



**CITY COMMISSION MEETING AGENDA  
MAY 9, 2016  
7:30 PM**



**Municipal Building, 151 Martin, Birmingham, MI 48009**

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**BIRMINGHAM CITY COMMISSION AGENDA**  
**MAY 9, 2016**  
**MUNICIPAL BUILDING, 151 MARTIN**  
**7:30 P.M.**

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

Rackeline J. Hoff, 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 Department of Public Service Open House will be held on Saturday, May 14<sup>th</sup> from 10:00 AM to 2:00 PM.
- The Celebrate Birmingham Parade will be held on Sunday, May 15<sup>th</sup> beginning at 1:00 PM followed by festivities in Shain Park.
- The Birmingham Ice Show will be held on May 13<sup>th</sup>, 14<sup>th</sup> and 15<sup>th</sup> at the Birmingham Ice Arena.
- For more information on the upcoming events, visit the City website at [www.bhamgov.org](http://www.bhamgov.org).

***Appointments:***

- A. Interviews for appointment to the Board of Building Trades Appeals.
  - 1. Adam Charles, 1539 Bennaville
- B. To appoint \_\_\_\_\_ to serve a three-year term on the Board of Building Trades Appeals to expire May 23, 2019.
- C. Interviews for appointment to the Brownfield Redevelopment Authority.
  - 1. Daniella Torcolacci, 2849 Buckingham
  - 2. Paul Robertson, 779 S. Bates
- D. To concur in the Mayor's appointment of \_\_\_\_\_ to the City of Birmingham Brownfield Redevelopment Authority to serve a three-year term to expire May 23, 2019.  
To concur in the Mayor's appointment of \_\_\_\_\_ to the City of Birmingham Brownfield Redevelopment Authority to serve a three-year term to expire May 23, 2019.
- E. Interviews for appointment to the Housing Board of Appeals.
  - 1. Alexander Jerome, 1845 Hazel
  - 2. Robert E. Taylor, Jr., 3693 W. Bloomfield, Bloomfield Hills
- F. To appoint \_\_\_\_\_ to serve a three-year term on the Housing Board of Appeals to expire May 4, 2019.  
To appoint \_\_\_\_\_ to serve a three-year term on the Housing Board of Appeals to expire May 4, 2019.
- G. Administration of oath to the appointed board members.



- H. City Commission appointment to Birmingham Youth Assistance General Citizens Committee.
- I. To appoint \_\_\_\_\_ as a voting member of the Birmingham Youth Assistance General Citizens Committee.

-OR-

To appoint \_\_\_\_\_ as a non-voting member of the Birmingham Youth Assistance General Citizens Committee.

#### **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 budget session minutes of April 16, 2016.
- B. Approval of City Commission minutes of April 25, 2016.
- C. Approval of warrant list, including Automated Clearing House payments, of April 27, 2016 in the amount of \$574,829.23.
- D. Approval of warrant list, including Automated Clearing House payments, of May 4, 2016 in the amount of \$316,104.85.
- E. Resolution approving the Little Free Library program "Book Box" designs and locations of Barnum Park, Booth Park, Kenning Park and Pembroke Park including the registration of each Little Free Library with the Little Free Library Organization upon installation. Further, treating Barnum Park as the first trial location and adding the other locations of Booth Park, Kenning Park and Pembroke Park based on the success of the first installation. In addition, pursuing donation opportunities for the other designated locations in advance of future installations.
- F. Resolution approving the purchase of one (1) new 2016 Freightliner MT55 from Cannon Truck Equipment., using MI-Deal extendable purchasing pricing for a total expenditure of \$172,969.00. Further, waiving the normal bidding requirements based on the government regulated pricing for this type of equipment. Funds for this purchase are available in the Auto Equipment Fund, account #641-441.006-971.0100.
- G. Resolution approving the agreement with Holsbeke Construction, Inc. in the amount not to exceed \$55,000.00 to complete the Historical Museum & Park Bell Project located at 556 W. Maple, Birmingham, MI 48009; further charging this expenditure to account #101-804.002-981.0100; further approving the appropriation and amendment to the 2015- 2016 General Fund budget as follows:

General Fund

Revenues:

Contribution from Private Source	101-000.000-676.0001	\$45,000
Total Revenue		\$45,000

Expenditures:

Allen House – Public Improvement	101-804.002-981.0100	\$55,000
Hunter House –		
Other Contractual Services		
	101-804.001-811.0000	(10,000)

Total Expenditures		\$45,000
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and further, directing the Mayor and City Clerk to sign the agreement on behalf of the City.

- H. Resolution approving reimbursement for the maximum allotment of \$4,298.44 for eligible mosquito control activity under the Oakland County's West Nile Virus Fund Program. (complete resolution in agenda packet)

## **V. UNFINISHED BUSINESS**

## **VI. NEW BUSINESS**

- A. Public Hearing of confirmation for the Webster Ave. Paving Project Sewer Laterals.
1. Resolution confirming Special Assessment Roll No. 876 to defray the cost of installing new sewer laterals on Webster Ave., and instructing the City Clerk to endorse said roll, showing the date of confirmation thereof, and to certify said assessment roll to the City Treasurer for collection at or near the time of construction of the improvement. (complete resolution in agenda packet)
- B. Public Hearing to consider the Revised Final Site Plan and Special Land Use Permit Amendment for 555 S. Old Woodward – Triple Nickel.
1. Resolution approving the Revised Final Site Plan and Special Land Use Permit Amendment for 555 S. Old Woodward, Suite 610 – Triple Nickel to allow the addition of an outdoor dining platform. (complete resolution in agenda packet)
- C. Resolution authorizing the Mayor to sign the Termination of Easement Agreement, pertaining to the vacation of 35 ft. and 18 ft. wide easements located on the property known as 2100 E. Maple Rd. (Whole Foods Market project)
- D. Resolution approving the SP+ proposal to operate a valet service on weekdays at the N. Old Woodward Ave. Parking Structure roof level wherein:
1. Two valet service staff provided by SP+ will be stationed at the entrance to the roof level from approximately 9 AM to 2 PM.
  2. As the structure nears capacity, all vehicles looking to park on the roof will be required to valet their vehicle, at no additional cost to the customer.
  3. The cost to the Auto Parking System is estimated at \$52,020 annually.
  4. Valet service hours will be subject to change based on actual need.
- E. Resolution authorizing the Mayor to sign the lease as prepared to operate a temporary parking lot on the vacant land known as 35001 Woodward Ave. Further, authorizing staff to direct all costs to prepare and maintain this property to the Auto Parking System Fund. Monthly rates shall match those charged at the Park St. Parking Structure, with all revenues being directed to the Auto Parking System Fund.
- F. Resolution concurring with the Multi-Modal Transportation Board, and directing the Engineering Dept. to proceed with the 2016 Asphalt Resurfacing Program, with the inclusion of all required handicap ramps within the project area, as well as the proposed pedestrian crosswalk improvement at the Cheltenham Rd./Dunstable Rd./Hanley Ct. intersection.
- G. Resolution endorsing the plan for the Chesterfield Fire Station as reviewed by the Architectural Review Committee and Planning Board and authorizing issuance of a Request for Proposals for construction.
- H. Resolution directing the City Manager to amend the 2016-2017 recommended City budget to incorporate Baldwin Library Funding Option 5, which would increase the Baldwin Library levy by .31 mills and decrease the City Operating levy by .31 mills for fiscal years 2016-2017 and planned 2017-2018, and further adjusting the sewer rate to include \$175,000 additional funding for capital improvements.
- I. Ordinance amending Part II of the City Code, Chapter 78 Parks and Recreation, Article III. Martha Baldwin Park Board, Section 78-58 Composition, Appointment, Terms.

- J. Resolution consenting to the City Manager's appointment of Deputy Police Chief, Mark H. Clemence, as the Chief of Police of the City of Birmingham Police Department, effective May 28, 2016, upon the retirement of current Police Chief Donald Studt.
- K. Resolution to meet in closed session to review pending litigation regarding Tutor v City of Birmingham pursuant to Section 8(e) of the Open Meetings Act.
- L. Resolution to meet in closed session to discuss an attorney/client privilege communication in accordance with Section 8(h) 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**

- A. Beach re: Handicapped parking

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

## **X. REPORTS**

- A. Commissioner Reports
  - 1. Notice of intention to appoint to the Board of Ethics, Historic District Study Committee, and Birmingham Shopping District Board on June 6, 2016.
- B. Commissioner Comments
- C. Advisory Boards, Committees, Commissions' Reports and Agendas
- D. Legislation
- E. City Staff
  - 1. Hamilton Ave. & Park St. Intersection STOP Sign Study, submitted by City Engineer O'Meara
  - 2. Shain Park Furniture Update, submitted by DPS Director Wood

## **XI. ADJOURN**

## **INFORMATION ONLY**

*NOTICE: Individuals requiring accommodations, such as mobility, visual, hearing, interpreter or other assistance, for effective participation in this meeting should contact the City Clerk's Office at (248) 530-1880 (voice), or (248) 644-5115 (TDD) at least one day in advance to request mobility, visual, hearing or other assistance.*

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



## NOTICE OF INTENTION TO APPOINT TO BOARD OF BUILDING TRADES APPEAL

At the regular meeting of Monday, May 9, 2016 the Birmingham City Commission intends to appoint one member to serve a three-year term to expire May 23, 2019. Applicants shall be qualified by experience or training.

Interested citizens may submit an application available at the city clerk's office or online at [www.bhamgov.org/boardopportunities](http://www.bhamgov.org/boardopportunities). Applications must be submitted to the city clerk's office on or before noon on Wednesday, May 4, 2016. These documents will appear in the public agenda for the regular meeting at which time the City Commission will discuss recommendations, and may make nominations and vote on appointments.

The Board of Building Trades Appeal hears and grants or denies requests for variances from strict application of the provisions of the Michigan Building, Residential, Mechanical and Plumbing Codes and the National Electrical Code. The board will decide on matters pertaining to specific code requirements related to the construction or materials to be used in the erection, alteration or repair of a building or structure.

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

Applicant Name	Criteria/Qualifications
	Applicants shall be qualified by experience or training.
Adams Charles	General Contractor

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

### SUGGESTED ACTION:

To appoint \_\_\_\_\_ to serve a three-year term on the Board of Building Trades Appeals to expire May 23, 2019.



# BOARD OF BUILDING TRADES APPEALS

Chapter 22, Article II, 1972 PA 230, MCL 125.1514

Members shall be qualified by experience or training (such as Architect, Engineer, Mechanical Engineer, Building Contractor, Electrical Contractor, Plumbing Contractor, Heating Contractor, and Refrigeration Contractor).

Term: Three years – 6 members

The Board of Building Trades Appeal hears and grants or denies requests for variances from strict application of the provisions of the Michigan Building, Residential, Mechanical and Plumbing Codes and the National Electrical Code. The board will decide on matters pertaining to specific code requirements related to the construction or materials to be used in the erection, alteration or repair of a building or structure.

Last Name	First Name	Home Business	Appointed	Term Expires
Home Address		E-Mail		
<b>Charles</b> 1539 Bennaville Birmingham	<b>Adam</b> 48009	(248) 672-3486 <i>mradamcharles@gmail.com</i>	3/14/2016	5/23/2016
<b>Force</b> 1099 N. Cranbrook Bloomfield Hills	<b>David</b> 48301	(248) 644-1724 <i>force0621@ameritech.net</i>	12/11/2006 Building Contractor	5/23/2018
<b>Mando</b> 2225 Ironwood Dr Clarkston	<b>Dennis</b> 48348	(248) 767-0515 (248) 669-4338 <i>denny@dennysonline.com</i>	1/30/2006 Heating Contractor	5/23/2017
<b>Partridge</b> 3916 Cottontail Lane Bloomfield Hills	<b>A. James</b> 48301	(248)642-1739 (248) 645-1465 <i>jim@jpconsulting-llc.com</i>	7/8/1996 Mechanical Engineer	5/23/2018
<b>Stahelin</b> 1832 East Lincoln Birmingham	<b>Benjamin</b> 48009	(248) 210-7764 <i>stahelinbenjamin@gmail.com</i>	2/22/2016	5/23/2017



Last Name	First Name	Home Business		
Home Address		E-Mail	Appointed	Term Expires
<b>White</b>	<b>Ronald</b>	(248) 543-5532	7/15/1991	5/23/2018
1898 Tahquamenon		(810) 543-5532	Electrical Contractor	
Bloomfield Hills	48302	<i>offices@rdwhiteco.com</i>		



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Meets Requirements? ☒ Yes ☐ No

☒ Will Attend ☐ Unable to Attend

APPLICATION FOR CITY BOARD OR COMMITTEE

CITY CLERK'S OFFICE

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

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

(Please print clearly)

Board/Committee of Interest

Board of Building Trades Appeals

Name

Adam Charles

Phone

248-672-3486

Residential Address

1539 Berraville

Email

Mradamcharles@gmail.com

Residential City, Zip

Birmingham, 48009

Length of Residence

2 years

Business Address

Occupation

Engineer

Business City, Zip

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

Use my construction background to serve my community.

List your related employment experience

Barton Malow Construction, Main Street Building Group

List your related community activities

Habitat for Humanity

List your related educational experience

Construction Management degree from Central Michigan University

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

Do you currently have a relative serving on the board/committee to which you have applied?

NO

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

yes

Signature of Applicant

Adam Charles

Date

5/3/16



**NOTICE OF INTENTION TO APPOINT TO THE  
CITY OF BIRMINGHAM  
BROWNFIELD REDEVELOPMENT AUTHORITY**

At the regular meeting of Monday, May 9, 2016 the Birmingham City Commission intends to appoint two members to the City of Birmingham Brownfield Redevelopment Authority to serve three-year terms to expire May 23, 2019.

The authority shall have the powers and duties to the full extent as provided by and in accordance with the provisions of the Brownfield Redevelopment Financing Act, being Act 381 of the Public Acts of the state of Michigan of 1996, as amended. Among other matters, in the exercise of its powers, the Board may prepare Brownfield plans pursuant to Section 13 of the Act and submit the plans to the Commission for consideration pursuant to Section 13 and 14 of the Act.

Members of this board will be appointed by the Mayor subject to approval of the Commission.

Interested citizens may submit an application available at the city clerk's office or online at [www.bhamgov.org/boardopportunities](http://www.bhamgov.org/boardopportunities). Applications must be submitted to the city clerk's office on or before noon on Wednesday, May 4, 2016. These documents will appear in the public agenda for the regular meeting at which time the City Commission will discuss recommendations, and may make nominations and vote on appointments.

Applicant(s) Presented For City Commission Consideration:

Applicant Name	Criteria/Qualifications
	Applicants shall, in so far as possible, be residents of the City of Birmingham.
Daniella Torcolacci	Resident – 2849 Buckingham
Paul Robertson	Resident – 779 South Bates

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

**SUGGESTED ACTION:**

To concur in the Mayor's appointment of \_\_\_\_\_ to the City of Birmingham Brownfield Redevelopment Authority to serve a three-year term to expire May 23, 2019.

To concur in the Mayor's appointment of \_\_\_\_\_ to the City of Birmingham Brownfield Redevelopment Authority to serve a three-year term to expire May 23, 2019.



# BROWNFIELD REDEVELOPMENT AUTHORITY

Resolution # 04-123-05

5 members, three-year terms, appointed by the mayor subject to approval of the commission.

The authority shall have the powers and duties to the full extent as provided by and in accordance with the provisions of the Brownfield Redevelopment Financing Act, being Act 381 of the Public Acts of the state of Michigan of 1996, as amended. Among other matters, in the exercise of its powers, the Board may prepare Brownfield plans pursuant to Section 13 of the Act and submit the plans to the Commission for consideration pursuant to Section 13 and 14 of the Act.

Last Name Home Address	First Name	Home Business E-Mail	Appointed	Term Expires
Gotthelf 363 Catalpa	Beth	(248) 227.6920  <i>gotthelf@butzel.com</i>	5/9/2005	5/23/2017
Robertson 779 S. Bates	Paul	(248) 282-1450  <i>probertson@robertson-brothers.com</i>	5/9/2005	5/23/2016
Runco 1556 Lakeside	Robert	(248) 388-8100  <i>rrunco@runcowaste.com</i>	5/9/2005	5/23/2017
Torcolacci 2849 Buckingham	Dani	248-217-4805  <i>dtorcolacci@gmail.com</i>	10/27/2014	5/23/2016
Zabriskie 463 Wimbledon	Wendy	(248) 646-7543 (248) 743-6046 <i>jwzab@comcast.net</i>	5/9/2005	5/23/2018





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Meets Requirements? ☒ Yes ☐ No  
Will Attend / Unable to Attend

APPLICATION FOR CITY BOARD OR COMMITTEE

CITY CLERK'S OFFICE

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

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

(Please print clearly)

Board/Committee of Interest Brownfield Redevelopment Authority

Name Daniella Torcolacci

Phone 248-217-4805

Residential Address 2849 Buckingham

Email dtorcolacci@gmail.com

Residential City, Zip Birmingham 48009

Length of Residence 2 yrs.

Business Address "

Occupation renewable developer

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

Reason for Interest: Explain how your background and skills will enhance the board to which you have applied I have enjoyed being a part of the review process for new developments on brownfields within the city. I think the board encourages development of brownfield sites while protecting the finances of the city and I would like to continue being a part of those decisions, analysis, and discussions.

List your related employment experience VP Permitting + Regulatory for a national renewable energy developer. Prior positions of project manager for a developer working with zoning, permitting + other approvals across the U.S.

List your related community activities Current member of Brownfield Authority

List your related educational experience B.A. Environmental (sustainable development + marketing) University of Michigan

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

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

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

D Torcolacci  
Signature of Applicant

4/21/2016  
Date



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Meets Requirements? ☒ Yes ☐ No

☒ Will Attend ☐ Unable to Attend

**APPLICATION FOR CITY BOARD OR COMMITTEE**

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

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

(Please print clearly)

Board/Committee of Interest BROWNFIELD REDEVELOPMENT AUTHORITY  
Name PAUL C. ROBERTSON Phone 248-504-5840  
Residential Address 779 S. CATERS ST. Email p.robertsone  
Residential City, Zip BIRMINGHAM, MI 48209 Length of Residence 15 YEARS  
Business Address 6905 TALEGAPPA, SUITE 200 Occupation BUILDER/DEVELOPER  
Business City, Zip BLOOMFIELD HILLS, MI 48303

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

BEEN ON FOR 10 YEARS

List your related employment experience RESIDENTIAL BUILDER/DEVELOPER - BUILT THE WILLIS

List your related community activities \_\_\_\_\_

List your related educational experience UBM CIVIL ENGINEERING

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

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

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

Signature of Applicant

Date



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

At the meeting of Monday, May 9, 2016, the Birmingham City Commission intends to appoint two members to the Housing Board of Appeals to serve three-year terms to expire May 4, 2019. Members shall be educated or experienced in building construction administration, social services, real estate or other responsible positions.

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

Interested citizens may submit an application available at the city clerk's office or online at [www.bhamgov.org/boardopportunities](http://www.bhamgov.org/boardopportunities). Applications must be submitted to the city clerk's office on or before noon on Wednesday, May 4, 2016. These documents will appear in the public agenda for the regular meeting at which time the City Commission will discuss recommendations, and may make nominations and vote on appointments.

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

Applicant Name	Criteria/Qualifications
	Applicants shall be educated or experienced in building construction administration, social services, real estate or other responsible positions.
Alexander Jerome	Attorney in residential and commercial real estate law and residential real estate sales.
Robert Taylor	Realtor, experience in the areas of land use, property maintenance, and municipal responsibility.

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

### SUGGESTED ACTION:

To appoint \_\_\_\_\_ to serve a three-year term on the Housing Board of Appeals to expire May 4, 2019.

To appoint \_\_\_\_\_ to serve a three-year term on the Housing Board of Appeals to expire May 4, 2019.



# HOUSING BOARD OF APPEALS

Chapter 22 - Section 22-311

Seven Members

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

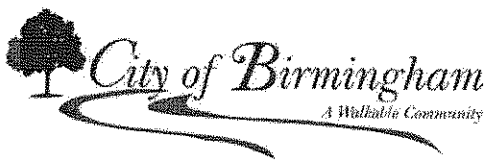
Terms: Three year - expire the first Monday in May

Meetings held as needed.

Appointed by the City Commission

Last Name	First Name	Home Business	Appointed	Term Expires
Home Address	E-Mail			
<b>Blaesing</b> 2444 Polo Place Birmingham	<b>Brian</b> 48009	(248) 540-4272  <i>brian.blaesing@sbcglobal.net</i>	5/9/2011	5/4/2017
<b>Frink</b> 5277 Coulter Lake Trail Clarkston	<b>David</b> 48348	(248) 766-2069  <i>davidlfrink@aol.com</i>	9/10/2001 Builder	5/4/2017
<b>Hayashi</b> 2051 Villa Rd, Unit 306 Birmingham	<b>Emiko</b> 48009	(248) 736-5896  <i>emikomarie@gmail.com</i>	1/26/2015	5/4/2016
<b>McLogan</b> 612 N. Glenhurst Dr Birmingham	<b>Chris</b> 48009	(248) 321-5883  <i>chrismclogan@gmail.com</i>	11/23/2015	5/4/2017
<b>Peterson</b> 34 Adelaide Detroit	<b>Kenneth</b> 48201	(586) 615-0452  <i>kenpeterson123@gmail.com</i>	4/16/2007 Home Builder	5/4/2018

Last Name	First Name	Home Business	Appointed	Term Expires
Home Address		E-Mail		
<b>Taylor</b>	<b>Robert</b>	248-892-3316	5/10/2010	5/4/2016
3693 W Bradford		(248) 433-5432		
Bloomfield Twp	48301	<i>Bob@BobTaylor.com</i>		
<b>Ziegelman</b>	<b>Robert</b>	(248) 644-0600	9/26/1984	5/4/2018
36800 Woodward Ave #110			Architect	
Bloomfield Hills	48304	<i>rziegelman@lzarch.com</i>		



<b>OFFICE USE ONLY</b>	
Meets Requirements	<input checked="" type="radio"/> Yes <input type="radio"/> No
Will Attend	<input checked="" type="radio"/> Unable to Attend

## APPLICATION FOR CITY BOARD OR COMMITTEE

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

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

(Please print clearly)

Board/Committee of Interest Housing Board of Appeals

Name Alexander Jerome

Phone (248) 417-6833

Residential Address 1845 Hazel

Email asjerome@gmail.com

Residential City, Zip Birmingham, 48009

Length of Residence 3 years

Business Address 3990 John R

Occupation Attorney

Business City, Zip Detroit, MI

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

I am an attorney, with experience in real estate law. I also have my real estate salesperson license and am very familiar with residential real estate in Birmingham. I have also managed numerous renovations of properties.

List your related employment experience Residential and commercial real estate law. Residential real estate sales.

List your related community activities Cranbrook Kingswood Alumni Association - volunteer for numerous events

List your related educational experience J.D. Wayne State University Law School - 2010

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

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

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

Signature of Applicant

Date

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

Updated 04/01/16





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

## APPLICATION FOR CITY BOARD OR COMMITTEE

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

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

(Please print clearly)

Board/Committee of Interest Housing Board of Appeals

Name Robert E Taylor, Jr

Phone 248-892-3316

Residential Address 3693 W. Bloomfield

Email Bob@BobTaylor.com

Residential City, Zip Bloomfield Hills, 48301

Length of Residence 20 years

Business Address 710 Notre Dame

Occupation Association Executive

Business City, Zip Grosse Pointe 48230

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

I have extensive experience in the areas of land use, property maintenance and municipal responsibility when it comes to how properties are to be used, maintained and the impact on the failure to do so on adjoining properties.

List your related employment experience 40 years REALTOR, most recently with Coldwell Banker Weir Manual - Birmingham. Currently Grosse Pointe Board of REALTORS

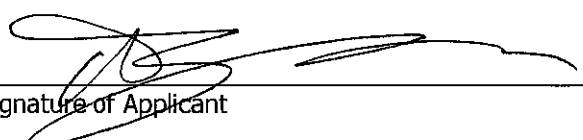
List your related community activities Member of this committee, member of Zoning Board of Appeals and Assessor's Board of Review Bloomfield Township

List your related educational experience Hold many designations and certifications awarded by the National Association of REALTORS

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

Do you currently have a relative serving on the board/committee to which you have applied? yes

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

  
Signature of Applicant

05/04/2016  
Date

Return the completed and signed application form to: City of Birmingham, City Clerk's Office, 151 Martin, Birmingham, MI 48009 or by email to [lpierce@bhamgov.org](mailto:lpierce@bhamgov.org) or by fax to 248.530.1080. Updated 04/01/16



## MEMORANDUM

Office of the City Manager

**DATE:** May 4, 2016

**TO:** Joseph A. Valentine, City Manager

**FROM:** Joellen Haines, Assistant to the City Manager

**SUBJECT:** Appointment of City Commissioner to the Birmingham Youth Assistance (BYA) General Citizens Committee

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The City Manager's Office received a letter on April 11, 2016 from the Birmingham Youth Assistance (BYA) organization requesting that the City of Birmingham Commission appoint a representative for the Birmingham Youth Assistance (BYA) General Citizens Committee.

We recognize that the involvement of a Commissioner with this committee may at some point pose a conflict given the nature of the decisions that come before the City Commission. To avoid a potential conflict of interest, the Commissioner would have to recuse him or herself from voting on matters relating to the BYA if he or she was appointed a voting member of the BYA General Citizens Committee, or if the Commissioner was appointed as a non-voting member of the committee, the Commissioner would identify him or herself as a non-voting member of the BYA General Citizens Committee, and decide accordingly to recuse or not recuse depending on the topic.

Two resolutions have been prepared to offer the options listed above.

### SUGGESTED RESOLUTION:

To appoint \_\_\_\_\_ as a voting member of the Birmingham Youth Assistance General Citizens Committee, or

To appoint \_\_\_\_\_ as a non-voting member of the Birmingham Youth Assistance General Citizens Committee.



## Birmingham Youth Assistance

2436 West Lincoln, Ste. F102  
Birmingham, MI 48009  
(248) 203-4300 FAX: (248) 203-4301  
[office@birminghamyouthassistance.org](mailto:office@birminghamyouthassistance.org)  
[www.birminghamyouthassistance.org](http://www.birminghamyouthassistance.org)

### Chairperson

Reuben Myers

### Vice Chairperson

Shelley Taub

### Secretary

Jill Reichenbach Fill

### Treasurer

Richard Stasys

### Past Chairperson

Christine Gannon

### Caseworker

Nikki Keller

### Members

Andrew G. Acho

Judith Adelman

Roy Bishop

Greg Burry

Det. Lee Davis

Mary Jo Dawson

Russ Facione

Jill Reichenbach Fill

Christine Gannon

Jason Gross

Det. Kate Long

Ann Nazareth Manning

Tom McDaniel

Reuben Myers

Dr. Daniel Nerad

Vicki Sower

Richard Stasys

Shelley Taub

James C. Van Dyke

David R. Walker

### Advisory Members

Sheriff Michael Bouchard

Jason Clinkscale

Connie Jaroh

A. Randolph Judd

David Rogers

Susan Rogers

Rachel Rotger

Anne Van Dyke

April 7, 2016

Mr. Joe Valentine, Manager  
City of Birmingham  
151 Martin  
Birmingham, MI 48009

Dear Joe,

We are writing to request that the City of Birmingham Commission appoint a representative for the Birmingham Youth Assistance General Citizens Committee. Andy Harris has recently expressed an interest in BYA and we would be delighted to have him.

If that has changed, we would welcome whomever the Commission selects. As you know, we value our partnership with the city and we feel that by having an active member from the Commission on our board, we can work positively together and build on a great relationship.

If you or the commissioners have any questions, please contact our office at 249.203.4300 or by email [office@birminghamyouthassistance.org](mailto:office@birminghamyouthassistance.org).

Sincerely,

Reuben Myers  
BYA Chair

RM:dmr

BIRMINGHAM

APR 11 2016

CITY MANAGER'S OFFICE

**We are BYA! You are BYA!**

Sponsored by:

Birmingham Board of Education \* Birmingham City Commissioners \* Oakland County Circuit Court-Family Division  
Village of Beverly Hills \* Village of Bingham Farms \* Village of Franklin

Principal Funding by Oakland County Board of Commissioners

**BIRMINGHAM CITY COMMISSION MINUTES  
APRIL 16, 2016 BUDGET PUBLIC HEARING  
MUNICIPAL BUILDING, 151 MARTIN  
8:30 A.M.**

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

Rackeline J. Hoff, Mayor, called the meeting to order and opened the public hearing at 8:34 AM.

**II. ROLL CALL**

ROLL CALL:	Present,	Mayor Hoff Commissioner Bordman Commissioner Boutros Commissioner DeWeese Commissioner Harris Mayor Pro Tem Nickita Commissioner Sherman (arrived at 8:38 AM)
	Absent,	None

Administration: City Manager Valentine, City Attorney Currier, Clerk Pierce, Finance Director Gerber, DPS Director Wood, City Engineer O'Meara, Fire Chief Connaughton, Assistant Fire Chief Donohue, Building Official Johnson, Planner Ecker, Senior Accountant Burrick, Police Chief Studt, Deputy Police Chief Clemence, Commander Albrecht, HR Manager Taylor, IT Director Gemmell, Museum Director Pielack, BSD Director Heiney, Library Director Koschik, Assistant Library Director Craft

**III. BUDGET PRESENTATION**

A video was presented regarding the proposed budget for fiscal year 2016-2017.

City Manager Valentine explained that the City will see a return to its highest taxable value level in 17-18. It is a good sign; however costs have continued to increase so there are constraints that will have to be dealt with.

Mr. Valentine explained that this year's budget is a balance budget and was guided by the established budget principles and goals which reflect an increase of 6% from the prior fiscal year. It is primarily the result of on-going infrastructure and capital improvement costs and a net addition of three new full-time positions to meet operational needs. He noted that the budget provides funding for approximately \$16.9 million in capital improvements which include approximately \$3.3 million for sewer improvements and repairs, \$1.7 million for water main improvements, approximately \$6 million for improvements to the City streets and sidewalks, \$1.8 million for improvements to the automobile parking system, and \$2.8 million for rebuilding the Chesterfield Fire Station. Also, there are increases in the water and sewer rates of about 3.6% and 6.6% respectively which are attributed to increasing operational costs and less water consumption. The budget maintains a strong fund balance of about 39% which is within the range established by the City Commission and reinforces the City's AAA bond rating. The City's millage rate is shown as a decrease due to an increase in taxable value which has reduced the refuse and debt levys accordingly. The Library Board has requested an additional .31 mills to fund improvements to the library. He noted that the City is prepared to make a supplemental

millage presentation outlining alternatives for the City Commission to consider in addressing the request in the context of the City's other funding obligations.

#### **IV. DEPARTMENT PRESENTATIONS AND DISCUSSION**

##### **COMMISSION**

City Manager Valentine explained that the 7% decrease is due to a reduction in the miscellaneous account for the goal setting session that was budgeted this year.

Mayor Pro Tem Nickita suggested that going forward the City consider increasing the budget for educational activities, workshops, conferences similar to where it was in the past so new Commissioners may attend advanced educational opportunities, workshops, and conferences. Mr. Valentine pointed out that the Commission has \$7,000 to use for conferences and workshops.

##### **MANAGER'S OFFICE**

City Manager Valentine explained the 1% decrease is due to the labor burden for the department. Mayor Hoff questioned the increase in Human Resources as there is no difference in the number of employees. Mr. Valentine explained that it is due to the retiree health care contributions that are showing up in the departmental budgets as it is required by the City's actuary. He explained that it is charging the legacy costs back to the departments.

Mr. Valentine explained that there is a 16% decrease for City Hall Grounds primarily attributed to adjustments in the labor burden, minor operating supplies and other contractual services. He noted that the property maintenance library has a 73% decrease due to repairs to the freight elevator which occurred in the prior fiscal year. He also noted that the legal budget was increased 1% due to an adjustment in the attorney retainer.

##### **HUMAN RESOURCES**

Human Resources Manager Taylor explained the increase of 6.5% is due to health care and retirement costs per the actuary.

In response to a question from Commissioner Sherman, Mr. Valentine explained that the Managers Office and Human Resources Office share the Assistant to the City Manager position. For a period of time that position was vacant which reduced the projection number.

##### **CITY CLERK**

Clerk Pierce explained that the City Clerk's Office budget is down approximately 1% from the previous year. This is attributed to a reduction in the salaries and wages and labor burden. She noted an increase in the equipment maintenance account due to the printing of color copies of the commission agenda for the commissioners.

Clerk Pierce explained that the elections budget is up 50% due to an increase in the machinery & equipment account due to the replacement of voting equipment. It is anticipated that the state will fund 50% of the cost and the City will be responsible for the remaining 50% of the cost.

##### **FINANCE DEPARTMENT**

Finance Director Gerber explained that the Finance Department budget is down 1.5% attributed to the retiree health care costs that were reduced in the department. He explained that the Treasury



budget is down 17.5% due to the elimination of the full-time billing manager position. He noted that a part-time clerical position was added. He explained that the Assessing budget includes the cost for the Board of Review and the Oakland County contract for assessing services. He noted that it is anticipated to be a small increase in the contract renewal.

## **PLANNING**

City Planner Ecker explained the budget increase of 1% is due to the types of projects that are planned under contractual services. The type and cost varies depending on the project. Mayor Hoff noted that the recommended budget is more than the requested budget. Ms. Ecker explained that the City Manager recommended the comprehensive master plan be moved to the upcoming fiscal year. She pointed out that the 16-17 budget includes via signs and in 17-18 additional funds are budgeted for via signs and the Downtown Birmingham Master Plan.

In response to a question from Commissioner Boutros, Ms. Ecker explained that GIS is the geographical information systems which is an on-line mapping program with geographical aerial photos used for planning purposes. She stated that the Planning Department has taken on the role of handling the City's GIS system.

Mayor Pro Tem Nickita noted that one of the most important planning issues is the Old Woodward Downtown Streetscape Plan. He stated that it is very important that the City put in the right resources to design it appropriately. Ms. Ecker explained that there are funds budgeted in the current fiscal year for the Bates Street Plan, but no funds are allocated in the Planning budget for Old Woodward. City Manager Valentine noted that when the City is at the point that it has to pull in resources for the plan, most likely it will come from a transfer from the general fund. Mayor Pro Tem Nickita expressed concern that the City is not getting in front of this.

Commissioner Boutros questioned the organizational chart. Mr. Valentine explained that the coordination is done by the building official. By designating one individual to coordinate activities that are involved in a project, the City can ensure that there is seamless follow through from when the plans are submitted to when the final certificate of occupancy is issued, that everything in between is coordinated by all the departments. Commissioner Boutros noted the chart should be revised to reflect that.

## **BUILDING**

Building Official Johnson explained the 11% increase is due to adding additional resources to keep up with construction activity in the City. One support staff position is being added and the use of McKenna will be increased to help out with inspection services. He noted that the large scale commercial project plan review will be sent to the International Code Council for their initial review which is a reimbursed cost to the City.

Mayor Pro Tem Nickita commented that there have been different capacity issues in terms of code enforcement over the past few years particularly with foreclosures. He questioned if there is appropriate staff to address this. Mr. Johnson pointed out that an additional part-time code enforcement officer was added to the current fiscal year.

Mayor Hoff commented on the complete performance goals and measures submitted by the Planning and Building Departments and suggested other departments do the same.

David Bloom questioned the use of an outside consultant for the commercial projects. Mr. Johnson explained that City performs a secondary review on those projects.

DeAngello Espree suggested the amount of revenue generated from code enforcement be added to the next budget.

## **POLICE**

Deputy Police Chief Clemence explained the increase of 2.5% is attributable the retiree health care costs. In response to a question by Commissioner Harris, Deputy Chief Clemence explained that the crime rate is pretty flat with the exception of identity thefts and financial crimes. He stated that the intention is to assign a task force officer to the FBI who has funded a program to bring in local task force officers to allow local departments to have greater access to federal resources.

Deputy Chief Clemence explained that the dispatch budget is up 6.8% due to the purchase of a new Clemis system. He noted that the department is requesting the purchase of a new investigative camera from the Law and Drug Enforcement fund which will have the ability to integrate into the City's camera system to be used for clandestine investigations.

## **FIRE**

Fire Chief Connaughton explained that the 5% increase in the budget is attributed to the labor burden cost. He confirmed for Mayor Hoff that the department is budgeting for a new generator at the Chesterfield Fire Station. Mr. Valentine stated that these are the maintenance costs for the generator.

In response to a question from Commissioner Bordman regarding maintenance of the hydrants, Chief Connaughton explained that the City is installing new hydrants which do not require maintenance. Mayor Hoff suggested the number of hydrants be listed in the budget in the future.

DeAngello Espree questioned if the City is reimbursed for medical emergencies. Mr. Valentine explained that the City only bills for transporting from the scene to the hospital. Chief Connaughton confirmed that the patient is billed, not the business.

## **ENGINEERING**

City Engineer O'Meara explained the increase of 4.6% is attributed to retiree health care contributions and overtime for seasonal staff as it has been under-budgeted in the past. Mayor Hoff questioned the staffing level in the department. Mr. O'Meara confirmed that the City has hired three seasonal inspectors in addition to the existing four full-time employees.

Dorothy Conrad commented on the Quarton Lake area sewers program. Mr. Valentine explained that the City is trying to get easements from all the required property owners so that City can proceed with the project. He stated that the City will meet with the homeowners group to review the program and educate the residents on the need to get the easements done so the City can proceed. City Attorney Currier explained that the easements secured so far are permanent easements with the land.

Mayor Pro Tem Nickita commented that sidewalks are a significant part of the health, welfare, safety and walkability of the community. He noted that there are a number of places that do not have sidewalks. He questioned if it is anticipated that new sidewalks being added. Mr. O'Meara

stated that it does not as it is not the policy to force sidewalks on residents because the resident would be assessed 100% of the cost.

Commissioner Sherman expressed concern with the status of the Willits Alley.

## **PUBLIC SERVICES**

DPS Director Wood explained the 3% increase in the general budget is due to a change in contractual uniform allowance, utilities, and training and workshops. The 24% increase in the property maintenance account is attributed to the reallocation of employee wages and labor burden and a slight decrease in water utility due to the changes of frequency in the watering of City properties. The decrease of 9% in the weed and snow enforcement is due to the retiree health care contributions. The Ice Sports Arena increase of 5.5% is due to employee allocation changes and reclassification of expenditures. She noted that this includes phase two of security cameras at the ice arena.

Ms. Wood confirmed for Commissioner Bordman that the ice arena is traditionally operated at a loss of approximately \$6,000 - \$7,000 per year, however the fees are continuously monitored. Ms. Wood further explained the activities held during the summer off-season include four mom-to-mom sales and pickle ball.

Ms. Wood explained the community activities increase of 4.5% is due to labor and wages as well as the purchase of additional holiday lights. She noted that the installation of lights is reimbursed by the Birmingham Shopping District.

Ms. Wood explained the Parks and Recreation budget is decreased 4% due to the reallocation of employees for wages and benefits and a change in other contractual services due to master plans and consultant work for upcoming projects

Mayor Pro Tem Nickita questioned if trail system improvements were budgeted. Mr. Valentine explained that there are funds in the 17-18 budget.

Mayor Hoff questioned the revenues and expenditures for the maintenance of the cemetery. Mr. Valentine explained that a separate fund has been established called the Greenwood Cemetery Perpetual Care Fund. He stated that the City has no expenditures for the cemetery as that portion is handled by the contractor.

Commissioner Bordman encouraged the use of obtaining grants when developing the park system.

## **ENTERPRISE FUNDS**

Finance Director Gerber explained that in the water fund, the City is proposing a \$0.15 increase which would increase the cost of the average user of 90 units per year by \$13.50. He noted that the cost of water makes up 55% of the rate, over half of the rate is from sources outside of the City. He noted that the sewer fund the City is proposing a \$0.59 increase which would increase the cost to the average homeowner of \$53.00. He noted that 73% of that overall rate is from sources outside of the City.

Mr. Gerber explained GASB 75 will be fully in place in 17-18. He noted that the City's retiree health care costs, which are currently not a liability on the City's books, will start showing up as a liability

on the City's books. The cost is about \$36 million and has to be spread amongst various funds in the City. The Enterprise Funds will see it on its balance sheets and will be a reduction of its net position in 17-18.

Mr. Valentine presented the operating revenues in the water fund compared to the operating costs and how GASB 75 will change the net position with the fund which results in a decrease in the fund balance. On the sewer fund, in 17-18 the requirements for GASB 75 to post the debit to the fund which reduces the net position and going forward continual deficits in that fund.

In response to a question from Mayor Hoff regarding the difference between the water and sewer fund, Mr. Gerber explained that there are more personnel in the water fund than in the sewer fund. Mr. Valentine stated that the City charges out employee expenses to the different funds.

Mr. Valentine stated that if the City does nothing, there would be a significant shortfall in these funds and noted that the City will have to transfer funds. He stated the difference between the revenues and expenses in the general fund will need to be transferred to the water fund and to the sewer fund. This will maintain the fund balance within the current range of the fund balance policy. Going forward continue to maintain the fund balance at 35%, making the transfers based on the difference between the projected revenues and projected expenses. Mr. Valentine commented that a negative balance will impact the ability for bonding and other implications on the financial health of the City.

Mayor Hoff noted that the scenarios discussed and GASB reporting fulfilled, it is all positive and the City will end up with a fund balance that is over 35% and meet the requirement. Mr. Valentine noted that the amount of projects scheduled for those years will have to be reassessed. It is now a structural issue and the City may have to look at potentially raising the water and sewer rates going forward.

### **BALDWIN PUBLIC LIBRARY**

Library Director Koschik explained that the library is requesting a continuation of the 1.1 mills for operating expenses which will allow it to continue its hours, staffing, and services. Additional funds will be budgeted for technology. He noted that expenditures will be increased in electronic resources and improving the interior of the library in areas that are not part of the master plan.

Mr. Koschik explained the plan for the renovations to the adult services which is Phase 1 of the Master Plan and is \$2.2 million. The library is offering to contribute \$900,000 out of fund balance and unrestricted trust funds for the project, which leaves \$1.3 million. The library's headlee limit is 1.4639 mills. The current millage rate is 1.1 mills. The Library Board suggested increasing the library's millage rate by .31 mills for a total of two years which would bring in the required funds. He stated that there are enough funds available that the library could proceed with the project this summer and the fund balance would be down to \$147,000. The \$690,000 advance from the City would ensure that the library does not fall beneath the fund balance floor.

City Manager Valentine presented slides explaining the model for funding options for this portion of the library renovation. He noted that there may be other transfers that need to be considered.

The Commission discussed the various models. The Commission agreed that option 5 would have the least adverse effect and does not increase the taxes for the average homeowner. It was noted

that from a policy standpoint, it is better to manage the millage rate to a smooth transition is preferable to one that would spike. The issue with option 5 is creating a systemic shortfall in the City budget that would have to be backfilled with general fund.

Commissioner Sherman question if there are any projects or other items that can be delayed to lower the shortfall. He noted that this would eliminate the structural problem. He noted that the funds are supposed to be there in case of an emergency.

Jim Suhay expressed support of options 5 and 3. Mr. Valentine confirmed for Mr. Suhay that in the case of a dire emergency, the City Commission would be able to assist the library through a crisis.

Mr. Valentine noted that based on the conversations today, staff will return to the Commission with additional information.

The Commission agreed that bond council should opine on the options presented to determine whether it would be worth the cost and would minimize the impact of additional tax rates on citizens and to understand the net operating.

David Bloom suggested a hybrid of options 3 and 5.

Commissioner Harris left at 12:42 PM.

The Commission recessed at 12:42 PM.

The Commission reconvened at 12:58 PM.

### **ENTERPRISE FUNDS (continued)**

DPS Director Wood explained the 1.7% increase for Lincoln Hills Golf Course and 5% increase at Springdale Golf Course is attributed to public improvements. Ms. Wood confirmed for Dorothy Conrad that golfers are using the golf course in spite of the construction on Big Beaver.

City Engineer O'Meara explained that the changeover on the equipment at the Chester Street Structure is being implemented next week. The other four garages will be done in the next fiscal year. He noted that there is a plan to paint the structural steel in the Park Street Structure and the lights will be replaced with LED's as well.

Mayor Hoff questioned the increase to Central Parking. Mr. O'Meara explained that with the high demand for parking and that the structures are filling on a regular basis, more staff is needed in the garages to monitor the entrances and keep the traffic flowing.

### **SPECIAL REVENUE FUND**

Finance Director Gerber explained that in major and local streets, the City should start to see additional revenue from the state, generated from the increase in the gas tax and the user registration fees. He noted that the non-capital related expenditures decreased by 4.3%.

Commissioner Sherman questioned which projects had been petitioned for. Mr. O'Meara explained that there is interest from the residents to have Saxon paved. He noted that they have done a petition and the booklet has been mailed out. He noted that West Brown is a general fund capital improvement where the existing road is worn out and the pavement needs to be replaced.

Mr. O'Meara confirmed for Commissioner Sherman that Villa was already approved by the City Commission and is moving forward. Poppleton is just maintenance and the resurfacing of various roads is general maintenance funds. Reconstruction of Raynale, Glenhurst, Brookwood, Kenwood, are part of the backyard sewer and water plan to separate the sewers out so more water can be diverted out of the sanitary sewer system. He noted that all those streets are permanently paved and near the end of their service life so it is a good time to tackle those issues.

DPS Director Wood explained that solid waste disposal budget increase of 1% is due to the increase in pick up and disposal cost for residential pick up. In response to a question from Mayor Pro Tem Nickita, Ms. Wood explained the recycling containers located in Shain Park and around town.

### **INFORMATION TECHNOLOGY**

IT Director Gemmell explained the 15% increase in the budget is attributed to investments in infrastructure replacements that are at the end of life or require better performance including the replacement of the City Commission Room projector and screen with a high definition capability, replacing the security fire wall, network switching equipment, and provide for a newer parking ticketing system for parking enforcement.

### **BIRMINGHAM HISTORICAL MUSEUM**

Museum Director Pielack explained the increase of 12% in the Allen House budget is attributed to one-time expenses related to the rebranding efforts, advertising, consultant work, and signage.

George Stern suggested the Commission demand how much money is in the endowment fund and whether the City will receive 50%. He suggested the Commission know the number of patrons as it is a source of revenue. He commented that there are many demands for expenses and rebranding is not one that City money should be spent on.

Commissioner Sherman noted that revenues are accounted for in the budget. Ms. Pielack noted that the endowment fund has a principle balance of approximately \$800,000. That results in discernments of grants to the City from \$38,000 to \$40,000 per year. The revenues have been increased as a result of increased utilization in requests for research and duplication. She noted that there has been an increase in visitors to the museum.

Ms. Pielack explained the 50% reduction in the Hunter House budget was due to the elimination of the one-time expense for exterior paint.

### **BIRMINGHAM SHOPPING DISTRICT (BSD)**

BSD Director Heiney explained that on the expenditure side, funds were reallocated to add more funding for programming, marketing, special events, and maintenance.

### **BROWNFIELD REDEVELOPMENT AUTHORITY**

Finance Director Gerber explained that the fund captures tax incremental financing from projects presented to the Commission for approval. He noted that the budget assumes that the City will get the project costs into the City and the funds will be dispersed back to the developer, dependent on when the developer submits its cost reimbursement.

### **TRIANGLE DISTRICT CORRIDOR IMPROVEMENT AUTHORITY**

Finance Director Gerber explained that the intent of the fund is to capture incremental tax revenues from this area to be used solely for parking purposes. Mr. Valentine explained that the Authority has been created, but the TIF has not been established yet. Mr. Valentine confirmed for Commissioner Sherman that Oakland County changed their arrangement for how they participate in local TIF's. He stated that the terms of the agreement with the County are being worked out.

Commissioner Sherman stated that the City adopted the plan to set the base tax year of 12/31/14. He questioned if 2014 is the year that all incremental increases are based on or is the base year now 12/31/15. The Commission requested staff to follow up on this.

### **GREENWOOD CEMETERY PERPETUAL CARE FUND**

Finance Director Gerber explained that this fund captures revenues from the sale of plots. The purpose of the fund is to invest those revenues to generate interest income, which would then be used for maintenance and improvements at the cemetery.

George Stern commented that the City Code restricts the funds to be invested according to Public Act 20. He suggested the City adopt the new state law, Public Act 215 into the ordinance which would allow municipal cemeteries to invest at close to market rates. Mr. Valentine clarified that the change allows for the inclusion of investments in mutual funds.

Commissioner Nickita left at 1:42 PM.

### **CAPITAL PROJECTS FUND**

Finance Director Gerber explained the fund captures major expenditures with a threshold of \$25,000. He explained the list of planned projects include the funds with the anticipated capital expenditures over the next six years.

Commissioner Sherman commented that by setting out the capital projects years in advance, it allows the City to properly budget for them and figure in the cost for the project. He stated that \$16 million in infrastructure improvements are budgeted this year which is substantially above the norm of \$8 million. Mr. Valentine stated that staff will review this.

### **PUBLIC COMMENT**

George Stern suggested the Commission ask for a report from the cemetery committee at the next budget session.

David Bloom and DeAngello Espree commented on the well run budget meeting.

The Mayor closed the public hearing and adjourned the meeting at 1:50 PM.

Laura M. Pierce  
City Clerk

**BIRMINGHAM CITY COMMISSION MINUTES**  
**APRIL 25, 2016**  
**MUNICIPAL BUILDING, 151 MARTIN**  
**7:30 P.M.**

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

Rackeline J. Hoff, Mayor, called the meeting to order at 7:32 PM.

**II. ROLL CALL**

ROLL CALL:	Present,	Mayor Hoff Commissioner Bordman Commissioner Boutros Commissioner DeWeese Commissioner Harris Mayor Pro Tem Nickita (arrived at 7:34 PM) Commissioner Sherman
	Absent,	None

Administration: City Manager Valentine, City Attorney Currier, Clerk Pierce, City Engineer O'Meara, Building Official Johnson, City Planners Ecker & Baka, Finance Director Gerber, Deputy Treasurer Klobucar, Fire Chief Connaughton

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

**04-118-16 ANNOUNCEMENTS**

Kathy Walgren invited the public to attend the Boomer Summit which will be held on April 30<sup>th</sup>. She explained the details of the event and the speakers who will be presenting.

**04-119-16 APPOINTMENT TO THE  
CABLECASTING BOARD**

Mayor Hoff announced that applicant Scott Weller, 1687 Holland, withdrew his application.

**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.

**04-120-16 APPROVAL OF CONSENT AGENDA**

The following items were removed from the consent agenda:

- Item A (Minutes of April 11, 2016) by Commissioner Bordman
- Item I (Special Event Request – Run on the Town) by Commissioner Bordman

**MOTION:** Motion by Sherman, seconded by DeWeese:

To approve the consent agenda as follows:

- B. Approval of warrant list, including Automated Clearing House payments, of April 13, 2016 in the amount of \$748,741.73.



- C. Approval of warrant list, including Automated Clearing House payments, of April 20, 2016 in the amount of \$272,505.40.
- D. Resolution accepting the resignation of Barbara Thurber from the Greenwood Cemetery Advisory Board, thanking her for her service, and directing the Clerk to begin the process to fill the vacancy.
- E. Resolution approving a three-year contract between the City and Oakland County for assessing services for the period of July 1, 2016 through June 30, 2019 and authorizing the mayor to sign the agreement on behalf of the City.
- F. Resolution setting a public hearing for May 23, 2016 to consider the proposed lot split of 1525 Chesterfield, Parcel #1926126008.
- G. Resolution approving the agreement with Sellinger Associates, Inc. in the amount not to exceed \$21,500.00 for all design services for upgrading the Heating System for the Municipal Building at City of Birmingham. Further, directing the Mayor and City Clerk to sign the agreement on behalf of the City.
- H. Resolution approving the agreement with Tech Mechanical, Inc. in the amount not to exceed \$28,975.00 to replace a Vertical A/C System for the Police department located at City of Birmingham; further charging the expenditure to the City Hall and Grounds Building Improvement account number 101-265.001-977.0000; further approving the appropriation and amendment to the 2015-16 General Fund budget as follows:  
 General Fund  
 Revenues:  

Draw from Fund Balance	101-000.000-400.0000	\$1,975
Total Revenue		\$1,975

 Expenditures:  

City Hall and Grounds-Building Improvement	101-265.001-977.0000	\$1,975
Total Expenditures		\$1,975

 and further, directing the Mayor and City Clerk to sign the agreement on behalf of the City.
- J. Resolution authorizing the City to enter into a contract with Colonial Fireworks for providing a fireworks display on July 3, 2016 (July 5 rain date) at Lincoln Hills for the sum of \$15,000, and further authorizing the administration to secure the necessary insurance. This would be contingent upon the vendor meeting all state and local laws, City requirements, and insurance requirements.
- K. Resolution approving the amended and restated Cross Connection Control Services Agreement with HydroCorp for services described in Attachment A of the agreement for five years, in the amount of \$15,780.00 per year from account #591-537.007-811.0000, and further directing the Mayor and City Clerk to sign the agreement on behalf of the City.

ROLL CALL VOTE:    Yeas,                      Commissioner Bordman  
    Commissioner Boutros  
    Commissioner DeWeese  
    Commissioner Harris  
    Mayor Pro Tem Nickita  
    Commissioner Sherman  
    Mayor Hoff  
                                  Nays,                      None  
                                  Absent,                      None  
                                  Abstention,                      None

<b>V. UNFINISHED BUSINESS</b>
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<b>VI. NEW BUSINESS</b>
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**04-121-16 PUBLIC HEARING TO CONSIDER BROWNFIELD PLAN  
AT 34965 WOODWARD AVENUE**

Mayor Hoff opened the Public Hearing to consider the approval of a Brownfield Plan and Reimbursement Agreement - 34965 Woodward (Peabody's Restaurant) at 7:39 PM.

City Planner Ecker explained that the applicant is proposing a mixed use five-story building with retail on the first floor and office/residential above. She pointed out that there is a brownfield site to the north and to the south of the site so there is clearly proof of contamination within the block. She noted that the plan and financing table have been reviewed by the Brownfield Redevelopment Authority. She explained that the Authority reviews the costs dealing with the contamination and the costs if it was not a contaminated site, then the Authority review the difference in those costs.

In response to a question from Commissioner DeWeese on how the brownfield works and the exchange of money, Ms. Ecker explained that the developer would expend the funds for the site clean-up. If the plan is approved, the developer could submit their eligible expenses and receipts to the City. After review, the City would reimburse funds back to the developer for up to the approved amount. She noted that the City is agreeing that in lieu of charging them the first \$1.3 million of additional tax funds, it would pay them back their clean up expenses with that additional tax revenue that would not have been coming to the City unless this property was redeveloped.

Commissioner DeWeese noted that once that occurs, as soon as it is paid off, the developer would pay the full value of all the taxes and development. There is no giveaway here. It is in the City's interest to encourage the development as if it were a clean site.

In response to a question from Mayor Hoff, Ms. Ecker confirmed that it includes capturing taxes from Oakland County as well. Mr. Valentine noted that all the taxing jurisdictions are included.

Mr. Valentine clarified that the arrangement under the brownfield is different from a TIF as the brownfield is for the purposes of reimbursement for this specific site where the TIF is for the whole district.

The Mayor closed the Public Hearing at 7:49 PM.

**MOTION:** Motion by DeWeese, seconded by Boutros:

To approve the Brownfield Plan and Reimbursement Agreement for 34965 Woodward (Peabody's Restaurant) as recommended by the Brownfield Redevelopment Authority on March 9, 2016:

WHEREAS, the Birmingham Brownfield Redevelopment Authority (the "Authority"), pursuant to 1996 PA 381, as amended (the "Act"), prepared and recommended for approval by this Commission a brownfield plan dated March 15, 2016 ("the Plan") for property located at 34965 Woodward, Birmingham, Michigan; and,

WHEREAS, the City of Birmingham, at least ten days before the meeting of this Commission at which this resolution is considered, provided notice of a hearing to all taxing jurisdictions which are affected by the Plan (the "Taxing Jurisdictions") and fully informed the Taxing Jurisdictions about the fiscal and economic implications of the Plan; and,

WHEREAS, the City of Birmingham, at least ten days before the meeting of this Commission at which this resolution is considered, provided notice of the hearing to the Department of Environmental Quality and the Michigan Strategic Fund (or its designee); and,

WHEREAS, this Commission held a public hearing on the Plan at which officials from the Taxing Jurisdictions had an opportunity to be heard in regard to the adoption of the brownfield plan, interested persons had an opportunity to be heard, any written communications with reference to the Plan were received and considered, and a record of the public hearing, including all data presented at the hearing, was made and preserved.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Plan constitutes a public purpose.
2. The Plan meets all of the requirements for a brownfield plan set forth in Section 13 of the Act.
3. The proposed method of financing the costs of the eligible activities, as described in the Plan, is feasible and the Authority has the ability to arrange the financing.
4. The costs of the eligible activities proposed in the Plan are reasonable and necessary to carry out the purposes of the Act.
5. The amount of captured taxable value estimated to result from the adoption of the Plan is reasonable.
6. The Plan is approved.
7. The reimbursement agreement pertaining to the Plan is approved.

VOTE:           Yeas, 7  
                  Nays, None  
                  Absent, None

**04-122-16                   PUBLIC HEARING OF NECESSITY  
                                  WEBSTER AVE PAVING PROJECT  
                                  REPLACEMENT OF SEWER LATERALS**

Mayor Hoff opened the Public Hearing of necessity for the replacement of sewer laterals as part of the Webster Ave. Paving Project at 7:49 PM.

City Engineer O'Meara explained that sewer laterals which are over fifty years old are routinely replaced during reconstruction projects. He noted that about 70% of the homes need it replaced. He noted that the homeowners have been notified.

Mr. O'Meara confirmed for Mayor Hoff that the sewer lateral being replaced is located in the public right-of-way from the property line to the sewer. Mr. Valentine further clarified that everything from the property line to the house is private and not included in this assessment.

The Mayor closed the Public Hearing at 7:53 PM.

**MOTION:**     Motion by Sherman, seconded by Nickita:

To declare necessity for the replacement of sewer laterals within the limits of Webster Ave. from Adams Rd. to Eton Rd. The public hearing of confirmation will be held Monday, May 9, 2016, at 7:30 P.M.:

WHEREAS, The City Commission has passed Ordinance No. 1906, to establish and adopt requirements and procedures for the replacement of sewer lateral lines when the City street is open for repairs or reconstruction; and

WHEREAS, The City Commission is of the opinion that replacement of sewer laterals not meeting current criteria as a part of the planned road paving project is declared a necessity; and

WHEREAS, formal bids have been received and the actual cost per foot for replacement of the sewer laterals has been determined,

RESOLVED, that all sewer laterals not meeting current criteria located within the limits of the following streets shall be replaced as a part of the paving project on Webster Ave. from Adams Rd. to Eton Rd.

RESOLVED, that at such time as the Assessor is directed to prepare the assessment roll, of which 100% of the contractor's charge to replace sewer lateral (calculated at the rate of \$48 per linear foot) shall be charged to the adjoining property owners benefiting from the sewer lateral,

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, within the following district:

"Leinbach – Humphrey's Woodward Ave. Subdivision"

Lots 97-100 inclusive, the easterly 40 ft. of lot 101, the westerly 25 ft. of lot 104, lots 105, 106, the easterly 20 ft. of lot 107, lots 114-122 inclusive, the easterly 20 ft. of lot 123, lots 125, 127, 128, lots 132-137 inclusive, lots 140, 141, 145-149 inclusive, lots 151, 152, 155, 158, lots 161-173 inclusive, the westerly 218.05 ft. of lot 174, the easterly 10 ft. of lot 177, lots 178-186 inclusive, the westerly 30 ft. of lot 187, lots 189, 190.

"Birmingham Gardens"

Lots 420, 421, 424-427 inclusive, the easterly 15 ft. of lot 428, the westerly 25 ft. of lot 430, lots 431, 432, the easterly 35.40 ft. of lot 433, lot 435, the westerly 10 ft. of lot 436, the easterly 20 ft. of lot 437, lots 438, 439, the easterly 30 ft. of lot 441, lots 442-445 inclusive, the westerly 10 ft. of lot 446.

RESOLVED, that the Commission shall meet on Monday, May 9, 2016, at 7:30 P.M., for the purpose of conducting a public hearing to confirm the roll for the replacement of sewer laterals within the Webster Ave. Paving Project.

VOTE:           Yeas, 7  
                  Nays, None  
                  Absent, None

**04-123-16                   PUBLIC HEARING TO CONSIDER A LOT SPLIT  
                                  221 BALDWIN ROAD**

Mayor Hoff opened the Public Hearing at 7:53 PM to consider the approval of a lot split of 221 Baldwin.

Planner Baka explained that the applicant is requesting to separate out a previously added lot from the property. He explained the conditions that must be met according to the ordinance include that the minimum lot size in the area is 6,000 square feet; that all lots must meet the average lot width of other parcels in the area; that the division will not adversely affect the interest of the public and the abutting property owners. Mr. Baka explained that the lot is only

5,000 sq ft, which means the lots were platted before the zoning was established in this area. This lot does not meet that requirement due to the odd configuration of many lots and the combination of several lots in the area. He noted that no new buildings are currently proposed for this lot, however it would be eligible to have a single family home built on it which would have to meet all current zoning ordinance standards in regards to set backs, distance between buildings, and lot coverage.

He noted that the City Commission could waive the requirements in the instance that the Commission determines that the enforcement of such requirements may cause unnecessary difficulties on the applicant or if the Commission determines that the waiver of any such requirement by the Commission shall not preclude the applicant from complying with all the provisions of the zoning ordinance.

Commissioner Bordman pointed out that there are quite a few lots that are 50ft and are single family homes.

Mayor Pro Tem Nickita commented that the biggest constraints would be the side setbacks and lot coverage. If it was redeveloped, it would be somewhat congruent with what is already in the other 50 x 100 lots.

In response to a question from Mayor Hoff regarding a for sale sign on the property, the applicant explained that they desire to sell the lot and there are people interested in purchasing it.

Mayor Hoff expressed her concern with the request since the applicant bought the property as is knowing the additional space was there and by approving it, it does not meet the 5,000 square foot space requirement and it does not meet the requirement of the average lot width.

The Mayor closed the Public Hearing at 8:14 PM.

**MOTION:** Motion by DeWeese, seconded by Nickita:  
To approve the proposed lot split of 221 Baldwin Rd.

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

**04-124-16 PUBLIC HEARING OF CONFIRMATION  
HAMILTON AVE PAVING PROJECT AREA  
INSTALLATION OF NEW STREET LIGHTS**

Mayor Hoff opened the Public Hearing of Confirmation for the installation of new street lights in the Hamilton Avenue Paving Project area at 8:15 PM.

Deputy Treasurer Klobucar recommended adoption of the resolution to confirm the special assessment district roll #875 to defray the cost of installing new street lighting in the Hamilton Avenue Paving Project over a ten-year period.

The Mayor closed the Public Hearing at 8:15 PM.

**MOTION:** Motion by Sherman, seconded by Harris:

To confirm Special Assessment Roll No. 875, to defray the cost of installing new street lighting for the Hamilton Avenue Paving Project:

WHEREAS, Special Assessment Roll, designated Roll No. 875, 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 04-109-16 provided it would meet this 25th day of April 25, 2016 for the sole purpose of reviewing the assessment roll, and

WHEREAS, at said hearing held this April 25, 2016 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. 875 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

#### **04-125-16                   NEIGHBORHOOD IDENTIFICATION SIGNAGE POLICY**

City Planner Ecker explained that in 2004, the City approved a wayfinding and signage design program. One of the signs recommended in the plan was a neighborhood identification sign. She stated that the City has received numerous requests to place these signs within the neighborhoods. She noted that the proposed policy would determine who would pay for the signs, location of the signs, and how many a neighborhood could have.

Commissioner Bordman expressed concern as the City is undertaking a new branding effort and it would be premature to authorize any more signs until the logo is complete. She questioned who would pay for the signage.

Mayor Pro Tem Nickita commented that it is a good plan, but shares the concern regarding the graphic and funding. He noted that plan is not ready as there are additional questions as to how it would be rolled out more completely, collectively and logistically.

Commissioner Sherman questioned if the neighborhoods should be identified with signage. He questioned if this is a want or a need and where it fits into the City's priorities.

Commissioner Boutros questioned whether this would identify the elements of the neighborhood or just the street.

Mayor Hoff questioned whether the Commission wants neighborhood signs and where would they be located. She also expressed concern with the graphics on the sign.

Mayor Pro Tem Nickita questioned the purpose of the signage – parking, directional, identification, or to enhance the visitor understanding of different elements of the City. He suggested the Planning Board review this.

Commissioner DeWeese concurred and suggested the wayfinding concept be re-examined.

Commissioner Harris agreed that the policy should be reviewed by the Planning Board as to the standards and implementation.

Commissioner Bordman suggested the Planning Board consider the effect of the neighborhoods being the driver of the signs as not every house identifies itself with a particular neighborhood. Mayor Pro Tem Nickita suggested the Planning Board consider the differentiation of the physical neighborhood.

**MOTION:** Motion by DeWeese, seconded by Bordman:  
To refer this item back to Planning Board with the comments made this evening.

VOTE: Yeas, 7  
Nays, None  
Absent, None

#### **04-126-16 DELINQUENT WATER/SEWAGE CHARGES TO THE 2016 TAX ROLL**

**MOTION:** Motion by Sherman, seconded by Nickita:  
To direct the Treasurer to transfer the following unpaid and delinquent water/sewage bills of the properties listed in the Delinquent Tax List report dated April 15, 2016 to the 2016 city tax roll and authorizing removal from the list any bills paid or a payment plan agreement signed after City Commission approval:

WHEREAS, The City Treasurer, in accordance with Chapter 114, Section 114-303, of the city code has reported certain water/sewage accounts, including interest and penalty, unpaid and delinquent on May 1, 2016, and

WHEREAS, Chapter 114, Section 114-303, of the city code provides that these payments shall be carried to the next annual city tax roll,

NOW, THEREFORE, BE IT RESOLVED, that the properties with unpaid and delinquent water/sewage accounts listed in the report dated April 15, 2016, including interest and penalty, be transferred and reassessed to the 2016 city tax roll and authorization be given to remove from the list any bills paid or a payment plan agreement signed after commission approval.

VOTE: Yeas, 7  
Nays, None  
Absent, None

#### **04-127-16 DELINQUENT SPECIAL ASSESSMENTS/INVOICES**



## TO THE 2016 TAX ROLL

**MOTION:** Motion by Sherman, seconded by DeWeese:

To direct the Treasurer to transfer the unpaid and delinquent special assessment and invoices, including interest and penalty, as listed on Sworn Statement of Delinquent and Unpaid Special Assessments and Unpaid Invoices to the 2016 City tax roll and authorizing removal from the list any bills paid after City Commission approval:

WHEREAS, the City Treasurer, in accordance with the provisions in the City Code has reported certain special assessments and invoices, including interest and penalty, unpaid and delinquent on May 1, 2016, and

WHEREAS, the City Code provides that these delinquent special assessments and invoices shall be carried to the next annual City tax roll,

NOW THEREFORE BE IT RESOLVED, that the listing of unpaid and delinquent special assessments and invoices, including interest and penalty, dated April 15, 2016, be transferred and reassessed to the 2016 City tax roll with an additional 15% penalty and authorization be given to remove from the list any bills paid after commission approval.

VOTE: Yeas, 7  
Nays, None  
Absent, None

## VII. REMOVED FROM CONSENT AGENDA

### 04-128-16 CITY COMMISSION MINUTES OF APRIL 11, 2016

Commissioner Bordman suggested the following revision to Resolution #04-110-16:

- Add "No action was taken on the remaining applications."

**MOTION:** Motion by Bordman, seconded by DeWeese:

To approve the City Commission minutes of April 11, 2016 as amended.

VOTE: Yeas, 7  
Nays, None  
Absent, None

### 04-129-16 SPECIAL EVENT REQUEST RUN ON THE TOWN

Commissioner Bordman expressed concern with the hours for set up at 5:30 AM as construction is not allowed before 7:00 AM. She noted that this park has adjoining residential areas. Clerk Pierce confirmed that the set up hours were the same the past two years. She noted that the City has not received any complaints regarding this event.

