



**CITY COMMISSION MEETING AGENDA
JULY 10, 2017
7:30 PM**



Municipal Building, 151 Martin, Birmingham, MI 48009

Navigating through the agenda:

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BIRMINGHAM CITY COMMISSION AGENDA
JULY 10, 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:

- *Finding Dory* is the featured movie at Booth Park on Friday, July 14th at 7:30 PM. For more information about upcoming Movie Nights in Booth Park, visit www.enjoybirmingham.com.
- Summer Concerts in Shain Park continue on Wednesday, July 12th at 12 PM featuring Rock/Classical music performed by Gia Warner & Bobby Lewis, and at 7 PM featuring the Psychedelic Music of the 60's and 70's with the Magic Bus. For upcoming performers and the schedule, visit www.bhamgov.org/summerconcerts.
- The immensely popular Farmers Market continues on Sundays from 9 AM to 2 PM in Municipal Parking Lot #6 on N. Old Woodward.
- Day on the Town is Saturday, July 22nd from 9 AM to 7 PM. There will be great shopping and sales, as well as activities for the entire family in downtown Birmingham. For more information on this event and others coming up, visit www.enjoybirmingham.com.
- Birmingham is competing for a Community Excellence Award from the Michigan Municipal League. The Birmingham Multi-Modal Transportation Board is the City's entry. Public voting determines the winner, so please log on to <http://cea.mml.org/vote/> to vote for Birmingham's Multi-Modal Transportation Board. You can vote once a day.

Appointments:

- A. Interviews for Greenwood Cemetery Advisory Board
 - 1. Darlene Gehringer
 - 2. Kevin Desmond
- B. To appoint ____ to the Greenwood Cemetery Advisory Board to serve a three-year term to expire July 6, 2020.
- C. To appoint ____ to the Greenwood Cemetery Advisory Board to serve a three-year term to expire July 6, 2020.
- D. Interviews for Parks and Recreation Board Alternates
 - 1. Eleanor Noble
 - 2. John Rusche
 - 3. Heather Carmona
 - 4. Wendy DeWindt
 - 5. Amara Manoogian

- E. To appoint ____ to the Parks and Recreation Board as an Alternate to serve a three-year term to expire March 13, 2020.
- F. To appoint ____ to the Parks and Recreation Board as an Alternate to serve a three-year term to expire March 13, 2020.
- G. Administration of Oath of Office to the appointed board members

IV. CONSENT AGENDA

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

- A. Approval of Joint City Commission/Planning Board meeting minutes of June 19, 2017.
- B. Approval of City Commission meeting minutes of June 26, 2017.
- C. Approval of warrant list, including Automated Clearing House payments of June 28, 2017 in the amount of \$617,375.12.
- D. Approval of warrant list, including Automated Clearing House payments of July 5, 2017 in the amount of \$994,286.29.
- E. Resolution approving a request from the Piety Hill Chapter, National Society Daughters of the American Revolution to hold the Veteran's Day Wreath Laying Ceremony on November 11, 2017 at 11:00AM, pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event.
- F. Resolution authorizing the City Manager to cast a vote, on the City's behalf, for the five incumbent members of the Michigan Municipal League Workers' Compensation Fund Board of Trustees for four-year terms, beginning October 1, 2017.
- G. Resolution approving the street light agreement between the City of Birmingham and DTE Energy regarding the installation of street lights at 750 Forest 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.
- H. Resolution approving the Contract for Skating Director with Jill Kolaitis effective July 11, 2017 up to and including May 11, 2018. Further, authorizing the Mayor and City Clerk to sign the Contract on behalf of the City of Birmingham upon receipt of all required insurances.

V. UNFINISHED BUSINESS

- A. Resolution approving the sidewalk improvement plans recommended by the Multi-Modal Transportation Board for Oakland Ave. from Woodward Ave. to Lawndale Ave., to be implemented as a part of upcoming City of Birmingham and MI Dept. of Transportation projects planned in 2017 and 2018.

VI. NEW BUSINESS

- A. Resolution approving the award with Highway Maintenance and Construction, Inc. for services related to the 2017 Cape Seal Program – contingent upon the results of the related public hearing of necessity and confirmation of the special assessment roll – in amounts not to exceed the per unit pricing as submitted; Double chip seal \$3.13/sq. yd., Single chip seal \$1.70/sq. yd., Slurry seal \$2.61/sq. yd., Pulverizing \$1.90/sq. yd., Street preparation \$395.00/ton and Manhole adjustment \$550.00 each. Further, authorizing the Mayor and Clerk to sign the agreement on behalf of the City upon receipt of proper insurances.

- B. Public Hearing to determine necessity for 2017 Cape Seal Program-Public Street Improvement
1. Resolution declaring necessity for the improvement to be known as 2017 Cape Seal Program-Public Street Improvement; further, approving the detailed cost estimates submitted by the Department of Public Services; further, creating a special assessment district and special assessments levied in accordance with benefits against the properties as described above; further that the following method of assessment be adopted: 85% of front-foot costs for improvement are assessed on all property fronting the improvement; 25% of side-foot costs for improvement are assessed on all residential property siding the improvement; 85% of side-foot costs for improvement are assessed on improved business property siding the improvement and; 25% of side-foot costs for improvement are assessed on vacant business property siding on the improvement; further, directing the City Manager to prepare the special assessment roll and present the same to the City Commission for confirmation at the Public Hearing on Monday, July 24, 2017 at 7:30 p.m.
- C. Public Hearing to consider a Lot Split – 839 Randall Ct., Parcel #1925352018
1. Resolution granting a waiver in accordance with Sec. 102-4 Waivers, and approving the proposed lot split of 839 Randall Ct.,
OR
Resolution denying the lot split of 839 Randall Ct. as proposed as it may adversely affect the interest of the public and of the abutting property owners.
- D. Resolution authorizing the Mayor to sign DTE Electric Company Overhead Easement No. 47698093- 47698095, located on Lot 91 of Assessor's Plat #29, located in the northwest ¼ corner of Section 25, City of Birmingham.
OR
Resolution denying the request to authorize the DTE Electric Company Overhead Easement No. 47698093- 47698095, located on Lot 91 of Assessor's Plat #29, located in the northwest ¼ corner of Section 25, City of Birmingham.
- E. Resolution directing staff to revise the bidding documents for the Old Woodward Ave. Reconstruction Project, prepared for 2018 construction, with the following directives:
1. Installation of Hadco standard Birmingham street lights.
OR
Installation of Selux brand street lights for the Old Woodward Ave. corridor, with Hadco lights on Maple Rd.
 2. Inclusion of a separate electrical system.
OR
Remove the separate electrical system from the plans.
 3. Installation of the City's standard streetscape and concrete street design throughout the project, known as Option A1.
OR
Installation of the MKSK enhanced buff washed concrete streetscape and concrete street design on Old Woodward Ave., known as Option A2.
OR
Installation of the MKSK brick paver and granite curb enhanced streetscape and street design on Old Woodward Ave., known as Option B.
- F. Resolution approving the Planning Board 2017 Action List as recommended.
OR
Resolution approving the Planning Board 2017 Action List as amended.

- G. Resolution approving the quote from Axiom Construction in the amount of \$36,211.20 to remove the existing wooden fence and replace with 120 feet of six foot high masonry screen wall with capstone, to be funded from account number 401-339.001-977.0000

OR

Resolution denying the quote from Axiom Construction to remove the existing wooden fence and replace with 120 feet of six foot high masonry screen wall with capstone.

- H. Resolution approving the tentative agreements of June 12, 2017 and settlement agreement of June 19, 2017 between the City and BFFA for a renewal of the collective bargaining agreement through June 30, 2020. Further, authorizing the transfer of the appropriate funds by the Finance Department for the contract effective July 1, 2017.
- I. Resolution authorizing the city's compliance with the provisions of State of Michigan Public Act 152 of 2011, by exercising the City's option to exempt itself from the requirements of the Act; and further, directing the Finance Director to submit the required form with the Michigan Department of Transportation.
- J. Resolution approving the recommendation by Human Resources, to implement a 2% salary table adjustment and in-range adjustments based upon performance for full-time and part-time employees in the Department Head and Administrative/Management classifications effective July 1, 2017.

AND

Resolution approving the recommendation by Human Resources, to implement the 2% performance increment through June 30, 2018 with individual eligibility to be in accordance with merit increase guidelines.

AND

Resolution authorizing increased copays in the Administrative/Management and ACA-Eligible benefit plans effective January 1, 2018 as recommended.

AND

Resolution approving the transfer of the necessary funds by the Finance Department to the respective departmental personnel accounts.

VII. REMOVED FROM CONSENT AGENDA

VIII. COMMUNICATIONS

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

X. REPORTS

- A. Commissioner Reports
Notice of Intent to Appoint to the Advisory Parking Committee
- B. Commissioner Comments
- C. Advisory Boards, Committees, Commissions' Reports and Agendas
- D. Legislation
- E. City Staff
1. Parking utilization report, submitted by Engineer O'Meara
 2. Museum Strategic Plan Update, submitted by Museum Director Pielack

XI. ADJOURN

INFORMATION ONLY

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

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



NOTICE OF INTENTION TO APPOINT TO THE GREENWOOD CEMETERY ADVISORY BOARD

At the regular meeting of Monday, July 10, 2017 the Birmingham City Commission intends to appoint two members to the Greenwood Cemetery Advisory Board to serve three-year terms to expire July 6, 2020.

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.

Interested citizens may submit a form available from the City Clerk's Office on or before noon on Wednesday, July 5, 2017. These applications will appear in the public agenda for the regular meeting at which time the commission will discuss recommendations, and may make nominations and vote on the appointments.

Committee Duties

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. Future Demands. As to how to respond to future demands for cemetery services.
3. 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.

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

Applicant(s) Presented For City Commission Consideration:

Applicant Name	Criteria/Qualifications Must be a resident 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.
Darlene Gehringer	Resident – 759 Hazelwood Person familiar with and interested in the history of Birmingham.
Kevin Desmond	Resident – 1795 Yosemite Cemetery or funeral professional.

SUGGESTED RESOLUTION:

To appoint_____ to the Greenwood Cemetery Advisory Board to serve a three-year term to expire July 6, 2020.

To appoint_____ to the Greenwood Cemetery Advisory Board to serve a three-year term to expire July 6, 2020.



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.
3. 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 Address	Home Business E-Mail	Appointed	Term Expires
Buchanan	Linda	1280 Suffield Birmingham 48009	(248) 646-3297 <i>rlb4149@yahoo.com</i>	12/14/2015 owner of burial site in Greenwood; person familiar with and interested in the history of Birmingham.	7/6/2019
Desmond	Kevin	759 Hazelwood Birmingham 48009	(248) 225-5526 <i>kdesmond@desmondfuneralhome.com</i>	11/24/2014 Cemetery or funeral professional.	7/6/2017

Last Name	First Name	Home Business	E-Mail	Appointed	Term Expires
Gehring	Darlene	(248) 540-8061		11/24/2014	7/6/2017
1108 W. Maple				Chairperson	
Birmingham	48009			Person familiar with and interested in the history of Birmingham.	
			<i>maplepro@comcast.net</i>		
Peterson	Linda	(248) 203-9010		11/24/2014	7/6/2018
1532 Melton				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.	
Birmingham	48009				
			<i>lpeterson02@comcast.net</i>		
Schreiner	Laura	(248) 593-0335		11/24/2014	7/6/2018
591 Bird				Vice-Chairperson	
Birmingham	48009			Person familiar with and interested in the history of Birmingham; person with experience	
			<i>laschreiner@yahoo.com</i>		
Stern	George	(248) 258-1924		11/24/2014	7/6/2018
1090 Westwood				Person familiar with and interested in the history of Birmingham; person with experience in landscape architecture, horticulture, or law.	
Birmingham	48009				
			<i>sterngeo@aol.com</i>		
Suter	Margaret	(248) 644-5925		5/23/2016	7/6/2019
1795 Yosemite				owns a plot, relative buried in Greenwood Cemetery	
Birmingham	48009				
			<i>maasuter@gmail.com</i>		

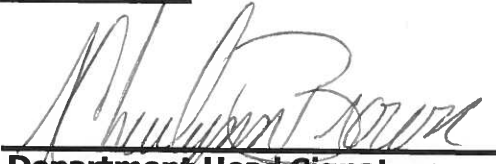
CITY BOARD/COMMITTEE ATTENDANCE RECORD

Board/Committee: **Greenwood Cemetery Advisory Board**

Year: **2015**

MEMBER NAME	1/9	2/6	2/23	4/10	5/1	6/5	6/19	8/3	9/11	12/4	NM	NM	Total Mtgs. Att.	Total Absent	Percent Attend
REGULAR MEMBERS															
Kevin Desmond	P	P	P	A	P	P	P	P	P	P	NM	NM	9	1	90%
Pamela DeWeese	P	P	P	P	P	P	P	A	P	P	NM	NM	9	1	90%
Darlene Gehringer	A	P	P	P	P	P	A	A	P	P	NM	NM	7	3	70%
Linda Peterson	P	P	P	A	P	P	P	P	P	P	NM	NM	9	1	90%
Laura Schreiner	P	P	P	A	A	P	P	P	P	P	NM	NM	8	2	80%
George Stern	P	P	P	P	P	P	P	P	P	P	NM	NM	10	0	100%
Barbara Thurber	P	P	P	P	P	P	P	P	P	A	NM	NM	9	1	90%
Reserved													0	0	#DIV/0!
Reserved													0	0	#DIV/0!
ALTERNATES															
Member 1	na	na	na	na	na	na	na	na	na	na	na	na	0	0	#DIV/0!
Member 2	na	na	na	na	na	na	na	na	na	na	na	na	0	0	#DIV/0!
Reserved													0	0	#DIV/0!
Reserved													0	0	#DIV/0!
Members in attendance	6	7	7	4	6	7	6	5	7	6	0	0			

KEY: A = Absent
P = Present
NM = No Meeting
na = not appointed at that time


 Department Head Signature


CITY BOARD/COMMITTEE ATTENDANCE RECORD

Board/Committee: **Greenwood Cemetery Advisory Board**

Year: **2017**

MEMBER NAME	1/6	2/3	3/3	5/5	7/8	9/2	9/30	10/14	12/9	NM	NM	NM	Total Mtgs. Att.	Total Absent	Percent Attend
REGULAR MEMBERS															
Linda Buchanan	P	P	P	A									3	1	75%
Kevin Desmond	P	P	P	P									4	0	100%
Darlene Gehringer	P	P	P	P									4	0	100%
Linda Peterson	A	P	P	P									3	1	75%
Laura Schreiner	A	P	P	P									3	1	75%
George Stern	P	P	P	P									4	0	100%
Margaret Suter	P	P	P	P									4	0	100%
Reserved													0	0	#DIV/0!
Reserved													0	0	#DIV/0!
ALTERNATES															
Member 1	na	na	na	na	na	na	na	na	na	na	na	na	0	0	#DIV/0!
Member 2	na	na	na	na	na	na	na	na	na	na	na	na	0	0	#DIV/0!
Reserved													0	0	#DIV/0!
Reserved													0	0	#DIV/0!
Members in attendance	5	7	7	6	0	0	0	0	0	0	0	0			

KEY: A = Absent
P = Present
NM = No Meeting
na = not appointed at that time


 Department Head Signature

CITY BOARD/COMMITTEE ATTENDANCE RECORD

Board/Committee: **Greenwood Cemetery Advisory Board**

Year: **2016**

MEMBER NAME	2/5	4/1	5/27	6/3	7/8	9/2	9/30	10/14	12/9	NM	NM	NM	Total Mtgs. Att.	Total Absent	Percent Attend
REGULAR MEMBERS															
Linda Buchanan	P	P	P	P	P	P	P	P	P	NM	NM	NM	9	0	100%
Kevin Desmond	P	A	A	P	P	A	A	A	A	NM	NM	NM	3	6	33%
Darlene Gehringer	P	P	P	P	P	P	P	A	P	NM	NM	NM	8	1	89%
Linda Peterson	A	P	P	P	A	P	A	P	A	NM	NM	NM	5	4	56%
Laura Schreiner	A	P	P	P	P	P	P	P	P	NM	NM	NM	8	1	89%
George Stern	P	P	P	P	P	P	P	P	P	NM	NM	NM	9	0	100%
Barbara Thurber	A	A	na	na	na	na	na	na	na	na	NM	NM	0	2	0%
Margaret Suter	na	na	P	P	P	P	P	P	P	NM	NM	NM	7	0	100%
Reserved													0	0	#DIV/0!
ALTERNATES															
Member 1	na	na	na	na	na	na	na	na	na	na	na	na	0	0	#DIV/0!
Member 2	na	na	na	na	na	na	na	na	na	na	na	na	0	0	#DIV/0!
Reserved													0	0	#DIV/0!
Reserved													0	0	#DIV/0!
Members in attendance	4	5	6	7	6	6	5	5	5	0	0	0			

KEY: A = Absent
P = Present
NM = No Meeting
na = not appointed at that time


 Department Head Signature



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

APPLICATION FOR CITY BOARD OR COMMITTEE

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

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

(Please print clearly)

Board/Committee of Interest GREENWOOD CEMETERY BOARD
Specific Category/Vacancy on Board RENEWAL- 3YR- TERM (CURRENT CHAIRWOMAN)
Name DARLENE GEHRINGER Phone 248-540-8061
Residential Address 1108 W MAPLE RD. Email MAPLEPRO@COMCAST.NET
Residential City, Zip BIRMINGHAM 48009 Length of Residence 35 yrs.
Business Address _____ Occupation RETIRED-OWNER
Business City, Zip _____ MAPLE PROMOTIONS INC.

Reason for Interest: Explain how your background and skills will enhance the board to which you have applied PRESENTLY SERVING ON CEMETERY BOARD 3 yrs AND WISH TO CONTINUE WORKING/DEVELOPING MASTER PLAN, INCLUDING RECLAMATION OF UNUSED LOTS, DIGITIZATION, USER FRIENDLY WEBSITE AND APP, REVIEW/UPDATE CONTRACT WITH ELMWOOD.

List your related employment experience FINANCE MANAGER, MARKETING, GOVERNMENT FLEET SALES, CORPORATE IDENTITY PROGRAMS

List your related community activities FORMER HISTORIC DISTRICT STUDY COMMITTEE, HISTORIC DISTRICT COMMISSION, DESIGN REVIEW BOARD, GREENWOOD CEMETERY ADVISORY COMMITTEE, TREASURER SE MICHIGAN SALVATION ARMY AUXILIARY, OWN & RESTORED HOME BUILT IN 1916, REEF ENVIRONMENTAL FOUNDATION

List your related educational experience MBA-WAYNE STATE UNIVERSITY; COMMISSIONER TRAINING WORKSHOP GIVEN BY MICHIGAN HISTORIC PRESERVATION NETWORK

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

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

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

Signature of Applicant Darlene Gehring

Date 6/26/17



Cherilynn Brown <cbrown@bhamgov.org>

Greenwood Cemetery Board application to renew term

1 message

DARLENE GEHRINGER <maplepro@comcast.net>

Mon, Jun 26, 2017 at 1:13 PM

Reply-To: DARLENE GEHRINGER <maplepro@comcast.net>

To: "Brown, Cherilynn" <cbrown@bhamgov.org>

Hello Cherilynn,

Today I am mailing my completed application for term renewal on the Greenwood Cemetery Board.

I regret that I will not be attending the meeting/interview on Monday, July 10, as I will be on vacation.

I trust that my past performance and experience will allow me to be re-appointed. I look forward to continuing to serve in this capacity.

Thank you,

Darlene M. Gehringer



RECEIVED BY

JUN 29 2017

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

APPLICATION FOR CITY BOARD OR COMMITTEE

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

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

(Please print clearly)

Board/Committee of Interest Greenwood Cemetery Advisory Board

Specific Category/Vacancy on Board _____

Name Kevin Desmond

Phone 248-225-5526

Residential Address 759 Hazelwood

Email kdesmond@ajdesmond.com

Residential City, Zip Birmingham 48009

Length of Residence 2 yrs (7 yrs in Birmingham)

Business Address 2600 Crooks Rd.

Occupation Funeral Director

Business City, Zip Troy 48084

Reason for Interest: Explain how your background and skills will enhance the board to which you have applied
Professional experience gives me knowledge to know how a professionally managed cemetery best serves our community. My insights allows the board to avoid making decisions based on misconceptions & falsehoods.

List your related employment experience Vice-President & Funeral Director at AJ Desmond & Sons

List your related community activities Angels Place Advisory Board, Notre Dame Club of Detroit

List your related educational experience Wayne State Mortuary Science

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

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

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

Kevin Desmond
Signature of Applicant

6/29/17
Date



NOTICE OF INTENTION TO APPOINT TO THE PARKS & RECREATION BOARD

At the regular meeting of Monday, July 10, 2017, the Birmingham City Commission intends to appoint two alternate members to the Parks and Recreation Board to serve three-year terms to expire March 13, 2020.

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

Responsibilities

The Parks & Recreation Board consists of seven regular members and two alternate members who serve for three-year terms without compensation. The goal of the board is to promote a recreation program and a park development program for the city of Birmingham. The Board shall recommend to the City Commission for adoption such rules and regulations pertaining to the conduct and use of parks and public grounds as are necessary to administer the same and to protect public property and the safety, health, morals, and welfare of the public.

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

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

Applicant(s) Presented For City Commission Consideration:

Applicant Name	Criteria/Qualifications
	Members must be electors (registered voters) of the City of Birmingham.
Eleanor "Ellie" Noble	1160 Lake Park Dr.
John Rusche	358 Henley St.
Heather Carmona	887 Lakeview Ave.
Wendy DeWindt	1979 Fairway Dr.
Amara Manoogian	1100 Westboro

SUGGESTED ACTION:

To appoint _____ to the Parks & Recreation Board to serve a three-year term to expire March 13, 2019.

To appoint _____ to the Parks & Recreation Board to serve a three-year term to expire March 13, 2019.

PARKS AND RECREATION BOARD

Article II, Section 78

Objectives: The Parks and Recreation Board shall promote a recreation program and a park development program for the City. The Board shall recommend to the city commission for adoption such rules and regulations pertaining to the conduct and use of parks and public grounds as are necessary to administer the same and to protect public property and the safety, health, morals, and welfare of the public.

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

Members must be electors of the City of Birmingham

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

Last Name	First Name	Home Business E-Mail	Appointed	Term Expires
Gould 816 S. Bates	Ben	(248) 396-0007 <i>bengould723@gmail.com</i>	2/27/2017 Student Representative	12/31/2017
Kaplan 635 Oak	Ross	(248) 645-6526 <i>rkaplan@neumannsmith.com</i>	10/22/2007	3/13/2020
Kummer 592 Oakland	Joseph	(248) 792-7136 <i>jkummer2327@gmail.com</i>	2/27/2017 Student Representative	12/31/2017
Longe 1253 Yosemite	Therese	(248) 258-6744 (313) 745-0138 <i>tmquattro@gmail.com</i>	3/29/2004 Chairperson	3/13/2019

Last Name Home Address	First Name	Home Business E-Mail	Appointed	Term Expires
Meehan 656 Chester	John	(248) 644-5923 <i>john.meehan@att.net</i>	3/18/2002 Vice Chairperson	3/13/2020
Ross 1872 Derby	Ryan	(248) 705-6465 <i>ryan.countryside@gmail.com</i>	5/21/2012	3/13/2018
Stevens 1243 Ruffner	Raymond	(248) 514-3740 <i>art2953@gmail.com</i>	4/15/1996	3/13/2018
Stotland 698 Hanna	Lilly	(248) 433-3148 <i>lstotland@vescooil.com</i>	12/7/2015	3/13/2019

Vacant				3/13/2020
			Alternate	

Vacant				3/13/2020
			Alternate	

Last Name	First Name	Home Business		
Home Address		E-Mail	Appointed	Term Expires
Wiebrecht	William	(248) 703-6503	10/14/1991	3/13/2018
1714 Torry				
		<i>whw989@wowway.com</i>		



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

APPLICATION FOR CITY BOARD OR COMMITTEE

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

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(Please print clearly)

Board/Committee of Interest Parks & Rec

Specific Category/Vacancy on Board Alternate Board Member

Name Eleanor "Ellie" Noble Phone 248-417.7777

Residential Address 1160 Lake Park Dr. Email elliecnoble@hotmail.com

Residential City, Zip Birmingham 48009 Length of Residence 50+ Years

Business Address P.O. Box 15 Occupation Sales Rep

Business City, Zip Birmingham 48012

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

see pages behind

List your related employment experience _____

List your related community activities

Just graduated from Citizen's Academy, see attached for more.

List your related educational experience _____

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

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

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

Eleanor C. Noble
Signature of Applicant

6-15-17
Date

Reason for Interest: Having moved here at the age of 4 in 1959, I spent many a pleasant day down at the local park, Poppleton, playing in the cheese, swinging on the gate and swings, and flying crazily on the merry-go-round! I also remember bucolic days watching my brother play Little League Baseball all around town, especially at Kenning Park. I must admit the highlight then was the arrival of the Good Humor Truck and those tasty Toasted Almond Bars! In 6th grade at Adams School I remember playing prison ball and bringing the brand new super balls back to bounce sky-high after hurrying back from my home blocks away for lunch.

In 1980 when my husband and I were deciding where to live with our newborn son a deciding factor was Pembroke Park because it was walkable from the home for sale on Windemere by just 5 houses! We spent many a day and evening there with our young family. It also was a meeting place to get to know our neighbors and make lifelong friends.

When we moved again in 1985, a big criterion was a park and school within walking distance which we have had ever since. Part of the charm of Birmingham is its green spaces and I am quite familiar with most of them due to raising 6 kids and having an active outdoor life with them.

I bring perspective to this board due to the fact I have lived in Birmingham more than 50 years and witnessed many changes in these parks, and the city for that matter. Most of the changes have enhanced our community and beautified it as well. I am so impressed with the work done to facilitate our golf courses to become profitable over these last years.

I have an eye for details in gardens and plantings and enjoy having our home and community enhanced by them. I have participated on more than a few community boards and have found working in the spirit of good for the whole very gratifying. I am a good listener and researcher and if I don't know something I am more than willing to learn. I do speak up in a group but do not have to have the last word. I can easily lead or be one of many.

Related employment: Worked as a realtor for Hall and Hunter selling homes in our community. How our city presents itself to the surrounding world is of great importance to home values. Besides the excellent school system and safety of our city, the beauty of it is quite important.

Related community experiences: Most of my community involvement has been school related due to the size and scope of my family (17 years from oldest to youngest). Room mother, Great Books Leader, library helper, PTSA Secretary, Football Party Organizer, 8th grade parent network organizer are a few in the school. Then I was on the boards of BBFA and Birmingham Community Coalition for years. I also served on the Advisory Board for Special Education for 3 years. I was an original board member of the Quarton Lake Homeowners Association with Don Carney as our president in 1989. I helped start the newsletter and found the logo which is still used today. I also was the President of the Birmingham

Evening Newcomers Group back in the '80's. We had a very active and fun organization back then. We played at Lincoln Hills in a League through that group.

I will mention one other job, (and leave a few unmentioned!) and that is being the volunteer head of our Seaholm High School 10th, 20th, and 40th class reunions. (I was burned out for the 30th)

Related Educational experience: Can I use the fact I graduated from MSU, the foremost agricultural college in the state of Michigan? Also, my grandfather and great-grandfather were college teaching botanists. Well, I guess that's stretching it!

Above all, I have a love of this city and want to see it continue to grow and thrive. I welcome the opportunity to serve in the capacity of an alternate member of the Board of Parks and Recreation.

Thank you!

Eleanor C. Noble



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

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(Please print clearly)

Board/Committee of Interest Parks & Recreation Board

Specific Category/Vacancy on Board Alternate

Name John Rusche

Phone H: 248-731-7068; M: 248-219-8114

Residential Address 358 Henley Street

Email JPRusche@aol.com

Residential City, Zip Birmingham 48009

Length of Residence Nine years

Business Address 300 E. Big Beaver, Suite 500

Occupation Consultant, Program Manager

Business City, Zip Troy, 48083

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

I participated in the Birmingham Citizens Academy to help me determine which board I should volunteer for. Many of the boards require specific credentials, but Parks & Rec does not. I live near Poppleton Park and have attended every P&R Board meeting since March.

List your related employment experience Twenty-five years in training and consulting, focused primarily on standards-based process improvement for the auto industry.

List your related community activities "Graduated" from Birmingham Citizens Academy, May 2016. Former board member Detroit Science Center. Current member Cranbrook House and Gardens Auxiliary.

List your related educational experience BA and MBA Wayne State University

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

No

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

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

John Rusche
Signature of Applicant

6/19/2017
Date

Return the completed and signed application form to: City of Birmingham, City Clerk's Office, 151 Martin, Birmingham, MI 48009 or by email to Cbrown@bhamgov.org or by fax to 248.530.1080. Updated 05/11/17

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(Please print clearly)

Board/Committee of Interest Parks and Recreation Board

Specific Category/Vacancy on Board Alternate Member

Name Heather Carmona

Phone 248-867-1346

Residential Address 887 Lakeview Avenue

Email htcarmona@sbcglobal.net

Residential City, Zip Birmingham 48009

Length of Residence 8 years

Business Address _____

Occupation Self/Business consultant

Business City, Zip _____

Reason for Interest: Explain how your background and skills will enhance the board to which you have applied _____
My past professional experience working with municipalities, committees and residents will be an asset. In 2011, I participated and provided input into the current Master Planning process encouraging language (Goal #6) to reduce chemical exposure in the city's parks.

List your related employment experience _____
As past Executive Director for 14 years of the Woodward Avenue Action Association, I bring experience working closely with city planners, urban planning firms, landscape architects, preservationists and have understanding of beautification/green infrastructure.

List your related community activities _____
I have an 8 year old daughter. We are frequent users of Booth, Shain, Poppleton Parks, Quarton Lake park and the Rouge River Trails. Living a block away from Quarton Lake, I have particular interest in preserving the environmental quality of our open spaces and watershed.

List your related educational experience _____
I am a certified health coach and have taught classes on healthy, toxin free living.

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

No

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

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

Signature of Applicant _____

Date _____



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

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(Please print clearly)

Board/Committee of Interest Parks and Recreation Board

Specific Category/Vacancy on Board Alternate

Name Wendy DeWindt

Phone 248-417-7293

Residential Address 1979 Fairway Drive

Email wdewindt@doner.com

Residential City, Zip Birmingham

Length of Residence 5 years

Business Address 25900 Northwestern Hwy

Occupation Advertising

Business City, Zip Southfield

Reason for Interest: Explain how your background and skills will enhance the board to which you have applied _____
Woud like to get more involved in the community and feel the Parks & Rec board fits my life. I look forward to identifying ways to support and promote a recreation program and park development program for the City.

List your related employment experience Advertising - extensive background in strategy, development, production and deployment.

List your related community activities Actively involved in my children's school and within my own neighborhood.

List your related educational experience Graduated from MSU with a Business degree in marketing and an emphasis on Advertising.

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

N/A

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

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

W DeWindt

Signature of Applicant

6/30/17

Date

Return the completed and signed application form to: City of Birmingham, City Clerk's Office, 151 Martin, Birmingham, MI 48009 or by email to Cbrown@bhamgov.org or by fax to 248.530.1080. Updated 05/11/17

3D4



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

APPLICATION FOR CITY BOARD OR COMMITTEE

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(Please print clearly)

Board/Committee of Interest Parks and Recreation Board

Specific Category/Vacancy on Board Alternate Member

Name Amara Manoojian

Phone 248-885-5797

Residential Address 1100 Westboro

Email Amaramanoogian@gmail.com

Residential City, Zip Birmingham, 48009

Length of Residence 24 years

Business Address _____

Occupation _____

Business City, Zip _____

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

up figure skating at the Birmingham Ice Sports Arena. Since then, I've
Worked at the U.S. Department of State on Sports Diplomacy projects.

List your related employment experience

U.S. Department of State Bureau of Educational and Cultural Affairs Jr. Program Officer
Social media Manager, Prince Ali for FFA Presidential Campaign

List your related community activities

Volunteer for Team U.S.A. at the 2016 Rio Olympic Games
Data collector for the International Olympic Committee at the 2016 Rio Games
Model UN coach, Grant School without Walls, Washington DC

List your related educational experience

MA, Global Communication, Public Diplomacy, The George Washington University
B.A., International Affairs, The George Washington University

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

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

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

[Signature]
Signature of Applicant

07/03/2017
Date

**BIRMINGHAM CITY COMMISSION /
PLANNING BOARD JOINT WORKSHOP SESSION MINUTES
JUNE 19, 2017
DPS FACILITY, 851 SOUTH ETON
8:00 P.M.**

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Mark Nickita called the meeting to order at 8:00 PM.

II. ROLL CALL

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

Scott Klein, Planning Board Chairman
Stuart Jeffares, Member
Bert Koseck, Member
Janelle Whipple-Boyce, Member
J. Bryan Williams, Member

ABSENT: Robin Boyle, Member
Gillian Lazar, Member
Lisa Prasad, Member
Daniel Share, Member

ADMINISTRATION: City Manager Valentine, City Attorney Studt, Deputy Clerk Arft, Building
Planning Director, Ecker, Director Johnson

III. ITEMS FOR DISCUSSION

Mayor Nickita explained that this is a workshop session to discuss and evaluate various planning issues, with the intent to create an Action List for the Planning Board. City Manager Valentine added that more discussion will be needed on each item by the City Commission. The priorities will be determined by the Commission at a future meeting.

A. RENOVATION OF COMMERCIAL PROPERTIES

Planning Director Ecker explained that there are three boards that review building improvements consisting of the Planning Board, the Design Review Board and the Historic District Commission. The Zoning Ordinance establishes the review process for new construction and renovation of existing buildings. However, the Zoning Ordinance is not clear as to the extent an existing building can be renovated before it is deemed new construction, and the ordinance is not clear as to what specific changes trigger site plan review. Site plan reviews go to the Planning Board. If the building is in the historic district, it will also go to the Historic District Commission. If it is a design change only to an existing building, it would go to the Design Review Board. This issue came up particularly with the Audi building because they had not changed the footprint, it went to the Design Review Board. The question is should there be

a clarification made to some of the ordinance language to determine how much of a renovation to an existing building is a renovation, or when it becomes new construction or a new building. She noted that this is not the first time for this issue.

She also suggested clarifying what exactly is a design change vs. a site plan change. In the past, a site plan change has been interpreted as a change in the footprint in the building or square footage, but it is unclear in the ordinance. Would the City like to see the review procedures amended for new construction and/or the renovation of existing buildings, both in terms of which boards review those actions and also whether there needs to be clarification on what constitutes renovation of an existing building, and where the line is drawn between that and new construction. Also, does the Commission wish to see a distinction or clear definition as to what constitutes a site plan change and what constitutes a design change.

Commissioner Sherman suggested it would be wise to have more of a review than what we have now.

Mr. Jeffares asked about dramatic changes in use. Ms. Ecker responded that would require an application for an occupancy permit and any building permits needed. The Building Department would route the plans to the other departments. The Planning Department would look at the use to confirm it is an approved use, and at parking to confirm it met the parking requirements. If there are no exterior changes to the building, it does not need to go to a board for planning review, according to the current ordinances.

Mr. Koseck asked if the Design Review Board look at things such as site issues, pedestrian flow, trash, pickup, access, etc. Ms. Ecker said the DRB focuses more heavily on the design and the signage than the site issues. They do discuss the site issues, but not as much detail as the Planning Board and have input.

Mayor Pro Tem Harris asked for specific examples when the ordinance did not require a site plan review and the project later was thought to have needed to have site plan review. Ms. Ecker said the Audi building was an example of one that had concern expressed as to whether it needed a site plan review as well, but no changes were made to the layout of the site, access, etc. The Wachler building and the McCann building were other examples. A site on Cole Street was required to also go for site plan review, because changes were proposed to the parking lot and dumpster.

Commissioner DeWeese said the difference between design review and site plan review is not understood, and thinks it would be useful to have those defined and explained. He said that is also true of renovation and new construction. He added that site plan review considers internals, layout of other buildings around to see the interconnections between them, while Design Review does not look at as much, and so at a certain scale, it becomes important for site plan review.

Mayor Nickita said this is most evident in downtown overlay where we have specific requirements. The Surnow building is an example where we need the expertise of the Planning Board and the review that deals with specifics for a project of that sort. Maybe during the process, a recognition of the extent is clear, and if it is very minor and not much change, then it can be overlooked because we do not want to create difficulties when they are not there. We do not always know in the beginning of a project how big it might become. He thinks the

Planning Board should have some type of review to be certain the project adheres to the City's guidelines.

Commissioner Bordman expressed concern about what happens when a project turns out to be more involved than originally thought. She is unsure that our ordinance could even address a situation like that without causing problems for the builder.

Ms. Boyce said it becomes more of a planning issue when an extensive renovation matched with a change in use occurs. She would like the Planning Board to have the opportunity to review it to make sure all of the issues are addressed.

Mayor Nickita said there seems to be solid support for reviewing this further and identifying a plan of action to address having a further review than we have done in the past. The intention is not to create another level of regulation, but we have to make sure we have the proper checks and balances.

Mr. Valentine said this issue will be added and brought back to the Commission.

B. COMMERCIAL PROJECTIONS ONTO PUBLIC PROPERTY/ ARCHITECTURAL ALLOWANCES

Ms. Ecker explained that Chapter 98 implies that awnings, balconies, marquees, and canopies are permitted to project over the public right-of-way, but does not clearly state that they are permitted. They are to comply with Chapter 22, which are the Building Code regulations. The question has that arisen is should it be clarified in the Zoning Ordinance which, if any projections are permitted, and to address the height, projection or permitted materials for architectural features projecting into the public right of way.

Mayor Nickita added that the property line is the building face, so anything that projects beyond the building face is technically over City property. When the projections are a bit atypical or if they take on other forms, it becomes more difficult. Ms. Ecker said while we have a review process, we do not have a hard and fast regulation as to how far it can project.

In response to Commissioner Hoff, Ms. Ecker said we could potentially determine a size of how many inches a projection could protrude into the right of way, and if the location on the building would impact how far it could protrude.

Commissioner DeWeese said some of these projections are pleasing to the eye and are pedestrian-friendly, so the key may not be to define exactly how much, but maybe a minimum which would trigger a review standard.

Mr. Koseck said it is worth more study and investigation and development of some criteria or measurement.

Mayor Nickita said this issue is worthy of another layer of review to incorporate clear guidelines.

C. RAIL DISTRICT BOUNDARY REVIEW

Ms. Ecker explained that recently the Rail District boundaries were created and defined by the City Commission. The question has come up whether some other properties on the west side of S. Eton and/or the North Eton Plaza on N. Eton should be added to the district. The district

allows Bistro establishments to be operated on any of the properties with a Special Land Use Permit.

Commissioner Hoff noted that both of the properties mentioned are transitional zones, and are close to residential. She suggested that they could be classified in a transitional zone.

Mr. Koseck noted that the Rail District is not a zoning district, and a transitional zone is a zoning classification. Ms. Ecker agreed, and compared it to an overlay district. The Rail District is a map that is incorporated into the Zoning Ordinance that delineates where the Rail District is. She added that all of the properties in the district do not share the same zoning.

Ms. Boyce commented that this issue does not seem to be a priority.

In response to Mayor Nickita's question, Ms. Ecker said she has not seen any requests or interest from the areas for inclusion in the district. Mayor Nickita added that all commercial or non-residential in the area is in the rail district, except for the two areas.

Mayor Pro Tem Harris asked if there have been any inquiries from the properties to apply for a Bistro license. Ms. Ecker said there have been none.

Commissioner Bordman suggested that the properties could be zoned transitional within the Rail District since there are various zoning classifications within the district. The parcel north of Maple is on Eton, and is in the same position relative to residential that the rest of the Rail District as outlined is in relation to residential. She does not like to see the parcels in question have no identity.

Mr. Williams noted that the Whole Foods area was made part of the Rail District at a later time, which enabled Whole Foods to apply for a Bistro license.

Commissioner Sherman suggested this is a low priority to move forward. It is something that could move forward at a later date if we see there is going to be some type of marketing program or a possibility of developing the properties to conform with the properties in the area.

Mayor Nickita said it is unusual that the two properties are not included, but the consensus is that it can be considered at a lower level. It is something to consider in the future.

D. ECONOMIC DEVELOPMENT LICENSE BOUNDARY REVIEW

Ms. Ecker explained that this issue came up over the past year. The Economic Development License boundary includes mostly properties along the Woodward corridor that the Commission at the time felt were the properties that needed a push forward in order to see some redevelopment occur. The area also now includes Maple Road just to the east of Woodward. The Stand and Triple Nickel have been developed as a result of the district. We have had interest from others who do not fall in the district at this point. She asked if there is interest in changing the boundaries for this district or not. Ms. Ecker added the benefit of being included in the district is the ability to transfer a liquor license from another municipality.

Mr. Jeffares is in favor of looking at this.

Commissioner Hoff said the Economic Development license does not have as many restrictions as the Bistro license, and because of that, she is not in favor of expanding the Economic

Development license boundary. By expanding the area, it would bring it closer to residential, areas she feels would be better suited for a Bistro license.

Commissioner DeWeese feels we need more control of it. Currently, we are seeing Bistros getting out of hand. He agrees with Commissioner Hoff, and suggested there maybe is an intermediate step.

Commissioner Sherman said the City does have control, as a Special Land Use Permit is required. This may be another tool to encourage something that would not otherwise be done.

Commissioner DeWeese clarified that his concern is about size, scale, and appropriateness.

Mayor Pro Tem Harris asked how challenging is it for a business to obtain a liquor license if it is not in an area for a Bistro license or economic development license. Ms. Ecker does not have the specifics on that, but the owner would have to obtain an existing quota license, which are rarely for sale, and are expensive.

City Manager Valentine clarified that the investment triggers the ability to obtain the license, then the applicant must purchase the license.

Commissioner Boutros said he thinks it is worth consideration.

Mayor Nickita suggested that a revision is in need of further review to see if it has merit. There are areas in the Triangle District that could use some incentive for development.

E. BISTRO ALLOWANCES AND RESTRICTIONS

Ms. Ecker said there has been concern expressed over the size of Bistros recently. She explained that a Bistro is defined as a restaurant with 65 seats or less, with no more than 10 of them at a bar, with a full service kitchen, low key entertainment, tables that must line the storefront, and outdoor dining. The biggest issue has been how much is too much outdoor dining. The intent when Bistros was started was to encourage outdoor dining, but it was not apparent at the time how far owners would look for creative opportunities to expand the outdoor dining. She suggested clarifications as to maximums, location, enclosures and the building code issues such as energy code, fire suppression might be needed. Parking needs are also a big concern.

Mayor Nickita added that the original concept for Bistros was just in the downtown area and that has changed. Once the area expanded to the Triangle area and Rail District, it changed the circumstance because of parking and available outdoor space.

Commissioner Bordman suggested considering different rules for different areas. The needs are different. Perhaps part of the study should be whether to have the exact same requirements in each of our districts.

Commissioner DeWeese suggested we need an intermediate level that applies in different situations. He considers this a high priority issue.

Mr. Koseck suggested that we should study the materials used and also the intent.

Commissioner Hoff agreed it is time to review the Bistro ordinance. It has developed differently than what was planned.

Mayor Nickita commented that it is time to review the ordinance.

F. RENTAL PROPERTY CONSIDERATIONS

Building Official Bruce Johnson explained short-term basis rentals. The City does have a rental ordinance for dwellings. The ordinance does not differentiate as to length of rental period. The department has become aware of a handful of homes that are being offered on the internet as vacation homes. There could be a potential issue such as number of different people coming and going in the neighborhood. There are a couple of homes that have not registered as rentals, and his department has communicated the City's requirement. There is a proposed Senate bill that would prohibit local government from regulating these homes. The City could not place any further restrictions on a short-term rental as it would on any other single family home in the district. The City could not prohibit short-term rentals of homes. The ordinance works well for typical rented dwelling units, but the short-term rentals may create unique complaints or concerns from either noise, people coming and going, and we may want to review the City Code to consider any legal restrictions needed.

Mr. Jeffares confirmed with Mr. Johnson that room rentals fall under our current ordinance.

In response to Commissioner Boutros' question, Mr. Johnson said he does not believe a homeowner knowingly tries to skirt the ordinance, and that it is a question of being unaware of the existence of our ordinance.

Mayor Pro Tem Harris commented that this seems to be a new trend, and thinks it would be worthy of some study to get ahead of some issues that might surface.

Commissioner Hoff asked if we would have any control over these type of rentals in light of the proposed Senate bill if passed. Mr. Johnson responded that if it passes, the City would have no control over those rentals.

Commissioner DeWeese is in favor of looking at this when Mr. Johnson has the time to devote to investigation and research.

Mayor Nickita agreed.

G. RETAIL DEFINITION REVISION

Ms. Ecker explained that the issue is the type of uses permitted on the first floor of the Redline Retail District. These are the streets designated on the zoning map with red lines. Primarily the streets are Old Woodward, Maple, Hamilton, sections of Pierce, Willits. In that area, the current ordinance calls for a retail use in the first 20 feet of depth, which comes from the 2016 plan. The plan recommended that retail be in the first floor for the first 20 feet of depth, and it had a definition for retail. The exact language was taken from the 2016 plan and adopted into our ordinance.

What we have to look at now is, was there enough clarity in the type of definition for retail and the associated definitions. Currently, retail is defined in the ordinance but it includes commercial. Commercial is then defined in the ordinance, and it includes personal services. Personal services is not defined. We did not vary from the 2016 plan because the author of the

plan did not recommend we define it so we did not, but things change and over time, we have different uses that have come up that have tried to get into the downtown. They want to be in the downtown and they fall under this definition of personal services because we have not defined it, and they have been able to get in on the first floor spaces. The Commission has directed the Planning Board to come up with the temporary relief mechanism to change the wording of the overlay district, and to add a definition for personal services and to look at specifically taking the quasi-office type use out of being a permitted use in the Redline Retail District downtown. The Board set a public hearing for July 12th to consider the temporary relief measures that the Commission sent to them. The Board has been studying the issue of retail and the use downtown that the Commission sent to them last year; specifically, how do we define it and how has it changed. That was the bigger picture, comprehensive issue. Specifically with regards to the Redline Retail and having a temporary relief valve, that is what they set the public hearing for on July 12th.

In this case, is there interest by the Commission to direct the Board to conduct a study session to review the intent of the Redline Retail District as proposed in the 2016 Plan and evaluate whether the current application of personal services is consistent with what the intent was in the 2016 plan.

The interpretation has been that a personal service is any type of service that a person can walk in and ask and pay for that service and get that service. The business has to be open to the public so a person off the street has to be able to walk in. It is that gray. A firm selling a marketing service or website designs is a quasi-office use. Maybe these types of uses were not envisioned at the time the 2016 plan was written. We are not sure what the intent of the 2016 plan was with regards to those. Businesses have been able to get in under the definition of personal services because they are open to the public and people walk in and buy their services. The argument is that they are offering personal services. Without a definition, it is difficult to clarify and draw the line as to what constitutes personal services and what doesn't.

So the definition of personal services that is up for consideration right now was arrived at by looking at other jurisdictions and what they defined as personal services. The most common use was that personal services dealt with the care of a person or their clothing, such as tailors, salons, facials, tanning places, shoe repair, anything dealing with the person or their clothing. If that definition was adopted that would very clearly specify that only those types of personal services would fall under commercial and therefore, the quasi-office type uses that we are seeing that are almost more business-related services would not fall under permitted uses in the Redline Retail district. So it is clarifying what would be permitted, and do we want to look at the intent of the 2016 plan and some of these uses that may or may not have even been conceived of at that time.

Mayor Nickita said there are two questions. The bigger question is concerning the state of potential uses that may be available now that were not available years ago. The other question is a question that came from the Building Official which is a matter of logistics on how Mr. Johnson does his job. When he gets a set of plans, he has to determine if it is allowed under our ordinance or not allowed under our ordinance. Ordinances become gray sometimes and projects look for clear identification. We had this issue with the dormer issue being unclear. There were a number of questions whether or not they fit within our ordinance. Mr. Johnson asked for clarity in the ordinance because it was unclear for him to do his work. The Board and Commission quickly took a look at it, and we found a solution to clear up a gray area that was there. The garage house issue was the same. They were done because there was a loophole

in the ordinance that created difficulty for the building staff to clarify. Over time, people interpret the ordinances differently or the interpretation gets grayer. The personal use term is too gray to identify for clarity from a legal perspective for approval. It seems like there is a misunderstanding as to what is being asked of the Planning Board. This is a clarification; we are not changing the ordinance.

The larger question brought up is the Redline Retail area accommodating uses of the day, or should it be reviewed. That is a separate issue and can be done at a different time. The issue at hand is can we help the Building Department do its job.

Commissioner Bordman understands that the problem is that we do not have a definition for an essential aspect of the Zoning Ordinance. As to the effect it might have on the Redline district or the other aspects of the Redline district, we should study it, but it can be done over time. Perhaps we make it a top priority over time. But we have an immediate issue that must be examined. Birmingham is a dynamic City and we get proposals all the time, and if our Building Official cannot address those issues right now while they are coming in, that is a problem. This creates a situation for the employees to be put in an awkward position to make a decision. She agreed that both issues should be addressed quickly. They are connected issues, but they are separate.

Mr. Williams said the distinction was not made at the time this came to the Board. One of the issues the Board is grappling with is adopting a proposed solution without a permanent or expiration date. Temporary measures tend to be permanent if they are not replaced. If we are going to have a solution here that is appropriate, we have to put a time frame on it, which would force us to prioritize it. He is quite confident that the landlords are furious because they do not understand the distinction being made tonight, nor did he.

Commissioner Sherman said it is clear that the Board received direction that was unclear, and that is what we are trying to do now. He said the idea of having a study session of what the intention was of the personal service uses under the 2016 plan is a very good next step, even before the Public Hearing. He suggested moving the July 12th Public Hearing to a date certain, have a study session to narrow the definition down a little bit, and then have the Public Hearing. When the Commission prioritizes these items, it is the Commission's job to give the Board priorities with expectations and timelines. He agreed that something should not be temporary and then allowed to become permanent.

Commissioner Hoff favors creating a personal service definition. She agrees we need a definition of personal service and then we will decide what to do with it, but we are not at the point of asking the Board to amend anything.

Commissioner DeWeese was concerned about community service also. In terms of community service, there are certain governmental units that are independent of the City that can come in regardless of our ordinances, and he didn't want it exclusionary. We need clear definition and clear intent of what our Master Plan has been trying to achieve and what works for walkable communities.

Mr. Clein said he has just heard two opinions that we kind of slow the bus, and do not have any real conversation on actual changes to the ordinance, but simply provide definitions. What he heard originally was that the Commission wanted the Board to make changes to the ordinance. He thinks that is where the confusion came, because the Board was in the middle of its study of

retail. He thought he was all clear. He would like clarity on what the Commission's goal is here.

Mayor Nickita said the idea was to make sure the Board has the ability to study this personal service determination and be able to clarify that and put off the Public Hearing until the Board is able to do that.

Commissioner Sherman said the motion was passed 4-2 to have the Public Hearing and make changes, and to define the term. There was some discussion as to what the term actually meant. The comments heard from Commissioners Hoff and DeWeese were minority opinion. The majority opinion was what you understood and articulated.

Commissioner Boutros said the message sent to the Board was different from what the intention was.

Commissioner Bordman expressed concern about the postponement in that it will be mistaken to mean take all the time needed, rather than getting this done as quickly as possible. There needs to be some direction on this idea of postpone and study.

Mayor Nickita thinks the intention driving this to begin with was Building Department staff needing help and that it is needed it sooner than later.

Commissioner Hoff commented that we should move forward on definition before July 24th. She thinks that it is still reasonable.

Mayor Pro Tem Harris said the majority position was for definition of personal use only and not a definition of community use.

Commissioner Sherman said his original comment was to postpone the Board's July 12th Public Hearing to shortly thereafter to give time for a study session.

Mr. Williams clarified that it has been suggested that Board open the July 12th Public Hearing, postpone it to a date certain, then begin study session of the personal service definition.

Mayor Nickita said this is not to be a broad review of the downtown, but recognize that ordinances become unclear and situations change. The idea is to take the Redline Retail district as a next step with current day market conditions and identifying where it could be strengthened with the intention of making it a pedestrian, walkable place is a valid thing to do, but it is not to be done when we look at personal service.

Ms. Ecker said she understands that they are to postpone the Public Hearing, focus on the personal services definition only. She asked to confirm the Commission does not wish the amendment to Article 3, Section 3.04(C)(6) right now.

Commissioner Sherman said that the ordinance amendment is still going to be the discussion at the Public Hearing, but in order to get to that point, the Board has to first study the personal services definition to incorporate it into the amended ordinance. That is what the Public Hearing is about. Ms. Ecker noted the Public Hearing was noticed for the amendment of Article 3, Section 3.04 and the personal services definition. She asked if the Commission wants the Planning Board to come up with a personal services definition and send that to the Commission

first. She noted that the motion as passed directs the Board to consider the definition of personal services and Article 3.04 to exclude personal services from the Redline Retail District. She asked if the Commission still wants both of those together. Commissioner Sherman confirmed, and believes that is what was discussed. Then it will come to the Commission for a Public Hearing.

City Manager Valentine said if the Board provides the definition, the ordinance has to be amended. It has already been noticed that way. The process is being separated somewhat to add the additional review of the 2016 plan on what the intent is, and then discuss the definition.

Ms. Ecker clarified that the Commission wants the Board to postpone the Public Hearing to a later date, and focus on the definition of personal services only. Then hold the Public Hearing for the ordinance amendments and the definition. Commissioner Sherman explained that it is one ordinance. Mr. Valentine said the resolution that was passed included the definition, so it is all one action by resolution of the Commission.

