row

(2) Proposed site plan of the property, building floor plan and an operations floor plan.

The Site Plan and building floor plan were submitted with the application. An operations floor plan has yet to be submitted. The hours of operations for the carryout portion of Little Yard will be from 7am to 8pm daily while Lincoln Yard will be open from 11am to 12am daily. The applicant has yet to provide the City with information regarding the type of liquor license they intend to transfer into the City, who owns said liquor license, who it was purchased from, and whether said license is accompanied by any endorsements.

(3) An economic impact analysis.

The applicant has indicated that benefits to the City include:

1. Number of permanent new jobs created: from 85-95
2. Number of temporary contraction and trade jobs: from 40-50
3. Construction participation will be primarily provided by trades within 20-30 miles of the site.
4. Total investment in the project: approximately $3 million.
5. Increase in assessed value for City: from 5-10x current estimate of assessed value.

(4) A copy of the special land use permit application and supporting documentation submitted by the applicant.

SLUP application submitted with Site Plan Application.

(5) All documentation submitted to the LCC requesting the transfer.

At this point the applicant has submitted nothing to the MLCC and are awaiting SLUP approval.

(6) Full identification and history of the license holder(s) as it pertains to the license proposed to be transferred, including all complaints filed with the state liquor control commission (LCC) or actions taken by any municipality or the LCC to suspend, revoke, deny or the non-renewal of said license and all other documentation setting forth the detail of the substantial economic development proposed by the applicant, including the approximate dollar amount of the investment to be made, number of jobs to be created and other benefits to the city. The city deems projects resulting in a 500 percent increase in assessed value post-development over the pre-development assessed value of the parcel and/or projects with an investment of more than $10,000,000.00, whichever is less, to be substantial. However, special circumstances may warrant flexibility on the minimum investment at the sole discretion of the City Commission.

The applicant has no identification and history pertaining to the license proposed to be transferred. The principals of Bus Bar LLC, the operator of Lincoln Yard, Curt Catallo and K.C. Crain, operate Vinsetta Garage which has no open complaints or actions taken by any person or entity to suspend revoke deny or denial of renewal of that license. None of the other six Union Joints operations have had any action to suspend, revoke deny or denial of renewal of those licenses.

The applicant is investing approximately $3 million in the design, engineering and construction of the interior (including kitchen) and exterior of this 6,276 square foot restaurant.

The applicant expects to create approximately 85-95 permanent jobs and approximately 40-50 construction jobs at the site.

The property public records show this property is currently assessed at $182,740 indicating a market value of $365,480. Just considering the investment of approximately $3 million, there will be an 820% increase in value. However, it is
anticipated the actual increase in value will eventually exceed this percentage of improvement.

(7) **Information detailing how the proposed operation will create a more eclectic mix of restaurants in the city.**

Lincoln Yard will compliment the vibrant and ever-expanding dining scene in Birmingham...specifically in the Rail District. The robust restaurant scene along the Eton Corridor is bookended by a highly regarded and established steakhouse and bustling brewery. Lighter offerings from the likes of Beyond Juice and the breakfast-centric Whistle Stop are ideally suited for specific times of the day. Union Joints’ offerings at Lincoln Yard will both fill the gaps in service by offering prepared foods throughout the day (Little Yard) and our characteristic brand of originally interpreted American comfort food. The main dining room in Lincoln Yard will feature fare made brighter and fresher with an emphasis on roasted meats and fish and elevated vegetarian offerings. Little Yard will allow for a healthy and hearty grab-and-go which will be wholly unique to the area.

In regards to what the City deems to be a substantial economic improvement, it is of note that the last sentence of Municipal Code Chapter 10-61(6) states **“However, special circumstances may warrant flexibility on the minimum investment at the sole discretion of the City Commission.”**

In regards to a 500% increase from the current assessed value of $182,740, the required assessed value post development is $913,700 (a market value of $1.8 million). In regards to factors considered in assessments, the Oakland County assessing data indicates the current owners and applicants purchased this property in 2016 for $825,000. The property was in poor condition at the time and the approximately $3 million of investments intended for improvements have yet to be made. Comparable uses nearby also become a factor in determining the assessed value. Examples of restaurants in the Rail District include The Reserve which is a 6,825 SF banquet hall assessed at $783,830. The Big Rock Chophouse which is an 11,737 SF historic building assessed at $1,116,190, and Griffin Claw which is a 15,366 SF brewery assessed at $1,518,790. These restaurants are not exactly like the proposal for Lincoln Yard but may provide a gauge of how establishments with liquor licenses are assessed in this portion of the City.

It is of note that the metrics used in the Municipal Code 10-61(6) to determine a substantial economic improvement, including a 500% increase in assessed value or $10 million in investments only considers the individual property. These metrics of improvement do not take into consideration the catalytic benefits one project or use may have on the surrounding area.

When reviewing the application to have the subject property included as a property eligible for an Economic Development License, the Planning Board discussed the positive economic impact a full service restaurant would have on all properties in the southern portion of the Rail District. The Planning Board chose to consider the area as whole and not one property at a time.

Chapter 10, Alcoholic Liquors, Section 10-62 of the Municipal Code outlines the following requirements for transferring a liquor license into the City for economic development purposes.
Selection criteria. In addition to the usual factors and criteria used by the city commission for liquor license requests, including those listed in section 10-42, the commission shall consider the following non-exclusive list of criteria to assist in the determination of which of the existing establishment applicants, if any, should be approved:

1. The applicant's demonstrated ability to finance the proposed project.
2. The applicant’s track record with the city including responding to city and/or citizen concerns.
3. Whether the applicant has an adequate site plan to handle the proposed liquor license activities.
4. Whether the applicant has adequate health and sanitary facilities.
5. The establishment’s location in relation to the determined interest in development.
6. The extent that the cuisine offered by applicant is represented in the city.
7. The percentage of proceeds from the sale of food products as compared to the sale of alcoholic beverages.
8. Whether the applicant has outstanding obligations to the city (i.e. property taxes paid, utilities paid, etc.).

Maximum number of economic development licenses. The city commission may approve a maximum of two economic development licenses each calendar year in addition to the existing quota licenses otherwise permitted by state law.

Annual review of need. Every three calendar years, the city commission shall perform a review of the previously approved economic development license(s), if any, and the impact of those decisions on the city's downtown. A time for public comment shall be provided.

If any new transfers of licenses for economic development are to be considered, the city commission shall set a schedule setting forth when all applicants must submit their application and supporting documentation, when interviews may be conducted and a timeframe within which a decision will be anticipated.

The applicant has indicated that bank financing necessary for the project is already in place. The applicant has not previously operated in Birmingham though they have indicated they intend to efficiently respond to the City and/or citizen concerns and serve Birmingham’s residential and business community. All of the health and safety facilities will be in compliance with all local, state, and federal laws, and they aim to exceed these requirements as a part of what their audience has come to expect.

The applicant believes their service to the residential, recreational, and business neighborhood will enhance it and help redevelop the area. Birmingham has a variety of specialized cuisine offerings and Union Joints strives to provide diners with something familiar and surprising at the same time, with menus designed to deliver something easily understood in an accent that is exciting and inventive. The applicant has also indicated that they build restaurants with good
bars, not bars that serve some food. They have indicated that Lincoln Yard will be 75% food and 25% alcohol.

There are no known outstanding obligations to the City.

3.0 Setback and Height Requirements

The attached summary analysis provides the required and proposed bulk, area, and placement regulations for the proposed project. The applicant meets all of the bulk, height, area and placement requirements for the MX Zoning District, with the exception that a SLUP is required as the building area is greater than 6,000 square feet.

Please see the attached Zoning Compliance Summary Sheet for detailed zoning compliance information.

4.0 Screening and Landscaping

2.1 Parking Lot Screening – The applicant has proposed a hedgerow three feet in height of Sprinter Boxwood to provide screening for parking along the southern portion of the property facing E. Lincoln Street. An herb garden and box planters are proposed for screening on the western portion of the property abutting the 2125 E. Lincoln Street property, which currently has an evergreen screen wall in place. A five foot hedgerow of Sky Pencil Holly trees is also proposed along a portion of the rear lot line for screening. No screening is proposed along the east property line which abuts a building. Article 4, Section 4.81(6) permits screenwalls in the MX District to be a continuous evergreen hedge upon approval by the Planning Board.

Dumpster Screening - The applicant has proposed a 6’4” masonry screenwall surrounding the dumpster area on three sides. The dumpster gates are proposed to consist of opaque cedar wood attached to concrete bollards which will be painted to match the building. The submitted plan indicates a lockable gate.

Mechanical Screening – Plans indicate the rooftop mechanical equipment will be screened with a metal corrugated material in reflecting pool colored blue in accordance with the ordinance. Details regarding rooftop mechanical equipment locations and cut sheets have been provided. The plans also indicate a ground mounted mechanical transformer in the northwest corner of the property which will be screened by planters that surround the outdoor patio.

2.2 Landscaping – The applicant has proposed additional landscaping along the street frontage on E. Lincoln, the southeast corner of the property, and the northeast corner of the property. Five street trees are required along E. Lincoln based upon the applicant’s linear street frontage. The plans indicate five American Hornbeam trees for the right-of-way along E. Lincoln.
The parking lot is 19,000 square feet, therefore 5% of the parking lot area is required to be landscaped, which totals 950 square feet. The applicant has proposed landscaped area of 1,674 square feet which meets the ordinance requirements.

One canopy tree is required for each 150 square feet of interior planting area required for parking lots. The applicant is required to provide six canopy trees, and has proposed seven Cleveland Select Pear Trees with one at the entrance, one in the parking lot, three at the southeast corner, and two in the northeast corner. The plans indicate the trees will be 3 inches in caliper, and all interior planting areas exceed 150 square feet which satisfies the Zoning Ordinance.

As previously mentioned, a combination of Sprinter Boxwoods and Sky Pencil Holly landscaping has been proposed to serve as screening.

5.0 Parking, Loading, Access, and Circulation

3.1 Parking – The applicant is required to provide 65 parking spaces for both restaurants. The applicant has proposed 58 parking spaces on site and an additional 16 parking spaces through a shared parking agreement with the neighbor at 2125 E. Lincoln Street (Armstrong White), totaling 74. The applicant has provided legal documentation of the shared parking agreement between the owners of 2159 and 2125 E. Lincoln Street for the remaining 16 spaces required.

The adjacent property indicated in the shared parking agreement, 2125 E Lincoln, is a 9,600 square foot commercial building currently used by Amstrong White which is an advertising agency. 2125 E. Lincoln Street is required to provide 32 parking spaces for its current use. The property has 60 spaces on site which is 28 spaces more than is required. Because the property has 28 extra spaces and the applicant has indicated an agreement for 16 of those parking spaces, the Planning Department does not recommend the need for a peak parking demand study.

3.2 Loading – The subject building is between 5,000 and 20,000 square feet, thus one loading space is required. One loading space is proposed adjacent to the east side of the building. The space is 12’ x 40’ and is screened by the building.

3.3 Vehicular Access & Circulation – The site plan indicates one existing curb cut that is 20 feet wide at the site for ingress and egress on the subject property. The applicant has also indicated the removal of existing fencing in the southwest corner of the property and a parking lot connection to the 2125 E. Lincoln Street parking lot. The 2125 E. Lincoln Street property also has one curb cut for ingress and egress.

3.4 Pedestrian Access & Circulation – Pedestrians will be able to access the restaurants from E. Lincoln via two entry doors, one on the eastern portion of the southern façade and one on the western portion of the southern façade. Patrons may enter Lincoln Yard from the outdoor patio as well. The applicant has proposed an improved walkway connecting from the public sidewalk to the southeast entrance.
This includes red tinted concrete for a pedestrian crosswalk connecting the southeast building entrance to the public walk at East Lincoln Street.

3.5 Streetscape – The applicant has indicated that there will be 5 feet of unobstructed pedestrian right of way along E. Lincoln Street. Five American Hornbeam trees are proposed for the public right-of-way, along with five new City street lights. The street trees and city street lights are spaced 20 feet apart and satisfy the Zoning Ordinance requirements of one street tree and City light per 40 feet of frontage.

The site plan indicates two city standard benches facing the public sidewalk along E. Lincoln, one at the southeast corner and the other near the southwest corner of the property. Each public bench is accompanied by a city standard trash receptacle. The applicant must indicate the color of the proposed benches and trash receptacles.

6.0 Lighting

The applicant has provided a photometric plan and spec sheet for proposed light fixtures. The site plan indicates six pole mounted light fixtures for the parking lot. The applicant has indicated the height of the pole mounted light fixtures will be 16 feet, meeting the ordinance height requirement. The parking lot circulation area foot-candle variation ratio is 15.8:1 which satisfies the 20:1 ratio requirement.

The applicant has also proposed 35 wall mounted light fixtures on the exterior of the building. The LF3, LF4, and LF5 wall light fixtures indicated on the plans do not appear to be full cutoff or cutoff luminaires. Article 4, Section 4.21(D)(1) requires that all luminaires 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.

The applicant is requesting that the Planning Board waive the requirement that all luminaires be full cutoff or cutoff as defined in Section 9.02. According to the applicant, the lights are meant to be decorative in manner, are consistent with the building and do not adversely affect other uses and buildings in the neighborhood.

Article 4, Section 4.21(D)(1) also states that exceptions to cutoff luminaires can be made at the discretion of the Planning 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 dis-trict 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.

If the Planning Board does not approve an exception to the cutoff luminaire policy, the applicant must submit new plans with lights that meet the Zoning Ordinance, or apply for a variance from the Board of Zoning Appeals.

7.0 Departmental Reports

5.1 Engineering Division – Comments will be received by September 25th, 2019.

5.2 Department of Public Services – Comments will be received by September 25th, 2019.

5.3 Fire Department –
- The entire building will require fire suppression (A-2 Occupancy).
- An FDC (fire department connection) to be located on the street side of the building, in an approved, unobstructed location.
- The building will require a fire alarm system with occupant notification.
- The proposed fire table will need to be equipped with an attached, study mesh cover to prevent contact with open flames, final approval by the fire marshal.
- The entire enclosed canopy area with the fire table feature will be required to have fire suppression coverage, due to combustible materials, and an open ignition source.

5.4 Police Department – Comments will be received by September 25th, 2019.

5.5 Building Department –
- A fire sprinkler system will be required throughout the building and within the covered outdoor dining areas.
- It appears that a single unisex toilet room is proposed in the independent restaurant area. The Michigan Plumbing Code will require separate men’s and women’s toilet rooms in this area due to the occupant load.

8.0 Design Review

Exterior:
The applicant has proposed modifications to the existing building that includes new windows, an outdoor patio, and an addition of 1,104 square feet. The south facing patio will have a canopy constructed of corrugated blue metal panels and a white acrylic patio cover. The patio seating will be surrounded by planters made of wood and corten steel.
The building exterior is proposed to remain concrete masonry that is painted white with a blue stripe. The new windows will have prefinished aluminum framing in a red oxide color.

**Outdoor Dining:**
Outdoor dining must comply with the site plan criteria as required by Article 04, Section 4.44 OD-01, Outdoor Dining Standards. Outdoor dining in the MX Zone is permitted immediately adjacent to the principal use and is subject to site plan review and the following conditions:

1. Outdoor dining areas shall provide and service refuse containers within the outdoor dining area and maintain the area in good order.
2. All outdoor activity must cease at the close of business, or as noted in Subsection 3 below, whichever is earlier.
3. When an outdoor dining area is immediately adjacent to any single-family or multiple-family residential district, all outdoor activity must cease at the close of business or 12:00 a.m., whichever is earlier.
4. All tables and chairs provided in the outdoor dining area shall be constructed primarily of metal, wood, or material of comparable quality.
5. Table umbrellas shall be considered under Site Plan Review and shall not impede sight lines into a retail establishment, pedestrian flow in the outdoor dining area, or pedestrian or vehicular traffic flow outside the outdoor dining area.

The outdoor seating will be on the south and west sides of the building with a mixture of benches, chairs, couches and a fire pit. **The applicant has not indicated the location and type of refuse containers for their outdoor dining.** In regards to hours of operation, Lincoln Yard will be open from 11am to 12am, therefore outdoor dining may be occupied for their use during this time. The hours of operation for Little Yard will be 7am to 8pm. Little Yard is intended for carryout only, therefore the applicant has not indicated outdoor dining for the carry-out patrons for the purpose of maintaining seating for Lincoln Yard patrons. **The Planning Division recommends outdoor seating be provided for Little Yard patrons from 7am to 11am while Lincoln Yard is not open.**

According to 4.44(A)(3), tables and chairs shall be constructed primarily of metal, wood or similar material. **The applicant has indicated that chairs C1, C3, C4, and C5 are made out of plastic that come in colors white, orange, Bordeaux, and red ochre.** The remaining chairs, tables, and benches are composed of either wood or aluminum. The bright hues of orange, red and blue for the outdoor furniture appear to compliment each other and appear to become accentuated by the contrasting white background of the building.

**Glazing:**
Article 4, Section 4.90(A)(1) states that no less than 70% of the storefront/ground floor façade between 1 and 8 feet above grade shall be clear glazing. **Currently, the applicant has a glazing percentage of 45% for the southern elevation façade, which does not meet the ordinance requirement.** Also, the applicant has not provided window details demonstrating a visual light transmittance (VLT) of 80% or higher.
Meanwhile, Article 4.90(D) for Storefront/Ground Floor Windows was adopted by City Commission on July 24th, 2017 stating:

D. To allow flexibility in design, these standards (Storefront/Groundfloor Windows) may be modified by a majority vote of the Planning Board, Design Review Board, and/or Historic District Commission for architectural design considerations provided that the following conditions are met:

a) The subject property must be in a zoning district that allows mixed uses;

b) The scale, color, design and quality of materials must be consistent with the building and site on which it is located;

c) The proposed development must not adversely affect other uses and buildings in the neighborhood;

d) Glazing above the first story shall not exceed a maximum of 70% of the façade area;

e) Windows shall be vertical in proportion.

The Planning Board may wish to allow flexibility in design for this building and maintain its proposed glazing level at 45%.

Signage:
A name letter sign is proposed to read “LINCOLN YARD” to comply with the Sign Ordinance. A second name letter sign is proposed to read “LITTLE YARD” for the independent fast casual space with “EVERYDAY TAKEAWAY” below it. The applicant has 102 of building frontage, therefore 102 square feet of available sign space. The Lincoln Yard sign is proposed to be 67 square feet, and 12 feet above grade. The letters project 3 inches in total. The Little Yard sign is 21 SF with letters that project 2 inches, though the applicant has not indicated the height from ground level for this sign. Specifics regarding the signage for “EVERYDAY TAKEAWAY”. The applicant must provide details regarding size of each sign, the elevation of each sign in relation to the ground floor, and how the sign is attached to the wall before obtaining final approval.

9.0 Approval Criteria

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

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

(2) The location, size and height of the building, walls and fences shall be such that there will be no interference with adequate light, air and access to adjacent lands and buildings.
(3) The location, size and height of the building, walls and fences shall be such that they will not hinder the reasonable development of adjoining property 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.

10.0 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.

11.0 Suggested Action

Based on a review of the site plans submitted, the criteria listed in Article 7, Section 7.27 and 7.34 of the Zoning Ordinance, the Planning Board recommends APPROVAL of the applicant’s request for Final Site Plan and SLUP Review for 2159 E. Lincoln – Lincoln Yard to the City Commission, with the following conditions:

1. The applicant obtain zoning amendment approval for the subject property to be eligible for an Economic Development Liquor License according to Chapter 126, Zoning Ordinance Appendix C, Exhibit 1, and Chapter 126, Zoning Ordinance Article 2, Section 2.39 MX Uses Requiring a Special Land Use Permit.

2. The applicant indicates a color for the city standard benches and trash receptacles.

3. The applicant provides window details demonstrating an 80% VLT or greater.

4. The applicant provide location and design specifics for the outdoor dining refuse containers.
5. The applicant provides details regarding the material, size and height of the signs, as well as how they are attached to the wall.
6. The applicant provides an operations floor plan.
7. The applicant provide details regarding what type of liquor license they will transfer into the City, who owns it, who it was purchased from, and whether or not they have endorsements attached to the liquor license.

OR

Based on a review of the site plans submitted, the criteria listed in Article 7, Section 7.27 and 7.34 of the Zoning Ordinance, the Planning Board recommends POSTPONE of the applicant’s request for Final Site Plan and SLUP Review for 2159 E. Lincoln – Lincoln Yard to the City Commission, for the following reasons:

1.__________________________________________
2.__________________________________________
3.__________________________________________

OR

Based on a review of the site plans submitted, the criteria listed in Article 7, Section 7.27 and 7.34 of the Zoning Ordinance, the Planning Board recommends DENIAL of the applicant’s request for Final Site Plan and SLUP Review for 2159 E. Lincoln – Lincoln Yard to the City Commission, for the following reasons:

1.__________________________________________
2.__________________________________________
3.__________________________________________
**Existing Site:**

**Zoning:** MX

**Land Use:** Vacant commercial/industrial building

**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 Retail Industrial</td>
<td>Public Property Ice Rink Skate Park</td>
<td>Commercial Retail</td>
<td>Commercial Retail</td>
</tr>
<tr>
<td><strong>Existing Zoning District</strong></td>
<td>MX, Mixed-Use</td>
<td>PP, Public Property</td>
<td>MX, Mixed-Use</td>
<td>MX, Mixed-Use</td>
</tr>
</tbody>
</table>

**Land Area:**
- existing: 35,337 SF
- proposed: Same as existing

**Minimum Lot Area:**
- required: N/A
- proposed: N/A

**Minimum Floor Area:**
- required: N/A
- proposed: Retail N/A

**Maximum Total Floor Area:**
- required: N/A
- proposed: 6,276 SF.
  Principle uses with a floor area greater than 6,000 SF in the MX zone must apply for a SLUP.

**Minimum Open Space:**
- required: N/A
- proposed: N/A

**Maximum Lot Coverage:**
- required: N/A
- proposed: N/A

**Front Setback:**
- required: N/A
- proposed: 59'5"
<table>
<thead>
<tr>
<th></th>
<th>required:</th>
<th>proposed:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Side Setbacks:</strong></td>
<td>N/A</td>
<td>111’ (to East)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>12’ (to West)</td>
</tr>
<tr>
<td><strong>Rear Setback:</strong></td>
<td>10’</td>
<td>10’</td>
</tr>
<tr>
<td></td>
<td>when adjacent to MZ Zone</td>
<td></td>
</tr>
<tr>
<td><strong>Max. Bldg. Height:</strong></td>
<td>45’</td>
<td>17’2”</td>
</tr>
<tr>
<td></td>
<td>permitted:</td>
<td></td>
</tr>
<tr>
<td><strong>Minimum Eave Height:</strong></td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Parking:</strong></td>
<td>65 spaces</td>
<td>58 on site space spaces, 16 shared with 2125 E. Lincoln Street for 74 total.</td>
</tr>
<tr>
<td><strong>Loading Area:</strong></td>
<td>1 space</td>
<td>1 spaces</td>
</tr>
<tr>
<td><strong>Screening:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parking:</td>
<td>32” screen wall</td>
<td>36” sprinter boxwoods</td>
</tr>
<tr>
<td>AC/Mech. units:</td>
<td>Obscure the equipment from public view</td>
<td>corrugated metal paneling</td>
</tr>
<tr>
<td>Dumpster:</td>
<td>6’ high capped masonry wall with wooden gates</td>
<td>6’4” masonry screen wall with cedar wood gates</td>
</tr>
</tbody>
</table>
Economic Development Licenses
Minutes of the regular meeting of the City of Birmingham Planning Board held on August 14, 2019. Chairman Scott Clein convened the meeting at 7:30 p.m.

A. ROLL CALL

Present: Chairman Scott Clein; Board Members Robin Boyle, Stuart Jeffares, Daniel Share, Janelle Whipple-Boyece, Bryan Williams (left at 8:03 p.m.); Alternate Board Members Jason Emerine, Nasseem Ramin; Student Representatives Sophia Trimble, John Utley

Absent: Board Member Bert Koseck

Administration: Jana Ecker, Planning Director
                Brooks Cowan, City Planner
                Laura Eichenhorn, Transcriptionist

08-122-19

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

1. 2159 E. Lincoln – Lincoln Yard (Former Birmingham Schools Bus Garage) – Special Land Use Permit Review and Final Site Plan & Design Review to consider a new restaurant serving alcohol under the economic development category of liquor license in the MX zoning district.

Mr. Williams left the meeting at 8:03 p.m. Ms. Ramin, previously in the audience, joined the Board at this time.

City Planner Cowan presented the item.

Curt Catallo, member of the applicant team, addressed the Board. He introduced the other members of the applicant team present, which included Jeffrey Klatt, architect for the project, Ann Stevenson, lead designer, Erich Lines, managing partner, and Tony Yurgo, project manager for Lincoln Yard.

Mr. Catallo stated that Lincoln Yard was before the Planning Board in 2017 to pursue a bistro license for the project. He explained two things became clear during that process: that the project would not work for a bistro, and that the project had a lot to offer Birmingham’s vision for Rail District development. He said:

- The enthusiasm the project garnered from the community in 2017 inspired the applicant team to continue working to bring the project to Birmingham.
The parking agreement between the applicant and Armstrong-White is still valid.

Lincoln Yard’s seating, revised since the 2017 submission, is now more appropriately scaled for indoor seating and patio outdoor seating. The prior plans were trying to make the building’s parameters fit a bistro license, whereas now with a Class C license the project can be laid out more organically. Being aware that the City Commission would like to see more activation of the street, Mr. Catallo stated that the planned outdoor seating does just that.

Outdoor seating will help to make the building, which has an otherwise plain exterior, more inviting.

Little Yard would provide fast service and fresh food. It would have a bit of seating, a bit of alcohol service, and would share a kitchen with Lincoln Yard. It would benefit people around the neighborhood looking for a quick bite, including kids and adults visiting the nearby ice arena.

The Lincoln Yard side would be table service and would open at 11 a.m. Little Yard may open prior to 11 a.m. with coffee and pastries.

The tentative hours would be 6 a.m. to 8 p.m. for Little Yard, and Lincoln Yard would be 11 a.m. through midnight Monday through Wednesday, and 11 a.m. through 2 a.m. Thursday through Saturday. Lincoln Yard may open at 9 a.m. on Sundays for brunch service.

Lincoln Yard would actually be paid for grease pick-up, as opposed to having to pay for grease pick-up, because vendors have uses for the used grease.

Mr. Jeffares said that this proposal would stand to activate the Torry neighborhood area, which could be beneficial. This could be part of a neighborhood center as discussed during the master plan public meetings.

Mr. Share said there must be ample warning to drivers looking to park at Lincoln Yard to be mindful of the pedestrian crossing near the building. He recommended adding a tint to the aggregate to emphasize the crossing.

Mr. Jeffares and Planning Director Ecker suggested raising the crosswalk a bit to resemble a speed table could also be beneficial.

Mr. Catallo shared enthusiasm for tinting the concrete of the crosswalk, and said he would be concerned about snowplows if the crosswalk were raised. He said they just poured tinted concrete at another site and have been pleased with the results. Mr. Catallo said he would bring a photo of the tinted concrete to his next meeting with the Planning Board.

Motion by Mr. Share
Seconded by Mr. Emerine to accept and file the August 14, 2019 email in support of the Lincoln Yards project from Ryan Tate and Marci Hensley of 1999 Hazel.

Motion carried, 7-0.
Lincoln Yard
Addition & Renovation
2159 E. Lincoln
Birmingham, MI 48009

General Scope of Work
1. Selective demolition of existing building to incorporate a new restaurant.
2. Selective demolition for new buildout
3. Interior retrofit with new mechanical, electrical, and plumbing systems.

Owner
2159 E. Lincoln LLC
90 N. Main St.
Clarkston, MI 48346
P.248.795.2483

Architect
Krieger Klatt Architects Inc.
Jeff Klatt, R.A.
2120 E. 11 Mile Rd.
Royal Oak, MI 48067
P.248.414.9270

Sheet Index
Sheet No Title
C001 Cover Sheet
C010 Boundary & Topographic Survey
C100 Architectural / Landscape Site Plan
C101 Site Details
C102 Outdoor Furniture
C103 Photometric Plan
C104 Streetscape Plan & Details
C105 Existing Site & Building Photographs
C106 Existing Surrounding Site Photographs
A101 Roof Plan
A102 Roof Elevations
A103 Exterior Elevations
A104 Exterior Renderings

Zoning Information (City of Birmingham)
- Lot Size: 21,930 SQ. FT.
- Zoning: B-1 Mixed Use
- Lot Area: 33,337 SQ. FT.
- Maximum Lot Coverage Allowed: 4,000 S.F. / 12% Lot Coverage

Lot Coverage (Building)
1. Existing Building 5,063 SQ. FT.
2. Rear Addition 1,104 SQ. FT.
3. Front Addition 109 SQ. FT.
   Total: 6,276 SQ. FT.
6,276 SQ. FT. / 33,337 SQ. FT. = 18.8% Lot Coverage

Height
- Maximum Building Height (For Flat Roofs): 45.00’ / 4 Stories
- Existing Roof Height at Top of Parapet: 17’ -2” +/-(Existing building height to remain)

Setback Information
1. Front Yard Required: 0.00’
   - Front yard proposed: 59’ -5”
2. East Side Yard Required: 0.00’
   - Existing East side yard to remain
3. West Side Yard Required: 0.00’
   - Existing West side yard to remain
4. Rear Yard Required: 10.00’
   - Rear yard proposed: 10’ -0”

Parking Information
- Required: 1 Space per 75 SQ. FT.
  4,843 SQ. FT. / 75 SQ. FT. = 65 Spaces
  Proposal: 62 Standard Parking Spaces
- Proposed: 4 Accessible Parking Spaces

Landscaping Information (See sheet C.100 for details)
- Required: 1 Area A: 175 S.F.
  - 1,474 SQ. FT. / 19,000 SQ. FT. = 8.8% Total Landscaping Proposed
  Proposal: 1 Area A: 175 S.F.
- Existing parking spaces are not utilized
- Existing parking spaces are not utilized

Note:
Do not scale drawings; use calculated dimensions only.
Verify existing conditions in field.
North Arrow:

View of front South facade from E. Lincoln Ave.
Project: Lincoln Yard
2159 E. Lincoln Ave.
Birmingham, MI 48009

Union Joints
90 N. Main St.
Clarkston, MI 48346

1" = 20'-0" Architectural Site / Landscape Plan

Issued by:
07.22.2019 Planning Board - SLU
13.13.2019 PB - Preliminary SPA

Note:
Do not scale drawings, use calculated dimensions only.
Verify existing conditions in field.

Do not scale drawings, use calculated dimensions only.
Verify existing conditions in field.

North Arrow:

Architectural Site / Landscape Plan

Project Number:
19-064

Sheet Title:
Architectural / Landscape Site Plan

Sheet Number:
C.100
A Dumpster Enclosure Plan

- 6" ø Bollard - Concrete filled 42" deep (min. below grade)
- Steel reinforced, opaque, lockable steel gate with vertical cedar slats
- Provide concrete slab 10' - 0" past exterior of enclosure
- 6" concrete slab & apron with 6x6-2.0x2.0 w.w.m.
- Line of concrete foundation 42" deep (min. below grade)

Cane Bolt Detail

- 3/4" rod x 3'2" bend 3"
- 7" 5 1/2" 7" 5" 10"
- 1/4" = 1'-0" C.100

1/4" = 1'-0" C.100

A Dumpster Front Elevation

- North Arrow:

A Dumpster Rear Elevation

- Cane Bolt Detail

A Dumpster Side Elevation

- Seal:

Note:
Do not scale drawings, see calculated dimensions only, verify existing conditions in field.

North Arrow:

Sheet Title:
Site Details

Project Number:
17-064

Sheet Number:
C.101

Client:
Lincoln Yard
2159 E. Lincoln Ave.
Birmingham, MI 48009

Project:
Union Joints
90 N. Main St.
Clarkston, MI 48346

1/4" = 1'-0" C.100

A Dumpster Enclosure Plan

- Steel reinforced, opaque, lockable steel gate with vertical cedar slats
- Provide hinge and latch hardware

Cane Bolt Detail

- 3/4" rod x 3'2" bend 3"
- 7" 5 1/2" 7" 5" 10"
- 1/4" = 1'-0" C.100

A Dumpster Front Elevation

- North Arrow:

A Dumpster Rear Elevation

- Cane Bolt Detail

A Dumpster Side Elevation

- Seal:

Note:
Do not scale drawings, see calculated dimensions only, verify existing conditions in field.

North Arrow:

Sheet Title:
Site Details

Project Number:
17-064

Sheet Number:
C.101
Outdoor Furniture Plan

Project: Union Joints
Project Number: C.102
Client: Union Joints
2159 E. Lincoln Ave.
Birmingham, MI 48009

Note:
Do not scale drawings, use calculated dimensions only.
Verify existing conditions in field.

North Arrow:

Scale: 3/16" = 1'-0"
Do not scale drawings. Use calculated dimensions only. Verify existing conditions in field.

2120 E. 11 Mile Rd. | Royal Oak, MI 48067
P: 248.414.9270
F: 248.414.9275
www.kriegerklatt.com

**Client:**
Union John
90 N. Main St.
Clarkston, MI 48346

**Project:**
Lincoln Yard
2159 E. Lincoln Ave.
Birmingham, MI 48009

**Existing Surrounding Site Photographs**

1. View to Lincoln Yard from E. Lincoln Ave.
2. View to Armstrong White parking lot West of Lincoln Yard.
3. View to City of Birmingham parking lot South of Lincoln Yard.
4. View to Quality Coach Collision East of Lincoln Yard.

**Note:**
Do not scale drawings, use calculated dimensions only.
Verify existing conditions in field.

**North Arrow:**

**Sheet Title:**
Existing Surrounding Site Photographs

**Project Number:**
19-064

**Sheet Number:**
C.106
View of Lincoln Yard main entrance and patio

View of future independent restaurant entrance

View from E. Lincoln Ave.

Bird's eye view from the West
LINCOLN YARD
2159 E. LINCOLN AVE.

ROOFTOP EQUIPMENT CUT SHEETS
ACED-EC

90C17DEC
Downblast Centrifugal
Exhaust Ventilator
Roof Mounted/Direct Drive
Electronically Commutated Vari-Flow® Motor

Dimensions are in inches.

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>2-1/2</td>
</tr>
<tr>
<td>B O.D.</td>
<td>18-3/4</td>
</tr>
<tr>
<td>C</td>
<td>16-13/16</td>
</tr>
<tr>
<td>D O.D.</td>
<td>16-3/4</td>
</tr>
<tr>
<td>G</td>
<td>2</td>
</tr>
<tr>
<td>T Sq.</td>
<td>18</td>
</tr>
<tr>
<td>Roof Open. Sq.*</td>
<td>13-1/2</td>
</tr>
</tbody>
</table>
Figure 11. Cooling with optional electric heat and gas/electric models—15–25 tons high efficiency

Note: ½ NPT Gas Connection = (YH Models only);
2” (51 mm) Electrical Connection: Single Point Power When Heat Installed (TH Models only)

Figure 12. Cooling with optional electric heat and gas/electric models—15–25 tons standard efficiency, 12½–25 tons high efficiency—unit clearance and horizontal unit supply/return
Figure 13. Cooling with optional electric heat and gas/electric models—15–25 tons standard efficiency, 12½–25 tons high efficiency—roof curb

Figure 14. Cooling with optional electric heat and gas/electric models—15–25 tons standard efficiency, 12½–25 tons high efficiency—downflow duct connections—field fabricated

Notes:
- Duct flanges mount 7-7/16" down inside the curb on the 1-1/8" curb flanges.
- Roof curb is intended for downflow use only.
Figure 28. Cooling and gas/electric - 6 to 10 tons standard efficiency, 4 to 6 tons high efficiency, 7½ to 8½ tons high efficiency; economizer, manual or motorized fresh air damper

Note: All dimensions are in inches/millimeters.

Figure 29. Gas/electric - 6 to 10 tons standard efficiency, 4 to 6 tons high efficiency, 7½ to 8½ tons high efficiency; height of gas pipe required from inside base of unit to gas shut off assembly (factory provided) - Y_C models only

Note: All dimensions are in inches/millimeters.

Figure 30. Cooling and gas/electric - 10 tons high efficiency

Notes:
1. All dimensions are in inches/millimeters.
2. 1½ or ¾ NPT Gas Connection = (Y_C Models only); 2" Electrical Connection: Single Point Power When Heat Installed (T_C Models only.)
Figure 31. Cooling and gas/electric - 10 tons high efficiency; downflow airflow supply/return, through-the-base utilities

Notes:
1. All dimensions are in inches/millimeters.
2. ⅜ or ¼ NPT Gas Connection = (Y_C Models only); 2" Electrical Connection: Single Point Power When Heat Installed (T_C Models only.)

Figure 32. Cooling and gas/electric - 10 tons high efficiency; horizontal airflow supply/return

Notes:
1. All dimensions are in inches/millimeters.
2. ⅜ or ¼ NPT Gas Connection = (Y_C Models only); 2" Electrical Connection: Single Point Power When Heat Installed (T_C Models only.)
Figure 10. Cooling and gas/electric models - 3 to 5 tons standard efficiency, 3 tons high efficiency, swing diameter for hinged door(s) option

Note: All dimensions are in inches/millimeters.

Figure 11. Gas/electric models - 3 to 5 tons standard efficiency. 3 tons high efficiency height of gas pipe required from inside base of unit to gas shut off assembly (factory provided) - Y_C models only

Note: All dimensions are in inches/millimeters.

Figure 12. Cooling and gas/electric - 6, 7½ (single) tons standard efficiency, 4 to 5 tons high efficiency

Note: All dimensions are in inches/millimeters.
Figure 13. Cooling and gas/electric - 6, 7½ (single) tons standard efficiency, 4 to 5 tons high efficiency downflow airflow supply/return - through-the-base utilities

Note: All dimensions are in inches/millimeters.

Figure 14. Cooling and gas/electric - 6, 7½ (single) tons standard efficiency, 4-5 tons high efficiency horizontal airflow supply and return

Note: All dimensions are in inches/millimeters.
## Remote Condenser Series

### Ice Machines

<table>
<thead>
<tr>
<th>Ice Machines</th>
<th>Shipping Weight</th>
<th>Line Sets - PRE-CHARGED 20' Length</th>
<th>Line Sets - PRE-CHARGED 35' Length</th>
<th>Line Sets - PRE-CHARGED 55' Length</th>
</tr>
</thead>
<tbody>
<tr>
<td>URC-5F</td>
<td>60 Lbs.</td>
<td>R404-2046-2</td>
<td>R404-3546-2</td>
<td>N/A</td>
</tr>
<tr>
<td>URC-22F</td>
<td>165 Lbs.</td>
<td>R404-20610</td>
<td>R404-35610</td>
<td>R404-55610</td>
</tr>
<tr>
<td>URC-26J</td>
<td>273 Lbs.</td>
<td>R404-20610</td>
<td>R404-35610</td>
<td>R404-55610</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Ice Machines</th>
<th>Shipping Weight</th>
<th>Line Sets - BRAZING REQUIRED 25' Length</th>
<th>Line Sets - BRAZING REQUIRED 35' Length</th>
<th>Line Sets - BRAZING REQUIRED 55' Length</th>
</tr>
</thead>
<tbody>
<tr>
<td>SRC-10J</td>
<td>210 Lbs.</td>
<td>HS-5299*</td>
<td>HS-5300*</td>
<td>HS-5301*</td>
</tr>
<tr>
<td>SRC-14J</td>
<td>235 Lbs.</td>
<td>HS-5323*</td>
<td>HS-5324*</td>
<td>HS-5325*</td>
</tr>
<tr>
<td>SRK-10J</td>
<td>226 Lbs.</td>
<td>HS-0250*</td>
<td>HS-0251*</td>
<td>HS-0252*</td>
</tr>
<tr>
<td>SRK-12J</td>
<td>275 Lbs.</td>
<td>HS-0250*</td>
<td>HS-0251*</td>
<td>HS-0252*</td>
</tr>
<tr>
<td>SRK-15J</td>
<td>275 Lbs.</td>
<td>HS-0250*</td>
<td>HS-0251*</td>
<td>HS-0252*</td>
</tr>
<tr>
<td>SRK-20J</td>
<td>325 Lbs.</td>
<td>HS-0243*</td>
<td>HS-0244*</td>
<td>HS-0245*</td>
</tr>
</tbody>
</table>

* Line sets require Refrigerant

### Features
- Remote condensers for KM Series Cubers and F Series Flakers / Cubelets
- Quiet operation
- Improved efficiency; Energy savings
- Weather resistant cabinet for longer life
- May be installed outdoors up to 55 feet from icemaker using a pre-charged tubing kit
- For installations exceeding 55 feet, contact Factory Service Department

### Warranty
Valid in United States, Canada, Puerto Rico, & U.S. Territories. Contact factory for warranty in other countries

<table>
<thead>
<tr>
<th>When used with KM Series Cubers:</th>
<th>When used with F Series Flakers:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Three Year</strong> - Parts &amp; Labor on entire unit.</td>
<td><strong>Three Year</strong> - Parts &amp; Labor on entire unit.</td>
</tr>
<tr>
<td><strong>Five Year</strong> - Parts on; air-cooled condenser coil.</td>
<td><strong>Five Year</strong> - Parts on; air-cooled condenser coil.</td>
</tr>
<tr>
<td><strong>Five Year</strong> - Parts on; SRK Compressor</td>
<td><strong>Five Year</strong> - Parts on; SRC Compressor</td>
</tr>
</tbody>
</table>

Hoshizaki reserves the right to change specifications without notice.
Electrical & Operating Limits

**URC-5F / URC-9F / URC-14F / URC-22F / URC-26J**
- 115V/60/1 (Connection to icemaker)
- Ambient Temp Range: -20° - 122°F
- Voltage Range: 104 - 127V

**SRK-10J / SRK-12J(3) / SRK-15J(3) / SRK-20J(3)**
- 208-230V/60/1 (Connection to icemaker)
- 208-230V/60/3 (Connection to icemaker)
- Ambient Temp Range: -20° - 122°F
- Voltage Range: 187 - 253V

**SRC-10J / SRC-14J**
- 208-230V/60/1 (Connection to icemaker)
- Ambient Temp Range: -4° - 122°F
- Voltage Range: 187 - 253V

**SRC-16J / SRC-14J**
- 208-230V/60/1 (Connection to icemaker)
- Ambient Temp Range: -4° - 122°F
- Voltage Range: 187 - 253V

**REMOTE CONDENSER INSTALLATION ON ROOF**
For best performance allow 24 inch clearance for air circulation. Remote condenser should not be more than 33 feet above the KM icemaker or no more than 10 feet below it. These distances are measured from fitting to fitting.

**Tubing Kits**
(Sold Separately)
Refer to SPECIFICATIONS table to determine appropriate Tubing Kit Number for Remote Condenser Unit Specified.

**Discharge and liquid refrigerant lines dimensions refer to the line set tubing.**
## PC149MOP-2EP AIR COOLED CONDENSING UNIT

### GENERAL INFORMATION

<table>
<thead>
<tr>
<th>Refrigerant</th>
<th>Voltage</th>
<th>Ph</th>
<th>Hz</th>
<th>Compressor Type</th>
<th>Compressor Model</th>
<th>HP</th>
<th>Total Heat Rejected BTUH</th>
<th>Cond Unit BTUH</th>
</tr>
</thead>
<tbody>
<tr>
<td>R404A</td>
<td>208-230</td>
<td>1</td>
<td>60</td>
<td>Hermetic</td>
<td>CF04K6E</td>
<td>1.5</td>
<td>23,780</td>
<td>14,700 @ 25°F SST</td>
</tr>
</tbody>
</table>

### PHYSICAL DIMENSIONS & WEIGHT DATA

<table>
<thead>
<tr>
<th>GPM (85° Ent Water Temp)</th>
<th>Pressure Drop (psig)</th>
<th>Max. Water Press (psig)</th>
<th>Length (L)</th>
<th>Width (W)</th>
<th>Height (H)</th>
<th>Ship Weight (lbs.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>33.0&quot;</td>
<td>25.5&quot;</td>
<td>19.25&quot;</td>
<td>163</td>
</tr>
</tbody>
</table>

### CONDENSING UNIT ELECTRICAL DATA

<table>
<thead>
<tr>
<th>Compressor RLA</th>
<th>Compressor LRA</th>
<th>Cond Fan Mtr FLA</th>
<th>Total Cond Unit Amps</th>
<th>MCA</th>
<th>MOPD (Max Fuse)</th>
</tr>
</thead>
<tbody>
<tr>
<td>9.6</td>
<td>59.2</td>
<td>1.1</td>
<td>10.9</td>
<td>13.3</td>
<td>20</td>
</tr>
</tbody>
</table>

### CONNECTION SIZES

<table>
<thead>
<tr>
<th>Suction Line</th>
<th>Liquid Line</th>
</tr>
</thead>
<tbody>
<tr>
<td>7/8&quot; OD</td>
<td>3/8&quot; OD</td>
</tr>
</tbody>
</table>

### ITEMS PROVIDED INCLUDE:

1. Air Cooled Condensers
2. PSC Cond Fan Motors
3. Liquid Line Sight Glass
4. Liquid Line Filter Drier
5. Head Pressure Control Valve
6. Hermetic Compressors-Copeland
7. Crankcase Heaters-230V
8. Hi/Lo Pressure Controls
9. Outdoor Housing-Galvanized Steel

### ITEMS SERVED

<table>
<thead>
<tr>
<th>Item Number(s)</th>
<th>Description</th>
</tr>
</thead>
</table>
Lincoln Yard - 2159 E. Lincoln

Applicant provided tinted concrete example photos for proposed pedestrian crosswalk that connects the southeast building entrance to the public walk at East Lincoln Street.

Photo location:
90 N Main St, Clarkston, MI
LINCOLN YARD
2159 E. LINCOLN AVE.

SIGNAGE DETAILS
Background: SW high reflective white 7577

Border: Pantone 7593

Border is 1/2" deep

LINCOLN YARD

7593 318 7690 488 2202 209 209 SW 7757
LINCOLN YARD SIGN
LETTER DETAILS

O - ELEVATION

O - PROFILE - SECTION VIEW

L2 - ELEVATION

L2 - PLAN VIEW
LINCOLN YARD SIGN
LETTER DETAILS

N2 - ELEVATION

Y - ELEVATION

N2 - PLAN VIEW

Y - PLAN VIEW
LINCOLN YARD SIGN
LETTER DETAILS

D - ELEVATION

D - PLAN - SECTION VIEW

DOT - ELEVATION

DOT - PROFILE VIEW
LITTLE YARD ENTRANCE SIGN
OVERALL ELEVATION

PANTONE 7593
PANTONE 485
PANTONE 351
PANTONE 381
PANTONE 209
HIGH REFLECTIVE WHITE SW 7757
LITTLE YARD SIGN
LETTER DETAILS

L2 - ELEVATION

L2 - PLAN VIEW

E - ELEVATION

E - PROFILE VIEW
LITTLE YARD SIGN
LETTER DETAILS

Y - ELEVATION

Y - PROFILE VIEW

A - ELEVATION

A - PROFILE - SECTION VIEW
LINCOLN YARD
2159 E. LINCOLN AVE.

