



**CITY COMMISSION MEETING AGENDA
MARCH 13, 2017
7:30 PM**



Photo Credit: Carroll DeWeese

Municipal Building, 151 Martin, Birmingham, MI 48009

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BIRMINGHAM CITY COMMISSION AGENDA
MARCH 13, 2017
MUNICIPAL BUILDING, 151 MARTIN
7:30 P.M.

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mark Nickita, Mayor

II. ROLL CALL

Cheryl Arft, Acting City Clerk

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

Appointments:

- A. Interviews for Multi-Modal Transportation Board
 - 1. Daniel Rontal, 926 Bird
 - 2. Katie Schafer, 1966 Fairway
 - 3. Amy Folberg, 1580 Latham
 - 4. Lara Edwards, 1636 Bowers
- B. Interviews for Cablecasting Board
 - 1. George Abraham, 898 Arlington
 - 2. Elaine McLain, 425 N. Eton
 - 3. Scott Weller, 1687 Holland
 - 4. Michael Fenberg, 908 Chesterfield
- C. Interviews for Planning Board
 - 1. Janelle Boyce, 179 Catalpa
 - 2. Bert Koseck. 2441 Dorchester
- D. Interviews for Storm Water Utilities Appeal Board
 - 1. Robert Lavoie, 555 Lakeview Ave.
 - 2. A. James Partridge, 3916 Cottontail Ln., Bloomfield Hills
- E. Administration of oath to the appointed board members.
- F. City Clerk Appointment

IV. CONSENT AGENDA

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

- A. Approval of City Commission minutes of February 27, 2017
- B. Approval of Ad Hoc City Clerk Selection Committee minutes of March 7, 2017
- C. Approval of warrant list, including Automated Clearing House payments, of March 1, 2017 in the amount of \$ 594,113.41
- C. Approval of warrant list, including Automated Clearing House payments, of March 8, 2017 in the amount of \$ 4,444,298.82
- E. Resolution accepting the recommendation of the Advisory Parking Committee, and approving an increase in the time limit for the eight (8) metered parking spaces on the

south side of W. Merrill St. between Chester St. and Bates St. from two (2) to four (4) hours.

- F. Resolution authorizing the rooftop valet assist program at the Chester St. and Pierce St. Parking Structures administered by SP+ Parking, and as recommended by the Advisory Parking Committee, at an estimated total cost of \$64,600, during the closure of on-street parking related to the Old Woodward Ave. Paving Project.
- G. Resolution approving the purchase of one (1) new Ford F-550 chassis from Gorno Ford through the State of Michigan extendable purchasing contract #071B1300005 for a total of \$43,259.00; further approving the purchase of one (1) Versalift VSI-36I telescopic aerial platform lift from Cannon Truck Equipment through the State of Michigan extendable purchasing contract #071B2200263 for a total of \$83,064.00. The total expenditure for this vehicle and aerial lift platform is \$126,323.00. Funds for this purchase are available in the Auto Equipment Fund, account #641-441.006-971.0100.
- H. Resolution approving a request submitted by the City of Birmingham to hold Celebrate Birmingham Parade on Sunday, May 21, 2017, 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.
- I. Resolution approving a request from the City of Birmingham to hold the In the Park Concerts on Wednesdays from June, 2017 through August, 2017, and the Birmingham Bloomfield Community Coalition Youth Action Board's Teen Summer Concert on Friday, June 16, 2017 in Shain Park, 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.

V. UNFINISHED BUSINESS

- A. Public Hearing to consider the renewal of 2017 Liquor License – Emagine Palladium/Ironwood Grill, 250 N. Old Woodward – Violation of Special Land Use Permit
 - 1. Resolution approving the renewal for the 2017 license period for the Class C license for Emagine Palladium/Ironwood Grill.

OR

Resolution recommending non-renewal to the Michigan Liquor Control Commission for the 2017 license period for the Class C license for Emagine Palladium/Ironwood Grill.

VI. NEW BUSINESS

- A. Public Hearing to consider termination of Special Land Use Permit at 250 N. Old Woodward – Emagine Palladium/Ironwood Grill
 - 1. Resolution setting Thursday, April 13, 2017 at 7:30 PM for a public hearing to consider termination of the Special Land Use Permit at 250 N. Old Woodward, Emagine Palladium Theatre and Ironwood Grill restaurant.

OR

Resolution taking no action at this time.
- B. Public Hearing to consider an ordinance amendment – Chapter 126, Zoning, Structure Standards, Dormers
 - 1. Ordinance amending Chapter 126, Zoning, Article 04, Structure Standards, Section 4.75 SS-02, to create limitations on the allowable size of dormers on single family homes; and Article 09, definitions, section 9.02, to add a definition of "Attic" and to amend the definitions of "Habitable attic" and "Story" for consistency with the Michigan Residential Code.

- C. Resolution directing staff to issue the Request for Qualifications for the N. Old Woodward / Bates Street Parking and Site Development through the MITN system to solicit qualified firms interested in pursuing the development of this area.
- D. Resolution approving the proposed modifications to the Baldwin Public Library as outlined on drawings A.701 and A.702 for the restoration of the Harry Allen Room window and opening the passage between Circulation and Adult Service areas with the costs of the modifications to be paid by the Library.
- E. Resolution authorizing the installation of crosswalk improvements at the Saxon Dr. & Latham Dr./Norchester Rd. intersection, including concrete extensions and pavement markings, to be funded at 50% by the City of Birmingham, and 50% by the Village of Beverly Hills, with an estimated total cost of \$21,240. The work shall be completed within the 2017 Concrete Sidewalk Program, conducted by the City of Birmingham. Further, approving the appropriation and amendment to the 2016-2017 General Fund budget as follows:

| | | |
|---------------------------------|----------------------|----------|
| Revenues | | |
| Draw from Fund Balance | 101-000.000-400.0000 | \$10,120 |
| Expenditures | | |
| Sidewalks – Public Improvements | 101-444.001-981.0100 | \$10,120 |
- F. Resolution approving the execution of a contract with Axiom Construction in the amount not to exceed \$2,483,900.00 for the provision of construction services for a new fire station and demolition/removal of the existing building, along with asbestos abatement, to be funded from account number 401-339.000-977.0000; further authorizing the Mayor and Clerk to sign the agreement on behalf of the City, subject to all necessary insurance requirements being met.
- G. Resolution authorizing a transfer of up to \$75,000 from the Auto Parking System Fund to the Birmingham Shopping District, to cover 50% of the costs encountered by the BSD to operate the free valet program during the 2017 Old Woodward Ave. Paving Project, and to allow Martin St. from Henrietta St. to Pierce St. to be used for professional valet parking and evaluated based on need and effectiveness.
- H. Resolution to meet in closed session to discuss an attorney/client privilege communication in accordance with Section 8(h) of the Open Meetings Act.

VII. REMOVED FROM CONSENT AGENDA

VIII. COMMUNICATIONS

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

X. REPORTS

- A. Commissioner Reports
 - 1. Notice of Intention to appoint members to the Architectural Review Committee, Housing Board of Appeals, Board of Building Trades Appeals, and the Brownfield Redevelopment Authority on April 13, 2017
- B. Commissioner Comments
- C. Advisory Boards, Committees, Commissions' Reports and Agendas
- D. Legislation
- E. City Staff

XI. ADJOURN

INFORMATION ONLY

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

Las personas que requieren alojamiento, tales como servicios de interpretación, la participación efectiva en esta reunión deben ponerse en contacto con la Oficina del Secretario Municipal al [\(248\) 530-1880](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 THE MULTI-MODAL TRANSPORTATION BOARD

At the regular meeting of Monday, March 13, 2017, the Birmingham City Commission intends to appoint three regular members to the Multi-Modal Transportation Board to serve three-year terms to expire March 24, 2020 and two alternate members to serve the remainder of a three year term to expire October 27, 2019.

Interested citizens may submit an application available at the city clerk's office or online at www.bhamgov.org/boardopportunities. Applications must be submitted to the city clerk's office on or before noon on Wednesday, March 8, 2017. These documents will appear in the public agenda for the regular meeting at which time the City Commission will discuss recommendations, and may make nominations and vote on appointments.

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

Duties of the Multi-modal Transportation Board

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

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

Applicant(s) Presented For City Commission Consideration:

| Applicant Name | Criteria/Qualifications <u>In so far as possible</u> , members shall represent, <ul style="list-style-type: none"> • one member with traffic-focused education and/or experience • one member with urban planning, architect, design experience • one member with a mobility or vision impairment experience/expertise Members may or may not be electors (registered voter) or property owners of the City of Birmingham. |
|----------------|---|
| Daniel Rontal | Registered Voter, 926 Bird Member with a mobility or vision impairment experience/expertise |
| Lara Edwards | Registered Voter, 1636 Bowers Member at large |
| Amy Folberg | Registered Voter, 1580 Latham Member at large |
| Katie Schafer | Registered Voter, 1966 Fairway Alternate member |

SUGGESTED ACTION:

To appoint _____ to the Multi-Modal Transportation Board to serve a three-year term to expire March 24, 2020.

To appoint _____ to the Multi-Modal Transportation Board to serve a three-year term to expire March 24, 2020.

To appoint _____, to the Multi-Modal Transportation Board to serve a three-year term to expire March 24, 2020.

To appoint _____, as an alternate member, to the Multi-Modal Transportation Board to serve a three-year term to expire October 27, 2019.



MULTI-MODAL TRANSPORTATION BOARD

Resolution No. 02-31-14 & 09-282-16

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

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

Term: Three years.

| Last Name | First Name | Home Business E-Mail | Appointed | Term Expires |
|-------------------------------|---------------|------------------------------|---|--------------|
| Adams | Vionna | (202) 423-7445 | 12/15/2014 | 3/24/2018 |
| 2109 Dorchester Birmingham | 48009 | <i>vionnajones@gmail.com</i> | Member at large from different geographical areas of the city. | |
| Edwards | Lara | (734) 717-8914 | 4/28/2014 | 3/24/2017 |
| 1636 Bowers Birmingham | 48009 | <i>lmedwards08@gmail.com</i> | Member at large from different geographical areas of the city. | |
| Folberg | Amy | (248) 890-9965 | 12/14/2015 | 3/24/2017 |
| 1580 Latham Birmingham | 48009 | <i>amy.folberg@gmail.com</i> | Member at large from different geographical areas of the city. | |

| Last Name Home Address | First Name | Home Business E-Mail | Appointed | Term Expires |
|---|-------------------------|--|---|--------------|
| Lawson 1351 E. Maple Birmingham | Andy 48009 | (586) 944-6701 <i>andlawson@deloitte.com</i> | 4/28/2014 Pedestrian Advocate Member | 3/24/2018 |
| Rontal 926 Bird Birmingham | Daniel 48009 | (734) 904-2544 <i>darontal@gmail.com</i> | 10/27/2016 Mobility or Vision Impairment Experience/Expertise | 3/24/2017 |
| Slanga 4410 Charing Way Bloomfield Hills | Johanna 48304 | (248) 761-9567 <i>johannaslanga@gmail.com</i> | 5/5/2014 Traffic-Focus Education/Experience Member | 3/24/2019 |
| Surnow 320 Martin St. #100 Birmingham | Michael 48009 | (248) 865-3000 <i>michael@surnow.com</i> | 4/13/2015 Bicycle Advocate Member | 3/24/2019 |
| VACANT | | | Alternate | 10/27/2019 |
| VACANT | | | Alternate | 10/27/2019 |

**MULTI-MODAL
TRANSPORTATION**

2016

| | J | F | M | A | M | J | J | A | S | O | N | D | % |
|----------------|---|---|---|---|---|---|---|---|---|---|---|---|------|
| Vionna Adams | X | P | X | P | X | P | X | X | X | X | P | | 100% |
| Lara Edwards | X | A | X | P | X | P | X | X | X | X | P | | 75% |
| Amy Folberg | X | P | X | P | X | P | X | X | X | X | P | | 100% |
| Andy Lawson | X | A | X | P | X | P | X | X | X | X | P | | 75% |
| Amanda Warner | X | P | X | P | X | P | X | X | X | X | * | | 100% |
| Michael Surnow | X | A | X | P | X | A | X | X | X | X | P | | 50% |
| Johanna Slanga | X | P | X | P | X | * | X | X | X | X | x | | 100% |

X = Meeting Cancelled

* = Member Resigned

** = Member Not Yet Appointed

2015

| | J | F | M | A | M | J | J | A | S | O | N | D | |
|----------------|---|----|---|---|---|---|---|---|---|---|---|---|------|
| Vionna Adams | X | P | A | P | A | X | A | P | P | P | P | X | 66% |
| Lara Edwards | X | P | P | P | P | X | A | P | P | P | P | X | 89% |
| Amy Folberg | X | P | P | P | P | X | P | P | P | P | P | X | 100% |
| Andy Lawson | X | A | P | P | A | X | P | P | P | A | P | X | 66% |
| Amanda Warner | X | P | A | A | P | X | P | P | P | P | P | X | 78% |
| Michael Surnow | X | P | P | P | P | X | P | P | P | P | P | X | 100% |
| Johanna Slanga | X | P | A | P | P | X | P | P | P | A | A | X | 66% |
| Rebecca Menoal | X | ** | P | A | A | X | A | A | A | A | A | X | 11% |
| Daniel Evans | X | ** | P | A | P | X | P | A | * | * | * | X | 60% |

2014

| | J | F | M | A | M | J | J | A | S | O | N | D | % |
|----------------|---|---|---|---|---|---|---|---|---|---|---|---|------|
| Jeff Surnow | | | | | | | | X | | A | | | 0% |
| Lara Edwards | | | | | | | | X | | P | | | 100% |
| Stuart Boroman | | | | | | | | X | | P | | | 100% |
| Andy Lawson | | | | | | | | X | | A | | | 0% |
| Amanda Warner | | | | | | | | X | | P | | | 100% |
| Anojana Tatuch | | | | | | | | X | | A | | | 0% |
| Johanna Slanga | | | | | | | | X | | P | | | 100% |



| | |
|------------------------|------------------|
| 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.

(Please print clearly)

Board/Committee of Interest MMTB

Specific Category/Vacancy on Board _____

Name Darrel Ronta

Phone 734) 904-2544

Residential Address 926 BIRD

Email daronta@gmail.com

Residential City, Zip B'ham 48009

Length of Residence 12y

Business Address _____

Occupation MD

Business City, Zip _____

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

I have served on the board the last 4 months & have a background treating patients w/ disabilities

List your related employment experience

MD

List your related community activities

List your related educational experience

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

Darrel Ronta
Signature of Applicant

2/15/17
Date



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

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(Please print clearly)

Board/Committee of Interest Multi-Modal Transportation Board

Specific Category/Vacancy on Board Alternate Member

Name Katie Schafer

Phone 248.835.5064

Residential Address 1966 Fairway Drive

Email schafekat@gmail.com

Residential City, Zip Birmingham, MI 48009

Length of Residence 10 years

Business Address 2055 E. 14 Mile Road

Occupation physician/pediatrician

Business City, Zip Birmingham, MI 48009

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

I have a particular interest in the exploration and expansion of the walkability safety of the City in all aspects both residential and commercial. I believe in the shared use of roadways and walkways by all residents. I have spent a great deal of time learning about the intentions of the multi-modal board and have enjoyed reading on walkable communities.

List your related employment experience _____

As a pediatrician, I am an advocate for children's safety and well-being which translates nicely into making our City's streets, downtown and residential areas safer for our youngest residents who don't have a voice of their own.

List your related community activities I will be joining the Citizens Academy in Spring 2017.

List your related educational experience B.S., University of Michigan, Psychology, 2002

D.O., Michigan State University COM, Doctorate of Osteopathic Medicine, 2007

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

Katie Schafer

Signature of Applicant

2/11/2017

Date

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

Updated 01/11/17



RECEIVED BY

MAR - 2 2017

CITY CLERK'S OFFICE
CITY OF BIRMINGHAM

OFFICE USE ONLY

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

APPLICATION FOR CITY BOARD OR COMMITTEE

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(Please print clearly)

Board/Committee of Interest Multi-Modal Transportation BoardSpecific Category/Vacancy on Board at largeName Amy FolbergPhone 248 890 9965Residential Address 1580 Latham StEmail amy.folberg@gmail.comResidential City, Zip Birmingham, 48009Length of Residence 8 years

Business Address _____

Occupation retired

Business City, Zip _____

Reason for Interest: Explain how your background and skills will enhance the board to which you have applied when I moved to this area,I chose B'ham because of its walkability. I am very interested in making B'ham friendly to all modes of transportation.

List your related employment experience

List your related community activities

current member of multi-modal board

List your related educational experience

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 direct financial/business

relationshipsDo you currently have a relative serving on the board/committee to which you have applied? NoAre you an elector (registered voter) in the City of Birmingham? yesSignature of Applicant Amy FolbergDate 3/2/17

Return the completed and signed application form to: City of Birmingham, City Clerk's Office, 151 Martin, Birmingham, MI 48009 or by email to Carft@bhamgov.org or by fax to 248.530.1080. Updated 01/11/17



RECEIVED BY

MAR - 6 2017

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).

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(Please print clearly)

Board/Committee of Interest Multi-Modal
Specific Category/Vacancy on Board Residential Rep.

Name Lara Edwards Phone 734.717.8914

Residential Address 1636 Bowers St. Email lmedwards08@gmail.com

Residential City, Zip B'ham 48009 Length of Residence 9 years

Business Address as above Occupation Mom

Business City, Zip _____

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

It has been a privilege & honor to serve on the MMTB as a residential Rep. since the Board's inception.

I have enjoyed sitting on two Ad-Hoc Committees -

List your related employment experience
3M strategy consultant

Maple St. & Eton St. - and have learned a great deal from the city's hardworking staff members & traffic consultant.

List your related community activities
MMTB, current

It would be a pleasure to continue to contribute & serve in this capacity.

List your related educational experience

M.B.A - Ross Vof M 2006

M.S. Oceanography 2002

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

Lara Edwards
Signature of Applicant

3/3/17
Date



NOTICE OF INTENTION TO APPOINT TO THE CABLECASTING BOARD

At the regular meeting of Monday, March 13, 2017 the Birmingham City Commission intends to appoint to the Cablecasting Board three regular members and one alternate member to serve the remainder of the three-year terms. Applicants must be residents of the City of Birmingham.

Interested citizens may submit an application available at the city clerk's office or online at www.bhamgov.org/boardopportunities. Applications must be submitted to the city clerk's office on or before noon on Wednesday, March 8, 2017. These applications will appear in the public agenda for the regular meeting at which time the City Commission will discuss recommendations, and may make nominations and vote on the appointments.

Duties of the Cablecasting Board

- 1) Advise the municipalities on matters relating to cable communications;
- 2) Monitor the franchisee's compliance with the franchise agreement and the cable communications ordinance;
- 3) Conduct performance reviews as outlined in Chapter 30, Article VII of the city code;
- 4) Act as liaison between the franchisee and the public; hear complaints from the public and seek their resolution from the franchisee;
- 5) Advise the various municipalities on rate adjustments and services according to the procedure outlined in Chapter 30; Article VI
- 6) Advise the municipalities on renewal, extension or termination of a franchise;
- 7) Appropriate those moneys deposited in an account in the name of the cablecasting board by the member communities;
- 8) Oversee the operation of the education, governmental and public access channels;
- 9) Apprise the municipalities of new developments in cable communications technology;
- 10) Hear and decide all matters or requests by the operator (Comcast Cablevision);
- 11) Hear and make recommendations to the municipalities of any request of the operator for modification of the franchise requirement as to channel capacity and addressable converters or maintenance of the security fund;
- 12) Hear and decide all matters in the franchise agreement which would require the operator to expend moneys up to fifty thousand dollars;
- 13) Enter into contracts as authorized by resolutions of the member municipalities;
- 14) Administer contracts entered into by the board and terminate such contracts.

Applicant(s) Presented For City Commission Consideration:

| Applicant Name | Criteria/Qualifications |
|-----------------|----------------------------------|
| | Must be a resident of Birmingham |
| George Abraham | Resident, 898 Arlington |
| Michael Fenberg | Resident, 908 Chesterfield |
| Scott Weller | Resident, 1687 Holland |
| Elaine McLain | Resident, 425 N. Eton |

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 a three-year term on the Cablecasting Board to

expire March 30, 2020.

To appoint _____ to a three-year term on the Cablecasting Board to expire March 30, 2020.

To appoint _____ to a three-year term on the Cablecasting Board as an Alternate member to expire March 30, 2019.



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

APPLICATION FOR CITY BOARD OR COMMITTEE

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(Please print clearly)

Board/Committee of Interest Cable Board

Specific Category/Vacancy on Board Member

Name George Abraham

Phone 248-642-1257

Residential Address 898 Arlington St.

Email georgeabrahamjr@outlook.com

Residential City, Zip Birmingham, 48009

Length of Residence 24 years

Business Address _____

Occupation Chemical Engineer - Newly Retired

Business City, Zip _____

Reason for Interest: Explain how your background and skills will enhance the board to which you have applied _____
I like (too much) to watch television. Millennials are "cutting the cord" as it is termed. This is not accurate, of course, since while they are choosing to not subscribe to cable television, they overwhelmingly subscribe to cable internet. I would like to study this and the TV/Internet convergence.

List your related employment experience Have used computers (large then small) in my various jobs for over 40 years.

List your related community activities None

List your related educational experience PhD, P.E. in Chemical Engineering with minor in Computer Science.

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

George Abraham
Signature of Applicant

1/13/2017
Date

RECEIVED BY

MAR - 8 2017

OFFICE USE ONLY

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.

(Please print clearly)

Board/Committee of Interest Codecasting Board (BACB)

Specific Category/Vacancy on Board Rep - Birmingham

Name Elaine McChain

Phone 248.225.9403

Residential Address 425 N. Eton (#302)

Email ekmchain@gmail.com

Residential City, Zip Birmingham, 48009

Length of Residence 58 yrs!

Business Address (mobile)

Occupation Psych RN / PFLAC Agent

Business City, Zip

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

passionate about consumer health safety & communication issues & municipal government.

List your related employment experience RN, Professional Liability Insurance Representative, PFLAC agent dealing with business

List your related community activities Member and Chairman of BACB for total 10 years; board of M. NATOA.


List your related educational experience RN, BSW - Psychiatric specialty - interpersonal & group dynamics, negotiation, reconciliation.

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 - mother is an

ex-employee of Michigan Bell (60+ years ago)

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

3/9/17
Date



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.

(Please print clearly)

Board/Committee of Interest Cable casting board

Specific Category/Vacancy on Board Regular member

Name Scott Weller

Phone 248-8 81-0550

Residential Address 1687 Holland St.

Email Scott.d.weller@gmail.com

Residential City, Zip 48009

Length of Residence 2.5 yrs +

Business Address _____

Occupation Healthcare Biz Dev

Business City, Zip _____

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

Leverage my strong business and financial acumen to better the city that we live in

List your related employment experience Accumen Inc - Healthcare Consulting

Haemonetics - Healthcare Biz Dev

Edwards Lifesciences - Healthcare Biz dev

List your related community activities Current regular board boardmember of Birmingham area cablecasting board

List your related educational experience MBA - Central Michigan University

BAA - 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

2/28/17

Date



| | |
|---------------------------------------|---------------|
| OFFICE USE ONLY | |
| Meets Requirements? | <u>Yes</u> No |
| <u>Will Attend</u> / 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.

(Please print clearly)

Board/Committee of Interest Cablecasting Board

Specific Category/Vacancy on Board Regular member

Name Michael Fenberg

Phone 248-310-7373

Residential Address 908 Chesterfield

Email michael.fenberg@bakertilly.com

Residential City, Zip Birmingham, 48009

Length of Residence 23 years in Birmingham

Business Address 2000 Town Center, Suite 900

Occupation Certified Public Accountant

Business City, Zip Southfield, 48075

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

List your related employment experience Partner Emeritus: Baker Tilly Virchow Krause LLP 40 years in tax and audit

List your related community activities Board of Education Trustee, Birmingham Public Schools 12.5 years
QLNA Treasurer; Temple Beth El Audit Committee

List your related educational experience Wayne State University Bachelor of Science in Business
Adminstration June 1971

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

Michael Fenberg
Signature of Applicant

March 7, 2017
Date

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

Updated 01/11/17

Attachment to Application for City Board or Committee: Cablecasting Board

Michael Fenberg

Given my extensive work experience as a Certified Public Accountant, I can contribute to the financial aspects of the Board, including rate adjustments and appropriation of the funds in the accounts of the Cablecasting Board. Also, with my 12 years as a Birmingham Public School Board of Education Trustee, I appreciate the importance of the education, governmental and public access channels, which the Board oversees.



NOTICE OF INTENTION TO APPOINT TO PLANNING BOARD

At the regular meeting of Monday, March 13, 2017, the Birmingham City Commission intends to appoint two members to serve three-year terms to expire March 28, 2020. Members must consist of an architect duly registered in this state, a building owner in the Central Business or Shain Park Districts, and the remaining members shall represent, insofar as possible, different occupations and professions such as, but not limited to, the legal profession, the financial or real estate professions, and the planning or design professions. Members must be residents of the City of Birmingham.

Interested citizens may submit an application available at the City Clerk's office or online at www.bhamgov.org/boardopportunities. Applications must be submitted to the City Clerk's office on or before noon on Wednesday, March 8, 2017. These applications will appear in the public agenda for the regular meeting at which time the City Commission will discuss recommendations, and may make nominations and vote on the appointments.

PLANNING BOARD DUTIES

The Planning Board consists of nine members who serve three-year terms without compensation. The board meets at 7:30 P.M. on the second and fourth Wednesdays of each month to hear design reviews, zoning ordinance text amendments and any other matters which bear relation to the physical development or growth of the city.

Specifically, the duties of the Planning Board are as follows:

1. Long range planning
2. Zoning ordinance amendments
3. Recommend action to the city commission regarding special land use permits.
4. Site plan/design review for non-historic properties
5. Joint site plan/design review for non-residential historic properties
6. Rezoning requests.
7. Soil filling permit requests
8. Requests for opening, closing or altering a street or alley

Applicant(s) Presented For City Commission Consideration:

| Applicant Name | Criteria/Qualifications |
|----------------|--|
| | Members shall represent, insofar as possible, different occupations and professions such as, but not limited to, the legal profession, the financial or real estate professions, and the planning or design professions. Members must be residents of the City of Birmingham. |
| Janelle Boyce | Resident, 179 Catalpa |
| Bert Koseck | Resident, 2441 Dorchester (Architect) Design Professional |

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.

PLANNING BOARD

Chapter 82 – Section 82-26 – Nine Members

Job Requirements: An architect duly registered in this state, a building owner in the Central Business or Shain Park Districts, and remaining members, must represent, insofar as possible, different occupations and professions such as, but not limited to, the legal profession, the financial or real estate professions, and the planning or design professions.

Terms: Three Years

Appointment by City Commission

Meeting Schedule: Second and Fourth Wednesday of the month at 7:30 PM.

| Last Name | First Name | Home Business E-Mail | Appointed | Term Expires |
|---|----------------|---|--|--------------|
| Boyce 179 Catalpa | Janelle | (248) 321-3207 <i>jlwboyce@hotmail.com</i> | 12/10/2007 | 3/28/2017 |
| Boyle 840 Wimbledon | Robin | (248) 961-1514 <i>r.boyle@wayne.edu</i> | 4/19/2004 Planner/Professor | 3/28/2019 |
| Clein 1556 Yosemite | Scott | (248) 203-2068 <i>s.clein@comcast.net</i> | 3/22/2010 | 3/28/2019 |
| Cusimano 1063 West Southlawn | Colin | (248) 795-0393 <i>colin.cusimano14@gmail.com</i> | 2/8/2016 Student Representative | 12/31/2016 |
| Jeffares 1381 Birmingham Blvd | Stuart | (248) 321-2120 <i>stuartjeffares@gmail.com</i> | 12/14/2015 (served as alternated 11/2014-12/2015) | 3/28/2018 |

| Last Name Home Address | First Name | Home Business E-Mail | Appointed | Term Expires |
|----------------------------------|-----------------|--|---|--------------|
| Koseck 2441 Dorchester | Bert | (248) 302-4018 <i>bkoseck@comcast.net</i> | 10/12/2009 (Architect) Design Professional | 3/28/2017 |
| Lazar 420 Harmon | Gillian | (248) 613-3400 (248) 644-2500 <i>glazar@hallandhunter.com</i> | 4/10/2006 Building Owner in the Central Business | 3/28/2018 |
| Prasad 622 Vinewood | Lisa | (248) 241-6092 <i>lprasad@fullcircleadvisory.com</i> | 1/25/2016 alternate | 11/2/2017 |
| Share 1040 Gordon Lane | Daniel | (248) 642-7340 <i>dshare@bsdd.com</i> | 11/24/2014 Alternate | 11/2/2017 |
| Williams 1421 Stanley | J. Bryan | (248) 420-3522 (248) 433-7289 <i>jwilliams@dickinsonwright.com</i> | 4/16/2007 attorney | 3/28/2018 |

PLANNING BOARD

2016

| | J | F | M | A | M | J | J | A | S | O | N | D | % |
|------------------|-----|---|-----|-----|-----|-----|---|---|---|---|---|---|------|
| JANELLE BOYCE | A/P | P | P/P | P/P | P/A | P/P | | | | | | | 82% |
| ROBIN BOYLE | P/P | P | P/P | P/P | A/P | A/P | | | | | | | 82% |
| SCOTT CLEIN | P/P | P | P/A | P/P | A/P | P/P | | | | | | | 82% |
| STUART JEFFARES | P/P | P | P/P | P/P | P/P | P/P | | | | | | | 100% |
| BERT KOSECK | P/P | P | A/A | P/P | P/P | P/P | | | | | | | 82% |
| GILLIAN LAZAR | A/A | P | A/A | P/P | P/P | P/P | | | | | | | 64% |
| J.BRYAN WILLIAMS | P/P | P | P/P | P/A | P/P | A/P | | | | | | | 82% |
| LISA PRASAD | ** | A | P/P | A/P | A/P | A/A | | | | | | | 45% |
| DANIEL SHARE | P/P | A | A/P | A/A | P/A | P/A | | | | | | | 45% |
| COLIN CUSSIMANO | ** | P | P/A | A/P | P/P | P/A | | | | | | | 67% |

/= Two meetings in that month

* = Member Resigned

** = Member Not Yet Appointed

2015

| | J | F | M | A | M | J | J | A | S | O | N | D | % |
|-------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|---|---|-----|
| SCOTT CLEIN | P/P | P/P | P/P | A/P | P/P | P/P | P/P | P/P | P/P | P/P | P | P | 95% |
| CARROLL DEWEESE | P/P | P/P | P/P | P/P | P/P | P/P | A/A | A/P | P/A | P/P | A | A | 73% |
| BERT KOSECK | P/P | P/P | A/P | P/P | P/P | P/P | A/P | P/A | P/P | P/P | P | A | 82% |
| GILLIAN LAZAR | P/P | A/A | P/A | P/P | P/P | P/P | P/P | P/P | P/P | P/A | A | P | 77% |
| JANELLE BOYCE | P/P | P/P | P/P | P/P | P/P | P/P | P/P | P/P | A/P | P/P | P | P | 95% |
| J. BRYAN WILLIAMS | P/P | P/P | A/P | P/P | P/P | A/P | P/A | P/P | P/A | A/P | P | P | 77% |
| DANIEL SHARE | P/A | P/A | P/P | P/A | P/A | P/A | P/A | A/A | P/P | A/A | P | P | 55% |
| ROBIN BOYLE | A/A | A/A | A/A | A/A | A/A | A/A | P/P | P/P | P/P | P/P | P | P | 45% |
| STUART JEFFARES | A/P | P/P | P/P | A/P | A/P | P/P | P/A | A/P | A/P | P/P | P | P | 73% |
| SCOTT JASPERSEN | ** | ** | P/A | A/A | A/A | A/A | A/A | A/A | A/A | A/A | A | A | 5% |
| ANDREA LAVERTY | ** | ** | P/A | A/P | P/A | A/P | A/P | A/A | A/A | A/A | A | A | 30% |

PLANNING BOARD

2014

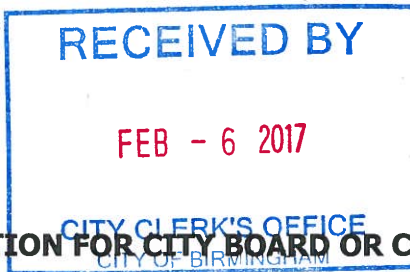
| | J | F | M | A | M | J | J | A | S | O | N | D | % |
|-------------------|-----|---|---|-----|-----|---|-----|---|-----|-----|----|---|------|
| ROBIN BOYLE | P/P | P | A | P/P | P/P | P | P/P | P | P/L | L/L | L | L | 67% |
| CARROLL DEWEESE | P/P | P | P | P/P | P/P | A | P/P | P | P/P | P/A | A | P | 83% |
| SCOTT CLEIN | P/P | A | P | A/P | P/P | P | P/P | A | P/P | P/P | P | P | 83% |
| BERT KOSECK | P/A | P | P | P/P | P/P | P | P/A | P | P/P | P/P | P | P | 89% |
| JANELLE BOYCE | P/P | P | P | P/P | P/P | P | P/P | P | P/P | P/P | P | P | 100% |
| J. BRYAN WILLIAMS | P/P | P | P | P/P | P/P | P | P/A | P | P/P | P/P | A | P | 89% |
| SHELBY WILSON | ** | P | P | P/P | A/P | A | P/P | P | A/P | A/P | A | P | 69% |
| JACK MOORE | ** | P | P | A/P | A/A | A | A/A | A | P/P | P/A | A | P | 44% |
| STUART JEFFARES | | | | | | | | | | | ** | P | 100% |
| GILLIAN LAZAR | P/P | P | A | P/P | A/A | P | P/P | P | P/P | P/P | P | A | 78% |

L = Leave of Absence

* = Member Resigned

** = Member Not Yet Appointed

X = Meeting Cancelled



| | |
|------------------------|---|
| OFFICE USE ONLY | |
| Meets Requirements? | <input checked="" type="radio"/> Yes <input type="radio"/> No |
| Will Attend | <input checked="" type="radio"/> Will Attend <input 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.

(Please print clearly)

Board/Committee of Interest Planning Board
Specific Category/Vacancy on Board _____

Name Janelle Boyce

Phone 2483213207

Residential Address 179 Catalpa

Email jlbboyce@gmail.com

Residential City, Zip Birmingham, 48009

Length of Residence 24 years

Business Address _____

Occupation interiordesigner & residential builder

Business City, Zip _____

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

Continued service

List your related employment experience

interior designer since 1996, residential builder since 2008

List your related community activities

Planning Board 2007-current, Pierce St. James Neighborhood Assoc President 2003-current, Peiree Elementary Community Education Council 2010-current

List your related educational experience

Planning Board since 2007, Continuing ed. courses, BA From MSU 'Human Environment Design'

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

Janelle Boyce
Signature of Applicant

2-6-2017
Date



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

APPLICATION FOR CITY BOARD OR COMMITTEE

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(Please print clearly)

Board/Committee of Interest PLANNING BOARD
Specific Category/Vacancy on Board _____

Name BERT H. KOSECK Phone 248.302.4018
Residential Address 2441 DORCHESTER Email btkoseck@comcast.net
Residential City, Zip BIRMINGHAM, MI 48009 Length of Residence 29 YEARS
Business Address 400 GALLERIA SUITE 555 Occupation ARCHITECT
Business City, Zip SOUTHFIELD MI 48034

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

REFER TO ATTACHED LETTER

List your related employment experience ARCHITECT

List your related community activities CURRENT PLANNING BOARD MEMBER
PREVIOUS BZA MEMBER (18 YEARS)

List your related educational experience UNIV. OF MICH - MASTERS OF ARCHITECTURE

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

NO

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

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

Signature of Applicant [Signature] Date 2, 21, 2017

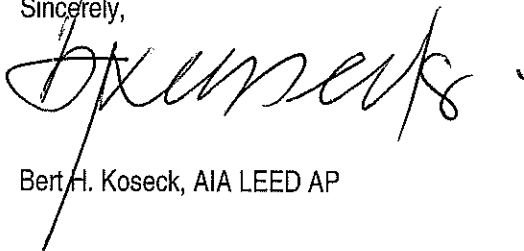
February 21, 2017

RE: CITY OF BIRMINGHAM PLANNING BOARD APPLICATION

Dear City of Birmingham Mayor and Commissioners,

This letter is to confirm my interest to continue serving as a member of the City of Birmingham Planning Board. I am a 28-year resident and a licensed architect with experience in the design of a variety of building types including mixed-use projects, community and recreation centers, residential, and higher education projects including campus master planning. I also have a special interest in urban planning. I have served for 18 years as a member of the Board of Zoning Appeals and most recently approximately 7 years on the Planning Board. The BZA primarily deals with our residential neighborhoods and Planning Board issues often focus on larger scale building types and the mixed use and transitional areas of our city. This combined background provides me a special holistic understanding of our city's planning issues. I believe those that are aware of my work serving the City of Birmingham would view me as caring greatly about the design of our built environment, being understanding, fair, passionate, and having positively influenced the change and growth of our city. I wish our work was done....but it is never done with the ever changing world we live in. Let me help you in continuing to make Birmingham one of the best places to live, work, and play.

Sincerely,

A handwritten signature in black ink, appearing to read "Bert H. Koseck", with a long, sweeping horizontal line extending from the end of the signature.

Bert H. Koseck, AIA LEED AP



NOTICE OF INTENTION TO APPOINT STORM WATER UTILITY APPEALS BOARD

At the regular meeting of Monday, January 23, 2017, the Birmingham City Commission intends to appoint 3 board members to serve a three-year term to expire January 31, 2020, and 2 alternate members who shall be appointed initially for a two-year term to expire on January 31, 2019, and thereafter appointed for three-year terms. Members and alternates shall serve at the will of the commission. Members and alternates shall hold office until their successors are appointed. The City Commission shall fill a vacancy by an appointment only.

2 of the 3 regular members appointed shall be licensed professional engineers not employed by the local unit of government. 1 of the 2 alternate members shall also be a licensed professional engineer not employed by the city. The board members shall serve without compensation. Members are not required to be city residents.

The Appeals Board shall be responsible for hearing disputes to a fee or bill that a property owner or resident of the city shall receive pursuant to the Storm Water Utility ordinance (Section 114-402(c)). The board members shall schedule periodic meetings for appeals as needed.

Interested citizens may submit a form available from the City Clerk's office on or before noon on Wednesday, January 18, 2017. These applications will appear in the public agenda for the regular meeting at which time the commission will discuss recommendations, and may make nominations and vote on the appointments.

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

Applicant(s) Presented For City Commission Consideration:

| Applicant Name | Criteria/Qualifications |
|--|---|
| | Two of the regular members shall be licensed professional engineers not employed by the local unit of government, and have legal, administrative or other desirable qualifications that will aid him or her in the performance of the duties of the board members. |
| | One of the alternate members shall be a licensed professional engineer not employed by the local unit of government, and have legal, administrative or other desirable qualifications that will aid him or her in the performance of the duties of the board members. |
| Robert Lavoie, 555 Lakeview Ave. | Licensed Professional Engineer |
| A. James Partridge, 3916 Cottontail Ln. Bloomfield Hills | Licensed Professional Engineer |

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 RESOLUTION:

To appoint_____ to the Storm Water Utilities Appeal Board to serve a three-year term to expire January 31, 2020.

To appoint_____ to the Storm Water Utilities Appeal Board to serve a three-year term to expire January 31, 2020.

STORM WATER UTILITY APPEALS BOARD

Resolution No. 12-360-10 – December 5, 2016.

Members shall be comprised as follows: 2 of 3 regular members shall be licensed professional engineers not employed by the City of Birmingham.

At least 1 of the 2 alternate members shall be a licensed professional engineer not employed by the City of Birmingham. The board members shall serve without compensation.

Board responsibilities:

To hear disputes to a fee or bill that a property owner or resident of the city shall receive pursuant to the Storm Water Utility ordinance (Section 114-402(c)). The board members shall schedule periodic meetings for appeals as needed.

| Last Name | First Name | Home Business Fax E-Mail | Appointed | Term Expires |
|---------------|------------|-----------------------------------|-----------|--------------|
| VACANT | | | | 1/31/2020 |
| VACANT | | | Alternate | 1/31/2019 |
| VACANT | | | | 1/31/2020 |

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

VACANT

1/31/2020

VACANT

1/31/2019

Alternate



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

APPLICATION FOR CITY BOARD OR COMMITTEE

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

(Please print clearly)

Board/Committee of Interest STORM WATER UTILITIES APPEALS BOARD

Specific Category/Vacancy on Board Regular Member

Name Robert Lavoie

Phone 248 635 6472

Residential Address 555 Lakeview Ave

Email dlavoie@aol.com

Residential City, Zip Birmingham, 48009

Length of Residence 2 years

Business Address _____

Occupation Retired/Licensed P. E.

Business City, Zip _____

Reason for Interest: Explain how your background and skills will enhance the board to which you have applied _____
I am a civil engineer with 40 years experience in the design and construction of public work improvements including underground utilities, roads and private land developments throughout SE Michigan.

List your related employment experience Past president Nowak and Fraus Engineers: 1991-2016

List your related community activities New resident to the City in 2015.

List your related educational experience BS in Civil Engineering from Michigan State University in 1975.
Masters Degree in Civil Engineering from Wayne State University in 1985.

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: _____

NFE pays me a fixed monthly amount until 2020 for the past purchase of all my stock.

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]
Signature of Applicant

February 2, 2017
Date

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

Updated 01/11/17



| 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.

(Please print clearly)

| | |
|------------------------------------|---|
| Board/Committee of Interest | <u>STORM WATER UTILITIES APPEAL BOARD</u> |
| Specific Category/Vacancy on Board | <u>MEMBER</u> |
| Name | <u>A. JAMES (JIM) PARTRIDGE</u> |
| Residential Address | <u>3916 COTONTAIL LN</u> |
| Residential City, Zip | <u>B'ham Hills 48301</u> |
| Business Address | <u>275 S. ADAMS RD</u> |
| Business City, Zip | <u>B'ham 48009</u> |
| Phone | <u>M# 248-670-0826</u> |
| Email | <u>jim@jpconsulting-lle.com</u> |
| Length of Residence | <u>35yrs.</u> |
| Occupation | <u>CONSULT'G ENGINEER</u> |

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

PROF. ENG. FOR 40+ YRS. DOING PLUMB'G, MECH. & ELEC. DESIGN FOR ALL BLDG. TYPES.

List your related employment experience
SAME AS ABOVE

List your related community activities
B'ham BLDG. TRADES BOARD OF APPEALS ~12+ YRS.

List your related educational experience
BSME - LTU

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? NO

| | |
|------------------------|---------------|
| <u>James Partridge</u> | <u>2/8/17</u> |
| Signature of Applicant | Date |



MEMORANDUM

Human Resources

DATE: March 10, 2017

TO: Joseph A. Valentine, City Manager

FROM: Yvonne Taylor, HR Manager

SUBJECT: City Clerk Appointment

Background

We have concluded the recruitment and selection process in efforts to fill the vacant City Clerk position. The vacancy was posted both internally and externally, and attracted twenty-one (21) applicants. Five (5) candidates participated in the first round of interviews, after which two (2) candidates were selected to advance to the second round of interviews.

Section 9 of the City Charter provides for the appointment of the City Clerk by the City Commission. On January 9, 2017 the City Commission designated Commissioner Bordman, Commissioner Sherman, the City Manager and HR Manager to serve as the sub-committee in facilitating the second round of interviews and issuing a City Clerk recommendation to the Commission.

Recommendation

Following completion of the second round of interviews, it is the sub-committee's unanimous recommendation that J. Cherilynn Brown be appointed as the Birmingham City Clerk effective Monday, April 3, 2017. Ms. Brown has successfully passed the criminal and employment background investigation, and has accepted the City's employment offer of the City Clerk position – conditioned upon appointment by the City Commission.

Further, Ms. Brown possesses the following qualifications:

- Certified Municipal Clerk by the International Institute of Municipal Clerks;
- Bachelor of Arts Degree in Communications; and
- Over seventeen (17) years of progressively responsible experience in Municipal Clerk activities.

A copy of Ms. Brown's resumé is attached for further detail.

SUGGESTED RESOLUTION:

To accept the recommendation of the City Clerk selection sub-committee to appoint J. Cherilynn Brown as the Birmingham City Clerk effective April 3, 2017.

J. Cherilynn Brown, CMC



PROFESSIONAL SUMMARY

Certified Municipal Clerk with thirty years of administrative and supervisory experience. Superior written and oral communication skills, excellent computer skills, successful project manager, innovative.

EMPLOYMENT HISTORY

Deputy City Clerk/Director of Elections. March 2015 - present

City of Oak Park, 14000 Oak Park Blvd., Oak Park MI 48237

Administer state, federal and local elections for 23,000 registered voters. Hire and train over 90 election inspectors for 16 precincts and 2 Absent Voter Counting Boards. Administer interview and appointment process for City boards and commissions, and conduct annual training for members. Recording Secretary for Planning Commission, Board of Zoning Appeals, Corridor Improvement Authority, Brownfield Redevelopment Authority and Economic Development Corporation. Administer City licensing/registration for lawn care/snow removal, precious metals and gems dealers, pawn brokers, group daycare homes.

Personnel Technician. December 2014 – March 2015

City of Ferndale, 300 E. Nine Mile Road, Ferndale MI 48220

Temporary part-time. Process payroll for approximately 200 employees using New World Systems software.

City Clerk. June 2007 – December 2014

City of Ferndale, 300 E. Nine Mile Road, Ferndale MI 48220

Administer state, federal and local elections for 16,000 registered voters. Maintain local voter registration files through Michigan's Qualified Voter File (QVF). State-accredited election official. Hire and train over 50 election inspectors for each election. Consolidated voting precincts from 17 to 7, introduced electronic poll book. Oversee departmental budget of \$220,000. Supervise staff of two, administer Employees' Pension Fund and Police & Fire Pension Fund, Clerk of City Council, FOIA Coordinator.

Deputy City Clerk. September 1999 – June 2007

City of Auburn Hills, 1827 N. Squirrel Road Auburn Hills MI 48326

Supervise Records Retention Clerk and Elections Clerk. Assist with administration of elections. Prepare City Council agendas and electronic meeting packets. Take and transcribe minutes for City Council and other City boards. Ordinance preparation and publication. Oversee updates to the City's Code of Ordinances. Update departmental pages of City's website. Process purchase orders. Project Administrator for implementation of the City's electronic document management system. Initiated and implemented electronic packet process for City Council meetings. Member of City's Information Technology Committee.

Records Retention Clerk. December 1996 - September 1999

City of Auburn Hills

Recording secretary for City boards and commissions, maintain official City records according to state retention schedules, administer municipal cemetery sales, prepare City Council agenda packets, process Freedom of Information Act requests, Industrial Facilities Exemption Certificate applications and rezoning applications, and facilitate licensing process for Class C and Resort Liquor Licenses, Public Recreation Halls, Used Car Lots, Refuse Transporters and Solicitors. Member of City's Safety Committee.

EDUCATION

Florida Southern College September 1981 - December 1984

Lakeland, FL 33801

Graduated with a B.A. in Communications in December 1984.

PROFESSIONAL AFFILIATIONS Oakland County Clerks Association (OCCA). Michigan Association of Municipal Clerks (MAMC), MAMC Board of Directors 2009-2014. International Institute of Municipal Clerks (IIMC). Presenter at Michigan Municipal Clerks Institute (Importance of Mentoring in Professional Development), and MAMC annual conferences (Notary Law and Clerking 101).

BIRMINGHAM CITY COMMISSION MINUTES
FEBRUARY 27, 2017
MUNICIPAL BUILDING, 151 MARTIN
7:30 P.M.

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Mark Nickita called the meeting to order at 7:30 PM.

II. ROLL CALL

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

Absent: Commissioner Sherman

Administration: City Manager Valentine, City Attorney Currier, Acting Clerk Arft, City Planner Ecker, Building Director Johnson, Police Chief Clemence, Commander Chris Busen, Museum Director Pielack, DPS Director Wood, Golf Manager Brito, City Engineer O'Meara, Finance Director Gerber

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

02-39-17: RECOGNITION OF 2016 STUDENT BOARD REPRESENTATIVES

The Commission recognized the 2016 Board Representatives.

Colin Cusimano was involved in the Planning Board.

Loral Salter-Dodson was involved in the Historic District Commission-Design Review Board.

Nicole McMaster was involved in the Parks and Recreation Board.

Ava Suchara was involved in the Public Arts Board.

Nayri Carmen is recognized for service on the Museum Board.

02-40-17: APPOINTMENT OF 2017 STUDENT BOARD REPRESENTATIVES MOTION:

Pamela Davis and Jennifer Condict, Birmingham Public Schools, explained this program and thanks City for the opportunity for the students to serve this way.

MOTION: Motion by DeWeese, seconded by Bordman:

To appoint the following students as non-voting members for the calendar year 2017:

| | |
|--------------------|---------------------------|
| Planning Board: | Ariana Afrakhtek – IA |
| | Bella Niskar - Seaholm |
| Parks Board: | Ben Gould - Groves |
| | Joey Kummer – Seaholm |
| Public Arts Board: | Celeste Demps-Simons – IA |

Museum Board: Sarah Evans - Seaholm
Cecilia Trella - Seaholm
Carson Claar – Seaholm
Hanna Sandler – Seaholm
HDC-DRB: Josh Chapnick - Seaholm
Griffin Pfaff – Seaholm

VOTE: Yeas, 6
Nays, 0
Absent, 1 (Sherman)

The Acting Clerk administered the oath to the appointed student representatives.

02-41-17: APPOINTMENTS TO PUBLIC ARTS BOARD

MOTION: Motion by Boutros:

To appoint Rabbi Cohen to the Public Arts Board to serve the remainder of a three-year term to expire January 28, 2019.

VOTE: Yeas, 6
Nays, 0
Absent, 1 (Sherman)

MOTION: Motion by Hoff:

To appoint Monica Neville to the Public Arts Board to serve the remainder of a three-year term to expire January 28, 2018.

VOTE: Yeas, 6
Nays, 0
Absent, 1 (Sherman)

The Acting Clerk administered the oath to the appointed board members.

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.

02-42-17 APPROVAL OF CONSENT AGENDA

The following items were removed from the Consent Agenda:

- Item L (Museum Digitization Content Sourcing Agreement) by Commissioner Bordman
- Item H (Museum Contract – Allen House) by Commissioner DeWeese
- Item N (Special Event application-Celebrate Birmingham Parade)

City Manager Valentine noted that due to a noticing error, Item N will be brought back to the March 13, 2017 meeting. New notices have been mailed.

MOTION: Motion by Harris, seconded by Hoff:

To approve the Consent Agenda, with the following items removed: H, L and N.

A. Approval of Minutes of February 13, 2017.

- B. Approval of warrant list, including Automated Clearing House payments, of January 25, 2017 in the amount of \$677,345.41. (REVISED)
- C. Approval of warrant list, including Automated Clearing House payments, of February 15, 2017 in the amount of \$ 2,518,082.76.
- D. Approval of warrant list, including Automated Clearing House payments, of February 22, 2017 in the amount of \$ 293,939.43.
- E. Resolution approving the 2017 annual flower purchase from Croswell Greenhouse in the amount not to exceed \$17,149.45. Funds are available from the General Fund – Property Maintenance – Operating Supplies account #101-441.003-729.0000.
- F. Resolution awarding the Park Street Painting Project, Contract #4-17(PK), to DRV Contractors, LLC of Shelby Township, MI in the amount of \$930,560.00 to be charged to account 585-538.003-977.0000.
- G. Resolution confirming the City Manager's authorization for the emergency expenditure regarding the repair to the Birmingham Ice Arena by Delta Temp Inc. in the amount of \$13,028.00 to be paid from the General Fund – Ice Sports Arena account #101-752.000-930.0300, pursuant to Sec. 2-286 of the City Code.
- I. Resolution approving the purchase of a new Caterpillar Model TL642D Telehandler from MacAllister Rentals through the National Joint Powers Alliance (NJPA) extendable purchasing contract #032515-CAT in the amount of \$120,690.96 from account #641-441.006.971.0100.
- J. Resolution approving the purchase of a new 2017 Ford Transit Connect cargo van from Gorno Ford through the State of Michigan extendable purchasing contract #071B1300005 in the amount of \$22,591.00 from account #641-441.006.971.0100.
- K. Resolution approving the purchase of two (2) new 2017 Ford Explorers from Gorno Ford through the State of Michigan extendable purchasing contract #071B1300005 in the amount of \$57,886.00 from account #663-338.000-971.0100.
- M. Resolution approving a request submitted by the Public Arts Board to hold Birmingham in Stitches from September 16th – October 7th, 2017 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.
- N. Resolution approving a request submitted by the City of Birmingham to hold Celebrate Birmingham Parade on Sunday, May 21, 2017, 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.

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

The Commission agreed to discuss Items H and L at this time.

02-43-17: ITEM L-MUSEUM DIGITIZATION CONTENT SOURCING
AGREEMENT

Commissioner Bordman asked Museum Director Pielack if the City is paying to have this done or whether the use of the magazine was in exchange for NA Publishing digitizing it. Ms. Pielack said we are loaning NA Publishing some items that it cannot get anywhere else. They are also borrowing materials from other institutions. They are going to create an entire data base, and in return for that loan, the City will have unlimited, permanent access to the entire collection.

Ms. Pielack confirmed for Commissioner Hoff that NA Publishing because it was trying to identify the location of different issues to do an entire run. She followed up and asked what the company had in mind and took it from there.

Ms. Pielack explained that we have issues beginning with year 4 up to 15 years. We continue to get missing issues. Having access to this data base, the Museum will be able to have complete access to all the issues.

Commissioner Hoff asked if this will require any additional Museum staff time. Director Pielack responded the company is located in the Ann Arbor area, and have offered to come to the Museum to pick up the items that we are loaning them for digitization and return them to the Museum.

In response to Commissioner Hoff's questions about benefit to the City, Director Pielack said it provides permanent access to the entire collection to the Museum. The Museum would be able to permanently go to the data base and download the entire issue, and could re-print them. We could use it for study and all Museum patrons would be able to download the research.

Commissioner Hoff asked if there have been many requests for these magazines. Director Pielack confirmed that we have had a number of requests. A documentary is being produced right now that has evolved also into a relationship in part with the Museum.

Commissioner Boutros asked if the access is typically a service that is charged to other customers, Director Pielack responded there will be no fee to the Museum.

MOTION: Motion by Bordman, seconded by Boutros:

To approve a Content Sourcing Agreement with NA Publishing, a wholly owned subsidiary of Data Conversion, LLC to provide a loan of specified Creem Magazine monthly and special issues in exchange for permanent access by the museum to the final complete digitized CREEM collection at no charge. Further, direct the Mayor and Interim City Clerk to sign the agreement on behalf of the City.

VOTE: Yeas, 6
 Nays, 0
 Absent, 1 (Sherman)

02-44-17: ITEM H: MUSEUM CONTRACT – ALLEN HOUSE SIDING

Commissioner DeWeese said he is supportive of what is being asked but some of us got a letter from Russ Dixon and I just wanted to bring it up as a matter for future approach or consideration for policy. He added when the City has issues that require an architect, the architect should represent the City or the entity of the City and not represent the contractor. He said he thinks we will get a better long term result.

Commissioner Hoff expressed concern that there is no information in our packet on Grunwell. She does not have any idea of their background and their experience with historical preservation. This was a highly discussed project with conflicting opinions. She feels something is missing here especially in view of the history of this project. We want to preserve the Allen House exactly as it should be according to the State Historic Preservation Office.

Museum Director Pielack said it does not look like Grunwell Cashero has that background and that is true because Grunwell Cashero is not the architect. The RFP required that all bidders provide or contract with an architect to answer the question what exactly needs to be done. We didn't want contractors tearing into the siding without an architect working with them to determine what needs to be replaced, or how should it be replaced and what exact material needs to be specified. So the RFP has the attachment of all the architects, because that was communicated to all of the contractors. A list of possible certified historical architects was forwarded. Grunwell Cashero is working with Jackie Hoist of H2A Architects who is a Certified Historical Architect. The portion that requires a certified historical architect is, in fact, being determined by one.

Director Pielack noted that Brian Lejeffski with the State Historic Preservation Office (SPHO). She contacted him and described the project. He suggested attaching a list of historical architects to the RFP. He looked online at some photos of the house and discussed the project by phone a few times. That was research that was done before the RFP was developed. Mr. Lejeffski is their historical architect in their Lansing office.

Director Pielack said Mr. Lejeffski advised that we could provide a list of the architects to the contractors, and the contractor would need to work with someone with that background and credentials.

City Manager Valentine added that Grunwell Cashero is a contractor that has done a lot of work in the City. They are familiar to the City. What we are talking about here is re-siding the building, so from that standpoint you would want a general contractor and not necessarily an architect doing the work and that is why the partnership comes into play. There are requirements in the RFP that stipulate the conditions that have to be met for that work to match the siding, and I believe we have stipulated that the consulting architect shall meet or exceed the Secretary of Interior standards, federal professional qualifications for historical architecture as stated in 36 CFR Part 61 of the Code of Federal Regulations. So that's what the architect is intending to match is the specification that we have to make sure that it meets the Historic Standards. The contractor then will construct it meeting those standards. There are two players that are involved here to work together to get us the product we are looking for.

Commissioner Hoff said it would be helpful if we had some background on the person who is going to do it and on the architect that he is going to use. That is information that would be helpful. This is a treasure in our City and something that we have to protect.

Commissioner Bordman asked if the architect that has been employed is to be paid by the City. Director Pielack said it is covered by the contract with Grunwell Cashero.

Mayor Nickita said from our prospective, we want to make sure that the work is being done to the highest level. We may want to expand our side of that review process by possibly incorporating the Building Department or someone from some staff with expertise on this particular area to make sure it is identifying to the specification. He added that the comments

that Commissioner DeWeese made and what Mr. Dixon had suggested are correct; we should have the architect working for us and dictating what exactly gets done, and then they are held to our standard and they are working for us. I think in this case as long as we have someone on our end verifying that it matches, we will be okay. He said that Grunwell has experience in historical work.

Director Pielack said the architect has to come out and meet with her and Mr. Jorge, and the project manager from Grunwell Cashero. If any concerns are noted at that point, there is ample opportunity to interact, find out more about it, research it, get mock ups on anything that we think we need to understand better before the siding is actually done. We did have concerns about that and that's how we built it into the process.

Commissioner Hoff said we can do it differently starting now. She would not be as apprehensive if there had not been an issue on this previously. Because we were made aware of two different opinions on how the Allen House should be restored, she feels the architect should be here tonight telling us what has to be done.

Commissioner DeWeese said he would support a motion to ask the architect to come and satisfy the concerns. He said this is a clear opportunity in terms of policy because that's the real issue.

Mayor Nickita said we have enough specifications in the requirements, and enough checks and balances to make this work well. If we are not in any rush and there is an uncomfortable level for anyone moving forward, then I do not have a problem either way. He feels we will be able to do this properly, but if the Commission wants to set the standard and want more information, he has no problem with it either.

Mayor Pro Tem Harris said the comments made by Commissioner tonight are well taken, including Russ Dixon's letter. He said he is comfortable approving the resolution because we consulted with the State Historic Preservation Office, it has been approved by the Museum Board unanimously and it is a requirement in the RFP that Grunwell Cashero work with the State approved historic preservation architect. It was mentioned that there are two checks, at 75% and 90% that the work is being done right, so he is comfortable with this project, notwithstanding the comments that have been made.

Director Pielack said that Todd Nancarrow from Grunwell Cashero is planning to work with Jackie Hoist of H2A Architects, who designed the Bell Structure. She is a certified historical architect who is familiar with the site and familiar with our building.

Commissioner Bordman is inclined to put this off. She would like to hear from the architect as Commissioner Hoff has suggested, and feel reassured about the procedure that they are going to be following and that there is the kind of oversight we expect. We are not in a hurry here, and can take another look at this.

Mayor Pro Tem Harris said the end result is going to be the same as what we are facing tonight unless we change the wording of the whole contract. He concurred with Commissioner Hoff's concern but at the same time literally by postponing this to hear from the architect, I do not think we are gaining anything.

Commissioner Bordman said the policy issue should prevail, and that this started off in the wrong direction to begin with. Maybe we need a course correction and get it started in the way that the policy should be and start over so that we have established the way we want things to be done. I think there are questions here and, there is a long season to do the work on this. He favors some kind of change, and may need to reissue the RFP.

Mayor Pro Tem Harris confirmed with Director Pielack that the work is a repair and replacement of the existing siding and trim.

Commissioner Hoff explained this is not just siding. This has to be done a certain way. It is a historical preservation and at one time it was going to be just siding, and it was not acceptable. So, the specifications have changed.

Director Pielack said we looked at using alternative material that is often used in some historic districts. While we were putting this information together, I heard back from my State Historical Preservation Office (SHPO) contact that we would not be able to do that. So we stopped that plan and went to the Historic District Commission for their input. Then we developed this RFP from the SHPO requirement. So we felt we changed course back then, because we learned that what we had thought was going to be acceptable, would not be.

