



**CITY COMMISSION MEETING AGENDA
MAY 22, 2017
7:30 PM**



Municipal Building, 151 Martin, Birmingham, MI 48009

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BIRMINGHAM CITY COMMISSION AGENDA
MAY 22, 2017
MUNICIPAL BUILDING, 151 MARTIN
7:30 P.M.

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mark Nickita, Mayor

II. ROLL CALL

J. Cherilynn Brown, City Clerk

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

Announcements:

- The Memorial Day service will be held Monday, May 29, 2017 beginning at 10:00 AM in Shain Park
- Oakland County Commissioner Shelley G. Taub

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 May 8, 2017.
- B. Approval of warrant list, including Automated Clearing House payments of May 10, 2017 in the amount of \$231,832.78.
- C. Approval of warrant list, including Automated Clearing House payments of May 17, 2017 in the amount of \$1,312,772.80.
- D. Resolution opting into Oakland County's Urban County Community Development Block Grant (CDBG) programs for the years 2018, 2019 and 2020. Furthermore, remaining in Oakland County's Urban County Community Development programs, which shall be automatically renewed in successive three-year qualification periods of time, or until such time that it is in the best interest of the City to terminate the Cooperative Agreement.
- E. Resolution appointing City Manager Joseph A. Valentine as Representative and DPS Director Lauren Wood as Alternate Representative for the City of Birmingham, on the SOCRRA Board of Trustees for the fiscal year starting July 1, 2017.
- F. Resolution appointing City Engineer Paul T. O'Meara, as representative, and Austin Fletcher, Assistant City Engineer, as alternate representative, for the City of Birmingham, on the Southeastern Oakland County Water Authority Board of Trustees for the period starting July 1, 2017.
- G. Resolution approving the purchase of the traffic signal modernization for the intersection of Maple and Chesterfield from the Road Commission for Oakland County in the amount of \$91,595.41; further waiving normal bidding requirements and authorizing this expenditure from account number 202-303-001-971.0100.

- H. Resolution setting Monday, June 12, 2017 at 7:30 PM for a public hearing to consider the following amendments to Chapter 126, Zoning, of the City Code:
- To amend Article 2, Section 2.43, TZ2 (transition zone 2) District Intent, permitted uses, and special uses to add the TZ2 zoning classification;
 - To amend Article 2, Section 2.44, TZ2 Development Standards to add standards for the TZ2 district;
 - To renumber the existing TZ3 (transition zone 3) zoning classification, district intent, permitted uses, and special uses to Article 2, Section 2.45 with no changes;
 - To renumber the existing TZ3 (transition zone 3) zoning classification, Development Standards to Article 2, Section 2.46 with no changes;
 - To amend Article 5, Section 5.15, Use Specific Standards, to add use specific standards for the TZ2 zone district;
- AND
- To amend Chapter 126, Zoning, of the Code of the City of Birmingham, Article 4, to apply each section to the newly created TZ2 zone districts.
- I. Resolution removing "NO PARKING" signs on the east side of Lawndale from Madison to Oakland.
- J. Resolution approving the termination of the November 14, 1949 agreement restricting development of the North 40 fee of Lot 16 and Lots 17 and 18 of Assessor's Plat No. 27.
- K. Resolution approving the requests submitted by the Birmingham Harriers and the Oral Cancer Foundation to hold a joint race to benefit two causes, under the names of the Birmingham Harriers 5K Run/Walk and the Oral Cancer Awareness 5K Run/Walk, on Saturday, August 5, 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.

V. UNFINISHED BUSINESS

VI. NEW BUSINESS

- A. Resolution approving the Final Site Plan and Special Land Use Permit Amendment for The Townsend Hotel at 100 Townsend Street to allow the addition of a new limited partner to THC Investors Limited Partnership, DBA The Townsend Hotel, subject to execution of a Special Land Use Permit contract between THC Investors Limited Partnership and the City of Birmingham,
- AND
- Resolution approving the transfer of 9.25254% interest in the licensed entity of THC from Mary Anne Hockman, trustee of the Mary Anne Hockman Trust to Gas Hotel, LLC, along with the transfer of 9.25254% interest from The Townsend Hotel Corporation to Gas Hotel, LLC. (Chapter 10, Alcoholic Liquors, Section 10-42). (complete resolution in agenda packet)
- B. Resolution approving the plan to reconstruct Lawndale Ave. from Oakland Blvd. to Woodward Ave. at a reduced width of 20 ft. Improvements to the block will include compliance with ADA requirements at the Oakland Ave. intersection, and increased

green space on the adjacent City owned park parcel directly west of this block. Further, directing staff to:

1. Pursue relocation of the crosswalk on Woodward Ave. (to be implemented with the MDOT resurfacing project scheduled for 2018), and
 2. Consider the installation of new trees in this green space area.
- C. Resolution approving the budget appropriations resolution adopting the City of Birmingham's budget and establishing the total number of mills for ad valorem property taxes to be levied for the fiscal year commencing July 1, 2017 and ending June 30, 2018. (complete resolution in agenda packet)
- D. Resolution authorizing the purchase of 40 permanent bike racks as proposed in Phases 2 and 3 of the Downtown Bicycle Parking Plan using the proposed inverted-U bike rack model with the plastisol finish from Cycle Safe in the amount of \$8,902 from account #101-721.000-811.0000, and further directing staff to proceed with the installation of 40 permanent bike racks as proposed in Phases 2 and 3 of the Downtown Bicycle Parking Plan.

OR

Resolution authorizing the purchase of 41 permanent bike racks as proposed in Phases 2 and 3 of the Downtown Bicycle Parking Plan, with the addition of one bike rack near the central entrance to City Hall on the south elevation of the building, using the proposed inverted-U bike rack model with the plastisol finish from Cycle Safe in the amount of \$9,130.96 from account #101-721.000-811.0000, and further directing staff to proceed with the installation of 41 permanent bike racks as proposed in Phases 2 and 3 of the Downtown Bicycle Parking Plan, with the addition of one bike rack near the central entrance to City Hall on the south elevation of the building.

- E. Resolution amending the ordinances of the Advisory Parking Committee, the Parks and Recreation Board, and the Public Arts Board, to add 2 alternate positions to each as follows:
Amending Resolution No. 08-882-84 – August 6, 1984, Advisory Parking Committee, Members.

AND

Ordinance amending Part II of the City Code, Chapter 78, Parks and Recreation, Article II, Parks and Recreation Board, Section 78-26, Created; composition.

AND

Ordinance amending Part II of the City Code, Chapter 78, Public Arts Board, Article V., Public Arts Board, Section 78-103, Composition and terms of members.

AND

Directing the city clerk to standardize the attendance reporting of all city boards and committees as outlined in the May 12, 2017 memorandum to the city manager.

- F. Resolution amending the Schedule of Fees, Charges, Bonds and Insurance, Engineering Department section to provide for a \$0.50 increase in all parking meter rates; further amending the Schedule of Fees, Charges, Bonds and Insurance, Police Department section to increase the daily meter bag fee to \$18.00; further amending the Schedule of Fees, Charges, Bonds and Insurance, City Clerk's Office section to incorporate outdoor dining café platform fees in the amount of \$2,280.00 per season per space in \$1.00 per hour metered areas and \$3,420.00 per space per season in \$1.50 per hour areas plus charges for removal and restoration of parking meter housings and or poles; further increasing valet parking bag meter fees to \$216.00 per bag per month.
- G. Ordinance amending Part II of the City Code, Chapter 98 Street, Sidewalks and other public places, Article II. Streets, to add section 98-37 Prohibition of the use of golf carts

on public roads within the city limits and authorizing the Mayor and City Clerk to sign the ordinance on behalf of the city.

H. Ordinance amending Part II of the City Code, Chapter 74 Offenses, Article VI – Offenses Against Public Safety, Division 2 Weapons with the following changes:

Sec. 74-206 – Definitions – to add Bow and Crossbow.

AND

Sec. 74-208 – Change Confiscation of firearms – to Confiscation of Weapons and to add “bows and arrows and crossbows”.

AND

Sec. 74-209 – Discharge – Add “bow and arrow and crossbows”.

AND

Sec. 74-210 – Possession – Add “bow and arrow and crossbows”.

AND

Sec. 74-213 – Brandishing – (a) add “or weapon”, eliminate current (2) and (3) and add “or weapon” to (4).

AND

Sec. 74-214 - Intentionally aiming a firearm without malice – add “or weapon”.

VII. REMOVED FROM CONSENT AGENDA

VIII. COMMUNICATIONS

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

X. REPORTS

- A. Commissioner Reports
- B. Commissioner Comments
- C. Advisory Boards, Committees, Commissions’ Reports and Agendas
- D. Legislation
- E. City Staff
 - 1. 3rd Quarter CDBG Fund response, submitted by Finance Director Gerber

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:2485301880) por lo menos el día antes de la reunión pública. (Title VI of the Civil Rights Act of 1964).

BIRMINGHAM CITY COMMISSION MINUTES
MAY 8, 2017
MUNICIPAL BUILDING, 151 MARTIN
7:30 P.M.

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Pro Tem Andrew Harris called the meeting to order at 7:30 PM.

II. ROLL CALL

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

Administration: City Manager Valentine, City Attorney Currier, City Clerk Brown, Police Chief Clemence, City Planner Ecker, Finance Director Gerber, Building Official Johnson, City Engineer O'Meara, DPS Director Wood

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

Mayor Pro Tem Harris announced:

- The Farmers Market continues on Sundays from 9:00 AM to 2:00 PM in Municipal Parking Lot #6 on N. Old Woodward through October 29, 2017. For more information, visit www.birminghamfarmersmarket.org.
- The Birmingham Bloomfield Art Center Annual Art Birmingham will be held Saturday, May 13th and Sunday, May 14th in Shain Park. For more information and hours, visit www.theguild.org.
- The theme of this year's Celebrate Birmingham Hometown Parade is "Hats Off to Our Heroes", and it will be held Sunday, May 21st at 1:00 PM. The parade begins at S. Old Woodward and Daines, continues on S. Old Woodward to Maple, then to Bates, ending at Shain Park. Until 4:00 PM, there will be free children's activities in Shain Park immediately after the parade ends. Come out and join your neighbors to kick off your summer activities in Birmingham!

05-118-17 APPOINTMENT TO MULTI-MODAL TRANSPORTATION BOARD

Daniel Isaksen was present and was interviewed by the Commission.

MOTION: Motion by Commissioner Hoff, seconded by Commissioner DeWeese:
To appoint Daniel Isaksen as an alternate member, to the Multi-Modal Transportation Board to serve a three-year term to expire October 27, 2019.

VOTE: Yeas, 6
 Nays, None

Absent, 1 (Nickita)

The City Clerk administered the oath of office to Mr. Isaksen.

IV. CONSENT AGENDA

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05-119-17 APPROVAL OF CONSENT AGENDA

The following items were removed from the Consent Agenda:

- Commissioner Bordman – Item I (Resignations from Museum Board)
- Commissioner Hoff – Item B (Approval of Commission Minutes, April 24, 2017)

MOTION: Motion by Commissioner Sherman, seconded by Commissioner Boutros:
To approve the Consent Agenda, with items B and I removed.

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

- A. Approval of City Commission minutes of April 22, 2017.
- C. Approval of warrant list, including Automated Clearing House payments of April 26, 2017 in the amount of \$419,107.15.
- D. Approval of warrant list, including Automated Clearing House payments of May 3, 2017 in the amount of \$414,407.27.
- E. Resolution approving the street light agreement between the City of Birmingham and DTE Energy regarding the installation of street lights at 369 N. Old Woodward Ave. Further, directing the Mayor to sign the agreement on behalf of the City. All costs relative to this agreement will be charged to the adjacent owner.
- F. Resolution awarding the 2017 Local Streets Paving Program, Contract #1-17(P) to DiPonio Contracting, Inc., of Shelby Twp., MI, in the amount of \$1,195,989.00, to be charged to the various accounts as detailed in the report; and further approving the appropriations and budget amendments as follows:

Local Street Fund

Revenues:

Draw from Fund Balance	#203-000.000-400.0000	\$49,540
Total Revenue Adjustments		\$49,540

Expenditures:

Public Improvements	#203-449.001-981.0100	\$49,540
Total Expenditure Adjustments		\$49,540

AND

Resolution setting Monday, June 12, 2017 at 7:30 PM for a Public Hearing to consider declaring necessity for the installation of water laterals within the 2017 Local Street Paving Program area, and further setting Monday, June 26, 2017, at 7:30 P.M. for a

- Public Hearing to consider confirming the roll for the installation of water laterals within the 2017 Local Street Paving Program area.
- G. Resolution requesting reimbursement for the maximum allotment of \$2,648.39 for eligible mosquito control activity under the Oakland County's West Nile Virus Fund Program. (complete resolution in agenda packet)
 - H. Resolution approving the Amended and Restated Tree Care and Removal Agreement with J. H. Hart Urban Forestry, for a second year renewal (July 1, 2017 – June 30, 2018) upon thirty (30) days written notice in the amount set forth in the price schedule, with all other terms and conditions remaining the same. Funds are available in each of the following accounts for these services: Major Street Fund – Street Trees – Tree Trimming Contract account #202-449.005-819.0000; Local Street Fund – Street Trees – Tree Trimming Contract account #203-449.005-819.0000; Parks – Tree Trimming Contract account #101-751.000-819.0000; and Property Maintenance –Tree Trimming Contract account #101-441.003-819.0000.
 - J. Resolution approving an amended 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.
 - K. Resolution setting Monday, June 12, 2017 at 7:30 PM for a Public Hearing to consider the Final Site Plan and Special Land Use Permit for 160 W. Maple - Dick O Dow's, to allow the renovation of an existing restaurant. (complete resolution in agenda packet)
 - L. Resolution approving the purchase of a 2017 Ford Fusion SE from Gorno Ford through the State of Michigan extendable purchasing contract #071B1300005 in the amount of \$21,593.00 from account #641-441.006.971.0100.
 - M. Resolution approving the purchase of one (1) 2018 Freightliner 108 chassis from Wolverine Freightliner through the Rochester Hills Cooperative Award Agreement #RFP-RH-13-30 totaling \$87,253.00 from account #641-441.006.971.0100; further, approving the purchase and installation of snow removal up-fitting equipment from Knapheide Truck Equipment through the State of Michigan MI-Deal Cooperative Purchasing Contract #071B7700087 totaling \$95,315.00 from account #641-441.006.971.0100, for a total combined expenditure of \$182,568.00.
 - N. Resolution approving the agreement between the City of Birmingham and the Village of Beverly Hills for use of the police pistol range by Beverly Hills Department of Public Safety for \$1,500 per year; authorizing the Mayor and City Clerk to sign the contract.
 - O. Resolution approving the service agreement with Heartland Payment Systems for services described in Attachment A – Agreement as submitted in the corrected proposal of April 20, 2017 and utilizing the special interchange pricing program for credit card payment processing contingent upon Heartland Payment Systems endorsing the City as additional insured upon execution of the agreement; further directing the Mayor and City Clerk to sign the agreement on behalf of the City.

The Commission agreed to discuss the removed items at this time.

05-120-17 APPROVAL OF CITY COMMISSION MINUTES OF APRIL 24, 2017

Commissioner Hoff, noting that she arrived late, pointed out her arrival was not recorded on Page 4. City Clerk Brown explained that she recorded Commissioner Hoff's arrival time in the *Roll Call* portion of the minutes.

MOTION: Motion by Commissioner Hoff, second by Commissioner DeWeese:
To approve the City Commission minutes of April 24, 2017, as submitted.

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

05-121-17 Resignations from Museum Board

Commissioner Bordman thanked Ms. Maricak and Mr. Cristbrook for their service and expressed hope for their recovery.

MOTION: Motion by Commissioner Bordman, second by Commissioner Boutros:
To accept Ms. Maricak's and Mr. Cristbrook's resignations from the Museum Board, to thank each of them for their service, and to direct the Clerk to begin the process to fill the vacancies.

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

V. UNFINISHED BUSINESS

**05-122-17 PUBLIC HEARING – SLUP AMENDMENT AT 250 N. OLD
WOODWARD – EMAGINE PALLADIUM/FOUR STORY BURGER**

Mayor Pro Tem Harris re-opened the public hearing at 7:38 PM.

City Planner Ecker provided background information:

- In December of 2016 the petitioner changed the business name and concept to Four Story Burger. The City's Zoning Ordinance requires approval from the City Commission for a name change.
- During the liquor license renewal hearings the City Commission set a public hearing for April 13, 2017 to consider terminating the Special Land Use Permit (SLUP).
- The petitioner submitted a complete application to the Planning Department seeking a SLUP amendment for the name change. There is no change in ownership.
- The Planning Board, on March 22, 2017, recommended approval of the SLUP amendment.
- No exterior signage is proposed at this time. The building owner would pursue any exterior changes separately.
- On April 13, 2017, the City Commission opened the public hearing for the Special Land Use Permit Amendment and Final Site Plan Review for 250 N. Old Woodward, and continued the public hearing to May 8, 2017 to allow the managing partners to attend.
- Mr. Goldstein is present tonight.

Commissioner Sherman:

- noted the Commission requested both primary owners to attend and, if they could not, to notify the City so the public hearing could be rescheduled;
- expressed concern that the applicants have not met the Commission's expectations, which have been made explicitly clear; and
- reminded the applicants that a SLUP is given and taken at the Commission's discretion.

City Manager Valentine:

- confirmed the applicant notified the City that only one of the two main managing partners would be able to attend. The public hearing had been set, and therefore any action would appropriately be made at the public hearing; and
- confirmed the Commission requested both applicants be present for the public hearing.

Commissioner Hoff, noting both Mr. Goldstein and Mr. Glantz were requested to attend the public hearing, said she was in favor of postponing further discussion until both were in attendance.

Commissioner Boutros expressed a preference to move forward with Mr. Goldstein present, but agreed the Commission requested both owners attend the public hearing.

Commissioner Bordman commented:

- the applicants have not given the kind of care toward city ordinances they should have given;
- she believes the breakdown has occurred due to the unfortunate impression given by the applicants that the City Commission does not deserve the respect it should receive; and
- she favors postponement of the public hearing until both Mr. Goldstein and Mr. Glantz can be present.

Commissioner DeWeese recalled both owners were requested to attend the public hearing, and because they did not comply he is in favor of postponing the public hearing until Mr. Goldstein and Mr. Glantz can both attend.

Mayor Pro Tem Harris said if the applicants complied with the instruction to notify the City if one of the owners could not attend, he was inclined to move forward.

Patrick Howe, attorney representing CH Birmingham, LLC, stated:

- He notified the City last Monday morning that Mr. Glantz could not attend;
- Mr. Glantz is not involved in the food and beverage operation or in the SLUP. Mr. Goldstein is the managing partner in charge of the SLUP change;
- Mr. Glantz and Mr. Goldstein were notified of the date. Last Monday morning Mr. Howe was made aware that Mr. Glantz could not attend, and the City Manager was subsequently notified; and
- Mr. Glantz is on a family vacation that was planned six months ago.

Mr. Goldstein:

- explained he does not have Mr. Glantz's calendar, and therefore cannot specify a date when both can attend; and
- confirmed he is available on June 26, 2017.

MOTION: Motion by Bordman, seconded by Sherman

To postpone the public hearing on the Special Land Use Permit Amendment and Final Site Plan Review for 250 N. Old Woodward, Emagine Palladium Theatre and Ironwood Grill restaurant to allow the establishment to change their name to Emagine Palladium Theatre and Four Story Burger until to June 26, 2017 to allow the parties ample time to arrange their schedules so that both Mr. Goldstein and Mr. Glantz may be present at the public hearing.

VOTE: Yeas, 4
Nays, 2 (Boutros Harris)
Absent, 1 (Nickita)

**05-123-17 PUBLIC HEARING – SLUP TERMINATION AT 250 N. WOODWARD
– EMAGINE PALLADIUM/IRONWOOD GRILL**

Mayor Pro Tem Harris re-opened the public hearing at 8:02 PM.

Mr. Howe respectfully requested the applicants be allowed to continue the operation at 250 N. Woodward and indicated a desire to resolve the issue.

MOTION: Motion by Hoff, seconded by Bordman:

To postpone until June 26, 2017 the public hearing on termination of the Special Land Use Permit at 250 N. Old Woodward, Emagine Palladium Theatre and Ironwood Grill restaurant for failure to comply with the terms of the SLUP.

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

VI. NEW BUSINESS

**05-124-17 STREET PAVING POLICY (SPECIAL ASSESSMENTS) PROJECT
LIMITS**

City Engineer O'Meara explained:

- The City of Birmingham historically has asked residents on unimproved streets who wish to have an engineered, permanent pavement installed to petition the City, thereby indicating that a majority of the owners are in favor of the project, and in favor of creating a special assessment district. For many years, the City Commission has encouraged that such projects be sized in a manner that makes sense from an efficiency standpoint. Projects should typically not be started or stopped at odd locations (such as mid-block) to help create a majority in favor, if such a project would not be in the best interest of the City or the impacted owners, both within and adjacent to the proposed district.
- A request from residents on Lakeview Ave. led to an evaluation of whether engineering problems would arise from building shorter sections, rather than the entire length of a road in one project. There are certain costs of contracting regardless of the size of project, such as mobilization, bonding, and insurance. If two sections of a road are paved at different times these costs have to be paid twice, by smaller groups of homeowners. Also noise and dirt impacts in the neighborhood will be greater, and construction traffic on an existing chip seal pavement, which is not being replaced, may be damaged in the process.
- City Engineer O'Meara stated if a change in policy is considered, the following criteria are recommended for Lakeview Ave. and similar projects going forward:
 - The majority of the property owners of the section to be impacted shall be in favor of the project, as indicated by a written petition. Similarly, it should be clear through the petitioning process that there is not a majority in favor for the section not being included.

- The downsized project shall not create drainage problems on the street or adjacent right-of-way, particularly in the areas surrounding the ends of the project. Further, a reasonable storm sewer outlet for the project area shall be available.
- If an intersection is within the project area, and it is unimproved, it should be included in the project scope, unless there are clear engineering reasons to the contrary.
- As always, water main and City sewer improvements shall be included in the job, if needed.
- Each driveway approach within the project area shall be replaced with new concrete.
- The new pavement shall comply with the City's standard street width requirements.

Commissioner Bordman:

- received clarification that the current process has been in place since at least 2009;
- commented the current practice seeks to avoid a hodgepodge of improved/non-improved roads;
- stated dividing a small street to be improved at separate times costs more to the City's taxpayers; and
- said she is inclined to leave the City's practice as is.

Commissioner DeWeese felt the proposed policy is a good representation of the current process, except for the word "downsized" in the second bullet point. He was not in favor of changing the policy, but would like the current guidelines clarified.

Mayor Pro Tem Harris appreciated civil discourse on the issue but was not in favor of amending the current policy. He suggested including the issue in the master plan would be appropriate for exploring alternate measures for addressing the street improvements.

Commissioner Sherman:

- noted every capital asset has a lifespan, which drives the current policy because eventually a street reaches a condition that encourages buy-in from the majority of the residents on the street;
- explained the current street is basically a slurry coated gravel road, and the cape seal maintenance approach creates a crown on the road; and
- indicated the City has a sufficient number of streets with the requisite majority to allow improvements to move forward on other streets.

Commissioner Hoff, citing the City's past consistency in requiring an entire street to be improved, stated her preference that the commission take no action.

Commissioner Boutros:

- clarified the issue before the Commission is not a specific street, but a policy change;
- supported improvements as a public safety issue and encouraged residents to keep working toward what is best for them; and
- did not support changing the policy.

City Manager Valentine clarified a successful petition would change the designation of the road from an unimproved road to an improved road, meaning it would no longer be a glorified asphalt street and would have curb and gutter.

Kay Lurie confirmed a majority of residents on Lakeview are opposed to a paved street with curbs and requested the City not change the policy.

James Gorman expressed opposition to the policy change and urged the Commission to consider more thoroughly what constitutes a section if a policy change is made.

Rodney Lockwood voiced opposition to improvements of Lakeview Ave. He said blocks should be considered a distance between major intersections.

Don Schiemann spoke about a historical situation regarding a bridge on Baldwin and opposed a change in policy.

Rob Lavoie stated he is a practicing civil engineer and understands the concerns raised about the policy. He questioned how long Lakeview's paving will last, asked how to get the road paved, explained there are drainage issues, and asked if there is a clearly defined policy in place.

Christine Carlson believes the residents need an objective third party to decide if the street can be fixed with cape seal or needs to be improved

Christina McKenna urged the Commission to adopt the policy change, stating the system relies disproportionately on citizen initiative. She suggested the City rethink the system, provide the upgrade and protect the infrastructure.

Derek and Vivian Isrow expressed concerns about the sewer and why it is the homeowner's responsibility if it fails.

Marjorie Duncan does not believe the quality of the street matches the quality of homes on it and noted curb appeal begins at the street.

Orlando Juarez explained there are different topographies at the two ends of the street and that the street is far from passable. He stated the infrastructure below the road, sewer and water mains, needs to be upgraded. Mr. Juarez urged the Commission to clarify "meaningful section" and come up with a policy.

Chris Walton supported the policy change primarily because he supports improving Lakeview Ave.

The Commission took no action.

05-125-17 ON STREET ACCESSIBLE PARKING POLICY

City Planner Ecker provided information on the development of the proposed policy:

- In 2016, the City installed over 60 on-street designated accessible parking spaces to comply with new regulations under the Americans with Disabilities Act (ADA). The guidelines require cities to provide reserved, marked accessible parking spaces, in all municipal lots and on any public street that has individually marked spaces.
- Staff was asked to explore creating an accessible parking installation policy for areas with unmarked on-street parking. On March 2, 2017, the Multi-Modal

Transportation Board discussed the issue of establishing a policy for on street accessible parking in areas outside of the Parking Assessment District.

- On April 13, 2017, the MMTB again discussed the on street accessible parking policy, and voted unanimously to recommend an application process be established to review and evaluate requests for additional on-street accessible parking spaces. The installation of a space is estimated to cost the City a minimum of \$245.99 per space.
- After much discussion, the Multi-Modal Transportation Board voted not to pass the cost for an on street accessible parking space on to the applicant. The MMTB recommended approval of the proposed on-street accessible parking policy, with no application fee.

Commissioner Bordman felt the discussion is premature and should be included as part of the master plan process.

Commissioner DeWeese agreed the discussion is premature and believes an integrated approach through the master plan is needed.

Commissioner Hoff expressed concern with instituting policies based on minimal requests and felt there is not enough demand to change the existing policy.

Commissioner Sherman received clarification that a street accessible parking space would need to be renewed every two years.

Mayor Pro Tem Harris received confirmation that a space could be for commercial or residential use. Mayor Pro Tem Harris was open to exploring the issue during the master plan process but not now.

The Commission took no action.

05-126-17 DEFINITION OF RETAIL IN THE REDLINE RETAIL DISTRICT

City Planner Ecker provided introductory comments:

- The City Manager has directed staff to consider measures to provide temporary relief to halt the addition of non-retail uses into storefronts in Downtown Birmingham located within the Redline Retail District, while the Planning Board continues to study this issue.
- Over the past decade, there has been an ongoing desire by some City Boards and Commissions to review the current definition of retail to ensure that we are encouraging true retail downtown, and not allowing office and other service uses to dominate. The issue is specifically relevant in the Downtown Overlay, where retail use is required in the first 20' of depth for all buildings in the Redline Retail District.
- Article 9, section 9.02 of the Zoning Ordinance provides the following retail related definitions:

Retail Use: Any of the following uses: artisan, community, commercial, entertainment (including all establishments operating with a liquor license

obtained under Chapter 10, Alcoholic Liquors, Article II, Division 3, Licenses for Economic Development), bistro or restaurant uses.

Artisan Use: Any premises used principally for the repair, manufacture, and sale of domestic furniture, arts, and crafts. The work must take place entirely within an enclosed building using only hand-held and/or table-mounted manual and electric tools.

Community Use: Premises used principally for education, worship, cultural performances, and gatherings administered by nonprofit cultural, educational, and religious organizations; premises used principally for local, state, and federal government, administration, provision of public services, education, cultural performances, and gatherings.

Commercial Use: Premises used generally in connection with the purchase, sale, barter, display, or exchange of goods, wares, merchandise, or personal services.

Office: A building or portion of a building wherein services are performed, including professional, financial (including banks), clerical, sales, administrative, or medical services.

- As defined in Article 9, retail uses include the direct sale of products from the premises, but also include restaurants, entertainment and the purchase, sale or exchange of personal services (given the inclusion of personal services in the definition of commercial uses, which are included as retail uses). No definition for personal services is provided. Personal financial services, beauty services, banking services, real estate services, advertising services and other similar uses have been permitted within the Redline Retail District under the umbrella of personal services, provided that there is a display area for the sale or exchange of such goods and services in the first 20' of the storefront, and the storefront is open to the public during regular business hours. Concern has been raised that this small display area 20' in depth is not sufficient to create an activated, pedestrian-friendly retail district.
- The current definitions for retail and commercial have thus permitted some uses that are not universally considered "true retail" as there are no physical goods for sale. In the past, both the Planning Board and the Birmingham Shopping District Board have expressed concern with
- the existing retail definition, and have considered alternative definitions to tighten the definition of retail to include only shops which sell products, not financial, real estate or other such personal services. On the other hand, many property owners in the past have expressed concerns about tightening up the definitions as they desire the flexibility to lease space to a wider range of users to avoid vacancies.
- At the joint meeting with the City Commission on June 20, 2016, both the City Commission and the Planning Board members agreed that the existing definition of retail, and the related definitions in the Zoning Ordinance should be discussed in further detail.

- Accordingly, the City Commission may wish to consider providing temporary relief to halt the addition of non-retail uses into storefronts in Downtown while the Planning Board continues to study this issue. A simple option discussed by the Planning Board is to strengthen the retail definition by requiring the sale or exchange of goods and eliminating the categories of community and commercial use (which permits personal service uses). This could also be accomplished by leaving the definitions of retail and commercial uses as is pending further study, and simply excluding community and personal service uses from the Redline Retail District only in the Downtown Birmingham Overlay District. This would ensure that all establishments offering only personal services would not be permitted in the first floor redline retail areas. This would also remove community uses from the Redline Retail District as these may not provide the type of active retail uses envisioned. Community uses include schools, religious institutions, government offices or cultural performance establishments. Schools, religious institutions and government offices often have limited hours, cater to limited groups of people, and do not offer the purchase, sale, barter, display or exchange of goods, wares or merchandise preferred in a dedicated retail district. Cultural performances however could also fall under the category of entertainment, which could remain under the definition of retail even if community uses were removed.
- With this option, beauty salons and similar establishments that offer personal beauty services would not be permitted in the Redline Retail District unless they sell or display an extensive offering of beauty products as well in the first 20' of their storefront space.

City Planner Ecker, in response to questions from the Commission, explained:

- The only time you would see office use on the first floor in the downtown retail district is if the business claims to offer "personal services", which is listed in the Ordinance under the heading of "Commercial Use", but is not defined.
- The proposed amendment would remove personal services and community uses from the retail definition in the Redline Retail District.
- Community and commercial uses are included in the "Retail" definition in the District. Commercial use includes personal services. Offices are not allowed in the District, unless they try to identify themselves as personal services.

Commissioner Bordman commented:

- the "creep" of business into the District has to stop because the District needs to be animated;
- she is not in favor of reducing the size of the District;
- the proposal is not quite ready to be adopted; and
- a year is too long to wait for the Planning Board to come up with solution.

Commissioner DeWeese believed the proposal as presented is an attempt at a quick fix without exploring all the implications and could have unintended consequences. He was in favor of the Planning Board accelerating their process of addressing the issue, but he was not supportive of the proposed motion.

City Manager Valentine explained the proposal is intended to address, in the short-term, concern with the transition of the District to business until a long-term solution is provided.

Commissioner Hoff suggested temporarily prohibiting an office as opposed to personal service.

Commissioner Sherman agreed the proposal is not the perfect resolution but gives the City time to deal with the issue. He encouraged adoption of the proposal under these circumstances as being in the long-term interest of the District.

Commissioner Boutros commented:

- the Commission is being asked to amend the downtown Birmingham overlay standards to exclude community and personal service without a definition of either;
- he cannot support the motion as written, without a real definition of "personal service"; and
- he is supportive of moving forward with amendments to the motion.

Mayor Pro Tem Harris also agreed the suggested resolution is not clear and is not a final resolution.

Commissioner Hoff stated she would not support the motion, explaining the Commission is being asked to disallow "personal service" without there being a definition of it. She asked if empty storefronts are preferable to a business that attracts a lot of people.

Commissioner Sherman preferred the Planning Board to come back with some type of definition of "community" and "personal service".

Commissioner Boutros asked if the motion can be amended to require the uses in retail to be defined.

City Planner Ecker clarified the definition of "retail" includes "community uses" and "commercial uses".

Commissioner DeWeese said he would not support the motion, noting his concerns with disallowing community use in the redline district and with not having a clear definition of "personal service".

MOTION: Motion by Commissioner Sherman, seconded by Commissioner Bordman:
To direct the Planning Board to review and present the recommendation to amend Article 3, section 3.04(C)(6), Specific Standards, to amend the Downtown Birmingham Overlay Standards to exclude community and personal service uses as permitted in the Redline Retail District, and to forward a recommendation to the City Commission on or before July 24, 2017, with the caveat that the Planning Board provide definitions of "community" and "personal service".

VOTE: Yeas, 4
 Nays, 2 (DeWeese, Hoff)
 Absent, 1 (Nickita)

05-127-17 CLOSED SESSION – ATTORNEY/CLIENT PRIVILEGE

MOTION: Motion by Commissioner Hoff, seconded by Commissioner DeWeese:
To meet in closed session to discuss an attorney/client privileged communication in accordance with Section 8(h) of the Open Meetings Act.

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

VII. REMOVED FROM CONSENT AGENDA

The items removed were discussed earlier in the meeting.

VIII. COMMUNICATIONS

None.

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

Resident Mr. Potts commended the Birmingham Police Department for their quick response and excellent service in responding to a serious car accident in which he was involved.

X. REPORTS

05-128-17 COMMISSIONER REPORTS

The Commission will appoint members to the Historic District Study Committee, Ethics Board, Retirement Board, and Museum Board on June 12, 2017.

05-129-17 COMMISSIONER COMMENTS

Commissioner Bordman would like the qualifications for membership on City boards and committees to be evaluated to determine if they are sufficient for the job.

Commissioner DeWeese requested an explanation of the chart on page 2 of the Fitch Report.

05-130-17 CITY STAFF REPORTS

The Commission received the 3rd Quarter Budget Report, and the 3rd Quarter Investment Report, submitted by Finance Director Gerber.

Commissioner Hoff was concerned that only 32% of CDBG funds were expended in 2015/2016. Finance Director Gerber explained funds are often carried over into the next fiscal year because of the timing of projects and when the City is authorized to expend the funds.

The Commission received the Parking Structure Utilization Report, submitted by City Engineer O'Meara.

City Manager Valentine noted public perception is that there is not enough parking, but the statistics show otherwise. Commissioners asked that the information be made public, and City Manager Valentine reported new technology should be available via the City's website by the end of May that will show, in real time, the number of parking spaces available.

The Commission received a report on invisible fence signage, submitted by City Attorney Currier.

City Attorney Carrier suggested the central issue in providing protection from loose dogs is what constitutes reasonable control of an animal. He reported many communities do not consider invisible fences as a means of maintaining reasonable control of an animal.

Mayor Pro Tem Harris, who had introduced at the last Commission meeting the idea of requiring signage for invisible fences, stated he does not feel compelled to advocate for ordinance changes based on City Attorney Carrier's report. He believes enforcement is the issue.

Mayor Pro Tem Harris announced no action would be taken following the closed session.

The City Commission adjourned to closed session at 10:28 PM.

XI. ADJOURN

The regular meeting was adjourned at 12:00 AM.

J. Cherilynn Brown
City Clerk

City of Birmingham
Warrant List Dated 05/10/2017

Meeting of 05/22/2017

Check Number	Early Release	Vendor #	Vendor	Amount
249992	*	000819	44TH DISTRICT COURT	871.00
249993	*	000855	48TH DISTRICT COURT	100.00
249994	*	000855	48TH DISTRICT COURT	100.00
249995	*	000855	48TH DISTRICT COURT	100.00
249996	*	000855	48TH DISTRICT COURT	100.00
249997	*	000855	48TH DISTRICT COURT	100.00
249998	*	000855	48TH DISTRICT COURT	100.00
249999		002284	ABEL ELECTRONICS INC	109.99
250000	*	008106	ACUSHNET COMPANY	716.35
250001		007332	ADVANCED LANDSCAPE & BUILDERS	89.00
250002		007745	ALL COVERED	1,119.50
250003		007696	AMERICAN CLEANING COMPANY LLC	1,350.00
250004		000401	AMERICAN FLAG & BANNER	276.40
250006		000500	ARTECH PRINTING INC	495.00
250008		008036	BERMUDA SANDS	29.75
250009		002231	BILLINGS LAWN EQUIPMENT INC.	353.29
250010		006520	BS&A SOFTWARE, INC	2,659.00
250011	*	000444	CDW GOVERNMENT INC	4,413.50
250012		000603	CHEMCO PRODUCTS INC	442.00
250013		000605	CINTAS CORPORATION	13.64
250014	*	008044	CLUB PROPHET	590.00
250015	*	007625	COMCAST	441.33
250016		002167	CONTR. WELDING & FABRICATING INC	4,820.00
250017		002668	CONTRACTORS CLOTHING CO	156.56
250018		004386	CYNERGY PRODUCTS	127.50
250019	*	MISC	DANNA WU	393.69
250020		000177	DELWOOD SUPPLY	3.53
250023		000190	DOWNRIVER REFRIGERATION	29.32
250025	*	000179	DTE ENERGY	4,192.69
250026		007505	EAGLE LANDSCAPING & SUPPLY	203.00
250027	*	008434	JACOB ECHTINAW	150.00
250028	*	007538	EGANIX, INC.	720.00
250029		007399	EL CENTRAL HISPANIC NEWS	400.00
250030		004671	ELDER FORD	237.82
250031	*	007448	EPIC CLEANING SERVICES INC	2,500.00
250032		001495	ETNA SUPPLY	2,400.00
250033		001223	FAST SIGNS	90.00
250034	*	001489	FEDERAL PIPE & SUPPLY CO., INC	1,822.50
250035	*	000936	FEDEX	107.82
250037	*	007749	FUNTAISTIC FACES BY DIANE	225.00
250038	*	MISC	GAIL JOHNS	451.40
250039		007172	GARY KNUREK INC	275.18
250040		000592	GAYLORD BROS., INC	1,040.91

City of Birmingham
Warrant List Dated 05/10/2017

Meeting of 05/22/2017

Check Number	Early Release	Vendor #	Vendor	Amount
250041		004604	GORDON FOOD	95.99
250042		000243	GRAINGER	9.52
250043		000249	GUARDIAN ALARM	224.03
250044		007342	H2A ARCHITECTS, INC.	3,022.00
250046		001672	HAYES GRINDING	30.50
250047		007466	HOME BUILDERS ASSOC. OF SE MI	600.00
250048		001415	HORNUNG'S PRO GOLF SALES INC	300.70
250050		000331	HUBBELL ROTH & CLARK INC	1,621.08
250051	*	003824	THOMAS I. HUGHES	48.50
250052		000948	HYDROCORP	1,315.00
250053		004837	IDEACORE, LLC	75.00
250055	*	008441	INTERNATIONAL CODE COUNCIL, INC	13,903.00
250056		006695	J. P. COOKE COMPANY	83.00
250057		000261	J.H. HART URBAN FORESTRY	9,104.37
250058		000186	JACK DOHENY COMPANIES INC	32.27
250059		003823	JAY'S SEPTIC TANK SERVICE	655.00
250060		003458	JOE'S AUTO PARTS, INC.	87.60
250061	*	007827	HAILEY R KASPER	108.00
250062		000891	KELLER THOMA	371.25
250063		004085	KONE INC	26,125.40
250064		007985	L.E.O.R.T.C.	65.00
250065	*	002466	MIKE LABRIOLA	92.23
250066		005550	LEE & ASSOCIATES CO., INC.	733.24
250067		008362	LIFEAID	85.92
250068		004498	LIFELOC TECHNOLOGIES, INC.	490.00
250069		001417	MAJIK GRAPHICS INC	175.00
250070		008172	MANPOWER	629.00
250071		000369	MCMI	583.00
250072	*	MISC	MEDICARE PLUS BLUE INSURANCE	440.89
250074		005848	MICHIGAN ECONOMIC DEVELOPERS	325.00
250076		007755	NETWORK SERVICES COMPANY	2,310.91
250079		001864	NOWAK & FRAUS ENGINEERS	10,241.00
250080		006359	NYE UNIFORM COMPANY	164.00
250082		004370	OCCUPATIONAL HEALTH CENTERS	931.50
250085	*	001753	PEPSI COLA	312.48
250087		007463	PUBLIC RUBBER & SUPPLY CO., INC.	246.32
250088		000286	RESIDEX LLC	226.22
250089		002566	REYNOLDS WATER	37.60
250090		006497	RNA FACILITIES MANAGEMENT	4,420.00
250091		000478	ROAD COMM FOR OAKLAND CO	11,483.36
250092		000218	ROYAL OAK P.D.Q. LLC	795.18
250093		002456	SALES MARKETING GROUP INC	606.08
250094		005380	SALZBURG LANDSCAPE SUPPLY	2,495.00

City of Birmingham
Warrant List Dated 05/10/2017

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Check Number	Early Release	Vendor #	Vendor	Amount
250095		000759	SEAHOLM HIGH SCHOOL	14.70
250098		000260	SPARTAN DISTRIBUTORS INC	176.46
250099		006783	STATE OF MICHIGAN	60.00
250100		005364	STATE OF MICHIGAN-MDOT	607.37
250101		005375	STEPPIN OUT	538.36
250102		001065	SUNSHINE MEDICAL SUPPLY, INC.	68.00
250103		MISC	T-MOBILE CENTRAL LLC	200.00
250104		000273	TERMINAL SUPPLY CO.	216.45
250106		007706	UTEC	282.06
250107		007226	VALLEY CITY LINEN	42.35
250108		000293	VAN DYKE GAS CO.	290.84
250109		008411	VARIPRO	796.00
250110	*	000158	VERIZON WIRELESS	919.87
250111	*	000158	VERIZON WIRELESS	876.35
250112	*	000158	VERIZON WIRELESS	50.42
250113	*	000158	VERIZON WIRELESS	76.02
250114	*	000158	VERIZON WIRELESS	201.28
250115		MISC	WALLSIDE INC	100.00
250116		007278	WHITLOCK BUSINESS SYSTEMS, INC.	1,575.54
250118	*	007355	LINDSAY WILLEN	1,116.00
250120		000306	WOLVERINE CONTRACTORS INC	821.50
250122		007083	XEROX CORPORATION	1,538.36
250123	*	008438	JORDAN ZALE	337.57
Sub Total Checks:				\$141,523.31
Sub Total ACH:				\$90,309.47
Grand Total:				\$231,832.78

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.

5/22/2017

City of Birmingham
5/10/2017

Vendor Name	Transfer Date	Transfer Amount
Automated Benefit Services, Inc.	5/9/2017	90,309.47
TOTAL		90,309.47

City of Birmingham
Warrant List Dated 05/17/2017

Meeting of 05/22/2017

Check Number	Early Release	Vendor #	Vendor	Amount
250125		005430	21ST CENTURY MEDIA- MICHIGAN	745.00
250126	*	000855	48TH DISTRICT COURT	100.00
250127	*	000855	48TH DISTRICT COURT	100.00
250128	*	000855	48TH DISTRICT COURT	101.00
250129	*	000855	48TH DISTRICT COURT	100.00
250130	*	008442	JOHN WINSLOW	300.00
250131		002284	ABEL ELECTRONICS INC	206.00
250134		007266	AETNA BEHAVIORAL HEALTH LLC	367.77
250135		MISC	AFFINITY BUILDING INC	50.00
250136		003708	AIRGAS USA, LLC	172.62
250137		007745	ALL COVERED	1,192.00
250138		001000	ALLIED INC	258.02
250139		006686	ALLTRONICS SYSTEMS LTD	1,025.00
250140		000167	ANDERSON ECKSTEIN WESTRICK INC	4,200.00
250141		007033	APPLIED IMAGING	143.46
250142	*	007437	CHERYL ARFT	87.90
250143		MISC	ARTINIAN, MARK	100.00
250144	*	006759	AT&T	187.20
250145	*	006759	AT&T	974.86
250146	*	006759	AT&T	111.11
250147	*	006759	AT&T	41.20
250148	*	006759	AT&T	20.21
250149	*	006759	AT&T	119.44
250150	*	006759	AT&T	202.34
250151	*	006759	AT&T	110.05
250152	*	004027	AUTOMATED BENEFIT SVCS INC	11,393.30
250153		MISC	B-DRY SYSTEM OF MICHIGAN INC	100.00
250154		MISC	BABI CONSTRUCTION	900.00
250155		MISC	BABI CONSTRUCTION INC	2,500.00
250156		MISC	BAC HOME LOANS SVC.	25.00
250160		001122	BOB BARKER CO INC	881.10
250161		MISC	BARRIO, LUIS	100.00
250162	*	000517	BEIER HOWLETT P.C.	29,094.25
250164		000518	BELL EQUIPMENT COMPANY	358.64
250165		MISC	BELLA DECKS LLC	100.00
250166		003692	BEST TECHNOLOGY SYS INC	5,780.00
250167		007345	BEVERLY HILLS ACE	31.46
250168		002231	BILLINGS LAWN EQUIPMENT INC.	440.00
250169	*	001441	BIRMINGHAM CONCERT BAND	350.00
250171		MISC	BIRMINGHAM RIVERSIDE LLC	100.00
250172	*	001086	CITY OF BIRMINGHAM	232.65
250173	*	001086	CITY OF BIRMINGHAM	844.75
250175		000542	BLUE WATER INDUSTRIAL	21.00

City of Birmingham
Warrant List Dated 05/17/2017

Meeting of 05/22/2017

Check Number	Early Release	Vendor #	Vendor	Amount
250177		MISC	BURCH III, JOHN W	700.00
250178	*	005289	BUSINESS CARD	25.00
250179		MISC	CAMPBELL, ANASTACIA M	2,500.00
250180		004125	CANNON EQUIPMENT	172,969.00
250181		MISC	CAPALDI BUILDING CO	200.00
250182		MISC	CARLYSLE & LLOYD INC	300.00
250183		MISC	CARNOVALE CONSTRUCTION INC	600.00
250184		000595	CARRIER & GABLE INC	109.72
250185	*	000444	CDW GOVERNMENT INC	198.46
250189		MISC	CERTIFIED HOME IMPROVEMENT LLC	100.00
250190		MISC	CHRISTY II, PAUL J	100.00
250191	*	007835	SARAH CHUNG	9.00
250192		007710	CINTAS CORP	203.40
250193		000605	CINTAS CORPORATION	220.13
250195		MISC	CITI ROOFING CO	100.00
250196		001054	CITY OF TROY	6,933.29
250197		MISC	CLASSIC BUILDING CO	200.00
250198	*	004026	COFINITY	1,314.00
250199		MISC	COLEMAN, RONITA S	100.00
250200	*	000619	THE COMMUNITY HOUSE	1,685.28
250201		002668	CONTRACTORS CLOTHING CO	120.23
250202		001367	CONTRACTORS CONNECTION INC	199.44
250203		MISC	CORRADO CONTRACTING, LLC	100.00
250204		MISC	CRANBROOK CONTRACTUAL SERVICES	100.00
250205		004386	CYNERGY PRODUCTS	431.80
250206		MISC	D & T HOME IMPROVEMENT, LLC	100.00
250208		MISC	DE BUCK CONSTRUCTION CO	500.00
250209		008005	DE LAGE LANDEN FINANCIAL SVCS INC	173.75
250210		000956	DELTA TEMP INC	122.00
250211		000177	DELWOOD SUPPLY	168.03
250213	*	006907	DENTEMAX, LLC	138.60
250214		005115	DETROIT NEWSPAPER PARTNERSHIP	3,043.40
250215		MISC	DFCU FINANCIAL CREDIT UNION	6,000.00
250216		MISC	DJL2 LLC	2,500.00
250217		MISC	DM HOMES OF METRO DETROIT LLC	900.00
250218		000565	DORNBOS SIGN & SAFETY INC	582.34
250219	*	000179	DTE ENERGY	889.62
250220	*	000180	DTE ENERGY	46,667.37
250221		001077	DUNCAN PARKING TECH INC	1,692.97
250222		007505	EAGLE LANDSCAPING & SUPPLY	203.00
250224		MISC	EGRESS SOLUTIONS INC	100.00
250225		004671	ELDER FORD	666.74
250226		008308	ERADICO PEST SERVICES	27.00

City of Birmingham
Warrant List Dated 05/17/2017

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Check Number	Early Release	Vendor #	Vendor	Amount
250227		MISC	EXACT CONSTRUCTION CO.	100.00
250228		000207	EZELL SUPPLY CORPORATION	245.36
250229		001223	FAST SIGNS	604.80
250230		MISC	FIBER TECHNOLOGIES NETWORKS, LLC	1,380.00
250231		008447	AARON FILIPSKI	1,500.00
250232		MISC	FLOYD STREET LLC	10,000.00
250233		000217	FOUR SEASON RADIATOR SERVICE INC	274.00
250234		MISC	FRED LAVERY COMPANY	1,000.00
250236		MISC	G & J INC	200.00
250237		MISC	GARVELINK, DAVID J	100.00
250238		MISC	GATES, PATRICK E	100.00
250239		MISC	GEORGE QUARTERS LLC	200.00
250240		MISC	GGA SERVICES LLC	900.00
250242		MISC	GOMEZ, XICO	100.00
250243		004604	GORDON FOOD	68.74
250244	*	005103	GORNO FORD, INC.	57,886.00
250245		MISC	GRACE CONSTRUCTION COMPANY	200.00
250246		000243	GRAINGER	98.28
250247		007347	GREAT LAKES AWARDS, LLC	43.75
250248		MISC	GREAT LAKES CUSTOM BUILDER LLC	2,000.00
250249		MISC	GREAT LAKES CUSTOM BUILDERS	1,000.00
250250		MISC	GREAT LAKES ROOFING, INC	2,400.00
250251		003870	GREAT LAKES TURF, LLC	1,181.67
250254		001531	GUNNERS METER & PARTS INC	1,172.00
250255		001447	HALT FIRE INC	57.59
250256		MISC	HANSONS WINDOW AND CONSTRUCTION INC	500.00
250257		MISC	HARTFORD ROOFING & WARRANTY CO LLC	200.00
250258		001672	HAYES GRINDING	40.50
250259		MISC	HINDO, RITA M	100.00
250260		MISC	HM HOMES LLC	2,000.00
250262		MISC	HOLSBEKE CONSTRUCTION, INC.	100.00
250263		MISC	HOME DEPOT AT-HOME SERVICES	100.00
250264		MISC	HOME RENEWAL SYSTEMS LLC	600.00
250265		MISC	HOMES WITH DISTINCTION, LLC	500.00
250266	*	003824	THOMAS I. HUGHES	103.38
250267		MISC	HUNT SIGN COMPANY	200.00
250268		000340	INDUSTRIAL BROOM SERVICE, LLC	897.25
250269		008433	INFO TECH INC	1,200.00
250271		000342	INTERSTATE BATTERY SYSTEM	19.95
250272		001934	ISA	214.00
250273		MISC	ITEC ENTERPRISES LLC	100.00
250274		000261	J.H. HART URBAN FORESTRY	7,655.66
250275		000344	J.T. EXPRESS, LTD.	3,485.26

City of Birmingham
Warrant List Dated 05/17/2017

Meeting of 05/22/2017

Check Number	Early Release	Vendor #	Vendor	Amount
250276		MISC	JACOB GRIFFIN	1,000.00
250277		MISC	JAMES PATRICK FINN	100.00
250278		MISC	JARVIS YOSTOS CONSTRUCTION	750.00
250279		003458	JOE'S AUTO PARTS, INC.	662.32
250280		MISC	JONNA LUXURY HOMES	200.00
250281		MISC	JULIE A BOLHUIS	200.00
250282	*	007837	LARYSSA R KAPITANEC	522.00
250283		MISC	KARANA REAL ESTATE LLC	1,000.00
250284		004088	KGM DISTRIBUTORS INC	187.00
250285		MISC	KIEF, JASON	100.00
250286		MISC	KIESGEN, GREGORY	200.00
250287		005350	KLM BIKE & FITNESS INC	116.21
250288	*	000352	JILL KOLAITIS	1,286.00
250289		MISC	KRH INC	550.00
250290		005876	KROPF MECHANICAL SERVICE COMPANY	267.50
250291		MISC	LARS DAVID INC	100.00
250294	*	007977	KAREN LINGENFELTER	270.00
250295		MISC	LIVE WELL CUSTOM HOMES LLC	900.00
250296		MISC	LMB PROPERTIES LLC	5,000.00
250297		007865	LOGICAL SOLUTIONS ENTERPRISE INC	599.00
250298		008158	LOGICALIS INC	10,000.00
250300	*	003945	SANDRA LYONS	378.00
250301		MISC	MAC'S CONSTRUCTION	200.00
250302		MISC	MACOMB MECHANICAL INC	1,000.00
250303		MISC	MAJIC WINDOW CO.	100.00
250304		008172	MANPOWER	85.00
250305		MISC	MARANGON BUILDERS LLC	100.00
250306		MISC	MERIDIAN CONSTRUCTION	500.00
250307		MISC	MICHAEL SAVINO CONCRETE	300.00
250308		MISC	MICHIGAN BEST DECK BUILDERS	200.00
250309		000377	MICHIGAN MUNICIPAL LEAGUE	6,587.70
250310	*	001387	MICHIGAN MUNICIPAL LEAGUE	1,110.95
250311		MISC	MICHIGAN SOLAR SOLUTIONS	200.00
250312		007819	MICHIGAN STATE UNIVERSITY	900.00
250313	*	008446	MICHIGAN TOURNAMENT FLEET	650.00
250317		000230	MIKE SAVOIE CHEVROLET INC	466.73
250319		MISC	MILFORD SALVAGE IRON & METAL	2,500.00
250320	*	008350	VERONICA MILLER	110.00
250321		MISC	MILLS SIDING & ROOFING	100.00
250322		007163	MOBILE HEALTH RESOURCES	1,428.69
250323		MISC	MODERN METHOD CONSTRUCTION INC	12,000.00
250324		MISC	MORAD, JOHN J	100.00
250325		MISC	MORGAN HELLER ASSOCIATES INC	300.00

City of Birmingham
Warrant List Dated 05/17/2017

Meeting of 05/22/2017

Check Number	Early Release	Vendor #	Vendor	Amount
250326		MISC	MORGAN-HELLER ASSOCIATES INC.	200.00
250327		MISC	MOTOR CITY LANDSCAPING	100.00
250329		MISC	MURRAY BUILT CONSTRUCTION	100.00
250330		008437	NAGY DEVLIN LAND DESIGN	1,020.00
250331		001194	NELSON BROTHERS SEWER	180.00
250332		MISC	NICHOLAS FREUND BUILDING LLC	10,900.00
250333		001864	NOWAK & FRAUS ENGINEERS	68,287.50
250334		MISC	NU PIPE LLC	700.00
250335		006359	NYE UNIFORM COMPANY	129.50
250336	*	004755	OAKLAND CO FISCAL SVCS.41W	8,611.63
250337		004110	OAKLAND COMMUNITY COLLEGE	350.00
250338	*	000477	OAKLAND COUNTY	392,675.77
250339		001450	OAKLAND COUNTY PKS & REC COMM.	511.00
250340		004370	OCCUPATIONAL HEALTH CENTERS	885.50
250344	*	002767	OSCAR W. LARSON CO.	250.00
250346		006625	PACIFIC TELEMAGEMENT SERVICES	78.00
250347		MISC	PATRICK O'CONNOR	950.00
250348		MISC	PELLA WINDOWS AND DOORS	500.00
250350		MISC	PERSPECTIVES CUSTOM CABINETRY INC	100.00
250351		MISC	PETERSON WIAND BOES & CO	3,300.00
250352		MISC	PETERSON, WIAND, BOES & COMPANY	5,000.00
250353		MISC	PMS DIVERSIFIED CONSTRUCTION SERVIC	200.00
250354		MISC	PREMIER RESTORATION INC	1,900.00
250355		MISC	PRM CUSTOM BUILDERS LLC	4,000.00
250356		MISC	PRO-MO LANDSCAPING	100.00
250357		006697	PROGRESSIVE IRRIGATION, INC	3,930.36
250357	*	006697	PROGRESSIVE IRRIGATION, INC	1,338.01
250358		MISC	PYTIK, LAURA A	200.00
250359		MISC	R YOUNGBLOOD & CO	100.00
250360		003447	RAFT	505.00
250362		MISC	RICH HUTTON CONSTRUCTION COMPANY	200.00
250363		MISC	RICHARD KASTLER	500.00
250364		MISC	RICHARD STRAUSS	100.00
250365	*	003554	RKA PETROLEUM	9,318.20
250367		MISC	ROBINSON JR, ROBERT E	1,000.00
250368	*	008055	ROCK OUT ENTERTAINMENT	750.00
250369		MISC	ROOF-ONE LLC	200.00
250370		MISC	ROOF-RITE, INC.	100.00
250371		001181	ROSE PEST SOLUTIONS	167.00
250372	*	007920	MAYA ROSEN	117.00
250373		MISC	RS PROJECT MANAGEMENT LLC	500.00
250374	*	002806	SAM'S CLUB/SYNCHRONY BANK	1,925.46
250375		MISC	SCOTT, RAYMOND E	200.00

City of Birmingham
Warrant List Dated 05/17/2017

Meeting of 05/22/2017

Check Number	Early Release	Vendor #	Vendor	Amount
250377		007142	SHERWIN-WILLIAMS COMPANY	99.58
250378		MISC	SIGNATURE LANDSCAPE	100.00
250379		MISC	SIGNS-N-DESIGNS, INC	200.00
250380		MISC	SINGH CONSTRUCTION	200.00
250381		MISC	SINGLE PLY SOLUTIONS INC	500.00
250382	*	008073	SITEONE LANDSCAPE SUPPLY, INC	901.81
250383		000254	SOCRRA	69,616.00
250384	*	001097	SOCWA	124,388.26
250385		MISC	SONNY BARNETT	65.16
250387		MISC	STEVE'S CONCRETE	100.00
250388		MISC	STEVEN ALAN RAMAEKERS	300.00
250389		MISC	STONESCAPE DESIGN	200.00
250390		004355	SYMETRA LIFE INSURANCE COMPANY	28,193.84
250392		001076	TAYLOR FREEZER OF MICH INC	325.00
250393		MISC	TEMPLETON BUILDING COMPANY	300.00
250394		MISC	TF HOMES LLC	100.00
250396		MISC	THE DAILEY COMPANY	200.00
250397		MISC	THE X-TILES	300.00
250398		000941	TIME EMERGENCY EQUIPMENT	330.20
250399		000275	TIRE WHOLESALERS CO INC	48.00
250400		MISC	TOTAL CONSTRUCTION & RESTORATION LL	500.00
250401		MISC	TOWN BUILDING COMPANY	2,100.00
250402		004692	TRANSPARENT WINDOW CLEANING	5,170.00
250403		MISC	TRESNAK CONSTRUCTION INC	100.00
250404		MISC	TRI PHASE COMMERCIAL CONST LLC	500.00
250405		MISC	TRIPLE T CONSTRUCTION	100.00
250406		005331	UBS FIN SERVICES, INC	15,664.99
250407		MISC	ULTIMATE CONTRACTING CORPORATION	200.00
250411		MISC	VERIZON WIRELESS	100.00
250412	*	000158	VERIZON WIRELESS	105.12
250413	*	000158	VERIZON WIRELESS	151.63
250414		000969	VIGILANTE SECURITY INC	220.50
250415		MISC	VINTAR BUILDERS INC	100.00
250416		MISC	VR HOLDINGS & DEVELOPMENT	2,500.00
250417	*	007893	JENNA WADE	204.00
250418		MISC	WALLSIDE INC	3,500.00
250419		MISC	WECHSLER CONSTRUCTION LLC	200.00
250420		MISC	WHITTIER BUILDING COMPANY LLC	900.00
250421	*	007894	BRENDA WILLHITE	783.31
250422		MISC	WILLIAM A MILLER JR.	100.00
250423		MISC	WILLIAM M. HUCHINGS. BUILDERR	100.00
250424		MISC	WINNICK HOMES LLC	200.00
250425		003925	WIZBANG PRODUCTS CO	611.30

City of Birmingham
Warrant List Dated 05/17/2017

Meeting of 05/22/2017

Check Number	Early Release	Vendor #	Vendor	Amount
250426		002088	WM. CROOK FIRE PROTECTION CO.	5,630.33
250427		MISC	WOHLFIEL BUILDING INC	50.00
250428		004512	WOLVERINE POWER SYSTEMS	699.00
250429	*	003890	LAUREN WOOD	525.00
250432		MISC	XTIER INC	100.00
Sub Total Checks:				<u>\$1,262,179.15</u>
Sub Total ACH:				<u>\$50,593.65</u>
Grand Total:				<u><u>\$1,312,772.80</u></u>

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



Mark Gerber
Finance Director/ Treasurer

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

5/22/2017

City of Birmingham
5/17/2017

Vendor Name	Transfer Date	Transfer Amount
Automated Benefit Services, Inc.	5/15/2017	50,593.65
TOTAL		50,593.65



MEMORANDUM

Finance Department

DATE: May 12, 2017

TO: Joseph A. Valentine, City Manager

FROM: Mark Gerber, Finance Director/Treasurer

SUBJECT: Community Development Block Grant Cooperative Agreement

The City of Birmingham participates in the Oakland County Urban County Community Development Block Grant (CDBG) program. The U. S. Department of Housing and Urban Development (HUD) requires Oakland County to renew their Cooperative Agreements with participating communities every three years.

The City is a current participant in this program. As a participant, there is currently a Cooperative Agreement on file with the county and is attached to this report. The three-year agreement is automatically renewed for each three-year cycle unless an amendment is required by HUD. There are no changes to the agreement necessary at this time.

In order for the City to continue to participate in this program, the City Commission must approve a resolution stating that the City will participate in the CDBG program for program years 2018, 2019 and 2020. The required resolution language is attached and must be submitted to the county by Monday, June 12, 2017.

It is recommended that the City Commission approve the following resolution which meets HUD requirements.

SUGGESTED RESOLUTION: The City of Birmingham City Commission resolves to opt into Oakland County's Urban County Community Development Block Grant (CDBG) programs for the years 2018, 2019 and 2020. Furthermore, we resolve to remain in Oakland County's Urban County Community Development programs, which shall be automatically renewed in successive three-year qualification periods of time, or until such time that it is in the best interest of the City to terminate the Cooperative Agreement.



COMMUNITY &
HOME IMPROVEMENT

OAKLAND COUNTY EXECUTIVE L. BROOKS PATTERSON

Karry L. Rieth, Manager
(248) 858-0493

April 28, 2017

The Honorable Mark Nickita, Mayor
City of Birmingham
151 Martin POB 3001
Birmingham MI 48012-3001

RE: 2018-2020 Cooperation Agreements

Dear Mayor Nickita:

We invite the City of Birmingham to continue to participate in the Oakland County urban county Community Development Block Grant (CDBG) program for program years 2018-2020. The City has participated during the past three years. During this period, approximately \$95,376 has funded programs to address the needs of low income residents.

The U. S. Department of Housing and Urban Development (HUD) requires the County to renew its Cooperation Agreement with participating communities every three years. Your participation is essential to the County and the other cities, townships and villages that combine demographics each year to achieve the highest level of federal funding for local projects. Participation in the urban county requires a three year commitment and your community must remain in the program for the three year duration. If your community chooses to remain with the urban county, it is ineligible to apply for grants under the State CDBG program while a part of the urban county. Besides the annual CDBG allocation, participating communities also benefit from the County's federally funded HOME Investment Partnerships and Emergency Solutions Grant (ESG) programs. HOME funds are combined with CDBG funds each year to improve local housing stock through our Home Improvement Program. ESG funds are used to meet the needs of the homeless through emergency shelters, rapid re-housing and homeless prevention assistance.

As a current participant, there is a Cooperation Agreement between the City of Birmingham and Oakland County on file. This three year Cooperation Agreement is automatically renewed for each three year cycle unless an amendment is required by HUD. A copy of the most current Cooperation Agreement is attached as reference.

In order to continue to participate in the Oakland County urban county program the City must submit the following document to the County by **Monday, June 12, 2017**:

A resolution (see attached) specifically designed to meet HUD requirements. Please ensure that the original resolution is signed, dated and certified by the City Clerk. Alternatively, the original resolution can be signed and dated by the City Clerk and embossed with a seal. Please send us the original resolution and keep a copy for your records.

If you decide to opt out of the urban county program, a letter signed by the chief executive officer is required. The letter should state that the community intends to opt out of the Oakland County urban county program. Due to federal requirements, you must submit this letter to the County **and** to HUD. Please mail HUD's copy of the letter to: Keith E. Hernandez, ACIP, Director, Office of Community Planning and Development, Detroit Field Office, U.S. Department of Housing and Urban Development, McNamara Federal Building, 477 Michigan Avenue, Detroit, MI 48226 by **Monday, June 12, 2017**. The County's copy of the letter should be mailed to: Carla Spradlin, Grant Compliance & Program Coordinator, by **Monday, June 12, 2017**. If you have questions, please contact Carla at (248) 858-5312.

We look forward to three more years of productive partnership.

Sincerely,

A handwritten signature in cursive script, appearing to read "Karry L. Rieth".

Karry L. Rieth, Manager

cc: Mark Gerber, Director of Finance/Treasurer

COOPERATIVE AGREEMENT
Oakland County "Urban County"
Community Development Block Grant Program

THIS AGREEMENT made and entered into this 1st day of July, 2014 by and between the (City of Birmingham), Michigan hereinafter referred to as the "Community", and the County of (Oakland), a Michigan Constitutional Corporation, State of Michigan, hereinafter referred to as the "County".

WHEREAS, the Housing and Community Development Act of 1974 as amended provides an entitlement of funds for Community Development purposes for urban counties; and

WHEREAS, Oakland County has been designated as an Urban County provided that it secures Cooperation Agreements with various communities in Oakland County; and

WHEREAS, this agreement covers both the Community Development Block Grant Entitlement Program and, where applicable, the HOME Investment Partnership program; and

NOW THEREFORE, the Community and County do hereby promise and agree:

THAT the Community may not apply for grants from appropriations under Small Cities or State CDBG programs for fiscal years during the period in which it is participating in the urban county's CDBG program; and

THAT the Community may not participate in a HOME consortium except through the urban county, regardless of whether the urban county receives a HOME formula allocation; and

THAT the County shall have final responsibility for selecting Community Development Block Grant (and HOME, where applicable) activities and annually filing a Consolidated Plan with HUD; and

THAT the County will, on behalf of the Community, execute essential Community Development and Housing Assistance applications, plans, programs and projects eligible under the Housing and Development Act of 1974 as amended; and

THAT the Community and the County will cooperate to undertake, or assist in undertaking, community renewal and lower income housing assistance activities, specifically urban renewal and publicly assisted housing; and

THAT the Community and the County will take all actions necessary to assure compliance with the County's certification required by Section ~104(b) of Title I of the Housing and Community Development Act of 1974, as amended, including Title VI of the Civil Rights Act of 1964, the Fair Housing Act, Section 109 of Title I of the Housing and Community Development Act of 1974, which incorporates Section 504 of the Rehabilitation Act of 1973 and the Age Discrimination Act of 1975, and other applicable laws; that the County is prohibited from funding activities in or in support of any cooperating unit of general local government that does not affirmatively further fair housing within its own jurisdiction, or that impedes the County's actions to comply with the county's fair housing certification; and that funding by the County is contingent upon the Community's compliance with the above; and

THAT the Community has adopted and is enforcing a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and a policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstration within its jurisdiction; and

THAT a unit of general local government may not sell, trade, or otherwise transfer all or any portion of such funds to a metropolitan city, urban county, unit of general local government, or Indian tribe, or insular area that directly or indirectly receives CDBG funds in exchange for any other funds, credits or non-Federal considerations, but must use such funds for activities eligible under Title I of the Housing and Community Development Act of 1974, as amended; and

THAT the qualification period of this agreement as defined in the HUD regulations and guidelines shall be Federal Fiscal Years 2015/2016/2017, and such additional period of time for the purpose of carrying out activities funded by Community Development Block Grants from Federal Fiscal years 2015/2016/2017, appropriations and from any program income generated from the expenditure of such funds; further that the period of time of this Agreement shall be automatically renewed in successive three-year qualification periods, unless the County or the Community provides written notice it elects not to participate in a new qualification period. A copy of this notice must be sent to the HUD State Office by the date specified in HUD's urban county qualification notice for the next qualification period; further the County will notify the Community in writing of its right to make such election by the date specified in HUD's urban county qualification notice; and

THAT the Community resolves to remain in Oakland County's Urban County programs for an indefinite period of time or until such time it is in the best interest of this Community to terminate the Cooperation Agreement and such additional period of time for the purpose of carrying out activities funded by Community Development Block Grants and from any program income generated from the expenditure of such funds. Furthermore, that the period of time of this Agreement shall be automatically renewed in successive three-year qualification periods, unless the County or the Community provides written notice it elects not to participate in a new qualification period. A copy of this notice must be sent to the HUD State Office by the date specified in HUD's Urban County Qualification Notice for the next qualification period; further the County will notify the Community in writing of its right to make such election by the date specified in HUD's Urban County Qualification Notice; and

THAT failure by either party to adopt an amendment to this Agreement incorporating all changes necessary to meet the requirements for cooperation agreements set forth in the Urban County Qualification Notice applicable for a subsequent three year urban county qualification period, and to submit the amendment to HUD as provided in the Urban County Qualification Notice applicable for a subsequent three-year urban county qualification period, and to submit the amendment to HUD as provided in the Urban County Qualification Notice, will void the automatic renewal of such qualification period; and

THAT this Agreement remains in effect until the CDBG (and HOME where applicable) funds and income received with respect to activities carried out during the three year qualification period (and any successive qualification periods under this automatic renewal provision) are expended and the funded activities completed, and that the County and Community may not terminate or withdraw from this agreement while this agreement remains in effect; and

THAT the Community shall inform the County of any income generated by the expenditure of CDBG funds received by the Community; and

THAT any such program income generated by the Community must be paid to the County, unless at the County's discretion, the Community may retain the program income as set forth in 24 CFR 570.503; and

THAT any program income the Community is authorized by the County to retain may only be used for eligible activities approved by the County in accordance with all CDBG requirements as may then apply; and

THAT the County has the responsibility for monitoring and reporting to HUD on the use of any such program income, thereby requiring appropriate record keeping and reporting by the Community as may be needed for this purpose; and

THAT in the event of close-out or change in status of the Community, any program income that is on hand or received subsequent to the close-out or change in status shall be paid to the County; and

THAT the Community shall provide timely notification to the County of any modification or change in the use of the real property from that planned at the time of acquisition or improvement including disposition; and

THAT the Community shall reimburse the County in the amount equal to the current fair market value (less any portion of the value attributable to expenditures of non-CDBG funds) of real property acquired or improved with Community Development Block Grant funds that is sold or transferred for the use which does not qualify under the CDBG regulations; and

THAT the Community shall return to the County program income generated from the disposition or transfer of real property prior to or subsequent to the close-out, change of status or termination of the cooperation agreement between the County and the Community; and

THAT the terms and provisions of this Agreement are fully authorized under State and local law, and that the Agreement provides full legal authority for the County to undertake or assist in undertaking essential community development and housing assistance activities, specifically urban renewal and publicly assisted housing; and

THAT pursuant to 24 CFR ~570.501(b), the Community is subject to the same requirements applicable to subrecipients, including the requirement for a written agreement set forth in 24 CFR 570.503.

IN WITNESS WHEREOF, the Community and the County have by resolutions authorized this agreement to be executed by their respective officer's thereunto as of the day and year first above written.

COUNTY OF OAKLAND

Name: L. Brooks Vatterson
Title: COUNTY EXECUTIVE
Signature & date: [Signature] 7/25/14

Name: MICHAEL J. GINGELL
Title: CHAIR, OAKLAND COUNTY BOARD OF COMMISSIONERS
Signature & date: [Signature] 7-16-14

Name: LISA BROWN
Title: COUNTY CLERK/REGISTER OF DEEDS
Signature & date: [Signature] 7/16/14

Name: SCOTT D. MOORE
Title: HIGHEST ELECTED OFFICIAL - mayor
Signature & date: [Signature] 6-9-2014

CERTIFICATION BY COUNTY CORPORATION COUNSEL

The undersigned, Corporation Counsel for the County of Oakland, certifies that the terms and provisions of the foregoing agreement are fully authorized under existing State and local law and that the agreement provides full legal authority for the County to undertake or assist in undertaking essential community development and housing assistance activities, specifically urban renewal and public assisted housing in cooperation with local units of government.

Name: Keith J. Larmann
Title: CORPORATION COUNSEL
Signature & date: [Signature] 7/15/14

**INTERESTED IN PARTICIPATING – RESOLUTION REQUIRED
Community Development Block Grant (CDBG) Program
Oakland County, Michigan
Urban County Qualification 2018-2020**

Resolution Language

We resolve to opt into Oakland County's Urban County Community Development Block Grant (CDBG) programs for the program years 2018, 2019 and 2020. Furthermore, we resolve to remain in Oakland County's Urban County Community Development programs, which shall be automatically renewed in successive three-year qualification periods of time, or until such time that it is in the best interest of the local Community to terminate the Cooperative Agreement.

NOTE: Please ensure that the above resolution is signed, dated and certified in the originals by the Clerk. Alternatively, the resolution can be signed and dated by the Clerk and embossed with a seal. Please keep a copy for your records.

Please send the original by Monday, June 12, 2017 to:
Carla Spradlin, Grant Compliance & Program Coordinator
Oakland County Community & Home Improvement
250 Elizabeth Lake Road #1900
Pontiac, MI 48341-0414



MEMORANDUM

City Clerk's Office

DATE: May 5, 2017

TO: Joseph A. Valentine, City Manager

FROM: J. Cherilynn Brown, City Clerk

SUBJECT: SOCRRA Board of Trustees Representation

Article VII of the Articles of Incorporation of SOCRRA provides that each member municipality shall annually appoint a representative and an alternate to the Board of Trustees to serve during the next fiscal year.

The City of Birmingham's representative and alternate representative for the current fiscal year are as follows:

<u>Representative</u>	<u>Alternate</u>
Joseph A. Valentine	Lauren Wood

SUGGESTED RESOLUTION:

To appoint City Manager Joseph A. Valentine as Representative and DPS Director Lauren Wood as Alternate Representative for the City of Birmingham, on the SOCRRA Board of Trustees for the fiscal year starting July 1, 2017.

SOCRRA

Community Partners in Recycling & Waste

Berkley • Beverly Hills • Birmingham • Clawson • Ferndale • Hazel Park • Huntington Woods • Lathrup Village • Oak Park • Pleasant Ridge • Royal Oak • Troy

May 2, 2017



Cherilynn Brown
City Clerk
City of Birmingham
P.O. Box 3001
Birmingham, MI 48012

Subject: Appointment of Representative & Alternate

Dear Ms. Brown:

Article VII of the Articles of Incorporation of SOCRRA provides that each municipality shall annually appoint a representative and an alternate to the Board of Trustees. This representative shall serve during the next fiscal year following his appointment and/or until his successor is appointed.

The present representative and alternate representative for the City of Birmingham are as follows:

Representative

J. Valentine

Alternate

L. Wood

It is requested that the City Commission, by resolution, appoint a representative and alternate representative to represent the City of Birmingham on the Board of Trustees of SOCRRA for the fiscal year beginning July 1, 2017.

Please forward a certified copy of this resolution to SOCRRA, 3910 W. Webster Road, Royal Oak, MI 48073-6764.

Very truly yours,

Jeffrey A. McKeen, P.E.
General Manager

JAM/cf



MEMORANDUM

Engineering Dept.

DATE: May 10, 2017

TO: Joseph Valentine, City Manager

FROM: Paul T. O'Meara, City Engineer

SUBJECT: SOCWA Board of Trustees Membership

The City of Birmingham has representation on the Southeastern Oakland County Water Authority (SOCWA) Board of Trustees. A resolution is required annually to confirm Board membership at the start of SOCWA's fiscal year (July 1). I have been the representative since May, 2009. Currently, Assistant City Engineer Austin Fletcher is the alternate board member.