EXTERIOR CUT SHEETS
Ingrid Chair
$298.00
Or 4 interest-free installments of $74.50
Online Exclusive
Weather-Resistant

COLOR: NATURAL

Details
Style No. 49812944, Color Code: 014

Crafted in a simple, Danish-inspired design from natural teak wood that will beautifully patina over time, this petite perch is a welcome respite for your sun room or shady veranda.

For ordering assistance and more, please contact us. For aesthetic advice and tips to help decorate your space, enjoy our complimentary home styling services.

Hide
- Teak wood
- Sealed for protection
- Wipe clean with soft, damp cloth
- This piece is suitable for indoor or outdoor use
- Cover or store indoors during inclement weather or when not in use
- No assembly required
- Imported

Dimensions
- Overall: 31"H, 22"W, 22"D
- Seat Height: 17.25"
- Seat Depth: 19"
Remind armchair made in polypropylene charged with glass fibres
Poltrona Remind in polipropilene caricato fibra vetro / Armlehnstuhl Remind aus Polypropylen mit Glasfaser / Chaise Remind en polypropylène chargé de fibre de verre
/ Sillón Remind de polipropileno reforzado con fibra de vidrio

Remind 3735

DESIGN
Eugení Quitllet

MATERIALS

• CHAIR - SEDIA - STUHL - CHAISE - SILLA
  SINGLE MATERIAL, PP - Polypropylene, fiberglass charged, antistatic, UV resistant
  Monomaterica - Polipropilene, caricato fibra vetro, antistatico, anti-UV
  / Einheitlichem material - Polypropylen, mit Fiberglas verstärkt, Antistatisch, Anti-UV
  / Monomatiere - Polypropylène, renforcé en fibre de verre, antistatique, anti-UV
  / Material único - Polipropileno, en fibra de vidrio, antiestático, anti-UV

TECHNOLOGY

- TECNOLOGIA - TECHNOLOGIE - TECHNOLOGIE - TECNOLOGÍA
  Gas-air moulding
  Stampaggio ad iniezione con gas / Gas-Spritzgießen / Moulage sous injection de gaz / Molde de inyección con gas

COLOURS

- COLORI - FARBEN - COLORIS - COLORES
  Hammered surface
  Superficie goffrata / Gaufrierte Oberfläche / Surface gaufrée / Superficie microtexturada

ACCESSORIES

- Accessori / Zubehörteile / Accessoires / Accesorios
  code 775.100 AL
  Trolley
  Carrello / Wagen / Chariot / Carrito

REGULATIONS AND CERTIFICATES

- Normative e Certificazioni / Bestimmungen und Zertifikate / Normatives et certifications / Normativas y certificados
  According to EN 1728:2013 level 2, extreme
  EN di riferimento 16139:2013 livello 2, extreme
  Seat and back static load test EN 1728:2012+AC:2013
  Carico statico sul sedile e schienale EN 1728:2012+AC:2013
  Seat and back fatigue test, 200,000 cycles EN 1728:2012+AC:2013
  Backrest strength test - Static ANSI-BIFMA X5.1-2017/11
  Test di stabilità dello schienale - Statico ANSI-BIFMA X5.1-2017/11

CATAS CERTIFICATE

Test report 264526
Rapporto di prova 264526 / Testbericht 264526 / Rapport d’essai 264526 / Prueba n° 264526

100% demountable product - 100% recyclable material
Produzione 100% disassemblabile - 100% materiali riciclabili / Produkt 100% montierbar - 100% Material recyclingfähig / Producto 100% desmontable - 100% materiales reciclables
90% reclaimed wood polypropylene. All colors suitable for outdoor use. Stacks 10.
THE NOVEL COLLECTION

The Novel Collection from Stori Modern is a study in contradictions. Dark wicker slats invite you in for a closer look like open window blinds. You know you shouldn’t, but...why not? Closer inspection reveals that each piece has been meticulously woven to a tubular steel frame, which curves seductively beneath your legs as you sink deeper into the supple cushions. “Have these been here the whole time?”, you wonder. They look so new and yet...like they belong here. If only furniture could talk, you think as you kick your other shoe into the pool.

FURNITURE MADE FOR CONVERSATION

Novel - Lounge Chair
38.5w x 36.25d x 33.25h / 19 seat
Woven HDPE / 47 lbs
$1,129

Novel - Ottoman
38w x 35.5d x 12.75h / 19 seat
Woven HDPE / 28 lbs
$679

Novel - Loveseat
60.2w x 36.25d x 33.25h / 19 seat
Woven HDPE / 65 lbs
$1,569

Novel - Coffee Table
38w x 35.5d x 13.125h
Woven HDPE / 52 lbs
$589

FRAME COLORS

Beige  Coffee  White

FABRIC COLORS

Sailcloth Salt  Chartres Flax  Pique Gravel
VALE DINING ARM CHAIR
7D0401

Arm Height: 26"

Material: Aluminum
Height: 37.5"
Width: 27.25"
Depth: 30.25"
Seat Height: 19.5"
Colfax Lounge Chair
7K0406

Material: Aluminum
Height: 33.25"
Width: 28.5"
Depth: 31"
Seat Height: 15.25"
Arm Height: 24.25"
BELLEVIE

8410 - BENCH
DESIGN BY PAGNON ET PELHAÎTRE
Electro-galvanized steel seat
Aluminum base
Weight: 31 lbs

8415 - BENCH WITH BACKREST
DESIGN BY PAGNON ET PELHAÎTRE
Electro-galvanized steel seat
Aluminum backrest
Aluminum base
Weight: 40 lbs

8420 - TABLE (35.5 X 77 IN.)
DESIGN BY PAGNON ET PELHAÎTRE
Aluminum frame
Aluminum base
Weight: 64 lbs
Product enhancement: Table block provided to encourage water to drain and to reduce the build up of dirt and limescale

8450 - LOW TABLE
DESIGN BY PAGNON ET PELHAÎTRE
Aluminum table top
Aluminum base
Weight: 31 lbs
5619 - LOW TABLE 35X35 IN. - H. 11 IN.
DESIGN BY TRISTAN LOHNER

Aluminum table top
Steel base
Aluminum tube supporting cross-beam under the table top
Weight: 23 lbs

5624 - LOW TABLE 35X35 IN. - H. 17 IN.
DESIGN BY TRISTAN LOHNER

Aluminum table top
Steel base
Aluminum tube supporting cross-beam under the table top
Weight: 29 lbs

5622 - LOW TABLE 48X28 IN. - H. 11 IN.
DESIGN BY TRISTAN LOHNER

Aluminum table top
Steel base
Aluminum tube supporting cross-beam under the table top
Weight: 25 lbs

5626 - LOW TABLE 48X28 IN. - H. 17 IN.
DESIGN BY TRISTAN LOHNER

Aluminum table top
Steel base
Aluminum tube supporting cross-beam under the table top
Weight: 31 lbs
BEBOP

5610 - LOW TABLE Ø 18 IN.
DESIGN BY TRISTAN LOHNER

- Aluminum table top
- Steel base
- Aluminum tube supporting cross-beam under the table top
- Weight: 14 lbs

5613 - LOW TABLE Ø 24 IN.
DESIGN BY TRISTAN LOHNER

- Aluminum table top
- Steel base
- Aluminum tube supporting cross-beam under the table top
- Weight: 15 lbs

5616 - LOW TABLE Ø 31 IN.
DESIGN BY TRISTAN LOHNER

- Aluminum table top
- Steel base
- Aluminum tube supporting cross-beam under the table top
- Weight: 17 lbs
MARBELLA ALUMINUM RECTANGULAR DINING TABLE
$1895 - $2740 REGULAR
$1212 - $2055 MEMBER

HIDE DETAILS -
- Crafted of durable, rustproof aluminum
- 72" table seats up to 8
- 84" table seats up to 10
- 96" table seats up to 10
- 108" table seats up to 12
- 120" table seats up to 14
- Our custom-fit outdoor covers are strongly recommended to protect furniture from the elements and minimize aging. Learn more.

HIDE DIMENSIONS -

72" Table: 72"L x 42"W x 30½"H
Top Thickness: 1½"
Clearance Under Apron: 26'
Space Between Legs at Ends: 39½"
Space Between Legs at Sides: 50½"
Weight: 45 lbs.

84" Table: 84"L x 42"W x 30½"H
Top Thickness: 1½"
Clearance Under Apron: 26'
Space Between Legs at Ends: 39½"
Space Between Legs at Sides: 71⅝"
Weight: 50 lbs.

96" Table: 96"L x 42"W x 30½"H
Top Thickness: 1½"
Clearance Under Apron: 26'
Space Between Legs at Ends: 39½"
Space Between Legs at Sides: 83½"
Weight: 55 lbs.

108" Table: 108"L x 42"W x 30½"H
Top Thickness: 1½"
Clearance Under Apron: 26'
Space Between Legs at Ends: 39½"
Space Between Legs at Sides: 95½"
Weight: 61 lbs.

120" Table: 120"L x 42"W x 30½"H
Top Thickness: 1½"
Clearance Under Apron: 26'
Space Between Legs at Ends: 39½"
Space Between Legs at Sides: 107½"

Armchair: 26"W x 23¼"D x 32"H (overall); 17¼"H (seat); 3½"W x 23¼"H (arm); 12 lbs.
Side Chair: 21"W x 23¼"D x 32"H (overall); 17¼"H (seat); 9 lbs.
MARBELLA TEAK ROUND DINING TABLE

$2595 - $4595  REGULAR
$1946 - $3446  MEMBER

HIDE DETAILS -

- Crafted of sustainably harvested, premium Grade-A teak using mortise-and-tenon joinery
- Teak is naturally durable and impervious to sun, rain, frost and snow
- If left uncovered, Weathered Teak finish will wear away with exposure to the elements. Once the finish has worn off, the furniture will begin to acquire the beautiful silvery-grey patina that is typical of untreated teak.
- 48" table seats up to 6
- 60" table seats up to 8
- 72" table seats up to 10
- Our custom-fit outdoor covers are strongly recommended to protect furniture from the elements and minimize aging. Learn more.

HIDE DIMENSIONS -

48" diam., 29½"H
Overhang: 8"
Top Thickness: 1½"
Clearance Under Apron: 28"
Space Between Legs: 16"

60" diam., 29½"H
Overhang: 10"
Top Thickness: 1½"
Clearance Under Apron: 28"
Space Between Legs: 21"

72" diam., 29½"H
Overhang: 12"
Top Thickness: 1½"
Clearance Under Apron: 28"
Space Between Legs: 24"
Ojai Fire Tables are manufactured under license by Eldorado Stone®.
For repair and replacement parts, contact Eldorado Stone at 800-925-1491.

Burners comply with:

ANSI Z21.97/CSA 2.41-2014 Outdoor Decorative Gas Appliances

Tested by RADCO, an independent third party testing laboratory, and certified by ICC-ES®, an accredited certification body.
The burners in this fire table have been evaluated and certified for both Canadian and USA Markets (CSA Standards). The
following information regarding safe operation and maintenance of this appliance is a result of the tests performed by
RADCO and certified by ICC-ES.

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SAFETY INSTRUCTIONS

WARNING
Do not store or use gasoline, or other flammable vapors and liquids, in the vicinity of this or any other appliance.
An LP-cylinder not connected for use shall not be stored in the vicinity of this or any other appliance.

WARNING
If you smell gas:
• Shut off gas to the appliance.
• Extinguish any open flame.
• If odor continues, keep away from the appliance and immediately call your gas supplier or fire department.

FOR OUTDOOR USE ONLY.

DANGER
CARBON MONOXIDE HAZARD
This appliance can produce carbon monoxide which has no odor. Using it in an enclosed space can kill you.
Never use this appliance in an enclosed space such as a camper, tent, car or home.

WARNING
Improper installation, adjustment, alteration, service or maintenance can cause injury or property damage. Read all the installation, operating and maintenance instructions thoroughly before installing or servicing this equipment.

WARNING
Failure to follow all instructions exactly may result in fire or explosion causing property damage, personal injury or loss of life.
We recommend installation is completed by professionals that are locally licensed by the authority having jurisdiction in gas piping. Follow all local codes.
We suggest that our products be serviced annually by a professional certified in the US by the National Fireplace Institute (NFI) as NFI Gas Specialist.
The burner must be replaced prior to the appliance being put into operation if there is evidence of the burner being damaged. Only use a replacement burner from the original manufacturer.
Failure to position the parts in accordance with diagrams or failure to use only parts specially approved with this appliance may result in property damage or personal injury.
Only use gas/fuel type specified for fire bowl. Verify correct gas/fuel type and pressure by checking label on back side of burner assembly pan. Never use an alternative fuel to include bio-fuel, ethanol, lighter fluid or any other fuel.

CAUTION
Do not remove the metal data plates attached to the underside of the fire table burner. These plates contain important information.
Do not use charcoal or other solid fuel in gas burning appliances.
Do not use your fire table for cooking. Do not heat any unopened glass or metal container of food in the fire table. Pressure may build up and cause the container to burst, possibly resulting in serious personal injury or damage to the fire table.
Never use the fire table in windy conditions. If used in a consistently windy area, a windbreak will be required. Always adhere to the specified clearances listed in this manual.
Never allow clothing or other flammable materials to come in contact with any hot surface until it has fully cooled. Never wear loose fitting or hanging garments while using your fire table. Fabric may ignite and result in personal injury.
When handling propane gas line and connectors, do not allow them to come in contact with any metal surfaces. Do not drop propane connectors.

CALIFORNIA PROPOSITION 65 WARNING:
Chemicals known to the State of California to cause cancer, birth defects or other reproductive harm are found in and/or created by the combustion of natural gas, propane, butane and other fuels. Always operate this unit as described in the owner’s manual and in well ventilated areas.
GAS SAFETY

In the event that a burner goes out, turn burner knobs to the full OFF position and let the space air out. Do not attempt to use the fire table until the gas has had time to dissipate. Propane gas source to the fire table must be regulated. Do not operate if regulator has been removed. Fire or explosion can occur.

BURN HAZARD

While the fire table is operating, the outside surface may reach high temperatures which may cause burns. Never leave children unattended in the area where the fire table is being used. Close supervision of children is necessary when any appliance is used near children. Never leave the fire table unattended when in use. When using the fire table, do not touch the rock, fire screen, or immediate surroundings, as these areas become extremely hot and could cause burns. Do not reach over your fire table when hot or in use. Do not store items of interest to children around or below the fire table. Never allow children to sit or stand on any part of the fire table.

SAFETY

Keep all electrical supply cords away from the heated areas of the fire table. Clothing or any other flammable materials should not be hung from the appliance, or placed on or near the appliance.

Installation and repair should be done by a qualified service person. The appliance should be inspected before use and at least annually by a qualified service person. More frequent cleaning may be required as necessary. It is imperative that the control compartment, burner and circulating air passageways of the appliance be kept clean.

It is the installer’s responsibility to ensure a safe installation and to educate the end user as to proper operation of the burner unit. Installer must leave the owner’s manual, metal plate with operating instructions, and valve with the end user.

GAS REQUIREMENTS

Read this section before installation. It explains what you need to know about liquid propane and natural gas prior to setting up your fire table.

LIQUID PROPANE

Your fire table is not provided with a propane tank. You will need to provide one. Use the following specifications for purchasing your propane tank.

SPECIFICATIONS

The 2 lb. propane gas supply cylinder is constructed and marked in accordance with the specifications for propane gas cylinders as required by the U.S. Department of Transportation (DOT). Specifications for LP-Gas Cylinders or the Standard for Cylinders, Spheres and Tubes for Transportation of Dangerous Goods and Commission, CAN/CSA B339, as applicable.

Manifold Pressure: For plumbed-in liquid propane installation, use a regulator.

Supply Pressure: Maximum line pressure for plumbed-in propane is 14” W.C. psi (3.5 kPa). Minimum line pressure for propane is 11” W.C.

Pressure Regulator: The unit must be used with the supplied gas pressure regulator and hose assembly. The regulator will control and maintain a uniform gas pressure in the manifold. The burner orifice has been sized for the gas pressure delivered by the regulator. Replacement pressure regulator and hose assemblies must be those specified in this manual.

Cylinder Specification: Any propane gas supply cylinder used with this fire table must be approximately 12” in diameter and 18” high. The maximum fuel capacity is 20 lbs. of propane, or 5 gallons. Full cylinder weight should be approximately 38 lbs. (43.7 lbs. nominal water capacity.) Always use the cylinder dust cap on the cylinder valve outlet during transport and when the cylinder is not connected to the fire table. The 20 lbs. propane gas cylinder used must include a collar to protect the cylinder valve.

Filler Valve: If you do not have an updated Filler valve on your existing propane tank, you will need to purchase one at your local hardware store, as you will not be allowed to refill the tank at any filling station.

Transporting Gas Cylinder: Only one cylinder should be transported at a time. Transport cylinder in an upright and secure manner with control valve turned off and the dust cap in place.

NATURAL GAS

Ensure that the service supplying the fire table is fitted with a conveniently positioned shut off valve with easy access. The shut-off valve MUST NOT be inside the appliance!

REQUIREMENTS

Always check the rating plate to make sure the gas supply you are hooking up to is the gas type the fire table is manufactured for.

The installation of this appliance must conform with local codes or, in the absence of local codes, to the National Fuel Gas Code, ANSI Z223.1, NFPA 54: National Fuel Gas Code; Natural Gas and Propane Installation Code, CSA B149.1, or Propane Storage and Handling Code, CSA B146.2, as applicable. Natural gas connection must be performed by a licensed contractor or local gas company representative.

Ensure that the service supplying the fire table is fitted with a conveniently positioned shut off valve with easy access.

<table>
<thead>
<tr>
<th>PRESSURE TESTING</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>NATURAL GAS</strong></td>
</tr>
<tr>
<td>MINIMUM: 3.5” W.C.</td>
</tr>
<tr>
<td>NOMINAL: 11.0” W.C.</td>
</tr>
<tr>
<td><strong>LIQUID PROPANE</strong></td>
</tr>
<tr>
<td>MINIMUM: 10” W.C.</td>
</tr>
<tr>
<td>NOMINAL: 11.0” W.C.</td>
</tr>
<tr>
<td>MAXIMUM: 1/2 psi (14.0” W.C.)</td>
</tr>
</tbody>
</table>

*PRESSURE TESTING*

If this fire table is installed with a fixed fuel piping system and equipped with an appliance gas pressure regulator, the fire table and its individual shut-off valve must be disconnected from the gas supply piping system during any pressure testing of the system at test pressures in excess of 1/2 psi (3.5 kPa).

The fire table must be isolated from the gas supply piping system by closing its individual manual shut-off valve during any pressure testing of the gas supply piping system at test pressures equal to or less than 1/2 psi (3.5 kPa).
Set-up of your Ojai fire table consists of 4 easy steps:

1. Place Fire Table in Desired Location
2. Connect Gas Line
   2.1 Connection for Liquid Propane
   2.2 Connection for Natural Gas
3. Perform a Leak Test
4. Place Decorative Stone in Fire Table

If you use natural gas, you are responsible for ensuring that a gas line is installed and safe for use. We recommend that a licensed contractor install your fire table.

This appliance, when installed, must be electrically grounded in accordance with local codes or, in the absence of local codes, with the National Electrical Code, ANSI/NFPA 70; or the Canadian Electrical Code, CSA C22.1, if applicable.

OJAI FIRE TABLES ARE DESIGNED FOR OUTDOOR USE ONLY.

Never locate this appliance in a building, garage or other enclosed room, under a sealed overhead structure, or in any enclosed area such as a shed or breezeway. Keep clear of trees and shrubs.

Do not place fire table under or near windows or vents that can be opened into your home.

Maintain sufficient distance as to not overheat any overhead combustible material such as a patio cover. The area surrounding your fire table should be kept clean and free from flammable liquids and other combustible materials such as mops, rags or brooms, as well as solvents, cleaning fluids, and gasoline.

Place your fire table on a flat and stable surface in an outdoor location such as a patio deck. Maintain the following clearances to combustible materials:

| Side & Back | 48 inches (122 cm) measured from side |
| Top | 120 inches (305 cm) measured from hearth |
| Rubber Feet | ½ inch (1.27 cm) measured from bottom of fire table to flooring surface (for ventilation) |

Do not block the vents located near the base of your fire table as gas may build up in case of leak and cause serious damage.

VENTILATION

Fresh air must be able to pass through installed vents to safeguard against residual gas accumulation. Failure to allow proper ventilation may cause fire or explosion. Place the fire table on a solid platform such as concrete to allow air flow through vents located on the side of fire table or underneath the base of the fire table unit. The vents must never be allowed to be obstructed.

Maintain a ½” clearance from the bottom of the fire table to the flooring surface. See figures at right.

NEVER ALLOW VENTS TO BE OBSTRUCTED
**2.1 CONNECTION FOR LIQUID PROPANE**

We recommend installation is completed by professionals that are locally licensed by the authority having jurisdiction in gas piping. Follow all local codes.

Unless you have a permanent liquid propane gas line installed, you will need to run the black liquid propane gas line under the base of the fire table through the air gap space that is located in between the base of the unit and flooring surface. See Figure B.

Using a licensed gas plumber, connect the flex line that runs from the gas valve to the burner. Next, connect the propane line from the gas valve to the propane tank, as shown in Figure C.

Perform a leak test before replacing the burner plate. (See page 11.)

Connect the black liquid propane hose to a gas cylinder. Use a OCC-1 propane connector with a regulator. (See page 7 for description.)

When you connect the regulator to the tank valve, hand tighten the black OCC-1 nut clockwise. **DO NOT** use a wrench to tighten.

**2.2 CONNECTION FOR NATURAL GAS**

We recommend installation is completed by professionals that are locally licensed by the authority having jurisdiction in gas piping. Follow all local codes.

Using a licensed gas plumber, connect the flex line that runs from the gas valve to the burner. Next, connect the natural gas line from the gas valve to the gas source, as shown in the Figure D.

Perform a leak test before you replace the burner plate. (See page 11.)

Connect to the gas source.

**3 PERFORM A LEAK TEST**

Perform a leak test at least once a year whether the gas supply cylinder has been disconnected or not. In addition, whenever the gas cylinder is connected to the regulator or whenever any part of the gas system is disconnected or replaced, perform a leak test.

As a safety precaution, remember to always leak test your fire table outdoors in a well-ventilated area. Never smoke or permit sources of ignition in the area while doing a leak test. Do not use a flame, such as a lighted match to test for leaks. Use a solution of soapy water.

1. Prepare a leak testing solution of soapy water by mixing in a spray bottle one part liquid soap to one part water.
2. Make sure all the control knobs are in the **OFF** position.
3. Turn on the gas.
4. Apply the leak-testing solution by spraying it on joints of the gas delivery system. **Blowing bubbles in the soap solution indicates that a leak is present.**

If you are unable to stop a leak:
5. Stop a leak by tightening the loose joint or by replacing the faulty part with a replacement part recommended by the manufacturer. Do not attempt to repair the cylinder valve if it is damaged. The cylinder must be replaced.
6. Turn the control knob back to the full **OFF** position.

7. Shut off the gas supply to the fire table and release pressure in the hose and manifold.
8. On propane systems, remove the cylinder from the fire table.
9. Call an authorized gas appliance service technician or an liquid propane gas dealer.

Do not use the appliance until the leak is corrected.

**4 PLACE DECORATIVE STONE IN FIRE TABLE**

After you have completed all plumbing installation, you can fill the fire table with the decorative filler material provided.

Type of filler placement, such as lava rock, decorative stone or glass, is entirely your choice according to your preferences, but it needs to be rated for use with fire. It will not affect the operation of the fire table in any way. You can place the filler material on the burner, but no higher than 1” thick. Excessive filler material may impede gas flow and cause gas build-up and potentially cause an explosion.
WARNING: DO NOT USE SOLID FUEL, SUCH AS WOOD OR CHARCOAL, IN GAS FUELED FIRE TABLES.

Upon completing the gas line connection, a small amount of air will be in the lines. When first lighting the burner, it will take a few seconds for the lines to purge themselves of this air.

Once the purging is complete, the burner will light and operate as indicated in the instruction manual. Subsequent lighting of the appliance will not require purging unless the gas supply has been disconnected.

Inspect the gas hose before each use of the fire table. If the hose shows evidence of excessive abrasion or wear or if the hose is damaged, it must be replaced before using the fire table.

Inspect the burner before each use of the appliance. If there is any evidence that the burner is damaged, it must replaced before operating.

Never allow the ON/OFF valve to remain in the open position without placing a burning match on top of the burner FIRST!

You must have clear and easy access to the ON/OFF valve AFTER the appliance is installed and connected to the gas supply in order to safely turn off the burner.

Make sure the burner is in place prior to using the appliance. If the burner is damaged, install a replacement burner as specified by the manufacturer.

FOR YOUR SAFETY, READ BEFORE LIGHTING

- Before operating the fire table, smell around the appliance area for gas odors. Be sure to smell the surrounding floor area as some gases are heavier than air and will settle on the ground.
- Use only your hand to turn the manual gas control valve. Never use tools. If the valve will not turn by hand, do not try to repair it. Call a qualified service technician. Force or attempted repair may result in a fire or explosion.

LIGHTING INSTRUCTIONS

1. Turn the ON/OFF valve located on the side of fire table completely to the ON position.
2. Make sure fuel supply (LP or NG) is properly connected and turned on at the source. This will be either the LP tank or the NG valve.
3. When you hear gas flowing, use either a long stem wooden match or a butane fireplace lighter to place a flame near the burner.
4. If the burner does not light, does not stay lit, or the flame is very low, shut off the gas supply and wait five minutes to allow all fumes to clear. Start again from Step 1, making sure all gas valves are completely opened.

TURNING OFF GAS

For NG Units: Turn the ON/OFF valve at the unit for natural gas unit, then close the valve at the NG source.

For Propane Units: Turn the ON/OFF valve at the unit and then close the valve on the propane tank.

NOTE

The propane regulator in this appliance is equipped with a low flow protection device. Unless the propane cylinder valve is opened before the valve, the gas flow will be reduced resulting in a very small flame. To reset this device, shut off the valve, disconnect the hose from the cylinder to relieve the pressure, then close the propane cylinder valve.

TROUBLESHOOTING

<table>
<thead>
<tr>
<th>PROBLEM</th>
<th>POSSIBLE CAUSES</th>
<th>REMEDY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Will not light</td>
<td>Air in gas line</td>
<td>If new install, may take several attempts to purge air</td>
</tr>
<tr>
<td>Debris in gas line</td>
<td>Confirm gas line is clear (no insulation, dirt, plastic, excessive pipe sealer, etc.)</td>
<td></td>
</tr>
<tr>
<td>Improper gas pressure</td>
<td>Confirm proper gas pressure</td>
<td></td>
</tr>
<tr>
<td>Will not stay lit</td>
<td>Improper gas pressure</td>
<td>Confirm proper gas pressure</td>
</tr>
<tr>
<td>Improperly applied media</td>
<td>Improperly applied media</td>
<td>Review media application</td>
</tr>
<tr>
<td>Noise</td>
<td>Passage of air/gas across irregular surfaces</td>
<td>Remove any tight bends or kinks in gas supply line</td>
</tr>
<tr>
<td>Poor fuel quality</td>
<td>Contact local natural gas company</td>
<td></td>
</tr>
<tr>
<td>Excessive flame impingement or blockage</td>
<td>Separate the media to allow more flame passage</td>
<td></td>
</tr>
<tr>
<td>Improper fuel and/or air mixture</td>
<td>Remove any foreign items from the flame pattern and check for proper orifice sizing</td>
<td></td>
</tr>
<tr>
<td>Incorrect gas supply or pressure</td>
<td>Check for proper gas supply pressure</td>
<td></td>
</tr>
<tr>
<td>Blocked burner orifice or burner ports</td>
<td>Free burner orifice and burner ports of any debris or blockage</td>
<td></td>
</tr>
<tr>
<td>Improper burner orifice size</td>
<td>Verify proper burner orifice sizing</td>
<td></td>
</tr>
<tr>
<td>Unit produces unwanted odors</td>
<td>Gas leak, see Warning Statement</td>
<td>Check for and seal all gas leaks</td>
</tr>
</tbody>
</table>
CLEANING, MAINTENANCE & STORAGE

CLEANING
Inspect the appliance before initial use. Clean the appliance at each use and have it inspected by a qualified field service person.

Periodically examine the burner. If the burner is dirty, clean it with a soft wire brush. Also examine the area around the burner air shutter. Remove any dirt or debris in this area. This will ensure long life and trouble-free operation.

The easiest way to clean the fire table burner is to let it cool completely and spray the enclosure off with water. DO NOT spray water directly onto the burner.

For routine cleaning of the fire table, wipe down with a damp cloth or sponge. Avoid using any cleaners as they may contain chemicals or color that could cause discoloration. To remove stains, use a Marble or Granite stain remover available at any home improvement store.

When not in use and after cooling, cover your fire table with a full length cover. The cover will help protect your fire table from detrimental effects of weather and environmental pollutants.

Before placing the cover on the fire table, make sure the unit is shut off, the gas lines are disconnected and that the unit has had sufficient time to cool. Install the cover and use the tie-down straps to secure it tightly to the unit to prevent wind from blowing it off.

More frequent cleaning may be required as necessary. It is imperative the control compartment, burner and circulation air passageways of the appliance be kept clean and free of obstruction.

MAINTENANCE
Periodically check the hose connecting the propane gas cylinder to ensure it is not cracked or damaged in any way. All natural gas hook-ups should be serviced and inspected only by qualified installers.

Spiders and insects can nest in the burners and block the gas and air flow to the burner ports. This creates a dangerous condition that can result in a fire from behind the valve panel. Inspect and clean the burners periodically.

Any guard or other protective device removed for servicing must be replaced prior to operating the appliance.

If it is evident there is excessive abrasion or wear of any of the components, or if the fuel supply hose is cut or cracked, the damaged part must be replaced prior to the appliance being put into operation.

Inspect the fuel supply connection for signs of leakage (including the hose for propane models), before each use of the appliance.

Do not repair or replace any part of your fire table. Have a qualified technician perform all service. Any repairs made by a non-approved service technician will void your warranty.

STORAGE
When your fire table is not in use, turn off the gas at the source.

This appliance can be stored indoors only if it has been disconnected from its fuel supply.

Store propane cylinders outdoors in a well-ventilated area out of reach of children. Disconnected cylinders must have threaded valve plugs tightly installed and must not be stored in a building, garage, or any other enclosed area.

To extend the life of your fire table, protect and cover it from the elements when not in use. Ensure the appliance has ample time to cool off after use and prior to installing storage cover. Damage caused to storage cover due to heat or burns are not covered by warranty.

WARRANTY

FIERY
The fire table is warranted to be free from defects in material and workmanship for one year from the date of purchase.

If a part proves to be defective under normal use, the part will be repaired or replaced. Our obligation under this warranty is to repair or replace defective parts at our discretion. If we determine that repair of a covered item is not feasible, we reserve the right to replace the defective merchandise with merchandise equal in value to the original purchase price. Warranty repair or replacement is the sole discretion of Eldorado Stone. This warranty does not cover costs therein, including but not limited to: freight, removal, re-installation, etc.

There will be no charge for parts on a covered item; however, cost of labor is the responsibility of the owner. Shipping and handling charges will apply to all warranted replacement parts. The service agent may assess a reasonable travel or mileage charge per service call.

This limited warranty applies only to fire tables normally used for personal, family, or household purposes and specifically excludes rental or commercial applications.

This warranty is non-transferable.

Decorative stones and decorative glass are not covered by this warranty.

This warranty is void if the fire table has been subject to negligence, alteration, misuse, repairs, drugs, dents, scratches, or incorrect and/or prohibited applications as specified in the owner’s manual.

Natural gas lines must be installed by a licensed plumber only or local gas company agent.

The original purchaser acknowledges and agrees that this product is a handmade, hand-finished product. Each piece is unique. Any samples provided are typical of this product only and makes no other warranty, express or implied, but not limited to, the implied warranties of merchantability and fitness for a particular purpose. Manufactures’ liability shall be limited to the return of the purchase price of the product only and makes no other warranty, express or implied, but not limited to, the implied warranties of merchantability and fitness for a particular purpose, with respect to its products and parts, whether used along or in combination with others. Manufacturer is not liable for any damages caused by the unit, as well as inconvenience, expenses, material or labor charges incurred by any service call, repair, removal or re-installation of any unit. Incidental or consequential damages are not covered by this warranty. All burners must be covered when not in use or warranty is null and void. Warranty does not cover damage to systems due to debris in the gas lines or damage to system due to water.

Owner is responsible for reading and understanding warranty for full terms and conditions. Manufacturer, at its discretion, agrees to repair or replace defective product if returned to manufacturer within the warranty period. The respective warranty time periods are effective from the original date of purchase. This warranty is non-transferable and applies only to the original purchaser. In addition, this warranty is automatically void if the unit’s serial number has been removed in any way.

No dealer, distributor, or other person has the authority to represent or warrant burner product beyond the terms contained within this warranty, and manufacturer assumes no liability for such warranty representations. Any questions concerning this warranty should be directed to the manufacturer’s corporate office.

RETURN POLICY OF BURNER PRODUCT

Any burner product deemed by manufacturer as defective and covered by the warranty may be returned to manufacturer for assessment to determine if repair or replacement is necessary. In order to return a product, you must have a Return Merchandise Authorization number (RMA). Please contact a manufacturer representative at the corporate office to obtain an RMA. All returned merchandise must have the RMA clearly printed on the outside of the package. Return shipping costs are the purchaser’s responsibility. Manufacturer is not responsible for product damaged or lost in transit. It is recommended that return items are shipped via a delivery service that can be tracked and/or insured to confirm receipt.

BRASS BURNER

Manufacturer warrants the burner to be free from defective material and workmanship for 10 years from the date of purchase. The burner warranty covers manufacturing defects only. It does not cover defects due to normal wear and tear. It does not warrant any product or part that has been altered, accidentally damaged, damaged in shipping, disassembled, modified, misused, neglected, failure to maintain, not installed, or not kept in continuous service after installation. Manufacturer’s liability shall be restricted to the purchase price of the product only and makes no other warranty, express or implied, but not limited to, the implied warranties of merchantability and fitness for a particular purpose, with respect to its products and parts, whether used along or in combination with others. Manufacturer is not liable for any damages caused by the unit, as well as inconvenience, expenses, material or labor charges incurred by any service call, repair, removal or re-installation of any unit. Incidental or consequential damages are not covered by this warranty. All burners must be covered when not in use or warranty is null and void. Warranty does not cover damage to systems due to debris in the gas lines or damage to system due to water.

Owner is responsible for reading and understanding warranty for full terms and conditions. Manufacturer, at its discretion, agrees to repair or replace defective product if returned to manufacturer within the warranty period. The respective warranty time periods are effective from the original date of purchase. This warranty is non-transferable and applies only to the original purchaser. In addition, this warranty is automatically void if the unit’s serial number has been removed in any way.

No dealer, distributor, or other person has the authority to represent or warrant burner product beyond the terms contained within this warranty, and manufacturer assumes no liability for such warranty representations. Any questions concerning this warranty should be directed to the manufacturer’s corporate office.
## Veradek Metallic Series Long Box Planter - Corten Steel

by Veradek

<table>
<thead>
<tr>
<th>Specifications</th>
<th>Assembly Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brand</td>
<td>Veradek</td>
</tr>
<tr>
<td>Capacity</td>
<td>14 gal., 22 gal., 30 gal.</td>
</tr>
<tr>
<td>Color</td>
<td>Bronze, Bronze, Bronze</td>
</tr>
<tr>
<td>Commercial Grade</td>
<td>Yes</td>
</tr>
<tr>
<td>Design Style</td>
<td>Industrial</td>
</tr>
<tr>
<td>Dimensions</td>
<td>16 x 52 x 15 in.</td>
</tr>
<tr>
<td>Drainage Holes</td>
<td>Yes</td>
</tr>
<tr>
<td>Feature</td>
<td>Weather Resistant</td>
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<tr>
<td>Finish</td>
<td>Dark Bronze Steel</td>
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<tr>
<td>Height (in.)</td>
<td>11</td>
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<tr>
<td>Material</td>
<td>Corten Steel</td>
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<tr>
<td>Shape</td>
<td>Rectangle</td>
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<tr>
<td>Specialty</td>
<td>Planter</td>
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<tr>
<td>Style</td>
<td>Commercial, Tough</td>
</tr>
<tr>
<td>Usage</td>
<td>Indoor, Outdoor</td>
</tr>
<tr>
<td>Weight</td>
<td>30 lbs, 40 lbs, 50 lbs</td>
</tr>
<tr>
<td>Width (in.)</td>
<td>15, 16, 17</td>
</tr>
</tbody>
</table>
## Corten Steel Planter Box

### Weights & Dimensions

<table>
<thead>
<tr>
<th></th>
<th>16”</th>
<th>20”</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overall Height - Top to Bottom</td>
<td>16”</td>
<td>20”</td>
</tr>
<tr>
<td>Overall Product Weight</td>
<td>27 lb.</td>
<td>37 lb.</td>
</tr>
</tbody>
</table>
Decidedly industrious, the Foundry Wall Mount Lantern is reinventing purposeful lighting. Focused and direct, the sturdy aluminum shade features knurled brass details to offset the Gloss White, Museum Bronze, or Textured Black finish while casting a uniform light. The simple, understated form plants a vintage aesthetic for both inside and outside spaces. Mounting hardware is hidden on the backplate to ensure a clean silhouette. Back plate: 6 inch diameter. Optional Clear Seedy glass shade available, sold separately.

**Shown in: Museum Bronze**

<table>
<thead>
<tr>
<th>List Price</th>
<th>$461.25</th>
</tr>
</thead>
<tbody>
<tr>
<td>Our Price</td>
<td>$369.00</td>
</tr>
</tbody>
</table>

**Shade Color:** N/A

**Body Finish:** Museum Bronze

**Lamp:** 1 x A19/Medium (E26)/100W/120V Incandescent

**Wattage:** 100W

**Dimmer:** Incandescent

**Dimensions:** 16"W x 23.75"H x 27"D

**Product Number:** HIN820523

**Company:** 

**Fixture Type:** 

**Date:** Jul 15, 2019

**Project:** 

**Approved By:**
Decidedly industrious, the Foundry Wall Mount Lantern is reinventing purposeful lighting. Focused and direct, the sturdy aluminum shade features knurled brass details to offset the Gloss White, Museum Bronze, or Textured Black finish while casting a uniform light. The simple, understated form plants a vintage aesthetic for both inside and outside spaces. Hooked arm available in 2 heights. Mounting hardware is hidden on the backplate to ensure a clean silhouette. Back plate: 6 inch diameter. Optional Clear Seedy glass shade available, sold separately.

List Price: $323.75
Our Price: $259.00

Shade Color: N/A
Body Finish: Textured Black
Lamp: 1 x A19/Medium (E26)/100W/120V Incandescent
Wattage: 100W
Dimmer: Incandescent
Dimensions: 12"W x 17"H x 20"D
Capsule Outdoor Wall Light

**Description:**
The Capsule Outdoor Wall Light has an egg shaped design that will add a unique statement to your outdoor space. Features an Opal frosted White glass globe with a Matte Black finish and Textured Gold band. Available in three sizes. Small: One 60 watt, 120 volt A19 type medium base bulb is required, but not included. 6 inch width x 10 inch height x 7.25 inch depth. Medium: Two 60 watt, 120 volt A19 type medium base bulbs are required, but not included. 6 inch width x 11.25 inch height x 7.25 inch depth. Large: Two 60 watt, 120 volt A19 medium base bulbs are required, but not included. 8 inch width x 13.5 inch height x 9.25 inch height. UL rated for wet locations.

---

Shown in: Matte Black / Textured Gold / Opal

<table>
<thead>
<tr>
<th>List Price:</th>
<th>$212.50</th>
</tr>
</thead>
<tbody>
<tr>
<td>Our Price:</td>
<td>$170.00</td>
</tr>
</tbody>
</table>

**Shade Color:** Opal

**Body Finish:** Matte Black / Textured Gold

**Lamp:** 1 x A19/Medium (E26)/43W/120V Incandescent

**Wattage:** 43W

**Dimmer:** Incandescent

**Dimensions:** 6”W x 10”H x 7.25”D

---

**Product Number:** CRY592002

<table>
<thead>
<tr>
<th>Company:</th>
<th>Fixture Type:</th>
<th>Date:</th>
<th>Approved By:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Jul 15, 2019</td>
<td></td>
</tr>
</tbody>
</table>
Space Age Green Vintage Outdoor Plastic Globe Wall Lamps by Guzzini, 1970s Italy

$608.71 per item

About

These eleven green vintage plastic globe wall lamps were designed and executed by Guzzini, Italy, 1970s.
The wall lamps were made of green lacquered cast aluminum. Furthermore, the globes were made of plastic.
Easy to fix on the wall with two screws.
Very good vintage condition with signs of age and use.
Each lamp shows one E27 socket.
Approximate measurements:
Diameter: 40 cm
Width: 42 cm
Depth: 48 cm
Height: 42 cm
Eleven pieces are available.

Details

CREATOR
Guzzini

DATE OF MANUFACTURE
1970s

CONDITION
Good

WEAR
Wear consistent with age and use.

OF THE PERIOD
Space Age

PERIOD
1960-1970

DIMENSIONS
H: 42 cm x W: 42 cm x D: 48 cm

PLACE OF ORIGIN
Italy

MATERIALS AND TECHNIQUES
Cast aluminum plastic

SELLER LOCATION
Verm, AI

REFERENCE NUMBER
LEDBERG140531
DESCRIPTION
The ‘s’ designation in this variation on the 14 refers to it being surface-mounted, with transformers mounted remotely. This surface light has a discrete 55mm (2.2”) mounting plate designed for installation on walls or ceilings. It is also IP65 designated meaning that the 14s can be used outdoors and in other wet environments.

The 14s is an articulated, seamed cast glass hemisphere with a frosted cylindrical void that houses a low voltage lamp. Individual pendants are visually quite subtle, but gain tremendous strength when multiplied and clustered in large groups.

NOTES
+ Purchase replacement lamps online at www.bocci.ca/lamps
+ Unless otherwise noted when ordering, all chandeliers will be outfitted to be xenon compatible.
+ Unless otherwise specified, a single class 2 transformer will be sent for every 5 xenon fixtures or every 12 LED fixtures

PENDANTS: one
MOUNTING: white powder coated metal mounting plate 55mm (2.2”) in diameter
LAMPING: 1.5w LED or 10w xenon
INSTALLATION: threaded on - wall or ceiling mount
MATERIALS: cast glass, electrical components, metal mounting plate
WEIGHT: approximately 1kg (2lb)
TRANSFORMERS: remote mounted

US Patent # D556, 361
EU Patent # 000518394-0001
Made in Vancouver, Canada

Vancouver
sales@bocci.ca
www.bocci.ca

Berlin
europe@bocci.ca
www.bocci.ca

© 2018, Bocci Design and Manufacturing Inc. All rights reserved. Any inquiries should be directed to: info@bocci.ca
1. Mount transformer remotely and route output wiring from transformer to surface mounted light location.
Xenon (110V) or LED: connect the black wire to black and white wire to white wire.
Xenon (230V): connect black wire to brown wire and white wire to blue wire.

For multiple surface mount installations, ensure that the braided outer wires are all connected to one 12V output wire and all inner insulated wires are connected to the other or a short will occur.

Note: Standard junction boxes are not compatible with the 14s. The surface mounted light cover plate mounts directly to the wall. Transformers must be remote mounted in a close, accessible and hidden location for ease of long term maintenance. Installation to be done by certified personnel to ensure code compliance.

2. Drill a maximum 19mm (0.75") diameter hole.
Join transformer wiring to back plate wiring using #16 butt splices, provided (stagger the splices).

3. For dry location, tuck wiring into wall opening and affix the back plate with fasteners provided.
Stagger the provided connectors so that they can be passed through the hole.
Bocci LED or xenon lamps included.
Plug the lamp into the socket.
Do not touch the lamp with your bare hands.
Note: when using a dimmer use only low voltage electronic dimmer.

4. For wet location, install the silicone ring by slightly stretching it to fit around the back plate.
Tuck wiring into wall opening and affix the back plate with fasteners provided.
Stagger the provided connectors so that they can be passed through the hole.
Bocci LED or xenon lamps included.
Plug the lamp into the socket.
Do not touch the lamp with your bare hands.
Note: when using a dimmer use only low voltage electronic dimmer.

5. Gently thread cast glass hemisphere onto cover plate. Do not tighten past the point of contact.

6. Clean fingerprints from glass surfaces.
Turn fixture on.

For additional assistance, please contact Bocci:
Vancouver
sales@bocci.ca
www.bocci.ca
Berlin
europe@bocci.ca
www.bocci.ca

US Patent # D556, 361
EU Patent # 000518394-0001
Made in Vancouver, Canada

© 2018, Bocci Design and Manufacturing Inc. All rights reserved. Any inquiries should be directed to: info@bocci.ca
Breaking the Wave / Solid Red

1,200 SEK

20x18cm, 16mm thick
Sold in boxes of 0,375sqm, 12 tiles. Price per box is 450 SEK, including VAT.

Category: Monica Förster Design Studio

Related products
FOUR ELEMENTS / Long Green
1,500 SEK

FOUR ELEMENTS / Stripes Red
1,500 SEK
26 in. x 6 ft. Polycarbonate Roof Panel in Sea Green

<table>
<thead>
<tr>
<th>Specifications</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Dimensions</strong></td>
</tr>
<tr>
<td>Coverage Area (sq. ft.)</td>
</tr>
<tr>
<td>Product Length (in.)</td>
</tr>
<tr>
<td>Product Thickness (in.)</td>
</tr>
<tr>
<td>Product Width (in.)</td>
</tr>
<tr>
<td><strong>Details</strong></td>
</tr>
<tr>
<td>Color Family</td>
</tr>
<tr>
<td>Color/Finish</td>
</tr>
<tr>
<td>Material</td>
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<tr>
<td>Product Weight (lb.)</td>
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<tr>
<td>Returnable</td>
</tr>
<tr>
<td>Roof Panel Type</td>
</tr>
<tr>
<td>Roofing Product Type</td>
</tr>
<tr>
<td><strong>Warranty / Certifications</strong></td>
</tr>
<tr>
<td>Manufacturer Warranty</td>
</tr>
</tbody>
</table>
Natural Plus 8404-0000 Detailed View

NATURAL PLUS

8404-0000

100% Sunbrella Acrylic
60" / 152 cm width
Selvedge is Left / Right

COLLECTIONS
2017-2018 Sunbrella Shade Collection

CERTIFICATIONS
Clean, simple, elegant and practical: the Arc Rack parks bicycles with additional flair when more than a plain rack is needed. Square tubing provides function and style with clean geometric lines and resistance to pipe-cutters – a tool of choice among bike thieves.

