



**CITY COMMISSION MEETING AGENDA
NOVEMBER 9, 2015
7:30 PM**



Municipal Building, 151 Martin, Birmingham, MI 48009

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BIRMINGHAM CITY COMMISSION AGENDA
NOVEMBER 9, 2015
MUNICIPAL BUILDING, 151 MARTIN
7:30 P.M.

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Stuart Lee Sherman, Mayor

II. ROLL CALL

Laura M. Pierce, City Clerk

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

Announcements

- The Veterans Day Ceremony will be held at 11:00 AM in Shain Park on November 11, 2015.

Recognition of Outgoing City Commissioners

- Commissioner George Dilgard
- Commissioner Tom McDaniel
- Commissioner Scott Moore
- Commissioner Gordon Rinschler

Commissioner Transition

Administration of Oath to Elected Officials

- A. Administration of Oath of Office to City Commissioners
- B. Administration of Oath of Office to Library Board Members

Organization of City Commission

- A. Election of Temporary Chair of City Commission for purposes of conducting the Mayor and Mayor Pro Tem election.
- B. Election of Mayor and Mayor Pro Tem:
 - 1. Acceptance of nominations for Mayor from City Commissioners
 - 2. Election of Mayor
 - 3. Acceptance of nominations for Mayor Pro Tem from City Commissioners
 - 4. Election of Mayor Pro Tem
- C. Oath of Office to Mayor and Mayor Pro Tem
- D. Comments by newly elected Mayor and Mayor Pro Tem
- E. Presentation to outgoing mayor Commissioner Sherman by new mayor
- F. Comments by Commissioner Sherman

INTERMISSION

- G. Appointment of _____, Mayor, to the Retirement Board.
- H. Appointment of _____, Mayor Pro Tem, to the Retirement Board.
- I. Appointment of _____, Mayor, to the Retirees Health Care Fund Committee.
- J. Appointment of _____ (Mayor or his/her assignee), to the Triangle District Corridor Improvement Authority. *Member shall be appointed by the Mayor, subject to approval by the City Commission.* (Commissioner Sherman is currently serving on the Authority.)
- K. Appointment of _____ (city commissioner), to the Foundation for Birmingham Senior Residents. *Member shall be appointed by the Mayor.* (Commissioner Hoff is currently serving on the Foundation.)

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. Approval of City Commission minutes of October 26, 2015.
- B. Approval of warrant list, including Automated Clearing House payments, of October 28, 2015 in the amount of \$1,121,116.86.
- C. Approval of warrant list, including Automated Clearing House payments, of November 4, 2015 in the amount of \$723,028.01.
- D. Resolution approving expenditure of remaining balance of Birmingham Area Cable Board grant awards to the City of Birmingham for expansion of wireless services to the park grounds of the City of Birmingham Historical Museum & Park and award project to Netch in an amount not to exceed \$48,792.35 to be funded as follows:

Network Upgrade	636-228.000-973.0400	\$48,792.35
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Further, approving the appropriations and budget amendments as follows:

Computer Equipment Fund		
Revenues:		
Cable Board Grant	636-000.000.588.0000	\$31,488.18
Draw from Fund Balance	636-000.000-400.0000	\$17,304.77
Total		\$48,792.35
Expense:		
Network Upgrade	636-228.000-973.0400	\$48,792.35
- E. Resolution authorizing the expenditure of \$25,000 from the Automobile Parking System fund promotion account (Account No. 585-538.001-901.0300) to assist the PSD in creating their proposed 2015 holiday promotional TV campaign.
- F. Resolution approving the contract for the Invasive Species Removal Project 2015 to Cardno for a total project cost not to exceed \$13,000.00. Funds are available from the Parks - Other Contractual Service account #101-751.000-811.0000 in the amount of \$12,100.00 and in the Allen House -Other Contractual Service account #101-804.002-811.0000 in the amount of \$900.00 for these services. Further, authorizing the Mayor and City Clerk to sign the agreement on behalf of the City upon receipt of all required insurances.
- G. Resolution setting a public hearing date for December 7, 2015 to consider an application for a Special Land Use Permit Amendment and Final Site Plan for ROJO and Sidecar at 250 - 280 E. Merrill, under common ownership, operating under one Class C Liquor License, owned by Rojo Five, LLC.

- H. Resolution accepting the resignation of Patricia Bordman from the Parks and Recreation Board, thanking Ms. Bordman for her service, and directing the Clerk to begin the process to fill the vacancy.

V. UNFINISHED BUSINESS

VI. NEW BUSINESS

- A. Public Hearing to consider declaring necessity for Villa Ave. paving, from Adams Rd. to Columbia Ave.
1. Resolution declaring necessity for paving Villa Ave. from Adams Rd. to Columbia Ave. and further, the public hearing of confirmation will be held on November 23, 2015. (complete Resolution in agenda packet)
- B. Resolution approving the agreement with the Acacia Park CSO Drain Drainage District to reimburse the City the district's share of the costs of replacing the Acacia Drain located on Catalpa Dr. between Edgewood Ave. and Grant St., as authorized under Change Order #1 to Contract #2-15(P), the 2015 Local Streets Paving Program.
- C. Resolution to meet in closed session to review pending litigation regarding Wolf v City of Birmingham pursuant to Section 8(e) of the Open Meetings Act.

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

VII. REMOVED FROM CONSENT AGENDA

VIII. COMMUNICATIONS

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

X. REPORTS

- A. Commissioner Reports
1. Notice of Intention to appoint members to the Corridor Improvement Authority, Board of Review and Parks and Recreation Board on December 7, 2015.
- B. Commissioner Comments
- C. Advisory Boards, Committees, Commissions' Reports and Agendas
- D. Legislation
- E. City Staff

XI. ADJOURN

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](tel:248-530-1880) por lo menos el día antes de la reunión pública. (Title VI of the Civil Rights Act of 1964).

INFORMATION ONLY

BIRMINGHAM CITY COMMISSION MINUTES
OCTOBER 26, 2015
MUNICIPAL BUILDING, 151 MARTIN
7:30 P.M.

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Stuart Lee Sherman, Mayor, called the meeting to order at 7:33 PM.

II. ROLL CALL

ROLL CALL:	Present,	Mayor Sherman Commissioner Dilgard Mayor Pro Tem Hoff Commissioner McDaniel Commissioner Moore Commissioner Nickita (arrived at 7:41 PM) Commissioner Rinschler
	Absent,	None

Administration: City Manager Valentine, City Attorney Currier, Clerk Pierce, City Planner Ecker, City Engineer O'Meara, DPS Director Wood, Finance Director Gerber, Deputy Treasurer Klobucar, Police Chief Studt, Deputy Police Chief Clemence, HR Manager Taylor, Assistant to the City Manager Haines

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

10-239-15 PROCLAMATION RECOGNIZING 50TH ANNIVERSARY OF BUSINESS OWNER MEL KAFTAN

Mayor Sherman presented a proclamation to Mel Kaftan recognizing his 50th anniversary as business owner of Kaftan Communities.

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.

10-240-15 APPROVAL OF CONSENT AGENDA

The following items were removed from the consent agenda:

- Item D (2015 fall tree purchase and planting project) by Commissioner Dilgard
- Item A (Minutes of October 12, 2015) by Mayor Pro Tem Hoff
- Item G (Special Event Request – Birmingham Street Art Fair) by Mayor Pro Tem Hoff

MOTION: Motion by Rinschler, seconded by McDaniel:

To approve the consent agenda as follows:

- B. Approval of warrant list, including Automated Clearing House payments, of October 14, 2015 in the amount of \$489,304.46.

- C. Approval of warrant list, including Automated Clearing House payments, of October 21, 2015 in the amount of \$864,679.02.
- E. Resolution approving the street light agreement between the City of Birmingham and DTE Energy regarding the installation of street lights at 2200 Holland Rd. Further, directing the Mayor to sign the agreement on behalf of the City. All costs relative to this agreement will be charged to the adjacent owner.
- F. Resolution approving the Live Scan fingerprinting system equipment upgrade purchase from Oakland County CLEMIS in the amount of \$7,985.74; further, waiving normal bidding requirements and authorizing this expenditure to the General Fund Police Department Equipment Maintenance account #101-301-000-933.0200.
- H. Resolution adopting the "Working Hours" Policy Amendment as a City policy and authorizing the HR Department to implement and enforce accordingly.

ROLL CALL VOTE: Yeas, Commissioner Dilgard
 Mayor Pro Tem Hoff
 Commissioner McDaniel
 Commissioner Moore
 Commissioner Rinschler
 Mayor Sherman
 Nays, None
 Absent, 1, Nickita
 Abstention, 1, Moore (from warrant #237759 – reimbursement)

The Commission agreed to consider Item D (2015 fall tree purchase and planting project) at this time.

10-241-15 2015 FALL TREE PURCHASE AND PLANTING PROJECT

Commissioner Dilgard noted that the caliper of the trees increased. DPS Director Wood explained that recent improvements increased the caliper of the trees to improve the stock. She confirmed for Mayor Sherman that the RFP specifies the type of trees, size, and quantity of each tree from the internally approved tree list.

MOTION: Motion by Dilgard, seconded by Rinschler:

To approve the purchase and planting of 101 trees from Greg Davis Landscape Service, Inc. for the 2015 fall tree purchase and planting project for a total project cost not to exceed \$39,150.00. Funds are available from the Local Streets Fund-Forestry Service Contract account #203-449.005-819.0000, the Major Streets Fund-Forestry Service Contract account #202-449.005-819.0000, the Local Streets Fund-Operating Supplies account #203-449.005-729.0000 and the Major Streets Fund-Operating Supplies account #202-449.005-729.0000 for these services. Further, authorizing the Mayor and City Clerk to sign the agreement on behalf of the City upon receipt of required insurances.

VOTE: Yeas, 7
 Nays, None
 Absent, None

The Commission agreed to consider Item G (Special Event Request – Birmingham Street Art Fair) at this time.

**10-242-15 SPECIAL EVENT REQUEST
BIRMINGHAM STREET ART FAIR**

Mayor Pro Tem Hoff noted that the time of set up was changed. City Manager Valentine explained that the Principal Shopping District will communicate that information to its members and note that their concerns have been addressed.

MOTION: Motion by Hoff, seconded by McDaniel:

To approve a request from Common Ground to hold the 42nd Annual Birmingham Street Art Fair on South Old Woodward on September 17 - 18, 2016, 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.

VOTE: Yeas, 7
 Nays, None
 Absent, None

V. UNFINISHED BUSINESS
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10-243-15 PARKS AND RECREATION DONOR POLICY

DPS Director Wood explained that the purpose of the donor policy is to have options for the public and a specific process to follow. She noted that the Donor Policy encompasses the Recognition Program currently in place for benches, trees, and playground equipment.

In response to a question from Mayor Pro Tem Hoff, City Manager Valentine explained the difference between the Donor Policy and Recognition Policy is that the Recognition Policy is for smaller scale items that would be placed somewhere. The Donor Policy is for the larger scale public improvement projects and sets a process for those donations.

MOTION: Motion by Rinschler, seconded by Nickita:

To approve the City of Birmingham Parks and Recreation Donor Policy as submitted.

VOTE: Yeas, 7
 Nays, None
 Absent, None

VI. NEW BUSINESS

**10-244-15 PUBLIC HEARING OF CONFIRMATION
CATALPA PAVING PROJECT SEWER LATERALS**

Mayor Sherman opened the Public Hearing of Confirmation for Special Assessment Roll No. 871, Catalpa Drive Paving Project, Sewer Laterals at 7:56 PM.

Hearing no public comment, the Mayor closed the Public Hearing at 7:57 PM.

MOTION: Motion by Hoff, seconded by McDaniel:

To confirm Special Assessment Roll No. 871, to defray the cost of installing sewer laterals on Catalpa Drive:

WHEREAS, Special Assessment Roll, designated Roll No. 867, 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 to cause payment of the cost thereof to be made at a date closer to the time of construction and Commission Resolution 10-231-15 provided it would meet this 26th day of October, 2015 for the sole purpose of reviewing the assessment roll, and

WHEREAS, at said hearing held this October 26th, 2015, all those property owners or their representatives present have been given an opportunity to be heard specifically concerning costs appearing in said special assessment roll as determined in Section 94-9 of the Code of the City of Birmingham,

NOW, THEREFORE, BE IT RESOLVED, that Special Assessment Roll No. 871 be in all things ratified and confirmed, and that the City Clerk be and is hereby instructed to endorse said roll, showing the date of confirmation thereof, and to certify said assessment roll to the City Treasurer for collection at or near the time of construction of the improvement.

BE IT FURTHER RESOLVED, that special assessments shall be payable in ten (10) payments as provided in Section 94-10 of the Code of the City of Birmingham, with an annual interest rate of four and a quarter percent (4.25%) on all unpaid installments.

VOTE: Yeas, 7
Nays, None
Absent, None

10-245-15 AUDIT PRESENTATION

Joe Heffernan and Tim St. Andrew, Plante Moran, presented the audit. Mr. Heffernan explained that the audit reviews the internal controls as it relates to financial reporting which includes receiving cash, dispersing cash, investing and management of it as well as the general ledger accounting monthly reporting.

Mr. St. Andrew explained that the City's five year forecast has helped to budget the expenditures. He explained that in looking at the general fund, the fund balance was within the Commission's fund balance policy of 17-40% of annual expenditures. He explained the governmental accounting standards implemented in 2015 and the standards to be implemented in 2018.

Mr. Heffernan explained that the component of investment and capital asset is ahead and the component on the operating and people cost is a little behind. He noted that this is quite unusual compared to other communities. The City is in much better shape than 80-90% of other communities. Clearly there will be a significantly positive net position.

MOTION: Motion by Rinschler, seconded by Dilgard:
To accept audit for the period ending June 30, 2015.

VOTE: Yeas, 7
Nays, None
Absent, None

**10-246-15 48TH JUDICIAL DISTRICT COURT
2016 BUDGET**

Jim Harkin, Court Administrator, presented the 2016 budget for the 48th District Court.

In response to a question from Mayor Pro Tem Hoff, Mr. Harkin explained that the court collects 98% of the civil infraction fines and fees as there is an active collection process to follow up on the delinquent accounts.

Commissioner Rinschler questioned the increased cost for security at the court. Mr. Harkin explained that the court contracts with the Oakland County Sheriff's Department to provide security. Commissioner Moore noted that security for the court is not the core function of the Sheriff's Department which is why there is a fee.

Mayor Sherman requested an update on the Keego Harbor lawsuit and if an accounting has been requested. Mr. Harkin explained that they are waiting for a return call from the prosecutor for an update.

MOTION: Motion by Nickita, seconded by Hoff:
To receive the 2016 proposed budget from the 48th Judicial District Court; and further, approving the budget as submitted.

VOTE: Yeas, 7
 Nays, None
 Absent, None

10-247-15 INITIAL SCREENING OF BISTRO APPLICANTS - 2016

The City Commission heard proposals from the following bistro applicants:

- Toshi, 135 North Old Woodward
- The Fun Wine Co, 588 North Old Woodward

The Commission discussed each concept and the location of each proposal. Concern was expressed with the location of Toshi as the 2016 Plan calls for retail in the core of the City. Concern was expressed with the outdoor dining and parking challenges of The Fun Wine Co.

MOTION: Motion by Rinschler, seconded by Nickita:
To direct the bistro application for The Fun Wine Co, 588 North Old Woodward, to the Planning Board for full site plan and design review and Special Land Use Permit review.

MOTION: Motion by Hoff, seconded by Dilgard:
To direct the bistro application for Toshi, 135 North Old Woodward, to the Planning Board for full site plan and design review and Special Land Use Permit review.

VOTE ON MOTION FOR THE FUN WINE CO:
 Yeas, 4 (McDaniel, Moore, Nickita, Rinschler)
 Nays, 3 (Dilgard, Hoff, Sherman)
 Absent, None

MOTION CARRIED

VOTE ON MOTION FOR TOSHI:

Yeas, 3 (Dilgard, Hoff, McDaniel)

Nays, 4 (Moore, Nickita, Rinschler, Sherman)

Absent, None

MOTION FAILED

**10-248-15 LIQUOR LICENSE TRANSFER OF MEMBERSHIP INTEREST
FOREST GRILL, 735 FOREST**

Deputy Chief Clemence explained that this is the third step in the process as the previous two steps were already approved. He explained the transfer of 50% membership interest from Elm Restaurant Group to Sammy Eid, SSE Restaurant Group. He stated that the investigation found nothing that would deny the applicants request for the transfer.

In response to a question from Mayor Pro Tem Hoff, Sammy Eid explained the improvements to the space and noted that the focus of the food will be true to Forest Grill.

MOTION: Motion by Rinschler, seconded by Nickita:

To approve the Request to Transfer 50% Membership Interest of Class C Liquor License and SDM Liquor Licenses with Sunday Sales (PM), Catering Permit, Outdoor Service Permit and Official Permit (Food) from Elm Restaurant Group, LLC (Business Id. No. 205823) located at 735 Forest, Birmingham, MI., Oakland County, to SSE Restaurant Group, LLC. Furthermore, pursuant to Birmingham City Ordinance, authorizing the City Clerk to complete the Local Approval Notice at the request of SSE Restaurant Group, LLC approving the Request to Transfer 50% Membership Interest of Class C Liquor License and SDM Liquor Licenses with Sunday Sales (PM), Catering Permit, Outdoor Service Permit and Official Permit (Food) from Elm Restaurant Group, LLC (Business Id. No. 205823) located at 735 Forest, Birmingham, MI., Oakland County, to SSE Restaurant Group, LLC.

VOTE: Yeas, 7

Nays, None

Absent, None

**10-249-15 DOWNTOWN PARKING SYSTEM EXPANSION PROJECTS
PARKING DEVELOPMENT CONSULTANT SERVICES**

City Engineer O'Meara explained that the Ad Hoc Parking Development Committee has recommended that a consultant team be hired consisting of an architect, an urban design professional, and a parking consultant to work with the Committee in regards to the Pierce Street and North Old Woodward parking structure sites in visioning, studies, and cost estimating. He noted that an RFP was issued and three firms submitted proposals. The Albert Kahn team and Victor Saroki team were interviewed.

Commissioner McDaniel commented that the Committee worked hard to come to a conclusion. Based on his experience on the Shain Park Ad Hoc Committee, the Albert Kahn group was hired to do the design work and it did not go well. He stated that Albert Kahn was the higher of the two bidders by \$12,000, given how close the point scores were, the past experience with Albert Kahn, and Saroki's knowledge of the community, he suggested that Saroki is the way to go.

Commissioner Rinschler expressed support of Commissioner McDaniel's comments. He commented that with a large firm, a small project becomes cumbersome. The parking issue is a big issue for Birmingham, but it is a relatively small project from an architectural view. He noted that Albert Kahn is a great firm to hire if there is a fairly large undertaking.

Mayor Pro Tem Hoff stated that she is a member of the Committee. The Committee worked hard and reviewed the proposals, samples and presentations. It was a difficult decision. She commented that when a Committee makes a decision and has a hard time doing it, it is not a good practice for the Commission to not listen.

Commissioner Dilgard commented that he was also on the Shain Park Committee. He gave an example on the Shain Park lighting plan and noted the lighting had to be retrofit with something that fit the community. He noted that the City would be well served with the Saroki firm.

Commissioner Nickita explained the process of the Committee and noted that it spent a lot of time on this decision.

MOTION: Motion by Hoff, seconded by Nickita:

To approve the agreement with Albert Kahn Associates, Inc., for the Downtown Parking System Expansion Projects Parking Development Consultant Services in the amount not to exceed \$67,860, charged to account number 585-538.001- 981.0100, Parking System General Capital Improvements Account. Further, to approve the appropriation and budget amendment as follows:

Auto Parking System Fund			
Revenues:			
Draw from Fund Balance	#585-000.000-400.0000	\$67,860	
Total Revenue Adjustments		\$67,860	
Expenditures:			
Major Street Public Improvements	#585-538.001-981.0100	\$67,860	
Total Expenditure Adjustments		\$67,860	

Mayor Sherman noted that he will not support the motion. He stated that the City would be remiss if it did not use the experiences of the Commissioners. With the points being so close, experience comes into play and should be relied on.

Commissioner Moore noted that he will not support the motion. He stated that he would like to take advantage of utilizing an applicant with a tremendous amount of institutional history, understanding of Birmingham, its architecture, issues, history and has been a part of it such as the Saroki firm. With the points so close, he would like to utilize the kind of expertise and cultural understanding that Saroki would bring to this project.

Commissioner Nickita stated that he will support the motion. The Committee worked hard on this. The decision was so close either team could do a credible job.

Mayor Pro Tem Hoff agreed that either contractor could do a good job. She expressed support of the Committee's decision.

VOTE: Yeas, 2 (Hoff, Nickita)
Nays, 5 (Dilgard, McDaniel, Moore, Rinschler, Sherman)

Absent, None

MOTION: Motion by McDaniel, seconded by Rinschler:

To approve the contract subject to an agreement being reached with Victor Saroki and Associates for the Downtown Parking System Expansion Projects Parking Development Consultant Services in an amount not to exceed \$55,000 and to approve the appropriation and budget amendment.

VOTE: Yeas, 6
Nays, 1 (Hoff)
Absent, None

**10-250-15 ALDEN DEVELOPMENT GROUP, LLC AGREEMENT
ACQUISITION OF LAND**

City Attorney Currier explained that when the property was rezoned, the City and Alden Group discussed the possible acquisition of a small portion of land on the south side of the development project to improve the width of the roadway to facilitate the possible Bates Street extension contemplated by the 2016 Plan. In return for the roadway, the City would create an open park parcel adjacent to the southwest corner of the Alden Development project for the purpose of creating a buffer between the project and possible Bates Street extension. He explained the details of the agreement.

MOTION: Motion by Moore, seconded by Rinschler:

To approve the Agreement and Declaration with Alden Development Group, LLC, for the acquisition of land on the south side of the Brookside Development project, and to authorize the Mayor and Clerk to execute the Agreement.

Mr. Currier explained for Mayor Pro Tem Hoff that the open park parcel is located on the southwest area adjacent to the Alden Development. Five parking spots would be turned into parkland and extend to the river. It would remain City property, but the City is agreeing to leave it as open space.

Commissioner Rinschler and Commissioner Nickita expressed support of the motion. Commissioner Nickita noted that the Bates Street extension is not only an access point for cars, but it is the connection between Old Woodward. It is important from a pedestrian standpoint to connect Bates Street to Woodward.

VOTE: Yeas, 7
Nays, None
Absent, None

**10-251-15 CLOSED SESSION REQUEST
PENDING LITIGATION**

MOTION: Motion by Nickita, seconded by Hoff:

To meet in closed session to review pending litigation regarding Wolf v City of Birmingham pursuant to Section 8(e) of the Open Meetings Act.

ROLL CALL VOTE: Yeas, Mayor Pro Tem Hoff
Commissioner McDaniel

	Commissioner Moore
	Commissioner Nickita
	Commissioner Rinschler
	Commissioner Dilgard
	Mayor Sherman
Nays,	None
Absent,	None
Abstentions,	None

VII. REMOVED FROM CONSENT AGENDA

10-252-15 CITY COMMISSION MEETING MINUTES OF OCTOBER 12, 2015

Mayor Pro Tem Hoff suggested the following addition to Resolution #10-224-15: "Mayor Pro Tem Hoff expressed support and commented that if Phase 1 is implemented, the public will see the results which may generate support for future improvements."

Mayor Pro Tem Hoff suggested the following addition to Resolution #10-226-15: "Mayor Pro Tem Hoff questioned the effect of this rezoning project on the potential Bates Street extension and the parking development project. Ms. Ecker explained the discussion that will occur at the Planning Board level which will take into account potential future projects."

Mayor Pro Tem Hoff suggested the following addition to the second paragraph on page 11 of Resolution #10-229-15: "She expressed concern that the parking spots for her clients would be used by clients of the proposed establishment."

MOTION: Motion by Moore, seconded by Rinschler:
To approve the City Commission minutes of October 12, 2015 as amended.

VOTE: Yeas, 7
Nays, None
Absent, None

VIII. COMMUNICATIONS

10-253-15 COMMUNICATIONS

The Commission received a communication from Alice Thimm regarding South Eton.

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

10-254-15 OPEN TO THE PUBLIC FOR MATTERS NOT ON THE AGENDA

Dorothy Conrad, David Young, and Stuart Jeffares thanked the four outgoing Commissioners for their service to the community.

David Bloom reviewed the history of library project.

Craig Hall expressed concern with the pan-handling in the City.

X. REPORTS

10-255-15 COMMISSIONER REPORTS

The Commission intends to appoint members to the Principal Shopping District Board on November 23, 2015.

10-256-15 COMMISSIONER COMMENTS

Commissioner Nickita and Mayor Pro Tem Hoff thanked the four outgoing Commissioners for their service to the community.

The Commission recessed to closed session at 9:58 PM.

The Commission reconvened in open session at 10:28 PM.

XI. ADJOURN

The Mayor adjourned the meeting at 10:28 PM.