Commissioner Hoff stated she did not think the Board was going to amend the Downtown Birmingham Overlay standards to exclude community and personal services when we do not know what the personal service definition is. Mr. Valentine clarified that the resolution that passed had a subsequent amendment added which stipulated that the definition of personal services be included when it comes back the Commission.

Commissioner Sherman said the Commission recognized that it made no sense to amend it without a definition of personal service. The Commission is asking the Board to come back with a definition of personal services and the change incorporated into the ordinance as a recommendation.

Commissioner Hoff clarified to exclude community and personal service uses. It is very specific to exclude them. Commissioner Sherman clarified that the Board has to define it. We need a definition to know what those are.

Commissioner Boutros asked what would happen if the Board does not have a definition in time for the July 24th Public Hearing. Commissioner Sherman noted the Commission does not have a hearing on July 24th, and that the Commission asked that the Board report back to the Commission that date.

Mr. Valentine said he will follow up with the Board with written communication outlining what was discussed tonight, so there are no questions going forward.

Mr. Williams requested that Mr. Valentine address if the Board is to include or exclude personal services.

H. SHARED PARKING CONSIDERATION;

Ms. Ecker explained that the discussion tonight will center on shared parking and parking standards for private developments. Both were previous directions from the Commission last June and also when the Ad Hoc Rail District Committee recommendations were reported. It included a recommendation to encourage shared parking.

The Planning Board conducted a study of shared parking. The ordinance currently includes a provision for shared parking. The Planning Board has encouraged applicants to consider shared parking over the years, and it has not been something that most have been willing to do.

The recommendations from the Planning Board are:

- Parking calculations that would not require an applicant to hire a parking consultant. A standardized table has been included which takes into consideration all of the variables of the use, and provides a chart with parking requirements.
- Not include a requirement to record on title. When changes occur in use of a property, the Building Department forwards the plans to the Planning Department which will look at the use and the parking requirement.
- Offer zoning incentives, such as extra square footage, reduced landscape requirements, etc., in exchange for recording on title.

The Board discovered that no community mandates shared parking, but many were examples where incentives were offered and the process was streamlined.

The Board has refined the draft ordinance language and instead of setting a Public Hearing, it was decided to add it to the discussion tonight to get the Commission's input.

Commissioner Bordman would like to know how successful the communities have been with the parking calculations, and what kind of problems they encountered.

Commissioner DeWeese said it is useful for future consideration, but not a priority at this time. To the extent possible, he suggested we should make it easier for applicants to develop the properties.

Commissioner Hoff asked if shared parking agreements would be required for approval. Ms. Ecker said the proposed amendments would not require that. The property owner would have an obligation to the City to notify of a change in use and the parking reduction would be null and void if the notification was not made. In the case of a sale of a property, Ms. Ecker said if the use did not change, it would not be an issue. If the use did change, a notification would be required. Commissioner Hoff expressed concern when both parties no longer agree to the shared parking agreement. Ms. Ecker noted her concern.

Ms. Boyce noted she was on the Ad Hoc committee and recalls that the committee talked through some of these concerns. Her impression is that this could be accomplished fairly easily, and would like to be able to do it.

Mayor Nickita agreed and said it is quite important where we want to encourage development more. Parking is a concern, so as much as we can use shared parking, the better.

Ms. Ecker explained that the issue has been raised to alleviate parking concerns. The Board has been studying this issue over the last several months, and the question is now, does the Commission wish to see an expedited review by the Board of the parking requirements for private developments.

Commissioner Bordman said it sounds like the Planning Board has a heavy schedule now. While it is a worthwhile area of study, but she does not know about expediting it. She feels the Board has more urgent needs at this time.

Mr. Clein agreed with Commissioner Bordman and said that a review of parking is a large endeavor.

The consensus agreed that this is too large a topic to undertake at this time. It also is part of the upcoming Master Plan.

I. PLANNING BOARD ACTION LIST REVIEW

Ms. Ecker discussed the Action List and the items completed and still in progress.

Commissioner Hoff would like to see the Bistro ordinance review included.

Mr. Valentine said the Action List will be brought back as an action item so the Commissioners can determine the priorities and adopt it.

IV. PUBLIC COMMENT

Mr. Paul Ceckorian, Fairfax resident commented on the definition of personal use.

Mr. Richard Share, building owner on W. Maple, commented on restrictions.

Mr. Bedros Avedian, building owner on W. Maple, commented on retail changes.

Mr. Brian Najor, commented on personal use definition.

Mr. Matt Furlow, commented on retail challenges.

Mr. James Eshaki, commented on personal services and the ordinance process.

Mayor Nickita explained the process.

V. ADJOURN

The meeting was adjourned at 10:30 PM.

Cheryl Arft
Deputy Clerk

BIRMINGHAM CITY COMMISSION MINUTES
JUNE 26, 2017
MUNICIPAL BUILDING, 151 MARTIN
7:30 P.M.

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

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

II. ROLL CALL

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

Administration: City Manager Valentine, City Clerk Brown, IT Director Brunk, Police Commander Grewe, City Attorney Currier, City Planner Ecker, Finance Director Gerber, Deputy Treasurer Klobucar, Assistant Engineer Fletcher, DPS Director Wood

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

Mayor Nickita presented a Proclamation honoring the students, staff and advisor of Wylie E. Groves High School's official student-run newsmagazine, *The Scriptor*. *Formal resolution appended to minutes as Attachment A.*

Mayor Nickita announced:

- The Summer Concerts are in full swing at Shain Park with concerts on June 28th and July 5th. A special Fourth of July concert has been added to this year's schedule featuring the Jazz Ambassadors of the U.S. Army Field Band. The concerts begin at 7:00 p.m. Visit www.bhamgov.org/summerconcerts for the list of performers and the upcoming schedule of concerts.
- City offices and Baldwin Library will be closed Tuesday, July 4th for Independence Day.

06-163-17 APPOINTMENT TO THE RETIREMENT BOARD

Lawrence Smith was interviewed by the Commission on June 12, 2017.

Current Board Member Christopher Conti was present and was interviewed by the Commission. Commissioner Hoff questioned Mr. Conti's attendance in 2015, which was only 20%. Mr. Conti explained he typically only misses one meeting per year, and rarely misses the Retirement Investment Committee meetings where the recommendations are formulated to be made to the Retirement Board.

MOTION: Motion by Commissioner Boutros, second by Commissioner DeWeese:

To concur with the Mayor's recommendation to appoint Christopher Conti to the Retirement Board, as the resident member who is not eligible to participate in the retirement system, to serve a three-year term to expire July 1, 2020.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

City Clerk Brown administered the oath of office to the appointed board member.

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.

06-164-17 APPROVAL OF CONSENT AGENDA

The following items were removed from the Consent Agenda:

- Commissioner Hoff: Item P, Deaf & Hearing Impaired Service Agreement
 Item R, Police Department Outside Agency Service Agreements
- Commissioner Bordman: Item L, Municipal Credit and Community Credit contract for Fiscal year 2018
 Item Q, NEXT 2017-2018 Service Agreement
- Mayor Pro Tem Harris: Item N, Ice Arena Repairs
- Mayor Nickita: Item T, Set Public Hearing-Glazing Standards

MOTION: Motion by Commissioner Sherman, seconded by Commissioner DeWeese:
To approve the Consent Agenda, with items L, N, P, Q, R, and T removed.

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

- A. Approval of City Commission minutes of June 12, 2017.
- B. Approval of warrant list, including Automated Clearing House payments, of June 14, 2017 in the amount of \$1,948,346.44.
- C. Approval of warrant list, including Automated Clearing House payments, of June 21, 2017 in the amount of \$324,850.26.
- D. Resolution approving the Verizon Access Transmission Services Right-of-Way Metro Act Safe Harbor Application and Safe Harbor Bi-Lateral Permit. *Formal resolution appended to minutes as Attachment B.*

- E. Resolution approving the purchase of a 4-ton hot box patch trailer from Falcon Asphalt Repair Equipment through the State of Michigan extendable purchasing contract #071B770092 in the amount of \$23,105.69 from account #641-441.006-971.0100.
- F. Resolution approving Change Order Numbers 1-6 to the Springdale Pavilion Concrete Project, in the amount not to exceed \$108,098.00, to Luigi Ferdinandi & Son Cement Company for a new concrete floor and foundation reconstruction. Further, authorizing the payment amount of \$102,693.10 until final inspection and approval is provided by the Building Department. After which time, the remaining balance of \$5,404.90 will be paid. Funds for this project are available in the Capital Projects Fund account #401-751.001-981.0100.
- G. Resolution authorizing the IT department to purchase the recommended count of Microsoft Office 2016 Standard and Pro Software Licenses from CDWG using the SelectPlus Pricing Agreement. The purchase price not to exceed \$20,575.00. Funds are available in the IT Computer Software fund account # 636-228.000-742.0000.
- H. Resolution accepting the resignation of Mark Coir from the Historic District Study Commission and Design Review Board, thanking him for his service, and directing the Clerk to begin the process of filling the vacancies.
- I. Resolution accepting the resignation of Paul Robertson, Jr. from the Brownfield Redevelopment Committee, thanking him for his service, and directing the Clerk to begin the process to fill the vacancy.
- J. Resolution accepting the resignation of Robert Ziegelman from the Triangle District Corridor Improvement Authority and the Housing Board of Appeals, thanking him for his service, and directing the Clerk to begin the process to fill the vacancies.
- K. Resolution authorizing the IT department to purchase the Microsoft Windows server and SQL Licenses from CDWG using the Select Plus Pricing Agreement. The purchase price not to exceed \$25,024.00. Funds are available in the IT Computer Software fund account # 636-228.000-742.0000.
- M. Resolution awarding the "Flat Roof Replacement at the Birmingham Ice Sports Arena" project to LaDuke Roofing and Sheet Metal for a total expenditure of \$84,890 and authorizing the Mayor and City Clerk to sign the contract on behalf of the City upon the receipt of all required insurances. Further, approving the appropriations and budget amendments to the fiscal year 2016-2017 Capital Projects Fund and General Fund budgets as follows:
- Capital Projects Fund**
- | | | |
|-------------------------------|-----------------------|----------|
| Revenues: | | |
| Transfers In-General Fund | #401-901.001-699.0101 | \$24,890 |
| Total Revenue Adjustments | | \$24,890 |
| Expenditures: | | |
| Ice Arena/Buildings | #401-901.001-977.0000 | \$24,890 |
| Total Expenditure Adjustments | | \$24,890 |
- General Fund**
- | | | |
|-------------------------------|-----------------------|----------|
| Revenues: | | |
| Draw from Fund Balance | #101-000.000-400.0000 | \$24,890 |
| Total Revenue Adjustments | | \$24,890 |
| Expenditures: | | |
| Transfers Out-Capital | | |
| Projects Fund | #101-999.000-999.4010 | \$24,890 |
| Total Expenditure Adjustments | | \$24,890 |
- O. Resolution waiving the competitive bidding requirement for the sole source vendor and approving the purchase of six (6) additional security cameras along with an updated

hard drive, for a total expenditure not to exceed \$8,004.00. Funds for this purchase are available in the General Fund, Ice Rink Sports Arena, Buildings, account #101-752.000-977.0000.

- S. Resolution approving the purchase of uniforms with Contractors Clothing Company for the total amount not to exceed \$9,000 for fiscal year 2017-2018. Funds are available for this purchase in the Public Services - Uniform Allowance account # 101-441.002-743.0000.
- U. Resolution awarding the Recreation Master Plan Professional Services Agreement to McKenna Associates in the amount not to exceed \$24,500 and authorizing the Mayor and City Clerk to sign the agreement upon receipt of all required insurances. Funds are available in the General Fund – Parks – Other Contractual Services account #101-751.000-811.0000.

The Commission agreed to discuss Items L, Q, P, and R at this time.

06-165-17 ITEM L. MUNICIPAL CREDIT AND COMMUNITY CREDIT CONTRACT FOR FISCAL YEAR 2018

Commissioner Bordman, in reference to both Item L and Item Q, noted:

- She was appointed by the City Commission to serve on the NEXT Board.
- The Commission requested the Board of Ethics evaluate if there is a conflict of interest that would prevent her from voting on NEXT matters.
- NEXT has since revised their bylaws to make the Commission representative a liaison to the Board, rather than a member of the Board.
- She has had no knowledge of the amounts being recommended and has not voted on any matter at NEXT meetings.
- She offered the explanation to assure the public and the Commission she is not in conflict to vote on the item as a City Commissioner.

MOTION: Motion by Commissioner Bordman, second by Commissioner DeWeese:
To approve \$19,760 in Municipal Credits and \$25,347 in Community Credits to provide support for NEXT's specialized transportation program; and further directing the Mayor to sign the Municipal Credit and Community Credit contract for fiscal year 2018 on behalf of the City.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

06-166-17 ITEM Q. NEXT 2017-2018 SERVICE AGREEMENT

MOTION: Motion by Commissioner Bordman, second by Commissioner DeWeese:
To approve the service agreement with NEXT in the amount of \$99,810 for services described in Attachment A of the agreement for fiscal year 2017-2018, account number 101-299.000-811.0000, and further directing the Mayor and City Clerk to sign the agreement on behalf of the City.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

06-167-17 ITEM P. DEAF & HEARING IMPAIRED SERVICE AGREEMENT

Commissioner Hoff noted:

The services the organization provides are very valuable, but are not being used to a great extent in Birmingham.

The organization is based in Farmington Hills, and she would like to know how much Farmington Hills contributes, and what other communities contribute.

Tanner Parmentier, Deaf and Hearing Impaired Services, reported the organization's biggest contributors are the Area Agency on Aging 1A and 1B. Mr. Parmentier explained the value of the benefits to Birmingham's residents:

- Transportation to satellite sites for programs.
- A drop-in fee of \$1 for programs.
- Prevent isolation of deaf residents by offering trips and services.
- Provide an on-site interpreter for all trips, programs and services.
- Would provide an interpreter for City meetings if needed.

Commissioner Bordman remarked:

- Quite a few of the services offered by Deaf & Hearing Impaired Services, Inc. are available through Birmingham's senior center, NEXT.
- That seven Birmingham residents are utilizing the organization's services, and asked if they are low-income individuals. Mr. Parmentier commented that in general hearing impaired individuals are low-income, but he does not know who the Birmingham individuals are and so could not give an answer.

Mayor Pro Tem Harris:

- Received clarification that Birmingham residents would not be turned away from services if the City no longer provided funding to the organization.
- Confirmed the City is required by law to provide an interpreter for a meeting if requested.
- Questioned if hiring an interpreter for a meeting would be more expensive from a separate vendor than the service agreement with Deaf & Hearing Impaired Services.
- Categorized the service agreement as quasi-insurance.

MOTION: Motion by Commissioner Hoff, second by Commissioner Bordman:

To approve an amended service agreement with Deaf & Hearing Impaired Services, Inc. in the amount of \$1,500.00 for services described in Attachments A & B of the agreement for fiscal year 2017-2018, account number 101-215.000-811-0000, and to direct the Mayor and City Clerk to sign the amended agreement on behalf of the City.

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

06-168-17

ITEM R. OUTSIDE AGENCY SERVICE AGREEMENTS WITH BIRMINGHAM BLOOMFIELD COMMUNITY COALITION, BIRMINGHAM YOUTH ASSISTANCE, COMMON GROUND AND HAVEN

Commissioner Hoff asked for the agencies to list other municipalities that provide funding. She said she wants to know that other communities are valuing these services as much as Birmingham does.

Carol Mastroianni, Executive Director, Birmingham Bloomfield Community Coalition, explained:

- Contributions from other municipalities are broken down as an amount per resident based on the 2010 Census
- There is a wide diversity in population among the five municipalities, so a breakdown per resident allows an apples-to-apples comparison.

Ms. Mastroianni listed contributions to Birmingham Bloomfield Community Coalition:

Oakland County Community Health Network	\$30,000	
Federal government	\$47,500	
Village of Bingham Farms	\$1,000	\$.90/resident.
City of Birmingham	\$3,000	\$.15/resident.
Village of Beverly Hills	\$1,800	\$.175/resident
Bloomfield Township	\$6,000	\$.146/resident

In response to questions from Commissioner Bordman, Ms. Mastroianni provided information on the invoice to the city and on programs involving Birmingham residents:

- The municipalities are invoiced for the amount of approved contribution or service agreement amount, not the actual cost of the programs which exceed the contribution amount.
- The Middle School Transition Program at Derby Middle School had a total cost of \$3,950.
- For the Parents Who Host Campaign, 656 letters were mailed to parents of students in 11th and 12th grade.

Commissioner Bordman commented:

- Your organization does wonderful work.
- Only 219 of the students involved in the programs are Birmingham residents, which is 31% of the total students reported.
- Does the \$3,000 investment made by Birmingham actually represent 31% -32% of the cost of the program, and are the other communities paying for their percentage of their residents serviced.

Mayor Nickita summed up the Commission's concern by stating the City of Birmingham provides funding for a variety of organizations, and the Commission wants the organizations to be as clear as possible as to what Birmingham residents receive for the tax money being paid to them.

Karen DeKett, Social Action Program Director for HAVEN, explained the director of business operations, Marianne Dwyer, does have a spreadsheet with how much each municipality in Oakland County contributes to HAVEN and offered to submit the information. She stated 52% of HAVEN's financial resources come from fundraising and other contributions, and 44% from Federal, state and local government, with the vast majority being federal funding.

Commissioner Hoff requested that the City Clerk revise the application to specifically ask what other municipalities contribute to the organization and how much do they contribute.

Jeff Kapuscinski, Director of Business Development and Advancement at Common Ground, stated four or five communities in Oakland County contribute, including Wixom which gave Common Ground a \$2,500 grant.

Commissioner Bordman pointed out a possible error in the information submitted by Common Ground, noting Attachment A lists 161 Birmingham residents served, but she only counted 111 in the quarterly reports.

MOTION: Motion by Commissioner Hoff, second by Commissioner Boutros:

To approve the outside agency service agreements for services described in Attachment A of the agreement for fiscal year 2017-18 with Birmingham Bloomfield Community Coalition in the amount of \$3,000, Birmingham Youth Assistance in the amount of \$18,000, Common Ground in the amount of \$1,500 and HAVEN in the amount of \$2,000 from account number 101-301.000-811.0000, further to direct the Mayor and City Clerk to sign the agreements on behalf of the city.

Richard Stacey, Treasurer, and Mr. Rick Myers, Chairperson, Birmingham Youth Assistance, said they tried to supply all of the information requested. He explained to Commissioner Bordman the amount contributed by Oakland County is listed in the budget Birmingham Youth Assistance submitted.

Mayor Nickita noted the discussion in no way takes away the support the Commission has for all of the organizations. He asked that the representatives present take note of the questions and concerns expressed, and be prepared in the future to offer the clarifications the Commission is expecting.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

V. UNFINISHED BUSINESS

06-169-17 PUBLIC HEARING – SLUP AMENDMENT AT 250 N. OLD WOODWARD – EMAGINE PALLADIUM/FOUR STORY BURGER

Mayor Nickita continued the public hearing.

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.

- On May 8, 2017, the City Commission opened the public hearing again. However, only Mr. Goldstein was in attendance. The City Commission subsequently postponed the public hearing until June 26, 2017 to allow both Mr. Goldstein and Mr. Glantz to be present.

Mr. Paul Glantz, CEO of Emagine Entertainment and a partner in the entity known as CH Birmingham LLC d/b/a Emagine Palladium, and Mr. John Goldstein, partner in the entity CH Birmingham LLC d/b/a Emagine Palladium were present. Mr. Glantz indicated CH Birmingham LLC was created approximately three years ago, and was originally known as CH Troy LLC.

Mr. Glantz profusely apologized to the Commission for not communicating their plans effectively. He explained:

- There was no effort to disrespect either Birmingham's ordinances or the City Commission when making the change to the restaurant.
- The services of a third party were utilized for the restaurant change and gave assurances that they understood the rules and regulations of the community.
- Subsequently he and Mr. Goldstein learned otherwise, but want to demonstrate to the Commission that he is responsible.
- He is a full-fledged member of the LLC and has a majority interest in the business.
- He is sincerely apologetic for the missteps that have transpired.

Mayor Nickita made clear that adherence to the City's guidelines, rules and ordinances is of utmost importance. Because the name change was not handled in accordance with the Special Land Use Permit (SLUP) the Commission felt it necessary to speak to the direct ownership of the company for assurance that Birmingham's laws will be followed.

Commissioner Sherman thanked Mr. Glantz for attending the meeting and for his comments and apology. He noted:

- What started as an issue of non-compliance with the SLUP turned into a situation where the Commission was not getting straight answers.
- Mr. Glantz signed original SLUP agreement with the City, but the Commission was subsequently told Mr. Glantz was not involved.

Mr. Glantz explained both owners are also managers and able to bind our organization but were unaware that changing the name of the restaurant would require an amendment to the SLUP.

Mr. Goldstein explained that once the company was made aware of the problem the proper applications for a SLUP amendment were submitted and brought before the Design Review Board and the Planning Board.

Commissioner Sherman read the following section of the Contract to Operate an Establishment with a Liquor License in order to make clear to the petitioners the requirements of the SLUP amendment:

4. Licensee acknowledges that no modifications to the site plan, floor plan, elevations or operation of the bistro may be made unless approved by the City Commission through a Special Land Use Permit Amendment as required in the Zoning Ordinance. Modifications include, but are not limited to, name changes, ownership changes, remodeling, changes in the number of interior or exterior seats, the use of eisenglass and other enclosure materials on any outdoor dining area, relocation or addition of bar, etc.

In response to questions from Commissioner Hoff, the following clarifications were made:

- There has been no ownership change
- The bar has not been moved.
- In the restaurant the floor plan was changed, reducing seating from 170 to 70, and concentrating the seating area in front of the windows.
- The restaurant decorations were changed.
- The extra space will be utilized as a casual lounge space for patrons waiting for their movie to start.
- No new exterior signage is being requested.

Mayor Nickita closed the public hearing 8:41 p.m.

MOTION: Motion by Commissioner Sherman, seconded by Commissioner Boutros:
To approve the Special Land Use Permit Amendment and Final Site Plan Review for 250 N. Old Woodward, Emagine Palladium Theatre and Ironwood Grill restaurant. *Formal resolution appended to minutes as Attachment C.*

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

**06-170-17 PUBLIC HEARING – SLUP TERMINATION AT 250 N. WOODWARD
– EMAGINE PALLADIUM/IRONWOOD GRILL**

Mayor Nickita continued the public hearing. There being no comments from the public, Mayor Nickita closed the public hearing at 8:47 p.m.

MOTION: Motion by Commissioner Harris, seconded by Commissioner DeWeese:
To take no action to terminate the Special Land Use Permit at 250 N. Old Woodward – Emagine Palladium/Ironwood Grill.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

06-171-17 RUSSELL THAYER APPLICATION TO DONATE *WIND RAPIDS*

In an email to Sean Campbell, Assistant Planner, dated June 20, 2017, the artist, Russel Thayer wrote:

Of course I accept that the City can place this sculpture anywhere. I particularly like this spot because of the scale of both the park and the sculpture, and the beautiful plantings that enhance the piece. There are other wonderful sites in the City, too! Your choice, of course.

MOTION: Motion by Commissioner Sherman, seconded by Commissioner Boutros:
To approve the donation of *Wind Rapids* by Russell Thayer to the City of Birmingham and to direct staff to insure this sculpture on the City's existing insurance policy.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

06-172-17**REVISED 2018 CITY COMMISSION MEETING SCHEDULE**

City Clerk Brown presented the proposed 2018 City Commission Meeting Schedule as amended to incorporate the changes requested by Commission members at the June 12, 2017 Commission meeting.

MOTION: Motion by Commissioner Hoff, seconded by Commissioner Boutros:
To approve the Birmingham City Commission 2018 Meeting Schedule as follows:

MONTH	DAY	MEETING	LOCATION
January	8	Regular Meeting	Municipal Building
	22	Regular Meeting	Municipal Building
	27 (Sat)	Long Range Planning Session	8:30 AM Municipal Building
February	12	Regular Meeting	Municipal Building
	26	Regular Meeting	Municipal Building
March	12	Regular Meeting	Municipal Building
	26	Regular Meeting	Municipal Building
April	9	Regular Meeting	Municipal Building
	23	Regular Meeting	Municipal Building
	28 (Sat)	Budget Hearing	8:30 AM Municipal Building
May	14	Regular Meeting	Municipal Building
	24 (Thurs)	Regular Meeting	Municipal Building
June	4	Regular Meeting	Municipal Building
	18	Planning Board Workshop	DPS Facility
	25	Regular Meeting	Municipal Building
July	9	Regular Meeting	Municipal Building
	23	Regular Meeting	Municipal Building
August	13	Regular Meeting	Municipal Building
	27	Regular Meeting	Municipal Building
September	6 (Thurs)	Regular Meeting	Municipal Building
	17	Regular Meeting	Municipal Building
October	8	Regular Meeting	Municipal Building
	15	Planning Board Workshop	DPS Facility
	29	Regular Meeting	Municipal Building
November	12	Regular Meeting	Municipal Building
	19	Regular Meeting	Municipal Building
December	3	Regular Meeting	Municipal Building
	10	Regular Meeting	Municipal Building

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

06-173-17**TRAIL IMPROVEMENT PROJECT-LOWER BALDWIN PARK**

Department of Public Services Director Wood reported:

- DPS has been looking to improve connectivity to the trail system at Lower Baldwin Park.
- Currently there is no official trail in place through the grass at this park to connect the trail entry with the sidewalk along Maple Road.
- Funds have been budgeted this fiscal year in the amount of \$25,000 for the improvement.
- The Parks and Recreation Board reviewed a Trail Connection Location report from the Community Development Department regarding the final best location for the trail

connection. The Planning Department's report considered several options for pedestrians crossing Maple Road, including their recommendation of an at-grade pedestrian crossing island on Maple Road, just west of Baldwin Road, west of the Bridge.

- Because of the recommendation of a crossing west of Baldwin, and a closer look at where foot traffic was located through Lower Baldwin Park, DPS staff recommended, and the Parks and Recreation Board endorsed, that the proposed trail connection at Lower Baldwin Park to connect the sidewalk along Maple to the chip trail be changed to a westerly connection.
- DPS recommends approximately 5 ft. x 50 ft. of porous pave to the North of the footbridge and 5 ft. x 10 ft. to the South of the footbridge.
- For the remaining proposed section of new trail, approximately 5 ft. x 132 ft., from the existing sidewalk to the bridge, crushed limestone will be used.
- Both the porous pave and the crushed limestone meet ADA requirements.

Responding to a question from Commissioner DeWeese on the timing of the project, City Manager Valentine explained there are two components to the plan in order to connect the entire system: a trail connection from the south side of Maple to the north side of Maple, and the Maple Road pedestrian crossing. The project will not commence unless and until the Commission approves the crossing. Staff hopes to have the crossing plan ready to present in July.

City Manager Valentine confirmed for Mayor Pro Tem Harris that the Multi Modal Transportation Board (MMTB) has reviewed the plan and will review additional modifications proposed to address affected residents' concerns.

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

To approve the Lower Baldwin Trail Extension project to X-Tier Design and Build Landscape in the amount of \$17,585.00. Further, to waive the normal bidding requirements due to X Tier Design and Build Landscape being the sole source installer of this product. Funds are available in the Parks - Other Contractual Services #101-751.000-811.0000 for these services. Further, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City upon receipt of required insurances and contingent upon the approval of the Maple Road at-grade pedestrian crossing island on Maple Road, just west of Baldwin Road, west of the Bridge.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

VI. NEW BUSINESS

06-174-17

PUBLIC HEARING - CONFIRMING S.A.D. # 878 – OAK AVENUE WATER LATERALS

Deputy Treasurer Klobucar reported:

- For purposes of installing new water laterals that would specially benefit properties within the limits of the 2017 Local Streets Paving Program, it is requested that the City Commission adopt a resolution confirming S.A.D. No. 878.
- Comments during the hearing of confirmation are limited to those questions specifically addressing the assessment roll pursuant to Section 94-9 of the City Code.
- The hearing declaring the necessity of the Special Assessment District was held at the City Commission meeting of June 12, 2017.

Mayor Nickita opened the public hearing at 9:09 p.m., and there being no public comments, closed the public hearing at 9:09 p.m.

MOTION: Motion by Commissioner Hoff, seconded by Commissioner Sherman:
To confirm and ratify Special Assessment Roll No. 878, and to instruct the City Clerk to endorse said roll, showing the date of confirmation thereof, and to certify said assessment roll to the City Treasurer for collection at or near the time of construction of the improvement. *Formal resolution appended to minutes as Attachment D.*

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

**06-175-17 E. FRANK ST. – ANN ST. TO S. OLD WOODWARD AVE.
RELOCATION OF METERED PARKING SPACES**

Assistant Engineer Fletcher reported:

- The subject block of Frank St. was built at 36 ft. wide, the City's standard commercial cross-section which allows for parked cars on both sides of the street, with sufficient room for two-way traffic in the middle.
- In 1994, the City narrowed the west end of Frank St. in conjunction with the construction of the shopping center that now occupies the north side of the block.
- With the narrowing of the street, green space was introduced on both sides in response to input from the neighborhood.
- The full width was maintained on the north side adjacent to the new retail building, and was identified as a designated loading zone for the building.
- On the south side, the full width was maintained in front of the three commercial zoned properties, accommodating five metered parking spaces.
- Three of the four parcels on the south side are now being combined and redeveloped into a five unit condominium project, known as 420 E. Frank St., which will be changing the two commercially zoned parcels facing Frank St. on the south side to multi-family residential.
- The developer for the project requested the extension of the narrowed Frank St. cross-section across the remainder of their parcel to allow the entire building frontage to benefit from green space between the sidewalk and the curb.
- Doing so would require two of the five metered parking spaces to be removed, and a third space would also be lost in order to make room for the new development's driveway.
- After a public hearing on June 7, 2017 the Advisory Parking Committee adopted a recommendation to the City Commission to remove three metered parking spaces on the south side of E. Frank St., between Ann St. and S. Old Woodward Ave., and move two spaces to the north side of the street, adding two new metered spots and allowing for the property to proceed as designed.
- Staff agrees that there is sufficient room on the north side with the existing paved space available to install two new metered parking spaces.
- The travel lane will retain a consistent width going west.

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

To approve the relocation of two metered parking spaces on E. Frank St. west of South Old Woodward Ave. from the south side to the north side of the street, using an existing area designated as a loading zone, and further approving the extension of green space on the south side of Frank St. across the entire property now known as 420 E. Frank St., to be completed at developer expense, as a part of the final site plan approval.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

**06-176-17 PARKING LOT 6 AREA MONTHLY PARKING PERMITS
 AUTHORIZED SALES AREA**

Assistant Engineer Fletcher reported:

- The Municipal Parking Lot #6 permit area has expanded over the years in order to accommodate more demand, many metered parking spaces on N. Old Woodward Ave., extending from north of Oak St., to just north of Willits St.
- A map created by SP+ indicates several permit holders do not work in the immediate area. The waiting list for a permit in this area is much shorter than the waiting list for the five parking structures, resulting in street meters being used for several hours a day by employees who may work closer to a parking structure than to the Lot #6 permit area.
- A public hearing was held at the June 7, 2017 Advisory Parking Committee (APC) meeting to discuss the suggestion that Lot 6 Monthly Permit sales could potentially be restricted to those working at a business north of Euclid Ave.
- Nine permit holders would be affected by the change. Since they were not ever made to feel that they were doing something wrong, the APC felt that as a part of creating this rule, the nine permit holders should be offered the opportunity to purchase a permit at the parking structure of their choice.
- The Advisory Parking Committee adopted a recommendation that Parking Lot 6 permits may only be sold to business owners and employees located in a business north of the intersection of N. Old Woodward Ave. and Euclid Ave., and further, that all current permit holders affected by this change will be allowed the opportunity to purchase monthly permits in the same number currently owned at the parking structure of their choice.

City Manager Valentine clarified by allowing for reassigning Lot #6 area permit holders into a parking structure, the Advisory Parking Committee is allocating nine additional parking structure permit spaces.

Mayor Pro Tem Harris expressed concern for the nine permit holders getting into a parking structure ahead of people on the waiting list. Assistant Engineer Fletcher noted that revoking a monthly permit for the Lot #6 area wouldn't be fair to the permit holders.

Commissioner Bordman asked if monthly permit holders must prove they are employed in the proper area of the city to renew their permit. Assistant Engineer Fletcher explained the feeling of Parking Advisory Committee was that current permit holds should not be penalized.

MOTION: Motion by Commissioner DeWeese, seconded by Mayor Pro Tem Harris:
To concur with the Advisory Parking Committee, and to direct staff to restrict all future Parking Lot 6 area monthly permit sales to employees working at businesses located north of the intersection of N. Old Woodward Ave. and Euclid Ave., and further, to allow current Lot 6 area

permit holders located south of Euclid Ave. to purchase a monthly permit in the parking structure of their choice.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

**06-177-17 ACCESSIBLE PARKING SPACES IN PARKING STRUCTURES
RECOMMENDED MODIFICATIONS**

Assistant Engineer Fletcher reported:

- In April staff received a comment that the accessible parking spaces in the Park St. Structure were often filled to capacity, leaving this frequent visitor with the assumption that there are not enough of them in the building. A survey was conducted during hours of peak demand, which confirmed that they are often at or close to capacity. The matter was introduced to the Advisory Parking Committee (APC) at their meeting of May 3, 2017.
- It was noted that demand may have increased after the policy for accessible parking changed at the meters on the streets. After discussion, it was decided to survey demand of accessible parking spaces in all five structures.
- At the meeting of June 7, 2017, it was noted that demand was strong at both the Park St. and Peabody St. Structures, while not so strong in the other three buildings. All five structures were studied to compare actual space count to that which is required under the Americans with Disabilities Act (ADA). The review determined that the parking structures compared to the ADA requirements as noted below:

Parking Structure	Compliance with ADA
Pierce St.	+4
Park St.	0
Peabody St.	-2
N. Old Woodward Ave.	+6
Chester St.	+8

The APC adopted a resolution recommending the following adjustments to the handicapped parking spaces at the following structures to better meet current requirements of the Americans with Disabilities Act (ADA):

1. Remove 4 accessible parking spaces at the Pierce St. Structure, Levels 3 & 4, Brown St. elevator area.
2. Add 2 accessible parking spaces at the Peabody St. Structure, Level 1, near the Brown St. elevator.
3. Remove 6 accessible parking spaces in the N. Old Woodward Ave. Structure, Levels 2, 3, and 4, adjacent to the elevators in both the southwest and southeast corners of the structure.
4. Add 2 accessible parking spaces at the Park St. Structure, Level 1.

Assistant Engineer Fletcher confirmed the surveys at the affected structures were conducted at various times on various days, and agreed with Mayor Nickita that periodic surveys should be conducted to monitor the situation. He confirmed for Commissioner Hoff the survey was done four months after the changes to on-street handicapped parking went into effect.

Commissioners commented that first floor parking should be reserved for transient parkers, not permit holders, suggested permit holders be encouraged to park on upper floors, and that regulations be enforcement.

MOTION: Motion by Commissioner DeWeese, seconded by Commissioner Bordman:
To concur with the Advisory Parking Committee to make the following adjustments to the number of accessible parking spaces in parking structures, to better meet both the requirements of the Americans with Disabilities Act as well as current demand trends, as noted:

Pierce St. Structure – Remove 4 accessible spaces.

Park St. Structure – Add 2 accessible spaces.

Peabody St. Structure – Add 2 accessible spaces.

N. Old Woodward Ave. Structure – Remove 6 accessible spaces.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

**06-178-17 QUARTON RD. PUMP STATION - TRANSFER TO OAKLAND CO.
WATER RESOURCES COMMISSIONER'S OFFICE (OCWRC)**

Assistant Engineer Fletcher reported:

- In 1996, the Detroit Water & Sewer Dept. (DWSD) installed a 72 inch regional water main to strengthen their system in this area, which extended for several miles.
- A section of the water main was installed on Quarton Rd., along Birmingham's north boundary. The project included removal and relocation of an 8 inch sanitary sewer that was in the Quarton Rd. right-of-way, extending from Chesterfield Ave. to Lakeside Dr. The subject sanitary sewer served the homes located directly on Quarton Rd. from Pilgrim Ave. to Chesterfield Ave.
- As a part of the reconstruction, DWSD installed a new 8 inch sanitary sewer along the south edge of the right-of-way, and the outlet to the Oakland Co. interceptor was changed to a point about 150 ft. east of Pilgrim Ave.
- After construction, the frequency with which sewer backups from the County interceptor pushed backward into the new 8 inch sanitary sewer increased and flooded a small number of Quarton Rd. basements located in the low area west of Pilgrim Ave.
- In 1999, the City installed a new pump station in the Quarton Rd. right-of-way, about 150 ft. east of Pilgrim Ave., which contains a control box, a valve in a well, and a pump within a separate well.
- During normal conditions, the sewer drains to the County interceptor as it was designed to do, with gravity flow. Flow sensors monitor the flow level in the adjacent County sewer. Once it senses that flow is starting to go in the wrong direction (under pressure), the controller closes the valve, and directs flow from the small sewer into the storage well with a pump, effectively closing off the small sewer from backflow being experienced by the County sewer. Once flow levels are back to normal in the County sewer, the sewage in the wet well chamber is pumped out and into the County sewer for disposal.
- Since this problem was created by changes made by DWSD, and the flows causing backup conditions were coming from the adjacent OCWRC sewer, the City never felt that it should be financially responsible for the cost of this station. After attempts to get cost participation from these agencies failed, the City installed and has continued to cover the cost of maintaining and operating the station.

- The OCWRC has now acknowledged the capacity issues that the County interceptor has in this area, and has now offered to take over ownership and responsibility to operate this pump station.
- The County has offered to overhaul the entire facility, now over 20 years old, to help make certain that it operates trouble free for many years to come, and will tie the station into their County wide communications system, so that when the station is active, messages will be sent to their control room wirelessly.
- In exchange for taking over the station, the OCWRC will also use the level monitoring system to help operate a new flow chamber to be constructed in the Woodward Ave. median north of Quarton Rd., as a part of their capacity improvement project.
- The City will continue to own and operate the facility while the improvements are being made. If a failure occurs during the time the improvements are being made, the Contractor hired by the OCWRC to make these improvements has insurance to cover any costs or liabilities that may arise. Once the facility has been completed to the County's satisfaction, they will ask the City to sign the Bill of Sale turning over ownership of the facility to the OCWRC.
- This exchange is positive for the City. The OCWRC will become responsible for the future ownership and operations of the pump station, at no cost to the City. It will become a good location for the County to monitor the flows in its interceptor sewer. Plus, assuming the large sewer to be installed on Woodward Ave. to the east provides sufficient storage, the need for this station to operate during high flows should be substantially reduced.

City Attorney Currier clarified this is a sale of personal property, not real estate.

MOTION: Motion by Commissioner DeWeese, seconded by Commissioner Hoff:

To authorize the Mayor to sign the Memorandum of Understanding with the Oakland County Water Resources Commissioner pertaining to the Quarton Rd. Pump Station located at 1371 Quarton Rd., authorizing the renovation of the facility to their standards, with the intention of the County taking ownership and responsibility for it upon completion, through a subsequent Bill of Sale.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

06-179-17 ADAMS BRIDGE PAINTING PROJECT

Director of Public Services Wood explained:

The lower portion of Adams Bridge, underneath Adams Road and over the CN railroad is in need of primer and paint to cover graffiti that has been applied to the painted concrete surface.

The graffiti is below grade, but is visible from an area along Shepardsbush Street, where it runs alongside Adams Bridge. Complaints from the neighborhood have prompted the City to request quotes for painting over the graffiti.

Currently, the Department of Public Services monitors and takes care of any graffiti above grade by painting over it to match the existing paint. Because the bridge underpass is on

the railroad tracks, this particular bridge location was not on the department's routine graffiti patrol, but will be added.

The specifications for this project include all prep work, pressure washing and priming of the concrete surface and then applying paint to cover the graffiti. The lowest qualified bidder, Cross Renovation, provided a proposal of Sherwin William products, specifically the "Loxon Concrete and Masonry Primer" as well as "A100" exterior paint. These products would not be applied until the entire surface is power washed to ensure proper adhesion.

Because the work location is directly around and over the railroad, a Right of Entry Permit and a Flagman Permit is required through CN Railroad. The contractor is required to obtain the permits through the railroad.

An anti-graffiti coating overtop of the paint is under consideration and would potentially add \$15,000-\$20,000 to the cost.

Director of Public Services Wood explained the anti-graffiti coating does not provide an unpaintable surface; the coating makes it easier to remove graffiti. In general the Commission was opposed to the additional cost of the anti-graffiti coating because it would not prohibit new graffiti from being re-painted. There was some suggestions that the coating be tried in a smaller area in the future.

Commissioners Boutros and Sherman suggested wireless cameras be installed for surveillance. City Manager Valentine agreed surveillance options would be investigated and that regular inspections will take place.

MOTION: Motion by Commissioner Hoff, seconded by Commissioner Bordman:

To approve the award of the Adams Bridge Painting Project to Cross Renovation, Inc. in an amount not to exceed \$18,777.00. Funds are available from the Parks – Other Contractual Services account #101-751.000-811.0000 for these services. Further, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City upon receipt of required insurances.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

06-180-17 WATER/SEWER RATE CHANGES FOR 2017-2018

Finance Director Gerber reported:

- Water rates are recommended to increase \$.26 from \$4.36 to \$4.62, or 6.0%. This is the same rate as was proposed at the budget hearing on April 22nd. The increase would raise the annual cost to the average homeowner using 90 units of water by \$23.40. The increase is the result of an increase in the cost of water, contractual services and equipment rental along with a decrease in other operating revenues.
- Sewer rates are recommended to increase \$.64 from \$6.74 to \$7.38, or 9.5%. The increase would raise the annual cost to the average homeowner using 90 units of water by \$57.60. This rate is \$.27 higher than the rate proposed at the budget hearing on April 22nd. The rate proposed at the budget hearing was based on sanitary sewer costs increasing by 4%. As a result of a reallocation of sewer costs by the Great Lakes Water Authority (GLWA) based on a strength of flow study, the

average increase for sanitary sewer disposal will be 10% for our two sewage disposal districts. Approximately two-thirds of the recommended increase of \$.64 is the result of an increase in sanitary sewage disposal costs. The remaining amount of the recommended increase is the result of an increase in contractual services and depreciation.

- Storm water rates are recommended to increase \$1 from \$183 to \$184 per ESWU for Evergreen-Farmington Sewage Disposal District and \$2 from \$238 to \$240 per ESWU for Southeast Oakland Sewage Disposal District. Both of these rate increases are less than what was proposed at the budget hearing on April 22nd as a result of the reallocation of sewer costs by GLWA based on the strength of flow study.
- The charges for Industrial Surcharge and Industrial Waste Control Charge are determined by Great Lakes Water Authority (GLWA). These charges are collected by the City and remitted to GLWA. The City does not keep any of the money it collects for these fees. The Industrial Waste Control Charge is scheduled to increase approximately .5%. Currently, there is one Birmingham customer charged an Industrial Surcharge.
- The new rates will take affect for all billings where the read date is on or after July 1, 2017.
- In addition to the change in rates listed above, the Sewage Disposal Fund budget for 2017- 2018 will need to be amended to reflect the change in the sewer and storm water rates.

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

To amend the Schedule of Fees, Charges, Bonds and Insurance, Water and Sewer Service Sections, for changes in water, sewer, storm water, industrial surcharge, and industrial waste control charge rates effective for bills with read dates on or after July 1, 2017; and further to approve the appropriations and amendments to the 2017-2018 Sewage Disposal Fund budget as follows:

Sewage Disposal Fund

Revenues:

Charges for Services	\$184,000
Total Revenues	\$184,000

Expenses:

Other Charges	\$184,000
Total Expenses	\$184,000

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06-181-17 RESOLUTION TO MEET IN CLOSED SESSION TO DISCUSS ATTORNEY/CLIENT PRIVILEGED COMMUNICATION IN ACCORDANCE WITH SECTION 8(H) OF THE OPEN MEETINGS ACT.

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

MOTION: Motion by Commissioner Sherman, seconded by Commissioner Hoff:

To meet in closed session to discuss an attorney/client privilege 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 Mayor Nickita Commissioner Sherman
	Nays,	None
	Absent,	None

Mayor Nickita announced no action would be taken following the closed session.

VII. REMOVED FROM CONSENT AGENDA

06-182-17 ITEM N. ICE ARENA REPAIRS

Mayor Pro Tem Harris:

- Supported the suggested resolution to purchase Rink Seal Pro Cooling Solution as a temporary fix.
- Expressed concern that there is no guarantee this is a permanent solution, and explained the financial burden on families when Berkley's rink suffered irreparable infrastructure problems and was no longer operable.
- Stated that a long-term plan should be in place for replacement of the 45-year-old rink, perhaps as part of the master plan.
- Wanted to make sure the City adequately plans for, and anticipates, shortcomings in a 45-year-old structure.

Department of Public Services Director Wood explained:

- Rink Seal Pro Cooling Solution comes with a 12-month warranty and money-back guarantee with the first infusion of the product.
- Success rates at a variety of arenas have been high.
- For the leaks that currently exist, and we don't know if it is one or several, this will be a permanent solution.
- There is no guarantee after the 12 months that a new leak or leaks won't occur.
- Annual preventative maintenance is suggested.
- A long-term plan is underway.

City Manager Valentine explained that, just like the ice rink roof replacement, a capital projects initiative would plan for replacement of the rink in time.

Director of Public Services Wood stated:

The City has experts in place, including Delta Temp for maintenance and service, and that is the same company which maintained Joe Louis Arena.

The department is consulting with specialists, and are confident with the Rink Seal Pro Cooling Solution from Rink Seal the City is going to be ahead of the game.

Director of Public Services Wood confirmed for Mayor Pro Tem Harris that if Rink Seal uncovers an issue, whether separate from the current problem or not, they will report to the City in enough time to be addressed.

Commissioner Hoff questioned the difference in the initial estimated cost of \$18,600 and the quoted price of \$12,150. Director of Public Services Wood explained that subsequent to the initial estimate Rink Seal was able to gather in-depth data on the capacity, size, length of piping, and glycol held in the system.

MOTION: Motion by Mayor Pro Tem Harris, seconded by Commissioner Bordman:
To approve the purchase of the Rink Seal Pro Cooling Solution from Rink Seal Pro in an amount not to exceed \$12,150.00. Funds are available from the General Fund – Ice Arena account #101-752.000-930.0300.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

06-183-17 ITEM T. SET PUBLIC HEARING FOR GLAZING STANDARDS

Mayor Nickita asked how tinting of windows will be legally defined.

City Planner Ecker reported the proposal will include definitions based on objective industry standards.

MOTION: Motion by Mayor Nickita, seconded by Commissioner Boutros:
To set Monday, July 24, 2017 at 7:30 p.m. for a public hearing to consider ordinance amendments for glazing standards.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

VIII. COMMUNICATIONS

None.

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

None.

X. REPORTS

06-184-17 COMMISSIONER REPORTS

The Commission will appoint members to the Brownfield Redevelopment Authority, Design Review Board, Historic District Commission, Housing Board of Appeals and the Triangle District Corridor Improvement Authority on August 14, 2017.

06-185-17 COMMISSIONER COMMENTS

Mayor Nickita pointed out the need for regulations to prevent encroachment into the public right-of-way from building elements.

Mayor Nickita commended the ground-level headquarters of Lady Jane Haircuts as a good example of activating the edge of an office on the ground floor in accordance with the 2016 Plan.

Commissioner Bordman discussed the need for a policy to guide the Commission in choosing and evaluating non-profit organizations with which to enter into service agreements. Citing Article 9 of the Constitution, she suggested a policy for evaluating “the fair exchange of value” to be sure the City is paying the proper amount for what residents actually receive.

Commissioner Sherman addressed Commissioner Bordman's comments:

The Commission used to make charitable contributions to organizations, but stopped and instead enter into service agreements to provide services the City should be providing to residents.

Comparisons should be made with the cost of providing the same service in-house.

Through the service contracts the City is hiring agencies to provide a service, and the organizations are detailing the costs for providing the services.

Mayor Pro Tem Harris underscored Commissioner Sherman's point by describing the service contracts as having an insurance policy in place to give the City the ability to supply the services it should be providing.

Mayor Nickita asked City Manager Valentine for a discussion as to what information the Commission wants from the service agencies.

06-186-17 CITY STAFF REPORTS

The Commission received the Quarton Lake regarding lily pad treatment, submitted by Department of Public Services Director Wood.

The Commission received the MDOT Construction Update for Woodward Avenue, Quarton Road to 14 Mile Road, submitted by City Engineer O'Meara.

The Commission received the Oak Street Sanitary Sewer, West of Chesterfield Ave. report, submitted by City Engineer O'Meara.

XII ADJOURN

Mayor Nickita adjourned the meeting into closed session at 10:45 p.m. and reconvened the regular meeting at 11:22 p.m.

The regular meeting was adjourned at 11:22 p.m.

J. Cherilynn Brown
City Clerk

ATTACHMENT A

CITY OF BIRMINGHAM PROCLAMATION

WHEREAS, *The Scriptor* is the official student-run newsmagazine of Wylie E. Groves High School; and

WHEREAS, *The Scriptor* was the winner of the 2016 American Scholastic Press Association (ASPA) First Place with Special Merit Award, Best Overall High School Magazine Award, First Place for Investigative Feature, and 21 Michigan Interscholastic Press Association (MIPA); and

WHEREAS, For the second year in a row in 2017, the American Scholastic Press Association (ASPA) awarded *The Scriptor* three first place awards in their national competition: National First Place for Newsmagazine, National First Place for Investigative Reporting, and a National First Place for Sports Photography; and

WHEREAS, Each year, ASPA's panel of journalists and editors rank student newsmagazines from colleges and high schools from across the country based on the following criteria: coverage, ethics, research and writing, page design, general plan, art/photography, business acumen, creativity, editing, and community leadership, and *The Scriptor* scored in the highest to earn the first place awards; and

WHEREAS, In this year's congratulations letter, the ASPA judges wrote, "*The Scriptor* is an excellent publication, which deserves first place ...Your magazine shows the superior efforts of talented and creative writers, artist, photographers, layout/graphic designers, staff members and adviser."; and

WHEREAS, Two students on staff earned First Place in the state for Division 2, and 11 total students earned an individual statewide award; and

THEREFORE, With sincere appreciation, I wish to recognize and congratulate the following students for their awards: Alex Johnson, Charlotte Beggs, Robbie Juriga, Allison Miller, Annalese Lohr, Katie Westerlund, Jaxon Bumbaugh, Anja Rouaud, Christian Zeitvogel, Justin Sherman, Josh Klein,

BE IT RESOLVED that I, Mark Nickita, Mayor for the City of Birmingham, wish to extend my sincere congratulations on behalf of myself, the City Commission, and an appreciative community to the students, staff and adviser of *The Scriptor*, in recognition of your excellence in Journalism and service to the community and the City. We wish you all the best in your future endeavors.

On behalf of the City Commission and the residents of Birmingham this 26th day of June, 2017.

Mark Nickita, Mayor

ATTACHMENT B

**RESOLUTION APPROVING VERIZON ACCESS TRANSMISSION
SERVICES RIGHT-OF-WAY METRO ACT SAFE HARBOR
APPLICATION AND SAFE HARBOR BI-LATERAL PERMIT**

Moved by: Commissioner Sherman, seconded by Commissioner DeWeese:

WHEREAS, the City received a permit application and permit from MCimetro Access Transmission Services Corp. d/b/a Verizon Access Transmission Services with documentation attached on June 5, 2017; and,

WHEREAS, the METRO Safe Harbor Application complies with the mandates of statute; and

WHEREAS, the Safe Harbor Bi-lateral Permit complies with the requirements of statute.

NOW, THEREFORE, BE IT RESOLVED the Verizon Access Transmission Services Right-of-Way METRO Safe Harbor Application and Safe Harbor Bi-lateral Permit are hereby approved.

Passed, adopted and approved this 26th day of June, 2017.

AYES: Mayor Nickita, Mayor Pro Tem Harris, Commissioner Bordman, Commissioner Boutros, Commissioner DeWeese, Commissioner Hoff, and Commissioner Sherman

NAYS: none

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

ABSENT: none

CERTIFICATION

I, J. Cherilynn Brown, being the duly appointed and qualified Clerk of the City of Birmingham, Oakland County, Michigan, do hereby certify and declare that the foregoing is a true and correct copy of Resolution, the original of which is on file in my office, adopted by the City of Birmingham Commission at a regular meeting held on June 26, 2017.

J. Cherilynn Brown, City Clerk

**EMAGINE PALLADIUM AND FOUR STORY BURGER 250 N. OLD WOODWARD
SPECIAL LAND USE PERMIT AMENDMENT 2017**

WHEREAS, Emagine Palladium and Four Story Burger filed an application pursuant to Article 7, section 7.34 of Chapter 126, Zoning, of the City Code to change the name of the existing theatre and restaurant from Emagine Palladium and Ironwood Grill to Emagine Palladium and Four Story Burger;

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

WHEREAS, The land is zoned B4, Business Residential, which permits establishments serving alcoholic liquors with a Special Land Use Permit;

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

WHEREAS, The Planning Board on March 22, 2017 reviewed the application for Final Site Plan Review and a Special Land Use Permit Amendment and recommended approval with the following condition:

1. The applicant will be required to execute an amended contract with the City outlining the details of the proposed theatre and restaurant operations that must be fully executed upon approval of the SLUP Amendment.

