

### CITY COMMISSION MEETING AGENDA JANUARY 8, 2018 7:30 PM



Photo Credit: Carroll DeWeese

Municipal Building, 151 Martin, Birmingham, MI 48009

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- <u>Tablet Users:</u> Tap the screen for available options, select "Open in", select "Adobe Reader". The agenda will open in Adobe Reader. Scroll through the bookmarks to navigate through the agenda. (*The Adobe Reader application is required to download the agenda and view the bookmarks. This free application is available through the App Store on your tablet device.*)

### BIRMINGHAM CITY COMMISSION AGENDA JANUARY 8, 2018 MUNICIPAL BUILDING, 151 MARTIN 7:30 P.M.

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

Andrew M. Harris, Mayor

#### II. ROLL CALL

J. Cherilynn Mynsberge, City Clerk

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

#### Announcements:

- Introduction of Assistant City Manager Tiffany Gunter.
- The City of Birmingham is seeking input from residents and businesses on choosing a new city logo. Surveys are available at City Hall, the Baldwin Public Library, NEXT and on the City's website.
- Mayor Pro Tem Bordman's birthday.

#### Appointments:

- A. Interviews for Public Arts Board
  - 1. Monica Neville
  - 2. Barbara Heller
- B. Appointments to the Public Arts Board
  - 1. To appoint \_\_\_\_\_, to the Public Arts Board as a regular, resident member to serve a three-year term to expire January 28, 2021.
  - 2. To appoint \_\_\_\_\_, to the Public Arts Board as a regular, resident member to serve a three-year term to expire January 28, 2021.
- C. Administration of Oath of Office to Appointees

#### IV. CONSENT AGENDA

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

- A. Approval of City Commission meeting minutes of December 4, 2017, as amended.
- B. Approval of City Commission meeting minutes of December 11, 2017.
- C. Approval of warrant list, including Automated Clearing House payments, dated 12/13/2017 in the amount of \$853,074.63.
- D. Approval of warrant list, including Automated Clearing House payments, dated 12/20/2017 in the amount of \$1,350,602.11.

- E. Approval of warrant list, including Automated Clearing House payments, dated 01/03/2018 in the amount of \$650,191.37.
- F. Resolution setting Monday, February 12, 2018 at 7:30 p.m. for a public hearing to consider adoption of the proposed 2018 Parks and Recreation Master Plan.
- G. Resolution approving the dedication of a ten foot wide easement on the Chesterfield Fire Station property, 1600 W. Maple Rd., to DTE Energy Co., and directing the Mayor and City Clerk to sign the document on behalf of the City.
- H. Resolution adopting the Performance Resolution for Governmental Agencies with the Michigan Department of Transportation (MDOT) and authorizing City Engineer Paul O'Meara and Assistant City Engineer Austin Fletcher, to apply to MDOT for the necessary permit work within State Highway Right-of-Way on behalf of the City of Birmingham.
- I. Resolution accepting the bid submitted by Bob Adams Towing, Inc. to provide Towing and Storage of impounded, abandoned, accident and other motor vehicles, and authorizing the Mayor and the City Clerk to execute the contract on behalf of the city.
- J. Resolution accepting the bid submitted by Universal Fidelity LP to provide collection agency services and authorizing the Mayor and City Clerk to execute the contract on behalf of the city.
- K. Resolution authorizing the Chief of Police to sign the MLCC Police Investigation Report (LC-1800) and approving the liquor license request of Adachi Restaurant Group LLC that requests a new Class C License to be issued under MCL 436.1521(A)(1)(B) and SDM License with Outdoor Service (1 Area) to be located at 325 S. Old Woodward, Birmingham, Oakland County, MI 48009. Furthermore, pursuant to Birmingham City Ordinance, authorizing the City Clerk to complete the Local Approval Notice at the request of Adachi Restaurant Group LLC approving the liquor license request of Adachi that requested a New Class C License to be issued under MCL 436.1521 (A)(1)(B) & SDM License with Outdoor Service (1 Area) to be located at 325 S. Old Woodward, Birmingham, Oakland County, MI 48009.
- L. Resolution accepting the resignation of Lex Kuhne from the Advisory Parking Committee, thanking him for his service, and directing the City Clerk to begin the process of filling the vacancy.
- M. Resolution accepting the resignation of Adam Charles as an Alternate Member of the Historic District Commission, thanking him for his service, and directing the City Clerk to begin the process of filling the vacancy.

#### V. UNFINISHED BUSINESS

- A. Resolution approving the ordinance amendment to amend the City Code, Part II, Chapter 10, Alcoholic Liquors, Article II. Licenses, to delete Sec. 10-107 of Division 5 and to add Division 6. Violation of License, Contracts or Special Use Permits.
- B. Continuation of Public Hearing to consider a Special Land Use Permit Amendment and Final Site plan 210 S. Old Woodward Vinotecca
  - 1. Resolution approving a Special Land Use Permit Amendment and Final Site Plan for Vinotecca at 210 S. Old Woodward, to allow for a name and concept change from the previous restaurant as recommended by the Planning Board on November 8, 2017, including the adoption of the SLUP Resolution identified as Option 1;

2. Resolution approving a Special Land Use Permit Amendment and Final Site Plan for Vinotecca at 210 S. Old Woodward to allow for a name and concept change from the previous restaurant as recommended by the Planning Board on November 8, 2017, including the adoption of the SLUP Resolution identified as Option 2;

#### OR

- 3. Resolution denying a Special Land Use Permit Amendment and Final Site Plan for Vinotecca at 210 S. Old Woodward to change the name and concept from the previous restaurant.
- C. Continuation of Public Hearing to consider a Special Land Use Permit Amendment and Final Site Plan 220 Restaurant at 220 E. Merrill
  - 1. Resolution approving a Special Land Use Permit Amendment and Final Site Plan for 220 Restaurant at 220 E. Merrill, to utilize the lower level of the building as an extension of the 220 Restaurant as recommended by the Planning Board on November 8, 2017, including the adoption of the SLUP Resolution identified as Option 1;

#### OR

2. Resolution approving a Special Land Use Permit Amendment and Final Site Plan for 220 Restaurant at 220 E. Merrill to utilize the lower level of the building as an extension of the 220 Restaurant as recommended by the Planning Board on November 8, 2017, including the adoption of the SLUP Resolution identified as Option 2;

#### OR

3. Resolution denying a Special Land Use Permit Amendment and Final Site Plan for 220 Restaurant at 220 E. Merrill to utilize the lower level of the building as an extension of the 220 Restaurant.

#### VI. NEW BUSINESS

A. Resolution awarding the Old Woodward Ave. Paving Project, Contract #1-18(P), to Angelo Iafrate Construction Co., of Warren, MI, in the amount of \$7,078,773.32, to be funded from the following accounts:

funded if off the following decounts:						
Sewer Fund	590-536.001-981.0100	\$1	,223,201.26			
Water Fund	591-537.004-981.0100	\$	904,215.08			
Major Streets Fund	202-449.001-981.0100	\$2	,199,260.26			
Major Street Fund						
(Traffic Control)	202-303.001-977.0100	\$	418,827.88			
General Fund (Sidewalks)	101-444.001-985.7400	\$2	,315,248.79			
APS Fund (Parking meters)	585-305.000-811.0000	\$	18,020.00			
TOTAL		\$7	,078,773.32			
And further; approving the approp	priation and amendment to the	2017-2	018 General			
Fund and Water Fund budgets as fo	llows:					
General Fund						
Revenues:						
Draw from Fund Bala	ince					
101-000.000-400.0000 \$ 556,659.00						
Total Revenue \$ 556,659.						
Expenditures:						
Sidewalk-Construction/Public Improvements						

101.444.001-985.7400	\$ 556,659.00
Total Expenditures	\$ 556,659.00
Water Fund	
Revenues:	
Draw from Net Position	
591-0000.000-400.0000	\$ 81,145.00
Total Revenue	\$ 81,145.00
Expenditures:	
Water Mains Capital Improvements	
591-537.004-981.0100	\$ 81,145.00
Total Expenditures	\$ 81,145.00

- B. Resolution setting Monday, February 12, 2018 at 7:30 p.m. for a public hearing of necessity for the installation of sewer and water services within the Old Woodward Ave. Paving project area, and setting Monday, February 26, 2018 at 7:30 p.m. for a public hearing to confirm the roll for the installation of sewer and water services in the Old Woodward Ave. Paving project area.
- C. Resolution setting Monday, February 12, 2018 at 7:30 p.m. for a public hearing of necessity for the installation of sidewalk streetscape adjacent to all properties on Old Woodward Ave. from Willits St. to Brown St., as well as for 400 feet of Maple Rd. west and east of the Old Woodward Ave. intersection, and, if necessity is determined on February 12, 2018, setting Monday, February 26, 2018 at 7:30 p.m. for a public hearing to review the assessments and to confirm the roll.
- D. Resolution approving the recommendation of the Multi-Modal Transportation Board for the installation of pedestrian crossing traffic islands located at Lakepark Ave. and east of Hawthorne Rd., in accordance with the plans prepared for this work, and including this work in the 2018 Concrete Sidewalk Program, at an estimated cost of \$108,000.
- E. Resolution accepting the recommendations of the Multi-Modal Transportation Board relative to the reconstruction of the following streets:
  - 1. Bennaville Ave. between Edgewood Ave. and Grant St. shall be reconstructed to match its current width of 32 ft.
  - 2. Ruffner Ave. and Chapin Ave. between Grant St. and the Woodward Ave. alley shall be reconstructed as a 26 ft. wide street, supplemented with 3 ft. wide curb extensions (bumpouts) immediately west of the intersection with the alley.
  - 3. Ruffner Ave. between the Woodward Ave. alley to Woodward Ave. shall be reconstructed to match its current width of 32 ft.
  - 4. Chapin Ave. between the Woodward Ave. alley to Woodward Ave. shall be reconstructed to match its current width of 28 ft.

#### VII. REMOVED FROM CONSENT AGENDA

#### VIII. COMMUNICATIONS

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

#### X. REPORTS

A. Commissioner Reports

- B. Commissioner Comments
- C. Advisory Boards, Committees, Commissions' Reports and Agendas
- D. Legislation
- E. City Staff
  - 1. Parking Utilization Report, submitted by City Engineer O'Meara
  - 2. Allen House Siding 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 <u>(248) 530-1880</u> 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 PUBLIC ARTS BOARD

At the regular meeting of Monday, January 8, 2018 the Birmingham City Commission intends to appoint two members to the Public Arts Board to serve three-year terms to expire January 28, 2021.

In so far as possible, the members shall represent a major cultural institution, a registered architect of the State of Michigan, an artist, an art historian, and an art consultant. Members may also be members of the Historic District Commission, Design Review Board, the Parks and Recreation Board, or the Planning Board. At least four members of the Board shall be residents of the City of Birmingham.

The objectives of the Public Arts Board are to enrich the City's civic and cultural heritage; to promote a rich, diverse, and stimulating cultural environment in order to enrich the lives of the City's residents, business owners, employees, and all visitors; and to establish an environment where differing points of view are fostered, expected, and celebrated by providing the opportunity for such expression through the display of public art.

Interested citizens may apply for this position by submitting an application available from the city clerk's office. Applications must be submitted to the city clerk's office on or before noon on Wednesday, January 3, 2018. 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.

Applicant Name	Criteria/Qualifications Members shall, in so far as possible, represent a major cultural institution, a registered architect of the State of Michigan, an artist, an art historian, and an art consultant. Members may also be members of the Historic District Commission, Design Review Board, the Parks and Recreation Board, or the Planning Board. Residents of the City of Birmingham
Monica Neville 1516 E. Melton	See attached application
Barbara Heller 176 Linden	See attached application and resume

Applicant(s) Presented For City Commission Consideration:

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

#### SUGGESTED ACTION:

To appoint \_\_\_\_\_\_ to the Public Arts Board as a regular, resident member to serve a three-year term to expire January 28, 2021.

To appoint \_\_\_\_\_\_ to the Public Arts Board as a regular, resident member to serve a three-year term to expire January 28, 2021.



# **PUBLIC ARTS BOARD**

City Code - Chapter 78, Article V

Terms - 3 years

7 regular members - At least 4 members shall be residents of the City of Birmingham. The remaining members may or may not be residents of Birmingham. In so far as possible, the members shall represent a major cultural institution, a registered architect of the State of Michigan, an artist, an art historian, and an art consultant. Members may also be members of the HDDRC, the Parks and Recreation Board, or the Planning Board.

2 alternate members - must meet one of the already established criteria for regular members Objectives -

- to enrich the City's civic and cultural heritage;
- to promote a rich, diverse, and stimulating cultural environment in order to enrich the lives of the City's residents, business owners, employees, and all visitors;
- to establish an environment where differing points of view are fostered, expected, and celebrated by providing the opportunity for such expression through the display of public art.

Last Name Home Address	First Name	Home Business				
		E-Mail	Appointed	Term Expires		
Cohen	Rabbi Boruch	(248) 225-0246	2/27/2017	1/28/2019		
1578 Lakeside			Resident Member			
Birmingham	48009	thebirminghamjewishcol	nnection@g			
Demps-Simons	Celeste	(248) 719-5091	2/27/2017	12/31/2017		
563 Watkins			Student Representative			
Birmingham	48009	hemelroos@gmail.com				
Eddleston	Jason	(248) 703-3808	12/5/2016	1/28/2020		
892 Purdy						
Birmingham	48009	jason28e@yahoo.com				
Evans	Sarah	(248) 808-4633	2/27/2017	12/31/2017		
1028 Suffield			Student Represent	ative		
Birmingham	48009	sarahshaus@hotmail.coi	m			

Last Name Home Address	First Name	Home Business E-Mail	Appointed	Term Expires
Heller 176 Linden	Barbara	(248) 540-1310 (313) 833-7834	1/28/2002 Resident Member	1/28/2018
Birmingham	48009	bheller@dia.org		
Neville 1516 E. Melton	Monica	(248) 321-1776	2/27/2017 Resident Member	1/28/2018
Birmingham	48009	monica.neville1@gmail	l.com	
<b>Ritchie</b> 1455 South Eton	Anne	(248) 635-1765	9/12/2016	1/28/2020
Birmingham	48009	a_ritchie@msn.com		
Roberts	Mary	(248) 535-9871	9/12/2016	1/28/2019
2352 Buckinghan Birmingham	48009	maryroberts49@gmail.	com	
Trella 2517 Manchester	Cecilia	(312) 813-9027	2/27/2017 Student Represent	12/31/2017 ative
Birmingham	48009	crt2000.lvay@gmail.co	т	
Vacant			Alternate	1/28/2020
Vacant			Alternate	1/28/2020
Wells 588 Cherry Ct.	Linda	(248) 647-1165	2/11/2013 Resident Member	1/28/2019
Birmingham	48009	lawells126@gmail.com		

### CITY BOARD/COMMITTEE ATTENDANCE RECORD

**Board/Committee:** 

**Public Arts Board** 

Year: 2015

MEMBER NAME	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Mtgs. Att.	Total Absent	Percent Attend
REGULAR MEMBERS								1.37		-					
Barbara Heller	NM	NM	NM	NM	NM	Р	NM	Р	NM	NM	NM	Р	3	0	100%
Maggie Mettler	NM	NM	NM	NM	NM	Р	NM	Р	NM	NM	NM	Р	3	0	100%
Sally Parsons	NM	NM	NM	NM	NM	Р	NM	Р	NM	NM	NM	Р	3	0	100%
Linda Wells	NM	NM	NM	NM	NM	Р	NM	Р	NM	NM	NM	Р	3	0	100%
Phyllis Klinger	NM	NM	NM	NM	NM	A	NM	A	NM	NM	NM	Α	0	3	0%
Diane Kowaleski	NM	NM	NM	NM	NM	A	NM	A	NM	NM	NM	Α	0	3	0%
Kara Lividini	NM	NM	NM	NM	NM	Α	NM	A	NM	NM	NM	Α	0	3	0%
Sydney Rosen	NM	NM	NM	NM	NM	A	NM	Α	NM	NM	NM	Α	0	3	0%
Maya Salinas	NM	NM	NM	NM	NM	Р	NM	A	NM	NM	NM	Р	2	1	67%
ALTERNATES															
Member 1		1.5		1		2			7.34				0	0	#DIV/0!
Member 2													0	0	#DIV/0!
Members in attendance	0	0	0	0	0	5	0	4	0	0	0	5			

KEY A = Absent P = Present NM = No Meeting \*\* = Not yet appointed

Alle.

### CITY BOARD/COMMITTEE ATTENDANCE RECORD

**Board/Committee:** 

**Public Arts Board** 

Year: 2016

MEMBER NAME	Jan	Feb	Mar	Apr	Мау	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Mtgs. Att.	Total Absent	Percent Attend
REGULAR MEMBERS										14 2		100			
Barbara Heller	NM	NM	NM	Р	NM	NM	NM	NM	Р	Р	Р	3.73	4	0	100%
Phyllis Klinger	NM	NM	NM	Α	NM	NM	NM	NM	Α	Α	Α		0	4	0%
Maggie Mettler	NM	NM	NM	Р	NM	NM	NM	NM	Р	Р	Р		4	0	100%
Anne Richie	**	**	**	**	**	**	**	**	Р	Р	A		2	1	67%
Mary Roberts	NM	NM	NM	A	NM	NM	NM	NM	A	Р	Р	1.3	3	2	60%
Linda Wells	NM	NM	NM	Р	NM	NM	NM	NM	Р	Р	Р	1.1.2	4	0	100%
Ava Suchara	NM	NM	NM	Р	NM	NM	NM	NM	Р	A	A		2	2	50%
ALTERNATES							4								
Member 1		6			(4)	1.1	575	1.1	8.2	1.1.1			0	0	#DIV/0!
Member 2													0	0	#DIV/0!
Members in attendance	0	0	0	4	0	0		1	5	5	4	0			

KEY A = Absent P = Present NM = No Meeting \*\* = Not yet appointed

Will

### CITY BOARD/COMMITTEE ATTENDANCE RECORD

**Board/Committee:** 

**Public Arts Board** 

Year: 2017

	1/18	2/15	3/15	4/19	5/17	6/21	7/19	8/16	10/18	11/15	lotal Mtgs. Att.	Total Absent	Percent Attend
REGULAR MEMBERS	1/10	2/20	0/10	-115	5/1/	0/21			10/10				
Barbara Heller	Р	Р	Р	Р	Р	Р	Р	A	Р	Р	9	1	90%
Eva Suchara	A	X	x	х	x	х	x	X	х	X	0	1	0%
Maggie Metler	Р	х	x	х	x	х	х	X	х	X	1	0	100%
Monica Neville	**	**	Р	Р	Р	Р	Р	Р	Р	А	7	1	88%
Rabbi Boruch Cohen	**	**	Р	Р	Р	Р	Р	Р	Р	Р	8	0	100%
Anne Ritchie	Р	Р	A	Р	A	A	A	Р	Р	Р	6	4	60%
Mary Roberts	A	A	Α	Р	A	Α	Р	A	Р	Α	3	7	30%
Linda Wells	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	10	0	100%
Jason Eddleston	A	Р	A	A	Р	Р	A	A	Р	Α	4	6	40%
Celeste Demps-Simons (Student Rep.)	A	A	A	Р	Р	A	Р	Р	Р	Р	4	6	40%
Sarah Evans (Student Rep.)	A	A	A	Р	Р	Р	Р	A	А	А	4	6	40%
Cecilia Trella (Student Rep.)	A	Р	Р	Р	A	P	Р	A	Р	A	6	4	60%
ALTERNATES													
Member 1											0	0	#DIV/0!
Member 2											0	0	#DIV/0!
Members in attendance	4	5	5	9	7	7	8	5	9	5			

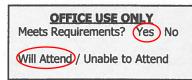
KEY: A = Absent P = Present NM = No Meeting

\*\* = Not yet appointed

x = no longer serving

Ante





#### **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 <a href="http://www.bhamgov.org/boardopportunities">www.bhamgov.org/boardopportunities</a>.

(Please print cleany)	
Board/Committee of Interest PAB	
Specific Category/Vacancy on Board BOARD MEMBER	
Name MONICA NEVICLE	Phone 248-321-1776
Residential Address <u>1576 E MEZTON RD</u>	Email MONICA Nevelle 109 Ma
Residential City, Zip BIRM INGHAM	Length of Residence <u>34EARS</u>
Business Address	Occupation MARKETING
Business City, Zip	
Reasonfor Interest: Explain how your background and skills will enhand Aver with a chara fave around fue world gaining a g art in many cities. List your related employment experience 30 years of disting and the world gaining and the List your related community activities Valuateer at y List your related educational experience Arie Atts degr and Maturia for the of years and Maturia for the of years	led to many catees reat appreciation of oversais and, arbeting experience Amost Home Arimal antif ee, career in advertising
To the best of your knowledge, do you or a member of your immerelationships with any supplier, service provider or contractor of the or direct compensation or financial benefit? If yes, please explain:	City of Birmingham from which you or they derive
Do you currently have a relative serving on the board/committee to whi	ch you have applied?
Are you an elector (registered voter) in the City of Birmingham? $\underline{\dot{\mathcal{Y}}}$	<u>S</u>

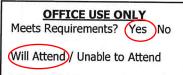
Signature of Applicant

12/18/2017-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 <u>cmynsberge@bhamgov.org</u> or by fax to 248.530.1080. Updated 8/16/17

**3A1** 





#### **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 <a href="http://www.bhamgov.org/boardopportunities">www.bhamgov.org/boardopportunities</a>.

(Please print clearly)

Board/Committee of Interest <u>PUBLIC ARTS BOARD (PAB)</u>	
Specific Category/Vacancy on Board REGULAR MEMBER	-
Name BARBARA HELLER	Phone <u>248-540-1310</u>
Residential Address / The LINDER ROAD	Email <u>bheller@dia.org</u>
Residential City, Zip DIRMINGHAM, MI 48009	Length of Residence <u>38</u>
Business Address DETRUIT INSTITUTE OF ARTS	Occupation CONSERVATOR OF WORKS OF ART
5200 WOODWARD AVE, Business City Tim TETROLT 48202	<u>.</u>
Business City, Zip <u>DETROIT</u> , 48202	
Reason for Interest: Explain how your background and skills will enhan	so the beard to which you have applied of a day
ADVOCATE FOR THE ARTS, ITS PRESERVATION AND LONG-TE	ERY CARE. I WOULD LIKE TO CONTINE
SERVING MY COMMUNITY BY PARTICIPATING IN ITS ARTIST	
WITH OTHER BOARDS, COMMUNITY GROUPS AND THE CITY	COMMISSION .
List your related employment experience Pernora INSTITUTE OF A	KTS (SEE RESVIJE ATTACHED)

List your related community activities <u>PAB; MILHIGAN LEGALY ART PARK BOARD, MANSHALL FREDERICKS SCULP</u>TURE MUSEUM AD VISORY BOARD; THE COUMUNITY HOUSE - STUDENT ANT TOWNS & OUR TOWN CHAIRS JURDR; (SEE ATTRACTED)

List your related educational experience <u>PLIVET COLLEGE, UNIVERSITY OF MICHIGAN, HARVARD</u> UNIVERSITY MUSEUM MANAGEMENT INSTITUTE-UNIVERSITY OF CALIFORNIA AT BERKELEY (SEE ATTACHED)

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?

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

Signature of Applicant

anciary 2018

Return the completed and signed application form to: City of Birmingham, City Clerk's Office, 151 Martin, Birmingham, MI 48009 or by email to <u>cmynsberge@bhamgov.org</u> or by fax to 248.530.1080. 2 A 2 Updated 8/16/17

3A2

#### **BARBARA HELLER**

# Director and Conservator of Special Projects bheller@dia.org

EDUCATION July 1989	Museum Management Institute, University of California at Berkeley. Certificate.
1981-1982	Wayne State University (WSU), Detroit, Michigan. Graduate Program in Art History.
1977-1980	Completed B.A. credits at WSU in Art History with the degree to be conferred by Olivet College.
1966 - 1968	Oliver College, Olivet, Michigan. Major in Art History and French, course work in Chemistry and Studio Art.
RELATED TRA Sept. 1991	INING (SELECTED) "Art in Transit," Tate Gallery, London, England. International Conference and Workshop on the packing and transportation of paintings.
April 1990	The Getty Conservation Institute, Los Angeles, California. Course, "Preventive Conservation: Museum Collections and Their Environment." Certificate.
August 1988	The Getty Conservation Institute, Los Angeles, California. Workshop, "New Methods in the Cleaning of Paintings," with Richard Wolbers. Certificate.
June 1988	American Institute for Conservation Pre-Conference Seminar: Conservation Survey Workshop.
March 1985	Harvard School of Public Health, Boston, Massachusetts. "Occupational and Environmental Radiation Protection." Certificate.
Jan. 1980	University of Michigan Museum of Art, Ann Arbor, Michigan. Workshop, "Museum Marauders or Pest Control for Museums," with Thomas A. Parker.
PROFESSIONAL March 2009- Present	<b>EXPERIENCE (SELECTED)</b> Detroit Institute of Arts (DIA) DIRECTOR AND CONSERVATOR OF SPECIAL PROJECTS, Exhibition, Collection & Information Strategies division. Responsible for managing collection storage upgrade projects, writing conservation grants and conservation assessments, triage of collection, assessing and developing DIA collection tours, couriering art, monitoring climate control systems, emergency response team, ADA 504 compliance, and liaison between Conservation and Curatorial departments.
July 1986- March 2009	DIA, CHIEF CONSERVATOR, Conservation Department Leader of the conservation research, scientific analysis, treatment and preventive conservation programs, and outreach activities; performed special projects; supervised between 14-20 staff members; managed grants, monitored budgets; published in professional journals; and participated in Management, Staff Master Planning, Construction Scheduling, Museum Building, and Reinstallation Steering Committees.
Feb. 1993- August 1993	THE GETTY CONSERVATION INSTITUTE, SENIOR RESEARCH FELLOW, TRAINING PROGRAM Responsible for the development and creation of teaching materials for their course "Preventative Conservation: Museum Collections and Their Environment".
March 1985- June 1986	DIA, ACTING HEAD CONSERVATOR. RADIATION SAFETY PROTECTION OFFICER Responsible for the direction and supervision of the conservation department, established a museum-wide preventative conservation program.
June 1982- March 1983	Toledo Museum of Art, EXHIBITION CONSERVATOR On contract through DIA to monitor paintings in the El Greco of Toledo exhibition at the Prado in Madrid, Spain, the National Gallery of Art, Toledo Museum of Art, and Dallas Museum of Fine Arts.
Oct. 1976- Feb. 1985	DIA, PAINTINGS CONSERVATOR, HEAD OF PAINTINGS LABORATORY Responsible for the treatment of paintings on canvas and panel from DIA, various State of Michigan and Midwest collections.
-	

### LECTURES AND PUBLICATIONS (SELECTED)

2017 "Making our Grant Funded Work Visible: Outreach Related to Grant-Funded Work," with Louise Beck, Mallory Bower, Jessica Herczeg-Konecny, and Rick Plummer, MMA Annual Conference, 17-19 October, Lansing, MI.

- 2016 "The Detroit Institute of Arts Collection: Protecting Art During the City of Detroit Bankruptcy" Joint AIC/CAC 42<sup>nd</sup> Annual Conference, Emergency! Preparing for Disasters and Confronting the Unexpected in Conservation, 13-17 May, Montreal, Canada
- 2013 "Balancing the Preservation Needs of the Collections and the Integrity, Cost, and Energy Use of Buildings" with Meg Loew Craft, Scott Easton, Wendy Heintz-Joehnk, Michael Henry, Matthew Siegal, and Curt Songer, AAM Annual Meeting & MuseumExpo<sup>™</sup>, 21 May, Baltimore, MD.
- 2012 "Changing Conservation Environment Guidelines and their Impact on Today's Museums" with Kevin Shultis, Curt Songer, and Greg Wittkopp, AAM Annual Meeting & MuseumExpo™, 29 April-2 May, Minneapolis, MN.
- 2010 "Brief History of Detroit Institute of Arts Conservation Department 1927-2010" MRCG Annual meeting, 12-14 November, Louisville, KY. Documents submitted to University of Delaware Winterthur Museum archives.
- 2008 "Standards and Methodologies to Safeguard Collections During Construction," *Creative Collaborations,* American Institute for Conservation (2008): 6. General session presentation, American Institute for Conservation of Historic and Artistic Works Annual Meeting, 20-24 April, Denver, CO.
- 2004 "Storage of Paintings and Oversized Artifacts," Latest Trends in Museum Storage pre-conference symposium, Midwest Regional Conservation Guild (MRCG), Annual Meeting, 5-7 November, Cleveland, OH.
- 2003 Art in Transit workshop organized as President of the Midwest Regional Conservation Guild (MRCG), co-sponsored by the AIC, MRCG, and the Chicago Area Conservation Guild with funding from AIC and the DIA's Andrew W. Mellon Conservation Endowment, 31 October–1 November, Detroit, MI.
- 2003 "The Marshall Fredericks Sculpture Museum," *Marshall Fredericks, Sculptor,* Saginaw Valley State University and WSU Press, (Detroit), p. 199-205.
- 1998 "Saint Jerome in the Laboratory: Scientific Evidence and the Enigmas of an Eyckian Panel, Barbara Heller and Leon P. Stodulski, "Bulletin of the Detroit Institute of Arts, Vol. 72, No. 1/2, p. 58-76.
- 1995 "Recent Scientific Investigation of the Detroit Saint Jerome," Barbara Heller and Leon P. Stodulski, Ph.D., Petrus Christus in Renaissance Bruges: An Interdisciplinary Approach, Metropolitan Museum of Art and Brepols (Belgium), p. 131-142.
- 1994 *Conserving Cultural Heritage in the 21st Century*, Ed. M. Kisly and the Eastern task force of the Michigan Alliance for the Conservation of Cultural Heritage, Historical Society of Michigan, Ann Arbor, MI, p.1-4.
- 1989 "Disaster Planning," Michigan Alliance for Conservation Newsletter, Vol. 1, No. 2.
- 1988 "The Conservation of Diego Rivera's *Detroit Industry* Fresco Cycle," *AIC Preprints 1988*, The American Institute for Conservation of Historic and Artistic Works, Washington, D.C., p. 85-98.
- 1987 "The Recently Discovered Underdrawings of the Master of the Saint Ursula Legend's *Triptych of the Nativity*," Molly Faries, Barbara Heller, Daniel Levine, *Bulletin of the Detroit Institute of Arts*, Vol. 62, No. 4, p. 4-19.

#### **PROFESSIONAL AND COMMUNITY ASSOCIATIONS (SELECTED)**

- 2002- Public Arts Board, City of Birmingham, Vice-Chair 2002-04, 2007, Chair 2008-
- 2001- Responder for Cultural Institutions, National Disaster Emergency Guardian
- 1999- International Council of Museums
- 1999-12 Board of Directors, Michigan Legacy Art Park, Jury and Collection Management Committee
- 1995-02 Committee, Meadow Brook Hall Concours d'Elegance, art judge 1990 & 1999, wrote all art catalogue entries
- 1992-98 Board of Directors, American Association of Museums/International Council of Museums
- 1988- Board of Directors, Marshall Fredericks Sculpture Museum, Secretary 1988-2016, Chair Collections Committee
- 1987- Founding Member, Michigan Alliance for the Conservation of Cultural Heritage, V.P.1989, 2000-2004, President 1990-92, created and maintains online Disaster and Conservation Resource Center
- 1985-15 Member, Heritage Preservation, Secretary 1996-1999, By-laws, Member-at-Large 2000-2004, Chair of Paintings, Prints and Drawings working group Heritage Health Index project 2003, Nominating 2004-08
- 1980- Midwest Regional Conservation Guild, Secretary 1980-82, President 1985-87, 1989-90, 2002-06, 2008-10
- 1976- American Institute for the Conservation of Historic and Artistic Works, P.A. Paintings Specialty Group Chair 1984

City of	Birmingham	MEMORANDUM
		City Clerk's Office
DATE:	December 15, 2017	
TO:	Joseph A. Valentine, City Manager	
FROM:	J. Cherilynn Mynsberge, City Clerk	
SUBJECT:	Review of Item 12-325-17, Comm December 4, 2017 City Commissio	-

At the December 11, 2017 City Commission meeting, Mayor Pro Tem Bordman requested the audio recording of the December 4, 2017 City Commission be reviewed in order to expand upon the discussion of the timing of pedestrian crosswalk signals in section 12-325-17, Commissioner Comments.

Based on the requested review, I would propose the following changes to provide greater detail in the reporting of Mayor Pro Tem Bordman's comments:

Commissioner Nickita echoed Mayor Pro Tem Bordman's concerns about revising some of the crosswalks downtown. revisited Mayor Pro Tem Bordman's concerns about crosswalk timing, and her suggestion that pedestrians be given introductory time to cross the street at busy intersections.

Commissioner Nickita He stated he would like to see:

- The timing of crosswalks and lights revisited as Old Woodward is updated.
- Buttons removed from crosswalks in order to make the intersections more pedestrian friendly.

Mayor Pro Tem Bordman clarified <u>that</u> her concerns stand, and <u>that</u> the issue was broached with her via an article sent by a constituent. <u>She continued that:</u>

- <u>Oakland and Old Woodward is a particularly challenging intersection for</u> pedestrians and that adding time for pedestrians would be very helpful.
- <u>She would also like to see the Old Woodward and Maple intersection evaluated</u> by the MMTB, as well as the intersection at Southfield and Maple.

The Commission concurred that the downtown core crosswalks should be reviewed. City Manager Valentine said he would have the MMTB take a look at the issue.

In addition, I would propose the correction of the name of the President of Birmingham Bloomfield Chamber of Commerce from "Baldwin" to "Bauman".

#### SUGGESTED RESOLUTION:

To approve the City Commission meeting minutes of December 4, 2017, as amended.

### BIRMINGHAM CITY COMMISSION MINUTES DECEMBER 4, 2017 MUNICIPAL BUILDING, 151 MARTIN 7:30 P.M.

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

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

#### II. ROLL CALL

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

Administration: City Manager Valentine, City Attorney Currier, Planning Director Ecker, Finance Director/Treasurer Gerber, Operations Commander Grewe, City Clerk Mynsberge, City Engineer O'Meara

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

Commissioner Boutros' and Commissioner Hoff's birthdays were celebrated.

Mayor Harris announced:

- The Santa House will be open for visitors on select days through December 24<sup>th</sup> in the pavilion area in Shain Park. And you can enjoy the beauty of downtown Birmingham aglow for the holidays on a quaint carriage ride through town. The complimentary carriages are first-come first-served; carriages load at the corner of Henrietta & Merrill near Shain Park. Visit <u>www.enjoybirmingham.com</u> for the Santa House and carriage ride schedules.
- The City of Birmingham has scheduled a public review period for all interested parties to review the draft 2018 Parks and Recreation Master Plan for the City of Birmingham, Oakland County, Michigan which will be available for review and comment for 30 days beginning Monday, December 4, 2017 at the following locations during regular business hours: Birmingham Municipal Building, Birmingham Department of Public Services, Birmingham Ice Arena, and Birmingham Baldwin Public Library. The draft plan is also available for review on the following website: <u>bhamgov.org/ParksRecPlan</u>.

## 12-312-17 APPOINTMENTS TO THE AD HOC UNIMPROVED STREET STUDY COMMITTEE

Mayor Harris announced there were nine applicants for the committee and that eight of them were present.

Scott Seltzer was unable to be present, but Commissioners received his written statement of interest and qualifications.

Scott Moore, a resident living on the corner of an improved and an unimproved street, was present and was interviewed by the Commission.

The Commission received David Lurie's written withdrawal from consideration for the Committee.

Dominick Pulis, Michael Fenberg, Jeffrey Heldt, Julie Hollinshead, Christina McKenna, and John Rusche were present and were interviewed by the Commission as candidates for the three Committee seats to be filled by residents living on unimproved streets.

Robert Lavoie, a candidate for the seat to be filled by a resident with a background in road design and maintenance was not present, and the Commission was in general consensus to hold that position open until Mr. Lavoie could be present to be interviewed.

A majority of Commissioners were in favor of adjourning appointments to the Committee to allow additional residents to apply and to allow Mr. Seltzer and Mr. Lavoie to interview with the Commission. Several Commission Members wished to have more diverse areas of the City represented.

City Manager Valentine indicated staff will bring the appointments back at a time when additional applications from residents representing different areas of the City have been received. All applicants will be notified when appointments to the Committee will be considered by the Commission.

#### 12-313-17 APPOINTMENTS TO THE BOARD OF REVIEW

Jill Stress, Guy Di Placido, and Lester Richey, all current members of the Board of Review, were present and were interviewed by the Commission.

#### **MOTION:** Motion by Commissioner Sherman:

To appoint Guy Di Placido to the Board of Review as a regular member to serve a three-year term to expire December 31, 2020.

VOTE:	Yeas,	7	
	Nays,	0	
	Absent,	0	

**MOTION:** Motion by Commissioner DeWeese:

To appoint Lester Richey to the Board of Review as a regular member to serve a three-year term to expire December 31, 2020.

VOTE: Yeas, 7 Nays, 0 Absent, 0

#### **MOTION:** Motion by Commissioner Boutros:

To appoint Jill Stress to the Board of Review as an alternate member to serve a three-year term to expire December 31, 2020.

- VOTE: Yeas, 7
  - Nays, 0
  - Absent, 0

#### 12-314-17 APPOINTMENT TO THE CABLECASTING BOARD

Donovan Shand was present and was interviewed by the Commission.

#### **MOTION:** Motion by Commissioner Hoff:

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To appoint Donovan Shand to the Cablecasting Board as a regular member to serve the remainder of a term to expire March 30, 2020.

- VOTE: Yeas,
  - Nays, 0 Absent, 0

The City Clerk administered the Oath of Office to the appointees.

#### 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.

#### 12-315-17 APPROVAL OF CONSENT AGENDA

The following item was removed from the Consent Agenda:

 Commissioner Sherman: Item F, Special Event Permit for Birmingham Bloomfield Chamber – Village Fair in Shain Park Area, May 30-June 3, 2018

**MOTION:** Motion by Commissioner Boutros, seconded by Commissioner DeWeese: To approve the Consent Agenda, with Item F removed.

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

A. Approval of City Commission minutes of November 20, 2017.

- B. Approval of warrant list, including Automated Clearing House payments dated 11/22/17, in the amount of \$965,041.92
- C. Approval of warrant list, including Automated Clearing House payments dated 11/29/17, of \$1,235,902.82
- D. Resolution accepting the resignation of Kristen Baiardi from the Board of Zoning Appeals, thanking her for her service, and directing the City Clerk to begin the process of filling the vacancy.
- E. Resolution approving a request submitted by the Memorial Day Committee to hold the Memorial Day Ceremony and aerial fly over on May 28, 2018 at 10:00AM, pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event.

#### 12-316-17 SPECIAL EVENT PERMIT FOR BIRMINGHAM BLOOMFIELD CHAMBER TO HOLD THE VILLAGE FAIR IN THE SHAIN PARK AREA, MAY 30-JUNE 3, 2018 (Item F)

Commissioner Sherman expressed concern with the number of cars needing to be accommodated for the Village Fair.

Joe Baldwin Bauman, President of Bloomfield Birmingham Chamber of Commerce, stated the parking concerns will be addressed by:

- One church on W. Maple permitting the use of their 500-car lot;
- Another church on W. Maple potentially also allowing the use of their lot; and,
- United Shore providing employees with access to other parking in the City.

Mr. Baldwin Bauman explained to:

- Commissioner Nickita that the current plan is similar to last year's parking plan, except that the plan was not implemented last year because of the delay on the Old Woodward project. This year the plan will be implemented.
- Commissioner Sherman that the estimated number of employees last year was lower than the actual number who attended, which contributed to space issues.
- Commissioner Hoff that United Shore is doing things internally to encourage their employees to park in the alternate lots rather than in the parking structures.
- The Commission that the Fair could be a good way to encourage people to visit downtown Birmingham businesses. The Chamber is working on a program to have local businesses give discounts to people wearing a wristband from the Fair.
- Commissioner DeWeese that off-site parking will be free and shuttles will be running.

Mr. Baldwin Bauman added that United Shore could limit the number of prepaid parking deck passes they give to their employees.

Commissioner Hoff suggested handing out the discount wristbands at the off-site parking in order to incentivize the lots' use. Mr. Baldwin Bauman expressed approval of the idea and said he would look into setting up information booths with the t-shirts and wristbands at the offsite lots.

**MOTION:** Motion by Commissioner Sherman, seconded by Commissioner Bordman: To approve a request submitted by the Birmingham Bloomfield Chamber to hold the Village Fair in the Shain Park area, May 30–June 3, 2018, including the private party, contingent upon compliance with all permit and insurance requirements and payment of all fees and, further pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event.

VOTE: Yeas, 7 Nays, 0 Absent, 0

#### V. UNFINISHED BUSINESS None.

### VI. NEW BUSINESS

12-317-17 PUBLIC HEARING TO CONSIDER THE FINAL SITE PLAN AND SPECIAL LAND USE PERMIT FOR 33353 WOODWARD AVENUE – TIDE DRY CLEANERS

Mayor Harris opened the public hearing at 8:44 p.m.

From Senior Planner Baka's report to City Manager Valentine dated November 27, 2017:

The subject business is proposed to be located at 33353 Woodward Avenue in a new one-story 7,227 sq. ft. commercial/retail building and parking lot that is replacing the former Tuffy Automotive building on the west side of Woodward between Davis and Smith. The applicant is a drive-in service for customers to pick up and/or drop off their garments while remaining in their vehicle. The service of patrons while in their vehicles is considered a drive-in facility and requires a Special Land Use Permit (SLUP) under Article 2, Section 2.31 (B2B – General Business). Article 9, Section 9.02 (Definitions) defines a drive-in as a commercial establishment developed to serve patrons while in the motor vehicle in addition to within a building or structure. The parking area for service to patrons in vehicles will be located on the west elevation along the alley under a metal canopy attached to the back of the building outside of the west entrance.

The Planning Board recommended the SLUP for approval with the following conditions:

- 1. The total square footage of signage must be reduced to 108 sq. ft. or less;
- 2. The canopy must be attached to the building.

Planning Director Ecker explained to:

- Commissioner Boutros that the SLUP is required because of the drive-in service, and that the parking spaces are required because of the size of the building.
- Commissioner Hoff that the building is intended for multi-tenant use.

Shannon Marklin, a real estate manager for corporate Tide, stated that the canopy is an added convenience as protection from weather.

Ms. Marklin confirmed for Mayor Pro Tem Bordman:

- The company has 60 of these drive-ins across the United States;
- This drive-in would be the first Tide location in Michigan; and,
- Tide has also signed a lease for a drive-in in Shelby Township.

- The parking lot would allow customers to enter from both Woodward and Davis whether Tide occupies the end cap of the building or another business does.
- Transaction times average between thirty seconds and 2 minutes, and two cars could be helped at any given time.
- On-site dry-cleaning would only be for the Birmingham location. The Shelby Township location does its own dry-cleaning.
- A delivery van will be available to provide delivery service and will be parked at the operator's house every evening.
- According to a traffic study in Chicago, peak times yielded twelve cars per hour.

Planning Director Ecker confirmed for Commissioner Nickita that the canopy must be fully attached to the building, but the method of attachment will be approved administratively during the permitting process.

Commisioner Nickita expressed concern:

- That the Commission was not provided with information on the method of affixing the canopy since it is a required part of the proposal; and
- That there is not sufficient information in the site plan regarding proximity to residences, sidewalk connections, adjacent buildings, and the general neighborhood layout.

Duane Barbat, property owner, explained to Commissioner Nickita that:

- There is a parking lot barrier between the building and the closest residents; and
- The lot is not owned by Mr. Barbat; and,
- If the canopy is approved, drawings by a State of Michigan engineer will be submitted to the building department.

Commissioner Nickita expressed:

- Confidence in Mr. Barbat's plan based on his previous work in Birmingham; but
- That he still views this plan submission as incomplete.

Mr. Barbat replied that his company has not been asked to submit structural plans to the Commission before.

Mr. Barbat told Commissioner Hoff:

- There is no plan to prevent left-turn exits onto Davis.
- The proposal is for two covered spaces to be serviced by employees, the total lease to Tide is 3,000 sq. ft. contingent on the drive-in approval, and 2,000 sq. ft. will be dedicated to the cleaning plant, which may service other small operations in the future.

Planning Director Ecker noted that preventing left turns onto Davis was not a requirement put forth by the Planning Board for approval of the plan.

Ms. Marklin explained to:

• Commissioner Hoff that environmentally-friendly Green Earth solvent and Tide detergent would be used to process the dry-cleaning.

• Mayor Pro Tem Bordman that the only 24/7 parts of the business are a drop-box in the back and a kiosk in the front where a customer can pick up their dry-cleaning before or after hours with a code.

Mr. Ken Platt, a resident on Davis, submitted a communication to the Commission expressing opposition to the project.

Brian Fitzerman expressed his general approval of the plan, but added that he would like to see

- No left turn onto Davis;
- A STOP sign added to the exit onto Davis; and,
- The drop-box moved to the Woodward side, so as to not disturb the Davis-side residents late at night.

Ms. Marklin addressed Mr. Fitzerman's concerns by stating:

- There would be an additional drop-box on the Woodward side; and,
- Based on experience in other locations, if the drive-in spaces are occupied, customers will park and enter the store, so queuing cars should not be an issue.

Ms. Marklin told Commissioner Hoff there are usually two to three employees at a time, with five to seven employees working over the course of a day. Mr. Barbat added there is a side lot for employee parking, leaving sufficient parking for customers.

There being no further comment, Mayor Harris closed the public hearing at 9:20 p.m.

Commissioner DeWeese noted the no left turn sign could be placed in future if necessary.

Commissioner Hoff expressed concern for the residents, and stated that it is important in Birmingham to get the residents' buy-in and respect.

Mr. Barbat stated that he has attended two meetings only seen two residents and one letter.

Mary McCray (1332 Davis) stated that she is concerned with left turns onto Davis, and the potential need for overflow parking which might end up on Davis.

Commissioner Hoff expressed support for a no left turn sign in the parking lot.

Commissioner Nickita stated that he lives very close to this area, and that almost no other businesses have parking lot signage preventing certain exits. He continued that businesses busier than the proposed Tide dry-cleaner have not caused complaints of cut-through traffic, and that adding the parking lot signage lacks both precedent and necessity based on other examples.

**MOTION:** Motion by Commissioner DeWeese, seconded by Mayor Harris:

To approve the Final Site Plan and Special Land Use Permit to allow service to patrons in their vehicles at 33353 Woodward Avenue – Tide Dry Cleaners as recommended by the Planning Board on October 25, 2017. (*Resolution appended to these minutes as Attachment A.*)

VOTE: Yeas, 7

Nays, 0 Absent, 0

# 12-318-17PUBLIC HEARING TO CONSIDER THE FINAL SITE PLAN AND<br/>SPECIAL LAND USE PERMIT AMENDMENT FOR 250 & 280 E.<br/>MERRILL – SALE OF ROJO AND SIDECAR RESTAURANTS

Mayor Harris opened the public hearing at 9:28 p.m.

Commissioner Sherman recused himself based on a conversation with the City Attorney.

Commissioner Nickita explained he has a personal connection to the issue as his son works at one of the restaurants, but noted the City Attorney did not see this as a conflict of interest.

The Commission concurred.

From Planning Director Ecker's report to City Manager Valentine dated November 27, 2017:

Under Article 6, section 6.02 (5) of the Zoning Ordinance, all existing establishments with alcoholic beverage sales (on-premises consumption) require the approval of a Special Land Use Permit (SLUP) Amendment upon a change in ownership.

On October 26, 2017, the owners of Rojo and Sidecar restaurants, Rojo Five, LLC, submitted an application for a Final Site Plan and SLUP Amendment to allow for an ownership change to sell the existing Rojo and Sidecar restaurants to Sidecar Birmingham, LLC, which is owned solely by Stephen Simon. Because no changes are proposed to the layout, design, name or operation of the existing Rojo or Sidecar restaurants the City Attorney has directed this request for the transfer of ownership proceed directly to the City Commission for review.

Planning Director Ecker reiterated that there are no proposed changes to the restaurants, and the Commission usually fast-tracks these kinds of applications when a business with a SLUP changes hands.

Applicant Stephen Simon confirmed for Commissioner Boutros:

- Mr. Simon has been general manager at both Rojo and Sidecar since their respective inceptions;
- He has been in the industry for about 14 years; and,
- He is aware that any proposed changes must be brought before the Commission per the SLUP terms.

Mr. Simon told:

- Commissioner Hoff that he is only involved in Rojo's Birmingham location.
- Mayor Harris that Mr. Simon owns no other assets under Sidecar LLC.

There being no further comment, Mayor Harris closed the public hearing at 9:34 p.m.

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

1. To approve the Special Land Use Permit Amendment and Final Site Plan to allow the sale of Rojo and Sidecar restaurants at 250 & 280 E. Merrill from Rojo Five, LLC to Sidecar Birmingham, LLC., subject to execution of a Special Land Use Permit contract

between Sidecar Birmingham, LLC and the City of Birmingham (Resolution appended to these minutes as Attachment B);

#### AND

2. To authorize the Chief of Police to sign the MLCC Police Investigation Report (LC-1800) and approving the liquor license transfer for The Sidecar Birmingham, LLC, that requests a transfer of Class C License issued under MCL 436.1521(A)(1)(B) located at 250-280 E. Merrill, Birmingham, Oakland County, MI 8009;

#### AND

- 3. To approve, pursuant to Birmingham City Ordinance, the Resolution authorizing the City Clerk to complete the Local Approval Notice at the request of The Sidecar Birmingham, LLC approving the liquor license transfer request of The Sidecar Birmingham, LLC for the transfer of a Class C License to be issued under MCL 436.1521 (A)(1)(B) located at 250-280 E. Merrill, Birmingham, Oakland County, MI 48009.
- VOTE: Yeas, Nays, Absent, Recused, 1

#### PUBLIC HEARING TO CONSIDER 2018 PROGRAM YEAR 12-319-17 COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION

Mayor Pro Tem Bordman let the public know that she is appointed by the Commission as a nonvoting liaison to NEXT. Because she does not vote in NEXT matters, she does not believe there is a conflict of interest in her consideration of the NEXT request before the Commission.

The Commission concurred.