Mayor Hoff noted that the music will begin at 7:00 AM and end at 9:00 AM. Commissioner Sherman noted that the run will be held from 7:30 AM – 9:00 AM.

Commissioner Boutros commented that this event has to start and finish early. Had there been any complaints, he would support changes, but since there are no complaints, the City should let them proceed.

Commissioner DeWeese noted that this is the normal pattern for races to begin early so people are not yet using the streets and minimizes the interference with the neighborhood.

Commissioner Bordman expressed opposition to the time of the event.

**MOTION:** Motion by DeWeese, seconded by Boutros:

To approve a request submitted by Max Broock Realtors requesting permission to hold the Run on the Town on September 17, 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, 6  
Nays, 1 (Bordman)  
Absent, None

## **VIII. COMMUNICATIONS**

### **04-130-16 COMMUNICATIONS**

The Commission received the following communication:

- Children's Charities Coalition regarding withdrawal of special event application

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

## **X. REPORTS**

### **04-131-16 COMMISSIONER REPORTS**

The Commission intends to appoint a member to Greenwood Cemetery Advisory Board on May 23, 2016.

### **04-132-16 COMMISSIONER COMMENTS**

Commissioner Bordman noted that she attended the regional transit authority (RTA) meeting and explained that there was very little concrete information other than the route such as the taxing amount to the municipalities and bus fares.

Mayor Pro Tem Nickita explained that Woodward is considered to be part of the bus rapid transit system with occasional stops from the downtown core at Michigan and Cass. It would run along each side of Woodward until the New Center, then north on Woodward to Pontiac. He noted that Woodward would have the light rail street car which is a separate system. He explained that the M1 is not part of the RTA at this time.

Commissioner Harris noted that he read that funding for the RTA may be on the November ballot. Mr. Valentine explained that his understanding is that there is a funding component that will be discussed. Up to that point, it is starting the education as to where it goes, what service it provides, and how it works.

Mayor Pro Tem Nickita requested an update on the number of bistro chairs and tables were originally purchased, how many more is needed and is the City accommodating the way they are being used.

### **04-133-16 CITY STAFF REPORTS**

The Commission received the I-75 Expansion Project Update submitted by Assistant to the City Manager Haines.

City Manager Valentine noted that Berkley, Southfield, and Hazel Park have adopted a resolution in opposition to the project. Mayor Pro Tem Nickita noted that during a charrette he was involved with in Pontiac, an MDOT employee commented that all the money would be involved in the I-75 project and not to plan on funding for local projects.

<b>XI. ADJOURN</b>
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The meeting adjourned at 9:15 PM.

Laura M. Pierce  
City Clerk

**City of Birmingham**  
**Warrant List Dated 04/27/2016**

Meeting of 05/09/2016

Check Number	Early Release	Vendor #	Vendor	Amount
241714	*	000855	48TH DISTRICT COURT	100.00
241715	*	000855	48TH DISTRICT COURT	50.00
241716	*	000855	48TH DISTRICT COURT	100.00
241717	*	000855	48TH DISTRICT COURT	100.00
241718	*	000855	48TH DISTRICT COURT	100.00
241719	*	000855	48TH DISTRICT COURT	100.00
241720	*	006965	7UP DETROIT	180.45
241721		004627	A & L SYSTEMS	15.99
241722		002284	ABEL ELECTRONICS INC	166.99
241723	*	007037	ACME PARTYWORKS	723.00
241724		000394	AERO FILTER INC	6.32
241725		MISC	AM RES SVC DBA ANDY'S STATEWIDE	228.75
241726		008046	ANTIGUA	1,034.25
241727		007824	APEX CAPITAL MGMT	10,331.46
241728		000282	APOLLO FIRE EQUIPMENT	20.01
241729		007586	ARROW INTERNATIONAL INC	562.15
241730		000500	ARTECH PRINTING INC	391.50
241731		007479	ASB DISTRIBUTORS	49.43
241732	*	006759	AT&T	49.05
241733	*	006759	AT&T	89.81
241735		000518	BELL EQUIPMENT COMPANY	67.60
241736		008036	BERMUDA SANDS	525.93
241737		007345	BEVERLY HILLS ACE	103.93
241738		002231	BILLINGS LAWN EQUIPMENT	247.16
241739	*	007737	CITY OF BIRMINGHAM #208	2,762.50
241740		000524	BIRMINGHAM LOCKSMITH	6.50
241741	*	001086	CITY OF BIRMINGHAM	667.60
241742	*	001086	CITY OF BIRMINGHAM	413.81
241743		006966	BRIDGESTONE GOLF, INC	581.25
241744	*	006953	JACQUELYN BRITO	122.36
241745		006177	BULLSEYE TELECOM	37.74
241746		006257	C.S. MCKEE LP	4,252.97
241747		007875	CANFIELD EQUIPMENT SERVICE INC.	562.50
241749		000595	CARRIER & GABLE INC	207.80
241750		007710	CINTAS CORP	207.11
241751		000605	CINTAS CORPORATION	133.99
241752	*	008006	CLEAR RATE COMMUNICATIONS, INC	1,332.49
241753	*	000912	MARK CLEMENCE	398.49
241754	*	001318	CLOVERDALE EQUIPMENT CO	1,410.00
241755		008044	CLUB PROPHET	573.84
241756		008044	CLUB PROPHET	295.00
241757		008044	CLUB PROPHET	573.84
241758		008044	CLUB PROPHET	295.00

**City of Birmingham**  
**Warrant List Dated 04/27/2016**

Meeting of 05/09/2016

Check Number	Early Release	Vendor #	Vendor	Amount
241759		004188	COFFEE BREAK SERVICE, INC.	68.00
241759	*	004188	COFFEE BREAK SERVICE, INC.	195.75
241760	*	007625	COMCAST	261.38
241761		000979	COMERICA BANK	13,728.58
241762	*	000626	J. M. CONNAUGHTON	136.29
241763	*	000627	CONSUMERS ENERGY	3,357.42
241764		004386	CYNERGY WIRELESS	527.40
241765		000847	DETROIT SALT COMPANY	11,627.85
241766		001035	DOUGLASS SAFETY SYSTEMS LLC	755.24
241767		000190	DOWNRIVER REFRIGERATION	28.59
241768	*	006700	DRV CONTRACTORS, LLC	52,487.50
241769	*	000179	DTE ENERGY	19,829.17
241770	*	000180	DTE ENERGY	54,604.27
241771		007988	EASTERN MI KENWORTH OF CLINTON TWP	268.80
241772	*	003801	JANA ECKER	109.38
241773		004671	ELDER FORD	656.00
241774		000207	EZELL SUPPLY CORPORATION	349.26
241775		007613	FIRESERVICE MANAGEMENT	159.50
241776		006181	FIRST CHOICE COFFEE SERV	200.45
241777		007172	GARY KNUREK INC	133.00
241778		006699	GEAR FOR SPORTS, INC	1,112.52
241779		004604	GORDON FOOD	2,515.79
241780		000245	GREAT LAKES POPCORN CO	69.95
241782		001447	HALT FIRE INC	869.00
241783		000261	J.H. HART URBAN FORESTRY	16,764.83
241784		001672	HAYES GRINDING	30.50
241785	*	006656	HOLBEN ENVIRONMENTAL SERVICES	300.00
241786	*	001956	HOME DEPOT CREDIT SERVICES	3,351.31
241789		001234	IAFC MEMBERSHIP	209.00
241790		000342	INTERSTATE BATTERY SYSTEM	350.85
241791		007870	J.C. EHRLICH CO. INC.	38.00
241792		MISC	JAMES MOORE	53.00
241793		003458	JOE'S AUTO PARTS, INC.	669.48
241794		004088	KGM DISTRIBUTORS INC	266.00
241795	*	007828	DEBORAH KLEIN	247.50
241796		000362	KROGER COMPANY	48.92
241797	*	005327	L-3 GCS	38.70
241798		007471	LOCKSMITH, INC.	1,597.50
241799		005246	MATZKA INC	102.32
241800	*	002169	MAYO WELDING & FAB. CO INC	3,200.00
241801		MISC	MICHIGAN ASPHALT INC PAVING	2,897.50
241802		001660	MICHIGAN CAT	4,208.70
241803		000377	MICHIGAN MUNICIPAL LEAGUE	54.40

**City of Birmingham**  
**Warrant List Dated 04/27/2016**

Meeting of 05/09/2016

Check Number	Early Release	Vendor #	Vendor	Amount
241804		006433	MICHIGAN STATE POLICE	120.00
241805	*	008043	MILARCH NURSERY INC.	205.00
241806	*	006952	MITCHELL1	2,220.00
241807		007163	MOBILE HEALTH RESOURCES	1,204.09
241808		000972	MOORE MEDICAL LLC	230.07
241809		001089	MUNICIPAL CODE CORP.	704.00
241810		000668	NATIONAL TIME & SIGNAL CORP	616.00
241811		001194	NELSON BROTHERS SEWER	328.00
241812		008037	NEXBELT, LLC	351.02
241813		008045	NIVO SPORTS	942.80
241814		006359	NYE UNIFORM COMPANY	1,502.22
241815		002368	O.C.A.A.F.I.I.	300.00
241816	*	001686	OAKLAND CO CLERKS ASSOC	40.00
241817	*	000477	OAKLAND COUNTY	8,281.00
241818	*	001016	OAKLAND COUNTY HEALTH DIVISION	323.00
241819	*	003461	OBSERVER & ECCENTRIC	821.74
241820		006599	OBSERVER & ECCENTRIC	65.84
241821		004370	OCCUPATIONAL HEALTH CENTERS	389.50
241822		000481	OFFICE DEPOT INC	314.25
241823	*	001753	PEPSI COLA	248.16
241824		001277	PHYSIO-CONTROL CORP.	673.15
241825		007146	PLAYWORLD MIDSTATES	20,102.00
241826		007463	PUBLIC RUBBER & SUPPLY CO., INC.	410.68
241827	*	001314	REDFORD TWP UNICYCLE CLUB INC	300.00
241829	*	005344	RESERVE ACCOUNT	8,000.00
241830		002566	REYNOLDS WATER	558.60
241831		000478	ROAD COMM FOR OAKLAND CO	11,154.90
241832		001181	ROSE PEST SOLUTIONS	84.00
241833	*	MISC	ROTGER, TODD M	30,000.00
241834		000218	ROYAL OAK P.D.Q. PRINTING INC	771.18
241835		006832	SAFEWARE INC.	399.40
241836		000230	MIKE SAVOIE CHEVROLET INC	136.51
241837		MISC	SEAN ECIA	100.00
241838		007142	SHERWIN-WILLIAMS COMPANY	61.83
241839		007881	SIDOCK GROUP INC	15,460.00
241840		003785	SIGNS-N-DESIGNS INC	40.00
241841		004644	M.C. SMITH ASSOCIATES	1,160.00
241842		000254	SOCRRA	59,075.00
241842	*	000254	SOCRRA	2,404.23
241843		MISC	SOLTMAN HTG & COOLING CO	120.00
241844		007907	SP+ CORPORATION	2,250.00
241845		000260	SPARTAN DISTRIBUTORS INC	323.77
241846		001369	SPEEDWAY SUPERAMERICA LLC	54.53

**City of Birmingham**  
**Warrant List Dated 04/27/2016**

Meeting of 05/09/2016

Check Number	Early Release	Vendor #	Vendor	Amount
241847		MISC	SPINE ELECTRIC COMPANY	750.00
241848		005127	SYSTEMATIC FINANCIAL MGMT. L.P.	10,329.63
241849		000276	TITLEIST	749.46
241850		005442	UPS	27.48
241851		007226	VALLEY CITY LINEN	44.00
241852	*	000931	VARISITY SHOP	350.00
241853	*	000158	VERIZON WIRELESS	115.00
241854	*	000158	VERIZON WIRELESS	876.26
241855		004334	VILLAGE CONEY	21.45
241856		000279	VIP TRUCK CENTER LLC	2,161.16
241857		005231	WALKER RESTORATION CONSULTANTS	2,101.50
241858		002171	WEISSMAN'S	35.99
241859		MISC	WILLIAMS DISTRIBUTING CO	60.00
241860	*	000306	WOLVERINE CONTRACTORS INC	769.30
241861	*	003890	LAUREN WOOD	525.00
241862		000926	WRIGHT TOOL COMPANY	810.00
241863		007999	ZEROFRICTION, LLC	132.51

Sub Total Checks: \$421,363.38

Sub Total ACH: \$153,465.85

Grand Total: \$574,829.23

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



Mark Gerber  
Finance Director/ Treasurer

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



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5/9/2016

**City of Birmingham**  
**4/27/2016**

Vendor Name	Transfer Date	Transfer Amount
Automated Benefit Services, Inc.	4/25/2016	153,465.85
<b>TOTAL</b>		153,465.85

**City of Birmingham**  
**4/27/2016**

Vendor Name	Transfer Date	Transfer Amount
Automated Benefit Services, Inc.	4/25/2016	153,465.85
<b>TOTAL</b>		153,465.85

**City of Birmingham**  
**Warrant List Dated 05/04/2016**

Meeting of 05/09/2016

Check Number	Early Release	Vendor #	Vendor	Amount
241864	*	000855	48TH DISTRICT COURT	100.00
241865	*	000855	48TH DISTRICT COURT	100.00
241866	*	000855	48TH DISTRICT COURT	100.00
241867	*	000855	48TH DISTRICT COURT	100.00
241868	*	000855	48TH DISTRICT COURT	100.00
241869	*	000855	48TH DISTRICT COURT	100.00
241870	*	000901	52-4 DISTRICT COURT	1,500.00
241871	*	006965	7UP DETROIT	209.40
241872		002284	ABEL ELECTRONICS INC	285.00
241873	*	007037	ACME PARTYWORKS	723.00
241874		002909	ACOM SOLUTIONS, INC.	250.00
241875		003243	AMERICAN PRINTING SERVICES INC	1,453.75
241876		002488	AMERICAN TEST CENTER, INC.	1,030.00
241877		007510	GRANT ANKNEY	665.00
241878		007586	ARROW INTERNATIONAL INC	557.66
241879		000500	ARTECH PRINTING INC	164.00
241880		007479	ASB DISTRIBUTORS	36.91
241881	*	006759	AT&T	109.87
241882	*	006759	AT&T	542.28
241883	*	006759	AT&T	108.69
241884	*	007216	AT&T	154.00
241885		002702	B & B GREASE TRAP & DRAIN	85.00
241886		003012	BATTERIES PLUS	222.24
241887		007913	BLAKE BELSKY	143.81
241888		007345	BEVERLY HILLS ACE	112.87
241889		002231	BILLINGS LAWN EQUIPMENT	50.84
241890		000524	BIRMINGHAM LOCKSMITH	6.50
241891	*	003282	LISA MARIE BRADLEY	239.65
241892	*	006953	JACQUELYN BRITO	92.69
241893		003907	CADILLAC ASPHALT, LLC	5,750.00
241894		000605	CINTAS CORPORATION	13.41
241895	*	007625	COMCAST	364.64
241897		MISC	CUTRARO, MARIANNA ELIZABETH	200.00
241898	*	000179	DTE ENERGY	5,637.28
241899		001124	EMPCO INCORPORATED	2,453.60
241900		007448	EPIC CLEANING SERVICES INC	1,900.00
241901		000207	EZELL SUPPLY CORPORATION	229.20
241902		006181	FIRST CHOICE COFFEE SERV	165.45
241903		007749	FUNASTIC FACES BY DIANE	350.00
241904		000592	GAYLORD BROS., INC	391.34
241905		004604	GORDON FOOD	905.52
241906		000243	GRAINGER	57.44
241907	*	007473	DONALD GRIER	326.16

**City of Birmingham**  
**Warrant List Dated 05/04/2016**

Meeting of 05/09/2016

Check Number	Early Release	Vendor #	Vendor	Amount
241908		001447	HALT FIRE INC	353.96
241909	*	008053	HARMONY ACRES PARADE ARABIAN HORSES	500.00
241910		006869	PETER J. HEALY III	760.00
241911		008057	HITS, INC	250.00
241912		007690	HORTMARK	1,774.34
241913	*	000980	ICE SKATING INSTITUTE	25.00
241914		002407	J & B MEDICAL SUPPLY	634.52
241915		003823	JAY'S SEPTIC TANK SERVICE	655.00
241916	*	006102	JENNIFER JEFFREY	270.00
241917		003458	JOE'S AUTO PARTS, INC.	131.88
241919		000362	KROGER COMPANY	14.00
241920		002767	OSCAR W. LARSON CO.	316.07
241921	*	006661	ROGER LAWRENCE	93.71
241922		002635	LAZARD ASSET MANAGEMENT LLC	18,654.72
241924		007530	MARTINI TEES	54.50
241925		000888	MCKENNA ASSOCIATES INC	19,850.00
241926		MISC	MCRAE HOMES LLC	125.00
241927		004687	MICHIGAN DEPT. OF TRANSPORTATION	607.37
241928		004897	MINUTEMAN/POWERBOSS TAY	1,980.00
241929		000649	MML WORKERS' COMP FUND	44,980.00
241930		001194	NELSON BROTHERS SEWER	223.00
241931		001864	NOWAK & FRAUS ENGINEERS	45,414.46
241932		006359	NYE UNIFORM COMPANY	876.70
241933		000675	OAKLAND SCHOOLS	183.23
241934		000481	OFFICE DEPOT INC	1,219.74
241935		008023	OHIO/MICHIGAN CONCRETE	1,200.00
241936	*	001753	PEPSI COLA	659.42
241937		001277	PHYSIO-CONTROL CORP.	198.96
241938	*	001302	LAURA M. PIERCE	586.66
241939	*	008054	POOP SCOUTS	175.00
241940		003629	PREMIUM AIR SYSTEMS INC	133.00
241941		007658	PRIORITY DISPATCH	147.00
241942		008058	PSTGP, LLC	300.00
241943		002852	QUALITY METAL IMAGES INC	93.15
241944		003554	RKA PETROLEUM	1,215.06
241945	*	008055	ROCKOUT	750.00
241946		001181	ROSE PEST SOLUTIONS	70.00
241947		000218	ROYAL OAK P.D.Q. PRINTING INC	212.41
241948		007902	SCOTT GARDNER	257.44
241949		006850	SHELBY AUTO TRIM, INC.	171.75
241950		003785	SIGNS-N-DESIGNS INC	215.00
241951		000260	SPARTAN DISTRIBUTORS INC	1,410.21
241952		MISC	SPINA ELECTRIC COMPANY	750.00

**City of Birmingham**  
**Warrant List Dated 05/04/2016**

Meeting of 05/09/2016

Check Number	Early Release	Vendor #	Vendor	Amount
241953		000265	STEEL EQUIPMENT CO.	1,285.00
241954		MISC	THE NEW 555 COMMERCIAL LLC	200.00
241955	*	000276	TITLEIST	1,136.10
241956		002037	TOTAL ARMORED CAR SERVICE, INC.	694.01
241957		008017	TRATTORIA DA LUIGI	885.00
241958		000155	TYCO INTEGRATED SECURITY LLC	225.00
241959	*	005331	UBS FIN SERVICES, INC	17,041.18
241960		000931	VARSITY SHOP	97.26
241963		000969	VIGILANTE SECURITY INC	85.00
241964		000279	VIP TRUCK CENTER LLC	2,026.96
241965		002171	WEISSMAN'S	120.97
241966		007374	WESTWOOD TRUST	18,950.32
241967	*	003041	SCOTT WORTHINGTON	199.00
241968		007083	XEROX CORPORATION	429.56
241969	*	008008	JEFF ZIELKE	199.00
Sub Total Checks:				<u>\$220,153.82</u>
Sub Total ACH:				<u>\$95,951.03</u>
Grand Total:				<u><u>\$316,104.85</u></u>

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



Mark Gerber  
Finance Director/ Treasurer

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

**City of Birmingham**  
**5/2/2016**

Vendor Name	Transfer Date	Transfer Amount
Automated Benefit Services, Inc.	5/2/2016	95,951.03
<b>TOTAL</b>		95,951.03



## MEMORANDUM

Department of Public Services

**DATE:** April 26, 2016

**TO:** Joseph A. Valentine, City Manager

**FROM:** Lauren A. Wood, Director of Public Services

**SUBJECT:** Little Free Library Project

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A Little Free Library is a “take a book, return a book” free book exchange. They come in many shapes and sizes, but the most common is a small wooden box. Anyone may take a book or bring a book to share. There are over 36,000 Little Free Library book exchanges around the world and currently 345 registered Little Free Library projects in Michigan. The Department of Public Services has proposed this concept to the Parks and Recreation Board to incorporate into the City Park system. The Parks Board approved and is submitting to the City Commission for their approval, the design and locations selected as described in this report.

As background, to be a part of the Little Free Library network, our Little Free Library must be registered with the Little Free Library Organization. There is a one-time registration fee for each one of approximately \$42.00. Registration gives us an official charter sign and access to a network of stewardship, a free steward’s guide and marketing materials, discounts on books, and the addition of our Little Free Library to the world map found on their website: [littlefreelibrary.org](http://littlefreelibrary.org). Only libraries with official charter signs may be photographed and displayed as part of the Little Free Library network. This is the only way the Little Free Library Organization can track, monitor, support and celebrate our efforts.

A spot for a “Book Box” was identified in the design concept plan for Barnum Park. It was to be located in the Sanctuary area. There were no specifications but the idea was for it to be shaped like an owl or “nature” related. We have selected this location to be the first proposed installation of the Little Free Library. Not only was it identified in a park plan, but also it will be highly visible and has a lot of foot traffic.

The Department of Public Services has built a trial design of the Little Free Library and is ready for installation upon City Commission approval. We will assign a steward on staff to check on our Library daily to make sure it stays clean and inviting. The staff representative will also check content of book material and scan through books to ensure they are in good shape and have no missing pages or graffiti. If this program works out well, we have identified 3 other locations to expand in addition to the Barnum Owl, each with its own design, Booth Park-Pig, Kenning Park-Penguin, and Pembroke Park-Frog. The design of each Little Library will be very similar, with the difference being the “character”, so that parts will be interchangeable.





Barnum Owl Proposed Little Free Library

There has been interest already from the community to donate toward this project. We will also market on our website, newsletters, and by contacting Homeowners Associations to inform them of the opportunity to contribute to this program. The Baldwin Public Library is supportive of this project as well. The Friends of the Baldwin Public library have already contributed a variety of children's books to include in our new location to get us started. All applicable City Departments have reviewed the design and plan for installation as well.

The Department of Public Services presented the design and the proposed locations for this Little Free Library program to the Parks and Recreation Board for endorsement. As far as implementation of this program, we recommend the Barnum Owl location be the first site which gives us the opportunity to test the viability of this program before any of the future locations are installed. This allows time to evaluate the program, including such items as the required resources for maintenance, the usage and activity of the library, increase awareness of the community and pursue donations for the other designs.

Enclosed is a copy of the Little Free Library presentation and the approved minutes from the March 1, 2016 Parks and Recreation Board meeting. The recommendation from the Parks and Recreation Board states, "To approve the Department of Public Services design and location of the Little Free Library project as stated and further to register each Little Library with the Little Library Organization and to submit to the City Commission for their consideration and approval of the same."

**SUGGESTED RESOLUTION:**

To approve the Little Free Library program "Book Box" designs and locations of Barnum Park, Booth Park, Kenning Park and Pembroke Park including the registration of each Little Free Library with the Little Free Library Organization upon installation. Further, to treat Barnum Park as the first trial location and to add the other locations of Booth Park, Kenning Park and Pembroke Park based on the success of the first installation. In addition, pursue donation opportunities for the other designated locations in advance of future installations.



# Proposed Library Project

*To promote literacy and the love of reading by building free book exchanges worldwide and to build a sense of community as we share skills, creativity and wisdom across generations. There are over 36,000 Little Free Library book exchanges around the world, bringing curbside literacy home and sharing an estimated 9.3 million books annually. Currently there are 345 registered Little Library Projects in Michigan.*

# What is a Little Free Library and What's So Special About It?

A Little Free Library is a “take a book, return a book” free book exchange. They come in many shapes and sizes, but the most common version is a small wooden box of books. Anyone may take a book or bring a book to share.

Little Free Library book exchanges have a unique, personal touch. There is an understanding that real people are sharing their favorite books with their community; Little Libraries have been called "mini-town squares."

# Identify a Location & Steward

The City of Birmingham Department of Public Services Administration has chosen locations that have a lot of foot traffic and is highly visible.

The department will assign a staff (Steward) representative to to make sure the library stays clean and inviting. The staff representative will also check content of book material and scan through books to ensure no graffiti or missing pages.

# Proposed Four Locations

The four proposed locations determined by the  
City of Birmingham Department of Public Services Administration  
Are:

Barnum, Booth, Kenning, Pembroke

The designs were created to attract children to the  
Little Library Structures.

The department will be contacting the Homeowner's Association  
to inform them of the Little Library Project and to ask if their  
association would like to assist with the Little Library Project.

# Are There Rules About The Proposed City of Birmingham Design ?

The Little Library that is built has to be registered with an official charter sign and number. There is a one-time registration fee of about \$40 per Library.

Through the Little Library Organization there are no rules about what the Library Project may or may not look like.

To protect the Little Free Library name and quality of the Libraries themselves, the name Little Free Library and its common variations are registered and trademarked. The City of Birmingham must have an official charter sign and charter number on the Library in order to legally use the name Little Free Library and its common variations.

Only Libraries with official charter signs and numbers can be photographed and displayed as part of the Little Free Library network. This is the only way the Little Library can track, monitor, support, fund and celebrate our efforts.



# Proposed Three Designs



Booth Park-Pig



Kenning Park-Penguin



Pembroke Park-Frog



# Barnum Little Library



**Estimated Costs**  
**Construction/Placement**  
**Cost \$500/per each**  
**Little Library**

# Baldwin Library Support

The Baldwin Public Library is supportive of this idea and willing to donate books to the Little Free Libraries in Birmingham Parks.

Since Little Free Libraries are take a book/leave a book models, the books in the Little Free Libraries may or may not be from the Baldwin Public Library, which is perfectly fine, but City staff will work with the Library to help to ensure that there are always books in the libraries in case more books are taken than are left, or if there is a need to remove any books that might have significant damage (covers falling off, broken bindings, or pages falling out).

# OVERALL

The City of Birmingham Parks staff believes that the concept of the “Little Free Library” is a positive contribution to our City of Birmingham Parks.

Maintenance concerns are minimal and there are no zoning or building requirements.

**Suggested Resolution:** To approve the Department of Public Services design and location of the proposed Little Library projects as stated and further register each Little Library with the Little Library Organization and to submit to the City Commission for their consideration and approval of the same.

## **PARKS AND RECREATION BOARD MEETING MINUTES**

### **March 1, 2016**

Therese Longe, Chairperson, called the meeting to order at 6:31 p.m. at 851 S. Eton.

**MEMBERS PRESENT:** Ross Kaplan, Therese Longe, Lilly Stotland and Bill Wiebrecht

**MEMBERS ABSENT:** Art Stevens, John Meehan and Ryan Ross

**STUDENT REPRESENTATIVES PRESENT:** Nichole McMaster

**ADMINISTRATION:** Lauren A. Wood, Director of Public Services, Carrie A. Laird, Parks and Recreation Manager, Jacky Brito, Clubhouse Manager and Connie Folk, Recreation Coordinator

**GUESTS:** Patty Blair and Cindy Rose

It was moved by Ross Kaplan, seconded by Bill Wiebrecht that the minutes of the February 2, 2016 regular meeting be approved.

**Yeas – 4** (Ross Kaplan, Therese Longe, Lilly Stotland and Bill Wiebrecht)

**Nays – 0**

**Absent-3** (Art Stevens, John Meehan and Ryan Ross)

#### **AGENDA ITEM #1-Golf Report -2015 review -2016 Prospectus**

Jacky Brito reviewed the 2015 Golf Report that included a 10 year review of annual rounds, revenue and expenditure comparisons, a five-year financial projection and a forecast for the 2016 season. Jacky also reviewed the upcoming 2016 marketing strategies.

The Parks and Recreation Board received and reviewed the golf report.

#### **AGENDA ITEM #2 – Poppleton Park Sub-Committee Appointments**

Lauren stated that a current listing of the Parks and Recreation Board Sub-Committees has been provided and since the department is moving forward on the Poppleton Park Site Concept Plan the department would like to establish a Poppleton Park Sub-Committee comprised of two or three Parks and Recreation Board members that could meet during the day and more than once a month.

Therese stated that committee would look at Poppleton Park more in depth and to bring the body of knowledge back to the Parks and Recreation Board with recommendations and suggestions.

Lilly Stotland nominated Ross Kaplan, Therese Longe and Bill Wiebrecht to the Poppleton Park Sub-Committee, Ross Kaplan, Therese Longe and Bill Wiebrecht accepted the nomination.

**Yeas – 4** (Ross Kaplan, Therese Longe, Lilly Stotland and Bill Wiebrecht)

**Nays – 0**

**Absent-3** (Art Stevens, John Meehan and Ryan Ross)

**AGENDA ITEM #3 – Little Library Project**

Connie presented to the Parks and Recreation Board the Little Library Project for the City of Birmingham.

Connie stated to the Parks and Recreation Board the Department of Public Services Administration has chosen locations that have a lot of foot traffic, is highly visible and the designs were created to attract children to the Little Library Structures.

The department will assign a staff representative to to make sure the library stays clean and inviting. The staff representative will also check content of book material and scan through books to ensure no graffiti or missing pages.

Connie states that the four locations that the department has chosen are Barnum, Booth, Kenning and Pembroke Park.

Connie also stated that the department will be contacting the Homeowner's Association to inform them of the Little Library Project and to ask if their association would like to assist with the Little Library Project.

It was moved by Bill Wiebrecht, seconded by Ross Kaplan to approve the Department of Public Services design and location of the proposed Little Library projects as stated and further register each Little Library with the Little Library Organization and to submit to the City Commission for their consideration and approval of the same.

**Yeas – 4** (Ross Kaplan, Therese Longe, Lilly Stotland and Bill Wiebrecht)

**Nays – 0**

**Absent-3** (Art Stevens, John Meehan and Ryan Ross)

**COMMUNICATION/DISCUSSION ITEM #1- Parks and Recreation Board Roster**

Connie provided to the Parks and Recreation Board the Parks and Recreation Board Roster

**No action was required by the board.**

**UNFINISHED BUSINESS:**

No Unfinished Business

**NEW BUSINESS:**

No New Business

**OPEN TO THE PUBLIC FOR ITEMS NOT ON THE AGENDA:**

Therese stated that the next meeting will be held on April 12, 2016 at 6:30 pm at DPS

The meeting adjourned at 7:35 p.m.

Connie J. Folk, Recreation Coordinator

**Parks and Recreation Board Meeting 3/1/2016**



## MEMORANDUM

Department of Public Services

**DATE:** April 27, 2016

**TO:** Joseph A. Valentine, City Manager

**FROM:** Lauren A. Wood, Director of Public Services

**SUBJECT:** DPS Service Truck Replacement Vehicle #90

DPS vehicle #90 is a 2000 Chevy Cutaway 3500 1½ Ton Utility Truck in need of replacement due to age and reliability issues. This vehicle has been part of our service operations fleet for over 16 years and is used on a daily basis by the Department of Public Services to carry out any duty that requires a service (water or sewer) installation or repair. Truck #90 has become a vital vehicle for the Department of Public Services' response time for emergency repair due to its ability to transport a variety of safety equipment, tools, maps and a variety of supplies. This truck has a cabinet body to hold this necessary equipment for all water service operations.

The scoring system for Utility vehicles has 6 categories. The following table illustrates the breakdown of the scoring system used as justification for the replacement of this vehicle.

### Vehicle #90, 2000 Chevy Cutaway 3500 1½ Ton Utility

Factor	Description	Points
Age	1 point each year of age.	15
Miles/Hours	1 point each 10,000 miles of usage.	4
Type of Service	3 points, any vehicle that pulls trailers, hauls heavy loads, and has continued off-road usage.	3
Reliability	3 points, in shop more than twice within 3 months	3
M & R Costs	2 points maintenance and repair costs are 21-40% of replacement costs.	2
Condition	3 points, noticeable imperfections in body and paint, interior fair (no rips, holes, burns).	3
<b>Total points 28+, poor, needs priority replacement.</b>		<b>30</b>

The Chevy Cutaway 3500 was reviewed to determine the most appropriate replacement. The need for a durable vehicle to accommodate onsite working space and also storage space for necessary tools is of utmost priority. After researching several styles of trucks, it was determined that rather than another Chevy Cutaway 3500, which is not as supportive of today's technology in the operation and maintenance for water and sewer distribution systems, a Freightliner MT55 chassis with a Utilimaster Utility body would better suit as a replacement vehicle to accomplish the type of work assignments of this vehicle.

The Freightliner MT55 Utilimaster is a durable vehicle that has more space to handle today's equipment and DPS workloads. This truck has state of the art design and safety features. Some of the features of this custom built water truck include a built in generator, a boss air compressor, 14 foot large hatch door, LED directional arrow stick to help guide traffic in work zones.

Proposed New Truck #90







The Department of Public Services recommends replacing this vehicle with one (1) 2016 Freightliner MT55 Utilimaster. The Freightliner MT55 Utilimaster is available for purchase using cooperative bid pricing available through MI Deal, Contract #071B2200263. Cannon Truck Equipment is the exclusive dealer for this contract and was contacted for pricing. The contract price of the new Freightliner MT55 Utilimaster is \$172,969.00. Once the order is placed for this replacement vehicle, it will take approximately five to six months for assembly and delivery. The old vehicle will be placed on the Michigan Inter-governmental Trade Network (MITN) for re-sale after the new vehicle arrives. Funds for this purchase are available in the Auto Equipment Fund, account #641-441.006-971.0100.

#### SUGGESTED RESOLUTION:

To approve the purchase of one (1) new 2016 Freightliner MT55 from Cannon Truck Equipment., using MI-Deal extendable purchasing pricing for a total expenditure of \$172,969.00. Further, to waive the normal bidding requirements based on the government regulated pricing for this type of equipment. Funds for this purchase are available in the Auto Equipment Fund, account #641-441.006-971.0100.



## MEMORANDUM

Building Maintenance Department

**DATE:** April 27, 2016

**TO:** Joseph A. Valentine, City Manager

**FROM:** Carlos Jorge, Building Superintendent  
Leslie Pielack, Museum Director

**SUBJECT:** Historical Museum & Park Bell Project

When the 1869 Hill School was demolished in 1969, its bell was rescued and cared for by the Birmingham Public Schools until formally donated to the museum in 2007. In 2011, meetings were held with the Museum Board, Friends of the Birmingham Historical Museum & Park, the general public, members of the school board, and other stakeholders to discuss an outdoor installment that would allow the public to enjoy the historic bell, while protecting it from the elements and providing lighting and security. In 2011 and 2012, the Rosso Family Foundation made contributions totaling \$10,000 to engage an architect to develop plans. The final design is a visually appealing and protective gazebo-like structure inspired by the original cupola from the Hill School. It will be installed in the plaza area between the Allen House and the Hunter House at the Birmingham Museum site (formerly Birmingham Historical Museum & Park), with greater visibility and accessibility to passers-by.

Estimates by the architect suggested that \$40,000 would be needed to complete the construction. Fundraising for the construction phase of the project began in 2013, spurred by a \$20,000 Rosso Family Foundation matching grant. At the close of 2015, the foundation donated additional funds, which, when added to those raised through special events and within the community, met the goal of \$40,000 estimated by the architect.

On February 29, 2016, the City went to bid for a professional firm to furnish all labor, materials, and equipment required for the construction and installation of a Historical Bell Structure between the Allen and The Hunter House at the Birmingham Museum (formerly Birmingham Historical Museum & Park) located at 556 W. Maple Rd., Birmingham, Michigan 48009

Interested firms were required to register to attend a mandatory pre-bid meeting. The pre-bid meeting was held on March 23, 2016 to review, tour the facility, and answer any questions regarding the request for proposal. Invitations to bid were submitted to MITN (Michigan Inter-Governmental Trade Network) and who notified to one hundred

and forty two companies. Six Firms attended the pre-bid meeting and the City received three bids on the bid due date of April 13, 2016.

<b>COMPANY NAME</b>	<b>BID AMOUNT</b>
WCI Contractor, Inc.	\$ 104,950.00
Brixstone L.L.C.	\$ 61,585.00
Holsbeke Construction, Inc.	\$ 55,000.00

The bids were reviewed for compliance with the City's request for proposal (RFP).

After reviewing all bids, it has been determined that the low bidder meets with the requirements outlined in the RFP for the Historical Museum & Park Bell Project.

On Wednesday, April 27 2016, the Museum Board unanimously approved to recommend Holsbeke Construction, Inc., for the award of the contract for the Historical Museum & Park Bell Project.

It is recommended to award the contract for the Historical Museum & Park Bell Project for the Historical Museum & Park located at the City of Birmingham to Holsbeke Construction, Inc. for \$55,000.00 consistent with the bid specifications.

Once this contract is awarded, the contractor will order all the material, submittals and equipment necessary for this project and the work will take approximately four weeks to be completed.

The price to perform the above-mentioned work amounts to: \$ 55,000.00, \$ 40,000.00, of which was raised by the Friends of the Birmingham Museum (formerly the Birmingham Historical Museum & Park) through special events and private donations, \$3,000 additional funds from the Friends of the Birmingham Museum, and \$2,000 from Birmingham Public Schools, leaving a balance of \$10,000 to complete the installation of The Historical Museum & Park Bell Project. The \$10,000 can be met by using unspent General Fund money in the Hunter House budget.

As this project was not considered in the 2015-2016 Budget, a budget amendment is necessary.

**SUGGESTED RESOLUTION:**

To approve the agreement with Holsbeke Construction, Inc. in the amount not to exceed \$55,000.00 to complete the Historical Museum & Park Bell Project located at 556 W. Maple, Birmingham, MI 48009; further to charge this expenditure to account

#101-804.002-981.0100; further to approve the appropriation and amendment to the 2015-2016 General Fund budget as follows:

General Fund

Revenues:

Contribution from Private Source	
101-000.000-676.0001	<u>\$45,000</u>
Total Revenue	<u>\$45,000</u>

Expenditures:

Allen House – Public Improvement	
101-804.002-981.0100	\$55,000
Hunter House – Other Contractual Services	
101-804.001-811.0000	<u>(10,000)</u>
Total Expenditures	<u>\$45,000</u>

and further, to direct the Mayor and City Clerk to sign the agreement on behalf of the City.



**REQUEST FOR PROPOSALS  
For Historical Museum & Park Bell Project**

Sealed proposals endorsed “ **HISTORICAL BELL PROJECT**”, will be received at the Office of the City Clerk, 151 Martin Street, PO Box 3001, Birmingham, Michigan, 48012; until 2:00 p.m. on Wednesday, April 13, 2016 after which time bids will be publicly opened and read.

**Bidders will be required to attend a mandatory pre-bid meeting on Wednesday, March 23, 2016 at 9:30 a.m. at the Birmingham Historical Museum & Park. Bidders must register for the pre-bid meeting by Monday, March 21, 2016 by contacting Carlos Jorge at 248.530.1882 or [cjorge@bhamgov.org](mailto:cjorge@bhamgov.org).**

The City of Birmingham, Michigan is accepting sealed bid proposals from qualified professional firms to furnish all labor, materials, and equipment required for the construction and installation of a Historical Bell Structure between the Allen and The Hunter House at the Birmingham Historical Museum & Park, located at 556 W. Maple Rd., Birmingham, Michigan. This work must be performed as specified accordance with the specifications contained in the Request For Proposals (RFP).

***\*\*Parking for the pre-bid meeting is available in the parking structure located at the corner of Maple Rd. & Southfield Rd. Entrance is located on Martin St.\*\****

The RFP, including the Specifications, may be obtained online from the Michigan Inter-governmental Trade Network at <http://www.mitn.info> or at the City of Birmingham, 151 Martin St., Birmingham, Michigan. Attention: Carlos Jorge

The acceptance of any proposal made pursuant to this invitation shall not be binding upon the City until an agreement has been executed.

<b>Submitted to MITN:</b>	March 4, 2016
<b>Mandatory Pre-Bid Meeting:</b>	Wednesday, March 23, 2016 at 9:30 a.m. Birmingham Historical Museum & Park 556 W. Maple Rd., Birmingham, MI 48009. RSVP by March 21, 2016.
<b>Deadline for Submissions:</b>	2:00 p.m. on Wednesday, April 13, 2016
<b>Contact Person:</b>	Carlos Jorge P.O. Box 3001, 151 Martin Street Birmingham, MI 48012-3001 Phone: 248.530.1882 Email: <a href="mailto:cjorge@bhamgov.org">cjorge@bhamgov.org</a>



## REQUEST FOR PROPOSALS For Historical Museum & Park Bell Project

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### Contents

INTRODUCTION .....	2
REQUEST FOR PROPOSALS (RFP) .....	3
MANDATORY PRE-BID MEETING .....	3
INVITATION TO SUBMIT A PROPOSAL .....	3
INSTRUCTIONS TO BIDDERS .....	4
EVALUATION PROCEDURE AND CRITERIA .....	5
TERMS AND CONDITIONS .....	5
CONTRACTOR'S RESPONSIBILITIES .....	6
CITY RESPONSIBILITY .....	7
SETTLEMENT OF DISPUTES .....	7
INSURANCE .....	7
CONTINUATION OF COVERAGE .....	7
EXECUTION OF CONTRACT .....	7
INDEMNIFICATION .....	8
CONFLICT OF INTEREST .....	8
EXAMINATION OF PROPOSAL MATERIALS .....	8
PROJECT TIMELINE .....	8
SCOPE OF WORK .....	9
ATTACHMENT A - AGREEMENT .....	10
ATTACHMENT B - BIDDER'S AGREEMENT .....	16
ATTACHMENT C - COST PROPOSAL .....	17
ATTACHMENT D - IRAN SANCTIONS ACT VENDOR CERTIFICATION FORM ....	18
ATTACHEMENT E - ARCHITECTURAL DRAWINGS AND SPECIFICATIONS .....	19

### INTRODUCTION

For purposes of this request for proposals the City of Birmingham will hereby be referred to as "City" and the private firm will hereby be referred to as "Contractor."

The City of Birmingham, Michigan is accepting sealed bid proposals from qualified professional firms to furnish all labor, materials, and equipment required for the construction and installation of a Historical Bell Structure between the Allen and The Hunter House at the Birmingham Historical Museum & Park, located at 556 W. Maple Rd., Birmingham, Michigan. This work must be performed as specified accordance with the specifications outlined by the Scope of Work contained in this Request For Proposals (RFP).

During the evaluation process, the City reserves the right where it may serve the City's best interest to request additional information or clarification from proposers, or to allow corrections of errors or omissions. At the discretion of the City, firms submitting proposals may be requested to make oral presentations as part of the evaluation.

It is anticipated the selection of a firm will be completed by April 22, 2016. An Agreement for services will be required with the selected Contractor. A copy of the Agreement is contained herein for reference. Contract services will commence upon execution of the service agreement by the City.

## **REQUEST FOR PROPOSALS (RFP)**

The purpose of this RFP is to request sealed bid proposals from qualified parties presenting their qualifications, capabilities and costs to provide all labor, materials, and equipment required for the construction and installation of a Historical Bell Structure between the Allen and The Hunter House at the Birmingham Historical Museum & Park, located at 556 W. Maple Rd., Birmingham, Michigan. This work must be performed as specified accordance with the specifications outlined by the Scope of Work contained in this Request For Proposals (RFP).

## **MANDATORY PRE-BID MEETING**

Prior to submitting a bid, interested firms are required to attend a pre-bid meeting to conduct an on-site visit of the location and access to the project location to make inquiries about the RFP. The Mandatory Pre-Bid Meeting is scheduled for Wednesday, March 23, 2016 at 9:30 a.m. at the Birmingham Historical Museum & Park. Bidders must register for the pre-bid meeting by Monday, March 21, 2016 by contacting Carlos Jorge at 248.530.1882 or [cjorge@bhamgov.org](mailto:cjorge@bhamgov.org)

***\*\*Parking for the pre-bid meeting is available in the parking structure located at the corner of Maple Rd. & Southfield Rd. Entrance is located on Martin St.\*\****

## **INVITATION TO SUBMIT A PROPOSAL**

Proposals shall be submitted no later than 2:00 p.m. on Wednesday, April 13, 2016 to:

City of Birmingham  
Attn: City Clerk  
151 Martin Street  
Birmingham, Michigan 48009



One (1) original and one (1) copy of the proposal shall be submitted. The proposal should be firmly sealed in an envelope, which shall be clearly marked on the outside, **"HISTORICAL BELL PROJECT"**. Any proposal received after the due date cannot be accepted and will be rejected and returned, unopened, to the proposer. Proposer may submit more than one proposal provided each proposal meets the functional requirements.

## **INSTRUCTIONS TO BIDDERS**

1. Any and all forms requesting information from the bidder must be completed on the attached forms contained herein (see Contractor's Responsibilities). If more than one bid is submitted, a separate bid proposal form must be used for each.
2. Any request for clarification of this RFP shall be made in writing and delivered to: Carlos Jorge, Maintenance Supervisor, 151 Martin, Birmingham, MI 48009 or [cjorge@bhamgov.org](mailto:cjorge@bhamgov.org). Such request for clarification shall be delivered, in writing, no later than 5 days prior to the deadline for submissions.
3. All proposals must be submitted following the RFP format as stated in this document and shall be subject to all requirements of this document including the instruction to respondents and general information sections. All proposals must be regular in every respect and no interlineations, excisions, or special conditions shall be made or included in the RFP format by the respondent.
4. The contract will be awarded by the City of Birmingham to the most responsive and responsible bidder with the lowest price and the contract will require the completion of the work pursuant to these documents.
5. Each respondent shall include in his or her proposal, in the format requested, the cost of performing the work. Municipalities are exempt from Michigan State Sales and Federal Excise taxes. Do not include such taxes in the proposal figure. The City will furnish the successful company with tax exemption information when requested.
6. Each respondent shall include in their proposal the following information: Firm name, address, city, state, zip code, telephone number, and fax number. The company shall also provide the name, address, telephone number and e-mail address of an individual in their organization to whom notices and inquiries by the City should be directed as part of their proposal.



## **EVALUATION PROCEDURE AND CRITERIA**

The evaluation panel will consist of City staff and any other person(s) designated by the City who will evaluate the proposals based on, but not limited to, the following criteria:

1. Ability to provide services as outlined.
2. Related experience with similar projects, Contractor background, and personnel qualifications.
3. Quality of materials proposed.
4. Overall Costs.
5. References.

## **TERMS AND CONDITIONS**

1. The City reserves the right to reject any or all proposals received, waive informalities, or accept any proposal, in whole or in part, it deems best. The City reserves the right to award the contract to the next most qualified Contractor if the successful Contractor does not execute a contract within ten (10) days after the award of the proposal.
2. The City reserves the right to request clarification of information submitted and to request additional information of one or more Contractors.
3. The City reserves the right to terminate the contract at its discretion should it be determined that the services provided do not meet the specifications contained herein. The City may terminate this Agreement at any point in the process upon notice to Contractor sufficient to indicate the City's desire to do so. In the case of such a stoppage, the City agrees to pay Contractor for services rendered to the time of notice, subject to the contract maximum amount.
4. Any proposal may be withdrawn up until the date and time set above for the opening of the proposals. Any proposals not so withdrawn shall constitute an irrevocable offer, for a period of ninety (90) days, to provide the services set forth in the proposal.
5. The cost of preparing and submitting a proposal is the responsibility of the Contractor and shall not be chargeable in any manner to the City.
6. The successful bidder will be required to furnish a Performance Bond in an amount not less than 100% of the contract price in favor of the City of Birmingham, conditioned upon the faithful performance of the contract, and completion on or before the date specified.
7. Payment will be made within thirty (30) days after invoice. Acceptance by the City is defined as authorization by the designated City representative to this project that all the criteria requested under the Scope of Work contained herein have been provided. Invoices are to be rendered each month following the date of execution of an Agreement with the City.

8. The Contractor will not exceed the timelines established for the completion of this project.
9. The successful bidder shall enter into and will execute the contract as set forth and attached as Attachment A.

## **CONTRACTOR'S RESPONSIBILITIES**

Each bidder shall provide the following as part of their proposal:

1. Complete and sign all forms requested for completion within this RFP.
  - a. Bidder's Agreement (Attachment B - p. 16)
  - b. Cost Proposal (Attachment C - p. 17)
  - c. Iran Sanctions Act Vendor Certification Form (Attachment D - p. 18)
  - d. Agreement (p. 10 – **only if selected by the City**).
2. Provide a description of completed projects that demonstrate the firm's ability to complete projects of similar scope, size, and purpose, and in a timely manner, and within budget.
3. Provide a written plan detailing the anticipated timeline for completion of the tasks set forth in the Scope of Work (p. 9).
4. The Contractor will be responsible for any changes necessary for the plans to be approved by the City of Birmingham.
5. Provide a description of the firm, including resumes and professional qualifications of the principals involved in administering the project.
6. Provide a list of sub-contractors and their qualifications, if applicable.
7. Provide three (3) client references from past projects, include current phone numbers. At least two (2) of the client references should be for projects utilizing the same materials included in the Contractor's proposal.
8. The Contractor will be responsible for the disposal of all material and any damages which occur as a result of any of employees or subcontractors of the Contractor during this project.
9. The contractor will be responsible for getting the building and parking permits at no cost to the contractor.
10. The successful bidder shall provide a Performance Bond in an amount not less than 100% of the contract price in favor of the City of Birmingham, conditioned upon the faithful performance of the contract, and completion on or before the date specified.
11. If after selected a contractor fails to deliver the required bond, the bid will be rejected.

12. Provide a project timeline addressing each section within the Scope of Work and a description of the overall project approach. Include a statement that the Contractor will be available according to the proposed timeline.

### **CITY RESPONSIBILITY**

1. The City will provide a designated representative to work with the Contractor to coordinate both the City's and Contractor's efforts and to inspect and verify any work performed by the Contractor.
2. The City will provide access to the City of Birmingham during regular business hours or during nights and weekends as approved by the City's designated representative.

### **SETTLEMENT OF DISPUTES**

The successful bidder agrees to certain dispute resolution avenues/limitations. Please refer to paragraph 17 of the Agreement attached as Attachment A for the details and what is required of the successful bidder.

### **INSURANCE**

The successful bidder is required to procure and maintain certain types of insurances. Please refer to paragraph 12 of the Agreement attached as Attachment A for the details and what is required of the successful bidder.

### **CONTINUATION OF COVERAGE**

The Contractor also agrees to provide all insurance coverages as specified. Upon failure of the Contractor to obtain or maintain such insurance coverage for the term of the agreement, the City may, at its option, purchase such coverage and subtract the cost of obtaining such coverage from the contract amount. In obtaining such coverage, Birmingham shall have no obligation to procure the most cost effective coverage but may contract with any insurer for such coverage.

### **EXECUTION OF CONTRACT**

The bidder whose proposal is accepted shall be required to execute the contract and to furnish all insurance coverages as specified within ten (10) days after receiving notice of such acceptance. Any contract awarded pursuant to any bid shall not be binding upon the City until a written contract has been executed by both parties. Failure or refusal to execute the contract shall be considered an abandoned all rights and interest in the award and the contract may be awarded to another. The successful bidder agrees to enter into and will execute the contract as set forth and attached as Attachment A.

## **INDEMNIFICATION**

The successful bidder agrees to indemnify the City and various associated persons. Please refer to paragraph 13 of the Agreement attached as Attachment A for the details and what is required of the successful bidder.

## **CONFLICT OF INTEREST**

The successful bidder is subject to certain conflict of interest requirements/restrictions. Please refer to paragraph 14 of the Agreement attached as Attachment A for the details and what is required of the successful bidder.

## **EXAMINATION OF PROPOSAL MATERIALS**

The submission of a proposal shall be deemed a representation and warranty by the Contractor that it has investigated all aspects of the RFP, that it is aware of the applicable facts pertaining to the RFP process and its procedures and requirements, and that it has read and understands the RFP. Statistical information which may be contained in the RFP or any addendum thereto is for informational purposes only.

## **PROJECT TIMELINE**

It is expected that the work for this project will begin no later than late May 15, 2016 and be completed within four (4) weeks weather permitted.

The Contractor will not exceed the timelines established for the completion of this project.

## **SCOPE OF WORK**

The Contractor shall furnish all labor, materials, and equipment required for the construction and installation of a Historical Bell between the Allen and The Hunter House at the Birmingham Historical Museum & Park, located at 556 W. Maple Rd., Birmingham, Michigan.

The Contractor shall perform the following services in accordance with the requirements as defined and noted by the Architectural Drawings and Specifications (Attachment E, p. 19) or as otherwise noted herein:

G 001-Title Sheet – Layout of Historical Bell.

C101- Site Demolition & Proposed Plans, Sections & Details.

A101-Plans & Elevations.

A102- Sections & Details.

A103 – Notes & Specifications.

E101- Lighting Plan.

1. The Contractor shall be responsible for relocating and securing the Historical Bell at the approved location on the blue print.
2. The Contractor shall be responsible for the disposal of all materials in a safe and legal manner.
3. The Contractor shall operate in a safe manner and will observe all MIOSHA guidelines.
4. The Contractor shall provide any and all manuals and/or warranty information related to this project to the City upon completion of the project.
5. This section and referenced documents shall constitute the Scope of Work for this project and as such all requirements must be met.

**ATTACHMENT A - AGREEMENT**  
**For Historical Museum & Park Bell Project**

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This AGREEMENT, made this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by and between CITY OF BIRMINGHAM, having its principal municipal office at 151 Martin Street, Birmingham, MI (hereinafter sometimes called "City"), and \_\_\_\_\_, Inc., having its principal office at \_\_\_\_\_ (hereinafter called "Contractor"), provides as follows:

**WITNESSETH:**

**WHEREAS**, the City of Birmingham, through its Maintenance Department, is desirous of having work completed to construct and install of the Historical Bell Structure at the Birmingham Historical Museum and Park in the City of Birmingham.

**WHEREAS**, the City has heretofore advertised for bids for the procurement and performance of services to furnish all labor, materials, and equipment required for the construction and installation of a Historical Bell Structure between the Allen and The Hunter House at the Birmingham Historical Museum & Park, located at 556 W. Maple Rd., Birmingham, Michigan 48009, and in connection therewith has prepared a request for sealed proposals ("RFP"), which includes certain instructions to bidders, specifications, terms and conditions.

**WHEREAS**, the Contractor has professional qualifications that meet the project requirements and has made a bid in accordance with such request for cost proposals to furnish all labor, materials, and equipment required for the construction and installation of a Historical Bell between the Allen and The Hunter House at the Birmingham Historical Museum & Park, located at 556 W. Maple Rd., Birmingham, Michigan, 48009

**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 furnish all labor, materials, and equipment required for the construction and installation of a Historical Bell between the Allen and The Hunter House at the Birmingham Historical Museum & Park, located at 556 W. Maple Rd., Birmingham, Michigan, and the Contractor's cost proposal dated \_\_\_\_\_, 2016 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 \_\_\_\_\_, as set forth in the Contractor's \_\_\_\_\_, 2016 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. ( If applicable)
- 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. (If applicable)

- 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: Carlos Jorge  
151 Martin Street  
Birmingham, MI 48009  
248.530.1882

CONTRACTOR  
(Insert Contractor Information)

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

18. FAIR PROCUREMENT OPPORTUNITY: Procurement for the City of Birmingham will be handled in a manner providing fair opportunity for all businesses.

This will be accomplished without abrogation or sacrifice of quality and as determined to be in the best interest of the City of Birmingham.

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

WITNESSES:

**CONTRACTOR**

\_\_\_\_\_

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

Its:

**CITY OF BIRMINGHAM**

\_\_\_\_\_

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

Rackeline J. Hoff

Its: Mayor

\_\_\_\_\_

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

Laura Pierce

Its: City Clerk

Approved:

\_\_\_\_\_  
Carlos Jorge, Building Superintendent  
(Approved as to substance)

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

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

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

**ATTACHMENT B - BIDDER'S AGREEMENT**  
**For Historical Museum & Park Bell Project**

---

In submitting this proposal, as herein described, the Contractor agrees that:

1. They have carefully examined the specifications, terms and Agreement of the Request for Proposal and all other provisions of this document and understand the meaning, intent, and requirement of it.
2. They will enter into a written contract and furnish the item or items in the time specified in conformance with the specifications and conditions contained therein for the price quoted by the proponent on this proposal.

---

**PREPARED BY**  
**(Print Name)**

---

**DATE**

---

**TITLE**

---

**DATE**

---

**AUTHORIZED SIGNATURE**

---

**E-MAIL ADDRESS**

---

**COMPANY**

---

**ADDRESS**

---

**PHONE**

---

**NAME OF PARENT COMPANY**

---

**PHONE**

---

**ADDRESS**

**ATTACHMENT C - COST PROPOSAL**  
**For Historical Museum & Park Bell Project**

---

**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)***

<b>COST PROPOSAL</b>	
<b>ITEM</b>	<b>BID AMOUNT</b>
Materials & Equipment	\$
Labor	\$
Miscellaneous (Attach Detailed Description)	\$
<b>TOTAL BID AMOUNT</b>	\$
<b>ADDITIONAL BID ITEMS</b>	
To relocate and to secure The Historical Bell Structure as approved on the Blue print.	\$
<b>GRANDTOTAL AMOUNT</b>	\$

Firm Name \_\_\_\_\_

Authorized signature \_\_\_\_\_ Date \_\_\_\_\_

**ATTACHMENT D - IRAN SANCTIONS ACT VENDOR CERTIFICATION FORM**  
**For Historical Museum & Park Bell Project**

---

Pursuant to Michigan Law and the Iran Economic Sanction Act, 2012 PA 517 ("Act"), prior to the City accepting any bid or proposal, or entering into any contract for goods or services with any prospective Vendor, the Vendor must certify that it is not an "Iran Linked Business", as defined by the Act.

By completing this form, the Vendor certifies that it is not an "Iran Linked Business", as defined by the Act and is in full compliance with all provisions of the Act and is legally eligible to submit a bid for consideration by the City.

---

**PREPARED BY**  
**(Print Name)**

---

**DATE**

---

**TITLE**

---

**DATE**

---

**AUTHORIZED SIGNATURE**

---

**E-MAIL ADDRESS**

---

**COMPANY**

---

**ADDRESS**

---

**PHONE**

---

**NAME OF PARENT COMPANY**

---

**PHONE**

---

**ADDRESS**

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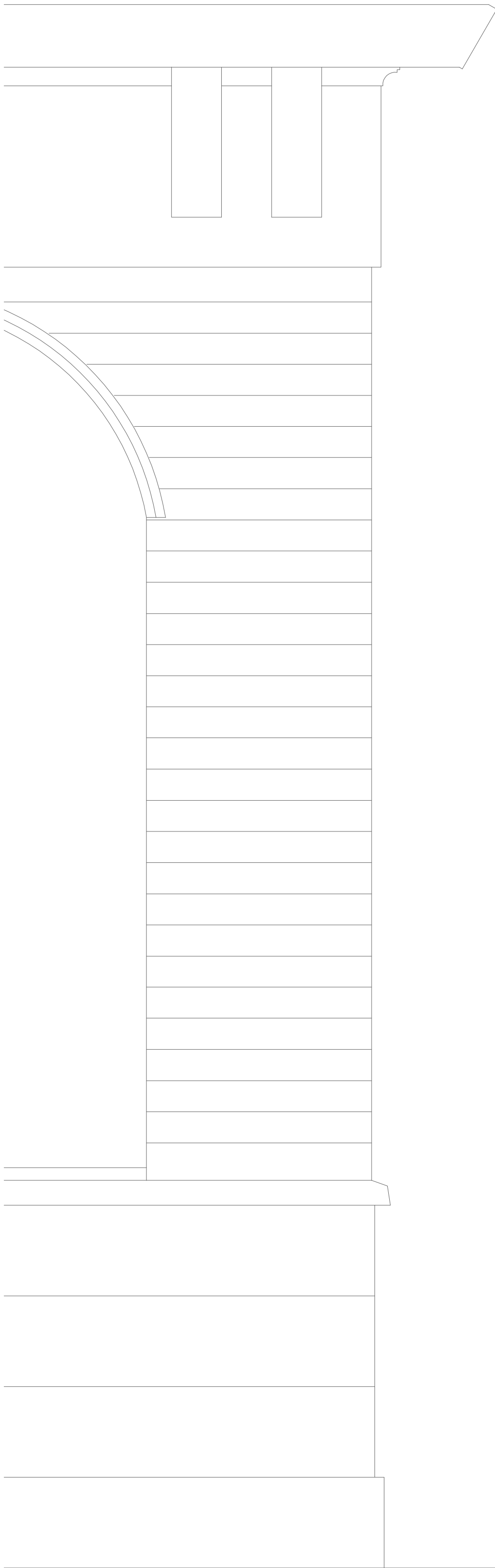
**TAXPAYER I.D.#**

**ATTACHEMENT E - ARCHITECTURAL DRAWINGS AND  
SPECIFICATIONS**

**For Historical Museum & Park Bell Project**

---





# BIRMINGHAM HISTORICAL MUSEUM & PARK

556 W. Maple Rd Birmingham, MI 48009

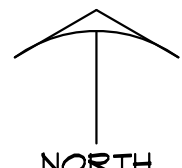
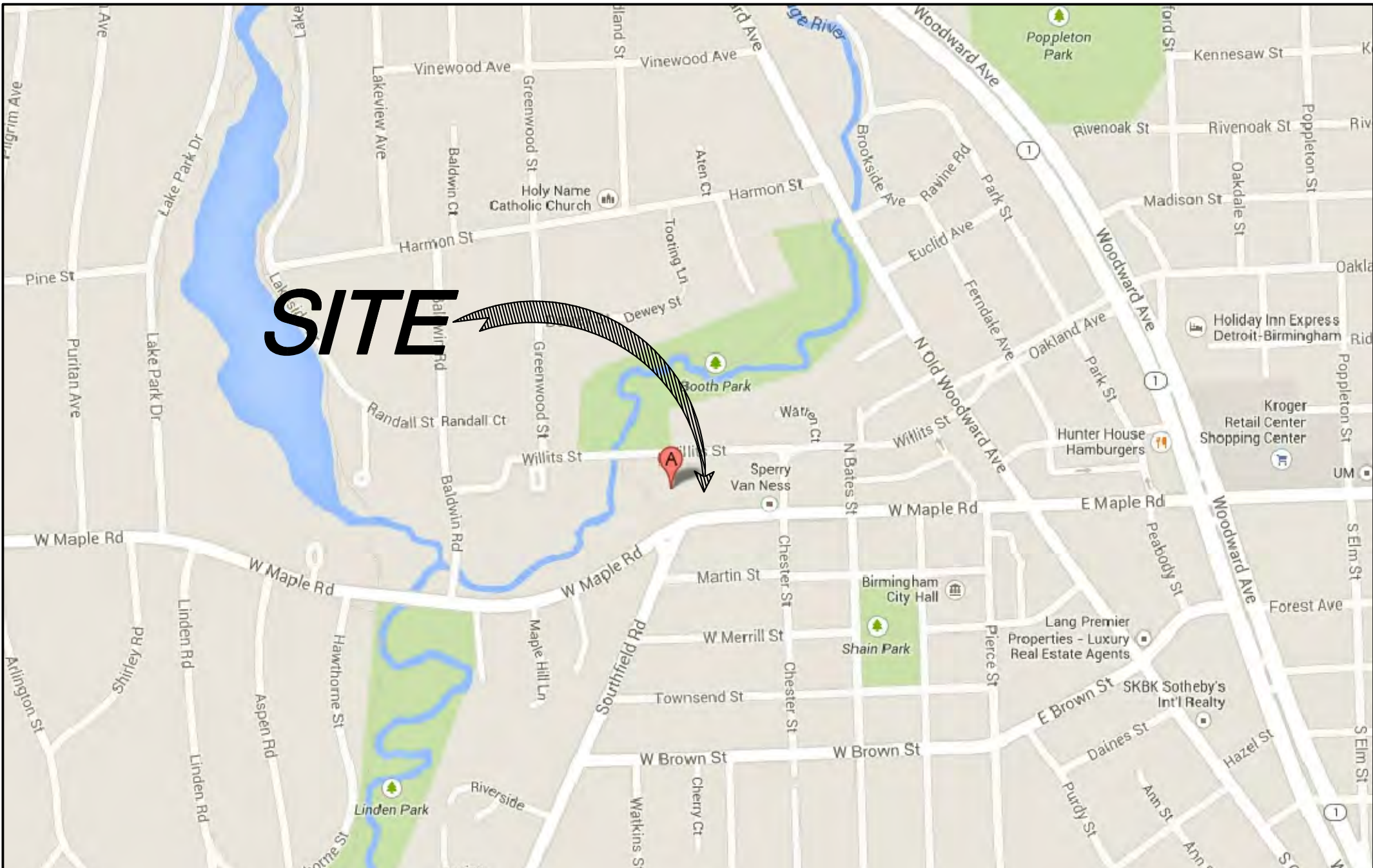
## BELL PROJECT

556 W. Maple Rd Birmingham, MI 48009



### INDEX OF DRAWINGS

G001	TITLE SHEET
C101	SITE DEMOLITION & PROPOSED PLANS SECTIONS & DETAILS
A101	PLANS & ELEVATIONS
A102	SECTIONS & DETAILS
A103	NOTES & SPECIFICATIONS
E101	LIGHTING PLAN



NORTH  
NO SCALE

### LOCATION MAP



9100 Lapeer Rd. Suite B  
Davison, MI 48423  
(810) 412-5640

**rdco** robert darvas associates  
consulting structural engineers  
440 south main street  
ann arbor, mi 48104  
t. 734.761.8713  
f. 734.761.5236



BERBIGLIA ASSOCIATES INC.  
CONSULTING ENGINEERS



BIRMINGHAM HISTORICAL MUSEUM

556 W. Maple Rd Birmingham, MI 48009

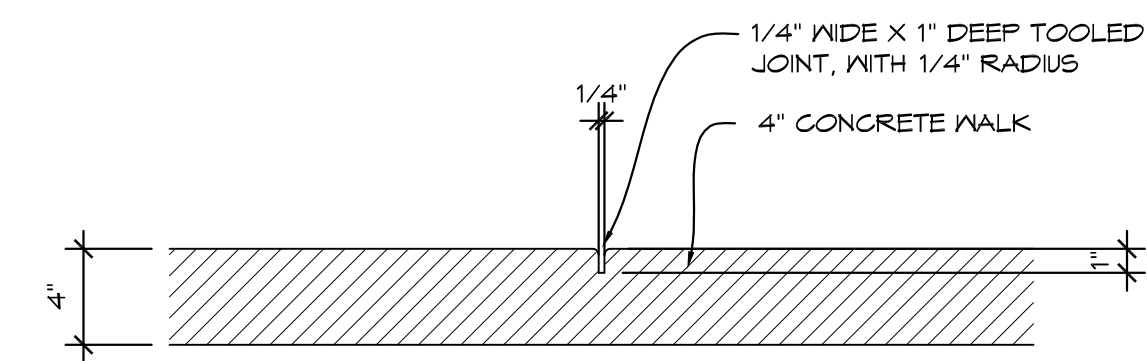
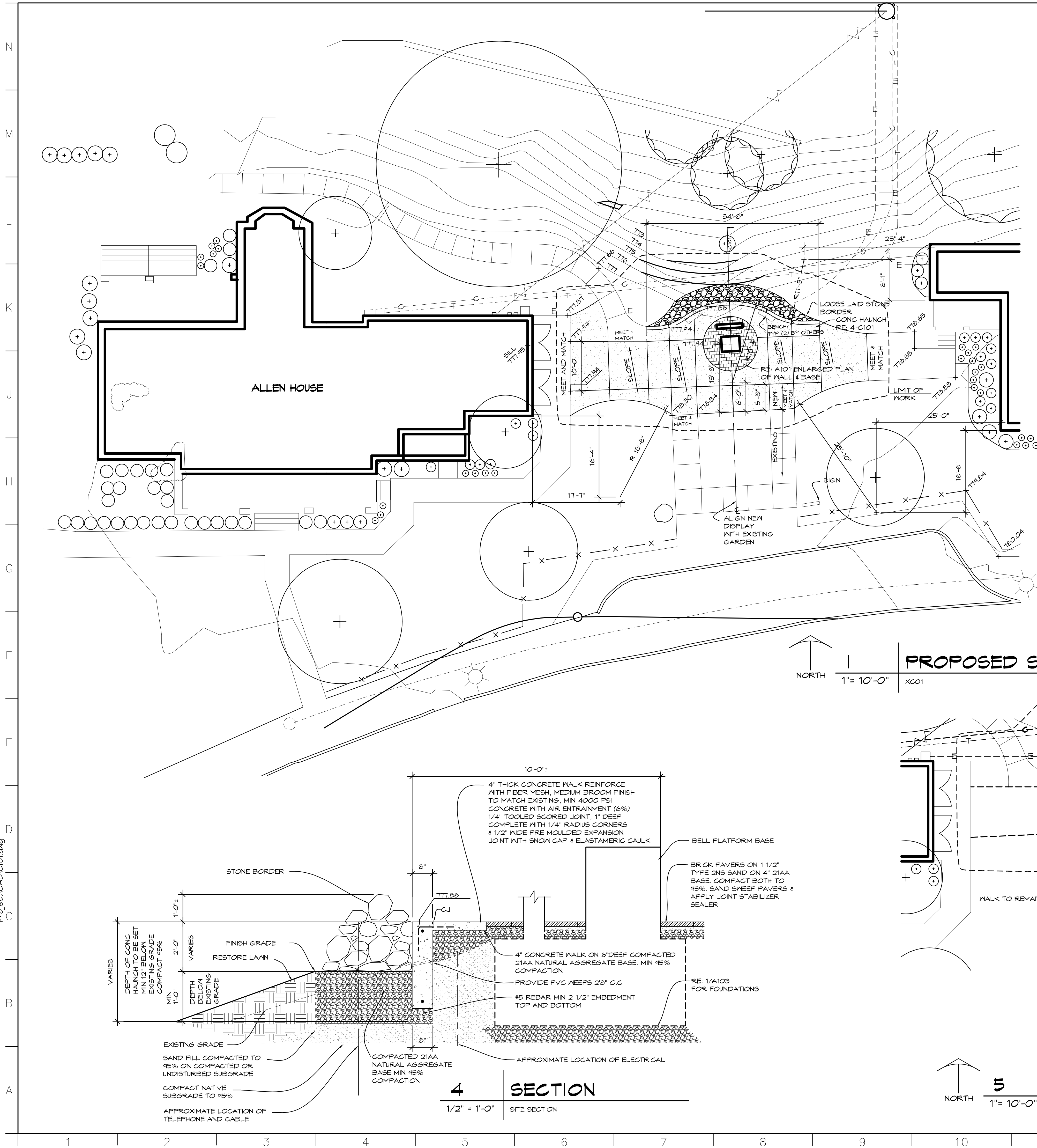
## BELL PROJECT