Laura M. Pierce
City Clerk

City of Birmingham
Warrant List Dated 10/28/2015

Meeting of 11/09/2015

Check Number	Early Release	Vendor #	Vendor	Amount
237959		MISC	3-C PROPERTY INVESTMENTS LLC	2,500.00
237960	*	000855	48TH DISTRICT COURT	100.00
237961	*	000855	48TH DISTRICT COURT	200.00
237962	*	000855	48TH DISTRICT COURT	100.00
237963	*	000855	48TH DISTRICT COURT	200.00
237964	*	000855	48TH DISTRICT COURT	100.00
237965		MISC	651 HUMPHREY LLC	900.00
237966		002284	ABEL ELECTRONICS INC	909.99
237967		001071	AMERICAN PUBLIC WORKS ASSOC	295.00
237968		MISC	AMERICAN STANDARD ROOFING	200.00
237969		MISC	ANDREW A DUBAY	200.00
237970		000282	APOLLO FIRE EQUIPMENT	377.57
237971		001357	ART/DESIGN GROUP LTD	1,968.00
237972		000500	ARTECH PRINTING INC	252.50
237973	*	006759	AT&T	67.27
237975		MISC	BABI CONSTRUCTION INC	2,500.00
237976		003012	BATTERIES PLUS	52.17
237977		MISC	BCD CONSTRUCTION LLC	100.00
237978		MISC	BO, GIEDE BOVING	1,000.00
237979		MISC	BROWN-SCHROEDER AND COMPANY	300.00
237980		MISC	BURTON BROTHERS	500.00
237981		006380	C & S ICE RESURFACING SERVICES, INC	331.00
237982		003907	CADILLAC ASPHALT, LLC	5,878.80
237983	*	MISC	CATHY ANDERSON	143.00
237984		MISC	CHARLES SINELLI & SONS INC	100.00
237985		000605	CINTAS CORPORATION	144.56
237986		007615	CINTAS CORPORATION-K11	15.00
237987		MISC	CITI ROOFING CO	100.00
237988		006204	COLORBLENDS	5,485.73
237989	*	007625	COMCAST	390.92
237990		000979	COMERICA BANK	18,095.49
237991		MISC	CONNELL BUILDING CO LLC	2,100.00
237992		001367	CONTRACTORS CONNECTION	532.35
237993		MISC	COUNTRYSIDE CONSTRUCTION	2,500.00
237994		MISC	CUSTOM CREATIONS HARDSCAPES LL	100.00
237995	*	004386	CYNERGY WIRELESS	5,542.30
237996		MISC	D. G. INSTALLATION LLC	100.00
237997		000956	DELTA TEMP INC	656.92
237998		007359	DETROIT CHEMICAL & PAPER SUPPLY	88.06
237999	*	006077	DI PONIO CONTRACTING INC	485,178.90
238000		MISC	DJL3 LLC	2,500.00
238001		000190	DOWNRIVER REFRIGERATION	8.01
238002		000995	DSS CORPORATION	3,500.00

City of Birmingham
Warrant List Dated 10/28/2015

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Check Number	Early Release	Vendor #	Vendor	Amount
238003	*	000179	DTE ENERGY	473.95
238004	*	000180	DTE ENERGY	53,522.14
238005		003806	DTS FLUID POWER LLC	337.74
238006	*	003801	JANA ECKER	45.49
238007		MISC	EDWARD R SCHULAK REVOC LVNG TRUST	500.00
238008		000196	EJ USA, INC.	3,227.95
238009		004671	ELDER FORD	171.12
238010		MISC	ENERGY SHIELD INC	200.00
238011		000204	ERADICO SERVICES INC	35.00
238013		000207	EZELL SUPPLY CORPORATION	147.50
238014		MISC	F LAX CONSTRUCTION CO INC	500.00
238015		MISC	FOREST RIDGE CONSTRUCTION	100.00
238017		007172	GARY KNUREK INC	118.95
238018		006699	GEAR FOR SPORTS, INC	390.31
238019		004604	GORDON FOOD	282.56
238020		000243	GRAINGER	178.65
238021	*	004983	GREAT AMERICAN BUSINESS PRODUCTS	515.15
238022		MISC	GREAT LAKE CUSTOM BUILDER LLC	2,400.00
238023		MISC	GREAT LAKES ROOFING, INC	2,500.00
238025		MISC	GUERRIERI, ROBERT	2,000.00
238026		001531	GUNNERS METER & PARTS INC	910.00
238027		MISC	HANSONS WINDOW AND CONSTRUCTION INC	100.00
238028		001672	HAYES GRINDING	51.00
238029		MISC	HOERNKE, ULRICH H	933.11
238030	*	001956	HOME DEPOT CREDIT SERVICES	2,818.71
238031		007375	HOMEFIELD TURF AND ATHLETIC INC.	2,000.00
238032	*	000331	HUBBELL ROTH & CLARK INC	4,544.48
238033		001874	HUNT SIGN COMPANY	211.50
238034	*	007632	ICC CERTIFICATION RENEWALS	196.25
238035		007021	THE IDENTITY SOURCE INC.	240.36
238036		006500	INTERIOR ENVIRONMENTS	1,072.50
238037		MISC	INTERIOR SPACE MANAGEMENT OF	500.00
238038		MISC	ITALY AMERICAN CONSTRUCTION CO	200.00
238039		MISC	J F B CONSTRUCTION CO INC	100.00
238040	*	007244	CHRISTOPHER JUDKINS	55.86
238041	*	004085	KONE INC	63,662.46
238043		MISC	KROPF CONSTRUCTION CONSULTING LLC	300.00
238044		005876	KROPF MECHANICAL SERVICE COMPANY	577.50
238045		005327	L-3 GCS	54.50
238046		002767	OSCAR W. LARSON CO.	250.00
238047		MISC	LAURENS CONSTRUCTION CO IN	300.00
238048		MISC	LERMAN CORPORATION	500.00
238049		MISC	LEVICK CUSTOM HOMES INC.	200.00

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Check Number	Early Release	Vendor #	Vendor	Amount
238050		MISC	LIVE WELL CUSTOM HOMES LLC	4,400.00
238051		002606	LSI, INC.	1,400.00
238052	*	007752	LSP ELECTRIC LLC	4,800.00
238053		006622	LTM AUTO TRUCK AND TRAILER	600.00
238054		MISC	LUTTMAN, ROY	200.00
238055		MISC	LUXURY UPDATED HOMES LLC	1,100.00
238056		MISC	MAINSTREET RESTORATIONS & REMODELIN	200.00
238057		000369	MCMI	339.00
238059		MISC	MICHAEL FENBERG	430.00
238060		006433	MICHIGAN STATE POLICE	30.00
238061		007394	MICHIGAN URBAN SEARCH &	1,620.00
238062		000649	MML WORKERS' COMP FUND	40,213.00
238063		MISC	MORJARADI, FAREED	900.00
238064		MISC	MOSHER DOLAN & CATALDO	200.00
238065		001194	NELSON BROTHERS SEWER	121.00
238066		MISC	NEW ERA CONSTRUCTION INC	100.00
238067		007232	NIKE USA INC	40.00
238068	*	004755	OAKLAND CO FISCAL SVCS.41W	6,226.00
238069		002853	OAKLAND COMMUNITY COLLEGE	190.00
238070	*	000477	OAKLAND COUNTY	212,393.75
238071		000919	OAKLAND COUNTY TREASURER	1,108.75
238072		000481	OFFICE DEPOT INC	855.56
238073	*	MISC	OREN BRANDVAIN	66.93
238074		MISC	PAINE'S CUSTOM LANDSCAPE	100.00
238075		MISC	PAULSON'S CONSTRUCTION INC	100.00
238076	*	MISC	PETER LAYER	487.50
238077	*	003352	JAMIE CATHERINE PILLOW	940.50
238078		003629	PREMIUM AIR SYSTEMS INC	222.25
238079		MISC	QUALIFIED CONSTRUCTION CORP	100.00
238080		MISC	ROBERTS PLUMBING INC	40.00
238081		MISC	RONNISCH CONSTRUCTION GROUP	10,000.00
238082		001181	ROSE PEST SOLUTIONS	84.00
238083	*	007835	SARAH CHUNG	150.00
238084		007697	SAVE THE MOMENT	87.00
238085		MISC	SAYLOR BUILDING COMPANY	900.00
238086		MISC	SAYLOR, ROGER	200.00
238087		003483	SHERWIN WILLIAMS COMPANY	20.17
238088		007142	SHERWIN-WILLIAMS COMPANY	32.54
238089		MISC	SMC SERVICES LLC	100.00
238090	*	000254	SOCRRA	59,242.73
238091		005787	SOUTHEASTERN EQUIPMENT CO. INC	499.48
238092		000260	SPARTAN DISTRIBUTORS INC	236.56
238093	*	001369	SPEEDWAY SUPERAMERICA LLC	91.05

City of Birmingham
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Check Number	Early Release	Vendor #	Vendor	Amount
238094		MISC	STEFFES CONSTRUCTION CO.	1,150.00
238095		MISC	STERLING DEVELOPMENT CORP	1,400.00
238096	*	004911	VICTOR STREK	19.86
238097		006376	SUBURBAN CHRYSLER JEEP DODGE	94.50
238098		001065	SUNSHINE MEDICAL SUPPLY, INC.	224.95
238099		000273	TERMINAL SUPPLY CO.	740.52
238100		MISC	TIME CLOCK DEPOT	85.95
238101	*	002037	TOTAL ARMORED CAR SERVICE, INC.	694.01
238102		000278	TROY AUTO GLASS CO INC	225.77
238103		MISC	UNIQUE CEMENT CONSTRUCTION	100.00
238104	*	000158	VERIZON WIRELESS	85.69
238105		MISC	VERVISCH HOMES	2,000.00
238106		MISC	VERVISCH HOMES	500.00
238107		MISC	WEATHERGARD WINDOWS CO INC	100.00
238108		007374	WESTWOOD TRUST	18,487.19
238109		MISC	WOODLAKE CONSTRUCTION LLC	200.00
Sub Total Checks:				\$1,071,014.49
Sub Total ACH:				\$50,102.37
Grand Total:				\$1,121,116.86

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.

11/9/2015

City of Birmingham
ACH Warrant List Dated 10/28/2015

Vendor Name	Transfer Date	Transfer Amount
Automated Benefit Services, Inc.	10/26/2015	50,102.37
TOTAL		50,102.37

City of Birmingham
Warrant List Dated 11/04/2015

Meeting of 11/09/2015

Check Number	Early Release	Vendor #	Vendor	Amount
238110	*	000855	48TH DISTRICT COURT	100.00
238111		002284	ABEL ELECTRONICS INC	36.00
238112		001082	ABSOLUTE SALES INTERNATIONAL	756.00
238113		002909	ACOM SOLUTIONS, INC.	294.23
238114	*	007578	LORI ANDERSON-PESTA	54.00
238115		007566	ART & FRAME STATION	125.00
238116		000500	ARTECH PRINTING INC	131.50
238117		001843	ASCE/MEMBERSHIP	253.00
238118	*	006759	AT&T	83.80
238119	*	007216	AT&T	145.00
238120		002702	B & B GREASE TRAP & DRAIN	85.00
238122		003012	BATTERIES PLUS	319.43
238123		007345	BEVERLY HILLS ACE	91.77
238124		007624	BIRMINGHAM OIL CHANGE CENTER, LLC	30.72
238125		006337	BRADFORD & MARZEC LLC	8,859.19
238126	*	003282	LISA MARIE BRADLEY	172.50
238127		007753	CARL WALKER, INC.	4,095.00
238128		007259	CENTERLINE INDUSTRIAL FAB, INC	4,112.00
238129		002067	CENTRAL PARKING SYSTEM	2,430.00
238130		000603	CHEMCO PRODUCTS INC	232.00
238131		000605	CINTAS CORPORATION	36.46
238132		004188	COFFEE BREAK SERVICE, INC.	172.00
238133	*	007625	COMCAST	125.00
238134	*	007774	COMCAST BUSINESS	623.47
238135		002668	CONTRACTORS CLOTHING CO	437.41
238136		004386	CYNERGY WIRELESS	277.25
238137		000565	DORNBOS SIGN & SAFETY INC	313.82
238138		000190	DOWNRIVER REFRIGERATION	8.22
238139	*	000179	DTE ENERGY	6,356.23
238140		000196	EJ USA, INC.	1,523.12
238141		001495	ETNA SUPPLY	1,100.00
238142	*	002008	TIM EXELBY	340.91
238143		006654	FLEETPRIDE INC	123.42
238144		007314	FLEIS AND VANDENBRINK ENG. INC	22,588.55
238145		002510	GAMCO INVESTORS INC	20,642.00
238146		006384	GISI	234.30
238147		004604	GORDON FOOD	172.72
238148	*	007827	HAILEY KASPER	145.00
238149		000261	J.H. HART URBAN FORESTRY	30,760.85
238150		006656	HOLBEN ENVIRONMENTAL SERVICES	300.00
238151		007375	HOMEFIELD TURF AND ATHLETIC INC.	9,400.00
238152		000331	HUBBELL ROTH & CLARK INC	24,244.46
238153		002407	J & B MEDICAL SUPPLY	998.89

City of Birmingham
Warrant List Dated 11/04/2015

Meeting of 11/09/2015

Check Number	Early Release	Vendor #	Vendor	Amount
238154	*	007573	JILL JAEGER	498.00
238155		003458	JOE'S AUTO PARTS, INC.	27.32
238156		003472	JOHN DEERE LANDSCAPES, INC	86.09
238157		005550	LEE & ASSOCIATES CO., INC.	130.00
238158	*	007357	LAURA LEPZINSKI	187.00
238159	*	003945	SANDRA LYONS	352.50
238160		MISC	MARTINO ENTERPRISES INC	85.00
238161	*	004663	MGIA	149.00
238162		003099	MICHIGAN POLICE EQUIP.	4,539.00
238163		001194	NELSON BROTHERS SEWER	1,340.00
238164		001864	NOWAK & FRAUS ENGINEERS	34,777.04
238165		006359	NYE UNIFORM COMPANY	646.30
238166	*	001686	OAKLAND CO CLERKS ASSOC	60.00
238167		004370	OCCUPATIONAL HEALTH CENTERS	108.25
238168		000481	OFFICE DEPOT INC	410.25
238169		007447	ON-SITE TESTING SPECIALISTS, INC.	529.50
238170		006027	PENCHURA, LLC	199.30
238171	*	001753	PEPSI COLA	283.17
238172		000897	PRINTING SYSTEMS INC	2,185.90
238173		001062	QUALITY COACH COLLISION LLC	11,410.63
238174	*	001045	R. S. CONTRACTING INC	14,356.66
238175	*	007068	RICOH USA INC.	581.27
238176	*	003554	RKA PETROLEUM	10,885.07
238177		001181	ROSE PEST SOLUTIONS	70.00
238178		000230	MIKE SAVOIE CHEVROLET INC	12.24
238179		002474	SIG SAUER, INC.	415.00
238180		005238	SUNTEL SERVICES	3,761.50
238181	*	MISC	TOTAL TEAM SERVICES	440.00
238182		000155	TYCO INTEGRATED SECURITY LLC	693.91
238183		002336	VALUE TRENDS INC	9,500.00
238184	*	000158	VERIZON WIRELESS	867.43
238187		000969	VIGILANTE SECURITY INC	87.50
238188		005231	WALKER RESTORATION CONSULTANTS	7,792.07
238189		007362	WINTERGREEN CORPORATION	1,226.31

City of Birmingham
Warrant List Dated 11/04/2015

Meeting of 11/09/2015

Check Number	Early Release	Vendor #	Vendor	Amount
Sub Total Checks:				\$252,023.43
Sub Total ACH:				\$471,004.58
Grand Total:				\$723,028.01

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.

11/9/2015

City of Birmingham
ACH Warrant List Dated 11/4/2015

Vendor Name	Transfer Date	Transfer Amount
Birmingham Schools	10/29/2015	107,697.39
Oakland County Treasurer	10/29/2015	152,198.36
Automated Benefit Services, Inc.	11/2/2015	211,108.83
TOTAL		471,004.58



MEMORANDUM

Information Technology Department

DATE: October 30, 2015

TO: Joseph A. Valentine, City Manager

FROM: Gary M. Gemmell, IT Manager

SUBJECT: Historical Museum and Park Wi-Fi Connectivity Enhancements

Background:

Using grant funding, in 2006, five (5) access points were deployed within City Hall to support operational needs of an Emergency Operations Center. Subsequently, in 2008, access points were purchased to principally support wireless telephone usage at the Historical Museum.

Between October 2013 and October 2015 grant requests were approved by the Birmingham Area Cable Board (BACB) to fund replacement of the above mentioned obsolete wireless access points. Further, the number of access points at City Hall was expanded from the original five (5) legacy access points needing replacement to a total of fifteen (15) modern access points. The additional ten (10) were also purchased using grant funding in support of City desire for expanded coverage to principally benefit the public by provisioning comprehensive Wi-Fi everywhere within City Hall. In the years following legacy access point purchases, before 2013, the City additionally expanded Wi-Fi to include some park, recreational facilities, and other City buildings. Each installed access point remains viable for the foreseeable future.

In summary, the City Commission approved IT Department purchases for provisioning Wi-Fi coverage at various City locations. Below is a listing of where City Wi-Fi coverage is presently provided:

- City Hall
- Department of Public Services administrative office area and conference room
- Lincoln Hills and Springdale golfing clubhouses
- Ice Arena (front lobby area and area of observation stand)
- Adams Fire Station (vehicle communication with private side City network from apparatus bay)
- Shain Park
- Historical Museum (Allen House and Hunter House)

Currently requested public Wi-Fi service expansion:

In support of Birmingham Historical Museum and Park planning for technological services that require public Wi-Fi to support components of their strategic planning, the IT Department has investigated technological approaches, costs, and possible grant funding sources. On August 19, 2015 the BACB approved a grant request in the total amount of \$31,488.18. It was understood that a very modest amount from this total would be reimbursement to the City for the costs of minor already completed aspects of the project. These minor expenses were within IT Department spending approval authority, such as, spending for a study to determine how to engineer coverage of the grounds at the least cost. More substantially, the bulk of the provided grant funding is intended to pay for actually funding equipment and labor necessary to

provision Wi-Fi to the park, pending Commission approval to proceed with purchase for this aspect. A breakdown of funds received and expenditure status is shown below:

Phase 2, Replacement of interior Wi-Fi access point (Hunter House), Netch actual charge as invoiced and paid.	\$887.60
Phase 3, Site survey for Museum Park, Netch actual charge as invoiced and paid.	\$1,240.00
Phase 4, Provision Wi-Fi to Museum Park, if expenditure of grant funds is approved by City Commission, Netch quotation 012946.	\$29,360.58
Total Grant Funds Received from BACB	\$31,488.18

Furthermore, on August 19 2015, the BACB was advised of City intent to make a further very near future pending request for additional and final project grant funding, following further vetting to determine how to best provide wireless coverage to an additional area of the grounds. The IT Department thought it would be prudent to vet different approaches to find the least cost approach that would accomplish the goal of extending coverage to a highly desired prime view of the park's pond at the north most area of the pond perimeter just south of Willits Street. This aesthetically premium location of high value to the Museum would present a significant Information Technology cost challenge, due to heavy tree density that is certain to prevent wireless signal from reaching from other access points to the south, as would be implemented by Phase 4. We know with certainty wireless signal cannot pass from the south per engineering measurement of signal strength that would result from specifications associated with Phase 4 equipment that was designed to cover the greatest area of the rear grounds south of the Museum. The BACB was advised further vetting of alternative solutions would take place and the IT Manager would plan to submit a final request at a near future date. Technical vetting of options was completed and a secondary final quote was provided to achieve coverage of the northern area of the pond perimeter at least cost. The workable solution would have to be a pole mounted access point to be placed at the northern approach to the pond, where the prime pond view is situated. On October 21, 2015, the BACB unanimously voted to approve the requested additional grant funding, in the amount of \$19,431.77, for Phase 5, coverage north of pond.

Grant funded implementation of Phase 4 and Phase 5 construction would be the capstone of Wi-Fi infrastructure improvements. The enhancements more fully allow the Museum to proceed to implement electronic information delivery components using modern approaches to information delivery, which serve to better educate and inform the public of their historical past.

As attached, please find the City of Birmingham's wireless and networking support vendor, Netch's cost quotations. There are individual titled quotes from Netch covering both Phase 4 ("City of Birmingham Outdoor Wireless Quotation") and Phase 5 ("City of Birmingham Outdoor Wireless – North of the Pond"). The City IT Department and Museum have reviewed the quotations finding them to be comprehensive in scope to accomplish the tasks described internally as Phase 4 and Phase 5, for desired coverage of the park grounds. Both quotes encompass the full cost for information technology related wireless products, technical labor, and rather significant installation services inclusive of all necessary construction related costs:

digging, directional boring, conduit, cable, cement work and sod restoration to erect two 20 foot poles to place a wireless access point atop each, as would be placed in the required locations to support desired coverage at the least cost.

With respect to required poles, both technical requirements and aesthetics have been carefully considered by both the IT Department and the Museum. Due to coverage requirements, topography, and tree density surrounding the pond, one pole needs to be placed somewhat close to the pond and located somewhat south-west in relation to the pond. The other pole needs to be located north of the pond and south of Willets Street. The Willets Street access point is intended to provide coverage to the most aesthetically pleasing view of the park pond area as a complement to present and future improvements being considered by the Museum.

Notably, there is a street light across Willets Street that presently provides lighting. While, there is a lighting option for a pole, one would not be necessary at this location. On the other hand, a solar lighted lamp is planned to sit atop the other pole. For the other pole location in the yard, erecting a combination purpose twenty foot solar powered pole lamp to hold the wireless access point makes sense. The pole lamp can both illuminate the area at night and provide the desired technical specifications to support Wi-Fi coverage. As evidenced by the attached quotation, the recommended solar lighted pole with access point option is quoted at \$25,198.98, inclusive of providing a very desirable solar lamp on the pole. The addition of the solar powered light is further desired for its ancillary public safety value and for rendering something otherwise modestly unsightly into an asset that will actually enhance the aesthetics of the park by adding solar powered lighting in the evening.

The City of Birmingham Museum Board reviewed both the lighted and unlighted pole options as offered and approved moving forward with planning to implement wireless enhancements and by desire for selection of the lighted pole option at its May 7, 2015 meeting. The cost for the utilitarian pole option (no light on pole) would total \$22,722.94. Therefore, the lighted option at a total of \$25,198.98 is recommended and requested.

With further review, we found the projected coverage to be somewhat lacking behind the Hunter House. Also, some coverage was running shy of the pond shoreline to the southerly direction. As such, it was determined that an access point would need to be mounted at the back of the Hunter House. The cost of all materials and labor is a modest \$4,161.60. Therefore, by sum, the total requested and approved grant amount for Phase 4 is \$29,360.58.

Pricing inclusive of all equipment and labor for respective Phases 4-5 is summarized below:

Phase 4, Provision Wi-Fi to Museum park, Netech quotation 012946.	\$29,360.58
Phase 5, Provision Expanded Outdoor Wireless – North of the Pond, Netech quotation 022320.	\$19,431.77
Total	\$48,792.35

In conclusion, for the purposes of planning, investigative developments, and implementation particulars, the overall project to upgrade and further enhance City wireless has been broken into phases, with Phases 1-3 already fully implemented and paid for by previous grants from the BACB and as required by obtaining approvals from the City Commission to proceed by purchase from Netech. At this time, the IT Department is requesting authorization to spend

more recent grant award funding for purpose of engaging Netech to implement both Phases 4 and Phase 5 at the same time before the end of the construction season. The construction season is quickly winding down. There is desire to begin implementation before cold weather may be problematic. Considering the limited construction time left in the season when further considering the time it might take before construction could begin due to equipment inventory and manufacturer ship times, next followed by consideration of reasonable timing for Netech to successfully schedule their construction related subcontractor following vendor receiving their order of equipment, it seems prudent to start construction as soon as possible. For that reason, the IT Department believes it may be counterproductive to wait for the BACB to send the final approved grant funds that would then further need to be transferred from a revenue account to an expense account to make purchases from. Therefore, a draw from the Computer Equipment Fund balance in the amount of \$17,304.17 is recommended to assure timeliness of construction effort in consideration of construction season challenges that may otherwise present.

Netech has been the City vendor for all other City wireless projects and they are uniquely knowledgeable about the City networking infrastructure for being a long term partner for implementing similar technology on behalf of the City. Significantly, Netech has been the past successful low bidder when the City sought bids for separate unrelated networking projects to connect sites with fiber optic communications equipment, provide replacement switching hardware, and provide newer equipment to meet switching requirements of new phone system. More recently, Netech has provisioned all other wireless hardware for wireless hotspot expansions within the City buildings and parks. Netech has longstanding existing knowledge of the City computer network system and is a well qualified Cisco equipment partner. The City is eligible to receive Netech extendable contract pricing that provides for a 50% discount on labor and a 35% discount off Cisco list prices, based on a MICTA contract price.

Suggested Resolution:

To approve expenditure of remaining balance of Birmingham Area Cable Board grant awards to the City of Birmingham for expansion of wireless services to the park grounds of the City of Birmingham Historical Museum & Park and award project to Netech in an amount not to exceed \$48,792.35 to be funded as follows:

Network Upgrade account 636-228.000-973.0400	\$48,792.35
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Further, to approve the appropriations and budget amendments as follows:

Computer Equipment Fund

Revenues:

Cable Board Grant account 636-000.000.588.0000	\$31,488.18
Draw from Fund Balance account 636-000.000-400.0000	<u>\$17,304.77</u>
Total	\$48,792.35

Expense:

Network Upgrade account 636-228.000-973.0400	\$48,792.35
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City of Birmingham Outdoor Wireless Quotation

012946 Version 1
8/13/2015

Submitted by:

Scott Sutherland
248-773-0490 (office)
ssutherland@netechcorp.com

Todd Steichen
248.679.3241 (office)
tsteichen@netechcorp.com

Jessie Hug
248.679.3259 (office)
jhug@netechcorp.com

This quotation includes coverage of the outdoor area north of the Museum to Willits Street, the outdoor area West of the pond, the outdoor area north of the Hunter House to the south end of the pond.