WHEREAS, The applicant has committed to comply with all conditions for approval as recommended by the Planning Board on March 22, 2017;

WHEREAS, The Birmingham City Commission has reviewed the Emagine Palladium and Four Story Burger 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 Emagine Palladium and Four Story Burger's application for a Special Land Use Permit authorizing the operation of a restaurant serving alcoholic liquors at 250 N. Old Woodward in accordance with Chapter 10, Alcoholic Liquors, is hereby approved;

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

1. Emagine Palladium and Four Story Burger 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;
3. The hours of operation for open air shall cease at 12:00am;

4. The use of eisenglass and other enclosure materials on any outdoor dining area shall require approval by the City Commission through a Special Land Use Permit Amendment;
5. Outdoor dining is seasonally permitted from April 1st through November 15th only, with an Outdoor Dining Permit. The use of an enclosure system(s) does not allow the outdoor dining season to be extended.
6. Emagine Palladium and Four Story Burger shall provide for the removal of disposable materials resulting from the operation and maintain the area in a clean and orderly condition by providing the necessary employees to guarantee this condition, and by the placement of a trash receptacle in the outdoor seating area;
7. Emagine Palladium and Four Story Burger shall enter into a contract with the City outlining the details of the proposed operation;
8. Emagine Palladium and Four Story Burger shall not increase the number of interior or exterior seats at any time without approval by the City Commission through a Special Land Use Permit Amendment;
9. Emagine Palladium and Four Story Burger shall have a duty of continuing compliance with regards to off-street parking as required in the Zoning Ordinance;
10. Emagine Palladium and Four Story Burger agrees to resolve any future parking issues that may arise, including but not limited to parking overflow and encroachment into residential areas or public parking facilities, to the satisfaction of the City or the Special Land Use Permit by be cancelled by the City Commission; and
11. Emagine Palladium and Four Story Burger is required to have any modifications to the site plan, floor plan or operation of the bistro approved through a Special Land Use Permit Amendment as required in the Zoning Ordinance.

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, Emagine Palladium and Four Story Burger 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 Emagine Palladium and Four Story Burger to comply with all the ordinances of the city may result in the Commission revoking this Special Land Use Permit.

I, J. 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 June 26, 2017.

J. Cherilynn Brown, City Clerk

ATTACHMENT D

**RESOLUTION TO CONFIRM SPECIAL ASSESSMENT ROLL NO. 878,
TO DEFRAY THE COST OF INSTALLING NEW WATER LATERALS ON OAK AVENUE:**

WHEREAS, Special Assessment Roll, designated Roll No. 878, has been heretofore prepared for collection, and

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

WHEREAS, the Commission has deemed it practicable to cause payment of the cost thereof to be made at a date closer to the time of construction and

Commission Resolution 06-155-17 provided it would meet this 12th day of June 2017 for the sole purpose of reviewing the assessment roll, and

WHEREAS, at said hearing held this June 12, 2017, all those property owners or their representatives present have been given an opportunity to be heard specifically concerning costs appearing in said special assessment roll as determined in Section 94-9 of the Code of the City of Birmingham,

NOW, THEREFORE, BE IT RESOLVED, that Special Assessment Roll No. 878 be in all things ratified and confirmed, and that the City Clerk be and is hereby instructed to endorse said roll, showing the date of confirmation thereof, and to certify said assessment roll to the City Treasurer for collection at or near the time of construction of the improvement.

BE IT FURTHER RESOLVED, that special assessments shall be payable in ten (10) payments as provided in Section 94-10 of the Code of the City of Birmingham, with an annual interest rate of five and a quarter percent (5.25%) on all unpaid installments.

I, J. 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 June 26, 2017.

J. Cherilynn Brown, City Clerk

City of Birmingham
Warrant List Dated 06/28/2017

Meeting of 07/10/2017

Check Number	Early Release	Vendor #	Vendor	Amount
251125	*	000855	48TH DISTRICT COURT	100.00
251126	*	000855	48TH DISTRICT COURT	300.00
251127	*	000855	48TH DISTRICT COURT	100.00
251128	*	000855	48TH DISTRICT COURT	100.00
251129	*	000855	48TH DISTRICT COURT	100.00
251130	*	000855	48TH DISTRICT COURT	100.00
251131	*	000146	6TH CIRCUIT COURT	1,308.00
251132	*	006965	7UP DETROIT	234.55
251133		002284	ABEL ELECTRONICS INC	2,472.50
251135	*	007510	GRANT ANKNEY	425.00
251136		000282	APOLLO FIRE EQUIPMENT	794.95
251137		MISC	ARANEAE INC	200.00
251138		007479	ASB DISTRIBUTORS	160.20
251139	*	006759	AT&T	66.55
251140	*	006759	AT&T	123.20
251141	*	006759	AT&T	75.24
251143		MISC	BABI CONSTRUCTION INC	900.00
251144	*	008009	TREVOR BAKER	425.00
251145	*	003839	MATTHEW J. BARTALINO	425.00
251146		003012	BATTERIES PLUS	134.09
251147		MISC	BCM HOME IMPROVEMENT	200.00
251148		000518	BELL EQUIPMENT COMPANY	1,795.23
251149		007345	BEVERLY HILLS ACE	62.04
251150	*	001086	CITY OF BIRMINGHAM	733.45
251151	*	006953	JACQUELYN BRITO	34.47
251153		003907	CADILLAC ASPHALT, LLC	425.36
251154		007933	CARDNO, INC.	5,707.63
251155		008488	CARLETON EQUIPMENT	1,720.66
251156	*	000598	CHRISTOPHER CATON	425.00
251157		MISC	CHIARA, BRIAN	300.00
251158		000605	CINTAS CORPORATION	161.68
251159		001054	CITY OF TROY	1,787.10
251160	*	007625	COMCAST	312.84
251161		008123	COMPU-TECTURE, INC	7,150.00
251162	*	000627	CONSUMERS ENERGY	1,914.53
251163	*	007638	MARSHALL CRAWFORD	425.00
251164	*	003204	MARK DELAUDER	425.00
251165		000956	DELTA TEMP INC	278.67
251166	*	006999	CHRISTOPHER DEMAN	425.00
251167		MISC	DENNIS EDWARD EVANS	2,000.00
251168		001035	DOUGLASS SAFETY SYSTEMS LLC	76.29
251171		000995	EQUATURE	2,032.81
251172		008308	ERADICO PEST SERVICES	104.00

City of Birmingham
Warrant List Dated 06/28/2017

Meeting of 07/10/2017

Check Number	Early Release	Vendor #	Vendor	Amount
251173		000936	FEDEX	31.30
251174		007136	FERGUSON ENTERPRISES, INC.	98.18
251175	*	001230	FIRE SYSTEMS OF MICHIGAN INC	381.75
251176		007314	FLEIS AND VANDENBRINK ENG. INC	4,341.73
251177		007212	FOSTER BLUE WATER OIL	1,255.92
251178		MISC	FOUNDATION SYSTEMS OF MICHIGAN INC.	100.00
251179	*	007289	BRIAN FREELS	425.00
251181		004604	GORDON FOOD	1,807.27
251182	*	008105	JASON GRANROTH	425.00
251183	*	000247	DAVID GREENWOOD	425.00
251184		003938	HART PAVEMENT STRIPING CORP	1,000.00
251186		007375	HOMEFIELD TURF AND ATHLETIC INC.	12,500.00
251187		000331	HUBBELL ROTH & CLARK INC	2,582.56
251188	*	003824	THOMAS I. HUGHES	425.00
251189		008441	INTERNATIONAL CODE COUNCIL, INC	3,197.17
251190		000342	INTERSTATE BATTERY SYSTEM	146.90
251191	*	007973	J.B. CONTRACTORS INC.	4,013.33
251192	*	000261	J.H. HART URBAN FORESTRY	11,540.85
251193	*	002576	JAX KAR WASH	386.25
251194		003458	JOE'S AUTO PARTS, INC.	69.42
251195	*	007244	CHRISTOPHER JUDKINS	425.00
251196		MISC	KEENER INVESTMENT ENTERPRISES	125.00
251197		004088	KGM DISTRIBUTORS INC	420.00
251198		000353	KNAPHEIDE TRUCK EQUIPMENT	240.23
251199	*	007511	ADAM KNOWLES	425.00
251200	*	000362	KROGER COMPANY	63.49
251201	*	005327	L3 TECHNOLOGIES, INC.	290.00
251202	*	006817	LEXISNEXIS RISK DATA MANAGEMENT INC	226.20
251203		MISC	MARTINO ENTERPRISES INC	100.00
251204	*	000337	JIM MCCULLOCH	425.00
251205		000888	MCKENNA ASSOCIATES INC	37,301.25
251206		001660	MICHIGAN CAT	367.18
251207	*	001387	MICHIGAN MUNICIPAL LEAGUE	233,393.00
251208	*	007659	MICHIGAN.COM #1008	65.00
251209	*	007306	MARK MISCHLE	425.00
251210		008490	MMRMA	3,879.00
251211		007163	MOBILE HEALTH RESOURCES	1,334.31
251212		MISC	MULLIGAN CONSTRUCTION	100.00
251213		001089	MUNICIPAL CODE CORP.	350.00
251214	*	MISC	NANCY E. LAWSON	52.77
251215		MISC	NIGHTINGALE CONSTRUCTION & REMO INC	200.00
251216		003075	NORTH END ELECTRIC	17.75
251217		006359	NYE UNIFORM COMPANY	129.00

City of Birmingham
Warrant List Dated 06/28/2017

Meeting of 07/10/2017

Check Number	Early Release	Vendor #	Vendor	Amount
251218	*	001686	OAKLAND CO CLERKS ASSOC	20.00
251219	*	007502	OAKLAND COUNTY	142.00
251220	*	003461	OBSERVER & ECCENTRIC	847.08
251221	*	000481	OFFICE DEPOT INC	340.50
251222		002767	OSCAR W. LARSON CO.	210.00
251223		001325	P.K. CONTRACTING INC	9,832.54
251224	*	003963	DAVID PAPANDREA	425.00
251225		MISC	PAUL JACQUES	300.00
251226	*	007633	CASEY PEDERSEN	95.40
251227	*	001753	PEPSI COLA	389.76
251228		001277	PHYSIO-CONTROL CORP.	465.00
251229	*	001341	PIFER GOLF CARS INC	15,973.00
251230		002518	PITNEY BOWES INC	195.00
251231	*	000801	POSTMASTER	1,958.11
251232		MISC	PRECISION CONTRACTING	100.00
251233	*	006697	PROGRESSIVE IRRIGATION, INC	25,165.00
251234	*	006697	PROGRESSIVE IRRIGATION, INC	2,550.00
251235		002393	R & R PRODUCTS INC	98.04
251236	*	005344	RESERVE ACCOUNT	8,000.00
251237		002566	REYNOLDS WATER	131.60
251238	*	003554	RKA PETROLEUM	1,136.44
251239		006497	RNA FACILITIES MANAGEMENT	2,210.00
251240		MISC	ROBYN MUELLER	100.00
251241		MISC	ROYAL OAK & BIRMINGHAM	200.00
251242	*	007897	JEFFREY SCAIFE	425.00
251243	*	007898	JEFFREY SCHEMANSKY	425.00
251244	*	008073	SITEONE LANDSCAPE SUPPLY, INC	474.14
251245	*	006591	MICHAEL SLACK	425.00
251246	*	007899	NICHOLAS SLANDA	425.00
251247	*	003466	ALAN SOAVE	425.00
251248	*	000254	SOCRRA	60,240.00
251249	*	007245	NICK SOPER	425.00
251250		000260	SPARTAN DISTRIBUTORS INC	113.04
251251		001369	SPEEDWAY LLC	249.24
251252		006783	STATE OF MICHIGAN	695.00
251253	*	008194	TOM STILES	425.00
251254		MISC	STUART JEFFARES	200.00
251255		006376	SUBURBAN CHRYSLER DODGE JEEP - TROY	13.09
251256		007441	SUREFIRE LLC	813.65
251257		007503	SYDNEY SOLUTIONS	239.00
251258		000273	TERMINAL SUPPLY CO.	48.97
251259		000941	TIME EMERGENCY EQUIPMENT	40.71
251260		MISC	TITTLE BROTHERS CONSTRUCTION LLC	100.00

City of Birmingham
Warrant List Dated 06/28/2017

Meeting of 07/10/2017

Check Number	Early Release	Vendor #	Vendor	Amount
251261		MISC	TODDS SERVICES INC	200.00
251262		007295	U.S. KIDS GOLF	141.20
251263	*	001410	JOE VALENTINE	103.89
251264		007226	VALLEY CITY LINEN	84.70
251265	*	000158	VERIZON WIRELESS	137.77
251266	*	000158	VERIZON WIRELESS	361.71
251267	*	000301	PAUL WELLS	425.00
251268	*	007900	RYAN WISEMAN	425.00
251269		002088	WM. CROOK FIRE PROTECTION CO.	430.00
Sub Total Checks:				\$501,943.43
Sub Total ACH:				\$115,431.69
Grand Total:				\$617,375.12

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



Mark Gerber
Finance Director/ Treasurer

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

City of Birmingham
ACH Warrant List Dated 6/28/2017

Vendor Name	Transfer Date	Transfer Amount
Automated Benefit Services, Inc.	6/26/2017	111,828.38
Cutwater Asset Management-March	**	3,603.31
TOTAL		115,431.69

**Awaiting approval from Commission.

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

City of Birmingham
Warrant List Dated 07/05/2017

Meeting of 07/10/2017

Check Number	Early Release	Vendor #	Vendor	Amount
251270	*	000855	48TH DISTRICT COURT	100.00
251271	*	000855	48TH DISTRICT COURT	100.00
251272	*	000855	48TH DISTRICT COURT	100.00
251273	*	000855	48TH DISTRICT COURT	100.00
251274	*	002284	ABEL ELECTRONICS INC	4,680.39
251275		002909	ACOM SOLUTIONS, INC.	408.08
251276		007332	ADVANCED LANDSCAPE & BUILDERS	154.00
251277		005686	ADVANCED MARKETING PARTNERS INC	1,228.83
251278		000394	AERO FILTER INC	165.00
251279		000282	APOLLO FIRE EQUIPMENT	495.00
251280	*	001357	ART/DESIGN GROUP LTD	130.00
251281		000500	ARTECH PRINTING INC	948.00
251282	*	006759	AT&T	126.86
251283	*	006759	AT&T	134.85
251284	*	006759	AT&T	202.20
251285	*	007216	AT&T	89.00
251286	*	008422	AXIOM CONSTRUCTION SVCS GROUP LLC	169,298.22
251287		003012	BATTERIES PLUS	14.95
251288		008036	BERMUDA SANDS	455.73
251289		000522	BIG BEAVER PLUMBING, HEATING INC.	140.00
251290		008503	BIRDIE IMAGING SUPPLIES, INC	444.60
251291		007624	BIRMINGHAM OIL CHANGE CENTER, LLC	39.96
251292	*	001086	CITY OF BIRMINGHAM	189.37
251293	*	001086	CITY OF BIRMINGHAM	461.25
251294	*	001086	CITY OF BIRMINGHAM	468.00
251295	*	006966	BRIDGESTONE GOLF, INC	367.86
251296		007365	BSN SPORTS	56.00
251297	*	001664	CHRIS BUSEN	110.22
251298		007875	CANFIELD EQUIPMENT SERVICE INC.	4,970.59
251299	*	000444	CDW GOVERNMENT INC	8,218.19
251300		008306	CHARTER TOWNSHIP OF BLOOMFIELD	936.62
251301		007710	CINTAS CORP	238.57
251302		000605	CINTAS CORPORATION	46.50
251303		004188	COFFEE BREAK SERVICE, INC.	78.00
251304	*	007625	COMCAST	249.64
251305	*	007774	COMCAST BUSINESS	644.60
251306	*	000626	J. M. CONNAUGHTON	35.00
251307		002668	CONTRACTORS CLOTHING CO	294.42
251308		003802	CROSWELL GREENHOUSE	672.00
251309		000956	DELTA TEMP INC	892.75
251310		005115	DETROIT NEWSPAPER PARTNERSHIP	2,713.00
251311		001035	DOUGLASS SAFETY SYSTEMS LLC	1,735.20
251312	*	000179	DTE ENERGY	20,000.05

City of Birmingham
Warrant List Dated 07/05/2017

Meeting of 07/10/2017

Check Number	Early Release	Vendor #	Vendor	Amount
251313		001077	DUNCAN PARKING TECH INC	456,704.80
251314		007399	EL CENTRAL HISPANIC NEWS	60.00
251315		008504	ELECTIONSOURCE	2,021.32
251316		007684	ELITE TRAUMA CLEAN-UP INC.	50.00
251317		008308	ERADICO PEST SERVICES	27.00
251318		000207	EZELL SUPPLY CORPORATION	615.51
251319		001230	FIRE SYSTEMS OF MICHIGAN INC	329.25
251320		008498	FRANK'S SHOE SERVICE	20.00
251322		007172	GARY KNUREK INC	50.00
251323		004604	GORDON FOOD	1,080.41
251324		004878	GOVERNMENT FINANCE OFFICERS	190.00
251325		001531	GUNNERS METER & PARTS INC	2,702.00
251326		001447	HALT FIRE INC	3,615.94
251327		001672	HAYES GRINDING	111.50
251328	*	001956	HOME DEPOT CREDIT SERVICES	3,280.77
251329		000331	HUBBELL ROTH & CLARK INC	16,016.16
251330		000948	HYDROCORP	1,315.00
251331		006403	IDEAS FOR YOU	91.92
251332		002407	J & B MEDICAL SUPPLY	14.96
251333		000261	J.H. HART URBAN FORESTRY	43,865.59
251334		003458	JOE'S AUTO PARTS, INC.	292.20
251335		004088	KGM DISTRIBUTORS INC	136.00
251336	*	004085	KONE INC	35,297.22
251337		005550	LEE & ASSOCIATES CO., INC.	876.00
251339		007521	LUIGI FERDINANDI & SON INC	102,693.10
251340	*	008467	MAGIC BUS	1,900.00
251341		003099	MICHIGAN POLICE EQUIP.	1,881.60
251342		007214	MIDWEST ARBORIST SUPPLIES	477.29
251343		007773	MONSTER WORLDWIDE INC	698.00
251344		001864	NOWAK & FRAUS ENGINEERS	14,524.00
251345		006359	NYE UNIFORM COMPANY	77.50
251346	*	000477	OAKLAND COUNTY	301.80
251347		004370	OCCUPATIONAL HEALTH CENTERS	813.75
251348		006027	PENCHURA, LLC	209.30
251349	*	001753	PEPSI COLA	473.04
251350		006697	PROGRESSIVE IRRIGATION, INC	3,475.00
251351	*	008342	RAIN MASTER CONTROL SYSTEMS	29.85
251352		000286	RESIDEX LLC	94.08
251353	*	003554	RKA PETROLEUM	9,162.40
251354		000478	ROAD COMM FOR OAKLAND CO	1,661.11
251355		007817	SAND SALES COMPANY LLC	3,217.96
251356		002051	SEAWAY PAINTING, LLC	1,600.00
251357		007907	SP+ CORPORATION	3,530.00

City of Birmingham
Warrant List Dated 07/05/2017

Meeting of 07/10/2017

Check Number	Early Release	Vendor #	Vendor	Amount
251358		000260	SPARTAN DISTRIBUTORS INC	264.00
251359	*	008507	SUPERFLEET MASTERCARD PROGRAM	29.28
251360		008381	SUPERIOR MANUFACTURING	2,918.73
251361	*	006412	TOPPERMOST BEATLE TRIBUTE	650.00
251362		002037	TOTAL ARMORED CAR SERVICE, INC.	714.83
251363	*	004320	TRI-COUNTY POWER RODDING, INC	750.00
251364		005806	ULINE	289.61
251365		007226	VALLEY CITY LINEN	42.35
251366	*	000158	VERIZON WIRELESS	825.80
251367	*	000158	VERIZON WIRELESS	50.42
251368		000969	VIGILANTE SECURITY INC	580.00
251369		004334	VILLAGE CONEY	34.90
251370		000279	VIP TRUCK CENTER LLC	3,334.57
251371	*	008466	GIA WARNER	800.00
251372	*	008465	WEEKEND COME BACK	500.00
251373		000306	WOLVERINE CONTRACTORS INC	821.50
251374		008505	YOURMEMBERSHIP.COM, INC	350.00
Sub Total Checks:				\$951,472.82
Sub Total ACH:				\$42,813.47
Grand Total:				\$994,286.29

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.

7/10/2017

City of Birmingham
6/21/2017

Vendor Name	Transfer Date	Transfer Amount
Automated Benefit Services, Inc.	6/29/2017	42,813.47
TOTAL		42,813.47



MEMORANDUM

City Clerk's Office

DATE: June 14, 2017

TO: Joseph A. Valentine, City Manager

FROM: J. Cherilynn Brown, City Clerk

SUBJECT: Special Event Request
Veteran's Day Wreath Laying

Attached is a special event application submitted by the Piety Hill Chapter, National Society Daughters of the American Revolution requesting permission to hold the Veteran's Day Wreath Laying Ceremony on Saturday, November 11, 2017 at 11:00 AM in Shain Park.

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

The following November events are anticipated to be held in November and do not pose a conflict with the proposed event.

Event Name	Date	Location
Tree Lighting	Nov 22	Shain Park
Nativity Display	Application not yet submitted	Shain Park

SUGGESTED RESOLUTION:

To approve a request from the Piety Hill Chapter, National Society Daughters of the American Revolution to hold the Veteran's Day Wreath Laying Ceremony on November 11, 2017 at 11:00 AM, pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event.

17-00011006

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

RECEIVED BY

JUN - 1 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 JUNE 1, 2017

Name of Event VETERANS DAY WREATH LAYING

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

VETERANS DAY WREATH LAYING AT BOTH
MONUMENTS AT SHAIN PARK; FLAG CEREMONY

Location SHAIN PARK

Date(s) of Event NOV. 11, 2017 Hours of Event 11 AM - 12 noon

Date(s) of Set-up NOV 11 2017 Hours of Set-up 10 AM - 11 AM

Date(s) of Tear-down NOV 11 2017 Hours of Tear-down 12 NOON - 1 PM

Organization Sponsoring Event PIETY HILL CHAPTER NSDAR

Organization Address 1235 YORKSHIRE RD BIRMINGHAM

Organization Phone 248 840 0762

Contact Person HOLLY HEISS

Contact Phone 248 840 0762

Contact Email holly.heiss@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.) _____
CITY OF BIRMINGHAM

3. Is the event a fundraiser? ☐ YES ☒ NO
List beneficiary _____
List expected income _____
Attach information about the beneficiary.
4. First time event in Birmingham? ☐ YES ☒ NO
If no, describe 11th ANNUAL VETERANS DAY CELEBRATION

5. Total number of people expected to attend per day APPROX 100
6. The event will be held on the following City property: (Please list)
☐ Street(s) _____
☐ Sidewalk(s) _____
☒ Park(s) SHAIN PARK

7. Will street closures be required? ☐ YES ☒ NO
8. What parking arrangements will be necessary to accommodate attendance? NONE

9. Will staff be provided to assist with safety, security and maintenance? ☒ YES ☐ NO
Describe BOARD MEMBERS PIETY HILL CHAPTER
NSDAR
10. Will the event require safety personnel (police, fire, paramedics)? ☒ YES ☐ NO
Describe POLICE OFFICERS WILL ASSIST IN
PLACING WREATHS
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 11:00 am BAGPIPES / BUGLE
Time music will end 11:30 am
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 _____
Size of signs/banners _____
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 VETERANS DAY WREATH LAYING CEREMONY
EVENT DATE NOV 11 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.

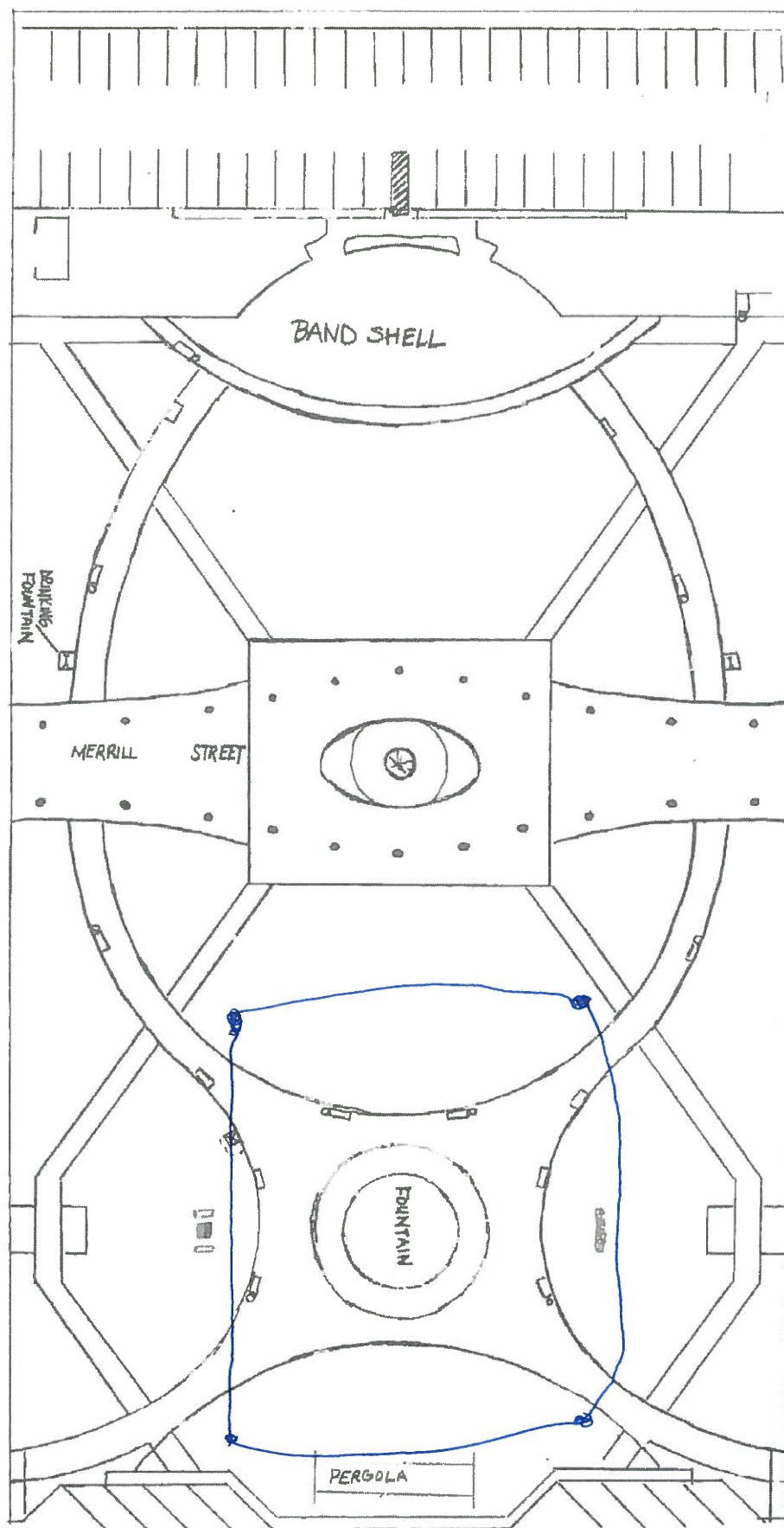
Holly S. Harris 6-1-17
Signature Date

**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.

TOWNSEND STREET

HENRIETTA STREET



MARTIN STREET

Piety Hill Chapter
The National Society Daughters of the American Revolution
PO Box 285 Birmingham, MI 48012-0285

SPECIAL EVENT REQUEST NOTIFICATION LETTER

DATE: June 12, 2017
TO: Residential Property or Business Owner
Address

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

EVENT INFORMATION

NAME OF EVENT: Veterans Day Wreath Laying

LOCATION: Shain Park

DATE(S) OF EVENT November 11, 2017 HOURS OF EVENT 11:00 am – 12:00 Noon

BRIEF DESCRIPTION OF EVENT/ACTIVITY: Veterans Day Ceremony with wreath laying by Piety Hill Chapter NSDAR (National Society Daughters of the American Revolution), bagpipes and bugle.

DATE(S) OF SET-UP Nov 11, 2017 HOURS OF SET-UP 10:00 – 11:00 am

DATE(S) OF TEAR-DOWN Nov 11, 2017 HOURS OF TEAR-DOWN 12:00 – 1:00 pm

DATE OF CITY COMMISSION MEETING: July 10, 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).** Log on to www.bhamgov.org/events for a complete list of special events.

EVENT ORGANIZER: Holly Heiss
ADDRESS: 1235 Yorkshire Rd., Birmingham, MI
PHONE: 248-840-0762

FOR QUESTIONS ON DAY OF EVENT, CONTACT: Holly Heiss 248-840-0762

A map showing street closures must be attached. (N/A)

DEPARTMENT APPROVALS

EVENT NAME VETERANS WREATH LAYING CEREMONY

LICENSE NUMBER #17-00011006

COMMISSION HEARING DATE: JUNE 26, 2017

NOTE TO STAFF: Please submit approval by **JUNE 8, 2017**

DATE OF EVENT: NOVEMBER 11, 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.		\$0	
BUILDING 101-000.000.634.0005 248.530.1850	SW		none	\$0	
FIRE 101-000.000-634.0004 248.530.1900	JMC			\$0	
POLICE 101-000.000.634.0003 248.530.1870	SG			\$0	
PUBLIC SERVICES 101-000.000-634.0002 248.530.1642	Carrie Laird 6/2/2017	1-Portable Audio System 1-Podium 25-folding chairs (chairs placed in Shain Park) Chairs and all flags placed around site. Large flag pole available to post colors with flags.		\$0	
ENGINEERING 101-000.000.634.0002 248.530.1839	A.F.	No Comments	None	\$0	\$0

SP+ PARKING	A.F.	SP+ has been notified via email – 6/13/17	None	\$0	\$0
INSURANCE 248.530.1807	CA	City waives insurance requirements		\$0	\$0
CLERK 101-000.000-614.0000 248.530.1803	CA	Notification letters mailed by applicant on 6/23/17. 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 (city event).	Applications for vendors license must be submitted no later than <u>N/A.</u>	\$165 (waived)	
				TOTAL DEPOSIT REQUIRED \$0	ACTUAL COST

FOR CLERK'S OFFICE USE

Deposit paid _____

Actual Cost _____

Due/Refund_____



MEMORANDUM

Office of the City Manager

DATE: July 3, 2017

TO: Joseph A. Valentine, City Manager

FROM: Joellen Haines, Assistant to the City Manager

SUBJECT: Michigan Municipal League Board of Trustees

The City of Birmingham is a member of the Michigan Municipal Workers' Compensation Fund. The Michigan Municipal League is the state's leading provider of municipal workers' compensation and risk management services.

The Michigan Municipal League is holding an election for the Workers' Compensation Fund Board of Trustees. Five of the Board's incumbent trustees have agreed to seek re-election for an additional four years. A brief biographical sketch of each candidate is attached for your review. The five incumbent Board members are:

Lois Allen-Richardson, Councilmember, City of Ypsilanti
Maureen Donker, Mayor, City of Midland
Deb Doyle, Mayor, City of Durand
Scott Erickson, Manager, City of Ironwood
John Shay, Manager, City of Ludington

A resolution is required to authorize the City of Birmingham's vote to be cast for the above persons to serve as Trustees of the Michigan Municipal League Workers' Compensation Fund. These five incumbents are the only five candidates seeking re-election to this Board.

SUGGESTED RESOLUTION:

To authorize the City Manager to cast a vote, on the City's behalf, for the five incumbent members of the Michigan Municipal League Workers' Compensation Fund Board of Trustees for four-year terms, beginning October 1, 2017.

to	Members of the MML Workers' Compensation Fund	from	Michael J. Forster
cc		date	June 26, 2017
pages	1	subject	2017 Fund Trustee Election

Dear Fund Member:

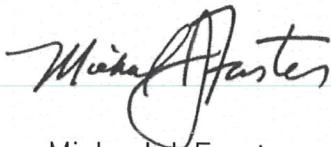
Enclosed is your ballot for this year's Board of Trustees election. Five (5) incumbent Trustees have agreed to seek re-election. You also may write in one or more candidates if you wish.

A brief biographical sketch of each candidate is provided for your review.

I hope you will affirm the work of the Nominating Committee by returning your completed ballot in the enclosed return envelope, no later than August 11. You may also submit your ballot online by going to www.mml.org. Click on *Insurance*, then *Workers' Compensation Fund*; the official ballot is located in the left navigation bar under *Online Forms*.

Thank you for your membership in the Worker's Compensation Fund, and for participating in the election of your governing board.

Sincerely,



Michael J. Forster

Fund Administrator

THE CANDIDATES

Four-year terms beginning October 1, 2017



Lois Allen-Richardson, Councilmember, City of Ypsilanti

Lois has more than sixteen years of experience as a municipal official, serving as councilmember and mayor pro-tem of Ypsilanti all sixteen. She is a founding member and the current president of Michigan Black Caucus of Local Elected Officials (MBC-LEO). Lois is also currently serving as president of the Elected Officials Academy Advisory Board, has previously served as a MML Board of Trustee member and is a past regional secretary with MML. Lois is also involved in several local civic organizations. Lois is seeking election to her first term.



Maureen Donker, Mayor, City of Midland

Maureen has more than five years of experience as a municipal official, and has served as mayor of Midland since 2009. She has been the Executive Director of The Reece Endeavor of Midland, a community program providing homes for individuals with special needs, since 1998. Maureen is also active in the Midland community, serving on various local and regional civic organizations. Maureen is seeking re-election to her second term.



Deb Doyle, Mayor, City of Durand

Deb is currently serving as mayor for the City of Durand. The MML past president and former Elected Officials Academy board member has been an active member of various League committees, on the Michigan Association of Mayors board, and has graduated all four levels of the EOA program. In 2009, she established the Tim Doyle Scholarship fund in loving memory of her husband, and fellow councilmember, Tim Doyle. With the scholarship, 23 elected officials have been able to attend the EOA Core Weekender at no cost. Deb was awarded an MML Honorary Life Membership in 2012. Deb is seeking election to her first term.



Scott Erickson, Manager, City of Ironwood

Scott has more than thirty years of experience as a municipal official, serving as city manager of Ironwood since 2005. He previously served with the city of Oshkosh, WI and Andover, MN. Scott was a Michigan Municipal League Board of Trustees member from 2011-2014 and received the MML Jim Sinclair Exceptional Service Award in 2016. He has previously served as the president of the Upper Peninsula City Managers Organization and is involved in several local civic organizations. Scott is seeking election to his first term.



John Shay, Manager, City of Ludington

John has more than nineteen years of experience as a municipal official, serving as city manager of Ludington since 2003. He previously served with the village of Almont as their manager for five years. John is a Michigan Municipal Executive Board Member and a Michigan Municipal Executive Ethics Committee Member. He serves on various community boards and is involved in several local civic organizations. John is seeking election to his first term.



MEMORANDUM

Engineering Dept.

DATE: July 3, 2017

TO: Joseph Valentine, City Manager

FROM: Paul T. O'Meara, City Engineer

SUBJECT: Robertson Brothers Development
750 Forest Ave.
DTE Energy Street Light Agreement

A mixed use structure has been approved by the Planning Board for the properties at the southwest corner of Forest Ave. and Elm St. Consistent with other new developments in the Triangle District, the developer will be required to fund the installation of pedestrian sized street lights along both frontages of the building. Given the frontage involved, a total of five new street lights are proposed (three on Forest Ave., and two on Elm St.). Electrical outlets for holiday tree lighting will be incorporated into the new lights.

DTE Energy has prepared the attached contract for the installation of the lights by their contractor. The agreement is identical to those authorized for other street light agreements. The language has been reviewed and approved by the City Attorney's office. Once the agreement has been signed, we will return it to DTE for their signature and execution. Once the work has been completed to our satisfaction, we will invoice the owner for the full amount being charged (\$25,145.78). A final Certificate of Occupancy will not be issued until payment has been received. We expect after the work is complete, we will in turn be invoiced for the value of the work from DTE Energy, which will be charged to the streetscape account 401-901.009-981.0100, in the Capital Projects Fund.

It is recommended that the Commission authorize the Mayor to sign the attached Agreement for Municipal Street Lighting presented by DTE Energy relative to 750 Forest Ave. All costs relative to this agreement will be charged to the owner and developer of the property.

SUGGESTED RESOLUTION:

To approve the street light agreement between the City of Birmingham and DTE Energy regarding the installation of street lights at 750 Forest Ave. Further, to direct the Mayor to sign the agreement on behalf of the City. All costs relative to this agreement will be charged to the adjacent owner.

Exhibit A to Master Agreement

Purchase Agreement

This Purchase Agreement (this "Agreement") is dated as of June 14, 2017 between The Detroit Edison Company ("Company") and City of Birmingham ("Customer").

This Agreement is a "Purchase Agreement" as referenced in the Master Agreement for Municipal Street Lighting dated April 11, 2013 (the "Master Agreement") between Company and Customer. All of the terms of the Master Agreement are incorporated herein by reference. In the event of an inconsistency between this Agreement and the Master Agreement, the terms of this Agreement shall control.

Customer requests the Company to furnish, install, operate and maintain street lighting equipment as set forth below:

1. DTE Work Order Number:	47683698	
2. Location where Equipment will be installed:	750 Forest Ave in Birmingham, as more fully described on the map attached hereto as <u>Attachment 1</u> .	
3. Total number of lights to be installed:	5	
4. Description of Equipment to be installed (the " <u>Equipment</u> "):	Install (5) Philips Hadco Birmingham Triangle District style 89 watt LED fixtures mounted on (5) Philips Hadco 10' gray straight round smooth aluminum posts on a concrete foundation. Each post will have two GFI outlets with in-use covers.	
5. Estimated Total Annual Lamp Charges	\$1,538.40	
6. Computation of Contribution in aid of Construction (" <u>CIAC Amount</u> ")	Total estimated construction cost, including labor, materials, and overhead:	\$29,760.98
	Credit for 3 years of lamp charges:	(\$4,615.20)
	CIAC Amount (cost minus revenue)	\$25,145.78
7. Payment of CIAC Amount:	PO Terms 180 Days	
8. Term of Agreement	5 years. Upon expiration of the initial term, this Agreement shall continue on a month-to-month basis until terminated by mutual written consent of the parties or by either party with thirty (30) days prior written notice to the other party.	
9. Does the requested Customer lighting design meet IESNA recommended practices?	(Check One) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO If "No", Customer must sign below and acknowledge that the lighting design does not meet IESNA recommended practices Signature: _____	
10. Customer Address for Notices:	City of Birmingham 151 Martin St, PO Box 3001 Birmingham, MI 48012 Attn: Paul O'Meara	

11. Special Order Material Terms:

All or a portion of the Equipment consists of special order material: (check one) ☒ YES ☐ NO

If "Yes" is checked, Customer and Company agree to the following additional terms.

A. Customer acknowledges that all or a portion of the Equipment is special order materials ("SOM") and not Company's standard stock. Customer will purchase and stock replacement SOM and spare parts. When replacement equipment or spare parts are installed from Customer's inventory, the Company will credit Customer in the amount of the then current material cost of Company standard street lighting equipment.

B. Customer will maintain an initial inventory of at least 1 post and 1 luminaire and any other materials agreed to by Company and Customer, and will replenish the stock as the same are drawn from inventory. Costs of initial inventory are included in this Agreement. The Customer agrees to work with the Company to adjust inventory levels from time to time to correspond to actual replacement material needs. If Customer fails to maintain the required inventory, Company, after 30 days' notice to Customer, may (but is not required to) order replacement SOM and Customer will reimburse Company for such costs. Customer acknowledges that failure to maintain required inventory could result in extended outages due to SOM lead times.

C. The inventory will be stored at City of Birmingham DPW Yard. Access to the Customers inventory site must be provided between the hours of 9:00 am to 4:00 pm, Monday through Friday with the exceptions of federal Holidays. Customer shall name an authorized representative to contact regarding inventory: levels, access, usage, transactions, and provide the following contact information to the Company:

Name: Paul O'Meara

Title: City Engineer

Phone Number: 248-530-1840

Email: pomeara@bhamgov.org

The Customer will notify the Company of any changes in the Authorized Customer Representative. The Customer must comply with SOM manufacturer's recommended inventory storage guidelines and practices. Damaged SOM will not be installed by the Company.

D. In the event that SOM is damaged by a third party, the Company may (but is not required to) pursue a damage claim against such third party for collection of all labor and stock replacement value associated with the damage claim. Company will promptly notify Customer as to whether Company will pursue such claim.

E. In the event that SOM becomes obsolete or no longer manufactured, the Customer will be allowed to select new alternate SOM that is compatible with the Company's existing infrastructure.

F. Should the Customer experience excessive LED equipment failures, not supported by LED manufacturer warranties, the Company will replace the LED equipment with other Company supported Solid State or High Intensity Discharge luminaires at the Company's discretion. The full cost to complete these replacements to standard street lighting equipment will be the responsibility of the Customer.

12. Experimental Emerging Lighting Technology ("EELT") Terms:

All or a portion of the Equipment consists of EELT: (check one) ☒ YES ☐ NO

If "Yes" is checked, Customer and Company agree to the following additional terms.

A. The annual billing lamp charges for the EELT equipment has been calculated by the Company are based upon the estimated energy and maintenance cost expected with the Customer's specific pilot project EELT equipment.

B. Upon the approval of any future MPSC Option I tariff for EELT street lighting equipment, the approved rate schedules will automatically apply for service continuation to the Customer under Option 1 Municipal Street Lighting Rate, as approved by the MPSC. The terms of this paragraph B replace in its entirety Section 7 of the Master Agreement with respect to any EELT equipment purchased under this Agreement.

Company and Customer have executed this Purchase Agreement as of the date first written above.

Company:

Customer:

The Detroit Edison Company

City of Birmingham

By: _____

By: _____

Name: _____

Name: _____

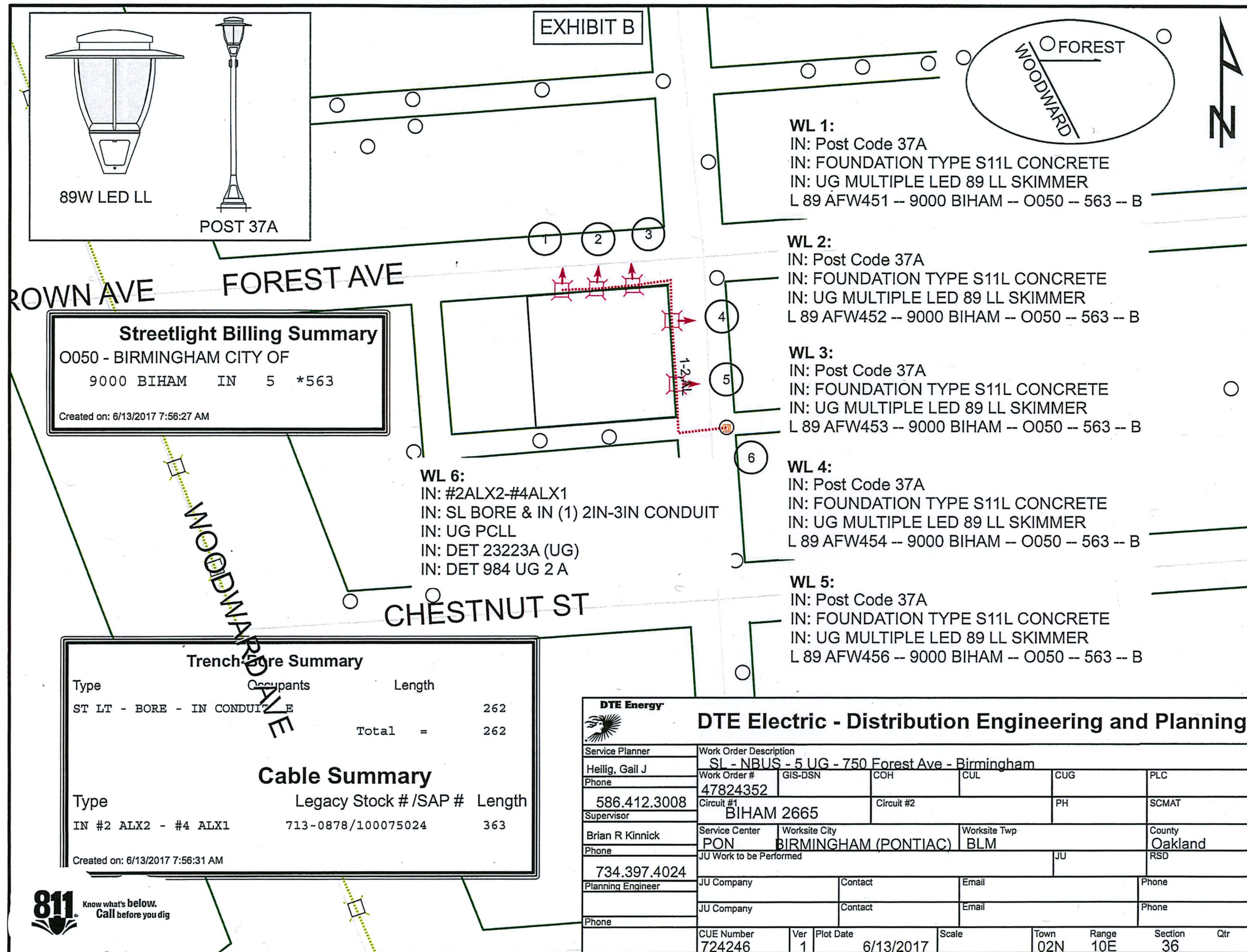
Title: _____

Title: _____

Attachment 1 to Purchase Agreement

Map of Location

[To be attached]





MEMORANDUM

Department of Public Services

DATE: June 30, 2017

TO: Joseph A. Valentine, City Manager

FROM: Lauren A. Wood, Director of Public Services

SUBJECT: Skating Director Contract – 2017-2018 Season

Attached is the proposed one year contract for the Skating Director to continue serving in this capacity for the City of Birmingham for the upcoming season. The past three seasons, Jill Kolaitis has been serving as the Skating Director and another individual serves as the Ice Show Director. This separation of duties has been very effective as they coordinate aspects of their respective roles with each other, as relevant for both programs. Overall, this proved to be very successful for the operation. I recommend we continue having two contracts to assist the City with the basic skills program and the annual Ice Show. The proposed contract language follows our standard contract language format. There are no changes to the terms and conditions, only the dates of service have been updated to reflect the upcoming 2017-2018 ice season.

The Skating Director Contract begins annually during the month of July and runs until about one week after the conclusion of the Ice Show. The Ice Show will be held the first weekend of May, 2018. The contract term is only during the ice skating season, typically coincides with the ten month Ice Arena operation. The 2017-2018 Ice Arena season begins in August, so I am proposing the Skating Director begin the season effective July 11, 2017 as an Independent Contractor. There are a variety of functions and duties for the Skating Director to perform in advance to prepare for the Birmingham Ice Skating Classes. Jill Kolaitis served the past three years as the Skating Director and previously served in the capacity of Assistant Skating Director at the Birmingham Ice Arena for more than twenty years. A background investigation has been conducted and the Birmingham Police Department found nothing to prohibit entering into such a Contract.

SUGGESTED RESOLUTION:

To approve the Contract for Skating Director with Jill Kolaitis effective July 11, 2017 up to and including May 11, 2018. Further, to authorize the Mayor and City Clerk to sign the Contract on behalf of the City of Birmingham upon receipt of all required insurances.

SKATING DIRECTOR CONTRACT

This Contract is entered into this 11th day of July, 2017 by and between Jill Kolaitis (hereinafter called the "Contractor") and the **CITY OF BIRMINGHAM**, a Michigan Municipal Corporation, whose address is 151 Martin Street, Birmingham, Michigan 48009 ("City").

RECITALS:

WHEREAS, the City wishes to hire a Director of the Birmingham Ice Skating Classes; and,

WHEREAS, Contractor is willing and able to provide the services and experience for such a Director's position;

NOW, THEREFORE, the parties agree as follows:

1. CONTRACTOR is hereby engaged as the Director of the Birmingham Ice Skating Classes. Skating Director shall not work in excess of 30 hours per week without prior written approval from the Director of Public Services.

ANTICIPATED DATES OF SERVICES:

Tuesday, July 11, 2017- Friday, May 11, 2018

TERMINATION CLAUSE:

The City of Birmingham shall give CONTRACTOR 10 days written notice if termination is to occur before end date listed above.

2. CONTRACTOR further agrees to provide the required services pursuant to the following rate schedule:

ICE SKATING CLASS RATE:

Off/On Ice \$24/HR.

Saturday/Sunday \$32/HR.

ICE SHOW RATE:

Rate during Ice Show Rehearsals \$24/HR.

Rate during Tech./Finale Rehearsals \$24/HR.

Rate during Ice Show Weekend \$24/HR.

3. In the performance of Director's duties, CONTRACTOR shall have non-exclusive access to an office, telephone, computer and other miscellaneous office equipment (collectively "Equipment"). CONTRACTOR acknowledges and agrees that use of the Equipment is solely for CONTRACTOR'S work associated with the Birmingham Ice Skating Classes. Use of the Equipment for any other purpose is strictly prohibited. CONTRACTOR shall ensure at all times that CONTRACTOR is acting as an independent contractor and shall not use the Equipment in any way to signify, suggest or appear that CONTRACTOR is working in any other capacity.

4. **Independent Contractor.** CONTRACTOR and the City of Birmingham ("City") agree that CONTRACTOR is acting as an independent contractor and, as such, shall be liable for CONTRACTOR'S own actions. CONTRACTOR shall not be construed as an employee of the City or the Birmingham Ice Sports Arena. Nothing in this Contract shall be construed to imply a joint venture or partnership and neither party, by virtue of this Contract, shall have right, power or authority to act or create any obligation, express or implied, on behalf of the other party. Neither the City nor the CONTRACTOR shall be construed to be the agent of the other, nor shall either have the right to bind the other in any manner whatsoever, except as may be specifically provided in this Contract, and this Contract shall not be construed as a Contract of agency. The CONTRACTOR shall not be considered entitled or eligible to participate in any benefits or privileges given or extended by the City for purposes of federal or state withholding taxes, FICA taxes, unemployment, workers' compensation or any other employer contributions on behalf of the City. Before any payment is made to CONTRACTOR, a billing must be submitted to the City of Birmingham Ice Sports Arena.

5. **Indemnification.** To the fullest extent permitted by law, the CONTRACTOR and any entity or person for whom the CONTRACTOR is legally liable, agrees to be responsible for any liability, defend, pay on behalf of, indemnify, and hold harmless the CITY OF BIRMINGHAM, its elected and appointed officials, employees and volunteers and others working on behalf of the CITY OF BIRMINGHAM against any and all claims, demands, suits, or loss, including all costs and reasonable attorney fees connected therewith, and for any damages which may be asserted, claimed or recovered against or from the CITY OF BIRMINGHAM, its elected and appointed officials, employees, volunteers or others working on behalf of the CITY OF BIRMINGHAM, by reason of personal injury, including bodily injury and death and/or property damage, including loss of use thereof, which arises out of or is in any way connected or associated with this Agreement. Such responsibility shall not be construed as liability for damage caused by or resulting from the sole act or omission of its elected or appointed officials, employees, volunteers or others working on behalf of the CITY OF BIRMINGHAM.

6. **Insurance.** Director shall procure and maintain during the life of this Contract, General Liability Insurance on an "Occurrence Basis" with limits of liability not less than \$1,000,000 per occurrence combined single limit, including General Liability, Personal Injury, Bodily Injury, abuse and property damage acceptable to the City. Said insurance policy shall include an endorsement stating the following shall be Additional Insureds: "The City of Birmingham, including all elected and appointed officials, all employees and volunteers, all boards, commissions and/or authorities and board members, including employees and volunteers thereof. This coverage shall be primary to any coverage that may be available to the additional insured whether any other available coverage is primary, contributing or excess." Said insurance policy shall include an endorsement stating the following: "Thirty (30) days Advance Written Notice of Cancellation or Non-Renewal shall be sent to: City Manager's Office, City of Birmingham, P.O. Box 3001, 151 Martin Street, Birmingham, Michigan 48012." A certificate of insurance shall be provided to the City at the time this Contract is presented to this City for execution.

A. **Coverage Expiration:** If any of the above coverages expire during the term of this Agreement, CONTRACTOR shall deliver renewal certificates and/or policies to the City of Birmingham at least (10) days prior to the expiration date.

B. **Maintaining Insurance:** Upon failure of the CONTRACTOR to obtain or maintain such insurance coverage for the term of the Agreement, the City of Birmingham may, at its option, purchase such coverage and subtract the cost of obtaining such coverage from the Agreement amount. In obtaining such coverage, the City of Birmingham shall have no obligation to procure the most cost-effective coverage but may contract with any insurer for such coverage.

7. **Nepotism.** Subsequent to entering into this Contract, if any City official, his or her spouse, child or parent shall become directly or indirectly interested in the Contract, the City shall have the right to terminate the Contract without further liability if the disqualification has not been removed within thirty (30) days after the City has given notification of the disqualifying interest.