From Finance Director/Treasurer Gerber and Senior Accountant Burrick's report to City Manager Valentine dated November 22, 2017:

The purpose of the December 4, 2017 public hearing is to: receive citizen input regarding the 2018 Program Year Community Development Block Grant (CDBG) program; make a determination of eligible project(s) to be pursued; and determine the amount of funds to be allocated to each project.

The City of Birmingham has been given a planning allocation of \$32,020, which is the same as last year's original allocation. Funding requests from NEXT (formerly the Birmingham Area Seniors Coordinating Council (BASCC) have been received.

Under CDBG guidelines communities may only spend a maximum of 30% of their 2018 funding allocation on public service activities. Birmingham's 30% totals \$9,606 which is the amount requested by NEXT in the public services category. NEXT's request includes \$6,306 for yard services and \$3,300 for senior services to defray the expenses involved in the overall operations of NEXT's outreach program. It is recommended that funding for senior services and yard services be approved for this grant.

Mayor Harris opened the public hearing at 9:35 p.m.

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Mayor Harris called for comments from the public. There were no comments from the public.

There being no further comment, Mayor Harris closed the public hearing at 9:43 p.m.

Finance Director/Treasurer Gerber explained to:

- Mayor Pro Tem Bordman that the \$22,414 referenced in the report was allocated for minor repairs on privately owned homes.
- Commissioner DeWeese that the City could spend up to the \$22,414 grant amount on minor home repairs.
- Commissioner Hoff that the City owns the tennis bubble, so retrofitting the doors is the City's responsibility, not the lessee's.

**MOTION:** Motion by Commissioner Hoff, seconded by Commissioner Nickita:

To authorize the Finance Director/Treasurer to complete the 2018 Program Year Community Development Block Grant application and conflict of interest certification and to authorize the mayor to sign the application and conflict of interest certification and other documents resulting from this application on behalf of the City and submit them to Oakland County. The project(s) to be included in the application and the respective allocations of Community Development Block Grant Funds are as follows:

		APPROVED 2018
1.	Public Services – Yard Services	\$ 6,306
2.	Public Services – Senior Services	3,300
3.	Remove Architectural Barriers –	
	Retrofit tennis bubble entrance doors to comply	
	with ADA standards	<u>22,414</u>
	TOTAL	\$ 32,020

Mayor Harris called for comments from the public on the motion. There were no comments from the public.

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

#### 12-320-17 SPECIAL EVENT REQUEST – KIDS HELPING KIDS WALK

From City Clerk Cherilynn Mynsberge's report to City Manager Valentine dated November 20, 2017:

This is a special event application submitted by the Community House and Variety, The Children's Charity requesting permission to hold Kids Helping Kids Walk. This is planned to offer 1 mile, 2 mile or 3 mile routes on sidewalks in the neighborhood of The Community House. The event is planned for Sunday, April 29, 2018. Set up is from 7:00

a.m. to 9:00 a.m. The event is scheduled to take place from 9:00 a.m. to 12:00 p.m. Tear down is from 12:00 p.m. to 1:00 p.m.

Vice President of Philanthropy from the Community House, Jackie McIntosh, was available to answer questions.

Commissioner Sherman commented that in years past there have been issues with having enough volunteers and keeping walkers on the sidewalk.

Ms. McIntosh noted measures, including staggered start times, to keep participants out of the road.

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

To approve a request from the Community House and Variety, The Children's Charity to hold the Kids Helping Kids Walk on Sunday, April 29, 2018 on the sidewalks of the Community House neighborhood streets, contingent upon compliance with all permit and insurance requirements and payment of all fees and, further pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event.

VOTE: Yeas, 7 Nays, 0 Absent, 0

#### 12-321-17 GENERAL INVESTMENT POLICY REVISIONS

From Finance Director Gerber's report to City Manager Valentine dated November 22, 2017: Investment of the City's public funds is restricted by Public Act 20 of 1943, as amended, and further by the City's General Investment Policy approved by the City Commission. The Policy incorporates the provisions of state law, further restricts the types of securities that can be purchased, places additional percentage limits on security types and issuers, and limits maturities. The City's non-discretionary investment advisor, Insight Investment, reviews the parameters set forth in the Policy from time to time and may make recommendations to revise the Policy when deemed prudent. The last revision to the policy was in October 2011.

The investment advisor has reviewed the Policy and is recommending several minor changes which would eliminate references to the General Investment Committee which is no longer in existence and revisions to the definitions of investments that the City may purchase. In addition, a change is proposed for Section 7.0 of the Policy and would permit the City's investment advisor to perform the due diligence for the City when compiling a listing of financial institutions that are approved for investment purposes. The revised language would permit the investment advisor to utilize the investment advisor's list of broker/dealers when executing transactions on behalf of the City. This would benefit the City by allowing the investment advisor access to a much larger group of approved broker dealers, resulting in the opportunity of securing higher yielding securities for the City. Several municipalities in Michigan have adopted the Insight Investment certification process and recommended broker/dealer language: Ann Arbor, Auburn Hills, Livonia and townships of Delta and West Bloomfield.

Mary Donavan from Insight Investment was available to answer questions.

Finance Director Gerber clarified for Commissioner Hoff:

- Steve Gasper solely focuses on retirement investments for Birmingham, while Ms. Donavan focuses on shorter-term investments.
- The General Investment Committee duplicated the duties Insight Investment performed for the City, so it was dissolved.

Commissioner DeWeese requested that the word "settlement" be defined in the Glossary.

Ms. Donavan explained to Mayor Harris:

- Allowing Insight Investments to utilize a broader list of broker dealers ensures that the City is getting the best execution value.
- The broker dealers Insight Investments would recommend are all part of a special list of broker dealers who serve clients in the public sector.
- These broker dealers are not employed by Insight Investments.
- Insight Investments does not benefit financially from the City's choice of broker dealer.

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

To approve the changes to the City's General Investment Policy as outlined by Insight Investment and recommended by Finance Director/Treasurer Gerber.

VOTE:	Yeas,	7
	Nays,	0
	Absent,	0

#### 12-322-17 MULTI-MODAL TRANSPORTATION CONSULTING SERVICES REQUEST FOR PROPOSALS – CONSULTANT RESPONSES

From the report to City Manager Valentine dated November 22, 2017 from Planning Director Ecker, Operations Commander Grewe and City Engineer O'Meara:

In 2014, the City issued a Request for Proposals (RFP) seeking traffic engineering services, supplemented with knowledge and understanding of designing and advising for multi-modal transportation concepts, particularly in an urban setting. In September 2014, the firm of Fleis and Vandenbrink (F&V) was selected as the City's traffic consultant, and has acted as a multi-modal transportation consultant to the Multi-Modal Transportation Board (MMTB) and the City Commission. However, this contract expired.

On July 24, 2017, the City Commission directed staff to issue an RFP to seek qualified consulting firms, and extended the previous contract with F&V for six months (through January 23, 2018). The RFP was issued to solicit multi-modal transportation consulting services to assist the MMTB and the City Commission in reviewing all transportation-related projects, and responses were due by 4:00 p.m. on October 6, 2017.

One response was submitted by the deadline. The proposal received was from MKSK, in partnership with F&V. The MKSK team proposes a team of urban designers, urban planners, multi-modal transportation specialists, landscape architects and transportation professionals to provide a comprehensive review of all transportation related projects in the City. The

MKSK team proposes a 90 day period of startup activities, including training and education for the MMTB, an audit of the Multi-Modal Transportation Plan, an assessment of the MMTB's current process and protocol, and the preparation of an annual work plan for the MMTB along with suggestions for improvements. The MKSK proposal also includes an hourly fee schedule for each of the professionals that are available to assist the City of Birmingham.

On October 19, 2017, the MMTB reviewed the RFP and the response from MKSK, in partnership with F&V, and voted unanimously to recommend that the City Commission enter into an agreement with the MKSK team to provide professional multi-modal transportation consulting services to the City for a three year term.

Shortly after October 19, 2017, Mr. Labadie left F&V and will no longer be a member of the MKSK team. Julie Kroll will be the project lead from F&V.

Commissioner Nickita asked Planning Director Ecker if she knew why there were not more responses to the RFP.

Planning Director Ecker expressed hesitance to restate what she had heard from consulting firms, but explained that through phone calls, an email, and general comments, she was given the impression that some of the firms feel that Birmingham is difficult to work with, and that the project requirements are onerous. One urban designer in particular said the requirements did not make sense to them.

Planning Director Ecker confirmed for Commissioner Hoff that:

- Greenway was interested in working with the City, but that they could not find a traffic engineering firm to partner with.
- The rates being quoted are industry-standard, and that City costs have gone up because of the amount of work.
- This is a three-year professional services contract, so it is open-ended in terms of hours.

Commissioner Hoff expressed concern at the length of the proposed contract, and Mayor Harris stated that there is a termination provision in the contract that lets the City out of the contract with ten days' notice.

Planning Director Ecker told Commissioner Nickita that the RFP was posted on MITN and that it was sent out to individual firms. She added that she could not recall sending the RFP to any firms without offices in the region.

Brad Strader from MKSK explained that:

- The City could either contract with MKSK, which would in turn subcontract with F&V, or contract with both directly.
- The MMTB has approved a two-way agreement between the City and MKSK.
- The fees before the Commission are MKSK fees, and F&V fees are already in F&V's contract.
- He performed training for Ann Arbor's Transportation Board earlier this year, and MKSK has presentations that could be modified to fit Birmingham MMTB topics.

- While project urban designer Joe Nickol is based in Cincinnati, he comes into the Metro Detroit area frequently for work.
- Mr. Shrader and Mr. Nickol will move forward with a context-sensitive approach, and Ms. Kroll will provide supplemental engineering considerations as needed.
- He would likely meet with the Commission first to get their priorities, come back to them with recommendations, and then proceed with the project in order to prevent superfluous visits to the Commission.

Commissioner Nickita stressed that Birmingham would be approving this proposal based on the understanding that Mr. Nickol will be heavily involved in the process.

Mr. Strader confirmed MKSK understands this is a priority for Birmingham, and MKSK is committed to meeting it.

Ms. Kroll, engineer from F&V, stated her excitement about the team for this project, and reported she has participated in every F&V project in Birmingham for the last 2 ½ years.

Commissioner Nickita said he is encouraged by the direction in which the process is going and expects the Commission to monitor the process closely since there are many moving parts.

Mayor Harris stated he would like both MKSK and F&V to be parties to the contract with the City.

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

To approve the recommendation of the Multi-Modal Transportation Board and enter into an agreement with the MKSK/Fleis & Vandenbrink team to provide professional multi-modal transportation consulting services to the City of Birmingham for a three year term, to be payable from account #202-449.007-804.0100. Further, to direct the Mayor and City Clerk to sign the agreement on behalf of the City.

VOTE:	Yeas,	7
	Nays,	0
	Absent,	0

#### 12-323-17 SOUTH ETON ROAD – MAPLE ROAD TO 14 MILE ROAD – MULTI-MODAL TRANSPORTATION BOARD RECOMMENDATIONS

From the report to City Manager Valentine dated November 22, 2017 from Planning Director Ecker, Operations Commander Grewe and City Engineer O'Meara:

In 2016, the City Commission appointed an Ad Hoc Rail District Committee to study the Rail District with respect to parking and traffic issues. A final report was received by the Commission in December of last year. Since several of the Committee's recommendations had to do with the commercial section of S. Eton Rd., the Multi-Modal Transportation Board (MMTB) first focused on the segment from Maple Rd. to Lincoln Ave. In August of this year the MMTB endorsed a series of recommendations for three portions of that segment: Maple Road to Yosemite Boulevard, Yosemite Boulevard to Villa Avenue and Villa Avenue to Lincoln Avenue.

With the grand opening of Whole Foods at 2100 E. Maple Road planned for October 2017, the City Commission focused on improvements suggested for the north block of S. Eton Road at Maple Road. No action has yet been taken.

Subsequently the MMTB studied the section of S. Eton Road from Lincoln Avenue to 14 Mile Road. After reviewing 12 different cross-sections designed to provide improved facilities for pedestrians and bicyclists, as well as reduced traffic speeds, a preferred cross-section was advertised by postcard and posted on the City's website. The preferred option proposed bump-outs at each intersection, as well as an 8 ft. wide bidirectional bike lane on the west side parkway, using the large green space that exists in the public right-of-way.

Following a public hearing at the MMTB's regular meeting of November 2, 2017, the MMTB approved a recommendation for the segment between Lincoln Avenue. and 14 Mile Road.

City Engineer O'Meara presented aerial photography as the background for the plans for the entire S. Eton Road corridor, and provided commentary on the discussions which influenced the final decisions of the MMTB.

Segment	Pedestrian	Bicycle
	Improvements	Improvements
Maple to Yosemite (not including pedestrian island)	\$49,600	\$400
Yosemite to Villa	\$164,600	\$14,600
Villa to Lincoln	\$467,500	\$158,900
South of Lincoln to 14 Mile	\$554,200	\$275,900
TOTAL Maple to Lincoln	\$681,700	\$173,900
TOTAL South of Lincoln to 14 Mile	\$554,200	\$275,900
TOTAL Maple to 14 Mile	\$1,235,900	\$449,800

City Engineer O'Meara presented the proposed construction sequence and costs:

PROJECT GRAND TOTAL = \$1,685,700

City Engineer O'Meara continued, in order to assist in paying for this work, it is recommended that the City apply for federal funding through the Transportation Alternatives Program (TAP). The deadline to apply for funding is March 2018, with the City receiving notification if they were successful in July 2018. The City could then budget for its share of the project for fiscal year 2019/2020, and build the project as soon as late summer, 2019. The grant would pay for 80% of the construction costs. The City would be responsible for the remaining 20% match, as well as 100% of engineering and design costs. Using the numbers above, it is estimated that the City's share for the entire project would be \$499,000.

City Engineer O'Meara also commented that if the grant is not awarded, other than a special assessment for sidewalks between Yosemite Blvd. and Villa Ave., the only funding source for this project would be the Major Streets Fund. Currently, the Major Street Fund requires a contribution from the General Fund to pay for annual expenses, therefore, the General Fund would be the main source of funding for this project.

Planning Director Ecker offered summary comments.

City Engineer O'Meara explained to Mayor Pro Tem Bordman:

- Leaf removal will be handled by asking residents to put their leaves on the other street, since they are all corner houses, instead of into the bicycle path; and,
- In light snow, snow removal from the bicycle path will not be an issue, but in heavier snows it may be because the snow from the street will be pushed into the bicycle path.

Planning Director Ecker commented that snow could be removed from the bicycle path in these circumstances after priority areas in the city are plowed.

Planning Director Ecker explained to Mayor Pro Tem Bordman that 27 different types of separators were considered by the MMTB, and the proposed option was found to be the best balance between environmental aesthetics and utility.

Commissioner DeWeese pointed out that snow plowing equipment that could be used in the bicycle lanes would also be useful for Old Woodward after the upcoming construction is complete.

Commissioner Nickita stated:

- Areas in Ferndale and around Little Cesar's Arena have installed vertical white separators and other installations similar to the non-motorized options being considered for Birmingham; and,
- Birmingham could integrate some of the installations being seen in other Metro Detroit areas if the City wants to adhere to the emerging visual regional standard.

Commissioner Hoff stated if this proposal looked more like Lincoln, she would be more supportive of it. She stated:

- She supports the narrowing of Eton, the bump-outs, and the crosswalks.
- She does not support the green painting of the bicycle path.
- She is concerned about the potential difficulty for cars backing out of driveways on Eton.

Planning Director Ecker stated there is a larger buffer area and better sight lines on Eton with this proposal than there are now.

Commissioner DeWeese stated his support for the proposal.

Commissioner Nickita said:

- The proposal addresses many concerns regarding pedestrian and bicyclist safety that have emerged from this area over the last few years.
- If Birmingham continues to invest in its bicycle infrastructure, more people will utilize it.
- Birmingham may receive up to 80% of the costs for the project in TAP grant money.
- If Birmingham does not receive the grant money immediately for the project, the City could make some interim changes with paint in the style of what has been done in Ferndale and Downtown.

• Painting in the interim would allow the Commission to study the proposed changes further before physically implementing them, and then to pursue grant money on the basis of the study's conclusions.

Mayor Pro Tem Bordman voiced support for Commissioner Nickita's proposal to test some of the ideas with paint.

Mayor Harris agreed with Mayor Pro Tem Bordman.

City Engineer O'Meara and Planning Director Ecker confirmed for Mayor Harris that the TAP grant is approved either in toto or not at all. Planning Director Ecker offered that a similar proposal in Dearborn was funded previously.

Commissioner Boutros stated his support of Commissioner Nickita's proposal.

Commissioner DeWeese said he would like to see City Engineer O'Meara come back to the Commission in spring 2018 to present the options for testing the concepts with paint.

Commissioner Sherman stated that other materials are also welcome for creating a test case.

Commissioner Nickita pointed out the test case will need to be revisited if the City receives the TAP grant in 2018.

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

To approve the recommendations of the Multi-Modal Transportation Board for S. Eton Rd. from Maple Rd. to 14 Mile Rd. for pedestrian and bicycle improvements throughout the corridor in concept, as outlined below:

#### A. <u>Maple Rd. to Yosemite Blvd.:</u>

- 1. Relocate the west side curb for the entire block from its current location to a point three feet closer to the center of the road, thereby allowing the west side sidewalk to be rebuilt at 8 feet wide.
- 2. Install an enhanced, larger sidewalk ramp area at the southeast corner of Maple Rd.
- 3. Install sharrows in both directions on the existing travel lanes.

#### AND

- B. <u>Yosemite Blvd. to Villa Ave.</u>:
  - 1. Relocate the curbs on both sides of the street to create a two-lane street with 15 foot travel lanes. Parking shall be removed from both sides of the street.
  - 2. Install a 4 ft. wide parkway between the sidewalks and the new curb, and install new street trees, at a spacing of 40 ft. each.
  - 3. Install 6.5 to 8 ft. wide sidewalks on both sides of the street.
  - 4. Install sharrows in both directions on the existing travel lanes.

#### AND

- C. <u>Villa Ave. to Lincoln Ave.</u>:
  - 1. Remove parking on the west side of the street, to be replaced with an 8.5 ft. wide bi- directional bike lane and a 1.5 ft. buffer with raised markers.
  - 2. Install a 3 ft. wide painted buffer between the northbound travel lane and the

parking lane (on the east side of the street).

- 3. Install curbed bump-outs at marked pedestrian crosswalks on the east side of the street, at the intersections of Villa Ave., Hazel St., Palmer Ct., Bowers St., Holland Ave., Webster Ave., Cole Ave., and Lincoln Ave.
- 4. Install green marked bicycle crossings on the western leg of the intersections of Villa Ave., Hazel St., Bowers St., Haynes St., Holland Ave., Webster Ave., Cole Ave., and Lincoln Ave.

#### AND

- D. <u>South of Lincoln Ave. to 14 Mile Rd.</u>:
  - 1. Install an 8 ft. wide on-street parking lane on the west side of the street, separated from traffic with a solid line, with 24-hour parking permitted;
  - 2. Install a double yellow centerline for S. Eton Rd. to create two 10 ft. wide travel lanes (on the east side of the street) for vehicles;
  - 3. Install an 8 ft. wide bi-directional bike lane 2 ft. from the back of curb on the west side of S. Eton Rd.;
  - 4. Maintain a 2 ft. wide landscaped buffer between the on-street parking lane and the bike lane;
  - 5. Install curb bump-outs and crosswalks at the intersections of Melton Rd., Humphrey Ave., Sheffield Rd., and Bradford Rd., as noted on the attached plan;
  - 6. Install green marked bicycle crossings on the western leg of the intersections of Lincoln Ave., Melton Rd., Humphrey Ave., Sheffield Rd., and Bradford Rd., as noted on the attached plan.
    - 7. The City shall assume responsibility for the maintenance of the 8 ft. bike lane.

#### AND

Further, to direct staff to apply for federal funding for these improvements through the Transportation Alternatives Program administered by the Michigan Dept. of Transportation, and report back to the Commission when status of the grant for the 2018 application has been determined.

#### AND

To proceed with a traffic study of the Maple Rd. intersection in the spring of 2018, with truck turning movements quantified, for further review by the Multi-Modal Transportation Board, and a final recommendation to the City Commission.

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

#### VII. REMOVED FROM CONSENT AGENDA

The items removed were discussed earlier in the meeting.

#### VIII. COMMUNICATIONS

None.

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

None.

#### X. REPORTS

#### 12-324-17 COMMISSIONER REPORTS

The City Commission will appoint two resident members to the Public Arts Board on January 8, 2018, and will appoint one alternate member to the Board of Zoning Appeals on January 22, 2018.

#### 12-325-17 COMMISSIONER COMMENTS

Commissioner Nickita reiterated the need for a more detailed site plan for the proposed Tide dry-cleaners, and stated he would like a mandate that site plans are sufficiently detailed in the future.

Planning Director Ecker stated the ordinance can be changed to require more details.

Commissioner Nickita requested that the Planning Board examine what details should be required in a site plan, and those findings should be added to the ordinance.

The Commission and City Manager Valentine concurred, and City Manager Valentine stated he would pass the direction onto the Planning Board.

Commissioner Nickita echoed Mayor Pro Tem Bordman's concerns about revising some of the crosswalks downtown. revisited Mayor Pro Tem Bordman's concerns about crosswalk timing, and her suggestion that pedestrians be given introductory time to cross the street at busy intersections.

Commissioner Nickita He stated he would like to see:

- The timing of crosswalks and lights revisited as Old Woodward is updated.
- Buttons removed from crosswalks in order to make the intersections more pedestrian friendly.

Mayor Pro Tem Bordman clarified <u>that</u> her concerns stand, and <u>that</u> the issue was broached with her via an article sent by a constituent. <u>She continued that:</u>

- Oakland and Old Woodward is a particularly challenging intersection for pedestrians and that adding time for pedestrians would be very helpful.
- <u>She would also like to see the Old Woodward and Maple intersection evaluated by the MMTB, as well as the intersection at Southfield and Maple.</u>

The Commission concurred that the downtown core crosswalks should be reviewed. City Manager Valentine said he would have the MMTB take a look at the issue.

#### 12-326-17 CITY STAFF REPORTS

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

#### XI. ADJOURN

Mayor Harris adjourned the meeting at 11:21 p.m.

J. Cherilynn Mynsberge, City Clerk

#### ATTACHMENT A

#### 12-317-17 TIDE DRY CLEANERS 33353 WOODWARD SPECIAL LAND USE PERMIT DRIVE-IN FACILITY 2017

- WHEREAS, Tide Dry Cleaners applied for a Special Land Use Permit to allow the construction of a garment service facility with a drive-in facility to service patrons in their vehicles at 33353 Woodward Avenue on October 25<sup>th</sup>, 2017, such application having been filed pursuant to Article 7, section 7.34 of Chapter 126, Zoning, of the City Code;
- WHEREAS, The land for which the Special Land Use Permit is sought is located on the west side of Woodward between Davis and Smith;
- WHEREAS, The land is zoned B2B, General Business, which permits a drive-in facility 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 applicant submitted an application for a Special Land Use Permit and Final Site Plan to operate a drive-in facility at Tide Dry Cleaners;
- WHEREAS, The Planning Board on October 25<sup>th</sup>, 2017 reviewed the application for the Special Land Use Permit and Final Site Plan and recommended approval with the following conditions:
  - 1. The total square footage of signage must be reduced to 108 sq. ft. or less;
  - 2. The canopy must be attached to the building.
- WHEREAS, The applicant has agreed to comply with all of the conditions for approval recommended by the Planning Board on October 25<sup>th</sup>, 2017;
- NOW, THEREFORE, BE IT RESOLVED, That the Birmingham City Commission finds the standards set forth in the City Code have been met and the Tide Dry Cleaners application for a Special Land Use Permit and Final Site Plan authorizing the addition of a drive-in facility is hereby approved with the following conditions:
  - 1. The total square footage of signage must be reduced to 108 sq. ft. or less; and
  - 2. The canopy must be attached to the building.

- 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, Tide Dry Cleaners 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 Tide Dry Cleaners to comply with all of the ordinances of the city may result in the Commission revoking this Special Land Use Permit.

I, J. Cherilynn Mynsberge, City Clerk of the City of Birmingham, Michigan, do hereby certify that the foregoing is a true and correct copy of the resolution adopted by the Birmingham City Commission at its regular meeting held on December 4<sup>th</sup>, 2017.

J. Cherilynn Mynsberge, City Clerk

#### 12-318-17 ROJO AND SIDECAR RESTAURANTS 250 & 280 E. MERRILL SPECIAL LAND USE PERMIT AMENDMENT 2017

- WHEREAS, Rojo Five, LLC has filed an application pursuant to Article 7, section 7.34 of Chapter 126, Zoning, of the City Code to sell Rojo and Sidecar restaurants to Sidecar Birmingham, LLC and continue to operate the said restaurants with alcoholic beverage sales for on-premises consumption under Chapter 126, Zoning, of the City Code;
- WHEREAS, The land for which the Special Land Use Permit is sought is located on the south side of E. Merrill between Pierce and S. Old Woodward;
- WHEREAS, The land is zoned B-4 and D-4, and is located within the Downtown Birmingham Overlay District, which permits restaurants with alcoholic beverage sales for onpremises consumption with a Special Land Use Permit;
- WHEREAS, Article 7, section 7.34 of Chapter 126, Zoning requires a Special Land Use Permit to be considered and acted upon by the Birmingham City Commission;
- WHEREAS, No site plan or design changes are proposed to the existing Rojo restaurant at 250 E. Merrill or Sidecar restaurant at 280 E. Merrill;
- WHEREAS, The owner owner of Rojo and Sidecar restaurants, Rojo Five, LLC is now requesting approval of the Birmingham City Commission to allow a transfer in ownership of the existing restaurants to Sidecar Birmingham, LLC;
- WHEREAS, The Birmingham City Commission has reviewed Rojo and Sidecar's Special Land Use Permit Amendment application and the standards for such review as set forth in Article 7, section 7.36 of Chapter 126, Zoning, of the City Code;
- NOW, THEREFORE, BE IT RESOLVED, The Birmingham City Commission finds the standards imposed under the City Code have been met, subject to the conditions below, and that Rojo and Sidecar restaurants' application for a Special Land Use Permit Amendment authorizing a transfer of ownership of an existing establishment with alcoholic beverage sales (on-premises consumption) at 250 & 280 E. Merrill in accordance with Chapter 10, Alcoholic Liquors, is hereby approved;
- BE IT FURTHER RESOLVED, That the City Commission determines that to assure continued compliance with Code standards and to protect public health, safety, and welfare, this Special Land Use Permit is granted subject to the following conditions:

- 1. Rojo and Sidecar restaurants 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; andRojo and Sidecar restaurants enter into a contract with the City outlining the details of the operation of the restaurants.

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

BE IT FURTHER RESOLVED, Except as herein specifically provided, Rojo and Sidecar restaurants and their heirs, successors, and assigns shall be bound by all ordinances of the City of Birmingham in effect at the time of the issuance of this permit, and as they may be subsequently amended. Failure of Rojo and Sidecar restaurants to comply with all the ordinances of the city may result in the Commission revoking this Special Land Use Permit.

I, Cherilynn Mynsberge, City Clerk of the City of Birmingham, Michigan, do hereby certify that the foregoing is a true and correct copy of the resolution adopted by the Birmingham City Commission at its regular meeting held on December 4, 2017.

J. Cherilynn Mynsberge, City Clerk

## BIRMINGHAM CITY COMMISSION MINUTES DECEMBER 11, 2017 MUNICIPAL BUILDING, 151 MARTIN 7:30 P.M.

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

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

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

Administration: City Manager Valentine, City Attorney Currier, IT Manager Brunk, Assistant City Planner Campbell, Police Chief Clemence, Planning Director Ecker, Public Services Manager Filipski, Director of Finance/Treasurer Gerber, Assistant to the City Manager Haines, Building Official Johnson, Deputy Treasurer Klobucar, City Clerk Mynsberge, City Engineer O'Meara, Museum Director Pielack, Director of Public Services Wood

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

County Commissioner Goodman Taub, representing both Oakland County and Birmingham Youth Assistance (BYA) honored Commissioner DeWeese as BYA Champion of the Year for his photography work on behalf of the organization.

Museum Director Pielack presented the opportunity for people with a connection to Birmingham to participate in a crowd-sourced exhibit to honor the Bicentennial of Birmingham. Submission forms for information, stories, photos and artifacts are available online and at the Birmingham Museum.

Mayor Harris congratulated Commissioner DeWeese who is one of 40 people worldwide appointed to the World Para Athletics International Officials Panel for the next four years. With this distinction, Commissioner DeWeese will serve with top para athletic officials in the world and oversee all major para-athletic competitions worldwide.

Mayor Harris announced:

• The Santa House will be open for visitors on select days through December 24<sup>th</sup> in the pavilion area in Shain Park. And you can enjoy the beauty of downtown Birmingham aglow for the holidays on a quaint carriage ride through town. The complimentary

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carriages are first-come first-served; carriages load at the corner of Henrietta & Merrill near Shain Park. Visit <u>www.enjoybirmingham.com</u> for the Santa House and carriage ride schedules.

- The City of Birmingham has scheduled a public review period for all interested parties to review the draft 2018 Parks and Recreation Master Plan for the City of Birmingham, Oakland County, Michigan which will be available for review and comment for 30 days beginning Monday, December 4, 2017 at the following locations during regular business hours: Birmingham Municipal Building, Birmingham Department of Public Services, Birmingham Ice Arena, and Birmingham Baldwin Public Library. The draft plan is also available for review on the following website: <u>bhamgov.org/ParksRecPlan</u>.
- City offices will be closed on Friday, December 22nd, Friday, December 29th, 2017 and Monday, January 1st, 2018. The locked dropbox may be used for all payments during that time, and can be accessed in the Municipal Building parking lot (entrance on Henrietta).

#### 12-327-17 APPOINTMENT TO THE HISTORIC DISTRICT COMMISSION

Adam Charles, currently an alternate member of the Historic District Commission, was present and was interviewed by the Commission.

#### **MOTION:** Motion by Commissioner Boutros:

7

To appoint Adam Charles to the Historic District Commission as a regular member to serve the remainder of a three-year term to expire September 25, 2018.

- VOTE: Yeas,
  - Nays, 0
  - Absent, 0

#### 12-328-17 APPOINTMENT OF COMMISSION MEMBER TO THE BIRMINGHAM YOUTH ASSISTANCE GENERAL CITIZENS COMMITTEE

City Manager Valentine referenced the November 21, 2017 letter from Jill Fill, Birmingham Youth Assistance (BYA) Co-Chair, and Shelley Goodman Taub, BYA Co-Chair, respectfully requesting the Birmingham City Commission appoint one of its members to serve as a liaison member on the BYA General Citizens Committee. He noted the BYA Board has reviewed the City of Birmingham Board of Ethics Advisory Opinion 2016-03 regarding relationships for commission appointments to outside agencies.

City Manager Valentine confirmed for Commissioner Hoff that the position is a non-voting member of the BYA, can report back to the commission and can vote as a City Commissioner.

#### **MOTION:** Motion by Commissioner DeWeese:

To appoint Commissioner Boutros as a liaison member of the Birmingham Youth Assistance General Citizens Committee.

VOTE: Yeas, 7 Nays, 0 Absent, 0

The City Clerk administered the Oath of Office to the appointees.

#### 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.

#### 12-329-17 APPROVAL OF CONSENT AGENDA

The following items were removed from the Consent Agenda:

- Mayor Pro Tem Bordman: Item A, City Commission Minutes of December 4, 2017
  - Commissioner Hoff: Item F, Cape Seal Price Extension

Item G, Permeable Paver Installation

**MOTION:** Motion by Commissioner Boutros, seconded by Commissioner Sherman: To approve the Consent Agenda, with Items A, F and G removed.

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

- B. Approval of warrant list, including Automated Clearing House payments, dated 12/6/17 in the amount of \$393,575.66.
- C. Resolution setting Monday, January 22, 2018 at 7:30 PM for a public hearing to consider an application for a Special Land Use Permit Amendment and Final Site Plan for First Presbyterian Church at 1669 W. Maple.
- D. Resolution authorizing the IT department to purchase the Traps Anti-Virus subscription renewal from CDWG. The purchase price not to exceed \$6,864.00. Funds are available in the IT Computer Software fund account # 636-228.000-742.0000.
- E. Resolution authorizing the IT department to purchase the Security subscription renewal for the Palo Alto Firewall from Amerinet. The purchase price not to exceed \$12,857.60. Funds are available in the IT Network Upgrade fund account # 636-228.000-973.0400.

#### 12-330-17 SERVICE AGREEMENT EXTENSION WITH HIGHWAY MAITENANCE AND CONSTRUCTION, INC. FOR CAPE SEAL MAITENANCE SERVICES RELATED TO THE 2018 SUMMER CAPE SEAL PROGRAM (ITEM F)

Public Services Manager Filipski confirmed for Commissioner Hoff that approximately eight streets are planned for cape sealing in the Quarton Lake area in 2018. He continued that informational letters were sent to every household affected by the improvements, and a community meeting on the project is planned for February.

#### **MOTION:** Motion by Commissioner Hoff, seconded by Commissioner Nickita:

To approve the service agreement extension with Highway Maintenance & Construction, Inc. for cape seal maintenance services related to the 2018 summer 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 and as follows: single chip seal \$1.70/sq. yd., double-chip seal \$3.13/sq. yd., slurry seal \$2.61/sq. yd., street preparation \$395/ton, and manhole adjustment \$550/each; further, directing the Mayor and City Clerk to sign the agreement on behalf of the City upon receipt of proper insurances.

VOTE:	Yeas,	7
	Nays,	0
	Absent,	0

# 12-331-17AGREEMENT WITH AGROSCAPING, INC. FOR THE PURCHASE<br/>AND INSTALLATION OF PERMEABLE PAVERS (ITEM G)

Public Services Manager Filipski confirmed for Commissioner Hoff that:

- No sidewalks will be covered by the permeable pavers, only the grass areas.
- The permeable pavers are not a trip hazard because they will be level with the sidewalk.
- The tiles distribute the weight of a vehicle tire evenly, thus preventing the rutting that sometimes currently occurs when vehicles roll over the sod in the intersection.
- This would be the first installation of these permeable pavers in Birmingham.

Commissioner DeWeese stated that he has seen this in practice in other municipalities to good results.

**MOTION:** Motion by Commissioner Hoff, seconded by Mayor Pro Tem Bordman:

To approve the service agreement with Agroscaping, Inc. of Swartz Creek, MI for the purchase and installation of permeable pavers at the intersection of Lincoln and Pierce streets in an amount not to exceed \$8250.00 from the Local Streets Fund, Contract Maintenance account #203-449.003-937.0400.

VOTE: Yeas, 7 Nays, 0 Absent, 0

## 12-332-17 APPROVAL OF CITY COMMISSION MEETTING MINUTES OF DECEMBER 4, 2017 (ITEM A)

Mayor Pro Tem Bordman asked City Clerk Mynsberge to review the crosswalk discussion within the Commissioner Comments section and then to return the minutes to the Commission.

Commissioner Hoff requested that the name of the President of the Bloomfield Birmingham Chamber of Commerce be corrected to Mr. Bauman.

#### V. UNFINISHED BUSINESS

None.

#### VI. NEW BUSINESS

12-333-17

#### PUBLIC HEARING TO CONSIDER A SPECIAL LAND USE PERMIT AMENDMENT AND FINAL SITE PLAN FOR 210 S. OLD WOODWARD - VINOTECCA

Mayor Harris opened the public hearing at 7:54 p.m.

From Planning Director Ecker's report to City Manager Valentine dated December 5, 2017:

The subject business is located at 210 S. Old Woodward Avenue in the southern portion of The Plaza at Birmingham building, just south of Merrill Street. The applicant is the current owner of the restaurant on site, The Bird and the Bread, and intends to change the name and concept of the current restaurant into Vinotecca, which will serve wine in conjunction with a European food focus. According to Section 6 Article 6.02(A)(5) of the Zoning Ordinance, existing and new establishments with alcoholic beverage sales shall obtain a Special Land Use Permit upon change in ownership or name of establishment.

The parcel is Zoned B-4, Business Residential and D-4 in the Downtown Overlay District. The applicant is proposing new signage and minor remodeling for the interior that includes the construction of a stage for low key entertainment. The applicant will be operating with the existing Class C liquor license controlled by the property owner which is currently in use by The Bird and the Bread.

The Planning Board met on November 8th, 2017, conducted a public hearing to discuss the Final Site Plan and Special Land Use Permit Review for 210 S. Old Woodward, and voted unanimously to recommend approval of the Special Land Use Permit and Final Site Plan with the following conditions:

- 1. The applicant obtains approval from the Historic District Commission; and
- 2. The proposed isinglass is not considered a part of the Final Site Plan and SLUP approval.

The Historic District Commission met on November 15, 2017 and conducted a public hearing to discuss the Final Site Plan and Special Land Use Permit Review for 210 S. Old Woodward. The Historic District Commission approved the proposed changes with the exception of the isinglass enclosure, however they did note that it would be reasonable to put up isinglass or similar material during the construction phase next door to prevent dust and debris from affecting the site.

As The Bird and the Bread (Vinotecca) currently holds an entertainment permit, live entertainment is permitted within the establishment. However, given previous concerns raised by the City Commission regarding the use of DJs and other types of entertainment, the draft SLUP resolution contains additional entertainment provisions that the City Commission may wish to consider adopting.

City Planner Ecker verified for:

- Commission Nickita that the outdoor dining area would be adjacent to a pedestrian walk, not adjacent to a building.
- Commissioner Hoff that the outdoor area would continue to be used in warm weather as it is now, not all year.

City Attorney Currier clarified for Mayor Harris that the current entertainment permit allows music but not dancing.

Ms. Jonna, co-applicant, stated that Vinotecca will be a bit more upscale than The Bird and the Bread, more tapas-oriented, and that the Elm Room will continue operations in the back.

City Manager Valentine explained to Ms. Jonna that new language was added to the SLUP's entertainment endorsement on the liquor license due to previous concerns regarding entertainment licenses within the City. He continued that the new language will be citywide and provides guidelines on entertainment, including the type and timing permitted.

Mayor Harris explained to Ms. Jonna that the proposed amendment being added to her entertainment endorsement requires no disc jockey entertainment after 7 p.m. any day of the week.

Ms. Jonna replied that prohibiting DJs after 7 p.m. would be very detrimental to business because:

- The banquet facility in the back needs to offer DJ services to guests that extend beyond 7 p.m. in order to function.
- Even if private events were excluded from the amendment, it would still be prohibitively limiting in the front-of-house.
- This prohibition would only be included in new SLUPs, which would put some businesses at a severe disadvantage relative to others.
- Ending at 7 p.m. would not reflect contemporary practices.
- Music has been an integral part of The Bird and the Bread, and now Vinotecca, from their respective beginnings.

She continued that The Bird and the Bread has operated music-oriented evenings for years with only positive results.

Ms. Jonna explained to Commissioner Hoff that:

- The signage would glow slightly red at night.
- Changing The Bird and the Bread over to Vinotecca allows Vintage LLC. to operate two similar-in-concept establishments, the other being Vinology in Ann Arbor, as opposed to two different-concept establishments. Vinology has been in operation for ten years.
- Co-applicant Dave Eifrid is Ms. Jonna's husband.
- The live-music focus will be mostly trios playing "laid-back and sophisticated" jazz and blues.
- The Bird and the Bread's operation in Birmingham has been entirely without incident, and Vinotecca will continue in the same manner.
- Vinotecca diversifies options available to individuals looking to spend an evening out in Birmingham.
- Since Birmingham is not a late-night market, Vinotecca's likely closing hours would be between 1 a.m. and 2 a.m. on weekends.
- While during the summer there may be short lunch service, within the first year Vinotecca will focus on dinner and brunch. They may later expand their lunch service.

Ms. Jonna compared Vinology and Vinotecca for Commissioner DeWeese, explaining that:

• Vinology mostly draws women in the 25 to 55 age range while Vinotecca is estimated to draw women ages 30 to 55.

- Vinology has 7500 sq. ft. with seating on two levels while Vinotecca will have a more intimate dining area.
- Vinology is world cuisine while Vinotecca will be European-focused.

Ms. Jonna described The Bird and the Bread's salsa night for Commissioner Sherman:

- Some tables are cleared from the front on Sunday nights;
- A DJ spins Latin music, with accompaniment from a live percussionist;
- There is a \$20 cover which includes a drink or tapas;
- The age range of the Commission reflects the average age range of the attendees; and
- The evening concludes at 9 p.m.

There being no further comments, Mayor Harris closed the public hearing at 8:18 p.m.

City Manager Valentine clarified for:

- Commissioner Hoff that the prohibition of DJs after 7 p.m. would be the template for entertainment endorsement licenses going forward, but would not apply to live music.
- Commissioner DeWeese that if a SLUP is violated, the Commission can:
  - Set a public hearing;
  - Request the applicant attend; and,
  - Formulate a Commission response to the SLUP violation post-hearing.
- Commissioner DeWeese that the proposed 7 p.m. end can be modified by the Commission.

City Attorney Currier also responded to Commissioner DeWeese, saying that the Commission can also call upon the Alcoholic Liquors section of the City's Code of Ordinances which includes processes for enforcement, licensing, denying a license or revoking a license for establishments. He continued that the City can pull a SLUP, reference a contractual violation, and revoke or prevent renewal of a liquor license in order to address issues with establishments.

Commissioner Sherman explained that:

- The new DJ rules were created after issues with South and Blue Martini.
- Some restrictions are necessary, but 7 p.m. is too early a cutoff time.
- Some other options might be cover charges, ending valet service at midnight, or allowing private parties to go later.
- The Commission can craft something that addresses the concerns of the restauranteurs while also protecting the interests of the community.

Commissioner Nickita stated that:

- The Commission seeks balance;
- The Commission changed SLUPs and relevant ordinances after the previous incidents with Birmingham establishments; and,
- The SLUP should be made specific enough that the Commission can act easily when necessary.

Ms. Jonna told Mayor Pro Tem Bordman that a midnight cutoff could work if it excluded private events. Ms. Jonna then reiterated that her businesses have already been negatively affected by the disapproval of their isinglass proposal, and that if the SLUP modifications only apply to

businesses moving forward, many businesses will end up being at an unfair disadvantage relative to previously licensed businesses.

Commissioner Boutros stated that:

- Birmingham does not want nightclubs.
- Issues tend to arise after 1 a.m. or 1:30 a.m, not midnight.
- If Vinotecca will be like Vinology in Ann Arbor, he does not see any problem with Vinotecca. He believes Vinology has worked very well.
- The Commission needs to be mindful of creating language within SLUPs that allows them to deal with potential problems going forward, even if Vinotecca is unlikely to pose a problem.
- The cutoff for DJs should be extended to 1 a.m., with the exception of private parties in the banquet facility.

Commissioner DeWeese said:

- He would like to see the DJ cutoff time be midnight for the front of house, and 1 a.m. for the banquet facility.
- The Commission possesses much better tools for immediate response to incidents than it has in the past.
- This should not be passed until the wording is crafted by the City Attorney and staff.
- The cutoff time could be extended after a track record is established, and the applicant has a good history with the City.
- He would be willing to show more leniency and support for the applicant due to the good history.

Commissioner Sherman observed a seeming Commission consensus around a front-of-house DJ end-time of midnight, and a private party end-time of 1 a.m.

Mayor Harris stated that while it is good to protect the City's safety interests, it is unfair to impose stringent requirements on an applicant with a stellar track-record.

Commissioner Hoff said that if the music is managed well, she sees no problem.

Commissioner Nickita said that:

- There is a difference between private parties and marketed, recurring events. The latter is more of a concern.
- The SLUP should clearly specify what a violation entails.

Mayor Harris:

- Agreed with Commissioner Nickita that the Commission needs room to act.
- Continued that the Commission's ability to revoke a SLUP found not to be in the public's interest is sufficient.
- Finished that he does not believe the amendment should get more specific, and asked City Attorney Currier for input.

City Attorney Currier called the Commission's attention to the first "Be it further resolved..." section of the proposed resolution, and suggested the following edits:

- Paragraph #1 should read "Vinotecca shall be permitted to provide entertainment in those areas of the premises open to the general public, in accordance with their entertainment permit issued by the MLCC except that no disc jockey entertainment shall be permitted after \_\_\_\_\_ on any day of the week.
- Paragraph #2 should read "Vinotecca shall be permitted to provide entertainment for private parties in areas of the premises not open to the general public, in accordance with their entertainment permit issued by the MLCC except that no disc jockey entertainment shall be permitted after \_\_\_\_\_ on any day of the week.
- Paragraph #3, which begins "Vinotecca shall abide by all provisions of the Birmingham City Code," is fine as is.
- Paragraph #4 should read "The Special Land Use Permit may be cancelled by the City Commission upon finding that the continued use is not in the public interest, including but not limited to a violation of the Special Land Use Permit, the contract, the Birmingham City Code, or State Law."

Commissioner Boutros stated that he does not see a need to impose a time limit since the fourth paragraph sufficiently addresses the Commission's concerns.

#### **MOTION:** Motion by Commissioner DeWeese, seconded by Mayor Harris:

To approve the Special Land Use Permit Amendment for 210 S. Old Woodward with the following changes to the numbered sub-sections of the 13<sup>th</sup> paragraph of the formal Resolution:

- Section #1 to read "Vinotecca shall be permitted to provide entertainment in those areas of the premises open to the general public, in accordance with their entertainment permit used issued by the MLCC except that no disc jockey entertainment shall be permitted after 12 a.m. on any day of the week.
- Section #2 to read "Vinotecca shall be permitted to provide entertainment for private parties in areas of the premises not open to the general public, in accordance with their entertainment permit used issued by the MLCC except that no disc jockey entertainment shall be permitted after 2 a.m. on any day of the week.
- Section #3 "Vinotecca shall abide by all provisions of the Birmingham City Code," remains as proposed.
- Section #4 to read "The Special Land Use Permit may be cancelled by the City Commission upon finding that the continued use is not in the public interest, including but not limited to a violation of the Special Land Use Permit, the contract, the Birmingham City Code, or State Law."

Commissioners Sherman and Hoff stated they would like to see City Attorney Currier's changes in writing.

Mayor Pro Tem Bordman supported Commissioner Sherman's request for a definition of "private party" in the SLUP agreement.

Commissioner Hoff echoed Commissioner Nickita's support for more specific language within the SLUP regarding conditions under which the Commission can revoke the SLUP.

City Attorney Currier stated the Commission can re-open the public hearing for the purpose of continuing it to the January 8, 2018 meeting.

Commissioner Nickita reiterated the need for specific criteria within the SLUP that clarify when a violation has occurred, both for the benefit of the City and the business in question.

VOTE: Yeas, 0 Nays, 7 Absent, 0

Mayor Harris reopened the public hearing at 9:04 p.m.

**MOTION:** Motion by Commissioner Sherman, seconded by Mayor Pro Tem Bordman: To continue until January 8, 2018 the public hearing for a Special Land Use Permit Amendment and Final Site Plan for 210 S. Old Woodward – Vinotecca, with direction to staff to revise the Special Land Use Permit Amendment incorporating:

1. The following changes to the numbered sub-sections of the 13<sup>th</sup> paragraph of the formal Resolution:

- Section #1 to read "Vinotecca shall be permitted to provide entertainment in those areas of the premises open to the general public, in accordance with their entertainment permit used issued by the MLCC except that no disc jockey entertainment shall be permitted after 12 a.m. on any day of the week.
- Section #2 to read "Vinotecca shall be permitted to provide entertainment for private parties in areas of the premises not open to the general public, in accordance with their entertainment permit used issued by the MLCC except that no disc jockey entertainment shall be permitted after 2 a.m. on any day of the week.
- Section #3 "Vinotecca shall abide by all provisions of the Birmingham City Code," remains as proposed.
- Section #4 to read "The Special Land Use Permit may be cancelled by the City Commission upon finding that the continued use is not in the public interest, including but not limited to a violation of the Special Land Use Permit, the contract, the Birmingham City Code, or State Law."

2. A definition of "private party" within the SLUP Agreement.

3. An agreement on the times disc jockey entertainment should conclude.

City Attorney Currier confirmed for Ms. Jonna that the more specific a SLUP gets, the more difficult it is for the City to act on concerns with a business.

Ms. Jonna stated she would like to see the Commission finish the SLUP Amendment tonight, because delaying work on Vinotecca for a month will have negative financial results for the business. She continued that Vinotecca is amenable to the SLUP Amendment changes proposed by City Attorney Currier this evening.

Kelly Allen, attorney, asked the Commission to confirm that they wanted a definition of "private party", and a consensus on the times. She continued that the language needs clarification, and that the MLCC has a definition of "private party", which is "paid for by the host".

Mayor Harris replied to Ms. Allen that staff should address the definition of "private party" and the entertainment hours to be included in the SLUP.

Commissioner Nickita said the Commission would prefer to conclude the issue tonight, but needs to be clear on what the City is agreeing to in a legal document.

Commissioner DeWeese stated that it is important for the Commission to get the SLUP language correct since it will be referred to as precedent going forward.

VOTE: Yeas, 7 Nays, 0 Absent, 0

12-334-17 PUBLIC HEARING TO CONSIDER A SPECIAL LAND USE PERMIT AMENDMENT AND FINAL SITE PLAN FOR 220 RESTAURANT AT 220 E. MERRILL

Commissioner Nickita recused himself due to a current business association with members of the applicant team. Commissioner Sherman recused himself based on a conversation with the City Attorney.

Commissioner Hoff observed that this issue is very similar to the previous one regarding Vinotecca.

Mayor Pro Tem Bordman stated she would still like to hear the presentation from Planning Director Ecker.

Commissioner DeWeese said that he would like to hear the presentation, but believes the Commission should continue the public hearing until January 8, 2018 to answer in the interim any questions that arise.

From Planning Director Ecker's report to City Manager Valentine dated December 5, 2017:

The subject property at 220 E. Merrill is located in the B4 Business Residential zone district. The B4 zone lists food and drink establishments as a permitted use requiring a Special Land Use Permit (SLUP). The applicant was approved for a SLUP by the City Commission on March 10, 2014.