556 W. Maple Rd Birmingham, MI 48009

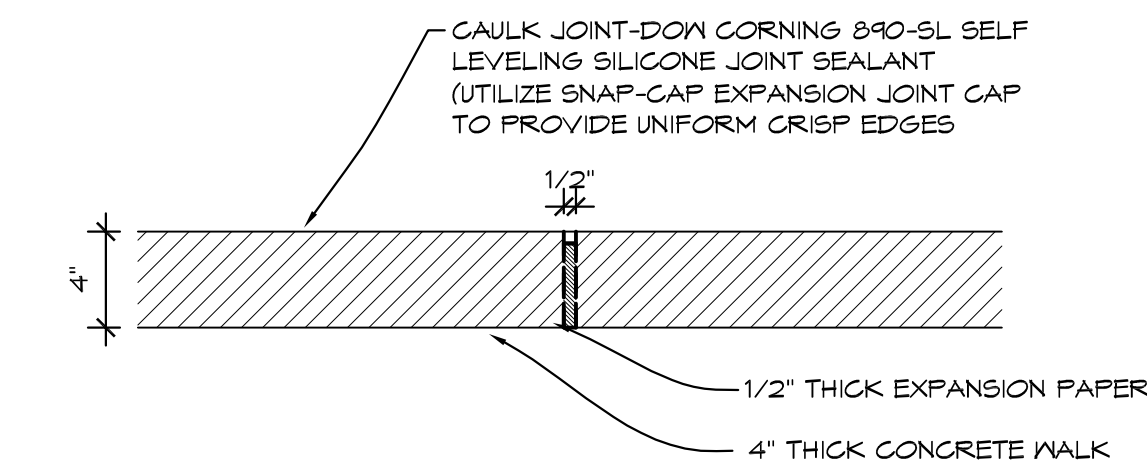
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DATE	12/04/13
DRAWN	RLH
CHECKED	JSH
G001	
CAD FILE NO.	
SCALE	SHEET 1 OF 6



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Project\CAD\C101.dwg  
PLOT DATE: 12/4/2013 11:16 AM



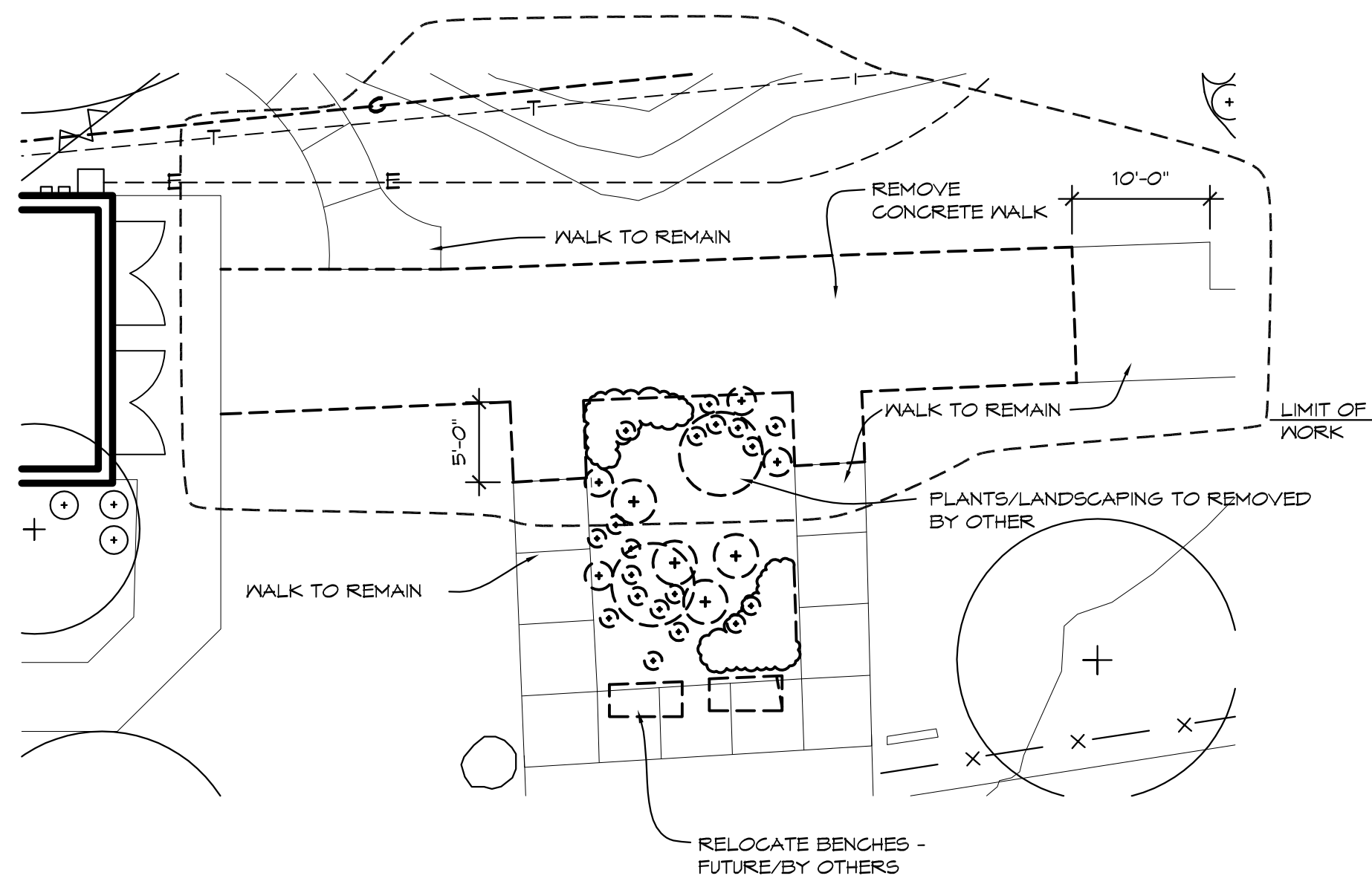
2 CTRL JOINT DETAIL  
1 1/2" = 1'-0" XCONG



3 EXP JOINT DETAIL  
1 1/2" = 1'-0" XCONG

LEGEND	
+ T51.5	EXISTING GRADE
+ T51.5	NEW GRADE

PROPOSED SITE PLAN  
1" = 10'-0" XCONG



5 DEMO SITE PLAN  
1" = 10'-0" XCONG

4 SECTION  
1/2" = 1'-0" SITE SECTION

**H2A**  
architects

9100 Lapeer Rd. Suite B  
Davison, MI 48423  
(810) 412-5640

**rda** robert darvas associates  
consulting structural engineers  
440 south main street  
ann arbor, mi 48104  
t. 734.761.8713  
f. 734.761.5236

#### NOTES

- OWNER HAS THE FIRST RIGHT OF REFUSAL ON ALL MATERIAL AND EQUIPMENT BEING REMOVED.
- FIELD VERIFY ALL EXISTING CONDITIONS AND REPORT ANY DISCREPANCIES TO THE ARCHITECT PRIOR TO BEGINNING WORK.
- VERIFY LOCATION OF ALL UTILITIES PRIOR TO ANY EXCAVATION OR DEMOLITION. CONTACT "MISS DIG", AT 1-800-482-1111
- THE CONTRACTOR SHALL COMPLY WITH ALL RULES, REGULATIONS, AND REQUIREMENTS OF THE STATE OF MICHIGAN "SOIL EROSION AND SEDIMENTATION CONTROL ACT"; PUBLIC ACTS OF 1912 AS PART "1" OF ACT 191, PUBLIC ACTS OF 1914, "REFER TO SITE PLAN FOR SOIL EROSION CONTROL MEASURES.
- REPAIR ANY DISTURBED LANDSCAPING AND LAWN SURFACES DUE TO NEW CONSTRUCTION.
- CONTRACTORS SHALL MEET AND MATCH ALL EXISTING PAVING SURFACES WITH FLUSH TRANSITION

NO.	DESCRIPTION	DATE
6		
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1		

BIRMINGHAM HISTORICAL MUSEUM  
**BELL PLAZA**

596 W MAPLE ROAD  
BIRMINGHAM MI

DRAWING TITLE

**SITE DEMOLITION & PROPOSED  
PLANS, SECTIONS & DETAILS**

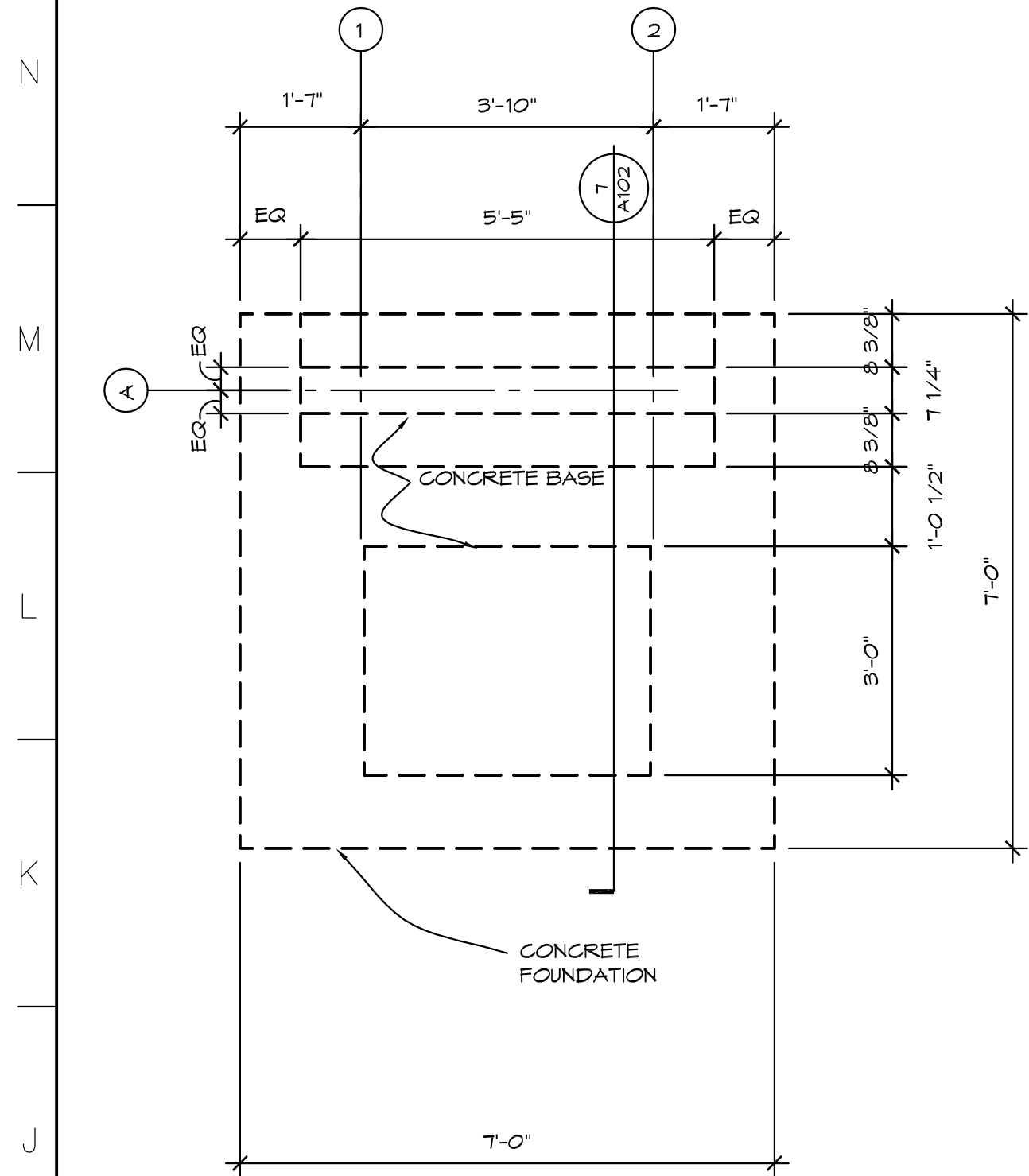
PROJECT NO.	13-290
DATE	12-9-13
DRAWN	BER
CHECKED	JSH

**C101**

CAD FILE NO.	C101
SCALE	VARIABLES
SHEET	2 OF 6

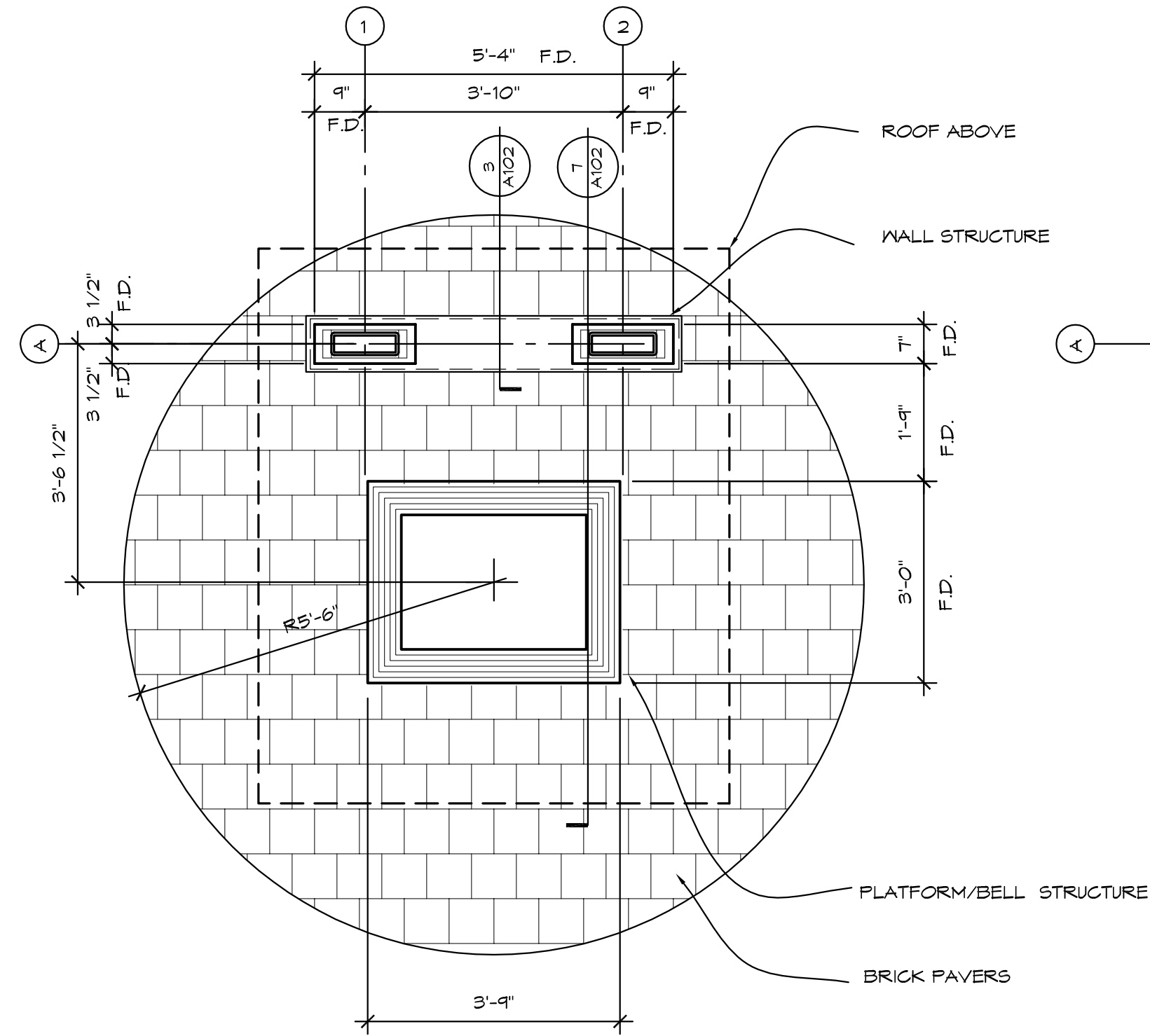


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PLOT DATE: 12/4/2013 11:10 AM



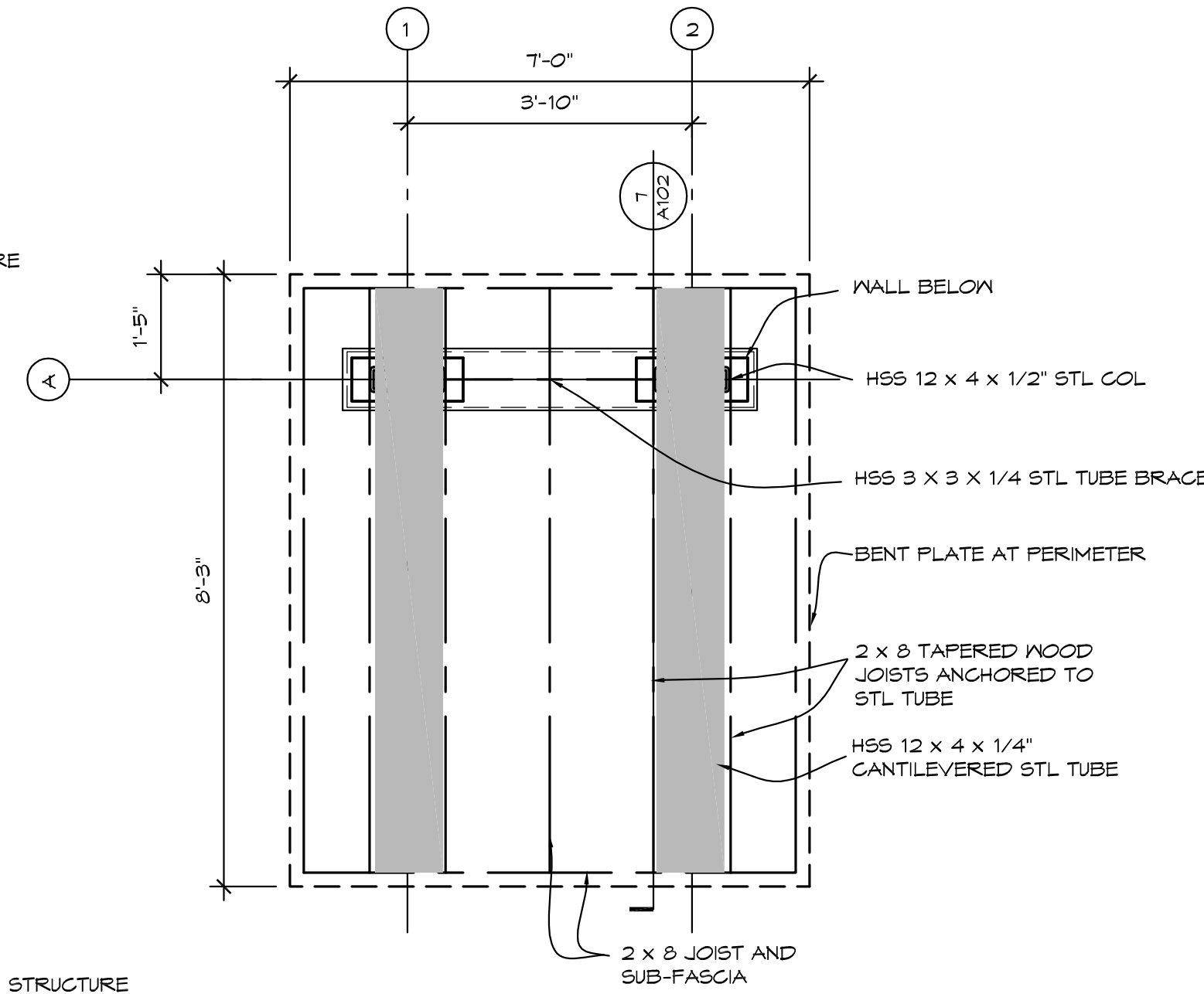
1 FOUNDATION PLAN

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X01frdn  
X01



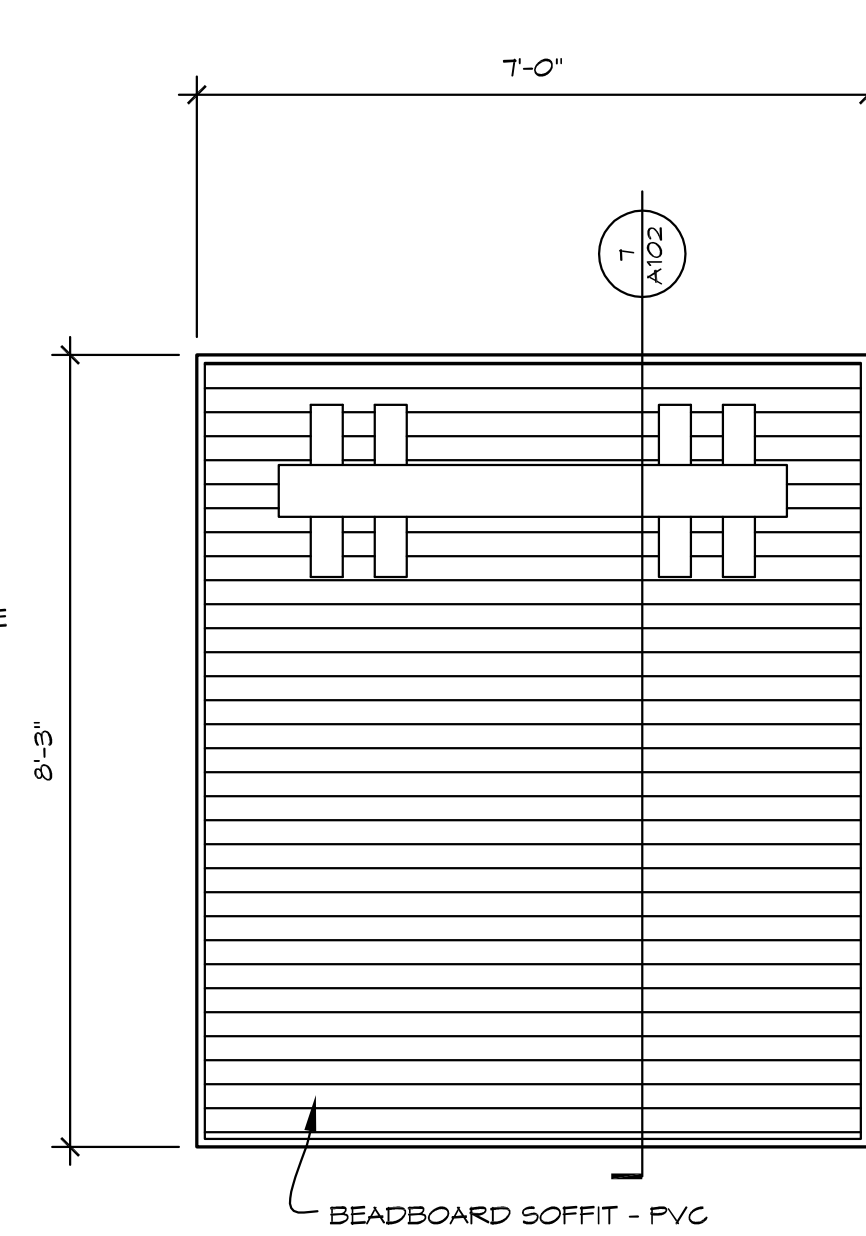
2 FLOOR PLAN

1/2" = 1'-0"  
X01a  
X01



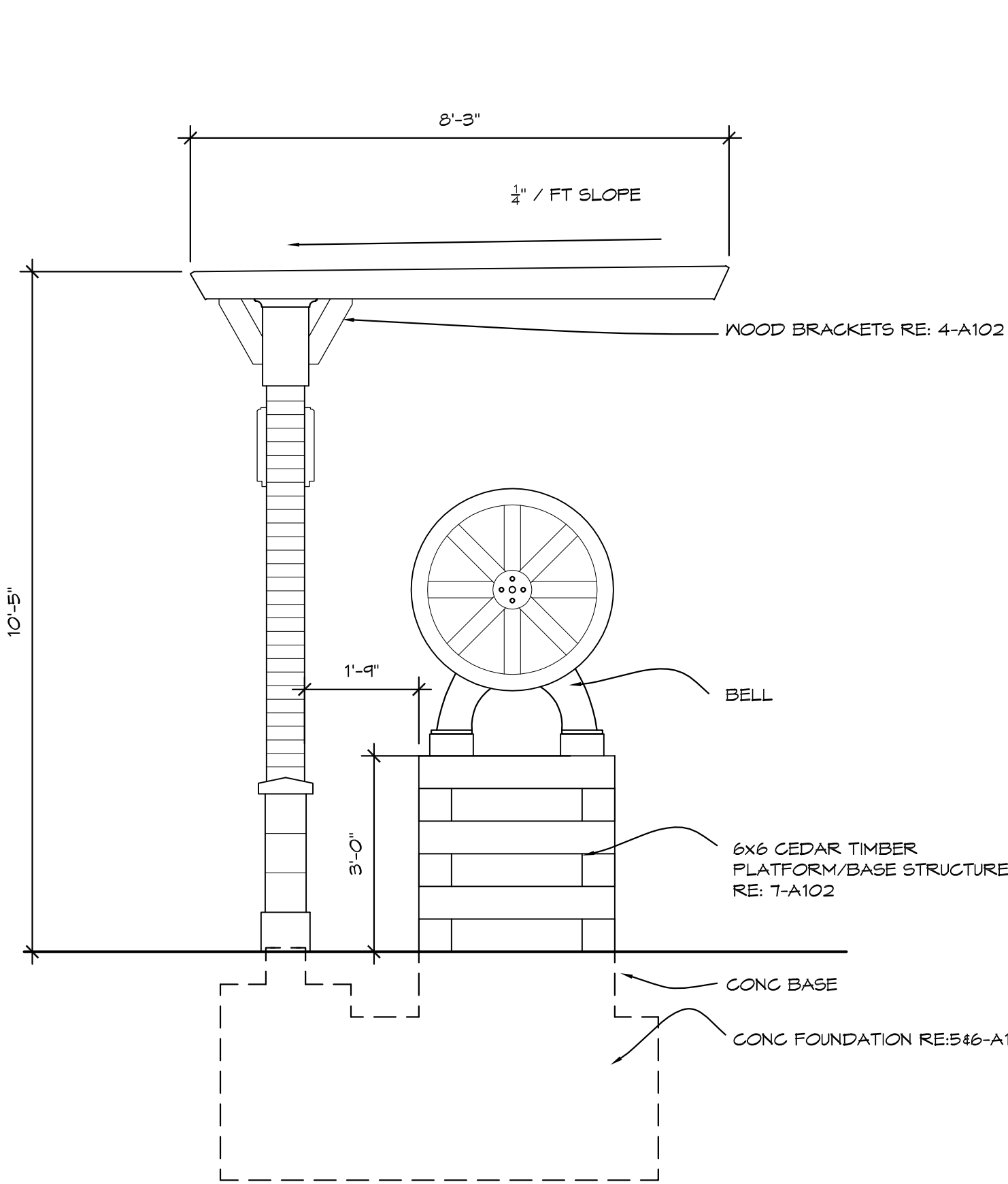
3 FRAMING PLAN

1/2" = 1'-0"  
X01fram  
X01



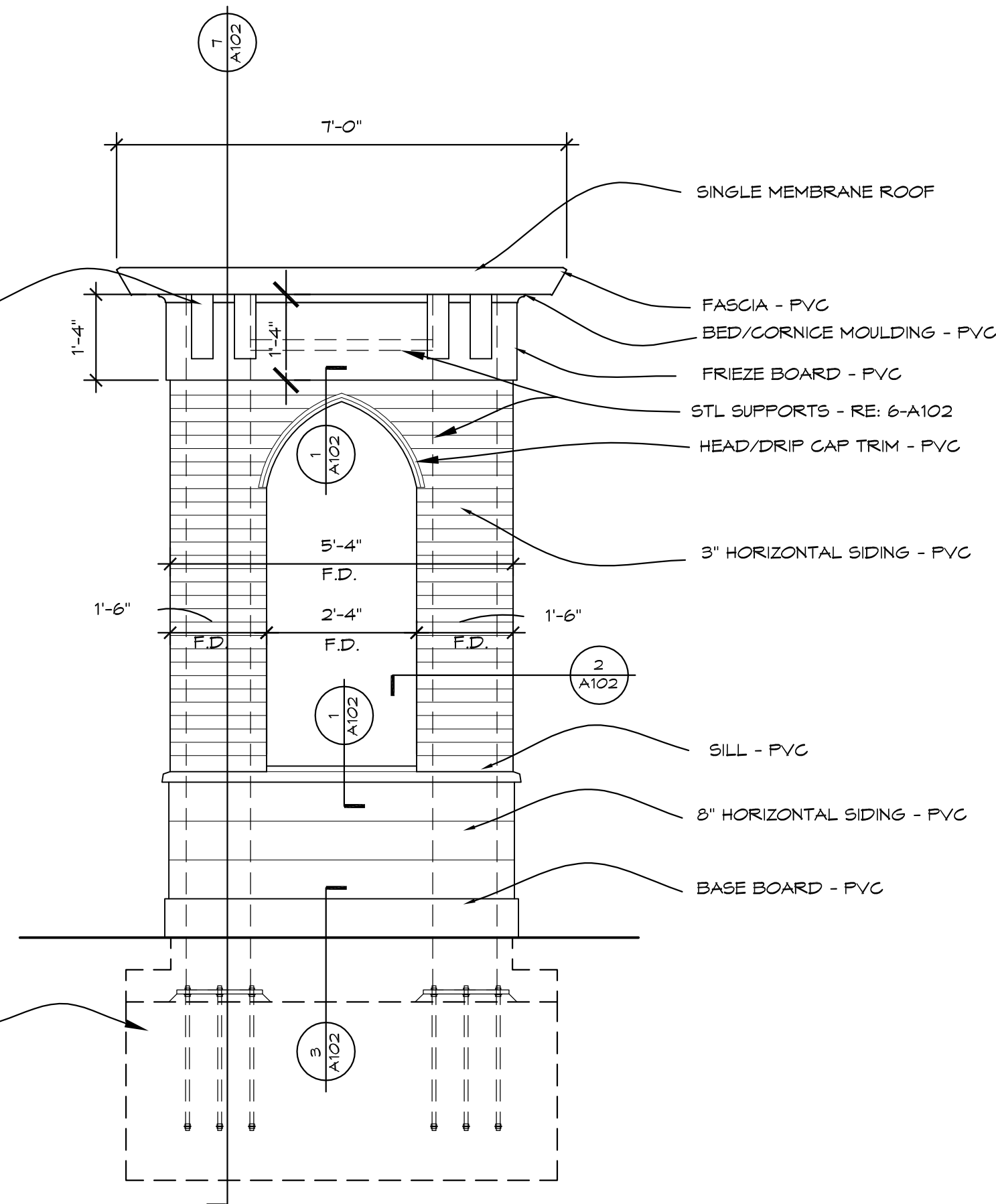
4 REFLECTED CEILING PLAN

1/2" = 1'-0"  
X01  
X01



5 SIDE ELEVATION

1/2" = 1'-0"  
XELEV



6 FRONT ELEVATION

1/2" = 1'-0"  
XELEV



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robert darvas associates  
consulting structural engineers  
440 south main street  
ann arbor, mi 48104  
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f. 734.761.5236

## GENERAL NOTES

- ALL DIMENSIONS ARE TO FACE OF STUD OR MASONRY OR CENTERLINE OF STEEL UNLESS NOTED OTHERWISE
- COORDINATE ALL WORK WITH ELECTRICAL TRADES. VERIFY LOCATION OF CONDUIT THROUGH WALL AND ROOF CONSTRUCTION FOR COMPLETE CONCEALMENT.
- CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING ALL NECESSARY TEMPORARY BRACING AND/OR SHORING REQUIRED TO MAINTAIN THE INTEGRITY AND STRUCTURAL STABILITY OF THE BUILDING AND ITS ELEMENTS
- FIELD VERIFY ALL EXISTING CONDITIONS AND NOTIFY OWNER OF ANY DISCREPANCIES PRIOR TO BEGINNING WORK

NO.	DESCRIPTION	DATE
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BIRMINGHAM HISTORICAL MUSEUM

## BELL PLAZA

596 W MAPLE ROAD  
BIRMINGHAM MI

DRAWING TITLE

## PLANS & ELEVATIONS

PROJECT NO.	13-240
DATE	12-4-13
DRAWN	BER, JSH
CHECKED	JSH

# A101

CAD FILE NO.	A101a
SCALE	1/2" = 1'-0"
SHEET	3 OF 6



Z:\Projects\Birmingham\13-290 Bell  
Project\CAD\A102.dwg  
PLOT DATE: 12/9/2013 11:15 AM



9100 Lapeer Rd. Suite B  
Davison, MI 48423  
(810) 412-5640

**rda** robert darvas associates  
consulting structural engineers  
440 south main street  
ann arbor, mi 48104  
t. 734.761.8713  
f. 734.761.5236

## GENERAL NOTES

- FINISH FLOOR ELEV. 100'-0" = 778.08'
- ALL CARPENTRY WORK INCLUDING SIDING INSTALLATION, TRIMS, BRACKETS, FRIEZE SHALL BE MILLWORK QUALITY CONSTRUCTION

NO.	DESCRIPTION	DATE
6		
5		
4		
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1		

## BIRMINGHAM HISTORICAL MUSEUM BELL PLAZA

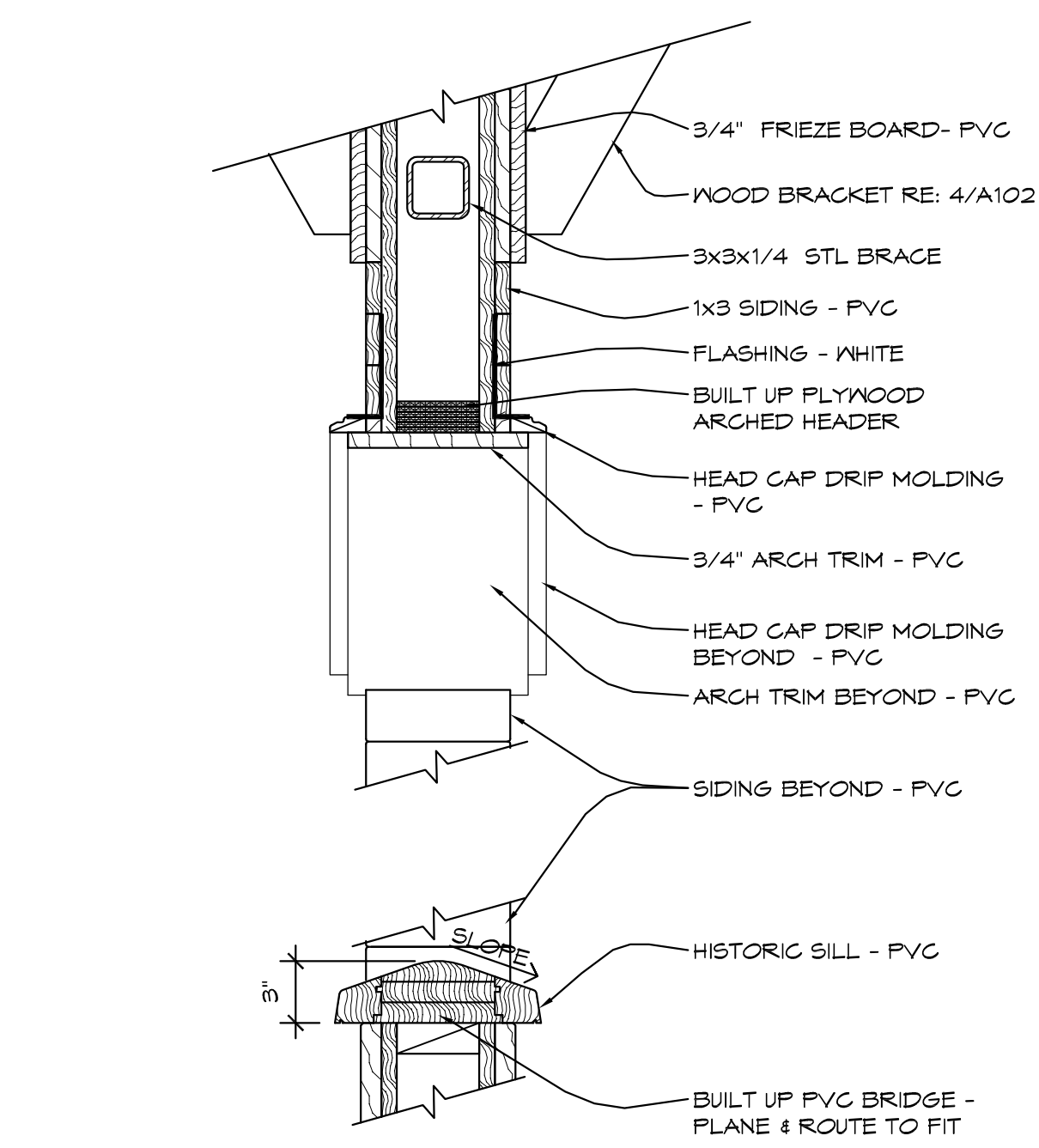
596 W MAPLE ROAD  
BIRMINGHAM MI

## NOTES & SPECIFICATION

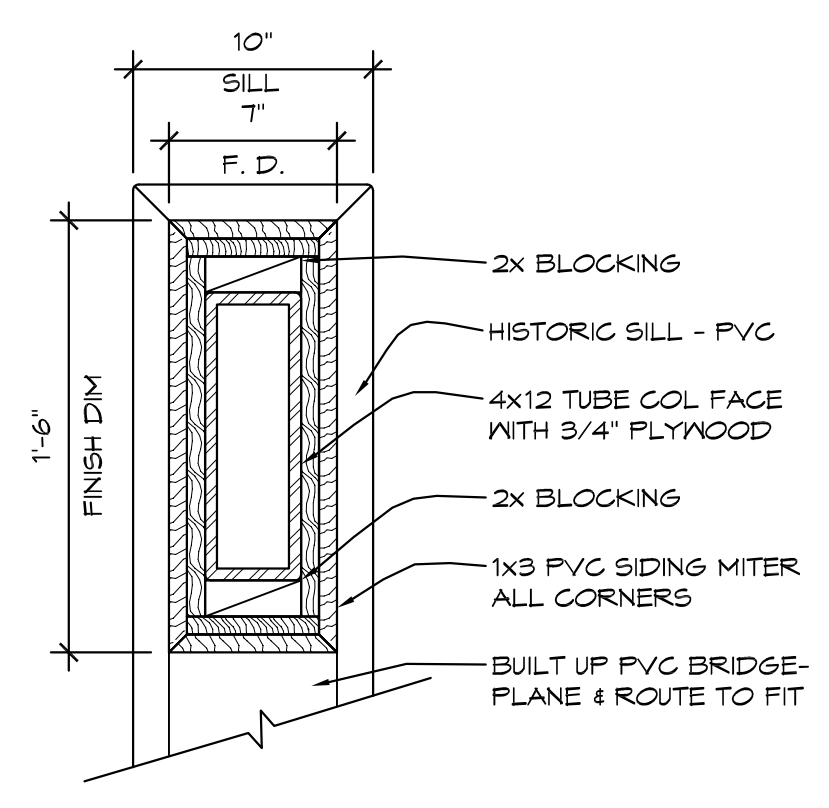
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DATE	12-9-13
DRAWN	RLH, JH
CHECKED	JH

# A102

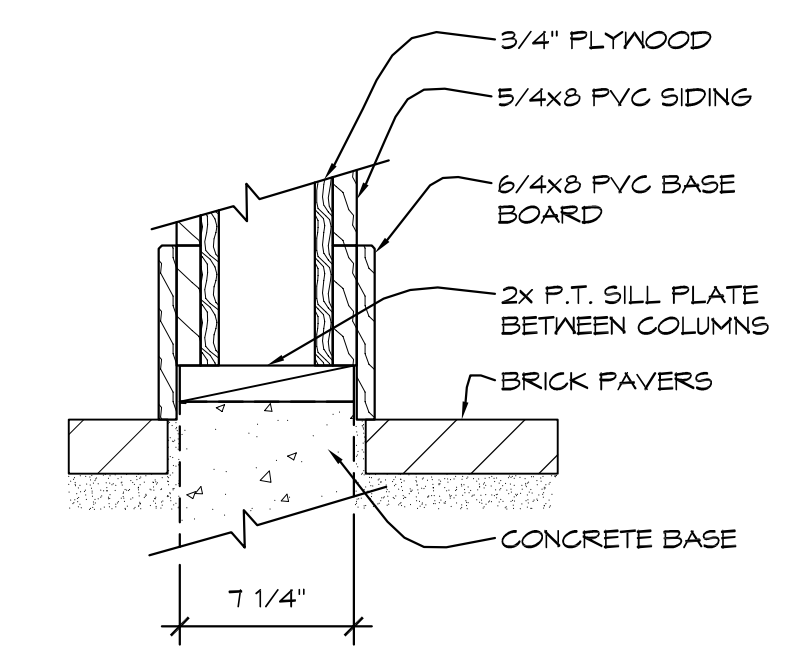
CAD FILE NO.	A102
SCALE	VARIABLES
SHEET	4 OF 6



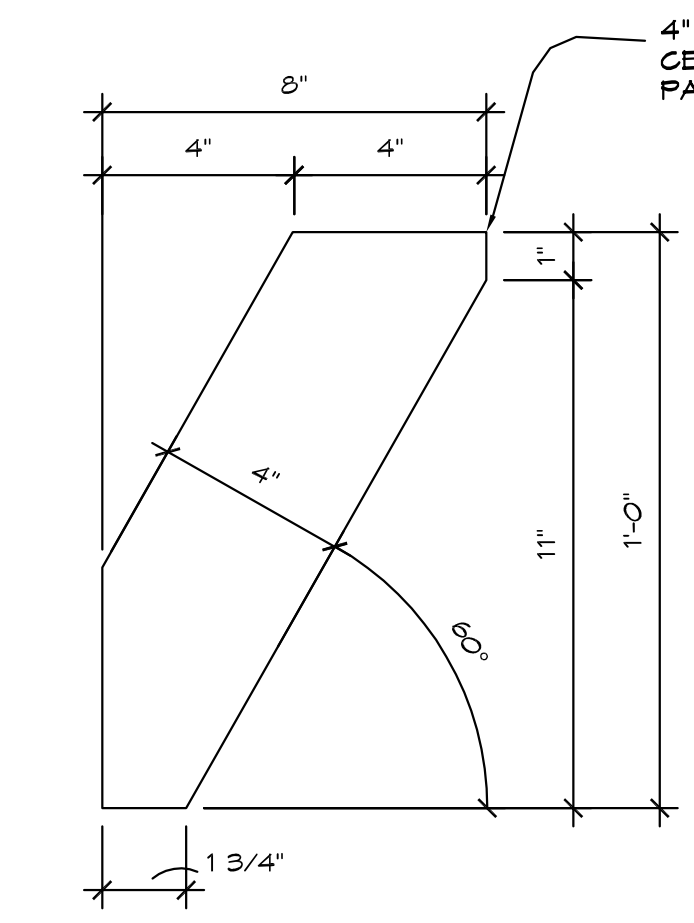
**1** **DETAIL WINDOW HEAD & SILL**  
1 1/2" = 1'-0" WINDET02



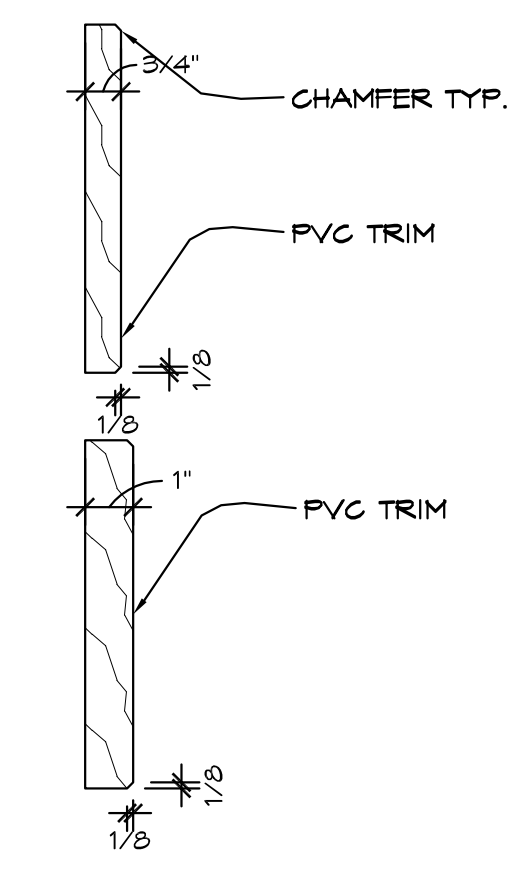
**2** **DETAIL WINDOW JAMB**  
1 1/2" = 1'-0" WINDET01



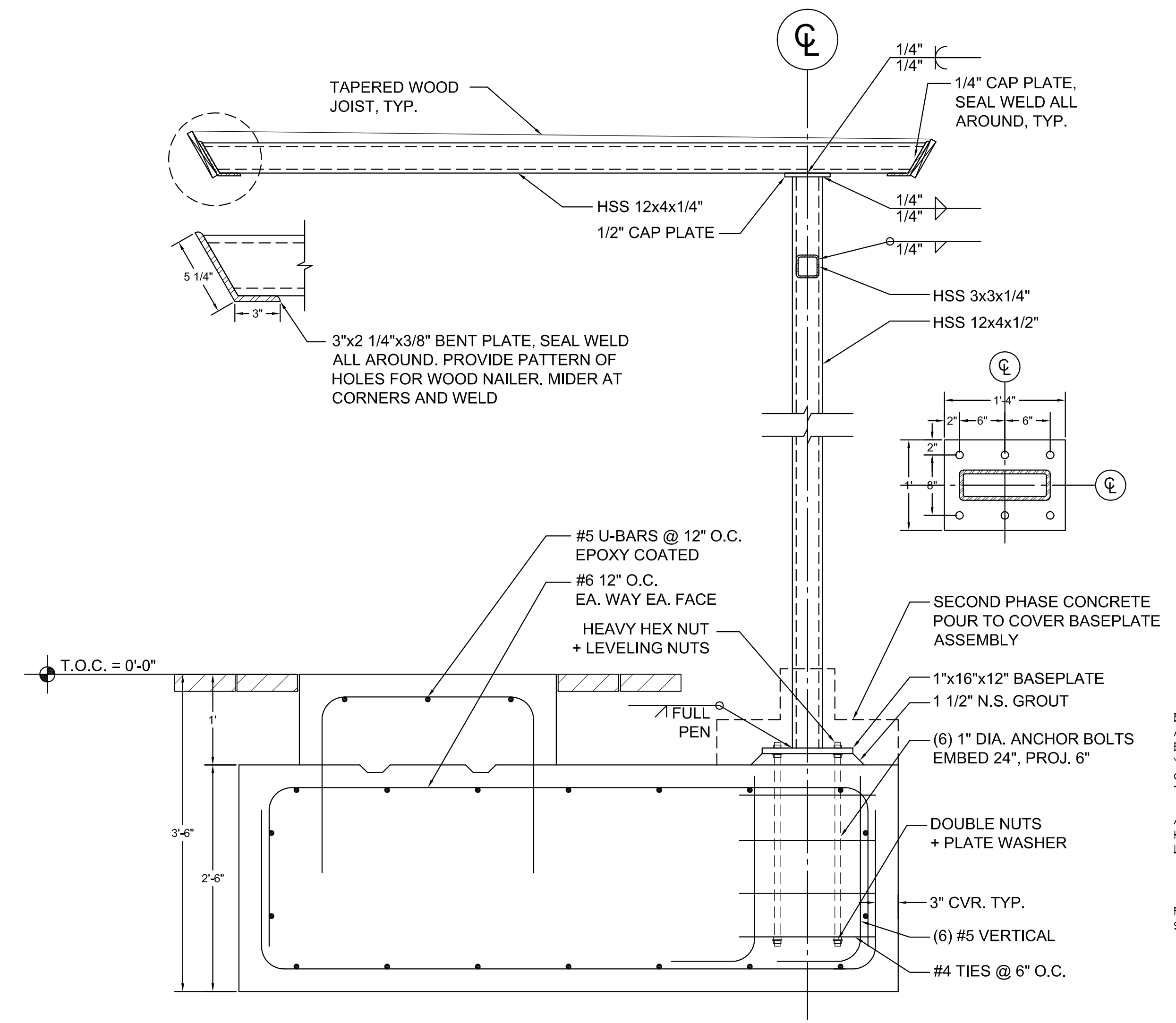
**3** **BASE DETAIL**  
1 1/2" = 1'-0" DET03



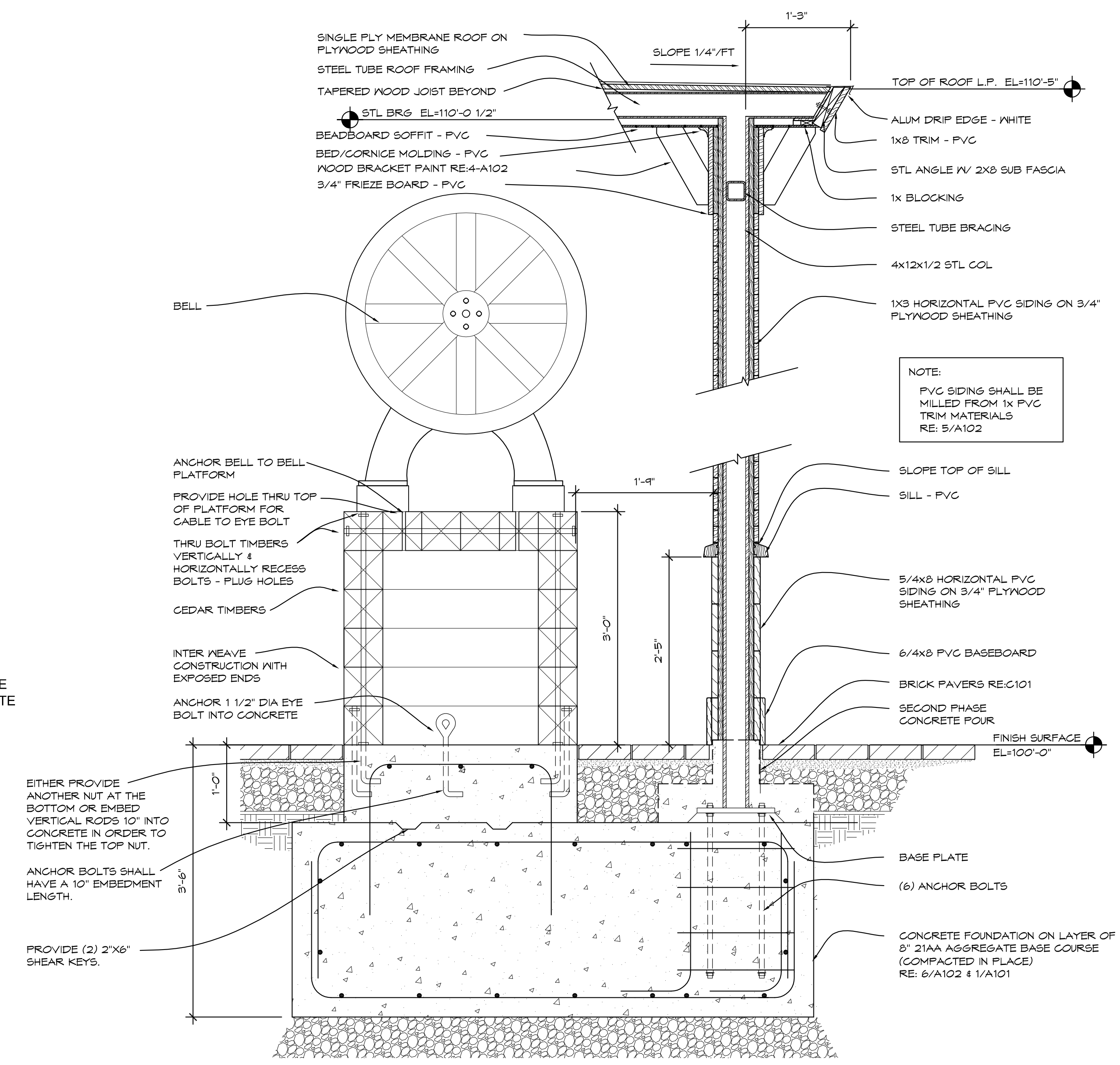
**4** **DETAIL BASKET**  
3" = 1'-0" DETL01



**5** **DETAIL SIDING**  
3" = 1'-0" DETL02



**6** **STRUCTURAL DETAIL**  
1 1/2" = 1'-0" RDA DETAIL



**7** **WALL SECTION**  
1" = 1'-0" WSECO2



Z:\Projects\Birmingham\13-240 Bell Plaza\CAD\A103.dwg  
PLOT DATE: 12/1/2013 11:17 AM

N  
M  
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J  
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A

STRUCTURAL NOTES

General

1. These notes are to be read in conjunction with and these drawings. In the event of conflict between the information on the drawings, and these notes, the more stringent requirements shall govern.
2. The Contractor shall verify all dimensions, grade elevations, bell mounting requirements, and other relevant conditions before beginning work. The Contractor shall take field measurements and be responsible for same.
3. It is the contractor's responsibility to provide adequate shoring and bracing during construction to account for all forces, including but not limited to: forces from gravity, earth, wind, liquid head of concrete, and unbalanced forces due to construction sequence.
4. For conditions not expressly shown use details shown for obviously similar conditions.
5. No openings shall be made in any structural member unless specifically shown on the structural drawings or unless approved in writing by the Structural Engineer.
6. Reproductions, in whole or in part, of Engineer's design documents, shall not be used as shop drawing plans and/or details. Shop drawings that are prepared from Engineer's design documents will be rejected.

Design

1. The design of the structure is in accordance with State of Michigan Building Code 2009 Edition, including the referenced standards given in Chapter 35. Additional referenced standards shall be the latest edition published by the named organization.
2. **Warning:** The structural integrity of the canopy and foundation shown on these plans is dependent upon completion according to plans and specifications. Structural members are not self-bracing and shall be shored and/or braced by the contractor as necessary until stabilized by virtue of completed connections.

Foundations

1. All footings shall bear on undisturbed soil, having a minimum safe bearing capacity of 2500 pcf. The Testing and Inspection Agency shall verify soil bearing capacity at each footing prior to placement of concrete. Notify architect of any variation from the anticipated bearing capacity for appropriate redesign or lowering of footing.
2. The bottom elevation of the footing shall be lowered and the footing increased in thickness as approved by the Architect, where soil of the specified bearing capacity is found at a lower elevation than shown on drawings.
3. The bottom of all footings shall be minimum 3'-6" below finished grade. Edges of footings shall not be placed at a greater than 1 vertical to 2 horizontal slope with respect to any adjacent footing or excavation, unless underpinning or shoring and bracing of existing footing or excavation is provided. Underpinning shall be done so as not to cause settlements of existing structure and shall be such that complete contact is achieved between new underpinning and existing concrete.
4. The contractor shall safeguard and protect all excavations, and adjacent structures, pavements, and utilities. All excavations shall be kept free of water. The contractor is responsible for the design, installation, maintenance, and removal of all shoring, bracing, and dewatering required to properly construct the foundations and to protect adjacent structures, pavements and utilities. Do not remove shoring such as sheet piling if it will cause settlement or damage to existing or new structures, pavement, and/or utilities.
5. The foundation contractor shall refer to Mechanical and Electrical Drawings for all locations of trenches, pits, conduits, etc. not shown on the Structural Drawings.

Foundation Concrete

1. All concrete work shall conform to the requirements of the American Concrete Institute ACI 301, 318, and SP-66 (318 included as a chapter), latest editions.
2. All concrete shall be normal weight concrete having a minimum compressive strength at 28 days as follows:
- |                        |          |
|------------------------|----------|
| A. Footings.....       | 3000 psi |
| B. Pedestals and Piers | 4000 psi |
| C. Slab on Grade       | 4000 psi |
3. No concrete shall be placed until concrete design mixes and previous tests have been submitted for each class of concrete noted above and have been approved by the engineer. Concrete proportions shall be based upon field experience and/or trial batches per ACI 301 and ACI 318. The controlled concrete to be used shall conform to the approved design mix. The use of any additives not present in the design mix is prohibited.

4. Representative test cylinders will be taken from the concrete placed each day in accordance with concrete specifications.
5. Reinforcing steel shall be deformed bars of intermediate grade new billet steel conforming to current requirements of ASTM A 615 Grade 60 or ASTM A 106, Grade 60. All hooks shall be standard hooks, unless otherwise noted. All laps shall be class 'B' laps except the minimum lap length shall be 24" unless noted otherwise.
6. All concrete structural members shall be placed for their full depths in one operation. Construction joints, such as day's end placement joints, shall be located in the middle third of the span, reinforcing to run through the joint, bulkhead, key and roughen joints. Remove laitance prior to next pour.
7. For additional concrete work not shown on structural drawings, see Architectural, Mechanical and Electrical drawings.
8. Provide accessories and bar supports in accordance with "ACI Detailing Manual - 2004" ACI SP-66, latest edition.
9. Concrete shall not be placed until preparations have been approved by the Testing and Inspection Agency, including formwork, reinforcement, embedments, and accessories.
10. Reproductions, in whole or in part, of Engineer's design documents, shall not be used as shop drawing plans and/or details.

Structural Steel

1. All structural steel work shall conform to the AISC "Steel Construction Manual" 13th edition which includes the AISC 303 "Code of Standard Practice for Steel Buildings and Bridges"; the "Specification for Structural Steel Buildings"; and the "RSCC Specification for Structural Joints Using ASTM A 325 or A 490 bolts".
2. Structural steel shall conform to the latest edition of the following ASTM designations:
- A. Structural steel shapes, except channels, bars, angles, and plates: A 992 Grade 50 having a minimum yield strength of 50 ksi or A 572, Grade 50 having a minimum yield strength of 50 ksi unless noted otherwise on the plans.
- B. Steel channels, bars, angles, and plates shall be A 36 having a minimum yield strength of 36 ksi unless noted 50 ksi on the plans in which case they shall be ASTM A 572 Grade 50. (Fy = 50 ksi).
- C. Steel Pipe - A 501 having a minimum yield strength of 36 ksi or A 53 Grade B type E or S having a minimum yield strength of 35 ksi.
- D. Square and rectangular tubing - A 500, Grade B having a minimum yield strength of 46 ksi.
3. Bolts shall conform to the following ASTM designation, latest edition: High strength bolts - A 325; anchor rods - F 1554, Grade 36 unless noted otherwise on the drawings. All bolts shall be snug tight unless noted slip critical or S. C. on plans unless otherwise noted. All bolts that carry loads in tension shall be fully pre-tensioned.
4. All bolts shall be 3/4" diameter, open holes 13/16" diameter, unless otherwise shown or noted. Use high strength bolts for steel framing connections.
5. All welding electrodes shall conform to the E 70 series of the specification for mild steel arc welding electrodes ASTM A 233, latest edition.
6. All welding shall be done by certified, licensed welders and shall be in conformance with the structural welding code of the American Welding Society ANSI/AWS D1.1-latest edition.
7. No penetrations are permitted through structural steel members unless indicated on structural drawings or approved by Engineer.
8. Approval of the engineer shall be mandatory for the use of cutting torch in the field.

9. All grout under steel plates shall be non-shrink "pre-mix" type and shall have a minimum compressive strength of 5,000 psi, tested in accordance with concrete specifications. Use non-staining grout at exposed locations.
10. For miscellaneous steel construction not shown on Structural drawings, see Architectural, Mechanical and Electrical drawings.
11. The steel fabricator may substitute heavier sections in place of the sections shown on the drawings to achieve economy of repetition, for availability or to take advantage of rolling mill production schedules so long as the changes are made known to the architect and engineer and are acceptable to both.
12. All Steel structure shall be hot dip galvanized according to ASTM A 123.
13. All structural steel exposed to view in the finished work including beams, columns, girts, trusses, bridging, bracing, and connections shall be classified as "Architecturally Exposed Structural Steel" (AESS) and shall meet the additional requirement given in AISC "Steel Construction Manual" 13th edition - Section 10 of the "Code of Standard Practice for Steel Buildings and Bridges" AISC 303. See Architectural drawings and specs for locations and finish requirements of AESS.
14. Reproductions, in whole or in part, of Engineer's design documents, shall not be used as shop drawing plans and/or details.

Wood Framing

1. All wood framing shall conform to the "Timber Construction Manual" by the American Institute of Timber Construction and the "National Design Specification for Wood Construction" by the American Forest & Paper Association - American Wood Council.
2. Wood for floor and roof framing shall conform to the following:
- A. Joists, Beams, and Lintels/Dimension Lumber
- |                        |                 |
|------------------------|-----------------|
| Southern Pine (SP)     |                 |
| No. 2 or better (SP1B) |                 |
| a. Bending Fb          | (975) psi       |
| b. Shear Fv            | (175) psi       |
| c. Mod. Elas. E=       | (1,600,000) psi |
3. Plywood roof deck and wall sheathing shall be identified with the appropriate grade trademark of the APA - The Engineered Wood Association and shall meet the requirements of the latest edition of "U.S. Product Standards, PS 1 for Construction and Industrial Plywood". Plywood thickness is shown on the drawings.
4. Glue for wood construction shall comply with specification AFG-01 of the APA - The Engineered Wood Association.
5. All lumber and plywood shall be pressure preservative treated.
6. All hardware and fasteners for use with pressure preservative treated lumber and plywood shall be shall be stainless steel.

Design Inputs

- A. Superimposed Dead Load
- a. Roof.....= 10.0 psf
- B. Design Live Load
- a. Roof.....= 20.0 psf
- C. Design Snow Load
- a. Roof.....= 18.0 psf
- D. Wind (per ASCE 7 Figure 6-22)
- a. Projected Elements.....= 22.5 psf
- b. Roof Uplift.....= 13.5 psf

ARCHITECTURAL NOTES

Wood Timbers - Bell Platform

1. All wood for timbers shall be Western Red Cedar conforming to NLGA/MCLB.
2. Timbers shall be 6x6 Select, tight-knot #2 or better, Surfaced.

Finish Carpentry

1. All wood for finish carpentry including brackets shall conform to the "NHLA G -101 - Rule for the Measurement & Inspection of Hardwood & Cypress"; National Hardwood Lumber Association; 2007. Quality Grade shall conform to "American Woodwork Standards" Edition 1 - 2009, including Appendix B.
2. Wood for trims and ornamental elements, not noted as PVC:
- A. Brackets
- a. Clear Cedar
- Plastic Simulated Wood Trim
1. All plastic simulated wood trim shall conform to: ASTM D570: Standard Test Method for Water Absorption of Plastics. ASTM D648: Standard Test Method for Deflection Temperature of Plastics Under Flexural Load in the Edge-wise Position. ASTM D696: Standard Test Method for Coefficient of Linear Thermal Expansion of Plastics Between 30 degrees C and 50 degrees C with a Vitreous Silica Dilatometer. ASTM D790: Standard Test Methods for Flexural Properties of Unreinforced and Reinforced Plastics and Electrical Insulating Materials. ASTM D1505: Standard Test Method for Density of Plastics by the Density Gradient Technique. ASTM E84: Standard Test Method for Surface Burning Characteristics of Building.
2. Material shall be a Free-Foam cellular polyvinyl chloride (PVC).
3. Manufacturer: Trex Company Inc. 800.289.8739. [www.trex.com](http://www.trex.com). or approved equal.
4. The installer shall have a minimum of five (5) years experience in the installation of this product.
5. Warranty of product shall be ten (10) years.

6. Trim Boards
- a. Width: 3-1/2, 7-1/4 inch as indicated on drawings.
- b. Nominal thickness: 3/4, 1, 5/4, and 6/4 inch as indicated on drawings
- c. Texture: Woodgrain
7. Bead Board
- a. Width: 3-1/2 inch.
- b. Nominal thickness: 5/8 inch.
- c. Texture: Smooth
- d. - or -
- e. Sheet
- (1) Width: 4 feet.
- (2) Nominal thickness: 1/2 inch.
- (3) Texture: Smooth
8. Moulding: Provide the following moldings where shown on drawings.
- a. Bed Moulding
- b. Drip Cap
- c. Historic Sill
9. Fasteners: Provide stainless steel siding nails equal to Slim-Jim Type 304, or provide fasteners, type and size as recommended by manufacturer for maximum concealment. Recess heads and plug.
10. Adhesives: Provide product as recommended by manufacturer. Mitered corners shall be both glued and fastened.
11. Joinery: Trim shall be installed with minimum number of joints practical. Scribe and cut trim to fit adjoining work. Cut joints shall be fit to exclude water. Cope joints at return and miter outside corners.

Thermoplastic Membrane Roofing

1. All roofing shall conform to: ASTM D4434 - "Standard Specification for Poly( Vinyl Chloride) Sheet Roofing" 2009.
2. Material shall be a one-ply membrane, polyvinyl copolymer alloy, mechanically fastened or fully adhered.
3. Manufacturer: Duro-Last. 1.889.753.6486. [www.duro-last.com](http://www.duro-last.com) or approved equal.
4. Warranty of product shall be fifteen (15) years.
5. Membrane shall be
- a. Thickness .045 inch, minimum.
- b. Reinforcing: Internal Fabric.
- c. Color shall be white.
6. Substrate shall be 1/4" Densdeck as manufactured by Georgia Pacific. [www.buildgip.com](http://www.buildgip.com).
7. Fasteners shall be as recommended by manufacture.
8. Accessories: Aluminum drip edge shall be preformed, .0024 inch thick aluminum, two-coat acrylic finish, color to be white, equivalent to F951 Drip Edge, as manufactured by Alcoa building products. [www.alcoa.com](http://www.alcoa.com).