It is recommended that Paul O'Meara be appointed as the Birmingham official representative on the SOCWA Board of Trustees as of July 1, 2017. Further, it is recommended that Austin Fletcher be appointed as the alternate Birmingham representative on the SOCWA Board for the same time period.

SUGGESTED RESOLUTION:

To appoint City Engineer Paul T. O'Meara, as representative, and Austin Fletcher, Assistant City Engineer, as alternate representative, for the City of Birmingham, on the Southeastern Oakland County Water Authority Board of Trustees for the period starting July 1, 2017.



MEMORANDUM

Police Department

DATE: April 26, 2017

TO: Joseph A. Valentine, City Manager

FROM: Mark H. Clemence, Chief of Police

SUBJECT: Traffic Signal Modernization – Maple & Chesterfield

The Road Commission for Oakland County (RCOC) has identified several intersections throughout the city where traffic signals are in need of modernization. These upgrades vary by location and may include the purchase of LED traffic signals, LED pedestrian countdown signals, controllers, cabinets, updated electrical and new poles. This list is updated annually by the traffic safety division of RCOC.

In 2011 we received correspondence from RCOC that the traffic signal located at Maple and Chesterfield was in need of repair. Replacement of the entire signal was recommended due to age and condition. The existing signal does not have LEDs, the heads are only 8 inch instead of 12 inch, and it does not feature countdown pedestrian signals.

The City Commission approved this project in 2012 and a purchase order in the amount of \$77,035.91 was issued to RCOC. The equipment upgrade was later cancelled due to budget cuts totaling \$1.2 million during the 2012-13 fiscal year. The purchase order authorizing the approved project was liquidated in February 2013. Modernization of the signal equipment at this intersection was further postponed as other projects and the Maple Road diet intervened.

Funds were budgeted and approved in the 2016-17 Major Streets Traffic Control Machinery and Equipment account to provide for this signal upgrade. The revised cost for complete traffic signal modernization at this intersection is \$91,595.41. This traffic adapted signal upgrade will include box span design, replacement of LED traffic signals, LED pedestrian countdown signals, replacement of electrical wiring and new poles. This traffic signal modernization will also include the installation of reflective tape around the traffic signals to provide greater visibility for motorists (particularly during nighttime hours). The traffic controllers for this intersection were replaced as part of the Maple Road Diet, but a new controller cabinet will be installed. As this traffic signal 100% Birmingham owned, ADA ramp upgrades are not part of the RCOC scope of work and upgrades would be completed by means of a separate project.

RCOC has provided traffic signal removal and installation plans and drawings for the work to be completed at this intersection. Also, a photograph of a similarly designed project located on Long Lake Road has been submitted to demonstrate what the Maple/Chesterfield intersection will look like after the traffic signal modernization has been completed. The drawings and photographs are attached to this report.

This cost estimate was reviewed by our traffic engineering consultant, Michael Labadie, P.E., of Fleis & VandenBrink. He concludes that the RCOC estimate is consistent with current costs to do this type of work. Furthermore, if the city were to bid this project, design work and preparation of a bid package would result in additional costs.

An agreement for traffic control device is not required for this project, as this signal is owned by the City of Birmingham and maintained by RCOC. The Oakland County Board of Commissioners requires traffic signal modernization and maintenance agreements for county owned or jurisdictionally shared traffic control devices.

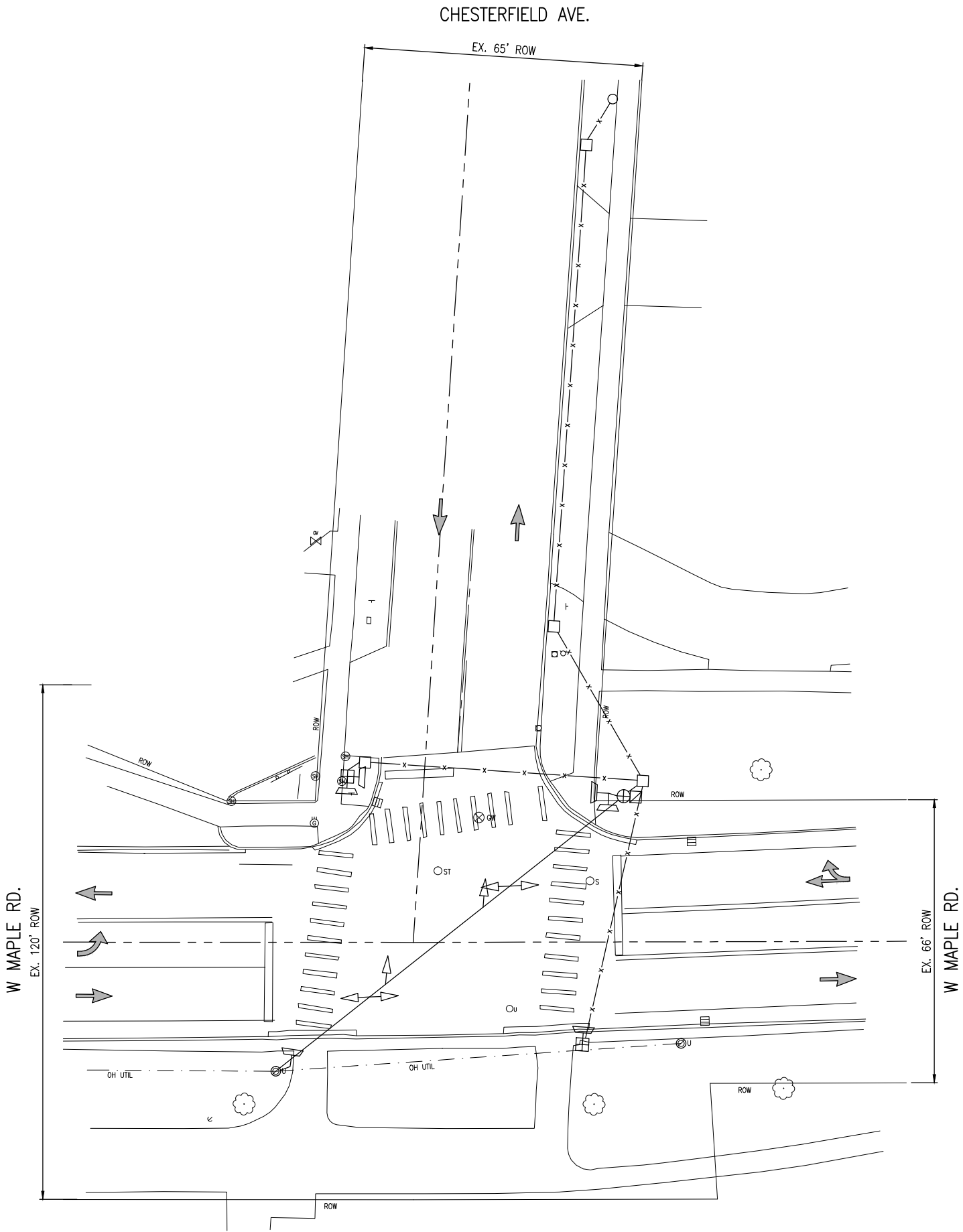
RCOC plans to modernize this equipment during late spring 2017. This intersection is currently third on the RCOC installation schedule, with the 14 Mile/Southfield intersection first on the list followed by a school (not located in Birmingham).

The police department recommends waiving competitive bidding requirements for this project, and awarding the Maple/Chesterfield traffic signal modernization purchase to RCOC. There are sufficient funds in the 2016-17 major streets traffic control machinery and equipment account budget to provide for this purchase.

Suggested Resolution:

To approve the purchase of the traffic signal modernization for the intersection of Maple and Chesterfield from the Road Commission for Oakland County in the amount of \$91,595.41; further to waive normal bidding requirements and to authorize this expenditure from account number 202-303-001-971.0100.

DRAWING PATH: P:\0166_0200\070160100_2017_SCATS\Drawings\Civil\Signals\60700SIG_03.dwg Apr 25, 2017 - 1:44pm




REMOVAL PLAN
SCALE: 1"=30' (11"x17")

CO. 280
ATS 20



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DATE	PROJ NUMBER	ENG	PROJ USER	CADD	COUNTY	MUNICIPALITY
07/25/2010	0775-05100	Value	JRK	AMS	OAKLAND	NOOK LYON TWP

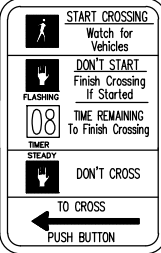
ROAD COMMISSION FOR OAKLAND COUNTY
2017 RCOC TRAFFIC SIGNALS

SHEET	3
OF Value	

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DRAWING PATH: P:\0166_0200\070160100_2017_SCATS\Drawings\Civil\Signals\160100SIG_03.dwg Apr 25, 2017 - 1:45pm

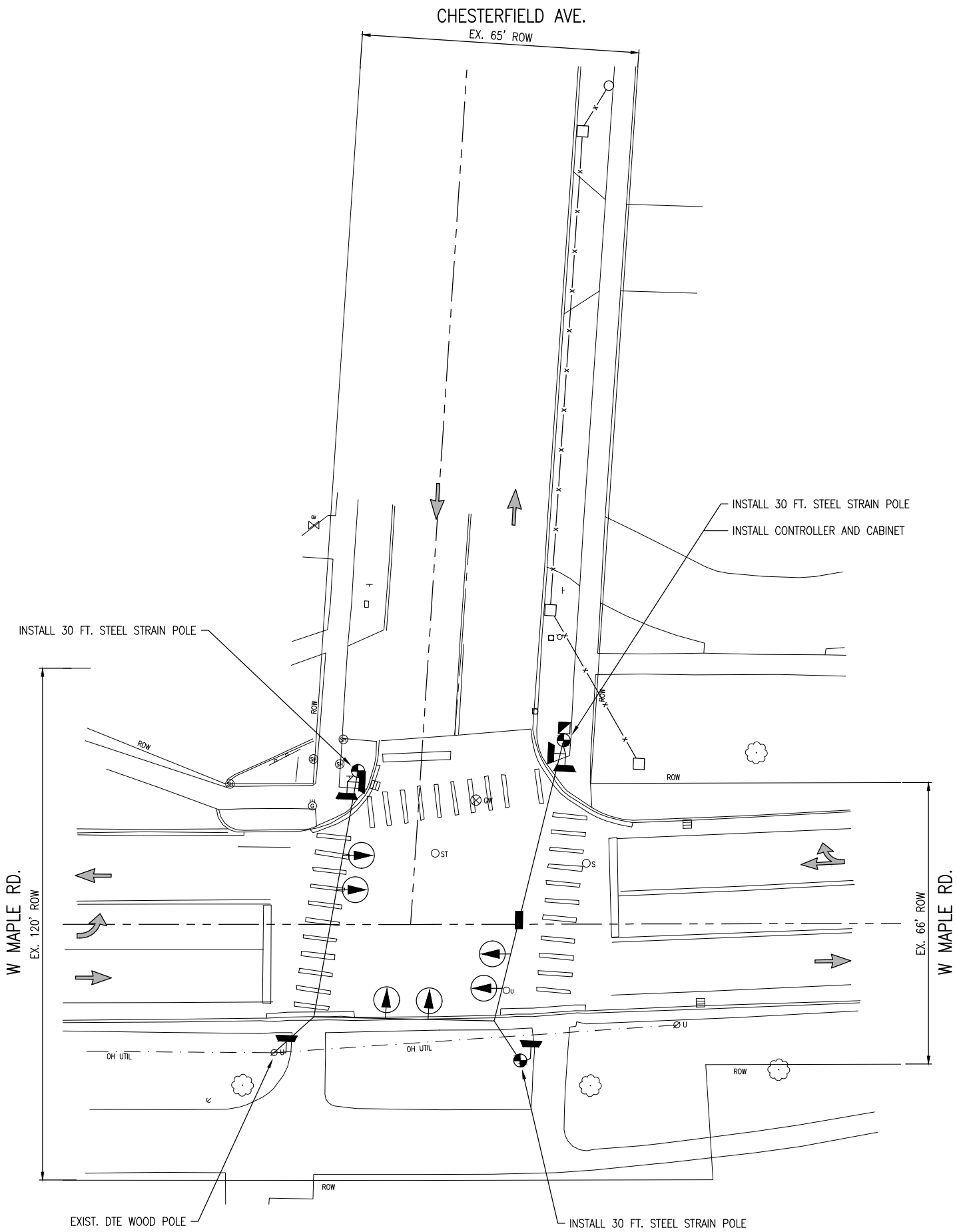
R10-3e SIGN TYPICAL



PEDESTRIAN COUNTDOWN LEGEND



FACING
WEST (C.S.#1)



APPROACH SPEEDS:
S.BD. 25 MPH
E.BD. 35 MPH
W.BD. 35 MPH

PLAN

SCALE: 1"=30' (11"x17")

CO. 280
ATS 20



DATE	PROJECT NUMBER	ENGINEER	PRODUCED BY	CADD	COUNTY	MUNICIPALITY
07/05/2010	0770-05100	Valer	JRK	AMS	OAKLAND	NOEL LYON TWP
ROAD COMMISSION FOR OAKLAND COUNTY						
2017 RCOC TRAFFIC SIGNALS						

REVISIONS



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W Long Lake Rd



W Long Lake Rd

Google





MEMORANDUM

Planning Department

DATE: May 15, 2017

TO: Joseph A. Valentine, City Manager

FROM: Matthew Baka, Senior Planner

APPROVED: Jana Ecker, Planning Director

SUBJECT Set Public Hearing to consider adding regulations to the Zoning Ordinance to create the TZ2 Transition Zone.

On September 21, 2015, the City Commission held a continued public hearing on the transitional zoning proposals recommended by the Planning Board. After much discussion and public input, the City Commission took action to create the TZ-1 and TZ-3 zoning classifications, and rezoned several properties into each of these zone districts.

However, the City Commission referred the portion of the ordinance related to TZ-2 back to the Planning Board, along with those properties that had been recommended for rezoning to the new TZ-2 zone district. The City Commission referred these matters back to the Planning Board for further study, and asked the Planning Board to consider the comments made by the City Commission and members of the public with regard to the proposed TZ-2 properties. In addition, several commissioners requested that the Planning Board consider whether to make some, or all, of the commercial uses in the proposed TZ-2 district Special Land Use Permits. Please see attached meeting minutes in the appendices for further detail.

Since 2015 the Planning Board has held several study sessions regarding TZ2. On May 10, 2017 the Planning Board held a public hearing to consider a recommendation to the City Commission to consider the creation of the TZ2 zone. The Board did not recommend any specific parcels be rezoned to TZ2 at this time. The Planning staff is now forwarding the recommendation of the Planning Board for the consideration of the City Commission. The attached staff memorandum, draft ordinance language and meeting minutes are included for your review.

SUGGESTED ACTION

Motion to set a public hearing for June 12, 2017 to consider the following amendments to Chapter 126, Zoning, of the City Code;

TO AMEND ARTICLE 2, SECTION 2.43, TZ2 (TRANSITION ZONE 2) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES TO ADD THE TZ2 ZONING CLASSIFICATION;

TO AMEND ARTICLE 2, SECTION 2.44, TZ2 DEVELOPMENT STANDARDS TO ADD STANDARDS FOR THE TZ2 DISTRICT;

TO RENUMBER THE EXISTING TZ3 (TRANSITION ZONE 3) ZONING CLASSIFICATION, DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES TO ARTICLE 2, SECTION 2.45 WITH NO CHANGES;

TO RENUMBER THE EXISTING TZ3 (TRANSITION ZONE 3) ZONING CLASSIFICATION, DEVELOPMENT STANDARDS TO ARTICLE 2, SECTION 2.46 WITH NO CHANGES;

TO AMEND ARTICLE 5, SECTION 5.15, USE SPECIFIC STANDARDS, TO ADD USE SPECIFIC STANDARDS FOR THE TZ2 ZONE DISTRICT.

AND

TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM, ARTICLE 4, ALL SECTIONS NOTED BELOW, TO APPLY EACH SECTION TO THE NEWLY CREATED TZ2 ZONE DISTRICTS AS INDICATED:

Ordinance Section Name	Section Number
Accessory Structures Standards (AS)	4.02 4.04
Essential Services Standards (ES)	4.09
Fence Standards (FN)	4.10
Floodplain Standards (FP)	4.13
Height Standards (HT)	4.16 4.18
Landscaping Standards (LA)	4.20
Lighting Standards (LT)	4.21 4.22
Loading Standards (LD)	4.24
Open Space Standards (OS)	4.30
Outdoor Dining Standards (OD)	4.44
Parking Standards (PK)	4.45 4.46 4.47 4.53
Screening Standards (SC)	4.54 4.59
Setback Standards (SB)	4.65
Street Standards (ST)	4.73

Structure Standards (SS)	4.74
	4.83
Temporary Use Standards (TU)	4.84
Utility Standards (UT)	4.88
Vision Clearance Standards (VC)	4.89
Window Standards (WN)	4.90



MEMORANDUM

Planning Division

DATE: May 4, 2017

TO: Planning Board

FROM: Matthew Baka, Senior Planner

APPROVED: Jana L. Ecker, Planning Director

SUBJECT: Public Hearing to amend the Zoning Ordinance to add a new zoning classification for Transition Zone 2 (TZ-2) and associated development standards and regulations.

On September 21, 2015, the City Commission held a continued public hearing on the transitional zoning proposals recommended by the Planning Board. After much discussion and public input, the City Commission took action to create the TZ-1 and TZ-3 zoning classifications, and rezoned several properties into each of these zone districts.

However, the City Commission referred the portion of the ordinance related to TZ-2 back to the Planning Board, along with those properties that had been recommended for rezoning to the new TZ-2 zone district. The City Commission referred these matters back to the Planning Board for further study, and asked the Planning Board to consider the comments made by the City Commission and members of the public with regard to the proposed TZ-2 properties. In addition, several commissioners requested that the Planning Board consider whether to make some, or all, of the commercial uses in the proposed TZ-2 district Special Land Use Permits. Please see attached meeting minutes in the appendices for further detail.

On March 9, 2016, the Planning Board discussed the history of the transitional zoning study and the direction of the City Commission for the Planning Board to further study the portion of the ordinance related to TZ-2, as well as those properties that had been recommended for rezoning to the new TZ-2 Zone District. The consensus of the Planning Board was to limit continued study to the ordinance language for TZ-2 along with the TZ-2 parcels unless the City Commission says otherwise. Board members requested staff to present charts comparing the proposed uses in TZ1, TZ2 and TZ3 at the next meeting, and to prepare aerial maps for each of the proposed TZ2 properties to assist the board in understanding the neighborhood context in each case. These are included in the attached appendices.

On April 13, 2016, the Planning Board discussed the uses and development standards for the previously proposed TZ2 district. Consensus was that the biggest issue was regarding permitted uses in TZ2. There was much discussion regarding whether to reduce the number of permitted uses, increase uses permitted with a SLUP, or move some of the previously proposed SLUP uses into the permitted use column. The Board recommended removing grocery stores, drycleaners, delicatessens and parking structures as permitted uses in TZ2 (either with or without a SLUP), to remove the need for bakeries and coffee shops to obtain a SLUP, and to

move health club/studio from the list of permitted uses into the column requiring a SLUP. Board members requested these changes be made to the draft ordinance language and indicated they would discuss the revised uses again at the May study session.

On May 11, 2016, the Planning Board further discussed uses within the TZ2 zone and whether there was enough differentiation between the permitted uses in TZ2 and TZ3. This led to a discussion regarding the basis for this study as rooted in the O1-O2 discussion from several years ago. It was decided through the course of this discussion that the history of how these two studies progressed and their links to each other needed to be reframed for the benefit of the Planning Board and City Commission. The Planning Board requested that this topic be placed on the joint City Commission/Planning Board agenda for June of 2016.

On June 20, 2016, the City Commission and Planning Board held a joint study session/workshop where the TZ2 topic was discussed at length. This discussion included a lengthy summary of the background of this topic and how it evolved from the earlier O1-O2 zone studies. At the conclusion of this discussion the City Commission instructed the Planning Board to revisit the TZ2 issue with inclusion of the O1-O2 history. It was suggested that the Board hold another public hearing to allow for additional public input and then make a recommendation to the Commission. The commission would then consider how to proceed with the newly proposed zone. The possibilities suggested included implementing the zone and then applying it to specific properties or to allow property owners to request a rezoning individually.

On March 29, 2017, the Planning Board held a study session to further discuss the TZ2 zone. At the request of the Board, the Planning Division assembled the relevant information and history regarding both the TZ discussion and the O1-O2 discussion. After much discussion the Planning Board set a public hearing to consider the adoption of the TZ2 zoning district and all of the additional provisions associated with the creation of this new zone for May 10th, 2017. In addition to setting the hearing the Board also requested some minor changes to the existing draft ordinance that would make it consistent with the TZ3 zone in regards to permitted uses as indicated by the attached minutes from that meeting.

Accordingly, the Planning Division has revised the draft ordinance language in accordance with the comments of the Planning Board. Also, the background information that was included at the previous study session has once again been attached to this report.

Please find attached the following for review and discussion:

- **Appendix A:** Proposed TZ2 ordinance amendments;
- **Appendix B:** Minutes from recent study sessions regarding TZ2
- **Appendix C:** Zoning map of the City identifying all parcels previously considered for TZ2 zoning classification;
- **Appendix D:** Aerial imagery of each area containing parcels previously considered for TZ2 zoning classification;
- **Appendix E:** Charts detailing current vs. proposed uses and development standards for all properties considered for TZ2 zoning classification; and
- **Appendix F:** The final staff memo regarding the O1-O2 study that was presented at the Public Hearing held by the Planning Board;

- **Appendix G:** The O1-O2 rezoning presentation that was presented at the O1-O2 public hearing presented by the Planning Board.

SUGGESTED ACTION

To recommend APPROVAL of the following Zoning Ordinance amendments to the City Commission;

TO AMEND ARTICLE 2, SECTION 2.43, TZ2 (TRANSITION ZONE 2) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES TO ADD THE TZ2 ZONING CLASSIFICATION;

TO AMEND ARTICLE 2, SECTION 2.44, TZ2 DEVELOPMENT STANDARDS TO ADD STANDARDS FOR THE TZ2 DISTRICT;

TO RENUMBER THE EXISTING TZ3 (TRANSITION ZONE 3) ZONING CLASSIFICATION, DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES TO ARTICLE 2, SECTION 2.45 WITH NO CHANGES;

TO RENUMBER THE EXISTING TZ3 (TRANSITION ZONE 3) ZONING CLASSIFICATION, DEVELOPMENT STANDARDS TO ARTICLE 2, SECTION 2.46 WITH NO CHANGES;

TO AMEND ARTICLE 5, SECTION 5.15, USE SPECIFIC STANDARDS, TO ADD USE SPECIFIC STANDARDS FOR THE TZ2 ZONE DISTRICT.

AND

TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM, ARTICLE 4, ALL SECTIONS NOTED BELOW, TO APPLY EACH SECTION TO THE NEWLY CREATED TZ2 ZONE DISTRICTS AS INDICATED:

Ordinance Section Name	Section Number
Accessory Structures Standards (AS)	4.02 4.04
Essential Services Standards (ES)	4.09
Fence Standards (FN)	4.10
Floodplain Standards (FP)	4.13
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Street Standards (ST)	4.73
Structure Standards (SS)	4.74 4.83
Temporary Use Standards (TU)	4.84
Utility Standards (UT)	4.88
Vision Clearance Standards (VC)	4.89
Window Standards (WN)	4.90

APPENDIX A:

ORDINANCE NO. _____
THE CITY OF BIRMINGHAM ORDAINS:

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

TO AMEND ARTICLE 02 DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, SECTION 2.43, **TZ2 (TRANSITION ZONE)** DISTRICT TO CREATE THE TZ2 ZONING CLASSIFICATION.

Article 02, section 2.43 shall be amended as follows:

District Intent

- A. Provide for a reasonable and orderly transition from, and buffer between commercial uses and predominantly single-family residential areas or for property which either has direct access to a major traffic road or is located between major traffic roads and predominantly single-family residential areas.**
- B. Develop a fully integrated, mixed-use, pedestrian-oriented environment between residential and commercial districts by providing for graduated uses from the less intense residential areas to the more intense commercial areas.**
- C. Plan for future growth of transitional uses which will protect and preserve the integrity and land values of residential areas.**
- D. Regulate building height and mass to achieve appropriate scale along streetscapes to ensure proper transition to nearby residential neighborhoods.**
- E. Regulate building and site design to ensure compatibility with adjacent residential neighborhoods.**
- F. Encourage right-of-way design that calms traffic and creates a distinction between less intense residential areas and more intense commercial areas.**

Residential Permitted Uses

- dwelling – attached single family
- dwelling – single family (R3)
- dwelling – multi-family

Commercial Permitted Uses

- art gallery
- artisan use
- barber/beauty salon
- bookstore
- boutique

- **drugstore**
- **gift shop/flower shop**
- **hardware**
- **jewelry store**
- **neighborhood convenience store**
- **office**
- **tailor**

Accessory Permitted Uses

- **family day care home**
- **home occupation***
- **parking – off-street**

Uses Requiring a Special Land Use Permit

- **any permitted commercial use with interior floor area over 3,000 sq. ft. per tenant**
- **assisted living**
- **bakery**
- **bank/credit union with drive-thru**
- **church and religious institution**
- **coffee shop**
- **essential services**
- **food and drink establishment**
- **government office/use**
- **grocery store**
- **health club/studio**
- **independent hospice facility**
- **independent senior living**
- **school – private and public**
- **skilled nursing facility**
- **specialty food shop**

ORDAINED this _____ day of _____, 2017 to become effective 7 days after publication.

Mark Nickita, Mayor

Cherilynn Brown, City Clerk

ORDINANCE NO. _____
THE CITY OF BIRMINGHAM ORDAINS:

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

TO AMEND ARTICLE 02 DEVELOPMENT STANDARDS, SECTION 2.44, **TZ2 (TRANSITION ZONE)** DISTRICT TO ADOPT THE FOLLOWING DEVELOPMENT STANDARDS FOR THE TZ2 ZONE DISTRICT.

Article 02, section 2.44 shall be amended as follows:

Minimum Lot Area per Unit:

- n/a

Minimum Open Space:

- n/a

Maximum Lot Coverage

- n/a

Front Yard Setback:

- 0-5 feet
- Building façade shall be built to within 5 feet of the front lot line for a minimum of 75% of the street frontage length.

Minimum Rear Yard Setback:

- 10 feet
- 20 feet abutting single family zoning district

Minimum Side Yard Setback

- 0 feet from interior side lot line
- 10 feet from side lot line abutting a single family district

Minimum Floor Area per Unit

- n/a

Maximum Total Floor Area

- n/a

Building Height

- 30 feet and 2 stories maximum
- For sloped roofs, the eave line shall be no more than 24 feet and the roof peak shall be no more than 35 feet.
- first story shall be minimum of 14 feet, floor to floor

ORDAINED this _____ day of _____, 2017 to become effective 7 days after publication.

Mark Nickita, Mayor

Cherilynn Brown, City Clerk

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

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

TO RENUMBER THE EXISTING TZ3 (TRANSITION ZONE 3) ZONING CLASSIFICATION, DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES TO ARTICLE 2, SECTION 2.45 WITH NO CHANGES;

Article 02, section ~~2.43~~ **2.45** shall be established as follows:

District Intent

- A. Provide for a reasonable and orderly transition from, and buffer between commercial uses and predominantly single-family residential areas or for property which either has direct access to a major traffic road or is located between major traffic roads and predominantly single-family residential areas.
- B. Develop a fully integrated, mixed-use, pedestrian-oriented environment between residential and commercial districts by providing for graduated uses from the less intense residential areas to the more intense commercial areas.
- C. Plan for future growth of transitional uses which will protect and preserve the integrity and land values of residential areas.
- D. Regulate building height and mass to achieve appropriate scale along streetscapes to ensure proper transition to nearby residential neighborhoods.
- E. Regulate building and site design to ensure compatibility with adjacent residential neighborhoods.
- F. Encourage right-of-way design that calms traffic and creates a distinction between less intense residential areas and more intense commercial areas.

Residential Permitted Uses

- dwelling – attached single family
- dwelling – single family **(R3)**
- dwelling – multi-family

Commercial Permitted Uses

- art gallery
- artisan use
- barber/beauty salon
- bookstore
- boutique
- drugstore
- gift shop/flower shop
- hardware
- health club/studio
- jewelry store

- neighborhood convenience store
- office
- tailor

Accessory Permitted Uses

- family day care home
- home occupation*
- parking – off-street

Uses Requiring a Special Land Use Permit

- any permitted commercial use with interior floor area over 4,000 sq. ft. per tenant
- assisted living
- bakery
- bank/credit union with drive-thru
- church and religious institution
- coffee shop
- delicatessen
- dry cleaner
- essential services
- food and drink establishment
- government office/use
- grocery store
- independent hospice facility
- independent senior living
- parking structure
- school – private and public
- skilled nursing facility
- specialty food shop
- veterinary clinic

ORDAINED this _____ day of _____, 2017 to become effective 7 days after publication.

Mark Nickita, Mayor

Cherilynn Brown, City Clerk

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

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

TO RENUMBER THE EXISTING TZ3 (TRANSITION ZONE 3) ZONING CLASSIFICATION, DEVELOPMENT STANDARDS TO ARTICLE 2, SECTION 2.46 WITH NO CHANGES;

Article 02, section 2.44 **2.46** shall be established as follows:

Minimum Lot Area per Unit:

- n/a

Minimum Open Space:

- n/a

Maximum Lot Coverage

- n/a

Front Yard Setback:

- 0-5 feet
- Building façade shall be built to within 5 feet of the front lot line for a minimum of 75% of the street frontage length.

Minimum Rear Yard Setback:

- 10 feet
- 20 feet abutting single family zoning district

Minimum Side Yard Setback

- 0 feet
- 10 feet from side lot line abutting a single family district

Minimum Floor Area per Unit

- n/a

Maximum Total Floor Area

- n/a

Building Height

- 24 feet and 2 stories minimum
- 42 feet and 3 stories maximum
- For sloped roofs, the eave line shall be no more than 34 feet and the roof peak shall be no more than 46 feet
- The first story shall be a minimum of 14 feet in height, floor to floor

ORDAINED this _____ day of _____, 2017 to become effective 7 days after publication.

Mark Nickita, Mayor

Cherilynn Brown, City Clerk

CITY OF BIRMINGHAM
ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

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

TO ADD ARTICLE 5, SECTION 5.15, USE SPECIFIC STANDARDS TO ADD USE SPECIFIC
STANDARD FOR THE TZ2 DISTRICT –

Article 5, section 5.15 Transition Zone 2

**This Use Specific Standards section applies to the following district:
TZ2**

A. Hours of Operation: Operating hours for all non-residential uses, excluding office, shall begin no earlier than 7:00 a.m. and end no later than 9:00p.m. However, the Planning Board may approve an extension of the hours of operation for a specific tenant/occupant upon request if the board finds that:

- 1. The use is consistent with and will promote the intent and purpose of this Zoning Ordinance;**
- 2. The use will be compatible with adjacent uses of land, existing ambient noise levels and will not be injurious to the surrounding neighborhood; and**
- 3. The use is in compliance with all other requirements of this Zoning Ordinance.**

ORDAINED this _____ day of _____, 2017 to become effective upon publication.

Mark Nickita, Mayor

Cherilynn Brown, City Clerk

APPENDIX B

City Commission Minutes September 21, 2015

UNFINISHED BUSINESS

09-204-15 CONTINUED PUBLIC HEARING TO CONSIDER ZONING ORDINANCE AMENDMENTS TRANSITIONAL ZONING

Mayor Sherman reopened the Public Hearing to consider amendments to Chapter 126, Zoning, of the Code of the City of Birmingham at 7:44 PM.

Planner Baka explained the recent revision to TZ1 requested by the City Commission prohibits garage doors on the front elevation. Commissioner Rinschler pointed out the previous discussion to eliminate all non-residential uses from TZ1. City Manager Valentine noted that any modifications to TZ1 could be addressed tonight.

Mr. Baka explained that TZ1 allows for attached single-family or multi-family two-story residential and provides transition from low density commercial to single family homes. He noted the maximum height is thirty-five feet with a two-story minimum and three-story maximum.

Commissioner McDaniel questioned why other properties on Oakland Street were removed from the original proposal. Mr. Baka explained that it was based on the objections from the homeowners as the current residents did not want their properties rezoned. Commissioner Rinschler pointed out that the rezoning is not about what is there currently, but what could be there in the future.

Mayor Pro Tem Hoff commented that the setback in TZ1 is required to have a front patio or porch which is very limiting with the five foot setback. She questioned why one-story is not allowed. Planner Ecker explained that two-stories will allow for more square footage and it is intended to be a buffer from the downtown to residential.

Commissioner Rinschler suggested that post office, social security office, school, nursing center, and church be removed from the list of uses so it is only residential use. He noted that the City is trying to create a buffer so there are no businesses abutting residential. He suggested a future Commission review the residential standards. Commissioners Dilgard and McDaniel agreed.

Ms. Ecker commented on the front setback requirement. She noted that the development standards include a waiver which would allow the Planning Board to move the setback further if a larger patio or terrace is desired.

Commissioner Nickita commented on the additional uses in TZ1. He noted that this is a zoning designation which is essentially residentially focused allowing for multi-family. He stated that those uses which stand out to be residential are independent senior living and independent hospice which are aligned with multi-family residential uses. The Commission discussed the intensity of each use including assisted living.

Mayor Sherman summarized the discussion from the Public Hearing at the previous meeting. He explained that the three ordinances were presented to the Commission – TZ1 which is strictly residential; TZ2 which is residential, but allows for some commercial; and TZ3 which does allow for residential, but is more commercial in nature. At the hearing, people were comfortable with the language in TZ2 and TZ3. There were concerns and questions with TZ1 and the Commission requested staff make revisions to TZ1. The Commission then discussed the parcels that were proposed to be rezoned into the TZ2 and TZ3 categories. Discussion was not held regarding the TZ1 parcels at that time.

Commissioner Nickita suggested that in considering the commercial permitted uses and the Special Land Use Permit (SLUP) uses that several uses would be better served with a SLUP such as convenience store, drug store, and hardware store. Commissioners Rinschler and Hoff agreed.

Commissioner Rinschler noted the trouble with defining uses. He questioned why not let all the uses require SLUP's. Commissioner McDaniel suggested developing standards to evaluate SLUP's. Commissioner Nickita noted that it is not a one size fits all.

Mayor Sherman summarized the discussion that TZ1 would be restricted to solely residential; in TZ2 residential would be allowed, but any commercial uses would require a SLUP; in TZ3 would remain as drafted.

Bill Finnicum, 404 Bates, stated that having zero to five foot setbacks is impractical. He suggested that the biggest danger is losing the character and rhythm of the streets.

Michael Murphy, 1950 Bradford, stated that the suggestion to require a SLUP is an acceptable compromise.

In response to a question from Commissioner Moore regarding parking, Ms. Ecker explained that commercial entities must provide for their own parking on-site if they are not in the parking assessment district. On-street parking can only be counted if the property is located in the triangle district.

Reed Benet, 271 Euclid, stated that changing the zoning from single family residential to protect single family residential is illogical.

Ms. Ecker confirmed for David Crisp, 1965 Bradford, that the parcels on 14 Mile would not be able to count the on-street parking unless they came through a separate application process and tried to get approval of the City Commission.

A resident at 1895 Bradford stated that the more uses which are subject to a SLUP would decrease the predictability of the neighborhood in the future and the value of the zoning effort.

Benjamin Gill, 520 Park, stated that the height of the buildings should be controlled by the neighborhood.

Irving Tobocman, 439 Greenwood, questioned the restriction on the depth of a porch relative to the setback on the street.

David Kolar, commercial real estate broker, expressed concern with the unintended consequences of making everything a SLUP. He noted that a SLUP is a high barrier of entry for small businesses. He suggested defining the appropriate uses in the TZ1, TZ2, and TZ3 districts.

Erik Morganroth, 631 Ann, expressed support of the idea of limitations and commented that the SLUP is most appropriate.

Mr. Baka discussed the parcels proposed in TZ1. He noted the proposal increases the number of units currently permitted at 404 Park from two to four, increase the number of units currently permitted on the parcel at Willits and Chester from two units to a maximum of five, and set the number of units currently permitted on the post office parcel from no limit to one unit for every 3,000 square feet. He discussed the lot area and setbacks.

Mr. Baka confirmed for Mayor Pro Tem Hoff that if the post office moved, a single family residential would be permitted.

Commissioner Rinschler expressed concern that only one lot was included in the 404 Park area. He suggested either extend it to the other parcels on Oakland Street or direct the Planning Board to reopen the hearing to redo the process including all three parcels.

Commissioner Moore stated that there is still a strong potential of economic viability to having those remain single family residential. The purpose of the ordinance is not to invade or lessen a neighborhood, but to enhance the neighborhood by protecting it and ensuring it will be contextual and there are building standards. Commissioner McDaniel agreed.

Commissioner Dilgard stated that the Planning Board was correct with the proposed zoning on 404 Park.

Mayor Sherman pointed out that Commission Nickita recused himself from 404 Park as he was involved with a project with someone who has an interest in 404 Park.

Mayor Sherman agreed with Commissioner Rinschler and noted that the zoning that is suggested does not make a lot of sense.

The following individuals spoke regarding 404 Park:

- Debra Frankovich expressed concern with sectioning out one double lot as it appears to support one property owners best interest.
- Tom Ryan, representing the Host's who are the property owners just north of 404 Park, commented that to single out one parcel is not appropriate.
- Benjamin Gill, 525 Park, expressed opposition to the rezoning of this parcel.
- Bill Finnicum, 404 Bates, commented that the rezoning will only benefit the property owner and will harm the adjacent property owner.

- Chuck DiMaggio, with Burton Katzman Development, explained the history of the property and noted that the Planning Board has spent thirty months studying 404 Park and the other transitional properties.
- Brad Host, 416 Park, stated that the residents are not interested in being rezoned.
- Kathryn Gaines, 343 Ferndale, agreed that Oakland is the buffer. She questioned what four units on that corner bring to the neighborhood that two could not.
- Bev McCotter, 287 Oakland, stated that she does not want the development of this lot into four units.
- Jim Mirro, 737 Arlington, stated that Oakland is the buffer and stated that the parcel should not be rezoned as proposed.
- Ann Stallkamp, 333 Ferndale, stated that she is against the TZ1 rezoning on Park and stated that 404 Park should be taken off the list.
- David Bloom questioned the number of units which would be allowed on the Bowers property.
- Reed Benet, 271 Euclid, commented that it is illogical that this has gone on for three years.
- Chuck DiMaggio, with Burton Katzman Development, noted that they want to do something that benefits the community and provide the proper transition and lead in to the downtown and is compatibility with the neighborhood.
- Tom Ryan, representing the Host's who are the property owners just north of 404 Park, commented that this is not a transition zone and there are ways to put more than one unit on the parcel.

The Mayor closed the Public Hearing at 9:21 PM.

MOTION: Motion by Rinschler, seconded by Dilgard:

To adopt the ordinances amending Chapter 126, Zoning, of the Code of the City of Birmingham as suggested with the following modifications: to modify TZ1 with the changes presented plus the elimination of all non-residential uses; to modify TZ2 that all commercial uses require a SLUP, and TZ3 would remain as proposed: (TZ2 RESCINDED)

- TO ADD ARTICLE 02 DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, SECTION 2.41, TZ1 (TRANSITION ZONE) DISTRICT TO CREATE A DISTRICT INTENT AND LIST PERMITTED AND SPECIAL USES IN THIS ZONE DISTRICT;
- TO ADD ARTICLE 02 DEVELOPMENT STANDARDS, SECTION 2.42, TZ1 (TRANSITION ZONE) DISTRICT TO CREATE DEVELOPMENT STANDARDS IN THIS ZONE DISTRICT;
- TO ADD ARTICLE 02 DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, SECTION 2.43, TZ2 (TRANSITION ZONE) DISTRICT TO CREATE A DISTRICT INTENT AND LIST PERMITTED AND SPECIAL USES IN THIS ZONE DISTRICT;
- TO ADD ARTICLE 02 DEVELOPMENT STANDARDS, SECTION 2.44, TZ2 (TRANSITION ZONE) DISTRICT TO CREATE DEVELOPMENT STANDARDS IN THIS ZONE DISTRICT;
- TO ADD ARTICLE 02 DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, SECTION 2.45, TZ3 (TRANSITION ZONE) DISTRICT TO CREATE A DISTRICT INTENT AND LIST PERMITTED AND SPECIAL USES IN THIS ZONE DISTRICT;

- TO ADD ARTICLE 02 DEVELOPMENT STANDARDS, SECTION 2.46, TZ3 (TRANSITION ZONE) DISTRICT TO CREATE DEVELOPMENT STANDARDS IN THIS ZONE DISTRICT;
- TO ADD ARTICLE 4, SECTION 4.53, PARKING STANDARDS, PK-09, TO CREATE PARKING STANDARDS FOR TZ1, TZ2 AND TZ3 ZONE DISTRICTS;
- TO ADD ARTICLE 4, SECTION 4.58, SCREENING STANDARDS, SC-06, TO CREATE SCREENING STANDARDS FOR TZ1, TZ2 AND TZ3 ZONE DISTRICTS;
- TO ADD ARTICLE 4, SECTION 4.62, SETBACK STANDARDS, SB-05, TO CREATE SETBACK STANDARDS FOR TZ1 ZONE DISTRICTS;
- TO ADD ARTICLE 4, SECTION 4.63, SETBACK STANDARDS, SB-06, TO CREATE SETBACK STANDARDS FOR TZ2 AND TZ3 ZONE DISTRICTS;
- TO ADD ARTICLE 4, SECTION 4.69, STREETScape STANDARDS, ST-01, TO CREATE STREETScape STANDARDS FOR TZ1, TZ2 AND TZ3 ZONE DISTRICTS;
- TO ADD ARTICLE 4, SECTION 4.77, STRUCTURE STANDARDS, SS – 09, TO CREATE STRUCTURE STANDARDS FOR THE TZ1 ZONE DISTRICT;
- TO ADD ARTICLE 4, SECTION 4.78, STRUCTURE STANDARDS, SS – 10, TO CREATE STRUCTURE STANDARDS FOR TZ2 AND TZ3 ZONE DISTRICTS;
- TO ADD ARTICLE 5, SECTION 5.14, TRANSITION ZONE 1, TO CREATE USE SPECIFIC STANDARDS FOR THE TZ1 ZONE DISTRICT;
- TO ADD ARTICLE 5, SECTION 5.15, TRANSITION ZONES 2 AND 3, TO CREATE USE SPECIFIC STANDARDS FOR THE TZ2 AND TZ3 ZONE DISTRICTS;

Commissioner Moore commented that an important part of this package is the building standards for the transitional areas where commercial abuts residential. Requiring SLUP's in the TZ2 district will be more cumbersome for the small proprietor. There may be some unintended consequences.

VOTE: Yeas, 7
Nays, None Absent, None

MOTION: Motion by Rinschler, seconded by Dilgard:

To amend Chapter 126, Zoning, of the Code of the City of Birmingham, Article 4, all Sections noted below, to apply to each Section to the newly created TZ1, TZ2, and/or TZ3 Zone Districts as indicated: (TZ2 RESCINDED)

Ordinance Section Name	Section Number	Applicable Zone to be Added
Accessory Structures Standards (AS)	4.02 4.03 4.04	TZ1, TZ2, TZ3 TZ1 TZ1, TZ2, TZ3
Essential Services Standards (ES)	4.09	TZ1, TZ2, TZ3
Fence Standards (FN)	4.10 4.11	TZ1, TZ2, TZ3 TZ1
Floodplain Standards (FP)	4.13	TZ1, TZ2, TZ3
Height Standards (HT)	4.16 4.18	TZ1, TZ2, TZ3 TZ1, TZ2, TZ3
Landscaping Standards (LA)	4.20	TZ1, TZ2, TZ3
Lighting Standards (LT)	4.21 4.22	TZ1, TZ2, TZ3 TZ1, TZ2, TZ3
Loading Standards (LD)	4.24	TZ1, TZ2, TZ3
Open Space Standards (OS)	4.30	TZ1, TZ2, TZ3
Outdoor Dining Standards (OD)	4.44	TZ2, TZ3

Parking Standards (PK)	4.45 4.46 4.47	TZ1, TZ2, TZ3 TZ1, TZ2, TZ3 TZ1, TZ2, TZ3
Screening Standards (SC)	4.53	TZ1, TZ2, TZ3
Setback Standards (SB)	4.58	TZ1, TZ2, TZ3
Structure Standards (SS)	4.69	TZ1, TZ2, TZ3
Temporary Use Standards (TU)	4.77	TZ1, TZ2, TZ3
Utility Standards (UT)	4.81	TZ2, TZ3
Vision Clearance Standards (VC)	4.82	TZ1, TZ2, TZ3
Window Standards (WN)	4.83	TZ2, TZ3

VOTE: Yeas, 7
Nays, None Absent, None

MOTION: Motion by Hoff, seconded by Nickita:
To amend Article 9, Definitions, Section 9.02 to add definitions for boutique, parking, social club, tobacconist, indoor recreation facility, and specialty food store.

VOTE: Yeas, 7
Nays, None Absent, None

In response to a question from Commissioner Nickita, City Manager Valentine explained that there was a question on the current use of the property at 412 & 420 East Frank zoned R3.

Staff has determined that the property appears to be in violation of the zoning ordinance with regard to the current use. It is currently under investigation as the current zoning is residential and the current use appears to be commercial. He noted that it is an enforcement issue.

City Attorney Currier stated that the Commission action on the rezoning is independent of the violation. He stated that staff has not had access to the property as of yet.

Commissioner Nickita stated that the current use may have an effect on how the Commission views the property. Commissioner Rinschler responded that the current use has no bearing on the future zoning.

MOTION: Motion by Hoff, seconded by McDaniel:

To approve the rezoning of 412 & 420 E. Frank, Parcel # 1936253003, Birmingham MI. from B1-Neighborhood Business, B2B-General Business, R3-Single-Family Residential to TZ2

– Mixed Use to allow commercial and Residential uses which are compatible with adjacent Single-Family Residential uses.

Mr. Baka explained for Patty Shayne that the property would be commercial or residential zone.

Erik Morganroth, 631 Ann, questioned why R3 would not be zoned TZ1 as it is a corner buffer lot.

Eric Wolfe, 393 Frank, stated that rezoning is not necessary on these parcels.

Nirav Doshi, 659 Ann, stated that the R3 should not be converted to TZ2. It should stay residential.

The Commission discussed the possibility of removing R3 out of the motion. Mayor Pro Tem Hoff suggested amending the motion to remove R3. There was no second.

Commissioner McDaniel suggested referring this back to the Planning Board to consider what has been proposed. Mr. Baka noted that the property owner requested to be in the study so they could consolidate the parcels under a single zone. Commissioner Nickita concurred that this should be reconsidered at the Planning Board level.

Mayor Pro Tem Hoff withdrew the motion. MOTION WITHDRAWN

MOTION: Motion by Nickita, seconded by Rinschler:

To send this item back to the Planning Board with direction based on the conversation tonight.

VOTE: Yeas, 7

Nays, None Absent, None

MOTION: Motion by McDaniel, seconded by Nickita:

To approve the rezoning of 151 N. Eton, Birmingham MI from B-1 Neighborhood Business to TZ2 - Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses. (RESCINDED)

Dorothy Conrad stated that the Pembroke neighborhood does not object.

David Kolar stated that he was in favor of TZ2, until the SLUP requirement was added tonight which he objects. He stated that an identified number of basic uses is needed as these are small units.

VOTE: Yeas, 7
Nays, None Absent, None

MOTION: Motion by Hoff, seconded by McDaniel:
To approve the rezoning of 2483 W. Maple Rd. Birmingham MI. from B1- Neighborhood Business to TZ2 - Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses. (RESCINDED)

VOTE: Yeas, 7
Nays, None Absent, None

MOTION: Motion by Dilgard, seconded by McDaniel:
To approve the rezoning of 1712, 1728, 1732, 1740, 1744, 1794 & 1821 W. Maple Rd. Birmingham, MI. from B1-Neighborhood Business, P-Parking, O1-Office to TZ2 - Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses. (RESCINDED)

VOTE: Yeas, 7
Nays, None Absent, None

MOTION: Motion by Nickita, seconded by Dilgard:
To approve the rezoning of 880 W. Fourteen Mile Rd., 1875, 1890 & 1950 Southfield Rd. Birmingham, MI. from B1-Neighborhood Business and O1-Office to TZ2 - Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses. (RESCINDED)

VOTE: Yeas, 7
Nays, None Absent, None

MOTION: Motion by Nickita, seconded by Hoff:
To approve the rezoning of 100, 124, 130 & 152, W. Fourteen Mile Rd. & 101 E. Fourteen Mile Rd., Birmingham, MI. from B1-Neighborhood Business, P-Parking, and R5-Multi-Family Residential to TZ2 - Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses. (RESCINDED)

VOTE: Yeas, 7
Nays, None Absent, None

MOTION: Motion by McDaniel, seconded by Moore:

To approve the rezoning of 1775, 1803, 1915, 1971, 1999, 2055, 2075 & 2151 Fourteen Mile Rd., Parcel # 2031455006, Birmingham, MI. from O1-Office to TZ2-Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses. (NO VOTE TAKEN)

Commissioner Moore stated that he will oppose this item. He stated that he approves the concept, but thinks the timing is wrong due to future changes to Woodward Avenue.

Dorothy Conrad noted that the current uses along 14 Mile Road are offices. There is no benefit to the neighborhood by changing the zoning to allow commercial uses with a SLUP.

David Kolar stated his objection and noted that the property owners should be notified that every use now requires a SLUP. It is a big change for a property owner.

City Attorney Currier stated the addition of the SLUP requirement is an additional restriction which was not part of the original notice to the property owners. He noted that this could be an issue for those not aware that the SLUP requirement was added tonight. In response to a question from the Commission, Mr. Currier confirmed that renotification to the property owners would be needed and the ordinance to add the SLUP restriction would have to go back to the Planning Board.

MOTION: Motion by Nickita, seconded by Hoff:

To rescind the motions regarding TZ2 for review of the Planning Board.

VOTE: Yeas, 7
Nays, None Absent, None

Mr. Valentine explained that TZ2 will be sent back to the Planning Board to hold a public hearing to incorporate the proposed language to include the SLUP restriction for commercial uses, and then back to the City Commission.

MOTION: Motion by Hoff, seconded by McDaniel:

To rescind the adoption of the TZ2 ordinance and all housekeeping pertaining to TZ2, but not TZ1 or TZ3, and refer TZ2 to the Planning Board per the discussion and to have the Planning Board take into consideration the discussion from the City Commission and from the public to arrive at a conclusion.

Commissioner Dilgard stated that he does not agree with the direction that everything has to be a SLUP. If it is sent back to the Planning Board, he suggested a SLUP be required for properties 1500 square feet or greater rather than just a blanket SLUP regardless the size of the property.

Commissioner McDaniel agreed and expressed concern that a 1500 square foot store would have to pay high fees for the approvals.

VOTE: Yeas, 7
Nays, None Absent, None

MOTION: Motion by Hoff, seconded by Nickita:

To approve the rezoning of 36801, 36823 & 36877 Woodward, Parcel #'s 1925101001, 1925101006, 1925101007, 1925101008, 1925101009, Birmingham MI from O1- Office & P-Parking to TZ3 - Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses.

VOTE: Yeas, 7
Nays, None Absent, None

MOTION: Motion by Nickita, seconded by McDaniel:

To approve the rezoning of 1221 Bowers & 1225 Bowers Birmingham, MI from O1- Office/ P -

Parking to TZ1 - Attached Single-Family to allow Attached Single-Family, Multi-Family Residential uses which are compatible with adjacent Single-Family Residential uses.

VOTE: Yeas, 7
Nays, None Absent, None

MOTION: Motion by Dilgard, seconded by Hoff:

To approve the rezoning of 400 W. Maple Birmingham, MI from O1 Office to TZ3 Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses.

VOTE: Yeas, 7
Nays, None Absent, None

MOTION: Motion by Nickita, seconded by Dilgard:

To approve the rezoning of 191 N. Chester Rd. Birmingham, MI. from R-2 Single-Family Residential to TZ1 - Attached Single-Family to allow Attached Single-Family and Multi-Family Residential uses which are compatible with adjacent Single-Family Residential uses.

VOTE: Yeas, 7
Nays, None Absent, None

Mr. Currier noted that a protest petition was received on 404 Park which requires a $\frac{3}{4}$ vote of the elected Commission. Mayor Sherman noted that six votes are needed and Commissioner Nickita has recused himself from this item.

MOTION: Motion by Dilgard, seconded by Moore:

To approve the rezoning of Parcel # 1925451021, Known as 404 Park Street, Birmingham, MI. from R-2 Single-Family Residential to TZ1 - Attached Single-Family to allow attached Single-Family and Multi-Family Residential which are compatible with adjacent Single-Family Residential uses.

Commissioner Rinschler stated that if a buffer zone is being created, it should include properties further down Oakland. He stated that he considers rental properties as commercial development.

Mayor Pro Tem Hoff stated that she will not support the motion. She noted that the plans look good, however she has heard from residents who are very unhappy about this.

Mayor Sherman noted that he will not support the motion. If a buffer zone is going to be created, it should be the entire side of the street. He noted that Oakland is an entranceway into the City. Eventually, there may be that transition, but now is not the time.

VOTE: Yeas, 3 (Dilgard, McDaniel, Moore) Nays, 3 (Hoff, Rinschler, Sherman)
Absent, None Recusal, 1 (Nickita)

Commissioner Rinschler and Commissioner Dilgard agreed that this should be referred back to the Planning Board based on the discussion.

**CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, MARCH 9, 2016
City Commission Room
151 Martin Street, Birmingham, Michigan**

Minutes of the regular meeting of the City of Birmingham Planning Board held on March 9, 2016. Chairman Scott Clein convened the meeting at 7:30 p.m.

Present: Chairman Scott Clein; Board Members Robin Boyle, Stuart Jeffares, Janelle Whipple-Boyce, Bryan Williams; Alternate Board Member Lisa Prasad; Student Representative Colin Cusimano

Absent: Board Members Bert Koseck, Gillian Lazar; Alternate Board Member Daniel Share

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

03-40-16

4. Transitional Zoning (TZ-2)

Chairman Clein noted the purpose of this study session is to re-acquaint the board with the process thus far so they can determine what the next steps might be.

Ms. Ecker recalled that on September 21, 2015, the City Commission held a continued public hearing on the transitional zoning proposals recommended by the Planning Board. After much discussion and public input, the City Commission referred the portion of the ordinance related to TZ-2 back to the Planning Board for further study, along with those properties that had been recommended for rezoning to the new TZ-2 Zone District. The City Commission asked the Planning Board to consider the comments made by the City Commission and members of the public with regard to the proposed TZ-2 properties. In addition, several commissioners requested that the Planning Board consider whether to make some, or all, of the commercial uses in the proposed TZ-2 District Special Land Use Permits ("SLUPs").

Consensus was that the board will only look at the ordinance language for TZ-2 along with the TZ-2 parcels unless the City Commission says otherwise. Ms. Whipple-Boyce said it would be helpful to have the commercial uses that were approved for TZ-1 and TZ-3 when the board is looking at the uses of TZ-2. Mr. Williams agreed the charts would be very helpful. Also he would like to see a Google map of the TZ-2 properties to understand their context from all sides.

**CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, APRIL 13, 2016
City Commission Room
151 Martin Street, Birmingham, Michigan**

Minutes of the regular meeting of the City of Birmingham Planning Board held on April 13, 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

Absent: Alternate Board Members Lisa Prasad, Daniel Share; Student Representative Colin Cusimano

Administration: Matthew Baka, Senior Planner
Sean Campbell, Asst. Planner
Jana Ecker, Planning Director
Carole Salutes, Recording Secretary

04-63-16

**STUDY SESSION
Transitional Zoning TZ-2**

Ms. Ecker recalled that on March 9, 2016, the Planning Board discussed the history of the transitional zoning study and the direction from the City Commission for the Planning Board to further study the portion of the ordinance related to TZ-2, as well as those properties that had been recommended for rezoning to the new TZ-2 Zone District. The consensus of the Planning Board was to limit continued study to the ordinance language for TZ-2 along with the TZ-2 parcels unless the City Commission says otherwise. Board members requested staff to present charts comparing the proposed uses in TZ-1, TZ-2 and TZ-3 at the next meeting, and to prepare aerial maps for each of the proposed TZ-2 properties to assist the board in understanding the neighborhood context in each case. Charts, maps and aerial photos were included in this month's materials for review by the board.

Ms. Ecker noted that the only difference between TZ-2 and TZ-3 is that TZ-3 allows a veterinarian office and a 1,000 sq. ft. larger commercial space without needing a Special Land Use Permit ("SLUP").

Mr. Williams recalled there were a number of former Commissioners who felt that all of TZ-2 should have SLUPs for permitted uses. He has no idea what the new City Commission wants to do with TZ-2. Personally, he is opposed to a SLUP for everything. He thought the SLUP should only come into play if the uses go beyond what was originally permitted in the underlying zoning. What is developed in TZ-2 is not

a significant expansion, but it is a consolidation. All of the properties coming from the categories where it is not a significant expansion would stay as TZ-2. Create a TZ-4, basically three or four properties along Fourteen Mile Rd., and give them SLUPs. In his view a few properties caused TZ-2 to be derailed by the former City Commission. Now the only unknown is what this City Commission wants. He doesn't think the Planning board was that far off in its original presentation to them.

Chairman Clein wondered if TZ-2 should be a bit more restrictive with fewer permitted uses so there is more of a separation between TZ-2 and TZ-3.

Mr. Boyle thought TZ-2 should be simplified so there is the intent of having a modest amount of mixed uses with some commercial activity, and there are not lots of regulations which is what a SLUP is. Discussion concerned making health club a SLUP use because of the need for parking, and its effect on the neighborhood. Mr. Williams suggested making anything a SLUP that impinges on the neighborhood in terms of its demands. Leave many of the uses the way they are because they are not that controversial.

Ms. Whipple-Boyce felt differently. She wanted to take some of the SLUP uses and put them into permitted uses because she thinks the whole idea is to activate the buildings and get small business owners into the spaces. She feels the board went wrong by taking some of the permitted uses away, and they have become too restrictive with what is being proposed for TZ-2. Mr. Jeffares thought that once you restrict the uses you will end up with empty stores.

Mr. Williams recalled that back in history the board took out some of the most objectionable uses. Their mistake was that they didn't report on that to the City Commission as part of this package. Now when they go forward to the Commission they have to go back and tell the whole story because the Commission needs to understand the original charge years ago and what has happened since. Mr. Boyle added that in the joint session it behooves this board to be very clear about what it wants and not apologize.

Ms. Whipple-Boyce thought there could be a way to clean up the uses so there is a better distinction between TZ-2 and TZ-3. Mr. Boyle said that understanding the long history is important along with presenting it in a logical simplified way to the Commission.

The group's consensus was to remove from TZ-2 drycleaner, grocery store, delicatessen, parking structure; make health club a SLUP; move coffee shop and bakery up from uses requiring a SLUP to permitted uses. All TZ-2 requirements kick in upon a change in use. A 3,000 sq. ft. limitation applies to permitted uses. Larger permitted uses require a SLUP.

It was agreed to look at the revised list of uses and start talking about them at the next study session.

**CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, MAY 11, 2016
City Commission Room
151 Martin Street, Birmingham, Michigan**

Minutes of the regular meeting of the City of Birmingham Planning Board held on May 11, 2016. Vice-Chairperson Gillian Lazar convened the meeting at 7:30 p.m.

Present: Board Members Stuart Jeffares, Bert Koseck, Gillian Lazar, Daniel Share, Janelle Whipple-Boyce, Bryan Williams; Student Representative Colin Cusimano

Absent: Chairman Scott Clein; Board Member Robin Boyle.

Administration: Jana Ecker, Planning Director
Carole Salutes, Recording Secretary

05-86-16

3. Transitional Zoning (TZ-2)

Mr. Williams stated the Planning Board does not know what this new City Commission wants. Therefore, the board should see if it can agree on what the standards should be for TZ-2. Either let individual property owners come before this board to apply for rezoning to the district, or at the June joint meeting with the City Commission ask the Commission how they want to handle the various properties that were included within the previous recommendation for TZ-2. What was sent back was primarily what the uses and standards were. He thought the TZ-2 uses are more permissive now than the TZ-3 and it should be reversed. Therefore TZ-2 in relationship to TZ-3 uses should be tonight's focus. If this becomes too difficult in terms of Special Land Use Permits ("SLUPS") the buildings will either remain vacant or they won't change in accordance with what the board wants to achieve. He thinks there should be fewer SLUP requirements in TZ-3. Mr. Share raised the point that there isn't enough difference between TZ-2 and TZ-3 to spend any time saying they are different.

The board went over the uses for TZ-2 and TZ-3 to see which ones make sense and which ones can be changed to not requiring a SLUP. Consensus was as follows:

TZ-2 Commercial Permitted Uses	TZ-3 Commercial Permitted Uses
Art gallery Artisan use Bakery Bank or credit union (no drive-through) Bookstore	Art gallery Artisan use Bank or credit union (no drive-through) Bakery Barber/beauty salon

Boutique Coffee Shop Delicatessen Drugstore (limited by size restriction) Drycleaner pickup Gift shop/flower shop Hardware (limited by of size restriction) Jewelry store Office (limited by size restriction) Specialty food shop Tailor	Bookstore Boutique Coffee shop Delicatessen Drugstore (limited by size restriction) Drycleaner pickup Gift shop/flower shop Hardware (limited by size restriction) Health club/studio Jewelry store Convenience store Office (limited by size restriction) Specialty food shop Tailor
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TZ-2 Uses Requiring a SLUP	TZ-3 Uses Requiring a SLUP
Any permitted commercial use with interior floor area over 3,000 sq. ft. per tenant Assisted living Bank or credit union (w/drive-through) Barber/beauty salon Church and religious institution Essential services Church and religious institution Government office/use Health club/studio Independent senior living	Any permitted commercial use with interior floor area over 4,000 sq. ft. per tenant Assisted living Bank or credit union (w/drive-through) Church and religious institution Drycleaner with a plant Essential services Food and drink establishment Government office/use Grocery store Hospice facility Independent senior living Parking structure School – private and public Skilled nursing facility Veterinary clinic

Board members were in agreement with talking to the City Commission at the June 20 joint meeting about tweaking TZ-3 somewhat. Present the chart along with definitions. The Planning Board has been responsive to the neighbors throughout the study, so Ms. Ecker agreed to go back and figure out what uses the board has outlawed starting from the beginning of the O-1 and O-2 study.

**BIRMINGHAM CITY COMMISSION /
PLANNING BOARD JOINT WORKSHOP SESSION MINUTES
JUNE 20, 2016
DPS FACILITY, 851 SOUTH ETON
7:30 P.M.**

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Rackeline J. Hoff, Mayor called the meeting to order at 7:30 PM.

II. ROLL CALL

ROLL CALL: Present, Mayor Hoff

Commissioner Bordman
Commissioner Boutros
Commissioner DeWeese
Commissioner Harris
Mayor Pro Tem Nickita
Commissioner Sherman

Absent, None

ROLL CALL OF PLANNING BOARD:

Present, Mr. Clein, Chairperson

Ms. Boyce
Mr. Boyle
Mr. Jeffares
Mr. Koseck
Ms. Lazar
Ms. Prasad, alternate member (arrived at 7:32 PM)
Mr. Share, alternate member
Mr. Williams

Administration: City Manager Valentine, City Attorney Studt, Deputy Clerk Arft, City Engineer O'Meara, City Planner Ecker, Assistant City Planner Baka, Building Director Johnson

B. Transitional Zoning (TZ2 District)

Ms. Ecker summarized the transitional zoning issues already adopted. She noted the Planning Board has been studying TZ2 district properties. The board is looking for some direction from the City Commission as to what they would like to see and also share what the board has done so far. She said the uses are always the biggest issue. The board has come up with a new proposal and would like the commission to weigh in.

Some uses in TZ2 have been eliminated, shifted around as to which are allowed as of right, and which are allowed as a special land use permit only, and looking at them clearly in relation to TZ1, TZ2 and TZ3. There was some concern that maybe there was a big jump from TZ1 to TZ2 and not a graduated system that would make it a seamless transition from TZ1 to TZ2 to TZ3 so there was a clear differentiation and it moved the most uses to TZ3. If adopted, TZ1 and TZ3 zones which were already adopted, may need to be adjusted.

Mr. Jeffares added that parking requirements were considered carefully. Ms. Ecker said the main focus has been with uses.

Mayor Hoff said traditionally the special land uses are the ones that we want to control the most. She noticed that quite a few special land uses especially in TZ2 have been eliminated and she asked where they have been moved. Ms. Ecker confirmed that some have been moved to other categories. Originally, the board made all of the food-related uses in a special land use permit category. Since then, the board decided the better demarcation would be parking and traffic and the impact to the neighborhood.

Mayor Hoff asked if the food uses have been moved to commercial permitted uses. Ms. Ecker noted that food uses have been moved there in some cases, but not all. Bank or credit union with a drive-thru have been removed due to the traffic and circulation issue for the neighborhood.

Ms. Boyce said they realized that other ordinances are in place that define noise, smell, and dumpsters, so there are other controls over those uses. Parking is more challenging. It was felt that controls are in place already to be able to put something like a bakery as a permitted use in TZ2 rather than as a special land use.

Commissioner DeWeese said part of the issue here is a different vision of the residents among themselves. Some like a more urban vision, while others that do not want them close to their homes. He has not heard complaints about the layout and structure, but has heard people complain about the uses. He thinks it would be better to have fewer permissible uses in the beginning. He said the basic notion is that it is a buffer for residential areas. He is leery about special land uses, and feels the public does not trust the special land use process. The cost burden of a special land use permit is high in both time and money to a small business owner. We want to find the uses that are acceptable, minimize the use of special land use permits and begin with fewer uses and add more in the future, if appropriate.

Commissioner Harris asked whether TZ2 should just apply in certain areas or be available generally for applicants. Ms. Ecker said there was some discussion about that and they are looking for some input from the commission in that regard. The biggest problems fall into the TZ2 category.

Mayor Hoff noted that the commission did designate specific properties for TZ1 and TZ3. Ms. Ecker agreed, and said that was the original proposal for TZ2 as well, so the board is looking for specific feedback from the commission: should they continue to study the specific properties and determine if TZ2 is a good fit, or present the TZ2 ordinance and let the commission decide to create the district and let people apply individually to come in. The Planning Board has not had a public hearing on it yet, so it is still in the draft stage.

Commissioner Sherman noted that the comments received at the commission's TZ2 public hearing were concerns about uses in the TZ2 area. The idea was to restrict the uses more than they were, and move things to areas where we could control them or add them in later. This draft expands the uses in the area, and reduces the controls rather than increases them. He does not think this has met the objective of what was suggested by the commission. If these areas are designed to protect the neighborhoods, then they need to be looked at from neighborhood side. He suggested fewer uses with more controls that can be relaxed as time goes on if appropriate. He expected to see more under SLUPs, far fewer uses and far less intense uses.

Mr. Boyle asked Commissioner Sherman for specifics. Commissioner Sherman used a delicatessen or specialty food shop as an example. Look at the definition and how is the food prepared or is it packaged. The dry cleaner was originally a special land use and now it is a permitted use. He said things that were agreed to at the time were fine as a special land use and wanted to look at the things that were there that could be done without special land use. Instead, things have been taken out of special land use and made them permitted uses. From a neighborhood standpoint, we are trying to create a buffer and calm the area between downtown and the neighborhood.

Mr. Williams said they also took things that were in the special land use permit designation and eliminated them entirely, and there are more of those than were added. Of those things that have been eliminated, does the commission agree that some of these should be brought back in. The previous commission was generally unspecific.

Ms. Boyce said it is helpful to go back and look at what is permitted in O1 and O2. When she compares the list side by side, the new one has a lot less permitted uses.

Mr. Clein requested more specific direction. Mayor Hoff agreed with him, and the new commission has not discussed each of the new uses.

Commissioner Nickita said it is important to recognize why it was done in the first place. The fundamental issue is to recognize there was a lot of inconsistencies, edge conditions with no controls, inappropriate uses in the perimeter transitional zone. The effort so far has organized and recognized the gaps and issues and inconsistencies and pulled it all together. Now it is a matter of refining it. When we talk about this, we want to make sure we are up to speed on the accomplishment and value of what has been done. He encouraged the commission to have a dialog on that level. The land use is only one discussion.

Commissioner Harris agreed that the new commission would be helped by seeing the comparisons to O1 and O2, and in that way the degree of change can be assessed.

Commissioner DeWeese would like the board to consider there may be some areas where some of the uses are acceptable because they are not right next to residences. He said we still need to do the follow-up.

Commissioner Boutros said we agree we need to move forward and identify first if we need TZ2. If we do, we have identified lots in the area and we need to determine whether these are the final lots, or are we going to open it to even more. We need to determine the reasons why a use should not be there.

Commissioner DeWeese suggested a study session to discuss the reasons as to why this is being done, and what is being done. Then the commission can provide a policy direction, and have the board come back with the details.

Mayor Hoff stated we already approved TZ1 and TZ3. We just have to fine tune TZ2. We already have the reasons for the transition zones. She is hearing that the questions are about the uses, and perhaps we need to have the comparison discussions.

Commissioner Bordman asked is the plan to review the uses.

Mr. Valentine suggested the commission wants to look at the direction this is headed, so that when it goes back to the board, it can continue to do the work that the commission is expecting the board to do.

Commissioner Bordman has listened to the board comments and their thought process about the impact on the neighborhoods of parking and have eliminated the negative impact of parking. The board carefully thought about what the residents would like to have that would not have a negative impact on the neighborhood. She is highly satisfied with the work done on these uses. She thinks they are compatible with a buffer zone transition area. We ought to concentrate whether we want the document as it is and apply it to specific places, or if we want this document as it is and let the owner apply for this zoning. She thinks that is the commission's decision.

Mr. Valentine said in terms of process, the commission can draft the ordinance, but that's not the role of the commission. The function is to provide the input that the planning board is looking for so they can provide the recommendation to the commission in vetting this all out. As opposed to putting specifically what you want, you could bypass the Planning Board, but that is not the intent. The intent is to give the Planning Board the direction so they can finish the work they have started with the clarity and expectation that you are expecting.

City Attorney Studt stated that the political decision is the commission's. The Planning Board is the body of experts to guide the commission to where the commission wants to go.

Mayor Hoff hears a difference of opinion here. Commissioner Sherman expressed an opinion that is different. She thinks the commission needs to discuss and decide where we go. Mr. Valentine agreed, and said the commission would review it and then provide direction to Planning Board to work out the final details so the commission can then approve it based on a recommendation.

Ms. Lazar asked would a public hearing yield more information to assist the commission. We are considering the importance of the public opinion, and then it can be furnished to the commission. It is an impact on the neighborhoods and we are trying to be sensitive to needs.

Mr. Williams commented that what is missing is the history of the review of O1 and O2 and the types of uses that began years ago. He suggested a narrative to combine with the charts for the public hearing.

Ms. Boyce would like the commission to dive into this more. General direction has not worked so far.

Mr. Koseck thinks most of the issues can be agreed on, if properly presented along with O1 and O2 discussion.

Mayor Hoff requested clarity on agreement where the public hearing should be held.

Commissioner Sherman agrees that it would be good for new commissioners to have the history of this and the comments summarized as part of the narrative for review. The Planning Board and Commission can each have their discussion before a public hearing and get some consensus. The Commission can send some additional direction based on that to the Planning Board so they can finish their work. Ms. Ecker could update her narrative to include what the public comments were and the Commission discussion before presenting it.

Mr. Williams suggested including what the properties are now and what is permitted now and what they would be. Mayor Hoff stated that was presented previously to the Commission.

Commissioner Boutros suggested what people want to know is what might be there. He said not everyone is going to agree. He is unsure that more information is what is needed.

Mayor Hoff suggested that the packet of materials should be some of the information and would be part of the narrative.

Commissioner Bordman thinks it would be an exhaustive waste of time. The board has spent a huge amount of time on this with considerations that she would apply. She does not see anything on the list of uses that is highly burdensome. She does not want to argue with fellow commissioners about the individual uses. We would be spending hours as the Planning Board did debating with each other about the uses. She suggested to have a public hearing so we can get public input, come back to the Commission to decide if we want to apply this to specific property or leave it as an option for property owners.

Mr. Share said the board should have a public hearing, after which the board will make a recommendation to the Commission. The commission can make its decision.

Commissioner DeWeese thinks it would be useful for commission to get the packet as well to become familiar.

Paul Reagan, 997 Purdy, commented that the history is important and neighborhoods have pushed back hard. The concern is intensive uses with cars, and property values. It's about keeping the encroachment of intensive commercial properties from moving into the neighborhoods.

**CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, MARCH 29, 2017
City Commission Room
151 Martin Street, Birmingham, Michigan**

Minutes of the regular meeting of the City of Birmingham Planning Board held on March 29, 2017. Chairman Scott Clein convened the meeting at 7:30 p.m.

Present: Chairman Scott Clein; Board Members Robin Boyle (arrived at 8 p.m.), Stuart Jeffares, Janelle Whipple-Boyce, Alternate Board Member Daniel Share, Bryan Williams; Student Representative Ariana Afrakhteh (left at 9:05 p.m.)

Absent: Board Members Bert Koseck, Vice Chairperson Gillian Lazar; Alternate Board Member Lisa Prasad

Administration: Matthew Baka, Sr. Planner

Jana Ecker, Planning Director

Mario Mendoza, Recording Secretary

03-69-17

2. Transitional Zoning (TZ-2)

Mr. Baka noted the City Commission and Planning Board have held a number of meetings relating to this issue. On June 20, 2016, the City Commission and Planning Board held a joint study session/workshop where the TZ-2 topic was discussed at length. This discussion included a lengthy summary of the background of this topic and the City Commission instructed the Planning Board to revisit the TZ-2 issue with inclusion of the O1-O2 history. It was suggested that the board hold another public hearing to allow for additional public input and then make a recommendation to the Commission. The Commission would then consider how to proceed with the newly proposed zone. The possibilities suggested included implementing the zone and then applying it to specific properties or to allow property owners to request a rezoning individually.

Mr. Williams thought the board has lost its focus on this issue. The original reason for creating at that time N-2 and N-3 and now TZ-2 and TZ-3 had nothing to do with uses. It was simply the magnitude of a development. Instead the board has concentrated on uses. So, in his view the Planning Board should list TZ-2 uses which it thinks are compatible with commercial uses adjoining a neighborhood and send it back to the Commission. Point out that the difference between TZ-2 and TZ-3 wasn't the reason for the distinction to begin with and it should not be the reason now.

Mr. Share said it seems to him they have created a reasonable use differentiation between TZ-2 and TZ-3. Therefore, his inclination was to send it to the City Commission. Mr. Jeffares' vote was also to send it to the Commission. Ms. Whipple-Boyce agreed, except she would like to see

Market Square (grocery store) back in TZ-2. Mr. Share observed it is grandfathered in today, so their use isn't threatened.

Chairman Clein noticed that a bakery and a coffee shop are permitted uses as proposed in TZ-2, but require Special Land Use Approval ("SLUP") in TZ-3. The group thought the requirement should be the same in each zone. The consensus was to have bakery, coffee shop and grocery stores as a SLUP in TZ-2. Mr. Boyle arrived at this time.

Motion by Mr. Williams

Seconded by Ms. Whipple-Boyce to set a public hearing on Transition Zoning (TZ-2) for May 10.

No comments were heard from the public.

Motion carried, 6-0.

VOICE VOTE

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

Nays: None

Absent: Koseck, Lazar

DRAFT
CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, MAY 10, 2017
City Commission Room
151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Planning Board held on May 10, 2017. Chairman Scott Clein convened the meeting at 7:30 p.m.