The applicant is now requesting an amendment to the existing SLUP to allow them to utilize the lower level of the building, formerly known as "Edison's" for special events, private parties, and the public as an extension to 220 Restaurant on the first floor. The applicant has indicated that the proposed lower level of 220 Restaurant will offer a food menu (the same as that offered on the main floor of the existing restaurant) and will host low-key entertainment, such as jazz music and piano music, in the space. Business hours would be the same as those of the main restaurant. The existing 220 Restaurant currently holds an entertainment permit from the Michigan Liquor Control Commission. According to the Michigan Liquor Control Code, Administrative Rules and Related Laws, Article 436.1915, Section 916:

An on-premises licensee shall not allow monologues, dialogues, motion pictures, still slides, closed circuit television, contests, or other performances for public viewing on the licensed premises unless the licensee has applied for and been granted an entertainment permit by the commission. Issuance of an entertainment permit under this subsection does not allow topless activity on the licensed premises.

As 220 Restaurant currently holds an entertainment permit, the low-key live entertainment proposed would be permitted within the establishment. However, given previous concerns raised by the City Commission regarding the use of DJ's and other types of entertainment, the draft SLUP resolution contains additional entertainment provisions that the City Commission may wish to consider adopting.

The applicant appeared before the Planning Board on November 8, 2017 and received a recommendation for approval. As there are no exterior changes proposed to the historic structure they are not required to obtain approval from the Historic District Commission.

The City Commission set a public hearing date for December 11, 2017 to consider an application for a Special Land Use Permit ("SLUP") Amendment and Final Site Plan for 220 R estaurant at 220 E. Merrill.

Zaid Elia, applicant, clarified for:

- Commissioner Hoff that:
  - There is ingress/egress on the east and west sides of the property, and an entrance from the main level via elevator on the west side of the property.
  - Food will be served at the bar.
  - 220 Restaurant entertainment plans entail live entertainment, private parties and DJs at different times.
- Commissioner Boutros that zero structural changes are being proposed.
- Mayor Pro Tem Bordman that patrons come in through the side door.
- Commissioner DeWeese that 220 Restaurant would like DJs to be permitted after 7 p.m.

Ms. Allen suggested that entertainment end times be determined by function, not room. A private party would be paid for by the host and closed to the public.

Commissioner DeWeese replied to Ms. Allen that there needs to be a difference in the SLUP between a private party that occupies part of the space in 220 Restaurant, and one that occupies the whole space.

Ms. Allen confirmed her belief for Commissioner Boutros that the City should have discretion in determining entertainment cutoff times.

Mayor Pro Tem Bordman stated that she would like the street tree-issue resolved before January 8, 2018.

Planning Director Ecker told Commissioner Hoff that a readable set of floor plans for the Fire Department are included on paragraph 7 of the SLUP resolution.

Ms. Allen stated that she would like to see an across-the-board entertainment end time of 1 a.m.

Mr. Elia said he:

- Disagrees with Ms. Allen because he prefers no stated entertainment end-time.
- Would like to see the City Attorney have the discretion to negotiate different contracts with different operators.

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

To continue until January 8, 2018 the public hearing for a Special Land Use Permit Amendment and Final Site Plan for 220 Restaurant at 220 E. Merrill to utilize the lower level of the building as an extension of the 220 Restaurant and to direct staff and the City Attorney to consider revised language regarding entertainment end-times.

VOTE: Yeas, 5 Nays, 0 Absent, 0 Recused, 2 (Nickita, Sherman)

#### 12-335-17 BIRMINGHAM LITTLE LEAGUE DONATION AGREEMENT

From Director of Public Services Wood's report to City Manager Valentine dated December 4, 2017:

The City of Birmingham was approached by the Birmingham Little League earlier this year in February about renovating two ball fields in Kenning Park. Birmingham Little League wishes to make a donation to the City of Birmingham for the renovation and/or redesign of the two easterly Little League baseball fields (Fields 2 and 3).

In turn, the City of Birmingham prepared a Donation Agreement detailing the specifics of such a donation in the amount of \$219,000. Since such time, staff has been working with Johnson Hill Land Ethics Studio (JHLE) to determine optimal layout and estimated costs per field. Find attached a preliminary "draft" of the two field concept layout specific to fields #2 and #3 consistent with the Master Plan. The remaining park fields will continue to function under existing conditions and uses. The estimated costs to renovate the two little league fields is \$302,228. As a result, BLL previously committed to \$219,000 and they were asked to revise their contribution based on the latest cost estimates, for which they have done so in the amount of \$303,000.

If the project is awarded, after bids are received, we anticipate construction to begin after the 2018 baseball season ends and all uses of the City fields at Kenning Park concludes. Based on the proposed schedule, it is our intent to have the two renovated fields ready for play for the start of the 2019 season.

Mayor Harris disclosed he volunteers with Birmingham Little League and that Counsel advised this is not grounds for recusal. The Commission concurred.

Director of Public Services Wood explained to:

- Commissioner Hoff that the Little League is only updating two of the four fields due to funds. The updates should not have any effects on the existing fields.
- Commissioner Nickita that the field located on the southeast side of Kenning Park in the concept plan would not likely be installed due to limited space and funds.
- Commissioner DeWeese that snow would be cleared to the Park's parking lot.
- Commissioner Sherman that fields are reserved by permit applications submitted to the City.

Commissioner DeWeese was concerned that improving these fields with fences would cut into an open field proposed by the Master Plan.

City Manager Valentine clarified for:

- Commissioner DeWeese that none of the Master Plan field proposals would be affected by these changes.
- Commissioner Sherman that all of Kenning Park remains public, despite the donation from a private entity. The Little League receives the first right of refusal if it meets two criteria:
  - The service life of the field, estimated to be twenty years, must be covered by the Little League's investment; and,
  - The Little League must remain the most frequent user of the field based on permits issued.

Director of Public Services Wood stated that Kenning Park is very rarely used for soccer, even when offered to the league.

Mayor Harris opened comments to the public at 10:12 p.m.

Pat O'Neill, President of the Birmingham Little League, clarified:

- For Commissioner DeWeese that there are currently no open fields in Kenning Park.
- Only two ballfields will be renovated due to limited funds.
- Permitting the Little League first right of refusal for twenty years seems fair since all the Little League's assets are going towards this renovation.

Martha Moyer, Mark Secontine, Bryce Mulligan, Wayne Wudyka, James McNulty, Dave Palmeri, and Andy Wilkinson stated their support for the proposed Little League donation.

Mr. Wudyka added that the Birmingham Little League should be publicly recognized in some way for their donation.

Mr. McNulty added that he fears Birmingham may be losing players to municipalities with better fields.

Mr. Palmeri suggested the Commission should think of this more as a public-private partnership since the leadership of the Birmingham Little League has such longevity and is so invested in this change.

Mr. Wilkinson added that it has taken the Birmingham Little League about thirty years to accumulate the \$300,000 being offered to the City, and that the changes being proposed to the fields will aid in their maintenance.

Mayor Harris told Mr. Wudyka that the donation agreement allows Birmingham Little League to install a memorial or a plaque on Fields #2 and #3 should they so choose.

**MOTION:** Motion by Commissioner Hoff, seconded by Mayor Pro Tem Bordman:

To accept the Donation Agreement between the City of Birmingham and the Birmingham Little League in the amount of \$303,000 for improvements as it relates to Fields #2 and #3 at Kenning Park. Further, to authorize the City Manager to execute the Donation Agreement on behalf of the City.

VOTE: Yeas, 7 Nays, 0 Absent, 0

#### 12-336-17 48<sup>TH</sup> DISTRICT COURT 2018 BUDGET

From Director of Finance/Treasurer Gerber's report to City Manager Valentine dated December 1, 2017:

Attached is the proposed 2018 budget for the 48<sup>th</sup> Judicial District Court. In total, the Court is requesting an operating budget of \$4,670,920 which represents an increase of \$116,360, or 2.55%, from the 2017 budget. Increases are proposed for all the budgeted categories except for court expenses which is proposed to remain the same as the current year.

Salaries: For 2018 salaries are proposed to increase 2% from the 2017 budget.

Benefit Expenses: This budgeted category is proposed to increase by \$29,400, or 2.64% from the 2018 budget. The increase is the result of insurance and pension contributions.

Operating Expenses: For 2018, operating expenses are proposed to increase by \$16,000, or 1.25%. This is primarily the result of an increase in postage of \$11,000 and liability insurance of \$10,000. This was partially offset by a decrease in office supplies of \$5,000

Professional Fees: Overall this budgeted category is proposed to increase by \$31,100, or 31.26, as a result of outsourcing information technology services.

Court Expenses: This category is proposed to proposed to remain the same as 2017 at \$212,000.

Equipment & Capital: Expenditures for this category are proposed to increase by \$5,000, or 4.72%, as a result of an increase in equipment rental of \$1,000 and an increase in equipment maintenance of \$4,000.

In accordance with the 1985 agreement, revenues and Court expenditures are allocated to the four control units, which include the cities of Birmingham and Bloomfield Hills and the townships of Bloomfield and West Bloomfield, in the same proportion as the number of cases arising from each unit. At the end of each calendar year following the Court's audit, an adjustment is made for the difference between those amounts advanced based on the estimate and the actual caseload of each control unit under the agreement.

The City's percent of total projected caseload for 2017 (27.28%) is higher than 2016's actual caseload percentage (25.42%). Assuming the City funds the Court's 2018 budget at the same percentage as the projected 2017 caseload of 27.28%, the City would advance the Court \$1,274,227. No projected revenues were available from the Court for 2017 or 2018. In calendar year 2016 the City received revenues of 1,071,498 from the Court and was allocated \$1,079,148 in Court expenditures for a net cost of \$7,650.

The Court is undergoing a security assessment and multiple security improvements are being considered. Once a capital improvement program is put together with these projects, a budget amendment is expected sometime next year to address the recommendations in the security assessment.

Judge Barron explained to:

- Commissioner Hoff that three different security assessments have been performed and that the Court may be coming back to the relevant municipalities for a one-time fund request. He continued that the Court anticipates the assessment should be completed prior to the Birmingham budgeting process.
- Mayor Pro Tem Bordman that Bloomfield Township currently funds the majority of the court's budget due to caseload from the municipality.
- Commissioner DeWeese that if the court exceeds its budget, it will return to the Commission to request additional funds.

Commissioner Sherman shared concern that no estimate is provided for the security updates, especially since some of these costs are not unknown. He continued that he would like to see the court administrator work with city managers to implement budgeting best practices.

**MOTION:** Motion by Commissioner Boutros, seconded by Commissioner DeWeese: To receive the 2018 proposed budget from the 48<sup>th</sup> Judicial District Court; and further, to approve the budget as submitted.

VOTE: Yeas, 7 Nays, 0 Absent, 0

**12-337-17 PROPOSED SCULPTURE LOAN – WINDSWEPT BY GARY KULAK** Commissioner DeWeese shared his membership in the Friends of Barnum Park, and stated he does not believe it is a conflict of interest. The Commission concurred. From Assistant City Planner Campbell's report to City Manager Valentine dated December 6, 2017:

On October 23, 2017, City Staff received an application from Gary Kulak to loan his artwork to the City for public display. The artwork titled *Windswept*, is a cardinal red steel chair that stands 8' x 6' x 27' (L x W x H) and weighs 1,200 lbs. At this time, the artist is proposing the triangular open space formed by three pathways in Barnum Park as the location of the piece. In early October 2017, a circular concrete pad was poured at Barnum Park to accommodate rotating art sculptures. The artist has indicated that *Windswept* will be a 5 year loan.

The subject sculpture has been exhibited in Grand Rapids, MI and Knoxville, TN. The artist explains that the work signifies the human spirit as if looking through a doorway (AKA the Barnum Elementary School entry portal) into a space and space looking back at you. The work creates a positive message of pride when viewed as a gesture moving upward. Further, the work was created for this site and will serve as a guardian and spirit for the park.

It has typically been the practice to provide a "No Climbing" sign and to monitor the park, as the Department of Public Services currently does. Further, if attempts to scale the sculpture become an issue, Vaseline can be applied between 8' and 10' high on the legs to prevent climbing of the sculpture. The Police Chief deferred judgement on the issue to the Public Arts Board and City Commission.

At this time, the artist and all relevant parties on behalf of City administration have signed an Access and Maintenance Agreement for the 5-year loan.

Assistant City Planner Campbell explained to Commissioner Hoff that the cement pad in Barnum Park will remain after *Windswept* leaves, and lighting at night is not currently included in the plans.

Commissioner DeWeese pointed out that Birmingham Police can monitor the sculpture by camera if a concern arises.

Assistant City Planner Campbell confirmed for Commissioner Nickita that:

- The owner will be responsible for transporting and installing the sculpture.
- The pad can hold over 1,200 lbs. of weight.
- The pad has been reviewed for wind-loads.

Mayor Harris stated he would like to know if there have been safety issues with the sculpture in other cities.

Commissioner Sherman pointed out that the City reserves the right to remove the sculpture at any time, for any reason, according to the contract, so he is not as concerned about safety.

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

To approve the recommendations of the Public Arts Board and Parks and Recreation Board to accept a 5 year loan of the sculpture, Windswept, by Gary Kulak, and to approve the proposed location for installation in the triangular open space in Barnum Park;

#### ND

To approve the Access and Maintenance Agreement with Gary Kulak and further directing the Mayor and City Clerk to sign the agreement on behalf of the City;

Cindy Rose stated that:

- This has been a 4½ year process, and thanked Mr. Campbell, Planning Director Ecker and Mr. Valentine for helping installation occur.
- Every sculpture could be considered an attractive nuisance and that if Birmingham is committed to public art it will have to endure that risk.
- She has heard third-hand that the sculpture has not posed problems in other cities.
- A light could be added to the sculpture if need be.
- VOTE: Yeas, 6 Nays, 1 (Boutros) Absent, 0

#### 12-338-17 2018 ANNUAL REVIEW OF FEE SCHEDULE

From City Clerk Mynsberge's report to City Manager Valentine dated December 5, 2017:

The fee required to be paid and the amount of any bond required to be posted, or insurance required to be carried, to obtain any license to engage in the operation, conduct or carrying on of any trade, profession, business or privilege for which a license is required by the provisions of the Birmingham City Code is set by the City Commission through the Schedule of Fees, Charges, Bonds and Insurance.

The fee schedule has been reviewed by each department to determine whether amendments are needed to cover the cost for service and processing. The following revisions are proposed.

#### <u>City Clerk</u>

The City Clerk's Office has proposed the following change:

• Remove Taxicabs (Chapter 122). State law has removed local jurisdictions from the licensing process.

#### Building Department

The plan review process for new homes, additions, accessory structures and impervious surfaces require site plan and drainage review in accordance with Chapter 22 of the City Code. The fees for these reviews are listed in the Community Development Dept. section of the fee schedule under the heading Site Evaluation. These fees have remained the same for several years and the Engineering Department is requesting they be increased to cover actual costs.

#### Site Evaluation

• New house fees are proposed to increase from \$150.00 to \$200.00 for a total increase of \$50.00 per review.

 The fee for additions, accessory structures and impervious surfaces is also proposed to increase \$50.00 from \$75.00 to \$100.00 per review. A text change is also proposed here to include impervious surfaces as mentioned in the City Code.

**MOTION:** Motion by Commissioner Sherman , seconded by Commissioner DeWeese: To amend the Schedule of Fees, Charges, Bonds and Insurance, City Clerk's section, and Community Development Department section, as stated in the report.

VOTE: Yeas, 7 Nays, 0 Absent, 0

#### VII. REMOVED FROM CONSENT AGENDA

The items removed were discussed earlier in the meeting.

#### VIII. COMMUNICATIONS

None.

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

None.

#### X. REPORTS

#### 12-339-17 COMMISSIONER COMMENTS

Mayor Pro Tem Bordman explained that in the attendance reports from City boards and committees, it is still unclear whether a 'No Meeting (NM)' designation indicates quorum was not reached, or that no meeting was ever scheduled. If no quorum was reached within the Committee, she would like to know who was available or unavailable for the meeting.

City Manager Valentine asked if there was Commission consensus. Commissioners Sherman and DeWeese suggested that in addition to the 'No Meeting' category, there be a 'Cancelled' category if needed to explain the lack of meeting, and if the meeting is 'Cancelled', then committee members' availability should be recorded as well.

Commissioner Hoff stated that public art is an asset to the City. She expressed disappointment that her favorite piece of public art, which was loaned to the City by the Hill Gallery, was sold from in front of Baldwin Library.

#### 12-340-17 CITY STAFF REPORTS

The Commission received the Principal Shopping District Special Assessment District 870 Funding Report for Fiscal Year 2017-2018 as submitted by Deputy Treasurer Klobucar.

#### XI. ADJOURN

Mayor Harris adjourned the meeting at 11:07 p.m.

J. Cherilynn Mynsberge, City Clerk

heck Number	Early Release	Vendor #	Vendor	Amount
254805	*	000819	44TH DISTRICT COURT	750.00
254806	*	000855	48TH DISTRICT COURT	100.00
254807	*	000855	48TH DISTRICT COURT	100.00
254808	*	000855	48TH DISTRICT COURT	100.00
254809	*	000855	48TH DISTRICT COURT	100.00
254810	*	000855	48TH DISTRICT COURT	100.00
254811	*	MISC	A&E HOMES LLC	2,500.00
254812		007071	AIRE SERV	486.42
254813		007745	ALL COVERED	1,192.00
254814		MISC	AMERICAN STANDARD ROOFING	100.00
254815		000167	ANDERSON ECKSTEIN WESTRICK INC	2,500.00
254816	*	007033	APPLIED IMAGING	1,243.30
254817		MISC	ARCHER SIGN COMPANY LLC	200.00
254819		001843	ASCE/MEMBERSHIP	273.00
254820	*	006759	AT&T	136.84
254821	*	006759	AT&T	134.93
254822		MISC	B & B MAINTENANCE	100.00
254823		MISC	BAYSHORE CONSTRUCTION	100.00
254824	*	000517	BEIER HOWLETT P.C.	34,469.25
254826	*	000518	BELL EQUIPMENT COMPANY	59.78
254827		002231	BILLINGS LAWN EQUIPMENT INC.	75.77
254829		MISC	BITONTI REAL ESTATE LLC	100.00
254830		MISC	BLOOMFIELD CONSTRUCTION CO	300.00
254831		000542	BLUE WATER INDUSTRIAL	217.95
254839		006380	C & S ICE RESURFACING SERVICES, INC	330.91
254840		007875	CANFIELD EQUIPMENT SERVICE INC.	780.00
254841	*	007744	MOHAMED F. CHAMMAA	63.66
254842		000603	CHEMCO PRODUCTS INC	210.00
254843	*	005221	CHICAGO DELI, INC	564.00
254844	*	007835	SARAH CHUNG	130.25
254845		000605	CINTAS CORPORATION	48.88
254846		005116	CITY OF MADISON HEIGHTS	237.61
254848	*	008044	CLUB PROPHET	590.00
254849	*	007625	COMCAST	404.88
254850		MISC	COMPLETE CONCRETE	100.00
254851	*	000627	CONSUMERS ENERGY	824.35
254852		002668	CONTRACTORS CLOTHING CO	837.75
254853		001367	CONTRACTORS CONNECTION INC	72.00
254854		MISC	COONEY, JULIA	100.00
254855		008582	CORE & MAIN LP	956.13
254856		MISC	CREIGHTON, CHRISTINE M	100.00
254857		004386	CYNERGY PRODUCTS	89.95
254858		MISC	DAN LYNCH	900.00
			4C	

Check Number	Early Release	Vendor #	Vendor	Amount
254859	*	007826	DEBRA KLEIN	486.00
254860		000956	DELTA TEMP INC	433.10
254861		000177	DELWOOD SUPPLY	1.58
254862		MISC	DEWITT, ROBERT	200.00
254863		008627	DICA OUTRIGGER PADS	2,791.00
254864		MISC	DJL2 LLC	2,500.00
254866		MISC	DOYLE W MOSHER	200.00
254867	*	000179	DTE ENERGY	4,263.95
254868	*	000180	DTE ENERGY	48,709.85
254869		001077	DUNCAN PARKING TECH INC	821.15
254870		MISC	EDWARDS PLUMBING & HEATING	1,000.00
254871	*	007538	EGANIX, INC.	720.00
254872		004671	ELDER FORD	144.64
254873		006876	ENFORCEMENT PRODUCTS INC	727.00
254874		004615	ENGLISH GARDENS	11,301.41
254875	*	004514	FEDEX OFFICE	451.33
254876		007314	FLEIS AND VANDENBRINK ENG. INC	16,729.13
254878		MISC	G & S RESTAURANTS INC	100.00
254879		007807	G2 CONSULTING GROUP LLC	162.50
254880		001023	GABRIEL, ROEDER, SMITH & CO.	14,050.00
254881		MISC	GARDNER SIGNS INC	200.00
254882		007172	GARY KNUREK INC	175.95
254883		000920	GLOBAL EQUIPMENT COMPANY INC	485.91
254884	*	004604	GORDON FOOD	87.48
254885	*	006868	GOVERNMENT FINANCE OFFICERS ASSN.	505.00
254886		004878	GOVERNMENT FINANCE OFFICERS	150.00
254887	*	004983	GREAT AMERICAN BUSINESS PRODUCTS	295.68
254888		004959	GREAT LAKES POWER AND LIGHTING, INC	10,259.92
254889		MISC	GROW GARDEN & LANDSCAPE	100.00
254890		000249	GUARDIAN ALARM	2,660.99
254891		001531	GUNNERS METER & PARTS INC	250.00
254892		007342	H2A ARCHITECTS, INC.	210.00
254893		001672	HAYES PRECISION INC	30.50
254894	*	008640	HENDERSON PRODUCTS INC	1,250.00
254895	*	007375	HOMEFIELD TURF AND ATHLETIC INC.	21,900.00
254896		000331	HUBBELL ROTH & CLARK INC	823.37
254897		MISC	HUBER, MONTE J	300.00
254898		000948	HYDROCORP	1,315.00
254901		000261	J.H. HART URBAN FORESTRY	6,000.46
254902	*	000344	J.T. EXPRESS, LTD.	4,797.89
254903		003458	JOE'S AUTO PARTS, INC.	616.02
254904		MISC	JUNO BUILT LLC	900.00
254905		008647	BRADLEY KADA	90.00

Check Number	Early Release	Vendor #	Vendor	Amount
254906	*	007827	HAILEY R KASPER	104.00
254907		MISC	KEARNS BROTHERS INC	200.00
254908		MISC	KENTSHIRE CLASSIC HOMES, INC.	100.00
254909		MISC	KINDERVATER CONSTRUCTION	100.00
254910		004085	KONE INC	383.20
254911	*	000362	KROGER COMPANY	6.12
254912	*	008553	L.G.K. BUILDING, INC	23,740.00
254913		005550	LEE & ASSOCIATES CO., INC.	150.35
254914		006817	LEXISNEXIS RISK SOLUTIONS	180.80
254915		MISC	LIVE WELL CUSTOM HOMES LLC	1,900.00
254918		MISC	MAHER, BRIAN J	7,000.00
254919		001417	MAJIK GRAPHICS INC	635.00
254920	*	004855	MAMC	120.00
254921	*	001915	MARINE CITY NURSERY CO	1,170.00
254922		MISC	MASTERWORKS CONTRACTING LLC	500.00
254923		MISC	MATTHEW ABRAHAM	200.00
254925	*	000369	MCMI	1,102.50
254926		008557	MCNULTY ELECTRIC, INC	68,580.00
254928		004738	MGFOA	120.00
254929		MISC	MICHIGAN ASPHALT PAVING	100.00
254930	*	008126	MICHIGAN.COM	640.64
254931	*	008160	MPARKS	810.00
254932	*	005986	MRWA	180.00
254933		001194	NELSON BROTHERS SEWER	422.00
254934		007755	NETWORK SERVICES COMPANY	1,994.54
254935		006556	NICE RINK	1,477.51
254937		001864	NOWAK & FRAUS ENGINEERS	15,002.00
254938		006359	NYE UNIFORM COMPANY	309.50
254939	*	000477	OAKLAND COUNTY	296,511.25
254942		MISC	ORCHARD DEVELOPMENT AND CONSTRUCTIO	2,000.00
254943		002767	OSCAR W. LARSON CO.	443.21
254944	*	008588	PERFECT MATCH FINISHING	3,000.00
254945		MISC	PERIARD CEMENT, BRICK AND BLOCK	100.00
254946		MISC	PHILLIPS SIGN & LIGHTING INC	400.00
254947	*	003352	JAMIE CATHERINE PILLOW	816.00
254949		MISC	PRM CUSTOM BUILDERS LLC	1,000.00
254950		006697	PROGRESSIVE IRRIGATION, INC	200.00
254951		MISC	PROPER TECH INC	300.00
254952		005660	PUBLIC AGENCY TRAINING COUNCIL	295.00
254953		002852	QMI GROUP INC	70.00
254954	*	001062	QUALITY COACH COLLISION LLC	1,080.00
254955		MISC	RASHID CONSTRUCTION	100.00
254956		000286	RESIDEX LLC	2,400.00

Check Number	Early Release	Vendor #	Vendor	Amount
254957	*	MISC	REVIVE RENOVATIONS LLC	1,000.00
254958		006497	RNA FACILITIES MANAGEMENT	2,210.00
254959	*	005996	RON TURLEY ASSOCIATES, INC.	1,250.00
254960		000218	ROYAL OAK P.D.Q. LLC	31.63
254964		MISC	SIERRA, KATRINA MARIE	1,100.00
254965	*	005128	SOCPWA	20.00
254966	*	001097	SOCWA	128,137.66
254967		005787	SOUTHEASTERN EQUIPMENT CO. INC	1,527.88
254969	*	001005	STATE OF MICHIGAN	274.44
254970		MISC	STERLING DEVELOPMENT CORP	2,000.00
254971		005127	SYSTEMATIC FINANCIAL MGMT. L.P.	5,381.99
254972		001076	TAYLOR FREEZER OF MICH INC	325.00
254973		MISC	THOMAS SEBOLD & ASSOCIATES, IN	200.00
254974		MISC	THORNTON & GROOMS INC.	1,000.00
254976		MISC	TIMELESS RENOVATIONS LLC	100.00
254977		000275	TIRE WHOLESALERS CO INC	150.00
254980		004692	TRANSPARENT WINDOW CLEANING	4,420.00
254982		MISC	UNILAND CORPORATION	200.00
254983		000293	VAN DYKE GAS CO.	663.60
254984		008411	VARIPRO	779.75
254985	*	000158	VERIZON WIRELESS	838.77
254986	*	000158	VERIZON WIRELESS	775.20
254988	*	000158	VERIZON WIRELESS	152.55
254989		001014	WALKER PARKING CONSULTANTS	12,937.17
254990		000828	WALL STREET JOURNAL, THE	478.88
254992		007278	WHITLOCK BUSINESS SYSTEMS, INC.	1,700.15
254993	*	008646	KIM WICKENHEISER	771.86
254996	*	003890	LAUREN WOOD	525.00
254997		MISC	WOODWARD DEVELOPMENT COMPANY LLC	1,000.00
254998	*	008391	XEROX CORPORATION	2,206.74
			Sub Total Checks:	\$820,078.31
			Sub Total ACH:	\$32,996.32
			Grand Total:	\$853,074.63

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

Mark Gulu

Mark Gerber Finance Director/ Treasurer

 $\star\text{-Indicates}$  checks released in advance and prior to commission approval in order to avoid penalty or to meet contractual agreement/obligation.

#### 1/8/2018

# City of Birmingham 12/13/2017

Vendor Name	Transfer Date	Transfer Amount
Automated Benefit Services, Inc.	12/12/2017	32,996.32
	TOTAL	32,996.32

heck Number	Early Release	Vendor #	Vendor	Amount
254999	*	000855	48TH DISTRICT COURT	100.00
255000	*	000855	48TH DISTRICT COURT	100.00
255002		002284	ABEL ELECTRONICS INC	49.98
255003		008555	ABELL PEST CONTROL INC	40.00
255005		007266	AETNA BEHAVIORAL HEALTH LLC	421.59
255006	*	003708	AIRGAS USA, LLC	172.62
255009		005795	ALLIE BROTHERS, INC	298.17
255010		000500	ARTECH PRINTING INC	53.00
255011	*	006759	AT&T	1,088.36
255012	*	006759	AT&T	206.60
255013	*	006759	AT&T	48.03
255014	*	006759	AT&T	54.00
255015	*	006759	AT&T	108.61
255016	*	006759	AT&T	54.00
255017	*	006759	AT&T	220.62
255018	*	006759	AT&T	107.46
255019		004027	AUTOMATED BENEFIT SVCS INC	8,636.62
255023	*	004867	BALDWIN PUBLIC LIBRARY TRUST	11,510.30
255024		003012	BATTERIES PLUS	49.99
255026		000518	BELL EQUIPMENT COMPANY	388.92
255027		007345	BEVERLY HILLS ACE	63.58
255028		002231	BILLINGS LAWN EQUIPMENT INC.	2.75
255029	*	008625	CITY OF BIRMINGHAM #229	3,035.32
255031		002982	BLOOMFIELD TWP FIRE DEPT	22.93
255032	*	003282	LISA MARIE BRADLEY	120.00
255034	*	001137	KATHRYN BURRICK	93.30
255035		007875	CANFIELD EQUIPMENT SERVICE INC.	250.00
255038	*	000444	CDW GOVERNMENT INC	1,366.59
255039		002067	CENTRAL PARKING SYSTEM	6.00
255040		008003	CINIUM FINANCIAL SERVICES, CORP	12,265.00
255041		007710	CINTAS CORP	234.57
255042		000605	CINTAS CORPORATION	237.83
255043	*	001054	CITY OF TROY	1,924.20
255044	*	000912	MARK CLEMENCE	966.40
255045		004026	COFINITY	1,314.00
255046		000979	COMERICA BANK	2,113.73
255048	*	000627	CONSUMERS ENERGY	5,977.48
255049		002668	CONTRACTORS CLOTHING CO	248.18
255050	*	001367	CONTRACTORS CONNECTION INC	488.70
255052		002125	CRANDALL-WORTHINGTON INC	640.00
255053		004577	D & G EQUIPMENT, INC.	3,871.41
255055		003428	DAVID WACHLER & SONS, INC	175.00
255056		008005	DE LAGE LANDEN FINANCIAL SVCS INC	173.75

## **4D**

Check Number	Early Release	Vendor #	Vendor	Amount
255057	*	007826	DEBRA KLEIN	588.00
255058	*	000956	DELTA TEMP INC	484.83
255059		006907	DENTEMAX, LLC	133.20
255060	*	007980	CURTIS DAVID DICHO	247.00
255062	*	000180	DTE ENERGY	8,417.76
255063	*	005711	DTE ENERGY COMPANY	3,103.50
255064		003806	DTS FLUID POWER LLC	136.26
255065		007505	EAGLE LANDSCAPING & SUPPLY	160.00
255067	*	000196	EJ USA, INC.	845.44
255069		007314	FLEIS AND VANDENBRINK ENG. INC	9,955.11
255070	*	007561	FLORENCE CEMENT	213,400.68
255071		007212	FOSTER BLUE WATER OIL	1,246.18
255073	*	007807	G2 CONSULTING GROUP LLC	2,572.75
255075		007172	GARY KNUREK INC	372.85
255076	*	004604	GORDON FOOD	363.42
255077		000243	GRAINGER	52.69
255080	*	006799	NATALIA HAASE	504.00
255081		006346	HARRELL'S LLC	2,304.00
255082	*	004307	MARTHA HODGE	216.88
255084		004839	INTERNATIONAL ASSOCIATION OF	120.00
255085	*	008457	ITALIA CONSTRUCTION	75,930.50
255086	*	000186	JACK DOHENY COMPANIES INC	92.58
255087		003458	JOE'S AUTO PARTS, INC.	53.12
255088	*	003746	JOHNSTON LEWIS ASSO INC	10,950.00
255089		007423	K/E ELECTRIC SUPPLY	426.00
255090		004088	KGM DISTRIBUTORS INC	135.00
255091		000353	KNAPHEIDE TRUCK EQUIPMENT	95,315.00
255092	*	000352	JILL KOLAITIS	162.00
255093	*	005327	L3 TECHNOLOGIES, INC.	290.00
255096		005550	LEE & ASSOCIATES CO., INC.	1,345.62
255101		008158	LOGICALIS INC	9,700.00
255102	*	003945	SANDRA LYONS	528.00
255103		000888	MCKENNA ASSOCIATES INC	51,697.50
255104	*	008477	MEDIANEWS - 21CM ADVERTISING	991.78
255109	*	008350	VERONICA MILLER	129.00
255110	*	001783	ММТА	100.00
255111		008211	MULTI-PLAN	4.50
255113		006359	NYE UNIFORM COMPANY	45.50
255115	*	000477	OAKLAND COUNTY	412,795.53
255116	*	000919	OAKLAND COUNTY TREASURER	1,014.20
255117	*	008214	OAKLAND COUNTY WATER DEPARTMENT	8,857.96
255118	*	MISC	OAKPOINTE BUILDING CO	250.00
255122	*	MISC	PAPADOPOULOS, ARTHUR & PATRICIA	113.40

Check Number	Early Release	Vendor #	Vendor		Amount
255123	*	006027	PENCHURA, LLC		2,168.60
255125	*	008225	DIANA PERAINO		780.00
255126	*	003352	JAMIE CATHERINE PILLOW	Ň	468.00
255128	*	000801	POSTMASTER		2,229.50
255129	*	006697	PROGRESSIVE IRRIGATION	N, INC	418.00
255130		008389	R.C. SYSTEMS, INC.		2,475.00
255131		003447	RAFT		1,200.00
255132		005930	RAPID AIR		1,528.60
255133	*	008404	PETE REALY		296.88
255135	*	003554	RKA PETROLEUM		11,255.61
255136		006497	RNA FACILITIES MANAGEN	MENT	2,210.00
255137	*	002806	SAM'S CLUB/SYNCHRONY H	BANK	1,439.77
255138		002051	SEAWAY PAINTING, LLC		17,890.00
255139		004202	SHRED-IT USA		113.41
255140		007881	SIDOCK GROUP INC		7,730.00
255141		000254	SOCRRA		71,361.00
255144		004355	SYMETRA LIFE INSURANCH	E COMPANY	29,618.32
255145		000273	TERMINAL SUPPLY CO.		133.51
255146		000275	TIRE WHOLESALERS CO IN	NC	154.00
255147		008371	TREDOC TIRE SERVICES		553.80
255150	*	000158	VERIZON WIRELESS		120.12
255151	*	000158	VERIZON WIRELESS		382.58
255152		006491	VILLAGE AUTOMOTIVE		271.99
255153		005231	WALKER RESTORATION CON	NSULTANTS	11,034.17
255154		008568	ALYSON WELLMAN		100.00
255156	*	001337	WILCOX BROS.		6,650.00
255157	*	007894	BRENDA WILLHITE		948.85
255158	*	005794	WINDSTREAM		711.31
255164	*	000627	CONSUMERS ENERGY		3,707.01
255165	*	000801	POSTMASTER		620.00
				Sub Total Checks:	\$1,154,021.36
				Sub Total ACH:	\$196,580.75
				Grand Total:	\$1,350,602.11

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

Mark Gulu

Mark Gerber Finance Director/ Treasurer

 $\star\text{-Indicates}$  checks released in advance and prior to commission approval in order to avoid penalty or to meet contractual agreement/obligation.

1/8/2018

## City of Birmingham ACH Warrant List Dated 12/20/2017

Vendor Name	Transfer Date	Transfer Amount
Automated Benefit Services, Inc.	12/19/2017	192,100.29
Cutwater Asset Management-November	**	4,480.46
	TOTAL	196,580.75

\*\*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.

heck Number	Early Release	Vendor #	Vendor	Amount
255166	*	000855	48TH DISTRICT COURT	100.00
255167	*	000855	48TH DISTRICT COURT	100.00
255168	*	000855	48TH DISTRICT COURT	100.00
255169	*	000855	48TH DISTRICT COURT	100.00
255170	*	008226	KATHI ABELA	84.00
255171		000394	AERO FILTER INC	165.00
255172		003106	ALL PRO EXERCISE INC	212.50
255173	*	006759	AT&T	135.17
255175		008422	AXIOM CONSTRUCTION SVCS GROUP LLC	407,360.82
255176		007345	BEVERLY HILLS ACE	63.29
255177	*	008543	CITY OF BIRMINGHAM #225	45,262.32
255178	*	000157	BOB ADAMS TOWING INC.	30.00
255179		000546	KAREN D. BOTA	3,690.00
255180		003907	CADILLAC ASPHALT, LLC	278.25
255181		003907	CADILLAC ASPHALT, LLC	4,759.48
255182	*	000569	JOEL CAMPBELL	679.00
255183	*	000444	CDW GOVERNMENT INC	3,733.31
255184		000605	CINTAS CORPORATION	103.33
255185	*	008006	CLEAR RATE COMMUNICATIONS, INC	1,383.21
255186	*	001318	CLOVERDALE EQUIPMENT CO	1,610.00
255187		002191	COCHRANE SUPPLY AND ENG INC	585.53
255188		004188	COFFEE BREAK SERVICE, INC.	104.00
255189	*	007625	COMCAST	202.74
255190	*	000627	CONSUMERS ENERGY	545.39
255191		008582	CORE & MAIN LP	98.71
255192		004386	CYNERGY PRODUCTS	277.00
255193		000956	DELTA TEMP INC	1,835.43
255194		003439	LAWRENCE DEMAGGIO	25.00
255195		000190	DOWNRIVER REFRIGERATION	10.16
255196	*	000179	DTE ENERGY	20,467.23
255197		000493	ED RINKE CHEVROLET BUICK GMC	397.10
255198		000196	EJ USA, INC.	453.06
255199		007684	ELITE TRAUMA CLEAN-UP INC.	50.00
255200		008308	ERADICO PEST SERVICES	38.00
255201		008567	KAMERYN EVERETT	78.00
255202		000207	EZELL SUPPLY CORPORATION	305.25
255203		000936	FEDEX	139.72
255204	*	008447	AARON FILIPSKI	1,500.00
255205		000223	GASOW VETERINARY	197.00
255206	*	004604	GORDON FOOD	149.70
255207		004959	GREAT LAKES POWER AND LIGHTING, INC	11,330.89
255208		001531	GUNNERS METER & PARTS INC	876.00
255209		001447	HALT FIRE INC	363.98

heck Number	Early Release	Vendor #	Vendor	Amount
255210		001672	HAYES PRECISION INC	61.00
255211	*	001956	HOME DEPOT CREDIT SERVICES	2,648.94
255212		000331	HUBBELL ROTH & CLARK INC	23,196.33
255213		001204	ICMA	832.00
255214		000261	J.H. HART URBAN FORESTRY	36,527.76
255215	*	002576	JAX KAR WASH	77.00
255216		003458	JOE'S AUTO PARTS, INC.	377.27
255217		007423	K/E ELECTRIC SUPPLY	148.00
255218	*	007827	HAILEY R KASPER	156.00
255219	*	007828	DEBORAH KLEIN	126.00
255220		004085	KONE INC	2,281.85
255221	*	000362	KROGER COMPANY	28.96
255222	*	003404	LADUKE ROOF.& SHT.METAL CORP	8,489.00
255223		005550	LEE & ASSOCIATES CO., INC.	1,916.45
255224	*	007977	KAREN LINGENFELTER	144.00
255226		002169	MAYO WELDING & FAB. CO INC	110.00
255227		002022	MICHIGAN ASSN. OF FIRE CHIEFS	170.00
255228	*	001660	MICHIGAN CAT	70.19
255230	*	007659	MICHIGAN.COM #1008	65.00
255231		008350	VERONICA MILLER	75.00
255232		007163	MOBILE HEALTH RESOURCES	2,478.89
255233		007915	NENA	137.00
255234		006359	NYE UNIFORM COMPANY	1,018.41
255235	*	000477	OAKLAND COUNTY	1,893.18
255236		004370	OCCUPATIONAL HEALTH CENTERS	273.25
255237	*	000481	OFFICE DEPOT INC	3,512.03
255238	*	000481	OFFICE DEPOT INC	827.37
255239		002767	OSCAR W. LARSON CO.	500.00
255240		006027	PENCHURA, LLC	165.00
255241	*	001753	PEPSI COLA	211.17
255242	*	008225	DIANA PERAINO	60.00
255243		002518	PITNEY BOWES INC	195.00
255244	*	008342	RAIN MASTER CONTROL SYSTEMS	29.85
255245	*	008404	PETE REALY	98.96
255246	*	005344	RESERVE ACCOUNT	8,000.00
255247		001181	ROSE PEST SOLUTIONS	86.00
255248		002021	SMAFC	80.00
255249		005128	SOCPWA	20.00
255250		000256	SOMERSET BUICK GMC INC	297.89
255251		005787	SOUTHEASTERN EQUIPMENT CO. INC	411.57
255252		007907	SP+ CORPORATION	3,480.00
255253		005238	SUNTEL SERVICES	1,760.13
255254		000275	TIRE WHOLESALERS CO INC	294.00

Check Number	Early Release	Vendor #	Vendor	Amount
255255		002037	TOTAL ARMORED CAR SERVICE, INC.	714.83
255256		000155	TYCO INTEGRATED SECURITY LLC	225.00
255257	*	000158	VERIZON WIRELESS	841.20
255258	*	000158	VERIZON WIRELESS	50.59
255259	*	000158	VERIZON WIRELESS	504.16
255260		004497	WATERFORD REGIONAL FIRE DEPT.	291.01
255261	*	000301	PAUL WELLS	629.00
255262	*	001536	JEFFREY WHIPPLE	123.49
255263	*	007355	LINDSAY WILLEN	282.00
255264		000309	ZEP SALES AND SERVICE	668.70
			Sub Total Checks:	\$617,640.00
			Sub Total ACH:	\$32,551.37
			Grand Total:	\$650,191.37

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

Mark Gulu

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.

1/8/2018

# City of Birmingham 1/3/2018

Vendor Name	Transfer Date	Transfer Amount
Automated Benefit Services, Inc.	12/28/2017	32,551.37
	TOTAL	32,551.37

City of T	Birmingham	MEMORANDUM
DATE:	December 26, 2017	Department of Public Services
TO:	Joseph A. Valentine, City Mana	ger
FROM:	Lauren A. Wood, Director of Pu	blic Services
SUBJECT:	Set a Public Hearing – Parks an	d Recreation Master Plan

The City Commission on June 26, 2017 hired McKenna to assist the City of Birmingham with updating the Five Year Parks and Recreation Master Plan. In accordance with the Michigan Department of Natural Resources (MDNR) requirements, a public hearing is required for citizen input, to be followed with a formal adoption by the City Commission.

At the November 14, 2017 Parks and Recreation Board meeting McKenna presented the "draft" Parks and Recreation Master Plan in which the Parks Board approved commencing the 30-day public comment period for the 2018 Parks and Recreation Master Plan. This "draft" plan has been noticed for this public review period which ends on January 3, 2018.

After the review period concludes McKenna and staff will continue to assemble the updated Master Plan and work through the Master Plan Sub-Committee and ultimately return to the Parks and Recreation Board on February 6, 2018 for their recommendation. Attached you will find more information from McKenna on the public hearing requirement and public hearing notice.

#### SUGGESTED RESOLUTION:

1

To set a Public Hearing for February 12, 2018 to consider adoption of the proposed 2018 Parks and Recreation Master Plan.

## MCKENNA



## Memorandum

То:	City Commission City of Birmingham, Michigan
From:	Sarah Traxler, AICP

Vice President

Date: December 20, 2017

Subject: Required Public Hearing for the 2018 Parks and Recreation Master Plan

#### BACKGROUND

As you know, the Parks and Recreation Board, supported by the Department of Public Services, has been involved in the preparation of a five-year Parks and Recreation Master Plan to be adopted in 2018. There has been significant study, analysis, meeting of the Parks and Recreation Master Plan Sub-Committee, and public engagement to support this effort – above and beyond that which the Michigan Department of Natural Resources (MDNR) requires. The MDNR publishes standards for minimum requirements for content, public engagement, and adoption processes related to Parks and Recreation Master Plans, which we have closely followed throughout the planning process. Parks and Recreation Master Plans are used to orient a parks and recreation program's activities based on community goals and objectives, prioritize capital improvements, and describe operations of parks and recreation programs, which vary widely from community to community.

#### **30-DAY COMMENT PERIOD**

The prescribed process set forth by MDNR requires that a draft Parks and Recreation Master Plan be available to residents and stakeholders during a 30-day, well-publicized public review and comment period. The draft plan has been noticed for its 30-day comment period, which ends on January 3, 2018. At the end of the 30-day comment period, we will synthesize any comments and work with the Master Plan Sub-Committee to appropriately incorporate comments into a revised draft.

#### **CITY COMMISSION CONSIDERATION**

The next required step in the adoption process is for the City Commission (legislative body) to conduct a public hearing, which we are requesting take place on February 12, 2018 at 7:30PM (see attached draft Public Hearing notice). During that meeting, McKenna will present the highlights of the draft plan, the Commission will receive comments, then consider adoption of the plan. Once the plan has been adopted, we will submit the plan to the MDNR so that it's on-file to support any future MDNR grant applications by the City of Birmingham.

We look forward to receiving input from the Commission and the public, and welcome questions or comments at any time. Thank you.

HEADQUARTERS

235 East Main Street Suite 105 Northville, Michigan 48167 O 248.596.0920 F 248.596.0930 MCKA.COM

Communities for real life.

#### CITY OF BIRMINGHAM, OAKLAND COUNTY, MICHIGAN HAS SCHEDULED A PUBLIC HEARING

Public Hearing: Monday, February 12, 2018 7:30 PM

Birmingham Municipal Building 151 Martin Street Birmingham, MI 48009

Notice is given to any and all interested parties that the Birmingham City Commission will hold a public hearing on **Monday, February 12, 2018 at 7:30 p.m.** at the Municipal Building on the second floor in the Commission Room, located at 151 Martin St., to hear comments on the 2018 Parks and Recreation Master Plan. The City of Birmingham is preparing this five-year Parks and Recreation Master Plan in accordance with the Michigan Department of Natural Resources requirements. When completed, the plan will serve as a guide for the acquisition and development of community recreation facilities and programs over the next five (5) years. The draft plan is available for review online at <u>bhamgov.org/ParksRecPlan</u> and in person at 851 S. Eton St., Birmingham, MI 48009.

In compliance with the Americans with Disabilities Act, individuals with a disability should contact the City of Birmingham City Clerk, Cherilynn Mynsberge, at (248) 530-1880, at least seventy-two (72) hours in advance of the Public Hearing, if requesting accommodations.

Publication Date: On or before January 12, 2018

City of	Birmingham	MEMORANDUM
		Engineering Dept. Fire Dept.
DATE:	December 18, 2017	
TO:	Joseph A. Valentine, City Manager	
FROM:	John Connaughton, Fire Chief Paul T. O'Meara, City Engineer	
SUBJECT:	Chesterfield Fire Station Grant of Easement to DTE Energy C	<b>CO</b> .

The electrical service for the old Chesterfield Fire Station was via overhead wiring which crossed Chesterfield Ave. from the alley to the west, running behind the adjacent commercial buildings on W. Maple Rd. Photos of the previous conditions are attached to this report. In order to meet current standards, the new electrical service will come from the same source, but be run underground starting at the west side of the street. After crossing the street, the service is planned to run underground diagonally to the rear face of the building, where a transformer is being installed (per the attached easement sketch). Due to the heavy duty nature of this service connection, the electrical service as well as the transformer will be owned and maintained by DTE Energy Co. As a part of the service installation, DTE Energy is requesting that the City sign an easement granting the utility company access to this area into the future.

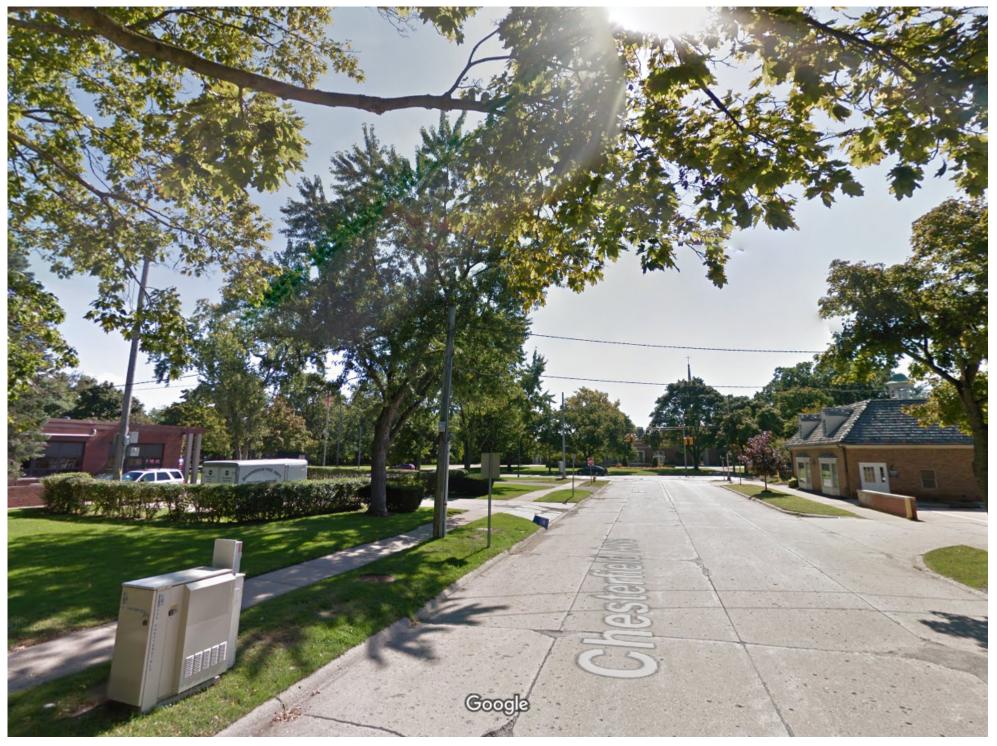
The attached easement form was prepared by DTE Energy Co., and has been reviewed and approved by the City Attorney. It is recommended that the City Commission authorize the Mayor and Clerk to sign the document, thereby allowing DTE Energy to proceed to schedule this work. A suggested resolution follows:

#### SUGGESTED RESOLUTION:

1

To approve the dedication of a ten foot wide easement on the Chesterfield Fire Station property, 1600 W. Maple Rd., to DTE Energy Co., and to direct the Mayor and City Clerk to sign the document on behalf of the City.