Painting

1. All painting shall conform to: ASTM D 16 - "Standard Terminology for Paint, Related Coatings, Materials and Applications"; 2008.
2. Material shall be exterior grade acrylic.
3. Manufacturer: Sherwin Williams. 1.800. 321.8194. [www.sherwin-williams.com](http://www.sherwin-williams.com). or approved equal.
4. Warranty of product - Limited Lifetime.
5. Product shall be Duration Exterior Acrylic Coating.
- a. Self-Priming
- b. Minimum 2-coats.
- c. Finish: satin.
- d. Color: white, color-match PVC products on project.

Brick Pavers

1. All pavers shall conform to: ASTM C902-13 - "Standard Specification for Pedestrian and Light Traffic Paving Brick".
2. Manufacturer: Belden The Brick Company. 1.586. 294.5400. [www.beldenbrick.com](http://www.beldenbrick.com). or approved equal.
3. Product shall be 8 x 8 Regimental red brick paver.
- a. Square Edge.
- b. Clear Range.



9100 Lapeer Rd. Suite B  
Davison, MI 48423  
(810) 412-5640

NO.	DESCRIPTION	DATE
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BIRMINGHAM HISTORICAL MUSEUM  
**BELL PLAZA**

596 W MAPLE ROAD  
BIRMINGHAM MI

DRAWING TITLE

NOTES & SPECIFICATION

PROJECT NO.	13-240
DATE	12-9-13
DRAWN	RLH, JH
CHECKED	JH

A103

CAD FILE NO.	A103
SCALE	NTS
SHEET	5 OF 6



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Project\CAD\E101.dwg

PLOT DATE: 12/9/2013 11:33 AM

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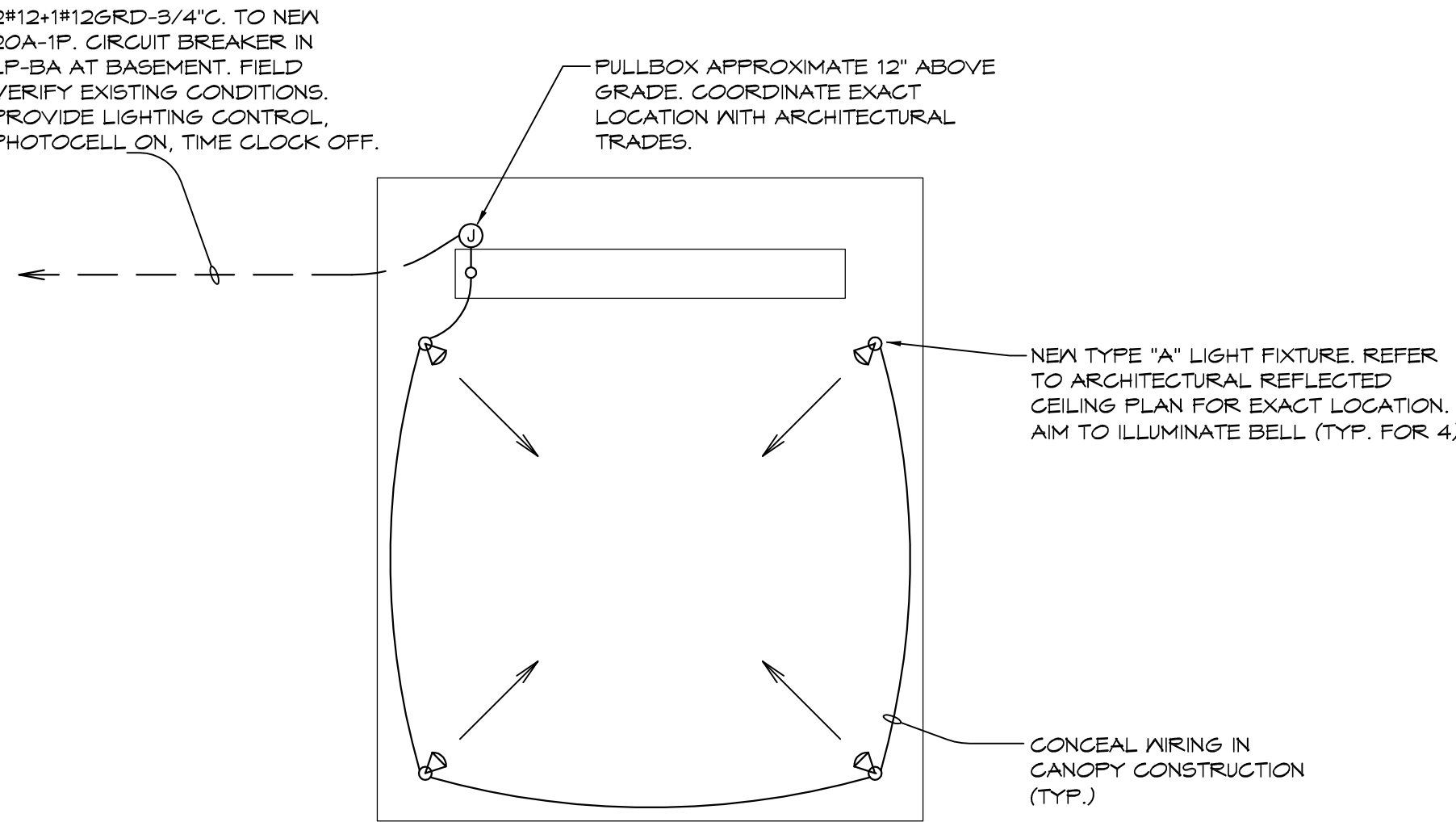
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ELECTRICAL SPECIFICATIONS AND REQUIREMENTS

1. PROVIDE ALL ITEMS, ARTICLES, MATERIALS, LABOR, OPERATIONS OR METHODS LISTED, MENTIONED OR SCHEDULED ON DRAWINGS AND/OR HEREIN SPECIFIED OR REQUIRED FOR COMPLETE AND OPERATING SYSTEMS. INCLUDE ALL MISCELLANEOUS ITEMS REQUIRED TO COMPLETE THE WORK.
2. OBTAIN AND PAY FOR ALL PERMITS, LICENSES, INSPECTIONS, APPROVALS AND FEES REQUIRED AND INSURE THAT THE ENTIRE ELECTRICAL INSTALLATION CONFORMS TO CODES AND REGULATIONS REQUIRED BY AUTHORITY OR AGENCY HAVING JURISDICTION OVER THE INSTALLATION, ALTERATION OR CONSTRUCTION OF WORK INCLUDED. ALL FEES SHALL BE INCLUDED IN THE BASE PROPOSAL.
3. ALL ELECTRICAL WORK SHALL COMPLY WITH THE NATIONAL ELECTRIC CODE (N.E.C.), NFPA, LOCAL AND STATE CODES, ORDINANCES AND REGULATIONS. ALL CODES SHALL BE LATEST EDITION ADOPTED BY THE AUTHORITY HAVING JURISDICTION.
4. EXCEPT AS OTHERWISE INDICATED ON PLAN OR HEREIN SPECIFIED, ALL MATERIALS USED SHALL BE NEW AND BEAR THE U.L. LABEL WHERE SUCH SERVICE AND LABEL ARE REGULARLY PROVIDED AND BE OF THE APPROPRIATE NEMA STANDARD.
5. ELECTRICAL CONTRACTOR SHALL PROVIDE ALL TESTS AND INSPECTIONS NECESSARY TO DETERMINE THAT ALL WIRING AND EQUIPMENT INSTALLED UNDER THIS SPECIFICATION IS IN SATISFACTORY CONDITION AND SHALL BE PERFORMED TO THE SATISFACTION OF THE ELECTRICAL INSPECTOR OF THE LOCAL AUTHORITY AND TO ALL OTHERS HAVING JURISDICTION OVER THE ELECTRICAL WORK.
6. THE ELECTRICAL CONTRACTOR SHALL DELIVER THE CERTIFICATES OF INSPECTION AND FINAL APPROVAL TO THE ARCHITECT AS A REQUIREMENT FOR FINAL PAYMENT.
7. THE ELECTRICAL CONTRACTOR SHALL GUARANTEE IN WRITING ALL WORK IN CONNECTION WITH HIS/HER ELECTRICAL CONTRACT FOR A PERIOD OF ONE YEAR FROM THE DATE OF COMPLETION AND ACCEPTANCE BY THE OWNER. ALL WORK AND MATERIALS REQUIRED BY THE ELECTRICAL CONTRACTOR IN ORDER TO SATISFY THE GUARANTEE SHALL BE AT NO ADDITIONAL COST TO THE OWNER.
8. WIRE SHALL BE STRANDED; INSULATION SHALL BE A MOISTURE AND HEAT RESISTANT CROSS-LINKED SYNTHETIC POLYMER MEETING THE UL REQUIREMENTS FOR TYPE "HHH-2", 600 VOLT, 90 DEGREES C, NET LOCATION. WIRE AND CABLE SHALL BE AS MANUFACTURED BY ANACONDA, AMERICAN STEEL AND WIRE, GENERAL CABLE, GENERAL ELECTRIC, OKONITE, PHELPS DODGE, REYNOLDS, SIMPLEX, TRIANGLE OR APPROVED EQUAL.
9. ALL WIRING SHALL BE INSTALLED IN CONDUIT.
10. EXTERIOR BELOW GRADE CONDUIT SHALL BE SCHEDULE 40 POLYVINYLCHLORIDE (PVC). PLASTIC (PVC) CONDUIT SHALL BE CARLON OR APPROVED EQUAL.
11. IN CONTACT WITH OR PENETRATING CONCRETE OR ABOVE GRADE CONDUIT SHALL BE RIGID GALVANIZED STEEL. RIGID STEEL CONDUIT SHALL CONFORM TO UNDERWRITERS LABORATORIES UL-8 SPECIFICATION, ANSI C82.1 AND FEDERAL SPECIFICATION W48-0581E OR LATEST REVISION. RIGID STEEL CONDUIT SHALL BE HOT-DIPPED GALVANIZED TO PROVIDE A CORROSION RESISTANT COATING. CONDUIT BELOW GRADE SHALL BE INSTALLED A MINIMUM OF 36" BELOW GRADE AND SHALL IN ALL INSTANCES UTILIZE LONG SWEET ELLS.
12. WIRING SHALL BE IDENTIFIED WITH A VISUAL COLOR CODE AS AN INTEGRAL PART OF THE OUTER JACKET OR AS A PRINTED COLOR CODING THE ENTIRE LENGTH OF THE INSULATION.
13. USE EXTREME CAUTION WHEN EXCAVATING TO INSTALL NEW BELOW GRADE CONDUIT AND WIRING. REVIEW OWNERS CIVIL AND UTILITY DRAWINGS IN ORDER TO IDENTIFY BELOW GRADE UTILITIES AND INTERFERENCES. HAND DIG IN AREAS OF EXISTING UTILITIES. CONDUIT RUNS INDICATED ON THE PLAN ARE DIAGRAMMATIC; IT SHALL BE THE ELECTRICAL CONTRACTORS RESPONSIBILITY TO FIELD VERIFY THE EXACT ROUTING OF ALL NEW CONDUITS.
14. ALL EXCAVATING AND BACKFILLING TO INSTALL WORK SPECIFIED HEREIN, OR INDICATED ON ELECTRICAL DRAWINGS SHALL BE BY THIS CONTRACTOR. BACKFILL WITH WELL TAMPED SAND OR ANOTHER APPROVED GRANULAR BACKFILL AS MDOT CLASS IIA MATERIAL. BACKFILL SHALL BE PLACED IN LAYERS NOT MORE THAN 8" IN THICKNESS. 95% COMPACTION IS REQUIRED THROUGHOUT WITH APPROVED COMPACTION EQUIPMENT. TAMP AND ROLL AS REQUIRED. EXCAVATED MATERIAL SHALL NOT BE USED UNLESS OTHERWISE APPROVED BY THE COUNTY'S FIELD ENGINEER.
15. CONTRACTOR SHALL PROVIDE AND INSTALL WARNING TAPE ABOVE ALL NEW UNDERGROUND CONDUITS. WARNING TAPE SHALL BE LOCATED 18 INCHES ABOVE TOP OF CONDUIT OR 1/2" MAY BETWEEN TOP OF CONDUIT AND GRADE. THE WARNING TAPE SHALL BE HEAVY GAUGE 0.004 POLYETHYLENE FILM, RESISTANT TO ACIDS, ALKALIES, AND OTHER SOIL COMPONENTS. THE TAPE SHALL BE YELLOW IN COLOR. THE TAPE SHALL BE CONTINUOUS WITH A TOP LINE THAT READS "CAUTION" AND A BOTTOM LINE THAT READS "ELECTRIC LINE BURIED BELOW". WHERE WARNING TAPE SPLICES OCCUR OVERLAP THE TAPE A MINIMUM OF 10 FEET. THE UNDERGROUND WARNING TAPES SHALL BE AS MANUFACTURED BY SETON NAME PLATE CORP. OR BRADY.
16. CONDUITS WHICH ARE INSTALLED UNDERGROUND SHALL BE CLEARED OF FOREIGN MATERIAL AND OBSTRUCTIONS AFTER INSTALLATION AND BEFORE CONDUCTORS OR FULL WIRES ARE DRAWN IN BY WIRE BRUSHING, SKABBING AND EMPLOYING AN IRON OR HARDWOOD MANDREL WHICH IS 1/4" SMALLER IN DIAMETER THAN THE INTERNAL DIAMETER OF THE DUCT OR CONDUIT. THE INSTALLATION OF CONDUCTORS OR FULL WIRE SHALL NOT BE MADE UNTIL THE RACEWAYS ARE FOUND ACCEPTABLE.
17. NEW CIRCUIT BREAKERS INSTALLED IN EXISTING PANELS SHALL BE COMPLETELY COMPATIBLE WITH AND OF THE SAME MANUFACTURER AS THE EXISTING PANELBOARD. FIELD VERIFY THE EXISTING CONDITIONS AND AVAILABLE CIRCUITS.
18. PAINTING IS NOT REQUIRED.
19. THIS CONTRACTOR SHALL BE RESPONSIBLE FOR THE INSTALLATION AND COST OF CONCRETE BASES REQUIRED FOR SUPPORT OF THE POLE MOUNTED LIGHTING FIXTURES. REFER TO DETAIL ON DRAWINGS. CONCRETE SHALL BE IN ACCORDANCE WITH ARCHITECTURAL SPECIFICATIONS.
20. LIGHTING EQUIPMENT SHALL COMPLY WITH ALL REQUIREMENTS OF LOCAL RULES, REGULATIONS, AND ORDINANCES AND THE NATIONAL ELECTRIC CODE. EACH FIXTURE SHALL BEAR THE LABEL OF THE UNDERWRITERS' LABORATORIES, INC. AND MANUFACTURERS' IDENTIFICATION.
21. ALL LIGHTING FIXTURES SHALL BE FULLY GASKETED AND APPROVED FOR EXTERIOR USE. IN GENERAL, ALL LIGHTING FIXTURES SHALL BE UL LISTED, COMPLETE IN EVERY DETAIL, PROPERLY WIRED AND CONNECTED WITH CONDUITS SUPPLYING SAME.
22. PRIOR TO INSTALLATION AND DURING CONSTRUCTION, ALL FIXTURES SHALL BE ADEQUATELY PROTECTED AGAINST PHYSICAL DAMAGE AND DAMAGE CAUSED BY THE ELEMENTS. FAILURE TO PROVIDE SAID PROTECTION WILL RESULT IN PROVISION OF NEW EQUIPMENT AT THE COST OF THE CONTRACTOR.
23. AT THE COMPLETION OF WORK, ALL FIXTURES SHALL BE CLEAN AND FREE OF FOREIGN MATERIAL AND DEBRIS. REPLACE ALL BURNED-OUT OR DEFECTIVE LAMPS, BALLASTS, FUSES, LENS, ETC.
24. LED LIGHT SOURCES SHALL INCLUDE DRIVER WHICH SHALL OPERATE FROM AND INPUT VOLTAGE OF 100 TO 280 VOLTS. DRIVER SHALL BE UL LISTED AND SHALL BE WARRANTED FOR A MINIMUM OF 3 YEARS. THE LED DRIVER SHALL BE DESIGNED FOR OUTDOOR APPLICATIONS, AND SHALL PROVIDE SATISFACTORY STARTING AT AN AMBIENT TEMPERATURE OF -24°C, MINIMUM. DRIVER SHALL INCLUDE INTERNAL SURGE SUPPRESSION AND SHALL BE CAPABLE OF OPERATION FROM UTILITY GRADE POWER AVAILABLE AT THIS SITE. ANY VOLTAGE REGULATING, SURGE SUPPRESSION, ETC, REQUIRED SHALL BE INTEGRAL TO THE LIGHT FIXTURE.
25. EXPOSED FOUNDATION SOILS TO BE COMPACTED USING A PLATE COMPACTOR PRIOR TO INSTALLATION AND COMPACTION OF THE AGGREGATE BASE LAYER REQUIRED.

LIGHTING FIXTURE SCHEDULE	
TYPE	DESCRIPTION
"A"	LED TYPE RECESSED OPEN APERTURE AIMABLE DIRECTIONAL PINHOLE DOWN LIGHT SUITABLE FOR EXTERIOR USE. 12 WATT, 800 LUMENS, 4100 K, CRI OF 90, AIR TIGHT OPTICAL ASSEMBLY, 0 TO 45 DEGREE VERTICAL AND 360 DEGREE HORIZONTAL AIMING ADJUSTMENT, -30 TO 60 DEGREE C OPERATION, WHITE DIE CAST FLAT ALUMINUM 2" PINHOLE TRIM, CORROSION RESISTANT ACRYLIC ENAMELED ALUMINUM HOUSING, ALUMINUM HEAT SINK, UL LISTED NET LOCATION, PREWIRED JUNCTION BOX, THERMALLY PROTECTED, ELECTRONIC DRIVER WITH 120 VOLT (PLUS OR MINUS 10%) INPUT, ADJUSTABLE MOUNTING HARDWARE, KIRLIN #LRR-02021-43-RH-AT.
	EXACT MOUNTING LOCATION OF FIXTURES TO BE DETERMINED FROM FIELD MOCK UP PRIOR TO ACTUAL INSTALLATION. NOTIFY ARCHITECT/OWNER SEVEN DAYS PRIOR TO PLANNED MOCK UP DATE AND RECEIVE OWNER/ARCHITECTS APPROVAL. WHEN CANOPY FRAMING IS CONSTRUCTED, ENERGIZE ONE FIXTURE FROM TEMPORARY 120 VOLT SOURCE, ADJUST TILT FROM 35 TO 45 DEGREE AND DETERMINE ANGLE AND LOCATION THAT BEST ILLUMINATES BELL. FINAL LOCATION AND AIMING TO BE APPROVED BY ARCHITECT WHO WILL BE PRESENT AT THE MOCK UP.



LIGHTING PLAN

1/2" = 1'-0"



9100 Lapeer Rd. Suite B  
Davison, MI 48423  
(810) 412-5640



BERBIGLIA ASSOCIATES INC.  
CONSULTING ENGINEERS

NO.	DESCRIPTION	DATE
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BIRMINGHAM HISTORICAL MUSEUM

BELL PLAZA

596 W MAPLE ROAD  
BIRMINGHAM MI

DRAWING TITLE

LIGHTING PLAN

PROJECT NO.	13-240
DATE	12-9-13
DRAWN	BER
CHECKED	JH

E101

CAD FILE NO.		E101	
SCALE	1/2"=1'-0"	SHEET	6 OF 6

**ATTACHMENT B - BIDDER'S AGREEMENT**  
**For Historical Museum & Park Bell Project**

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In submitting this proposal, as herein described, the Contractor agrees that:

1. They have carefully examined the specifications, terms and Agreement of the Request for Proposal and all other provisions of this document and understand the meaning, intent, and requirement of it.
2. They will enter into a written contract and furnish the item or items in the time specified in conformance with the specifications and conditions contained therein for the price quoted by the proponent on this proposal.

<u>Ricky Fox</u>	<u>4-12-16</u>
<b>PREPARED BY</b> (Print Name)	<b>DATE</b>
<u>PROJECT MANAGER</u>	<u>" "</u>
<b>TITLE</b>	<b>DATE</b>
<u>R. Fox</u>	<u>RICKY@HOLSBEKE.COM</u>
<b>AUTHORIZED SIGNATURE</b>	<b>E-MAIL ADDRESS</b>
<u>HOLSBEKE CONSTRUCTION INC.</u>	
<b>COMPANY</b>	
<u>325 NORTH AVE. MT. CLEMENS 48043</u>	<u>586.468.2971</u>
<b>ADDRESS</b>	<b>PHONE</b>
 <u> </u>	
<b>NAME OF PARENT COMPANY</b>	<b>PHONE</b>
 <u> </u>	
<b>ADDRESS</b>	

**ATTACHMENT C - COST PROPOSAL**  
**For Historical Museum & Park Bell Project**

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	
ITEM	BID AMOUNT
Materials & Equipment	\$ 29,000.00
Labor	\$ 25,000.00
Miscellaneous (Attach Detailed Description)	\$ —
<b>TOTAL BID AMOUNT</b>	<b>\$ 54,000.00</b>
ADDITIONAL BID ITEMS	
To relocate and to secure The Historical Bell Structure as approved on the Blue print.	\$ 1,000.00
<b>GRANDTOTAL AMOUNT</b>	<b>\$ 55,000.00</b>

Firm Name HOLSBEKE CONSTRUCTION INC.

Authorized signature R. Fay Date 4-12-16

**ATTACHMENT D - IRAN SANCTIONS ACT VENDOR CERTIFICATION FORM**  
**For Historical Museum & Park Bell Project**

Pursuant to Michigan Law and the Iran Economic Sanction Act, 2012 PA 517 ("Act"), prior to the City accepting any bid or proposal, or entering into any contract for goods or services with any prospective Vendor, the Vendor must certify that it is not an "Iran Linked Business", as defined by the Act.

By completing this form, the Vendor certifies that it is not an "Iran Linked Business", as defined by the Act and is in full compliance with all provisions of the Act and is legally eligible to submit a bid for consideration by the City.

<u>Ricky Fox</u>		<u>4-12-16</u>	
<b>PREPARED BY</b>		<b>DATE</b>	
<b>(Print Name)</b>			
<u>PROJECT MANAGER</u>		<u>4-12-16</u>	
<b>TITLE</b>		<b>DATE</b>	
<u>R. Fox</u>		<u>RICKY@HOLSBEKE.COM</u>	
<b>AUTHORIZED SIGNATURE</b>		<b>E-MAIL ADDRESS</b>	
<u>HOLSBEKE CONSTRUCTION INC.</u>			
<b>COMPANY</b>			
<u>325 NORTH AVE MT. CLEMENS 48043</u>		<u>586.468.2771</u>	
<b>ADDRESS</b>		<b>PHONE</b>	
<b>NAME OF PARENT COMPANY</b>		<b>PHONE</b>	
<b>ADDRESS</b>			
<u>38-2028134</u>			
<b>TAXPAYER I.D.#</b>			



**ATTACHMENT A - AGREEMENT**  
**For Historical Museum & Park Bell Project**

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This AGREEMENT, made this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by and between CITY OF BIRMINGHAM, having its principal municipal office at 151 Martin Street, Birmingham, MI (hereinafter sometimes called "City"), and Holsbeke Construction, Inc., having its principal office at 325 North Ave., Mt. Clemens, MI 48043 (hereinafter called "Contractor"), provides as follows:

**WITNESSETH:**

**WHEREAS**, the City of Birmingham, through its Maintenance Department, is desirous of having work completed to construct and install of the Historical Bell Structure at the Birmingham Historical Museum and Park in the City of Birmingham.

**WHEREAS**, the City has heretofore advertised for bids for the procurement and performance of services to furnish all labor, materials, and equipment required for the construction and installation of a Historical Bell Structure between the Allen and The Hunter House at the Birmingham Historical Museum & Park, located at 556 W. Maple Rd., Birmingham, Michigan 48009, and in connection therewith has prepared a request for sealed proposals ("RFP"), which includes certain instructions to bidders, specifications, terms and conditions.

**WHEREAS**, the Contractor has professional qualifications that meet the project requirements and has made a bid in accordance with such request for cost proposals to furnish all labor, materials, and equipment required for the construction and installation of a Historical Bell between the Allen and The Hunter House at the Birmingham Historical Museum & Park, located at 556 W. Maple Rd., Birmingham, Michigan, 48009

**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 furnish all labor, materials, and equipment required for the construction and installation of a Historical Bell between the Allen and The Hunter House at the Birmingham Historical Museum & Park, located at 556 W. Maple Rd., Birmingham, Michigan, and the Contractor's cost proposal dated April 12, 2016 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 \$ 55,000.00, as set forth in the Contractor's April 12, 2016 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. ( If applicable)

- 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. (If applicable)
- 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: Carlos Jorge  
151 Martin Street  
Birmingham, MI 48009  
248.530.1882

Holsbeke Construction, Inc.  
Attn: Ricky Fox  
325 North Ave.  
Mt. Clemens, MI 48043  
586.468.2971

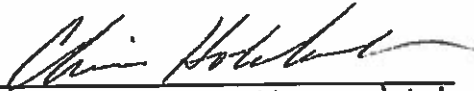
17. Any controversy or claim arising out of or relating to this Agreement, or the breach thereof, shall be settled either by commencement of a suit in Oakland County Circuit Court, the 48th District Court or by arbitration. If both parties elect to have the dispute resolved by arbitration, it shall be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

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

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

WITNESSES:

CONTRACTOR


By:   
Ricky Fox Chris Holsbeke  
Its: Project Manager VP


CITY OF BIRMINGHAM


By: \_\_\_\_\_  
Rockeline J. Hoff  
Its: Mayor


By: \_\_\_\_\_  
Laura Pierce  
Its: City Clerk

Approved:

  
Carlos Jorge, Building Superintendent  
(Approved as to substance)

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

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

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



## MEMORANDUM

Department of Public Services

**DATE:** March 23, 2016

**TO:** Joseph A. Valentine, City Manager

**FROM:** Lauren A. Wood, Director of Public Services

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

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

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

The amount designated for the City of Birmingham is \$4,298.44. This amount has increased over last year's which was \$2,648.39. Birmingham must apply for reimbursement and our project must meet the eligibility requirements as determined by the Oakland County Health Division. This is the twelfth year for this reimbursement program.

We spend approximately \$9,600 in Larvicide material to administer our mosquito control program each season. The program includes treating the local catch basins throughout the community, once during the season. This activity is eligible for reimbursement under Oakland County's West Nile Virus Fund Program.

**SUGGESTED RESOLUTION:**

To approve the attached resolution requesting reimbursement for the maximum allotment of \$4,298.44 for eligible mosquito control activity under the Oakland County's West Nile Virus Fund Program.

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

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

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

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

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

**DATED**  
**SIGNED**  
**CERTIFIED**



**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, April 25, 2016, 7:30 PM Municipal Building, 151 Martin, Birmingham, MI
Meeting Date, Time, Location:	HEARING OF CONFIRMATION FOR SPECIAL ASSESSMENT DISTRICT Monday, May 9, 2016, 7:30 PM Municipal Building, 151 Martin, Birmingham, MI
Location:	Webster Avenue Paving Project Area
Nature of Improvement:	Installation of sewer laterals
City Staff Contact:	Paul O'Meara 248.530.1836 <a href="mailto:pomeara@bhamgov.org">pomeara@bhamgov.org</a>
Notice Requirements:	Mail to affected property owners Publish April 10 <sup>th</sup> and April 17 <sup>th</sup> , 2016
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

Finance Department

**DATE:** May 9, 2016

**TO:** Joseph A. Valentine, City Manager

**FROM:** Teresa Klobucar, Deputy Treasurer

**CC:** Mark Gerber, Finance Director/Treasurer

**SUBJECT:** Resolution for Confirming S.A.D. # 876- Webster Ave  
Paving Project Sewer Laterals

For purposes of installing new sewer laterals that would specially benefit properties within the limits of the Webster Ave Paving Project, it is requested that the City Commission adopt the following resolution confirming S.A.D. No. 876 at the regular City Commission meeting of May 9, 2016. Comments during the hearing of confirmation are limited to those questions specifically addressing the assessment roll pursuant to Section 94-9 of the City Code. The hearing declaring the necessity of the Special Assessment District was held at the City Commission meeting of April 25, 2016.

**SUGGESTED RESOLUTION:**

To confirm Special Assessment Roll No. 876, to defray the cost of installing new sewer laterals on Webster Ave:

WHEREAS, Special Assessment Roll, designated Roll No. 876, 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 04-122-06 provided it would meet this 9th day of May 2016 for the sole purpose of reviewing the assessment roll, and

WHEREAS, at said hearing held this May 9, 2016, 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. 876 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.

SEWER LATERAL CHART							
Webster Ave. Paving Project - Contract #4-16(P)							
Parcel ID	Address	Street	Pipe Type	Date Installed	SAD?	Estimated Length	Estimated Cost
Webster Ave. - S. Adams Rd. to S. Eton Rd.							6"
NORTH SIDE							\$48
20-31-153-034	1155	Webster	Unknown	---	Y	18	\$864
20-31-153-035	1169		A.C.	1951	Y	18	\$864
20-31-153-037	1211		A.C.	1951	Y	18	\$864
20-31-153-039	1239		Unknown	---	Y	20	\$960
20-31-153-040	1255		Unknown	---	Y	20	\$960
20-31-153-041	1267		O.B.	1953	Y	20	\$960
20-31-153-042	1275		Unknown	---	Y	20	\$960
20-31-153-043	1301		O.B.	1954	Y	20	\$960
20-31-153-048	1363		Unknown	--	Y	20	\$960
20-31-153-049	1375		Unknown	---	Y	20	\$960
20-31-153-051	1407		Wedgelock	1964	Y	20	\$960
20-31-153-063	1461		Unknown	1941	Y	20	\$960
20-31-153-054	1475		O.B.	1957	Y	20	\$960
20-31-153-055	1489		Unknown	1941	Y	20	\$960
20-31-153-056	1515		Clay	1941	Y	20	\$960
20-31-153-064	1545		Unknown	1941	Y	20	\$960
20-31-153-065	1563		Unknown	1942	Y	20	\$960
20-31-153-061	1591		Clay	1944	Y	20	\$960
20-31-178-036	1669		Cast Iron	1946	Y	18	\$864
20-31-178-037	1687		Cast Iron	1946	Y	18	\$864
20-31-178-041	1745		Cast Iron	1944	Y	18	\$864
20-31-178-042	1759		Clay	1943	Y	18	\$864
20-31-178-043	1777		Clay	1943	Y	18	\$864
20-31-178-045	1801		Clay	1943	Y	18	\$864
20-31-178-046	1823		Cast Iron	1943	Y	18	\$864
20-31-178-047	1835		Clay	1943	Y	18	\$864
20-31-178-048	1847		Cast Iron	1943	Y	18	\$864
20-31-178-050	1899		Cast Iron	1946	Y	18	\$864
20-31-178-051	1915		Cast Iron	1946	Y	18	\$864
20-31-178-052	1931		Cast Iron	1946	Y	18	\$864
20-31-178-055	1971		O.B.	1955	Y	18	\$864
20-31-178-056	1989		O.B.	1955	Y	18	\$864
SOUTH SIDE							
20-31-154-001	1108	Webster	O.B.	1951	Y	34	\$1,632
20-31-154-002	1132		O.B.	1951	Y	34	\$1,632
20-31-154-003	1140		O.B.	1951	Y	34	\$1,632
20-31-154-004	1158		O.B.	1958	Y	34	\$1,632
20-31-154-005	1172		O.B.	1953	Y	34	\$1,632
20-31-154-007	1212		Unknown	---	Y	34	\$1,632
20-31-154-008	1228		Unknown	---	Y	34	\$1,632
20-31-154-010	1264		Unknown	---	Y	32	\$1,536
20-31-154-012	1312		Clay	1941	Y	32	\$1,536
20-31-154-015	1368		O.B.	1962	Y	32	\$1,536
20-31-154-016	1380		Unknown	--	Y	32	\$1,536
20-31-154-017	1408		Unknown	--	Y	32	\$1,536
20-31-154-018	1424		O.B.	1962	Y	32	\$1,536
20-31-154-019	1440		O.B.	1961	Y	32	\$1,536
20-31-154-021	1462		Unknown	---	Y	32	\$1,536
20-31-154-022	1478		Unknown	1941	Y	32	\$1,536
20-31-154-023	1494		Clay	1940	Y	32	\$1,536
20-31-154-024	1530		Unknown	1941	Y	32	\$1,536
20-31-154-025	1544		Unknown	1941	Y	32	\$1,536
20-31-154-027	1572		Clay	1941	Y	32	\$1,536
20-31-154-058	1632		Clay	1941	Y	32	\$1,536
20-31-179-004	1646		Clay	1944	Y	32	\$1,536
20-31-179-005	1658		Cast Iron	1944	Y	32	\$1,536
20-31-179-006	1674		Clay	1944	Y	32	\$1,536
20-31-179-007	1690		Cast Iron	1944	Y	32	\$1,536
20-31-179-008	1710		Cast Iron	1944	Y	32	\$1,536
20-31-179-009	1734		Cast Iron	1944	Y	32	\$1,536
20-31-179-010	1748		Cast Iron	1944	Y	32	\$1,536
20-31-179-012	1782		Cast Iron	1944	Y	32	\$1,536

		<b>SEWER LATERAL CHART</b>						
	<b>Webster Ave. Paving Project - Contract #4-16(P)</b>							
<b>Parcel ID</b>	<b>Address</b>	<b>Street</b>	<b>Pipe Type</b>	<b>Date</b>	<b>SAD?</b>	<b>Estimated</b>	<b>Estimated</b>	
20-31-179-013	1798		Cast Iron	1944	Y	32	\$1,536	
20-31-179-015	1826		Clay	1943	Y	32	\$1,536	
20-31-179-017	1854		Clay	1943	Y	32	\$1,536	
20-31-179-018	1870		Cast Iron	1943	Y	32	\$1,536	
20-31-179-020	1898		Cast Iron	1946	Y	32	\$1,536	
20-31-179-021	1916		Cast Iron	1946	Y	32	\$1,536	
20-31-179-022	1932		Cast Iron	1946	Y	32	\$1,536	
20-31-179-023	1954		Cast Iron	1946	Y	32	\$1,536	
20-31-179-062	1996		O.B.	1955	Y	32	\$1,536	
				TOTAL =		1836	\$88,128	

**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, April 25, 2016, 7:30 PM Municipal Building, 151 Martin, Birmingham, MI
Meeting Date, Time, Location:	HEARING OF CONFIRMATION FOR SPECIAL ASSESSMENT DISTRICT Monday, May 9, 2016, 7:30 PM Municipal Building, 151 Martin, Birmingham, MI
Location:	Webster Avenue Paving Project Area
Nature of Improvement:	Installation of sewer laterals
City Staff Contact:	Paul O'Meara 248.530.1836 <a href="mailto:pomeara@bhamgov.org">pomeara@bhamgov.org</a>
Notice Requirements:	Mail to affected property owners Publish April 10 <sup>th</sup> and April 17 <sup>th</sup> , 2016
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.

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## MEMORANDUM

Engineering Dept.

**DATE:** April 18, 2016

**TO:** Joseph Valentine, City Manager

**FROM:** Paul T. O'Meara, City Engineer

**SUBJECT:** Webster Ave. Paving Project  
Sewer Lateral Replacement Special Assessment District  
Public Hearing

---

At the Commission meeting of March 28, 2016, the City Commission set a date of April 25, 2016 to hold a public hearing of necessity for the replacement of sewer laterals located within the limits of the Webster Ave. Paving Project. Also at that meeting, a confirmation hearing date of May 9, 2016 was set, should the assessment district be authorized. Attached for your information are the previous report that was prepared on this subject, as well as the public hearing notice most recently sent out.

Every owner in the district has been sent the attached letter. To date, our office has received questions from several homeowners asking the usual questions that come up for a project of this nature. No comments of objection to the sewer replacements have been received.

A suggested resolution has been prepared below should the Commission wish to consider authorizing this project.

### SUGGESTED RESOLUTION (SEWER LATERAL REPLACEMENT):

WHEREAS, The City Commission has passed Ordinance No. 1906, to establish and adopt requirements and procedures for the replacement of sewer lateral lines when the City street is open for repairs or reconstruction; and

WHEREAS, The City Commission is of the opinion that replacement of sewer laterals not meeting current criteria as a part of the planned road paving project is declared a necessity; and

WHEREAS, formal bids have been received and the actual cost per foot for replacement of the sewer laterals has been determined,

RESOLVED, that all sewer laterals not meeting current criteria located within the limits of the following streets shall be replaced as a part of the paving project on Webster Ave. from Adams Rd. to Eton Rd.

RESOLVED, that at such time as the Assessor is directed to prepare the assessment roll, of which 100% of the contractor's charge to replace sewer lateral (calculated at the rate of \$48 per linear foot) shall be charged to the adjoining property owners benefiting from the sewer lateral,

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, within the following district:

**"Leinbach – Humphrey's Woodward Ave. Subdivision"**

Lots 97-100 inclusive, the easterly 40 ft. of lot 101, the westerly 25 ft. of lot 104, lots 105, 106, the easterly 20 ft. of lot 107, lots 114-122 inclusive, the easterly 20 ft. of lot 123, lots 125, 127, 128, lots 132-137 inclusive, lots 140, 141, 145-149 inclusive, lots 151, 152, 155, 158, lots 161-173 inclusive, the westerly 218.05 ft. of lot 174, the easterly 10 ft. of lot 177, lots 178-186 inclusive, the westerly 30 ft. of lot 187, lots 189, 190.

**"Birmingham Gardens"**

Lots 420, 421, 424-427 inclusive, the easterly 15 ft. of lot 428, the westerly 25 ft. of lot 430, lots 431, 432, the easterly 35.40 ft. of lot 433, lot 435, the westerly 10 ft. of lot 436, the easterly 20 ft. of lot 437, lots 438, 439, the easterly 30 ft. of lot 441, lots 442-445 inclusive, the westerly 10 ft. of lot 446.

RESOLVED, that the Commission shall meet on Monday, May 9, 2016, at 7:30 P.M., for the purpose of conducting a public hearing to confirm the roll for the replacement of sewer laterals within the Webster Ave. Paving Project.



**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, April 25, 2016, 7:30 PM Municipal Building, 151 Martin, Birmingham, MI
Meeting Date, Time, Location:	HEARING OF CONFIRMATION FOR SPECIAL ASSESSMENT DISTRICT Monday, May 9, 2016, 7:30 PM Municipal Building, 151 Martin, Birmingham, MI
Location:	Webster Avenue Paving Project Area
Nature of Improvement:	Installation of sewer laterals
City Staff Contact:	Paul O'Meara 248.530.1836 <a href="mailto:pomeara@bhamgov.org">pomeara@bhamgov.org</a>
Notice Requirements:	Mail to affected property owners Publish April 10 <sup>th</sup> and April 17 <sup>th</sup> , 2016
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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.

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March 31, 2016

TO: Property Owners

RE: Webster Ave. Paving Project  
Sewer Lateral Replacement

The City of Birmingham has scheduled significant work on your street during the 2016 construction season. Upgrades to the water and sewer system, and complete street replacement are planned. More information relative to the project itself will be forwarded in the coming weeks as the time schedule firms up.

Accompanying this letter is a public hearing notice regarding a meeting scheduled to occur on April 25, 2016. The public hearing is to consider a Special Assessment District for replacing the sewer laterals to each individual home. This letter is to help clarify what is being discussed.

As a part of all street paving projects, the City has found that significant savings can be attained both for the City and adjacent property owners when underground pipelines (such as the water and sewer systems) are repaired or replaced (if needed) when the pavement is removed. Traditionally, the City has taken advantage of these opportunities, and replaced public water mains and sewers during these projects, at significant savings to the ratepayers.

Each homeowner typically has one water service (supplying fresh water to the house) and one sewer lateral (to drain wastewater) extending from the front of the house, through the front yard, and into the public right-of-way, to connect with the public water main and sanitary sewers. The distance from the property line (one foot off the sidewalk towards the house) to the City's sewer and water lines can vary between 20 and 45 feet, depending on their locations within the roadway. The water service and sewer lateral were generally installed at the time the house was built, at the expense of the builder or owner. Since these services only benefit one property, they are not considered a part of the City's public system, and maintenance and repair of them is the responsibility of each individual property owner.

The majority of Birmingham's homes are now over 50 years old. The typical service life of a sewer lateral is 50 years. Many sewer laterals in Birmingham are nearing the end of their service life, and should be replaced. Unexpected failures of sewer laterals can result in flooded basements and damage to personal property. Repair of a sewer lateral in such an emergency situation can often cost over \$6,000. Recent experience has shown that replacing sewer laterals as a part of our paving projects can substantially reduce the cost. In addition, it is in the public's best interest to replace all of the existing old sewers and sewer laterals prior to replacing the pavement, so that additional cuts into the pavement can be reduced in the future, extending the service life of the road. With that in mind, the City Code requires that all sewer laterals that do not meet current standards be replaced on such paving projects, at property owner expense (Chapter 114, Article III, Sec. 114-171). If you would like to review the City Code requirement, there is a City Code and Ordinances link on the City's website (<http://bhamgov.org>), under the City Government menu.

If you are receiving this letter, our records indicate that your sewer lateral does not meet current standards, and it is our intent to have the sewer lateral (within the City right-of-way only) removed and replaced as a part of this project. The actual cost of replacing the sewer lateral will be charged to you, and will vary depending on the actual location of the City sewer, and any other obstacles, such as trees, that are in the way. The unit rate that will be charged is \$48.00 per linear foot of pipe installed by the contractor, for all 6 inch plastic pipe servicing the homes along these blocks.

After the work is completed, the actual amount of pipe installed will be measured, and an invoice will be generated and sent to the property owner of record. Payment in full will be expected within 30 days of receipt. If you are not in a position to pay off the charge in one payment, it can be broken into as many as 10 annual payments. An annual interest charge on the remaining balance (currently about 4%) will apply. If you would like to know the actual amount estimated for your property, please contact our office at (248) 530-1850, and ask for the Engineering Dept. It is expected that almost all of the homes on this project will be charged in the following ranges:

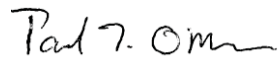
If you feel that the sewer lateral has been judged unfairly, you may submit an appeal in writing within 30 days of receipt of this letter. The appeal must have attached written invoices clarifying that replacement or repair has occurred which has renewed this pipe. If that is not available, submit an internal inspection videotape documenting the condition of the pipe. The videotape will have to clarify that the pipe was constructed of PVC materials meeting current standards. Submittal of a videotape showing a sewer lateral in good working order, but made of outdated materials such as cast iron, orangeburg, or clay will not be sufficient. Due to the low prices being quoted above, all sewer laterals of this nature must be replaced, even if they are in good working order today. In the long run, saving the lateral will end up costing the property owner much more to replace later, not to mention the damage to the street.

You also have the right to comment directly to the City Commission about the policy in general, at the public hearing noticed on the attached announcement. Questions or concerns particular to your sewer lateral are best handled by the Engineering Department, rather than the City Commission.

Those homeowners struggling financially with respect to this issue should also contact our office, and we can review with you other programs that the City has available to ensure that you are able to maintain your home, but get these needed improvements done as well.

Please contact our office at (248) 530-1850, if you have any questions.

Sincerely,



Paul T. O'Meara, P.E.  
City Engineer



## MEMORANDUM

Engineering Dept.

**DATE:** March 22, 2016

**TO:** Joseph A. Valentine, City Manager

**FROM:** Paul T. O'Meara, City Engineer

**SUBJECT:** Webster Ave. Paving Project  
Sewer Lateral Special Assessment District

In accordance with current policy, the Engineering Dept. plans to replace all older sewer laterals underneath the new proposed pavement on the above project, which includes the two blocks of Webster Ave. between Adams Rd. and Eton Rd.

As recommended under separate cover, it is anticipated that this construction contract will be awarded to DiPonio Contracting, Inc., with their low bid of \$1,780,615. In the past, the City has compared the low bidder's price for this work item with the other bidders, to ensure the price of this work, which will be assessed, reflects the actual value of the work. A list of the sewer lateral bid prices for all the bidders follows below:

<b>CONTRACTOR (in order of lowest to highest bidder based on total price)</b>	<b>BID PRICE (PER FOOT)</b>
DiPonio Contracting, Inc.	\$48.00
V.I.L. Construction, Inc.	\$25.00
F.D.M. Contracting, Inc.	\$70.00
Pamar Enterprises, Inc.	\$65.00
Superior Excavating Co.	\$42.00
Merlo Construction Co.	\$125.00
<b>Average Price Per Foot</b>	<b>\$62.50</b>

While the cost is higher than two of the other bidders, DiPonio's price is lower than the average price bid. Further, the price is in the general range of cost that has been charged on recent projects of this type. If these property owners waited until their sewer lateral failed, repairing these pipes in the downtown area would be both a costly and disruptive process. We believe charging the low bidder's price (\$48), is appropriate. As shown on the attached list, prices to be charged to homeowners are expected to range from \$864 to \$1,632.

It is recommended that a public hearing of necessity be scheduled at the Monday, April 25, 2016 City Commission meeting. It is further recommended that the public hearing to confirm the roll be held on Monday, May 9, 2016 at the \$48.00/linear ft. unit price.

SUGGESTED RESOLUTION:

RESOLVED, that the City Commission shall meet on Monday, April 25, 2016, at 7:30 P.M., for the purpose of conducting a public hearing of necessity for the installation of lateral sewers within the Webster Ave. Paving project area.  
Be it further

RESOLVED, that the City Commission meet on Monday, May 9, 2016, at 7:30 P.M. for the purpose of conducting a public hearing to confirm the roll for the installation of lateral sewers in the Webster Ave. Paving project area.

## SEWER LATERAL CHART

Webster Ave. Paving Project - Contract #4-16(P)

Address	Street	Pipe Type	Date	SAD?	Estimated	Estimated
			Installed		Length	Cost
						6"

Webster Ave. - S. Adams Rd. to S. Eton Rd.

\$48

NORTH SIDE

877	S. Adams	On Adams	1969	N	0	\$0
1155	Webster	Unknown	---	Y	18	\$864
1169		A.C.	1951	Y	18	\$864
1183		P.V.C.	2006	N	0	\$0
1211		A.C.	1951	Y	18	\$864
1223		P.V.C.	2015	N	0	\$0
1239		Unknown	---	Y	20	\$960
1255		Unknown	---	Y	20	\$960
1267		O.B.	1953	Y	20	\$960
1275		Unknown	---	Y	20	\$960
1301		O.B.	1954	Y	20	\$960
1307		P.V.C.	2015	N	0	\$0
1333		Wedgelock	1975	N	0	\$0
1335		P.V.C.	2012	N	0	\$0
1347		P.V.C.	2009	N	0	\$0
1363		Unknown	--	Y	20	\$960
1375		Unknown	---	Y	20	\$960
1387		P.V.C.	2014	N	0	\$0
1407		Wedgelock	1964	Y	20	\$960
1461		Unknown	1941	Y	20	\$960
1475		O.B.	1957	Y	20	\$960
1489		Unknown	1941	Y	20	\$960
1515		Clay	1941	Y	20	\$960
1545		Unknown	1941	Y	20	\$960
1563		Unknown	1942	Y	20	\$960
1591		Clay	1944	Y	20	\$960
1609		P.V.C.	2006	N	0	\$0
1619		P.V.C.	2006	N	0	\$0
1629		P.V.C.	2006	N	0	\$0
1641		P.V.C.	1988	N	0	\$0
1657		P.V.C.	2004	N	0	\$0
1669		Cast Iron	1946	Y	18	\$864
1687		Cast Iron	1946	Y	18	\$864
1707		P.V.C.	2015	N	0	\$0
1737		P.V.C.	2013	N	0	\$0
1745		Cast Iron	1944	Y	18	\$864
1759		Clay	1943	Y	18	\$864
1777		Clay	1943	Y	18	\$864
1785		P.V.C.	2014	N	0	\$0
1801		Clay	1943	Y	18	\$864
1823		Cast Iron	1943	Y	18	\$864
1835		Clay	1943	Y	18	\$864
1847		Cast Iron	1943	Y	18	\$864
1867		P.V.C.	2005	N	0	\$0
1867		P.V.C. - Storm	2005	N	0	\$0
1879		P.V.C.	2005	N	0	\$0
1899		Cast Iron	1946	Y	18	\$864
1915		Cast Iron	1946	Y	18	\$864
1931		Cast Iron	1946	Y	18	\$864
1951		P.V.C.	2005	N	0	\$0
1951		P.V.C. - Storm	2005	N	0	\$0
1965		P.V.C.	2005	N	0	\$0
1971		O.B.	1955	Y	18	\$864
1989		O.B.	1955	Y	18	\$864

## SOUTH SIDE

1108	Webster	O.B.	1951	Y	34	\$1,632
1132		O.B.	1951	Y	34	\$1,632
1140		O.B.	1951	Y	34	\$1,632
1158		O.B.	1958	Y	34	\$1,632
1172		O.B.	1953	Y	34	\$1,632
1182		P.V.C.	2005	N	0	\$0
1212		Unknown	---	Y	34	\$1,632
1228		Unknown	---	Y	34	\$1,632
1240		P.V.C.	2010	N	0	\$0
1264		Unknown	---	Y	32	\$1,536
1270		P.V.C.	2006	N	0	\$0
1280		P.V.C.	2006	N	0	\$0
1312		Clay	1941	Y	32	\$1,536
1324		P.V.C.	2014	N	0	\$0
1352		P.V.C.	2014	N	0	\$0
1368		O.B.	1962	Y	32	\$1,536
1380		Unknown	--	Y	32	\$1,536
1408		Unknown	--	Y	32	\$1,536
1424		O.B.	1962	Y	32	\$1,536
1440		O.B.	1961	Y	32	\$1,536
1448		P.V.C.	2005	N	0	\$0
1462		Unknown	---	Y	32	\$1,536
1478		Unknown	1941	Y	32	\$1,536
1494		Clay	1940	Y	32	\$1,536
1530		Unknown	1941	Y	32	\$1,536
1544		Unknown	1941	Y	32	\$1,536
1558		P.V.C.	2014	N	0	\$0
1572		Clay	1941	Y	32	\$1,536
1610		P.V.C.	2002	N	0	\$0
1618		P.V.C.	2002	N	0	\$0
1632		Clay	1941	Y	32	\$1,536
1646		Clay	1944	Y	32	\$1,536
1658		Cast Iron	1944	Y	32	\$1,536
1674		Clay	1944	Y	32	\$1,536
1690		Cast Iron	1944	Y	32	\$1,536
1710		Cast Iron	1944	Y	32	\$1,536
1734		Cast Iron	1944	Y	32	\$1,536
1748		Cast Iron	1944	Y	32	\$1,536
1762		P.V.C.	2006	N	0	\$0
1782		Cast Iron	1944	Y	32	\$1,536
1798		Cast Iron	1944	Y	32	\$1,536
1804		P.V.C.	2002	N	0	\$0
1804		P.V.C. - Storm	2002	N	0	\$0
1826		Clay	1943	Y	32	\$1,536
1838		P.V.C.	2015	N	0	\$0
1854		Clay	1943	Y	32	\$1,536
1870		Cast Iron	1943	Y	32	\$1,536
1888		Wedgelock	1988	N	0	\$0
1898		Cast Iron	1946	Y	32	\$1,536
1916		Cast Iron	1946	Y	32	\$1,536
1932		Cast Iron	1946	Y	32	\$1,536
1954		Cast Iron	1946	Y	32	\$1,536
1974		P.V.C.	2006	N	0	\$0
1996		O.B.	1955	Y	32	\$1,536

## Torry St. - Haynes Ave. to Webster Ave.

## WEST SIDE

1582	Haynes	On Haynes	1955	N	0	\$0
1572	Holland	On Holland	2004	N	0	\$0
1585		On Holland	2004	N	0	\$0

## EAST SIDE

1606	Haynes	On Haynes	1977	N	0	\$0
1614	Holland	On Holland	2004	N	0	\$0
1617		On Holland	1942	N	0	\$0

TOTAL = 1836 \$88,128

RATIO = 69/113 61%



**Legend**

Sewer Lateral Special Assessment District



## NOTICE OF PUBLIC HEARING

<b>BIRMINGHAM CITY COMMISSION</b>
<b>SPECIAL LAND USE PERMIT AMENDMENT</b>

Meeting Date, Time, Location:	Monday, May 9, 2016, 7:30 PM Municipal Building, 151 Martin Birmingham, MI
Location of Request:	Triple Nickel 555 South Old Woodward, #610
Nature of Hearing:	To consider an amendment to the Special Land Use Permit and Final Site Plan for Triple Nickel to allow for the installation of an on-street outdoor dining platform.
City Staff Contact:	Jana Ecker 248.530.1841 <a href="mailto:jecker@bhamgov.org">jecker@bhamgov.org</a>
Notice Requirements:	Mailed to all property owners and occupants within 300 feet of subject address. Publish April 17, 2016
Approved minutes may be reviewed at:	City Clerk's Office

Persons wishing to express their views may do so in person at the hearing or in writing addressed to City Clerk, City of Birmingham, 151 Martin, Birmingham, MI 48009.
Persons with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk's Office at 248.530.1880 (voice) or 248.644.5115 (TDD) at least one day in advance to request mobility, visual, hearing or other assistance.



## MEMORANDUM

Planning Division

**DATE:** May 2, 2016

**TO:** Joseph A. Valentine, City Manager

**FROM:** Jana L. Ecker, Planning Director

**SUBJECT:** Public Hearing for Revised Final Site Plan & Special Land Use Permit Amendment at 555 S. Old Woodward, Suite 610 – Triple Nickel Restaurant

The Triple Nickel is located at the corner of S. Old Woodward and Bowers. The applicant is seeking approval for a Revised Final Site Plan and a SLUP Amendment for the existing establishment, Triple Nickel to allow for the installation of an on-street outdoor dining platform. Accordingly, the applicant is required to obtain a recommendation from the Planning Board and then approval from the City Commission for the Final Site Plan and SLUP.

On March 23, 2016, the Planning Board conducted a public hearing to discuss a request by the applicant for a Revised Final Site Plan and Special Land Use Permit (SLUP) Amendment to allow the addition of an outdoor dining platform to an existing restaurant serving alcoholic liquors. After much discussion, the Planning Board voted to recommend approval of the Revised Final Site Plan and Special Land Use Permit Amendment for Triple Nickel located at 555 S. Old Woodward, Suite 610 to the City Commission with the following conditions:

1. The applicant will be required to submit the plans for the proposed outdoor dining platform in color;
2. Applicant must submit plans that include refuse containers within the outdoor dining area in accordance with Article 4, Section 44, OD-01 Outdoor Dining Standards (A) (1); and
3. Applicant must submit spec sheets for the proposed outdoor tables and chairs.

The City Commission set a public hearing date for May 9, 2016 to consider approval of the Revised Final Site Plan and Special Land Use Permit Amendment for Triple Nickel. The applicant has now provided amended plans as requested by the Planning Board. Please find attached the plans, staff report presented to the Planning Board, and relevant meeting minutes for your review.

### **SUGGESTED ACTION:**

To approve the Revised Final Site Plan and Special Land Use Permit Amendment for 555 S. Old Woodward, Suite 610 – Triple Nickel to allow the addition of an outdoor dining platform.

TRIPLE NICKEL  
555 S. OLD WOODWARD  
SUITE 610  
SPECIAL LAND USE PERMIT AMENDMENT  
2016

- WHEREAS, TRIPLE NICKEL filed an application pursuant to Article 7, section 7.34 of Chapter 126, Zoning, of the City Code to amend the existing SLUP to operate a new restaurant with an Economic Development License in accordance with Article 3, Section 3.04(c) of Chapter 126, Zoning, of the City Code;
- WHEREAS, The land for which the Special Land Use Permit Amendment is sought is located on the east side of S. Old Woodward between Bowers and Haynes;
- WHEREAS, The land is zoned B-3, and is located within the Downtown Birmingham Overlay District, in the area identified on Map 3.1 of Chapter 126, Zoning, which permits the use of Economic Development Licenses with a Special Land Use Permit;
- WHEREAS, Article 7, section 7.34 of Chapter 126, Zoning requires a Special Land Use Permit Amendment to be considered and acted upon by the Birmingham City Commission, after receiving recommendations on the site plan and design from the Planning Board for the proposed Special Land Use;
- WHEREAS, The applicant submitted an application for a Special Land Use Permit Amendment and Revised Final Site Plan to operate TRIPLE NICKEL as a Restaurant using an Economic Development License with the addition of an outdoor dining platform;
- WHEREAS, The Planning Board on March 23, 2016 reviewed the application for a Special Land Use Permit Amendment and recommended approval of the SLUP Amendment and Revised Final Site Plan review with the following conditions;
1. The applicant will be required to submit the plans for the proposed outdoor dining platform in color;
  2. Applicant must submit plans that include refuse containers within the outdoor dining area in accordance with Article 4, Section 44, OD-01 Outdoor Dining Standards (A) (1); and
  3. Applicant must submit spec sheets for the proposed outdoor tables and chairs.
- WHEREAS, The applicant has agreed to comply with the Planning Board conditions of approval;
- WHEREAS, The Birmingham City Commission has reviewed TRIPLE NICKEL'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 TRIPLE NICKEL application for a Special Land Use Permit Amendment authorizing the construction of an outdoor dining deck in conjunction with the

operation of a restaurant with an Economic Development license at 555 S. Old Woodward in accordance with Chapter 10, Alcoholic Liquors, is hereby approved;

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

1. TRIPLE NICKEL shall abide by all provisions of the Birmingham City Code;
2. The Special Land Use Permit may be canceled by the City Commission upon finding that the continued use is not in the public interest;
3. TRIPLE NICKEL shall provide for the removal of disposable materials resulting from the operation 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;
4. TRIPLE NICKEL shall enter into a contract with the City outlining the details of the proposed economic development option.

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, TRIPLE NICKEL 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 TRIPLE NICKEL 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 TRIPLE NICKEL, which will do business at 555 S. Old Woodward, Birmingham, Michigan, 48009, is 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 TRIPLE NICKEL is recommended for the operation of a restaurant, with a Class C Liquor License, at 555 S. Old Woodward, Suite 610, 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 May 9<sup>th</sup>, 2016.

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Laura M. Pierce, City Clerk

**DATE:** March 16, 2016

**TO:** Planning Board

**FROM:** Jana L. Ecker, Planning Director

**SUBJECT:** Final Site Plan & Special Land Use Permit Amendment  
for 555 S. Old Woodward, Suite 610 –Triple Nickel

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## Executive Summary

The subject site is located at 555 S. Old Woodward, between Bowers Street and Haynes Street. The applicant, Triple Nickel, is proposing to increase their outdoor seating on S. Old Woodward from 16 to 24 by constructing an outdoor dining platform in the front (to the west) of the existing restaurant. The proposed platform is located on the sidewalk abutting the building and extends into S. Old Woodward. Triple Nickel was approved for an Economic Development License and the restaurant was permitted with a Special Land Use Permit ("SLUP") in 2013. A SLUP Amendment is required for any changes to the approved plans in pursuant to Chapter 10, Article II, Division 3.

## 1.0 Land Use and Zoning

- 1.1 Existing Land Use –Triple Nickel started construction in 2014 and opened its doors in April 2015. Prior to the restaurant's opening, the site contained an outdoor plaza space and an enclosed area with an elevator shaft leading to the above-ground parking facilities for 555 S. Old Woodward. The restaurant was constructed around the elevator shaft such that it can still be accessed via a public sidewalk.
- 1.2 Existing Zoning – The property is currently zoned B-3, Office-Commercial, 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
<b>Existing Land Use</b>	555 Building (Commercial/ Office)	555 Building (Commercial/ Residential)	Commercial / Retail	Commercial/ Retail
<b>Existing Zoning District</b>	B-3, Office- Residential	B-3, Office- Residential	B-2 General Business	B-2B General Business
<b>Downtown Overlay Zoning District</b>	D-4	D-4	N/A	D-2

## 2.0 Screening and Landscaping

- 3.1 Screening – Since the plans indicate an outdoor dining platform and no other changes to the exterior of the site, no screening is necessary.
- 3.2 Landscaping – The plans indicate that 4 existing planters will be placed on the sidewalk to border the northern edge of the proposed platform. The platform will be built around one street tree along S. old Woodard. No changes are proposed to the existing street trees or landscaping along S. Old Woodward.

## 3.0 Parking, Loading, Access, and Circulation

- 4.1 Parking – The proposed outdoor dining platform will not eliminate any on-street parking spaces when in use.
- 4.2 Loading - Loading spaces are not required, nor proposed.
- 4.3 Vehicular Access & Circulation - Vehicular access to the building will not be altered.
- 4.4 Pedestrian Access & Circulation – Pedestrian access to the proposed outdoor café is available via the City sidewalk directly adjacent to the

principle S. Old Woodard building entrance. The plan proposes 5 feet in width of unobstructed pedestrian access on the sidewalk along S. Old Woodward, as required.

- 4.5 Streetscape – The applicant is not proposing any improvements to the streetscape.

#### **4.0 Lighting**

The applicant is not proposing any new light fixtures for the outdoor dining platform. The platform has been designed to wrap around one existing 10' tall street lamp and will be located adjacent to one existing 24' tall street lamp.

#### **5.0 Departmental Reports**

- 6.1 Engineering Division – The Engineering Dept. can approve the revised platform size and placement as proposed with a two post canopy system.
- 6.2 Department of Public Services – No concerns.
- 6.3 Fire Department – The Fire Department has two concerns with this project;
1. The Hydrant for the Fire department connection to the suppression system for the high rise structure is at the corner of Bowers and S. Old Woodward. A truck responding from Adams Station to a fire in that building will be connecting to the hydrant and taking hose off the truck around the corner, around the Platform to the FDC. The platform will most likely be damaged and any people on that deck will have to be evacuated or risk injury which takes man power and time. Both are in short supply when fighting a fire, especially a high rise fire.
  2. The cars that are parked out in front of the south tower already create a dangerous visual obstruction with regards to north bound traffic to anyone turning off Bowers onto Old Woodward. Placing a platform closer to Bowers creates an even greater visual obstruction increasing the danger level for drivers and pedestrians.
- 6.4 Police Department – No concerns.
- 6.5 Building Department – A building permit is required for the dining platform and must be obtained prior to the initial installation. An application along with supporting construction documents will need to be submitted for plan review and permit.



## 6.0 Design Review

### 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 areas 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.
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 10:00 p.m., whichever is earlier.
4. Outdoor dining may be permitted on the sidewalk throughout the year with a valid Outdoor Dining License, provided that all outdoor dining fixtures and furnishings must be stored indoors each night between November 16 and March 3 to allow for snow removal.
5. All tables and chairs provided in the outdoor dining shall be constructed primarily of metal, wood, or material of comparable quality.
6. 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.
7. 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. Outdoor dining is permitted to extend in the right-of-way in front of neighboring properties, with the written permission of the property owner(s) and with Planning Board approval, if such property is vacant or the first floor storefront(s) is/are vacant. Outdoor dining areas may extend up to 50% of the lot(s) frontage, if such lot is vacant.

- d. City Commission approval is also required for outdoor dining extensions onto neighboring property if the establishment making such a request holds a bistro license.
  - e. An elevated, ADA compliant, enclosed platform may be erected on the street in front of an eating establishment to create an outdoor dining area from April 1 through November 15 only if the Engineering Department determines there is sufficient space available for this purpose given parking and traffic conditions.
  - f. No such facility shall erect or install permanent fixtures in the public right-of-way.
8. Outdoor dining is permitted in a B1 Zoning District at a rate of 4 seats for every 12 linear feet of store frontage, with no more than 12 seats per building; no elevated enclosed platforms on the street are permitted in a B1 Zoning District.

The applicant is proposing the construction of a temporary elevated dining platform constructed of Synthetic Trex decking. The platform, which is 376.25 sq. ft. in area, is proposed to be enclosed with a 42" tall ornamental metal railing. The platform area will project 4' from the existing curb cut into the street and extend 13.5' into the sidewalk right-of-way. No parking spaces will be obstructed by the platform, as there are no on-street parking spaces in the area where the platform is proposed. A 5' pedestrian pathway is proposed to remain between the platform and the building, which is the required minimum for a pedestrian pathway. The entrance has a 3.5' wide tapered sill ramp up the 9" from the sidewalk to the elevated platform and is positioned away from any dining tables. Four of the 7 existing planters will be arranged on the sidewalk bordering the north railing of the platform. None of these will interfere with the 5' required pedestrian path. To shade the area, the applicant proposes one 7' X 21.5' Sunbrella canopy that measures 9.5' in height at its highest point. The canopy is supported by 2 painted metal posts and includes a valence with hanging crystals that match the existing awning. **The submitted plans do not display the proposed color of outdoor platform building materials and features.**

Submitted plans do not indicate refuse containers. **Applicant must submit plans that include refuse containers within the outdoor dining area in accordance with Article 4, Section 44, OD-01 Outdoor Dining Standards (A)(1).**

The plan indicates 7 red 4-top tables and 28 blue chairs to be arranged on the platform. The furniture is proposed to be arranged based on time-saver standard (diagonal spacing, intermediate seating [12 square feet/person]) and thereby provides 24" minimum spacing between tables and 30" minimum

service aisles. The dining tables proposed are 2.5' by 2.5' in size and the table tops are pressed wood with a laminate coating. The propose chairs are constructed of engineered wicker. **The applicant must submit spec sheets providing information regarding size, manufacturer, and construction materials for all outdoor furniture.**

Triple Nickel has a total of 58 indoor seats on the first floor and 66 indoors seats on the second floor. The second floor, however, has two upstairs dining patios that have retractable awnings and sliding windows that provide an outdoor dining experience when the weather permits. On the west terrace facing S. Old Woodward, there are 26 seats and 4 tables and a bar. The east terrace facing Woodward seats 20 at 5 round tables and also has 2 couches that can accommodate a total of 8 patrons. The restaurant also has 16 outdoor seats in its current outdoor dining area. When in use, the seats and tables are arranged on the portion of the sidewalk closest to S. Old Woodward. The proposed outdoor dining platform with 28 seats will be constructed in place of the existing 16 seats to provide an additional 12 seats.

#### Signage

No new signage is proposed.

### **7.0 Downtown Birmingham 2016 Overlay District**

The site is located within the D-4 zone of the DB 2016 Regulating Plan, in the Downtown Birmingham Overlay District. Specifically, the 2016 Plan recommends the addition of outdoor dining areas as it is in the public's best interest as it enhances street life, thus promoting a pedestrian friendly environment. The 2016 Plan also states that *"sidewalk café's (should) be allowed on the portion of the sidewalk closest to the road and away from adjacent storefronts. This will prevent outdoor cafes from being a barrier to pedestrian movement near the storefronts."* The proposed plan for Triple Nickel's outdoor dining platform meets the criteria set forth in the 2016 plan as the applicant provides a 5' wide pathway for pedestrian traffic.

### **8.0 Approval Criteria for Final Site Plan**

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

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

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

## **9.0 Approval Criteria for Special Land Use Permits**

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

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

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

## **10.0 Suggested Action**

Based on a review of the site plans submitted, the Planning Division recommends APPROVAL of the applicant's request for Revised Final Site Plan

and a SLUP Amendment to expand the outdoor dining at 555 S. Old Woodward, Suite 610, with the following conditions:

- (1) The applicant will be required to submit the plans for the proposed outdoor dining platform in color;
- (2) Applicant must submit plans that include refuse containers within the outdoor dining area in accordance with Article 4, Section 44, OD-01 Outdoor Dining Standards (A)(1); and
- (3) Applicant must submit spec sheets for the proposed outdoor tables and chairs.

**11.0 Sample Motion Language**

Based on a review of the site plans submitted, the Planning Board recommends APPROVAL to the City Commission of the applicant’s request for Revised Final Site Plan and a SLUP Amendment for an outdoor dining platform at 555 S. Old Woodward, Suite 610, Triple Nickel, with the following conditions:

- (1) The applicant will be required to submit the plans for the proposed outdoor dining platform in color;
- (2) Applicant must submit plans that include refuse containers within the outdoor dining area in accordance with Article 4, Section 44, OD-01 Outdoor Dining Standards (A)(1); and
- (3) Applicant must submit spec sheets for the proposed outdoor tables and chairs.

OR

Motion to recommend DENIAL of the Revised Final Site Plan and SLUP Amendment to the City Commission for an outdoor dining platform at 555 S. Old Woodward, Suite 610, Triple Nickel, for the following reasons:

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_
- 4. \_\_\_\_\_
- 5. \_\_\_\_\_

OR

Motion to recommend POSTPONEMENT of the Revised Final Site Plan and SLUP Amendment for an outdoor dining platform at 555 S. Old Woodward, Suite 610.