Commissioner Hoff said that is an excellent indication that sometimes when you think something is going to work out, it is not acceptable. That is the best indication of all why we should be very careful with this.

Mayor Nickita said what we have here is a very definitive contract that basically says we move forward as it is, or we do not.

City Manager Valentine agreed and said the Commission has one of two choices to make: to approve or not to approve.

MOTION: Motion by Harris, seconded by Boutros:
To approve a service agreement with Grunwell Cashero to provide siding repair.

Mayor Nickita said there has been a lot of good dialogue here, and it seems clear that we look at repurposing our future issues in this case. We have enough catches in this, so he will support the motion, because we have enough checks in this particular issue to address the concerns

VOTE: Yeas, 3
Nays, 3
Absent, 1 (Sherman)

MOTION FAILED

City Manager Valentine said for purposes of moving forward it would be helpful to have some direction now going forward.

Mayor Pro Tem Harris said he thinks the sentiment being expressed is that the process was not ordered the correct way, and there is concern about the historical aspects not being preserved. He said for that concern to be addressed, the RFP has to be issued to perspective architects and not contractors. That would also address Mr. Dixon's concerns.

Mayor Nickita said that going forward we do this in a different manner, which is in accordance to the comments earlier and comments from Mr. Dixon, which would be to have an architect direct the process and then let the process go from there.

City Manager Valentine said having some direction at this point would be helpful.

Mayor Nickita suggested this RFP go back, get reissued and repositioned in the way that we discussed and then come back to the Commission. This will establish the process. He noted it will not be necessary to start from scratch, but it will be necessary to readdress or reestablish the process a bit and move back essentially in the process.

Commissioner DeWeese said this is a process that should be applied throughout the City on any of our public projects. We set the standard, and it should be going forward that way whether it is a fire station, a library or any public building.

Mayor Nickita said we have been very conscious of that change in process specifically with our infrastructure where it should be planned first, designed, and then implemented through engineering.

V. UNFINISHED BUSINESS

VI. NEW BUSINESS

02-45-17: ANNUAL GOLF REPORT – 2016 REVIEW – 2017 PROSPECTUS

Golf Course Manager Jacky Brito said we had another great year at the golf courses. We made \$210,725 net operating Lincoln Hills. Lincoln Hills opened last year on March, 27, 2016 and closed on October 19, 2016. Springdale opened on April 14, 2016 and it remained open until December 7, 2016. Weather is great this year so we are shooting to open at least one of the courses by April 1st, perhaps earlier. She reported they ended with 53,840 rounds, just 3% down from last year, noting that we dealt with construction at Big Beaver. Food and Beverage remain about the same as last year. She feels that this area is still untapped and a frequent diner card will be introduced this year. If a member or guest purchases four entrees, they will get one free, similar to our frequent loyalty program on our golf. Junior Golf is growing with 494 participants. Upcoming capital projects at Springdale include cape sealing the parking lot and resurfacing the bridges. Lincoln Hills' bunkers were renovated and excavated and all new sand is coming. Our objective each year is to increase usage of the course, increase memberships and increase the food and beverage and merchandise. In doing so, we did add a couple new events to our agenda for events, including Nine, Dine and Laugh, which is a comedy show on June 3, 2017.

Commissioner Bordman commended her on the junior golf program and asked about the fluctuations in resident memberships. Manager Brito is uncertain why the fluctuation occurs. Commissioner Bordman noted the efforts to work with the BSD.

Commissioner Hoff asked if the weather is a big factor in the fluctuations. Manager Brito responded that weather has affects the shoulder months of April and October.

Mayor Pro Tem Harris also commended her efforts. He asked about unlimited memberships started in 2012. Manager Brito stated there are four unlimited memberships that are offered.

Mayor Nickita said we have struggled with the courses over the years but thinks they are on a good track. The numbers are great. He added that Commissioner Sherman is very supportive as well.

City Manager Valentine said the trend has been getting into the black. In this year's budget the Commission will see a re-visiting of the payments for the loan that was made to the golf courses during the period of time which they were not in the black. There was a period of time when the City was contributing to supplement the shortfalls that were occurring.

MOTION: Motion by Bordman, seconded by DeWeese:
To accept the Annual Golf Report-2016 Review-2017 Prospectus.

VOTE: Yeas, 6
Nays, 0
Absent, 1 (Sherman)

02-46-17: 2017-2020 BIRMINGHAM MUSEUM STRATEGIC PLAN

Director Pielack explained that the previous strategic plan for 2013 to 2016 was reviewed last year. The Museum Board looked at all levels of the plan, revised as needed, and the final document has the same four goal areas which are: Community Engagement and Public Access, Strategic Development and Care of the Museum Collection, and Strengthening the financial and other resources for improved sustained ability and marketing and imaging enhancement. Those goals were in the first plan, and they are continuing into the proposed plan. The changes that are presented are in a streamlining fashion. Items have been combined that fit together. There are accomplishments that do not need to be addressed. New tasks were added, and we continued tasks that are ongoing. In total, the document is shortened, because we removed the executive summary and the information about how we gathered our first set of information. In January, the Museum Board approved unanimously the plan being presented tonight.

Mayor Pro Tem Harris said that he and his oldest son attended the Museum's open house and was very impressed with the program.

Commissioner Hoff expressed concern if people know about the Museum. She said her past experience with the Birmingham Museum has been through the schools program and there used to be the Old Settlers Day program. Director Pielack said that program has been narrowed down to second grade field trips because of school restrictions on the kind of programs they can offer. All of the second graders are seen and we do programs that relate to early settlement but we do not have the Settler's Day that you remember.

Commissioner Hoff said she thinks the plan is very good and well organized. She noted a much greater emphasis on technology, which is important as we move forward, but would also like to see some focus on publicizing the Museum to the residents. She is concerned that many people do not know the Museum exists.

Director Pielack agreed that it is a challenge and that is part of the reason for the marketing component. A re-branding and a marketing plan is in the works. The Museum is looking for ways to expand those programs so we are out in the community a bit more. She is confident that what we are doing is working to reach people that do not know about the Museum. She agreed that the tried and true programs work very well, and that is why we continue to do them through our school program. I think we are going in that direction.

Commissioner DeWeese said he understands the Museum is working on a new history of Birmingham book because that is related to an upcoming anniversary for the City of Birmingham. He suggested that entities like our own library or the community house or others, might be able, in their own self-interest, to do a history of the Community House or do a history of Baldwin Library that could be used as exhibits. There are some ways by working with other groups and organizations that could expand awareness that you do not normally have. He commented that fundraising is down in recent years.

Director Pielack said the idea of having history of different organizations and incorporating that into the Museum is something we want to do. The Museum has a couple of virtual exhibits on our schools' history, and we work with the schools to gain that information. So that is the first step in that direction. Our fundraising focus has been specific to the Bell Structure and we were able to raise \$65,000 to do the planning and the execution of that work. She said that was a pretty significant project, but it was very focused on that. Broadening fundraising efforts is a really good plan, and she feels as though we are getting commitment through dollars from the community.

Pro Tem Harris agreed with Commissioner DeWeese's point about trying to parlay the bicentennial with promotion of the Museum and perhaps connect Settler's Day to the second grade program. The students liked the connection they saw at the Museum to the founders and what they were learning in school, and thought it was a great program.

MOTION: Motion by DeWeese, seconded by Bordman:
To accept the proposed 2017-2020 Birmingham Museum Strategic Plan.

VOTE: Yeas, 6
 Nays, 0
 Absent, 1 (Sherman)

02-47-17: ANNUAL RENEWAL OF CLASS B, CLASS C AND MICROBREWERY LIQUOR LICENSES

Acting City Clerk Arft explained the review and renewal process for the establishments which sell intoxicating liquor for consumption on the premises in the City. She explained that staff has conducted investigations on each establishment to determine whether the licensee is in compliance with all applicable city and state codes, a review of the general condition of the licensed premises on the interior and exterior, whether all taxes and other monies due to the City are paid timely, and report any police activity. She noted that any violations that were found have either been corrected or staff is working with the establishments to correct the violations.

City Manager Valentine added the information has been provided in the reports based on the various issues that have been noted. The issues that are of concern are very limited in scope. Staff that are here on any of those reports are happy to answer those questions and they can come forward in that regard. Also, some of the owners are here that can respond as well to any concerns.

Mayor Nickita said we are here to review the individual licenses in the certain categories that they happen to be in, identify whether or not the Commission is comfortable with approving

them to continue, or if there is a need for further review in which case we would have an opportunity to review them further with a public hearing.

Commissioner Bordman expressed concern about Ironwood Grill and now known as Four Story Burger. She understands that they have failed to submit an application for a SLUP amendment. That means they are operating in violation, so that is the one that she is inclined to want to bring before us at a public hearing.

Commissioner Boutros agreed with Commissioner Bordman, and asked if both a name change and a change of ownership require a SLUP amendment. City Manager confirmed that they do.

Commissioner Hoff added for the most part the others are doing well. She noted the same ones have a few different incidents or a few different violations, but nothing is too serious. She asked if the inspection records for Griffin Claw and Triple Nickel have been submitted yet.

Commissioner Bordman agreed that she does not see anything that is excessive.

Commissioner Manager Valentine said the outstanding documents consist of information from the Oakland County Health Department, and not from the City. All the City's inspections and follow-up with regard to those inspections have verified that all corrections are complete and each establishment is in compliance. In addition, the Building Department contacts the Oakland County Health Department to confirm the status of the each business with regard to the Oakland County Health Division. In terms of the City's reviews and inspections, everything has been completed and determined to be in compliance. As part of that practice though, they have contacted the County to try to verify those records.

City Manager Valentine added if there is a violation with the Oakland County Health Division, the County will copy the City on the correspondence. He noted that no correspondence has been received from the Oakland County Health Division in regards to any establishments in the recent term. He has no reason to believe that there is anything existing even though it may be outstanding from the request that has been made to the County. He added that he is comfortable in that regard because it is normal course to involve the City in that correspondence

Scott LaPage of Griffin Claw Brewing Company said the Department of Agriculture has jurisdiction in their cases because Griffin Claw is a microbrewery. Mayor Nickita said that clarifies that it is a different process for Griffin Claw.

Mark Blancke of Triple Nickel said their reports have been submitted to the County and there are no violations.

Commissioner Bordman asked if we requested the records from the Department of Agriculture for Griffin Claw. Commissioner Valentine said it is unclear without the building official being here to ask personally.

Commissioner DeWeese recalled that last year we had every single report of all the health department reports. City Mayor Valentine said last year there was concern that it was too much information to digest, and we tried to narrow it down to make it more manageable.

Commissioner DeWeese said it was very useful because it gave a broader picture of what was going on in the establishments. The only one I really see as a critical problem right now is, the Ironwood Grill because they are in violation of our SLUP process, so that needs to have a public hearing. The others are not fully up to what you would always like but they are within the tolerance level. Next year I would actually like to see the overall picture, because as Commissioner Hoff mentioned, the health part is part of the total evaluation.

Commissioner Boutros said Ironwood Grill is in violation by failing to file a SLUP Application. He noted that Rojo has a delinquent tax bill for the second year in a row. Mayor Nickita asked City Attorney Currier to clarify the Rojo issue.

City Commissioner Currier explained the Rojo chain has filed for Chapter 11 bankruptcy. In accordance with the bankruptcy code, there is a judicial stay of proceedings against any attempts to collect the debt that was accumulated prior to the date that they filed for bankruptcy. In accordance with the Bankruptcy Code and various bankruptcy court decisions, the City is not in a position to take action by not renewing their liquor license with respect to delinquent taxes and delinquent water bills prior to the date of filing. Mayor Nickita said that is a unique circumstance due to the Chapter 11 filing.

Commissioner Boutros said there are things we can control and things we cannot control and he expressed confidence that they are doing an excellent job. He encouraged all business owners, especially the Bistro owners, to spend more effort to keep our alleys clean. There have been some complaints and we see it also in the reports. We do not want more complaints of dumpsters getting filled and garbage overflowing.

MOTION: Motion by Bordman, seconded by Hoff:

To set a public hearing for 7:30 p.m. on Monday, March 13, 2017 in the City Commission room at the Birmingham Municipal Building, 151 Martin, Birmingham, MI 48009 to consider whether to file an objection with the Michigan Liquor Control Commission to the renewal of the license for consumption of intoxicating liquor on the premises currently held by the owners or operators of Ironwood Grill and/or Four Story Burger for the following reason: This entity is in violation of the City's SLUP amendment ordinance. Further to direct the City Manager to notify the owners and/or operators of Ironwood Grill / Four Story Burger in writing that they may submit any written material for consideration by the City Commission prior to the date of the public hearing or at the hearing that the licensee may appear in person at the hearing or be represented by counsel and that the licensee may present witnesses or written evidence at that hearing.

City Manager Valentine suggested the reason that it is being cited be clarified by citing Chapter 10 of the City Code, Section 10-40 (5) which reads: Licensee's failure to comply with the terms of its liquor license or any conditions imposed by the City Commission or the Liquor Control Commission at the time of issuance or transfer of the license.

Commissioner Bordman amended her motion to include that section of the Code. Commissioner Hoff agreed to the amendment as supporter of the motion.

The motion is amended as follows:

To set a public hearing for 7:30 PM on Monday, March 13, 2017 in the City Commission Room at the Birmingham Municipal Building, 151 Martin, Birmingham, MI 48009, to consider whether to file an objection with the Michigan Liquor Commission to the renewal of the license for

consumption of intoxicating liquor on the premises currently held by the owners/operators of Ironwood Grill and/or Four Story Burger, for the following reasons: Sec. 10.40 (5) Licensee's failure to comply with the terms of its liquor license or any conditions imposed by the city commission or the liquor control commission at the time of issuance or transfer of the license, to wit: Requires Special Land Use amendment. Further, to direct the City Manager to notify the owners/operators of Emagine/Ironwood Grill, in writing, that they may submit any written material for consideration by the City Commission prior to the date of the public hearing or at the hearing, that the licensee may appear in person at the hearing or be represented by counsel and that the licensee may present witnesses or written evidence at the hearing.

Chris Poulos, General Manager for Emagine Palladium, now Four Story Burger said the contactor developer Ron and Roman was to submit the application. He added managers would never be able to fill out such an application so the fact that a manager was talked to or communicated with and said that they would do so, they would never be allowed to at that level. He said either co-owner John Goldstein or Paul Glanz would take charge of that. He added it is the same ownership for Emagine Palladium and Four Story Burger that it was when it was Ironwood Grill; only the name has changed. He said Ron and Roman were contacted a couple of weeks ago and we were told that they have submitted the application.

City Attorney Valentine said it has not been submitted yet. He said conversations have been taken place with Mr. Goldstein. City Manager Valentine suggested submitting the application prior to the public hearing at the next meeting.

VOTE: Yeas, 6
 Nays, 0
 Absent, 1 (Sherman)

MOTION: Motion by Harris, seconded by DeWeese:

To approve the renewal for the 2017 licensing period of all Class B, and Microbrewery Liquor licenses for which a current year application was received except for the license by Ironwood Grill for which a public hearing has been set.

Mayor Nickita commented we have some very fine establishments, and they are doing a very good job at representing the City well.

VOTE: Yeas, 6
 Nays, 0
 Absent, Sherman

02-48-17: CROSSWALK PAVEMENT MARKINGS STANDARD POLICY

City Engineer O'Meara explained that the Multi Modal Board has revised its recommendation for pavement marking design standards. The biggest change is the width of the painted bars that are going to be a part of the pavement markings. We went with the 24 inch wide with any new pavement markings no matter what street they are on with a 24 inch gap between. Further analysis on costs determined that if every single crosswalk in the City was remarked with the 24 inch, which will take several years to accomplish, we would be pay about 60% more each year than we are now. Today we are paying about \$18,000 per year. So it will be a slow incremental increase in costs over several years if you were to enact this policy as now stated. The other change suggested now is that there be three categories.

Commission Hoff continued with Mr. O'Meara that the stripes will be 24 inches wide and the space between stripes would be 24 inches. He added that the length of the bar which could also be referred to as the width of the walking path, would be 12 feet.

Commissioner questioned why Cranbrook was left off the major street category? Mr. O'Meara said it did not really cross my consideration because it is a County road. If the City was in a position where it wanted to mark a crosswalk differently, we would work with the County to get that accomplished and they would have input on that. If the Commission wants to add that to the list we certainly can.

Commissioner DeWeese said he thinks of it as a major road but other than that, he is satisfied with the list.

Commissioner Bordman said that perhaps North Eton should also be included because there will be more pedestrian traffic heading toward Whole Foods from that area. She suggested the entire street be included.

Commissioner DeWeese added N. Eton is a big border street for that neighborhood.

Mayor Pro Tem Harris asked if under the proposal, North Eton would be marked 6 feet wide. Mr. O'Meara confirmed it would. Mr. O'Meara also added the crosswalks could be 12 feet wide, which is probably more than we need there.

Mayor Nickita said it is a matter of interpretation. We are trying to set a basic fundamental standard that is not absolute, meaning that there is opportunity for this to vary. One way to look at it is that the width is relative to the amount of people that are on it, but it also is something that can be considered wider because it is more obvious to high traffic area. An argument can be made for a place like Oak, even though it is pedestrian, even though it is not a commercial district, it does not have a lot of pedestrians, and the cars are generally going fast. We are hope that drivers see crosswalk before they get to it, which means the wider the crosswalk, the more easily it will be seen. He suggested that would add all of Lincoln Oak, and North Eton into the mix of potentially being wider. So it is a consideration to either add those in or to clarify the criteria of what we are trying to achieve with a wider standard.

Commissioner Hoff suggested some streets would need to be evaluated as to what size would make sense there.

Mayor Pro Tem Harris asked if there is some flexibility in the policy that if we wanted to include North Eton, but 12 feet didn't make sense we have that flexibility implementing the crosswalk. Mr. O'Meara said the policy takes away that flexibility from the engineer.

Mayor Nickita said we have the Multi-Modal Board to review those issues where there is not going to be a one size fits all. We are going to have some interpretation of whether some of these standards are appropriate or if they need to be varied. We are starting with something we are defining as the base. It is important that we do not have it undefined but at the same time inflexible so there is no change based on odd conditions, which of course come up all the time. That is where Multi-Modal Board factors in and the Board would look at all of these things. It provides flexibility but also a basis to work with that is erring on the side of safety and more appropriately walkable than where we are now.

Commissioner Boutros thanked the Board for the work done on this recommendation.

Commissioner Hoff said based on the comments and what the Multi-Modal Board came up with, she supports this motion for the streets listed. She added that this is a starting point and if at some point, it is determined that a location should be wider, it could be done.

Mayor Nickita said it is a work in progress, because we are going from not having a standard to having a standard and some areas still need definition. The orientation of the stripes for example, sometimes are parallel to the adjacent curb, sometimes are not and sometimes the edges are not defined, or are over sprayed. That is another standard that comes to mind. There is something to be said about having a standard of aligning to the adjacent curb. There are some details on how that gets done, and he is not certain that we have a handle on a standard there. City Engineer said the MDOT drawing shows that they should be aligned with the wheel path. We do have some that do not meet that standard but they will now.

Mayor Nickita said the other aspect is the spray versus the vinyl. They are very definitive. That is an area of study that we need to consider. It is a cost factor and there are many factors involved. He suggested it is could be phase II of the discussion of standards.

Commissioner DeWeese agreed that is something for us to consider, maybe not in the neighborhood but any place that is a high priority area.

MOTION: Motion by Boutros, seconded by Hoff:

To adopt the following standard policy for the design of all future crosswalk pavement markings in the City of Birmingham, as recommended by the Multi-Modal Transportation Board:

All new painted crosswalks installed shall be of the continental style, as outlined on MDOT Detail Sheet PAVE-945-C, Sheet 3 of 3, with the exception that all painted bars shall be 24 inches wide spaced as close to 24 inches apart as possible. Crosswalk widths shall be installed as follows:

On Major Streets within the Central Business District, Triangle District, Rail District, or Adjacent to Schools:

Total width of the crosswalk shall be 12 to 14 feet wide. Crosswalks at the upper width limit may be installed when traffic signals are present.

On Local Streets within the Central Business District, Triangle District, Rail District, or Adjacent to Schools:

Total width of the crosswalk shall be 8 feet wide, unless the adjacent sidewalk main walking path is wider, at which point it shall be widened to match the main walking path width.

At All Other Locations:

Total width of the crosswalk shall be 6 feet wide.

The following shall be considered Major Streets (within the specific districts noted) for the purposes of this standard:

Woodward Ave.

Old Woodward Ave.

Maple Rd.

Southfield Rd.

Adams Rd.

Willits St.

Oakland Blvd.

Chester St.

Brown St.
S. Eton Rd.
E. Lincoln Ave.

VOTE: Yeas, 6
 Nays, 0
 Absent, 1 (Sherman)

Mayor Nickita said that we need to move forward on taking a look at some of these other details and said this is a foundation. We move this forward as a standard, there is opportunity for it to be revised as needed, but we do need to look at the material issue sooner than later. Maybe we can take a look at that in the upcoming meetings.

City Engineer O'Meara suggested the Multi-Modal Transportation Board could amend their standard policy with some language that encompasses the materials while taking into account these considerations so that it is all part of their recommendation to you with the standard policy.

Commissioner Hoff asked if the Multi-Modal Board would consider costs. Mr. O'Meara said historically we have shared the cost component with them in regard to this standard. If the standard is to be amended, it should come from them in the form of a recommendation. The additional information that is more relevant to the Commission in terms of cost is something that you would put more merit on than they would since they are more design oriented. For purposes of the design component and the recommendation of materials and the pros and cons, they would initially vet that for you and come forward with kind of a more supplemental piece to this.

VOTE: Yeas, 6
 Nays, 0
 Absent, 1 (Sherman)

02-49-17: WATER LATERAL REPLACEMENT POLICY

City Engineer O'Meara explained this topic was brought up in long range planning and the focus was on the fact that we do have some relatively new streets that are being cut up due to houses being torn down and replaced relatively frequently in certain neighborhoods. That requires a one inch minimum water service or water lateral and so there has been some frustration on the part of various neighbors and city staff that we continue to see this happening. The only way to really corner that issue is to start putting in one inch water services at each home where there is currently a $\frac{3}{4}$ inch. In order to do that we would want to amend the policy where today we are just doing that for sewer laterals. We have been doing that for 10 years now where the sewer lateral gets replaced based on age and the water service has been a voluntary thing. We do get a handful of people or property owners that do volunteer to get their service replaced at their expense, but we will never see the large numbers there because a lot of people don't see the long term value in that. It would have to become a forced issue with a special assessment similar to the sewer assessment. There has been very little negative feedback about replacing the sewer lateral as part of our City projects, so it may be time to do that as well with the water service.

Commissioner Hoff asked if we implement this new program of a mandatory replacement, the City will no longer be paying for the replacement of lead or iron water lateral. City Engineer O'Meara confirmed the City will no longer pay for the replacement.

Commissioner DeWeese asked what the costs are currently to a home owner or builder if they want to make a cut in the street so that the City can cover all the costs of getting the street back to allegedly the condition the street was before the destruction was made. Mr. O'Meara responded it is in the range of \$4,000 to \$6,000.

Commissioner DeWeese asked if that gets the street up to the standard now that we have a cut in the street. Mr. O'Meara said it is a patch, and it will age at a different rate than the original pavement would.

Commissioner DeWeese asked are we fully covering the costs to get street back to the same condition. Mr. O'Meara said the trench maintenance fee is charged. He added the fee is reviewed on a regular basis and was increased recently.

Commissioner DeWeese asked if the suggested resolution too restrictive. He suggested changing the wording to "at least one inch". The City's policy would be one inch but if the owner wanted to upgrade to a larger size, if they were willing to pay at the time. Mr. O'Meara agreed.

Commissioner DeWeese commented some people might view this as onerous to have it done up front because they never plan themselves to do anything to the house. There is still some benefit of doing it, and it gives the City a common infrastructure and a common standard that we expect everyone to have. Mr. O'Meara said sometimes there is a big benefit and sometimes there is not, so does not tell people to expect a big benefit.

Commissioner Bordman said she supports this initiative. It is important that the City maintain its infrastructure in all aspects. She asked if a street is to be replaced because of a petition by the homeowners, will this resolution apply. Mr. O'Meara confirmed it would apply.

Commissioner Bordman asked if applied to tear downs. Mr. O'Meara said tear downs are happening everywhere and are required to get a one inch service. That is where the cut in the street is occurring.

MOTION: Motion by Boutros, seconded by DeWeese:

To adopt a policy that when the City is undertaking a project wherein the existing street pavement is being completely removed and replaced, the Engineering Dept. shall prepare plans that include the replacement of all water laterals that are less than 1 inch, no matter what material was used, to be replaced with at least 1 inch copper or plastic water lateral pipe. Further, requiring the replacement of any size lead or iron water service, to be replaced with the same size pipe using either copper or plastic lateral pipe. All such improvements shall be charged to the adjacent benefitting property owner, and included in the special assessment district already being created for said project covering the cost of sewer lateral replacements. Assessments shall be based on the unit price per foot charged by the contractor in the applicable contract. The City shall cover all inspection and surface restoration costs.

VOTE: Yeas, 6
 Nays, 0

Absent, 1 (Sherman)

02-50-17: AMENDMENT TO SCHEDULE OF FEES – STORM WATER UTILITY FEES

City Engineer O'Meara explained the storm water utility fee was authorized in December and is now in place. The first third of the City customers received their bill in late January and another round will be going out since it is late February. Some calls are coming in, and we would like to help these people. He identified three different areas where a fee would be appropriate. The first one is if they are asking for a credit. The Court's settlement required that there be an opportunity to do certain things on your property that would reduce the storm water runoff in exchange for a credit, so there is a list of various things that you can do to your property to help get the credit approved. There would be a fee for us to review that plan and approve a credit, which would then apply for a certain number of years depending on what it is according to the schedule. The second one would cover the City review for those who might want to consider a relatively large improvement, but are unsure whether or not it is going to be worth the money. The City could do a determination on that and give them a calculation on what that change would be from their current situation. The third fee would cover a hearing before the appeals board that would be scheduled. There would be a \$50.00 fee. We wanted to keep it simple and not onerous, since this is not something that people are voluntarily getting into, but as a property owner, they have to deal with this.

Commissioner Hoff said this sounds very reasonable and asked about the storm water utility appeals board. Mr. O'Meara said it was created as a part of the appointments.

Acting Clerk Arft said we have two applications for the Board currently.

City Engineer O'Meara said the applicants are two civil engineers pending to come before you to be interviewed. We are also looking for an at-large resident.

City Engineer O'Meara explained some of the credits that you see there have an asterisk relative to being multiplied. If it is a larger property, it could potentially be a relatively large amount of savings. We do not want to issue a credit unless there is clearly a difference on the run off.

Commissioner Hoff asked what the renewal period mean. Mr. O'Meara replied we would like to go back at the appropriate time frame and make certain that it is still there and still working properly.

MOTION: Motion by Bordman, seconded by DeWeese:

To amend the Schedule of Fees, Engineering Dept., to reflect new fees and credits pertaining to the Storm Water Utility Fee.

VOTE: Yeas, 6
Nays, 0
Absent, 1 (Sherman)

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| VII. REMOVED FROM CONSENT AGENDA |
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The items removed from the Consent Agenda were taken care of earlier in the meeting.

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| VIII. COMMUNICATIONS |
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02-51-17: COMMUNICATIONS REGARDING FAIRWAY SIDEWALKS

Mayor Nickita noted a number of communications regarding sidewalks on Fairway Street had been received.

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| IX. OPEN TO THE PUBLIC FOR MATTERS NOT ON THE AGENDA |
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| X. REPORTS |
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02-52-17: COMMISSIONER COMMENTS

Mayor Nickita commented on the increased time on countdown numbers for pedestrians to cross streets he has noted in his visits to other cities. He suggested the City take a look at the intersections that are not pedestrian-friendly, such as Willits and Old Woodward, Bates and Willits, and also Chester and Maple.

02-53-17: CITY STAFF REPORTS

The Commission received the 2nd Quarter Financial Reports, and the December 2016 Investment Report, submitted by Finance Director Gerber, and the Great Lakes Water Authority Sewer Rate Update, submitted by City Engineer O'Meara.

Commissioner Bordman asked about the increase in the repayment of bonds. Finance Director Gerber said the increase is based on a fixed schedule of payments, and was not a surprise.

Commissioner Hoff asked about the Community Development Block Grant. Director Gerber explained that normally the City receives \$31,000 each year. Last year we had a carryover, and that was the reason for the \$72,000 revenue in the 2015-2016 budget. He added that the leftover funds are planned to be used for the police door to make it handicapped accessible. A budget amendment will be done at the time the contract for it is brought to the Commission for consideration.

Commissioner Hoff asked about the difference in the Greenwood Cemetery trust fund. Director Gerber said initially, we had no idea how many lots would be sold in the cemetery beginning in 2014-2015. The sales initially were numerous, but that has since slowed down, and therefore, a difference in amounts is seen.

Mayor Pro Tem Harris confirmed with Finance Director Gerber that GLWA's decisions do not affect the City's assessment for storm water, and this update concerns only sewage and water.

Commissioner DeWeese thanked staff for updating the Commission with the report.

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| XI. ADJOURN |
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The meeting was adjourned at 10:17 PM.

Cheryl Arft
Acting City Clerk

**AD HOC CITY CLERK SELECTION COMMITTEE
SPECIAL MEETING MINUTES
TUESDAY, MARCH 7, 2017
MUNICIPAL BUILDING, ROOM 205, 151 MARTIN
1:00 P.M.**

I. CALL TO ORDER

The meeting was called to order by Commissioner Sherman at 1:00 PM.

ROLL CALL: Present: Commissioner Bordman
Commissioner Sherman
City Manager Valentine
Human Resource Manager Taylor
Absent: None

Administration: Acting City Clerk Arft

II. CANDIDATE INTERVIEWS

The Committee interviewed Cherilynn Brown and Steven Gerhart, Jr.

The Committee recessed at 2:57 PM.

The Committee resumed at 3:00 PM.

III. FORMALIZE RECOMMENDATION

Human Resource Manager Taylor said that following the interviews of the two candidates by the Ad Hoc City Clerk Selection Committee, the candidate unanimously ranked #1 to recommend to the City Commission for appointment to the City Clerk position is Cherilynn Brown. Ms. Taylor added that prior to this interview, background checks were conducted on both candidates. There were no issues found in the investigation process, and the report indicated it was a satisfactory background investigation. She noted that Ms. Brown's current employer was notified of her participation in the selection process for the City Clerk position here, and the Detective Bureau did conduct a full investigation and found nothing of concern. Ms. Taylor explained that based upon the unanimous recommendation for Ms. Brown's selection by the Ad Hoc Selection Committee, her office will make contact with both candidates tomorrow.

City Manager Valentine suggested the Ad Hoc Committee formalize its recommendation to advance the top candidate, pending acceptance of the offer of employment with the City. We anticipate that on Monday, March 13, 2017, we will have a brief reception with the potential Clerk at 7:00 PM with the City Commission.

MOTION: Motion by Sherman, seconded by Bordman:

To formalize the recommendation of the Ad Hoc City Clerk Selection Committee that has been tabulated, subject to an employment offer being received and satisfactory terms negotiated for recommendation to the City Commission.

VOTE: Yeas, 4
Nays, 0
Absent, None

March 7, 2017

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

V. ADJOURN

The meeting was adjourned at 3:04 PM.

Cheryl Arft,
Acting City Clerk

City of Birmingham
Warrant List Dated 03/01/2017

Meeting of 03/13/2017

| Check Number | Early Release | Vendor # | Vendor | Amount |
|--------------|---------------|----------|-------------------------------------|----------|
| 248572 | | MISC | 21ST CENTURY BUILDING COMPANY | 300.00 |
| 248573 | * | 000855 | 48TH DISTRICT COURT | 50.00 |
| 248574 | * | 000855 | 48TH DISTRICT COURT | 100.00 |
| 248575 | * | 000855 | 48TH DISTRICT COURT | 100.00 |
| 248576 | * | 000855 | 48TH DISTRICT COURT | 100.00 |
| 248577 | * | 000855 | 48TH DISTRICT COURT | 100.00 |
| 248578 | * | 000855 | 48TH DISTRICT COURT | 100.00 |
| 248579 | * | 000855 | 48TH DISTRICT COURT | 100.00 |
| 248580 | * | 000855 | 48TH DISTRICT COURT | 300.00 |
| 248581 | * | 000855 | 48TH DISTRICT COURT | 100.00 |
| 248582 | * | 000855 | 48TH DISTRICT COURT | 100.00 |
| 248583 | * | 000855 | 48TH DISTRICT COURT | 45.00 |
| 248584 | * | 000855 | 48TH DISTRICT COURT | 100.00 |
| 248585 | | 002909 | ACOM SOLUTIONS, INC. | 360.00 |
| 248586 | | 003708 | AIRGAS USA, LLC | 40.23 |
| 248587 | | MISC | ALLEN BROTHERS INC. | 400.00 |
| 248588 | | MISC | ALLEN INDUSTRIES | 200.00 |
| 248589 | | 007787 | ALLIED PLUMBING & SEWER | 192.83 |
| 248590 | | 003243 | AMERICAN PRINTING SERVICES INC | 1,980.00 |
| 248591 | | MISC | AMERICAN ROLL SHUTTER & AWNING | 200.00 |
| 248592 | | MISC | AMERICAN STANDARD ROOFING | 500.00 |
| 248593 | | MISC | ANDERSON RESTORATION INC. | 100.00 |
| 248594 | * | 007510 | GRANT ANKNEY | 22.84 |
| 248595 | | 001394 | APCO INTERNATIONAL INC | 61.34 |
| 248596 | | 000500 | ARTECH PRINTING INC | 114.00 |
| 248597 | | MISC | ASPHALT SPECIALIST INC | 100.00 |
| 248598 | * | 006759 | AT&T | 97.50 |
| 248599 | * | 006759 | AT&T | 81.43 |
| 248601 | * | 006759 | AT&T | 103.35 |
| 248602 | | MISC | BABI CONSTRUCTION INC | 1,900.00 |
| 248603 | * | 005214 | THE BANK OF NEW YORK MELLON | 7,100.00 |
| 248604 | * | 003839 | MATTHEW J. BARTALINO | 15.00 |
| 248605 | | 003012 | BATTERIES PLUS | 79.80 |
| 248606 | | 007624 | BIRMINGHAM OIL CHANGE CENTER, LLC | 31.97 |
| 248607 | | 000525 | BIRMINGHAM PUBLIC SCHOOLS | 72.00 |
| 248608 | * | 001086 | CITY OF BIRMINGHAM | 205.06 |
| 248609 | | MISC | BLOOMFIELD CONSTRUCTION CO | 200.00 |
| 248610 | | MISC | BLOOMINGDALE CONSTRUCTION COMPANY I | 2,500.00 |
| 248611 | * | 003282 | LISA MARIE BRADLEY | 306.00 |
| 248612 | | MISC | BRIDGEWOOD HOMES LLC | 100.00 |
| 248613 | | MISC | CARLYSLE & LLOYD INC | 300.00 |
| 248614 | | MISC | CHANDLER III, CHARLES | 100.00 |
| 248615 | | MISC | CHARLES J LEMAIRE | 100.00 |

City of Birmingham
Warrant List Dated 03/01/2017

Meeting of 03/13/2017

| Check Number | Early Release | Vendor # | Vendor | Amount |
|--------------|---------------|----------|-------------------------------------|-----------|
| 248616 | | MISC | CHAYKA CONSTRUCTION CO INC | 200.00 |
| 248617 | | 000605 | CINTAS CORPORATION | 119.76 |
| 248618 | | 001054 | CITY OF TROY | 601.41 |
| 248619 | | 001054 | CITY OF TROY | 15,719.49 |
| 248620 | * | 000912 | MARK CLEMENCE | 93.25 |
| 248621 | * | 007625 | COMCAST | 502.08 |
| 248622 | * | 000627 | CONSUMERS ENERGY | 12,363.90 |
| 248623 | | MISC | CRANBROOK CONTRACTUAL SERVICES | 100.00 |
| 248624 | | 003923 | CUMMINS BRIDGEWAY LLC | 1,108.19 |
| 248625 | | MISC | DESROSIERS ARCHITECTS | 500.00 |
| 248626 | | MISC | DG RESIDENTIAL SALES LLC | 2,500.00 |
| 248627 | | 008134 | DIAMOND Y DOOR SOLUTIONS INC | 680.00 |
| 248628 | | 000995 | DSS CORPORATION | 1,742.84 |
| 248629 | * | 000179 | DTE ENERGY | 20,417.67 |
| 248630 | * | 000179 | DTE ENERGY | 236.88 |
| 248631 | * | 000180 | DTE ENERGY | 57,255.24 |
| 248633 | * | 005322 | DTE ENERGY COMPANY | 12,411.78 |
| 248634 | | MISC | E J W CONSTRUCTION | 100.00 |
| 248635 | | MISC | E L ELECTRICAL CONTRACTING | 467.00 |
| 248636 | | 000493 | ED RINKE CHEVROLET BUICK GMC | 49.45 |
| 248637 | | 000196 | EJ USA, INC. | 1,323.92 |
| 248638 | | MISC | ERIC COSTELLO | 100.00 |
| 248639 | | 001230 | FIRE SYSTEMS OF MICHIGAN INC | 159.00 |
| 248640 | | MISC | FLORIAS, KIMON | 100.00 |
| 248641 | | 007212 | FOSTER BLUE WATER OIL | 1,891.34 |
| 248642 | | MISC | FRANK P. DUDLAR | 50.00 |
| 248643 | | 002510 | GAMCO INVESTORS INC | 22,605.00 |
| 248644 | | 002814 | GENERAL CASTER SERVICE INC | 1,795.84 |
| 248645 | | 006384 | GEOGRAPHIC INFORMATION SERVICES, IN | 226.98 |
| 248646 | | 004604 | GORDON FOOD | 27.94 |
| 248647 | | MISC | GRACE CONSTRUCTION COMPANY | 100.00 |
| 248648 | * | 000247 | DAVID GREENWOOD | 15.00 |
| 248649 | | MISC | GREGORY L. BLAKE | 100.00 |
| 248650 | | 001531 | GUNNERS METER & PARTS INC | 1,104.00 |
| 248651 | | 001447 | HALT FIRE INC | 1,644.10 |
| 248652 | | MISC | HARTFORD ROOFING & SIDING CO. | 100.00 |
| 248653 | | MISC | HARTFORD ROOFING & WARRANTY CO LLC | 100.00 |
| 248654 | | 001672 | HAYES GRINDING | 54.50 |
| 248655 | | MISC | HEWSON HOMES LLC | 500.00 |
| 248656 | | MISC | HODGSON, DEREK F | 100.00 |
| 248657 | | 001040 | HOOR MEDIA LLC | 1,085.00 |
| 248658 | | 000342 | INTERSTATE BATTERY SYSTEM | 86.95 |
| 248659 | | 002407 | J & B MEDICAL SUPPLY | 586.50 |

City of Birmingham
Warrant List Dated 03/01/2017

Meeting of 03/13/2017

| Check Number | Early Release | Vendor # | Vendor | Amount |
|--------------|---------------|----------|----------------------------------|-----------|
| 248660 | | MISC | J.D. CANDLER | 100.00 |
| 248661 | | MISC | JAMES ANTHONY WIESE | 250.00 |
| 248662 | | MISC | James Wiese | 2,500.00 |
| 248663 | | 003458 | JOE'S AUTO PARTS, INC. | 440.36 |
| 248664 | | MISC | JONNA CONSTRUCTION CO LLC | 100.00 |
| 248665 | | MISC | JUSTIN ISAAC SILVEY | 400.00 |
| 248666 | | MISC | K CUSTOM HOME | 300.00 |
| 248667 | * | 007827 | HAILEY R KASPER | 150.00 |
| 248668 | * | MISC | KELLY CRUICE | 165.63 |
| 248669 | | 004088 | KGM DISTRIBUTORS INC | 22.00 |
| 248670 | | 001406 | KIPLINGER LETTER | 146.00 |
| 248671 | * | 000352 | JILL KOLAITIS | 1,644.00 |
| 248672 | | 005876 | KROPF MECHANICAL SERVICE COMPANY | 352.50 |
| 248673 | | MISC | LABELLE SASH & SCREEN | 100.00 |
| 248674 | | 005550 | LEE & ASSOCIATES CO., INC. | 1,209.78 |
| 248675 | | MISC | LEMAN ADEL AUSI | 500.00 |
| 248676 | | MISC | LIVE WELL CUSTOM HOMES LLC | 2,500.00 |
| 248677 | | MISC | LMB PROPERTIES LLC | 400.00 |
| 248679 | | MISC | MATTHEWS, RYAN J | 100.00 |
| 248680 | | 002169 | MAYO WELDING & FAB. CO INC | 275.00 |
| 248681 | * | 001505 | MEADOWBROOK INSURANCE GROUP | 20,184.00 |
| 248682 | * | 004663 | MGIA | 585.00 |
| 248683 | | 001660 | MICHIGAN CAT | 192.27 |
| 248684 | | 003860 | MICHIGAN CHANDELIER - SF | 37.39 |
| 248685 | | 007765 | MICHIGAN INDEPENDENT DOOR CO. | 200.00 |
| 248686 | * | 001387 | MICHIGAN MUNICIPAL LEAGUE | 5.15 |
| 248687 | * | 008350 | VERONICA MILLER | 104.50 |
| 248688 | | MISC | MJR SERVICES LLC | 100.00 |
| 248689 | | MISC | MODERN XTERIOR IMPROVEMENT LLC | 100.00 |
| 248690 | | 008367 | NATIONAL HOSPITALITY INSTITUTE | 260.00 |
| 248691 | | 001194 | NELSON BROTHERS SEWER | 904.00 |
| 248692 | | MISC | NICHOLAS FREUND BUILDING LLC | 40,000.00 |
| 248693 | | 006359 | NYE UNIFORM COMPANY | 612.40 |
| 248694 | | MISC | OHANA FAMILY CONSTRUCTION LLC | 100.00 |
| 248695 | * | 008352 | OLIVER'S LLC | 5,995.00 |
| 248696 | * | 005794 | PAETEC | 701.88 |
| 248697 | | MISC | PAWEL STEFAN MIKOLAJEWSKI | 100.00 |
| 248698 | | MISC | PELLA WINDOOWS | 100.00 |
| 248699 | | 006027 | PENCHURA, LLC | 209.30 |
| 248700 | * | 001753 | PEPSI COLA | 196.86 |
| 248701 | | 007368 | PHASE FOUR INVESTIGATIONS | 380.00 |
| 248702 | | MISC | POWER HOME REMODELING GROUP | 200.00 |
| 248703 | * | MISC | RAM RESIDENTIAL SPECIALIST INC | 235.00 |

City of Birmingham
Warrant List Dated 03/01/2017

Meeting of 03/13/2017

| Check Number | Early Release | Vendor # | Vendor | Amount |
|--------------|---------------|----------|-------------------------------------|------------|
| 248704 | | MISC | RANDALL J FENTON | 600.00 |
| 248705 | | MISC | ROBERT J SOWLES | 200.00 |
| 248706 | | MISC | ROMA CEMENT | 100.00 |
| 248707 | * | 007562 | MIKE ROMANOWSKI | 589.36 |
| 248708 | | MISC | ROYAL OAK & BIRMINGHAM | 200.00 |
| 248709 | | MISC | ROYAL ROOFING CO. INC. | 500.00 |
| 248710 | | MISC | ROYALTY HOME BUILDERS | 1,400.00 |
| 248711 | | 005759 | SCHENA ROOFING & SHEET METAL | 765.00 |
| 248712 | | 000758 | SCHOOLCRAFT COLLEGE | 750.00 |
| 248713 | | MISC | SHERRIFF-GOSLIN CO. | 100.00 |
| 248714 | * | 000260 | SPARTAN DISTRIBUTORS INC | 92,854.03 |
| 248715 | | 001369 | SPEEDWAY LLC | 271.59 |
| 248716 | | MISC | STAFSA, ARBAN | 500.00 |
| 248717 | | MISC | STICKNEY, JOHN T | 100.00 |
| 248718 | | 000273 | TERMINAL SUPPLY CO. | 181.54 |
| 248719 | | MISC | THREE WOOD LIMITED PTNRSH | 100.00 |
| 248720 | | 000275 | TIRE WHOLESALERS CO INC | 201.56 |
| 248721 | * | 002037 | TOTAL ARMORED CAR SERVICE, INC. | 714.83 |
| 248722 | | MISC | TOWN BUILDING COMPANY | 2,000.00 |
| 248723 | | 008372 | TREASURER, CITY OF STERLING HEIGHTS | 318.53 |
| 248724 | | MISC | TRESNAK CONSTRUCTION INC | 100.00 |
| 248725 | | 007587 | TRI-COUNTY AQUATICS, INC. | 400.00 |
| 248726 | | MISC | TRIPLE G CONSTRUCTION INC | 100.00 |
| 248727 | | MISC | TROWBRIDGE HOMES CONSTRUCTION LLC | 1,900.00 |
| 248728 | | 000278 | TROY AUTO GLASS CO INC | 559.70 |
| 248729 | * | 000158 | VERIZON WIRELESS | 226.37 |
| 248730 | * | 000158 | VERIZON WIRELESS | 50.37 |
| 248731 | * | 000158 | VERIZON WIRELESS | 511.68 |
| 248732 | * | 000969 | VIGILANTE SECURITY INC | 85.00 |
| 248733 | * | 002974 | VILLAGE OF BEVERLY HILLS | 138,579.87 |
| 248734 | * | 001697 | VOSS SIGNS, LLC | 141.40 |
| 248735 | | MISC | WALLSIDE INC | 500.00 |
| 248736 | | MISC | WEATHERGARD WINDOWS CO INC | 600.00 |
| 248737 | * | 000299 | WEINGARTZ SUPPLY | 248.50 |
| 248738 | * | 000301 | PAUL WELLS | 15.00 |
| 248739 | * | 007355 | LINDSAY WILLEN | 804.00 |
| 248740 | | MISC | WINDOW PRO HOLDINGS LLC | 100.00 |
| 248741 | | 004512 | WOLVERINE POWER SYSTEMS | 332.50 |
| 248742 | * | 003890 | LAUREN WOOD | 569.19 |
| 248743 | * | 003890 | LAUREN WOOD | 525.00 |
| 248744 | * | 008008 | JEFF ZIELKE | 199.00 |

City of Birmingham
Warrant List Dated 03/01/2017

Meeting of 03/13/2017

| Check Number | Early Release | Vendor # | Vendor | Amount |
|-------------------|---------------|----------|--------|--------------|
| Sub Total Checks: | | | | \$512,335.40 |
| Sub Total ACH: | | | | \$81,778.01 |
| Grand Total: | | | | \$594,113.41 |

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
ACH Warrant List Dated 3/1/2017

| Vendor Name | Transfer Date | Transfer Amount |
|-----------------------------------|---------------|-----------------|
| Automated Benefit Services, Inc. | 2/27/2017 | 78,052.94 |
| Cutwater Asset Management-January | ** | 3,725.07 |
| TOTAL | | 81,778.01 |

**Awaiting approval from Commission.

Cutwater Asset Management provides advisory and reporting services for the City's general investments. It was acquired by Bank of New York Mellon, N.A. in January 2015. As a result of the acquisition, they no longer accept checks as payment for services. Once the Commission approves this warrant list, the City will electronically transmit payment. These invoices will appear once a month on the ACH Warrant List.

City of Birmingham
Warrant List Dated 03/08/2017

Meeting of 03/13/2017

| Check Number | Early Release | Vendor # | Vendor | Amount |
|--------------|---------------|----------|------------------------------------|-----------|
| 248745 | | MISC | 21ST CENTURY BUILDING COMPANY | 200.00 |
| 248746 | * | 000855 | 48TH DISTRICT COURT | 100.00 |
| 248747 | * | 008096 | 52-1 DISTRICT COURT | 100.00 |
| 248748 | | 002284 | ABEL ELECTRONICS INC | 184.00 |
| 248749 | | 008226 | KATHI ABELA | 468.00 |
| 248750 | | MISC | ABELARDE, JOHN J | 100.00 |
| 248751 | | MISC | ACR WORKS | 100.00 |
| 248752 | | MISC | ADAM MICHAEL ZIMMERMAN | 100.00 |
| 248753 | | 003708 | AIRGAS USA, LLC | 56.13 |
| 248754 | | 007696 | AMERICAN CLEANING COMPANY LLC | 1,350.00 |
| 248755 | | 008246 | ANCHOR BAY POWDER COAT, LLC | 6,000.00 |
| 248756 | | 002679 | ANCHOR WIPING CLOTH CO | 180.00 |
| 248757 | | MISC | ANDERSONS INSTALLATION SERVICE INC | 100.00 |
| 248758 | * | 007510 | GRANT ANKNEY | 15.00 |
| 248759 | * | 007510 | GRANT ANKNEY | 4.89 |
| 248760 | | 008269 | ARGUS-HAZCO | 394.80 |
| 248762 | | MISC | ARTISAN WORKSHOPS | 100.00 |
| 248763 | * | 006759 | AT&T | 104.85 |
| 248764 | * | 007216 | AT&T | 69.50 |
| 248765 | | MISC | B-DRY SYSTEM OF MICHIGAN INC. | 125.00 |
| 248766 | | MISC | BASEMENT CRACKS & LEAKS/METRO | 100.00 |
| 248767 | | 003012 | BATTERIES PLUS | 102.88 |
| 248768 | | MISC | BECK-STANO, CAROL | 100.00 |
| 248769 | * | 000517 | BEIER HOWLETT P.C. | 30,333.00 |
| 248771 | | 000518 | BELL EQUIPMENT COMPANY | 2,894.95 |
| 248772 | | 007345 | BEVERLY HILLS ACE | 24.58 |
| 248774 | * | 008334 | DAVID BUTTIGIEG | 139.37 |
| 248776 | | 003907 | CADILLAC ASPHALT, LLC | 5,549.90 |
| 248777 | | 008363 | CAPTAIN DAVE'S, INC | 499.39 |
| 248779 | | 002067 | CENTRAL PARKING SYSTEM | 84.00 |
| 248780 | | 000603 | CHEMCO PRODUCTS INC | 442.00 |
| 248781 | * | 007835 | SARAH CHUNG | 86.75 |
| 248782 | | 000605 | CINTAS CORPORATION | 13.41 |
| 248783 | | 008044 | CLUB PROPHET | 590.00 |
| 248784 | | 002234 | CMP DISTRIBUTORS INC | 177.00 |
| 248785 | | 004188 | COFFEE BREAK SERVICE, INC. | 102.00 |
| 248786 | * | 007625 | COMCAST | 183.33 |
| 248787 | * | 000627 | CONSUMERS ENERGY | 1,143.45 |
| 248788 | | MISC | COPELAND PAVING INC. | 100.00 |
| 248789 | * | 005108 | CORELOGIC TAX SERVICE | 712.61 |
| 248790 | | MISC | COUNTRYSIDE CONSTRUCTION | 500.00 |
| 248791 | | MISC | DAN LYNCH | 500.00 |
| 248792 | | MISC | DANA JOY VANMARTER | 100.00 |

City of Birmingham
Warrant List Dated 03/08/2017

Meeting of 03/13/2017

| Check Number | Early Release | Vendor # | Vendor | Amount |
|--------------|---------------|----------|-------------------------------------|------------|
| 248793 | | 000956 | DELTA TEMP INC | 15,813.40 |
| 248794 | | MISC | DEMUYT & KELLEY CUSTOM RENOVA. | 500.00 |
| 248795 | | 007359 | DETROIT CHEMICAL & PAPER SUPPLY | 69.58 |
| 248797 | * | 007980 | CURTIS DAVID DICHO | 168.00 |
| 248798 | | MISC | DJL 1 LLC | 900.00 |
| 248799 | | MISC | DOROTHY M JOHNSON TRUSTEE | 100.00 |
| 248801 | * | 000179 | DTE ENERGY | 2,367.77 |
| 248802 | | MISC | EARL, MICHAEL | 100.00 |
| 248803 | | MISC | ELLMAN, RONALD B | 100.00 |
| 248804 | | MISC | ELSHOLZ, SUSAN JOAN | 100.00 |
| 248805 | | 008308 | ERADICO PEST SERVICES | 38.00 |
| 248806 | | 001495 | ETNA SUPPLY | 2,400.00 |
| 248807 | | 003796 | F & G BUSINESS MACHINES | 176.34 |
| 248808 | | MISC | FAIRBROTHER, IAN | 100.00 |
| 248809 | * | 000936 | FEDEX | 439.38 |
| 248811 | | MISC | FIRST COMMERCIAL REALTY & DEVE | 100.00 |
| 248812 | | MISC | FOUNDATION SYSTEMS OF MICHIGAN INC. | 100.00 |
| 248813 | | 007172 | GARY KNUREK INC | 516.88 |
| 248814 | | 004604 | GORDON FOOD | 341.26 |
| 248815 | | 001531 | GUNNERS METER & PARTS INC | 428.00 |
| 248819 | | 003749 | HECKLER & KOCH DEFENSE, INC. | 30.00 |
| 248820 | | MISC | HM HOMES LLC | 1,400.00 |
| 248821 | * | 001956 | HOME DEPOT CREDIT SERVICES | 1,706.40 |
| 248822 | | MISC | HOME RENEWAL SYSTEMS LLC | 2,000.00 |
| 248823 | | 005827 | THOMAS HUGHES | 15.00 |
| 248824 | | 008378 | THE HUNTINGTON NATIONAL BANK | 221,272.51 |
| 248826 | | 002407 | J & B MEDICAL SUPPLY | 619.46 |
| 248827 | | MISC | J.D. CANDLER | 300.00 |
| 248828 | | 000261 | J.H. HART URBAN FORESTRY | 24,779.84 |
| 248829 | | 004391 | JANSSEN REFRIGERATION CO., INC | 105.00 |
| 248830 | * | MISC | JASON F JARJOSA & | 2,455.45 |
| 248831 | | MISC | JBE MANAGEMENT LLC | 200.00 |
| 248832 | | 003458 | JOE'S AUTO PARTS, INC. | 356.24 |
| 248833 | | MISC | JOHN FRANCIS TETREAU | 100.00 |
| 248834 | | 000347 | JOHN R. SPRING & TIRE CENTER INC. | 2,956.90 |
| 248835 | | MISC | JOSEPH ADAMY & ASSOC. INC. | 500.00 |
| 248836 | * | MISC | JOSEPH T SAAD | 1,806.32 |
| 248837 | | MISC | JULIE HERTZBURG | 135.00 |
| 248838 | | MISC | K C MASONRY | 100.00 |
| 248839 | | 007423 | K/E ELECTRIC SUPPLY | 781.50 |
| 248840 | | MISC | KATIE DRUMMOND | 135.00 |
| 248841 | | 005350 | KLM BIKE & FITNESS INC | 67.50 |
| 248842 | | 000353 | KNAPHEIDE TRUCK EQUIPMENT | 989.51 |

City of Birmingham
Warrant List Dated 03/08/2017

Meeting of 03/13/2017

| Check Number | Early Release | Vendor # | Vendor | Amount |
|--------------|---------------|----------|----------------------------------|-----------|
| 248844 | | 005876 | KROPF MECHANICAL SERVICE COMPANY | 453.61 |
| 248845 | | MISC | L & P CUSTOM BUILDERS LLC | 850.00 |
| 248846 | * | 005327 | L-3 COMMUNICATIONS CORP. | 54.50 |
| 248847 | | MISC | LEVINE & SONS INC | 2,829.56 |
| 248848 | * | 007977 | KAREN LINGENFELTER | 414.00 |
| 248849 | * | 003945 | SANDRA LYONS | 126.00 |
| 248850 | | MISC | MARTINO ENTERPRISES INC | 100.00 |
| 248852 | | 000369 | MCMI | 1,050.00 |
| 248853 | | MISC | METROPOLITAN CONCRETE CORP | 100.00 |
| 248854 | | 007765 | MICHIGAN INDEPENDENT DOOR CO. | 2,750.00 |
| 248855 | | 000377 | MICHIGAN MUNICIPAL LEAGUE | 1,454.46 |
| 248856 | * | 000646 | STATE OF MICHIGAN | 230.00 |
| 248857 | | MISC | MILLER GARAGE BLDG CO. | 500.00 |
| 248859 | | MISC | MODIFIED ROOFING & CONSTR. | 100.00 |
| 248860 | | 007773 | MONSTER WORLDWIDE INC | 299.00 |
| 248861 | | 000972 | MOORE MEDICAL LLC | 423.57 |
| 248862 | | MISC | MR ROOF HOLDING CO LLC | 100.00 |
| 248863 | | MISC | MR. ROOF HOLDING CO., LLC | 100.00 |
| 248864 | | MISC | MYERS INNOVATIONS INC | 200.00 |
| 248865 | | MISC | N.C. CEMENT | 100.00 |
| 248866 | | MISC | NAGLE PAVING CO | 100.00 |
| 248867 | | MISC | NANCY HAGLE DUFFY | 1,000.00 |
| 248868 | | 007755 | NETWORK SERVICES COMPANY | 1,004.17 |
| 248870 | | 006359 | NYE UNIFORM COMPANY | 4,815.66 |
| 248872 | | MISC | OSCAR'S CEMENT | 100.00 |
| 248873 | | 006189 | P.F. PETTIBONE & CO. | 188.70 |
| 248874 | | 008380 | PB ELECTRONICS | 275.43 |
| 248875 | | 008380 | PB ELECTRONICS | 410.00 |
| 248876 | * | 007633 | CASEY PEDERSEN | 131.73 |
| 248877 | | MISC | PELLA WINDOWS & DOORS, INC. | 500.00 |
| 248878 | | 003629 | PREMIUM AIR SYSTEMS INC | 83.00 |
| 248879 | | 007979 | PRESIDIO INFRASTRUCTURE SOL. LLC | 35,609.20 |
| 248880 | | MISC | PROFESSIONAL SPRINKLER INC | 360.00 |
| 248881 | | 004137 | R & R FIRE TRUCK REPAIR INC | 371.50 |
| 248882 | * | 008379 | REPAIRCLINIC.COM | 70.78 |
| 248884 | * | MISC | RITA E DUNKER | 1,031.93 |
| 248885 | | 000478 | ROAD COMM FOR OAKLAND CO | 3,950.08 |
| 248886 | | MISC | ROBERT HARPSTER | 100.00 |
| 248887 | | MISC | ROOF ONE LLC | 100.00 |
| 248888 | | 000218 | ROYAL OAK P.D.Q. LLC | 118.60 |
| 248889 | | 002556 | CITY OF ROYAL OAK | 7,914.35 |
| 248890 | | MISC | ROYAL ROOFING CO.INC. | 200.00 |
| 248891 | * | MISC | RYAN JANZ & | 3,499.05 |

City of Birmingham
Warrant List Dated 03/08/2017

Meeting of 03/13/2017

| Check Number | Early Release | Vendor # | Vendor | Amount |
|-------------------|---------------|----------|-------------------------------------|----------------|
| 248892 | | 006832 | SAFEWARE INC. | 596.40 |
| 248893 | | 003785 | SIGNS-N-DESIGNS INC | 40.00 |
| 248894 | * | 006591 | MICHAEL SLACK | 15.00 |
| 248895 | * | 000254 | SOCRRA | 129,831.00 |
| 248896 | | 007907 | SP+ CORPORATION | 2,892.50 |
| 248897 | | 000260 | SPARTAN DISTRIBUTORS INC | 110.28 |
| 248898 | | 006783 | STATE OF MICHIGAN | 1,200.00 |
| 248899 | | MISC | STEVE TEBERIAN | 500.00 |
| 248900 | | 008381 | SUPERIOR MANUFACTURING | 2,052.12 |
| 248901 | | MISC | THORNTON & GROOMS INC. | 400.00 |
| 248902 | * | MISC | TITLE CONNECT | 125.00 |
| 248903 | | MISC | TOWNSEND BUILDING MANAGEMENT CO LLC | 500.00 |
| 248904 | | 008371 | TREDOC TIRE SERVICES | 596.10 |
| 248906 | * | 000158 | VERIZON WIRELESS | 151.75 |
| 248907 | | MISC | VINCENT, KATHERINE | 100.00 |
| 248908 | | 001014 | WALKER PARKING CONSULTANTS | 2,034.09 |
| 248909 | | MISC | WALLSIDE INC | 1,000.00 |
| 248910 | * | MISC | WALTER DOWNS | 1,037.50 |
| 248911 | | 004497 | WATERFORD REGIONAL FIRE DEPT. | 153.00 |
| 248912 | | 007914 | WATERWAY OF MICHIGAN LLC | 1,750.00 |
| 248914 | | MISC | WECHSLER CONSTRUCTION LLC | 300.00 |
| 248915 | | 007278 | WHITLOCK BUSINESS SYSTEMS, INC. | 1,570.50 |
| 248916 | * | 007894 | BRENDA WILLHITE | 600.00 |
| 248917 | * | MISC | WILLIAM DECKER MARITAL TRUST | 541.49 |
| 248918 | * | 007900 | RYAN WISEMAN | 15.00 |
| 248919 | | 000306 | WOLVERINE CONTRACTORS INC | 821.50 |
| 248920 | | 000309 | ZEP SALES AND SERVICE | 245.89 |
| 248921 | | MISC | ZURRO, AUSRA | 100.00 |
| Sub Total Checks: | | | | \$565,449.03 |
| Sub Total ACH: | | | | \$3,878,849.79 |
| Grand Total: | | | | \$4,444,298.82 |

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
ACH Warrant List Dated 3/8/2017

| Vendor Name | Transfer Date | Transfer Amount |
|----------------------------------|---------------|-----------------|
| Birmingham Schools | 3/2/2017 | 2,849,715.95 |
| Oakland County Treasurer | 3/2/2017 | 879,537.86 |
| Automated Benefit Services, Inc. | 3/6/2017 | 149,595.98 |
| TOTAL | | 3,878,849.79 |



MEMORANDUM

Engineering Dept.