Present: Chairman Scott Clein; Board Members Robin Boyle, Stuart Jeffares, Bert Koseck, Vice Chairperson Gillian Lazar, Janelle Whipple-Boyce, Bryan Williams; Student Representative Isabella Niskar

Absent: Alternate Board Members Lisa Prasad, Daniel Share; Student Representative Ariana Afrakhteh

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

05-89-17

PUBLIC HEARING

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

1. AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM AS FOLLOWS:

TO AMEND ARTICLE 2, SECTION 2.43, **TZ-2 (TRANSITION ZONE 2)** DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES TO ADD THE TZ-2 ZONING CLASSIFICATION;

TO AMEND ARTICLE 2, SECTION 2.44, TZ2 DEVELOPMENT STANDARDS TO ADD STANDARDS FOR THE TZ-2 DISTRICT;

TO MOVE THE EXISTING TZ-3 (TRANSITION ZONE 3) ZONING CLASSIFICATION, DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES TO ARTICLE 2, SECTION 2.45 WITH NO CHANGES;

TO MOVE THE EXISTING TZ-3 (TRANSITION ZONE 3) ZONING CLASSIFICATION, DEVELOPMENT STANDARDS TO ARTICLE 2, SECTION 2.46 WITH NO CHANGES;

TO AMEND ARTICLE 5, SECTION 5.15, USE SPECIFIC STANDARDS, TO ADD USE SPECIFIC STANDARDS FOR THE TZ-2 ZONE DISTRICT;

AND

TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM, ARTICLE 4, ALL SECTIONS NOTED BELOW, TO APPLY EACH SECTION TO THE NEWLY CREATED TZ-2 ZONE DISTRICTS AS INDICATED:

<u>Ordinance Section Name</u>	<u>Section Number</u>
Accessory Structures	4.02
Standards (AS)	4.04
Essential Services	4.09
Standards (ES)	
Fence Standards (FN)	4.10
Floodplain Standards (FP)	4.13
Height Standards (HT)	4.16
	4.18
Landscaping Standards (LA)	4.20
Lighting Standards (LT)	4.21
	4.22
Loading Standards (LD)	4.24
Open Space Standards (OS)	4.30
Outdoor Dining Standards (OD)	4.44
Parking Standards (PK)	4.45
	4.46
	4.47
	4.53
Screening Standards (SC)	4.54
	4.59
Setback Standards (SB)	4.65
Street Standards (ST)	4.73
Structure Standards (SS)	4.74
	4.83
Temporary Use Standards (TU)	4.84
Utility Standards (UT)	4.88
Vision Clearance Standards (VC)	4.89
Window Standards (WN)	4.90

The Chairman opened the public hearing at 7:35 p.m.

Mr. Baka recalled the City Commission and Planning Board have held a number of meetings relating to this issue. On March 29, 2017, the Planning Board held a study session to further discuss the TZ-2 Zone. After much discussion the Planning Board set a public hearing for May 10th, 2017 to consider the adoption of the TZ-2 Zoning District and all of the additional provisions associated with the creation of this new zone. In addition to setting the hearing the board also requested some minor changes to the existing draft ordinance that would make it consistent with the TZ-3 Zone in regards to permitted uses. However at this time the Planning Board is not considering applying the new zone to any specific properties. Accordingly, the Planning Division has revised the draft ordinance language in accordance with the comments of the Planning Board. He highlighted the standards as they are currently proposed.

Discussion concluded that "hours of operation" includes when employees are present and not just when business is being conducted. If an extension is needed those affected can apply to have that made a condition of the SLUP.

No comments from the public were heard at 7:48 p.m.

Mr. Williams noted it needs to be explained to the City Commission that the distinction between TZ-2 and TZ-3 has more to do with massing and less to do with types of uses. It was discussed that the cost to obtain a SLUP is \$2,800.

Motion by Mr. Jeffares

Seconded by Mr. Boyle to accept as pointed out in the packets:

An Ordinance to amend Chapter 126 Zoning of the Code of the City of Birmingham, to add Article 02 District Intent, Permitted Uses, and Special Uses, Section 2.43 TZ-2 (Transition Zone) District to create the TZ-2 Zoning Classification.

An Ordinance to amend Chapter 126 Zoning of the Code of the City of Birmingham, to add Article 02 Development Standards, Section 2.44 TZ-2 (Transition Zone) to adopt the following development standards for the TZ-2 Zone District, as in the packet.

An Ordinance to amend Chapter 126 Zoning of the Code of the City of Birmingham, to renumber the existing TZ-3 (Transition Zone 3) Zoning Classification, District Intent, Permitted Uses, and Special Uses to Article 2, Section 2.45 with no changes.

An Ordinance to amend Chapter 126 Zoning of the Code of the City of Birmingham, to renumber the existing TZ-3 (Transition Zone 3) Zoning Classification, Development Standards to Article 2, Section 2.46 with no changes.

An Ordinance to amend Chapter 126 Zoning of the Code of the City of Birmingham, to add Article 5, Section 5.15, Use Specific Standards, to add Use Specific Standard for the TZ-2 District, as in the packet.

Ms. Ecker added a friendly amendment and it was accepted by the makers of the motion:

An Ordinance to amend Chapter 126 Zoning of the Code of the City of Birmingham, to update the following sections in Article to add TZ-2 as a zone district to which they apply: 4.02, 4.04, 4.09, 4.10, 4.13, 4.16, 4.18, 4.20, 4.21, 4.22, 4.24, 4.30, 4.44, 4.45, 4.46, 4.47, 4.53, 4.54, 4.59, 4.65, 4.73, 4.74, 4.83, 4.84, 4.88, 4.89, 4.90.

Motion carried, 7-0.

VOICE VOTE

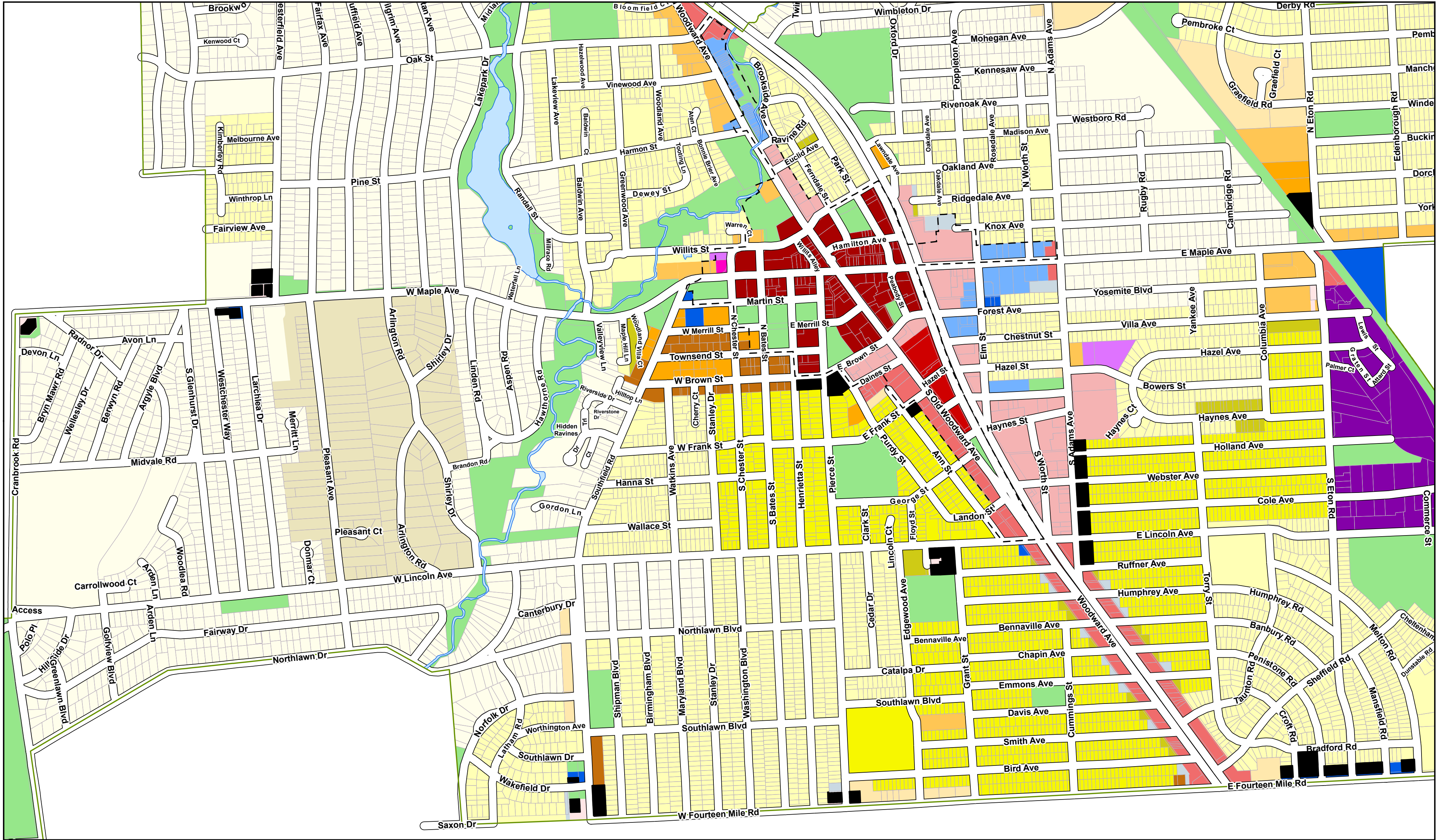
Yeas: Jeffares, Boyle, Clein, Koseck, Lazar, Whipple-Boyce, Williams

Nays: None

Absent: None

Chairman Clein closed the public hearing at 7:57 p.m.

TZ2 Transitional Zoning Proposals



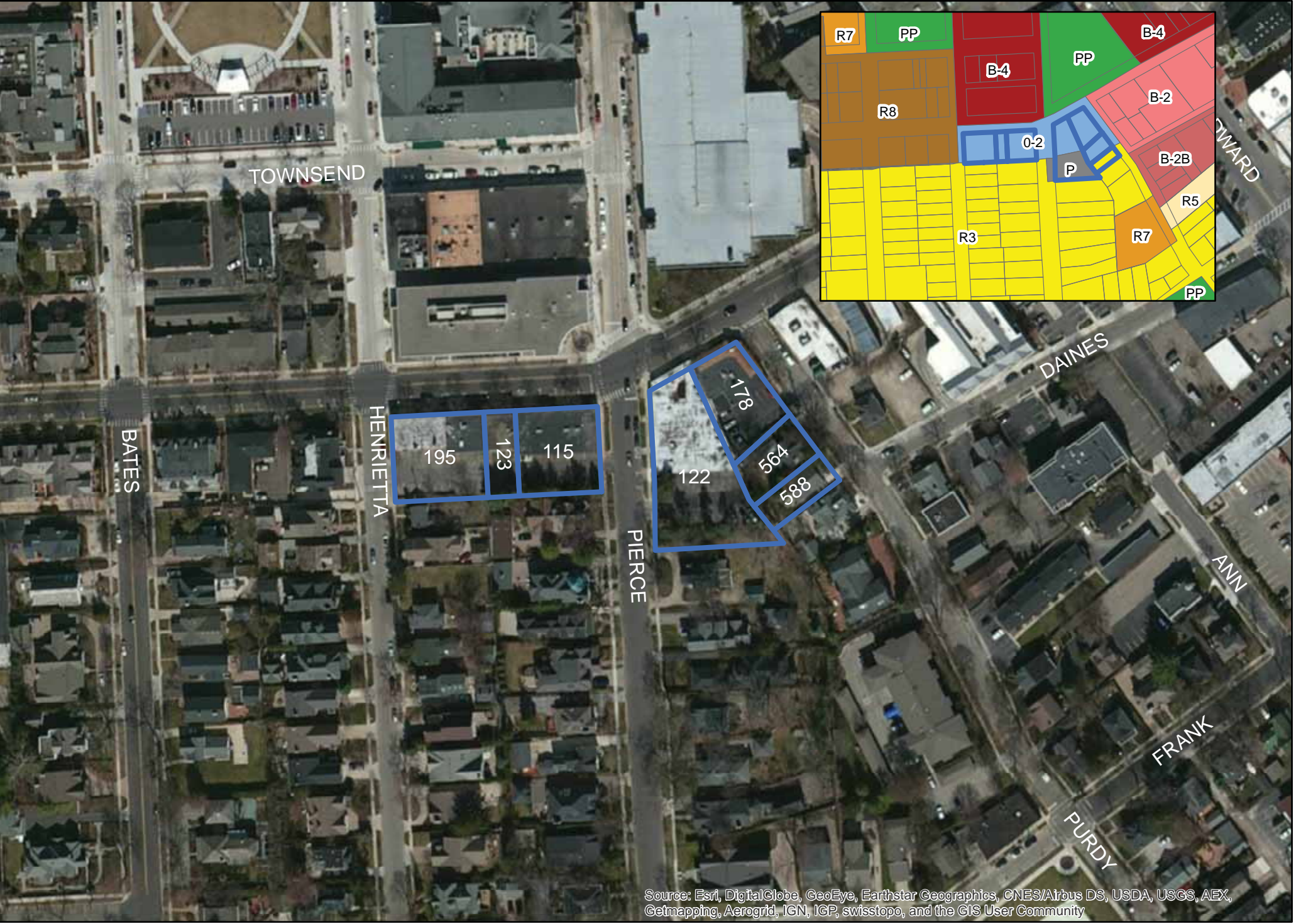
City Of Birmingham
Zoning Map



1,500 750 0 1,500 Feet

Coordinate System: State Plane Coordinate System Michigan South Zone 2113 Projection: Lambert Conformal
Conic, Units: International Feet, Datum: NAD83
Data Sources: Oakland County GIS Utility, City of Birmingham
Updated: December 1, 2015

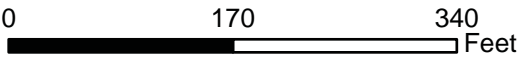
Zoning Districts			
R1	Single-Family Residential	R7	Multiple-Family Residential
R1-A	Single-Family Residential	R8	Multiple-Family Residential
R2	Single-Family Residential	TZ1	Transitional Zoning 1
R3	Single-Family Residential	TZ3	Transitional Zoning
R4	Two-Family Residential	MX	Mixed-Use
R5	Multiple-Family Residential	B-1	Neighborhood Business
R6	Multiple-Family Residential	B-2	General Business
		B-2B	General Business
		B-3	Office-Residential
		B-4	Business-Residential
		O-2	Office Commercial
		O-1	Office
		P	Parking
		PP	Public Property
			Downtown Overlay Boundary



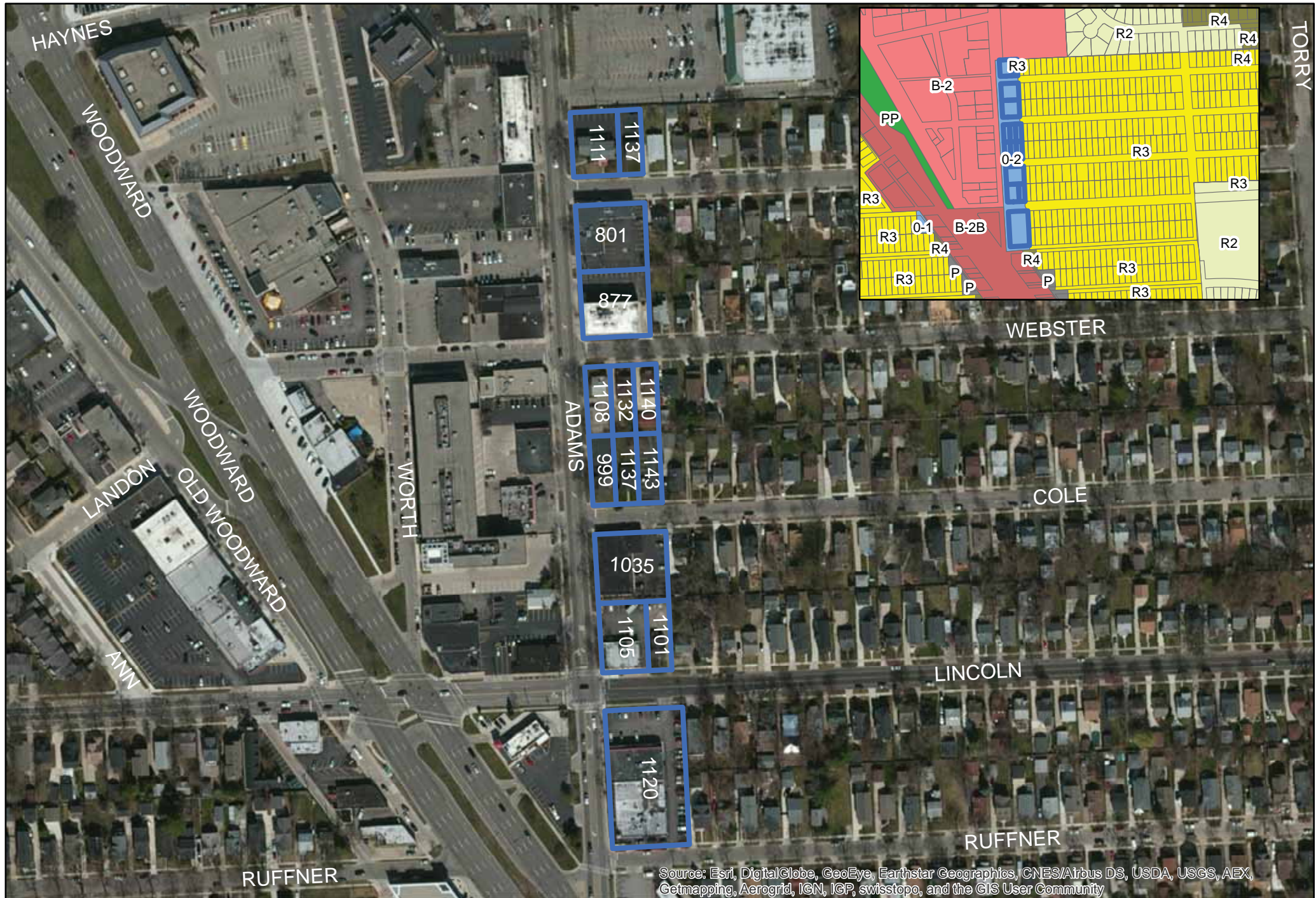
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community



TZ2 Proposals

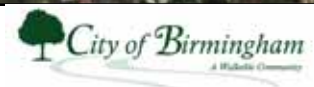


1111, 1137 Holland; 801, 877, 999, 1035, 1105 S Adams Rd;
1108, 1132, 1140 Webster; 1137, 1143 Cole St; 1101, 1120 E Lincoln

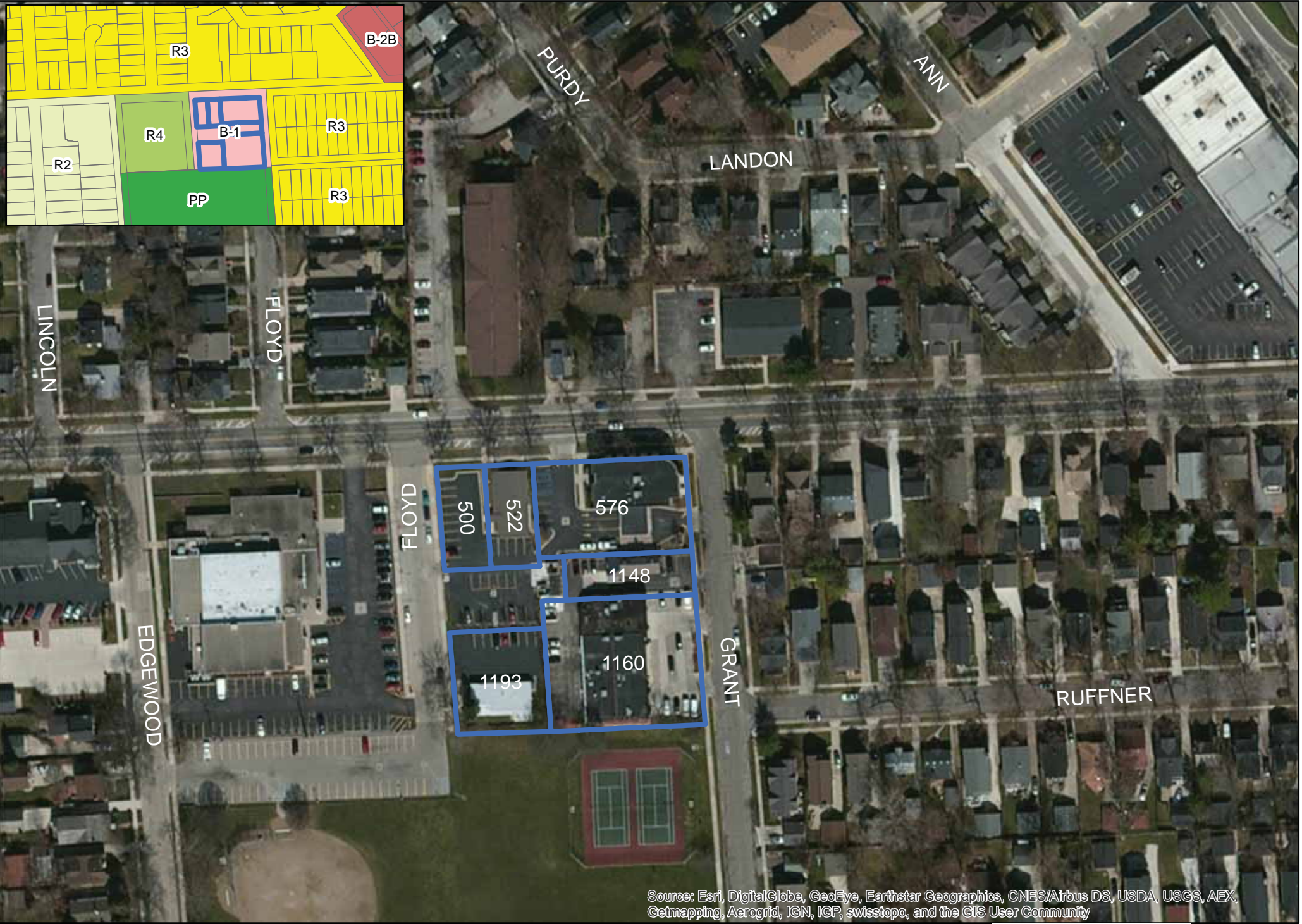


TZ2 Proposals

0 250 500 Feet



500, 522, 576 E. Lincoln; 1148, 1160 Grant; 1193 Floyd

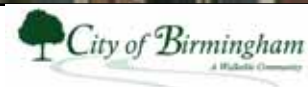


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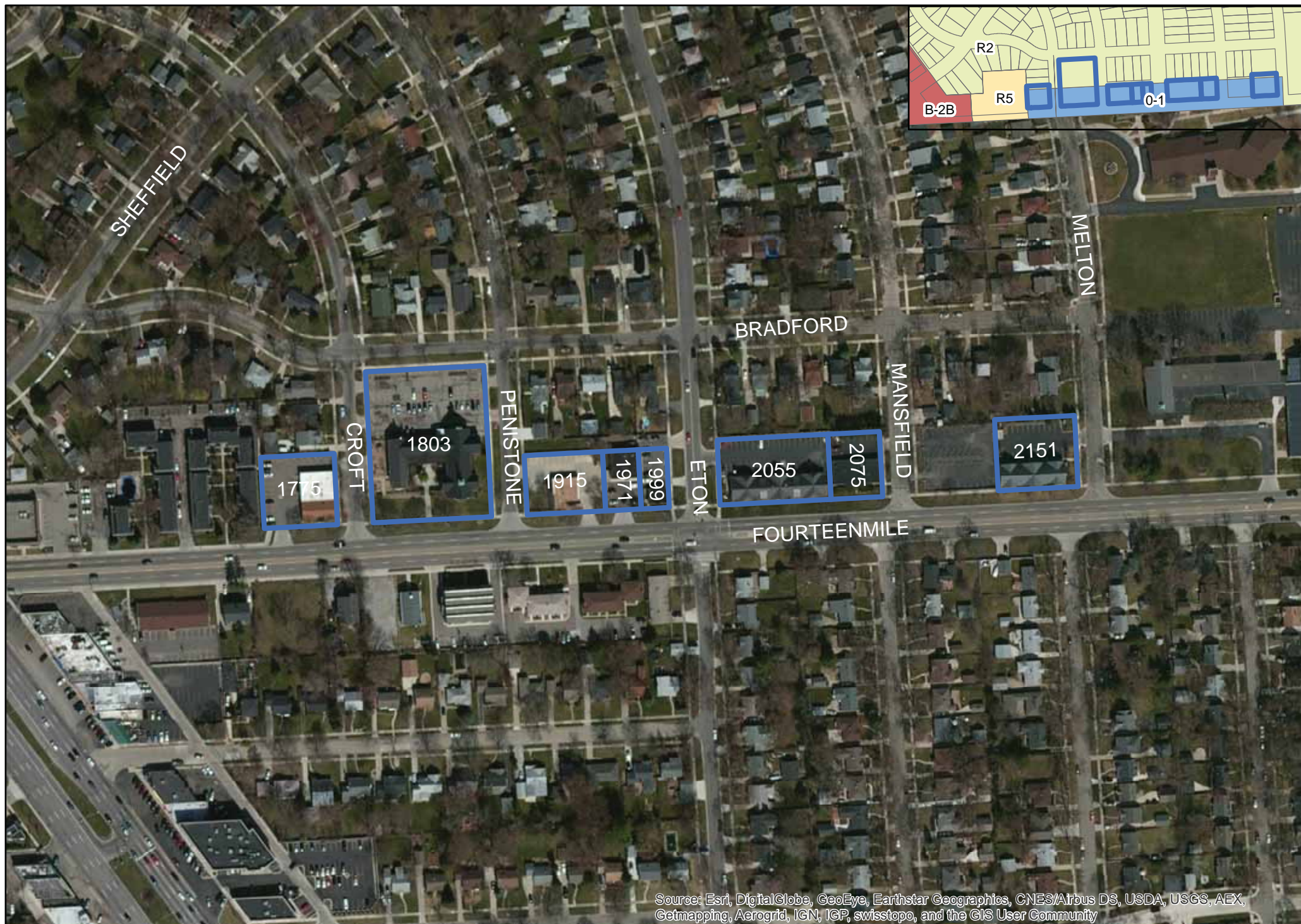


TZ2 Proposals

0 150 300 Feet



1775, 1803, 1915, 1971, 1999, 2055, 2075, 2151 Fourteen Mile Rd.



TZ2 Proposals

0

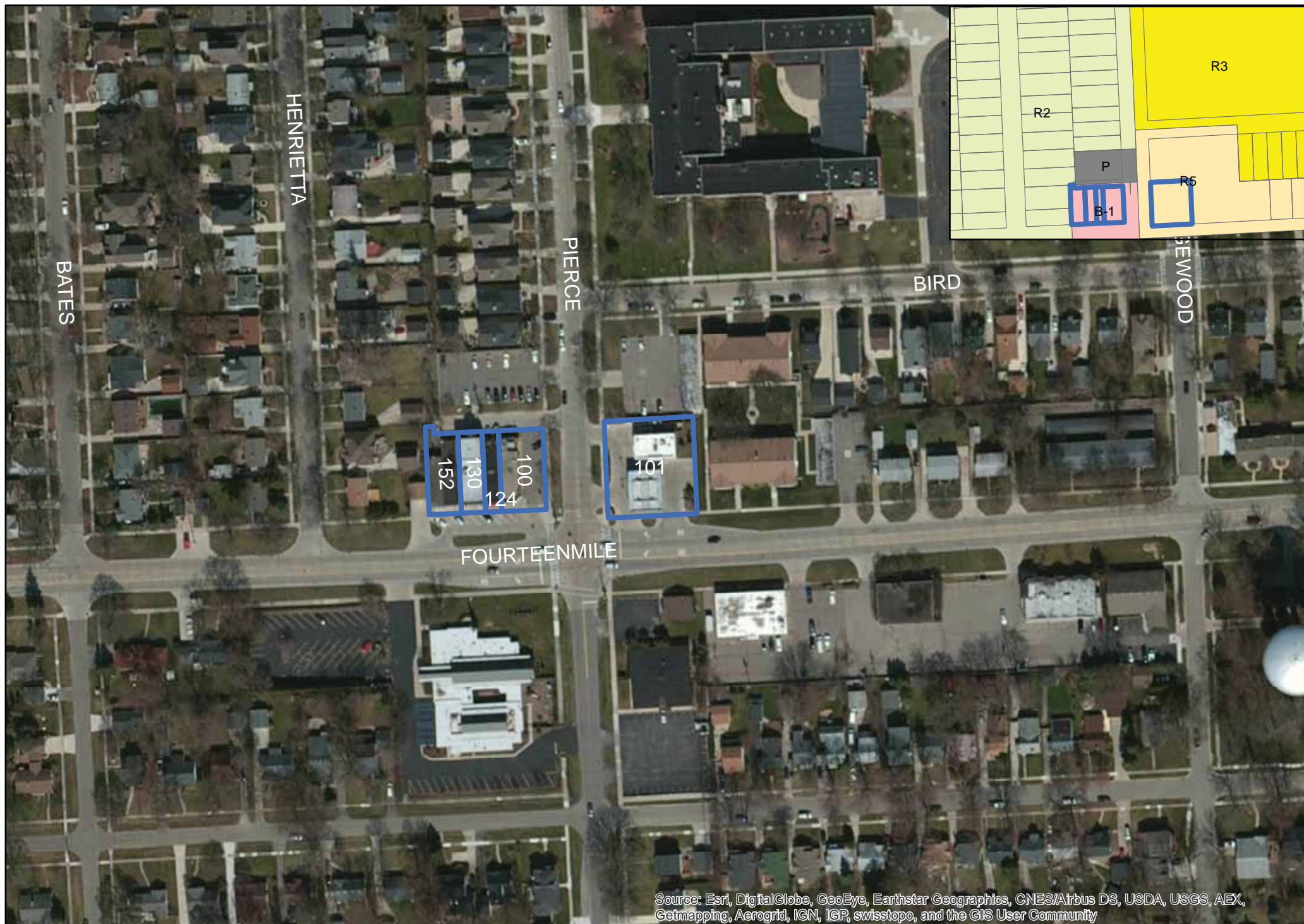
245

490

Feet

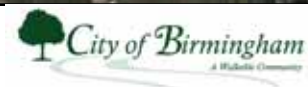


100, 124, 130, 152 W Fourteen Mile Rd; 101 E. Fourteen Mile Rd.

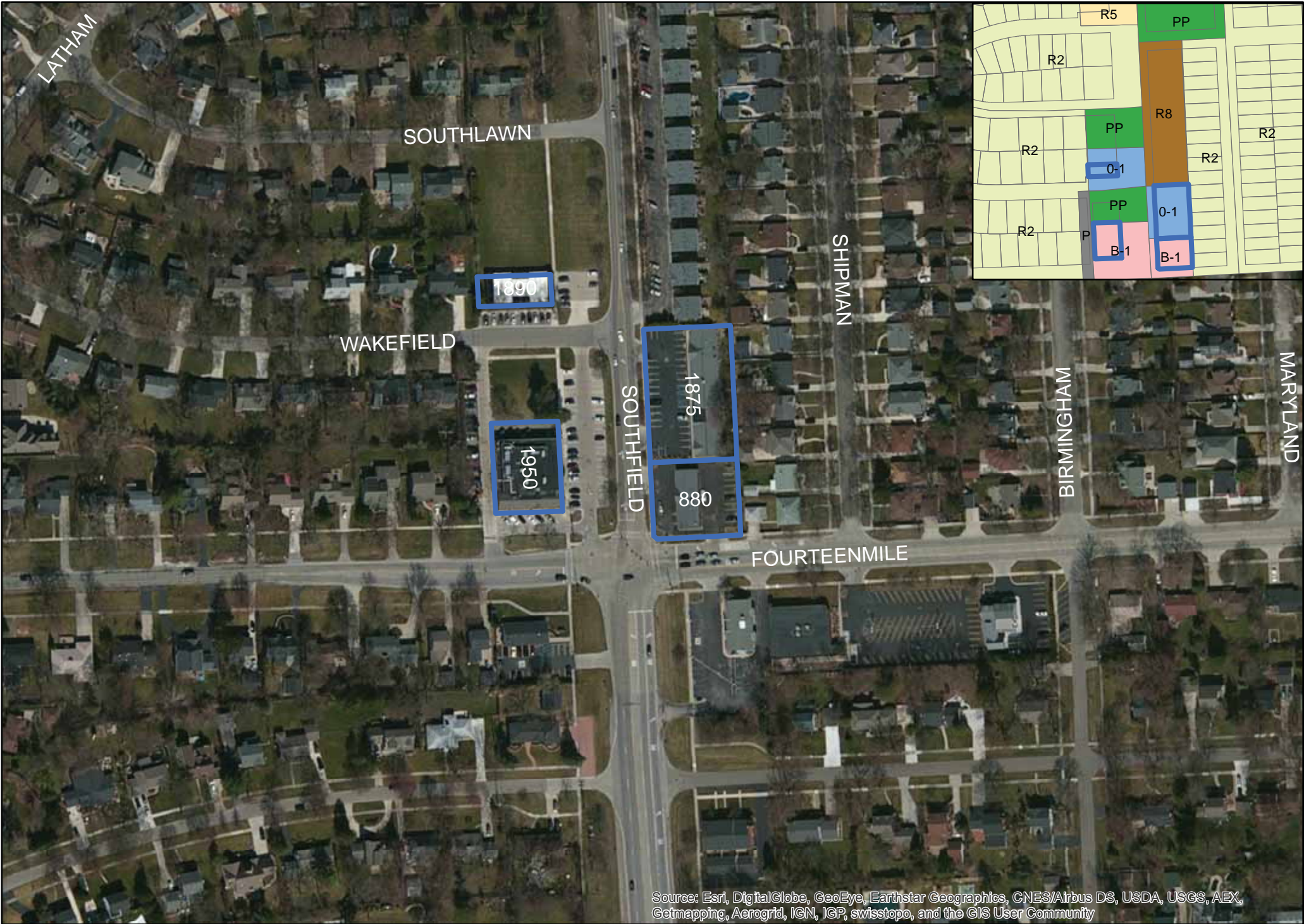


TZ2 Proposals

0 180 360 Feet



1712, 1728, 1732, 1740, 1744, 1794, 1821 W. Maple Rd.

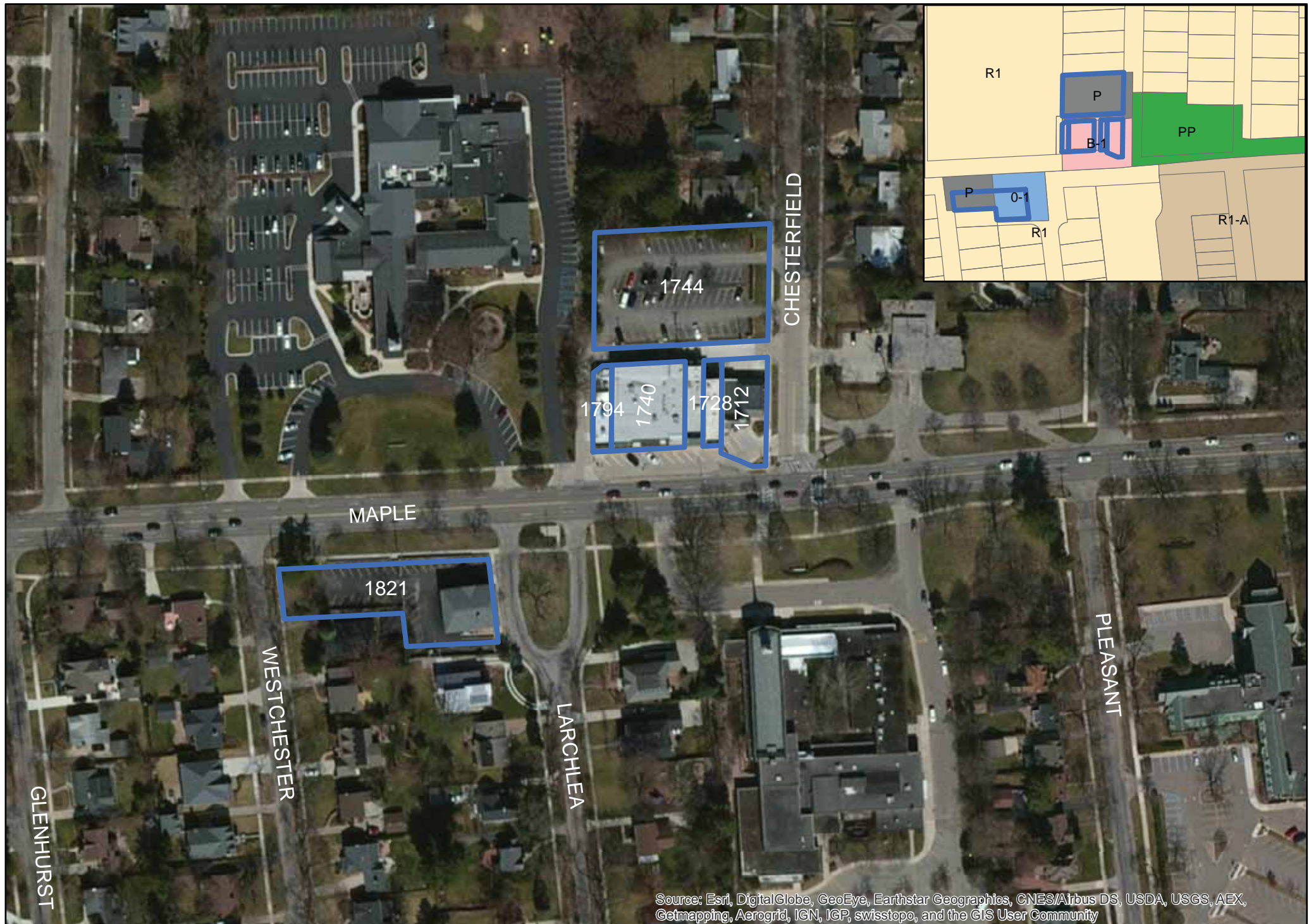


TZ2 Proposals

0 215 430 Feet

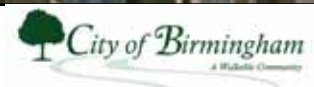


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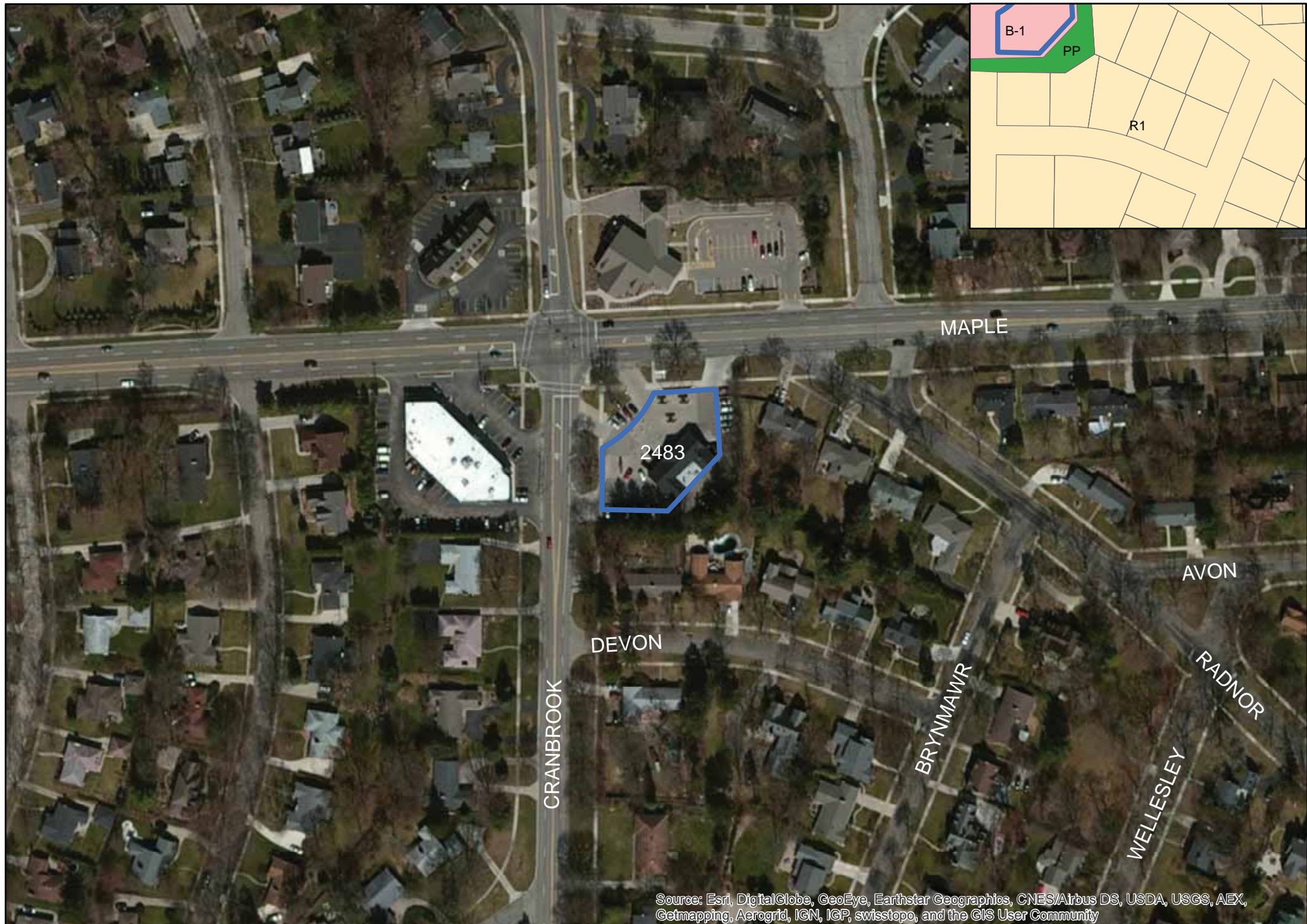


TZ2 Proposals

0 175 350 Feet

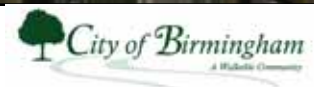


2483 W. Maple Rd.

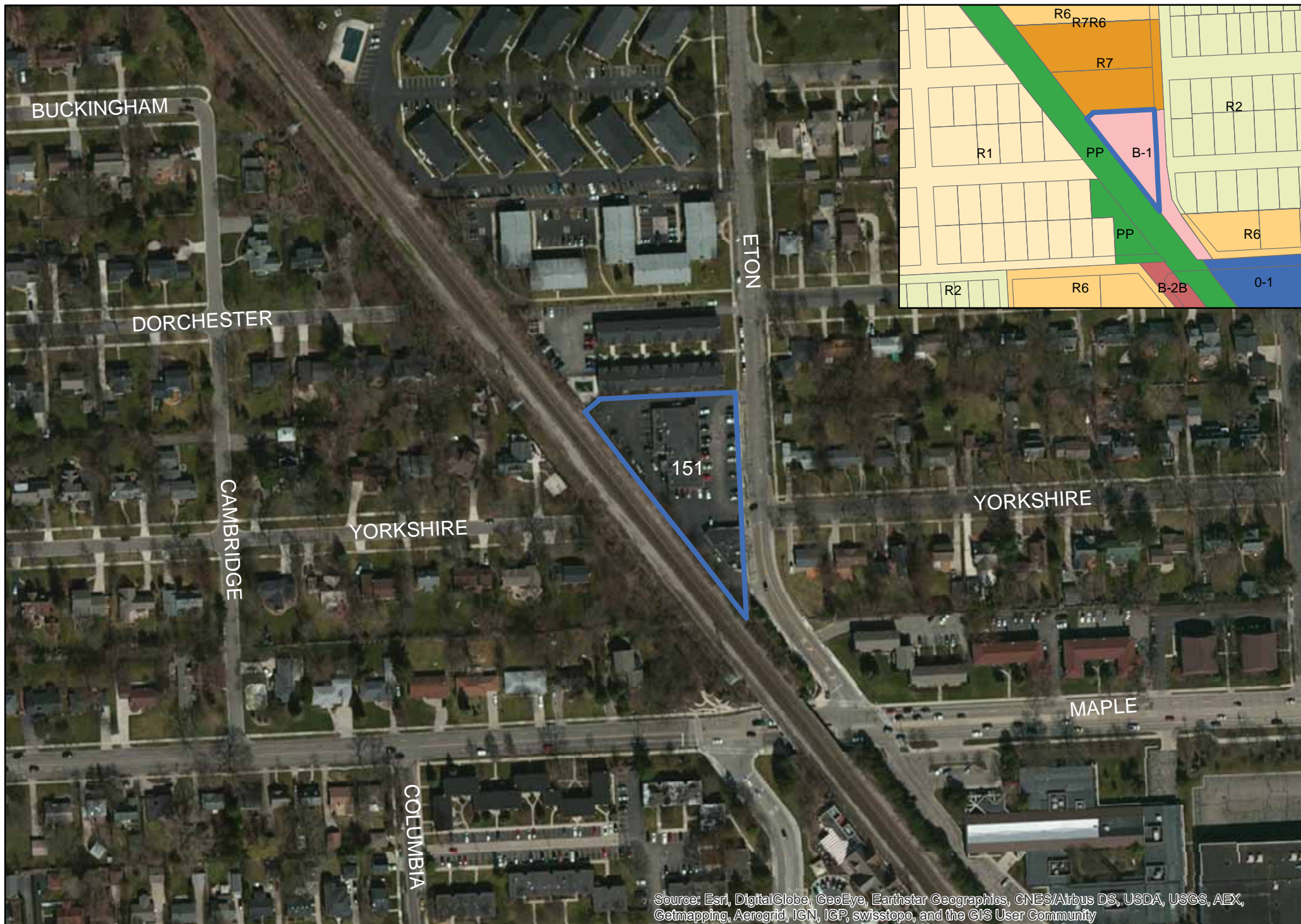


TZ2 Proposals

0 190 380 Feet



151 N. Eaton



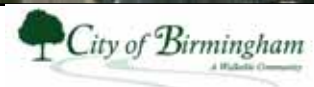
TZ2 Proposals

0

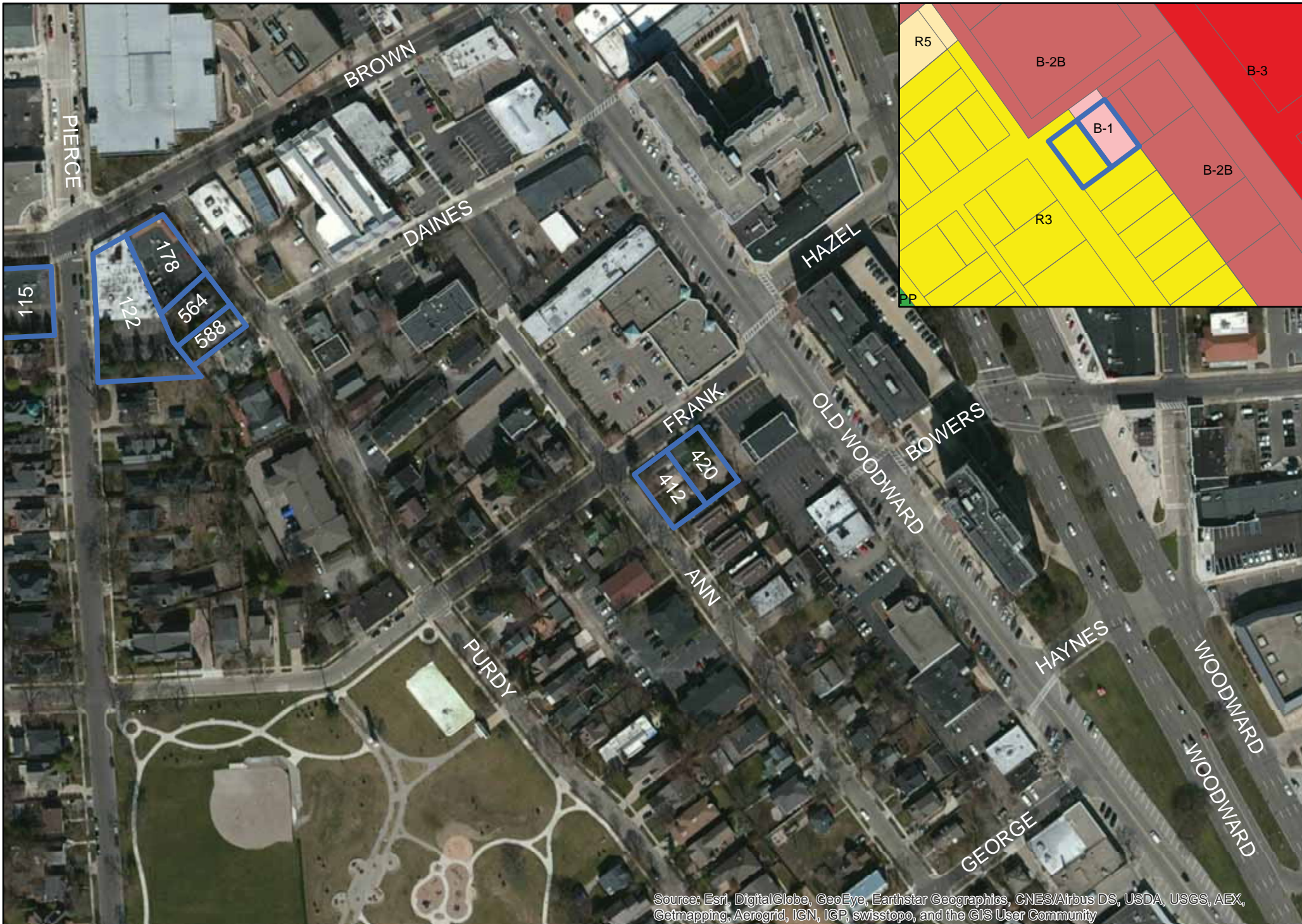
237.5

475

Feet



412 & 420 E. Frank St.



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

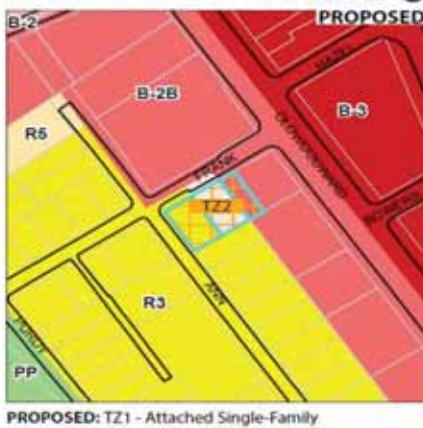
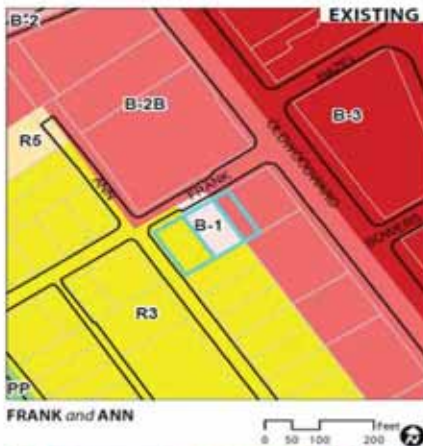


TZ2 Proposals

0 215 430 Feet



E. FRANK— R3/B1/B2B TO TZ2



Total property area – approx. 15,000 sq. ft.

of residential units currently permitted – 1 unit on R3 parcel
0 units on B1 parcel
No limit on B2b parcel

of units permitted under TZ1 zoning - 5

412 E. FRANK - R3 TO TZ2

R3 – Single family Residential

Residential Permitted Uses

- ~~adult foster care group home~~
- dwelling - one-family
- ~~single family cluster*~~

Institutional Permitted Uses

- government office
- school – public

Recreational Permitted Uses

- park

Accessory Permitted Uses

- family day care home*
- ~~garage – private~~
- ~~greenhouse – private~~
- home occupation*
- ~~parking facility – private off-street~~
- ~~parking – public, off-street*~~
- ~~renting of rooms*~~
- ~~sign~~
- ~~swimming pool – private~~
- any use customarily incidental to the permitted principal use

Uses Requiring a Special Land Use Permit

- assisted living
- church
- ~~continued care retirement community~~
- independent hospice facility
- independent senior living
- ~~medical rehabilitation facility~~
- ~~parking (accessory) – public, off-street~~
- ~~philanthropic use~~
- ~~public utility building~~
- ~~publicly owned building~~
- school - private
- skilled nursing facility

Residential Permitted Uses

Dwelling – attached single family

Dwelling – multiple family

Dwelling – single family (R3)

Commercial Permitted Uses

Art gallery

Artisan use

Barber/Beauty Salon

Bookstore

Boutique

Drugstore

Gift shop/flower shop

Hardware

Health club/studio

Jewelry store

Neighborhood convenience store

Office

Tailor

Uses with SLUP

Any permitted commercial use with interior floor area over 3,000 sq.ft. per tenant

Assisted Living

Bakery

Bank/credit union with drive-thru

Church or religious institution

Coffee shop

Delicatessen

Dry cleaner

Essential services

Food & drink establishment

Government office/use

Grocery store

Independent hospice facility

Independent senior living

Parking Structure

School – private and public (now requires SLUP)

Skilled nursing facility

Specialty food shop

420 E. FRANK - B1 TO TZ2

Institutional Uses

Church
Community center
Government office
Government use
School—private, public
Social Club

Recreational Uses

Recreational club
Swimming pool—public, semiprivate

Commercial Permitted Uses

Bakery
Barber/beauty salon
Drugstore
Dry cleaning
Grocery store
Hardware store
Neighborhood convenience store
Office
Shoe store/shoe repair
Tailor

Other Permitted Uses

Utility substation

Existing Uses with SLUP

Alcoholic beverage sales (off-premise consumption)
Alcoholic beverage sales (on-premise consumption)
Child-care center
Continued-care retirement community
Drive-in facility
Gasoline service station
Independent hospice facility
Skilled nursing facility

Residential Permitted Uses

Dwelling – attached single family
Dwelling – multiple family
Dwelling – single family (R3)

Commercial Permitted Uses

Art gallery
Artisan use
Barber/Beauty Salon
Bookstore
Boutique
Drugstore
Gift shop/flower shop
Hardware
Health club/studio
Jewelry store
Neighborhood convenience store
Office
Tailor

Uses with SLUP

Any permitted commercial use with interior floor area over 3,000 sq.ft. per tenant
Assisted Living
Bakery (now requires SLUP)
Bank/credit union with drive-thru
Church or religious institution
Coffee shop
Delicatessen
Dry cleaner (now requires SLUP)
Essential services
Food & drink establishment
Government office/use (now requires SLUP)
Grocery store (now requires SLUP)
Independent hospice facility
Independent senior living
Parking Structure
School – private and public (now requires SLUP)
Skilled nursing facility
Specialty food shop

E. FRANK PARKING – B2B TO TZ2

B2b – General Business

Residential Permitted Uses

- dwelling - multiple-family
- dwelling - one-family*
- dwelling - two family*
- live/work unit

Institutional Permitted Uses

- church
- community center
- garage - public
- government office
- government use
- loading facility - off street
- parking facility - off street
- school - private, public
- social club

Recreational Permitted Uses

- bowling alley
- outdoor amusement*
- recreational club
- swimming pool - public & semiprivate

Commercial Permitted Uses

- auto sales agency
- bakery
- bank
- barber shop/beauty salon
- catering
- child care center
- clothing store
- delicatessen
- drugstore
- dry cleaning
- flower/gift shop
- food or drink establishment*
- furniture
- greenhouse
- grocery store
- hardware store
- hotel
- jewelry store
- motel
- neighborhood convenience store
- office
- paint
- party store
- retail photocopying
- school business
- shoe store/shoe repair
- showroom of electricians/plumbers
- tailor
- theater*

Other Permitted Uses

- utility substation

Accessory Permitted Uses

- alcoholic beverage sales (off-premise consumption)*
- kennel*

- laboratory - medical/dental*
- loading facility - off street
- outdoor cafe*
- outdoor display of goods*
- outdoor sales*
- outdoor storage*
- parking facility - off-street
- sign

Uses Requiring a Special Land Use Permit

- alcoholic beverage sales (on-premise consumption)
- assisted living
- auto laundry
- bistro (only permitted in the Triangle District)*
- bus/train passenger station and waiting facility
- continued care retirement community
- display of broadcast media devices (only permitted in conjunction with a gasoline service station)
- drive-in facility
- establishments operating with a liquor license obtained under Chapter 10, Alcoholic Liquors, Article II, Division 3, Licenses for Economic Development (only permitted on those parcels within the Triangle District identified on Exhibit 1; Appendix C)
- funeral home
- gasoline full service station*
- gasoline service station
- independent hospice facility
- independent senior living
- skilled nursing facility
- trailer camp

Uses Requiring City Commission Approval

- regulated uses*

Residential Permitted Uses

Dwelling – attached single family

Dwelling – multiple family

Dwelling – single family (R3)

Commercial Permitted Uses

Art gallery

Artisan use

Barber/Beauty Salon

Bookstore

Boutique

Drugstore

Gift shop/flower shop

Hardware

Health club/studio

Jewelry store

Neighborhood convenience store

Office

Tailor

Uses with SLUP

Any permitted commercial use with i area over 3,000 sq.ft. per tenar

Assisted Living

Bakery (now requires SLUP)

Bank/credit union with drive-thru

Church or religious institution

Coffee shop

Delicatessen

Dry cleaner (now requires SLUP)

Essential services

Food & drink establishment

Government office/use (now requires SLUP)

Grocery store (now requires SLUP)

Independent hospice facility

Independent senior living

Parking Structure

School – private and public (now req

Skilled nursing facility

Specialty food shop

BROWN AT PIERCE



BROWN and PURDY, PURDY and DAINES



Source: Bing



PROPOSED: T22 - Mixed-Use



Source: Google



Source: Google

EXISTING USES: 02

PROPOSED USES: TZ2

Residential Permitted Uses

Adult foster care group home
Dwelling – multiple family
Dwelling – one-family (R5)
Dwelling – two family
Live/work unit
Single family cluster

Institutional Uses

Government office
Philanthropic use
School – public

Recreational Uses

Park
Swimming pool – semiprivate

Commercial Permitted Uses

Art gallery
Bakery
Bank without drive-through facility
Barber/beauty salon
Boutique
Clinic
Clothing store
Flower/gift shop
Hair replacement establishment
Interior design shop
Jewelry store
Leather and luggage goods shop
Office
Photographic studio
Specialty food store
Specialty home furnishing shop
Tailor
Tobacconist
Veterinary clinic

Existing Uses with SLUP

Assisted Living
Bank with drive-through facility
Bistro (only in Triangle District)
Continued care retirement community
Display of broadcast media devices (only permitted with gasoline service station)
Establishments operating with a liquor license obtained under Chapter 10, Alcoholic Liquors, Article II, Division 3, Licenses for Economic Development (only permitted on those parcels within the Triangle District identified on Exhibit 1: Appendix C)
Food and drink establishment
Independent hospice facility
Independent senior living
Skilled nursing facility

Residential Permitted Uses

Dwelling – attached single family
Dwelling – multiple family
Dwelling – single family (R3)

Commercial Permitted Uses

Art gallery
Artisan use
Barber/Beauty Salon
Bookstore
Boutique
Drugstore
Gift shop/flower shop
Hardware
Health club/studio
Jewelry store
Neighborhood convenience store
Office
Tailor

Uses with SLUP

Any permitted commercial use with interior floor area over 3,000 sq.ft. per tenant
Assisted Living
Bakery (now requires SLUP)
Bank/credit union with drive-thru
Church or religious institution
Coffee shop
Delicatessen
Dry cleaner
Essential services
Food & drink establishment
Government office/use (now requires SLUP)
Grocery store
Independent hospice facility
Independent senior living
Parking Structure
School – private and public (now requires SLUP)
Skilled nursing facility
Specialty food shop

EXISTING USES: P

PROPOSED USES: TZ2

Residential Permitted Uses

~~Adult foster care group home (R7)~~
~~Dwelling – multiple-family (R7)~~
~~Dwelling – one-family (R7)~~
~~Dwelling – two-family (R7)~~
~~Live/work unit~~
~~Single family cluster (R7)~~

Institutional Uses

~~Government office (R7)~~
~~Parking facility – off street~~
~~Philanthropic use~~
~~School – public (R7)~~

Recreational Uses

~~Park (R7)~~
~~Swimming pool – semiprivate (R7)~~

Existing Uses with SLUP

~~Assisted living~~
~~Bistro (only in Triangle District)~~
~~Church~~
~~Community center~~
~~Continued care retirement community~~
~~Independent hospice facility~~
~~Independent senior living~~
~~Publicly owned building~~
~~Public utility building~~
~~Recreational club~~
~~School - private~~
~~Skilled nursing facility~~
~~Social club~~

Residential Permitted Uses

~~Dwelling – attached single family~~
~~Dwelling – multiple family~~
~~Dwelling – single family (R3)~~

Commercial Permitted Uses

~~Art gallery~~
~~Artisan use~~
~~Barber/Beauty Salon~~
~~Bookstore~~
~~Boutique~~
~~Drugstore~~
~~Gift shop/flower shop~~
~~Hardware~~
~~Health club/studio~~
~~Jewelry store~~
~~Neighborhood convenience store~~
~~Office~~
~~Tailor~~

Uses with SLUP

~~Any permitted commercial use with interior floor area over 3,000 sq.ft. per tenant~~
~~Assisted Living~~
~~Bakery~~
~~Bank/credit union with drive-thru~~
~~Church or religious institution~~
~~Coffee shop~~
~~Delicatessen~~
~~Dry cleaner~~
~~Essential services~~
~~Food & drink establishment~~
~~Government office/use (now requires SLUP)~~
~~Grocery store~~
~~Independent hospice facility~~
~~Independent senior living~~
~~Parking Structure (now requires SLUP)~~
~~School – private and public (now requires SLUP)~~
~~Skilled nursing facility~~
~~Specialty food shop~~

EXISTING USES: R3

PROPOSED USES: TZ2

Residential Permitted Uses

Adult foster care group home
Dwelling – one-family
Single family cluster

Institutional Uses

Government office
School—public

Recreational Uses

Park

Existing Uses with SLUP

Assisted living
Church
Continued care retirement community
Independent hospice facility
Independent senior living
Medical rehabilitation facility
Parking (accessory) – public, off-street
Philanthropic use
Public utility building
Publicly owned building
School - private
Skilled nursing facility

Residential Permitted Uses

Dwelling – attached single family
Dwelling – multiple family
Dwelling – single family (R3)

Commercial Permitted Uses

Art gallery
Artisan use
Barber/Beauty Salon
Bookstore
Boutique
Drugstore
Gift shop/flower shop
Hardware
Health club/studio
Jewelry store
Neighborhood convenience store
Office
Tailor

Uses with SLUP

Any permitted commercial use with interior floor
area over 3,000 sq.ft. per tenant
Assisted Living
Bakery
Bank/credit union with drive-thru
Church or religious institution
Coffee shop
Delicatessen
Dry cleaner
Essential services
Food & drink establishment
Government office/use (now requires SLUP)
Grocery store
Independent hospice facility
Independent senior living
Parking Structure
School – private and public (now requires SLUP)
Skilled nursing facility
Specialty food shop

S. ADAMS, ADAMS SQUARE TO LINCOLN



S. ADAMS between ADAMS SQUARE and LINCOLN



Source: Bing



PROPOSED: TZ2 - Mixed-Use



Source: Google



Source: Google

EXISTING USES: 02

PROPOSED USES: TZ2

Residential Permitted Uses

Adult foster care group home
Dwelling – multiple family
Dwelling – one-family (R5)
Dwelling – two family
Live/work unit
Single family cluster

Institutional Uses

Government office
Philanthropic use
School – public

Recreational Uses

Park
Swimming pool – semiprivate

Commercial Permitted Uses

Art gallery
Bakery
Bank without drive-through facility
Barber/beauty salon
Boutique
Clinic
Clothing store
Flower/gift shop
Hair replacement establishment
Interior design shop
Jewelry store
Leather and luggage goods shop
Office
Photographic studio
Specialty food store
Specialty home furnishing shop
Tailor
Tobacconist
Veterinary clinic

Existing Uses with SLUP

Assisted Living
Bank with drive-through facility
Bistro (only in Triangle District)
Continued care retirement community
Display of broadcast media devices (only permitted with gasoline service station)
Establishments operating with a liquor license obtained under Chapter 10, Alcoholic Liquors, Article II, Division 3, Licenses for Economic Development (only permitted on those parcels within the Triangle District identified on Exhibit 1: Appendix C)
Food and drink establishment
Independent hospice facility
Independent senior living
Skilled nursing facility

Residential Permitted Uses

Dwelling – attached single family
Dwelling – multiple family
Dwelling – single family (R3)

Commercial Permitted Uses

Art gallery
Artisan use
Barber/Beauty Salon
Bookstore
Boutique
Drugstore
Gift shop/flower shop
Hardware
Health club/studio
Jewelry store
Neighborhood convenience store
Office
Tailor

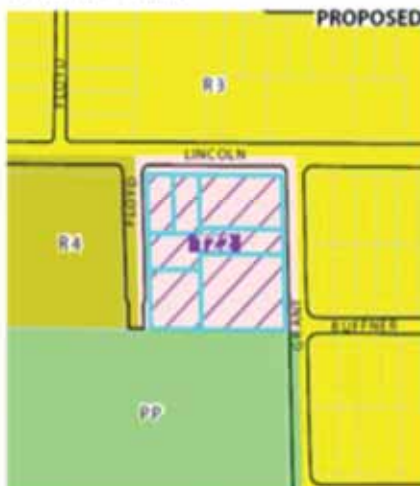
Uses with SLUP

Any permitted commercial use with interior floor area over 3,000 sq.ft. per tenant
Assisted Living
Bakery (now requires SLUP)
Bank/credit union with drive-thru
Church or religious institution
Coffee shop
Delicatessen
Dry cleaner
Essential services
Food & drink establishment
Government office/use (now requires SLUP)
Grocery store
Independent hospice facility
Independent senior living
Parking Structure
School – private and public (now requires SLUP)
Skilled nursing facility
Specialty food shop

LINCOLN AT GRANT



E. LINCOLN and GRANT



PROPOSED: TZ2 - Mixed-Use



EXISTING USES: B1

PROPOSED USES: TZ2

Institutional Uses

Church
Community center
Government office
Government use
School — private, public
Social Club

Recreational Uses

Recreational club
Swimming pool — public, semiprivate

Commercial Permitted Uses

Bakery
Barber/beauty salon
Drugstore
Dry cleaning
Grocery store
Hardware store
Neighborhood convenience store
Office
Shoe store/shoe repair
Tailor

Other Permitted Uses

Utility substation

Existing Uses with SLUP

Alcoholic beverage sales (off-premise consumption)
Alcoholic beverage sales (on-premise consumption)
Child care center
Continued care retirement community
Drive-in facility
Gasoline service station
Independent hospice facility
Skilled nursing facility

Residential Permitted Uses

Dwelling — attached single family
Dwelling — multiple family
Dwelling — single family (R3)

Commercial Permitted Uses

Art gallery
Artisan use
Barber/Beauty Salon
Bookstore
Boutique
Drugstore
Gift shop/flower shop
Hardware
Health club/studio
Jewelry store
Neighborhood convenience store
Office
Tailor

Uses with SLUP

Any permitted commercial use with interior floor area over 3,000 sq.ft. per tenant

Assisted Living

Bakery (now requires SLUP)
Bank/credit union with drive-thru
Church or religious institution

Coffee shop

Delicatessen

Dry cleaner (now requires SLUP)

Essential services

Food & drink establishment

Government office/use (now requires SLUP)
Grocery store (now requires SLUP)

Independent hospice facility

Independent senior living

Parking Structure

School — private and public (now requires SLUP)

Skilled nursing facility

Specialty food shop

E. 14 MILE ROAD EAST OF WOODWARD



14 MILE east of WOODWARD



Source: Bing



PROPOSED: TZ2 - Mixed-Use



Source: Google



Source: Google

EXISTING USES: 01

PROPOSED USES: TZ2

Residential Permitted Uses

~~Adult foster care group home~~
Dwelling – multiple family
Dwelling – one-family (R5)
~~Dwelling – two family~~
Live/work unit
Single family cluster

Institutional Uses

~~Government office~~
~~Philanthropic use~~
~~School – public~~

Recreational Uses

~~Park~~
~~Swimming pool – semiprivate~~

Commercial Permitted Uses

Barber/beauty salon
~~Hair replacement establishment~~
Office
~~Veterinary clinic~~

Existing Uses with SLUP

Assisted Living
~~Bistro (only in Triangle District)~~
Church
~~Continued care retirement community~~
Independent hospice facility
Independent senior living
Skilled nursing facility

Residential Permitted Uses

Dwelling – attached single family
Dwelling – multiple family
Dwelling – single family (R3)

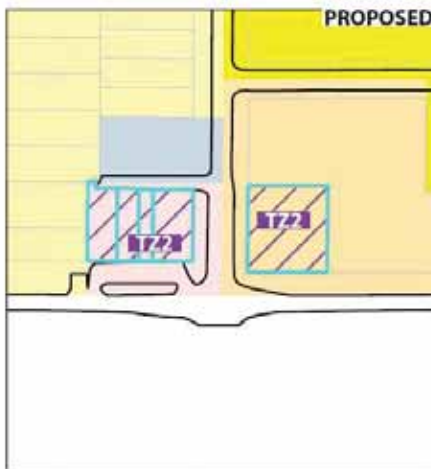
Commercial Permitted Uses

Art gallery
Artisan use
Barber/Beauty Salon
Bookstore
Boutique
Drugstore
Gift shop/flower shop
Hardware
Health club/studio
Jewelry store
Neighborhood convenience store
Office
Tailor

Uses with SLUP

Any permitted commercial use with interior floor area over 3,000 sq.ft. per tenant
Assisted Living
Bakery
Bank/credit union with drive-thru
Church or religious institution
Coffee shop
Delicatessen
Dry cleaner
Essential services
Food & drink establishment
Government office/use (now requires SLUP)
Grocery store
Independent hospice facility
Independent senior living
Parking Structure
School – **private** and public (**now requires SLUP**)
Skilled nursing facility
Specialty food shop

14 MILE ROAD AT PIERCE



PROPOSED: TZ2 - Mixed-Use

0 250 500 1,000 Feet



EXISTING USES: B1

PROPOSED USES: TZ2

Institutional Uses

Church
Community center
Government office
Government use
School — private, public
Social Club

Recreational Uses

Recreational club
Swimming pool — public, semiprivate

Commercial Permitted Uses

Bakery
Barber/beauty salon
Drugstore
Dry cleaning
Grocery store
Hardware store
Neighborhood convenience store
Office
Shoe store/shoe repair
Tailor

Other Permitted Uses

Utility substation

Existing Uses with SLUP

Alcoholic beverage sales (off-premise consumption)
Alcoholic beverage sales (on-premise consumption)
Child care center
Continued care retirement community
Drive-in facility
Gasoline service station
Independent hospice facility
Skilled nursing facility

Residential Permitted Uses

Dwelling — attached single family
Dwelling — multiple family
Dwelling — single family (R3)

Commercial Permitted Uses

Art gallery
Artisan use
Barber/Beauty Salon
Bookstore
Boutique
Drugstore
Gift shop/flower shop
Hardware
Health club/studio
Jewelry store
Neighborhood convenience store
Office
Tailor

Uses with SLUP

Any permitted commercial use with interior floor area over 3,000 sq.ft. per tenant

Assisted Living

Bakery (now requires SLUP)
Bank/credit union with drive-thru
Church or religious institution

Coffee shop

Delicatessen

Dry cleaner (now requires SLUP)

Essential services

Food & drink establishment

Government office/use (now requires SLUP)
Grocery store (now requires SLUP)

Independent hospice facility

Independent senior living

Parking Structure

School — private and public (now requires SLUP)
Skilled nursing facility
Specialty food shop

EXISTING USES: R5

PROPOSED USES: TZ2

Residential Permitted Uses

~~Adult foster care group home (R4)~~
 Dwelling – multiple-family
 Dwelling – one-family (R4)
~~Dwelling – two-family (R4)~~
 Single family cluster (R4)

Institutional Uses

~~Government office (R4)~~
~~Philanthropic use (R4)~~
~~School – public (R4)~~

Recreational Uses

~~Park (R4)~~
~~Swimming pool – semiprivate~~

Existing Uses with SLUP

Assisted living
 Church
~~Continued care retirement community~~
 Independent hospice facility
 Independent senior living
~~Parking (accessory) – public, off-street~~
~~Public utility building~~
~~Publicly owned building~~
 School - private
 Skilled nursing facility

Residential Permitted Uses

Dwelling – attached single family
 Dwelling – multiple family
 Dwelling – single family (R3)

Commercial Permitted Uses

Art gallery
Artisan use
Barber/Beauty Salon
Bookstore
Boutique
Drugstore
Gift shop/flower shop
Hardware
Health club/studio
Jewelry store
Neighborhood convenience store
Office
Tailor

Uses with SLUP

Any permitted commercial use with interior floor area over 3,000 sq.ft. per tenant
 Assisted Living
Bakery
Bank/credit union with drive-thru
Church or religious institution
Coffee shop
Delicatessen
Dry cleaner
Essential services
Food & drink establishment
 Government office/use (now requires SLUP)
Grocery store
 Independent hospice facility
 Independent senior living
 Parking Structure
 School – private and public (now requires SLUP)
 Skilled nursing facility
Specialty food shop

SOUTHFIELD AT 14 MILE



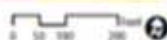
SOUTHFIELD and 14 MILE



Source: Bing



PROPOSED: T22 - Mixed-Use



Source: Google



Source: Google

EXISTING USES: B1

PROPOSED USES: TZ2

Institutional Uses

Church
Community center
Government office
Government use
School — private, public
Social Club

Recreational Uses

Recreational club
Swimming pool — public, semiprivate

Commercial Permitted Uses

Bakery
Barber/beauty salon
Drugstore
Dry cleaning
Grocery store
Hardware store
Neighborhood convenience store
Office
Shoe store/shoe repair
Tailor

Other Permitted Uses

Utility substation

Existing Uses with SLUP

Alcoholic beverage sales (off-premise consumption)
Alcoholic beverage sales (on-premise consumption)
Child care center
Continued care retirement community
Drive-in facility
Gasoline full service station
Independent hospice facility
Skilled nursing facility

Residential Permitted Uses

Dwelling — attached single family
Dwelling — multiple family
Dwelling — single family (R3)

Commercial Permitted Uses

Art gallery
Artisan use
Barber/Beauty Salon
Bookstore
Boutique
Drugstore
Gift shop/flower shop
Hardware
Health club/studio
Jewelry store
Neighborhood convenience store
Office
Tailor

Uses with SLUP

Any permitted commercial use with interior floor area over 3,000 sq.ft. per tenant

Assisted Living

Bakery (now requires SLUP)
Bank/credit union with drive-thru
Church or religious institution

Coffee shop

Delicatessen

Dry cleaner (now requires SLUP)

Essential services

Food & drink establishment

Government office/use (now requires SLUP)
Grocery store (now requires SLUP)

Independent hospice facility

Independent senior living

Parking Structure

School — private and public (now requires SLUP)

Skilled nursing facility

Specialty food shop

EXISTING USES: 01

PROPOSED USES: TZ2

Residential Permitted Uses

~~Adult foster care group home~~
Dwelling – multiple family
Dwelling – one-family (R5)
~~Dwelling – two family~~
~~Live/work unit~~
Single family cluster

Institutional Uses

~~Government office~~
~~Philanthropic use~~
~~School – public~~

Recreational Uses

~~Park~~
~~Swimming pool – semiprivate~~

Commercial Permitted Uses

Barber/beauty salon
~~Hair replacement establishment~~
Office
~~Veterinary clinic~~

Existing Uses with SLUP

Assisted Living
~~Bistro (only in Triangle District)~~
Church
~~Continued care retirement community~~
Independent hospice facility
Independent senior living
Skilled nursing facility

Residential Permitted Uses

Dwelling – attached single family
Dwelling – multiple family
Dwelling – single family (R3)

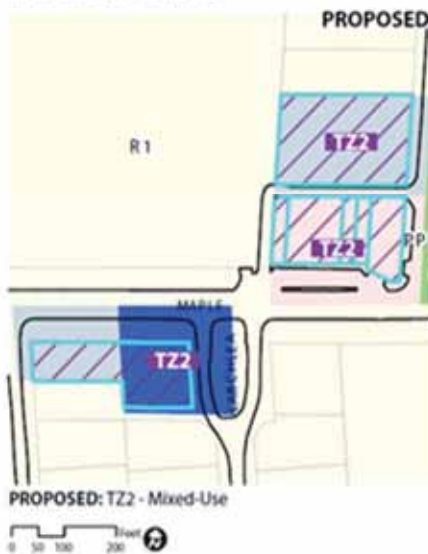
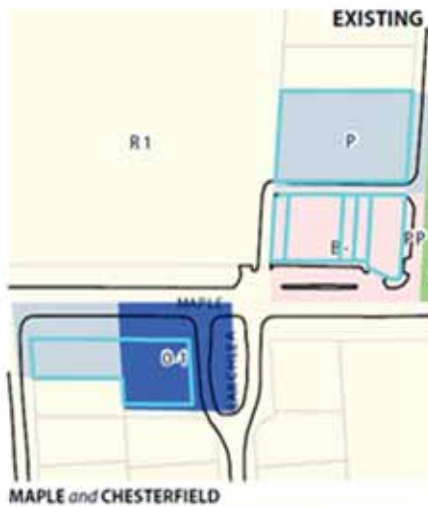
Commercial Permitted Uses

Art gallery
Artisan use
Barber/Beauty Salon
Bookstore
Boutique
Drugstore
Gift shop/flower shop
Hardware
Health club/studio
Jewelry store
Neighborhood convenience store
Office
Tailor

Uses with SLUP

Any permitted commercial use with interior floor area over 3,000 sq.ft. per tenant
Assisted Living
Bakery
Bank/credit union with drive-thru
Church or religious institution
Coffee shop
Delicatessen
Dry cleaner
Essential services
Food & drink establishment
Government office/use (now requires SLUP)
Grocery store
Independent hospice facility
Independent senior living
Parking Structure
School – private and public (now requires SLUP)
Skilled nursing facility
Specialty food shop

MILLS PHARMACY PLAZA/ W. MAPLE & LARCHLEA



EXISTING USES: B1

PROPOSED USES: TZ2

Institutional Uses

Church
Community center
Government office
Government use
School — private, public
Social Club

Recreational Uses

Recreational club
Swimming pool — public, semiprivate

Commercial Permitted Uses

Bakery
Barber/beauty salon
Drugstore
Dry cleaning
Grocery store
Hardware store
Neighborhood convenience store
Office
Shoe store/shoe repair
Tailor

Other Permitted Uses

Utility substation

Existing Uses with SLUP

Alcoholic beverage sales (off-premise consumption)
Alcoholic beverage sales (on-premise consumption)
Child care center
Continued care retirement community
Drive-in facility
Gasoline service station
Independent hospice facility
Skilled nursing facility

Residential Permitted Uses

Dwelling — attached single family
Dwelling — multiple family
Dwelling — single family (R3)

Commercial Permitted Uses

Art gallery
Artisan use
Barber/Beauty Salon
Bookstore
Boutique
Drugstore
Gift shop/flower shop
Hardware
Health club/studio
Jewelry store
Neighborhood convenience store
Office
Tailor

Uses with SLUP

Any permitted commercial use with interior floor area over 3,000 sq.ft. per tenant

Assisted Living

Bakery (now requires SLUP)
Bank/credit union with drive-thru
Church or religious institution

Coffee shop

Delicatessen

Dry cleaner (now requires SLUP)

Essential services

Food & drink establishment

Government office/use (now requires SLUP)
Grocery store (now requires SLUP)

Independent hospice facility

Independent senior living

Parking Structure

School — private and public (now requires SLUP)

Skilled nursing facility

Specialty food shop

EXISTING USES: 01

PROPOSED USES: TZ2

Residential Permitted Uses

~~Adult foster care group home~~
Dwelling – multiple family
Dwelling – one-family (R5)
~~Dwelling – two family~~
~~Live/work unit~~
Single family cluster

Institutional Uses

~~Government office~~
~~Philanthropic use~~
~~School – public~~

Recreational Uses

~~Park~~
~~Swimming pool – semiprivate~~

Commercial Permitted Uses

Barber/beauty salon
~~Hair replacement establishment~~
Office
~~Veterinary clinic~~

Existing Uses with SLUP

Assisted Living
~~Bistro (only in Triangle District)~~
Church
~~Continued care retirement community~~
Independent hospice facility
Independent senior living
Skilled nursing facility

Residential Permitted Uses

Dwelling – attached single family
Dwelling – multiple family
Dwelling – single family (R3)

Commercial Permitted Uses

Art gallery
Artisan use
Barber/Beauty Salon
Bookstore
Boutique
Drugstore
Gift shop/flower shop
Hardware
Health club/studio
Jewelry store
Neighborhood convenience store
Office
Tailor

Uses with SLUP

Any permitted commercial use with interior floor area over 3,000 sq.ft. per tenant
Assisted Living
Bakery
Bank/credit union with drive-thru
Church or religious institution
Coffee shop
Delicatessen
Dry cleaner
Essential services
Food & drink establishment
Government office/use (now requires SLUP)
Grocery store
Independent hospice facility
Independent senior living
Parking Structure
School – private and public (now requires SLUP)
Skilled nursing facility
Specialty food shop

EXISTING USES: P

PROPOSED USES: TZ2

Residential Permitted Uses

~~Adult foster care group home (R7)~~
~~Dwelling – multiple-family (R7)~~
~~Dwelling – one-family (R7)~~
~~Dwelling – two-family (R7)~~
~~Live/work unit~~
~~Single family cluster (R7)~~

Institutional Uses

~~Government office (R7)~~
~~Parking facility – off street~~
~~Philanthropic use~~
~~School – public (R7)~~

Recreational Uses

~~Park (R7)~~
~~Swimming pool – semiprivate (R7)~~

Existing Uses with SLUP

~~Assisted living~~
~~Bistro (only in Triangle District)~~
~~Church~~
~~Community center~~
~~Continued care retirement community~~
~~Independent hospice facility~~
~~Independent senior living~~
~~Publicly owned building~~
~~Public utility building~~
~~Recreational club~~
~~School - private~~
~~Skilled nursing facility~~
~~Social club~~

Residential Permitted Uses

~~Dwelling – attached single family~~
~~Dwelling – multiple family~~
~~Dwelling – single family (R3)~~

Commercial Permitted Uses

~~Art gallery~~
~~Artisan use~~
~~Barber/Beauty Salon~~
~~Bookstore~~
~~Boutique~~
~~Drugstore~~
~~Gift shop/flower shop~~
~~Hardware~~
~~Health club/studio~~
~~Jewelry store~~
~~Neighborhood convenience store~~
~~Office~~
~~Tailor~~

Uses with SLUP

~~Any permitted commercial use with interior floor area over 3,000 sq.ft. per tenant~~
~~Assisted Living~~
~~Bakery~~
~~Bank/credit union with drive-thru~~
~~Church or religious institution~~
~~Coffee shop~~
~~Delicatessen~~
~~Dry cleaner~~
~~Essential services~~
~~Food & drink establishment~~
~~Government office/use (now requires SLUP)~~
~~Grocery store~~
~~Independent hospice facility~~
~~Independent senior living~~
~~Parking Structure (now requires SLUP)~~
~~School – private and public (now requires SLUP)~~
~~Skilled nursing facility~~
~~Specialty food shop~~

W. MAPLE AND CRANBROOK



MAPLE and CRANBROOK



PROPOSED: TZ2 - Mixed-Use



EXISTING USES: B1

PROPOSED USES: TZ2

Institutional Uses

Church
Community center
Government office
Government use
School — private, public
Social Club

Recreational Uses

Recreational club
Swimming pool — public, semiprivate

Commercial Permitted Uses

Bakery
Barber/beauty salon
Drugstore
Dry cleaning
Grocery store
Hardware store
Neighborhood convenience store
Office
Shoe store/shoe repair
Tailor

Other Permitted Uses

Utility substation

Existing Uses with SLUP

Alcoholic beverage sales (off-premise consumption)
Alcoholic beverage sales (on-premise consumption)
Child care center
Continued care retirement community
Drive-in facility
Gasoline service station
Independent hospice facility
Skilled nursing facility

Residential Permitted Uses

Dwelling — attached single family
Dwelling — multiple family
Dwelling — single family (R3)

Commercial Permitted Uses

Art gallery
Artisan use
Barber/Beauty Salon
Bookstore
Boutique
Drugstore
Gift shop/flower shop
Hardware
Health club/studio
Jewelry store
Neighborhood convenience store
Office
Tailor

Uses with SLUP

Any permitted commercial use with interior floor area over 3,000 sq.ft. per tenant

Assisted Living

Bakery (now requires SLUP)
Bank/credit union with drive-thru
Church or religious institution

Coffee shop

Delicatessen

Dry cleaner (now requires SLUP)

Essential services

Food & drink establishment

Government office/use (now requires SLUP)
Grocery store (now requires SLUP)

Independent hospice facility

Independent senior living

Parking Structure

School — private and public (now requires SLUP)

Skilled nursing facility

Specialty food shop

N. ETON



E. MAPLE and N. ETON



Source: Bing



PROPOSED: TZ3 - Mixed-Use



Source: Google



Source: Google

EXISTING USES: B1

PROPOSED USES: TZ2

Institutional Uses

Church
Community center
Government office
Government use
School — private, public
Social Club

Recreational Uses

Recreational club
Swimming pool — public, semiprivate

Commercial Permitted Uses

Bakery
Barber/beauty salon
Drugstore
Dry cleaning
Grocery store
Hardware store
Neighborhood convenience store
Office
Shoe store/shoe repair
Tailor

Other Permitted Uses

Utility substation

Existing Uses with SLUP

Alcoholic beverage sales (off-premise consumption)
Alcoholic beverage sales (on-premise consumption)
Child care center
Continued care retirement community
Drive-in facility
Gasoline service station
Independent hospice facility
Skilled nursing facility

Residential Permitted Uses

Dwelling — attached single family
Dwelling — multiple family
Dwelling — single family (R3)

Commercial Permitted Uses

Art gallery
Artisan use
Barber/Beauty Salon
Bookstore
Boutique
Drugstore
Gift shop/flower shop
Hardware
Health club/studio
Jewelry store
Neighborhood convenience store
Office
Tailor

Uses with SLUP

Any permitted commercial use with interior floor area over 3,000 sq.ft. per tenant

Assisted Living

Bakery (now requires SLUP)
Bank/credit union with drive-thru
Church or religious institution

Coffee shop

Delicatessen

Dry cleaner (now requires SLUP)

Essential services

Food & drink establishment

Government office/use (now requires SLUP)
Grocery store (now requires SLUP)

Independent hospice facility

Independent senior living

Parking Structure

School — private and public (now requires SLUP)

Skilled nursing facility

Specialty food shop

MEMORANDUM

Date: April 6, 2011

To: Planning Board

From: Matthew Baka, Planning Department

Subject: Public Hearing - O-1 and O-2 rezoning

Summary

In accordance with the direction of the City Commission, the Planning Board has been conducting study sessions on the appropriateness of the permitted commercial uses within the O1 and O2 Districts. The Planning Board initiated a subcommittee made up of three Planning Board members and had participation from residents and property owners. As a result of the meetings, the subcommittee has developed a series of recommendations regarding the subject parcels.