8. **Settlement of Disputes.** Any controversy or claim arising out of or relating to this Agreement, or the breach thereof, shall be settled either by commencement of a suit in Oakland County Circuit Court, the 48th District Court or by arbitration. If both parties elect to have the dispute resolved by arbitration, it shall be settled pursuant to Chapter 50 of the Revised Judicature Act for the State of Michigan and administered by the American Arbitration Association with one arbitrator being used, or three arbitrators in the event any party's claim exceeds \$1,000,000. Each party shall bear its own costs and expenses and an equal share of the arbitrator's and administrative fees of arbitration. Such arbitration shall qualify as statutory arbitration pursuant to MCL§600.5001 et. seq.,

and the Oakland County Circuit Court or any court having jurisdiction shall render judgment upon the award of the arbitrator made pursuant to this Agreement. The laws of the State of Michigan shall govern this Agreement, and the arbitration shall take place in Oakland County, Michigan. In the event that the parties elect not to have the matter in dispute arbitrated, any dispute between the parties may be resolved by the filing of a suit in the Oakland County Circuit Court or the 48th District Court.

9. **Rules and Regulations of the City.** CONTRACTOR agrees to abide by and obey all rules, regulations, policies and procedures of the City of Birmingham and Ice Arena that may be in force at the time of this contract and which may be amended from time to time that the CONTRACTOR understands that the Director of Public Services or their designee has full authority to enforce said rules. Copies of the rules may be posted throughout the Ice Sports Arena and obtained from the Ice Arena office.

10. **Background Check.** A criminal background check is required prior to City approval of the Contract. CONTRACTOR acknowledges and consents to such a criminal background check and authorizes the City to do so. CONTRACTOR agrees to provide the necessary information needed by the Birmingham Police Department to run the background check.

11. In consideration of the acceptance of this Contract with the City through the Birmingham Ice Sports Arena, Director and everyone acting with, by and through CONTRACTOR, do hereby waive, release and forever discharge any and all rights and claims for damages, losses and injuries which CONTRACTOR or CONTRACTOR'S group may have or which may hereafter accrue to them against the City or its officers, Directors, administrators, successors, employees, agents, officials and/or assigns for any and all damages which may be sustained or suffered by CONTRACTOR or its group, organization, in connection with the said association with this Contract.

12. **No Conflicts with City's Skating Program.** While CONTRACTOR is able to perform ice skating instruction services outside of this Contract, either individually or through other entities, CONTRACTOR agrees that as consideration for entering into this Contract with the City, CONTRACTOR is prohibited from developing or participating in ice skating programs and events that are competitive to the City's programs and events.

13. **Subcontracting.** Contractor shall not subcontract any part of this Contract without the prior written approval of the City.

14. **Laws.** This Contract shall be construed in accordance with the laws of the State of Michigan.

15. **Modification.** No modification of the Contract shall be binding upon the parties unless in writing and signed by both parties.

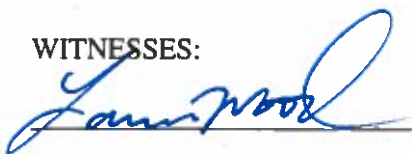
16. **FAIR PROCUREMENT OPPORTUNITY:** Procurement for the City of Birmingham will be handled in a manner providing fair opportunity for all businesses. This will be accomplished without abrogation or sacrifice of quality and as determined to be in the best interest of the City of Birmingham.

17. **CONFORMANCE TO IRAN ECONOMIC SANCTIONS ACT**

- A. Pursuant to Michigan law, (the Iran Economic Sanctions Act, 2012 PA 517, MCL 129.311 et seq.), before accepting any bid or proposal, or entering into any contract for goods or services with any prospective Contractor, the CONTRACTOR must first certify that it is not an "IRAN LINKED BUSINESS", as defined by law.
- B. Each Contractor submitting a bid on this project shall include a letter with their bid certifying that they have full knowledge of the requirements and possible penalties under the law MCL 129.311 et seq. that the CONTRACTOR is NOT an "IRAN LINKED BUSINESS" as required by MCL 129.311 et seq., and as such that CONTRACTOR is legally eligible to submit a bid and be considered for a possible contract to supply goods and/or services to the City of Birmingham.

IN WITNESS WHEREOF, the parties execute this Contract.

WITNESSES:



By: _____


CONTRACTOR

CITY OF BIRMINGHAM

By: _____

Mark Nickita
Its: Mayor

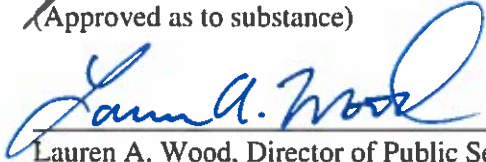
By: _____

J. Cherilynn Brown
Its: City Clerk

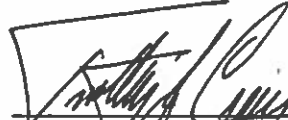
Approved:



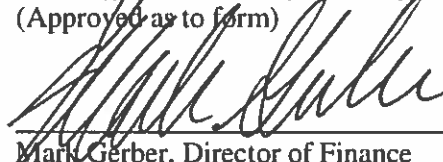
Joseph A. Valentine, City Manager
(Approved as to substance)



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



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



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

CERTIFICATE OF INSURANCE

PRINT DATE: 7/2/2017

CERTIFICATE NUMBER: 20170702032671

AGENCY:

ESIX, a division of Integro USA Inc.
d/b/a Integro Insurance Brokers
2727 Paces Ferry Road, Building Two, Suite 1500
Atlanta, GA 30339
678-324-3300 (Phone), 678-324-3303 (Fax)

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

NAMED INSURED:

Professional Skaters Association
3006 Allegro Park SW
Rochester MN 55902

Jill Kolaitis
480 Ottawa Drive
Troy MI 48065

INSURERS AFFORDING COVERAGE:

INSURER A: National Casualty Co. NAIC #: 11991

POLICY/COVERAGE INFORMATION:

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INS	TYPE OF INSURANCE:	POLICY NUMBER(S):	EFFECTIVE:	EXPIRES:	LIMITS:
A	GENERAL LIABILITY				
	X Occurrence	KRO0000006941100	7/1/2017 12:01 AM	7/1/2018 12:01 AM	GENERAL AGGREGATE (Per Coach) \$5,000,000
	X Participant Legal Liability				EACH OCCURRENCE \$1,000,000
	X Professional Liability				DAMAGE TO RENTED PREMISES (Each Occ) \$1,000,000
					MEDICAL EXPENSE (Any one person) EXCLUDED
					PERSONAL & ADV INJURY \$1,000,000
					PRODUCTS-COMP/OP AGG \$5,000,000

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS:

The certificate holder is an additional insured but only with respect to liability arising out of the operations of the named insured as per Form KR-GL-56(4/07): Additional Insureds Owners and/or Lessors of Premises, Sponsors or Co-Promoters

EXCLUSION-DESIGNATED OPERATIONS: Non USA-based instructors/instruction & Office Premises Liability

The General Liability policy includes \$1,000,000 Each Occurrence / \$2,000,000 Aggregate Abuse or Molestation Coverage.

CERTIFICATE HOLDER:

City of Birmingham, including all elected and appointed officials, all employees and volunteers, all boards, commissions, and/or authorities and board members, including employees and volunteers thereof
151 Martin Street
Birmingham MI 48009

NOTICE OF CANCELLATION:

Should any of the above described policies be cancelled before the expiration date thereof, notice will be delivered in accordance with the policy provisions.

AUTHORIZED REPRESENTATIVE:

DATE: July 3, 2017

TO: Joseph Valentine, City Manager

FROM: Paul T. O'Meara, City Engineer

SUBJECT: Oakland Ave. – Woodward Ave. to Lawndale Ave.
Multi-Modal Improvements

At the meeting of May 22, 2017, the City Commission reviewed the proposed plans for the reconstruction of Lawndale Ave., from Oakland Ave. to Woodward Ave. Partially due to Woodward Ave. now being tentatively scheduled for resurfacing in 2018, the discussion expanded to include potential sidewalk improvements on the above segment of Oakland Ave. The following motion was passed:

To approve 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 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.*

As directed, the matter was discussed in additional detail at the Multi-Modal Transportation Board (MMTB) meeting of June 1. To facilitate the discussion, staff prepared a revised, more detailed ultimate sidewalk plan of this block for the Board to review. The new plan includes the following improvements:

- If endorsed by the MI Dept. of Transportation (MDOT), the Woodward Ave. crosswalk for Oakland Ave. would be relocated to the south side of the intersection for northbound traffic only. The relocation would reduce potential traffic conflicts for pedestrians and bicyclists using this intersection.
- A sidewalk would be added to the south side of Oakland Ave. for this short block, providing additional more direct paths for pedestrians. The improvement will also encourage pedestrians crossing Oakland Ave. in this area to cross at the signalized intersection, improving safety.
- The existing ramp at the southeast corner of Lawndale Ave. would be relocated about 25 feet east, in order to line up with a new ramp at the northeast corner of Lawndale Ave., encouraging pedestrians to cross at a STOP bar, rather than in the middle of the intersection.

The MMTB took no issue with these ideas, and passed the following recommendation:

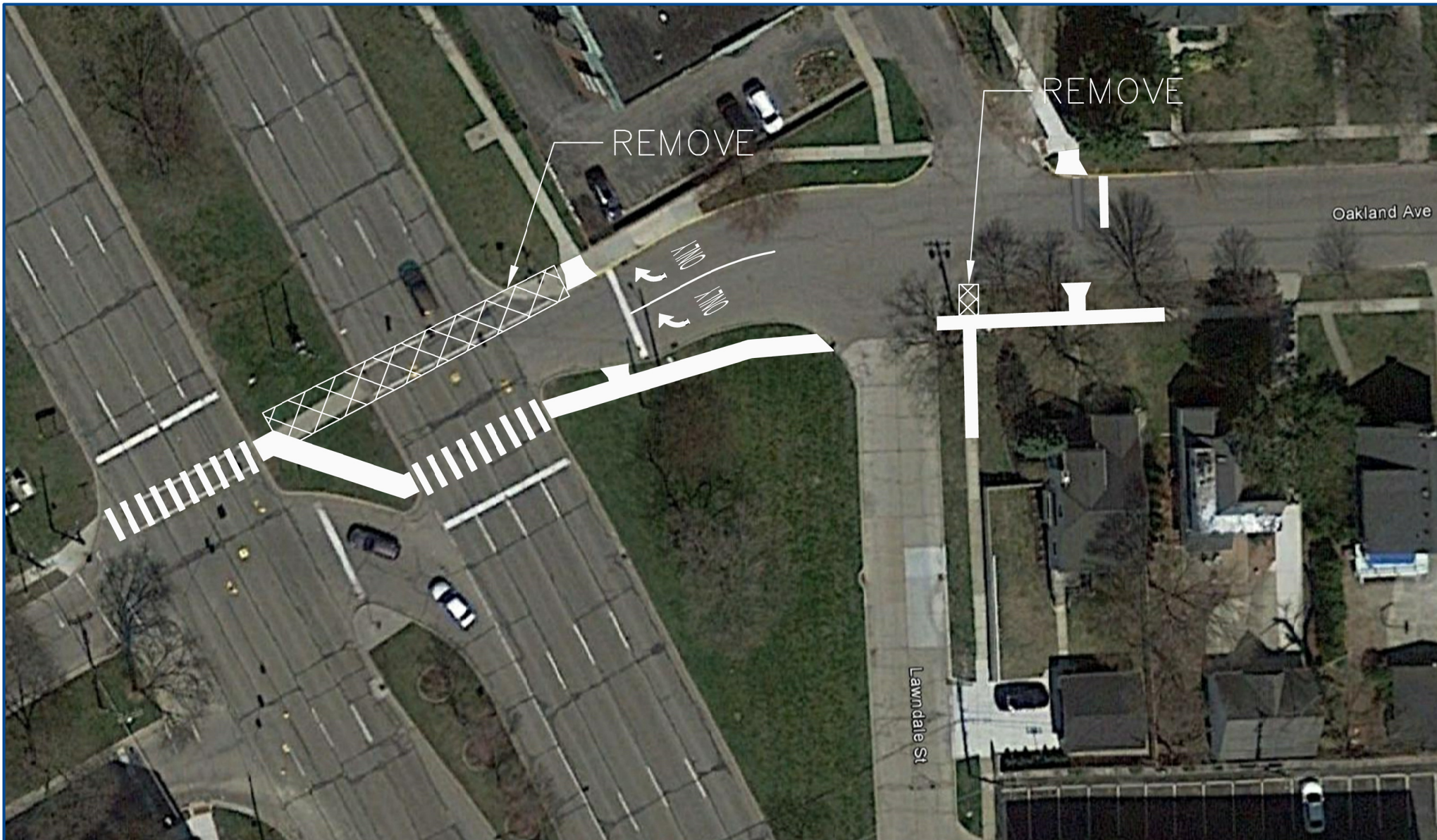
To recommend to the City Commission the approval of the multi-modal improvements proposed for Oakland Ave. between Woodward Ave. and Lawndale Ave., as shown on the plan prepared for this purpose, to be implemented in 2017 and 2018, in conjunction with the Lawndale Ave. and Woodward Ave. street improvement projects respectively.

Just this past week, we have confirmed that MDOT staff also endorses the idea of relocating the northbound Woodward Ave. crosswalk at Oakland Ave., and they have offered to include this work in their 2018 resurfacing project at their cost, provided that the City agrees to install the rest of the sidewalk on the south side of the road at City cost. If the Commission approves the plan as presented, the Engineering Dept. will include the Lawndale Ave. ramp improvements with the work planned later this summer. Further, we will work with MDOT to ensure that the remaining improvements involving Woodward Ave. are completed no later than the end of the 2018 construction season.

A suggested resolution follows:

SUGGESTED RESOLUTION:

To approve the sidewalk improvement plans recommended by the Multi-Modal Transportation Board for Oakland Ave. from Woodward Ave. to Lawndale Ave., to be implemented as a part of upcoming City of Birmingham and MI Dept. of Transportation projects planned in 2017 and 2018.



PEDESTRIAN FACILITIES IMPROVEMENTS

LAWNDALE AVE PAVING - OAKLAND BLVD TO WOODWARD AVE

BIRMINGHAM, MI





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



CIVIL ENGINEERS
LAND SURVEYORS
LAND PLANNERS

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)



Engineering Department
151 Martin Street
Birmingham, MI 48012

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

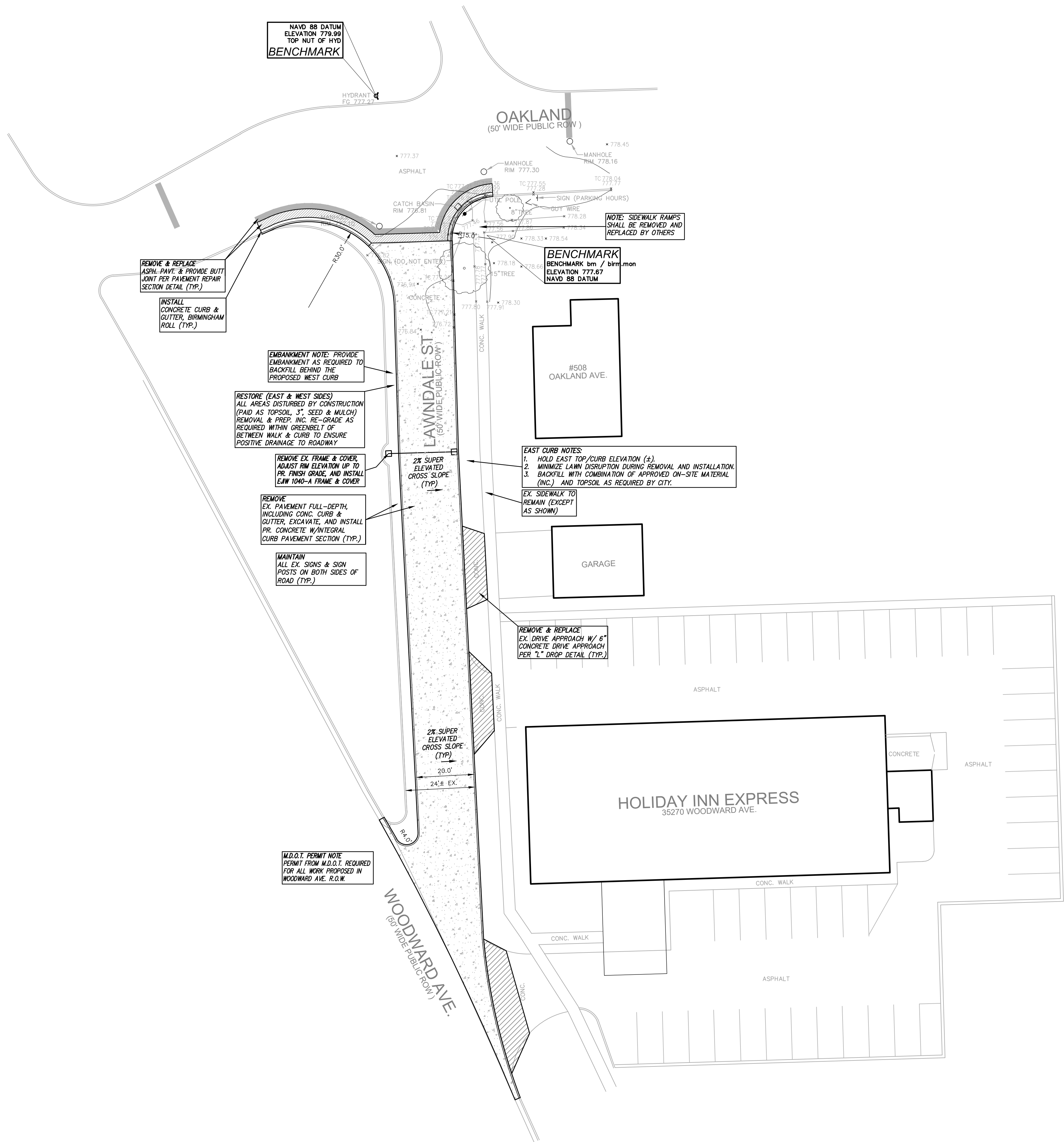


Know what's below
Call before you dig.

REVISIONS
04-19-17 Schematic Design
04-20-17 Addendum 1

DRAWN BY:
C. Danielson
DESIGNED BY:
P. Tulikangas
APPROVED BY:
B. Buchholz
DATE:
02-24-2017
SCALE:
1" = 20'

NFE JOB NO. SHEET NO.
1164-03 C17



PLAN SHOWN IS FOR BIDDING PURPOSES
ONLY AND NOT FOR CONSTRUCTION

LEGEND	
CLEAN-OUT	EXISTING SAN/COMB SEWER
CH	EXISTING WATER MAIN
CH	EXISTING STORM SEWER
CH	EXISTING BURIED CABLES
CH	EXISTING GAS MAIN
CH	OVERHEAD LINES
CH	EX. PAVERS
CH	PR. CURB REPAIRS
CH	PR. 4" CONC. PAVT. W/ INT. CURB, WALK, OR DRIVE APP.
CH	PR. 4" CONC. RAMP, WALK, OR DRIVE APP.
CH	PR. 4" CONC. WALK
CH	PR. FULL-DEPTH ASPH. REPAIR
CH	PR. 3" ASPH. REPAIR
CH	GROUND ELEVATION

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.



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.

City Engineer O'Meara reported:

- Concrete patching of Lawndale Ave. from Oakland Blvd. to Woodward Ave. was included in the capital improvements list for FY2017.
- Well over 80% of the concrete pavement is in poor condition leading staff to conclude a change may be appropriate.
- With reduced traffic demand resulting from changes in 1967 and in the 1970's, the one-way traffic configuration, and no parking, a 20 ft. width pavement would be sufficient.
- The Multi-Modal Master Plan does not contain a proposal for use of this street as a part of the Multi-Modal improvements planned for the City, but a relocated Woodward Ave. crosswalk has been suggested to improve safety for pedestrians and bicyclists by removing the right turn conflict from westbound Oakland Ave. which currently exists at the crosswalk.
- The Michigan Department of Transportation (MDOT) is planning a resurfacing project on Woodward Ave. in 2018, and staff will pursue an improvement of the crosswalk as part of that project.
- The Multi-Modal Transportation Board (MMTB) reviewed the conceptual plan.
- 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 green space to the west will become four feet wider and will be maintained by the City.
- The MMTB endorsed staff working with MDOT to pursue the Woodward Ave. crosswalk relocation, and suggested the City's forestry staff consider planting new trees in the enlarged green space.

Discussion ensued regarding the timeline for installing ADA compliant ramps if the road project is not included with MDOT's Woodward Ave. resurfacing project. Commissioner DeWeese was concerned that the City would install curb that would then have to be removed and rebuilt with an ADA ramp.

Mayor Nickita introduced discussion on the possibility of reconfiguring current crosswalk and sidewalk ADA ramps as part of the project.

- Commissioner DeWeese, referencing the sidewalk on the east side, asked if that southeast corner has a handicap ramp.
- City Engineer O'Meara confirmed there is a city sidewalk going to the west with an ADA ramp that is not up to code and needs to be rebuilt.
- Mayor Nickita asked about plans to accommodate pedestrian crossing to the north side. He advocated for development of a plan of action for reconfiguring crosswalks to an appropriate standard that accommodates the crosswalk concerns. He indicated the first issue is where the north end of the new ADA ramp goes, which affects the discussion. He asked if there is enough time to look at better alternatives before the project as proposed moves forward resulting in a ramp being built that is not optimally located.
- Commissioner Bordman suggested two ramps, noting there is a connection from south to north at the end of the sidewalk. The sidewalk on the southeast connects to a sidewalk going east-west on the northwest corner. She cautioned there is an innate conflict between what is thought to be safer and what people actually do. She recommended that the City look at what people do and keep it as safe as possible.

City Manager Valentine, summing up the concerns and comments from the Commission, recommended referring the issue of crosswalk location and construction back to the MMTB for review in relation to the Commission's concerns and request the MMTB to bring recommendations forward to the Commission. He indicated there are issues relative to the north and south crossings which were not considered as part of the conversation of the street paving project.

Commissioner Sherman concurred with City Manager Valentine's proposal that the Commission take action on the resolution suggested by City Engineer O'Meara, and refer the issue of the sidewalk ramps back to the MMTB.

City Engineer O'Meara clarified for Commissioner Hoff the other block of Lawndale is cape sealed, not cement.

MOTION: Motion by Commissioner Sherman, seconded by Commissioner Boutros:
To approve 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, 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. Consider the installation of new trees in this green space area.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

05-137-17 CHANGES TO 2017-2018 RECOMMENDED BUDGET AND 2017-2018 BUDGET APPROPRIATIONS RESOLUTION

Finance Director Mark Gerber presented the 2017-2018 Budget with the changes discussed at the April 22, 2017 Budget Hearing incorporated.

In response to questions from Commissioner Hoff, City Manager Valentine explained:

- Rental payments from the general fund to the auto equipment fund are being suspended for FY2018 because there is currently a sufficient balance in the auto equipment fund to cover planned vehicle purchases in FY2018.
- The delayed Old Woodward project is being budgeted based on the lowest bid submitted for Option 1A. By delaying certain payments and allowing these reserves to grow, the fund balance in these accounts will maintain a healthy level.
- Recommended amounts budgeted for outside agencies remain at the same level as the current fiscal year.

Commissioner Bordman questioned an allocation in the budget for the Linear Park Plan, which yielded the following:

- City Planner Ecker confirmed a concept plan for a linear park running along the rail road tracks was recommended for the Rail District.
- City Manager Valentine confirmed the City does not own the property to facilitate the plan.



MEMORANDUM

Engineering Dept.

DATE: May 25, 2017

TO: Multi-Modal Transportation Board

FROM: Paul T. O'Meara, City Engineer

SUBJECT: Oakland Ave. – Woodward Ave. to Lawndale Ave.

Last month, the Multi-Modal Transportation Board (MMTB) reviewed and approved plans to reconstruct Lawndale Ave. south of Oakland Ave. The plan was forwarded to the City Commission for their meeting of May 22, 2017, and was subsequently approved.

While reviewing the plan, further questions were raised about the pedestrian environment on this section of Oakland Ave. The existing handicap ramp at the southeast corner of the Oakland Ave. & Lawndale Ave. intersection encourages pedestrians to cross in the middle of the Lawndale Ave. intersection, which is not appropriate. Further, while the Commission endorsed the idea in the Master Plan to relocate the Oakland Ave. pedestrian crossing at Woodward Ave., it appeared that the plan needed some refinement. The Commission asked that these issues be studied further by the MMTB.

After further study, the attached plan was prepared by F&V. It has the following features:

1. The existing crossing at Woodward Ave. is proposed to be removed and relocated to the south side of the Oakland Ave. intersection. New ramps would be installed to allow for crossing Oakland Blvd. at the traffic signal.
2. The existing ramp at the southeast corner of the Lawndale Ave. intersection is now proposed to be removed and relocated further east, to line up just west of the existing stop bar for Oakland Ave. westbound traffic. A corresponding ramp is proposed at the northeast corner of Lawndale Ave. as well.

We are planning on meeting with MI Dept. of Transportation (MDOT) officials sometime in June. If MDOT endorses the crosswalk relocation, this improvement will be planned for construction in 2018, as a part of the Woodward Ave. resurfacing project planned for next year. The sidewalk changes shown on this drawing as part of the Lawndale Ave. intersection can be accomplished this year, as part of the planned Lawndale Ave. reconstruction.

It is important to note that these changes would improve the Neighborhood Connector Route that also goes through this segment of Oakland Ave. Eastbound bicyclists would be encouraged to use the new south side crosswalk and sidewalk until they reach the Lawndale Ave. intersection, at which point they would use the Oakland Ave. pavement again. Westbound bicyclists would stay on Oakland Ave. until reaching the Woodward Ave. stop bar. At that point, they would enter the south side sidewalk, and use the crossover in its new location.

If the MMTB is in agreement with this design, a suggested recommendation is provided below.

SUGGESTED RECOMMENDATION:

To recommend to the City Commission the approval of the multi-modal improvements proposed for Oakland Ave. between Woodward Ave. and Lawndale Ave., as shown on the plan prepared for this purpose, to be implemented in 2017 and 2018, in conjunction with the Lawndale Ave. and Woodward Ave. street improvement projects respectively.

long enough. More information about the number of trucks coming and going into the district is needed. He thinks the board needs some time to review the new data.

Motion by Mr. Lawson

Seconded by Dr. Rontal to recommend that the City Commission approve and budget for the following Multi-Modal improvements to S. Eton Rd. from Maple Rd. to Yosemite Blvd.:

- a. Further study of installation of a splitter island at Maple Rd.**
- b. Relocation of the west side curb and gutter to accommodate an 8 ft. wide sidewalk along the entire block.**
- c. Installation of a wider sidewalk adjacent to the handicap ramp at the southeast corner of Maple Rd.**
- d. Installation of sharrows on green painted squares for both directions.**

Mr. Lawson amended his motion but the amendment failed and therefore the board voted on his original motion.

Motion carried, 5-2.

ROLLCALL VOTE

Yeas: Rontal, Adams, Edwards, Folberg, Surnow

Nays: Lawson, Slanga

Absent: None

Mr. O'Meara clarified that everything from Maple Rd. to Lincoln Ave. must be agreed upon as a package before this is returned to the Commission.

The public hearing closed.

6. OAKLAND AVE - WOODWARD AVE. TO LAWNSDALE AVE.

Mr. O'Meara advised that last month, MMTB reviewed and approved plans to reconstruct Lawndale Ave. south of Oakland Ave. The plan was forwarded to the City Commission for their meeting of May 22, 2017, and was subsequently approved.

While reviewing the plan, further questions were raised about the pedestrian environment on this section of Oakland Ave. The existing handicap ramp at the southeast corner of the Oakland Ave. & Lawndale Ave. intersection encourages pedestrians to cross in the middle of the Lawndale Ave. intersection, which is not

appropriate. Further, while the Commission endorsed the idea in the Master Plan to relocate the Oakland Ave. pedestrian crossing at Woodward Ave., it appeared that the plan needed some refinement. The Commission asked that these issues be studied further by the MMTB.

F&V prepared a plan that proposes removing the existing crossing at Woodward Ave. and relocating it to the south side of the Oakland Ave. intersection. New ramps would be installed to allow for crossing Oakland Blvd. at the traffic signal. Further, the ramp at the southeast corner of the Lawndale Ave. intersection is proposed to be removed and relocated further east. A corresponding ramp is proposed at the northeast corner of Lawndale as well.

The Chairperson opened up discussion to the public.

Mr. Dan Isaksen, 1386 Yorkshire, said he uses this intersection regularly on his bicycle going to and from Downtown. He thinks that moving the crosswalk is a great idea for bicyclists. He pointed out that the resident on the northeast corner uses the pedestrian ramp as a driveway. Further, the northbound traffic on Lawndale does not have a stop sign, where the other directions do. Additionally he wondered whether an eastbound bike lane on the south side of the one short block might make sense.

Motion by Ms. Slanga

Seconded by Dr. Rontal to recommend to the City Commission the approval of the multi-modal improvements proposed for Oakland Ave. between Woodward Ave. and Lawndale Ave., as shown on the plan prepared for this purpose, to be implemented in 2017 and 2018, in conjunction with the Lawndale Ave. and Woodward Ave. street improvement projects respectively.

Motion carried, 7-0.

VOICE VOTE

Yeas: Slanga, Rontal, Adams, Edwards, Folberg, Lawson, Surnow

Nays: None

Absent: None

7. TEMPORARY ROAD CLOSURES

Ms. Ecker advised that comments have been received from a resident that talked about the possibility of shutting down certain sections of road for pedestrian use. Mr. Surnow explained there could be a whole range of closures from a couple of hours to permanently.



MEMORANDUM

Department of Public Services

DATE: June 29, 2017

TO: Joseph A. Valentine, City Manager

FROM: Lauren A. Wood, Director of Public Services

SUBJECT: 2017 Cape Seal – Bid Award

On April 13, 2017, the Department of Public Services, using the Michigan Inter-governmental Trade Network, solicited sealed proposals from qualified parties to perform cape seal treatment on approximately 31,000 square yards of roadway as part of its cape seal maintenance program. The solicitation sought per-unit prices for single- and double-chip treatment, slurry seal, surface pulverization, street preparation, and manhole adjustments. Two firms responded, and the sealed bids were publicly opened on April 27, 2017. The results are as follows:

Company	Double Chip Seal (yd² - in place)	Single Chip Seal (yd² - in place)	Slurry Seal (yd² - in place)	Pulverization (yd² - in place)	Street Prep (per ton)	Manhole Adjustment (each)
Pavement Maint. Systems, Inc.	\$3.45	\$1.75	\$2.75	\$2.00	\$410.00	\$550.00
Highway Maint. and Construction, Inc.	\$3.13	\$1.70	\$2.61	\$1.90	\$395.00	\$550.00

The Department of Public Services recommends awarding the cape seal contract to Highway Maintenance and Construction, Inc. of Romulus, MI, the lowest qualified bidder for each solicited bid item. This recommendation is contingent upon the results of the public hearing of necessity and confirmation of the related special assessment roll. There is over 31,000 square yards of residential streets as part of the 2017 Cape Seal Program. Highway Maintenance and Construction has been performing the City cape seal work for over twelve years. The last award was for the 2014 Cape Seal Program and pricing was seven (7%) percent lower than the combined bid pricing for 2017.

SUGGESTED RESOLUTION:

To approve the award with Highway Maintenance and Construction, Inc. for services related to the 2017 Cape Seal Program – contingent upon the results of the related public hearing of necessity and confirmation of the special assessment roll – in amounts not to exceed the per-unit pricing as submitted; Double chip seal \$3.13/sq. yd., Single chip seal \$1.70/sq. yd., Slurry seal \$2.61/sq. yd., Pulverizing \$1.90/sq. yd., Street preparation \$395.00/ton and Manhole adjustment \$550.00 each. Further, to authorize the Mayor and Clerk to sign the agreement on behalf of the City upon receipt of proper insurances.

ATTACHMENT A - AGREEMENT
For "2017 Cape Seal Project"

This AGREEMENT, made this _____ day of _____, 2017, by and between CITY OF BIRMINGHAM, having its principal municipal office at 151 Martin Street, Birmingham, MI (hereinafter sometimes called "City"), and Highway Maintenance and Construction, Inc., having its principal office at PO 74411 Romulus, MI 48174 (hereinafter called "Contractor"), provides as follows:

WITNESSETH:

WHEREAS, the City of Birmingham, through its Department of Public Services, is desirous of having a cape seal project performed throughout the City on specific residential streets.

WHEREAS, the City has heretofore advertised for bids for the procurement and performance of services required to perform a cape seal project for the City of Birmingham, the total of which shall consist of approximately 31,300 square yards of residential streets throughout the City of Birmingham, and in connection therewith has prepared a request for sealed proposals ("RFP"), which includes certain instructions to bidders, specifications, terms and conditions.

WHEREAS, the Contractor has professional qualifications that meet the project requirements and has made a bid in accordance with such request for cost proposals to perform perform a cape seal project for the City of Birmingham, the total of which shall consist of approximately 31,300 square yards of residential streets.

NOW, THEREFORE, for and in consideration of the respective agreements and undertakings herein contained, the parties agree as follows:

It is mutually agreed by and between the parties that the documents consisting of the Request for Proposal to perform a cape seal project for the City of Birmingham, the total of which shall consist of approximately 31,300 square yards of residential streets and the Contractor's cost proposal dated April 29, 2017 shall be incorporated herein by reference and shall become a part of this Agreement, and shall be binding upon both parties hereto. If any of the documents are in conflict with one another, this Agreement shall take precedence, then the RFP.

1. The City shall pay the Contractor for the performance of this Agreement in accordance with per-unit bid prices as set forth in the Contractor's April 29, 2017 cost proposal as follows:

Single-chip seal	\$1.70	per yd ² in place
Double-chip seal	\$3.13	per yd ² in place
Slurry seal	\$2.61	per yd ² in place
Bituminous base pulverization	\$1.90	per yd ² in place
Street preparation	\$395.00	per ton
Manhole adjustment	\$550	each

2. This Agreement shall commence upon execution by both parties, unless the City exercises its option to terminate the Agreement in accordance with the Request for Proposals.

3. The Contractor shall employ personnel of good moral character and fitness in performing all services under this Agreement.

4. The Contractor and the City agree that the Contractor is acting as an independent Contractor with respect to the Contractor's role in providing services to the City pursuant to this Agreement, and as such, shall be liable for its own actions and neither the Contractor nor its employees shall be construed as employees of the City. Nothing contained in this Agreement shall be construed to imply a joint venture or partnership and neither party, by virtue of this Agreement, shall have any right, power or authority to act or create any obligation, express or implied, on behalf of the other party, except as specifically outlined herein. Neither the City nor the Contractor shall be considered or construed to be the agent of the other, nor shall either have the right to bind the other in any manner whatsoever, except as specifically provided in this Agreement, and this Agreement shall not be construed as a contract of agency. The Contractor shall not be entitled or eligible to participate in any benefits or privileges given or extended by the City, or be deemed an employee of the City for purposes of federal or state withholding taxes, FICA taxes, unemployment, workers' compensation or any other employer contributions on behalf of the City.

5. The Contractor acknowledges that in performing services pursuant to this Agreement, certain confidential and/or proprietary information (including, but not limited to, internal organization, methodology, personnel and financial information, etc.) may become involved. The Contractor recognizes that unauthorized exposure of such confidential or proprietary information could irreparably damage the City. Therefore, the Contractor agrees to use reasonable care to safeguard the confidential and proprietary information and to prevent the unauthorized use or disclosure thereof. The Contractor shall inform its employees of the confidential or proprietary nature of such information and shall limit access thereto to employees rendering services pursuant to this Agreement. The Contractor further agrees to use such confidential or proprietary information only for the purpose of performing services pursuant to this Agreement.

6. This Agreement shall be governed by and performed, interpreted and enforced in accordance with the laws of the State of Michigan. The Contractor agrees to perform all services provided for in this Agreement in accordance with and in full compliance with all local, state and federal laws and regulations.

7. If any provision of this Agreement is declared invalid, illegal or unenforceable, such provision shall be severed from this Agreement and all other provisions shall remain in full force and effect.

8. This Agreement shall be binding upon the successors and assigns of the parties hereto, but no such assignment shall be made by the Contractor without the prior

written consent of the City. Any attempt at assignment without prior written consent shall be void and of no effect.

9. The Contractor agrees that neither it nor its subcontractors will discriminate against any employee or applicant for employment with respect to hire, tenure, terms, conditions or privileges of employment, or a matter directly or indirectly related to employment because of race, color, religion, national origin, age, sex, height, weight or marital status. The Contractor shall inform the City of all claims or suits asserted against it by the Contractor's employees who work pursuant to this Agreement. The Contractor shall provide the City with periodic status reports concerning all such claims or suits, at intervals established by the City.

10. The Contractor shall not commence work under this Agreement until it has, at its sole expense, obtained the insurance required under this paragraph. All coverages shall be with insurance companies licensed and admitted to do business in the State of Michigan. All coverages shall be with carriers acceptable to the City of Birmingham.

11. The Contractor shall maintain during the life of this Agreement the types of insurance coverage and minimum limits as set forth below:

- A. Workers' Compensation Insurance: Contractor shall procure and maintain during the life of this Agreement, Workers' Compensation Insurance, including Employers Liability Coverage, in accordance with all applicable statutes of the State of Michigan.
- B. Commercial General Liability Insurance: Contractor shall procure and maintain during the life of this Agreement, Commercial General Liability Insurance on an "Occurrence Basis" with limits of liability not less than \$1,000,000 per occurrence combined single limit, Personal Injury, Bodily Injury and Property Damage. Coverage shall include the following extensions: (A) Contractual Liability; (B) Products and Completed Operations; (C) Independent Contractors Coverage; (D) Broad Form General Liability Extensions or equivalent; (E) Deletion of all Explosion, Collapse and Underground (XCU) Exclusions, if applicable.
- C. Motor Vehicle Liability: Contractor shall procure and maintain during the life of this Agreement Motor Vehicle Liability Insurance, including all applicable no-fault coverages, with limits of liability of not less than \$1,000,000 per occurrence combined single limit Bodily Injury and Property Damage. Coverage shall include all owned vehicles, all non-owned vehicles, and all hired vehicles.
- D. Additional Insured: Commercial General Liability and Motor Vehicle Liability Insurance, as described above, shall include an endorsement stating the following shall be *Additional Insureds*: The City of Birmingham, including all elected and appointed officials, all employee and volunteers, all boards, commissions and/or authorities and board members, including employees and volunteers thereof. This coverage shall be primary to any other coverage that may be available to the additional insured, whether any other available coverage

by primary, contributing or excess.

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

upon the award of the arbitrator made pursuant to this Agreement. The laws of the State of Michigan shall govern this Agreement, and the arbitration shall take place in Oakland County, Michigan. In the event that the parties elect not to have the matter in dispute arbitrated, any dispute between the parties may be resolved by the filing of a suit in the Oakland County Circuit Court or the 48th District Court.

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


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

WITNESSES:



Aaron Filipski

CONTRACTOR


HIGHWAY MAINT & CONST
By: 

Its: PRESIDENT
CITY OF BIRMINGHAM

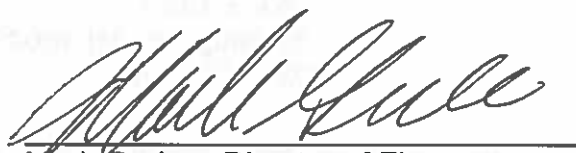
By: _____
Mark Nickita
Its: Mayor

By: _____
J. Cherilynn Brown
Its: City Clerk

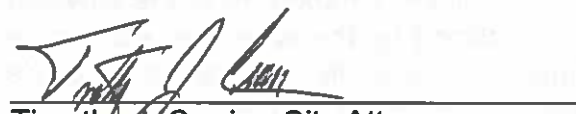
Approved:



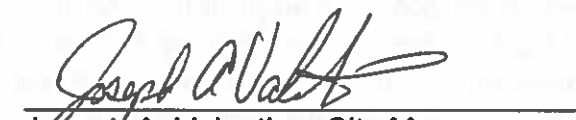
Lauren A. Wood, Director of Public
Services
(Approved as to substance)



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



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



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

but may contract with any insurer for such coverage. To the fullest extent permitted by law, the Contractor and any entity or person for whom the Contractor is legally liable, agrees to be responsible for any liability, defend, pay on behalf of, indemnify, and hold harmless the City of Birmingham, its elected and appointed officials, employees and volunteers and others working on behalf of the City of Birmingham against any and all claims, demands, suits, or loss, including all costs and reasonable attorney fees connected therewith, and for any damages which may be asserted, claimed or recovered against or from and the City of Birmingham, its elected and appointed officials, employees, volunteers or others working on behalf of the City of Birmingham, by reason of personal injury, including bodily injury and death and/or property damage, including loss of use thereof, which arises out of or is in any way connected or associated with this Agreement. Such responsibility shall not be construed as liability for damage caused by or resulting from the sole act or omission of its elected or appointed officials, employees, volunteers or others working on behalf of the City of Birmingham.

13. If, after the effective date of this Agreement, any official of the City, or spouse, child, parent or in-law of such official or employee shall become directly or indirectly interested in this Agreement or the affairs of the Contractor, the City shall have the right to terminate this Agreement without further liability to the Contractor if the disqualification has not been removed within thirty (30) days after the City has given the Contractor notice of the disqualifying interest. Ownership of less than one percent (1%) of the stock or other equity interest in a corporation or partnership shall not be a disqualifying interest. Employment shall be a disqualifying interest.

14. If Contractor fails to perform its obligations hereunder, the City may take any and all remedial actions provided by the general specifications or otherwise permitted by law.

15. All notices required to be sent pursuant to this Agreement shall be mailed to the following addresses:

Department of Public Services
Attn: Aaron Filipski
851 S. Eton
Birmingham, MI 48009
248.530.1701

16. Any controversy or claim arising out of or relating to this Agreement, or the breach thereof, shall be settled either by commencement of a suit in Oakland County Circuit Court, the 48th District Court or by arbitration. If both parties elect to have the dispute resolved by arbitration, it shall be settled pursuant to Chapter 50 of the Revised Judicature Act for the State of Michigan and administered by the American Arbitration Association with one arbitrator being used, or three arbitrators in the event any party's claim exceeds \$1,000,000. Each party shall bear its own costs and expenses and an equal share of the arbitrator's and administrative fees of arbitration. Such arbitration shall qualify as statutory arbitration pursuant to MCL§600.5001 et. seq., and the Oakland County Circuit Court or any court having jurisdiction shall render judgment



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

6/28/2017

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

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER VTC Insurance Group Farmington Hills Office 37000 Grand River Ste 150 Farmington Hills MI 48335	CONTACT NAME: Anita Palarchio PHONE (A/C, No, Ext): (248) 888-5485 E-MAIL: apalarchio@gswins.com ADDRESS: FAX (A/C, No): (248) 471-0641														
INSURED Highway Maintenance and Construction Co P O Box 74411 Romulus MI 48174-0411	<table border="1"><tr><th>INSURER(S) AFFORDING COVERAGE</th><th>NAIC #</th></tr><tr><td>INSURER A: Michigan Millers Mutual Ins Co</td><td>14508</td></tr><tr><td>INSURER B:</td><td></td></tr><tr><td>INSURER C:</td><td></td></tr><tr><td>INSURER D:</td><td></td></tr><tr><td>INSURER E:</td><td></td></tr><tr><td>INSURER F:</td><td></td></tr></table>	INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A: Michigan Millers Mutual Ins Co	14508	INSURER B:		INSURER C:		INSURER D:		INSURER E:		INSURER F:	
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INSURER C:															
INSURER D:															
INSURER E:															
INSURER F:															

COVERAGES

CERTIFICATE NUMBER: 17-18

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	X	C0515590	4/1/2017	4/1/2018	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ *300,000 MED EXP (Any one person) \$ *10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
A	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO ALL OWNED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> 19 <input checked="" type="checkbox"/> SCHEDULED AUTOS NON-OWNED AUTOS	X	C0515590	4/1/2017	4/1/2018	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
A	UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input checked="" type="checkbox"/> RETENTION \$ 0		C0515590	4/1/2017	4/1/2018	EACH OCCURRENCE \$ 3,000,000 AGGREGATE \$ 3,000,000
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N N/A	C0515590	4/1/2017	4/1/2018	PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/> E L EACH ACCIDENT \$ 500,000 E L DISEASE - EA EMPLOYEE \$ 500,000 E L DISEASE - POLICY LIMIT \$ 500,000

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

Project: 2017 Cape Seal Project

Where required by written contract, The City of Birmingham, including all elected and appointed officials, all employee and volunteers, all boards, commissions and/or authorities and board members, including employees and volunteers thereof are additional insured for General Liability as respects ongoing and completed operations on a primary and non-contributory basis and additional insured with respects to Automobile liability. (Cont. on next page)

CERTIFICATE HOLDER

CANCELLATION

City of Birmingham Department of Public Services Attn: Aaron Filipski 851 S. Eton Birmingham, MI 48009	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE Terry Griffin/AJP
--	--

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COMMENTS/REMARKS

Insurer will endeavor to mail 30 days written notice of cancellation to the certificate holder; City of Birmingham, Finance Director, P O Box 3001, 151 Martin Street, Birmingham, MI 48012-3001, on the General Liability, Automobile and Workers Compensation policies; however, failure to do so will impose no liability of any kind upon the insurer or its agents or representatives.

NOTICE OF PUBLIC HEARINGS

BIRMINGHAM CITY COMMISSION
PUBLIC HEARING OF NECESSITY
PUBLIC HEARING OF CONFIRMATION

Meeting Date, Time, Location:	HEARING OF NECESSITY FOR SPECIAL ASSESSMENT DISTRICT Monday, July 10, 2017, 7:30 PM Municipal Building, 151 Martin	
Meeting Date, Time, Location:	HEARING OF CONFIRMATION FOR SPECIAL ASSESSMENT DISTRICT Monday, July 24, 2017, 7:30 PM Municipal Building, 151 Martin	
Location of Improvement	STREET	AREA
	RADNOR	MAPLE TO BERWYN
	BERWYN	MIDVALE TO AVON
	WESTCHESTER	LINCOLN TO MAPLE
	AVON	RADNOR TO S. GLENHURST
	LARCHLEA	LINCOLN TO MAPLE
	BRYN MAWR	CRANBROOK TO RADNOR
	PURITAN	MAPLE TO PINE
	WILLOW LANE	MIDLAND TO RAYNALE
	FAIRFAX	RAYNALE TO SUFFIELD
	Nature of Improvement:	2017 Cape Seal Program will consist of a double layer of chip seal and a slurry coat. Several street segments will also require road surface pulverization prior to cape seal treatment. Sidewalk crosswalk ramps will be reconstructed to meet ADA requirements, where applicable.
City Staff Contact:	Aaron Filipski, Public Services Manager 248.530.1701 afilipski@bhamgov.org	
Notice Requirements:	Mail to all affected property owners. Publish: June 18 & 25, 2017	
Approved minutes may be reviewed at:	City Clerk's Office 151 Martin, Birmingham, MI 48009	
Estimated Costs:	Estimated costs range from \$13.24/curb-foot to \$21.83/curb-foot and vary according to individual street dimensions and the required treatment.	
	Costs are assessed to property owners based on the following method:	
	85% of front-foot costs for all property fronting the improvement;	
	25% of side-foot costs for all residential property siding the improvement;	
	85% of side-foot costs for all improved business property siding the improvement;	
	25% of side-foot costs for all vacant business property siding the improvement.	
You or your agent may appear at the hearings to express your views; however, if you fail to protest either in person or by letter received on or before the date of the hearing, you cannot appeal the amount of the special assessment to the Michigan Tax Tribunal. Mail any correspondence to: City Clerk, P.O. Box 3001, Birmingham, MI 48012		

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

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

Persons with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk's Office at (248) 530-1880 (voice) or (248) 644-5115 (TDD) at least one day in advance to request mobility, visual, hearing or other assistance.



MEMORANDUM

Department of Public Services

DATE: June 29, 2017

TO: Joseph A. Valentine, City Manager

FROM: Lauren A. Wood, Director of Public Services

SUBJECT: Cape Seal – Public Hearing of Necessity

The Department of Public Services maintains nearly 26 miles of unimproved roadways through periodic cape seal treatment – a process that involves the application of a stone chip seal followed by a slurry microsurface. The result is a smoother, dust-free driving surface that resists damaging moisture intrusion into the gravel road base. Cape seal is an inexpensive maintenance option relative to the cost of installing a fully-engineered road, but because it is only a surface treatment, it is limited in its ability to remedy road drainage and profile issues.

Each year, DPS staff reviews unimproved streets and recommends streets for maintenance. Treatment age and existing conditions are considered when drafting the recommendations. The most common failure conditions include surface wear and loss, road center crowning, and alligator cracking. The streets identified for this project are as follows:

		Pulverize	Prep
Larchlea	Lincoln to Maple	x	
Westchester	Lincoln to Maple	x	
Berwyn	Midvale to Avon	x	
Radnor	Maple to Berwyn		x
Avon	Radnor to S. Glenhurst		
Bryn Mawr	Cranbrook to Radnor		x
Puritan	Maple to Pine		x
Willow Lane	Midland to Raynale		x
Fairfax	Raynale to Suffield	x	

Each exhibits one or more of the aforementioned conditions and the existing treatment age of each is at or exceeds the average expected lifespan of a cape seal treated road. Some streets, as indicated above, require surface pulverization prior to treatment in order to eliminate high road crowns that have resulted from numerous layers of chip seal from previous projects. The remaining streets will be prepped for treatment through patching.

Since 1948, the City policy for assessing street maintenance work on unimproved streets is conducted in accordance with the following:

- 85% of the front-foot costs for improvement are assessed on all property fronting the improvement;

- 25% of the side-foot costs for improvement are assessed on all residential property siding the improvement;
- 85% of the side-foot costs for improvement are assessed on improved business property siding the improvement and;
- 25% of side-foot costs for improvement are assessed on vacant business property siding on the improvement.

The balance of the cost, 15% and 75%, front- and side-footage respectively, is paid by the City.

The following illustrates the estimated per-foot costs for each street:

Larchlea	Lincoln to Maple	\$12.01	per foot
Westchester	Lincoln to Maple	\$13.48	per foot
Berwyn	Midvale to Avon	\$13.97	per foot
Radnor	Maple to Berwyn	\$21.83	per foot
Avon	Radnor to S. Glenhurst	\$19.02	per foot
Bryn Mawr	Cranbrook to Radnor	\$16.05	per foot
Puritan	Maple to Pine	\$13.35	per foot
Willow Lane	Midland to Raynale	\$15.30	per foot
Fairfax	Raynale to Suffield	\$12.38	per foot

These costs vary based on street width and the required preparation and quantity of material for each. Additionally, the Federal Americans with Disabilities Act requires sidewalk crossing ramps to be upgraded where applicable; in this project all streets have ramps subject to that requirement, and those costs are reflected in the listed estimates. Actual costs will be determined once the project is completed.

SUGGESTED RESOLUTION:

To determine necessity for the improvement to be known as 2017 Cape Seal Program-Public Street Improvement; further, approving the detailed cost estimates submitted by the Department of Public Services; further, creating a special assessment district and special assessments levied in accordance with benefits against the properties as described above; further that the following method of assessment be adopted: 85% of front-foot costs for improvement are assessed on all property fronting the improvement; 25% of side-foot costs for improvement are assessed on all residential property siding the improvement; 85% of side-foot costs for improvement are assessed on improved business property siding the improvement and; 25% of side-foot costs for improvement are assessed on vacant business property siding on the improvement; further, to direct the City Manager to prepare the special assessment roll and present the same to the City Commission for confirmation at the public hearing on Monday, July 24, 2017 at 7:30 p.m.

June 30, 2017

City Clerk

P.O. Box 3001

Birmingham, MI 48012

Attn: Aaron Filipski, Public Service Manager

Re: 2017 Cape Seal Program

Please note this letter is intended as my official protest of the special assessment related to the 2017 Cape Seal Program impacting Puritan between Maple and Pine, specifically 133 Puritan. Unfortunately, I am unable to attend the public hearing of necessity for special assessment on Monday, July 10, 2017. Based on a brief phone call with the Public Service Manager, the estimated cost range per homeowner appears extremely high for the nature of improvement expected on the street segment.

Regards,

A handwritten signature in blue ink, appearing to read "Helen Karibian".

Helen Karibian

133 Puritan

Birmingham, MI 48009

P.S. What are all the fees
for all the new Bridges on
our streets + Trucking fees
used for ??
that make our streets ??

NOTICE OF PUBLIC HEARING

BIRMINGHAM CITY COMMISSION
PROPOSED LOT SPLIT

Meeting Date, Time, Location:	Monday, July 10, 2017 7:30 PM Municipal Building, 151 Martin Birmingham, MI
Location of Request:	839 Randall Ct., Parcel # 1925352018 , T2N, R10E, SEC 25 Whitehead & Mitchell Add Lots 9, 10 & 11 5-27-15 FR 001 & 012.
Nature of Hearing:	To consider the proposed lot split of 839 Randall Ct., Parcel #1925352018 into two parcels
City Staff Contact:	Jana Ecker 248.530.1841 jecker@bhamgov.org
Notice Requirements:	Mailed to all property owners within 300 feet of subject address. Publish June 25, 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: July 3, 2017

TO: Joseph A. Valentine, City Manager

FROM: Matthew Baka, Senior Planner

APPROVED: Jana L. Ecker, Planning Director

SUBJECT: Public Hearing for a Lot Split of 839 Randall Ct., Parcel #1925352018, T2N, R10E, SEC 25 WHITEHEAD & MITCHELL ADD LOTS 9, 10 & 11 5-27-15 FR 001 & 012.

The owner of the property known as 839 Randall Ct. is seeking a lot split to divide the existing parcel into two parcels. The applicant previously combined their home on lots 10 and 11 with lot 9. At this time, the applicant is seeking approval to separate the existing platted lot 9 (currently vacant) from lots 10 and 11 on which their home is located. Please see attached map and survey.