*Optional Lean Bar available upon request.

American Bicycle Security Company
P.O. Box 7359
Ventura, CA 93006
Ph: (800) 245-3723 or (805) 933-3688
Fax: (805) 933-1865
www.ameribike.com
Email: turtle@ameribike.com
Arc Rack

Product: Arc Rack
Capacity: 2 Bikes
Materials: 2” x 2” x 11g square tube
Finishes: Standard options: Galvanized Or Powder Coated

<table>
<thead>
<tr>
<th>RAL 9005</th>
<th>Flat Black</th>
<th>RAL 9003</th>
<th>RAL 2004</th>
<th>RAL 1023</th>
<th>Bright Yellow</th>
</tr>
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<tbody>
<tr>
<td>RAL 6016</td>
<td>RAL 6018</td>
<td>RAL 6005</td>
<td>RAL 5005</td>
<td>RAL 5015</td>
<td>Purple</td>
</tr>
<tr>
<td>RAL 7011</td>
<td>RAL 7042</td>
<td>RAL 9007</td>
<td>RAL 1001</td>
<td>RAL 8014</td>
<td>Bronze</td>
</tr>
<tr>
<td>RAL 3003</td>
<td>RAL 3005</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Also available in Thermoplastic or Stainless steel upon request.

Installation Methods:

- **In ground mount** is embedded into concrete base. Specify in ground mount for this option.

- **Foot Mount** has two 3.5"x6"x.25" feet with two anchors per foot. Specify foot mount for this option.

Space Use & Setbacks:

- **Wall Setbacks:**
  - For racks set parallel to a wall: Minimum: 24”
  - Recommended: 36”

- **For racks set perpendicular to a wall:**
  - Minimum: 28”
  - Recommended: 42”

- **Distance Between Racks:**
  - Minimum: 24”
  - Recommended: 36”

- **Street Setbacks:**
  - Minimum: 24”
  - Recommended: 36”

Example of rack in use

American Bicycle Security Company
P.O. Box 7359
Ventura, CA 93006
Ph: (800) 245-3723 or (805) 933-3688
Fax: (805) 933-1865
www.ameribike.com
Email: turtle@ameribike.com
Arc Rack

Surface Mounted Installation

*Tools Needed for Installation*
- Tape Measure
- Marker or Pencil
- Masonry Drill Bit
- Drill (Hammer drill recommended)
- Hammer
- Wrench 9/16”
- Level

**Recommended Base materials:**
Solid concrete is the best base material for installation. To ensure the proper anchors are shipped with your rack, ask your American Bicycle representative which anchor is appropriate for your application. Be sure nothing is underneath the base material that could be damaged by drilling.

**Installation:**
3/8” anchors are shipped with the rack. Place the rack in the desired location. Use a marker or pencil to outline the holes of the flange onto the base material. Drill the holes in accordance with the specifications shipped with the anchors. Make sure the holes are at least 3” away from any cracks in the base material. Use washers to level rack if necessary. Tap in anchors and follow your specific anchor instructions provided with the rack.

**Tamper Resistant Hardware**
The concrete spike is a permanent anchor. The top of the wedge anchor can also be pounded sideways after installation so that it cannot be removed. Other tamper resistant fasteners are also available for purchase.

When using the special tamper resistant nuts, always set and first tighten the anchors. Once the rack is installed, replace two nuts from the bracket (opposite sides from each other) with the tamper resistant fastener.

DO NOT OVERTIGHTEN the tamper resistant nut.

---

American Bicycle Security Company
P.O. Box 7359
Ventura, CA 93006
Ph: (800) 245-3723 or (805) 933-3688
Fax: (805) 933-1865
[www.ameribike.com](http://www.ameribike.com)
Email: turtle@ameribike.com
**Arc Rack**

**In-Ground Mounted Installation**

*Tools Needed for Installation*
- Level
- Cement mixing tub
- Shovel
- Trowel
- Hole coring machine with 4” bit
- Access to water hose
- Materials to build brace

**Installing into New Concrete**

1. **Final grade level**
   - Place corrosion resistant sleeve (min. 3” inside diameter) in sand pour bed in exact location where rack will be installed. Make sure top of sleeve is at same level as desired finished concrete surface. Fill sleeve with sand to keep it in place and prevent it from filling with concrete.

2. **Poured concrete 4-7” deep**
   - Pour concrete & allow to cure.

3. **After curing, dig out sand from sleeves & insert racks, making sure they are level & at the appropriate height.**

4. **Place racks in holes, making sure it is level.**

**Installing into Existing Concrete**

1. **Place rack into holes, making sure it is level.**

2. **Core holes no less than 3” diameter (4” recommended) & no less than 10” deep into surface.**

3. **Pour concrete & allow to cure.**

4. **Make sure rack is level & held in place until the grout has completely set.**

*An easy way to brace the rack while the grout sets is to bolt two 1x4” boards together at one end and clamp them onto the legs of the rack like a clothes pin.

Fill holes with epoxy grout. 32” of the bike rack should remain above surface.

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Email: turtle@ameribike.com
COVENANT DEED

This Covenant Deed is made as of March 28, 2019, by LINCOLN STATION LLC, a Michigan limited liability company ("Grantor"), whose address is 2125 East Lincoln St., Birmingham, Michigan 48009, and 2159 E. LINCOLN LLC, a Michigan limited liability company ("Grantee"), whose address is 90 North Main St., Clarkston, Michigan 48346.

Grantor, for the consideration of $1.00 and other good and valuable consideration (Transfer Valuation Affidavit filed), grants and conveys to Grantee certain real property situated in the City of Birmingham, Oakland County, Michigan, and described as follows ("Premises"):

Lot 499 (except the West 14.81 feet of Lot 499), also all of Lots 500 through 504, also that part of the vacated Lincoln Avenue adjacent to same, SHEFFIELD ESTATE NO. 1, according to the plat thereof, as recorded in Liber 44, Page 40 of Plats, Oakland County Records.

Commonly known as 2159 East Lincoln St., Birmingham, Michigan 48009

Tax Parcel No.: 20-31-401-008

subject to any and all easements, restrictions and other matters of record and lien of taxes not yet due and payable (collectively, "Permitted Exceptions").

TO HAVE AND TO HOLD the Premises unto Grantee forever, and Grantor does hereby covenant and agree with Grantee that Grantor has not heretofore done, committed or willingly suffered to be done or committed, any act, matter or thing whatsoever whereby the Premises is or shall be charged or encumbered in the title, estate, or otherwise, howsoever except for the Permitted Exceptions, and Grantor hereby binds itself and its successors and assigns to defend the Premises conveyed unto the Grantee, its successors and assigns, forever, against the claims and demands of all persons claiming by, from, or under the Grantor, but against no other claims or persons.

The Premises may be located within the vicinity of farm land 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 ZERO division(s) under section 108 of the Land Division Act, Act No. 288 of the Public Acts of 1967.

[signature and notary page follows]
IN WITNESS WHEREOF, the undersigned has duly executed this Deed as of March 28, 2019.

Lincoln Station, LLC,
a Michigan limited liability company

By: 

Name: John D. Gaber

Title: Authorized Agent

STATE OF MICHIGAN )
) SS.
COUNTY OF OAKLAND )

The foregoing instrument was acknowledged before me on March 28, 2019, by John D. Gaber, the Authorized Agent of Lincoln Station, LLC, a Michigan limited liability company, on behalf of the company.

Notary Public, ____________ County, MI
My Commission Expires: ______________
Acting in ____________ County, MI

When Recorded, Return To: | Send Subsequent Tax Bills To: | Drafted By: |
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<tr>
<td>John D. Gaber, Esq.</td>
<td>Grantee</td>
<td>John D. Gaber, Esq.</td>
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<td>380 N. Old Woodward,</td>
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<td>380 N. Old Woodward,</td>
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<td>Suite 300</td>
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<td>Suite 300</td>
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<tr>
<td>Birmingham, Michigan 48009</td>
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Tax Parcel: | Recording Fee: | State Transfer Tax: | County Transfer Tax: |
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CROSS ACCESS AND PARKING EASEMENT AGREEMENT

THIS CROSS ACCESS AND PARKING EASEMENT AGREEMENT ("Agreement") is made as of March 28, 2019, by and between Lincoln Rail, LLC, a Michigan limited liability company ("Lincoln Rail"), whose address is 2525 E. Lincoln, Birmingham, Michigan 48009, and 2159 E. Lincoln LLC, a Michigan limited liability company ("2159 E. Lincoln"), whose address is 90 N. Main Street, Clarkston, Michigan 48346. Lincoln Rail and 2159 E. Lincoln are referred to herein collectively as the "Parties" and individually as a "Party."

RECITALS:

A. Lincoln Rail is the owner of improved real property with an office building located at 2525 E. Lincoln, Birmingham, Michigan 48009, legally described on the attached Exhibit A, which is incorporated herein by reference ("Lincoln Rail Parcel").

B. 2159 E. Lincoln is the owner of real property located at 2159 E. Lincoln, Birmingham, Michigan 48009, immediately east of and adjacent to the Lincoln Rail Parcel, legally described on the attached Exhibit B, which is incorporated herein by reference ("2159 E. Lincoln Parcel"). The Lincoln Rail Parcel and the 2159 E. Lincoln Parcel are referred to herein collectively as the "Parcels" and individually as a "Parcel."

C. 2159 E. Lincoln seeks to redevelop the 2159 E. Lincoln Parcel as a restaurant with a liquor license, which will require the approval of a Special Land Use Permit from the City of Birmingham ("SLUP").

D. The uses of the Parcels are complimentary with respect to the parking needs of the Parcels, as the parking demand for an office use is typically during the weekdays, while the parking demand for a restaurant use is primarily in the evenings and on weekends.

E. In connection with the redevelopment of the 2159 E. Lincoln Parcel, the Parties have determined that it is in their best interest to grant cross access and cross parking rights to each other to better facilitate the use of their Parcels, on the terms and conditions set forth herein.

NOW, THEREFORE, for and in consideration of the agreements, covenants and easements contained herein, and Ten Dollars ($10.00) and other good and valuable consideration, the sufficiency of which is hereby acknowledged, the Parties hereto do hereby agree as follows:
1. **Cross Access Easements.** Lincoln Rail and 2159 E. Lincoln, for the benefit of the present and future owners of the Lincoln Rail Parcel and the 2159 E. Lincoln Parcel, and their respective successors, assigns, mortgagees, lessees, employees, agents, licensees and invitees, hereby grant to each other a perpetual, non-exclusive easement for vehicular passage in, on, over and across the driveways on their respective Parcels, as such driveways exist from time to time, for ingress and egress to and from East Lincoln. The owner of each Parcel reserves the right to build or construct any buildings, structures or improvements or to otherwise redevelop or reconfigure its Parcel and to relocate the driveways on its Parcel from time to time.

2. **Cross Parking Easements.**

   **A.** Lincoln Rail, for the benefit of the present and future owners of the 2159 E. Lincoln Parcel, and its respective successors, assigns, mortgagees, lessees, employees, agents, licensees and invitees, hereby grants to 2159 E. Lincoln a perpetual, non-exclusive easement for vehicular parking on sixteen (16) parking spaces on the Lincoln Rail Parcel as shown and labeled as “Shared Parking Spaces” on the site plan attached at **Exhibit C.** 2159 E. Lincoln agrees that this parking easement may be used only for parking by employees, customers, and invitees of the owner or occupant of the 2159 E. Lincoln Parcel during the normal hours of operation of the business located on the 2159 E. Lincoln Parcel, which shall be after 5:00pm on weekdays and anytime on weekends. The owner of the Lincoln Rail Parcel reserves the right to build or construct any buildings, structures or improvements or to otherwise redevelop or reconfigure the Lincoln Rail Parcel and to relocate the Shared Parking Spaces on the Lincoln Rail Parcel from time to time, provided that the same number of Shared Parking Spaces are maintained on the Lincoln Rail Parcel. Such easement shall not materially interfere with the use of the Lincoln Rail Parcel by its owners, tenants, or their employees or other invitees.

   **B.** 2159 E. Lincoln, for the benefit of the present and future owners of the Lincoln Rail Parcel, and its respective successors, assigns, mortgagees, lessees, employees, agents, licensees and invitees, hereby grants to Lincoln Rail a perpetual, non-exclusive easement for vehicular parking on sixteen (16) parking spaces on the 2159 E. Lincoln Parcel as shown and labeled as “Shared Parking Spaces” on the site plan attached at **Exhibit C.** Lincoln Rail agrees that this parking easement may be used only for parking by employees, customers, clients and invitees of the owner or occupant of the Lincoln Rail Parcel during the normal hours of operation of the business located on the Lincoln Rail Parcel, which shall be from 8:00am to 5:00pm on weekdays. The owner of the 2159 E. Lincoln Parcel reserves the right to build or construct any buildings, structures or improvements or to otherwise redevelop or reconfigure the 2159 E. Lincoln Parcel and to relocate the Shared Parking Spaces on the 2159 E. Lincoln Parcel from time to time, provided that the same number of Shared Parking Spaces are maintained on the 2159 E. Lincoln Parcel. Such easement shall not materially interfere with the use of the 2159 E. Lincoln Parcel by its owners, tenants, or their employees or other invitees.

3. **Term/Termination.** The term of this Agreement and the easements granted herein shall automatically expire, without any further action being required by either Party, in ten (10) years after the date of this Agreement, unless extended by the mutual agreement of the Parties. In
the event the use of the 2159 E. Lincoln Parcel changes in the future such that it no longer requires
a SLUP from the City of Birmingham for a restaurant use, then Lincoln Rail may elect to terminate
this Agreement by unilaterally executing and recording a termination with the Oakland County
Register of Deeds.

4. **Maintenance.** Each Party shall be responsible for Maintenance, at its own cost, of
the driveways and parking spaces on its Parcel, in accordance with all laws and otherwise in good
condition. For purposes of this Section 4, "Maintenance" includes (but is not limited to) sweeping,
washing and removal of trash, litter and refuse, removal of snow and ice, painting and striping of
parking areas, repair and replacement of paving as necessary. Paved areas shall be maintained in
a level, smooth and evenly-covered condition with the type of surfacing material originally
installed or such substitute as shall be comparable in quality, use, and durability.

5. **Dispute Resolution.** In the event one Party believes the other Party is overutilizing
the easements granted herein to the detriment of the aggrieved Party, then the aggrieved Party may
deliver a written notice to the other Party specifying the claims of the aggrieved Party, and the
Parties shall meet within 15 days to attempt to resolve their differences. If the Parties are unable
to resolve their differences within the following 15 days, then at the request of the aggrieved Party,
the Parties shall submit their claim to mediation pursuant to the commercial mediation rules of the
American Arbitration Association, and the Parties shall equally share the cost of the mediator. If
the Parties are unable to resolve their differences within the following 60 days, then either party
may file an action with the Oakland County Circuit Court for injunctive or other equitable relief
only.

6. **Covenants Run With Land.** Subject to the provisions of Section 3 above, this
Agreement shall run with the land and shall benefit and be binding upon the Parties, and their
successors and assigns. This Agreement shall be recorded with the Oakland County Register of
Deeds.

7. **No Dedication To Public; No Implied Easements.** Nothing contained in this
Agreement shall be deemed to be a gift or dedication of any portion of any Parcel to the general
public or for any public use or purpose whatsoever, it being the intention of the parties hereto that
this Agreement be for the exclusive benefit of the Parties and any other owners and occupants of
the Parcels and that nothing herein, express or implied, shall confer upon any person, other than
the Parties and their successors and assigns, any rights or remedies under or by reason of this
Agreement. No easements, except those expressly set forth herein shall be implied by this
Agreement.

8. **Modification.** This Agreement (including exhibits) may be modified or canceled
only by mutual agreement of all Parties as set forth in a written document and which shall be
effective upon recording with the appropriate recording office.

9. **Severability.** If any provision of this Agreement or the application thereof to any
person or circumstances shall, to any extent, be held invalid, inoperative or unenforceable, the
remainder of this Agreement, or the application of such provision, to any other person or
circumstance shall not be affected thereby; the remainder of this Agreement shall be given effect as if such invalid or inoperative portion had not been included.

10. **Applicable Law.** This Agreement shall be construed in accordance with the laws of the State of Michigan.

11. **Entire Agreement.** This Agreement, the Exhibits attached hereto set forth the entire agreement between the Parties governing the Parcels. There are no statements, promises, representations or understandings, oral or written, not herein expressed.

12. **Transfer Taxes.** This instrument is exempt from Michigan real estate transfer tax pursuant to MCL 207.526(a). This instrument is exempt from county real estate transfer tax pursuant to MCL 207.505(a).

13. **Indemnification.** Each Party ("**Indemnifying Owner**") shall defend, indemnify and hold harmless the other Party ("**Indemnified Owner**") and its members, managers, shareholders, partners, directors, officers, employees, agents and representatives (collectively, the "**Indemnified Owner Parties**") from and against any and all liabilities, damages, penalties, judgments, actions, suits, proceedings, claims, demands, assessments, costs and expenses, including without limitation reasonable legal fees and expenses, in connection with injury to person or property sustained by anyone in and about the Indemnified Owner's Parcel resulting from the use of the easements granted hereby over the Indemnified Owner's Parcel by the Indemnifying Owner or its tenants, licensees, employees, vendors, contractors, consultants or invitees, unless arising from the wrongful or negligent actions or omissions of the Indemnified Owner.

[signatures on following pages]
The parties execute this Cross Access and Parking Easement Agreement as of the date set forth above.

**Lincoln Rail, LLC,**
a Michigan limited liability company

By: [Signature]

Name: John D. Gaber

Title: Authorized Agent

**STATE OF MICHIGAN  ss.**

**COUNTY OF OAKLAND  ss.**

The foregoing instrument was acknowledged before me this 28th day of March, 2019, by John D. Gaber, the Authorized Agent of Lincoln Rail, LLC, a Michigan limited liability company, on behalf of the company.

[Signature]

Notary Public

Oakland County, Michigan
Acting in Oakland County, Michigan
My commission expires: 5/16/2020
2159 E. Lincoln, LLC,
a Michigan limited liability company

By: ______________________

Name: Neil Wallace

Title: Authorized Agent

STATE OF MICHIGAN      )
                        ) ss.
COUNTY OF OAKLAND      )

The foregoing instrument was acknowledged before me this 28th day of March, 2019, by Neil Wallace, the Authorized Agent of 2159 E. Lincoln, LLC, a Michigan limited liability company, on behalf of the company.

[Signature]
Notary Public

Oakland County, Michigan
Acting in Oakland County, Michigan
My commission expires: 5/16/2020

Drafted by and when recorded return to:

John D. Gaber
Williams, Williams, Rattner & Plunkett, P.C.
380 N. Old Woodward Avenue, Suite 300
Birmingham, Michigan 48009
EXHIBIT A

Lincoln Rail Parcel

The following property in the City of Birmingham, Oakland County, Michigan:

The East ½ of Lot 492, also Lots 493 to 498 inclusive, and the West 14.81 feet of Lot 499, also part of vacated Lincoln Avenue adjacent to Lot 499 as vacated by resolutions in Liber 3029, Page 152 and Liber 3029, Page 154, inclusive, of Sheffield Estates No. 1, as recorded in Liber 44, Page 40, Oakland County Records.

Tax Parcel No: 20-31-401-007

Commonly known as: 2525 E. Lincoln, Birmingham, MI 48009
EXHIBIT B

2159 E. Lincoln Parcel

The following property in the City of Birmingham, Oakland County, Michigan:
Lot 499 (except for the West 14.81 feet of Lot 499), also all of Lots 500 through 504 inclusive, also part of vacated Lincoln Avenue as vacated by resolutions in Liber 3029, Page 152 and Liber 3029, Page 154, inclusive, of Sheffield Estates No. 1, as recorded in Liber 44, Page 40, Oakland County Records.

Tax Parcel No: 20-31-401-008

Commonly known as: 2159 E. Lincoln, Birmingham, MI 48009
EXHIBIT C

Site Plan

See attached
09.13.2019

Jana L. Ecker, Planning Director
Brooks Cowan, City Planner
City of Birmingham
Planning Department

Re: 2159 E. Lincoln (Lincoln Yard) Special Land Use – Review Comments

Thank you for your review of the Lincoln Yard project dated 07.22.2019. This letter is to address the following review comments below.

1. **The applicant must apply for a zoning amendment to the parcels eligible for an Economic Development Liquor License in Appendix C, Exhibit 1, and to have Economic Development Liquor Licenses added to Article 2, Section 2.39 MX District, Uses Requiring a Special Land Use Permit of the Zoning Ordinance.**

   The applicant applied for a zoning amendment to the parcels eligible for an Economic Development Liquor License in Appendix C, Exhibit 1 and to have Economic Development Liquor Licenses added to Article 2, Section 2.39 MX District on August 14, 2019. The Planning Board recommended the zoning amendment request on September 11, 2019.

2. **Details regarding the type and placement of rooftop mechanical equipment must be submitted for Final Site Plan Review.**

   A roof plan drawing (Sheet A.102) which indicates the placement of rooftop mechanical equipment has been provided in this resubmission. Specification sheets of the proposed equipment have also been provided in this resubmission as a separate attachment.

3. **The applicant will need to provide written legal evidence to the Planning Board that the owner of 2125 E. Lincoln Street has agreed to the shared parking agreement with Lincoln Yard for 16 spaces.**

   The legal documentation for the shared parking agreement between Lincoln Yard & 2125 E. Lincoln St. has been included as a separate document in this resubmission.

4. **The applicant has not indicated the height of the pole mounted light fixtures. Pole mounted luminaires shall not exceed 16 feet in height.**

   The pole mounting height is 16'-0” for all L4 fixtures, for the L5 street poles they are mounted at 12'-0” to match the existing. Refer to the photometric plan. (Sheet C.103)

5. **Article 4, Section 4.21(D)(1) requires that all luminaires 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. The applicant must submit new plans with lights that meet the Zoning Ordinance, or apply for a variance from the Board of Zoning Appeals.**

   The applicant is requesting the Planning Board to waive the requirement that all luminaires be full cutoff or cutoff as defined in Section 9.02 in order to allow flexibility in the proposed architectural design. The proposed building lighting scale, color, design and material quality are consistent with the building/site and does not adversely affect other uses & buildings in the neighborhood.
6. The patio design indicates the LF6 ceiling mounted light fixture as the main luminaire. This light must be at or above the bottom edge of the canopy’s valance. A full review of the lighting and photometric plan will be done for Final Site Plan Review.

The LF6 will be a recessed light fixture installed into the underside of the canopy soffit. Refer to the photometric plan.

7. The entire building will require fire suppression (A-2 Occupancy).

Acknowledged.

8. An FDC (fire department connection) to be located on the street side of the building, in an approved, unobstructed location.

The location for the FDC is proposed in an unobstructed area on the street side of the building near the entrance to the independent restaurant. (Sheet A.200)

9. The building will require a fire alarm system with occupant notification.

Acknowledged.

10. The proposed fire table will need to be equipped with an attached, study mesh cover to prevent contact with open flames, final approval by the fire marshal.

Acknowledged.

11. The entire enclosed canopy area with the fire table feature will be required to have fire suppression coverage, due to combustible materials, and an open ignition source.

Acknowledged.

12. A fire sprinkler system will be required throughout the building and within the covered outdoor dining areas.

Acknowledged.

13. It appears that a single unisex toilet room is proposed in the independent restaurant area. The Michigan Plumbing Code will require separate men’s and women’s toilet rooms in this area due to the occupant load.

The users of the independent restaurant space will have shared restroom access with the Lincoln Yard restrooms.
14. The applicant will need to provide glazing calculations for Final Site Plan review that demonstrate the building meets the Zoning Ordinance Requirements of 70% glazing and 80% VLT for the ground floor façade between 1 and 8 feet above grade.

The proposed glazing percentage on the front street elevation from the ground floor façade between 1 and 8 feet above grade is 45%. The applicant is requesting that the 70% glazing Ordinance requirement be waived by the Planning Board to allow flexibility in the proposed architectural design. (Sheet A.200)

15. A full signage review will be completed for Final Site Plan Review.

Additional detailed building signage information has been provided in this submission for both restaurant spaces as a separate attachment.

Responses to the August 14th Meeting Minutes

A. Mr. Share said there must be ample warning to drivers looking to park at Lincoln Yard to be mindful of the pedestrian crossing near the building. He recommended adding a tint to the aggregate to emphasize the crossing. Mr. Jeffares and Planning Director Ecker suggested raising the crosswalk a bit to resemble a speed table could also be beneficial.

Mr. Catallo shared enthusiasm for tinting the concrete of the crosswalk and said he would be concerned about snowplows if the crosswalk were raised. He said they just poured tinted concrete at another site and have been pleased with the results. Mr. Catallo said he would bring a photo of the tinted concrete to his next meeting with the Planning Board.

The pedestrian crossing that connects the public walk to the southeast entrance was changed from an exposed aggregate to a tinted colored concrete. The applicant provided example photos of the tinted concrete. See separate attachment, Sheet C.100 & A.300.

B. Chairman Clein said he was glad to see this project returning. He recommended Lincoln Yard talk to its neighbors to create community cohesion, and recommended Lincoln Yard be prepared to talk about the economic impact of the project in its application process for the economic development license. Mr. Boyle said that whatever Lincoln Yard or the City could do to facilitate the removal of some of the fences along the block would likely help increase the business’ foot traffic. He said it is currently difficult to navigate on foot due to the high number of fences. Mr. Catallo concurred with Mr. Boyle, said his business had good relationships with its neighbors and would be interested in pursuing the removal of some of those fences. Ms. Whipple-Boyce concurred with Mr. Boyle, saying she was glad the project was back and would be enthusiastic about increasing walkability in that area. She also said the design of the project, down to the furniture, was cool and innovative. She said she anticipated the design would bring a lot of people out to check out the space and that she was excited to have the space in Birmingham.

The applicant is currently in the process of reaching out to the local neighbors in order to improve the walkability connections between adjacent properties.
If you have any further comments, concerns, or questions; please do not hesitate to contact me.

Thank you,

Jeff Klatt, AIA
Krieger Klatt Architects, Inc.
AT 2159 E. LINCOLN, BIRMINGHAM
Imagine the kind of comfort food you’d have grown up with if your mom lived on a commune outside San Diego and your dad was a biker who raised chickens. There, you’ve got the picture. Now, imagine that it’s in a bustling district of Birmingham that leverages the light-industrial buildings that lined the streets that flanked the rail line on the city’s border. Bingo. You’ve got something that you can only find here: a light-industrial building that serves light-industrial food in a neighborhood that’s truly charming. Welcome to Lincoln Yard. This is a joint born from a local restaurant group that was built to repurpose. This is the kind of place that’s wide open: in structure ... in menu ... and in attraction. The parents looking for dinner after dropping their Birmingham bantam off for practice? Check. The digital artist who’s looking to take a muffin and a pour-over coffee back to her desk before pouring over the data that awaits her? Check. The kid who bet his best friend a smoothie that he could land an ollie off a transition at the skate park? Check. The couple who met at Midtown Cafe on a Thursday night in ’85 and still make it a date every Thursday night? Check, please. This is a former bus garage that has what it takes to be a stop in itself.
LINCOLN YARD RESTAURANT

There’s nothing quite like finding something real. In today’s dining scene, the majority of patrons find themselves eating in chain restaurants on concrete pad sites or in the mall’s corridors. But people want something different: something real. People deserve something that they can call their own, not something that belongs to a home office back in Phoenix. Metro Detroit’s burgeoning independent restaurant movement is testament to the ever expanding tastes of American restaurant-goers; and our Joints have been feeding that appetite nonstop since 1995.

Lincoln Yard’s restaurant will embody all we’ve learned from every dish we’ve served for nearly 25 years: food that is familiar and surprising at the same time. The kind of food that’s brought us this far — honest American comfort food with unbridled influence that’s all-around real. It’s the kind of food that’s built for a setting as authentic as Lincoln Yard. From the main area that would serve as the restaurant, to the trellised patio and grab-and-go area, everything about this undertaking is designed to give the neighborhood a space and experience that feels as if it’s been part of the fabric all along.

LITTLE YARD

The separate entrance to this on-the-go setup reveals a welcoming spot to pick up orders to bring to the rec center across the street or to grab a coffee and house-baked goods in the morning. This is healthy, hearty, real food that you won’t feel guilty grabbing after a yoga class or giving to your kids before the game. This is walk up, take-away that’s been crafted with hearty care with an emphasis on honest ingredients, simplicity and accessibility. This is the kind of food that delivers to the busy men, women and children of Birmingham. This is to-go for those on-the-go.
He arrives with chops that are sharper than his knife kit and run deeper than the cuts his tools deliver. Lured to Union Joints to run point as Lincoln Yard and Little Yard's Chef de Cuisine; Patrick’s journey to Metro Detroit has seen him expand the influence of an upbringing that exposed him to a myriad of cultures thanks to the ever-changing assignments of a father who was Air Force brass. Soon enough, he put his own prowess to practice sautéing as Sous Chef for the likes of Oakley’s Bistro of Indianapolis, Seattle’s Café Pressé and Estilo in Richmond, VA. Chef Patrick’s most recent stint saw him alongside Chef Jonathan Brooks (Food and Wine’s Best New Chef, 2015; Chef of Bon Appetit’s Best New Restaurant, 2015) at the highly regarded Beholder in Indy.
IT'S A TWO-HOUR HOCKEY PRACTICE ON A TUESDAY. HIS SISTER’S ALREADY ASKING FOR DINNER. YOU’VE GOT AN INBOX LITTERED WITH BLUE DOTS. PULLING OUT ONTO LINCOLN YOU SPOT SOME FRIENDS WITH A FULL BOTTLE OF ROSE AND AN EMPTY SEAT AT THEIR PATIO TABLE. HERE’S TO TWO-HOUR HOCKEY PRACTICES.
THE GOODS:
$$ AMERICAN/TRADITIONAL

As our team develops the menu, some of our traditional Joints’ comfort-food items, as well as a fair share of vegetarian and gluten-free options, will be included. Unique to this location will be a focus on light, clean eating with a variety of locally sourced, seasonal specials, featuring Lincoln Yard’s own harvest offerings in addition to local farmer’s market goods. Pricing will be comparable to other Union Joints, with mid-range pricing that yields to an active family. There will be starters, sides, a kids menu, and the traditional Joints’ Mac & Cheese. A pick-up area will serve grab-and-go coffee, pastries, and dinner for the family at home or the rec center across the street.

THE HOURS:
LITTLE YARD - 7AM TO 8PM
LINCOLN YARD - 11AM TO 12AM

Opening date is TBD, based on project approval, construction and permits. Experience has shown, our team will be prepared to open within one year of building acquisition and final architectural plans.

THE CONCEPT IS STRAIGHTFORWARD

Casual, bright, open-format dining includes plenty of natural light, high ceilings, and vast garage doors. A charming activation of wooden tables, natural textures and vibrant tiles lend warmth to salvaged industrial materials befitting a garage structure. The small, organic herb garden will add to the menu offerings in a sustainable way. An open trellis patio with overhead heaters extends Michigan’s coveted warm season.
PREPARED FOODS PREPARED REAL TIME.
WITH AN EMPHASIS ON REAL; EVEN WHEN YOU DON’T HAVE MUCH TIME.
AN INDEPENDENT JOINT CAN DELIVER ECONOMIC IMPACT BEYOND ITS INCOME

Union Joints employs over 400 hard-working, income-earning staff in Metro Detroit with 1/3 residing in the zip code of the location they work. Since opening in 2012, Vinsetta Garage has provided over $6.2M in income to its 165 staffers alone.

THIS IS A TEAM BUILT WITH FRANCHISE PLAYERS AND A CULTURE OF CARING

Most of our chefs started as dishwashers and our servers stay for the long haul. We offer competitive wages, health insurance and a retirement savings plan to our employees.

THE BEST THING ABOUT WORKING TO GET AHEAD IS IT ALLOWS YOU TO GIVE BACK.

Union Joints is highly active in charitable causes from SCAMP to AFG to Detroit Public Theater and all points in between, contributing to local organizations, food drives, and much more. Always quietly. Always without question.
COMMUNITY SERVICE:
When you bring a 130-year-old building back to life — and up to code — you have given the community something in return before you even open the doors for business. We won’t forget that this building was built to service the Birmingham community, one safe school bus ride at a time.

MOST MACKED MAC & CHEESE:
Union Joints is the little house that Mac & Cheese built. We’ve sold more than 2-million Mac & Cheese orders Joints wide — more than 1,116,320 Macs at the Clarkston Union alone since opening in 1995.

NO VALET REQUIRED:
The most exclusive part about this joint is the shared-parking arrangement only we will have with our good friends and neighbors at Armstrong-White.
Today, we are not in the restaurant business; the restaurant business is in us. We are restorers, preservationists, and business people. And when it comes to restoring buildings, we are gluttons for punishment. It’s a calling that’s practically paramount to the restaurant business itself. There’s something to be said about re-purposing — reinventing, reinvigorating and restoring — a historic building with our on-staff contractor, that provides a level of satisfaction that exceeds anything that completing a new construction could give you.

For us, restaurants are the perfect vehicle to ensure that historic buildings will continue making history and serving as structural icons of their communities. To us, at the end of the day, that’s what it’s all about.
CURT CATALLO  
Co-Owner/President  
Union Joints LLC/Union AdWorks

Catallo, entered the restaurant world by re-purposing a former Clarkston church on Main Street in 1995 — a fitting foray for one who grew up in a nearby restored church. Opened with an emphasis on “broad shouldered American comfort food with a Mediterranean twist” and quickly became known for the Mac & Cheese. It’s the cornerstone item of a group that employs over 400 and has grown into seven restaurants, one outdoor theater venue, an ice cream ‘stand’ in a former pump house, and a general store in a former parsonage. The group shares its Clarkston campus with Union AdWorks, a 70-person marketing and advertising agency that Catallo heads, which services the Joints among their long-standing auto clients. Catallo and wife, Ann Stevenson, cohabit above the general store parsonage with two children, a bird and a sassy French bulldog.

ANN STEVENSON  
Co-Owner/Design & Development  
Union Joints LLC

An Art & Design graduate of Bennington College, Stevenson has worked for over 20 years in commercial, restaurant, office and retail interior design. She has been the owner/operator of Clarkston Union’s sister store, Union General while concurrently developing each new Union Joint spot. Stevenson works on concept, menu and structure with the Joints’ chefs while her business Ann Stevenson Studios manages the interior design projects for the Union restaurants and agency. In 2013, she received The Detroit Home Magazine design awards for the Commercial Interiors of Vinsetta Garage and Union AdWorks, as well as named Metro Times editor’s choice in 2014 for Best Re-use of an Existing Building for Vinsetta Garage. Recently, Stevenson was named a winner for the 2018 Detroit Home Design Awards for the Restaurants/Bars and Children’s Room/Play Space categories. Stevenson is responsible for the idea, overall look and vibe of each Union business.

ERICH LINES  
Managing Partner  
Union Joints LLC

A graduate of Albion College and dorm mate from Catallo’s Cranbrook days, Lines has worked for Union Joints since its inception with the Clarkston Union. From his roles managing special events to General Manager and Managing Partner for the group, his dedication to the growth of the restaurant operation, front to back of the house, is unparalleled. From hiring the restaurant’s staff to promoting the business, his capacity to get the lights on in time through the development and launch of five new joints is nothing short of impossible. As purveyor of the Joints’ culture, as well as serving as host to 19 consecutive Clarkston Oktoberfests, has made him a local celebrity to hungry and thirsty gatherers far and wide.

KC CRAIN  
Managing Partner  
Vinsetta Garage

KC Crain is President and Chief Operating Officer for Crain Communications Inc, overseeing the day-to-day operations of Crain Communications, as well as the company’s family of brands including Automotive News and Advertising Age. Previously, he held roles of Executive Vice President and Director of Corporate Operations, Vice President, and Group Publisher. He started at Crain as a reporter for Automotive News. Active in a number of civic and business activities, KC is Board Chair for the Detroit Children’s Fund. He also sits on the boards of the Karmanos Cancer Institute, the Young Presidents Organization, and the College for Creative Studies. In addition to keen interests and influential connections throughout the automotive, tech and publishing industries, KC is dedicated to Detroit’s economic development with investments and partnerships in real estate and restaurant ventures. He and his wife, Ashley, live in Bloomfield Hills, Mich., with their four young children.
Like any organization, the story begins with a desire to serve a purpose in its own community. For us, it starts in a location that serves as a beacon of hope and gathering to a sleepy, semi-shuttered historic district surrounded by burgeoning suburbs. The irony that it’s born in an 1847 church, a building that needed to be saved, has never escaped our mission.

The magnitude of its purpose is one that can only be viewed decades later, as it serves as the anchor of a downtown reborn. The Clarkson Union with its casual New American menu, itself became anchored by the quintessential dish that became Metro Detroit’s favorite.

With the Mac and Cheese as its undisputed foundation, the first Union Joint surprises devout regulars and waves of first-timers with a scratch-built menu and weekly specials of seasonal, locally sourced comfort food. Repurposing structures and districts is paramount to our calling as we’ve expanded into seven locations; each its own spin on the spot, like Vinsetta Garage or the Fenton Fire Hall. Each replicating the Mac and tossing in ingredients that make it stand out on its own. From events and retail to our menus and catering, each of our digs and at every gig, the Joints brings the same group that grew it from the beginning.
Housed in the 1850s building that served as parsonage for the First Baptist Church of Clarkston, Union General is more than the Clarkston Union’s store next door. It is a true standalone destination. From baked goods that have the most loyal following to coffee, our own house-made liquid nitrogen custard along with Michigan classic Ray’s ice cream, bath and body products, stationary, books, toys, gifts and goods, Union General is a one-of-a-kind store that surprises customers with a rare combination of old-school charm and curiosities edited with a whimsical yet focused eye.
Opened in 2009, the Union Woodshop is a handcrafted joint that delivers big time small-town BBQ. The Woodshop immediately made its mark as a joint that put out the most legitimate kind of BBQ with the highest level of culinary care. The care was recognized by the Detroit Free Press, where the Woodshop was honored with the prestigious Restaurant of the Year for 2011. Featured in Food & Wine magazine and on the Food Network, this Joint wasted little time making a big name for itself where the team takes down-home food very seriously.
Partnering with KC Crain of Crain Communications, Vinsetta Garage took in its first customers in July 2012. The space that once housed the oldest garage east of the Mississippi began bustling with a new kind of custom work. Original at every level, this joint sets the stage: a car place that now turns its skills to cooking with the same seriousness and handcrafted care. While the mechanics have long since moved their tools out of the station, the menu is built on the kind of custom Detroit eats they would have called their own back in the day. With burgers, Union Mac & Cheese, coal-fired pies and the like, the crew works to keep the legend of Woodward Avenue alive. Still a mainstay for classic cars, whose owners vie to line up along the property front line, Vinsetta maintains the Cruise enthusiasm year round. Like other small-town, big-personality eateries, the influx of patrons eagerly awaiting an open table brings a few parking headaches, which we’ve adeptly dispensed antidotes for, such as the purchase of nearby surface lots for complimentary valet parking service.
In 2012, as part of Fenton’s DDA initiative, Union Joints was awarded the Fire Hall by the city to bestow the landmark to a worthy business. We restored the 1938 landmark into a full restaurant with rooftop dining that also pays homage to its original purpose.

Throughout construction and since opening in December 2013, the Fenton Fire Hall Taproom and Kitchen has been out to deliver the kind of grub that’s as honest as the building it’s served in. A wood-fired grill, 48 beers on tap and all the care that the Union Joints can put into a place. The Fire Hall was awarded the regional prize for the Michigan Municipal League in 2014.
Its kitchen takes something from one culinary continent and smashes it into another: Latin food that speaks with an Asian accent. It was conceived at the markets and ended up here on Main Street; and it’s at home at Honcho. Construction began early 2016 on the old mechanic’s station, combining two separately functioning garages to create two businesses under one roof — Honcho Restaurant and Honcho Coffeehouse. With each passing first season since, business bustles inside and out along the downtown Clarkston strip. Patrons can pop in for house-roasted brewed and pour-over coffee, pastries and juices; others saddle up to the circular bar for full kitchen service, drinks and margarita sloshies. The main restaurant dining room offers table, booth or counter seating for full lunch and dinner service or to grab a taco and a sack of homemade donuts hot out of the fryer.
THE UNION VOICE CARRIES

- CHEAP EATS | VINSETTA GARAGE
- DETROIT FREE PRESS | UNION WOODSHOP
- DINERS, DRIVE INS, AND DIVES | UNION WOODSHOP
- ESQUIRE | VINSETTA GARAGE
- FOOD CHANNEL CHINA | VINSETTA GARAGE
- FOOD & WINE | UNION WOODSHOP
- HOUR DETROIT | CLARKSTON UNION
- HUFFINGTON POST | VINSETTA GARAGE
- METROPOLITAN DETROIT | CLARKSTON UNION
- MLIVE | FENTON FIRE HALL
- OAKLAND PRESS | HONCHO
- THRILLIST | UNION WOODSHOP
- TRAVEL CHANNEL | VINSETTA GARAGE
- SOUTHERN LIVING | UNION WOODSHOP
- USA TODAY | CLARKSTON UNION
- UNITED STATES OF BACON | VINSETTA GARAGE
- WALL STREET JOURNAL | CLARKSTON UNION
- FSR MAGAZINE | UNION JOINTS
FINANCIAL VIABILITY

Union Joints LLC is a multimillion-dollar revenue-generating restaurant group. The group currently operates five restaurants. Individual financial statements are available upon your request. Financial inquiries may be made to the following:

Anil Thakady
CHIEF FINANCIAL OFFICER UNION JOINTS/
UNION ADWORKS

Curt Catallo
OWNER, PRESIDENT UNION JOINTS/
UNION ADWORKS

GOVERNMENT CONTACTS

THE CITY OF THE VILLAGE OF CLARKSTON
Mayor, Eric Haven – 248-625-1559
City Manager, Jonathan Smith – 248-625-1559

CITY OF BERKLEY
Mayor, Dan Terbrack – 248-658-3350
City Manager, Matthew Baumgartner – 248-658-3350

CITY OF FENTON
Mayor, Sue Osborn – 810-629-2261
City Manager, Lynn Markland – 810-629-2261
UNION JOINTS BELIEVES THAT A FORMER BUS GARAGE HAS WHAT IT TAKES TO DELIVER:

AN EXPERIENCE; A SETTING; A MENU AND OFFERINGS THAT YOU WILL ONLY FIND AT LINCOLN YARD AND THAT CLEARLY BELONGS IN BIRMINGHAM.
THANKS MUCH!
Jana Ecker  
Planning Director  
City of Birmingham  
151 Martin Street  
Birmingham, MI 48009

September 12, 2019

Dear Ms. Ecker & the Birmingham Planning Commission,

My name is Chris McCuiston, and I am the owner of Goldfish Swim School, located at 2388 Cole Street, Suite 101. I am writing on behalf of Union Joints regarding their plan to open the Lincoln Yard restaurant on Lincoln Street. As a local business owner, I am in full support of a company like Union Joints moving into our neighborhood. With their strong history of establishing high-quality, successful restaurants, I have no doubt that their addition to our community will benefit the surrounding businesses and the city of Birmingham as a whole. I would ask that you grant Union Joints and Lincoln Yard an economic development license to open their doors.

Sincerely,

Chris McCuiston  
Owner  
Goldfish Swim School, LLC
Hello,

My husband and I live in the Rail District at 1845 Hazel Street, Birmingham, MI. We are writing in SUPPORT of Lincoln Yard. We have young children and believe this will be another family friendly restaurant in walking distance to our home. We frequently enjoy the other restaurants on Eton and Cole with our children (dinners at Griffin Claw and smoothies from Beyond Juice on our walks to the park). It is the walkability of this community and the easy access to amenities, including restaurants and shops, that make Birmingham unique and attractive to young families. It is why we live here as opposed to other more quiet, less trafficked, communities nearby.

Also, the group opening Lincoln Yard has a fantastic and established track record in Metro Detroit of opening well thought out, aesthetically pleasing, restaurants with exceptional food (plus this one also has a grab-n-go option which is desperately needed and lacking in this area... can’t wait to grab a sandwich before walking to the park). I believe this is a perfect fit for our neighborhood that adds value to the residents of the Rail District. It would be a missed opportunity to not approve Lincoln Yard.

We are looking forward to welcoming them to the neighborhood and enjoying their services!

Sincerely,

Alicia Birach and Alexander Jerome
(248) 842-7432/(248) 417-6833
Re: Lincoln Yard Project
1 message

Jana Ecker <jecker@bhamgov.org>  
To: Ryan Tate <ryan.c.tate@gmail.com>  
Cc: Marci Hensley <marchensley@hotmail.com>

Wed, Aug 14, 2019 at 1:29 PM

Thank you both for your emails. I received them, and will pass your comments along at the Planning Board meeting tonight.

Jana Ecker

On Wed, Aug 14, 2019 at 10:02 AM Ryan Tate <ryan.c.tate@gmail.com> wrote:

Jana,

We know a committee meeting is happening today, so we wanted to pass along our support for the project before that meeting.

Thanks

Ryan Tate

Sent from my iPhone

On Aug 14, 2019, at 8:44 AM, Marci Hensley <marchensley@hotmail.com> wrote:

Dear Jana,

We recently learned that the Vinsetta group has resurrected their plan to build out a new restaurant in the old school bus garage on Lincoln. We couldn’t be more excited, especially after looking at the renderings! As frequent patrons of Big Rock, Whistle Stop, and Griffin Claw, we’re looking forward to having another walkable dining spot in the neighborhood. I’m sure some in the community have concerns about traffic/parking – but having lived at the corner of Eton/Hazel for the past 5+ years, we have never found it to be an issue. The Rail District has so much potential, and businesses like Lincoln Yard (in our opinion) will help to make the area more desirable.