DATE: March 3, 2017

TO: Joseph Valentine, City Manager

FROM: Paul T. O'Meara, City Engineer

SUBJECT: W. Merrill St. – Chester St. to Bates St.
Parking Meter Time Limits

Staff received a request to consider longer time limits in the area of the Community House. A three hour time limit was requested. A review of the existing conditions noted that the meters on Bates St. in front and rear of the Community House, as well as within Parking Lot 7, are already set with a 4 hour time limit. On the south side of the Community House, the north side of the street offers free parking with a 2 hour time limit, while the south side is reserved for residential permit parking only. W. Merrill St. to the north has 2-hour time limit meters on both sides of the street.

Staff first reviewed the situation with Community House and Library representatives. To appease interests on both sides of the street, it was decided that the best approach would be to consider changing the south side to a 4 hour time limit (to match what is being done on the other sides of the Community House), but leave the north side at a 2 hour limit (in deference to the shorter visits that Library patrons generally need).

The Advisory Parking Committee (APC) discussed the issue at their meeting of February 1. Both the Community House and the Library were represented and indicated their favor toward the recommendation. However, members of the APC were concerned that going to a longer time limit may encourage usage of this area by employees. The Committee asked for two additional pieces of information:

1. A survey of existing usage patterns in the area, both to determine current weekday demand, and to see if the existing 4 hour meters in the area are being used by employees.
2. Input on this topic from the Library Board.

The Library Board passed a motion in support of the change at their February meeting. In addition, usage survey information generated by SP+ staff indicated that demand was not very strong for the 4 hour meters, except on Friday, when the Senior Men's Club was in attendance. There was a small number of cars that exceeded the posted time limits, but it was not excessive.

The topic was discussed again at the March 1, 2017 APC meeting. Both the Community House and the Library were represented again. Since there did not appear to be any further potential resistance, the APC passed the following motion:

To recommend to the City Commission to increase the time limit for the eight (8) metered spaces on the south side of Merrill Street between Chester Street and S. Bates Street from two (2) to four (4) hours.

During the discussion, it was noted that the new upgraded meters are on order and will be arriving within the next two months. With that in mind, if this change is approved, the time limit will remain as is until the new meters are installed.

A suggested resolution follows below:

SUGGESTED RESOLUTION:

To accept the recommendation of the Advisory Parking Committee, and to approve an increase in the time limit for the eight (8) metered parking spaces on the south side of W. Merrill St. between Chester St. and Bates St. from two (2) to four (4) hours.



MEMORANDUM

Engineering Dept.

DATE: January 26, 2017

TO: Advisory Parking Committee

FROM: Austin W. Fletcher, Assistant City Engineer

SUBJECT: W. Merrill Parking Meter Limits (around the Community House)

Our office received the attached request from Commissioner DeWeese. The e-mail seeks to increase the time limits for parking meters around the Community House from two (2) hours to up to three (3) hours. Doing so would increase the ability for people to attend events held there without receiving tickets or having to leave and 'feed' the meter.

City staff reviewed the current time limits in the area of the Community House, which are as follows (also see attached exhibit):

- All the meters on the block around the Community House property have a four (4) hour time limit (total of 13), with the exception of on Merrill Street, which have a two (2) hour time limit (total of 16);
- There are an additional eighty (80) metered spaces within a block of the Community House that have a four (4) hour time limit (i.e. 50 in Shain Park Lot, 9 on Chester St., 13 on Townsend and 8 on S. Bates south of Townsend;
- The time limit on all ADA accessible spaces is twice as long as the standard space.

After reviewing the issue with various City staff, we believe a solution is workable. Some or all of the metered spaces on Merrill Street could be increased from two (2) hours to four (4) hour limit with little effort or expense to the City.

This item was discussed with both Mr. Koschik (Baldwin Library) and Ms. Jerzy (Community House). Mr. Koschik stated that he has no problem with extending the hours on the south side of Merrill Street between Chester Street and S. Bates Street. He indicated that it should not interfere with their operations, but did mention that the north side could present some problems and would need further consideration if proposed. Ms. Jerzy indicated that she feels it is a great idea and believes it will assist with the concerns raised. Both plan on attending the February meeting to address any questions or concerns.

It is likely that if approved, the change would not occur until the new meters are installed later this year.

SUGGESTED RECOMMENDATION:

To recommend to the City Commission to increase time limit for the eight (8) metered spaces on the south side of Merrill Street between Chester Street and S. Bates Street from two (2) to four (4) hours;

Fwd: Parking Around The Community House

----- Forwarded message -----

From: **Joe Valentine** <jvalentine@bhamgov.org>
Date: Mon, Jan 9, 2017 at 8:16 AM
Subject: Fwd: Parking Around The Community House
To: Paul O'Meara <Pomeara@bhamgov.org>
Cc: Carroll DeWeese <cdeweese@bhamgov.org>

Paul,

Please review this idea of expanding the time limit for meter parking at areas like The Community House for an additional hour with the Advisory Parking Committee at an upcoming meeting for review, discussion and possible recommendation.

Thanks,
Joe

----- Forwarded message -----

From: **Carroll DeWeese** <carrolldeweese@comcast.net>
Date: Fri, Jan 6, 2017 at 6:19 PM
Subject: Parking Around The Community House
To: Joe Valentine <jvalentine@bhamgov.org>

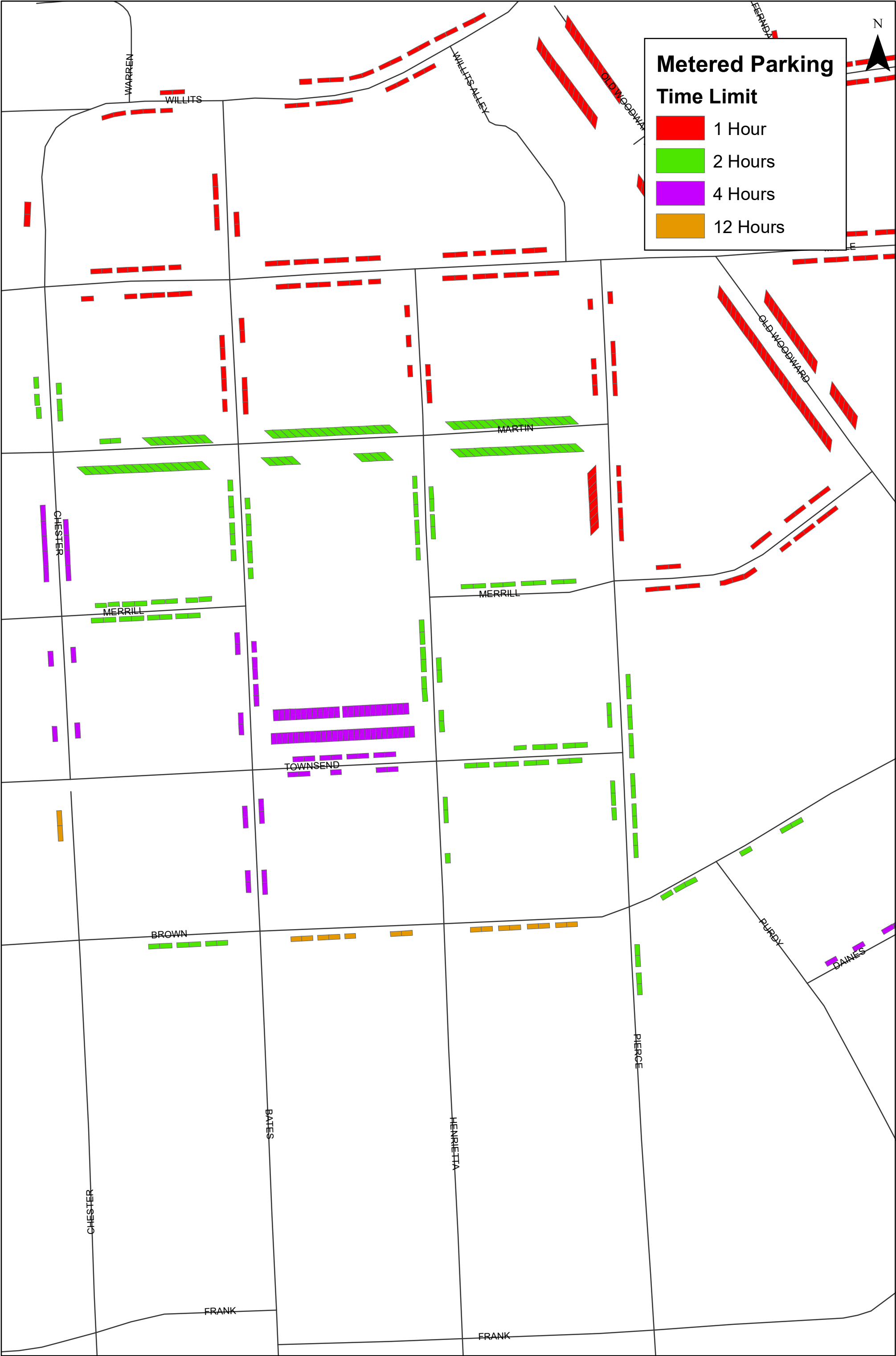
On several occasions I have had women from the Senior Women's Club complaining about problems parking to attend their Women's Club meetings at the Community House. Part of the problem is that the parking meters only allow for 2 hours of parking at a time. From arrival time to leaving the typical time getting there and leaving is about 2 ½ to a maximum of 3 hours. To stay legal, a person would have to leave the meeting to put more money in the meter and then return back to the meeting. Many of the women feel unable to walk several blocks from the parking garage or feel unsafe parking in the garage. Some have handicap stickers but not enough handicap places are available and, with a 2 hour limit, a handicap person is also forced to refeed their meter. Many seem willing to pay for parking at a meter but the 2 hour limit is too short and discourages them from attending events due to the hassle. I have heard similar complaints from some others attending meetings at the Community House. I note that many kinds of events (e.g., meetings, movies, plays, sporting events, and more) typically take longer than 2 hours to start and finish. If people are willing to pay and they feel that they need closer parking, then they should have the opportunity to pay once for the expected time of their event.

I would like for the City to look at the possibility of allowing up to 3 hours at parking meters at appropriate locations, such as near the Community House. I agree that meter pricing in most places should keep about 15% of parking spaces available for those looking for a place to park (i.e., 85% of parking places normally in use). This is especially true for merchants needing to get people in and out of their shops. Continual turnover is normally desirable. Events held at a place like the Community House are different since parking demand peaks just before an event and drop off quickly at the end of the event. Turnover is all at once and not normally continual through time.

It is not enough to allow a person to extend time with an app or some electronic update to "refresh" their meter from afar. To me, the people typically in most need for meters allowing up to 3 hours are older and not normally very tech savvy.

Carroll DeWeese

Parking Meter Time Limits





#1 - Looking West on Merrill St. from Chester St.



#2 – Looking East on Merrill St. from S. Bates St.

City of Birmingham
ADVISORY PARKING COMMITTEE
REGULAR MEETING

Birmingham City Hall Commission Room
151 Martin, Birmingham, Michigan
Wednesday, February 1, 2017

MINUTES

These are the minutes for the Advisory Parking Committee ("APC") regular meeting held on Wednesday, February 1, 2017. The meeting was called to order at 7:37 a.m. by Chairman Lex Kuhne.

Present: Chairman Lex Kuhne
Gayle Champagne
Steven Kalczynski
Judith Paskiewicz
Al Vaitas

Absent: Anne Honhart
Lisa Krueger

SP+ Parking: Catherine Burch
Sara Burton
Jason O'Dell

Administration: Austin Fletcher, Asst. City Engineer
Paul O'Meara, City Engineer
Carole Salutes, Recording Secretary

RECOGNITION OF GUESTS (none)

MINUTES OF REGULAR MEETING OF DECEMBER 21, 2016

Chairman Kuhne made the correction that Ms. Paskiewicz and Mr. Vaitas should be changed to Dr. Paskiewicz and Dr. Vaitas.

Motion by Ms. Champagne

Seconded by Dr. Paskiewicz to approve the Minutes of the APC Meeting of December 21, 2016 with the change.

Motion carried, 5-0.

VOICE VOTE:

Yeas: Champagne, Paskiewicz, Kalczynski, Kuhne, Vaitas

Nays: None

Absent: Honhart, Krueger

W. MERRILL ST. PARKING METER LIMIT

Mr. O'Meara reported that people who use the Community House on a regular basis are unhappy with the meter situation. They seek to increase the time limits for parking meters around the Community House from two (2) hours to up to three (3) hours. Doing so would allow people to attend events held there without receiving tickets.

After reviewing the issue with both the Community House and the Library, it is believed a solution is workable. The recommendation is to change the metered spaces on the south side on Merrill St. between Chester St. and S. Bates St. from two (2) hours to a four (4) hour limit and leave the two (2) hour limit on the north side.

Ms. Kathy Nineman from the Community House said the change would be greatly appreciated. There are a number of elderly citizens who come to the Community House on a regular basis and with the two (2) hour limit it is an inconvenience for them to have to go back and feed the meters.

Mr. Doug Koschik, Director of the Library, indicated they have no objections to the request. Some people are at the library for much less than two (2) hours and some are there much longer. Dr. Paskiewicz noted it seems to her there is a lot of in and out on those parking places. So she is surprised that the Library doesn't think the change would cause an impact. Mr. Kalczynski was concerned this would be setting a precedent where these kinds of requests would be coming from other parts of the City.

It was discussed that someone could feed a four (4) hour meter once and be there all day. Employees who work in town could use a meter all day long and the spaces won't turn over.

The Chairman noted that from this committee's experience the four (4) hour meters won't be available to Community House patrons when they show up for lunch. It is a matter of who gets there first rather than who needs those eight (8) spots most. Turnover is greater with two (2) hour meters. Mr. Kalczynski

observed there is always so much turnover of cars at the Library it seems that four (4) hour parking would be a detriment to the Library operation.

Motion by Dr. Vaitas to recommend to the City Commission to increase the time limit for the eight (8) metered spaces on the south side of Merrill St. between Chester St. and S. Bates St. from two (2) to four (4) hours.

Motion died for lack of a second.

Mr. Koschik indicated he has not brought this matter to the Library Board. Ms. Paskiewicz requested that he take it to the Board for discussion. Chairman Kuhne noted this committee doesn't want to make a change and then have the problem they think is going to be fixed not fixed, or worse.

Mr. O'Meara said SP+ can do a survey on what is happening during morning hours for the committee. Mr. Koschik recalled the first big parking issue was when certain streets were restricted for residential parking. That had an impact on some Community House patrons who could no longer park on those streets. The second issue was the change in handicap parking rules.

The consensus was to put this matter over until the committee receives more information.

AD HOC PARKING DEVELOPMENT COMMITTEE UPDATE

Mr. O'Meara recalled that in early January the Ad Hoc Parking Development Committee met to look at the document that is intended to be issued to developers. The first step will be to get the credentials of potential developers that would want to participate in order to get down to a select group that would be viable for a project at the N. Old Woodward Parking Structure site. The next step will be to entertain more detailed proposals from that select group. The document was introduced to the City Commission at last week's Long Range Planning Meeting and he thinks it will go to a meeting this month for an approval from the Commission.

MERRILL ST. LOADING ZONE UPDATE

Mr. O'Meara advised that the Police Dept. and he have met with Mr. Richard Weingartner regarding the truck loading issue. It is apparent that making a loading zone as was discussed would not have entirely solved the problem. The City is heavily enforcing the No Standing zone at the Merrillwood residential entrance, and the building management is happier that this is making a difference.



MEMORANDUM

Engineering Dept.

DATE: February 24, 2017

TO: Advisory Parking Committee

FROM: Austin W. Fletcher, Assistant City Engineer

SUBJECT: W. Merrill Parking Meter Limits (around the Community House)

Staff had originally brought this before the Committee at their last meeting (2/1/17). The consensus then was to postpone this item until additional information was provided addressing the concerns that were raised (i.e. comments from the Library Board and survey of the existing conditions).

On February 20th, this topic was discussed by the Library Board and a motion was passed to support the proposed time change for the eight (8) meters on the south side of Merrill between Chester and Bates (see attached email).

SP+ conducted a survey of the surrounding area. It consisted of physically counting the number of parked cars on the streets bordering the Community House and Lot #7 (Shain Park) as well as recording license plate numbers to determine the frequency and length of time that the spaces were used (see attached). The survey was conducted the week of February 6th for the area around the Community House and the week of February 20th for Lot #7. The attached results indicate that both areas were not full on any days that were surveyed and there were very few times where the same car was parked longer than the designated time limit. However, there was an increase of usage on Fridays (the day the Men's Club normally meets). The APC had expressed concern that increasing time limits may encourage employees to park on Merrill St. However, it is assumed that if there was a desire to do this, the existing four hour meters in this area, such as at Lot 7, would be used more on a daily basis.

After reviewing the results of the SP+ survey, the Library Board's comments and with various City staff, we believe the four hour time limit request can be recommended. If the change is implemented with the upcoming new meter installation, there will be no additional cost to the parking system.

Mr. Seklar (President & CEO of the Community House) plans on attending the March meeting to address any questions or concerns.

SUGGESTED RECOMMENDATION:

To recommend to the City Commission to increase the time limit for the eight (8) metered spaces on the south side of Merrill Street between Chester Street and S. Bates Street from two (2) to four (4) hours.

Library Board approves motion in favor of changing parking meter time limits

1 message

Doug Koschik <doug.koschik@baldwinlib.org>

Tue, Feb 21, 2017 at 9:18 AM

To: Paul O'Meara <pomeara@bhamgov.org>, Austin Fletcher <afletcher@bhamgov.org>, "William D. Seklar" <williams@tchserves.org>

Paul, Austin, and Bill,

At last evening's Library Board meeting, five of the six Board members were present, which constituted a quorum. There was a discussion of The Community House's request to change eight parking places on the south side of Merrill between Chester and Bates from a two-hour limit to a four-hour limit. After the discussion, the following motion was moved and approved:

Motion to support The Community House's proposal to change the time limit on eight parking places on the south side of Merrill between Chester and Bates from two hours to four hours, and to instruct the Library Director to forward this motion to the Advisory Parking Committee.

The vote was four in favor, one abstention (on the grounds that he hadn't researched the matter enough to make a decision), and zero against.

If you need any further information or action from me, please let me know.

Thank you.

Doug

--

Doug Koschik
Director
Baldwin Public Library
300 W. Merrill St.
Birmingham, MI 48009
E-mail: doug.koschik@baldwinlib.org
Telephone: 248-554-4681
Fax: 248-647-6393

Community House Meter Survey

Completed by:  SP+ PARKING

February 6, 2017

| Street | Available Spaces | Total of Cars Parked | | | More than 2 hours | More than 4 hours |
|----------|------------------|----------------------|-----|----|-------------------|-------------------|
| | | 9a | 11a | 1p | | |
| Merrill | 16 | 14 | 12 | 5 | 2 | 1 |
| Bates | 20 | 6 | 10 | 4 | 0 | 0 |
| Townsend | 25 | 16 | 13 | 11 | 2 | 1 |

February 7, 2017

| Street | | Total of Cars Parked | | | More than 2 hours | More than 4 hours |
|----------|----|----------------------|-----|----|-------------------|-------------------|
| | | 9a | 11a | 1p | | |
| Merrill | 16 | 14 | 11 | 6 | 2 | 1 |
| Bates | 20 | 10 | 5 | 4 | 0 | 0 |
| Townsend | 25 | 16 | 16 | 12 | 2 | 1 |

February 8, 2017

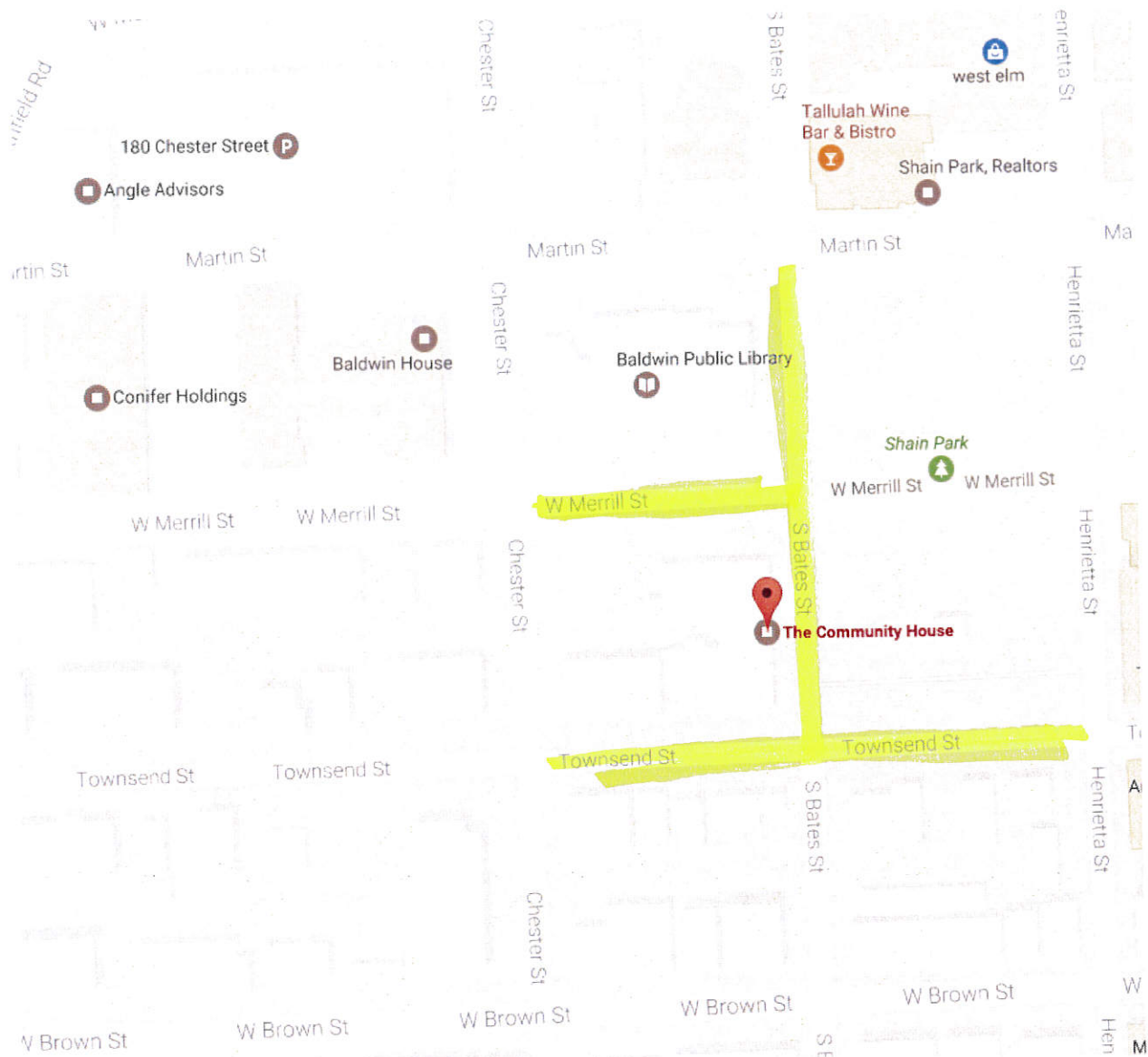
| Street | | Total of Cars Parked | | | More than 2 hours | More than 4 hours |
|----------|----|----------------------|-----|----|-------------------|-------------------|
| | | 9a | 11a | 1p | | |
| Merrill | 16 | 9 | 13 | 9 | 0 | 0 |
| Bates | 20 | 3 | 11 | 8 | 2 | 2 |
| Townsend | 25 | 19 | 15 | 13 | 5 | 2 |

February 9, 2017

| Street | | Total of Cars Parked | | | More than 2 hours | More than 4 hours |
|----------|----|----------------------|-----|----|-------------------|-------------------|
| | | 9a | 11a | 1p | | |
| Merrill | 16 | 8 | 11 | 7 | 1 | 0 |
| Bates | 20 | 6 | 11 | 9 | 2 | 1 |
| Townsend | 25 | 15 | 17 | 12 | 2 | 1 |

February 10, 2017

| Street | | Total of Cars Parked | | | More than 2 hours | More than 4 hours |
|----------|----|----------------------|-----|----|-------------------|-------------------|
| | | 9a | 11a | 1p | | |
| Merrill | 16 | 14 | 13 | 10 | 1 | 0 |
| Bates | 20 | 18 | 11 | 8 | 4 | 2 |
| Townsend | 25 | 18 | 15 | 12 | 7 | 2 |



Lot 7 Counts

| February 20, 2017 | Lot Capacity | Total of Cars Parked | | |
|-------------------|--------------|----------------------|-----|----|
| | | 9a | 11a | 1p |
| Regular | 48 | 18 | 30 | 26 |
| Handicap | 2 | 0 | 0 | 1 |

February 21, 2017

| | | 9a | 11a | 1p |
|----------|----|----|-----|----|
| Regular | 48 | 9 | | |
| Handicap | 2 | 1 | | |

*Blocked off due to gas main break

February 22, 2017

| | | 9a | 11a | 1p |
|----------|----|----|-----|----|
| Regular | 48 | 19 | 30 | 21 |
| Handicap | 2 | 1 | 2 | 1 |

February 23, 2017

| | | 9a | 11a | 1p |
|----------|----|----|-----|----|
| Regular | 48 | 14 | 17 | 27 |
| Handicap | 2 | 0 | 0 | 1 |

February 24, 2017

| | | 9a | 11a | 1p |
|----------|----|----|-----|----|
| Regular | 48 | 44 | 34 | 26 |
| Handicap | 2 | 2 | 2 | 0 |



MEMORANDUM

Engineering Dept.

DATE: March 3, 2017

TO: Joseph Valentine, City Manager

FROM: Paul T. O'Meara, City Engineer

SUBJECT: Parking Structure Rooftop Valet Assist Program

As you know, the Old Woodward Ave. Paving Project will be underway in the coming months, impacting normal parking and traffic flows. While some overflow from customers will be directed to the BSD Free Valet Program (discussed under separate cover), it is expected that many customers will continue to self-park their vehicles, and demand at all five parking structures is expected to grow during this time. In order to keep the shopping experience as pleasant as possible during this difficult period, it will be important that the parking structures remain open to the public as much as possible.

The Rooftop Valet Assist program has been in operation on Level 5 of the N. Old Woodward Ave. Parking Structure now since last June. Based on current demand levels, the valet is only in service on Tuesdays, Wednesdays, and Thursdays, using one staffperson to keep costs down. However, SP+ is ready to increase staffing and hours as demand levels increase. In addition, the City Commission authorized a similar arrangement on Level 5 of the Park St. Parking Structure last August, when greater demand levels were anticipated for the autumn of 2016. However, demand did not increase to the levels that required the program, so to date it has not been activated. SP+ will be prepared to do so at the time the construction project starts, however, again to ensure that this parking structure does not fill to capacity.

When SP+ analyzed all five parking structures, it determined that the Peabody St. Structure did not lend itself to this idea. The roof area is more constrained, and there is little extra space to park cars other than in the marked parking spaces. That is, funds spent on a rooftop valet assist operation at this location would produce little benefit. With that in mind, no changes are recommended for the Peabody St. Structure. (Note that no BSD valet operation will be directed to this facility. If the structure begins filling, we will make an effort to have staff available to direct customers to other locations, such as the Pierce St. Structure.)

Fortunately, the roof levels of the Chester St. and Pierce St. Structures both lend themselves to this rooftop valet program. It is estimated that with two people present, up to 75 additional vehicles can be parked at each location. The program would operate similar to what is being done at the N. Old Woodward Ave. Structure, as described below:

- The roof levels would remain unattended until 9:30 or 10:00 AM each weekday, depending on demand. Customers would self-park their vehicles as usual.
- Once the valet staff arrives, all additional customers that arrive would be stopped and would be required to valet their vehicle (at no charge). The valet would ask each customer their expected length of stay, so they can park the car appropriately for best

retrieval time. Each customer would be given a card with a phone number to call if they would like to call ahead when they are ready for their car to be retrieved, or if they plan to stay longer than the valet staff will.

- The valet team would park all remaining cars as long as they are in attendance. Customers that self-parked would be allowed to retrieve their own cars, and would get help from the valet if they have been blocked in.
- As demand declines, and the roof level empties, the valet team will make a decision as to when to leave each day. If a small number of vehicles remain after the valet has left, they will be able to call the number on the card they were left with. An SP+ staff member will drive over to the location and return the keys to the customer so they can leave.

Assuming the rooftop valet is needed at both the Chester St. and Pierce St. Structures for five days a week, for a five month period, the total cost to the system is estimated at \$64,600. The service will be offered based on demand. If it is found that the assist program is not needed during certain days of the week, such as Mondays, staffing levels will be cut back to reduce costs below this level.

With this authorization, SP+ will be prepared to operate the rooftop valet program at four of the five parking structures, allowing the system to have a capacity of 250 more vehicles than it typically does. This will more than compensate for the 130 parking meters that will be closed during the construction project.

The Advisory Parking Committee discussed and endorsed this idea as a necessary step to help the Central Business District during this difficult time. The following recommendation was passed:

In order to assist the business community during the 2017 Old Woodward Ave. Paving Project, the Advisory Parking Committee recommends that SP+ be authorized to set up and operate rooftop valet assist services up to five days per week at the Chester St. and Pierce St. Parking Structures, at a total estimated cost of \$64,600, or as needed until all Old Woodward Ave. parking metered spaces are returned to service.

SUGGESTED RESOLUTION:

To authorize the rooftop valet assist program at the Chester St. and Pierce St. Parking Structures administered by SP+ Parking, and as recommended by the Advisory Parking Committee, at an estimated total cost of \$64,600, during the closure of on-street parking related to the Old Woodward Ave. Paving Project.



MEMORANDUM

Engineering Dept.

DATE: February 25, 2017

TO: Advisory Parking Committee

FROM: Paul T. O'Meara, City Engineer

SUBJECT: Rooftop Valet for Old Woodward Ave. Paving Project

In March, 2016, SP+ prepared a study for the City of Birmingham pertaining to the operation of rooftop valet assist programs designed to increase capacity at our five parking structures. Each of the structures were rated from best to worst in terms of being able to function well (or not) as an area where valets would control all vehicle access, allowing vehicles to be parked closer together, and even in the aisle areas. The memo was written wherein the N. Old Woodward Ave. Structure would work the best for this service. Both Pierce St. and Chester St. were rated as almost as good as N. Old Woodward Ave. Park St. was rated as marginal, while Peabody St. was rated poorly. (The variance in ratings had to do with how the roof levels of each structure were designed, and how much extra space existed to allow more vehicles to be parked.)

In June, 2016, SP+ started a rooftop valet operation at the N. Old Woodward Ave. Structure, five days per week. Later in the summer, demand for parking dropped enough that the structure was not filling nearly as often. The valet service was reduced to just Tuesdays, Wednesdays, and Thursdays, and then was reduced again to typically be operating with just one staffperson (instead of two). The three-day one person operation continues still today.

In August, 2016, it was anticipated that demand would increase again to high levels in the fall. The City Commission authorized a rooftop valet assist operation at the Park St. Structure. Even though the structure is not the best for this service, it was considered a high priority given the demand that existed in this structure in the spring of 2016. It has not been actually implemented, however, as demand did not come back to that seen in early 2016. (In the fall of this year, one half of a level at a time will have to be closed to all vehicles to allow the structural steel in the entire building to be repainted. We plan to use the previous authorization at that time, and operate a rooftop valet while this project is underway, to help reduce the amount of times that the structure must be closed due to being filled to capacity.)

Some time in the coming months, the Old Woodward Ave. Paving Project will commence. All parking metered spaces will be closed on Old Woodward Ave. from Willits St. to Brown St. Some additional parking spaces will also be closed on Maple Rd. between Henrietta St. and Park St. Roughly 130 prime metered parking spaces will be closed for a four to five month period while this project is underway. To help reduce the negative impact on the business community, the Birmingham Shopping District (BSD) will be administering a free valet service with stations at three locations, as shown on the attached map. The valet plan is still being fine tuned as this is written, and is subject to change. However, it is expected that many of the parking structures will see increased demand due to this road closure. To help keep the Birmingham shopping experience as positive as possible during this difficult time, it is recommended that

authorization to operate a rooftop valet as needed be requested at the Chester St. and Pierce St. Structures. (Rooftop valet is expected to continue in operation at the N. Old Woodward Structure during this time, and Park St. can be opened as needed based on the previous authorization. Rooftop valet is not recommended at the Peabody St. Structure, due to the low number of additional vehicles that could be stored there.) Details of the new recommendation follows:

Chester St. Structure – Presently, the Chester St. Structure is operating at just the right level. The building gets close to capacity almost every business day, but rarely fills. Demand from the office sector is very strong, with the majority of the demand coming from 9 AM to 5 PM. A free valet station is planned on Henrietta St., just south of Maple Rd., to help service vehicles coming into town from the west. The valet operator plans to first take over the entire block of Martin St. from Henrietta St. to Pierce St., as a vehicle storage area (not currently depicted on the attached map). If this idea does not work, or if additional capacity is needed, extra vehicles will be taken to the Chester St. Structure.

If authorized, SP+ will be prepared to operate the rooftop valet between 4 and 5 days per week (with Mondays being the day of least demand). The Chester St. Structure roof level is configured such that as many as 75 additional vehicles could be stored in this area, when the rooftop valet assist is in operation. The valet service is estimated to cost \$77,500 on an annual basis. If operated during the period of the Old Woodward Ave. Paving project, five days per week, the total cost is estimated at \$32,300. As with the other facilities, it would only continue to operate if a need is demonstrated, so final actual costs are expected to be somewhat less.



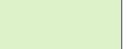



Pierce St. Structure – Being close to the construction, it is expected that demand will definitely be up at the Pierce St. Structure. In addition, although the first choice of the south side valet station would be the Peabody St. Structure, it is possible that additional vehicles may have to be stored here from the valet as well.

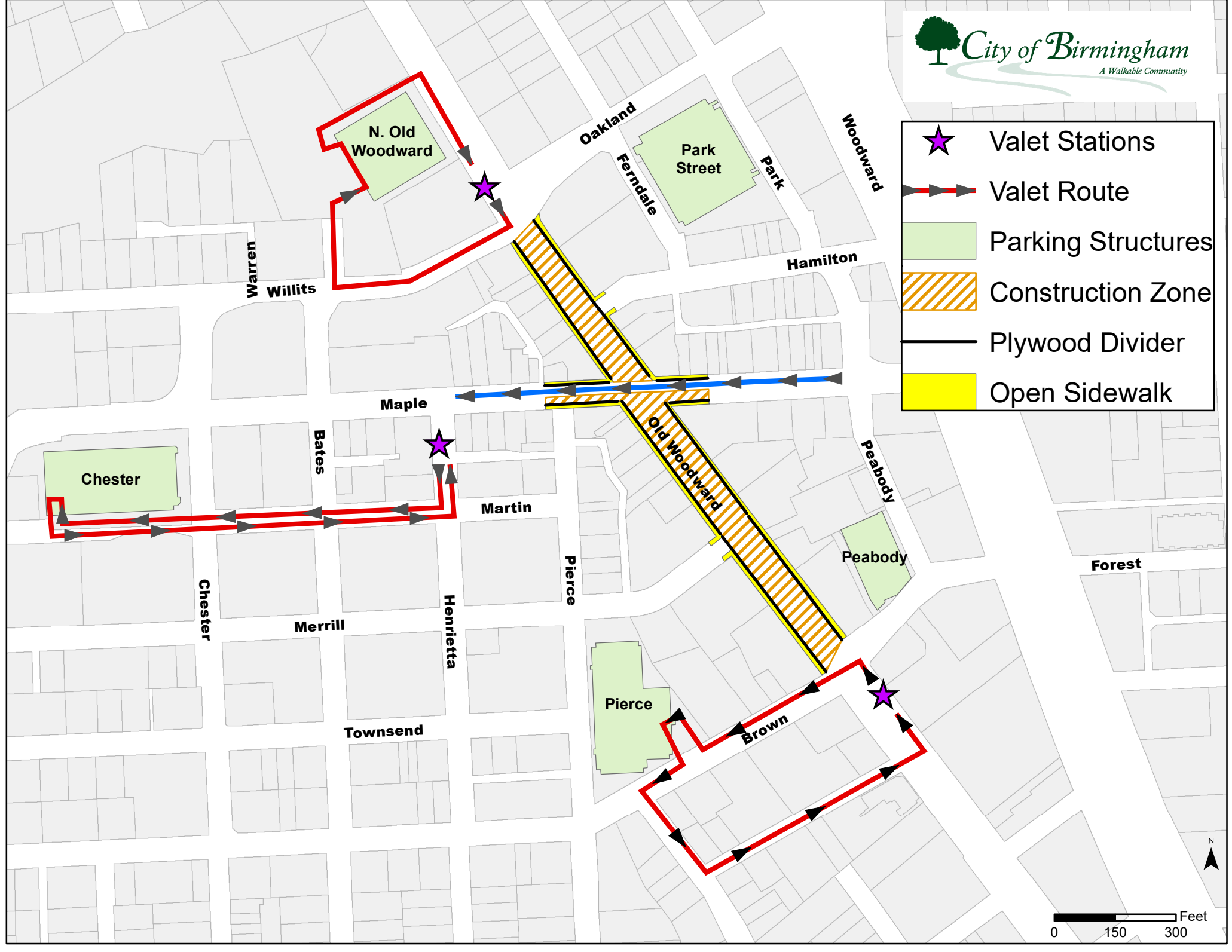
A rooftop valet assist program can increase capacity by 75 vehicles, to help ensure that the structure remains open to additional customers as much as possible. Similar to Chester St., the estimated cost of operating the service is \$77,500, if run on an annual basis. If operated during the period of the Old Woodward Ave. Paving project, five days per week, the total cost is estimated at \$32,300. Initially, it is expected that the valet operation should be prepared to operate five days per week.

Considering the costs above, plus the operation of a valet operation at the Park St. Structure, it is expected that the parking system could spend approximately \$100,000 in rooftop valet services while the Old Woodward Ave. Paving project is underway. Revenues are up significantly recently, plus the lack of a restoration project during the current fiscal year means that the fund can afford to assist in this regard to help the downtown during this difficult period. A positive parking experience will help reduce the other problems shoppers and visitors may face attempting to conduct their business while Old Woodward Ave. is closed to traffic. A suggested recommendation follows:

SUGGESTED RECOMMENDATION:

In order to assist the business community during the 2017 Old Woodward Ave. Paving Project, the Advisory Parking Committee recommends that SP+ be authorized to set up and operate rooftop valet assist services up to five days per week at the Chester St. and Pierce St. Parking Structures, at a total estimated cost of \$64,600, or as needed until all Old Woodward Ave. parking metered spaces are returned to service.

-  Valet Stations
-  Valet Route
-  Parking Structures
-  Construction Zone
-  Plywood Divider
-  Open Sidewalk





180 Chester Street
Birmingham, MI 48009

p. 248-540-9690
f. 248-647-1682
www.spplus.com

March 23, 2016

Paul O'Meara
City Engineer
151 Martin Street
Birmingham, MI 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 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 using valet in any capacity, is the Peabody structure. Due to the layout of this structure, not be 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 filling almost daily currently. With its two way lanes and design, it is an ideal candidate for valet assist. We recommend using a team of two valets to utilize valet assist as a beta test for public acceptance of the program. They 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. However, the structure currently has 50 or more empty spaces on most weekdays. It 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.

These 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 wait list to achieve this.

We recommend using a team of three valets to provide a valet assist. They 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 9:00 AM and 2:00 PM.

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 through the wait 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. We anticipate that an **additional 90 spaces** can be parked through a stacking method on the surface lot, using a four valet man 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 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 use a full valet 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. To do this properly, we would need to restrict access to valet 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 \$500.00 for signage and \$500.00 for a valet podium for each option the City chooses to utilize.

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 the amount of true capacity that can be added to the parking system. At that point, we can analyze the data and information to 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



MEMORANDUM

Department of Public Services

DATE: March 2, 2017

TO: Joseph A. Valentine, City Manager

FROM: Lauren A. Wood, Director of Public Services

SUBJECT: City Vehicle #509 Replacement

City vehicle #509 is a 2000 Ford F-550 modified with an aerial lift body and is used by the Department of Public Services for traffic sign installation and signal maintenance. It is also extensively used for a number of additional functions including security camera maintenance, holiday decoration installation and any other situation requiring personnel to be safely hoisted beyond the reach of ladders or scaffolding.

This 17-year-old vehicle is scheduled for replacement due to its age, condition and most recently its diminished service reliability, as illustrated by the following replacement evaluation guidelines for special duty vehicles:

Vehicle #509 – 2000 Ford F-550 w/ Aerial Lift Body

| FACTOR | DESCRIPTION | POINTS |
|--|--|-----------|
| Age | 1 point each year of age | 17 |
| Miles/Hours | 1 point each 10,000 miles of usage | 4 |
| Type of Service | Level 3 - Multiple duties based on season | 3 |
| Reliability | Level 4 - In shop more than 2 times in 3 month period, 1 or more breakdowns/road calls in same period. | 4 |
| M & R Costs | Level 2 - 21-40% of replacement costs | 2 |
| Condition | Level 4 - Severe damage, rust, operating system component not functional | 4 |
| TOTAL POINTS 28+, POOR - needs priority replacement | | 34 |

The Department of Public Services recommends replacing this vehicle with a new 2017 Ford F-550 chassis, modified with a Versalift VSI-36I telescopic aerial platform lift. Both components are purchasable through State of Michigan extendable purchasing contracts (#071B2200263 and #071B1300005) awarded to Gorno Ford, located in Woodhaven, MI, and Cannon Truck Equipment, located in Shelby Township, MI.

Cannon Truck Equipment, in addition to providing and customizing the aerial lift platform, will install it atop the separately-purchased chassis.

The cost for the purchase of each component, body-chassis configuration, and delivery totals \$126,323.00. Delivery is expected within 16-18 weeks of purchase approval, at which time the old vehicle will be placed on the Michigan Intergovernmental Trade Network for resale. 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 Ford F-550 chassis from Gorno Ford through the State of Michigan extendable purchasing contract #071B1300005 for a total of \$43,259.00; further to approve the purchase of one (1) Versalift VSI-36I telescopic aerial platform lift from Cannon Truck Equipment through the State of Michigan extendable purchasing contract #071B2200263 for a total of \$83,064.00. The total expenditure for this vehicle and aerial lift platform is \$126,323.00. Funds for this purchase are available in the Auto Equipment Fund, account #641-441.006-971.0100.

CITY VEHICLE #509



VST-36I



DATE: February 7, 2017

TO: Joseph A. Valentine, City Manager

FROM: Cheryl Arft, Acting City Clerk

SUBJECT: Special Event Request
Celebrate Birmingham Hometown Parade

Attached is a special event application submitted by the City of Birmingham requesting permission to hold the Celebrate Birmingham Hometown Parade on Sunday, May 21, 2017, in the downtown area.

The parade staging area will be located on South Old Woodward, south of Frank. The parade will travel north on Old Woodward, west on Brown, north on Pierce, west on Martin and south on Bates. The parade will end in Shain Park.

The application has been circulated to the affected departments and approvals and comments have been noted.

The following events have either been approved by the Commission or are planned to be held in May and have not yet submitted an application. These events do not pose a conflict with the proposed event.

| Event Name | Date | Location |
|-----------------------------------|-----------|--------------|
| Farmers Market | Sundays | Lot 6 |
| Art Birmingham | May 13-14 | Shain Park |
| Michigan Parkinson's 5k walkathon | May 20 | Seaholm H.S. |
| Ice Arena | May 21 | Ice Arena |

SUGGESTED RESOLUTION:

To approve a request submitted by the City of Birmingham to hold Celebrate Birmingham Parade on Sunday, May 21, 2017, contingent upon compliance with all permit and insurance requirements and payment of all fees and, further pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event.

**CITY OF BIRMINGHAM
APPLICATION FOR SPECIAL EVENT PERMIT
PARKS AND PUBLIC SPACES**

RECEIVED BY

FEB 13 2017

CITY CLERK'S OFFICE
CITY OF BIRMINGHAM

I. EVENT DETAILS

- Incomplete applications will not be accepted.
- Changes in this information must be submitted to the City Clerk, in writing, at least three weeks prior to the event

FEES: **FIRST TIME EVENT:** **\$200.00**
 ANNUAL APPLICATION FEE: **\$165.00**

(Please print clearly or type)

Date of Application _____ February 6, 2017 _____

Name of Event _____ Birmingham Hometown Parade & Party in Shain Park _____

Detailed Description of Event (attach additional sheet if necessary) _____

Annual parade ending with family events in Shain Park _____

Location: South Old Woodward, Frank, Brown, Pierce, Martin, and Bates _____

Date(s) of Event: _____ May 21, 2017 _____

Hours of Event _____ 1:00 to 4:00 p.m. _____

Date(s) of Set-up _____ May 21, 2017 _____ Hours of Set-up _____ 9:00 a.m. _____

- Parade staging/set up 9:00 a.m. (South Old Woodward, South of Frank)
- Parade: 1:00 p.m. (North on Old Woodward, west on Brown, north on Pierce, west on Martin, south on Bates, and ends in Shain Park)
- Activities in Park: set up begins at 10:00 a.m., activities held from 1:00 p.m.-4 p.m.

Date(s) of Tear-down : _____ May 21, 2017 _____ Hours of Tear-down: _____ 4:00 to 6:00 p.m. _____

Organization Sponsoring Event _____ City of Birmingham _____

Organization Address _____ 151 Martin _____

Organization Phone _____ 248.530.1880 _____

Contact Person _____ City Clerk/Acting City Clerk Cheryl Arft _____

Contact Phone _____ 248-530-1802 _____

Contact Email carft@bhamgov.org

II. EVENT INFORMATION

1. Organization Type City
(city, non-profit, community group, etc.)
2. Additional Sponsors or Participants (Provide name, address, contact person, status, etc. for all additional organizations sponsoring your event.) TBA

3. Is the event a fundraiser? NO
List beneficiary _____
List expected income _____
Attach information about the beneficiary.
4. First time event in Birmingham? NO
If no, describe: Annual event
5. Total number of people expected to attend per day 2,000
6. The event will be held on the following City property: (Please list)
☐ Street(s) South Old Woodward, Brown, Pierce, Martin, and Bates

☐ Sidewalk(s) same as above

☐ Park(s) Shain Park
7. Will street closures be required? YES
8. What parking arrangements will be necessary to accommodate attendance?
Parking Structure

- 5

LIST OF VENDORS/PEDDLERS
(attach additional sheet if necessary)

| VENDOR NAME | GOODS TO BE SOLD | WATER HOOK- UP REQUIRED? | ELECTRIC REQUIRED? |
|-------------------------|-------------------------|-------------------------------------|-------------------------------|
| To be determined | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

III. EVENT LAYOUT

- Include a map showing the park set up, street closures, and location of each item listed in this section.
- Include a map and written description of run/walk route and the start/finish area

1. Will the event require the use of any of the following municipal equipment?
(show location of each on map)

| EQUIPMENT | QUANTITY | COST | NOTES |
|---|--|------------------------------|--|
| Picnic Tables | 0 | 6 for \$200.00 | A request for more than six tables will be evaluated based on availability. |
| Trash Receptacles | 6 | \$4.00 each | Trash box placement and removal of trash is the responsibility of the event. Additional cost could occur if DPS is to perform this work. |
| Dumpsters | 1 | \$200.00 per day | Includes emptying the dumpster one time per day. The City may determine the need for additional dumpsters based on event requirements. |
| Utilities (electric) | TBD # of vendors requiring utilities | Varies | Charges according to final requirements of event. |
| Water/Fire Hydrant | | Contact the Fire Department. | Applicant must supply their own means of disposal for all sanitary waste water. Waste water is NOT allowed to be poured into the street or on the grass. |
| Audio System | 0 | \$200.00 per day | Must meet with City representative. |
| Meter Bags / Traffic Cones / Barricades | # to be determined by the Police Department. | | |

- Trash receptacles at Brown and Old Woodward along parade route; plastic bags delivered to city hall for changing by DPS employees and volunteers.

2. Will the following be constructed or located in the area of the event? **YES** **NO**

(show location of each on map) NOTE: Stakes are not allowed.

| TYPE | QUANTITY | SIZE |
|---|----------|---------|
| Tents/Canopies/Awnings (A permit is required for tents over 120 sq ft) | TBD | 10 x 10 |
| Portable Toilets | 5 | |
| Rides | | |
| Displays | | |
| Vendors | 4 | TBD |
| Temporary Structure (must attach a photo) | | |
| Inflatables | 3-4 | TBD |

SIGNATURE OF APPLICANT REQUIRED

EVENT NAME Birmingham Hometown Parade
EVENT DATE May 21, 2017

The Birmingham City Commission shall have sole and complete discretion in deciding whether to issue a permit. Nothing contained in the City Code shall be construed to require the City Commission to issue a permit to an applicant and no applicant shall have any interest or right to receive a permit merely because the applicant has received a permit in the past.

As the authorized agent of the sponsoring organization, I hereby agree that this organization shall abide by all conditions and restrictions specific to this special event as determined by the City administration and will comply with all local, state and federal rules, regulations and laws.

Cheryl Best
Signature

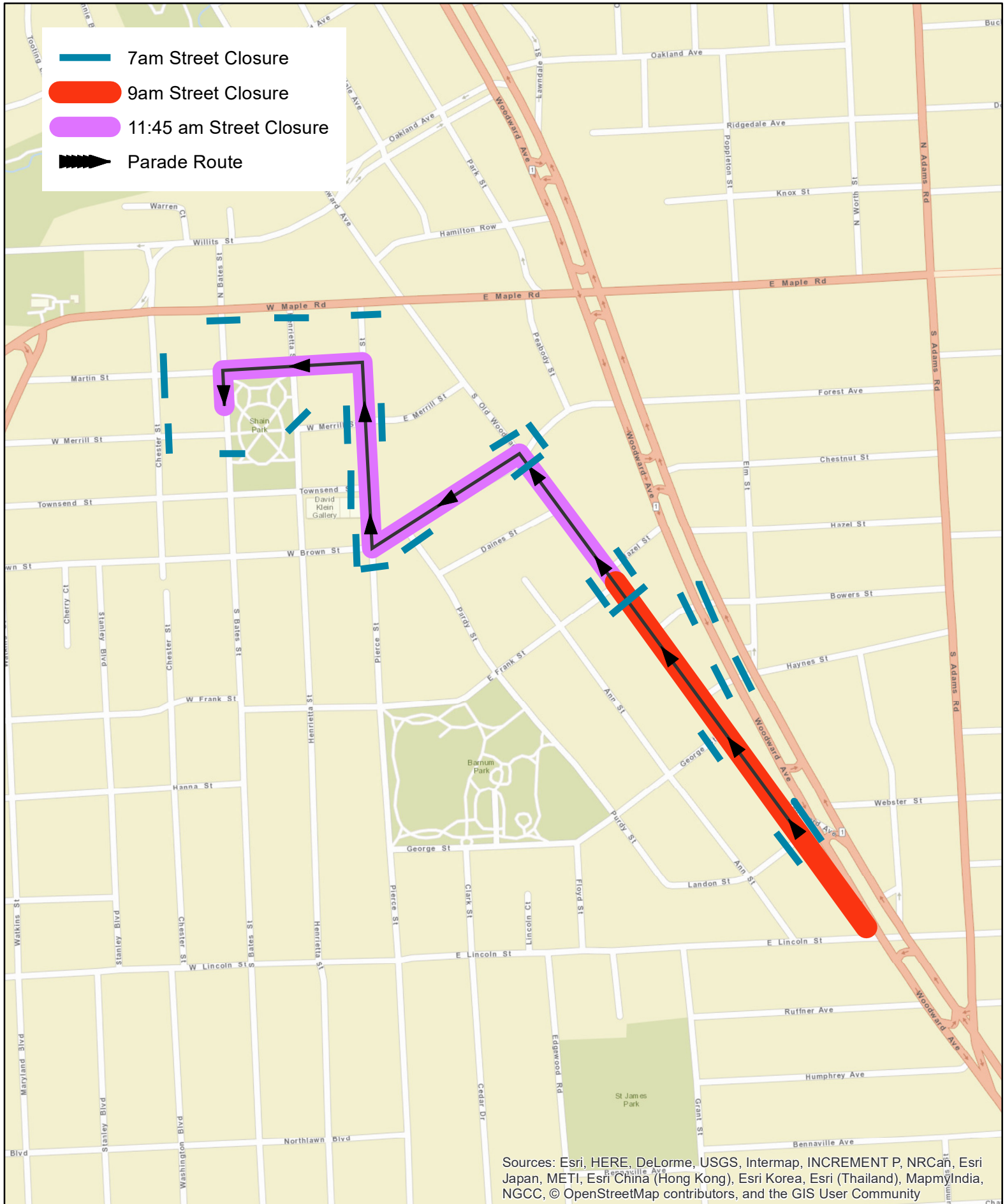
Feb. 13, 2017
Date

**IV. SAMPLE LETTER TO NOTIFY ANY AFFECTED
PROPERTY/BUSINESS OWNERS**

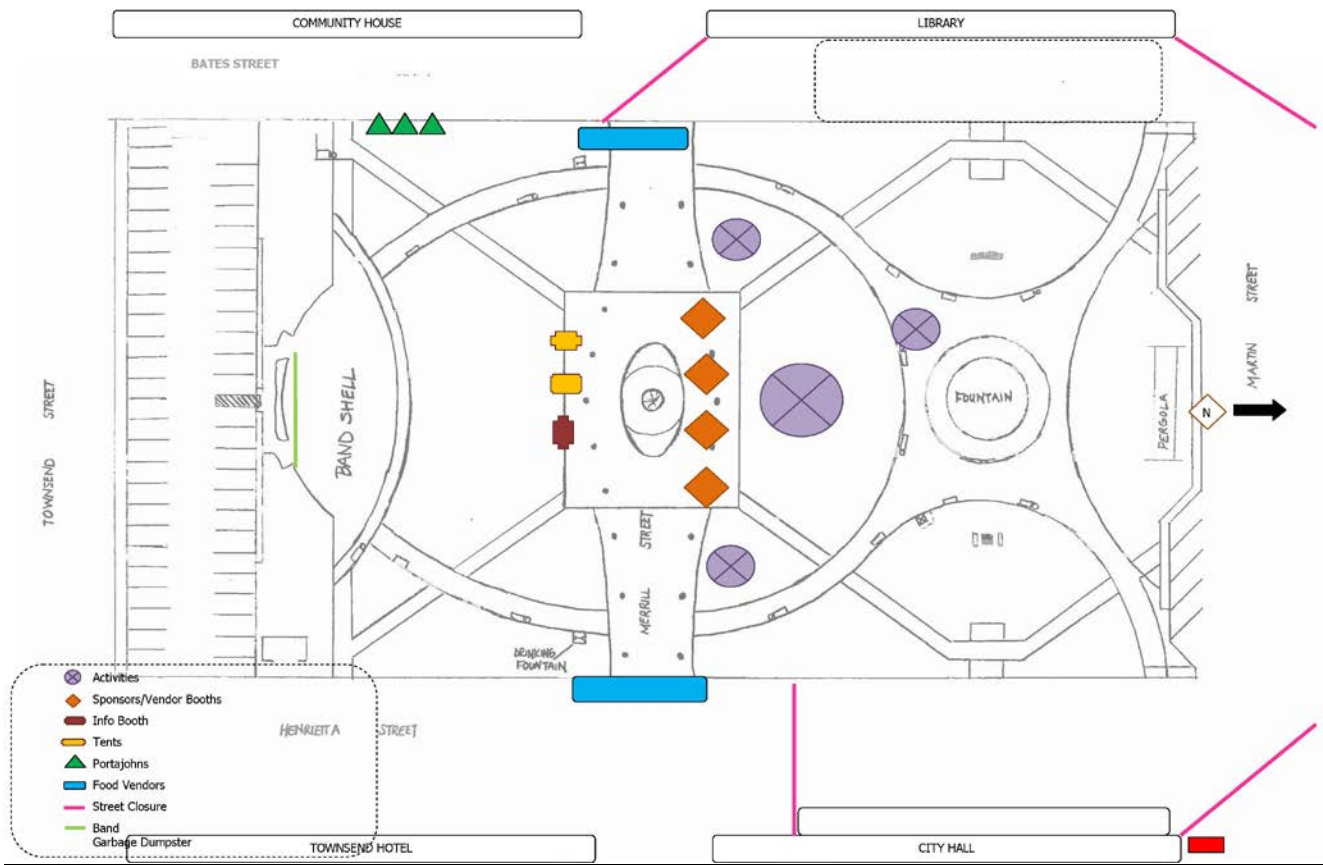
- Organizer must notify all potentially affected residential property and business owners of the date and time this application will be considered by the City Commission. (*Sample letter attached to this application.*)
- Attach a copy of the proposed letter to this application. The letter will be reviewed and approved by the Clerk's Office. The letter must be distributed at least two weeks prior to the Commission meeting.
- A copy of the letter and the distribution list must be submitted to the Clerk's Office at least two weeks prior to the Commission meeting.
- If street closures are necessary, a map must be included with the letter to the affected property/business owners.

SAMPLE NOTIFICATION LETTER

Parade Route and Street Closures



VIII. SAMPLE MAPS



**NOTIFICATION WITH
CORRECT PARADE ROUTE TO
BE RE-NOTICED FOR 3/13/17 CC
MEETING**



**SPECIAL EVENT NOTIFICATION
TO ALL PROPERTY/BUSINESS OWNERS**

The Birmingham City Code requires that we receive approval from the Birmingham City Commission to hold the following special event. The code further requires that we notify any property owners or business owners that may be affected by the special event of the date and time that the City Commission will consider our request so that an opportunity exists for comments prior to this approval.

NAME OF EVENT: Celebrate Birmingham Parade & Party in the Park
LOCATION: Downtown Birmingham – Old Woodward and Shain Park (see attached map)
DATES/TIMES: Sunday, May 21, 2017

- Parade staging/set up: 9:00 AM (South Old Woodward, South of Frank)
- Parade: at 1:00 PM (North on Old Woodward, west on Brown, north on Pierce, west on Martin, south on Bates, and ends in Shain Park)
- Activities in the Park: set up begins at 10:00 AM, activities held from 1:00 PM – 4:00 PM

DATE/TIME OF CITY COMMISSION MEETING: Monday, March 13, 2017, 7:30PM
The city commission meets in room 205 of the Municipal Building at 151 Martin. A complete copy of the application to hold this special event is available for your review at the city clerk's office (248/530.1880).

EVENT ORGANIZER: City of Birmingham, Celebrate Birmingham Parade Committee
City Staff Contact: Cheryl Arft, 248.530.1802, carft@bhamgov.org
www.bhamgov.org/parade

TO MANAGERS OF BUILDINGS CONTAINING MORE THAN ONE UNIT: PLEASE POST THIS NOTICE AT THE MAIN ENTRANCE TO YOUR BUILDING.



**SPECIAL EVENT NOTIFICATION
TO ALL PROPERTY/BUSINESS OWNERS**

The Birmingham City Code requires that we receive approval from the Birmingham City Commission to hold the following special event. The code further requires that we notify any property owners or business owners that may be affected by the special event of the date and time that the City Commission will consider our request so that an opportunity exists for comments prior to this approval.