Part Number	Description	Qty	Price	Ext. Price
APs #1 & #2 - Light Fixture & Museum				
210	Directional Boring	130	\$28.73	\$3,734.90
245	Cable Placement In New Conduit	150	\$2.88	\$432.00
280	Restoral (Replacement of grass & dirt)	135	\$5.33	\$719.55
283	Placement of 20' Lightpost (including concrete base)	1	\$7,088.31	\$7,088.31
285	Building Entrance (Painting conduit to match and cores through siding)	1	\$387.62	\$387.62
850	ISP Engineering - Office	1	\$83.12	\$83.12
830	ISP/Conduit Installation	16	\$126.28	\$2,020.48
510	Outside Plant Materials (20' Lightpost & Lightfixture)	1	\$6,365.93	\$6,365.93
Nema 4X	Waterproof Outdoor Enclosure	1	\$222.17	\$222.17
AIR-CAP2702E-A-K9	802.11ac CAP w/CleanAir; 3x4:3SS; Ext Ant; A Reg Domain	1	\$776.75	\$776.75
SWAP2700-CMB-A1-K9	Cisco 2700 Series Combined Unified and Autonomous (xxxxx) SW	1	\$0.00	\$0.00
AIR-AP-BRACKET-1	802.11n AP Low Profile Mounting Bracket (Default)	1	\$0.00	\$0.00
AIR-AP-T-RAIL-R	Ceiling Grid Clip for Aironet APs - Recessed Mount (Default)	1	\$0.00	\$0.00
AIR-ANT2544V4M-R=	2.4GHz 4dBi/5GHz 4dBi Multi Mount Omni Ant. 4-port RP-TNC	1	\$519.35	\$519.35
AIR-CAP1532E-A-K9	802.11n Low-Profile Outdoor AP, External Ant., A Reg Dom.	1	\$971.75	\$971.75
S1G3K9W7-15303JA	Cisco 1530 Series IOS WIRELESS LAN	1	\$0.00	\$0.00
SWAP1530-CMB-A1-K9	Cisco 1530 Series Combined Unified & Autonomous SW	1	\$0.00	\$0.00
AIR-ANT2547VG-N=	2.4 GHz 4dBi/5 GHz 7dBi Dual Band Omni Ant., Gray, N conn.	2	\$226.85	\$453.70
AIR-PWRINJ1500-2=	1520 Series Power Injector	1	\$161.85	\$161.85
NETLABOR	Netech Labor	6	\$155.00	\$930.00
CBLE	Outdoor Flooded CAT6 cable - (1) spool	1	\$331.50	\$331.50

APs #1 & #2 - Light Fixture & Museum Subtotal: **\$25,198.98**

APs #1 & #2 - Flag Pole & Museum				*Optional
210	Directional Boring	130	\$28.73	\$3,734.90
245	Cable Placement In New Conduit	150	\$2.88	\$432.00
280	Restoral (Replacement of grass & dirt)	135	\$5.33	\$719.55
283	Placement of 20' Lightpost (including concrete base)	1	\$7,088.31	\$7,088.31
285	Building Entrance (Painting conduit to match and cores through siding)	1	\$387.62	\$387.62
850	ISP Engineering - Office	1	\$83.12	\$83.12
830	ISP/Conduit Installation	16	\$126.28	\$2,020.48
510	Outside Plant Materials (20' Flagpole)	1	\$3,889.89	\$3,889.89
Nema 4X	Waterproof Outdoor Enclosure	1	\$222.17	\$222.17
AIR-CAP2702E-A-K9	802.11ac CAP w/CleanAir; 3x4:3SS; Ext Ant; A Reg Domain	1	\$776.75	\$776.75
SWAP2700-CMB-A1-K9	Cisco 2700 Series Combined Unified and Autonomous (xxxxx) SW	1	\$0.00	\$0.00
AIR-AP-BRACKET-1	802.11n AP Low Profile Mounting Bracket (Default)	1	\$0.00	\$0.00
AIR-AP-T-RAIL-R	Ceiling Grid Clip for Aironet APs - Recessed Mount (Default)	1	\$0.00	\$0.00

Part Number	Description	Qty	Price	Ext. Price
APs #1 & #2 - Flag Pole & Museum				*Optional
AIR-ANT2544V4M-R=	2.4GHz 4dBi/5GHz 4dBi Multi Mount Omni Ant. 4-port RP-TNC	1	\$519.35	\$519.35
AIR-CAP1532E-A-K9	802.11n Low-Profile Outdoor AP, External Ant., A Reg Dom.	1	\$971.75	\$971.75
S1G3K9W7-15303JA	Cisco 1530 Series IOS WIRELESS LAN	1	\$0.00	\$0.00
SWAP1530-CMB-A1-K9	Cisco 1530 Series Combined Unified & Autonomous SW	1	\$0.00	\$0.00
AIR-ANT2547VG-N=	2.4 GHz 4dBi/5 GHz 7dBi Dual Band Omni Ant., Gray, N conn.	2	\$226.85	\$453.70
AIR-PWRINJ1500-2=	1520 Series Power Injector	1	\$161.85	\$161.85
NETLABOR	Netech Labor	6	\$155.00	\$930.00
CBLE	Outdoor Flooded CAT6 cable - (1) spool	1	\$331.50	\$331.50

APs #1 & #2 - Flag Pole & Museum *Optional Amount: **\$22,722.94**

Outdoor AP #3 - Hunter House				
830	ISP/Conduit Installation & Materials	1	\$2,333.33	\$2,333.33
Nema 4X	Waterproof Outdoor Enclosure	1	\$222.17	\$222.17
AIR-CAP2702E-A-K9	802.11ac CAP w/CleanAir; 3x4:3SS; Ext Ant; A Reg Domain	1	\$776.75	\$776.75
SWAP2700-CMB-A1-K9	Cisco 2700 Series Combined Unified and Autonomous (xxxxx) SW	1	\$0.00	\$0.00
AIR-AP-BRACKET-1	802.11n AP Low Profile Mounting Bracket (Default)	1	\$0.00	\$0.00
AIR-AP-T-RAIL-R	Ceiling Grid Clip for Aironet APs - Recessed Mount (Default)	1	\$0.00	\$0.00
AIR-ANT2544V4M-R=	2.4GHz 4dBi/5GHz 4dBi Multi Mount Omni Ant. 4-port RP-TNC	1	\$519.35	\$519.35
NETLABOR	Netech Labor	2	\$155.00	\$310.00

Outdoor AP #3 - Hunter House Subtotal: **\$4,161.60**

Outdoor Wireless Quotation - PHASE 1

Prepared by:

Netech

Scott Sutherland
248-773-0490
Fax 248-773-0451
ssutherland@netechcorp.com

Inside Sales Rep

Todd Steichen
248.679.3241
tsteichen@netechcorp.com

Prepared for:

City of Birmingham

151 Martin
Birmingham, MI 48012
Gary Gemmell
ggemmell@bhamgov.org

Information:

Ref ID: 012946

Version: 1
Delivery Date: 08/13/2015
Expiration Date: 06/19/2015

Summary

Description	Amount
APs #1 & #2 - Light Fixture & Museum	\$25,198.98
Outdoor AP #3 - Hunter House	\$4,161.60

Total: \$29,360.58

*Options

Description	Amount
APs #1 & #2 - Flag Pole & Museum	\$22,722.94

Taxes, shipping, handling and other fees may apply. We reserve the right to cancel orders arising from pricing or other errors.

Product will be invoiced when delivered.

Signature

Date



City of Birmingham Outdoor Wireless - North of the Pond

022320 Version 1
10/1/2015

Submitted by:

Scott Sutherland
248-773-0490 (office)
ssutherland@netechcorp.com

Todd Steichen
248.679.3241 (office)
tsteichen@netechcorp.com

Jessie Hug
248.679.3259 (office)
jhug@netechcorp.com

Part Number	Description	Qty	Price	Ext. Price
Products				
Outdoor Wireless -North of Pond	Price includes pole and fixture. NOTE: Price does NOT include cost of permit.	1	\$16,360.80	\$16,360.80
Nema 4X	Waterproof Outdoor Enclosure	1	\$222.17	\$222.17
AIR-CAP1532E-A-K9	802.11n Low-Profile Outdoor AP, External Ant., A Reg Dom.	1	\$971.75	\$971.75
S1G3K9W7-15303JA	Cisco 1530 Series IOS WIRELESS LAN	1	\$0.00	\$0.00
SWAP1530-CMB-A1-K9	Cisco 1530 Series Combined Unified & Autonomous SW	1	\$0.00	\$0.00
AIR-ANT2547VG-N=	2.4 GHz 4dBi/5 GHz 7dBi Dual Band Omni Ant., Gray, N conn.	2	\$226.85	\$453.70
AIR-PWRINJ1500-2=	1520 Series Power Injector	1	\$161.85	\$161.85
NETLABOR	Netech Labor	6	\$155.00	\$930.00
CBLE	Outdoor Flooded CAT6 cable - (1) spool	1	\$331.50	\$331.50

Products Subtotal: **\$19,431.77**

Outdoor Wireless - North of the Pond

Prepared by:

Netech

Scott Sutherland
248-773-0490
Fax 248-773-0451
ssutherland@netechcorp.com

Inside Sales Rep

Todd Steichen
248.679.3241
tsteichen@netechcorp.com

Prepared for:

City of Birmingham

151 Martin
Birmingham, MI 48012
Gary Gemmell
ggemmell@bhamgov.org

Information:

Ref ID: 022320

Version: 1
Delivery Date: 10/01/2015
Expiration Date: 11/30/2015

Summary

Description	Amount
Products	\$19,431.77

Total: \$19,431.77

Taxes, shipping, handling and other fees may apply. We reserve the right to cancel orders arising from pricing or other errors.

Product will be invoiced when delivered.

Signature

Date



MEMORANDUM

ENGINEERING DEPARTMENT /
PRINCIPAL SHOPPING DISTRICT

DATE: October 30, 2015

TO: Joseph A. Valentine, City Manager

FROM: Austin Fletcher, Assistant City Engineer
John Heiney, PSD Executive Director

SUBJECT: 2015 PSD Holiday Advertising Campaign
Parking Fund Contribution

For the past several years, the Advisory Parking Committee (APC) has been approached by the PSD to participate in the funding to help cover the cost of their holiday season promotional advertising campaign, which includes print and television ads. Examples of last year's television ads can be found at <http://www.enjoybirmingham.com/visitors/index.php>. The Parking System budget has a line item (which historically has been \$15,000) for activities that promote the parking system that has been used to assist the PSD in their promotional activities. In addition to highlighting local businesses, the advertisements will also promote the popular "2 Hours Free Parking in the Decks" program. In the past, the PSD requested \$15,000 which the APC endorsed, and expenditure was approved by the City Commission. The past two (2) years the PSD asked the parking fund to contribute \$25,000.

For 2015 the PSD has again approached the APC to consider participation in the planned upcoming advertising campaign at the higher level (\$25,000). The approved budget for the current fiscal year for the parking system includes a line item of \$15,000 for promotion of the City's parking system. The APC considered this request at their regular meeting on October 21, 2015, and the following recommendation was passed:

To recommend to the City Commission the expenditure of \$25,000 from the Automobile Parking System fund promotion account (Account No. 585-538.001-901.0300) to assist the PSD in creating their proposed 2015 holiday promotional TV campaign.

Additional detail regarding the proposed advertising campaign is provided on the attachments to this report.

SUGGESTED RESOLUTION:

To authorize the expenditure of \$25,000 from the Automobile Parking System fund promotion account (Account No. 585-538.001-901.0300) to assist the PSD in creating their proposed 2015 holiday promotional TV campaign.



MEMORANDUM

Engineering Department

DATE: October 13, 2015

TO: Advisory Parking Committee

FROM: Austin W. Fletcher, Assistant City Engineer

SUBJECT: PSD Holiday Parking

The Principle Shopping District (PSD) has approached the Engineering Department regarding the attached proposal for participation in the 2015 Holiday TV Campaign. They think it will be very advantageous to the downtown merchants and to the City's parking system to promote a convenient parking message during this busy shopping season. In the past, the APC has participated in a similar campaign for \$15,000. The past two (2) years, that amount was raised to \$25,000. This year, the PSD has again requested \$25,000 from the parking system. The details of this request are attached.

The City's approved budget for the FY2015/2016 has allocated \$15,000 in the Automobile Parking Fund for promotion of the City's Parking System. To date, none of the budgeted funds have been spent.

A suggested resolution is given below if the Committee is inclined to recommend approval of the suggested expenditure.

SUGGESTED RECOMMENDATION:

To recommend to the City Commission the expenditure of \$25,000 from the Automobile Parking System fund promotion account (Account No. 585-538.001-901.0300) to assist the PSD in creating their proposed 2015 holiday promotional TV campaign.

MEMORANDUM

DATE: October 12, 2015

TO: Paul O'Meara, City Engineer

FROM: John Heiney, PSD Executive Director

SUBJECT: Birmingham PSD Holiday Television Advertising Commitment

Once again this year, the Birmingham Principal Shopping District will air holiday television advertising campaign. This year, we are planning to air on WXYZ TV Channel 7 and on local Comcast cable channels.

We will use the five vignette ads that were produced two years ago, which highlight the downtown shopping, dining and spa experience. Each of the ads will promote the popular "2 Hours Free Parking in the Decks" program, as they have in years past. The goal of the ads is to drive traffic to downtown Birmingham, benefitting merchants and the parking system. The ads will feature and all-new branding campaign, which will include a dedicated logo for our parking message.

This year the Principal Shopping District is committing a total of \$35,000 for this campaign. We are once again asking Advisory Parking Committee to approve a \$25,000 commitment from the parking fund for the campaign. This would be the third year of commitment at this level.

With your commitment, there will be approximately 100 x 30-second ads, and 13 x 60 second "live vignettes." This would result in an increase in the frequency and reach of the advertising campaign.

The vignettes will provide a strong push for the parking system, as the host will close out every segment with a strong statement about parking in Birmingham. These 30 second ads will feature a graphic at the end of the spot highlighting "2 Hours Free Parking in the Decks", plus we will incorporate our new branding for the shopping district, with a specific parking logo.

We request that the Advisory Parking Committee to recommend this expenditure in support of the PSD holiday television campaign.



MEMORANDUM

Department of Public Services

DATE: October 27, 2015

TO: Joseph A. Valentine, City Manager

FROM: Lauren A. Wood, Director of Public Services

SUBJECT: Invasive Species Removal Project 2015

Sealed bids were opened on Tuesday, October 13, 2015 for the cost to remove invasive species at the Museum Pond and Woodlands and at Quarton Lake Park. The request for proposals was advertised on the Michigan Inter-governmental Trade Network (MITN) purchasing system. Five bidders responded. The result of the sealed bids follows in the table below.

Bidder	Bid Amount	Complete Bid
Natural Community Services	\$9,984.00	No
Cardno	\$13,000.00	Yes
Wildtype	\$30,810.00	Yes
Weed Eraser, Inc.	\$37,075.00	Yes
Poison Ivy Control of Michigan	\$39,672.00	Yes

This project includes removal of the woody invasive species including common buckthorn, box elder, tree of heaven, Japanese knotweed, common privet, honeysuckle and poison ivy. The cut and treat method will be used this fall to treat the woody invasive shrubs and vines and the foliar applications will be done in the spring of 2016. This project will address invasive species located on the Historical Museum and Park property, more specifically, south of Willits street, east of the Rouge River, north of Maple, adjacent to the Historical Museum, and also around the pond located on the Museum park grounds and at Quarton Lake Park. The total acreage for these locations is approximately 5.3 acres. All invasive material will be cut down, spot treated, stacked, chipped and removed from the above referenced locations. Work will begin this winter with completion by spring (June of 2016).

Over the years, there have been other similar projects at various City properties which involve invasive species removal during the care and maintenance of the trail system, other City properties including parks. Such projects included the annual River Day, buckthorn removal along the trail and the regular treatment of poison ivy. Since the recent development of Invasive Species Management Plans by the Historical Museum and Department of Public Services such work at the various sites are being implemented as part of this project award. Invasive species removals are site specific and include spot treatment of such woody invasive species. Treatment does not involve a mass treatment using a large quantity of approved chemicals, but specific spot treatments to the cut material.

The Contractor shall be duly licensed by the Michigan Department of Agriculture with a Commercial Pesticide Applicators License. All products specified are approved by the State of Michigan. Treatment is not a mass application to the site, but applied to each individual plant. The invasive species are identified, cut and the majority of the brush is removed. Then the Contractor applies the treatment with an applicator sponge to each wound or cut plant. The material is absorbed through the root system and the treated cut dries fairly quickly. The project area is specific and treatment is to eliminate future growth of this invasive material.

In 2014, a Habitat Restoration Management plan was put together by Native Connections for Quarton Lake Park upon the request of the Department of Public Services. This plan provides recommendations on the management of invasive plant species and native plant communities at Quarton Lake Park. Listed as a high priority in this plan's recommendations include the removal of common buckthorn prominent along the west shoreline of Quarton Lake. Also listed as a high priority for removal are tree of heaven and Japanese knotweed. Lesser priority species according to the plan include box elder, honeysuckle and common privet. Each of these species is included in this removal project. This work prepares Quarton Lake Park for the upcoming grant project which plants new native materials in order to replenish native species around the park.

Additionally, the Historical Museum had a plan put together by ecoChic landscape design inc in the spring of 2015 to address the invasive species located around the pond on Museum park property and the along the brush line to the west. Common buckthorn, oriental bittersweet, (both high priority) box elder, and privet (medium priority) were identified. Each of these species was included in this request for proposals for removal as well. The total amount to remove the invasive species around the museum pond and west brush line is \$900. Funds have been allocated by the Historical Museum to treat this area. Also included in this request is the remainder of the area adjacent to the Museum property, along the Rouge River trail system, the wooded area adjacent to the Museum grounds between Maple and Willits, east of the Rouge River. Oriental bittersweet has been identified in this area along with buckthorn and poison ivy.

As a collaborative effort, it should be noted this project will address a portion of both management plans and there are additional invasive species to address at another time due to the recommended treatment window for those species. For instance, phragmites are identified as a high priority invasive in each plan, but treatment is not recommended until September.

The last request for proposals for invasive species removal by the City of Birmingham was a project of similar scope and area and was awarded in December of 2008 to Wildtype in the amount of \$14,700.00. The current project bid from the low bidder Natural Community Services provided an incomplete bid. The proposal from Natural Community Services substituted or altered the material used for treating the invasive species, which did not meet the required specifications according to the bid document and the total bid amount submitted was not for the complete scope of work. Therefore, the low bidder deviated from the bid specifications and is not recommended for this project.

The Department of Public Services recommends awarding the Invasive Species Removal project to the lowest qualified bidder, Cardno in the amount of \$13,000.00. The recommended firm comes with a very good track record for this type of work. Money has been allocated in the 2015-2016 budget in the Parks-Other Contractual Service account #101-751.000-811.0000 and the Allen House-Other Contractual Service account #101-804.002-811.000 for this project.

SUGGESTED RESOLUTION:

To approve the contract for the Invasive Species Removal Project 2015 to Cardno for a total project cost not to exceed \$13,000.00. Funds are available from the Parks - Other Contractual Service account #101-751.000-811.0000 in the amount of \$12,100.00 and in the Allen House - Other Contractual Service account #101-804.002-811.0000 in the amount of \$900.00 for these services. Further, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City upon receipt of all required insurances.

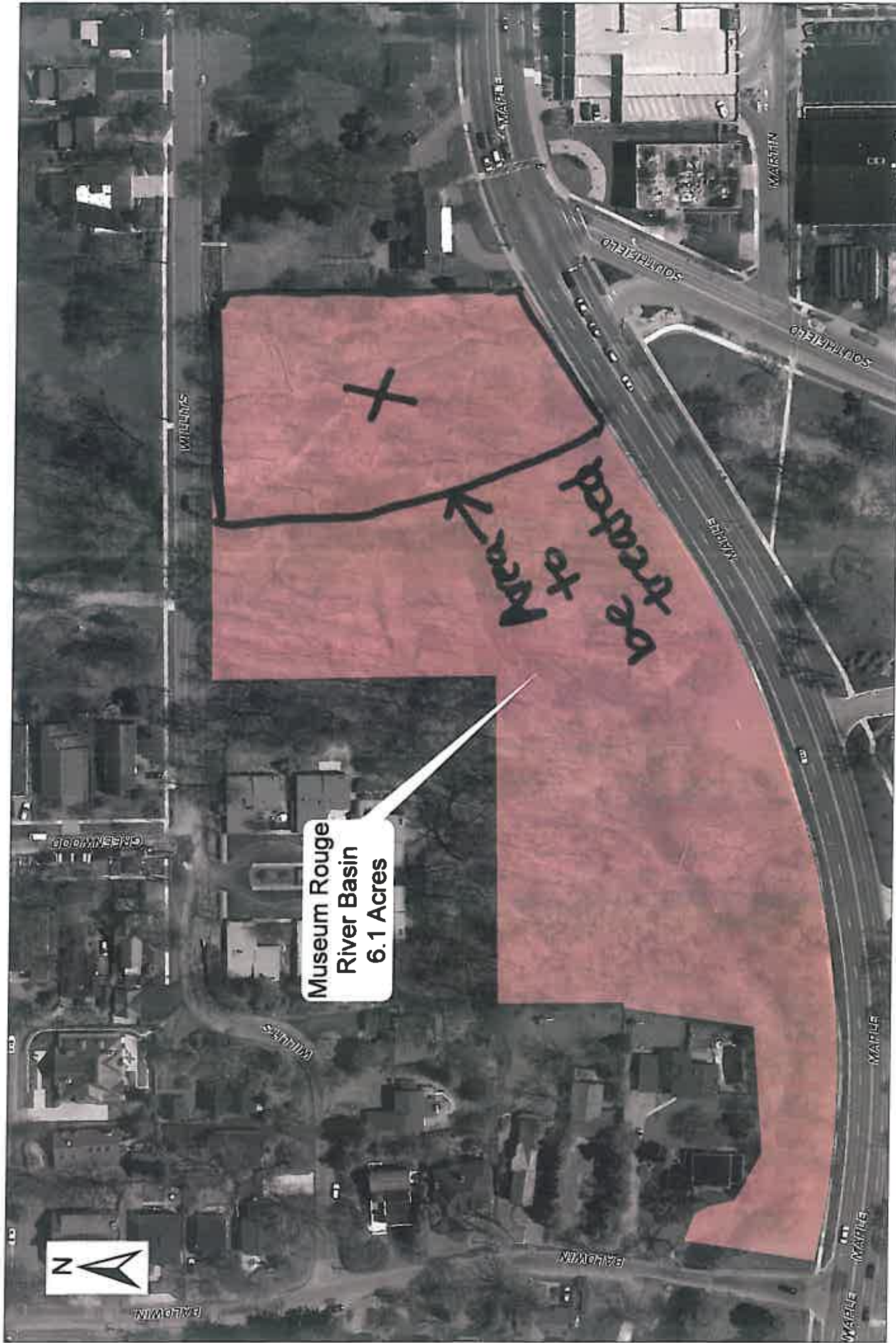
ATTACHMENT C - COST PROPOSAL
For Invasive Species Removal Project 2015

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)

COST PROPOSAL	
Invasive Species Removal Project	
AREA	BID AMOUNT
Museum Pond	\$ 900.00
Museum Woodlands	\$ 5,900.00
Quarton Lake	\$ 6,200.00
GRAND TOTAL	\$ 13,000.00

The proposal shall include all work associated with removing and/or spraying of invasive trees/shrubs and vines and treating the stumps at the museum pond, woodlands and the west side of Quarton Lake in the City of Birmingham.



Museum Rouge
River Basin
6.1 Acres



Quarton
Lake West Side
2.72 Acres



**ATTACHMENT A - AGREEMENT
For Invasive Species Removal Project 2015**

This AGREEMENT, made this _____ day of _____, 2015, by and between CITY OF BIRMINGHAM, having its principal municipal office at 151 Martin Street, Birmingham, MI (hereinafter sometimes called "City"), and Cardno, Inc., having its principal office at 11181 Marwill Avenue, West Olive, MI 49460 (hereinafter called "Contractor"), provides as follows:

WITNESSETH:

WHEREAS, the City of Birmingham, through its Public Services Department, is desirous of having work completed to remove invasive species at the museum pond and woodlands and Quarton Lake park in the City of Birmingham.

WHEREAS, the City has heretofore advertised for bids for the procurement and performance of services required to perform removal of invasive species as specified in the 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 invasive species removal.

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 tree invasive species removal and the Contractor's cost proposal dated October 12, 2015 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 \$13,000.00, as set forth in the Contractor's October 12, 2015 cost proposal.
3. This Agreement shall commence upon execution by both parties, unless the City exercises its option to terminate the Agreement in accordance with the Request for Proposals.
4. The Contractor shall employ personnel of good moral character and fitness in performing all services under this Agreement.
5. The Contractor and the City agree that the Contractor is acting as an independent Contractor with respect to the Contractor's role in providing services to the City pursuant to this Agreement, and as such, shall be liable for its own actions and neither the Contractor nor its employees shall be construed as employees of the City. Nothing contained in this Agreement shall be construed to imply a joint venture

or partnership and neither party, by virtue of this Agreement, shall have any right, power or authority to act or create any obligation, express or implied, on behalf of the other party, except as specifically outlined herein. Neither the City nor the Contractor shall be considered or construed to be the agent of the other, nor shall either have the right to bind the other in any manner whatsoever, except as specifically provided in this Agreement, and this Agreement shall not be construed as a contract of agency. The Contractor shall not be entitled or eligible to participate in any benefits or privileges given or extended by the City, or be deemed an employee of the City for purposes of federal or state withholding taxes, FICA taxes, unemployment, workers' compensation or any other employer contributions on behalf of the City.

6. The Contractor acknowledges that in performing services pursuant to this Agreement, certain confidential and/or proprietary information (including, but not limited to, internal organization, methodology, personnel and financial information, etc.) may become involved. The Contractor recognizes that unauthorized exposure of such confidential or proprietary information could irreparably damage the City. Therefore, the Contractor agrees to use reasonable care to safeguard the confidential and proprietary information and to prevent the unauthorized use or disclosure thereof. The Contractor shall inform its employees of the confidential or proprietary nature of such information and shall limit access thereto to employees rendering services pursuant to this Agreement. The Contractor further agrees to use such confidential or proprietary information only for the purpose of performing services pursuant to this Agreement.
7. This Agreement shall be governed by and performed, interpreted and enforced in accordance with the laws of the State of Michigan. The Contractor agrees to perform all services provided for in this Agreement in accordance with and in full compliance with all local, state and federal laws and regulations.
8. If any provision of this Agreement is declared invalid, illegal or unenforceable, such provision shall be severed from this Agreement and all other provisions shall remain in full force and effect.
9. This Agreement shall be binding upon the successors and assigns of the parties hereto, but no such assignment shall be made by the Contractor without the prior written consent of the City. Any attempt at assignment without prior written consent shall be void and of no effect.
10. The Contractor agrees that neither it nor its subcontractors will discriminate against any employee or applicant for employment with respect to hire, tenure, terms, conditions or privileges of employment, or a matter directly or indirectly related to employment because of race, color, religion, national origin, age, sex, height, weight or marital status. The Contractor shall inform the City of all claims or suits asserted against it by the Contractor's employees who work pursuant to this Agreement. The

Contractor shall provide the City with periodic status reports concerning all such claims or suits, at intervals established by the City.