Although lot 9 is an existing platted lot, it cannot be separated administratively as the home located at 839 Randall Ct. was considered legal non-conforming in regards to Zoning Ordinance requirements when the combination was completed. It has been determined by the Building Official that reverting the properties to the previous configuration would constitute the creation of a non-conforming condition thus not conforming with the requirements of the Zoning Ordinance.

The Subdivision Regulation Ordinance (Chapter 102, Section 102-53) requires that the following standards be met for approval of a lot division.

(1) *All lots formed or changed shall conform to minimum Zoning Ordinance Standards.*

Attached are copies of surveys provided by the applicant depicting existing and proposed conditions. The proposed rearrangement has been reviewed by the Community Development Department. The both parcels that result from the lot split at 839 Randall Ct. would conform to minimum Zoning Ordinance standards as set out in Article 02, Section 2.08 of the Zoning Ordinance, for the R-2 Zoning District. The proposed split would reduce the size of 839 Randall Ct. from 18,989 sq. ft. to 10,000 sq. ft. Lot 9, if separated from the rest of the parcel would be 8,989 sq. ft. Both the 839 Randall Ct. parcel and Lot 9 would be in excess of the required 6,000 sq. ft. minimum lot size required for the R-2 Single Family Residential District. However, there are several non-conforming conditions on the existing house that do not comply with the current ordinance standards. A review by the Building Department noted the following possible non-conformities:

- Lot coverage would return to 30.1% with 30% maximum required and open space would return to 36.7% with 40% required.

This non-conformity was existing previous to the lot combination and would be re-established if the requested lot split is approved.

- The front setback is off Randall Ct. must meet the average of the homes within 200'. (Need surveyor to verify average)

This non-conformity will not be affected by the lot split.

- The rear setback is required to be a minimum of 30' (14.27' is existing)

This non-conformity will not be affected by the lot split.

- A total front and rear setback must be a total of 55' (29.26' is existing)

This non-conformity will not be affected by the lot split.

- Need to verify that a 5' minimum setback will exist if split on the west side.

This dimension has been verified by a surveyor as 5.22' which meets the requirement.

- Need front yard average of homes within 200' on Baldwin to confirm 24.06 is equal or larger than the average (Need surveyor to verify average).

This non-conformity will not be affected by the lot split.

- (2) *All residential lots formed or changed by the division shall have a lot width not less than the average lot width of all lots on the same street within 300 feet of the lots formed or changed and within the same district.*

The parcel at 839 Randall Ct. would revert back to 100'. The parcel identified as lot 9 would revert back to 72.83. The average lot width of lots in the area is 67.92. Accordingly, **the parcels created by the lot split will meet this requirement.**

- (3) *The division will not adversely affect the interest of the public and of the abutting property owners. In making this determination, the City Commission shall consider, but not be limited to the following:*

- The location of proposed buildings or structures, the location and nature of vehicular ingress or egress so that the use of appropriate development of adjacent land or buildings will not be hindered, nor the value thereof impaired.*
- The effect of the proposed division upon any flood plain areas, wetlands or other natural features and the ability of the applicant to develop buildable sites on each resultant parcel without unreasonable disturbance of such natural features.*
- The location, size, density and site layout of any proposed structures or buildings as they may impact an adequate supply of light and air to adjacent properties and the capacity of essential public facilities such as police and fire protection, drainage structures, municipal sanitary sewer and water, and refuse disposal.*

No new buildings are currently proposed in conjunction with the proposed lot split. Current ingress and egress will not be altered. The proposed lot division will not hinder the development of adjacent properties.

The subject property is not located within the floodplain or soil erosion limit of a recognized stream, river, lake or other water body. The site does not appear to exhibit evidence of regulated wetlands or endangered species of flora and fauna. The proposed lot rearrangement and property transfer will not affect any natural features on the site.

The proposed lot split will not negatively affect the supply of light and air to adjacent properties. It will not negatively affect the capacity of essential public facilities. City departments have no objections to the proposed lot split.

Despite not meeting all of the standards as noted above, lot 9 was previously platted as a single buildable lot and thus the City Commission may wish to consider allowing it to revert back to a single lot as originally platted under the provisions of Sec. 102-4 of the City Code. In most instances, previously platted lots which have not been reduced from their original size may be returned to the original platted lot by the Building Official without the approval of the City Commission. The code requirements for approval by the Building Official are as follows:

Sec. 102-51. - Approval required.

The division of any platted lot, outlot or other parcel of land in a recorded plat is prohibited unless such division is first approved by the city commission.

The following exceptions may occur:

(1) The building official may permit a single family dwelling to be located on a single platted lot, without approval by the city commission, provided the minimum requirements of Chapter 126 of this Code are met, except as excluded below:

- a. Such platted lot as described above, shall not be required to meet the minimum land area requirement of Chapter 126 of this Code; and,*
- b. Such platted lot is excluded from the lot width requirements of this Chapter.*

(2) Where there are two or more, platted lots, or portions thereof, under single ownership, which have not been reduced from the original platted lot dimensions, the building official may, without approval by the city commission, accept the boundary adjustment and may permit a single family dwelling to be located on each platted lot, provided the following conditions are met:

- a. The resulting lots comply with the minimum requirements of Chapter 126 of this Code, excluding minimum land area; and*
- b. The resulting lots comply with other ordinance requirements stated herein, excluding lot width.*

This request was denied by the Building Official on the grounds that when lot 9 was included with the current parcel several of the previously existing legal non-conformities were brought into compliance. To split the property back into two parcels would re-establish those same non-conformities. However the following section of the City Code gives the City Commission the authority to make exceptions as follows:

Sec. 102-4. Waivers

The city commission may waive the requirements as set forth in this chapter in those instances when the commission determines that the enforcement of such requirements might cause unnecessary difficulties on the applicant or where the commission determines that a waiver of any such requirement by the commission shall not preclude the applicant from complying with all provisions of chapter 126 of this Code.

Thus, the City Commission may approve the proposed lot split of 839 Randall Ct. using the waiver provision of section 102-4, based on the fact that lot 9 was previously a buildable platted lot prior to 2015.

SUGGESTED ACTION:

- 1) To grant a waiver in accordance with Sec. 102-4 Waivers and APPROVE the proposed lot split of 839 Randall Ct.,
or
- 2) To deny the lot split of 839 Randall Ct. as proposed as is may adversely affect the interest of the public and of the abutting property owners.



Division of Platted Lots Application

1. Applicant

Name: DAVID BUDGETT
Address: 839 RANDALL CT
BIRMINGHAM, MI 48009
Phone Number: 248-219-8119
Fax Number: 248-593-9567
Email Address: TLBUDGE@YAHOO.COM

2. Applicant's Attorney/Contact Person

Name: _____
Address: _____
Phone Number: _____
Fax Number: _____
Email Address: _____

3. Project Information

Address/Location of Property: 839 RANDALL CT
BIRMINGHAM MI 48009
Sidwell #: _____
Current Zoning: _____

Property Owner

Name: DAVID BUDGETT
Address: 839 RANDALL CT
BIRMINGHAM MI 48009
Phone Number: 248-219-8119
Fax Number: 248-593-9567
Email Address: TLBUDGE@YAHOO.COM

Survey Company

Name: AS-SB LAND SURVEY PC
Address: 36636 NORTH POINTE DR
NEW BALTIMORE, MI 48047
Phone Number: 586-822-4964
Fax Number: 586-591-5930
Email Address: INFO@AS-SB-LANDSURVEY.COM

Legal Description: VACANT, RANDALL COURT,
BIRMINGHAM, MI
PARTIAL "A"

4. Attachments

- Proof of ownership
- Written statement of reasons for request
- A letter of authority or power of attorney in the event the application is made by a person other than the property owner
- Other data having a direct bearing on the request
- **Sketches of proposed development (optional)**
- One digital copy of plans
- Two (2) copies of a registered land survey showing:
 - all existing and proposed platted lot lines
 - legal descriptions of proposed lots
 - locations of existing/ surrounding structures and setbacks
 - footprints of proposed development

(I), (We), the undersigned, do hereby request to divide lots of record in the City of Birmingham, Oakland County, Michigan. (I), (We), do hereby swear that all of the statements, signatures, and descriptions appearing on and with this request are in all respects true and accurate to the best of (my), (our), knowledge.

Signature of Property Owner: [Signature]
Print Name: DAVID BUDGETT
Signature of Applicant: _____
Print Name: _____

Date: 5/5/17
Date: _____

Fee: \$200.00 per lot affected, minimum fee \$400

From: David Blodgett dblodge@yahoo.com
Subject: 839 Randall Court
Date: Jun 5, 2017, 9:57:17 AM
To: mbaka@bhamgov.org
Cc: Tina Blodgett tlbloodge@yahoo.com

We recently acquired our neighbor's house (879 Randall Court), tore down the house, and combined the lot with our existing property (839 Randall Court). Our initial goal was to extend our house. Due to job reasons, we are moving out of state.

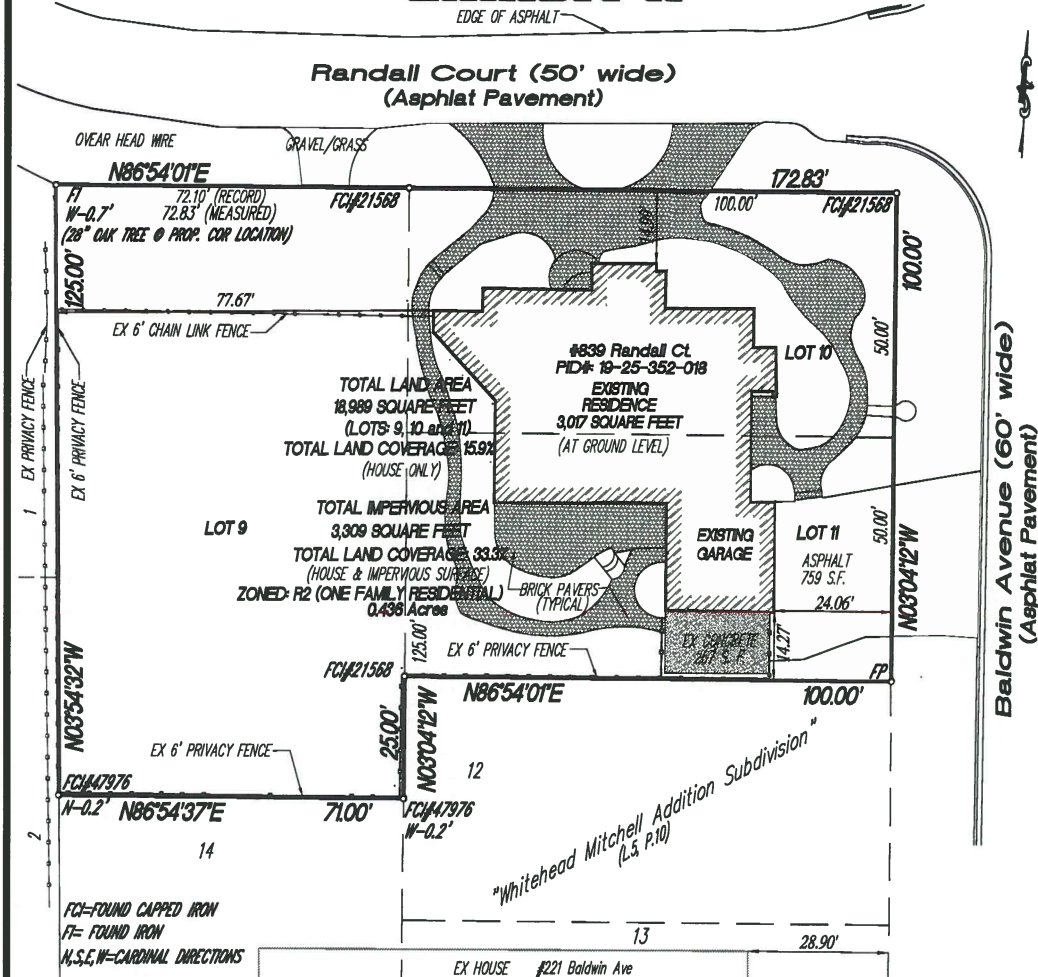
With our house on the market, we received an offer by a builder to develop the vacant lot, and are looking to re-split the lots for this purpose. We appreciate your assistance.

Dave and Tina Blodgett : 839 Randall Ct. Birmingham
MI 48009

Phone: 248-219-8119
or
248-761-5573

Email: dblodge@yahoo.com
tlbloodge@yahoo.com

LOT SPLIT "EXHIBIT A"



Legal Description: 839 Randall Court, Birmingham, MI, 48001
Part of the SW 1/4 of Section 25, T.2N., R.10E., City of Birmingham, Oakland County, Michigan, being more particularly described as follows:

LOTS: 9, 10 and 11 of "Whitehead Mitchell Addition Subdivision", (L.5, P.10).

Containing: 18,989 Square Feet---0.436 Acres, more or less.

Subject to the rights of a public and any easements and/or restrictions of record or otherwise.

Surveyor's Certification:

I hereby certify that I have surveyed and mapped the land plotted/mapped and described as shown herein and that the ratio of closure of the unadjusted field observations of such survey are no greater than 1 in 10000 feet and that all the requirements of public P.A. 132 have been complied with.

Note:

Since our survey does not include a Title Commitment search there could be easements and/or any encumbrances upon the subject property as shown herein that are not presented at this time.

Subdivision Plot DOES NOT contain recorded bearings.

All bearings as shown herein are in relation to: "TRUE NORTH"

Front Set Backs: 200' E & W on Randall Ct:

#280 Millrace Rd = 8.18'

#839 Randall Ct = 14.99'

#280 Randall Ct = 26.19'

#779 Randall Ct = 27.05'

#775 Randall Ct = 28.82'

Average Front Set Back=21.05'

Front Set Backs: 200' N & S on Baldwin Ave:

#339 Baldwin Rd = 31.79'

#325 Baldwin Rd = 24.49'

#323 Baldwin Rd = 27.17'

#839 Randall Ct = 24.06'

#221 Baldwin Rd = 28.90'

#201 Baldwin Rd = 39.19'

Average Front Set Back=29.27'



Mende Bezanovski, P.S. 49430

0' 15' 30' 60'



36636 North Pointe Dr. New Baltimore, MI, 48047

TEL. (586) 822-4964, FAX: (586) 591-5930

info@ab-sb-landsurvey.com;

www.ab-sb-landsurvey.com

SCALE: 1" = 30'

JOB NUMBER: 2015-01-27-107-SD

FIELD: MB

REVISIONS:

CLIENT: Mr. David W Blodgett

ADDRESS:

839 & 879 Randall Court
Birmingham, MI, 48009

PAGE: 1 OF 2

DRAWN: MB

CHECKED: MB

DATE: 6-3-2017

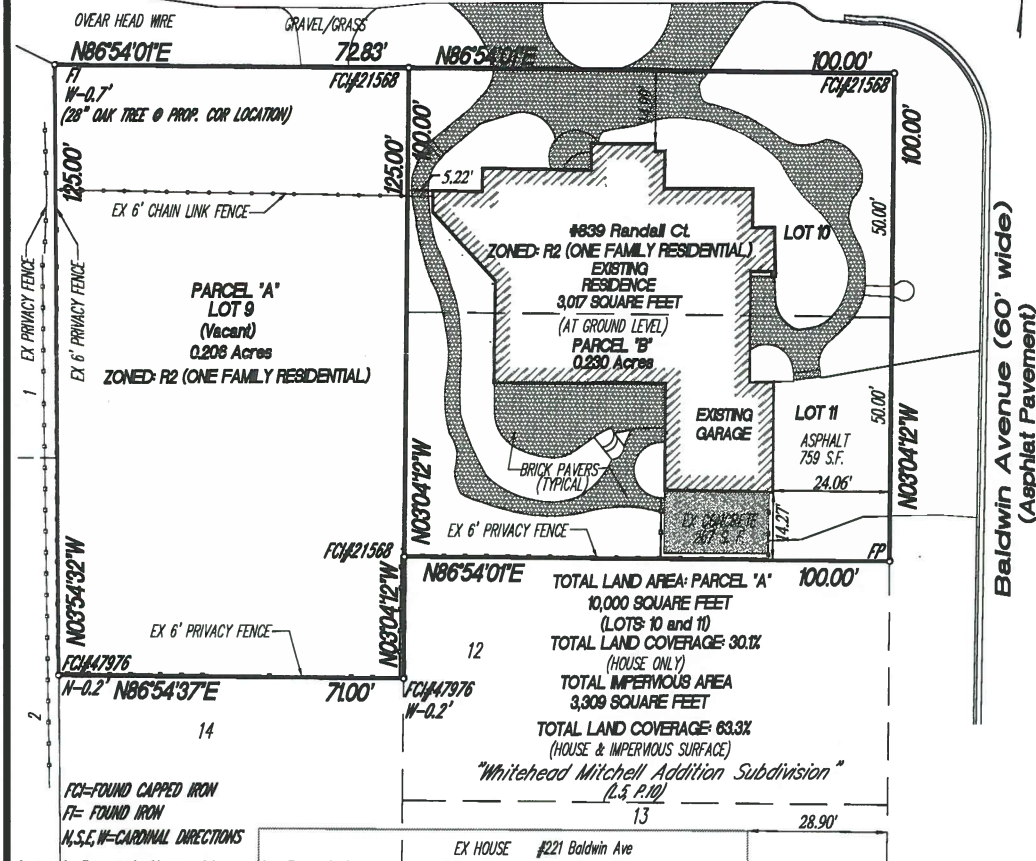
TEL:

FAX:

LOT SPLIT "EXHIBIT B"

EDGE OF ASPHALT

Randall Court (50' wide)
(Asphalt Pavement)



Baldwin Avenue (60' wide)
(Asphalt Pavement)

Legal Description: Vacant, Randall Court, Birmingham, MI, 48001-Parcel "A"

Part of the SW 1/4 of Section 25, T.2N., R.10E., City of Birmingham, Oakland County, Michigan, being more particularly described as follows:

LOT 9 of "Whitehead Mitchell Addition Subdivision", (L.5, P.10).
Containing: 8,989 Square Feet---0.206 Acres, more or less.
Subject to the rights of a public and any easements and/or restrictions of record or otherwise.

Legal Description: 839 Randall Court, Birmingham, MI, 48001-Parcel "B"

Part of the SW 1/4 of Section 25, T.2N., R.10E., City of Birmingham, Oakland County, Michigan, being more particularly described as follows:

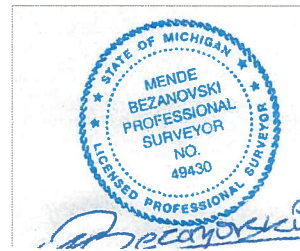
LOTS: 10 and 11 of "Whitehead Mitchell Addition Subdivision", (L.5, P.10).

Containing: 10,000 Square Feet---0.223 Acres, more or less.
Subject to the rights of a public and any easements and/or restrictions of record or otherwise.

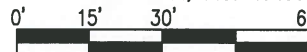
Note:

Since our survey does not include a Title Commitment search there could be easements and /or any encumbrances upon the subject property as shown herein that are not presented at this time.

All bearings as shown herein are in relation to: "TRUE NORTH"



Mende Bezanovski, P.S. 49430



36636 North Pointe Dr. New Baltimore, MI, 48047
TEL. (586) 822-4964, FAX: (586) 591-5930
info@ab-sb-landsurvey.com;
www.ab-sb-landsurvey.com

SCALE: 1" = 30'

JOB NUMBER: 2015-01-27-107-SD

FIELD: MB

REVISIONS:

CLIENT: Mr. David W Blodgett

ADDRESS:
839 & 879 Randall Court
Birmingham, MI, 48009

PAGE: 2 OF 2

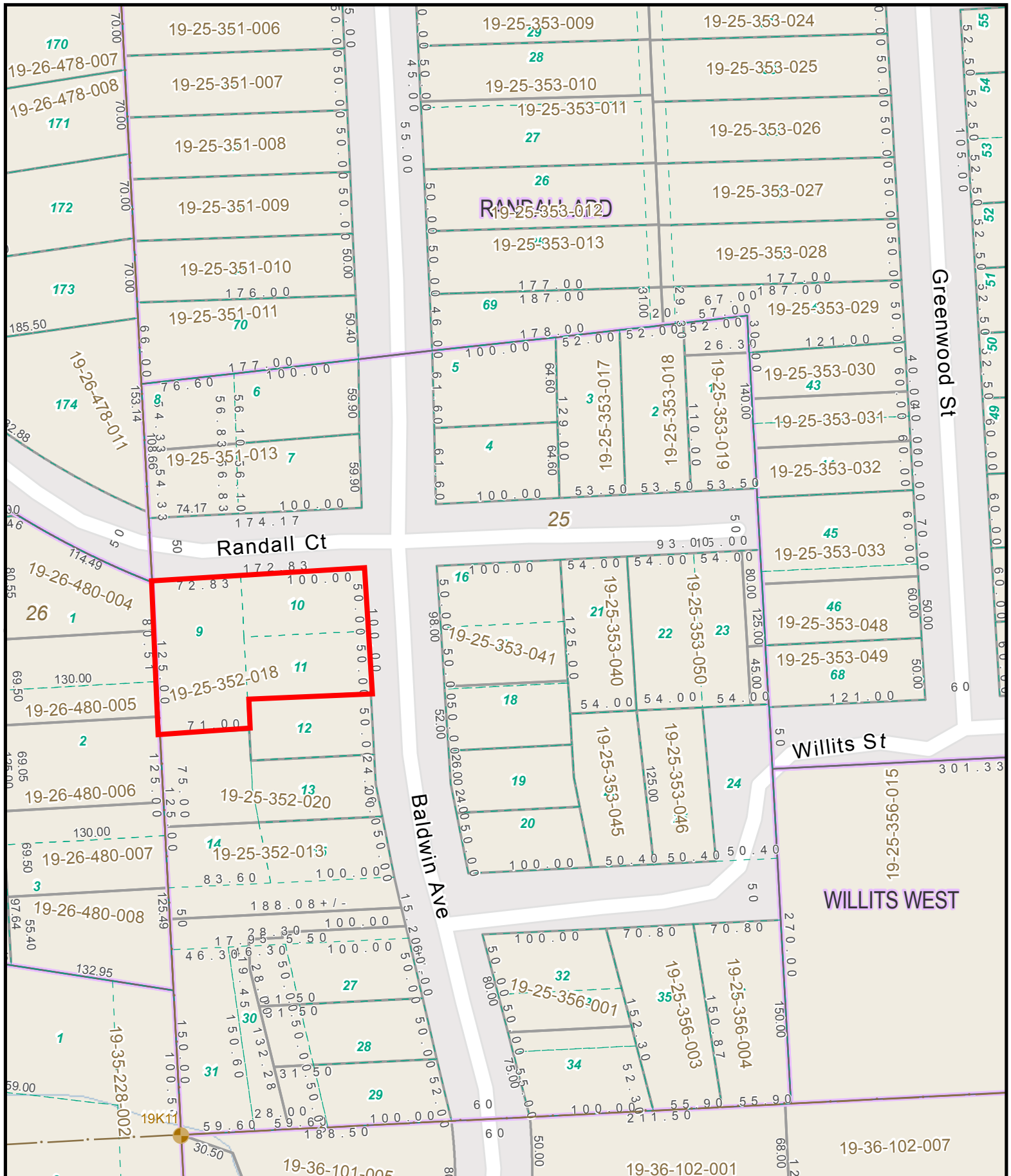
DRAWN: MB

CHECKED: MB

DATE: 6-3-2017

TEL:
FAX:

839 Randall Ct



- 2 Foot Contours
- 5 Foot Contours
- FEMA Base Flood Elevations
- FEMA Cross Sections
- 100 yr - FEMA Floodplain
- 100 yr (detailed) - FEMA Floodplain
- 500 yr - FEMA Floodplain
- FLOODWAY - FEMA Floodplain

Disclaimer: The information provided herewith has been compiled from recorded deeds, plats, tax maps, surveys and other public records. It is not a legally recorded map or survey and is not intended to be used as one. Users should consult the information sources mentioned above when questions arise. FEMA Floodplain data may not always be present on the map.



L. Brooks Patterson
Oakland County Executive

Date Created: 7/3/2017



1 inch = 100 feet



MEMORANDUM

Engineering Dept.
Planning Dept.

DATE: June 30, 2017

TO: Joseph Valentine, City Manager

FROM: Paul O'Meara, City Engineer
Jana Ecker, Planning Director

SUBJECT: 856 N. Old Woodward Ave.
DTE Energy Line Relocation

As you may know, the above referenced vacant property, directly south of the southeast corner of Oak St., has been vacant for nearly 30 years. The former building, destroyed by fire occupied only a portion of the site. The current owner, known as FLS Properties #5, LLC, has obtained final site plan approval from the Planning Board for the construction of four-story mixed-use building, including two levels of underground parking. Final construction drawings are currently under review.

OVERHEAD ELECTRIC WIRING CONFLICT

Overhead electric wiring feeding many other properties to the north and south currently obstruct the full use of the property, and must be relocated if it is to be redeveloped to its full potential. The applicant has worked with DTE Energy Co., the two immediate property owners to the north, and City staff to finalize a relocation plan that accomplishes the goal of relocating the overhead wiring closer to the east property line, as well as entirely away from the north property line. In order to relocate the wires in such a manner that construction can proceed, DTE Energy has developed a relocation plan that moves a section of the wiring south of the subject property from its current location further east. Since the relocation involves City property, approval must be obtained from the City Commission. Attached for your reference are the following:

1. Color enhanced route relocation plan prepared by DTE Energy Co.
2. Simplified version of relocation route, imposed on aerial photography.
3. Suggested easement and legal description of route as proposed by DTE Energy Co.
4. Original legal description and ownership records for subject City property.
5. Tree survey of suggested relocation route.
6. Grant of easement to DTE Energy for relocation of overhead wiring on adjacent property known as 35975 Woodward Ave.
7. Written approval for relocation route of overhead wiring from owner of adjacent property known as 900 N. Old Woodward Ave.
8. Most recent site plan for proposed building at street level.
9. Current aerial photography of subject area.

Referring to attachment #1, the following describes the issues relevant in this case.

- A. The existing overhead wires obstruct both the north and east ends of the property. The wires are considered primary in the DTE Energy system, meaning that they cannot just be ended and re-routed elsewhere, rather, they need to continue north and south of this area on some path to ensure proper redundancy both to this new building, and all of the other existing buildings in the immediate corridor.
- B. The existing pole labeled A1 on the drawing, while not in direct conflict with the new building, is situated such that the entire relocation south of the property becomes warranted. Specifically, the wires south of the building cannot remain in place because if a new alignment started north of pole A1, a guy wire would have to extend further north to properly support the remaining wires and poles further south. With the building proposed immediately north of pole A1, there is no room available to create tension for the wires and poles to the south, if they were to remain.
- C. Once the determination was made that a relocation is required, DTE Energy identified three poles that should be relocated, given their current close proximity to the Rouge River (the bases of the poles are situated immediately adjacent to the west bank of the river). Extending the relocation south to the north edge of Parking Lot #6 (at pole #4), the remaining lines further south can then be tensioned with a guy wire without being potentially undermined from the adjacent river bank.
- D. Relocating the lines further east will impact existing trees on a City owned floodplain/natural area. Given its low topography and classification as a floodplain, approving an easement in this area does not represent an impediment to future development of the property. The main focus, then, would be damage to the existing natural environment, particularly in the form of mature trees. In order to avoid such damage, DTE Energy was asked to consider all possible options that could avoid this relocation. The following was considered:
 - Relocation from Parking Lot #6 property directly out to the N. Old Woodward Ave. right-of-way could be considered. Moving the wiring to an important, very visible right-of-way would require an underground installation. Further, given other existing underground utilities in the area, DTE Energy indicated that the wires would have to be moved to the west side of the right-of-way, while feeding each of the existing buildings being fed on the east side via underground connections. While such an effort would improve the overall aesthetics of the area, it would be prohibitively expensive, being roughly estimated at \$2 million (the proposal now being suggested is estimated at about \$220,000, which will be a 100% developer expense).
 - Attempting to locate a source for power relocation to the west of Old Woodward Ave. through existing backyard feeds does not address the issue of feeding the existing buildings to the south.
 - Likewise, attempting to locate a source for power relocation to the east of Woodward Ave. power lines (currently in backyards) again does not address the issue of feeding existing buildings to the south.

Referring to Attachment #3, the proposed easement language has been reviewed and approved both by this office and the City Attorney's office. Of note is that the grant of easement is about 116 ft. long. The remaining relocation would fall within existing Brookside Ave. right-of-way, or

river right-of-way, as originally platted (Brookside Ave., while platted, was never built in this area given its floodplain status).

Referring to attachment #4, a record of how these properties were acquired by the City, they can generally be classified into two groups. The northerly floodplain properties were quit claim deeded by their former owners. It is not known what the purpose of the transfers were, but they likely represented a gift to the City due to their status as an undevelopable floodplain. The southerly property acquisitions were generally bought and paid for by the City. While these properties are also prone to flooding, and are encumbered by large sewers, the City's likely interest in ownership was related to providing municipal parking.

Referring to attachment #5, DTE Energy has mapped out the existing location and size of all trees 2" diameter and larger along the proposed route. The original route selected by DTE Energy focused on a natural linear clearing that exists in the area. However, selecting this path resulted in removal of several substantial trees. City staff asked that DTE Energy consider moving the alignment approximately 10 feet west to the alignment now shown, which allowed several larger trees to remain. DTE Energy agreed with this change, and have modified the easement form accordingly.

Attachment #6 is an easement that was provided by the owner of 35975 Woodward Ave. (southwest corner of Oak St.). The relocation will involve relocating overhead wires along the rear property line of this property, should the City Commission approve the alignment further south. The owner of this property (known as August, LLC), had decided to cooperate with the 856 N. Old Woodward Ave. developer to allow their development to move forward.

Attachment #7 is an email from the owner of 900 N. Old Woodward Ave. (Douglas Cleaners). As owner of Douglas Cleaners, David Underdown's property owns the narrow 10 foot strip that extends out to Woodward Ave. (it is currently undeveloped). Overhead wires currently extend over this narrow strip in a similar location, therefore, DTE Energy believes they have the right to slightly modify the location of the wiring without a new written easement from Mr. Underdown. The relocation represents an improvement for the Douglas Cleaners property, as the current wiring extending over the existing building will be removed.

ANALYSIS OF VISUAL IMPACT

Referring again to Attachment #1, the proposed electrical work involves a relocation of overhead wiring from pole 9 (located on the northeast corner of Old Woodward Ave. & Oak St., adjacent to Mobil/Tim Horton's), to pole 4, located on City property directly behind 720 N. Old Woodward Ave. The following considers the impacts south and north of pole A1, at the south property line of the subject property.

1. South of Pole A1

While considering this proposal, City staff and DTE Energy staff have met on the subject City property. The proposed alignment is currently staked as well. The owner of 740 Brookside Dr., the single family home closest to this area, has asked questions about what is proposed. He has raised questions relative to the visual impact of this proposal. Detailed responses from the City and DTE Energy are attached to this memo.

2. North of Pole A1

Through the Central Business District, electric services to the buildings are generally underground, or located at the rear of buildings in alleys and backyards. The current wiring supported by poles A5, A6, and 9 represent a departure from that norm, with overhead wiring still present at the north end of the Old Woodward Ave. corridor. The proposed relocation would move the overhead wiring between Douglas Cleaners and the new building at 856 N. Old Woodward Ave. on the west side, and the new proposed two-story building planned at 35975 Woodward Ave. on the east side. While overhead wiring would still extend across Oak St. as it currently does, it would be in a less prominent location, and represents an improvement from the current condition. Once electric service is removed from Pole A6, the City will work with telecommunication utilities also located on this pole, with the goal being that Pole A6 can be removed as well.

SUMMARY

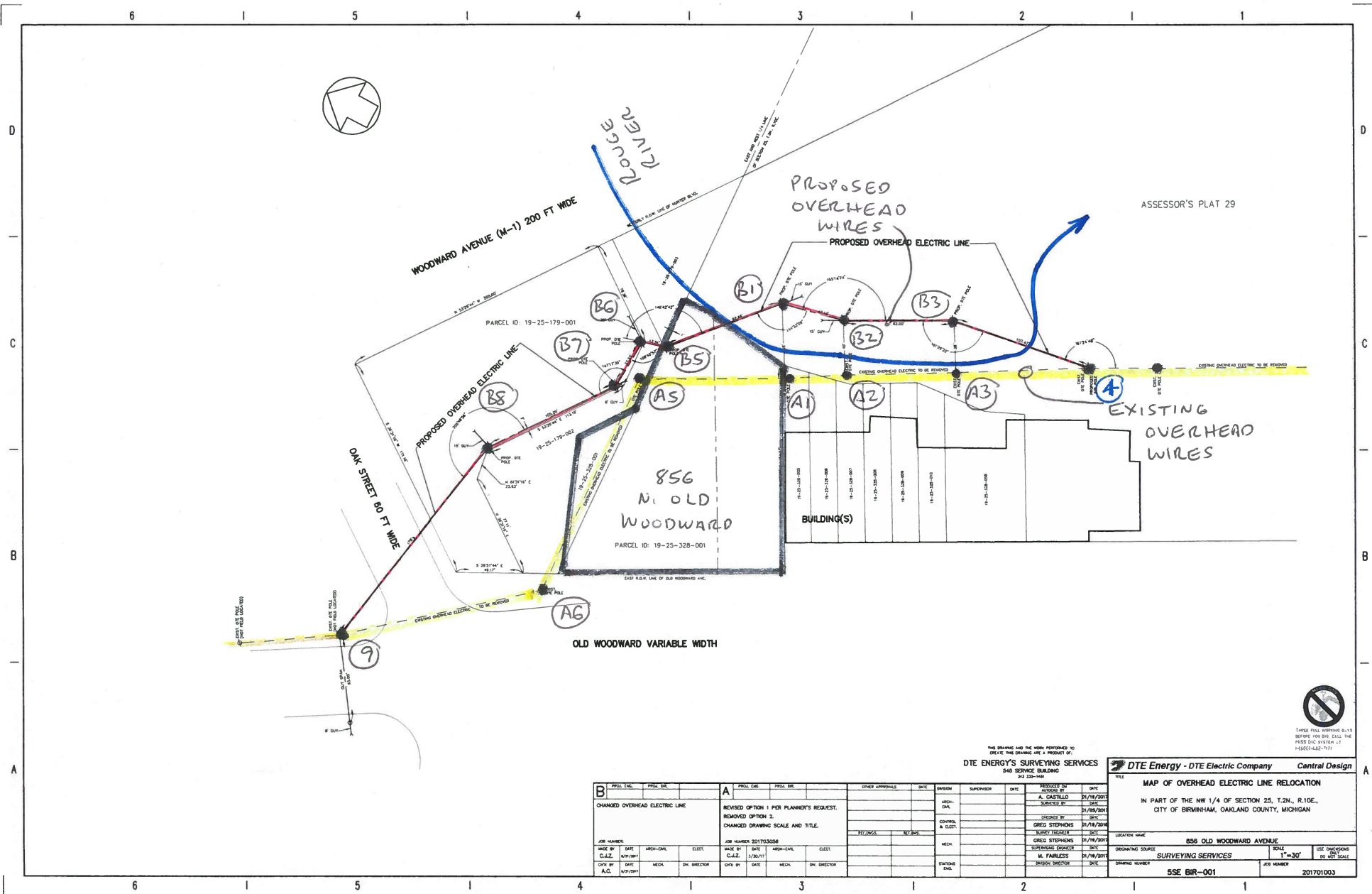
After much analysis and discussion involving all involved parties, it appears that the only feasible solution to removing the encumbrance from 856 N. Old Woodward Ave. will involve the relocation of overhead electric utilities on to adjacent City property currently being maintained as a natural floodplain buffer between commercial and residential areas. While this is unfortunate, the design moves the poles in an area of relatively low visibility, remains economically feasible, and allows redevelopment of this important property that has remained vacant for nearly thirty years. A suggested resolution follows.

SUGGESTED RESOLUTION:

To authorize the Mayor to sign DTE Electric Company Overhead Easement No. 47698093-47698095, located on Lot 91 of Assessor's Plat #29, located in the northwest ¼ corner of Section 25, City of Birmingham.

OR

To deny the request to authorize the DTE Electric Company Overhead Easement No. 47698093-47698095, located on Lot 91 of Assessor's Plat #29, located in the northwest ¼ corner of Section 25, City of Birmingham.



DTE ENERGY'S SURVEYING SERVICES				DTE Energy - DTE Electric Company				Central Design			
CHANGED OVERHEAD ELECTRIC LINE JOB NUMBER: 201703006 MADE BY: C.J.Z. DATE: 10/1/2017 DATE BY: A.C. DATE: 10/1/2017 ARCH-CAV: MECH. DATE: 10/1/2017 ELEC. DATE: 10/1/2017 CIV. DIRECTOR:				REMOVED OPTION 1 FOR PLANNING'S REQUEST. REVISED DRAWING SCALE AND TITLE. JOB NUMBER: 201703006 MADE BY: C.J.Z. DATE: 10/1/2017 DATE BY: A.C. DATE: 10/1/2017 ARCH-CAV: MECH. DATE: 10/1/2017 ELEC. DATE: 10/1/2017 CIV. DIRECTOR:				MAP OF OVERHEAD ELECTRIC LINE RELOCATION IN PART OF THE NW 1/4 OF SECTION 25, T.2N., R.10E., CITY OF BIRMINGHAM, OKLAHOMA COUNTY, MICHIGAN LOCATION NAME: 856 OLD WOODWARD AVENUE DRAINAGE SOURCE: SURVEYING SERVICES DRAINAGE NUMBER: 55E BR-001 JOB NUMBER: 201701003			

LEGEND

○

EXISTING DECO POLE

●

PROPOSED POLE

○

FOREIGN POLE

—

EXISTING ANCHOR

—

PROPOSED ANCHOR

☁

TREE

—

120/240 V LINE

—

4.8 KV LINE

—

13.2 KV LINE

—

40 KV LINE



DTE Energy

DTE Electric - Distribution Engineering and Planning

Service Planner	Work Order Description					
Dababneh, Nurah I	OVERHEAD CONSTRUCTION					
Phone	Work Order #	GIS-DSN	COH	CUL	CUG	PLC
248.427.2946	45709883					
Supervisor	Circuit #1	Circuit #2		PH	SCMAT	
Carl L Ford	BIHAM2719					
Service Center	Worksite City	Worksite Twp		County		
PON		BLOOMFIELD		Oakland		
Phone	JU Work to be Performed				JU	RSD
248.427.2937						
Planning Engineer	JU Company	Contact	Email	Phone		
	JU Company	Contact	Email	Phone		
Phone						
CUE Number	Ver	Plot Date	Scale	Town	Range	Section
697974	1	3/29/2017		02N	10E	25
						Qtr

811

Know what's below.
Call before you dig

Source: Esri, DigitalGlobe

DTE Electric Company Overhead Easement (Right of Way) No. 47698093-47698095

On _____, 2017, for the consideration of system betterment, Grantor grants to Grantee a permanent, non-exclusive overhead easement ("Right of Way") in, on, and across that part of Grantor's Land to be referred to herein as the "Right of Way Area".

"Grantor" is: CITY OF BIRMINGHAM, A MICHIGAN MUNICIPAL CORPORATION, WHOSE ADDRESS IS PO BOX 3001, BIRMINGHAM, MI 48012

"Grantee" is: DTE Electric Company, a Michigan corporation, One Energy Plaza Drive, Detroit, Michigan 48226

"Grantor's Land" is in SW 1/4, SEC 25, T2N, R10E, CITY OF BIRMINGHAM, County of OAKLAND, and State of Michigan, and is described as follows:

T2N, R10E, SEC 25 ASSESSOR'S PLAT NO 29 LOTS 89 TO 92 INCL, ALSO ALL THAT PART OF VAC DRIVEWAY ADJ TO SAME 2-4-03 CORR

Tax Identification Number(s): 19-25-328-037

The "Right of Way Area" is a ten foot (10') wide easement on part of Grantor's Land. The centerline of the Right of Way Area shall be established in the as-built location of the centerline of Grantee's facilities, and shall be installed on Grantor's Land in the approximate location described as follows:

THE LEGAL DESCRIPTION OR EASEMENT DRAWING IS MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

Tax Identification Number(s): 19-25-328-037

1. **Purpose:** The purpose of this Right of Way is to construct, reconstruct, modify, add to, repair, replace, inspect, operate and maintain overhead utility facilities which may consist of poles, guys, anchors, wires, transformers and accessories.
2. **Access:** Grantee has the right of pedestrian and vehicular ingress and egress to and from the Right of Way Area over and across Grantor's Land.
3. **Buildings or other Permanent Structures:** No buildings or other permanent structures or improvements may be constructed or placed in the Right of Way Area without Grantee's prior, written consent. Grantor agrees, at its own expense, to remove any improvement that interferes with the safe and reliable operation, maintenance and repair of Grantee's facilities upon the written demand of Grantee. If Grantor fails to comply with such demand, Grantor agrees that Grantee may remove any such improvement and bill Grantor for the cost thereof, which cost Grantor shall pay within thirty (30) days after demand therefor.
4. **Excavation:** Pursuant to 2013 Public Act 174, MISS DIG (1-800-482-7171 or 811 in some areas) must be called before any excavation in the Right of Way Area may proceed.
5. **Trees, Bushes, Branches, Roots, Structures and Fences:** Grantee may trim, cut down, remove or otherwise control any trees, bushes, branches and roots growing or that could grow or fall in the Right of Way Area and remove any structures, improvements, fences, buildings or landscaping in the Right of Way Area that Grantee believes could interfere with the safe and reliable construction, operation, maintenance and repair of Grantee's facilities. Grantee shall not be responsible for any damage to, or removal of, landscaping, trees, plant life, structures, improvements and/or fences located in the Right of Way Area.

6. **Restoration:** If Grantee's agents, employees, contractors, subcontractors, vehicles or equipment damage Grantor's Land while entering Grantor's Land for the purposes stated in this Right of Way, then Grantee will restore Grantor's Land as nearly as is reasonably practicable to the condition in which it existed prior to such damage. Restoration with respect to paved surfaces shall consist of asphalt cold patching of the damaged portion of any asphalted surfaces when the weather conditions suggest such use and the cement patching of the damaged portion of any cemented surfaces. Grantee shall have no liability, however, for the restoration or cost of any improvements located within the Right of Way Area, including, but not limited to, parking islands, gutters, fences or landscaping such as trees, bushes, or flowers (but not a simple lawn which, if damaged, will be patched and re-seeded by Grantee) that are damaged by Grantee in the course of constructing, reconstructing, modifying, adding to, repairing, replacing, operating or maintaining its facilities as described in paragraph 1 above.

7. **Successors:** This Right of Way runs with the land and binds and benefits Grantor's and Grantee's successors and assigns.

8. **Exemptions:** This Right of Way is exempt from transfer tax pursuant to MCL 207.505(a) and MCL 207.526(a).

9. **Governing Law:** This Right of Way shall be governed by the laws of the State of Michigan.

Grantor(s): City of Birmingham

By: _____
Name: _____
Title _____

Acknowledged before me in _____ County, Michigan, on _____, 2017,
by _____, Its: _____ for City of Birmingham, a Michigan municipal
corporation.

Notary's Stamp _____ Notary's Signature _____
Acting in _____ County, Michigan

Drafted by and when recorded, return to: Cassandra Dansby, DTE Electric Company, NW Planning & Design, 37849 Interchange Dr.,
Farmington Hills, MI 48335

Exhibit A

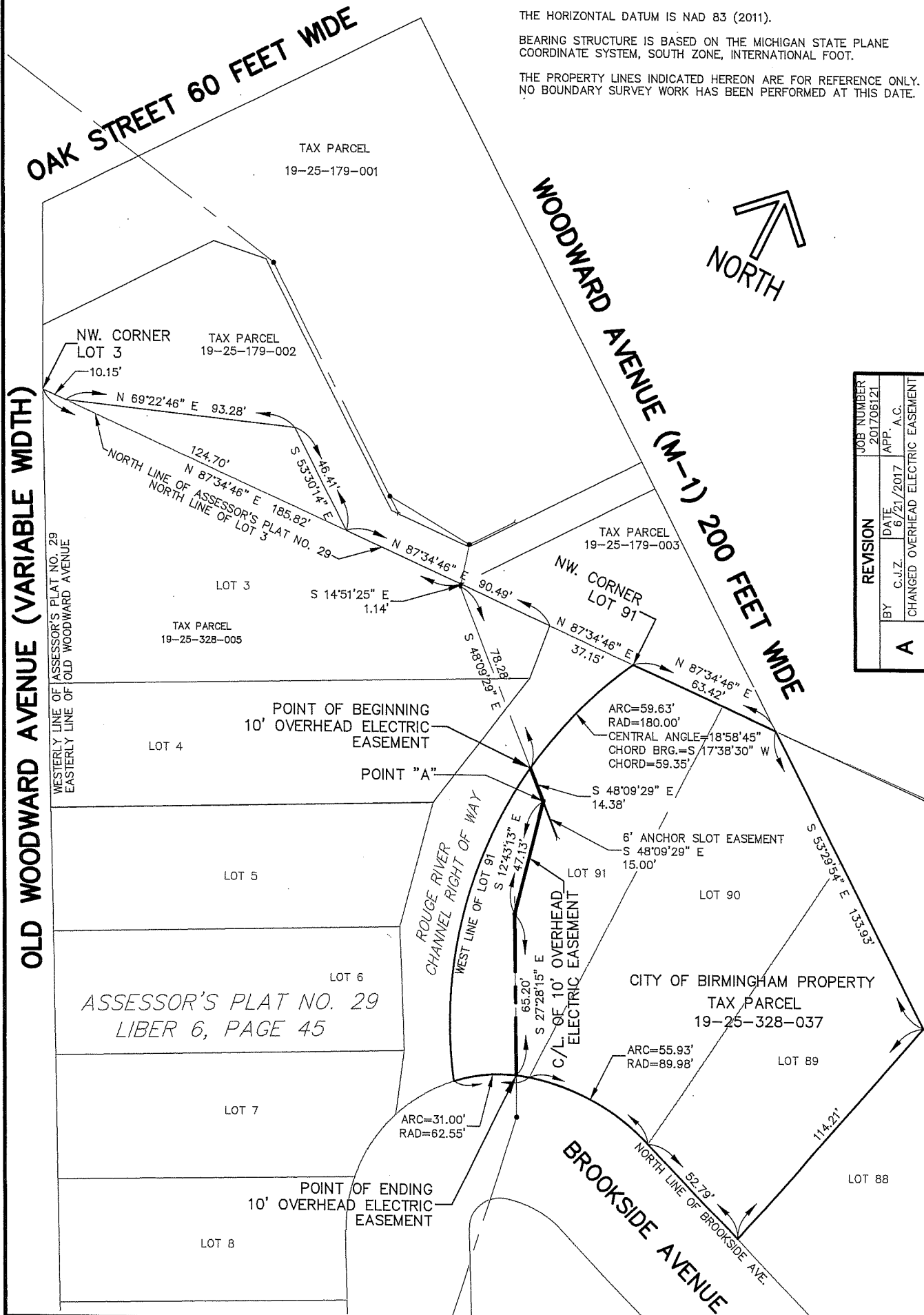
NOTES:

DRAWING IS SET UP IN THE MICHIGAN STATE PLANE
COORDINATE SYSTEM, SOUTH ZONE, INTERNATIONAL FOOT.

THE HORIZONTAL DATUM IS NAD 83 (2011).

BEARING STRUCTURE IS BASED ON THE MICHIGAN STATE PLANE
COORDINATE SYSTEM, SOUTH ZONE, INTERNATIONAL FOOT.

THE PROPERTY LINES INDICATED HEREON ARE FOR REFERENCE ONLY.
NO BOUNDARY SURVEY WORK HAS BEEN PERFORMED AT THIS DATE.



A	BY		DATE	JOB NUMBER
	C.J.Z.		6/21/2017	201706121
CHANGED OVERHEAD ELECTRIC EASEMENT				



DTE Energy

DTE Electric Company

**CENTRAL DESIGN
SURVEYING SERVICES
545 SERVICE BUILDING**

MAP AND DESCRIPTION

OF DTE OVERHEAD ELECTRIC EASEMENT, ON PART
OF LOT 91, ASSESSOR'S PLAT NO. 29, CITY
OF BIRMINGHAM, OAKLAND COUNTY, MICHIGAN

CITY OF BIRMINGHAM PROPERTY

SHEET 1 OF 2

JOB NUMBER

201705081

DRAWING NO.

SE BIR-002

SCALE

1 INCH = 50 FEET

DRAWN BY

C. ZBOCH

SURVEY ENGINEER

A. CASTILLO

DATE OF DRAWING

5/26/2017



Exhibit A

10' OVERHEAD ELECTRIC EASEMENT

A 10 foot wide Overhead Electric Easement in part of the Southwest 1/4 of Section 25, Town 2 North, Range 10 East, City of Birmingham, Oakland County, Michigan, and being part of Lot 91, ASSESSOR'S PLAT NO. 29, as recorded in Liber 6 of Plats, Page 45, Oakland County Records, described by its centerline as: Commencing at the Northwest corner of Lot 3 of said Assessor's Plat No. 29, thence North 87°34'46" East, 185.82 feet along the North Line of said Lot 3 also being the North line of said Assessor's Plat No. 29; thence South 14°51'25" East, 1.14 feet; thence South 48°09'29" East, 78.28 feet to a point on the West line of said Lot 91 and the **POINT OF BEGINNING**; said point being distant along the Arc of a curve to the left 59.63 feet, having a Radius of 180.00 feet, a Central Angle of 18°58'45", and a Chord Bearing and Distance of South 17°38'30" West, 59.35 feet from the Northwest corner of said Lot 91; thence from said Point of Beginning, South 48°09'29" East, 14.38 feet to a point hereafter known as Point "A"; thence South 12°43'13" East, 47.13 feet; thence South 27°28'15" East, 65.20 feet to a Point on the North line of Brookside Avenue and the **POINT OF ENDING**.

Together with a 6 foot Anchor Slot Easement described by its centerline as: Beginning at said Point "A"; thence South 48°09'29" East, 15.00 feet to the Point of Ending.

REVISION			JOB NUMBER
A	BY	DATE	201706121
	C.J.Z.	6/21/2017	APP. A.C.
	CHANGED OVERHEAD ELECTRIC EASEMENT		



DTE Energy
DTE Electric Company
CENTRAL DESIGN
SURVEYING SERVICES
545 SERVICE BUILDING

MAP AND DESCRIPTION
OF DTE OVERHEAD ELECTRIC EASEMENT, ON PART
OF LOT 91, ASSESSOR'S PLAT NO. 29, CITY
OF BIRMINGHAM, OAKLAND COUNTY, MICHIGAN
CITY OF BIRMINGHAM PROPERTY

SHEET 2 OF 2

JOB NUMBER
201705081

SCALE
1 INCH= N.A. FEET

DRAWN BY
C. ZBOCH

SURVEY ENGINEER
A. CASTILLO

DATE OF DRAWING
5/26/2017

DRAWING NO.
SE BIR-002

CITY PROPERTY INVENTORY

Quarter Section SW 25 Assessor's No. 196-2 Site No. 51
106-20
106-18A

Name Parking Lot #6 Date of Name _____

Street Location E. Woodward- N. of Harmon

Legal Description:

City of Birmingham

106-2
SD-BTS-1

"Assessor's Plat No. 29"

Lots 2, 20, 21, 92 and driveway

Lot 2

Island View Drive, Channel R.O.W. of line 20 ft. N of S line
Lot #9

E 6 ft. of S 20 ft. Lot 9, E 6 ft. of N 20 ft. Lot 10,
E 27 ft. of S 30 ft. Lot 10, Lots 11-17, and N 69.42 ft.
of Lot 19, Lots 18 and 19 S of line 69.42 ft. S of S line
Lot 17, E 38 ft. of Lot 22

Vacated Park Street between above limits

Area 1.8 A

Area 0.10 A (p1)

Purpose for Acquisition parking lot

Reversion Public Purposes - 10 yr. from 3-10-42

Deed Restrictions _____

Dedication _____

Present Use Buffer Parking Lot #6

Proposed Development _____

Source of Funds for Acquisition General

Miscellaneous Information:

Rev. 2-8-73

OWNERSHIP DATA SUMMARY

Site No. 51

Parcel	Legal File	Lot	Conveyance	Date	Recorded		Consideration	Authority	Remarks
					Liber	Page			
112	4199	2 & 92	Q-C	3-10-42	1397	578		R94-1942	
	A-324	#9 ROW	(slo) Q-C	10-21-60	6	45			Parcel A
	A-324	#11 ROW	Q-C	1-3-61	6	45	2,800		Parcel C
	A-324	Park ROW	Q-C	1-3-61	6	45			
	A-324	Part of 11-17 18 & 19	W-D	1-3-61	6	45	44,500		F, G, H
	A-324	Part of 9 & 10	W-D	10-21-60	6	45	1,700		D
	A-324	Part of 22	W-D	10-19-60	6	45			K
	A-324	Channel ROW Part of 10	Condemn. Verdict	10-5-60	6	45	5,445		E
	A-324	Channel ROW 20 & 21	Condemn. Verdict	10-5-60	6	45	33,000		B & J

CITY PROPERTY INVENTORY

Quarter Section SW 25 Assessor's No. 106-89 Site No. 52

Name _____ Date of Name _____

Street Location Brookside & Island View

Legal Description:

CITY OF BIRMINGHAM

106-89

SD-BTS-1

"ASSESSOR'S PLAT NO 29"

LOTS 89 TO ⁹¹~~92~~ INCLUSIVE

Area 89-91 0.59 (pl)

Purpose for Acquisition Park

Reversion Public Purposes - 10 yrs. from 3-10-42

Deed Restrictions _____

Dedication _____

Present Use Buffer

Proposed Development _____

Source of Funds for Acquisition General

Miscellaneous Information:

OWNERSHIP DATA SUMMARY

Site No. 52

Parcel	Legal File	Lot	Conveyance	Date	Recorded		Consideration	Authority	Remarks
					Liber	Page			
112	4199	89-92	Q-C (slo)	3-10-42	1397	578		R94-1942	

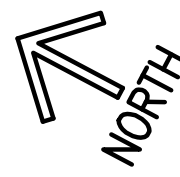
NOTES:

DRAWING IS SET UP IN THE MICHIGAN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, INTERNATIONAL FOOT.