NAME OF EVENT: Celebrate Birmingham Parade & Party in the Park
LOCATION: Downtown Birmingham – Old Woodward and Shain Park (see attached map)
DATES/TIMES: Sunday, May 21, 2017

- Parade staging/set up: 9:00 AM (South Old Woodward, South of Frank)
- Parade: at 1:00 PM (North on Old Woodward, west on Brown, north on Pierce, west on Martin, south on Bates, and ends in Shain Park)
- Activities in the Park: set up begins at 10:00 AM, activities held from 1:00 PM – 4:00 PM

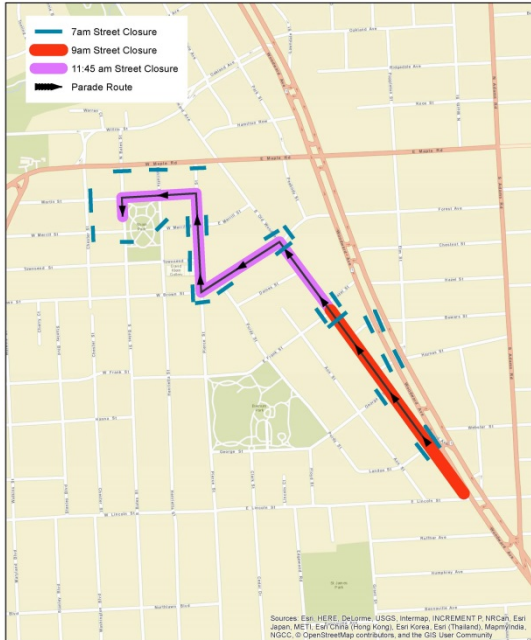
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EVENT ORGANIZER: City of Birmingham, Celebrate Birmingham Parade Committee
City Staff Contact: Cheryl Arft, 248.530.1802, carft@bhamgov.org
www.bhamgov.org/parade

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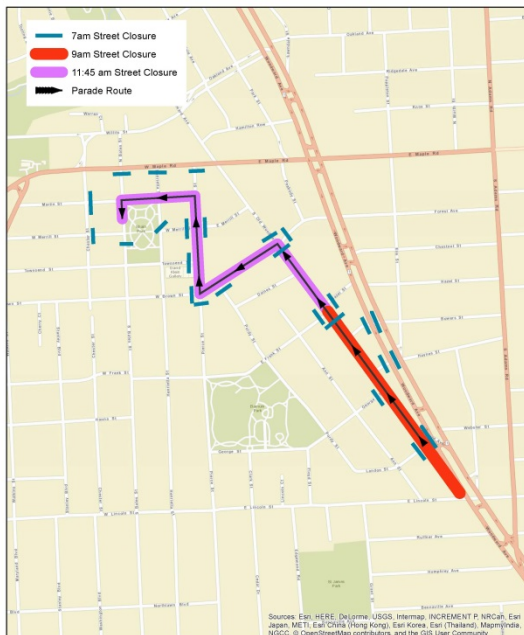
City of Birmingham
City Clerk's Office 151
Martin
Birmingham, MI 48009

Parade Route and Street Closures



City of Birmingham
City Clerk's Office 151
Martin
Birmingham, MI 48009

Parade Route and Street Closures



DEPARTMENT APPROVALS

EVENT NAME Celebrate Birmingham Hometown Parade

LICENSE NUMBER #

COMMISSION HEARING DATE February 27, 2017

NOTE TO STAFF: Please submit approval by Feb. 17, 2017

DATE OF EVENT: May 21, 2017

| DEPARTMENT | APPROVED | COMMENTS | PERMITS REQUIRED (Must be obtained directly from individual departments) | ESTIMATED COSTS (Must be paid two weeks prior to the event. License will not be issued if unpaid.) | ACTUAL COSTS (Event will be invoiced by the Clerk's office after the event) |
|---|----------|---|--|--|--|
| BUILDING 101-000.000.634.0005 248.530.1850 | SW | No building department involvement | None | \$0 | |
| FIRE 101-000.000-634.0004 248.530.1900 | | <ol style="list-style-type: none"> 1. No Smoking in any tents or canopy. Signs to be posted. 2. All tents and Canopies must be flame resistant with certificate on site. 3. No open flame or devices emitting flame, fire or heat in any tents. Cooking devices shall not be permitted within 20 feet of the tents. 4. Tents and Canopies must be properly anchored for the weather conditions, no stakes allowed. 5. Clear Fire Department access of 12 foot aisles must be maintained, no tents, canopies or other obstructions in the access aisle unless approved by the Fire Marshal. 6. Pre-event site inspection required. 7. A prescheduled inspection is required for food vendors through the Bldg. dept. prior to opening. 8. All food vendors are required to have an approved 5lbs. multi- | | | |

| | | | | | |
|--|---------------------------|---|------|---------|-----|
| | | <p>purpose (ABC) fire extinguisher on site and accessible.</p> <p>9. Cords, hoses, etc. shall be matted to prevent trip hazards.</p> <p>10. Exits must be clearly marked in tents/structures with an occupant load over 50 people.</p> <p>11. Paramedics will respond from the fire station as needed. Dial 911 for fire/rescue/medical emergencies.</p> <p>12. A permit is required for Fire hydrant usage.</p> <p>13. Do Not obstruct fire hydrants or fire sprinkler connections on buildings.</p> <p>14. Provide protective barriers between hot surfaces and the public.</p> <p>All cooking hood systems that capture grease laden vapors must have an approved suppression system and a K fire extinguisher in addition to the ABC Extinguisher</p> | | | |
| POLICE 101-000.000.634.0003 248.530.1870 | SG | Street closure and Personnel. | | \$0 | \$0 |
| PUBLIC SERVICES 101-000.000-634.0002 248.530.1642 | Carrie Laird 2/14/2017 | Includes Barricade placement and removal, and any setup or removal occurring on weekdays before and after event. Does NOT include any costs occurring weekend of event. If assistance is requested for weekend of the event, there will be additional costs. | | \$1,600 | |
| ENGINEERING 101-000.000.634.0002 248.530.1839 | A.F. | The Old Woodward Reconstruction (limits Brown to Willits) Project will likely be ongoing during this time (schedule has not been finalized). Depending on the starting date of the above-referenced project adjustments may be possible to keep the Brown intersection open enough to allow a west turn onto Brown. | None | 0 | 0 |

| | | | | | |
|---|--|--|---|---|------------------------|
| | | It should also be noted that that the street closure in front of the north 555 building will still be in progress. | | | |
| INSURANCE 248.530.1807 | | City event | None | 0 | 0 |
| CLERK 101-000.000-614.0000 248.530.1803 | | Notification letters mailed by applicant on 2/13/17 . Notification addresses on file in the Clerk's Office. Evidence of required insurance must be on file with the Clerk's Office no later than <u>N/A</u> . | Applications for vendors license must be submitted no later than <u>5/3/17</u> . | City Event | 0 |
| | | | | TOTAL DEPOSIT REQUIRED \$1,600 | ACTUAL COST |

FOR CLERK'S OFFICE USE

Deposit paid _____

Actual Cost _____

Due/Refund_____



MEMORANDUM

City Clerk's Office

DATE: March 9, 2017

TO: Joseph A. Valentine, City Manager

FROM: Cheryl Arft, Acting City Clerk

SUBJECT: Special Event Request
In the Park Concerts

Attached is a special event application submitted by the City of Birmingham requesting permission to hold the In the Park Concerts on Wednesday evenings from June, 2017 through August, 2017 and the Birmingham Bloomfield Community Coalition Youth Action Board's Teen Summer Concert on Friday, June 16, 2017 in Shain Park.

You should note that two of the concerts this year have been moved to a daytime venue: the July 12th and August 2nd concerts will be held from 12:00 noon to 2:00 PM.

The application has been circulated to the affected departments and approvals and comments have been noted.

The following events have either been approved by the Commission or are planned to be held June - August and have not yet submitted an application. These events do not pose a conflict with the proposed event.

| Event Name | Date | Location |
|--------------------------|-------------------------------|---------------------------------------|
| Farmers Market | Every Sunday May - October | Lot 6 (North Old Woodward) |
| Village Fair | May 31—June 4 | Shain Park |
| Breathe Deep Michigan 5K | June 3 | Booth Park & surrounding neighborhood |
| Movie Night | June 23, July 14, August 11 | Booth Park |
| Day on the Town | July 22 | Downtown |
| Birmingham Cruise Event | August 19 | South Old Woodward |

SUGGESTED RESOLUTION:

To approve a request from the City of Birmingham to hold the In the Park Concerts on Wednesdays from June, 2017 through August, 2017, and the Birmingham Bloomfield Community Coalition Youth Action Board's Teen Summer Concert on Friday, June 16, 2017 in

Shain Park, contingent upon compliance with all permit and insurance requirements and payment of all fees, and, further, pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event.

CITY OF BIRMINGHAM
APPLICATION FOR SPECIAL EVENT PERMIT
PARKS AND PUBLIC SPACES

I. EVENT DETAILS

- Incomplete applications will not be accepted.
- Changes in this information must be submitted to the City Clerk, in writing, at least three weeks prior to the event

FEES: **FIRST TIME EVENT:** **\$200.00**
 ANNUAL APPLICATION FEE: **\$165.00**

(Please print clearly or type)

Date of Application Tuesday, February 28, 2017

Name of Event 2017 City of Birmingham In The Park Concert Series

Detailed Description of Event (attach additional sheet if necessary) Summer Concert Series sponsored by the City of Birmingham.

Friday, June 16, 2017 Birmingham Bloomfield Community Coalition Youth Action Board's Teen Summer Concert (3pm-10pm)

Wednesday, June 21, 2017 Steve Acho (7pm-10pm)

Wednesday, June 28, 2017 TBD (7pm-10pm)

Tuesday, July 4, 2017 Jazz Ambassadors of The U.S. Army Field Band (7pm-10pm)

Wednesday, July 5, 2017 Weekend Come Back (7pm-10pm)

Wednesday, July 12, 2017 TBD (12:00 pm -2:00 pm)

Wednesday, July 12, 2017 Magic Bus Band (7pm-10pm)

Wednesday, July 19, 2017 Toppermost Beatle Tribute (Beatles) (7pm-10pm)

Wednesday, July 26, 2017 Sinjon Smith(7pm-10pm)

Wednesday, August 2, 2017 TBD (12:00 pm -2:00 pm)

Wednesday, August 2, 2017 The Sax Maniacs from Detroit (7pm-10pm)

Wednesday, August 9, 2017 TBD (7pm-10pm)

Wednesday, August 16, 2017 The Favorites!(7pm-10pm)

Location Shain Park (Thomas M. Markus Pavilion)

Date(s) of Event (see above) Hours of Event (see above)

Date(s) of Set-up Day of Concert Hours of Set-up (see above)

Date(s) of Tear-down Evening After The Concert

Hours of Tear-down Evening After Concert

Organization Sponsoring Event City of Birmingham Department of Public Services

Organization Address 851 South Eton, Birmingham, MI 48009

Organization Phone 248.530.1642

Contact Person Connie Folk, Recreation Coordinator

Contact Phone 248.530.1642

Contact Email Cfolk@bhamgov.org

II. EVENT INFORMATION

1. Organization Type City of Birmingham

(city, non-profit, community group, etc.)

2. Additional Sponsors or Participants (Provide name, address, contact person, status, etc. for all additional organizations sponsoring your event.) TBA

3. Is the event a fundraiser? YES NO ☒

List beneficiary _____

List expected income _____

Attach information about the beneficiary.

4. First time event in Birmingham? YES NO ☒

If no, describe _____

5. Total number of people expected to attend per day 500 people (approximate)

6. The event will be held on the following City property: (Please list)

☐ Street(s) _____

☐ Sidewalk(s) _____

☒ Park(s) Shain Park (Thomas M. Markus Pavilion)

7. Will street closures be required? YES NO ☒

8. What parking arrangements will be necessary to accommodate attendance? Parking will be available at the parking structures located in Birmingham

9. Will staff be provided to assist with safety, security and maintenance? YES ☒ NO

Describe A city representative will be present for each concert.

10. Will the event require safety personnel (police, fire, paramedics)? YES NO ☒

Describe _____

11. Will alcoholic beverages be served? YES NO ☒

If yes, additional approval by the City Commission is required, as well as the Michigan Liquor Control Commission.

12. Will music be provided? ☒ YES NO

☒ Live ☒ Amplification ☐ Recorded ☒ Loudspeakers

Time music will begin: afternoon concerts begin at 12:00 pm and evening concerts will begin 7:00 pm

Time music will end: afternoon concerts end at 2:00 pm and evening concerts will end 9:00 pm

Location of live band, DJ, loudspeakers, equipment must be shown on the layout map.

13. Will there be signage in the area of the event? ☒ YES NO

Number of signs/banners 1 banner

Size of signs/banners There will be sponsor banner that will be placed the day of the event.

Submit a photo/drawing of the sign(s). A sign permit is required.

14. Will food/beverages/merchandise be sold? YES NO ☒

- Peddler/vendor permits must be submitted to the Clerk's Office, at least two weeks prior to the event.
- All food/beverage vendors must have Oakland County Health Department approval.
- Attach copy of Health Dept approval.
- There is a \$50.00 application fee for all vendors and peddlers, in addition to the \$10.00 daily fee, per location. A background check must be submitted for each employee participating at the event.

LIST OF VENDORS/PEDDLERS

(attach additional sheet if necessary)

| VENDOR NAME | GOODS TO BE SOLD | WATER HOOK- UP REQUIRED? | ELECTRIC REQUIRED? |
|-------------|------------------|-----------------------------|-----------------------|
| | | | |
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| | | | |

III. EVENT LAYOUT

- Include a map showing the park set up, street closures, and location of each item listed in this section.
 - Include a map and written description of run/walk route and the start/finish area
2. Will the event require the use of any of the following municipal equipment?
(show location of each on map)

| EQUIPMENT | QUANTITY | COST | NOTES |
|---|--|------------------------------|--|
| Picnic Tables | | 6 for \$200.00 | A request for more than six tables will be evaluated based on availability. |
| Trash Receptacles | | \$4.00 each | Trash box placement and removal of trash is the responsibility of the event. Additional cost could occur if DPS is to perform this work. |
| Dumpsters | | \$200.00 per day | Includes emptying the dumpster one time per day. The City may determine the need for additional dumpsters based on event requirements. |
| Utilities (electric) | ___ # of vendors requiring utilities | Varies | Charges according to final requirements of event. |
| Water/Fire Hydrant | | Contact the Fire Department. | Applicant must supply their own means of disposal for all sanitary waste water. Waste water is NOT allowed to be poured into the street or on the grass. |
| Audio System | | \$200.00 per day | Must meet with City representative. |
| Meter Bags / Traffic Cones / Barricades | # to be determined by the Police Department. | | |

2. Will the following be constructed or located in the area of the event? ☒ YES ☐ NO
(show location of each on map) NOTE: Stakes are not allowed.

| TYPE | QUANTITY | SIZE |
|---|----------|------------------------------------|
| Tents/Canopies/Awnings (A permit is required for tents over 120 sq ft) | | |
| Portable Toilets | 1 1 | Standard Handicap Accessible |
| Rides | | |
| Displays | | |
| Vendors | | |
| Temporary Structure (must attach a photo) | | |
| Other (describe) | | |

SIGNATURE OF APPLICANT REQUIRED

EVENT NAME City of Birmingham In The Park Concert Series

EVENT DATE Band Jam, Friday 6/16/17 3:00 pm-10:00 pm,

Wednesday afternoon: (7/12, 8/2, 2017) 12:00 am -2:00 pm

Wednesday evening: (6/21, 6/28, 7/5, 7/12, 7/19, 7/26, 8/2,

8/9, 8/16, 2017) 7:00 pm -10:00 pm

The Birmingham City Commission shall have sole and complete discretion in deciding whether to issue a permit. Nothing contained in the City Code shall be construed to require the City Commission to issue a permit to an applicant and no applicant shall have any interest or right to receive a permit merely because the applicant has received a permit in the past.

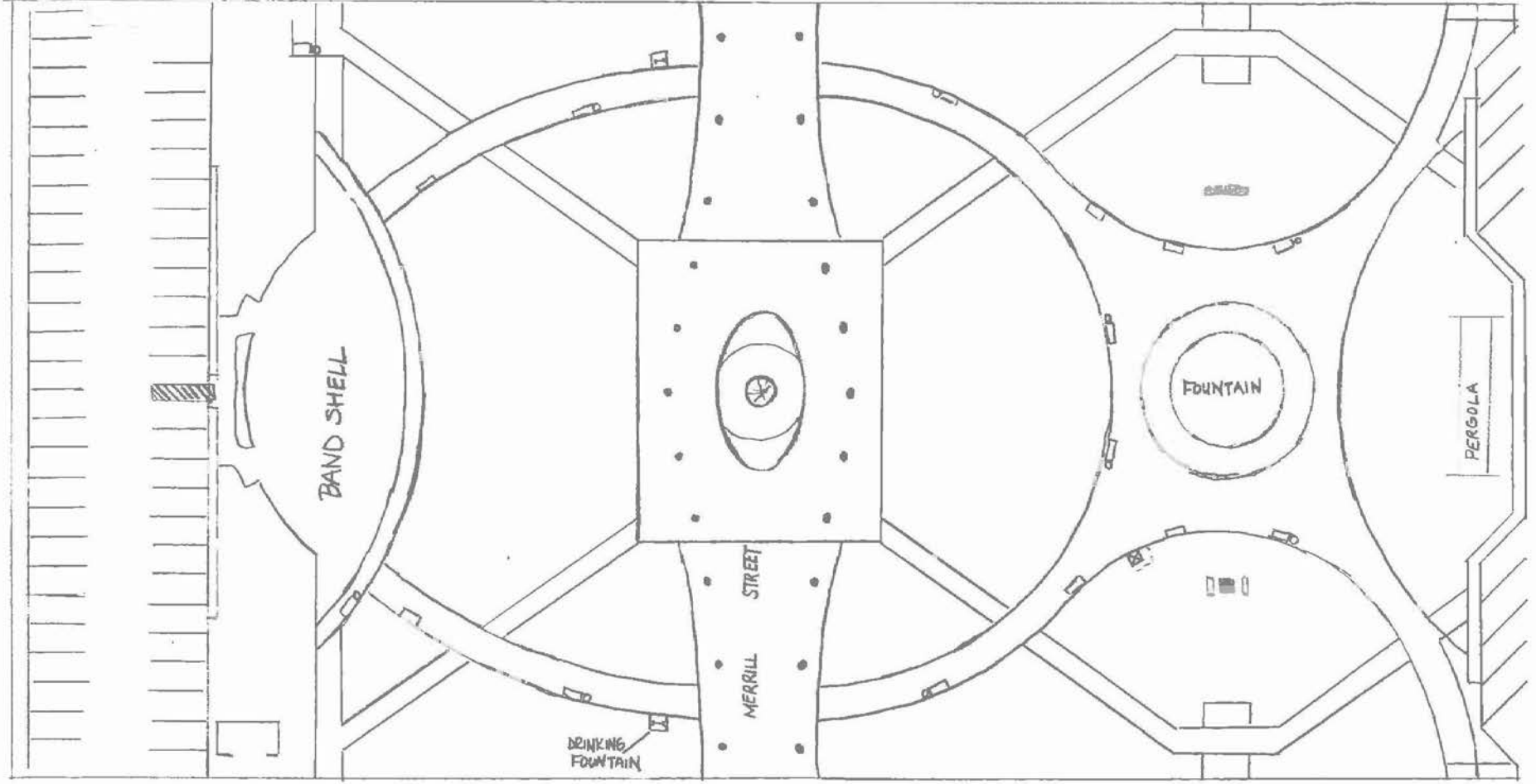
As the authorized agent of the sponsoring organization, I hereby agree that this organization shall abide by all conditions and restrictions specific to this special event as determined by the City administration and will comply with all local, state and federal rules, regulations and laws.


Signature

3-1-17
Date



IV. SAMPLE LETTER TO NOTIFY ANY AFFECTED PROPERTY/BUSINESS OWNERS

- Organizer must notify all potentially affected residential property and business owners of the date and time this application will be considered by the City Commission. *(Sample letter attached to this application.)*
- Attach a copy of the proposed letter to this application. The letter will be reviewed and approved by the Clerk's Office. The letter must be distributed at least two weeks prior to the Commission meeting.
- A copy of the letter and the distribution list must be submitted to the Clerk's Office at least two weeks prior to the Commission meeting.
- If street closures are necessary, a map must be included with the letter to the affected property/business owners.



Birmingham Map



- Legend**
-  City Boundary
 -  Lakes and Rivers
 -  Streams
 -  Parcels



DISCLAIMER:

The information provided on this site is for convenience only and is compiled from recorded deeds, plats, tax maps, surveys, and other public records and data. Much of the data was not compiled or created by the City of Birmingham. In the preparation of this report, extensive efforts have been made to offer the most current, correct, and clearly expressed information possible. However, inadvertent errors, inaccuracies, and omissions can occur. Official versions should be used as a primary information source for verification of the information provided on these pages. Users are advised that their use of any of this information is at their own risk. The City of Birmingham, its consultants and data providers, do not assume, and hereby disclaim, legal responsibility for the information contained herein which is provided "as is" with no warranties of any kind whether such errors, inaccuracies or omissions result from negligence, accident or any other cause.

City of Birmingham MI - C City of Birmingham Public Employee Intranet Public Notification

maps.bhamgov.org/apps/publicnotification/?sitename=birminghamemployee

Land Use Public Notification

Search : 851 S Eton ST

Office 2007 Help 3:50 PM 1/28/2016



SPECIAL EVENT NOTIFICATION

The Birmingham City Code requires that we receive approval from the Birmingham City Commission to hold the following special event. The code further requires that we notify any property owners or business owners that may be affected by the special event of the date and time that the City Commission will consider our request so that an opportunity exists for comments prior to this approval.

NAME OF EVENT: In The Park Summer Concerts

LOCATION: Shain Park (Thomas M. Markus Pavilion)

DATES/TIMES: Band Jam, Friday 6/16/17 3:00pm-10:00pm



Tuesday, July 4, 2017 • 7:00pm-9:00pm Jazz Ambassadors of The U.S. Army Field Band

Wednesday afternoons: (7/12, 8/2, 2017) 12:00noon-2:00pm

Wednesday evenings: (6/21, 6/28, 7/5, 7/12, 7/19, 7/26, 8/2, 8/9, 8/16, 2017)
7:00pm-9:00pm

DATE/TIME OF CITY COMMISSION MEETING: Monday, March 13 2017, 7:30 pm

The City Commission meets in room 205 of the Municipal Building at 151 Martin.
A complete copy of the application to hold this special event is available for your review at the City Clerk's office (248/530.1880).

EVENT ORGANIZER: City of Birmingham, DPS

851 South Eton, Birmingham, MI 48009

City Contact Person: Connie Folk, 248.530.1642, Cfolk@bhamgov.org

**TO MANAGERS OF BUILDINGS CONTAINING MORE THAN ONE UNIT:
PLEASE POST THIS NOTICE AT THE MAIN ENTRANCE TO YOUR BUILDING.**

DEPARTMENT APPROVALS

EVENT NAME IN THE PARK CONCERTS

LICENSE NUMBER #17-00010961

COMMISSION HEARING DATE MARCH 13, 2017

NOTE TO STAFF: Please submit approval by MARCH 6, 2017

DATE OF EVENT: WEEKLY 6/16 – 8/18, 2017

| DEPARTMENT | APPROVED | COMMENTS | PERMITS REQUIRED (Must be obtained directly from individual departments) | ESTIMATED COSTS (Must be paid two weeks prior to the event. License will not be issued if unpaid.) | ACTUAL COSTS (Event will be invoiced by the Clerk's office after the event) |
|--|---------------------|---|---|--|--|
| BUILDING 101-000.000.634.0005 248.530.1850 | SW | No building department involvement | None | \$0 | \$0 |
| FIRE 101-000.000-634.0004 248.530.1900 | JMC | | | \$0 | \$0 |
| POLICE 101-000.000.634.0003 248.530.1870 | Pending approval | | | | |
| PUBLIC SERVICES 101-000.000-634.0002 248.530.1642 | Carrie Laird | Includes set-up and take down for concerts. | | \$3,000 | |
| ENGINEERING 101-000.000.634.0002 248.530.1839 | A.F. | No Comments – No Engineering Involvement | None | \$0 | \$0 |
| INSURANCE 248.530.1807 | CA | CITY EVENT | NONE | \$0 | \$0 |
| CLERK 101-000.000-614.0000 248.530.1803 | | Notification letters to be mailed by applicant no later than 2/27/17. Notification addresses on file in the Clerk's Office. Evidence of required insurance must be on file with the Clerk's | Applications for vendors license must be submitted no later than <u>6/2/17</u> . | \$165 | \$165 |

| | | | | | |
|--|--|------------------------------------|--|---------------------------------------|------------------------|
| | | Office no later than (CITY EVENT). | | | |
| | | | | TOTAL DEPOSIT REQUIRED | ACTUAL COST |
| | | | | \$3,165 | |

FOR CLERK'S OFFICE USE

Deposit paid _____

Actual Cost _____

Due/Refund_____

MEMORANDUM

DATE: March 10, 2017

TO: Joe Valentine, City Manager

FROM: Cheryl Arft, Acting City Clerk

SUBJECT: Public Hearing – Emagine Palladium/Ironwood Grill, 250 N. Old Woodward – 2017 Liquor License Renewal - Violation of SLUP

On February 27, 2017, the City Commission set a Public Hearing for March 13, 2017 at 7:30 PM to consider whether to file an objection with the Michigan Liquor Control Commission to the renewal of the license for consumption of intoxicating liquor on the premises currently held for Emagine/Ironwood Grill located at 250 N. Old Woodward.

The reason stated for the hearing include questions as to the licensee's compliance with Chapter 10, Section 10-40 (5) of the City Code as follows:

Licensee's failure to comply with the terms of its liquor license or any conditions imposed by the City Commission or the Liquor Control Commission at the time of issuance or transfer of the license, to wit: Special Land Use Permit amendment required for transfer of ownership or name.

On February 28, 2017, notice of the Public Hearing, including a copy of the pertinent City Code and a copy of the Resolution passed by the City Commission on February 27, 2017 was sent by certified mail, return receipt requested to Emagine Palladium/Ironwood Grill, 250 N. Old Woodward, Birmingham, MI 48009, and CH Birmingham, LLC, P.O. Box 841, Troy, MI 48099. The signed receipts are on file in the Clerk's Office.

The City Commission may choose to approve the renewal of the 2017 liquor license, or file an objection with the Liquor Control Commission.

SUGGESTED RESOLUTION:

To approve the renewal for the 2017 license period for the Class C license for Emagine Palladium/Ironwood Grill.

OR

To recommend non-renewal to the Michigan Liquor Control Commission for the 2017 license period for the Class C license for Emagine Palladium/Ironwood Grill.



MEMORANDUM

City Clerk's Office

DATE: February 18, 2017

TO: Joseph A. Valentine, City Manager

FROM: Cheryl Arft, Acting City Clerk

SUBJECT: 2016 Liquor License Review and
2017 Liquor License Renewal

Chapter 10, Alcoholic Liquors, of the City Code regulates the licensing of establishments which sell intoxicating liquor for consumption on the premises in the City and directs the City Commission to consider renewal of all existing licenses after a review of the investigative materials collected by the city administration.

There are thirty-three establishments operating in Birmingham with a Class C liquor license in 2016, one establishment (The Townsend Hotel) operating with a Class B (Hotel) liquor license, one establishment (Griffin Claw) operating with a microbrewery license, and one establishment (All Seasons) operating with a Class B Hotel/Resort license. One establishment (LaStrada Caffè) was approved for a license by the City, but has not yet received its license from the State; however, the owner completed the City's application for renewal and submitted it to the Clerk's Office. A total of five licenses are currently in escrow. The establishments with licenses currently in escrow with the MLCC have not been included in this year's review.

Summary of Findings

The Police Department reports that two establishments, Rojo Mexican Bistro and Café Via were cited for Michigan Liquor Control Commission (MLCC) violations which involved NSF checks, which were later paid. One establishment, Emagine/Palladium, was issued a violation for failing to provide proof of successful alcohol server training.

Additionally, eight establishments had assaultive behavior/disorderly conduct related police contacts – Mad Hatter, Griffin Claw, Forest Grill, Dick O'Dows, 220, Market, Townhouse, and Mitchell's Fish Market. Police Chief Clemence and Commander Chris Busen will be present at the February 27, 2017 City Commission meeting to answer any questions from the City Commission.

The Treasurer's Office reports that as of 2/20/17, four establishments have an outstanding balance owed to the City for past due water and/or tax bills. The owners have been contacted regarding their outstanding balances. One owner has set up a payment plan with the City.

City Planner Ecker notified the Clerk's Office of a violation of the ordinance by The Ironwood Grill. The business has changed its name and possibly its ownership to Four Story Burger. A name change and/or ownership change requires a SLUP amendment approval by the City Commission. The Planning Department has recently been contacted by the business regarding the SLUP process, but no application has been submitted as of February 20, 2017.

Additionally, the Planning Department has reported several establishments which had a variety of items outside the dumpsters at the time of the inspection. Other violations were found by the City's Building Department, Fire Department, and the Oakland County Health Department at the time of the initial inspections. Most of these violations have either been corrected at this time or staff is working with the establishments to correct outstanding violations in a timely manner. City staff and staff from the Oakland County Health Department will continue to work with all the establishments to ensure continued compliance throughout the coming year.

Potential City Commission Actions

The Liquor Control Act states that a full year Class B/C liquor license issued by the Michigan Liquor Control Commission (MLCC) shall expire annually on April 30th. Should the City wish to file an objection to the renewal of any particular license, that objection must be filed with the MLCC no later than March 31st of any given year.

The City Commission may either approve the renewal of all the liquor licenses for which an application was received, or set a public hearing for any liquor license which it may wish to consider filing an objection with the Michigan Liquor Control Commission.

If the City Commission wishes to approve the renewal of all of the licenses for which an application was received, suggested resolution #1 may be adopted.

The City Commission may object to the renewal of a liquor license based on one or more of the following reasons: (Section 10-40 of the City Code)

- (1) Licensee's failure to comply with all applicable city and state laws concerning health, safety, moral conduct or public welfare.
- (2) Licensee's repeated violations of state liquor laws.
- (3) Licensee's maintenance of a nuisance upon or in connection with the licensed premises, including but not limited to any of the following:
 - a. Existing violations of building, electrical, mechanical, plumbing, zoning, health, fire or other applicable regulatory codes;
 - b. A pattern of patron conduct in the neighborhood of the licensed premises which is in violation of the law and/or disturbs the peace, order, and tranquility of the neighborhood;
 - c. Failure to maintain the grounds and exterior of the licensed premises, including litter, debris, or refuse blowing or being deposited upon adjoining premises;
 - d. Entertainment on the licensed premises without a permit and/or entertainment which disturbs the peace, order and tranquility in the neighborhood of the licensed premises;
 - e. Any advertising, promotion or activity in connection with the licensed premises which by its nature causes, creates or contributes to disorder, disobedience to rules, ordinances or laws, or contributes to the disruption of normal activity of those in the neighborhood of the licensed premises;
 - f. Numerous police contacts with the licensed premises or the patrons of the premises;
 - g. Failure to adequately staff and control the premises; and
 - h. The conditions or practices of the business present immediate health and safety issues.

- b. To approve the renewal for the 2017 licensing period, of all Class B, Class C, and microbrewery liquor licenses for which a current year application was received, except for the license(s) held by _____, for which a public hearing has been set.



MEMORANDUM

Planning Division

DATE: January 12, 2017
TO: Joseph A. Valentine, City Manager
FROM: Sean Campbell, Assistant City Planner
APPROVED: Jana L. Ecker, Planning Director
SUBJECT: 2017 Liquor License Review

Inspections of Class C Restaurants were performed in December 2016. The following conditions were found:

1. **220 Restaurant/Edison's**
220 Merrill
Acceptable
2. **All Seasons**
111 Elm
Acceptable
3. **Bella Piatti**
167 Townsend
Acceptable
4. **Big Rock**
245 S Eton
Acceptable
5. **Birmingham Sushi Café**
377 Hamilton Row
Acceptable
6. **Bistro Joe's**
34244 Woodward
Acceptable
7. **Café Via**
310 E. Maple
Acceptable

8. Cameron's Steakhouse

115 Willis

Acceptable

9. Churchill's Bistro & Cigar Bar

116 S Old Woodward

Acceptable

10. Community House

380 S. Bates

Acceptable

11. Corner Bar

100 Townsend

Acceptable

12. Cosi

101 N. Old Woodward

Acceptable

13. Dick O' Dow's

160 W. Maple

Acceptable

14. Elie's Mediterranean Grill/Bar

263 Pierce

Acceptable

15. Emagine Theatre & Ironwood Grill

250 N. Old Woodward

Acceptable

16. Fleming's Prime Steakhouse & Wine Bar

323 N. Old Woodward

Acceptable

17. Forest Grill

735 Forest

Acceptable

18. Griffin Claw

575 S. Eton

Acceptable

19. Hyde Park Prime Steakhouse

201 S. Old Woodward

Acceptable

- 20. La Strada Caffè**
243 E. Merrill
Acceptable
- 21. Luxe Bar & Grill**
525 N. Old Woodward
Acceptable
- 22. Mad Hatter Café**
185 N. Old Woodward
Acceptable
- 23. Market North End**
474 N. Old Woodward
Stacks of recycling bins stored outside of the screened trash enclosure.
- 24. Mitchell's Fish Market**
117 Willits
Acceptable
- 25. Peabody's Dining & Spirits**
34965 Woodward
Acceptable
- 26. Phoenicia**
588 S Old Woodward
Acceptable
- 27. Rojo Mexican Bistro**
250 E Merrill
Acceptable
- 28. Salvatore Scallopini**
505 N Old Woodward
Acceptable
- 29. Sidecar Slider Bar**
2506 Merrill
Acceptable
- 30. Social Kitchen & Bar**
225 E Maple
Acceptable
- 31. Streetside Seafood**
273 Pierce
Cardboard boxes stored on ground outside of trash receptacle.

32. Tallulah Wine Bar and Bistro

155 S Bates

Acceptable

33. The Bird and the Bread

210 S Old Woodward

Acceptable

34. The Community House Cafe`

380 S Bates

Acceptable

35. The Rugby Grille

100 Townsend

Acceptable

36. The Stand Gastro Bistro

34977 Woodward

Acceptable

37. Toast

203 Pierce

Acceptable

38. Townhouse

180 Pierce

Stack of flattened cardboard boxes on ground outside of trash receptacle.

39. Triple Nickel

555 S Old Woodward

Acceptable



MEMORANDUM

Police Department

DATE: January 17, 2017

TO: Joseph Valentine, City Manager
Cheryl Arft, Acting City Clerk

FROM: Mark Clemence, Police Chief

SUBJECT: 2016 Annual ClassB/C Liquor License Report

Liquor license inspections/decoy operations were conducted at the following Class B/C liquor license establishments/brew pubs in 2016:

1. 220 Merrill
2. All Seasons Senior Living
3. Bella Piatti
4. Big Rock Chop & Brew House/The Reserve
5. Birmingham Sushi Cafe
6. Bistro Joe's
7. Café Via
8. Cameron's Steakhouse
9. Churchill's Bistro
10. Community House
11. Cosi
12. Dick O'Dow's
13. Ellie's Mediterranean Grill & Bar
14. Emagine/Palladium Ironwood Grill
15. Fleming's Prime Steakhouse & Wine Bar
16. Forest Grill
17. Griffin Claw Brewery
18. Hyde Park Steakhouse

19. Luxe Bar & Grill
20. Mad Hatter
21. Market North End
22. Mitchell's Fish Market
23. Phoenecia
24. Rojo Mexican Bistro
25. Salvatore Scallopini
26. Social Kitchen and Bar
27. Streetside Seafood
28. Tallulah Wine Bar & Bistro
29. The Bird and the Bread
30. The Stand
31. Toast
32. Townhouse
33. Townsend Hotel/The Corner Bar
34. Triple Nickel
35. Lincoln Hills Golf Course-City of Birmingham
36. Springdale Golf Course-City of Birmingham

All of the above listed establishments were license compliant according to the standards set by the Michigan Liquor Control Commission (MLCC).

2016 Liquor Law Violations

The Birmingham Police Department conducted liquor decoy operations in all Class B/C licensed establishments/ brew pubs in 2016, and again no Class B/C licensed establishments were in violation.

While conducting our decoy operations, SPECIALLY DESIGNATED MERCHANT Walgreen's and the Birmingham Wine Shop were both issued a MLCC Violation for serving a minor and the individual server was also issued a violation for selling to a minor by Birmingham Police Detectives in December 2016.

- a) June 4th, 2016: Report of two intoxicated males fighting on the sidewalk. Neither party wished to follow through on prosecution. Both parties were separated and sent home.
 - b) October 31st, 2016: A verbal warning was given on a loud music complaint.
 - c) November 11th, 2016: One bar patron punched another in the face. Both parties declined to follow through with prosecution.
- 7) Townhouse (180 Pierce)
- a) June 11th, 2016: A noise complaint was heard by officers. A verbal warning was given.
 - b) June 26th, 2016: A noise complaint was called in. The area was all quiet when checked by officers.
 - c) July 4th, 2016: An intoxicated patron was disturbing other customers. A cab was called and the intoxicated patron was driven home.
 - d) August 1st 2016: An intoxicated female threw her drink in another patron's face and then left the bar. The victim didn't wish to have the matter pursued.
 - e) September 21st 2016: A noise complaint was called in. A verbal warning was given.
- 8) Mitchell's Fish Market (117 Willits)
- a) January 1st, 2016: One intoxicated co-worker assaulted another. A warrant request was denied by our city attorney.



MEMORANDUM

Building Department

DATE: January 27, 2017

TO: Joseph A. Valentine, City Manager

FROM: Bruce R. Johnson, Building Official

SUBJECT: 2017 Liquor License Renewal Inspections

Building Department staff completed the 2017 liquor license inspections in accordance with City Code Section 10-37 of 37 establishments within the City. I am pleased to provide the attached report showing that all are in compliance.

Staff conducted initial and follow-up inspections beginning in early January of this year. The initial inspection is to check for compliance with City regulations including building, electrical, mechanical, and plumbing codes. This year approximately one third of the establishments passed their initial inspection. The manager on site was informed of any deficiencies discovered during the inspection and advised that staff would return within a couple of weeks to verify correction. Follow-up inspections verified corrections are complete and each establishment is in compliance.

In addition, the Building Department obtained the attached report and inspection records from the Oakland County Health Division detailing their inspections and enforcement activities during the prior year for consideration. Inspection records for Griffin Claw and Triple Nickel were missing from the County's report this year. We have requested the missing reports and will provide them as soon as they are received.

BUILDING DEPARTMENT

2017 LCC INSPECTION STATUS REPORT

| FACILITY NAME | LOCATION | STATUS |
|--------------------------------|----------------------------|----------|
| ELIE'S MEDITERRANEAN GRILL | 263 PIERCE ST | APPROVED |
| BIG ROCK CHOP HOUSE | 245 S ETON ST | APPROVED |
| SIDECAR SLIDER BAR | 280 E MERRILL ST | APPROVED |
| THE STAND | 34977 WOODWARD AVE | APPROVED |
| MARKET | 474 N OLD WOODWARD AVE | APPROVED |
| GRIFFIN CLAW BREWERY | 575 S ETON ST | APPROVED |
| 220 RESTAURANT | 220 E MERRILL ST | APPROVED |
| FLEMINGS PRIME STEAKHOUSE | 323 N OLD WOODWARD AVE | APPROVED |
| HYDE PARK STEAKHOUSE | 201 S OLD WOODWARD AVE | APPROVED |
| TOAST ENTERPRISES, LLC | 203 PIERCE ST | APPROVED |
| LASTRADA-CAFE | 243 E MERRILL ST | APPROVED |
| SALVATORE SCALLOPINI RESTAURAN | 505 N OLD WOODWARD AVE | APPROVED |
| TOWNHOUSE KITCHEN & BAR LLC | 184 PIERCE ST | APPROVED |
| BISTRO JOE'S | 34244 WOODWARD AVE | APPROVED |
| CHURCHILL'S | 116 S OLD WOODWARD AVE | APPROVED |
| TOWNSEND HOTEL | 100 TOWNSEND ST | APPROVED |
| TALLULAH LLC | 155 S BATES ST FL 1 | APPROVED |
| MITCHELL'S FISH MARKET | 117 WILLITS ST | APPROVED |
| CAFE VIA | 310 E MAPLE RD | APPROVED |
| SOCIAL KITCHEN | 225 E MAPLE RD | APPROVED |
| CAMERON STEAKHOUSE | 115 WILLITS ST | APPROVED |
| LUXE BAR & GRILL | 525 N OLD WOODWARD AVE | APPROVED |
| COMMUNITY HOUSE | 380 S BATES ST | APPROVED |
| BIRMINGHAM SUSHI CAFE INC | 377 HAMILTON ROW | APPROVED |
| ALL SEASONS OF BIRMINGHAM | 111 ELM ST | APPROVED |
| LINCOLN HILLS GOLF COURSE | 2666 W 14 MILE RD | APPROVED |
| TRIPLE NICKEL | 555 S OLD WOODWARD AVE STE | APPROVED |
| SPRINGDALE GOLF COURSE | 316 STRATHMORE RD | APPROVED |
| EMANGINE | 209 HAMILTON ROW | APPROVED |
| ROJO RESTAURANT | 250 E MERRILL ST | APPROVED |
| FOREST GRILL | 735 FOREST AVE STE 100 | APPROVED |
| DICK O DOWS | 160 W MAPLE RD | APPROVED |
| STREETSIDE RESTAURANT | 273 PIERCE ST | APPROVED |



CITY OF BIRMINGHAM FIRE DEPARTMENT

572 SOUTH ADAMS • BIRMINGHAM, MICHIGAN 48009 • 248.530.1900 FAX 248.530.1950

February 3, 2017

To: Cheryl Arft, City Clerk
From: Joel Campbell
Deputy Fire Marshal
Re: 2016, LLC Inspection Report

All the restaurants and bistros in Birmingham holding a Class C liquor license were inspected for fire code violations in January 2017. Upon first inspection any violations of the fire code were noted and discussed with the occupants.

A subsequent re-inspection was conducted in the month and the majority of the violations had been addressed. The violations not yet corrected were noted and once again possible solutions and the need for a quick resolution were discussed with the occupants. A number of re-inspections of these businesses were conducted throughout the month in an effort to clear up all the outstanding violations prior to the submission of this report. Unfortunately not all of the violations have been completely finished. All of these outstanding violations are in the process of being corrected, either parts are on order, or time is scheduled with repair companies to repair needed items. A few of these violations consist of documentation that needs to be submitted to me to comply with the fire code.

I have approved all of the businesses with liquor licenses and recommend their licenses be renewed. The few businesses with outstanding violations have proved to my satisfaction that they are in the process of completing what is needed, to complete the outstanding violations, and be in compliance of the fire codes. The Fire Marshal division will continue to work with these businesses to insure all of the violations are corrected in the very near future.

Sincerely,


Joel Campbell
Deputy Fire Marshal

Liquor License Inspections

Inbox x



Joel Campbell

2:00

to me ▾

Hi Cheryl,

Below are the six businesses which still have outstanding issues that I will continue to follow up on.

1. 735 Forest- Forest Grill

--The report (documentation) for the annual service of the building Fire Alarm system needs to be submitted to me.

2. 185 N. Old Woodward- Mad Hatter

--The report for the annual service of the building Fire Suppression system needs to be submitted to me.

3. 474 N. Old Woodward- North End Market

--The report for the annual service of the building Fire Suppression system needs to be submitted to me.

4. 184 Pierce- Townhouse

--I have received the requested reports for the annual service of the building Fire Suppression system and the building Fire Pur . \$50.00 per report has not been received. Per the policy we have adopted, of the two options for submission of the required report to submit the reports himself, which requires him to pay the fees.

5. 220 Merrill- 220 Restaurant

--The front door locking mechanism needs to be replaced with an approved assembly, for means of egress.. This issue has been inspected. I have talked to the business manager and I have also been contacted by the locksmith they have hired. We have discussed the correction. I was informed by the locksmith that the lock assembly would be special ordered because of the type of door and we were assured by the business manager correction of this issue was in process and would be completed.

--Due to the addition of appliances in the kitchen, the kitchen hood fire suppression system needed to be re-worked. The business manager is replacing the existing kitchen hood fire suppression system with a new system. I have been in contact with the fire suppression company they have reviewed and approved the plans for the new system. I am waiting for the system to be installed and to proceed with the acceptance.

6. 111 Elm- All Seasons

--The report for the annual service of the building Fire Alarm system needs to be submitted to me.

I believe all of these issues will soon be corrected and I will continue to follow up to ensure they are in complete compliance with these issues should cause the renewal of their liquor license to be denied.

Please let me know if you need any further information.

Thank you,

Joel

2017 LIQUOR LICENSE REVIEW

| APPLICANT | Parcel # | July 2016 Tax Due | Special Assessments Past Due | Prior Year Delinquent Personal Property | Water Account Number | Delinquent Water Due | Total Due | Comments |
|--------------------------------------|--------------------------------|-------------------|------------------------------|---|----------------------------|------------------------|-------------|-----------------------|
| 220 Merrill Restaurant | 19-36-202-017 99-00-015-113 | | | | 00023-59924 00237-22056 | | | |
| All Seasons | 19-36-227-029 99-00-014-135 | | | | 09901-10370 09902-10370 | | | |
| Auchon | 99-00-016-115 | | | | | | | |
| Arthur Ave | 99-00-016-113 | | | | | | | |
| Bella Platti | 99-00-012-120 | | | | | | | |
| Big Rock Chop & Brew House | 20-31-207-001 99-01-850-107 | | | | 09063-19102 09069-34414 | | | |
| Birmingham Sushi | 99-00-010-087 | | | | 32745-34042 | | | |
| Bistro Joe's | 99-00-002-103 19-36-283-025 | | | | 19469-24354 | | | |
| Café Via | 99-00-010-068 | | | | | | | |
| Cameron Steakhouse | 99-00-005-146 | | | | 31099-25478 | | | |
| Churchill's Bistro | 99-01-009-140 | | | | 35143-25682 | | | |
| Community House | 19-36-132-007 | | | | 00190-75528 01909-22470 | | | |
| Cosi | 99-00-002-033 | | | | 20531-30436 | | | |
| Dick O'Dow's | 99-01-960-288 | | | | 06549-23140 06551-23142 | \$20,767.76 \$26.20 | \$20,793.96 | Payment Plan Received |
| Elie's Mediterranean Café | 99-01-930-115 | | | | 00022-19864 | | | |
| Imagine Palladium and Ironwood Grill | 99-00-016-081 99-00-016-082 | | | | | | | |
| Flemings | 99-00-008-040 | | | | | | | |
| Forest Grill | 99-00-009-074 | | | | | | | |
| Griffin Claw Brewery | 99-00-014-048 20-31-203-036 | | | | 29898-19115 29899-19116 | | | |
| Hyde Park | 99-00-013-091 | | | | 07725-23506 33231-25766 | | | |
| La Strada | 99-00-016-108 | | | | | | | |
| Luxe Bar & Grill | 99-00-011-030 | | | | | | | |
| Mad Hatter | 99-00-015-066 | | | | 23177-26830 | | | |
| Market North End | 99-00-014-056 | | | | 07106-23265 | | | |
| Mitchell's Fish Market | 99-00-004-088 | | | | 31101-25474 | | | |
| Peabody's | 19-36-207-008 99-01-003-630 | \$2,769.33 | | | 07667-23456 07669-23458 | | \$2,769.33 | |
| Phoenecia | 99-01-010-170 | | | | 00785-22218 | | | |
| Rojo | 99-00-014-118 | \$6,329.46 | | 5560.87 | 34097-25270 | | \$11,890.33 | Chapter 11-per Rojo |
| Salvatore Scallopini | 99-01-850-267 | | | | 06433-23066 | | | |
| Social Kitchen & Bar | 99-00-013-079 | | | | | | | |
| Streetside Seafood | 99-01-006-540 | | | | 00223-22048 | | | |
| Tallulah Wine Bar & Bistro | 99-00-011-051 | | | | 02017-22504 | | | |
| The Bird & The Bread | 99-00-015-021 | | | | 34089-25378 | | | |
| The Stand | 99-00-011-012 | | | | 34487-34546 | | | |
| Toast | 99-00-009-013 | | | | 21549-22036 | | | |
| Townhouse | 99-00-012-092 | | | | 01128-08396 | | | |
| Townsend Hotel | 19-36-134-006 99-01-870-185 | | | | 00169-25030 00171-22012 | | | |
| Triple Nickel | 99-00-015-111 | | | | 17536-24761 | | | |

Violation History

| | BUSINESS | 2014 | 2015 | 2016 |
|-----------|--|------------------------------|----------------------|----------------------|
| 1 | 220 Merrill Restaurant | BPD (1) Water Del, Tax | BPD (1) ZV | BPD (1) SOM (2) |
| 2 | All Seasons Senior Living (Hospitality of Birmingham) | | | |
| 3 | Bella Piatti | | | |
| 4 | Big Rock Chop House/The Reserve | | | |
| 5 | Birmingham Sushi Café | | | |
| 6 | Bistro Joe's | Water Del | | |
| 7 | Cafe' Via | | | SOM (1) |
| 8 | Cameron Steakhouse | Water Del | | |
| 9 | Churchill's Bistro | | | |
| 10 | Community House | | BPD (1) | |
| 11 | Dick O'Dow's | BPD (1) Water Del | BPD (1) Water Del | BPD (2) Water Del |
| 12 | Elie's Mediterranean Café | | | |
| 13 | Emagine Palladium & IronWood Grill (CH Birmingham, LLC) | | | SOM (1) ZV |
| 14 | Fleming's Prime Steakhouse | | | |
| 15 | Forest Grill | | | |
| 16 | Griffin Claw Brewery | | | |
| 17 | Hyde Park | BPD (1) | | |
| 18 | La Strada Dolci & Caffè | | | |
| 19 | Luxe Bar & Grill | SOM | | |
| 20 | Mad Hatter (Tea Parlor, Inc) | SOM BPD (1) | | |
| | BUSINESS | 2014 | 2015 | 2016 |

Violation History

| | | | | |
|-----------|----------------------------|---------------------------------------|--------------------|---------------------------|
| 21 | Market North End | | BPD (1) | BPD (3) |
| 22 | Mitchell's Fish Market | | | BPD (1) |
| 24 | Phoenicia | | | |
| 25 | Rojo Mexican Bistro | Tax Water Del | Taxes water | SOM (2) Tax Tax Del |
| 26 | Salvatore Scallopini | | | |
| 27 | Sidecar Slider Bar | | | |
| 28 | Social Kitchen & Bar | SOM ZV | | |
| 29 | Streetside Seafood | | | |
| 30 | Tallulah Wine Bar & Bistro | Water Del | | |
| 31 | The Bird and The Bread | | SOM (1) | |
| 32 | The Stand | | BPD (1) | |
| 33 | Toast | | | |
| 34 | Townhouse | | SOM (1) BPD (1) | BPD (1) |
| 35 | Townsend Hotel | BPD (1) | BPD (1) | |
| 36 | Triple Nickel (Crush, LLC) | | | |
| 37 | Lincoln Hills Golf Course | | | |
| 38 | Springdale Golf Course | | | |
| | KEY | | | |
| | SOM | State of Michigan Liquor Violation | | |
| | BPD | Police Contacts - Assaultive Behavior | | |
| | BFD | Unresolved Fire Code Violations | | |
| | ZV | Zoning Violation | | |
| | Water | Unpaid Water Bill | | |
| | Water Del | Deliquent Water Bill | | |
| | Tax | Unpaid Tax Bill | | |
| | Tax Del | Deliquent Tax Bill | | |

February 28, 2017

Emagine Palladium/Ironwood Grill
CH Birmingham, LLC
Attn: Paul Glantz
PO Box 841
Troy, MI 48099

Re: 2017 Liquor License Renewal for Emagine Palladium/Ironwood Grill (209 Hamilton Row)

****VIA CERTIFIED MAIL****

Mr. Glantz,

At the City Commission meeting of February 27, 2017, the Birmingham City Commission adopted a resolution to hold a public hearing on Monday, March 13, 2017 at 7:30 PM to consider whether to file an objection with the Michigan Liquor Control Commission to the renewal of the license for consumption of intoxicating liquor on the premises currently held for the subject business. The public hearing will be held in the City Commission Room at the Birmingham City Hall, located at 151 Martin, Birmingham, MI 48009.

The reasons stated for said hearing include questions as to the licensee's compliance with the following provision of Chapter 10 of the City Code (enclosed):

- Section 10-40 (5) Licensee's failure to comply with the terms of its liquor license or any conditions imposed by the city commission or the liquor control commission at the time of issuance or transfer of the license.
 - *Special Land Use Permit amendment required for transfer of ownership or name*

You may submit any written material for consideration by the City Commission prior to the date of the public hearing or at the hearing, you may appear in person at the hearing or be represented by counsel, and you may present witnesses or written evidence at the hearing. If you wish to submit any written materials prior to the public hearing, please submit them to the City Clerk's Office no later than noon on Monday, March 13, 2017.

Sincerely,

Joseph A. Valentine
City Manager

c: Chris Poulos, General Manager

Enclosures: Chapter 10 of the Birmingham City Code
February 27, 2017 City Commission Resolution

Chapter 10 - ALCOHOLIC LIQUORS^[1]

Footnotes:

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Cross reference— Businesses, ch. 26.

State Law reference— Liquor control act, MCL 436.1 et seq.

ARTICLE I. - IN GENERAL

Secs. 10-1—10-25. - Reserved.

ARTICLE II. - LICENSES

DIVISION 1. - GENERALLY

Secs. 10-26—10-35. - Reserved.

DIVISION 2. - CONSUMPTION ON PREMISES

Sec. 10-36. - Purpose.

The purpose of this division is to establish a policy and procedure for the renewal, revocation and transfer of licenses for sales of intoxicating liquor for consumption on the premises in the city.

(Code 1963, § 7.400; Ord. No. 1551, § 7.400, 3-15-93)

Sec. 10-37. - Renewals—City investigation.

In January of each year, the city manager shall cause the following investigation to be made relative to each existing license for sales of intoxicating liquor on the premises in the city:

- (1) An inspection of the premises to determine whether the licensee is in compliance with all applicable city and state codes. All inspection reports for the prior 12-month period from the county health department shall be obtained for review by the city commission.
- (2) An inspection of the premises to determine that the licensee is in compliance with the license itself, its approved site plan and plan of operation as well as any conditions imposed by the city or the liquor control commission at the time of issuance or transfer of the license.
- (3) An inspection to determine the general condition of the licensed premises, both interior and exterior.

- (4) The city administration shall secure from each licensee an affidavit, on a form to be supplied by the city, stating the percentage of the licensee's gross income during the prior 12-month period from the sale of food and alcoholic beverages.
- (5) An inspection of the city's records to determine whether all taxes and other monies due the city are timely paid.
- (6) An inspection of police files or other sources of information to determine whether any activity in connection with the licensed premises is in violation of the law, disturbs the public peace and tranquility or contributes to the disruption of the normal activities of those in the neighborhood of the licensed premises.

(Code 1963, § 7.401; Ord. No. 1551, § 7.401, 3-15-93)

Sec. 10-38. - Same—City commission.

In February of each year, the city commission will consider the renewal of all existing licenses for consumption of intoxicating liquor on the premises in the city. The commission will review the information and other investigative materials collected by the city administration as detailed in section 10-37. Following its review of this material, the city commission may adopt a resolution to establish a public hearing date to consider objecting to the renewal of a license for consumption of intoxicating liquor on the premises by the liquor control commission. If such action is taken by the city commission, its resolution shall:

- (1) State the reasons why the city is considering action which would result in the city objecting to the renewal of the license;
- (2) State the date, time and place for the public hearing when the city commission will consider taking action to object to the renewal of the license;
- (3) Direct the city administration to inform the licensee in writing that he may submit any written material for consideration by the city commission prior to the date of the public hearing or at the hearing, that the licensee may appear in person at the hearing or be represented by counsel, and that the licensee may present witnesses or written evidence at the hearing.

(Code 1963, § 7.402; Ord. No. 1551, § 7.402, 3-15-93)

Sec. 10-39. - Procedure for objecting to renewal or requesting revocation of liquor license or permit.

Prior to filing an objection with the liquor control commission to renew or request for revocation of a liquor licenses, the city commission shall do the following:

- (1) Serve the licensee by first class mail, at least ten days prior to the hearing, with a written notice of the hearing, which notice shall contain the following information:
 - a. Notice of proposed action;
 - b. Reasons for the proposed action;
 - c. Date, time and location of hearing; and
 - d. A statement that at the hearing the licensee may present witnesses, evidence and arguments on his behalf and confront adverse witnesses and that the licensee has the right to be represented by counsel.
- (2) Hold a hearing as scheduled with the licensee present. The city commission may consider the investigation and other materials prepared by the city administration pursuant to section 10-37, which materials shall be made available to the licensee. The city commission may also hear from members of the administration, other governmental agencies or the public and licensee

shall be afforded an opportunity to question those who present information or other evidence to the city commission. The licensee shall be given an opportunity to be represented by counsel and to present witnesses, evidence and arguments and shall be allowed to confront adverse witnesses. The public shall be afforded a reasonable opportunity to comment upon the issues before the city commission.

- (3) Following the hearing, the city commission shall make a written resolution as to its findings and determination and shall by first class mail forward a copy of the same to the licensee and the liquor control commission. In cases where the city's determination is to object to the renewal of the license, a copy of the resolution shall be sent to the licensee and the state liquor control commission and must be received by the state liquor control commission no later than March 31.
- (4) If the city commission determines that a recommendation of nonrenewal or request for revocation is to be filed with the state liquor control commission, it shall forward the following documents to the state liquor control commission:
 - a. A certified copy of the notice of hearing sent to the licensee.
 - b. A certified copy of the resolution adopted by the city commission objecting to the renewal of the license or requesting that the license be revoked and, if there is a separate statement of findings, a certified copy of the statement of findings shall be included.
 - c. A copy of this chapter, including the date of adoption of the ordinance from which this chapter was derived and the date of publication of such ordinance.
 - d. A proof of service demonstrating that the notice of hearing was sent to the licensee.

(Ord. No. 2066, 8-22-11)

Editor's note— Ord. No. 2066, adopted August 22, 2011, amended section 10-39 in its entirety to read as herein set out. Formerly, section 10-39 pertained to renewal hearing—procedure, and derived from the Code of 1963, § 7.403(a), and Ord. No. 1551, § 7.403(A), adopted March 15, 1993.

Sec. 10-40. - Same—Standards.

The city commission may object to renewal of a license for consumption of intoxicating liquor on the premises for one or more of the following reasons:

- (1) Licensee's failure to comply with all applicable city and state laws concerning health, safety, moral conduct or public welfare.
- (2) Licensee's repeated violations of state liquor laws.
- (3) Licensee's maintenance of a nuisance upon or in connection with the licensed premises, including but not limited to any of the following:
 - a. Existing violations of building, electrical, mechanical, plumbing, zoning, health, fire or other applicable regulatory codes;
 - b. A pattern of patron conduct in the neighborhood of the licensed premises which is in violation of the law and/or disturbs the peace, order, and tranquility of the neighborhood;
 - c. Failure to maintain the grounds and exterior of the licensed premises, including litter, debris, or refuse blowing or being deposited upon adjoining premises;
 - d. Entertainment on the licensed premises without a permit and/or entertainment which disturbs the peace, order and tranquility in the neighborhood of the licensed premises;

- e. Any advertising, promotion or activity in connection with the licensed premises which by its nature causes, creates or contributes to disorder, disobedience to rules, ordinances or laws, or contributes to the disruption of normal activity of those in the neighborhood of the licensed premises;
 - f. Numerous police contacts with the licensed premises or the patrons of the premises;
 - g. Failure to adequately staff and control the premises; and
 - h. The conditions or practices of the business present immediate health and safety issues.
- (4) Licensee's failure to permit the inspection of the licensed premises by the city's agents or employees in connection with the enforcement of the City Code.
 - (5) Licensee's failure to comply with the terms of its liquor license or any conditions imposed by the city commission or the liquor control commission at the time of issuance or transfer of the license.
 - (6) Licensee's failure to comply with all standards and plans established and approved by the city commission at the time of original approval or transfer of the license.
 - (7) Licensee's failure to timely pay its taxes or other monies due the city.

(Code 1963, § 7.403(b); Ord. No. 1551, § 7.403(B), 3-15-93; Ord. No. 2067, 8-22-11)

Sec. 10-41. - Revocation.

A license for consumption of intoxicating liquor on the premises may be revoked by the city commission for licensee's violation of any of the standards set forth in subsections 10-40(1) through (7) following a public hearing conducted in conformance with the procedures established in section 10-39.

(Code 1963, § 7.404; Ord. No. 1551, § 7.404, 3-15-93)

Sec. 10-42. - Transfers—Standards.

Any and all transfers of a license for consumption of intoxicating liquor on premises require the approval of the city commission of any kind including, but not limited to: ownership of the license; stock in a corporation that owns a license; interest in a license through any entity; or location of the licensed premises. Applications for a transfer shall be in writing and filed with the city clerk. An application for transfer of a license for consumption of intoxicating liquor on the premises will be considered by the city commission based on the following standards:

- (1) An applicant will be given consideration only if he proposes to provide and continues to provide for the service of meals to be consumed on the premises.
- (2) The location proposed and methods of operation must not detrimentally and unreasonably impact nearby property owners, businesses and residents.
- (3) All applicable health and safety codes and ordinances, including zoning, must be met.
- (4) Applicants will be required to submit a detailed plan of proposed operation as part of their application for transfer, which shall include a plot plan of the site, a plan for any proposed change in exterior and interior design, lay-out of any proposed change to ancillary facilities and a general operational statements outlining the proposed manner in which the establishment will be operated, including a schedule of the hours of operation, crowd control plans, use of the facility, parking provisions and the estimated cost of any proposed improvements.