Thank You,

Marci Hensley & Ryan Tate

1999 Hazel St.

Birmingham

--

Jana L. Ecker
Planning Director
City of Birmingham
248-530-1841
Hi!
Just wanted to let our excitement about the possibility of the new restaurant addition to the rail district be known. We live at Hazel & Columbia and would love to have another restaurant in our area!!!

Rebecca Taylor BSN, RN, CPN
A note in support of a new Union Joints restaurant in Birmingham

Sarah Winkler <sarahwinkler@detroitpublictheatre.org>
To: Jecker@bhamgov.org, bcowan@bhamgov.org

Mon, Sep 23, 2019 at 10:56 PM

Dear Birmingham City Commission,

My name is Sarah Winkler and I live at 1000 Shirley Road in Birmingham. I'm writing to express my enthusiastic support of the Lincoln Yard restaurant located at 2159 East Lincoln Street. I'm so very excited about the prospect of a Union Joints restaurant in the rail district. Not only are the Union Joints restaurants some my whole family's favorites in our area, but the proposed Birmingham location of their newest one will bring them right into our community and would be an amazing addition to our community. My family uses the park across the street regularly and the idea of having a restaurant to head to after ice skating, skateboarding, or a game in the park is just thrilling for me, my husband and our three children.

Thank you so much for your consideration! My family and so many people we know would enjoy this addition to our community more than I can say!.

Sincerely,

Sarah

--

Sarah Winkler
Producing Artistic Director
Detroit Public Theatre


www.detroitpublictheatre.org
sarahwinkler@detroitpublictheatre.org
(313) 974-7918 office (917) 687-1165 mobile

facebook.com/detroitpublictheatre
Twitter: @DetPubTheatre
Instagram: DetPubTheatre
Dear Jana:
I'm unable to attend this evening's meeting, but as a resident in the Rail District (on Hazel), I want to lend my voice of enthusiasm to the possibility of another fine establishment within walking distance.

Curt Catallo and Ann Stevenson consistently create restaurants with high quality food and service, and my neighbors on Hazel (many of whom you've heard from, or will) and I, who all frequently patronize The Whistle Stop, Griffin Claw and Big Rock, are so excited about having another casual, delicious, and creative dining experience available to us in our neighborhood.

Since our street has become a Permit Parking street, we have not been bothered at all by having the above restaurants near us. We are happy to have them as the good neighbors they are, and look forward to Lincoln Yard as yet another.

Thank you for your time.

Best,
-acp

Alexis C. Pollock  |  1962 Hazel Street
English Tutor  |  Educational and Writing Consultant
Principal, ACP Educational Consulting, LLC
http://acpeducation.com
alexisp@umich.edu
248.703.8889
Bryan Anderson <anderson1239@yahoo.com>
To: jecker@bhamgov.org

Good Afternoon,

I live on Hazel St. two houses in from Eton St. I am in full support of Lincoln Yard coming into our neighborhood as we are in need of another bar and grill. We are regular patrons at both Big Rock and Griffin Claw, and we would truly enjoy an additional walking choice given the fact Big Rock and Griffin Claw are often full to capacity.

Thank you for your consideration.

Bryan Anderson
Residents supporting Lincoln Yard

1 message

Britt-Marie Fleury <dacbmo@gmail.com>
To: Jecker@bhamgov.org
Cc: AAA ICE Todd Fleury ☝️ <toddfleury1979@gmail.com>

Tue, Sep 17, 2019 at 8:49 AM

Good morning,

Please accept this email as our support of the proposed Lincoln Yard restaurant on Lincoln Rd. My husband’s family has owned our property on Hazel Street for 20+ years and we rebuilt our new home here five years ago. We’re raising our children here now and love the growth and development we’ve seen in just the last few years. We frequent Big Rock, Whistlestop and Griffin Claw on the very regular basis and love the idea of adding another restaurant to our neighborhood.

We have reviewed the proposal for Lincoln Yard and appreciate the group’s vision for the restaurant. We particularly like that the owners are a VERY well established and knowledgeable restaurant group; this isn’t a little start up that might make it- this is a well oiled machine that will only add to the appeal (and value) of the rail district we call home. We trust our city officials and the restaurant owners to make sure the details of street traffic, parking, noise, etc. are aligned with keeping the neighborhood safe and family-friendly.

We are very much in favor and support of Lincoln Yard opening. Thank you!

Kind regards,

Britt-Marie and Todd Fleury
1863 Hazel Street
313.218.5544

Sent from BMF’s iPhone
MEMORANDUM
Planning Division

DATE: September 27, 2019

TO: Joseph A. Valentine, City Manager

FROM: Jana Ecker, Planning Director

SUBJECT: Set Public Hearing for SLUP & Final Site Plan & Design Review—298 S. Old Woodward – Daxton Hotel

INTRODUCTION:
The applicant, Woodward Brown Ventures, LLC / Aparium Hotel Group, is applying for a Special Land Use Permit (SLUP) to operate a hotel with restaurant facilities serving alcoholic liquors. The applicant is requesting approval to use a new Class B - Hotel Resort Economic Development license under the new ordinance allowing a hotel or movie theater to operate with a liquor license. Woodward Brown Ventures, LLC / Aparium Hotel Group is owned by several entities controlled by Mario Tricoci, Kevin Robinson and Howard Silverman. In addition to owning and operating the Daxton Hotel, all three are members of the LLC that owns/operates the Detroit Foundation Hotel and the Apparatus Room restaurant in Downtown Detroit.

BACKGROUND:
The Final Site Plan & Design Review for the Daxton Hotel was approved by the City in 2018, and the hotel is currently under construction. Since approval, the applicant has submitted a Special Land Use Permit and site plan application to operate the hotel under a Class B liquor license. The applicant is proposing to license the entire hotel to cover alcohol service for banquets, the restaurant, bar and pre-function areas and for room service. On September 25, 2019, the Planning Board reviewed the SLUP and corresponding site plan review, and voted unanimously to recommend approval to the City Commission for 298 S. Old Woodward, the Daxton Hotel, with the following conditions:

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

Although the draft Planning Board minutes from September 25, 2019 are not yet available for review, it should be noted that all of comments raised in the staff memo dated September 19, 2019 relating to outdoor dining are now moot. The applicant is not proposing any outdoor dining at this time.
LEGAL REVIEW:
The City Attorney has reviewed the documentation and has no concerns.

FISCAL IMPACT:
There are no fiscal impacts based on the approval of the SLUP and Final Site Plan for the Daxton Hotel.

SUMMARY:
The applicant is seeking approval for a SLUP and Final Site Plan & Design Review to operate a hotel serving alcohol using a new Class B - Hotel Resort Economic Development license under the ordinance allowing a hotel or movie theater to operate with a liquor license within the B4 zone district. The applicant is not proposing any exterior changes to the building at this time, nor any outdoor dining.

ATTACHMENTS:
- SLUP Resolution
- Special Land Use Permit Application
- Planning Board Staff Report
- Site Plans & Material Specification Sheets

SUGGESTED RESOLUTION:
To set a public hearing date for October 28, 2019 to consider approval of a Special Land Use Permit and Final Site Plan and Design Review for 298 S. Old Woodward to allow the operation of the Daxton Hotel with the service of alcoholic liquors, in accordance with Article 7, Section 7.34 of the Zoning Ordinance.
DA XT ON HOTEL
SPECIAL LAND USE PERMIT
2019

WHEREAS, Daxton Hotel filed an application pursuant to Article 7, section 7.34 of Chapter 126, Zoning, of the City Code to operate a hotel serving alcoholic liquor under Class B – Hotel Resort Economic Development license;

WHEREAS, The land for which the Special Land Use Permit is sought is located on the west side of Old Woodward at the corner of Brown Street;

WHEREAS, The land is zoned B-4, Business Residential, and is located within the Downtown Birmingham Overlay District, which permits hotels serving alcoholic liquor with a Special Land Use Permit;

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

WHEREAS, The Planning Board on September 25, 2019 reviewed the application for a Special Land Use Permit and Final Site Plan and Design Review for the proposed Daxton Hotel to permit the service of alcoholic liquor using a Class B – Hotel Resort Economic Development license and recommended approval with the following conditions:

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

WHEREAS, The applicant has complied with all of the conditions noted by the Planning Board;

WHEREAS, The Birmingham City Commission has reviewed the Daxton Hotel 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 Daxton Hotel’s application for a Special Land Use Permit authorizing the service of alcoholic liquors using a Class B – Hotel Resort Economic Development license at 298 S. Old Woodward in accordance with Chapter 10, Alcoholic Liquors, is hereby approved;
BE IT FURTHER RESOLVED, That the City Commission determines that to assure continued compliance with Code standards and to protect public health, safety, and welfare, this Special Land Use Permit is granted to allow the Daxton Hotel at 298 S. Old Woodward to serve alcoholic liquors with the following conditions:

1. The applicant must correct all plan sheets for consistency and submit revised operations plan prior to appearing before the City Commission for final approval;
2. The applicant must provide all signage details prior to appearing before the City Commission for final approval;
3. The applicant must comply with the requests of all departments;
4. The motion reflects the approval of the paper packet of plans received by the Planning Board on September 25, 2019;
5. Daxton Hotel shall abide by all provisions of the Birmingham City Code; and
6. 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, Daxton Hotel and its heirs, successors, and assigns shall be bound by all ordinances of the City of Birmingham in effect at the time of the issuance of this permit, and as they may be subsequently amended. Failure of Daxton Hotel to comply with all the ordinances of the city may result in the Commission revoking this Special Land Use Permit.

I, Cheryl Arft, City Clerk of the City of Birmingham, Michigan, do hereby certify that the foregoing is a true and correct copy of the resolution adopted by the Birmingham City Commission at its regular meeting held on October 28, 2019.

Cheryl Arft, Acting City Clerk
August 26, 2019

Planning Board
City of Birmingham
151 Martin Street
Birmingham, MI 48009

Re: Special Land Use Permit Application – Liquor License for Theaters and Hotels in the B4 District for the Daxton Hotel at 298 S. Old Woodward Ave., Birmingham, MI 48009.

Dear Members of the Planning Board:

This letter accompanies the Application of the Daxton Hotel (“Daxton” or “Hotel”) for a Special Land Use Permit (“SLUP”) to operate an establishment with a liquor license obtained under the recently amended Chapter 10, Article II, Division 5 “Licenses for Theaters and Hotels.” The Applicant will be applying to the State of Michigan for a new B-Hotel Resort Economic Development Liquor License (“License”) under MCL 436.1531(4) for the Hotel. The License has the same privileges as a traditional B-Hotel license, although it is a direct issue liquor license and is non-transferrable to any other location.

This SLUP will allow this exciting new Hotel operated by Aparium Hotel Group to have a street-level restaurant, grill and bar, event space for weddings, parties, and conferences, and a wine bar (collectively, the “Restaurant Facilities”). These new amenities will attract Birmingham residents and visitors to the South Old Woodward area of the central business district (“CBD”), consistent with the 2016 Plan for Birmingham. The application for SLUP and all site plan requirements relevant to this presentation are submitted with this letter.

The following outline demonstrates that this new hotel fulfills all ordinance and planning requirements for a Special Land Use Permit for a Liquor License for Theaters and Hotels, as well as the requirements to transfer a license into the city.

I. Requirements for Special Land Use Permit (Section 126, Article 7, Section 7.36(A)(1-6).

A. 7.336(A)(1). “The use is consistent with and will promote the intent and purpose of this Zoning Ordinance.”

A review of the Daxton project clearly demonstrates that this newly proposed hotel is
consistent with and will promote the intent and purpose of the Zoning Ordinance.

First, with respect to the zoning district, the subject property is zoned B-4, Business-Residential, and D-4 in the Downtown Overlay District. The Daxton will be a new structure that is located on the corner of Brown Street and Old Woodward Avenue. The B-4 District specifically permits “establishments operated with a liquor license obtained under the amended Chapter 10, Alcoholic Liquors, Article II, Division 5, Licenses for Theaters and Hotels” with a valid special use permit.

Second, Section 7.36(A)(1) provides that a Special Land Use Permit shall be consistent with the “. . . intent and purpose . . .” of the zoning ordinance. The intent and purpose of the zoning ordinance of the City of Birmingham as set forth at Article 1, Section 1.04 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 Master Plan and Downtown Birmingham 2016 Plan.”

1. **Intent and goals of the Downtown Birmingham 2016 Plan (“2016 Plan”).**

This area of the CBD is identified in the 2016 Plan as the “Retail 1” area and is discussed at pages 26-27 of the 2016 Plan (attached for your reference). The Daxton also is consistent with all the relevant recommendations and fits every one of the relevant bullet points set forth in the “Downtown Birmingham Vision Statement” discussed at page 181 of the 2016 Plan (attached for your reference).

   a. **Relevant recommendations of the 2016 Plan for the “Retail 1” South Woodward CBD.**

      i. The first bullet point recommendation set forth at page 26 of the 2016 Plan, recommends that the City “enlarge the CBD shopping district area by merging it with the South Woodward... [area].”

      The new Hotel, with its street-level Restaurant Facilities, event space for weddings, parties and conferences, and retail space, will bring significant patronage to the southern point of the CBD, helping to extend the CBD and pedestrian traffic into the South Woodward area.

      ii. The second relevant bullet point recommends that the City “connect all areas to each other by reducing apparent and actual physical barriers, by connecting discontinuous retail frontages, and, in some cases, by installing the recommended streetscape and signage improvements.”

      The subject site consists of two now demolished and formerly vacant office buildings and a
surface parking lot. These buildings and surface lot were barriers to street-level retail and failed to inspire a pedestrian-friendly activated sidewalk, leaving a pedestrian “dead zone” at Brown and S. Old Woodward. The Daxton and its amenities will combine these frontages into one attractive, pedestrian-friendly structure with first floor restaurant and retail activities. Pursuant to the City’s site plan approval, the Hotel also will comply with all recommended streetscape and signage improvements consistent with the South Woodward street reconstruction improvements.

The presence of the Daxton on the south end of the CBD is consistent with both of these goals for the Retail 1 area under the 2016 Plan. The Daxton will add economic vitality with its Restaurant Facilities, retail destinations and a via along the northern property line. These uses encourage pedestrian traffic, activate the sidewalk, and help to connect the CBD with the South Woodward neighborhood. No other hotels with Special Land Use Permits for Theaters and Hotels exist in the South Woodward CBD. The Daxton’s application encourages redevelopment of the southern CBD and South Woodward corridor area while at the same time satisfying the planning amenities envisioned in the 2016 Plan.


At Page 181 of the 2016 Plan (attached), 17 bullet points are identified as being a brief summary of the vision for downtown Birmingham. Again, the Daxton Hotel has the advantage of being consistent with all of the relevant bullet points presented in that 2016 Plan.

i. “Ensure the economic viability of downtown business community.”

The development of the Daxton at this location is continues the revitalization of economic activity toward the South Woodward area. It increases the availability of luxury hotel accommodations and banquet facilities in Downtown, attracting visitors and events to Birmingham. The hotel’s first floor Restaurant Facilities, plus sidewalk redesign, will extend the walkability of the CBD and provide pedestrian destinations. A hotel of the caliber of the Daxton cannot provide these amenities and compete in the luxury boutique hotel segment without a liquor license. The alternative without a license is a flagship hotel/motel like the Holiday Inn located on the M1.

Furthermore, The Daxton’s restaurant, bar and event space are designed in conjunction with and will be operated by Aparium Hotel Group, the same group responsible for the Detroit Foundation Hotel and the Apparatus Room restaurant. The Foundation Hotel was recently named “one of the best new hotels in the world” by Condé Nast Traveler, as reported in The Detroit News. A copy of the article is attached to this letter. The Aparium Hotel Group has the potential to create a similar boutique hotel experience and renowned restaurant in Downtown Birmingham, but not without a liquor license.
"New development should be designed for safety, comfort, convenience and enjoyment of pedestrians, rather than vehicular traffic."

The Daxton Hotel provides a unique experience for both out-of-town guests and residents of Birmingham alike. The proposed plan includes a multi-level underground parking garage for guests, residents and patrons of the Daxton, which lessens the reliance on current parking. The building, with retail and Restaurant Facilities on the first floor is designed to appeal to pedestrians walking from the CBD towards South Woodward. It can be accessed by pedestrians without use of a car. All the residents living in or near the south area of the CBD and frequent the South Woodward CBD will be able to walk to the Hotel. This pedestrian-friendly location and use is particularly appropriate for the City of Birmingham and the “treasured heritage” of the City as a walkable community. These new and attractive Restaurant Facilities within the Hotel extend the CBD and support the CBD as an integral part in the lives of Birmingham residents.

The streetscape design includes widened sidewalks with trees and raised planters, placed to enhance the pedestrian experience, as well as pedestrian-level lighting and hanging planters. The design also includes benches, receptacles, and four bicycle racks to further encourage multi-modal traffic flow. The main entrance is welcoming and inviting to pedestrians, with large first floor windows and a canopied doorway.

"Strengthen the spatial and architectural character of the downtown area and ensure buildings are compatible, in mass and scale, with their immediate surroundings and the downtown’s traditional two- to four-story buildings."

This new hotel is designed by the renowned Chicago architecture firm, Booth Hansen. The design meets the zoning criteria for the D-4 and Downtown Overlay Districts. The Hotel is a 5-story mixed use building that is consistent with the mass and scale of the surrounding, predominantly office, buildings. The subject site is currently the site of two vacant office buildings and a surface parking lot. The Hotel building, with its mix of bar/restaurant, residential, hotel and retail uses, will significantly strengthen the architectural and spatial character of the current lot and the structures thereon.

"Ensure good land use transitions and structural compatibility in form and mass to the traditional, residential neighborhoods surrounding downtown."

The location of the Daxton offers a unique opportunity for restaurant, bar and hotel, retail, and event facilities to be developed which will be convenient to, and an amenity for, all the residents living in the residential single-family areas surrounding the CBD and South Woodward. One of the visions of the 2016 Plan is to the extend the CBD into the South Woodward area to provide services needed by Birmingham residents, and the Daxton will provide a transition point which will extend the CBD into the South Woodward area.
Daxton is the continuation of such pedestrian-oriented development in this area and would bring more foot traffic towards the South Woodward area. The Daxton will offer these residents uses that will encourage increased social and retail activities and inspire future development in and around the southern area of the CBD.

v. “Create and reinforce identifiable districts within the downtown to provide a sense of place and a variety of experiences.”

The redevelopment of the South Woodward retail area depends upon the development of new and exciting retail and restaurant uses. This redevelopment works to increase and encourage the development necessary to create and strengthen the identifiable districts of the CBD and the South Woodward retail area.

vi. “Encourage a diverse mix of uses including retail, commercial, entertainment, cultural, civic, and especially residential.”

The Daxton Hotel is the epitome of a mixed-use space. It combines retail, Restaurant Facilities, banquet facilities, meeting rooms, residential space, and a hotel, plus underground parking, all in a single building.

vii. “Encourage first floor retail businesses, services, and other activities which are required for everyday living.”

The Daxton’s Restaurant Facilities and retail space are all at street level. The street level entrances (two entrances on Old Woodward and a separate wine bar entrance on the via at the north property line) are all accessible from the sidewalk, inviting pedestrians and creating the atmosphere encouraged by the 2016 Plan. The Daxton will bridge the current gap in the ambiance of the northern part of the CBD to the southern part.

viii. “Provide easily accessible, identifiable, and convenient parking in an amount to support downtown density and use.”

The Daxton is located within the Parking Assessment District, so no further on-site parking is required for commercial use. Nonetheless, the Daxton is in a unique position to offer easily accessible parking. The multi-level underground garage allows hotel guests and residents of the residential floors to be parked underneath the building, removing those cars from public parking and allowing patrons of the Hotel restaurant and bar who choose not to walk to have more street parking options. Further, the Daxton will offer a valet service for patrons (and the public), which will assist to ease any burden on parking. Over 70 vehicles can be parked in the underground garage during peak times, which is a significant aspect of the Daxton’s Major Event Traffic Plan as approved by the City.
The foregoing is a discussion of several of the more relevant bullet points which are set forth in the Downtown Birmingham Vision Statement. As can be seen, the introduction of the Daxton Hotel’s restaurant and bar into this area complies with the 2016 Plan and its vision for Downtown Birmingham.

B. 7.36(A)(2). "The use will be compatible with adjacent uses of land, the natural environment, and the capabilities of the public services and facilities affected by the land use."

As stated above, the Daxton Hotel is compatible with adjacent uses of land and sets the stage for a more pedestrian-friendly and environmentally conscious streetscape on the south end of the CBD. The Daxton will not present any issues for added public services or facilities for the land use. All existing facilities and services in this area will easily serve the Daxton.

C. 7.36(A)(3). "The use is consistent with public health, safety and welfare of the city."

The use of a B-Hotel liquor license for this exciting new hotel and its amenities in this area is not only consistent with the health, safety and welfare of the community, but because of the services it provides, it is a benefit to the residents of this area and the City at large. As stated above, the widened sidewalks, underground parking and proposed valet service are consistent with the health, safety and welfare of the residents of the City. The Hotel has been designed to result in no interference with traffic.

D. 7.36(A)(4). "The use is in compliance with all other requirements of the zoning ordinance."

The site plan and building plans presented demonstrate that the Daxton Hotel complies with the ordinances of the City of Birmingham, in addition to being clearly consistent with the 2016 Plan as set forth in this letter.

E. 7.36(A)(5). "The Use Will Not Be Injurious to the Surrounding Neighborhood."

There is no activity of the Daxton Hotel which will be injurious to surrounding neighbors. In fact, this restaurant and bar, and the entirety of the Hotel’s facilities, will be beneficial to its neighbors. This location is immediately adjacent to other commercial and office uses. It offers a new restaurant, hotel, retail and event services operated by a world-class operator, to which pedestrians can easily walk. It adds to the diversity of the uses in the neighborhood, which presently are dominated by offices, and sets the stage for further attractive and consistent development. Note that the Hotel does not border on areas zoned single family residential.
F. 7.36(A)(6). The Daxton Hotel is not in violation of any State or Federal Statutes."

The Daxton Hotel is designed and will be operated in a manner which is intended to comply with all relevant laws and regulations of the local, state and federal authorities.

II. Birmingham City Code

Two sections of the City Code are relevant to this SLUP proposal.

A. Sec. 10-101. - Request for transfer of license into city.

"Persons desiring to transfer a liquor license from outside the city limits into the city limits in excess of the city's quota licenses shall make an application to the city commission and pay the applicable theater liquor license transfer review fee as set forth in appendix A of this Code. In addition to those items and conditions set forth in section 10-42, the application shall set forth in detail its proposed project, including, but not limited to":

1. 10-101(1): "Utilization of said liquor licenses and details on the number of quota liquor licenses in escrow at the time of application."

   Applicant is applying to the State of Michigan for a B-Hotel Resort Economic Development Liquor License under MCL 436.1531(4). With respect to quota licenses, there are no quota on-premises liquor licenses available for issuance in the City of Birmingham.

   1 Section 10-42:
   1. 10-42(1): "An applicant will be given consideration only if he proposes to provide and continues to provide for the service of meals to be consumed on the premises." The Daxton Hotel will have a grill and restaurant that will provide superior service to all of its patrons.
   2. 10-42(2): "The location proposed and methods of operation must not detrimentally and unreasonably impact nearby property owners, businesses and residents." The location and methods of operation will benefit nearby property owners, businesses, and residents by increasing pedestrian traffic to the South Old Woodward area of the CBD and providing residents with another dining and entertainment option that can be accessed without a car.
   3. 10-42(3): "All applicable health and safety codes and ordinances, including zoning, must be met." The Daxton Hotel plans to meet all safety codes and ordinances.
   4. 10-42(4): "Applicants will be required to submit a detailed plan of proposed operation as part of their application for transfer, which shall include a plot plan of the site, a plan for any proposed change in exterior and interior design, lay-out of any proposed change to ancillary facilities and a general operational statements outlining the proposed manner in which the establishment will be operated, including a schedule of the hours of operation, crowd control plans, use of the facility, parking provisions and the estimated cost of any proposed improvements." Please see final site plan submission made with this application for Special Land Use Permit – Licenses for Theaters and Hotels.
With respect to escrow licenses, the following 4 liquor licenses are in escrow in Birmingham, but to the Applicant's knowledge they are not available for purchase; they are controlled by landlords or are being transferred to future tenants of the buildings where they are held:

0261553 PEABODY OWNER, LLC
34965 Woodward Ave., Birmingham, MI 48009-0931

110557 WILLITS CO-LICENSE LLC / MITCHELL'S ENTERTAINMENT, INC.
117 Willits St., Birmingham, MI 48009-3317

240015 WILLITS CO-LICENSE LLC / MITCHELL'S ENTERTAINMENT, INC.
115 Willits St., Birmingham, MI 48009-3317

238851 THE PALLADIUM OF BIRMINGHAM, LLC
201 Hamilton Row, Birmingham, MI 48009-3455

2. **10-101(2):** "Proposed and/or existing site plan of the property, building floor plan and an operations floor plan."

Please see final site plan submission made with this application for Special Land Use Permit – Licenses for Theaters and Hotels.


There is a significant positive economic impact on the City by the Daxton Hotel project. The City benefits economically by each of the following effects:

i. Number of permanent new jobs created: 175 new, permanent positions will be created with the opening of the hotel and retail operations.

ii. Number of temporary construction and trade jobs: approximately 300 construction jobs are created by the project during the approximate two-year construction period.

iii. Almost all the construction and trade impact will be within 20 to 30 miles of the site.

iv. Total investment in the project: approximately $76 Million Dollars.
v. Increase in assessed value for the City: an anticipated increase of at least 11.4 times the current estimate of assessed value.

4. **10-101(4):** “A copy of the special land use permit application and supporting documentation submitted by the applicant.”

Please see the Special Land Use application submitted with this letter.

5. **10-101(5):** “All documentation submitted to the LCC requesting the transfer.”

Applicant’s LLC application has been filed with the City Police Department.

6. **10-101(6):** “Full identification and history of the license holder(s) as it pertains to the license proposed to be transferred, including all complaints filed with the state liquor control commission (LCC) or actions taken by any municipality or the LCC to suspend, revoke or deny the non-renewal of said license and all other documentation setting forth the detail of the existing theater or hotel or proposed theater or hotel by the applicant, including the approximate dollar amount of the investment to be made, number of jobs to be created, minimum of 150 seats for a theater and minimum of 100 guest rooms for a hotel and other benefits to the city.”

   a. Applicant has no identification and history pertaining to the license proposed to be transferred, and no complaints or other actions taken by any person or entity to suspend, revoke, deny or denial of renewal of said license.

   b. The applicant is investing approximately $76,000,000 in the design, engineering, approval and construction of the interior (including kitchens) and exterior of this 25,182 square foot Hotel and amenities.

   c. Applicant expects to create approximately 175 permanent jobs, and approximately 300 construction jobs at the site.

7. **10-101(7):** “Information detailing how the proposed operation will create or sustain development in the city consistent with the master plan.”

See Section I of the Requirements for SLUP contained in this letter.

8. **10-101(8):** “Such other items deemed necessary by city administration.”

The Daxton will provide further items deemed necessary by the City administration.
B. Sec. 10-102. - Application for transfer of liquor license into the city for theater purposes.

“10-102(a) Selection criteria: In addition to the usual factors and criteria used by the city commission for liquor license requests, including those listed in section 10-42\textsuperscript{2}, the commission shall consider the following non-exclusive list of criteria to assist in the determination of which of the existing establishment applicants, if any, should be approved”:

1. 10-102(1): “The applicant's demonstrated ability to finance the proposed project.”

Submitted with SLUP application documents is a letter from the Applicant demonstrating its financial capability of constructing the Hotel with both personal liquidity and financing through Flagstar Bank.

2. 10-102(2): “The applicant's track record with the City including responding to City and/or citizen concerns.”

The Daxton’s developers have already promptly and properly addressed City and citizen concerns with other aspects of development and will continue to do so. The applicant intends to promptly respond to all the City and/or citizen concerns.

3. 10-102(3): “Whether the applicant has an adequate site plan to handle the proposed liquor license activities.”

The attached site plan shows in detail that the Restaurant Facilities are designed by restaurant professionals. There are adequate facilities, including parking, to handle vehicular outcomes of the business as well as the expected pedestrian traffic from the Birmingham residential clientele.

4. 10-102(4): Whether the applicant has adequate health and sanitary facilities.

All the health and safety facilities at the premises will be in compliance with local, state and federal laws.

5. 10-102(5): “The percentage of proceeds from room rental fees, charges for special events and food sales as compared to the sale of alcoholic beverages.”

The Daxton’s main function is as a hotel. Therefore, it is expected that a majority of its proceeds will be from room rental and event fees, not liquor. The liquor sales will most likely be the smallest percentage of sales when compared to the room rental fees, food, and event fees of the gross revenue. The Applicant will present a more focused economic breakdown to the City

\textsuperscript{2} Please see a discussion of the 10-42 requirements in Footnote 1.

01213518.DOC
Commission which is based upon the operator’s many years of experience operating hotels that serve food and alcoholic beverages.

6. **10-102(6):** “Whether the applicant has outstanding obligations to the city (i.e. property taxes paid, utilities paid, etc.).

   The applicant has no known outstanding obligations to the City.

### III. Conclusion

The foregoing sections of this letter have concentrated on the zoning ordinances, the Master Plan and 2016 Plan, Special Land Use Permit – Licenses for Theaters and Hotels. This review clearly demonstrates that the Daxton’s proposed Hotel and Restaurant Facilities all satisfy the requirements, guidelines, and goals established in the 2016 Plan and City ordinances. The location of the Daxton in the south CBD Retail 1 area makes this proposal especially attractive, since it will extend pedestrian interest and foot traffic into an area of the CBD that presently is less activated than other CBD areas. In addition, it will greatly expand the dining, hotel and event space in the City.

Accordingly, the Applicant respectfully requests the Planning Board to favorably recommend this Application for Special Land Use Permit – License for Theaters and Hotels to the City Commission, with the hope that the City Commission will grant the Daxton Hotel a Special Land Use Permit – License for Theaters and Hotels.

Should you have any further questions or comments regarding any of the above, please do not hesitate to call. With kind regards, I am,

Very truly yours,

WILLIAMS, WILLIAMS, RATTNER & PLUNKETT, P.C.

Richard D. Rattner

RDR/cmc
Enclosure-SLUP Application
Special Land Use Permit Application
Planning Division
Form will not be processed until it is completely filled out.

1. Applicant
   Name: Woodward Brown Ventures, LLC/Aparium Hotel Group
   Address: 102 Pierce Street
   Phone Number: (248) 247-3814
   Fax Number: 
   Email address: david@lorientcap.com

2. Property Owner
   Name: Woodward Brown Ventures, LLC
   Address: 102 Pierce Street
   Phone Number: (248) 247-3814
   Fax Number: 
   Email address: david@lorientcap.com

3. Applicants Attorney/Contact Person
   Name: Richard D. Rattner, Esq.
   Address: 380 N. Old Woodward Ave., Ste. 300
   Phone Number: (248) 642-06333
   Fax Number: 
   Email address: rdrattner@wwrplaw.com

4. Project Designer/Developer
   Name: Booth Hansen Architects
   Address: 333 Desplaines Street
   Chicago, Illinois 60661
   Phone Number: (312) 869-5000
   Fax Number: 
   Email address: cstetson@boothhansen.com

5. Required Attachments
   - Required fee (see Fee Schedule for applicable amount)
   - Two (2) folded copies of scaled plans including:
     - Certified land survey
     - Color elevations showing all materials
     - Site plan (including property lines, buildings and structures for the subject site as well as all adjacent properties within 200 ft. of the property line)
     - Landscape plan
     - Photometric plan
     - Interior floor plan
     - Photographs of existing site and/or building.
   - Warranty Deed with legal description of property.
   - Current aerial photos of the subject site, including all adjacent properties within 200 ft.
   - An itemized list of all changes for which approval is requested.
   - 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.

6. Project Information
   Address/Location of the property: 298 S. Old Woodward and 325 E. Brown, Birmingham, MI
   Name of development: Daxton Hotel
   Sidwell #: 19-36-202-009 and 19-36-202-016
   Current Use: Vacant
   Proposed Use: Hotel; 5th floor residential
   Area of Site in Acres: 0.62 acres
   Current zoning: B-4/O-4
   Is the property located in the floodplain? No
   Name of Historic District Site is Located in: Downtown Overlay
   Date of Historic District Commission Approval: 06/21/2017
   Date of Application for Preliminary Site Plan: 04/26/2017
   Date of Preliminary Site Plan Approval: 05/24/2017
   Date of Application for Final Site Plan: 06/28/2017
   Date of Final Site Plan Approval: 08/09/2017
   Date of Application for Revised Final Site Plan: 01/31/2019
   Date of Revised Final Site Plan Approval: 04/28/2018
   Date of Design Review Board Approval: N/A
   Is there a current SLUP in effect for this site? No
   Date of Application for SLUP: N/A
   Date of SLUP Approval: N/A
   Date of Last SLUP Amendment: N/A
   Will proposed project require the division of platted lots? Yes
   Will proposed project require the combination of platted lots? No
   Date of Lot combination approved: 04/23/2018
7. Details of the Proposed Development (attach separate sheet if necessary)

5 story mixed use commercial/residential building with 2 levels underground parking. Ground (street level) is proposed to be a restaurant, commercial space, and hotel lobby. Mezzanine level is proposed for meeting rooms; levels 2-4 are proposed hotel rooms. Level 5 proposed to be long term stay residential units.

8. Buildings and Structures

<table>
<thead>
<tr>
<th>Number of Buildings on Site: 1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Height of Buildings &amp; # of Stories: 70 feet / 5 stories</td>
</tr>
</tbody>
</table>

9. Floor Use and Area (in Square Feet)

### Proposed Commercial Structures:
- Total basement floor area: 50,364 SQ (2 levels)
- Number of square feet per upper floor: 25,182 SF
- Total floor area: 159,597 SF (including basement levels)
- Floor area ratio (total floor area + total land area): 5.92
- Open space: 1,753 SF
- Percent of open space: 6.5%

### Proposed Residential Structures:
- Total number of units: 17 - at 5th floor only
- Number of one bedroom units: 9
- Number of two bedroom units: 8
- Number of three bedroom units: 0
- Open space: 
- Percent of open space: 

### Proposed Additions:
- Total basement floor area, if any, of addition:
- Number of floors to be added:
- Square footage added per floor:
- Total building floor area (including addition):
- Floor area ratio (total floor area + total land area):
- Open Space:
- Percent of open space:

10. Required and Proposed Setbacks

required front setback: 0'
required rear setback: 0'
required total side setback: 0'
side setback: 0'

11. Required and Proposed Parking

- Required number of parking spaces: 1.25 x 9 + 1.5 x 8 = 24 spaces
- Typical angle of parking spaces: 90 degree / 45 degree
- Typical width of maneuvering lanes: varies-see plans
- Location of parking on site: basement
- Location of parking off site: none
- Number of light standards in parking area:
- Screenwall material:

### Use of Buildings: commercial/residential

### Height of Rooftop Mechanical Equipment: 79.50 feet

### Office Space: 1,587 SF
### Retail Space: 11,539 SF
### Industrial Space: N/A
### Assembly Space: 7,446 SF
### Seating Capacity: 497
### Maximum Occupancy Load: 1,384 (includes office, retail, assembly, and hotel)

### Rental units or condominiums? Rental
### Size of one bedroom units: 600 SF to 818 SF
### Size of two bedroom units: 664 SF to 823 SF
### Size of three bedroom units: N/A
### Seating Capacity: N/A
### Maximum Occupancy Load: 76 (includes 5th Fl residences only)

### Use of addition:

### Height of addition:

### Office space in addition:

### Retail space in addition:

### Industrial space in addition:

### Assembly space in addition:

### Maximum building occupancy load (including addition):

### Proposed number of parking spaces: 56
- Typical size of parking spaces: 10' x 18' or larger
- Number of spaces <180 sq. ft.: 0
- Number of handicap spaces: 2
- Shared parking agreement? no
- Height of light standards in parking area:
- Height of screenwall:


### 12. Landscaping

**Location of landscape areas:**
- Planters at Via and Old Woodward
- 4" Shade Trees

### 13. Streetscape

- **Sidewalk width:**
  - 17' at Old Woodward; 10' at Via
- **Number of benches:** 6
- **Number of planters:**
  - 4 at Via; 4 at Old Woodward
- **Number of existing street trees:** 6
- **Number of proposed street trees:** 9
- **Streetscape plan submitted?** Yes

### 14. Loading

- **Required number of loading spaces:** (3) 40' x 12' x 14' H
- **Typical angle of loading spaces:** 90 degrees
- **Screenwall material:** Ornamental Metal Gate
- **Location of loading spaces on site:** Loading doors open toward rear yard

### 15. Exterior Waste Receptacles

- **Required number of waste receptacles:** located indoors
- **Location of waste receptacles:** located indoors
- **Screenwall material:**

### 16. Mechanical Equipment

#### Utilities and Transformers:
- **Number of ground mounted transformers:** 0
- **Size of transformers (L*W*H):**
- **Number of utility easements:**
- **Screenwall material:**

#### Ground Mounted Mechanical Equipment:
- **Number of ground mounted units:** 0
- **Size of ground mounted units (L*W*H):**
- **Screenwall material:**

#### Rooftop Mechanical Equipment:
- **Number of rooftop units:** (2) MAU 50 tons each
- **Type of rooftop units:** (30) air cooled VRF condensors; (1) kitchen exhaust fan; (11) toilet exhaust fans
- **Screenwall material:** perforated corrugated metal panel
- **Location of screenwall:** 5th floor rooftop

### 17. Accessory Buildings

- **Number of accessory buildings:** N/A
- **Location of accessory buildings:**

---

Proposed landscape material: Raised planters with steel edge at Via. Birmingham standard along Old Woodward. See landscape plan.

Regal Prince Oak and Triumph Elm Caliper shade trees.

Description of benches or planters: Raised planter with steel edge at Via. Birmingham standard at Old Woodward

Species of existing trees:

Species of proposed trees:

Proposed number of loading spaces: 1

Typical size of loading spaces: 40' x 12' x 14'H

Height of screenwall: Ornamental Metal Gate

Typical time loading spaces are used: morning

Proposed number of waste receptacles: morning

Size of waste receptacles: located indoors

Height of screenwall: located indoors

Location of all utilities & easements: refer to civil utility plan

Height of screenwall: N/A

Location of all ground mounted units:

Height of screenwall:

Location of all rooftop units: refer to rooftop plan

Size of rooftop units (L*W*H): MAU 22' x 11" x 8' H

Percentage of rooftop covered by mechanical units: 33%

Height of screenwall: 11' - 0"

Distance from rooftop units to all screenwalls: varies

Size of accessory buildings:

Height of accessory buildings:
### 18. Building Lighting
- Number of light standards on building: 18
- Size of light fixtures (L\*W\*H): varies - see plan
- Maximum wattage per fixture: see fixture certs
- Light level at each property line: see photometric study

### 19. Site Lighting
- Number of light fixtures: 4
- Size of light fixtures (L\*W\*H): 11" x 4" x 12' 9"
- Maximum wattage per fixture: 89 watts
- Light level at each property line: N/A

### 20. Adjacent Properties
- Number of properties within 200 ft.: 6

<table>
<thead>
<tr>
<th>Property #1</th>
<th>Number of buildings on site: 1</th>
<th>Zoning district: Business Residential B-4</th>
<th>Use type: Office/Commercial</th>
<th>Number of parking spaces:</th>
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</table>

<table>
<thead>
<tr>
<th>Property #2</th>
<th>Number of buildings on site: 1</th>
<th>Zoning district: General Business B-2</th>
<th>Use type: Office</th>
<th>Number of parking spaces:</th>
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<th>Property #4</th>
<th>Number of buildings on site: 1</th>
<th>Zoning district: Business Residential B-4</th>
<th>Use type: Office</th>
<th>Number of parking spaces:</th>
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<tr>
<th>Property #5</th>
<th>Number of buildings on site: 1</th>
<th>Zoning district: Business Residential B-4</th>
<th>Use type: Restaurant</th>
<th>Number of parking spaces:</th>
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<table>
<thead>
<tr>
<th>Property Description: 255 S. Old Woodward, Office/Commercial</th>
<th>North, south, east or west of property?</th>
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<table>
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<tr>
<th>Property Description: 300 S. Old Woodward, Office</th>
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<table>
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<th>Property Description: 294 E. Brown, Office</th>
<th>North, south, east or west of property?</th>
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<table>
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<tr>
<th>Property Description: 255 E. Brown, Office</th>
<th>North, south, east or west of property?</th>
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</table>

<table>
<thead>
<tr>
<th>Property Description: 220 E. Merrill, Restaurant</th>
<th>North, south, east or west of property?</th>
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</table>
Property #6
Number of buildings on site: 1
Zoning district: Business Residential B-4
Use type: Office/Commercial
Square footage of principal building:
Square footage of accessory buildings:
Number of parking spaces:
Property Description: 200 S. Old Woodward, Office/Commercial

North, south, east or west of property?

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

Signature of Owner:
Date: 8-19-19
Print Name: Jeffrey Silverman, Authorized Representative of Woodward Brown Ventures, LLC

Signature of Applicant:
Date: 8-19-19
Print Name: Jeffrey Silverman, Authorized Representative of Woodward Brown Ventures, LLC

Signature of Architect:
Date: 8-19-19
Print Name: Charlie Stetson, AIA, LEED, AP, Principal, Booth Hansen Architecture

Office Use Only
Application #: ___________________ Date Received: _____________ Fee: ___________________
Date of Approval: _______________ Date of Denial: _______________ Accepted by: ___________________

Signature of Co-Applicant:
Aparium Hotel Group, LLC
By: ____________________________
Name: __________________________ Date: ________________
Its: ____________________________
Property #6
Number of buildings on site: 1
Zoning district: Business Residential B-4
Use type: Office/Commercial
Square footage of principal building:
Square footage of accessory buildings:
Number of parking spaces:

Property Description: 200 S. Old Woodward, Office/Commercial

North, south, east or west of property?

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

Signature of Owner: ____________________________ Date: 8-19-19
Print Name: Jeffrey Silverman, Authorized Representative of Woodward Brown Ventures, LLC

Signature of Applicant: ____________________________ Date: 8-19-19
Print Name: Jeffrey Silverman, Authorized Representative of Woodward Brown Ventures, LLC

Signature of Architect: ____________________________ Date: 8-19-19
Print Name: Charlie Stetson, AIA, LEED AP, Principal, Booth Hansen Architecture

Office Use Only
Application #: ____________________________ Date Received: ___________ Fee: ___________
Date of Approval: ___________ Date of Denial: ___________ Accepted by: ___________

Signature of Co-Applicant:
Aparium Hotel Group, LLC

By: ____________________________ Date: ___________
Name: ____________________________
Its: ____________________________
Property #6
Number of buildings on site: 1
Zoning district: Business Residential/B-4
Use type: Office/Commercial
Square footage of principal building:
Square footage of accessory buildings:
Number of parking spaces:

Property Description: 200 S. Old Woodward, Office/Commercial

North, south, east or west of property?

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

Signature of Owner: __________________________ Date: 8-19-19
Print Name: Jeffrey Silverman, Authorized Representative of Woodward Brown Ventures, LLC.

Signature of Applicant: __________________________ Date: 8-19-19
Print Name: Jeffrey Silverman, Authorized Representative of Woodward Brown Ventures, LLC.

Signature of Architect: __________________________ Date: 8-19-19
Print Name: Charlie Stimson, AIA, LEED AP, Principal, Booth Hansen Architecture

Office Use Only
Application #: __________________________ Date Received: __________________________ Fee: __________________________

Date of Approval: __________________________ Date of Denial: __________________________ Accepted by: __________________________

Signature of Co-Applicant:
Aparium Hotel Group, LLC

By: __________________________
Name: __________________________ Date: __________________________

Its: __________________________
Notice Signs - Rental Application
Community Development

1. Applicant
Name: Woodward Brown Ventures, LLC/Aparium Hotel Group
Address: 102 Pierce Street
Birmingham, MI 48009
Phone Number: (248) 247-3814
Fax Number:

Property Owner
Name: Woodward Brown Ventures, LLC
Address: 102 Pierce Street
Birmingham, MI 48009
Phone Number: (248) 247-3814
Fax Number:

2. Project Information
Address/Location of Property: 298 S Old Woodward and
325 E. Brown, Birmingham, MI
Name of Development: Daxton Hotel
Area in Acres: 0.62 acres

Name of Historic District site is in, if any:
Current Use: vacant
Current Zoning: B-4/I-O-4

Board of Building Trades Appeals: N/A
City Commission: N/A
Historic District Commission: 06/21/2017
Planning Board: 08/09/2019
Board of Zoning Appeals: N/A
Design Review Board: N/A
Housing Board of Appeals: N/A

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: 8/19/19

Jeffrey Silverman, Authorized Representative of Woodward Brown Ventures, LLC

Signature of Co-Applicant: Aparium Hotel Group, LLC

Date:

By: Name: Its:

Application #: Date Received: Fee:

Date of Approval: Date of Denial: Reviewed by:
SPECIAL LAND USE PERMIT APPLICATION CHECKLIST – PLANNING DIVISION

Applicant: Woodward Brown Ventures, LLC/Aparium Hotel Group  Case #: ___________________________ Date: ___________________________

Address: 102 Pierce Street, Birmingham, MI 48009      Project:  Daxton Hotel

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;

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. Aerial photographs of the subject site and surrounding properties;

9. A list of all requested elements/changes to the site plan;

10. Any changes requested marked in color on the site plans and on all elevations of any building(s);

11. Site plan showing the subject site in its entirety, including property lines, buildings and structures. Site plan must show the same details for all adjacent properties within 200 ft. of the subject sites property lines;

12. 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”);

13. Existing and proposed layout of streets, open space and other basic elements of the plan;

14. Existing and proposed utilities and easements and their purpose;

15. Location of natural streams, regulated drains, 100-year flood plains, floodway, water courses, marshes, wooded areas, isolated preserve-able 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;

16. General description, location, and types of structures on site;

17. Location of sidewalks, curb cuts, and parking lots on subject site and all sites within 200 ft. of the property line;

18. Details of existing or proposed lighting, signage and other pertinent development features;

19. Elevation drawings showing proposed design;
20. Screening to be utilized in concealing any exposed mechanical or electrical equipment and all trash receptacle areas;

21. Location of all exterior lighting fixtures;

22. 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

23. 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:

24. Color elevation drawings showing the proposed design for each façade of the building;

25. List of all materials to be used for the building, marked on the elevation drawings;

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

27. Details of existing or proposed lighting, signage and other pertinent development features;

28. A list of any requested design changes;

29. Itemized list of all materials to be used, including exact size specifications, color, style, and the name of the manufacturer;

30. 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

31. Any other information requested in writing by the Planning Division, the Planning Board, or the Building Official deemed important to the development.
August 14, 2019

City of Birmingham Planning Board
151 Martin Street
Birmingham, MI 48012
Attn: Jana Ecker, Planning Director

Dear Ms. Ecker:

I have had the privilege of representing Mark Mitchell in legal matters for over twenty years. I submit this correspondence in connection with the SLUP Application for one of his business entities, Woodward Brown Ventures, LLC ("LLC"), the owner of The Daxton Hotel currently under construction in the City of Birmingham.