December 15, 2017

2

City of Birmingham 151 Martin St Birmingham, MI 48009 Attn: Paul O'Meara

Re: Work Order# 48781757-48781763

Dear Mr. O'Meara:

Please review the enclosed document that permits DTE Electric Company to construct and maintain the necessary facilities to serve your project. A work sketch is included for your review. As for the trees and branches, unfortunately instructions cannot be included in the easement document however instructions can and should be given at the time of tree trimming.

Signature(s) in **black ink** of the authorized person(s) witnessed by a notary is required. Print the name of the person signing directly under the signature. Please return the executed easement document to Cassandra Dansby, DTE Electric Company, 37849 Interchange Dr., Farmington Hills, MI 48335 at your earliest convenience. Should you have difficulty locating a notary, please call me at 248-427-2357.

Your prompt execution of this document is required so that your job will continue within the agreed upon schedule.

Sincerely,

ware he

Cassandra Dansby Right of Way Facilitator NW Planning & Design

Enclosures



#### DTE Electric Company Underground Easement (Right of Way) No. 48781757-48781763

On \_\_\_\_\_, 2017, for the consideration of system betterment, Grantor grants to Grantee a permanent, non-exclusive underground easement ("Right of Way") in, on, and across a part of Grantor's Land called the "Right of Way Area".

"Grantor" is: CITY OF BIRMINGHAM, A MICHIGAN MUNICIPAL CORPORATION, WHOSE ADDRESS IS 151 MARTIN ST, BIRMINGHAM, MI 48009

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

"Grantor's Land" is in SE 1/4, SEC 26, T2N, R10E, CITY OF BIRMINGHAM, County of OAKLAND, and State of Michigan, and is described as follows:

## T2N, R10E, SEC 26 SUB OF LOTS 1 TO 184 INCL OF QUARTON LAKE ESTATES SUB LOTS 1, 2 & 3, ALSO LOTS 58 & 59 4-23-91 FR 014 & 027

Tax Identification Number(s): 19-26-451-028 More commonly known as: **1600 W MAPLE RD, BIRMINGHAM, MI 48009** 

The "Right of Way Area" is a ten (10') foot 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 DRAWINGS ARE MORE PARTICULARLY DESCRIBED ON EXHIBITS "A" AND "B" ATTACHED HERETO AND MADE A PART HEREOF.

Tax Identification Number(s): 19-26-451-028 More commonly known as: **1600 W MAPLE RD, 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 underground utility line facilities, which may consist of poles, guys, anchors, wires, manholes, conduits, pipes, cables, 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. No landscaping, trees, plant life, structures, improvements or fences may be planted, grown or installed within 8 feet of the front door, or within 2 feet of the other sides, of transformers or switching cabinet

enclosures, and Grantee shall not be responsible for any damage to, or removal of, landscaping, trees, plant life, structures, improvements and/or fences located in such areas.

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).

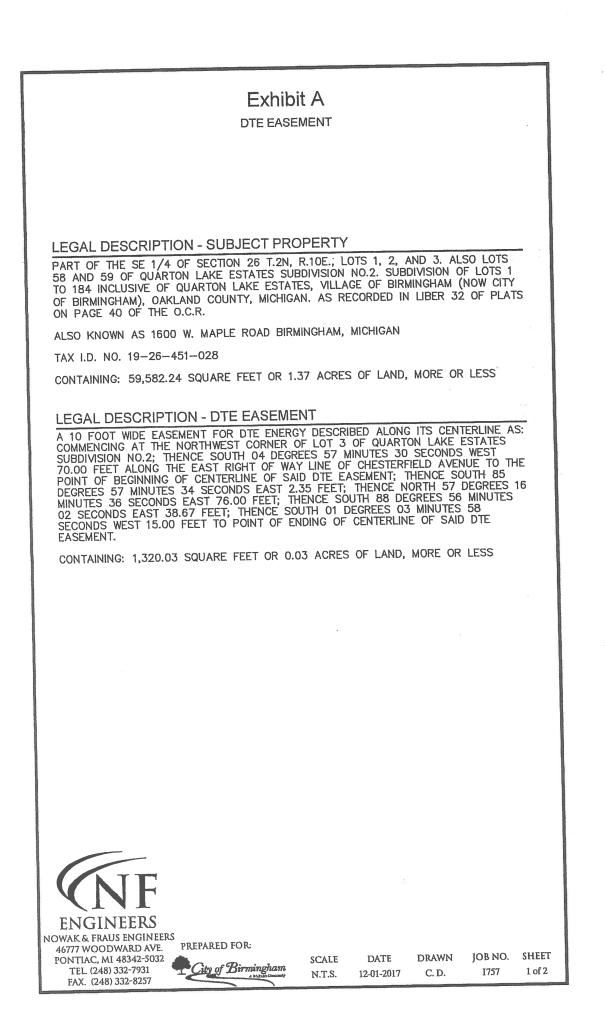
9. Governing Law: This Right of Way shall be governed by the laws of the State of Michigan.

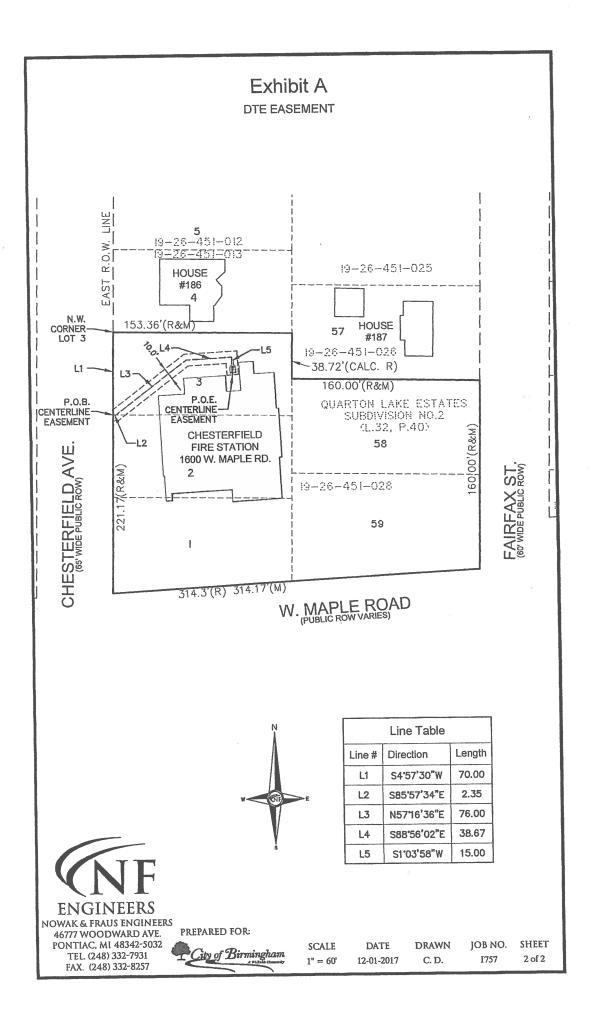
Grantor(s): City of Birmingham

By:		
Name:		
Title		

	County, Michigan, on	, 2017,
, Its:	for City of Birmin	gham, a Michigan municipal
	Notary's	
	Signature	
nty, Michigan		
		, Its:for City of Birminfor City of BirminNotary'sSignature

Drafted by and when recorded, return to: Cassandra Dansby, DTE Electric Company, NW Planning & Design, 37849 Interchange Dr., Farmington Hills, MI 48335





City of	Birmingham	MEMORANDUM
		Engineering Department
DATE:	November 15, 2017	
TO:	Joseph A. Valentine, City Ma	anager
FROM:	Austin W. Fletcher, Assistan	t City Engineer
SUBJECT:	Michigan Department of Tra Annual Permit	insportation (MDOT)

Each year the Michigan Department of Transportation (MDOT) requires the City of Birmingham to obtain an annual permit. Enclosed is a copy of the correspondence received from MDOT. The permit is required annually to establish the authorized representative when obtaining an individual permit for a specific purpose. MDOT requires that a certified resolution be provided to establish this person as the designated person for the community.

The annual permit is to take effect on January 1, 2018, and continues through the calendar year.

It is recommended that the City Engineer, Paul T. O'Meara be designated the officer authorized to obtain these permits as required by the State of Michigan beginning January 1, 2018, in accordance with the requirements of the attached application and permit. In his absence, the designated officer shall be Austin W. Fletcher, Assistant City Engineer.

#### SUGGESTED RESOLUTION:

To adopt the Performance Resolution for Governmental Agencies with the Michigan Department of Transportation (MDOT) and authorizing City Engineer, Paul O'Meara and Assistant City Engineer, Austin Fletcher, to apply to MDOT for the necessary permit work within State Highway Right-of-Way on behalf of the City of Birmingham.



RICK SNYDER GOVERNOR STATE OF MICHIGAN DEPARTMENT OF TRANSPORTATION OAKLAND TRANSPORTATION SERVICE CENTER

KIRK T. STEUDLE

#### August 25, 2017

## 2018 ANNUAL PERMIT FOR WORK ON STATE TRUNKLINE RIGHT OF WAY

The MDOT Oakland TSC is now accepting 2018 Annual Permit applications. All permit applications are to be submitted via the MDOT electronic Construction Permit System (CPS). The 2018 Annual Permit will be effective January 1, 2018. Your 2017 Annual Permit shall continue to be used for any work occurring between now and December 31, 2017.

The Performance Resolution for Governmental Agencies (Form 2207B) was revised in December 2016, therefore, if you haven't done so already, an updated Resolution will be required for 2018. The form shall include the name or title of the designated person(s) authorized to sign permits and shall be uploaded into CPS with your Annual Permit application. I have attached a copy of the form and it can also be found on the internet at <u>www.michigan.gov/mdot</u>.

Each time you perform work under your Annual Permit you will need to submit an electronic Advance Notice via the MDOT electronic CPS system. No work shall be performed until the Advance Notice is approved by MDOT.

An Individual Permit is required for all proposed operations in the MDOT right of way not covered under the Annual Permit.

Municipalities, when working within their municipal limits, are exempt from permit fees.

Thank you for your cooperation. If you have any additional questions, feel free to contact me at 248-451-2453 or MDOT Permit Agent Wioletta Bilan at 248-451-2451.



cc: Wioletta Bilan File Sincerely,

Stacey Gough Oakland TSC Utility/Permit Engineer goughs@michigan.gov

Michigan Department Of Transportation 2207B (12/16)

## PERFORMANCE RESOLUTION FOR GOVERNMENTAL AGENCIES

This Performance Resolution is required by the Michigan Department of Transportation for purposes of issuing to a municipal utility an "Individual Permit for Use of State Highway Right of Way", or an "Annual Application and Permit for Miscellaneous Operations within State Highway Right of Way".

RESOLVED WHEREAS, the CITY OF BIRMINGHAM

(city, village, township, etc.)

hereinafter referred to as the "GOVERNMENTAL AGENCY," periodically applies to the Michigan Department of Transportation, hereinafter referred to as the "DEPARTMENT," for permits, referred to as "PERMIT," to construct, operate, use and/or maintain utilities or other facilities, or to conduct other activities, on, over, and under State Highway Right of Way at various locations within and adjacent to its corporate limits;

NOW THEREFORE, in consideration of the DEPARTMENT granting such PERMIT, the GOVERNMENTAL AGENCY agrees that:

- Each party to this Agreement shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this Agreement, as provided by law. This Agreement is not intended to increase either party's liability for, or immunity from, tort claims, nor shall it be interpreted, as giving either party hereto a right of indemnification, either by Agreement or at law, for claims arising out of the performance of this Agreement.
- 2. If any of the work performed for the GOVERNMENTAL AGENCY is performed by a contractor, the GOVERNEMENTAL AGENCY shall require its contractor to hold harmless, indemnify and defend in litigation, the State of Michigan, the DEPARTMENT and their agents and employee's, against any claims for damages to public or private property and for injuries to person arising out of the performance of the work, except for claims that result from the sole negligence or willful acts of the DEPARTMENT, until the contractor achieves final acceptance of the GOVERNMENTAL AGENCY. Failure of the GOVERNMENTAL AGENCY to require its contractor to indemnify the DEPARTMENT, as set forth above, shall be considered a breach of its duties to the DEPARTMENT.
- 3. Any work performed for the GOVERNMENTAL AGENCY by a contractor or subcontractor will be solely as a contractor for the GOVERNMENTAL AGENCY and not as a contractor or agent of the DEPARTMENT. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the GOVERNMENTAL AGENCY, or their subcontractors or any other person not a party to the PERMIT without the DEPARTMENT'S specific prior written consent and notwithstanding the issuance of the PERMIT. Any claims by any contractor or subcontractor will be the sole responsibility of the GOVERNMENTAL AGENCY.
- 4. The GOVERNMENTAL AGENCY shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the PERMIT which results in claims being asserted against or judgment being imposed against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract. In the event that the same occurs, for the purposes of the PERMIT, it will be considered as a breach of the PERMIT thereby giving the State of Michigan, the DEPARTMENT, and/or the Michigan Transportation Commission a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.

- 5. The GOVERNMENTAL AGENCY will, by its own volition and/or request by the DEPARTMENT, promptly restore and/or correct physical or operating damages to any State Highway Right of Way resulting from the installation construction, operation and/or maintenance of the GOVERNMENTAL AGENCY'S facilities according to a PERMIT issued by the DEPARTMENT.
- 6. With respect to any activities authorized by a PERMIT, when the GOVERNMENTAL AGENCY requires insurance on its own or its contractor's behalf it shall also require that such policy include as named insured the State of Michigan, the Transportation Commission, the DEPARTMENT, and all officers, agents, and employees thereof and those governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract.
- 7. The incorporation by the DEPARTMENT of this resolution as part of a PERMIT does not prevent the DEPARTMENT from requiring additional performance security or insurance before issuance of a PERMIT.
- 8. This resolution shall continue in force from this date until cancelled by the GOVERNMENTAL AGENCY or the DEPARTMENT with no less than thirty (30) days prior written notice provided to the other party. It will not be cancelled or otherwise terminated by the GOVERNMENTAL AGENCY with regard to any PERMIT which has already been issued or activity which has already been undertaken.

BE IT FURTHER RESOLVED, that the following position(s) are authorized to apply to the DEPARTMENT for the necessary permit to work within State Highway Right of Way on behalf of the GOVERNMENTAL AGENCY.

	Title and	d/or Name:						-
	PAUL	O'MEARA	7 i	CITY	ENG	NEBL		
	Austris	O'MEARA FLETCHER	7	Assist	ANT C	CITY ENGI	IEER	
k			s.		•	,		
I HEF	EBY CE	RTIFY that the fo	pregoing is	a true cop	y of a r	esolution a	dopted by	
the		(Name of Board						1
		(Name of Board	d, etc)					
of the		ame of GOVERN				of		
	(N	ame of GOVERN	IMENTAL A	AGENCY)			(County)	
at a				mee	ting hel	d on the	day	
		A.						
Signe	d				Title _			

ity of I	Birmin	ngham	

## MEMORANDUM

**Police Department** 

DATE:	December 6, 2017
то:	Joseph A. Valentine, City Manager
FROM:	Mark H. Clemence, Chief of Police
SUBJECT:	Towing Contract

The police department recently accepted sealed bids for the towing and storage of impounded, abandoned, accident and other motor vehicles. Invitations to bid were solicited via the Michigan Intergovernmental Trade Network (MITN). Bids were publicly opened on December 5, 2017 in the office of the city clerk.

One bid was received for this agreement. That bid was submitted by Bob Adams Towing, Inc.

The current agreement with Bob Adams Towing was signed in 2013 and authorized a two year contract extension which will expire on February 25, 2018.

The city attorney has reviewed and signed the Agreement (Attachment A) which was part of the invitation to bid. Similar to the existing contract which was signed in 2013, this contract is for a three year term with an option to extend up to two years by mutual agreement. The proposed agreement will expire on February 25, 2021 (subject to a two year renewal to extend the contract to February 25, 2023.

#### SUGGESTED RESOLUTION:

To accept the bid submitted by Bob Adams Towing, Inc. and to authorize the mayor and the city clerk to execute the contract on behalf of the city.

## ATTACHMENT A - AGREEMENT

#### For TOWING AND STORAGE OF IMPOUNDED, ABANDONED, ACCIDENT AND OTHER MOTOR VEHICLES

This AGREEMENT, made this \_\_\_\_\_day of \_\_\_\_\_, 2018, by and between CITY OF BIRMINGHAM, having its principal municipal office at 151 Martin Street, Birmingham, MI (hereinafter sometimes called "City"), and Bob Adams Towing Inc., having its principal office at 2499 Cole Street, Birmingham MI (hereinafter called "Contractor"), provides as follows:

#### WITNESSETH:

WHEREAS, the City is desirous of selecting a towing services contractor in the City of Birmingham and has heretofore advertised for bids for the procurement and performance of services required to perform TOWING AND STORAGE OF IMPOUNDED, ABANDONED, ACCIDENT AND OTHER MOTOR VEHICLES, and in connection therewith has prepared an invitation to bid ("ITB"), 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 TOWING AND STORAGE OF IMPOUNDED, ABANDONED, ACCIDENT AND OTHER MOTOR VEHICLES.

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

1. It is mutually agreed by and between the parties that the documents consisting of the Invitation to Bid to perform **TOWING AND STORAGE OF IMPOUNDED**, **ABANDONED**, **ACCIDENT AND OTHER MOTOR VEHICLES** and the Contractor's cost proposal dated December 4, 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 ITB.

2. The City shall pay the Contractor for the performance of this Agreement in a sum not to exceed the amount proposed for towing and storage of impounded, abandoned, accident and other motor vehicles, as set forth in the Contractor's December 4, 2017 cost proposal.

3. This Agreement shall commence upon execution by both parties, unless the City exercises its option to terminate the Agreement in accordance with the Invitation to Bid.

4. The City reserves the right to review and investigate all aspects of the Contractor's operations including but not limited to site inspections, equipment inspections, background checks on employees / owners and reference checks.

5. The Contractor and the City agree that the Contractor is acting as an independent Contractor with respect to the Contractor's role in providing services to the City pursuant to this

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

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

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

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

9. This Agreement shall be binding upon the successors and assigns of the parties hereto, but no such assignment shall be made by the Contractor without the prior written consent of the City. Any attempt at assignment without prior written consent shall be void and of no effect.

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

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

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

- A. <u>Workers' Compensation Insurance</u>: 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. <u>Commercial General Liability Insurance</u>: 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. <u>Motor Vehicle Liability</u>: 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 nonowned vehicles, and all hired vehicles.
- D. <u>Additional Insured</u>: 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. <u>Professional Liability</u>: 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.
- E. <u>Cancellation Notice</u>: 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.

- G. <u>Proof of Insurance Coverage</u>: Contractor shall provide the City of Birmingham at the time the Agreement is returned for execution, Certificates of Insurance and/or policies, acceptable to the City of Birmingham, as listed below.
  - 1) Two (2) copies of Certificate of Insurance for Workers' Compensation Insurance;
  - Two (2) copies of Certificate of Insurance for Commercial General Liability Insurance;
  - 3) Two (2) copies of Certificate of Insurance for Vehicle Liability Insurance;
  - Two (2) copies of Certificate of Insurance for Professional Liability Insurance;
  - 5) If so requested, Certified Copies of all policies mentioned above will be furnished.
- H. <u>Coverage Expiration</u>: 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.
- I. <u>Maintaining Insurance</u>: Upon failure of the Contractor to obtain or maintain such insurance coverage for the term of the Agreement, the City of Birmingham may, at its option, purchase such coverage and subtract the cost of obtaining such coverage from the Agreement amount. In obtaining such coverage, the City of Birmingham shall have no obligation to procure the most cost-effective coverage but may contract with any insurer for such coverage.

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

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

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

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

City of Birmingham Attn: Ellen DeView 151 Martin Street Birmingham, MI 48009 (248) 530-1869 Contractor Bob Adams Towing, Inc. 2499 Cole Street Birmingham, MI 48009 (249) 644-5000

17. Any controversy or claim arising out of or relating to this Agreement, or the breach thereof, shall be settled either by commencement of a suit in Oakland County Circuit Court, the 48th District Court or by arbitration. If both parties elect to have the dispute resolved by arbitration, it shall be settled pursuant to Chapter 50 of the Revised Judicature Act for the State of Michigan and administered by the American Arbitration Association with one arbitrator being used, or three arbitrators in the event any party's claim exceeds \$1,000,000. Each party shall bear its own costs and expenses and an equal share of the arbitrator's and administrative fees of arbitration. Such arbitration shall qualify as statutory arbitration pursuant to MCL8600.5001 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 In the event that the parties elect not to have the matter in dispute County, Michigan. arbitrated, any dispute between the parties may be resolved by the filing of a suit in the Oakland County Circuit Court or the 48th District Court.

18. 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: m A

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#### **CITY OF BIRMINGHAM**

By:\_\_

Andrew Harris Its: Mayor

By:\_\_

Cherilynn Mynsberge Its: City Clerk

Approved:

Mark H. Clemence, Chief of Police (Approved as to substance)

me

U

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

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

por a Var

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

## ATTACHMENT B - CONTRACTOR'S REFERENCES AND EQUIPMENT LIST

### For TOWING AND STORAGE OF IMPOUNDED, ABANDONED, ACCIDENT AND OTHER MOTOR VEHICLES

#### **BIDDER TO COMPLETE ALL BLANKS IN THIS DOCUMENT**

#### 1. REFERENCES:

List at least three references for which you have provided towing services during the past year on a continuous basis.

A.	Company or City: Bloomfield Township
	Contact name, etc.: Chief Scott Mc CANKAM
В.	Company or City: CIty of Bloomfield HILLS
	Contact name, etc.: PIRECTOR Chief NOEL CLASON
C.	Company or City: VILLAGE OF FRANKLIN
	Contact name, etc.: CHIEF DAN ROBERES

2. EQUIPMENT LIST:

List equipment (type, quantity, condition, year, etc.) that you will make available to perform this contract, if so awarded. If insufficient space below, list separately and attach to your proposal.

SEE AttAchEC APER The honguit Bidder's signature

Date 12-4-17

#### **EQUIPMENT LIST**

#### ATTACHMENT # 2

Bob Adams Towing has equipment that will be able to handle any type situation that is requested. As our list below will show we have equipment for towing cars, trucks and construction equipment. We also have equipment for clean-up of lost material on road way, hi-lo's, skid loaders.

We have contacts for under water recovery, scuba divers that are experienced in vehicle recovery.

#### LIGHT DUTY BOOM TRUCK

FLATBEDS

2001 CHEVROLET WRECKER 1999 CHEVROLET WRECKER 2009 CHEVROLET FLATBED 2014 FORD FLATBED 2016 FORD FLATBED 2018 FORD FLATBED

#### HEAVY DUTY

#### TRACTOR

1992 FORD ( 30 TON WRECKER )

2007 INTERNATIONAL TRACTOR

#### TRAILERS

#### SERVICE TRUCK

**1997 FORD SERVICE TRUCK** 

1997 LANDOLL 50 TON 2001 LANDOLL 35 TON

MISC EQUIPMENT

8,000 LB HYSTER HI-LO

2-MOTOR CYCLE CARTS

1990 GEHL SKID LOADER-FORKS BUCKET-PLOW, BROOM GAS POWER MOBIL AIR COMPRESSOR

#### ATTACHMENT C - COST PROPOSAL BID FORM

#### For TOWING AND STORAGE OF IMPOUNDED, ABANDONED, ACCIDENT AND OTHER MOTOR VEHICLES

The undersigned hereby declares that he/she has carefully examined the instructions and specifications and will furnish towing and storage of impounded, abandoned, accident, and other motor vehicles for the price set forth in this bid.

It is understood and agreed that all bid prices shall remain in effect for at least ninety (90) days from the date of bid opening to allow for the award of the bid, and that if chosen the successful vendor, the prices bid, will remain firm throughout the length of the contract.

A 1 19
COMPANY BOB AdAMS TOWITELEPHONE 248-644-5000
ADDRESS 2499 COLE St
CTTY BIRMINGHAM STATE MIT ZIP 48009
REPRESENTATIVE TERRY AdAMS TITLE PRESIDENT
SIGNATUREDATEDATEDATE
TOWING FEES (CITY OWNED VEHICLES) - PART 1
TOTAL OF LES VELLO VELLOUIS VELLOUIS / TRUE L

#### **CITY OWNED VEHICLES**

Towing of vehicles under	10.000	pounds GVW
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Towing of vehicles over 10,000 pounds GVW

Change tire on City owned vehicle within the City limits (includes picking up tire at DPS facility)

Charge per mile for above (over one (1) mile outside City limits only)

#### EVIDENTIARY AND FORFEITURE VEHICLES

Per diem storage charges in instances where the police department causes a vehicle to be impounded and stored at the Contractor's facility for evidentiary, forfeiture, or similar purposes.

<u>30 00</u>

(page 1 of 2 Attachment C pages)

#### **TOWING FEES (PRIVATELY OWNED VEHICLES) - PART 2**

#### PRIVATELY OWNED VEHICLES

Accident or Impound Tow Vehicles 9,000 pounds GVW and under (wheel lift or sling tow)

Flatbed Tow (SUV or AWD Vehicles)

Accident or Impound Tow Vehicles 9,001 pounds GVW to 15,000 pounds GVW

Accident or Impound Tow Vehicles Over 15,001 pounds GVW

Motorcycles

### STORAGE AND MISCELLANEOUS FEES - PART 3

PER DAY

PER DAY

<u>MN1 3</u>		
55	00	

155.00

25 ° per hR

Dollies	(additional	to tow	charge)
---------	-------------	--------	---------

Storage outside (CITY OWNED VEHICLES)

8' x 20'

8' x 40'

Storage inside (CITY OWNED VEHICLES)

 $8' \times 20'$ 

Storage outside (PRIVATELY OWNED VEHICLES) PER DAY

8' x 20'

8' x 40'

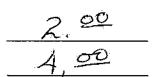
Storage inside (PRIVATELY OWNED VEHICLES) PER DAY

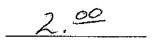
8' x 20'

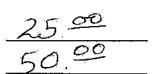
Clean up at scene of accident (no tow needed)

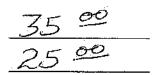
(Page 2 of 2 Attachment C pages)

# SEE Attachment #1









Attachment # 1.

All towing prices in bid are from hook up location to 2499 Cole St, and only includes towing charges.

Storage charges are per calendar day.

Clean up charges at accidents are for cleaning of roadway and disposal of debris. When hazardous materials are involved charges will show on invoice.

Administrative charge will be charged on all accident vehicles to cover land contamination and other property expenses of \$ 25.00

All other charges will be broken down on invoices.

Bob Adams Towing will collect city administrative charge and forward all payments to city monthly.

#### ATTACHMENT D - BIDDER'S AGREEMENT

#### For TOWING AND STORAGE OF IMPOUNDED, ABANDONED, ACCIDENT AND OTHER MOTOR VEHICLES

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

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

<u>ms 12-4-17</u> DATE ERR PREPARED BY (Print Name) esic TITLE COM tobAdAMSTOW AUTHORIZED SIGNATURE E-MAIL ADDRESS lowing COMPANY 600 ADDRESS PHONE NIA NAME OF PARENT COMPANY PHONE N/A-

ADDRESS

#### **ATTACHMENT E - IRAN SANCTIONS ACT**

#### VENDOR CERTIFICATION FORM

#### For TOWING AND STORAGE OF IMPOUNDED, ABANDONED, ACCIDENT AND OTHER MOTOR VEHICLES

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

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

	PREPARED BY (Print Name) IERRY ALAMS	DATE 12-4-17	
	President	DATE 12-4-17	
$\leq$	AUTHORIZED SIGNATURE	E-MAIL ADDRESS	LOM
<	BOB ADAMS TOWING		
	ADDRESS 2499 COLE St BIBMINGHAM, M# 45009	248 644 5000	
i	NAME OF PARENT COMPANY	PHONE ~/~	
	ADDRESS N/A		
	TAXPAYER I.D.# 38-165-0904		