(Code 1963, § 7.405(a); Ord. No. 1551, § 7.405(A), 3-15-93; Ord. No. 2120, 8-13-12; Ord. No. 2125, 2-11-13)

Sec. 10-43. - Same—Procedure.

- (a) Each applicant for transfer of a license for consumption of intoxicating liquor on the premises must make an application to the city clerk on forms provided by the city. This application is in addition to any application required by the liquor control commission.
- (b) Upon receipt of an application for transfer, the city manager will refer it to the police chief, building official, fire chief, planning director, the county department of health and such other city officers or employees as the manager may desire, who shall cause a thorough investigation of the applicant to be made, including a complete history of past business experience and liquor law violations, if any.
- (c) The applicant will be required to reimburse the city for the cost of its investigation, as determined by the city manager, prior to consideration of the transfer request by the city commission.
- (d) The applicant will be required to appear before the city commission, make a written presentation concerning the plans for the operation of the licensed premises and answer any questions pertaining to such plans.
- (e) If the city commission is satisfied that the transfer of the license for consumption of intoxicating liquor on the premises will constitute an asset to the community and meets the standards of this division, it will adopt a resolution approving transfer of the license, subject to any conditions stated in the resolution. Once the city commission approves the transfer of a license, a copy of the resolution shall be sent to the liquor control commission. The applicant must comply with all representations made to the city commission as part of his request for transfer. If, following transfer of a license for consumption of intoxicating liquor on the premises it is determined that the project was not completed as required by plans and specifications presented to the city commission or in compliance with the representations made to the city commission, the city commission may consider objecting to the renewal of the license for the following year.

(Code 1963, § 7.405(b); Ord. No. 1551, § 7.405(B), 3-15-93)

Sec. 10-44. - Same—Duty of continuing compliance.

Successful applicants for transfer of a license for consumption of intoxicating liquor on the premises or a permit endorsement to said license shall continue to comply with all city and state codes and the standards set forth in this division, including the written plan of operation submitted to the city and any representations made to the city commission in obtaining the requested transfer. Licensee's failure to comply with all codes or variation from the written plan of operation may result in the refusal of the city commission to renew a license or revocation of the license.

(Code 1963, § 7.406; Ord. No. 1551, § 7.406, 3-15-93; Ord. No. 2126, 2-11-13)

Sec. 10-45. - Annual license requirement.

No person shall engage in the sale of any alcoholic liquor, beer or wine for consumption on the premises without first obtaining a license from the city. Application for a license shall be made on a form provided by the city clerk. No license shall be issued unless the requirements of this division have been met, the certifications required by chapter 26, sections 26-34—26-37 have been made and the fee set forth in the schedule of fees, charges, bonds and insurance have been paid. The license year shall begin May 1 of each year and terminate at midnight on April 30 of the following year.

(Code 1963, § 7.407; Ord. No. 1551, § 7.407, 3-15-93; Ord. No. 2010, 2-8-10)

Sec. 10-46. - Permit endorsements.

Any and all permit endorsements to a license for consumption of intoxicating liquor on premises require the approval of the city commission. Applications for permit endorsement shall be in writing and filed with the city clerk. An application for permit endorsement license for consumption of intoxicating liquor on the premises will be considered by the city commission based on the following standards:

- (1) An applicant will be given consideration only if he proposes to provide and continues to provide for the service of meals to be consumed on the premises.
- (2) The location proposed and methods of operation must not detrimentally and unreasonably impact nearby property owners, businesses and residents.
- (3) All applicable health and safety codes and ordinances, including zoning, must be met.
- (4) Applicants will be required to submit a detailed plan of proposed operation as part of their application for permit endorsement, which shall include a plot plan of the site, a plan for any proposed change in exterior and interior design, lay-out of any proposed change to ancillary facilities and a general operational statements outlining the proposed manner in which the establishment will be operated, including a schedule of the hours of operation, crowd control plans, use of the facility, parking provisions and the estimated cost of any proposed improvements.

(Ord. No. 2126, 2-11-13)

Sec. 10-47. - Same—Procedure.

- (a) Each applicant for transfer of a permit endorsement for consumption of intoxicating liquor on the premises must make an application to the city clerk on forms provided by the city. This application is in addition to any application required by the liquor control commission.
- (b) Upon receipt of an application for transfer, the city manager will refer it to the police chief, building official, fire chief, planning director, the county department of health and such other city officers or employees as the manager may desire, who shall cause a thorough investigation of the applicant to be made, including a complete history of past business experience and liquor law violations, if any.
- (c) The applicant will be required to reimburse the city for the cost of its investigation, as determined by the city manager, prior to consideration of the permit endorsement request by the city commission.
- (d) The applicant will be required to appear before the city commission, make a written presentation concerning the plans for the operation of the licensed premises and answer any questions pertaining to such plans.
- (e) If the city commission is satisfied that the permit endorsement to the license for consumption of intoxicating liquor on the premises will constitute an asset to the community and meets the standards of this division, it will adopt a resolution approving the permit endorsement to the license, subject to any conditions stated in the resolution. Once the city commission approves the permit endorsement to a license, a copy of the resolution shall be sent to the liquor control commission. The applicant must comply with all representations made to the city commission as part of his request for the permit endorsement. If, following a permit endorsement to a license for consumption of intoxicating liquor on the premises it is determined that the project was not completed as required by plans and specifications presented to the city commission or in compliance with the representations made to the city commission, the city commission may consider objecting to the renewal of the license for the following year.

(Ord. No. 2126, 2-11-13)

Secs. 10-48—10-59. - Reserved.

DIVISION 3. - LICENSES FOR ECONOMIC DEVELOPMENT

Sec. 10-60. - Purpose.

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

(Ord. No. 2032, 5-10-10)

Sec. 10-61. - Request for transfer of license into city.

Persons desiring to transfer a liquor license from outside the city limits into the city limits in excess of the city's quota licenses shall make an application to the city commission and pay the applicable economic development liquor license transfer review fee as set forth in appendix A of this Code. In addition to those items and conditions set forth in section 10-42, the application shall set forth in detail its proposed project, including, but not limited to:

- (1) Utilization of said liquor licenses and details on the number of quota liquor licenses in escrow at the time of application.
- (2) Proposed site plan of the property, building floor plan and an operations floor plan.
- (3) An economic impact analysis.
- (4) A copy of the special land use permit application and supporting documentation submitted by the applicant.
- (5) All documentation submitted to the LCC requesting the transfer.
- (6) Full identification and history of the license holder(s) as it pertains to the license proposed to be transferred, including all complaints filed with the state liquor control commission (LCC) or actions taken by any municipality or the LCC to suspend, revoke, deny or the non-renewal of said license and all other documentation setting forth the detail of the substantial economic development proposed by the applicant, including the approximate dollar amount of the investment to be made, number of jobs to be created and other benefits to the city. The city deems projects resulting in a 500 percent increase in assessed value post-development over the pre-development assessed value of the parcel and/or projects with an investment of more than \$10,000,000.00, whichever is less, to be substantial. However, special circumstances may warrant flexibility on the minimum investment at the sole discretion of the city commission.
- (7) Information detailing how the proposed operation will create a more eclectic mix of restaurants in the city.
- (8) Such other items deemed necessary by city administration.

(Ord. No. 2032, 5-10-10)

Sec. 10-62. - Application for transfer of liquor license into the city for economic development purposes.

- (a) Selection criteria. In addition to the usual factors and criteria used by the city commission for liquor license requests, including those listed in section 10-42, the commission shall consider the following non-exclusive list of criteria to assist in the determination of which of the existing establishment applicants, if any, should be approved:

- (1) The applicant's demonstrated ability to finance the proposed project.
 - (2) The applicant's track record with the city including responding to city and/or citizen concerns.
 - (3) Whether the applicant has an adequate site plan to handle the proposed liquor license activities.
 - (4) Whether the applicant has adequate health and sanitary facilities.
 - (5) The establishment's location in relation to the determined interest in development.
 - (6) The extent that the cuisine offered by applicant is represented in the city.
 - (7) The percentage of proceeds from the sale of food products as compared to the sale of alcoholic beverages.
 - (8) Whether the applicant has outstanding obligations to the city (i.e. property taxes paid, utilities paid, etc.).
- (b) Maximum number of economic development licenses. The city commission may approve a maximum of two economic development licenses each calendar year in addition to the existing quota licenses otherwise permitted by state law.
 - (c) Annual review of need. Every three calendar years, the city commission shall perform a review of the previously approved economic development license(s), if any, and the impact of those decisions on the city's downtown. A time for public comment shall be provided.
 - (d) If any new transfers of licenses for economic development are to be considered, the city commission shall set a schedule setting forth when all applicants must submit their application and supporting documentation, when interviews may be conducted and a timeframe within which a decision will be anticipated.

(Ord. No. 2032, 5-10-10)

Sec. 10-63. - Transfer within city.

Should an economic development license be issued by the city commission, said license is limited to the property proposed and approved and the applicant receiving the approval, and shall not be transferred to another location or person/entity within the city without prior approval of the city commission and substantial economic development and benefit to the city at the new location. Standards to be considered by the city commission and the procedure to be followed shall include those set forth in section 10-42 and section 10-43. In addition, any expansion of the building located on the property must be approved by the city commission.

(Ord. No. 2032, 5-10-10)

Sec. 10-64. - Contract and special land use permit required.

A contract for transfer and a special land use permit are required for all licenses approved under this division. The licensee must comply with all provisions of the contract and special land use permit, and any amendments thereto as a condition of granting of a requested transfer and subsequently maintaining the license under this division.

(Ord. No. 2032, 5-10-10)

Sec. 10-65. - Renewals.

Once a license is issued under this division, the license holder must go through the license renewal process set forth in section 10-39 and is subject to the renewal standards set forth in section 10-40. A review of compliance with the contract and special land use permit shall also be included.

(Ord. No. 2032, 5-10-10)

Sec. 10-66. - License types, endorsements, additional bar permits.

If a license is issued under this division, the license holder may apply for entertainment, dance and additional bar permits from the state liquor control commission for use only on the premises, but shall not apply for or seek from the state liquor control commission any permit endorsements to its liquor license or seek any change in its license status/class whether available in current state liquor control code or in future state liquor control codes, or amendments thereto, without the prior approval from the city commission.

(Ord. No. 2032, 5-10-10)

Sec. 10-67. - Violation of license, contract, special land use permit.

Violations or failures to abide by terms of the liquor license, contract, the special land use permit or this Code shall be grounds for the state liquor control commission to suspend, revoke or not renew the liquor license. Further, should violations occur, or should the applicant fail to complete the project as required by plans and specifications presented to the city commission, or fail to comply with all representations made to the city commission, the city shall be entitled to exercise any or all remedies provided in those documents, in this Code, including but not limited to seeking the revocation of the special land use permit, pursuing breach of contract claims, and all other legal and equitable rights to enforce the terms thereunder. The licensee shall reimburse the city all of its costs and actual attorney fees incurred by the city in seeking the suspension, revocation or non-renewal of the liquor license, revocation of the special land use permit, or enforcement of such other rights and remedies, including contractual, as may be available at law or in equity.

(Ord. No. 2032, 5-10-10)

Secs. 10-68—10-79. - Reserved.

DIVISION 4. - BISTRO LICENSES

Sec. 10-80. - Purpose.

The purpose of this division is to establish a policy and conditions to allow the city commission the ability to approve a request to transfer a liquor license into the city in excess of the city's quota licenses if applicant is establishing a bistro, as defined in chapter 126, to establish criteria for selecting applicants, and to provide limitations on the influx of new bistro liquor licenses and to insure controlled growth and development regarding bistro liquor licenses and to evaluate the impact of bistro liquor licenses on the city.

(Ord. No. 1929, 4-16-07; Ord. No. 2065, 8-22-11)

Sec. 10-81. - Request for transfer of license into city.

Persons desiring to transfer a liquor license from outside the city limits into the city limits in excess of the city's quota licenses for establishment of a bistro shall make an application to the city commission and pay the applicable liquor license transfer review fee for a bistro as set forth in the schedule of fees, charges, bonds and insurance. In addition to those items and conditions set forth in section 10-42, the application shall set forth in detail its proposed project, including, but not limited to:

- (1) Utilization of said bistro liquor licenses and details on the number of quota liquor licenses in escrow at the time of application.
- (2) Proposed site plan of the property, building floor plan and an operations floor plan.
- (3) A copy of the special land use permit application and supporting documentation submitted by the applicant.
- (4) All documentation submitted to the LCC requesting the transfer.
- (5) Full identification and history of the license holder(s) as it pertains to the license proposed to be transferred, including all complaints filed with the state liquor control commission (LCC) or actions taken by any municipality or the LCC to suspend, revoke, deny or the non-renewal of said license and all other documentation setting forth the detail of the bistro layout proposed by the applicant.
- (6) Such other items deemed necessary by city administration.

(Ord. No. 1929, 4-16-07; Ord. No. 2010, 2-8-10; Ord. No. 2065, 8-22-11)

Sec. 10-82. - Limitations on the numbers of bistro licenses.

(a) Maximum number of bistro licenses. The city commission may approve a maximum number of license transfers for bistro licenses per calendar year as follows:

- (1) *Existing establishments.* A maximum of six bistro licenses may be approved in the first year after the passage of this amendment, and a maximum of two bistro licenses may be approved each calendar year thereafter to applicants whose establishments have been continuously operating as a restaurant or food service business in the city for at least five years prior to applying for the license transfer. In addition to the usual criteria used by the city commission for liquor license requests, the commission shall consider the following non-exclusive list of criteria to assist in the determination of which of the existing establishment applicants, if any, should be approved:
 - a. The applicant's demonstrated ability to finance the proposed project.
 - b. The applicant's track record with the city including responding to city and/or citizen concerns.
 - c. Whether the applicant has an adequate site plan to handle the bistro liquor license activities.
 - d. Whether the applicant has adequate health and sanitary facilities.
 - e. The establishment's location in relation to the determined interest in the establishment of bistros in the overlay district and the Triangle district.
 - f. The extent that the cuisine offered by applicant is represented in the city.
 - g. Whether the applicant has outstanding obligations to the city (i.e., property taxes, utilities, etc.).
- (2) *New establishments.* Two bistro licenses may be approved each calendar year to applicants who do not meet the definition of existing establishments as set forth in subsection (a)(1). In addition to the usual criteria used by the city commission for liquor license requests, the

commission shall consider the following non-exclusive list of criteria to assist in the determination of which of the new establishment applicants, if any, should be approved:

- a. The applicant's demonstrated ability to finance the proposed project.
 - b. The applicant's track record with the city including responding to city and/or citizen concerns.
 - c. Whether the applicant has an adequate site plan to handle the bistro liquor license activities.
 - d. Whether the applicant has adequate health and sanitary facilities.
 - e. The establishment's location in relation to the determined interest in the establishment of bistros in the overlay district and the Triangle district.
 - f. The extent that the cuisine offered by applicant is represented in the city.
 - g. Whether the applicant has outstanding obligations to the city (i.e., property taxes, utilities, etc.).
- (b) Application deadlines and review procedures for bistro licenses shall be established by resolution of the city commission.
- (c) Annual review of need. Every year for the first three years after the passage of this amendment, and every three calendar years thereafter, the city commission shall perform a review of the previously approved bistro license(s), if any, and the impact of those decisions on the city. A time for public comment shall be provided. Based on the city commission review and comment by the public, the city commission shall determine whether they will consider applications for license transfers for existing establishments and/or new establishments, up to the maximum in each category.
- (d) If any new transfers of licenses for bistros are to be considered, the city commission shall set a schedule setting forth when all applicants must submit their application and supporting documentation, when interviews may be conducted and a timeframe within which a decision will be anticipated.

(Ord. No. 1929, 4-16-07; Ord. No. 2065, 8-22-11)

Sec. 10-83. - Transfer within city.

Should a bistro license be issued by the city commission, said license is limited to the property proposed and approved and the applicant receiving the approval, and shall not be transferred to another location or person/entity within the city without prior approval of the city commission. Standards to be considered by the city commission and the procedure to be followed shall include those set forth in sections 10-42 and 10-43. In addition, any expansion of the building located on the property must be approved by the city commission.

(Ord. No. 1929, 4-16-07; Ord. No. 2065, 8-22-11)

Sec. 10-84. - Contract and special land use permit required.

A contract for transfer and a special land use permit are required for all licenses approved under this division. The licensee must comply with all provisions of the contract and special land use permit, and any amendments thereto as a condition of granting of a requested transfer under this division.

(Ord. No. 1929, 4-16-07; Ord. No. 2065, 8-22-11)

Sec. 10-85. - Renewals.

Once a license is issued under this division, the license holder must go through the license renewal process set forth in section 10-39 and is subject to the renewal standards set forth in section 10-40. A review of compliance with the contract and special land use permit shall also be included.

(Ord. No. 1929, 4-16-07; Ord. No. 2065, 8-22-11)

Sec. 10-86. - License types, endorsements, additional bar permits.

If a license is issued under this division, the license holder may not apply or seek any permit endorsements from the state liquor control commission or seek any change in its license status/class whether available in current state liquor control code or in future state liquor control codes, or amendments thereto, without the prior approval from the city commission.

(Ord. No. 1929, 4-16-07; Ord. No. 2065, 8-22-11)

Sec. 10-87. - Violation of license, contract, special land use permit.

Violation(s) or failure(s) to abide by terms of the liquor license, contract, the special land use permit or this Code shall be grounds for the state liquor control commission to suspend, revoke or not renew the liquor license. Further, should violation(s) occur, or should the applicant fail to complete the project as required by plans and specifications presented to the city commission, or fail to comply with all representations made to the city commission, the city shall be entitled to exercise any or all remedies provided in those documents, in this Code, including but not limited to seeking the revocation of the special land use permit, pursuing breach of contract claims, and all other legal and equitable rights to enforce the terms thereunder. The licensee shall reimburse the city all of its costs and actual attorney fees incurred by the city in seeking the suspension, revocation or non-renewal of the liquor license, revocation of the special land use permit, or enforcement of such other rights and remedies, including contractual, as may be available at law or in equity.

(Ord. No. 1929, 4-16-07; Ord. No. 2065, 8-22-11)

MOTION: Motion by Bordman, seconded by Hoff:

To set a public hearing for 7:30 PM on Monday, March 13, 2017 in the City Commission Room at the Birmingham Municipal Building, 151 Martin, Birmingham, MI 48009, to consider whether to file an objection with the Michigan Liquor Control Commission to the renewal of the license for consumption of intoxicating liquor on the premises currently held by the owners/operators of Emagine Theater/Ironwood Grill, for the following reasons:

Sec. 10.40 (5) Licensee's failure to comply with the terms of its liquor license or any conditions imposed by the city commission or the liquor control commission at the time of issuance or transfer of the license, to wit: Requires Special Land Use amendment

Further, to direct the City Manager to notify the owners/operators of Emagine/Ironwood Grill, in writing, that they may submit any written material for consideration by the City Commission prior to the date of the public hearing or at the hearing, that the licensee may appear in person at the hearing or be represented by counsel and that the licensee may present witnesses or written evidence at the hearing.

VOTE: Yeas, 6
 Nays, 0
 Absent, 1 (Sherman)



MEMORANDUM

Planning Division

DATE: March 8, 2017

TO: Joseph A. Valentine, City Manager

FROM: Jana L. Ecker, Planning Director

SUBJECT: Special Land Use Permit Violation at 250 N. Old Woodward – Emagine Palladium and Ironwood Grill

On March 25, 2015, the Planning Board conducted a public hearing to discuss a request by the applicant to open the Emagine Palladium Theatre, along with the Ironwood Grill., in the former Palladium Theatre space at 250 N. Old Woodward. Both the theatre and the restaurant were proposing to serve alcoholic liquors, and thus in accordance with the Zoning Ordinance, they are required to operate under a valid Special Land Use Permit. The existing Class C liquor license owner is The Palladium of Birmingham, LLC (owner of the Palladium Building), which is assigning the license to CH Birmingham, LLC a/k/a Emagine Palladium and Ironwood Grill Inside Emagine Palladium which will own and operate the theatre and restaurant previously proposed and approved. The Planning Board voted to recommend approval of the Final Site Plan and Special Land Use Permit Amendment to the City Commission with the following conditions:

1. Execute a contract with the City outlining the details of the proposed theatre and restaurant operations upon approval of the SLUP in accordance with the presentation made this evening;
2. Meet all City Department requests, subject to administrative approval;
3. Provide material specifications for the background sign panel on the marquis, and clarify all sign colors;
4. Obtain a variance from the Board of Zoning Appeals for all exterior entry signage;
5. Planning Board finds that the marquis is an architectural feature of the building, and is approved as an alternate design in lieu of a sign band; and
6. LED lighting on the Ironwood Grill signs must be mounted so that it is not visible through the open cut area.

On May 18, 2015, the City Commission approved the Final Site Plan and Special Land Use Permit to allow the operation of the Emagine Palladium Theatre and Ironwood Grill restaurant, operating under one Class C Liquor License, with the same conditions noted by the Planning Board. In accordance with this approval, the City Commission passed a resolution approving the Special Land Use Permit Amendment. In accordance with the terms of the SLUP Resolution, Emagine Palladium and Ironwood Grill were required to obtain the prior approval of the City Commission upon change in ownership or name of the establishment. A copy of the

approved resolution is attached for your review, and the relevant sections have been highlighted in yellow for your consideration.

In or around December 2016, Emagine Palladium and Ironwood Grill changed the name and concept of the eating establishment serving alcoholic liquors. Ironwood Grill was converted into Four Story Burger, a new, casual restaurant concept serving alcoholic liquors. A SLUP Amendment was not requested to permit this change, and the City Commission thus did not provide approval of the name change nor update the provisions of the SLUP to allow for the operation of Four Story Burger.

On March 2, 2017, a SLUP Amendment application and the corresponding fee was received. However, no plans were submitted along with the application. The applicant has been contacted, and has indicated they will submit plans as soon as possible.

Accordingly, the City Commission may wish to set a public hearing on the SLUP for Emagine Palladium and Ironwood Grill to review the SLUP at 250 N. Old Woodward due to the failure of Emagine to comply with the terms of the SLUP. After such a review, the City Commission has the option of terminating the SLUP. Termination of the SLUP would require the service of alcohol under the Class C liquor license held by CH Birmingham, LLC to cease immediately.

SUGGESTED ACTION:

To set a public hearing date for **April 13, 2017** to consider termination of the Special Land Use Permit at 250 N. Old Woodward, Emagine Palladium Theatre and Ironwood Grill restaurant.

OR

To take no action at this time.

**BIRMINGHAM CITY COMMISSION
REGULAR MEETING, MAY 18, 2015
RESOLUTION #05-110-15**

Present: Mayor Sherman, Mayor Pro Tern Hoff, Commissioners Dilgard, McDaniel, Moore,
Nickita, Rinschler,
Absent: None

05-110-15 MOTION: Motion by Rinschler, seconded by Nickita:

To approve the Final Site Plan and Special Land Use Permit Amendment at 250 N. Old Woodward to allow the operation of the Emagine Palladium Theatre and Donwood Grill restaurant, operating under one Class C Liquor License to be held by CH Birmingham, LLC:

WHEREAS, CH Birmingham LLC dba Emagine Palladium and Donwood Grill inside Emagine Palladium have together filed an application pursuant to Article 7, section 7.34 of Chapter 126, Zoning, of the City Code to operate two food and drink establishments under common ownership, both serving alcoholic liquors, as required in Article 6, section 6.02(5) of Chapter 126, Zoning, of the City Code;

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

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

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

WHEREAS, The Planning Board on March 25, 2015 reviewed the application for Final Site Plan and Special Land Use Permit and recommended approval with the following conditions:

1. Execute a contract with the City outlining the details of the proposed theatre and restaurant operations upon approval of the SLUP in accordance with the presentation made this evening;
2. Meet all City Department requests, subject to administrative approval;
3. Provide material specifications for the background sign panel on the marquis, and clarify all sign colors;
4. Obtain a variance from the Board of Zoning Appeals for all exterior entry signage;
5. Planning Board finds that the marquis is an architectural feature of the building, and is approved as an alternate design in lieu of a sign band; and
6. LED lighting on the Donwood Grill signs must be mounted so that it is not visible through the open cut area.

WHEREAS, The applicant has agreed to comply with all conditions for approval as recommended by the Planning Board on March 25, 2015;

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

NOW, THEREFORE, BE IT RESOLVED, The Birmingham City Commission finds the standards imposed under the City Code have been met, subject to the conditions below, and that the CH Birmingham LLC dba Emagine Palladium and onwood Grill inside Emagine Palladium application for a Special Land Use Permit authorizing the operation of two food and drink establishments, under common ownership, serving alcoholic liquors with a Class C liquor license with a Direct Connect Endorsement, New Sunday Sales Permit (AM and PM), Dance Permit, Entertainment Permit, (1) New Add Bar Permit, Specific Purpose Permit (food and movies) at 250 N. Old Woodward in accordance with Chapter 10, Alcoholic Liquors, is hereby approved;

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

1. Execute a contract with the City outlining the details of the proposed theatre and restaurant operations upon approval of the SLUP in accordance with the presentation made this evening;
2. Meet all City Department requests, subject to administrative approval;
3. Provide material specifications for the background sign panel on the marquis, and clarify all sign colors;
4. Obtain a variance from the Board of Zoning Appeals for all exterior entry signage;
5. Planning Board finds that the marquis is an architectural feature of the building, and is approved as an alternate design in lieu of a sign band;
6. LED lighting on the onwood Grill signs must be mounted so that it is not visible through the open cut area;
7. CH Birmingham LLC dba Emagine Palladium and onwood Grill inside Emagine Palladium shall abide by all provisions of the Birmingham City Code;
8. The Special Land Use Permit may be canceled by the City Commission upon finding that the continued use is not in the public interest;
10. CH Birmingham LLC dba Emagine Palladium and onwood Grill inside Emagine Palladium shall provide for the removal of disposable materials resulting from the operations and maintain the area in a clean and orderly condition by providing the necessary employees to guarantee this condition, and by the placement of a trash receptacle in the outdoor seating area; and
11. CH Birmingham LLC dba Emagine Palladium and onwood Grill inside Emagine Palladium shall enter into a contract with the City outlining the details of the operation of the proposed restaurants.

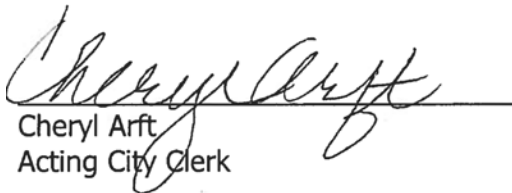
BE IT FURTHER RESOLVED, That failure to comply with any of the above conditions shall result in termination of the Special Land Use Permit.

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

MAY IT BE FURTHER RESOLVED that CH Birmingham LLC dba Emagine Palladium and tonwood Grill inside Emagine Palladium are recommended for operation of a theatre and restaurant, under common ownership, serving alcoholic liquors, with a Class C Liquor License with a Direct Connect Endorsement, New Sunday Sales Permit (AM and PM), Dance Permit, Entertainment Permit, (1) New Add Bar Permit, Specific Purpose Permit (food and movies) at 250 N. Old Woodward, Birmingham, Michigan, 48009, above all others, pursuant to Chapter 10, Alcoholic Liquors, of the Birmingham City Code, subject to final inspection.

VOTE: Yeas, 7
 Nays, None
 Absent, None

I Cheryl Arft, Acting City Clerk of the City of Birmingham, do hereby certify that the above is a true and correct copy of a resolution adopted by the Birmingham City Commission at the regular meeting of May 18, 2015.


Cheryl Arft
Acting City Clerk

**Planning Board Minutes
March 11, 2015**

SPECIAL LAND USE PERMIT ("SLUP")

FINAL SITE PLAN REVIEW

250 N. Old Woodward Ave.

Emagine Palladium Theatre, and Ironwood Grill

Application to allow a movie theatre, restaurant and bar serving alcoholic liquors in a portion of the former Palladium Theatre space

Ms. Ecker explained that the subject site is located at 250 N. Old Woodward Ave., on the south side of the existing Palladium building, in a portion of the former Palladium Theatre space. The parcel is zoned B-4, Business-Residential and D-4 in the Downtown Overlay District.

The applicant, Emagine Palladium Theatre and Ironwood Grill, is seeking approval of the transfer of ownership of one of the Class C liquor licenses that has long been associated with the Palladium Building to allow the owner to operate the Emagine Palladium Theatre and Ironwood Grill under Chapter 10, Alcoholic Liquors, of the City Code. This license was formerly used at Buca di Beppo and is being transferred from 270 N. Old Woodward to 250 N. Old Woodward. This Class C liquor license is proposed to be held by CH Birmingham, LLC,

The applicant has indicated that dancing and entertainment will be offered at special events only. The applicant has also indicated that the additional bar permit is to allow the use of a "floating bar," which will be set up in certain areas of the establishment as needed for special events. Finally, the applicant has advised that the specific purpose permit is to allow the showing of movies and the service of food outside the normal operating hours for the service of alcohol (such as special midnight release showings that could go past 2 a.m., thus the theater would be open past 2 a.m., but alcohol service would cease at 2 a.m.). No outdoor dining permit is requested, nor required.

Emagine Palladium Theatre and Ironwood Grill will be required to obtain a recommendation from the Planning Board on the Final Site Plan and SLUP and then obtain approval from the City Commission for the Final Site Plan and SLUP, and for the transfer of ownership of the existing liquor license.

Ms. Ecker advised that the proposed theatre and restaurant space is approximately 31,000 sq. ft. in size, and is proposing to operate five movie screens are proposed with a total of 590 seats. The former Palladium Theatre had 12 screens and 2200 seats. Emagine Palladium Theatre and Ironwood Grill propose to operate under a new neighborhood theatre membership model, where patrons must purchase a yearly membership. Under this model, only members can buy movie tickets, and all individual seats will be reserved for a specific date and time. The applicant does intend to provide guest memberships to visitors staying at the Townsend Hotel. All theatre seating will be luxury recliners and luxury rockers in the digital projection auditoriums.

Ironwood Grill is proposed to be open to the public (with no membership requirement). The restaurant will provide an upscale casual dining experience and offer 198 seats,

including 17 seats at the bar, with an exhibition style brick pizza oven kitchen and an open air dining experience overlooking Hamilton St. Ironwood Grill will offer award winning BBQ specialties and wood-fired Neapolitan style pizzas, a variety of freshly prepared dishes and an extensive selection of craft beer, wine and cocktails. A private banquet room is also proposed with a private bar that will be available for rental.

Design Review

The applicant is proposing several design changes to the existing building. The changes proposed are to the design of the marquis itself, signage changes and the removal of decorative metal elements and fixed windows at the new fourth floor. The applicant is proposing to remove the art deco metal design element from the top of the marquis as well as the changeable channel letter boards that were previously used to list movies being shown in the former Palladium Theatre. In addition, 40 ft. of the fourth floor fixed curtain wall windows are proposed to be replaced with a retractable Nanawall folding window system to provide an open air dining experience in the portion of the Ironwood Grill overlooking Hamilton St. above the existing marquis.

Three new name letter signs and three graphic elements are proposed to be mounted to the existing marquis sign. The sign drawings as submitted do not meet all required sign standards. The applicant has agreed to comply with the sign requirements. Details are needed from the petitioner with regard to the balcony railing, the spandrel glass and signage. This evening the board will consider only the packet that has been submitted and reviewed.

Discussion followed as to whether the membership requirement causes the operation to be a private social club rather than a movie theatre and how that may affect the Liquor License.

Mr. Paul Glance, CEO of Imagine Entertainment, Inc., talked about the project. They have substantially reduced the seat count which is consistent with their goal of serving the local community as a neighborhood theatre. They believe that by creating an economic barrier to entry they will to some degree ensure they are serving the demographic that they endeavor to serve. They are considering a \$400 membership fee which would include a \$250 gift card that could be used at the theatre. Thereafter the membership would be \$150/year. He wants the theatre to be a place where there will be civility and good behavior.

Mr. Glance advised that on occasions when there is a special midnight showing, the theatre may stay open until 2 a.m.

Ms. Whipple-Boyce asked if it is possible to see what is going on in other floors in order to understand how this application fits into the site as a whole. Ms. Lazar said the new concept of requiring membership comes across to her as being very exclusionary and she is uncomfortable with it. Mr. Glance replied the venue is so small that they can't serve a region. The best they can do is to serve a community. He noted they are not selling movies anymore; they are selling an out-of-home entertainment experience. If they don't pick up their game to better serve the market, he thinks they will be relegated to the economic junk heap.

There was no input from the public at 8:50 p.m.

Motion by Mr. DeWeese

Seconded by Ms. Whipple-Boyce to postpone the Final Site Plan and SLUP for 250 N. Old Woodward Ave, Emagine Palladium Theatre and Ironwood Grill to March 25, 2015, pending receipt of:

- 1. Detailed elevation drawings to illustrate the design of the proposed safety barrier or the panel that may be attached to the safety barrier;**
- 2. Specification sheets and color selection for all proposed materials, which materials shall not include the use of spandrel glass or glass railings; and**
- 3. Detailed signage drawings with dimensions to show the amount of proposed signage, as well as a section view to show the mounting details and projection information, as well as material and lighting specifications.**

Also, staff getting the necessary information about the impact of this being a membership type organization and how it affects Planning and City Code.

No one from the public wished to speak about the motion at 8:54 p.m.

Motion carried, 6-0.

VOICE VOTE

Yeas: DeWeese, Whipple-Boyce, Clein, Jeffares, Lazar, Share

Nays: None

Absent: Boyle, Koseck, Williams

**Planning Board Minutes
March 25, 2015**

SPECIAL LAND USE PERMIT ("SLUP")

FINAL SITE PLAN REVIEW

250 N. Old Woodward Ave.

Emagine Palladium Theatre, and Ironwood Grill (postponed from March 11, 2015)

Application to allow a movie theatre, restaurant and bar serving alcoholic liquors in a portion of the former Palladium Theatre space

Ms. Ecker recalled that on March 11, 2015 the applicant appeared before the Planning Board. The Planning Board postponed the matter and requested additional information on the proposed membership theatre concept, an updated and ordinance compliant sign package with all required details, and design and material details on the proposed exterior changes on the fourth floor of the south elevation where open air dining is proposed. At this time the applicant has provided a detailed elevation of the fourth floor of the south elevation where open air dining is proposed. The applicant has removed all previously proposed spandrel glass and replaced it with metal panels, which are permitted.

Design Review

The applicant is proposing several design changes to the existing building. The changes proposed are to the design of the marquis itself, signage changes, and the removal of decorative metal elements and fixed windows at the new fourth floor. The applicant is proposing to remove the art deco metal design element from the top of the marquis as well as the changeable channel letter boards that were previously used to list movies being shown in the former Palladium Theatre. In addition, 40 ft. of the fourth floor fixed curtain wall windows are proposed to be replaced with a retractable Nanawall folding window system to provide an open air dining experience in the portion of the Ironwood Grill overlooking Hamilton St. above the existing marquis.

Ms. Ecker advised that an updated sign package has been received. However, Article 3 of the Zoning Ordinance provides that only one sign is permitted per entry for each business whose primary square footage is on the first story. ***As the primary square footage for both the Emagine Theatre and the Ironwood Grill is on the fourth story, the applicant will be required to obtain a variance from the Board of Zoning Appeals for all exterior entry signage.*** Further, the Planning Board must determine if a sign band is architecturally feasible above the theatre entry doors between the first and second floors. As the marquis is located in the area generally reserved for a sign band, the Planning Board may wish to approve it as an alternative design for the placement of signage.

In response to the chairman, Ms. Ecker advised there is currently nothing in the ordinance that prohibits a membership based theatre.

Mr. Paul Glantz, CEO of Emagine Entertainment, Inc., talked about their plans. They have now resolved to take a slightly different tact with respect to their membership concept. The approach now will be that customers can purchase a seat license that will allow preferential booking rights on Friday, Saturday, Sunday and certain holidays. Other than that, the venue

will be open to the public. They do not intend to impose a two-drink maximum restriction. Also, they plan to use low light surveillance cameras to monitor behavior.

Mr. Jason Gekiere, Tower Construction, Construction Manager for the project, explained that a small glass petition that sticks up provides an added level of protection within the curtain wall system. Mr. Michael Southen with Signature Associates, Consultant to Emagine Theatre, described the detail on the partition.

With respect to limiting the number of drinks that can be served to patrons, Mr. DeWeese thought the City could write the agreement to say if they start having problems the SLUP would come back up for review. Mr. Williams stated he is in favor of the project. A little elitism will ease the traffic flow in that neighborhood. Mr. Koseck encouraged the petitioner to take another look at the sign. He thought it could be better. Mr. DeWeese had the concern that the City Attorney should look at the membership concept before it goes to the City Commission.

At 8 p.m. no one from the audience wished to discuss this matter.

Motion by Mr. DeWeese

Seconded by Mr. Williams that the Planning Board recommends approval of the applicant's request for a Final Site Plan and a SLUP approval to permit Emagine Palladium Theatre and Ironwood Grill to operate at 250 N. Old Woodward Ave. with the following conditions:

- 1. Execute a contract with the City outlining the details of the proposed theatre and restaurant operations upon approval of the SLUP in accordance with the presentation made this evening;**
- 2. Meet all City Department requests, subject to administrative approval;**
- 3. Provide material specifications for the background sign panel on the marquis, and clarify all sign colors;**
- 4. Obtain a variance from the Board of Zoning Appeals for all exterior entry signage;**
- 5. Planning Board finds that the marquis is an architectural feature of the building, and is approved as an alternate design in lieu of a sign band; and**
- 6. LED lighting on the Ironwood Grill signs must be mounted so that it is not visible through the open cut area.**

No comments were heard from members of the public at 8:03 p.m.

Motion carried, 6-0.

ROLLCALL VOTE

Yeas: DeWeese, Williams, Clein, Jeffares, Koseck, Share

Nays: None

Abstain: Whipple-Boyce

Absent: Boyle, Lazar

City Commission Minutes
May 18, 2015

05-110-15

**PUBLIC HEARING TO CONSIDER SPECIAL LAND USE PERMIT
AMENDMENT FOR 250 NORTH OLD WOODWARD**

Mayor Sherman opened the Public Hearing to approve the Final Site Plan and Special Land Use Permit (SLUP) Amendment – 250 N. Old Woodward – Emaine Palladium Theatre and Ironwood Grill restaurant at 7:34 PM.

Planning Director Ecker explained that all liquor license establishments are subject to a SLUP review. The three licenses at this address are being transferred from the former owner to the Jonah family, then to the new operators of each of the new establishments using those licenses. This is to transfer one of the licenses to the Jonah family, then to Emaine Palladium and Ironwood Grill. She explained the layout of the Emaine theater and the Ironwood Grill.

In response to a question from Mayor Pro Tem Hoff, Ms. Ecker explained that there is nothing in the zoning ordinance that restricts the hours of operation to 2:00 AM. The applicant wanted to confirm that there would be no issue if they run past 2:00 AM in the case of special features or premiers.

Mr. Paul Glantz, Emaine Entertainment, explained that there will be no advertising of the film outside of the building. He explained that most users use the internet or phone to look up show times. He explained the preferred seating model and noted that this will be a family environment.

In response to a question from Mayor Sherman regarding the dance permit endorsement, Mr. Glantz explained that the facility has a banquet room. It would be a rare circumstance that there would be dancing.

The Commission received a communication in support of the project from Victor Doherty, 1573 South Eton.

The Mayor closed the Public Hearing at 8:12 PM.

**MOTION: Motion by Rinschler, seconded by Nickita:
To approve the Final Site Plan and Special Land Use Permit Amendment at 250 N. Old Woodward to allow the operation of the Emaine Palladium Theatre and Ironwood Grill restaurant, operating under one Class C Liquor License to be held by CH Birmingham, LLC:**

WHEREAS, CH Birmingham LLC dba Emaine Palladium and Ironwood Grill inside Emaine Palladium have together filed an application pursuant to Article 7, section 7.34 of Chapter 126, Zoning, of the City Code to operate two food and drink establishments under common ownership, both serving alcoholic liquors, as required in Article 6, section 6.02(5) of Chapter 126, Zoning, of the City Code;

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

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

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

WHEREAS, The Planning Board on March 25, 2015 reviewed the application for Final Site Plan and Special Land Use Permit and recommended approval with the following conditions:

1. Execute a contract with the City outlining the details of the proposed theatre and restaurant operations upon approval of the SLUP in accordance with the presentation made this evening;
2. Meet all City Department requests, subject to administrative approval;
3. Provide material specifications for the background sign panel on the marquis, and clarify all sign colors;
4. Obtain a variance from the Board of Zoning Appeals for all exterior entry signage;
5. Planning Board finds that the marquis is an architectural feature of the building, and is approved as an alternate design in lieu of a sign band; and
6. LED lighting on the Ironwood Grill signs must be mounted so that it is not visible through the open cut area.

WHEREAS, The applicant has agreed to comply with all conditions for approval as recommended by the Planning Board on March 25, 2015;

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

NOW, THEREFORE, BE IT RESOLVED, The Birmingham City Commission finds the standards imposed under the City Code have been met, subject to the conditions below, and that the CH Birmingham LLC dba Emagine Palladium and Ironwood Grill inside Emagine Palladium application for a Special Land Use Permit authorizing the operation of two food and drink establishments, under common ownership, serving alcoholic liquors with a Class C liquor license with a Direct Connect Endorsement, New Sunday Sales Permit (AM and PM), Dance Permit, Entertainment Permit, (1) New Add Bar Permit, Specific Purpose Permit (food and movies) at 250 N. Old Woodward in accordance with Chapter 10, Alcoholic Liquors, is hereby approved;

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

is granted subject to the following conditions:

1. Execute a contract with the City outlining the details of the proposed theatre and restaurant operations upon approval of the SLUP in accordance with the presentation made this evening;
2. Meet all City Department requests, subject to administrative approval;
3. Provide material specifications for the background sign panel on the marquis, and clarify all sign colors;
4. Obtain a variance from the Board of Zoning Appeals for all exterior entry signage;
5. Planning Board finds that the marquis is an architectural feature of the building, and is approved as an alternate design in lieu of a sign band;
6. LED lighting on the Ironwood Grill signs must be mounted so that it is not visible through the open cut area;
7. CH Birmingham LLC dba Eimage Palladium and Ironwood Grill inside Eimage Palladium shall abide by all provisions of the Birmingham City Code;
8. The Special Land Use Permit may be canceled by the City Commission upon finding that the continued use is not in the public interest;
9. CH Birmingham LLC dba Eimage Palladium and Ironwood Grill inside Eimage Palladium shall provide for the removal of disposable materials resulting from the operations and maintain the area in a clean and orderly condition by providing the necessary employees to guarantee this condition, and by the placement of a trash receptacle in the outdoor seating area; and
10. CH Birmingham LLC dba Eimage Palladium and Ironwood Grill inside Eimage Palladium shall enter into a contract with the City outlining the details of the operation of the proposed restaurants.

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

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

MAY IT BE FURTHER RESOLVED that CH Birmingham LLC dba Eimage Palladium and Ironwood Grill inside Eimage Palladium are recommended for operation of a theatre and restaurant, under common ownership, serving alcoholic liquors, with a Class C Liquor License with a Direct Connect Endorsement, New Sunday Sales Permit (AM and PM), Dance Permit, Entertainment Permit, (1) New Add Bar Permit, Specific Purpose Permit (food and movies) at 250 N. Old Woodward, Birmingham, Michigan, 48009, above all others, pursuant to Chapter 10, Alcoholic Liquors, of the Birmingham City Code, subject to final inspection.

| | | |
|-------|---------|------|
| VOTE: | Yeas, | 7 |
| | Nays, | None |
| | Absent, | None |



MEMORANDUM

Planning Department

DATE: March 6, 2017

TO: Joseph A. Valentine, City Manager

FROM: Matthew Baka, Senior Planner
Bruce R. Johnson, Building Official

APPROVED: Jana Ecker, Planning Director

SUBJECT Public Hearing to consider adding regulations to the Zoning Ordinance to regulate the size of rooftop dormers in the single-family zone districts

At the request of City Staff, the Planning Board has been reviewing potential changes to the Zoning Ordinance that would alter the way that dormers are regulated on single-family homes. Over the past few months the Planning Board has been presented with draft ordinance language on this subject by the Planning staff in co-operation with the Building Department.

On February 8th, 2017 the Planning Board Held a Public Hearing to consider a recommendation to the City Commission on the most recent version of draft ordinance language. At the public hearing the Planning Board recommended that the City Commission approve the draft ordinance language. Please see the attached draft language, staff report, and relevant meeting minutes related to this subject. The draft minutes from the February 8th, 2017 Planning Board meeting are attached.

SUGGESTED ACTION:

To approve the proposed amendments to Chapter 126, Zoning, Article 04, Structure Standards, Section 4.75 SS-02, to create limitations on the allowable size of dormers on single family homes; and Article 09, definitions, section 9.02, to add a definition of "Attic" and to amend the definitions of "Habitable attic" and "Story" for consistency with the Michigan Residential Code.

**CITY OF BIRMINGHAM
ORDINANCE NO.**

AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM TO AMEND ARTICLE 04, STRUCTURE STANDARDS, SECTION 4.75 SS- 02, TO ADD REGULATIONS FOR DORMERS PROJECTING FROM SECOND STORY ROOFS ON SINGLE-FAMILY HOMES.

THE CITY OF BIRMINGHAM ORDAINS:

Section 4.75 SS-02, Structure Standards:

This Structure Standards section applies to the following districts:

R1A, R1, R2, R3

The following structure standards apply:

A. Unchanged.

B. Dormer Limitations: Dormers projecting from second story roofs of principal structures are subject to the following:

- 1. Dormers are limited in width to 33% of the roof they project from per elevation facing interior lot lines; and 50% of the roof they project from per elevation facing a street. No individual dormer may exceed 8 feet in width as measured to the interior dimension.**
- 2. Dormers may not exceed the height of the roofline they project from.**
- 3. Dormers on elevations facing interior lot lines must be located behind the eaves of the roofline they project from and setback a minimum of 8" from the face of the second floor façade below.**
- 4. For purposes of this section, roof structures covering living space that projects a minimum of 24-inches from the main building and is supported on a foundation are not considered dormers.**

ORDAINED this _____ day of _____, 2017 to become effective 7
days after publication.

Mark Nickita, Mayor

Cheryl Arft, Acting City Clerk

CITY OF BIRMINGHAM
ORDINANCE NO.

AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM TO AMEND ARTICLE 09, DEFINITIONS, SECTION 9.02, TO ADD A DEFINITION OF "ATTIC" AND TO AMEND THE DEFINITIONS OF "HABITABLE ATTIC" AND "STORY" FOR CONSISTENCY WITH THE MICHIGAN RESIDENTIAL CODE.

THE CITY OF BIRMINGHAM ORDAINS:

Section 9.02, Definitions:

Attic: The unfinished space between the ceiling assembly and the roof assembly.

Habitable Attic: ~~An attic which has a stairway as a means of access and egress and in which the ceiling area at a height of 7 feet, 4 inches above the attic floor is not more than one-third of the area of the next floor below.~~ **A finished or unfinished area complying with all of the following requirements:**

1. The occupiable floor area is not less than the minimum room dimensions required by the current Michigan Residential Code;
2. The occupiable floor area has a minimum ceiling height in accordance with the current Michigan Residential Code; and
3. The occupiable space is enclosed by the roof assembly above, knee walls (if applicable) on the sides and the floor-ceiling assembly below.

Story: That portion of a building included between the upper surface of any floor and the upper surface of any floor above, or any portion of a building between the ceiling and the roof. A mezzanine **or Habitable Attic** shall not be counted as a story for purposes of determining number of stories (see Basement, Building height, ~~and Mezzanine~~ **and Habitable Attic**).

ORDAINED this day of , 2017 to become effective 7 days after publication.

Mark Nickita, Mayor

Cheryl Arft, Acting City Clerk

**CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, SEPTEMBER 14, 2016
City Commission Room
151 Martin Street, Birmingham, Michigan**

Minutes of the regular meeting of the City of Birmingham Planning Board held on September 14, 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, Janelle Whipple-Boyce, Bryan Williams; Student Representative Colin Cousimano (left at 9:15 p.m.)

Absent: Alternate Board Members Lisa Prasad, Daniel Share

Administration: Jana Ecker, Planning Director

Bruce Johnson, Building Official
Carole Salutes, Recording Secretary
Scott Worthington, Asst. Building Official
Mike Morad, Building Inspector
Jeff Zielke, Building Inspector

09-160-16

STUDY SESSION ITEMS

1. Dormer Regulations

Ms. Ecker noted that as a result of the discussion at the joint meeting of the City Commission and the Planning Board on June 20, 2016, the City Commission directed the Planning Board to review the dormer and habitable attic regulations in the Zoning Ordinance in residential zoned districts. Specifically, to conduct a detailed public input and review process.

Mr. Johnson gave a PowerPoint presentation that covered some of the issues. Concern has been raised that some of the homes appear to be three stories in height, as well as how habitable attics are being designed. The three areas the City Commission has asked to be addressed are:

- (1) Clarify the types of dormers permissible that project from second-story roofs enclosing habitable attics;
- (2) Provide recommended width limitations for dormers projecting from second-story roofs; and
- (3) Refine the maximum area regulations for habitable attics that would not count as a story.

In accordance with the direction of the City Commission, staff offered the following information and recommendations.

➤ Types of dormers permitted to project from second-story roofs

Article 9, section 9.02 of the Zoning Ordinance clearly lists the types of dormers permitted to project from second-story windows. Planning and Building staff recommend that the current dormer definition be maintained as it is clear and specific. However, the Planning Board may also wish to add illustrations to provide clarity on the types of dormers permissible on single-family homes.

➤ Dormer width limitations

The Building Dept. has been applying the regulations for dormers on accessory structures (50% of the roof width per elevation) to regulate dormer size over the past several years, but there is no language in the Zoning Ordinance to specifically limit dormers on single-family homes. Typical dormer widths are 33% for elevations facing interior property lines and 50% width for elevations facing a street, including side streets. A dormer doesn't exceed the maximum width permitted and does not project out past the exterior surface of the wall. When it comes out past that, it stops being a dormer and is a reverse gable.

It has been the Building Official's determination that a secondary roof line is not a dormer. As soon it comes out past the surface of the main wall, then it is considered a secondary roof line. Secondary roof lines typically enclose living space projecting at least 24 in. from the main building.

Accordingly, the Planning Board may wish to consider regulating dormer construction on single-family homes by adding a Subsection "B" to Article 04 Structure Standards, section 4.74 to control the width of dormers on second-story single-family homes, and to add language to clarify when a type of roof structure is not considered a dormer.

➤ Maximum area regulations for habitable attics

The Planning Board may wish to consider amending the definition in the Zoning Ordinance for habitable attic to be consistent with the current 2015 Building Code. This would clarify the definition and make it consistent with the Building Code definition. In addition, the Planning Board may wish to add a definition for attic as well, based on the definition of attic in the 2015 Building Code to make it abundantly clear which portions of an attic may be occupied without becoming a new story in their own right.

- Attic: The unfinished space between the ceiling assembly and the roof assembly.
- Habitable Attic: A finished or unfinished area complying with all of the following requirements:
 - . The occupiable floor area is not less than the minimum room dimensions required by the current Michigan Residential Code;
 - . The occupiable floor area has a minimum ceiling height in accordance with the current Michigan Residential Code; and
 - . The occupiable space is enclosed by the roof assembly above, knee walls (if applicable) on the sides and the floor-ceiling assembly below.

The Building and Planning Departments have drafted ordinance language amendments aimed at addressing the issues outlined above as enumerated by the City Commission. The proposed language would limit the width of dormers to 50% of the roof line on elevations facing a street and 33% of the roof line facing an interior lot line. In addition, the draft language proposes

amendments to the definitions section of the Zoning Ordinance that would clarify the portions of habitable attics that may be occupied without being considered as stories.

- Story: That portion of a building included between the upper surface of any floor and the upper surface of any floor above, or any portion of a building between the ceiling and the roof. A mezzanine or habitable attic shall not be counted as a story for purposes of determining number of stories.

The intent of these modifications is to allow the exterior regulations to control the massing and shape of the home while allowing for more flexibility on the inside.

In response to Ms. Whipple-Boyce, Mr. Johnson said there is no reason why dormers could not be 50% of the roof line all the way around. The Building Dept. has received very few complaints over the years about the size of dormers, except for several cases where the design appears to be three stories.

Mr. Koseck was not sure that the Building Code definition should be used as the definition in the Zoning Ordinance as these documents have very different purposes. Mr. Koseck and Mr. Jeffares expressed the desire for more time to formulate their opinions. Ms. Whipple-Boyce was comfortable with the attic definition but not dormer limitations.

The consensus of the board was to continue this study session item to October 12.

2. Non-Conforming Building Regulations

Ms. Ecker provided background. This is also at the top of the board's revised Priority List. She recalled that last year, the owners of the 555 S. Old Woodward building applied to the Planning Board to amend the Zoning Ordinance to allow the renovation of the existing building, the addition of new residential units along S. Old Woodward, as well as an addition to the south of the existing residential tower for new retail space and residential units. The Building Official had previously ruled that some changes to the existing legal non-conforming building may be permitted. However, the scale and scope of the changes that the property owner sought to implement would exceed what would be permitted as maintenance and thus were not permitted in accordance with the legal non-conforming regulations contained in the Zoning Ordinance.

In order to renovate and expand the existing building, the owners of the 555 S. Old Woodward building requested a Zoning Ordinance amendment to create a new D-5 Downtown Gateway Over Five Stories zoning classification.

At subsequent Planning Board and City Commission meetings, the ways that the building could be modified and improved as a conforming structure and not through the use of variance requests was discussed.

On July 25, 2016 the City Commission directed the Planning Board to review the non-conformance provisions pertaining to commercial buildings to provide specific requirements, considering a new zoning category or categories that allow for changes to non-conforming buildings for the maintenance and renovation of existing buildings consistent with those permitted for residential buildings and structures.

Ms. Ecker advised the 555 Bldg., Birmingham Place, and Mountain King are the only properties in the City that are zoned B-3 in the underlying zone. She suggested an option that would amend the regulations for height and setback similar to what they were when the buildings were approved. Mr. Williams wanted to limit the focus on just the 555 Woodward Bldg. as he thinks it needs to be approved.

Ms. Ecker noted this option would allow the applicant to have a conforming status and apply for financing to do an expansion and improvement on the building. It would allow them to do an addition to the south and come to zero setback, and to go up to match the height of the building that is there. What it would not do is force them to address the issue of the garden level or the dead zone along Woodward Ave. However, it would permit them to address that.

Mr. Koseck was in favor of allowing the building to continue to be updated but that doesn't mean it should be permitted to grow. Any add-on to the south would have to meet the current Ordinance.

Mr. Rick Rattner, Attorney for the property owner, gave a PowerPoint presentation requesting to amend the Downtown Birmingham Overlay District to provide that the property be permitted to accommodate a building at the existing height of the 555 structures as they exist today. The building was completed in 1972 and after construction the Ordinance was amended and the building was de-zoned, which prevents any room for renovation. The solution is easy. Just amend the B-3 Ordinance to what it was to say that the maximum building height is 168 ft. and 14 stories. Secondly, allow them to have the same type of setbacks that are allowed in the Overlay District.

They want to make the east side of the building that faces the Triangle District presentable. They also want to do that to the west side, which is not so much of a problem. It is a tragedy that this building is not conforming and doesn't have the advantage of modern setbacks. Ms. Ecker explained modern setbacks. In the Overlay, front building facades at the first story shall be located at the frontage line except that the Planning Board may adjust the required front yard to the average front yard setback of any abutting building. The frontage line has been determined to be on or within 3 ft. Side setbacks shall not be required. A minimum of 10 ft. rear setback shall be provided from the mid-point of an alley except that the Planning Board may allow this setback to be reduced or eliminated. In the absence of an alley the rear setback shall be equal to that of an adjacent pre-existing building.

Discussion concerned whether B-3 zoning that allows Birmingham Place and Mountain King to reach 168 ft. in height would be a hard sell to the public. The conclusion was they could not sell it on more than one piece of property. Mr. Williams proposed they go back to a previous zoning for the 555 Building that existed 45 years ago. He didn't think it should include any other property. Because of that they would not be making a special case for this building in the form of spot zoning. The legal argument is that it would be remedying a wrong.

Mr. Jerry Reinhart, the developer, said that for financing purposes and for preservation of value they want the entire property to be conforming. De-zoning has impacted the value of their asset and they are asking for proper zoning. Ultimately they want to expand the property to do some really cool things that would make it the gateway building to Birmingham. His suggestion was to allow any building in B-3 now and into the future to have building height at the height

that was permitted at the time the building was constructed. So they have an existing conforming use; if they expand the building then they have to conform to D-4 setback requirements. That brings them to the lot line.

The board's dilemma was they want buildings to be at zero lot line, but not at 144 ft. which is the tallest building. The applicant wants the building to be entirely conforming. The board's consensus was to ask staff to meet with the applicant to craft steps to make these buildings conforming in the Overlay for both height and setbacks. That means future construction would comply with the existing Overlay which allows five stories.

**CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, NOVEMBER 9, 2016
City Commission Room
151 Martin Street, Birmingham, Michigan**

Minutes of the regular meeting of the City of Birmingham Planning Board held on November 9, 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, Janelle Whipple-Boyce, Bryan Williams; Student Representative Colin Cousimano (left at 9 p.m.)

Absent: Alternate Board Members Lisa Prasad, Daniel Share

Administration: Matthew Baka, Sr. Planner
Jana Ecker, Planning Director
Bruce Johnson, Building Official
Mike Morad, Building Inspector
Carole Salutes, Recording Secretary
Scott Worthington, Asst. Building Official
Jeff Zielke, Building Inspector

11-192-16

STUDY SESSION ITEMS

1. Dormer Regulations

Mr. Baka noted that as a result of the discussion at the joint meeting of the City Commission and the Planning Board on June 20, 2016, the City Commission subsequently directed the Planning Board to review the dormer and habitable attic regulations. Specifically, to conduct a detailed public input and review process.

The Building and Planning Departments have drafted ordinance language amendments aimed at addressing the issues outlined above as enumerated by the City Commission. Two amendments are proposed. One limits the size of dormers with interior lot lines restricted to 33% of the roof, and 50% facing a frontage line. Also, there is a revised definition for habitable attic.

Mr. Koseck thought the Ordinance is good in that it establishes in a gable house that the pitch of the roof will be a function of the height measured to the mean. The 50% rule is appropriate facing a street and the reduction to 33% is fine for internal lots. But then, go a step further and say that no dormer shall exceed 8 ft. in width. Mr. Johnson recommended that should be measured on an interior dimension. An internal stairway on the outside wall would work fine with that.

Ms. Whipple-Boyce was comfortable with not specifying a percentage of floor for the habitable attic. Also she was comfortable with the idea of a corner lot being able to have 50% dormers

on the street side. She agrees with Mr. Koseck about dividing dormers into 8 ft. widths so they don't end up with one 20 ft. long dormer. Also she was in favor of not making it super easy to get a stairway to the third floor.

There was consensus to add a line to the suggested language for Chapter 126, Zoning, of the Code of the City of Birmingham (B) that says individual dormers shall not exceed 8 ft. as measured on the interior.

No one from the public cared to comment at 7:50 p.m.

Motion by Mr. Williams

Seconded by Mr. Koseck to schedule a public hearing on rooftop dormers in the single-family zone districts for December 14, 2016.

No public comments were heard.

Motion carried, 7-0.

ROLLCALL VOTE

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

Nays: None

Absent: None

Mr. Williams asked the Building Dept. to start to put together their thoughts for the Master Plan in dealing with the neighborhoods. Involve the neighbors and neighborhood associations in discussion.

**CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, DECEMBER 14, 2016
City Commission Room
151 Martin Street, Birmingham, Michigan**

Minutes of the regular meeting of the City of Birmingham Planning Board held on December 14, 2016. Chairman Scott Clein convened the meeting at 7:31 p.m.

Present: Chairman Scott Clein; Board Members Robin Boyle, Stuart Jeffares, Bert Koseck, Janelle Whipple-Boyce, Bryan Williams; Alternate Board Member Lisa Prasad; Student Representative Colin Cousimano (left at 9 p.m.)

Absent: Board Member Gillian Lazar; Alternate Board Member Daniel Share

Administration: Matthew Baka, Sr. Planner
Jana Ecker, Planning Director
Carole Salutes, Recording Secretary
Mike Morad, Building Inspector
Scott Worthington, Asst. Building Official
Jeff Zielke, Building Inspector

12-205-16

PUBLIC HEARINGS

1. To consider the following amendments to Chapter 126, Zoning, of the Code of the City of Birmingham:

TO AMEND ARTICLE 04, STRUCTURE STANDARDS, SECTION 4.75 SS02, TO ADD REGULATIONS FOR **DORMERS** PROJECTING FROM SECOND-STORY ROOFS ON SINGLE-FAMILY HOMES.

TO AMEND ARTICLE 09, DEFINITIONS, SECTION 9.02, TO ADD A DEFINITION OF "ATTIC" AND TO AMEND THE DEFINITIONS OF "HABITABLE ATTIC" AND "STORY".

The Chairman formally opened the public hearing at 7:35 p.m.