RECTANGULAR SANTA BARBARA  
UMBRELLAS w/ WEIGHTED BASES





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**Natura Awning Fabric** is a revolutionary new textile featuring the look and feel of woven cloth on both sides, is completely waterproof, weather-tight and highly fire resistant. This high performance textile is perfect for commercial awnings and canopies designed to protect people and furnishings from the sun's harsh UV rays while providing a natural fabric design element.



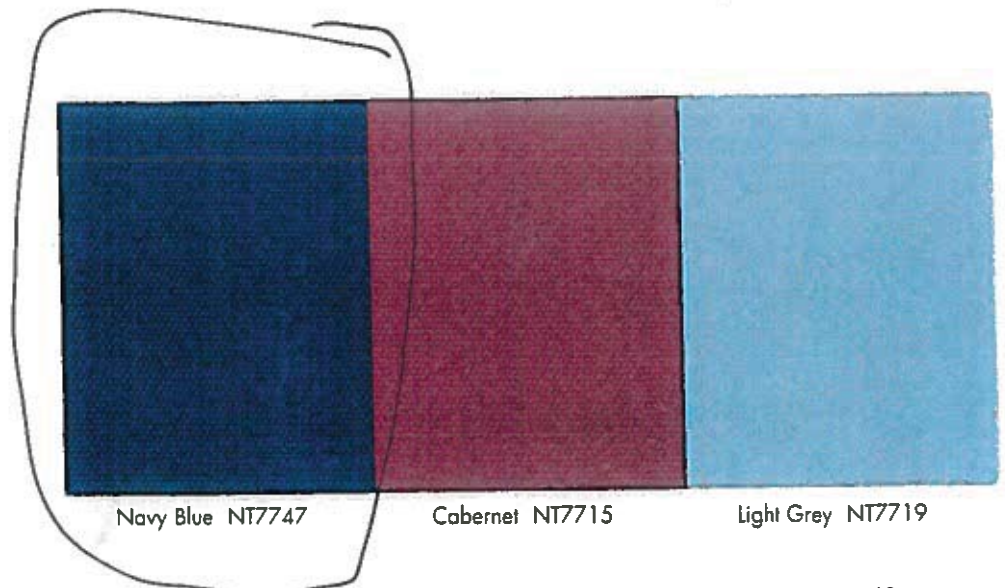
Evergreen NT7711

- Fire Resistant
- Water Proof
- SPF 50+
- Heat & RF Sealable
- Protective Rain-Kleen II Top Coating\*

\* The Top Coated side is the intended face. The underside or "reverse" is indicated by a small **N** within 1/2" of selvage edge.

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- Digitally Printable
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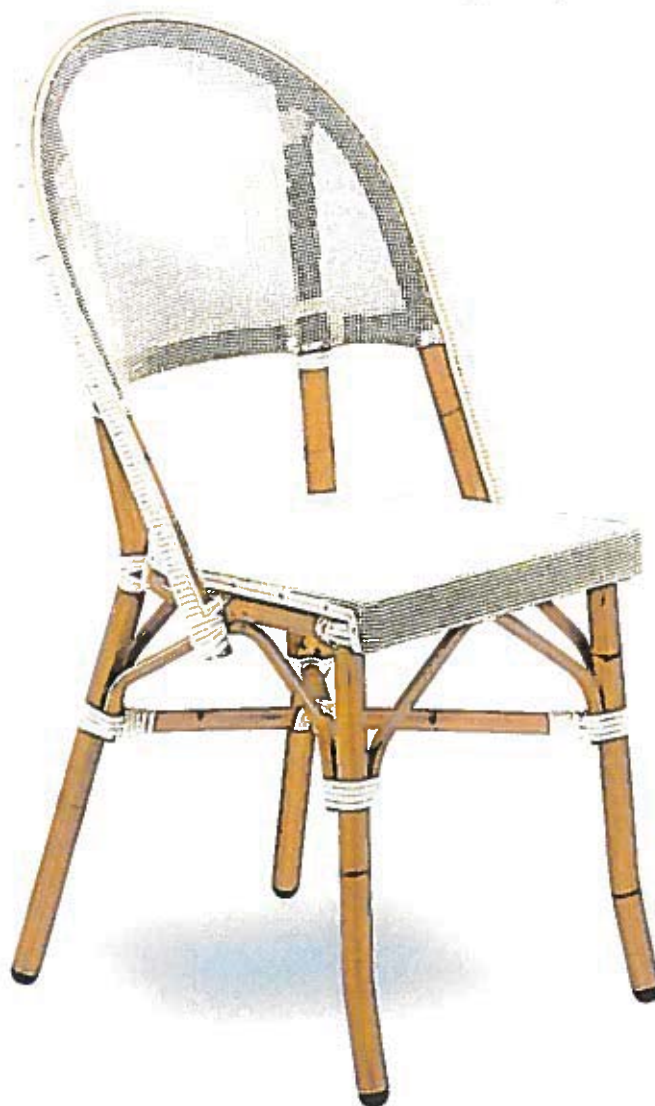


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**Corian.**

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sales associate or contact DuPont directly.





Fs - 10







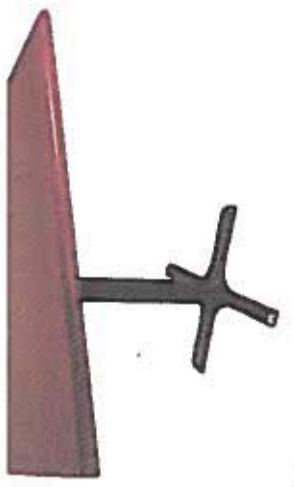

**Fs - 10**



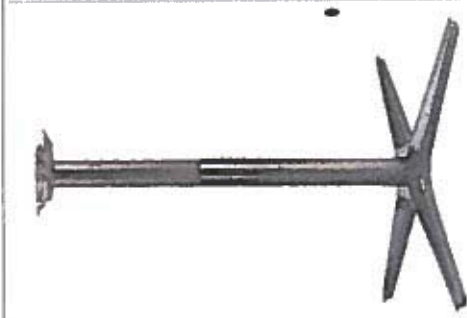
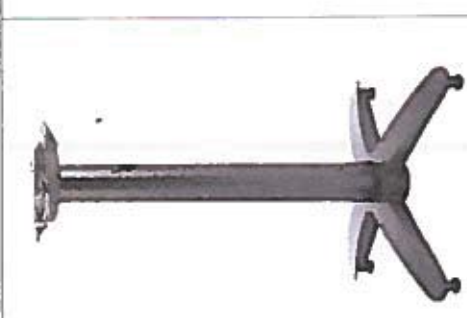
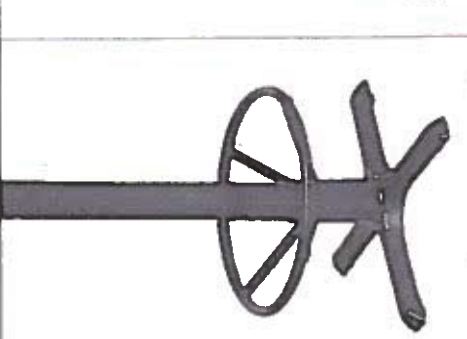
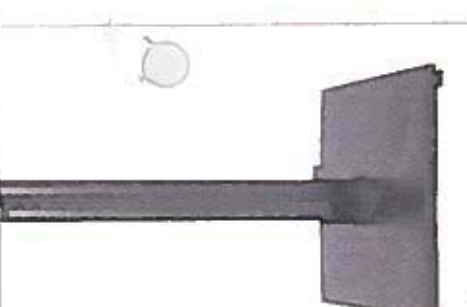



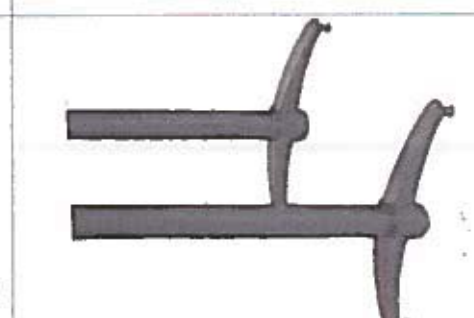
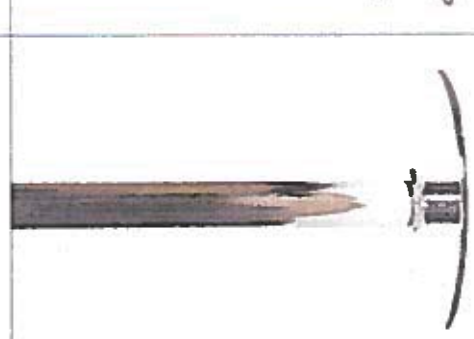
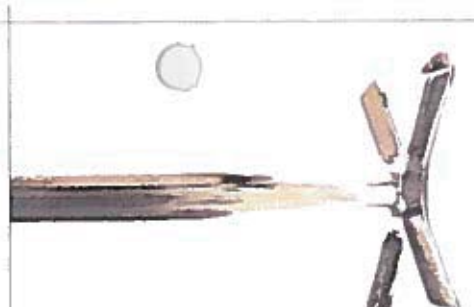
width 21"  
depth 21"  
height 35"

**Fa - 11**

width 23"  
depth 23"  
height 33"

**Fa - 11**

			
T-2832-WL Viper Table	T-3030-WL Manoir Table	T-4242-B Allegro Table	T-30R-C

					
2015-BLK	8022-BLK	1440-BLK	2115-BLK	2025-BLK-FR	5101-BLK
					
4015-RNT	4122-RNT	4524-RNT	2165-BLK	1930-CHR	2025-CHR

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**CITY OF BIRMINGHAM  
REGULAR MEETING OF THE PLANNING BOARD  
WEDNESDAY, MARCH 23, 2016  
City Commission Room  
151 Martin Street, Birmingham, Michigan**

---

Minutes of the regular meeting of the City of Birmingham Planning Board held on March 23, 2016. Board Member Robin Boyle convened the meeting at 7:33 p.m.

**Present:** Board Members Robin Boyle, Stuart Jeffares, Janelle Whipple-Boyce, Bryan Williams; Alternate Board Members Lisa Prasad, Daniel Share

**Absent:** Chairman Scott Clein; Board Members Bert Koseck, Gillian Lazar; Student Representative Colin Cusimano

**Administration:** Matthew Baka, Senior Planner  
Brooks Cowan, Planning Intern  
Jana Ecker, Planning Director  
Carole Salutes, Recording Secretary

**03-51-16**

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

**555 S. Old Woodward Ave, Suite 610, Triple Nickel**

**Request for a SLUP Amendment to allow an on-street platform for outdoor dining for the existing restaurant**

Ms. Ecker provided background. The subject site is located between Bowers St. and Haynes St. The applicant, Triple Nickel, is proposing to increase their outdoor seating on S. Old Woodward Ave. from 16 to 24 by constructing an outdoor dining platform in the front (to the west) of the existing restaurant. The proposed platform is located on the sidewalk abutting the building and extends into S. Old Woodward Ave. Triple Nickel was approved for an Economic Development License and the restaurant was permitted with a SLUP in 2013. A SLUP Amendment is required for any changes to the approved plans pursuant to Chapter 10, Article II, Division 3.

The applicant is proposing to build a temporary elevated dining platform constructed of Synthetic Trex decking. The platform, which is 376.25 sq. ft. in area, is proposed to be enclosed with a 42 in. tall ornamental metal railing. The platform area will project 4 ft. from the existing curb cut into the street and extend 13.5 ft. into the sidewalk right-of-way. No parking spaces will be obstructed by the platform. A 5 ft. pedestrian pathway is proposed to remain between the platform and the building, which is the required minimum for a pedestrian pathway. The entrance has a 3.5 ft. wide tapered sill ramp up the 9 in. from the sidewalk to the elevated platform and is positioned away from any dining tables. Four of the 7 existing planters will be arranged on the sidewalk bordering the north railing of the platform. To shade the area, the applicant proposes one 7 ft. x 21.5 ft. Sunbrella canopy that measures 9.5 ft. in

height at its highest point. The canopy includes a valence with hanging crystals that match the existing awning.

The plan indicates seven red four-top tables and 24 blue chairs to be arranged on the platform. The proposed dining tables are 2.5 ft. x 2.5 ft. and the table tops are pressed wood with a laminate coating. The chairs proposed are constructed of engineered wicker.

The second floor of Triple Nickel has two upstairs dining patios with retractable awnings and sliding windows that provide an outdoor dining experience when the weather permits. On the west terrace facing S. Old Woodward Ave. there are 26 seats and four tables along with a bar. The east terrace facing Woodward Ave. seats 20 at five round tables and also has two couches that can accommodate a total of eight patrons. The restaurant also has 16 outdoor seats in its current outdoor dining area. The proposed outdoor dining platform with 24 seats will be constructed in place of the existing 16 seats on the sidewalk to provide an additional 8 seats.

Mr. Jeffares thought there is a bit of a sense of vulnerability so he likes the railing. Mr. Williams noted that the cars parked out in front of the south tower stick out into the street further than the proposed platform, so a visual problem is not caused by the deck. Mr. Boyle added the parked cars give a measure of protection to folks sitting on the platform.

Mr. Bob Ziegelman, Luckenbach Ziegelman Architects, said the tables and chairs are the same ones that were used for the past two summers so they have received Planning Board approval. Mr. Jack Reinhart from Triple Nickel said they terminated valet about three months ago because there is a lot of parking in that area. He added the restaurant closes at 10 p.m.

#### **Motion by Mr. Williams**

**Seconded by Ms. Whipple-Boyce that based on a review of the site plans submitted, the Planning Board recommends approval to the City Commission of the applicant's request for Revised Final Site Plan and a SLUP Amendment for an outdoor dining platform at 555 S. Old Woodward Ave., Suite 610, Triple Nickel, with the following conditions:**

- 1) The applicant will be required to submit the plans for the proposed outdoor dining platform in color;**
- 2) Applicant must submit plans that include refuse containers within the outdoor dining area in accordance with Article 4, Section 44, OD-01 Outdoor Dining Standards (A) (1); and**
- 3) Applicant must submit spec sheets for the proposed outdoor tables and chairs.**

Ms. Whipple-Boyce said she is happy to see this. It does a lot to bring people to that side of S. Old Woodward Ave. Also, she was thrilled to be getting rid of the valet because there is way too much of it.

There were no final comments from the public on the motion at 8:40 p.m.

**Motion carried, 6-0.**

ROLLCALL VOTE

Yeas: Williams, Whipple-Boyce, Boyle, Jeffares, Prasad, Share



Nays: None

Absent: Clein, Koseck, Lazar



## MEMORANDUM

Engineering Dept.

**DATE:** April 29, 2016

**TO:** Joseph Valentine, City Manager

**FROM:** Paul T. O'Meara, City Engineer

**SUBJECT:** 2100 E. Maple Rd. (Whole Foods Market Project)  
Easement Vacations

---

The developers for the 2100 E. Maple Rd. project are currently seeking a building permit for the Whole Foods Market planned on this property.

Attached is a scan of the original plat of this property, from 1924. As can be seen this plat was prepared before the railroad was built in this area. (The diagonal line added on the plat cutting through the subdivision represents the area taken for the railroad). This section of Yosemite Blvd., as well as the alley between it and Maple Rd., was vacated in 1945. As is standard practice, easements for utilities were retained on part of the right-of-way, and on the entire alley. Also attached is a survey of the property as it existed until the recent demolition. When the previous building was constructed, these easements should have been vacated. For reasons unknown, this detail was missed, and a building permit was issued to construct the building in conflict with utility easements.

The new proposed building will generally be built in the same area that the old building occupied. As a result, the smaller 18 ft. wide easement will be in conflict with the new building as well. The larger 35 ft. wide easement will not be in conflict, but will not be centered on the new proposed sewer to be constructed in this area. The owner, per the attached agreement, is requesting the vacation of these easements, as a condition for obtaining a building permit. As a part of the project, the developer will be making required modifications to the on site public water main and sewer systems. Also as a condition of the issuance of a building permit, the owner is being asked to sign new easements for new public water main and sewer that will be constructed on the property.

The Engineering Dept. concurs with these changes, as well as the vacation of the easements. A suggested resolution follows below.

### SUGGESTED RESOLUTION:

To authorize the Mayor to sign the Termination of Easement Agreement, pertaining to the vacation of 35 ft. and 18 ft. wide easements located on the property known as 2100 E. Maple Rd.







1840-242

1840-242

Resolution of  
Birmingham City Commission

Ctfd Copy of Resolution  
Dec 4, 1945

Birmingham City Commission Resolution #407 (1945)

Moved by Mallender,

Supported by Comm'r Main,

Whereas, this Commission, did by Resolution #370, passed Oct 29, 1945, determine that it was advisable to vacate the alley lying S of Maple Ave, extending bet the Grand Trunk RR Rt of Way & the Eastern City Limits, in the rear of Lots 20 to 43 incl, Birmingham Gardens Sub, & the extns of Yosemite & Villa Roads, lying bet the Grand Trunk Western RR Rt of Way & the Eastern City Limits, &

Whereas, sd resolution provided that a hrg be held on the closing of the alley & streets heretofore des, on this 3rd day of Dec. 1945, in accordance with the provisions of Sec 3, Chapt XI of the Charter of the City of Birmingham, &

Whereas, sd hrg has been held & there has been no objection to the closing of sd alley & streets,

Now, therefore, be it resolved, by the Comm of the C of Birm, that the alley lying S of Maple Ave, extending bet the Grand Trunk RR Rt of Way & the Eastern City Limits, in the rear of Lots 20 to 43 incl, Birmingham Gardens Sub, & the extns of Yosemite & Villa Roads, lying bet the Grand Trunk Western RR Rt of Way & the Eastern City Limits, be & hereby is closed, vacated & abolished, with the provision that the city shall maintain easemt rts as fols:

1. Easemt alg the Ely 15 ft of the streets & alleys vacated ab in Birmingham Gardens Sub.

2. Easemt 35 ft wide, the cen line of which lies 26 ft S of & parallel to the N prop line of Yosemite Blvd as platted in the Plat of Birmingham Gardens Sub.

3. Easemt 25 ft wide, the cen line of which lies 21 ft S of & parallel to the N prop line of Villa Ave (Prairie) as platted in the Plat of Birmingham Gardens Sub.

and

Be it fur resolved that the city clk be & is hereby instructed to file ctfd copy of this resolution with the Aud Gen'l, O C Reg of Ds & City Assessor.

Yeas: 7

Nays: 0

Ctf of Clk of C of Birmingham, certifies that the foregoing is a true & correct copy of a resolution adopted by the Birmingham City Comm at a regular meeting held Dec 3, 1945 at 8 o'clock P.M. in the Municipal Bldg.

Seal of City of Birmingham, M.

36735

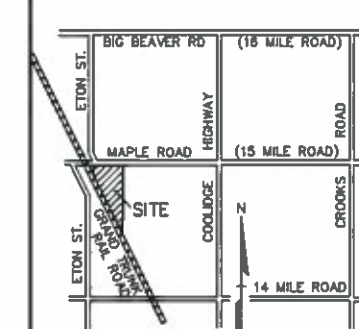
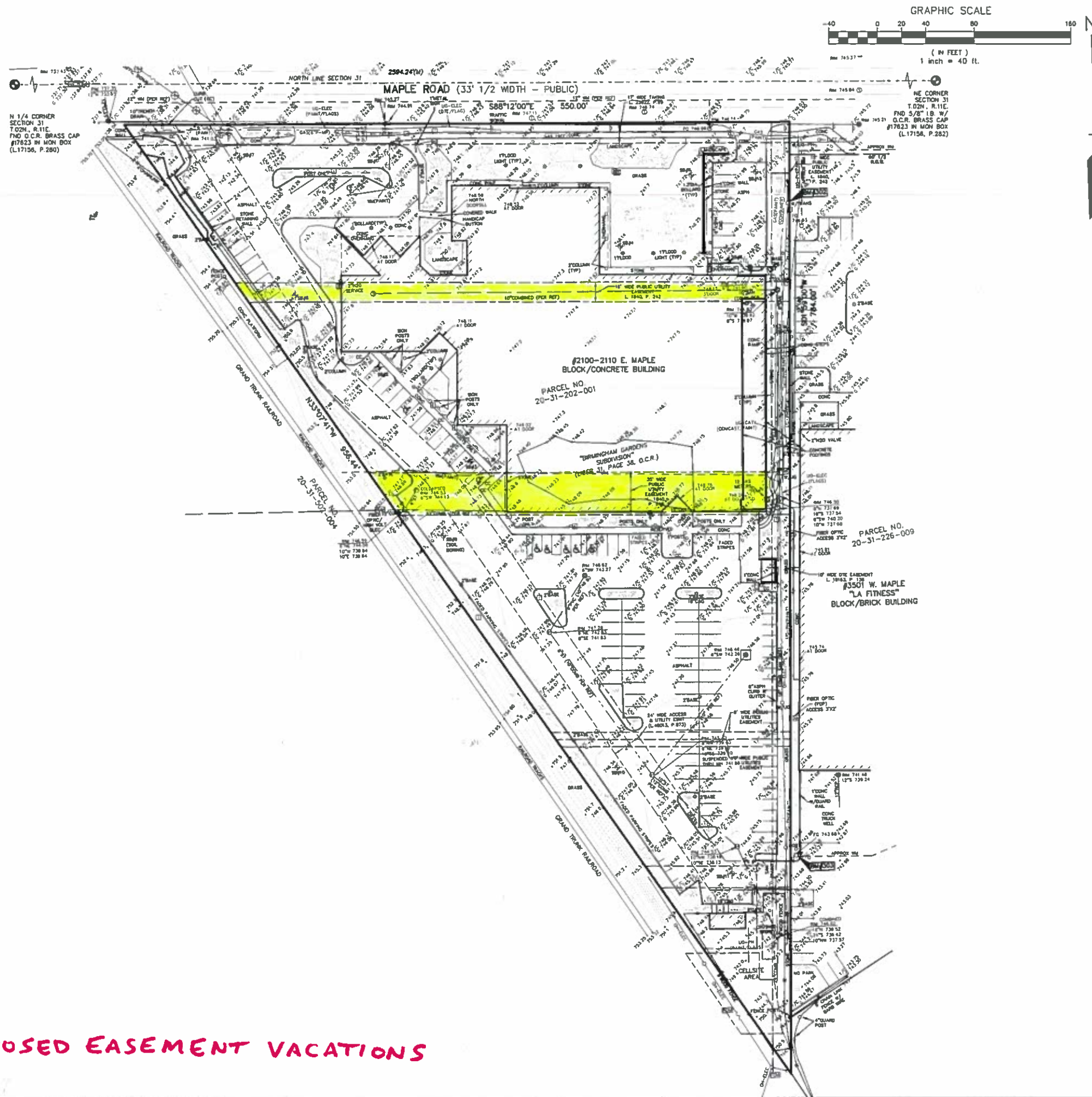
By graphical plotting, the subject parcels are in "Areas determined to be outside of the 0.2% annual chance floodplain." (Zone X) per Flood Insurance Rate Map Number 28125C-0537F, Effective September 29, 2005.

(GPS DERIVED - NAVD88)

**BM 4301:**  
Arrow on hydrant located at the southwest  
corner of Maple Road and Maple Lane Drive.  
Elev. = 748.25

Set benchline in the east face of utility pole, approx. 200' north of the northwest building corner of "LA Fitness".  
Elev. = 748.20

BM 4303:  
Arrow on hydrant, approx. 70' south of the southwest building corner of "LA Fitness" and approx. 35' northeast of the cell site area.  
Elev. = 745.89



LOCATION MAP - NOT TO SCALE

**LEGEND**

- |  |   |  |                    |  |                     |
|--|---|--|--------------------|--|---------------------|
|  | IRON FOUND SET  |  | BRASS PLUG SET     |  | SEC. CONCRETE FOUND |
|  | REIN. FOUND SET   |  | MOMENTUM FOUND SET |  | RECORDED            |
|  | NAIL FOUND SET  |  | MEASURED           |  | CALCULATED          |
|  | ELEVATION   |  |                    |  |                     |
|  | ELECT. PHONE OR CABLE TO GAS LINE, POLE & GAS LINE UNDERGROUND CABLE PL. CABLE PROTECT. |  |                    |  |                     |
|  | TELEPHONE CABLE, PROTECT. & HANDLE  |  |                    |  |                     |
|  | ELECTRIC GAS CABLE, OVERHEAD, SETTER & HANDLE   |  |                    |  |                     |
|  | GAS OVAL, VALVE & GAS LINE MARKER   |  |                    |  |                     |
|  | HYDRANT PIP. GAS VALVE, TAPPING SLIT & VALVE  |  |                    |  |                     |
|  | SEWER SETTER, CLEANOUT & HANDLE   |  |                    |  |                     |
|  | CORRUGATED SETTER & HANDLE  |  |                    |  |                     |
|  | CATD BASH, VALVE, TAP, GRAB   |  |                    |  |                     |
|  | POST HOLE/VALVE   |  |                    |  |                     |
|  | WELD WELD OR, PROTECT WELD OR, SOLDER SOLDER  |  |                    |  |                     |
|  | HAZARD, UNEXPOSED, BOLLARD, CONTROL, VALVE  |  |                    |  |                     |
|  | UNEXPOSED STRUCTURE   |  |                    |  |                     |
|  | S-P 60 FT   |  |                    |  |                     |
|  | SPOT ELEVATION  |  |                    |  |                     |
|  | CURB/LOW LINE   |  |                    |  |                     |
|  | FENCE   |  |                    |  |                     |
|  | GROUND BAIL   |  |                    |  |                     |
|  | LIGHT POLE  |  |                    |  |                     |
|  | SIGN  |  |                    |  |                     |
|  | CONCRETE  |  |                    |  |                     |
|  | ASPHALT   |  |                    |  |                     |
|  | GRAVEL, BEDDING   |  |                    |  |                     |
|  | RETARD.   |  |                    |  |                     |

**REFERENCE**      **DRAWINGS**

"#1001 MAPLE LANE - ALTA/ACSM LAND TITLE SURVEY" PEA JOB# 2007-168, DATED 9-11-07  
"MAPLE ROAD DEVELOPMENT - ALTA/ACSM LAND TITLE SURVEY" PEA JOB# 2008-166, DATED 2  
"ALTA/ACSM LAND TITLE SURVEY - LA FITNESS" PEA JOB# 2010-207, DATED JULY 13, 2013  
CONSUMERS ENERGY QUARTER SECTION MAP #02-01-31-1, DATED 9-8-16  
MAPLE ROAD WOODING HRC JOB# 0000086, DATED 3-29-02  
CITY OF PROT SEWER MAP #13-01, DATED 3-6-84

**LEGAL DESCRIPTION:**

(PER OAKLAND COUNTY ONLINE PROPERTY GATEWAY)

PARCEL NO. 20-31-202-001

Tract 2 North, Range 11 East, Section 31, "Birmingham Gardens", as recorded in Liber 31, Page 38, Oakland County Records. All that part of Lots 16 to 35 inclusive, Lots 96 to 108 inclusive & Lots 162 & 163 lying south of E Maple Road & lying East of the Easterly right-of-way line of Grand Trunk Railroad, Also vacated streets & alley adjacent to the same.

[illegible]

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SEPTEMBER 4, 2015  
PEA JOB NO 2015-053

SCALE: 1" = 40'

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## PROPOSED EASEMENT VACATIONS

KEYF 9 PROLEC FS/2015/2015053/0WC/15053 T3C0B4S2 DMC  
KEYF 9 PROLEC FS/2015/2015053/0WC/CONSTRUCTION JOB #28 = 15053 DMC

## **TERMINATION OF EASEMENT AGREEMENT**

THIS TERMINATION OF EASEMENT AGREEMENT (this "Agreement") is made and entered into as of \_\_\_\_\_, 2016, by and between **2100 EAST MAPLE ROAD L.L.C.**, a Michigan limited liability company, whose address is 2050 South Blvd, #629, Bloomfield Hills, MI 48303 (the "Owner") and the **CITY OF BIRMINGHAM**, a Michigan municipal corporation, whose address is 151 Martin Street, P.O. Box 3001, Birmingham, MI 48012 (the "City").

### **RECITALS**

- A. Owner is the fee simple owner of certain real property located at 2100 E. Maple Road, Birmingham, MI 48009, which property is legally described on Exhibit A attached hereto (the "Property").
- B. The City reserved certain easement rights (the "Easements") for itself over portions of the Property by virtue of a Resolution of the Birmingham City Commission dated December 4, 1945 and recorded in Liber 1840, Page 242, Oakland County Register of Deeds (the "Resolution"). A copy of the Resolution is attached as Exhibit B hereto.
- C. The Owner desires to construct a new building on the Property, but the Easements run through the planned location of the new building.
- D. In order to issue the required building permits for the new building, the City has requested that the Owner prepare this Agreement to vacate and terminate the Easements.

### **AGREEMENT**

NOW, THEREFORE, in consideration of the mutual promises and covenants contained in this Agreement, Owner and City hereby agree that the Easements are vacated and terminated and shall be of no further force and effect.

Signatures and Notarization on the Following Page

**SIGNATURE PAGE**  
**TO**  
**TERMINATION OF EASEMENT AGREEMENT**

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first written above.

**OWNER:**

2100 East Maple Road L.L.C.,  
a Michigan limited liability company

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

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

STATE OF MICHIGAN       )  
  ) ss  
COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of May, 2016, by \_\_\_\_\_, the \_\_\_\_\_ of 2100 East Maple Road L.L.C., a Michigan limited liability company, as his free act and deed on behalf of said company.

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



**CITY:**

CITY OF BIRMINGHAM,  
a Michigan municipal corporation

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

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

STATE OF MICHIGAN                    )  
  ) ss  
COUNTY OF OAKLAND                )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by \_\_\_\_\_, the \_\_\_\_\_ of the City of Birmingham, a Michigan municipal corporation, as his free act and deed on behalf of said corporation.

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

**DRAFTED BY AND WHEN RECORDED**  
**RETURN TO:**

Scott I. Mirkes, Esq.  
Jackier Gould, P.C.  
121 W. Long Lake Road, Suite 200  
Bloomfield Hills, MI 48304

## **EXHIBIT A**

### **LEGAL DESCRIPTION OF OWNER'S PROPERTY**

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

All that portion of Lots 22 through 51, both inclusive, 100 through 105, both inclusive and part of Lots 16 through 21, both inclusive, 52 through 55, both inclusive, 96 through 99, both inclusive, 106 through 108, both inclusive, 162 and 163, and vacated streets and alleys, lying South of East Maple Road and East of Grand Trunk Railway, of BIRMINGHAM GARDENS, according to the plat thereof as recorded in Liber 31 of Plats, page 38, Oakland County Records. EXCEPTING therefrom the North 17 feet of Lots 16 through 43, both inclusive, taken for road as disclosed by instrument recorded in Liber 25922, page 99, Oakland County Records.

More commonly known as: 2100 East Maple Road, Birmingham, MI 48009  
Tax Item No. 20-31-202-001

**EXHIBIT B**

**COPY OF RESOLUTION**

See Attached



## MEMORANDUM

Engineering Dept.

**DATE:** April 29, 2016

**TO:** Joseph Valentine, City Manager

**FROM:** Paul T. O'Meara, City Engineer

**SUBJECT:** N. Old Woodward Ave. Parking Structure  
Rooftop Valet Operation Proposal

Recent discussions with SP+ regarding the lack of parking on the north side of the Central Business District resulted in the attached proposal for valet services. Staff, the local SP+ management team, and the Advisory Parking Committee (APC) reviewed the proposal at the APC meeting of April 20, 2016. All parties feel that this is a worthwhile idea that should be explored, with the goal being to reduce the amount of time that the LOT FULL sign is posted at the N. Old Woodward Ave. Structure. Please refer to the attached report written to the APC for full details.

At the end of the discussion, the APC passed the following recommendation:

*The Advisory Parking Committee recommends that the City Commission approve the SP+ proposal to operation a valet service on weekdays at the N. Old Woodward Ave. Parking Structure roof level wherein:*

- 1. Two valet service staff provided by SP+ will be stationed at the entrance to the roof level from approximately 9 AM to 2 PM.*
- 2. As the structure nears capacity, all vehicles looking to park on the roof would be required to valet their vehicle, at no additional cost to the customer.*
- 3. The cost to the Auto Parking System is estimated at \$52,020 annually.*
- 4. Valet service hours will be subject to change based on actual need.*

Should this idea prove successful, staff will be quick to review the other options, and consider how others can be implemented as well. Should other options within the attached report appear feasible, additional approval(s) will be sought from the City Commission. At this time, only the valet operation at N. Old Woodward Ave. is being considered, as reflected in the suggested resolution below:

SUGGESTED RESOLUTION:

To approve the SP+ proposal to operate a valet service on weekdays at the N. Old Woodward Ave. Parking Structure roof level wherein:

1. Two valet service staff provided by SP+ will be stationed at the entrance to the roof level from approximately 9 AM to 2 PM.
2. As the structure nears capacity, all vehicles looking to park on the roof will be required to valet their vehicle, at no additional cost to the customer.
3. The cost to the Auto Parking System is estimated at \$52,020 annually.
4. Valet service hours will be subject to change based on actual need.



## MEMORANDUM

Engineering Dept.

**DATE:** April 15, 2016

**TO:** Multi-Modal Transportation Board

**FROM:** Paul T. O'Meara, City Engineer

**SUBJECT:** Parking Structure Valet Services

---

As you know, SP+ Parking operates the five parking structures for the City of Birmingham. Over the past month, discussions have been held with SP+ management based both locally and in Chicago to brainstorm ideas about short term solutions to help address the current high demand for parking in the Central Business District. An idea was presented that is successfully used in large cities where demand is high. A parking structure (or a portion thereof) can be turned over to a valet only operation. By doing so, the valet staff requires that all vehicles are taken by the valet, and they then arrange the vehicles in such a way that more capacity is obtained from the existing parking area. The Chicago based manager came to Birmingham and studied the system with the local management team to determine the feasibility of such a solution. The attached proposal was provided as a result.

Most of the various options in the attached proposal involve roof level valet parking. The general idea is as follows:

1. The parking structure would operate as it normally does for the early part of the day. Since the roof level is the least desirable, it is assumed that virtually no vehicles would arrive to use this level until about 9 AM on weekdays.
2. Two valet staff would be stationed at the vehicle entrance to the roof level. Once the lower levels are nearing capacity, customers arriving to the roof level would be asked to turn their vehicle over to the valet (there would be no additional fee for the valet). If the customer did not want to utilize the valet, they could choose to search other parts of the structure. If they are not successful in finding a spot, they would not be able to park in the structure at that time.
3. The valet team would park cars on the roof, utilizing the spaces and the drive aisles in such a way that roughly an additional fifty vehicles could be parked on the roof over the normal capacity. By providing this option, it is hoped that the number of days that the LOT FULL sign is erected at the facility would be significantly reduced.
4. The peak demand for parking begins to decline before 2 PM each day. The valet team would rearrange the vehicles as needed after the peak has passed, so that they can leave as soon as possible, allowing the structure to return to normal operation for the late afternoon and evening.

As described in the proposal, it is not clear how the public will respond to this option, or how helpful it will be. With that in mind, it is recommended that just Option 1 listed in the proposal would be tried at the beginning. Option 1 is located at the N. Old Woodward Ave. Structure, which brings with it several benefits:

1. The roof has large, wide aisles, making it amenable to stacking a lot of vehicles in this compact area. There is only one way in and out, making it easily controlled by the valet staff.
2. The N. Old Woodward Ave. facility is filling several times a week. Daily traffic demand is strong enough that an additional fifty vehicles being served is very possible.

The other options are not as ideal, but if the first Option works well, we would look at the others and potentially move to implement others. Potential drawbacks of the other options are as follows:

Option 2 – The roof of the Pierce St. Structure is also well suited to a valet operation. The roof is larger than option 1, so more vehicles can be stored. Additional staff is recommended as a result. The one drawback of this location is that this structure is not filling to capacity nearly as much. If the demand to put lots of cars on the roof level is not there, the valet should not be operating. In order to bring more vehicles into the structure, the authorized number of monthly permits would have to be increased until the structure is closer to capacity on a regular basis. (Offering monthly permits to more customers has the positive benefit of allowing more employees to park for less money, if in fact they are currently parking somewhere at the daily rate.) Selling and transferring permits takes time, so seeing benefits from this option would take more time.

Option 3 – The roof of the Chester St. Structure is fairly well suited to a valet operation. Since the demand for parking is lower at this location, it would seem to be less likely that we could create an environment (through the sale of more monthly permits) that the valet operation would be successful.

Option 4 – A large part of the open lot at the N. Old Woodward Ave. Structure could also be used as a valet operation. As shown on the attached plan, a temporary concrete wall would have to be set up to keep vehicles out of this area, and under the control of the valet staff each weekday morning. Given its large size, more vehicles could be stored here. However, since these are prime, high demand spaces, it is felt that the valet would have to arrive earlier, and stay longer, which drives up the daily cost.

Option 5 - The demand at the Park St. Structure is currently strong enough to justify a valet operation. Unfortunately, the roof aisles available are smaller, and SP+ does not feel it lends itself to storing vehicles here.

No valet service is recommended at the Peabody St. Structure, due to its small size.

The implementation of Option 1 is estimated at \$52,020 annually, or about \$200 per weekday. (The cost may be subject to change if the original projections of hours or staff needed must be adjusted.) We feel that this is a small expenditure for the system as a whole if it in fact greatly reduces the current capacity issues we are facing on the north side of the CBD. A recommendation for Option 1 is provided below for your consideration.



#### SUGGESTED RECOMMENDATION:

The Advisory Parking Committee recommends that the City Commission approve the SP+ proposal to operation a valet service on weekdays at the N. Old Woodward Ave. Parking Structure roof level wherein:

1. Two valet service staff provided by SP+ will be stationed at the entrance to the roof level from approximately 9 AM to 2 PM.
2. As the structure nears capacity, all vehicles looking to park on the roof would be required to valet their vehicle, at no additional cost to the customer.
3. The cost to the Auto Parking System is estimated at \$52,020 annually.
4. Valet service hours will be subject to change based on actual need.

+ integrity + technology + innovation + initiative + knowledge + creativity



## **Analysis for Proposed Valet Parking Services and Valet Assisted Parking Services**

**City of Birmingham**  
**Parking Facilities**  
Birmingham, Michigan



*Submitted to:*

**Paul O'Meara**  
City Engineer



April 13, 2016

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180 Chester Street  
Birmingham, MI 48009

p. 248-540-9690  
f. 248-647-1682  
www.spplus.com

April 13, 2016

Mr. Paul O'Meara  
City Engineer  
151 Martin Street  
Birmingham, Michigan 48009



Dear Paul:

As requested, **SP+** has investigated the possibility of utilizing valet services at the various City parking structures. We feel there are several viable options available to provide this service. These options include a mix of valet assist and full valet service in certain areas of several structures. Detailed below you will see our findings and estimates on the cost of each option. **SP+** will provide any of these options at cost as part of our current management agreement at the City's request.

Please note that the only structure we do not recommend implementing valet service in any capacity, is the Peabody structure. Due to the layout of this structure, not enough spaces will be gained to justify the additional expenses required by a valet operation.

### **+ Option 1: N. Old Woodward Structure**

The N. Old Woodward structure is currently filling almost daily. With its two way lanes and design, it is an ideal candidate for valet assist. We recommend using a team of two attendants to implement valet assist as a beta test for public acceptance of the program. The attendants will begin stacking vehicles on the roof when the structure is filled by self-parkers. We anticipate that with this method an **additional 50 vehicles** can be parked during peak hours, between 9:00 am and 2:00 pm.

#### *Annual Expenses*

Payroll	\$40,695
Operating Expenses	<u>\$11,325</u>
Estimated Total Costs	\$52,020

### **+ Option 2: Pierce Street Structure**

If the beta test at N. Old Woodward is a success, the Pierce Street structure should be the next structure considered for a valet assist operation. However, the structure currently has 50 or more empty spaces on most weekdays. It typically will only fill when an event is taking place at the Townsend Hotel or during large City events such as art fairs or Dream Cruise. The open spaces must be filled in order to utilize a valet assist in a manner that will gain parking spaces

for the City on a consistent basis. Additional monthly parkers should be brought in from the waiting list to fill the empty spaces and increase average weekday occupancy.

We recommend using a team of three attendants to provide a valet assist. Attendants will begin stacking vehicles on the roof when the structure is filled by self-parkers. We anticipate that with this method an **additional 75 vehicles** can be parked during peak hours, between 9:00am and 2:00 am.

*Annual Expenses*

Payroll	\$61,042
Operating Expenses	<u>\$16,488</u>
Estimated Total Costs	\$77,530.

**+ Option 3: Chester Street Structure**

Much like the Pierce Street structure, the size and wide drive lanes make the Chester Street structure a good option for valet assist. We anticipate an **additional 75 vehicles** can be parked during peak hours in this structure with a three man valet team. Also similar to Pierce Street, there are often 20-30 spaces available each day in this structure that should be filled from the waiting list for the program to be effective.

*Annual Expenses*

Payroll	\$61,042
Operating Expenses	<u>\$16,488</u>
Estimated Total Costs	\$77,530

**+ Option 4: N. Old Woodward Surface Lot**

The surface lot at N. Old Woodward gives us a prime opportunity for a full valet operation. We anticipate that an **additional 133 spaces** can be created by “stacking” vehicles on the surface lot, using a four attendant team. This will leave only the small section on the south part of the lot and the 30 minute spaces behind the church available for self-parkers. A full valet operation will also require longer hours, at this time we believe 8:00 am to 6:00 pm to be sufficient.

*Annual Expenses*

Payroll	\$130,482
Operating Expenses	<u>\$51,132</u>
Estimated Total Costs	\$181,614

**+ Option 5: Park Street Structure**

Our last option is to implement a full valet operation at the Park Street structure. This is not as desirable as the other options due to the layout of the roof. The outside lanes around the structure allow for only one lane of traffic so we would have to utilize the center area of the roof

to gain additional spaces. In order to do this properly, we would need to restrict roof access to valet vehicles only. By making the roof valet only, we would have to staff the operation for the full business day of 9:00 am to 6:00 pm. The expanded hours make the **additional 50 spaces** we could gain the most expensive option when considering the cost per space.

*Annual Expenses*

Payroll	\$130,482
Operating Expenses	<u>\$51,132</u>
Estimated Total Costs	\$181,614

It should also be noted that there will be some startup costs involved for each of these options. These costs will include \$500 for signage and \$500 for a valet podium for each location that the City chooses to implement a valet service.

Attached you will find a pro forma expense sheet for each option. Please keep in mind that these are estimates and the final costs will vary based on hours of operation, volume and public acceptance of each program.

Due to the fact that it is difficult to know how implementing a valet assist or full valet option in the City parking structures will be received by the public, **SP+** recommends that the valet options be introduced in an analytical manner. Once the beta test at N. Old Woodward is fully functioning, we will have a better understanding of whether this parking option will be embraced by the public and a better idea of the amount of true capacity that can be added to the parking system. At that point, we can analyze the data and information and plan our next steps.

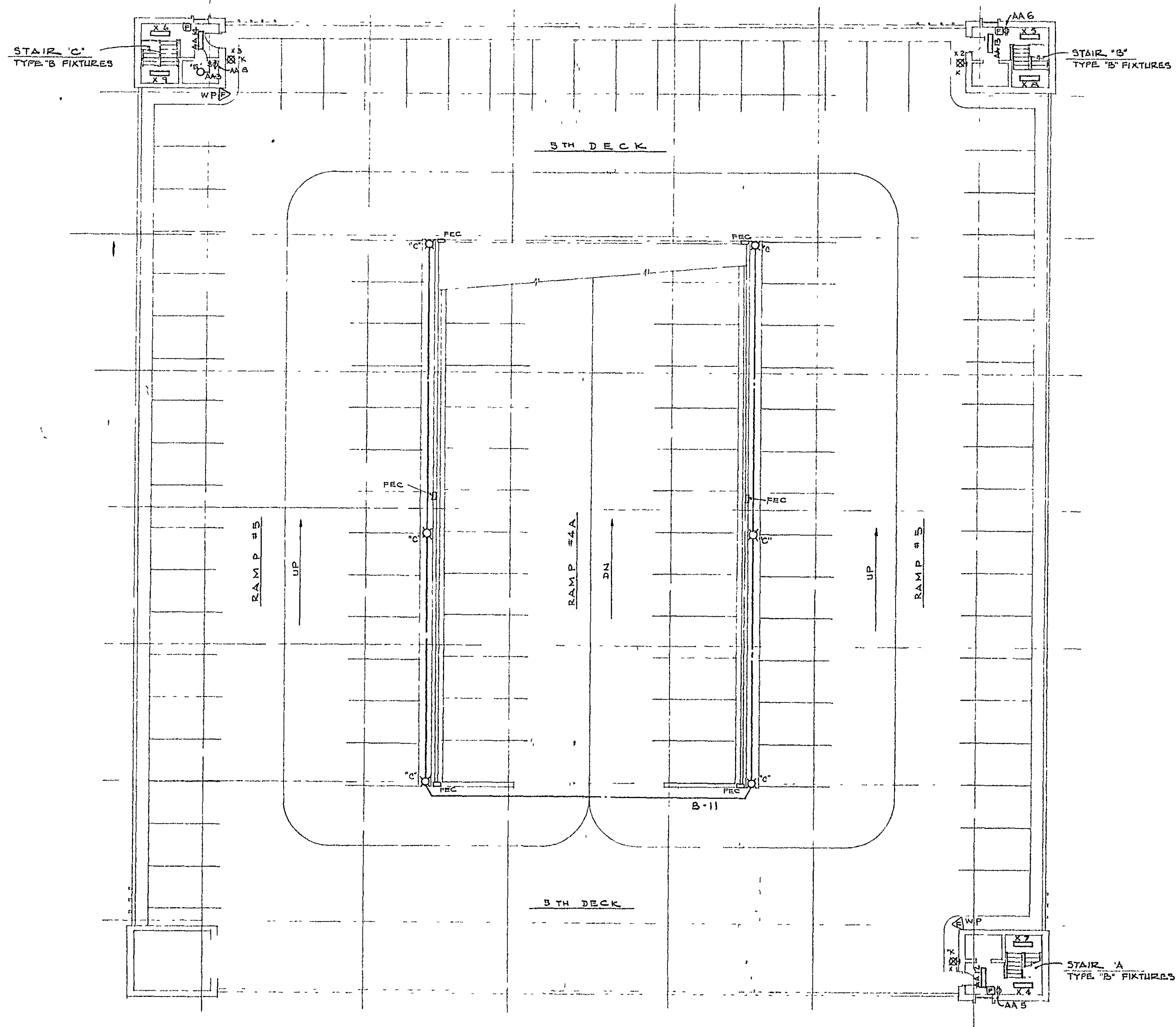
Please feel free to reach out to us if you have any questions. We will also be happy to meet with you to discuss all of these options in greater detail.

Sincerely,

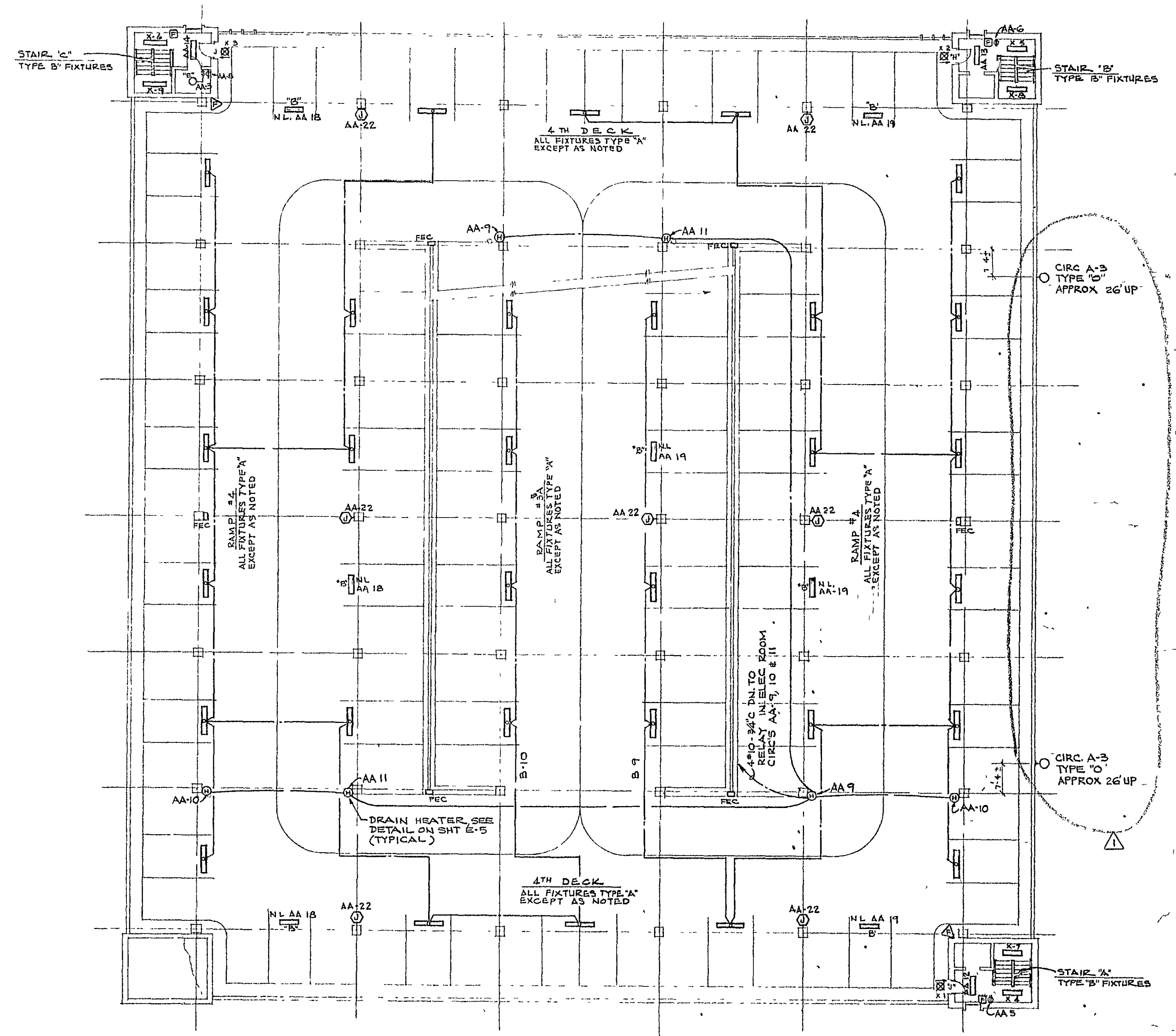


Jay O'Dell  
Senior Manager

Enclosures



5TH DECK PLAN - RAMP #5 & #4A  
SCALE 1/16" = 1'-0"



4TH DECK PLAN - RAMP #4 & #3A  
SCALE 1/16" = 1'-0"

A-19  
26A

MIGDAL, LATHE & SACHS, INC.  
CONSULTING ENGINEERS  
10150 W. DYKE ROAD  
OAK PARK, MICHIGAN 48237  
948-9593

4TH DECK & 5TH DECK  
PLANS

JOB NO.  
65-19

SHEET NO  
F-4A

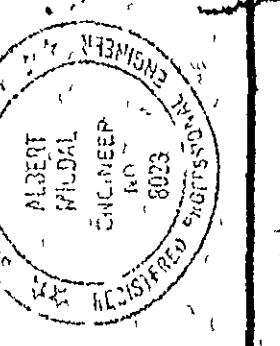
LOT NO. 5 PARKING STRUCTURE  
BIRMINGHAM, MICHIGAN  
O'DELL, HEWLETT & LUCKENBACH  
950 N. HUNTER BOULEVARD  
BIRMINGHAM, MICHIGAN  
ASSOCIATES & ARCHITECTS

DATE 12/16/65  
JC K K

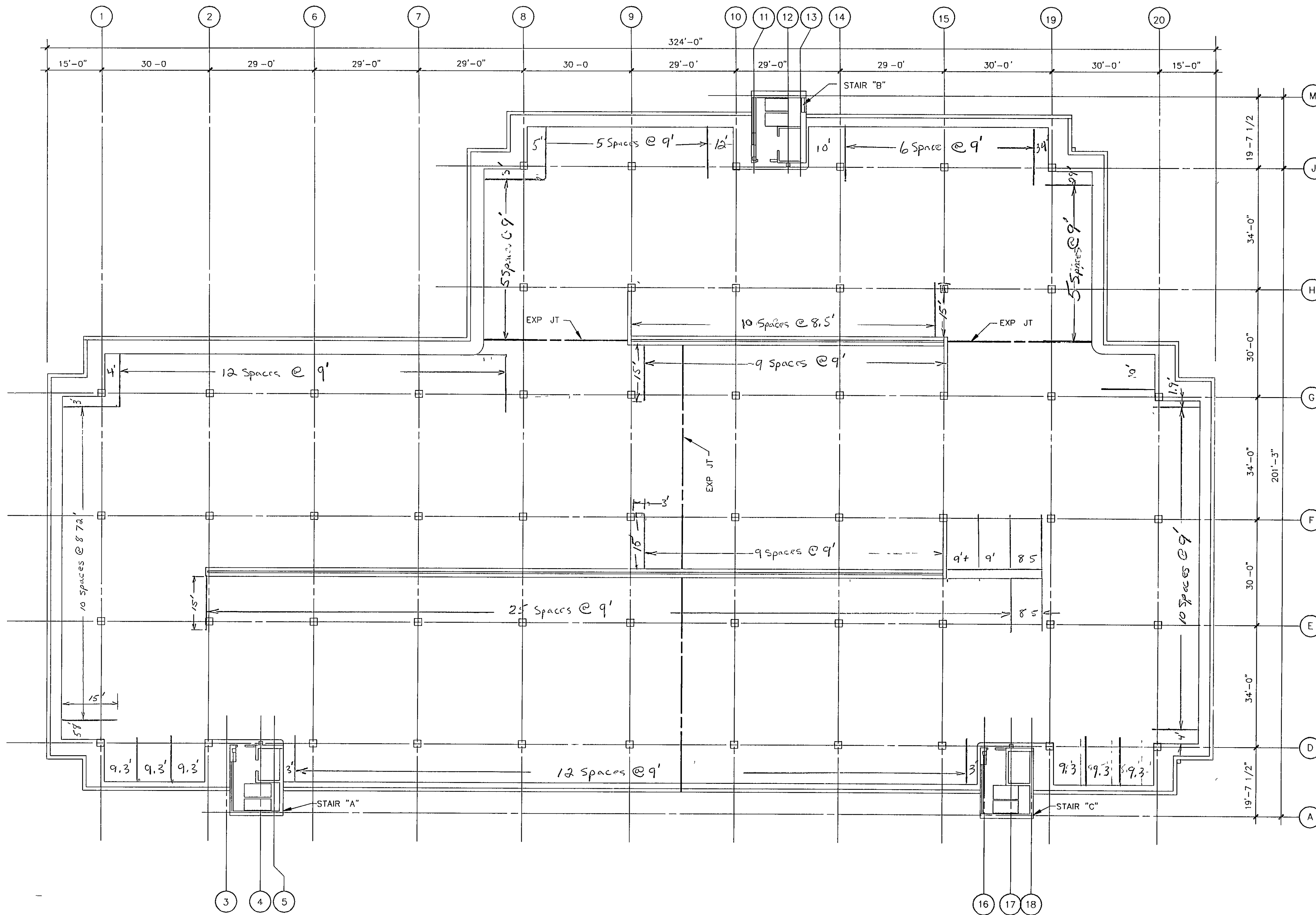
DR K K  
CHK A W

REVISIONS  
APR 4/66

ISSUED FOR  
GEN. CONTR. BIDS 12/16/65  
BULLETIN NO. 2 6-24-66

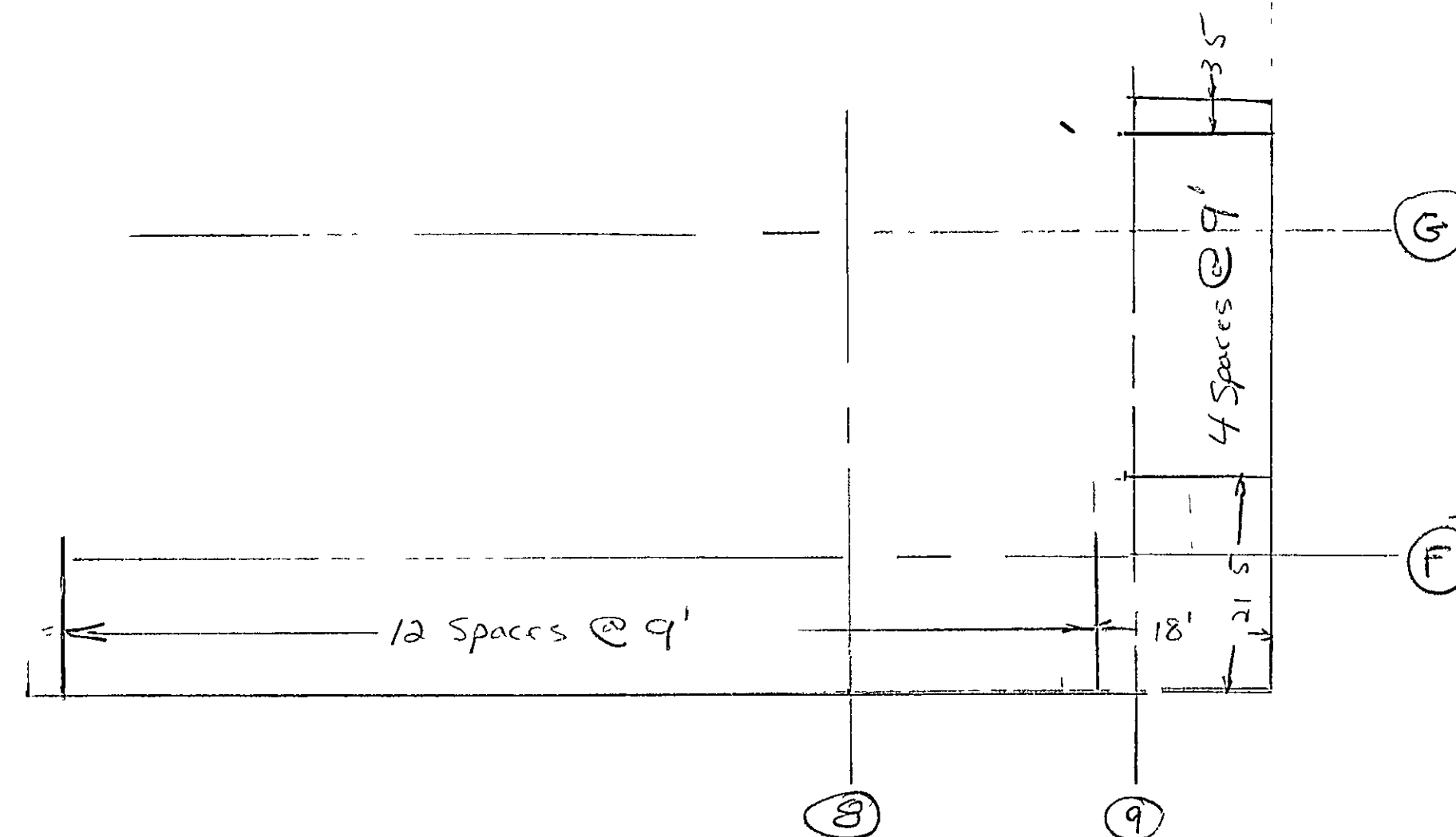
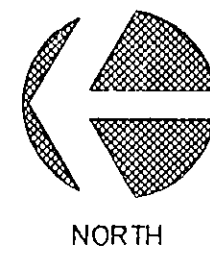






FIFTH SUPPORTED TIER PLAN - PIERCE STREET  
SCALE 1/16" = 1'-0"

147 Spaces



Striping Plan  
7-12-96

A-20

SHEET TITLE	FIFTH SUPPORTED TIER PLAN - PIERCE STREET		
	MARK	DATE	REVISION / RELEASE
		05-28-92	FOR OWNER'S USE
<p><b>CITY OF BIRMINGHAM</b> PARKING STRUCTURES BIRMINGHAM, MICHIGAN</p>			
<p><b>walker</b> Walker Parking Consultants/Engineers, Inc.</p>			
PROJECT NO.		K949921	
<p><b>2A</b> SHEET NO.</p>			





City of  
Birmingham  
N. OLD  
WOODWARD

Birmingham, Michigan



507 Mainstream Drive  
Nashville, TN 37228  
615.297.4255 Fax 615.297.9453

Client:

City of Birmingham  
151 Martin Street  
Birmingham, MI 48012  
248.530.1800  
www.bhamgov.org

Architect:

Revisions:

1	
2	
3	
4	
5	
6	
7	

Designed By: trm

Checked By:

Project #:

Date: 04.07.16

Scale: 1" = 40'-0"

VALET  
PARKING  
LAYOUT

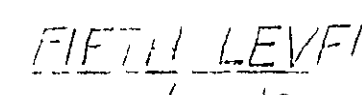
P-100



Legend

Self-Park Spaces







# Valet Only

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## MEMORANDUM

Engineering Dept.

**DATE:** April 29, 2016

**TO:** Joseph Valentine, City Manager

**FROM:** Paul T. O'Meara, City Engineer

**SUBJECT:** Temporary Monthly Permit Parking Lot  
35001 Woodward Ave. (NW Corner of Maple Rd.)

---

Within the past month, staff has successfully negotiated a lease from the owner of 35001 Woodward Ave. As you know, the northwest corner of Maple Rd., formerly the site of a Sunoco gas station, has been vacant for about nine years. The current owner has not finalized redevelopment plans. In the meantime, he has expressed a willingness to have the City lease the lot at no cost (other than maintenance), which would allow the area to be used as a temporary parking lot.

The Advisory Parking Committee (APC) discussed this opportunity at its meeting of April 20, 2016. Details of the lease and how the parking lot would operate are attached. At the end of the discussion, the APC passed the following recommendation:

*The Advisory Parking Committee recommends to the City Commission that the Mayor be authorized to sign the lease offered by the owner of the vacant property located at 35001 Woodward Ave. for the operation of a temporary parking lot. Further, it is recommended that the lot be maintained by the City with its gravel surface, and that monthly permits be offered for sale at the rate matching that being charged for permits at the Park St. Parking Structure, offered first to those on the Park St. Parking Structure waiting list. All costs and revenues derived from this lot (other than Police Dept. enforcement) will be directed to and from the Auto Parking System Fund.*

As referenced in the attached memo, revenues are projected to be about \$31,200 annually. Given the costs incurred for maintenance of the City's other small parking lots, we anticipate that general operations and maintenance costs will use the majority of these funds. It is anticipated that a new section of account numbers will be created within the Auto Parking System fund to track these costs. Once some experience has been gained, the costs for this lot can be reflected in next year's budget request.

Given the current demand for parking in this area, we see this as a good opportunity to assist the business community. A suggested resolution follows:

### SUGGESTED RESOLUTION:

To authorize the Mayor to sign the lease as prepared to operate a temporary parking lot on the vacant land known as 35001 Woodward Ave. Further, to authorize staff to direct all costs to prepare and maintain this property to the Auto Parking System Fund. Monthly rates shall match those charged at the Park St. Parking Structure, with all revenues being directed to the Auto Parking System Fund.



## MEMORANDUM

Engineering Dept.

**DATE:** April 16, 2016

**TO:** Advisory Parking Committee

**FROM:** Paul T. O'Meara, City Engineer

**SUBJECT:** 35001 Woodward Ave.  
Temporary Parking Lot Lease

---

Approximately two years ago, the idea of operating a temporary parking lot on the above property was discussed with the Advisory Parking Committee (APC). Since that time, repeated communications with the property owner's representative did not materialize in an agreement. However, recent contact with another representative proved more successful, and we now have a signed lease (attached) for your review. Staff is excited to take advantage of this opportunity, and move this property to a point where it can be used as a means to address the current parking demand.

### PARKING LOT PLAN

Attached is a plan that was prepared to help clarify the best arrangement for the use of the property as a parking lot. The two existing approaches on Woodward Ave. would be used as entrance points to two dead end rows of parking. Since the surface will be gravel, there will not be any pavement markings directing drivers on where to park. Vehicles using the far north or south rows of spaces will be expected to head in to the edge of the gravel. Vehicles using the center two rows will be controlled by the installation of a row of parking blocks down the middle of the property. To further mark the edges of the spaces, object markers, similar to those used to help guide snow plow operators as to the location of hazards, will be installed at each front parking space corner. On the map, the reference to a fence reflected the fact that a fence existed at the time the map was made. The fence has since been removed, and no new fencing is proposed at this time.

Other planned improvements include:

1. Additional gravel will be brought in and graded by our Dept. of Public Services crew to remove current low spots, and to make certain areas safer where large rock has been placed in the past.
2. The attached sheet provides suggested language for two types of signs that will be posted on the lot. All signs shall have the City color dark green background, with white lettering, to help clarify that it is a City of Birmingham operation. One sign each will be posted at each entrance stating PERMIT PARKING ONLY. This sign is intended to discourage non-permit holders from turning into the lot. Once inside the lot, the second, more informative sign will give a better description of how the lot is being monitored, and that a permit tag must be displayed.

3. To keep the lot conforming with the Americans with Disabilities Act, two handicapped parking spaces are required. It is recommended that one space will be provided in each of the northwest and southwest corners of the property. A sign will be provided denoting that the space is reserved for the disabled.
4. Two trash barrels will be installed. The lot will be monitored for cleanliness both by SP+ staff, and our Dept. of Public Services.
5. Regular maintenance of the property, such as lawn mowing and snow plowing, would be done by our Dept. of Public Services.

### PARKING LOT USE

The surface of the lot will be gravel, which at times may be holding water, or contain minor trip hazards. In order to reduce vehicular and pedestrian traffic on the gravel, it is suggested that the lot will be reserved for the use of monthly parking permit holders only. Providing space for employees will reduce the City's liability, and will be an effective means of providing more open parking spaces in our larger facilities, such as the nearby parking structures.

Monthly permit holders will be sold a permit in three month increments, similar to those sold for Parking Lot #6. Permit holders will be provided a tag to display on their rear view mirror when they are in the lot. Those parked in the lot without the tag will be subject to a ticket issued by the Police Dept.

Vehicles parked in the disabled permit spaces will need to display both their disabled parking permit, as well as their monthly parking permit. Since both are designed to hang on the rearview mirror, staff will review with the Police Dept. on how to best handle this issue so that permit holders may be instructed on how to display both passes at the same time. Disabled permit parkers that possess the State issued "free parking" yellow tag placed on the disabled permit will be able to park in the reserved spaces only without possessing a monthly permit.

Given the current demand for parking permits, we expect that the lot will sell out immediately. Not knowing how much use the lot will get from those that obtain a permit, it is recommended that 40 permits be authorized for sale at this time, given that only 37 spaces will be contained in the lot, and two of them will be reserved for the disabled. If it appears that the lot is being underutilized by the 40 permit holders, a request to increase the authorized permit number will be forwarded later to the City Commission.

Since this lot is in close proximity to the Park St. Structure, and since that structure is filling currently on a regular basis, we feel it is most advantageous to first offer permits to those who have been waiting the longest on the Park St. Parking Structure waiting list. Those on this list have currently been waiting about two years. The suggested cost is \$65 per month, the same being charged at the Park St. Structure. Permit holders would be notified that this lot is considered temporary, and issuance of a permit here does not guarantee that it will continue well into the future. Rather, those buying permits would be encouraged to remain on the waiting list at the Park St. Structure, so that when that opportunity opens up, they could still move into that facility for a longer term parking location.



## EXPENDITURES AND REVENUES

The property owner has been gracious in offering the use of the property at no cost. The initial signed lease will be for twelve months, to commence upon approval of the City Commission. After the first year, both parties are obligated to give the other a 90 day advance notice of a desire to end the lease. There has been no indication at this time that the owner is planning to move forward with a building project, but we do not anticipate that the lot will remain vacant for several years.

It is planned that all preparatory work required to get the lot ready for use would be completed with City staff. Estimated costs for labor and materials are expected to be less than \$10,000. Ongoing costs will be budgeted in future budget years as needed. Based on labor and equipment charges used for the operation of the City's other lots, it is anticipated that the ongoing cost to operate this lot will be about \$20,000 annually.