The subcommittee classified the majority of the O1-O2 properties into three categories based on their proximity to single family residential and created three new potential zoning categories, N1, N2 and N3. All N (Neighborhood Commercial) zoned districts would closely follow the height and setback restrictions of the O1 and O2 zones as noted in the proposed ordinance language;

- **N1 (Neighborhood Commercial) zone** - Properties that directly abut single family residential zones. These properties are viewed as having the greatest impact on residential. For that reason, the permitted commercial uses in these areas are the least intense. These uses are intended to be generally daytime uses including office, retail and neighborhood services.
- **N2 (Neighborhood Commercial) zone** – Properties that are adjacent to residential but have an additional buffer such as right of way or a natural barrier (Rouge River) that protects residential properties or are in high traffic areas that increase the commercial character of the property. In these areas, the permitted commercial uses are proposed to increase slightly in intensity by allowing businesses such as delicatessens, bakeries, coffee shops, and dry cleaners.
- **N3 (Neighborhood Commercial) zone** – This zone is proposed for the parcels currently zoned O1 on Woodward at Quarton. This area is viewed by the committee as unique as it sits on big Woodward. Therefore, uses that involve additional intensity are viewed as appropriate. This would include animal hospitals and veterinary clinics and banks with a drive thru (SLUP required for drive-thru).

Two of the O1 sites have been recommended to be rezoned to existing zones (2100 E. Maple O1 to MX, and 400 W. Maple O1 to B4) based on location and adjacency to other zones. Maps and descriptions of all subject parcels are included in the attached Power Point.

Background

On October 13, 2008 the City Commission held a public hearing that clarified the district intent for the O1 and O2 Zoning Districts, as well as what development standards would apply to a mixed use building in either of these districts. During the public hearing, the City Commission asked that the Planning Board review the uses allowed in each district to determine their appropriateness. Since that time, the Planning Board has studied this topic at several board meetings and recently established a subcommittee to create an updated list of permitted uses that are appropriate for the areas in question. The following information is a summary of the discussions that have been held by the Planning Board.

On July 8, 2009 the Planning Board reviewed the recent discussions regarding O1 and O2 districts and discussed the direction from the City Commission to evaluate current permitted uses in these districts. The Planning Board requested that the Planning staff create an inventory of each existing use in these districts and provide photos of how these properties relate to the adjoining residential property.

On August 12, 2009 the Planning Board reviewed an inventory of current uses in the O1 and O2 districts. A number of non-conforming uses were revealed. The Planning Board requested that a history of these non-conforming uses be researched and City options for action on illegal non-conforming uses be presented.

On September 9, 2009 the Planning Board again discussed the non-conforming uses and continued the discussion of possible resolutions to the question of the appropriateness of the current permitted uses. It was discussed that it would be sensible to perform a comprehensive analysis that examines not just the use but also the impact on the adjacent residential. Rather than trying to examine each use and how it impacts the neighborhood, the Planning Board took a step back to decide what the intended intensity of use for the district was and then move forward from that point in establishing permitted uses. The Planning Board requested that the City Commission be updated as to the progress and direction of their O1-O2 Zoning District study, which was prepared and submitted to the City Manager for review.

On October 14, 2009 the Planning Board reviewed information regarding maximum build out of the parcels in all O1 and O2 zones and discussed recommendations by the Planning Division for possible zoning amendments. During the discussion, it was stated that the scale and massing of O1 and O2 was appropriate for the majority of the parcels and that the permitted uses of each seemed compatible with all the parcels being discussed. This led to a discussion regarding creating a unified zoning category (perhaps MU2) that maintained the existing height and setback restrictions of O1 and O2 but aligned the uses between the two into a single zone. Three O1 and O2 zoned areas were recommended for rezoning to an existing zoning classification, with which the board concurred.

On April 14, 2010 the Planning Board reviewed the recommendations of the Planning Division regarding the rezoning of several O1 parcels as well as the potential for creating a new zone district. The Planning Board directed staff to bring forward the O1 parcels that are proposed for rezoning so that the Planning board could review them and

forward recommendations to the City Commission. The Board would then deal with the potential creation of a new zone classification at a later date for the properties that staff identified as candidates.

On May 12, 2010 the Planning Board established a subcommittee to further study the potential for rezoning of O1 and O2 parcels. This was done in order to spend the necessary time examining potential permitted uses and report back to the Planning Board on June 9th.

On June 9, 2010 the Planning Board received an update from the subcommittee regarding the progress of the O1-O2 permitted uses. The subcommittee met on two occasions. The result of those committee meetings was the separation of the majority of the O1 and O2 parcels into three transitional zoning categories. These are areas where the parcels in question are seen as transitioning from commercial into single family residential zones. The committee came to the conclusion that the height and scale of O2 zones, as well as the majority of uses currently allowed in O2 zones, are appropriate for these areas. The committee felt that some additional uses could also be considered in certain areas.

The committee devised three new zoning classifications that will allow progressively intensive uses based on the potential effects on surrounding residential properties. The O2 uses were used as a basis for the permitted uses in each transition zone.

These N (Neighborhood Commercial) zones are proposed to be N1, N2, and N3. N1 is being considered for areas that should permit only the least intensive uses as they directly abut residential. The areas to be considered as N2 zones are near single family residential but an additional buffer zone is present in the form of public right of way or a physical barrier between the parcel and the adjacent residential uses. N3 is being considered for the most intense usage. This zone is proposed to be limited to the area at Quarton and Woodward, which has a P (Parking) zoned buffer parcel between the residential to the west and the property on Woodward.

On February 9, 2011 the Planning Board set a public hearing for April 13, 2011 to consider zoning amendments to the O1 and O2 zones. It was decided that the subject would be discussed again at the March 2011 study session to finalize the proposed changes in advance of the Public Hearing.

On March 23rd, 2011 the Planning Board held a brief study session to discuss some outstanding issues that the Planning Board requested to be reviewed before the public hearing. These items included finalizing the list of proposed permitted uses and reviewing the proposed rezoning of O1 and O2 properties in the Triangle District.

The following chart lists the proposed permitted commercial uses for each N (Neighborhood Commercial) zone. Column 1 lists uses that will be permitted in all three zones, (N1, N2, and N3). Column 2 lists uses that will be permitted only in N2 and N3. Column 3 lists the additional permitted uses that will be allowed only in N3.

N1/N2/N3 (Neighborhood Commercial)

Commercial Permitted Uses

- art gallery
- artisan use
- bank without drive-through facility
- barber/beauty salon
- boutique
- clinic
- clothing store
- dental/medical office
- flower/gift shop
- furniture store
- hair replacement establishment
- interior design shop
- jewelry store
- neighborhood convenience store
- office use
- photography studio
- shoe repair
- specialty food store
- specialty home furnishing shop
- tailor

Accessory Permitted Uses

- laboratory - medical/dental*
- loading facility - off-street*
- parking facility - off-street*
- pharmacy*
- commercial or office uses which are customarily incidental to the permitted principal uses on the same lot

Uses Requiring a S L U P

- bistro (only permitted in the Triangle District and Overlay District)*
- church

N2/N3 (Neighborhood Commercial)

Commercial Permitted Uses

- bakery
- coffee shop
- delicatessen
- dry cleaners
- health club/studio
- party store

Accessory Permitted Uses

- outdoor cafe*

Uses Requiring a S L U P

- food or drink establishment*
- display of broadcast media devices (only permitted in conjunction with a gasoline service station)

N3 (Neighborhood Commercial)

Commercial Permitted Uses

- animal medical hospital
- hardware store
- paint store
- veterinary clinic*

Accessory Permitted Uses

- kennel*

Uses Requiring a S L U P

- bank with drive-through facility

In order to clarify the meaning of the permitted uses, definitions for several terms have been developed and are proposed to be added to Article 09, Definitions.

Artisan Use - Any premises used principally for local or regional small scale operations that specialize in the repair, manufacture, and/or sale of domestic furniture, shoes, clothing, time pieces, arts, and crafts, specialty foods and beverages or similar such items.

Barber/Beauty Salon - An establishment dealing with cosmetic treatments for men and women, including hair/nail salons and spas. Barber/Beauty salons provide generalized services related to hair, skin health, facial aesthetic, foot care, aromatherapy, meditation, oxygen therapy, mud baths, massage, and other similar services for increasing mental well-being and relaxation.

Boutique – A shop that provides a limited range of specialized goods or services to consumers; usually in small quantities and not for resale such as clothing, jewelry, electronics, books or similar products, excluding any regulated use.

Delicatessen - A store selling foods already prepared or requiring little preparation for serving, such as cooked meats, cheese, salads, chips and similar products. Also a sandwich menu, most of which are made to order behind the counter at the time of sale. In addition to made-to-order sandwiches a selection of prepared green salads pasta, potato, chicken, tuna, shrimp, or other variety of "wet" salads, displayed underneath the counter and bought by weight or on a sandwich. Delicatessens may also offer a wide variety of beverages, usually prepackaged soft drinks, coffee, teas, milk, etc.

Neighborhood Convenience store - A small store or shop that sells a variety of items such as candy, ice-cream, soft drinks, newspapers and magazines, toiletries, hygiene products, food and groceries.

Specialty Food Shop - An establishment that specializes in one type or line of edible merchandise catering to the takeout client and not offering full service meals, or extensive seating, such as premium-priced food products that provide an added-value appeal for one or more of the following reasons:

- quality of ingredients, manufacturing process and/or finished product; or
- sensory appeal, flavor, consistency, texture, aroma and/or appearance; or
- presentation (branding or packaging); and/or
- origin (where the product was manufactured).

Specialty home furnishing shop - Articles that decorate a house, such as furniture, lighting, and carpets or any piece of equipment necessary or useful for comfort or convenience such as appliances, and other movable items.

CITY OF BIRMINGHAM
ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 126 ZONING OF THE BIRMINGHAM CITY CODE TO AMEND ARTICLE 2, SECTION 2.21 01 (OFFICE) DISTRICT, TO CHANGE ZONING CLASSIFICATION AND AMEND PERMITTED USES.

THE CITY OF BIRMINGHAM ORDAINS:

Chapter 126, Article 2, section 2.21 ~~01 (Office)~~ **N1 (Neighborhood Commercial)** District Intent, Permitted Uses, and Special Uses

District Intent

The ~~01 (Office)~~ **N1 (Neighborhood Commercial)** District is established to accommodate a mix of residential, office and public uses which are compatible with ~~nearby~~ **abutting** residential uses.

Permitted Uses

Residential Permitted Uses

- adult foster care group home
- dwelling - multiple-family
- dwelling - one-family(R5)
- dwelling - two-family
- live/work unit
- single-family cluster*

Institutional Uses

- government office
- philanthropic use
- school – public

Recreational Uses

- park
- swimming pool – semiprivate

Commercial Permitted Uses

- **art gallery**
- **artisan use**
- **bank without drive-through facility**
- barber/beauty salon
- **boutique**
- **clinic**
- **clothing store**
- dental/medical office

- flower/gift shop
- furniture store
- hair replacement establishment
- interior design shop
- jewelry store
- neighborhood convenience store
- office use
- photography studio
- shoe repair
- specialty food store
- specialty home furnishing shop
- tailor
- ~~veterinary clinic*~~

Accessory Permitted Uses

- ~~kennel*~~
- laboratory - medical/dental*
- loading facility - off-street*
- parking facility - off-street*
- pharmacy*
- ~~outdoor cafe*~~
- **commercial or office uses which are customarily incidental to the permitted principal uses on the same lot**

Uses Requiring a S L U P

- bistro (only permitted in the Triangle District and Overlay District)*
- church

* = Use Specific Standards in Section 5.06 Apply

() = Subject to Regulations of the Specified District

ORDAINED this _____ day of _____, 2011, to be effective upon publication.

Gordon Rinschler, Mayor

Laura Broski, City Clerk

CITY OF BIRMINGHAM
ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 126 ZONING OF THE BIRMINGHAM CITY CODE TO AMEND ARTICLE 2, SECTION 2.22 01 (OFFICE) DISTRICT, TO CHANGE ZONING CLASSIFICATION AND AMEND DEVELOPMENT STANDARDS.

THE CITY OF BIRMINGHAM ORDAINS:

Chapter 126, Article 2, section 2.22 ~~01 (Office)~~ **N1 (Neighborhood Commercial)**
District Development Standards

Minimum Lot Area Per Unit: n/a,

Minimum Open Space: n/a,

Maximum Lot Coverage: n/a,

Maximum Building Height:

- 28 feet, two stories

Minimum Front Yard Setback:

- Average setback of houses within 200 feet **on the same block, on the same side of the street**, otherwise 0 feet

Minimum Rear Yard Setback:

- 10 feet when the rear open space abuts a P, B1, B2, B2B, B2C, B3, B4, N1, N2, or N3 ~~O1, or O2~~ Zoning District;
- 20 feet or the height of the building, whichever is greater, when abutting to residential zoning district

Minimum Combined Front and Rear Setback: n/a,

Minimum Side Yard Setback:

- ~~No setback is required except on a corner lot which has on its side street an abutting interior lot, then such setback shall be equal to the minimum for the zoning district in which the building is located~~ **No setback is required except on a lot which has a side lot line with an abutting interior residential lot on a side street, then such setback shall be 9 feet.**

Minimum Floor Area Per Unit: n/a,

Maximum Total Floor Area:

- ~~100% in parking assessment district~~ **200% Floor Area Ratio (FAR) for uses not in parking assessment district;**
- **In parking assessment district, FAR shall not exceed 100%, except that the maximum FAR may be increased up to 200% by providing 1 parking space for every 300 square feet over the maximum FAR;**
- not applicable for residential and parking uses

ORDAINED this _____ day of _____, 2011, to be effective upon publication.

Gordon Rinschler, Mayor

Laura Broski, City Clerk

CITY OF BIRMINGHAM
ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 126 ZONING OF THE BIRMINGHAM CITY CODE TO AMEND ARTICLE 2, SECTION 2.23 02 (OFFICE COMMERCIAL) DISTRICT, TO CHANGE ZONING CLASSIFICATION AND AMEND PERMITTED USES.

THE CITY OF BIRMINGHAM ORDAINS:

Chapter 126, Article 2, section 2.23(A) ~~02 (Office/Commercial)~~ **N2 (Neighborhood Commercial)** District Intent, Permitted Uses, and Special Uses

District Intent

The ~~02 (Office/Commercial)~~ **N2 (Neighborhood Commercial)** District is established to accommodate a mix of residential, office, public and small scale commercial uses which are compatible with nearby residential uses.

Permitted Uses

Residential Permitted Uses

- adult foster care group home
- dwelling - multiple-family
- dwelling - one-family(R5)
- dwelling - two-family
- live/work unit
- single-family cluster*

Institutional Uses

- government office
- philanthropic use
- school – public

Recreational Uses

- park
- swimming pool – semiprivate

Commercial Permitted Uses

- art gallery
- **artisan use**
- bakery
- bank without drive-through facility
- barber/beauty salon
- boutique
- clinic
- clothing store

- **coffee shop**
- **delicatessen**
- dental/medical office
- **dry cleaners**
- flower/gift shop
- **furniture store**
- hair replacement establishment
- **health club/studio**
- interior design shop
- jewelry store
- **neighborhood convenience store**
- office
- **party store**
- photography studio
- **shoe repair**
- specialty food store
- specialty home furnishing shop
- tailor
- ~~tobacconist~~
- ~~veterinary clinic*~~

Other Use Regulations

Accessory Permitted Uses

- ~~kennel*~~
- laboratory - medical/dental*
- loading facility - off-street*
- parking facility - off-street*
- pharmacy*
- outdoor cafe*
- commercial or office uses which are customarily incidental to the permitted principal uses of the same lot

Uses Requiring a Special Land Use Permit

- ~~bank with drive-through facility~~
- bistro (only permitted in the Triangle District and Downtown Overlay District)*
- **Church**
- display of broadcast media devices (only permitted in conjunction with a gasoline service station)
- food or drink establishment*

* = Use Specific Standards in Section 5.07 Apply

() = Subject to Regulations of the Specified District

ORDAINED this _____ day of _____, 2011, to be effective upon publication.

Gordon Rinschler, Mayor

Laura Broski, City Clerk

CITY OF BIRMINGHAM
ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 126 ZONING OF THE BIRMINGHAM CITY CODE TO AMEND ARTICLE 2, SECTION 2.24 02 (OFFICE COMMERCIAL) DISTRICT, TO CHANGE ZONING CLASSIFICATION AND AMEND DEVELOPMENT STANDARDS.

THE CITY OF BIRMINGHAM ORDAINS:

Chapter 126, Article 2, section 2.23(B) ~~02 (Office/Commercial)~~ **N2 (Neighborhood Commercial)** District Development Standards

Minimum Lot Area Per Unit: n/a,

Minimum Open Space: n/a,

Maximum Lot Coverage: n/a,

Maximum Building Height:

- 28 feet, two stories

Minimum Front Yard Setback:

- ~~0 feet~~ **Average setback of houses within 200 feet on the same block, on the same side of the street, otherwise 0 feet**

Minimum Rear Yard Setback:

- 10 feet when the rear open space abuts a P, B1, B2, B2B, B2C, B3, B4, N1, N2, N3 ~~01, or 02~~ Zoning District;
- 20 feet when abutting a residential zoning district

Minimum Combined Front and Rear Setback: n/a,

Minimum Side Yard Setback:

- 0 feet

Minimum Floor Area Per Unit: n/a,

Maximum Total Floor Area:

- 200% Floor Area Ratio (FAR) for uses not in parking assessment district;

- In parking assessment district, FAR shall not exceed 100%, except that the maximum FAR may be increased up to 200% by providing 1 parking space for every 300 square feet over the maximum FAR;
- not applicable for residential and parking uses

ORDAINED this _____ day of _____, 2011, to be effective upon publication.

Gordon Rinschler, Mayor

Laura Broski, City Clerk

CITY OF BIRMINGHAM
ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 126 ZONING OF THE BIRMINGHAM CITY CODE TO ADD ARTICLE 2, SECTION 2.24(A) N3 (NEIGHBORHOOD COMMERCIAL) DISTRICT.

THE CITY OF BIRMINGHAM ORDAINS:

**Chapter 126, Article 2, section 2.24(A) N3 (Neighborhood Commercial)
District Intent, Permitted Uses, and Special Uses**

District Intent

The N3 (Neighborhood Commercial) District is established to accommodate a mix of residential, office, public and commercial uses which are compatible with the surrounding area.

Permitted Uses

Residential Permitted Uses

- **adult foster care group home**
- **dwelling - multiple-family**
- **dwelling - one-family**(R5)
- **dwelling - two-family**
- **live/work unit**
- **single-family cluster***

Institutional Uses

- **government office**
- **philanthropic use**
- **school - public**

Recreational Uses

- **park**
- **swimming pool - semiprivate**

Commercial Permitted Uses

- **animal medical hospital**
- **art gallery**
- **artisan use**
- **bakery**

- bank without drive-through facility
- barber/beauty salon
- boutique
- clinic
- clothing store
- coffee shop
- delicatessen
- dental/medical office
- dry cleaners
- flower/gift shop
- food or drink establishment*
- furniture store
- hair replacement establishment
- hardware store
- health club/studio
- interior design shop
- jewelry store
- neighborhood convenience store
- office
- paint store
- photography studio
- shoe repair
- specialty food store
- specialty home furnishing shop
- tailor
- veterinary clinic*

Other Use Regulations

Accessory Permitted Uses

- kennel*
- laboratory - medical/dental*
- loading facility - off-street*
- parking facility - off-street*
- pharmacy*
- outdoor cafe*
- commercial or office uses which are customarily incidental to the permitted principal uses of the same lot

Uses Requiring a Special Land Use Permit

- bank with drive-through facility
- Church
- display of broadcast media devices (only permitted in conjunction with a gasoline service station)

* = Use Specific Standards in Section 5.07 Apply
() = Subject to Regulations of the Specified District

ORDAINED this _____ day of _____, 2011, to be effective upon publication.

Gordon Rinchler, Mayor

Laura Broski, City Clerk

CITY OF BIRMINGHAM
ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 126 ZONING OF THE BIRMINGHAM CITY CODE TO ADD ARTICLE 2, SECTION 2.24(B) N3 (NEIGHBORHOOD COMMERCIAL) DISTRICT, TO ADD ZONING CLASSIFICATION AND DEVELOPMENT STANDARDS.

THE CITY OF BIRMINGHAM ORDAINS:

Chapter 126, Article 2, section 2.24(B) N3 (Neighborhood Commercial) District Development Standards

Minimum Lot Area Per Unit: n/a,

Minimum Open Space: n/a,

Maximum Lot Coverage: n/a,

Maximum Building Height:

- **28 feet, two stories**

Minimum Front Yard Setback:

- **Average setback of houses within 200 feet on the same block, on the same side of the street, otherwise 0 feet**

Minimum Rear Yard Setback:

- **10 feet when the rear open space abuts a P, B1, B2, B2B, B2C, B3, B4, N1, N2, or N3 ~~O1, or O2~~ Zoning District;**
- **20 feet when adjacent to a residential zoning district**

Minimum Combined Front and Rear Setback: n/a,

Minimum Side Yard Setback:

- **0 feet**

Minimum Floor Area Per Unit: n/a,

Maximum Total Floor Area:

- **200% Floor Area Ratio (FAR) for uses not in parking assessment district;**

- **In parking assessment district, FAR shall not exceed 100%, except that the maximum FAR may be increased up to 200% by providing 1 parking space for every 300 square feet over the maximum FAR;**
- **not applicable for residential and parking uses**

ORDAINED this _____ day of _____, 2011, to be effective upon publication.

Gordon Rinschler, Mayor

Laura Broski, 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 DEFINITIONS.

THE CITY OF BIRMINGHAM ORDAINS:

9.02 Definitions:

Artisan Use: Any premises used principally for local or regional small scale operations that specialize in the repair, manufacture, and/or sale of domestic furniture, shoes, clothing, time pieces, arts, and crafts, specialty foods and beverages or similar such items.

Barber/Beauty Salon: An establishment dealing with cosmetic treatments for men and women, including hair/nail salons and spas. Barber/Beauty salons provide generalized services related to hair, skin health, facial aesthetic, foot care, aromatherapy, meditation, oxygen therapy, mud baths, massage, and other similar services for increasing mental well-being and relaxation.

Boutique: A shop that provides a limited range of specialized goods or services to consumers; usually in small quantities and not for resale such as clothing, jewelry, electronics, books or similar products, excluding any regulated use.

Delicatessen: A store selling foods already prepared or requiring little preparation for serving, such as cooked meats, cheese, salads, soups, chips and similar products. Also a sandwich menu, most of which are made to order behind the counter at the time of sale. In addition to made-to-order sandwiches a selection of prepared green salads pasta, potato, chicken, tuna, shrimp, or other variety of "wet" salads, displayed underneath the counter and bought by weight or on a sandwich. Delicatessens may also offer a wide variety of beverages, usually prepackaged soft drinks, coffee, teas, milk, etc.

Neighborhood Convenience store: A small store or shop that sells a variety of items such as candy, ice-cream, soft drinks, newspapers and magazines, toiletries, hygiene products, food, groceries and similar items.

Specialty Food Shop: An establishment that specializes in one type or line of edible merchandise catering to the takeout client and not offering full service meals, or extensive seating, such as premium-priced food products that provide an added-value appeal for one or more of the following reasons:

- quality of ingredients, manufacturing process and/or finished product; or
- sensory appeal, flavor, consistency, texture, aroma and/or appearance; or
- presentation (branding or packaging); and/or
- origin (where the product was manufactured).

Specialty home furnishing shop: - Articles that decorate a house, such as furniture, lighting, and carpets or any piece of equipment necessary or useful for comfort or convenience such as appliances, and other movable items.

ORDAINED this _____ day of _____, 2011 to become effective upon publication.

Gordon Rinschler, Mayor

Laura Broski, City Clerk

Planning Board Minutes
June 11, 2008

STUDY SESSION

O-1 and O-2 Zoning Regulations

Ms. Robinson recalled that an interpretation was made by the Building Official regarding the development standards to be applied to a mixed-use building in the O-2 Office Commercial Zoning District. Essentially, the interpretation required all floors of commercial or office use to follow the O-2 development standards, and all floors of residential to follow the R-5 Multiple-Family Residential development standards.

On November 13, 2007, the Board of Zoning Appeals ("BZA") upheld that interpretation by the current Building Official. Board members expressed their frustration with the "grey area" of the ordinance in O-2, but felt that the necessary changes were legislative in nature, and thus outside of the scope of the BZA. They stated that they hoped the Planning Board and the City Commission would work on the issue and make a determination as to how to proceed in the future, both on the O-2 development standards for mixed use buildings and whether or not the Brown St. property should have been included in the Downtown Overlay District.

On January 9, 2008, the Planning Board met jointly with the Design Review Board and discussed proposed changes to the zoning regulations for O-1 and O-2 based on the direction of the BZA. The proposed ordinance language requires only one-family dwellings to follow the R-5 zoning standards, and thus allows all other uses or mix of uses to follow their respective standards (O-1 and O-2). This will clarify the standards that are to be applied for mixed-use buildings as requested by the BZA.

On February 13, 2008, the Planning Board conducted a public hearing and voted unanimously to amend the O-1 and O-2 Zoning Regulations to address the issue of mixed-use buildings.

On February 25, 2008, the City Commission considered the request to set a public hearing on this matter. The Commission sent the matter back to the Planning Board with direction to study the permitted uses in O-1 and O-2 Zone Districts, and to further study the effect of the proposed changes on all of the development standards. The City Commission also directed the Planning Board to clearly state in the proposed amendments whether or not mixed-use buildings were to be permitted in these Zone Districts.

On March 12, 2008, the Planning Board discussed the zoning regulations in O-1 and O-2 and their application to mixed-use buildings and the permitted uses in these districts

based on the direction of the City Commission. The Planning Board emphasized the difficulty of dealing with O-1 and O-2 zoned properties, as a majority of them are located on the fringe of commercial areas, and directly abut residential neighborhoods.

Ms. Robinson showed some pictures that depict areas in the City where these O-1 and O-2 zoned districts abut residential zones.

O-1 Zoning District

Mr. Nickita said the understanding of the value of mixed use has consistently been a part of all decision making over the last ten years. The proposed amendments are consistent with that past record which has had a positive result.

Mr. Blaesing discussed a phrase under "District Intent" that reads that the O-1 District is established to accommodate a mix of residential office and public uses "which are compatible with nearby residential buildings." He wouldn't want to enforce some kind of architectural standard that says an office building built in a residential zone has to look residential just because it is near a residential neighborhood.

Chairman Boyle said the intent is to make sure that the way in which the property is used is "compatible." Therefore he suggested changing the word "buildings" to "use." At the public hearing it can be determined if that results in the appropriate degree of flexibility.

O-2 Zoning District

Ms. Ecker said that "stadium" should be struck. Mr. Blaesing again requested that the word "buildings" be changed to "use."

There were no comments from members of the public.

The direction of the board was to schedule this item for a public hearing on July 9, 2008.

**City Commission Meeting Minutes
October 13, 2008**

**10-329-08 ORDINANCE AMENDMENT 01 AND 02
ZONING DISTRICTS REGARDING MIXED USE**

The mayor opened the public hearing to consider the proposed amendments to Article 2, sections 2.21 and 2.23 of the Zoning Ordinance to amend the permitted use and regulations in the O1 and O2 zoning districts to address the issue of mixed use buildings at 8:08PM.

Ms. Ecker explained that these changes will clarify when there is a mixed use and when it applies. She pointed out that the planning board reviewed the uses and recommended to only remove the stadium reference.

In response to a question from Commissioner McDaniel, Ms. Ecker explained her interpretation that O1 is supposed to be a smaller scale, lesser impact use on the neighborhood, more of a neighborhood type of business, and O2 allows for a little more intensity in terms of office use.

Mr. Dilgard pointed out that the side setbacks are significantly different.

Ms. Conrad expressed her opinion that many properties are not zoned properly.

Ms. Ecker confirmed for Bill Duffy, 653 Pierce, that properties which are not a part of the overlay, could apply for a variance from the Board of Zoning Appeals.

Harvey Zalesin, 564 Purdy, commented that the south side of Birmingham looks tired and worn out. He stated that allowing projects to move forward would help dress up the downtown area of Birmingham and increase the value of adjacent properties.

Alice Thimm expressed her opposition to uses other than office as it would present the least impact.

David Bloom stated that the proposal and definitions are not clear. He suggested sending it back to the planning board.

The mayor closed the public hearing at 8:52PM.

Commissioner McDaniel expressed that there should be standards for uses other than office, to define what is desirable. Mayor Pro Tem Sherman concurred.

Commissioner Moore stated they want to encourage cutting edge type uses that are compatible with residential.

Mr. Markus suggested they could require commercial uses to obtain a special land use permit within the district. Mr. Dilgard pointed out that there are not many properties that would be affected.

In response to a comment from Commissioner Hoff, Ms. Ecker explained that the biggest change is the front setback.

MOTION: Motion by Rinschler, seconded by McDaniel:

Ordinance amending to Article 2, section 2.21 of the Zoning Ordinance to amend the regulations in the O1 zoning district to address the issue of mixed use buildings, and include a firm direction to the Planning Board to do a complete review of all the uses in O1 and return to the commission in 90 days with a progress report.

Alice Thimm expressed opposition to the motion.

Norman Fill stated that a proper study should be done of the full impact of this and what properties are affected.

VOTE: Yeas, 4

Nays, 3 (Carney, Dilgard, Sherman)

Absent, None

MOTION: Motion by Rinschler, seconded by McDaniel:

Ordinance amending to Article 2, section 2.23 of the Zoning Ordinance to amend the regulations in the O2 zoning districts to address the issue of mixed use buildings, and include a firm direction to the Planning Board to do a complete review of all the uses in O1 and return to the commission in 90 days with a progress report.

VOTE: Yeas, 4

Nays, 3 (Carney, Dilgard, Sherman)

Absent, None

Commissioner Hoff suggested the planning board keep in mind low intensity uses that are most appropriate for transitional areas while studying the uses in O1 and O2.

The commission received communications from Alice Thimm and Larry Bertollini, 1275 Webster.

**Planning Board Minutes
July 8, 2009**

07-97-09

STUDY SESSION

O-1 and O-2 Permitted Uses

Mr. Baka recalled that on October 13, 2008 the City Commission held a public hearing that clarified the District Intent for the O-1 and O-2 Zoning Districts, as well as what development standards to allow a mixed use building in either of these districts. During the public hearing, the City Commission asked that the Planning Board review the uses allowed in each district to determine the appropriateness.

Mr. Williams thought some of the uses that are designated in the O-1 and O-2 areas have been there for a long time. Perhaps they relate to not wanting to create non-conforming uses when the ordinances were adopted. He asked that an inventory be taken of uses present in the O-1 and O-2 areas. Then the board can decide whether it would adversely affect a current use if the definition is changed and the use becomes a non-conforming existing use.

At 8:35 p.m. Chairman Boyle asked if any members of the public wished to comment.

Mr. Paul Reagan who lives on Purdy thought that adjacency to neighborhoods is an important issue. The Master Plan identifies O-1 and O-2 as low intensity usages. Photographs of specific areas in context would communicate a lot more than just a simple inventory.

Mr. David Bloom asked if there can be some added designation given to properties abutting residential neighborhoods so that some care can be taken when someone wants to build.

Mr. Nickita noted there are a number of successful O-1 and O-2 adjacencies to residential neighborhoods. By using them as an example it can be determined if this designation has had an effect on the neighborhood.

Mr. Williams asked that the agenda not contain too many items when this matter is brought back to the board.

**PLANNING BOARD MINUTES
WEDNESDAY, AUGUST 12, 2009**

STUDY SESSION

O-1 and O-2 Permitted Uses

Mr. Baka explained that on October 13, 2008 the City Commission asked that the Planning Board review the uses allowed in the O-1 and O-2 Zoning Districts to determine the appropriateness.

On July 8, 2009, the Planning Board discussed the direction from the City Commission and asked that the Planning Staff create an inventory of each existing use in these districts along with a photo of how these properties relate to the adjoining residential property.

Since the last meeting Mr. Baka created an inventory of all the properties that are zoned O-1 and O-2, what the use is, and whether or not they conform to the permitted uses in those zones.

He went through a PowerPoint which reviewed the existing uses and whether or not they are permitted. In O-1 the maximum height is 28 ft. and 2 stories. The minimum front yard setback is the average setback of buildings within 200 ft.; otherwise 0. The minimum rear yard setback is 20 ft. or height of the building, whichever is greater, when adjacent to residential.

In O-2 the maximum height is 28 ft. and 2 stories. The minimum front yard setback is 0. The setback from residential in the rear is 20 ft.

There are five permitted commercial uses for O-1, whereas in O-2 it is closer to 20.

Mr. Williams noted some of the properties in O-1 and O-2 are clearly not office in terms of permitted uses. Further, there are a number of properties within the zoning that are non-conforming in what he views as an expanded classification of permitted uses. The question he has is whether they are legally permitted non-conforming uses or are they in violation of the Zoning Ordinance which requires the City to take action. Therefore, he thinks review should be done of O-1 and O-2 in conjunction with B-1, B-2 and B-3 all the way through the City.

Mr. Williams questioned:

- To what extent are the non-conforming uses within these various categories legal or not legal;
- To the extent we have a non-conforming existing use, what options does the City have; and

- What happens if improvements are needed on a non-conforming use?

Mr. Williams suggested the existing non-conforming uses have to be investigated in order to determine the history. Also, it would be helpful to understand the history of how some of the permitted uses within the O-1 and O-2 classifications occurred.

Ms. Ecker felt it goes to the impact as opposed to the actual use. Mr. Williams did not disagree but he thinks the names of the categories logically don't make sense.

Acting Chairman Nickita thought the board may consider possibly turning some uses into an MX situation by altering the designation altogether. Within that some flexibility is allowed, and a number of different uses may be accommodated.

Mr. Williams advocated studying the areas, determining the objectives, and then drafting the ordinances.

Mr. DeWeese added that the board needs to address the functionality of how a buffer is provided on the edges of a district. Acting Chairman Nickita said the board can learn from the precedent that has already been set with existing conditions, such as the Original Pancake House and other businesses up and down Woodward Ave.

Ms. Ecker said staff will do some research on the non-conforming uses and how they came about when they were established. She is hearing the board wants to allow a mix of uses in mixed-use buildings, but they want to be very sensitive to the types of uses and their impact on adjacent residential. Also, staff can pull together some goals and objectives based on tonight's discussion. Acting Chairman Nickita said this process has already been completed in the Rail District and in the Triangle District and the same standards will apply here.

Several board members extolled the benefits of taking a comprehensive, strategic approach to addressing these issues.

Acting Chairman Nickita called for discussion from the public at 9:08 p.m.

Ms. Dorothy Conrad applauded the direction that the board is taking. She noted that hours of operation will be very important when looking at the majority of these properties. Secondly, ensure that mixed uses next to residential compliment rather than disrupt the neighborhoods.

Planning Board Minutes September 9, 2009

STUDY SESSION

O-1 and O-2 Permitted Uses

Mr. Baka explained that on October 13, 2008 the City Commission asked that the Planning Board review the uses allowed in the O-1 and O-2 Zoning Districts to determine their appropriateness.

On July 8, 2009, the Planning Board discussed the direction from the City Commission and asked that the Planning Staff create an inventory of each existing use in these districts along with a photo of how these properties relate to the adjoining residential property.

On August 12, 2009, the Planning Board reviewed an inventory of current uses in the O-1 and O-2 Districts. A number of non-conforming uses were revealed. The Planning Board requested that a history of these non-conforming uses be researched and City options for action on illegal non-conforming uses be presented.

Mr. Baka offered a history of the existing non-conforming uses along with the ordinance language regarding non-conforming uses. Also included were the recently adopted O-1 and O-2 ordinances with the permitted uses, plus definitions for those which are currently defined in Article 09 and any use specific standards required by Article 05. None of the uses are illegal non-conforming.

Mr. Williams said it looks to him as though a lot of the language for O-1 and O-2 was drafted in response to what was in place when the Zoning Ordinance became effective. The ordinance took a pre-existing condition and made it conforming. This is different than what was done in the Triangle District where the drafters planned for what they wanted rather than grandfathering in existing uses.

There are a lot of uses in O-1 and O-2 that really are not office. The board's charge should be to review what should be a permitted use in a particular area.

Ms. Ecker confirmed that the City Commission wants the Planning Board to look at the uses and determine what should be permitted. Therefore, she thought the board should determine what it is they want and build it around what their vision is for the areas; not what happens to be there at the time.

Mr. Williams suggested if a pre-existing use becomes non-conforming as to the current zoning, it is grandfathered as long as the use remains the same. If the use is changed,

then the non-conforming permitted use would go away and the use would be restricted to a use that is permitted within the classification.

Ms. Ecker identified on a map the O-1 and O-2 areas. They are all next to residential neighborhoods. She noted that in the Triangle District there was a stable residential neighborhood in the center and much effort went into protecting that neighborhood. The uses, heights and the form were planned to compliment but not overshadow the neighborhood.

Chairman Boyle invited public comment at 8:08 p.m.

Ms. Dorothy Conrad offered background. Originally O-1 meant a one-story office building and O-2 meant a two-story office building. The only commercial uses were contained within the buildings in connection with the offices. She agrees that what was done was wrong; and the direction the board is leaning toward now is probably correct.

Mr. Williams said he would rather approach these areas in general in the way they were approached with the Triangle District as opposed to listing allowable uses. Mr. Nickita added that altering the ordinance slightly by changing uses ultimately does not address the bigger issue.

Chairman Boyle suggested it is important for the board to frame a vision of where it wants to be.

Ms. Ecker summed up the discussion: It sounds like the board would prefer to go more the form-based route so it is clear to the adjoining residential neighbors what bulk of building is allowed.

Chairman Boyle then asked staff to examine these areas using more the form-based code approach.

Mr. Haberman was concerned that this may open a hornets' nest among residents creating an uncertain situation. Therefore, the board should be very cautious in its approach.

Mr. Nickita observed that with the Triangle District Overlay and if the mandatory Downtown Overlay District Ordinance is allowed, then a good portion of the O1 and O2 zone districts would be eliminated and the project becomes somewhat manageable.

Chairman Boyle asked for input from the audience at 8:28 p.m.

Ms. Dorothy Conrad noted you would not want the same kind of development on Fourteen Mile Rd. and on Adams Rd. as on Woodward Ave. The type of heavy commercial use that could be put on Woodward Ave. is not appropriate for a corner in

the neighborhood. She doesn't want to see commercial development creeping along Fourteen Mile Rd. and going into the neighborhood as has happened on Woodward Ave. It ends up destroying the neighborhood, not enhancing it.

Chairman Boyle indicated this item will be sent back to staff and they can communicate to the City Commission that the Planning Board is indeed making progress and wishes to examine two approaches:

- 1) Consideration of the mandatory Downtown Overlay District; and
- 2) The remaining six areas would need to be re-considered for the appropriate zoning categories.

Mr. Baka agreed to look further into Esquire Cleaners at 794 N. Old Woodward Ave., which is a current non-conforming use that he could not find a definite explanation for.

**PLANNING BOARD MINUTES
WEDNESDAY, OCTOBER 14, 2009**

STUDY SESSION

O-1 and O-2 Permitted Uses

Mr. Baka stated that on October 13, 2008 the City Commission asked that the Planning Board review the uses allowed in the O-1 and O-2 Zoning Districts to determine the appropriateness.

On July 8, 2009, the Planning Board discussed the direction from the City Commission and asked that the Planning Staff create an inventory of each existing use in these districts along with a photo of how these properties relate to the adjoining residential property.

On August 12, 2009 the Planning Board reviewed an inventory of current uses in the O-1 and O-2 Districts. A number of non-conforming uses were revealed. The Planning Board requested that a history of these non-conforming uses be researched and City options for action on illegal non-conforming uses be presented.

On September 9, 2009 the Planning Board again discussed the non-conforming uses and continued the discussion of possible resolutions to the question of the appropriateness of the current permitted uses. Rather than trying to examine each use and how it impacts the neighborhood, the Planning Board plans to take a step back and decide what the intended intensity of use and scale for the district is and then move forward from that point. The Planning Board requested that the City Commission be updated as to the progress and direction of their O-1 - O-2 Zoning District study. A report has been prepared and submitted to the City Manager for review.

Esquire Cleaners, 794 N. Old Woodward Ave., was the only unexplained non-conforming use that was found in the O-1 and O-2 Zoning Districts. The zoning change happened in December 1983. The use was established subsequent to that, which sends signals that it is an illegal non-conforming use. Further research may be required to confirm what the permitted uses were at that time. Mr. Williams suggested just expanding the permitted uses to include this cleaners usage.

Mr. Baka gave a PowerPoint presentation that looked at each subject parcel, listed permitted heights and setbacks and examined abutting and adjacent zones to see how the heights compare to what is existing.

PARCEL	RECOMMENDATION
Adams Rd. (east side)	Maintain existing zoning, review permitted uses.

14 Mile Rd. East of Woodward Ave.	Same
Lincoln and Grant	Same
Post Office on Bowers	Same
1821 W. Maple Rd.	Same
Southfield Rd. at 14 Mile Rd.	Same
W. Maple Rd. at Southfield Rd.	B-4 max height 60 ft., 5 stories for residential only, 48 ft. 4 stories all other buildings
Brown at Pierce	Maintain existing zoning, review permitted uses
E. Maple Rd., East of Railroad	MX – consistent with Rail District and Transit Oriented Development standards
Quarton and Woodward Ave.	Rezone as B-2B, consistent with commercial areas on Woodward Ave. to the south
Overlay Zone properties	Review permitted uses

Mr. DeWeese pointed out that the O-1 and O-2 Zoning Districts have practically the same permitted uses. He does not hear people objecting to any activity that fits the office model and that is quiet and not rowdy. Objections are only heard about uses that go into the evening or that lead to additional crowding. Therefore, he thought the two Zoning Districts could be merged into one.

Mr. Williams thought the form is more the issue than the use. Any food or drink establishment should be put into the Special Land Use Permit ("SLUP") category. He is not sure that a comprehensive re-write at this point is warranted. Mr. DeWeese agreed. If changes are made he would like to see consolidation of the O-1 and O-2 uses. Uses such as veterinary clinics and restaurants would require a SLUP. Otherwise, no great modification.

Mr. Baka said in regard to unifying the two zoning districts the reason O-2 has so many more permitted uses is that most of the O-2 zones are relatively close to other commercial areas; whereas all of the O-1s are spread throughout the Single-Family Residential areas. So, he doesn't know if combining the two would be the best way to go. Mr. Williams said the two categories are remarkably close on what is permitted, but he thinks the issue is permitted uses within O-2.

Acting Chairman Nickita noted for the most part these O Districts are mixed uses. Also, if the Downtown Overlay is mandated the Downtown O classifications will change to mixed use. A new classification can be established, such as MU-2.

Board members agreed with Mr. Baka's recommendations on the last three parcels.

Acting Chairman Nickita asked for public input at 9:42 p.m.

Ms. Dorothy Conrad said the properties on Fourteen Mile Rd. east of Woodward are O-1 offices and they really don't disturb the neighborhood. She would not want to see them changed. A more intense use along there would not be good for the neighborhood.

**CITY OF BIRMINGHAM
PLANNING BOARD ACTION ITEMS
OF WEDNESDAY, APRIL 14, 2010**

04-85-10

STUDY SESSION

0-1 & 0-2 Review of Permitted Uses and Development Standards

Mr. Baka recalled the Planning Board has considered this subject at several past meetings. On October 14, 2009 the board reviewed information regarding maximum build-out of the parcels in all O-1 and O-2 zones and discussed recommendations by the Planning Division for possible zoning amendments. During the discussion it was stated that the scale and massing of O-1 and O-2 was appropriate for the majority of the parcels and that the permitted uses of each seemed compatible with all the parcels being discussed. This led to a discussion regarding creating a unified zoning category (perhaps MU-2) that maintained the existing height and setback restrictions of O-1 and O-2 but aligned the uses between the two into a single zone. Three O-1 and O-2 zoned areas were recommended for rezoning to existing zoning classification, with which the board concurred.

In accordance with the discussion held at the October 14th Planning Board meeting, Mr. Baka gave a PowerPoint presentation which outlined the changes to the affected parcels as suggested. This included adjusting the permitted uses of the O-1 zones to include the uses permitted in O-2 and to rezone the three parcels identified in October 2009. Information contained in the PowerPoint presentation cataloged the outlying O-1 – O-2 zoned parcels. Each slide contained a zoning map of an O-1 or O-2 parcel and surrounding parcels. The height restrictions of the surrounding parcels were listed as well as the recommended changes (if any) from the Planning Division.

PARCEL	RECOMMENDATION
Adams Rd.	Maintain existing O-2 zoning and permitted uses or zone MU-2
14 Mile Rd. East of Woodward Ave.	Rezone to O-2 Office/Commercial or MU-2
Lincoln and Grant	Same
Post Office on Bowers	Same
1821 W. Maple Rd.	Same
Southfield Rd. at 14 Mile Rd.	Same
1821 W. Maple Rd. at Southfield Rd.	Same
Brown at Pierce	Maintain existing zoning, review permitted uses
E. Maple Rd., East of Railroad	MX – consistent with Rail District and Transit oriented design standards
Quarton and Woodward Ave.	Rezone as B-2B, consistent with

	commercial areas on Woodward Ave. to the south
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Next Steps

Discussion concluded that staff should take the individual parcels, look at the ones where perhaps pulling together of the uses and re-designation as O-2 would be dealt with, bring them forward for the board's sign-off, and then go through the public hearing process. Mr. DeWeese wanted to see the language for an MU-2 ordinance as the first step. Permitted uses under the new ordinance would be anything that doesn't impinge on the neighbors. Everything else becomes a SLUP. Once that has been established, then go through the process of taking the parcels one-by-one and making recommendations for change, moving toward the direction of eliminating O-1.

Ms. Dorothy Conrad pointed that the O-1 ordinance is limited so as to be compatible with single-family residential. She is not sure that works with all O-2 which may allow many more hours and days of operation. Mr. DeWeese replied that is why he recommended the first step should be to see whether or not the ordinances can be unified. That part needs to be cleared up before decisions are made to change parcels around. Mr. Baka pointed out that every permitted use in O-1 is also permitted in O-2. There would be no reduction of permitted uses if something were switched to O-2. Mr. Williams added that time should be spent on what O-2 should look like, in a more expanded sense. If a distinction cannot be made between O-1 and O-2 then O-1 should be eliminated. If there should be a distinction, then delineate what the distinction ought to be.

Mr. Baka noted that the Planning Board may wish to consider additional permitted uses such as dry cleaners in O-2, as discussed at the last study session. Board members agreed.

Chairman Boyle directed staff to deal first with the parcels that will fall under O-1 and then come back to the board. The controversial properties can be considered as they go along.

CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, MAY 12, 2010
Commission Chamber, City Hall
151 Martin Street, Birmingham, Michigan

05-94-10

Mr. Baka advised that the Planning Board has considered this subject at several past meetings. On October 14, 2009, the board reviewed information regarding maximum build-out of the parcels in all O-1 and O-2 zones and discussed recommendations by the Planning Division for possible zoning amendments. During the discussion, it was stated that the scale and massing of O-1 and O-2 was appropriate for the majority of the parcels and that the permitted uses of each seemed compatible with all the parcels being discussed. This led to a discussion regarding creating a unified zoning category (perhaps MU-2) that maintained the existing height and setback restrictions of O-1 and O-2 but aligned the uses between the two into a single zone. Three O-1 and O-2 zoned areas were recommended for rezoning to existing zoning classifications, with which the board concurred.

On April 14, 2010, the Planning Board reviewed the recommendations of the Planning Division regarding the rezoning of several O-1 parcels as well as the potential for creating a new zone district (MU-2). The Planning Board directed staff to bring forward the O-1 parcels that are proposed for rezoning to existing classifications so that the Planning board can review them and forward recommendations to the City Commission. The Board would then deal with the potential creation of a new zone classification at a later date for the properties that staff has identified as candidates.

In accordance with the direction of the Planning Board, the Planning Division is recommending seven parcels for rezoning to existing classifications. In each instance the recommended zoning change is intended to be consistent with surrounding uses and density. The Planning Division believes that the recommended zoning changes do not negatively affect surrounding property values nor will they negatively impact the character of the surrounding neighborhoods. Mr. Baka gave a report that listed the parcel recommendations and showed current zoning map images of the subject parcels.

PARCEL	RECOMMENDATION
Lincoln and Grant: 500 E. Lincoln, 522 E. Lincoln, 576 E. Lincoln, 1193 Floyd, 1148 Grant, 1160 Grant	Rezone from O-1 to O-2
Post Office at 1225 Bowers	Same
1821 W. Maple Rd.	Same
1890 Southfield Rd.	Same

101 Southfield by Chester Parking Deck	Rezone from O-1 to B-4
400 W. Maple Rd. at Chester	Same
2100 E. Maple Rd., east of Railroad and abutting Troy	Rezone from O-1 to MX
Woodward Ave. immediately south of Quarton including 36877, 36801, 36823 Woodward Ave.	Rezone from O-1 to B-2B

Mr. Williams said he is not in favor of 2100 E. Maple Rd. going forward at this time until he knows the zoning for the adjoining property in Troy. He thinks the zoning needs to be consistent. Also, it is important to delineate why staff recommends the zoning changes from O-1 to O-2.

Ms. Whipple-Boyce pointed out that 1160 Grant is the strip where there is a dance studio, a dry cleaner and a laundry and they have different addresses. The laundry is 1194 and the dry cleaner is 1190. That would also be the comment for the Post Office which is at 1221 Bowers. Mr. Baka said he would just go with parcel identification numbers. He explained the differences between O-1 and O-2 Zoning. The list of permitted uses in O-2 is longer.

Mr. Baka read an e-mail from Ms. Alice Thimm stating that the conversation on this issue should revolve around the preservation of the integrity of Birmingham's residential neighborhoods. The conversation should NOT allow commercial development to take precedence by permitting a higher intensity of usage to encroach upon and change the defining fringe of our neighborhoods. Permit only "Office Use" in "Office" zones with any retail usage being incidental to the main use.

Mr. Williams observed that the underlying premise of the e-mail letter is not entirely in accord with the current uses in O-1 and O-2. There are a lot of commercial uses permitted within those zones. The letter points out what the permitted uses are and what the permitted uses should be within O-1 and O-2. That to him was the original assignment to the Planning Board from the City Commission. He suggested three steps that the board could take going forward:

- 1) Take out the parcels that the board thinks ought to be rezoned and move them;
- 2) Redefine what ought to be permitted in O-2 – there should not be two categories, O-1 and O-2, that expand beyond Office; and
- 3) Set up O-1 to be just Office. Determine if it should be one story or two. The most likely candidates for O-1 are those properties which adjoin residential.

Mr. Clein added that the board needs to determine what the proper intent is for today and for the next 20 years.

Chairman Boyle arrived at this time and Vice-Chairperson Lazar turned the meeting over to him.

Mr. DeWeese advocated forming a sub-committee to look at the O-1 that is office and is focused to be next to residential and the O-2 that is expanded in some way and is more distinctive. The following step would be to determine what is appropriate or not appropriate and then go through the process.

Mr. Williams said that to him O-1 and O-2 are distinctions without a real difference. He suggested having one zoning classification that is Office and another classification that is Office Plus. Determine not what is there now, but what is wanted 20 years from now. Then, decide what should be taken out of Office zoning and put into something else.

Ms. Whipple-Boyce said she is comfortable with the recommendations for 101 Southfield Rd. and 400 W. Maple Rd. as well as the Woodward Ave. parcels and would move them forward.

Mr. Baka noted that none of his proposals involve down zoning.

Mr. Koseck was not convinced that Office is the perfect and only way to create a buffer for residential. The group determined that the next step is to set up a small sub-committee. Chairman Boyle was not at all sure that selecting the existing designations is the way to go forward. Mr. Williams thought the sub-committee would need input from an engineer or an architect. Mr. Williams, Mr. DeWeese and Mr. Koseck volunteered to serve on the sub-committee. Mr. Koseck said an incredible tool for the sub-committee would be to have the ability to zoom in on the spaces through a satellite image.

Chairman Boyle opened the discussion at 8:20 p.m. to members of the public who wished to comment.

Ms. Dorothy Conrad, 2252 Yorkshire, offered a history on 2100 E. Maple Rd. She would not want to see the board zone that property so it would allow the owner to bring back a horrible plan that he previously had to bring in big box stores.

Chairman Boyle summarized the discussion: There is value in examining ways of moving forward perhaps with a slightly different designation. In order to do that a sub-committee will be formed composed of Messrs. Williams, Koseck and DeWeese. They will deliberate and bring their findings back to the board by June 9.

Mr. Williams remarked that the report from the sub-committee may not be as detailed as the board is accustomed to receiving because they won't have as much staff to work with them.

CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, JUNE 9, 2010
Commission Chamber, City Hall
151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Planning Board held June 9, 2010. Chairman Robin Boyle convened the meeting at 7:30 p.m.

Present: Chairman Robin Boyle; Board Members Scott Clein, Carroll DeWeese, Bert Koseck, Gillian Lazar, Janelle Whipple-Boyce, Bryan Williams; Student Representative Aaron Walden

Absent: None

Administration: Matt Baka, Planning Intern
Jana Ecker, Planning Director
Jill Robinson, City Planner
Carole Salutes, Recording Secretary

06-108-10

STUDY SESSION
RECLASSIFICATION OF O-1 and O-2 Properties

Mr. Baka recalled that in October 2008 the City Commission directed the Planning Board to conduct a study of uses in the O-1 and O-2 Districts. The Planning Board has considered this subject at several past meetings.

On May 12, 2010 the Planning Board established a subcommittee to further study the potential for rezoning of O-1 and O-2 parcels. This was done in order to spend the necessary time examining potential permitted uses and report back to the Planning Board on June 9th.

Since that time, the subcommittee has met on two occasions. The result of those committee meetings was the separation of the majority of the O-1 and O-2 parcels into three transitional zoning categories. These are areas where the parcels in question are seen as providing transition into single-family residential zones. The committee came to the conclusion that the height and scale of O-2 zones, as well as the majority of uses currently allowed in O-2 zones are appropriate for these areas. The committee felt that some additional uses could also be considered in certain areas.

Mr. Baka advised that the committee devised three new zoning classifications that will allow progressively intensive uses based on the potential effects on surrounding residential properties. The O-2 uses were used as a basis for the permitted uses in each transition zone.

These T (Transition) zones are being called T-1, T-2, and T-3. T-1 is considered for areas that should be the least intensive as they directly abut residential. The areas identified as T-2 zones are near single-family residential, but have an additional buffer zone in the form of public right of way or a physical barrier. T-3 is the area that should be considered for the most intense usage. This zone would be limited to the area at Quarton and Woodward Ave., which has a P (parking) zoned buffer parcel between the residential to the west and fronts on Woodward Ave. All T zoned districts would closely follow the height and setback restrictions of the O-1 and O-2 zones.

The development standards for each zone will be the same, however the permitted commercial uses will vary slightly. Parking standards are still dictated by the use and will not change.

In addition to the creation of the T-1 – T-3 zones, the Planning Division identified two other areas to be considered for rezoning. These existing O-1 zones have been identified as areas where rezoning to an existing zoning classification would be appropriate. The parcels located at 101 Southfield Rd. and 400 W. Maple Rd. are recommended to be rezoned from O-1 to B-4.

AREA	RECOMMENDATION
Fourteen Mile Rd. east of Woodward Ave.	Rezone to T-1 which directly abuts residential
Adams Rd. south of Adams Square east side only	
E. Brown at Pierce	
Maple Rd. Poppleton to Adams north side only	
1225 Bowers	
1821 W. Maple Rd.	
Southfield and 14 Mile Rd.	
Grant and Lincoln	Rezone from O-2 to T-2
N. Old Woodward Ave. Oak to Ravine	
Woodward Ave. immediately south of Quarton	Rezone from O-1 to T-3
101 Southfield Rd.	Rezone from O-1 to B-4
40 W. Maple Rd.	
2100 E. Maple Rd.	Rezone from O-1 to MX

Mr. Williams, Chairman of the sub-committee, did not think some areas listed as T-1 were appropriate because they could end up having night hours. The sense of the sub-committee was to take a look at what is there now, whether it is O-1 or O-2, and determine what is consistent with what the neighbors would view as an acceptable transition area and one that they might want to walk to. Further, the aim is not to zone down and expose the City to potential litigation.

The intent for T-2 was expansion of the permitted uses because these properties do not immediately abut residential. The T-3 area allows a veterinary facility. The sub-committee ran out of time to look at setbacks or density issues and those need to be considered.

Chairman Boyle suggested calling it “neighborhood zoning” rather than “transitional zoning.”

Mr. Williams hoped the sub-committee could meet again in order to get input from those on the sub-committee who are not members of the Planning Board, particularly on setback issues. Secondly, the sub-committee never received any input from the business community. Ms. Lazar suggested further that they might want to invite some commercial brokers to come in.

The chairman thanked members of the sub-committee for their work. He invited public comment at 9:28 p.m.

Ms. Dorothy Conrad discussed the office building on Maple Rd. just east of the railroad tracks. She wanted to make sure that MX zoning does not permit the property owner to develop a big box facility. Mr. Ecker assured her that the MX does not allow a building over 6,000 sq. ft. without a Special Land Use Permit.

Ms. Alice Thimm received confirmation that live/work units are one of the permitted uses in MX zoning and that live/work units are currently allowed in O-1 and O-2. The work unit can only contain a use that is permitted in its district.

Chairman Boyle asked that the sub-committee continue its work and indicated the board looks forward to the final product coming back within four weeks.

CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, FEBRUARY 9, 2011
Commission Chamber, City Hall
151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Planning Board February 9, 2011. Chairman Robin Boyle convened the meeting at 7:30 p.m.

Present: Chairman Robin Boyle; Board Members Scott Clein, Carroll DeWeese, Bert Koseck, Gillian Lazar, Janelle Whipple-Boyce, Bryan Williams

Absent: None

Administration: Matthew Baka, Planning Division
Jana Ecker, Community Development Director
Carole Salutes, Recording Secretary

02-28-11

STUDY SESSION

O-1 and O-2 Permitted Uses

Mr. Baka noted that in accordance with the direction of the City Commission, the Planning Board has been conducting study sessions on the appropriateness of the permitted commercial uses within the O-1 and O-2 Districts. The Planning Board initiated a subcommittee made up of Mr. DeWeese, Mr. Koseck, and Mr. Williams and had participation from residents and property owners. As a result of the subcommittee meetings, the Planning Division has developed a series of recommendations regarding the subject parcels.

Mr. Williams explained the subcommittee classified the majority of the O-1 and O-2 properties into three categories based on their proximity to single family residential and their intensity of use. The scope of their assignment did not include hours of operation or other portions of the ordinance. They simply looked at permitted uses. The intent tonight is to set a public hearing to invite public discussion before moving forward to the City Commission for final approval.

Mr. Baka noted that N (Neighborhood) zones are proposed to be N-1, N-2, and N-3. N-1 is being considered for areas that should permit only the least intensive uses, as they directly abut residential. The areas to be considered as N-2 zones are near single-family residential but an additional buffer zone is present in the form of public right-of-way or a physical barrier between the parcel and the adjacent residential uses. N-3 is being considered for the most intense usage. This zone is proposed to be limited to the area

at Quarton and Woodward Ave., which has a P (Parking) zoned buffer parcel between the residential to the west and the property on Woodward Ave.

Two sites have been recommended to be re-zoned to existing zones based on location and adjacency to other zones. One is recommended to be rezoned to MX (mixed use) based on its proximity to the Rail District, the other is recommended to be rezoned to B-4, as it is in the Downtown Overlay District and is currently classified as D-4.

All N (Neighborhood) zoned districts would closely follow the height and setback restrictions of the O-1 and O-2 Zones.

Mr. Baka presented a PowerPoint that listed the proposed permitted uses for each of the three zones. In order to clarify the meaning of the permitted uses, definitions for several terms were developed and are proposed to be added to Article 09, Definitions. Coffee shops and delicatessens were excluded from N-1 because of the smells, parking issues, extended hours, and trying to be respectful of the neighborhoods.

Mr. DeWeese added their proposal is an expansion with the philosophy of trying to be graded in the amount of impact on the community, and to be consistent.

The following areas were recommended for re-zoning:

AREA	RECOMMENDATION
Fourteen Mile Rd. east of Woodward Ave.	Rezone from O-1 to N-1
E. Brown at Pierce	Rezone from O-2 to N-1
Maple Rd., Poppleton to Adams north side only	Rezone from O-2 to N-1
1225 Bowers	Rezone from O-1 to N-1
1821 W. Maple Rd.	Rezone from O-1 to N-1
Southfield and 14 Mile Rd.	Rezone from O-1 to N-1
West side of Woodward Ave, east side of Adams Rd., North of Lincoln	Rezone from O-2 to N-1
South of Lincoln	Rezone from O-2 to N-2
101 Southfield Rd.	Rezone from O-1 to N-2
550 Merrill	Rezone from O-1 to N-1
Grant and Lincoln	Rezone from B-1 to N-2
N. Old Woodward Ave. Oak to Ravine	Rezone from O-2 to N-2
Parcels on Woodward Ave. immediately south of Quarton	Rezone from O-1 to N-3
400 W. Maple Rd.	Rezone from O-1 to B-4
2100 E. Maple Rd.	Rezone from O-1 to MX

There was discussion about why coffee shops and delicatessens could not be put into N-1 under a Special Land Use Permit ("SLUP"). Mr. Williams said these areas are highly residential and they need to be protected from more traffic and parking.

Ms. Whipple-Boyce thought neighbors may add uses that have been left out. Mr. Williams observed if the board wants to get into hours of operation then in his view they are not ready for a public hearing.

Chairman Boyle invited comments from members of the public at 9:10 p.m.

Ms. Dorothy Conrad, 2252 Yorkshire, cautioned the board to remember that the N-1 properties are someone's backyard or side yard. She expressed concern about the piece proposed to be transferred to the MX District. It is a very large parcel and a very large development could go in there. N-2 might be a better choice. Ms. Ecker clarified that the MX zoning would not allow big box retail due to the maximum size of 6,000 sq.ft. for commercial uses without obtaining a Special Land Use Permit.

Ms. Alice Thimm was concerned that every single N-1 property that is proposed abuts a private home. The uses aren't really cut out for all of the parcels that are next to someone's patio. Under the definition for *artisan use* she did not want to leave in "manufacture." Under the *neighborhood convenience store* definition she suggested leaving out "alcohol, tobacco, lottery tickets" in the N-1 Districts. Also, add to the definition of *specialty food shop* "no on-site preparation or consumption," and "Sampling is permitted." Add to the District intent for N-2 "which are compatible with abutting single-family residential." Lastly Ms. Thimm didn't understand why outdoor café is an accessory permitted use under N-1. Consensus was to remove it.

Motion by Mr. DeWeese

Seconded by Mr. Williams to set a public hearing for April 13, 2011 to consider amendments to Article 02 Zoning districts and Regulations, and Article 09, Definitions of the Zoning code,

and

To set a public hearing for April 13, 2011 to consider the re-zoning of O-1 Office, O-2 Office/Commercial, and B-1 Neighborhood Business parcels.

It was determined this item will be brought up for further discussion by the board at a study session on March 16, prior to the public hearing in April.

Discussion contemplated that every habitable unit and every business within 300 ft. would need to be notified. Ms. Ecker noted the available manpower will take quite some time to put out all of those notices. Mr. Williams said he has always thought that the noticing requirements are not necessarily consistently applied on the Planning Board Hearings and those for the City Commission. The Commission tends to notify a lot more people.

Mr. Clein did not feel that N-1 and N-2 should have such similar uses. Further, the problems are just being shifted from O to N and an additional N-3 classification has been added.

Motion carried, 6-1.

ROLLCALL VOTE

Yeas: DeWeese, Williams, Boyle, Koseck, Lazar, Whipple-Boyce

Nays: Clein

Absent: None

CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, MARCH 23, 2011
Department of Public Services
851 S. Eton Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Planning Board held March 23, 2011. Chairman Robin Boyle convened the meeting at 7:30 p.m.

Present: Chairman Robin Boyle; Board Members Scott Clein, Bert Koseck (arrived at 7:35 p.m.), Gillian Lazar (arrived at 7:40 p.m.), Janelle Whipple-Boyce, Bryan Williams; Student Representative Kristen Thut

Absent: Board Member Carroll DeWeese

Administration: Matt Baka, Planning Intern
Carole Salutes, Recording Secretary
03-48-11

STUDY SESSION

O-1 and O-2 Permitted Uses

Mr. Baka introduced the study session. In accordance with the direction of the City Commission, the Planning Board has been conducting study sessions on the appropriateness of the permitted commercial uses within the O-1 and O-2 Districts. Early last year a sub-committee was established comprised of Planning Board members DeWeese, Koseck, and Williams, and several residents and property owners also participated in the discussions.

The sub-committee classified the majority of the O-1 – O-2 properties into three separate neighborhood zones:

- N-1 - Properties that directly abut single-family residential zones;
- N-2 - Properties that have a natural barrier between them and residential parcels; and
- N-3 - The O-1 parcels at the corner of Quarton and Woodward Ave.

On February 9, 2011, the Planning Board set a public hearing for April 13, 2011 to consider zoning amendments to the O-1 and O-2 zones. It was decided that the subject would be discussed once again at the March 2011 study session to finalize the proposed changes in advance of the public hearing.

Mr. Baka advised that there have been very few changes since the last Planning Board meeting. Party store was taken out of N-1 and added to N-2 and N-3 as a result of the board's discussion on neighborhood convenience stores.

Additionally, swimming pools were eliminated and the only permitted recreational use would be a park.