Mr. Baka noted at the request of City Staff, the Planning Board has been reviewing potential changes to the Zoning Ordinance that would alter the way that dormers are regulated on single-family homes. Over the past few months the Planning Board has been presented with draft ordinance language on this subject. On November 9, 2016, the Planning Board set a public hearing to consider a recommendation to the City Commission on the draft language as amended at that meeting. In accordance with that motion, the Planning Division has prepared finalized draft ordinance language that incorporates the comments made at the Nov. 9th meeting in regards to limiting the interior width of a dormer to 8 ft.

Mr. Koseck liked what is proposed but thinks a couple of things need to be tweaked. Key is that there is a break between the eave line and the dormer above the second floor. He would modify the language as follows: " No individual dormer may exceed 8 ft. in width as measured to the interior dimension. All dormers on a side or rear elevation must be set back a minimum of 8 in. from the face of the second-story wall below. "

Mr. Williams had a problem because the Building Official was not present. Therefore he thought the hearing should be continued in January. He thought the language could be clarified, shown to Mr. Johnson, and the board can come back in January. If re-notice is necessary, it can be done then for February. He was not comfortable with re-noticing when the exact language has not been agreed upon and Mr. Johnson has not reviewed it.

Motion by Mr. Williams
Seconded by Mr. Boyle to continue the hearing to January 11, 2017 so that Mr. Johnson can review the language.

There were no comments from the public at 7:50 p.m.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

Absent: Lazar

**CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, JANUARY 11, 2017
City Commission Room
151 Martin Street, Birmingham, Michigan**

Minutes of the regular meeting of the City of Birmingham Planning Board held on January 11, 2017. 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, Janelle Whipple-Boyce, Bryan Williams

Absent: Alternate Board Members Lisa Prasad, Daniel Share

Administration: Matthew Baka, Sr. Planner

Jana Ecker, Planning Director
Carole Salutes, Recording Secretary
Mike Morad, Building Inspector
Scott Worthington, Asst. Building Official
Jeff Zielke, Building Inspector

01-03-17

PUBLIC HEARINGS

1. To consider the following amendments to Chapter 126, Zoning, of the Code of the City of Birmingham:

TO AMEND ARTICLE 04, STRUCTURE STANDARDS, SECTION 4.75 SS02, TO ADD REGULATIONS FOR **DORMERS** PROJECTING FROM SECOND-STORY ROOFS ON SINGLE-FAMILY HOMES.

TO AMEND ARTICLE 09, DEFINITIONS, SECTION 9.02, TO ADD A DEFINITION OF "ATTIC" AND TO AMEND THE DEFINITIONS OF "HABITABLE ATTIC" AND "STORY".
(continued from December 14, 2016)

The Chairman formally opened the continuation of the public hearing at 7:34 p.m.

Mr. Baka noted at the request of City Staff, the Planning Board has been reviewing potential changes to the Zoning Ordinance that would alter the way that dormers are regulated on single-family homes. Over the past few months the Planning Board has been presented with draft ordinance language on this subject.

On December 14, 2016, the Planning Board set a public hearing to consider a recommendation to the City Commission on the draft language as amended at that meeting. At the public

hearing additional language was suggested by the board. At that time the board decided to continue the public hearing to this evening. Therefore the Planning Division, in co-operation with the Building Dept., has prepared revised draft ordinance language that incorporates the comments made at the December 14th meeting.

The new language under Section 4.75 SS-02, Structure Standards states:

Dormers on elevations facing interior lot lines must be located behind the eaves of the roofline they project from and set back a minimum of 8 in. from the face of the second- floor facade below.

Mr. Johnson explained one of the reasons to insert this language was to make sure the eave lines are continuous on the elevations facing interior lot lines, side and rear. Also, the board discussed stepping that dormer back 8 in. from the exterior face of the wall. Accordingly, the eave line would be in front of the dormer.

Discussion disclosed the intent is not to control the third floor dormer, or habitable attic. When the third element is placed on the roof, Mr. Koseck said that is when the eave line needs to be broken.

No one from the public wished to comment at 7:40 p.m.

Motion by Ms. Whipple-Boyce

Seconded by Mr. Koseck to re-set and re-notice this public hearing to February 8, 2017 to consider the following Zoning Ordinance amendments:

(a) Article 04, Structure Standards, section 4.75 SS-02, to create limitations on the allowable size of dormers on single-family homes; and

(b) Article 09, Definitions, section 9.02, to add a definition of "Attic" and to amend the definitions of "Habitable Attic" and "Story" for consistency with the Michigan Residential Code.

There were no comments from members of the public at 7:48 p.m.

Motion carried, 7-0.

ROLLCALL VOTE

Yeas: Whipple-Boyce, Koseck, Boyle, Klein, Jeffares, Lazar, Williams

Nays: None

Absent: None

The chairman closed the public hearing at 7:50 p.m.



MEMORANDUM

Planning Department

DATE: February 2, 2017

TO: Planning Board Members

FROM: Matthew Baka, Senior Planner
Bruce R. Johnson, Building Official

SUBJECT Study Session to consider adding regulations to the Zoning Ordinance to regulate the size of rooftop dormers in the single-family zone districts

At the June 20, 2016 joint meeting of the City Commission and the Planning Board a topic was introduced by the City Building Official regarding the lack of regulations in the Zoning Ordinance to control the size of dormers in the single-family zone districts. The Zoning Ordinance does limit the number of stories in all single-family districts to two, but also allows a portion of the attic to be habitable. Habitable attics are typically located behind dormers projecting from the roof of the home. Dormers are often utilized to provide windows and additional ceiling height within a habitable attic. The Zoning Ordinance does not regulate the maximum width of dormers on single-family homes.

As a result of the discussion at the joint meeting, the City Commission subsequently directed the Planning Board to review the dormer and habitable attic regulations in the Zoning Ordinance as they relate to current dormer construction trends in residential zoned districts. Specifically, to conduct a detailed public input and review process to:

- (1) Clarify the types of dormers permissible that project from second story roofs enclosing habitable attics;
- (2) Provide recommended width limitations for dormers projecting from second story roofs; and
- (3) Refine the maximum area regulations for habitable attics that would not count as a story.

In accordance with the direction of the City Commission, the following information and recommendations are offered.

(1) Types of Dormers Permitted to Project from Second Story Roofs

Article 9, section 9.02 of the Zoning Ordinance defines dormer as follows:

Dormer: A subunit of a main structure interrupting a roof slope of the main roof structure with its own walls and roof, and characterized by the roof shape of the dormer including but not limited to: flat, deck, hipped, shed, gabled, inset, arched, segmental, and eyebrow style roofs.

Thus, Article 9, Section 9.02 clearly lists the types of dormer permitted to project from second story roofs. However, there are no corresponding illustrations to clarify each type of permissible dormer.

The current definition for dormer was added to the Zoning Ordinance on July 25, 2005. The City Commission at that time requested the Planning Board provide a definition for dormer after approving height increases in the Downtown Overlay District. The Planning Board provided sketches of dormer roof types to the City Commission for reference during its review of the proposed definition. A copy of the Ordinance 1870 adopting the definition is attached along with the sketches of the different types of dormer roofs that were considered.

Planning and Building staff recommend that the current dormer definition be maintained as it is clear and specific. However, the Planning Board may also wish to add illustrations to provide clarity on the types of dormers permissible to project from second story roofs on single-family homes.

(2) Recommended Limitations on Dormers

The Planning Board and City Commission most recently discussed dormer limitations on single-family homes and detached accessory structures in late 2006 and early 2007, when the height standards for homes and accessory structures were modified.

On March 19, 2016, the City Commission approved a regulation to limit the width of dormers on accessory structures to 50% of the width of the roof they project from per elevation, or a 10-foot interior dimension, whichever is greater. However, at that time, the proposed maximum width for dormers on single-family homes at 50% of the roof per elevation was not approved. There was concern at the City Commission that the proposed dormer limitation of 50% would prohibit the common practice to extend the roof on the rear of a traditional bungalow. However, the proposed dormer limitation at the time would not have affected the ability to extend the roof on the rear of a traditional bungalow however as a traditional bungalow is one to two stories in height, and the rear eave would not exceed the 24-foot maximum eave height even if the roof was extended or lifted as is commonly done.

Dormers on homes constructed during the past several years vary in width depending on whether the elevation faces an interior lot line or the street. Dormer widths on elevations facing interior lot lines are typically less than 50% of the width of the roof and most appear to be 33% of the width of the roof or less. To increase curb appeal, elevations facing a street typically have dormers widths in the range of 50% of the width of the roof.

There have also been a few homes constructed that appear to contain 3-stories. However, the three story appearance is not necessarily due to the width of the dormer. Rather, it results from additional roof structures such as reverse gables that project out from the main exterior wall and cover small portions of construction below. (As an example: Think of an "L" shaped house that has a main roof line side to side and a secondary roof line front to back. A portion of the secondary roof will need to lay onto the main roof.) While a portion of the secondary roof ties back into the main roof, it is not considered a dormer. However, the Zoning Ordinance does not regulate the distance secondary construction needs to project from the main structure to

allow its roof to not be deemed a dormer. Such secondary roofs may only project a few inches from the main roof line, and give the appearance of being dormers, when they are not.

The Building Department has been applying the regulations for dormers on detached garages (50% of the elevation) to regulate dormer size over the past several years, but there is no language in the Zoning Ordinance to specifically limit dormers on houses. Accordingly, the Planning Board may wish to consider regulating dormer construction on single-family homes by adding a Subsection "B" to Article 04 Structure Standards, Section 4.74 to control the width of dormers on second story single-family homes, and to add language to clarify when a type of roof structure is not considered a dormer. Draft language is attached for review and discussion.

(3) Maximum Area Regulations for Habitable Attics

Article 9, section 9.02 of the Zoning Ordinance defines habitable attic as follows:

Habitable Attic: An attic which has a stairway as a means of access and egress and in which the ceiling area at a height of 7 feet, 4 inches above the attic floor is not more than one-third of the area of the next floor below.

Thus, the area of the habitable attic at a ceiling height of 7'4" or larger is limited to 1/3 of the floor below. This does not prohibit habitable space down to a ceiling height of 5' per the Building Code.

The definition for habitable attic was added to the Zoning Ordinance in 1992, at the same time that the maximum building heights and number of allowable stories were reduced for all single family zoned districts. The maximum building height in 1992 was lowered to 30-feet from 35-feet, and the allowable number of stories was reduced to 2 from 2.5. These changes were approved by the City Commission after extensive review by the Planning Board as a result of public concerns regarding the height of then recently constructed homes. Since the height and stories of single family homes were being reduced, the definition for habitable attic (as well as mezzanine), was added to allow some habitable space in an attic or loft area that would not formally count as a story. The ordinance definition of habitable space currently in force was taken verbatim from the building code in effect at the time (1990 BOCA Building Code), which also did not count habitable attic space as a story.

The building code has been updated several times since 1992 and its definition for habitable attic has been modified since that time. The building code definition from current code (2015 Michigan Residential Code) is as follows:

Attic, Habitable: A finished or unfinished area, not considered a story, complying with all of the following requirements:

1. The occupiable floor area is not less than 70 square feet (17m²), in accordance with Section R304.
2. The occupiable floor area has a ceiling height in accordance with Section R305.
3. The occupiable space is enclosed by the roof assembly above, knee walls (if applicable) on the sides and the floor-ceiling assembly below.

The building code definition today more clearly defines the area within an attic that can be occupied as habitable space. The floor area to be occupied must meet the minimum room size

of 70 square feet, must meet the minimum ceiling height requirements in effect at the time, and must be enclosed by the roof, knee walls and floor/ceiling below. Rather than limit the area of a habitable attic to 1/3 of the floor below, the code now limits habitable attic size to the area within the attic that meets three specific requirements, including the current minimum ceiling height at the time. Presumably, this change was made to allow a space fitting inside an attic that meets minimum code standards to be habitable without counting it as an additional story as the space would be there whether occupied or not.

The Planning Board may wish to consider amending the definition in the Zoning Ordinance for habitable attic to be consistent with the current 2015 Building Code. This would clarify the definition make it consistent with the Building Code definition. In addition, the Planning Board may wish to add a definition for attic as well, based on the definition of attic in the 2015 Building Code to make it abundantly clear which portions of an attic may be occupied without becoming a new story in their own right.

The Building and Planning Departments have drafted ordinance language amendments aimed at addressing the issues outlined above as enumerated by the City Commission. The proposed language would limit the width of dormers to 50% of the roof line on elevations facing a street and 33% of the roof line facing an interior lot line. In addition, the draft language proposes amendments to the definitions section of the Zoning Ordinance that would clarify the portions of habitable attics that may be occupied without being considered as stories. The intent of these modifications is to allow the exterior regulations to control the massing and shape of the home while allowing for more flexibility on the inside.

On December 14th, 2016 the Planning Board opened a Public Hearing to consider a recommendation to the City Commission on the draft language as amended at that meeting. At the public hearing additional language was suggested by the board that would require all dormers facing interior lot lines that are subject to regulation by the proposed language to be set back a minimum of 8" from the face of the second floor façade below. In accordance with that suggestion, the Planning Division, in co-operation with the Building Department, prepared revised draft ordinance language that incorporates the comments made at the December 14th meeting. The revised language was then reviewed at the January 11, 2017 Planning Board meeting. The Planning Board then voted to reset and re-notice the hearing to the February 8, 2017 meeting in order to ensure that the new changes to the proposed amendment were properly noticed to the public. Please see the attached draft language, staff report, and relevant meeting minutes related to this subject.

Suggested Action:

To recommend approval of the proposed amendments to Chapter 126, Zoning, Article 04, Structure Standards, Section 4.75 SS-02, to create limitations on the allowable size of dormers on single family homes; and Article 09, definitions, section 9.02, to add a definition of "Attic" to amend the definitions of "Habitable attic" and "Story" for consistency with the Michigan Residential Code.

**CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, FEBRUARY 8, 2017
City Commission Room
151 Martin Street, Birmingham, Michigan**

Minutes of the regular meeting of the City of Birmingham Planning Board held on February 8, 2017. Chairman Scott Clein convened the meeting at 7:30 p.m.

Present: Chairman Scott Clein; Board Members Robin Boyle, Stuart Jeffares, Bert Koseck, Janelle Whipple-Boyce, Bryan Williams; Alternate Board Member Lisa Prasad

Absent: Board Member Gillian Lazar; Alternate Board Member Daniel Share

Administration: Matt Baka, Sr. Planner
Jana Ecker, Planning Director
Carole Salutes, Recording Secretary
Bruce Johnson, Building Official
Mike Morad, Building Inspector
Scott Worthington, Asst. Building Official
Jeff Zielke, Building Inspector

02-25-17

PUBLIC HEARINGS

1. To consider the following amendments to Chapter 126, Zoning, of the Code of the City of Birmingham:

TO AMEND ARTICLE 04, STRUCTURE STANDARDS, SECTION 4.75 SS02, TO ADD REGULATIONS FOR DORMERS PROJECTING FROM SECOND-STORY ROOFS ON SINGLE-FAMILY HOMES.

TO AMEND ARTICLE 09, DEFINITIONS, SECTION 9.02, TO ADD A DEFINITION OF "ATTIC" AND TO AMEND THE DEFINITIONS OF "HABITABLE ATTIC" AND "STORY."

At 7:31 p.m. the chairman opened the public hearing that had been reset at the January 11, 2017 meeting.

Mr. Baka recalled at the request of City Staff, the Planning Board has been reviewing potential changes to the Zoning Ordinance that would alter the way that dormers are regulated on single-family homes.

On December 14, 2016 the Planning Board opened a public hearing to consider a recommendation to the City Commission on the draft language as amended at that meeting. At the public hearing additional language was suggested by the board that would require all

dormers facing interior lot lines that are subject to regulation by the proposed language to be set back a minimum of 8 in. from the face of the second-floor façade below. In accordance with that suggestion, revised draft ordinance language was prepared that incorporates the comments made at the December 14, 2017 meeting.

The revised language was then reviewed at the January 11, 2017 Planning Board meeting and the Planning Board voted to reset and re-notice the hearing to the February 8, 2017 meeting in order to ensure that the new changes to the proposed amendment were properly noticed to the public.

Mr. Johnson stated these are some much needed regulations from the Building Department's perspective, especially for the plan reviewers. The current Zoning Ordinance lacks regulations for dormers on single-family homes. He is happy with the changes and feels the regulations will work well.

Motion by Mr. Williams

Seconded by Mr. Koseck to recommend approval to the City Commission the following Zoning Ordinance amendments:

(a) Article 04, Structure Standards, Section 4.75 SS-02, to create limitations on the allowable size of dormers on single family homes; and

(b) Article 09, definitions, section 9.02, to add a definition of "Attic" and to amend the definitions of "Habitable attic" and "Story" for consistency with the Michigan Residential Code.

Motion carried, 7-0.

VOICE VOTE

Yeas: Williams, Koseck, Boyle, Klein, Jeffares, Prasad, Whipple-Boyce

Nays: None

Absent: Lazar

The chairman closed the public hearing on dormers at 7:09 p.m.



MEMORANDUM

Planning Division

DATE: March 6, 2017

TO: Joseph A. Valentine, City Manager

FROM: Jana L. Ecker, Planning Director

SUBJECT: Request for Qualifications for the N. Old Woodward / Bates Street Parking and Site Development Project

Over the past several years, the City of Birmingham has been studying the long-term parking needs in the Downtown and beyond. The City continues to monitor the usage of all public parking facilities, and has analyzed current office trends to determine the long term parking needs for Downtown.

In 2015, the City Commission established the Ad Hoc Parking Development Committee to develop an implementation strategy for addressing future parking demands in the Central Business District, while considering cost, capacity needs and impacts, master planning concepts, financial alternatives and timelines. The Ad Hoc Committee has continued to meet to assess the parking needs and develop an implementation strategy. The Committee has completed a draft Request for Qualifications ("RFQ") seeking a developer or a development team to undertake the collective redevelopment of a parcel of public property of approximately 4 acres located in the City's Central Business District, to include removal of the N. Old Woodward parking deck, construction of an expanded public parking facility, the extension of Bates Street and the private development of commercial and residential space. The City's objective is to solicit creative and innovative development plans from qualified developers that will extend Bates Street from Willits to North Old Woodward and redevelop the remainder of the site by constructing a parking facility that provides a minimum of 1150 parking spaces to replace the 770 parking spaces currently on the N. Old Woodward / Bates Street site, introducing residential, commercial and/or mixed uses to create an activated, pedestrian-oriented urban streetscape and provide public access to the Rouge River and Booth Park to the north.

After reviewing the draft RFQ in 2016, the Ad Hoc Parking Development Committee requested that the Planning Division seek an independent review of the RFQ by a qualified consultant prior to its release to the general public. To this end, the City engaged Tim Kay of Jones Lang LaSalle (JLL), which is a national commercial real estate strategy, services and support firm. JLL provides a wide range of services related to commercial

real estate throughout the United States, including project and development services. Tim Kay is the Managing Director of the Project and Development Services Division for the Detroit branch of JLL. Mr. Kay of JLL has completed his review of the RFQ, and provided a letter outlining his comments (see attached).

On January 6, 2017, the Ad Hoc Parking Development Committee reviewed the draft RFQ and the comments provided by JLL. The Committee requested that a note be added to the RFQ that there is construction currently underway adjacent to the project area for Brookside Terrace, and then voted unanimously to forward the RFQ to the City Commission for their review (minutes attached).

Please find attached a copy of the draft RFQ for your review and comment. The City Commission may wish to direct staff to issue the RFQ at this time.

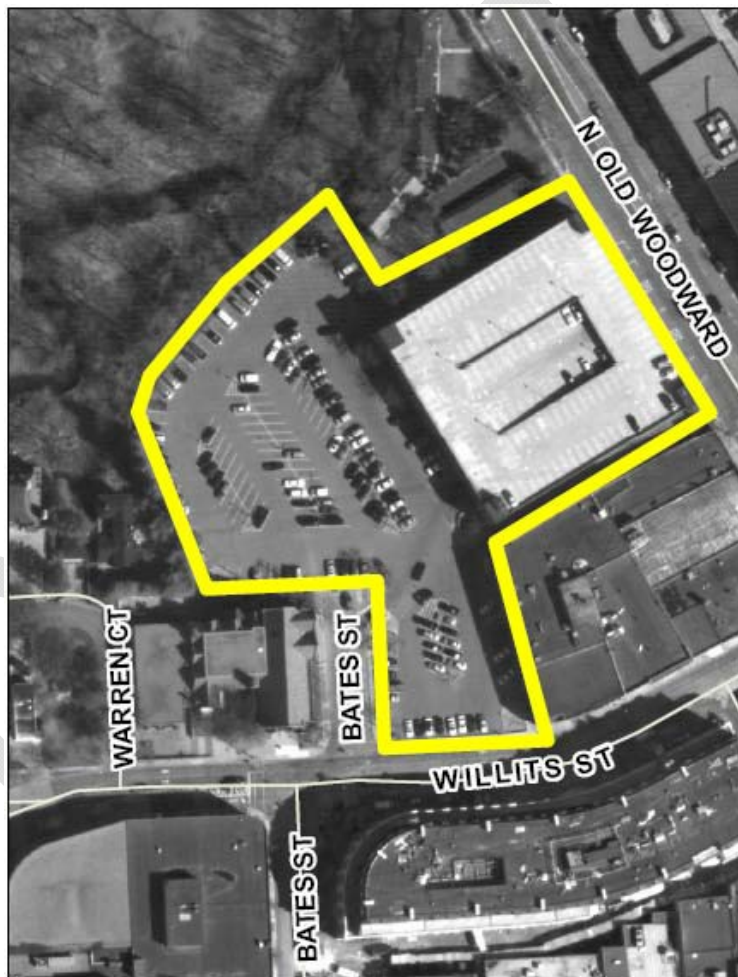
SUGGESTED RESOLUTION:

To direct staff to issue the Request for Qualifications for the N. Old Woodward / Bates Street Parking and Site Development through the MITN system to solicit qualified firms interested in pursuing the development of this area.



REQUEST FOR QUALIFICATIONS

North Old Woodward / Bates Street Parking and Site Development



Issued by:

City of Birmingham,
151 Martin Street
P.O. Box 3001
Birmingham, MI 48012
(248) 530-1850
www.bhamgov.org



**NORTH OLD WOODWARD / BATES STREET
PARKING AND SITE DEVELOPMENT**

REQUEST FOR QUALIFICATIONS

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INTRODUCTION

The City of Birmingham, Michigan (the "City") is seeking a developer or a development team (the "Developer") to undertake the collective redevelopment of a parcel of public property of approximately 4 acres located in the City's Central Business District. Figure 1 shows the location of the subject property being offered for redevelopment. This property currently contains a public parking structure and surface parking lot.

The City will be utilizing a two phase process to select a Developer to redevelop the subject site. First, the City will conduct a public selection process for qualified Developers to redevelop the N. Old Woodward/Bates Street site, with oversight and review to be provided by the Ad Hoc Parking Development Committee and the City Commission.

In evaluating Developer's qualifications, the City will consider past development success, experience in working or partnering with communities, financial capacity and the design quality of previous development projects. The details of the City's interests are outlined within this Request for Qualifications (RFQ).

Following a review of Developer qualifications, the City will establish a "short list" of Developers that will be extended an invitation to participate in an interview with the Ad Hoc Parking Development Committee and/or the City Commission to discuss their qualifications for the redevelopment of this site. Only pre-qualified Developers will be offered the opportunity to submit a development proposal under a separate Request for Proposals.

Figure 1



The City's objective is to solicit creative and innovative development plans from qualified Developers that will extend Bates Street from Willits to North Old Woodward and redevelop the remainder of the site by constructing a parking facility that provides a minimum of 278 parking spaces in addition to replacing the 770 parking spaces currently on the N. Old Woodward / Bates Street site, introducing residential, commercial and/or mixed uses to create an activated, pedestrian-oriented urban streetscape and provide public access to the Rouge River and Booth Park to the north. (Note that if additional commercial space is provided by this project, parking spaces in addition to the 278 noted above shall be provided at the rate of 1 space for every 564 sq.ft. of new gross commercial space. Residential parking spaces are assumed to be provided and reserved outside of these numbers, at the rate of 1.5 spaces per unit.) The City owns the entire parcel and its parking structure as illustrated in Figure 1. Parcel dimensions are illustrated in Attachment A. The northern end of this parcel is planned for designation as park property along the Rouge River.

It should be noted that the parcel marked Brookside Townhomes of Birmingham on Attachment A to the northeast of the City's property is currently under construction. A new five story mixed use building with retail and residential on the first level, residential on floors two through five, and two levels of underground parking is being constructed.

A sample plan of what the City envisions can be done with this property, while accomplishing the parking goals listed, is provided in Attachment D. Important desirable amenities of the plan as provided by the City include:

- New parking structure(s) with a minimum of 1150 parking spaces.
- New mixed use building adjacent to parking structure facing N. Old Woodward Ave.
- Service drive access to the adjacent buildings both north and south of the parking structure.
- New mixed use building facing Willits St.
- Public park property and connection between a new City street and the existing Rouge River to the north.
- Residential building on the north end of the site taking advantage of the existing views present in this area.

The existing zoning of this parcel is Public Property. An illustration of the existing zoning for this parcel and the immediate area is contained in Attachment B. This parcel is included in the City's Overlay Zoning District as illustrated in Attachment C, which provides for certain development opportunities. Modifications to the zoning of this parcel may occur to conform to the selected development plan, if the creativity of development plan does not meet existing parameters of the Overlay Zoning District. Additional information concerning the zoning regulations can be obtained from the City's Planning Division.

The selected Developer will work with the Ad-Hoc Parking Development Committee to present and review their plan at public meetings to receive community input on

their development plan. This process may include presenting the plan to one or more of the following boards and commissions:

- a. The Ad-Hoc Parking Development Committee;
- b. The Birmingham Planning Board;
- c. The Historic District and Design Review Committee;
- d. The Advisory Parking Committee;
- e. The Multi-Modal Transportation Board; and
- d. The City Commission.

The final approval of the development plans will be concluded by the Birmingham City Commission following the community review process.

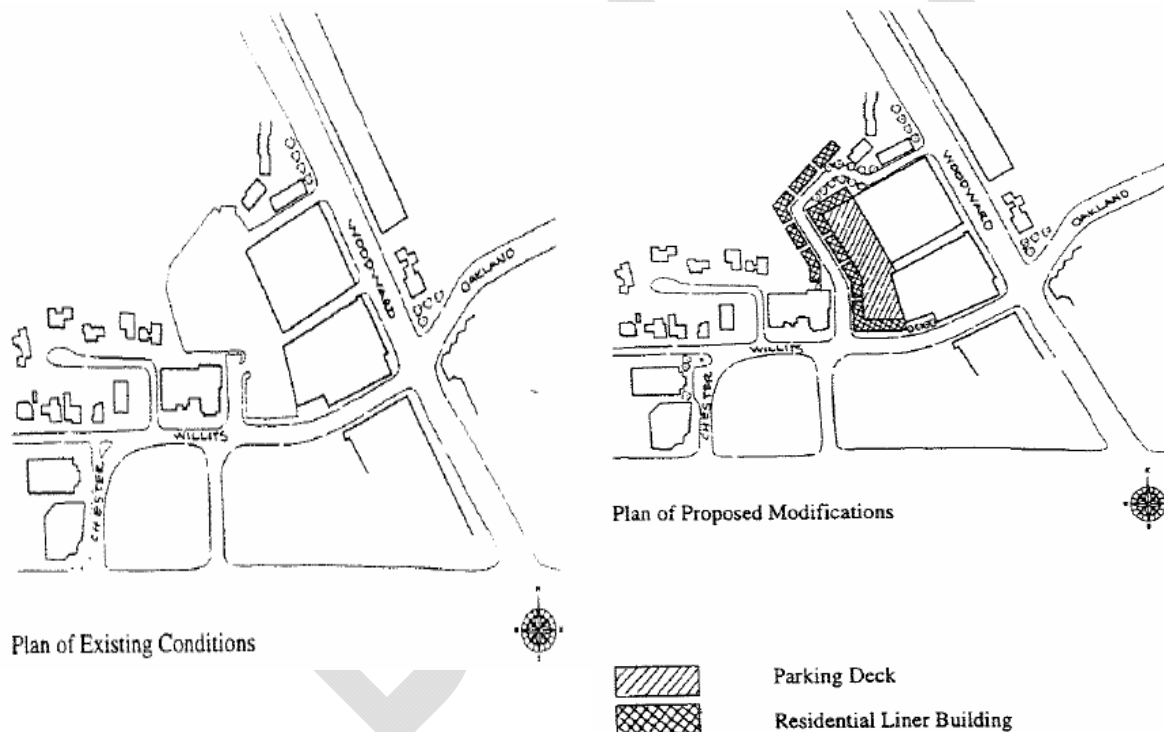
Based on the development plan selected, the City may lease or sell a portion or all of the property for development provided the development guidelines are met. The sale of public property would require the City to engage in placing the sale of property on the ballot for a vote in accordance with its City Charter. Once a development plan is accepted by the City, the process for the sale of property to the Developer may take from 4 to 12 months.

DEVELOPMENT OBJECTIVES AND GUIDELINES

The City's master planning document for the downtown, known as the *Downtown Birmingham 2016 Report* (DB2016 Report), identifies the N. Old Woodward / Bates Street site as a proposed location for redevelopment and provides conceptual illustrations of proposed modifications. The concept from the DB2016 Report referencing this area is provided herein for reference as Figure 2. Additional conceptual illustrations based on the DB2016 Report and incorporating various elements are provided as Attachment D.

Developers will be expected to present creative concepts for the site that incorporate these objectives and guidelines. The objectives and guidelines presented in this RFQ will be used in evaluating the submitted qualifications.

Figure 2.



Development Objectives

The City's overall objectives for redevelopment of the N. Old Woodward / N. Old Woodward / Bates Street site are as follows:

- **To extend Bates Street from Willits and provide access to a location on North Old Woodward as envisioned in the Downtown Birmingham 2016 Plan.**
- **To accommodate current and future public parking needs with consideration for transient, employee permit parking, shoppers and faith-based community uses.**
- **To provide a form of residential, commercial and/or mixed use development along the extension to Bates Street to create an activated urban streetscape.**

A number of primary objectives for the redevelopment of Bates Street as a whole are outlined below:

- **To contribute to the improvement of the downtown as an active, pedestrian- oriented retail, residential and community environment.**
- **Ensure an adequate supply of conveniently located and attractively designed parking.**
- **To coordinate parking utilization in conjunction with public parking standards modified to accommodate mixed residential and business uses.**
- **To incorporate existing streetscape standards into proposed streetscape design and create an attractive streetscape that unifies, enhances and connects the N. Old Woodward / Bates Street site with the rest of the downtown.**
- **Enhance the N. Old Woodward / Bates Street site as a safe, convenient and hospitable pedestrian environment, while linking Willits to North Old Woodward.**
- **To ensure that new construction is compatible with the existing building fabric.**
- **Minimize conflicts between vehicles, pedestrians and cyclists.**

These objectives should be a fundamental part of any development proposal for the N. Old Woodward / Bates Street site. The guidelines discussed below for the physical framework, mix and location of land uses, and design of buildings and public spaces are drawn directly from the *Downtown Birmingham 2016 Report* and/or have been developed with these objectives in mind.

Development Guidelines

1. **Pedestrian Circulation.** Redevelopment of the N. Old Woodward / Bates Street site should include a pedestrian circulation system that links public parking, public open space and new developments to surrounding uses and activities. All pedestrian access routes must be compliant with Americans with Disabilities Act (ADA) requirements.
2. **Vehicular Connection.** Bates Street will be preserved as a public street to promote efficient access and circulation by vehicles, pedestrians, cyclists and transit riders. Bates Street will connect Willits to North Old Woodward.
3. **Parking.** The existing parking structure should be renovated and expanded to accommodate additional parking, if current location is maintained. Should a proposal involve the removal and reconstruction due to relocation of the parking structure, the developer is responsible for the demolition and reconstruction costs. It is expected the City will own and operate any parking structure and own the land underneath the structure. Parking lots or garages serving residential developments would be privately owned. **During construction phasing, the Developer shall coordinate development with respect to the existing parking operation.**
4. **Topography and Redevelopment.** Building designs that take advantage of the natural topography in the area should be utilized. Site designs that provide public access to or overlooks of the Rouge River and Booth Park to the north are encouraged.
5. **Storm Water Management** – Special consideration for development on the Rouge River must be in accordance with best management practices permitted by the Environmental Protection Agency (EPA) and the Michigan Department of Environmental Quality (MDEQ).
6. **Infrastructure.** This project will require extending sewer and water utilities to any new developments. New water mains must be looped into the existing system. The addition of sewer or water services for this site must conform to the City's standards. Information on these standards can be obtained from the City's Engineering Division.
7. **Utilities.** All utilities within and leading to the site shall be underground. The adequacy of gas, electric, telephone and cable service availability to the site will need to be determined by those making a proposal by contacting the respective utility companies.

8. **Financial.** No City subsidies will be made available. Land will be sold or leased at market rates and all private property or private use of public property will be subject to property taxes.
9. **Required Easements.** All necessary easements must be provided in accordance with the Consolidating Easement and Restriction Agreement dated November 28, 2005 between the City and B/K/G Birmingham LLC, benefiting 325 N. Old Woodward (located at corner of Willits and Old Woodward). A copy of this easement is included as Attachment E.
10. **Booth Park Trail.** Booth Park is located to the immediate north of the N. Old Woodward / Bates Street site. A proposed bridge connection to Booth Park from the site is planned as part of a trail master plan. The bridge will provide access between the downtown and Booth Park. This proposed bridge will be a vital link in the overall trail system. A conceptual illustration is provided as Attachment F.

Design Issues

1. **Building Height Considerations.** The portion of the site not used for public parking is zoned D-3 under the Downtown Birmingham Overlay Zoning, which allows a maximum of 4 stories, provided the 4th story is used for residential units and is set back 10' from the front building façade. Maximum overall height is 68'. Specific regulations also apply. These regulations are outlined in the City's Zoning Ordinance.
2. **Residential Building Relationships.** Any proposed residential uses should be integrated into an overall mixed use development.
3. **Design of Buildings.** Specific design and architectural requirements are in place in the Downtown Birmingham Overlay Zoning District as outlined in the City's Zoning Ordinance.
4. **Design of Street.** The extension of Bates Street must conform to the City's street standards.
5. **Streetscape and Landscaping.**
 - Streetscape designs must incorporate the City's Downtown Streetscape Design Standards.
 - Landscaping designs should include innovative and aesthetically appealing plants and landscape features that enhance the pedestrian experience while enhancing the natural area along the Rouge River.

6. **Public Safety.** Fire and emergency access must be accommodated for all buildings in the development area. Hydrants must be placed where required by the City's Fire Department.
7. **Parking.** Most residential parking should be emphasized underground or within buildings, which would allow land areas to be used for buildings and open spaces. The change in elevation in the area should be used to facilitate underground parking.

DRAFT

REQUEST FOR QUALIFICATIONS PROCESS

The City will conduct a two phase public selection process for qualified Developers to redevelop the N. Old Woodward/Bates Street site, with oversight and review to be provided by the Ad Hoc Parking Development Committee and the City Commission.

In evaluating a Developer's qualifications in Phase 1 under this RFQ process the City will consider past development success, experience in working or partnering with communities, financial capacity and the design quality of previous development projects. The City may identify one or more of developers with qualifications that the City determines at their sole discretion, demonstrate the capability of the Developer(s) to successfully undertake and complete this redevelopment project.

All qualifications must be received by the City Clerk no later than April 14, 2017. Submission requirements and guidelines are detailed in the Submission Requirements and Guidelines section of this RFQ.

Mandatory Site Visit Meeting

Each prospective developer is required to attend a mandatory pre-bid meeting to visit the site and meet with City staff prior to submitting qualifications. The mandatory site visit meeting will be held on **March 30, 2017**. This meeting will begin in room 205 of the Birmingham Municipal Building located at 151 Martin Street and will conclude at the project site. Prospective developers are asked to pre-register by **March 27, 2017** by contacting Paul O'Meara at (248) 530-1836 or at pomeara@bhamgov.org.

Selection Process

Following a review of Developer qualifications, the City will establish a "short list" of Developers that will be extended an invitation to participate in an interview with the Ad Hoc Parking Development Committee and/or the City Commission to discuss their qualifications for the redevelopment of this site. Only pre-qualified Developers will be offered the opportunity to submit a development proposal in Phase 2 under a separate 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 Developers, or to allow corrections of errors or omissions. At the discretion of the City, firms submitting qualifications may be requested to make public presentations as part of the evaluation process.

The City will select a single developer or development team for the redevelopment of the parcel offered in this RFQ. The City may offer to sell or lease the property it currently owns within the Bates Street Site, exclusive of land to be used for public parking and public roads, for private use to the selected developer or development team.

Anticipated Timetable of Selection Process

| Submittal & Review Process | Target Date |
|--|--------------------|
| Release of Request for Qualifications | March 17 |
| Registration for Site Visit with staff | March 27 |
| Mandatory site visit with staff | March 30 |
| Qualifications Due Date | April 14 |
| Extend invitation for Interviews | April 26 |
| Interviews Conducted | May 8 - May 12 |
| Recommendation of Developers to City Commission | May 22 |
| Request for Proposals Issued | June-July |
| Conduct community review process | September |
| City Commission approval of final development plan | October |

Developer rights and responsibilities

The following outlines the rights and responsibilities of the developer and the City of Birmingham in the redevelopment of the North Old Woodward / Bates Street Parking and Site Development:

- Exclusive development rights and right to purchase or lease land for private uses (excludes purchase of any City owned land that will be used for public purposes, such as public parking.)
- To serve as developer or development team of the property for a mix of uses; all sub-developers must be identified if other firms will carry out portions of the project.
- Prepare all site plans and elevation drawings for approval by the City in accordance with the specifications and requirements of the City of Birmingham.
- Plan for and construct public parking as indicated in the development program.
- Work with the City during construction to accommodate temporary parking and minimize disruption to residents, tenants and the faith community in the surrounding area.
- Develop public infrastructure and utilities necessary for the site.
- Attend public meetings as necessary in order to present plans for review. It is expected that plans will need to be presented at up to ten (10) boards and committee meetings for review.

City's Role

- Assist with necessary development review process and approvals.
- Cooperate with any land acquisition pursued by the developer in accordance with this RFQ.
- Assist with construction phasing and coordination with respect to temporary parking operation during construction.
- Provide existing information relating to the site such as 1) title search, 2) site survey, 3) baseline environmental analysis, and 4) utility availability analysis.

SUBMISSION REQUIREMENTS AND GUIDELINES

The following outlines the submission requirements and guidelines for the North Old Woodward / Bates Street Parking and Site Development project.

- A. Cover sheet as provided in RFQ;
- B. Transmittal letter;
- C. Qualification Statement (see details below);
- D. Financial Information from Developer (Separate Sealed Envelope);
- E. Narrative description of what is proposed in detail and how proposal meets the development objectives; and
- F. Conceptual development plan for the entire site.

Qualification Statement Requirements

1. Firm/Team Description

A development team headed by an experienced developer should be identified including, as required, an architect, construction consultant, Developer, economic-financial consultant, and leasing/management company. Depending on the developer's capabilities, the team may include as few or as many firms as required. For all companies on the team, the following is required:

- Identification of all principal firms to be involved in the project including their roles, responsibilities and authorities.
- The size of each firm and the depth of experience of their personnel.
- Resumes of the persons who would be responsible for the day-to-day operation of the project and his/her back up in the event of this person's absence. Also, resumes of all other key persons directly involved with this project shall be included.

2. Organizational Structure and Workload

- Legal Name of development entity and managing entity which will be considered the developer.
- Business type (corporation, partnership, LLC, individual, joint venture, not for profit, etc.).

- Date established (for constituent firms if joint venture).
- If the developer is a subsidiary or affiliate of any other corporation, list such entity or entities including name, address, relationship to developer, and officers and directors.
- Names, addresses, title of position, and nature and extent of the interest of the officers and principals, shareholders and investors of both the developer and the development entity as follows:
 - For corporations, the officers, directors or trustees, and each stockholder owning more than 10% of any class of stock.
 - For partnerships or limited liability corporations, each partner or member, whether a general or limited partner or member, and either the percent of interest or a description of the character and extent of interest.
 - For joint ventures, each participant and either the percent of interest or a description of the character and extent of interest. If the joint venture partners are corporations or partnerships, then the information for such firms should be provided.
 - For any other type of entity, the officers, members of governing body, and each person having an interest of more than 10 %.
 - No City of Birmingham elected or appointed City official or employee, and no person who serves on any City of Birmingham public board or commission may have a direct or material indirect interest in the development entity or any part of that entity.
- The number, location and magnitude of projects currently on the developer's work plan for 2016 - 2019.
- A proposed organizational structure for the development team showing roles of each member of the team.

3. **Experience**

- Description, illustrations, location and a brief summary of the performance of similar projects, especially as they relate to the project.
- A comprehensive list of all projects for which the firm has served as a developer over the past three years including size, construction costs, major tenants, uses involved, and the current occupancy and ownership of these projects.
- Minimum experience required:
 - Demonstrated experience in at least two completed projects of similar size and quality as proposed in this RFQ.
 - Demonstrated financial resources and commitments to both acquire and develop the property (provided in financial statements, evidence of equity and debt financing, etc.)
 - Demonstrated commitment to the overall goals of the City and specific land uses and evidence of substantial efforts to comply with the development guidelines stated in this RFQ.

4. References

A minimum of three references for similar projects is required. References reflecting experience working on public/private ventures with government officials and public bodies should be included, if applicable.

Financial Information

One copy of the following information should be submitted in a separate sealed envelope to be kept confidential:

- Audited financial statement or federal income tax forms for the developer from the last three years; personal financial statements may be required as supplemental information at the option of the City's development advisor.
- References from financial institutions with whom the developer has dealt as a borrower or as a joint venture partner.
- Proposed sources of financing and preliminary evidence of interest from financial institutions or partners if available.
- List of pending litigation or other disputes with which the developer, development entity, or joint venture partners are involved, indicate status, the potential of a financial settlement, and impact on your ability to execute this project.
- If the firm or any individual in the proposed project has ever filed for bankruptcy or has had projects that have been foreclosed (or return lenders via deed-in-lieu of foreclosure), list dates and circumstances.

All of the above information will be provided only to the City's legal counsel and is considered exempt from the Freedom of Information Act as private information. Only those firms who are short-listed and invited for an interview with the City will have their financial information reviewed. All other sealed packets will be returned unopened to their respective firms. Upon completion of the selection process all firms will have their financial information returned.

Submission Procedure

Ten (10) hard copies and one (1) PDF copy of each qualifications proposal and one (1) copy of the developer's financial information shall be submitted no later than **4:00 p.m., on April 14, 2017** to:

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

Submittals should be firmly sealed in an envelope, which shall be clearly marked on the outside, **"Request for Qualifications – N. Old Woodward / Bates Street Parking and Site Development"**. 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 submittal provided each proposal meets the functional requirements.

Each respondent shall include in their submittal the following information: Firm name, address, city, state, zip code, telephone number, fax number and website address. 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.

The City of Birmingham reserves the right, at its sole discretion, to reject any or all submittals when, in its opinion, it is determined to be in the public interest to do so; to waive minor irregularities and informalities of a submittal; or to cancel, revise, or extend this solicitation. The Request for Qualifications does not obligate the City of Birmingham to pay any costs incurred by any respondent in the submission of a proposal or in making necessary studies or designs for the preparation of that proposal, or for procuring or contracting for the services to be furnished under this Request for Qualifications.

Selection Criteria

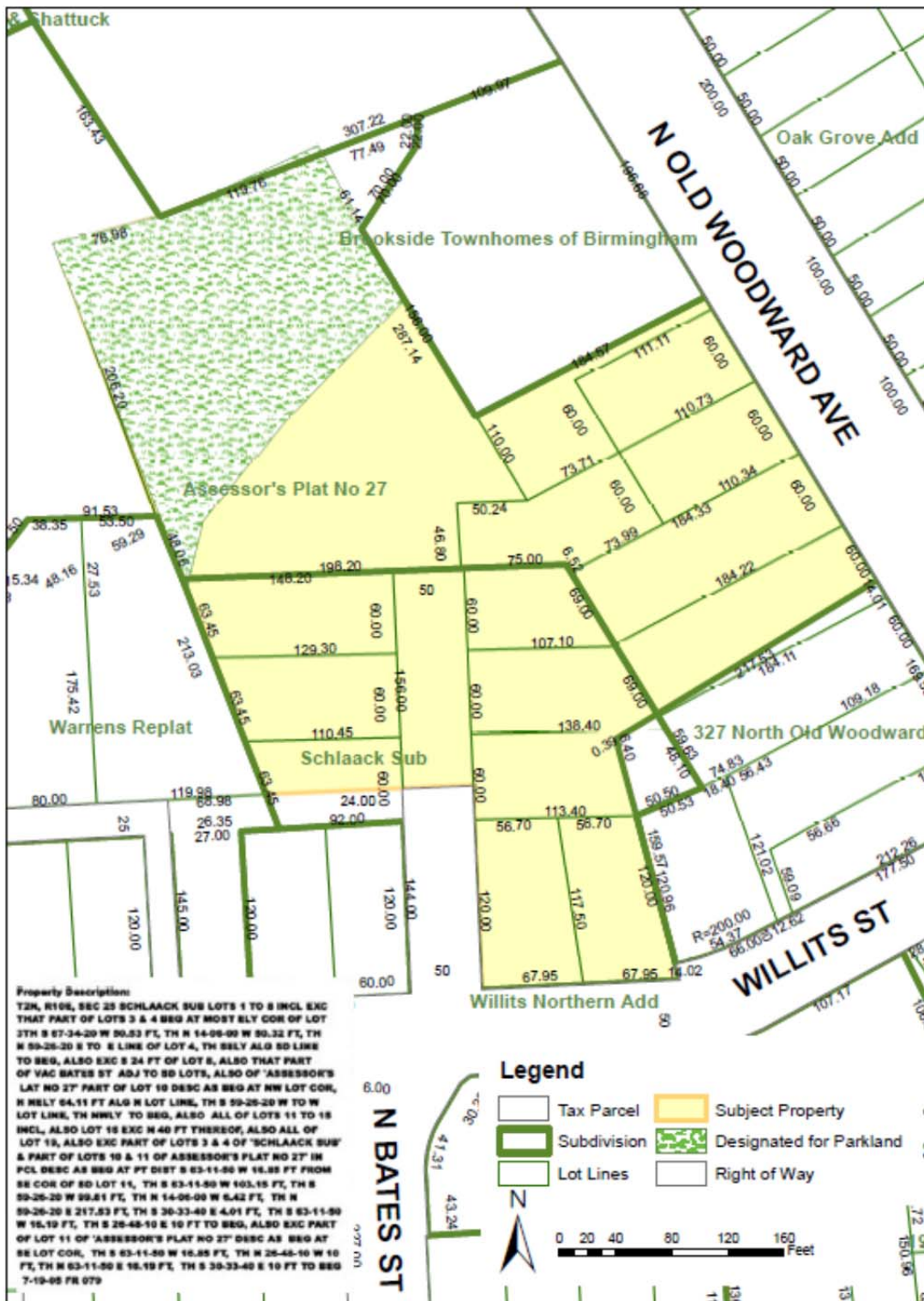
Evaluation of qualifications will be based upon:

- Qualifications and experience of developer and team members with projects of similar scale and magnitude;
- Financial capability including resources available as equity for the project and strength of financial commitments;
- Design quality of previous development projects;
- Detailed description of conceptual development plan and how the proposal meets the City's objectives;
- Past performance of firms as verified by references of previous clients/projects including demonstrated ability to work with local government clients in similar relationships; and
- Offer price for sale or lease of City property with a description of the necessity to purchase or lease.

TERMS AND CONDITIONS

1. The City reserves the right to reject any or all qualifications received at any time during this process, waive informalities, or accept any qualifications in whole or in part, it deems best. The City reserves the right to award the contract to the next most qualified Developer if the successful Developer does not execute a development agreement within thirty (30) days after the award of the proposal under a future Request for Proposals.
2. The City reserves the right to request clarification of information submitted and to request additional information of one or more Developers.
3. The City reserves the right to terminate any 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 Developer sufficient to indicate the City's desire to do so. In the case of such a stoppage, the City agrees to pay Developer for services rendered to the time of notice, subject to the contract maximum amount.
4. 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.
5. Any qualifications proposal may be withdrawn up until the date and time set above for the opening of the qualifications. Any proposal not so withdrawn shall constitute an irrevocable offer, for a period of ninety (90) days, to provide the services set forth in accordance with the specifications outlined in this RFQ.
6. The cost of preparing and submitting qualifications and any future proposal is the responsibility of the Developer and shall not be chargeable in any manner to the City.
7. The Developer will not exceed the timelines established for the completion of this project.
8. Pre-qualified Developers will be offered the opportunity to submit a Development proposal under a future Request for Proposals. The successful Developer shall enter into and execute a development agreement with the City.

ATTACHMENT A **N. OLD WOODWARD / BATES PARKING SITE** **PARCEL DIMENSIONS**



ATTACHMENT B
N. Old Woodward / Bates Parking Site
Zoning Districts

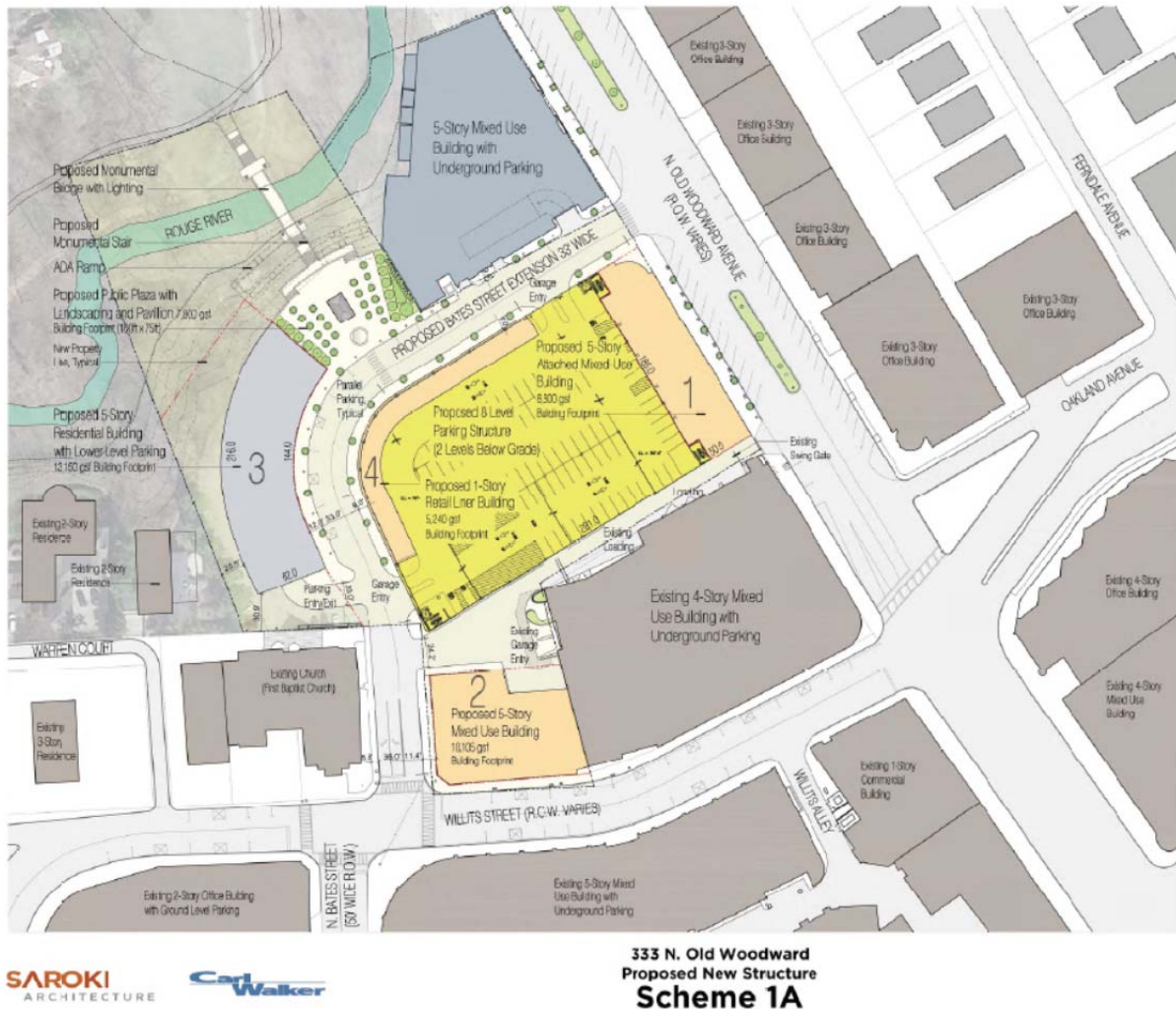


ATTACHMENT C
N. Old Woodward / Bates Parking Site
Overlay Zoning Districts



ATTACHMENT D

Conceptual Illustrations of Development Area



[illegible]

Carl Walker

333 N. Old Woodward
Proposed New Structure
Scheme 2A



SAROKI
ARCHITECTURE

CityWalker

South Bird's Eye View

Birmingham Parking Expansion
201 N. Old Woodward Avenue
Birmingham, MI
City of Birmingham
Bird's Eye View
February 24, 2016



ATTACHMENT E
Easement Benefitting 325 N. Old Woodward

Vehicle Access Easement

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

A parcel of land being a part of Lots 10 and 11 of "Assessor's Plat No. 27" in the SW quarter of Section 25, T2N, R10E, City of Birmingham, Oakland County, Michigan, according to the Plat thereof as recorded in Liber 6 of Plats, Page 46, Oakland County Records, and a part of Lots 3 and 4 of "Schlaack Subdivision of Lots 40, 41, 42 and part of Lot 53 of Willets Addition", City of Birmingham, Oakland County, Michigan, according to the Plat thereof as recorded in Liber 8 of Plats, Page 8, Oakland County Records, said parcel of land being described as follows: Commencing at the southeasterly corner of said Lot 11, said point also being on the westerly line of Woodward Avenue (100 feet wide); thence S 63°11'50" W 16.85 feet along the southerly line of said Lot 11 to the point of beginning of this description; thence continuing S 63°11'50" W 103.15 feet along said lot line to a point; thence S 59°26'20" W 99.61 feet to a point; thence N 30°33'40" W 19.16 feet to a point; thence N 59°26'20" E 219.35 feet to a point on the easterly line of said Lot 11; thence S 30°33'40" E 17.01 feet along said easterly line of said Lot 11 to a point; thence S 63°11'50" W 16.19 feet along a line 10.00 feet northerly of and parallel to the southerly line of said Lot 11 to a point; thence S 26°48'10" E 10.00 feet to the point of beginning of this description.

ATTACHMENT F Booth Park Trail Connection

Booth Park trail
connection to
Bates Street site.





Search

United States / Detroit

Our People



Tim Kay

Managing Director

226 East Hudson Avenue
Royal Oak, MI 48067
+1 248 581 3311
tim.kay@am.jll.com

Current responsibilities

Mr. Kay is Managing Director and Market Leader for Michigan, Ohio and Western, PA. He is responsible for business and team development, resource management and accountability for his area. His team is responsible for the planning and execution of variable projects on a local, regional and global basis for clients such as Whirlpool, The State of Michigan, Stryker, The College for Creative Studies, Detroit Riverfront Conservancy and others.

Mr. Kay is currently providing executive oversight for the capital projects program for Bowling Green State University; the Detroit Riverfront Conservancy and the Detroit Medical Center Capital program, a 3 year \$126 million series of projects in downtown Detroit. In addition and most recently the team has been hired to manage the construction of a headquarters expansion for the Kresge Foundation in Troy, Michigan.

Experience

Mr. Kay has over 25 years of experience in business with a proven track record in building durable relationships with his clients. Prior to his experience at JLL, Mr. Kay has been the lead or executive sponsor on strategic workplace projects with Visteon, Lowe Campbell Ewald, General Motors, The University of Michigan, The University of Notre Dame and others. Mr. Kay has recently provided oversight for two large development projects in Shanghai, China and in Detroit for an Automotive Supplier and a local College.

Prior to joining JLL, Mr. Kay was a Director for Herman Miller, Inc for the Great Lakes Region and a Principal in Facility Matrix Group, a Herman Miller distribution partner in Michigan. Among his experiences, Mr. Kay has lead national automotive and banking retail programs and corporate workplace transformation projects. Through a customer centered approach to discovery and being process driven, Mr. Kay has enjoyed an exemplary reputation for client satisfaction and delivering successful projects, on time and according to budget for his clients.

Education and affiliations

Mr. Kay earned a Bachelor of General Studies from the College of Literature Science and the Arts at the University of Michigan. Mr. Kay has recently completed service as Chairman of Membership for CoreNet Global, is Trustee of the Grosse Pointe Farms Foundation and serves on an advisory committee for the new CS Mott Children's hospital at the University of Michigan. Mr. Kay has enjoyed past involvement in Cornerstone Schools and the International Facility Management Association.

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In fact, in 2014 we delivered 414 percent ROI on total North American project management fees.

Sustainability upgrades: We advocate for and implement sustainable design and sound environmental practices that make your business more attractive to shareholders, and often result in operational cost savings.

Specialized consulting: We review operations and recommend updates to improve efficiencies and cut costs. This includes facility assessments, building system analyses, value engineering, quality assurance and more.

Outsourced project management: Our team will join your team, full time and on site, to deliver ongoing support for all of your real estate needs—from daily operations to large-scale strategic plans.

Real value. Delivered.

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JONES LANG
LASALLE™

Project and Development Services
226 East Hudson Avenue, Suite 200
Royal Oak, MI 48067
tel +1 313 967-4111

November 22, 2016

Jana Ecker
Planning Director
City of Birmingham
151 Martin Street
Birmingham, MI 48009

SENT VIA EMAIL

RE: RFP for North Old Woodward / Bates Street Site Development

Dear Jana

I had a good look at this. As did Andrea Burg and our local public institutions person Chris Johnson (both residents). It is a very well done document for what it is. This is very exciting and if your market demand study supports the mixed use elements and scale plus the number of parking spaces this will be fantastic. The parking is a mushy topic that will no doubt be the bigger elements for discussion: Renovate, demo and relocate a new one, the City wants to own and manage, etc. We are seeing privatization of City parking as a big trend right now. (Chicago for example). You may want to analyze that option while you are at it. We know the good people at Walker Parking consultants are great and am sure have made good recommendations for the scenarios based on efficiency and current condition. In general I have some thoughts:

- We are going to hit a recession in 14 – 16 months so speed to market on any mixed use development is so critical to lock down available funds while capitalizing on the current market energy. I can see in your schedule that the early activities are aggressive and show urgency, however, you have two holidays in there and you might be challenged to get quality responses. Given this I would suggest you tweak this to be a Request for Qualifications as the first phase so can will have a better chance of getting more responses, cull the list and then do an RFP. The Quals phase can be based on creative ideas and thoughts for this project, past project experience, resumes and capacity of the resources that will be assigned; especially the chemistry and personality of the person that will interface with the community. The teams should have a strong ability to prove investment success for each element of the mixed use so scale is vetted for market demand and positioning. Finally proof of financial abilities to deliver the projects.
- In this RFP document it does not look like there is mention of the development currently underway north adjacent to this site so you have a competing development literally next door. This is pretty huge detail to leave out for developers who do not know Birmingham. Absorption rate over time would be any developers concern.
- We have also brainstormed on likely Developers locally, regionally and nationally and can provide a list of potential to add to your list. It is key to have ready and available respondents (not too many other projects going on) to move quickly, with finances and strong relevant experience

I hope these thoughts can help you get the quality responses you are looking for. I grew up in Birmingham and many on our team are residents so we are invested stakeholders in your success so please do not hesitate to call on us for any advice the firm can bring.

If you have any questions please call my mobile 313 910-6396. I hope you and your family have a very Happy Thanksgiving and Holiday Season.

With best regards,

A handwritten signature in black ink, appearing to read 'Timothy Kay', with a large, stylized flourish at the end.

Timothy Kay

Managing Director

Jones Lang LaSalle, Americas Inc

**CITY OF BIRMINGHAM
AD HOC PARKING DEVELOPMENT COMMITTEE
8:00 A.M., FRIDAY, JANUARY 6, 2017
Conference Room 205
151 Martin Street, Birmingham, Michigan**

Minutes of the meeting of the City of Birmingham Ad Hoc Parking Development Committee held January 6, 2017.

A. ROLL CALL

Present: Ad Hoc Committee Members:

Richard Astrein (BSD)
Rackeline Hoff (City Commissioner)
Terry Lang (Finance Representative)
Mark Nickita (City Commissioner)
Judy Paskiewicz (Advisory Parking Committee)

Absent: Scott Clein (Planning Board)
Gordon Rinschler (Developer Representative)

Administration: Joe Valentine, City Manager
Paul O'Meara, City Engineer
Austin Fletcher, Assistant City Engineer
Jana Ecker, Planning Director
Mark Gerber, Finance Director
John Heiney, BSD Executive Director

Guests: Linda Taubman, 327 N. Old Woodward

B. INTRODUCTIONS

Members and guests introduced themselves.