THE HORIZONTAL DATUM IS NAD 83 (2011).

THE PROPERTY LINES INDICATED HEREON ARE FOR REFERENCE ONLY. NO BOUNDARY SURVEY WORK HAS BEEN PERFORMED AT THIS DATE.

REFERENCE DRAWINGS:
5SE BIR-001; REV. B: MAP OF OVERHEAD ELECTRIC LINE RELOCATION



WOODWARD AVENUE (M-1) 200 FT WIDE

OAK STREET 60 FT WIDE

OLD WOODWARD VARIABLE WIDTH

ASSESSOR'S PLAT NO. 29
LIBER 6, PAGE 45

CITY OF BIRMINGHAM PROPERTY
TAX PARCEL
19-25-328-037

BROOKSIDE AVENUE

✗ Additional removal
— Deleted removal

ISLAND VIEW DRIVE

BUILDING(S)

ASSESSOR'S PLAT NO. 29
LIBER 6, PAGE 45



THIS DRAWING AND THE WORK PERFORMED TO
CREATE THIS DRAWING ARE A PRODUCT OF:

DTE ENERGY'S SURVEYING SERVICES
545 SERVICE BUILDING
(313) 235-1461

DTE Energy - DTE Electric Company Central Design

A		PROJ. ENG.	PROJ. DIR.	OTHER APPROVALS		DATE	DIVISION	SUPERVISOR	DATE	PRODUCED ON AUTOCAD BY	DATE
CHANGED OVERHEAD ELECTRIC LINE							ARCH- CIVIL			C. ZBOCH	5/24/2017
							CONTROL & ELECT.			S. WLAZLIK, K. BALL	5/15/2017
							MECH.			S. WLAZLIK, K. BALL	5/24/2017
							STATIONS ENG.			A. CASTILLO	5/24/2017
JOB NUMBER:		MADE BY C.J.Z.	DATE 6/21/2017	ARCH-CIVIL	ELECT.					SUPERVISING ENGINEER M. FAIRLESS	DATE
		CHK BY A.C.	DATE 6/21/2017	MECH.	DIV. DIRECTOR					DIVISION DIRECTOR	DATE

TITLE				SHEET 1 OF 1	
TREE SURVEY IN PART OF THE WEST 1/2 OF SECTION 25 T. 2 N., R. 10 E., CITY OF BIRMINGHAM, OAKLAND COUNTY, MICHIGAN					
LOCATION NAME CITY OF BIRMINGHAM					
ORIGINATING SOURCE SURVEYING SERVICES		SCALE 1" = 20'		USE DIMENSIONS ONLY DO NOT SCALE	
DRAWING NUMBER 5SE BIR-002		JOB NUMBER 201705086			

DTE Electric Company Overhead Easement (Right of Way) No. 45709883-45709888

On April 11, 2017 ("Effective Date"), for the consideration of system betterment, Grantor grants to Grantee a permanent, non-exclusive overhead easement ("Right of Way") in, on, and across that part of Grantor's Land to be referred to herein as the "Right of Way Area".

"Grantor" is: AUGUST, LLC, a Michigan limited liability company, whose address is c/o Bodman, PLC, 1901 St. Antoine Street, 6th floor, Detroit, MI 48223

"Grantee" is: DTE Electric Company, a Michigan corporation, One Energy Plaza Drive, Detroit, Michigan 48226

"Grantor's Land" is in NW 1/4, SEC 25, T2N, R10E, BLOOMFIELD TOWNSHIP, County of OAKLAND, and State of Michigan, and is described as follows:

T2N, R10E, SEC 25 PART OF NW 1/4 BEG AT PT DIST N 88-16-00 W 659.12 FT & N 49-21-00 W 120.93 FT FROM CEN OF SEC, TH N 49-21-00 W 200 FT, TH S 40-39-00 W 171.16 FT, TH S 22-50-00 E 49.17 FT, TH N 40-39-00 E 77.11 FT, TH N 85-39-00 E 22.63 FT, TH S 49-21-00 E 113.19 FT, TH S 88-16-00 E 34.45 FT, TH N 40-39-00 E 78.36 FT TO BEG 0.54 A

Tax Identification Number(s): 19-25-179-001

More commonly known as: 35975 Woodward Ave, Birmingham, MI 48009

The "Right of Way Area" is a ten foot (10') wide easement on part of Grantor's Land. The centerline of the Right of Way Area shall be established in the as-built location of the centerline of Grantee's facilities, and shall be installed on Grantor's Land in the approximate location described as follows:

THE LEGAL DESCRIPTION OR EASEMENT DRAWING IS MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

Tax Identification Number(s): 19-25-179-001

More commonly known as: 35975 Woodward Ave, Birmingham, MI 48009

1. **Purpose:** The purpose of this Right of Way is to construct, reconstruct, modify, add to, repair, replace, inspect, operate and maintain overhead utility facilities which may consist of poles, guys, anchors, wires, transformers and accessories.
2. **Access:** Grantee has the right of pedestrian and vehicular ingress and egress to and from the Right of Way Area over and across Grantor's Land.
3. **Buildings or other Permanent Structures:** No buildings or other permanent structures or improvements may be constructed or placed in the Right of Way Area without Grantee's prior, written consent. Grantor agrees, at its own expense, to remove any improvement that interferes with the safe and reliable operation, maintenance and repair of Grantee's facilities upon the written demand of Grantee. If Grantor fails to comply with such demand, Grantor agrees that Grantee may remove any such improvement and bill Grantor for the cost thereof, which cost Grantor shall pay within thirty (30) days after demand therefor.
4. **Excavation:** Pursuant to 2013 Public Act 174, MISS DIG (1-800-482-7171 or 811 in some areas) must be called before any excavation in the Right of Way Area may proceed.

5. **Trees, Bushes, Branches, Roots, Structures and Fences:** Grantee may trim, cut down, remove or otherwise control any trees, bushes, branches and roots growing or that could grow or fall in the Right of Way Area and remove any structures, improvements, fences, buildings or landscaping in the Right of Way Area that Grantee believes could interfere with the safe and reliable construction, operation, maintenance and repair of Grantee's facilities. Grantee shall not be responsible for any damage to, or removal of, landscaping, trees, plant life, structures, improvements and/or fences located in the Right of Way Area.

6. **Restoration:** If Grantee's agents, employees, contractors, subcontractors, vehicles or equipment damage Grantor's Land while entering Grantor's Land for the purposes stated in this Right of Way, then Grantee will restore Grantor's Land as nearly as is reasonably practicable to the condition in which it existed prior to such damage. Restoration with respect to paved surfaces shall consist of asphalt cold patching of the damaged portion of any asphalted surfaces when the weather conditions suggest such use and the cement patching of the damaged portion of any cemented surfaces. Grantee shall have no liability, however, for the restoration or cost of any improvements located within the Right of Way Area, including, but not limited to, parking islands, gutters, fences or landscaping such as trees, bushes, or flowers (but not a simple lawn which, if damaged, will be patched and re-seeded by Grantee) that are damaged by Grantee in the course of constructing, reconstructing, modifying, adding to, repairing, replacing, operating or maintaining its facilities as described in paragraph 1 above.

7. **Successors:** This Right of Way runs with the land and binds and benefits Grantor's and Grantee's successors and assigns.

8. **Exemptions:** This Right of Way is exempt from transfer tax pursuant to MCL 207.505(a) and MCL 207.526(a).

9. **Governing Law:** This Right of Way shall be governed by the laws of the State of Michigan.

10. **Maintenance:** Grantee agrees to maintain, repair and replace (when necessary) all installations, structures and improvements made by Grantee pursuant to this Right of Way, at Grantee's sole cost and expense; provided, however, Grantor will reimburse Grantee for any such costs for repairs and or maintenance caused by the negligence of Grantor.

11. **Improvement Costs:** Grantee acknowledges and agrees that Grantor shall have no obligation to pay or reimburse Grantee for any costs Grantee may incur in connection with any of its installations, structures or improvements within the Right of Way Area unless Grantor requests any additional service from Grantee after the Effective Date.

Grantor(s): August, LLC

By: [Signature]

Name: DIANE WELLS

Title: MANAGER

Acknowledged before me in Macomb County, Michigan, on April 11, 2017,
by Diane Wells, Its: Manager for August, LLC, a Michigan limited liability company.

Cynthia DelaVega
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF MACOMB
My Commission Expires Feb. 26, 2024
Acting in the County of Macomb

Notary's
Stamp

Acting in Macomb County, Michigan

Notary's
Signature

[Signature]

Drafted by and when recorded, return to: Cassandra Dansby, DTE Electric Company, NW Planning & Design, 37849 Interchange Dr., Farmington Hills, MI 48335





Paul O'Meara <pomeara@bhamgov.org>

DTE easement meeting re: 856.

1 message

Frank R. Simon <FSimon@simonattys.com>

Mon, Apr 10, 2017 at 2:06 PM

To: "pomeara@bhamgov.org" <pomeara@bhamgov.org>

Cc: Jana Ecker <jecker@bhamgov.org>, "jvalentine@bhamgov.org" <jvalentine@bhamgov.org>, Nurah I Dababneh <nurah.dababneh@dteenergy.com>

Paul,**See email response from David Underdown supporting Option #2 and further info below. We have adopted Option #2.****Frank****From:** David Underdown [<mailto:dcunderdown@icloud.com>]**Sent:** Wednesday, March 15, 2017 4:18 PM**To:** Eavan Yaldo <eyaldo@sarokiarchitecture.com>**Subject:** Re: DTE easement meeting

Eavan,

We support option #2. I am happy to repave our customer parking area to match the style of the new surfaces. Aesthetically the additional poles and overhead wires do not bother me nor do I foresee them impeding our ability to operate the dry cleaning business with their presence. I personally feel that the poles and wires blend into the landscape once they are up. Additionally, I think there is great value in each group having complete independence and control of their own project without including Douglas Cleaners in the decision making/planning process. My goal is to run our family business in the same way that it has been operated in this location since 1961. We are supportive and respectful of the large investments and efforts that both groups are undertaking to our neighboring properties. It is disappointing that I will be viewed as a poor and uncooperative neighbor for not surrendering our property use rights in exchange for substantial improvements made to neighboring sites, but hopefully over time we will be viewed as a good neighbor. If there are issues that I need to be made aware in the future, I will always listen and consider them. From a planning standpoint I think it will be most efficient, clear and predictable for you and your teams to operate under the assumption that we will want to use our site in the exact same way it has always been used without changes and we will respect your right to improvement and develop your new sites in the way that you choose. Best wishes for success!

Sincerely,

David C. Underdown

On Mar 14, 2017, at 04:52 PM, Eavan Yaldo <eyaldo@sarokiarchitecture.com> wrote:

Thank you for meeting with us this morning. To recap, we have two (2) different options for the new overhead lines, neither of which will add poles to the Douglas Cleaners property. In both schemes, there will be new overhead lines in a 10' easement along the south property line of the August, LLC parcel. (Both options are attached for your reference.)

Option #1 provides the best appearance for all properties, as it results in one less pole required, with overhead wires that would run parallel to the Douglas Cleaners storefront and attach to the existing pole in front of the building, just south of the N. Old Woodward access drive. It requires a 10' easement from Douglas Cleaners for overhead wires along the NW property line.

Option #2 would not require an easement from Douglas Cleaners, but would result in overhead wires running diagonally across the August, LLC property to a new 45' high pole at the corner of North Old Woodward and Oak. This would be highly visible from the Douglas Cleaners storefront, as the wires would run diagonally across the access drive.

In the spirit of cooperation and being a good neighbor, August, LLC is making substantial improvements to the property and all approaches to both properties. The majority of new poles being added will be on the August, LLC parcel. No new poles are proposed for the Douglas Cleaners property. If you select Option #1 and grant the easement, August, LLC is willing to repave your parking area in front of the store when they pave their property.

Unfortunately, we do not have your father's email address to include him on the email. Can you please provide his email?

Thank you,

Eavan



EAVAN YALDO | ASSOCIATE | LEED AP

P 248 258 5707 | EYaldo@SarokiArchitecture.com

430 N. OLD WOODWARD, BIRMINGHAM, MI 48009

SarokiArchitecture.com



2 attachments



900 N Old Woodward (Option #1).pdf
900K











35980 Woodward (Option #2).pdf
926K



(V) VARIANCE
* THE NORTHERN ADJACENT BUILDING PROVIDES A 12.8 FT REAR YARD SETBACK PER § 3.04(B)

(V) VARIANCE

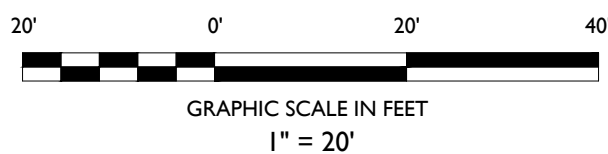
<u>SYMBOL</u>	<u>DESCRIPTION</u>
	PROPERTY LINE
	PROPOSED CURB
	PROPOSED FLUSH CURB
	PROPOSED SIGN
	PROPOSED BUILDING
	PROPOSED CONCRETE
	PROPOSED TRAFFIC FLOW MARKINGS
	PARKING STALL COUNTER

GENERAL NOTES

- THE CONTRACTOR SHALL VERIFY AND FAMILIARIZE THEMSELVES WITH THE EXISTING SITE CONDITIONS AND THE PROPOSED SCOPE OF WORK (INCLUDING ANY CHANGES TO THE PROJECT) PRIOR TO INITIATING THE IMPROVEMENTS IDENTIFIED IN THESE DOCUMENTS. SHOULD ANY DISCREPANCY BE FOUND BETWEEN THE EXISTING SITE CONDITIONS AND THE PROPOSED WORK OF THE PROJECT, THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE OWNER IN WRITING PRIOR TO THE START OF CONSTRUCTION.
- THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF STONEFIELD, ILLINOIS PRIOR TO THE START OF CONSTRUCTION. COPIES OF ALL REQUIRED PERMITS AND APPROVALS SHALL BE KEPT ON SITE AT ALL TIMES DURING THE PROJECT.
- ALL CONTRACTORS WILL TO THE FULLEST EXTENT PERMITTED BY LAW, INDEMNIFY AND HOLD HARMLESS STONEFIELD ENGINEERING & DESIGN, LLC, AND ITS SUBSIDIARIES FROM AND AGAINST ANY AND ALL CLAIMS, DAMAGES, LOSSES, AND EXPENSES, INCLUDING ATTORNEY'S FEES, INCURRED BY STONEFIELD ENGINEERING & DESIGN, LLC, OR ANY OF ITS EMPLOYEES OR CONTRACTORS, ARISING OUT OF OR CLAIMS BY EMPLOYEES OF THE CONTRACTOR IN ADDITION TO CLAIMS CONNECTED TO THE PROJECT AS A RESULT OF NOT PROVIDING THE CONTRACTOR WITH ADEQUATE INFORMATION REGARDING LIABILITY INSURANCE, AND LIMITS OF COMMERCIAL GENERAL LIABILITY INSURANCE.
- THE CONTRACTOR SHALL NOT DEVIATE FROM THE PROPOSED IMPROVEMENTS IDENTIFIED WITHIN THIS PLAN SET UNLESS APPROVAL IS PROVIDED IN WRITING BY STONEFIELD ENGINEERING & DESIGN, LLC.
- THE CONTRACTOR IS RESPONSIBLE TO DETERMINE THE MEANS AND METHODS OF CONSTRUCTION.
- THE CONTRACTOR SHALL NOT PERFORM ANY WORK OR CAUSE DAMAGE TO ANY EXISTING UTILITY OR CONTROL EQUIPMENT BY ANY PERSON OR ENTITY WHO HAS AUTHORIZED THE WORK WITHOUT PRIOR WRITTEN CONSENT FROM THE OWNER OF THE PRIVATE PROPERTY.
- THE CONTRACTOR IS RESPONSIBLE TO RESTORE ANY DAMAGED OR UNDERMINED STRUCTURE OR SITE FEATURE THAT IS IDENTIFIED TO BE DAMAGED OR UNDERMINED BY THE PROJECT, AND TO RESTORE THE FEATURE TO ITS EXISTING CONDITION AT THE CONTRACTOR'S EXPENSE.
- THE CONTRACTOR IS RESPONSIBLE TO PROVIDE THE APPROPRIATE SHOP DRAWINGS, SPECIFICATIONS, AND OTHER REQUIRED SUBMITTALS FOR REVIEW. STONEFIELD ENGINEERING & DESIGN, LLC, WILL REVIEW THE SUBMITTALS IN ACCORDANCE WITH THE DESIGN INTENT AS APPROVED BY THE CITY OF STONEFIELD, ILLINOIS.
- THE CONTRACTOR IS RESPONSIBLE FOR TRAFFIC CONTROL IN ACCORDANCE WITH MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES.
- THE CONTRACTOR IS REQUIRED TO PERFORM ALL WORK IN THE PUBLIC RIGHT-OF-WAY IN ACCORDANCE WITH THE APPROPRIATE GOVERNING AUTHORITY AND SHALL BE RESPONSIBLE FOR THE CLOSURE OF THE STREET.
- THE CONTRACTOR IS REQUIRED TO RETAIN AN OSHA CERTIFIED SAFETY INSPECTOR TO BE PRESENT ON SITE AT ALL TIMES DURING THE PROJECT.
- THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS AND REQUIREMENTS LISTED IN THE NOTES WITHIN THIS PLAN SET.

(V) VARIANCE

(V) VARIANCE



ISSUE	DATE	BY	DESCRIPTION
11	04/03/2017	JAM	REVISED PER CITY ENGINEERING COMMENTS
10	02/22/2017	JAM	REVISED PER CITY ENGINEERING COMMENTS
9	01/23/2017	JAM	ISSUED FOR BID/PERMITS
8	01/04/2017	JAM	UPDATED PER LATEST BUILDING FOOTPRINT
7	08/19/2016	JAM	SUBMISSION FOR ENGINEERING APPROVAL
6	06/24/2016	JAM	REVISION FOR FINAL SITE PLAN APPROVAL
5	04/12/2016	JAM	REVISED PER CITY COMMENTS & ZONING BOARD SUBMISSION
4	03/10/2016	JAM	REVISED PER CITY COMMENTS & ZONING BOARD SUBMISSION
3	02/17/2016	JAM	REVISED PER CITY COMMENTS
2	01/06/2016	JAM	REVISED PER CITY REVIEW LETTER COMMENTS

NOT APPROVED FOR CONSTRUCTION

STONEFIELD

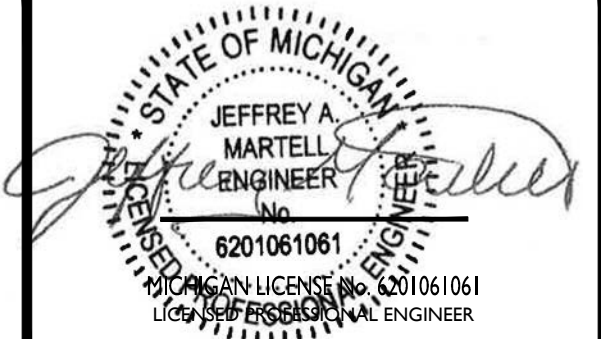
Rutherford, NJ · Farmingdale, NY · Royal Oak, MI
www.stonefieldeng.com
28454 Woodward Avenue Royal Oak, MI 48067
Phone 248.247.1115

CITY OF BIRMINGHAM
OAKLAND COUNTY, MICHIGAN

SITE DEVELOPMENT PLANS

**8556 OLD NORTH WOODWARD
PROPOSED 4 STORY MULTI-FAMILY
BUILDING WITH RETAIL**

PARCEL ID: 19-25-328-001
856 NORTH OLD WOODWARD ROAD
CITY OF BIRMINGHAM
OAKLAND COUNTY, MICHIGAN



STONEFIELD
engineering & design, llc.

SCALE:	1" = 20'	PROJECT ID: M-15120
--------	----------	---------------------

TITLE:

**FIRST FLOOR
SITE PLAN**

DRAWING:

C-3





Joe Valentine <jvalentine@bhamgov.org>

Public Property Enhancements

Joe Valentine <jvalentine@bhamgov.org>

Wed, Jun 28, 2017 at 12:11 PM

To: dsdettling@comcast.net

Cc: Lauren Wood <lwood@bhamgov.org>

Drew,

Thank you again for the time you and your wife kindly made this morning to review the latest plan for providing power to 859 N. Old Woodward. I have requested additional information from DTE based on our meeting and hope to have a reply soon.

In follow up to our conversation about addressing the areas of concern you expressed today with this line relocation, this is to confirm the actions the City is willing to take should this power line be relocated across the river.

- The City will commit to planting additional trees on this property to help buffer the view of these new poles. You will be able to make the selection of these new trees based off a City approved list of trees and determine the location of these trees.
- The City will commit to removing the tall dead tree on the west side of the property and another dead tree closer to your property.
- The City will assist with the removal and replacement of landscape rocks along your driveway to prevent any damage during the proposed work.
- The City will assist with the restoration of the wildflower area on City property north of your driveway following the proposed work.

Despite whether the relocation occurs or not, the City will remove the metal manhole and concrete at the north end of the property.

Should you have any additional questions or concerns, please feel free in contacting me.

Best Regards,

--

Joseph A. Valentine

City Manager

City of Birmingham

151 Martin Street

Birmingham, MI 48009

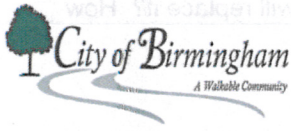
(248) 530-1809 Office Direct

(248) 530-1109 Fax

jvalentine@bhamgov.org

Twitter: @JoeValentine151

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Joe Valentine <jvalentine@bhamgov.org>

FW: DTE Electric Easement

Joe Valentine <jvalentine@bhamgov.org>

Fri, Jun 30, 2017 at 1:42 PM

To: Drew Dettling <dsdettling@comcast.net>

Cc: Joseph D Jacunski <joseph.jacunski@dteenergy.com>, Lauren Wood <Lwood@bhamgov.org>

Drew,

I can speak to the questions that are applicable to the City and ask DTE to provide responses to the remaining questions concerning their plans for relocation and tree work.

Tree Removal and New Poles

#5 - My understanding is DTE will only address items within their proposed easement area. The pile of concrete and sewer/manhole cover will be removed by the City and this work is planned to begin on Monday by City work crews. This is apparently remnants from a County drain project to install the access vault. The downed trees can be removed when the dead trees are taken down as the proper equipment will be on site at that time.

General

#2 - The trees currently marked with pink dot are representative of the trees identified on the sheet I provided marked as "original" as this was the original plan prior to the City's request to move the poles closer to the river. The "revised" plan document is the updated version and identifies the trees to be kept and others to be removed. I am happy to have our crews meet with you on site and request a representative from DTE to be on site to clarify the trees identified in the revised plan and also finalize the plan for the placement of new trees in this area. Do you happen to have some dates that work for you that I can use to organize this meeting?

Regards,
Joe Valentine

On Thu, Jun 29, 2017 at 6:21 PM, Drew Dettling <dsdettling@comcast.net> wrote:

Joe/Joe

Thanks for the quick response on my questions regarding this project. After reviewing the Tree Survey and Map of Overhead Electric Line Relocation documents I have a few more questions I hope you can address:

Tree Removal and New Poles

1. For the trees to be removed, how low to the ground will they be cut? Will the stumps be ground? If not, how tall will the stumps be?
2. Are only the indicated 'tagged' trees to be removed? There are many trees in the area without tags. Can I assume they will remain?
3. How tall are the poles? How high in the air will the high voltage wire be?
4. How high off the ground will the transformers be? How many transformers and on which poles? There are currently 5 transformers on the three poles across the river.
5. How much of the existing debris (broken concrete, abandoned sewer/manhole covers, downed trees, etc) will be removed in order to complete the project

Map of Overhead Electric Line Relocation

1. There are currently 5 poles in Lot 6, south of the 3 poles directly behind the commercial buildings that created the need for this project. The northern-most of these 5 poles is positioned at the northern end of Lot 6. This pole is the source of the electric and cable lines for my house. This pole also has a city streetlight attached. This pole is proposed to be replaced and the replacement pole is where the high voltage lines will cross the river, connecting to the first pole on the east side of the river. Am I reading the Overhead Electric Line Relocation Map correctly?

2. Further south in Lot 6, the Map indicates the 'existing overhead electric to be removed'. What will replace it? How will the northern-most pole in Lot 6 be fed?

General

1. At some point we should discuss moving my electric and cable service to the first new pole on the east side of the river, allowing for the removal of the existing distribution pole.
2. We should meet onsite before tree removal begins to make sure we are on the same page regarding the trees to be removed. At this point, some trees to be removed do not have a 'pink dot' on the tag, and other trees that are not being removed do have a pink dot on the tag.

Thanks in advance for your response.

Drew Dettling

On Jun 28, 2017, at 5:33 PM, Joe Valentine <jvalentine@bhamgov.org> wrote:

Joe,

Thank you for your prompt response to my email of this morning.

Regards,
Joe

On Wed, Jun 28, 2017 at 1:36 PM, Joseph D Jacunski <joseph.jacunski@dteenergy.com> wrote:

Joe,

I was talking with Frank Simon and he seemed to believe that you were still missing a copy of the easement requests so I wanted to forward it to you in case you had not received it.

Is there a possibility of leaving the transformers on the west side of the river and relocating them closer to the ground?

This is technically feasible but to accomplish this would require installing primary lines across the river and heavy guys in the opposite direction. This will significantly increase the total line clearance required and the combination of the buck poles and guys would look much more crowded than the proposed design.

If they have to come across the river, can they be lowered to try and keep them off the tops of the poles? Perhaps a pad mounted transformer?

We would not be able place pad mount units and the transformers need to be at a certain height to maintain clearance from the secondary, which itself has to be a minimum clearance from the ground. The proposed lead is currently at the minimum height to meet standards.

If they have to come across the river and have to stay at the tops of the poles, can they be moved to other poles further north?

If we move them in the lead we would need to install secondary poles in the existing proposed locations, to bring the secondary straight across and we would not be able to move them a significant distance without creating a voltage issue for the customer along old Woodward. I don't think that can be done in a way that would make them invisible to the customers along Brookside.

If they have to come across the river and have to stay at the tops of the poles and can not be moved to poles further north, is there a minimal size transformer that can be used to replace what is currently on the poles?

The newer transformers are slightly smaller in configuration than the older units, but the proposed units would be similar to in size, they already the minimum size to serve the buildings on Old Woodward for their current use.

I appreciate any clarification you or your team can provide in addressing these questions.

Regards,

Thanks,

Joe Jacunski

248.427.2924

--

Joseph A. Valentine

City Manager

City of Birmingham

151 Martin Street

Birmingham, MI 48009

(248) 530-1809 Office Direct

(248) 530-1109 Fax

jvalentine@bhamgov.org

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--

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Joe Valentine <jvalentine@bhamgov.org>

FW: DTE Electric Easement

Joseph D Jacunski <joseph.jacunski@dteenergy.com>

Fri, Jun 30, 2017 at 3:00 PM

To: Drew Dettling <dsettling@comcast.net>, Joe Valentine <jvalentine@bhamgov.org>

Drew,

I have include our responses below in the [blue text](#) in your original email.

Thanks,

Joe Jacunski

Manager – Regional Engineering & Planning

DTE Electric

[248.427.2924](tel:248.427.2924)

From: Drew Dettling [mailto:dsettling@comcast.net]
Sent: Thursday, June 29, 2017 6:21 PM
To: Joe Valentine <jvalentine@bhamgov.org>
Cc: Joseph D Jacunski <joseph.jacunski@dteenergy.com>
Subject: Re: DTE Electric Easement

Joe/Joe

Thanks for the quick response on my questions regarding this project. After reviewing the Tree Survey and Map of Overhead Electric Line Relocation documents I have a few more questions I hope you can address:

Tree Removal and New Poles

1. For the trees to be removed, how low to the ground will they be cut? Will the stumps be ground? If not, how tall will the stumps be?

When we remove trees, the stumps are left and cut a few inches from the ground.

2. Are only the indicated 'tagged' trees to be removed? There are many trees in the area without tags. Can I assume they will remain?

As Joe mention the tags are based on the original route, and will be need to be modified once this is approved as the final route.

3. How tall are the poles? How high in the air will the high voltage wire be?

The poles in City property will be 45' poles placed approximately 6.5' into the ground putting the pole top at ~38.5, and the 4.8kV lines at 38', 6" from the top of the pole.

4. How high off the ground will the transformers be? How many transformers and on which poles? There are currently 5 transformers on the three poles across the river.

The transformers are typically mounted such that they are 25-30' above the ground. Five transformers will be install two on the pole nearest Brookside and three on the pole nearest north end of the property.

5. How much of the existing debris (broken concrete, abandoned sewer/manhole covers, downed trees, etc) will be removed in order to complete the project

Addressed by the City

Map of Overhead Electric Line Relocation

1. There are currently 5 poles in Lot 6, south of the 3 poles directly behind the commercial buildings that created the need for this project. The northern-most of these 5 poles is positioned at the northern end of Lot 6. This pole is the source of the electric and cable lines for my house. This pole also has a city streetlight attached. This pole is proposed to be replaced and the replacement pole is where the high voltage lines will cross the river, connecting to the first pole on the east side of the river. Am I reading the Overhead Electric Line Relocation Map correctly?

I am not sure which sketch you are referencing but the pole at the north end of lot 6 will be modified to accommodate the angle on the new lead and does not need to be replaced to accomplish this based on the initial ground observation, it could be replaced in its current location if the crews determine there are any issues with the pole top during the modification.

2. Further south in Lot 6, the Map indicates the 'existing overhead electric to be removed'. What will replace it? How will the northern-most pole in Lot 6 be fed?

Again not sure of the sketched referenced but the lines in lot 6 will remain and it is only the overhead lines directly behind the commercial buildings that are being remove and replaced by the new lines across the river.

General

1. At some point we should discuss moving my electric and cable service to the first new pole on the east side of the river, allowing for the removal of the existing distribution pole.

The replacement of the electrical service will be done as part of the removal process, the service planner will evaluate whether we need to run a new service directly to the meter location or if we can intercept the existing service somewhere along the existing underground path. If we need to run a new service all way to the meter the service planner will coordinate this with you.

2. We should meet onsite before tree removal begins to make sure we are on the same page regarding the trees to be removed. At this point, some trees to be removed do not have a 'pink dot' on the tag, and other trees that are not being removed do have a pink dot on the tag.

The tree markings need to be corrected based on proposed adjustment to the route made by the city.

Thanks in advance for your response.

Drew Dettling

On Jun 28, 2017, at 5:33 PM, Joe Valentine <jvalentine@bhamgov.org> wrote:

Joe,

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Regards,

Joe

On Wed, Jun 28, 2017 at 1:36 PM, Joseph D Jacunski <joseph.jacunski@dteenergy.com> wrote:

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Is there a possibility of leaving the transformers on the west side of the river and relocating them closer to the ground?

This is technically feasible but to accomplish this would require installing primary lines across the river and heavy guys in the opposite direction. This will significantly increase the total line clearance required and the combination of the buck poles and guys would look much more crowded than the proposed design.

If they have to come across the river, can they be lowered to try and keep them off the tops of the poles? Perhaps a pad mounted transformer?

We would not be able place pad mount units and the transformers need to be at a certain height to maintain clearance from the secondary, which itself has to be a minimum clearance from the ground. The proposed lead is currently at the minimum height to meet standards.

If they have to come across the river and have to stay at the tops of the poles, can they be moved to other poles further north?

If we move them in the lead we would need to install secondary poles in the existing proposed locations, to bring the secondary straight across and we would not be able to move them a significant distance without creating a voltage issue for the customer along old Woodward. I don't think that can be done in a way that would make them invisible to the customers along Brookside.

If they have to come across the river and have to stay at the tops of the poles and can not be moved to poles further north, is there a minimal size transformer that can be used to replace what is currently on the poles?

The newer transformers are slightly smaller in configuration than the older units, but the proposed units would be similar in size, they already the minimum size to serve the buildings on Old Woodward for their current use.

I appreciate any clarification you or your team can provide in addressing these questions.

Regards,

Thanks,

Joe Jacunski

248.427.2924

--

Joseph A. Valentine

City Manager

City of Birmingham

151 Martin Street

Birmingham, MI 48009

(248) 530-1809 Office Direct

(248) 530-1109 Fax

jvalentine@bhamgov.org

Twitter: @JoeValentine151

To get the latest information regarding the City of Birmingham, please sign up for our communication tools by clicking here www.bit.ly/bhamnews.

To: Mayor Nickita and Birmingham City Commissioners
Cc: Joe Valentine
From: Drew Dettling
Date: July 5, 2017

Subject: DTE Electric Easement for Service to 856 N. Old Woodward

My name is Drew Dettling and I live at 740 Brookside Avenue in Birmingham. My home is south of, and directly adjacent to, the City owned parkland at the end of Brookside Avenue. I am writing to express my opposition to the granting of an easement in the parkland to DTE for the purpose of providing electric service to the proposed development at 856 N. Old Woodward. Prior commitments require me to be out of town on July 10. Otherwise, I would be in attendance at the City Commission meeting that evening to voice my opposition. I would encourage you to make a visit to the site and see firsthand what is being proposed and the impact it would have.

The approved Community Impact Study (CIS) for 856 N. Old Woodward stated 'electric lines will be buried underground' and 'all utility locations have been shown within the Site Development plans and will be underground'. Now, DTE is requesting to install 3 new utility poles and relocate 5 transformers onto City owned parkland in order to provide electric service to the site. This hardly seems to be in the spirit of the CIS.

Additionally, the CIS stated 'No natural features will be adversely impacted. It is [the] intent to enhance the remaining site features. The existing slope/hill to the river that is not impacted by the foot print of the building will be maintained and a landscaped area for residence is proposed to be developed' and 'The Proposed project will not destroy any existing wild life or habitat'. In order to install the poles and transformers on the City owned parkland, DTE will need to remove 14 trees from alongside the banks of the Rouge River. These trees range in size from 6" to 15" in diameter and 30' to 60' in height. The virtual 'clear cutting' of a path 50 yards long and 10 yards wide alongside the river again hardly seems to be in the spirit or letter of the CIS.

DTE states they cannot provide electric service to 856 N. Old Woodward by extending the existing utility lines running along the backside of the commercial buildings on the east side of N. Old Woodward. They say the easements are not wide enough to get equipment in to maintain the lines and tree trimming/line clearance is too difficult. DTE has the obligation to maintain these lines, poles and transformers. How have they been meeting this obligation and if this proposal is rejected, how will they meet it going forward?

There are multiple ways to provide electric service to the site at 856 N. Old Woodward. The use of public land just happens to be cheapest alternative to the developer. All other alternatives involve providing underground service to the site.

I understand the benefit of the proposed easement to DTE and the developer of 856 N. Old Woodward. I do not see the benefit to residence of Birmingham.

If the easement is approved, I will have the pleasure of being at eye-level with and staring at utility poles, transformers and high voltage cable from my living room and outdoor terrace. The nearest pole will be virtually in my front yard. During the summer, foliage from the trees will do a decent job of masking the poles, wires, etc., but when the leaves fall, there will be no masking what is in the park.

If a developer wanted to site 3 poles and 5 transformers in the middle of Booth Park or Linden Park in order to reduce the cost of their development project, would the City acquiesce without a fight? Why should this case be any different?

There is no precedent in Birmingham for the use of public land to support a private development project at this scale. If approved, I fear what the next proposal for use of public land for private benefit will request.

I also fear DTE may not stop at removing 14 trees. What is to prevent them from removing additional trees in the future because overhanging limbs present a threat to the overhead lines?

Finally, why was there no notice of this proposed easement to the affected residents and businesses? This project is significant enough that my neighbors should have been notified and had the opportunity to weigh in with their opinions.

What this boils down to is what are the City's parks and greenlands worth? Are we willing to clear cut 50 yards of public river front property in order to provide a benefit to a private developer, for nothing in return? I would request the Commission reject the proposed easement.

Hello Mr. Valentine. Could you please add this to the package for the City Commissioners regarding the 856 N. Old Woodward easement request, please?

Reed Benet <reedmbenet@gmail.com>
To: Joe Valentine <jvalentine@bhamgov.org>
Cc: dsdettling@comcast.net

Wed, Jul 5, 2017 at 7:29 PM

Let's try this again without the typos... ;-)

--

Reed M. Benet
Founder/CEO
zeroto6t, inc. DBA herohomes.com
reedmbenet@gmail.com
Cell: 415-342-3634

Never take no cut offs, and hurry along as fast as you can -- Patty Reed



On Jul 5, 2017, at 7:24 PM, Reed Benet <reedmbenet@gmail.com> wrote:

Dear City Commissioners:

I am supportive of Mr. Drew Dettling of 740 Brookside's request to deny the DTE related easement request to bring utilities in a highly disruptive manner to 856 N. Old Woodward.

First of all, Mr. Dettling would be most and permanently inconvenienced by the request, which would put utility poles in the presently untouched wooded area next to his property.

Second, as per Mr. Dettling, the poles, felling of trees, and long-term access plans would be directly in conflict with the approved Community Impact Study (CIS), which calls for undergrounding.

Third, I and my neighbors are fully aware of this property, in that this was the beautiful host location of the neighborhood euchre club. And while one side of his property, like for many of us, borders on Woodward, the side proposed to be significantly disturbed is beautifully wooded.

Fourth, I was pretty aware of the numerous challenges of the 856 N. Old Woodward site when the Birmingham Chai Center was considering it for its use and mixed-use development. Granting an easement to this newest effort would be unfair to those who have tried before. And it is my understanding that the issue isn't can the utilities be brought to the site but rather what the cost of that might be. No offense to developers attempting to take a long-time hole in our community and make something of it, but these developers need to be creative just like the rest of us tried to be, and not take any short cuts.

Fifth, this is public land, and as Mr. Dettling says, what is the quid pro quo for granting any easement?

And sixth, and most personally, this seems like a northward assault on the Little San Francisco District after, as I saw it, the Planning Commission kept trying to get the City Council to approve up to sixteen apartments on the Oakland Avenue property. The nonsense-ical rationale we kept hearing was that such commercial use would somehow protect the residential character of the neighborhood. I hope that you'll look with skepticism on any type of easement request that similarly promises to detriment our neighborhood.

So, with all this said, I respectfully ask you to deny this easement request. If the developer is willing to underground the utilities and replace the lost trees and somehow improve something not insignificant for the public, I'd welcome you to use your authority to consider such.

BTW, I am a resident at 271 Euclid Avenue in the beautiful and neighborly Little San Francisco District.

Thank you for your attention to this matter and your wise service to our community.

--

Reed M. Benet
Founder/CEO
zero6to, inc. DBA herohomes.com
reedmbenet@gmail.com
Cell: 415-342-3634

Goethe (1892): "Von hier und heute geht eine neue Epoche der Weltgeschichte aus und ihr koennt sagen, ihr seid dabei gewesen."





MEMORANDUM

Planning Division
Engineering Department

DATE: June 30, 2017

TO: Joseph A. Valentine, City Manager

FROM: Jana Ecker, Planning Director
Paul O'Meara, City Engineer

SUBJECT: Design & Cost Considerations for 2018 Old Woodward Ave.
Construction Project

Earlier this year, the Engineering Department solicited bids for the proposed reconstruction of Old Woodward Ave. between Willits St. and Brown St. in Downtown Birmingham. Based on cost considerations, the City requested bidders to provide bids for numerous material options, which resulted in a complex, detailed bidding package. While this may have limited the number of responding bidders, the detailed line items allow for the City Commission to select options for the design elements to fit the desired budget.

Below are the various design element options for the Old Woodward reconstruction project as bid earlier this year. The City Commission may wish to select the preferred options under each category based on design and cost considerations. This will allow for a simpler bid package when this is rebid, and may attract a greater number of bidders, and more competitive pricing.

Street Light Design Options

Planning consultant MKSK recommended introducing a new street light standard for the Old Woodward Ave. corridor, in an effort to help make this the City's signature street. Selux brand lights were recommended, which use a design theme similar to the median lights installed on Old Woodward Ave. north of Willits St., only smaller.

The following two options are offered:

Design Element	Specifications	Cost	Notes
Option 1 Current Standard Streetlights	Hadco	\$323,400 Monthly charge for each light pole regardless of amount of electricity used.	
Option 2 New Modern Streetlights on Old Woodward, Current Standard Streetlights on Maple	Selux	\$425,600 Monthly charge for each light pole regardless of amount of electricity used.	<ul style="list-style-type: none">Need to stock multiple types of fixtures at DPS

Budget Amount: \$450,000 (fiscal year 2018-19).

The prices above include six overhead lights at intersectionjns, and the installation of electrical outlets in the posts of all lights, allowing the City to light trees throughout the downtown as is done currently, but removing the current reliance on the adjacent buildings for electricity.

Electrical System Options

During the planning phase of the Old Woodward Ave. project, it was noted that some in the community are disappointed that when using DTE Energy light poles for the source of electricity with the holiday lighting program, the lights turn off during the day. In order to provide power to light the trees during the day, the City would have to install a City owned and maintained electrical system in the Old Woodward Ave. corridor. Thus, the following three electrical options are offered:

Design Element	Specifications	Cost	Notes
Separate Electrical System	<ul style="list-style-type: none">• Ground mounted outlets at base of every street tree• 8 charging stations for the public• Intersection lighting mounted on existing signal poles	\$232,500, individually metered, electricity charged based on metered use	<ul style="list-style-type: none">• 8 charging stations adjacent to benches for use by the public• Trees can be lit both day and night if desired• 6 intersection lights mounted on signal poles• City responsible for maintaining intersection lights• 2 new control boxes required in landscape beds

Budgeted Amount: \$0

If the City elects to install the electrical system, the following credits will be received from DTE due to elimination of the electrical outlets in the poles, as well as the separate six street lights at intersections, depending on which street lighting system is selected:

Design Element	Specifications	Credit	Notes
Option 1A Hadco lighting with outlets on posts, no separate electrical system	<ul style="list-style-type: none"> • Outlets on each streetlight • Separate intersection lighting 	\$18,000 credit	<ul style="list-style-type: none"> • No charging stations provided • Trees can be lit only after dark • 6 intersection lights must be mounted on separate poles (not on signal poles to reduce clutter)
Option 1B Selux lighting with outlets on posts, no separate electrical system	<ul style="list-style-type: none"> • Outlets on each streetlight • Separate intersection lighting 	\$12,600 credit	<ul style="list-style-type: none"> • No charging stations provided • Trees can be lit only after dark • 6 intersection lights must be mounted on separate poles (not on signal poles to reduce clutter)

Streetscape Paving Options

As suggested by MKSK, the bidding package included three different options for paving both the streets and sidewalks, as noted below:

Design Element	Specifications	Pavement Cost	Ancillary Costs¹	Total Costs	Notes
Option A1 City Standard Streetscape & Streetlights	<ul style="list-style-type: none"> • Broom finish sidewalks with exposed aggregate along street • Concrete streets • Enhanced tree wells with exposed aggregate curbs 	\$1,998,000	\$2,438,840	\$4,436,840	118 days for construction
Option A2 Enhanced sidewalk, tree wells and curb treatments, City Standard streets & Streetlights	<ul style="list-style-type: none"> • Buff washed sidewalks with • Concrete streets • Enhanced tree wells with buff washed concrete curbs 	\$2,311,700	\$2,459,106	\$4,770,806	130 days for construction
Option B Enhanced sidewalk, streets, tree wells, intersections, crosswalks & curb treatments, new Selux streetlights	<ul style="list-style-type: none"> • Buff washed sidewalks • Brick pavers at intersections & crosswalks • Granite curbed tree wells • Concrete streets with brick paver left turn lanes & parking areas 	\$4,009,700	\$2,511,613	\$6,521,313	155 days for construction

Budgeted Amount: \$4,436,840 (previously adjusted to meet the projected Option 1A costs)

MKSK has prepared computer enhanced photo images of the Pierce & Martin intersection to illustrate each of the three streetscape options noted in the above chart.

¹ Ancillary costs represent non-pavement costs charged to the street and sidewalk funds such as traffic signals, landscaping, irrigation, fiber conduit, inspection, etc.

Other Pertinent Information

The Water & Sewer Fund costs, based on the bid received, are as follows:

Water Fund	\$ 823,070
Sewer Fund	\$1,599,610

Sufficient fund balances are available in the current fiscal year to handle these costs.

Other unique features introduced in this project is the installation of fiber conduit throughout the project area, and the installation of enhanced bus shelters. The installation of telecommunication fiber conduit throughout the project area will allow for future utility installations and maintenance without the need to cut up the new City sidewalks and streets. The installation of fiber conduit is recommended to protect the City's investment in the streetscape, at a cost of approximately \$332,000. Funds for this work were not budgeted, and would need to be transferred from the General Fund. (This number is included as an ancillary cost in the table above). Finally, the installation of two new bus shelters are proposed within the project area, however the costs for these are covered by outside funding sources through SMART.

At this time, staff seeks direction from the City Commission relative to the design direction of this project. By doing so, staff will be enabled to prepare a revised set of bidding documents that can be bid again this fall. Simplified plans will translate to a simpler cost proposal for bidders. That, coupled with an earlier bid date, will hopefully make the project more attractive to the bidding community. A suggested resolution follows:

SUGGESTED RESOLUTION:

To direct staff to revise the bidding documents for the Old Woodward Ave. Reconstruction Project, prepared for 2018 construction, with the following directives:

1. Installation of Hadco standard Birmingham street lights.
Or
Installation of Selux brand street lights for the Old Woodward Ave. corridor, with Hadco lights on Maple Rd.
2. Inclusion of a separate electrical system.
Or
Remove the separate electrical system from the plans.
3. Installation of the City's standard streetscape and concrete street design throughout the project, known as Option A1.
Or
Installation of the MKSK enhanced buff washed concrete streetscape and concrete street design on Old Woodward Ave., known as Option A2.
Or
Installation of the MKSK brick paver and granite curb enhanced streetscape and street design on Old Woodward Ave., known as Option B.

Option A1



Option A2



Option B





May 24, 2017

City of Birmingham
Attn: Paul O'Meara
151 Martin St, PO Box 3001
Birmingham, MI 48012

Re: Proposal for DTE Street Lighting along S Old Woodward Ave between Willits & Brown

We have prepared a cost estimate to meet DTE's standard specifications and to meet your requested requirements.

The annual costs are based on the MPSC approved Option 1 Municipal Street Light Rate, where DTE Energy installs, owns and maintains the lighting system. The rate requires that a portion of the construction cost be paid by the customer, which is determined by the following formula.

A proposal and scope of work are defined for each of the following:

Option A - Scope of Work:

Remove 68 existing ornamental street lights along S Old Woodward Ave & E Maple Rd. Install 50 new 86 watt Philips Hadco downtown type posts & fixtures along S Old Woodward Ave & E Maple Rd. Posts and fixtures to be Birmingham green in color. Cost includes 2 spare complete pole assemblies & 2 spare fixtures. I have included prices with & without GFI receptacles.

	<u>With GFI's</u>	<u>Without GFI's</u>
Annual Operating Cost	\$15,384.00	\$15,384.00
Cost to construct	\$354,587.46	\$351,675.46
Minus 3 yrs revenue	(\$46,152.00)	(\$46,152.00)
Contribution from Birmingham	\$308,435.46	\$305,523.46

Option B - Scope of Work:

Remove 68 existing ornamental street lights along S Old Woodward Ave & E Maple Rd. Install 39 new 55 watt Selux Ritorno type posts & fixtures along S Old Woodward Ave. Selux posts and fixtures to be black in color. Cost includes 2 spare complete pole assemblies & 2 spare fixtures. Also install 11 new 86 watt Philips Hadco downtown type posts & fixtures along E Maple Rd. Philips Hadco posts and fixtures to be Birmingham green in color. Cost includes 1 spare complete pole assembly & 1 spare fixture. I have included prices with & without GFI receptacles.

	<u>With GFI's</u>	<u>Without GFI's</u>
Annual Operating Cost	\$15,052.89	\$15,052.89
Cost to construct	\$461,082.66	\$458,114.66
Minus 3 yrs revenue	(\$45,158.67)	(\$45,158.67)
Contribution from Birmingham	\$415,923.99	\$412,955.99

6 New Street Lights on 6 New Poles to Replace Street Lights Currently Mounted on ATS Poles:

Install 6 stock black 135 watt Autobahn LED fixtures mounted on 6 stock steel Code 05B davit arm poles with breakaway transformer bases and concrete foundations. I have included prices for black and green post options. If Selux option is selected these posts will remain black to match Selux posts & fixtures along S Old Woodward Ave. If Philips Hadco option is selected these posts will be painted Birmingham green to match posts & fixtures along S Old Woodward Ave.

	<u>Black Color Option</u>	<u>Green Color Option</u>
Annual Operating Cost	\$1,930.62	\$1,930.62
Cost to construct	\$15,432.74	\$20,808.74
Minus 3 yrs revenue	(\$5,791.86)	(\$5,791.86)
Contribution from Birmingham	\$9,640.88	\$15,016.88

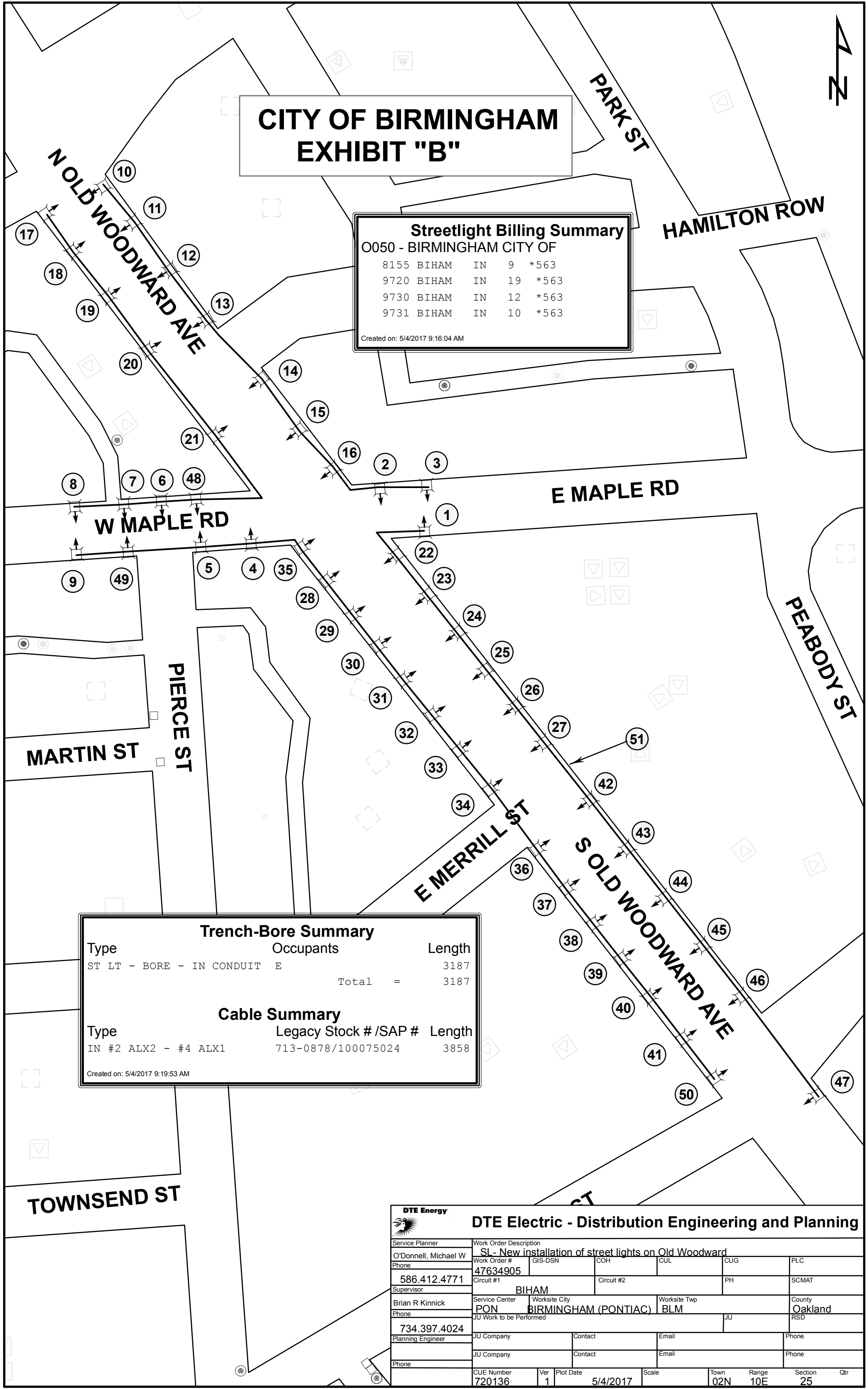
The prices quoted shall be in effect for a period of six months from the date of this letter, after which these costs will no longer be valid. After installation the total cost for any additional modifications, relocation or removal will be the responsibility of the requesting party. Payment for any customer contribution must be made prior to the actual start of construction.