Mr. Williams advised that the sub-committee's original charge was to study O-1 and O-2. That excludes the Lincoln and Grant area which he would leave it the way it is, as B-1. That does not have a deleterious impact on the businesses in that area. Mr. Baka went on to describe the other N-1 and N-2 areas. Ms. Whipple-Boyce did not believe that party stores should be included in N-2. She does not think that an alley is enough buffer to allow a party store. Further, she feels the B-1 classification should be reviewed in the future. Others agreed.

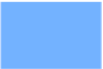
The board contemplated whether height issues should be a consideration, especially in the area between Poppleton and Adams. Consensus was to leave it alone for now.

Mr. Williams advised that the sub-committee didn't really change things that much. They have by and large pretty much protected the residential components. The only place where they have expanded the types of uses is the area along N. Old Woodward Ave. south of Oak on the east side.

Chairman Boyle thanked everyone for their input and for doing a great job.

Revision of permitted commercial uses on properties that are abutting or adjacent to residential property

Rezoning of O₁/O₂ properties

	0-2	Office Commercial
	0-1	Office

Planning Board study of O₁/O₂ permitted commercial uses timeline

- October 13, 2008 - City Commission directs Planning Board to study the appropriateness of the commercial permitted uses of the O₁/O₂ zones;
- July-October 2009 – Planning board holds several study sessions regarding O₁/O₂ zones. Discussions center on current permitted uses. Planning Division compiled an inventory of existing uses, including permitted and non-conforming;
- May 2010 – Planning Board establishes a subcommittee of three Planning Board members to develop recommendations for updated lists of permitted uses;
- February 2011 – Subcommittee reports back to Planning Board with recommendations for all O₁/O₂ properties. Recommendation includes the creation of new “Neighborhood Commercial” zones titled N₁, N₂, and N₃. Select parcels recommended for rezoning to existing zones. Planning Board sets Public Hearing for April 13, 2011 to consider proposed changes and forward recommendation to the City Commission.

General findings & recommendations

The majority of the O1/O2 parcels are abutting or adjacent to residential properties. As a result, the subcommittee recommended that the O1/O2 parcels be reorganized into three categories based on their proximity to residential. These categories are proposed to be transitional zones that allow for commercial uses that are compatible with the neighborhoods. These zones would be delineated as follows.

- **N1 (Neighborhood Commercial) zone** - Properties that directly abut single family residential zones. These properties are viewed as having the greatest impact on residential. For that reason, the permitted commercial uses in these areas are the least intense. These uses are intended to be generally daytime uses including office, retail and neighborhood services.
- **N2 (Neighborhood Commercial) zone** – Properties that are adjacent to residential but have an additional buffer such as right of way or a natural barrier (Rouge River) that protects residential properties or are in high traffic areas that increase the commercial character of the property. In these areas, the permitted commercial uses are proposed to increase slightly in intensity by allowing businesses such as delicatessens, bakeries, coffee shops, and dry cleaners.
- **N3 (Neighborhood Commercial) zone** – This zone is proposed for the parcels currently zoned O1 on Woodward at Quarton. This area is viewed by the committee as unique as it sits on big Woodward. Therefore, uses that involve additional intensity are viewed as appropriate. This would include animal hospitals and veterinary clinics and banks with a drive thru (SLUP required for drive-thru).

(Development standards for O1 and O2 properties were not the focus of this study. However, some minor changes were necessary as there are currently differences between the two existing zones that must be reconciled in order to unify them into common zones. Changes for each parcel will be noted in the following slides.)

Specific Recommendations – N1

N1 (Neighborhood Commercial) zone - Properties that directly abut single family residential zones. These properties are viewed as having the greatest impact on residential. For that reason, the permitted commercial uses in these areas are the least intense. These uses are intended to be generally daytime uses including office, retail and neighborhood services.

*The parcels being considered for N1 designation include parcels that are currently zoned both O1 and O2. On the following slides each location will be reviewed, highlighting how the proposed changes will affect each.

Commercial Permitted Uses

- art gallery
- artisan use
- bank without drive-through facility
- barber/beauty salon
- boutique
- clinic
- clothing store
- dental/medical office
- flower/gift shop
- furniture store
- hair replacement establishment
- interior design shop
- jewelry store
- leather and luggage goods shop

- neighborhood convenience store
- office use
- photography studio
- shoe repair
- specialty food store
- specialty home furnishing shop
- tailor

Accessory Permitted Uses

- laboratory - medical/dental*
- loading facility - off-street*
- parking facility - off-street*
- pharmacy*
- commercial or office uses which are customarily incidental to the permitted

principal uses on the same lot

Uses Requiring a S L U P

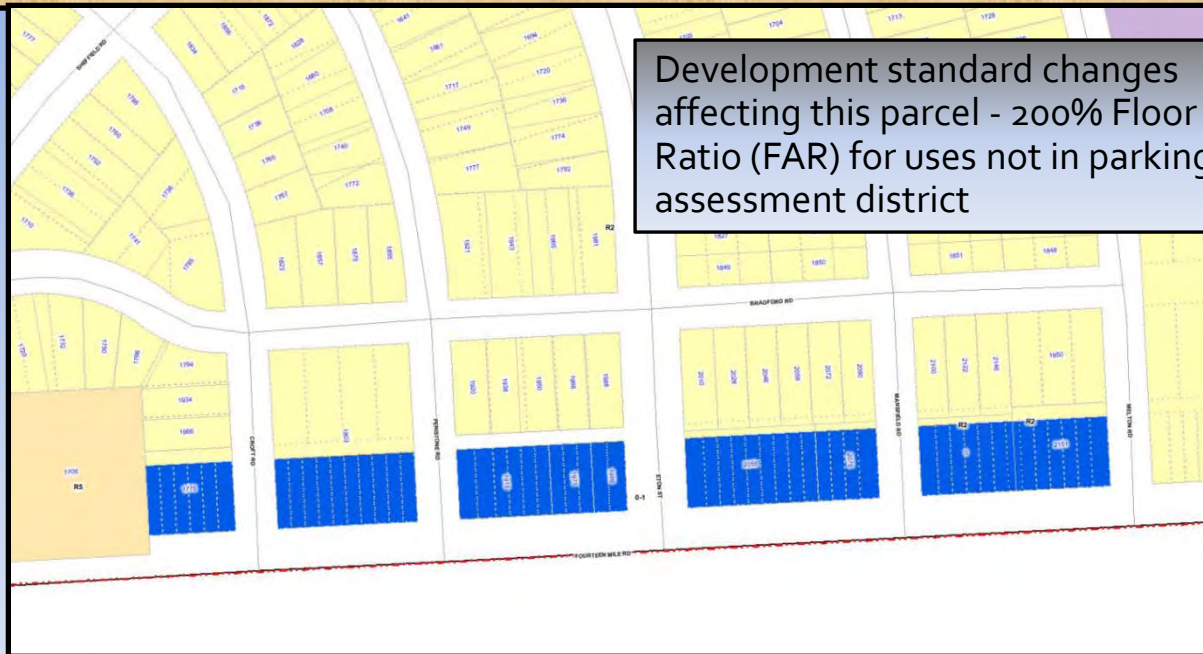
- bistro (only permitted in the Triangle District and Overlay District)*
- church

O1 parcels on 14 Mile rd. between Woodward and Melton - O1 to N1

O1 parcels will see the most significant increase in permitted commercial uses. The list below indicates all new uses proposed for these parcels.

Commercial Permitted Uses

- art gallery
- artisan use
- bank without drive-through facility
- boutique
- clinic
- clothing store
- flower/gift shop
- furniture store
- interior design shop
- jewelry store
- leather and luggage goods shop
- neighborhood convenience store
- photography studio
- shoe repair
- specialty food store
- specialty home furnishing shop
- tailor



Development standard changes affecting this parcel - 200% Floor Area Ratio (FAR) for uses not in parking assessment district

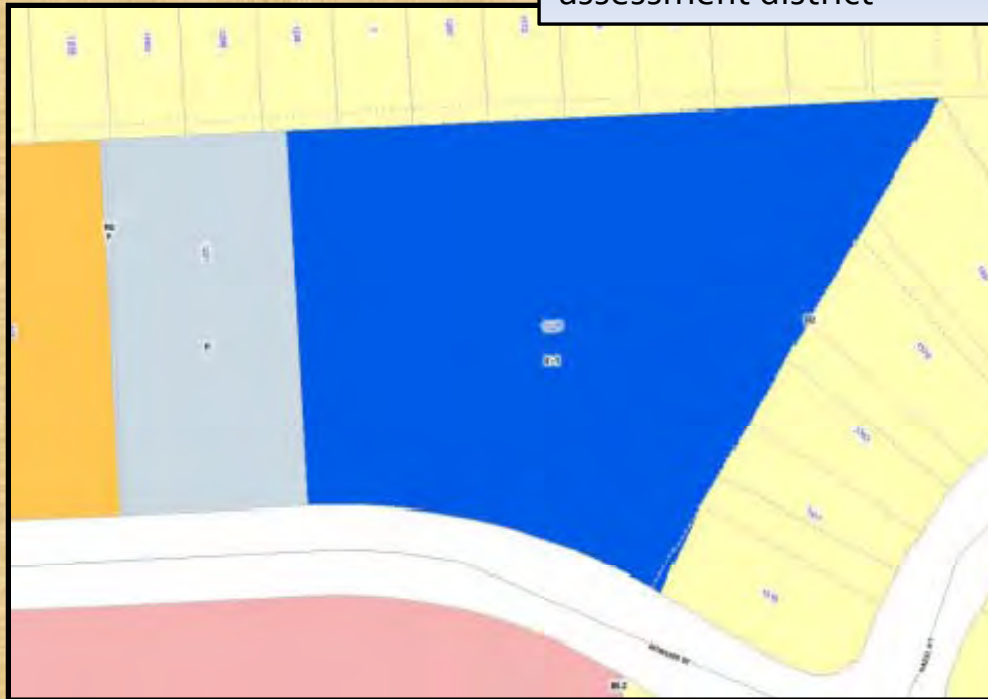
The following uses are proposed to be eliminated from the O1 zone; swimming pool – semiprivate, veterinary clinic, kennel (accessory use)

1225 Bowers – O1 to N1

Proposed new Commercial Permitted Uses

- art gallery
- artisan use
- bank without drive-through facility
- boutique
- clinic
- clothing store
- flower/gift shop
- furniture store
- interior design shop
- jewelry store
- leather and luggage goods shop
- neighborhood convenience store
- photography studio
- shoe repair
- specialty food store
- specialty home furnishing shop
- tailor

Development standard changes affecting this parcel - 200% Floor Area Ratio (FAR) for uses not in parking assessment district



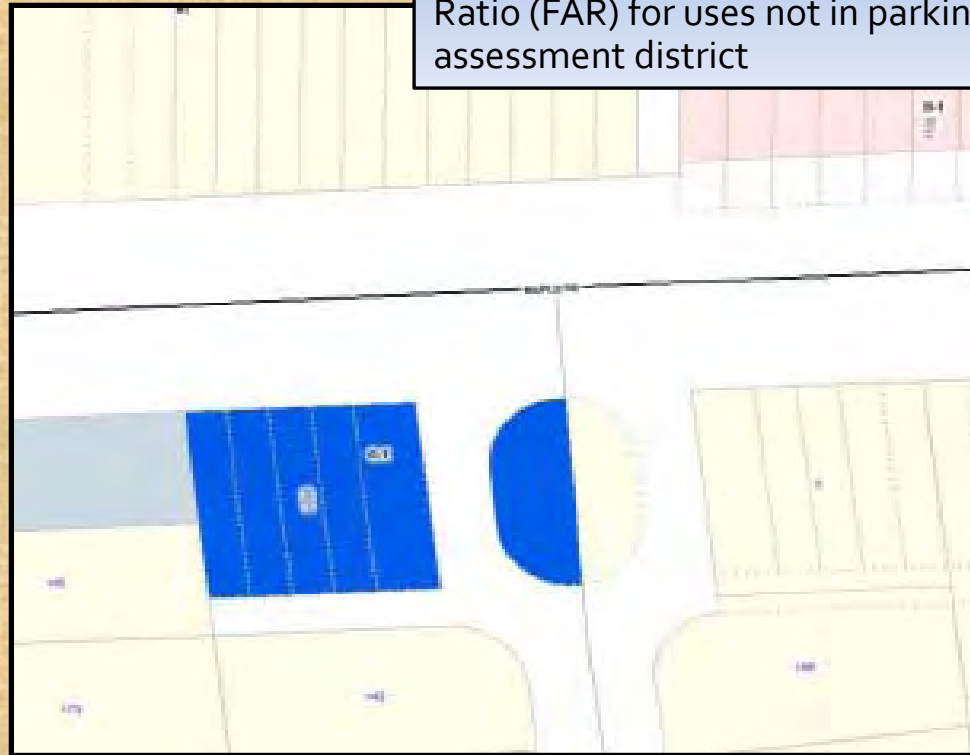
The following uses are proposed to be eliminated from the O1 zone; swimming pool – semiprivate, veterinary clinic, kennel (accessory use)

1821 W. Maple – O1 to N1

Proposed new Commercial Permitted Uses

- art gallery
- artisan use
- bank without drive-through facility
- boutique
- clinic
- clothing store
- flower/gift shop
- furniture store
- interior design shop
- jewelry store
- leather and luggage goods shop
- neighborhood convenience store
- photography studio
- shoe repair
- specialty food store
- specialty home furnishing shop
- tailor

Development standard changes affecting this parcel - 200% Floor Area Ratio (FAR) for uses not in parking assessment district

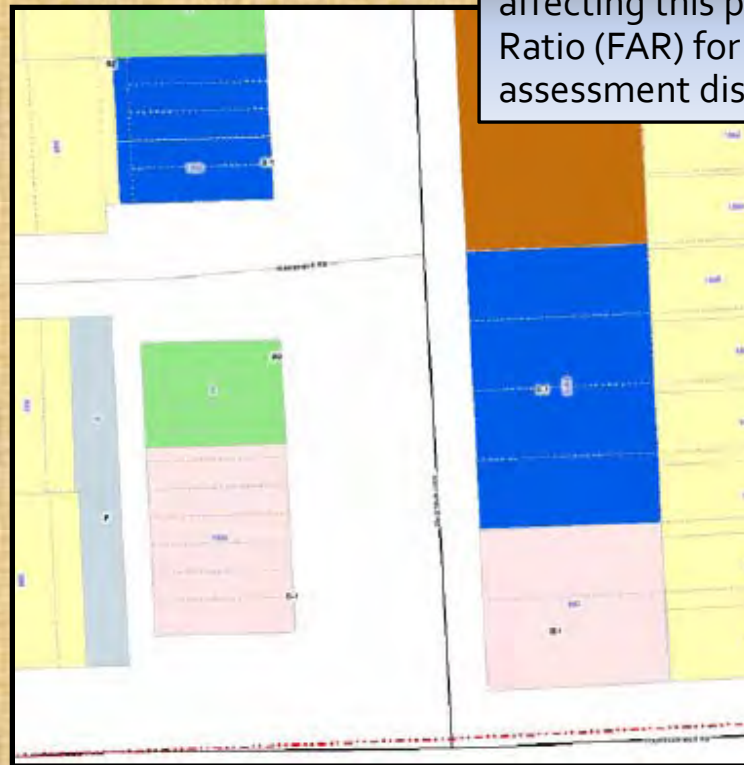


The following uses are proposed to be eliminated from the O1 zone; swimming pool – semiprivate, veterinary clinic, kennel (accessory use)

1875 & 1890 Southfield Rd. O1 to N1

Proposed new Commercial Permitted Uses

- art gallery
- artisan use
- bank without drive-through facility
- boutique
- clinic
- clothing store
- flower/gift shop
- furniture store
- interior design shop
- jewelry store
- leather and luggage goods shop
- neighborhood convenience store
- photography studio
- shoe repair
- specialty food store
- specialty home furnishing shop
- tailor



Development standard changes affecting this parcel - 200% Floor Area Ratio (FAR) for uses not in parking assessment district

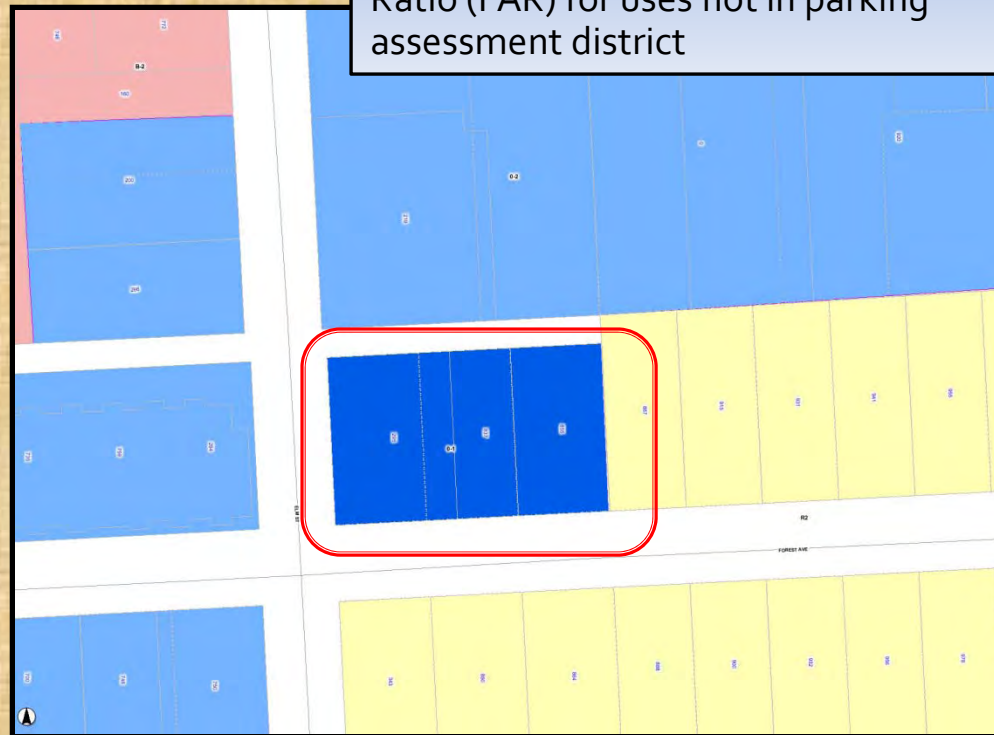
The following uses are proposed to be eliminated from the O1 zone; swimming pool – semiprivate, veterinary clinic, kennel (accessory use)

295 Elm, 837 & 855 Forest – O₁ to N₁

Proposed new Commercial Permitted Uses

- art gallery
- artisan use
- bank without drive-through facility
- boutique
- clinic
- clothing store
- flower/gift shop
- furniture store
- interior design shop
- jewelry store
- leather and luggage goods shop
- neighborhood convenience store
- photography studio
- shoe repair
- specialty food store
- specialty home furnishing shop
- tailor

Development standard changes affecting this parcel - 200% Floor Area Ratio (FAR) for uses not in parking assessment district



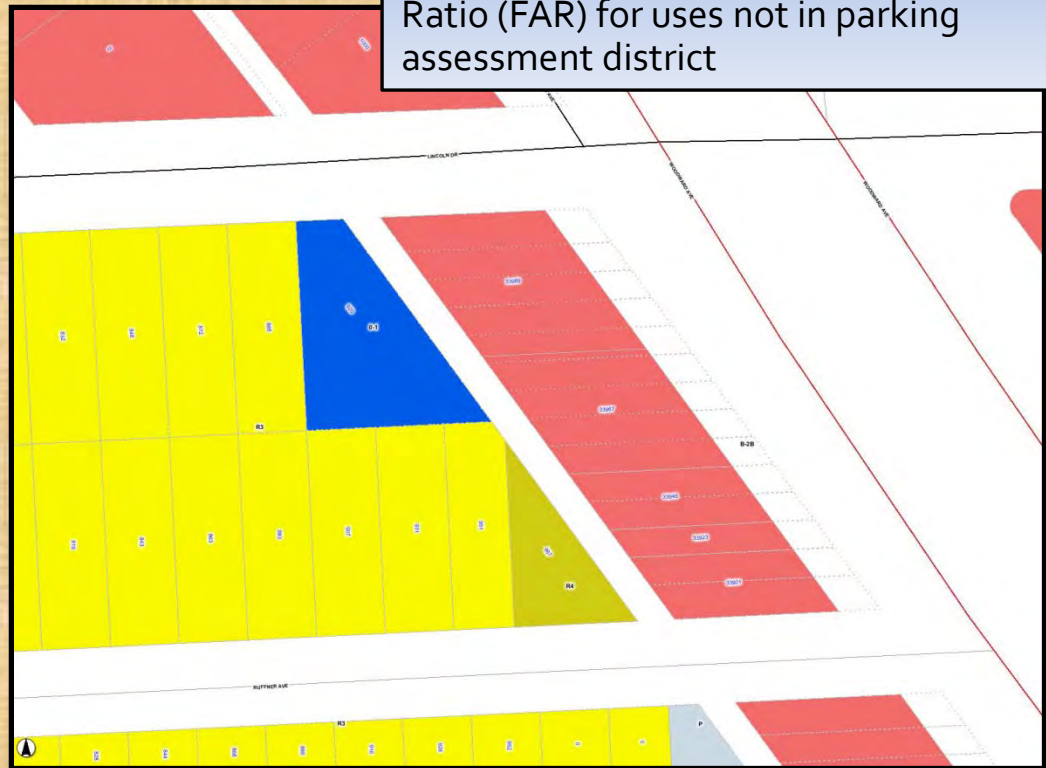
The following uses are proposed to be eliminated from the O₁ zone; swimming pool – semiprivate, veterinary clinic, kennel (accessory use)

920 Lincoln – O₁ to N₁

Proposed new Commercial Permitted Uses

- art gallery
- artisan use
- bank without drive-through facility
- boutique
- clinic
- clothing store
- flower/gift shop
- furniture store
- interior design shop
- jewelry store
- leather and luggage goods shop
- neighborhood convenience store
- photography studio
- shoe repair
- specialty food store
- specialty home furnishing shop
- tailor

Development standard changes affecting this parcel - 200% Floor Area Ratio (FAR) for uses not in parking assessment district



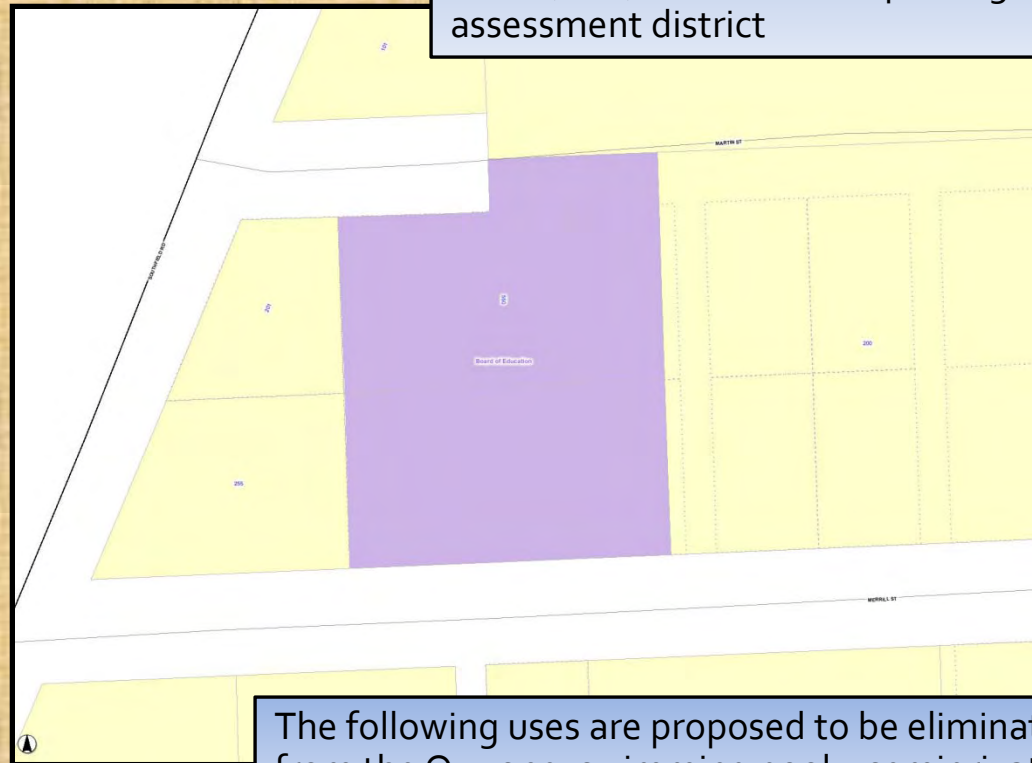
The following uses are proposed to be eliminated from the O₁ zone; swimming pool – semiprivate, veterinary clinic, kennel (accessory use)

550 Merrill – O₁ to N₁

Proposed new Commercial Permitted Uses

- art gallery
- artisan use
- bank without drive-through facility
- boutique
- clinic
- clothing store
- flower/gift shop
- furniture store
- interior design shop
- jewelry store
- leather and luggage goods shop
- neighborhood convenience store
- photography studio
- shoe repair
- specialty food store
- specialty home furnishing shop
- tailor

Development standard changes affecting this parcel - 200% Floor Area Ratio (FAR) for uses not in parking assessment district



The following uses are proposed to be eliminated from the O₁ zone; swimming pool – semiprivate, veterinary clinic, kennel (accessory use)

O2 properties proposed to be changed to N1

N1 (Neighborhood Commercial) zone - Properties that directly abut single family residential zones. These properties are viewed as having the greatest impact on residential. For that reason, the permitted commercial uses in these areas are the least intense. These uses are intended to be generally daytime uses including office, retail and neighborhood services.

O2 properties proposed to change to N1 would have fewer changes to the list of permitted uses than those proposed to be rezoned from O1 to N1. The following lists indicate the uses to be added as well as the uses to be eliminated.

Uses to be added

- furniture store and
- neighborhood convenience store

Uses to be eliminated

- Bakery
- Tobacconist
- Veterinary clinic
- Kennel (accessory use)
- outdoor café (accessory use)

In addition there are a few changes to the development standards that will affect certain properties. The following slides examine each area and outline the changes that affect each.

Specific Recommendations – N1

N1 (Neighborhood Commercial) zone - Properties that directly abut single family residential zones. These properties are viewed as having the greatest impact on residential. For that reason, the permitted commercial uses in these areas are the least intense. These uses are intended to be generally daytime uses including office, retail and neighborhood services.

*The parcels being considered for N1 designation include parcels that are currently zoned both O1 and O2. On the following slides each location will be reviewed, highlighting how the proposed changes will affect each.

Commercial Permitted Uses

- art gallery
- artisan use
- bank without drive-through facility
- barber/beauty salon
- boutique
- clinic
- clothing store
- dental/medical office
- flower/gift shop
- furniture store
- hair replacement establishment
- interior design shop
- jewelry store
- leather and luggage goods shop

- neighborhood convenience store
- office use
- photography studio
- shoe repair
- specialty food store
- specialty home furnishing shop
- tailor

Accessory Permitted Uses

- laboratory - medical/dental*
- loading facility - off-street*
- parking facility - off-street*
- pharmacy*
- commercial or office uses which are customarily incidental to the permitted

principal uses on the same lot

Uses Requiring a S L U P

- bistro (only permitted in the Triangle District and Overlay District)*
- church

S. Adams between Lincoln and Adams Square – O2 to N1

Uses to be added

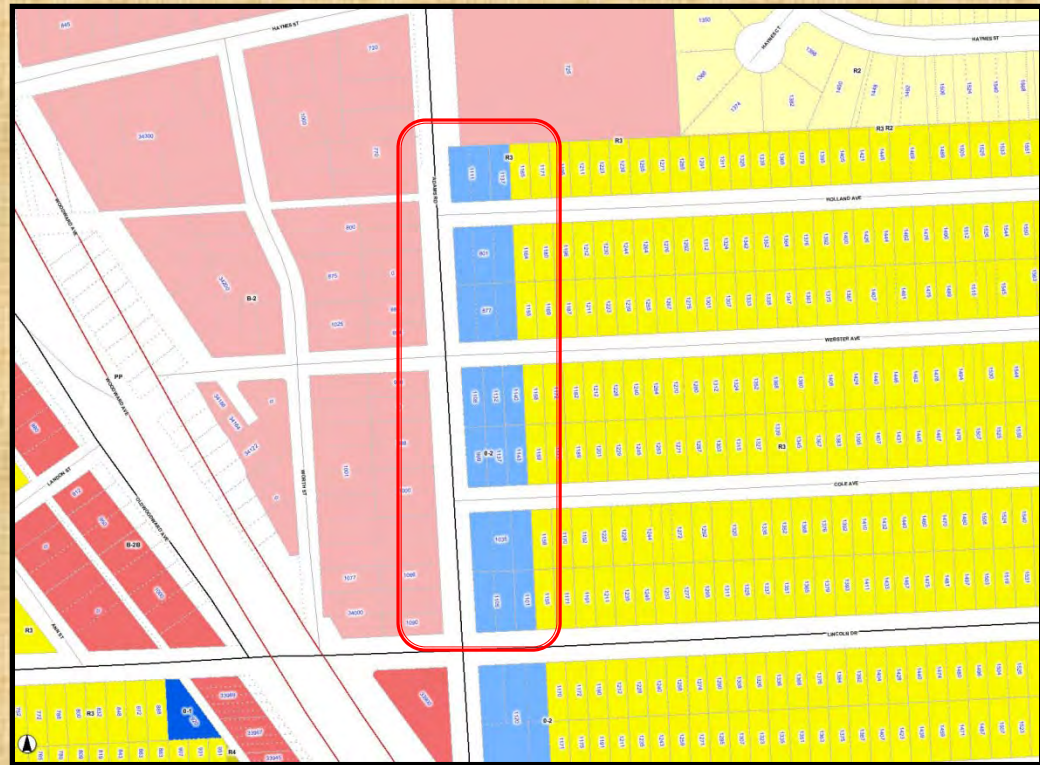
- furniture store
- neighborhood convenience store

Uses to be eliminated

- Bakery
- tobacconist
- veterinary clinic
- kennel (accessory use)
- outdoor café (accessory use)

Development standard changes affecting this parcel

- Average setback of houses within 200 feet on the same block, on the same side of the street, otherwise 0 (zero) feet
- No setback is required except on a lot which has a side lot line with an abutting interior residential lot on a side street, then such setback shall be 9 feet.
- 20 feet or the height of the building, whichever is greater, when abutting residential zoning district



E. Maple Rd. between Elm and Adams – O₂ to N₁

Uses to be added

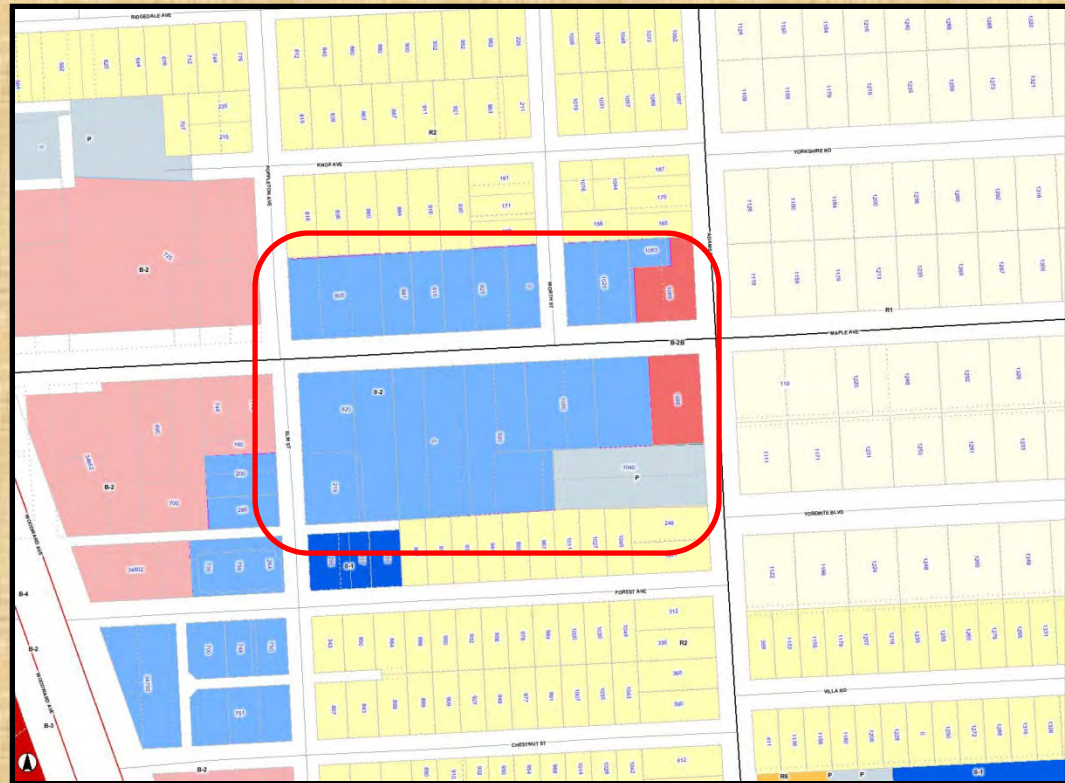
- furniture store
- neighborhood convenience store

Uses to be eliminated

- bakery
- tobacconist
- veterinary clinic
- kennel (accessory use)
- outdoor café (accessory use)

Development standard changes affecting this parcel

- Average setback of houses within 200 feet on the same block, on the same side of the street, otherwise 0 (zero) feet
- No setback is required except on a lot which has a side lot line with an abutting interior lot on a side street, then such setback shall be 9 feet.
- 20 feet or the height of the building, whichever is greater, when abutting residential zoning district



825 Bowers (Former Baker's Sq.)

O₂ to N₁

Uses to be added

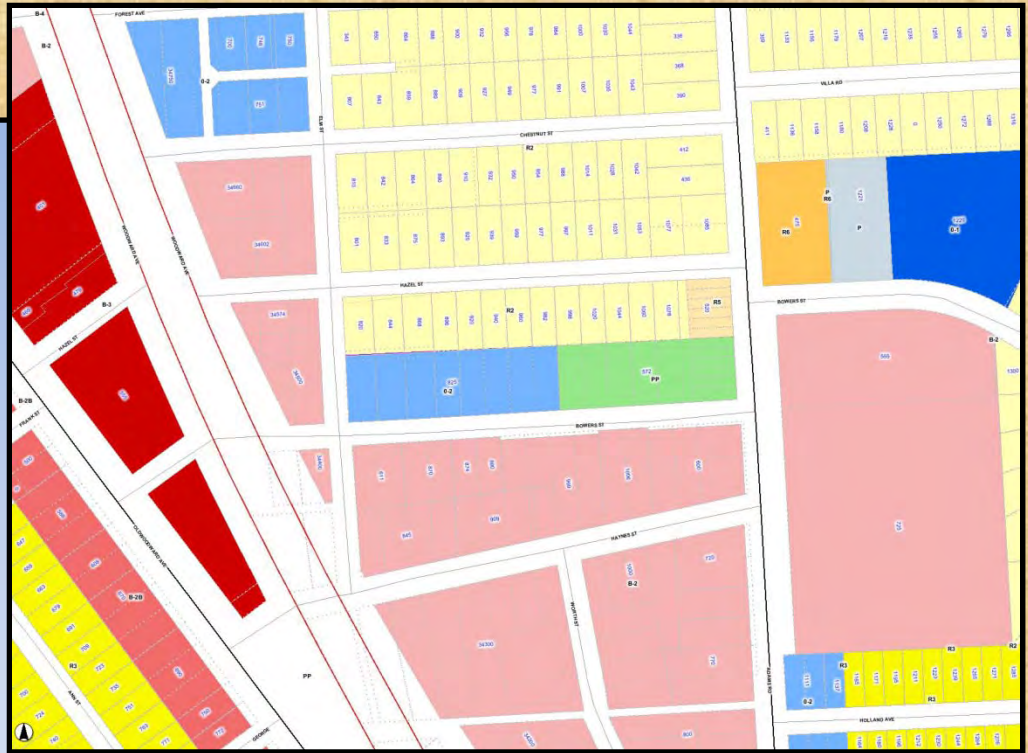
- furniture store
- neighborhood convenience store

Uses to be eliminated

- bakery
- tobacconist
- veterinary clinic
- kennel (accessory use)
- outdoor café (accessory use)

Development standard changes affecting this parcel

- Average setback of houses within 200 feet on the same block, on the same side of the street, otherwise 0 (zero) feet
- No setback is required except on a lot which has a side lot line with an abutting interior residential lot on a side street, then such setback shall be 9 feet.
- 20 feet or the height of the building, whichever is greater, when abutting residential zoning district



W. Brown between Purdy & Henrietta O2 to N1

Uses to be added

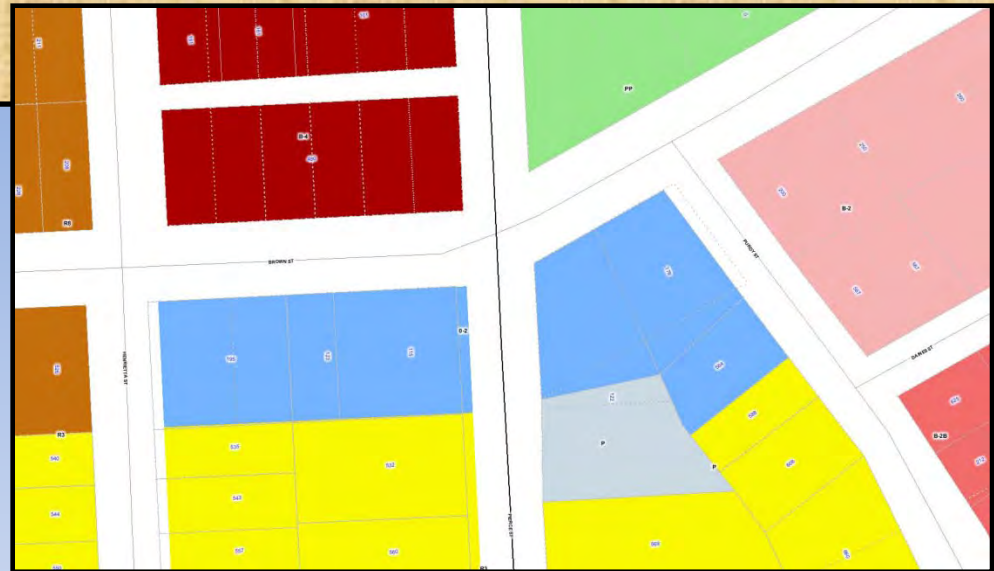
- furniture store
- neighborhood convenience store

Uses to be eliminated

- bakery
- tobacconist
- veterinary clinic
- kennel (accessory use)
- outdoor café (accessory use)

Development standard changes affecting this parcel

- Average setback of houses within 200 feet on the same block, on the same side of the street, otherwise 0 (zero) feet
- No setback is required except on a lot which has a side lot line with an abutting interior residential lot on a side street, then such setback shall be 9 feet.
- 20 feet or the height of the building, whichever is greater, when abutting residential zoning district



N2 (Neighborhood Commercial)

N2 (Neighborhood Commercial) zone – Properties that are adjacent to residential but have an additional buffer such as right of way or a natural barrier (Rouge River) that protects residential properties or are in high traffic areas that increase the commercial character of the property. In these areas, the permitted commercial uses are proposed to increase slightly in intensity by allowing businesses such as delicatessens, bakeries, coffee shops, and dry cleaners.

**The parcels being considered for N2 designation include parcels that are currently zoned both O1 and O2. On the following slides each location will be reviewed, highlighting how the proposed changes will affect each.*

Commercial Permitted Uses

- art gallery
- artisan use
- **bakery***
- bank without drive-through facility
- barber/beauty salon
- boutique
- clinic
- clothing store
- **coffee shop***
- **delicatessen***
- dental/medical office
- **dry cleaners***
- flower/gift shop
- furniture store
- hair replacement establishment
- **health club/studio***
- interior design shop
- jewelry store
- leather and luggage goods shop

- neighborhood convenience store
- office use
- **party store***
- photography studio
- shoe repair
- specialty food store
- specialty home furnishing shop
- tailor

Accessory Permitted Uses

- laboratory - medical/dental
- loading facility - off-street
- **outdoor cafe***
- parking facility - off-street
- pharmacy
- commercial or office uses which are customarily incidental to the permitted principal uses on the same lot

Uses Requiring a S L U P

- bistro (only permitted in the Triangle District and Overlay District)
- church
- **food and drink establishment***
- **broadcast media devices (only permitted in conjunction with gasoline stations)***

** These uses are not permitted in N1 zones*

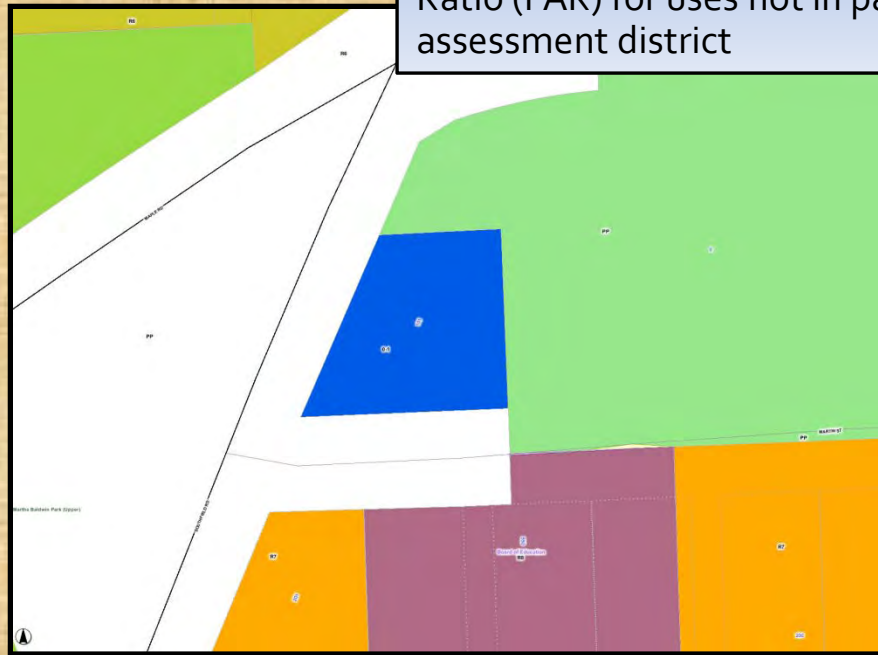
101 Southfield – O₁ to N₂

Proposed new Commercial Permitted Uses

- art gallery
- artisan use
- **bakery***
- bank without drive-through facility
- boutique
- clinic
- clothing store
- **coffee shop***
- **delicatessen***
- **dry cleaners***
- flower/gift shop
- furniture store
- **health club/studio***
- interior design shop
- jewelry store
- leather and luggage goods shop
- neighborhood convenience store
- **party store***
- photography studio
- shoe repair
- specialty food store
- specialty home furnishing shop
- tailor

** These uses are not permitted in N₁ zones*

Development standard changes affecting this parcel - 200% Floor Area Ratio (FAR) for uses not in parking assessment district



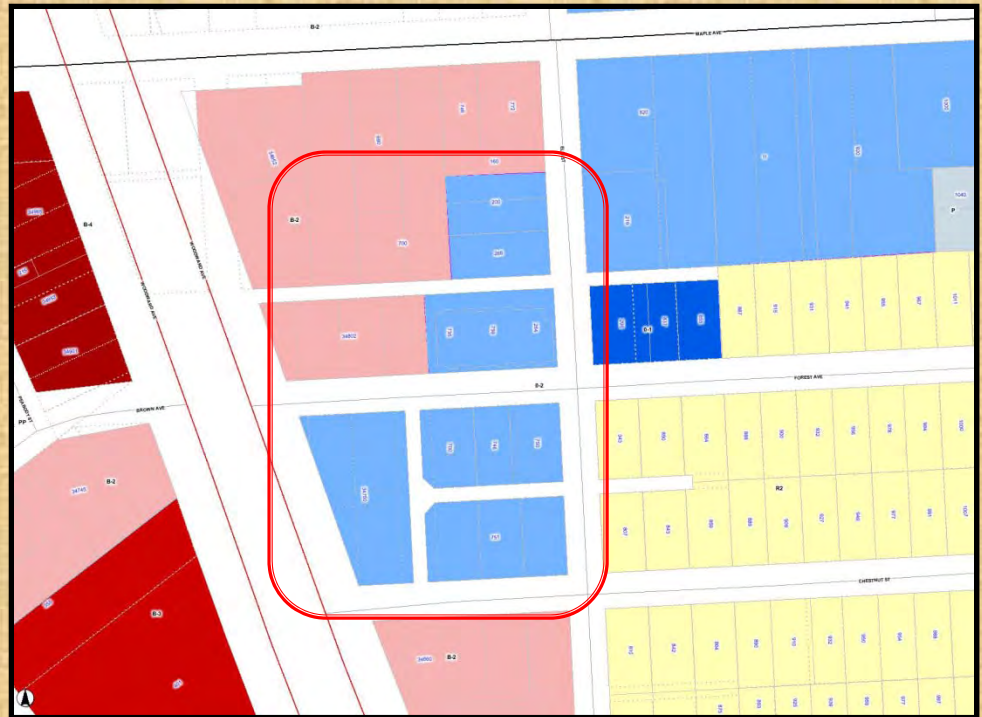
The following uses are proposed to be eliminated from the O₁ zone; swimming pool – semiprivate, veterinary clinic, kennel (accessory use)

O2 properties in the triangle district west of Elm – O2 to N2

Proposed new Commercial Permitted Uses

- artisan use
- coffee shop*
- delicatessen*
- dry cleaners*
- furniture store
- health club/studio*
- neighborhood convenience store
- party store*
- shoe repair

**These uses are not permitted in
N1 zones*



Development standard changes affecting these parcels

Average setback of houses within 200 feet on the same block,
on the same side of the street, otherwise 0 (zero) feet

The following uses are proposed to be eliminated
from the O2 zone; swimming pool – semiprivate,
tobacconist, veterinary clinic, kennel (accessory use)

1120 Adams O2 to N2

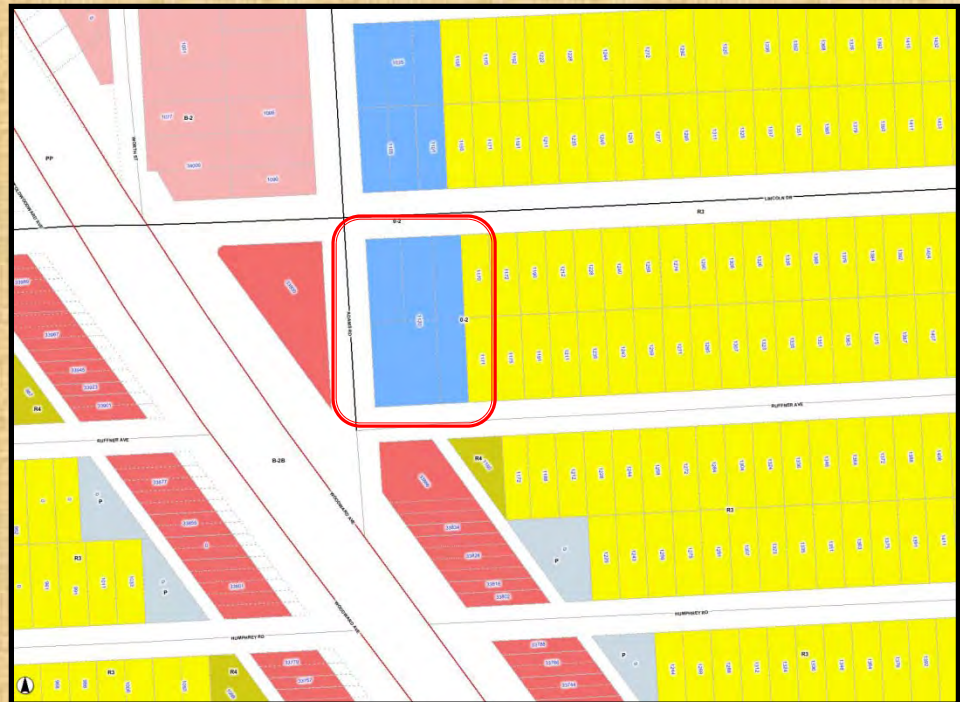
Proposed new Commercial Permitted Uses

- artisan use
- coffee shop*
- delicatessen*
- dry cleaners*
- furniture store
- health club/studio*
- neighborhood convenience store
- party store*
- shoe repair

**These uses are not permitted in N1 zones*

Development standard changes affecting this parcel

- Average setback of houses within 200 feet on the same block, on the same side of the street, otherwise 0 (zero) feet



The following uses are proposed to be eliminated from the O2 zone; swimming pool – semiprivate, tobacconist, veterinary clinic, kennel (accessory use)

N. Old Woodward between Ravine rd. and Oak – O2 to N2

Proposed new Commercial Permitted Uses

- artisan use
- coffee shop*
- delicatessen*
- dry cleaners*
- furniture store
- health club/studio*
- neighborhood convenience store
- party store*
- shoe repair

** These uses are not permitted in N1 zones*

Development standards that affect subject parcels
Average setback of houses within 200 feet on the same block, on the same side of the street, otherwise 0 feet



The following uses are proposed to be eliminated from the O2 zone; swimming pool – semiprivate, tobacconist, veterinary clinic, kennel (accessory use)

Woodward Ave. between Quarton and Redding – O₁ to N₃

Commercial Permitted Uses

- *animal medical hospital**
- art gallery
- artisan use
- bakery
- bank without drive-through facility
- boutique
- clinic
- clothing store
- coffee shop
- delicatessen
- dry cleaners
- flower/gift shop
- food or drink establishment
- furniture store
- *hardware store**
- health club/studio
- interior design shop
- jewelry store
- neighborhood convenience store
- *paint store**
- photography studio
- shoe repair

- specialty food store
- specialty home furnishing shop
- tailor

Other Use Regulations

Accessory Permitted Uses

- commercial or office uses which are customarily incidental to the permitted principal uses of the same lot

Uses Requiring a Special Land Use Permit

- *bank with drive-through facility*
- display of broadcast media devices (only permitted in conjunction with a gasoline service station)

**These uses are allowed in N₃ only*

Use being eliminated - • swimming pool - semiprivate



Development standard changes affecting this parcel - 200% Floor Area Ratio (FAR) for uses not in parking assessment district

2100 E. Maple – O₁ to MX

Rezoning this parcel from O₁ to MX would be consistent with the stated goals of both Birmingham and Troy to foster a transit oriented mixed use district. The development standards of the Troy parcels to the east are compatible with the current MX zoning of the Eton Road Corridor Plan.



The MX zone allows for a flexible mix of uses while restricting new commercial developments over 6,000 sq. ft. by requiring a SLUP (Special Land Use Permit)

Residential Permitted Uses

- family day care facility*
- group day care home*

Institutional Permitted Uses

- bus/train passenger station
- government use
- publicly owned building

Recreational Permitted Uses

- indoor/outdoor recreational facility

Commercial Permitted Uses

- animal medical hospital
- art gallery
- artisan use
- auto rental agency*
- automobile repair and conversion
- bakery
- boutique
- child care center
- clothing store
- drugstore
- dry cleaning
- flower/gift shop
- food or drink establishment*
- furniture
- greenhouse
- grocery store
- hardware store
- health club/studio
- interior design shop
- jewelry store
- kennel*
- laboratory
- leather and luggage goods shop
- neighborhood convenience store
- pet grooming facility
- photography studio
- shoe store/shoe repair
- specialty food store

- specialty home furnishing shop

- tailor

- tobacconist

Industrial Permitted Uses

- light industrial uses
- warehousing

Other Permitted Uses

- gas regulatory station
- telephone exchange building
- utility substation

Accessory Permitted Uses

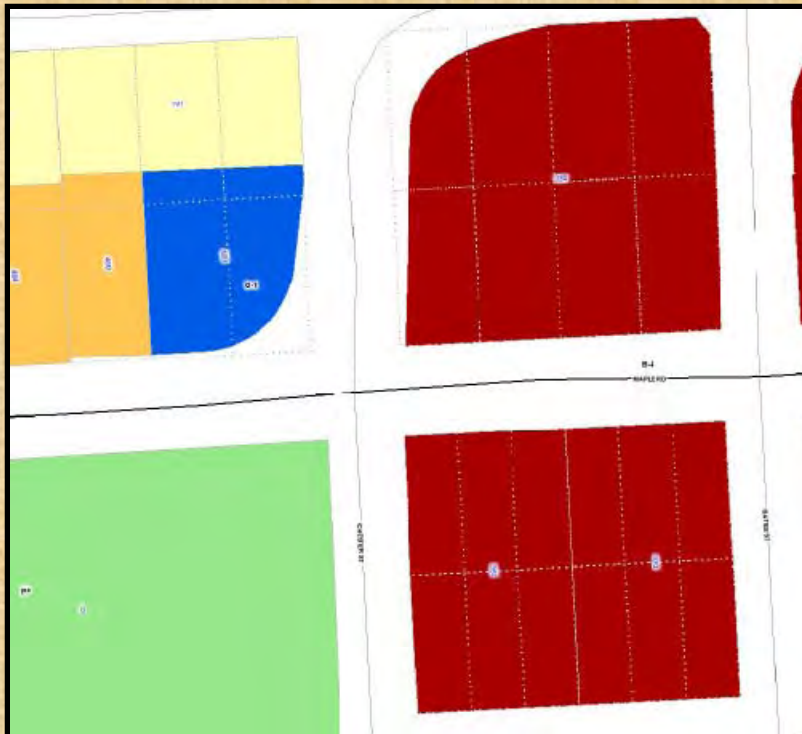
- alcoholic beverage sales*
- dwelling - accessory*
- fence
- garage - private
- greenhouse - private
- home occupation
- outdoor cafe*
- outdoor sales or display of goods*
- parking structure*
- renting of rooms*
- sign
- swimming pool - private

Uses Requiring a Special Land Use Permit

- college
- dwelling - first floor with frontage on Eton Road
- outdoor storage*
- parking structure
- religious institution
- school - private, public
- residential use combined with a permitted nonresidential use with frontage on Eton Road
- regulated uses*

400 W. Maple – O1 to B4

The parcel located at 400 W. Maple is recommended to be rezoned from O1 to B-4. 400 W. Maple is currently in the Downtown Overlay, and is therefore permitted to build up to 5 stories. The Downtown Overlay is intended to encourage a mix of office, commercial and residential. However, the current underlying zoning of O1 excludes most commercial uses. The subcommittee finds that a rezoning to B4 would allow redevelopment of the site to occur in a manner consistent with the 2016 Plan.



Residential Permitted Uses

- adult foster care group home
- single family cluster*

Institutional Permitted Uses

- church
- community center
- garage - public
- government office
- government use
- loading facility - off-street
- parking facility - off-street
- school - private, public
- social club

Recreational Permitted Uses

- bowling alley
- outdoor amusement*
- recreational club

Commercial Permitted Uses

- auto sales agency
- bakery
- bank
- catering
- child care center
- clothing store
- delicatessen
- department store
- drugstore
- dry cleaning
- flower/gift shop
- food or drink establishment*
- furniture

- greenhouse
- grocery store
- hardware store
- hotel
- motel
- neighborhood convenience store
- paint
- party store
- retail photocopying
- school-business
- shoe repair
- showroom of electricians/plumbers
- tailor
- theater*

Other Permitted Uses

- utility substation

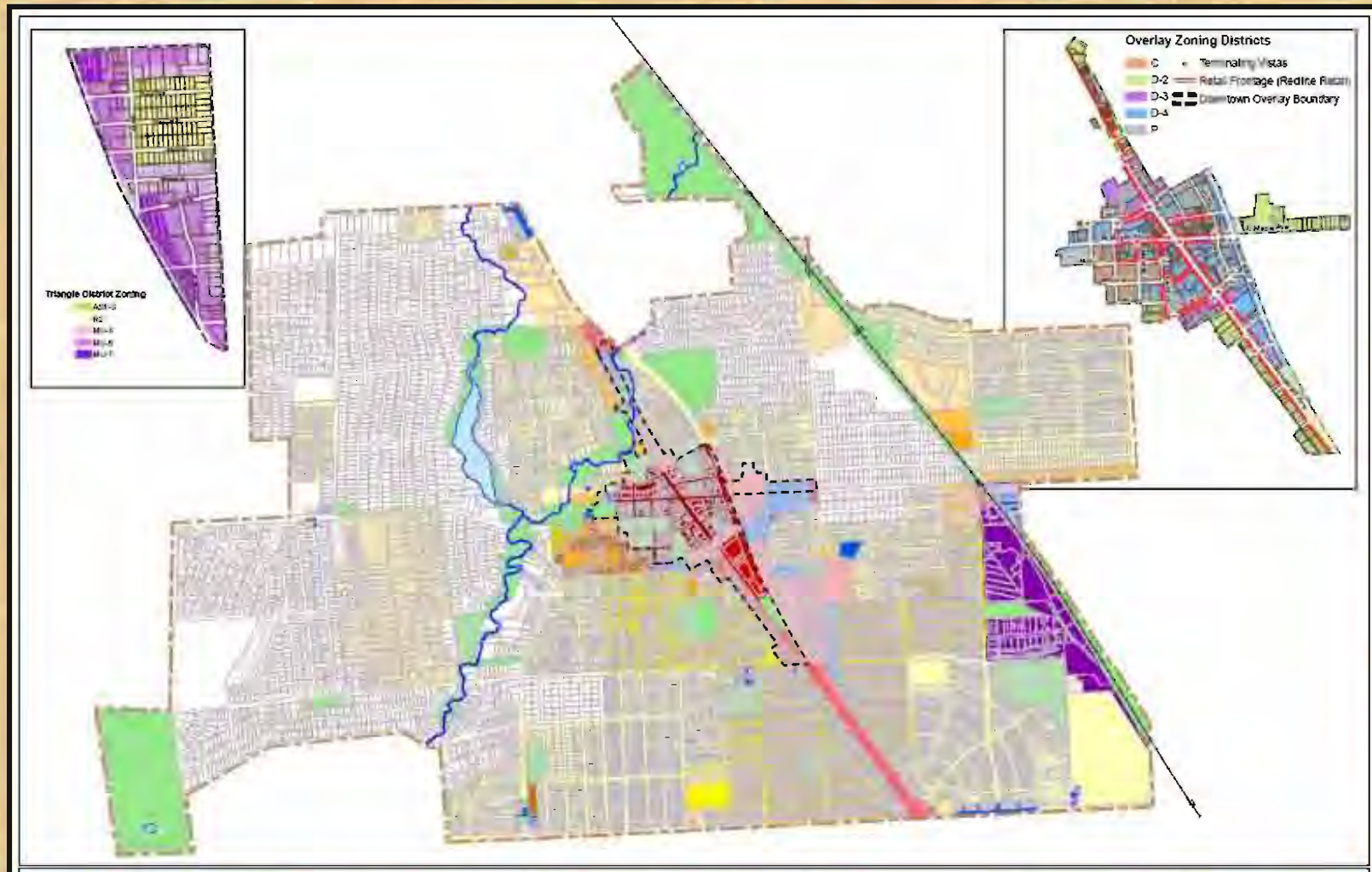
Accessory Permitted Uses

- alcoholic beverage sales*
- fence
- outdoor display of goods*
- outdoor sales*
- retail fur sales cold storage facility
- sign

Uses Requiring a Special Land Use Permit

- regulated uses*

Questions??? & Comments!!!



This chart is for background only - It does not reflect the draft language currently proposed

	TZ1	TZ2	TZ3
Residential Permitted Uses	<ul style="list-style-type: none"> • Dwelling – attached single family • Dwelling – single family (R3) • Dwelling – multi-family 	<ul style="list-style-type: none"> • Dwelling – attached single family • Dwelling – single family (R3) • Dwelling – multi-family 	<ul style="list-style-type: none"> • Dwelling – attached single family • Dwelling – single family (R3) • Dwelling – multi-family
Commercial Permitted Uses		<ul style="list-style-type: none"> • Art gallery • Artisan use • Bakery • Barber/beauty salon • Bookstore • Boutique • Coffee shop • Drugstore • Gift shop/flower shop • Hardware • Health club/studio • Jewelry store • Neighborhood convenience store • Office • Tailor 	<ul style="list-style-type: none"> • Art gallery • Artisan use • Barber/beauty salon • Bookstore • Boutique • Drugstore • Gift shop/flower shop • Hardware • Health club/studio • Jewelry store • Neighborhood convenience store • Office • Tailor
Accessory Permitted Uses	<ul style="list-style-type: none"> • Family day care home • Home occupation* • Parking – off-street 	<ul style="list-style-type: none"> • Family day care home • Home occupation* • Parking – off-street 	<ul style="list-style-type: none"> • Family day care home • Home occupation* • Parking – off-street

	TZ1	TZ2	TZ3
Uses Requiring a Special Land Use Permit	<ul style="list-style-type: none"> • Assisted Living • Church and Religious Institution • Essential services • Government Office/Use • Independent hospice facility • Independent senior living • Parking Structure • School – private and public • Skilled nursing facility 	<ul style="list-style-type: none"> • Any permitted commercial use with interior floor area over 3,000 sq. ft. per tenant • Assisted living • Bakery • Bank/credit union with drive-thru • Church and religious institution • Coffee shop • Delicatessen • Dry cleaner • Essential services • Food and drink establishment • Government office/use • Grocery store • Health club/studio • Independent hospice facility • Independent senior living • Parking structure • School – private and public • Skilled nursing facility • Specialty food shop 	<ul style="list-style-type: none"> • Any permitted commercial use with interior floor area over 4,000 sq. ft. per tenant • Assisted living • Bakery • Bank/credit union with drive-thru • Church and religious institution • Coffee shop • Delicatessen • Dry cleaner • Essential services • Food and drink establishment • Government office/use • Grocery store • Independent hospice facility • Independent senior living • Parking structure • School – private and public • Skilled nursing facility • Specialty food shop • Veterinary clinic



MEMORANDUM

Police Department

DATE: May 10, 2017

TO: Joseph A. Valentine, City Manager

FROM: Mark Clemence, Chief of Police

SUBJECT: Parking on Lawndale between Madison and Oakland

On December 7th, 2016 the Department of Public Services received an anonymous complaint that the no parking signs on Lawndale, between Madison and Oakland, have been removed.

HISTORY

Department records indicate, "No Parking" all times (Madison to Oakland) was installed on the east side of the street in 1968 and on the west side in 1985. Engineering was contacted and advised there have been no projects in the area that would have caused for sign removal.

DPS was advised to install the missing "No Parking" signs.

Shortly after installation of the signs, Mr. Mendel contacted writer to discuss the signage. Mr. Mendel resides at 440 Madison which is on the corner of Madison and Lawndale. He stated the no parking signs have not been there for an extended period of time. Mr. Mendel stated there is no parking problem on Lawndale. See attached letter from Mr. Mendel.

There are three lots on Lawndale between Madison and Oakland. Mr. Mendels home at 440 Oakland, Poppleton Place apartments at 35300 Woodward which provides onsite parking for its residents and a vacant lot to the south of Mr. Mendels residence.

Dana Farrell, property manager of Poppleton Place, was contacted who stated no parking on the west side of the street is requested due to numerous vehicles blocking their driveway. She further stated she was in favor of allowing parking on the east side as it allows a resident's guest a place to park as there is no on site guest parking.

Lawndale is a one way only street permitting southbound traffic. Removing parking restrictions on the eastside of the street would allow Mr. Mendel to park alongside his property and still allow for smooth flow of traffic. Neither party contacted expressed concerns over employees of the downtown parking on Lawndale.

This was presented to the MMTB at the April 13th meeting. A motion was made and approved removing the "No Parking" signs on the east side of Lawndale from Madison to Oakland.

SUGGESTED ACTION:

To remove "NO PARKING" signs on the east side of Lawndale from Madison to Oakland.

March 20, 2017

Direct Dial: 313-596-9323
E-Mail: umcndel@bsd.com

Via Email: sgrewe@bhamgov.org and U.S. Mail

Operations Commander Scott Grewe
Birmingham Police Department
151 Martin Street
Birmingham, Michigan 48009

RE: No parking signs recently posted on Lawndale Street in Birmingham

Dear Commander Grewe:

My family and I live at 440 Madison Street in Birmingham. We have lived here for more than 20 years. Our house is at the corner of Madison and Lawndale streets. Our front door faces Madison. Our back door faces Lawndale. Our driveway is on Lawndale. We have parked our cars that do not fit in our driveway on Lawndale for the last 20 years, and so have our guests visiting us. Lawndale is a one way street, wide enough for three vehicles. There are only three properties on Lawndale: (1) My house, which abuts one-half of the entire street on its east side; (2) An apartment building on the entire west side of the street that has its own large parking lot off the street, and which has more than adequate off-street parking space for every resident and guest in the apartment building; and (3) A vacant piece of land owned by the City which takes up the other half of the east side of the street.

A few weeks ago, the City posted no parking signs on both sides of Lawndale. There were no such signs on Lawndale in any recent memory. More importantly, there is absolutely no need to prohibit parking on Lawndale. This is obvious since we have been parking on it for more than 20 years without incident.

When I spoke with you about this, you said that you received an anonymous complaint that the no parking signs were not posted, so the City posted them. I would have appreciated a call or notice since my property is the primary, if not only, one affected by this after 20 years. Nevertheless, you told me that the City had designated one side of the street as no parking in the 1960s, and then designated the other side of the street as no parking in the 1980s. Whatever led to those designations more than 50 and 30 years ago, respectively, is no longer applicable. The lack of any signs all of these years also shows that there is no need for a no parking designation any more.

Since the signs have been posted, we are now parking two cars in the street on the Madison side of our house. Our across the street neighbors also park cars on Madison. Madison is a fairly busy street that connects Woodward and Adams. This means that Madison, which is

Operations Commander Scott Grewe
March 20, 2017
Page 2

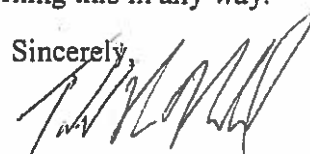
wide enough for three vehicles now only allows for one vehicle at a time to pass when all of the cars are parked on Madison, which is much of the time. So the effect of the no parking sign posting on Lawndale by the City is to: prevent parking on Lawndale, a one way street with very little traffic primarily used by two properties and where we have parked without any issue for 20 years; and constrict the traffic on Madison Street, a busy cut through connector street between Woodward and Adams. Photos of Lawndale and Madison Streets are attached, so you can have a clear idea of what the two streets look like.

The posting of the no parking signs on Lawndale fixed a non-existent problem raised by an anonymous person, and caused a real problem for me and for all the traffic that proceeds on Madison. Posting the no parking signs was done without any analysis into the effect that doing so would have after all of these years or whether the no parking designation has any legitimate rationale at this point.

I spoke with the City attorney, Tim Currier, about this. He suggested that I send to you a letter so that this issue can be brought before the Multi-Modal Transportation Board, which I understand is the proper board to have this addressed and corrected. Specifically, I am asking that the City remove the no parking signs on Lawndale Street, and remove the no parking designation for Lawndale (or at least on the east side of the street where my house is and where we have been parking for the last 20 years).

I also ask that you not set this for the Multi-Modal Transportation Board meeting date on April 6, 2017, as I will be out of town that week and I would like to attend the meeting. Let me know if there is anything else that you need from me concerning this in any way.

Sincerely,



Todd R. Mendel
440 Madison Street
Birmingham, Michigan 48009
248-909-4906

TRM:sas
Encl.

cc: Timothy J. Currier (via email: tcurrier@bhlaw.us.com and U.S. Mail)



**Corner of Lawndale
and Madison Streets**



Madison Street



Lawndale Street
One way street ↗

**CITY OF BIRMINGHAM
MULTI-MODAL TRANSPORTATION BOARD
THURSDAY, APRIL 13, 2017
City Commission Room
151 Martin Street, Birmingham, Michigan**

Minutes of the regular meeting of the City of Birmingham Multi-Modal Transportation Board held Thursday, April 13, 2017.

Vice Chairman Andy Lawson convened the meeting at 5:35 p.m.

1. ROLL CALL

Present: Vice-Chairman Andy Lawson; Board Members Lara Edwards, Daniel Rontal, Johanna Slanga, Michael Surnow; Alternate Member Katie Schaefer

Absent: Chairperson Vionna Adams; Board Member Amy Folberg

Administration: Lauren Chapman, Asst. City Planner
Jana Ecker, Planning Director
Austin Fletcher, Asst. City Engineer
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

The new alternate, Katie Schaefer, introduced herself and board members welcomed her and introduced themselves.

3. REVIEW AGENDA (no change)

4. APPROVAL OF MINUTES, MEETING OF MARCH 2, 2017

Motion by Ms. Slanga

Seconded by Ms. Edwards to approve the Minutes of March 2, 2017 as presented.

Motion carried, 6-0.

VOICE VOTE

Yeas: Slanga, Edwards, Lawson, Rontal, Schaefer, Surnow

Nays: None

Absent: Adams, Folberg

5. S. ETON RD. CROSS-SECTION

Ms. Ecker recalled the Ad Hoc Rail District Committee met during 2016. The group was charged with studying parking and zoning issues within the Rail District. Their final report was reviewed by the City Commission at their meeting of January 9, 2017. One recommendation from their report was to accommodate bicycling on S. Eton Rd. in some way. The committee voted to use sharrows and buffers and did not wish to remove parking on either side of the street. However, a parking study has revealed there is clearly no shortage of parking in the area. The Ad Hoc Committee's preferred option was to reconfigure S. Eton Rd. on each side so there is a 7 ft. parking lane, a 3 ft. buffer zone, and a 10 ft. driving lane with a sparrow. It was then noted that 46 spaces would be lost if parking was removed on the west side.

Ms. Edwards, who was a member of the Ad Hoc Committee, said their thought was if there is parking on both sides there can be bumpouts at the intersections. That would slow traffic and make crossing much safer for pedestrians and vehicles. Mr. Surnow observed that every time you mix bikes and cars on a high traffic street you are really asking for danger. He saw no reason not to eliminate parking on the west side of the street and create a protected bike lane.

Mr. O'Meara reminded the board that this one-half mile was approved by the City Commission as part of the Neighborhood Connector Route around the entire city.

After further discussion, board members concluded that S. Eton Rd. needs a protected bike lane that allows bi-directional traffic; and therefore they were not in agreement with the Ad Hoc Committee's preferred option that would put bikers in the road alongside cars.

The group wanted to know for next time the width that is needed for a bi-directional bike lane; how it is linked to other bike routes, north and south and within the community; and how bumpouts and a bike lane can be accommodated.

This topic was opened to the public at 6:25 p.m.

Mr. Dan Isaacson said he lives north of Maple Rd. and east of Adams. He suspected if there was a high quality, safe bike lane on S. Eton Rd. his family

would use it. He received confirmation that traffic islands are not workable along there because of the road width.

Mr. Labadie did not think demand would ever be so great that a bi-directional bike lane would be a bad idea. Ms. Slanga added it would provide some sort of structure to the west (residential) side of S. Eton Rd. Mr. Labadie said the bike lane would be safe, but vehicle speeds may not reduce as they would if there was parking on both sides. He liked Design Option 1 which is removing on-street parking on the west side of the street in favor of a 7 ft. wide bike lane and a 3 ft. wide buffer area.

Mr. Jerry Yaldoo, 1997 Haynes, spoke in favor of the dedicated bike lane and removing the parking. He does not feel comfortable backing out of his driveway with a parked car there.

6. W. MAPLE RD. CROSSING AT ROUGE RIVER

Ms. Chapman recalled the Planning Dept. was asked to look into options to connect the Quarton Lake Trail (north of Maple Rd.) and the Linden Park Trail (south of Maple Rd.) across W. Maple Rd. Such a connection would increase access and safety for trail users. The Multi-Modal Transportation Plan ("MMTP") was adopted by the City in 2013. It is a response to the growing demand for alternative forms of travel and the need to improve the safety of those who choose to walk, bicycle, or take transit. The Plan recommends enhanced pedestrian crossings on W. Maple Rd.

Installing a pedestrian bridge, boardwalk, or tunnel would eliminate pedestrian and vehicular conflict by allowing pedestrians to cross independent of the traffic on the street. A mid-block crossing island has also been proposed.

Once across W. Maple Rd., there is no connection from the public sidewalk to the trail south of W. Maple Rd. near the river. At their March 7th meeting, the Parks and Recreation Board voted to pursue a trail connection south of Maple Rd. from the sidewalk to the proposed location of trail connection bridge at lower Baldwin; opting for the western connection. The board also voted to support an at-grade pedestrian crossing on W. Maple Rd. just west of Baldwin Rd.

An at-grade crossing island on W. Maple Rd. at Baldwin Rd. with rectangular rapid flash beacons was recommended in the Multi Modal Transportation Master Plan ("MMTP") and could be constructed to allow safe pedestrian crossings for trail users between the Quarton and Linden trails. This is the only spot that a pedestrian crossing really works. The only issue with the island is there would need to be talks with the resident at the corner of Hawthorne and Maple Rd. to relocate his driveway so that it would not be obstructed by the island.

The Committee agreed that the only sensible and cost effective option for the City is the at-grade crossing, but obviously the homeowner needs to be approached.

Motion by Ms. Edwards

Seconded by Ms. Slanga that in accordance with the MMTP, as well as with concurrence from the Parks and Recreation Board, the MMTB recommends an at-grade crossing for W. Maple Rd. at the City's Rouge River Trail east of the Hawthorne Ave. intersection, pending resolution of the existing driveway conflict at the south side of the road.

There were no public comments at 6:43 p.m.

Motion carried, 6-0.

VOICE VOTE

Yeas: Edwards, Slanga, Lawson, Rontal, Schaefer, Surnow

Nays: None

Absent: Adams, Folberg

7. LAWNDALE AVE. NO PARKING AREA

Commander Grewe reported that on December 7, 2016 the Dept. of Public Services ("DPS") received an anonymous complaint that the no parking signs on Lawndale, between Madison and Oakland, have been removed.

Dept. records indicate "No Parking" all times (Madison to Oakland) was installed on the east side of the street in 1968 and on the west side in 1985. There have been no changes on record. Engineering was contacted and advised there have been no recent projects in the area that would have caused the removal of signs. DPS was advised to install the missing no parking signs. Shortly after installation of the signs, Mr. Todd R. Mendel, 440 Madison, contacted him to discuss the signage. Mr. Mendel stated the no parking signs have not been there for an extended period of time and believes it may be as long as 20 years. Mr. Mendel said there is not a parking problem on Lawndale and stated the signs are not needed.

There are three lots on Lawndale between Madison and Oakland: Mr. Mendel's home at 440 Madison; Poppleton Place Apartments at 35300 Woodward Ave. which provides on-site parking for its residents; and a vacant lot to the south of Mr. Mendel's residence. Lawndale is a one-way only street permitting southbound traffic. Removing parking restrictions on the east side of the street would allow Mr. Mendel to park alongside his property, allow Poppleton Place to

have parking on the east side for their visitors, and still allow for the smooth flow of traffic.

Motion by Ms. Edwards

Seconded by Ms. Slanga to remove "No Parking" signs on the east side of Lawndale from Madison to Oakland.

There were no public comments at 6:48 p.m.

Motion carried, 6-0.

VOICE VOTE

Yeas: Edwards, Slanga, Lawson, Rontal, Schaefer, Surnow

Nays: None

Absent: Adams, Folberg

8. HANDICAP PARKING POLICY

Ms. Chapman noted that in 2016, the City installed over sixty on-street designated accessible parking spaces to comply with new regulations under the Americans with Disabilities Act ("ADA"). The guidelines require cities to provide reserved, marked accessible parking spaces in all municipal lots and on any public street that has individually marked spaces. This policy does not apply to streets that do not have individually marked spots.

Should the board wish to recommend the On-Street Accessible Parking Policy, an application process will need to be established to review and evaluate requests for additional on-street accessible parking spaces.

At the March 2, 2017 meeting the application process to evaluate requests for additional on-street accessible parking spaces was discussed. Based on that discussion there have been several edits to the application, the largest being that a price has been included. If the City paints the space it would be \$250. If a contractor paints it the price more than doubles. Also, the notice to property owners has been clarified to say "abutting property owners" and "transverse" property owners. Another edit states that the space would not be for the applicant's exclusive use.

Board members talked about whether the charge would put an undue burden on someone who has a physical disability. It was noted that there is no cost for an accessible parking space in either Detroit or Philadelphia. It was general consensus that the City should bear the cost of painting and signage.