The land on which the hotel is being built is owned free and clear by LLC. To date, all construction costs have been funded by the LLC without financing. On today’s date, LLC closed a construction loan with Flagstar Bank which will fund construction through completion. Prior to the construction funding commencing, LLC will provide an additional $9 Million to the project. LLC and Mr. Mitchell have sufficient liquidity to fund the project until the construction financing commences.

Should you require any additional information, please feel free to contact me at the above listed number.

Warmest regards,

Jeffrey S. Silverman
<table>
<thead>
<tr>
<th>DATE</th>
<th>BOARD</th>
<th>ACTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>5/24/2017</td>
<td>Planning Board</td>
<td>Board approved CIS and preliminary site plan.</td>
</tr>
<tr>
<td>8/2/2017</td>
<td>Advisory Parking Committee</td>
<td>APC approved recommendation to remove 8 on-street parking meters for valet at curb.</td>
</tr>
<tr>
<td>8/9/2017</td>
<td>Planning Board</td>
<td>Board granted final site plan approval.</td>
</tr>
<tr>
<td>10/16/2017</td>
<td>City Commission</td>
<td>City Commission declined to approve license agreement for metered spaces at curb, sending matter back to APC.</td>
</tr>
<tr>
<td>3/28/2018</td>
<td>Planning Board</td>
<td>Board approved changes to exterior building materials for 5th floor stucco with exterior color to be approved at later date.</td>
</tr>
<tr>
<td>7/19/2018</td>
<td>Planning Board</td>
<td>Board approved design and material changes regarding penthouse exterior color, cast stone for exterior, metal railing, via sidewalk design, and second floor room layout.</td>
</tr>
</tbody>
</table>
COVENANT DEED

THIS INDENTURE is made this 8th day of January, 2016, between WMSR COMPANY, L.L.C., a Michigan limited liability company, whose address is 30150 Telegraph Road, Suite 373, Bingham Farms, Michigan 48025 ("Grantor") and WOODWARD BROWN VENTURES, LLC, a Michigan limited liability company, whose address is 102 Pierce Street, Birmingham, Michigan 48009 ("Grantee").

WITNESSETH:

That the Grantor, for and in consideration of the sum disclosed on the Real Estate Transfer Tax Valuation Affidavit filed herewith to it paid by the Grantee, the receipt of which is hereby confessed and acknowledged, has transferred, granted, sold, and conveyed, and by these presents does transfer, grant, sell and convey, unto the Grantee, and to its successors and assigns, forever, all that certain real estate located in the City of Birmingham, County of Oakland, State of Michigan, described on Exhibit A attached hereto and incorporated herein, to have and to hold the premises as before described unto the Grantee, its successors and assigns, forever.

And the Grantor, for itself, and its successors, does hereby covenant, promise and agree to and with the Grantee, its successors and assigns, that Grantor will warrant and defend the said premises with the hereditaments and appurtenances unto the Grantee, its successors and assigns, forever against the lawful claims of all persons claiming by, from or under Grantor, but against no other claims or persons.

Subject, however, to easements, zoning ordinances, and restrictions of record, if any and to the exceptions set forth on the attached Exhibit B.

The Grantor grants to the Grantee the right to make all divisions legally available to the Property under Section 108 of the Land Division Act, Act No. 288 of the Public Acts of 1967, as amended.

This property may be located within the vicinity of farm land or a farm operation. General 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.
IN WITNESS WHEREOF, the Grantor has executed this instrument on the date first written above and has declared this conveyance to be binding upon it and its personal representatives, heirs, successors and assigns.

WMSR COMPANY, L.L.C., a Michigan limited liability company

By: 
Mark A. Thomas, Member

By: 
William P. Jamnick, Member

STATE OF MICHIGAN )
COUNTY OF Oaklan(d ) SS.

The foregoing instrument was acknowledged before me this day of January, 2016, by Mark A. Thomas and William P. Jamnick, the Members of WMSR Company, L.L.C., a Michigan limited liability company, on behalf of said Company.

Tina M. Essley
Notary Public of Michigan
Oakland County
Acting in the County of

Drafted By (And When Recorded, Return To):

Mary P. Nelson, Esq.
Abbott Nicholson, P.C.
300 River Place, Suite 3000
Detroit, Michigan 48207-4225

Send Subsequent Tax Bills To:

Grantee

Return to: Mark Mitchell, 102 Pierce Street, Birmingham, MI 48009

4843-7274-0652, v. 1
LEGAL DESCRIPTION

Property located in the City of Birmingham, Oakland County, Michigan more particularly described as:

Part of Lot 21 of Assessor’s Plat No. 25, being a Replat of Taber Addition and Lots 1, 2 and 3, Brown’s Addition and Plat of the Northeast 1/4 of Sec. 36, Town 2 North, Range 10 East, according to the Plat thereof as Recorded in Liber 54A, Page 73 of Plats, Oakland County Records, described as beginning at the Southeast corner of said Lot 21, thence North 35 degrees 59 minutes 36 seconds West along the east line of said Lot 21 a distance of 80.47 feet, thence South 61 degrees 39 minutes 51 seconds West 34.25 feet, thence South 30 degrees 13 minutes 39 seconds East 79.76 feet to the South line of said Lot 21, thence North 61 degrees 42 minutes 50 seconds East along said South line 42.34 feet to the point of beginning.

RE: 325 E. Brown Street, Birmingham, Michigan 48009

Tax Item No. 19-36-202-009

LEGAL DESCRIPTION

Property located in the City of Birmingham, Oakland County, Michigan more particularly described as:

Easterly part of Lot 3 lying adjacent to Lot 24, described as: Beginning at Northwest corner of Lot 24; thence South 35 degrees 30 minutes 00 seconds East 40.51 feet; thence South 61 degrees 32 minutes 15 seconds West 23.77 feet; thence North 36 degrees 25 minutes 04 seconds West 37.09 feet; thence North 53 degrees 16 minutes 30 seconds East 24.19 feet to beginning. Also part of Lot 21, beginning at Southwest corner of Lot 23; thence North 35 degrees 49 minutes 05 seconds West 52.93 feet; thence South 31 degrees 27 minutes 05 seconds East 52.56 feet; thence North 61 degrees 41 minutes 10 seconds East 4.04 feet to beginning. Also all of Lot 22, also Lot 23, except beginning at Northwest lot corner; thence North 61 degrees 32 minutes 15 seconds East 2.35 feet; thence South 31 degrees 27 minutes 05 seconds East 30.56 feet; thence North 35 degrees 49 minutes 05 seconds West 30.78 feet to beginning, also all of Lot 24, “Assessor’s Plat No. 25”, as recorded in Liber 54A, Page 73 of Plats, Oakland County Records.

RE: 298 South Old Woodward, Birmingham, Michigan 48009

Tax Item No. 19-36-202-016
EXHIBIT B - EXCEPTIONS TO TITLE

1. Any facts, rights, interests, or claims that are not shown by the public records but that could be ascertained by an inspection of the property or by making inquiry of persons in possession of the property.

2. Easements, liens, encumbrances, existing water, mineral, oil and exploration rights, or claims thereof, not shown by the public records.

3. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the title including discrepancies, conflicts in boundary lines, shortage in area, or any other facts that would be disclosed by an accurate and complete land survey of the Land, and that are not shown in the public records.

4. Taxes and assessments not assessed, due or payable as of the date hereof.

5. Subject to the rights of the public and of any governmental agency in any part of the land thereof taken, used or deeded for street, road or highway purposes.
The subject site, Daxton Hotel, is a luxury boutique hotel under construction at 298 S. Old Woodward, on the west side of the street on the corner of Brown Street. The property is zoned B-4, Business-Residential and D-4 in the Downtown Overlay District. The applicant, Woodward Brown Ventures, LLC / Aparium Hotel Group, is applying for a Special Land Use Permit (SLUP) to operate a hotel with restaurant facilities serving alcoholic liquors. The applicant is requesting approval to use a new Class B - Hotel Resort Economic Development license under the new ordinance allowing a hotel or movie theater to operate with a liquor license. Woodward Brown Ventures, LLC / Aparium Hotel Group is owned by several entities controlled by Mario Tricoci, Kevin Robinson and Howard Silverman. In addition to owning and operating the Daxton Hotel, all three are members of the LLC that owns/operates the Detroit Foundation Hotel and the Apparatus Room restaurant in Downtown Detroit. The applicant advises that the Detroit Foundation Hotel was recently named one of the best new hotels in the world by Conde Nast Traveler.

Article 2, section 2.37 (B4) of the Zoning Ordinance requires that a hotel or theater seeking to provide alcoholic beverage sales (on-premise consumption) shall obtain a Special Land Use Permit and site plan review. Accordingly, the applicant is required to obtain a recommendation from the Planning Board on the Final Site Plan and Special Land Use Permit, and then obtain approval from the City Commission for the Final Site Plan and Special Land Use Permit.

1.0 Land Use and Zoning

1.1 **Existing Land Use** - The existing site is currently under construction. The five story Daxton Hotel was previously approved for development, including restaurant and banquet facilities, but no liquor license approval was requested. Land uses surrounding the site are retail and commercial.

1.2 **Existing Zoning** – The property is currently zoned B-4, Business-Residential, and D-4 in the Downtown Overlay District. The existing use and surrounding uses appear to conform to the permitted uses of each Zoning District.

1.3 **Summary of Land Use and Zoning** - The following chart summarizes existing land use and zoning adjacent to and/or in the vicinity of the subject site.
<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-2, General Business</td>
<td>B-4, Business-Residential</td>
<td>B-4, Business-Residential</td>
</tr>
<tr>
<td><strong>Downtown Overlay Zoning</strong></td>
<td>D-4</td>
<td>D-3</td>
<td>D-4</td>
<td>D-4</td>
</tr>
</tbody>
</table>

2.0 Screening and Landscaping

2.1 Screening – No changes are proposed.

2.2 Landscaping – No changes are 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 for hotel, retail, restaurant or other commercial uses. Parking on site is required for the residential units on the fifth floor, and was reviewed and approved with the original Daxton site plan approval.

3.2 Loading – No changes are proposed.

3.3 Vehicular Access & Circulation - Vehicular access to the building will not be altered from what was previously approved.

3.4 Pedestrian Access & Circulation – No changes are proposed. However, there are numerous inconsistencies between the plan sheets submitted regarding pedestrian circulation around the building due to different placement of trees, landscaped areas, street lights etc. The applicant will be required to correct all sheets for consistency prior to appearing before the City Commission.

3.5 Streetscape – The applicant is not proposing to alter the previously approved sidewalk and streetscape plan. However, there are numerous inconsistencies between the plan sheets submitted due to different placement of trees,
4.0 Lighting

No new lighting is proposed at this time.

5.0 Departmental Reports

5.1 Engineering Division – The Engineering Dept. has reviewed the package of information submitted on August 26, 2019.

Various versions of the first floor site plan have been included in the package of information. They are not consistent with each other. The inconsistencies that are a concern relative to receiving construction approval of the sidewalk and parking area from the Engineering Dept. are as follows:

1. The site plans on pages 28, 29, 34, and 35 of the package does not include the required City street light located south of the southerly planter box on S. Old Woodward Ave. Page 36 shows the required street light in the best location possible to be consistent with the spacing to the north, as well as provide maximum benefit with respect to consistent lighting. Page 38 shows the light, but located further north in a spot that is not consistent with the landscape scheme that has been built on S. Old Woodward Ave., which could not be approved. We expect that this street light will be constructed as shown on page 36 on the final project to ensure proper lighting of the street and sidewalk in this immediate area.

2. The light distribution plan (page 38) shows a different landscape scheme than the other plans in that an additional planter box and tree has been proposed on the S. Old Woodward Ave. frontage. In addition, the tree spacing has been altered on this plan on the Brown St. frontage. These concepts are inconsistent with the landscape themes that have been approved and built for the streetscapes in the immediate area, and will not be approved.

3. On the site plan shown on page 28, there are notes relative to a hotel drop off and valet area on the street, but there are no details relative to its size. The landscape plan (page 36) also shows a valet drop off area on the street, as well as four angled parking spaces further north. Neither of these concepts have been approved by the City Commission. The applicant will have to return to the City Commission to obtain approval to remove metered parking spaces from across the frontage of the property as shown.

4. Outdoor dining has been shown on the S. Old Woodward Ave. sidewalk just north of the Brown St. intersection on the plan shown on page 35. The grading plan for this project was approved without any indication that this area would be used for outdoor dining, which would require the redirection of the main pedestrian path closer to the street and handicap ramps. The current grading plan has insufficient information available to determine if such an outdoor dining area can be accommodated. Our office will need clarification if this is indeed the proposed use.
of this area, and have additional engineering done on the grading plan before a construction permit can be issued.

5.2 **Department of Public Services** – No comments were received from the DPS.

5.3 **Fire Department** – No comments were received from the Fire Department.

5.4 **Police Department** - The Police Department has no concerns.

5.5 **Building Division** – The Building Division has no concerns.

### 6.0 Hotel and Theater Liquor License Requirements

In 2017, the City Commission approved amendments to the Zoning Ordinance and Chapter 10, Alcoholic Liquors, to allow the service of liquor at hotels and theaters in the D4 zone district. The purpose of the amendments were to create a policy and conditions to allow the City Commission the ability to approve a request to transfer a liquor license into the city in excess of the city's quota licenses if the request is deemed to constitute a substantial benefit to the city for the continuation and development of theaters and hotels, to establish criteria for selecting applicants, and to evaluate the impact of increased liquor licenses on the city.

The applicant, Woodward Brown Ventures, LLC / Aparium Hotel Group is currently developing the Daxton Hotel which is under construction at 298 S. Old Woodward. The Daxton was approved with 151 hotel and residential units and a first floor restaurant, lounge and banquet facilities. The applicant has advised that it is necessary to the experience and the viability of the hotel to serve alcoholic liquors in order to compete in this market. The entire hotel will be licensed by the MLCC.

Chapter 10, Alcoholic Liquors, section 101 outlines the following requirements when applying for a liquor license for a hotel or theater:

Persons desiring to transfer a liquor license from outside the city limits into the city limits in excess of the city's quota licenses shall make an application to the city commission and pay the applicable theater or hotel liquor license transfer review fee as set forth in appendix A of this Code. In addition to those items and conditions set forth in section 10-42, the application shall set forth in detail its proposed project, including, but not limited to:

1. Utilization of said liquor licenses and details on the number of quota liquor licenses in escrow at the time of application.

2. Proposed and/or existing site plan of the property, building floor plan and an operations floor plan.

3. An economic impact analysis.

4. A copy of the special land use permit application and supporting documentation submitted by the applicant.

5. All documentation submitted to the LCC requesting the transfer.
(6) Full identification and history of the license holder(s) as it pertains to the license proposed to be transferred, including all complaints filed with the state liquor control commission (LCC) or actions taken by any municipality or the LCC to suspend, revoke or deny the non-renewal of said license and all other documentation setting forth the detail of the existing theater or proposed theater by the applicant, including the approximate dollar amount of the investment to be made, number of jobs to be created, minimum of 100 guest rooms for hotels and other benefits to the city.

(7) Information detailing how the proposed operation will create or sustain the theaters or hotels in the city.

(8) Such other items deemed necessary by city administration.

The applicant has advised that all quota liquor licenses are currently in use, with the exception of the following, which are currently in escrow for use by future tenants of the buildings where they are held:

1. PEABODY OWNER, LLC, 34965 Woodward
2. WILLITS CO-LICENSE LLC / MITCHELL’S ENTERTAINMENT, INC., 117 Willits
3. WILLITS CO-LICENSE LLC / MITCHELL’S ENTERTAINMENT, INC., 115 Willits
4. THE PALLADIUM OF BIRMINGHAM, LLC, 201 Hamilton Row

The applicant has provided a site plan and a floor plan of the first floor of the hotel with the licensed facilities, as well as elevations for the entire hotel. On the first floor, the plans submitted for the SLUP application show the following areas for the service of alcohol:

<table>
<thead>
<tr>
<th>Licensed Area</th>
<th>Seating Capacity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Banquet Hall</td>
<td>290</td>
</tr>
<tr>
<td>Restaurant – Dining Area</td>
<td>94</td>
</tr>
<tr>
<td>Restaurant – Bar/Lounge Area</td>
<td>56</td>
</tr>
<tr>
<td>Men’s Parlor</td>
<td>16</td>
</tr>
<tr>
<td>Women’s Parlor</td>
<td>14</td>
</tr>
<tr>
<td>Wine Room</td>
<td>12</td>
</tr>
<tr>
<td>Pre-function Area</td>
<td>12</td>
</tr>
<tr>
<td>Outdoor Dining Area</td>
<td>18</td>
</tr>
<tr>
<td><strong>TOTAL:</strong></td>
<td><strong>512 seats</strong></td>
</tr>
</tbody>
</table>

The applicant has not provided an operations plan at this time. However, a detailed operations plan for large events was reviewed during the Community Impact Study review when the hotel was originally proposed. **The applicant will be required to verify that this plan will remain in place. The layout of the first floor function space has changed since the final site plan approval for the building as a whole, which will likely affect the operations plan.** Hours of operation for liquor sales will be seven days a week from 7:00 AM to 2:00 AM.

The applicant has submitted an economic impact analysis that indicates that the amount of investment proposed to be made for the construction of the Daxton Hotel is $76,000,000.
In addition, the application states that 175 permanent jobs will be created once the Daxton Hotel is operational. **The application does not state whether these will be full time or part time jobs created.** The application further states that 300 construction jobs will be sustained during the construction of the Daxton Hotel. Overall, the applicant believes that the economic impact of the Daxton Hotel having a liquor license will be positive for the City, and will likely result in an assessed value more than eleven times greater than the assessed value of the property pre-construction.

The applicant has submitted the required SLUP application and supporting documentation. The applicant has also submitted to the Police Department all documentation submitted to the LCC regarding their application for a new B – Hotel Resort Economic Development license for use at 298. S. Old Woodward.

The applicant has provided information on the proposed license holder, Woodward Brown Ventures, LLC / Aparium Hotel Group, which is owned by several entities controlled by Mario Tricoci, Kevin Robinson and Howard Silverman. Identification and information has been provided on each of these co-owners, and the Police Department has conducted an investigation into each. None of the three principals have a criminal history, nor a history of any liquor violations within the State of Michigan.

The applicant has stated that the Daxton Hotel will provide a total of 151 guest rooms to the hotel market in Birmingham, which has been underserved. The applicant has advised that the service of alcohol is required for the operation of the Daxton Hotel, given market trends and the ability to compete with other hotels in the area, which also provide restaurant and banquet facilities and the service of alcohol. Granting the SLUP to the Daxton Hotel will enable it to serve alcohol and to compete and sustain their business into the future.

Chapter 10, Alcoholic Liquors, Section 102 also establishes the following criteria for reviewing applications for hotel or theater liquor licenses:

(a) Selection criteria. In addition to the usual factors and criteria used by the city commission for liquor license requests, including those listed in section 10-42, the commission shall consider the following non-exclusive list of criteria to assist in the determination of which of the existing establishment applicants, if any, should be approved:

1. The applicant's demonstrated ability to finance the proposed project.
2. The applicant's track record with the city including responding to city and/or citizen concerns.
3. Whether the applicant has an adequate site plan to handle the proposed liquor license activities.
4. Whether the applicant has adequate health and sanitary facilities.
5. For theaters only, the percentage of proceeds from the sale of tickets and food products as compared to the sale of alcoholic beverages.
6. Whether the applicant has outstanding obligations to the city (i.e. property taxes paid, utilities paid, etc.).
(b) Maximum number of theater and hotel licenses. The city commission may approve a maximum of two theater or hotel licenses each calendar year in addition to the existing quota licenses otherwise permitted by state law.

(d) If any new transfers of licenses for theaters or hotels are to be considered, the city commission shall set a schedule setting forth when all applicants must submit their application and supporting documentation, when interviews may be conducted and a timeframe within which a decision will be anticipated.

The applicant has advised that they have the ability to finance the Daxton Hotel project and to operate the hotel once constructed. A letter provided from the owner’s attorney states that the applicant owns the property free and clear, and that the LLC has provided the funds for the development through August 14, 2019. The letter notes that a construction loan was closed with Flagstar Bank which will fund the remaining construction through completion.

The applicant has a track record of responding to both City and citizen concerns with regards to issues that arose during construction of the Daxton Hotel.

The applicant has demonstrated an adequate site plan and floor plan that will accommodate the proposed service of liquor. The hotel will have adequate health and sanitary facilities for the proposed use.

The applicant does not currently have any outstanding obligations to the City.

In accordance with Chapter 10, section 102, the City Commission may approve a maximum of two theater or hotel licenses each calendar year in addition to the existing quota licenses. The City Commission must set a schedule for the review and consideration of applications for theater and hotel licenses. The Daxton Hotel is the only hotel existing or under construction in the City that is qualified to apply for a hotel liquor license under Chapter 10, Alcoholic Liquors due to its location in the B4 zone district. All existing hotels located in the B4 zone district currently operate with liquor licenses.

6.0 Design Review

The plans submitted for the SLUP application show several interior floor plan changes, specifically in relation to the wine bar placement.

The applicant is proposing no interior or exterior design changes to the building at this time.

The applicant is now proposing the addition of 18 outdoor dining seats along S. Old Woodward near the corner of Brown Street. Outdoor cafes must comply with the site plan criteria as required by Article 04, Section 4.41 OD-01, Outdoor Dining Standards. Outdoor cafes are permitted immediately adjacent to the principal use and are subject to site plan review and the following conditions:

1. Outdoor dining areas shall provide and service refuse containers within the outdoor dining area and maintain the area in good order.
2. All outdoor activity must cease at the close of business, or as noted in Subsection 3 below, whichever is earlier.
3. When an outdoor dining area is immediately adjacent to any single-family or multiple-family residential district, all outdoor activity must cease at the close of business or 12:00 a.m., whichever is earlier.
4. All tables and chairs provided in the outdoor dining area shall be constructed primarily of metal, wood, or material of comparable quality.
5. Table umbrellas shall be considered under Site Plan Review and shall not impede sight lines into a retail establishment, pedestrian flow in the outdoor dining area, or pedestrian or vehicular traffic flow outside the outdoor dining area.
6. For outdoor dining located in the public right-of-way:
   (a) All such uses shall be subject to a license from the city, upon forms provided by the Community Development Department, contingent on compliance with all city codes, including any conditions required by the Planning Board in conjunction with Site Plan approval.
   (b) In order to safeguard the flow of pedestrians on the public sidewalk, such uses shall maintain an unobstructed sidewalk width as required by the Planning Board, but in no case less than 5 feet.
   (c) An elevated, ADA compliant, enclosed platform may be erected on the street adjacent to an eating establishment to create an outdoor dining area if the Engineering Department determines there is sufficient space available for this purpose given parking and traffic conditions.
   (d) No such facility shall erect or install permanent fixtures in the public right-of-way.
   (e) Commercial General Liability Insurance must be procured and maintained 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. This coverage shall include an endorsement naming the city, including all elected and appointed officials, all employees, all boards, commissions and/or authorities and board members, as an additional insured. This coverage must be primary and any other insurance maintained by the additional insureds shall be considered to be excess and non-contributing with this insurance, and shall include an endorsement providing for a thirty (30) day advance written notice of cancellation or non-renewal to be sent to the city's Director of Finance.

The applicant has not provided a trash receptacle within the outdoor dining area as required by Article 04, section 4.41 OD-01 of the Zoning Ordinance. In addition, the applicant has not provided the proposed business hours for the outdoor dining area.

The proposed outdoor café is not immediately adjacent to any single-family zoned property.

The applicant has not provided specification sheets for the proposed tables and chairs. The applicant will be required to submit specification sheets for all outdoor furniture prior to appearing before the City Commission.

A site plan has been submitted with dimensions that show a 5’ clear pedestrian path around the outdoor dining area. However, the outdoor dining area does not include any enclosure system, which will be required by the MLCC if alcohol will be served outside.
The applicant will be required to obtain an Outdoor Dining License from the City if the SLUP is approved by the City Commission.

**Signage**

All signage for SLUPs must be approved through the SLUP process. The applicant has not submitted any signage for review. However, the elevations clearly show a name letter sign on the canopy over the main entrance doors on the east elevation. **The applicant has not provided any details on the proposed signage materials, lighting, specific dimensions (24” height max), the distance of projection from the building or mounting details, all of which are required to verify compliance with the Sign Ordinance. The applicant will be required to provide all signage details to demonstrate compliance with all requirements of the Sign Ordinance or obtain a variance from the Board of Zoning Appeals.**

The Sign Ordinance requires that combined sign area be calculated based on the principal building frontage, which is defined as the width of the building on the side where the primary entrance to the business is located, which may or may not front a street. The Historic District Commission, Design Review Board or Planning Board may designate an alternate horizontal building width as the principal building frontage for signage purposes. The primary entrances are along the Willits frontage. The S. Old Woodward frontage is approximately 219.58’, and thus the applicant is permitted a combined sign area of 1 square foot per each linear foot of principal building frontage or 100’, whichever is less. The name letter sign shown on the east elevation appears to be well below the maximum amount permitted.

7.0 Downtown Birmingham 2016 Overlay District

The 2016 Birmingham Master Plan recommended a mix of retail, food services and entertainment in Downtown Birmingham, and encouraged the creation of more residential units to bring people downtown. The proposed hotel will bring many visitors to Downtown Birmingham, as well as residents that may occupy the units on the fifth floor. The use of the first floor for restaurant use is also consistent with the recommendations contained in the 2016 Plan, as restaurants are retail uses.

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 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 to the City Commission of the applicant’s request for Final Site Plan and a SLUP for 298 S. Old Woodward, Daxton Hotel, subject to the following conditions:

1. The applicant correct all plan sheets for consistency and submit a revised operations plan if required prior to appearing before the City Commission;
2. The applicant provide a trash receptacle within the outdoor dining area as required or obtain a variance from the Board of Zoning Appeals;
3. The applicant provide the proposed business hours for the outdoor dining area prior to appearing before the City Commission;
4. The applicant submit specification sheets for all outdoor furniture prior to appearing before the City Commission;
5. The applicant provide all signage details to demonstrate compliance with all requirements of the Sign Ordinance or obtain a variance from the Board of Zoning Appeals prior to appearing before the City Commission; and
6. The applicant comply with the requests of the City Departments.
11.0 Sample Motion Language

Based on a review of the plans submitted, the Planning Board finds that all of the requirements of Article 7, Section 7.27 and Article 7, Section 7.34 have been met, thus the Planning Board recommends approval to the City Commission of the Special Land Use Permit for 298 S. Old Woodward – The Daxton Hotel, with the following conditions:

1. The applicant correct all plan sheets for consistency and submit a revised operations plan if required prior to appearing before the City Commission;
2. The applicant provide a trash receptacle within the outdoor dining area as required or obtain a variance from the Board of Zoning Appeals;
3. The applicant provide the proposed business hours for the outdoor dining area prior to appearing before the City Commission;
4. The applicant submit specification sheets for all outdoor furniture prior to appearing before the City Commission;
5. The applicant provide all signage details to demonstrate compliance with all requirements of the Sign Ordinance or obtain a variance from the Board of Zoning Appeals prior to appearing before the City Commission; and
6. The applicant comply with the requests of the City Departments.

AND

Based on a review of the plans submitted, the Planning Board finds that all of the requirements of Article 7, Section 7.27 and Article 7, Section 7.34 have been met, thus the Planning Board recommends approval to the City Commission of the Final Site Plan & Design Review for 298 S. Old Woodward – The Daxton Hotel with the following conditions:

1. The applicant correct all plan sheets for consistency and submit a revised operations plan if required prior to appearing before the City Commission;
2. The applicant provide a trash receptacle within the outdoor dining area as required or obtain a variance from the Board of Zoning Appeals;
3. The applicant provide the proposed business hours for the outdoor dining area prior to appearing before the City Commission;
4. The applicant submit specification sheets for all outdoor furniture prior to appearing before the City Commission;
5. The applicant provide all signage details to demonstrate compliance with all requirements of the Sign Ordinance or obtain a variance from the Board of Zoning Appeals prior to appearing before the City Commission; and
6. The applicant comply with the requests of the City Departments.

AND

Motion to POSTPONE the Final Site Plan and SLUP for 298 S. Old Woodward, Daxton Hotel, pending receipt of the following:

1. The applicant correct all plan sheets for consistency and submit a revised operations plan if required prior to appearing before the City Commission;
2. The applicant provide a trash receptacle within the outdoor dining area as required or obtain a variance from the Board of Zoning Appeals;
3. The applicant provide the proposed business hours for the outdoor dining area prior to appearing before the City Commission;
4. The applicant submit specification sheets for all outdoor furniture prior to appearing before the City Commission;
5. The applicant provide all signage details to demonstrate compliance with all requirements of the Sign Ordinance or obtain a variance from the Board of Zoning Appeals prior to appearing before the City Commission; and
6. The applicant comply with the requests of the City Departments.

OR

Motion to recommend DENIAL of the Final Site Plan and SLUP to the City Commission for 298 S. Old Woodward, Daxton Hotel for the following reasons:

1. 
2. 
INTRODUCTION:
During 2009 and 2010, City Hall and Shain Park had significant improvements made to the properties. Part of the re-development project included adding new granite pavers in front of City Hall on the Martin Side and on Merrill Street in Shain Park.

BACKGROUND:
The granite pavers in Shain Park encompass the entire “Merrill Street” running through the park. This area is approximately 11,480 sq. ft. in size. As part of the maintenance plan, it is necessary to add new jointing sand in between the joints of the pavers because over time, the sand washes out or is blown out from general upkeep actions such as keeping the area clean with blowers, sweeping, power washing, or removing snow.

The scope of work for the Shain Park portion of this project includes power washing, joint cleaning and the addition of polymeric sand. Polymeric Sand is a higher quality product than the originally specified sand and is recommended by the original installer of the pavers to reduce the amount of maintenance. In addition to reducing maintenance, polymeric sand binds together to repel water, keeping it out of the joints, decreasing the wear and tear from freeze and thaw.

The City Hall portion of the project includes excavation of pavers and base material, re-setting of the existing pavers on new base material using polymeric sand. It is necessary to excavate the area due to a shifting of base material over the years with Michigan’s freeze and thaw. Again, the original installer recommended the polymeric product as a better option for longevity. The base material differs from Shain Park because originally Merrill Street was intended to be driven on so there is a concrete base underneath the pavers under Merrill Street.

The Department of Public Services entered a request for proposals into the Michigan Inter-Governmental Trade Network (MITN) in accordance with the City’s standard procurement procedures. Bid results are displayed in the table below.

<table>
<thead>
<tr>
<th>Company</th>
<th>Base Bid</th>
<th>Deviations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mattson Begley Co., LLC</td>
<td>$21,781.01</td>
<td>Yes</td>
</tr>
<tr>
<td>Superior Scape, Inc.</td>
<td>$24,010.00</td>
<td>No</td>
</tr>
<tr>
<td>WH Canon</td>
<td>$41,593.00</td>
<td>No</td>
</tr>
</tbody>
</table>
Upon evaluation of the bids, staff found the low bidder priced an alternate product to the specified bid product for the polymeric sand, which is considered inferior. In addition, the proposed timeline provided by the low bidder was not satisfactory. The project completion date is by October 31, 2019. All bidders are aware of the November elections at City Hall.

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

FISCAL IMPACT:
Funds are budgeted and available in the fiscal year 2019-2020 budget from the Capital Projects Fund acct #401-751.001-981.0100 for the Shain Park portion of this project and from the Capital Projects Fund acct #401-441.003-981.0100 for the City Hall portion of this project.

SUMMARY:
The bids are evaluated according to: completeness of the bid, reference checks, firm experience and working knowledge of the firm.

The Department of Public Services recommends awarding the Shain Park and City Hall Granite Paver Restoration project to Superior Scape, Inc. They are the lowest responsive and qualified bidder. We have worked with Superior Scape on several projects, including landscape bed maintenance and have been completely satisfied with their quality of work. We are confident in their ability to accomplish this project within the designated timeline.

ATTACHMENTS:
- Attachment A- Agreement including the required insurance certificate
- Attachment B- Bidder’s Agreement
- Attachment C- Cost Proposal
- Attachment E- Iran Sanctions Act Vendor Certification Form

SUGGESTED RESOLUTION:
To approve the Shain Park and City Hall Granite Paver Restoration Project to Superior Scape, Inc., in the amount not to exceed $24,010.00. Funds are available from the Capital Projects Fund account # 401-751.001-981.0100 in the amount of $15,000 and from the Capital Projects Fund account # 401-441.003-981.0100 in the amount of $9,010.00. Further, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City.
ATTACHMENT A - AGREEMENT
For Shain Park and City Hall Paver Restoration

This AGREEMENT, made this ______day of ________, 2019, by and between CITY OF BIRMINGHAM, having its principal municipal office at 151 Martin Street, Birmingham, MI (hereinafter sometimes called "City"), and ______Superior Scape____, Inc., having its principal office at ______51989 Schoenherr Rd, Shelby Twp, MI 48315____ (hereinafter called "Contractor"), provides as follows:

WITNESSETH:

WHEREAS, the City has heretofore advertised for bids for the procurement and performance of services required to perform paver restoration at Shain Park and City Hall, 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 paver restoration at Shain Park and City Hall.

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 paver restoration and install polymeric sand at Shain Park and the Contractor's cost proposal dated ______September 9____, 2019 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 ______$24,010.00____, as set forth in the Contractor's ______September 9____, 2019 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 applicable types of insurance coverage and minimum limits as set forth below:

A. **Workers’ Compensation Insurance:**

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

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

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

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

D. **Additional Insured:** Commercial General Liability and Motor Vehicle Liability insurance, as described above, shall include an endorsement stating the following shall be Additional Insured: 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.

H. **Cancellation Notice:** Should any of the above described policies be cancelled before the expiration date thereof, notice will be delivered in accordance with the policy provisions.

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

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

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

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

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

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

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

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

City of Birmingham
Attn: Brendan McGaughey
151 Martin St., Birmingham, MI
48009

CONTRACTOR: Superior Scape
51989 Schoenherr Rd
Shelby Twp, MI 48315

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:**

[Candidate's signatures]

**CONTRACTOR**

By: [Candidate's signature]

Its: LANDSCAPE EXECUTIVE

**CITY OF BIRMINGHAM**

By: ________________

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

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
The Whims Insurance Agency
322 Main Street
Suite 200
Rochester
MI 48307

INSURED
Superior Scape Inc.
51989 Schoenherr Rd
Shelby Twp
MI 48315

CONTACT NAME: Susan Bakke
PHONE (FAX, No. Ext): (248) 651-7321 (248) 651-3992
E-MAIL: sbakke@whimsinsurance.com
INSURERS AFFORDING COVERAGE: EMC Insurance Companies
INSURER A: NAIC #

COVERAGES
CERTIFICATE NUMBER: CL1931522212
REVISION NUMBER:

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

LIT. TYPE OF INSURANCE ADDED/RETIRED DED.
0001 COMMERCIAL GENERAL LIABILITY
0002 WHI CLAIMS-MADE OCCUR
0003 Commercial General Liability
0004 COMMERCIAL GENERAL LIABILITY
0005 AUTOMOBILE LIABILITY
0006 ANY AUTO
0007 OWNED AUTOS ONLY
0008 SCHEDULED AUTOS
0009 NON-OWNED AUTOS ONLY
0010 UMBRELLA LIABILITY
0011 EXCESS LIABILITY
0012 WORKERS' COMPENSATION
0013 AND EMPLOYERS' LIABILITY
0014 ANY PERSON/PROPERTY/EXECUTIVE OFFICER/MEMBER EXCLUDED?
0015 (Mandatory in HI)
0016 DESCRIPTION OF OPERATIONS
0017 N/A
0018 Errors & Omissions Liability
0019 CERTIFICATE HOLDER
0020 CANCELLATION

City of Birmingham
151 Martin St.

Birmingham
MI 48009

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ATTACHMENT B - BIDDER'S AGREEMENT
For Shain Park and City Hall Paver Restoration

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

1. They have carefully examined the specifications, terms and Agreement of the Request for Proposal and all other provisions of this document and understand the meaning, intent, and requirement of it.

2. They will enter into a written contract and furnish the item or items in the time specified in conformance with the specifications and conditions contained therein for the price quoted by the proponent on this proposal.

<table>
<thead>
<tr>
<th>PREPARED BY</th>
<th>DATE</th>
<th>(Print Name)</th>
<th>TITLE</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>VUS CHKOVIICH</td>
<td>9-9-19</td>
<td>LANDSCAPE EXECUTIVE</td>
<td>9-9-19</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>AUTHORIZED SIGNATURE</th>
<th>E-MAIL ADDRESS</th>
</tr>
</thead>
<tbody>
<tr>
<td>VUS CHKOVIICH</td>
<td><a href="mailto:gchkoovich@superiorscape.com">gchkoovich@superiorscape.com</a></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>COMPANY</th>
<th>ADDRESS</th>
<th>PHONE</th>
</tr>
</thead>
<tbody>
<tr>
<td>SUPERIOR SCAPE 51989 SCHENHEIR R D SHELBY TOWNSHIP MI 48315</td>
<td>G) 810-444-2546</td>
<td>D) 586-739-9630</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>NAME OF PARENT COMPANY</th>
<th>PHONE</th>
</tr>
</thead>
<tbody>
<tr>
<td>SUPERIOR SCAPE 51989 SCHENHEIR R D SHELBY TOWNSHIP MI 48315</td>
<td>CELL 810-444-2546</td>
</tr>
</tbody>
</table>
ATTACHMENT C - COST PROPOSAL
For Shain Park and City Hall Paver Restoration

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 (p. 6)*

<table>
<thead>
<tr>
<th>ITEM</th>
<th>BID AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shain Park power washing, joint cleaning, and proper polymeric sand installation – 11,480 sq. ft.</td>
<td>$ 15,484.00</td>
</tr>
<tr>
<td>City Hall paver excavation and reinstallation with polymeric sand – 700 sq. ft.</td>
<td>$ 8,524.00</td>
</tr>
<tr>
<td>Miscellaneous (Attach Detailed Descriptions and Alternate Proposals If Necessary)</td>
<td>$</td>
</tr>
</tbody>
</table>

**TOTAL BID AMOUNT** $ 24,008.00

Firm Name: **SUPERIOR SCAPE**

Authorized signature: [Signature] Date: 9-9-19
ATTACHMENT D - IRAN SANCTIONS ACT VENDOR CERTIFICATION FORM
For Shain Park and City Hall Paver Restoration

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

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

<table>
<thead>
<tr>
<th>PREPARED BY</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gus Cuckovich</td>
<td>9-9-19</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>TITLE</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dean McVittie</td>
<td>9-9-19</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>AUTHORIZED SIGNATURE</th>
<th>E-MAIL ADDRESS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gus Cuckovich</td>
<td>superior.scape.com</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>COMPANY</th>
<th>ADDRESS</th>
<th>PHONE</th>
</tr>
</thead>
<tbody>
<tr>
<td>51989 Schoenherr Rd.</td>
<td>Shelby Township Mi 48315</td>
<td>589-739-9630</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>NAME OF PARENT COMPANY</th>
<th>ADDRESS</th>
<th>PHONE</th>
</tr>
</thead>
<tbody>
<tr>
<td>51989 Schoenherr Rd.</td>
<td>Shelby Township Mi 48315</td>
<td>384-822-3864</td>
</tr>
</tbody>
</table>

TAXPAYER I.D.#
DATE: September 29, 2019

TO: Joseph A. Valentine, City Manager

FROM: J. Cherilynn Mynsberge, City Clerk

SUBJECT: 2020 Art Birmingham – May 9th & 10th, 2020

INTRODUCTION:
The Birmingham Bloomfield Art Center submitted a Special Event application to hold the 2020 Art Birmingham event in Shain Park and surrounding streets on May 9th and 10th, 2020. Set-up for the event is scheduled for Friday, May 8th from 5 pm to 10 pm.

On September 23, 2019, representatives of the Art Center and Artisan Guild appeared before the commission to discuss the plans made in light of the Maple Road construction project in 2020 which would impact the event in May 2020. After some discussion, the commission suggested the organizations consider an alternative location on Old Woodward to hold the 2020 event.

The applicants are returning with plans to hold the event in 2020 on S. Old Woodward between approximately Bowers St and Landon.

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

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

<table>
<thead>
<tr>
<th>Event</th>
<th>Date</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Farmers Market</td>
<td>Sundays</td>
<td>Lot 6</td>
</tr>
<tr>
<td>Celebrate Birmingham</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hometown Parade</td>
<td>May 17</td>
<td>Shain Park/Downtown</td>
</tr>
<tr>
<td>Lungevity 5K Run/Walk</td>
<td>TBD</td>
<td>Booth Park area</td>
</tr>
</tbody>
</table>

LEGAL REVIEW:
No review required.

FISCAL IMPACT:
No fiscal impact.

SUMMARY
The City Commission is being asked to approve the 2020 Art Birmingham special event to be held May 9th and 10th, 2020, with set-up to begin Friday, May 8th between 5 pm and 10 pm. Tear-down will begin at the conclusion of the event on Sunday, May 10th at approximately 5 pm to 9 pm.

ATTACHMENTS:
1. Special Event application
2. Notification letter with map of event area distributed to residents/businesses within 300 feet of the event area on September 27, 2019. Notification addresses are on file in
SUGGESTED RESOLUTION:
To approve a request from the Birmingham Bloomfield Art Center to hold Art Birmingham on S. Old Woodward between approximately Bowers St. and Landon on May 9th–10th, 2020 contingent upon compliance with all permit and insurance requirements and payment of all fees and, further pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event.
CITY OF BIRMINGHAM
APPLICATION FOR SPECIAL EVENT PERMIT
PARKS AND PUBLIC SPACES

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

Police Department acknowledgement: ____________________________

I. EVENT DETAILS
   • Incomplete applications will not be accepted.
   • Changes in this information must be submitted to the City Clerk, in writing, at least three weeks prior to the event

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

(Please print clearly or type)

Date of Application July 1, 2019

Name of Event 39th Annual Art Birmingham

Detailed Description of Event (attach additional sheet if necessary) Fine Art Fair featuring approximately 160 professional, jury selected artists, art demonstrations and art activities for all ages. The event is an annual fundraiser for the Birmingham Bloomfield Art Center.

Location In Shaen Park and on surrounding streets

Date(s) of Event May 9th & 10th, 2020 Hours of Event Sat 10am-6pm; Sun 10am-5pm

Date(s) of Set-up May 8, 2020 Hours of Set-up 5pm-10pm

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

Date(s) of Tear-down May 10, 2020 Hours of Tear-down 5pm-10pm

Organization Sponsoring Event Birmingham Bloomfield Art Center

Organization Address 1516 Cranbrook Rd., Birmingham, MI 48009

Organization Phone 248-644-0866

Contact Person Annie VanGelderen

Contact Phone 248.644.0866 x108

Contact Email annievangelderen@bbartcenter.org

S.Old Woodward between Bowers and Landon
II. EVENT INFORMATION

1. Organization Type: Non-profit
   (city, non-profit, community group, etc.)

2. Additional Sponsors or Participants (Provide name, address, contact person, status, etc. for all additional organizations sponsoring your event.) The Guild of Artists & Artisans, 118 N. Fourth Ave., Ann Arbor, MI 48104
   Karen Delhey, Executive Director, 734.662.3382 x303
   Karen@theguild.org

3. Is the event a fundraiser? YES X NO
   List beneficiary: Birmingham Bloomfield Art Center
   List expected income: $30,000
   Attach information about the beneficiary.

4. First time event in Birmingham? YES NO X
   If no, describe: This is the 39th Annual Art Birmingham

5. Total number of people expected to attend per day: 35,000+

6. The event will be held on the following City property: (Please list)
   X Street(s): Martin, Bates, & Henrietta S. Old Woodward between Bowers and Landon
   Sidewalk(s)
   X Park(s): Shain Park

7. Will street closures be required? YES X NO
   (Police Department acknowledgement prior to submission of application is required) (initial here)

8. What parking arrangements will be necessary to accommodate attendance? Exhibitors & Attendees will use city parking lots & structures.
9. Will staff be provided to assist with safety, security and maintenance? YES ☒ NO ☐

If yes, please provide number of staff to be provided and any specialized training received.

Describe Trained staff and temporary workers are on site from move-in through move-out to ensure safety and provide maintenance. Professional security is contracted overnight F/Sat.

10. Will the event require safety personnel (police, fire, paramedics)? YES ☒ NO ☐

(Police Department acknowledgement prior to submission of application is required.) (initial here)

Describe Police & Paramedics

11. Will alcoholic beverages be served? YES ☐ NO ☒

If yes, additional approval by the City Commission is required, as well as the Michigan Liquor Control Commission.

12. Will music be provided? YES ☒ NO ☐

X Live ☐ Amplification ☐ Recorded ☐ Loudspeakers

Time music will begin Noon each day

Time music will end 5pm each day

Location of live band, DJ, loudspeakers, equipment must be shown on the layout map.

13. Will there be signage in the area of the event? YES ☒ NO ☐

Number of signs/banners Approximately 10 portable A-Frames

Size of signs/banners 21"x36"

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

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

• Peddler/vendor permits must be submitted to the Clerk's Office, at least two weeks prior to the event.

• You must obtain approval from the Oakland County Health Department for all food/beverage sales/donations. Contact ehclerk@oakgov.com or 248-535-9612 to obtain Health Department approval.