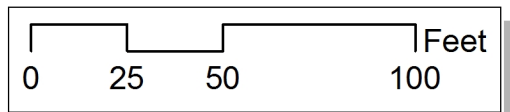
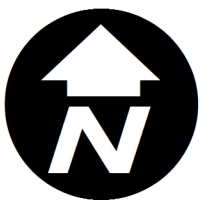
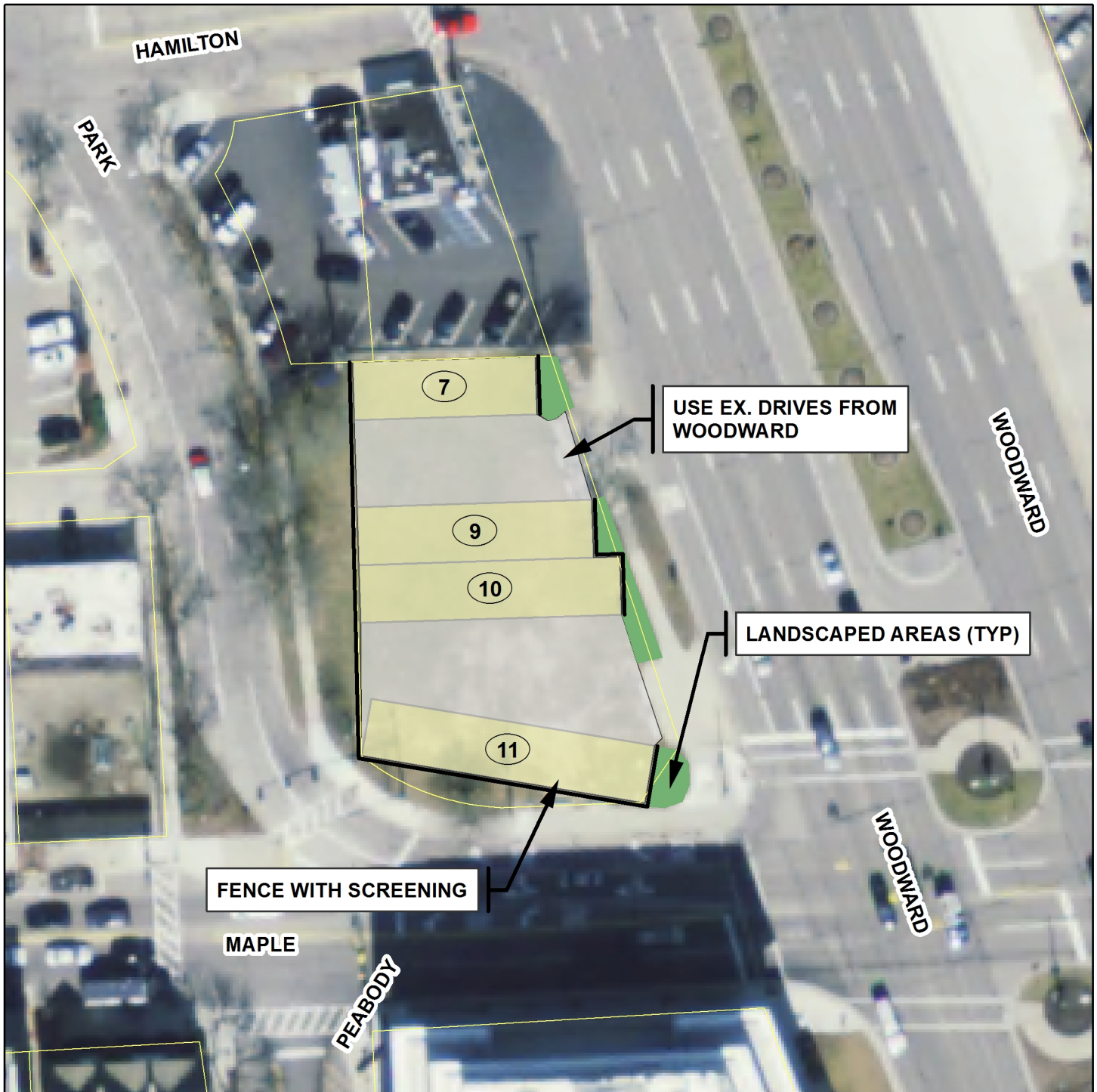
Assuming the City sells 40 monthly permits at \$65 per month, an annual revenue of \$31,200 can be anticipated. Selling these permits will likely result in a decline in daily revenues at the Park St. Structure. Therefore, it is not clear if the lot will be truly self-sustaining. However, similar to the valet proposal being discussed, operation of this lot is considered an important move to improve public service, rather than increase revenues.

Enforcement of the lot will be handled by the Police Dept. Similar to other areas, the General Fund will pay for this operation, and ticket fines collected will be directed back to that source.

Staff sees this as an excellent opportunity to use this vacant property for a beneficial use while it is awaiting redevelopment. A suggested recommendation follows.

### SUGGESTED RECOMMENDATION:

The Advisory Parking Committee recommends to the City Commission that the Mayor be authorized to sign the lease offered by the owner of the vacant property located at 35001 Woodward Ave. for the operation of a temporary parking lot. Further, it is recommended that the lot be maintained by the City with its gravel surface, and that monthly permits be offered for sale at the rate matching that being charged for permits at the Park St. Parking Structure, offered first to those on the Park St. Parking Structure waiting list. All costs and revenues derived from this lot (other than Police Dept. enforcement) will be directed to and from the Auto Parking System Fund.



# 35001 WOODWARD TEMPORARY PARKING CONCEPT PLAN

DATE: MAY 15, 2014

**PERMIT  
PARKING  
ONLY**

**MUNICIPAL PARKING LOT**

**MONTHLY PERMIT PASS MUST BE DISPLAYED**

**CALL 248-540-9690 FOR INFO.**

**SP+**  
**Birmingham, Michigan**  
**35001 WOODWARD AVE. PERMIT APPLICATION**

**Please Print Required Information Below**

Permit Holder's Name \_\_\_\_\_

Vehicle Model \_\_\_\_\_ License Plate # \_\_\_\_\_

Vehicle Color \_\_\_\_\_

Employed At \_\_\_\_\_

Work Address \_\_\_\_\_

Home Phone: \_\_\_\_\_ Work Phone \_\_\_\_\_

The above-named person is hereby issued a Parking Permit Hangtag for the temporary parking lot at **35001 Woodward Ave.** The holder of the permit will be permitted to park a vehicle with a valid hangtag in the temporary lot as long as desired without the payment of an additional fee.

**Issuance of this permit does not guarantee the availability of a parking space.**

1. Permits are issued to individuals only and may not be transferred to other individuals.
2. Lost hangtags can be replaced with a \$20.00 replacement fee.
3. The holder of this permit acknowledges the following:
  - a. That the right to obtain a monthly permit at this lot will be temporary. SP+ will provide a 30 day notice in writing when the privilege of parking at this lot will be ending. Charges for the last month will be prorated if not a whole month.
  - b. That the temporary parking lot is surfaced with gravel. The walking surface may be rough, and may contain uneven grade at times. The permit holder assumes all risks relative to walking on said surface when walking to and from their vehicle.
  - c. The permit holder has received a map showing the general layout of the temporary lot. No pavement markings are provided to guide vehicles into an efficient pattern, however, markers are provided at each parking space corner. Permit holders are expected to park their vehicle according to the markers in an orderly manner so that the parking lot may be used by all those issued a permit. Vehicles parked outside of the markers in such a way that others cannot park adjacent will be subject to a ticket for improper parking.

The City of Birmingham reserves the right to refuse to issue a permit for failure to comply with the conditions of the agreement.

**I HAVE READ AND AGREE TO ABIDE BY THE CONDITIONS OF THIS PERMIT.**

\_\_\_\_\_  
Permit Holder's Signature

\_\_\_\_\_  
SP+ Staff

## LEASE

THIS LEASE is entered into as of April 1, 2016, between Select Commercial Assets Hospitality, LLC, a Michigan Limited Liability Company, whose address is 75 Barclay Circle, Suite 205, Rochester, MI 48307 ("Lessor") and **CITY OF BIRMINGHAM** whose address is 151 Martin Street, Birmingham, MI 48009 ("Lessee").

## RECITALS

A. Lessor desires to Lease to Lessee and Lessee desires to Lease from Lessor a parking lot sufficient for approximately 37 parking spaces and necessary ingress and egress located on the Lessor's real property described in Exhibit A and depicted in Exhibit B, which are attached, and conditions set forth in this Lease;

B. Lessee intends to use the parking spaces for public parking for a fee.

In consideration of the mutual promises, the rents reserved, and the mutual benefits to be derived by Lessor and Lessee, the parties agree as follows:

1. **Premises.** Lessor leases to Lessee and Lessee leases from Lessor portions of the real property located in the City of Birmingham, Oakland County, Michigan, as legally described in Exhibit A ("Entire Premises"), and shown within the shaded areas as shown on Exhibit B (the "Leased Premises").

2. **Term.** (a) **Primary Term.** This lease will be for an initial term of one year commencing on May 10, 2016 (the "Commencement Date") and ending on May 9, 2017 (the "Primary Term").

(b) **Extended Term.** Lessee has the right to extend the term of the Lease beyond the Primary Term on a month-to-month basis (the "Extended Term"), beginning upon the expiration of the Primary Term. Lessee may exercise the right by giving written notice to Lessor not less than 90 days before the expiration of the Primary Term. Any Extended Term will be on the same terms and conditions as the Primary Term. The Primary Term and any Extended Term are collectively referred to as the "Lease Term".

(c) **Early Termination by Lessee.** Lessee may, in its sole discretion, for any reason or no reason, elect to terminate the Primary Term of this lease by providing not less than 90 days prior written notice to Lessor.

(d) **Early Termination by Lessor.** Lessor may, in its sole discretion, for any reason or no reason, elect to terminate the Primary Term of this Lease by providing not less than 90 days prior written notice to Lessee.

(e) **Termination of Extended Term.** Either party may terminate the month-to-month Extended Term by giving not less than 28 days prior written notice to the other party.

3. **Rent.** Lessee will pay no rent to Lessor, during the Lease Term or any Extended Term.

4. **Use.**

(a) **Permitted Uses.** The Leased Premises will be used solely for vehicle parking.

(b) **Compliance with Legal Requirements.** Lessee will, at its cost, comply with and cause the Leased Premises to comply with all of the following (collectively called "Legal Requirements"): (i) all local, state and federal laws, orders and regulations now or hereafter applicable to the Leased Premises or use thereof or the health and welfare of Lessee's employees, agents, customers, invitees or licensees, and (ii) all agreements entered into by Lessee with regard to the Leased Premises, including insurance policies. Legal requirements include, without limitation, all legal requirements that require unforeseen alterations or repairs to the Leased Premises.

5. **Covenant of Quiet Enjoyment.** As long as Lessee is not in default under this Lease, Lessee will be entitled to quiet possession of the Leased Premises during the Lease Term.

6. **Common Areas.** The phrase "Common Areas" means the exterior areas used as sidewalks, service drives, parking aisles, and driveways, which presently exist on the Entire Premises. During the Lease Term, Lessee, its employees, and invitees, have the non-exclusive right to use the Common Areas in common with and subject to the rights of Lessor.

7. **Environmental.** The Entire Premises constitute a "facility" as defined in Part 201 of the Michigan Natural Resources and Environmental Protection Act, MCL 324.20101 *et seq.* Lessee is not an owner of the facility as defined in Part 201 because Lessee does not own the facility. Lessee is not an operator of the facility because (a) Lessee is not in control or responsible for the operation of the facility, (b) Lessee does not have authority to control the operations or decisions involving the disposal of hazardous substances and has not assumed responsibility or control over the disposition of hazardous substances, (c) Lessee does not have authority to decide any compliance with environmental laws and regulations, (d) Lessee controls only the surface of the Leased Premises and does not control any material beneath the surface of the Leased Premises, and (e) Lessee may not conduct any activities that require disturbance of the material beneath the surface or require the Lessor to do the same under the terms of this Lease.

8. **Maintenance.** Lessee will, at its own expense, sweep, clean, and remove snow and ice from the Premises and will maintain, repair, patch, seal and replace the parking areas, as may be reasonably required in Lessee's judgment.

9. **Taxes.** During any term of this Lease, Lessor will pay all real estate taxes and special assessments levied against the entire Leased Premises.

10. **Insurance.**

(a) Commencing on the Commencement Date, Lessee will procure and maintain commercial general liability insurance, insuring and defending against any cost, loss, damage or expense, incurred by reason of any claim, suit, liability or demand for bodily injury, death or property damage occurring on the Leased Premises or arising out of, pertaining to or involving this Lease or the use, occupancy, control, maintenance or repair on the Leased Premises by Lessee, its successors, assigns, employees, agents, customers, invitees and licensees, including, without limitation, those arising as a result of Leasehold Improvements or pursuant to Lessee's activities in Section 11, in the minimum amounts of \$2,000,000 for bodily injury or death to any one person, \$3,000,000 for bodily injury or death to any number of persons in any one incident, and \$1,000,000 for property damage, with regard to each such claim, suit, liability or demand,

(b) Lessee will procure workers' compensation insurance to the extent required by Michigan law.

(c) Every insurance policy procured by Lessee must: (i) be issued by a company of nationally recognized financial standing legally authorized to do insurance business in Michigan; (ii) provide that such policy shall not be cancelled without at least thirty days' prior written notice to the named and additional insureds; and (iii) not be invalidated or the proceeds not payable because of the nature of any occupancy or use. Lessee will furnish evidence of such insurance to Lessor. Lessee will have Lessor named as an additional insured on any such insurance policy and provide proof to Lessor of Lessor's status as additional insured.

(d) The Lessor and Lessee each release the other from any liability resulting from damage by fire or other casualty to the extent of proceeds received under any insurance policy or under any pooled coverage program. Because these releases will prevent the assignment of claims to any insurer, by way of subrogation or otherwise, Lessee will procure from its insurer such endorsements to the insurance policies that are necessary to prevent invalidation or reduction of any insurance coverage provided thereunder.

11. **Responsibility.** Lessee will be responsible, for itself and its successors and assigns, for any cost, loss, damage or expense, including, without limitation, attorney fees and the reasonable costs of investigation, incurred as a result of any claim, suit, liability or demand occurring on or in the Leased Premises or arising out of, pertaining to or involving this Lease or the use, control, maintenance, repair, alteration, or occupancy on, of or to the



Leased Premises, the Common Areas, the Entire Premises or personal property, by Lessee, its successors, assigns, employees, agents, customers and invitees.

12. **Lessee's Covenant Not to Sue.** Lessee will not sue or take any civil, judicial or administrative action against Lessor for any claims arising out of, pertaining to, or involving the use, control, maintenance, repair, alteration, or occupancy on, of or to the Leased Premises, the Common Areas, the Entire Premises, or structures installed by Lessee, its successors, assigns, employees, agents, customers and invitees, except to the extent such claims arise out of conduct by Lessor, its successors, assigns, employees, agents, customers or invitees.

13. **Utilities.** Lessor will pay when due all bills for water, gas, electricity, and other utilities and services for the Leased Premises during the Lease Term, except Lessee will pay bills for electricity for lights to be installed by Lessee.

14. **Leasehold Improvements.** Lessee must submit plans to Lessor for approval, which will not be unreasonably withheld, prior to any construction on the Leased Premises, including any structure relating to vehicle parking. If such structures are not removed before the expiration of any Lease Term, at the expiration of this Lease, title to all such structures on the Leased Premises will vest in Lessor. Lessee may, at its cost, install or cause to be installed, lighting deemed necessary by Lessee for vehicular parking.

15. **Signs, Grading.** Lessee may install, maintain, and remove signs and striping of parking spaces appropriate to its use, in or about the Entire Premises as Lessee may deem necessary or desirable. The signs will be in compliance with all governmental regulations. The Lessee may regrade existing gravel surface, and add supplemental gravel as needed, to make the area safer for use by pedestrians while departing and accessing parked vehicles.

16. **No Liens.** Lessee will not permit any mechanic's or other lien or security interest to be filed against any part of the Entire Premises which arises out of the use, occupancy, control, maintenance or repair of the Leased Premises or for work or materials furnished to the Leased Premises or to Lessee, its successors, assignees, sub-lessees, or licensees. Lessee must discharge any lien, at Lessee's expense, within thirty days after Lessee's receipt of notice thereof. Lessor will not be liable for any labor, service or material furnished or to be furnished to Lessee.

17. **Assignment and Subletting.** Lessee will not assign this Lease nor will Lessee enter into any sublease without the written consent of the Lessor.

18. **Damage to Leased Premises.** If, during the Lease Term, the Leased Premises or any portion of the Entire Premises is partially or totally damaged or destroyed, Lessor, subject to the conditions set forth in this section, will repair such damage and restore the parking lot to substantially the same condition it was immediately before such damage or destruction,. Lessor shall not be responsible to repair and restore the Leased Premises in the event such damage or destruction was caused by Lessee, its successors, assignees, sub-

lessees, or licensees, in whole or in part. Lessor will notify Lessee in writing, within thirty days after the date of the damage or destruction if Lessor anticipates that the restoration will take more than ninety days from the date of the damage or destruction to complete. In such event, either Lessor or Lessee may terminate this Lease effective as of the date of such damage or destruction by giving written notice to the other within ten days after Lessor's notice. Lessor must take such steps as may be necessary during the Lease Term to secure the Leased Premises from further damage. If damage or destruction that is not the responsibility of Lessee, in whole or in part, occurs during the last six months of the Lease Term, the Lessor may cancel this Lease. This paragraph does not apply to any damage or destruction to items installed under Paragraphs 14 and 15 of this Lease that are not caused solely by Lessor.

**19. Eminent Domain.** If (i) all of the Leased Premises or Common Areas are taken by any public authority under the power of eminent domain, (ii) any part of the Leased Premises or Common Areas is so taken and the remainder thereof is insufficient for the reasonable operation of Lessee's use, or (iii) any of the Entire Premises is so taken, and, in Lessor's opinion, it would be impractical or the condemnation proceeds are insufficient to restore the remainder of the Entire Premises, this Lease will terminate and all unaccrued obligations under this Lease shall cease as of the day before possession is taken by the condemnor.

If there is a taking by eminent domain and this Lease has not been terminated pursuant to this section, (i) Lessor will restore the Leased Premises and the leasehold improvements which are a part of the Entire Premises to a condition and size as nearly comparable to the condition and size thereof immediately before the date upon which the condemnor took possession, and (ii) the obligations of Lessor and Lessee will be unaffected by such condemnation.

**20. Surrender of Leased Premises.** Upon the expiration or termination of the Lease Term, Lessee will surrender the Leased Premises, together with all existing leasehold improvements, to Lessor "broom clean" and in good order, repair and condition, except for ordinary wear and tear. Before the expiration or termination date, Lessee will remove all personal property, fixtures and equipment placed or affixed on the Leased Premises by Lessees, its assignees, sub-lessees, customers, invitees, or licensees, and repair all damage to the Leased Premises caused by such removal. If Lessee fails to so remove or repair, Lessor may remove and dispose of such property and repair any damage caused by removal. Lessee agrees to pay the costs of such removal, and disposal within ten days of receipt of a statement therefor from Lessor. No such removal, disposal or repair will cause Lessor to be the owner of such property, by conversion or otherwise. This section survives the termination or expiration of this Lease.

**21. Lessee's Default.** (a) Events of Default. Any of the following occurrences, acts or omissions constitute an "Event of Default" under this Lease: (i) Lessee fails to observe or perform any other provision of this Lease within twenty-five days of Lessee's receipt of notice from Lessor, except that if the failure cannot reasonably be cured within

such 25-day period, then such failure shall not be an Event of Default if Lessee begins to cure within such 25-day period and proceeds diligently and in good faith thereafter to cure such failure and cures such failure within a reasonable time.

(b) **Notice to Terminate.** If an Event of Default has happened and continues, Lessor may terminate this Lease upon written notice to Lessee. Upon Lessee's receipt of such written notice, (1) the Lease Term and the estate in this Lease granted expires and terminates as fully and completely and with the same effect as if such date were the date in this Lease fixed for the expiration of the Lease Term, and (2) all rights of Lessee under this Lease expire and terminate (but Lessee remains liable as set forth in this Lease).

(c) **Right to Re-enter.** If an Event of Default has happened and continues, Lessor may re-enter and repossess the Leased Premises by summary proceedings, ejectment, or in any other lawful manner Lessor determines to be necessary or desirable. Lessor is under no liability to Lessee by reason of any such re-entry or repossession. Lessor's re-entry of the Leased Premises is not an election by Lessor to terminate this Lease unless Lessor gives Lessee a notice of such intention or unless such a court of competent jurisdiction orders such termination.

(d) **Authority to Re-let.** At any time, or from time to time, after Lessor's re-entry or repossession of the Leased Premises pursuant to this Lease, Lessor may re-let the Leased Premises, in the name of Lessee or Lessor or otherwise, without notice to Lessee, for such term or terms and on such conditions and for such uses as Lessor may determine, subject to Lessee's zoning, land use and building permit requirements. Lessor may collect and receive any rents payable by reason of such re-letting. Lessor is not liable to Lessee for any failure to re-let the Leased Premises or for any failure to collect any rents due upon any such re-letting.

(e) **Lessee's Liability Continues.** (i) No expiration or termination of the Lease Term pursuant to this section, or by operation of law or otherwise, (ii) no re-entry or repossession of the Leased Premises pursuant to this section or otherwise, and (iii) no reletting of the Leased Premises pursuant to this section or otherwise, will relieve Lessee of its liabilities and obligations hereunder, all of which survive such expiration, termination, re-entry, repossession or re-letting.

22. **Remedies.** No right or remedy under this Lease or at law or equity is exclusive of any other right or remedy but is cumulative. Failure to insist upon strict performance of any provision of this Lease or to exercise any right or remedy of this Lease or law or equity does not constitute a waiver of any future performance. Receipt by Lessor of any Rent with knowledge of an Event of Default or Lessee's breach of this Lease does not constitute Lessor's waiver of such Event of Default or breach. Any waiver by either party of any provision of this Lease must be in writing. Each party is entitled to injunctive relief in the event of breach or threatened breach of its material obligations under this Lease beyond applicable cure periods. Lessee waives and releases for itself and all those claiming under it, including creditors of any kind, any right and privilege which it or any of them may have to

redeem the Leased Premises or to continue this Lease after expiration or termination of Lessee's right of occupancy by order or judgment, any legal process or writ, or under the terms of this Lease.

23. **Holding Over.** If Lessee remains in occupancy of the Leased Premises beyond the expiration or termination of the Lease Term, Lessee will remain solely as a subtenant from month-to-month and all provisions of this Lease applicable to the Lease Term remain in full force and effect. Nothing in this section is intended or may be construed to permit Lessee to occupy the Leased Premises beyond the expiration or termination of the Lease Term or to waive any right or remedy of Lessor as a result thereof.

24. **Estoppel Certificate.** Lessee will, from time to time, upon fifteen days' prior written request from Lessor, cause to be executed, acknowledged and delivered a certificate stating that this Lease is unmodified and in full effect (or, if there have been modifications that this Lease is in full effect as modified and describing such modifications), the amount of rent and the date through which rent has been paid, and stating that, to the knowledge of the signer of such certificate, either no default exists under this Lease or specifying each such default of which the signer has knowledge.

25. **Title and Condition.** (a) Lessor leases the Leased Premises to Lessee and grants rights to the Common Areas to Lessee in their present condition, without representation or warranty, express or implied, except as otherwise set forth in this Lease, and subject and subordinate to all easements, restrictions and agreements of record.

(b) By execution of this Lease, Lessee acknowledges that it has inspected the Leased Premises and the Common Areas. Lessee accepts the Leased Premises and the Common Areas on the Commencement Date in their then "as is" and "where is" physical and environmental condition and releases and discharges Lessor from any claim, demand, liability or suit related to or arising from the physical or environmental condition of the Leased Premises or the Common Areas. Lessee acknowledges that neither Lessor nor its agents or employees have made any express warranty or representation regarding the physical or environmental condition of the Leased Premises or the Common Areas, that quality of material or workmanship of the Leased Premises or the Common Areas, latent or patent, or the fitness of the Leased Premises or the Common Areas for any particular use or purpose and that no such representation or warranty is implied by law.

(c) Lessee acknowledges that Exhibit B is only an approximation of the parking lot improvements on the Entire Premises and that Lessor makes no representation or warranty, express or implied, regarding the existence, location or size of improvements on the Entire Premises or the location of the boundaries of the property described in Exhibit A.

26. **Representations and Warranties.** Lessee represents and warrants to Lessor that (a) Lessee is a Michigan municipal corporation, duly organized, validly existing and in good standing under the laws of Michigan, is exempt from federal and state taxes, and has the power to own its property and assets and carry on its business; (b) the execution of this

Lease constitutes the binding obligation of Lessee and has been authorized by Lessee's City Commission; (c) the Lease of the Leased Premises will not conflict with or result in a breach of Lessee's charter or ordinances or any agreement to which Lessee is a party or by which it may be bound, or violate any state or federal law, statute, ordinance or regulation.

27. **Notices, Demands and Other Communications.** All notices, demands or other communications given pursuant to this Lease must be in writing and will be deemed given on the date mailed if mailed by nationally recognized overnight courier or by registered or certified mail, return receipt requested, with postage prepaid if: (a) when mailed to Lessor, it is addressed to Lessor at its address set forth above, marked "Attention: Gehad Hadidi" and (b) when mailed to Lessee, it is addressed to Lessee at its address set forth above, marked "Attention: City Manager". The parties may specify any other address in the United States with fifteen days' prior notice.

28. **Severability.** If a court of competent jurisdiction declares invalid or unenforceable any provision of this Lease or its application to any person or circumstance, (a) the remaining provisions of this Lease, or the application of such provisions to persons or circumstances other than those to which it is invalid or unenforceable, are not affected thereby, and (b) each provision is valid and enforceable to the extent permitted by law.

29. **Binding Effect.** All provisions of this Lease are binding upon, inure to the benefit of, and are enforceable by the respective successors and assigns of Lessor and Lessee. The covenants and obligations of Lessor under this Lease are not binding upon the Lessor with respect to any period after the assignment of all its interests in the Leased Premises to a subsequent Lessor. In the event of any such assignment, Lessee may enforce the performance of any term, covenant, obligation, warranty or representation of Lessor solely against the Lessor's assignees, but only after such assignment.

30. **Governing Law.** This Lease is interpreted under the laws of the State of Michigan.

31. **Interpretation.** The recitals of this Lease are incorporated in this Lease. The section and subsection captions are for convenient reference only and are not intended to modify the interpretation of the section or subsection from an interpretation that is indicated by the text of the section or subsection. All of the representations, warranties and indemnities contained in this Lease survive indefinitely the expiration or termination of this Lease. This Lease is the product of negotiation. This Lease will be interpreted in accordance with its fair and apparent meaning and not for or against either party.

32. **Entire Agreement.** This Lease contains the entire agreement of the parties with respect to the Leased Premises. All prior negotiations or agreements, whether oral or written, are superseded and merged in this Lease.

33. **Amendment.** This Lease may not be changed or amended except by a writing duly authorized and executed by the party against whom enforcement is sought.

34. **Brokers.** Lessee represents to Lessor that Lessee has not entered into any agreement providing payment to any party of any fee or commission in connection with the transactions contemplated by this Lease. If any individual or entity shall assert a claim to a finder's fee or commission as a broker or a finder, then the party who is alleged to have retained such individual or entity or whose acts, omissions or representations are alleged to give rise to such claim shall defend (with counsel reasonably acceptable to the indemnified party), indemnify and hold harmless the other party from and against any such claim and all costs, expenses, liabilities and damages, including attorney fees, incurred in connection with such claim or any action or proceeding arising from such claim or action.

**CITY OF BIRMINGHAM**

("Lessee")

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

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

Select Commercial Assets Hospitality, LLC  
("Lessor")

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

Its: Auth. Agent  
Gehad Hadidi

Approved:

\_\_\_\_\_  
Joseph A. Valentine, City Manager  
(Approved as to form)

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

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

**EXHIBIT A**

**to Lease between  
Select Hospitality Assets LLC and the City of Birmingham**

**Legal Description**

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



## EXHIBIT A

### Parcel 1:

Lots 1, 2, 3, part of Lots 4 and 5, also part of a vacated alley, all being part of ASSESSOR'S PLAT NUMBER 21, a replat of HAMILTON'S EASTERN ADDITION VAN EVERY-LAWSON SUBDIVISION, Rundel Addition and a part of the Southeast 1/4 of the Southwest 1/4 of the Southwest 1/4 of the Southeast 1/4 of Section 25, Town 2 North, Range 10 East, City of Birmingham, Oakland County, Michigan, according to the Plat thereof as recorded in Liber 54 of Plats, Page 19, Oakland County Records, being more particularly described as follows: Commencing at the SEC. of Lot 1 of said Assessor's Plat Number 21 and proceeding thence North 18 degrees 50 minutes 30 seconds West, along the Westerly line of Hunter Boulevard (200 feet wide) said line being also the Easterly line of Lot 1 (as Platted), a distance of 23.13 feet to the Point of Beginning of the parcel of land herein being described, proceeding thence from said Point of Beginning South 34 degrees 32 minutes 10 seconds West along the Northerly line of Maple Avenue as widened (width varies), a distance of 23.86 feet to a Point: thence South 87 degrees 54 minutes 50 seconds West along the North line of said Maple Avenue (as widened) said line being 3.00 feet North of, as measured at right angles to and parallel to the South line of said Lot 1 as Platted, a distance of 47.66 feet to a Point; thence along the arc of a curve, which is tangent to the foregoing line, concave to the Northeast, Radius 57.00 feet, an arc distance of 54.91 feet (chord bears North 64 degrees 29 minutes 25 seconds West, 52.81 feet) to a Point; thence North 01 degrees 48 minutes 10 seconds West along a line which runs through the interior of Lot 5, across a vacated alley (18 feet wide), and through the interior of Lot 4 of said Subdivision, said line being 35.00 feet West of, as measured at right angles to, and parallel to the East line of said Lot 5, a distance of 135.76 feet to a Point on the North line of said Lot 4, thence North 88 degrees 16 minutes 35 seconds East along the North line of said Lot 4, a distance of 34.77 feet to the Northeast corner of said Lot 4, thence North 88 degrees 17 minutes 00 seconds East along the North line of Lot 3 of said Subdivision, a distance of 31.00 feet to the Northeast corner of Lot 3; thence South 18 degrees 40 minutes 40 seconds East along the Westerly line of said Hunter Boulevard, said line being also the Easterly line of said Lot 3, a distance of 30.80 feet to an angle point in the West line of said Hunter Boulevard; thence South 18 degrees 50 minutes 39 seconds East along said Westerly line of Hunter Boulevard, said line being also part of the Easterly line of said Lot 3, all of the Easterly line of Lot 2, and part of the Easterly line of Lot 1 of said Subdivision, a distance of 116.06 feet to the Point of Beginning.

### Parcel 2:

Lot 40, except the West 34.00 feet "ASSESSOR'S PLAT NUMBER 21" as recorded in Liber 54 of Plats, Page 19, Oakland County Records

**EXHIBIT B**  
**to Lease between**

\_\_\_\_\_ **and the City of Birmingham**

**Site Plan – Parking Lot**

**(see next page)**



## MEMORANDUM

Engineering Dept.

**DATE:** April 29, 2016

**TO:** Joseph Valentine, City Manager

**FROM:** Paul T. O'Meara, City Engineer

**SUBJECT:** 2016 Asphalt Resurfacing Program  
Multi-Modal Transportation Board Review

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The Engineering Dept. is currently preparing bidding documents for its 2016 Asphalt Resurfacing Program. As has been done for several years, our office assembles a medium sized project directed toward asphalt paving companies. Several streets that are in need of preventative maintenance and/or asphalt repair are selected for work, and assembled into one contract. The work in this year's program are identified in the 2016/17 fiscal year budget. We hope to solicit bids in the near future, with the intention of getting this work done some time between August and October of this year. Maps of the project areas are attached.

The significant work identified for this project includes:

**W. Brown St. – Southfield Rd. to Chester St. –** New combined sewer is planned (to address existing capacity issue). The existing asphalt over concrete road will be completely removed and replaced. The existing concrete curb and gutter system (from the 1990's) will be retained.

**Mansfield Rd. – Sheffield Rd. to Bradford Rd. –** Existing heaved concrete slabs will be replaced to address drainage problems, and the entire road will receive an asphalt surface course.

**Sheffield Rd. – S. Eton Rd. to Cheltenham Rd.**

**Cheltenham Rd. – Sheffield Rd. to Dunstable Rd.**

**Dunstable Rd. – Cheltenham Rd. to Melton Rd.**

**Bradford Rd. – S. Eton Rd. to Melton Rd.**

**Mansfield Rd. – Bradford Rd. to E. 14 Mile Rd. –** The existing asphalt surface course placed in the 1990's will be removed and replaced.

**Melton Rd. – S. Eton Rd. to E. 14 Mile Rd. –** A thin micro-surface asphalt layer will be placed to extend the life of the existing pavement.

As done with all other street projects in the recent past, the Multi-Modal Transportation Master Plan was reviewed in the area of all of these streets. As described in the attached report, while some master plan improvements are planned in the area of these streets, they are generally a part of a larger project that needs to be decided in a larger context. As is required with all street improvement projects of this nature, all handicap ramps within the project area will be upgraded to meet current standards. In addition, the opportunity for a new pedestrian

crosswalk improvement is proposed at the Cheltenham Rd./Dunstable Rd./Hanley Ct. intersection, as described in the attached report.

After reviewing the master plan, the Multi-Modal Transportation Board (MMTB) passed the following recommendation:

*To recommend to the City Commission that the Engineering Dept. proceed with the design of the 2016 Asphalt Resurfacing Program. All handicap ramps requiring replacement shall be included in the project. Further, new ramps and a crosswalk shall be installed at the Cheltenham Rd./Dunstable Rd./Hanley Ct. intersection to improve pedestrian accessibility and safety at this location.*

Should the Commission choose to concur with the recommendations of the Multi-Modal Transportation Board, a suggested resolution is provided below:

#### SUGGESTED RESOLUTION:

To concur with the Multi-Modal Transportation Board, and to direct the Engineering Dept. to proceed with the 2016 Asphalt Resurfacing Program, with the inclusion of all required handicap ramps within the project area, as well as the proposed pedestrian crosswalk improvement at the Cheltenham Rd./Dunstable Rd./Hanley Ct. intersection.



## MEMORANDUM

Engineering Dept.

**DATE:** April 14, 2016

**TO:** Multi-Modal Transportation Board

**FROM:** Paul T. O'Meara, City Engineer

**SUBJECT:** 2016 Asphalt Resurfacing Program  
Multi-Modal Analysis and Review

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As we have done with other street projects since the creation of the Multi-Modal Transportation Board (MMTB), a review of the project plans with respect to the Multi-Modal Master Plan has been conducted. The following describes the project, and how it is impacted by the Master Plan:

### Project Scope

Each year, the City budgets funds to resurface some asphalt streets that are still structurally sound, but have a poor or marginal asphalt surface. This year, funding is available to address several local streets located in the southeast corner of the City, as well as a portion of Brown St. Maps of the project areas are attached. Generally speaking, each street will be reconditioned where necessary, with minor concrete or asphalt repairs. Old asphalt resurfacing materials will be removed. New asphalt surfaces will be installed. In the case of Brown St., where the pavement is not structurally sound, all old asphalt will be removed and replaced, but the curbs will remain. Since the pavement is being removed, two new parallel sewers will be installed as well to improve a sewer capacity issue on this street. In accordance with federal requirements, new sidewalk handicap ramps will be installed wherever the current ones located within the project limits do not meet current standards.

While the ramps can be considered a multi-modal improvement, the basis for how this work is included, and how it is done, is specified under the Americans with Disabilities Act, as well as clarified through the MI Dept. of Transportation (MDOT). The City does not have the ability to alter the construction of the ramps other than what is prescribed by these standards. Funds to include this element of the job, similar to any other street improvement project, are already included in the budget.

### Master Plan – Brown St.

The segment of Brown St. proposed for rehabilitation has been identified in the plan as part of a neighborhood connector route in Phase 3 (map attached). As has been discussed before, the connector routes will consist of signs and pavement markings (the first connector route recently approved will be installed in the coming months). The connector route in question is planned to help connect bicyclists from Southfield Rd., through the south side of the Central Business District, and east eventually to Eton Rd. The scope of the route is much more extensive than what is planned with this project. Further, signs and pavement markings can easily be added at

a later date if and when the City determines that this Brown St. connector route is a priority, and should be installed. We do not recommend any changes to this project as a result of the Master Plan.

#### Master Plan – Southeast Area Streets

After a review of the Master Plan, it appears that no specific recommended changes are suggested on any of the subject streets. As shown on the attached map of Phase 3 improvements, a park pathway is recommended, connecting into the two ends of Cheltenham Rd. The pathway would connect these two street connections to Kenning Park, and provide a surfaced path from these points north to Lincoln Ave. (on Kenning Park property). Such accommodations have been considered in the Kenning Park master plan. However, the City has not set aside funds or a timetable for potential improvements to Kenning Park. If a pathway is constructed to connect to Cheltenham Rd., the construction of ramps connecting to the existing street and sidewalks can easily be done at that time, rather than in conjunction with this project. Attempting to construct elements of this pathway at this time when it has not been identified as a priority would be premature. No additional work related to this potential future pathway is recommended at this time.

#### Cheltenham Rd./Dunstable Rd./Hanley Ct. Intersection

The above intersection is being resurfaced as a part of this project. Due to the odd angles at which these three streets intersect, all three directions are required to stop at the posted STOP signs. Painted stop bars have been installed in the past, and are recommended again due to this odd configuration. Sidewalks exist on both sides of Cheltenham Rd. and the north side of Dunstable Rd., while none exist on Hanley Ct. Currently, there is no designated path for pedestrians that wish to cross from one side of Cheltenham Rd. to the other. It is assumed that there is some pedestrian activity here, given the density of the neighborhood, and the proximity to an entrance to Kenning Park (the far right home in the attached photo is 1599 Cheltenham Rd., and Kenning Park is just to the right of the house).

Given the fact that the intersection is controlled by stop signs, a designated crosswalk for pedestrians would be an improvement over the current condition. On the north side of the intersection, a ramp from the Cheltenham Rd. north side sidewalk is proposed just east of the existing drive approach for 1599 Cheltenham Rd. The stop bar for eastbound Cheltenham Rd. traffic would be moved northwest about four feet to make room for a ramp and sidewalk connection at that point up to the south side Cheltenham Rd. sidewalk. Since there are no sidewalks on the east side of the intersection, no other ramps are suggested at this time.

#### **SUGGESTED RECOMMENDATION:**

To recommend to the City Commission that the Engineering Dept. proceed with the design of the 2016 Asphalt Resurfacing Program. All handicap ramps requiring replacement shall be included in the project. Further, new ramps and a crosswalk shall be installed at the Cheltenham Rd./Dunstable Rd./Hanley Ct. intersection to improve pedestrian accessibility and safety at this location.

## CITY OF BIRMINGHAM MULTIMODAL TRANSPORTATION PLAN NETWORK IMPLEMENTATION PLAN



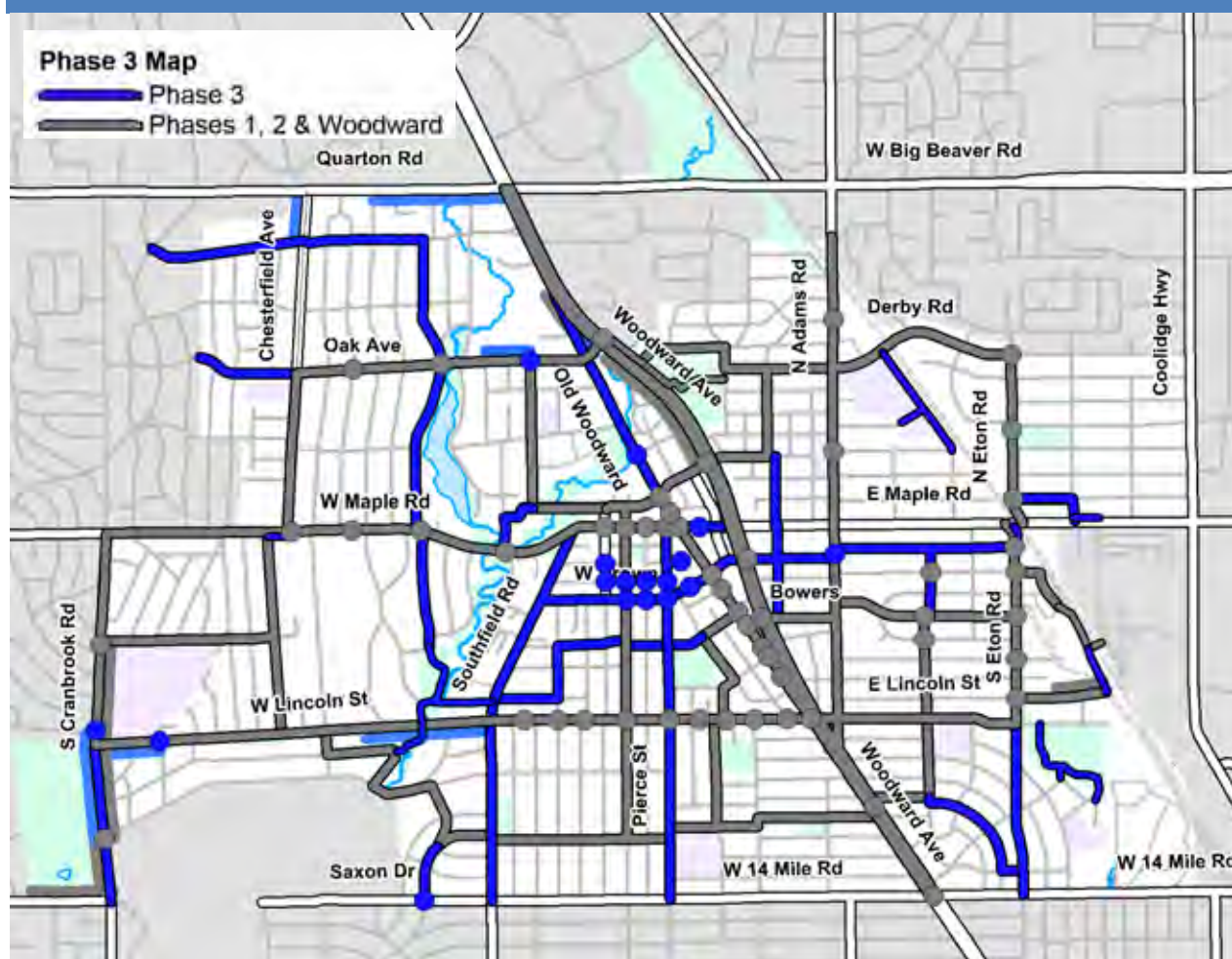
### 4.4 PHASE 3

#### PHASE 3: OVERVIEW

This phase focuses on completing the multi-modal network and includes the remaining network improvements. Due to the length of time it is going to take to complete the first two phases, the remaining improvements have been grouped into Phase 3. When the first two phases are near completion, a more thorough evaluation should be done to determine what new opportunities are available and what the costs may be.

The following pages outline the remaining infrastructure improvements to complete the multi-modal network.

FIGURE 4.3A. PHASE 3



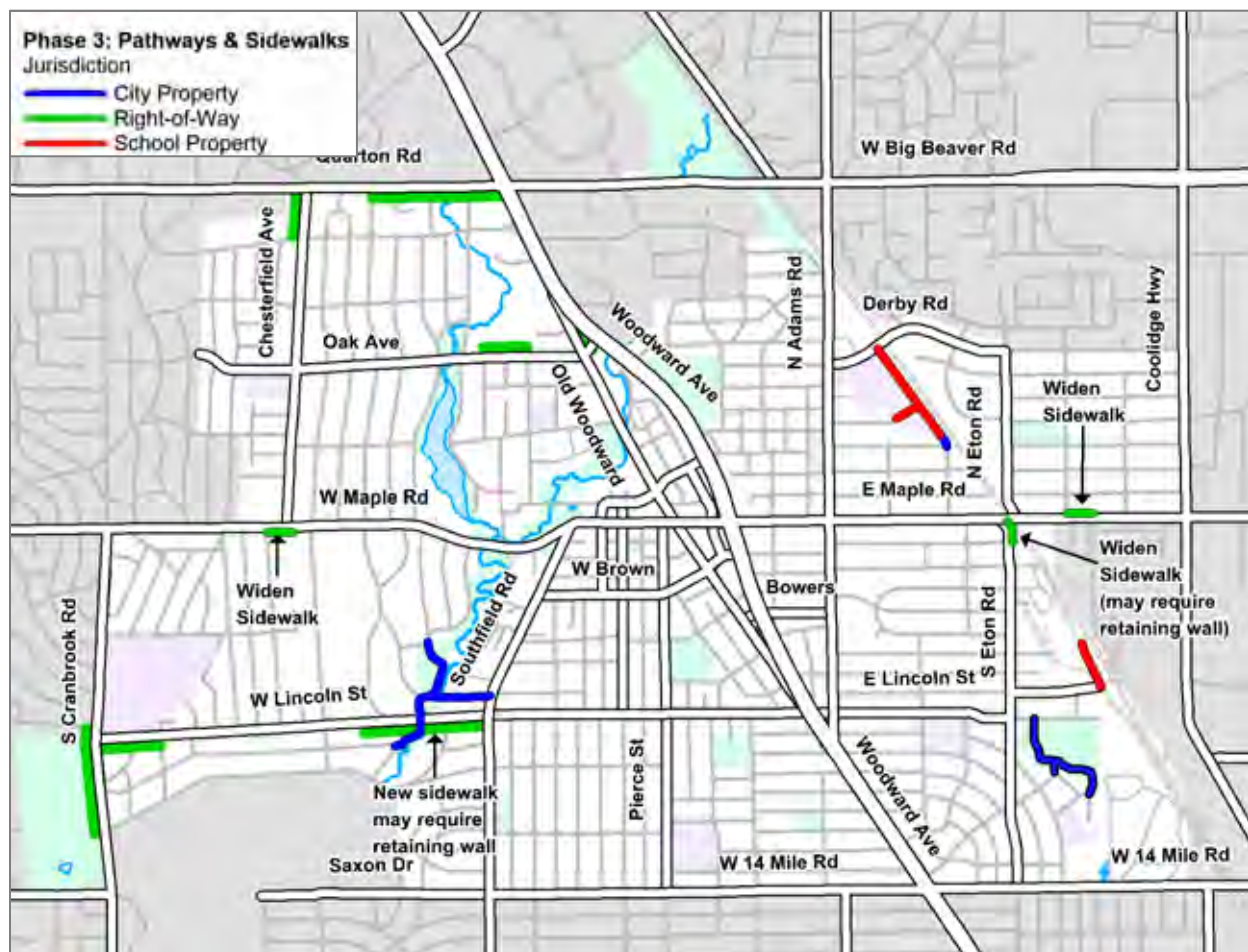


### PHASE 3: RECOMMENDED PATHWAYS & SIDEWALKS

Phase 1 and Phase 2 focus on addressing some of the more critical gaps in the sidewalk system. Phase 3 should focus on completing the remaining gaps in the system. Completing sidewalk gaps can be costly so it is important to utilize opportunities, especially when a road is reconstructed or a property is developed.

The remaining sidewalks and pathways are on City property, school property or in the road right-of-way.

In the future, whenever a site is redeveloped, non-motorized connections should be provided either as a sidewalk along a roadway with bike lanes or a shared-use pathway.



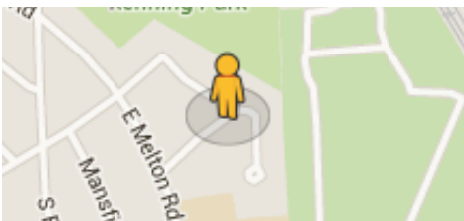
## Google Maps Dunstable Rd



Image capture: Jul 2012 © 2016 Google

Birmingham, Michigan

Street View - Jul 2012



Google Maps



## MEMORANDUM

Fire Department

**DATE:** May 5, 2016

**TO:** Joseph A. Valentine, City Manager

**FROM:** John M. Connaughton, Fire Chief

**SUBJECT:** Chesterfield Fire Station Design

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Per direction by the City Commission, the Fire Department issued a solicitation to Michigan Inter-Governmental Trade Network (MITN) on July 15, 2015 to accept sealed BID proposals from qualified professional firms to provide full architectural design services for a new fire station. On September 24, 2015 the City Commission awarded a contract to Sidock Group, Inc.

To start the design process, fire staff met with the lead architect Stacy Peterson to review a needs assessment, once completed, a "Program of Area Requirements" which generates a detailed report covering living areas, working areas and operational needs were used to design concept drawings. Sidock Group worked very closely with the Fire Department, Planning Board and the Architectural Review Committee in the process of designing the Chesterfield Fire Station. Many considerations were evaluated by both the Planning Board and the Architectural Review Committee such as needs assessment, size, design, site issues and landscaping when reviewing concept plans. On November 11, 2015 the Planning Board conducted a courtesy review of the first set of plans, made constructive suggestions and sent the plans back for revision, at the same time, meetings took place with the Architectural Review Committee to receive their input and make revisions accordingly. On January 27, 2016 the Planning Board conducted a courtesy review of the plans with associated revisions, the board was appreciative of the changes made by Sidock Group but requested there to be more revisions. This process of review then revise from both the Planning Board and the Architectural Review Committee continued for a period of time, but with each revision the plans became more of a reality. On April 19, 2016 Sidock Group met the Architectural Review Committee, and then on April 27, 2016 the Planning Board conducted a final courtesy review of the Chesterfield Fire Station plans. Both groups were united in agreement that the plans were iconic, met current industry design and is functional. The Fire Department has been working closely with the Architectural Review Committee and the Planning Board to design a floor plan that meets the operational needs of the fire department and has an exterior design that meets the high standards expected in the City of Birmingham. The Fire Department will be presenting a brief Power Point presentation as an overview of the project.

Upon completion of the above process with the Planning Board and the Architectural Review Committee the Fire Department recommends the City to endorse the plan for the Chesterfield Fire Station and to authorize issuance of a Request for Proposals for construction.

**SUGGESTED RESOLUTION:**

To endorse the plan for the Chesterfield Fire Station as reviewed by the Architectural Review Committee and Planning Board and to authorize issuance of a Request for Proposals for construction.



# COURTESY NOTICE

## CITY COMMISSION REVIEW OF PROPOSED NEW CONSTRUCTION OF FIRE STATION

BIRMINGHAM CITY COMMISSION	
COURTESY NOTICE	
Meeting Date, Time, Location:	Monday, May 9, 2016, 7:30 PM Municipal Building, 151 Martin, Birmingham, MI
Location of Request:	Chesterfield Fire Station 1600 W. Maple
Nature of Meeting:	Review of proposed new construction of the Chesterfield Fire Station
City Staff Contact:	Jana L. Ecker, Planning Director 248.530.1841 John Connaughton, Fire Chief 248.530.1900
Courtesy Notice:	Mailed to all property owners and occupants within 300 feet of subject address.
Plans are available for review at:	Community Development Department
Persons wishing to express their views may do so in person at the hearing or in writing addressed to City Clerk, City of Birmingham, 151 Martin, Birmingham, MI 48009.	
Persons with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk's Office at (248) 530-1880 (voice) or (248) 644-5115 (TDD) at least one day in advance to request mobility, visual, hearing or other assistance.	



**DRAFT – NOT APPROVED**

## **Architectural Review Committee**

City Hall Lower Level Conference Room

151 Martin St., Birmingham, MI

248.530.1807

Tuesday, April 19, 2016

Meeting called to order at 3:05 p.m.

Present: Larry Bertollini, Chris Longe

City Staff: Joe Valentine, City Manager  
Jana Ecker, Planning Director  
John Connaughton, Fire Chief  
Joellen Haines, Assistant to the City Manager

Others: Stuart Jeffares  
J.C. Cataldo  
Clinton Baller  
George Kacan, Sidock Group  
George Petkoski, Sidock Group  
Stacy Peterson, Sidock Group

Discussion was focused on changes from the April 15, 2016 ARC Meeting for a final review of the plans for the Chesterfield Fire Station.

George Petkoski presented the drawings.

Larry Bertollini wanted clarification if the masonry was on the same plane as the tower. He also made an observation regarding the North Elevation that it may require extra structural costs to put brick on the upper level.

**Discussion on the East Elevation** – Chris Longe suggested that the candy striping on the south and west side should be taken around to the front. Longe said it is his opinion that the striping is a graphic thing as opposed to an aesthetic thing, and the bump in the wall does end with landscaping. Petkoski said the striping articulates the building. It's a municipal building. Longe agreed and said if you do it all around the building, it's stronger appeal, but doesn't think it's necessary. Petkoski said using the striping is a way of tying in the windows above. Stuart Jeffares said that it's two different approaches.

### **Site Plan Elements**

Jeffares had a comment on the landscaping; instead of blocking the 2 windows that are there, the landscaped should be moved over. Longe agreed that the landscaping needs to be done a lot better; he said the landscaping at the front door is odd. The seating area seems out of place

and doesn't relate to anything at all. Joe Valentine said relocating it came from the last meeting to make it accessible to people passing by. Longe said the wall at the Maple Rd. frontage doesn't look connected. Longe suggested making the wall look intentional. Discussion continued about the possibility of having the landscaping be part of Phase 2 to avoid holding up the building of the station. Bertollini suggested putting a landscape buffer in the back patio area instead of having it right against the adjacent property. Longe reiterated that the seating element needs to be looked at. Valentine summarized the comments that the group is recommending a 2-3 ft. buffer to the east (could push to the north) on the patio in the back of the building, and limestone on the east elevation. Bertollini agrees with Longe that the striping on the front (banding) is not preferred.

The group provided a summary for each elevation:

#### **North Elevation**

Remove banding and make it brick.  
Have the line near the flagpole come out.

#### **East Elevation**

Keep stone only above windows, make the rest brick where it is banded.

#### **Site Plan**

Put landscaping against east property wall  
Take out wall on Chesterfield and Maple  
Push in the 2 pieces of wall near parking lot 6 ft.  
Push in back walls  
Discussion on keeping the 20 ft. wall in front of the building to comply with B-1. They will keep it in for now.

#### **Comments from the public**

Clinton Baller, said he was concerned about the process. He wants what is best for Birmingham. He is very interested in planning, design and architecture and wants to be proud of this. It's a civic building. Baller said he thinks a design competition would have been appropriate. Baller said he feels left out; he only found out about it today. He said he is crossing his fingers and hoping for the best on this, and doesn't like the process.

J.C. Cataldo thanked everyone at the table for the tremendous amount of effort spent on this. He said he is not sure the process was correct. He said he likes the building. Cataldo wanted verification that the yellow color on the canopy (banding) is gone from the building and wanted to know if the red will match the Adams Fire Station. Petkoski answered yes to both questions. Cataldo likes the way the flagpole is engaged with the tower element. Cataldo questioned the number of parking spaces on the new plans and noted it was now only 10 and not 12 as on the plans, since 2 had been removed. Petkoski confirmed there were 10 parking spaces. Cataldo said he had been approached by the neighbor whose property is directly behind the proposed station regarding the notification process; Ecker assured everyone within 300 feet was mailed out postcards received flyers notifying them regarding the fire station. Ecker noted there are 3 signs on the property right now.

There was a question as to whether there will have brick samples at the Planning Board meeting April 27, and Petkoski said there will be brick samples brought to the meeting.

Stuart Jeffares thanked Joe. Jeffares said Joe didn't create but inherited this process and tried to make it as close to the normal process as possible.

The meeting was adjourned at 9:47 a.m.



**CITY OF BIRMINGHAM  
REGULAR MEETING OF THE PLANNING BOARD  
WEDNESDAY, APRIL 27, 2016  
City Commission Room  
151 Martin Street, Birmingham, Michigan**

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Minutes of the regular meeting of the City of Birmingham Planning Board held on April 27, 2016. Chairman Scott Clein convened the meeting at 7:30 p.m.

**Present:** Chairman Scott Clein; Board Members Robin Boyle, Stuart Jeffares, Bert Koseck, Gillian Lazar, Lisa Prasad, Janelle Whipple-Boyce; Student Representative Colin Cusimano

**Absent:** Board Member Bryan Williams; Alternate Board Member Daniel Share

**Administration:** Matthew Baka, Senior Planner  
Brooks Cowan Asst. Planner  
Jana Ecker, Planning Director  
Carole Salutes, Recording Secretary

**04-69-16**

**APPROVAL OF THE MINUTES OF THE REGULAR PLANNING BOARD MEETING  
OF APRIL 13, 2016**

**Motion by Ms. Whipple-Boyce**

**Seconded by Mr. Koseck to approve the Minutes of April 13, 2016 as presented.**

**Motion carried, 7-0.**

**VOICE VOTE**

Yeas: Whipple-Boyce, Koseck, Boyle, Clein, Jeffares, Lazar, Prasad

Nays: None

Absent: Williams

**04-70-16**

**CHAIRPERSON'S COMMENTS (none)**

**04-71-16**

**APPROVAL OF THE AGENDA**

Ms. Ecker advised the Rezoning Application and Final Site Plan Review for 191 N. Chester, Former First Church of Christ, Scientist has been withdrawn by the applicant.

**04-72-16**

## **COURTESY REVIEW**

**1600 W. Maple Rd.**

**Chesterfield Fire Station**

**Courtesy review of proposed construction of new fire station**

John Connaughton, Fire Chief, was present along with Lyal Bigger, Fire Marshall, and John Donohue, Asst. Fire Chief. Mr. Connaughton presented a short PowerPoint that showed some of their concerns. The current station that was built in 1955 has a number of deficiencies and has outlived its functional life span. It is important to make sure the new station has enough capacity to house all of the necessary activities and apparatus. The length and the depth of the property made it advantageous to be on the west side. Chief Connaughton went on to describe why a second means of entry and exit works well for them. There was concern about parking spaces so they did eliminate two spots going down from 12 to 10. He is very happy with the current design.

Mr. George Petfuska, Project Designer, and Mr. Stacy Peterson, Principal Architect, were present for the Sidock Group. Mr. Petfuska noted the Architectural Review Committee ("ARC") and the Planning Board shaped the final outcome of the project and it came out much better in the end. He thanked them for their involvement. He highlighted various aspects of the design and feels they now have a project that functions very well, compliments the neighborhood, and will serve the City for a long period of time.

Ms. Lazar received confirmation that the existing station is 5,800 sq. ft. and the new one will be 9,800 sq. ft. The green space to the east is public property. Ms. Whipple-Boyce inquired whether there has been discussion about park improvement to the adjacent property. Mr. Petfuska replied everyone recognizes that beautiful parcel of land could be improved and used by the public. Mr. Clein noted that the use of the eastern portion of this site is not within the scope of this project.

Mr. Koseck thanked the group for a great presentation. It helps him to understand how they got to the current design. His opinion was this is a much improved building than their first rendering. He hoped the ARC would continue to be included when civic projects are being considered. Mr. Koseck's one concern is the surface parking lot on the front of the property. He encouraged them to see if there are other ways the parking requirement can be met. It was noted by the Fire Chief that the rear parking lot area depth and width needs to be those dimensions so their vehicles can get in and out.

Mr. Jeffares noted that historically there has not been a well defined process for municipal projects. With this project a process has been followed similar to what would be done with private development projects. He hopes this will continue in the future because the results here were outstanding.

Chairman Clein thanked the Fire Dept. for involving the Planning Board and appreciated their willingness to work together as a team. Further, he thanked the ARC for their involvement as well.

At 8:12 p.m. the Chairman asked for comments from members of the public.

Mr. Russell Dixon, 1460 Bennaville, thought this building represents the civic appearance on the western gateway to the City and he hopes the board will continue to review this design with diligence so that it can be an iconic building for half a century.

Mr. Louis Meldman, 1825 Yosemite, complimented the Birmingham Fire Dept. for their professionalism and understanding.

Mr. Brad Chika, 184 Fairfax, said he views members of the Fire Dept. as true heroes. He received clarification that the major expansion of the new station will be south to Maple Rd. and somewhat west.

Mr. J.C. Cataldo thanked the board for raising their concerns last November. At that time he had three concerns which included lack of communication in the neighborhood; lack of requirements to adhere to the same development standards as private developers; and finally, the general architectural scheme. His concerns have now been met and he was appreciative of everyone's involvement.

# Chesterfield Fire Station



# Chesterfield Fire Station

- ▣ Year Built: 1955
- ▣ Single Story, built on concrete slab
- ▣ Existing building 5,185 square feet
- ▣ New Station will house:
  - (2) engines
  - (2) rescue vehicles
  - (4) firefighters
  - (1) HazMat truck
  - (1) Utility truck
  - (1) Technical response trailer



# Station Deficiencies



# Station Deficiencies





# Station Deficiencies



# Station Deficiencies



# Program of Area Requirements

- ▣ Apparatus Bay:
  - Apparatus Floor
  - Laundry Room
  - Hose Room
  - Decontamination Room
  - Work Room
  - General Storage and Equipment
  - Air Compressor
  - EMS Supply
  - Turn Out Gear

# Program of Area Requirements

## ▣ Firefighters Quarters:

Day Room/Dining

Kitchen

Pantry

Bunk Room

Male Firefighter Locker Room

Female Firefighter Locker Room

Lieutenants Office

Watch Room

Lobby

Fitness Room



# Program of Area Requirements

- ▣ Miscellaneous Spaces

  - Mechanical Room

  - Electrical Room

Total Square Footage: 9,800 Sq. Ft.

2007 plans did not include:

  - Much Larger Trucks

  - 14 Ft. Bay Doors

  - Boat Trailer

  - Male/Female Living Quarters

  - HazMat Truck

  - Rescue Vehicles

# Aerial View Chesterfield



# Aerial View Adams











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Novi, Michigan 48375

Novi • Wyandotte • Muskegon  
Escanaba • Gaylord • Sault Ste. Marie

www.sidockarchitects.com  
www.sidockgroup.com

Key Plan: No Scale

1600 WEST MAPLE ROAD  
BIRMINGHAM, MICHIGAN

Client: CITY OF BIRMINGHAM

project:  
CHESTERFIELD  
FIRE STATION

deal:

 SITE LOCATION MAP  
SCALE: NO SCALE

date	Issued For
1/20/16	OWNER REVIEW
1/22/16	SPA REVIEW
1/22/16	SPA REVIEW

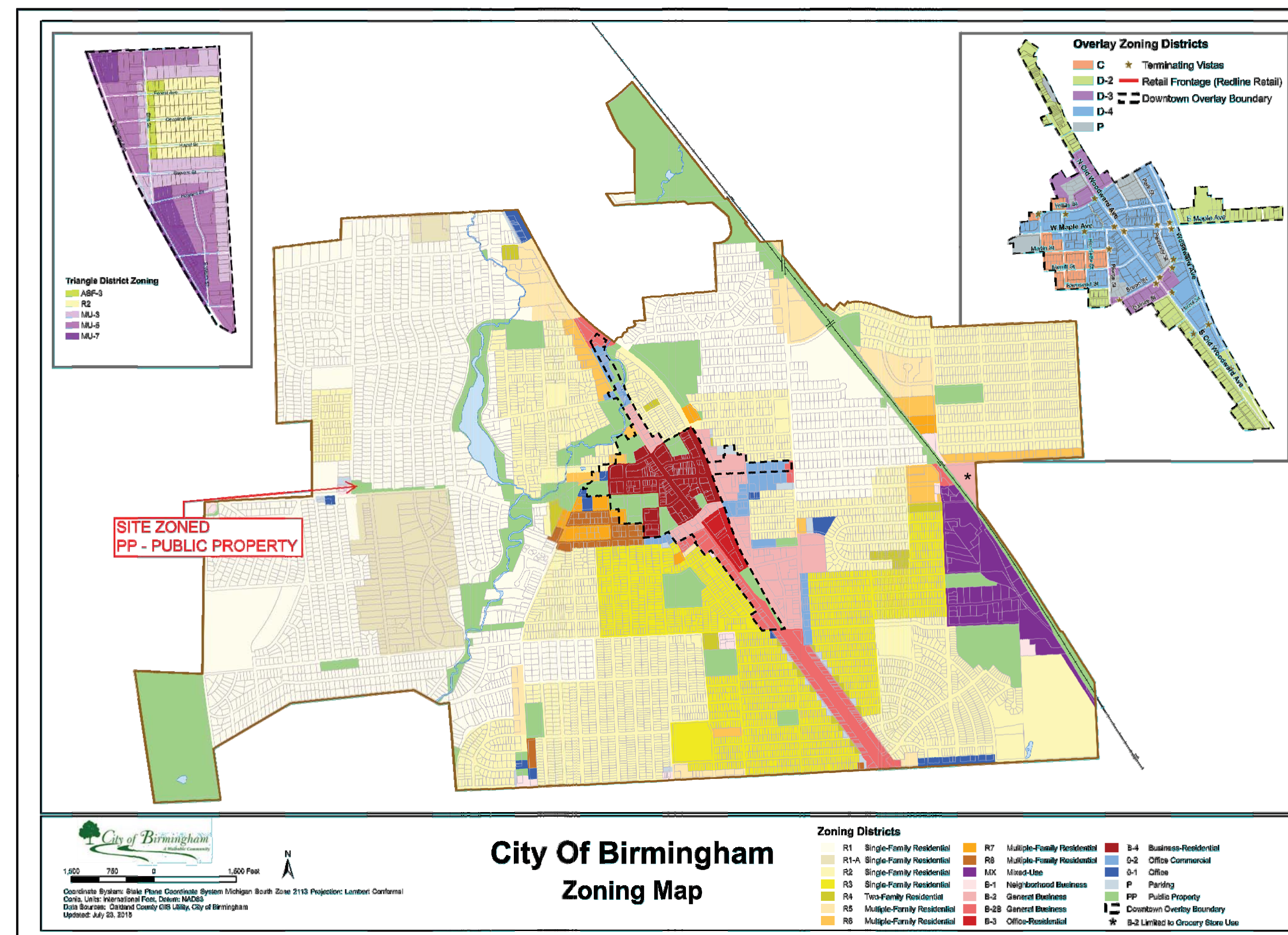
Drawn:	S
Checked:	C
Approved:	S

Sheet Title:  
**COVER SHEET**

Project Number: 1556

Sheet Number: CS-001

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Sidock Group, Inc.