· -								
A	CORD C	ERT	FICATE OF LIA	<b>BILITY INS</b>	URANC	E		(NEODATYYY)
ł c	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							
R	BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.							
ť	MPORTANT: If the certificate holder te terms and conditions of the policy	, certair	r policles may require an on	oolicy(ies) must be idorsement. A sta	e endorsed. tement on th	If SUBROGATION IS In the second secon	NAIVED confer r	, subject to ights to the
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Кар	nick Insurance Group		ł	PHONE 517-20		FAX	517-2	63-6658
	. Box 1801 ian MI 49221-7801			É-MAR ADDRESS: MISty.rile	v@kapnick.			00.0000
~~~						RDING COVERAGE		NAIC #
			ľ	INSURER A The Net				24171
IŅSU	IRED.	ADÁMT	-1	INSURER B Indiana	Insurance C	Company		22659
	Adams Towing, Inc.			INSURER C : Acciden	t Fund Gen	eral Insurance Com		12304
	rance Adams & Sandra Adams 9 Cole Street			INSURER D :				
Bim	ningham MI 48009		-	INSURER E :				
				INSURER Ea				
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INSR LTR	TYPE OF INSURANCE	ADDL SU	BR POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	· LIM	тз	
A		Ŷ	CBP 8939745	12/15/2016	12/15/2017	EACH OCCURRENCE	\$1,000	
						PREMISES (Ea occurrence)	\$100,0	00
						MED EXP (Any one person) PERSONAL & ADV INJURY	\$5,000	000
	GEN'L AGGREGATE LIMIT APPLIES PER:					GENERAL AGGREGATE	\$3.000.	
	X POLICY PRO- LOC					PRODUCTS - COMP/OP AGG	-	
	OTHER:						\$	
Α	AUTOMOBILE LIABILITY	Υ·	BA 8930546	12/15/2016	12/15/2017	COMBINED SINGLE LIMIT (Ea accident)	\$1,000,	000
	X ANY AUTO					BODILY INJURY (Per person)	\$	
	ALLOWNED SCHEDULED AUTOS AUTOS NON-OWNED					BODILY INJURY (Per accident PROPERTY DAMAGE	) \$   \$	
	X HIRED AUTOS X AUTOS					(Por accideni)	<u>*</u>	
в	X UMBRELLA LIAB X OCCUR		CU 8935046	12/15/2016	12/15/2017	EACH OCCURRENCE	\$1,000,	000
	EXCESS LIAB CLAINS-MADE					AGGREGATE	\$1,000,	
	DED X RETENTION \$10,000						\$	
С	WORKERS COMPENSATION		WCV0283662	4/30/2017	4/30/2018	X PER OTH-		
	AND ERPLOTERS CREATING Y / N ANY PROPRIETOR/PARTNER/EXECUTIVE	N/Å				E.L. EACH ACCIDENT	\$500,00	
	(Mandatory in NH) If yes, describe under					EL DISEASE - EA EMPLOYE		
	DESCRIPTION OF OPERATIONS below		· · · · · · · · · · · · · · · · · · ·			E.L. DISEASE - POLICY LIMIT		
A	Cargo / On Hook Garagekeepers		CBP 8939745 BA-8930546	12/15/2016 12/15/2016	12/15/2017 12/15/2017	Per Truck Limit Loc. #1	250,000 120,000	
DEŚC	CRIPTION OF OPERATIONS / LOCATIONS / VEHICL	ES (ACO	RD 101, Additional Remarks Schedule	, may be attached if mor	e space is requir	ed)		
Ca	rgo On Hook Deduct: \$1,000							
Garagekeepers' Comp Deduct: \$500 per auto; \$2,500 max per claim Garagekeepers' Coll Deduct: \$500								
See Attached								
ÇE	RTIFICATE HOLDER			CANCELLATION				
City of Birmingham Police Department Services Coordinator - Attn Eilen DeView PO Box 3001			ew	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.				
Birmingham MI 48012-3001			AUTHORIZED REPRESENTATIVE					
	James D. Kapmit							
				© 19	88-2014 ACC	ORD CORPORATION.	All righ	ts reserved.

The ACORD name and logo are registered marks of ACORD

AGENCY CUSTOMER ID: ADAMT-1

LOC #: \_\_\_\_



## ADDITIONAL REMARKS SCHEDULE

Page 1 of 1

AGENCY Kapnick Insurance Group	NAMED INSURED Bob Adams Towing, Inc. Terrance Adams & Sandra Adams
POLICY NUMBER	2499 Cole Street Birmingham MI 48009
CARRIER NAIC	CODE
	EFFECTIVE DATE:
ADDITIONAL REMARKS	
THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD	FORM,
FORM NUMBER: 25 FORM TITLE: CERTIFICATE OF L	IABILITY INSURANCE

AUTOMATIC STATUS POLICY FORMS (WHEN REQUIRED BY WRITTEN CONTRACT OR WRITTEN AGREEMENT WITH NAMED INSURED, PER POLICY TERMS & CONDITIONS)

GENERAL LIABILITY

-Additional Insureds

-22-45 (12/02) - Commercial General Liability Extension Endorsement

---Additional Insured -- By Contract, Agreement or Permit

----Additional Insured -- Vendors

AUTO LIABILITY

--Additional Insureds

-16-59 (03/99) - Business Auto Extension Endorsement - Additional Insured by Contract, Agreement or Permit

UMBRELLA LIABILITY - Following Form

The City of Birmingham, all elected and appointed officials, all employees and volunteers, all boards, commission and/or authorities and board members, including employees and volunteers thereof, are listed as Additional Insured and coverage is primary and non contributory as required by written contract.

\*\*Should any of the above described policies be cancelled before the expiration date thereof, the issuing insurer will endeavor to mail 30 days written notice, (10 days for non-payment of premium), to the certificate holder named, but failure to do so shall impose no obligation or liability of any kind upon the insurer, its agents, or representatives.\*\*





#### INVITATION TO BID FOR TOWING AND STORAGE OF IMPOUNDED, ABANDONED, ACCIDENT AND OTHER MOTOR VEHICLES

#### INTRODUCTION

The City of Birmingham, Michigan is accepting sealed bids for **TOWING AND STORAGE OF IMPOUNDED, ABANDONED, ACCIDENT AND OTHER MOTOR VEHICLES** until Tuesday, December 5, 2017 at 10:00 a.m., at which time the bids will be publicly opened and read in the Office of the City Clerk, 151 Martin, P.O. Box 3001, Birmingham, MI, 48012.

Submit bids in a sealed envelope marked **"TOWING AND STORAGE OF IMPOUNDED, ABANDONED, ACCIDENT AND OTHER MOTOR VEHICLES**", and indicate the date and time of the bid opening on the envelope.

The Invitation to Bid (ITB), including the Specifications, may be obtained online from the Michigan Inter-governmental Trade Network at <u>http://www.mitn.info</u> or at the City of Birmingham, 151 Martin St., Birmingham, Michigan, Attention: Ellen DeView.

Materials and quotations shall be in submitted in accordance with the specifications and bid form prepared by the Police Department.

The City of Birmingham reserves the right to reject any or all proposals and to waive any irregularity in a bid when deemed in the best interest of the City.

Submitted to MITN: Deadline for Submissions: Contact Person: November 14, 2017 December 5, 2017 at 10:00 a.m. Ellen DeView P.O. Box 3001, 151 Martin Street Birmingham, MI 48012-3001 Phone: (248) 530-1869 Email: <u>edeview@bhamgov.org</u>



#### **INVITATION TO BID**

### FOR TOWING AND STORAGE OF IMPOUNDED, ABANDONED, ACCIDENT AND OTHER MOTOR VEHICLES

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#### INVITATION TO BID SUMMARY

For purposes of this invitation to bid the City of Birmingham will hereby be referred to as "City" and the private firm will hereby be referred to as "Contractor."

The City of Birmingham, Michigan is accepting sealed bid proposals from qualified vendors to provide **TOWING AND STORAGE OF IMPOUNDED, ABANDONED, ACCIDENT AND OTHER MOTOR VEHICLES**. This work must be performed as specified accordance with the specifications outlined by the Scope of Work contained in this Invitation to Bid (ITB).

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

It is anticipated the selection of a Contractor will be completed by December 12, 2017. An Agreement for services will be required with the selected Contractor. A copy of the Agreement is contained herein for reference. Contract services will commence February 26, 2018 upon execution of the service agreement by the City.

The purpose of this ITB is to request sealed bid proposals from qualified parties presenting their qualifications, capabilities and costs to provide **TOWING AND STORAGE OF IMPOUNDED**, **ABANDONED**, **ACCIDENT AND OTHER MOTOR VEHICLES**.

#### INVITATION TO BID SUBMISSION INSTRUCTIONS

Proposals shall be submitted no later than December 5, 2017 at 10:00 a.m. to:

City of Birmingham Attn: City Clerk 151 Martin Street P.O. Box 3001 Birmingham, Michigan 48012

One (1) original and one (1) copy of the proposal shall be submitted. The proposal should be firmly sealed in an envelope, which shall be clearly marked on the outside, "**TOWING AND STORAGE OF IMPOUNDED, ABANDONED, ACCIDENT AND OTHER MOTOR VEHICLES**". Any proposal received after the due date cannot be accepted and will be rejected and returned, unopened, to the proposer.

#### **GENERAL CONDITIONS**

All information requested of the vendor shall be entered in the appropriate space on the attached form(s). Failure to do so may disgualify the bid proposal.

All information shall be entered in ink or typewritten. Mistakes may be crossed out and corrections inserted before submission of your bid. The person signing the bid shall initial corrections in ink.

Corrections and/or modifications received after the closing time specified, will not be accepted.

All bids shall be signed by an authorized officer or employee of the bidder.

Bids must be submitted by the date and at or prior to the time specified to be considered. No late bids, telegraphic bids, telephone bids, or facsimile bids will be accepted.

Submit bids in a sealed envelope, marked **"TOWING AND STORAGE OF IMPOUNDED, ABANDONED, ACCIDENT AND OTHER MOTOR VEHICLES",** the closing date, and the closing time.

Do not include taxes in your bid.

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The City of Birmingham reserves the right:

- 1. To award bids received on the basis of individual items, or group of items, or on the entire list of items.
- 2. To reject any and all bids, or any part thereof.
- 3. To waive any informality in the bids received.
- 4. To accept the bid that the City Commission shall deem to be most favorable to the City of Birmingham.

# **INSTRUCTIONS TO BIDDERS**

- 1. Any and all forms requesting information from the bidder must be completed on the attached forms contained herein (see Contractor's Responsibilities).
- Any request for clarification of this ITB shall be made in writing and delivered to: Ellen DeView, (248) 530-1869, <u>edeview@bhamgov.org</u>, City of Birmingham, 151 Martin Street, Birmingham, MI 48009. Such request for clarification shall be delivered, in writing, no later than 5 days prior to the deadline for submissions.
- 3. All proposals must be submitted following the ITB format as stated in this document and shall be subject to all requirements of this document including the instruction to respondents and general information sections. All proposals must be regular in every respect and no interlineations, excisions, or special conditions shall be made or included in the ITB format by the respondent.
- 4. The contract will be awarded by the City of Birmingham to the most responsive and responsible bidder with the lowest price and the contract will require the completion of the work pursuant to these documents.
- 5. Each respondent shall include in his or her proposal, in the format requested, the cost of performing the work. Municipalities are exempt from Michigan State Sales and Federal Excise taxes. Do not include such taxes in the proposal figure. The City will furnish the successful company with tax exemption information when requested.
- 6. Each respondent shall include in their proposal the following information: Firm name, address, City, state, zip code, telephone number, and fax number. The company shall also provide the name, address, telephone number and e-mail address of an individual in their organization to whom notices and inquiries by the City should be directed as part of their proposal.

# EVALUATION PROCEDURE AND CRITERIA

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

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

# TERMS AND CONDITIONS

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

# CONTRACTOR'S RESPONSIBILITIES

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

- 1. Complete and sign all forms requested for completion within this ITB.
  - a. Contractor's References and Equipment List (Attachment B p. 25)
  - b. Cost Proposal Bid Form (Attachment C pp. 26-27)
  - c. Bidder's Agreement (Attachment D p. 28)
  - d. Iran Sanctions Act Vendor Certification Form (Attachment E p. 29)
  - e. Agreement (Attachment A pp. 19-24 only if selected by the City).
- 2. The Contractor will be responsible for any changes necessary for the plans to be approved by the City of Birmingham.
- 3. Provide a description of the firm, including resumes and professional qualifications of the principals involved in administering the project.
- 4. Provide a list of sub-contractors and their qualifications, if applicable,
- 5. Provide three (3) client references from past projects, include current phone numbers. At least two (2) of the client references should be for projects utilizing the same materials included in the Contractor's proposal.
- 6. Contractor will be responsible for the disposal of all material and any damages which occur as a result of any of employees or subcontractors of the Contractor during this project.
- 7. Contractor will be responsible for obtaining any associated permits at no cost to the Contractor.

### SETTLEMENT OF DISPUTES

The successful bidder agrees to certain dispute resolution avenues/limitations. Please refer to paragraph 15 of the Invitation to Bid Specifications / Scope of Work and paragraph 17 of the Agreement (Attachment A) for the details and what is required of the successful bidder.

# INSURANCE

The successful bidder is required to procure and maintain certain types of insurances. Please refer to paragraph 13 of the Invitation to Bid Specifications / Scope of Work and paragraph 12 of the Agreement (Attachment A) for the details and what is required of the successful bidder.

# **CONTINUATION OF COVERAGE**

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

### EXECUTION OF CONTRACT

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

# **INDEMNIFICATION**

The successful bidder agrees to indemnify the City and various associated persons. Please refer to paragraph 14 of the Invitation to Bid Specifications / Scope of Work and paragraph 13 of the Agreement (Attachment A) for the details and what is required of the successful bidder.

# CONFLICT OF INTEREST

The successful bidder is subject to certain conflict of interest requirements/restrictions. Please refer to paragraph 15 of the Invitation to Bid Specifications / Scope of Work and paragraph 14 of the Agreement (Attachment A) for the details and what is required of the successful bidder.

# **EXAMINATION OF PROPOSAL MATERIALS**

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

# PROJECT TIMELINE

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November 14, 2017	Towing Services Invitation to Bid posted on MITN
December 5, 2017	Proposals Due – open at 10:00 a.m. Office of the City Clerk
December 8, 2017	Deadline For Agreement to be signed by Contractor
January 8, 2018	Agreement to City Commission for Approval
February 26, 2018	Towing Services Agreement effective

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

# **INVITATION TO BID - SPECIFICATIONS / SCOPE OF WORK**

### FOR TOWING AND STORAGE OF IMPOUNDED, ABANDONED, ACCIDENT AND OTHER MOTOR VEHICLES

### PROJECT LOCATION: BIRMINGHAM, MICHIGAN 48009

The Birmingham Police Department is accepting sealed proposals from qualified vendors for the towing and storage of impounded, abandoned, accident and other motor vehicles. The specifications are detailed on the attached sheets.

The City of Birmingham, Michigan will grant to the successful bidder, a contract for a period of three (3) years commencing February 26, 2018, and ending February 25, 2021, with an option to extend at the same rate for two (2) additional years through mutual consent.

It is the intent of the City of Birmingham, Michigan to ensure prompt, adequate service with reasonable and uniform costs for towing and storage for the City of Birmingham, and the public at the request of the City.

The acceptance of any proposal made pursuant to this invitation shall not be binding upon the City until a written purchase order has been delivered to the successful bidder.

The successful vendor will be required to comply with the following specifications and requirements:

- 1. <u>Specifications</u>
  - a. The term "City" used in this document will refer to the City of Birmingham, Michigan, and the term "Contractor" will refer to the bidder. The term "Vehicle" shall apply to all types of motor vehicles, including City owned or leased vehicles, when referred to specifically, which may be referred to or included in this document. The Contractor shall agree to sign the contract in a form agreeable to the City covering the following specifications:
  - b. Contractor agrees to have the tow truck at the scene in a timely manner when a call has been placed by the City Police Department, the City Department of Public Services or other authorized City representatives, and to clean accident debris from the street upon response to accident scene. Cleanup will be deemed complete when inspected and approved by the City employee in charge of the scene. If response time is unreasonably long in the judgment of the City employee in charge of the scene, another wrecker service may be called. Response time is a critical aspect of this contract, and may necessitate stationing wreckers at a centralized location within the City.
  - c. Contractor agrees to supply four (4) trucks at any one time, if needed.
  - d. Contractor agrees to radio dispatch his wreckers.

- e. Contractor agrees to keep the City informed of the number of wreckers it owns, including the year, make, model, and capacity. This information is to be provided to the chief of police.
- f. All vehicles used in the performance of this contract will be clearly and permanently marked with the Contractor's name and telephone number.
- g. Contractor agrees to abide by a standard table of fees, as set forth in this needed as requested by police at the scene. Contractor further agrees to charge only for equipment actually used at the scene.
- h. Copies of all bills shall be forwarded to the City of Birmingham, Michigan on a monthly basis. Special equipment or added service fees, which are over and above the standard towing fee, must have a written justification for such added fees included with the bill.
- i. The City reserves the right to hire specialized equipment outside of this agreement, when needed, i.e., mobile cranes, or other heavy equipment which might be needed for special situations.
- j. Contractor shall maintain a storage yard within the City limits of the City of Birmingham. Said storage yard shall meet all local ordinance requirements, including any permit fees. Contractor shall maintain an office at the storage yard, which shall also meet all local ordinance requirements. A working telephone at the dispatch station and at the storage yard shall also be provided. The storage yard shall be staffed with Contractor's personnel six (6) days a week (Monday through Saturday) during a minimum of the following hours:

Monday - Friday 8:00 a.m. - 6:00 p.m. Saturday 8:00 a.m. - 4:00 p.m.

Sunday and all holidays - Closed

The following are recognized holidays:

January 1	Thanksgiving Day
Memorial Day	December 24
July 4	December 25
Labor Day	December 31

Contractor shall furnish towing services for the removal of vehicles; including City owned or leased vehicles, and City-owned equipment, when requested by the City police department, City department of public services, or other authorized City representatives. Such services shall be available on a twenty-four-(24) hour basis.

k. All drivers and vehicles utilized by the Contractor, shall meet all of the operating and licensing requirements of the State of Michigan. Drivers must be properly trained in the removal and towing of vehicles.

- I. Contractor shall have tow trucks adequate for towing and/or pushing vehicles, each of which shall include, but not be limited to: dollies, jack stands, slings, snatch blocks, chains, cables, fire extinguishers, flares, reflectors, flags, brooms and shovels, lights, warning devices, special markings, boom(s), equipment needed for special handling, all of which shall conform with the standards, requirements, and regulations provided by federal, state, county and City agencies, as well as by this Agreement. All such equipment shall be in proper and good condition for such use.
- m. Contractor shall maintain, and have available at all times for inspection by authorized City representatives, detailed records covering all the services rendered relative to this Agreement. The City shall provide all required impound lot forms required for use by the City Police Department.
- n. Within five (5) days following the last day of each month, the Contractor will provide a complete inventory of all vehicles stored at the Storage Yard as of the last day of the month.
- o. Contractor will be required to permit members of the City Police Department or other authorized City representatives, to inspect the storage yard, stored vehicles, office or other buildings, and records relative to this Agreement, whenever it is deemed reasonably necessary by the City.
- p. The City reserves the right to conduct an audit of all bills and records relevant to this contract at least twice a year.
- Gentractor will be required to have drivers wear company provided uniforms and ANSI approved safety vests.
- r. Contractor shall possess and maintain all necessary vehicles and equipment with the capability to tow and store semi-trucks and trailers.
- 2. <u>Abandoned Vehicles</u>

Removal of abandoned vehicles at the City's request shall be governed by the following:

- a. Vehicles designated as "abandoned" by City police, will be removed at their request and held in impound until disposed of by public sale.
- b. Vehicles designated as "scrap abandoned" by City police, will be removed by the most expedient means available. The City reserves the right to retain any agency for immediate removal and disposal of those vehicles deemed "scrap abandoned."

### 3. <u>Cancellation by City</u>

This agreement shall be cancelable on the part of the City immediately by giving written notification addressed to the Contractor and sent by certified mail or hand delivered to Contractor's address, as shown on the Contractor's bid form. The Agreement shall be cancelable by the City Commission. The City Police Department, City Department of Public Services or other authorized City representative may call another towing company if the Contractor does not respond within a timely manner, notwithstanding any cancellation by the City.

### 4. Equipment

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All equipment shall be in good mechanical condition and subject to inspection by and approval from the City. All towing vehicles must be equipped with two-way radios capable of covering all territory within the City limits.

### 5. <u>Owner's Request for Tow</u>

Nothing contained in this Agreement will prevent the owner or operator of a motor vehicle from calling a wrecker or tow truck of his own choice, or requesting that his vehicle be towed to a garage or compound other than that of the Contractor at the owner's expense, provided that the tow vehicle is on the scene within fifteen minutes of owner's request.

### 6. Service Call Cancellation

The City reserves the right to cancel a request for services of the Contractor at any time, including up to the time of hook-up, without either the City, owner or operator incurring any charges. If the owner of the vehicle arrives on the scene before the vehicle is towed, and the owner can safely move the vehicle, in the opinion if the on-scene police officer, no charges will be made. The Contractor agrees that the mere response to a service-call scene without other action, does not constitute a service call for which charges are applicable.

### 7. Claiming of Property

Prior to releasing a vehicle from impound, the Contractor agrees to do all of the following:

- a. Verify the owner of the vehicle is present with picture identification.
- b. Only a person present with a valid operator's license will be able to drive the vehicle from the storage yard (if owner's license not valid – third party with valid license may accompany owner to obtain the vehicle from the storage yard).
- c. The owner of the vehicle must present a valid registration and proof of insurance.
- d. If the vehicle is to be towed, the towing company removing the vehicle must have MPSC license and proof of worker's compensation insurance.
- e. Check to make sure the vehicle does not have a police "hold" on it. If the vehicle has a "hold" on it, the vehicle is not to be released unless a release is obtained from the police department.
- f. Collect a \$25.00 administrative processing impound fee on behalf of the police department from the owner of the vehicle. See Section 8 "Collection/Charges" for the Contractor's responsibilities to submit funds collected on behalf of the City.
- g. Whenever impounded vehicles are claimed by the owner, the Contractor shall provide the owner with an itemized statement of all

charges made for the impounded of the vehicle, including a written justification for fees over and above the standard towing fee.

h. Prior to releasing a vehicle from impoundment due to unpaid parking violations the Contractor must first obtain a release or receipt from the City of Birmingham Treasury or Police Department (provided to the Contractor by the vehicle owner) indicating that the overdue violations which resulted in the vehicle impoundment have been paid in full.

### 8. <u>Collection / Charges</u>

The City will not be responsible for the collection or payment of any charge for services rendered by reasons of its having dispatched the service, unless such service is applicable to City-owned or leased equipment. All such services rendered shall be charged only to the owner/lessee of the towed vehicle or other lawful claimant of possession. Contractor shall have no claim against the City for any towing or storage charges.

Contractor shall be required to maintain records of all vehicles towed and released for the City of Birmingham. All records of impounded and released vehicles must be retained for a minimum period of two years. By the 15<sup>th</sup> day of each month the Contractor will submit a copy of each "Birmingham Police Department Impounded Vehicle Supplemental Report" to the Services Commander to document the prior month's vehicle impound activity. Additionally the Contractor shall submit a check payable to the City of Birmingham each month for the combined total of each \$25.00 administrative processing impound fee as collected per Section 7 "Claiming of Property" – Paragraph 8. This payment is due on the 15<sup>th</sup> day of each month and will report the activity of the previous month.

It is the intention of the City of Birmingham that with authorization from the Police Department the Contractor shall have the obligation to remove any car designated as junked, damaged, abandoned, stolen, illegally parked, impeding traffic, or pursuant to an arrest. The costs for towing services including impoundment, storage, and release for all towed vehicles whether City or privately owned shall not deviate from the prices agreed to in the Contract.

#### 9. <u>Storage of Vehicles</u>

Unless specifically authorized by the Birmingham Police Department, vehicles will not be disposed of in any way. Contractor shall be responsible for all maintenance and repair of the storage yard. Any inadequacy in the maintenance and repair of the storage yard, in the sole opinion of the City manager, shall be submitted in writing to the Contractor with ten (10) days allowed for the Contractor to correct inadequacy. Special extensions may be considered.

#### 10. Fees and Charges

All fees and charges are to be collected from the owners of the vehicles. The City assumes no responsibility for collecting or guaranteeing payments for towing or storage.

- a. The City will <u>NOT</u> be liable for any charges for towing and storage, nor for any damage or loss incurred in moving any vehicle.
- b. The Contractor shall prominently post at the storage yard, a list of towing and storage charges, hours of operation as approved by the City, as well as the Contractor's business telephone number.

### 11. <u>Contract Terms</u>

The period of the Agreement will be for three (3) years, effective February 26, 2018 through February 25, 2021 with an option to extend at the same rate for two (2) additional years through mutual consent. This agreement is non-assignable and non-transferable by the Contractor.

### 12. <u>Disposal</u>

Contractor shall allow the City the space, access, and time to set up a public viewing for purposes of having an auction at the storage yard as often as deemed necessary by the City. Contractor agrees to supply all needed manpower, as determined by the police department, to conduct an auction at no cost to the City. The City reserves the right to name the auctioneer. The minimum acceptable bid for public auction of any vehicle or group of vehicles shall be set by the City. If no bid is received, the Contractor shall become the owner of the vehicle or group of vehicles, and shall be responsible for disposal. The procedure for presenting vehicles for public sale shall follow state law.

### 13. <u>Insurance</u>

Contractor shall procure and maintain during the term of the contract the insurance coverages outlined below. All coverages shall be with insurance companies licensed and admitted to do business in the State of Michigan. All coverages shall be with insurance carriers acceptable to the City of Birmingham.

- a. <u>Workers' Compensation Insurance</u>: The Contractor shall procure and maintain during the life of the contract, Worker's Compensation Insurance, including Employers Liability Coverage, in accordance with all applicable statutes of the State of Michigan.
- b. <u>Commercial General Liability or Garage Liability Insurance</u>: The Contractor shall procure and maintain during the life of the Contract, Commercial General Liability or Garage 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.
- c. <u>Motor Vehicle Liability Insurance</u>: The Contractor shall procure and maintain during the life of the Contract, Motor Vehicle Liability Insurance, Including Michigan No-Fault Coverages, with limits of liability not less than \$1,000,000 per occurrence combined single limit Bodily Injury and Property Damage. Coverage shall include all owned, non-owned, and hired vehicles.
- d. <u>Garage Keeper's Legal Liability Insurance</u>: The Contractor shall procure and maintain during the life of the Contract, Garage Keeper's Legal Liability Insurance in an amount not less than \$80,000.
- e. <u>Additional Insured</u>: Commercial General Liability, Garage Liability, Garage Keeper's Liability, and Motor Vehicle Liability Insurance, as described above, shall include an endorsement stating the following shall be Additional Insureds: "The City of Birmingham, 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 the Additional Insureds,

and not contributing with other insurance or similar protection available to the Additional Insureds, even though other available insurance be primary, contributing, or excess."

### f. <u>Cancellation Notice</u>

Workers Compensation Insurance, Commercial General Liability Insurance, Garage Liability Insurance, Garage Keeper's Liability, and Motor Vehicle Liability Insurance, as described above, shall include an endorsement stating the following: "It is understood and agreed that Thirty (30) days Advance Written Notice of Cancellation, Non-Renewal, Reduction and/or Material Change shall be sent to: Services Coordinator Ellen DeView, City of Birmingham Police Department, P.O. Box 3001, Birmingham, Michigan 48012-3001.

### g. Insurance Certificate to be Submitted with Bid

The Contractor shall submit a copy of their standard insurance certificate, included with their bid, to the City of Birmingham.

- h. <u>Proof of Insurance Coverage</u>: The Contractor shall provide the City of Birmingham at the time the contracts are returned for execution, Certificates of Insurance and/or policies, acceptable to the City of Birmingham, as listed below.
  - 1. Two (2) copies of Certificate of Insurance for Workers' Compensation;
  - Two (2) copies of Certificate of Insurance for Commercial General Liability;
  - 3. Two (2) copies of Certificate of Insurance for Vehicle Liability Insurance;
  - 4. If so requested, Certified Copies of all policies mentioned above will be furnished.
- i. If any of the above coverages expire during the term of this contract, the Contractor shall deliver renewal Certificates of Insurance to the City of Birmingham at least ten (10) days prior to the expiration date thereof.

### 14. <u>Indemnity</u>

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 contract. 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 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 contract. 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 officials, employees, volunteers or others working on behalf of the City of Birmingham.

### 15. <u>Settlement of Disputes</u>

Any disputes arising under the contract shall be settled either by commencement of a suit in Oakland County Circuit Court or by compulsory arbitration, at the election of the City. If the Contractor feels aggrieved, they shall advise the City of any dispute they have arising out of the contract and shall demand that the City elect whether the dispute is to be resolved by submitting it to compulsory arbitration or by commencement of a suit in the Oakland County Circuit Court or any other court having jurisdiction. The City shall make its election within thirty (30) days from the receipt of such notice. If the City elects to have the dispute resolved by compulsory arbitration, it shall be settled pursuant to Chapter 50 of the Revised Judicature Act for the State of Michigan, with each of the parties appointing one arbitrator, and the two thus appointing a third. The Oakland County Circuit Court or any court having jurisdiction may render a judgment upon the award of the arbitrators. In the event that the City elects not to have the matter in dispute arbitrated or fails to make such an election, any dispute between the parties may be resolved by the filing of a suit in the Oakland County Circuit Court. In the event that the City feels aggrieved, it shall elect the method of resolving its dispute by either demanding that the matter be arbitrated or by filing a suit in the Oakland County Circuit Court.

### 16. <u>Conflict of Interest</u>

The City of Birmingham will not enter into a contract to furnish materials or services to the City from any City official, his spouse, child or parent, or from any corporation, association or partnership in which any City official, his spouse, child or parent, has any direct or indirect interest.

Ownership of less than one percent (1%) of the stock or other equity interest in a corporation or unincorporated business shall not be deemed to be a disgualifying interest.

Every contract entered into by the City of Birmingham shall contain a provision to the effect that if subsequent to entering into the contract a City official, his 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.

# 17. Obligation to Execute Contract

The bidder whose proposal is accepted will be required to execute the contract within twenty one (21) days after receiving notice of such acceptance; and in case of refusal or failure to do so, shall be considered to have abandoned all their rights and interests in the award.

### 18. <u>Non-Discrimination</u>

The Contractor shall, when applicable, comply with the requirements of all Federal, State, and local laws and ordinances and regulations relating to minimum wages, social security, unemployment compensation insurance, and Worker's Compensation, and shall not discriminate against any employee or applicant for employment because of race, sex, creed, color, or national origin.

### 19. Non-Assignability

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There shall be no change, modification, or alteration of the agreement, except in writing, signed by both of the parties. Neither party shall assign any of the rights under the agreement without prior approval, in writing, of the other.

### 20. 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.

# ATTACHMENT A - AGREEMENT

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### For TOWING AND STORAGE OF IMPOUNDED, ABANDONED, ACCIDENT AND OTHER MOTOR VEHICLES

This AGREEMENT, made this \_\_\_\_\_day of \_\_\_\_\_, 2018, by and between CITY OF BIRMINGHAM, having its principal municipal office at 151 Martin Street, Birmingham, MI (hereinafter sometimes called "City"), and \_\_\_\_\_, Inc., having its principal office at (hereinafter called "Contractor"), provides as follows:

### WITNESSETH:

WHEREAS, the City is desirous of selecting a towing services contractor in the City of Birmingham and has heretofore advertised for bids for the procurement and performance of services required to perform TOWING AND STORAGE OF IMPOUNDED, ABANDONED, ACCIDENT AND OTHER MOTOR VEHICLES, and in connection therewith has prepared an invitation to bid ("ITB"), 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 TOWING AND STORAGE OF IMPOUNDED, ABANDONED, ACCIDENT AND OTHER MOTOR VEHICLES.

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

1. It is mutually agreed by and between the parties that the documents consisting of the Invitation to Bid to perform **TOWING AND STORAGE OF IMPOUNDED**, **ABANDONED**, **ACCIDENT AND OTHER MOTOR VEHICLES** and the Contractor's cost proposal dated 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 ITB.

2. The City shall pay the Contractor for the performance of this Agreement in a sum not to exceed the amount proposed for towing and storage of impounded, abandoned, accident and other motor vehicles, as set forth in the Contractor's \_\_\_\_\_\_, 2017 cost proposal.

3. This Agreement shall commence upon execution by both parties, unless the City exercises its option to terminate the Agreement in accordance with the Invitation to Bid.

4. The City reserves the right to review and investigate all aspects of the Contractor's operations including but not limited to site inspections, equipment inspections, background checks on employees / owners and reference checks.

5. The Contractor and the City agree that the Contractor is acting as an independent Contractor with respect to the Contractor's role in providing services to the City pursuant to this

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

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

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

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

9. This Agreement shall be binding upon the successors and assigns of the parties hereto, but no such assignment shall be made by the Contractor without the prior written consent of the City. Any attempt at assignment without prior written consent shall be void and of no effect.

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

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

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

- A. <u>Workers' Compensation Insurance</u>: 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. <u>Commercial General Liability Insurance</u>: 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. <u>Motor Vehicle Liability</u>: 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 nonowned vehicles, and all hired vehicles.
- D. <u>Additional Insured</u>: 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. <u>Professional Liability</u>: 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. <u>Cancellation Notice</u>: 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.

- G. <u>Proof of Insurance Coverage</u>: Contractor shall provide the City of Birmingham at the time the Agreement is returned for execution, Certificates of Insurance and/or policies, acceptable to the City of Birmingham, as listed below.
  - 1) Two (2) copies of Certificate of Insurance for Workers' Compensation Insurance;
  - Two (2) copies of Certificate of Insurance for Commercial General Liability Insurance;
  - 3) Two (2) copies of Certificate of Insurance for Vehicle Liability Insurance;
  - Two (2) copies of Certificate of Insurance for Professional Liability Insurance;
  - 5) If so requested, Certified Copies of all policies mentioned above will be furnished.
- H. <u>Coverage Expiration</u>: 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.
- I. <u>Maintaining Insurance</u>: Upon failure of the Contractor to obtain or maintain such insurance coverage for the term of the Agreement, the City of Birmingham may, at its option, purchase such coverage and subtract the cost of obtaining such coverage from the Agreement amount. In obtaining such coverage, the City of Birmingham shall have no obligation to procure the most cost-effective coverage but may contract with any insurer for such coverage.

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

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

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

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

City of Birmingham Attn: Ellen DeView 151 Martin Street Birmingham, MI 48009 (248) 530-1869 CONTRACTOR (Insert Contractor Information)

Any controversy or claim arising out of or relating to this Agreement, or the breach 17. 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 In the event that the parties elect not to have the matter in dispute County, Michigan. arbitrated, any dispute between the parties may be resolved by the filing of a suit in the Oakland County Circuit Court or the 48th District Court.

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

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

WITNESSES:	CONTRACTOR
	Ву:
	Its:
	CITY OF BIRMINGHAM
	By: Andrew Harris Its: Mayor
	By: Cherilynn Mynsberge Its: City Clerk
Approved:	
Mark H. Clemence, Chief of Police (Approved as to substance)	
Timothy J. Currier, City Attorney (Approved as to form)	

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

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

# ATTACHMENT B - CONTRACTOR'S REFERENCES AND EQUIPMENT LIST

# For TOWING AND STORAGE OF IMPOUNDED, ABANDONED, ACCIDENT AND OTHER MOTOR VEHICLES

# BIDDER TO COMPLETE ALL BLANKS IN THIS DOCUMENT

### 1. REFERENCES:

List at least three references for which you have provided towing services during the past year on a continuous basis.

А.	Company or City:	
	Contact name, etc.:	
B.	Company or City:	
	Contact name, etc.:	
C.	Company or City:	
	Contact name, etc.:	

### 2. EQUIPMENT LIST:

List equipment (type, quantity, condition, year, etc.) that you will make available to perform this contract, if so awarded. If insufficient space below, list separately and attach to your proposal.

	·····		
<u> </u>			
		_ :	
er's signature		Date	 

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### ATTACHMENT C - COST PROPOSAL BID FORM

### For TOWING AND STORAGE OF IMPOUNDED, ABANDONED, ACCIDENT AND OTHER MOTOR VEHICLES

The undersigned hereby declares that he/she has carefully examined the instructions and specifications and will furnish towing and storage of impounded, abandoned, accident, and other motor vehicles for the price set forth in this bid.

It is understood and agreed that all bid prices shall remain in effect for at least ninety (90) days from the date of bid opening to allow for the award of the bid, and that if chosen the successful vendor, the prices bid, will remain firm throughout the length of the contract.

COMPANY	TELE	EPHONE	
ADDRESS			
CITY	STATE	ZIP	<b></b> , .
REPRESENTATIVE		E	
SIGNATURE	DATE	E	

# TOWING FEES (CITY OWNED VEHICLES) - PART 1

#### CITY OWNED VEHICLES

Towing of vehicles under 10,000 pounds GVW

Towing of vehicles over 10,000 pounds GVW

Change tire on City owned vehicle within the City limits (includes picking up tire at DPS facility)

Charge per mile for above (over one (1) mile outside City limits only)

### EVIDENTIARY AND FORFEITURE VEHICLES

Per diem storage charges in instances where the police department causes a vehicle to be impounded and stored at the Contractor's facility for evidentiary, forfeiture, or similar purposes.

(page 1 of 2 Attachment C pages)

# **TOWING FEES (PRIVATELY OWNED VEHICLES) – PART 2**

### PRIVATELY OWNED VEHICLES

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# **STORAGE AND MISCELLANEOUS FEES – PART 3**

Dollies (additional to tow charge)		
Storage outside (CITY OWNED VEHICLES)	PER DAY	
8′ x 20′		
8' x 40'		
Storage inside (CITY OWNED VEHICLES)	PER DAY	
8' x 20'		
Storage outside (PRIVATELY OWNED VEHICLES)	PER DAY	
8' × 20'		
8' x 40'		
Storage inside (PRIVATELY OWNED VEHICLES)	PER DAY	
8' x 20'		
Clean up at scene of accident (no tow needed)		
(Page 2 of 2 Attachmer	it C pages)	

# ATTACHMENT D - BIDDER'S AGREEMENT

### For TOWING AND STORAGE OF IMPOUNDED, ABANDONED, ACCIDENT AND OTHER MOTOR VEHICLES

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

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

PREPARED BY (Print Name)	DATE	
TITLE	DATE	
AUTHORIZED SIGNATURE	E-MAIL ADDRESS	
COMPANY		
ADDRESS	PHONE	
NAME OF PARENT COMPANY	PHONE	
ADDRESS		

# ATTACHMENT E - IRAN SANCTIONS ACT

### VENDOR CERTIFICATION FORM

### For TOWING AND STORAGE OF IMPOUNDED, ABANDONED, ACCIDENT AND OTHER MOTOR VEHICLES

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

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

PREPARED BY (Print Name)	DATE
TITLE	DATE
AUTHORIZED SIGNATURE	E-MAIL ADDRESS
COMPANY	
ADDRESS	PHONE
NAME OF PARENT COMPANY	PHONE
ADDRESS	
TAXPAYER I.D.#	

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T City of	Birmingham
	A Walkable Community

# MEMORANDUM

**Treasurer's Office** 

DATE: January 2, 2018

TO: Joseph A. Valentine, City Manager

# FROM: Teresa Klobucar, Deputy Treasurer Mark Gerber, Finance Director/Treasurer

# SUBJECT: Contract for Collection Agency Services

The City was notified in September 2017 that our current contractor for collection agency services, Midwestern Audit Services, Inc. was closing its business due to the death of the owner. In early October 2017, the City requested proposals from collection agency firms using the Michigan Inter-governmental Trade Network (MITN).

On October 18, 2017 the Treasurer's Office publicly opened bids for Collection Agency Services for the City of Birmingham. The collection agency was asked to quote fees on a percentage basis. Five bids were received and the results are shown below.

Bidder	Complete Bid	Percentage
Universal Fidelity LP	Yes	20%
Penn Credit	Yes	22%
Exela Technologies	Yes	24%
Congress Collection	Yes	25%
RDK Collection Services	Yes	25%

After reviewing the quotes, we are recommending Universal Fidelity LP be awarded the contract. Their fee of 20% is less than the previous collection agency, Midwestern Audit Services, who charged 25%. In addition, they have experience with collecting unpaid parking tickets (they are the collection agency for the City of New York's parking tickets) which is the majority of the unpaid invoices that the City sends to the collection agency.

# SUGGESTED RESOLUTION:

To accept the bid submitted by Universal Fidelity LP and to authorize the mayor and city clerk to execute the contract on behalf of the city.

# AGREEMENT FOR COLLECTION AGENCY SERVICES FOR PAST DUE PARKING TICKET FINES, AND OTHER MISCELLANEOUS BALANCES DUE THE CITY

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This AGREEMENT for Collection Agency Services ("Agreement"), made this <u>20</u> day of <u>November</u>, 2017, by and between CITY OF BIRMINGHAM, having its principal municipal office at 151 Martin Street, Birmingham, MI (hereinafter sometimes called "City"), and Universal Fidelity, LP having its principal office at 900 Threadneedle, Ste 600, Houston, TX 77079 (hereinafter called "Contractor"), provides as follows:

#### WITNESSETH:

WHEREAS, the City of Birmingham, through its Treasurer's Office, is desirous of contracting for collection agency services for past due parking ticket and other miscellaneous balances of the City.

WHEREAS, the City has heretofore advertised for bids for the procurement and performance of services required to perform Collection Agency Services, 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 Collection Agency Services

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

- 1. It is mutually agreed by and between the parties that the documents consisting of the Request for Proposal to perform Collection Agency Services and the Contractor's cost proposal dated October 27, 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.
- 2. The City shall pay the Contractor compensation, for collection agency services, as set forth in the attached Request for Proposals.
- 3. This Agreement shall commence upon execution by both parties, for a period of three (3) years and renew automatically every two years, unless the City exercises its option to terminate the Agreement in accordance with the Request for Proposals.

- 4. The Contractor shall employ personnel of good moral character and fitness in performing all services under this Agreement with that degree of skill and judgment normally exercised by firms performing services of a similar nature.
- 5. The Contractor and the City agree that the Contractor is acting as an independent Contractor with respect to the Contractor 's role in providing services to the City pursuant to this Agreement, and as such, shall be liable for its own actions and neither the Contractor nor its employees shall be construed as employees of the City. Nothing contained in this Agreement shall be construed to imply a joint venture or partnership and neither party, by virtue of this Agreement, shall have any right, power or authority to act or create any obligation, express or implied, on behalf of the other party, except as specifically outlined herein. Neither the City nor the Contractor shall be considered or construed to be the agent of the other, nor shall either have the right to bind the other in any manner whatsoever, except as specifically provided in this Agreement, and this Agreement shall not be construed as a contract of agency. The Contractor shall not be entitled or eligible to participate in any benefits or privileges given or extended by the City, or be deemed an employee of the City for purposes of federal or state withholding taxes, FICA taxes, unemployment, workers' compensation or any other employer contributions on behalf of the City.
- 6. The Contractor acknowledges that in performing services pursuant to this Agreement, certain confidential and/or proprietary information (including, but not limited to, internal organization, methodology, personnel and financial information, etc.) may become involved. The Contractor recognizes that unauthorized exposure of such confidential or proprietary information could irreparably damage the City. Therefore, the Contractor agrees to use reasonable care to safeguard the confidential and proprietary information and to prevent the unauthorized use or disclosure thereof. The Contractor shall inform its employees of the confidential or proprietary nature of such information and shall limit access thereto to employees rendering services pursuant to this Agreement. The Contractor further agrees to use such confidential or proprietary information only for the purpose of performing services pursuant to this Agreement.
- 7. Contractors are prohibited from using the official Seal of the City of Birmingham in any manner.
- 8. 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.
- 9. 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.

- 10. 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.
- 11. 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.
- 12. The Contractor shall not commence work under this Agreement until it has, at its sole expense, obtained the insurance required under this paragraph. All coverage shall be with insurance companies licensed and admitted to do business in the State of Michigan. All coverage shall be with carriers acceptable to the City of Birmingham.
- 13. The Contractor shall maintain during the life of this Agreement the types of insurance coverages and minimum limits as set forth below:
  - A. <u>Workers' Compensation Insurance</u>: 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. <u>Commercial General Liability Insurance</u>: 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. Coverages 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. <u>Motor Vehicle Liability</u>: Contractor shall procure and maintain during the life of this Agreement Motor Vehicle Liability Insurance, including all applicable no-fault coverage, 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. <u>Additional Insured</u>: 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. <u>Professional Liability</u>: 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. <u>Cancellation Notice</u>: 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.
- G. <u>Proof of Insurance Coverage</u>: Contractor shall provide the City of Birmingham at the time the Agreement is returned for execution, Certificates of Insurance and/or policies, acceptable to the City of Birmingham, as listed below.
  - 1) Two (2) copies of Certificate of Insurance for Workers' Compensation Insurance;
  - 2) Two (2) copies of Certificate of Insurance for Commercial General Liability Insurance;
  - 3) Two (2) copies of Certificate of Insurance for Vehicle Liability Insurance;
  - 4) Two (2) copies of Certificate of Insurance for Professional Liability Insurance;
  - 5) If so requested, Certified Copies of all policies mentioned above will be furnished.
- H. <u>Coverage Expiration</u>: 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.
- <u>Maintaining Insurance</u>: 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.
- 14. 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.

- 15. 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.
- 16. 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.
- 17. All notices required to be sent pursuant to this Agreement shall be mailed to the following addresses:

City of Birmingham Teresa Klobucar Deputy Treasurer P O Box 3001 151 Martin Street Birmingham, MI 48012-3001 tklobucar@bhamgov.org 248-530-1825 Universal Fidelity, LP Jessica Hearn 900 Threadneedle, Ste 600 Houston, TX 77079 Jessica.Hearn@uflp.com 281-647-4100

18. 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.

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

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

WITNESSES:

CONTRACTOR

Βv Its:

**CITY OF BIRMINGHAM** 

Julie Turner Julie Turner

Approved:

Mark Gerber, Department Head (Approved as to substance)

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

By: \_

ANDREW M HARRIS Its: Mayor

By: \_

Cherilynn Mynsberge Its: City Clerk

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

Joseph Valentine, City Manager (Approved as to substance)

# IRAN SANCTIONS ACT VENDOR CERTIFICATION FORM For COLLECTION AGENCY SERVICES

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

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

Jessica Hearn	11/20/17
PREPARED BY	DATE
(Print Name)	
CFO	11/20/17
TITLE	DATE
Jerrica Hearry	JESSICA HEARN@UFLP.COM E-MAIL ADDRESS
AUTHORIZED SIGNATURE	E-MAIL ADDRESS
UNIVERSAL FIDELITY LP	
COMPANY	
900 THREADNEEDLE STE 600	HOUSTON, TEXAS 77079 281-647-4100
ADDRESS	PHONE
NAME OF PARENT COMPANY	PHONE
ADDRESS	
76-0330402	
TAXPAYER I.D.#	

# **ATTACHMENT D - COST PROPOSAL FORM FOR COLLCTION SERVICES**

Failure to complete this form shall result in your proposal being deemed nonresponsive and rejected without any further evaluation.

List the fees that will be charged for collection agency services.

Provide sufficient explanation needed for the schedule of fees you charge.

Be specific as to any mailing expenses and other out of pocket costs you would expect to be reimbursed.

If your commission rates vary (for example % based on age of receivables) attach a copy of the rate schedule.

Provide the specified cost or a service fee that the City will pay in the event a debtor's account is required to be returned to the city (i.e. a parking violation is requested to be scheduled for a Court hearing)

Primary Collection Services: 20 %

Universal Fidelity LP

~~~

By:

7.1

| (Name of Company) |
|-------------------|
| Clemicatlearn     |
| (Signature) V     |
| CFO               |
| (Title)           |
| 10/27/2017        |
| (Date)            |

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| Ą   | CORD  | CER        | TIF                   | ICATE OF LIAE     | BILI                                  | TY INS   | URANC                      | E  |          | (MM/DD/YYYY)<br>22/2017 |  |
|---|---|------------|-----------------------|-------------------|---------------------------------------|--|----------------------------|--|----------|-------------------------|--|
| THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS<br>CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES<br>BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED<br>REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.  |   |            |                       |                   |                                       |  |                            |  |          |                         |  |
| th  | 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). |            |                       |                   |                                       |  |                            |  |          |                         |  |
| PRO   | DUCER   |            | CONTACT Aimee Griffin |                   |                                       |  |                            |  |          |                         |  |
| Highpoint Insurance Group, LLC.   |   |            |                       |                   |                                       | PHONE (281) 204 - 8770 FAX (A/C, No): (281) 204 - 8810 |                            |  |          |                         |  |
| 1150 Clear Lake City Blvd #201  |   |            |                       |                   |                                       | É-MAIL<br>ADDRESS: agriffin@hpigrp.com                 |                            |  |          |                         |  |
|   |   |            |                       |                   |                                       | INSURER(S) AFFORDING COVERAGE                          |                            |  |          |                         |  |
| Houston TX 77062  |   |            |                       |                   |                                       | RA:Hartfo  | Z                          | 19682  |          |                         |  |
| INSURED   |   |            |                       |                   |                                       | INSURER B Hartford Casualty Insurance Compa            |                            |  |          | 29424                   |  |
|   | lversal Fidelity LP<br>) Threadneedle   |            |                       | F                 | INSURERC:Hiscox Insurance Company     |  |                            |  | u        | 10200                   |  |
|   | te 600  |            |                       | F                 | INSURER D: Evanston Insurance Company |  |                            |  |          | 35378                   |  |
|   |   | 77079      |                       |                   | INSURER E :                           |  |                            |  |          |                         |  |
|   |   |            | CATE                  | NUMBER:17/18 MAST | INSURE                                |  |                            | REVISION NUMBER:   |          |                         |  |
|   |   |            | _                     |                   |                                       |  |                            |  | HE POLI  | CY PERIOD               |  |
| THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD<br>INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS<br>CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS,<br>EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.  |   |            |                       |                   |                                       |  |                            |  |          | WHICH THIS              |  |
| INSR<br>LTR   | TYPE OF INSURANCE   |            |                       | POLICY NUMBER     |                                       | POLICY EFF<br>(MM/DD/YYYY)                             | POLICY EXP<br>(MM/DD/YYYY) | LIM  | ITS      | ~                       |  |
|   | X COMMERCIAL GENERAL LIABILITY  |            |                       |                   |                                       |  |                            | EACH OCCURRENCE  | \$       | 1,000,000               |  |
| A   | CLAIMS-MADE X OCCUR   |            |                       |                   |                                       |  |                            | DAMAGE TO RENTED<br>PREMISES (Ea occurrence)                           | \$       | 300,000                 |  |
|   |   |            |                       | 61UUNHF3078 DE    |                                       | 12/31/2017   | 12/31/2018                 | MED EXP (Any one person)   | \$       | 10,000                  |  |
|   |   |            | Ì                     |                   |                                       |  |                            | PERSONAL & ADV INJURY  | \$       | EXCLUDED                |  |
|   | GEN'L AGGREGATE LIMIT APPLIES PER:  |            |                       |                   |                                       |  |                            | GENERAL AGGREGATE  | \$       | 2,000,000               |  |
|   | X POLICY PRO-<br>JECT LOC   |            |                       |                   |                                       |  |                            | PRODUCTS - COMP/OP AGO   | \$<br>\$ | 2,000,000               |  |
|   | OTHER:  |            | -                     |                   |                                       |  |                            | Employee Benefits each claim<br>COMBINED SINGLE LIMIT<br>(Ea accident) |          | 1,000,000               |  |
|   |   |            |                       |                   |                                       |  |                            | (Ea accident)<br>BODILY INJURY (Per person)                            |          | 1,000,000               |  |
| A   | ALL OWNED SCHEDULED   |            |                       | 61UUNHF3078 DE    |                                       | 12/31/2017   | 12/31/2018                 | BODILY INJURY (Per acciden   |          |                         |  |
|   | AUTOS AUTOS<br>HIRED AUTOS X AUTOS  |            |                       |                   |                                       | ,,   | ,,                         | PROPERTY DAMAGE  | \$       |                         |  |
|   | X HIRED AUTOS A AUTOS   |            |                       |                   |                                       |  |                            | (Per accident)<br>PIP-Basic  | \$       | 2,500                   |  |
|   | X UMBRELLA LIAB X OCCUR   |            |                       |                   |                                       |  |                            | EACH OCCURRENCE  | \$       | 2,000,000               |  |
| в   | EXCESS LIAB CLAIMS-M  | ADE        |                       |                   |                                       |  |                            | AGGREGATE  | \$       | 2,000,000               |  |
|   | DED X RETENTION \$ 10,  | 000        |                       | 61XHUHF1955 DE    | -                                     | 12/31/2017   | 12/31/2018                 |  | \$       |                         |  |
|   | WORKERS COMPENSATION<br>AND EMPLOYERS' LIABILITY  |            |                       |                   |                                       |  |                            | PER OTH-<br>STATUTE ER   |          |                         |  |
|   | ANY PROPRIETOR/PARTNER/EXECUTIVE<br>OFFICER/MEMBER EXCLUDED?  | <u>//N</u> |                       |                   |                                       |  |                            | E.L. EACH ACCIDENT   | \$       |                         |  |
|   | (Mandatory in NH)<br>If yes, describe under   |            | 1                     |                   |                                       |  |                            | E.L. DISEASE - EA EMPLOYE  | E \$     |                         |  |
|   | DESCRIPTION OF OPERATIONS below   |            |                       |                   |                                       |  |                            | E.L. DISEASE - POLICY LIMIT  | \$       |                         |  |
| C   | Professional Liability  |            |                       | MPL1590483.17     |                                       | 12/31/2017   | 12/31/2018                 | Each Occurence   |          | \$1,000,000             |  |
| D   | Cyber Liability   |            |                       | DB504292          |                                       | 12/31/2017   | 12/31/2018                 | Each Occurence   |          | \$1,000,000             |  |
|   |   |            |                       |                   |                                       |  |                            |  |          |                         |  |
| DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)<br>The General Liability & Auto Policy Include a Blanket Additional Insured Endorsements, Per Policy Form<br>HG0001 09/16 & End HA9916 03/12 and the General Liab & Auto Policies Include a Blanket Waiver of<br>Subrogation End, Per Policy Form HG0001 06/05 & End HA9916 03/12 -All Only Providing Such Status to the<br>Certificate Holder When there is a Written Contract Between the Named Insured & the Cert Holder that |   |            |                       |                   |                                       |  |                            |  |          |                         |  |
| Req   | Requires Such Status.   |            |                       |                   |                                       |  |                            |  |          |                         |  |
| CER   |   |            |                       |                   | CANC                                  | ELLATION   |                            |  |          |                         |  |

| JERTI IOATE HOLDER  | CANCELLATION   |
|---|--|
| City of Birmingham<br>Teresa Klobucar<br>Deputy Treasurer | SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE<br>THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN<br>ACCORDANCE WITH THE POLICY PROVISIONS. |
| PO BOX 3001   | AUTHORIZED REPRESENTATIVE  |
| 151 Martin Street<br>Birmingham, MI 48012-3001            | H Smyrl, CPCU, CIC/AI Heather Snupl  |
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| City of B | Birmingham MEMORAND   | <u>MU</u>        |
|-----------|---|------------------|
| DATE:     | December 11, 2017 Police Depart   | ment             |
| то:       | Joseph A. Valentine, City Manager<br>Jana Ecker, Planning Director  |                  |
| FROM:     | Mark H. Clemence, Chief of Police   |                  |
| SUBJECT:  | Adachi Restaurant Group LLC request for a new Class C and<br>liquor licenses with Sunday sale (AM and PM) and an Ou<br>Service Permit to be located at 325 S Old Wood<br>Birmingham, Oakland County, Michigan, to be issued pursu<br>MCL 436.1521(A)(1)(B). | utdoor<br>dward, |

The police department has received a request from Clint Mansour regarding an application from the Adachi Restaurant Group LLC, to be located at 325 S Old Woodward, Birmingham, Oakland County, MI 48009, in regard to the listed subject. Adachi Restaurant Group LLC has paid the initial fee of \$1,500.00 for a business that serves alcoholic beverages for consumption on the premises per section 7.33 of the Birmingham City Code.

On February 22, 2017 the Birmingham Planning Board approved the Final Site Plan Review and a SLUP for 325 S Old Woodward, seeking a Bistro License under Chapter 10, Alcoholic Liquors, of the Birmingham City Code. On April 24th, 2017 the Birmingham City Commission approved the SLUP to operate an establishment with a Bistro License for 325 S Old Woodward, pursuant to Article 7, Section 7.34, Zoning, of the Birmingham City Code.

There will be two stockholders for the Adachi Restaurant Group LLC. The stockholders are Clint Mansour and Kenny Koza. Each stockholder will own 50% of the Adachi Restaurant Group LLC. Mansour has been the operating Mansour Companies in Birmingham, MI since 2006. Mansour Companies is comprised of various businesses and real estate properties. Mansour resides in Bloomfield Hills, MI with his wife Courtney Mansour. Koza is the owner and operating partner of 11 hotels and 8 restaurants in the area. Koza resides in West Bloomfield, MI with his wife Michelle Koza.

Adachi proposes to install interior seating for 65 patrons, 10 of which will be at the bar. The outdoor dining area will be on private property and will seat 70 additional patrons adjacent to the building. This outdoor dining area provides for safe and efficient pedestrian flow. Koza, the restaurateur, has over 15 years of experience in the hospitality industry. He is the owner and operating partner in 5 full service/fine dining restaurants. The restaurant brands include Hopunion Gastropub, Taps Bar and Grill, The Fork, and Urban Steak. Lunch and dinner service is planned. Specialties include Crispy Rice with Spicy Tuna Toppings, Crab-Crusted Ahi Tuna, Peppercorn Filet Mignon, and Grilled Lamb Chops. Adachi will also provide a diverse and healthy kids menu. They have applied for a Bistro License in order to serve fine wines and Asian beers. The hours of operation will be Monday – Wednesday 11:30am to 10:30pm, Thursday – Saturday 11:30am-11:30pm, and Sunday 11:30am – 10:00pm.

The renovation of the establishment, furniture, fixtures and equipment amounted to \$1,200,000 and was financed by a SBA loan from Huntington Bank. There are sufficient funds in Mansour's and Koza's bank accounts to pay for additional related business start-up costs. The Adachi Restaurant Group LLC has signed a long term lease for 325 S Old Woodward.

A background check was conducted on both stockholders. Clint Mansour was checked using the Law Enforcement Information Network (LEIN), the Court's Law Enforcement Management Information System (Clemis) and the Middle Atlantic-Great Lakes Organized Crime Law Enforcement Network (MAGLOCLEN). Mansour has never held a liquor license in the past and has no negative law enforcement contacts.

Kenny Koza was also checked using the Law Enforcement Information Network (LEIN), the Court's Law Enforcement Management Information System (Clemis) and the Middle Atlantic-Great Lakes Organized Crime Law Enforcement Network (MAGLOCLEN). Koza has in the past and currently holds liquor licenses for his other restaurants. Koza has no past liquor license violations and no criminal convictions.

#### SUGGESTED RESOLUTION:

To authorize the Chief of Police to sign the MLCC Police Investigation Report (LC-1800) and to approve the liquor license request of Adachi Restaurant Group LLC that requests a new Class C License to be issued under MCL 436.1521(A)(1)(B) and SDM License with Outdoor Service (1 Area) to be located at 325 S Old Woodward, Birmingham, Oakland County, MI 48009.

Furthermore, pursuant to Birmingham City Ordinance, to authorize the City Clerk to complete the Local Approval Notice at the request of Adachi Restaurant Group LLC approving the liquor license request of Adachi that requested a New Class C License to be issued under MCL 436.1521 (A)(1)(B) & SDM License with Outdoor Service (1 Area) to be located at 325 S Old Woodward, Birmingham, Oakland County, MI 48009.

# CITY OF BIRMINGHAM PLANNING BOARD ACTION ITEMS OF WEDNESDAY, FEBRUARY 22, 2017

| Item  | Page |
|---|------|
| SPECIAL LAND USE PERMIT ("SLUP")<br>FINAL SITE PLAN REVIEW  |      |
| <b>1. 325 S. Old Woodward Ave.</b><br><b>Adachi Bistro (Peabody Mansion)</b><br>Request for a SLUP and Final Site Plan Review to allow the operation of a new Asian<br>Fusion Bistro serving alcoholic liquors.   | 2    |
| Motion by Mr. Boyle<br>Seconded by Mr. Williams to recommend approval the applicant's request<br>for Final Site Plan and a SLUP to permit a Bistro License for Adachi at 325 S.<br>Old Woodward Ave. with the following conditions:<br>1) The applicant provide a trash receptacle within the outdoor dining area<br>as required by the Zoning Ordinance;<br>2) The applicant must provide specifications on the materials for the new<br>staircases and doors;<br>3) The applicant must provide wooden gates on the dumpster enclosure or<br>obtain a variance from the BZA;<br>4) The applicant submit details of outdoor lighting for the Bistro for review<br>and approval by the Planning Staff;<br>5) The applicant provide sidewalk lighting (two standard lamps in<br>accordance with the current Downtown design) plus an appropriate bike<br>rack on the adjacent plaza, for review and approval by Planning Staff;<br>6) The applicant is required to obtain a variance from the BZA in lieu of<br>providing the required 70% glazing;<br>7) The applicant will be required to have the final sign design<br>administratively approved by the Planning Department; and<br>8) The applicant complies with the requests of all City Departments. | 4    |
| Motion carried, 7-0.  | 4    |
| <ul> <li>2. 2159 E. Lincoln<br/>Lincoln Yard (Vacant, former BPS bus garage)</li> <li>Request for a SLUP and Final Site Plan Review to allow the operation of a new<br/>American Style bistro serving alcoholic liquors.</li> </ul>   | 4    |
| Motion by Mr. Share<br>Seconded by Mr. Koseck that the Planning Board postpone to March 8, 2017<br>the applicant's request for Final Site Plan and a SLUP to permit a Bistro  | 9    |

| Item  | Page     |
|---|----------|
| License for Lincoln Yard at 2159 E. Lincoln.  |          |
| Motion carried, 7-0.  | 9        |
| 2 2100 E Manla Rd   |          |
| <ul> <li>3. 2100 E. Maple Rd.<br/>Whole Foods (inside the Whole Foods building)</li> <li>Request for a SLUP and Final Site Plan Review to allow the operation of a new bistro serving alcoholic liquors inside the Whole Foods Grocery Store currently under construction.</li> </ul>   | 9        |
| Motion by Mr. Boyle<br>Seconded by Mr. Williams that the Planning Board recommend approval of<br>the applicant's request for Final Site Plan and a SLUP to the City<br>Commission to permit a Bistro License for Whole Foods at 2100 E. Maple<br>Rd. with the following conditions:   | 11       |
| <ol> <li>The applicant will be required to enter into a contract with the City outlining the nature of the bistro operation;</li> <li>Comply with the requirements of City departments; and</li> <li>The applicant must provide appropriate restroom facilities to be submitted to staff in the Planning Dept. and approved.</li> </ol> |          |
| Motion carried, 7-0.  | 12       |
|   |          |
|   |          |
|   |          |
|   |          |
|   | <u> </u> |

# CITY OF BIRMINGHAM REGULAR MEETING OF THE PLANNING BOARD WEDNESDAY, FEBRUARY 22, 2017 City Commission Room 151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Planning Board held on February 22, 2017. Chairman Scott Clein convened the meeting at 7:30 p.m.

**Present:** Vice Chairperson Gillian Lazar; Board Members Robin Boyle, Stuart Jeffares, Bert Koseck, Janelle Whipple-Boyce, Bryan Williams; Alternate Board Member Daniel Share

Absent: Chairman Scott Clein; Alternate Board Member Lisa Prasad

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

# 02-33-17

# APPROVAL OF THE MINUTES OF THE REGULAR PLANNING BOARD MEETING OF FEBRUARY 8, 2017

Motion by Mr. Williams Seconded by Mr. Koseck to approve the Planning Board Minutes of February 8, 2017 as presented.

Motion carried, 7-0.

VOICE VOTE Yeas: Williams, Koseck, Boyle, Jeffares, Whipple-Boyce Abstain: Lazar, Share Nays: None Absent: Clein

#### 02-34-17

#### CHAIRPERSON'S COMMENTS (none)

#### 02-35-17

#### APPROVAL OF THE AGENDA

Ms. Ecker noted that Whole Foods will be applying for a Bistro License rather than an Economic Development License.

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

#### 1. 325 S. Old Woodward Ave. Adachi Bistro (Peabody Mansion)

Request for a SLUP and Final Site Plan Review to allow the operation of a new Asian Fusion Bistro serving alcoholic liquors.

Mr. Baka advised that the subject site is located at 325 S. Old Woodward Ave., at the corner of Brown and S. Old Woodward. The parcel is zoned B-2, Business-Residential and D-3 in the Downtown Overlay District. The applicant is proposing to open a new restaurant by the name of "Adachi," and is seeking approval of a Bistro License under Chapter 10, Alcoholic Liquors, of the City Code. The subject property is a designated historic building known as the Ford-Peabody Mansion. Adachi was approved for exterior changes by the Historic District Commission ("HDC") on February 15, 2017. Chapter 10 requires that the applicant obtain a SLUP and approval from the City Commission to operate an establishment with a Bistro License within the City of Birmingham in order to sell alcoholic liquors. Adachi will be required to obtain a recommendation from the Planning Board on the Final Site Plan and SLUP, and then obtain approval from the City Commission for the Final Site Plan, SLUP, and for the operation of a Bistro License.

Adachi is proposing to have 65 interior seats, 10 of which will be located at a bar. No direct connect bar permit will be permitted from the license if it is approved. Alcohol may only be served to seated patrons and those standing in the bar area.

Adachi provides an extensive menu of Eastern Asian and Southeast Asian regional cuisine. Many of the menu items are not offered anywhere else within the City of Birmingham.

The applicant is proposing to construct a 6 ft. masonry enclosure with metal gates in the rear of the restaurant near Brown St. that will contain three AC units and two trash containers. The Birmingham Zoning Ordinance requires wooden gates. *Accordingly, the applicant is required to provide wooden gates on the dumpster enclosure or obtain a variance from the Board of Zoning Appeals ("BZA").* 

Due to the residential design of the building, it does not provide the required 70% glazing along the front facade. Altering the facades of this designated historic structure would violate the Secretary of Interior Standards for historic rehabilitation and therefore could not be approved by the HDC. However, the City Attorney has determined that the applicant is still required to apply to the BZA for a variance from the glazing requirement. *Accordingly, the applicant is required to obtain a variance from the BZA in lieu of providing the required 70% glazing.* 

#### Design Review

Adachi has proposed to have outdoor dining for 70 patrons on private property in the front open space of the building. The outdoor dining area will be enclosed with a landscaping hedge that will extend around the perimeter of the property. The applicant was approved at the HDC meeting held on February 15, 2017 to make alterations to the designated historic building in the CBD Historic District. The applicant was approved to convert five existing windows into doors, construct the trash enclosure at the rear of the restaurant, and to build two new staircases/ramps on the north and south elevations. The staircase and ramp on the north elevation will replace the existing structure. Both of the staircases will be constructed with modern materials and design in order to differentiate the new construction from the historic materials in accordance with "The Secretary of the Interior's Standards for Rehabilitation" standard number 9.

#### Signage

The applicant has submitted plans indicating one small sign at the front property line next to the walkway that must receive administrative approval by the Planning Dept.

#### Illumination

No new lighting is currently proposed for this project.

Ms. Ecker explained the City Commission did the pre-screening of bistro applications in October. They selected three to move forward, even though only two can be approved for year 2017. All three applications will go to the City Commission after review by the Planning Board. The Planning Board has the choice of reviewing the applications and sending them back to the City Commission, or prioritizing them first. The City Commission will make the ultimate decision on which, if any, to approve.

Mr. Christopher Longe, the architect, was present with Mr. Ken Koza, the restaurateur, and Mr. Michael Dul, the landscape architect. Mr. Longe said there will be landscape lighting along with other lighting. Any lighting will need Planning approval. He described how both the north and south sides of the patio will be serviced. The building is three stories and the intent is for office to occupy the second and third floors. They are keeping the openings where they are, and simply changing some windows into doors for access. There is no designated area for loading and unloading but there is no parking in front of the building so there is adequate area for a truck to pull in.

There were no comments from members of the public at 8:05 p.m.

Ms. Ecker advised that the City has updated the contract that bistro applicants must execute. Three new sections have been amended that have to do with the following: no modifications to seating, layout, name change, or outdoor dining enclosures are permitted unless approved by the City Commission through a SLUP amendment; the restriction of outdoor dining to seasonal use from April 1st through November 15th only with a valid Outdoor Dining Permit; and a duty of continuing compliance with off-street parking as required in the Zoning Ordinance, as well as the responsibility to resolve future parking issues that may arise.

Mr. Baka discussed streetscape requirements that may need to be upgraded. The board then determined that two pedestrian scale lights would be needed on the south side of Brown. Bike racks will be added according to a schedule that the Engineering Dept. has.

#### Motion by Mr. Boyle

Seconded by Mr. Williams to recommend approval the applicant's request for Final Site Plan and a SLUP to permit a Bistro License for Adachi at 325 S. Old Woodward Ave. with the following conditions:

1) The applicant provide a trash receptacle within the outdoor dining area as required by the Zoning Ordinance;

2) The applicant must provide specifications on the materials for the new staircases and doors;

3) The applicant must provide wooden gates on the dumpster enclosure or obtain a variance from the BZA;

4) The applicant submit details of outdoor lighting for the Bistro for review and approval by the Planning Staff;

5) The applicant provide sidewalk lighting (two standard lamps in accordance with the current Downtown design) plus an appropriate bike rack on the adjacent plaza, for review and approval by Planning Staff;

6) The applicant is required to obtain a variance from the BZA in lieu of providing the required 70% glazing;

7) The applicant will be required to have the final sign design administratively approved by the Planning Department; and

8) The applicant complies with the requests of all City Departments.

#### Motion carried, 7-0.

VOICE VOTE

Yeas: Boyle, Williams, Jeffares, Koseck, Lazar, Share, Whipple-Boyce Nays: None Absent: Clein

#### 02-37-17

#### 2. 2159 E. Lincoln

#### Lincoln Yard (Vacant, former BPS bus garage)

Request for a SLUP and Final Site Plan Review to allow the operation of a new American Style bistro serving alcoholic liquors.

#### Motion by Mr. Williams

Seconded by Mr. Koseck to receive and file four documents that have been received: 1) e-mail from Jerry J. Yaldoo, 1997 Haines dated Saturday February 18th; 2) e-mail from Larry Bertollini dated Monday, February 20th;

3) e-mail from Jennifer Wheeler dated Wednesday, February 22nd; and

4) letter from the City of Birmingham Building Dept. dated February 22nd.

#### Motion carried, 7-0.

VOICE VOTE Yeas: Williams, Koseck, Boyle, Jeffares, Whipple-Boyce, Lazar, Share Abstain: None Nays: None Absent: Clein

Ms. Ecker advised the subject site is located at 2159 E. Lincoln St., between S. Eton and Commerce. The parcel is the former Birmingham Public Schools bus garage repair center and is zoned MX. The applicant is seeking approval to renovate the existing building and add a small addition to the existing one-story building to house a new restaurant named Lincoln Yard. A

small area of the building will be used for a future independent restaurant, which is not the subject of this application.

At this time the applicant is seeking approval of a bistro license under Chapter 10, Alcoholic Liquors, of the City Code to allow the service of alcoholic beverages in the proposed bistro. Chapter 10 requires that the applicant obtain a SLUP and approval from the City Commission to operate an establishment with a Bistro License within the City of Birmingham. Accordingly, the applicant is required to obtain a recommendation from the Planning Board on the Final Site Plan and SLUP, and then obtain approval from the City Commission for the Final Site Plan, SLUP, and for the operation of a Bistro License.

Lincoln Yard is proposing a full menu of comfort-food items, as well as vegetarian and glutenfree options with a focus on light, clean eating with a variety of locally sourced, seasonal specials. While Lincoln Yard will clearly provide a unique dining experience, the type of cuisine offered is currently represented in the City.

Lincoln Yard is proposing 10 seats at a bar located on the first floor at the west side of the dining room. No direct connect additional bar permit will be permitted from this license if approved. Alcohol may only be served to seated patrons and those standing in the bar area. The applicant has provided a 257.5 sq. ft. designated bar area.

Lincoln Yard is proposing to have 55 seats in the restaurant. They have proposed a glazing percentage of 71.5% for the street facing the building facade, thus meeting the required 70% minimum.