Motion by Mr. Rontal

Seconded by Ms. Slanga to move forward with the suggested recommendation for Handicap Parking Policy with zero fee.

The Vice-Chairman took public comments at 7:07 p.m.

Mr. Dan Isaacson thought that the \$200 application fee is a big mistake. Vice - Chairman Lawson added that it is not the goal to be discriminatory.

Motion carried, 6-0.

VOICE VOTE

Yeas: Rontal, Slanga, Edwards, Lawson, Schaefer, Surnow

Nays: None

Absent: Adams, Folberg

**9. MEETING OPEN TO THE PUBLIC FOR ITEMS NOT ON THE AGENDA
(no one spoke)**

10. MISCELLANEOUS COMMUNICATIONS

12. NEXT MEETING MAY 4, 2017 at 6 p.m.

13. ADJOURNMENT

No further business being evident, the board members adjourned the meeting at 7:10 p.m.

Jana Ecker, Planning Director

Paul O'Meara, City Engineer

May 17, 2017

Mr. Joseph A. Valentine, City Manager
City of Birmingham
151 Martin Street, P.O. Box 3001
Birmingham, MI 48012

Re: Termination of Agreement

Dear Mr. Valentine:

As you are aware, the City has approved a site plan for the construction of the Brookside Development by Brookside Development Group (formerly known as the Alden Development Group) on North Old Woodward. This construction project has been underway for some time with an improved site plan and the issuance of building permits.

The Brookside Development Group recently undertook some financing of the project in which it was discovered that a recorded agreement dated November 14, 1949 signed by Myron E. Snyder and Vivian D. Snyder, purportedly entering into an Agreement with the City of Birmingham (which Birmingham never signed), creating certain restrictions on the development of the property, and in particular, the development of the north 40 feet of lot 16, which is the parcel from which we have received a Quit Claim Deed for the area needed to develop the future Bates Street extension. It appears that the agreement has no purpose other than to restrict the usage of certain lots for parking and driveway purposes in conjunction with the residential premises. Since the property has already been rezoned, has an approved site plan and building permits issued for new development, and this prior agreement would hinder that development as well as potentially impact the construction of the Bates Street extension, it is our recommendation that the City Commission approve a Termination Agreement which is attached hereto, thereby terminating this agreement and its restrictions allowing the development to continue as well as the Bates Street extension.

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

Very truly yours,

BEIER HOWLETT, P.C.



Timothy J. Currier
Birmingham City Attorney

TJC/jc

Beier Howlett

Mr. Joseph A. Valentine, City Manager
May 17, 2017
Page 2

SUGGESTED ACTION

**RESOLUTION APPROVING THE TERMINATION OF THE NOVEMBER 14, 1949
AGREEMENT RESTRICTING DEVELOPMENT OF THE NORTH 40 FEET OF LOT 16 AND
LOTS 17 AND 18 OF ASSESSOR'S PLAT NO. 27.**

TERMINATION OF AGREEMENT

This Termination of Agreement is made this ____ day of _____, 2017 by and between Brookside Development Group, LLC (formerly known as Alden Development Group, a Michigan limited liability company, and referred to herein as "Brookside") and the City of Birmingham, a municipal corporation (referred to herein as "City"). Brookside and the City are sometimes collectively referred to in this document as the "Parties."

RECITALS

A. Brookside owns property in the City of Birmingham commonly known as 369 N. Old Woodward Avenue, Birmingham, Michigan, more particularly described in Exhibit A attached hereto and incorporated herein by reference. ("Brookside Property")

B. The Parties or their predecessors entered into an "Agreement" on November 14, 1949, recorded at Liber 2508, Page 519, Oakland County Records ("Restrictive Agreement"), which affected a portion of the Brookside Property more particularly described as:

The north 40 feet of Lot 16 and all of Lots 17 and 18 of Assessors' Plat No. 27 of the City of Birmingham according to recorded Plat thereof.

C. The Parties now desire to terminate and hold for naught all of the terms and conditions of the Restrictive Agreement so that the Restrictive Agreement has no further force and effect.

NOW THEREFORE, in consideration of the foregoing and other good and valuable consideration, receipt and adequacy of which is hereby acknowledged, the Parties agree as follows:

1. The Restrictive Agreement dated November 14, 1949, recorded at Liber 2508, Page 519, Oakland County Records, be and hereby is terminated, held for naught and is of no further force and effect.

2. The termination of this Restrictive Agreement is deemed effective by the Parties for all purposes without the filing of any other documents except this Termination of Agreement.

3. This Termination of Agreement shall be binding upon the heirs, successors and assigns of the Parties and shall run with the land. In the event of a conflict between this Termination of Agreement and the Restrictive Agreement, the terms and conditions of this Termination of Agreement shall prevail.

Brookside Development Group, LLC
(formerly known as Alden Development Corp.), a Michigan limited liability company

By: _____
Gary A. Shiffman
Its: Managing Partner

STATE OF MICHIGAN)
)ss.
COUNTY OF OAKLAND)

In Oakland County on this ____ day of _____, 2017, before me personally appeared Gary A. Shiffman, Managing Partner of Brookside Development Group, LLC, formerly known as Alden Development Corp., a Michigan limited liability company, who proved to me through satisfactory evidence of identification, which was photographic identification with signature issued by a federal or state governmental agency, or personal knowledge of the undersigned, to be the party executing the foregoing instrument and he acknowledged said instrument, by him executed to be his free act and deed in said capacity and the free act and deed of Brookside Development Group, LLC.

Notary Public

County, Michigan
Acting in _____ County, Michigan
My Commission Expires: _____

City of Birmingham, a municipal corporation

By: _____
Mark Nickita
Its: Mayor

STATE OF MICHIGAN)
)ss.
COUNTY OF OAKLAND)

In Oakland County on this ____ day of _____, 2017, before me personally appeared Mark Nickita, Mayor of the City of Birmingham, a municipal corporation, who proved to me through satisfactory evidence of identification, which was photographic identification with signature issued by a

federal or state governmental agency, or personal knowledge of the undersigned, to be the party executing the foregoing instrument and he acknowledged said instrument, by him executed to be his free act and deed in said capacity and the free act and deed of the City of Birmingham.

Notary Public

County, Michigan
Acting in _____ County, Michigan
My Commission Expires: _____

City of Birmingham, a municipal
corporation

By: _____
Cherilynn Brown
Its: City Clerk

STATE OF MICHIGAN)
)ss.
COUNTY OF OAKLAND)

In Oakland County on this ____ day of _____, 2017, before me personally appeared Cherilynn Brown, City Clerk of the City of Birmingham, a municipal corporation, who proved to me through satisfactory evidence of identification, which was photographic identification with signature issued by a federal or state governmental agency, or personal knowledge of the undersigned, to be the party executing the foregoing instrument and she acknowledged said instrument, by her executed to be her free act and deed in said capacity and the free act and deed of the City of Birmingham.

Notary Public

County, Michigan
Acting in _____ County, Michigan
My Commission Expires: _____

Prepared by and when recorded return to:
Richard D. Rattner, Esq.
Williams, Williams, Rattner & Plunkett, P.C.
380 N. Old Woodward Avenue, Suite 300
Birmingham, MI 48009

EXHIBIT A

LEGAL DESCRIPTION OF "BROOKSIDE PROPERTY"

DESCRIPTION

UNITS 1, 2 & 3 OF BUILDING 1 AND UNITS 4, 5, 6, 7, 8 & 9, BUILDING 2, BROOKSIDE TOWNHOMES OF BIRMINGHAM CONDOMINIUM ACCORDING TO THE MASTER DEED RECORDED IN LIBER 29097, PAGE 719, AS AMENDED, AND DESIGNATED AS OAKLAND COUNTY CONDOMINIUM SUBDIVISION PLAN NO. 1532, TOGETHER WITH RIGHTS IN THE GENERAL COMMON ELEMENTS AND THE LIMITED COMMON ELEMENTS AS SHOWN ON THE MASTER DEED AND AS DESCRIBED IN ACT 59 OF THE PUBLIC ACTS OF 1978, AS AMENDED.



MEMORANDUM

City Clerk's Office

DATE: May 16, 2017

TO: Joseph A. Valentine, City Manager

FROM: J. Cherilynn Brown, City Clerk

SUBJECT: Joint Special Event Requests: Birmingham Harriers 5K Run/Walk and Oral Cancer Awareness 5K Run/Walk

Attached are two special event applications for events which are being held jointly on Saturday, August 5, 2017 at 9:00 a.m.

The Birmingham Harriers 5K Run/Walk is not a new event to Birmingham. The Oral Cancer Awareness 5K Run/Walk is a new event for Birmingham and is being held simultaneously at the same facility and on the same course with the Harriers Run/Walk.

The applicants sent out a joint notification letter to affected property/business owners, and under the "Description" heading, summed it up succinctly: "Please note: this is **One Race for Two Causes**". A comparison of the two events is provided below.

	Birmingham Harriers 5K Run/Walk	Oral Cancer Awareness 5K Run/Walk
Location	Seaholm High School	Seaholm High School
Date & Hours of Event	August 5; 8 – 11 am	August 5; 8 – 11 am
Date & Hours of Set-up	Aug. 4, 6-8 pm; Aug. 5, 7:30 am	Aug. 4, 6-8 pm; Aug. 5, 7:30 am
Date & Hours of Tear-down	Aug. 5, 11 am – noon	Aug. 5, 11 am – noon
Sponsoring Organization	The Birmingham Harriers	Oral Cancer Foundation
Fundraiser Beneficiary	Birmingham Harriers & Seaholm High School Running Programs	Oral Cancer Foundation
Number of People Expected	200	200
City Property Being Used	Lincoln St., Cranbrook Rd., Midvale St., Larchlea St., Arlington St., Shirley St., Woodlea Ct.	Lincoln St., Cranbrook Rd., Midvale St., Larchlea St., Arlington St., Shirley St., Woodlea Ct.
Street Closures Required?	Yes	Yes
Parking Arrangements	Seaholm High School lots	Seaholm High School lots
Staff for Safety, Security & Maintenance	Seaholm Athletic Director and staff	Seaholm Athletic Director and staff
Police/Fire/Paramedics Required?	No	No
Alcohol/Music Provided?	No	No

Signs in the Area of Event?	Yes, on Seaholm property	Yes, on Seaholm property
Food/Beverage/Merch Sold?	No	No
Route of Run	Seaholm High School > Carrollwood to Lincoln > Lincoln to Cranbrook > Cranbrook to Midvale > Midvale to Larchlea > Larchlea to Lincoln > Lincoln to Arlington > Arlington to Shirley > Shirley to Lincoln > Lincoln to Woodlea> Woodlea to Seaholm track.	Seaholm High School > Carrollwood to Lincoln > Lincoln to Cranbrook > Cranbrook to Midvale > Midvale to Larchlea > Larchlea to Lincoln > Lincoln to Arlington > Arlington to Shirley > Shirley to Lincoln > Lincoln to Woodlea> Woodlea to Seaholm track.

The applications have 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 August and have not yet submitted an application. These events do not pose a conflict with the proposed event.

Event Name	Date	Location
Movie Night	8/11/17	Booth Park
Bates St. Block Party	8/12/17	Community House
Birmingham Cruise Event	8/19/17	S. Old Woodward & Shain Park
In the Park Concerts	8/2, 9, 16/17	Shain Park

SUGGESTED RESOLUTION:

To approve the requests submitted by the Birmingham Harriers and the Oral Cancer Foundation to hold a joint race to benefit two causes, under the names of the Birmingham Harriers 5K Run/Walk and the Oral Cancer Awareness 5K Run/Walk, on Saturday, August 5, 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



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 Friday, April 21

Name of Event Birmingham Harriers 5k Run/Walk

Detailed Description of Event (attach additional sheet if necessary) This is a 5K (3.1 mile) road running race to promote fitness and raise money for the Birmingham Harriers, which supports Seaholm Running Programs. The event will take place at Seaholm High School, but includes the use of roads around the school. The race will end on the school track.

Location Seaholm High School

Date(s) of Event Saturday, Aug. 5 Hours of Event 8am - 11am

Date(s) of Set-up Friday, Aug 4 Hours of Set-up 6pm - 8pm ^{and Saturday 730am}

Date(s) of Tear-down Saturday Hours of Tear-down 11am - Noon

Organization Sponsoring Event The Birmingham Harriers

Organization Address 675 Yarmouth Bloomfield Twp 48301

Organization Phone 734 358 4110

Contact Person Terri McCardell

Contact Phone 734 358 4110

Contact Email terrimccardell@gmail.com

II. EVENT INFORMATION

1. Organization Type Community Group
(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.) _____

3. Is the event a fundraiser? ☒ YES NO
List beneficiary Birmingham Harriers and Seaholm High School
List expected income 4,000.00
Attach information about the beneficiary. Running Programs
4. First time event in Birmingham? YES ☒ NO 5k
If no, describe The Birmingham Harriers Run is an annual event held to promote fitness in the community and to raise funds for Seaholm Running Programs
5. Total number of people expected to attend per day 200
6. The event will be held on the following City property: (Please list)
☒ Street(s) Lincoln Street, Cranbrook Road, Midvale Street, Larchlea Street, Arlington Street, Shirley Street,
☐ Sidewalk(s) Woodlea Court
☐ Park(s) _____

7. Will street closures be required? ☒ YES NO
8. What parking arrangements will be necessary to accommodate attendance? Parking will be in Seaholm High School lots.

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

Describe Seaholm Athletic Director and Staff
will be in attendance

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 _____

Time music will end _____

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 12

Size of signs/banners 3' x 6', 2' x 10', 2' x 3'

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?

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		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		
Rides		
Displays		
Vendors		
Temporary Structure (must attach a photo)		
Other (describe)		

SIGNATURE OF APPLICANT REQUIRED

EVENT NAME Birmingham Harriers 5K Run/Walk
EVENT DATE Saturday, August 5 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.



Signature

4-21-17

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.



SPECIAL EVENT REQUEST NOTIFICATION LETTER

DATE: May 6, 2017

T0: Property Owner
Birmingham, MI 48009

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

EVENT NAME: Birmingham Harriers 5K Run/Walk

Oral Cancer Foundation Walk/Run

LOCATION: Course Start and Finish will be at Seaholm High School. The course will include the following streets: Lincoln Street, Cranbrook Road, Midvale Street, Larchlea Street, Arlington Street, Shirley Street, Lincoln Street, and Woodlea Court. Although not included as part of the course, Maplewood Road would be affected at the start of the race, until all participants cross the start line, approximately 9AM until 9:15 AM.

DATE OF EVENT: Saturday, August 5, 2017

HOURS OF EVENT: Race start 9AM. The last participant done by 10:30 AM.

DESCRIPTION: This is a 5K (3.1 mile) road running race to raise money for the Birmingham Harriers, which supports Seaholm Running Programs, and the Oral Cancer Foundation. The event will take place at Seaholm High School, but includes the use of roads around the school. Please find enclosed the course map, which shows approximate closure times. Please note: this is **One Race for Two Causes.**

TIME OF SET-UP: Friday 6:00 PM to 8:00 AM Saturday 7:30 AM

TIME OF TEAR DOWN: 11 AM to 12PM

DATE OF CITY COMMISSION MEETING: Monday, May 22, 2017

The City commission meets in room 205 of the Municipal Building at 151 Martin at 7:30PM. **A complete copy of the application to hold this special event is available for your review at the City Clerk's Office (248/530-1880).**

EVENT ORGANIZER: Birmingham Harriers/Seaholm Cross Country, represented by Teresa (Terri)McCardell and the Oral Cancer Foundation, represented by Jennifer Menser

ADDRESS: 675 Yarmouth, Bloomfield Township, 48301 **PHONE:** 734-358-4110

Birmingham Harriers 5K 2016 ROUTE

START at Seaholm High School >

Carrollwood Court to Lincoln Street > Lincoln to Cranbrook Road

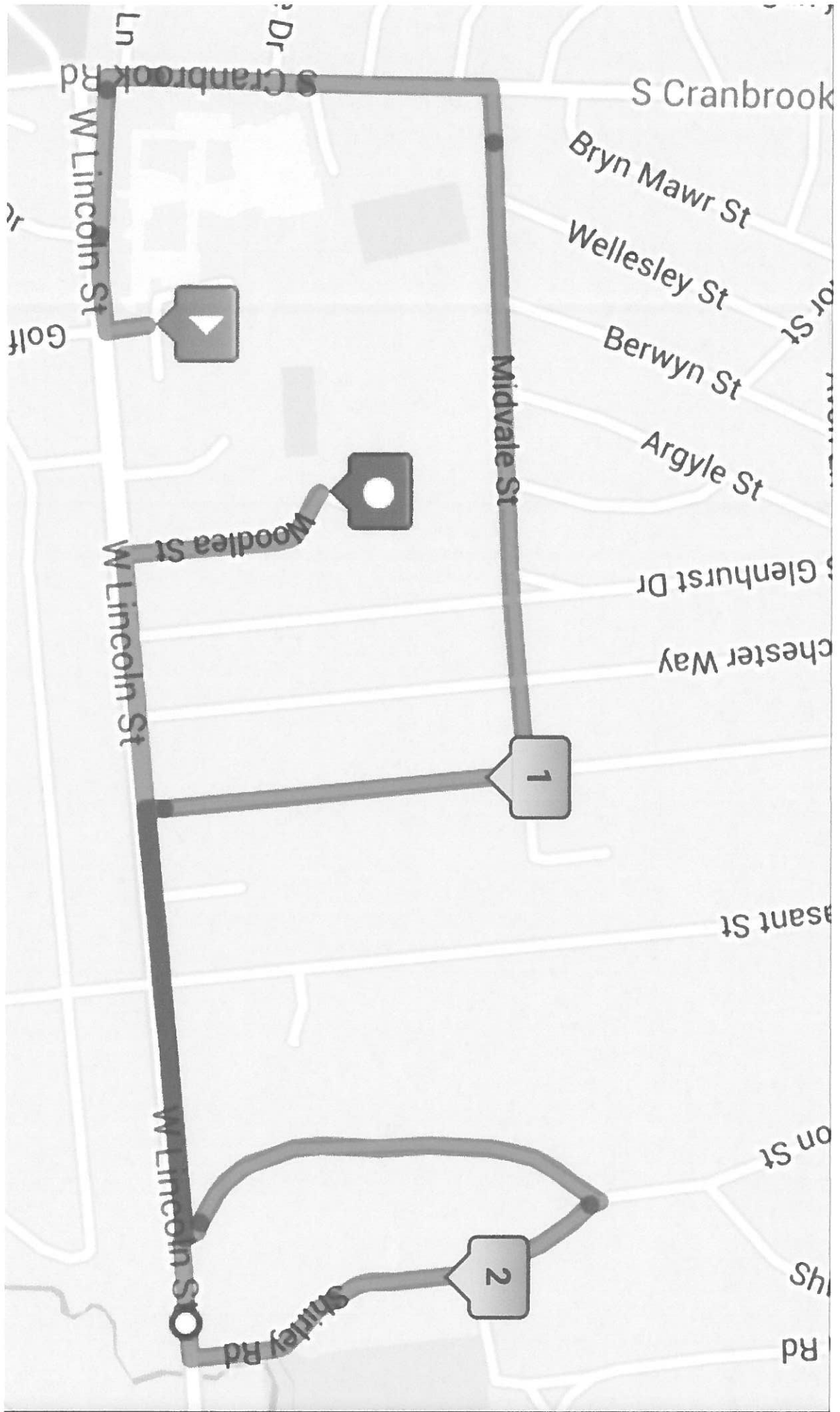
Cranbrook Road to Midvale Street > Midvale Street to Larchlea Drive

Larchlea to Lincoln Street > Lincoln Street to Arlington Street

Arlington Street to Shirley Road > Shirley Road to Lincoln Street

Lincoln Street to Woodlea Street > Woodlea Street to Seaholm track-**FINISH**

Seaholm parents and athletes will stand at each turn and intersection to guide walkers and runners during the race. There will be no signs posted along the route. The guides will hold signs indicating direction of route.



SEAHOLM HIGH SCHOOL ATHLETIC DEPARTMENT

Aaron Frank, Athletic Director • af02bps@birmingham.k12.mi.us
2436 W. Lincoln • Birmingham, MI 48009 • Phone (248) 203-3773 • Fax (248) 203-3713



April 17, 2017

HOLD HARMLESS AGREEMENT

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

Sincerely,

Aaron Frank, CAA
Athletic Director
Seaholm High School
Birmingham Public Schools

DEPARTMENT APPROVALS

EVENT NAME **BIRMINGHAM HARRIERS RUN**

LICENSE NUMBER **#17-00010987**

COMMISSION HEARING DATE MAY 22, 2017

NOTE TO STAFF: Please submit approval by **MAY 1, 2017**

DATE OF EVENT: **AUGUST 5, 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)
PLANNING 101-000.000-634.0005 248.530.1855	SC	No comments.	None	\$0	
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	JMC	Emergency access for Fire and EMS must be maintained at all times.		\$0	
POLICE 101-000.000.634.0003 248.530.1870	SG	Personnel and Barricades		\$1200	
PUBLIC SERVICES 101-000.000-634.0002 248.530.1642	Carrie Laird 4/24/2017	Barricade placement must done by DPS staff.		\$250	
ENGINEERING 101-000.000.634.0002 248.530.1839	A.F.	No Comments	None	\$0	\$0
INSURANCE 248.530.1807	ca	On file in Clerk's Office	None	\$0	\$0

CLERK 101-000.000-614.0000 248.530.1803		Notification letters mailed by applicant on 5/6/17. 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 7/21/17.	Applications for vendors license must be submitted no later than N/A.	\$165 (pd)	
				TOTAL DEPOSIT REQUIRED \$1,450	ACTUAL COST

FOR CLERK'S OFFICE USE

Deposit paid _____

Actual Cost _____

Due/Refund_____

Rev. 5/16/17

h:\shared\special events\general information\approval page.doc

17-00010988

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

RECEIVED BY

APR 28 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 _____

Name of Event Oral Cancer Awareness 5K Run/Walk

Detailed Description of Event (attach additional sheet if necessary) This is a 5K run/walk to bring awareness to oral cancer & create support for local survivors. The event will take place @ Seaborn High School however includes the use of roads around the school. The race ends @ Seaborn H.S. track.

Location Seaborn High School

Date(s) of Event Sat Aug 5 Hours of Event 8-11am

Date(s) of Set-up FRI. Aug 4 Hours of Set-up 6-8pm | 730am Sat.

Date(s) of Tear-down Sat. Aug 5 Hours of Tear-down 11am-12pm

Organization Sponsoring Event Oral Cancer Foundation

Organization Address 3419 Via Lido #205 Newport Beach, CA 92662

Organization Phone 248 949-723-4400

Contact Person Jennifer Mense

Contact Phone 248-343-4892

Contact Email jenn.oct.m@gmail.com

II. EVENT INFORMATION

1. Organization Type non-profit / community group
(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.) _____

3. Is the event a fundraiser? ☒ YES NO
List beneficiary Oral Cancer Foundation
List expected income 4,000
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 200
6. The event will be held on the following City property: (Please list)
☒ Street(s) Lincoln St., Cranbrook Rd., Midvale St.
Larchlea St., Arlington St., Shirley St. &
☐ Sidewalk(s) Woodlea Ct.
☐ Park(s) _____

7. Will street closures be required? ☒ YES NO
8. What parking arrangements will be necessary to accommodate attendance? Parking @ Seaholm H.S. Lots.

9. Will staff be provided to assist with safety, security and maintenance? YES NO
Describe Seaholm Athletic Director & staff will be attending
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 _____
Time music will end _____
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 on Seaholm property only
Number of signs/banners 6
Size of signs/banners 3'x6' 2x10' 2'x3'
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.

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		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		
Rides		
Displays		
Vendors		
Temporary Structure (must attach a photo)		
Other (describe)		

LIST OF VENDORS/PEDDLERS

(attach additional sheet if necessary)


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

SIGNATURE OF APPLICANT REQUIRED

EVENT NAME Michigan Oral Cancer Awareness
EVENT DATE Sat. Aug 5, 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.

 4-23-17
Signature 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.



SPECIAL EVENT REQUEST NOTIFICATION LETTER

DATE: May 6, 2017

TO: Property Owner
Birmingham, MI 48009

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

EVENT NAME: Birmingham Harriers 5K Run/Walk

Oral Cancer Foundation Walk/Run

LOCATION: Course Start and Finish will be at Seaholm High School. The course will include the following streets: Lincoln Street, Cranbrook Road, Midvale Street, Larchlea Street, Arlington Street, Shirley Street, Lincoln Street, and Woodlea Court. Although not included as part of the course, Maplewood Road would be affected at the start of the race, until all participants cross the start line, approximately 9AM until 9:15 AM.

DATE OF EVENT: Saturday, August 5, 2017

HOURS OF EVENT: Race start 9AM. The last participant done by 10:30 AM.

DESCRIPTION: This is a 5K (3.1 mile) road running race to raise money for the Birmingham Harriers, which supports Seaholm Running Programs, and the Oral Cancer Foundation. The event will take place at Seaholm High School, but includes the use of roads around the school. Please find enclosed the course map, which shows approximate closure times. Please note: this is **One Race for Two Causes**.

TIME OF SET-UP: Friday 6:00 PM to 8:00 AM Saturday 7:30 AM

TIME OF TEAR DOWN: 11 AM to 12PM

DATE OF CITY COMMISSION MEETING: Monday, May 22, 2017

The City commission meets in room 205 of the Municipal Building at 151 Martin at 7:30PM. **A complete copy of the application to hold this special event is available for your review at the City Clerk's Office (248/530-1880).**

EVENT ORGANIZER: Birmingham Harriers/Seaholm Cross Country, represented by Teresa (Terri) McCardell and the Oral Cancer Foundation, represented by Jennifer Menser

ADDRESS: 675 Yarmouth, Bloomfield Township, 48301 **PHONE:** 734-358-4110

Birmingham Harriers 5K 2016 ROUTE

START at Seaholm High School >

Carrollwood Court to Lincoln Street > Lincoln to Cranbrook Road

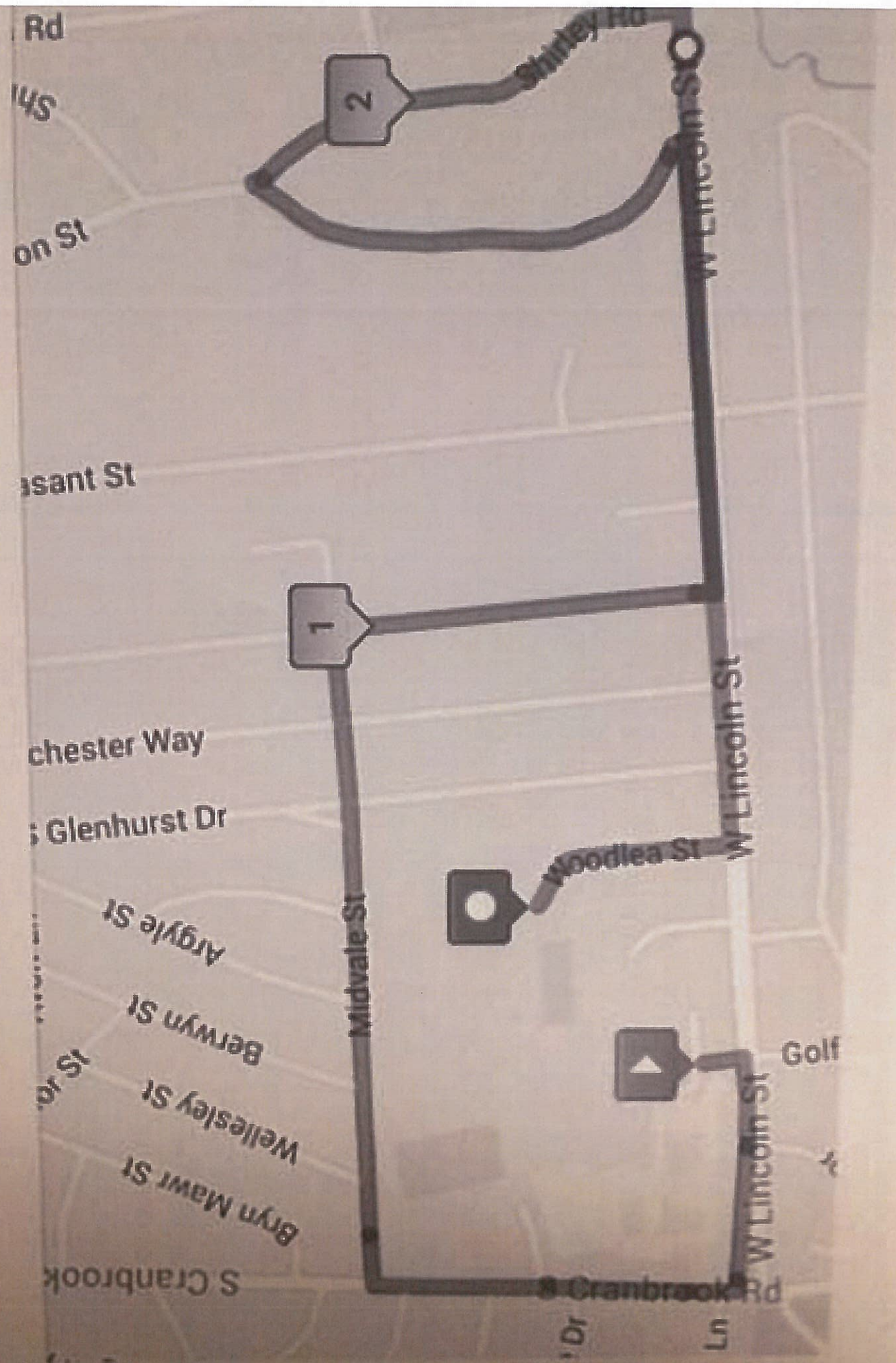
Cranbrook Road to Midvale Street > Midvale Street to Larchlea Drive

Larchlea to Lincoln Street > Lincoln Street to Arlington Street

Arlington Street to Shirley Road > Shirley Road to Lincoln Street

Lincoln Street to Woodlea Street > Woodlea Street to Seaholm track-FINISH

Seaholm parents and athletes will stand at each turn and intersection to guide walkers and runners during the race. There will be no signs posted along the route. The guides will hold signs indicating direction of route.





Hold-Harmless Agreement

"To the fullest extent permitted by law, the **Oral Cancer Foundation** and any entity or person for whom the the **Oral Cancer Foundation** 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 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 activity/event. Such responsibility shall not be construed as liability for damage caused by or resulting from the sole act or omission of the City of Birmingham, its elected or appointed officials, employees, volunteers or others working on behalf of the City of Birmingham.

Applicant's Signature

Date:

5/7/17

The Oral Cancer Foundation
3419 Via Lido # 205
Newport Beach Ca. 92663
(949) 723-4400

DEPARTMENT APPROVALS

EVENT NAME ORAL CANCER FOUNDATION 5K

LICENSE NUMBER #17-00010988

COMMISSION HEARING DATE MAY 22, 2017

NOTE TO STAFF: Please submit approval by **MAY 11, 2018**

DATE OF EVENT: AUG. 5, 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)
PLANNING 101-000.000-634.0005 248.530.1855	SC	No comments	None	\$0	\$0
BUILDING 101-000.000.634.0005 248.530.1850	SW	Building not involved		\$0	
FIRE 101-000.000-634.0004 248.530.1900	JMC	Emergency access for Fire and EMS must be maintained at all times.		\$0	
POLICE 101-000.000.634.0003 248.530.1870	SG	Same comments as Birmingham Harriers 5K	None	\$0	\$0
PUBLIC SERVICES 101-000.000-634.0002 248.530.1642	Carrie Laird	Barricade placement must done by DPS staff.		\$250	
ENGINEERING 101-000.000.634.0002 248.530.1839	A.F.	No Comments	None	\$0	\$0
INSURANCE 248.530.1807	ca	COI must name city as additional insured; Hold Harmless must be on organization letterhead	None	\$0	\$0

CLERK 101-000.000-614.0000 248.530.1803		Notification letters mailed by applicant on 5/6/17. 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 7/21/17.	Applications for vendors license must be submitted no later than 7/21/17	\$200 (PD)	
				TOTAL DEPOSIT REQUIRED \$250	ACTUAL COST

FOR CLERK'S OFFICE USE

Deposit paid _____

Actual Cost _____

Due/Refund_____

NOTICE OF PUBLIC HEARING

BIRMINGHAM CITY COMMISSION
SPECIAL LAND USE PERMIT AMENDMENT & FINAL SITE PLAN

Meeting Date, Time, Location:	Monday, May 22, 2017 at 7:30 PM Municipal Building, 151 Martin Birmingham, MI
Location of Request:	The Townsend Hotel, 100 Townsend
Nature of Hearing:	To consider the Final Site Plan and Special Land Use Permit Amendment to allow the addition of a new limited partner to THC Investors Limited Partnership, DBA The Townsend Hotel
City Staff Contact:	Jana Ecker 248.530.1841 jecker@bhamgov.org
Notice Requirements:	Mailed to all property owners and occupants within 300 feet of subject address. Publish May 7, 2017
Approved minutes may be reviewed at:	City Clerk's Office

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



MEMORANDUM

Planning Division

DATE: May 15, 2017

TO: Joseph A. Valentine, City Manager

FROM: Jana L. Ecker, Planning Director

SUBJECT: Public Hearing for Final Site Plan & Special Land Use Permit Amendment for The Townsend Hotel - 100 Townsend

Under Article 6, section 6.02 (5) of the Zoning Ordinance, all existing establishments with alcoholic beverage sales (on-premise consumption) require the approval of a Special Land Use Permit Amendment upon a change in ownership.

On March 31, 2017, the owners of THC Investors Limited Partnership, DBA The Townsend Hotel, submitted an application for a Final Site Plan and Special Land Use Permit Amendment to allow for an ownership change within the limited partnership to admit a new limited partner, GAS Hotels, LLC. After being admitted to the THC Investors Limited Partnership, GAS Hotels, LLC purchased the remaining interest of The Townsend Hotel Corporation, thus eliminating this entity as a limited partner in the partnership. Please see attached letter outlining all details of the transfer from Ms. Allen dated February 2, 2017. Despite these changes within THC Investors Limited Partnership, the liquor license for the Townsend Hotel will continue to be owned by THC Investors Limited Partnership, DBA The Townsend Hotel. No changes are proposed to the layout, design, name or operation of the existing Townsend Hotel or any of the food service facilities within the hotel. As there are no changes to the layout or operation of the establishment, the City Attorney has directed that this request for the transfer of ownership within the limited partnership only proceed directly to the City Commission for review.

Please see attached report from the Police Department outlining the results of their investigation into the new ownership team proposed for THC Investors Limited Partnership, DBA The Townsend Hotel. The Chief of Police recommends to the city commission the approval of the transfer of 9.25254% interest in the licensed entity of THC from Mary Anne Hockman, trustee of the Mary Anne Hockman Trust to Gas Hotel, LLC, along with the transfer of 9.25254% interest from The Townsend Hotel Corporation to Gas Hotel, LLC. (Chapter 10, Alcoholic Liquors, Section 10-42).

Thus, the City Commission may wish to consider approval of the Final Site Plan and Special Land Use Permit for The Townsend Hotel at 100 Townsend Street to allow the transfer within the limited partnership that has ownership of the liquor license.

SUGGESTED ACTION:

To approve the Final Site Plan and Special Land Use Permit Amendment for The Townsend Hotel at 100 Townsend Street to allow the addition of a new limited partner to THC Investors Limited Partnership, DBA The Townsend Hotel, subject to execution of a Special Land Use Permit contract between THC Investors Limited Partnership and the City of Birmingham.

AND

To approve the transfer of 9.25254% interest in the licensed entity of THC from Mary Anne Hockman, trustee of the Mary Anne Hockman Trust to Gas Hotel, LLC, along with the transfer of 9.25254% interest from The Townsend Hotel Corporation to Gas Hotel, LLC. (Chapter 10, Alcoholic Liquors, Section 10-42).

**THE TOWNSEND HOTEL
100 TOWNSEND
SPECIAL LAND USE PERMIT AMENDMENT
2017**

- WHEREAS, The Townsend Hotel has filed an application pursuant to Article 7, section 7.34 of Chapter 126, Zoning, of the City Code to operate a restaurant with alcoholic beverage sales for on-premise consumption under Chapter 126, Zoning, of the City Code;
- WHEREAS, The land for which the Special Land Use Permit is sought is located on the north side of Townsend Street between Pierce and Henrietta;
- WHEREAS, The land is zoned B-4 and D-4, and is located within the Downtown Birmingham Overlay District, which permits restaurants with alcoholic beverage sales for on-premise consumption 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, No site plan or design changes are proposed to the existing Townsend Hotel at 100 Townsend;
- WHEREAS, The owner the Townsend Hotel, THC Investors Limited Partnership, DBA as The Townsend Hotel, is now requesting approval of the Birmingham City Commission to allow a transfer in ownership of the limited partnership to include a new limited partner, GAS Hotels, LLC, and eliminating The Townsend Hotel Corporation as a limited partner;
- WHEREAS, The Birmingham City Commission has reviewed The Townsend Hotel's Special Land Use Permit Amendment application and the standards for such review as set forth in Article 7, section 7.36 of Chapter 126, Zoning, of the City Code;
- NOW, THEREFORE, BE IT RESOLVED, The Birmingham City Commission finds the standards imposed under the City Code have been met, subject to the conditions below, and that The Townsend Hotel's application for a Special Land Use Permit Amendment authorizing a transfer of ownership of an existing establishment with alcoholic beverage sales (on-premise consumption) at 100 Townsend 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. The Townsend Hotel shall abide by all provisions of the Birmingham City Code;

2. The Special Land Use Permit may be cancelled by the City Commission upon finding that the continued use is not in the public interest; and
3. The Townsend Hotel enter into a contract with the City outlining the details of the proposed restaurant.

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

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

I, Cherilynn Brown, City Clerk of the City of Birmingham, Michigan, do hereby certify that the foregoing is a true and correct copy of the resolution adopted by the Birmingham City Commission at its regular meeting held on April 24, 2017.

Cherilynn Brown, City Clerk



LAW OFFICES

ADKISON, NEED, ALLEN, & RENTROP

PROFESSIONAL LIMITED LIABILITY COMPANY

PHILLIP G. ADKISON
KELLY A. ALLEN
SALAM F. ELIA
GREGORY K. NEED
G. HANS RENTROP

39572 Woodward, Suite 222
Bloomfield Hills, Michigan 48304
Telephone (248) 540-7400
Facsimile (248) 540-7401
www.ANAfirm.com

OF COUNSEL:
KEVIN M. CHUDLER
SARAH J. GABIS
LINDA S. MAYER

February 2, 2017

VIA FIRST-CLASS AND ELECTRONIC MAIL

Commander Chris Busen
Birmingham Police Department
151 Martin
Birmingham, MI 48012

**Re: THC Investors Limited Partnership
d/b/a The Townsend Hotel
100 Townsend, Birmingham**

Dear Commander Busen:

We represent THC Investors Limited Partnership ("THC") in liquor licensing matters. THC holds B Hotel and SDM licenses located at 100 Townsend, Birmingham. THC does business as the Townsend Hotel. This is THC's request to transfer membership interests in the licensed company. As is our usual practice, we would like to meet with you to discuss this application and to provide you with any further information or documentation you require.

There have been minor changes to the ownership of THC since 2009. Many of these changes did not require prior approval of the MLCC, or approval of the City Commission.

In 2016 there were changes to the ownership of one of THC's limited partners, The Townsend Hotel Corporation. These changes occurred after the city amended its ordinance to require approval of any change of interest in the licensed entity. (See Chapter 10, Alcoholic Liquors, Section 10-42.) An application has also been filed with the MLCC for approval of the ownership changes in 2016. The Request ID Number assigned to the file at the MLCC is 849825.

There are no changes to the Townsend Hotel name or its operation. The Townsend Hotel is currently operating under a Special Land Use Permit.

Prior to March of 2016, THC was owned as follows:

<u>GENERAL PARTNER</u>	<u>PERCENTAGE OF INTEREST</u>
G.P. Townsend, Inc.	1.485%
<u>LIMITED PARTNER</u>	
The Townsend Hotel Corporation	18.50508%
SPL Associates, LLC	35.75484%
Townsend Investors Limited Partnership	24.75%
SP Townsend, LLC	18.50508%
THC Preferred LLC	<u>1%</u>
TOTAL	100.00%

The relevant changes in ownership, for which THC requests City approval, are as follows:

STEP 1

On March 25, 2016, The Townsend Hotel Corporation assigned 9.25254% interest in THC to its stockholder, Mary Anne Hockman, Trustee of the Mary Anne Hockman Trust u/t/a dated 4/26/96. Simultaneously, Mary Anne Hockman, Trustee of the Mary Anne Hockman Trust u/t/a dated 4/26/96, assigned her interest in THC to GAS Hotel, LLC. These assignments resulted in the following ownership in THC:

<u>GENERAL PARTNER</u>	<u>PERCENTAGE OF INTEREST</u>
G.P. Townsend, Inc.	1.485%
<u>LIMITED PARTNER</u>	
The Townsend Hotel Corporation	9.25254%
SPL Associates, LLC	35.75484%
Townsend Investors Limited Partnership	24.75%
SP Townsend, LLC	18.50508%
GAS Hotel, LLC	9.25254%
THC Preferred LLC	<u>1%</u>
TOTAL	100.00%

Notably, a new Limited Partner was admitted to THC: Gas Hotel, LLC. Gas Hotel, LLC is owned by several other limited liability companies. These limited liability companies are owned, primarily, by the Shiffman family. Gas Hotels, LLC is managed by Gary Shiffman. When we meet, we will provide you with a copy of Gary Shiffman's driver's license and show you any other documentation you request.

STEP 2

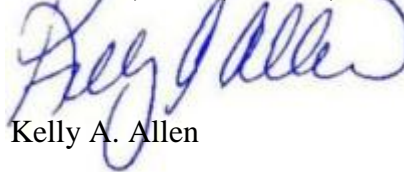
On March 26, 2016, limited partner The Townsend Hotel Corporation entered into an option to sell its remaining 9.25254% interest in THC to GAS Hotel, LLC. On May 4, 2016, GAS Hotel, LLC exercised its option to purchase the remaining 9.25254% interest in The Townsend Hotel Corporation. This assignment resulted in the following ownership in THC as of May 4, 2016:

<u>GENERAL PARTNER</u>	<u>PERCENTAGE OF INTEREST</u>
G.P. Townsend, Inc.	1.485%
<u>LIMITED PARTNER</u>	
SPL Associates, LLC	35.75484%
Townsend Investors Limited Partnership	24.75%
SP Townsend, LLC	18.50508%
GAS Hotel, LLC	18.50508%
THC Preferred LLC	<u>1%</u>
TOTAL	100.00%

Enclosed is a check payable to the City of Birmingham in the required amount of \$1,500.00. We look forward to meeting with you. As always, thank you for your assistance. If you have any questions, please call me.

Very truly yours,

ADKISON, NEED, ALLEN, & RENTROP, PLLC



Kelly A. Allen

/lbp
Enclosures



MEMORANDUM

Police Department

DATE: February 17, 2017

TO: Joseph A. Valentine, City Manager

FROM: Mark Clemence, Police Chief

SUBJECT: THC Investors Limited Partnership ("THC") is requesting a transfer of membership interests in the listed company. THC holds B Hotel and SDM liquor licenses. Permit located at 100 Townsend, Birmingham, Oakland County, Michigan, Issued pursuant to MCL 436.1521(A) (1) (B).

The police department has received a request from the law firm of Adkison, Need, Allen, and Rentrop regarding a request to transfer 18.50508% membership interest of The Townsend Hotel Corporation from the Mary Anne Hockman Trust to Gas Hotel, LLC. The B Hotel and SDM licenses from THC, located at 100 Townsend, Oakland County, MI 48009, will continue to do business as The Townsend Hotel. There will be no changes to its name or operation. The Townsend Hotel is currently operating under a Special Land Use Permit. Gas Hotel, LLC has paid the initial fee of \$1,500.00 for a business that serves alcoholic beverages for consumption on the premises per section 7.33 of the Birmingham City Code.

THC is seeking to comply with our city ordinance which requires approval of any change of interest in the licensed entity. (Chapter 10, Alcoholic Liquors, Section 10-42). An application has also been filed with the MLCC for approval of the ownership changes in 2016. The Request ID number assigned to the file at the MLCC is 849825.

On March 25, 2016, The Townsend Hotel Corporation assigned 9.25254% interest in THC to its stockholder, Mary Anne Hockman, Trustee of the Mary Anne Hockman Trust dated 4/26/96. Simultaneously, Mary Anne Hockman, Trustee of the Mary Anne Hockman Trust assigned her interest in THC to Gas Hotel, LLC.

On March 26, 2016 limited partner The Townsend Hotel Corporation entered into an option to sell its remaining 9.25254% interest in THC to Gas Hotel, LLC. On May 4, 2016, Gas Hotel, LLC exercised its option to purchase the remaining 9.25254% interest in THC. The end result being Gas Hotel, LLC now owning an 18.50508% interest in THC.

Gas Hotel, LLC is owned by several other limited liability companies (see attachment). These companies are owned, primarily, by the Shiffman family. Gas Hotel, LLC is managed by Gary Shiffman.

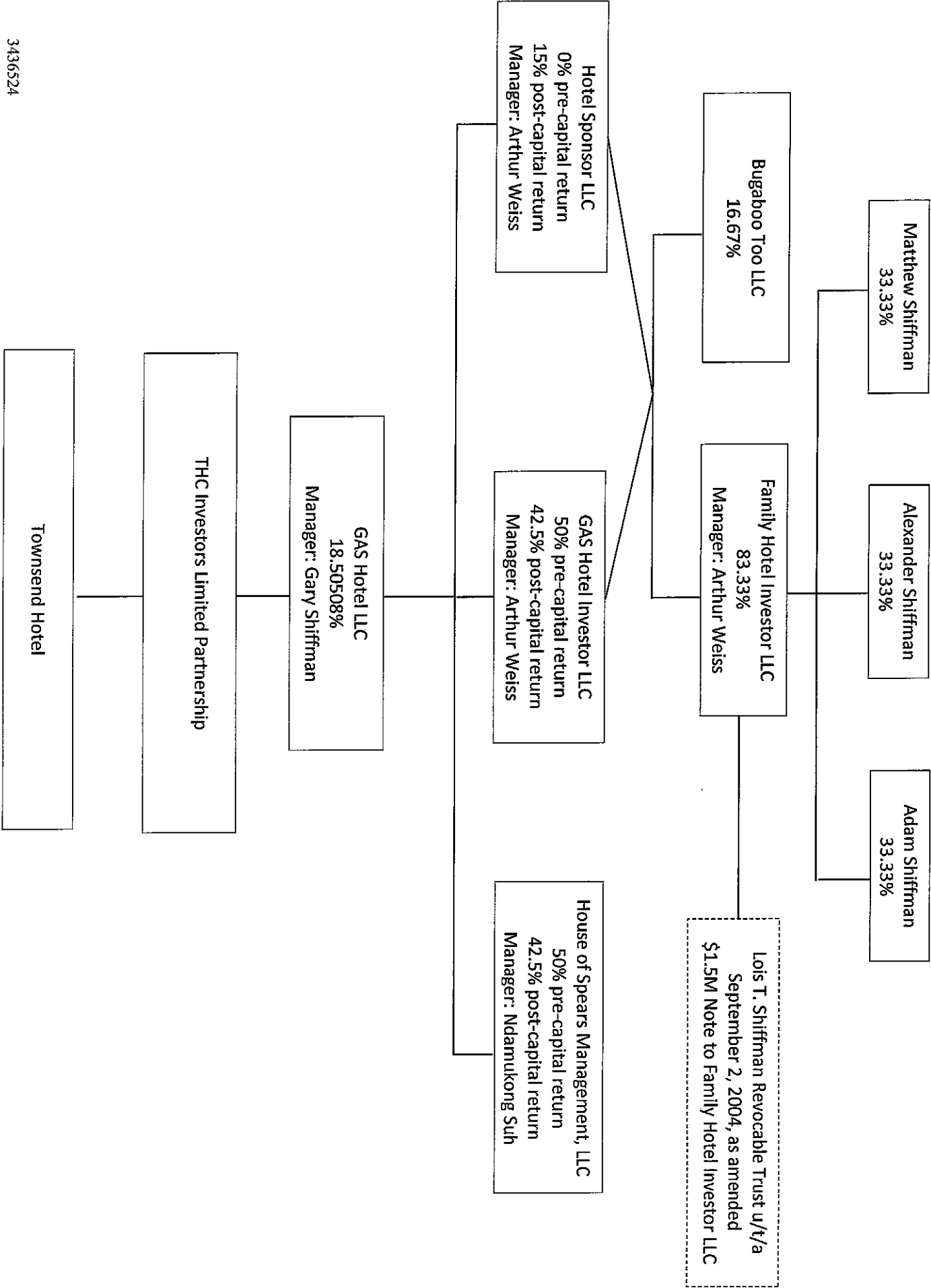
The membership transfer was funded through other businesses within the Shiffman family financial portfolio. (see attachment letter confirming payment).

A background check was conducted on Gary Shiffman. The Law Enforcement Information Network (LEIN), the Middle Atlantic-Great Lakes Organized Crime Law Enforcement Network (MAGLOCLIN) and the Court's Law Enforcement Management Information System (CLEMIS) were used to gather possible criminal contacts. Gary Shiffman has no criminal contacts and no criminal convictions.

SUGGESTED RESOLUTION:

The Chief of Police recommends to the city commission the approval of the transfer of 9.25254% interest in the licensed entity of THC from Mary Anne Hockman, trustee of the Mary Anne Hockman Trust to Gas Hotel, LLC, along with the transfer of 9.25254% interest from The Townsend Hotel Corporation to Gas Hotel, LLC. (Chapter 10, Alcoholic Liquors, Section 10-42).

ORGANIZATIONAL CHART



February 16, 2017

To The City of Birmingham Police Department:

Please be advised that the consideration to be paid by GAS Hotel LLC for limited partnership interests in THC Investors Limited Partnership, a Michigan limited partnership, pursuant to the Limited Partnership Interest Purchase Agreement dated March 25, 2016 and the Option to Purchase Limited Partnership Interest dated March 26, 2016, was funded by GAS Hotel LLC member contributions from savings, and paid by GAS Hotel LLC, via wire transfer on the date of the closing under each such agreement.

Sincerely,



Gary A. Shiffman, as Manager of GAS Hotel LLC



Special Land Use Permit Application Planning Division

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

1. Applicant

Name: THC Investors Limited Partnership
Address: 100 Townsend Street
Birmingham, MI 48009
Phone Number: 248-542-7900
Fax Number: 248-547-8881
Email Address: Sroth@townsendhotel.com

2. Applicant's Attorney/Contact Person

Name: Kelly A. Allen
Address: Addison, Need, Allen, & Rentrop, PLLC
39572 Woodward Ave., Suite 222, Bloomfield Hills, MI 48304
Phone Number: 248-540-7400
Fax Number: 248-540-7401
Email Address: Kallen@anafirm.com

3. Required Attachments

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

Property Owner

Name: THC Investors Limited Partnership
Address: 100 Townsend Street
Birmingham, MI 48009
Phone Number: 248-433-1270
Fax Number: _____
Email Address: DavidSillman@SillmanEnterprises.com

Project Designer/Developer

Name: None
Address: _____
Phone Number: _____
Fax Number: _____
Email Address: _____

4. Project Information

Address/Location of Property: 100 Townsend, Birmingham, MI 48009
Name of Development: The Townsend Hotel
Sidwell #: 19-36-134-006
Current Use: Hotel
Proposed Use: Same
Area in Acres: 1.02
Current Zoning: B-4
Zoning of Adjacent Properties: PP
Is there a current SLUP in effect for this site?: Yes
Is property located in the floodplain? No

Name of Historic District site is in, if any: n/a
Date of HDC Approval, if any: n/a
Date of Application for Preliminary Site Plan: on file
Date of Preliminary Site Plan Approval: on file
Date of Application for Final Site Plan: on file
Date of Final Site Plan Approval: on file
Date of Revised Final Site Plan Approval: on file
Date of Final Site Plan Approval: on file
Date of DRB approval, if any: on file
Date of Last SLUP Amendment: June 2016
Will proposed project require the division of platted lots? on file

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

No Changes

6. Buildings and Structures

Number of Buildings on site: One.
Height of Building & # of stories: Existing.

Use of Buildings: Existing.
Height of rooftop mechanical equipment: Existing.

7. Floor Use and Area (in square feet)

Commercial Structures:

Total basement floor area: Existing

Number of square feet per upper floor: Existing

Total floor area: Existing

Floor area ratio (total floor area divided by total land area): Existing

Open space: N/A

Percent of open space: N/A

Office space: N/A
Retail space: N/A
Industrial space: N/A
Assembly space: N/A
Seating Capacity: Existing
Maximum Occupancy Load: Existing

Residential Structures:

Not Applicable

Total number of units: _____
 Number of one bedroom units: _____
 Number of two bedroom units: _____
 Number of three bedroom units: _____
 Open space: _____
 Percent of open space: _____

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

8. Required and Proposed Setbacks

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

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

9. Required and Proposed Parking Not Applicable

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

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

10. Landscaping

Location of landscape areas: No change.

Proposed landscape material: No change.

11. Streetscape

Sidewalk width: Existing
Number of benches: Existing
Number of planters: Existing
Number of existing street trees: 22
Number of proposed street trees: None
Streetscape Plan submitted?: N/A

Description of benches or planters: Existing

Species of existing street trees: Existing
Species of proposed street trees: None

12. Loading Not Applicable

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

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

13. Exterior Trash Receptacles Not Applicable

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

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

14. Mechanical Equipment

Utilities & Transformers:

Number of ground mounted transformers: Existing
Size of transformers (LxWxH): N/A

Location of all utilities & easements: Existing

Height of screenwall: N/A

Number of utility easements: N/A
Screenwall material: N/A

Ground Mounted Mechanical Equipment:

Number of ground mounted units: Existing
Size of ground mounted units (LxWxH): N/A

Location of all ground mounted units: Existing

Height of screenwall: N/A

Screenwall material: N/A

Rooftop Mechanical Equipment:

Number of rooftop units: Existing
Type of rooftop units: Existing

Location of all ground mounted units: Existing
Size of rooftop units (LxWxH): Existing

Height of screenwall: N/A
Percentage of rooftop covered by mechanical units: N/A
Distance from units to rooftop units to screenwall: N/A

Screenwall material: N/A
Location of screenwalls: N/A

15. Accessory Buildings Not Applicable

Number of accessory buildings: _____
Location of accessory buildings: _____

Size of accessory buildings: _____
Height of accessory buildings: _____

16. Building Lighting

Number of light standards on building: Existing
Size of light fixtures (LxWxH): N/A

Type of light standards on building: Existing
Height from grade: N/A

Maximum wattage per fixture: N/A
Light level at each property line: N/A

Proposed wattage per fixture: N/A
Number & location of holiday tree lighting receptacles: N/A

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

Signature of Owner: _____

Date: March 30, 2017

Print Name: DAVID SILLMAN, Authorized Agent

Signature of Applicant: _____

Date: March 30, 2017

Print Name: DAVID SILLMAN, Authorized Agent

Signature of Architect: _____

Date: _____

Print Name: _____

Office Use Only

Application #: _____ Date Received: _____ Fee: _____

Date of Approval: _____ Date of Denial: _____ Accepted by: _____



LAW OFFICES

ADKISON, NEED, ALLEN, & RENTROP

PROFESSIONAL LIMITED LIABILITY COMPANY

PHILLIP G. ADKISON
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OF COUNSEL:

KEVIN M. CHUDLER
SARAH J. GABIS
LINDA S. MAYER

March 31, 2017

Via Electronic Mail

Mr. Joseph Valentine
City Manager
City of Birmingham
151 Martin St.
Birmingham, MI 48012

Ms. Jana Ecker
Planning Director
City of Birmingham
151 Martin St.
Birmingham, MI 48012

**Re: Request for Approval for Change of Ownership
THC Investors Limited Partnership, d/b/a the Townsend Hotel
100 Townsend, Birmingham, MI 48009
Special Land Use Permit**

Dear Mr. Valentine and Ms. Ecker:

We represent the Townsend Hotel in liquor license matters. THC Investors Limited Partnership ("THC") is the entity which operates as the Townsend Hotel. THC has filed a request with the Birmingham Police Department and the Michigan Liquor Control Commission ("MLCC") for approval to transfer membership interest in THC.

The change in ownership, which requires City approval, includes the admission of a new limited partner to THC, GAS Hotel, LLC ("GAS").

Essentially, GAS has replaced limited partner, The Townsend Hotel Corporation. As a result of this transfer, GAS owns 18.50508% of THC. GAS is owned by several other limited liability companies, which are owned by the Gary Shiffman family.

Currently, the Townsend Hotel operates under a Special Land Use Permit ("SLUP"). There will be no changes to the Townsend Hotel. The name, the concept, and the layout will remain the same. Therefore, THC requests that, to the extent necessary, the SLUP be amended to reflect this change in ownership.

The application was filed with the Birmingham Police Department and is attached hereto. Our understanding is that the Police Department's review is complete.

Enclosed for the City's review is the SLUP Application.

We will provide the required fee of \$200.00 to the City under separate cover upon request.

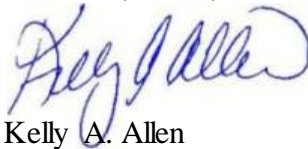
We ask that this matter be placed on the City Commission Agenda on April 24, 2017, if possible.

If you have any questions or need any further information, please do not hesitate to contact me.

As always, thank you for your attention and hard work!

Very truly yours,

ADKISON, NEED, ALLEN, & RENTROP, PLLC



Kelly A. Allen

KAA/jl
Enclosures

cc: Commander Chris Busen
David Sillman



MEMORANDUM

Engineering Dept.

DATE: May 12, 2017

TO: Joseph Valentine, City Manager

FROM: Paul T. O'Meara, City Engineer

SUBJECT: Lawndale Ave. Paving –
Oakland Blvd. to Woodward Ave.

As referenced in the fiscal 2016/17 budget, concrete patching of the above block of Lawndale Ave. was included in the capital improvements list for this year. Since only sections were planned for replacement, no changes to the road itself were initially contemplated. However, when the Engineering Dept. studied the road closer to finalize the bidding documents, it became evident that well over 80% of the concrete pavement was in poor condition. After further study, staff concluded that a change may be appropriate.

When paved in 1967, drivers from northbound Woodward Ave. wishing to turn left on to Oakland Ave. (to enter downtown) had to use Lawndale Ave. to get to Oakland. They would drive north on Lawndale Ave., make a left turn, and then were allowed to drive straight across Woodward Ave. and into downtown. In the 1970's, due to changing traffic patterns, the City worked with MDOT to close the crossover at Oakland Ave., making it more difficult to access downtown from the Poppleton Park neighborhood. Traffic demand on Lawndale Ave. likely was cut by over 50%, as it is now only a benefit to residential traffic headed to the immediate neighborhood.

With the reduced traffic demand, the one-way traffic configuration, and no parking, the 24 ft. width seems more than adequate. Currently, large trucks sit on Lawndale Ave. adjacent to the Holiday Inn Express to unload packages. When this occurs, there needs to be enough width to drive past the truck to enter the neighborhood. With that in mind, a 20 ft. width pavement would be sufficient.

A review of the Multi-Modal Master Plan confirmed that there is no proposal for any use of this street as a part of the Multi-Modal improvements planned for the City. However, as shown on the attached sheet from the Plan, a relocated Woodward Ave. crosswalk has been suggested. (The relocation would improve safety for pedestrians and bicyclists by removing the right turn conflict from westbound Oakland Ave. that exists on the current crosswalk.) Now that the MI Dept. of Transportation (MDOT) is planning a resurfacing project on Woodward Ave. in 2018, staff will pursue that improvement as a part of the 2018 Woodward Ave. project.

The attached conceptual plan was reviewed by the Multi-Modal Transportation Board. The existing handicap ramp at the corner of Oakland Ave. will be updated to meet current standards as a part of this project. The adjacent open green space to the west will become four feet wider than it is currently, and will be maintained by the City. Otherwise, no multi-modal improvements are planned at this time. The Board also endorsed staff working with MDOT to

pursue the Woodward Ave. crosswalk relocation, and suggested that the City's Forestry staff consider the installation of new trees in the enlarged open grass area.

The following motion was passed at the Multi-Modal Transportation Board meeting of May 3, 2017:

To recommend to the City Commission the approval of the plan for a 20 ft. wide road on Lawndale Ave. between Oakland Ave. and Woodward Ave., and to encourage staff to work with MDOT to improve the Woodward Ave. crosswalk in conjunction with their project, and also explore the possibility of landscaping with trees on the eastern side of the triangular island.

Given that the purpose for this street has changed over the years, and since other modes of traffic such as bikes would have a difficult time accessing this street from Woodward Ave., the Board sees this as a good opportunity to reduce the amount of pavement on this street. This relatively small project has been included in the 2017 Local Street Paving Program recently awarded, and is planned for reconstruction during the summer of 2017. A suggested recommendation follows.

SUGGESTED RECOMMENDATION:

To approve the the plan to reconstruct Lawndale Ave. from Oakland Blvd. to Woodward Ave. at a reduced width of 20 ft. Improvements to the block will include compliance with ADA requirements at the Oakland Ave. intersection, and increased green space on the adjacent City owned park parcel directly west of this block. Further, to direct staff to:

1. Pursue relocation of the crosswalk on Woodward Ave. (to be implemented with the MDOT resurfacing project scheduled for 2018), and
2. To direct staff to consider the installation of new trees in this green space area.



MEMORANDUM

Engineering Dept.

DATE: April 26, 2017

TO: Multi-Modal Transportation Board

FROM: Paul T. O'Meara, City Engineer

SUBJECT: Lawndale Ave. – Oakland Blvd. to Woodward Ave.
Reconstruction Plan

Last month, we discussed a parking restriction on the block of Lawndale Ave. north of Oakland Blvd. The following discussion pertains to the block south of Oakland Blvd., which operates as a one way street (northbound only), and is currently signed for No Parking.

Lawndale Ave. was an unimproved road until it was paved with concrete in 1967. The pavement is now in poor condition. When funds were budgeted in the current fiscal year, it was envisioned that the road would stay as it is, but bad sections of concrete would be removed and replaced as needed. However, upon close review this past month, it appeared that most of the street should be replaced. After further study, staff concluded that a change may be appropriate.

When paved in 1967, drivers from northbound Woodward Ave. wishing to turn left on to Oakland Blvd. (to enter downtown) had to use Lawndale Ave. to get to Oakland. They would drive north on Lawndale Ave., make a left turn, and then were allowed to drive straight across Woodward Ave. and into downtown. In the 1970's, due to changing traffic patterns, the City worked with MDOT to close the crossover at Oakland Blvd., making it more difficult to use Oakland Blvd. from downtown. Traffic demand on Lawndale Ave. likely was cut by over 50%, as it is now only a benefit to residential traffic headed to the immediate neighborhood.

With the reduced traffic demand, the one-way traffic configuration, and no parking, the 24 ft. width seems more than adequate. Currently, large trucks sit on Lawndale Ave. adjacent to the Holiday Inn Express to unload packages. When this occurs, there needs to be enough width to drive past the truck to enter the neighborhood. With that in mind, a 20 ft. width pavement would be sufficient.

A review of the Multi-Modal Master Plan confirmed that there is no proposal for any use of this street as a part of the Multi-Modal improvements planned for the City. The attached conceptual plan has been prepared for review and input by the Board. The existing handicap ramps at the corner of Oakland Blvd. will be updated to meet current standards as a part of this project. The adjacent open park area to the west will become five feet wider than it is currently, and will be maintained by the City. Otherwise, no multi-modal improvements are planned at this time.

Given that the purpose for this street has changed over the years, and since other modes of traffic such as bikes would have a difficult time accessing this street from Woodward Ave., staff

sees this as a good opportunity to reduce the amount of pavement on this street. A suggested recommendation follows.

SUGGESTED RECOMMENDATION:

The Multi-Modal Transportation Board recommends to the City Commission that Lawndale Ave. from Oakland Blvd. to Woodward Ave. be reconstructed and reduced in width from 24 ft. to 20 ft., in accordance with the conceptual plan as prepared by staff. Improvements to the block will include compliance with ADA requirements at the Oakland Blvd. intersection, and increased green space on the adjacent City owned park parcel directly west of this block.



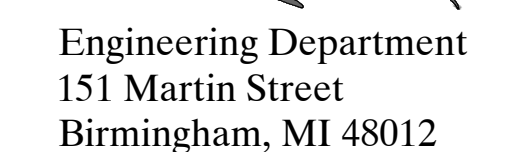
Imagery ©2017 Google, Map data ©2017 Google 50 ft



NOWAK & FRAUS ENGINEERS
46777 WOODWARD AVE.
PONTIAC, MI 48342-5032
TEL. (248) 332-7931
FAX. (248) 332-8257

PROJECT
2017 Local Streets Paving
Program, Contract #1-17(P)

CLIENT



PROJECT LOCATION
Part of the Center Section
26, Town 2 North, Range 10
East, City of Birmingham,
Oakland County, Michigan

SHEET
Paving Plan -
Lawndale Street



REVISIONS

04-19-17	Schematic Design
04-20-17	Addendum 1

DRAWN BY:
C. Danielsen

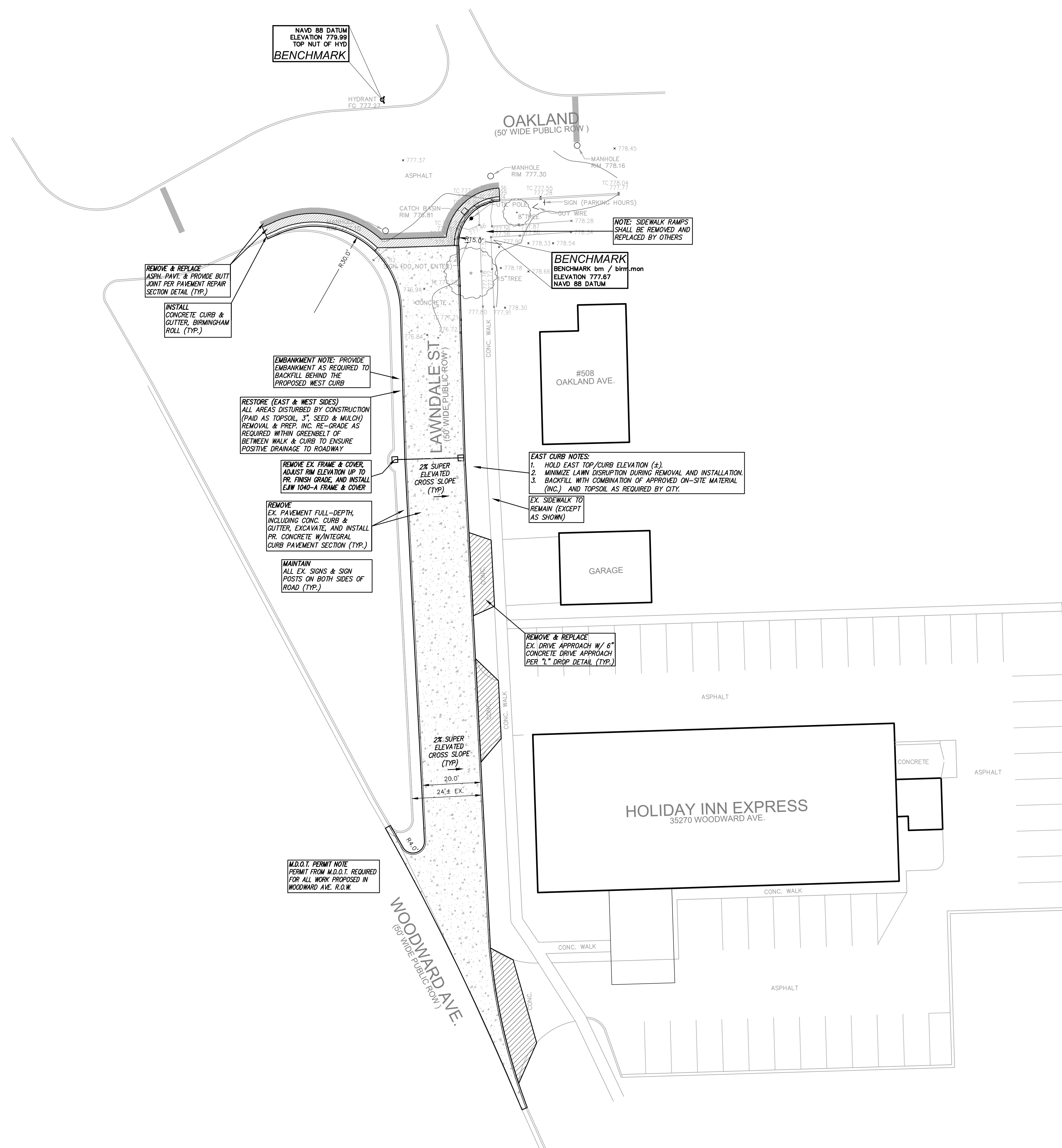
DESIGNED BY:
P. Tulikangas

APPROVED BY:
B. Buchholz

DATE:
02-24-2017

SCALE:
1" = 20'

NFE JOB NO.	SHEET NO.
I164-03	C17



PLAN SHOWN IS FOR BIDDING PURPOSES
ONLY AND NOT FOR CONSTRUCTION

LEGEND

CLEAN-OUT **MANHOLE** **EXISTING SAN/COMB SEWER**

GW **HYDRANT** **EXISTING WATER MAIN**

PCB **END SECTION** **EXISTING STORM SEWER**

ELEC. METER **EXISTING BURIED CABLES**

GAS PRESS. REG. **EXISTING GAS MAIN**

UTILITY POLE **OVERHEAD LINES**

STRAIN POLE **BUY LINE** **EX. PAVEMENT**

(RECORD) CURB STOP LOCATION (APPROX.) **PR. CURB. REPAIRS**

LANDSCAPE BED **PR. 8" CONC. PAVT. W/ CURB, WALK, OR DRIVE**

EX. SOIL BORING **PR. 8" OF CONC. RAMP, W/ 12" CONC. HPV**

PUBLIC PHONE **PR. 4" CONC. WALK**

WELL **PR. FULL-DEPTH ASPH. REPAIR**

PUMP **PR. 3" ASPH. REPAIR**

SIGN **PR. 3" ASPH. REPAIR**

POST/BOLLARD **PR. 3" ASPH. REPAIR**

PARKING METER **PR. 3" ASPH. REPAIR**

MAIL BOX **PR. 3" ASPH. REPAIR**

ROCK/BOLLARD **PR. 3" ASPH. REPAIR**

SPRINKLER VALVE BOX **PR. 3" ASPH. REPAIR**

SPRINKLER HEAD **PR. 3" ASPH. REPAIR**

FOUND PROPERTY MARKER **PR. 3" ASPH. REPAIR**

GROUND ELEVATION **PR. 3" ASPH. REPAIR**

< 0.0000 FT **PR. 3" ASPH. REPAIR**

Provide for two-way bicycle traffic at intersection with Oakland Avenue

Oakland Avenue is indicated at a bike route connecting downtown to the neighborhoods on the west side of Woodward Avenue. Presently, Oakland is one-way for one block just east of Woodward Avenue and is comprised of two right-only turn lanes. This presents a number of challenges. First, the right turning movements from Oakland Avenue to northbound Woodward Avenue conflict with pedestrians and bicyclists in the crosswalk. Second, east-bound bicyclists crossing Woodward are forced onto a narrow sidewalk and have an awkward entrance back onto Oakland Avenue.

To address this situation, the crosswalk on north-bound Woodward is proposed to be moved to the south side of the intersection. This eliminates the conflict with right turning vehicles from Oakland Avenue onto north-bound Woodward Avenue. Also, a shared-use pathway is proposed on the south side of Oakland Avenue for the one block which the road is one-way to allow bicyclists to by-pass this one block and easily merge back into the two-way traffic east of Lawndale Street.



DRAFT

**CITY OF BIRMINGHAM
MULTI-MODAL TRANSPORTATION BOARD
THURSDAY, MAY 4, 2017
City Commission Room
151 Martin Street, Birmingham, Michigan**

Minutes of the regular meeting of the City of Birmingham Multi-Modal Transportation Board held Thursday, May 4, 2017.

Vice Chairman Andy Lawson convened the meeting at 6 p.m.

1. ROLL CALL

Present: Vice Chairman Andy Lawson; Board Members Lara Edwards, Amy Folberg, Daniel Rontal, Michael Surnow; Alternate Member Katie Schaefer

Absent: Chairperson Vionna Adams; Board Member Johanna Slanga

Administration: Jana Ecker, Planning Director
Scott Grewe, Operations Commander
Paul O'Meara, City Engineer
Carole Salutes, Recording Secretary

Also Present: Julie Kroll and Mike Labadie from Fleis & Vandenbrink ("F&V"), Transportation Engineering Consultants

2. INTRODUCTIONS

3. REVIEW AGENDA (no change)

4. APPROVAL OF MINUTES, MEETING OF APRIL 13, 2017

Motion by Mr. Rontal

Seconded by Mr Surnow to approve the Minutes of April 13, 2017 as presented.

Motion carried, 6-0.

VOICE VOTE

Yeas: Rontal, Surnow, Edwards, Folberg, Lawson, Schaefer

Nays: None

Absent: Adams, Slanga

5. LAWDALE AVE. RECONSTRUCTION

Mr. O'Meara recalled that last month the board discussed a parking restriction on the block of Lawndale Ave. north of Oakland Blvd. This discussion pertains to the block south of Oakland Blvd., which operates as a one-way street (northbound only), and is currently signed for No Parking. Funds were budgeted for spot concrete patching. Upon close review this past month, it appeared that most of the street should be replaced and staff concluded that a change in width may be appropriate.

In the 1970's, the crossover at Oakland Blvd. was closed, making it more difficult to use Oakland Blvd. from downtown and traffic demand on Lawndale Ave. likely was cut by over 50%. Currently it is only a benefit to residential traffic headed to the immediate neighborhood. With the reduced traffic demand, the one-way traffic configuration, and no parking, the 24 ft. width seemsexcessive.

Presently, large trucks sit on Lawndale Ave. adjacent to the Holiday Inn Express to unload packages. When this occurs, there needs to be enough width to drive past the truck to enter the neighborhood. With that in mind, a 20 ft. width pavement would be sufficient.

A review of the Multi-Modal Master Plan confirmed that there is a proposal to add a sidewalk along the south side of Oakland Blvd. between Lawndale and Woodward Ave. and relocate the crosswalk. The existing handicap ramps at the corner of Oakland Blvd. will be updated to meet current standards as a part of this project. In terms of adding landscaping in the median, it was discussed that street trees could be added along Lawndale that would be tall enough to see underneath. A permit from MDOT will be needed to complete a portion of the landscaping.

Given that the purpose for this street has changed over the years, and since other modes of traffic such as bikes would have a difficult time accessing this street from Woodward Ave., staff sees this as a good opportunity to reduce the amount of pavement and to save some money.

Motion by Mr Rontal

Seconded by Ms. Folberg to recommend to the City Commission the approval of the plan for a 20 ft. wide road on Lawndale Ave. between Oakland Ave. and Woodward Ave., and to encourage staff to work with MDOT to improve the Woodward Ave. crosswalk in conjunction with their project, and also explore the possibility of landscaping with trees on the eastern side of the triangular island.

Ms. Folberg thought that Parks and Recreation should be informed of this change.

At 6:15 there were no comments from the public.

Motion carried, 6-0.

VOICE VOTE

Yeas: Rontal, Folberg, Edwards, Lawson, Schaefer, Surnow

Nays: None

Absent: Adams, Slanga

6. S. ETON RD. - MAPLE RD. TO LINCOLN AVE.

Ms. Ecker recalled that at the March and April meetings, the MMTB discussed the recommendations of the Ad Hoc Rail District Committee. A recommendation was also passed on to the City Commission focused on changes to the intersection of S. Eton and Maple Rd.

Maple Rd. to Yosemite Blvd.

The Commission expressed concern relative to certain design elements, and encouraged the board to consider a larger bumpout at the southwest corner of the Maple Rd. intersection.

Other concerns expressed by the Commission included:

- The acute turn for vehicles from eastbound Maple Rd. to S. Eton Rd. is problematic.
- The white stop bars may be ignored, causing problems for both motorists and pedestrians.
- The Board should consider the inclusion of a multi-directional bike lane.