Please contact me for a Street Lighting Purchase Agreement if you would like to proceed with the above project. If you have questions, please contact me at 734-397-4188.

Regards,

Lance Alley

Lance Alley
Account Manager
DTE Energy - Community Lighting

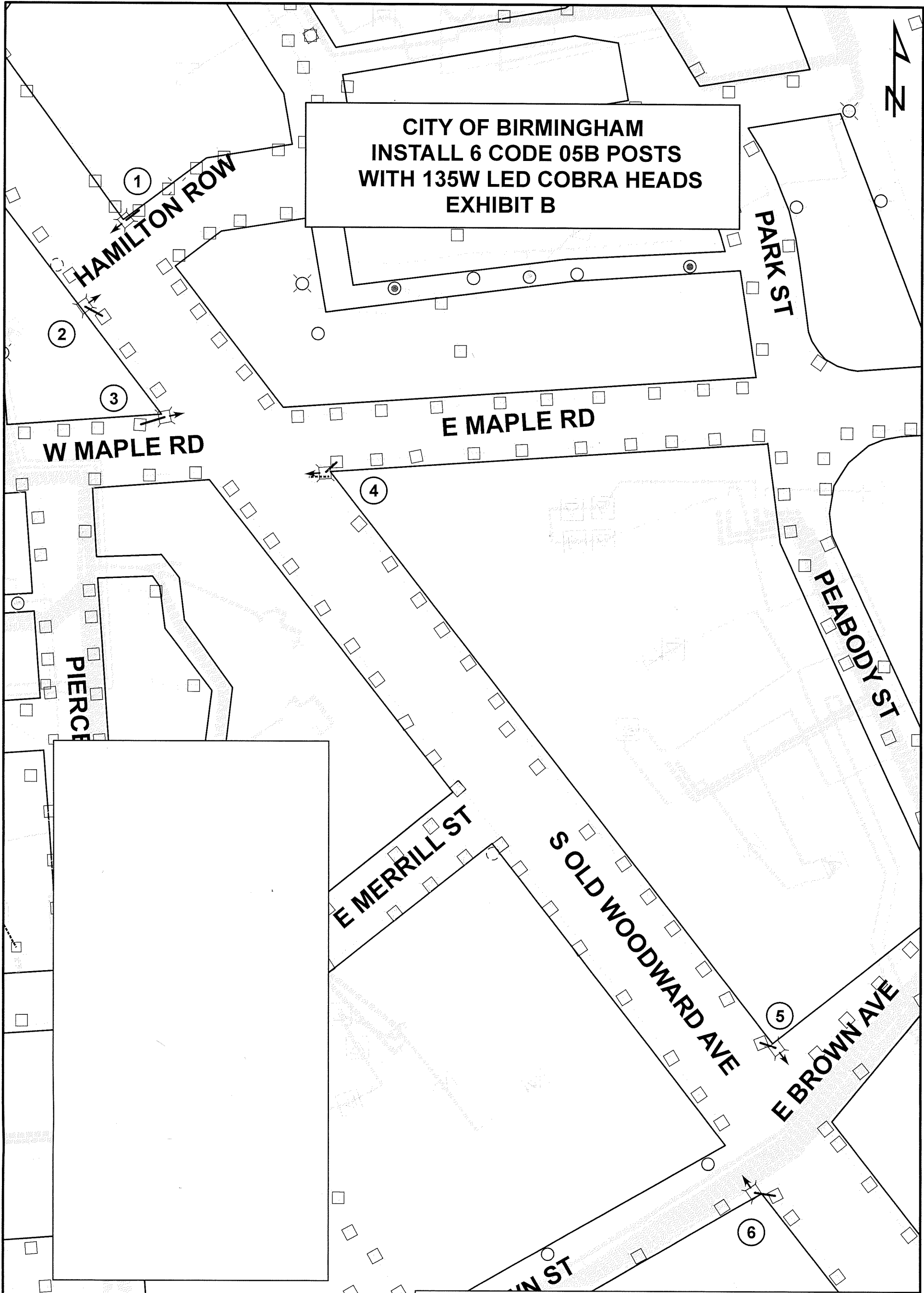


CITY OF BIRMINGHAM
EXHIBIT "B"

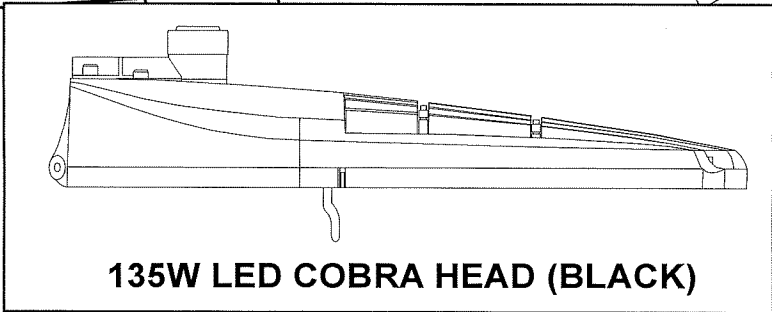
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O050 - BIRMINGHAM CITY OF					
8155 BIHAM	IN	9	*563		
9720 BIHAM	IN	19	*563		
9730 BIHAM	IN	12	*563		
9731 BIHAM	IN	10	*563		
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Trench-Bore Summary		
Type	Occupants	Length
ST LT - BORE - IN CONDUIT	E	3187
Total		= 3187
Cable Summary		
Type	Legacy Stock # /SAP #	Length
IN #2 ALX2 - #4 ALX1	713-0878/100075024	3858
Created on: 5/4/2017 9:19:53 AM		

DTE Energy									
DTE Electric - Distribution Engineering and Planning									
Service Planner		Work Order Description							
O'Donnell, Michael W		SL - New installation of street lights on Old Woodward							
Phone		Work Order #		GIS-DSN		COH		CUL	
586.412.4771		47634905						CUG	
Supervisor		Circuit #1		Circuit #2		PH		SCMAT	
Brian R Kinnick		BIHAM							
Phone		Service Center		Worksite City		Worksite Twp		County	
734.397.4024		PON		BIRMINGHAM (PONTIAC)		BLM		Oakland	
Planning Engineer		JU Work to be Performed		JU		RSD			
		JU Company		Contact		Email		Phone	
		JU Company		Contact		Email		Phone	
Phone									
		CUE Number		Ver		Plot Date		Scale	
		720136		1		5/4/2017		Town Range Section Qtr	
								02N 10E 25	



CITY OF BIRMINGHAM
INSTALL 6 CODE 05B POSTS
WITH 135W LED COBRA HEADS
EXHIBIT B



DTE Energy									
DTE Electric - Distribution Engineering and Planning									
Service Planner		Work Order Description							
O'Donnell, Michael W		SL New installation of 6 code 05B posts in place of the ATS mounted st lts							
Phone		Work Order #	GIS-DSN	COH	CUL	CUG	PLC		
586.412.4771		47656945							
Supervisor		Circuit #1		Circuit #2		PH	SCMAT		
Brian R Kinnick		BIHAM							
Phone		Service Center	Worksite City	Worksite Twp		County			
734.397.4024		PON	BIRMINGHAM (PONTIAC)	BLM		Oakland			
Planning Engineer		JU Work to be Performed		JU		RSD			
		JU Company		Contact	Email	Phone			
		JU Company		Contact	Email	Phone			
Phone				Contact	Email	Phone			
		CUE Number	Ver	Plot Date	Scale	Town	Range	Section	Qtr
		720715	1	5/8/2017		02N	10E	25	

Ritorno® Round Symmetrical LED **selux**



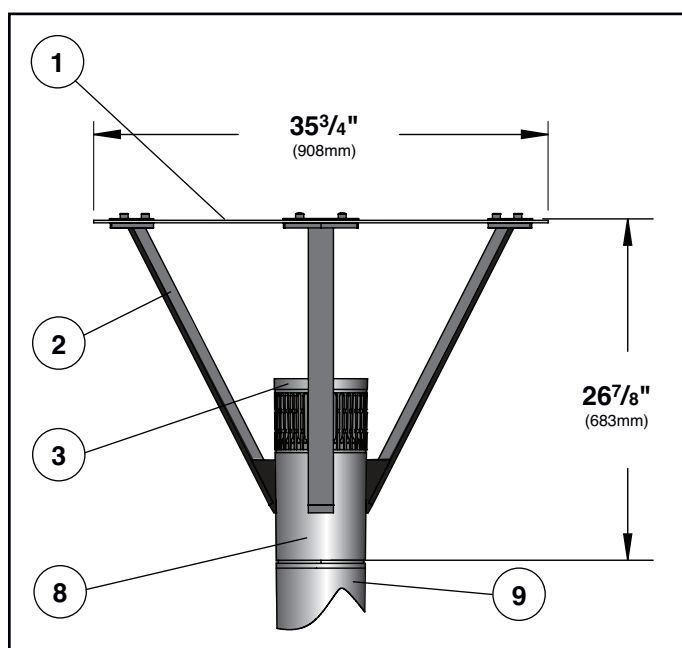
Project: _____

Type: _____ **Qty:** _____

RRSL - - - L55 - - -
 Series Mounting Height Light Engine CCT Finish Voltage
 Options

Series	Mounting	Height	Light Engine	CCT	Finish	Voltage	Options
RRSL Ritorno® Round Symmetrical LED	1 Single W Wall Mount	RP10 10 ft.	L55 55W	3000	WH White	120	REC GFCI Receptacle (pole mount only)
		RP12 12 ft.		3500	BK Black	208	
		RP14 14 ft.		4000	BZ Bronze	277	DM Dimming (0-10V)
		RP16 16 ft.			SV Silver	347¹	HL² Hi-Lo Switching
					SP Specify Premium Color	480¹	MS Motion Sensor with Optional Photocell (meets Title 24 requirements) *See page 2 for order code

¹ With internal stepdown transformer ² Only 120/277



1. Reflective Shade - 26 7/8" x 35 3/4" (683mm x 908mm) minimum 3/16" (4.7mm) thick aluminum reflector shade painted white for maximum reflectivity. Supplied with drip groove around perimeter, to prevent rain marks on underside. Shade attached to fixture arms with low profile stainless steel hardware.

2. Fixture Arms - Three natural, marine grade stainless steel with bead-blasted finish, rigidly attach reflector shade to pole fitter.

3. Housing Cover - Heat-tempered flat glass lens protects LED light engine assembly. Continuous molded silicone gasket creates sealed optic chamber for weather proofing, dust and insect control. Door pivots open from housing chamber for servicing. Three captive stainless steel screws secure lamp cover in position.

4. LED Light Engine - (not shown) High efficacy LED light engine with 60,000 hour+ life until L70. Available with 3000K, 3500K or 4000K CCT and a CRI of 80.

5. Optics - (not shown) Symmetric reflector and tempered flat glass lens focus lumen output on secondary reflector shade. Secondary reflector shade redirects light for even illumination without shadows.

6. LED Driver - (Not shown) High power factor, High efficiency constant current LED driver. 120-277 VAC input. Protection class IP67.

7. Surge Protection - (Not shown) 3-Pole Surge protection device safeguards electrical components from indirect lighting strikes and surges up to (10kA and 10kV).

8. Pole Fitter - Die cast aluminum fitter secures fixture arms and reflective shade to pole. Tapered to continue lines from pole.

9. Pole - Pole to be aluminum and taper from 5" diameter at the bottom to 7" diameter at the top. Pole wall thickness to be minimum 0.156 thick, supplied with a 3" x 5" hand hole, with cast 356 aluminum tempered to a T6 condition reinforced frame, with integral ground lug connection and gasketed flush fitting door.

10. Base Cover - (not shown) Std. two-piece base cover is made from die-cast 356 alloy aluminum which is heat treated to produce a T6 temper, measuring 4 1/2" (115mm) height by 12 1/2" (316mm) diameter.

Exterior Luminaire Finish - Selux utilizes a high quality Polyester Powder Coating. All

Selux luminaires and poles are finished in our Tiger Drylac certified facility and undergo a five stage intensive pretreatment process where product is thoroughly cleaned, phosphated and sealed. Selux powder coated products provide excellent salt and humidity resistance as well as ultra violet resistance for color retention. All products are tested in accordance with test specifications for coatings from ASTM and PCI.

Standard exterior colors are White (WH), Black (BK), Bronze (BZ), and Silver (SV). Selux premium colors (SP) are available, please specify from your Selux color selection guide.

5 Year Limited LED Luminaire Warranty - Selux offers a 5 Year Limited Warranty to the original purchaser that the Ritorno LED luminaire shall be free from defects in material and workmanship for up to five (5) years from date of shipment. This limited warranty covers the fixture, LED driver and LED light engine when installed and operated according to Selux instructions. Fixture suitable for ambient temperatures from -35° C (-31° F) up to 40° C (104° F). For details and exclusions, see "Selux Terms and Condition of Sale."

Listings and Ratings: Tested to IESNA LM-79-08 and LM-80 test standards at 25° C ambient temperature.

Selux Corp. © 2016
 TEL (845) 834-1400
 FAX (845) 834-1401
 www.selux.us
 RRSL-01116-01 (ss-v1.4)

NRTL Listed (i.e. UL, CSA)

Union Made Affiliated
 with IBEW Local 363

IP65

In a continuing effort to offer the best product possible, we reserve the right to change, without notice, specifications or materials that in our opinion will not alter the function of the product. Specification sheets found at www.selux.us are the most recent versions and supercede all other printed or electronic versions.

Photometry

RRSL 55W LED

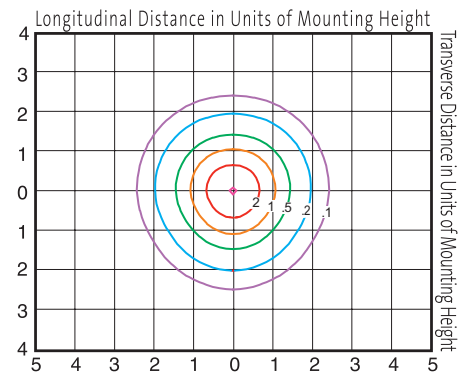
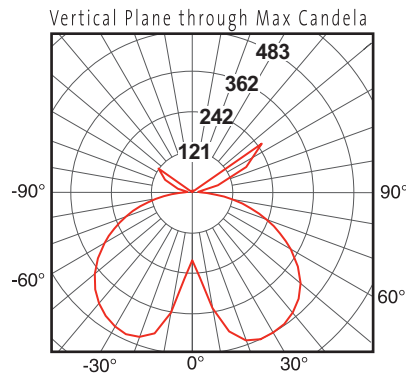
Catalog #RRSL-1-L55-30

Report # S1208173-R1-1

- Maximum candela of 483 at 25° from vertical
- IES classification: Type VS
- 2289 Delivered Lumens
- 42 Lumens per Watt
- Based on 12' mounting height
- BUG Rating B1-U3-G1

DOWNLOAD IES FILE:

http://www.selux.us/fileadmin/us/exterior/ies_file/RRSL_IES.zip



RRSL 55W LED

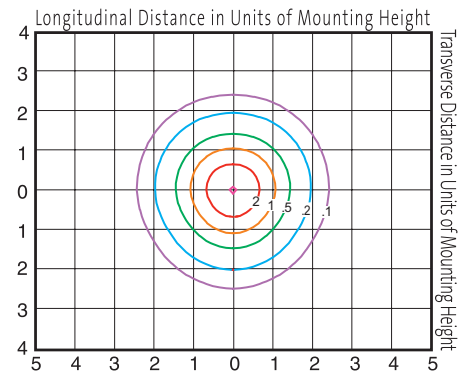
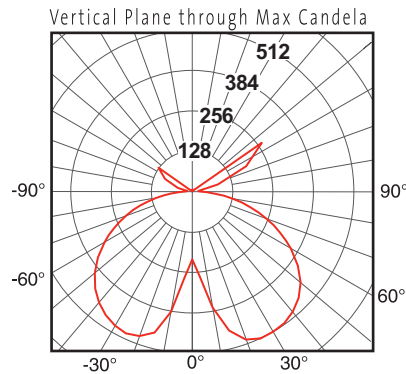
Catalog #RRSL-1-L55-40

Report # S1208173-R1-1

- Maximum candela of 511.65 at 25° from vertical
- IES classification: Type VS
- 2424 Delivered Lumens
- 44 Lumens per Watt
- Based on 12' mounting height
- BUG Rating B1-U3-G1

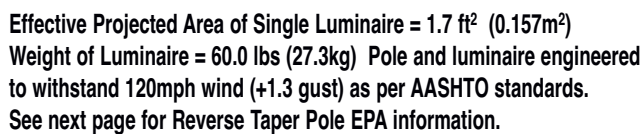
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Single

Wall Mount





MEMORANDUM

Planning Division

DATE: July 3, 2017
TO: Joseph A. Valentine, City Manager
FROM: Jana L. Ecker, Planning Director
SUBJECT: 2017 – 2018 Planning Board Action List

In March of each year the Planning Division prepares an Annual Report to the City Commission outlining the activities of several boards and commissions over the previous year, as well as an action list of identified priority items for the boards for consideration over the coming year. The Planning Board's Action List is included in the Annual Report each year. From this list, the Planning Board and the City Commission have the opportunity to evaluate the Planning Board's goals and objectives, and make any needed amendments based on current priorities.

At the joint meeting of the City Commission and Planning Board held on June 19, 2017, commission and board members discussed several current planning issues, and the urgency with which each should be considered. Please see attached minutes from the joint meeting.

Accordingly, please find attached a revised draft of the Planning Board's 2017-2018 Action List for your review based on the discussion held at the joint meeting.

Suggested Action:

To approve the Planning Board 2017 Action List as recommended.

or

To approve the Planning Board 2017 Action List as amended.

**BIRMINGHAM CITY COMMISSION /
PLANNING BOARD JOINT WORKSHOP SESSION MINUTES
JUNE 19, 2017
DPS FACILITY, 851 SOUTH ETON
8:00 P.M.**

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Mark Nickita called the meeting to order at 8:00 PM.

II. ROLL CALL

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

Scott Clein, Planning Board Chairman
Stuart Jeffares, Member
Bert Koseck, Member
Janelle Whipple-Boyce, Member
J. Bryan Williams, Member

ABSENT: Robin Boyle, Member
Gillian Lazar, Member
Lisa Prasad, Member
Daniel Share, Member

ADMINISTRATION: City Manager Valentine, City Attorney Studt, Deputy Clerk Arft, Building
Planning Director, Ecker, Director Johnson

III. ITEMS FOR DISCUSSION

Mayor Nickita explained that this is a workshop session to discuss and evaluate various planning issues, with the intent to create an Action List for the Planning Board. City Manager Valentine added that more discussion will be needed on each item by the City Commission. The priorities will be determined by the Commission at a future meeting.

A. RENOVATION OF COMMERCIAL PROPERTIES

Planning Director Ecker explained that there are three boards that review building improvements consisting of the Planning Board, the Design Review Board and the Historic District Commission. The Zoning Ordinance establishes the review process for new construction and renovation of existing buildings. However, the Zoning Ordinance is not clear as to the extent an existing building can be renovated before it is deemed new construction, and the ordinance is not clear as to what specific changes trigger site plan review. Site plan reviews go to the Planning Board. If the building is in the historic district, it will also go to the Historic District Commission. If it is a design change only to an existing building, it would go to the Design Review Board. This issue came up particularly with the Audi building because they had not changed the footprint, it went to the Design Review Board. The question is should there be

a clarification made to some of the ordinance language to determine how much of a renovation to an existing building is a renovation, or when it becomes new construction or a new building. She noted that this is not the first time for this issue.

She also suggested clarifying what exactly is a design change vs. a site plan change. In the past, a site plan change has been interpreted as a change in the footprint in the building or square footage, but it is unclear in the ordinance. Would the City like to see the review procedures amended for new construction and/or the renovation of existing buildings, both in terms of which boards review those actions and also whether there needs to be clarification on what constitutes renovation of an existing building, and where the line is drawn between that and new construction. Also, does the Commission wish to see a distinction or clear definition as to what constitutes a site plan change and what constitutes a design change.

Commissioner Sherman suggested it would be wise to have more of a review than what we have now.

Mr. Jeffares asked about dramatic changes in use. Ms. Ecker responded that would require an application for an occupancy permit and any building permits needed. The Building Department would route the plans to the other departments. The Planning Department would look at the use to confirm it is an approved use, and at parking to confirm it met the parking requirements. If there are no exterior changes to the building, it does not need to go to a board for planning review, according to the current ordinances.

Mr. Koseck asked if the Design Review Board look at things such as site issues, pedestrian flow, trash, pickup, access, etc. Ms. Ecker said the DRB focuses more heavily on the design and the signage than the site issues. They do discuss the site issues, but not as much detail as the Planning Board and have input.

Mayor Pro Tem Harris asked for specific examples when the ordinance did not require a site plan review and the project later was thought to have needed to have site plan review. Ms. Ecker said the Audi building was an example of one that had concern expressed as to whether it needed a site plan review as well, but no changes were made to the layout of the site, access, etc. The Wachler building and the McCann building were other examples. A site on Cole Street was required to also go for site plan review, because changes were proposed to the parking lot and dumpster.

Commissioner DeWeese said the difference between design review and site plan review is not understood, and thinks it would be useful to have those defined and explained. He said that is also true of renovation and new construction. He added that site plan review considers internals, layout of other buildings around to see the interconnections between them, while Design Review does not look at as much, and so at a certain scale, it becomes important for site plan review.

Mayor Nickita said this is most evident in downtown overlay where we have specific requirements. The Surnow building is an example where we need the expertise of the Planning Board and the review that deals with specifics for a project of that sort. Maybe during the process, a recognition of the extent is clear, and if it is very minor and not much change, then it can be overlooked because we do not want to create difficulties when they are not there. We do not always know in the beginning of a project how big it might become. He thinks the

Planning Board should have some type of review to be certain the project adheres to the City's guidelines.

Commissioner Bordman expressed concern about what happens when a project turns out to be more involved than originally thought. She is unsure that our ordinance could even address a situation like that without causing problems for the builder.

Ms. Boyce said it becomes more of a planning issue when an extensive renovation matched with a change in use occurs. She would like the Planning Board to have the opportunity to review it to make sure all of the issues are addressed.

Mayor Nickita said there seems to be solid support for reviewing this further and identifying a plan of action to address having a further review than we have done in the past. The intention is not to create another level of regulation, but we have to make sure we have the proper checks and balances.

Mr. Valentine said this issue will be added and brought back to the Commission.

B. COMMERCIAL PROJECTIONS ONTO PUBLIC PROPERTY/ ARCHITECTURAL ALLOWANCES

Ms. Ecker explained that Chapter 98 implies that awnings, balconies, marquees, and canopies are permitted to project over the public right-of-way, but does not clearly state that they are permitted. They are to comply with Chapter 22, which are the Building Code regulations. The question has that arisen is should it be clarified in the Zoning Ordinance which, if any projections are permitted, and to address the height, projection or permitted materials for architectural features projecting into the public right of way.

Mayor Nickita added that the property line is the building face, so anything that projects beyond the building face is technically over City property. When the projections are a bit atypical or if they take on other forms, it becomes more difficult. Ms. Ecker said while we have a review process, we do not have a hard and fast regulation as to how far it can project.

In response to Commissioner Hoff, Ms. Ecker said we could potentially determine a size of how many inches a projection could protrude into the right of way, and if the location on the building would impact how far it could protrude.

Commissioner DeWeese said some of these projections are pleasing to the eye and are pedestrian-friendly, so the key may not be to define exactly how much, but maybe a minimum which would trigger a review standard.

Mr. Koseck said it is worth more study and investigation and development of some criteria or measurement.

Mayor Nickita said this issue is worthy of another layer of review to incorporate clear guidelines.

C. RAIL DISTRICT BOUNDARY REVIEW

Ms. Ecker explained that recently the Rail District boundaries were created and defined by the City Commission. The question has come up whether some other properties on the west side of S. Eton and/or the North Eton Plaza on N. Eton should be added to the district. The district

allows Bistro establishments to be operated on any of the properties with a Special Land Use Permit.

Commissioner Hoff noted that both of the properties mentioned are transitional zones, and are close to residential. She suggested that they could be classified in a transitional zone.

Mr. Koseck noted that the Rail District is not a zoning district, and a transitional zone is a zoning classification. Ms. Ecker agreed, and compared it to an overlay district. The Rail District is a map that is incorporated into the Zoning Ordinance that delineates where the Rail District is. She added that all of the properties in the district do not share the same zoning.

Ms. Boyce commented that this issue does not seem to be a priority.

In response to Mayor Nickita's question, Ms. Ecker said she has not seen any requests or interest from the areas for inclusion in the district. Mayor Nickita added that all commercial or non-residential in the area is in the rail district, except for the two areas.

Mayor Pro Tem Harris asked if there have been any inquiries from the properties to apply for a Bistro license. Ms. Ecker said there have been none.

Commissioner Bordman suggested that the properties could be zoned transitional within the Rail District since there are various zoning classifications within the district. The parcel north of Maple is on Eton, and is in the same position relative to residential that the rest of the Rail District as outlined is in relation to residential. She does not like to see the parcels in question have no identity.

Mr. Williams noted that the Whole Foods area was made part of the Rail District at a later time, which enabled Whole Foods to apply for a Bistro license.

Commissioner Sherman suggested this is a low priority to move forward. It is something that could move forward at a later date if we see there is going to be some type of marketing program or a possibility of developing the properties to conform with the properties in the area.

Mayor Nickita said it is unusual that the two properties are not included, but the consensus is that it can be considered at a lower level. It is something to consider in the future.

D. ECONOMIC DEVELOPMENT LICENSE BOUNDARY REVIEW

Ms. Ecker explained that this issue came up over the past year. The Economic Development License boundary includes mostly properties along the Woodward corridor that the Commission at the time felt were the properties that needed a push forward in order to see some redevelopment occur. The area also now includes Maple Road just to the east of Woodward. The Stand and Triple Nickel have been developed as a result of the district. We have had interest from others who do not fall in the district at this point. She asked if there is interest in changing the boundaries for this district or not. Ms. Ecker added the benefit of being included in the district is the ability to transfer a liquor license from another municipality.

Mr. Jeffares is in favor of looking at this.

Commissioner Hoff said the Economic Development license does not have as many restrictions as the Bistro license, and because of that, she is not in favor of expanding the Economic

Development license boundary. By expanding the area, it would bring it closer to residential, areas she feels would be better suited for a Bistro license.

Commissioner DeWeese feels we need more control of it. Currently, we are seeing Bistros getting out of hand. He agrees with Commissioner Hoff, and suggested there maybe is an intermediate step.

Commissioner Sherman said the City does have control, as a Special Land Use Permit is required. This may be another tool to encourage something that would not otherwise be done.

Commissioner DeWeese clarified that his concern is about size, scale, and appropriateness.

Mayor Pro Tem Harris asked how challenging is it for a business to obtain a liquor license if it is not in an area for a Bistro license or economic development license. Ms. Ecker does not have the specifics on that, but the owner would have to obtain an existing quota license, which are rarely for sale, and are expensive.

City Manager Valentine clarified that the investment triggers the ability to obtain the license, then the applicant must purchase the license.

Commissioner Boutros said he thinks it is worth consideration.

Mayor Nickita suggested that a revision is in need of further review to see if it has merit. There are areas in the Triangle District that could use some incentive for development.

E. BISTRO ALLOWANCES AND RESTRICTIONS

Ms. Ecker said there has been concern expressed over the size of Bistros recently. She explained that a Bistro is defined as a restaurant with 65 seats or less, with no more than 10 of them at a bar, with a full service kitchen, low key entertainment, tables that must line the storefront, and outdoor dining. The biggest issue has been how much is too much outdoor dining. The intent when Bistros was started was to encourage outdoor dining, but it was not apparent at the time how far owners would look for creative opportunities to expand the outdoor dining. She suggested clarifications as to maximums, location, enclosures and the building code issues such as energy code, fire suppression might be needed. Parking needs are also a big concern.

Mayor Nickita added that the original concept for Bistros was just in the downtown area and that has changed. Once the area expanded to the Triangle area and Rail District, it changed the circumstance because of parking and available outdoor space.

Commissioner Bordman suggested considering different rules for different areas. The needs are different. Perhaps part of the study should be whether to have the exact same requirements in each of our districts.

Commissioner DeWeese suggested we need an intermediate level that applies in different situations. He considers this a high priority issue.

Mr. Koseck suggested that we should study the materials used and also the intent.

Commissioner Hoff agreed it is time to review the Bistro ordinance. It has developed differently than what was planned.

Mayor Nickita commented that it is time to review the ordinance.

F. RENTAL PROPERTY CONSIDERATIONS

Building Official Bruce Johnson explained short-term basis rentals. The City does have a rental ordinance for dwellings. The ordinance does not differentiate as to length of rental period. The department has become aware of a handful of homes that are being offered on the internet as vacation homes. There could be a potential issue such as number of different people coming and going in the neighborhood. There are a couple of homes that have not registered as rentals, and his department has communicated the City's requirement. There is a proposed Senate bill that would prohibit local government from regulating these homes. The City could not place any further restrictions on a short-term rental as it would on any other single family home in the district. The City could not prohibit short-term rentals of homes. The ordinance works well for typical rented dwelling units, but the short-term rentals may create unique complaints or concerns from either noise, people coming and going, and we may want to review the City Code to consider any legal restrictions needed.

Mr. Jeffares confirmed with Mr. Johnson that room rentals fall under our current ordinance.

In response to Commissioner Boutros' question, Mr. Johnson said he does not believe a homeowner knowingly tries to skirt the ordinance, and that it is a question of being unaware of the existence of our ordinance.

Mayor Pro Tem Harris commented that this seems to be a new trend, and thinks it would be worthy of some study to get ahead of some issues that might surface.

Commissioner Hoff asked if we would have any control over these type of rentals in light of the proposed Senate bill if passed. Mr. Johnson responded that if it passes, the City would have no control over those rentals.

Commissioner DeWeese is in favor of looking at this when Mr. Johnson has the time to devote to investigation and research.

Mayor Nickita agreed.

G. RETAIL DEFINITION REVISION

Ms. Ecker explained that the issue is the type of uses permitted on the first floor of the Redline Retail District. These are the streets designated on the zoning map with red lines. Primarily the streets are Old Woodward, Maple, Hamilton, sections of Pierce, Willits. In that area, the current ordinance calls for a retail use in the first 20 feet of depth, which comes from the 2016 plan. The plan recommended that retail be in the first floor for the first 20 feet of depth, and it had a definition for retail. The exact language was taken from the 2016 plan and adopted into our ordinance.

What we have to look at now is, was there enough clarity in the type of definition for retail and the associated definitions. Currently, retail is defined in the ordinance but it includes commercial. Commercial is then defined in the ordinance, and it includes personal services. Personal services is not defined. We did not vary from the 2016 plan because the author of the

plan did not recommend we define it so we did not, but things change and over time, we have different uses that have come up that have tried to get into the downtown. They want to be in the downtown and they fall under this definition of personal services because we have not defined it, and they have been able to get in on the first floor spaces. The Commission has directed the Planning Board to come up with the temporary relief mechanism to change the wording of the overlay district, and to add a definition for personal services and to look at specifically taking the quasi-office type use out of being a permitted use in the Redline Retail District downtown. The Board set a public hearing for July 12th to consider the temporary relief measures that the Commission sent to them. The Board has been studying the issue of retail and the use downtown that the Commission sent to them last year; specifically, how do we define it and how has it changed. That was the bigger picture, comprehensive issue. Specifically with regards to the Redline Retail and having a temporary relief valve, that is what they set the public hearing for on July 12th.

In this case, is there interest by the Commission to direct the Board to conduct a study session to review the intent of the Redline Retail District as proposed in the 2016 Plan and evaluate whether the current application of personal services is consistent with what the intent was in the 2016 plan.

The interpretation has been that a personal service is any type of service that a person can walk in and ask and pay for that service and get that service. The business has to be open to the public so a person off the street has to be able to walk in. It is that gray. A firm selling a marketing service or website designs is a quasi-office use. Maybe these types of uses were not envisioned at the time the 2016 plan was written. We are not sure what the intent of the 2016 plan was with regards to those. Businesses have been able to get in under the definition of personal services because they are open to the public and people walk in and buy their services. The argument is that they are offering personal services. Without a definition, it is difficult to clarify and draw the line as to what constitutes personal services and what doesn't.

So the definition of personal services that is up for consideration right now was arrived at by looking at other jurisdictions and what they defined as personal services. The most common use was that personal services dealt with the care of a person or their clothing, such as tailors, salons, facials, tanning places, shoe repair, anything dealing with the person or their clothing. If that definition was adopted that would very clearly specify that only those types of personal services would fall under commercial and therefore, the quasi-office type uses that we are seeing that are almost more business-related services would not fall under permitted uses in the Redline Retail district. So it is clarifying what would be permitted, and do we want to look at the intent of the 2016 plan and some of these uses that may or may not have even been conceived of at that time.

Mayor Nickita said there are two questions. The bigger question is concerning the state of potential uses that may be available now that were not available years ago. The other question is a question that came from the Building Official which is a matter of logistics on how Mr. Johnson does his job. When he gets a set of plans, he has to determine if it is allowed under our ordinance or not allowed under our ordinance. Ordinances become gray sometimes and projects look for clear identification. We had this issue with the dormer issue being unclear. There were a number of questions whether or not they fit within our ordinance. Mr. Johnson asked for clarity in the ordinance because it was unclear for him to do his work. The Board and Commission quickly took a look at it, and we found a solution to clear up a gray area that was there. The garage house issue was the same. They were done because there was a loophole

in the ordinance that created difficulty for the building staff to clarify. Over time, people interpret the ordinances differently or the interpretation gets grayer. The personal use term is too gray to identify for clarity from a legal perspective for approval. It seems like there is a misunderstanding as to what is being asked of the Planning Board. This is a clarification; we are not changing the ordinance.

The larger question brought up is the Redline Retail area accommodating uses of the day, or should it be reviewed. That is a separate issue and can be done at a different time. The issue at hand is can we help the Building Department do its job.

Commissioner Bordman understands that the problem is that we do not have a definition for an essential aspect of the Zoning Ordinance. As to the effect it might have on the Redline district or the other aspects of the Redline district, we should study it, but it can be done over time. Perhaps we make it a top priority over time. But we have an immediate issue that must be examined. Birmingham is a dynamic City and we get proposals all the time, and if our Building Official cannot address those issues right now while they are coming in, that is a problem. This creates a situation for the employees to be put in an awkward position to make a decision. She agreed that both issues should be addressed quickly. They are connected issues, but they are separate.

Mr. Williams said the distinction was not made at the time this came to the Board. One of the issues the Board is grappling with is adopting a proposed solution without a permanent or expiration date. Temporary measures tend to be permanent if they are not replaced. If we are going to have a solution here that is appropriate, we have to put a time frame on it, which would force us to prioritize it. He is quite confident that the landlords are furious because they do not understand the distinction being made tonight, nor did he.

Commissioner Sherman said it is clear that the Board received direction that was unclear, and that is what we are trying to do now. He said the idea of having a study session of what the intention was of the personal service uses under the 2016 plan is a very good next step, even before the Public Hearing. He suggested moving the July 12th Public Hearing to a date certain, have a study session to narrow the definition down a little bit, and then have the Public Hearing. When the Commission prioritizes these items, it is the Commission's job to give the Board priorities with expectations and timelines. He agreed that something should not be temporary and then allowed to become permanent.

Commissioner Hoff favors creating a personal service definition. She agrees we need a definition of personal service and then we will decide what to do with it, but we are not at the point of asking the Board to amend anything.

Commissioner DeWeese was concerned about community service also. In terms of community service, there are certain governmental units that are independent of the City that can come in regardless of our ordinances, and he didn't want it exclusionary. We need clear definition and clear intent of what our Master Plan has been trying to achieve and what works for walkable communities.

Mr. Clein said he has just heard two opinions that we kind of slow the bus, and do not have any real conversation on actual changes to the ordinance, but simply provide definitions. What he heard originally was that the Commission wanted the Board to make changes to the ordinance. He thinks that is where the confusion came, because the Board was in the middle of its study of

retail. He thought he was all clear. He would like clarity on what the Commission's goal is here.

Mayor Nickita said the idea was to make sure the Board has the ability to study this personal service determination and be able to clarify that and put off the Public Hearing until the Board is able to do that.

Commissioner Sherman said the motion was passed 4-2 to have the Public Hearing and make changes, and to define the term. There was some discussion as to what the term actually meant. The comments heard from Commissioners Hoff and DeWeese were minority opinion. The majority opinion was what you understood and articulated.

Commissioner Boutros said the message sent to the Board was different from what the intention was.

Commissioner Bordman expressed concern about the postponement in that it will be mistaken to mean take all the time needed, rather than getting this done as quickly as possible. There needs to be some direction on this idea of postpone and study.

Mayor Nickita thinks the intention driving this to begin with was Building Department staff needing help and that it is needed it sooner than later.

Commissioner Hoff commented that we should move forward on definition before July 24th. She thinks that it is still reasonable.

Mayor Pro Tem Harris said the majority position was for definition of personal use only and not a definition of community use.

Commissioner Sherman said his original comment was to postpone the Board's July 12th Public Hearing to shortly thereafter to give time for a study session.

Mr. Williams clarified that it has been suggested that Board open the July 12th Public Hearing, postpone it to a date certain, then begin study session of the personal service definition.

Mayor Nickita said this is not to be a broad review of the downtown, but recognize that ordinances become unclear and situations change. The idea is to take the Redline Retail district as a next step with current day market conditions and identifying where it could be strengthened with the intention of making it a pedestrian, walkable place is a valid thing to do, but it is not to be done when we look at personal service.

Ms. Ecker said she understands that they are to postpone the Public Hearing, focus on the personal services definition only. She asked to confirm the Commission does not wish the amendment to Article 3, Section 3.04(C)(6) right now.

Commissioner Sherman said that the ordinance amendment is still going to be the discussion at the Public Hearing, but in order to get to that point, the Board has to first study the personal services definition to incorporate it into the amended ordinance. That is what the Public Hearing is about. Ms. Ecker noted the Public Hearing was noticed for the amendment of Article 3, Section 3.04 and the personal services definition. She asked if the Commission wants the Planning Board to come up with a personal services definition and send that to the Commission

first. She noted that the motion as passed directs the Board to consider the definition of personal services and Article 3.04 to exclude personal services from the Redline Retail District. She asked if the Commission still wants both of those together. Commissioner Sherman confirmed, and believes that is what was discussed. Then it will come to the Commission for a Public Hearing.

City Manager Valentine said if the Board provides the definition, the ordinance has to be amended. It has already been noticed that way. The process is being separated somewhat to add the additional review of the 2016 plan on what the intent is, and then discuss the definition.

Ms. Ecker clarified that the Commission wants the Board to postpone the Public Hearing to a later date, and focus on the definition of personal services only. Then hold the Public Hearing for the ordinance amendments and the definition. Commissioner Sherman explained that it is one ordinance. Mr. Valentine said the resolution that was passed included the definition, so it is all one action by resolution of the Commission.

Commissioner Hoff stated she did not think the Board was going to amend the Downtown Birmingham Overlay standards to exclude community and personal services when we do not know what the personal service definition is. Mr. Valentine clarified that the resolution that passed had a subsequent amendment added which stipulated that the definition of personal services be included when it comes back the Commission.

Commissioner Sherman said the Commission recognized that it made no sense to amend it without a definition of personal service. The Commission is asking the Board to come back with a definition of personal services and the change incorporated into the ordinance as a recommendation.

Commissioner Hoff clarified to exclude community and personal service uses. It is very specific to exclude them. Commissioner Sherman clarified that the Board has to define it. We need a definition to know what those are.

Commissioner Boutros asked what would happen if the Board does not have a definition in time for the July 24th Public Hearing. Commissioner Sherman noted the Commission does not have a hearing on July 24th, and that the Commission asked that the Board report back to the Commission that date.

Mr. Valentine said he will follow up with the Board with written communication outlining what was discussed tonight, so there are no questions going forward.

Mr. Williams requested that Mr. Valentine address if the Board is to include or exclude personal services.

H. SHARED PARKING CONSIDERATION;

Ms. Ecker explained that the discussion tonight will center on shared parking and parking standards for private developments. Both were previous directions from the Commission last June and also when the Ad Hoc Rail District Committee recommendations were reported. It included a recommendation to encourage shared parking.

The Planning Board conducted a study of shared parking. The ordinance currently includes a provision for shared parking. The Planning Board has encouraged applicants to consider shared parking over the years, and it has not been something that most have been willing to do.

The recommendations from the Planning Board are:

- Parking calculations that would not require an applicant to hire a parking consultant. A standardized table has been included which takes into consideration all of the variables of the use, and provides a chart with parking requirements.
- Not include a requirement to record on title. When changes occur in use of a property, the Building Department forwards the plans to the Planning Department which will look at the use and the parking requirement.
- Offer zoning incentives, such as extra square footage, reduced landscape requirements, etc., in exchange for recording on title.

The Board discovered that no community mandates shared parking, but many were examples where incentives were offered and the process was streamlined.

The Board has refined the draft ordinance language and instead of setting a Public Hearing, it was decided to add it to the discussion tonight to get the Commission's input.

Commissioner Bordman would like to know how successful the communities have been with the parking calculations, and what kind of problems they encountered.

Commissioner DeWeese said it is useful for future consideration, but not a priority at this time. To the extent possible, he suggested we should make it easier for applicants to develop the properties.

Commissioner Hoff asked if shared parking agreements would be required for approval. Ms. Ecker said the proposed amendments would not require that. The property owner would have an obligation to the City to notify of a change in use and the parking reduction would be null and void if the notification was not made. In the case of a sale of a property, Ms. Ecker said if the use did not change, it would not be an issue. If the use did change, a notification would be required. Commissioner Hoff expressed concern when both parties no longer agree to the shared parking agreement. Ms. Ecker noted her concern.

Ms. Boyce noted she was on the Ad Hoc committee and recalls that the committee talked through some of these concerns. Her impression is that this could be accomplished fairly easily, and would like to be able to do it.

Mayor Nickita agreed and said it is quite important where we want to encourage development more. Parking is a concern, so as much as we can use shared parking, the better.

Ms. Ecker explained that the issue has been raised to alleviate parking concerns. The Board has been studying this issue over the last several months, and the question is now, does the Commission wish to see an expedited review by the Board of the parking requirements for private developments.

Commissioner Bordman said it sounds like the Planning Board has a heavy schedule now. While it is a worthwhile area of study, but she does not know about expediting it. She feels the Board has more urgent needs at this time.

Mr. Clein agreed with Commissioner Bordman and said that a review of parking is a large endeavor.

The consensus agreed that this is too large a topic to undertake at this time. It also is part of the upcoming Master Plan.

I. PLANNING BOARD ACTION LIST REVIEW

Ms. Ecker discussed the Action List and the items completed and still in progress.

Commissioner Hoff would like to see the Bistro ordinance review included.

Mr. Valentine said the Action List will be brought back as an action item so the Commissioners can determine the priorities and adopt it.

IV. PUBLIC COMMENT

Mr. Paul Ceckorian, Fairfax resident commented on the definition of personal use.

Mr. Richard Share, building owner on W. Maple, commented on restrictions.

Mr. Bedros Avedian, building owner on W. Maple, commented on retail changes.

Mr. Brian Najor, commented on personal use definition.

Mr. Matt Furlow, commented on retail challenges.

Mr. James Esshaki, commented on personal services and the ordinance process.

Mayor Nickita explained the process.

V. ADJOURN

The meeting was adjourned at 10:30 PM.

Cheryl Arft
Deputy Clerk

DRAFT Planning Board Action List – 2017 – 2018

	TOPIC	SPECIFIC DIRECTION/ PROBLEM DEFINITION	STUDY SESSION	PUBLIC HEARING	STATUS	NOTES
1	Definition of Retail - Short Term Study	<ul style="list-style-type: none"> Temporary relief to clarify retail & personal services definitions Review the intent of the Redline Retail District in 2016 Plan Evaluate whether the current application of personal services is consistent with the intent of the Plan 	5/10/17 6/14/17	7/12/17 PB	In Progress	<ul style="list-style-type: none"> As directed by the City Commission on 5/8/17
2	Definition of Retail – Long Term Study		8/10/16 3/29/17 5/10/17		In Progress	<ul style="list-style-type: none"> As directed by the City Commission on 7/11/2016
3	Bistro Parameters	<ul style="list-style-type: none"> Review the bistro regulations on the location or number of outdoor dining seats permitted Clarify and/or provide additional regulations to regulate the operation of bistros Consider different standards for different districts 				
4	Shared Parking	<ul style="list-style-type: none"> Evaluate the success/difficulties encountered in other communities Require a formal shared parking agreement 	8/10/16 2/8/17 3/29/17 5/10/17			

5	Renovation of Commercial Properties	<ul style="list-style-type: none"> • Amend the review procedures for new construction and/or the renovation of existing buildings • Clarify the distinction between a renovation and new construction • Clarify the distinction between a site plan review and a design review • Consider Planning Board review for use changes 				
6	Commercial Projections onto Public Property / Architectural Allowances	<ul style="list-style-type: none"> • Clarify in the Zoning Ordinance which, if any, projections are permitted into the ROW • Draft regulations to address the height, projection or permitted materials for architectural features projecting into the ROW 				
7	Consider looking at principal uses allowed and add flexibility ("and other similar uses")					
8	Potential residential zoning changes; MF & MX garage doors					

9	Economic Development License Boundary Review	<ul style="list-style-type: none"> Consider revising the map in Exhibit A of the Zoning Ordinance to amend the number and/or location of properties that may qualify for an Economic Development liquor license into other areas of the City 				
10	Rail District Boundary Review	<ul style="list-style-type: none"> Consider expanding the Rail District to include properties on the west side of S. Eton across from Big Rock and/or to include the North Eton Plaza 				

11	Sustainable Urbanism (Green building standards, pervious surfaces, geothermal, native plants, low impact development etc.)	<ul style="list-style-type: none"> Incentive option in Triangle District Guest speakers in LEED Certification, Pervious Concrete, LED Lighting, Wind Power, Deconstruction Sustainability website & awards Native Plant brochure 	2/09/2005 7/11/2007 8/08/2007 9/12/2007 1/9/2008 9/10/08 1/14/09 1/28/09 2/10/09 (LRP) 5/13/09 8/12/09 11/11/09 1/23/10 (LRP) 5/12/10 6/9/10	2/25/09 (PB - Solar) 1/13/10 (PB-Wind) 2/10/10 (PB-Wind) 6/14/2010 (CC-Wind)	Solar ordinance completed. Wind ordinance completed.	
12	Additional Items to be Considered during Master Plan Process	<ul style="list-style-type: none"> Woodward Avenue Gateway Plan (Lincoln to 14 Mile Road) Parking Complete Streets Regional Planning 			On Hold	



MEMORANDUM

Fire Department

DATE: July 10, 2017

TO: Joseph A. Valentine, City Manager

FROM: John M. Connaughton, Fire Chief

SUBJECT: Recommendation for extension of masonry screen wall

Prior to construction of the Chesterfield Fire Station, there was an old wooden fence separating City property from residential property on the North side of City property. In the construction documents the City approved to remove the existing wooden fence and replace with a six foot masonry screen wall with capstone.

The new masonry screen wall is only approved for the north side of the Chesterfield Fire Station property, the existing wooden fence also extends from the fire station property heading east, 120 lineal feet into City property. We were approached by a property owner requesting that the wooden fence that separates their property from City property be removed and replaced with the approved masonry screen wall. Without this change, their property line would have both wooden fence and masonry screen wall. I would ask if the City Commissioners would consider removing the 120 feet of existing wooden fence and replace with the six foot high masonry screen wall with capstone. This would dramatically improve the aesthetic as compared to the wooden fence and would provide a much stronger partition between property lines. Axiom Construction Services Group, LLC has provided a quote to "Furnish & Install 120 lineal feet of 6' high masonry screen wall with capstone, trench footing, and spoils hauled off site," For a total cost of \$36,211.20. While still early in the construction phase of this project, now would be the time to move forward with this project. Equipment and manpower are on site, landscaping has not begun and if put off until the end of the project, freezing temperatures would most likely push back the project until spring. Attached is the quote from Axiom with a cost breakdown, I have also provided a picture of the existing wooden fence that would be replaced.

I would request the City Commission to consider approving or denying the quote from Axiom Construction to remove the existing wooden fence and replace with 120 feet of six foot high, masonry screen wall with capstone. Funds are available for the extension of the masonry screen wall in the project budget account.

SUGGESTED RESOLUTION:

To approve the quote from Axiom Construction in the amount of \$36,211.20 to remove the existing wooden fence and replace with 120 feet of six foot high masonry screen wall with capstone, to be funded from account number 401-339.001-977.0000

OR

To deny the quote from Axiom Construction to remove the existing wooden fence and replace with 120 feet of six foot high masonry screen wall with capstone.



AWP No. 07R

To: Sidock Group, Inc.
43155 Main Street-Suite 2306
Novi, Michigan 48375

Date: July 7, 2017
Project: Birmingham Fire Station No. 2

Axiom Project No: C-17-1002
Architect Project No: 15566

Attention: Mr. Stacy Peterson

Re: Birmingham Fire Station No. 2

Added Masonry Screenwall

Dear Stacy,

The following is our quotation for providing the following:

1. Demo existing Wood fence and haul away. Furnish & Install 120 lineal feet of 6' high Masonry Screwwall with trench footing. Spoils hauled off site. Testing buy others. All trees, roots or branches are not in the way or included in the this cost.

Item No. 1-Added Masonry Screenwall:

1.a	HCI Foundations-Labor & Material	1 Lot/LS	7,088.00
1.b	C&G Masonry-Labor & Material	1 Lot/LS	24,400.00
1.c	Birkenstock-Labor & Material	1 Lot/LS	1,800.00
1.d	Adams Group-Labor & Material	1 Lot/LS	2,000.00
1.e	Dumpster	1 Lot/LS	450.00
*	Sub-total Direct Costs:		\$31,488.00
	Axiom Fee @ 15% ()		4,723.20
**	Total Additional Cost for Item No. 1a thru 1e: Add		<u>\$36,211.20</u>

If the foregoing is acceptable, please issue a change order as soon as possible so we can order the required materials to complete the work. If you have any questions or require additional information, please call me at your convenience.