As required, Lincoln Yard is proposing outdoor dining along E. Lincoln, as well as in the rear of the building and on the roof. A total of 132 outdoor dining seats is proposed, of which 64 will be at ground level, and 68 are planned for the rooftop. A portion of the rooftop outdoor dining seats is partially covered by shipping containers made out of corrugated steel. The rooftop seating area has a steel guard rail system proposed around the perimeter that is not enclosed by the shipping containers, and planters are proposed along the south side.

The photometric plan provided does not specify illumination levels for the entire parking lot. In addition, the levels that are shown exceed the 20:1 max min ratio. *Thus, the applicant will be required to meet all lighting requirements, or obtain a variance from the BZA.* 

The bistro requires 59 parking spaces. There are 56 on-site and they are seeking approval of 9 along the right-of-way.

#### Design Review

The applicant is proposing to update the entire property, to completely renovate the existing building by adding a small addition of 292 sq. ft. on the west side of the building, and open up the building to light by adding new openings and windows throughout. The entire building is proposed to be painted ivory with pre-finished metal coping in bronze added along the roofline, and extensive pedestrian scale architectural details. The applicant is proposing to add three new 20 ft. wide overhead garage doors with clear vision glass along the front (south) elevation. Each of these doors will be operable and can be opened in good weather. Two new steel channel awnings are proposed above the new doors.

On the east elevation facing the parking lot, the applicant is proposing three new divided light windows to replace the existing overhead panel garage doors. Also visible on the east elevation

will be a new steel egress stair on the rear of the building, rooftop mechanical screening panels and a wood pergola to be mounted on the rear of the building.

On the rear (north) elevation of the building, the applicant is proposing to infill several existing windows and doors, and add three new single glass doors to provide access to the rear at grade outdoor dining area. A new steel egress/service stair structure is proposed to provide secondary roof access. Two wood pergolas are also proposed to be mounted on the rear elevation to provide shade to the rear, at grade outdoor dining areas.

On the west elevation facing Armstrong White at 2125 E. Lincoln, the applicant is proposing to remove the existing covered porch structure and a door, and to construct a small addition with three new windows.

#### Signage

The applicant is permitted to have a total of 102 sq. ft. of signage for the entire building. At this time, a rendering of proposed signage above the front entrance to Lincoln Yard is shown, but no dimensions or material specifications have been proposed and the applicant will be required to obtain administrative approval for all signage prior to fabrication and installation.

Mr. Williams observed that two of the e-mails deal with parking. At the last meeting it was determined that parking in the entire Rail District is sufficient. The e-mails also talk about traffic in the area. In his view, the traffic in the area needs to be slowed down on S. Eton, particularly between Lincoln and Maple Rd. Further, stop signs are needed so pedestrians can get across Eton. In his e-mail Mr. Bertollini addresses the issue of the parking requirement when there is outdoor dining. This is a topic that needs to be considered in the future Master Plan. Ms. Ecker confirmed that if there are parking concerns and spillovers into the neighborhood and they come up, the City Commission can require that they be dealt with, or the SLUP can be revoked under the revised contract terms.

Mr. Boyle suggested that traffic along Lincoln could be slowed down by having striped parking on both sides. Immediately across the street from Lincoln Yard is a huge parking facility that is only used to its capacity during limited sporting activities. Most of the time there would be additional parking opportunities there. Further, the office parking on the adjacent lot will empty out at night and shared parking can occur. Lastly, Mr. Boyle questioned where people who are waiting to be seated will be accommodated.

Mr. Share wondered whether the use of a shared parking arrangement could be conditioned upon breaking up the lot with landscaping.

Ms. Whipple-Boyce observed that the majority of the dining activity in this plan occurs behind the building or on the roof rather than along the street. However, the whole point of the Bistro License is to encourage activation of the streetscape.

Mr. Curt Catallo from Union Joints, the applicant, came forward. Also present were Mr. Eric Lyons, Managing Partner; Mr. Chuck White and Ms. Catherine Abhoud from Armstrong White; and Mr. Jeff Klatt from Krieger Klatt Architects. Mr. Catallo explained they have a close relationship with the owners of Armstrong White who own the property. He noted they are always looking for a building that only served one purpose. They feel this project would allow them to bring something to an area that is already vibrant and changing. The shipping containers are not only right at home in the bus garage, but they are right at home in the Rail District with its industrial back bone that they want to celebrate.

They propose an interesting combination of three different outdoor settings within one. The interior plans for the bistro show it to be as honest as the food they serve. He believes this building fits into the vision of the Rail District Master Plan.

Mr. Koseck spoke to say he thinks there are some fundamental site plan design flaws such that he could never support the plan today even though he likes the project. In response to Mr. Koseck, Ms. Ecker explained there is not a hard and fast deadline for the bistros to go back to the City Commission. There would still be enough time if this were postponed to get a decision by the Planning Board prior to a hearing before the City Commission.

Mr. Koseck went on to describe the project as an island surrounded by a sea of parking. There are fundamental things that can be done to improve the site to make it into what his view is of a bistro and how it works within the City. Mr. Catallo explained the section that is not included in the SLUP application will be a tenant within the building that will be called "Little Yard." It is meant to accommodate takeout food, "grab and go." He said the cyclone fence at the west property line between them and Armstrong White will go away so they can share parking.

Mr. Koseck indicated that painted stripes on a driveway is not a great design to integrate the building with pedestrian sidewalks. He suggested that he could take the 3 ft. that is not required by Code out of each of the 23 ft. parking aisles. Then move the green belt on the east side of the parking lot and place it up against the building so it can become a sidewalk or landscaping. With the current design patrons inside looking out only see asphalt, driveway and cars, as opposed to landscaping. He would like to see the site read like a peninsula that engages with the street rather than an island.

Mr. Koseck made additional suggestions:

- Move the dumpster to the back of the building and provide some additional parking and eliminate some of the parking in front of the building to have the pedestrian entryway extend out and engage with the street;
- Place the energy of the building towards the front by removing dining from the rear north side so that patrons can see, be seen and engage with the street.
- He was concerned that more than a third of the building's facade is in the future tenant space, not in the bistro;
- Create a mirror image of the plan. Shift the entrance drive to the west so that people come in through the curb cut and have to go east. They would exit where they enter.

Mr. Boyle said that to him this is an industrial area and the site should be left hard to reflect that and not have trees and bits of green.

Discussion concluded that the fence between the two parking lots must come down because otherwise there would be a traffic flow problem there. Either a shared parking arrangement and/or an easement would need to be executed and recorded at the time they seek approval.

Ms. Whipple-Boyce noted the Bistro Ordinance is designed specifically to activate the streets Downtown. Now that the board is seeing projects in the MX District, she thinks maybe they should have tweaked the ordinance to be a little less restrictive in the MX. She is supportive of the 150 outdoor dining seats and not worried about the parking and changing the green area. However, she does think it is important to engage the street and that is lacking in this design.

She would like to see the tables in back come up to the front. Mr. Catallo advised they would not do this project if they thought it would create a parking problem.

Vice Chairperson Lazar opened discussion from the public at 9:47 p.m.

Ms. Catherine Abhoud said they absolutely will take down the cyclone fence. They will have an open parking and access arrangement. Mr. Williams reiterated that needs to be documented.

Street lighting inconsistencies in the Rail District were discussed and Ms. Ecker said that DTE is trying to select a new manufacturer that will not be so bright and will match the existing lighting at Armstrong White, which is the approved standard.

#### Motion by Mr. Share

Seconded by Mr. Koseck that the Planning Board postpone to March 8, 2017 the applicant's request for Final Site Plan and a SLUP to permit a Bistro License for Lincoln Yard at 2159 E. Lincoln.

Mr. Boyle explained the postponement will allow time for the applicant to come to the City with an appropriate document that states what they will do. It will also give the architect and the prospective tenant the opportunity to consider whether they might want to propose changes to the site plan.

There were no further comments from the public at 9:48 p.m.

# Motion carried, 7-0.

VOICE VOTE Yeas: Share, Koseck, Boyle, Jeffares, Lazar, Whipple-Boyce, Williams Nays: None Absent: Clein

At this time the board took a short recess.

# 02-38-17

#### 3. 2100 E. Maple Rd.

# Whole Foods (inside the Whole Foods building)

Request for a SLUP and Final Site Plan Review to allow the operation of a newbistro serving alcoholic liquors inside the Whole Foods Grocery Store currently under construction.

Ms. Ecker explained the applicant went before the City Commission last Monday evening with the recommendations from the Planning Board that the City Commission either clarify the boundaries of the Rail District and include Whole Foods and allow bistros in B-2 if they are in the Rail District; or approve an amendment to the Economic Development Map to include this site to allow an Economic Development License and to allow Economic Development Licenses in B-2. The City Commission decided to go with the Rail District option and concluded this property is not qualified for an Economic Development License.

Ms. Ecker advised the subject site is a 4.95 acre site that is zoned B-2. The applicant, Whole Foods, is seeking approval of a Bistro License under Chapter 10, Alcoholic Liquors, of the City

Code. Chapter 10 requires that the applicant obtain a SLUP and approval from the City Commission to operate an establishment with a Bistro License within the City of Birmingham. Accordingly, the applicant is required to obtain a recommendation from the Planning Board on the Final Site Plan and SLUP, and then obtain approval from the City Commission for the Final Site Plan, SLUP, and for the operation of a Bistro License. As part of the previously approved grocery store, the applicant is now proposing a small bistro which will serve customers and provide indoor and outdoor seating. This will be located in the northeast portion of the building.

The proposal is to serve healthy American food.

Whole Foods is proposing 28 seats in the main dining room and eight seats at a bar towards the west side of the dining room. No direct connect additional bar permit will be permitted from this license if approved. Alcohol may only be served to seated patrons and those standing in the bar area. The applicant has provided a 257 sq. ft. designated bar area, which includes the eight seats.

Whole Foods is proposing to have six seats in the restaurant dining space lining E. Maple Rd. The applicant has not provided glazing calculations for the front wall of the bistro. *A minimum of 70% glazing is required between 1 ft. and 8 ft. in height, or the applicant will be required to obtain a variance from the Board of Zoning Appeals.* 

Whole Foods is proposing 33 outdoor dining seats. All of the seats will be on a raised patio, located on the E. Maple Rd. frontage of the building.

They are only required to have 162 parking spaces and they have 237.

The north elevation is framed at each corner with Ceramic tile "wood-look" siding. The base of the building is cast stone except in three instances where windows extend to the bottom of the building. The remaining building face is composed of brick and clear glass windows. The east entrance is framed with two columns covered in metal with a green and white "Whole Foods Market" sign centered above the entrance. The entrance is surrounded by a patio that extends towards E. Maple Rd. and the east parking lot.

The patio is shaded with a projecting metal canopy, and contains guard rails along its cast stone retaining wall base. The bistro is proposed to be just west of the large Whole Foods entry doors.

Outdoor seating is proposed along the north side of the building, along (but not on) an existing City sidewalk. The outdoor cafe area is proposed on a raised patio enclosed with a railing adjacent to the northern building facade.

# The applicant must provide a trash receptacle within the outdoor dining area along *E. Maple Rd. or obtain a variance from the BZA.*

Ms. Kelly Allen was present on behalf of Whole Foods. She introduced Mr. Scott Salsbury, Executive Director of Store Development from their Chicago office; and Mr. Mark Sherrer, BRR Architecture. She stated this will be the Whole Foods Birmingham Bistro and it is a destination.

Mr. Sherrer talked about how they are able to meet the 70% glazing requirement by shifting the bistro wall. They just found out that two bathrooms rather than one are needed and they will have to work on that.

Mr. Salsbury said these bistros are a key design in their new stores and they are retrofitting their older stores with them. This is a great location and they would love to have a bistro at this store. There will be a fixed menu and the plan is to have wait service inside and outside for dinner.

Mr. Williams said he will not be present at the next meeting. Therefore, he offered the comment that he doesn't understand why the Economic Development License wasn't granted by the City Commission. His view is that they sent three bistros to this board and this board should send the three bistros back to them without prioritizing, since they created the problem.

There were no comments from the public at 10:30 p.m.

#### Motion by Mr. Boyle

Seconded by Mr. Williams that the Planning Board recommend approval of the applicant's request for Final Site Plan and a SLUP to the City Commission to permit a Bistro License for Whole Foods at 2100 E. Maple Rd. with the following conditions: 1) The applicant will be required to enter into a contract with the City outlining the nature of the bistro operation;

2) Comply with the requirements of City departments; and

3) The applicant must provide appropriate restroom facilities to be submitted to staff in the Planning Dept. and approved.

No one from the audience wished to discuss the motion at 10:33 p.m.

#### Motion carried, 7-0.

VOICE VOTE Yeas: Boyle, Williams, Jeffares, Koseck, Lazar, Share, Whipple-Boyce Nays: None Absent: Clein

#### 02-39-17

#### MEETING OPEN TO THE PUBLIC FOR ITEMS NOT ON THE AGENDA (none)

#### 02-40-17

#### MISCELLANEOUS BUSINESS AND COMMUNICATIONS

- a. <u>Communications</u>
- b. <u>Administrative Approval Correspondence</u>
- c. Draft Agenda for the Regular Planning Board Meeting on March 8, 2017
  - Lincoln Yard Final Site Plan and SLUP;
  - > Grace Baptist Church SLUP amendment and Final Site Plan for monument sign;
  - > 602 Riverside Dr. Final Site Plan Review;
  - Bloomfield Ct. accessory structure on multi-family property;
  - ➢ 927 Purdy Historic Designation.

d. <u>Other Business</u> (none)

# 02-41-17

# PLANNING DIVISION ACTION ITEMS

- a. <u>Staff report on previous requests</u> (none)
- b. <u>Additional items from tonight's meeting</u> (none)

# 02-42-17

# ADJOURNMENT

No further business being evident, the Vice-Chairperson adjourned the meeting at 10:35 p.m.

Jana Ecker Planning Director

# BIRMINGHAM CITY COMMISSION MINUTES APRIL 24, 2017 MUNICIPAL BUILDING, 151 MARTIN 7:30 P.M.

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

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

#### II. ROLL CALL

| ROLL CALL: | Present, | Mayor Nickita                          |
|------------|----------|--|
|            |          | Mayor Pro Tem Harris                   |
|            |          | Commissioner Bordman                   |
|            |          | Commissioner Boutros                   |
|            |          | Commissioner DeWeese                   |
|            |          | Commissioner Hoff (arrived at 8:13 PM) |
|            |          | Commissioner Sherman                   |
|            | Absent,  | None                                   |

Administration: City Manager Valentine, City Attorney Currier, City Clerk Brown, Police Chief Clemence, City Planner Ecker, Building Official Johnson, City Engineer O'Meara, DPS Director Wood, DPS Manager Aaron Filipski, Senior Planner Matthew Baka

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

Mayor Nickita announced

- The next session of the Citizens Academy program begins April 25<sup>th</sup>. There are a few spots still available for interested residents. For more information on the program and how to register, contact Joellen Haines in the City Manager's Office at 248-530-1807.
- The spring Used Book Sale, sponsored by the Friends of Baldwin Public Library, will be held Friday, May 5<sup>th</sup> through Monday May 8<sup>th</sup> at the Library. For more information, contact Baldwin Library at 248-647-1700 or visit <u>www.baldwinlib.org</u>.
- The Farmer's Market begins Sunday, May 7<sup>th</sup> from 9:00 AM to 2 PM, in Municipal Parking Lot #6 on N. Old Woodward. For more information, visit www.enjoybirmingham.com.

#### 04-104-17 APPOINTMENTS TO STORM WATER UTILITY APPEALS BOARD

Robert Lavoie and Laura Keener were present and were interviewed by the Commission.

Mr. Lavoie stated he is a resident, a licensed engineer with 40 years of experience in civil engineering, and is recently retired.

Ms. Keener explained she is a resident, a licensed engineer, and recently retired after working for more than 30 years as a civil engineer.

#### **MOTION:** Motion by Commissioner Bordman:

To appoint Laura Keener to the Storm Water Utility Appeals Board as Regular Licensed Engineer to serve a three-year term to expire January 31, 2020.

**MOTION:** Motion by Commissioner Boutros:

To appoint Robert Lavoie to the Storm Water Utility Appeals Board to serve a three-year term to expire January 31, 2020.

Vote on Laura Keener

VOTE:

VOTE:

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

Vote on Robert Lavoie

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

The City Clerk administered the oath to the appointed Board members.

# IV. CONSENT AGENDA

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

#### 04-105-17 APPROVAL OF CONSENT AGENDA

The following items were removed from the Consent Agenda:

• Commissioner Bordman – Item A (Approval of Commission Minutes)

**MOTION:** Motion by Mayor Pro Tem Harris, seconded by Commissioner DeWeese: To approve the Consent Agenda, with item A removed.

| ROLL CALL VOTE: | Yeas,   | Commissioner Bordman<br>Commissioner Boutros |
|-----------------|---------|--|
|                 |         | Commissioner DeWeese                         |
|                 |         | Mayor Pro Tem Harris                         |
|                 |         | Mayor Nikita                                 |
|                 |         | Commissioner Sherman                         |
|                 | Nays,   | None   |
|                 | Absent, | Commissioner Hoff                            |

- B. Approval of warrant list, including Automated Clearing House payments of April 12, 2017, in the amount of \$520,628.04.
- C. Approval of warrant list, including Automated Clearing House payments, of April 19, 2017, in the amount of \$557,248.92.
- D. Resolution directing the Treasurer to transfer unpaid and delinquent special assessment and invoices, including interest and penalty, to the 2017 City tax roll and authorizing removal from the list any bills paid after City Commission approval.
- E. Resolution directing the Treasurer to transfer unpaid and delinquent water/sewage bills of subject properties to the 2017 city tax roll and authorizing removal from the list any bills paid or a payment plan agreement signed after City Commission approval.
- F. Resolution approving the service agreement with Hubbell, Roth & Clark, Inc. for electrical engineering consultation services related to a generator replacement project at

the Department of Public Services facility in the amount not to exceed \$9,977 from the Auto Equipment Fund, Equipment Maintenance account #641-441.006-933.0200. Further, authorizing the Mayor and City Clerk to sign the agreement upon receipt of all required insurances.

- G. Resolution approving the purchase of one (1) new Tomcat-series refuse compactor body, and one (1) 2017 Isuzu NRR chassis from Bell Equipment Company through the H-GAC extendable purchasing contract #RH08-17, not to exceed \$124,406.00 from account #641- 441.006.971.0100.
- H. Resolution authorizing the IT department to purchase the Nutanix server environment from CDWG using National IPA Contract #130733, for a purchase price not to exceed \$100,989.00 from the Network Upgrade account number 636-228.000-973.0400, and further; approving the appropriation and amendment to the 2016-2017 Computer Equipment Fund and General Fund budgets as follows:

| Revenues:                 |                      |          |
|---------------------------|----------------------|----------|
| Draw from Fund Balance    | 101-000.000-400.0000 | \$35,000 |
| Expenditures:             |                      |          |
| Computer Equipment Rental | 101-371.000-922.0000 | \$35,000 |
| Computer Equipment Fund   |                      |          |
| Revenues:                 |                      |          |
| Draw from Net Position    | 636-000.000-400.0000 | \$54,500 |
| Lease Payments            | 636-000.000-667.0000 | \$35,000 |
| Total Revenues            |                      | \$89,500 |
| Expenses:                 |                      |          |
| Network Upgrade           | 636-228.000-973.0400 | \$89,500 |

- I. Resolution accepting Mr. James Partridge's resignation from the Building Board of Trades Appeals, thanking him for his service, and directing the Clerk to begin the process to fill the vacancy.
- J. Resolution approving the Software License Agreement with Hart InterCivic, Inc. which sets forth the terms and conditions pursuant to which City of Birmingham may procure or license from Hart software for use in connection with the Verity voting system, and further authorizing the City Clerk to execute the Agreement on behalf of the City.
- K. Resolution awarding the "Water Utility Customer Portal" project to AmCoBi, of Colorado Springs, CO for a total expenditure of \$53,200.00 over three (3) years, and authorizing the Mayor and City Clerk to sign the contract on behalf of the City upon receipt of all required insurances. Funds for this project are available from the Water Supply Fund, account #591-537.001-811.0000.
- L. Resolution awarding the 2017 Concrete Sidewalk Repair Program, Contract #3-17(SW) to Italia Construction, Inc., in the amount of \$812,656.00, to be charged to the various accounts as detailed in the report; and further to approve the appropriations and budget amendments to the 2016-2017 budget as follows:

Local Street Fund

| Revenues:                     |                      |          |
|-------------------------------|----------------------|----------|
| Draw from Fund Balance        | 203-000.000-400.0000 | \$57,542 |
| Total Revenue Adjustments     |                      | \$57,542 |
| Expenditures:                 |                      |          |
| Contract Maintenance          | 203-449.003-937.0400 | \$43,130 |
| Webster/Worth Grant           | 203-449.001-985.7500 | \$14,412 |
| Total Expenditure Adjustments |                      | \$57,542 |
| Water Fund                    |                      |          |
|                               |                      |          |

| Revenues:                     |                      |          |
|-------------------------------|----------------------|----------|
| Draw from net position        | 591-000.000-400.0000 | \$35,000 |
| Total Revenue Adjustments     |                      | \$35,000 |
| Expenditures:                 |                      |          |
| Other Contractual Services    | 591-537.005-811.0000 | \$35,000 |
| Total Expenditure Adjustments |                      | \$35,000 |

M. Resolution setting Monday, May 22, 2017 at 7:30 PM for a Public Hearing to consider approval of the Final Site Plan and Special Land Use Permit Amendment for The Townsend Hotel at 100 Townsend Street to allow the addition of a new limited partner to THC Investors Limited Partnership, DBA The Townsend Hotel.

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

**04-106-17 APPROVAL OF CITY COMMISSION MINUTES OF APRIL 13, 2017** Commissioner Bordman asked that her comments on Page 4 regarding the purchase of larvacide include, "to eliminate the ability of mosquitos to lay eggs or for the eggs to hatch", corrected the spelling of Temple Beth El on Page 8, and corrected the spelling of her name on Page 13.

Commissioner DeWeese explained he would abstain from the vote because he was absent from the meeting of April 13, 2017.

**MOTION:** Motion by Commissioner Bordman, second by Commissioner Boutros: To approve the City Commission minutes of April 13, 2017 as corrected.

VOTE: Yeas, 5 Nays, None Absent, 1 (Hoff) Abstain,1 (DeWeese)

#### V. UNFINISHED BUSINESS

None

#### VI. NEW BUSINESS

#### 04-107-17 SPECIAL EVENT – YOGA IN THE PARK

Don Peasley, member of the Board of Directors of the Michigan Chapter of the Huntington's Disease Society of America summarized the organization's application for the event. Mr. Peasley noted the addition of Henry Ford Health as a partner, and explained Henry Ford will be supplying a van or table for medical equipment in order provide medical assistance if needed.

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

To approve a request submitted by the Michigan Chapter of the Huntington's Disease Society of America requesting permission to hold Yoga in the Park, on Saturday, June 17, 2017, contingent upon compliance with all permit and insurance requirements and payment of all fees and, further pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event.

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

#### 04-108-17 SLUP AMENDMENT AND FINAL SITE PLAN REVIEW AT 280 E. LINCOLN – GRACE BAPTIST CHURCH

Mayor Nickita opened the public hearing at 7:45 PM.

Senior Planner Matt Baka presented the request from Grace Baptist Church for a Special Land Use Permit amendment and Final Site Plan to allow installation of an illuminated ground sign, noting:

- On March 8, 2017, the Planning Board conducted a public hearing to discuss a request by the applicant to amend their existing Special Land Use Permit to install a new illuminated ground sign in the front open space of the Church.
- Grace Baptist Church was granted a Special Land Use Permit on June 15, 1987, which was amended in 2009 to include a surface parking lot.
- The Planning Board reviewed the proposed sign and voted to recommend approval with the following conditions:
  - 1. The overall size of the sign is 4 ft. x 5 ft., creating 20 sq. ft.;
  - 2. The faux brick base of the sign at 1 ft. 6 in. above grade will be changed to true brick with the material to be administratively approved.

Commissioner DeWeese commented the requirement for real brick is consistent with decisions on similar projects.

Mayor Nickita closed the public hearing at 7:47 PM.

**MOTION:** Motion by Commissioner Sherman, seconded by Commissioner Boutros: To approve a Special Land Use Permit Amendment and Final Site Plan Review for 280 E. Lincoln, Grace Baptist Church to allow for the installation of an illuminated ground sign.

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

# PUBLIC HEARINGS TO CONSIDER THE BISTRO APPLICATIONS FOR 2017:04-109-17PUBLIC HEARING - FINAL SITE PLAN AND SPECIAL LAND USE<br/>PERMIT FOR 2159 E. LINCOLN - LINCOLN YARD BISTRO

Mayor Nickita opened the public hearing at 7:48 PM.

City Planner Ecker announced Lincoln Yard Bistro has withdrawn their application.

Curt Catallo, Owner/President of Union Joints, explained Union Joints has decided the scope of their vision for Lincoln Yard exceeds the parameters and specific purpose of a bistro license. The venue, based on the size of investment necessary to turn it into a viable restaurant true to the vision of the Union Joint family, is better suited for a Class C liquor license. Mr. Catallo expressed continued interest in bringing the project to Birmingham.

The owner of Emerald Spirits expressed support for a restaurant at the subject location.

Mayor Nickita closed the public hearing at 7:57 PM.

# 04-110-17 PUBLIC HEARING - FINAL SITE PLAN AND SPECIAL LAND USE PERMIT FOR 325 S. OLD WOODWARD - ADACHI BISTRO

Mayor Nickita opened the public hearing at 7:57 PM.

Senior Planner Baka presented the request from Adachi Restaurant Group, LLC for a Special Land Use Permit and Final Site Plan to allow the operation of a new bistro on a 0.3 acre site located at 325 S. Old Woodward, also known as the Ford-Peabody Mansion, a designated historic structure within the City of Birmingham, noting the following:

- The parcel is zoned B2;
- The applicant is seeking approval of a Bistro License under Chapter 10, Alcoholic Liquors, of the City Code which requires that the applicant obtain a Special Land Use Permit and approval from the City Commission to operate an establishment with a Bistro License within the City of Birmingham; and
- The applicant is proposing to convert the first floor of the Ford-Peabody Mansion into a bistro which will serve customers and provide indoor and outdoor seating.

Senior Planner Baka reported the applicant obtained the required recommendation from the Planning Board on the Final Site Plan and Special Land Use Permit on February 22, 2017 by unanimous vote with the following conditions:

- 1. The applicant provide a trash receptacle within the outdoor dining area as required by the Zoning Ordinance;
- 2. The applicant must provide specifications on the materials for the new staircases and doors;
- 3. The applicant must provide wooden gates on the dumpster enclosure or obtain a variance from the Board of Zoning Appeals;
- 4. The applicant submit details of outdoor lighting for the bistro for review and approval by the Planning Staff;
- 5. The applicant provide sidewalk lighting (two standard lamps in accordance with the current Downtown design) plus an appropriate bike rack on the adjacent plaza, for review and approval by Planning Staff;
- 6. The applicant is required to obtain a variance from the BZA in lieu of providing the required 70% glazing;
- 7. The applicant will be required to have the final sign design administratively approved by the Planning Department; and
- 8. The applicant complies with the requests of all City Departments.

Senior Planner Baka stated on April 18th, 2017, the Board of Zoning Appeals granted the applicant's request for a variance in lieu of providing the required 70% glazing.

Senior Planner Baka reported the property is a designated historic structure, requiring the applicant to obtain approval from the Historic District Commission for any changes to the exterior of the building. He noted the Historic District Commission, on February 15, 2017, voted to approve the proposal with the following condition;

1. The northern metal will be powder coated zinc color and that the new doors will be zinc color as well.

Commissioner Bordman questioned the proposal to convert the front porch windows to doors. Senior Planner Baka explained pictorial evidence shows the windows were not original to the house and that the front porch was changed at an undisclosed point in time.

Senior Planner Baka, in response to a question from Commissioner Hoff, explained the second story of the structure will not be used as part of the restaurant, but will be utilized by separate tenants with separate leases. Mr. Chris Longe, the architect, explained the elevator servicing the upper floor is located in a rear office area which has no access into restaurant.

Mr. Longe spoke about plans to activate the front yard green space for outdoor bistro seating and the opportunity a bistro in the proposed location offers for attracting patronage south of the central business district. Mr. Longe noted the total restaurant will comprise 2600 square feet of space, with 1600 square feet dedicated to the seating areas for 65 people. He clarified for Commissioner Hoff that the five-top table shown on the porch in the plan drawing is included in the total of 70 outdoor seats, and confirmed the porch will not be enclosed.

Kenny Koza, owner, indicated that in the first year of operation the bistro would be open only for dinner and weekend brunch, and that in year two consideration will be given to opening for lunch. Mr. Koza stated he hopes to open by the end of year, and confirmed the chef is a partner in the venture. He verified the fire pit has been eliminated from the plans.

Mayor Nickita closed the public hearing at 8:28 PM

Commissioner DeWeese received confirmation that a motion by the Commission to award a bistro license would automatically include the conditions imposed by the Planning Board and the Historic District Commission.

#### 04-111-17 RESOLUTION AWARDING BISTRO LICENSE FOR 2017

**MOTION:** Motion by Commissioner DeWeese, seconded by Commissioner Harris: To award a Bistro License to Adachi Bistro for 2017, and to approve the Special Land Use Permit and Contract, subject to any necessary contracts being executed by the Applicant and City.

Mayor Nickita clarified the SLUP limits operation of the outdoor dining areas to April 1<sup>st</sup> – November 15<sup>th</sup>.

VOTE: Yeas, 7 Nays, None Absent, None

# 04-112-17 PUBLIC HEARING - FINAL SITE PLAN AND SPECIAL LAND USE PERMIT FOR 2100 E. MAPLE - WHOLE FOODS BISTRO

Mayor Nickita opened the public hearing at 8:33 PM.

City Planner Ecker presented the request from Whole Foods for a Special Land Use Permit and Final Site Plan to allow the operation of a new bistro on a 4.95 acre site located at 2100 E. Maple Rd, noting:

- The parcel is zoned B2;
- The applicant is seeking approval of a Bistro License under Chapter 10, Alcoholic Liquors, of the City Code, requiring the applicant to obtain a Special Land Use Permit

and approval from the City Commission to operate an establishment with a Bistro License within the City of Birmingham; and

• As part of the previously approved grocery store, the applicant is now proposing a small bistro which will serve customers and provide indoor and outdoor seating and will be located in the northeast portion of the building.

City Planner Ecker reported the applicant obtained the required recommendation from the Planning Board on the Final Site Plan and Special Land Use Permit on February 22, 2017 by unanimous vote with the following conditions:

- 1. The applicant will be required to enter into a contract with the City outlining the nature of the bistro operation;
- 2. The applicant must comply with the requirements of City departments; and
- 3. The applicant must provide appropriate restroom facilities, such plan to be submitted to Planning Department staff and approved.

In the course of discussion City Planner Ecker clarified:

- The hours of operation of the bistro will be 8:00 AM-10:00 PM daily;
- Applicant proposes 237 parking spaces, which is in excess of the 162 required;
- Outdoor dining will be on a raised patio area with 33 seats at 11 tables;
- No part of the operation will be on public property; and
- Applicant is not proposing any exterior changes or additional exterior signage for the bistro.

In response to questions from Commissioner Hoff, City Planner Ecker noted there is a wall alongside the bistro at the exterior entrance into store and a partial wall along one side. The bistro includes one long table with communal seating for ten, and table service is proposed.

Commissioner Boutros received clarification that the outside seasonal tables facing Maple are enclosed by a railing, and that the landscape plan calls for 11 street trees and landscaping along the front of the building.

Mr. Scott Salsbury, Executive Director of Store Development, and Michael Bashaw, Midwest Regional President, made a PowerPoint presentation showing the evolution of the bistro plan from its inception in May, 2015 to the current plan which has been recommended for approval by the Planning Board.

Mr. Bashaw explained the bistro will have typical table service in the evenings, but during the day customers will order from the bar and food will be delivered to the tables by bar staff. Food may be purchased in other parts of the store and brought into the bistro, but signs and store security will be used to confine alcohol within the bistro. The bistro will close at the same time as the store, and there are currently no Whole Foods stores that remain open past 10:00 PM.

Mr. Bashaw stated Whole Foods doesn't own the building but has a 20-year lease with two 10-year options.

Responding to a question from Commissioner Bordman, Mr. Bashaw stated that to his knowledge the report in *Financial Times* that Albertson's is interested in purchasing Whole Foods is speculative, that he is unaware of discussions between Whole Foods and Albertson's holding company, and that there is no current interest in selling Whole Foods.

Norm LePage, Big Rock Chophouse, expressed support for the Lincoln Yard proposal and for Whole Foods Bistro. He suggested the Commission readdress the zoning requirements for bistros, noting the original template has evolved to a model that may allow for enclosed patios operating year round. Mayor Nickita indicated the situation is being reviewed.

Mayor Nickita closed the public hearing at 9:02.

# 04-113-17 RESOLUTION AWARDING BISTRO LICENSE FOR 2017

**MOTION:** Motion by Commissioner Sherman, seconded by Commissioner DeWeese: To award a Bistro License to Whole Foods Bistro for 2017, and to approve the Special Land Use Permit and Contract, subject to any necessary contracts being executed by the Applicant and City.

VOTE: Yeas, 7 Nays, None Absent, None

#### 04-114-17 OLD WOODWARD AVE. PAVING PROJECT, CONTRACT #2- 17(P) – REJECT BIDS

City Engineer O'Meara summarized the proposed paving project with a PowerPoint presentation highlighting the following points:

Phase I

- Why is project necessary?
  - To address old streetscape and bring into compliance.
    - Addressing ADA issues
    - Removing existing brick sidewalk liability issues
    - Removing the double curb condition
  - To upgrade water & sewer systems
  - To upgrade 40 year old streetlights with new LED
  - To replace 85 year old road substructure
- Plans were finalized and bid in early Spring in accordance with the project plan.
  - Bids received have exceeded budgeted allocations.

Project Estimates

- FY 2013-14 Initial budget created at \$1,580,000 for streets, sewer & water (traffic signal not included)
- FY 2014-15 Budget adjusted to \$1,980,000 for market trends.
- FY 2016-17 Budget adjusted to \$3,282,000 for market trends and inclusion of sidewalks.
- January 2017- Engineer's estimate at \$4.5 million \$5.4 million based on options.

Bid Responses

| ~ |                   |                |                |                |  |
|---|-------------------|----------------|----------------|----------------|--|
|   | Company Name      | Option A1      | Option A2      | Option B       |  |
|   | Pamar Enterprises | \$6,874,163.80 | \$7,223,926.30 | \$8,996,933.80 |  |
|   | FDM Construction  | \$7,984,376.00 | \$8,101,676.00 | \$9,536,611.00 |  |
|   |                   |                |                |                |  |

Staff Recommendations:

• To reject bids and postpone the project until Spring, 2018.

• To refine project alternates prior to rebidding for a less complicated package and direct staff to rebid the project in late 2017.

Project Postponement

- Existing infrastructure can accommodate the postponement.
- Allows merchants more time to plan.
- May have better participation from construction companies.

Commissioner Hoff encouraged Mr. O'Meara to seek state and/or Federal funding for the project. City Engineer O'Meara reported he has applied each year and, based on criteria and competition, Birmingham is less likely to be awarded a grant now than ten years ago.

Commissioner Bordman asked how urgent it is to address the aging piping under the Old Woodward road bed, some of which is more than 85 years old. City Engineer O'Meara explained the pipes are working, are not breaking, and are, therefore, not an imminent concern.

City Engineer O'Meara explained the project would be rebid in October or November. City Manager Valentine indicated discussions would be initiated with the Commission to create a more specific scope of work for the bid. Staff and Commissioners were optimistic that conditions in Fall 2017 would result in more bids being submitted and better economic options for the City.

**MOTION:** Motion by Commissioner Boutros, seconded by Commissioner Hoff:

To reject all bids for the Old Woodward Ave. Paving Project, Contract #2-17(P) and direct staff to rebid the project in the Fall of 2017.

VOTE: Yeas, 7 Nays, None Absent, None

City Manager Valentine stated he will be holding a meeting with affected merchants on Thursday morning to discuss the postponement of the project.

Commissioner DeWeese asked that the Celebrate Birmingham Hometown Parade route and any other events that were restricted due to possible construction be brought back to the Commission for revision.

#### 04-115-17 CLOSED SESSION – ATTORNEY/CLIENT PRIVILEGE

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

| ROLL CALL VOTE: | Yeas,   | Commissioner Bordman |
|-----------------|---------|----------------------|
|                 |         | Commissioner Boutros |
|                 |         | Commissioner DeWeese |
|                 |         | Mayor Pro Tem Harris |
|                 |         | Commissioner Hoff    |
|                 |         | 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

The items removed were discussed earlier in the meeting.

#### VIII. COMMUNICATIONS

None.

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

None.

#### X. REPORTS

#### 04-116-17 COMMISSIONER COMMENTS

Commissioner Bordman, referencing a recent dog mauling incident on the trail at Linden Park, requested additional enforcement of the City's leash law, specifically officers patrolling the trail once a day by foot and ticketing owners of unleashed dogs. City Manager Valentine outlined measures being taken, including additional community wide education on the leash ordinance and additional signage on the trails. He reported prosecution is pending in the recent incident. Commissioner Hoff commended City Manager Valentine for addressing the situation immediately, stated the need to get information in the newspapers, and supported Commissioner Bordman's position on enforcement. Mayor Nickita agreed unleased dogs are a problem and encouraged the public to contact the police about unleashed dogs.

Mayor Pro Tem Harris, noting uncomfortable situations when walking past a residence and encountering a dog charging across the lawn without being sure the residence has an electric fence, asked if there is consideration for an ordinance requiring signage to alert pedestrians to the presence of an electric fence.

Commissioner Sherman commented that owners who let a dog off leash risk having their pet put down if there is an incident.

#### 04-117-17 CITY STAFF REPORTS - GREAT LAKES WATER AUTHORITY SEWER RATES UPDATE

City Manager Valentine explained the report was submitted to the Commission as part of the City's monitoring of ongoing discussions with regard to significant changes being proposed, especially for the Evergreen/Farmington system. He reported the GLWA has not yet adopted changes.

The City Commission adjourned to closed session at 9:30 PM.

#### XI. ADJOURN

The regular meeting was adjourned at 9:48 PM.

J. Cherilynn Brown City Clerk



Cherilynn Mynsberge <cmynsberge@bhamgov.org>

# **Fwd: Farewell**

1 message

Paul O'Meara <pomeara@bhamgov.org> To: Cherilynn Brown <cmynsberge@bhamgov.org> Tue, Dec 12, 2017 at 1:49 PM

Please post in the next Commission agenda.

On Mon, Dec 11, 2017 at 9:14 PM, Lex Kuhne <lexkuhne@gmail.com> wrote: Dear Paul:

Thank you for your kind note! Per your request, this email confirms my resignation, per my comments at the December 6, 2017 meeting of the APC.

My new home address is Grosse Pointe Park, MI.

I have enjoyed working with you on so many projects! I wish you only the best in the future.

Lex Kuhne

#### SUGGESTED RESOLUTION:

To accept the resignation of Lex Kuhne from the Advisory Parking Committee, to thank him for his service, and to direct the City Clerk to begin the process of filling the vacancy.



Cherilynn Mynsberge <cmynsberge@bhamgov.org>

# **Historic District Commission**

Adam Charles <mradamcharles@gmail.com> To: Cherilynn Mynsberge <cmynsberge@bhamgov.org> Tue, Dec 12, 2017 at 3:51 PM

Cherilynn,

Please consider this email as my official resignation as an alternate member of the HDC.

Thank you,

Adam Charles [Quoted text hidden]

#### SUGGESTED RESOLUTION:

To accept the resignation of Adam Charles as an Alternate Member of the Historic District Commission, to thank him for his service, and to direct the City Clerk to begin the process of filling the vacancy.

**4M** 



TIMOTHY J. CURRIER tcurrier@bhlaw.us.com Telephone (248) 645-9400 Fax (248) 645-9344

January 5, 2018

Mr. Joseph A. Valentine, City Manager *City of Birmingham* 151 Martin Street, P.O. Box 3001 Birmingham, MI 48012-3001

# Re: Proposed Amendment to Chapter 10 Alcoholic Liquors, Article II. Licenses, To Delete Sec. 10-107 of Division 5 and to Add Division 6. Violations of License Contracts or Special Land Use Permits

Dear Mr. Valentine:

You will find attached a complete copy of Chapter 10 of the Birmingham City Code which involves the enforcement of the liquor license rules regarding consummation of liquor on premises. Also, you will find attached a proposed amendment to delete Sec. 10-107 of Division 5 and add Division 6. Violations of License Contracts or Special Land Use Permits which is intended to provide the City Manager with authority to temporarily suspend, in whole or in part, any provision of a special land use permit the licensee has in the event violations occur on the premises contrary to the liquor license, contract, special land use permit, state law or the Code. This is intended to be a broader form of authority to take immediate action with respect to circumstances that may occur which would require resolution pending a City Commission hearing regarding the provisions of the special land use permit.

Since this is a change to the ordinance, it would apply to all of the existing SLUPS for liquor licenses that have been issued by the City Commission.

It is our recommendation that this is a preferable way to address these issues as opposed to trying to regulate the businesses' operations on an item by item basis which would not address every potential scenario that may occur.

I hope this has been of assistance to you. If you have any questions, please do not hesitate to contact us.

Very truly yours,

**BEIER HOWLETT, P.C.** 

Timothy J. Currier Birmingham City Attorney

TJC/jc

# Beier Howlett

Mr. Joseph A. Valentine, City Manager January 5, 2018 Page 2

#### **PROPOSED ACTION**

A RESOLUTION TO APPROVE THE ORDINANCE AMENDMENT TO AMEND THE CITY CODE, PART II, CHAPTER 10, ALCOHOLIC LIQUORS, ARTICLE II. LICENSES, TO DELETE SEC. 10-107 OF DIVISION 5 AND ADD DIVISION 6. VIOLATIONS OF LICENSE CONTRACTS OR SPECIAL USE PERMITS.

# AN ORDINANCE TO AMEND PART II OF THE CITY CODE, CHAPTER 10. ALCOHOLIC LIQUORS, ARTICLE II. LICENSES, BY DELETING SEC. 10-107. – VIOLATION OF LICENSE, CONTRACT, SPECIAL LAND USE FROM DIVISION 5. LICENSES FOR THEATERS, AND ADDING DIVISON 6. VIOLATION OF LICENSE, CONTRACT, SPECIAL LAND USE.

#### THE CITY OF BIRMINGHAM ORDAINS:

Part II of the City Code, Chapter 10. Alcoholic Liquors, Article II. Licenses, shall be amended to delete Section 10-107 Violation of license, contract, special land use permit, and to add Division 6. – Violation of License, Contract, Special Land Use, as follows:

# **DIVISION 5. - LICENSES FOR THEATERS**

# Sec. 10-107. - Violation of license, contract, special land use permit.

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

(Ord. No. 2212, 2-13-17)

#### Secs. 10-108-10-124. - Reserved.

# DIVISION 6. - VIOLATION OF LICENSE, CONTRACT, SPECIAL LAND USE PERMIT

Sec. 10-125. - Violation of license, contract, special land use permit.

(a) Violations or failures to abide by terms of the liquor license, contract, special land use permit, state law or this Code, shall be grounds for the City Manager or his designee to temporarily suspend, in whole or in part, the special land use permit of the licensee. Such action shall be taken upon recommendation of the Police Chief or his designee as to the violations or failures of the licensee. The City Manager shall schedule a hearing before the Birmingham City Commission to review the facts and circumstances for the temporary suspension, in whole or in part, and the City Commission shall determine whether the said suspension should be rescinded, continued or other actions in accordance with this Code should be taken. (b) Violations or failures to abide by terms of the liquor license, contract, special land use permit, state law or this Code shall be grounds for the state liquor control commission to suspend, revoke or not renew the liquor license. Further, should violations occur, or should the applicant fail to complete the project as required by plans and specifications presented to the city commission, or fail to comply with all representations made to the city commission, the city shall be entitled to exercise any or all remedies provided in those documents, in this Code, including but not limited to seeking the revocation of the special land use permit, pursuing breach of contract claims, and all other legal and equitable rights to enforce the terms thereunder. The licensee shall reimburse the city all of its costs and actual attorney fees incurred by the city in seeking the suspension, revocation or nonrenewal of the liquor license, revocation of the special land use permit, or enforcement of such other rights and remedies, including contractual, as may be available at law or in equity.

All other Sections of Chapter 10 Alcoholic Liquors, shall remain unaffected.

Ordained this \_\_\_\_ day of \_\_\_\_\_, 2018. Effective upon publication.

Andrew M. Harris, Mayor

J. Cherilynn Mynsberge, City Clerk

I, J. Cherilynn Mynbsberge, City Clerk of the City of Birmingham, do hereby certify that the foregoing ordinance was passed by the Commission of the City of Birmingham, Michigan at a regular meeting held \_\_\_\_\_\_, 2018 and that a summary was published \_\_\_\_\_\_, 2018.

J. Cherilynn Mynsberge, City Clerk

Birmingham, MI Code of Ordinances

Chapter 10 - ALCOHOLIC LIQUORS<sup>[1]</sup>

ARTICLE I. - IN GENERAL

Secs. 10-1—10-25. - Reserved.

ARTICLE II. - LICENSES

**DIVISION 1. - GENERALLY** 

Secs. 10-26-10-35. - Reserved.

**DIVISION 2. - CONSUMPTION ON PREMISES** 

Sec. 10-36. - Purpose.

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

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

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

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

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

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

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

Sec. 10-38. - Same—City commission.

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

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

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

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

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

- Serve the licensee by first class mail, at least ten days prior to the hearing,
   with a written notice of the hearing, which notice shall contain the
   following information:
  - a. Notice of proposed action;
  - b. Reasons for the proposed action;
  - c. Date, time and location of hearing; and
  - d. A statement that at the hearing the licensee may present witnesses, evidence and arguments on his behalf and confront adverse witnesses and that the licensee has the right to be represented by counsel.

(2)

Hold a hearing as scheduled with the licensee present. The city commission may consider the investigation and other materials prepared by the city administration pursuant to <u>section 10-37</u>, which materials shall be made available to the licensee. The city commission may also hear from members of the administration, other governmental agencies or the public and licensee shall be afforded an opportunity to question those who present information or other evidence to the city commission. The licensee shall be given an opportunity to be represented by counsel and to present witnesses, evidence and arguments and shall be allowed to confront adverse witnesses. The public shall be afforded a reasonable opportunity to comment upon the issues before the city commission.

(3) Following the hearing, the city commission shall make a written resolution as to its findings and determination and shall by first class mail forward a copy of the same to the licensee and the liquor control commission. In cases where the city's determination is to object to the renewal of the license, a copy of the resolution shall be sent to the licensee and the state liquor control commission and must be received by the state liquor control commission no later than March 31.

(4)

If the city commission determines that a recommendation of nonrenewal or request for revocation is to be filed with the state liquor control commission, it shall forward the following documents to the state liquor control commission:

- a. A certified copy of the notice of hearing sent to the licensee.
- b. A certified copy of the resolution adopted by the city commission objecting to the renewal of the license or requesting that the license be revoked and, if there is a separate statement of findings, a certified copy of the statement of findings shall be included.
- c. A copy of this chapter, including the date of adoption of the ordinance from which this chapter was derived and the date of publication of such ordinance.
- A proof of service demonstrating that the notice of hearing was sent to the licensee.

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

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

Sec. 10-40. - Same—Standards.

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

- Licensee's failure to comply with all applicable city and state laws concerning health, safety, moral conduct or public welfare.
- (2) Licensee's repeated violations of state liquor laws.
- Licensee's maintenance of a nuisance upon or in connection with the
   licensed premises, including but not limited to any of the following:
  - a. Existing violations of building, electrical, mechanical, plumbing, zoning, health, fire or other applicable regulatory codes;
  - A pattern of patron conduct in the neighborhood of the licensed premises which is in violation of the law and/or disturbs the peace, order, and tranquility of the neighborhood;

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- Failure to maintain the grounds and exterior of the licensed premises, including litter, debris, or refuse blowing or being deposited upon adjoining premises;
- d. Entertainment on the licensed premises without a permit and/or entertainment which disturbs the peace, order and tranquility in the neighborhood of the licensed premises;
- e. Any advertising, promotion or activity in connection with the licensed premises which by its nature causes, creates or contributes to disorder, disobedience to rules, ordinances or laws, or contributes to the disruption of normal activity of those in the neighborhood of the licensed premises;
- f. Numerous police contacts with the licensed premises or the patrons of the premises;
- g. Failure to adequately staff and control the premises; and
- h. The conditions or practices of the business present immediate health and safety issues.
- Licensee's failure to permit the inspection of the licensed premises by the city's agents or employees in connection with the enforcement of the City Code.
- (5) Licensee's failure to comply with the terms of its liquor license or any conditions imposed by the city commission or the liquor control commission at the time of issuance or transfer of the license.
- (6) Licensee's failure to comply with all standards and plans established and approved by the city commission at the time of original approval or transfer of the license.
- (7) Licensee's failure to timely pay its taxes or other monies due the city.

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

#### Sec. 10-41. - Revocation.

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

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

## Sec. 10-42. - Transfers—Standards.

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

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

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

Sec. 10-43. - Same—Procedure.

(a)

Page 7 of 22

Each applicant for transfer of a license for consumption of intoxicating liquor on the premises must make an application to the city clerk on forms provided by the city. This application is in addition to any application required by the liquor control commission.

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

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

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

Successful applicants for transfer of a license for consumption of intoxicating liquor on the premises or a permit endorsement to said license shall continue to comply with all city and state codes and the standards set forth in this division, including the written plan of operation submitted to the city and any representations made to the city commission in obtaining the

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requested transfer. Licensee's failure to comply with all codes or variation from the written plan of operation may result in the refusal of the city commission to renew a license or revocation of the license.

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

Sec. 10-45. - Annual license requirement.

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

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

Sec. 10-46. - Permit endorsements.