ENGINEERS • ARCHITECTS • CONSULTANTS • PROJECT MANAGERS





DRAWN BY:  
RP

DESIGNED BY:  
BB



GENERAL CIVIL NOTES

1. PRIOR TO SUBMITTING PROPOSAL, VERIFY ALL CONDITIONS GOVERNING OR AFFECTING THE CIVIL WORK; OBTAIN AND VERIFY ALL DIMENSIONS TO ENSURE THE PROPER FIT AND LOCATION OF THE CIVIL WORK; TAKE ADDITIONAL DIMENSIONS AS REQUIRED; REPORT TO THE ENGINEER ANY AND ALL CONDITIONS WHICH MAY INTERFERE WITH OR OTHERWISE AFFECT OR PREVENT THE PROPER EXECUTION AND COMPLETION OF THE WORK; FAMILIARIZE YOURSELF WITH THE ACTUAL CONDITIONS OF THE CIVIL WORK; ACCESS TO THE SITE, AVAILABLE STORAGE SPACE, FACILITIES AND OBSTRUCTIONS THAT MAY BE ENCOUNTERED DURING THE PROGRESS OF WORK.
2. CONTRACTOR TO FURNISH ALL NECESSARY LABOR, MATERIAL, EQUIPMENT AND FACILITIES TO FURNISH, FABRICATE AND PERFORM THE REQUIRED CIVIL WORK.
3. ANY EXISTING CONSTRUCTION TO BE MODIFIED AS A PART OF THIS CONTRACT SHALL BE RESULT AS REQUIRED TO THE SATISFACTION OF THE OWNER/ENGINEER.
4. EXISTING CONSTRUCTION NOT UNDERGOING ALTERATION IS TO REMAIN UNDISTURBED, WHERE SUCH CONSTRUCTION IS DISTURBED AS A RESULT OF THE OPERATIONS OF THIS CONTRACT, THE EXISTING CONSTRUCTION SHALL BE REPAIRED OR REPLACED BY THE CONTRACTOR AS REQUIRED AND TO THE SATISFACTION OF THE OWNER/ENGINEER.
5. ALL WORK SHOWN ON THESE DRAWINGS MAY BE CHECKED BY AN INDEPENDENT TESTING AGENCY RETAINED BY OWNER TO ENSURE COMPLIANCE WITH THE REQUIREMENTS SHOWN ON THE DRAWINGS. THE CONTRACTOR SHALL PROVIDE ACCESS AS REQUIRED FOR TESTING PURPOSES.
6. CONTRACTOR SHALL MAKE ALL NECESSARY FIELD VISITS FOR INSPECTION, MEASUREMENTS AND VERIFICATION OF EXISTING CONDITIONS.
7. THE GENERAL CIVIL NOTES ARE INTENDED TO AUGMENT THE DRAWINGS AND SPECIFICATIONS. SHOULD CONFLICTS EXIST BETWEEN THE DRAWINGS, SPECIFICATION, AND/OR THE GENERAL CIVIL NOTES, THE STRICTEST PROVISION AS DETERMINED BY THE ENGINEER SHALL GOVERN.
8. WORK THE CIVIL DRAWINGS IN CONJUNCTION WITH THE ARCHITECTURAL, MECHANICAL, STRUCTURAL, AND ELECTRICAL DRAWINGS.
9. ALL WORK SHALL CONFORM TO APPLICABLE STATE AND LOCAL CODES.
10. SOIL BORINGS: SOILS INFORMATION WILL BE AVAILABLE FROM THE CIVIL ENGINEER (SIDOCK ARCHITECTS). THE REPORT WILL BE BY TESTING & ENGINEERING CONSULTANTS, INC., DATED 05/11/2010. THE BORING LOGS SHOW SUBSURFACE CONDITIONS AT THE DATES AND LOCATIONS INDICATED, AND IT IS NOT WARRANTED THAT THEY ARE REPRESENTATIVE OF SUBSURFACE CONDITIONS AT OTHER LOCATIONS AND TIMES.
11. THE CONTRACTOR SHALL COMPLY WITH THE CONSTRUCTION SAFETY STANDARDS AND THE OCCUPATIONAL SAFETY STANDARDS (OSHA) AS ISSUED BY THE U.S. DEPARTMENT OF LABOR AND THE MICHIGAN DEPARTMENT OF LABOR (MDLH). THE CONTRACTOR SHALL ALSO COMPLY TO REQUIREMENTS OF THE CITY OF BIRMINGHAM SPECIFIC SAFETY PLAN.
12. MATERIALS AND WORKMANSHIP SHALL COMPLY WITH CITY OF BIRMINGHAM STANDARDS AND SPECIFICATIONS AND OTHER APPLICABLE CODES, SPECIFICATIONS, LOCAL ORDINANCES, INDUSTRY STANDARDS AND UTILITY COMPANY REGULATIONS.
13. THE CONTRACTOR SHALL FAMILIARIZE THEMSELVES WITH ALL THE EXISTING CONDITIONS AT THE SITE INCLUDING UTILITIES, SERVICES, ETC. AND SHALL BE FULLY RESPONSIBLE FOR ANY DAMAGES THEY CAUSE TO BOTH EXISTING, NEW CONSTRUCTION, PROPERTY AND ANY UNAUTHORIZED DISRUPTION TO ADJACENT OWNERS' NORMAL USE OF UTILITIES, SERVICES AND THE SURROUNDING FACILITIES.
14. THE CONTRACTOR SHALL OBTAIN AUTHORIZATION PRIOR TO MAKING CHANGES TO, OR INTERRUPTIONS OF UTILITIES AND SHALL COMPLY WITH SPECIAL INSTRUCTIONS FROM THE OWNER TO MINIMIZE THE EFFECT ON OPERATIONS. PRIOR TO ANY CONSTRUCTION, INCLUDING, BUT NOT LIMITED TO, REMOVAL OF ANY PIPE FROM SERVICE, THE CONTRACTOR SHALL REVIEW WITH THE OWNER'S REPRESENTATIVE THE LOCATION OF EXISTING UTILITIES, SERVICE AND STRUCTURES IN THE AREA WHERE THE WORK IS BEING PERFORMED. PROVIDE FULL TIME SUPERVISION DURING ALL EXCAVATION AND EARTH MOVING OPERATIONS AND TAKE ALL RESPONSIBLE PRECAUTIONS TO PROTECT EXISTING UTILITIES, SERVICES AND OPERATIONS FROM DAMAGE OR DISRUPTION.
15. PROVIDE BARRIER PROTECTION FOR VEHICULAR AND PEDESTRIAN TRAFFIC AT EXCAVATIONS, TEMPORARY FENCING, BARRICADING AND PEDESTRIAN ROUTING SHALL BE COORDINATED WITH AND APPROVED BY THE OWNER'S REPRESENTATIVE PRIOR TO CONSTRUCTION.
16. FOR PROTECTION OF UNDERGROUND UTILITIES THE CONTRACTOR SHALL CALL "MISS DIG" AT 800-482-7171 OR 811. A MINIMUM OF THREE DAYS PRIOR TO EXCAVATION ON THE SITE, ALL "MISS DIG" PARTICIPATING MEMBERS WILL, THUS ROUTINELY BE NOTICED. THIS DOES NOT RELIEVE THE CONTRACTOR OF NOTIFYING UTILITY OWNERS WHO MAY NOT BE A PART OF THE "MISS DIG" ALERT SYSTEM.
17. DISPOSE OF ALL EXCAVATED SOILS AND WASTE MATERIALS (NEW AND EXISTING) OFF SITE IN A LEGAL MANNER.
18. PERFORM FINAL CLEANUP OF WORK AREAS.

CONTROL

1. TOPOGRAPHIC INFORMATION: EXISTING INFORMATION IS BASED ON A TOPOGRAPHIC SURVEY BY NOWAK & FRAUS ENGINEERS DATED 10-07-15, SUPPLEMENTED BY FIELD OBSERVATIONS.
2. VERTICAL CONTROL: ELEVATIONS SHOWN ARE BASED ON USGNSNAVD83 DATUM. THE BENCH MARKS USED ARE IDENTIFIED ON THE TOPOGRAPHIC & BOUNDARY SURVEY SHEET.
3. LAYOUT: LOCATE BUILDING ADDITIONS BY MEASUREMENTS FROM CONNECTING AREAS OF EXISTING BUILDINGS. A SURVEY, CONSIDER HORIZONTAL AND VERTICAL CONTROL POINTS PRIOR TO CONSTRUCTION. COORDINATES ARE FOR UTILITY LOCATIONS AND OVERALL COORDINATION ONLY.

CLEARING, GRUBBING & EARTHWORK

1. AT THE START OF EARTHWORK OPERATIONS, ALL SURFACE VEGETATION SHALL BE CLEARED AND THE EXISTING TOPSOIL AND ANY OTHER ORGANIC SOILS SHALL BE REMOVED IN THEIR ENTIRETY FROM BELOW THE PROPOSED BUILDING AND PAVEMENT AREAS. EXISTING RANDOM CONCRETE AND OTHER DEBRIS SHALL BE REMOVED FROM WITHIN THE BUILDING AREA, REMOVE STUMPS TO 12 INCHES BELOW FINAL GRADE, DISPOSE OF VEGETATIVE MATTER AND DEBRIS OFF SITE.
2. THE SUB-GRADE SHOULD BE THOROUGHLY PROOF-ROLLED WITH A HEAVY RUBBER-TIRED VEHICLE SUCH AS A LOADED SCRAPER OR LOADED DUMP TRUCK. ANY AREAS THAT EXHIBIT EXCESSIVE PUMPING AND BULGING DURING PROOF-ROLLING SHOULD BE STABILIZED BY AERATION, DRYING AND COMPACTION IF WEATHER CONDITIONS ARE FAVORABLE, OR REMOVAL AND REPLACEMENT WITH ENGINEERED FILL.
3. ALL EXCAVATIONS ARE SUBJECT TO THE APPROVAL OF THE OWNER'S REPRESENTATIVE WHO SHALL BE CONSULTED WHEN POOR SOIL, WATER, OBSTRUCTIONS, PIPING, EXISTING FOOTINGS, EXCAVATIONS, ETC., ARE ENCOUNTERED.
4. CONTRACTOR SHALL FURNISH ALL REQUIRED DEWATERING EQUIPMENT TO MAINTAIN A DRY EXCAVATION UNTIL BACKFILL IS COMPLETE.
5. MATERIAL FOR BACKFILL OR ENGINEERED FILL REQUIRED TO ACHIEVE DESIGN GRADES SHOULD CONSIST OF NON-ORGANIC SOILS. THE ON-SITE SOILS THAT ARE FREE OF ORGANIC MATTER AND DEBRIS MAY BE USED FOR ENGINEERED FILL WITH ENGINEER'S APPROVAL.
6. BACKFILL MATERIAL SHALL BE COMPACTED TO 95% OF ITS MAXIMUM DENSITY AS DETERMINED BY THE MODIFIED PROCTOR METHODS (ASTM D1557), IN LIFTS NOT EXCEEDING 12-INCHES IN LOOSE THICKNESS.
7. FROZEN MATERIAL SHALL NOT BE USED AS FILL. NOR SHALL FILL BE PLACED ON FROZEN SUB-GRADE.
8. DO NOT PLACE BACKFILL AGAINST FOUNDATION WALLS UNTIL BASEMENT FLOOR LEVEL AND FIRST FLOOR LEVEL SLABS ARE IN PLACE AND HAVE REACHED 75% OF THEIR SPECIFIED DESIGN STRENGTH. SHORE AND BRACE WALLS AS REQUIRED. PROVIDE PROPER DRAINAGE TO PREVENT WATER FROM BUILDING OR FOUNDATION.

CLEARING, GRUBBING & EARTHWORK CONT.

12. SLOPE SMOOTHLY BETWEEN INDICATED ELEVATIONS TO ACHIEVE POSITIVE DRAINAGE. SLOPE ALL EARTH BANKS 4:1 OR FLATTER.
13. NEW GRADES SHOWN ARE FINISHED GRADES AND INCLUDES TOP OF TOPSOIL OR SURFACES SUCH AS PAVEMENTS AND WALKS.
14. PROVIDE 6 INCHES OF TOPSOIL, SEED AND MULCH AT DISTURBED LAWN AREAS, EXCEPT AS NOTED OTHERWISE.
15. TREES: TREES NOT INDICATED TO BE REMOVED OR TRANSPLANTED SHALL BE FENCED OFF WITH 4' HIGH ORANGE CONSTRUCTION FENCE 1/2 FROM THE TRUNK LINE OF THE TREE. TREES INDICATED TO BE REMOVED, SHALL BE TRANSPLANTED WHERE SHOWN ON THE PLANS AND AS DIRECTED BY THE OWNER'S REPRESENTATIVE.
16. GREAT CARE SHALL BE TAKEN BY CONTRACTORS TO AVOID DAMAGE TO VEGETATION OUTSIDE THE LIMITS OF CONSTRUCTION AND TO KEEP THE CONSTRUCTION AREAS TO A MINIMUM. DRAWINGS SHALL NOT BE PERMITTED OUTSIDE THE LIMITS OF CONSTRUCTION.
17. TOPSOIL (REUSE EXISTING) SEED, FERTILIZE AND MULCH LAWN AREAS DISTURBED BY NEW CONSTRUCTION. MATCH EXISTING LAWN SPECIES OR SEE LANDSCAPING PLANS/SPECS.

UTILITIES

1. MINIMUM COVER OF UNDERGROUND UTILITIES:

WATER	5.5 FT
NATURAL GAS	2.5 FT
SANITARY SEWERS	3.0 FT
ALL OTHERS	2.5 FT

PRESSURE UTILITIES MAY BE LAID APPROXIMATELY PARALLEL TO FINISH GRADE, EXCEPT AS INDICATED, WITH LOCAL DRAINING TO AVOID OTHER UTILITIES OR OBSTRUCTIONS. MAINTAIN COVER BELOW DITCHES AND SURFACE DEPRESSIONS. PROVIDE TEMPORARY PROTECTION AS REQUIRED UNTIL COVER IS COMPLETED. INFORM OWNER'S REPRESENTATIVE IF AVAILABLE COVER AT INDICATED ELEVATIONS, IS LESS THAN MINIMUM. VERTICAL CLEARANCE FOR ALL PIPES SHALL BE 18" MINIMUM FROM THE OUTSIDE OF PIPE.
2. EXISTING UTILITIES: INFORMATION HAS BEEN OBTAINED FROM EXISTING AVAILABLE DRAWINGS AND SURFACE FEATURES SHOWN ON THE TOPOGRAPHIC SURVEY. VERIFY THE INFORMATION BEFORE CONSTRUCTION. NOTIFY THE OWNER'S REPRESENTATIVE OF DISCREPANCIES OR INTERFERENCES.
3. WATER MAIN RESTRAINTS: PROVIDE ANCHORAGE AS INDICATED AND AS REQUIRED TO RESTRAIN PIPING AND APPURTENANCES DURING PRESSURE TEST AND SERVICE. ROOFS AND CLAMPS SHALL BE PROVIDED AS INDICATED AND MAY BE USED ELSEWHERE FOR OPTIONAL ANCHORAGE, BUT SHALL NOT BE SUBSTITUTED FOR THRUST BLOCKS AND ANCHORED DEFLECTIONS.
4. ADJUST THE FRAME AND COVER OF CATCH BASINS AND MANHOLES THAT ARE NOT INDICATED TO BE ABANDONED OR REMOVED, TO FINISH GRADE ELEVATION. ADJUSTMENTS SHALL BE MADE USING PRECAST GRADE RINGS.
5. THE LOCATIONS AND ELEVATIONS OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THESE DRAWINGS ARE ONLY APPROXIMATE. NO GUARANTEE IS EITHER EXPRESSED OR IMPLIED AS TO THE COMPLETENESS OR ACCURACY THEREOF. THE CONTRACTOR SHALL BE EXCLUSIVELY RESPONSIBLE FOR DETERMINING THE EXACT UTILITY LOCATIONS AND ELEVATIONS PRIOR TO THE START OF CONSTRUCTION.
6. PRIOR TO CONSTRUCTION, EXISTING UTILITIES AT PROPOSED CONNECTIONS AND CROSSINGS SHALL BE FIELD EXCAVATED TO VERIFY LOCATIONS, ELEVATION AND SIZE. THE OWNER'S REPRESENTATIVE MAY CONTROL, ADJUST OR REVISE DESIGN ELEVATIONS OF THE PROPOSED UTILITIES.
7. UNDERDRAIN: PROVIDE TYPICAL UNDERDRAIN UNDER PAVEMENT AT NEW CATCH BASINS OR MANHOLES RECEIVING SURFACE DRAINAGE. UNDERDRAIN SHALL HAVE A MINIMUM OF 2"4" COVER AND A MINIMUM SLOPE OF 0.5%. SEE DETAIL ON THE CONSTRUCTION PLANS.
8. PROVIDE A VALVE AND BOX ON FIRE HYDRANT ASSEMBLIES.

GENERAL PAVING NOTES

1. ALL HOT MIX ASPHALT & CONCRETE PAVEMENT SHALL CONFORM TO THE 2012 MDOT SPECIFICATIONS FOR CONSTRUCTION.
2. SURFACE RESTORATION: RESTORE PAVEMENT & OTHER SURFACES DISTURBED BY CONTRACT OPERATIONS TO THEIR ORIGINAL CONDITION OR BETTER.
3. PAVEMENT STRIPING: PROVIDE 4 INCH WIDE WHITE PAINT STRIPING FOR PARKING SPACES. ALL PAVEMENT MARKINGS SHALL MEET THE REQUIREMENTS SET FORTH IN THE MDOT 2012 STANDARD SPECIFICATION FOR REGULAR DRY PAINT MARKINGS. RAILROAD SYMBOLS, LANE MARKINGS, "ONLY" SYMBOLS, STOP BARS, ETC. SHALL BE COLD PLASTIC, ALSO CONFORMING WITH THE MDOT SPECIFICATION, ANY CURING COMPOUND ON THE NEW CONCRETE PAVEMENT SURFACE MUST BE REMOVED PRIOR TO APPLICATION OF ANY MARKINGS. ALL PAINT SHALL BE LEAD FREE, & APPLIED PER MANUFACTURERS RECOMMENDATIONS.
4. PROVIDE TEMPORARY INTERMITTENT MARKING FOR NEW PARKING AREA WHILE PAVEMENT CURES AND SEALING COATINGS IS APPLIED.
5. EXISTING PAVEMENT TO BE REMOVED SHALL BE SAW CUT, FULL DEPTH, & RECTANGULAR.
6. EXISTING MARKING INDICATED FOR REMOVAL SHALL BE SAND BLASTED OR POWER WIRE BRUSHED.
7. WHEN PLACING NEW PAVEMENTS, MAINTAIN SLOPE OF EXISTING SURROUNDING SURFACES.

ASPHALT

1. AFTER FINAL ROLLING, PROTECT PAVEMENT FROM VEHICULAR TRAFFIC UNTIL THE SURFACE HAS COOLED SUFFICIENTLY TO ELIMINATE SURFACE ABRASION.

CAST-IN-PLACE CONCRETE

1. ALL CONCRETE WORK SHALL CONFORM TO THE REQUIREMENTS OF ACI 301, LATEST REVISION, "SPECIFICATIONS FOR STRUCTURAL CONCRETE FOR BUILDING", EXCEPT AS MODIFIED BY STRUCTURAL REQUIREMENTS NOTED ON THE DRAWINGS.
2. ALL CONCRETE SHALL HAVE A MINIMUM 28-DAY COMPRESSIVE STRENGTH AS NOTED BELOW:

A. INTERIOR FOOTINGS AND FOUNDATIONS: 3500 psi
B. INTERIOR SLAB ON GRADE: 4000 psi
C. INTERIOR SUPPORTED SLABS: 4000 psi
D. EXTERIOR CONCRETE EXPOSED TO WEATHER: 4500 psi
E. EXTERIOR FOUNDATIONS NOT EXPOSED TO WEATHER: 3500 psi
F. GRADE WALLS: 4000 psi
3. ALL EXTERIOR CONCRETE INCLUDING WALLS SHALL BE AIR ENTRAINED 5% +/- 1%.
4. ALL EXTERIOR CONCRETE EXPOSED TO WEATHER SHALL HAVE A MAXIMUM WATER TO CEMENTITIOUS RATIO OF 0.45.
5. UNLESS NOTED OTHERWISE, MINIMUM CONCRETE COVER SHALL BE:

CONCRETE CAST AGAINST EARTH	3-INCHES
CONCRETE EXPOSED TO EARTH OR WEATHER	2-INCHES
CONCRETE NOT EXPOSED EARTH OR WEATHER	3/4-INCHES
6. THE CONTRACTOR SHALL SUBMIT THE CONCRETE MIX DESIGN(S) TO THE ENGINEER FOR REVIEW. PROPORTION MIX DESIGNS AS DEFINED IN ACI 301 SECTION 4. THE SUBMITTAL SHALL INCLUDE AS A MINIMUM CEMENT TYPE AND SOURCE, CEMENT CUBE STRENGTH, AGGREGATE GRADATIONS, WATER TESTS, ADMIXTURE CATALOG INFORMATION AND CYLINDER STRENGTH TEST RESULTS FOR THE CONCRETE.

CAST-IN-PLACE CONCRETE CONT.

10. UNLESS OTHERWISE SHOWN OR NOTED, AS A MINIMUM, PROVIDE TWO #5 BARS (ONE EACH FACE) AROUND UNFRAMED OPENINGS IN SLABS AND WALLS. PLACE BARS PARALLEL TO SIDES OF OPENINGS AND EXTEND THEM 24 INCHES BEYOND CORNERS.
11. ALL CONSTRUCTION JOINTS SHALL BE FURNISHED WITH KEYWAY CENTERED ON MEMBERS, WHERE THE SIZE OF KEY IS NOT SHOWN ON THE DRAWINGS, THE KEY DEPTH SHALL BE 10% OF THE CROSS SECTION DIMENSION OF THE MEMBER - MINIMUM 3/4".
12. LOCATE ALL SLEEVES, OPENINGS, EMBEDDED ITEMS, ETC., AS INDICATED ON THE DRAWINGS. THE CONCRETE CONTRACTOR SHALL CHECK WITH ALL OTHER TRADES TO MAKE SURE THE SLEEVES, OPENINGS AND EMBEDDED ITEMS THAT ARE TO BE PROVIDED AND SET BY THEM ARE IN PLACE PRIOR TO PLACING OF CONCRETE IN THE AREA INVOLVED.
13. CONTRACTORS SHALL OBTAIN APPROVAL FROM THE ENGINEER, PRIOR TO PLACING OPENINGS OR SLEEVES, NOT SHOWN ON THE DRAWINGS, THROUGH ANY STRUCTURAL MEMBERS, ROOF, WALLS OR FOUNDATIONS. REVIEW ARCHITECTURAL, MECHANICAL, AND ELECTRICAL DRAWINGS FOR BASES, OPENINGS, SLEEVES, ANCHORS, INSERTS, CONDUITS, RECESSES AND OTHER DEVICES IN CONCRETE WORK BEFORE CASTING CONCRETE.
14. PROVIDE POCKETS OR RECESSES IN CONCRETE WORK FOR STEEL COLUMNS AND BEAMS AS REQUIRED AND/OR AS CALLED FOR IN THE SPECIFICATIONS EVEN IF NOT SHOWN ON THE DRAWINGS. PROVIDE CONCRETE FILL AFTER STEEL ERECTION TO SEAL OPENINGS.
15. REFER TO ARCHITECTURAL DRAWINGS FOR SLAB RECESSES AND/OR FLOOR FINISH MATERIALS.
16. WELDING OF REINFORCING STEEL IS PROHIBITED UNLESS SPECIFICALLY DETAILED. WELDING SHALL CONFORM TO AWS D1.4 SPECIFICATION.
17. THE CONCRETE SHALL BE THOROUGHLY COMPACTED BY VIBRATION SUPPLEMENTED BY SPADING, PLODDING OR AGITATION, TO PREVENT HONEYCOMBING AND TO INSURE THE ELIMINATION OF VOIDS. VIBRATION MUST BE DIRECT ACTION IN THE CONCRETE AND NOT AGAINST FORMS OR REINFORCEMENT. HONEYCOMBING, VOIDS AND LARGE AIR POCKETS WILL NOT BE ACCEPTABLE.

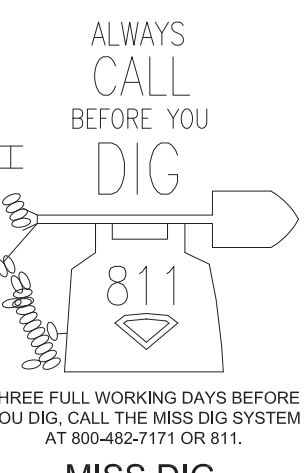
SOIL EROSION AND SEDIMENTATION CONTROL

1. COMPLY WITH THE REQUIREMENTS OF THE OAKLAND COUNTY DRAIN COMMISSION EROSION & SEDIMENTATION CONTROL PERMIT ALONG WITH ALL APPLICABLE FEDERAL, STATE, COUNTY, AND CITY LAWS, CODES, AND REGULATIONS PERTAINING TO THE IMPLEMENTATION, MAINTENANCE, AND DOCUMENTATION OF SEDIMENTATION AND EROSION CONTROL PRACTICES.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR IMPLEMENTATION, MAINTENANCE, AND DOCUMENTATION OF SEDIMENTATION AND EROSION CONTROL, AND STORMWATER QUALITY ISSUES RELATED TO THE PROJECT, AS REQUIRED AND AS NECESSARY TO COMPLY WITH APPLICABLE LAWS, CODES, AND REGULATIONS.
3. INSPECTIONS SHALL BE MADE WEEKLY AND AFTER RAIN EVENTS TO DETERMINE THE EFFECTIVENESS OF EROSION AND SEDIMENT CONTROL MEASURES. ANY NECESSARY IMPROVEMENTS OR REPAIRS SHALL BE PERFORMED WITHOUT DELAY.
4. SEDIMENT AND EROSION FROM ALL WORK AREAS SHALL BE CONTAINED ON THE SITE, AWAY FROM WETLANDS, OUTFALLS, WATERWAYS, AND ENVIRONMENTALLY SENSITIVE AREAS. WATERWAYS INCLUDE BOTH NATURAL AND MAN-MADE OPEN DITCHES, STREAMS, STORM DRAINS, LAKES, AND PONDS.
5. MAINTAIN EROSION CONTROL MEASURES UNTIL CONSTRUCTION IS COMPLETE AND LAWN AREAS ARE FULLY DEVELOPED.
6. PROVIDE JUTE MATTING OR NETTED MULCH ON TEMPORARY SLOPES 2:1 OR STEEPER. SEED AND MULCH OTHER SLOPES TO REMAIN UNFINISHED FOR MORE THAN 14 DAYS.
7. REMOVE SEDIMENTATION AND EROSION CONTROL MEASURES UPON COMPLETION OF PROJECT.

SEQUENCE OF EROSION AND SEDIMENTATION CONTROL OPERATIONS:

1. A PERIMETER DEFENSE WALL WILL BE INSTALLED PRIOR TO CONSTRUCTION TO CONTAIN RUNOFF FROM ALL PROPOSED DISTURBED AREAS. SEDIMENT CONTROL WALLS WILL BE INITIATED WHICH WILL CONSIST OF MAINTAINING ALL EXISTING VEGETATION AND DIRECTING ALL RUNOFF ON SITE.
2. DURING CONSTRUCTION THE ENDS OF ALL OPEN PIPES WILL BE PROTECTED BY FILTER FABRIC, STONE FILTERS OR OTHER APPROVED MEANS.
3. ANY REMAINING DENUDE AREA SHALL BE SEEDDED AND MULCHED DAILY, UPON COMPLETION OF FINAL GRADING.
4. AT THE COMPLETION OF THE CONSTRUCTION, TEMPORARY CONTROL MEASURES WILL BE REMOVED AND CONVERTED TO PERMANENT CONTROLS. FINAL GRADING WILL BE COMPLETED AND THE GROUND WILL BE PERMANENTLY STABILIZED. FILTER FABRIC FENCES SHALL BE REMOVED AND ANY BARE SPOTS WILL BE SEEDDED. CATCH BASINS AND DRAIN INLETS WILL BE CAREFULLY UNCOVERED AND ANY SEDIMENT OR DEBRIS WILL BE REMOVED.
5. CONTRACTOR IS TO SEED CRITICAL AREAS IDENTIFIED BY OWNER OR OWNER'S REPRESENTATIVE DAILY, WHEN THOSE AREAS ARE SUBJECT TO EARTH CHANGES. CONTRACTOR IS ALSO RESPONSIBLE FOR REGULAR MAINTENANCE OF PLANT COVER IN THESE AREAS. COVER SHALL BE MAINTAINED AS SO AS TO CONTROL SOIL EROSION.
6. AT THE CONCLUSION OF CONSTRUCTION, THE OWNER WILL ASSUME THE RESPONSIBILITY FOR PERMANENT MAINTENANCE OF THE EROSION AND SEDIMENTATION CONTROL MEASURES.
7. PROVIDE DUST CONTROL WITH AN ON-SITE WATER WAGON. WATER SHALL BE IMPLEMENTED AS NEEDED AND AT THE DIRECTION OF THE CITY AGENT.

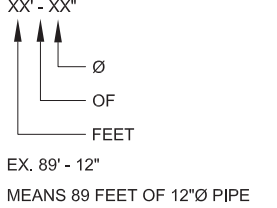
CIVIL SYMBOLS LEGENDS	
PROPOSED	EXISTING



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PIPE SIZE DESIGNATION



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Key Plan: No Scale

Client:  
CITY OF BIRMINGHAM

Project:  
CHESTERFIELD  
FIRE STATION

Sheet:

Date	Issued For
01/20/16	OWNER REVIEW
01/22/16	SPA REVIEW
04/22/16	SPA REVIEW

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Checked: CL  
Approved: SP

Sheet Title:  
CIVIL GENERAL  
NOTES & LEGENDS





Birmingham Fire Station  
Chesterfield Branch

1600 West Maple Road  
Birmingham, Michigan



Existing Site Condition

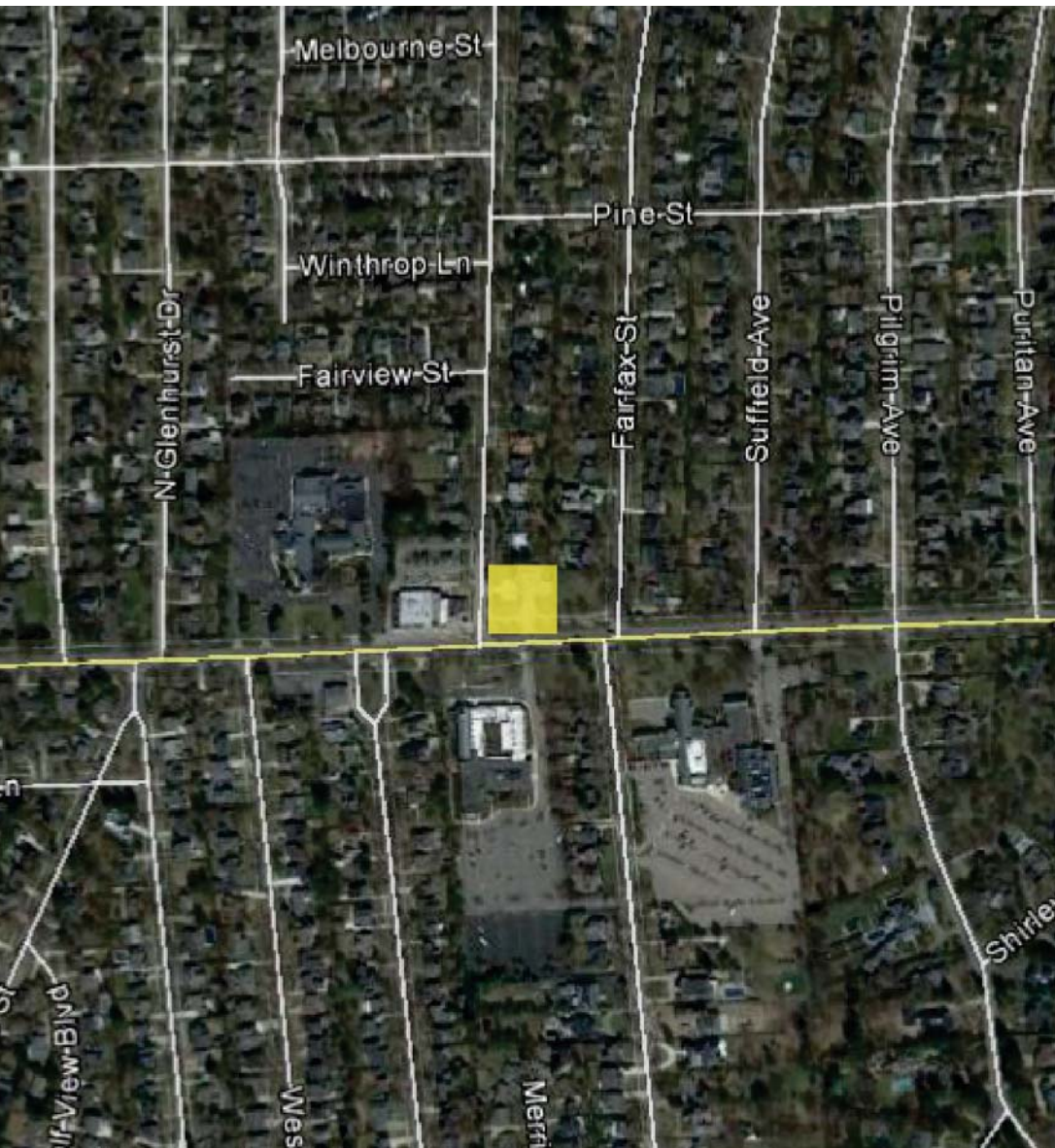
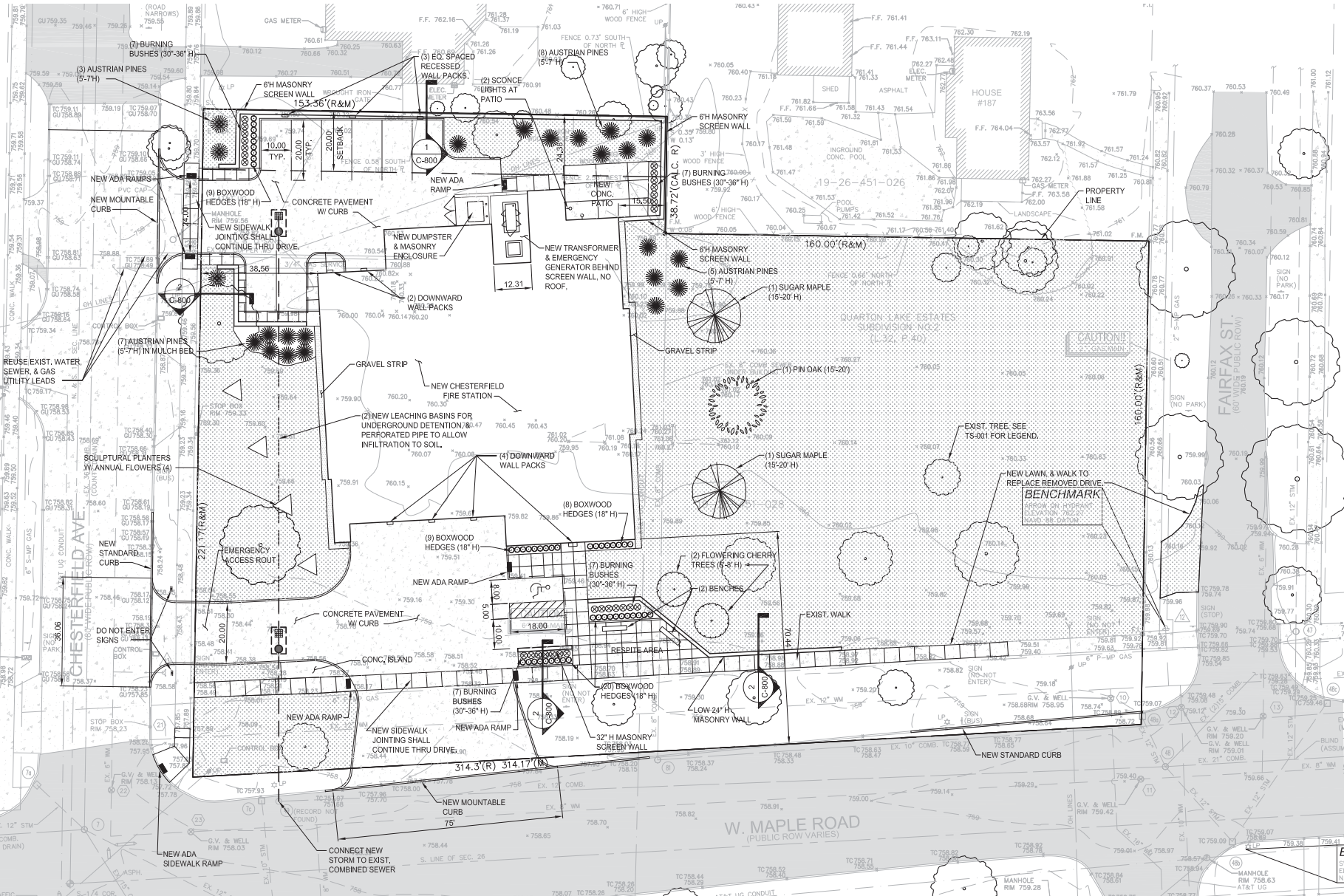


Site Data	
• Site Address	1600 W Maple Road
• Current Zoning/ Use	B- Business
• Adjacent Zoning	PP/ P/ B-1

Building Height	
Main Level	16'
Garage	24'
Mezzanine	29' 6"
Parapet (Flag)	31'

Building Use Data	
Level	Parking
Main Level	9675 SF
Mezzanine	1220 SF
	12 Spaces

Glazing Data	
Elevation Main Level (70% Min) Above 8' (50% Max)	
North	2.74%
South	14.51%
East	8.47%
West	22.13%
	9.52%
	5.53%
	14.06%
	40%





Birmingham Fire Station  
Chesterfield Branch

1600 West Maple Road  
Birmingham, Michigan



West Maple Rd and Chesterfield Ave  
Facing South



West Maple Rd between  
Chesterfield Ave and Fairfax St



Birmingham Fire Station  
Chesterfield Branch

1600 West Maple Road  
Birmingham, Michigan

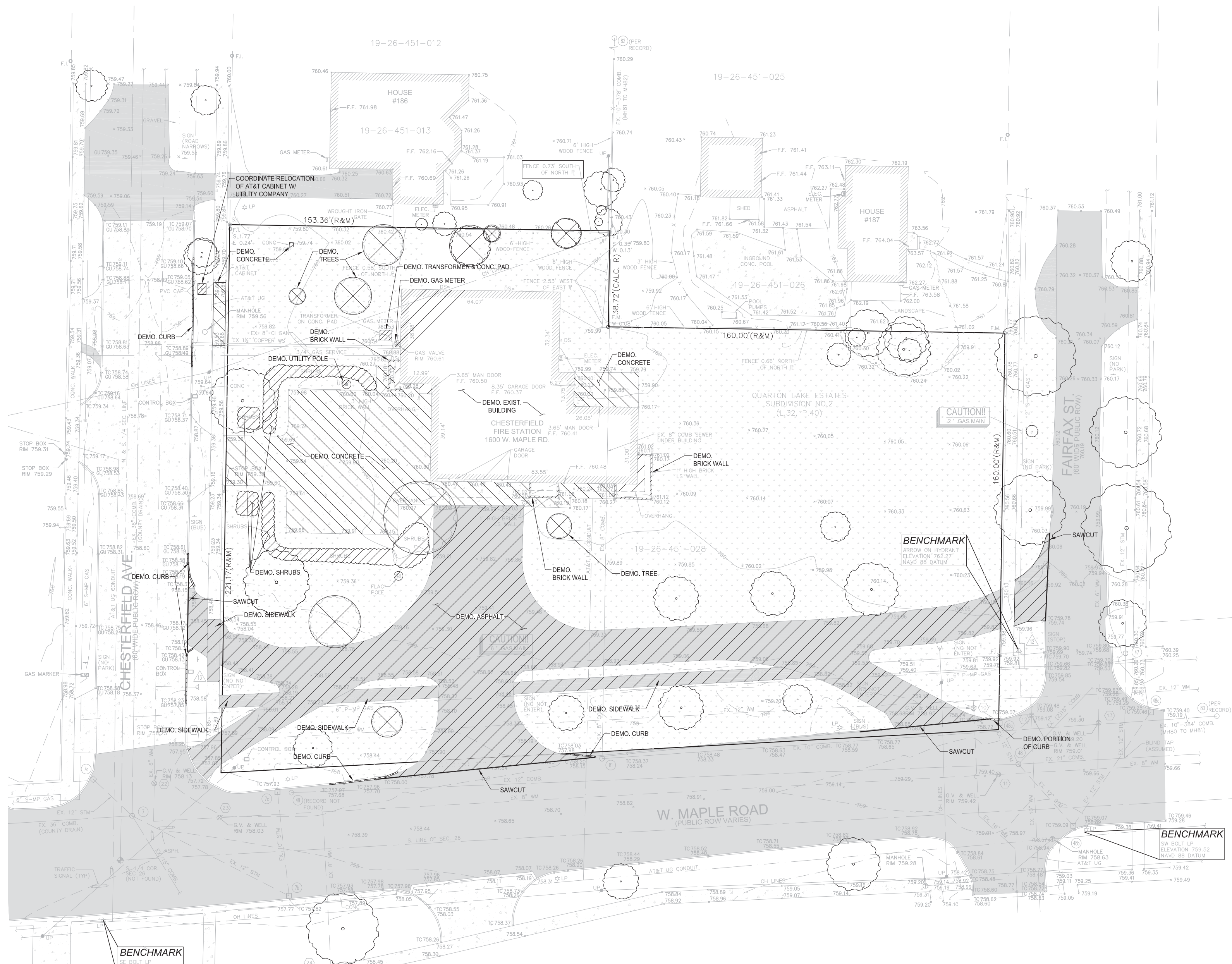




Birmingham Fire Station  
Chesterfield Branch

1600 West Maple Road  
Birmingham, Michigan





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Approved:	SP

Sheet Title:  
DEMOLITION PLAN



PROPERTY IS CURRENTLY ZONED PUBLIC PROPERTY (PP), THE EXISTING AND PROPOSED USE IS ESSENTIAL SERVICES (ES), AND AS OUTLINED IN ARTICLE 04, 4.09 ES-01 IS EXEMPT FROM THE ZONING ORDINANCE. THE TABLE BELOW REFLECTS THE STANDARDS OF THE NEIGHBORHOOD BUSINESS (B1) AS A REFERENCE FOR REVIEW.

### LANDSCAPING SCHEDULE



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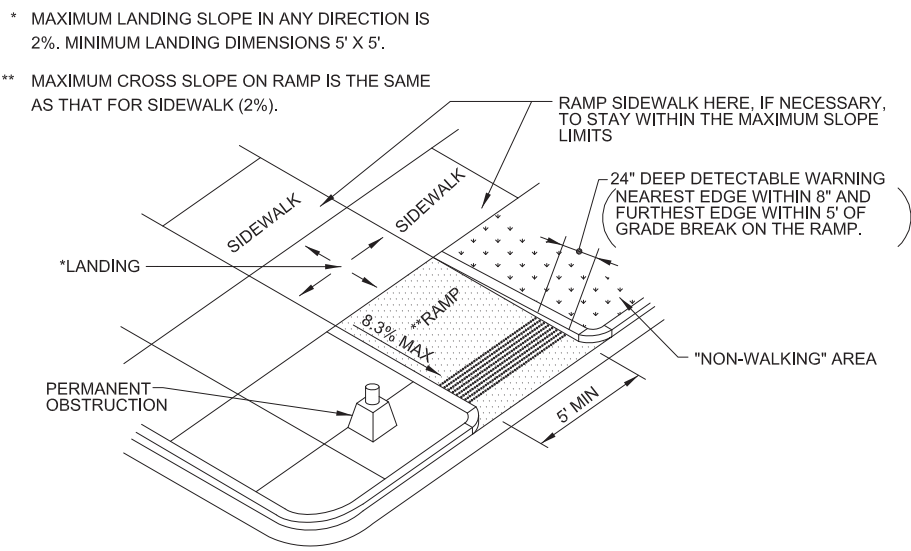
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10/27/15	OWNER REVIEW
11/13/15	OWNER REVIEW
01/20/16	OWNER REVIEW
01/22/16	SPA REVIEW
03/11/16	OWNER REVIEW
03/23/16	OWNER REVIEW
04/04/16	OWNER REVIEW
04/13/16	OWNER REVIEW
04/22/16	SPA REVIEW

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Approved:	SL

Sheet Title:  
PROPOSED SITE  
PLAN

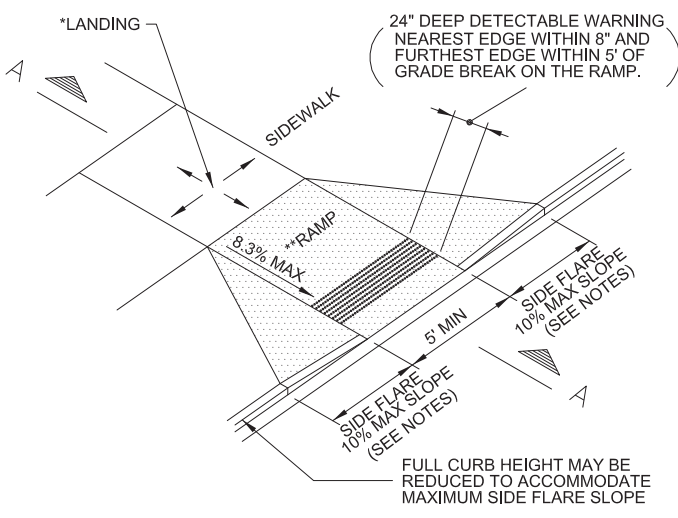




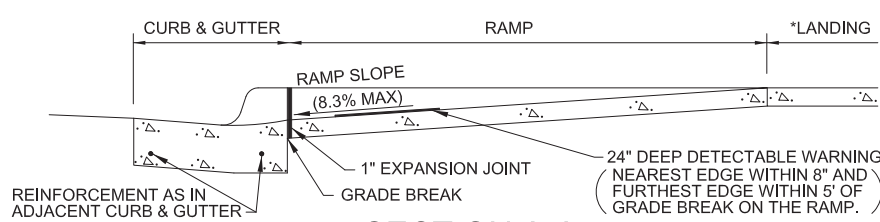
**SIDEWALK RAMP TYPE R**  
(ROLLED SIDES)

\* MAXIMUM LANDING SLOPE IN ANY DIRECTION IS 2%. MINIMUM LANDING DIMENSIONS 5' X 5'.

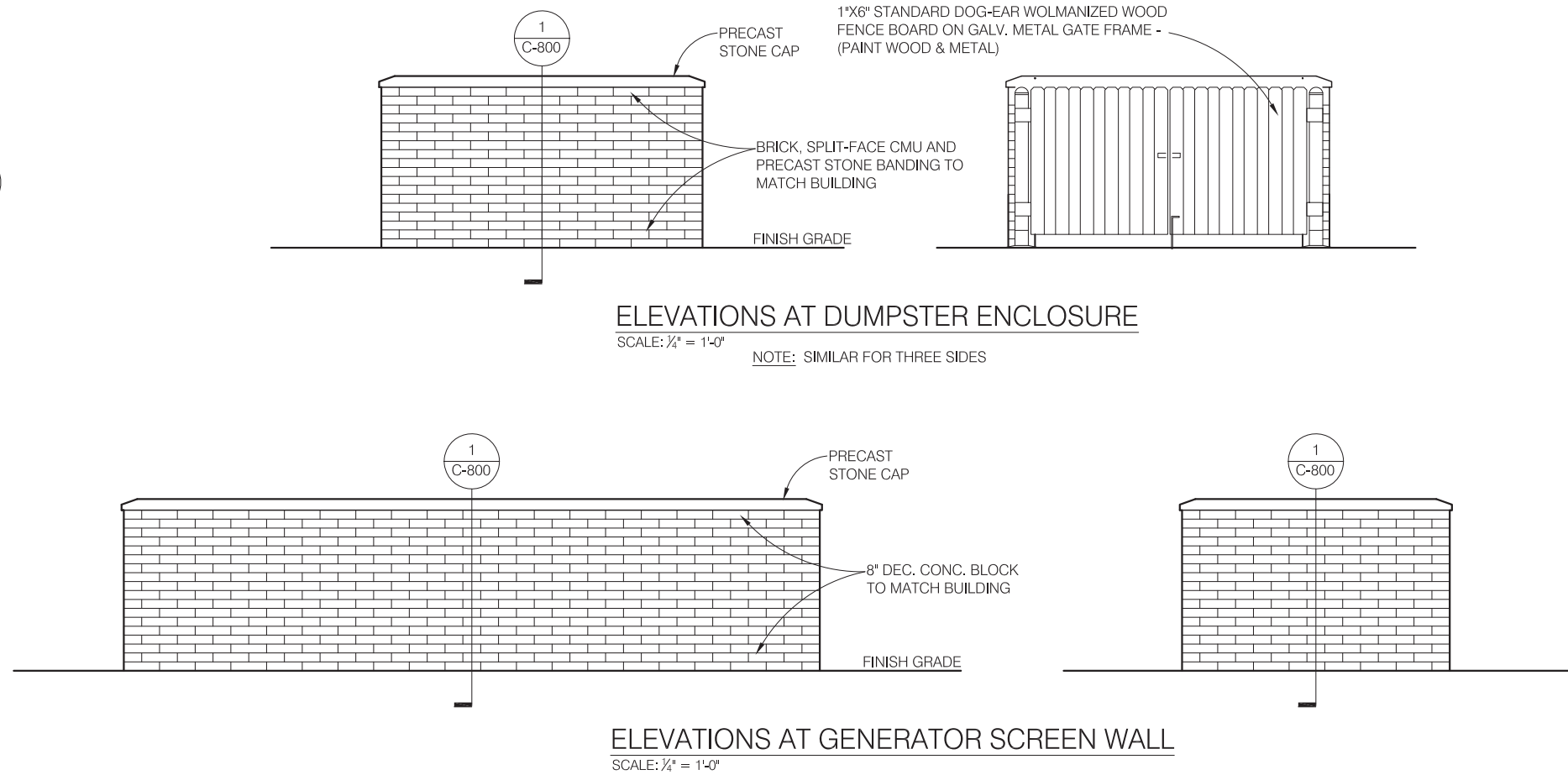
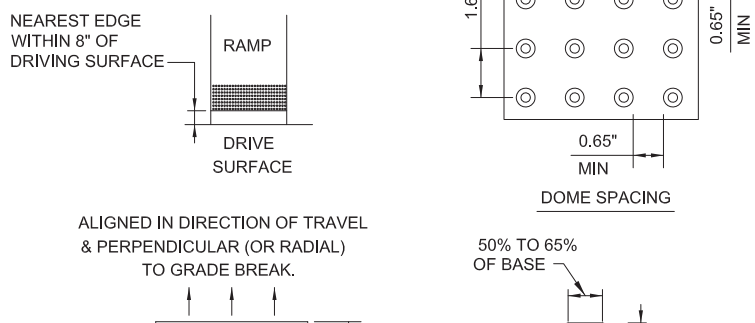
\*\* MAXIMUM CROSS SLOPE ON RAMP IS THE SAME AS THAT FOR SIDEWALK (2%).



**SIDEWALK RAMP TYPE F**  
(FLARED SIDES, TWO RAMPs SHOWN)



**SECTION A-A**  
(TYPICAL ALL RAMP DETAILS)

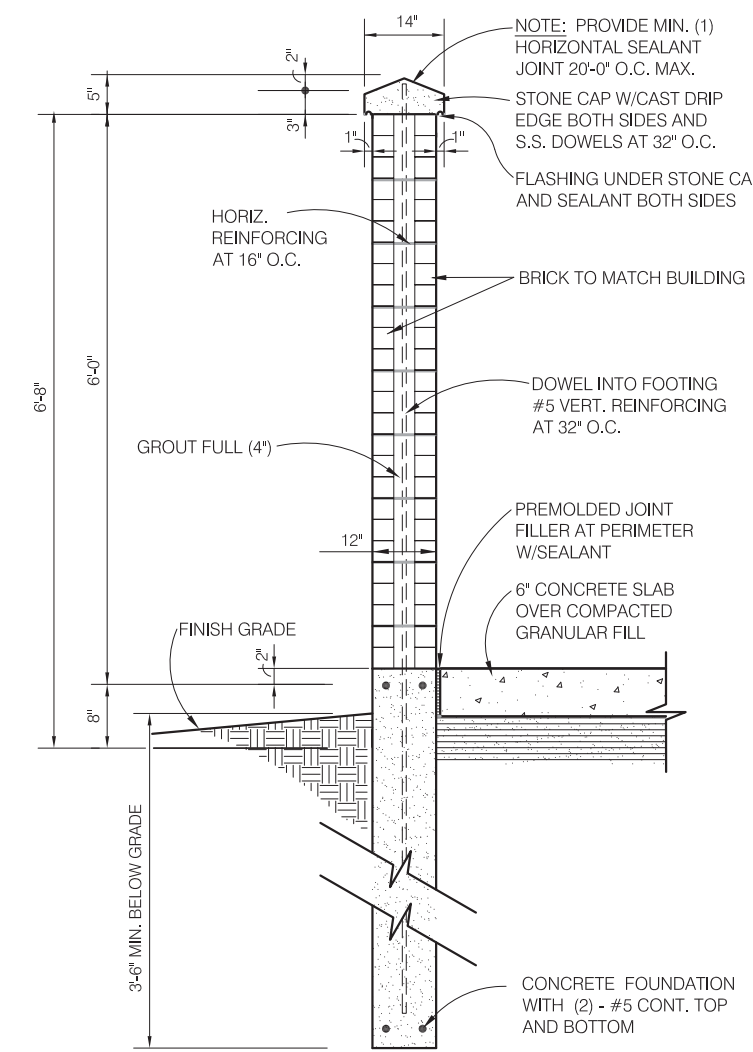


**ELEVATIONS AT DUMPSTER ENCLOSURE**  
SCALE: 1/2" = 1'-0"

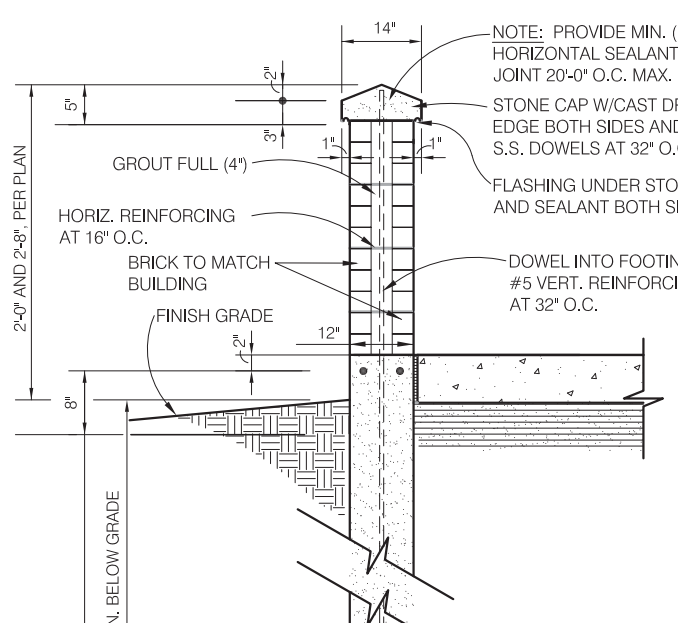
**ELEVATIONS AT GENERATOR SCREEN WALL**  
SCALE: 1/2" = 1'-0"

### PAIN COLORS

Applications	Description	Vendor
Parking Meter Posts and Housing; Flag Holder; Handrails; Traffic Control Sign Bases; Pedestrian and Tall Streetlights; Bicycle Racks	*John W. Hunter* Green DuPont Chromstone Paint. Various primers, sealers, and reducers are required.	Johnston Automotive Paint Supply
Streetlights; Sign Posts; Traffic Controllers; Irrigation Cabinets; and Pedestrian Crossing	Sherwin-Williams Industrial & Marine Protective Coating, Color 599672.	Sherwin-Williams of Royal Oak
Benches and Waste Receptacles supplied by Richman Playground Equipment and Traffic Signal	Sherwin-Williams Powdera Powder Coating, Product #P258-3061, Park Bench Green.	Vendor is Sherwin-Williams of Royal Oak.
Wooden Objects, including Park Benches and Picnic Tables; and	Cornbridge Glass Oil Product 31-135 "Birmingham Green" Paint.	Teknicolors
Plastic Housing for Pedestrian Crossing Signals	Kydon Fusion Hunter Green. This product tends to plastic without sanding or priming.	Neighborhood Hardware

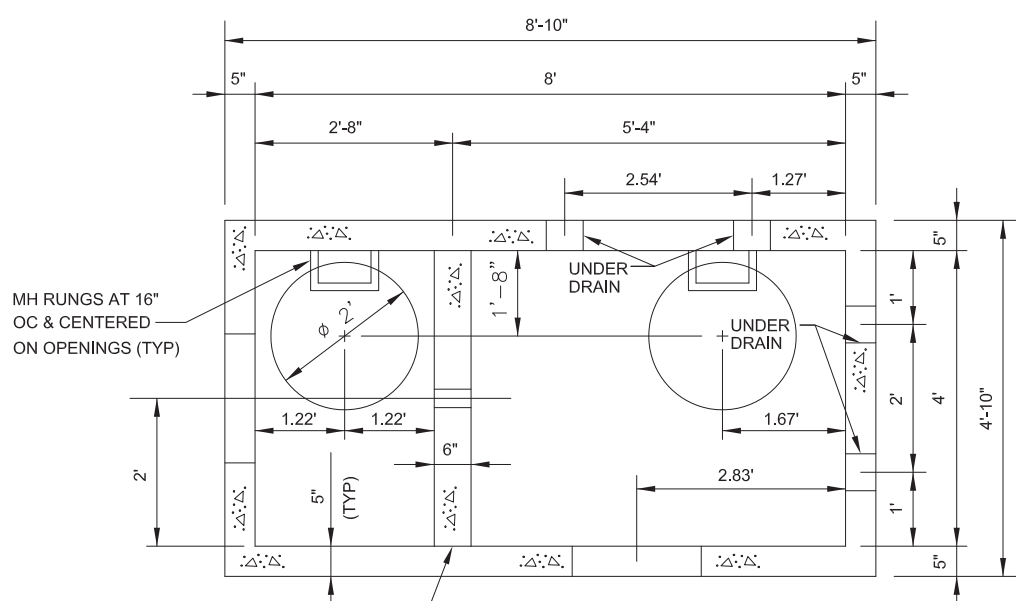


**TYP. SECTION THRU 6'-0" BRICK WALL / DUMPSTER ENCLOSURE**  
SCALE: 3/4" = 1'-0"

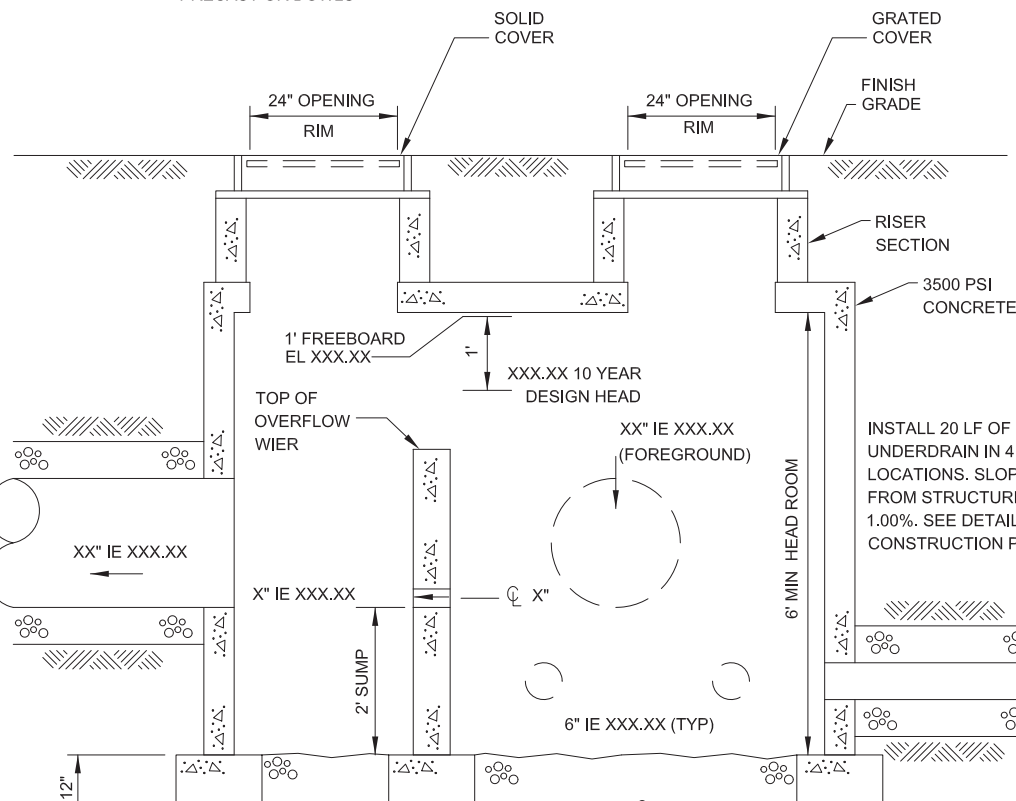


### BENCH DETAIL

BENCHES SHALL BE 8 FEET LONG, & MEET CITY OF BIRMINGHAM PARK BENCH STANDARDS, BENCH 88PL.



### PLAN



**SG**  
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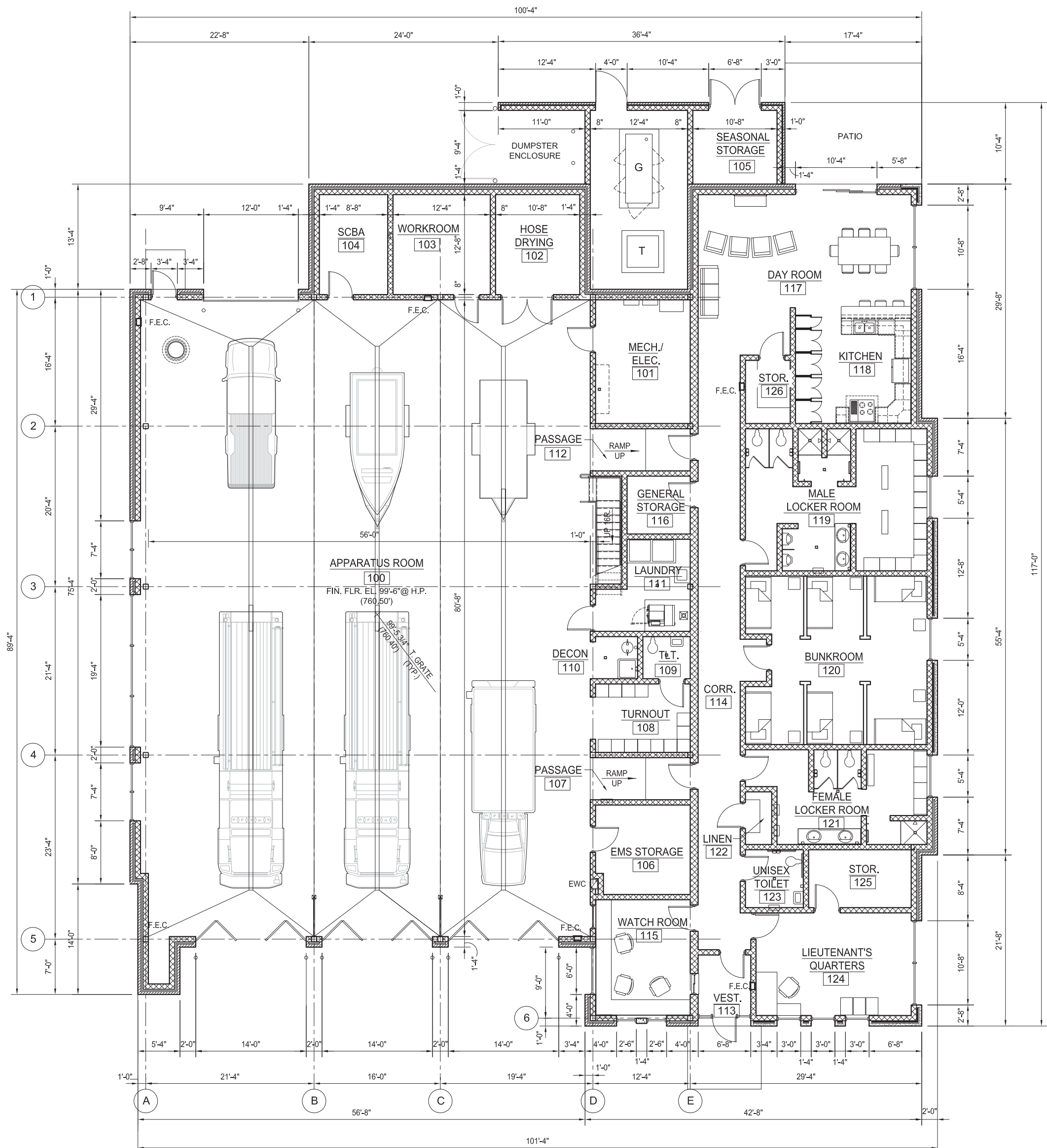
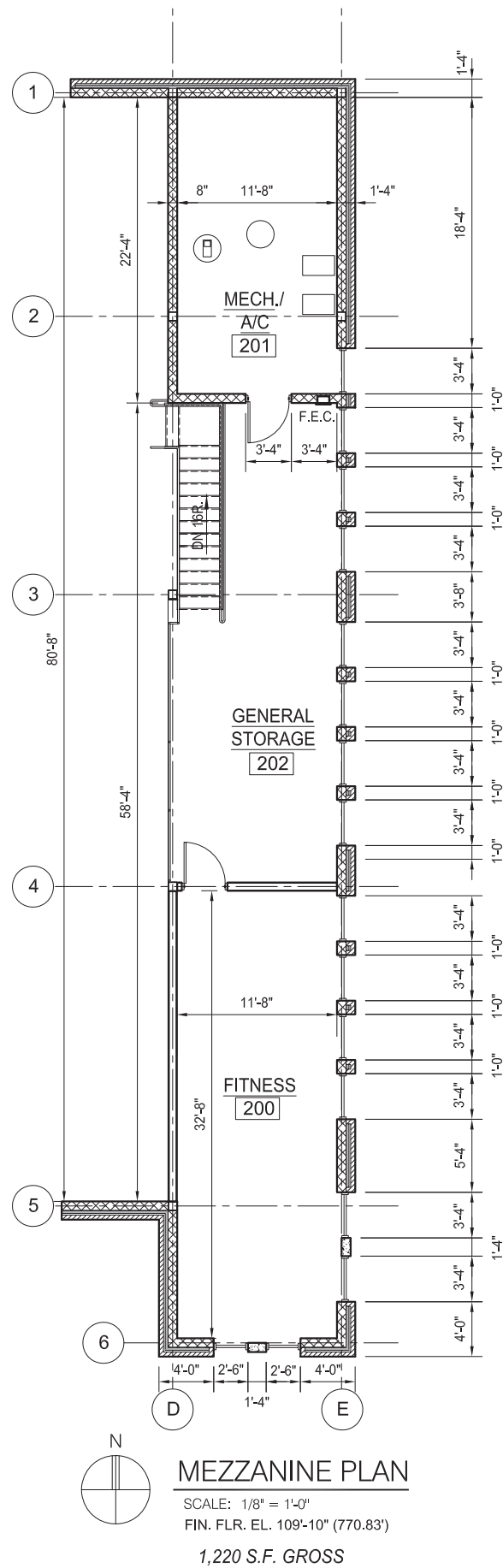
Project:  
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FIRE STATION

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DETAILS - SITE



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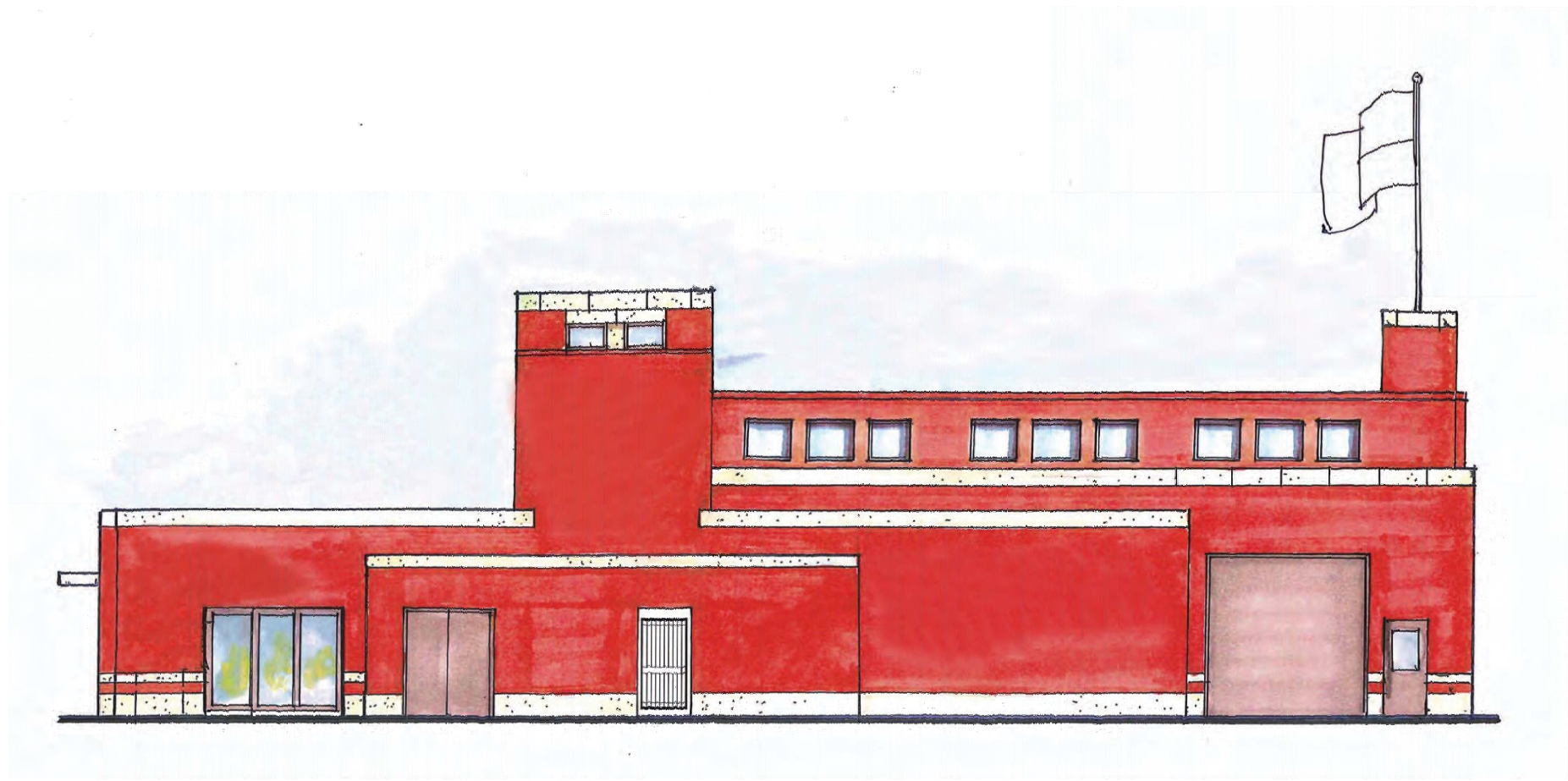
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04/22/16	OWNER REVIEW

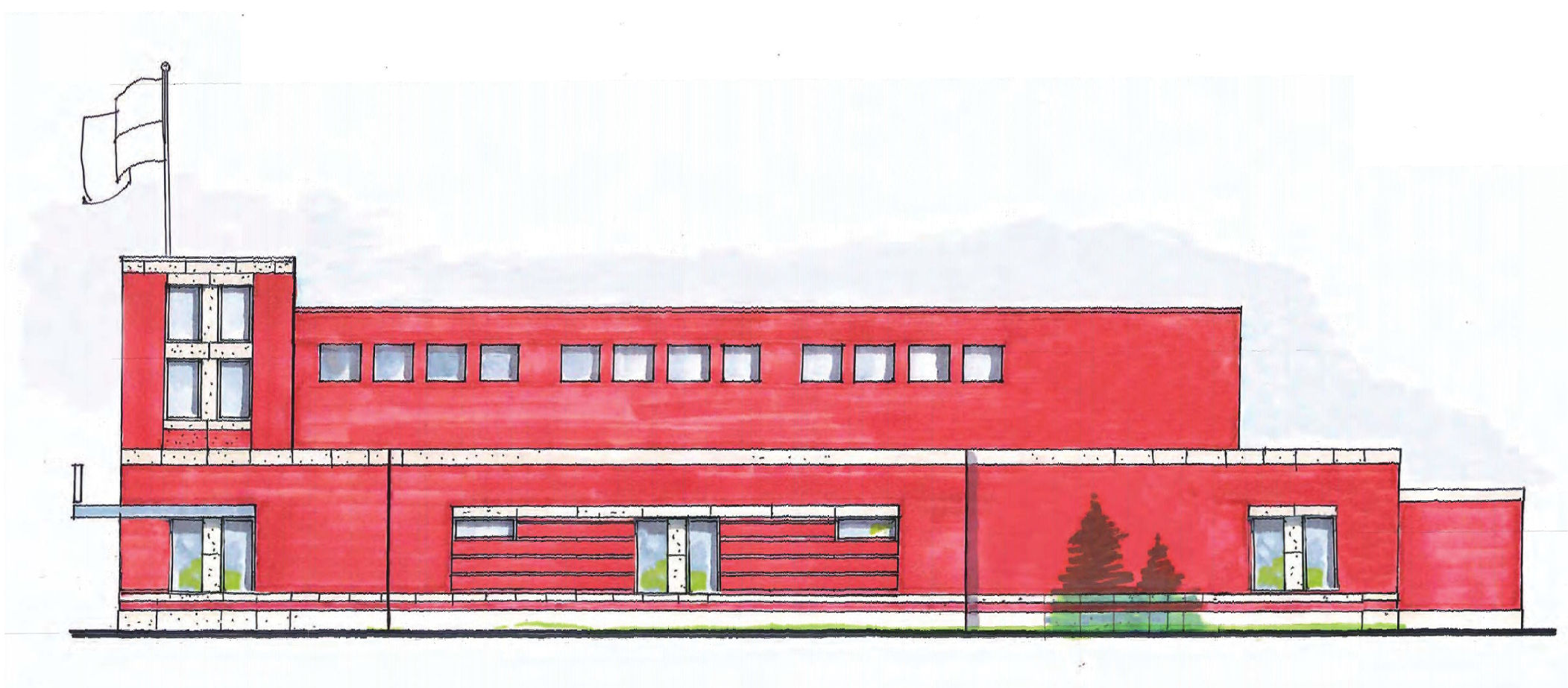
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Checked: S. PETERSON  
Approved: S. PETERSON

Sheet Title:  
FLOOR PLAN





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



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



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



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



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04/22/16	SPA REVIEW

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Checked: S. PETERSON  
Approved: S. PETERSON

Sheet Title:  
EXTERIOR  
ELEVATIONS













## MEMORANDUM

Finance Department

**DATE:** April 26, 2016  
**TO:** Joseph A. Valentine, City Manager  
**FROM:** Mark Gerber, Finance Director/Treasurer  
**SUBJECT:** Follow-up to Budget Hearing

---

### Background

On April 16, 2016, the City Commission held a public hearing to review the City Manager's Recommended Budget for fiscal year 2016-2017. During this session, the City Manager presented a forecast of fund balance/net position for the General Fund, Water Fund, and Sewer Fund for fiscal years 2016-2017 through 2019-2020. Also presented at this session were five options to finance the renovations to the Adult Services area at the Baldwin Library. The purpose of these two presentations was to provide an overview of the City's funds and how they may be impacted by the five different funding options for the library renovations.