11. The Contractor shall not commence work under this Agreement until it has, at its sole expense, obtained the insurance required under this paragraph. All coverages shall be with insurance companies licensed and admitted to do business in the State of Michigan. All coverages shall be with carriers acceptable to the City of Birmingham.
12. The Contractor shall maintain during the life of this Agreement the types of insurance coverage and minimum limits as set forth below:
 - A. Workers' Compensation Insurance: Contractor shall procure and maintain during the life of this Agreement, Workers' Compensation Insurance, including Employers Liability Coverage, in accordance with all applicable statutes of the State of Michigan.
 - B. Commercial General Liability Insurance: Contractor shall procure and maintain during the life of this Agreement, Commercial General Liability Insurance on an "Occurrence Basis" with limits of liability not less than **\$1,000,000** per occurrence combined single limit, Personal Injury, Bodily Injury and Property Damage. Coverage shall include the following extensions: (A) Contractual Liability; (B) Products and Completed Operations; (C) Independent Contractors Coverage; (D) Broad Form General Liability Extensions or equivalent; (E) Deletion of all Explosion, Collapse and Underground (XCU) Exclusions, if applicable.
 - C. Motor Vehicle Liability: Contractor shall procure and maintain during the life of this Agreement Motor Vehicle Liability Insurance, including all applicable no-fault coverages, with limits of liability of not less than \$1,000,000 per occurrence combined single limit Bodily Injury and Property Damage. Coverage shall include all owned vehicles, all non-owned vehicles, and all hired vehicles.
 - D. Additional Insured: Commercial General Liability and Motor Vehicle Liability Insurance, as described above, shall include an endorsement stating the following shall be *Additional Insureds*: The City of Birmingham, including all elected and appointed officials, all employee and volunteers, all boards, commissions and/or authorities and board members, including employees and volunteers thereof. This coverage shall be primary to any other coverage that may be available to the additional insured, whether any other available coverage by primary, contributing or excess.
 - E. Professional Liability: Professional liability insurance with limits of not less than \$1,000,000 per claim if Contractor will provide service that are customarily subject to this type of coverage.

- F. Pollution Liability Insurance: Contractor shall procure and maintain during the life of this Agreement Pollution Liability Insurance, with limits of liability of not less than \$1,000,000, per occurrence preferred, but claims made accepted.
- G. Owners Contractors Protective Liability: The Contractor shall procure and maintain during the life of this contract, an Owners Contractors Protective Liability Policy with limits of liability not less than \$3,000,000 per occurrence, combined single limit, Personal Injury, Bodily Injury and Property Damage. The City of Birmingham shall be "Name Insured" on said coverage. Thirty (30) days Notice of Cancellation shall apply to this policy.
- H. Cancellation Notice: Workers' Compensation Insurance, Commercial General Liability Insurance and Motor Vehicle Liability Insurance (and Professional Liability Insurance, if applicable), as described above, shall include an endorsement stating the following: "Thirty (30) days Advance Written Notice of Cancellation or Non-Renewal, shall be sent to: Finance Director, City of Birmingham, PO Box 3001, 151 Martin Street, Birmingham, MI 48012-3001.
- I. Proof of Insurance Coverage: Contractor shall provide the City of Birmingham at the time the Agreement is returned for execution, Certificates of Insurance and/or policies, acceptable to the City of Birmingham, as listed below.
- 1) Two (2) copies of Certificate of Insurance for Workers' Compensation Insurance;
 - 2) Two (2) copies of Certificate of Insurance for Commercial General Liability Insurance;
 - 3) Two (2) copies of Certificate of Insurance for Vehicle Liability Insurance;
 - 4) Two (2) copies of Certificate of Insurance for Professional Liability Insurance;
 - 5) If so requested, Certified Copies of all policies mentioned above will be furnished.
- J. Coverage Expiration: If any of the above coverages expire during the term of this Agreement, Contractor shall deliver renewal certificates and/or policies to the City of Birmingham at least (10) days prior to the expiration date.
- K. Maintaining Insurance: Upon failure of the Contractor to obtain or maintain such insurance coverage for the term of the Agreement, the City of Birmingham may, at its option, purchase such coverage and subtract the cost of obtaining such coverage from the Agreement amount. In obtaining such coverage, the City of Birmingham shall have no obligation to procure the most cost-effective coverage but may contract with any insurer for such coverage.
13. To the fullest extent permitted by law, the Contractor and any entity or person for whom the Contractor is legally liable, agrees to be responsible for any liability, defend, pay on behalf of, indemnify, and hold harmless the City of Birmingham, its elected and appointed officials, employees and volunteers and others working on

behalf of the City of Birmingham against any and all claims, demands, suits, or loss, including all costs and reasonable attorney fees connected therewith, and for any damages which may be asserted, claimed or recovered against or from and the City of Birmingham, its elected and appointed officials, employees, volunteers or others working on behalf of the City of Birmingham, by reason of personal injury, including bodily injury and death and/or property damage, including loss of use thereof, which arises out of or is in any way connected or associated with this Agreement. Such responsibility shall not be construed as liability for damage caused by or resulting from the sole act or omission of its elected or appointed officials, employees, volunteers or others working on behalf of the City of Birmingham.

14. If, after the effective date of this Agreement, any official of the City, or spouse, child, parent or in-law of such official or employee shall become directly or indirectly interested in this Agreement or the affairs of the Contractor, the City shall have the right to terminate this Agreement without further liability to the Contractor if the disqualification has not been removed within thirty (30) days after the City has given the Contractor notice of the disqualifying interest. Ownership of less than one percent (1%) of the stock or other equity interest in a corporation or partnership shall not be a disqualifying interest. Employment shall be a disqualifying interest.
15. If Contractor fails to perform its obligations hereunder, the City may take any and all remedial actions provided by the general specifications or otherwise permitted by law.
16. All notices required to be sent pursuant to this Agreement shall be mailed to the following addresses:
City of Birmingham
Attn: Lauren Wood, Director of Public Services
851 South Eton
Birmingham, MI 48009
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:

Colleen R. Webb

CONTRACTOR

By: [Signature]
Its: Asst. Vice President

CITY OF BIRMINGHAM

By: _____
Stuart Lee Sherman
Its: Mayor

By: _____

Laura Pierce
Its: City Clerk

Approved:

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

[Signature]
B. Mark Gerber, Director of Finance
(Approved as to financial obligation)

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

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



CERTIFICATE OF LIABILITY INSURANCE

DATE(MM/DD/YYYY)
10/23/2015

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must 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
Aon Risk Services Southwest, Inc.
Houston TX Office
5555 San Felipe
Suite 1500
Houston TX 77056 USA

CONTACT NAME:
PHONE
(A/C. No. Ext.): 8662837122 **FAX**
(A/C. No.): (800) 363-0105
E-MAIL ADDRESS:

INSURED
Cardno, Inc.
10004 Park Meadows Drive
Suite 300
Lone Tree CO 80124 USA

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A: American Guarantee & Liability Ins Co	26247
INSURER B: Zurich American Ins Co	16535
INSURER C: Ironshore Specialty Insurance Company	25445
INSURER D: Lexington Insurance Company	19437
INSURER E:	
INSURER F:	

COVERAGES**CERTIFICATE NUMBER: 570059902847****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.

Limits shown are as requested

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
B	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PROJECT <input type="checkbox"/> LOC <input type="checkbox"/> OTHER			GLO018396100 General Liability	09/30/2015	09/30/2016	EACH OCCURRENCE \$2,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$1,000,000 MED EXP (Any one person) \$5,000 PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$10,000,000 PRODUCTS - COMP/OP AGG \$2,000,000
B	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS			BAP-0183962-00 Auto (AOS)	09/30/2015	09/30/2016	COMBINED SINGLE LIMIT (Ea accident) \$1,000,000 BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> EXCESS LIAB <input type="checkbox"/> RETENTION			AUC018392700 Umbrella	09/30/2015	09/30/2016	EACH OCCURRENCE \$2,000,000 AGGREGATE \$2,000,000
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR / PARTNER / EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N N	N/A	WC018396000 WC - AOS WC018415300 WC CERTS ONLY_ (WI)	09/30/2015 09/30/2015	09/30/2016 09/30/2016	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$1,000,000 E.L. DISEASE-EA EMPLOYEE \$1,000,000 E.L. DISEASE-POLICY LIMIT \$1,000,000
D	Archit&Eng Prof			QC1505384 Professional SIR applies per policy terms & conditions	09/30/2015	09/30/2016	Each Claim \$10,000,000 Aggregate \$10,000,000 SIR \$500,000

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

The City of Birmingham, including all elected and appointed officials, all employee and volunteers, all boards, commissions and/or authorities and board members, including employees and volunteers are included as Additional Insured as required by written contract, but limited to the operations of the Insured under said contract, per the applicable endorsement with respect to the General Liability, Auto Liability and Umbrella Liability policy. General Liability and Auto Liability evidenced herein is Primary and Non-Contributory to other insurance available to the certificate holder, but only to the extent required by written contract with the insured. A Waiver of Subrogation is granted in favor of The City of Birmingham, including all elected and appointed officials, all employee and volunteers, all boards, commissions and/or authorities and board members,

CERTIFICATE HOLDER**CANCELLATION**

City of Birmingham
151 Martin Street
Birmingham, MI 48012 USA

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

AUTHORIZED REPRESENTATIVE

Aon Risk Services Southwest Inc

Holder Identifier :

Certificate No : 570059902847



ADDITIONAL REMARKS SCHEDULE

Page _ of _

AGENCY Aon Risk Services Southwest, Inc.		NAMED INSURED Cardno, Inc.	
POLICY NUMBER See Certificate Number: 570059902847			
CARRIER See Certificate Number: 570059902847	NAIC CODE	EFFECTIVE DATE:	

ADDITIONAL REMARKS

THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,
FORM NUMBER: ACORD 25 FORM TITLE: Certificate of Liability Insurance

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER	
INSURER	
INSURER	
INSURER	

ADDITIONAL POLICIES

If a policy below does not include limit information, refer to the corresponding policy on the ACORD certificate form for policy limits.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YYYY)	POLICY EXPIRATION DATE (MM/DD/YYYY)	LIMITS	
	OTHER							
C	Poll Legal Liab			002161701 Pollution	09/30/2015	09/30/2016	Occurrence	\$10,000,000
							Aggregate	\$10,000,000

**ADDITIONAL REMARKS SCHEDULE**

Page _ of _

AGENCY Aon Risk Services Southwest, Inc.		NAMED INSURED Cardno, Inc.	
POLICY NUMBER See Certificate Number: 570059902847			
CARRIER See Certificate Number: 570059902847	NAIC CODE	EFFECTIVE DATE	

ADDITIONAL REMARKS**THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,****FORM NUMBER: ACORD 25 FORM TITLE: Certificate of Liability Insurance**Additional Description of Operations / Locations / Vehicles.

including employees and volunteers as required by written contract but limited to the operations of the Insured under said contract, with respect to the General Liability, Auto Liability and Workers Compensation policy. Umbrella liability is a Follow Form and provides Excess of General liability, Auto liability and Employers' liability policies. Ongoing-Completed Operations for Additional Insured applies to General Liability policy.

Should any of the Policies described on the Certificate of Insurance be cancelled before the expiration date thereof, we will endeavor to mail 30 days written notice, except 10 days' notice for non-payment, to the certificate holder named on the certificate, but failure to do so shall impose no obligation or liability of any kind upon the insurer, its agents or representatives.



ADDITIONAL REMARKS SCHEDULE

Page _ of _

AGENCY Aon Risk Services Southwest, Inc.		NAMED INSURED Cardno, Inc.	
POLICY NUMBER See Certificate Number: 570059902847			
CARRIER See Certificate Number: 570059902847	NAIC CODE	EFFECTIVE DATE:	

ADDITIONAL REMARKS

THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,

FORM NUMBER: ACORD 25 FORM TITLE: Certificate of Liability Insurance

CARDNO NAMED INSURED

ATC Group Services, Inc.
 Cardno EM-Assit, Inc.
 Cardno Emerging Markets USA, Ltd.
 Cardno ENTRIX
 Cardno ERI
 Cardno GS, Inc.
 Cardno Haynes Whaley, Inc.
 Cardno JFNew
 Cardno MMA
 Cardno NC, Inc.
 Cardno TBE (AZ)
 Cardno TBE (FL)
 Cardno TBE; TBE Group, Inc.
 Cardno TEC, Inc.
 Cardno USA, Inc.
 Cardno WRG, Inc.
 Cardno WRG, Inc. dba WRG Designs Inc.
 Cardno, Inc (OR)
 Cardno, Inc. (TX)
 Cardno, Inc. (FL)
 Cardno PPI Engineering & Construction, Services LLC., PPI Technology Services, LLC., PPI Quality & Asset Management, LLC., and its Affiliated Companies
 Entrix Inc. dba Cardno Entrix
 Environmental Resolutions, Inc.
 J.F. New & Associates, Inc.
 JFNew
 Marshall Miller & Associates, Inc.
 TBE Group, Inc. (Adden)
 TBE Group, Inc. dba: Cardno TBE
 TBE Group, Inc., Cardno TBE
 TBE Professional Services, PLLC
 WRG North Carolina PLLC
 XP Software Inc.
 TBE Group (Canada) ULC is included as a Named Insured as identified in the insurance Policy referenced on this certificate



MEMORANDUM

Planning Division

DATE: October 30, 2015

TO: Joseph A. Valentine, City Manager

FROM: Jana L. Ecker, Planning Director

Re: Set Public Hearing to consider a Special Land Use Permit Amendment and Final Site Plan for ROJO and Sidecar at 250 - 280 E. Merrill

The Planning Division requests that the City Commission set a public hearing date for **December 7, 2015** to consider an application for a Special Land Use Permit Amendment and Final Site Plan for ROJO and Sidecar at 250 - 280 E. Merrill.

ROJO has filed an application for a Special Land Use Permit Amendment and Final Site Plan seeking approval to add an expansion to their existing restaurant to add a new food and drink establishment, Sidecar. Sidecar and ROJO will be under common ownership, and will be directly connected within, and operate under the same liquor license. The subject property is located in the B4 Business Residential zone district. The B4 zone lists food and drink establishments serving alcoholic beverages (on premises) as permitted uses requiring a Special Land Use Permit. The applicant appeared before the Planning Board on October 28, 2015.

SUGGESTED ACTION:

To set a public hearing date for **December 7, 2015** to consider an application for a Special Land Use Permit Amendment and Final Site Plan for ROJO and Sidecar at 250 - 280 E. Merrill, under common ownership, operating under one Class C Liquor License, owned by Rojo Five, LLC.

**ROJO AND SIDECAR
250 – 280 E. MERRILL
SPECIAL LAND USE PERMIT AMENDMENT
2015**

WHEREAS, ROJO and Sidecar have together filed an application pursuant to Article 7, section 7.34 of Chapter 126, Zoning, of the City Code to operate two food and drink establishments under common ownership, both serving alcoholic liquors, as required in Article 6, section 6.02(5) of Chapter 126, Zoning, of the City Code;

WHEREAS, The land for which the Special Land Use Permit is sought is located on the south side of E. Merrill between Pierce and S. Old Woodward;

WHEREAS, The land is zoned B-4, and is located within the Downtown Birmingham Overlay District, which permits food and drink establishments serving alcoholic liquors with a Special Land Use Permit;

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

WHEREAS, The Planning Board on October 28, 2015 reviewed the application for Final Site Plan and Special Land Use Permit Amendment and recommended approval of the expansion of the SLUP for 250 E. Merrill, ROJO, to include the vacant space at 280 E. Merrill for use as Sidecar Slider Bar with the following conditions:

1. The applicant obtains an Outdoor Dining Permit from the City of Birmingham;
2. The applicant provides a trash receptacle in the outdoor dining area; and
3. The applicant provides dimensions of the proposed sign to verify Sign Ordinance compliance.

WHEREAS, The applicant has agreed to comply with all conditions for approval as recommended by the Planning Board on October 28, 2015;

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

NOW, THEREFORE, BE IT RESOLVED, The Birmingham City Commission finds the standards imposed under the City Code have been met, subject to the conditions below, and that the ROJO and Sidecar application for a Special Land Use Permit Amendment authorizing the operation of two food and drink establishments, under common ownership, serving alcoholic liquors with a Class C liquor license with a Direct Connect Endorsement at 250 – 280 E. Merrill in accordance with Chapter 10, Alcoholic Liquors, is hereby approved;

BE IT FURTHER RESOLVED, That the City Commission determines that to assure continued compliance with Code standards and to protect public health, safety, and welfare,

this Special Land Use Permit Amendment is granted to expand the SLUP for 250 E. Merrill, ROJO, to include the vacant space at 280 E. Merrill for use as Sidecar Slider Bar with the following conditions:

1. The applicant obtains an Outdoor Dining Permit from the City of Birmingham;
2. The applicant provides a trash receptacle in the outdoor dining area;
3. The applicant provides dimensions of the proposed sign to verify Sign Ordinance compliance;
8. ROJO and Sidecar shall abide by all provisions of the Birmingham City Code;
9. The Special Land Use Permit may be canceled by the City Commission upon finding that the continued use is not in the public interest;
10. The hours of operation for all outdoor dining shall cease at 2:00 a.m.;
11. ROJO and Sidecar shall provide for the removal of disposable materials resulting from the operations and maintain the area in a clean and orderly condition by providing the necessary employees to guarantee this condition, and by the placement of a trash receptacle in the outdoor seating area; and
12. ROJO and Sidecar shall enter into a contract with the City outlining the details of the operation of the proposed restaurants.

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

MAY IT BE FURTHER RESOLVED that ROJO and Sidecar, which will do business at 250 – 280 E. Merrill, Birmingham, Michigan, 48009, are located in the Principal Shopping District which was designated as a Redevelopment Project Area, pursuant to Section 521a (1)(b) of the Michigan Liquor Control Code of 1988, being MCL 36.1521a(1)(b), by Birmingham City Commission Resolution adopted September 24, 2007; and

MAY IT BE FURTHER RESOLVED that ROJO and Sidecar are recommended for operation of two restaurants, under common ownership, serving alcoholic liquors, with a Class C Liquor License with a Direct Connect Endorsement, at 250 – 280 E. Merrill, Birmingham, Michigan, 48009, above all others, pursuant to Chapter 10, Alcoholic Liquors, of the Birmingham City Code, subject to final inspection.

I, Laura M. Pierce, City Clerk of the City of Birmingham, Michigan, do hereby certify that the foregoing is a true and correct copy of the resolution adopted by the Birmingham City Commission at its regular meeting held on December 7, 2015.

Laura M. Pierce, City Clerk



MEMORANDUM

Planning Division

DATE: October 19, 2015

TO: Planning Board members

FROM: Matt Baka, Planning Department

SUBJECT: 250-280 E. Merrill, ROJO Expansion
Special Land Use Permit Amendment and Final Site Plan Review

Executive Summary

The subject site consists of two tenant spaces: the first, currently ROJO, is located at 250 E. Merrill and the second, an abutting vacant storefront, formerly Custom Elegance gift shop, is located at 280 E. Merrill, both on the south side of E. Merrill west of Old Woodward. The parcels are zoned B-4, Business-Residential and D-4 in the Downtown Overlay District. The applicant, ROJO, is proposing to expand the restaurant into the 1817 sf. adjacent vacant space; connecting the two spaces and making interior and façade improvements to the new space. The space at 280 E. Merrill will be an expansion of ROJO as a second concept called Sidecar a slider and soup restaurant. The proposed expansion will be operating with the existing Class C liquor license from ROJO.

Article 06 section 6.02 Continuance of Nonconformity, in the Zoning Ordinance requires that any establishment with alcoholic beverage sales (on-premises consumption) shall obtain a Special Land Use Permit upon change in ownership or name of establishment, or upon application for a 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. As the proposed establishment is located within the Central Business District Historic District, the applicant is also required to appear before the Historic District Commission.

1.0 Land Use and Zoning

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

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

2.0 Screening and Landscaping

- 2.1 Screening – No screening is required, nor proposed.
- 2.2 Landscaping –No Landscaping is required, nor proposed.

3.0 Parking, Loading, Access, and Circulation

- 3.1 Parking – As the subject site is located within the Parking Assessment District, the applicant is not required to provide on-site parking.
- 3.2 Loading – No changes are proposed.
- 3.3 Vehicular Access & Circulation - Vehicular access to the building will not be altered.
- 3.4 Pedestrian Access & Circulation – Pedestrian access to the outdoor café is available directly from the City sidewalk. Under the 2016 Plan, outdoor cafes are encouraged as they create a more pedestrian friendly environment. The proposed café location does maintain a 5 foot minimum width of unobstructed pedestrian access along the storefront in the public right-of-way, and thus conforms to the Zoning Ordinance provisions for outdoor cafés.
- 3.5 Streetscape – No changes to existing city streetscape are proposed.

4.0 Lighting

Pedestrian scale light fixtures illuminate E. Merrill, and will continue to do so. No changes are proposed to the existing building lighting.

5.0 Departmental Reports

- 5.1 Engineering Division - No concerns were reported from the Engineering Division.
- 5.2 Department of Public Services – No concerns were reported from the DPS.
- 5.3 Fire Department – The Fire Department has no concerns, but has advised that all entrances must remain unobstructed and access must be maintained at all times to the Fire Department Connection.
- 5.4 Police Department - No concerns were reported from the Police Department.
- 5.5 Building Department - The Building Department has provided their standard comments.

6.0 Design Review

The applicant is proposing to renovate the existing façade of 280 E. Merrill by removing the existing wood sign and installing a new canopy and signage. The applicant also wishes to replace existing storefront windows with a 5 Nana wall system.

Façade

The applicant proposes to designate the doors at 280 E. Merrill as the Sidecar restaurant entrance. This entrance will have a new 30" x 80" glazed door with side lites. Hanging from the adjacent overhang to the top of the door will be a 5'6"x 8'6" black fabric "box" awning with logo artwork screened on its facing. Two by two inch aluminum posts will act as awning supports at the building line.

Between the entrance and the existing ROJO site, the applicant proposes replacing the current storefront windows with a five panel Nana wall system. All framing will be dark anodized aluminum with clear glass. Additionally the applicant proposes a 1.5' black fabric awning valance to hang down from the building overhang above the Nana wall. Outdoor dining is also proposed adjacent to the new Nana wall system.

Signage

The applicant is permitted to have a total of 16.5 square feet of signage, based on the frontage of the building at 280 E. Merrill.

The applicant proposes to install a screen printed wall sign on the new awning. The applicant has indicated that the sign will not exceed 36" in height but has not provided the width. The total linear building frontage is 26.6' permitting 26.6 square feet of sign

area. *In accordance with Article 1.0, section 1.04 (B) of the Birmingham Sign Ordinance, Combined Sign Area - For all buildings, including multi-tenant office or retail buildings, the combined area of all types of signs shall not exceed 1 square foot (1.5 square feet for addresses on Woodward Avenue) for each linear foot of principal building frontage. **The applicant must provide the width of the sign in order to determine if the proposal meets this requirement.*** The wall sign is proposed to be mounted over 8' above grade. *In accordance with Article 1.0, Table B of the Birmingham Sign Ordinance - Wall signs that project more than 3 inches from the building facade shall not be attached to the outer wall at a height of less than 8 feet above a public sidewalk and at a height of less than 15 feet above public driveways, alleys and thoroughfares. **The proposal meets this requirement.***

Outdoor Dining Area

Outdoor cafés must comply with the site plan criteria as required by Article 04, Section 4.42 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 insured 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 4.42 OD-01 of the Zoning Ordinance.

The proposed outdoor dining areas are not immediately adjacent to single-family or multi-family zoned property.

The applicant is proposing the addition of 5 tables and 16 chairs in the outdoor dining area. The tables are proposed to be black rectangular tables. The chairs proposed are traditional bistro chairs with rounded backs constructed of steel. The applicant has provided specification sheets of the proposed tables and chairs.

No umbrellas are proposed for the outdoor dining area.

The applicant is proposing outdoor seating along the front side of the restaurant on private property within the recessed area of the building. The outdoor dining area is proposed to maintain the required 5' pedestrian pathway.

The applicant will be required to obtain an Outdoor Dining License from the City for the proposed outdoor dining area.

7.0 Downtown Birmingham 2016 Overlay District

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

8.0 Approval Criteria

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

- (1) The location, size and height of the building, walls and fences shall be such that there is adequate landscaped open space so as to provide light, air and access to the persons occupying the structure.
- (2) The location, size and height of the building, walls and fences shall be such that there will be no interference with adequate light, air and access to adjacent lands and buildings.
- (3) The location, size and height of the building, walls and fences shall be such that they will not hinder the reasonable development of adjoining property not diminish the value thereof.
- (4) The site plan, and its relation to streets, driveways and sidewalks, shall be such as to not interfere with or be hazardous to vehicular and pedestrian traffic.
- (5) The proposed development will be compatible with other uses and buildings in the neighborhood and will not be contrary to the spirit and purpose of this chapter.
- (6) The location, shape and size of required landscaped open space is such as to provide adequate open space for the benefit of the inhabitants of the building and the surrounding neighborhood.

9.0 Approval Criteria for Special Land Use Permits

Article 07, section 7.34 of the Zoning Ordinance specifies the procedures and approval criteria for Special Land Use Permits. Use approval, site plan approval, and design review are the responsibilities of the City Commission. This section reads, in part:

Prior to its consideration of a special land use application (SLUP) for an initial permit or an amendment to a permit, the **City Commission shall refer the site plan and the design to the Planning Board for its review and recommendation. After receiving the recommendation, the City Commission shall review the site plan and design of the buildings and uses proposed** for the site described in the application of amendment.