• There is a $50.00 application fee for all vendors and peddlers, in addition to the $10.00 daily fee, per location.
LIST OF VENDORS/PEDDLERS
(attach additional sheet if necessary)

<table>
<thead>
<tr>
<th>VENDOR NAME</th>
<th>GOODS TO BE SOLD</th>
<th>WATER HOOK-UP REQUIRED?</th>
<th>ELECTRIC REQUIRED?</th>
</tr>
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<tbody>
<tr>
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</table>
III. **EVENT LAYOUT**

- Include a map showing the park set up, street closures, and location of each item listed in this section.
- Include a map and written description of run/walk route and the start/finish area

1. Will the event require the use of any of the following municipal equipment? *(show location of each on map)*

<table>
<thead>
<tr>
<th>EQUIPMENT</th>
<th>QUANTITY</th>
<th>COST</th>
<th>NOTES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Picnic Tables</td>
<td></td>
<td>6 for $500.00</td>
<td>A request for more than six tables will be evaluated based on availability.</td>
</tr>
<tr>
<td>Trash Receptacles</td>
<td>33</td>
<td>$6.00 each includes 1 bag. For additional bags, the cost is $3.00 per case.</td>
<td>Trash box placement and removal of trash is the responsibility of the event. Additional cost could occur if DPS is to perform this work.</td>
</tr>
<tr>
<td>Dumpsters</td>
<td>4</td>
<td>$350.00/per dumpster per day.</td>
<td>Includes emptying the dumpster one time per day. The City may determine the need for additional dumpsters based on event requirements.</td>
</tr>
<tr>
<td>Utilities (electric)</td>
<td></td>
<td>Varies</td>
<td>Charges according to final requirements of event.</td>
</tr>
<tr>
<td>Water/Fire Hydrant</td>
<td></td>
<td>$224.75/per hydrant. Includes the use of 5,000 gallons of water. Any additional water usage will be billed.</td>
<td>Applicant must supply their own means of disposal for all sanitary waste water. Waste water is NOT allowed to be poured into the street or on the grass.</td>
</tr>
<tr>
<td>Audio System</td>
<td></td>
<td>$200.00 per day</td>
<td>Must meet with City representative.</td>
</tr>
<tr>
<td>Meter Bags / Traffic Cones / Barricades</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

2. Will the following be constructed or located in the area of the event?  **YES**  **NO** *(show location of each on map)* **NOTE:** Stakes are not allowed.

<table>
<thead>
<tr>
<th>TYPE</th>
<th>QUANTITY</th>
<th>SIZE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tents/Canopies/Awnings</td>
<td>160</td>
<td>10'x10'</td>
</tr>
<tr>
<td>(A permit is required for tents over 120 sq ft)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Portable Toilets</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>Rides</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Displays</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vendors</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Temporary Structure (must attach a photo)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other (describe)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
SIGNATURE OF APPLICANT REQUIRED

EVENT NAME 39th Annual Art Birmingham
EVENT DATE May 9th & 10th, 2020

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

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

[Signature] 7-8-19

Date

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

- Organizer must notify all potentially affected residential property and business owners of the date and time this application will be considered by the City Commission. (Sample letter attached to this application.)

- Attach a copy of the proposed letter to this application. The letter will be reviewed and approved by the Clerk’s Office. The letter must be distributed at least two weeks prior to the Commission meeting.

- A copy of the letter and the distribution list must be submitted to the Clerk’s Office at least two weeks prior to the Commission meeting.

- If street closures are necessary, a map must be included with the letter to the affected property/business owners.
Hold Harmless Agreement

To the fullest extent permitted by law, the Birmingham Bloomfield Art Center and any entity or person for whom the Birmingham Bloomfield Art Center are legally liable, agree 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 connected therewith, and for any damages which may be asserted, claimed or recovered against or from the City of Birmingham, its elected and appointed officials, employees, volunteers or others working on behalf of the City of Birmingham, by reason of personal injury, including bodily injury and death and/or property damage, including loss of use thereof, which arises out of or is in any way connected or associated with this contract. Such responsibility shall not be construed as liability for damage caused by or resulting from the sole act or omission of the City of Birmingham, its elected or appointed officials, employees, volunteers or others working on behalf of the City of Birmingham.

Annie VanGelder
President and CEO
Date: 7-8-19
July 18, 2019

Hold Harmless Agreement

To the fullest extent permitted by law, The Guild of Artists & Artisans and any entity or person for whom The Guild of Artists & Artisans are legally liable, agree 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 connected therewith, and for any damages which may be asserted, claimed or recovered against or from the City of Birmingham, its elected and appointed officials, employees, volunteers or others working on behalf of the City of Birmingham, by reason of personal injury, including bodily injury and death and/or property damage, including loss of use thereof, which arises out of or is in any way connected or associated with this contract. Such responsibility shall not be construed as liability for damage caused by or resulting from the sole act or omission of the City of Birmingham, its elected or appointed officials, employees, volunteers or others working on behalf of the City of Birmingham.

Karen Delhey
Executive Director
Date: July 2019
SPECIAL EVENT REQUEST
NOTIFICATION LETTER

DATE: September 27, 2019
TO: Principal Shopping District Members, Downtown Birmingham Residents, Interested Parties and Property Owners

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

EVENT INFORMATION

NAME OF EVENT: 39th Annual Art Birmingham
LOCATION: S. Old Woodward (layout enclosed)
*Note the Change in Location from Shain Park
DATES/TIMES OF EVENT: Saturday, May 9, 2020, 10am – 6pm and Sunday, May 10, 2020, 10am – 5pm

BRIEF DESCRIPTION OF EVENT/ACTIVITY: A fine art fair featuring the handmade artwork of approximately 160 jury-selected artists. Now in its 39th year, the fair is a key annual fundraiser for the highly respected Birmingham Bloomfield Art Center (BBAC) whose "Art for All" vision delivers arts education and exhibitions to the community it serves. If you experience any issues during the event, please contact the Birmingham Police Department at 248.530.1889.

DATES/TIMES OF SET UP: Friday, May 8, 2020, meters bagged at 3pm with street closings at 5pm and move-in completed by 9pm

DATES/TIMES OF TEAR DOWN: Sunday, May 10, 2020, from 5pm to 9pm

DATE/TIME OF CITY COMMISSION MEETING: Monday, October 7, 2019

The city commission meets in room 205 of the Municipal Building at 151 Martin at 7:30PM. A complete copy of the application to hold this special event is available for your review at the city clerk’s office (248.530.1880). To receive updates on special events held in the city log on to www.bhamgov.org/enotify.

EVENT ORGANIZER: Birmingham Bloomfield Art Center
ADDRESS: 1516 S. Cranbrook, Birmingham, MI 48009
PHONE: 248.644.0866
For Questions on day of Event, Contact: Karen Delhey (734)646-8431

Attachment: Art Birmingham layout/map
The Birmingham Bloomfield Art Center has been providing “art for all” since 1957 and is a regional non-profit art center committed to promoting the visual arts. The BBAC’s mission is “to connect people of all ages and abilities with visual arts education, exhibitions, and other creative experiences.” Each year more than 500 classes are offered for all skill levels and ages, preschool to senior citizens. Throughout the year, more than 9,000 individuals are served by classes, workshops, art camps, ArtAccess programs, special events and exhibitions (that are free and open to the public). The BBAC also supports hundreds of artists each year, with opportunities to teach, exhibit and sell their work.

EDUCATION
More than 500 classes and workshops are offered each year at the BBAC for adults and youth as young as three years old. Curriculum includes painting, drawing, ceramics, jewelry and metalsmithing, printmaking, sculpture, weaving, book arts, and more, and student artists range from the novice to the notable. There are always introductory or sampler classes for those with artistic desire who may not know exactly what they want to pursue.

EXHIBITIONS
- There are five distinct gallery spaces at the BBAC, each with a new exhibit about every eight weeks, and all are free and open to the public. Exhibiting artists range from “master” to emerging, and media includes painting, sculpture, fiber, and more. The BBAC is committed to providing its students with authentic exhibiting experience, and dedicates one gallery to adult student shows. The newest and fifth gallery is expressly dedicated to the work of ArtAccess participants and the youngest student artists.

OUTREACH
Since 2008, BBAC ArtAccess programs support the art center’s vision of “art for all” by striving to provide the transformative power of art to those who may have limited access, bringing meaningful hands-on experiences to those otherwise lacking the means to create and connect to the world of visual arts.
- **Meet Me @ the BBAC** – In 2013, the BBAC launched a new access program based on Meet Me at MoMA, created by The Museum of Modern Art (NYC), offering interactive gallery and art-making sessions for individuals with early- and mid-stage Alzheimer’s or dementia along with their caregivers.
- **Art of Caregiving** – New in 2016, the BBAC’s latest community outreach program offers a series of art workshops for caregivers of the elderly and people with Alzheimer’s/dementia – all free.
- **ArtBridge: Bridging High School to College to Careers in Visual Arts** – Aiming to help young people realize their educational and artistic career aspirations, ArtBridge is a comprehensive program that prepares motivated students by confirming and building their skills, making sure art fundamentals are well covered, providing college selection guidance and mentoring, and assisting with digital portfolio preparation. Thanks to funding from private foundations, each year dozens of motivated Detroit students considering art as a career participate in this program for no cost.
- **ArtBridge in Detroit: MacDowell Preparatory Academy** – In 2016, the BBAC adopted a Detroit middle school which had to eliminate all arts from its curriculum in 2010. We provide weekly art classes for all grades, including professional instructor and materials, plus a weekly after-school gathering to create art – all at no cost to the school or students.
- **Studio 1** – Addresses visual art education for special needs populations of all ages including historically underserved individuals and groups with unique physical, emotional, or developmental needs. By working with partner organizations, those who serve people with special needs of many kinds, the BBAC promotes multiple levels and cross-sectors of collaboration.
- **Sundays @ the Center** - Focusing on multi-generational programming, we offer monthly drop-in workshops, with two options for authentic art-making, led by an artist instructor. The cost is nominal and all materials are provided.
- **Seniors @ the Center** - Also offered monthly are drop-in visual art workshops that correspond to this age group, designed to teach a genuine art project each time. The cost per person is nominal, and participants range from individuals to groups from assisted living facilities.
# DEPARTMENT APPROVALS

**LICENSE NUMBER #20-00011582**

**EVENT NAME** ART BIRMINGHAM

**COMMISSION HEARING DATE:** SEPTEMBER 16, 2019

**DATE OF EVENT:** 5/9-10/2020

**NOTE TO STAFF:** Please submit approval by JULY 24, 2019

<table>
<thead>
<tr>
<th>DEPARTMENT</th>
<th>APPROVED</th>
<th>COMMENTS</th>
<th>PERMITS REQUIRED</th>
<th>ESTIMATED COSTS</th>
<th>ACTUAL COSTS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PLANNING</strong></td>
<td>TBC</td>
<td>No Cost No Comment</td>
<td>(Must be obtained directly from individual departments)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>101-000.000-634.0005 248.530.1855</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td><strong>BUILDING</strong></td>
<td>MJM</td>
<td>All tents must be weighted down.</td>
<td></td>
<td>$169.43</td>
<td>$45</td>
</tr>
<tr>
<td>101-000.000.634.0005 248.530.1850</td>
<td></td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>
| **FIRE**         | JMC       | 1. No Smoking in any tents or canopy. Signs to be posted.  
                  |           | 2. All tents and Canopies must be flame resistant with certificate on site.  
                  |           | 3. No open flame or devices emitting flame, fire or heat in any tents. Cooking devices shall not be permitted within 20 feet of the tents.  
<pre><code>              |           | 4. Tents and Canopies must be properly anchored for the weather conditions, no stakes allowed. | | $45 |              |
</code></pre>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>5.</td>
<td>Clear Fire Department access of 12 foot aisles must be maintained, no tents, canopies or other obstructions in the access aisle unless approved by the Fire Marshal.</td>
<td></td>
</tr>
<tr>
<td>6.</td>
<td>Pre-event site inspection required.</td>
<td></td>
</tr>
<tr>
<td>7.</td>
<td>A prescheduled inspection is required for food vendors through the Bldg. dept. prior to opening.</td>
<td></td>
</tr>
<tr>
<td>8.</td>
<td>All food vendors are required to have an approved 5lbs. multi-purpose (ABC) fire extinguisher on site and accessible.</td>
<td></td>
</tr>
<tr>
<td>9.</td>
<td>Cords, hoses, etc. shall be matted to prevent trip hazards.</td>
<td></td>
</tr>
<tr>
<td>10.</td>
<td>Exits must be clearly marked in tents/structures with an occupant load over 50 people.</td>
<td></td>
</tr>
<tr>
<td>11.</td>
<td>Paramedics will respond from the fire station as needed. Dial 911 for fire/rescue/medical emergencies.</td>
<td></td>
</tr>
<tr>
<td>13.</td>
<td>Do Not obstruct fire hydrants or fire sprinkler connections on buildings.</td>
<td></td>
</tr>
<tr>
<td>14.</td>
<td>Provide protective barriers between hot surfaces and the public.</td>
<td></td>
</tr>
<tr>
<td>15.</td>
<td>All cooking hood systems that capture grease laden vapors must have an approved suppression system and a K fire</td>
<td></td>
</tr>
</tbody>
</table>
extinguisher in addition to the ABC Extinguisher.

16. Suppression systems shall be inspected, tested, and properly tagged prior to the event. All Sprinkler heads shall be of the 155 degree Quick Response type unless serving an area of high heat and approved by the Fire Marshal. The suppression system shall have a continuous water supply as well as a secondary back up supply. Activation of the suppression system will shut down the ride and cause illumination of the exits.

<table>
<thead>
<tr>
<th>Department</th>
<th>Contact</th>
<th>Task Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>POLICE</td>
<td>SG</td>
<td>Personnel and barricades</td>
<td>$1500</td>
</tr>
<tr>
<td>PUBLIC SERVICES</td>
<td>CL</td>
<td>Trash boxes, set-up, barricade placement, dumpsters. Power location is on grasssouth of Haynes - only this one location, FYI.</td>
<td>$2,300</td>
</tr>
<tr>
<td>ENGINEERING</td>
<td>A.F.</td>
<td>Maintain 5' clearance on all sidewalks for pedestrian access route. No pavement damage allowed for tents or other structures.</td>
<td>None</td>
</tr>
<tr>
<td>SP+ PARKING</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>INSURANCE</td>
<td>CA</td>
<td>COI must be submitted. Hold Harmless Agreements in file.</td>
<td>None</td>
</tr>
<tr>
<td><strong>CLERK</strong></td>
<td>Notification letters to be mailed by applicant no later than 8/31/19. Notification addresses on file in the Clerk's Office. Evidence of required insurance must be on file with the Clerk's Office no later than 4/23/20. Revised notification letters for 10/7/19 Commission meeting mailed on 9/27/19.</td>
<td>Applications for vendors license must be submitted no later than 4/23/20.</td>
<td>$165 pd</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>101-000.000-614.0000</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**FOR CLERK’S OFFICE USE**

Deposit paid

Actual Cost

Due/Refund

Rev. 9/30/19

h:\shared\special events\- general information\approval page.doc
# NOTICE OF PUBLIC HEARING

**BIRMINGHAM CITY COMMISSION**

**SPECIAL LAND USE PERMIT & FINAL SITE PLAN & DESIGN REVIEW**

<table>
<thead>
<tr>
<th>Meeting Date, Time, Location:</th>
<th>Monday, October 7, 2019 at 7:30 PM Municipal Building, 151 Martin Birmingham, MI</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location of Request:</td>
<td>117 Willits - Shift/Sidecar/Slice</td>
</tr>
<tr>
<td>Nature of Hearing:</td>
<td>To consider the Special Land Use Permit and Final Site Plan and Design Review to allow the operation of three new food and drink establishments in accordance with Article 7, Section 7.34 of the Zoning Ordinance</td>
</tr>
<tr>
<td>City Staff Contact:</td>
<td>Jana Ecker 248.530.1841 <a href="mailto:jecker@bhamgov.org">jecker@bhamgov.org</a></td>
</tr>
<tr>
<td>Notice Requirements:</td>
<td>Mailed to all property owners and occupants within 300 feet of subject address. Publish September 23, 2019</td>
</tr>
<tr>
<td>Approved minutes may be reviewed at:</td>
<td>City Clerk's Office</td>
</tr>
</tbody>
</table>

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.
INTRODUCTION:
The applicant at 117 Willits is requesting approval for a Special Land Use Permit (SLUP) and Final Site Plan & Design Review to operate three food and drink establishments with alcohol using an existing quota license. All three restaurants are proposed to be under common ownership and have a direct internal connection, sharing kitchen and restroom facilities. A SLUP is required for all restaurants serving alcohol.

BACKGROUND:
On August 28, 2019, the Planning Board reviewed the SLUP and site plan review, and voted to postpone the matter to September 11, 2019 to allow the applicant to submit additional information.

On September 11, 2019, the Planning Board reviewed the SLUP and corresponding site plan review, and voted unanimously to recommend approval to the City Commission for 117 Willits, Shift / Sidecar / Slice with the following conditions:

1. The applicant must amend the floor plans to show the correct number of interior seats and submit specification sheets on the proposed outdoor railing posts and top bar for Slice prior to appearing before the City Commission for final approval;
2. The applicant must obtain approval from the Historic District Commission for the exterior changes prior to appearing before the City Commission for final approval;
3. The applicant must provide detailed sign plans for review prior to appearing before the City Commission for final approval; and
4. The applicant must comply with the requests of all departments.

Although the draft Planning Board minutes from September 11, 2019 are not yet available for review, it should be noted that all of the issues identified by City departments in the staff memo dated September 6, 2019 have been resolved. All issues previously identified by the Engineering Department relating to the required 5’ clear pedestrian pathway around the outdoor dining areas have been resolved. In addition, all egress issues previously identified by the Fire Department have also been resolved. Finally, the applicant has advised that they will provide a barrier free entrance by identifying the Slice entry as the accessible entrance for all three restaurants, as they are all connected within the building.
On October 2, 2019, the applicant is scheduled to appear before the Historic District Commission for approval of the proposed exterior building changes as the property is located within the Central Business Historic District.

LEGAL REVIEW:
The City Attorney has reviewed the documentation and has no concerns.

FISCAL IMPACT:
Approval of the SLUP and Final Site Plan for Shift / Sidecar / Slice would result in lease income to the City for the outdoor dining proposed in the public right-of-way for Sidecar and Slice.

SUMMARY:
The applicant is seeking approval for a Special Land Use Permit (SLUP) and Final Site Plan & Design Review to operate three food and drink establishments serving alcohol using an existing quota license. Two of the three restaurants are proposed to have outdoor dining along Willits.

ATTACHMENTS:
- SLUP Resolution
- Special Land Use Permit Application
- Planning Board Staff Report
- Site Plans & Material Specification Sheets
- Planning Board Minutes
- Police Department Staff Report

SUGGESTED RESOLUTION:
To approve a Special Land Use Permit and Final Site Plan and Design Review for 117 Willits to allow the operation of three new food and drink establishments Shift / Sidecar /Slice, serving alcoholic liquors, in accordance with Article 7, Section 7.34 of the Zoning Ordinance;

AND

To authorize the Chief of Police to sign the MLCC Police Investigation Report (LC-1800) and to approve the liquor license request of S-Three, LLC that requests a transfer of interest in a Class C License to be issued under MCL 436.1521(A)(1)(B) and SDM License with New Outdoor Service and Two New Additional Bar Permits located at 117 Willits, 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 S-Three, LLC approving the liquor license transfer request of S-Three, LLC that requested a Class C License be transferred under MCL 436.1521 (A)(1)(B) & SDM License with New Outdoor Service and Two New Additional Bar permits located at 117 Willits, Birmingham, Oakland County, MI 48009.
WHEREAS, Shift / Sidecar / Slice filed an application pursuant to Article 7, section 7.34 of Chapter 126, Zoning, of the City Code to operate three restaurants serving alcoholic liquor under an existing quota license;

WHEREAS, The land for which the Special Land Use Permit is sought is located on the south side of Willits between Old Woodward and W. Maple;

WHEREAS, The land is zoned B-4, Business Residential, and is located within the Downtown Birmingham Overlay District, which permits restaurants serving alcoholic liquor with a Special Land Use Permit;

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

WHEREAS, The Planning Board on September 11, 2019 reviewed the application for a Special Land Use Permit and Final Site Plan and Design Review for the proposed Shift / Sidecar / Slice restaurants serving alcoholic liquor under an existing quota license and recommended approval of the same for 117 Willits – Shift / Sidecar / Slice with the following conditions:

1. The applicant must amend the floor plans to show the correct number of interior seats and submit specification sheets on the proposed outdoor railing posts and top bar for Slice prior to appearing before the City Commission for final approval;
2. The applicant must obtain approval from the Historic District Commission for the exterior changes prior to appearing before the City Commission for final approval;
3. The applicant must provide detailed sign plans for review prior to appearing before the City Commission for final approval; and
4. The applicant must comply with the requests of all departments.

WHEREAS, The applicant has complied with all of the conditions noted by the Planning Board;

WHEREAS, The Birmingham City Commission has reviewed the Shift / Sidecar / Slice 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 Shift / Sidecar / Slice’s application for a Special Land Use Permit authorizing the operation of three restaurants serving alcoholic liquors under an
existing quota license at 117 Willits in accordance with Chapter 10, Alcoholic Liquors, is hereby approved;

BE IT FURTHER RESOLVED, That the City Commission determines that to assure continued compliance with Code standards and to protect public health, safety, and welfare, this Special Land Use Permit is granted to allow the operation of Shift / Sidecar / Slice at 117 Willits with the following conditions:

1. The applicant must amend the floor plans to show the correct number of interior seats and submit specification sheets on the proposed outdoor railing posts and top bar for Slice prior to appearing before the City Commission for final approval;
2. The applicant must obtain approval from the Historic District Commission for the exterior changes prior to appearing before the City Commission for final approval;
3. The applicant must provide detailed sign plans for review prior to appearing before the City Commission for final approval;
4. The applicant must comply with the requests of all departments;
5. Shift / Sidecar / Slice shall abide by all provisions of the Birmingham City Code; and
6. 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, Shift / Sidecar / Slice 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 Shift / Sidecar / Slice to comply with all the ordinances of the city may result in the Commission revoking this Special Land Use Permit.

I, Cheryl Arft, City Clerk of the City of Birmingham, Michigan, do hereby certify that the foregoing is a true and correct copy of the resolution adopted by the Birmingham City Commission at its regular meeting held on October 7, 2019.

Cheryl Arft, Acting City Clerk
Special Land Use Permit Application
Planning Division
Form will not be processed until it is completely filled out.

1. Applicant
   Name: ____________________________________________
   Address: ____________________________________________
   Phone Number: ____________________________________________
   Fax Number: ____________________________________________
   Email address: ____________________________________________

2. Property Owner
   Name: ____________________________________________
   Address: ____________________________________________
   Phone Number: ____________________________________________
   Fax Number: ____________________________________________
   Email address: ____________________________________________

3. Applicant’s Attorney/Contact Person
   Name: ____________________________________________
   Address: ____________________________________________
   Phone Number: ____________________________________________
   Fax Number: ____________________________________________
   Email address: ____________________________________________

4. Project Designer/Developer
   Name: ____________________________________________
   Address: ____________________________________________
   Phone Number: ____________________________________________
   Fax Number: ____________________________________________
   Email address: ____________________________________________

5. Required Attachments
   v. A Landscape Plan;
   vi. A Photometric Plan;
   vii. Colored elevation drawings for each building elevation;
   v. Specifications shown for all proposed materials, light fixtures and mechanical equipment;
   v. Samples of all proposed materials;
   v. Photographs of existing conditions on the site including all structures, parking areas, landscaping, and adjacent structures;
   v. Current aerial photographs of the site and surrounding properties;
   v. Warranty Bond, or Consent of Property Owner if applicant is not the owner;
   v. Any other data requested by the Planning Board, Planning Department, or other City Departments.

6. Project Information
   Address/Location of the property:
   Name of development: ____________________________________________
   Sidewalk: ____________________________________________
   Current Use: ____________________________________________
   Proposed Use: ____________________________________________
   Area of Site in Acres: ____________________________________________
   Current zoning:
   Is the property located in the floodplain?
   Name of Historic District Site is located in: ____________________________________________
   Date of Historic District Commission Approval: ____________________________________________
   Date of Application for Preliminary Site Plan: ____________________________________________
   Date of Preliminary Site Plan Approval: ____________________________________________
   Date of Application for Final Site Plan: ____________________________________________
   Date of Final Site Plan Approval: ____________________________________________
   Date of Application for Revisied Final Site Plan: ____________________________________________
   Date of Revised Final Site Plan Approval: ____________________________________________
   Date of Design Review Board Approval: ____________________________________________
   Date of Application for SLUP: ____________________________________________
   Date of SLUP Approval: ____________________________________________
   Date of Last SLUP Amendment: ____________________________________________
   Will proposed project require the division of a lot or lots? ____________________________________________
   Will proposed project require the combination of a lot or lots? ____________________________________________
7. Details of the Proposed Development (attach separate sheet if necessary)

8. Buildings and Structures
   Number of Buildings on Site:
   Height of Buildings & # of Stories:

9. Floor Use and Area (in Square Feet)
   Proposed Commercial Structures:
   - Total square feet per floor:
   - Total floor area:
   - Floor area ratio (total floor area / total land area):
   - Open space:
     - Percent of open space:

   Proposed Residential Structures:
   - 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:

   Proposed Additions:
   - Total basement floor area, if any:
   - Total building floor area (including additions):
   - Open space:
     - Percent of open space:

10. Required and Proposed Setbacks
   - Required front setback:
   - Required rear setback:
   - Required total side setback:
   - Side setback:

11. Required and Proposed Parking
   - Required number of parking spaces:
   - Number of parking spaces:
   - Typical size of parking spaces:
   - Location of parking on site:
   - Location of parking off site:
   - Number of light standards in parking area:
   - Screening materials:
<table>
<thead>
<tr>
<th>Section</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>12. Landscaping</td>
<td>Location of landscape areas: <strong>N/A</strong></td>
</tr>
</tbody>
</table>

| Proposed landscape material: | |

<table>
<thead>
<tr>
<th>13. Streetscape</th>
<th>Sidewalk width: <strong>N/A</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of benches:</td>
<td><strong>N/A</strong></td>
</tr>
<tr>
<td>Number of planters:</td>
<td><strong>N/A</strong></td>
</tr>
<tr>
<td>Number of existing street trees:</td>
<td><strong>N/A</strong></td>
</tr>
<tr>
<td>Number of proposed street trees:</td>
<td><strong>N/A</strong></td>
</tr>
<tr>
<td>Streetscape plan submitted?</td>
<td><strong>N/A</strong></td>
</tr>
</tbody>
</table>

| Description of benches or planters: | |

| Species of existing trees: | |

| Species of proposed trees: | |

<table>
<thead>
<tr>
<th>14. Loading</th>
<th>Required number of loading spaces: <strong>N/A</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Typical angle of loading spaces:</td>
<td></td>
</tr>
<tr>
<td>Screenwall material:</td>
<td></td>
</tr>
<tr>
<td>Location of loading spaces on site:</td>
<td></td>
</tr>
</tbody>
</table>

| Proposed number of loading spaces: | **N/A** |

| Species of proposed trees: | |

| Typical size of loading spaces: | |

| Height of screenwall: | |

| Proposed loading areas are used: | |

| Typical loading areas are used: | |

<table>
<thead>
<tr>
<th>15. Exterior Waste Receptacles</th>
<th>Required number of waste receptacles: <strong>N/A</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Location of waste receptacles:</td>
<td></td>
</tr>
<tr>
<td>Screenwall material:</td>
<td></td>
</tr>
</tbody>
</table>

| Proposed number of waste receptacles: | **N/A** |

| Size of waste receptacles: | |

| Proposed waste receptacles are used: | |

| Typical waste receptacles are used: | |

<table>
<thead>
<tr>
<th>16. Mechanical Equipment</th>
<th>Utilities and Transformers:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of ground mounted transformers:</td>
<td><strong>N/A</strong></td>
</tr>
<tr>
<td>Size of transformers (L-W-H):</td>
<td></td>
</tr>
<tr>
<td>Number of utility casements:</td>
<td><strong>N/A</strong></td>
</tr>
</tbody>
</table>

| Screenwall material: | |

<table>
<thead>
<tr>
<th>Ground Mounted Mechanical Equipment:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of ground mounted units:</td>
</tr>
<tr>
<td>Size of ground mounted units (L-W-H):</td>
</tr>
<tr>
<td>Screenwall material:</td>
</tr>
</tbody>
</table>

| Location of all utilities & casements: | **N/A** |

| Height of screenwall: | |

| Location of all ground mounted units: | **N/A** |

| Height of screenwall: | |

<table>
<thead>
<tr>
<th>Roof Top Mechanical Equipment:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of rooftop units:</td>
</tr>
<tr>
<td>Type of rooftop units:</td>
</tr>
<tr>
<td>Screenwall material:</td>
</tr>
<tr>
<td>Location of screenwall:</td>
</tr>
</tbody>
</table>

| Location of all rooftop units: | **N/A** |

| Size of rooftop units (L-W-H): | |

| Percentage of rooftop covered by mechanical units: | |

| Height of screenwall: | |

| Distance from rooftop units to all screenwalls: | |

| 17. Accessory Buildings | Number of accessory buildings: | **N/A** |
|-------------------------|-----------------------------|
| Location of accessory buildings: | |

| Size of accessory buildings: | **N/A** |

| Height of accessory buildings: | |

| 18. Building Lighting | Number of light standards on building: | **N/A** |
|-----------------------|-----------------------------|
| Location of light standards on building: | |

<p>| Type of light standards on building: | <strong>N/A</strong> |</p>
<table>
<thead>
<tr>
<th>Property #1</th>
<th>Property #2</th>
<th>Property #3</th>
<th>Property #4</th>
<th>Property #5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of buildings on site:</td>
<td>100,000 sq ft</td>
<td>300,000 sq ft</td>
<td>500,000 sq ft</td>
<td>500,000 sq ft</td>
</tr>
<tr>
<td>Use type:</td>
<td>Mixed Use</td>
<td>Mixed Use</td>
<td>Mixed Use</td>
<td>Mixed Use</td>
</tr>
<tr>
<td>Number of parking spaces:</td>
<td>500</td>
<td>1000</td>
<td>1500</td>
<td>2000</td>
</tr>
</tbody>
</table>

**Height from grade:**

- Proposed: 10 ft
- Height from grade: 10 ft

**Type of light fixtures:**

- N/A
- N/A
- N/A
- N/A

**Number of properties within 200 ft:**

- 5
- 5
- 5
- 5

**Property Description:**

- 1 Story Mixed Use
- 2 Story Mixed Use
- 2 Story Office
- 2 Story Office

**North, south, east or west of property:**

- N/A
- N/A
- N/A
- N/A

**Zoning district:**

- AR
- AR
- AR
- AR

**Square footage of principal building:**

- N/A
- N/A
- N/A
- N/A

**Square footage of accessory buildings:**

- N/A
- N/A
- N/A
- N/A

**Number of parking spaces:**

- N/A
- N/A
- N/A
- N/A

**Height from grade:**

- Proposed: 10 ft
- Height from grade: 10 ft
- Proposed: 10 ft
- Height from grade: 10 ft

**Type of light fixtures:**

- N/A
- N/A
- N/A
- N/A

**Number of properties within 200 ft:**

- 5
- 5
- 5
- 5

**Property Description:**

- 1 Story Mixed Use
- 2 Story Mixed Use
- 2 Story Office
- 2 Story Office

**North, south, east or west of property:**

- N/A
- N/A
- N/A
- N/A

**Zoning district:**

- AR
- AR
- AR
- AR

**Square footage of principal building:**

- N/A
- N/A
- N/A
- N/A

**Square footage of accessory buildings:**

- N/A
- N/A
- N/A
- N/A

**Number of parking spaces:**

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

Signature of Owner: [Signature]
Print Name: [Name]
Date: 7/2/17

Signature of Applicant: [Signature]
Print Name: [Name]
Date: 7/26/19

Signature of Architect: [Signature]
Print Name: [Name]
Date: 10/29/19

Office Use Only
Application #: [Number]
Date Received: [Date]
Fee: [Amount]
Date of Approval: [Date]
Date of Denial: [Date]
Accepted by: [Signature]
SPECIAL LAND USE PERMIT APPLICATION CHECKLIST – PLANNING DIVISION

Applicant:  
Address:  

Case #:  
Project:  

Date:  

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;
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. Aerial photographs of the subject site and surrounding properties;
9. A detailed and scaled Site Plan depicting accurately and in detail the proposed construction, alteration or repair;
10. A detailed Existing Conditions Plan including the subject site in its entirety, including all property lines, buildings, structures, curb cuts, sidewalks, drives, ramps and all parking on site and on the street(s) adjacent to the site, and must show the same detail for all adjacent properties within 200 ft. of the subject site’s property lines;
11. Interior floor plans;
12. 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”).
13. Existing and proposed layout of streets, open space, and other basic elements of the plan;

14. Existing and proposed utilities, and easements and their purpose;

15. Location of natural streams, regulated drains, 100-year floodplain, 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;

16. General description, location, and types of structures on site;

17. Location of sidewalks, curb cuts, and parking lots on subject site and all sites within 200 ft. of the property line;

18. Details of existing or proposed lighting, signage and other pertinent development features;

19. Elevation drawings showing proposed design;

20. Screening to be utilized in concealing any exposed mechanical or electrical equipment and all trash receptacle areas.

21. Location of all exterior lighting fixtures;

22. A Photometric Plan depicting proposed illuminance levels at all property lines;

23. 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

24. 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:

25. Color elevation drawings showing the proposed design for each façade of the building;

26. List of all materials to be used for the building, marked on the elevation drawings;

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

28. Details of existing or proposed lighting, signage and other pertinent development features;

29. A list of any requested design changes;

30. Itemized list and specification sheets of all materials, light fixtures and mechanical equipment to be used, including exact size specifications, color, style, and the name of the manufacturer;

31. 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

32. 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: [Redacted]
Address: 318 Three Finger Road
Phone Number: [Redacted]
Fax Number: [Redacted]
Email address: [Redacted]

Property Owner

Name: [Redacted]
Address: 4000 Northwestern, Suite 111
Phone Number: [Redacted]
Fax Number: [Redacted]
Email address: [Email Address]

2. Project Information

Address/Location of Property: [Redacted]
Name of Development: [Redacted]
Area in Acres: [Redacted]

Name of Historic District site is in, if any: [Redacted]
Current Use: [Redacted]
Current Zoning: [Redacted]

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: [Signature]

Date: 7/26/19

Office Use Only

Application #: [Redacted]
Date Received: [Redacted]
Fax: [Redacted]

Date of Approval: [Redacted]
Date of Denial: [Redacted]
Reviewed by: [Redacted]
The applicant is proposing to renovate and subdivide the former Mitchell’s Seafood restaurant into three distinct restaurants, all under common ownership and all sharing the existing kitchen and restroom facilities. The applicant is requesting a Special Land Use Permit to operate all three restaurants, each having their own bar and outdoor seating. A SLUP is required for the service of alcoholic liquors, which is proposed using a Class C quota liquor license. As all three establishments are proposed to operate under a Class C quota license, they are not deemed bistros, and thus there are no specific maximum number of indoor, outdoor or bar seats. Article 7, Section 7.34 of the Zoning Ordinance requires a review and recommendation on the SLUP and Final Site Plan by the Planning Board, and then final approval of the City Commission.

The proposed reconfiguration of the former Mitchells restaurant will include three distinct restaurants:
- Shift – An American eatery with food specialties from across the country and custom alcoholic drinks and a contemporary lounge ambiance;
- Sidecar – A full menu of slider options, sides and alcoholic beverages with a rustic pub feel; and
- Slice – A traditional pizza parlor atmosphere and full pizzeria menu with alcohol service.

The chart below designates the seating and relative size of each proposed establishment.

<table>
<thead>
<tr>
<th>Restaurant</th>
<th>Proposed Interior Seating</th>
<th>Proposed Bar Seating</th>
<th>Proposed Outdoor Seating</th>
<th>Total Seats (Interior/Exterior)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shift</td>
<td>48</td>
<td>22</td>
<td>0</td>
<td>70</td>
</tr>
<tr>
<td>Sidecar</td>
<td>76</td>
<td>14</td>
<td>12</td>
<td>102</td>
</tr>
<tr>
<td>Slice</td>
<td>95 (Plans state 94)</td>
<td>14</td>
<td>56</td>
<td>165</td>
</tr>
</tbody>
</table>
The kitchen and bathroom areas of the restaurants are not changing as a part of this proposed reconfiguration, and will be shared by all three new restaurants.

**On August 28, 2019, the Planning Board reviewed the plans for Shift, Sidecar and Slice at 117 Willits, and voted to postpone the matter to the September 11, 2019 meeting of the Planning Board.** The Planning Board requested that the applicant submit revised plans correcting all inconsistencies, provide specification sheets and colors on all proposed outdoor furnishings and accessories, resolve the egress issues raised by the Building and Fire Departments, and reconfigure the outdoor dining areas to provide an unobstructed 5’ wide pedestrian pathway across each of the storefronts. Finally, the applicant will be required to obtain approval from the Historic District Commission prior to appearing before the City Commission for review.

1.0 **Land Use and Zoning**

1.1 **Existing Land Use** – The existing land use is vacant commercial, with retail, residential Church and parking uses surrounding the proposed 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 / Church / Parking</td>
<td>Commercial / Retail</td>
<td>Commercial / Retail / Residential</td>
<td>Commercial / Retail / Residential</td>
</tr>
<tr>
<td><strong>Existing Zoning District</strong></td>
<td>R7, Multiple Family &amp; PP, Public Property</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>C, D-3 &amp; P</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 changes proposed. However, it should be noted that the former restaurants shared the use of dumpsters with the Willits Building, and these were often moved outside of the building and left with no screening. In accordance with the Zoning Ordinance, the dumpsters must remain inside the trash room at the rear of the Willits Building or the owners must apply for approval to store them outside and provide a screened enclosure.

2.2 Landscaping – The only landscaping to be added is proposed in the planters to delineate the outdoor dining area of Sidecar. No specification sheets have been provided on the proposed planters or plant material. These details must be submitted for review prior to appearing before the City Commission for review. Planters are no longer proposed to enclose the outdoor dining area for Sidecar. Decorative railing is now proposed to maximize the pedestrian walking zone around both Sidecar and Slice’s outdoor dining areas.

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 each of the restaurants from Willits Street. Shift and Sidecar patrons will enter the former Mitchell’s entry lobby, and proceed to the left for Shift, and to the right for Sidecar. Slice restaurant is proposed to relocate an existing egress door along the west elevation of the building just after the building curves around the corner of Willits.

3.5 Streetscape – As a part of the renovation and reconfiguration of the former restaurant space, the applicant is proposing to add three distinct outdoor dining areas, with one associated with the design concept of each new restaurant. The outdoor dining area proposed for Shift will be on an elevated platform. The applicant has now removed all outdoor seating previously proposed for Shift. The outdoor dining areas for Sidecar and Slice are proposed at grade in the existing sidewalk space. Decorative railings are proposed to enclose the sidewalk level dining at Sidecar and Slice. No specification sheets on the proposed railings have been provided at this time, and will be required prior to review by the City Commission. The applicant has now provided specifications for both decorative railings. The railing for Sidecar is proposed to be made of multiple horizontal stainless steel cables running through stainless steel posts with a black finish. The top of the railing is proposed to be finished with an aluminum beverage handrail.
powder coated in Copper Vein. The railing for Slice is proposed to be McNichols Wire Mesh panels in carbon steel with a mill finish. These panels will be framed with McNichols u-edging in carbon steel with a mill finish. No information has been provided with regards to the posts or top rails proposed.

The existing sidewalk is constructed in accordance with the Downtown streetscape standards, and includes street trees, pedestrian scale lighting and a large planting area at the curve of Willits Street.

4.0 Lighting

The applicant is not proposing any new lighting for the property, and the applicant has not indicated any illumination for signage.

5.0 Departmental Reports

5.1 Engineering Division – The Engineering Division previously provided the following comments:
1. It does not appear that the required five (5) foot clear pedestrian pathway is being maintained, especially around the existing City Trees;
2. The proposed pedestrian pathway weaves in and out and around numerous obstacles (i.e. fire hydrant, City Trees, light poles, parking meters, etc...) and does not provide a clearly defined pedestrian pathway;
3. The proposed pedestrian pathway relies heavily on pedestrians walking on exposed aggregate sidewalk. The City does not encourage the public to use the exposed aggregate sidewalk as their primary walkway as it can be rough and slippery at times;
4. The proposed pedestrian pathway pushes the pedestrians along the curb in many places. This creates a less than desirable condition;
5. It would be better for pedestrians, if the required five (5) foot pedestrian pathway was maintained along the building. This would allow for a friendly and safer pathway for the pedestrians and be more inline with other outside dining in the Downtown.

5.2 Department of Public Services – DPS will provide comments before the meeting on September 11, 2019.

5.3 Fire Department – The Fire Department has noted that both Sidecar and Slice restaurant areas each require a second means of egress due to occupant loads. The applicant must submit plans showing egress travel paths and total egress travel distances.

5.4 Police Department – The Police Department has no concerns at this time.
5.5 Building Division – The Building Division previously provided the following comments.

The plans were provided to the Planning Department for site plan review purposes only and present conceptual elevations and floor plans. Although the plans lack sufficient detail to perform a code review, the following comments are offered for Planning Design Review purposes and applicant consideration:

1. The entrance to Shift and Sidecar does not appear to be accessible. Barrier free access to these spaces will need to be provided in accordance with Chapter 11 of the building code.
2. Maneuverability clearances at the pull side of the entrance doors to Shift and Sidecar may be impeded by the handrails for the stairs.

6.0 Design Review

As this building is located within the Downtown Historic District, all design changes must be approved by the Historic District Commission.

Building Changes
The only changes proposed to the existing building include the relocation of an existing single egress door to the southwest to become a new double door entry into the new Slice restaurant. The new doors are proposed to be glass doors to match the existing door and storefront window system. No glazing changes are proposed to the building. The only other change proposed to the exterior of the building façade is to reclad the existing fabric awnings over the four bays of Slice windows with Sunbrella acrylic outdoor awning fabric in Red. The other awnings over the Shift and Sidecar window bays will remain black as existing. A color swatch of the proposed material has not been provided and will be required prior to review by the City Commission.

Outdoor Dining Area
Outdoor cafes must comply with the site plan criteria as required by Article 04, Section 4.41 OD-01, Outdoor Dining Standards. Outdoor cafes are permitted immediately adjacent to the principal use and are subject to site plan review and the following conditions:

1. Outdoor dining areas shall provide and service refuse containers within the outdoor dining area and maintain the area in good order.
2. All outdoor activity must cease at the close of business, or as noted in Subsection 3 below, whichever is earlier.
3. When an outdoor dining area is immediately adjacent to any single-family or multiple-family residential district, all outdoor activity must cease at the close of business or 12:00 a.m., whichever is earlier.
4. All tables and chairs provided in the outdoor dining area shall be constructed primarily of metal, wood, or material of comparable quality.
5. Table umbrellas shall be considered under Site Plan Review and shall not impede sight lines into a retail establishment, pedestrian flow in the outdoor dining area, or pedestrian or vehicular traffic flow outside the outdoor dining area.
6. For outdoor dining located in the public right-of-way:
   (a) All such uses shall be subject to a license from the city, upon forms provided by the Community Development Department, contingent on compliance with all city codes, including any conditions required by the Planning Board in conjunction with Site Plan approval.
   (b) In order to safeguard the flow of pedestrians on the public sidewalk, such uses shall maintain an unobstructed sidewalk width as required by the Planning Board, but in no case less than 5 feet.
   (c) An elevated, ADA compliant, enclosed platform may be erected on the street adjacent to an eating establishment to create an outdoor dining area if the Engineering Department determines there is sufficient space available for this purpose given parking and traffic conditions.
   (d) No such facility shall erect or install permanent fixtures in the public right-of-way.
   (e) Commercial General Liability Insurance must be procured and maintained 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. This coverage shall include an endorsement naming the city, including all elected and appointed officials, all employees, all boards, commissions and/or authorities and board members, as an additional insured. This coverage must be primary and any other insurance maintained by the additional insureds shall be considered to be excess and non-contributing with this insurance, and shall include an endorsement providing for a thirty (30) day advance written notice of cancellation or non-renewal to be sent to the city's Director of Finance.

The applicant has provided a trash receptacle within the outdoor dining areas of both Sidecar and Slice, but has not provided a trash receptacle as required by Article 04, section 4.41 OD-01 of the Zoning Ordinance for the Shift outdoor dining area. The revised plans now show one trash receptacle adjacent to the Sidecar outdoor dining area and two trash receptacles within the Slice outdoor dining area. In addition, the applicant has not provided the proposed business hours for the interior or exterior dining areas of any of the three restaurants. At the meeting on August 28, 2019, the applicant advised the Planning Board that the hours of operation for each of the three restaurants are proposed as follow:

- Shift - Open at 3 p.m. and close at 2 a.m., five to six nights a week;
- Sidecar - Maintain its current hours of 11 a.m. to 2 a.m. daily; and
- Slice – Open at 11 a.m. and close at 10 p.m. during the week, and open at 11 a.m. and close at 11 p.m. on Fridays and Saturdays.

The proposed outdoor café is not immediately adjacent to any single-family zoned property.

The applicant has provided specification sheets for the proposed tables and chairs and other outdoor furnishings at each restaurant as noted on the chart below. All furniture is constructed of metal, wood or material of comparable quality. Three Tucci automated umbrellas are proposed to cover portions of the Slice outdoor dining area. The proposed
The applicant will be required to submit revised plans showing all correct seating counts prior to appearing before the City Commission. The applicant has now submitted revised plans that show accurate seating counts, with the exception of the number of interior seats for Slice.

A site plan has been submitted with dimensions that show in most areas the existence of a 5’ clear pedestrian path around the outdoor dining areas. However, there is one area in front of Slice that does not appear to meet the 5’ required minimum pedestrian pathway given the existing fire hydrant located in the furniture zone. The applicant will be required to submit revised plans showing the existence of a 5’ wide clear pedestrian pathway prior to appearing before the City Commission. The pedestrian path as proposed shifts the pedestrian flow along the curbline of Willits. As requested by the Planning Board at the August 28, 2019 meeting, the applicant has revised their plans to provide a continuous 5’ wide pedestrian path in and around the proposed outdoor dining areas for Sidecar and Slice. As noted above, the outdoor dining for Shift has been removed, and the seating has been reduced from 28 seats to 12 outdoor seats for Sidecar. Two additional outdoor dining seats have been added to the Slice area, but the tables and chairs have been reconfigured to provide a 5’ clear walking path between the outdoor dining area and the corner planter. Thus, pedestrians are
no longer forced to walk next to the curb at this corner, as requested by the Planning Board.

The applicant will be required to obtain an Outdoor Dining License from the City if the SLUP is approved by the City Commission.

**Signage**

No signage is proposed at this time. All signage for SLUPs must be approved through the SLUP process.