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

- (1) An applicant will be given consideration only if he proposes to provide and continues to provide for the service of meals to be consumed on the premises.
- (2) The location proposed and methods of operation must not detrimentally and unreasonably impact nearby property owners, businesses and residents.
- (3) All applicable health and safety codes and ordinances, including zoning, must be met.
- (4) Applicants will be required to submit a detailed plan of proposed operation as part of their application for permit endorsement, which shall include a plot plan of the site, a plan for any proposed change in exterior

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and interior design, lay-out of any proposed change to ancillary facilities and a general operational statements outlining the proposed manner in which the establishment will be operated, including a schedule of the hours of operation, crowd control plans, use of the facility, parking provisions and the estimated cost of any proposed improvements.

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

#### Sec. 10-47. - Same—Procedure.

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

the city commission or in compliance with the representations made to the city commission, the city commission may consider objecting to the renewal of the license for the following year.

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

Secs. 10-48-10-59. - Reserved.

**DIVISION 3. - LICENSES FOR ECONOMIC DEVELOPMENT** 

Sec. 10-60. - Purpose.

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

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

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

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

- Utilization of said liquor licenses and details on the number of quota liquor licenses in escrow at the time of application.
- (2) Proposed site plan of the property, building floor plan and an operations floor plan.
- (3) An economic impact analysis.
- (4) A copy of the special land use permit application and supporting documentation submitted by the applicant.
- (5) All documentation submitted to the LCC requesting the transfer.

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(6) Full identification and history of the license holder(s) as it pertains to the license proposed to be transferred, including all complaints filed with the state liquor control commission (LCC) or actions taken by any municipality or the LCC to suspend, revoke, deny or the non-renewal of said license and all other documentation setting forth the detail of the substantial economic development proposed by the applicant, including the approximate dollar amount of the investment to be made, number of jobs to be created and other benefits to the city. The city deems projects resulting in a 500 percent increase in assessed value post-development over the pre-development assessed value of the parcel and/or projects with an investment of more than \$10,000,000.00, whichever is less, to be substantial. However, special circumstances may warrant flexibility on the minimum investment at the sole discretion of the city commission.

(7) Information detailing how the proposed operation will create a more eclectic mix of restaurants in the city.

(8) Such other items deemed necessary by city administration.

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

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

- (a) Selection criteria. In addition to the usual factors and criteria used by the city commission for liquor license requests, including those listed in section 10-42, the commission shall consider the following non-exclusive list of criteria to assist in the determination of which of the existing establishment applicants, if any, should be approved:
  - (1) The applicant's demonstrated ability to finance the proposed project.
  - (2) The applicant's track record with the city including responding to city and/or citizen concerns.
  - (3) Whether the applicant has an adequate site plan to handle the proposed liquor license activities.
  - (4) Whether the applicant has adequate health and sanitary facilities.
  - (5) The establishment's location in relation to the determined interest in development.
  - (6) The extent that the cuisine offered by applicant is represented in the city.

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- (7) The percentage of proceeds from the sale of food products as compared to the sale of alcoholic beverages.
- (8) Whether the applicant has outstanding obligations to the city (i.e. property taxes paid, utilities paid, etc.).
- (b) Maximum number of economic development licenses. The city commission may approve a maximum of two economic development licenses each calendar year in addition to the existing quota licenses otherwise permitted by state law.
- (c) Annual review of need. Every three calendar years, the city commission shall perform a review of the previously approved economic development license(s), if any, and the impact of those decisions on the city's downtown. A time for public comment shall be provided.
- (d) If any new transfers of licenses for economic development are to be considered, the city commission shall set a schedule setting forth when all applicants must submit their application and supporting documentation, when interviews may be conducted and a timeframe within which a decision will be anticipated.

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

Sec. 10-63. - Transfer within city.

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

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

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

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

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

Sec. 10-65. - Renewals.

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

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

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

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

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

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

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

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

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Secs. 10-68—10-79. - Reserved.

**DIVISION 4. - BISTRO LICENSES** 

Sec. 10-80. - Purpose.

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

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

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

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

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

or the LCC to suspend, revoke, deny or the non-renewal of said license and all other documentation setting forth the detail of the bistro layout proposed by the applicant.

(6) Such other items deemed necessary by city administration.

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

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

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

- (1) *Existing establishments.* A maximum of six bistro licenses may be approved in the first year after the passage of this amendment, and a maximum of two bistro licenses may be approved each calendar year thereafter to applicants whose establishments have been continuously operating as a restaurant or food service business in the city for at least five years prior to applying for the license transfer. In addition to the usual criteria used by the city commission for liquor license requests, the commission shall consider the following non-exclusive list of criteria to assist in the determination of which of the existing establishment applicants, if any, should be approved:
  - a. The applicant's demonstrated ability to finance the proposed project.
  - b. The applicant's track record with the city including responding to city and/or citizen concerns.
  - c. Whether the applicant has an adequate site plan to handle the bistro liquor license activities.
  - d. Whether the applicant has adequate health and sanitary facilities.
  - e. The establishment's location in relation to the determined interest in the establishment of bistros in the overlay district and the Triangle district.
  - f. The extent that the cuisine offered by applicant is represented in the city.
  - g. Whether the applicant has outstanding obligations to the city (i.e., property taxes, utilities, etc.).
- (2)

*New establishments.* Two bistro licenses may be approved each calendar year to applicants who do not meet the definition of existing establishments as set forth in subsection (a)(1). In addition to the usual criteria used by the city commission for liquor license requests, the commission shall consider the following non-exclusive list of criteria to assist in the determination of which of the new establishment applicants, if any, should be approved:

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

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

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Sec. 10-83. - Transfer within city.

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

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

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

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

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

Sec. 10-85. - Renewals.

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

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

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

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

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

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

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

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

Secs. 10-88—10-99. - Reserved.

**DIVISION 5. - LICENSES FOR THEATERS** 

Sec. 10-100. - Purpose.

The purpose of this division is to establish a policy and conditions to allow the city commission the ability to approve a request to transfer a liquor license into the city in excess of the city's quota licenses if the request is deemed to constitute a substantial benefit to the city for the continuation and development of theaters, and to establish criteria for selecting applicants, and to provide limitations on the influx of new liquor licenses and to insure controlled growth and development regarding liquor licenses and to evaluate the impact of increased liquor licenses on the city. For purposes of this division, theaters shall be defined as a building, part of a building for housing dramatic presentations, stage entertainments or motion picture shows.

(Ord. No. 2212, 2-13-17)

Sec. 10-101. - Request for transfer of license into city.

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

- Utilization of said liquor licenses and details on the number of quota
   liquor licenses in escrow at the time of application.
- (2) Proposed and/or existing site plan of the property, building floor plan and an operations floor plan.
- (3) An economic impact analysis.
- (4) A copy of the special land use permit application and supporting documentation submitted by the applicant.
- (5) All documentation submitted to the LCC requesting the transfer.
- (6) Full identification and history of the license holder(s) as it pertains to the license proposed to be transferred, including all complaints filed with the state liquor control commission (LCC) or actions taken by any municipality or the LCC to suspend, revoke or deny the non-renewal of said license and all other documentation setting forth the detail of the existing theater or proposed theater by the applicant, including the approximate dollar amount of the investment to be made, number of jobs to be created, minimum of 150 seats and other benefits to the city.
- (7) Information detailing how the proposed operation will create or sustain the theaters in the city.
- (8) Such other items deemed necessary by city administration.

(Ord. No. 2212, 2-13-17)

Sec. 10-102. - Application for transfer of liquor license into the city for theater purposes.

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

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

(Ord. No. 2212, 2-13-17)

Sec. 10-103. - Transfer within city.

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

(Ord. No. 2212, 2-13-17)

Sec. 10-104. - Contract and special land use permit required.

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

(Ord. No. 2212, 2-13-17)

#### Sec. 10-105. - Renewals.

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

(Ord. No. 2212, 2-13-17)

Sec. 10-106. - License types, endorsements, additional bar permits.

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

(Ord. No. 2212, 2-13-17)

Sec. 10-107. - Violation of license, contract, special land use permit.

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

revocation or non-renewal of the liquor license, revocation of the special land use permit, or enforcement of such other rights and remedies, including contractual, as may be available at law or in equity.

(Ord. No. 2212, 2-13-17)

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**MEMORANDUM** 

**Planning Division** 

DATE: January 2, 2018

TO: Joseph A. Valentine, City Manager

FROM: Jana L. Ecker, Planning Director

SUBJECT: Public Hearing for a Special Land Use Permit Amendment and Final Site Plan for Vinotecca at 210 S. Old Woodward Ave

The subject business is located at 210 S. Old Woodward Avenue in the southern portion of The Plaza at Birmingham building, just south of Merrill Street. The applicant is the current owner of the restaurant on site, The Bird and the Bread, and intends to change the name and concept of the current restaurant into Vinotecca, which will have serve wine in conjunction with a European food focus. According to Section 6 Article 6.02(A)(5) of the Zoning Ordinance, existing and new establishments with alcoholic beverage sales shall obtain a Special Land Use Permit upon change in ownership or name of establishment.

The parcel is Zoned B-4, Business Residential and D-4 in the Downtown Overlay District. The applicant is proposing new signage and minor remodeling for the interior that includes the construction of a stage for low key entertainment. The applicant will be operating with the existing Class C liquor license controlled by the property owner which is currently in use by the Bird and the Bread.

The Planning Board met on November 8th, 2017 and conducted a public hearing to discuss the Final Site Plan and Special Land Use Permit Review for 210 S. Old Woodward. The Planning Board raised the issue of Eisinglass with the applicant, citing their disapproval and encouraging the applicant to find different screening materials for the outdoor café. The Planning Board voted unanimously to recommend approval of the Special Land Use Permit and Final Site Plan for 210 S. Old Woodward Avenue to the City Commission with the following conditions:

- 1. The applicant obtains approval from the Historic District Commission; and
- 2. The Proposed Eisinglass is not considered a part of the Final Site Plan and SLUP approval.

The Historic District Commission met on November 15, 2017 and conducted a public hearing to discuss the Final Site Plan and Special Land Use Permit Review for 210 S. Old Woodward. The Historic District Commission approved the proposed changes with the exception of the Eisinglass enclosure, however they did note that it would be reasonable to put up Eisinglass or similar material during the construction phase next door to prevent dust and debris from affecting the site.

As The Bird and the Bread (Vinotecca) currently holds an entertainment permit, live entertainment is permitted within the establishment. However, given previous concerns raised by the City Commission regarding the use of DJ's and other types of entertainment, the draft SLUP resolution contains additional entertainment provisions that the City Commission may wish to consider adopting.

The City Commission set a public hearing date for December 11<sup>th</sup>, 2017 to consider an application for a Special Land Use Permit ("SLUP") Amendment and Final Site Plan for Vinotecca at 210 S. Old Woodward Avenue. Please see attached staff report presented to the Planning Board, along with the application, submitted plans and relevant meeting minutes for your review.

On December 11, 2017, the City Commission opened the public hearing to discuss the proposed SLUP Amendment and Final Site Plan for Vinotecca at 210 S. Old Woodward. Several issues were raised, including the use and proposed hours of operation for DJ's at the restaurant and other types of entertainment proposed for both public and private events at the restaurant. After much discussion, the City Commission continued the public hearing to January 8, 2018 and directed staff to consider amendments to the SLUP resolution to differentiate between public and private events, and to consider parameters for entertainment, specifically DJs, during these events.

Accordingly, staff has provided revised SLUP resolution language as directed by the City Commission on December 11, 2017.

Upon further legal review, an alternative option was identified that would not specifically limit the hours of operation or type of entertainment or DJ use, but would rather provide for additional control by the City Commission. Under this alternative, upon receipt of a report by the Birmingham Police Department of violations, the City Manager may consider the temporary suspension of all or a portion of the activities and uses authorized under the SLUP pending a formal public hearing by the City Commission. A proposed ordinance amendment to Chapter 10, Alcoholic Liquors was proposed under separate cover to provide the authority for the City Manager to temporarily suspend a SLUP in whole or in part pending a formal public hearing of the City Commission.

Thus, a second SLUP resolution is offered should the City Commission wish to consider temporary SLUP suspensions to address problems at individual establishments. This option would allow for broad control by the City Commission, and provide the option for the City to take prompt action to address SLUP violations.

#### SUGGESTED ACTION:

To approve a Special Land Use Permit Amendment and Final Site Plan for Vinotecca at 210 S. Old Woodward, to allow for a name and concept change from the previous restaurant as recommended by the Planning Board on November 8, 2017, including the adoption of the SLUP Resolution identified as Option 1;

OR

To approve a Special Land Use Permit Amendment and Final Site Plan for Vinotecca at 210 S. Old Woodward to allow for a name and concept change from the previous restaurant as recommended by the Planning Board on November 8, 2017, including the adoption of the SLUP Resolution identified as Option 2;

OR

To deny a Special Land Use Permit Amendment and Final Site Plan for Vinotecca at 210 S. Old Woodward to change the name and concept from the previous restaurant.

## **Option 1 (changes in bold type)**

## VINOTECCA 210 S. OLD WOODWARD SPECIAL LAND USE PERMIT AMMENDMENT 2017

- WHEREAS, Vinotecca filed an application pursuant to Article 7, section 7.34 of Chapter 126, Zoning, of the City Code to operate a food and drink establishment in the B4 zone district in accordance Article 2, Section 2.37 of Chapter 126, Zoning, of the City Code;
- WHEREAS, The land for which the Special Land Use Permit is sought is located on the west side of S. Old Woodward, south of Merrill Street;
- WHEREAS, The land is zoned B-4, and is located within the Downtown Birmingham Overlay District, which permits the operation of food and drink establishments serving alcoholic beverages 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 applicant submitted an application for a Special Land Use Permit and Final Site Plan to change the restaurant name from The Bird and the Bread to Vinotecca, along with minor interior and exterior changes;
- WHEREAS, The applicant received SLUP approval from City Commission on October 7<sup>th</sup>, 2013 for the restaurant HOME;
- WHEREAS, The applicant received SLUP approval from City Commission on February 10<sup>th</sup>, 2014 to change the name from HOME to The Bird and the Bread;
- WHEREAS, The Planning Board on November 8<sup>th</sup>, 2017 reviewed the application for a Special Land Use Permit and Final Site Plan Review and recommended approval to change the name and concept of The Bird and the Bread to Vinotecca, subject to the following conditions:
  - (1) The applicant obtains approval from the Historic District Commission; and
  - (2) The proposed Eisinglass is not considered a part of the Final Site Plan and SLUP approval.
- WHEREAS, The applicant has agreed to comply with the conditions of approval recommended by the Planning Board;
- WHEREAS, The HDC reviewed the application for Historic Design Review and recommended approval on November 15, 2017;

- WHEREAS, The Birmingham City Commission has reviewed Vinotecca's Special Land Use Permit Amendment application and the standards for such review as set forth in Article 7, section 7.36 of Chapter 126, Zoning, of the City Code;
- NOW, THEREFORE, BE IT RESOLVED, The Birmingham City Commission finds the standards imposed under the City Code have been met, subject to the conditions below, and that Vinotecca's application for a Special Land Use Permit Amendment and Final Site Plan at 210 S. Old Woodward 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. Vinotecca shall be permitted to provide entertainment **in areas of the premises open to the general public** in accordance with their entertainment permit issued by the MLCC, except that no disc jockey (``DJ'') entertainment shall be permitted after \_\_\_\_\_\_on any day of the week;
  - 2. DJ entertainment includes any entertainment that involves a person who mixes different sources of pre-existing recording music as it is playing;
  - 3. Vinotecca shall abide by all provisions of the Birmingham City Code; and
  - 4. The Special Land Use Permit may be canceled by the City Commission upon finding that the continued use is not in the public interest including, but not limited to, violations of the state law or Birmingham City Code.
- 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:
  - Vinotecca shall be permitted to provide entertainment in banquet 1. rooms of the premises designated for "private functions" as 436.2014(3) in accordance with defined in MCL their entertainment permit issued by the MLCC, except that no disc ("DJ") entertainment shall iockev be permitted after on any day of the week;
  - 2. DJ entertainment includes any entertainment that involves a person who mixes different sources of pre-existing recording music as it is playing;
  - 3. Vinotecca shall abide by all provisions of the Birmingham City Code; and
  - 4. The Special Land Use Permit may be canceled by the City Commission upon finding that the continued use is not in the public interest including, but not limited to, violations of the state law or Birmingham City Code.

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, Vinotecca 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 Vinotecca to comply with all the ordinances of the City may result in the Commission revoking this Special Land Use Permit.

MAY IT BE FURTHER RESOLVED that Vinotecca is recommended for the operation of a food and drink establishment serving alcoholic beverages on premises with a Class C Liquor License, at 210 S. Old Woodward, Birmingham, Michigan, 48009, above all others, pursuant to Chapter 10, Alcoholic Liquors, of the Birmingham City Code, subject to final inspection.

I, Cherilynn Mynsberge, 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 January 8, 2018.

Cherilynn Mynsberge, City Clerk

## **Option 2 (changes in bold and strike-through text)**

## VINOTECCA 210 S. OLD WOODWARD SPECIAL LAND USE PERMIT AMMENDMENT 2017

- WHEREAS, Vinotecca filed an application pursuant to Article 7, section 7.34 of Chapter 126, Zoning, of the City Code to operate a food and drink establishment in the B4 zone district in accordance Article 2, Section 2.37 of Chapter 126, Zoning, of the City Code;
- WHEREAS, The land for which the Special Land Use Permit is sought is located on the west side of S. Old Woodward, south of Merrill Street;
- WHEREAS, The land is zoned B-4, and is located within the Downtown Birmingham Overlay District, which permits the operation of food and drink establishments serving alcoholic beverages 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 applicant submitted an application for a Special Land Use Permit and Final Site Plan to change the restaurant name from The Bird and the Bread to Vinotecca, along with minor interior and exterior changes;
- WHEREAS, The applicant received SLUP approval from City Commission on October 7<sup>th</sup>, 2013 for the restaurant HOME;
- WHEREAS, The applicant received SLUP approval from City Commission on February 10<sup>th</sup>, 2014 to change the name from HOME to The Bird and the Bread;
- WHEREAS, The Planning Board on November 8<sup>th</sup>, 2017 reviewed the application for a Special Land Use Permit and Final Site Plan Review and recommended approval to change the name and concept of The Bird and the Bread to Vinotecca, subject to the following conditions:
  - (3) The applicant obtains approval from the Historic District Commission; and
  - (4) The proposed Eisinglass is not considered a part of the Final Site Plan and SLUP approval.
- WHEREAS, The applicant has agreed to comply with the conditions of approval recommended by the Planning Board;
- WHEREAS, The HDC reviewed the application for Historic Design Review and recommended approval on November 15, 2017;

- WHEREAS, The Birmingham City Commission has reviewed Vinotecca's Special Land Use Permit Amendment application and the standards for such review as set forth in Article 7, section 7.36 of Chapter 126, Zoning, of the City Code;
- NOW, THEREFORE, BE IT RESOLVED, The Birmingham City Commission finds the standards imposed under the City Code have been met, subject to the conditions below, and that Vinotecca's application for a Special Land Use Permit Amendment and Final Site Plan at 210 S. Old Woodward 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:
  - Vinotecca shall be permitted to provide entertainment in areas of the premises open to the general public in accordance with their entertainment permit issued by the MLCC; except that no disc jockey ("DJ") entertainment shall be permitted after \_\_\_\_\_on any day of the week;0
  - 2. DJ entertainment includes any entertainment that involves a person who mixes different sources of pre-existing recording music as it is playing;
  - 2. Vinotecca shall abide by all provisions of the Birmingham City Code; and
  - **3**. The Special Land Use Permit may be canceled by the City Commission upon finding that the continued use is not in the public interest **including, but not limited to, violations of the state law or Birmingham City Code**.
- 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, Vinotecca 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 Vinotecca to comply with all the ordinances of the City may result in the Commission revoking this Special Land Use Permit.
- MAY IT BE FURTHER RESOLVED that Vinotecca is recommended for the operation of a food and drink establishment serving alcoholic beverages on premises with a Class C Liquor License, at 210 S. Old Woodward, Birmingham, Michigan, 48009, above all others, pursuant to Chapter 10, Alcoholic Liquors, of the Birmingham City Code, subject to final inspection.

I, Cherilynn Mynsberge, 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 January 8, 2018.

Cherilynn Mynsberge, City Clerk

## THE BIRD AND THE BREAD 210 S. OLD WOODWARD SPECIAL LAND USE PERMIT AMENDMENT 2014

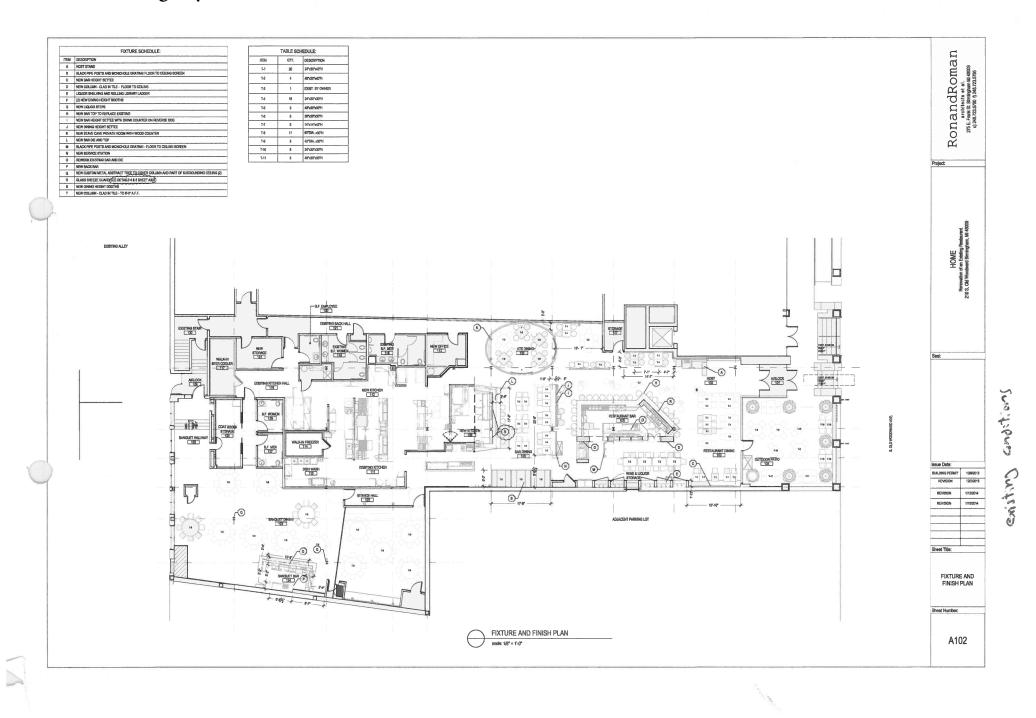
- WHEREAS, HOME filed an application pursuant to Article 7, section 7.34 of Chapter 126, Zoning, of the City Code to operate a food and drink establishment with onpremises consumption of alcoholic liquors in the B4 zone district in accordance Article 2, Section 2.37 of Chapter 126, Zoning, of the City Code;
- WHEREAS, The land for which the Special Land Use Permit is sought is located on the west side of S. Old Woodward, south of Merrill Street;
- WHEREAS, The land is zoned B-4, and is located within the Downtown Birmingham Overlay District, which permits the operation of food and drink establishments serving alcoholic beverages 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 applicant submitted an application for a Special Land Use Permit and Final Site Plan for HOME;
- WHEREAS, The Planning Board on August 28, 2013 reviewed the application for a Special Land Use Permit and Final Site Plan Review and recommended approval of the application with the following conditions:
  - (1) The applicant obtains approval from the Historic District Commission;
  - (2) The applicant obtains an outdoor dining permit from the City of Birmingham; and
  - (3) The applicant comply with the requests of the Fire Department.
- WHEREAS, The applicant has agreed to comply with the conditions of approval recommended by the Planning Board;
- WHEREAS, The Historic District Commission on September 18, 2013 reviewed the application for a Historic Sign and Design Review and recommended approval of the application;
- WHEREAS, The Birmingham City Commission reviewed HOME's Special Land Use Permit application and the standards for such review as set forth in Article 7, section 7.36 of Chapter 126, Zoning, of the City Code;
- WHEREAS, The City Commission approved the Special Land Use Permit and Final Site Plan for HOME on October 7, 2013;

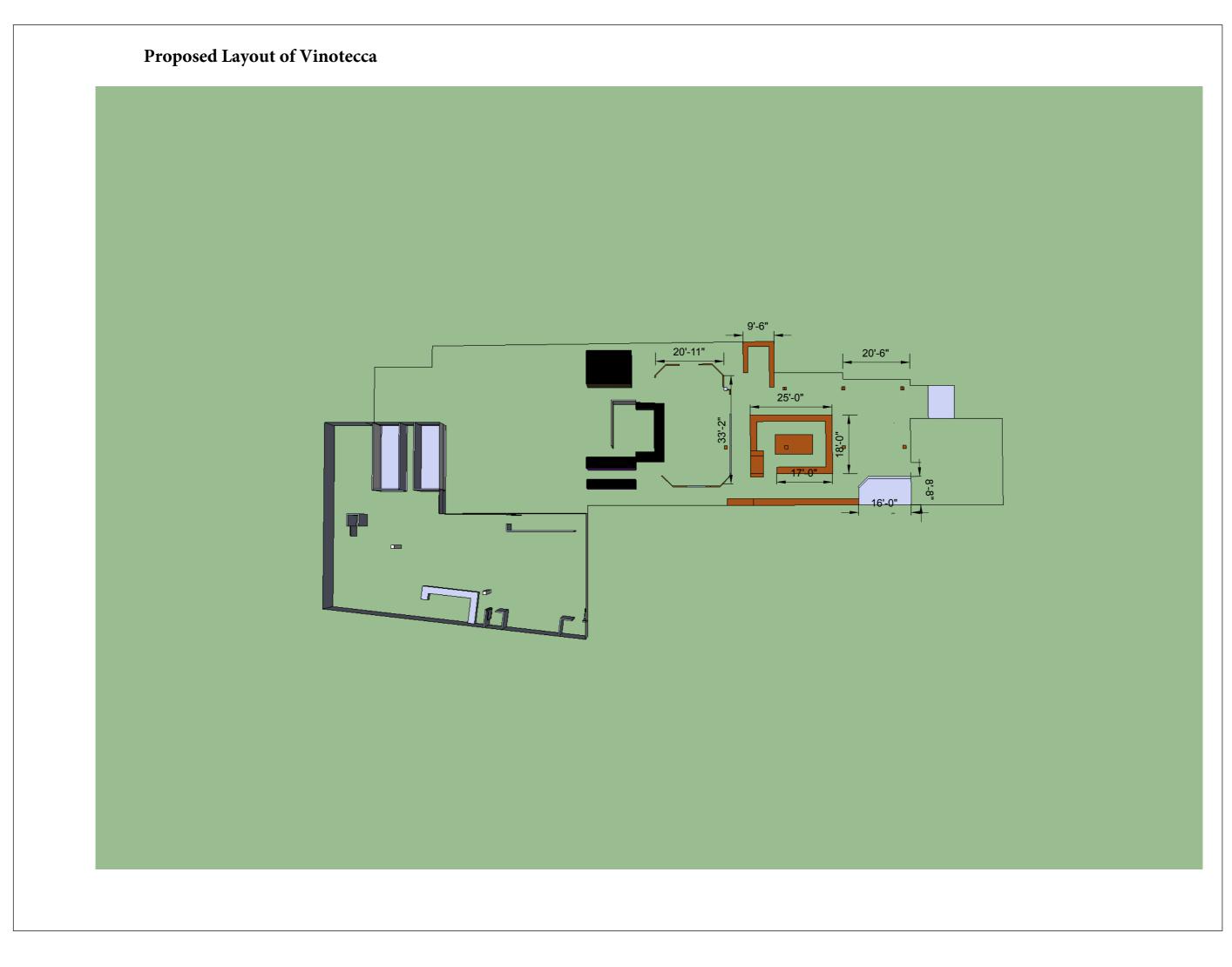
- WHEREAS, The applicant has now requested to change the DBA name of HOME to THE BIRD AND THE BREAD, and thus amend the Special Land Use Permit approved on October 7, 2013;
- WHEREAS, The Birmingham City Commission has reviewed THE BIRD AND THE BREAD's Special Land Use Permit Amendment application and the standards for such review as set forth in Article 7, section 7.36 of Chapter 126, Zoning, of the City Code;
- NOW, THEREFORE, BE IT RESOLVED, The Birmingham City Commission finds the standards imposed under the City Code have been met, subject to the conditions below, and that THE BIRD AND THE BREAD's application for a Special Land Use Permit Amendment at 210 S. Old Woodward 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. THE BIRD AND THE BREAD shall abide by all provisions of the Birmingham City Code; and
  - 2. The Special Land Use Permit may be canceled by the City Commission upon finding that the continued use is not in the public interest.
- BE IT FURTHER RESOLVED, That failure to comply with any of the above conditions shall result in termination of the Special Land Use Permit.
- BE IT FURTHER RESOLVED, Except as herein specifically provided, THE BIRD AND THE BREAD and its heirs, successors, and assigns shall be bound by all ordinances of the City of Birmingham in effect at the time of the issuance of this permit, and as they may be subsequently amended. Failure of THE BIRD AND THE BREAD to comply with all the ordinances of the City may result in the Commission revoking this Special Land Use Permit.
- MAY IT BE FURTHER RESOLVED that THE BIRD AND THE BREAD is recommended for the operation of a food and drink establishment serving alcoholic beverages on premises with a Class C Liquor License, at 210 S. Old Woodward, Birmingham, Michigan, 48009, above all others, pursuant to Chapter 10, Alcoholic Liquors, of the Birmingham City Code, subject to final inspection.

I, Laura M. Broski, 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 February 10, 2014.

Laura M. Pierce, City Clerk

## Existing Layout of Bird and the Bread







**Greenlife Building** 47974 West Rd Wixom, MI 48393 cLIENT Vintage LLC 210 S Old Woodward Birmingham MI 48009 ProJect Vonotecca ProJect No. 210 ISSUE 10/2/2017 DRAWN BY David Eifrid Vinotecca A.01



## Special Land Use Permit Application Planning Division

Form will not be processed until it is completely filled out.

#### 1. Applicant Name: Vintage LLC Address: 210 5. 012 woodward Birmingham MI 48009 Phone Number: 248-203-6600 Fax Number: Email Address: Kristin Jonne 6 May Lebro

#### 2. Applicant's Attorney/Contact Person

| Name: DAVE Eifrid/Kr                       | istin sonna |
|--|-------------|
| Address: 210 S. Old Wood                   | var         |
| Birmingham MI<br>Phone Number: 248-203-611 | 48009       |
| Phone Number: 248-203-110                  | 00          |
| Fax Number:                                |             |
| Email Address: Kristin John                | e Gmnil.com |

#### 3. Required Attachments

• Warranty Deed with legal description of property

• Required fee (see Fee Schedule for applicable amount)

• Fifteen (15) folded copies of plans including a certified land survey, color elevations showing all materials, site plan, landscape plan, photometric plan, and interior plan

• Photographs of existing site and buildings

• Samples of all materials to be used

#### 4. Project Information

| Address/Location of Property:                         |
|---|
| 210 S. Old Woodward                                   |
| Name of Development: Uino tecco                       |
| Sidwell #:  |
| Current Use: Restaurant                               |
| Proposed Use: Restaurant                              |
| Area in Acres:  |
| Current Zoning:                                       |
| Zoning of Adjacent Properties:                        |
| Is there a current SLUP in effect for this site?: yes |
| Is property located in the floodplain? <b>NO</b>      |

| Property Owner<br>Name: ESCO devel ppMer)<br>Address: 210 S. Old Woodward #23 O<br><u>C:rminghum Mt 48009</u><br>Phone Number: 248 - 645 - 590 O<br>Fax Number: |
|---|
| Email Address: <u>Sfouring essendevelopment</u> .com  |

#### **Project Designer/Developer**

| Name: DAVE E:Frid                         |
|---|
| Address: 47974 Wist Rd                    |
| Wixin MI 48393                            |
| Phone Number: <b>734-78</b>               |
| Fax Number:                               |
| Email Address: DAVEE: Fr: J C GMA: 1. Com |
|   |

•Catalog sheets for all proposed lighting, mechanical equipment & outdoor furniture

- An itemized list of all changes for which approval is requested
- Completed Checklist
- Digital copy of plans

• One (1) additional set of plans mounted on a foam board, including a color rendering of each elevation

| Name of Historic District site is in, if any: Dountown      |
|---|
|   |
| Date of HDC Approval, if any:                               |
| Date of Application for Preliminary Site Plan:              |
| Date of Preliminary Site Plan Approval:                     |
| Date of Application for Final Site Plan:                    |
| Date of Final Site Plan Approval:                           |
| Date of Revised Final Site Plan Approval:                   |
| Date of Final Site Plan Approval:                           |
| Date of DRB approval, if any:                               |
| Date of Last SLUP Amendment:                                |
| Will proposed project require the division of platted lots? |

#### 5. Details of the Nature of Work Proposed (Site plan & design elements)

| Reconcept of The Bird and the Bread to Uinotecca. Vinotecca   |
|---|
| has been in Royal Oak for 12 years. This will move the concept to Birmingham.<br>The Restairingt will have a wine focus with european food pairings. The<br>restairant will have an upscale feel compand to TB&TB and will feature<br>five Music - Jazz and Blues emphasis. |
| The Restaurant will have a wine focus with european food pairings. The  |
| restrusant will have an upscale feel compared to TBETB and will forture   |
| 1: ve Music - Jazz and Blues emphasis.  |
|   |

#### 6. Buildings and Structures

| Number of Buildings on site:       | 1 |
|------------------------------------|---|
| Height of Building & # of stories: |   |

#### 7. Floor Use and Area (in square feet)

# Commercial Structures: Total basement floor area: N/A

| l otal basement floor area: IV/                                 |   |
|---|---|
| Number of square feet per upper floor: 11,000                   |   |
| Total floor area: 11,000  | _ |
| Floor area ratio (total floor area divided by total land area): | 1 |
| Open space: NIA   |   |
| Percent of open space: N/A                                      |   |

#### **Residential Structures:**

| Total number of units:     | UNI  |
|----------------------------|------|
| Number of one bedroom unit | s:   |
| Number of two bedroom unit | s:   |
| Number of three bedroom un | its: |
| Open space:                |      |
| Percent of open space:     |      |

.

#### 8. Required and Proposed Setbacks

| Required front setback: NUN E | Proposed front setback:      |
|-------------------------------|------------------------------|
| Required rear setback:        | Proposed rear setback:       |
| Required total side setback:  | Proposed total side setback: |
| Side setback:                 | Second side setback:         |

#### 9. Required and Proposed Parking

| Required number of parking spaces: NONE    |  |
|--|--|
| Typical angle of parking spaces:           |  |
| Typical width of maneuvering lanes:        |  |
| Location of parking on the site:           |  |
| Location of off site parking:              |  |
| Number of light standards in parking area: |  |
| Screenwall material:                       |  |

#### 10. Landscaping

Location of landscape areas: NONE

\_\_\_\_

| Use of Buildings:   | mix                   |   |               |
|---------------------|-----------------------|---|---------------|
| Height of rooftop r | nechanical equipment: | N | $A \setminus$ |

| Office space:           |  |
|-------------------------|--|
| Retail space:           |  |
| Industrial space:       |  |
| Assembly space:         |  |
| Seating Capacity:       |  |
| Maximum Occupancy Load: |  |

| Rental units or condominiums?: |  |
|--------------------------------|--|
| Size of one bedroom units:     |  |
| Size of two bedroom units:     |  |
| Size of three bedroom units:   |  |
| Seating Capacity:              |  |
| Maximum Occupancy Load:        |  |

| Proposed front setback:      |  |
|------------------------------|--|
| Proposed rear setback:       |  |
| Proposed total side setback: |  |
| Second side setback:         |  |

| Proposed number of parking spaces:         |
|--|
| Typical size of parking spaces:            |
| Number of spaces < 180 sq. ft.:            |
| Number of handicap spaces:                 |
| Shared Parking Agreement?:                 |
| Height of light standards in parking area: |
| Height of screenwall:                      |

| Proposed landscape material: _ |  |
|--------------------------------|--|
|                                |  |
|                                |  |

## 11. Streetscape

| Sidewalk width:                                    | Description of benches or planters:                 |
|--|---|
| Number of planters:                                | Spacing of quinting street traces                   |
| Number of existing street trees:                   | Species of existing street trees:                   |
| Streetscape Plan submitted?:                       | Species of proposed street trees:                   |
| 12. Loading  |   |
| Required number of loading spaces: NoN 2           | Proposed number of loading spaces:                  |
| Typical angle of loading spaces:                   | Typical size of loading spaces:                     |
| Screenwall material:                               | Height of screenwall:                               |
| Screenwall material:                               |   |
| 13. Exterior Trash Receptacles                     |   |
| Required number of trash receptacles:              | Proposed number of trash receptacles:               |
| Location of trash receptacles:                     | Size of trash receptacles:                          |
| Screenwall material:                               | Height of screenwall:                               |
| 14. Mechanical Equipment                           |   |
| Utilities & Transformers:                          |   |
| Number of ground mounted transformers: <u>NvNS</u> | Location of all utilities & easements:              |
| Size of transformers (LxWxH):                      |   |
|  |   |
| Number of utility easements:                       |   |
| Screenwall material:                               | Height of screenwall:                               |
|  |   |
| Ground Mounted Mechanical Equipment:               |   |
| Number of ground mounted units:                    | Location of all gournd mounted units:               |
|  |   |
|  |   |
| Screenwall material:                               | Height of screenwall:                               |
| Rooftop Mechanical Equipment:                      |   |
| Number of rooftop units:                           | Location of all ground mounted units:               |
| Type of rooftop units:                             | Size of rooftop units (LxWxH):                      |
|  |   |
| Screenwall material:                               | Height of screenwall:                               |
| Location of screenwalls:                           | Percentage of rooftop covered by mechanical units:  |
|  | Distance from units to rooftop units to screenwall: |
|  |   |

#### **15. Accessory Buildings**

| Number of accessory buildings:       N & N <         Location of accessory buildings: | Size of accessory buildings:                               |  |  |
|---|--|--|--|
| 16. Building Lighting   |  |  |  |
| Number of light standards on building:  | Type of light standards on building:<br>Height from grade: |  |  |
| Maximum wattage per fixture:  | Proposed wattage per fixture:                              |  |  |

The undersigned states the above information is true and correct, and understands that it is the responsibility of the applicant to advise the Planning Division and / or Building Division of any additional changes made to an approved site plan or Special Land Use Permit. The undersigned further states that they have reviewed the procedures and guidelines for site plan review and Special Land Use Permits in Birmingham and have complied with same. The undersigned will be in attendance at the Planning Board meeting when this application will be discussed.

| Signature of Owner:     |                 | Date:        |
|-------------------------|-----------------|--------------|
| Print Name:             |                 |              |
|                         |                 |              |
| Signature of Applicant: |                 | Date:        |
| Print Name:             |                 |              |
|                         |                 |              |
| Signature of Architect: |                 | Date:        |
| Print Name:             |                 |              |
|                         |                 |              |
|                         | Office Use Only |              |
| Application #:          | Date Received:  | Fee:         |
| Date of Approval:       | Date of Denial: | Accepted by: |
|                         |                 |              |



## **CONSENT OF PROPERTY OWNER**

BIRMING-HAM, UC OF THE STATE OF HICHGAN AND COUNTY OF (Name of property owner)

AKUANO STATE THE FOLLOWING:

- That I am the owner of real estate located at <u>210 South Outwoon AR(</u> (Address of affected property) 1.
- That I have read and examined the Application for Administrative Approval made to the City of Birmingham by: <u>DEBIMENTER BACK</u>; (Name of applicant) 2.
  - That I have no objections to, and consent to the request(s) described in the Application made to the City of 3. Birmingham.

Dated:  $\backslash \bigcirc$ 

JAMES ESSHAW, MANABER Owner's Name (Please Print)

Owner's Signature



## Notice Signs - Rental Application Community Development

| 1. Applicant   | Property Owner                                |
|--|---|
| Name: Vinlige LLC  | Name: 5500 perchannel                         |
| Address: 210 5 old werdward  | Address: 210 S. Old Woodward A230             |
| Firmyhan MI 44009  | Bicmersham MS 48009                           |
| Phone Number: 248-203-6600   | Phone Number: 248-645 - 590 D                 |
| Fax Number:  | Fax Number:                                   |
| 2. Project Information<br>Address/Location of Property: 210 5. 01 Woodward \$100 | Name of Historic District site is in, if any: |
| Name of Development: Vinotecen   | Current Use:                                  |
| Area in Acres: NONE  | Current Zoning:                               |
| 3. Date of Board Review  |   |
| Board of Building Trades Appeals:  | Board of Zoning Appeals:                      |
| City Commission:   | Design Review Board:                          |
| Historic District Commission:  | Housing Board of Appeals:                     |
| Planning Board:  |   |

The undersigned states the above information is true and correct, and understands that it is the responsibility of the applicant to post the Notice Sign(s) at least 15 days prior to the date on which the project will be reviewed by the appropriate board or commission, and to ensure that the Notice Sign(s) remains posted during the entire 15 day mandatory posting period. The undersigned further agrees to pay a rental fee and security deposit for the Notice Sign(s), and to remove all such signs on the day immediately following the date of the hearing at which the project was reviewed. The security deposit will be refunded when the Notice Sign(s) are returned undamaged to the Community Development Department. Failure to return the Notice Sign(s) and/or damage to the Notice Sign(s) will result in forfeiture of the security deposit.

| Signature of Applicant: | <br>Date: |  |
|-------------------------|-----------|--|
|                         |           |  |

|                   | Office Use Only |              |
|-------------------|-----------------|--------------|
| Application #:    | Date Received:  | Fee:         |
|                   |                 |              |
| Date of Approval: | Date of Denial: | Reviewed by: |



248,752-8142 David 734-718-7078

# SPECIAL LAND USE PERMIT APPLICATION CHECKLIST – PLANNING DIVISION

| Applicant: _ | Vi | ntage | LLC      | C        | ase #:    | Date:      | 1           |
|--------------|----|-------|----------|----------|-----------|------------|-------------|
| Address:     | 10 | 5.012 | browboow | Project: | Vinotecca | / The bird | a the bread |

All site plans and elevation drawings prepared for approval shall be prepared in accordance with the following specifications and other applicable requirements of the City of Birmingham. If more than one page is used, each page shall be numbered sequentially. All plans must be legible and of sufficient quality to provide for quality reproduction or recording. Plans must be no larger than 24" x 36", and must be folded and stapled together. The address of the site must be clearly noted on all plans and supporting documentation.

# Site Plan for Special Land Use Permit

A full site plan detailing the proposed changes for which approval is requested shall be drawn at a scale no smaller than 1" = 100' (unless the drawing will not fit on one 24" X 36" sheet) and shall include:

- 1. Name and address of applicant and proof of ownership;
- \_\_\_\_\_ 2. Name of Development (if applicable);
- $\checkmark$  3. Address of site and legal description of the real estate;
- M/A 4. Name and address of the land surveyor;
- M/A 5. Legend and notes, including a graphic scale, north point, and date;
- 6. A separate location map;
- 7. A map showing the boundary lines of adjacent land and the existing zoning of the area proposed to be developed as well as the adjacent land;
- 8. A list of all requested elements / changes to the site plan;
- $\checkmark$  9. Any changes requested marked in color on the site plan and on all elevations of any building(s);
- 10. A chart indicating the dates of any previous approvals by the Planning Board, Board of Zoning Appeals, Design Review Board, City Commission, or the Historic District Committee ("HDC");
- N/A 11. Existing and proposed layout of streets, open space and other basic elements of the plan;
- $\mathcal{N}/\mathcal{A}$  12. Existing and proposed utilities and easements and their purpose;
- 13. Location of natural streams, regulated drains, 100-year flood plains, floodway, water courses, marshes, wooded areas, isolated preservable trees, wetlands, historic features, existing structures, dry wells, utility lines, fire hydrants and any other significant feature(s) that may influence the design of the development;
- $\checkmark$  14. General description, location, and types of structures on the site;
- 15. Details of existing or proposed lighting, signage and other pertinent development features;
- MA 16. A landscape plan showing all existing and proposed planting and screening materials, including the number, size, and type of plantings proposed and the method of irrigation; and
- N/A 17. Any other information requested in writing by the Planning Division, the Planning Board, or the Building Official deemed important to the development.

## **Elevation Drawings**

Complete elevation drawings detailing the proposed changes for which approval is requested shall be drawn at a scale no smaller than  $1^{"} = 100$ ' (unless the drawing will not fit on one 24" X 36" sheet) and shall include:

- $\checkmark$  18. Name and address of applicant and proof of ownership;
- 19. Name of Development (if applicable);
- $\checkmark$  20. Address of site and legal description of the real estate;
- $\checkmark$  21. A separate location map;
- $\checkmark$  22. Legend and notes, including a graphic scale, north point, date and all relevant dimensions;
- $\checkmark$  23. Color elevation drawings showing the proposed design for each façade of the building;
- $\checkmark$  24. Itemized list of all materials to be used, including exact size specifications, color, style, and the name of the manufacturer; and
- 25. Elevation drawings of all screenwalls to be utilized in concealing any exposed mechanical or electrical equipment, trash receptacle areas and parking areas;
- $\checkmark$  26. Details of existing or proposed lighting, signage and other pertinent development features;
- $\checkmark$  27. A list of any requested design changes;
- 28. Location of all exterior lighting fixtures, exact size specifications, color, style and the name of the manufacturer of all fixtures, and a photometry analysis of all exterior lighting fixtures showing light levels to all property lines; and
- 29. Any other information requested in writing by the Planning Division, the Planning Board, or the Building Official deemed important to the development.



663 S. MANSFIELD P.O. BOX 980423 YPSILANTI, MI 48198 PHONE 734-483-2000 1-800-783-0100 FAX 734-483-5164 www.huronsign.com

# A DIVISION OF JOHNSON SIGN CO.





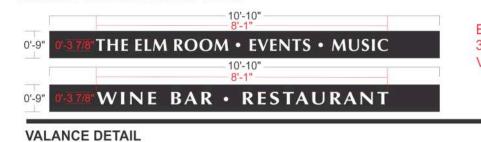


SCALE 3/16" = 1'



MAP METALLIC SILVER

NEW CUSTOM DIMENSIONAL HALO LIT WALL SIGN WITH ARCHITECTURAL ACCENT SUSPENSION BRACKETS THE CABINET COMPONENTS ARE FABRICATED ALUMINUM 6" DEEP WITH WHITE LED LIGHTING THAT IS LET OUT OF THE 3/4" PUSH-THRU ACRYLIC LETTER SIDES. THE FACES ARE OPAQUE SILVER. THE LED LIGHT PASSES THOUGH A TRANSPARENT BURGUNDY FILM TO PRODUCE A COLOR SHIFT TOWARDS PURPLE/ RED. THE SIGN IS INSTALLED WITH WALL PLATES ATTACHED WITH EXPANSION BOLTS ALIGNED TO MORTAR JOINTS WHERE APPLICABLE. THE AWNINGS ARE FABRICATED ALUMINUM TUBE FRAMES WITH SUNBRELLA BLACK FABRIC NON-ILLUMINATED SKINS. THEY HAVE 3 7/8" APPLIED WHITE VINYL TEXT IN THE 9" VALANCES. AWNING PROJECTION IS 24" DEEP.



**Proposed Signage Concept** 

EACH VALANCE IS 8.125 SQFT 33% OF 8.125 = 2.68 SQFT VALANCE TEXT IS 2.61 SQFT EACH

SCALE 3/8" = 1'



**20.8 SQUARE FEET** 



NIGHT SIMULATION





**EXISTING CONDITION** 

|             | ALL ELECTRICAL SIGNS TO<br>BEAR THIS MARK   |                |              |                                 |                     |   |                               |
|-------------|---|----------------|--------------|---------------------------------|---------------------|---|-------------------------------|
|             |   | # OF SETS      | 1            | RETURN DEPTH 6"                 | RACEWAY COLOR N.A.  | DESIGNER S WILKIE                         |                               |
|             | Underwriters<br>Laboratories, Inc.          | FACE COLOR     | SEE ABOVE    | TYPE OF INSTALL WALL MOUNT      | TRANSFORMER N.A.    | DATE 10/24/17                             | APPROVED                      |
|             | -SUITABLE FOR WET LOCATIONS-                | RETURN COLOR   | TO MATCH     | TYPE OF FACE ALUMINUM / ACRYLIC | BALLAST N.A.        | JOB NO. 9758                              | THIS DRAWING<br>OF HURON SIG  |
|             | IN ACCORDANCE WITH NEC 600<br>ELECTRIC SIGN | RETAINER COLOR | N.A. (BLIND) | RACEWAY D. H. L. N.A.           | COMMENTS:           | JOB NAME VINOTECCA-9758-7                 | REPRODUCE IT II<br>CONSENT FR |
| CERTIFIED M | CERTIFIED MANUFACTURER                      | LED COLOR      | WHITE        | HOUSINGS N.A. SALESPE           | RSON: KEVIN SHORT A | DDRESS: 210 S. OLD WOODWARD BIRMINGHAM, M |                               |

### **SECTION 1 7.8 SQFT**

**SECTION 2 13 SQFT** 

SCALE 3/8" = 1'

# ED BY:

ING IS THE REGISTERED PROPERTY SIGN COMPANY. IT IS UNLAWFUL TO IT IN ANY FORM , WITHOUT WRITTEN FROM HURON SIGN COMPANY

# DATE:

THIS DRAWING PROVIDED & INTENDED FOR CONCEPTUAL PURPOSES ONLY, THE FINISHED PRODUCT MAY BE SUBJECT TO MINOR & NECESSARY MODIFICATIONS TO AID OR ENABLE FABRICATION PROCEDURES

THIS DESIGN CONCEPT (C) COPYRIGHT 2017

| City | of $B$ irmingham     |
|------|----------------------|
|      | A Walkable Community |

**MEMORANDU**M

**Planning Division** 

DATE: November 3, 2017

TO: Planning Board Members

FROM: Brooks Cowan, Assistant Planner

SUBJECT: 210 S. Old Woodward – Vinotecca – Special Land Use Permit Amendment and Final Site Plan application

# **Executive Summary**

The subject site is located at 210 S. Old Woodward, on the west side of S. Old Woodward, just south of Merrill. The applicant is the owner of the current restaurant on site, The Bird and the Bread, and wishes to change the name and concept the current restaurant into Vinotecca which will have a wine focus with European food pairings. According to Section 6 Article 6.02(A)(5) of the Zoning Ordinance, existing and new establishments with alcoholic beverage sales shall obtain a Special Land Use Permit upon change in ownership or name of establishment, or upon application for a Site Plan Review.