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

10.0 Suggested Action

Based on a review of the site plans submitted, the Planning Division recommends that the Planning Board recommend APPROVAL to the City Commission of the applicant's request for Final Site Plan and a SLUP Amendment to expand the SLUP for 250 E. Merrill, Rojo, to include the vacant space at 280 E. Merrill for use as Sidecar Slider Bar with the following conditions:

- (1) The applicant obtains an outdoor dining permit from the City of Birmingham;
- (2) The applicant provides a trash receptacle in the outdoor dining area;

- (3) The applicant provides dimensions of the proposed sign to verify Sign Ordinance compliance.

11.0 Sample Motion Language

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 Amendment to expand the SLUP for 250 E. Merrill, Rojo, to include the vacant space at 280 E. Merrill for use as Sidecar Slider Bar with the following conditions:

- (1) The applicant obtains an outdoor dining permit from the City of Birmingham;
- (2) The applicant provides a trash receptacle in the outdoor dining area;
- (3) The applicant provides dimensions of the proposed sign to verify Sign Ordinance compliance.

OR

Motion to recommend DENIAL of the Final Site Plan and SLUP to the City Commission for 250 E. Merrill, Rojo, for the following reasons:

1. _____
2. _____
3. _____
4. _____
5. _____

OR

Motion to POSTPONE the Final Site Plan and SLUP for 250 E. Merrill, Rojo, with the following conditions:

1. _____
2. _____
3. _____
4. _____
5. _____

**DRAFT Planning Board Minutes
October 28, 2015**

**SPECIAL LAND USE PERMIT ("SLUP") REVIEW
FINAL SITE PLAN REVIEW**

**1. SLUP Amendment
Final Site Plan Review
250-280 E. Merrill
ROJO Restaurant**

Request to allow the expansion of the existing restaurant serving alcoholic liquors into the adjacent storefront space

The subject site consists of two tenant spaces: the first, currently ROJO, is located at 250 E. Merrill; and the second, an abutting vacant storefront, formerly Custom Elegance gift shop, is located at 280 E. Merrill, both on the south side of E. Merrill, west of Old Woodward Ave. The parcels are zoned B-4, Business-Residential and D-4 in the Downtown Overlay District. The applicant, ROJO, is proposing to expand the restaurant into the 1,817 sq. ft. adjacent vacant space; connecting the two spaces and making interior and façade improvements to the new space. The space at 280 E. Merrill will be an expansion of ROJO as a second concept called Sidecar, a slider and soup restaurant.

The proposed expansion will be operating with the existing Class C liquor license from ROJO. Article 06 section 6.02 Continuance of Nonconformity, in the Zoning Ordinance requires that any establishment with alcoholic beverage sales (on-premise consumption) shall obtain a SLUP upon change in ownership or name of establishment, or upon application for a 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 Amendment, and then obtain approval from the City Commission for the Final Site Plan and Special Land Use Permit Amendment. ***As the proposed establishment is located within the Central Business District Historic District, the applicant is also required to appear before the Historic District Commission.***

Design Review

The applicant is proposing to renovate the existing facade of 280 E. Merrill by removing the existing wood sign and installing a new canopy and signage. The applicant also wishes to replace existing storefront windows with a five panel Nana wall system.

Facade: The applicant proposes to designate the doors at 280 E. Merrill as the Sidecar restaurant entrance. Between the entrance and the existing ROJO site, the applicant proposes replacing the current storefront windows with a five panel Nana wall system. All framing will be dark anodized aluminum with clear glass. Additionally the applicant proposes a 1.5 ft. black fabric awning valance to hang down from the building overhang above the Nana wall. Outdoor dining is also proposed adjacent to the new Nana wall system.

Signage: The total linear building frontage along 280 E. Merrill is 26.6 ft. permitting 26.6 sq. ft. of sign area. The applicant proposes to install a screen printed sign on the new awning with the sidecar logo. The applicant has indicated that the sign will not exceed 36 in. in height but

has not provided the width. The applicant must provide the width of the sign in order to determine if the proposal meets the requirement of *Article 1.0, section 1.04 (B) of the Birmingham Sign Ordinance, Combined Sign Area* which allows 1 sq. ft. of signage for each linear foot of principal building frontage, or in this case 26.6 sq. ft.

The wall sign is proposed to be mounted over 8 ft. which meets the requirement of *Article 1.0, Table B of the Birmingham Sign Ordinance* which states wall signs that project more than 3 in. from the building facade shall not be attached to the outer wall at a height of less than 8 ft.

Outdoor Dining Area: The applicant is proposing the addition of 5 tables and 16 chairs in the outdoor dining area. No umbrellas are proposed for the outdoor area. The applicant is proposing outdoor seating along the front side of the restaurant on private property within the recessed area of the building. The outdoor dining area is proposed to maintain the required 5 ft. pedestrian pathway. Enclosure of the outdoor dining area is a State requirement when alcohol is served.

Direct Connection: The kitchen will be shared with ROJO.

Mr. Dan Lennan, owner of ROJO Mexican Bistro and also the applicant for Sidecar indicated they anticipate 75% of their sales will be for food. They are looking to expand in order to maximize their kitchen facility, as it is much larger than they currently need. It is their feeling the new restaurant will add vibrancy day and night to that section of E. Merrill. The environment will be casual and comfortable. Dining offerings will include gourmet sliders along with soups and appetizers and the kitchen will stay open late night. They don't have concerns about parking because Birmingham is a walkable community.

No one from the public wished to comment at 8:34 p.m.

Motion by Ms. Whipple-Boyce

Seconded by Mr. Koseck to recommend approval to the City Commission of the applicant's request for Final Site Plan and a SLUP Amendment to expand the SLUP for 250 E. Merrill, ROJO, to include the vacant space at 280 E. Merrill for use as Sidecar Slider Bar with the following conditions:

- 1. The applicant obtains an Outdoor Dining Permit from the City of Birmingham;**
- 2. The applicant provides a trash receptacle in the outdoor dining area;**
- 3. The applicant provides dimensions of the proposed sign to verify Sign Ordinance compliance.**

There was no discussion from the audience at 8:40 p.m.

Motion carried, 6-0.

VOICE VOTE

Yeas: Whipple-Boyce, Koseck, Boyle, Clein, Jeffares, Williams

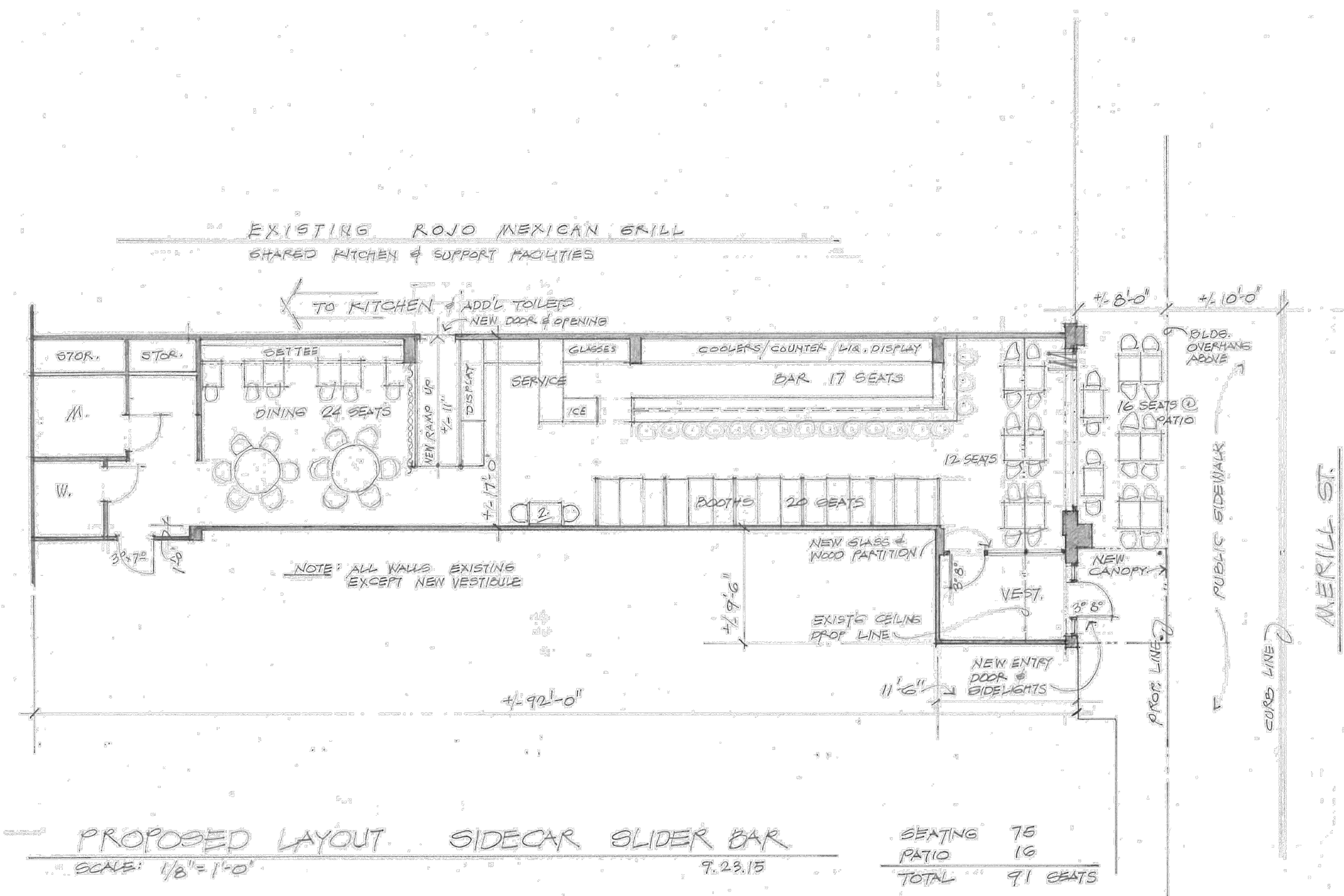
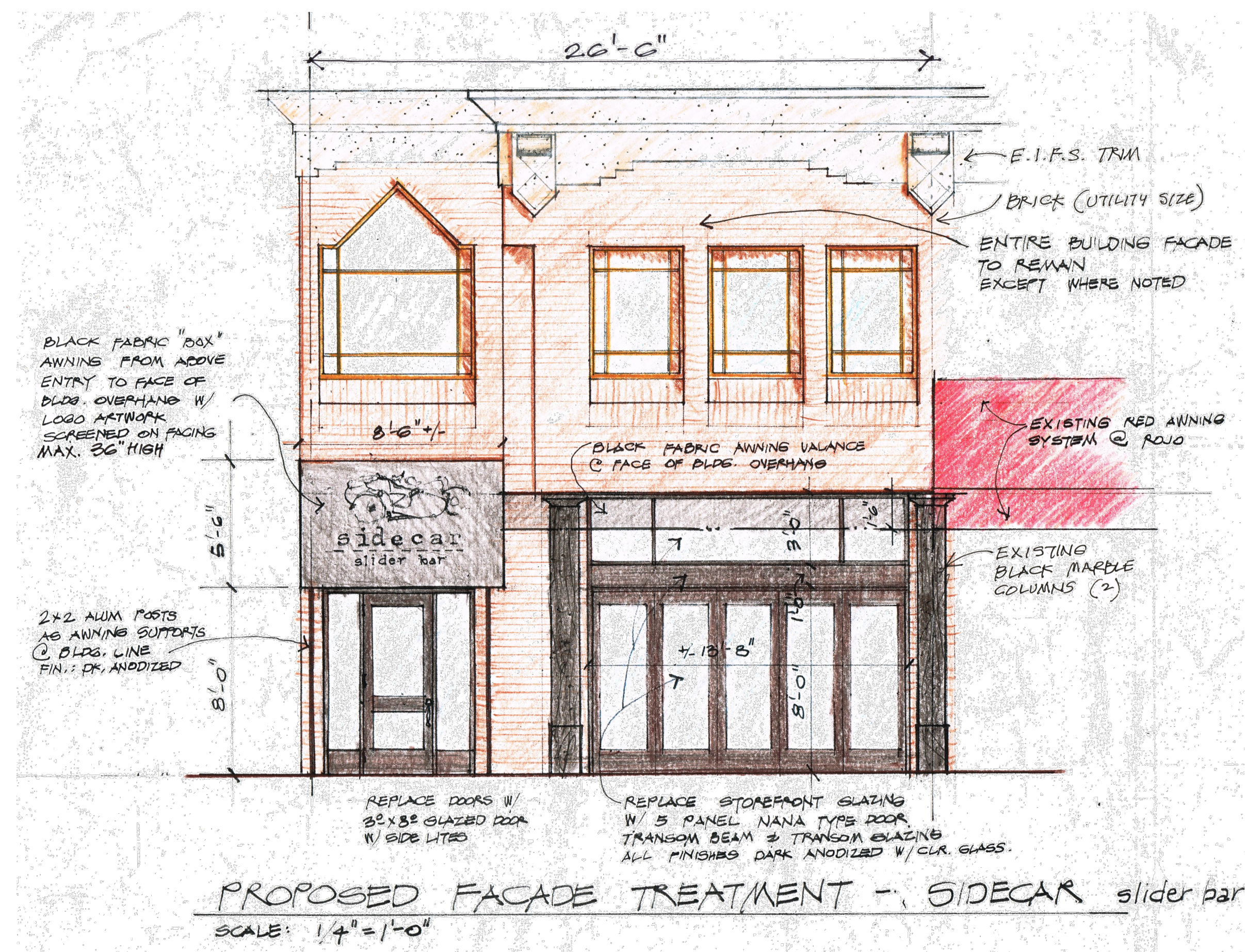
Nays: None

Absent: Lazar

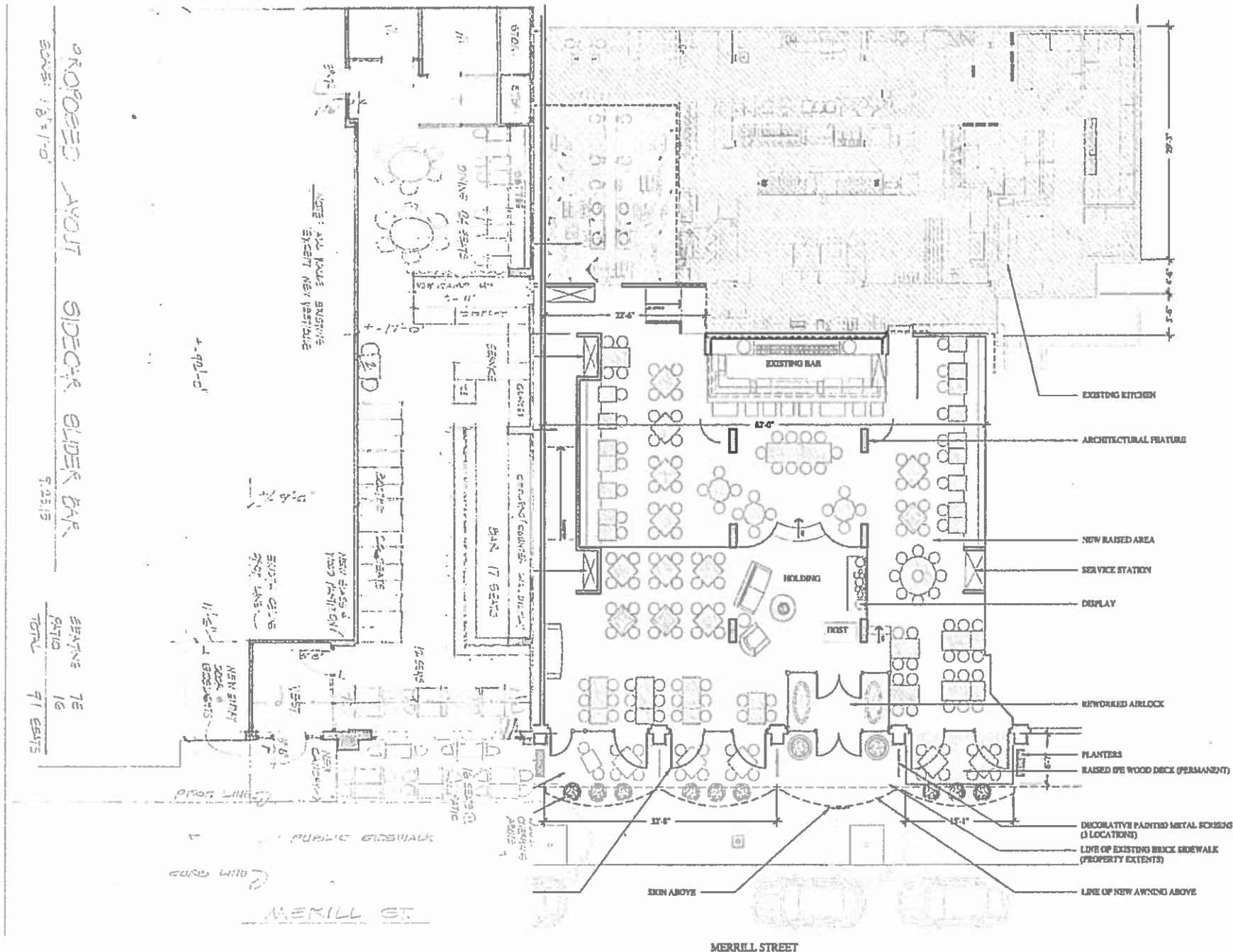
SIDE CAR

Slider Bar

280 MERRILL
BIRMINGHAM, MI

[illegible]

SEATING	73
ratio	16
total	91 seats



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



SEATING CAPACITY	
RESTAURANT DINING	156
BAR SEATING	10
OUTDOOR DINING	22
TOTAL	188

TO KITCHEN & ADD'L TOILETS
NEW DOOR & OPENING

STON. STCK. BATTER
DINING 24 SEATS
NEW ENTRY DOOR

GLASSES
COFFEE/COUNTER W/ A. DISPLAY
BAR 17 SEATS
ICE

12 SEATS
16 SEATS @ 10' x 10'
PATIO

NEW GLASS & NEW PARTITION
EXIST. CEILING
FLOOR LINE
NEW ENTRY DOOR & GLIDELIGHTS
NEW ENTRY DOOR & GLIDELIGHTS

NOTE: ALL WALLS EXISTING EXCEPT NEW VESTIBULE

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

PROPOSED LAYOUT

SIDECAR SLIDER BAR

9.23.15

SEATING	75
PATIO	16
TOTAL	91 SEATS

7712.115



PROPOSED FACADE TREATMENT - SIDECAR slider bar



Appetizers

Brussel Sprouts- balsamic reduction, blue cheese, bacon

Cheese Curds- deep fried, house sauce

Smoked Salmon Dip- mayo, horseradish, lemon, cream, cheese, capers, onions

Scotch Eggs- boiled egg, spicy sausage, bbq sauce

Pretzel Sticks- cajun seasoning, spicy mustard, house sauce

Haricot Vert- lightly battered, deep fried, caesar dressing, parmesan cheese

Soups

Soup D' Jour- It's the soup of the day

Steak Chili- ground beef, new york strip, brisket

Sidecar Salad- mixed greens, tomato, cucumber, garbanzo beans, mozzarella, banana peppers, black olives, onion, capricola, salami, italian viniagrette

Sides

Shoestring Fries

Chili Cheese Fries

Sweet Potato Fries

Fried Pickles

Onion Rings

Beef Sliders (short rib, brisket, chuck) buns: broiche,potato,gluten free, pretzel

Traditional- american cheese, lettuce, tomato, special sauce

2am- caramelized onions, dill pickle, mustard, ketchup

Poutine- cheese curds, fries, gravy

Smokehouse- onion ring, jalapeno, bbq sauce

Breakfast- fried egg, bacon, onion jam

The Others (buns) brioche, potato, gluten free, pretzel

Ahi Tuna- arugula, avocado, sriricha mayo

Oyster- chipotle ailo, pickle, iceberg

Portabella- goat cheese, sundried tomato, arugula, balsamic reduction

Brisket- fried egg, horseradish cream sauce

Pork Belly- jalapeno, slaw, lime

Salmon- peanut sauce, green onion, asian slaw

Dogs(American Kobe)

Original- relish, onion, mustard

Chili- onion, mustard

Reuben- swiss cheese, sauerkraut, russian dressing

Carolina- pulled pork, slaw, aioli



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free shipping on orders of \$25+ & free returns on everything. [view details](#)

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Café lovers will thoroughly enjoy the cute and classic style of the Bistro Dining Chair Set of 2. Each set includes 2 chairs made of sturdy steel and finished with light and neutral blues and grays that give off a Parisian vibe. They're perfect for outdoor or indoor use. Make your dining room casual cool with the chairs or even use in your den with your accent table for some morning coffee and newspaper reading.

Frame Material: Steel

Furniture Legs Material: Steel

Maximum Weight Capacity: 150.000

Dimensions: 34.970H x 20.230W x 15.720D

Seat Width: 20.230

Seat-to-Floor Height: 18.000

Weight: 12.100

other info.

Made in the USA or Imported

guests who viewed this item also viewed







Laura Pierce <lpierce@bhamgov.org>

Resignation from Parks & Recreation Board

1 message

Patty Bordman <pattybordman@gmail.com>

Wed, Nov 4, 2015 at 11:22 AM

To: Laura Pierce <lpierce@bhamgov.org>

Cc: Joe Valentine <jvalentine@bhamgov.org>

Hi Laura,

Joe Valentine advised that following my election as a City Commissioner, I should formally resign from the Parks & Recreation Board. This email should, therefore, serve as my resignation.

Patty Bordman

SUGGESTED RESOLUTION:

To accept the resignation of Patricia Bordman from the Parks and Recreation Board, to thank Ms. Bordman for her service, and to direct the Clerk to begin the process to fill the vacancy.

4H

NOTICE OF PUBLIC HEARINGS
BIRMINGHAM CITY COMMISSION
PUBLIC HEARING OF NECESSITY
PUBLIC HEARING OF CONFIRMATION

Meeting Date, Time, Location:	HEARING OF NECESSITY FOR SPECIAL ASSESSMENT DISTRICT Monday, November 9, 2015, 7:30 PM Municipal Building, 151 Martin, Birmingham, MI
Meeting Date, Time, Location:	HEARING OF CONFIRMATION FOR SPECIAL ASSESSMENT DISTRICT Monday, November 23, 2015, 7:30 PM Municipal Building, 151 Martin, Birmingham, MI
Location:	Villa Ave from S. Adams Rd to Columbia Ave
Nature of Improvement:	Concrete Paving
City Staff Contact:	Paul O'Meara 248.530.1836 pomeara@bhamgov.org
Notice Requirements:	Mail to affected property owners Publish October 18 & 25, 2015
Approved minutes may be reviewed at:	City Clerk's Office

You or your agent may appear at the hearings to express your views; however, if you fail to protest either in person or by letter received on or before the date of the hearing, you cannot appeal the amount of the special assessment to the Michigan Tax Tribunal. Mail any correspondence to: City Clerk, P.O. Box 3001, Birmingham, MI 48012.

The property owner may file a written appeal of the special assessment with the State Tax Tribunal within 30 days after the confirmation of the special assessment roll if that special assessment was protested at the hearing held for the purpose of confirming the roll.

All special assessments, including installment payments, shall, from the date of the confirmation thereof, constitute a lien on the respective lots or parcels assessed, and until paid shall be charged against the respective owners of the lots or parcels assessed.

Persons with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk's Office at 248.530.1880 (voice) or 248.644.5115 (TDD) at least one day in advance to request mobility, visual, hearing or other assistance.



MEMORANDUM

Engineering Department

DATE: October 30, 2015

TO: Joseph A. Valentine, City Manager

FROM: Paul T. O'Meara, City Engineer

SUBJECT: Petition for Special Assessment
Villa Ave. – Adams Rd. to Columbia Ave.

The majority of Birmingham's neighborhoods were subdivided and opened for development prior to 1930. In that era, local streets were built as gravel roads with little if any provision for storm drainage. Streets were constructed with an engineered pavement and drainage system only when a majority of the residents petitioned the City requesting such an improvement, which was then paid for as a special assessment.

In the late 1940's, all remaining gravel roads were chip sealed, which is a low cost paving option generally used in more rural areas. Thin layers of stone chips are sealed with an asphalt emulsion that dries within hours. The sealer lasts between five and ten years before it has to be done again. Drainage problems and road edge issues are not addressed in this program. The cost of the chip seal is assessed to the adjacent property owners.

Over the years, many streets have been reconstructed based on the requests of the majority of the residents. Many miles of streets were paved under this program during the 1990's and 2000's. During the more recent economic downturn, all such requests stopped from 2007 until 2013. Most recently, two local streets have been paved under a special assessment:

Clark St. – George St. to Lincoln Ave.
Cummings St. – Chapin Ave. to 14 Mile Rd.

Earlier this year, a petition request was received for the remaining unimproved blocks of Villa Ave. Since more than half of the property owners were represented, the Engineering Dept. started the process of moving toward a paving project. An informational booklet is prepared (as attached), and an informal neighborhood meeting is held with the residents to help them discuss it further, and to answer any questions. Time is provided after the meeting for any residents that may wish to change their mind, either before or against the project.

A meeting was held with residents on Villa Ave. on September 10. Since that time, we have received one request to be removed from the petition. The percentages in support remain unchanged from our previous memo to the Commission, which was prepared for the meeting of October 12.

To move the process to the next step, the City Commission is required to invite all potential members of the special assessment district to a public hearing, which is scheduled for

November 9. All residents have been notified per the attached mailed notice. The City Commission is the final authority as to whether the project should proceed or not, no matter what the final level of support is on the street. If the City Commission declares that the project is a necessity, a second public hearing of confirmation must be scheduled and held, as reflected in the previously passed motion. At that time, the estimated costs will become a lien on the properties. Payment provisions are outlined in the booklet attached.