Ms. Julie Kroll indicated as far as the stop bar location F&V looked at a couple of options. The first option was the addition of a splitter island. By proposing the splitter island they were able to move the stop bars closer to the intersection than they currently are. That adds two more spaces for vehicle queuing and also improves sight distance for the intersection.

The other option they looked at was a bumpout. That increased the crosswalk distance and reduced queuing space for vehicles, compared to the splitter island proposal. It was noted that it is not possible to do both the splitter island and the bumpout.

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Ms. Ecker thought the splitter island is the best way to go. More people will be legally stopping where they are supposed to. The intersection is not perfect because it is at an odd angle.

Mr. O'Meara recalled that board members agreed previously that the design does not provide any enhancement for bike traffic because of the narrow right-of-way in this area, plus the clear need for three lanes of traffic at this intersection.

Moving south of Villa Ave., Ms. Kroll demonstrated how a bi-directional bike lane on the west side of S. Eton Rd. would work along with some additional signage. Board members expressed some concerns about the ingress/egress of a biker and discussed a protected bike lane along with the possibility of walking bikes across S. Eton Rd. at the Yosemite or Villa intersection in order to continue north in the bike lane.

Everyone liked the bi-directional bike lane except it would have to cut off at the most needed point where the road narrows.. The bike lane should go all the way north to Maple Rd. on the west side where people can walk across Maple Rd. in the crosswalk and then continue on N. Eton Rd. where there are bike lanes on each side.

The board wanted staff to go back and look at the option, regardless of how much it costs, of keeping the bi-directional bike lane all the way up to Maple Rd. The Board would like to see what is involved in acquiring land, installing a retaining wall, how much it would cost, and then coming back. This would be Plan A to take to the public and then send to the Commission.

Discussion continued regarding Plan B if land acquisition is not possible. Plan B is as shown from Lincoln to Villa, with a bi-directional bike lane on the west side of the street, currently as shown 5 ft. in each direction. Bumpouts on the east side of the street could be installed at several of the intersections with enhanced crossings. From Villa to Yosemite, add enhanced sharrows with a green background, eliminate the on-street parking for the businesses on the west side, and all the way down to Lincoln.

After much discussion, the Board favored the elimination of the northbound bike lane, adding 3 ft. to the sidewalks on either side (8 ft. sidewalks), and a 4 ft. landscaped grass area with street trees on the east and west sides from Villa to Yosemite. From Yosemite to Maple Rd. the proposal would stay as before with an 8' wide expanded sidewalk on the west side of S. Eton.

Commander Grewe suggested that maybe the alternative in that area is to encourage bikers to get on the sidewalk and walk their bikes.

Board members went on to explore various buffers that would protect the bike lanes. It was concluded that the center line in the bi-directional bike lanes could be eliminated. If that doesn't work, a centerline can always be added later. Low profile barriers were preferred within 1.5 ft., such as turtle bumps, oblong low bumps, and linear barriers.

It was suggested that a public hearing wherein all owners within 300 ft. of the corridor be invited to the next MMTB meeting to provide input before a final recommendation is made. It is planned to delay the connector route work in this area until a final design is approved by the Commission, with the hope that the pavement markings and sidewalk changes can still be implemented during the 2017 construction. The more extensive bumpout work at several intersections involves more work that will have to be budgeted in a future budget cycle.

Motion by Dr. Rontal

Seconded by Ms. Folberg to set a public hearing regarding the S. Eton Rd. corridor bi-directional bike lane proposal as amended this evening for the regular Multi-Modal Transportation Board meeting of June 1, 2017 at 6 p.m.

Modifications made tonight are from Villa to Yosemite to add enhanced sharrows, eliminate parking on the west side, and eliminate the northbound bike lane on the east side as shown on the plans and make both sidewalks on the east and west side an additional 3 ft. wide (8 ft.) plus a 4 ft. green boulevard with street trees up to Yosemite. Then from Yosemite to Maple Rd., continue with the plans as shown which are enhanced sharrows and a widened sidewalk to 8 ft. on the west side of the street. The bi-directional bike lane will be 8.5 ft. plus 1.5 ft. for a buffer of some sort, whether it be turtle bumps, oblong low, or linear barriers.

No one from the public wished to discuss the motion at 8:10 p.m.

Motion carried, 6-0.

VOICE VOTE

Yeas: Rontal, Folberg, Edwards, Lawson, Schaefer, Surnow

Nays: None

Absent: Adams, Slanga

The Vice-Chairman asked board members to travel this route on their bikes before the public meeting next month.

7. MEETING OPEN TO THE PUBLIC FOR ITEMS NOT ON THE AGENDA

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Mr. Dan Isaksen, 1386 Yorkshire, stated that he appreciates all the work and deliberation that the board has gone through on this project.

8. MISCELLANEOUS COMMUNICATIONS (none)

9. NEXT MEETING JUNE 1, 2017 at 6 p.m.

10. ADJOURNMENT

No further business being evident, the board members adjourned the meeting at 8:17 p.m.

Jana Ecker, Planning Director

Paul O'Meara, City Engineer



MEMORANDUM

Finance Department

DATE: May 12, 2017

TO: Joseph A. Valentine, City Manager

FROM: Mark Gerber, Finance Director

SUBJECT: Changes to 2017-2018 Recommended Budget and 2017-2018 Budget Appropriations Resolution

The City held a public hearing on April 22, 2017, to review the 2017-2018 recommended budget and to receive comments and revisions from the City Commission and the general public. At that meeting, the City Commission was updated on the bids that were received for the Old Woodward Avenue Reconstruction Project scheduled to begin in June 2017 and the impact those costs would have on the City's financial health for the current and subsequent years. The City Manager then presented a plan whereby the City would postpone construction of Old Woodward Avenue until Spring of 2018. This greatly improved the City's financial condition for the current and subsequent years. There appeared to be consensus among the City Commission to move forward with this plan. On April 24th, the City Commission took formal action to reject the bids for the Old Woodward Avenue project and to rebid the project in the Fall of 2017. Below are the revisions to the recommended budget based on the plan as outlined by the City Manager and corrections to the Greenwood Cemetery Perpetual Care Fund.

Changes to Millage Rate

The millage rates contained in the recommended budget were based on an estimated taxable value of \$2,194,664,912. Actual taxable values, after adjustments by the Board of Review, came in at \$2,220,344,410. The additional taxable value will provide an increase in property tax revenue of \$288,860 in the General Fund and \$36,210 in the Library Fund. The refuse and debt levies will decrease as a result of the increase in taxable value. Overall, the revised millage rate is .0236 mills less than what was proposed in the recommended budget and .0875 mills less than the 2016-2017 total levy. Below are the changes to the various levies based on the change in taxable value noted above:

	<u>Recommended</u>	<u>Revised</u>	<u>Difference</u>
	<u>Millage</u>	<u>Millage</u>	
Operating Levy	11.2481	11.2481	0
Library Levy	1.4100	1.4100	0
Refuse Levy	0.8349	0.8252	(0.0097)
Debt Levy	<u>1.2045</u>	<u>1.1906</u>	<u>(0.0139)</u>
Total Levy	14.6975	14.6739	(0.0236)

A residential taxpayer who had a taxable value of \$200,000 in 2016-2017 and did not buy or make improvements to their residence would be affected as follows:

	FY 2016-2017 Actual	FY 2017-2018 Revised	Difference
Taxable Value	\$200,000	\$201,800	\$1,800
Total Millage Rate	14.7614	14.6739	(0.0875)
Total City Taxes	\$2,952	\$2,961	\$9

The changes in the levies noted above changed the recommended budget as follows:

	Recommended Budget	Revised Budget
General Fund		
Revenues		
Property Taxes	\$23,302,640	\$23,591,500
Baldwin Library Fund		
Revenues		
Property Taxes	\$3,079,480	\$3,115,690

Change in Timing of Old Woodward Avenue Project

At the April 22, 2017, budget hearing, the City Manager presented to the City Commission a plan for the Old Woodward Avenue Reconstruction Project which postponed construction from the Summer of 2017 to the Spring of 2018. The recommended budget was prepared based on the assumption construction would start in fiscal year 2016-2017. As a result of this postponement, the following budget changes will need to be made to the recommended budget (using recent bids as estimates) for sidewalk, road, traffic signal, water and sewer improvements and postponing the first year of special assessment revenue for the sidewalks and the transfer to the Capital Projects Fund for the streetlights until fiscal year 2018-2019:

	Recommended Budget	Revised Budget
General Fund		
Revenues		
Other Revenue		
Special Assessment Revenue	\$225,000	\$0
Expenditures		
Sidewalks		
Capital Outlay	\$280,000	\$2,033,590
Transfers Out		
Capital Projects Fund	\$1,186,570	\$736,570
Major Street Fund		
Expenditures		
Construction	\$57,260	\$2,735,510
Traffic Controls	\$267,240	\$667,240

Capital Projects Fund		
Revenues		
Transfers In	\$1,186,570	\$736,570
Expenditures		
Capital Outlay	\$1,344,070	\$894,070
Water Supply System Fund		
Expenses		
Capital Outlay	\$550,000	\$1,373,070
Sewage Disposal Fund		
Expenses		
Capital Outlay	\$1,890,000	\$3,489,610

Change in Transfers Between Funds

As explained at the April 22, 2017, budget hearing, part of the plan presented by the City Manager involved modifying some of the transfers between funds in the recommended budget to improve the financial condition of the General Fund and Water Fund as follows: 1) postpone the 2017-2018 recommended budget transfer from the General Fund to the Sewer Fund of \$775,000 for reimbursement of litigation cost as a result of the Wolf vs City of Birmingham lawsuit until 2018-2019 and 2) modify the transfer from the General Fund to the Local Street Fund of \$2,700,000 originally recommended in 2017-2018 to \$2,200,000 with the \$500,000 difference going to the Water Fund to provide funding for projected retiree health care liabilities as part of the GASB 75 implementation in 2017-2018. As a result of the changes mentioned above, the recommended budget would be revised as follows:

	Recommended Budget	Revised Budget
General Fund		
Expenditures		
Transfers Out		
Local Street Fund	\$2,700,000	\$2,200,000
Water Fund	\$0	\$500,000
Sewer Fund	\$775,000	\$0
Local Street Fund		
Revenues		
Transfers In	\$2,700,000	\$2,200,000
Water Supply System Fund		
Revenues		
Transfers In	\$0	\$500,000

Sewage Disposal Fund		
Revenues		
Transfers In	\$775,000	\$0

Other Changes to the Recommended Budget

Three other changes to the recommended budget are being proposed. The first is a correction to the Greenwood Cemetery Perpetual Care Fund to move the \$20,000 for a master plan for the cemetery from 2018-2019 to 2017-2018. The master plan will be funded by a transfer from the General Fund. The second change is to suspend \$186,350 in rental payments in 2017-2018 from the General Fund to the Auto Equipment Fund. There are sufficient funds in the Auto Equipment Fund to absorb the suspension of this payment for one year and it will provide additional funding in the General Fund. The third change is adding \$600,000 to the Local Street Fund for additional cape sealing work in the spring of 2018. The result of these three changes to the recommended budget is as follows:

	Recommended Budget	Revised Budget
General Fund		
Expenditures		
Police		
Other Charges	\$463,200	\$276,850
Transfer Out		
Greenwood Cemetery	\$0	\$20,000
Greenwood Cemetery Perpetual Care Fund		
Revenues		
Transfers In	\$0	\$20,000
Expenditures		
Other Charges	\$0	\$20,000
Local Street Fund		
Expenditures		
Street Maintenance	\$692,160	\$1,292,160

Sewer Fund Budget and Rates

The budget appropriations resolution being presented tonight does not include adjustments for sewage and storm water disposal costs and related revenue and rate changes. We are waiting for rate letters from the Oakland County Water Resources Commissioner's office before making these changes. Once these rate letters are received and the rates recalculated, we will bring the rates and the related budget amendments back to the City Commission for approval.

The budget appropriations resolution with the changes noted above is attached to this report.

Suggested Action: To approve the budget appropriations resolution adopting the City of Birmingham's budget and establishing the total number of mills for ad valorem property taxes to be levied for the fiscal year commencing July 1, 2017 and ending June 30, 2018.

BUDGET APPROPRIATIONS RESOLUTION

WHEREAS, the City Manager has submitted the proposed 2017-2018 Budget, and;

WHEREAS, the City Commission has reviewed the 2017-2018 Budget, and;

WHEREAS, the City Commission has held a Public Hearing on the 2017-2018 Budget;

WHEREAS, Chapter VII, Section 14 of the Birmingham City Charter requires that the City Commission pass an annual appropriations resolution, and;

NOW THEREFORE, BE IT RESOLVED, that the City Commission does hereby adopt the following estimated revenues for the City of Birmingham for the fiscal year commencing July 1, 2017, and ending June 30, 2018:

GENERAL FUND:

Taxes	\$ 23,591,500
Licenses & Permits	3,134,260
Intergovernmental Revenue	2,014,620
Charges for Services	2,873,130
Fines & Forfeitures	1,744,940
Interest & Rent	294,290
Other Revenue	108,090
Contributions from Other Funds	100,000
Draw from Fund Balance	<u>483,050</u>
Total General Fund	\$ 34,343,880

MAJOR STREETS FUND:

Intergovernmental Revenue	\$ 1,397,260
Interest & Rent	8,100
Other Revenue	56,370
Contributions from Other Funds	2,100,000
Draw from Fund Balance	<u>1,096,260</u>
Total Major Streets Fund	\$ 4,657,990

LOCAL STREETS FUND:

Intergovernmental Revenue	\$ 482,900
Interest & Rent	36,330
Other Revenue	396,000
Contributions from Other Funds	2,200,000
Draw from Fund Balance	<u>523,080</u>
Total Local Streets Fund	\$ 3,638,310

COMMUNITY DEVELOPMENT BLOCK GRANT FUND:

Intergovernmental Revenue	\$ 32,020
Total Community Development Block Grant Fund	\$ 32,020

SOLID WASTE DISPOSAL FUND:

Taxes	\$ 1,820,000
Intergovernmental	4,500
Charges for Services	9,600
Interest	14,460
Draw from Fund Balance	<u>85,720</u>
Total Solid Waste Disposal Fund	\$ 1,934,280

LAW AND DRUG ENFORCEMENT FUND:

Fines & Forfeitures	\$ 35,000
Interest	<u>1,020</u>
Total Law and Drug Enforcement Fund	\$ 36,020

DEBT SERVICE FUND:

Taxes	\$ 1,648,700
Intergovernmental	4,000
Interest	<u>2,990</u>
Total Debt Service Fund	\$ 1,655,690

GREENWOOD CEMETERY PERPETUAL CARE FUND:

Charges for Services	\$ 200,000
Interest	11,600
Contributions from Other Funds	<u>20,000</u>
Total Greenwood Cemetery Perpetual Care Fund	\$ 231,600

PRINCIPAL SHOPPING DISTRICT FUND:

Special Assessments	\$ 901,970
Interest	3,900
Other Revenue	190,000
Draw from Fund Balance	<u>204,140</u>
Total Principal Shopping District Fund	\$ 1,300,010

BALDWIN LIBRARY FUND:

Taxes	\$ 3,103,390
Intergovernmental Revenue	978,610
Charges for Services	95,350
Interest	<u>11,000</u>
Total Baldwin Library Fund	\$ 4,188,350

BROWNFIELD REDEVELOPMENT AUTHORITY FUND:

Taxes	\$ 328,500
Charges for Services	3,000
Interest	1,130
Other Revenue	<u>20,600</u>
Total Brownfield Redevelopment Authority Fund	\$ 353,230

TRIANGLE DISTRICT CORRIDOR IMPROVEMENT AUTHORITY FUND:

Interest	<u>\$ 100</u>
Total Triangle District Corridor Improvement Authority Fund	\$ 100

CAPITAL PROJECTS FUND:

Intergovernmental Revenue	\$ 20,040
Interest	14,170
Other Revenue	4,980
Contribution from Other Funds	736,570
Draw from Fund Balance	<u>118,310</u>
Total Capital Projects Fund	\$ 894,070

AUTOMOBILE PARKING SYSTEM FUND:

Charges for Services	\$ 8,011,000
Interest	<u>100,230</u>
Total Automobile Parking System Fund	\$ 8,111,230

WATER-SUPPLY SYSTEM RECEIVING FUND:

Taxes	\$ 750,000
Charges for Services	4,576,490
Interest	16,720
Contributions from Other Funds	500,000
Draw from Net Position	<u>123,070</u>
Total Water-Supply System Fund	\$ 5,966,280

SEWAGE DISPOSAL FUND:

Taxes	\$ 1,585,000
Intergovernmental Revenue	6,880
Charges for Services	8,434,990
Interest	21,720
Draw from Net Position	<u>2,190,130</u>
Total Sewage Disposal Fund	\$ 12,238,720

LINCOLN HILLS GOLF COURSE:

Charges for Services	\$ 661,200
Interest	33,390
Other Revenue	<u>200</u>
Total Lincoln Hills Golf Course Fund	\$ 694,790

SPRINGDALE GOLF COURSE:

Charges for Services	\$ 473,100
Interest & Rent	19,200
Other Revenue	200
Draw from Net Position	<u>29,520</u>
Total Springdale Golf Course Fund	\$ 522,020

COMPUTER EQUIPMENT FUND:

Intergovernmental Revenue	\$ 25,520
Charges for Services	558,020
Interest	12,260
Other Revenue	3,000
Draw from Net Position	<u>372,700</u>
Total Computer Equipment Fund	\$ 971,500

AND, BE IT FURTHER RESOLVED, that the City Commission does hereby adopt on a budgetary center basis the following expenditures for 2017-2018:

GENERAL FUND:

General Government	\$ 5,503,600
Public Safety	12,559,870
Community Development	3,395,720
Engineering & Public Services	6,178,120
Transfers Out	<u>6,706,570</u>
Total General Fund	\$ 34,343,880

MAJOR STREETS FUND:

Maintenance of Streets and Bridges	\$ 377,140
Street Cleaning	173,690
Street Trees	241,870
Traffic Controls & Engineering	710,520
Snow and Ice Removal	341,460
Administrative	18,200
Capital Outlay-Engineering and Construction of Roads and Bridges	<u>2,795,110</u>
Total Major Streets Fund	\$ 4,657,990

LOCAL STREETS FUND:

Maintenance of Streets and Bridges	\$ 1,294,160
Street Cleaning	240,940
Street Trees	498,640
Traffic Controls & Engineering	68,990
Snow and Ice Removal	189,100
Administrative	25,600
Capital Outlay-Engineering and Construction of Roads and Bridges	<u>1,320,880</u>
Total Local Streets Fund	\$ 3,638,310

COMMUNITY DEVELOPMENT BLOCK GRANT FUND:	\$ 32,020
SOLID WASTE DISPOSAL FUND:	
Personnel Services	\$ 152,320
Supplies	10,000
Other Charges	1,761,960
Capital Outlay	<u>10,000</u>
Total Solid Waste Disposal Fund	\$ 1,934,280
LAW AND DRUG ENFORCEMENT FUND:	
Capital Outlay	\$ 5,950
Contribution to Fund Balance	<u>30,070</u>
Total Law and Drug Enforcement Fund	\$ 36,020
DEBT SERVICE FUND:	
Debt Service	\$ 1,650,950
Contribution to Fund Balance	<u>4,740</u>
Total Debt Service Fund	\$ 1,655,690
GREENWOOD CEMETERY PERPETUAL CARE FUND:	
Expenditures	\$ 20,000
Contribution to Fund Balance	<u>211,600</u>
Total Greenwood Cemetery Perpetual Care Fund	\$ 231,600
PRINCIPAL SHOPPING DISTRICT FUND:	\$ 1,300,010
BALDWIN LIBRARY FUND:	
Expenditures	\$ 3,483,320
Contribution to Fund Balance	<u>705,030</u>
Total Baldwin Library Fund	\$ 4,188,350
BROWNFIELD REDEVELOPMENT AUTHORITY FUND:	
Expenditures	\$ 329,460
Contribution to Fund Balance	<u>23,770</u>
Total Brownfield Redevelopment Authority Fund	\$ 353,230
CAPITAL PROJECTS FUND:	\$ 894,070
AUTOMOBILE PARKING SYSTEM FUND:	
Expenses	\$ 5,587,130
Contribution to Net Position	<u>2,524,100</u>
Total Automobile Parking System Fund	\$ 8,111,230
WATER-SUPPLY SYSTEM RECEIVING FUND:	\$5,966,280
SEWAGE DISPOSAL SYSTEM FUND:	\$ 12,238,720

LINCOLN HILLS GOLF COURSE:

Expenses	\$ 687,180
Contribution to Net Position	<u>7,610</u>
Total Lincoln Hills Golf Course	\$ 694,790

SPRINGDALE GOLF COURSE: \$ 522,020

COMPUTER EQUIPMENT FUND: \$ 971,500

BE IT FURTHER RESOLVED that the budget summary above be approved as the 2017-2018 City Budget and that this resolution shall be known as the City of Birmingham 2017-2018 General Appropriations Act.

BE IT FURTHER RESOLVED that the City Commission does hereby designate \$24,876,600 to be raised by 11.2481 mills levied for General Purposes on the taxable valuation of all real and personal property subject to taxation in the City.

BE IT FURTHER RESOLVED that the City Commission does hereby designate \$3,118,390 to be raised by 1.4100 mills levied for Library Operations on the taxable valuation of all real and personal property subject to taxation in the City

BE IT FURTHER RESOLVED that the City Commission does hereby designate \$2,649,600 to be raised by 1.1906 mills levied for Debt Service Requirements on the taxable valuation of all real and personal property subject to taxation in the City.

BE IT FURTHER RESOLVED that the City Commission does hereby designate \$1,825,000 to be raised by 0.8252 mills levied on the taxable valuation of all real and personal property subject to taxation in the City for the purpose of the collection and removal of garbage and trash of the City as authorized by MCL 123.261, et. seq.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to make budgetary transfers within the budgetary centers established through the adoption of this budget, and that all transfers between budgetary centers may be made only by further action of the City Commission pursuant to the provisions of the Michigan Uniform Accounting and Budgeting Act.

BE IT FURTHER RESOLVED that the 2017-2018 budget shall be automatically amended on July 1, 2017, to re-appropriate encumbrances outstanding and reserved at June 30, 2017.

BE IT FINALLY RESOLVED that the City Treasurer be authorized to add to all taxes paid after August 31, 2017, three-fourths of one percent (3/4 of 1%) penalty each and every month, or fraction thereof, that remains unpaid. On all taxes paid after February 14, 2018, and through February 28, 2018, there shall be added a late penalty charge equal to three percent (3%) of such tax.



MEMORANDUM

Planning Division

DATE: May 15, 2017

TO: Joseph A. Valentine, City Manager

FROM: Jana Ecker, Planning Director

SUBJECT: Downtown Bicycle Parking Plan – Phases 2 and 3

On April 9th, 2012, the City Commission approved Phase I of the Downtown Bicycle Parking Plan ("the Plan"), which included approval of the purchase and installation of 42 bike racks downtown. The plan consists of three phases that recommend the installation of a total of 101 bike racks at 80 different locations. In 2012, the City Commission also approved the use of "inverted U" racks with a black plastisol finish, as well as a temporary bike rack model, known as a "rail-mounted inverted U rack," which consists of two rails 6 ft in length with 3 U-style bike racks secured to the rails. CycleSafe was approved as the sole source vendor for both of these products. These are the bike racks that have been installed.

Phase II of the Plan proposes to add 21 bike racks at 20 different locations and Phase III will add 27 bike racks at 27 different locations. The Planning Division currently has \$15,000 in funding available in FY 2016-2017 for the purchase and installation of bike racks throughout downtown. In order to proceed with the installation of racks in Phases II and III, a review was conducted to evaluate the success of the Phase I bike rack locations.

2017 Review and Assessment

The City has successfully installed all bike racks approved for the first phase, except for one at the Merrill/Pierce parking garage entrance. During Phase I, 41 of the 42 permanent racks were installed, along with the designation of 12 temporary on-street bike racks.

A review was conducted to see which racks had been installed and if they were still in their finalized locations. GIS software was used to assist in the process of reviewing the status of the program. A field inspection revealed that two racks that were previously thought to have been installed were not present on April 28, 2017. The racks may not have been installed or installed and removed.

Using information found in the downtown bike parking plan spreadsheet, a GIS map has been produced to illustrate where each of the 80 bike rack installation locations (finalized and proposed) are downtown. Each location on the map is represented by a point that has been color-coded to indicate the phase during which it was installed. Each point also represents one or more bike racks and is embedded with the information found in the bike parking plan spreadsheet, as well as other information such as the installation status of the rack.

The GIS assessment revealed that there are 49 racks awaiting approval by the City Commission. Due to the proposed construction on Old Woodward, the Planning Division recommends that 9 of the proposed racks not be ordered at this time. A quote from Cycle Safe received on May 1, 2017 shows that each plastisol coated inverted U rack, along with the necessary parts and tools, will cost \$216 on top of the \$262.00 for freight shipping. The total price of this order is \$8,902. It was confirmed that Cycle Safe remains the sole provider of plastisol coated inverted U racks.

A request has recently been made to install a bike rack near the entrances to City Hall on the south elevation of the building. While this area was not identified in Phases 1 – 3, and thus was not included in the price quote obtained, an additional bike rack could be purchased by adding \$228.96 to the quote of \$8,902, bringing the total purchase request to \$9,130.96

SUGGESTED ACTION:

To authorize the purchase of 40 permanent bike racks as proposed in Phases 2 and 3 of the Downtown Bicycle Parking Plan using the proposed inverted-U bike rack model with the plastisol finish from Cycle Safe in the amount of \$8,902 from account #101-721.000-811.0000, and further to direct staff to proceed with the installation of 40 permanent bike racks as proposed in Phases 2 and 3 of the Downtown Bicycle Parking Plan.

OR

To authorize the purchase of 41 permanent bike racks as proposed in Phases 2 and 3 of the Downtown Bicycle Parking Plan, with the addition of one bike rack near the central entrance to City Hall on the south elevation of the building, using the proposed inverted-U bike rack model with the plastisol finish from Cycle Safe in the amount of \$9,130.96 from account #101-721.000-811.0000, and further to direct staff to proceed with the installation of 41 permanent bike racks as proposed in Phases 2 and 3 of the Downtown Bicycle Parking Plan, with the addition of one bike rack near the central entrance to City Hall on the south elevation of the building.

Downtown Birmingham Bicycle Parking Map

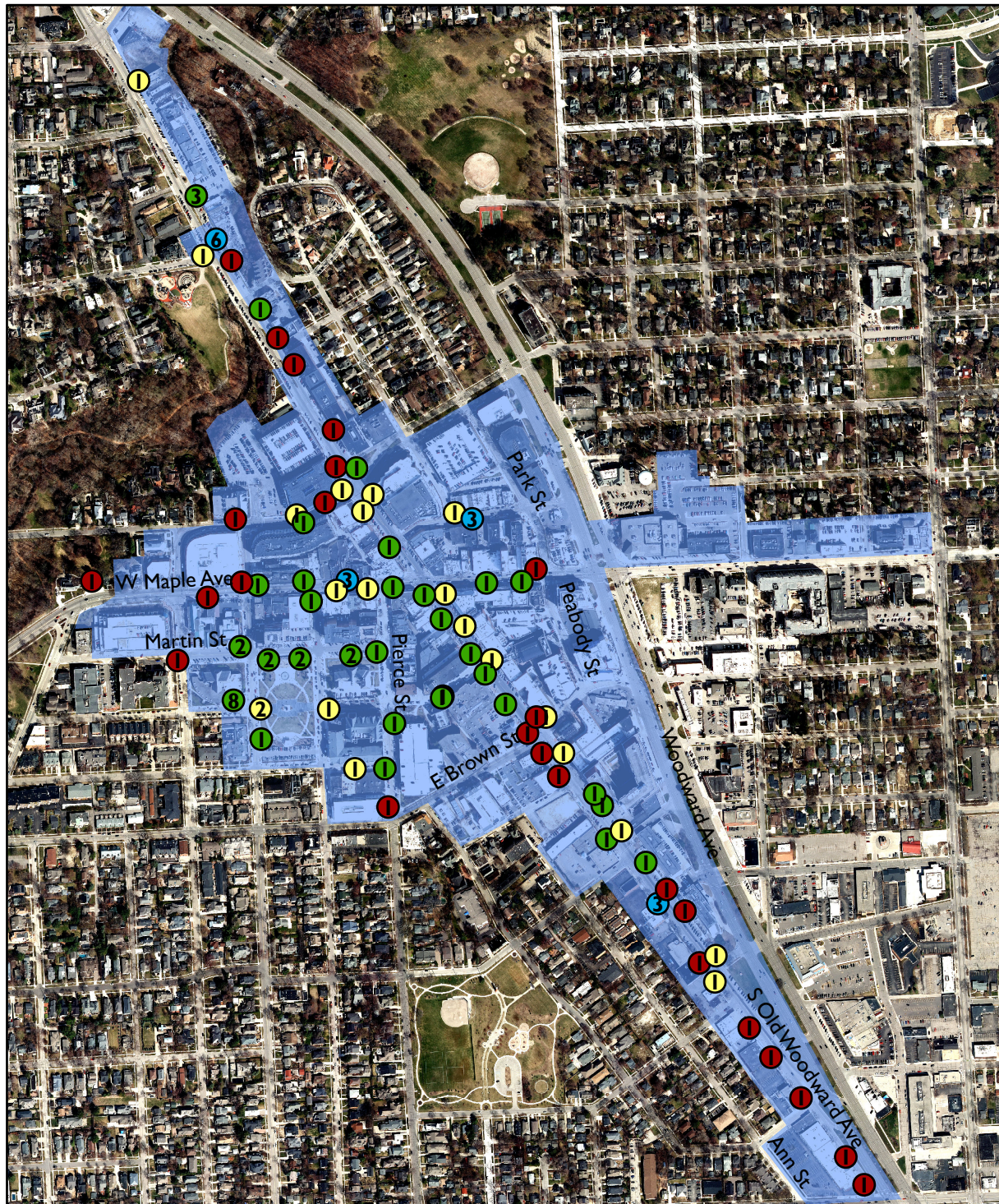
Installation Phases *

- 1
- 2
- 3
- Temporary On-street

* Numbers labeled on each point in map indicate the number of proposed or existing bicycle racks



Coordinate System: 1983 Hotine Oblique Mercator
Azimuth Natural Origin Projection: Hotine Oblique
Mercator Azimuth Natural Origin, Units: International
Feet, Datum: D_North_American_1983
Data Sources: Oakland County GIS Utility, City of
Birmingham
Updated: March 7, 2016



0 0.075 0.15 0.3 Miles



5211 Cascade Rd. SE #210
Grand Rapids, MI 49546
T888-950-6531 F616-954-0290

Proposed Contract

Date	Doc #
5/1/2017	13995

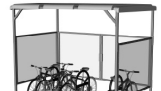
Name / Address
City of Birmingham 151 Martin Street Birmingham, MI 48012