Respectfully submitted,

AXIOM Construction Services Group, LLC

Deib Mougrabi
Director of Filed Operations

Distribution: File

7799 East M-36 / Whitmore Lake, Michigan 48189
t. 248.446.1104 f. 248.446.1105



APPROVED
REQUESTED



Sidcock Group
ARCHITECTURAL/SCAPE/INTERIOR

Corporate Headquarters
44555 Grand River Avenue
Novi, Michigan 48174
Ph: (248)384-4500 • Fax: (248)384-1429
Design Studio
43155 Main Street, Suite 2305
Novi, Michigan 48175

Novi • Wyandotte • Muskegon
Livonia • Grosse Pointe Woods
www.sidcockgroup.com
www.sidcockhvac.com

Key Plan No Scale

Client
CITY OF BIRMINGHAM

Project
BIRMINGHAM
FIRE STATION No. 2

1600 VEST MAPLE
BIRMINGHAM, MI 45209

Soil

Date Issued For
07/28/16 FINAL REVIEW
12/05/16 EDC

Drawn HUS
Checked CL
Approved SEP

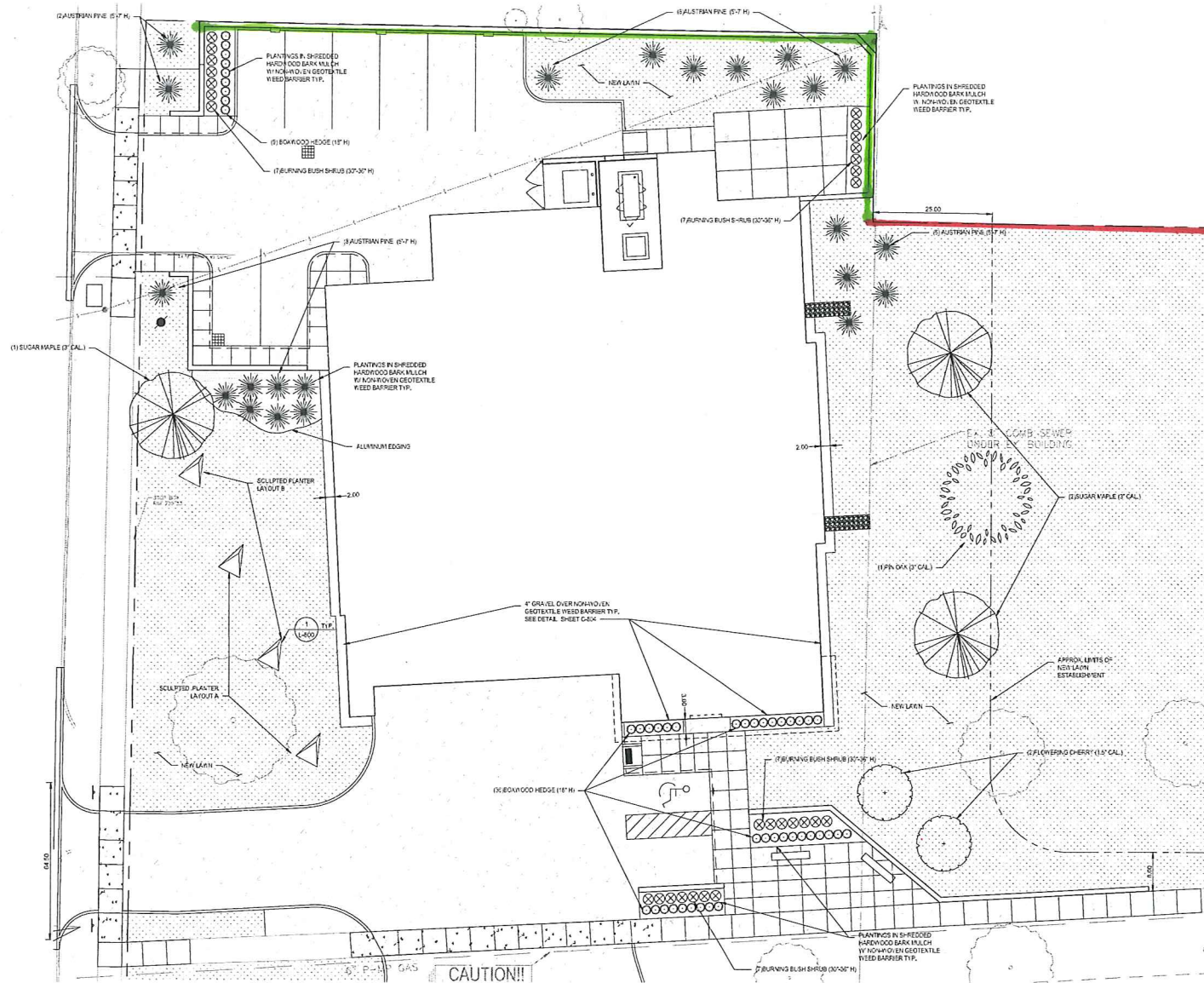
Sheet Title
LANDSCAPE PLAN

Project Number 15566

Sheet Number L-200

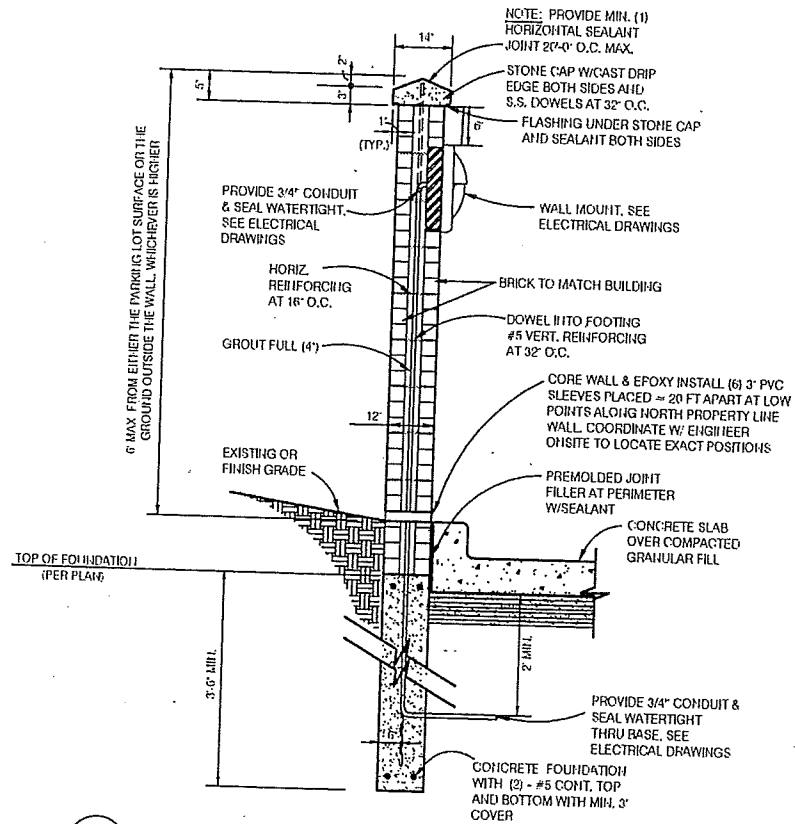
LANDSCAPING SCHEDULE			
SYMBOL	SPECIES	QUANTITY	INSTALL SIZE
○	BOXWOOD HEDGE	45	12" HIGH
●	AUSTRIAN PINE	23	6-7' HIGH
●	FLOWERING CHERRY (SINGLE STEM)	2	1.5' CAL.
●	SUGAR MAPLE	3	3' CAL.
●	PN OAK	1	3' CAL.
●	BURNING BUSH (SHRUB FORM)	28	30-36" HIGH

NOTES
1. SEE SHEET L-200 FOR LANDSCAPING DETAILS



LANDSCAPE PLAN

SCALE: 1" = 10'



1
C-200

TYP. SECTION THRU 6'-0" MASONRY SCREEN WALL

NOT TO SCALE

ELECTRICAL NOTE

1. COORDINATE WALL MOUNT LIGHT FIXTURE WITH ELECTRICAL TRADE.



MEMORANDUM

Human Resources Department

DATE: June 29, 2017

TO: Joseph A. Valentine, City Manager

FROM: Yvonne Taylor, HR Manager

SUBJECT: Proposed Settlement Agreement and Contract Renewal with Birmingham Firefighters Association

Background

The Birmingham Firefighters Association (BFFA), affiliated with the International Association of Firefighters, represents a total of twenty-seven (27) Firefighters, Firefighter/Paramedics, Lieutenants, and Captains. The current Collective Bargaining Agreement expires on June 30, 2017.

The City and Union bargained a new agreement beginning on May 31, 2017 and reached a settlement agreement on Monday, June 19, 2017. Union membership has ratified the attached agreements on June 26, 2017. The tentative agreements and settlement agreement are now presented for consideration by the City Commission.

Key Considerations

The primary economic provisions are consistent with the City's overall bargaining strategy of balancing wages with health care and other benefits costs, and continue the trend on increased employee cost sharing for health care-related coverages. Additionally, this settlement is consistent with existing contracts with the Birmingham Police Officers and Command Officers agreements.

The primary features of the settlement agreement are:

- Three-year contract through 6/30/2020.
- 2% wage adjustment in each year of the contract.
- Increased prescription drug co-pays.
- Increases in City contributions to retirement benefits.
- Modest improvements in other minor economic provisions.

HR recommends approval of the settlement agreement.

SUGGESTED RESOLUTION:

To approve the tentative agreements of June 12, 2017 and settlement agreement of June 19, 2017 between the City and BFFA for a renewal of the collective bargaining agreement through June 30, 2020. Further, to authorize the transfer of the appropriate funds by the Finance Department for the contract effective July 1, 2017.

**City of Birmingham
-and-
Birmingham Firefighters Association, Local 911**

SETTLEMENT AGREEMENT

IT IS HEREBY AGREED between the City of Birmingham ("the City") and the Birmingham Firefighters Association, Local 911 ("the Union") that, in tentative settlement of all outstanding issues under negotiation, the parties agree, and agree to recommend ratification to their respective principals, as follows:

1. The parties' new contract will be in effect from July 1, 2017 through June 30, 2020.
2. The parties' new contract will be the same as the parties' current contract, as amended by this Settlement Agreement and as amended by the parties' previous Tentative Agreements.
3. All wage rates set forth in Supplement A of the parties' collective bargaining agreement shall be increased as follows:

July 1, 2017	2.00% (retroactive to July 1, 2017)
July 1, 2018	2.00%
July 1, 2019	2.00%

4. Retirement – Revise Article 60 (I), page 33.2. Revise contributions to the Defined Contribution Retirement Plan (401a) as follows:

Effective January 1, 2018: City contribution of 14.00%, and Employee contribution of 6.50%

Effective January 1, 2019: City contribution of 15.00%, and Employee contribution of 6.50%
5. Effective January 1, 2018, increase the prescription drug co-pay for active employees to \$20 Generic/\$45 Brand Name/Specialty Tier \$45 co-pay.
6. Retirement Health Savings – Revise Retirement Article 60.2 (j), page 33.1:

Revise contributions to the Retirement Health Savings (RHS) plan as follows:

Effective January 1, 2018: City contribution of \$80 per pay, and Employee contribution of 3% of earnings.
7. Long-Term Disability – Revise Supplement C, Group Insurance Benefits, pg. C-4, to reflect the following:

II. Disability Benefits.

(c). Effective January 1, 2019, monthly long-term disability benefit for non-duty connected disability provides for an aggregate income of seventy percent (70%) of monthly base pay up to a maximum of \$4,000 per month beginning one (1) year from date of disability.

8. Dental Plan Coverage Limits – Revise Supplement E, Comprehensive Dental Expenses Insurance, to reflect the following modifications effective January 1, 2019:

Page E – 1:

Dental Maximum Benefits: \$1,200 for all expenses in any one calendar year except orthodontic expenses. This maximum applies separately to each insured family member.

Page E – 2:

Benefits for Orthodontic Treatment: The maximum benefit will be \$2,000 for all such expenses incurred during the lifetime of those insured.

9. Educational Assistance Program – Revise Supplement B to reflect the following modifications:

Effective July 1, 2018, reimbursement shall be limited to two-thousand dollars (\$2,000) per participant per fiscal year for credit courses.

Reimbursement for tuition and required textbooks shall be according to the following schedules:

100% Reimbursement for courses completed with a “B” or numerical equivalent.

75% Reimbursement for courses completed with a “C” or numerical equivalent.

0% Reimbursement for courses completed with a grade less than “C”

10. Insurance – Revise Supplement C, page C-2, to read as follows:

2nd paragraph: “Effective July 1, 2017, the City and the Union agree that the current definition of ‘dependent’ shall be in accordance with applicable law”.

3rd paragraph: Add a third requirement for receipt of the opt-out payment for health insurance as follows: “(3) any other conditions required by law for eligible opt-out arrangements.”

11. Revise Article 39 (a) to include the following:

5th paragraph: “Overtime opportunities for firefighters that arise during the months of June, July, or August will be offered for volunteers. If a sufficient number of firefighter volunteers are not obtained, the overtime will be assigned to the least senior firefighter who may legally be assigned the work, and who has not previously scheduled and have had approved time off on the day of the overtime opportunity.”

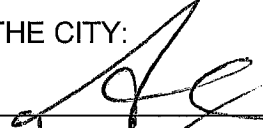
12. As a result in changes to educational requirements and curriculums, all references to AEMT’s will be changed to Paramedic.

13. The parties withdraw all other proposals.

14. The Union will ratify this Agreement first, and will notify the City in writing when it has so ratified.

Dated: June 19, 2017

THE CITY:

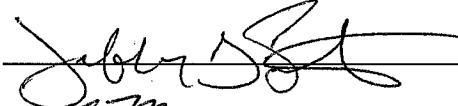


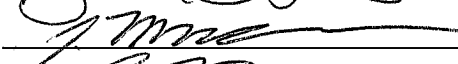
Yvonne Fayton Mgr.


Don S. White


John Cunningham


THE UNION:

 Pres.

 VP

 TR

 Sec.

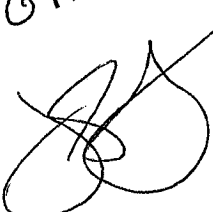
 Sec.

City of Birmingham
And
Birmingham Firefighters Association

City Proposal – June 12, 2017

Promotions – Add to Article 30 (b):

“Effective July 1, 2017, the oral board shall consist of (a) two (2) Chiefs or Assistant Chiefs from other fire departments, and (b) either a Fire Officer from a surrounding community of a higher rank than the vacancy for which the oral board is being conducted, or the City’s Head of Human Resources”.

TA 6-12-17
GPK
 6-12-17

City of Birmingham
And
Birmingham Firefighters Association


City Proposal – June 12, 2017

Letter of Agreement – EMS Unit Assignments:

Add following language to 2. Selection and Withdrawal:

“Accordingly, the Fire Chief reserves the right to cancel the EMS Unit Assignment of any individual(s) due to performance deficiencies and/or safety violations”.

TA 6-12-17
GPK


 6-12-17

City of Birmingham
And
Birmingham Firefighters Association

City Proposal – June 12, 2017

Health Care Reimbursement Account (HRA) – Revise Supplement C (page C-3):

Remove expired language: "For employees who retire prior to June 30, 2007, the City shall credit their HRA account balance to equal \$5,000. This provision shall also apply to any employee who retires during the bargaining for a renewal of the Agreement."

TA 6-12-17
GPK
 6-12-17



Birmingham Fire Fighters Association

I.A.F.F. – Local 911

572 SOUTH ADAMS ROAD
BIRMINGHAM, MICHIGAN 48009

June 29, 2017

To Whom This May Concern:

Please accept this letter as notification that the Birmingham Firefighters Association Local 911 voted to ratify the proposed tentative agreement between the City of Birmingham, and the membership of Local 911 as presented by the Local's Executive Board. This ratification took place on Monday June 26th, 2017.

The Executive Board on behalf of the general membership would like to thank the City and its members on openly working with the Union on achieving such a timely settlement agreement. We look forward to a continued relationship with the City, and providing our residents that we serve nothing short of top notch Professional Firefighting service.

Respectfully,

Jeffrey Scaife
President
Local 911

International Association of Fire Fighters ■ Michigan Professional Fire Fighters Union



DATE: June 28, 2017

TO: Joseph A. Valentine, City Manager

FROM: Yvonne Taylor, HR Manager

SUBJECT: Certification of Compliance with State of Michigan Public Act 152 of 2011

Background

Since 2012, Michigan public employers have annually certified compliance with Public Act 152—Publicly-funded Health Insurance Contribution Act—in order to maintain eligibility for state funding. Previously, this was a requirement for statutory revenue sharing disbursements tied to the Economic Vitality Incentive Program (EVIP) which has been discontinued. Now, MDOT uses PA 152 compliance for distribution of federal funds. Certification of compliance is required by September 30th of each year to guarantee eligibility for road funding in the current fiscal year.

Alternatives for Compliance

A local unit of government may comply with the Act by adopting any one of the following:

1. Adopt a limitation on flat dollar amounts of employee medical costs by establishing the hard dollar caps set forth by the Michigan Department of Treasury for single coverage, 2-person coverage, and family coverage.
2. Adopt a limitation on a percentage of the total annual medical costs by establishing a maximum employer contribution of 80%.
3. Opt-out by exempting itself from the requirements of the Act by 2/3 vote of the governing body.

Considerations

Since 2012, the City has elected to exempt itself from the requirements of the Act as its compliance alternative. This has been due to employee concessions in health care, which were initiated several years ago with increased cost sharing on the part of employees through increasing deductibles, co-insurance and co-pays. This has continued, and is continuing, with the objective of managing health care costs.

HR Recommendation

HR recommends a continuation of the current strategy with the City certifying compliance with Public Act 152 by selecting the exemption alternative for the 2017 year. A 2/3 vote by the City Commission is required.

SUGGESTED RESOLUTION:

To authorize the city's compliance with the provisions of State of Michigan Public Act 152 of 2011, by exercising the City's option to exempt itself from the requirements of the Act; and further, directing the Finance Director to submit the required form with the Michigan Department of Transportation.

PUBLIC ACT 51, SECTION 18j, MCL 247.668j
Annual Certification of Employee-related
Conditions

CERTIFICATION YEAR _____

CITY OR VILLAGE NAME _____

Beginning September 30, 2015, and annually each September 30 thereafter, certification must be made for compliance to Section 18j(1) of Public Act 51 of 1951, MCL 248.668j(1). A local road agency must certify that it has (a) developed an employee compensation plan for its employees as described OR (b) the local road agency must certify that medical benefits are offered to its employees or elected public officials in compliance with the publicly funded health insurance contribution act, 2011 PA 152, MCL 15.561 to 15.569, or, that it does not offer medical benefits to its employees or elected public officials.

☐ Compliance with(1)(a)
I certify compliance with MCL 247.668j(1)(a).
Our compensation plan for employees meets the minimum criteria of MCL 247.668j (a)(i - iv).

☐ Compliance with (1)(b)
I certify compliance with MCL 247.668j(1)(b), and as such, offer one of the following:

☐ I certify that medical benefits are offered to employees or elected public officials in compliance with the publically funded health insurance contribution act, 2011 PA 152; **or**

☐ I certify that the local road agency has exempted itself from the publically funded health insurance contribution act, 2011 PA 152; **or**

☐ I certify that medical benefits are not offered to employees or elected public officials.

☐ Non-compliance with (1)(a) or (1)(b)
I certify that we are not in compliance with MCL 247.668j(1).
I understand that failure to comply with certification of (a) or (b) of MCL 247.668j(1) may result in the withholding of all or part of the distributions made to this local road agency from the Michigan Transportation Fund.

This form must be signed by the Street Administrator and the Treasurer or Financial Director.

SIGNATURE		SIGNATURE	
PRINTED NAME		PRINTED NAME	
TITLE	DATE	TITLE	DATE

Due Each September 30

Return the completed form to:

Michigan Department of Transportation, Financial Operations Division, P.O. Box 30050, Lansing, MI 48909, **OR**

Email to: MDOT-Outreach@michigan.gov, **OR**

Fax to: (517) 373-6266



MEMORANDUM

Human Resources Department

DATE: June 30, 2017

TO: Joseph A. Valentine, City Manager

FROM: Yvonne Taylor, HR Manager

SUBJECT: 2017-18 Compensation Recommendations for Department Heads and Administrative / Management Employees

BACKGROUND

Current Administrative/Management employees consist of 9 City department heads, and approximately 20 other full-time professional employees who are not represented by any labor organization.

SALARIES

Collective bargaining negotiations in recent years (including pending settlements of BFFA) have included a 2% wage adjustment for all respective labor groups.

For fiscal year 2017-2018, HR recommends a 2% salary table adjustment for Department Heads and Administrative/Management classifications effective July 1, 2017, along with part-time employees not covered by a labor organization. This adjustment keeps our compensation program in line with the market. Proposed salary tables reflecting these adjustments are attached.

Performance-Based Pay

Individual administrative and management staff do not receive automatic adjustments in conjunction with salary table changes as do bargaining unit employees. Actual increases for this group is determined through annual performance evaluations. The guidelines that connect performance review scores to salary adjustments continue to reward high-quality performance within the confines of the salary range while withholding such rewards when performance is less than that. HR recommends in-range performance increases based upon department head recommendations, and HR and City Manager approval, for the Department Heads and Administrative/Management group (including part-time staff not covered by a labor organization). This adjustment is for one of the City's largest employee groups and provides an estimated cost of \$140,000.

Performance Increment

In the past, the Commission has approved a variable pay component for management staff. This provides individuals at or near their salary range maximum the ability to achieve a performance increment (currently about 15 key staff members). This performance increment, when achieved, is not built into base salary, but is a one-time lump sum payment and is subject

to City Manager and HR approval. For fiscal year 2017-18, HR recommends an increment of up to 2.00%, which is an estimated cost of \$27,500.

HEALTH CARE PLAN PROVISIONS

Presently, the City has completed negotiations with all of its collective bargaining groups (pending ratification of the BFFA settlement). All employee groups continue to share in increased health care costs (i.e. deductibles, out-of-pocket maximums, copays, etc.). Consistent with settled labor contracts, HR recommends the following increased prescription drug copays for the Department Head and Administrative/Management group effective January 1, 2018.

Prescription Drug Copay (Administrative/Management Group Plan)

Generic Rx: From \$15 Copay – TO - \$20 Copay

Brand Name Rx: \$40 Copay – TO - \$50 Copay

Specialty Rx: \$60 Copay (New Tier)

Prescription Drug Copay (ACA-Eligible Group Plan)

Generic Rx: From \$20 Copay – TO - \$25 Copay

Brand Name Rx: \$70 Copay – TO - \$75 Copay

Specialty Rx: \$95 Copay (New Tier)

SUGGESTED RESOLUTION:

A. To approve the recommendation by Human Resources, to implement a 2% salary table adjustment and in-range adjustments based upon performance for full-time and part-time employees in the Department Head and Administrative/Management classifications effective July 1, 2017.

AND

B. To approve the recommendation by Human Resources, to implement the 2% performance increment through June 30, 2018 with individual eligibility to be in accordance with merit increase guidelines.

AND

C. To authorize increased copays in the Administrative/Management and ACA-Eligible benefit plans effective January 1, 2018 as recommended.

AND

D. To approve the transfer of the necessary funds by the Finance Department to the respective departmental personnel accounts.

SALARY TABLE A

Department Heads

Effective: July 1, 2017

2%

Pay Grade	Minimum	25th Percentile	Midpoint	75th Percentile	Maximum
1	\$64,069	\$68,544	\$73,018	\$76,046	\$81,968
2	\$68,980	\$73,801	\$78,621	\$83,443	\$88,263
3	\$74,257	\$79,461	\$84,665	\$89,868	\$95,072
4	\$81,968	\$87,689	\$93,530	\$99,128	\$104,700
5	\$88,263	\$94,423	\$100,586	\$106,745	\$112,903

SALARY TABLE B

Administrative/Management Employees

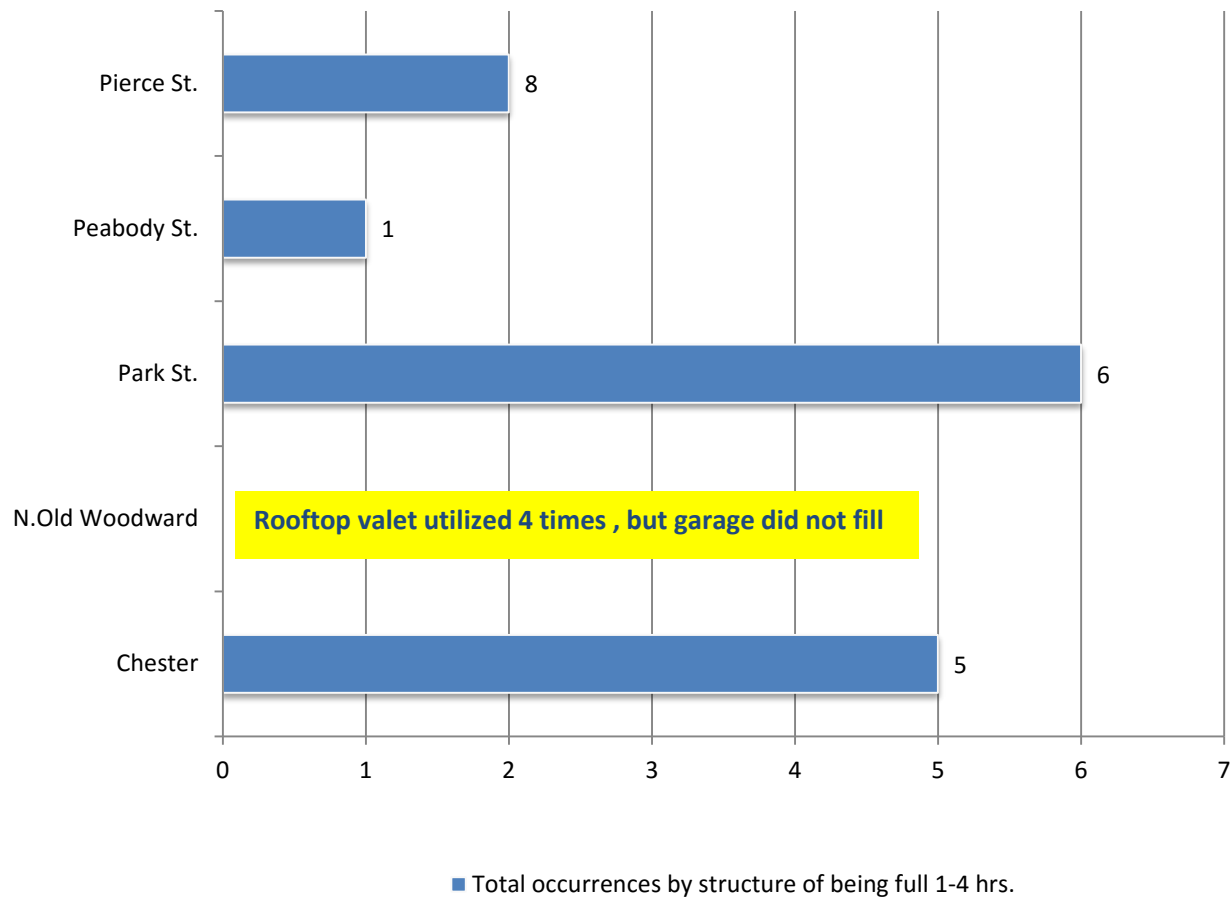
Effective: July 1, 2017

2%

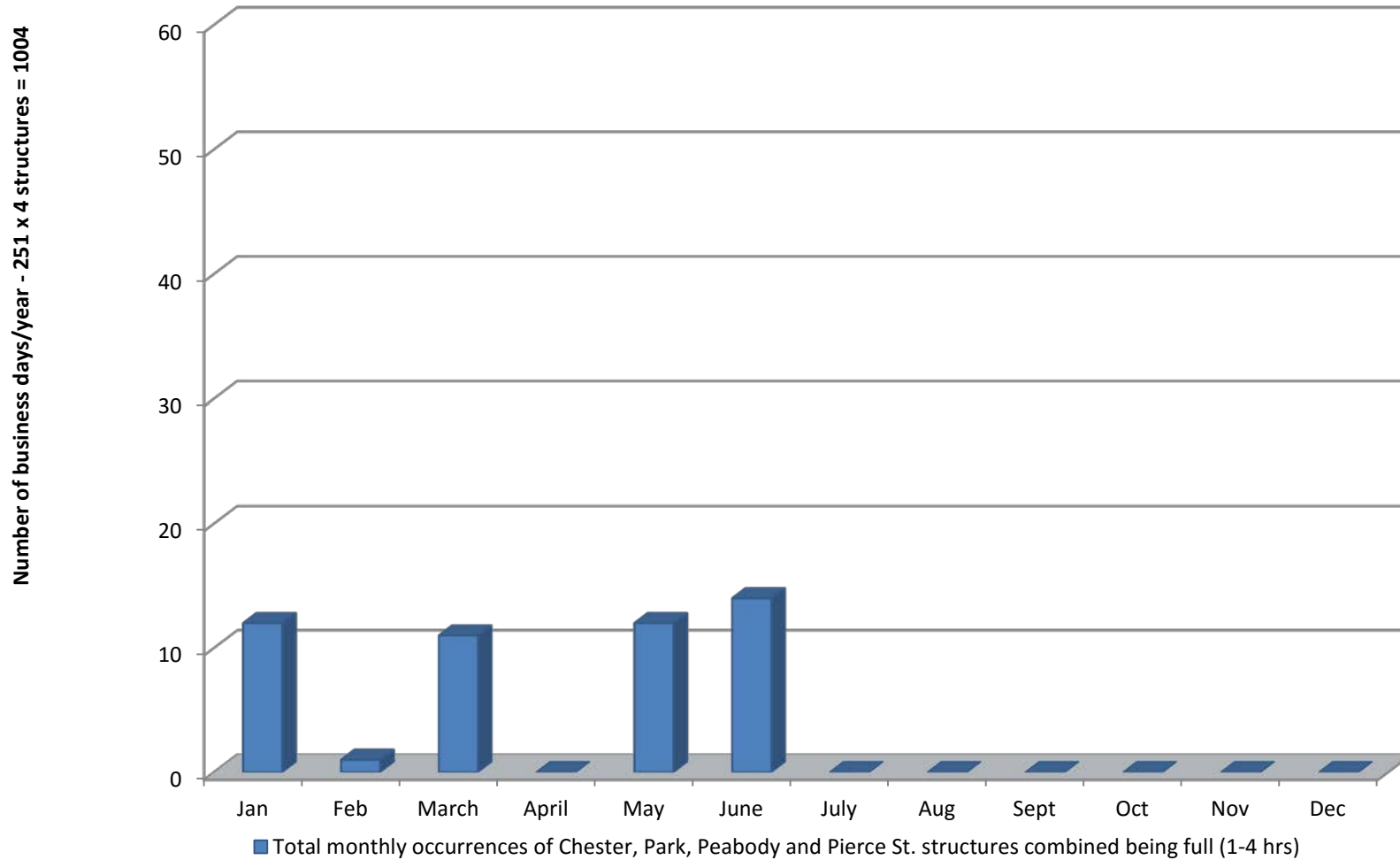
Pay Grade	Minimum	25th Percentile	Midpoint	75th Percentile	Maximum
1	\$38,174	\$39,660	\$42,258	\$44,855	\$47,455
2	\$41,115	\$43,984	\$46,852	\$49,725	\$52,593
3	\$44,278	\$47,378	\$50,481	\$53,577	\$56,680
4	\$47,656	\$50,997	\$54,334	\$57,671	\$61,008
5	\$51,305	\$54,897	\$58,489	\$62,083	\$65,671
6	\$55,292	\$59,142	\$62,987	\$66,835	\$70,683
7	\$59,524	\$63,672	\$67,826	\$71,980	\$76,130
8	\$64,069	\$68,544	\$73,018	\$77,493	\$81,968
9	\$68,980	\$73,801	\$78,621	\$83,443	\$88,263
10	\$74,257	\$79,461	\$84,665	\$89,868	\$95,072
11	\$77,969	\$83,435	\$88,897	\$94,361	\$99,827

Parking Full Status by Structure

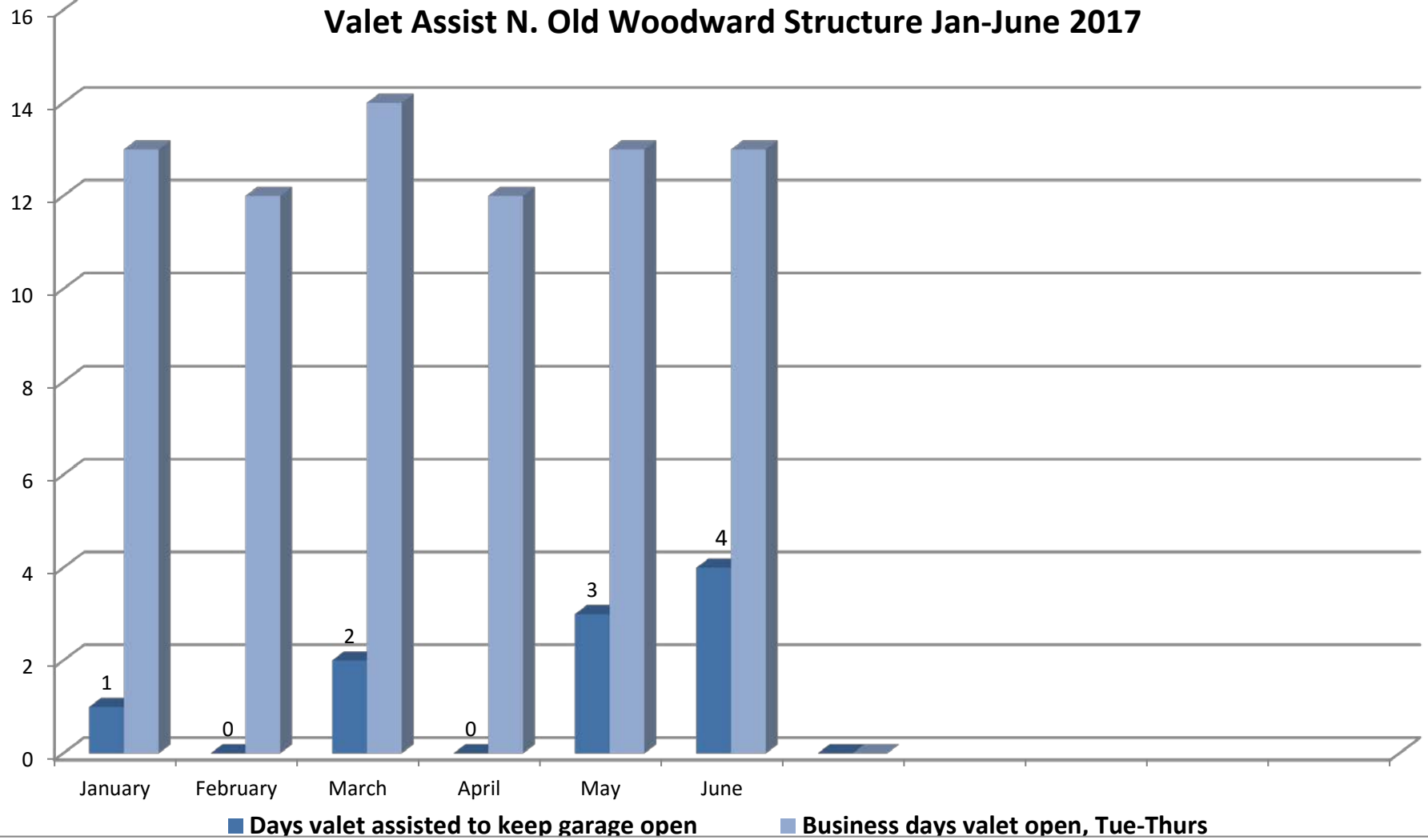
Jan-June 2017 Business Days Only (M-Friday)



2017 All Parking Structure Full Status



Valet Assist N. Old Woodward Structure Jan-June 2017



Pierce Street Structure

Garage full list

JUNE 2017

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1	2 FULL @ 12:21p OPEN @ 1:50p	3
4	5	6 FULL @ 10:58a OPEN @ 11:27a	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	
		Notes: Birmingham Village Fair June 1-4				

Park Street Structure

Garage full list

JUNE 2017

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1 FULL @1:38p OPEN @2:10p	2	3
4	5 FULL @12:03p OPEN @12:24p	6 FULL @10:35a OPEN @10:53a	7 FULL @10:43a OPEN @11:51a	8 FULL @11:53a OPEN @12:07p	9	10
11	12	13 FULL @1:00p OPEN @1:36p	14	15	16	17
18	19	20	21 Valet-8 cars	22	23	24
25	26	27 Valet-9 cars	28	29 Valet-16 cars	30	
		Notes: Birmingham Village Fair June 1-4 Painting Project Began on Level 5, June 29				

Peabody Street Structure

Garage full list

JUNE 2017

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1	2	3
4	5	6 FULL @ 1:30p OPEN @2:20p	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	
		Notes: Birmingham Village Fair June 1-4				

Chester Street Structure

Garage full list

JUNE 2017

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1	2 FULL @ 12:17p OPEN @ 12:29p	3
4	5 FULL @ 1:38p OPEN @ 1:50p	6 FULL @ 10:29a OPEN @ 11:49a	7 FULL @ 10:13a OPEN @ 12:04p	8	9	10
11	12	13	14	15	16	17
18	19	20 FULL @ 10:29a OPEN @ 11:49a	21 Valet-3 cars	22 Valet-2 cars	23	24
25	26	27 Valet-3 cars	28 Valet-2 cars	29	30	
		Notes: Birmingham Village Fair June 1-4				

N. Old Woodward Garage

Valet Counts

June 2017

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1 1 car	2 2 cars	3
4	5 Valet closed	6 4 cars	7 14 cars	8 Garage not filled.	9 Valet closed	10
11	12 Valet closed	13 Garage not filled.	14 Garage not filled.	15 Garage not filled.	16 Garage not filled.	17
18	19 Valet closed	20 Garage not filled.	21 Garage not filled.	22 Garage not filled.	23 Valet closed	24
25	26 Valet closed	27 Garage not filled.	28 Garage not filled.	29 Garage not filled.	30 Valet closed	
		Notes: Birmingham Village Fair June 1-4				



MEMORANDUM

Clerk's Office

DATE: June 29, 2017
TO: Joe Valentine, City Manager
FROM: Leslie Pielack, Museum Director
SUBJECT: Museum Strategic Plan Update

Background

During 2016, the Museum Board reviewed the goals and the objectives of the expiring 2013-2016 Strategic Plan to make necessary modifications and updates for the next three year period.

The resulting 2017-2020 Birmingham Museum Strategic Plan builds on the foundation of the original 2013-2016 Strategic Plan, continuing its emphasis on

- a) Community engagement and public access
- b) Strategic development and care of the museum collection
- c) Strengthening financial and other resources for improved sustainability
- d) Marketing and image enhancement.

Changes in the plan were primarily related to accomplished objectives or modifications needed due to changing circumstances; otherwise the plan's direction and goals remain the same. On January 5, 2017, the Museum Board unanimously approved the revised 2017-2020 plan and recommended that it be presented to the City Commission for final approval. The city commission approved the plan on February 20, 2017.

Emphasis of 2017-2020 Plan

The guidance of the Strategic Plan has allowed the museum to continue to focus on the key areas of preserving and connecting the public to Birmingham's history and culture. It has also helped the museum improve these efforts through using technological advances. We continue to provide educational services and interpretive programs that reinforce our historic collection and Birmingham's story, and worked to form relationships with organizations that support these goals. Activities identified in the current plan continue or expand on those in the previous plan to accomplish these objectives.

The first two goals (Community Engagement and Collection Care) primarily involve our core historic materials and programming in particular. We have expanded our mission to include our general cultural legacy as part of our scope. This makes it possible to connect the past

effectively with the present and to reach younger audiences who have a keen interest in the recent past and aspects of the past in the present.

Examples of Current History Focused Activities Based on the Strategic Plan

Community Engagement

1. Museum Programs and Educational Tours

Continued:

School tours are designed to help teachers achieve their local history curriculum standards. Students continue to tour the Allen House and Hunter House each year, accompanied by parents who also are exposed to the history of pioneer Birmingham as well as the Allens and early 20th century Birmingham. We have continued to provide special group tours to area cultural and service organizations, such as senior centers, private schools, and quester groups.

Added:

- We have worked closely with the Birmingham Public Schools Curriculum coordinator and with 2nd grade teachers to improve the tour experience.
- We have added museum staff visits to classrooms in addition to museum site tours, taking more historic content and objects to 2nd graders.
- Bi-monthly tours of the Hunter House for the Community House's pre-K classes
- Additional history-based programs for the public for our Second Thursday extended hours (children and adults)
- Joint development of a history-based lecture series with the Baldwin Public Library featuring outside speakers
- Joint sponsorship of a local history author presentation at the Baldwin Public Library
- Bi-monthly children's story time with a children's librarian at the Hunter House with history focused themes

2. Expanding Public Access to the Collection

Continued:

Visitors to the museum include those who visit the site (museum buildings and park) as well as virtually. Both forms of access are important and enhance each other. We have continued to provide research services to walk in visitors and by appointment, and this activity has been steadily increasing. We have continued to provide in-house museum programs in house that feature objects from our collection. We have also continued to provide content on our web site with photographs, history, walking tour brochures, and other historic information about Birmingham.

Added:

- On a bi-monthly basis, museum staff takes objects from our collection to the residents of the Baldwin House for special off-site programming

- Museum staff have created an exhibit case in City Hall with objects from our collection that features Birmingham's police history
- Several new thematic virtual exhibits with curated content have been created for the museum website that feature school history and Birmingham police history
- Expanded our online collection to include Birmingham historic postcards in the Oakland County Historic Resources library collection (for which we received a grant)
- Audio-visual content; a 6 minute promotional video of the museum that highlights Birmingham's history at both buildings and our collection with photos
- WiFi infrastructure on the museum site and throughout the park with QR code access to virtual exhibits and other historic content
- Working with Baldwin Library and Bloomfield Township Public Library to make historic Birmingham Eccentric issues available electronically to the public

3. Other Activities, Events and Outreach

Continued:

We have continued to provide presentations and off-site lectures on content related to Birmingham's history, and requests are steadily increasing. We continue to promote the museum's collection and activities through press releases and for events that focus on Birmingham's history and culture. We continue to utilize Facebook for communication through social media with our younger audiences, and activity is steady and increasing.

Added:

- Monthly articles in the Birmingham Eagle for their "Looking Back" column that feature photos from our collection and curated content for specific aspects of Birmingham's history (examples attached)
- 2-3 times per week, a special museum Facebook post "This Day in Birmingham History" that includes a spotlighted photo from our collection and a historic note, inviting responses from visitors (one of our most popular activities; examples attached)
- An Instagram account for images relating to the museum and Birmingham history
- Our website, Facebook, and Instagram communication approach has been used as a model by at least two local history organizations in recent weeks, reinforcing its positive impact
- The Museum Board Bicentennial Book Project Committee is currently exploring approaches to creating a publication to coincide with the 200th bicentennial in 2018, and the Museum Board is also looking at bicentennial celebration ideas
- Our outreach has resulted in firm relationships with key donors; for example, the Rosso Family Foundation continues to fund preservation activities for aspects of our historic collection (on average, the Rosso Foundation gives \$7,500 -\$10,000 per year to special projects)

Strategic Development and Care of the Museum Collection

1. Preservation of the Collection

Continued:

Digitization and efficient storage of historic photos, objects, and books has been ongoing, with the goal to bring our collection entirely into our museum software system and to add new materials to maintain these standards.

Added:

- A high resolution scanner for preservation quality images to permanently archive our historic photos and documents
- Development of new methods of storing and retrieving our digitized collection materials
- A special archival storage area for maps, documents, and photographs

2. Enhancing the Collection through Strategic Acquisition

Continued:

We work with donors and other institutions to enhance our existing collection by acquiring additional materials related to Birmingham history. We continue to provide assistance and research for potential object donors and facilitate object donations as well as outreach to locate and acquire objects.

Added:

- A 19th c. portrait of Dr. Ebenezer Raynale, pioneer Birmingham doctor
- A previously unknown photographic portrait of John West Hunter in the collection of another institution
- A table, chairs, menu, and related artifacts from historic Peabody's Restaurant for display in our lobby
- A protective outside display for the historic Hill School Bell, funded almost entirely by private means. The display also includes commemorative bricks that acknowledge the entire history of Birmingham schools superintendents and their terms
- Additional items pertaining to CREEM Magazine's publication in Birmingham, making our collection the most important in the country
- A group of important Native American bi-face projectile points originally found in Birmingham that span 8,000 years of activity, formerly in a private collection

3. Preservation Planning

Continued:

We have continued to incorporate planning initiatives to study and preserve our collection. We have developed draft policies in disaster preparedness for our collection and in collection management. These

functions help assure that our historic objects and documents are protected and preserved.

Added:

- A comprehensive master landscaping planning initiative is underway that includes special survey by a historic landscape professional to identify, preserve, plan, and interpret our historic site more effectively (historical survey funded by the Rosso Family Foundation)
- Public input is planned for the master landscape plan to ensure public access to historic features of the site and interpretive content that meets public needs and expectations

Summary

Our current strategic plan has enabled the museum to approach our mission with numerous activities that reinforce our commitment to Birmingham and its history. At the same time, we have been able to increase our audience and forms of visitation, resulting in improved public access and greater appreciation for our role. Our re-branding and the shortening of our name to Birmingham Museum has helped us refresh our presence and appeal to individuals, families, and even other organizations in the community.

Birmingham Museum Community Engagement and Collections Care

	2014-2015	2015-16	2016-17
Visits			
School Tours	700	735	711*
Museum Site (includes park)	2400	2700	3100
Programs & Events			
Children Only Programs	n/a	6	14
Adults/Family	n/a	15	20
Online Engagement			
Facebook Total Likes	541	643	731
Instagram Followers	n/a	n/a	151
Revenues			
Admissions	1719.00	3783.00	5713.00
Donations**	452.00	2428.00	2858.00
Grants	5000.00	8500.00	2900.00
Collection Items Digitized Per Year			
Detailed Object Records	n/a	600	1750
Scanned images	n/a	3500	1300

*Reduced attendance attributed to school closure/absenteeism for Noro virus

**Does not include projects funded by Friends of the Birmingham Museum

As shown in the chart, our Facebook activity reflects an active social media connection with our online audience, with a high level of likes for an organization of our size, active re-posts, interest in our events, and other indications of engagement. We have also a healthy following of over 150 on Instagram.

Our revenues also reflect the improvement in our community engagement, both in numbers of physical visitors and an increase in admission revenues (which for 2016-17 were up by 54%).

As a strategic plan is always best when flexible, we look forward to input and opportunities to make adjustments. This will allow us to continue to meet expectations and strengthen the museum going forward.

Respectfully submitted,

Leslie Pielack
Museum Director

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Trending ▲▼ School raises more than \$16,000 for pediatric cancer research — *Macomb Township*

BIRMINGHAM

Looking Back: The Watkins Pony Farm of Birmingham

◀3

2

◀1



🕒 Posted April 6, 2016

Shetland ponies were once big business in Birmingham. From the 1890s to the mid-20th century, Watkins Shetland Pony Farm supplied Shetland ponies to pony lovers, farmers and businesses in the Birmingham area and all over the country from its 120-acre property east of what is now called Quarton Lake.

Gilbert Watkins imported the herd of ponies from the Shetland Islands to his Birmingham farm sometime in the late 1880s. By day he worked in the insurance industry, but in his spare time he took pride in breeding the finest ponies that were, as he claimed in a 1892 catalog, “the only herd in the world registered in both the United States and the Shetland Islands.”

In the early 1900s, Gilbert’s nephew, Fenton Watkins, began working with the ponies. In an oral history interview with the Birmingham Historical Society in the 1970s, he recounted many details of the business and the ponies themselves.

On one Saturday each spring, Fenton and several local boys would walk the ponies from the farm to Belle Isle. The ponies were housed on the island with the police horses all summer and pulled carts that visitors could rent. The rates were 25 cents for an hour, 15

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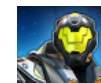
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BASEBALL

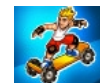
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cents for a half-hour and 10 cents for a ride. The duration of the ride was determined by how many children were waiting in line.

The ponies were also used on Boblo Island and in Palmer Park in Detroit. Fenton and his wife spent every summer between 1916 and 1929 caring for the ponies on Boblo.

The postcard pictured here is from The Birmingham Museum's collection and depicts the ponies on Belle Isle. The postcard bears a postmark from 1910.

— Caitlin Donnelly, The Birmingham Museum

Did you know...

The Birmingham Historical Museum and Park is now called The Birmingham Museum. It is open 1-4 p.m. Wednesdays-Saturdays at 556 W. Maple Road in downtown Birmingham. Admission costs \$7 for adults, \$5 for seniors and students, and is free for children younger than 5.

Morning Vinegar Cleanse

My friends keep asking me about this morning vinegar cleanse, this is what I tell them. classatbootcamp.com



◀ 3

2

◀ 1

For more local news coverage, see the following newspaper:

Birmingham - Bloomfield Eagle

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TROY



Council approves 2017-18 budget

SOUTHFIELD



'Kinky Boots' window display snaps up Main Street Oakland County award

ROCHESTER

NEWS



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Metroparks celebrate 75 years outdoors



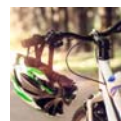
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Experts warn of increased tick, mosquito activity this season



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New public safety, fire chiefs named



BINGHAM FARMS

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Cranbrook lacrosse comeback is one to remember



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Marian soccer caps perfect season, wins D-2 state title



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BACK TO BACK: Rochester High tops Brother Rice for second straight regional title

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Trending ▲▼ School raises more than \$16,000 for pediatric cancer research — *Macomb Township*

BIRMINGHAM

Looking Back: Alice Fouracre and a 'Titanic' near-miss

26



Posted November 9, 2016

This photo of Alice Fouracre and her two oldest sons was taken in the late 1910s. Alice, her husband, Albert, and her children lived what could be described as an average life in Birmingham, but she might not have made it to Birmingham had she stuck with her original plan to sail on the infamous RMS Titanic.

Albert and Alice were both from Somerset County, England. Albert and his friend Jack immigrated to Detroit in 1911. Both left their fiancées behind in the city of South Hampton, England, while they sought work in their new home. While waiting, Alice took on work in England as a seamstress for a well-to-do family. In 1912, Alice and Elsie, Jack's fiancée, purchased second-class tickets aboard the next White Star Line ship that was setting sail to the U.S., the RMS Titanic.

As fate would have it, there would be a shortage of space for the domestic staff for first-class passengers, so the White Star Line asked existing second-class ticket-holders to sell back their tickets to the company to accommodate this need. Alice and Elsie sold their tickets back. This would delay their journey by at least another week as the Titanic's owners had bought up all available coal to eliminate competition during the Titanic's maiden voyage.

Even after learning of the horrendous loss of life when the Titanic sank and their own close call, Alice and Elsie were determined to be reunited with their husbands-to-be.

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Shortly after they arrived safely in America and passed through Ellis Island, a double wedding was held. Alice and Albert settled in Birmingham, where Albert worked for the Detroit United Railway, and raised a family in the city. For several of those years, they lived in the Hunter House, which is now located on the property of the Birmingham Museum.

If you have a Birmingham family history you'd like to share, contact Caitlin Donnelly at the Birmingham Museum at cdonnelly@bhamgov.org.

— Caitlin Donnelly, museum assistant at the Birmingham Museum

26

For more local news coverage, see the following newspaper:

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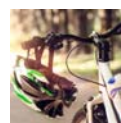
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Best of the best golfers battle in state finals



CLARKSTON

BACK TO BACK: Rochester High tops Brother Rice for second straight regional title

candgnews.com



**The Birmingham Museum**

Published by Katie Donnelly [?] · June 18 at 12:05pm · 🌐

On this date in 1896 four new cars of the electric interurban come to Birmingham for the first time. The interurban runs from Detroit to Birmingham. Fare was 15 cents one way.

**Get More Likes, Comments and Shares**

Boost this post for \$3 to reach up to 210 people.

272 People Reached**6** Likes, Comments & Shares

5 Likes	5 On Post	0 On Shares
-------------------	---------------------	-----------------------

0 Comments	0 On Post	0 On Shares
----------------------	---------------------	-----------------------

1 Shares	0 On Post	1 On Shares
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11 Post Clicks

5 Photo Views	0 Link Clicks	6 Other Clicks ⓘ
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NEGATIVE FEEDBACK

0 Hide Post	0 Hide All Posts
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0 Report as Spam	0 Unlike Page
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**The Birmingham Museum**

Published by Katie Donnelly [?] · February 17 · 🌐

On this #DayofFacts, we'd like to celebrate and appreciate the unique American stories that make us an amazing city! Recognize the young lady standing in the second row, third from the right in this Hill School class picture from 1914? She's Bessie Levinson, daughter of Morris Levinson, who opened up a department store in Birmingham in 1897 after he and his wife, Augusta, immigrated from Russia in the late 19th century. The Levinsons were the first Jewish family to call Birmi... [See More](#)

**Get More Likes, Comments and Shares**

Boost this post for \$3 to reach up to 210 people.

561 people reached

[Boost Post](#)

Megan Garbinski, Barbara Lopiccolo and 6 others

1 Share

**561** People Reached**20** Reactions, Comments & Shares**12**

Like

7

On Post

5

On Shares

3

Love

1

On Post

2

On Shares

1

Comments

0

On Post

1

On Shares

4

Shares

4

On Post

0

On Shares

50 Post Clicks**19**

Photo Views

1

Link Clicks

30

Other Clicks ⓘ

NEGATIVE FEEDBACK**0** Hide Post**0** Hide All Posts**0** Report as Spam**0** Unlike Page



The Birmingham Museum

Published by Katie Donnelly [?] · March 16 ·

Nowadays, when we want the entire world to know that we had a good time at a party, we post about it on Facebook. Back in 1882, you'd put a notice in your local paper about it. In the March 16, 1882 edition of the Birmingham Eccentric we learn that

"A party of merry school mates had a very pleasant surprise party at Will Stevens' on Thursday evening of last week."

In the same front page column, there is also a record of who was visiting what friends and relations in the village, who had recently taken up painting, who was ill, who accidentally injured themselves with farm equipment, and who was embarking on a trip. It appears that the tendency to overshare isn't a totally new behavior brought on by social media.



Get More Likes, Comments and Shares
Boost this post for \$3 to reach up to 210 people.

533 People Reached

31 Reactions, Comments & Shares

15



Like

10

On Post

5

On Shares

2



Haha

1

On Post

1

On Shares

11

Comments

8

On Post

3

On Shares

3

Shares

1

On Post

2

On Shares

51 Post Clicks

18

Photo Views

0

Link Clicks

33

Other Clicks

NEGATIVE FEEDBACK

0 Hide Post

0 Hide All Posts

0 Report as Spam

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**The Birmingham Museum**

Published by Katie Donnelly [?] · April 28 · 🌐

Did you know? In 1960 Birmingham became the first city in Michigan to have a female mayor. Florence "Twink" Willitt served as a member of the commission from 1955 to 1960 and mayor from 1960 until 1963.

**369** People Reached**9** Likes, Comments & Shares**6**

Likes

4

On Post

2

On Shares

1

Comments

1

On Post

0

On Shares

2

Shares

1

On Post

1

On Shares

6 Post Clicks**0**

Photo Views

0

Link Clicks

6

Other Clicks ⓘ

NEGATIVE FEEDBACK**0** Hide Post**0** Hide All Posts**0** Report as Spam**0** Unlike Page

**STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION
NOTICE OF HEARING
FOR THE NATURAL GAS AND ELECTRIC CUSTOMERS OF
CONSUMERS ENERGY COMPANY
CASE NO. U-18331**

- Consumers Energy Company requests that the Michigan Public Service Commission review and approve the Company's reconciliation of a 2016 Energy Optimization ("EO") Plan and find that the Company has complied with the energy savings targets imposed by 2008 Public Act 295; MCL 460.1001 et seq. ("Act 295").
- 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: **Wednesday, July 12, 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 **Suzanne D. Sonneborn**

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 (Company's) May 31, 2017 application, which seeks Commission's approval that 1) the Company's 2016 EO Plan reconciliation is reasonable and prudent and meets all relevant requirements under Act 295; 2) the collection of a performance incentive payment for both the gas and electric EO Plan, the collection of which to be completed by December 31, 2018 in order to comply with the requirements of ASC 980-605-25; 3) the conversion of 67,696 EO Credits into Renewable Energy Credits in 2016 for use in meeting the Company's renewable energy requirements under Act 295; and 4) other relief.

INFORMATION ONLY

All documents filed in this case shall be submitted electronically through the Commission's E-Dockets website at: michigan.gov/mpscdockets. 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: mpscdockets@michigan.gov. If you require assistance prior to e-filing, contact Commission staff at (517) 284-8090 or by email at: mpscdockets@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 July 5, 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/mpscdockets, 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.]**