Since this project was not budgeted, and since there are not sufficient funds in the Local Streets budget to add this project to the current fiscal year, we recommend that the funding to prepare the plans and bidding documents be expended in the current fiscal year, and that the project be let for bid in approximately May of next year. Construction would then proceed in July, 2016, and be completed by October or November, using budgeted funds from the 2016-17 fiscal year. The City would ultimately pay 15% of the project cost (for paving), and collect back the expended funds for the remaining 85% from the adjacent owners. Sewer improvements are also anticipated, which would come from the Sewer Fund. The water system was improved substantially just last year (2014), so very little additional expenditure is expected in that area.

As referenced in the attached booklet, City policy now requires that all sewer laterals serving individual properties be replaced prior to the installation of a new pavement, if they are more than 50 years old. The cost of this work is based on the per foot price charged by the contractor building the project. Since that cost will not be known for several months, we generally create that special assessment district at the time the construction project is starting, using the same two-step public hearing process.

Paving assessments are typically charged by the front footage of each property. Although not the case on Villa Ave., some streets can have a wide variety of property sizes, which can affect the level of support. For example, if many of the owners with small lots are in support, but those with the big lots are not, the percentage of support by front foot assessed may not be over 50%. For that reason, the level of support is measured two ways, as shown below for Villa Ave.:

By Parcel.....	42 out of 70 (60.0%)
By Front Foot Assessed.....	2,438.0 ft. out of 3,883.0 ft. (62.8 %)

There are no unique circumstances on these two blocks, such as City-owned property, or side frontages facing the street in question, therefore, the City's final share on this project should be just 15% of the total cost (design, construction, and inspection).

In accordance with City policy, the pavement is proposed to be constructed at 26 feet wide with integral concrete curbs. Serious drainage problems on the street will be corrected primarily by hauling out excess earth, and installing a new road that is below the level of the existing sidewalks. Although a detailed cost-estimate has not been done for this street, the assessment for this project is estimated at \$135 per front foot of road with this cross-section. Concrete driveway approaches would be constructed and appropriately assessed to each owner based on the square footage of the drive approach constructed. As referenced elsewhere, all homes with a sewer lateral over 50 years old should also be replaced as a part of the project, under a separate special assessment district. We estimate about 75% of the homes will be subjected to this charge, which should be less than \$2,000 per house.

A suggested resolution has been prepared below should the Commission wish to determine necessity of the improvements, and authorize this project.

SUGGESTED RESOLUTION:

WHEREAS, The City Commission has received the petition submitted by Mr. Dan Miarka requesting the paving of Villa Ave. from Adams Rd. to Columbia Ave.; and

WHEREAS, The City Commission is of the opinion that construction of the improvement herein is declared a necessity; and

WHEREAS, The City Commission has not declared it practicable to cause estimates of cost thereof and plans to be made at this time, now therefore be it,

RESOLVED, that there be constructed an improvement to be hereinafter known as:

VILLA AVE. – ADAMS RD. TO COLUMBIA AVE.

consisting of the construction of a 26 foot wide concrete pavement (face to face) with integral curb and gutter, be it further

RESOLVED, that at such time as the Assessor is directed to prepare the assessment roll, eighty-five percent (85%) of the estimated cost be levied against the assessment district, and fifteen percent (15%) of the estimated cost be charged against the City at large, be it further

RESOLVED, that there be a special assessment district created and special assessments levied in accordance with benefits against the properties within such assessment district, said special assessment district shall be all properties, both public and private, within the following district:

“Birmingham Villa Subdivision”

Lots 73 to 109 inclusive, plus the southerly 8 ft. of the adjacent vacated alley, the vacated Dixie Ave. right-of-way adjacent to lots 95, 96, 123, and 124, lots 110 to 146 inclusive, including the 9.5 ft. wide vacated alley along the southern boundary of this subdivision, but excluding the northerly 9.5 ft. of these lots taken for Villa Ave. right-of-way, and the vacated Yankee Ave. right-of-way adjacent to lots 135 and 136.

be it further

RESOLVED, that the Commission shall meet on Monday, November 23, 2014, at 7:30 P.M., for the purpose of conducting a public hearing to confirm the roll for the paving of Villa Ave. from Adams Rd. to Columbia Ave.



MEMORANDUM

Engineering Department

DATE: September 11, 2015

TO: Joseph Valentine, City Manager

FROM: Paul T. O'Meara, City Engineer

SUBJECT: Petition for Special Assessment
Villa Ave. Paving – S. Adams Rd. to Columbia Rd.

In August of 2015, the Engineering Department received a request to pave Villa Ave. between S. Adams Rd. and Columbia Ave. Since the petition reflected a majority of the property owners on these two blocks, an informational booklet was prepared and distributed. An informational meeting was held on September 10, to discuss the matter further with any interested parties. Eleven properties were represented at that meeting. One resident indicated verbally at the meeting that they would be asking to have their name removed, which has since been confirmed in writing. Counting the one change, the following percentages of property owners are in favor of the project:

By Parcel.....42 out of 70 (60.0%)
By Front Foot Assessed.....2,438.0 ft. out of 3,883.0 ft. (62.8 %)

The attached map indicates the proposed assessment district, and the highlighted properties are those currently in favor of proceeding.

The existing pavement is a cape seal surface just resealed last year following the installation of a new bored water main. (The water main was replaced as part of the City's effort to eliminate the use of backyard water mains in this subdivision.) There is no curb, and the edges of the road are a continuing maintenance problem, particularly where drainage is poor. The sidewalk elevation is below the road in several areas on the street, so the water collects in the sidewalk without a drainage outlet. In accordance with City policy, the road is proposed to be constructed at 26 feet wide, with concrete pavement and curbs.

Although a detailed cost-estimate has not been done for this street, the assessment for this project is estimated at \$135 per front foot of road with this cross-section. Concrete driveway approaches would be constructed and appropriately assessed to each owner based on square footage.

Although the water main was replaced last year, no substantial improvements have been conducted on the combined sewer system in several decades. It is anticipated that some sections of the sewer system would likely be recommended for replacement, should a new pavement be proposed. Additional study will be required to verify this. In accordance with the current City policy, all of the older sewer laterals for each of the properties will be required to be replaced as a part of this project, and those costs will be assessed to the benefitting property owners. If authorized at this time, this project could be designed and constructed

during the early part of 2016. Construction would have to be budgeted in the upcoming fiscal year, with construction starting after July 1, 2016.

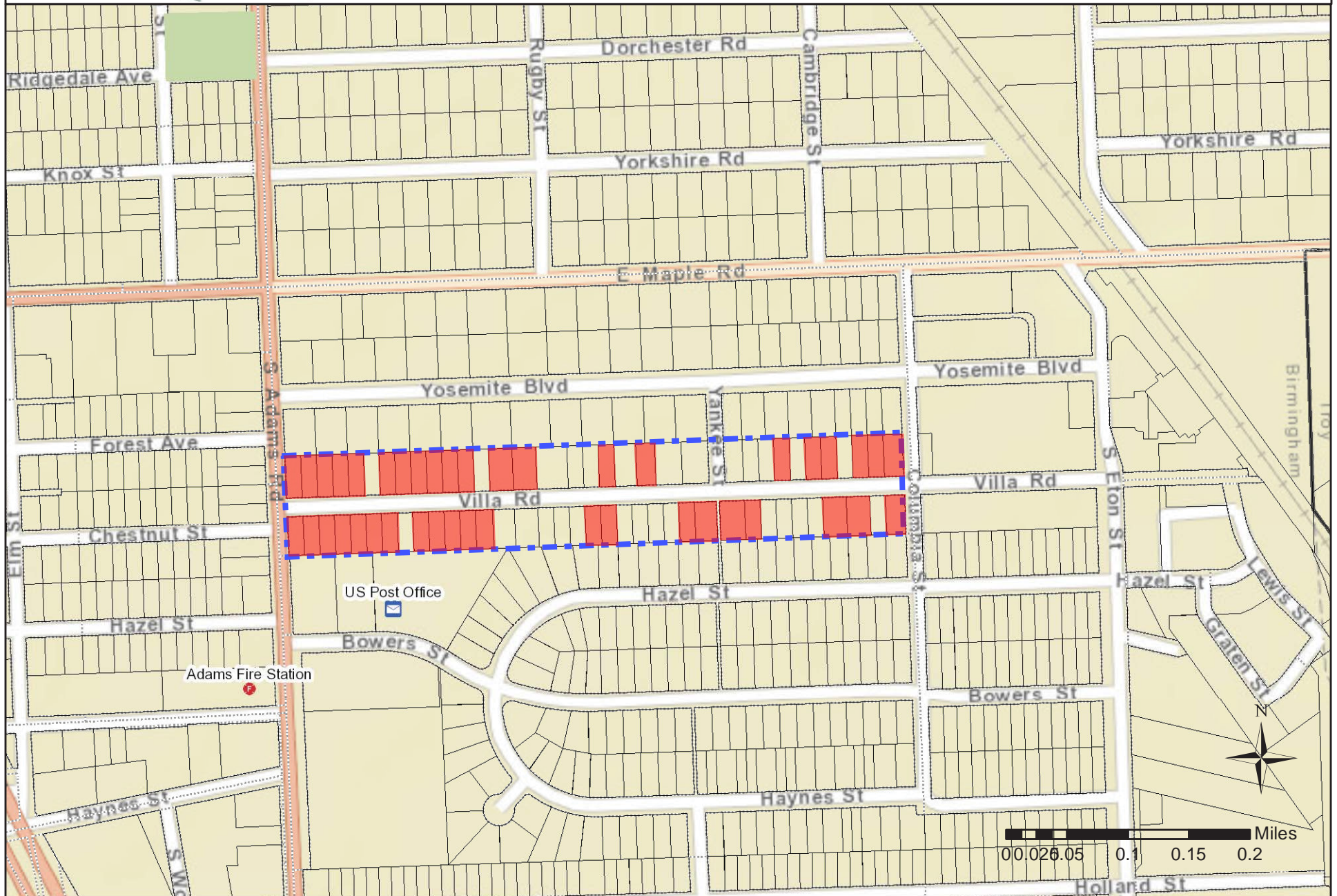
The Engineering Department recommends that a public hearing of necessity be scheduled for Monday, November 9, 2015, at the regularly scheduled City Commission meeting, and that the public hearing to confirm the roll be held at the regularly scheduled City Commission meeting on November 23, 2015.

SUGGESTED RESOLUTION:

To receive the petition submitted by Mr. Dan Miarka requesting the paving of Villa Ave. from S. Adams Rd to Columbia Ave., and to adopt the following resolution:

RESOLVED, That this Commission shall meet on Monday, November 9, 2015, at 7:30 P.M., for the purpose of conducting a public hearing of necessity for the improvement proposed herein.

FURTHER RESOLVED, if necessity is determined on November 9, 2015, a hearing to review the assessments and to confirm the roll will be held on November 23, 2015, at 7:30 P.M.



Petition Circulator: DAN MIARKA

Page: 1

Telephone No. 248-766-9245

REQUEST FOR PUBLIC IMPROVEMENT

(Special Assessments Only)

To: City Commission
Birmingham, Michigan





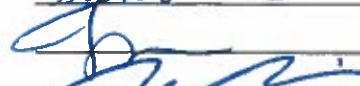





We, the undersigned, owners of property in the City of Birmingham to be benefited by the proposed improvement, description of which property, and our addresses, are set forth opposite our respective names hereto, do hereby request the following public improvement, to wit:

The installation of 26' wide concrete pavement (measured face to face of curb), with parking allowed on both sides, and concrete driveway apron replacement.

Location: Villa Ave.- Adams Rd. to Columbia Ave.

It is the practice of the city that as part of this project city staff will review the condition and make improvements to the city sewer and water mains. The city also bids out sewer service line replacement as a part of the construction contract so that all private sewers that are over 50 years old are also replaced, which will result in a second special assessment. The City also encourages private utilities (gas, electric and wire equipment companies) to review their facilities at no additional cost to the homeowner. The replacement of sidewalks will be added to the special assessment district costs whenever it is necessary to replace to be compatible to the improvement in the right-of-way and adjoining properties.

This request is made for the purpose of advising the City Commission of the desire for such improvement and willingness to have property assessed if the Commission, in the exercise of its discretion, orders such improvement to be made. Subsequent to your signing this petition should you wish to have your name withdrawn from the petition you are asked to send a letter to the City Engineer to represent the removal of your signature. Your letter must be received prior to the City Commission action to declare necessity in order for the withdrawal to be effective.

<u>Date</u>	<u>Name (Please Print)</u>	<u>Address</u>	<u>Signature</u>
6/10/15	DAN MIARKA	1208 Villa	
6/17/15	ANTHONY MARCOWINE	1180 Villa	
6/17/15	RICK VARLESE	1228 Villa	
6/17/15	Gene NOE	1594 Villa	
6/17/15	TRACY GROVES	1600 Villa	
6/17/15	Brandon Remkowsky	1316 Villa	
6-17-15	Dennis A. Dhill	1405 Villa Rd	
6-18-15	Gary Farthing	1295 Villa	
6-19-15	MARIAN CARDAMONE	1695 Villa	
6/19/15	Keith Chene	1158 Villa	

Location:

Villa Rd - Adams to Columbia

Page:

2

DateName (Please Print)AddressSignature

6/22/15	RAY MILLER	1576 Villa
6/22/15	John Durrell	1750 Villa
6/22/15	Kelly McDermott	1155 Villa
6/23/15	John Cook	1523 Villa
6/24/15	CHER WONG	1367 VILLA
6/24/15	SCOTT LAMIS	1235 VILLA
6/24/15	Jamie Foltyn	1786 Villa
6/24/15	Michelle Loe	1153 Villa Rd.
6/24/15	Michael Odette	1207 Villa Rd
6/24/15	Michael Patterson	1350 Villa Rd.
6/24/15	Katie Averran	1350 Villa Rd
6/24/15	JOAN ZATAC	411 S. ADAMS
6/24/15	Tom Smence	1630 Villa
6/24/15	LISA TESTA	1474 Villa
7/7/15	Murat Muftari	1288 Villa
7/8/15	Maria Mourou	1326 Villa Rd
7/15	Maria Gagnon	1492 VILLA
7/16	Shirley Kenning	1700 Villa
7/15	HEATHER KICER	1272 Villa
7/8/15	MICHAEL SWIFT	1665 VILLA
7/8/15	Nancy VanDeGraft	1491 Villa
7/9/15	Mark Mastropietro	1331 Villa
7/9/15	JOHN KOCAR	1711 Villa
7/10/15	PAUL GROUT	1238 Villa
7/14/15	Robert Shopp	1524 Villa
7/16/15	Jim Whitney	1255 Villa
7/16/15	Wim van Loo	1765 VILLA
7/16/15	Wim van Loo	1779 Villa
7/16/15	Steven Hascott	359 Silver Adams
7/16/15	Philip Newell	1179 Villa Rd
7/19/15	THO SOFLEMS	1136 Villa Rd

(SEE ATTACHED EMAIL)

WITHDREW 9/11
(SEE ATTACHED E-MAIL)

Location:

Villa Rd - Adams to Columbia

Page:

3

Date

Name (Please Print)

Address

Signature

7/27

Michael Savolousis

1751 Villa

7/27

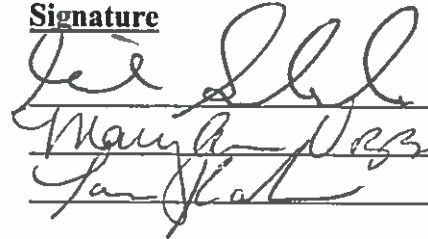
MARY ANN VOZZA

1791 Villa

7/27

~~Tara~~ Karebian

1773 Villa



STATE OF MICHIGAN)
)
COUNTY OF OAKLAND) SS.:

I, being duly sworn, say that I reside at No. 1208 VILLA,

that I know of my own personal knowledge that each of the persons purporting to sign the foregoing request did sign the same and that all of said signers are property owners of the City of Birmingham.

[Signature] (Signed):

Address: 1208 VILLA

(Date Submitted): 8/5/15

Signed, subscribed and sworn to before me, a Notary Public
in and for said County, this 5th day of August, 2015
Oakland

My Commission Expires: 2/13/20

[Signature]
MARIO MENDOZA
NOTARY PUBLIC OAKLAND CO. MI
MY COMMISSION EXPIRES 2/13/20



Austin Fletcher <afletcher@bhamgov.org>

Villa Avenue Paving Project

1 message

maro bush <marobush@gmail.com>

Fri, Aug 28, 2015 at 11:27 AM

To: afletcher@bhamgov.org

I am sending this email to state and confirm that I, Maro Bush, residing at 1331 Villa Road, Birmingham, MI 48009, am fully in support of the Villa Avenue Paving Project. My husband Mark Mastropietro resides at the same address and is also in support of the Villa Avenue Paving Project. He signed the petition for said project on both of our behalves.

Maro Bush
1331 Villa Road
Birmingham, MI 48009
248-722-0464



Austin Fletcher <afletcher@bhamgov.org>

Villa Avenue Paving Project - withdraw

1 message

bob8e1@comcast.net <bob8e1@comcast.net>
To: afletcher@bhamgov.org
Cc: bob8e1@comcast.net

Fri, Sep 11, 2015 at 9:31 AM

September 11, 2015
Ref: Villa Avenue Paving Project

Hi Austin,

I writing to inform you that we are withdrawing our support of the Villa Avenue Paving project.

Although we originally signed the petition, the intention was to understand what the estimated cost would be. Understanding now that this estimate would be around \$7,500 (new lateral placed 2013), this exceeds our budget.

We also understand that a majority of signatures / approvers may remain in favor of the project and that the project may still move forward.

Thanks again for you and Paul presenting last night.

Thank you,

Robert & Shelli Shopp
1797 Maryland Blvd
Birmingham MI. 48009

Property address:
1524 Villa.



VILLA AVENUE PAVING

August 31, 2015

Dear Property Owner,

The City of Birmingham has received a petition signed by a significant number of the property owners on the above street requesting that the road be improved with a permanent pavement and curbs. Having the road paved under a special assessment is a significant decision, which can raise questions.

The attached report has been prepared to help answer questions about the project, and assist you in confirming your final position. In order to address any issues this report does not explain, or if you have any individual issues, we have scheduled an informational meeting for all property owners to attend. It is intended to be a forum to encourage all involved to learn details of the project, and to allow for City staff to answer any questions you may have before the petition process moves to the City Commission for consideration. Attendance is not mandatory, regardless of your position on this issue. However, we encourage you to attend. At your discretion, it may be constructive to share this information with tenants if appropriate.

The final decision to proceed with the project rests with the City Commission. It has typically been the Commission's preference to listen to what the wishes of the neighborhood are. Should your name remain on the petition, it will be considered as supporting the project. Should your name not be on the petition, it will be considered not in support of the project. If you have signed the petition, but you no longer support the project, you may remove your name by submitting a letter or email to the Engineering Department. If you wish to add your name in support, a letter or email may also be sent. Those that wish to make their position known and present their reasons, would best respond by letter, however, you are also invited to present your thoughts at the time of the public hearing. Should an official "public hearing of necessity" be scheduled, you will be sent notification at a later date.

The informational meeting will be held on **Thursday, September 10, at 6:30 P.M.**, in the second floor conference room #205 located above the Police Department at the Municipal Building, 151 Martin St. It is best to enter the side door off of Pierce St., and proceed upstairs.

If you have any questions relative to the meeting, or the project in general, please contact Austin Fletcher at 248-530-1839, anytime between 8 A.M. and 5 P.M. weekdays.

Sincerely,

Paul T. O'Meara, P.E.
City Engineer
pomeara@bhamgov.org

Austin W. Fletcher, P.E.
Assistant City Engineer
afletcher@bhamgov.org

PROPOSED PROJECT REPORT

VILLA AVENUE PAVING

Adams Rd. to Columbia Ave.



**City of Birmingham
Engineering Department**

August 31, 2015

PROPOSED PROJECT REPORT: VILLA AVENUE PAVING

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I. INTRODUCTION

Recently, the residents on Villa Avenue between Adams Road and Columbia Avenue signed and submitted a petition requesting that the City install a new paved surface on their street. The following report has been prepared to allow property owners in the affected area to understand the full impact of the idea.

With the submission of this petition, verified signatures representing fifty-eight percent (58%) of the properties on this street indicated that they would be in favor of a paving project. Anyone who signed the petition, who, for whatever reason, is no longer in favor of the project, will need to indicate so in writing to our office to have his or her name removed. Likewise, anyone that wishes to add his or her name in favor of the project will need to submit a note in writing to our office indicating this. Mailed letters or emails are accepted for this correspondence.

The following report has been prepared to allow property owners in the affected area to understand the full impact of the idea.

II. EXISTING CONDITIONS

HISTORY

Villa Avenue (between Adam Avenue and Columbia Avenue) was originally platted in 1914 as part of Birmingham Villas with a fifty (50) foot road right-of-way. The road was originally constructed as a gravel road, but had a chipseal surface placed on it beginning in approximately the 1940's.

In 1916, the nine and a half (9.5) foot public alley (behind the lots on the south side of Villa Avenue) was vacated and added to the road right-of-way, widening it to fifty-nine and a half (59.5) feet by order of the Circuit Court.

In 2014, a new water main was installed on this street. The old four (4) inch water main that originally served the homes on this street was abandoned, and a new eight (8) inch diameter water main was placed in service. At the time of the water main replacement, the lead services that were encountered were replaced with new pipe up to the stop box (right behind the sidewalk).

ROADWAY CONDITIONS

Villa Road was originally constructed as gravel, with little provision for drainage. In the late 1940's, a chip seal surface was added to provide stability and reduce dust. The existing road surface on Villa Road was repaired and resealed in 2014 to restore the road after the water main project. The existing road surface is approximately twenty (20) feet, but there are areas where it is wider to allow for on-street parking in front of some homes. The roadway is generally centered in the fifty-nine and a half (59.5) foot wide City Right of Way.

The existing sidewalks on Villa Road are generally five (5) feet wide. The sidewalk ramps at the intersections have been updated to current standards with more recent projects.

III. PROPOSED IMPROVEMENTS

ROAD IMPROVEMENTS

The City's standard road width in a residential area is twenty-six (26) feet, measured between the face of the curbs. A recent example of how this width appears can be found on St. Andrews Rd. (north off of Maple Rd. between N. Eton St. and Coolidge Hwy.).

Villa Road has a fifty-nine and a half (59.5) foot wide right-of-way. After the installation of the road as described above, there will be approximately ten (10) feet of grass between the sidewalk and the curb. Typically, tree roots grow in the direction of available water. In the case of street trees, the roots tend to grow towards the adjacent front yards, and away from the street. The impervious nature of the hard gravel road, and later the sealed paved surface, discourages the growth of roots in the area of the road. Nevertheless, we cannot guarantee what impact this project will have on each tree until the project is underway, as each tree is different.

The sidewalks will generally remain as they are today, with repairs installed where they are damaged to install the sewer leads.

Since all existing trees were installed relatively close to the City sidewalks, no trees are slated for removal as a result of this project. It should be noted that the City has constructed several new streets with similar situations, and typically very few trees are lost due to construction. However, since the risk of damage is present, homeowners need to be aware that some tree loss may occur, either during construction, or subsequent to it.

A cursory review of the existing sewers indicates the possible need for improvements. However, additional research and/or a study will be required in order to determine the extent and type of improvements, if any. This will be conducted by the City once the project is authorized and before the design begins to ensure all necessary pipe replacement and/or repairs are done to ensure that the pipe is stable for many years to come. It should be noted that if improvements are deemed required to the City sewer, it will not affect (increase) the cost of the special assessment.

SEWER LATERAL REPLACEMENT

Beginning in 2007, whenever the City is constructing a new pavement such as envisioned in this project, each home's sewer lateral must be considered relative to its remaining service life. Each homeowner is responsible for the maintenance of their sewer lateral from the home to the City sewer connection. The portion from the right-of-way line to the City sewer can be quite costly to repair if done on an emergency basis because it has collapsed. Experience has shown when older sewer laterals are replaced in conjunction with a street renewal project, the cost of the work is generally substantially reduced. Replacing older sewer laterals also significantly reduces the possibility of the new pavement having to be cut and patched afterward due to the continuing decline of sewer laterals. With that in mind, should the City Commission authorize the installation of a new pavement, all homes with sewer laterals older than fifty (50) years (the expected service life of an underground pipe from that era), will be included in a second special assessment district requiring removal and replacement of the sewer lateral in the right-of-way at homeowner expense.

WATER SERVICE REPLACEMENT

In addition, residents wishing to have their water service lateral upgraded from the property line to the City main will be given the opportunity to separately contract with the contractor for this work. Past experience has shown that the cost of this work is usually reduced significantly from the normal open market price. Water service lateral upgrades are appropriate for those homes that may be expanded or replaced in the future. Involvement in this upgrade is strictly voluntary on the part of each homeowner.

IV. PROJECT APPROVAL PROCESS

PUBLIC HEARING TO AUTHORIZE PROJECT

Installing a new permanent improved pavement on Villa Avenue will require that the City Commission authorize the creation of a special assessment district (SAD). The open informational meeting described on the cover letter of this booklet is meant to provide a forum to ensure that you fully understand what is being proposed prior to scheduling the Public Hearing. After the open informational meeting described on the cover letter is held, if it can be demonstrated that a majority (over 50%) are still in favor of the road paving plans, City staff will forward the petition to the City Commission, and recommend that a Public Hearing of Necessity of this project be scheduled. The Public Hearing date will likely be set approximately four (4) weeks later. City staff will invite all property owners by individual notice (and advertise in the local press) to a Public Hearing for the purpose of taking comments in regard to the proposed project.

The Public Hearing will provide a forum for those impacted by the project to discuss the matter with the City Commission prior to any decision on the project being made. Any interested party may provide comment either by appearing and speaking at the meeting, or filing a letter with the City Clerk, preferably one (1) week prior to the scheduled hearing date.

After the Public Hearing is closed, the City Commission will determine if the proposed project is necessary and advisable. If they vote in favor of the project, the City Assessor will be directed to prepare a special assessment roll identifying all properties to be assessed, and the estimated amounts to be assessed against each property (described below). A second Public Hearing will be scheduled to confirm the roll of assessments.