LOCKERS



CYCLEPORT STATION



COVERED
BIKE PARKING



WALLRACKS



U-RACKS



VINTAGE RACKS

Price Valid	Terms	Rep	FOB
30 days	50% down - 50% at Shipment	BM	Origin

Item	Description	Qty	Price	Total
12700	Rack, U/2 - Surface - Plastisol Coated Black - Classic Series (formerly part # 12700S)	40	216.00	8,640.00T
12716	Kit G - Hardware for Surface Mount Rack - 1 kit per each rack. Kit includes: 4 - 3/8 SS flanged drop in anchors #12733 4 - 3/8-16 x 1" SS 6 lob Button Head Torx Screw - #12724 4 - 3/8 SS flat Washer 1" OD - #12725 2 - 1/2" x 1-1/4" SS 18-8 FHCS - #12772	40		0.00T
12721	Torx Bit - T-45 for bike rack installation. (5/16 shank, 1-1/4" long)	1		0.00T
12723	Set Tool - 3/8 set tool for drop in anchors. Drop in anchors are part of kit #12716. 1 tool needed per installation.	1		0.00T
Freight	Freight Charges (includes shipping and handling) - Please advise if lift gate service and advanced delivery notification required. Additional charges may apply. Freight costs subject to market conditions		262.00	262.00
~~~~~ CHANGE ORDER ~~~~~ May 1, 2017 > Decreased quantity of 12700 from 49 to 40. Decreased price of 12700 from \$10,584.00 to \$8,640.00. (-\$1,944.00) > Decreased quantity of 12716 from 49 to 40. (+\$0.00) > Decreased price of Freight from \$309.00 to \$262.00. (-\$47.00) Total change to estimate -\$1,991.00 ~~~~~				

Thank you for giving us the opportunity to provide a quote!

**Subject to all Cycle Safe terms & conditions FM4.1.002-C attached hereto.**

Cycle Safe Inc:
Name: _____
Title: _____
Date: _____

Customer:
Name: _____
Title: _____
Date: _____

Subtotal \$8,902.00

Sales Tax (0.0%) \$0.00

**Total \$8,902.00**

Quality Parking Systems since 1980  
www.cyclesafe.com

**DATE:** May 12, 2017

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

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

**SUBJECT:** Attendance Summary of Birmingham Boards and Committees; Recommendations for use of alternates, reporting board attendance and modifying requirements for board members

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A recent review was conducted by the manager's office of attendance records of all Birmingham boards and committees for a three year period (See attached Attendance Summary – 3 years, 2014-2016). The purpose of this review was to identify boards or committees which may have incidences of low attendance. A secondary purpose of the review was to identify boards or committees which may benefit from having alternate positions added to increase attendance and/or achieve quorum.

According to the data, the following three committees had incidences of low attendance:

**Advisory Parking Committee** – 8 of 30 meetings below 67% attendance  
**Parks and Recreation Board** – 9 of 28 meetings below 58% attendance  
**Public Arts Board** – 9 of 13 meetings below 67% attendance

To increase the attendance of these boards and committees, it is recommended that 2 alternate positions be added to the Advisory Parking Committee, the Parks and Recreation Board, and the Public Arts Board, by way of amendment to the appropriate ordinance or resolution.

### **Current Use of Alternates**

In the past, alternates have been used on an as-needed basis by the following boards: the Planning Board, the Board of Zoning Appeals Board, the Historic District Commission, the Design Review Board, the Board of Review, the Storm Water Utility Appeals Board, and the Multi-Modal Transportation Board. The Planning Board and Board of Zoning Appeals have used alternates extensively in the past, while many of the other boards have only recently added alternates. Alternates to the remaining boards are called on a rotating basis as outlined in the resolution adding the alternate. It is recommended that each board follow the rotating protocol with the exception of the Board of Zoning Appeals Board, which calls alternates by seniority. A summary of the process for the Planning Board and the Board of Zoning Appeals is presented below:

The Planning Board has two alternates that are used in a rotating pattern, meaning one is designated for the 1st meeting of the month, and the other is designated to attend the 2nd meeting of the month. To establish if an alternate is needed, the planning director asks at each meeting if any member knows ahead of time that he or she won't be at the next meeting. By



asking at each meeting, it gives the planning director time to find an alternate. In addition, the Monday before the Planning Board meeting, the planning director sends out an email asking members to confirm attendance for the upcoming Wednesday meeting. The planning director can then notify alternates if they are needed. If the Planning Board hears a case that may carry over to another meeting, the same alternate will be called and used if available. The planning director keeps track of which alternate was used and makes sure there is an equitable use of each.

The Board of Zoning Appeals has used two alternate positions for the past 20 years. The Building Dept. secretary sends out an email to check board member's intended attendance for the upcoming meeting. She then notifies the 1st alternate, the person with the most seniority, that he or she is needed. If the 1st alternate cannot attend, she notifies the 2nd alternate and determines if the 2nd alternate is able to attend. Both alternatives receive the same agenda packets as regular members in the event that one or both of them are contacted at the last minute to fill in for an unintended absence. The alternates are not alternated, but rather used by way of seniority, with the most senior alternate being called first to participate over the other. Everyone is sent a meeting packet, both regular members and alternates.

### **Recommended Process for Use of Alternates**

1. Alternates are to be called on a rotating basis to sit as a regular member in the absence of a regular member.
2. Alternates are provided the same access (printed or electronic) to the agenda packet as regular members, regardless if they have been called to sit in as an alternate or not.
3. Alternates are to be contacted with as much lead time before the meeting date as possible. Staff will ask during each meeting if any regular member is planning to be absent at the upcoming meeting. Staff will also email regular members at least two days prior to the meeting date to confirm attendance. The appropriate alternate (using a rotating schedule) is contacted by staff and confirms or denies the offer to sit in. A record of their attendance is maintained by staff based on if they were called and turned down the opportunity; then it would count as an absence. Not being asked does not constitute an absence and would be left blank in the attendance record.
4. Alternates are expected to be familiar with current board issues either by attending live meetings, watching live broadcast remotely, reviewing archived video recordings of the meetings, or by reading the meeting minutes. In meetings where an issue discussed will be continued at a future meeting, it is appropriate to require that same alternate to come back, and the regular member to recuse his or herself based on their earlier absence.
5. Alternates under consideration for selection and addition to a committee or board, must meet one of the already established criteria for one of the regular members.

### **Reporting Attendance**

When it is time for the Commission to consider a reappointment to a board or committee, the Clerk's Office includes a copy of the board's attendance as part of their report to the Commission. Currently, each department uses different spreadsheets to report this information.

It is proposed that the Clerk streamline the information by providing a uniform excel spreadsheet which every department will use to input their committee or board attendance data. A sample Attendance Record in an Excel spreadsheet is attached. When keeping attendance for alternates, if an alternate is called and could not attend, he or she will be counted absent. If the alternate is not called, staff would leave a blank space, counting neither for nor against the alternate's attendance record.

### **Board Requirements Language**

Currently, there is language in the roster regarding other board member requirements to make it more flexible to fill a vacant position. The requirements are: "The other members shall represent, insofar as possible...", or "In so far as possible, the members shall represent...", which gives flexibility in filling positions on a board. The Commission still has the option of not approving the member, and the language was created to facilitate filling boards when all other requirements could not be met to do so. The following are the boards that have the language listed in the roster: Design Review Board, Greenwood Cemetery Advisory Board, Multi-Modal Transportation Board, Planning Board, and the Public Arts Board. (See attached rosters with yellow highlighted language).

#### **SUGGESTED RESOLUTION:**

To amend the ordinances of the Advisory Parking Committee, the Parks and Recreation Board, and the Public Arts Board, to add 2 alternate positions to each as follows:

To amend Resolution No. 08-882-84 – August 6, 1984, Advisory Parking Committee, Members.  
-AND-

To amend Part II of the City Code, Chapter 78, Parks and Recreation, Article II., Parks and Recreation Board, Section 78-26, Created; composition.  
-AND-

To amend Part II of the City Code, Chapter 78, Public Arts Board, Article V., Public Arts Board, Section 78-103, Composition and terms of members.  
-AND-

1. To direct the city clerk to standardize the attendance reporting of all city boards and committees as outlined in the May 12, 2017 memorandum to the city manager.

# SAMPLE - CITY BOARD/COMMITTEE ATTENDANCE RECORD

Board/Committee: List Committee name here

Year:

MEMBER NAME	1/12	2/9	3/8	4/12	5/10	6/14	7/12	8/9	9/13	10/13	11/8	12/13	Total Mtgs. Att.	Total Absent	Percent Attend
<b>REGULAR MEMBERS</b>															
Member 1	P	A	P	P	P	A	P	A	P	P	P	P	9	3	75%
Member 2	P	P	P	P	P	P	P	P	A	P	P	P	11	1	92%
Member 3	P	P	A	A	P	P	P	P	P	P	P	P	10	2	83%
Member 4	A	A	P	P	P	P	A	P	P	P	P	P	9	3	75%
Member 5	A	P	P	P	P	P	P	P	P	A	P	P	10	2	83%
Member 6	P	P	P	A	P	A	P	P	A	P	A	P	8	4	67%
Member 7	P	P	P	P	P	P	P	P	P	P	P	P	12	0	100%
<b>ALTERNATES</b>															
Member 1	P	P	A	P		A	A	A	P	A	A		4	6	40%
Member 2	P	P	P	P		P	P	P	P	P	P		10	0	100%
Members in attendance	7	7	7	7	7	6	7	7	7	7	7	7			

KEY: A = Absent

P = Present

NM = No Meeting

Department Head Signature

CITY OF BIRMINGHAM

RESOLUTION NO. _____

**A RESOLUTION TO AMEND RESOLUTION NO. 08-882-84 – AUGUST 6, 1984, ADVISORY PARKING COMMITTEE, MEMBERS:**

THE CITY OF BIRMINGHAM RESOLVES:

To amend Resolution No. 08-882-84 – August 6, 1984, Advisory Parking Committee, Members, as follows:

MEMBERS: The Birmingham City Commission shall appoint the Advisory Parking Committee, consisting of nine (9) members, each to be appointed for a term of three (3) years, but in the first instance, three (3) members shall be appointed for terms expiring on the first Monday in September, 1985, three (3) members shall be appointed for terms expiring on the first Monday in September, 1986, and three (3) members shall be appointed for terms expiring on the first Monday in September, 1987.

The majority of the members shall be residents and membership shall be as follows:

I. Downtown Commercial Representatives –

- A. Large Retail – One (1) member
- B. Small Retail – One (1) member
- C. Professional Firm – One (1) member
- D. Building Owner – One (1) member
- E. Restaurant Owner – One (1) member

II. Downtown Employee Representative – One (1) member

III. Residential – Two (2) members who do not qualify under any of the above categories.

IV. Resident Shopper – One (1) member

**The city commission may appoint two alternate members who own property, own a business or work in the parking assessment district to serve as needed on the Advisory Parking Committee during their term of appointment. An alternate member may be called on a rotating basis to sit as a regular member of the Advisory Parking Committee in the absence of a regular member. An alternate member may also be called to service in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. An alternate member having been appointed shall serve in the case until a final decision has been made. An alternate member shall have the same voting rights as a regular member of the Advisory Parking Committee.**

Members of the Committee can be removed for cause determined at a public hearing at any time by the City Commission. Vacancies occurring shall be filled for the unexpired term by the City Commission.

All other portions of Resolution No. 08-882-84 shall remain unaffected.

Ordained this 22nd day of May, 2017. Effective upon publication.

_____  
Mark Nickita, Mayor

_____  
Cherilynn Brown, City Clerk

I, Cherilynn Brown, City Clerk of the City of Birmingham, do hereby certify that the foregoing resolution was passed by the Commission of the City of Birmingham, Michigan at a regular meeting held _____ and that a summary was published on _____.

_____  
Cherilynn Brown, City Clerk



CITY OF BIRMINGHAM

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND PART II OF THE CITY CODE, CHAPTER 78 PARKS AND RECREATION, ARTICLE II. PARKS AND RECREATION BOARD, SECTION 78-26 CREATED; COMPOSITION.**

THE CITY OF BIRMINGHAM ORDAINS:

Part II of the City Code, Chapter 78 Parks and Recreation Board, Article II. Parks and Recreation Board, Section 78-26 Composition, as follows:

ARTICLE II. – PARKS AND RECREATION BOARD

Sec. 78-26. – Created; composition.

There is hereby created a parks and recreation board consisting of the city manager and the director of public services or their designated representatives as nonvoting ex-officio members, and seven members, who are electors in the city, appointed by the city commission.

**The city commission may appoint two alternate members to serve as needed on the Parks and Recreation Board during their term of appointment. An alternate member may be called on a rotating basis to sit as a regular member of the Parks and Recreation Board in the absence of a regular member. An alternate member may also be called to service in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. An alternate member having been appointed shall serve in the case until a final decision has been made. An alternate member shall have the same voting rights as a regular member of the Parks and Recreation Board.**

All other Sections of Chapter 78 Parks and Recreation Board shall remain unaffected.

Ordained this 22nd day of May, 2017. Effective upon publication.

_____  
Mark Nickita, Mayor

_____  
Cherilynn Brown, City Clerk

I, Cherilynn Brown, City Clerk of the City of Birmingham, do hereby certify that the foregoing ordinance was passed by the Commission of the City of Birmingham, Michigan at a regular meeting held _____ and that a summary was published on _____.

_____  
Cherilynn Brown, City Clerk

CITY OF BIRMINGHAM

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND PART II OF THE CITY CODE, CHAPTER 78 PUBLIC ARTS BOARD, ARTICLE V. PUBLIC ARTS BOARD, SECTION 78-103 COMPOSITION AND TERMS OF MEMBERS.**

THE CITY OF BIRMINGHAM ORDAINS:

Part II of the City Code, Chapter 78 Public Arts Board, Article V. Public Arts Board, Section 78-103 Composition and terms of members, as follows:

**ARTICLE V. – PUBLIC ARTS BOARD**

**Sec. 78-103. – Composition and terms of members.**

The public arts board shall be appointed by the city commission and consists of the city manager and his/her designated representative(s) as nonvoting ex-officio members and seven voting members.

At least four members of the public arts board shall be residents of the city. The remaining members and ex-officio members may or may not be residents of the city.

In so far as possible, the members shall represent a major cultural institution such as Cranbrook Academy and/or the Detroit Institute of Arts, the Birmingham/Bloomfield Arts Council (BBAC), a registered architect of the state, an artist, an art historian and an art consultant. Members of the public arts board may also be members of the design review board, the historic district commission, the parks and recreation board, or the planning board.

The initial members of the public arts board shall be appointed for the following terms: Two for one year, two for two years and three for three years. Thereafter, all such appointments, except to fill vacancies, shall be for a term of three years.

**The city commission may appoint two alternate members to serve as needed on the Public Arts Board during their term of appointment. An alternate member may be called on a rotating basis to sit as a regular member of the Public Arts Board in the absence of a regular member. An alternate member may also be called to service in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. An alternate member having been appointed shall serve in the case until a final decision has been made. An alternate member shall have the same voting rights as a regular member of the Public Arts Board.**

(Ord. No. 1773, 12-17-01; Ord. No. 1884, 7-24-06)

All other Sections of Chapter 78 Public Arts Board shall remain unaffected.



Ordained this 22nd day of May, 2017. Effective upon publication.

_____  
Mark Nickita, Mayor

_____  
Cherilynn Brown, City Clerk

I, Cherilynn Brown, City Clerk of the City of Birmingham, do hereby certify that the foregoing ordinance was passed by the Commission of the City of Birmingham, Michigan at a regular meeting held _____ and that a summary was published on _____.

_____  
Cherilynn Brown, City Clerk

# Attendance Summary – 3 years, 2014-16

Name of Committee or Board	Mtgs W/O Q	# 100%	80-88%	71-78%	62-67%	55-58%	25%
Ad Hoc Birmingham Brand Dev. Comm.	0	2	1	0	0	0	0
Ad Hoc Parking Dev. Committee	0	4	5	0	1	0	0
Ad Hoc Rail District Review Committee	0	1	1	3	0	0	0
Advisory Parking Committee	0	3	9	10	5	3	0
Architectural Review Committee	0	10	0	0	4	0	0
Board of Building Trades Appeals	0	0	0	0	0	0	0
Board of Review	0	8	0	0	0	0	0
Board of Zoning Appeals	1	25	0	8	7	0	0
Brownfield Redevelopment Authority	0	3	4	0	1	0	0
Cablecasting Board	1	0	6	4	1	0	0*
Design Review Board	0	3	9	10	8	0	0
Board of Ethics	0	0	0	0	0	0	0
Greenwood Cemetery Advisory Board	0	5	8	7	1	0	0*
Historic District Commission	0	7	10	8	6	0	0
Historic District Study Committee	0	1	0	0	0	0	0
Housing Board of Appeals	0	0	0	0	0	0	0
Library Board	0	28	13	0	1	0	0
Martha Baldwin Park Board	0	1	0	0	0	0	0
Multi-Modal Transportation Board	0	5	3	8	5	0	0
Museum Board	0	9	4	8	3	0	0
Parks and Recreation Board	0	10	0	9	0	9	0
Planning Board	0	34	18	7	1	0	0
Birmingham Shopping District Board	0	3	1	4	3	0	0
Public Arts Board	0	0	2	2	3	6	0
Retirement Board	0	0	0	0	0	0	0
Retirement Investment Committee	0	0	0	0	0	0	0
Triangle District CIA	0	3	0	1	1	0	0

* One year data only, 2016

# ADVISORY PARKING COMMITTEE - ATTENDANCE

2013

	J	F	M	A	M	J	J	A	S	O	N	D	
Esshaki, James	A	X	X	X	A	A	X	X	A	A	A	A	0%
Gheen, Julie	**	**	**	**	**	**	**	**	**	**	**	A	0%
Honhart, Anne	P	X	X	X	P	P	X	X	P	P	P	P	100%
Kalcynski, Steven	P	X	X	X	P	P	X	X	P	P	P	P	100%
Kuhne, Lex	P	X	X	X	P	P	X	X	P	P	P	P	100%
Ley, William	P	X	X	X	A	A	X	X	A	*	*	*	25%
Paskiewicz, Judith	P	X	X	X	P	A	X	X	P	P	P	A	71%
Peabody, Susan	A	X	X	X	P	P	X	X	P	A	P	P	71%
Stanczak, Paul	A	X	X	X	A	A	X	X	A	*	*	*	0%
Vaitas, Algirdas	P	X	X	X	A	P	X	X	A	P	P	P	71%

X = Meeting Cancelled

* = Member Resigned

** = Member Not Yet Appointed

2014

	J	F	M	A	M	J	J	A	S	O	N	D	
Esshaki, James	X	A	A	X	A	X	A	A	A	A	X	A	0%
Gheen, Julie	X	P	P	X	P	X	P	A	P	P	X	P	88%
Honhart, Anne	X	P	P	X	P	X	P	P	P	P	X	P	100%
Kalcynski, Steven	X	A	P	X	P	X	P	P	A	P	X	P	75%
Kuhne, Lex	X	P	P	X	P	X	P	P	P	P	X	P	100%
Paskiewicz, Judith	X	P	P	X	P	X	P	P	P	P	X	A	88%
Peabody, Susan	X	P	P	X	P	X	P	P	P	P	X	P	100%
Vaitas, Algirdas	X	P	P	X	P	X	P	P	P	A	X	P	88%

X = Meeting Cancelled

* = Member Resigned

** = Member Not Yet Appointed

# ADVISORY PARKING COMMITTEE - ATTENDANCE

2015

	J	F	M	A	M	J	J	A	S	O	N	D	
Esshaki, James	A	A	A	A	A	X	X	X	X	*	X	X	100%
Gheen, Julie	P	A	P	P	P	X	X	X	X	*	X	X	80%
Honhart, Anne	P	A	A	P	P	X	X	X	X	P	X	X	67%
Kalcynski, Steven	P	P	A	P	A	X	X	X	X	A	X	X	50%
Krueger, Lisa	**	**	**	P	P	X	X	X	X	P	X	X	100%
Kuhne, Lex	P	P	P	P	P	X	X	X	X	P	X	X	100%
Paskiewicz, Judith	P	P	P	P	P	X	X	X	X	P	X	X	100%
Peabody, Susan	P	P	P	A	P	X	X	X	X	P	X	X	83%
Vaitas, Algirdas	P	P	P	P	A	X	X	X	X	P	X	X	83%

X = Meeting Cancelled

* = Member Resigned

** = Member Not Yet Appointed

2016

	J	F	M	A	M	J	J	A	S	O	N	D	
Champagne, Gayle	**	X	**	**	**	X	P	P	P	P	X	P	100%
Honhart, Anne	P	X	P	A	P	X	P	P	P	P	X	A	78%
Kalcynski, Steven	P	X	P	P	A	X	P	P	P	A	X	P	78%
Kuhne, Lex	P	X	P	P	P	X	P	P	P	P	X	P	100%
Krueger, Lisa	P	X	P	P	P	X	P	P	A	A	X	P	78%
Paskiewicz, Judith	P	X	P	P	P	X	P	P	A	P	X	P	89%
Peabody, Susan	P	X	P	A	P	X	P	A	A	P	X	*	63%
Vaitas, Algirdas	P	X	P	P	P	X	P	P	P	P	X	P	100%

X = Meeting Cancelled

* = Member Resigned

** = Member Not Yet Appointed

# ADVISORY PARKING COMMITTEE - ATTENDANCE

2017

	J	F	M	A	M	J	J	A	S	O	N	D
Champagne, Gayle												
Honhart, Anne												
Kalcynski, Steven												
Krueger, Lisa												
Kuhne, Lex												
Paskiewicz, Judith												
Peabody, Susan												
Vaitas, Algirdas												

X = Meeting Cancelled

2018

J	F	M	A	M	J	J	A	S	O	N	D

X = Meeting Cancelled

CITY OF BIRMINGHAM  
PARKS AND RECREATION BOARD  
ATTENDANCE

2014

MEMBER NAME	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	*SEPT	OCT	NOV	DEC	Total Mtg. Held	Total Mtg. Attended	% Attended (P/O)
Therese Longe	P	P	C	P	A	P	P	P	P/P	P	P	P	12	11	92%
John Meehan	P	P	C	P	P	P	A	P	P/P	P	P	P	12	11	92%
Dominick Pulis	P	P	C	P											
Ryan Ross	P	P	C	A	P	P	P	P	P/P	P	P	P	12	11	92%
Art Stevens	P	P	C	P	P	A	P	P	P/A	P	A	P	12	9	75%
Ross Kaplan	A	P	C	P	P	P	A	P	A/P	A	P	P	12	8	67%
Bill Wiebrecht	P	P	C	P	P	P	P	P	P/P	P	P	P	12	12	100%
Pat Bordman (nominated 5/19/2014)						P	P	P	P/P	P	P	P	8	8	100%
Alex Cross, Student Representative				A	P	A	P	A	A/A	A	A	A	10	2	20%
Scott Cusimano, Student Representative				P	P	A	P	P	P/P	A	P	P	10	8	80%
KEY: A=ABSENT															
P= PRESENT															
C= MEETING CANCELLED															
*SEPT 15TH JOINT MEETING WITH CITY COMMISSION															

Department Head Signature



MEMBER NAME	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC	Total Mtg. Held	Total Mtg. Attended	% Attended (P/O)
Pat Bordman	P	P	P	P	P	P	No meeting	P	P	No meeting	appointed to CC 11/9/15	appointed to CC 11/9/15	9	8	89%
Ross Kaplan	A	P	P	P	A	A	No meeting	P	P	No meeting	P	A	10	6	60%
Therese Longe	P	P	P	P	A	P	No meeting	P	P	No meeting	P	P	10	9	90%
John Meehan	A	P	A	P	P	P	No meeting	P	P	No meeting	A	P	10	7	70%
Ryan Ross	P	P	P	A	A	P	No meeting	P	P	No meeting	P	P	10	8	80%
Art Stevens	A	P	P	A	P	P	No meeting	P	P	No meeting	A	P	10	7	70%
Bill Wiebrecht	P	P	P	P	P	P	No meeting	P	P	No meeting	P	P	10	10	100%
Shahanna Sarkisian, Student Representative			A	P	A	P	No meeting	A	A	No meeting	A	P	8	3	38%
Paige White, Student Representative			P	P	A	P	No meeting	A	P	No meeting	P	P	8	6	75%
KEY: A=ABSENT															
P= PRESENT															
C= MEETING CANCELLED															

Department Head Signature



MEMBER NAME	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC	Total Mtg. Held	Total Mtg. Attended	% Attended (P/O)
Lilly Stotland	P	A	P	P	P	A	P	P	A	A	A	A	12	6	50%
Ross Kaplan	P	P	P	P	P	A	P	P	A	P	P	P	12	10	83%
Therese Longe	P	P	P	P	P	P	P	P	P	P	P	P	12	12	100%
John Meehan	P	P	A	P	P	P	P	P	P	P	P	P	12	11	92%
Ryan Ross	P	P	A	P	P	P	P	P	P	P	P	A	12	10	83%
Art Stevens	A	A	A	P	P	P	P	P	P	A	P	A	12	7	58%
Bill Wiebrecht	P	P	P	P	P	P	P	P	P	P	P	P	12	12	100%
Nichole McMaster, Student Representative appointed 2/8/16			P	P	P	P	P	A	A	P	A	P	10	7	70%
KEY: A=ABSENT															
P= PRESENT															
C= MEETING CANCELLED															

Department Head Signature

## PUBLIC ARTS BOARD

2016

	J	F	M	A	M	J	J	A	S	O	N	D	%
Barbara Heller				P					P	P	P		100%
Phyllis Klinger				A					A	A	A		0%
Maggie Mettler				P					P	P	P		100%
Anne Richie				**					P	P	A		66%
Mary Roberts				**					A	P	P		66%
Linda Wells				P					P	P	P		100%
Ava Suchara				P					P	A	A		50% Student

* = Member Resigned

** = Member Not Yet Appointed

2015

	J	F	M	A	M	J	J	A	S	O	N	D	%
Barbara Heller						P		P				P	100%
Maggie Mettler						P		P				P	100%
Sally Parsons						P		P				P	100%
Linda Wells						P		P				P	100%
Phyllis Klinger						A		A				A	0%
Diane Kowaleski						A		A				A	0%
Kara Lividini						A		A				A	0%
Sydney Rosen						A		A				A	0%
Maya Salinas						p		A				P	66% Student

2014

	J	F	M	A	M	J	J	A	S	O	N	D	%
Kara Lividini	**		**	**			**		P			P	100%
Diane Kowaleski	P		P	A			P		A			P	66%
Sally Parsons	P		A	P			A		P			P	66%
Linda Wells	A		P	P			P		A			P	66%
Barbara Heller	A		P	P			P		P			A	66%
Phyllis Klinger	P		P	P			P		P			A	83%
Virginia Reynolds	A		A	A			*		*			*	0%
Kathryn Ambrose	P		A	*			*		*			*	50%
Meredith Sherbin	**		A	P			A		P			A	40% Student

* = Member Resigned

** = Member Not Yet Appointed

BIRMINGHAM TRIANGLE DISTRICT  
CORRIDOR IMPROVEMENT  
AUTHORITY

2016

	J	F	M	A	M	J	J	A	S	O	N	D	
Kip Cantrick, Jr						A				P			50%
J. C. Cataldo						P				P			100%
Edward Fuller						P				P			100%
Curtis Hays						P				P			100%
Victor Saroki						A				P			50%
Stuart Sherman						P				P			100%
Robert Ziegelman						P				P			100%

2015

	J	F	M	A	M	J	J	A	S	O	N	D	
Kip Cantrick, Jr	P												100%
J. C. Cataldo	P												100%
Edward Fuller	P												100%
Curtis Hays	P												100%
Victor Saroki	P												100%
Stuart Sherman	P												100%
Robert Ziegelman	A												0%

2014

	J	F	M	A	M	J	J	A	S	O	N	D	
Kip Cantrick, Jr	**				A						P		50%
J. C. Cataldo	P				P						P		100%
Edward Fuller	**				A						P		50%
Curtis Hays	P				P						P		100%
Victor Saroki	P				A						P		66%
Stuart Sherman	P				P						P		100%
Robert Ziegelman	P				P						P		100%

Brownfield Redevelopment  
Authority

2016

	J	F	M	A	M	J	J	A	S	O	N	D	%
Beth Gotthelf		P	A						P/P				75%
Paul Robertson, Jr.		P	P						P/P				100%
Robert Runco		P	P						P/P				100%
Danielle Torcolacci		A	A						P/P				50%
Wendy Zabriskie		P	P						A/A				50%

2015

	J	F	M	A	M	J	J	A	S	O	N	D	%
Beth Gotthelf					P		P	P					100%
Paul Robertson, Jr.					P		P	P					100%
Robert Runco					P		P	P					100%
Danielle Torcolacci					P		P	P					100%
Wendy Zabriskie					P		A	P					66%

2014

	J	F	M	A	M	J	J	A	S	O	N	D	%
Beth Gotthelf									P				100%
Paul Robertson, Jr.									P				100%
Robert Runco									P				100%
Wendy Zabriskie									P				100%

# DESIGN REVIEW BOARD

2016	J	F	M	A	M	J	J	A	S	O	N	D	%
John Heinke		P	P	P/P	P	P	P	P			P		100%
Mark Coir		A	P	P/A	P	P	A	P			P		66%
Natalia Dukas		P	A	P/P	P	A	P	P			P		78%
Thomas Trapnell		P	P	P/A	P	P	P	P			P		89%
Michael Willoughby		P	P	P/A	P	A	P	P			P		78%
Keith Deyer		A	P	P/P	P	A	P	A			A		56%
Shelli Weisberg		P	P	P/P	A	P	A	A			P		66%
Loreal Dobson		A	P	A/A	A	A	A	A			A		11% Student

X = Meeting Cancelled

* = Member Resigned

** = Member Not Yet Appointed

2015	J	F	M	A	M	J	J	A	S	O	N	D	%
John Heinke	P/P			P				P		P/P			100%
Mark Coir	P/P			P				P		P/P			100%
Natalia Dukas	P/P			P				P		P/P			100%
Thomas Trapnell								P		P/P			100%
Michael Willoughby	P/P			P				P		P/P			100%
Keith Deyer	P/A			P				A		A/P			50%
Shelli Weisberg	P/A			A				P		A/P			66%
Mitch Bourstein	P/P			*									100%
Cambria Rush	P/A			*									50%
Darlene Gehringer	A/*												0%
Zoe Bowers	**			P				P		P/A			75% Student
Patrick Rogers	**			P				P		A/P			75% Student

2014	J	F	M	A	M	J	J	A	S	O	N	D	%
John Henke	A	P/A	P	P/A	P	P	P	P/P	P/P	A		A	67%
Mark Coir	P	A/P	P	A/P	P	P	P	P/P	P/A	P		P	80%
Natalia Dukas	P	P/P	P	A/P	P	P	P	P/A	P/P	P		P	87%
Shelli Weisberg	A	A/P	A	P/P	P	P	P	P/P	P/P	P		A	73%
Michael Willoughby	P	A/P	P	P/P	P	A	P	P/P	P/P	P		P	87%
Keith Deyer	A	P/A	A	A/A	P	A	A	A/A	A/P	P		A	27%
Darlene Gehringer	P	P/P	P	P/A	P	P	A	P/A	P/P	P		P	87%
Caroline Stacey	A	A/A	*	*	*	*	*	*	*	*	*	*	0%
Mitch Boorstein	**	**	P	P/A	P	P	P	P/P	A/A	A		P	67% Student
Cambria Rush	**	**	P	P/P	P	A	A	P/P	A/A	A		A	50% Student

# HISTORIC DISTRICT COMMISSION

2016

	J	F	M	A	M	J	J	A	S	O	N	D	%
John Henke	P	P	P	P/P	P	P	P	P	P	A	P		92%
Mark Coir	P	A	P	P/A	P	P	P	P	P	A	P		75%
Natalia Dukas	P	P	A	P/P	P	A	P	P	P	A	P		75%
Thomas Trapnell	P	P	P	P/A	P	P	P	P	P	P	P		92%
Shelli Weisberg	P	P	P	P/P	P	P	A	A	A	P	P		75%
Michael Willoughby	P	P	P	P/A	P	A	P	P	P	P	P		83%
Keith Deyer	P	A	P	P/P	P	A	P	A	A	P	A		58%
Patrick Rogers	*	*	*	*	*	*	*	*	*	*	*		20%
Zoe Bowers	*	*	*	*	*	*	*	*	*	*	*		20% Student
Loreal Dobson	**	A	P	A/A	A	A	A	A	A	A	A		8% Student

X = Meeting Cancelled

* = Member Resigned

** = Member Not Yet Appointed

2015

	J	F	M	A	M	J	J	A	S	O	N	D	%
John Henke	P/P	P	P	A	X	P	P	P	X	X	P	P	90%
Mark Coir	P/P	A	A	P	X	P	P	A	X	X	P	P	70%
Natalia Dukas	P/P	A	A	P	X	P	P	P	X	X	P	P	80%
Thomas Trapnell	*	*	*	*	X	*	A	P	X	X	P	P	75%
Shelli Weisberg	P/P	P	P	P	X	A	P	A	X	X	P	P	80%
Michael Willoughby	P/P	P	P	P	X	P	P	P	X	X	P	P	100%
Zoe Bowers	P/A	A	P	P	X	P	A	P	X	X	P	P	80%
Patrick Rogers	P/A	A	A	P	X	P	A	P	X	X	P	P	60% Student
Keith Deyer	A/P	P	P	P	X	P	A	P	X	X	A	A	60%
Darlene Gehringer	*												
Mitch Boorstein	P/*												100% Student
Cambria Rush	P/*												100% Student

2014

	J	F	M	A	M	J	J	A	S	O	N	D	%
John Henke	P/A				P	P	P	P	P	A		A	67%
Mark Coir	A/P				P	P	P	P	A	P		P	78%
Natalia Dukas	P/P				P	P	P	P	P	P		P	100%
Shelli Weisberg	A/P				P	P	P	P	P	P		A	78%
Michael Willoughby	A/P				P	A	P	P	P	P		P	78%
Keith Deyer	P/A				P	A	A	A	P	P		A	45%
Darlene Gehringer	P/P				P	P	A	P	P	P		P	89%
Caroline Stacey	A/A				*	*	*	*	*	*	*	*	0% Student
Mitch Boorstein	**				P	P	P	P	A	A		P	71% Student
Cambria Rush	**				P	A	A	P	A	A		A	29% Student

# HISTORIC DISTRICT STUDY COMMITTEE

2016

	J	F	M	A	M	J	J	A	S	O	N	D	%
Gigi Debbrecht					P								100%
Patricia Lang					P								100%
Gretchen Maricak					P								100%
Michael Xenos					P								100%

X = Meeting Cancelled

* = Member Resigned

** = Member Not Yet Appointed

No meetings were held in 2014 or 2015.



AD HOC RAIL DISTRICT  
COMMITTEE

2016

	J	F	M	A	M	J	J	A	S	O	N	D	%
Larry Bertollini					P/P	P	P	P				P	100%
Janelle Boyce					P/P	P	A	P				P	86%
Cynthia Chiara					P/P	P	P	P				P	100%
Lara Edwards					P/P	P	P	P				P	100%
Lisa Kruegger					P/P	A	P	A				P	71%
Norman Lapage					P/P	P	P	P				A	86%
Michael Steinberger					P/P	A	P	A				A	57%

MULTI-MODAL  
TRANSPORTATION

2016

	J	F	M	A	M	J	J	A	S	O	N	D	%
Vionna Adams		P		P		P		P			P/P	P	100%
Lara Edwards		A		P		P		P			P/P	P	86%
Amy Folberg		P		P		P		P			P/P	P	100%
Andy Lawson		A		P		P		P			A/P	A	57%
Amanda Warner		P		P		P		*			*	*	100%
Michael Surnow		A		P		A		A			P/P	P	57%
Johanna Slanga		P		P		*		*			* /P	A	75%
Daniel Rontal		**		**		**		**			**/P	P	100%

* = Member Resigned

** = Member Not Yet Appointed

2015

	J	F	M	A	M	J	J	A	S	O	N	D	
Vionna Adams	P	P	A	P	A		A	P	P	P	P		70%
Lara Edwards	P	P	P	P	P		A	P	P	P	P		90%
Andy Lawson	P	A	P	P	P		P	P	P	P	P		70%
Amanda Warner	P	P	P	P	A		P	P	P	A	P		100%
Jeff Surnow	P	P	P	--	--		--	--	--	--	--		100%
Johanna Slanga	P	P	A	P	P		P	P	P	A	A		70%
Stuart Bordman	P	P	P	P	P		P	P	P	P	P		100%
Michael Surnow	**	**	**	**	P		P	P	P	P	P		100%
Rebecca Mendel	**	**	P	A	A		A	A	A	A	A		12% Student
Daniel Evans	**	**	P	A	P		P	A	P	P	P		75% Student

** = Member Not Yet Appointed

2014

	J	F	M	A	M	J	J	A	S	O	N	D	%
Jeff Surnow								P	P	A	P	P	80%
Lara Edwards								P	P	P	P	A	80%
Stuart Bordman								P	P	P	A	P	80%
Andy Lawson								P	P	A	P	P	80%
Amanda Warner								A	P	P	P	A	60%
Johanna Slanga								P	A	P	P	P	80%
Adriana Tatuch								A	A	A	A	A	0% Student

# 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	P/P	P/P	P/A	P	P	P	85%
Robin Boyle	P/P	P	P/P	P/P	A/P	A/P	P/P	A/P	P/A	P	P	P	80%
Scott Clein	P/P	P	P/A	P/P	A/P	P/P	P/P	P/P	P/P	P	P	P	90%
Stuart Jeffares	P/P	P	P/P	P/P	P/P	P/P	P/P	A/P	P/P	P	P	P	95%
Bert Koseck	P/P	P	A/A	P/P	P/P	P/P	P/P	P/P	P/P	P	P	P	90%
Gillian Lazar	A/A	P	A/A	P/P	P/P	P/P	P/P	P/P	P/A	P	P	A	75%
J. Bryan Williams	P/P	P	P/P	P/A	P/P	A/P	P/P	P/P	P/P	A	P	P	85%
Lisa Prasad ^	**		P/P	/P	A/P	A/			/A			P	60%
Daniel Share ^	P/P		A/P		P/	P/			/P	P			78%
Colin Cussimano	**	P	P/A	A/P	P/P	P/A	P/P	P/P	P/A	P	P	P	78% Student

** = Member Not Yet Appointed

^ = alternate member

2015

	J	F	M	A	M	J	J	A	S	O	N	D	
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%
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%
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%
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%
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%
Carroll Deweese	P/P	P/P	P/P	P/P	P/P	P/P	A/A	A/P	P/A	P/P	*	*	73%
Stuart Jeffares ^	A/P	P/P	P/P	A/P	/P	P/P	P/A	A/P	/P	P/P	P	P	80%
Daniel Share ^	P/	P/A	P/P	P/	P/	P/	P/A	A/	P/P		P	P	80%
Scott Jaspersen	**	**	P/A	A/A	A/A	A/A	A/A	A/A	A/A	A/A	A	A	5% Student
Andrea Laverty	**	**	P/A	A/P	P/A	A/P	A/P	A/A	A/A	A/A	A	A	28% Student

** = Member Not Yet Appointed

^ = alternate member

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/A	A/A	A	A	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/A	P/P	P	P	94%
J. Bryan Williams	P/P	P	P	P/P	P/P	P	P/A	P	P/P	P/P	A	P	89%
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%
Shelby Wilson	**	P	P	P/P	A/P	A	P/P	P	A/P	A/P	A	P	69% Student
Jack Moore	**	P	P	A/P	A/A	A	A/A	A	P/P	P/A	A	P	44% Student

** = Member Not Yet Appointed

BIRMINGHAM SHOPPING DISTRICT  
BOARD MEETING ATTENDANCE RECORD 1/16-12/16

MEMBER NAME	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	TOTAL MEETING ATTENDANCE	TOTAL ABSENCES	ATTENDANCE %
ASTREIN	P	P	P	P	P	P	C	P	P	P	P	P	11	0	100%
A.-WOODS	P	A	P	P	A	P	C	P	P	P	A	A	7	4	64%
BENKERT	P	A	A	A	**M								N/A	N/A	N/A
DASKAS	P	P	P	P	P	P	C	P	P	P	P	P	11	0	100%
FEHAN	A	P	P	P	A	A	C	A	P	P	P	P	7	4	64%
HOCKMAN	P	P	P	A	P	P	C	P	P	P	P	P	10	1	91%
POHLOD								*P	P	A	P	P	4	1	80%
QUINTAL	A	P	P	P	P	P	C	P	P	A	P	P	9	2	82%
ROBERTS	P	P	P	P	P	P	C	A	P	P	P	P	10	1	91%
SOLOMON	P	P	A	P	A	A	C	P	P	A	P	P	7	4	64%
SURNOW	P	P	P	A	P	A	C	A	A	P	P	P	7	4	64%
SYZDEK	P	A	A	A	***G								N/A	N/A	N/A
VALENTINE	P	P	P	P	P	P	C	P	P	P	P	P	11	0	100%

KEY:

P = PRESENT  
A = ABSENT  
C = CANCELLED  
* = NEW  
** = MEDICAL  
*** = GONE

# CITY BOARD/COMMISSION ATTENDANCE RECORD

Board/Commission: Board of Zoning Appeals

Year: 2013

Member Name	1/10	2/12	3/12	4/9	5/14	6/11	7/9	8/13	9/10	10/8	11/12	12/10	Total Mtgs. Att.	Total Absent	Percent Attend
David Conlin	NM	P	P	A	P	P	P	P	P	P	NM	P	9	1	90%
Jeffery Jones	NM	P	P	P	P	P	P	P	P	P	NM	P	10	0	100%
Thomas Hughes	NM	P	A	P	P	P	A	P	P	P	NM	P	8	2	80%
Randolph Judd	NM	P	A	P	P	P	P	P	P	A	NM	P	8	2	80%
Charles Lillie	NM	P	P	P	P	P	P	P	P	P	NM	P	10	0	100%
Peter Lyon	NM	P	A	P	A	P	P	P	P	P	NM	P	8	2	80%
John Miller	NM	P	P	P	P	P	P	P	P	P	NM	P	10	0	100%
<b>ALTERNATES</b>															
Cynthia Grove	NM	P	A	A	A		P			A	NM		2	4	33%
Kevin Hart	NM	P	P	P	P					P	NM		5	0	100%
Members in attendance	0	9	5	7	7	7	7	7	7	7	0	7			

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

Department Head Signature





# CITY BOARD/COMMISSION ATTENDANCE RECORD

Year: 2014

Board/Commission: Board of Zoning Appeals

Member Name	1/14	2/11	3/12	4/8	5/13	6/10	7/8	8/12	9/9	10/14	11/11	12/9	Total Mtgs. Att.	Total Absent	Percent Attend
David Conlin	P	A	P	A	NM	P	P	P	P	NA	NA	NA	6	2	75%
Jeffery Jones	P	P	P	P	NM	P	P	P	P	P	P	P	11	0	100%
Thomas Hughes	P	P	P	P	NM	P	P	A	A	P	P	P	9	2	82%
Randolph Judd	P	P	P	P	NM	A	P	A	P	P	P	A	8	3	73%
Charles Lillie	A	P	P	P	NM	P	P	P	P	P	P	P	10	1	91%
Peter Lyon	A	P	A	P	NM	P	P	P	A	P	A	P	7	4	64%
John Miller	P	P	P	P	NM	P	A	P	A	A	P	P	8	3	73%
Kevin Hart	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	P	P	P	3	0	100%
<b>ALTERNATES</b>															
Cynthia Grove	P	P	P	A	NM	A		P	P	P	A	P	7	3	70%
Kevin Hart	P			P	NM	P		A	P	N/A	N/A	N/A	4	1	80%
Rachel Loughrin	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A		A		0	1	0%
Members in attendance	7	7	7	7	0	7	6	6	6	7	6	7			

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

Department Head Signature

# **CITY BOARD/COMMISSION ATTENDANCE RECORD**

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

**Year:** 2015

Member Name	1/13	2/10	3/10	4/14	5/12	6/9	7/14	8/11	9/8	10/13	11/11	12/8	Total Mtgs. Att.	Total Absent	Percent Attend
Kevin Hart	P	P	P	P	P	P	P	NM	P	P	P	P	11	0	100%
Jeffery Jones	P	P	P	P	P	A	P	NM	P	P	P	P	10	1	91%
Thomas Hughes	P	P	A	P	P	P	P	NM	P	N/A	N/A	N/A	7	1	88%
Randolph Judd	P	P	A	A	P	P	P	NM	P	P	P	P	9	2	82%
Charles Lillie	P	A	P	P	P	P	P	NM	P	P	P	P	10	1	91%
Peter Lyon	P	P	P	P	A	P	P	NM	P	P	A	P	9	2	82%
John Miller	A	P	A	P	P	P	P	NM	A	P	P	P	8	3	73%
Erik Morganroth	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	P	P	2	0	100%
<b>ALTERNATES</b>															
Cynthia Grove	A	P	P	A	A	A			P	P	A		4	5	44%
Rachel Loughrin	P		P	P	A	P					A		4	2	67%
Members in attendance	7	7	6	7	6	7	7	0	7	7	6	7			

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

  
**Department Head Signature**



# CITY BOARD/COMMISSION ATTENDANCE RECORD

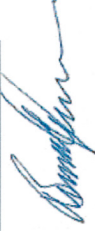
Board/Commission: Board of Zoning Appeals

Year: 2016

Member Name	1/12	2/9	3/8	4/12	5/10	6/14	7/12	8/9	9/13	10/13	11/8	12/13	Total Mtgs. Att.	Total Absent	Percent Attend
Kevin Hart	P	A	P	P	P	A	P	A	P	P	P	P	9	3	75%
Jeffery Jones	P	P	P	P	P	P	P	P	A	P	P	P	11	1	92%
Randolph Judd	P	P	A	A	P	P	P	P	P	P	P	P	10	2	83%
Charles Lillie	A	A	P	P	P	P	A	P	P	P	P	P	9	3	75%
Peter Lyon	A	P	P	P	P	P	P	P	P	A	P	P	10	2	83%
John Miller	P	P	P	A	P	A	P	P	A	P	A	P	8	4	67%
Erik Morganroth	P	P	P	P	P	P	P	P	P	P	P	P	12	0	100%
<b>ALTERNATES</b>															
Cynthia Grove	P	P	A	P		A	A	A	P	A	A		4	6	40%
Jason Canvasser	P	P	P	P		P	P	P	P	P	P		10	0	100%
Members in attendance	7	7	7	7	7	6	7	7	7	7	7	7			

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

Department Head Signature





## BOARD OF REVIEW

[illegible]



## DESIGN REVIEW BOARD

Ordinance #1882

Terms: 3 years

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

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

Last Name	First Name	Home Business E-Mail	Appointed	Term Expires
Chapnick	Josh	(248) 881-6571	2/27/2017	12/31/2017
2266 Northlawn		josh.chapnick@gmail.com	Student Representative	
Charles	Adam	(248) 672-3486	11/21/2016	9/25/2019
1639 Bennaville		mradamcharles@gmail.com	Alternate	
Coir	Mark	248-390-0372	1/28/2013	9/25/2018
411 S. Old Woodward #1025		keskus2010@aol.com	historical preservation organization member	
Deyer	Keith	(248)642-6390	9/25/2006	9/25/2017
1283 Buckingham		kwdeyer@comcast.net		
Dukas	Natalia	(248) 885-8535	9/9/2013	9/25/2019
1352 Suffield		nataliadukas@yahoo.com		

<b>Last Name</b>	<b>First Name</b>	<b>Home Business E-Mail</b>	<b>Appointed</b>	<b>Term Expires</b>
<b>Fuller</b> 255 Pierce	<b>Dulce</b>	(248) 245-4000  <i>d@woodwardandmaple.com</i>	10/27/2016  Alternate	9/25/2019
<b>Henke</b> 724 South Bates	<b>John</b>	(248) 789-1640  <i>jwhenke@aol.com</i>	9/25/2006  historical preservation organization member	9/25/2018
<b>Pfaff</b> 2150 Northlawn	<b>Griffin</b>	(248) 514-3324  <i>fintpfaff@yahoo.com</i>	2/27/2017  Student Representative	12/31/2017
<b>Trapnell</b> 660 Smith Ave	<b>Thomas</b>	(313) 568-6712  <i>ttrapnell@dykema.com</i>	4/27/2015	9/25/2018
<b>Weisberg</b> 651 West Frank	<b>Shelli</b>	(248) 642-6461  <i>sweisberg@aclumich.org</i>	9/25/2006	9/25/2017
<b>Willoughby</b> 667 Greenwood	<b>Michael</b>	(248) 760-8903  <i>mwilloughby@mwa-architects.com</i>	3/22/2010  Architect	9/25/2019





## GREENWOOD CEMETERY ADVISORY BOARD

Resolution No. 10-240-14 October 13, 2014.

The Greenwood Cemetery Advisory Board shall consist of seven members who shall serve without compensation. Members must be chosen from among the citizens of Birmingham and, **insofar as possible**, represent diverse interests, such as persons with family members interred in Greenwood Cemetery; owners of burial sites within Greenwood Cemetery intending to be interred in Greenwood Cemetery; persons familiar with and interested in the history of Birmingham; persons with familiarity and experience in landscape architecture, horticulture, law or cemetery or funeral professionals. The City Manager or his/her designee shall serve as ex official, non-voting members of the Board.

Term: Three years.

In general, it shall be the duty of the Greenwood Cemetery Advisory Board to provide recommendations to the City Commission on:

1. Modifications. As to modifications of the rules and regulations governing Greenwood Cemetery.
2. Capital Improvements. As to what capital improvements should be made to the cemetery.
3. Future Demands. As to how to respond to future demands for cemetery services.
4. Day to Day Administration. The day to day administration of the cemetery shall be under the direction and control of the City, through the City Manager or his/her designee.
4. Reports. The Greenwood Cemetery Advisory Board shall make and submit to the City Commission an annual report of the general activities, operation, and condition of the Greenwood Cemetery for the preceding 12 months. The Greenwood Cemetery Advisory Board shall, from time to time, as occasion requires, either in the annual report, or at any time deemed necessary by the Greenwood Cemetery Advisory Board, advise the City Commission in writing on all matters necessary and proper for and pertaining to the proper operation of Greenwood Cemetery and any of its activities or properties.

Last Name	First Name	Home Business	E-Mail	Appointed	Term Expires
Buchanan	Linda	(248) 646-3297		12/14/2015	7/6/2019
1280 Suffield				owner of burial site in Greenwood; person familiar with and interested in the history of Birmingham.	
Birmingham	48009		rlb4149@yahoo.com		
Desmond	Kevin	(248) 225-5526		11/24/2014	7/6/2017
962 Humphrey				Cemetery or funeral professional.	
Birmingham	48009		kdesmond@desmondfuneralhome.com		

<b>Last Name</b>	<b>First Name</b>	<b>Home Business</b>	<b>E-Mail</b>	<b>Appointed</b>	<b>Term Expires</b>
<b>Gehring</b> 1108 W. Maple Birmingham	<b>Darlene</b> 48009	(248) 540-8061	<i>maplepro@comcast.net</i>	11/24/2014 Chairperson Person familiar with and interested in the history of Birmingham.	7/6/2017
<b>Peterson</b> 1532 Melton Birmingham	<b>Linda</b> 48009	(248) 203-9010	<i>lpeterson02@comcast.net</i>	11/24/2014 Family member interred in cemetery; owner of burial site and intending to be interred in Greenwood; person familiar with and interested in the history of Birmingham.	7/6/2018
<b>Schreiner</b> 591 Bird Birmingham	<b>Laura</b> 48009	(248) 593-0335	<i>laschreiner@yahoo.com</i>	11/24/2014 Vice-Chairperson Person familiar with and interested in the history of Birmingham; person with experience	7/6/2018
<b>Stern</b> 1090 Westwood Birmingham	<b>George</b> 48009	(248) 258-1924	<i>sterngeo@aol.com</i>	11/24/2014 Person familiar with and interested in the history of Birmingham; person with experience in landscape architecture, horticulture, or law.	7/6/2018
<b>Suter</b> 1795 Yosemite Birmingham	<b>Margaret</b> 48009	(248) 644-5925	<i>maasuter@gmail.com</i>	5/23/2016 owns a plot, relative buried in Greenwood Cemetery	7/6/2019





## 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
<b>Adams</b> 2109 Dorchester Birmingham	<b>Vionna</b>  48009	(202) 423-7445  <i>vionnajones@gmail.com</i>	12/15/2014  Member at large from different geographical areas of the city.	3/24/2018
<b>Edwards</b> 1636 Bowers Birmingham	<b>Lara</b>  48009	(734) 717-8914  <i>lmedwards08@gmail.com</i>	4/28/2014  Member at large from different geographical areas of the city.	3/24/2020
<b>Folberg</b> 1580 Latham Birmingham	<b>Amy</b>  48009	(248) 890-9965  <i>amy.folberg@gmail.com</i>	12/14/2015  Member at large from different geographical areas of the city.	3/24/2020

<b>Last Name</b>	<b>First Name</b>	<b>Home Business</b>	<b>Appointed</b>	<b>Term Expires</b>
<b>Home Address</b>		<b>E-Mail</b>		
<b>Isaksen</b>	<b>Daniel</b>	(734) 9046867	5/8/2017	10/27/2019
1386 Yorkshire			Alternate	
Birmingham	48009	<i>isaksen.dan@gmail.com</i>		
<b>Lawson</b>	<b>Andy</b>	(586) 944-6701	4/28/2014	3/24/2018
1351 E. Maple			Pedestrian Advocate Member	
Birmingham	48009	<i>andlawson@deloitte.com</i>		
<b>Rontal</b>	<b>Daniel</b>	(734) 904-2544	10/27/2016	3/24/2020
926 Bird			Mobility or Vision Impairment	
Birmingham	48009	<i>darontal@gmail.com</i>	Experience/Expertise	
<b>Schafer</b>	<b>Katie</b>	(248) 835-5064	3/13/2017	10/27/2019
1966 Fairway			Alternate	
Birmingham	48009	<i>schafekat@gmail.com</i>		
<b>Slanga</b>	<b>Johanna</b>	(248) 761-9567	5/5/2014	3/24/2019
4410 Charing Way			Traffic-Focus Education/Experience	
Bloomfield Hills	48304	<i>johannaslanga@gmail.com</i>	Member	
<b>Surnow</b>	<b>Michael</b>	(248) 865-3000	4/13/2015	3/24/2019
320 Martin St. #100			Bicycle Advocate Member	
Birmingham	48009	<i>michael@surnow.com</i>		

# 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
<b>Afrakhteh</b> 653 Wallace	<b>Ariana</b>	(248) 238-5495 <i>afrakhteh.ariana82@bloomfield.org</i>	2/27/2017 Student Representative	12/31/2017
<b>Boyce</b> 179 Catalpa	<b>Janelle</b>	(248) 321-3207 <i>jlwboyce@hotmail.com</i>	12/10/2007	3/28/2020
<b>Boyle</b> 840 Wimbledon	<b>Robin</b>	(248) 961-1514 <i>r.boyle@wayne.edu</i>	4/19/2004 Planner/Professor	3/28/2019
<b>Clein</b> 1556 Yosemite	<b>Scott</b>	(248) 203-2068 <i>s.clein@comcast.net</i>	3/22/2010	3/28/2019
<b>Jeffares</b> 1381 Birmingham Blvd	<b>Stuart</b>	(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
<b>Koseck</b> 2441 Dorchester	<b>Bert</b>	(248) 302-4018  <i>bkoseck@comcast.net</i>	10/12/2009 (Architect) Design Professional	3/28/2020
<b>Lazar</b> 420 Harmon	<b>Gillian</b>	(248) 613-3400 (248) 644-2500  <i>glazar@hallandhunter.com</i>	4/10/2006 Building Owner in the Central Business	3/28/2018
<b>Niskar</b> 510 Henley	<b>Bella</b>	(248) 321-7570  <i>bellaniskar@gmail.com</i>	2/27/2017 Student Representative	12/31/2017
<b>Prasad</b> 622 Vinewood	<b>Lisa</b>	(248) 241-6092  <i>lprasad@fullcircleadvisory.com</i>	1/25/2016 alternate	11/2/2017
<b>Share</b> 1040 Gordon Lane	<b>Daniel</b>	(248) 642-7340  <i>dshare@bsdd.com</i>	11/24/2014 Alternate	11/2/2017
<b>Williams</b> 1421 Stanley	<b>J. Bryan</b>	(248) 420-3522 (248) 433-7289  <i>jwilliams@dickinsonwright.com</i>	4/16/2007 attorney	3/28/2018



## PUBLIC ARTS BOARD

City Code - Chapter 78, Article V

Terms - 3 years

Members - At least 4 members shall be residents of the City of Birmingham. The remaining members may or may not be residents of Birmingham. **In so far as possible**, the members shall represent a major cultural institution, a registered architect of the State of Michigan, an artist, an art historian, and an art consultant. Members may also be members of the HDDRC, the Parks and Recreation Board, or the Planning Board.

Objectives -

- to enrich the City's civic and cultural heritage;
- to promote a rich, diverse, and stimulating cultural environment in order to enrich the lives of the City's residents, business owners, employees, and all visitors;
- to establish an environment where differing points of view are fostered, expected, and celebrated by providing the opportunity for such expression through the display of public art.

Last Name	First Name	Home Address	Home Business E-Mail	Appointed	Term Expires
<b>Cohen</b>	<b>Rabbi Boruch</b>	(248) 225-0246	2/27/2017	1/28/2019	
1578 Lakeside			Resident Member		
Birmingham	48009	<i>thebirminghamjewishconnection@g</i>			
<b>Demps-Simons</b>	<b>Celeste</b>	(248) 719-5091	2/27/2017	12/31/2017	
563 Watkins			Student Representative		
Birmingham	48009	<i>hemelroos@gmail.com</i>			
<b>Eddleston</b>	<b>Jason</b>	(248) 703-3808	12/5/2016	1/28/2020	
892 Purdy					
Birmingham	48009	<i>jason28e@yahoo.com</i>			
<b>Evans</b>	<b>Sarah</b>	(248) 808-4633	2/27/2017	12/31/2017	
1028 Suffield			Student Representative		
Birmingham	48009	<i>sarahshaus@hotmail.com</i>			

<b>Last Name</b>	<b>First Name</b>	<b>Home Business</b>	<b>Appointed</b>	<b>Term Expires</b>
<b>Home Address</b>		<b>E-Mail</b>		
<b>Heller</b> 176 Linden Birmingham	<b>Barbara</b> 48009	(248) 540-1310 (313) 833-7834 <i>bheller@dia.org</i>	1/28/2002 Resident Member	1/28/2018
<b>Neville</b> 1516 E. Melton Birmingham	<b>Monica</b> 48009	(248) 321-1776 <i>monica.neville1@gmail.com</i>	2/27/2017 Resident Member	1/28/2018
<b>Ritchie</b> 1455 South Eton Birmingham	<b>Anne</b> 48009	(248) 635-1765 <i>a_ritchie@msn.com</i>	9/12/2016	1/28/2020
<b>Roberts</b> 2352 Buckingham Birmingham	<b>Mary</b> 48009	(248) 535-9871 <i>maryroberts49@gmail.com</i>	9/12/2016	1/28/2019
<b>Trella</b> 2517 Manchester Birmingham	<b>Cecilia</b> 48009	(312) 813-9027 <i>crt2000.lvay@gmail.com</i>	2/27/2017 Student Representative	12/31/2017
<b>Wells</b> 588 Cherry Ct. Birmingham	<b>Linda</b> 48009	(248) 647-1165 <i>lawells126@gmail.com</i>	2/11/2013 Resident Member	1/28/2019



## MEMORANDUM

Police Department

**DATE:** May 15, 2017

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

**FROM:** Cherilynn Brown, City Clerk  
Mark H. Clemence, Chief of Police  
Paul O'Meara, City Engineer

**SUBJECT:** 2017 Fee Schedule Revisions – Parking Meter and Meter Bag Rates / Outdoor Dining Café Platform Parking Fees

The annual review of the City's fee schedule was recently completed by each department to determine whether fees should be added or amended and the revised schedule was approved at the December 5, 2016 City Commission meeting. At the January 9, 2017 City Commission meeting, staff was directed to increase the rates at all parking meters by \$0.50 per hour as the new CivicSmart Liberty parking meters are installed, effectively raising the \$1.00 per hour meters in the central core of the downtown to \$1.50 per hour, and raising the \$0.50 per hour meters to \$1.00 per hour. The City's fee schedule must again be amended to reflect the new parking meter and meter bag rates. Valet meter bag charges and fees associated with outdoor dining platform/café will also be affected by the meter rate increases.

### Engineering Department

The Engineering Department fee schedule is in need of the following changes to amend fees - Parking Meters (see attached Engineering Department fee schedule).

- All current \$0.50 per hour meters to \$1.00 per hour (currently referred to as lower demand area in fee schedule; proposed language is outside central core of business district)
- All current \$1.00 per hour meters to \$1.50 per hour (currently referred to as higher demand area in fee schedule; proposed language is inside central core of business district)

### Police Department

The current rate for parking meter bag rental is \$12.00 per day per bag. As the meter bag fee is determined by parking meter hours of operations (12 hours) and maximum per hour meter fee, the daily charge for a meter bag rental must be increased to \$18.00 per day or will otherwise not be compatible with the new parking meter rates.

The Police Department fee schedule is in need of the following change to amend the fee for Meter Bags (see attached Police Department fee schedule).

- From \$12.00 per bag daily to \$18.00 per meter bag daily



The parking meter rate increases will also affect fees associated with outdoor dining café platforms and valet parking operations. The adjusted rate was calculated using the existing formula (daily rate x 190 days in outdoor dining season) with fees of \$12.00 per day in the \$1.00 per hour metered areas and \$18.00 per day in the \$1.50 per hour metered areas. This annual fee does not include charges for Sundays or legal holidays. The fee for an outdoor dining café platform in the \$1.00 per hour areas will be \$2,280.00 per space per year and the annual fee in the \$1.50 metered parking areas is increased to \$3,420.00 per meter space. The fees for outdoor dining café platforms are included in the licensee application and will also be reflected in the amended City Clerk's Office fee schedule. Additional fees for removal and replacement of parking meter posts and/or housings may be applicable for certain outdoor dining café licenses depending upon location and placement of the platform. These flat rate fees are charges for labor and materials to remove and replace parking meters and posts.

#### City Clerk's Office – Outdoor Dining Café Platforms (Parking Costs)

The Schedule of Fees, Charges, Bonds and Insurance, Police Department fee schedule section is in need of the following change to add fees for Outdoor Dining Café Platforms – Parking Costs (see attached City Clerk's Office fee schedule).

- To \$12.00 per space x 190 days per season in \$1.00 per hour areas = \$2,280.00
- To \$18.00 per space x 190 days per season in \$1.50 per hour areas = \$3,420.00
- Add removal of parking meter housing and/or post minimum charge = \$88.29
- Add removal of parking meter housing and/or post 1 space = \$264.87
- Add removal of parking meter housing and/or post 2 spaces = \$441.45

#### City Clerk's Office – Valet Parking

The Schedule of Fees, Charges, Bonds and Insurance, City Clerk's Office section currently reflects Meter space fee – set by police department under Valet Parking fees. The current meter bag fees for valet parking are \$144 per month per bag (5 hours per day per bag). The recommended increased fee for valet parking meter bags is \$216 per bag per month, consistent with the change in parking meter rates (see attached City Clerk's Office fee schedule).

It is anticipated that the installation of the new smart meters reflecting the new parking rates will be completed by June 30, 2017. Parking meter rates will increase as the new smart meters are installed. All other fee increases documented in this report will be effective July 1, 2017.

#### **SUGGESTED RESOLUTION:**

To amend the Schedule of Fees, Charges, Bonds and Insurance, Engineering Department section to provide for a \$0.50 increase in all parking meter rates; further to amend the Schedule of Fees, Charges, Bonds and Insurance, Police Department section to increase the daily meter bag fee to \$18.00; further to amend the Schedule of Fees, Charges, Bonds and Insurance, City Clerk's Office section to incorporate outdoor dining café platform fees in the amount of \$2,280.00 per season per space in \$1.00 per hour metered areas and \$3,420.00 per space per season in \$1.50 per hour areas plus charges for removal and restoration of parking meter housings and or poles; further to increase valet parking bag meter fees to \$216.00 per bag per month.

CITY CLERK'S OFFICE		EXISTING FEE	PROPOSED FEE	CHANGE CODE	Staff
Lots accommodating 25 cars or less		\$	100.00		
Lots accommodating 26-50 cars		\$	125.00		
Lots accommodating 51-75 cars		\$	150.00		
Lots accommodating 76 cars or more		\$	200.00		
<b><u>Outdoor Amusements (14-161)</u></b>					
Annual fee		\$	25.00		
Surety bond or cash deposit		\$	1,000.00		
<b><u>Outdoor Dining license annual fee</u></b>		\$	200.00		
Additional flat fee for off-season		\$	200.00		
(subject to additional fees for use of city right of way)					
Insurance:					
<i>Workers' Compensation Insurance</i> , including Employer's Liability Insurance, in accordance with all acceptable statutes of the State of Michigan.					
<i>Commercial General Liability Insurance</i> on an occurrence basis with the limits of liability of not less than \$1,000,000 per occurrence and aggregate of \$2,000,000 for combined single limit personal injury and property damage, and shall include independent contractor's coverage and broad form general liability coverages.					
Liquor Liability Insurance (if liquor is to be served) on an occurrence basis with limits of liability of not less than \$1,000,000 per occurrence.					
<i>Additional Insured:</i> Commercial General Liability Insurance (and Liquor Liability, if applicable) shall name the City of Birmingham as additional insured for all activities connected with this Agreement and shall include an endorsement stating the following as: "Additional Insureds: The City of Birmingham , all elected and appointed officials, all employees and volunteers, all boards, commissions, and/or authorities and their board members, including employees and volunteers thereof. This coverage shall be primary to the additional insureds, and not contributing with any other insurance or similar protection available to the additional insured, whether said other available coverage be primary, contributory or excess, The authorized representative of the insurance carrier acknowledges that it has read the insurance provisions of the agreement between the City of Birmingham and the insured."					
<i>Cancellation Notice</i> , Thirty (30) days advance written notice of cancellation, non-renewal, reduction of material change in coverage, will be provided to the City of Birmingham by the insurance carrier.					
<i>Proof of Insurance Coverage.</i> The city shall be provided with certificates of insurance evidencing the coverages outlined above.					
<i>Acceptability of insurance company.</i> All coverages shall be with insurance carriers licensed to do business in the state. All coverages shall be with carriers acceptable to the city.					

CITY CLERK'S OFFICE		EXISTING FEE	PROPOSED FEE	CHANGE CODE	Staff
<b><u>Outdoor Dining Cafe Platform Meter Fees - Seasonal</u></b>					
\$1.00 Per Hour Meter Areas		\$1,030.00	\$2,280.00	A,B	
\$1.50 Per Hour Meter Areas		\$2,010.00	\$3,420.00	A,B	
Removal of parking meter housing and or posts - minimum fee	cost		\$88.29 (cost)	C	
Removal of parking meter housing and or posts - 1 meter space	cost		\$264.87 (cost)	C	
Removal of parking meter housing and or posts - 2 meter spaces	cost		\$441.45 (cost)	C	
<b><u>Outdoor Dining Cafe Platform Meter Fees - Pro-Rated</u></b>					
\$1.00 Per Hour Meter Areas			\$12.00 per space per day	A,B	
\$1.50 Per Hour Meter Areas			\$18.00 per space per day	A,B	
<b><u>Passports</u></b>					
Acceptance of passport application		\$ 25.00			
Two passport photos		\$ 10.00			
<b><u>Pawnshops</u></b>					
Annual licensing fee		\$ 500.00			
Annual criminal background check - per person (to be provided by applicant using the Michigan State Police ICHAT system)					
Special Event and School Vendor/Athletic Vendor in City Park					
<b><u>Peddlers and Commercial Vendors (Chapter 26)</u></b>					
Annual criminal background check - per person (to be provided by applicant using the Michigan State Police ICHAT system)					
Special Event and School Vendor/Athletic Vendor in City Park					
Application Fee (per event/application)		\$ 50.00			
Daily Fee (per day/location)		\$ 10.00			
50% discount for Birmingham licensed merchants					
Frozen Confection Vendor		\$ 80.00			
Application Fee					
Amendment to the Application		\$ 26.00			
Annual License Fee		\$ 500.00			
Insurance: Standard Insurance Requirements					
Peddling					
Application Fee (per event/application)		\$ 50.00			
Amendment to the Application		\$ 16.00			
Daily Fee Option (per day/location)		\$ 10.00			
Yearly Fee Option (calendar year)		\$ 1,825.00			
<b><u>Poolroom, each billiard or pool table annual fee</u></b>		\$ 50.00			
(subject to additional fees for regulated use)					
<b><u>Refuse Collector: (Chapter 90)</u></b>					
Annual fee first truck		\$ 150.00			
Each additional truck		\$ 75.00			
Insurance: Proof of workers compensation coverage, motor vehicle liability insurance and the VIN number of each vehicle must be provided to the city prior to obtaining a license.					

CITY CLERK'S OFFICE		EXISTING FEE	PROPOSED FEE	CHANGE CODE	Staff
<b><u>Regulated Uses not otherwise listed Chapter 26:</u></b>					
Application fee		\$	1,000.00		
Annual licensing fee		\$	200.00		
<b><u>Rollerskating rinks annual fee (Chapter 14)</u></b>		\$	50.00		
<b><u>Special Events (98-140) non-refundable application fee</u></b>					
Annual Application fee		\$	165.00		
First Time Event Application fee		\$	200.00		
Additional permit fees as determined by administrative staff due two weeks prior to event with insurance documents.					
Insurance: Standard insurance requirements					
<b><u>Taxicabs (Chapter 122)</u></b>					
Company, annual fee		\$	50.00		
Taxicab, each vehicle annual fee		\$	50.00		
Standby taxicab, each annual fee		\$	25.00		
Taxicab driver annual fee		\$	50.00		
Insurance: Workers compensation insurance, including employers' liability coverage, in accordance with all applicable statutes of the state.					
Motor vehicle liability insurance, including state 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, non-owned and hired vehicles.					
Cancellation notice. Thirty (30) days advance written notice of insurance cancellation, nonrenewal, reduction and/or material change in coverage must be provided to the city, Notice of cancellation, material change or reduction must be attached to the certificate of insurance, or otherwise evidenced as in effect under the policy listed.					
Proof of insurance. Certificates of insurance for the coverage required herein shall be provided to the city clerk.					
Acceptability of insurance company. All coverages shall be with insurance carriers licensed to do business in the state. All coverages shall be with carriers acceptable to the city.					
<b><u>Telecommunications</u></b>					
Application fee		\$	500.00		
Annual maintenance fee as determined by the Metro Authority pursuant to Act 48 of the Public Acts of 2002					
<b><u>Theatres annual fee 14.26</u></b>		\$	50.00		
<b><u>Valet Parking</u></b>					
Annual criminal background check - per person (to be provided by applicant using the Michigan State Police ICHAT system)					
Initial application fee		\$	1,000.00		
Annual license fee		\$	500.00		
One Day Valet Permit fee		\$	50.00		
Valet parking card deposit, per card		\$	20.00		

CITY CLERK'S OFFICE		EXISTING FEE	PROPOSED FEE	CHANGE CODE	Staff
Fees per car:					
1-100 cars, pre-paying for six months in advance, per month		\$500.00			
101-200 cars, pre-paying for six months in advance, per month		\$750.00			
201 and above cars, pre-paying for six months in advance, per month		\$1,000.00			
<b>Valet Parking Meter Bag Fees - (Monthly)</b>		<b>\$144.00</b>	<b>\$216.00</b>	<b>A,B</b>	
Meter space fee - set by police department - delete text					
Insurance: Workers' compensation insurance, including employers' liability coverage, accordance with all applicable statute all the state. Garage liability insurance with limits of liability of not less than \$1,000,000 per occurrence; or commercial general liability insurance endorsed to provide the equivalent of this coverage.					
Garage keeps legal liability insurance with limits of liability of not less than \$100,000.00 per occurrence; or commercial general liability insurance endorsed to provide the equivalent of this coverage. Additional insured. Garage liability and garage keeps legal liability insurance, as described above, shall name the city as additional insured for all activities connected with the valet parking service and shall include an endorsement stating the following as "additional insured": the city, all elected and appointed officials, all employees and volunteers, all boards, commissions, and/or authorities and their board members, including employees and volunteers thereof. This coverage shall be primary to the additional insureds, and not contributing with any other insurance or similar protection available to the additional insured, whether said other available coverage be primary, contributing or excess.					
Cancellation notice. Thirty (30) days advance written notice of insurance cancellation, nonrenewal, and/or reduction in material change in coverage must be provided to the city. Notice of cancellation material change or reduction must be attached to the certificate of insurance, or otherwise evidenced as in effect under the policy listed.					
Proof of insurance coverage. The following certificates and policies shall be provided to the city:					
1. Two copies of certificate of insurance for workers' compensation insurance.					
2. Two copies of certificate of insurance for garage liability insurance.					
3. Two copies of certificate of insurance for garage keeps legal liability insurance.					
4. If so requested, certified copies of all policies mentioned above will be furnished.					
Expiration. If any of the above coverages expire, renewal certificates and/or policies must be provided to the city at least ten days prior to the expiration date.					
Acceptability of insurance company. All coverages shall be with insurance carriers licensed to do business in the state. All coverages shall be with carriers acceptable to the city.					
<b><u>Voter Information</u></b>					
Daily Absentee Voter List		\$	15.00		
Voter Information List		\$	5.00		

ENGINEERING		E	I	I	FEE	PROPOSED FEE		C	CODE		S	FF
<b>Bidding Document Fee</b>												
Large Set - Paper Copy		\$			50.00							
Small Set - Paper Copy		\$			30.00							
CD Copy (any size)		\$			15.00							
(Copy fee waived for Plan Room and Advertising Services)												
<b>Cable Communications Permit (30-133 (j))</b>												
Cable Franchise Insurance: Standard Insurance requirements plus excess liability insurance (or umbrella policy) on an "occurrence basis", with limits of liability not less than \$5,000,000 per occurrence; and indemnification provisions (see Section 30-190)												
<b>Curb Closings (See Streets &amp; Sidewalks)</b>												
<b>Driveways (See Streets &amp; Sidewalks)</b>												
<b>Parking Meters</b>												
High Demand (Areas Inside Central Core of Business District)		\$	1.00	per hour		\$1.50	per hour				A,B	
Lower Demand (Areas Outside Central Core of Business District)		\$	0.50	per hour		\$1.00	per hour				A,B	
N. Old												
<b>Parking Structures</b>												
			Pierce	Peabody	Park	Chester	Woodward					
Less than 2 hours			free	free	free	free	free					
Less than 3 hours		\$	2.00	\$ 2.00	\$ 2.00	\$ 2.00	\$ 2.00					
Less than 4 hours		\$	4.00	\$ 4.00	\$ 4.00	\$ 4.00	\$ 4.00					
Less than 5 hours		\$	6.00	\$ 6.00	\$ 6.00	\$ 6.00	\$ 6.00					
Less than 6 hours		\$	8.00	\$ 8.00	\$ 8.00	\$ 8.00	\$ 8.00					
Over 6 hours		\$	10.00	\$ 10.00	\$ 10.00	\$ 10.00	\$ 10.00					
Over 7 hours		\$	10.00	\$ 10.00	\$ 10.00	\$ 10.00	\$ 10.00					
Over 8 hours		\$	10.00	\$ 10.00	\$ 10.00	\$ 10.00	\$ 10.00					
Maximum Fee After 10:00PM		\$	5.00	\$ 5.00	\$ 5.00	\$ 5.00	\$ 5.00					
Permit Parking		\$	65.00	\$ 65.00	\$ 60.00	\$ 45.00	\$ 55.00					
<b>Parking Structure Permit Parking Activation Fee</b>												
Deposit (any cards returned after six-months not eligible for refund)		\$			20.00							
Activation fee per AVI card		\$			30.00							
Returned checks		\$			30.00							
<b>Permit Parking At Meters</b>												
Lot 6 - Regular		\$	150.00	quarterly								
Lot 6 - Restricted		\$	90.00	quarterly								
Ann St. North		\$	165.00	quarterly								
Ann St. South		\$	120.00	quarterly								
South Old Woodward		\$	120.00	quarterly								
<b>Private Building Sewer Investigation Program</b>												
Single Family Residential Property												
Security Deposit (refundable)		\$			300.00							
Non-Single Family Residential Property												
Application Fee		\$			300.00							
Security Deposit (refundable)		\$			300.00							
<b>Sidewalks (See Streets &amp; Sidewalks)</b>												
<b>Soil erosion and sediment control permit fees:</b>												
Less than 1 acre site		\$			50.00							
1-2 acre site		\$			100.00							
2-3 acre site		\$			150.00							
The permit fee shall increase for every acre or portion thereof in access of the above examples.												
Inspection desposits:												
Less than 1 acre site		\$			1,560.00							
1-2 acre site		\$			3,120.00							
2-3 acre site		\$			4,680.00							
The inspection deposit shall increase \$1,560.00 per additional acre or portion thereof in excess of the above examples.												
<b>Soil Filling Permit (Chapter 50)</b>												

# FEE SCHEDULE

POLICE DEPARTMENT	EXISTING FEE	PROPOSED FEE	CHANGE CODE	Staff
<b>*Alcohol:</b>				
Specially Designated Distributor	\$ 500.00			
Specially Designated Merchant	\$ 500.00			
<b><u>False Alarm fees (74-31):</u></b>				
First false alarm per calendar year	no charge			
All subsequent false alarms per calendar year	\$ 50.00			
<b><u>Fingerprints</u></b>				
Full set of fingerprints; said fee shall be in addition to any license or permit fee which requires fingerprints to be taken and/or submitted to the Michigan State Police or the Federal Bureau of Investigation	\$ 10.00			
<b><u>Meter Bags - Daily Fee</u></b>	\$ 12.00	\$18.00	A, B	
<b><u>Outdoor Dining Cafe Platform Meter Fees</u></b> (See City Clerk's Office Fee Schedule)				
<b><u>Parking Permits (110-136 - 110-150)</u></b>				
Residential parking permit per household (includes 2 resident and 3 visitor permits for a two-year period)	\$ 8.00			
<b><u>Parking Offenses &amp; Fines (If paid before 10 days/If paid after 10 days)</u></b>				
Expired meter: first seven offenses in calendar	\$10/20			
Expired meter: eight offenses or more in calendar year	\$30/40			
Overtime in non-metered zone	\$10/20			
Overtime in a time zone: less than 2 hours	\$15/25			
Overtime in a time zone: 2 hours or longer	\$30/40			
Stopping, standing or parking where prohibited	\$30/40			
Parking over the meter line	\$10/20			
Back into parking lot space	\$10/20			
Keys in ignition or ignition unlocked	\$30/40			
Other illegal parking	\$30/40			
No parking here to corner	\$30/40			
Handicap zone	\$100/125			
Violation of snow emergency parking ordinance	\$50/75			
Illegal parking in permit area	\$30/40			
Illegal parking on private property	\$30/45			



CHANGE CODES AS LISTED ON FEE SCHEDULE

- A. Fee has remained the same for many years
- B. Proposed fee covers current costs
- C. Pass through costs that reflects actual cost of service
- D. Fee consistent with neighboring communities
- E. New fee
- F. Increase to cover normal inflationary increase
- G. No longer provide this service
- H. Other



## MEMORANDUM

Police Department

**DATE:** May 10, 2017

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

**FROM:** Mark Clemence, Chief of Police

**SUBJECT:** Sec. 98-73 Prohibition of the use of Golf Carts

---

In January of 2015 a new state law took effect aiming to regulate golf carts on city roads.

Sec. 257.657a

- (1) A village or city having a population of fewer than 30,000 individuals based upon the 2010 decennial census may by resolution allow the operation of golf carts on the streets of that village or city, subject to the requirements of this section.

Due to the inherent safety risks of operating golf carts on city streets the police department suggests this ordinance prohibiting their operation on public property. This ordinance does exempt vehicles used for official city business.

### SUGGESTED ACTION:

To amend Part II of the City Code, Chapter 98 Street, Sidewalks and other public places, Article II. Streets, to add section 98-37 Prohibition of the use of golf carts on public roads within the city limits and to authorize the Mayor and City Clerk to sign the ordinance on behalf of the city.

CITY OF BIRMINGHAM

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND PART II OF THE CITY CODE, CHAPTER 98 STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, ARTICLE II. STREETS, TO ADD SECTION 98-37 PROHIBITION OF THE USE OF GOLF CARTS ON PUBLIC ROADS WITHIN THE CITY LIMITS.**

THE CITY OF BIRMINGHAM ORDAINS:

Part II of the City Code, Chapter 98 Streets, Sidewalks and Other Public Places, Article II. Streets, shall be amended to add Section 98-37 Prohibition of the Use of Golf Carts on Public Roads Within the City Limits, as follows:

Sec. 98-37 Prohibition of the Use of Golf Carts on Public Roads Within the City Limits.

The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Definitions.

A *golf cart* is a motorized, gas driven, or battery driven cart and/or vehicle designed for transportation while playing the game of golf.

*Maintained portion* means a portion of a roadway that is improved, designated or ordinarily used for vehicle traffic.

*Operate* means to ride in or on or be in actual physical control of the operation of a golf cart.

*Operator* means a person who operates or is in actual physical control of a golf cart.

*Street* means any road, roadway, street, or right-of-way in the City of Birmingham including, but not limited to side streets, public thoroughfares and major roadways.

*Road, roadway, street and right-of-way* are interchangeable.

*Sidewalk* means the area maintained both in front of public stores and on residential streets which allow for pedestrian traffic.

- (a) The purpose of this Ordinance is to maintain and secure the public peace, health and safety of the residents and property owners of the City of Birmingham for the prohibition of the use of golf carts on public roads within the City limits.
- (b) No person shall operate a golf cart on any City street, roadway, right-of-way, major thoroughfare, residential street or sidewalk while in the City of Birmingham. Golf carts are allowable on private property only.

(c) This section does not apply to any City owned or leased vehicle, electric car or golf cart used during and for City business, or event, driven or operated by police officers, reserve officers, City employees or any persons authorized by the City.

(d) Sanctions. Any person violating any provision of this Ordinance shall be responsible for a civil infraction. The penalty shall be \$100 in fines and costs.

**Secs. 98-38—98-55. - Reserved.**

All other Sections of Chapter 98 Streets, Sidewalks and Other Public Places shall remain unaffected.

Ordained this _____ day of _____, 2017. Effective upon publication.

_____  
Mark Nickita, Mayor

_____  
Cheryl Arft, Acting City Clerk

I, Cherilynn Brown, City Clerk of the City of Birmingham, do hereby certify that the foregoing ordinance was passed by the Commission of the City of Birmingham, Michigan at a regular meeting held _____, 2017 and that a summary was published _____, 2017.

_____  
Cherilynn Brown, City Clerk



## MEMORANDUM

Police Department

**DATE:** May 10, 2017

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

**FROM:** Mark Clemence, Chief of Police

**SUBJECT:** Update of Weapons Ordinance to include Bows and Crossbows

---

The Birmingham Police Department was recently asked by a resident if they could target practice with their bow in their backyard. Currently, Bows and Crossbows are not included in the weapons section of offenses in the city's ordinances and this type of activity is not prohibited.

The Birmingham Police Department has discussed this issue with the city attorney and both agree that Bows and Crossbows should be added to the list of prohibited weapons in all sections of the weapons ordinance. The city attorney reviewed the current ordinances and submitted the attached recommended changes.

The attached suggested amendment adds Bows and Crossbows to all aspects of the weapons sections. This suggested amendment will prohibit the discharge of a Bow or Crossbow for any reason, including target practice.

**SUGGESTED ACTION:**

To amend Part II of the City Code, Chapter 74 Offenses, Article VI – Offenses Against Public Safety, Division 2 Weapons with the following changes:

Sec. 74-206 – Definitions – to add Bow and Crossbow.

AND

Sec. 74-208 – Change Confiscation of firearms – to Confiscation of Weapons and to add “bows and arrows and crossbows”.

AND

Sec. 74-209 – Discharge – Add “bow and arrow and crossbows”.

AND

Sec. 74-210 – Possession – Add “bow and arrow and crossbows”.

And

Sec. 74-213 – Brandishing – (a) add “or weapon”, eliminate current (2) and (3) and add “or weapon” to (4).

AND

Sec. 74-214 - Intentionally aiming a firearm without malice – add “or weapon”.

And to authorize the Mayor and City Clerk to sign the ordinance on behalf of the city.

CITY OF BIRMINGHAM

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND PART II OF THE CITY CODE, CHAPTER 74 OFFENSES, ARTICLE VI – OFFENSES AGAINST PUBLIC SAFETY, DIVISION 2 WEAPONS**

THE CITY OF BIRMINGHAM ORDAINS:

Part II of the City Code, Chapter 74 Offenses, Article VI – Offenses Against Public Safety, Division 2 Weapons, shall be amended, as follows:

**DIVISION 2. - WEAPONS**

**Sec. 74-206. - Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Bow means a device for propelling an arrow from a string drawn, held, and released by hand where the force used to hold the string in the drawn position is provided by the archer's muscles.

*Brandish* means to point, wave about, or display in a threatening manner with the intent to induce fear in another person.

Crossbow means a weapon consisting of a bow mounted transversely on a stock or frame and designed to fire an arrow, bolt, or quarrel by the release of a bow string that is controlled by a mechanical or electric trigger and has a working safety.

*Firearm* means any weapon which will, is designed to, or may readily be converted to expel a projectile by action of an explosive.

*Pneumatic gun* means any implement, designed as a gun that will expel a BB or pellet by spring, gas, or air. Pneumatic gun includes a paintball gun that expels by pneumatic pressure plastic balls filled with paint for the purpose of marking the point of impact.

**Sec. 74-207. - Persons exempt.**

Police officers, peace officers and persons in the military service, in pursuit of official duty, and persons duly authorized by federal or state law to carry firearms, are exempt from the provisions of this division.

**Sec. 74-208. - Confiscation of firearmsweapons.**

All weapons, guns, pistols, firearms, knives, dirks, razors, stilettos, bows and arrows, crossbows, or any other sharp-edged or pointed instruments, or weapons carried, possessed or used contrary to this division are hereby declared forfeited to the city.

Sec. 74-209. - Discharge.

No person shall discharge any bow and arrow, crossbow, firearm, air rifle, air pistol, or pneumatic gun in the city, except when lawfully acting in the defense of persons or property or the enforcement of law or at a duly established range, the operation of which has been approved by the commission. This includes target practice and "sighting-in" on private property and public property.

Sec. 74-210. - Possession.

- (a) No person shall, except as provided in subsection (b) of this section, possess a bow and arrow, crossbow, a firearm or pneumatic gun on the premises of any of the following:
- (1) A depository financial institution or a subsidiary or affiliate of a depository financial institution.
  - (2) A church or other house of religious worship.
  - (3) A school.
  - (4) A court.
  - (5) A theater.
  - (6) A sports arena.
  - (7) A day care center.
  - (8) A hospital.
  - (9) An establishment licensed under the state liquor control act, Act No. 8 of the Public Acts of the State of Michigan of 1933, Extra Session (MCL 436.1 et seq.).
- (b) This section does not apply to any of the following:
- (1) A person who owns or is employed by or contracted by an entity described in subsection (a) of this section if the possession of that firearm is to provide security services for that entity.
  - (2) A peace officer.
  - (3) A person licensed by this state or another state to carry a concealed weapon.
  - (4) A person who possesses a firearm in a school for purposes of providing or receiving instruction in firearms safety.
  - (5) A person who possesses a firearm on the premises of an entity described in subsection (a) of this section if that possession is with the permission of the owner or an agent of the owner of that entity.
- (c) A person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$100.00 or both.

Sec. 74-211. - Transporting a loaded firearm or pneumatic gun in a vehicle.



Except as otherwise permitted by law, a person shall not transport or possess either of the following in or upon a sailboat, motor vehicle, aircraft, motorboat, or any other vehicle propelled by mechanical means:

- (1) A firearm, other than a pistol that is loaded.
- (2) A pneumatic gun that is loaded and expels a metallic BB or metallic pellet greater than .177 caliber.

A person who violates this section is guilty of a 90-day misdemeanor.

Sec. 74-212. - Transporting an unloaded firearm or a pneumatic gun in a vehicle.

Except as otherwise permitted by law, a person shall not transport or possess in or upon a motor vehicle or any self-propelled vehicle designed for land travel either of the following:

- (1) A firearm, other than a pistol, or
- (2) A pneumatic gun that expels a metallic BB or metallic pellet greater than .177, unless the firearm or pneumatic gun is one or more of the following:
  - a. Taken down.
  - b. Enclosed in a case.
  - c. Carried in the trunk of a vehicle.
  - d. Inaccessible from the interior of the vehicle.

A person who violates this section is guilty of a 90-day misdemeanor.

Sec. 74-213. - Brandishing.

(a) No person shall, except as provided in subsection (b) of this section, knowingly brandish a firearm or weapon in public.

(b) Subsection (a) of this section does not apply to any of the following:

(1) A peace officer lawfully performing his duties as a peace officer.

~~(2) A person lawfully engaged in hunting.~~

~~(3) A person lawfully engaged in target practice.~~

~~(4)~~ A person lawfully engaged in the sale, purchase, repair, or transfer of that firearm or weapon.

(c) A person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$100.00 or both.

Sec. 74-214. - Intentionally aiming a firearm without malice.

It shall be unlawful for any person to intentionally, without malice, point or aim any firearm or weapon at or toward any other person.

Sec. 74-215. - Hunting within city prohibited.

It shall be unlawful for any person within the city to hunt wild game, or in any manner carry any gun, weapon or firearm within the city for the purpose of hunting any wild game or fowl at any time.

Sec. 74-216. - Unauthorized taking, killing of birds, animals.

No person shall by use of any pit, pitfall, deadfall, cage, snare, trap, net, baited hook, or any similar device, or of any drug, poison, chemical or explosive, injure, capture or kill any bird, or any game or fur bearing animal; nor shall any person at any time or in any manner whatever molest, harass, or annoy any such bird or any game or fur bearing animal within the limits of the city; except under authority of a written license issued by the police chief, or someone by him duly authorized.

Sec. 74-217. - Possession of knives, etc., by minors.

It shall be unlawful for any minor under 18 years of age to have in his possession or control, except within his own domicile, or carry or use in any manner any knife with a blade in excess of three inches, dagger, dirk, razor, stiletto or any other sharp-edged or pointed instrument; provided, however, that such person shall not be in violation of this section if:

- (1) His possession of such bladed weapon is necessary for his employment, trade or occupation;
- (2) He is engaged in or is proceeding to or returning from a place of hunting, trapping or fishing and whenever required, is also carrying a currently valid license issued to him by the state department of conservation;
- (3) Such person is a duly enrolled member of the Boy Scouts of America or a similar organization or society and such possession is necessary to participate in the activities of such organization or society; or
- (4) Such bladed weapon is required under circumstances that tend to establish that its possession is for a lawful purpose.

Sec. 74-218. - Carrying under the influence.

- (a) Acceptance of a license to carry a concealed pistol constitutes implied consent to submit to a chemical analysis under this section.

- (b) An individual shall not carry a concealed while he or she is under the influence of alcoholic liquor or a controlled substance or while having a bodily alcohol content prohibited under this section. An individual who violates this section is responsible for a municipal civil infraction or guilty of a misdemeanor crime as follows:
- (1) If the person was under the influence of alcoholic liquor or a controlled substance or a combination of alcoholic liquor and a controlled substance, or had a bodily alcohol content of .10 or more grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine, the individual is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or \$100.00, or both. The court shall order the county clerk in the county in which the individual was issued a license to carry a concealed pistol to revoke the license. The county clerk shall notify the department of state police of the revocation in a manner prescribed by the department of state police. The department of state police shall immediately enter that revocation into the law enforcement information network.
  - (2) If the person had a bodily alcohol content of .08 or more but less than .10 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine, the individual is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or \$100.00, or both. The court shall order the county clerk in the county in which the individual was issued a license to carry a concealed pistol to suspend the license for three years. The county clerk shall notify the department of state police of that suspension in a manner prescribed by the department of state police. The department of state police shall immediately enter that suspension into the law enforcement information network.
  - (3) If the person had a bodily alcohol content of .02 or more but less than .08 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine, the individual is responsible for a municipal civil infraction and shall be fined \$100.00. The peace officer shall notify the department of state police of a civil infraction under this subdivision. The department of state police shall notify the county clerk in the county in which the individual was issued the license, who shall suspend the license for one year. The department of state police shall immediately enter that suspension into the law enforcement information network.
- (c) This section does not prohibit an individual licensed under this act to carry a concealed pistol who has any bodily alcohol content from transporting that pistol in the locked trunk of his or her motor vehicle or another motor vehicle in which he or she is a passenger or, if the vehicle does not have a trunk, from transporting that pistol unloaded in a locked compartment or container that is separated from the ammunition for that pistol.
- (d) A peace officer who has probable cause to believe an individual is carrying a concealed pistol may require the individual to submit to a chemical analysis of his or her breath, blood, or urine.
- (e) Before an individual is required to submit to a chemical analysis under subsection (d), the peace officer shall inform the individual of all of the following:
- (1) The individual may refuse to submit to the chemical analysis, but if he or she chooses to do so, all of the following apply:

- a. The officer may obtain a court order requiring the individual to submit to a chemical analysis.
  - b. The refusal shall result in his or her license to carry a concealed pistol being suspended for six months.
- (2) If the individual submits to the chemical analysis, he or she may obtain a chemical analysis described in subsection (d) from a person of his or her own choosing.
- (f) The collection and testing of breath, blood, and urine specimens under this section shall be conducted in the same manner that breath, blood, and urine specimens are collected and tested for alcohol- and controlled-substance-related driving violations under the Michigan Vehicle Code, 1949 PA 300, MCL 257.1 to 257.923.
- (g) If a person refuses to take a chemical test authorized under this section, the person is responsible for a municipal civil infraction and shall be fined \$100.00. A peace officer shall promptly report the refusal in writing to the department of state police. The department of state police shall notify the county clerk in the county in which the license was issued, who shall suspend the license for six months. The department of state police shall immediately enter that suspension into the law enforcement information network.
- (h) As used in this section:

*Alcoholic liquor* means that term as defined in Section 105 of the Michigan Liquor Control Code of 1998, 1998 PA 58, MCL 436.1105.

*Controlled substance* means that term as defined in Section 7104 of the Public Health Code, 1978 PA 368, MCL 333.7104.

*Under the influence of alcoholic liquor or a controlled substance* means that the individual's ability to properly handle a pistol or to exercise clear judgment regarding the use of that pistol was substantially and materially affected by the consumption of alcoholic liquor or a controlled substance.

Secs. 74-219—74-240. - Reserved.

All other Sections of Chapter 74, Offenses, Article VI. Offenses Against Public Safety shall remain unaffected.

Ordained this ____ day of _____, 2017. Effective upon publication.

_____  
Mark Nickita, Mayor

_____  
Cherilynn Brown, City Clerk

I, Cherilynn Brown, City Clerk of the City of Birmingham, do hereby certify that the foregoing ordinance was passed by the Commission of the City of Birmingham, Michigan at a regular meeting held _____, 2017 and that a summary was published _____, 2017.

_____  
Cherilynn Brown, City Clerk

CITY OF BIRMINGHAM

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND PART II OF THE CITY CODE, CHAPTER 74 OFFENSES, ARTICLE VI – OFFENSES AGAINST PUBLIC SAFETY, DIVISION 2 WEAPONS**

THE CITY OF BIRMINGHAM ORDAINS:

Part II of the City Code, Chapter 74 Offenses, Article VI – Offenses Against Public Safety, Division 2 Weapons, shall be amended, as follows:

DIVISION 2. - WEAPONS

Sec. 74-206. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Bow* means a device for propelling an arrow from a string drawn, held, and released by hand where the force used to hold the string in the drawn position is provided by the archer's muscles.

*Brandish* means to point, wave about, or display in a threatening manner with the intent to induce fear in another person.

*Crossbow* means a weapon consisting of a bow mounted transversely on a stock or frame and designed to fire an arrow, bolt, or quarrel by the release of a bow string that is controlled by a mechanical or electric trigger and has a working safety.

*Firearm* means any weapon which will, is designed to, or may readily be converted to expel a projectile by action of an explosive.

*Pneumatic gun* means any implement, designed as a gun that will expel a BB or pellet by spring, gas, or air. Pneumatic gun includes a paintball gun that expels by pneumatic pressure plastic balls filled with paint for the purpose of marking the point of impact.

Sec. 74-207. - Persons exempt.

Police officers, peace officers and persons in the military service, in pursuit of official duty, and persons duly authorized by federal or state law to carry firearms, are exempt from the provisions of this division.

Sec. 74-208. - Confiscation of weapons.

All weapons, guns, pistols, firearms, knives, dirks, razors, stilettos, bows and arrows, crossbows, or any other sharp-edged or pointed instruments, or weapons carried, possessed or used contrary to this division are hereby declared forfeited to the city.

**Sec. 74-209. - Discharge.**

No person shall discharge any bow and arrow, crossbow, firearm, air rifle, air pistol, or pneumatic gun in the city, except when lawfully acting in the defense of persons or property or the enforcement of law or at a duly established range, the operation of which has been approved by the commission. This includes target practice and "sighting-in" on private property and public property.

**Sec. 74-210. - Possession.**

(a) No person shall, except as provided in subsection (b) of this section, possess a bow and arrow, crossbow, a firearm or pneumatic gun on the premises of any of the following:

- (1) A depository financial institution or a subsidiary or affiliate of a depository financial institution.
- (2) A church or other house of religious worship.
- (3) A school.
- (4) A court.
- (5) A theater.
- (6) A sports arena.
- (7) A day care center.
- (8) A hospital.
- (9) An establishment licensed under the state liquor control act, Act No. 8 of the Public Acts of the State of Michigan of 1933, Extra Session (MCL 436.1 et seq.).

(b) This section does not apply to any of the following:

- (1) A person who owns or is employed by or contracted by an entity described in subsection (a) of this section if the possession of that firearm is to provide security services for that entity.
- (2) A peace officer.
- (3) A person licensed by this state or another state to carry a concealed weapon.
- (4) A person who possesses a firearm in a school for purposes of providing or receiving instruction in firearms safety.
- (5) A person who possesses a firearm on the premises of an entity described in subsection (a) of this section if that possession is with the permission of the owner or an agent of the owner of that entity.

(c) A person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$100.00 or both.

**Sec. 74-211. - Transporting a loaded firearm or pneumatic gun in a vehicle.**



Except as otherwise permitted by law, a person shall not transport or possess either of the following in or upon a sailboat, motor vehicle, aircraft, motorboat, or any other vehicle propelled by mechanical means:

- (1) A firearm, other than a pistol that is loaded.
- (2) A pneumatic gun that is loaded and expels a metallic BB or metallic pellet greater than .177 caliber.

A person who violates this section is guilty of a 90-day misdemeanor.

**Sec. 74-212. - Transporting an unloaded firearm or a pneumatic gun in a vehicle.**

Except as otherwise permitted by law, a person shall not transport or possess in or upon a motor vehicle or any self-propelled vehicle designed for land travel either of the following:

- (1) A firearm, other than a pistol, or
- (2) A pneumatic gun that expels a metallic BB or metallic pellet greater than .177, unless the firearm or pneumatic gun is one or more of the following:
  - a. Taken down.
  - b. Enclosed in a case.
  - c. Carried in the trunk of a vehicle.
  - d. Inaccessible from the interior of the vehicle.

A person who violates this section is guilty of a 90-day misdemeanor.

**Sec. 74-213. - Brandishing.**

- (a) No person shall, except as provided in subsection (b) of this section, knowingly brandish a firearm or weapon in public.
- (b) Subsection (a) of this section does not apply to any of the following:
  - (1) A peace officer lawfully performing his duties as a peace officer.
  - (2) A person lawfully engaged in the sale, purchase, repair, or transfer of that firearm or weapon.
- (c) A person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$100.00 or both.

**Sec. 74-214. - Intentionally aiming a firearm without malice.**

It shall be unlawful for any person to intentionally, without malice, point or aim any firearm or weapon at or toward any other person.

Sec. 74-215. - Hunting within city prohibited.

It shall be unlawful for any person within the city to hunt wild game, or in any manner carry any gun, weapon or firearm within the city for the purpose of hunting any wild game or fowl at any time.

Sec. 74-216. - Unauthorized taking, killing of birds, animals.

No person shall by use of any pit, pitfall, deadfall, cage, snare, trap, net, baited hook, or any similar device, or of any drug, poison, chemical or explosive, injure, capture or kill any bird, or any game or fur bearing animal; nor shall any person at any time or in any manner whatever molest, harass, or annoy any such bird or any game or fur bearing animal within the limits of the city; except under authority of a written license issued by the police chief, or someone by him duly authorized.

Sec. 74-217. - Possession of knives, etc., by minors.

It shall be unlawful for any minor under 18 years of age to have in his possession or control, except within his own domicile, or carry or use in any manner any knife with a blade in excess of three inches, dagger, dirk, razor, stiletto or any other sharp-edged or pointed instrument; provided, however, that such person shall not be in violation of this section if:

- (1) His possession of such bladed weapon is necessary for his employment, trade or occupation;
- (2) He is engaged in or is proceeding to or returning from a place of hunting, trapping or fishing and whenever required, is also carrying a currently valid license issued to him by the state department of conservation;
- (3) Such person is a duly enrolled member of the Boy Scouts of America or a similar organization or society and such possession is necessary to participate in the activities of such organization or society; or
- (4) Such bladed weapon is required under circumstances that tend to establish that its possession is for a lawful purpose.

Sec. 74-218. - Carrying under the influence.

- (a) Acceptance of a license to carry a concealed pistol constitutes implied consent to submit to a chemical analysis under this section.
- (b) An individual shall not carry a concealed while he or she is under the influence of alcoholic liquor or a controlled substance or while having a bodily alcohol content prohibited under this

section. An individual who violates this section is responsible for a municipal civil infraction or guilty of a misdemeanor crime as follows:

- (1) If the person was under the influence of alcoholic liquor or a controlled substance or a combination of alcoholic liquor and a controlled substance, or had a bodily alcohol content of .10 or more grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine, the individual is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or \$100.00, or both. The court shall order the county clerk in the county in which the individual was issued a license to carry a concealed pistol to revoke the license. The county clerk shall notify the department of state police of the revocation in a manner prescribed by the department of state police. The department of state police shall immediately enter that revocation into the law enforcement information network.
  - (2) If the person had a bodily alcohol content of .08 or more but less than .10 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine, the individual is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or \$100.00, or both. The court shall order the county clerk in the county in which the individual was issued a license to carry a concealed pistol to suspend the license for three years. The county clerk shall notify the department of state police of that suspension in a manner prescribed by the department of state police. The department of state police shall immediately enter that suspension into the law enforcement information network.
  - (3) If the person had a bodily alcohol content of .02 or more but less than .08 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine, the individual is responsible for a municipal civil infraction and shall be fined \$100.00. The peace officer shall notify the department of state police of a civil infraction under this subdivision. The department of state police shall notify the county clerk in the county in which the individual was issued the license, who shall suspend the license for one year. The department of state police shall immediately enter that suspension into the law enforcement information network.
- (c) This section does not prohibit an individual licensed under this act to carry a concealed pistol who has any bodily alcohol content from transporting that pistol in the locked trunk of his or her motor vehicle or another motor vehicle in which he or she is a passenger or, if the vehicle does not have a trunk, from transporting that pistol unloaded in a locked compartment or container that is separated from the ammunition for that pistol.
- (d) A peace officer who has probable cause to believe an individual is carrying a concealed pistol may require the individual to submit to a chemical analysis of his or her breath, blood, or urine.
- (e) Before an individual is required to submit to a chemical analysis under subsection (d), the peace officer shall inform the individual of all of the following:
- (1) The individual may refuse to submit to the chemical analysis, but if he or she chooses to do so, all of the following apply:
    - a. The officer may obtain a court order requiring the individual to submit to a chemical analysis.

- b. The refusal shall result in his or her license to carry a concealed pistol being suspended for six months.
- (2) If the individual submits to the chemical analysis, he or she may obtain a chemical analysis described in subsection (d) from a person of his or her own choosing.
- (f) The collection and testing of breath, blood, and urine specimens under this section shall be conducted in the same manner that breath, blood, and urine specimens are collected and tested for alcohol- and controlled-substance-related driving violations under the Michigan Vehicle Code, 1949 PA 300, MCL 257.1 to 257.923.
- (g) If a person refuses to take a chemical test authorized under this section, the person is responsible for a municipal civil infraction and shall be fined \$100.00. A peace officer shall promptly report the refusal in writing to the department of state police. The department of state police shall notify the county clerk in the county in which the license was issued, who shall suspend the license for six months. The department of state police shall immediately enter that suspension into the law enforcement information network.
- (h) As used in this section:

*Alcoholic liquor* means that term as defined in Section 105 of the Michigan Liquor Control Code of 1998, 1998 PA 58, MCL 436.1105.

*Controlled substance* means that term as defined in Section 7104 of the Public Health Code, 1978 PA 368, MCL 333.7104.

*Under the influence of alcoholic liquor or a controlled substance* means that the individual's ability to properly handle a pistol or to exercise clear judgment regarding the use of that pistol was substantially and materially affected by the consumption of alcoholic liquor or a controlled substance.

Secs. 74-219—74-240. - Reserved.

All other Sections of Chapter 74, Offenses, Article VI. Offenses Against Public Safety shall remain unaffected.

Ordained this ____ day of _____, 2017. Effective upon publication.

_____  
Mark Nickita, Mayor

_____  
Cherilynn Brown, City Clerk

I, Cherilynn Brown, City Clerk of the City of Birmingham, do hereby certify that the foregoing ordinance was passed by the Commission of the City of Birmingham, Michigan at a regular meeting held _____, 2017 and that a summary was published _____, 2017.

_____  
Cherilynn Brown, City Clerk



## MEMORANDUM

Finance Department

**DATE:** May 15, 2017

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

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

**SUBJECT:** 3rd Quarter CDBG Fund Question

This memo is in response to Commissioner Hoff's inquiry regarding the 3rd quarter budget report for the CDBG program.

For fiscal year 2015-2016, the original budget approved by the Commission for CDBG was \$32,950 which consisted of \$6,550 for Home Chore, \$3,330 for Senior Outreach Services, and \$23,070 for Barrier Free Improvements (ADA retrofit of police doors). In July 2015, in preparation of awarding the contract for the handicap lift project in city hall, a budget amendment was approved by the City Commission which increased the CDBG budget for that year by \$39,959 for a total budget of \$72,909. The funding for this budget increase was from the prior year 2014-2015 CDBG funds for the lift which were not spent in that fiscal year. Through March 31, 2016, the City spent \$23,218 in CDBG funds consisting of \$4,868 for Home Chore and \$18,350 for the Barrier Free Improvements (handicap lift).

### Fiscal Year 2015-2016

	FY 15-16 Original Budget	Budget Amendment for Lift	FY 15-16 Revised Budget	Expenditures Through 3/31/2016	Expenditures Through 6/30/16
Home Chore	\$ 6,550		\$ 6,550	\$ 4,868	\$ 6,100
Senior Outreach	3,330		3,330	-0-	446
Barrier Free Improvements	23,070	\$39,959	63,029	18,350	36,700
Total	\$32,950	\$39,959	\$72,909	\$23,218	\$43,246

For fiscal year 2016-2017, the original budget approved by the Commission for CDBG was \$31,340 which consisted of \$6,100 for Home Chore, \$8,500 for Minor Home Repair, \$3,300 for Senior Services, and \$13,440 for Barrier Free Improvements (ADA retrofit of police doors). Through March 31, 2017, the City spent \$3,302 for Home Chore and \$3,300 for Senior Outreach Services. It is anticipated that the contract for the ADA retrofit of the police doors will not occur until fiscal year 2017-2018 at which time a budget amendment will be proposed.

### **Fiscal Year 2016-2017**

	FY 16-17 Original Budget	Expenditures Through 3/31/2017	Expenditures Through 4/30/17
Home Chore	\$ 6,100	\$ 3,302	\$ 3,852
Senior Outreach	3,300	3,300	3,300
Minor Home Repair	8,500	-0-	5,409
Barrier Free Improvements	13,440	-0-	-0-
Total	\$31,340	\$6,602	\$12,561

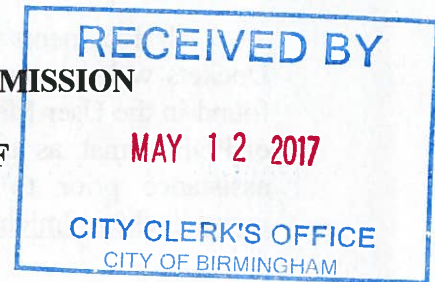
Please note that Home Chore, Senior Outreach Services, and Minor Home Repair are contracted through Next to administer. Also note that the CDBG program is a federal grant and the timing of when the City may spend these funds is dictated by when the funds are approved for spending at the federal level. Many times we do not receive approval to spend these funds until well into the fiscal year. The City has two years to spend the funds.

City staff fully expects to spend our CDBG allotment, but due to the timing of expenditures by Next and City staff, they may not happen in the same fiscal year in which they are budgeted.

I hope this memo clarifies the CDBG 3rd Quarter Budget Report and explains the reason for the differences in the budgets and expenditures between fiscal years 2015-2016 and 2016-2017.



**STATE OF MICHIGAN  
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION  
NOTICE OF HEARING  
FOR THE ELECTRIC AND GAS CUSTOMERS OF  
CONSUMERS ENERGY COMPANY  
CASE NO. U-18261**



- Consumers Energy Company requests that the Michigan Public Service Commission approve of its 2018-2021 Energy Waste Reduction plan.
- The information below describes how a person may participate in this case.
- You may call or write Consumers Energy Company, One Energy Plaza, Jackson, Michigan 49201, (800) 477-5050 for a free copy of its application. Any person may review the documents at the offices of Consumers Energy Company.
- A public hearing will be held:

**DATE/TIME:** **Thursday, May 25, 2017, at 9:00 a.m.**  
This hearing will be a prehearing conference to set future hearing dates and decide other procedural matters.

**BEFORE:** Administrative Law Judge **Dennis Mack**

**LOCATION:** Michigan Public Service Commission  
7109 West Saginaw Highway  
Lansing, Michigan

**PARTICIPATION:** Any interested person may attend and participate. The hearing site is accessible, including handicapped parking. Persons needing any accommodation to participate should contact the Commission's Executive Secretary at (517) 284-8090 in advance to request mobility, visual, hearing or other assistance.

The Michigan Public Service Commission (Commission) will hold a public hearing to consider Consumers Energy Company's (Consumers Energy) March 31, 2017 application, which seeks Commission's approval of 1) the Company's proposed 2018-2021 Energy Waste Reduction Plan; 2) the requested 2018-2021 Energy Waste Reduction Plan natural gas and electric surcharges; 3) the requested accounting authority and the authority to roll-forward any unspent funds into future approved Energy Waste Reduction plans; 4) the issuance of tariff sheets; 5) the Energy Waste Reduction incentive proposal; and 6) other relief.

All documents filed in this case shall be submitted electronically through the Commission's E-Dockets website at: [michigan.gov/mpscedockets](http://michigan.gov/mpscedockets). Requirements and instructions for filing can be found in the User Manual on the E-Dockets help page. Documents may also be submitted, in Word or PDF format, as an attachment to an email sent to: [mpscedockets@michigan.gov](mailto:mpscedockets@michigan.gov). If you require assistance prior to e-filing, contact Commission staff at (517) 284-8090 or by email at: [mpscedockets@michigan.gov](mailto:mpscedockets@michigan.gov).

Any person wishing to intervene and become a party to the case shall electronically file a petition to intervene with this Commission by May 18, 2017. (Interested persons may elect to file using the traditional paper format.) The proof of service shall indicate service upon Consumers Energy's Legal Department - Regulatory Group, One Energy Plaza, Jackson, Michigan 49201.

Any person wishing to appear at the hearing to make a statement of position without becoming a party to the case may participate by filing an appearance. To file an appearance, the individual must attend the hearing and advise the presiding administrative law judge of his or her wish to make a statement of position. All information submitted to the Commission in this matter becomes public information, thus available on the Michigan Public Service Commission's website, and subject to disclosure. Please do not include information you wish to remain private.

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

A copy of Consumers Energy's application may be reviewed on the Commission's website at: [michigan.gov/mpscedockets](http://michigan.gov/mpscedockets), and at the office of Consumers Energy Company. For more information on how to participate in a case, you may contact the Commission at the above address or by telephone at (517) 284-8090.

Jurisdiction is pursuant to 1909 PA 106, as amended, MCL 460.551 et seq.; 1909 PA 300, as amended, MCL 462.2 et seq.; 1919 PA 419, as amended, MCL 460.54 et seq.; 1939 PA 3, as amended, MCL 460.1 et seq.; 1969 PA 306, as amended, MCL 24.201 et seq.; and the Michigan Administrative Hearing System's Administrative Hearing Rules, 2015 AC, R 792.10401 et seq.

**[THE MICHIGAN PUBLIC SERVICE COMMISSION MAY APPROVE,  
REJECT, OR AMEND PROPOSALS MADE BY CONSUMERS ENERGY.]**

**STATE OF MICHIGAN  
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION  
NOTICE OF HEARING  
FOR THE ELECTRIC CUSTOMERS OF  
DTE ELECTRIC COMPANY  
CASE NO. U-17920-R**



- DTE Electric Company requests Michigan Public Service Commission approval for reconciliation of its Power Supply Cost Recovery Plan for the 12-month period ending December 31, 2016.
- The information below describes how a person may participate in this case. You may call or write DTE Electric Company, One Energy Plaza, Detroit, Michigan 48226-1279, (800) 477-4747, for a free copy of its application. Any person may review the application at the offices of DTE Electric Company.
- A public hearing will be held:

**DATE/TIME:** **Wednesday, June 7, 2017, at 9:30 a.m.**  
This hearing will be a prehearing conference to set future hearing dates and decide other procedural matters.

**BEFORE:** Administrative Law Judge **Dennis W. Mack**

**LOCATION:** Michigan Public Service Commission  
7109 West Saginaw Highway  
Lansing, Michigan

**PARTICIPATION:** Any interested person may attend and participate. The hearing site is accessible, including handicapped parking. Persons needing any accommodation to participate should contact the Commission's Executive Secretary at (517) 284-8090 in advance to request mobility, visual, hearing or other assistance.

The Michigan Public Service Commission (Commission) will hold a public hearing to consider DTE Electric Company's (DTE Electric) March 31, 2017 application requesting 1) approval of their 2016 PSCR reconciliation; 2) authorization to collect their total PSCR under-recovery at year-end 2016 of \$18,248,494, including interest, from all PSCR customers via a roll-over of such under-recovery as the January 2017 starting balance for the 2017 PSCR Reconciliation; and 3) additional relief.

All documents filed in this case shall be submitted electronically through the Commission's E-Dockets website at: [michigan.gov/mpscedockets](http://michigan.gov/mpscedockets). Requirements and instructions for filing can be found in the User Manual on the E-Dockets help page. Documents may also be submitted, in Word or PDF format, as an attachment to an email sent to: [mpscedockets@michigan.gov](mailto:mpscedockets@michigan.gov). If you require assistance prior to e-filing, contact Commission staff at (517) 284-8090 or by email at: [mpscedockets@michigan.gov](mailto:mpscedockets@michigan.gov).

**INFORMATION ONLY**

Any person wishing to intervene and become a party to the case shall electronically file a petition to intervene with this Commission by May 31, 2017. (Interested persons may elect to file using the traditional paper format.) The proof of service shall indicate service upon DTE Electric's attorney, Jon P. Christinidis, One Energy Plaza, Detroit, Michigan 48226-1279.

Any person wishing to appear at the hearing to make a statement of position without becoming a party to the case may participate by filing an appearance. To file an appearance, the individual must attend the hearing and advise the presiding administrative law judge of his or her wish to make a statement of position. All information submitted to the Commission in this matter becomes public information, thus available on the Michigan Public Service Commission's website, and subject to disclosure. Please do not include information you wish to remain private.

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

A copy of DTE Electric's request may be reviewed on the Commission's website at: [michigan.gov/mpscdockets](http://michigan.gov/mpscdockets), and at the office of DTE Electric Company. For more information on how to participate in a case, you may contact the Commission at the above address or by telephone at (517) 284-8090.

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

May 5, 2017

# **GREAT LAKES WATER AUTHORITY**

## **PUBLIC HEARING NOTICE WASTEWATER CONVEYANCE SYSTEM FY18 STATE REVOLVING FUND (SRF) PROJECTS**

The Great Lakes Water Authority (GLWA) announces a Public Hearing regarding its Project Plan for the proposed Detroit River Interceptor Evaluation and Rehabilitation Project. GLWA will be seeking low interest State Revolving Fund (SRF) loan assistance for FY18. The project is comprised of the evaluation and rehabilitation of the Detroit River Interceptor (DRI) which conveys approximately 30% of GLWA wastewater flows to the Water Resource Recovery Facility (WRRF). The DRI was constructed in 1927 and has seen limited maintenance and rehabilitation since that time and is currently in poor condition. The DRI is an extremely important interceptor in the collection system and the consequences of failure are high. Therefore, this project is necessary to ensure that GLWA can rely on this critical component of the system to convey maximum wastewater flows to the WRRF, while mitigating historical problems with combine sewer overflows (CSOs), interceptor collapses, sink holes and residential basement flooding. The proposed project will significantly provide upgrades and improve the reliability of the DRI conveyance system. The total cost of this project is currently estimated at \$33,350,000 which will be allocated to GLWA and suburban customers similar to other collection system capital improvements. The Detroit River Interceptor Evaluation and Rehabilitation Project is eligible for participation under the State of Michigan low interest State Revolving Fund (SRF) loan program.

The Public Hearing will present a description of the recommended project, its evaluation, and estimated costs, as well as the cost per household impact for customer communities. The purpose of the hearing is not only to inform, but to seek and gather input from people that will be affected. Comments and viewpoints from the public are requested.

### **THE MEETING WILL BE HELD ON:**

**DATE:** Wednesday, June 14, 2017

**PLACE:** Great Lakes Water Authority  
Water Board Building  
735 Randolph  
5th Floor, Board Room  
Detroit, Michigan 48226

**TIME:** 1:00 p.m.

**Information on the Project Plan will be available for review after May 12, 2017 at the following locations:**

**GLWA Website: [www.glwater.org](http://www.glwater.org)**  
**or**  
**Great Lakes Water Authority**  
**Water Board Building**  
**735 Randolph, Room 1504, 15th Floor**  
**Detroit, Michigan 48226**

If you have questions or would like to submit written statements for the Public Hearing Record call or write:

**Mr. Daniel Edwards**  
**Great Lakes Water Authority**  
**Procurement Department**  
**735 Randolph, 15th Floor**  
**Detroit, Michigan 48226**  
**(313) 964-9471**

Written comments will be accepted at the above address if received prior to 5:00 p.m. EST, Wednesday, June 14, 2017.

**Great Lakes Water Authority**  
**Sue F. McCormick**  
**CEO**

**INFORMATION ONLY**

# **GREAT LAKES WATER AUTHORITY**

## **PUBLIC HEARING NOTICE WATER RESOURCE RECOVERY FACILITY FY18 STATE REVOLVING FUND (SRF) PROJECTS**

The Great Lakes Water Authority (GLWA) announces a Public Hearing regarding its Project Plan for the proposed Central Offload Facility Rehabilitation Project. GLWA will be seeking low interest State Revolving Fund (SRF) loan assistance for FY18. The project is comprised of the evaluation, design and rehabilitation of the Central Offload Facility (COF) at the Water Resource Recovery Facility (WRRF). Constructed in 2005, the purpose of the COF is to stabilize dewatered blended wastewater sludge and deposit it into trucks for offsite disposal, either land application or landfill disposal. The COF is in great need of rehabilitation and has numerous deficiencies affecting operational reliability. This project is necessary to ensure that GLWA can maintain treatment of wastewater flows at the WRRF during peak flow conditions typically occurring during wet weather events. The proposed project will provide rehabilitation of existing facilities and upgrades to operational monitoring and control to improve the reliability of the solids handling capability of the WRRF. The total cost of this project is currently estimated at \$13,973,000 which will be allocated to GLWA and suburban customers similar to other WRRF capital improvements. The Central Offload Facility Rehabilitation Project is eligible for participation under the State of Michigan low interest State Revolving Fund (SRF) loan program.

The Public Hearing will present a description of the recommended project, its evaluation and estimated costs, as well as the cost per household impact for customer communities. The purpose of the hearing is not only to inform, but to seek and gather input from people that will be affected. Comments and viewpoints from the public are requested.

### **THE MEETING WILL BE HELD ON:**

**DATE:** Wednesday, June 14, 2017

**PLACE:** Great Lakes Water Authority  
Water Board Building  
735 Randolph  
5th Floor, Board Room  
Detroit, Michigan 48226

**TIME:** 1:00 p.m.

**Information on the Project Plan will be available for review after May 12, 2017 at the following locations:**

**GLWA Website: [www.glwater.org](http://www.glwater.org)  
or  
Great Lakes Water Authority  
Water Board Building  
735 Randolph, Room 1504, 15th Floor  
Detroit, Michigan 48226**

**If you have questions or would like to submit written statements for the Public Hearing Record call or write:**

**Mr. Daniel Edwards  
Great Lakes Water Authority  
Procurement Department  
735 Randolph, 15th Floor  
Detroit, Michigan 48226  
(313) 964-9471**

**Written comments will be accepted at the above address if received prior to 5:00 p.m. EST, Wednesday, June 14, 2017.**

**Great Lakes Water Authority  
Sue F. McCormick  
CEO**

**INFORMATION ONLY**