The applicant has now proposed the following signage:

<table>
<thead>
<tr>
<th>Sign Content</th>
<th>Sign Type</th>
<th>Dimensions</th>
<th>Illumination</th>
</tr>
</thead>
<tbody>
<tr>
<td>“Shift”</td>
<td>Name letter Sign</td>
<td>17.5 SF</td>
<td>Halo light channel letters</td>
</tr>
<tr>
<td>“sidecar slider bar”</td>
<td>Name Letter Sign</td>
<td>20 SF</td>
<td>Halo light Channel Letters</td>
</tr>
</tbody>
</table>

No signage is proposed at this time for Slice.

The applicant has not provided any details on the proposed signage materials, lighting, specific dimensions (24” height max), the distance of projection from the building or mounting details, all of which are required to verify compliance with the Sign Ordinance. The applicant will be required to provide all signage details to demonstrate compliance with all requirements of the Sign Ordinance or obtain a variance from the Board of Zoning Appeals.

The Sign Ordinance requires that combined sign area be calculated based on the principal building frontage, which is defined as the width of the building on the side where the primary entrance to the business is located, which may or may not front a street. The Historic District Commission, Design Review Board or Planning Board may designate an alternate horizontal building width as the principal building frontage for signage purposes. The primary entrances are along the Willits frontage. The Willits frontage is approximately 169’ for the three restaurants, and thus the applicant is permitted a combined sign area of 1 square foot per each linear foot of principal building frontage or 100’, whichever is less. The applicant is proposing 37.5 square feet of building signage which is well below the maximum amount permitted.

**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.
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 to the City Commission of the applicant’s request
for Special Land Use Permit and Final Site Plan & Design Review for 117 Willits – Shift / Sidecar / Slice with the following conditions:

1. The applicant must amend the floor plans to show the correct number of interior seats and submit specification sheets on the proposed outdoor railing posts and top bar for Slice prior to appearing before the City Commission for final approval;
2. The applicant must obtain approval from the Historic District Commission for the exterior changes prior to appearing before the City Commission for final approval;
3. The applicant must provide detailed sign plans for review prior to appearing before the City Commission for final approval; and
4. The applicant must comply with the requests of all departments.

11.0 Sample Motion Language

Based on a review of the plans submitted, the Planning Board finds that all of the requirements of Article 7, Section 7.27 and Article 7, Section 7.34 have been met. Thus, the Planning Board recommends **APPROVAL** to the City Commission of the Special Land Use Permit and Final Site Plan & Design Review for 117 Willits – Shift / Sidecar / Slice with the following conditions:

1. The applicant must amend the floor plans to show the correct number of interior seats and submit specification sheets on the proposed outdoor railing posts and top bar for Slice prior to appearing before the City Commission for final approval;
2. The applicant must obtain approval from the Historic District Commission for the exterior changes prior to appearing before the City Commission for final approval;
3. The applicant must provide detailed sign plans for review prior to appearing before the City Commission for final approval; and
4. The applicant must comply with the requests of all departments.

**OR**

Motion to recommend **POSTPONEMENT** of the Special Land Use Permit and Final Site Plan & Design Review for 117 Willits – Shift / Sidecar / Slice pending receipt of the following:

1. Revised floor plans to show the correct number of interior seats and submission of specification sheets on the proposed outdoor railing posts and top bar for Slice;
2. Approval from the Historic District Commission for the exterior;
3. Detailed sign plans demonstrating compliance with the Sign Ordinance; and
4. Compliance with the requests of all departments.

**OR**

Motion to recommend **DENIAL** of the Special Land Use Permit Amendment and Final Site Plan Review for 117 Willits – Shift / Sidecar / Slice for the following reasons:

1. 

__________________________
S- Three Restaurants
117 Willits
Birmingham, Michigan 48009

Proposed Elevation
EXTERIOR FURNITURE SPECIFICATIONS

CHAIR:
MODEL: EOS BACKLESS BARSTOOL
SIZE: 29.5”H X 17.5”W X 16.5”D
COLOR/FINISH: BLACK

TABLE:
MODEL: EOS BAR-HEIGHT TABLE
SIZE: 43”H X 25”W X 25”D
COLOR/FINISH: BLACK

WASTE CONTAINER:
MODEL: MODTEC SERIES
SIZE: 39-GALLON
COLOR/FINISH: GUNMETAL SATIN

SIDEWALK DIVIDER:
MODEL: RAILVIEW CABLE HANDRAILING
COLOR: POST- BLACK FLUOROPOLYMER POWDER COAT; ALUMINUM BEVERAGE HANDRAIL-COPPER VEIN POWDER COAT
Product Details

Dimensions
H 43" W 25" D 25"

Materials
Powder-coated aluminum; plastic floor glides.

Shipping Info
VIEW SHIPPING OPTIONS ➤
Eos Backless Barstool

Price: $275.00

Design by Matthew Hilton for Case
Product Details

Dimensions
H 44" W 19" D 25" Seat H 30" Arm H 38"

Materials
Powder-coated aluminum; plastic floor glides.

Shipping Info
VIEW SHIPPING OPTIONS ➤
These sleek & contemporary waste containers are guaranteed to add a touch of elegance to any business space. These 20 & 39 gallon units are manufactured from extremely durable polyethylene and 304-grade stainless steel will withstand extreme weather conditions. They blend the durability of plastic with the strength of stainless steel, making them the go-to solution for site furnishings.

**KEY BENEFITS & FEATURES:**
- Manufactured from polyethylene and 304-grade stainless steel, durable and built to last in any weather condition
- Customizable, multiple sizes and colors to choose from
- Liner includes Grab Bag™ system to secure trash bag for a clean appearance
- Easy to maintain and clean
- Generous 10” sq waste opening to accommodate a variety of discards
- Includes one removable, plastic liner with built-in handles and bag clip holders to secure trash bag in place
- 100% Recyclable after use
- Standard 2-day lead time

**COLOR OPTIONS:**
- Old Bronze
  - 20-GAL ITEM #: 724565
  - 20-GAL UPC: 653410008625
  - 39-GAL ITEM #: 724665
  - 39-GAL UPC: 653410008649
- Gunmetal Satin
  - 20-GAL ITEM #: 724566
  - 20-GAL UPC: 653410008632
  - 39-GAL ITEM #: 724666
  - 39-GAL UPC: 653410008656

**DIMENSIONS:**

<table>
<thead>
<tr>
<th>Size</th>
<th>Assembled Dimensions (H x W x D)</th>
<th>Capacity</th>
<th>Trash Opening Size</th>
<th>Assembly Required</th>
<th>ADA Compliant</th>
<th>Warranty</th>
<th>Recycled Material</th>
</tr>
</thead>
<tbody>
<tr>
<td>20-gal</td>
<td>28&quot; H x 18&quot; Sq x 18&quot;</td>
<td>23 lbs</td>
<td>10” x 10”</td>
<td>No</td>
<td>Yes</td>
<td>1-year</td>
<td>25%+</td>
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<tr>
<td>39-gal</td>
<td>36&quot; H x 22&quot; Sq x 38&quot;</td>
<td>32 lbs</td>
<td>10” x 10”</td>
<td>No</td>
<td>Yes</td>
<td>1-year</td>
<td>25%+</td>
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</tbody>
</table>

**SHIPPING DIMENSIONS:**

<table>
<thead>
<tr>
<th>Size</th>
<th>Shipping Specs</th>
<th># of Cartons</th>
<th>Carton Size (H x W x D)</th>
<th>Carton Weight</th>
<th>Dimensional Weight</th>
<th>Country of Origin</th>
<th>Freight Class</th>
<th>HTS Code</th>
<th>NMFC Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>20-gal</td>
<td>LID + BASE</td>
<td>1</td>
<td>18.5” x 18.5” x 29”</td>
<td>23 lbs</td>
<td>60 lbs</td>
<td>USA</td>
<td>250</td>
<td>7218.99.9080</td>
<td>156600</td>
</tr>
<tr>
<td>39-gal</td>
<td>LID + BASE</td>
<td>1</td>
<td>22.25” x 22.25” x 36”</td>
<td>32 lbs</td>
<td>121 lbs</td>
<td>USA</td>
<td>250</td>
<td>7218.99.9080</td>
<td>156600</td>
</tr>
</tbody>
</table>

**Contact Information:**

Email: cpservice@commercialzone.com
Phone: 1.800.782.7273
2727 W. Good Hope Rd, Milwaukee WI, 53209
Aluminum Beverage Handrail

- **Post Material**: Aluminum - Interior or Exterior
- **Finish**: Copper Vein - $6.00
- **Handrail Ends**: Both Ends Finished
- **Overall Length**: 3 feet long
- **Clear**: Copper Vein
- **List Price**: $197.99
- **Price**: $153.59
- **Actions**: ADD TO CART

Need Help?

- REQUEST A QUOTE
- DRAW PROJECT ONLINE
The Aluminum Beverage Handrail is the perfect size to place a drink on with its 1” x 4” dimensions. The handrail can be customized to have one, both, or no ends finished, and lengths of handrail range from 3’ to 20’. It is wider than a traditional metal handrail, which gives it a sophisticated look. This handrail can be mitered to turn corners and has additional accessories like the Aluminum Beverage Corner Cover and Aluminum Beverage Corner Handrail Bracket to make corner transitions seamless and sleek. This Aluminum Beverage Handrail is a great option for exterior applications like decks and cable railing projects. It is made from a sturdy aluminum and can be customized to match your project. It is pictured above in black, but can be finished in an array of powder coat colors.
Viewrail offers stainless steel cable railing by the foot for your cable railing systems project. Our 5/32” stainless steel cable by the foot is 316 marine grade and high corrosion resistant.

Our cable comes in 1×19, which is 19 single cables wound into a single cable. When purchasing bulk footage of cable, we highly recommend using our cable railing installation kit including our cutters to give a clean cut, which allows fittings to easily slide over the ends. Viewrail cable railing is 316 marine grade made for interior and exterior installation even near the ocean.

316 Stainless is a high grade of stainless used in architectural applications even near the ocean. Stainless Steel Cable Rail Installation suggestions:

Spacing for cables is 3.125” on center, and balcony height for residential is 36” minimum (check local codes). A 36” railing height will require 10 cables. A 39” handrail height requires 11 cables. A 42” handrail height requires 12 cables. Recommended post spacing is a maximum of 4 feet between posts. Do not exceed the 4’ post spacing. Recommended cable tension is 150 pounds. Cable can make up to a 45 degree turn.

Recommended purchase: Stainless Steel Insert Sleeve. The insert sleeve covers the hole where the cable exits, giving a clean and symmetrical installation.


For more DIY cable railing information check Cable Railing.
Details of each "Post Configuration" can be found in the description below.

**Post Material**
- 304 Stainless Steel - In Stainless Steel

**Finish**
- Black - Fluoropolymer

**Handrail Height**
- 36" tall (10 holes)

**Post Configuration**
- "A" - Level holes (1/2"

**Clear**
- Black Fluoropolymer
- Powder Coat
EXTERIOR FURNITURE SPECIFICATIONS

**CHAIR:**
MODEL: TIBURON BAR CHAIR  
SIZE: 44”H X 18”W X 22”D  
COLOR: BRONZE BZ

MODEL: TIBURON DINING SIDE CHAIR  
SIZE: 35”H X 18”W X 23”D  
COLOR: BRONZE BZ

**TABLE:**
MODEL: EOS BAR-HEIGHT TABLE  
SIZE: 43”H X 25”W X 25”D  
COLOR/FINISH: BLACK

MODEL: WOODARD: ALUMINUM SOLID TOP 30” SQUARE DINING TABLE WITH PEDESTAL BASE  
SIZE: 28”H X 30”W X 30”D  
COLOR: 81 AZTEC BRONZE

**WASTE CONTAINER:**
MODEL: MODTEC SERIES  
SIZE: 39-GALLON  
COLOR/FINISH: GUNMETAL SATIN

**UMBRELLA:**
MODEL: TUUCI’S AUTOMATED SINGLE AND DUAL MAX CANTILEVER SHADE PLATFORMS  
SIZE: SQUARE 10’  
COLOR/FINISH: POST: BLACK POWDER COAT; SHADE: SUNDBRELLA SAILCLOTH SEAGULL

**AWNINGS:**
MODEL: SANDBRELLA  
COLOR: CANVAS LOGO RED

**SIDEWALK DIVIDER:**
MODEL: MCNICHOLS DESIGNER MESH, TECHNA 8168  
COLOR: BLACK
TB79 Chaise
5 position adjustable backrest. Integrated hidden wheels.

W 25 L 79 SH 16 Wt 40 LBS.

TB18 Bar Chair

W 18 D 22 H 44 SH 28 Wt 25 LBS.

TB35 35” Rectangular Bar Table
Seats 4
1.5” umbrella hole.
Accepts 9’ umbrella.

L 35 W 27.5 H 40 Wt 37 LBS.

Stocked Colors
Black • BK
Cream • C
Orange • O
Bronze • BZ

Special Order Color

Note: Stainless steel furniture that will be exposed to salt air or chlorinated water should be electropolished. See page 190 for details.

Assembly required.
Eos Bar-Height Table
Designed by Matthew Hilton for Case
$595.00

Select your Color

Price: $595.00
Item Number: 3562
Availability: Please make selections

QTY 1
ADD TO CART

Print
Product Details

Dimensions

H 43" W 25" D 25"

Materials

Powder-coated aluminum; plastic floor glides.

Shipping Info

VIEW SHIPPING OPTIONS ▶
WOODARD

Aluminum Solid Top 30" Square Dining Table With Pedestal Base
6T4830BT

Material: Aluminum
Height: 28"
Width: 30"
Depth: 30"
Woodard Standard Frame Finish Options - Iron & Aluminum

*Not recommended for Apollo, Casa, Delphi, Heritage, Holland, Isla, New Orleans, Nova, Spartan, Wiltshire, all Solid Cast Tops with Beaded Edge, all Cast Aluminum Table Tops and Fire Table Tops.
TIBURON
DINING GROUP

Our sleek Tiburon collection exemplifies the modern lifestyle of the California Bay Area. Seating is constructed in mixed media from #304 stainless steel, premium teak, and Batyline™ fabric; tables have sturdy steel frames with solid teak tops. While designed for outdoor use, Tiburon may also be used indoors, both in residential and in commercial applications.

TB14 Dining Side Chair
Ships 2 per carton.

W 18 D 23 H 35 SH 18 Wt 18 LBS.

TB15 Dining Armchair
Stacking.
Ships 2 per carton.

W 24 D 23 H 35 SH 18 AH 26 Wt 20 LBS.

TB38 38" Square Dining Table
Seats 4
1.5" umbrella hole.
Accepts 9" umbrella.

L 38 W 38 H 29 Wt 58 LBS.

TB76 76" Rectangular Dining Table
Seats 8
2" umbrella hole.
Accepts up to 10' umbrella.

L 76 W 38 H 29 Wt 100 LBS.

Stocked Colors

Black • BK
Cream • C
Orange • O

Special Order Color

Bronze • BZ

Note: Stainless steel furniture that will be exposed to salt air or chlorinated water should be electropolished. See page 190 for details.

Assembly required.
MODTEC SERIES
Waste container, 20-gallon/39-gallon

These sleek & contemporary waste containers are guaranteed to add a touch of elegance to any business space. These 20 & 39 gallon units are manufactured from extremely durable polyethylene and 304-grade stainless steel will withstand extreme weather conditions. They blend the durability of plastic with the strength of stainless steel, making them the go-to solution for site furnishings.

KEY BENEFITS & FEATURES:
- Manufactured from polyethylene and 304-grade stainless steel, durable and built to last in any weather condition
- Customizable, multiple sizes and colors to choose from
- Liner includes Grab Bag™ system to secure trash bag for a clean appearance
- Easy to maintain and clean
- Generous 10” sq waste opening to accommodate a variety of discards
- Includes one removable, plastic liner with built-in handles and bag clip holders to secure trash bag in place
- 100% Recyclable after use
- Standard 2-day lead time

COLOR OPTIONS:
- Old Bronze
- Gunmetal Satin

DIMENSIONS:
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Contact Information:
Email: cpservice@commercialzone.com
Phone: 1.800.782.7273
2727 W. Good Hope Rd, Milwaukee WI, 53209
TUUCI’s Automated Single and Dual MAX Cantilever shade platforms redefine shade technology. Automation and shade integrate seamlessly with our convenient and intuitive push-button interface. Shading, lighting, and heating come alive at your fingertips with a one-touch control panel featuring smart safety protocols. A whole new level of intelligent design has been reached.

Features:

a. Control Box
b. Push Button Control Makes It Easy To:
   - Open and Close the Canopy
   - Turn On and Off the Luna LED Light
   - Power Two Energy-Efficient Heaters
c. Energy-Efficient Infrared Radiant Heaters
d. Luna LED Light Provides State-of-the Art Ambient Lighting
e. Telescoping Mast Provides Ample Tabletop Clearance

for more information visit tuuci.com
CONFIGURATION OPTIONS
Automation to suit your individual needs. Choose from three pre-set configuration options available for both the Single and Dual MAX Cantilever.

FINISH OPTIONS
ALUMA-TEAK™

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SHAPES & SIZES

SINGLE CANTILEVER

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<td>11.0' / 3.4</td>
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DUAL CANTILEVER

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**ITEM 3681680048 - 48" x 96"**

**ITEM SPECIFICATIONS**

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McNICHOLS® ACCESSORIES

U-Edging, Carbon Steel, Hot Rolled, 14 Gauge (.0747" Thick), Type 401 U-Edging (1/4" Opening x 1" Width)

McNICHOLS® Accessories, U-Edging, Carbon Steel, Hot Rolled, Mill Finish, 14 Gauge (.0747" Thick), Type 401 U-Edging (1/4" Opening x 1" Width), Used to Frame the Edges of Carbon Steel Perforated Metal, Expanded Metal and Wire Mesh

**ITEM** 4001440110 - 1" x 120"

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

1. 117 Willits, Sidecar, Slice and Shift (Former Mitchell’s Seafood) – Request for approval of a Special Land Use Permit to allow the operation of three licensed restaurants (Sidecar, Slice and Shift) sharing one kitchen and under common ownership.

Planning Director Ecker presented the item. She stated that to her knowledge, there are no rules preventing a lounge or a bar for a Class C license. She also stated that as far as she knew, Michtell’s Seafood resulted in no complaints from the adjacent residents in at least 15 years.

Steven Simon, applicant and owner of Rojo Mexican Bistro and Sidecar, explained:

- Sidecar would maintain its current hours of 11 a.m. to 2 a.m. daily. Slice would likely be open from 11 a.m. to 10 p.m. during the week, and 11 a.m. to 11 p.m. on Fridays and Saturdays. Shift would open at 3 p.m. and close at 2 a.m. as well, open five to six nights a week.
- He was unable to reach an agreement with the landlord to keep Sidecar in its current space beyond the end of its fall 2020 lease. As a result, Slice and Shift will open earlier at the 117 Willits location, and Sidecar will join those two establishments at the conclusion of its lease.
- He would be happy to either remove or rearrange a bit of outdoor seating to ease any possible pedestrian congestion on that sidewalk. It would be his preference to have the outdoor seating abutting the building, with the pedestrian walkway closer to the street, so that the business of the restaurant does not interrupt the pedestrian walkway.
- The storefront will be modified to allow the exterior of the restaurant to open onto the street in instances of good weather.
- Staff is trained thoroughly in how to deal with any alcohol-related issues that could arise with patrons later in the evening. Serving food late into the evening usually curtails the likelihood that the environment will yield alcohol-related nuisances.

Christopher Longe, architect, explained he was under the impression this was going to be a preliminary site plan review and so there are some discrepancies between the furniture that was specified and the furniture that was drawn on the plan. Doors will be added to the storefront in order to promote a more open atmosphere. No windows will be replaced.

Chairman Clein invited public comment.

Paul Regan noted that parking requirements were not discussed as part of this review.

Chairman Clein stated that the establishment is located in the Downtown Parking Assessment District (PAD).

Mr. Regan asked if there was any analysis to confirm that the necessary parking would be available in the parking deck adjacent to the establishment. He also asked if the Advisory Parking Committee had been consulted regarding the likely parking needs for this establishment.
Chairman Clein explained that establishments within the PAD are assumed to have their parking needs absorbed by the general parking available within the downtown area. The Zoning Ordinance does not require establishments within the district to provide their own parking.

Mr. Koseck added that the PAD had been able to absorb the parking needs of the restaurant that had previously been in this location. Since there will not be an outsized increase from the number of seats in the old establishment to the number of seats in the new establishment, there should not be any particular increase in the strain on the PAD.

Mr Williams said that he would like to see the planned layout for the outdoor seating if the pedestrian pathway does not abut the building. He said the current planned path is insufficient.

Chairman Clein agreed that the current path proposed is insufficient. He preferred Slice’s outdoor seating to abut the building.

**Motion by Mr. Williams**

Seconded by Mr. Share to recommend postponement of the Special Land Use Permit Amendment and Final Site Plan Review for 117 Willits – Shift / Sidecar / Slice until September 11, 2019 and dependent on the receipt of the following:

1. The applicant must amend the floor plans to show the correct number of interior seats proposed prior to appearing before the City Commission for final approval;
2. The applicant must submit specification sheets on the proposed outdoor planter boxes and railings for all restaurants prior to appearing before the City Commission for final approval;
3. The applicant must add a second means of egress for both the Sidecar and Slice restaurant areas and submit plans showing egress travel paths and total egress travel distances prior to appearing before the City Commission;
4. The applicant must obtain approval from the Historic District Commission for the exterior changes;
5. The applicant must provide the proposed business hours for the interior or exterior dining areas of each of the three restaurants;
6. The applicant must provide color selections for all materials prior to appearing before the City Commission for final approval; and,
7. The applicant must provide a clearly marked 5’ pedestrian pathway free of obstructions adjacent to the outdoor dining areas for each restaurant.

**Motion carried, 7-0.**

**VOICE VOTE**

**Yeas:** Williams, Share, Boyle, Jeffares, Whipple-Boyce, Clein, Koseck

**Nays:** None
DATE: August 1st, 2019

TO: Joseph A. Valentine, City Manager
    Jana Ecker, Planning Director

FROM: Chris Busen, Investigative Commander

APPROVED: Mark H. Clemence, Chief of Police

SUBJECT: S-Three Restaurant, LLC located at 117 Willits, Birmingham, is requesting to transfer ownership of a Class C liquor license with Sunday Sales (AM and PM) Permit, New Outdoor Service Area Permit, Two New Additional Bar Permits and One Direct Connection from Willits Co-License, LLC (Currently in Escrow Located at 117 Willits, Birmingham, Oakland County, Business Id No. 110557), to S-Three Restaurant, LLC to be located at 117 Willits, Birmingham, Oakland County, Michigan, issued pursuant to MCL 436.1521(A)(1)(B) from Willits Co-License, LLC, to S-Three, LLC.

INTRODUCTION:
The police department has received a request from the Law Offices of Adkison, Need, Allen, and Rentrop regarding a transfer of ownership of a Class C liquor license from Willits Co-License, LLC, located at 117 Willits, Birmingham, Oakland County, MI 48009 to S-Three Restaurant, LLC. S-Three Restaurant, LLC has paid the initial fee of $1500 for a business that serves alcoholic beverages for consumption on the premises per section 7.33 of the Birmingham City Code.

BACKGROUND:
S-Three Restaurant, LLC (“S-Three”), will do business as Slice Pizzeria (“Slice”), Shift Cocktail Bar (“Shift”) and Sidecar Slider Bar (“Sidecar”). The space was formerly operated as Mitchell’s Fish Market. Mitchell’s Fish Market closed on December 31, 2017. S-Three is requesting to transfer ownership of the Class C license from Willits Co-License LLC, located at 117 Willits, Birmingham, to S-Three. S-Three is then requesting the following permits: SDM License (beer and wine to go), Sunday Sales (AM and PM) Permit, 2 Additional Bar Permits, and Outdoor Service Area Permit (on city sidewalk).

LEGAL REVIEW:
Non-applicable

FISCAL IMPACT:
Non-applicable
SUMMARY:
Slice will be a family-friendly pizzeria, with a menu that offers items for everyone. Shift will be a high-end cocktail bar. Sidecar will be a slider bar similar to the current location in Birmingham. Slice will be open from 11:00am to 11:00pm 7 days a week, Shift will be open from 4:00pm to 2:00am 7 days a week, and Sidecar will be open from 11:00am to 2:00am 7 days a week.

Slice will have seating for 100 patrons, which includes 20 seats at the bar, and will have an outdoor dining area with seating for 54 patrons located on the city sidewalk. Shift will have seating for 49 patrons, which includes 13 seats at the bar and will have an outdoor dining area with seating for 14 patrons located on the city sidewalk. Sidecar will have seating for 67 patrons, which includes 15 seats at the bar and will have an outdoor dining area with seating for 12 patrons located on the city sidewalk.

The liquor license will be assigned from the former operator for $1.00. S-Three will invest $180,000 in the renovations of the existing building, furniture, fixtures, and equipment. S-Three has a lease with the landlord Willits Retail, LLC. The lease is for 10 years. Monthly rental payments start at $22,083.33 and are based off a Gross Sales percentage. S-Three is borrowing $40,000 from Sidecar Birmingham, LLC (via a business loan from BFS Capital) and $150,000.00 from Karen Crabill to fund the renovations and buildout. S-Three’s sole member is Stephen Simon. Simon is also the 100% member of the Sidecar Birmingham, LLC, which he has owned since May 2018, and is an 85% member of the Sidecar of Commerce, LLC, since October 2018.

<table>
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<tr>
<th>S-Three Member</th>
<th>Percentage of Interest</th>
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<tr>
<td>Stephen Simon</td>
<td>100%</td>
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S-Three is expecting to submit the application for the special land use permit (“SLUP”) from Willits Co-License, LLC, to S-Three in the next week.

Since the 3 separate outdoor patios are located on the City sidewalk, the Michigan Liquor Control Commission will require City Commission approval.

A background check was conducted on Stephen Simon and investor Karen Crabill. Simon and Crabill were 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). Crabill has no criminal convictions and no negative contacts with law enforcement. Simon was convicted of operating a motor vehicle while impaired on 4/10/2008.

Sidecar Commerce, LLC has a MLCC violation for passing a NSF check on 10/31/2018. They were ordered to pay a $100 fine and the license was suspended for 5 continuous days.

Sidecar Birmingham, LLC has a MLCC violation for failing to provide proof of successful completion of an alcohol server training program on 5/16/2018. They were ordered to pay a $200 fine.
ATTACHMENTS:
Non-applicable

SUGGESTED RESOLUTION:

To authorize the Chief of Police to sign the MLCC Police Investigation Report (LC-1800) and to approve the liquor license request of S-Three, LLC that requests a transfer of interest in a Class C License to be issued under MCL 436.1521(A)(1)(B) and SDM License with New Outdoor Service and Two New Additional Bar Permits located at 117 Willits, 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 S-Three, LLC approving the liquor license transfer request of S-Three, LLC that requested a Class C License be transferred under MCL 436.1521 (A)(1)(B) & SDM License with New Outdoor Service and Two New Additional Bar permits located at 117 Willits, Birmingham, Oakland County, MI 48009.
MEMORANDUM
Planning Division

DATE: September 12, 2019

TO: Joseph A. Valentine, City Manager

FROM: Jana Ecker, Planning Director

SUBJECT: Public Hearing for SLUP & Final Site Plan & Design Review—117 Willits – Shift / Sidecar / Slice

INTRODUCTION:
The applicant at 117 Willits is requesting approval for a Special Land Use Permit (SLUP) and Final Site Plan & Design Review to operate three food and drink establishments with alcohol using an existing quota license. All three restaurants are proposed to be under common ownership and have a direct internal connection, sharing kitchen and restroom facilities. A SLUP is required for all restaurants serving alcohol.

BACKGROUND:
On August 28, 2019, the Planning Board reviewed the SLUP and site plan review, and voted to postpone the matter to September 11, 2019 to allow the applicant to submit additional information.

On September 11, 2019, the Planning Board reviewed the SLUP and corresponding site plan review, and voted unanimously to recommend approval to the City Commission for 117 Willits, Shift / Sidecar / Slice with the following conditions:

1. The applicant must amend the floor plans to show the correct number of interior seats and submit specification sheets on the proposed outdoor railing posts and top bar for Slice prior to appearing before the City Commission for final approval;
2. The applicant must obtain approval from the Historic District Commission for the exterior changes prior to appearing before the City Commission for final approval;
3. The applicant must provide detailed sign plans for review prior to appearing before the City Commission for final approval; and
4. The applicant must comply with the requests of all departments.

Although the draft Planning Board minutes from September 11, 2019 are not yet available for review, it should be noted that all of the issues identified by City departments in the staff memo dated September 6, 2019 have been resolved. All issues previously identified by the Engineering Department relating to the required 5’ clear pedestrian pathway around the outdoor dining areas have been resolved. In addition, all egress issues previously identified by the Fire Department have also been resolved. Finally, the applicant has advised that they will provide a barrier free entrance by identifying the Slice entry as the accessible entrance for all three restaurants, as they are all connected within the building.
On October 2, 2019, the applicant is scheduled to appear before the Historic District Commission for approval of the proposed exterior building changes as the property is located within the Central Business Historic District.

LEGAL REVIEW:
The City Attorney has reviewed the documentation and has no concerns.

FISCAL IMPACT:
Approval of the SLUP and Final Site Plan for Shift / Sidecar / Slice would result in lease income to the City for the outdoor dining proposed in the public right-of-way for Sidecar and Slice.

SUMMARY:
The applicant is seeking approval for a Special Land Use Permit (SLUP) and Final Site Plan & Design Review to operate three food and drink establishments serving alcohol using an existing quota license. Two of the three restaurants are proposed to have outdoor dining along Willits.

ATTACHMENTS:
- SLUP Resolution
- Special Land Use Permit Application
- Planning Board Staff Report
- Site Plans & Material Specification Sheets
- Planning Board Minutes
- Police Department Staff Report

SUGGESTED RESOLUTION:
To approve a Special Land Use Permit and Final Site Plan and Design Review for 117 Willits to allow the operation of three new food and drink establishments Shift / Sidecar / Slice, serving alcoholic liquors, in accordance with Article 7, Section 7.34 of the Zoning Ordinance;

AND

To authorize the Chief of Police to sign the MLCC Police Investigation Report (LC-1800) and to approve the liquor license request of S-Three, LLC that requests a transfer of interest in a Class C License to be issued under MCL 436.1521(A)(1)(B) and SDM License with New Outdoor Service and Two New Additional Bar Permits located at 117 Willits, 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 S-Three, LLC approving the liquor license transfer request of S-Three, LLC that requested a Class C License be transferred under MCL 436.1521 (A)(1)(B) & SDM License with New Outdoor Service and Two New Additional Bar permits located at 117 Willits, Birmingham, Oakland County, MI 48009.
SHIFT / SIDECAR / SLICE
SPECIAL LAND USE PERMIT
2019

WHEREAS, Shift / Sidecar / Slice filed an application pursuant to Article 7, section 7.34 of Chapter 126, Zoning, of the City Code to operate three restaurants serving alcoholic liquor under an existing quota license;

WHEREAS, The land for which the Special Land Use Permit is sought is located on the south side of Willits between Old Woodward and W. Maple;

WHEREAS, The land is zoned B-4, Business Residential, and is located within the Downtown Birmingham Overlay District, which permits restaurants serving alcoholic liquor with a Special Land Use Permit;

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

WHEREAS, The Planning Board on September 11, 2019 reviewed the application for a Special Land Use Permit and Final Site Plan and Design Review for the proposed Shift / Sidecar / Slice restaurants serving alcoholic liquor under an existing quota license and recommended approval of the same for 117 Willits – Shift / Sidecar / Slice with the following conditions:

1. The applicant must amend the floor plans to show the correct number of interior seats and submit specification sheets on the proposed outdoor railing posts and top bar for Slice prior to appearing before the City Commission for final approval;
2. The applicant must obtain approval from the Historic District Commission for the exterior changes prior to appearing before the City Commission for final approval;
3. The applicant must provide detailed sign plans for review prior to appearing before the City Commission for final approval; and
4. The applicant must comply with the requests of all departments.

WHEREAS, The applicant has complied with all of the conditions noted by the Planning Board;

WHEREAS, The Birmingham City Commission has reviewed the Shift / Sidecar / Slice 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 Shift / Sidecar / Slice’s application for a Special Land Use Permit authorizing the operation of three restaurants serving alcoholic liquors under an
existing quota license at 117 Willits in accordance with Chapter 10, Alcoholic Liquors, is hereby approved;

BE IT FURTHER RESOLVED, That the City Commission determines that to assure continued compliance with Code standards and to protect public health, safety, and welfare, this Special Land Use Permit is granted to allow the operation of Shift / Sidecar / Slice at 117 Willits with the following conditions:

1. The applicant must amend the floor plans to show the correct number of interior seats and submit specification sheets on the proposed outdoor railing posts and top bar for Slice prior to appearing before the City Commission for final approval;
2. The applicant must obtain approval from the Historic District Commission for the exterior changes prior to appearing before the City Commission for final approval;
3. The applicant must provide detailed sign plans for review prior to appearing before the City Commission for final approval;
4. The applicant must comply with the requests of all departments;
5. Shift / Sidecar / Slice shall abide by all provisions of the Birmingham City Code; and
6. 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, Shift / Sidecar / Slice 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 Shift / Sidecar / Slice to comply with all the ordinances of the city may result in the Commission revoking this Special Land Use Permit.

I, Cheryl Arft, City Clerk of the City of Birmingham, Michigan, do hereby certify that the foregoing is a true and correct copy of the resolution adopted by the Birmingham City Commission at its regular meeting held on October 7, 2019.

Cheryl Arft, Acting City Clerk
Special Land Use Permit Application
Planning Division
Form will not be processed until it is completely filled out.

1. Applicant
   Name: [Redacted]
   Address: [Redacted]
   Phone Number: 469-916-1910
   Fax Number: [Redacted]
   Email address: [Redacted]

2. Property Owner
   Name: [Redacted]
   Address: [Redacted]
   Phone Number: 463-360-9600
   Fax Number: [Redacted]
   Email address: [Redacted]

3. Applicant's Attorney/Contact Person
   Name: [Redacted]
   Address: [Redacted]
   Phone Number: 469-916-1910
   Fax Number: [Redacted]
   Email address: [Redacted]

5. Required Attachments
   I. Two (2) paper copies and one (1) digital copy of all project plans including:
      i. A detailed Existing Conditions Plan including the subject site in its entirety,
         including all property lines, buildings, structures, curb cuts, sidewalks, drives,
         ramps and all parking on site and on the street(s) adjacent to the site and must
         show the same detail for all adjacent properties within 200 ft. of the subject
         site's property lines.
      ii. A detailed and scaled Site Plan depicting accurately the proposed
          construction, alteration or repair;
      iii. A certified Land Survey;
      iv. Interior floor plans.

   II. Specifications sheets for all proposed materials, fixtures, and mechanical equipment.

   III. Samples of all proposed materials.

   IV. Photographs of existing conditions on the site, including all structures, parking areas, landscaping
        and adjacent structures.

   V. Current aerial photographs of the site and surrounding properties.

   VI. Warranty Deed, or Consent of Property Owner if applicant is not the owner.

   VII. Any other data requested by the Planning Board, Planning Department, or other City Departments.

6. Project Information
   Address/Location of the property:
   Name of development: [Redacted]
   Sidewalk: [Redacted]
   Current Use: [Redacted]
   Proposed Use: [Redacted]
   Area of Site in Acres: [Redacted]
   Current zoning: [Redacted]
   Is the property located in a floodplain?: [Redacted]
   Name of Historic District is located in: [Redacted]
   Date of Historic District Commission Approval: [Redacted]
   Date of Application for Preliminary Site Plan:
   Date of Preliminary Site Plan Approval:

   Date of Application for Final Site Plan:
   Date of Final Site Plan Approval:
   Date of Application for Revised Final Site Plan:
   Date of Revised Final Site Plan Approval:
   Date of Design Review Board Approval:
   Is there a current SLUP in effect for this site?: [Redacted]
   Date of Application for SLUP:
   Date of SLUP Approval:
   Date of Last SLUP Amendment:
   Will proposed project require the division of an SLUP?: [Redacted]
   Will proposed project require the combination of an SLUP?: [Redacted]
7. Details of the Proposed Development (attach separate sheet if necessary)

<table>
<thead>
<tr>
<th>Proposed</th>
<th>Material Served</th>
<th>Restaurant(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name</td>
<td>Type</td>
<td></td>
</tr>
</tbody>
</table>

8. Buildings and Structures

| Number of Buildings on Site: | 1 |
| Height of Buildings & # of Stories: | 6 |
| Use of Buildings: | Mixed Use |
| Height of Rooftop Mechanical Equipment: | Unknown |

9. Floor Use and Area (in Square Feet)

<table>
<thead>
<tr>
<th>Proposed Commercial Structures:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total square feet per floor:</td>
</tr>
<tr>
<td>Total floor area:</td>
</tr>
<tr>
<td>Floor area ratio (total floor area / total land area):</td>
</tr>
<tr>
<td>Open space:</td>
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<tr>
<td>Percent of open space:</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Proposed Residential Structures:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total number of units:</td>
</tr>
<tr>
<td>Number of one bedroom units:</td>
</tr>
<tr>
<td>Number of two bedroom units:</td>
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<tr>
<td>Number of three bedroom units:</td>
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<tr>
<td>Open space:</td>
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<tr>
<td>Percent of open space:</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Proposed Additions:</th>
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</thead>
<tbody>
<tr>
<td>Total basement floor area, if any, of addition:</td>
</tr>
<tr>
<td>Number of floors to be added:</td>
</tr>
<tr>
<td>Square footage added per floor:</td>
</tr>
<tr>
<td>Total building floor area (including addition):</td>
</tr>
<tr>
<td>Floor area ratio (total floor area / total land area):</td>
</tr>
<tr>
<td>Open space:</td>
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<tr>
<td>Percent of open space:</td>
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</tbody>
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<table>
<thead>
<tr>
<th>Office Space:</th>
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<tbody>
<tr>
<td>Retail Space:</td>
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<tr>
<td>Industrial Space:</td>
</tr>
<tr>
<td>Assembly Space:</td>
</tr>
<tr>
<td>Seating Capacity:</td>
</tr>
<tr>
<td>Maximum Occupancy Load:</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Residential units or condominiums:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Size of one bedroom units:</td>
</tr>
<tr>
<td>Size of two bedroom units:</td>
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<tr>
<td>Size of three bedroom units:</td>
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<tr>
<td>Seating Capacity:</td>
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<tr>
<td>Maximum Occupancy Load:</td>
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</tbody>
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<table>
<thead>
<tr>
<th>Use of Addition:</th>
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<tbody>
<tr>
<td>Height of addition:</td>
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<tr>
<td>Office space in addition:</td>
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<tr>
<td>Retail space in addition:</td>
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<tr>
<td>Industrial space in addition:</td>
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<tr>
<td>Assembly space in addition:</td>
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<tr>
<td>Maximum building occupancy load (including addition):</td>
</tr>
</tbody>
</table>

10. Required and Proposed Setbacks

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

11. Required and Proposed Parking

<table>
<thead>
<tr>
<th>Required number of parking spaces:</th>
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<tbody>
<tr>
<td>Typical size of parking spaces:</td>
</tr>
<tr>
<td>Number of spaces &lt;150 sq. ft.</td>
</tr>
<tr>
<td>Number of landscap spaces:</td>
</tr>
<tr>
<td>Shared parking agreement:</td>
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<tr>
<td>Height of light standards in parking area:</td>
</tr>
<tr>
<td>Height of screenwall material:</td>
</tr>
<tr>
<td>Section</td>
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<tr>
<td>12. Landscaping</td>
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<td>13. Streetscape</td>
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<td>14. Loading</td>
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<td>15. Exterior Waste Receptacles</td>
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<td>16. Mechanical Equipment</td>
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<td>17. Accessory Buildings</td>
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<tr>
<td>18. Building Lighting</td>
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</tbody>
</table>
19. Site Lighting
   Number of light fixtures: N/A
   Size of light fixtures: (L=W+H)
   Maximum wattage per fixture:
   Light level at each property line:

20. Adjacent Properties
   Number of properties within 200 ft: 5

Property #1
   Number of buildings on site: 24
   Zoning district: MHE (heavy industry)
   Use type: MHE
   Square footage of principal building:
   Square footage of accessory buildings:
   Number of parking spaces:

Property #2
   Number of buildings on site: 14
   Zoning district: MWZ
   Use type: MWZ
   Square footage of principal building:
   Square footage of accessory buildings:
   Number of parking spaces:

Property #3
   Number of buildings on site: 16
   Zoning district: OHE (light industry)
   Use type: OHE
   Square footage of principal building:
   Square footage of accessory buildings:
   Number of parking spaces:

Property #4
   Number of buildings on site: 5
   Zoning district: HHE
   Use type: HHE
   Square footage of principal building:
   Square footage of accessory buildings:
   Number of parking spaces:

Property #5
   Number of buildings on site: 216
   Zoning district: MHE (heavy industry)
   Use type: MHE
   Square footage of principal building:
   Square footage of accessory buildings:
   Number of parking spaces:

Height from grade:
   Proposed wattage per fixture:

Type of light fixtures:
   Height from grade:
   Proposed wattage per fixture:
   Holiday site lighting receptacles:

Property Description:
   1ST FLOOR
   2ND FLOOR
   3RD FLOOR
   4TH FLOOR

North, south, east or west of property?
The undersigned states the above information is true and correct, and understands that it is the responsibility of the applicant to advise the Planning Division and/or Building Division of any additional changes made to an approved site plan. The undersigned further states that they have reviewed the procedures and guidelines for Site Plan Review in Birmingham, and have complied with same. The undersigned will be in attendance at the Planning Board meeting when this application will be discussed.

Signature of Owner: ___________________________ Date: 7/2/17
Print Name: ___________________________

Signature of Applicant: ___________________________ Date: 4/28/19
Print Name: ___________________________

Signature of Architect: ___________________________ Date: 7/09/19
Print Name: ___________________________

Office Use Only
Application #: ___________________________ Date Received: ____________ Fee: ____________

Date of Approval: ____________ Date of Denial: ____________ Accepted by: ____________
SPECIAL LAND USE PERMIT APPLICATION CHECKLIST – PLANNING DIVISION

Applicant: THREE Benchmark

Date: 7/26/14  

Address: 117 WILLOW STREET 9TH STREET

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;
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. Aerial photographs of the subject site and surrounding properties.
9. A detailed and scaled Site Plan depicting accurately in detail the proposed construction, alteration or repair;
10. A detailed Existing Conditions Plan including the subject site in its entirety, including all property lines, buildings, structures, curb cuts, sidewalks, drives, ramps and all parking on site and on the street(s) adjacent to the site, and must show the same detail for all adjacent properties within 200 ft. of the subject site's property lines;
11. Interior floor plans;
12. 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");
13. Existing and proposed layout of streets, open space, and other basic elements of the plan;

14. Existing and proposed utilities and easements and their purpose;

15. Location of natural streams, regulated drains, 100-year flood plains, floodway, watercourses, marshes, wooded areas, isolated preserve-able 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;

16. General description, location, and types of structures on site;

17. Location of sidewalks, curb cuts, and parking lots on subject site and all sites within 200 ft. of the property line;

18. Details of existing or proposed lighting, signage and other pertinent development features;

19. Elevation drawings showing proposed design;

20. Screening to be utilized in concealing any exposed mechanical or electrical equipment and all trash receptacle areas;

21. Location of all exterior lighting fixtures;

22. A Photometric Plan depicting proposed illuminance levels at all property lines;

23. 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

24. 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:

25. Color elevation drawings showing the proposed design for each facade of the building;

26. List of all materials to be used for the building, marked on the elevation drawings;

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

28. Details of existing or proposed lighting, signage and other pertinent development features;

29. A list of any requested design changes;

30. Itemized list and specification sheets of all materials, light fixtures and mechanical equipment to be used, including exact size specifications, color, style, and the name of the manufacturer;

31. 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

32. 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: [Redacted]
   Address: [Redacted]
   Phone Number: [Redacted]
   Fax Number: [Redacted]
   Email address: [Redacted]

2. Project Information
   Address/Location of Property: [Redacted]
   Name of Development: [Redacted]
   Area in Acres: [Redacted]
   Name of Historic District site is in, if any: [Redacted]
   Current Use: [Redacted]
   Current Zoning: [Redacted]

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: [Signature]
Date: [7/24/18]

Office Use Only
Application #: Date Received: Fax:
Date of Approval: Date of Denial: Reviewed by:
DATE: September 6, 2019

TO: Planning Board

FROM: Jana L. Ecker, Planning Director

SUBJECT: 117 Willits – Shift / Sidecar / Slice – Special Land Use Permit and Final Site Plan Review (All changes in blue type)

The applicant is proposing to renovate and subdivide the former Mitchell’s Seafood restaurant into three distinct restaurants, all under common ownership and all sharing the existing kitchen and restroom facilities. The applicant is requesting a Special Land Use Permit to operate all three restaurants, each having their own bar and outdoor seating. A SLUP is required for the service of alcoholic liquors, which is proposed using a Class C quota liquor license. As all three establishments are proposed to operate under a Class C quota license, they are not deemed bistros, and thus there are no specific maximum number of indoor, outdoor or bar seats. Article 7, Section 7.34 of the Zoning Ordinance requires a review and recommendation on the SLUP and Final Site Plan by the Planning Board, and then final approval of the City Commission.

The proposed reconfiguration of the former Mitchells restaurant will include three distinct restaurants:

- **Shift** – An American eatery with food specialties from across the country and custom alcoholic drinks and a contemporary lounge ambiance;
- **Sidecar** – A full menu of slider options, sides and alcoholic beverages with a rustic pub feel; and
- **Slice** – A traditional pizza parlor atmosphere and full pizzeria menu with alcohol service.

The chart below designates the seating and relative size of each proposed establishment.

<table>
<thead>
<tr>
<th>Restaurant</th>
<th>Proposed Interior Seating</th>
<th>Proposed Bar Seating</th>
<th>Proposed Outdoor Seating</th>
<th>Total (Interior/Exterior)</th>
<th>Seats</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shift</td>
<td>48</td>
<td>22</td>
<td>0</td>
<td>70</td>
<td></td>
</tr>
<tr>
<td>Sidecar</td>
<td>76</td>
<td>14</td>
<td>12</td>
<td>102</td>
<td></td>
</tr>
<tr>
<td>Slice</td>
<td>95 (Plans state 94)</td>
<td>14</td>
<td>56</td>
<td>165</td>
<td></td>
</tr>
</tbody>
</table>
The kitchen and bathroom areas of the restaurants are not changing as a part of this proposed reconfiguration, and will be shared by all three new restaurants.