PUBLIC HEARING TO CONFIRM ASSESSMENTS

The City Commission will then schedule another Public Hearing for the confirmation of the roll. The City will again invite all property owners to this hearing. Property owners will be able to determine their particular assessment at the City Clerk's office for a period of ten (10) days prior to the hearing. The City Commission may confirm, correct, revise, or annul the special assessment roll.

A property owner or party-in-interest may file a written appeal of the special assessment with the Michigan Tax Tribunal within thirty (30) days of the confirmation if the property owner or party-in-interest, or their agent, appears and protests the assessment at the Public Hearing held for the purpose of confirming the roll. Appearance and protest may be made in person at the hearing, or may be made by filing a letter with the City Clerk prior to the hearing. If a protest is not made at the Public Hearing, an appeal may not be filed with the Michigan Tax Tribunal.

If the Commission confirms the roll, the Engineering Department will begin design of the project. After construction takes place, and final costs are available, the roll is subject to adjustment after the actual cost of construction is determined.

V. CONSTRUCTION

ANTICIPATED CONSTRUCTION SEQUENCE

Construction will likely take the following course:

1. The existing road surface will be removed or pulverized.
2. City sewer will be replaced and/or repaired (if determined necessary).
3. Sewer and water services will be replaced on an as-needed basis.
4. The existing storm drains will be abandoned, and new catch basins will be installed to accommodate the new road design. Short sections of storm sewer will be installed to drain these new basins.
5. The new grade of the road will be roughed out; generally about twelve (12) inches lower than the existing road, to ensure that all front yards drain properly to the street.
6. A gravel road base will be prepared.
7. New concrete pavement with integral curb will be installed. The new pavement will take at least seven (7) days to cure to gain strength before it can be re-opened to traffic.
8. New concrete driveway approaches will be installed. The drive approaches will match the width as needed for each existing driveway, and will be replaced complete from the sidewalk to the new curb.
9. The existing sidewalks will be repaired (where needed) to provide a consistent walking surface and new sidewalk ramps will be installed that meet current ADA regulations.
10. All yard areas within the right-of-way will be graded off, and topsoil will be placed. Front yards will generally be sodded. Seed and mulch will be used in small areas where sod is impractical, in areas where sod would not be watered, and adjacent large trees. Seed will also be installed upon written request.
11. The Contractor will return for a short period of time (normally two weeks) to ensure that the grass is growing sufficiently in all disturbed areas. Homeowners are encouraged to water and maintain new lawn areas after the Contractor's work has been completed.

The above phases may be interchanged somewhat based upon Contractor's preference, and weather conditions.

Access to each property's driveway will be maintained during the majority of the work. Access may be limited during the following operations:

1. City sewer or sewer service installation directly in front of the driveway approach.
2. Installation of new catch basins and connections to City sewers.
3. Installation of the concrete pavement.
4. Installation of the concrete drive approach (or sidewalk).

Of the above, only items 3 and 4 should involve overnight periods. Once the new concrete is placed, it is important that all traffic stay off a minimum of seven (7) days. Note that the time between the beginning of road base construction until the drive approach is ready to be driven on can be as much as three (3) weeks. Sewer work will impede access during the day, but traffic will be permitted to return at night.

All residents will be notified ahead of time if access is to be restricted, so that vehicles may be pulled out if needed.

It is anticipated that if this project is approved by the City Commission in the fall of 2015 that the construction on this project should be included in a larger contract during the 2016 construction season.

INSPECTION

During construction, a City Inspector will be assigned to the project. The City Inspector and the Contractor's Foreman will be on site every day that work is occurring, and will be available to discuss any concerns or problems that you have as a result of the project. The Engineering Department will also be available between 8:00 A.M. and 5:00 P.M. weekdays to respond to any concerns that cannot be resolved at the work site (248-530-1840).

SPECIAL TREATMENTS

Note that any special landscaping treatments in the right-of-way, such as underground sprinklers, brick pavers, wood ties, or shrubbery will be impacted by the project. These special items will be removed if they will be inappropriate relative to the new street. Items such as underground sprinklers will likely be damaged or destroyed. Any repairs or replacement to sprinkler systems or other special landscaping treatments (within the right-of-way) will need to be accomplished by the property owner, prior to project completion, at their own expense. Replacement of such items will be subject to the provisions of a Special Treatment License.

VI. COSTS & FINANCING

ASSESSABLE COSTS

Assessable costs include grading, street surfaces, driveway approaches, sidewalks, curb and gutter, drainage structures, and final restoration. The City of Birmingham pays for 15% of the cost of the project. The adjacent property owners share the remaining 85%. The estimated assessment for this project is approximately \$135.00 per front foot. The estimated cost includes engineering design, inspection, and project administration. Should bids come in significantly different than anticipated, City staff will review the costs and make an appropriate recommendation to the City Commission.

FINANCING INFORMATION

Once the assessment has been confirmed (at the estimated rate), and funding has been authorized, billings for the first installment shall be due and payable within sixty (60) days after billing. Normally this occurs near the starting date of the project. Bills not paid when due will be subject to additional interest and penalties. If you desire to pay the cost of the assessment over a ten-year period, you will pay interest at the rate fixed by the Commission at the time of the confirmation hearing. The interest rate selected reflects current market conditions, but will

not exceed 12%. You may pay off the assessment, including interest accrued to date; or you may pay the total amount at the first payment date and not accrue any interest. If you elect to pay in ten (10) installments, interest will then be charged to the second and subsequent bills, based upon the unpaid balance. Subsequent bills will arrive approximately every twelve (12) months thereafter, until the assessment is paid.

The following chart provides an example of the assessment period over ten (10) years using the rates specified above. An interest rate of 5% has been selected for this example, only.

For this example, a 50 foot lot width will be used, and a 130 square foot driveway approach. In addition, the sewer lateral replacement is estimated at \$55.00 per linear foot for 30 feet in the road right of way. The assessment for this parcel would be calculated as follows:

Paving Assessment:	50 LF @ \$ 135.00 / LF =	\$ 6,750.00
Drive Approach:	130 SF @ \$ 5.75 / SF =	\$ 750.00
Sewer Lateral Replacement:	30 LF @ \$ 55.00 / LF =	\$ 1,650.00
TOTAL:		\$ 9,150.00

Total Cost = \$ 9,150.00

No interest on first payment.

Assumed Interest Rate = 5%

Interest due on unpaid balance.

Loan payable over 10-year period.

Principal payments = \$ 9,150.00 divided by 10 = \$ 915.00

YEARS	PRINCIPAL	UNPAID BALANCE	INTEREST CHARGE	YEARLY PAYMENT
1st Year	\$ 915.00	\$ 8,235.00	\$ -	\$ 915.00
2nd Year	\$ 915.00	\$ 7,320.00	\$ 411.75	\$ 1,326.75
3rd Year	\$ 915.00	\$ 6,405.00	\$ 366.00	\$ 1,281.00
4th Year	\$ 915.00	\$ 5,490.00	\$ 320.25	\$ 1,235.25
5th Year	\$ 915.00	\$ 4,575.00	\$ 274.50	\$ 1,189.50
6th Year	\$ 915.00	\$ 3,660.00	\$ 228.75	\$ 1,143.75
7th Year	\$ 915.00	\$ 2,745.00	\$ 183.00	\$ 1,098.00
8th Year	\$ 915.00	\$ 1,830.00	\$ 137.25	\$ 1,052.25
9th Year	\$ 915.00	\$ 915.00	\$ 91.50	\$ 1,006.50
10th Year	\$ 915.00	\$ -	\$ 45.75	\$ 960.75
TOTALS	\$ 9,150.00		\$ 2,058.75	\$ 11,208.75

Average payment per year = \$ 1,120.88

Note that the billing cycle may begin before the project is completed. There will be no refunds on interest paid by any property owner if this occurs.

VII. POST-CONSTRUCTION

BENEFITS

If the project is constructed, once completed, there are several benefits to be derived. As with other curbed streets, street-side leaf pickup during the months of October and November will be provided. Leaves need to be deposited at the curb, and the Department of Public Services will make two (2) pick-ups on each street, per year, at no additional cost. Once the road is paved, the City will be fully responsible for its continued maintenance. This will include patching, crack sealing, and eventually, resurfacing or complete reconstruction.

VIII. DISCLAIMER

The information provided in this report was based upon facts at the time written to the best of the Engineering Department's knowledge. The City of Birmingham reserves the right to change the policies and procedures noted herein without notice based upon changing conditions that may be appropriate in the future. If you have knowledge that any of the information contained in this report is incorrect, please contact the City of Birmingham Engineering Department as soon as possible to notify them of any inaccuracies.



MEMORANDUM

Engineering Dept.

DATE: November 2, 2015

TO: Joseph Valentine, City Manager

FROM: Paul T. O'Meara, City Engineer

SUBJECT: Acacia Drain Replacement – Cost Agreement
Catalpa Dr. – Edgewood Ave. to Grant St.

Almost all public sewers within Birmingham are owned and maintained exclusively by the City. There are some unique exceptions. The Acacia Drain District was created as a Chapter 20 drain, through the Oakland Co. Drain Commissioner's office, involving both Birmingham and the Village of Beverly Hills. The original Acacia Drain portion built in Birmingham started at the intersection of Catalpa Dr. and Grant St. It services all the homes on Catalpa Dr., then heads south on Pierce St. into Beverly Hills. The sewer was built in 1925. About a year ago, portions of it were discovered to be in poor condition. This topic was last discussed with the Commission at their meeting of September 3. Please refer to the additional history about what has occurred over the past year in the attached correspondence prepared for that meeting.

At the meeting of September 3, the City Commission passed a three part resolution, copied below:

- 1. To accept the request from the Oakland Co. Water Resources Commissioner's office to replace the remaining 589 feet of the Acacia Drain on Catalpa Dr. from Edgewood Dr. to Grant St., to be funded by Acacia Drain maintenance fund reserves, subject to a cost reimbursement agreement between the OCWRC and the City being finalized, and*
- 2. To authorize Change Order #1 to the 2015 Local Streets Paving Program, Contract #2-15(P), in the amount of \$475,000, to be charged to the following accounts, subject to a cost reimbursement agreement being finalized:*

<i>Acacia Drain Maintenance Fund</i>	<i>590-536.001-985.6900</i>	<i>\$311,000.00</i>
<i>Sewer Fund</i>	<i>590-536.001-981.0100</i>	<i>\$ 46,000.00</i>
<i>Water Fund</i>	<i>591-537.004-981.0100</i>	<i>\$ 94,000.00</i>
<i>Local Street Fund</i>	<i>203-449.001-981.0100</i>	<i>\$ 24,000.00</i>

and

- 3. To set a public hearing for the replacement of sewer laterals as follows:*

RESOLVED, that the City Commission shall meet on Monday, October 12, 2015 at 7:30 P.M., for the purpose of conducting a public hearing of necessity for the installation of lateral sewers on Catalpa Dr., between Edgewood Dr. and Grant St. Should the district be declared at that time, be it further

RESOLVED, that the City Commission meet on Monday, October 26, 2015 at 7:30 P.M. for the purpose of conducting a public hearing to confirm the roll for the installation of lateral sewers on Catalpa Dr., between Edgewood Dr. and Grant St.

Referring to the above resolution in reverse order, the special assessment for the replacement of sewer laterals on this street has been accomplished. The public hearing was conducted at the meeting of October 26, without comment from any residents within the district.

Referring to the change order being authorized, in early September, our office was hopeful that this new work could be authorized quickly, and executed in October and November of this year. However, public sewer replacement proposals must be approved by both the Oakland Co. Water Resources Commissioners office (OCWRC), and the MI Dept. of Environmental Quality (MDEQ). The approval process tends to take from six to eight weeks. Approval was just received from the state about ten days ago. Since it did not seem practical to start this work so late in the year, we have since negotiated with DiPonio to extend their 2015 contract prices into next year, with the expectation that the work will start by the middle of April, and be completed by early June. They have verbally agreed to do so, and plan to finalize subcontracts with their team once the City has finalized its funding for the project.

Finally, due to the unique funding arrangement wherein the City will front the cost of this project, and get reimbursed approximately 70% of the main line sewer cost from the County, an agreement needed to be executed between the City and the OCWRC. That agreement was negotiated between attorneys working for both sides, and was approved by the Acacia Drain Board last week (October 27). A copy of the signed agreement is attached and now ready for the Commission's authorization as well.

Since this project has been delayed to next spring, we continue to be concerned about the weak spot in the main line sewer. I have discussed with the County having DiPonio conduct a point repair on this spot in the coming weeks, while we are still able to restore the pavement damage temporarily with a hot asphalt patch. Should the City Commission authorize this agreement, I will finalize the payment arrangement with the County using the same formula referenced within (70% reimbursement) so that the sewer does not fail in the coming months. We will also finalize the extension of the contract prices with DiPonio for 2016 spring construction.

SUGGESTED RESOLUTION:

To approve the agreement with the Acacia Park CSO Drain Drainage District to reimburse the City the district's share of the costs of replacing the Acacia Drain located on Catalpa Dr. between Edgewood Ave. and Grant St., as authorized under Change Order #1 to Contract #2-15(P), the 2015 Local Streets Paving Program.

COST REIMBURSEMENT AGREEMENT

CONSTRUCTION

Catalpa Street Between Edgewood Road and Grant Street

City of Birmingham
2015 Local Road Paving Program
Contract No.: 2-15(P)

THIS AGREEMENT made and entered into this 27th day of October 2015, by and between the **CITY OF BIRMINGHAM** (hereinafter referred to as "BIRMINGHAM"), and the **ACACIA PARK CSO DRAIN DRAINAGE DISTRICT** (hereinafter referred to as "ACACIA PARK"), provides as follows:

WHEREAS, the CITY OF BIRMINGHAM and ACACIA PARK, in cooperation with each other, have undertaken a project to fix defects that were identified by the Oakland County Water Resources Commissioner's office in the 15" diameter Acacia Park combined sewer along Catalpa Street between Edgewood Road and Grant Street. The pipes are owned by the ACACIA PARK CSO DRAIN DRAINAGE DISTRICT. The construction costs associated with the pipe improvements will be paid for by the CITY OF BIRMINGHAM and reimbursed to the City by ACACIA PARK. The improvements are within the jurisdiction of the CITY OF BIRMINGHAM, which improvements are, hereinafter referred to as the "PROJECT"; and,

WHEREAS, the estimated cost of the PROJECT is Three Hundred Thousand Dollars (\$300,000.00); and,

NOW, THEREFORE, in consideration of the mutual covenants set forth herein and in conformity with all applicable laws, it is hereby agreed between BIRMINGHAM and ACACIA PARK, as follows:

1. BIRMINGHAM shall forthwith undertake and complete the PROJECT, as part of its 2015 Local Road Paving Program, and shall perform, or cause to be performed, all preliminary engineering, construction engineering, and administration.
2. The PROJECT shall include preliminary engineering, construction engineering, administration, as well as total payments to the contractor.

3. The PROJECT construction cost is approximately Three Hundred Thousand Dollars (\$300,000).
4. The pipes to be replaced are owned by the ACACIA PARK CSO DRAIN DRAINAGE DISTRICT.
The costs associated with the pipe improvements initially will be paid for by BIRMINGHAM and thereafter reimbursed to the City by ACACIA PARK upon presentation of an itemized invoice approved by the Oakland County Water Resources Commissioner's office.
5. The PROJECT is to be completed by BIRMINGHAM as part of its Contract No. 2-15(P) of its 2015 Local Road Paving Program. Costs to replace the road, which will become necessary because of the combined sewer replacement, are part of the PROJECT and will be reimbursed by ACACIA PARK. The cost for additional work involving the water main, sewer laterals, and driveways are not part of the PROJECT and will be paid for by BIRMINGHAM, but will not be reimbursed by ACACIA PARK.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and date first written above.

In the Presence of:

CITY OF BIRMINGHAM, A Michigan Municipal
Corporation

By: _____

Its: _____

ACACIA PARK CSO DRAIN DRAINAGE DISTRICT

By: _____

Jim Nash
Its: Chairman



MEMORANDUM

Engineering Dept.

DATE: September 3, 2015

TO: Joseph Valentine, City Manager

FROM: Paul T. O'Meara, City Engineer

SUBJECT: Acacia Drain Replacement
Catalpa Dr. – Edgewood Dr. to Grant St.

In late 2014, our office was asked to attend a meeting at the Oakland Co. Water Resources Commissioner's office (OCWRC) regarding the current condition of a part of the Acacia Drain located in Catalpa Dr. Both jurisdictions that benefit from the Acacia Drain (Birmingham and Beverly Hills) were present. At that meeting, we were notified that a recent inspection of the drain section located on Catalpa Dr. from Pierce St. to Edgewood Ave. was in very poor condition, and should be scheduled for replacement. Although this section of sewer was deep, it was decided that open cut construction made the most economic sense. Since the pavement and water main were also in marginal condition, and since we already had similar work planned nearby on streets such as Henrietta St. and Maryland Blvd. for 2015, our office offered to add this work to our upcoming construction contract. Beverly Hills endorsed this approach, and agreed to pay their share.

During this first meeting, I noted that there were runs both upstream and downstream of the subject section of sewer that were the same age. I asked the question as to whether inspections revealed that either of those areas should also be repaired or replaced. I was told that those sections did not need any action at this time.

As you know, we proceeded as planned. Hubbell, Roth, & Clark was hired to complete the plans for this short project, and the westerly two blocks of Catalpa Dr. were completely rehabilitated over the past four months. The work is now drawing to a close.

During initial scoping of the job and design work, our staff noted that a section of concrete east of Edgewood Dr. was cracking and settling. The failing area was on centerline, but was also at the point where catch basins drain into the main line pipe. Since we had been led to believe that the main line County sewer was in good condition here, we assumed that the failure was likely resulting from a problem in the shallow catch basin drain pipe. Our Dept. of Public Services staff was alerted, and they promptly inspected the pipe draining the catch basins. They concluded that this pipe was in good condition, and was not causing the settlement issue. That left only the deeper County drain as the cause. The OCWRC office was notified. They questioned our conclusion, and asked us to inspect the area again. A second inspection revealed that the catch basin drainage pipe was clearly in good condition. At this point, the County started researching inspection records in their office for the County drain. They then determined that this segment of sewer had in fact not been studied as thought, and that this section of sewer was also in poor condition.

We received the attached written request from the OCWRC asking that we proceed with the remaining replacement of the Acacia Drain on Catalpa Dr. Since the work is very similar in nature to the work that was just completed, bidding and contract administration costs can be reduced if this work could be added to the existing Contract #2-15(P). Our contractor, DiPonio Contracting, studied the issue for about two weeks, and decided that they would be able to add this project to their workload, with the intention that it would be constructed and paved prior to the end of the 2015 construction season.

Since funding for this project is shared with Beverly Hills, it is anticipated that the City will be reimbursed for the Acacia Drain portion of the project by the OCWRC. In order to expedite this work, it is requested that the City Commission endorse this concept of proceeding with the work at this time, and direct the City Attorney's office to work with the OCWRC to prepare an agreement that will define the terms of reimbursement to the City. If approved, the Engineering Dept. will move quickly to have Hubbell, Roth, & Clark prepare plans for this remaining section of Catalpa Dr., designed as a similar project to that done on the rest of Catalpa Dr. Plans will have to then be reviewed and approved both at the County and State level. In the meantime, our contractor DiPonio can make provisions to include this work in their schedule, hopefully starting some time in October of this year. The additional costs reflected in this additional work will need to be authorized as Contract Change Order #1.

While plans have not yet been prepared, estimated costs for budgeting purposes have been extrapolated by increasing the costs incurred on the first Catalpa Dr. project, and assuming that Phase II is 84% as large as Phase I (see attached memo for details). Estimated costs for the Change Order, are as follows, rounded up to the nearest \$1,000:

Acacia Drain – Birmingham	\$ 91,000.00
Acacia Drain – Beverly Hills	\$220,000.00
Sewer Fund	\$ 46,000.00
Water Fund	\$ 94,000.00
Local Street Fund	\$ 24,000.00

While the total value of the Change Order is \$475,000, approximately \$311,000 of this cost will be reimbursed by the OCWRC to be spelled out in the agreement referenced above, as a transfer from the Acacia Drain maintenance fund.

Finally, on the Phase I project, a special assessment district was created to pay for the replacement of older sewer laterals. On Phase II, sewer laterals should also be replaced. Since bids have been taken and prices established, a public hearing to establish this sewer lateral replacement assessment can be set at this time. A three part resolution is prepared below:

SUGGESTED RESOLUTION:

1. To accept the request from the Oakland Co. Water Resources Commissioner's office to replace the remaining 589 feet of the Acacia Drain on Catalpa Dr. from Edgewood Dr. to Grant St., to be funded by Acacia Drain maintenance fund reserves, subject to a cost reimbursement agreement between the OCWRC and the City being finalized, and

2. To authorize Change Order #1 to the 2015 Local Streets Paving Program, Contract #2-15(P), in the amount of \$475,000, to be charged to the following accounts, subject to a cost reimbursement agreement being finalized:

Acacia Drain Maintenance Fund	590-536.001-985.6900	\$311,000.00
Sewer Fund	590-536.001-981.0100	\$ 46,000.00
Water Fund	591-537.004-981.0100	\$ 94,000.00
Local Street Fund	203-449.001-981.0100	\$ 24,000.00

and

3. To set a public hearing for the replacement of sewer laterals as follows:

RESOLVED, that the City Commission shall meet on Monday, October 12, 2015 at 7:30 P.M., for the purpose of conducting a public hearing of necessity for the installation of lateral sewers on Catalpa Dr., between Edgewood Dr. and Grant St. Should the district be declared at that time, be it further

RESOLVED, that the City Commission meet on Monday, October 26, 2015 at 7:30 P.M. for the purpose of conducting a public hearing to confirm the roll for the installation of lateral sewers on Catalpa Dr., between Edgewood Dr. and Grant St.







Paul O'Meara <pomeara@bhamgov.org>

Acacia Park CSO Drain

1 message

McMahon, Michael R <mcmahonm@oakgov.com>

Tue, Aug 11, 2015 at 10:28 AM

To: Paul O'Meara <pomeara@bhamgov.org>

Cc: "tmeszler@villagebeverlyhills.com" <tmeszler@villagebeverlyhills.com>, "Korth, Steven A" <korths@oakgov.com>, "Nigro, Gary A" <nigrog@oakgov.com>

Paul,

This is a follow up to our recent telephone conversations regarding approximately 589' of 15" combined sewer pipe on Catalpa between Edgewood and Grant in the City of Birmingham. This sewer pipe is part of the Acacia Park CSO Drain (Chapter 20). As discussed, Wade-Trim has recommended the replacement of this pipe based on their evaluation of the sewer and review of the CCTV inspection records.

Last year, a decision was made to replace approximately 365' of 20" pipe and 345' of 18" pipe, which is the section of the Acacia Park CSO Drain on Catalpa immediately downstream of this run, between Pierce and Edgewood. The City of Birmingham and the Village of Beverly Hills opted to include replacement of this pipe in a previously scheduled local project. It is understood that the City and the Village were directly paying for the improvements and had a cost sharing agreement that generally reflects the apportionment percentages established for the Acacia Park Drain. A permit was issued by our office to allow oversight and documentation of the work.

Replacement of the pipe between Pierce and Edgewood was recently completed. It is my understanding that when approached, the Contractor who accomplished this work expressed a willingness to extend his unit prices and add the replacement of the second section of the Acacia Park CSO Drain on Catalpa to his contract. It would seem to be cost effective and expeditious to have the additional work executed in this manner. However, the Village of Beverly Hills has indicated that they do not have funds available at this time to cover the additional work.

Based upon our previous conversations, the cost to replace the section of pipe on Catalpa between Edgewood and Grant would be roughly \$300,000. A review of the reserve accounts in the Acacia Park CSO Drain fund indicates that there are sufficient funds to pay for the proposed work.

Considering that this pipe is part of the Acacia Park CSO Drain, and given the extremely poor condition of the pipe and the need to have the work done promptly, I would ask that you proceed with having your Contractor perform the work under the existing contract and in accordance with his established unit prices. When the work is completed, please invoice the Acacia Park CSO Drainage District and I will present it to the Board for reimbursement. As previously requested, please provide a more refined and detailed line-item breakdown of the estimated cost for our records and eventual review of the final invoice.

Thanks!

Mike

Michael R. McMahon, P.E.

CHIEF ENGINEER

WATER RESOURCES COMMISSIONER'S OFFICE

ONE PUBLIC WORKS DRIVE, BUILDING 95 WEST
WATERFORD, MI 48328-1907

 248.858.5397 |  248.858.1066 |  248.431.3816

 mcmahonm@oakgov.com |  www.oakgov.com/water



WADE TRIM

June 24, 2015

Oakland County Water Resources Commissioner
One Public Works Drive
Building 95 West
Waterford, MI 48328-1907

Attention: Mr. Mike McMahon, PE
Chief Engineer

Re: Acacia Park CSO Drain
Video Inspections and Maintenance Recommendations

Dear Mr. McMahon:

We have completed our review of the closed circuit television inspection videos of the Acacia Park CSO Drain reaches BLT 144-602 to BLT 144-603 and BLT 144-603 to BLT 144-604. The purpose of our review was to assess the condition of the sewers and provide recommendations, if necessary, for rehabilitation. We used the National Association of Sewer Service Companies (NASSCO) Pipeline Assessment and Certification Program (PACP) to complete the assessment and document the pipeline conditions.

The inspection included two reaches of sewer totaling 590 linear feet. Both sections of sewer consist of 295 linear feet of 15-inch pipe. Both reaches are vitrified clay pipe. The pipe is located on Catalpa Drive, between Edgewood Drive and Grant Street, in the City of Birmingham. The pipe appears to be located under the pavement and ranges in depth from approximately 14 feet at Edgewood to eight feet at Grant.

Both reaches of sewer are in distress. The majority of the sewer is cracked and quartered to varying degrees. There are segments of cracked pipe that appear to be generally stable with no sign of movement while, in other segments, the cracks have opened and displacement is evident.