C. APPROVAL OF MINUTES, MEETING OF OCTOBER 7, 2016

Motion by Mr. Astrein

Seconded by Mr. Lang to approve the minutes of the Regular Meeting of October 7, 2016 as presented.

D. PARKING SYSTEM UTILIZATION

Mr. Valentine provided a brief overview of the information provided.

Mr. O'Meara explained the charts and graphs provided. He indicated that after the rate increase the demand appears to have reduced.

Mr. Nickita asked for clarification on the parking full information. Mr. O'Meara provided clarification in regards to parking full. The graphs indicate at least one structure full but almost never all five.

Ms. Hoff wondered where people are parking. Mr. Nickita speculated that they are using a variety of alternatives (i.e. carpooling, on-street parking, etc.).

Ms. Paskiewicz asked if there has been an increase in ticketing. Mr. O'Meara stated that he was not aware of any change in Police enforcement.

Ms. Hoff asked if there were an increase in parking complaints in the surrounding neighborhoods. Mr. Valentine stated that he was not aware of any.

General discussion continued on where people are parking if usage of the structures is down.

Mr. Valentine clarified that the charts indicate 'occurrences' not 'days'.

Mr. Nickita commented that the graphs do not include when decks weren't at full capacity due to construction activity.

Mr. O'Meara indicated that the valet assist is not being used as often as we had expected.

Mr. Lang asked does this change anything (need for additional parking). Mr. Valentine stated that he does not believe that we don't have enough data at this point to draw any conclusions.

E. DRAFT BATES ST. RFQ - REVIEW

Mr. Valentine provided a brief overview of where we are at currently and that we had RFP reviewed by an outside consultant. Ms. Ecker gave a brief summary of the consultant's comments.

Discussion took place about including some information about the Brookside Development in the RFP.

Ms. Hoff enquired about 'RFQ' vs. 'RFP & RFQ'. General discussion took place on this subject.

F. PROJECT PROCESS OVERVIEW & TIMELINE

Ms. Hoff asked what the next step is if the City moves forward with the RFQ. Mr. Valentine referred to the timeline spreadsheet. He gave a brief overview and explained the concept and purpose of the chart(s).

General discussion took place on the timeline and process (i.e. election date, sale vs. lease)

Mr. Valentine read Mr. Clein's email comments into the record.

Motion by Mr. Nickita

Seconded by Mr. Astrein to move forward with modifying the RFP per the comments and direction of the Committee and to forward it to the City Commission. Motion passed 5-0.

G. FOR INFORMATION ONLY

News articles(s) were provided to the Committee Members for information and general discussion.

H. MEETING OPEN FOR MATTERS NOT ON THE AGENDA

I. ADJOURNMENT

No further business being evident, committee members motioned to adjourn at 9:15 a.m.

NEXT REGULARLY SCHEDULED MEETINGS - TBD

Sincerely,

Paul T. O'Meara,
City Engineer



MEMORANDUM

Office of the City Manager

DATE: March 8, 2017
TO: City Commission
FROM: Joseph A. Valentine, City Manager
SUBJECT: Baldwin Library Building Modifications

Phase I of the Baldwin Public Library renovation project is progressing very well. During this renovation process, the Library has identified two additional modifications to the building that were not included in the plans previously approved by the City Commission. As a result, the Library is requesting approval of these modifications as outlined in the attached memo from Library Director, Doug Koschik.

The first modification is to include the restoration of a window in the Harry Allen room consistent with other windows in this area. This is outlined on sheet A.701.

The second modification is to remove and reposition a section of wall between the Circulation and Adult Services areas to improve movement within the Library. This is outlined on sheet A.702.

I have reviewed these requests with the Building Division and have no concerns with the physical modifications to the building. The Library will cover the costs associated with these modifications should they proceed.

If approval by the City Commission is given for these building modifications, the Library will obtain actual costs for this work and make a determination on whether to proceed.

Suggested Resolution:

To approve the proposed modifications to the Baldwin Public Library as outlined on drawings A.701 and A.702 for the restoration of the Harry Allen Room window and opening the passage between Circulation and Adult Service areas with the costs of the modifications to be paid by the Library.

To: Joe Valentine, City Manager
From: Doug Koschik, Baldwin Library Director
Date: March 6, 2017
Subject: Approval of two projects as part of Baldwin's Adult Services renovation

The renovation of the Baldwin Public Library's Adult Services area is proceeding well. The project is on track to be done by the end of May and to come in under budget. The Library Board and Staff, in observing the construction progress, would like to add some additional work to the project.

Library and City staff participate in weekly meetings with representatives from Luckenbach Ziegelman Gardner Architects (LZG), and the general contractor, The Dailey Company. At a recent meeting, Library staff proposed two project ideas that they would like to add to the scope of the current Adult Services Renovation project. Observing the current construction underway, it would make sense to open up the passage way between the Circulation Desk and Adult Services. In addition, opening up and restoring the window between the Harry Allen Rooms and Adult Services would be in line with the goals of the current project underway.

The open passageway between Circulation and Adult Services will improve traffic flow and, through the construction of a two-hour fire resistive rated wall and the installation of two new metal fire doors, enhance stairwell safety. This project will also restore a section of the 1927 building to its original beauty.

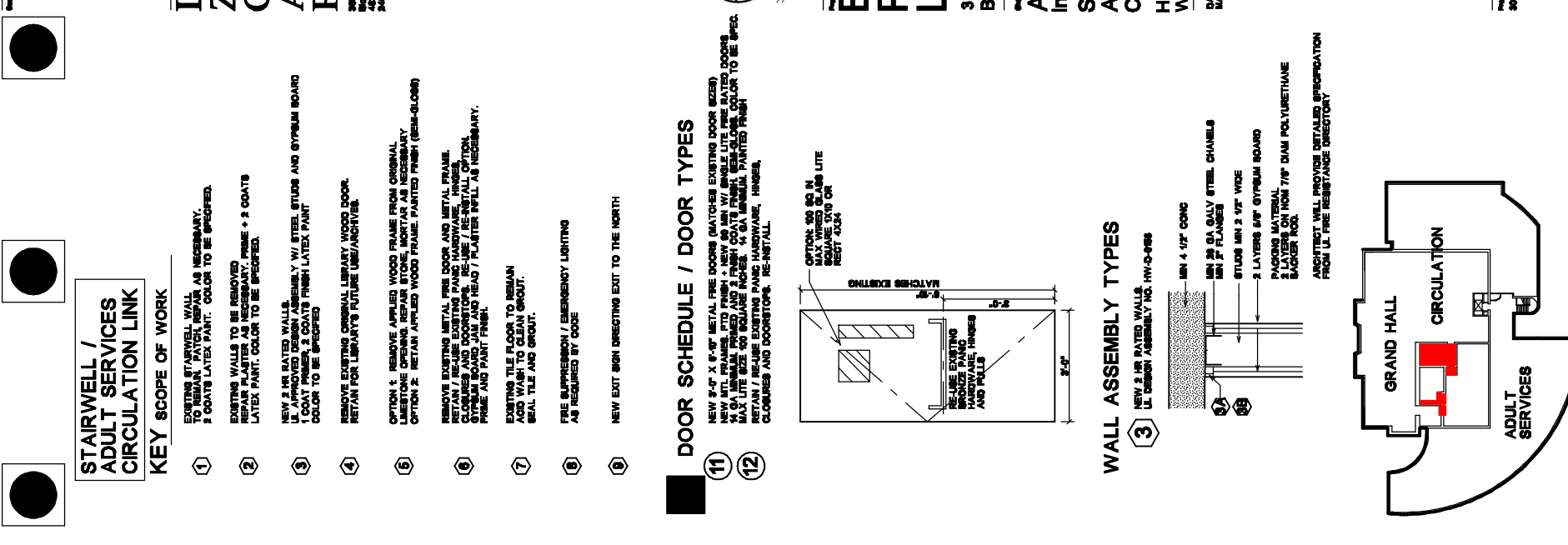
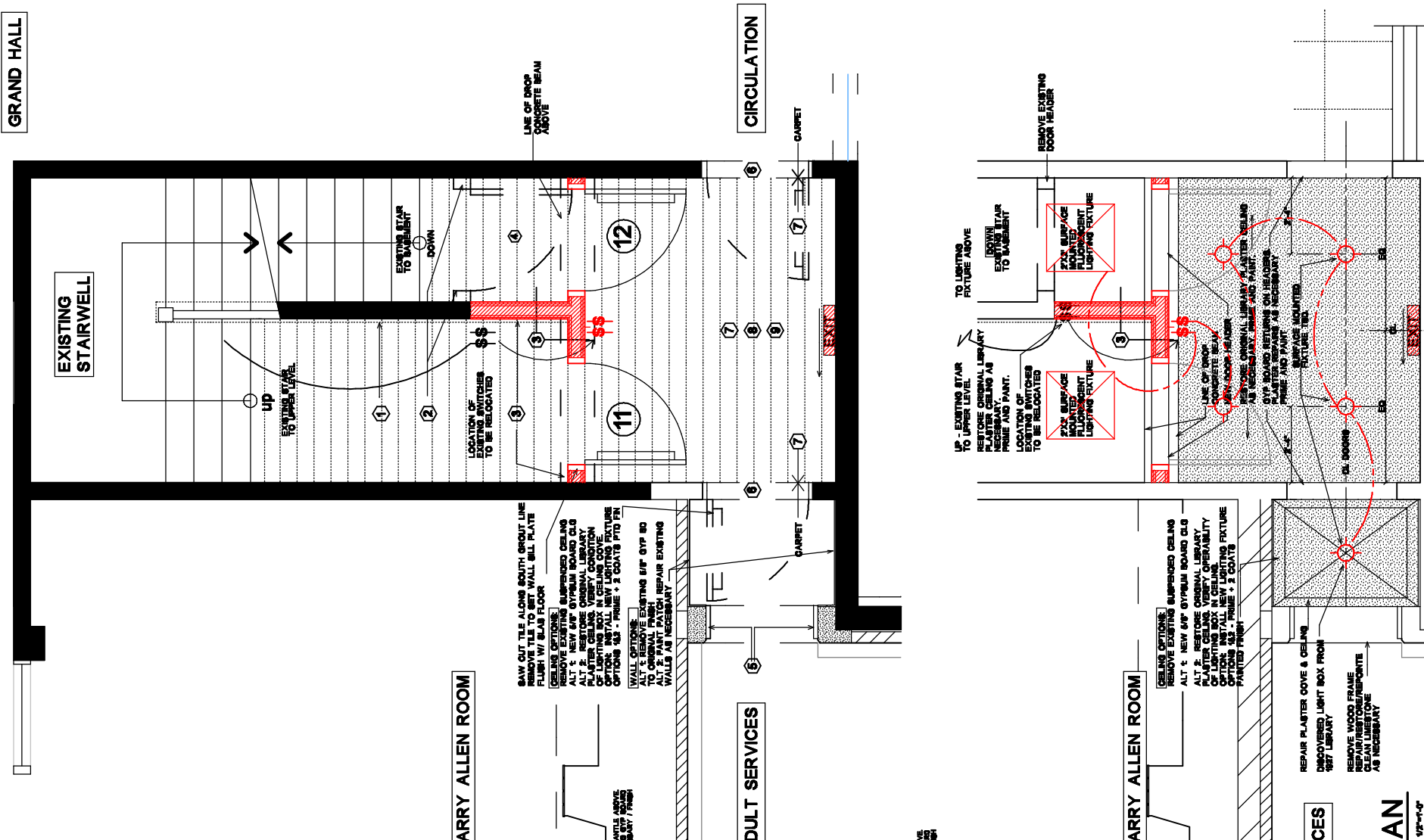
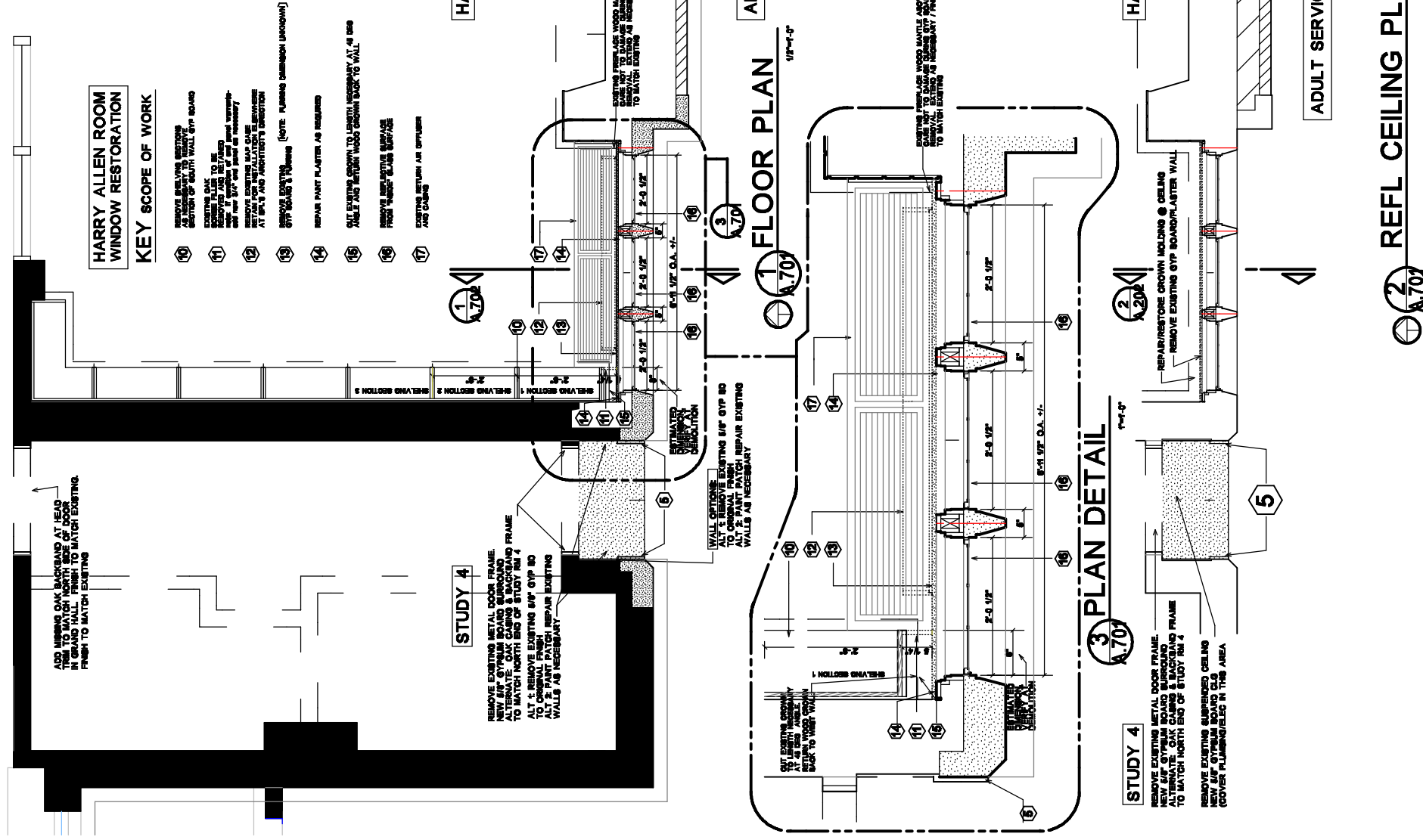
The restoration of the Harry Allen Room window will bring additional light into the room, make the room more easily supervised, and enhance a feature of the 1927 building. It will also make this window comparable to the other ones nearby, whose restoration was part of the original scope of work.

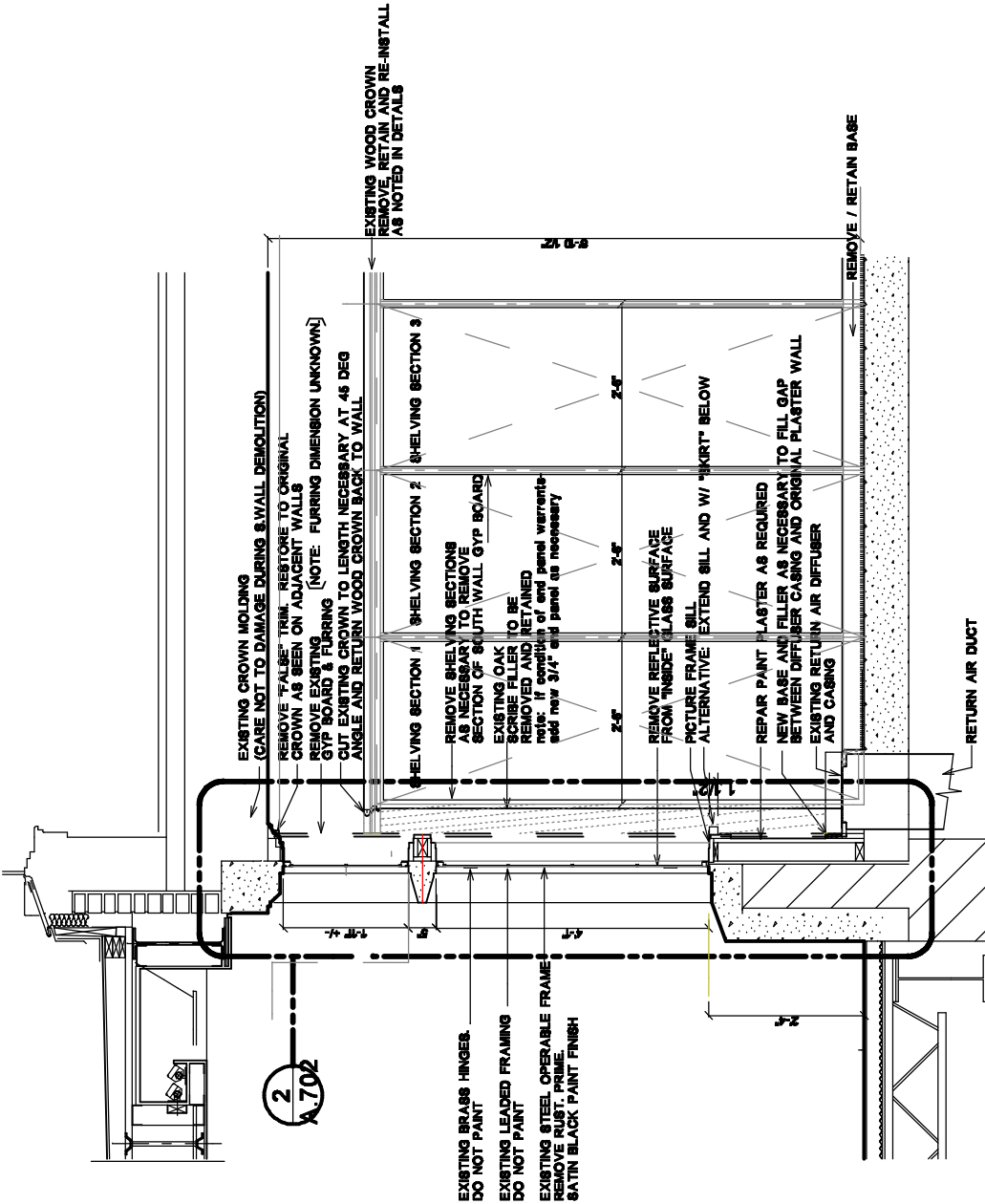
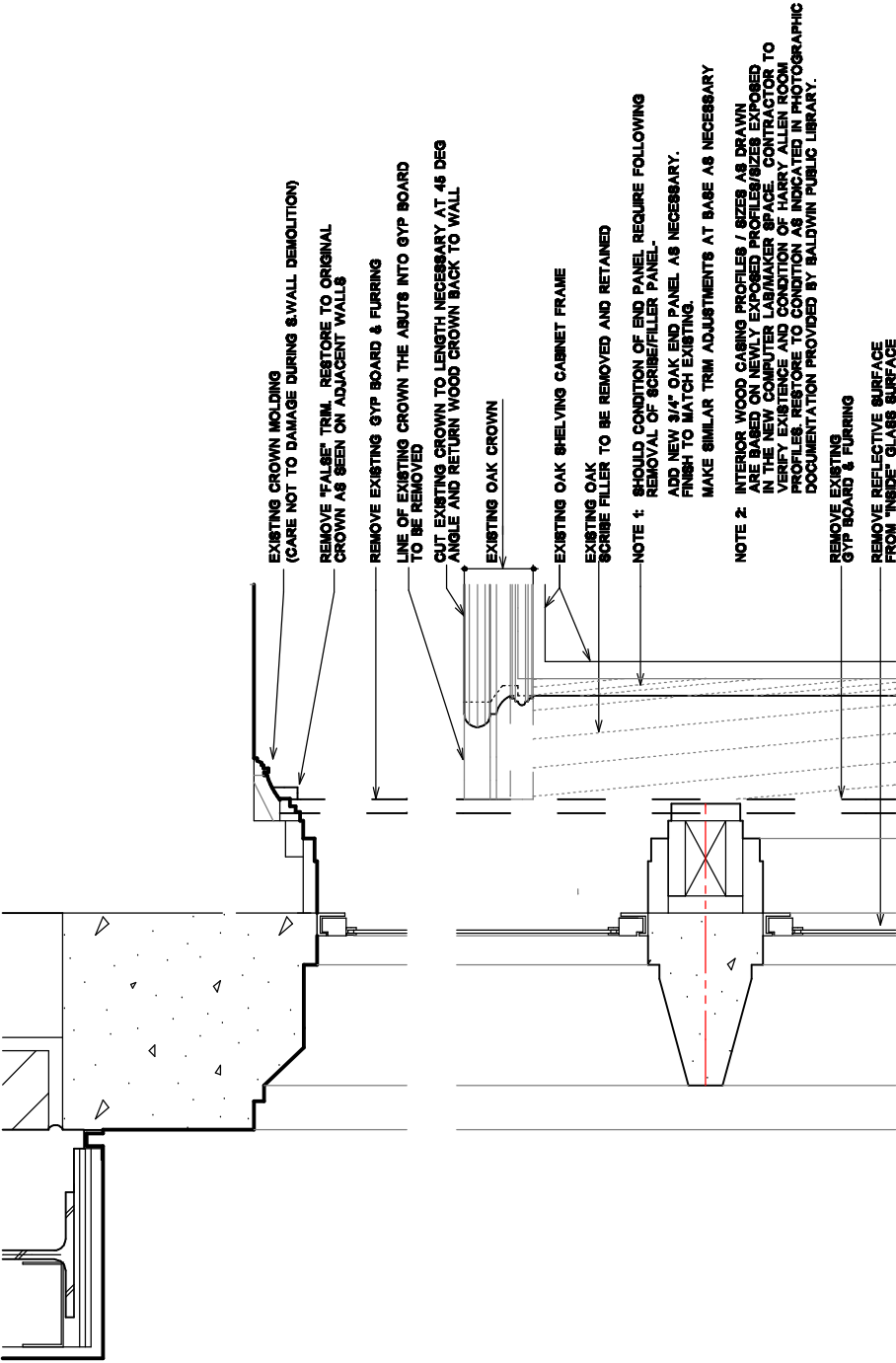
The Dailey Company estimates indicate that the two projects together will cost between \$30,000 and \$40,000. There is room in the budget for the current Adult Services Renovation project which is currently \$240,000 under budget. Library staff presented the additional work and its cost to the Library Board at its February 20, 2017 regular meeting. The Board unanimously supported the additional work and authorized the Building Committee to have the final authority to proceed with it pending approval by the City Commission.

Since these two projects are outside the original scope of work, the Birmingham City Commission also needs to approve them before they can proceed. If it does, Dailey will develop final cost estimates, which it will present to LZG, the City, and the Library as part of the usual change-order-request process.

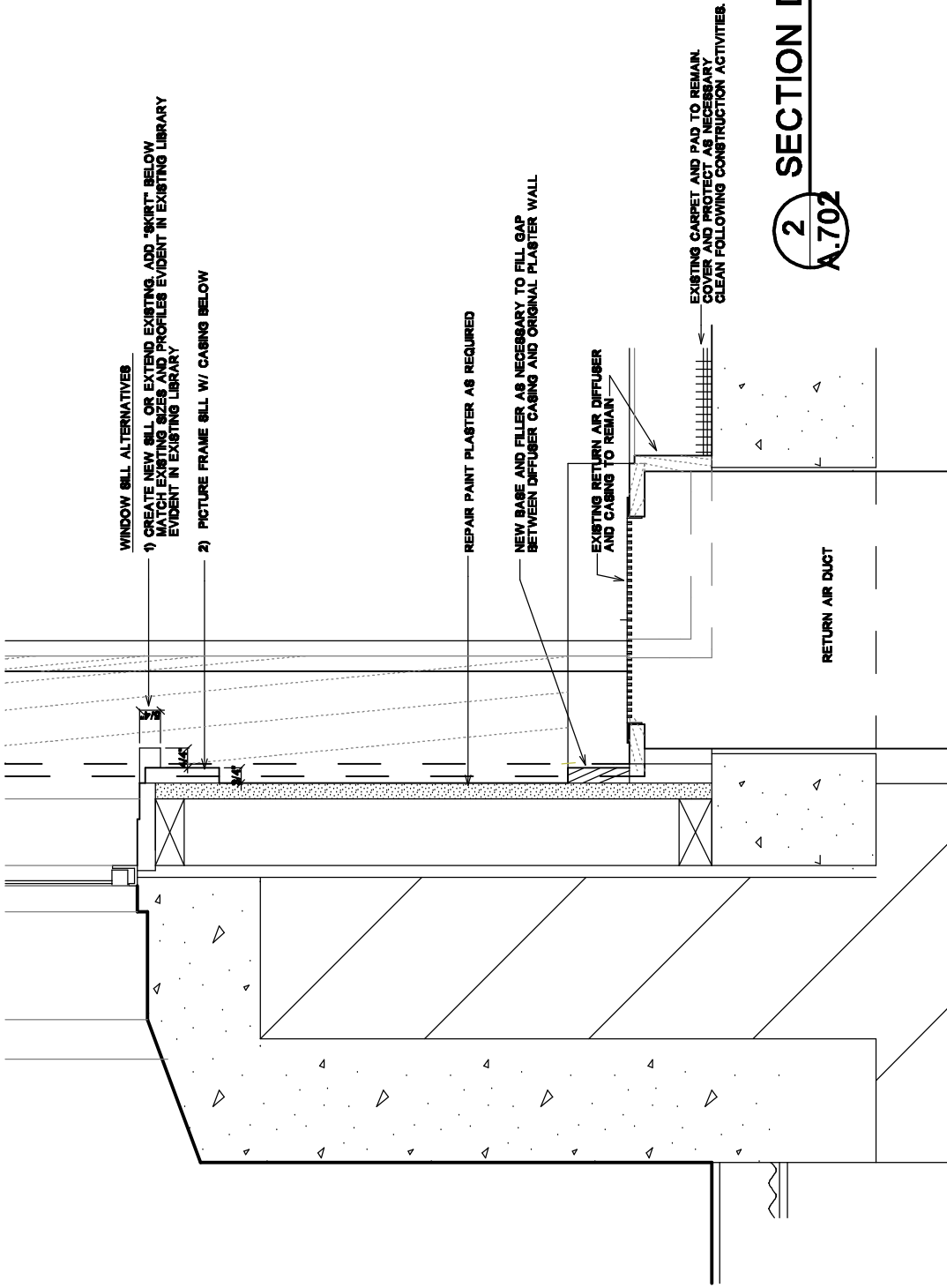
The accompanying two drawings from LZG show the proposed work in more detail. In the lower right corner of each drawing is an outline of the Library's main floor, which shows, in red, where the passageway and the window are located.

The proposed projects are worthwhile ones, which will enhance the beauty and functionality of the Library, and which can be accomplished well within the budget originally established for the entire Adult Services renovation project.

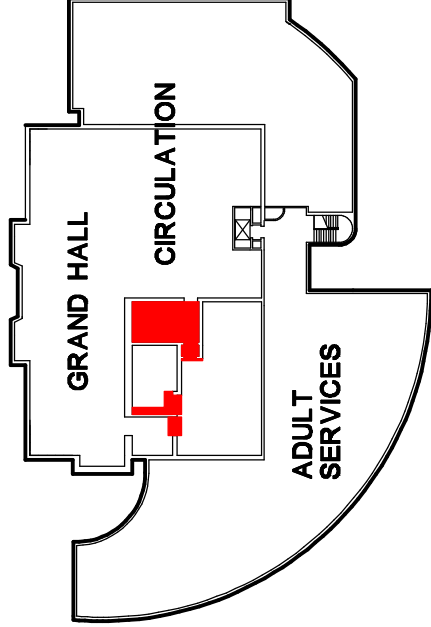




1 WALL SECTION / INTERIOR ELEVATION
A.702 S → N
SCALE 3/4" = 1'-0"



2 SECTION DETAIL
A.702
SCALE 3/4" = 1'-0"



3 MAIN LEVEL
A.702 BUILDING LOCATION KEY
SCALE 3/4" = 1'-0"

Luckenbach
Ziegler
Gardner
Architects
PLLC

5900 Woodward / Ste. 900
Birmingham, AL 35202
205.964.1800



BALDWIN
PUBLIC
LIBRARY

300 West Merrill Street
Birmingham, MI 48009

Owner: The
Adult Services
Interior Renovation

WALL SECTIONS+
SECTION DETAILS

DATE
MARCH 08, 2017
OWNER REVIEW

Project Number
3019

Sheet Number

A.702



MEMORANDUM

Engineering Dept.

DATE: March 3, 2017

TO: Joseph Valentine, City Manager

FROM: Paul T. O'Meara, City Engineer

SUBJECT: Saxon Dr. & Latham Dr. Intersection
Proposed Crosswalk Improvements

Over the past three years, Police Dept. and Engineering Dept. staff have worked with residents of Saxon Dr. relative to traffic issues. Ongoing concerns relative to traffic speeds and volumes have been the topic. The existing condition of Saxon Dr. (straight, wide open, extension of 14 Mile Rd.) lends itself to these issues. Most ideas that would involve road improvements that have been considered would be subject to a special assessment district.

Residents on both sides of the street collected signatures to permanently pave this street in 2015. In the spring of 2016, an informational package was assembled and mailed to all homeowners within the district, extending from Norfolk Dr. (the westerly Birmingham City limit) to Southfield Rd. Once the true nature of the project and costs were available, there was no longer majority support for the project, and the idea was cancelled. However, staff searched for other smaller improvements that could potentially be authorized using money from the General Fund.

The Multi-Modal Master Plan identified the above intersection as one that should have an improved pedestrian crosswalk. Currently, the sidewalks on the north and south sides of the street do not interconnect. Due to the wide right-of-way and open ditch drainage, constructing sidewalk connections and ramps is more involved than it would be on most Birmingham streets. The attached simple plan on an aerial photograph, as well as a cost estimate, was prepared late last year. It was first sent to Beverly Hills Village Manager Chris Wilson, to determine if the Village would be able to contribute 50% of the estimated \$21,000 cost. He was successful in getting the Village Board to agree to this contribution, as spelled out in the attached signed agreement.

Staff presented the idea to the Multi-Modal Transportation Board (MMTB) at their meeting of February 2, 2017. After reviewing the history of the street, the Board was hesitant to move forward with the idea. They expressed concern that the residents may feel that this improvement would solve their traffic issues, when in fact the impact may be negligible. Other low cost ideas on how to solve the traffic issues were identified, and staff was asked to communicate these ideas to the neighborhood representatives.

The topic was discussed again at the March 2, 2017 MMTB meeting. Several residents from both sides of the street attended to share their thoughts. The consensus of the residents present was that:

1. There remains a strong desire to have the City and Village work together to make meaningful changes to this section of road to help with speeding and traffic volume issues. They understand, however, that there may not be enough support amongst a majority of the homeowners if those changes require a special assessment district.
2. While it is understood that the crosswalk improvements may not make much impact on the traffic issues, the residents present feel that it is a worthwhile investment because it will greatly improve pedestrian accessibility to both neighborhoods.
3. Since the true nature of the traffic problems are unclear, it was agreed that the Birmingham Police Dept. will collect speed and volume data on this road, and those matters will be discussed at a future MMTB meeting.

The Engineering Dept. is finalizing its bidding documents for the 2017 Concrete Sidewalk Program. We are prepared to include this work within the contract, and get it accomplished within the next several months, if authorized. The MMTB saw the merits of this work strictly from a pedestrian accessibility issue. Since Beverly Hills is willing to pay 50% of the cost, the City of Birmingham's share would be about \$10,600, chargeable to the Sidewalk Fund. Staff feels that this can be justified as a regional multi-modal improvement, and should not be charged as part of a special assessment district.

The MMTB passed the following motion at their meeting of March 2, 2017:

To recommend to the City Commission the installation of crosswalks on the east and west sides of the Saxon Dr. & Latham Dr./Norchester Rd. intersection, including pavement markings, to be funded 50% by the City of Birmingham, and 50% by the Village of Beverly Hills.

Although additional relatively low cost traffic improvements were considered at the meeting, the Board decided to wait on recommending anything else at this time, pending further study. A suggested resolution follows:

SUGGESTED RESOLUTION:

To authorize the installation of crosswalk improvements at the Saxon Dr. & Latham Dr./Norchester Rd. intersection, including concrete extensions and pavement markings, to be funded at 50% by the City of Birmingham, and 50% by the Village of Beverly Hills, with an estimated total cost of \$21,240. The work shall be completed within the 2017 Concrete Sidewalk Program, conducted by the City of Birmingham. Further, to approve the appropriation and amendment to the 2016-2017 General Fund budget as follows:

Revenues

| | | |
|------------------------|----------------------|----------|
| Draw from Fund Balance | 101-000.000-400.0000 | \$10,120 |
|------------------------|----------------------|----------|

Expenditures

| | | |
|---------------------------------|----------------------|----------|
| Sidewalks – Public Improvements | 101-444.001-981.0100 | \$10,120 |
|---------------------------------|----------------------|----------|



MEMORANDUM

Engineering Dept.

DATE: January 24, 2017

TO: Multi-Modal Transportation Board

FROM: Paul T. O'Meara, City Engineer

SUBJECT: Saxon Rd. & Latham Rd. Crosswalk Installation

In 2015, the Police Dept. was approached with complaints about traffic volumes and speeds on Saxon Rd., located in the southwest corner of Birmingham. Residents expressed concerns that the wide right-of-way, the straight nature of the street, and the fact that this street acts as an extension of 14 Mile Rd. all helped create an environment that is less desirable to the adjacent residents. Various ideas were provided, such as:

- Complete reconstruction of the road to install a defined edge with curb and gutter.
- Roundabout at the Latham intersection.
- Speed hump installation.
- Crosswalk improvements the Latham intersection.
- Electronic speed indicator installation.

Saxon Rd. is a border street, with Beverly Hills sharing jurisdiction of this road. Working with at least one representative from both sides of the street, the City of Birmingham took the lead in discussing these various options with the interested residents. By the middle of 2015, various issues with the above ideas were explored, and it was decided that the residents would petition the City for a complete road reconstruction. (New pavement installation on an unimproved road requires the creation of a special assessment district, wherein the majority of the cost is paid by the adjacent property owners.) Since two jurisdictions were involved, signatures endorsing this idea were collected on two separate petitions. Once petitions were received indicating that over 50% of the owners on both sides endorsed the idea, our office prepared an informational booklet and mailed it to all parties on both sides of the street. A neighborhood meeting was also held in the summer of 2016. After the meeting, enough residents changed their minds, and decided to no longer support the project. Cost was a major factor.

Since the road paving project was not going to proceed, our office offered a much smaller, more affordable improvement that could be shared with Beverly Hills, and charged to each jurisdiction's general funds. That is the topic of this report.

Currently, there is no sidewalk connection for pedestrians to cross Saxon Dr., other than at Southfield Rd. The intersection is noted in the Master Plan as a location within Phase 3. It is provided as a suggested improvement as Latham Rd. is listed as part of a Phase 3 neighborhood connector route. Not only would the improvement help improve the crossing for pedestrians, the pavement markings should help encourage more responsible speeds on Saxon Dr. from motorists passing through the area.

Attached for your information are the following:

1. References to the suggested improvement in the Multi-Modal Master Plan.
2. Aerial Plan of the intersection, with new sidewalks and pavement markings added in black.
3. Cost Estimate (total) to be paid 50% by Birmingham, 50% by Beverly Hills.
4. Photos of the intersection looking in all four directions.

Since the right-of-way is wider than average, it could be considered deficient in its current state. There is also open ditch drainage on both sides of the street, making the installation of sidewalks more involved than usual. Additional cost for storm sewer and imported fill is reflected in the estimate above.

The Beverly Hills Village Board has already signed an agreement agreeing to this project, and their commitment to 50% of the cost, based on the cost estimate provided above. If the Multi-Modal Board endorses this project, it will be forwarded to the City Commission for final approval of the funds. The Engineering Dept. will then add it to the 2017 Concrete Sidewalk program contract documents, and oversee the construction of this improvement during the 2017 construction season.

A suggested recommendation is provided below.

SUGGESTED RECOMMENDATION:

To endorse the installation of crosswalks at the Saxon Dr. and Latham Rd. intersection, in accordance with the Multi-Modal Master Plan, to consist of storm drainage and fill improvements, concrete sidewalks, and pavement markings as shown on the attached plan.

CITY OF BIRMINGHAM MULTIMODAL TRANSPORTATION PLAN NETWORK IMPLEMENTATION PLAN



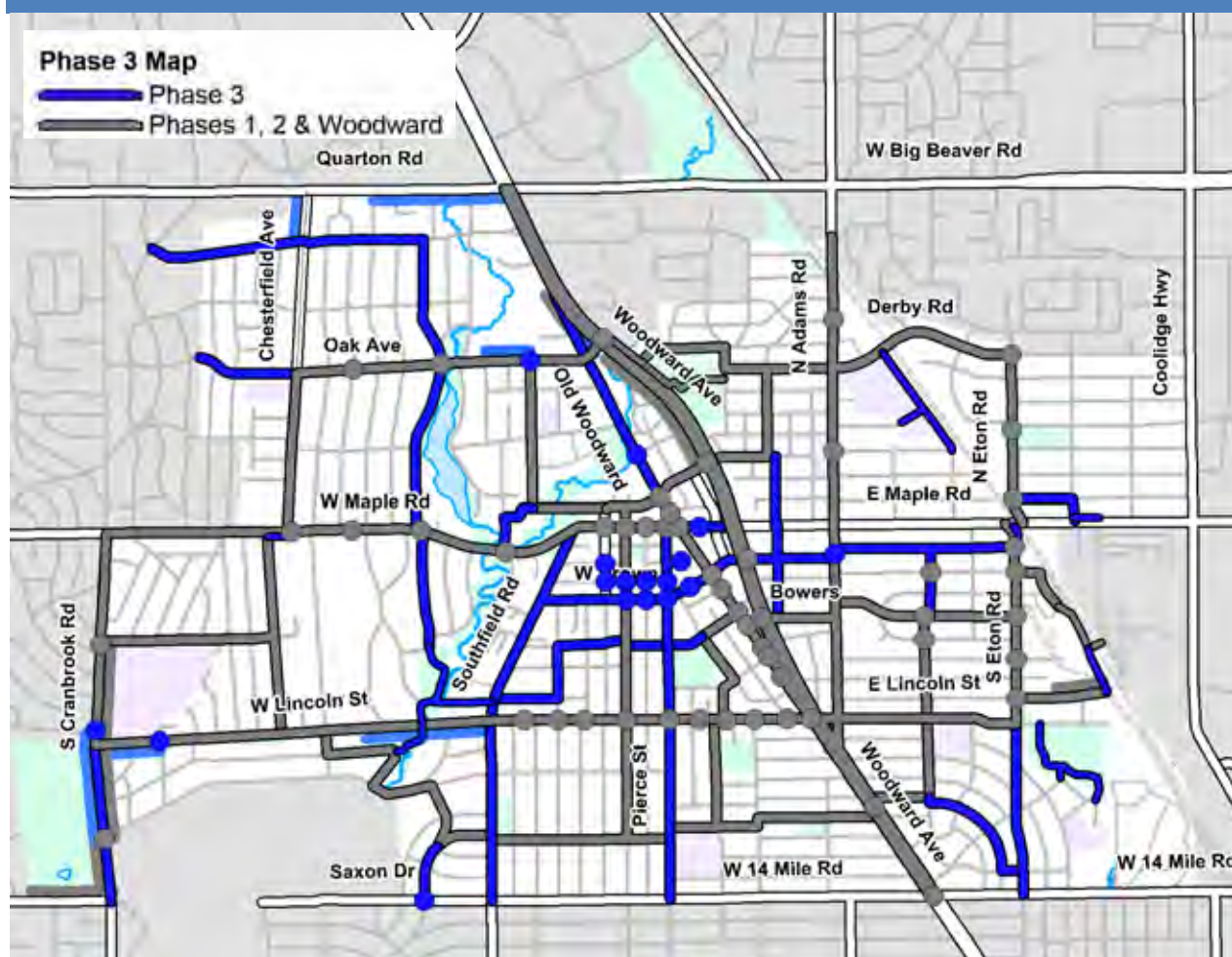
4.4 PHASE 3

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.

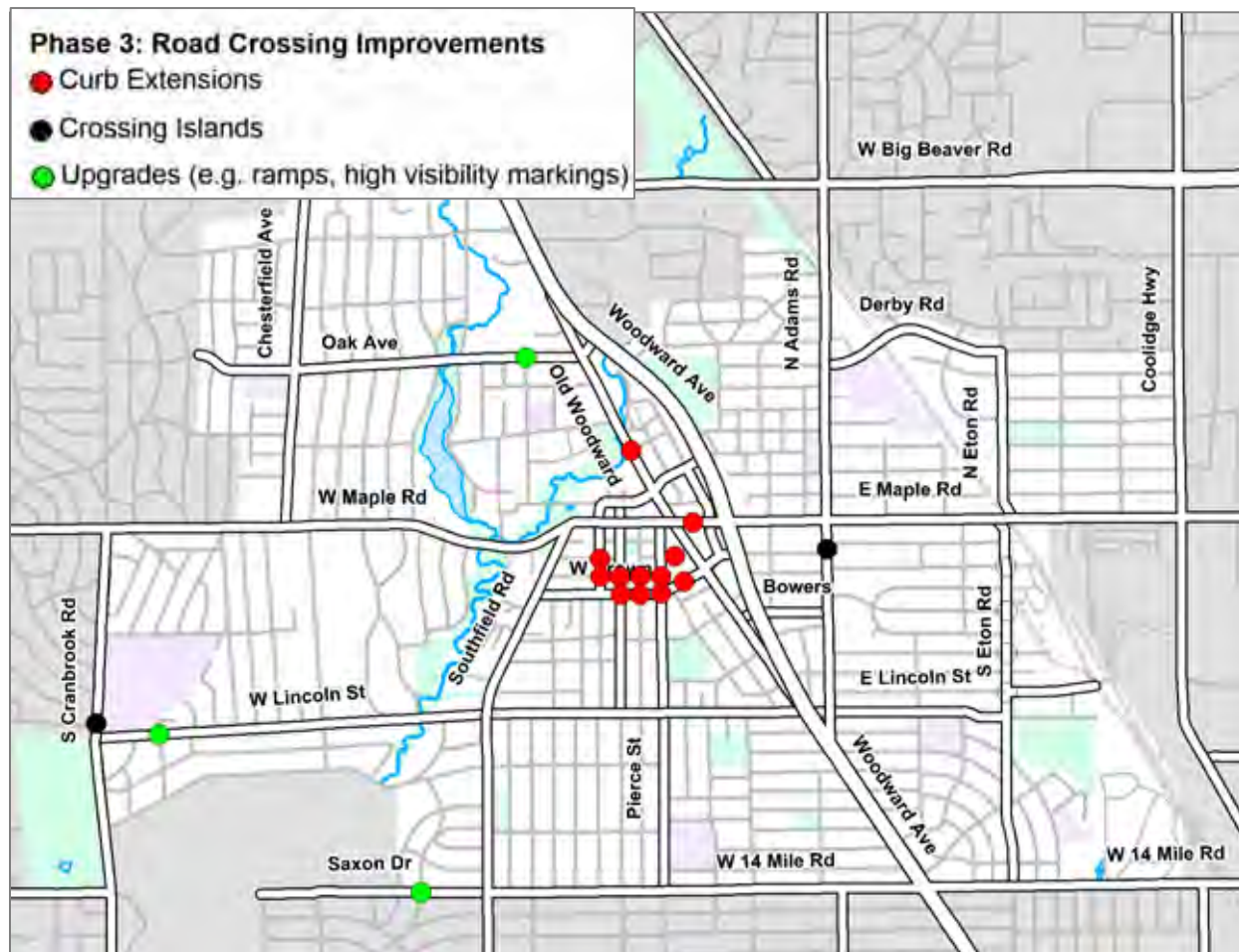
The following pages outline the remaining infrastructure improvements to complete the multi-modal network.

FIGURE 4.3A. PHASE 3



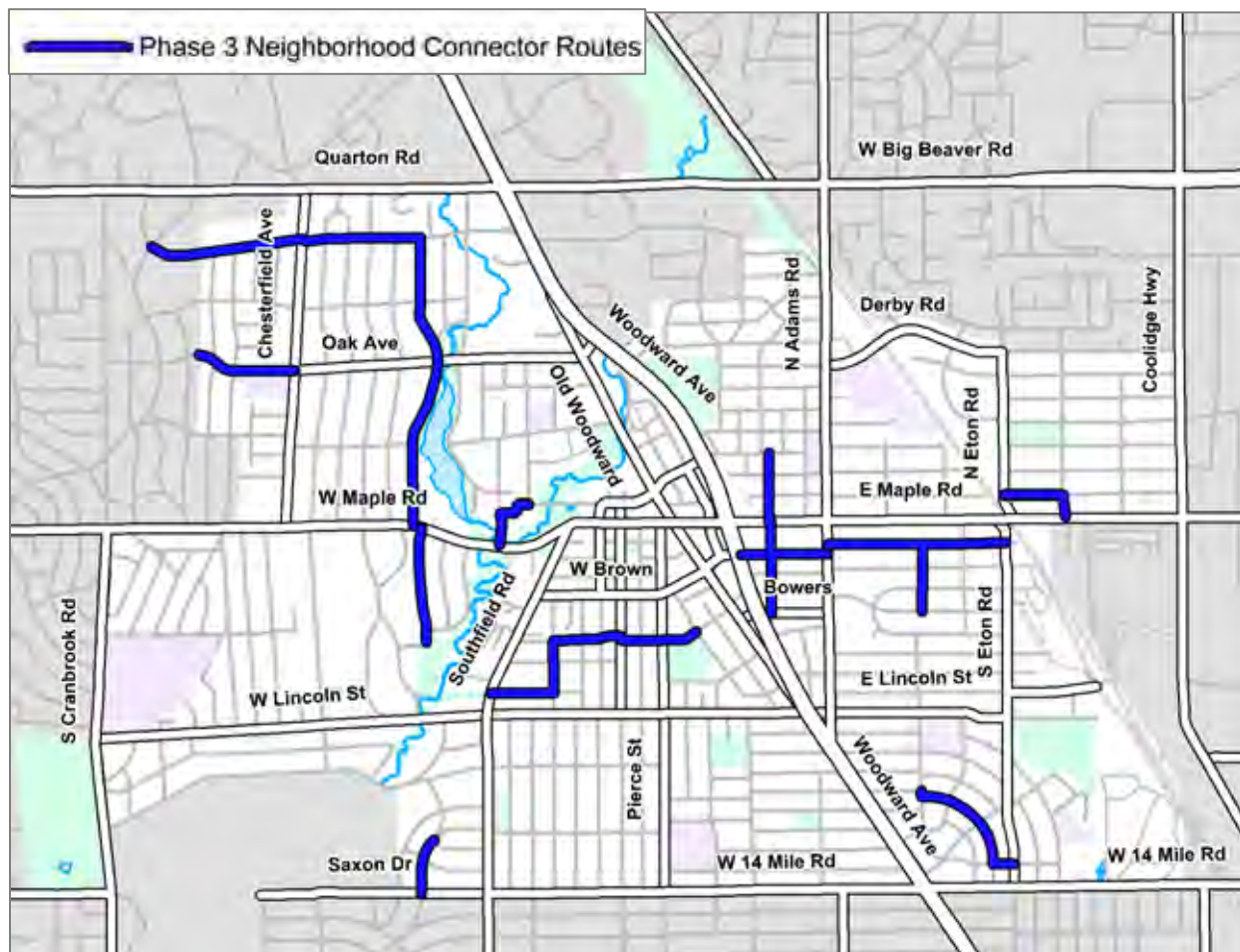
PHASE 3: RECOMMENDED ROAD CROSSING IMPROVEMENTS

Many of the remaining road crossing improvements align with the neighborhood connector routes, provide mid-block crossings and increase visibility between motorists and pedestrians in the downtown.



PHASE 3: RECOMMENDED NEIGHBORHOOD CONNECTOR ROUTES

This phase focuses on completing the neighborhood connector routes. While the neighborhood connector routes are relatively easy and economical to implement some are dependent on the construction of proposed pathways and road crossing improvements. It will be important to prioritize the implementation of the neighborhood connector routes in this phase based on the progress of pathways implementation and road crossing improvements.



Google Maps



Imagery ©2016 Google, Map data ©2016 Google 20 ft

NW Corner - Raise ex. C.B. 1', extend 8" sewer east & west
with end sections

SW Corner - Install 8" Culvert to maintain ditch flow

**SAXON & LATHAM INTERSECTION
CROSSWALK IMPROVEMENTS**

| COST ESTIMATE | QTY | UNIT | PRICE | TOTAL |
|-----------------------------|------------|-------------|--------------|-----------------|
| 4" Concrete Sidewalk - New | 565 | SFT | \$6 | \$3,390 |
| 6" Concrete Sidewalk - New | 200 | SFT | \$7 | \$1,400 |
| Handicap Ramp Dome Plates | 40 | SFT | \$50 | \$2,000 |
| 8" Storm Sewer | 35 | LFT | \$40 | \$1,400 |
| 4' Dia. Manhole Reconstruct | 1.5 | VFT | \$1,000 | \$1,500 |
| Miscellaneous Fill | 1 | LS | \$2,000 | \$2,000 |
| Restoration | 1850 | SFT | \$2 | \$3,700 |
| Pavement Markings | 200 | LFT | \$8 | \$1,600 |
| SUBTOTAL | | | | \$16,990 |
| PLUS 25% | | | | \$4,247 |
| TOTAL | | | | \$21,237 |



32985 Norchester St

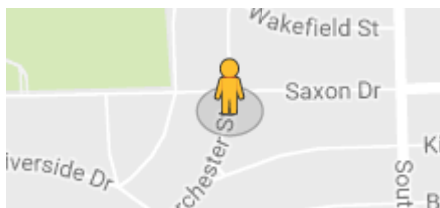
Saxon & Norchester, Looking North



Image capture: Jun 2012 © 2017 Google

Beverly Hills, Michigan

Street View - Jun 2012





1180 Saxon Dr

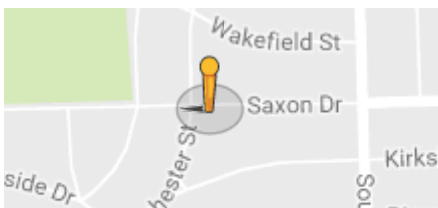
Saxon Dr. & Latham Rd. - Looking West



Image capture: Sep 2012 © 2017 Google

Birmingham, Michigan

Street View - Sep 2012





1974 Latham St

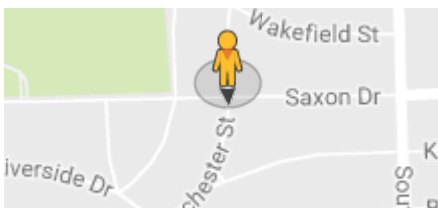
Saxon Dr. & Latham Rd. Intersection - Looking South



Image capture: Sep 2012 © 2017 Google

Birmingham, Michigan

Street View - Sep 2012





1218 Saxon Dr

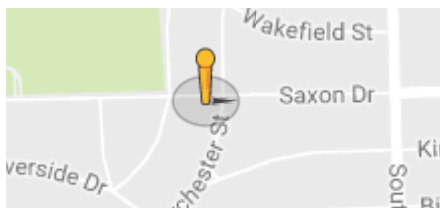
Saxon Dr. & Latham Dr., Looking East



Image capture: Sep 2012 © 2017 Google

Birmingham, Michigan

Street View - Sep 2012



**CITY OF BIRMINGHAM
MULTI-MODAL TRANSPORTATION BOARD
THURSDAY, FEBRUARY 2, 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, February 2, 2016.

In the absence of both the Chairperson and Vice-Chairperson, it was agreed that Ms. Slanga would take over the chair.

Chairperson Johanna Slanga convened the meeting at 6:34 p.m.

1. ROLL CALL

Present: Board Members Lara Edwards, Amy Folberg, Daniel Rontal, Johanna Slanga, Michael Surnow

Absent: Chairperson Vionna Adams; Vice-Chairperson Andy Lawson

Administration: Lauren Chapman, Asst. City Planner
Jana Ecker, Planning Director
Scott Grewe, Operations Commander
Paul O'Meara, City Engineer
Carole Salutes, Recording Secretary

Also Present: Mike Labadie from Fleis & Vandenbrink
("F&V"), Transportation Engineering Consultants.

2. INTRODUCTIONS

Lauren Chapman, Asst. Planner for the City, was introduced.

3. REVIEW AGENDA (no change)

4. APPROVAL OF MINUTES, MEETING OF DECEMBER 1, 2016

Motion by Mr. Surnow

Seconded by Mr. Rontal to approve the Minutes of December 1, 2016 as presented.

Motion carried, 5-0.

VOICE VOTE

Yeas: Surnow, Rontal, Edwards, Folberg, Slanga

Nays: None

Absent: Adams, Lawson

**5. SAXON DR. AND LATHAM RD.
Crosswalk Installation**

Mr. O'Meara recalled that in 2015, the Police Dept. was approached with complaints about traffic volumes and speeds on Saxon Rd., located in the southwest corner of Birmingham. Residents expressed concerns with the amount of traffic as well as the speeds that occur in that area. It is a wide right-of-way, and the street acts as an extension of Fourteen Mile Rd. so it tends to lend itself to speeds faster than the 25 mph speed limit.

Saxon Dr. is a border street, with Beverly Hills sharing jurisdiction of this road. Working with representatives from both sides of the street, the City of Birmingham took the lead in discussing the various options with the interested residents. By the middle of 2015, various issues and ideas were explored, and it was decided that the residents would petition the City for a complete road reconstruction. Over 50% of the owners on both sides endorsed the idea, and after receiving an information booklet a neighborhood meeting was held in the summer of 2016. After the meeting, enough residents changed their minds, and decided to no longer support the project. Cost was a major factor.

Currently, there is no sidewalk connection for pedestrians to cross Saxon Dr., other than at Southfield Rd. The intersection is noted in the Master Plan as a location within Phase 3. It is provided as a suggested improvement, as Latham Rd. is listed as part of a Phase 3 neighborhood connector route. Not only would the improvement help improve the crossing for pedestrians, the pavement markings should help encourage more responsible speeds on Saxon Dr. from motorists passing through the area.

The Beverly Hills Village Board has already signed an agreement approving this project, and their commitment to 50% of the cost, based on the cost estimate of about \$21,000.. Staff recommends making some storm sewer changes where needed and adding painted crosswalks that would encourage drivers to watch for pedestrians and potentially slow down.

If the Multi-Modal Board endorses this project, it will be forwarded to the City Commission for final approval of the funds. The Engineering Dept. will then add it

to the 2017 Concrete Sidewalk program contract documents, and oversee the construction of this improvement during the 2017 construction season.

Dr.. Rontal did not necessarily think the crosswalk lines would slow cars down. Mr. O'Meara said the residents originally asked for a stop sign but it wasn't warranted by traffic volume. If residents aren't able to help pay for more substantial improvements, this is what can be recommended.. A crosswalk is an attempt to show that cars should slow down for pedestrians at this intersection. Ms. Edwards suggested adding two white lines and a middle yellow dotted line in order to get cars into a more narrow space on Saxon. However, it was noted that at 22 ft. the road is already narrow, and additionally residents have often said a line down the middle would make the road feel like a major street.

Mr. O'Meara indicated that the residents felt a crosswalk would help to calm traffic. He noted the Master Plan calls for a crossing improvement at that intersection.

Board members were in agreement that installing crosswalks would not slow the traffic and alleviate the residents' concerns. Mr. Labadie did not think painting the road would help too much. As an inexpensive solution he suggested adding a couple of flashing speed limit signs. Commander Grewe said one sign could be budgeted for this stretch of road, but only for westbound traffic.

Consensus was to go back to Beverly Hills and the residents and offer at least a speed sign for the westbound traffic and see if that helps. Perhaps Beverly Hills would be willing to split the cost of a speed sign for eastbound traffic. Staff was encouraged to discuss the speed sign, paint markings, etc., with both Beverly Hills and the residents.

6. MAPLE RD. AND S. ETON RD. Crosswalk Improvements

Ms. Ecker offered background. The Ad Hoc Rail District Committee was set up by the City Commission to look at a number of issues in the Rail District. They spent a year studying what is going on in that area. Tonight the board will specifically focus on the intersection of Maple Rd. and Eton Rd. The recommendations provide a way to shorten the entire width to cross Eton Rd.. A splitter island in the middle between the right and left turn lanes is suggested along with enhanced crosswalk markings, expanding the sidewalk, and changing the lane configuration. Board members agreed they don't want to encourage people to stand on the splitter island in the middle of Eton Rd.. Ms. Ecker thought that the island calms traffic, and she doesn't imagine too many pedestrians will stand on it because they can get across because of all of the



MEMORANDUM

Engineering Dept.

DATE: February 24, 2017

TO: Multi-Modal Transportation Board

FROM: Paul T. O'Meara, City Engineer

SUBJECT: Saxon Rd. Improvements
Norfolk Rd. to Southfield Rd.

At the February Multi-Modal Transportation Board (MMTB) meeting, the City presented a proposal to install a marked, improved crosswalk at the intersection of Saxon Dr. and Latham Dr./Norchester Rd. The proposal was precipitated for two main reasons:

1. Staff worked previously with residents on this segment of Saxon Dr. to potentially install improvements that would reduce traffic speeds and volumes on this road. More significant changes could not be implemented due to disagreements from residents relative to costs. A downsized improvement, one that could be funded both by the City and the adjacent Village of Beverly Hills, was suggested as a possible partial improvement to address their concerns.
2. The crosswalk was a featured recommendation within Phase III of the Multi-Modal Master Plan.

In December, the Beverly Hills Village Council officially agreed to commit to 50% of the crosswalk improvement. When the idea was reviewed by the MMTB, the following questions and concerns were raised:

1. Board members were not convinced that the crosswalk improvement would make much difference in addressing the issue of traffic speeds and volumes.
2. Board members felt that two other ideas had more merit:
 - a. Permanent speed indicator signs for both directions.
 - b. Pavement markings, consisting of a skip or double yellow down the middle, and white edge lines throughout the corridor.

Staff initiated conversations with the two neighborhood representatives for Saxon Rd. relative to these ideas, as well as further talks with the Police Dept. The following responses came back:

1. Neither resident supported the idea of installing linear pavement markings.
2. Both residents support the crosswalk improvement as presented by staff.
3. One resident supported the speed indicator sign, while the other was neutral if a resident was willing to have it installed in front of their house.
4. Both residents asked that a "25" pavement marking legend be installed west of Southfield Rd. to encourage residents to slow down.

5. One resident wished to explore other more extensive ideas such as refuge islands, gateway structures, or speed humps.

Based on these responses, we have the following information to offer:

1. We do not recommend moving forward with linear pavement markings.
2. Staff will continue to support the crosswalk improvement, and ask that the MMTB reconsider this idea.
3. The Police Dept. has offered to pursue the installation of a speed indicator sign for westbound traffic, if a suitable location can be found. Funds for a new sign will be available in the new fiscal year starting July 1, 2017. Previous attempts to install the sign failed because the locations considered suitable by the Police Dept. were not endorsed by the immediate residents. We have a call out to Beverly Hills staff to get an update on where they stand with a similar sign for eastbound traffic, which will be reported at the meeting.
4. Assuming the Board has no objection, staff will proceed with getting a "25" pavement marking legend installed for westbound traffic, west of Southfield Rd., as weather permits.

Neighborhood representatives have been invited to the meeting. Hopefully a dialogue with them can be had to bring this matter to a close. The following recommendation is provided, but can be modified as needed based on information determined next week at the meeting:

SUGGESTED RECOMMENDATION:

To recommend to the City Commission the approval of the following improvements for Saxon Dr. :

1. The installation of crosswalks on the east and west sides of the Latham Dr./Norchester Rd. intersection, including pavement markings, to be funded 50% by the City of Birmingham, and 50% by the Village of Beverly Hills.
2. The installation of an electronic speed indicator sign for westbound traffic, west of Southfield Rd., pending the location of a suitable location, by the City of Birmingham, and
3. The installation of a "25" pavement marking legend for westbound traffic, west of Southfield Rd., by the City of Birmingham.