On August 28, 2019, the Planning Board reviewed the plans for Shift, Sidecar and Slice at 117 Willits, and voted to postpone the matter to the September 11, 2019 meeting of the Planning Board. The Planning Board requested that the applicant submit revised plans correcting all inconsistencies, provide specification sheets and colors on all proposed outdoor furnishings and accessories, resolve the egress issues raised by the Building and Fire Departments, and reconfigure the outdoor dining areas to provide an unobstructed 5’ wide pedestrian pathway across each of the storefronts. Finally, the applicant will be required to obtain approval from the Historic District Commission prior to appearing before the City Commission for review.

1.0 Land Use and Zoning

1.1 Existing Land Use – The existing land use is vacant commercial, with retail, residential Church and parking uses surrounding the proposed 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>
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<th>East</th>
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<td>Commercial / Retail</td>
<td>Commercial / Retail / Residential</td>
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<td>R7, Multiple Family &amp; PP, Public Property</td>
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<td>Downtown Overlay Zoning District</td>
<td>C, D-3 &amp; P</td>
<td>D-4</td>
<td>D-4</td>
<td>D-4</td>
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</table>
2.0 Screening and Landscaping

2.1 Screening – No changes proposed. **However, it should be noted that the former restaurants shared the use of dumpsters with the Willits Building, and these were often moved outside of the building and left with no screening. In accordance with the Zoning Ordinance, the dumpsters must remain inside the trash room at the rear of the Willits Building or the owners must apply for approval to store them outside and provide a screened enclosure.**

2.2 Landscaping – The only landscaping to be added is proposed in the planters to delineate the outdoor dining area of Sidecar. **No specification sheets have been provided on the proposed planters or plant material. These details must be submitted for review prior to appearing before the City Commission for review. Planters are no longer proposed to enclose the outdoor dining area for Sidecar. Decorative railing is now proposed to maximize the pedestrian walking zone around both Sidecar and Slice’s outdoor dining areas.**

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 each of the restaurants from Willits Street. Shift and Sidecar patrons will enter the former Mitchell’s entry lobby, and proceed to the left for Shift, and to the right for Sidecar. Slice restaurant is proposed to relocate an existing egress door along the west elevation of the building just after the building curves around the corner of Willits.

3.5 Streetscape – As a part of the renovation and reconfiguration of the former restaurant space, the applicant is proposing to add three distinct outdoor dining areas, with one associated with the design concept of each new restaurant. The outdoor dining area proposed for Shift will be on an elevated platform. **The applicant has now removed all outdoor seating previously proposed for Shift.** The outdoor dining areas for Sidecar and Slice are proposed at grade in the existing sidewalk space. Decorative railings are proposed to enclose the sidewalk level dining at Sidecar and Slice. **No specification sheets on the proposed railings have been provided at this time, and will be required prior to review by the City Commission. The applicant has now provided specifications for both decorative railings. The railing for Sidecar is proposed to be made of multiple horizontal stainless steel cables running through stainless steel posts with a black finish. The top of the railing is proposed to be finished with an aluminum beverage handrail**
powder coated in Copper Vein. The railing for Slice is proposed to be McNichols Wire Mesh panels in carbon steel with a mill finish. These panels will be framed with McNichols u-edging in carbon steel with a mill finish. No information has been provided with regards to the posts or top rails proposed.

The existing sidewalk is constructed in accordance with the Downtown streetscape standards, and includes street trees, pedestrian scale lighting and a large planting area at the curve of Willits Street.

4.0 Lighting

The applicant is not proposing any new lighting for the property, and the applicant has not indicated any illumination for signage.

5.0 Departmental Reports

5.1 Engineering Division – The Engineering Division previously provided the following comments:
   1. It does not appear that the required five (5) foot clear pedestrian pathway is being maintained, especially around the existing City Trees;
   2. The proposed pedestrian pathway weaves in and out and around numerous obstacles (i.e. fire hydrant, City Trees, light poles, parking meters, etc...) and does not provide a clearly defined pedestrian pathway;
   3. The proposed pedestrian pathway relies heavily on pedestrians walking on exposed aggregate sidewalk. The City does not encourage the public to use the exposed aggregate sidewalk as their primary walkway as it can be rough and slippery at times;
   4. The proposed pedestrian pathway pushes the pedestrians along the curb in many places. This creates a less than desirable condition;
   5. It would be better for pedestrians, if the required five (5) foot pedestrian pathway was maintained along the building. This would allow for a friendly and safer pathway for the pedestrians and be more inline with other outside dining in the Downtown.

5.2 Department of Public Services – DPS will provide comments before the meeting on September 11, 2019.

5.3 Fire Department – The Fire Department has noted that both Sidecar and Slice restaurant areas each require a second means of egress due to occupant loads. The applicant must submit plans showing egress travel paths and total egress travel distances.

5.4 Police Department – The Police Department has no concerns at this time.
5.5 Building Division – The Building Division previously provided the following comments.

The plans were provided to the Planning Department for site plan review purposes only and present conceptual elevations and floor plans. Although the plans lack sufficient detail to perform a code review, the following comments are offered for Planning Design Review purposes and applicant consideration:

1. The entrance to Shift and Sidecar does not appear to be accessible. Barrier free access to these spaces will need to be provided in accordance with Chapter 11 of the building code.
2. Maneuverability clearances at the pull side of the entrance doors to Shift and Sidecar may be impeded by the handrails for the stairs.

6.0 Design Review

As this building is located within the Downtown Historic District, all design changes must be approved by the Historic District Commission.

Building Changes
The only changes proposed to the existing building include the relocation of an existing single egress door to the southwest to become a new double door entry into the new Slice restaurant. The new doors are proposed to be glass doors to match the existing door and storefront window system. No glazing changes are proposed to the building. The only other change proposed to the exterior of the building façade is to reclad the existing fabric awnings over the four bays of Slice windows with Sunbrella acrylic outdoor awning fabric in Red. The other awnings over the Shift and Sidecar window bays will remain black as existing. A color swatch of the proposed material has not been provided and will be required prior to review by the City Commission.

Outdoor Dining Area
Outdoor cafes must comply with the site plan criteria as required by Article 04, Section 4.41 OD-01, Outdoor Dining Standards. Outdoor cafes are permitted immediately adjacent to the principal use and are subject to site plan review and the following conditions:

1. Outdoor dining areas shall provide and service refuse containers within the outdoor dining area and maintain the area in good order.
2. All outdoor activity must cease at the close of business, or as noted in Subsection 3 below, whichever is earlier.
3. When an outdoor dining area is immediately adjacent to any single-family or multiple-family residential district, all outdoor activity must cease at the close of business or 12:00 a.m., whichever is earlier.
4. All tables and chairs provided in the outdoor dining area shall be constructed primarily of metal, wood, or material of comparable quality.
5. Table umbrellas shall be considered under Site Plan Review and shall not impede sight lines into a retail establishment, pedestrian flow in the outdoor dining area, or pedestrian or vehicular traffic flow outside the outdoor dining area.
6. For outdoor dining located in the public right-of-way:
   (a) All such uses shall be subject to a license from the city, upon forms provided by the Community Development Department, contingent on compliance with all city codes, including any conditions required by the Planning Board in conjunction with Site Plan approval.
   (b) In order to safeguard the flow of pedestrians on the public sidewalk, such uses shall maintain an unobstructed sidewalk width as required by the Planning Board, but in no case less than 5 feet.
   (c) An elevated, ADA compliant, enclosed platform may be erected on the street adjacent to an eating establishment to create an outdoor dining area if the Engineering Department determines there is sufficient space available for this purpose given parking and traffic conditions.
   (d) No such facility shall erect or install permanent fixtures in the public right-of-way.
   (e) Commercial General Liability Insurance must be procured and maintained 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. This coverage shall include an endorsement naming the city, including all elected and appointed officials, all employees, all boards, commissions and/or authorities and board members, as an additional insured. This coverage must be primary and any other insurance maintained by the additional insureds shall be considered to be excess and non-contributing with this insurance, and shall include an endorsement providing for a thirty (30) day advance written notice of cancellation or non-renewal to be sent to the city's Director of Finance.

The applicant has provided a trash receptacle within the outdoor dining areas of both Sidecar and Slice, but **has not provided a trash receptacle as required by Article 04, section 4.41 OD-01 of the Zoning Ordinance for the Shift outdoor dining area.** The revised plans now show one trash receptacle adjacent to the Sidecar outdoor dining area and two trash receptacles within the Slice outdoor dining area. In addition, **the applicant has not provided the proposed business hours for the interior or exterior dining areas of any of the three restaurants.** At the meeting on August 28, 2019, the applicant advised the Planning Board that the hours of operation for each of the three restaurants are proposed as follow:

- **Shift** - Open at 3 p.m. and close at 2 a.m., five to six nights a week;
- **Sidecar** - Maintain its current hours of 11 a.m. to 2 a.m. daily; and
- **Slice** – Open at 11 a.m. and close at 10 p.m. during the week, and open at 11 a.m. and close at 11 p.m. on Fridays and Saturdays.

The proposed outdoor café is not immediately adjacent to any single-family zoned property.

The applicant has provided specification sheets for the proposed tables and chairs and other outdoor furnishings at each restaurant as noted on the chart below. All furniture is constructed of metal, wood or material of comparable quality. **Three Tucci automated umbrellas are proposed to cover portions of the Slice outdoor dining area.** The proposed
The applicant will be required to submit revised plans showing all correct seating counts prior to appearing before the City Commission. The applicant has now submitted revised plans that show accurate seating counts, with the exception of the number of interior seats for Slice.

A site plan has been submitted with dimensions that show in most areas the existence of a 5’ clear pedestrian path around the outdoor dining areas. However, there is one area in front of Slice that does not appear to meet the 5’ required minimum pedestrian pathway given the existing fire hydrant located in the furniture zone. The applicant will be required to submit revised plans showing the existence of a 5’ wide clear pedestrian pathway prior to appearing before the City Commission. The pedestrian path as proposed shifts the pedestrian flow along the curbline of Willits. As requested by the Planning Board at the August 28, 2019 meeting, the applicant has revised their plans to provide a continuous 5’ wide pedestrian path in and around the proposed outdoor dining areas for Sidecar and Slice. As noted above, the outdoor dining for Shift has been removed, and the seating has been reduced from 28 seats to 12 outdoor seats for Sidecar. Two additional outdoor dining seats have been added to the Slice area, but the tables and chairs have been reconfigured to provide a 5’ clear walking path between the outdoor dining area and the corner planter. Thus, pedestrians are
no longer forced to walk next to the curb at this corner, as requested by the Planning Board.

The applicant will be required to obtain an Outdoor Dining License from the City if the SLUP is approved by the City Commission.

**Signage**
No signage is proposed at this time. **All signage for SLUPs must be approved through the SLUP process.**

**The applicant has now proposed the following signage:**

<table>
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<th>Sign Content</th>
<th>Sign Type</th>
<th>Dimensions</th>
<th>Illumination</th>
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<tbody>
<tr>
<td>“Shift”</td>
<td>Name letter Sign</td>
<td>17.5 SF</td>
<td>Halo light channel letters</td>
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<tr>
<td>“sidecar slider bar”</td>
<td>Name Letter Sign</td>
<td>20 SF</td>
<td>Halo light Channel Letters</td>
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</table>

**No signage is proposed at this time for Slice.**

The applicant has not provided any details on the proposed signage materials, lighting, specific dimensions (24” height max), the distance of projection from the building or mounting details, all of which are required to verify compliance with the Sign Ordinance. The applicant will be required to provide all signage details to demonstrate compliance with all requirements of the Sign Ordinance or obtain a variance from the Board of Zoning Appeals.

The Sign Ordinance requires that combined sign area be calculated based on the principal building frontage, which is defined as the width of the building on the side where the primary entrance to the business is located, which may or may not front a street. The Historic District Commission, Design Review Board or Planning Board may designate an alternate horizontal building width as the principal building frontage for signage purposes. The primary entrances are along the Willits frontage. The Willits frontage is approximately 169’ for the three restaurants, and thus the applicant is permitted a combined sign area of 1 square foot per each linear foot of principal building frontage or 100’, whichever is less. The applicant is proposing 37.5 square feet of building signage which is well below the maximum amount permitted.

**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.
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 to the City Commission of the applicant’s request
1. The applicant must amend the floor plans to show the correct number of interior seats and submit specification sheets on the proposed outdoor railing posts and top bar for Slice prior to appearing before the City Commission for final approval;
2. The applicant must obtain approval from the Historic District Commission for the exterior changes prior to appearing before the City Commission for final approval;
3. The applicant must provide detailed sign plans for review prior to appearing before the City Commission for final approval; and
4. The applicant must comply with the requests of all departments.

11.0 Sample Motion Language

Based on a review of the plans submitted, the Planning Board finds that all of the requirements of Article 7, Section 7.27 and Article 7, Section 7.34 have been met. Thus, the Planning Board recommends **APPROVAL** to the City Commission of the Special Land Use Permit and Final Site Plan & Design Review for 117 Willits – Shift / Sidecar / Slice with the following conditions:

1. The applicant must amend the floor plans to show the correct number of interior seats and submit specification sheets on the proposed outdoor railing posts and top bar for Slice prior to appearing before the City Commission for final approval;
2. The applicant must obtain approval from the Historic District Commission for the exterior changes prior to appearing before the City Commission for final approval;
3. The applicant must provide detailed sign plans for review prior to appearing before the City Commission for final approval; and
4. The applicant must comply with the requests of all departments.

**OR**

Motion to recommend **POSTPONEMENT** of the Special Land Use Permit and Final Site Plan & Design Review for 117 Willits – Shift / Sidecar / Slice pending receipt of the following:

1. Revised floor plans to show the correct number of interior seats and submission of specification sheets on the proposed outdoor railing posts and top bar for Slice;
2. Approval from the Historic District Commission for the exterior;
3. Detailed sign plans demonstrating compliance with the Sign Ordinance; and
4. Compliance with the requests of all departments.

**OR**

Motion to recommend **DENIAL** of the Special Land Use Permit Amendment and Final Site Plan Review for 117 Willits – Shift / Sidecar / Slice for the following reasons:

1. __________________________________________________________________
S-Three Restaurants
117 Willits
Birmingham, Michigan 48009

EXTERIOR FURNITURE SPECIFICATIONS

CHAIR:
MODEL: EOS BACKLESS BARSTOOL
SIZE: 29.5”H X 17.5”W X 16.5”D
COLOR/FINISH: BLACK

TABLE:
MODEL: EOS BAR-HEIGHT TABLE
SIZE: 43”H X 25”W X 25”D
COLOR/FINISH: BLACK

WASTE CONTAINER:
MODEL: MODTEC SERIES
SIZE: 39-GALLON
COLOR/FINISH: GUNMETAL SATIN

SIDEWALK DIVIDER:
MODEL: RAILVIEW CABLE HANDRAILING
COLOR: POST- BLACK FLUOROPOLYMER POWDER COAT; ALUMINUM BEVERAGE HANDRAIL-COPPER VEIN POWDER COAT
Product Details

Dimensions

H 43" W 25" D 25"

Materials

Powder-coated aluminum; plastic floor glides.

Shipping Info

VIEW SHIPPING OPTIONS ➤
Product Details

Dimensions
H 44" W 19" D 25" Seat H 30" Arm H 38"

Materials
Powder-coated aluminum; plastic floor glides.

Shipping Info
VIEW SHIPPING OPTIONS ▶
MODTEC SERIES
Waste container, 20-gallon/39-gallon

These sleek & contemporary waste containers are guaranteed to add a touch of elegance to any business space. These 20 & 39 gallon units are manufactured from extremely durable polyethylene and 304-grade stainless steel will withstand extreme weather conditions. They blend the durability of plastic with the strength of stainless steel, making them the go-to solution for site furnishings.

KEY BENEFITS & FEATURES:
• Manufactured from polyethylene and 304-grade stainless steel, durable and built to last in any weather condition
• Customizable, multiple sizes and colors to choose from
• Liner includes Grab Bag™ system to secure trash bag for a clean appearance
• Easy to maintain and clean
• Generous 10” sq waste opening to accommodate a variety of discards
• Includes one removable, plastic liner with built-in handles and bag clip holders to secure trash bag in place
• 100% Recyclable after use
• Standard 2-day lead time

COLOR OPTIONS:
Old Bronze
20-GAL ITEM #: 724565
20-GAL UPC: 653410008625
39-GAL ITEM #: 724665
39-GAL UPC: 653410008649
Gunmetal Satin
20-GAL ITEM #: 724566
20-GAL UPC: 653410008632
39-GAL ITEM #: 724666
39-GAL UPC: 653410008656

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<td>USA</td>
<td>250</td>
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</tbody>
</table>

Contact Information:
Email: cpservice@commercialzone.com
Phone: 1.800.782.7273
2727 W. Good Hope Rd, Milwaukee WI, 53209
The Aluminum Beverage Handrail is the perfect size to place a drink on with its 1”x 4” dimensions. The handrail can be customized to have one, both, or no ends finished, and lengths of handrail range from 3’ to 20’. It is wider than a traditional metal handrail, which gives it a sophisticated look. This handrail can be mitered to turn corners and has additional accessories like the Aluminum Beverage Corner Cover and Aluminum Beverage Corner Handrail Bracket to make corner transitions seamless and sleek. This Aluminum Beverage Handrail is a great option for exterior applications like decks and cable railing projects. It is made from a sturdy aluminum and can be customized to match your project. It is pictured above in black, but can be finished in an array of powder coat colors.
Viewrail offers stainless steel cable railing by the foot for your cable railing systems project. Our 5/32” stainless steel cable by the foot is 316 marine grade and high corrosion resistant.

Our cable comes in 1×19, which is 19 single cables wound into a single cable. When purchasing bulk footage of cable, we highly recommend using our cable railing installation kit including our cutters to give a clean cut, which allows fittings to easily slide over the ends. Viewrail cable railing is 316 marine grade made for interior and exterior installation even near the ocean.

316 Stainless is a high grade of stainless used in architectural applications even near the ocean. Stainless Steel Cable Rail Installation suggestions:

Spacing for cables is 3.125” on center, and balcony height for residential is 36” minimum (check local codes). A 36” railing height will require 10 cables. A 39” handrail height requires 11 cables. A 42” handrail height requires 12 cables. Recommended post spacing is a maximum of 4 feet between posts. Do not exceed the 4’ post spacing. Recommended cable tension is 150 pounds. Cable can make up to a 45 degree turn.

Recommended purchase: Stainless Steel Insert Sleeve. The insert sleeve covers the hole where the cable exits, giving a clean and symmetrical installation.


For more DIY cable railing information check Cable Railing.
Details of each “Post Configuration” can be found in the description below.

**Post Material**

- 304 Stainless Steel - In

**Finish**

- Black - Fluoropolymer

**Handrail Height**

- 36" tall (10 holes)

**Post Configuration**

- "A" - Level holes (1/2"

**Clear**

EXTERIOR FURNITURE SPECIFICATIONS

**CHAIR:**
MODEL: TIBURON BAR CHAIR  
SIZE: 44”H X 18”W X 22”D  
COLOR: BRONZE BZ

MODEL: TIBURON DINING SIDE CHAIR  
SIZE: 35”H X 18”W X 23”D  
COLOR: BRONZE BZ

**TABLE:**
MODEL: Eos Bar-Height Table  
SIZE: 43”H X 25”W X 25”D  
COLOR/FINISH: BLACK

MODEL: WOODARD: ALUMINUM SOLID TOP 30” SQUARE DINING TABLE WITH PEDESTAL BASE  
SIZE: 28”H X 30”W X 30”D  
COLOR: 81 AZTEC BRONZE

**WASTE CONTAINER:**
MODEL: MODTEC SERIES  
SIZE: 39-GALLON  
COLOR/FINISH: GUNMETAL SATIN

**UMBRELLA:**
MODEL: TUUCI’S AUTOMATED SINGLE AND DUAL MAX CANTILEVER SHADE PLATFORMS  
SIZE: SQUARE 10’  
COLOR/FINISH: POST: BLACK POWDER COAT; SHADE: SUNDBRELLA SAILCLOTH SEAGULL

**AWNINGS:**
MODEL: SANDBRELLA  
COLOR: CANVAS LOGO RED

**SIDEWALK DIVIDER:**
MODEL: MCNICHOLS DESIGNER MESH, TECHNA 8168  
COLOR: BLACK
TB79 Chaise
5 position adjustable backrest. Integrated hidden wheels.

W 25  L 79  SH 16  Wt 40 LBS.

TB18 Bar Chair

W 18  D 22  H 44  SH 28  Wt 25 LBS.

TB35 35” Rectangular Bar Table
Seats 4
1.5” umbrella hole. Accepts 9’ umbrella.

L 35  W 27.5  H 40  Wt 37 LBS.

Note: Stainless steel furniture that will be exposed to salt air or chlorinated water should be electropolished. See page 190 for details. Assembly required.

Stocked Colors

- Black • BK
- Cream • C
- Orange • O
- Bronze • BZ

Special Order Color
Eos Bar-Height Table
Designed by Matthew Hilton for Case

$595.00

Select your Color

Compare colors and materials.
Request Free Swatches

Price: $595.00
Item Number: 3562
Availability: Please make selections

QTY 1
ADD TO CART
Print
Product Details

Dimensions

H 43" W 25" D 25"

Materials

Powder-coated aluminum; plastic floor glides.

Shipping Info

VIEW SHIPPING OPTIONS ➤
WOODARD

Aluminum Solid Top 30" Square Dining Table With Pedestal Base
6T4830BT

Material: Aluminum
Height: 28"
Width: 30"
Depth: 30"
Woodard Standard Frame Finish Options - Iron & Aluminum

*Not recommended for Apollo, Casa, Delphi, Heritage, Holland, Isla, New Orleans, Nova, Spartan, Wiltshire, all Solid Cast Tops with Beaded Edge, all Cast Aluminum Table Tops and Fire Table Tops.
Our sleek Tiburon collection exemplifies the modern lifestyle of the California Bay Area. Seating is constructed in mixed media from #304 stainless steel, premium teak, and Batyline™ fabric; tables have sturdy steel frames with solid teak tops. While designed for outdoor use, Tiburon may also be used indoors, both in residential and in commercial applications.
MODTEC SERIES
Waste container, 20-gallon/39-gallon

These sleek & contemporary waste containers are guaranteed to add a touch of elegance to any business space. These 20 & 39 gallon units are manufactured from extremely durable polyethylene and 304-grade stainless steel will withstand extreme weather conditions. They blend the durability of plastic with the strength of stainless steel, making them the go-to solution for site furnishings.

**KEY BENEFITS & FEATURES:**
- Manufactured from polyethylene and 304-grade stainless steel, durable and built to last in any weather condition
- Customizable, multiple sizes and colors to choose from
- Liner includes Grab Bag™ system to secure trash bag for a clean appearance
- Easy to maintain and clean
- Generous 10” sq waste opening to accommodate a variety of discards
- Includes one removable, plastic liner with built-in handles and bag clip holders to secure trash bag in place
- 100% Recyclable after use
- Standard 2-day lead time

**DIMENSIONS:**

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<td>Yes</td>
<td>1-year</td>
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**SHIPPING DIMENSIONS:**

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<tr>
<th>SIZE</th>
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<th># OF CARTONS</th>
<th>CARTON SIZE</th>
<th>CARTON WEIGHT</th>
<th>DIMENSIONAL WEIGHT</th>
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<th>FREIGHT CLASS</th>
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<tr>
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<td>18.5” x 18.5” x 29”</td>
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<td>USA</td>
<td>250</td>
<td>7218.5.99.9080</td>
<td>156600</td>
</tr>
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</table>

**COLOR OPTIONS:**
- Old Bronze
- Gunmetal Satin

Contact Information:
Email: cpservice@commercialzone.com
Phone: 1.800.782.7273
2727 W. Good Hope Rd, Milwaukee WI, 53209
AUTOMATED SINGLE AND DUAL MAX CANTILEVER

TUUCI’s Automated Single and Dual MAX Cantilever shade platforms redefine shade technology. Automation and shade integrate seamlessly with our convenient and intuitive push-button interface. Shading, lighting, and heating come alive at your fingertips with a one-touch control panel featuring smart safety protocols. A whole new level of intelligent design has been reached.

Features:

- a. Control Box
- b. Push Button Control Makes It Easy To:
  - Open and Close the Canopy
  - Turn On and Off the Luna LED Light
  - Power Two Energy-Efficient Heaters
- c. Energy-Efficient Infrared Radiant Heaters
- d. Luna LED Light Provides State-of-the Art Ambient Lighting
- e. Telescoping Mast Provides Ample Tabletop Clearance

for more information visit tuuci.com
CONFIGURATION OPTIONS
Automation to suit your individual needs. Choose from three pre-set configuration options available for both the Single and Dual MAX Cantilever.

FINISH OPTIONS

ALUMA-TEAK™
- natural
- java
- weathered
- aspen white

POWDER-COAT
- textured bright white
- sea shell white
- ash grey
- jet black
- espresso
- hammered bronze

SHAPES & SIZES

SINGLE CANTILEVER

Octagon
- ft. / m.
- 9.0' / 2.75
- 11.0' / 3.4
- 13.0' / 4.0
- 10.0' / 3.0

Square
- ft. / m.
- 8.0' / 2.45
- 12.0' / 3.65

Rectangle
- ft. / m.
- 8' x 12' / 2.45 x 3.65
- 10' x 14' / 3.0 x 4.25

DUAL CANTILEVER

Dual - Octagon
- ft. / m.
- 9.0' x 18.0' / 2.75 x 5.4
- 11.0' x 22.0' / 3.4 x 6.8
- 13.0' x 26.0' / 4.0 x 8.0

Dual - Square
- ft. / m.
- 8.0' x 16.0' / 2.4 x 4.9
- 10.0' x 20.0' / 3.0 x 6.0
- 12.0' x 24.0' / 3.65 x 7.4
- 13' x 26.0 / 4.0 x 7.9

Dual - Rectangle
- ft. / m.
- 16' x 12' / 4.0 x 3.65
- 20' x 14' / 6.0 x 4.25
McNICHOLS® WIRE MESH
Designer Mesh, TECHNA™ 8168, Carbon Steel, Cold Rolled, Woven - Flat Top Weave, 74% Open Area

McNICHOLS® Wire Mesh, Designer Mesh, TECHNA™ 8168, Carbon Steel, Cold Rolled, Mill Finish, Woven - Flat Top Weave, 74% Open Area

ITEM 3681680048 - 48" x 96"

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## McNICHOLS® ACCESSORIES

U-Edging, Carbon Steel, Hot Rolled, 14 Gauge (.0747" Thick), Type 401 U-Edging (1/4" Opening x 1" Width)

McNICHOLS® Accessories, U-Edging, Carbon Steel, Hot Rolled, Mill Finish, 14 Gauge (.0747" Thick), Type 401 U-Edging (1/4" Opening x 1" Width), Used to Frame the Edges of Carbon Steel Perforated Metal, Expanded Metal and Wire Mesh

**ITEM** 4001440110 - 1" x 120"

<table>
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</table>
F. Special Land Use Permit and Final Site Plan & Design Review

1. 117 Willits, Sidecar, Slice and Shift (Former Mitchell’s Seafood) – Request for approval of a Special Land Use Permit to allow the operation of three licensed restaurants (Sidecar, Slice and Shift) sharing one kitchen and under common ownership.

Planning Director Ecker presented the item. She stated that to her knowledge, there are no rules preventing a lounge or a bar for a Class C license. She also stated that as far as she knew, Mitchell’s Seafood resulted in no complaints from the adjacent residents in at least 15 years.

Steven Simon, applicant and owner of Rojo Mexican Bistro and Sidecar, explained:
- Sidecar would maintain its current hours of 11 a.m. to 2 a.m. daily. Slice would likely be open from 11 a.m. to 10 p.m. during the week, and 11 a.m. to 11 p.m. on Fridays and Saturdays. Shift would open at 3 p.m. and close at 2 a.m. as well, open five to six nights a week.
- He was unable to reach an agreement with the landlord to keep Sidecar in its current space beyond the end of its fall 2020 lease. As a result, Slice and Shift will open earlier at the 117 Willits location, and Sidecar will join those two establishments at the conclusion of its lease.
- He would be happy to either remove or rearrange a bit of outdoor seating to ease any possible pedestrian congestion on that sidewalk. It would be his preference to have the outdoor seating abutting the building, with the pedestrian walkway closer to the street, so that the business of the restaurant does not interrupt the pedestrian walkway.
- The storefront will be modified to allow the exterior of the restaurant to open onto the street in instances of good weather.
- Staff is trained thoroughly in how to deal with any alcohol-related issues that could arise with patrons later in the evening. Serving food late into the evening usually curtails the likelihood that the environment will yield alcohol-related nuisances.

Christopher Longe, architect, explained he was under the impression this was going to be a preliminary site plan review and so there are some discrepancies between the furniture that was specified and the furniture that was drawn on the plan. Doors will be added to the storefront in order to promote a more open atmosphere. No windows will be replaced.

Chairman Clein invited public comment.

Paul Regan noted that parking requirements were not discussed as part of this review.

Chairman Clein stated that the establishment is located in the Downtown Parking Assessment District (PAD).

Mr. Regan asked if there was any analysis to confirm that the necessary parking would be available in the parking deck adjacent to the establishment. He also asked if the Advisory Parking Committee had been consulted regarding the likely parking needs for this establishment.
Chairman Clein explained that establishments within the PAD are assumed to have their parking needs absorbed by the general parking available within the downtown area. The Zoning Ordinance does not require establishments within the district to provide their own parking.

Mr. Koseck added that the PAD had been able to absorb the parking needs of the restaurant that had previously been in this location. Since there will not be an outsized increase from the number of seats in the old establishment to the number of seats in the new establishment, there should not be any particular increase in the strain on the PAD.

Mr Williams said that he would like to see the planned layout for the outdoor seating if the pedestrian pathway does not abut the building. He said the current planned path is insufficient.

Chairman Clein agreed that the current path proposed is insufficient. He preferred Slice's outdoor seating to abut the building.

**Motion by Mr. Williams**

Seconded by Mr. Share to recommend postponement of the Special Land Use Permit Amendment and Final Site Plan Review for 117 Willits – Shift / Sidecar / Slice until September 11, 2019 and dependent on the receipt of the following:

1. The applicant must amend the floor plans to show the correct number of interior seats proposed prior to appearing before the City Commission for final approval;
2. The applicant must submit specification sheets on the proposed outdoor planter boxes and railings for all restaurants prior to appearing before the City Commission for final approval;
3. The applicant must add a second means of egress for both the Sidecar and Slice restaurant areas and submit plans showing egress travel paths and total egress travel distances prior to appearing before the City Commission;
4. The applicant must obtain approval from the Historic District Commission for the exterior changes;
5. The applicant must provide the proposed business hours for the interior or exterior dining areas of each of the three restaurants;
6. The applicant must provide color selections for all materials prior to appearing before the City Commission for final approval; and,
7. The applicant must provide a clearly marked 5’ pedestrian pathway free of obstructions adjacent to the outdoor dining areas for each restaurant.

**Motion carried, 7-0.**

**VOICE VOTE**

Yeas: Williams, Share, Boyle, Jeffares, Whipple-Boyce, Clein, Koseck

Nays: None
MEMORANDUM

DATE: August 1st, 2019

TO: Joseph A. Valentine, City Manager
    Jana Ecker, Planning Director

FROM: Chris Busen, Investigative Commander

APPROVED: Mark H. Clemence, Chief of Police

SUBJECT: S-Three Restaurant, LLC located at 117 Willits, Birmingham, is requesting to transfer ownership of a Class C liquor license with Sunday Sales (AM and PM) Permit, New Outdoor Service Area Permit, Two New Additional Bar Permits and One Direct Connection from Willits Co-License, LLC (Currently in Escrow Located at 117 Willits, Birmingham, Oakland County, Business Id No. 110557) to S-Three Restaurant, LLC to be located at 117 Willits, Birmingham, Oakland County, Michigan, issued pursuant to MCL 436.1521(A)(1)(B) from Willits Co-License, LLC, to S-Three, LLC.

INTRODUCTION:
The police department has received a request from the Law Offices of Adkison, Need, Allen, and Rentrop regarding a transfer of ownership of a Class C liquor license from Willits Co-License, LLC, located at 117 Willits, Birmingham, Oakland County, MI 48009 to S-Three Restaurant, LLC. S-Three Restaurant, LLC has paid the initial fee of $1500 for a business that serves alcoholic beverages for consumption on the premises per section 7.33 of the Birmingham City Code.

BACKGROUND:
S-Three Restaurant, LLC (“S-Three”), will do business as Slice Pizzeria (“Slice”), Shift Cocktail Bar (“Shift”) and Sidecar Slider Bar (“Sidecar”). The space was formerly operated as Mitchell’s Fish Market. Mitchell’s Fish Market closed on December 31, 2017. S-Three is requesting to transfer ownership of the Class C license from Willits Co-License LLC, located at 117 Willits, Birmingham, to S-Three. S-Three is then requesting the following permits: SDM License (beer and wine to go), Sunday Sales (AM and PM) Permit, 2 Additional Bar Permits, and Outdoor Service Area Permit (on city sidewalk).

LEGAL REVIEW:
Non-applicable

FISCAL IMPACT:
Non-applicable
SUMMARY:
Slice will be a family-friendly pizzeria, with a menu that offers items for everyone. Shift will be a high-end cocktail bar. Sidecar will be a slider bar similar to the current location in Birmingham. Slice will be open from 11:00am to 11:00pm 7 days a week, Shift will be open from 4:00pm to 2:00am 7 days a week, and Sidecar will be open from 11:00am to 2:00am 7 days a week.

Slice will have seating for 100 patrons, which includes 20 seats at the bar, and will have an outdoor dining area with seating for 54 patrons located on the city sidewalk. Shift will have seating for 49 patrons, which includes 13 seats at the bar and will have an outdoor dining area with seating for 14 patrons located on the city sidewalk. Sidecar will have seating for 67 patrons, which includes 15 seats at the bar and will have an outdoor dining area with seating for 12 patrons located on the city sidewalk.

The liquor license will be assigned from the former operator for $1.00. S-Three will invest $180,000 in the renovations of the existing building, furniture, fixtures, and equipment. S-Three has a lease with the landlord Willits Retail, LLC. The lease is for 10 years. Monthly rental payments start at $22,083.33 and are based off a Gross Sales percentage. S-Three is borrowing $40,000 from Sidecar Birmingham, LLC (via a business loan from BFS Capital) and $150,000.00 from Karen Crabill to fund the renovations and buildout. S-Three’s sole member is Stephen Simon. Simon is also the 100% member of the Sidecar Birmingham, LLC, which he has owned since May 2018, and is an 85% member of the Sidecar of Commerce, LLC, since October 2018.

<table>
<thead>
<tr>
<th>S-Three Member</th>
<th>Percentage of Interest</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stephen Simon</td>
<td>100%</td>
</tr>
</tbody>
</table>

S-Three is expecting to submit the application for the special land use permit (“SLUP”) from Willits Co-License, LLC, to S-Three in the next week.

Since the 3 separate outdoor patios are located on the City sidewalk, the Michigan Liquor Control Commission will require City Commission approval.

A background check was conducted on Stephen Simon and investor Karen Crabill. Simon and Crabill were 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). Crabill has no criminal convictions and no negative contacts with law enforcement. Simon was convicted of operating a motor vehicle while impaired on 4/10/2008.

Sidecar Commerce, LLC has a MLCC violation for passing a NSF check on 10/31/2018. They were ordered to pay a $100 fine and the license was suspended for 5 continuous days.

Sidecar Birmingham, LLC has a MLCC violation for failing to provide proof of successful completion of an alcohol server training program on 5/16/2018. They were ordered to pay a $200 fine.
ATTACHMENTS:
Non-applicable

SUGGESTED RESOLUTION:

To authorize the Chief of Police to sign the MLCC Police Investigation Report (LC-1800) and to approve the liquor license request of S-Three, LLC that requests a transfer of interest in a Class C License to be issued under MCL 436.1521(A)(1)(B) and SDM License with New Outdoor Service and Two New Additional Bar Permits located at 117 Willits, 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 S-Three, LLC approving the liquor license transfer request of S-Three, LLC that requested a Class C License be transferred under MCL 436.1521 (A)(1)(B) & SDM License with New Outdoor Service and Two New Additional Bar permits located at 117 Willits, Birmingham, Oakland County, MI 48009.
DATE: October 2, 2019
TO: City Commission
FROM: Joseph A. Valentine, City Manager
SUBJECT: Manager’s Evaluation

I request the City Commission meet in closed session to consider my personnel evaluation pursuant to Section 8(a) of the Open Meetings Act (Act 267 of 1976). A 2/3 roll call vote of the City Commission is not required to call a closed session permitted under Section 8(a).
At the regular meeting of Monday, November 11, 2019, the Birmingham City Commission intends to appoint three applicants to the Birmingham Shopping District Board to serve four-year terms to expire November 16, 2023, and one applicant to serve the remainder of a four-year term to expire November 16, 2022.

The goal of the shopping district board shall be to promote economic activity in the principal shopping districts of the city by undertakings including, but not limited to, conducting market research and public relations campaigns, developing, coordinating and conducting retail and institutional promotions, and sponsoring special events and related activities. (Section 82-97(a)) The board may expend funds it determines reasonably necessary to achieve its goal, within the limits of those monies made available to it by the city commission from the financing methods specified in this article. (Section 82-97(b)).

The ordinance states that the City Manager will make the appointment with the concurrence of the City Commission.

Interested persons may submit a form available from the city clerk’s office. Applications must be submitted to the city clerk’s office on or before noon on Wednesday, November 6, 2019. These documents will appear in the public agenda.

<table>
<thead>
<tr>
<th>Criteria/ Qualifications of Open Position</th>
<th>Date Applications Due (by noon)</th>
<th>Date of Interview</th>
</tr>
</thead>
<tbody>
<tr>
<td>Members shall be</td>
<td>11/6/19</td>
<td>11/11/19</td>
</tr>
<tr>
<td>• Representatives of businesses located in the district</td>
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<td></td>
</tr>
<tr>
<td>• Interest in property located in district</td>
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</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.
NOTICE OF INTENTION TO APPOINT TO HISTORIC DISTRICT STUDY COMMITTEE

At the regular meeting of Monday, November 11, 2019, the Birmingham City Commission intends to appoint two regular members to the Historic District Study Committee to serve a three-year term to expire June 25, 2022, and one regular member to serve the remainder of a three-year term to expire June 25, 2020.

The goal of the Historic District Study Committee is to conduct historical research regarding the proposed designation of historic landmarks or districts in the City of Birmingham.

A majority of the members shall have a clearly demonstrated interest in or knowledge of historic preservation, although city residency is not required if an expert on the potential historic district topic is not available among city residents. The committee shall include representation of at least one member appointed from one or more duly organized local historic preservation organizations. The meetings are held by resolution of the City Commission.

Interested parties may submit an application available at the City Clerk's Office on or before noon on Wednesday, July 3, 2019. Applications will appear in the public agenda at which time the commission will discuss recommendations, and may make nominations and vote on appointments.

<table>
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<th>Criteria/ Qualifications of Open Position</th>
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<tr>
<td>Members shall have a clearly demonstrated interest in or knowledge of historic preservation.</td>
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</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.
NOTICE OF INTENTION TO APPOINT TO
PUBLIC ARTS BOARD

At the regular meeting of Monday, November 11, 2019 the Birmingham City Commission intends to appoint one member to the Public Arts Board to serve the remainder of a three-year term to expire January 28, 2020, and one member to serve the remainder of a three-year term to expire January 28, 2022.

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

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

Interested citizens may apply for this position by submitting an application available from the city clerk's office. Applications must be submitted to the city clerk's office on or before noon on Wednesday, November 6, 2019. These applications will appear in the public agenda for the regular meeting at which time the commission will discuss recommendations, and may make nominations and vote on the appointments.

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

<table>
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<tr>
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<tbody>
<tr>
<td>Members shall, in so far as possible, represent a major cultural institution, a registered architect of the State of Michigan, an artist, an art historian, and an art consultant. Members may also be members of the Historic District Commission, Design Review Board, the Parks and Recreation Board, or the Planning Board. At least four members of the Board shall be residents of the City of Birmingham.</td>
<td>11/6/19</td>
<td>11/11/19</td>
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</table>
DATE: October 1, 2019

TO: Joseph A. Valentine, City Manager

FROM: Jana L. Ecker, Planning Director

SUBJECT: 2020 Initial Screening for Bistro Applicants

On September 12, 2011, the City Commission established a new process that altered the bistro application process from the previous "first come, first served" policy. The policy for the 2020 bistro license application process is as follows:

1. Deadline for the initial review of 2020 bistro applications is October 1, 2019.

2. The City Commission will consider only those initial reviews that are filed with the Planning Department on or before October 1, 2019.

All bistro applications submitted for initial review must contain only the following information in 5 pages or less:

· A brief description of the bistro concept proposed, including type of food to be served, price point, ambience of bistro, unique characteristics of the operation, if any, and an explanation of how this concept will enhance the current mix of commercial uses in Birmingham;

· Proposed location, hours of operation and date of opening;

· Name of owner/operator and outline of previous restaurant experience; and

· Evidence of financial ability to construct and operate the proposed bistro.

3. All bistro applications received by October 1, 2019 that meet the requirements outlined above will be reviewed by the City Commission on October 7, 2019 for prioritization based on the proposed bistro concept, proposed location within the City, potential impact on the City, and the capability of the proposed owner/operator. Each applicant will be given a time limit to verbally present their concepts to the City Commission. No PowerPoint presentations, display boards or other visual aids will be permitted.

4. The City Commission will prioritize all initial applications received, and will direct the top applications to the Planning Board for full site plan and design review and Special Land Use Permit review.

5. All bistro applications forwarded to the Planning Board for full review will be required to provide additional information as required for review of the bistro as a SLUP including site plans, floor plans, sample menus, interior design details, evidence of financial capability, as well as any other information requested by the Planning Board.
6. All detailed applications directed to the Planning Board from the City Commission will be reviewed during public hearings conducted during a single Planning Board meeting within 90 days of the initial review by the City Commission.

7. All bistro applications will be evaluated by the Planning Board based on the criteria set forth in Chapter 10, Alcoholic Liquors, Division 4, Selection Criteria, and up to two applications will be recommended for approval to the City Commission. All applications will be assigned a priority ranking by the Planning Board.

8. All bistro applications reviewed by the Planning Board will be forwarded to the City Commission for a detailed review and approval/denial in the order of the ranking assigned by the Planning Board.

9. The City Commission will conduct public hearings to review the selected bistro applications and determine which, if any, bistro for 2020, up to a maximum of two approvals.

Please be advised that there were no bistro applications submitted for initial review as of the end of the day on October 1, 2019.

Applicants interested in applying for a bistro license in Birmingham may participate in a second round of submissions that will be due on April 1, 2020.
STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION
NOTICE OF HEARING
FOR THE GAS CUSTOMERS OF
CONSUMERS ENERGY COMPANY
CASE NO. U-20618

- Consumers Energy Company requests Michigan Public Service Commission for a Certificate of Public Convenience and Necessity to Construct and Operate the 36-inch Mid-Michigan Pipeline between Ovid Township in Clinton County and the Chelsea Interchange Sylvan Township in Washtenaw County, Michigan.

- The information below describes how a person may participate in this case.

- You may call or write Consumers Energy Company, One Energy Plaza, Jackson, MI 49201, 517-788-0550 for a free copy of its application. Any person may review the documents at the offices of Consumers Energy Company.

- A pre-hearing will be held:

  DATE/TIME:     Friday, October 11, 2019, at 9:30 AM

  BEFORE:        Administrative Law Judge Sharon Feldman

  LOCATION:      Michigan Public Service Commission
                  7109 West Saginaw Highway
                  Lansing, Michigan 48917

  PARTICIPATION: Any interested person may attend and participate. The hearing site is accessible, including handicapped parking. Persons needing any accommodation to participate should contact the Commission's Executive Secretary at (517) 284-8090 in advance to request mobility, visual, hearing or other assistance.

The Michigan Public Service Commission (Commission) will hold a pre-hearing to consider Consumers Energy Company’s (Consumers Energy) August 23, 2019 application requesting the Commission to approve the following: 1) authority to construct and operate a 36-inch outside diameter pipeline to replace the existing Line 100A Pipeline between Consumers Energy’s Ovid Valve Site in Section 16, T7N, R1W, Ovid Township in Clinton County, and the Chelsea Interchange in Section 24, T2S, R3E, Sylvan Township in Washtenaw County (Mid-Michigan Pipeline). The Mid-Michigan Pipeline will be approximately 55.8 miles in length; 2) determine that the proposed Mid-Michigan Pipeline when constructed and in operation will serve the convenience and necessities of the public and issue an appropriate order authorizing Consumers Energy to construct and operate the proposed Mid-Michigan Pipeline; 3) the route of the proposed Mid-Michigan Pipeline and map showing the route, subject, however, to such changes in location as Consumers Energy may find necessary upon actual construction; 4) the type of construction proposed by Consumers Energy for the proposed Mid-Michigan Pipeline; and 5) other relief.

All documents filed in this case shall be submitted electronically through the Commission’s INFORMATION ONLY
E-Dockets website at: michigan.gov/mpscedockets. Requirements and instructions for filing can be found in the User Manual on the E-Dockets help page. Documents may also be submitted, in Word or PDF format, as an attachment to an email sent to: mpscedockets@michigan.gov. If you require assistance prior to e-filing, contact Commission staff at (517) 284-8090 or by email at: mpscedockets@michigan.gov.

Any person wishing to intervene and become a party to the case shall electronically file a petition to intervene with this Commission by October 4, 2019. (Interested persons may elect to file using the traditional paper format.) The proof of service shall indicate service upon Consumers Energy Company’s Legal Department – Regulatory Group, One Energy Plaza, Jackson, MI 49201.

Any person wishing to appear at the hearing to make a statement of position without becoming a party to the case may participate by filing an appearance. To file an appearance, the individual must attend the hearing and advise the presiding administrative law judge of his or her wish to make a statement of position. All information submitted to the Commission in this matter becomes public information, thus available on the Michigan Public Service Commission’s website, and subject to disclosure. Please do not include information you wish to remain private.

Requests for adjournment must be made pursuant to Michigan Office of Administrative Hearings and Rules R 792.10422 and R 792.10432. Requests for further information on adjournment should be directed to (517) 284-8130.

A copy of Consumers Energy Company’s application may be reviewed on the Commission’s website at: michigan.gov/mpscedockets, and at the office of Consumers Energy Company. For more information on how to participate in a case, you may contact the Commission at the above address or by telephone at (517) 284-8090.


[THE MICHIGAN PUBLIC SERVICE COMMISSION MAY APPROVE, REJECT, OR AMEND PROPOSALS MADE BY CONSUMERS ENERGY.]

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