In the first segment of sewer (BLT 144-602 to BLT 144-603), 75% of the sewer is cracked and quartered. At least 50% of the pipe is showing signs of displacement of varying degrees with up to 25% displacement. A pipe with displacement in the area of 25% is in danger of collapsing totally. This pipe should be replaced in the near future in order to continue providing service in the long-term.

The second segment of sewer (BLT 144-603 to BLT 144-604) is in better condition overall, however, approximately 70% of it is still cracked and quartered, although less severely overall. The short 6-foot section near manhole BLT 144-604 was slip lined with a PVC pipe, probably because it was near collapsing. Many of the services in this section of pipe are protruding into the line and are in poor condition contributing to the overall non-satisfactory condition of the pipe. This segment of sewer should also be replaced in order to continue to provide long-term service. Replacing these sewers is the most viable alternative that will ensure long-term service.

Wade Trim Associates, Inc.
25251 Northline Road
P.O. Box 10
Taylor, MI 48180

734.947.9700
800.482.2864
734.947.9726 fax
www.wadetrim.com

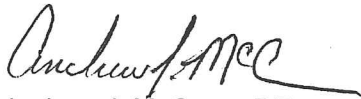


Oakland County Water Resources Commissioner
June 24, 2015
Page 2

Please feel free to contact our office if you have any questions or require further information.

Very truly yours,

Wade Trim Associates, Inc.

A handwritten signature in black ink, appearing to read "Andrew J. McCune". The signature is fluid and cursive, with the first name "Andrew" and last name "McCune" clearly distinguishable.

Andrew J. McCune, PE

AJM:ka

OAD 2060-01D

Video Inspection Summary 6-24-15.docx

PHASE 2

Catalpa Dr. - Edgewood Dr. to Grant St.

NORTH SIDE

425	Catalpa	PVC	2004	N	0	\$0
457		PVC	2011	N	0	\$0
475		Cast Iron	1945	Y	28	\$1,540
499		PVC	2011	N	0	\$0
517		Clay	1945	Y	28	\$1,540
527		PVC	2005	N	0	\$0
543		PVC	2011	N	0	\$0
567		PVC	2005	N	0	\$0
577		PVC	2003	N	0	\$0
591		Orangeburg	1952	Y	28	\$1,540

SOUTH SIDE

410		PVC	2007	N	0	\$0
420		PVC	2005	N	0	\$0
440		PVC	2005	N	0	\$0
470		Clay	1946	Y	28	\$1,540
490		Clay	1946	Y	28	\$1,540
Lot 63		None	---	Y	28	\$1,540
520		PVC	2005	N	0	\$0
544		Orangeburg	1963	Y	28	\$1,540
560		Clay	1946	Y	28	\$1,540
576		Clay	1946	Y	28	\$1,540
592		On Grant	2006	N	0	\$0

TOTAL = 252 \$13,860

RATIO = 9/21 43%



MEMORANDUM

Office of the City Manager

DATE: November 4, 2015

TO: City Commission

FROM: Joseph A. Valentine, City Manager

SUBJECT: Request for Closed Session – Pending Litigation
Wolf vs City of Birmingham

It is requested that the city commission meet in closed session to review pending litigation regarding Wolf vs City of Birmingham pursuant to Section 8(e) of the Open Meetings Act.

SUGGESTED RESOLUTION:

To meet in closed session to review pending litigation regarding Wolf v City of Birmingham pursuant to Section 8(e) of the Open Meetings Act.

Board of Road Commissioners

*Ronald J. Fowkes
Commissioner*

*Gregory C. Jamian
Commissioner*

*Eric S. Wilson
Commissioner*

*Dennis G. Kolar, P.E.
Managing Director*

*Gary Piotrowicz, P.E.,
P.T.O.E.
Deputy Managing Director
County Highway Engineer*

Engineering Department

Design Division

**31001 Lahser Road
Beverly Hills, MI 48025**

248-645-2000

**FAX
248-645-0618**

www.rcocweb.org

October 29, 2015

Sen. Gary Peters, US Senator
Sen. Debbie Stabenow, US Senator
Rep. Sander Levin, US Representative, District 9
Rep. Dave Trott, US Representative, District 11
Sen. Jim Marleau, MI Senator, District 12
Sen. Marty Knollenberg, MI Senator, District 13
Rep. Mike McCready, MI Representative, District 40
Comm. Shelley Goodman Taub, Oakland County Commissioner, District 12
Mayor Stuart Sherman, City of Birmingham
Supervisor Leo Savoie, Charter Township of Bloomfield
Paul O'Meara, P.E., City Engineer, City of Birmingham
Wayne Domine, P.E., Township Engineer, Charter Township of Bloomfield
Dr. Daniel Nerad, Superintendent, Birmingham Public Schools
Dr. Robert Glass, Superintendent, Bloomfield Public Schools
Mark McCormick, Gen Manager (Durham School Services) Transportation,
Birmingham Public Schools
Diane Holden, Transportation Manager, Bloomfield Public Schools
Brent Schriner, P.E., Urban Staff Engineer, LAP, MDOT
Molly Tice, P.E., Local Agency Engineer, Oakland TSC, MDOT

RECEIVED BY

NOV 2 2015

CITY CLERK'S OFFICE
CITY OF BIRMINGHAM

**RE: Public Information Flyer – Big Beaver Road – Woodward Ave (M-1) to
Adams Road**

Ladies and Gentlemen:

Enclosed for your information is a flyer that has been mailed to property owners in the area indicated on the accompanying map. The flyer provides details regarding the upcoming public meeting to discuss improvements to Big Beaver Road from Woodward Ave (M-1) to Adams Road, Bloomfield Township and City of Birmingham, Oakland County.

Please contact the undersigned at (248) 645-2000 at ext. 2268, or by e-mail at jobrien@rcoc.org with any questions in this regard.

Sincerely,



Jeff O'Brien, P.E.
Design Engineer

BIG BEAVER ROAD RECONSTRUCTION/REPAVING PUBLIC INFO MEETING WILL BE THURSDAY, NOV. 19

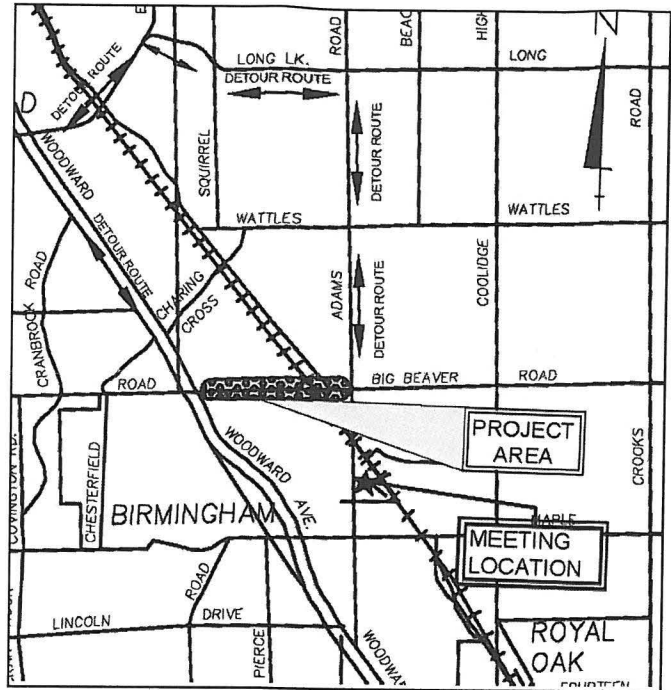
In 2016, the Road Commission for Oakland County (RCOC) will reconstruct Big Beaver Road from east of Woodward to the west side of Adams Road in Bloomfield Township and Birmingham.

There will be a public information meeting about the project on Thursday, Nov. 19. Here are the details:

WHEN: Thursday, Nov. 19, 4-7 p.m.

LOCATION: Derby Middle School (cafeteria)
1300 Derby Road
Birmingham, MI 48009

FORMAT: This meeting will be open-house format. There will not be any formal presentations, but anyone can attend at any time to speak with an RCOC representative.



PROJECT DETAILS:

This section of Big Beaver will be completely reconstructed and repaved with asphalt in 2016. A center, left-turn lane will be added between Woodward and Brookdale. The rest will remain two lanes.

The project includes the replacement of the dual culverts that carry the Rouge River under Big Beaver. They will be replaced with a single box culvert.

During the road construction, Grand Trunk Western Railroad will also perform minor repairs on the railroad overpass bridge.

IMPACT ON TRAFFIC

The road will be closed to through traffic throughout the project. Access to all homes and businesses within the construction area will be maintained at all times, though the road will be completely closed at the Rouge River.

During the project, the **detour route** for through

traffic will be Woodward Ave. to Long Lake Road to Adams Road and back to Big Beaver and vice versa.

SCHEDULE:

START:Spring 2016

OPEN TO TRAFFIC:Fall 2016

COST/FUNDING

The project is expected to cost approximately \$4.4 million and will be funded through the Michigan Local Bridge program and the federal National Highway Performance Program (NHPP), with the Road Commission contributing the local match.

If you require special accommodation in accordance with the provisions of the Americans with Disabilities Act (ADA) or Title VI, including those requiring language assistance, RCOC will provide such services, free of charge, with reasonable advance notice (7 business days). Please contact the RCOC Engineering Dept. at 248-645-2000, ext. 2265, to submit your request.

For more information:

Call RCOC's Department of Customer Services at (877) 858-4804 or send us an e-mail via the RCOC Web site, www.rcocweb.org.





NOTICE OF INTENTION TO APPOINT TO BOARD OF REVIEW

At the regular meeting of Monday, December 7, 2015, the Birmingham City Commission intends to appoint two regular members to serve three-year terms to expire December 31, 2018 and one alternate member to serve the remainder of a three-year term to expire December 31, 2016. Applicants must be property owners and electors of the City of Birmingham.

The board of review, consisting of two panels of three local citizens who must be property owners and electors, is appointed by the city commission for three-year terms. Although a general knowledge of the city is very helpful, more important are good judgment and the ability to listen carefully to all sides of an issue before making a decision. Approximately three weeks in March are scheduled for taxpayers to protest their assessments and one day each in July and December for correcting clerical errors and mutual mistakes of fact. Two training sessions in February are also required.

Interested citizens may submit an application available at the 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, December 2, 2015. These documents will appear in the public agenda for the regular meeting at which time the City Commission will interview applicants and may make nominations and vote on appointments.

Board members are paid \$110 per diem.

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.

BOARD OF REVIEW

City Charter – Chapter III, Section 14

Terms: Three Years

Members: Members must be property owners and electors of the City of Birmingham

Appointed by the City Commission

Last Name	First Name	Home Business Fax	E-Mail	Appointed	Term Expires
Chapman 1832 Cole	Alex	(313) 475-0275	<i>alex@chaps-realty.com</i>	2/24/2014	12/31/2016
Clevers 635 West Frank	Ruth	(248) 644-0069	<i>rclevers@weirmanuel.com</i>	2/9/2009	12/31/2015
Di Placido 726 Lakeside Dr.	Guy	(248) 644-1708		1/10/1994	12/31/2017
Feiste 1474 Maryland	Leland	(248) 644-3948	<i>lwfeiste@yahoo.com</i>	1/22/2001	12/31/2016
Richey 1690 Stanley	Lester	(248) 644-7143	<i>lesrichey@yahoo.com</i>	2/9/2015	12/31/2017

Last Name	First Name	Home Business Fax E-Mail	Appointed	Term Expires
Rose 1011 Clark	Cynthia	(248) 644-8257 <i>croseanddyoung@ameritech.net</i>	3/2/2009 cell: 248.752.2667	12/31/2015
Steinberger 2849 Buckingham	Michael	248.217.4805 <i>steinberger.michael@gmail.com</i>	8/10/2015 alternate	12/31/2017
Vacant			alternate	12/31/2016



**NOTICE OF INTENTION TO APPOINT TO
BIRMINGHAM TRIANGLE DISTRICT CORRIDOR IMPROVEMENT AUTHORITY**

At the regular meeting of Monday, December 7, 2015 the Birmingham City Commission intends to appoint two members to the Birmingham Triangle District Corridor Improvement Authority to serve a four-year terms to expire December 15, 2019.

Members shall be appointed by the Mayor, subject to approval by the City Commission. Not less than a majority of the members shall be persons having an ownership or business interest in property located in the Development Area. Not less than 1 of the members shall be a resident of the Development Area, or of an area within 1/2 mile of any part of the Development Area.

The authority shall operate to correct and prevent deterioration in business districts, to redevelop the City's commercial corridors and promote economic growth, pursuant to Act 280 of the Public Acts of Michigan, 2005, as amended.

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, December 2, 2015. Applications will appear in the public agenda at which time the commission will discuss recommendations, and may make nominations and vote on appointments.

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.

BIRMINGHAM TRIANGLE DISTRICT CORRIDOR IMPROVEMENT AUTHORITY

Resolution # 11-363-08

The authority shall operate to correct and prevent deterioration in business districts, to redevelop the City's commercial corridors and promote economic growth, pursuant to Act 280 of the Public Acts of Michigan, 2005, as amended.

The Authority shall be under the supervision and control of the Board. The Board shall consist of the Mayor, or his or her assignee, and six additional members. Members shall be appointed by the Mayor, subject to approval by the City Commission. Not less than a majority of the members shall be persons having an ownership or business interest in property located in the Development Area. Not less than 1 of the members shall be a resident of the Development Area, or of an area within 1/2 mile of any part of the Development Area.

Members shall be appointed to serve for a term of four years.

Upon completion of its purposes, the Authority may be dissolved by the City Commission. The property and assets of the Authority, after dissolution and satisfaction of its obligations, shall revert to the City.

Last Name Home Address	First Name	Home Business Fax E-Mail	Appointed	Term Expires
Cantrick Jr. 774 Lakeside Birmingham	Kip 48009	248-540-3741 (248) 644-7622	1/28/2013 has an ownership or business interest in property located in the development area OR a resident of the development area or of an area within 1/2 mile of any part of the development area	12/15/2016
Cataldo 271 Chesterfield Birmingham	J.C. 48009	(248) 496-9096 <i>jccataldo4@gmail.com</i>	12/15/2008 has an ownership or business interest in property located in the development area	12/15/2015
Fuller 255 Pierce St Birmingham	Edward 48009	(248) 642-0024 <i>ted@fullercentral park.com</i>	12/15/2008 has an ownership or business interest in property located in the development area	12/15/2015

Last Name	First Name	Home Business Fax	E-Mail	Appointed	Term Expires
Hays 954 Chestnut Birmingham	Curtis 48009	(248) 639-8709	<i>chays77@gmail.com</i>	12/15/2008	12/15/2018 DISTRICT RESIDENT (a resident of the development area or of an area within 1/2 mile of any part of the development area)
Saroki 323 Baldwin Birmingham	Victor 48009	(248) 644-9898	<i>vsaroki@victorsaroki.com</i>	12/15/2008	12/15/2016 has an ownership or business interest in property located in the development area
Sherman 1252 Stanley Birmingham	Stuart 48009	(248) 645-1142	<i>stuart.sherman@sbcglobal.net</i>		11/1/2015 City Commission member (appointed by Mayor)
Ziegelman 468 Stratford Lane Bloomfield Hills	Robert 48304	(248) 760-5650 (248) 644-0600	<i>rzeigelman@lzarch.com</i>	12/15/2008	12/15/2017 has an ownership or business interest in property located in the development area



NOTICE OF INTENTION TO APPOINT TO THE PARKS & RECREATION BOARD

At the regular meeting of Monday, December 7, 2015, the Birmingham City Commission intends to appoint one member to the Parks and Recreation Board to serve the remainder of a three-year term to expire March 13, 2016.

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, December 2, 2015. These applications will appear in the public agenda for the regular meeting at which time the City Commission will discuss recommendations, and may make nominations and vote on the appointments.

Responsibilities

The parks & recreation board consists of seven members who serve for three-year terms without compensation. The goal of the board is to promote a recreation program and a park development program for the city of Birmingham.

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

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

PARKS AND RECREATION BOARD

Article II, Section 78

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

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

Last Name Home Address	First Name	Home Business Fax E-Mail	Appointed	Term Expires
Bordman 1091 Lake Park Dr.	Patricia	(248)390-1091 <i>pattybordman@gmail.com</i>	5/19/2014 Chairperson	3/13/2016
Kaplan 635 Oak	Ross	(248) 645-6526 <i>rkaplan@neumannsmith.com</i>	10/22/2007	3/13/2017
Longe 1253 Yosemite	Therese	(248) 258-6744 (313) 745-0138 <i>tmquattro@gmail.com</i>	3/29/2004 Vice Chairperson	3/13/2016
Meehan 656 Chester	John	(248) 644-5923 <i>john.meehan@att.net</i>	3/18/2002	3/13/2017
Ross 1872 Derby	Ryan	(248) 705-6465 <i>ryan.countryside@gmail.com</i>	5/21/2012	3/13/2018

Last Name	First Name	Home Business Fax	E-Mail	Appointed	Term Expires
Sarkisian 931 Ridgedale Ave	Shahanna	(248) 854-0204		2/9/2015 Student Representative	12/31/2015
			<i>shahannaemma625@gmail.com</i>		
Stevens 1243 Ruffner	Raymond	(248) 514-3740		4/15/1996	3/13/2018
			<i>rastevens2@yahoo.com</i>		
White 964 N. Adams	Paige	(248) 840-7684		2/9/2015 Student Representative	12/31/2015
			<i>paigewhite16@yahoo.com</i>		
Wiebrecht 1714 Torry	William	(248) 703-6503		10/14/1991	3/13/2018
			<i>billwiebrecht@wowway.com</i>		

**STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION**

**NOTICE OF HEARING
FOR THE ELECTRIC CUSTOMERS OF
DTE ELECTRIC COMPANY
CASE NO. U-17920**

RECEIVED BY

OCT 31 2015

CITY CLERK'S OFFICE
CITY OF DETROIT

- DTE Electric Company requests Michigan Public Service Commission approval to implement a power supply cost recovery (PSCR) plan and a levelized 2016 maximum PSCR factor of (0.20) mills per kilowatt-hour (kWh) (i.e., negative 0.20 mills per Kwh) in customers' electric bills for the period January 1, 2016 through December 31, 2016.
- The information below describes how a person may participate in this case.
- You may call or write DTE Electric Company, One Energy Plaza, Detroit, Michigan 48226, (800) 477-4747, for a free copy of its application. Any person may review the application at the offices of DTE Electric Company.
- The first public hearing in this matter will be held:

DATE/TIME:

Wednesday, November 18, 2015, at 10:00 a.m.

This hearing will be a prehearing conference to set future hearing dates and decide other procedural matters.

BEFORE:

Administrative Law Judge **Dennis W. Mack**

LOCATION:

Michigan Public Service Commission
7109 West Saginaw Highway
Lansing, Michigan

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 public hearing to consider DTE Electric Company's (DTE Electric) September 30, 2015 application, which seeks approval of the Company's PSCR plan and for a levelized 2016 maximum PSCR factor of (0.20) mills per kWh (i.e., negative 0.20 mills per kWh) in customers' electric bills for the period January 1, 2016 through December 31, 2016. DTE Electric also seeks the Commission approval of: a) the recovery of mercury emission-related expense for Brominated Activated Carbon (BrPAC) for 2016 PSCR year; b) the recovery of any trona and sodium bicarbonate (SBC) expense related to control of particulate matter and acid-gas emissions for 2016 PSCR year; c) such provision of 1982 PA 304 does not apply to DTE Electric's procurement of capacity resources not associated with any power for periods in excess of six months, as described in its filing; d) the Transfer Price treatment of renewable energy in the Company's PSCR process as described in its filing; e) limestone expense as a recoverable PSCR cost for the 2016 PSCR Year and thereafter; f) the Reduced Emission Fuel (REF) Project as a part of the 2016 PSCR Plan; and

INFO ONLY

g) the expense associated with DTE Electric entering into a Precedent Agreement with NEXUS Gas Transmission, to provide firm natural gas transportation for 30,000 Dekatherm (Dth) per day beginning in November 2017, increasing to 75,000 Dth per day starting on the later of May 2020 or when DTE Electric has added the required electric generating capacity and supporting infrastructure needed to utilize the increased volume requirement, as described in its filing.

All documents filed in this case shall be submitted electronically through the Commission's 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 November 11, 2015. (Interested persons may elect to file using the traditional paper format.) The proof of service shall indicate service upon DTE Electric's attorney, Jon P. Christinidis, One Energy Plaza, 688 WCB, Detroit, Michigan 48226.

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 the Michigan Administrative Hearing System's Administrative Hearing Rules R 792.10422 and R 792.10432. Requests for further information on adjournment should be directed to (517) 284-8130.

A copy of DTE Electric's request may be reviewed on the Commission's website at: michigan.gov/mpscedockets, and at the office of DTE Electric 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 Utility Consumer Representation Fund has been created for the purpose of aiding in the representation of residential utility customers in 1982 P.A. 304 proceedings. Contact the Chairperson, Utility Consumer Participation Board, Department of Licensing and Regulatory Affairs, P.O. Box 30004, Lansing, Michigan 48909, for more information.

Jurisdiction is pursuant to 1909 PA 106, as amended, MCL 460.551 et seq.; 1919 PA 419, as amended, MCL 460.54 et seq.; 1939 PA 3, as amended, MCL 460.1 et seq.; 1969 PA 306, as amended, MCL 24.201 et seq.; 1982 PA 304, as amended, MCL 460.6j et seq.; and the Michigan Administrative Hearing System's Administrative Hearing Rules, 2015 AC, R 792.10401 et seq.

October 22, 2015

SEMCOG invites public comment on the Southeast Michigan Traffic Safety Plan

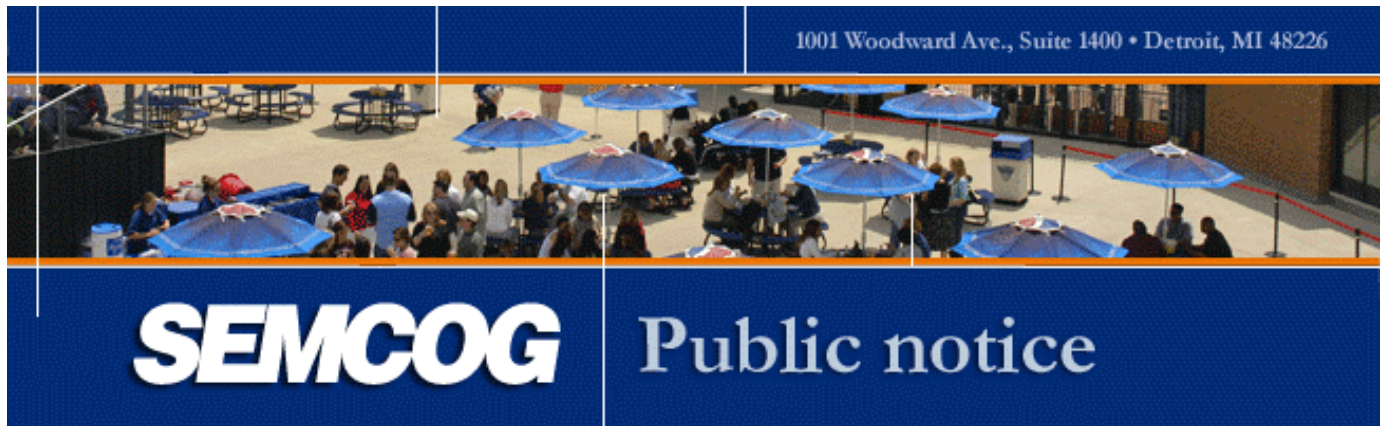
SEMCOG Public Notice <communications@semcog.org>

Wed, Nov 4, 2015 at 11:35 AM

Reply-To: communications@semcog.org

To: jvalentine@bhamgov.org

Problem viewing this email? [Click here](#) for our online version



A message from SEMCOG, the Southeast Michigan Council of Governments

For immediate release or post as appropriate: November 4, 2015

Contact: SEMCOG Information Center, 313-324-3330

SEMCOG invites comment on the *Southeast Michigan Traffic Safety Plan*

SEMCOG, the Southeast Michigan Council of Governments, announces the public comment period for the *Southeast Michigan Traffic Safety Plan*.

In 2014, 876 people were killed in traffic crashes in Michigan. More than 40 percent of the total fatal crashes occurred in Southeast Michigan. To address these needs, SEMCOG convened a Road Safety Task Force, whose purpose was to develop the *Southeast Michigan Traffic Safety Plan*. The plan identifies the region's key safety needs and guides investment decisions to achieve significant reductions in fatalities and serious injuries on all public roads.

The plan is a data-driven, four-to-five-year comprehensive plan that integrates the four Es – engineering, education, enforcement, and emergency medical service.

The *Southeast Michigan Traffic Safety Plan* will be approved as a component of SEMCOG's *2040 Regional Transportation Plan for Southeast Michigan*. The safety plan includes:

- A vision,
- Regional policies,
- Emphasis areas and strategies, and
- Performance measure goals.

View the plan [here](#).

Send comments to SEMCOG's Information Center, 1001 Woodward Avenue, Suite 1400, Detroit, MI 48226-1904; call 313-324-3330; send faxes to (313) 961-4869; or e-mail infocenter@semcog.org. Comments can be made in person at the following meetings:

INFO ONLY

- **Transportation Coordinating Council**, Wednesday, December 2, 2015, 9:30 a.m., SEMCOG offices – Present and discuss actions, and recommend Executive Committee approval; and
- **Executive Committee**, Friday, December 4, 2015, 1 p.m., SEMCOG offices – Discuss and take final action to approve the traffic safety plan regional policies.

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*SEMCOG is the only organization in Southeast Michigan that brings together all governments to solve regional challenges and enhance the quality of life for the seven-county region's 4.7 million people.
To learn more about what SEMCOG does, click [here](#).*



SEMCOG - Southeast Michigan Council of Governments • 1001 Woodward Avenue, Suite 1400, Detroit, Michigan 48226
313-961-4266 • Fax: 313-961-4869 • Staff e-mail: lastName@semcog.org • www.semcog.org

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