MEMORANDUM

Fire Department

DATE: March 13, 2017
TO: Joseph A. Valentine, City Manager
FROM: John M. Connaughton, Fire Chief
SUBJECT: Recommendation for Construction Contractor

Per direction by the City Commission, the Birmingham Fire Department issued a solicitation to Michigan Inter-Governmental Trade Network (MITN) on January 19, 2017 to accept sealed BID proposals from qualified professional Contractors for construction services and demolition of the existing building.

The Request for Proposals required a mandatory pre-bid meeting at the Chesterfield Fire Station on February 2, 2017, seventeen contractors attended the meeting. Proposed questions were responded to by key personnel from Community Development, Engineering, Managers Office and the Fire Department, a tour of the facility was provided. Deadline for proposal submission, February 23, 2017 at 2:00pm, we received eight accepted proposals. The Cost Proposals ranged from \$2,458,900 to \$3,220,000.

| Firms | Bids |
|----------------------|----------------|
| Axiom Construction | \$2,458,900.00 |
| Cedroni Assoc. | \$2,580,000.00 |
| Dailey Company | \$2,749,000.00 |
| Tooles Group | \$2,799,000.00 |
| O'Brien Construction | \$2,890,000.00 |
| Advanced BLDG Group | \$3,150,000.00 |
| Degenhardt | \$3,153,153.00 |
| Phoenix Construction | \$3,220,000.00 |

Proposal evaluations were conducted by a panel consisting of personnel from Sidock Group, Community Development and two Fire Command Staff. Due to cost we narrowed our evaluation down to the five lowest bidders and after further evaluation determined the top two contractors, in order, were Axiom Construction and Cedroni Associates. Stacy Peterson (Sidock Group) and myself contacted both company presidents and set up an interview. Our considerations were focused on each company's ability to provide services, overall cost, ability to meet schedule and qualifications of personnel assigned to the project. Axiom Construction has considerably more experience in the construction of fire stations and in the Superintendent position. Axiom bid was \$121,100 below Cedroni. Funds for this project are budgeted in the Capital Projects Fund.

An Asbestos inspection and report of the Chesterfield Fire Station on February 17, 2017 was provided by BDS Environmental, which is required by EPA prior to demolition. Axiom Construction Services Group, LLC have been recommended to complete demolition of the existing building. After conversation with Axiom it became apparent that having them complete the Asbestos Abatement would be in the best interest of the City. The City received an estimate for this work for \$25,000. Axiom has agreed to perform this service as part of their scope of work for a total cost of \$25,000.

It is recommended that the City Commission award the contract to Axiom Construction to provide construction services for a new fire station, and demolition/removal of the existing building not to exceed \$2,483,900.00

SUGGESTED RESOLUTION:

To approve and execute a contract with Axiom Construction in the amount not to exceed \$2,483,900.00 for the provision of construction services for a new fire station and demolition/removal of the existing building, along with asbestos abatement, to be funded from account number 401-339.000-977.0000; further, to authorize the Mayor and Clerk to sign the agreement on behalf of the City, subject to all necessary insurance requirements being met.



**REQUEST FOR PROPOSALS
For Chesterfield Fire Station**

Sealed proposals endorsed **"Chesterfield Fire Station"**, will be received at the Office of the City Clerk, 151 Martin Street, PO Box 3001, Birmingham, Michigan, 48012; until **February 23, 2017 at 2:00 p.m.** after which time bids will be publicly opened and read.

Bidders will be required to attend a mandatory pre-bid meeting February 2, 2017 at 10:00 a.m. The meeting will take place at 1600 W. Maple, Birmingham, MI. 48009. Bidders must register for the pre-bid meeting by February 1, 2017 by contacting Assistant Fire Chief John Donohue at (248) 530-1940.

The City of Birmingham, Michigan is accepting sealed bid proposals from qualified professional Contractors to provide construction services for a new fire station located at 1600 W. Maple, Birmingham MI 48009. Project identification will be "Chesterfield Fire Station" with the Architect's Project No. 15566. The scope of this project includes providing construction services to build a new one story fire station of approximately 9,900 sq ft., demolition and removal of existing fire station. Submitting Contractors are expected to include the necessary services and associated fees for all civil, landscape, structural, mechanical, electrical, fire protection, independent cost estimating and any other consultants as required for a complete construction proposal. This work must be performed as specified accordance with the specifications contained in the Request For Proposals (RFP).

The RFP, including the Specifications, may be obtained online from the Michigan Inter-governmental Trade Network at <http://www.mitn.info>.

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

| | |
|-----------------------------------|---|
| Submitted to MITN: | January 19, 2017 |
| Mandatory Pre-Bid Meeting: | February 2, 2017, 2017 at 10:00 a.m. 1600 W. Maple, Birmingham, MI 48009 |
| Deadline for Submissions: | February 23, 2017, at 2:00 p.m. |
| Contact Person: | Assistant Fire Chief John Donohue 572 S. Adams, Birmingham, M.I. 48009 Email: jdonohue@bhamgov.org Phone: 248-530-1940 |



REQUEST FOR PROPOSALS For Chesterfield Fire Station

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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 a qualified professional Contractor to provide construction services for a new fire station located at 1600 W. Maple, Birmingham MI 48009. The scope of this project includes the construction of a new one story, multi-bay, fully fire protected, building. The existing fire station building, parking lot and driveways are to be demolished and the existing site is to be prepared for new construction. New services and utilities will be required with connections to existing systems. New landscaping and irrigation will be required. Submitting contractors are expected to include the necessary services and associated fees for a complete fire station facility including all civil, emergency signalization, landscape, structural, mechanical, plumbing, electrical, fire protection, independent cost estimating, and any other consultants as required for a complete construction phase proposal. This work must be performed as specified in accordance with the specifications outlined by the Scope of Work contained in this Request for Proposals (RFP).

During the evaluation process, the 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, contractors 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 March 13, 2017. 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 City of Birmingham, Michigan is accepting sealed bid proposals from qualified professional Contractors to provide construction services for a new fire station located at 1600 W. Maple, Birmingham MI 48009. Project identification will be "Chesterfield Fire Station" with the Architect's Project No. 15566. The scope of this project includes providing construction services to build a new fire station of approximately 9,900 sq. ft., demolition and removal of existing fire station. Submitting contractors are expected to include the necessary services and associated fees for all civil, landscape, structural, mechanical, electrical, fire protection, independent cost estimating and any other consultants as required for a complete construction proposal.

This work must be performed as specified accordance with the specifications outlined by the Scope of Work contained in this Request for Proposals (RFP).

Prior to submitting a bid, interested firms are required to attend a mandatory pre-bid meeting to conduct an on-site visit of the location and access to the project location to make inquiries about the RFP.

Page 4

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, Sidock Group 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. Overall costs.
3. References.
4. Ability to meet schedule.
5. The quality of goods or services used.
6. Qualifications of personnel assigned to the project.
7. Quality and completeness of proposal.
8. Past relationship with the City.

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. Bid Security (bid bond or certified check) in the amount of 5% of the attached Base Bid
 - b. Bidder's Agreement (Attachment B – p. 17)
 - c. Cost Proposal (Attachment C - p. 18)
 - d. Iran Sanctions Act Vendor Certification Form (Attachment D - p. 21)
 - e. Agreement (p. 11 – **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. The Contractor will be responsible for any changes necessary for the plans to be approved by the City of Birmingham.
4. Provide a description of the firm, including resumes and professional qualifications of the principals involved in administering the project.
5. Provide a list of sub-contractors and their qualifications, if applicable.
6. Provide three (3) client references from past projects, include current phone numbers. At least two (2) of the client references should be for projects utilizing the same materials included in the Contractor's proposal.
7. Provide a project timeline addressing each section within the Scope of Work and a description of the overall project approach. Include a statement that the 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.

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

1. Proposals shall be submitted by February 23, 2017, at 2:00 p.m.
2. All proposals will be reviewed by representatives of the City of Birmingham
3. A successful candidate will be recommended to the City Commission, at which time the City Commission will be asked to confirm the selection of the preferred contractor.
4. On-site construction is to commence no earlier than April 3, 2017.
5. It is expected the new station will be Substantially Complete by January 12, 2018.

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

SCOPE OF WORK

The contractor shall perform the following services in accordance with the requirements as defined and noted herein:

1. This project will be carried out in accordance with the requirements defined by the Birmingham Fire Station No. 2 Project No. 15566 including Specifications and the following Drawings as prepared by the Sidock Group for this RFP issued by the City of Birmingham:

GENERAL DRAWINGS

| | |
|--------|--|
| CS-001 | Cover Sheet |
| CS-002 | Drawing Index, Legends and Inspections |
| CS-003 | Code Compliance Calculations |

CIVIL DRAWINGS

| | |
|--------|-------------------------------|
| TS-001 | Topographic Survey |
| C-000 | Civil General Notes & Legends |
| C-101 | Demolition Plan |
| C-200 | Site Plan |
| C-210 | Paving Plan |
| C-220 | Grading, Utility & SESC Plan |
| C-300 | Profiles – Storm Sewer |
| C-400 | Enlarged Plans |

| | |
|-------|---|
| C-800 | Paving Details |
| C-801 | Paving Details |
| C-802 | City of Birmingham Standard Water Details |
| C-803 | SESC Details |
| C-804 | Surface Details |
| C-805 | City of Birmingham Standard Sewer Details |
| C-806 | Storm Sewer Details & Profiles |

LANDSCAPING

| | |
|-------|-------------------|
| L-200 | Landscape Plans |
| L-800 | Landscape Details |

ARCHITECTURAL

| | |
|-------|------------------------------------|
| A-210 | Floor Plan |
| A-220 | Roof Plan |
| A-301 | Exterior Elevations |
| A-302 | Building Sections |
| A-303 | Building Sections |
| A-401 | Large Scale Floor Plan |
| A-402 | Interior Elevations |
| A-403 | Interior and Casework Details |
| A-610 | Reflected Ceiling Plan |
| A-701 | Stair Plan Sections & Detail |
| A-801 | Wall Sections |
| A-802 | Wall Sections |
| A-803 | Wall Sections |
| A-804 | Wall Sections and Details |
| A-805 | Sections and Details |
| A-806 | Sections and Details |
| A-807 | Precast Stone Sections and Details |
| A-808 | Details |
| A-901 | Door and Room Finish Schedule |
| A-902 | Door Frame Details |

STRUCTURAL

| | |
|-------|------------------------------|
| S-000 | Structural Notes |
| S-001 | Structural Notes and Details |
| S-210 | Foundation Plan |
| S-211 | Roof Framing Plan |
| S-301 | Lintel Elevations & Schedule |
| S-801 | Foundation Details |
| S-802 | Framing Details |
| S-803 | Framing Details |
| S-804 | Framing Details |
| S-805 | Framing Details |
| S-806 | Framing Details |
| S-807 | Framing Details |
| S-901 | Typical Masonry Details |
| S-902 | Base Plate Details |

PLUMBING AND PIPING

| | |
|-------|------------------------|
| P-210 | Plumbing Plan |
| P-400 | Enlarged Plumbing Plan |
| P-901 | Piping Details |

MECHANICAL

| | |
|-------|----------------------------------|
| M-210 | HVAC Plan |
| M-901 | Mechanical Schedules and Details |
| M-910 | Furnaces Control Diagram |

ELECTRICAL

| | |
|--------|---|
| SE-001 | Electrical Site Plan |
| EL-200 | Floor Plan 0 Lighting |
| EC-200 | Floor Plan – Miscellaneous Systems |
| EP-200 | Floor Plan - Power |
| EP-901 | Panel Schedules |
| EP-902 | Electrical One-Line Diagrams and Fixture Schedule |

2. 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 Chesterfield Fire Station

This AGREEMENT, made this 13th day of March, 2017, by and between CITY OF BIRMINGHAM, having its principal municipal office at 151 Martin Street, Birmingham, MI (hereinafter sometimes called "City"), and Axiom Construction Services Group, LLC., having its principal office at 7789 E. M-36, Whitmore Lake, MI. 48189 (hereinafter called "Contractor"), provides as follows:

WITNESSETH:

WHEREAS, the City has heretofore advertised for bids for the procurement and performance of services. The scope of this project includes the construction of a new one story, multi-bay, fully fire protected, building. The existing fire station building, parking lot and driveways are to be demolished and the existing site is to be prepared for new construction. New services and utilities will be required with connections to existing systems. New landscaping and irrigation will be required. In connection therewith the City has prepared a request for sealed proposals ("RFP"), which includes certain instructions to bidders, specifications, terms and conditions.

WHEREAS, the Contractor has professional qualifications that meet the project requirements and has made a bid in accordance with such request for cost proposals to perform complete construction phase services, demolition of an existing fire station and construction of a new fire station.

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

It is mutually agreed by and between the parties that the documents consisting of the Request for Proposal to perform complete construction phase services, demolition of an existing fire station and construction of a new fire station. The Contractor's cost proposal dated February 23, 2017 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.

1. The City shall pay the Contractor for the performance of this Agreement in an amount not to exceed \$2,483,900.00, as set forth in the Contractor's February 23, 2017 cost proposal.
2. 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.
3. The Contractor shall employ personnel of good moral character and fitness in performing all services under this Agreement.

4. 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.

5. 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.

6. 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.

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

8. This Agreement shall be binding upon the successors and assigns of the parties hereto, but no such assignment shall be made by 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.

9. 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.

10. 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.

11. 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. 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.
- F. 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.

- G. Cancellation Notice: Workers' Compensation Insurance, Commercial General Liability Insurance and Motor Vehicle Liability Insurance (and Professional Liability Insurance, if applicable), as described above, shall include an endorsement stating the following: "Thirty (30) days Advance Written Notice of Cancellation or Non-Renewal, shall be sent to: Finance Director, City of Birmingham, PO Box 3001, 151 Martin Street, Birmingham, MI 48012-3001.
- H. Proof of Insurance Coverage: 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) If so requested, Certified Copies of all policies mentioned above will be furnished.
- I. Coverage Expiration: If any of the above coverages expire during the term of this Agreement, Contractor shall deliver renewal certificates and/or policies to the City of Birmingham at least (10) days prior to the expiration date.
- J. Maintaining Insurance: Upon failure of the 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.

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

City of Birmingham
Attn: John Connaughton
151 Martin Street
Birmingham, 48009
248-530-1880

CONTRACTOR
Axiom Construction Services Group
7789 E. M-36
Whitmore Lake, Michigan 48189

16. 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.

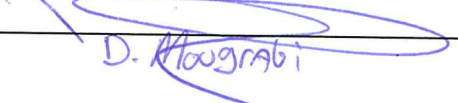
17. FAIR PROCUREMENT OPPORTUNITY: Procurement for the City of Birmingham will be handled in a manner providing fair opportunity for all businesses. This will be accomplished without abrogation or sacrifice of quality and as determined to be in the best interest of the City of Birmingham.

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

WITNESSES:

CONTRACTOR



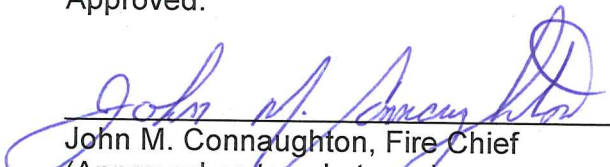
By: 
D. Mousgrabi
Its: _____

CITY OF BIRMINGHAM


By: _____
Mark Nickita
Its: Mayor

By: _____
Cheryl Arft
Its: City Clerk

Approved:


John M. Connaughton, Fire Chief
(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 Chesterfield Fire Station

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.

Deib Mougrabi

2-21-2017

PREPARED BY
(Print Name)

DATE

Director of Field Operations

TITLE

DATE


AUTHORIZED SIGNATURE

dmougrabi@axiomcsgllc.com
E-MAIL ADDRESS

Axiom Construction Services Group, LLC
COMPANY

7789 E. M-36 Whitmore Lake MI 48189 (248) 461104
ADDRESS PHONE

NAME OF PARENT COMPANY

PHONE

ADDRESS

ATTACHMENT C - COST PROPOSAL
For Chesterfield Fire Station

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)

BID INFORMATION

Project Location: 1600 W. Maple, Birmingham, Michigan 48009.
Owner: City of Birmingham, 151 Martin Street, Birmingham, Michigan 48009
Architect: Sidock Group, 43155 Main Street – Suite 2306, Novi, Michigan 48375
Architect's Project No. 15566.

1.1 CERTIFICATIONS AND BASE BID

A. Base Bid, Single-Prime (All Trades) General Contract: The undersigned Bidder, having carefully examined the Procurement and Contracting Requirements, Conditions of the Contract, Drawings, Specifications, and all subsequent Addenda, as prepared by the Sidock Group, Inc., having visited the site, and being familiar with all conditions and requirements of the Work, hereby agrees to furnish all material, labor, equipment and services, including all scheduled allowances, necessary to complete the construction of the above-named project, according to the requirements of the Procurement and Contracting Documents, for the stipulated sum of:

1. Two Million Four Hundred Fifty Eight Thousand ^{NINE HUNDRED ~ 00/100} Dollars (\$ 2,458,900.00 ^{00/100}).

1.2 UNIT PRICES

A. Unit-Price No. 1: Removal and legal off-site disposal of excess excavated earth material.

1. Seventeen Dollars (\$ 17.00) per cubic yard.

B. Unit-Price No. 2: Excavation, removal and legal disposal of hidden concrete and/or obstructions encountered during excavation.

1. Thirty Six Dollars (\$ 36.00) per cubic yard.

C. Unit-Price No. 3: Addition or deletion of materials necessary to lower or raise the concrete foundations.

1. Thirty Dollars (\$ 30.00) per cubic yard.

D. Unit-Price No. 4: Addition of fill materials.

1. Twenty one Dollars (\$ 21.00) per cubic yard for bank run sand.
2. Fifteen Dollars (\$ 15.00) per cubic yard for approved earth material suitable for fill.
3. Thirty Dollars (\$ 30.00) per cubic yard for sand and gravel.
4. Thirty nine Dollars (\$ 39.00) per cubic yard for 21AA aggregate.
5. Forty Two Dollars (\$ 42.00) per cubic yard for crushed concrete not to exceed 3" in diameter.

E. Unit-Price No. 5: Addition of structural steel to include fabrication, delivery and erection.

1. Thirty Eight Hundred and Fifty Dollars (\$ 3,850.00) per ton for structural steel.
2. Fifty Five Hundred Dollars (\$ 5,500) per ton for miscellaneous iron.

1.3 The Undersigned proposes and agrees to start work under this Contract within seven (7) days after the date of Notice of Award of Contract, to start on-site construction work on or after April 3, 2017 and to substantially complete all Work under this Contract on or before October 27, 2017.

1.4 ACKNOWLEDGEMENT OF ADDENDA

A. The undersigned Bidder acknowledges receipt of and use of the following Addenda in the preparation of this Bid:

1. Addendum No. 1, dated 2.7.2017.
2. Addendum No. 2, dated 2.13.2017.
3. Addendum No. 3, dated 2.20.2017.
4. Addendum No. 4, dated _____.

1.5 TENDERS

A. In submitting this bid, it is understood and agreed by the Bidder that the Owner reserves the right to reject any or all bids received, waive informalities, or accept any bid, in whole or in part, it deems best. The undersigned does hereby declare and stipulate that this Proposal is made in pursuance of and subject to all the terms and conditions of the Instructions to Bidders and the Contract Documents and that it is made in good faith, without collusion or connection with any other person(s) or entity bidding for the same work.

1.6 SUBMISSION OF BID

A. Submitted By Axiom Construction Service Group, LLC (Name of bidding firm or corporation).

B. Authorized Signature:  (Handwritten signature).

C. Signed By: Deib Mougrabi (Type or print name).

D. Title: Director of Field Operations (Owner/Partner/President/Vice President).

E. Street Address: 7789 E. M-36.

F. City, State, Zip Whitmore Lake, MI 48189.

G. Phone: (248) 446-1104.

ATTACHMENT D - IRAN SANCTIONS ACT VENDOR CERTIFICATION FORM
For Chesterfield Fire Station

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.

Deib Mougrabi 2.21.2017
PREPARED BY DATE
(Print Name)

Director of Field Operations
TITLE DATE

[Signature] dmougrabi@axiomcsgllc.com
AUTHORIZED SIGNATURE E-MAIL ADDRESS

Axiom Construction Services Group, LLC
COMPANY

7789 E. M-36 Whitmore Lake, MI 48189
ADDRESS PHONE

[Signature] (248) 446-1104
NAME OF PARENT COMPANY PHONE

[Signature]
ADDRESS

90-0544571
TAXPAYER I.D.#

[Signature] 2/21/2017
KARA L. MOUGRABI
Notary Public, State of Michigan
County of Livingston
My Commission Expires 02-06-2019
Acting in the County of Livingston

**AMENDMENT TO THE AGREEMENT FOR CHESTERFIELD FIRE STATION TO PERFORM
ASBESTOS ABATEMENT**

Chesterfield Fire Station

Axiom Contractors Services Group, LLC agrees to conduct the following additional services as part of their scope of work under the Chesterfield Fire Station agreement in the amount of \$25,000.00

Axiom Contractors Services Group, LLC will retain TEC Environmental to perform the Asbestos Abatement work. The bid consists of the following general items:

Supervision & Labor


Material & Equipment

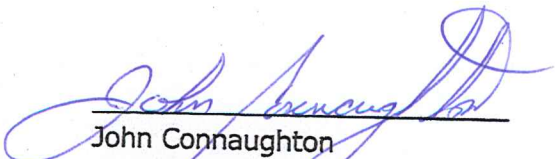
Occurrence Abatement and G/L Insurance (\$1,000,000)

Specific Scope:

- Third party air monitoring.
- 130 SF 9" x 9" floor tile under carpet and 130 SF ceiling plaster from Lt. Office.
- 200 SF 9" x 9" floor tile & 200 SF ceiling plaster from restroom.
- 215 SF 9" x 9" floor tile under carpet and 215 SF ceiling plaster from hallway.
- 224 SF 9" x 9" floor tile under carpet, 224 SF ceiling plaster & (1) 4' x 12' transite panel from the front office.
- 180 SF 9" x 9" floor tile under carpet and 180 SF ceiling plaster from front dorm.
- 989 SF 3-layered 9" x 9" floor tile under carpet, 989 SF linoleum over wood flooring over vinyl tile, 210 SF blue linoleum, (3) 4' x 12' transite panels, 989 SF ceiling plaster & 1 double sink from kitchen.
- 288 SF 9" x 9" floor tile and 288 SF ceiling plaster from locker room.
- 437 SF 9" x 9" floor tile and 437 SF ceiling plaster from main dorm.
- 768 SF 9" x 9" floor tile and 768 SF ceiling plaster from weight room.
- 320 SF 9" x 9" floor tile and 320 SF ceiling plaster from chemical room.
- Exterior red caulking around (1) 1' x 16' unit, (3) 3' x 3' units, (1) 3' x 11' units, (2) 6' x 15' units, (9) 9' x 16' units & (1) 12' x 16' unit.
- Door caulk around (3) 4' x 8' units, (1) 6' x 16' unit & (1) 10' x 12' unit.
- 5 SF exterior vent caulk.
- 500 SF exterior transite soffit material.
- Provide asbestos abatement documentation after asbestos response activities have been completed so that demolition activities can commence.

Name: Deib Mougrabi


Authorized Signature


John Connaughton
Birmingham Fire Chief

THE AMERICAN INSTITUTE OF ARCHITECTS



AIA Document A310

Bid Bond

BOND # PHY001412

KNOW ALL MEN BY THESE PRESENTS, that we

AXIOM CONSTRUCTION SERVICES GROUP, LLC

7789 E M-36 Whitmore Lake, MI 48189

(Here insert full name, and address or legal title of Contractor)

as Principal, hereinafter called the Principal, and

Philadelphia Indemnity Insurance Company

One Bala Plaza, Ste. 100 Bala Cynwyd, PA 19004

(Here insert full name, and address or legal title of Surety)

a corporation duly organized under the laws of the State of **PA**

as Surety, hereinafter called the Surety, are held and firmly bound unto

City Of Birmingham

151 Martin Street Birmingham, MI 48012

(Here insert full name, and address or legal title of Owner)

as Oblige, hereinafter called the Oblige, in the sum of

Five Percent of Amount Bid-----Dollars (5.00% of Bid),

for the payment of which sum well and truly to be made, the said Principal and the said Surety, bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has submitted a bid for

Birmingham Fire Station No. 2

Project No. 15566

(Here insert full name, address and description of project)

NOW, THEREFORE, if the Oblige shall accept the bid of the Principal and the Principal shall enter into a Contract with the Oblige in accordance with the terms of such bid and give such bond or bonds as may be specified in the bidding or Contract Documents with good and sufficient surety for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof, or in the event of the failure of the Principal to enter such Contract and give such bond or bonds, if the Principal shall pay to the Oblige the difference not to exceed the penalty hereof between the amount specified in said bid and such larger amount for which the Oblige may in good faith contract with another party to perform the Work covered by said bid then this obligation shall be null and void, otherwise to remain in full force and effect.

Signed and sealed this **23rd** day of **February** **2017**

AXIOM CONSTRUCTION SERVICES GROUP, LLC

(Principal)

(Seal)

(Witness)

Director of Field Operations (Title)

Philadelphia Indemnity Insurance Company

(Surety)

(Seal)

(Witness)

Michelle B. Graham (Title)

Michelle B. Graham, Attorney-in-Fact

PHILADELPHIA INDEMNITY INSURANCE COMPANY

One Bala Plaza, Suite 100
Bala Cynwyd, PA 19004-0950

Power of Attorney

KNOW ALL PERSONS BY THESE PRESENTS: That **PHILADELPHIA INDEMNITY INSURANCE COMPANY** (the Company), a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, does hereby constitute and appoint William J. McNish, Suzanne M. Mocer, Michelle B. Graham & John W. McNish of McNish Group, Inc., its true and lawful Attorney-in-fact with full authority to execute on its behalf bonds, undertakings, recognizances and other contracts of indemnity and writings obligatory in the nature thereof, issued in the course of its business and to bind the Company thereby, in an amount not to exceed \$5,000,000.00.

This Power of Attorney is granted and is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of PHILADELPHIA INDEMNITY INSURANCE COMPANY on the 14th of November, 2016.

RESOLVED: That the Board of Directors hereby authorizes the President or any Vice President of the Company: (1) Appoint Attorney(s) in Fact and authorize the Attorney(s) in Fact to execute on behalf of the Company bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof and to attach the seal of the Company thereto; and (2) to remove, at any time, any such Attorney-in-Fact and revoke the authority given. And, be it

FURTHER RESOLVED: That the signatures of such officers and the seal of the Company may be affixed to any such Power of Attorney or certificate relating thereto by facsimile, and any such Power of Attorney so executed and certified by facsimile signatures and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached.

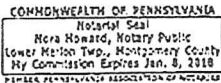
IN TESTIMONY WHEREOF, PHILADELPHIA INDEMNITY INSURANCE COMPANY HAS CAUSED THIS INSTRUMENT TO BE SIGNED AND ITS CORPORATE SEAL TO BE AFFIXED BY ITS AUTHORIZED OFFICE THIS 14TH DAY OF NOVEMBER, 2016.



(Seal)

Robert D. O'Leary Jr., President & CEO
Philadelphia Indemnity Insurance Company

On this 14th day of November, 2016, before me came the individual who executed the preceding instrument, to me personally known, and being by me duly sworn said that he is the therein described and authorized officer of the **PHILADELPHIA INDEMNITY INSURANCE COMPANY**; that the seal affixed to said instrument is the Corporate seal of said Company; that the said Corporate Seal and his signature were duly affixed.



Notary Public:

residing at:

Bala Cynwyd, PA

(Notary Seal)

My commission expires:

January 8, 2018

I, Edward Sayago, Corporate Secretary of **PHILADELPHIA INDEMNITY INSURANCE COMPANY**, do hereby certify that the foregoing resolution of the Board of Directors and this Power of Attorney issued pursuant thereto on this 14th day of November, 2016 are true and correct and are still in full force and effect. I do further certify that Robert D. O'Leary Jr., who executed the Power of Attorney as President, was on the date of execution of the attached Power of Attorney the duly elected President of **PHILADELPHIA INDEMNITY INSURANCE COMPANY**,

In Testimony Whereof I have subscribed my name and affixed the facsimile seal of each Company this 23rd day of February, 2017.



Edward Sayago, Corporate Secretary
PHILADELPHIA INDEMNITY INSURANCE COMPANY



Company Profile

Legal Entity Name: Axiom Construction Services Group, LLC

Primary Contact: Deib Y. Mougrabi - Director of Field Operation/Managing Member
Cell: 248-763-8948

E-mail: dmougrabi@axiomcsgllc.com

Legal Address: 7789 E. M-36
Whitmore Lake, Michigan 48189

Main Office: Telephone: 248-446-1104
Fax: 248-446-1105
E-mail: estimating@axiomcsgllc.com

Business type: Limited Liability Company
Entity Domicile is the State of Michigan
Formed March 19, 2010

Bank Reference: Livingston Community Bank
134 N. First Street
Brighton, Michigan 48116
Contact: Donna Steffey 810-714-3980



Professional Qualifications

AXIOM Construction Services Group, LLC was formed by Mr. Deib Y. Mougrabi and Mr. William M. Wiemer (Retired) on March 19, 2010 for the purpose of providing General Contracting and Construction Management services to the construction industry. Mr. Mougrabi is the sole Owner of the firm. The birth of AXIOM CSG was a direct result of their separation due to lack of work, from a former Company (ArCon Services). Mr. Mougrabi and Mr. Wiemer successfully operated ArCon Services for approximately ten years completing over \$80,000,000 worth of work for CDPA Architects which was ArCon's sister company and Owners.

Mr. Mougrabi has over twenty years of in-depth experience in field operations, scheduling and estimating. Also, starting as a laborer and progressing through the trades to become a journeymen carpenter and obtaining a Construction Management degree. His experience is all inclusive for all phases and requirements of any project, inclusive of administrative, project management, estimating, scheduling and field operations.

Company Organization & Personnel

1. Deib Y. Mougrabi - Director of Field Operations/Managing Member. Location - Project site & office.
 - a. Responsible for day to day field management, coordination & scheduling.
 - b. Responsible for day to day administration and project management requirements.
 - c. Authorized to sign for, speak & negotiate on behalf of AXIOM CSG.
2. Kara L. Burchette - Office Manager. Location - AXIOM office.
 - a. Responsible for all office administration, accounts payable & receivable, payroll, etc.
 - b. Operates under the direct supervision of Mr. Mougrabi.
3. Glenn Helka - Field Manager/Superintendent. Location - Project site.
 - a. Responsible for day to day field management, coordination & scheduling of any project assignment.
 - b. Responsible for all AXIOM Self-performed work, supervision, coordination & scheduling of the same.
 - c. Operates under the direct supervision of Mr. Mougrabi.
4. Mark Girard - Field Manager/Superintendent. Location - Project site.
 - a. Responsible for day to day field management, coordination & scheduling of any project assignment.
 - b. Responsible for all AXIOM Self-performed work, supervision, coordination & scheduling of the same.
 - c. Operates under the direct supervision of Mr. Mougrabi.
5. Joe Love - Field Manager/Superintendent. Location - Project site.
 - d. Responsible for day to day field management, coordination & scheduling of any project assignment.
 - e. Responsible for all AXIOM Self-performed work, supervision, coordination & scheduling of the same.
 - f. Operates under the direct supervision of Mr. Mougrabi.



Professional Qualifications – Continued

6. Tyler Girard – Field Manager/Superintendent. Location – Project site.
 - a. Responsible for day to day field management, coordination & scheduling of any project assignment.
 - b. Responsible for all Axiom Self-performed work, supervision, coordination & scheduling of the same.
 - c. Operated under the direct supervision of Mr. Mougrabi.
7. Michelle Redding – Project Engineer. Location – AXIOM Office.
 - a. Responsible for day to day general office tasks, execution of submittals to trades and architects & completing all closeout documents.
 - b. Operates under the direct supervision of Mr. Mougrabi.

The foregoing personnel and organization would be available as required and necessary for the successful completion of the project. Other support staff would be added as the projects require.

Current Bonding Capacity

Aggregate Limit: \$10,000,000.00
Single Project Limit: \$4,500,000.00
Bonding Agent: Ms. Margaret Kohloff 248-546-2284
The McNish Group / Royal Oak, Michigan

Scheduling /Project Management

AXIOM utilizes Microsoft Project to schedule and manage all projects. The Project Manager will create a comprehensive schedule at the time of award. This is then communicated electronically to all involved Owners, Architects, the Site Superintendent, Subcontractors and necessary material suppliers. Weekly/Biweekly progress meeting will be used to keep communication open and all involved on schedule. Adjustments to the initial schedule will be made by the Project Manager on an as needed basis. AXIOM takes pride in being able to complete all projects on time and treats every project like it is the only one. A sample schedule can be provided upon request.

The following is a summary schedule of project milestones:

1. Award of contract to all subcontractors
2. Ascertain all long lead items-3 days
3. Immediately commence submittal process and place orders for long lead items immediately upon approvals
4. Obtain all necessary permits
5. Develop preliminary project construction schedule. Publish to all Sub-Contractor for their concurrence. Publish final construction schedule.
6. Commence physical construction
7. Conduct bi-weekly progress meetings always looking for early opportunity for completion of any trade items.
8. At 80% complete begin internal Punch List and completion thereof
9. At 90% complete obtain all as-built and closeout documentation. Catalog and submit as soon as possible.
10. Conduct Architect & Owner Punch List walkthrough. Issue to all trades with completion within 10 days of issuance.
11. Conduct all owner training on building system as required.
12. Obtain Certificate of Occupancy turn over project to owner.



MEMORANDUM

Engineering Dept.
Birmingham Shopping District

DATE: March 7, 2017

TO: Joseph Valentine, City Manager

FROM: Paul T. O'Meara, City Engineer and
Lori Rondello, BSD Office Manager

SUBJECT: Birmingham Shopping District Free Valet Service
Auto Parking System Fund Contribution

The Birmingham Shopping District (BSD) is currently making plans to conduct several programs to help the business community during the upcoming Old Woodward Ave. Paving Project. The most ambitious part of the program is to offer three independent valet stations designed to give customers and shoppers in the Central Business District an easy alternative once the street is closed to metered parking, to provide added convenience during construction.

The attached map, which will continue to be refined as the program is finalized, depicts three stations to be operated six days per week, Monday through Saturday from 10 am to 6 pm:

1. **N. Old Woodward Ave. (Southbound) north of Willits St.** – Customers entering the district from the north will be able to leave their car in the street area near the north end of the N. Old Woodward Ave. Parking Structure. Vehicles will be parked at the adjacent parking structure or open lot.
2. **S. Old Woodward Ave. (Northbound) south of Brown St.** – Customers entering the district from the south will be able to leave their car in the street area in front of the Peabody Mansion. Vehicles will be parked in an adjacent private lot (if available) or in the Pierce St. Parking Structure.
3. **Henrietta St. south of Maple Rd.** – Customers entering the district from the east or west will be able to leave their car on Henrietta St. in front of Brooklyn Pizza. Vehicles will be parked on Martin St. between Henrietta St. and Pierce St. (if closed to through traffic), or within the Chester St. Parking Structure. To reduce demand on the structure and increase parking capacity, Martin St. is proposed to be closed and professionally valet parked to maximize parking. This arrangement will be evaluated and modified if necessary based on its effectiveness. There are 32 spaces for cars on Martin between Henrietta and Pierce Streets. Closing off this block and professionally valet parking will increase its capacity to 52 cars.

The BSD estimates the total cost of this program during the construction project will cost about \$150,000, possibly more. To help cover this cost, a 50% contribution from the Auto Parking Fund was requested.

The Parking Fund is doing well financially. Given the critical, unique nature of this coming year, the Advisory Parking Committee agreed that this was an appropriate request. The BSD, and in turn, the valet service company, are open to exploring all parking options to support the valet parking service and will remain flexible as the construction project begins and conditions evolve.

With respect to closing Martin St., it is anticipated that City staff will close the block in front of City Hall every day at 8 AM using barricades. The valet will begin using the area at 10 AM, and will stay on duty until 6 PM. Drivers that wish to stay later than 6 PM will have a telephone number to call so that their keys can be returned to them. (The valet company will have at least one person in the vicinity to help in this regard until all valeted cars are retrieved.)

The BSD will speak with businesses in the vicinity of the proposed Martin Street closure to gain support. It is understood that if the City finds that closing off Martin St. for this purpose is causing unforeseen negative consequences, the plan can be revised, with the Chester St. Structure being an alternative. Use of the Chester St. Structure would increase valet personnel costs significantly. Based on the discussion, the APC passed the following recommendation:

To recommend to the City Commission that the Parking System Fund assist the BSD in their efforts to operate three valet stations during the Old Woodward Ave. Paving Project at the level of 50% of expenditures, not to exceed \$75,000.

A suggested resolution for the City Commission follows:

SUGGESTED RESOLUTION:

To authorize a transfer of up to \$75,000 from the Auto Parking System Fund to the Birmingham Shopping District, to cover 50% of the costs encountered by the BSD to operate the free valet program during the 2017 Old Woodward Ave. Paving Project, and to allow Martin St. from Henrietta St. to Pierce St. to be used for professional valet parking and evaluated based on need and effectiveness.



MEMORANDUM

Engineering Dept.

DATE: February 25, 2017

TO: Advisory Parking Committee

FROM: Paul T. O'Meara, City Engineer

SUBJECT: Birmingham Shopping District (BSD)
Free Valet Parking Program for Old Woodward Ave. Project

As we have discussed, the Old Woodward Ave. Paving project is planned for later this year, taking about four to five months to complete. The BSD would like to operate three valet stations in the downtown area to help keep parking problems to a minimum while this project is underway. It anticipates the cost of operating the three valet stations to total \$150,000. This cost is substantially more than what was done last year for the Hamilton Ave. Paving Project. BSD representatives will be present at the meeting to discuss their proposal, and to request financial assistance at the level of 50%, or \$75,000.

The valet expense was not anticipated or reflected in the current or next year Parking System budgets. For several reasons, no large scale building renovation project was conducted in the parking system this year, leaving the usual average expense of \$750,000 to \$900,000 unexpended. In addition, revenues are increasing substantially compared to a year ago as rates have been increased, and demand remains strong. Staff agrees that it is in the best interest of the Parking System to assist the business community during this difficult time to ensure that the Central Business District remains intact and ready to operate again once this major construction project is finished. A suggested recommendation follows:

SUGGESTED RECOMMENDATION:

To recommend to the City Commission that the Parking System Fund assist the BSD in their efforts to operate three valet stations during the Old Woodward Ave. Paving Project at the level of 50% of expenditures, estimated at \$75,000 total.



MEMORANDUM

DATE: February 24, 2017

TO: Paul O'Meara, City Engineer

FROM: Lori Rondello, BSD Office Manager

SUBJECT: APC Support for Valet Parking During Old Woodward Construction Project

The Birmingham Shopping District has pledged to provide free valet service for customers and clients during the major road construction planned for Old Woodward Avenue in 2017. Project beginning and ending dates are to be determined. Here is an overview:



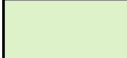



- Valet parking will be available at three (3) proposed locations in the central business district during the construction season. 1. On N. Old Woodward at Oakland; 2. On Martin at Henrietta; 3. On S. Old Woodward, south of Brown on east side in front of Peabody mansion.
- Parking fees are included in estimate below.
- Days of operation will be Mondays through Saturdays.
- Hours of Operation will be 10 a.m. until 6 p.m.
- Drivers can call/text ahead for car. If driver does not return before 6 p.m., they will receive a number to call, directing where they can retrieve key from valet company.

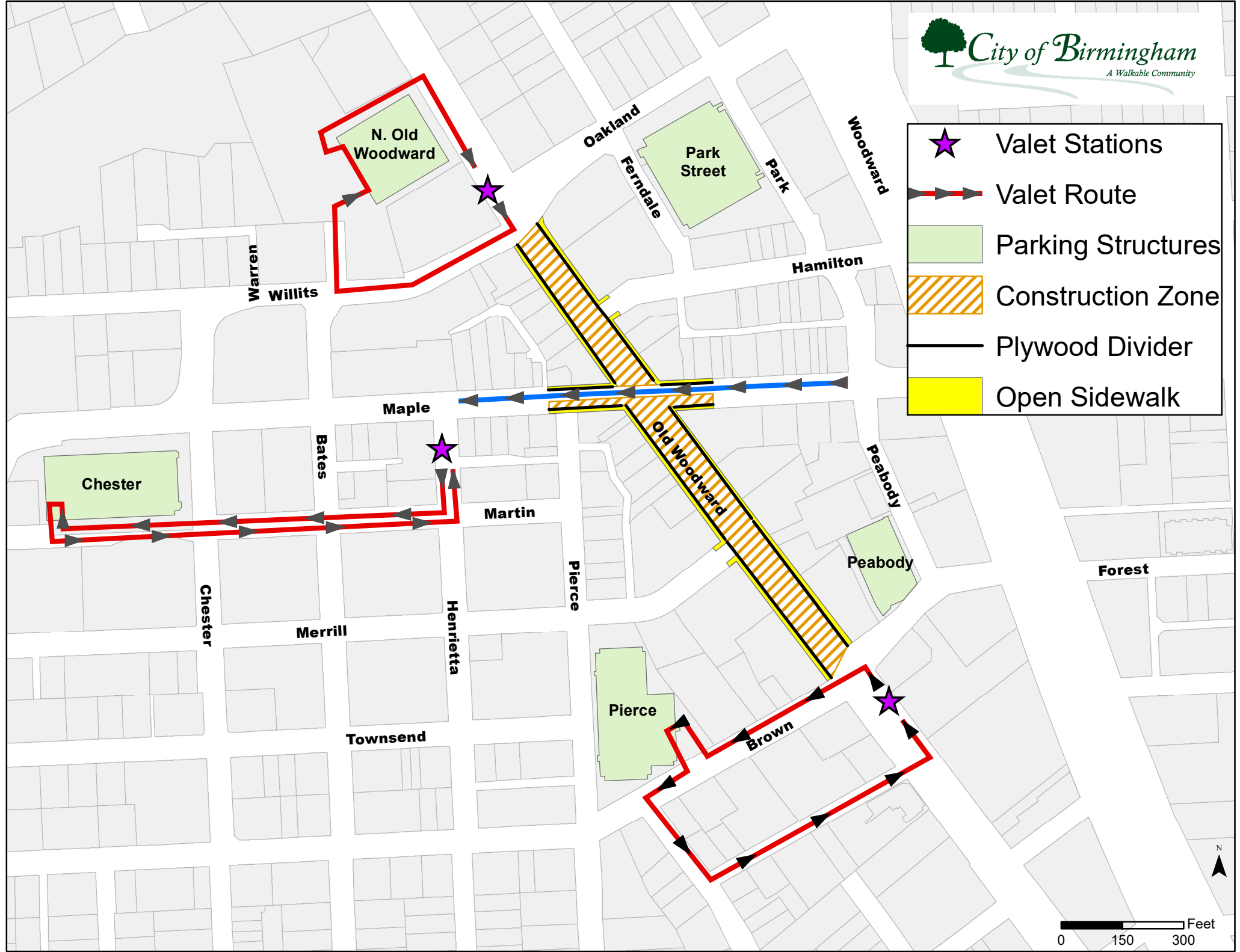
The BSD is funding this service as a promotion and a convenience for shoppers and persons conducting business in town during the entire construction project season. This effort is uniquely unprecedented in that there has never been a project with this scope and magnitude in Birmingham to date. Since Old Woodward is a main vein of our downtown, the impact of this construction project will be far reaching and will be negatively impactful to businesses. We believe providing a free valet service to the public will create a strong and positive message about parking and convenience as well as assist people in their support of downtown Birmingham businesses during the construction season. We will educate the public and promote the free valet services offered in the news media, print, and via social media.

The estimated costs for valet services with three locations on Old Woodward are \$150,000 (based on 16-18 weeks of construction). The BSD set aside \$75,000 to support valet services, including advertising, promotional materials and signage during the Old Woodward Construction Project. In addition to valet services, the BSD will be funding an ad campaign, enhanced lighting and signage along the construction path and special events, contests and promotions to help businesses survive and thrive.

In comparison, the BSD provided free valet service in 2016 to the public during the Hamilton Avenue Construction Project with one location at a cost of \$40,000. This service was very well received by patrons of the businesses affected by the project. Hamilton Avenue is not a main vein of downtown Birmingham and was a much smaller construction footprint and a lesser amount of businesses were impacted.

The BSD is requesting financial assistance from the Parking Fund in the amount of \$75,000, or half of the estimated costs. Under these unique circumstances, we respectfully request that the Advisory Parking Committee recommend this expenditure in support of Valet Parking during the Old Woodward Construction Project.

-  Valet Stations
-  Valet Route
-  Parking Structures
-  Construction Zone
-  Plywood Divider
-  Open Sidewalk

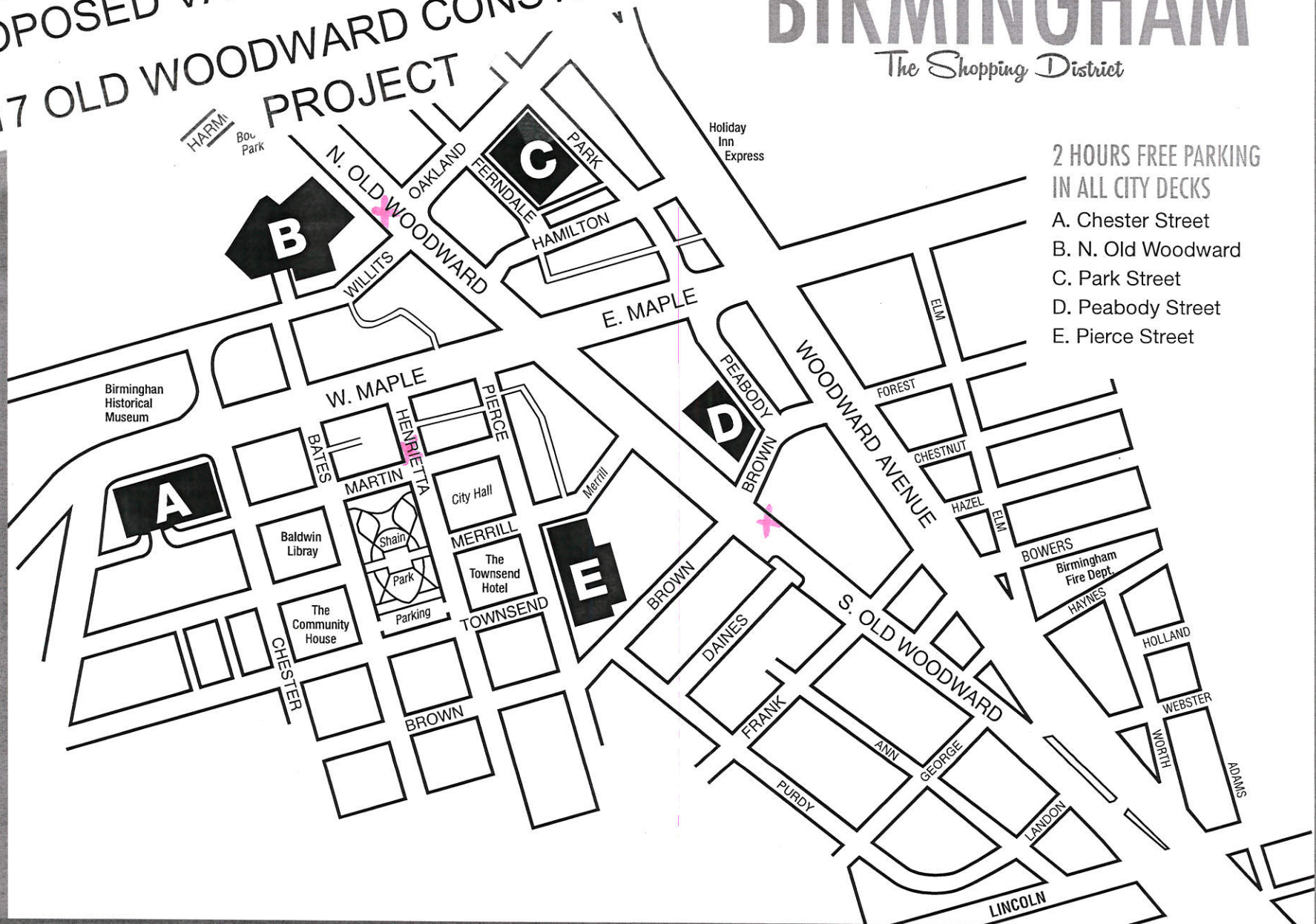


PROPOSED VALET LOCATIONS DURING 2017 OLD WOODWARD CONSTRUCTION PROJECT

It's All
BIRMINGHAM
The Shopping District

2 HOURS FREE PARKING
IN ALL CITY DECKS

- A. Chester Street
- B. N. Old Woodward
- C. Park Street
- D. Peabody Street
- E. Pierce Street





MEMORANDUM

Office of City Manager

DATE: March 8, 2017
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.



NOTICE OF INTENTION TO APPOINT TO ARCHITECTURAL REVIEW COMMITTEE

At the meeting of Thursday, April 13, 2017 the Birmingham City Commission intends to appoint one member to the Architectural Review Committee to serve a three-year term to expire April 11, 2020. Members of this Committee will be appointed by the Commission. The Committee shall consist of three Michigan licensed architects who reside in the City of Birmingham.

The purpose of this committee is to review certain public improvement projects initiated by the City and referred to the committee by the City Manager or his/her designee. The Committee is expected to offer opinions as to what physical alterations or enhancements could be made to these projects in order to improve the aesthetic quality of the project and the City's overall physical environment.

Interested citizens may submit an application available at the City Clerk's Office or online at www.bhamgov.org/boardopportunities. Applications must be submitted to the City Clerk's office on or before noon on Wednesday, April 5, 2017. These applications will appear in the public agenda for the regular meeting at which time the City Commission will discuss recommendations, and may make nominations and vote on the appointments.

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

| Criteria/Qualifications of Open Position | Date Applications Due (by noon) | Date of Interview |
|---|--|------------------------------|
| Michigan Licensed Architect & Resident of the City of Birmingham | 4/5/17 | 4/13/17 |



NOTICE OF INTENTION TO APPOINT TO BOARD OF BUILDING TRADES APPEAL

At the regular meeting of Thursday, April 13, 2017 the Birmingham City Commission intends to appoint two members to serve a three-year term to expire May 23, 2020. 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. Applications must be submitted to the City Clerk's office on or before noon on Wednesday, April 5, 2017. 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.

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.

| Criteria/Qualifications of Open Position | Date Applications Due (by noon) | Date of Interview |
|--|--|------------------------------|
| 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) | 4/5/17 | 4/13/17 |



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

At the regular meeting of Thursday, April 13, 2017 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, 2020.

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. Applications must be submitted to the city clerk's office on or before noon on Wednesday, April 5, 2017. 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.

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.

| Criteria/Qualifications of Open Position | Date Applications Due (by noon) | Date of Interview |
|---|--|--------------------------|
| Members shall, in so far as possible, be residents of the City of Birmingham. | 4/5/17 | 4/13/17 |



NOTICE OF INTENTION TO APPOINT TO THE HOUSING BOARD OF APPEALS

At the meeting of Thursday, April 13, 2017, the Birmingham City Commission intends to appoint three members to the Housing Board of Appeals to serve three-year terms to expire May 4, 2020. 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. Applications must be submitted to the city clerk's office on or before noon on Wednesday, April 5, 2017. 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.

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.

| Criteria/Qualifications of Open Position | Date Applications Due (by noon) | Date of Interview |
|--|--|------------------------------|
| Members shall be educated or experienced in building construction administration, social services, real estate or other responsible positions. | 4/5/17 | 4/13/17 |



BOARD OF COMMISSIONERS

RECEIVED BY

MAR - 9 2017

CITY CLERK'S OFFICE
CITY OF BIRMINGHAM

1200 N. Telegraph Road
Pontiac, MI 48341-0475
Phone: (248) 858-0100
Fax: (248) 858-1572

March 7, 2017

City Clerk
City of Birmingham
151 Martin St., PO Box 3001
Birmingham, MI 48009

Dear Clerk,

Please accept this letter as notification that the Oakland County Board of Commissioners will hold a Public Hearing on Wednesday March 15, 2017 at 7:00 p.m. in the Board of Commissioners Auditorium located in the County Courthouse, 1200 N. Telegraph Road, Pontiac, Michigan to recommend the approval or denial of the following ordinance:

COUNTY ORDINANCE #31-AN ORDINANCE TO PROTECT PUBLIC SAFETY OPERATIONS, INFRASTRUCTURE SUPPORTING PUBLIC SAFETY OPERATIONS, AND CRITICAL INFRASTRUCTURE

A copy of the proposed ordinance and legal notice is enclosed.

Sincerely,

Michael J. Gingell
Chairman, Oakland County Board of Commissioners

ENCLOSURE

INFORMATION ONLY

MISCELLANEOUS RESOLUTION #

BY: Commissioner Christine Long, Chairperson, General Government Committee

RE: BOARD OF COMMISSIONERS – ADOPTION OF COUNTY ORDINANCE #31, AN ORDINANCE TO PROTECT PUBLIC SAFETY OPERATIONS, INFRASTRUCTURE SUPPORTING PUBLIC SAFETY OPERATIONS, AND CRITICAL INFRASTRUCTURE

To the Oakland County Board of Commissioners

Chairperson, Ladies and Gentlemen:

WHEREAS the Board of Commissioners are authorized by statute to adopt ordinances that relate to County affairs; and

WHEREAS to protect public health, safety, and welfare of the citizens of Oakland County, the Board of Commissioners concludes that access to County owned or leased property that house public safety operations, infrastructure supporting public safety operations, and critical infrastructure should be limited ; and

WHEREAS the Board of Commissioners has welcomed citizen input and conducted a public hearing in accordance with the requirements of the Standing Rules of the Board of Commissioners.

NOW THEREFORE BE IT RESOLVED that the Oakland County Board of Commissioners hereby adopts Ordinance #31:

THE COUNTY OF OAKLAND ORDAINS:

ORDINANCE #31-- AN ORDINANCE TO PROTECT PUBLIC SAFETY OPERATIONS, INFRASTRUCTURE SUPPORTING PUBLIC SAFETY OPERATIONS, AND CRITICAL INFRASTRUCTURE

1. PURPOSE AND APPLICATION.

Being necessary to protect public health, safety, and welfare, the County of Oakland ("County") adopts this ordinance pursuant to Sections 10b and 11 of Public Act 156 of 1851, MCL 46.10b and MCL 46.11, to limit access to areas of County owned or leased property that house public safety operations, infrastructure supporting public safety operations, and critical infrastructure.

2. DEFINITIONS.

- 2.1. "Authorized Persons" means persons who have prior approval to enter Restricted County Property granted by the elected official or head of the County Office or Department, which is responsible for providing, operating, managing and/or maintaining public safety operations, infrastructure supporting public safety operations or critical infrastructure.
- 2.2. "Critical Infrastructure" means property, equipment, or systems (physical or virtual) that are: (1) owned or leased by the County and are so vital that their destruction would have a debilitating impact on the public health, safety and welfare of the citizens of the County and (2) expressly or impliedly mandated or authorized by constitution, statute, local charter or ordinance, or other law.
- 2.3. "Public Safety Operations" means: (1) first responder or law enforcement services or functions that are expressly or impliedly mandated or authorized by constitution, statute, local charter or ordinance, or other law or (2) services or functions performed by the Oakland County Department of Homeland Security or successor department that are expressly or impliedly mandated or authorized by constitution, statute, local charter or ordinance, or other law.

- 2.4. "Restricted County Property" means any property, buildings, and/or structures or any part or area thereof: (1) that are owned or leased by the County, (2) that house public safety operations, infrastructure supporting public safety operations or critical infrastructure, and (3) that are clearly and physically marked and/or posted as "Restricted County Property."
3. **ENTRY TO RESTRICTED PROPERTY.** Only Authorized Persons shall enter Restricted County Property.
4. **PENALTIES.**
- 4.1. **Violation of Ordinance.** Any person found to be in violation of this Ordinance shall be punishable by a fine of not more than \$500 or imprisonment for not more than 90 days, or both.
- 4.2. **Violation of State or Local Law.** Any person found to be in violation of state or local law, regulation, or ordinance related to unauthorized entry of Restricted County Property may be subject to the civil and/or criminal penalties provided by that law, in addition to the penalties provided herein.
5. **CONSTRUCTION/SEVERABILITY.** If any part of this Ordinance is adjudicated to be unlawful, such part shall be deemed severable and invalid, and shall not affect the validity of the remaining parts of this Ordinance.
6. **HEADINGS.** Section and subsection numbers and heading for such are intended for the convenience of the reader and are not intended to have any substantive meaning and shall not be interpreted to limit or modify any substantive provisions of this Ordinance.
7. **CHANGES TO STATE LAW.** Any changes to state law which modify the requirements in this Ordinance shall supersede the requirements of this Ordinance, upon the effective date of the law.
8. **EFFECTIVE DATE.** This Ordinance shall be effective immediately as provided by law and the Standing Rules of the Board of Commissioners.

Chairperson, on behalf of the General Government Committee, I move the adoption of the foregoing ordinance.

**NOTICE OF PUBLIC HEARING
COUNTY OF OAKLAND, MICHIGAN
PROPOSED ORDINANCE NO. 31**

Notice is hereby given that the Oakland County Board of Commissioners will hold a Public Hearing on Wednesday March 15, 2017 at 7:00 p.m. in the Board of Commissioners Auditorium located in the County Courthouse, 1200 N. Telegraph Road, Pontiac, Michigan to recommend the approval or denial of the following ordinance:

**COUNTY ORDINANCE #31-AN ORDINANCE TO PROTECT PUBLIC
SAFETY OPERATIONS, INFRASTRUCTURE SUPPORTING PUBLIC
SAFETY OPERATIONS, AND CRITICAL INFRASTRUCTURE**

NOTICE: The full text of the proposed ordinance, as introduced, has been posted, and is available for inspection at the following locations: (1) the office of the Board of Commissioners and (2) the office of the County Clerk, both being located at 1200 N. Telegraph Road, Pontiac, Michigan and may be viewed at the following web address: www.oakgov.com/boc.

Copies of the proposed ordinance can be obtained from the office of the County Clerk for a fee to be determined by the County Clerk in accordance with the Freedom of Information Act, MCL 15.231, et seq.

Michael J. Gingell
Chairman, Oakland County Board of Commissioners

Published: March 3, 2017

Commissioner Christine Long, District #7
Chairperson, General Government Committee



February 23, 2017

Laura Pierce, Clerk
City of Birmingham
151 Martin St.
Birmingham, MI 48012-3001

Re: Important information about channel lineup changes for our customers.

Dear Ms. Pierce,

As part of our continuing effort to keep you informed, we want you to know about an upcoming change to XFINITY customers' channel lineups. Beginning on or after March 30, 2017, channels in the 1000+ range will be reorganized into channel neighborhoods. Networks with similar content—like kids' networks, news networks, and sports networks—will be grouped together.

By reorganizing the channels this way, we hope to help customers easily find their favorite channels and more content like it right next door. All channels in the 1-999 range will stay right where they are. Some of our customers currently have channels in the 1000+ range, and those channels will be moving to their new channel neighborhoods with similar networks.

DVR recordings, favorites, and parental controls won't be affected for X1 customers, so they won't have to do a thing. Customers who don't have X1 will need to update their favorites after the switch.

We're informing our customers about this change through letters, emails, and bill messages. Attached is a sample of a communication that we'll be sending out to XFINITY customers with this messaging. We will continue to notify customers of any changes as necessary, and we will keep you informed as well.

Please feel free to contact me at 734-254-1557 if you have any questions.

Sincerely,

Kyle V. Mazurek
Manager of External Affairs
Comcast, Heartland Region
41112 Concept Drive
Plymouth, MI 48170

INFORMATION ONLY

Sample Customer letter

Dear [FIRSTNAME],

We want you to know that on XX/XX, we'll be introducing a new way to interact with your current channel lineup that will make it easier to find your favorite channels and more content like it right next door.

When we make this change, all of your current channels from 1-999 will stay right where they are. Channels 1000-1999 will be organized by category, so networks with similar programming – like news networks, sports networks, and kids' networks – will be grouped together into channel neighborhoods. These neighborhoods are designed to make browsing easier and to help you find more of the content you want to watch.

Any channels you currently have that are 1000+ will be moving to their new neighborhoods with similar networks.

You can learn more about these changes by going to xfinity.com/help and searching for "channel neighborhoods." On or after March 30, 2017, you can view them on your TV's channel guide or at xfinity.com/localchannels. We hope you'll take a look through your new neighborhoods and find some great channels like the ones you love—or something brand new to you.

If you're an XFINITY X1 customer, your DVR recordings, favorites, and parental controls won't be affected, so you won't have to do a thing. If you don't have X1, you'll need to update your favorites after the switch.

Thanks for choosing XFINITY. Delivering an amazing entertainment experience is part of our commitment to you.

Sincerely,

Comcast