Based on the feedback received from the City Commission, it became clear that the City Commission was interested in pursuing Option 5 for funding the renovations at the library. Option 5 called for an increase in the library's millage rate of .31 mills and a decrease of .31 mills to the City's operating millage for fiscal years 2016-2017 and 2017-2018 and provided a guarantee to provide an emergency transfer of funds to the library from the General Fund if the library's fund balance were to go negative in fiscal year 2016-2017. This option had several advantages in that it 1) kept the City's overall millage rate slightly less than the previous year; 2) it lowered the City's operating millage and increased the "cap space" which is the difference between the operating millage rate and the Headlee millage limit; and 3) put the City in a better position to maintain its AAA bond rating in the near future. The City Commission, however, was concerned how this option would affect the City's overall financial picture and requested that staff prepare a report for the City Commission Meeting on May 9, 2016.

Enclosed is an updated Option 5 scenario and an updated fund balance/net position spreadsheet which incorporates the Baldwin Library renovation funding, updated property tax revenues based on new taxable values, revision of the timing of road projects (see explanation below) and an increase in sewer rates (see explanation below).

### Revisions Made to Address Concerns

One of the concerns that was raised is the financial condition of the Water and Sewer Funds. As a result of increased costs for capital improvements and the implementation of GASB 75 (recognition of retiree health care liabilities in the funds' financial statements), the Water and Sewer Funds were showing negative projected net position balances in 2018-2019 and 2019-2020. This would require substantial transfers from the General Fund to offset these balances and require the City to maintain its operating millage at its current level. This solution is not

sustainable as the City would eventually be capped by its Headlee millage limit four or five years later.

To address this issue, City staff reviewed the proposed road projects for the next four years and re-prioritized the projects in terms of the timing of when they will be done. This resulted in a more even distribution of road project costs by fiscal year at a cost the City could more reasonably afford. This solution alone increased net position in these two funds in the near term. This allows the City time to implement other strategies to deal with project funding over a longer period of time.

One of the strategies proposed is to increase the sewer rate gradually over the next few years so sufficient revenues are generated to fund capital improvements. Under the current rate structure approximately \$1.4M is generated through rates to pay for infrastructure. Even with rescheduling some of projects, the capital improvement costs for the sewer fund is projected to be approximately \$2.5M annually. As a starting point, it is proposed that \$175,000 be added to the sewer rate for fiscal year 2016-2017 to start addressing this shortfall. This would increase the sewer rate by 9% from the previous year. As you can see from the spreadsheet, just adding the \$175,000 a year in the rates makes a significant difference in future years. Adjustments to the water fund may also be necessary in the future to address capital projects as well.

Recommended Action:

To direct the City Manager to amend the 2016-2017 recommended City budget to incorporate Baldwin Library Funding Option 5, which would increase the Baldwin Library levy by .31 mills and decrease the City Operating levy by .31 mills for fiscal years 2016-2017 and planned 2017-2018, and further to adjust the sewer rate to include \$175,000 additional funding for capital improvements.

**Option 5 w/increase in sewer rate:** To increase the Library millage rate to 1.41 mills in FY 2016-17 and planned FY 2017-18 and reduce the City operating levy by .3100 mills in FY 2016-17 and planned FY 2017-18. This would decrease the General Fund's fund balance by \$651,220 in FY 2016-2017 and \$676,387 in planned FY 2017-2018. It is understood that if the Library's fund balance would be depleted by emergencies the City would transfer \$200,000 to the Library which would be refunded to the City once an equal amount in excess of \$200,000 in reserves were collected by the Library.

### Fund Balance/Net Position Consideration:

	2015-2016 Projected	2016-2017 Projected	2017-2018 Projected
General Fund	\$12,858,537	\$12,536,887	\$13,159,090
% of Unrestricted Fund Balance to Expend.	39.5%	36.8%	37.5%
Major Street Fund	\$1,498,853	\$572,653	\$1,990,273
Local Street Fund	\$883,834	\$1,143,264	\$1,334,394
Water Fund	\$1,367,408	\$2,277,988	\$1,318,438
Sewer Fund	\$3,401,015	\$1,965,315	\$1,487,245

### Millage Levy Consideration:

	2015-16 Actual Millage	2016-17 Recommended Millage	2016-17 Adjusted Millage	2017-18 Adjusted Millage
City Operating Levy	11.4943	11.4943	11.1843	11.1843
Library Levy	1.1000	1.1000	1.4100	1.4100
Refuse	0.9170	0.8725	0.8687	0.8364
Debt	1.3156	1.3040	1.2984	1.2916
<b>TOTAL</b>	<b>14.8269</b>	<b>14.7708</b>	<b>14.7614</b>	<b>14.7223</b>
Change in Millage from Previous Year			(0.0655)	(0.0391)
Additional Cost to Avg. Homeowner *			(\$12.45)	(\$7.43)

\* Based on avg. residential taxable value of approximately \$190,000



CITY OF BIRMINGHAM  
 PROJECTED FUND BALANCES AND NET POSITION  
 CURRENT YEAR AND NEXT 4 YEARS  
**UPDATE IN PROJECTS AND TAXES, INCREASE IN SEWER RATE,  
 AND OPERATING MILLAGE ADJUSTMENT**

	PROJECTED 2015-2016	RECOMMEND 2016-2017	PLANNED 2017-2018	PLANNED 2018-2019	PLANNED 2019-2020
<b>MAJOR STREET FUND</b>					
REVENUES	3,618,850	3,112,730	3,466,150	3,881,899	3,379,546
EXPENDITURES	(4,289,230)	(4,038,930)	(2,048,530)	(3,387,296)	(2,720,795)
CHANGE IN NET POSITION	(670,380)	(926,200)	1,417,620	494,603	658,751
PROJECTED ENDING FUND BALANCE	1,498,853	572,653	1,990,273	2,484,876	3,143,627
<b>LOCAL STREET FUND</b>					
REVENUES	2,858,650	3,508,250	3,332,240	4,172,842	4,809,395
EXPENDITURES	(4,063,600)	(3,248,820)	(3,141,110)	(3,425,566)	(2,034,378)
CHANGE IN NET POSITION	(1,204,950)	259,430	191,130	747,276	2,775,017
PROJECTED ENDING FUND BALANCE	883,834	1,143,264	1,334,394	2,081,670	4,856,687
<b>WATER FUND</b>					
REVENUES	5,247,170	5,735,090	5,818,430	5,324,195	5,445,600
EXPENSE BUDGET LESS DEPRECIATION	(4,173,120)	(4,824,510)	(4,527,980)	(5,713,780)	(6,091,935)
RETIREE HEALTH CARE LIABILITY (GASB 75)	-	-	(2,250,000)	-	-
CHANGE IN NET POSITION	1,074,050	910,580	(959,550)	(389,585)	(646,335)
PROJECTED ENDING NET POSITION	1,367,408	2,277,988	1,318,438	928,853	282,518
<b>SEWER FUND</b>					
REVENUES (NOT INCLUDING TAXES FOR DEBT)	7,336,250	8,041,740	9,163,930	8,616,485	8,879,845
EXPENSE BUDGET LESS DEPRECIATION/DEBT	(10,234,850)	(9,652,440)	(9,302,000)	(9,826,935)	(10,074,770)
RETIREE HEALTH CARE LIABILITY (GASB 75)	-	-	(515,000)	-	-
CHANGE IN NET POSITION	(2,898,600)	(1,610,700)	(653,070)	(1,210,450)	(1,194,925)
PROJECTED ENDING NET POSITION	3,401,015	1,790,315	1,137,245	(73,205)	(1,268,130)
INCREASE SEWER RATE		175,000	175,000	175,000	175,000
REVISED PROJ. ENDING NET POSITION		1,965,315	1,487,245	451,795	(568,130)
<b>GENERAL FUND</b>					
REVENUES	30,175,990	31,884,040	33,990,230	34,911,360	36,030,310
EXPENDITURES	(30,475,380)	(31,554,470)	(32,691,640)	(31,986,840)	(32,008,600)
CHANGE IN NET POSITION	(299,390)	329,570	1,298,590	2,924,520	4,021,710
PROJECTED ENDING FUND BALANCE	12,858,537	13,188,107	14,486,697	17,411,217	21,432,927
% OF UNRESTRICTED FUND BALANCE TO EXPENDITURES	39.5%	38.8%	41.5%	51.6%	64.1%
REDUCE OPERATING MILLAGE BY .31 MILLS		(651,220)	(676,387)		
REVISED PROJ. ENDING FUND BALANCE	12,858,537	12,536,887	13,159,090	16,083,610	20,105,320
% OF UNRESTRICTED FUND BALANCE TO EXPENDITURES	39.5%	36.8%	37.5%	47.5%	60.1%

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## Birmingham Financing Options

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rjb@bendzinski.com <rjb@bendzinski.com>  
To: Joe Valentine <jvalentine@bhamgov.org>

Tue, Apr 26, 2016 at 11:53 AM

Joe:

We have reviewed the different options presented in the attachment. As we indicated we believe that none of these options would result in a change in the City's AAA rating assuming nothing else changes. The rating is based on several factors. Some which are out of your control especially the economy. All of the options are well thought out options and continue to keep the City's financials in a very strong position. If you have any questions, please feel free to contact me. Thanks.

Bobby

Robert J. Bendzinski, CIPMA  
Bendzinski & Co.  
A Michigan Firm, Working for Michigan  
313-961-8222 x1

From: Joe Valentine <jvalentine@bhamgov.org>  
To: Bob Bendzinski <rjb@bendzinski.com>  
Date: 04/21/2016 11:34 AM  
Subject: Birmingham Financing Options

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Bobby,

~~Thanks for your time today in discussing the funding strategies we are considering for a~~  
Library renovation and the impacts on the City's overall bonding position. I've attached the options we are looking at for your full review. Should you have any questions after reviewing them just let me know.

Again, I'm look for your input as to whether any of the proposed options could potentially impact our bond rating.

Many thanks and, again, all the best to you and your family.

Best Regards,

--

**Joseph A. Valentine**  
City Manager  
City of Birmingham  
151 Martin Street  
Birmingham, MI 48009



## MEMORANDUM

Department of Public Services

**DATE:** April 26, 2016

**TO:** Joseph A. Valentine, City Manager

**FROM:** Lauren A. Wood, Director of Public Services

**SUBJECT:** Martha Baldwin Park Board Ordinance Amendment

---

The following serves as a request for an Ordinance Amendment to Part II of the City Code, Chapter 78 Parks and Recreation, Article III. Martha Baldwin Park Board, Section 78-58 Composition, Appointment, Terms shall be amended as follows. The original Ordinance No. 65 was adopted May 10, 1915.

The composition of the board included classifications of men and women which was stipulated by the deeding of property to the City and which is no longer legally sound. Therefore, the removal of the positions based on the criteria for men and women is being removed. The City Attorney Tim Currier has drafted the revised ordinance; see the redlined and clean versions on the following pages.

We are requesting that Article III Martha Baldwin Park Board, Section 78-58 Composition, Appointment, Terms be amended to remove the last sentence, "The membership of the board shall at all times consist of two men and two women." in the City Code.

**SUGGESTED RESOLUTION:**

To approve an Ordinance Amendment to Part II of the City Code, Chapter 78 Parks and Recreation, Article III. Martha Baldwin Park Board, Section 78-58 Composition, Appointment, Terms.

CITY OF BIRMINGHAM

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE TO AMEND PART II OF THE CITY CODE, CHAPTER 78 PARKS AND RECREATION, ARTICLE III. MARTHA BALDWIN PARK BOARD, SECTION 78-58. – COMPOSITION, APPOINTMENT, TERMS.**

THE CITY OF BIRMINGHAM ORDAINS:

Part II of the City Code, Chapter 78 Parks and Recreation, Article III. Martha Baldwin Park Board, Section 78-58. – Composition, Appointment, Terms shall be amended as follows:

ARTICLE III. MARTHA BALDWIN PARK BOARD

Sec. 78-58. - Composition, appointment, terms.

The Martha Baldwin Park Board shall consist of four persons who shall be electors of the city, one of whom shall be appointed to office each year by the city commission to hold office from May 1 of the year in which appointed for a term of four years. ~~The membership of the board shall at all times consist of two men and two women.~~

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2016. Effective upon publication.

\_\_\_\_\_  
Rackeline J. Hoff, Mayor

\_\_\_\_\_  
Laura M. Pierce, City Clerk

I, Laura M. Pierce, City Clerk of the City of Birmingham, do hereby certify that the foregoing ordinance was passed by the Commission of the City of Birmingham, Michigan at a regular meeting held \_\_\_\_\_, 2016 and that a summary was published \_\_\_\_\_, 2016.

\_\_\_\_\_  
Laura M. Pierce, City Clerk

CITY OF BIRMINGHAM

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE TO AMEND PART II OF THE CITY CODE, CHAPTER 78 PARKS AND RECREATION, ARTICLE III. MARTHA BALDWIN PARK BOARD, SECTION 78-58. – COMPOSITION, APPOINTMENT, TERMS.**

THE CITY OF BIRMINGHAM ORDAINS:

Part II of the City Code, Chapter 78 Parks and Recreation, Article III. Martha Baldwin Park Board, Section 78-58. – Composition, Appointment, Terms shall be amended as follows:

ARTICLE III. MARTHA BALDWIN PARK BOARD

Sec. 78-58. - Composition, appointment, terms.

The Martha Baldwin Park Board shall consist of four persons who shall be electors of the city, one of whom shall be appointed to office each year by the city commission to hold office from May 1 of the year in which appointed for a term of four years.

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2016. Effective upon publication.

\_\_\_\_\_  
Rackeline J. Hoff, Mayor

\_\_\_\_\_  
Laura M. Pierce, City Clerk

I, Laura M. Pierce, City Clerk of the City of Birmingham, do hereby certify that the foregoing ordinance was passed by the Commission of the City of Birmingham, Michigan at a regular meeting held \_\_\_\_\_, 2016 and that a summary was published \_\_\_\_\_, 2016.

\_\_\_\_\_  
Laura M. Pierce, City Clerk



## MEMORANDUM

Office of the City Manager

**DATE:** May 4, 2016

**TO:** City Commission

**FROM:** Joseph A. Valentine, City Manager

**SUBJECT:** Appointment of Mark Clemence as Police Chief

---

With the retirement of current Police Chief Don Studt effective May 27<sup>th</sup>, 2016, the position of Chief of Police will be vacant. The Birmingham City Charter provides that the City Manager "may with the advice and consent of the City Commission, appoint...a chief of police" (Section 9, Chapter II). It is my intent appoint a Police Chief Designee to begin transitioning functions at a greater level than what has already occurred and then formalize an appointment of the new Chief at the end of the month.

I respectfully submit Deputy Chief Mark H. Clemence as my appointment for Police Chief to be effective on May 28, 2016 upon the retirement of current Police Chief Don Studt. I have had the opportunity to observe Mark in his duties with the Birmingham Police Department for almost 20 years and believe he possesses the abilities, ethics and dedication to the community required to be a successful Police Chief.

Mark has served with the Birmingham Police Department for 31 years and has held several leadership positions within the Police Department during this time; most recently as Deputy Chief of Police since 2010. He holds a Bachelor of Arts in Criminal Justice from Michigan State University, graduated from the FBI National Academy and the Law Enforcement Executive Leadership Institute in 2007.

I am pleased have Mark H. Clemence serve as Police Chief Designee until the retirement of the Chief later this month, at which time, I plan to appoint him to the position of Chief of Police effective May 28, 2016.

### Suggested Resolution:

To consent to the City Manager's appointment of Deputy Police Chief, Mark H. Clemence, as the Chief of Police of the City of Birmingham Police Department, effective May 28, 2016, upon the retirement of current Police Chief Donald Studt.



# Mark H. Clemence

## Education:

**Michigan State University** (1987)  
Bachelor of Arts, Criminal Justice

**FBI National Academy, Session 231** (2007)

**Law Enforcement Executive Leadership Institute** (2007)

## Experience:

**Birmingham Police Department** (1985 to present)

Dedicated law enforcement professional with extensive experience in patrol, investigative, and services divisions. Excellent communication and interpersonal skills. Strong leader with a reputation for honesty, loyalty and integrity.

**Deputy Chief of Police** (2010 to present)

- Facilitate budget preparation and administration (six million dollars)
- Supervise all department operations
- Conduct presentations to civic groups and city commission
- Served as Ex-Officio member of the City's Traffic and Safety Board/Multi Modal Transportation Board
- Coordinator of the Major Case Assistance Team (MCAT)

**Commander** (2007 to 2010)

- Direct the operation of the investigative division
- Supervise and develop five detectives
- Conduct/assist with internal investigations
- Conduct criminal investigations and administrative investigations
- Assist with the development and implementation of the police department budget

**Sergeant** (2000 to 2007)

- Supervise and develop corporals, police officers, and dispatchers
- Handle all administrative shift responsibilities including scheduling, discipline, citizen complaints, meeting department goals and approval of all reports
- Officer in charge of numerous special events (i.e. 10 K runs, parades, Woodward Dream Cruise, charity functions, downtown foot patrols, surveillance details)
- Develop and supervise the field officer training program
- Develop and supervise programs concerning maintenance of specialized department equipment (BAC DataMaster, preliminary breath testers)
- Certified pursuit driving instructor

**Detective** (1996 to 2000)

- General case detective in charge of investigating all cases including, but not limited to: homicide, sexual assault, armed robbery, strong armed robbery, assault, battery, embezzlement, fraud and drug crimes

- Background investigator
- Worked with both Birmingham Youth Assistance and the Birmingham Community Coalition

**Corporal** (1993 to 1995)

- Assisted sergeant with supervision and development of seven officers and two dispatchers

**Officer** (1985 to 1993)

- Performed road patrol duties of all general assignment responsibilities including, but not limited to: original complaint investigations, accident reports, citizen assists, medical assists, public relations and criminal apprehensions
- Consistent high performer in production (i.e. traffic citations, arrests, assists)

**Birmingham Public Schools** (1988 to 1993)

**Facility Coordinator of College Programs**

- Liaison between the Birmingham Public Schools and local college and universities wishing to use school facilities for continuing education (MSU, WSU, EMU, CMU, Walsh College)
- Coordinated and administered entire program including all rental agreements, accounts receivable and facility usage

**Training:**

Approximately 2000 hours of documented police training including, but not limited to the following:

- Reid School of Interrogation (1996)
- Scientific Content Analysis-SCAN (1996)
- Wayne State University Medicolegal Investigation of Death (1998)
- Metro-Dade (Florida) Police Department Advanced Homicide Investigation School (1998)
- Michigan State Police Certified Pursuit Driving Instructor (2005)
- Responsible Leadership and Ethics (2009)
- Practical Homicide Investigations and Fugitive Investigations (2010)

**Awards/Commendations:**

- Recipient of letters of appreciation from the City of Auburn Hills (2016), City of Troy (2015), City of Bloomfield Hills (2014) and the Township of Bloomfield (2014) for leadership/investigatory efforts in multi-jurisdictional task force operations.
- Presenter at the 2016 Michigan Association of Chiefs of Police state wide conference on the formation and implementation of effective multi-jurisdictional task forces
- Received numerous awards, letters of merit and letters of commendation from the department, civic groups, schools and citizens
- MADD Lifesaver Recipient (1989, 1990, 2006)
- Birmingham Officer of the Year (1998)



## **MEMORANDUM**

Office of the City Manager

**DATE:** May 3, 2016

**TO:** City Commission

**FROM:** Joseph A. Valentine, City Manager

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

---

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



## **MEMORANDUM**

Office of the City Manager

**DATE:** May 4, 2016  
**TO:** City Commission  
**FROM:** Joseph A. Valentine, City Manager  
**SUBJECT:** Request for Closed Session  
Attorney-Client Privilege

---

It is requested that the city commission meet in closed session pursuant to Section 8(h) of the Open Meetings Act to discuss an attorney/client privilege communication.

**SUGGESTED RESOLUTION:**

To meet in closed session to discuss an attorney/client privilege communication in accordance with Section 8(h) of the Open Meetings Act.

April 24, 2016

City of Birmingham  
Manager and Commission  
151 Martin Street  
Birmingham MI 48009



Dear Manager and Commission Members:

I am a frequent visitor to Birmingham. My husband and I eat in your restaurants, shop in your stores, take in an occasional movie, use the Library often, worship there on Sundays, and join activities at The Community House at least two, sometimes three times a week.

I am a disabled senior who uses handicapped parking. It isn't often that I can't find a metered space close to where I plan to attend and consider it handicapped parking with my placard. While parking structures are strategically placed, they are still too far away for anyone who uses a walker or can't go the distance. I have been very grateful for the policy of not requiring a fee to park. The money is not an issue, but a two hour limit is. The thought of remotely extending the time strikes fear in many a senior. Is this done with a phone? Mine is still the flip kind that I keep for emergencies so I doubt it qualifies to do something remotely. Dinner will be rushed, a film will not be seen in its entirety, a program will be interrupted as I leave to feed the meter (or just leave) or I will, more than likely, choose to not come.

To say you want to be like surrounding communities makes me sad. I'd like to think that Birmingham would strive to be better than other communities by setting a standard to be emulated. Maybe I was wrong.

With much chagrin,

A handwritten signature in blue ink that reads 'Patricia Beach'. The signature is fluid and cursive.

Patricia Beach  
31130 Downing Place  
Beverly Hills MI 48025  
248-646-9056



**NOTICE OF INTENTION TO INTERVIEW  
FOR APPOINTMENT TO THE  
BIRMINGHAM SHOPPING DISTRICT BOARD**

At the regular meeting of Monday, June 6, 2016, the Birmingham City Commission intends to interview applicants for appointment to the Birmingham Shopping District Board to complete a four-year term to expire November 16, 2017.

The goal of the shopping district board shall be to promote economic activity in the principal shopping districts of the city by undertakings including, but not limited to, conducting market research and public relations campaigns, developing, coordinating and conducting retail and institutional promotions, and sponsoring special events and related activities. (Section 82-97(a)) The board may expend funds it determines reasonably necessary to achieve its goal, within the limits of those monies made available to it by the city commission from the financing methods specified in this article. (Section 82-97(b)).

The ordinance states that the City Manager will make the appointment with the concurrence of the City Commission.

Interested persons may submit a form available from the city clerk's office. Applications must be submitted to the city clerk's office on or before noon on Wednesday, June 1, 2016. These documents will appear in the public agenda.

<b>Criteria/Qualifications of Open Position</b>	<b>Date Applications Due (by noon)</b>	<b>Date of Interview</b>
Members shall be representatives of businesses located in the district.	6/1/16	6/6/16

*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.*

Clerk Note: This is to fill the vacancy due to the passing of Robert Benkert.



# BIRMINGHAM SHOPPING DISTRICT BOARD

Ordinance 1534 - Adopted September 14, 1992

The Board shall consist of 12 members as follows:

- City Manager.
- Resident from an area designated as a principal shopping district.
- Resident from an adjacent residential area.
- A majority of the members shall be nominees of individual businesses located within a principal shopping district who have an interest in property located in the district.
- The remaining members shall be representatives of businesses located in the district.

## 4-Year Terms

Last Name	First Name	Home Business E-Mail	Appointed	Term Expires
<b>Astrein</b>	<b>Richard</b>	(248) 399-4228	11/16/1992	11/16/2017
13125 Ludlow		(248) 644-1651	Business Operator/Property Owner	
Huntington Woods	48070			
<b>A-Woods</b>	<b>Rachael</b>	(248) 933-5421	12/5/2011	11/16/2019
30485 Red Maple Lane			Business Operator	
Southfield	48076	<i>ra-woods@sbcglobal.net</i>		
123 W. Maple				
Birmingham	48009			
<b>Daskas</b>	<b>Cheryl</b>		11/9/1998	11/16/2018
353 Aspen		(248) 258-0212	Business Operator/Property Owner	
Birmingham	48009	<i>cheryl@tenderbirmingham.com</i>		
271 West Maple				
Birmingham	48009			



Last Name	First Name	Home Business E-Mail	Appointed	Term Expires
<b>Fehan</b> 833 Hazel Birmingham	<b>Douglas</b> 48009	(248) 705-3000  <i>godug@aol.com</i>	12/14/1992 District Resident	11/16/2016
<b>Hockman</b> PO Box 936 Birmingham	<b>Geoffrey</b> 48012	(248) 431-4800 (248) 433-0713 <i>jeff.hockman.mec@gmail.com</i>	11/16/1992 Business Operator/Property Owner	11/16/2018
<b>Quintal</b> 880 Ivy Lane Bloomfield Hills 112 Peabody St Birmingham	<b>Steven</b> 48304 48009	248-642-0024  <i>steve@fullercentralpark.com</i>	12/8/2003 Member greater than 5% total sq ft in SAD 1.	11/16/2019
<b>Roberts</b> 410 Whippers in Court Bloomfield Hills 273 Pierce Birmingham	<b>William</b> 48304 48009	(248) 463-8606 (248) 646-6395 <i>BR@RobertsRestaurantGroup.com</i>	11/10/1997 Business Operator	11/16/2017
<b>Solomon</b> 588 Stanley Birmingham	<b>Judith</b> 48009	(248) 645-2330  <i>judyfreelance@aol.com</i>	11/22/2010 Resident from Adjacent neighborhood	11/16/2016

Last Name	First Name	Home Business E-Mail	Appointed	Term Expires
<b>Surnow</b> 411 South Old Woodward, #714 Birmingham	<b>Sam</b> 48009	(248) 817-0686 (248) 865-3000 <i>sam@surnow.com</i>	11/23/2015 Business Operator/Property Owner Member	11/16/2019
<b>Syzdek</b> 600 Pine Valley Way Bloomfield Hills 670 S. Old Woodward Birmingham	<b>Steven</b> 48302 48009	(248) 252-6958 <i>steven@boconceptbirmingham-mi.com</i>	11/24/2014	11/16/2018
<b>Vacant</b>			Business Operator	11/16/2017
<b>Valentine</b> 151 Martin Birmingham	<b>Joseph</b> 48009	(248) 530-1809 <i>jvalentine@bhamgov.org</i>	City Manager	



## **NOTICE OF INTENTION TO APPOINT TO THE BOARD OF ETHICS**

At the regular meeting of Monday, June 6, 2016, the Birmingham City Commission intends to appoint one member to the Board of Ethics to serve a three-year term to expire June 30, 2019.

Board members are to serve as an advisory body for the purposes of interpreting the Code of Ethics. The board consists of three members who serve without compensation. The members shall be residents and have legal, administrative or other desirable qualifications.

Interested citizens may submit an application available at the city clerk's office or online at [www.bhamgov.org/boardopportunities](http://www.bhamgov.org/boardopportunities). Applications must be submitted to the city clerk's office on or before noon on Wednesday, June 1, 2016. These documents will appear in the public agenda for the regular meeting at which time the City Commission will discuss recommendations, and may make nominations and vote on appointments.

<b>Criteria/Qualifications of Open Position</b>	<b>Date Applications Due (by noon)</b>	<b>Date of Interview</b>
Members shall be residents and have legal, administrative or other desirable qualifications.	6/1/16	6/6/16

*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 ETHICS

Ordinance 1805

The board shall serve as an advisory body for purposes of interpreting the Code of Ethics.

The board consists of three members who serve without compensation. The members shall be residents and have legal, administrative, or other desirable qualifications.

Last Name	First Name	Home Business	Appointed	Term Expires
Home Address		E-Mail		
<b>Fierro-Share</b> 1040 Gordon Lane	<b>Sophie</b>	(248) 642-7340 <i>sfierro-share@comcast.net</i>	7/14/2003	6/30/2017
<b>Robb</b> 1533 Pleasant Ct	<b>James</b>	(248) 647-2632 (517) 371-5140 <i>robbJ@cooley.edu</i>	8/11/2003 Chairperson	6/30/2016
<b>Schrot</b> 1878 Fairway	<b>John</b>	(248) 646-6513 <i>jschrot@berrymoorman.com</i>	7/14/2003	6/30/2018



## **NOTICE OF INTENTION TO APPOINT TO HISTORIC DISTRICT STUDY COMMITTEE**

At the regular meeting of Monday, June 6, 2016, the Birmingham City Commission intends to appoint three members to the Historic District Study Committee to serve three-year terms to expire June 25, 2019.

The goal of the Historic District Study Committee is to conduct historical research regarding the proposed designation of historic landmarks or districts in the City of Birmingham.

A majority of the members shall have a clearly demonstrated interest in or knowledge of historic preservation, although city residency is not required if an expert on the potential historic district topic is not available among city residents. The committee shall include representation of at least one member appointed from one or more duly organized local historic preservation organizations. The meetings are held by resolution of the City Commission.

Interested parties may submit an application available from the City Clerk's Office on or before noon on Wednesday, June 1, 2016. Applications will appear in the public agenda at which time the commission will discuss recommendations, and may make nominations and vote on appointments.

<b>Criteria/Qualifications of Open Position</b>	<b>Date Applications Due (by noon)</b>	<b>Date of Interview</b>
Members shall have a clearly demonstrated interest in or knowledge of historic preservation.	6/1/16	6/6/16

*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.*





# HISTORIC DISTRICT STUDY COMMITTEE

Goal: To conduct historical research regarding the proposed designation of historic landmarks or districts in the City of Birmingham.

The committee shall consist of seven members in addition to a city appointed liaison. A majority of the members shall have a clearly demonstrated interest in or knowledge of historic preservation, although city residency is not required if an expert on the potential historic district topic is not available among city residents. The committee shall include representation of at least one member appointed from one or more duly organized local historic preservation organizations.

Terms: three years

Meetings are held by resolution of the City Commission.

Last Name Home Address	First Name	Home Business E-Mail	Appointed	Term Expires
Debbrecht 564 Frank	Gigi	(248) 882-9906  <i>gigi@maxbroock.com</i>	6/25/2012	6/25/2018
Lang 1023 Floyd	Patricia	(248) 540-0991  <i>pal.family.friends@gmail.com</i>	10/26/2009	6/25/2018
Maricak 1040 Chapin	Gretchen	(248) 821-8708  <i>gmaricak106189mi@comcast.net</i>	9/12/2011	6/25/2017
Vacant				6/25/2016

Last Name	First Name	Home Business E-Mail	Appointed	Term Expires
Vacant				6/25/2016
Vacant				6/25/2016
Xenos	Michael	(248) 496-8983	2/22/2016	6/25/2017
1116 Washington		<i>mxenos@comcast.net</i>		



## MEMORANDUM

Engineering Dept.

**DATE:** April 29, 2016

**TO:** Joseph Valentine, City Manager

**FROM:** Paul T. O'Meara, City Engineer

**SUBJECT:** Hamilton Ave. & Park St. Intersection  
STOP Sign Study

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Recently, the Engineering Dept. was asked to look at the current status of this unique intersection in conjunction with the Hamilton Ave. Paving Project. Since northbound traffic does not currently stop, we were asked to consider making this intersection a four-way stop.

As shown on the attachments, our traffic engineer F&V took current traffic counts of the intersection (prior to the current construction project), and determined that the addition of another STOP sign is not currently warranted. The intersection is working well, and has a low crash history. Further, adding a STOP sign under this condition may bring new problems that are not currently present.

The Multi-Modal Transportation Board reviewed the issue in detail at their meeting of April 21, 2016. It was noted that since the block of Park St. is planned to change to a two-way traffic configuration in either 2018 or 2019, this area should be studied and considered again for different traffic controls at that time. The Multi-Modal Transportation Board recommended that the Hamilton Ave. and Park St. intersection remain as is for the present time.

**CITY OF BIRMINGHAM  
MULTI-MODAL TRANSPORTATION BOARD  
THURSDAY, APRIL 21, 2016  
City Commission Room  
151 Martin Street, Birmingham, Michigan**

Minutes of the regular meeting of the City of Birmingham Multi-Modal Transportation Board held Thursday, April 21, 2016.

Chairperson Johanna Slanga convened the meeting at 6 p.m.

**1. ROLL CALL**

**Present:** Chairperson Johanna Slanga; Board Members Vionna Adams, Lara Edwards, Amy Folberg, Andy Lawson, Michael Surnow, Amanda Warner

**Absent:** Board Members

**Administration:** Jana Ecker, Planning Director  
Austin Fletcher, Asst. City Engineer  
Commander Scott Grewe, Police Dept.  
Paul O'Meara, City Engineer

**Also Present:** Mike Labadie and Julie Kroll from Fleis & Vandenbrink ("F&V"), Transportation Engineering Consultants

**2. INTRODUCTIONS**

Ms. Folberg, resident at large, introduced herself for those who were not present at the last meeting.

**3. REVIEW AGENDA (no change)**

**4. APPROVAL OF MINUTES, MEETING OF FEBRUARY 11, 2016**

**Motion by Ms. Warner**

**Seconded by Ms. Edwards to approve the Minutes of February 11, 2016 as presented.**

**Motion carried, 7-0.**

VOICE VOTE

Yeas: Warner, Edwards, Adams, Folberg, Lawson, Slanga, Surnow

Nays: None

Absent: None

**5. HAMILTON AVE. AND PARK ST. INTERSECTION**

Mr. O'Meara provided background for Park St., Hamilton Ave. to Maple Rd. He noted the City has received federal funds to reconstruct Maple Rd. from Bates St. to Woodward Ave. in 2018. Since Maple Rd. traffic will be disrupted at that time, the plan is to reconstruct the Maple Rd. and Park St. intersection as a part of that project such that Park St. can accommodate two-way traffic from that point on. A City Commissioner requested that the MMTB look at having a stop sign in all four directions at the intersection to make it more pedestrian friendly.

Mr. Labadie added that the Michigan Manual of Uniform Traffic Control Devices ("MMUTCD") is put together by the State Police, and MDOT with input from county road commissions and city engineers. Also, there is a Federal Manual of Uniform Traffic Control Devices and the two mostly match. According to the Manuals, pedestrian friendly or controlling speeds in neighborhoods are not criteria for installing stop signs. F&V was asked to study the intersection as it currently operates and make recommendations relative to the advisability of making this a four-way stop controlled intersection at this time. Their warrants analysis is that current crash patterns suggest that some of the vehicle crashes could be corrected by the addition of a STOP sign, but not enough to conclude that a STOP sign is warranted. Also, over the most recent four years where data is available there have been zero pedestrian conflicts reported at this intersection.

Therefore, he recommended no changes to this intersection until such time as Park St. is two-way, when it can be revisited.

Mr. O'Meara advised the current project is being implemented to address the poor condition of the pavement. As noted, this block of Park St. is planned for significant changes in its traffic pattern once the Maple Rd. intersection is reconstructed in two to three years. Secondly, an analysis of the current traffic counts and crash history reveals that the current traffic controls for the Hamilton Ave. intersection are appropriate. Once they are redesigning the Maple Rd. intersection, they plan to have the entire block's traffic design reviewed and confirmed prior to recommending a final design. The traffic controls at both intersections will have to be changed at that time anyway. It is staff's recommendation that no changes be made to the existing traffic controls at the Hamilton Ave. and Park St. intersection.



There was no public present to comment on this matter.

**Motion by Ms. Warner**

**Seconded by Mr. Lawson that the Multi-Modal Transportation Board recommends that the Hamilton Ave. and Park St. traffic controls remain as-is at this time. In the future, when the City is prepared to introduce a southbound lane on Park St. south of Hamilton Ave., the entire block's traffic controls should be reviewed at that time.**

**Motion carried, 7-0.**

**ROLLCALL VOTE**

Yeas: Warner, Lawson, Adams, Edwards, Folberg, Slanga, Surnow

Nays: None

Absent: None

**6. CROSSWALK PAVEMENT MARKING STANDARDS**

Mr. O'Meara recalled that historically the City had no standard on the design of the pavement markings used for pedestrian crosswalks. In 2009, the City started going to the Continental style crosswalks. Current Mayor Pro-Tem Mark Nickita suggested that the City should standardize the pavement markings to make sure the width of the bars versus the spacing between the bars is standard. The removal of all of the older style pavement markings will continue to take several years.

Also recently, Mayor Pro-Tem Nickita has made observations of crosswalks in large cities that he feels should be reviewed and possibly implemented here. The crosswalks are painted with wider painted bars, and in some cases, the bars are much longer than our current standard of 6 to 8 ft. long. F&V was asked to review this issue and make recommendations toward a common standard that can then be used on all future paving projects where marked crosswalks are proposed.

Guidelines developed both in the MMUTCD and by the Michigan Dept. of Transportation ("MDOT") suggest that usually the 12 in. wide painted bar should be spaced with a 24 in. gap between. You can go up to 30 in. on a 12 in. bar. In those areas where pedestrian demand is higher and the 24 in. wide markings are going to be used, Mr. O'Meara recommends somewhere between 24 and 36 in. gaps. Also recommended is that in the major intersections of the Central Business District ("CBD") a 12 ft. wide crosswalk be used and that all of the other minor crossings in the CBD will be 8 ft. wide.



## MEMORANDUM

Engineering Dept.

**DATE:** April 14, 2016

**TO:** Multi-Modal Transportation Board

**FROM:** Paul T. O'Meara, City Engineer

**SUBJECT:** Hamilton Ave. & Park St. Intersection

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As you know, Hamilton Ave. and one block of Park St. are currently being reconstructed. During the approval stage, the design of the project was reviewed by the City Commission. A member of the Commission commented on the unique traffic controls at this intersection, and asked that we consider having northbound Park St. stop as a part of the reconstruction of this road. The following memo discusses this question.

### Background for Park St. – Hamilton Ave. to Maple Rd.

In the late 1960's, the City made the creation of a Ring Road around the Central Business District a priority. Through traffic on Maple Rd. was higher then, and it was built to provide through vehicles and trucks an alternate, hopefully quicker way to travel through this area. The first block of Park St. north of Maple Rd. did not exist until 1970, and was formed through the bisection of a City owned parking lot and right-of-way condemnation. This block has several unique features:

- The road is signed for one way traffic, with three northbound lanes and no parking.
- The left lane must turn left on to Hamilton Ave. so that Park St. can become two-way north of Hamilton Ave.
- The only way to enter this block is from westbound Maple Rd.

These features were designed to make it more desirable for vehicles to use Ring Road, and make Maple Rd. more of a local destination. The City was never satisfied that the Ring Road was used as much as hoped. In 1990, a federally funded project was constructed to enhance Ring Road at several points. Even so, usage of Ring Road fell short of expectations.

In 1996, the 2016 Downtown Birmingham Master Plan was prepared by a planning firm headed by Andres Duany. One of the more significant recommendations of the plan was to dismantle the Ring Road system so that the various streets that were used for it could become more retail and pedestrian oriented. Most of the recommendations of the Master Plan have now been implemented. In 2007, there was serious discussion that a Hilton Inn would be constructed at the northwest corner of Maple Rd. and Woodward Ave. The five story hotel was designed such that the main entrance to the hotel would be on Park St. Through the planning process, the developer agreed that they would reconstruct the Maple Rd. & Park St. intersection to allow this block of Park St. to operate as a two-way street, with southbound Park St. being forced to turn right on Maple Rd. using STOP sign control. (The existing signal at Maple Rd. and Park St.

cannot be altered without causing safety issues due to its close proximity to Woodward Ave.). The Hilton Inn project got cancelled, and the property remains vacant.

The City has received federal funds to reconstruct Maple Rd. from Bates St. to Woodward Ave. in 2018. Due to local funding issues, the City is hoping to have these funds reprogrammed to allow this to be a 2019 project, but for now this timing is unclear. Either way, the City is fully committed to having the Maple Rd. corridor reconstructed no later than 2019. Since Maple Rd. traffic will be disrupted at that time, we plan to reconstruct the Maple Rd. and Park St. intersection as a part of that project such that Park St. can accommodate two-way traffic from that point on. (The 2016 project will reconstruct the pavement on Park St. from Hamilton Ave. to a point just north of the intersection, so that Maple Rd. traffic does not have to be disrupted this year as well.)

The Engineering Dept. acknowledges that the current traffic pattern at Hamilton Ave. and Park St. is unique, and seems to appear that it could encourage traffic crashes. It also makes crossing Park St. on the south side of the Hamilton Ave. intersection less desirable, since northbound traffic does not stop. Nevertheless, changing a long-standing traffic pattern to solve one issue can sometimes create other unintended problems. With that in mind, we did not propose to make any changes to the traffic pattern at this intersection as a part of this project, which is primarily a pavement maintenance project. Rather, it is recommended that we look closer at making this a four-way stop controlled intersection once this block operates as a two-way street, which will come in two to three years.

#### Analysis of Hamilton Ave. and Park St.

Due to the request received, F&V was asked to study the intersection as it currently operates, and make recommendations relative to the advisability of making this a four-way stop controlled intersection at this time. Their analysis is attached. Of particular interest is the following:

- Current crash patterns suggest that some of the vehicle crashes could be corrected by the addition of a STOP sign, but not enough to conclude that the STOP sign is warranted.
- Over the most recent four years where data is available, there have been zero pedestrian conflicts reported at this intersection.
- Due to the short distance from the right turn that all vehicles must make to enter this block (causing the need to see and react to a STOP sign quickly), and since it has not been there historically, installing a STOP sign that is not warranted may in fact cause more harm than good.

#### Conclusion

As noted above, this block of Park St. is planned for significant changes in its traffic pattern once the Maple Rd. intersection is reconstructed in two to three years. The current project is being implemented to address the poor condition of the pavement. Secondly, an analysis of the current traffic counts and crash history reveals that the current traffic controls for the Hamilton Ave. intersection are appropriate. Once we are redesigning the Maple Rd. intersection, we plan to have the entire block's traffic design to be reviewed and confirmed prior

to recommending a final design. The traffic controls at both intersections will have to be changed at that time anyway.

It is our recommendation that no changes be made to the existing traffic controls at the Hamilton Ave. & Park St. intersection. A suggested resolution follows.

**SUGGESTED RESOLUTION:**

The Multi-Modal Transportation Board recommends that Hamilton Ave. & Park St. traffic controls remain as is at this time. At the time the City is prepared to introduce a southbound lane on Park St. south of Hamilton Ave. in the future, the entire block's traffic controls should be reviewed at that time.



Hamilton Ave. &amp; Park St.



Map data ©2016 Google 50 ft

Google Maps





## Hamilton Row

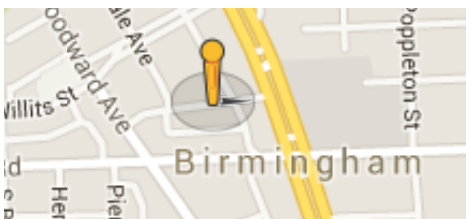
Hamilton Ave. Eastbound at Park St.



Image capture: Aug 2015 © 2016 Google

Birmingham, Michigan

Street View - Aug 2015



Google Maps

# MEMO

VIA EMAIL

**To:** Mr. Paul O'Meara  
City Engineer  
City of Birmingham

**From:** Michael J. Labadie, P.E.  
Julie M. Kroll, P.E., PTOE  
Fleis & VandenBrink

**Date:** March 21, 2016

**Re:** Hamilton Row and Park Street  
City of Birmingham, Michigan  
Multi-Way Stop Warrant Analysis

## Introduction

This memorandum presents the methodologies, analyses, and results of the Multi-Way Stop Warrant Analysis at the intersection of Hamilton Row & Park St. in the City of Birmingham, Michigan. Hamilton Row is an east / west roadway that runs between Old Woodward Ave. and Woodward Avenue (M-1). Park Street is north /south roadway that operates with a one-way northbound approach and a two-way street to the north of Hamilton Row. The Hamilton Row & Park Street intersection is currently stop-controlled on all approaches except the northbound approach, which is a free-flow movement.

The City of Birmingham has requested a Multi-Way Stop Warrant Analysis to determine if stop control is warranted and recommended on the northbound Park Street approach at the Hamilton Row intersection. This memo summarizes the results and recommendations of the Multi-Way Stop Warrant Analysis conducted using the methodologies published by in the *Michigan Manual on Uniform Traffic Control Devices* (MMUTCD).

## Data Collection

The existing weekday directional approach volumes were provided by the City of Birmingham. The data was collected at the Hamilton Row & Park St. intersection by Traffic Data Collection, Inc. (TDC) on Tuesday, February 23, 2016 and Thursday, March 3, 2016. The traffic volume data are attached.

## Multi-Way Stop Warrant Analysis

The applicable multi-way stop warrants, published in the MMUTCD, were evaluated per *Section 2B.07: Multi-Way Stop Applications*. This analysis evaluated the existing hourly approach traffic volumes and the crash history at this intersection. The existing approach volumes summarized in Table 1 are the highest eight hours for an average day. The average major street approach volume did not meet the volume warrant threshold of 300 vehicles per hour, nor did the average minor street approach volume meet the volume warrant threshold of 200 vehicles per hour.

A crash review was completed for the Hamilton Row & Park Street intersection. Historical crash data for the most recent available four years (January 2012-March 2016) were obtained from the Michigan Traffic Crash Facts (MTCF) website and the Michigan Traffic Crash Reporting System (TCRS) website.

The results of the crash analysis indicate that there were 19 crashes associated with the intersection and none of the crashes involved a pedestrian. There were six crashes identified as preventable with stop control on the northbound approach. However, there was not a continuous 12-month period during which five or more

reported crashes were susceptible to correction by the addition of stop sign on the northbound approach; therefore, the warrant is not satisfied.

In addition, the installation of a stop sign on the northbound Park Street approach may cause confusion for the intersection user group who has familiarity with the existing free flow northbound approach operations. Changing the northbound approach to stop control may increase the number of rear-end crashes, and potentially pedestrian crashes as drivers are not expecting to stop at this approach and pedestrians may misjudge the intended operations of the northbound drivers.

**Table 1: Major and Minor Approach Volume for Highest Eight Hours**

Rank	Time	Park Street NB/SB (Major) Approach Volumes (vph)	Hamilton Row EB/WB (Minor) Approach Volumes (vph)
1	05:00 PM	247	89
2	12:00 PM	202	128
3	11:00 AM	195	148
4	06:00 PM	169	73
5	04:00 PM	143	121
6	01:00 PM	126	99
7	08:00 AM	123	164
8	02:00 PM	118	128
<b>Average</b>		<b>166</b>	<b>119</b>
<i>Warrant Threshold</i>		<i>300</i>	<i>200</i>
<b>Meets Volume Warrants</b>		<b>No</b>	<b>No</b>

### Conclusions

The conclusions of this Multi-Way Stop Warrant Analysis are as follows:

- The multi-way stop warrant does *not* meet the volume criteria.
- The multi-way stop warrant does *not* meet the crash experience criteria.

The intersection should be monitored for increases in traffic volumes and/or crashes. At that time, the intersection should be re-evaluated to determine if a stop sign is warranted and recommended on the northbound Park Street approach.

**Attached:** Traffic Volume Data

# Traffic Data Collection (TDC)

Page 1

Project: Birmingham Traffic Study  
Count Type: 24 Hr. ATR Approach Count  
Weather: Fair, 30 Degs.  
Count By: M.Matich Pav't : Asphalt 1 Lane

**tdccounts.com**

Phone: 586.786.5407

Traffic Study Performed For:  
**City of Birmingham, Engineering Dept.**

ATR\_1 EB  
Hamilton Row  
(150' West of Park Street)  
Station ID: Eastbound  
Site Code: ATR 1 EB  
Date Start: 02-Mar-16

Start Time	Mon 29-Feb-16	Tue	Wed	Thu	Fri	Average Day	Sat	Sun	Week Average
12:00 AM	*	*	*	1	6	4	*	*	4
01:00	*	*	*	1	1	1	*	*	1
02:00	*	*	*	2	1	2	*	*	2
03:00	*	*	*	7	3	5	*	*	5
04:00	*	*	*	8	0	4	*	*	4
05:00	*	*	*	15	5	10	*	*	10
06:00	*	*	*	4	7	6	*	*	6
07:00	*	*	*	17	13	15	*	*	15
08:00	*	*	*	41	56	48	*	*	48
09:00	*	*	*	44	52	48	*	*	48
10:00	*	*	*	48	68	58	*	*	58
11:00	*	*	*	78	89	84	*	*	84
12:00 PM	*	*	*	86	*	86	*	*	86
01:00	*	*	122	67	*	94	*	*	94
02:00	*	*	66	47	*	56	*	*	56
03:00	*	*	50	62	*	56	*	*	56
04:00	*	*	53	54	*	54	*	*	54
05:00	*	*	72	84	*	78	*	*	78
06:00	*	*	71	49	*	60	*	*	60
07:00	*	*	70	54	*	62	*	*	62
08:00	*	*	23	43	*	33	*	*	33
09:00	*	*	30	24	*	27	*	*	27
10:00	*	*	9	10	*	10	*	*	10
11:00	*	*	6	4	*	5	*	*	5
Total	0	0	572	850	301	906	0	0	906

% Avg. WkDay	0.0%	0.0%	63.1%	93.8%	33.2%	100.0%			
% Avg. Week	0.0%	0.0%	63.1%	93.8%	33.2%	100.0%	0.0%	0.0%	
AM Peak	-	-	-	11:00	11:00	-	11:00	-	-
Vol.	-	-	-	78	89	-	84	-	-
PM Peak	-	-	13:00	12:00	-	-	13:00	-	-
Vol.	-	-	122	86	-	-	94	-	-
Total	0	0	572	850	301	906	0	0	906
ADT	ADT 905		AADT 905						

# Traffic Data Collection (TDC)

Page 1

Project: Birmingham Traffic Study  
Count Type: 24 Hr. ATR Approach Count  
Weather: Fair, 30 Degs.  
Count By: M.Matich Pav't : Asphalt 3 Lanes

**tdccounts.com**

Phone: 586.786.5407

Traffic Study Performed For:  
**City of Birmingham, Engineering Dept.**

ATR\_1 NB  
Park Street  
(100' South of Hamilton Row)  
Station ID: Northbound  
Site Code: ATR 1 NB  
Date Start: 22-Feb-16

Start Time	Mon 22-Feb-16	Tue	Wed	Thu	Fri	Average Day	Sat	Sun	Week Average
12:00 AM	*	1	0	*	*	0	*	*	0
01:00	*	0	0	*	*	0	*	*	0
02:00	*	0	0	*	*	0	*	*	0
03:00	*	0	1	*	*	0	*	*	0
04:00	*	2	1	*	*	2	*	*	2
05:00	*	6	7	*	*	6	*	*	6
06:00	*	10	13	*	*	12	*	*	12
07:00	*	47	53	*	*	50	*	*	50
08:00	*	98	84	*	*	91	*	*	91
09:00	*	87	93	*	*	90	*	*	90
10:00	*	68	55	*	*	62	*	*	62
11:00	*	90	68	*	*	79	*	*	79
12:00 PM	81	86	*	*	*	84	*	*	84
01:00	72	77	*	*	*	74	*	*	74
02:00	68	66	*	*	*	67	*	*	67
03:00	75	65	*	*	*	70	*	*	70
04:00	59	55	*	*	*	57	*	*	57
05:00	63	84	*	*	*	74	*	*	74
06:00	68	75	*	*	*	72	*	*	72
07:00	34	39	*	*	*	36	*	*	36
08:00	25	21	*	*	*	23	*	*	23
09:00	19	18	*	*	*	18	*	*	18
10:00	5	6	*	*	*	6	*	*	6
11:00	4	6	*	*	*	5	*	*	5
Total	573	1007	375	0	0	978	0	0	978

% Avg. WkDay	58.6%	103.0%	38.3%	0.0%	0.0%	100.0%			
% Avg. Week	58.6%	103.0%	38.3%	0.0%	0.0%	100.0%	0.0%	0.0%	
AM Peak	-	08:00	09:00	-	-	-	08:00	-	-
Vol.	-	98	93	-	-	-	91	-	-
PM Peak	12:00	12:00	-	-	-	-	12:00	-	-
Vol.	81	86	-	-	-	-	84	-	-
Total	573	1007	375	0	0	978	0	0	978
ADT	ADT 976		AADT 976						



# Traffic Data Collection (TDC)

Page 1

Project: Birmingham Traffic Study  
Count Type: 24 Hr. ATR Approach Count  
Weather: Fair, 30 Degs.  
Count By: M.Matich Pav't : Asphalt 1 Lane

**tdccounts.com**

Phone: 586.786.5407

Traffic Study Performed For:  
**City of Birmingham, Engineering Dept.**

ATR\_1 SB  
Park Street  
(100' North of Hamilton Row)  
Station ID: Southbound  
Site Code: ATR 1 SB  
Date Start: 22-Feb-16

Start Time	Mon 22-Feb-16	Tue	Wed	Thu	Fri	Average Day	Sat	Sun	Week Average
12:00 AM	*	3	2	*	*	2	*	*	2
01:00	*	1	2	*	*	2	*	*	2
02:00	*	0	0	*	*	0	*	*	0
03:00	*	0	0	*	*	0	*	*	0
04:00	*	0	2	*	*	1	*	*	1
05:00	*	2	2	*	*	2	*	*	2
06:00	*	8	4	*	*	6	*	*	6
07:00	*	9	15	*	*	12	*	*	12
08:00	*	25	19	*	*	22	*	*	22
09:00	*	25	20	*	*	22	*	*	22
10:00	*	33	40	*	*	36	*	*	36
11:00	*	105	59	*	*	82	*	*	82
12:00 PM	68	116	*	*	*	92	*	*	92
01:00	54	49	*	*	*	52	*	*	52
02:00	44	52	*	*	*	48	*	*	48
03:00	56	49	*	*	*	52	*	*	52
04:00	82	88	*	*	*	85	*	*	85
05:00	159	163	*	*	*	161	*	*	161
06:00	89	94	*	*	*	92	*	*	92
07:00	40	55	*	*	*	48	*	*	48
08:00	22	28	*	*	*	25	*	*	25
09:00	37	44	*	*	*	40	*	*	40
10:00	22	17	*	*	*	20	*	*	20
11:00	5	10	*	*	*	8	*	*	8
Total	678	976	165	0	0	910	0	0	910
% Avg. WkDay	74.5%	107.3%	18.1%	0.0%	0.0%	100.0%			
% Avg. Week	74.5%	107.3%	18.1%	0.0%	0.0%	100.0%	0.0%	0.0%	
AM Peak	-	11:00	11:00	-	-	-	11:00	-	-
Vol.	-	105	59	-	-	-	82	-	-
PM Peak	17:00	17:00	-	-	-	-	17:00	-	-
Vol.	159	163	-	-	-	-	161	-	-
Total	678	976	165	0	0	910	0	0	910
ADT	ADT 909		AADT 909						

# Traffic Data Collection (TDC)

Page 1

Project: Birmingham Traffic Study  
Count Type: 24 Hr. ATR Approach Count  
Weather: Fair, 30 Degs.  
Count By: M.Match Pav't : Asphalt 2 Lanes

**tdccounts.com**

Phone: 586.786.5407

Traffic Study Performed For:  
**City of Birmingham, Engineering Dept.**

ATR\_1 WB  
Hamilton Row  
(80' East of Park Street)  
Station ID: Westbound  
Site Code: ATR 1 WB  
Date Start: 22-Feb-16

Start Time	Mon 22-Feb-16	Tue	Wed	Thu	Fri	Average Day	Sat	Sun	Week Average
12:00 AM	*	1	0	*	*	0	*	*	0
01:00	*	1	1	*	*	1	*	*	1
02:00	*	2	1	*	*	2	*	*	2
03:00	*	1	2	*	*	2	*	*	2
04:00	*	0	0	*	*	0	*	*	0
05:00	*	8	8	*	*	8	*	*	8
06:00	*	7	9	*	*	8	*	*	8
07:00	*	62	49	*	*	56	*	*	56
08:00	*	120	97	*	*	108	*	*	108
09:00	*	88	91	*	*	90	*	*	90
10:00	*	48	48	*	*	48	*	*	48
11:00	*	62	56	*	*	59	*	*	59
12:00 PM	49	61	*	*	*	55	*	*	55
01:00	51	52	*	*	*	52	*	*	52
02:00	48	66	*	*	*	57	*	*	57
03:00	39	37	*	*	*	38	*	*	38
04:00	41	37	*	*	*	39	*	*	39
05:00	33	40	*	*	*	36	*	*	36
06:00	30	19	*	*	*	24	*	*	24
07:00	26	37	*	*	*	32	*	*	32
08:00	16	14	*	*	*	15	*	*	15
09:00	10	8	*	*	*	9	*	*	9
10:00	3	4	*	*	*	4	*	*	4
11:00	0	1	*	*	*	0	*	*	0
Total	346	776	362	0	0	743	0	0	743
% Avg. WkDay	46.6%	104.4%	48.7%	0.0%	0.0%	100.0%			
% Avg. Week	46.6%	104.4%	48.7%	0.0%	0.0%	100.0%	0.0%	0.0%	
AM Peak	-	08:00	08:00	-	-	-	08:00	-	-
Vol.	-	120	97	-	-	-	108	-	-
PM Peak	13:00	14:00	-	-	-	-	14:00	-	-
Vol.	51	66	-	-	-	-	57	-	-
Total	346	776	362	0	0	743	0	0	743
ADT	ADT 740		AADT 740						



## MEMORANDUM

Department of Public Services

**DATE:** April 27, 2016  
**TO:** Joseph A. Valentine, City Manager  
**FROM:** Lauren A. Wood, Director of Public Services  
**SUBJECT:** Shain Park Furniture

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In 2011, we ordered 10 bistro tables and 20 bistro chairs for Shain Park. Colors chosen were "Paprika" and "Verbena", 5 tables and 10 chairs of each color. We ordered 3 umbrellas at this time as well.

Currently, we have 12 tables and 24 chairs in the park. We placed an order recently for an additional 6 tables and 12 chairs to be placed on either side of the statue on the granite paver Merrill Street. We also added two additional umbrellas after the original order, now totaling 5 umbrellas. Last year there were 3 umbrellas located near the plaza fountain and 2 located on the granite pavers. We ordered 2 more umbrellas to be placed this season. In summary, this season we will have a total of 18 tables and 36 chairs in the park, and 7 umbrellas.

We keep an inventory of extra tables and chairs so if one needs replacement; we have a consistent number of tables and chairs at the park. Over the past 5 years, we have lost a total of 5 chairs and 3 tables. We have replaced 12 damaged or broken chairs and 9 damaged or broken tables.



April 29, 2016

TO: Homeowner

RE: Villa Ave. Paving Project, Adams Rd. to Columbia Rd.

Dear Homeowner,

Last summer, the Engineering Dept. received a petition signed by over 50% of the property owners on your street requesting that the street be repaved. An informational booklet was prepared and mailed to all owners, and a neighborhood meeting was held to further discuss the matter. The project was authorized to proceed in November, 2015.

Projects of this nature are best started in the spring of the year, so that there is as much of the construction season as possible open and available for the selected contractor to complete the work. However, since no funds were budgeted for this project in the current fiscal year 2015/16 (starting July 1, 2015), we knew that we had two choices:

- a. Postpone the project to 2017.
- b. Move ahead with the design and bidding work, and ask potential bidders to complete the work between July and November, 2016.

Knowing that many residents on the street are anxious to see this project completed, we selected the latter choice. The project has been designed, and bids were received on April 15. Six companies submitted bids, many of whom we have worked with in the past on similar projects. Bids came in much higher than anticipated, which we think can be attributed to two factors:

- a. The construction industry is extremely busy given the strong local economy. Prices on other projects of this sort that we have bid recently have all come in higher than anticipated.
- b. Asking contractors to wait until after July 1 to start the project makes the work somewhat less desirable, and adds some risk that the final stages of the job may have to be done in less optimal weather conditions. This tends to add risk to the contractor, which can translate to higher costs.

The higher costs for this project will impact each owner in the assessment district. Because of the significant difference involved, we would like to get your input before moving ahead. The following table contains the cost estimate put together by staff (based on recent project experience) compared to the low bidder's prices received for Villa Ave. (the total price reflects that which would be charged for an average sized lot and drive approach, and if a new sewer lateral is required):

Cost Category	Est. Unit Price (August, 2015)	Est. Total Cost (August, 2015)	Est. Unit Price (April, 2016)	Est. Total Cost (April 2016)
Paving Assessment	\$135/front foot	\$6,750	\$174/front foot	\$8,700
Drive Approach	\$5.75/sq.ft.	\$750	\$7.55/sq.ft.	\$980
Sewer Lateral Replacemt.	\$55/foot	\$1,650	\$77.07/foot	\$2,312
TOTALS		\$9,150		\$11,992

The total price difference on the chart reflects an annual extra payment of \$284 (plus interest on the remaining balance) over the ten year payment period, which is an increase of 31%.

The difference in cost from what was estimated to what it will now actually cost to build this job is unprecedented. City staff does not feel comfortable moving forward without getting input from you, the residents that will be impacted by this decision. At this time, we feel that we have two options:

Option #1 – Proceed with bids as received, and build the project starting July 1.

Option #2 – Cancel the project for 2016, and rebid the same set of plans late this year, offering bidding contractors the option of building it anytime during the 2017 construction season (April to November).

Option #2 represents a gamble. It would provide an opportunity to test the market, and see if delaying would reduce the cost any meaningful amount. It is hard to predict what, if any, financial benefit would be gained. A large part of the difference, if any, will be a reflection of how the industry feels their construction schedules will be for the 2017 season. At this time, we would guess that there will be some relief in the costs if we wait until 2017, but to what extent, it is too early to predict.

Each resident knows their particular circumstances better than we do. You know how much this improvement means to you, as well as how much the extra costs would impact your annual budget. We strongly encourage all owners (whether you signed the petition or not) to send us your feelings, and your preference for Option 1 or Option 2 as listed above. You are requested to indicate your preference in writing either by email to the Assistant City Engineer, or by US Mail. It is imperative that a decision be made as soon as possible, so that the contractor can put this project into their schedule (if we choose to proceed). All responses must be received by Thursday, May 12 at 5 PM to be included in the count. Based on information received, staff will then put together a recommendation, and ask for a decision by the City Commission at their meeting of May 23, 2016, which will include your input. Please send your preference (between Option 1 and Option 2) to:

City of Birmingham  
c/o: Austin Fletcher, P.E.  
P.O. 3001  
Birmingham, MI 48012

Or by email, [afletcher@bhamgov.org](mailto:afletcher@bhamgov.org)

If you have questions, feel free to call us at 248-530-1850. Votes for Option 1 or 2, however, must be received in writing to be considered in the final count.

Thank you for your attention to this matter.

Sincerely,



Paul T. O'Meara, P.E.  
City Engineer