The parcel is zoned B-4, Business-Residential and D-4 in the Downtown Overlay District. The applicant is proposing new signage and enclosing the existing outdoor café with framing and retractable isinglass. They are also proposing minor remodeling for the interior that includes the construction of a stage for low key entertainment. The applicant will be operating with the existing Class C liquor license controlled by the property owner which is currently in use by the Bird and the Bread. Article 02 section 2.37(B)(4) permits food or drink establishments with alcoholic beverage sales (on-premise consumption) as an accessory permitted use provided that the establishment obtain Special Land Use Permit approval. Accordingly, the applicant is required to obtain a recommendation from the Planning Board on the Final Site Plan and Special Land Use Permit. As the proposed establishment is located within the Central Business District Historic District, the applicant will also be required to appear before the Historic District Commission.

# **1.0** Land Use and Zoning

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

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

# 2.0 Screening and Landscaping

- 2.1 <u>Screening</u> No screening is proposed at this time. However, if needed in the future, the applicant will be required to screen any additional mechanical equipment in accordance with the Zoning Ordinance.
- 2.2 <u>Landscaping</u> No changes proposed.

# 3.0 Parking, Loading, Access, and Circulation

- 3.1 <u>Parking</u> As the subject site is located within the Parking Assessment District, the applicant is not required to provide on-site parking.
- 3.2 <u>Loading</u> No changes are proposed.
- 3.3 <u>Vehicular Access & Circulation</u> Vehicular access to the building will not be altered.
- 3.4 <u>Pedestrian Access & Circulation</u> Pedestrian access to the outdoor café is available from the main stair case into the restaurant or the inside dining area. Outdoor cafes are encouraged as they create a more pedestrian friendly environment. The proposed café plans indicate a 5 foot width of unobstructed pedestrian access along the storefront in the public right-of-way, and thus conforms to the Zoning Ordinance provisions for outdoor cafés.

3.5 <u>Streetscape</u> – The existing sidewalk is concrete on the north side of Maple, accented with sections of brick pavers. The applicant is not proposing to alter the existing sidewalk, street trees, or light poles.

# 4.0 Lighting

Pedestrian scale light fixtures illuminate S. Old Woodward, and will continue to do so. The applicant is proposing to illuminate the new signage as well.

# 5.0 Departmental Reports

- 5.1 <u>Engineering Division</u> No concerns were reported from the Engineering Department.
- 5.2 <u>Department of Public Services</u> No concerns were reported from the DPS.
- 5.3 <u>Fire Department</u> No concerns were reported from the Fire Department.
- 5.4 <u>Police Department</u> No concerns were reported from the Police Department.
- 5.5 <u>Building Department</u> The Building Department has provided their standard comments.

# 6.0 Design Review

# Awning and Signage

The applicant is proposing to install two new awnings with signage along the building frontage. The two awnings are constructed of fabricated aluminum tubing with Sunbrella black fabric non-illuminated skins. They have 3.88 inch applied white vinyl text in the 9 inch valences. The awnings are 3' x 10'10", and project 2 feet from the building façade. Each valance is 8.125 square feet total, while the proposed valance signage text totals 2.61 square feet for each awning, satisfying the Sign Ordinance requirement of no more than 33% of the valance area in Section 1.05(B), Table B.

The applicant is also proposing a halo lit wall sign with the restaurant name "VINOTECCA", as well as a logo above it. The sign will utilize halo style white LED backlighting through a transparent burgundy film to produce a color shift to purple/red. The name letter sign measures 1'6" in height by 8'7.75" in width for a total of 13 square feet, while the logo sign measures 2'9.5" in height by 2'9.5" in width for a total of 7.8 square feet. The wall sign and the logo sign total 20.8 square feet.

The total linear building frontage for is 130'5" which allows 130.5 square feet of sign area. There are currently four other tenants with approved signage for the building; Chase Bank, Rivage, K&W Domaine, and Ahmet Karaca MD.

Chase Bank: 48.36 SF Rivage Day Spa: 21.8 SF

| Total:           | 97.16 |
|------------------|-------|
| Ahmet Karaca MD: | 12 SF |
| K&W Domain:      | 15 SF |

The addition of Vinotecca's sign will bring the total to 117.96 which satisfies the maximum square footage permissible according to the Sign Ordinance Section 1.05(B), Table B. Meanwhile the height of the name letter sign is less than 24 inches and the logo sign is less than 36 inches which also satisfies the Sign Ordinance Section 1.05(B), Table B.

# Interior

The applicant is proposing minor remodeling for the interior that includes the construction of a small stage for low key entertainment.

# Outdoor Dining Area

Outdoor cafés must comply with the site plan criteria as required by Article 04, Section 4.44 OD-01, Outdoor Dining Standards. Outdoor cafes are permitted immediately adjacent to the principal use and are subject to site plan review and the following conditions:

- 1. Outdoor dining areas shall provide and service refuse containers within the outdoor dining area and maintain the area in good order.
- 2. All outdoor activity must cease at the close of business, or as noted in Subsection 3 below, whichever is earlier.
- 3. When an outdoor dining area is immediately adjacent to any single-family or multiple-family residential district, all outdoor activity must cease at the close of business or 12:00 a.m., whichever is earlier.
- 4. Outdoor dining may be permitted on the sidewalk throughout the year with a valid Outdoor Dining License, provided that all outdoor dining fixtures and furnishings must be stored indoors each night between November 16 and March 31 to allow for snow removal.
- 5. All tables and chairs provided in the outdoor dining area shall be constructed primarily of metal, wood, or material of comparable quality.
- 6. Table umbrellas shall be considered under Site Plan Review and shall not impede sight lines into a retail establishment, pedestrian flow in the outdoor dining area, or pedestrian or vehicular traffic flow outside the outdoor dining area.
- 7. For outdoor dining located in the public right-of-way:
  - a. All such uses shall be subject to a license from the city, upon forms provided by the Community Development Department, contingent on compliance with all city codes, including any conditions required by the Planning Board in conjunction with Site Plan approval.
  - b. In order to safeguard the flow of pedestrians on the public sidewalk, such uses shall maintain an unobstructed sidewalk width as required by the Planning Board, but in no case less than 5 feet.
  - c. Outdoor dining is permitted to extend in the right-of-way in front of neighboring properties, with the written permission of the property owner(s) and with Planning Board Approval, if such property is vacant or the first floor storefront(s) is/are vacant. Outdoor dining areas may extend up to 50% of

the width of the neighboring lot(s) storefront(s), or up to 50% of the lot(s) frontage, if such lot is vacant.

- d. City Commission approval is also required for outdoor dining extensions onto neighboring property if the establishment making such a request holds a bistro license.
- e. An elevated, ADA compliant, enclosed platform may be erected on the street adjacent to an eating establishment to create an outdoor dining area if the Engineering Department determines there is sufficient space available for this purpose given parking and traffic conditions.
- f. No such facility shall erect or install permanent fixtures in the public right-ofway.

The applicant is proposing to enclose the outdoor seating with roll down isinglass panels. The panels will by stabilized by 2x6 framing with  $\frac{3}{4}''$  plywood cladding on faces and jambs that are primed and painted flat black. There will be 2'' of continuous reveal on the top and sides. A  $\frac{3}{x7}'$  wood door with clear plex is proposed on the north elevation with egress only that does not swing into the pedestrian entryway. No changes to the outdoor seating layout is proposed, the applicant is maintaining the same amount of tables and chairs as previously approved by the Planning Board.

# 7.0 Downtown Birmingham 2016 Overlay District

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

# 8.0 Approval Criteria

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

- (1) The location, size and height of the building, walls and fences shall be such that there is adequate landscaped open space so as to provide light, air and access to the persons occupying the structure.
- (2) The location, size and height of the building, walls and fences shall be such that there will be no interference with adequate light, air and access to adjacent lands and buildings.
- (3) The location, size and height of the building, walls and fences shall be such that they will not hinder the reasonable development of adjoining property not diminish the value thereof.

- (4) The site plan, and its relation to streets, driveways and sidewalks, shall be such as to not interfere with or be hazardous to vehicular and pedestrian traffic.
- (5) The proposed development will be compatible with other uses and buildings in the neighborhood and will not be contrary to the spirit and purpose of this chapter.
- (6) The location, shape and size of required landscaped open space is such as to provide adequate open space for the benefit of the inhabitants of the building and the surrounding neighborhood.

# 9.0 Approval Criteria for Special Land Use Permits

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

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

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

# **10.0 Suggested Action**

Based on a review of the site plans submitted, the Planning Division recommends that the Planning Board recommend APPROVAL of the applicant's request for Final Site Plan and a SLUP Amendment for 210 S. Old Woodward - Vinotecca to the City Commission, with the following conditions:

(1) The applicant obtains approval from the Historic District Commission.

# **11.0** Sample Motion Language

Based on a review of the site plans submitted, the Planning Division recommends that the Planning Board recommend APPROVAL of the applicant's request for Final Site Plan and a SLUP Amendment for 210 S. Old Woodward – Vinotecca, with the following conditions:

(1) The applicant obtains approval from the Historic District Commission.

# OR

Motion to recommend DENIAL of the Final Site Plan and SLUP Amendment to the City Commission for 210 S. Old Woodward - Vinotecca, for the following reasons:

1. \_\_\_\_\_

| 2. |  |
|----|--|
| 3. |  |
|    |  |

# OR

Motion to POSTPONE the Final Site Plan and SLUP Amendment for 210 S. Old Woodward - Vinotecca, with the following conditions:

| 1  |  |
|----|--|
| 2. |  |
| 3  |  |

# CITY OF BIRMINGHAM REGULAR MEETING OF THE PLANNING BOARD WEDNESDAY, NOVEMER 8, 2017

# 11-206-17

# 2. 210 S. Old Woodward Ave., The Bird & the Bread Request for approval of a SLUP Amendment to allow for a concept change of the Bird & the Bread to Vinotecca, with interior and exterior changes proposed

Ms. Ecker responded to Mr. Williams' question regarding the City's position on Eisenglass. It was permitted on a couple of bistro establishments that were approved. Since the approvals the City has received a number of complaints and concerns. The Planning Board has been charged with updating the development standards for bistros and one of the items is to put in place regulations concerning Eisenglass. Right now there is no specific regulation that states Eisenglass is or is not permitted. It is a case-by-case judgment by this board.

Mr. Cowan advised the subject site is located on the west side of S. Old Woodward Ave., just south of Merrill. The applicant is the owner of the current restaurant on site, The Bird and the Bread, and intends to change the name and re-concept the current restaurant into Vinotecca which will have a wine focus with European food pairings. According to Section 6 Article 6.02(A)(5) of the Zoning Ordinance, existing and new establishments with alcoholic beverage sales shall obtain a SLUP upon change in ownership or name of establishment, or upon application for a Site Plan Review. The parcel is zoned B-4 Business-Residential and D-4 in the Downtown Overlay District.

The applicant is proposing new signage and enclosing the existing outdoor café with framing and retractable Eisenglass. They are also proposing minor remodeling for the interior that includes the construction of a stage for low key entertainment. The applicant will be operating with the existing Class C Liquor License controlled by the property owner which is currently in use by The Bird and the Bread. Article 02 section 2.37(B)(4) permits food or drink establishments with alcoholic beverage sales (on-premise consumption) as an accessory permitted use provided that the establishment obtain SLUP approval. Accordingly, the applicant is required to obtain a recommendation from the Planning Board on the Final Site Plan and SLUP, and then obtain approval from the City Commission for the Final Site Plan and SLUP. As the proposed establishment is located within the Central Business District Historic District, the applicant will also be required to appear before the Historic District Commission.

# Design Review

<u>Awning and Signage</u>: The applicant is proposing to install two new awnings with signage along the building frontage. The two awnings are constructed of fabricated aluminum tubing with Sunbrella black fabric non-illuminated skins. They have 3.88 in. applied white vinyl text in the 9 in. valences. The awnings project 2 ft. from the building façade. Each valance totals is 8.125 sq. ft., while the proposed valance signage text totals 2.61 sq. ft. for each awning, satisfying the Sign Ordinance requirement in Section 1.05 (B), Table B of no more than 33% of the valance area.

The applicant is also proposing a halo lit wall sign with the restaurant name "VINOTECCA", as well as a logo above it. The sign will utilize halo style white LED backlighting through a transparent burgundy film to produce a color shift to purple/red. The wall sign and the logo sign total 20.8 sq. ft. The total linear building frontage is 130 ft. 5 in. which allows 130.5 sq. ft. of sign area. There are currently four other tenants with approved signage for the building; Chase Bank, Rivage, K&W Domaine, and Ahmet Karaca MD. that have a total of 97.16 sq. ft. of signage. The addition of Vinotecca's sign will bring the total to 117.96 sq. ft. which satisfies the maximum square footage permissible according to the Sign Ordinance Section 1.05 (B), Table B.

Meanwhile the height of the name letter sign is less than 24 in. and the logo sign is less than 36 in. which also satisfies the Sign Ordinance Section 1.05 (B), Table B.

<u>Interior</u>: The applicant is proposing minor remodeling that includes the construction of a small stage for low key entertainment.

<u>Outdoor Dining Area</u>: The applicant is also proposing to enclose the outdoor seating with roll down Eisenglass panels. The panels will be stabilized by 2x6 framing with  $\frac{3}{4}$  in. plywood cladding on faces and jambs that are primed and painted flat black. There will be 2 in. of continuous reveal on the top and sides. A 3 ft. x 7 ft. wood door with clear plex is proposed on the north elevation with egress only that does not swing into the pedestrian entryway. No changes to the outdoor seating layout are proposed.

Ms. Ecker indicated she and Mr. Baka have warned the applicant that Eisenglass is not currently in favor and the board would have concerns about it.

Ms. Kristin Jonna addressed the board on behalf of The Bird and the Bread. They have streamlined their process by getting back to two wine bar concepts in Ann Arbor and in Birmingham. They intend to continue bringing entertainment to the establishment.

Their reasons for proposing Eisenglass are not to expand seating. Rather they are to bring more energy right up to Old Woodward Ave. and to protect their patio from the dust of upcoming street and hotel construction, Expanding their patio season would be nice because that is where people want to sit. They didn't find more options for temporary enclosure other than Eisenglass.

Mr. Koseck advised that there are other options. He thinks Eisenglass would cheapen the place so he will not support it. Ms. Jonna indicated that other treatments will cost a lot of money and cost is a big factor for them. They tried to design it in a way that would have the least impact of a plastic material being there. Responding to the board's discussion about allowing a temporary Eisenglass installation or having it only on the hotel side, Ms. Jonna said it would not be worth installing if it would be temporary and only on one side.

Mr. Boyle observed that in order to keep out the cold other establishments have added padding to keep the drafts out. However that starts to degrade the appearance of the facility. To him, bringing in Eisenglass is a grave mistake for this establishment and for Downtown Birmingham. Therefore he urged Ms. Jonna to go back to her architect and ask him to find other options. He will not support the plan tonight with the Eisenglass.

Mr. Boyle asked if the board can divide the request and postpone the Eisenglass proposal as a separate item but still covered by the same SLUP. Ms. Ecker indicated the board has never done that before. Therefore, she would have check with the City Attorney, plus she didn't know how the Commission would react if a half of a SLUP application was brought to them.

Mr. Koseck stated the Planning Board shouldn't be making long-term decisions based on the fact that it will take 19 months to construct the hotel. Further, the board should not be designing the project. He knows there are options out there for the applicant to consider. Mr. Williams suggested that the City Attorney and the Building Dept. be consulted as to what the City will permit on an interim basis during construction, not only on this facility but on the other facilities. These are not necessarily Planning Board issues, but issues that the City should address.

# Motion by Mr. Williams

# Seconded by Mr. Koseck to postpone consideration of the applicant's request for Final Site Plan and a SLUP Amendment for 210 S. Old Woodward - Vinotecca, until November 29th, 2017.

Mr. Jeffares observed that costs cannot be compared to Eisenglass, which is really not an option.

Public comments were heard at 9:10 p.m.

Mr. James Esshaki, the landlord, suggested the board allow a temporary remedy to keep away the dust.

Mr. Derrick Dickow, a Downtown resident, said Eisenglass doesn't bother him as much as it bothers other people so he would support it to control dust. He went on to thank the Jonna Family for their investment in Downtown Birmingham. He urged a motion tonight so they can move forward with their plans.

# Motion failed, 6-0.

ROLLCALL VOTE Yeas: None Nays: Williams, Koseck, Boyle, Jeffares, Lazar, Whipple-Boyce Absent: Clein

# Motion by Mr. Boyle

Seconded by Mr. Koseck that based on a review of the site plans submitted, the Planning Board recommends approval of the applicant's request for Final Site Plan and a SLUP Amendment for 210 S. Old Woodward Ave, Vinotecca, with the following conditions: 1. The applicant obtains approval from the Historic District Commission; and 2. The proposed Eisenglass is not to be considered as part of this approval.

No one from the public commented on the motion at 9:15 p.m.

# Motion carried, 6-0.

VOICE VOTE Yeas: Boyle, Koseck, Jeffares, Koseck, Lazar, Whipple-Boyce Nays: None Absent: Clein

# HISTORIC DISTRICT COMMISSION MINUTES NOVEMBER 15, 2017

# HISTORIC DESIGN REVIEW 210 S. Old Woodward Ave. Vinotecca CBD Historic District

Zoning: B-4 Business Residential

<u>Proposal</u>: Mr. Baka explained the applicant is on the process of amending their Special Land Use Permit ("SLUP") with the City in order to change the name of the establishment from "The Bird and the Bread" to "Vinotecca." The tenant space is located in a two-story, multi-tenant non-contributing building in the CBD Historic District. The applicant proposes to install a new wall sign above the main entranceway to the restaurant and new awnings along the front elevation of the building. The sign is proposed to be suspended between the two existing columns in line with the existing sign band. The applicant is also proposing to enclose the existing outdoor dining space with Eisenglass.

The applicant appeared before the Planning Board on November 8, 2017. The Planning Board recommended approval of the proposal with the condition that the proposed Eisenglass enclosure be removed. The applicant is now requesting approval from the Historic District Commission before moving on for final approval from the City Commission.

Existing Signage: There are currently four other tenants with approved signage for the building for a total of 97.16 sq. ft.

<u>Signage</u>: The applicant proposes to replace the existing signage by installing a new wall sign above the main entranceway to the restaurant and by adding lettering to the new proposed awnings. The total linear building frontage is 130 ft. 5 in., <u>permitting 130.5 sq.</u> <u>ft. sign area</u>. The wall sign measures 13 sq. ft while the logo sign measures 7.8 sq. ft. The wall sign and the logo sign total 20.8 sq. ft.

The applicant is also proposing to install two new awnings with signage along the building frontage. The two awnings are constructed of fabricated aluminum tubing with Sunbrella black fabric non-illuminated skins. They have 3.88 in. applied white vinyl text in the 9 in. valences. Each valance is 8.125 sq. ft. total, while the proposed valance signage text totals 2.61 sq. ft. for each awning, satisfying the Sign Ordinance requirement in Section 1.05(B), Table B of no more than 33% of the valance area. This proposal would bring the total signage for the building to 123.2 sq. ft. In accordance with Article 1.0, section 1.04 (B) of the Birmingham Sign Ordinance, Combined Sign Area, that states for all buildings, including multi-tenant office or retail buildings, the combined area of all types of signs shall not exceed 1 sq. ft. (1.5 sq. ft. for addresses on Woodward Ave.) for each linear foot of principal building frontage.

The wall sign is proposed to be mounted more than 8 ft. 6 in. above grade. The projecting sign is proposed to be mounted 6 in. off the face of the column and 8.5 ft. above grade meeting the requirement of Article 1.0, Table B of the Birmingham Sign Ordinance that states wall signs that project more than 3 in. from the building facade shall not be attached to the outer wall at a height of less than 8 ft. above a public sidewalk and at a height of less than 15 ft. above public driveways, alleys and thoroughfares.

The proposed wall sign background will be constructed of fabricated aluminum painted black. The letters will be <sup>3</sup>/<sub>4</sub> in. push-thru acrylic dimensional letters reading "Vinotecca" with silver metallic faces. The entire sign will be mounted to wall plates attached with expansion bolts aligned to the mortar and will span the distance between the two columns that flank the front entrance to the establishment.

<u>Illumination</u>: The wall sign is proposed to be halo lit with internal white LED lights with a burgundy filter.

<u>Design</u>: The applicant is proposing to enclose the existing outdoor dining area with Eisenglass plastic similar to what is currently used at Market, Social Kitchen, and Café Via. The Eisenglass is proposed to be attached to a wooden frame constructed out of 2 x 6 ft. framing and clad with plywood that would be painted flat black. There would be 2 in. of continuous reveal on the top and sides. A 3 x 7 ft. wood door with clear plex is proposed on the north elevation with egress only that does not swing into the pedestrian entryway. No changes to the outdoor seating layout are proposed, the applicant is maintaining the same amount of tables and chairs as previously approved.

Chairman Deyer had three concerns:

- The Eisenglass;
- The information on the awning valances. In the past this commission has said the signage should identify the establishment and not be an advertisement for what they sell; and
- The awnings have a tendency to unbalance the building.

Ms. Fuller said she understands the Eisenglass because it is helpful to extend the outdoor dining season. At Cafe Via the Eisenglass takes a beating and loses its transparency. Mr. Willoughby noted this Eisenglass would be right on S. Old Woodward Ave.

Ms. Kristin Jonna, the restaurant owner, said they discussed this at length at the Planning Board and agreed to throw out the Eisenglass. Their reason for having it was to protect from the construction that they know is going to be happening for probably two years with the hotel coming in on their south facing side, and also the road construction. Their other reason was to create more energy up front on S. Old Woodward Ave. because they are so recessed that people don't know they are there. Their research for some alternative material has turned up only semi-permanent plastic or permanent glass.

Ms. Fuller said she would not be opposed if during construction they had Eisenglass between the restaurant and the hotel, because it is perpendicular to S. Old Woodward Ave.

Mr. Baka noted if this board decided to approve with that barrier they could, but the City Commission would also have to approve it. If it is denied by the HDC, it has to be appealed to the State because it is in a Historic District.

Ms. Jonna addressed the wording on the awnings. They have had problems at The Bird and the Bread with people seeing them and with people understanding what they are. So they feel like that little bit of writing is important. She offered to change the wording from "Elm Room Events Music" to something the commission would approve.

Chairman Deyer then suggested extending the awnings across the whole front facade to balance the building.

Mr. Willoughby thought there is room for a nice composition of the whole facade with little spurts of elements that identify an individual space. So, this awning doesn't bother him at all. Ms. Fuller added that it doesn't bother her.

# Motion by Mr. Willoughby

Seconded by Mr. Charles to not accept the Eisenglass for 210 S. Old Woodward Ave., Vinotecca, anywhere. He would recommend to the City Commission that they give leeway during the construction process so the south side of Vinotecca would be protected.

There was no discussion from members of the audience at 7:20 p.m.

# Motion carried, 5-0.

VOICE VOTE Yeas: Willoughby, Charles, Burley, Deyer, Fuller Nays: None Absent: Henke, Dukas, Trapnell

## Motion by Mr. Willoughby

Seconded by Ms. Fuller to approve the rest of the proposal as submitted for 210 S. Old Woodward Ave., Vinotecca, with the understanding that there would be a change in the verbiage that would be administratively approved.

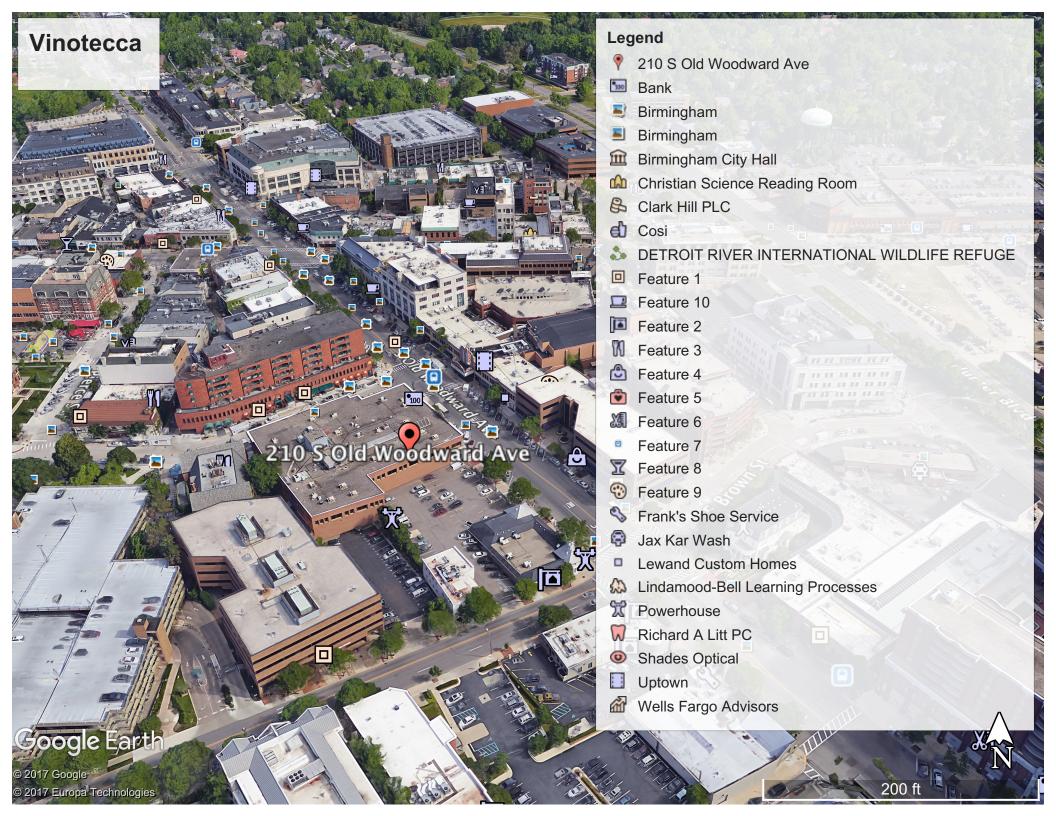
There was no discussion from members of the audience at 7:21 p.m.

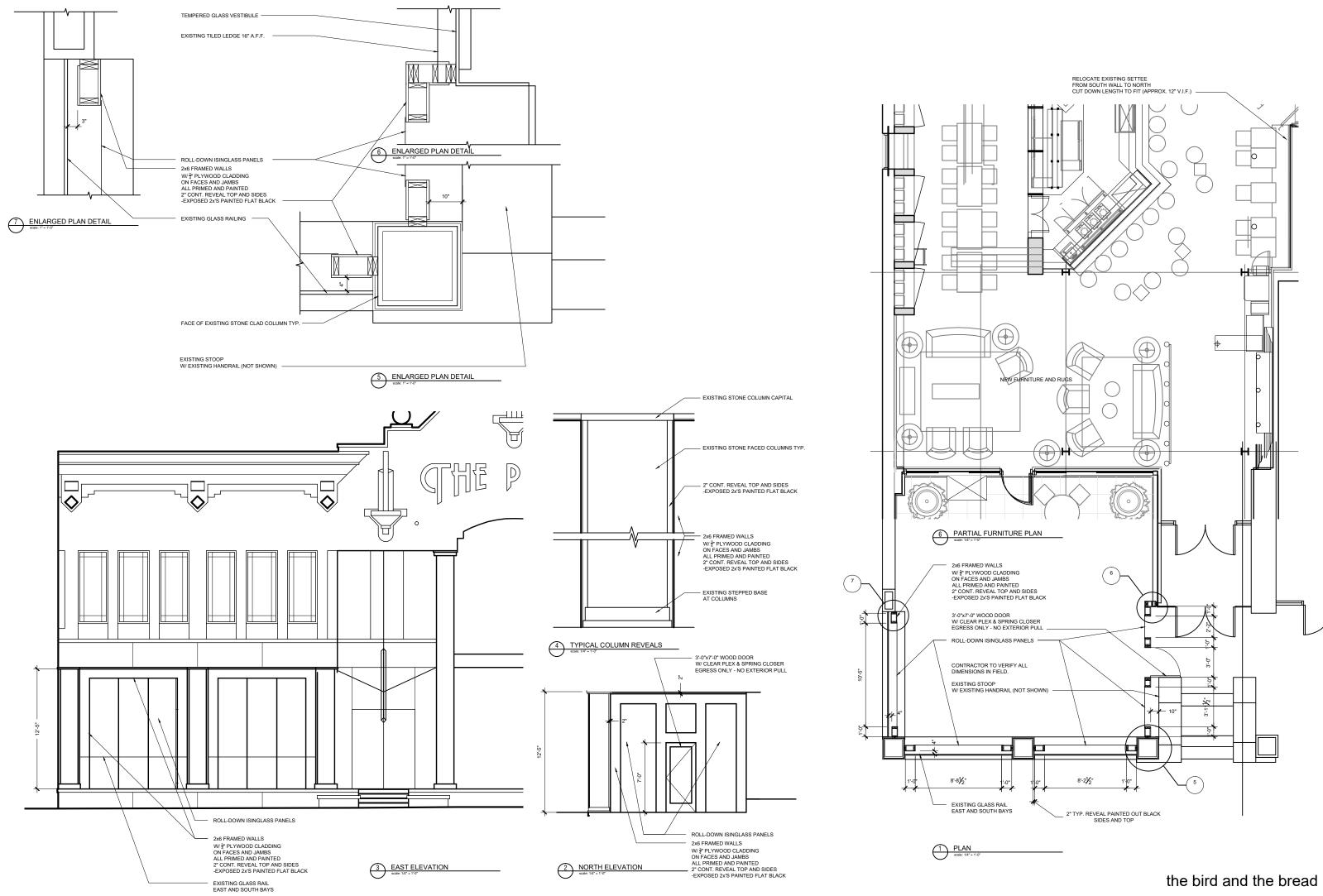
# Motion carried, 5-0.

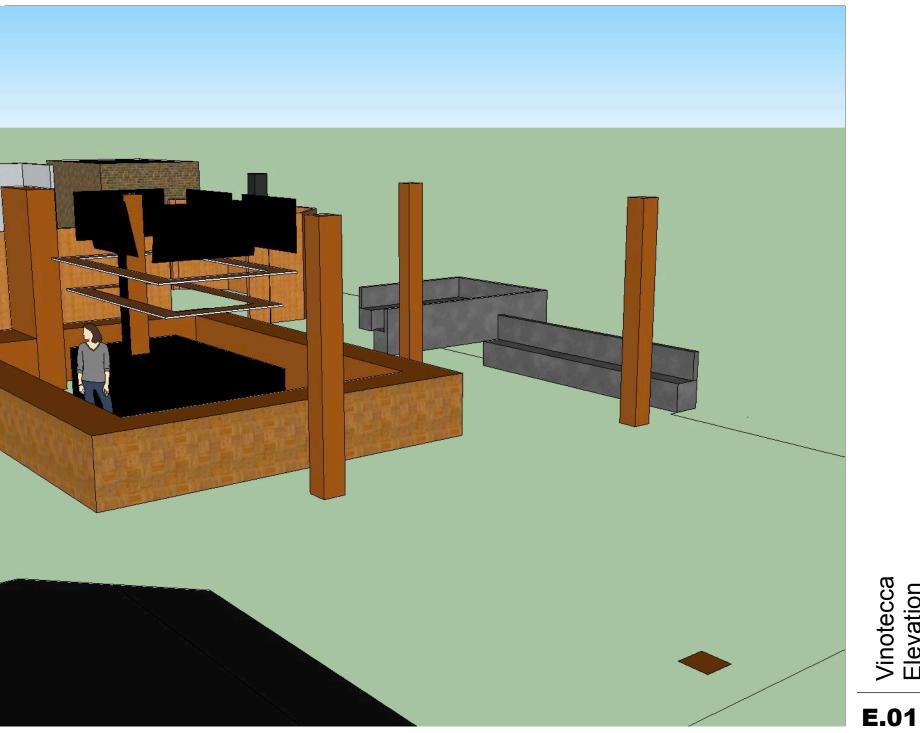
VOICE VOTE Yeas: Willoughby, Fuller, Burley, Charles, Deyer

Nays: None

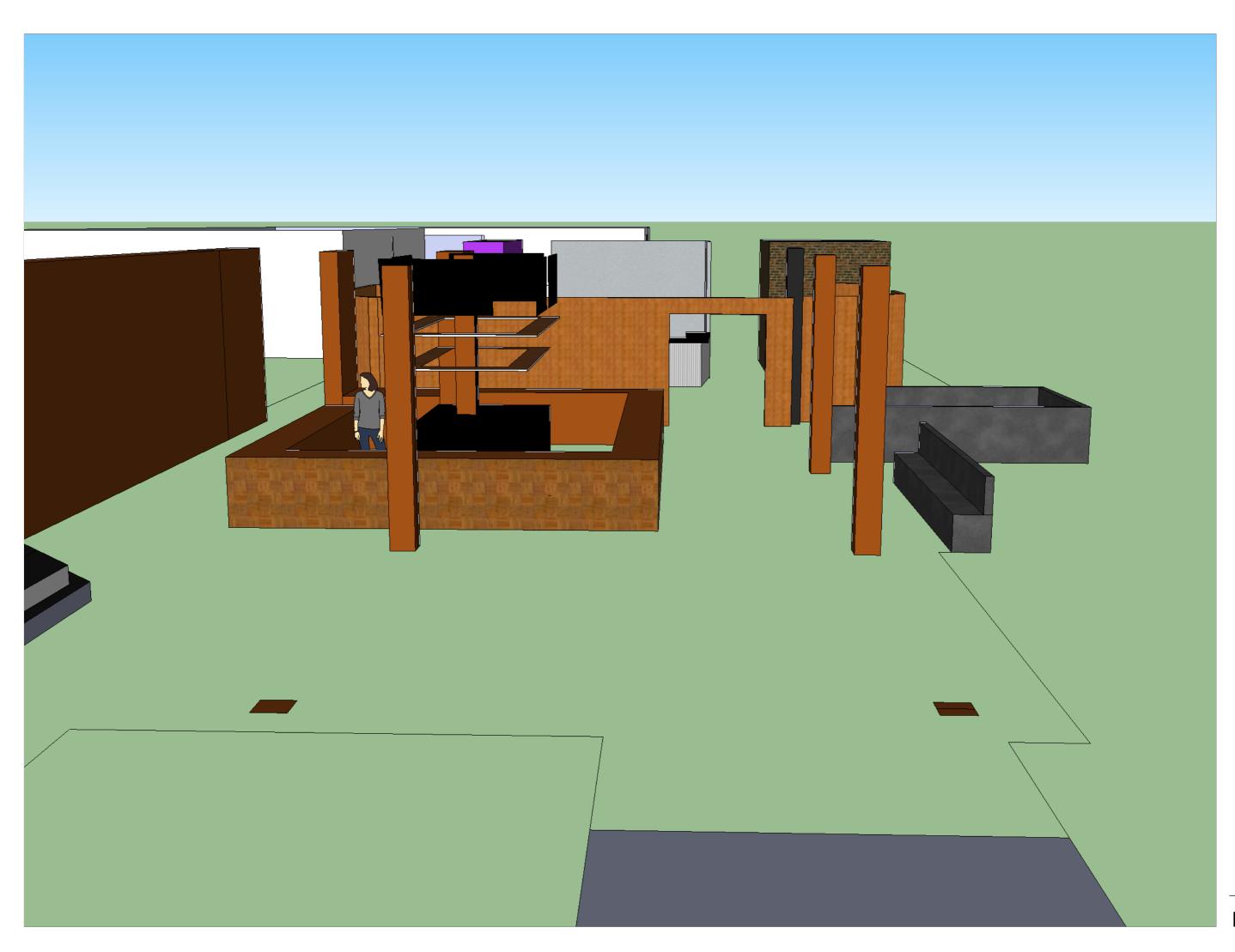
Absent: Henke, Dukas, Trapnell





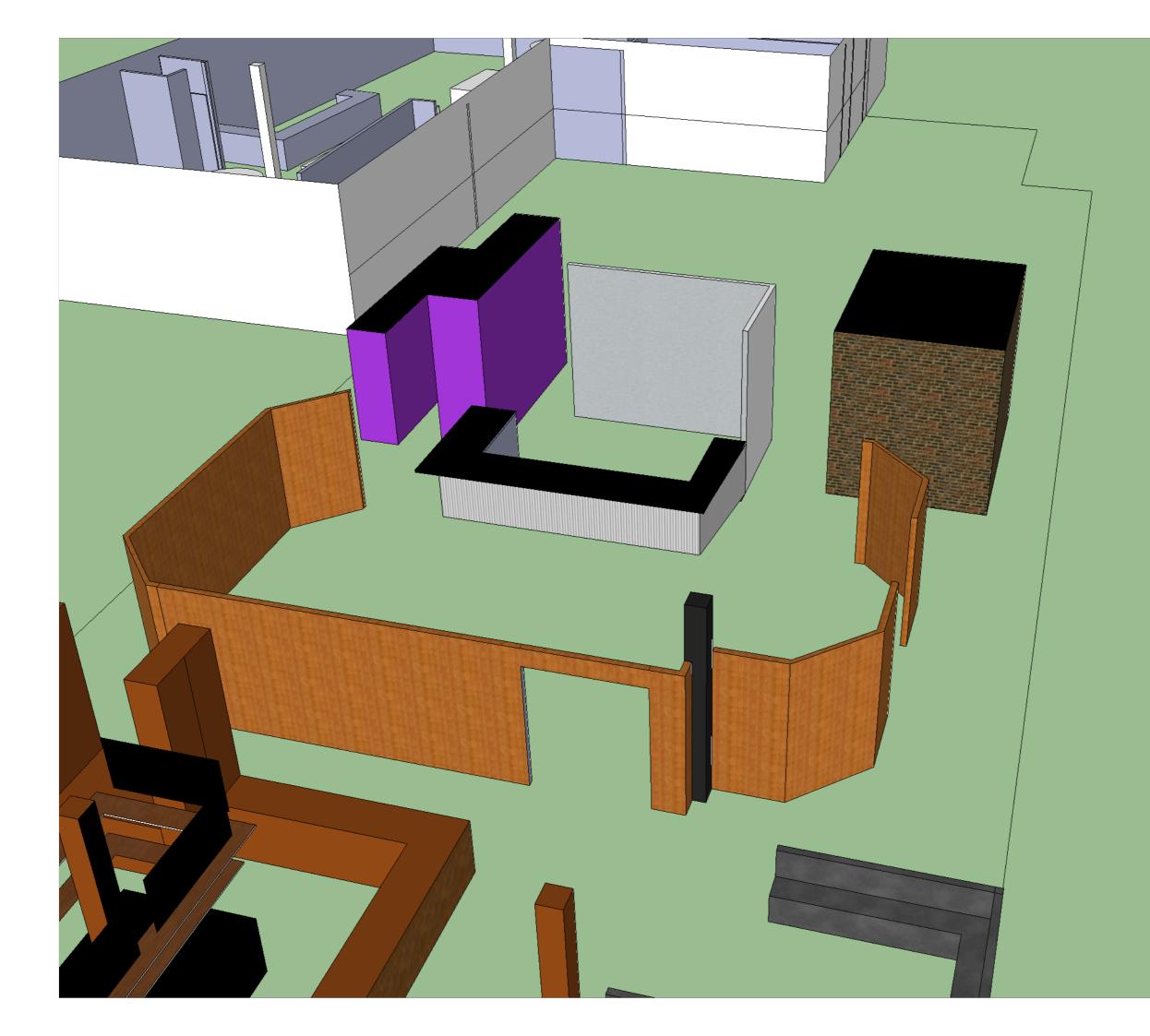


Vinotecca Elevation



Vinotecca Elevation

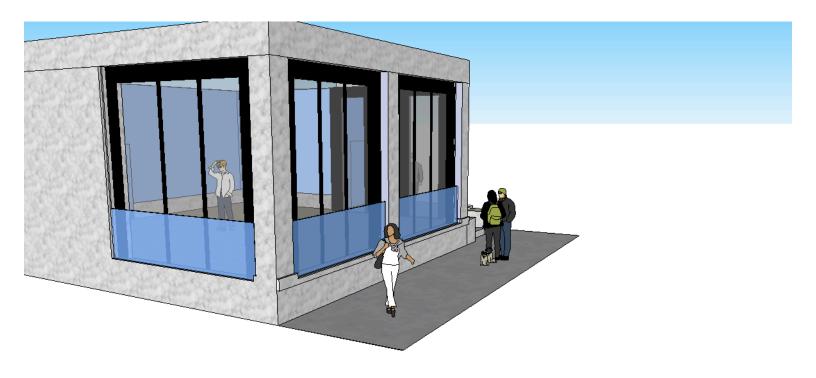
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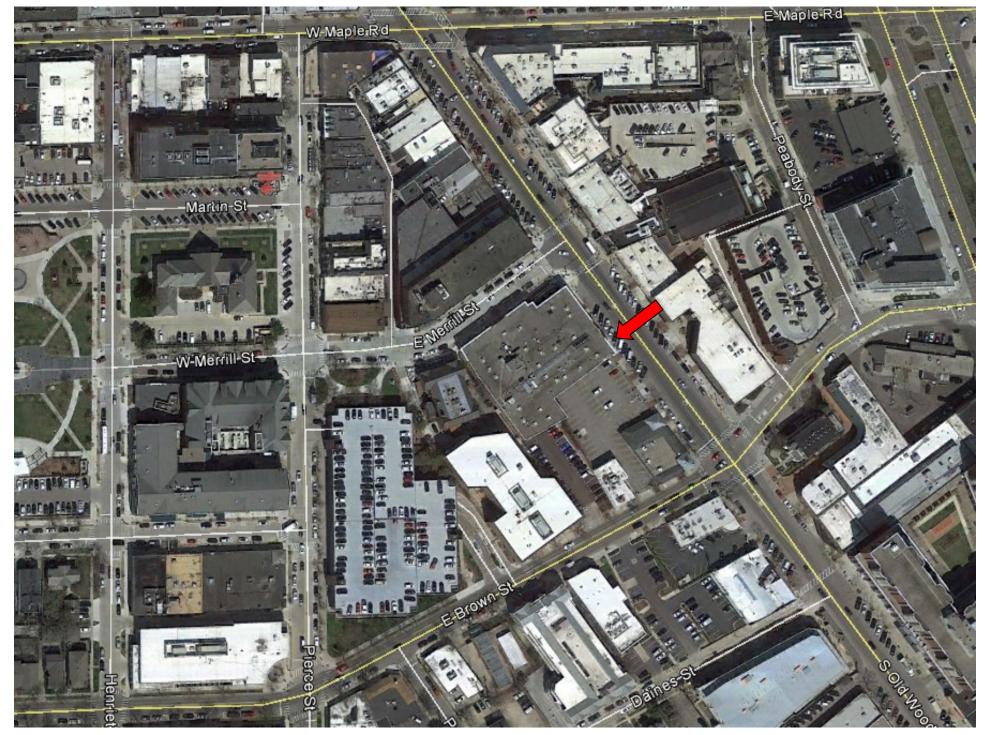








# Vinotecca 2017 Aerial Photo



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MEMORANDUM

**Planning Division** 

DATE: January 2, 2018

TO: Joseph A. Valentine, City Manager

FROM: Jana L. Ecker, Planning Director

Re: Public Hearing for a Special Land Use Permit Amendment and Final Site Plan for 220 Restaurant at 220 E. Merrill

The subject property at 220 E. Merrill is located in the B4 Business Residential zone district. The B4 zone lists food and drink establishment as a permitted use requiring a Special Land Use Permit (SLUP). The applicant was approved for a SLUP by the City Commission on March 10, 2014.

The applicant is now requesting an amendment to the existing SLUP to allow them to utilize the lower level of the building, formerly known as "Edison's" for special events, private parties, and the public as an extension to 220 Restaurant on the first floor. The applicant has indicated that the proposed lower level of 220 Restaurant will offer a food menu (the same as that offered on the main floor of the existing restaurant) and will host low-key entertainment, such as jazz music and piano music, in the space. Business hours would be the same as those of the main restaurant. The existing 220 Restaurant currently holds an entertainment permit from the Michigan Liquor Control Commission. According to the Michigan Liquor Control Code, Administrative Rules and Related Laws, Article 436.1915, Section 916:

An on-premises licensee shall not allow monologues, dialogues, motion pictures, still slides, closed circuit television, contests, or other performances for public viewing on the licensed premises unless the licensee has applied for and been granted an entertainment permit by the commission. Issuance of an entertainment permit under this subsection does not allow topless activity on the licensed premises.

As 220 Restaurant currently holds an entertainment permit, the low-key live entertainment proposed would be permitted within the establishment. However, given previous concerns raised by the City Commission regarding the use of DJ's and other types of entertainment, the draft SLUP resolution contains additional entertainment provisions that the City Commission may wish to consider adopting.

The applicant appeared before the Planning Board on November 8, 2017 and received a recommendation for approval. As there are no exterior changes proposed to the historic structure they are not required to obtain approval from the Historic District Commission.

The City Commission set a public hearing date for December 11, 2017 to consider an application for a Special Land Use Permit ("SLUP") Amendment and Final Site Plan for 220 restaurant at 220 E. Merrill.

On December 11, 2017, the City Commission opened the public hearing to discuss the proposed SLUP Amendment and Final Site Plan for 220 Restaurant at 220 E. Merrill. Several issues were raised, including the need for an additional street tree as required by the Planning Board, and the proposed hours of operation for DJ's at the restaurant and other types of entertainment proposed for both public and private events at the restaurant. After much discussion, the City Commission continued the public hearing to January 8, 2018 and directed staff to consider amendments to the SLUP resolution to differentiate between public and private events, and to consider parameters for entertainment, specifically DJs, during these events.

Accordingly, staff has provided revised SLUP resolution language as directed by the City Commission on December 11, 2017. The applicant has also paid \$400 for the City tree that was installed as required as a condition of approval.

Upon further legal review, an alternative option was identified that would not specifically limit the hours of operation or type of entertainment or DJ use, but would rather provide for additional control by the City Commission. Under this alternative, upon receipt of a report by the Birmingham Police Department of violations, the City Manager may consider the temporary suspension of all or a portion of the activities and uses authorized under the SLUP pending a formal public hearing by the City Commission. A proposed ordinance amendment to Chapter 10, Alcoholic Liquors was proposed under separate cover to provide the authority for the City Manager to temporarily suspend a SLUP in whole or in part pending a formal public hearing of the City Commission.

Thus, a second SLUP resolution is offered should the City Commission wish to consider temporary SLUP suspensions to address problems at individual establishments. This option would allow for broad control by the City Commission, and provide the option for the City to take prompt action to address SLUP violations.

# SUGGESTED ACTION:

To approve a Special Land Use Permit Amendment and Final Site Plan for 220 Restaurant at 220 E. Merrill to utilize the lower level of the building as an extension of the 220 Restaurant as recommended by the Planning Board on November 8, 2017, including the adoption of the SLUP Resolution identified as Option 1;

OR

To approve a Special Land Use Permit Amendment and Final Site Plan for 220 Restaurant at 220 E. Merrill to utilize the lower level of the building as an extension of the 220 Restaurant as recommended by the Planning Board on November 8, 2017, including the adoption of the SLUP Resolution identified as Option 2;

OR

To deny a Special Land Use Permit Amendment and Final Site Plan for 220 Restaurant at

220 E. Merril to utilize the lower level of the building as an extension of the 220 Restaurant.

# **OPTION 1 (changes in bold)**

# 220 RESTAURANT 220 E. MERRILL SPECIAL LAND USE PERMIT ADMENDMENT 2017

- WHEREAS, 220 Restaurant filed an application pursuant to Article 7, section 7.34 of Chapter 126, Zoning, of the City Code to operate a food and drink establishment in the B4 zone district in accordance Article 2, Section 2.37 of Chapter 126, Zoning, of the City Code;
- WHEREAS, The land for which the Special Land Use Permit is sought is located on the south side of E. Merrill, west of S. Old Woodward;
- WHEREAS, The land is zoned B-4, and is located within the Downtown Birmingham Overlay District, which permits the operation of food and drink establishments serving alcoholic beverages 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 applicant was granted a Special Land Use Permit by the City Commission on March 10, 2014;
- WHEREAS, The applicant submitted an application for a Special Land Use Permit Amendment and Final Site Plan for 220 Restaurant;
- WHEREAS, The Planning Board on November 8, 2017 reviewed the application for a Special Land Use Permit Amendment and recommended approval of the application with the following conditions:
  - 1. Add the required street tree to the existing open tree well, with a minimum caliper of 3 in. DBH at the time of planting;
  - 2. Complete and legible plans, with all required information, will need to be submitted before approval of any occupancy of this space, and for the evaluation of this space for the allowable occupant load; and
  - 3. Compliance with the requests of all City departments.
- WHEREAS, The applicant has agreed to comply with the conditions of approval recommended by the Planning Board;
- WHEREAS, The Birmingham City Commission has reviewed 220 Restaurant's Special Land Use Permit Amendment application and the standards for such review as set forth in Article 7, section 7.36 of Chapter 126, Zoning, of the City Code;

NOW, THEREFORE, BE IT RESOLVED, The Birmingham City Commission finds the standards

imposed under the City Code have been met, subject to the conditions below, and that 220 Restaurant's application for a Special Land Use Permit Amendment and Final Site Plan at 220 E. Merrill is hereby approved;

- BE IT FURTHER RESOLVED, That the City Commission determines that to assure continued compliance with Code standards and to protect public health, safety, and welfare, this Special Land Use Permit is granted subject to the following conditions:
  - 1. 220 Restaurant shall be permitted to provide entertainment **in areas of the premises open to the general public** in accordance with their entertainment permit issued by the MLCC, except that no disc jockey ("DJ") entertainment shall be permitted after \_\_\_\_\_on any day of the week;
  - 2. DJ entertainment includes any entertainment that involves a person who mixes different sources of pre-existing recorded music as it is playing;
  - 3. 220 Restaurant shall abide by all provisions of the Birmingham City Code; and
  - 4. The Special Land Use Permit may be canceled by the City Commission upon finding that the continued use is not in the public interest, including, but not limited to, violation of state law or Birmingham City Code.

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

- 1. 220 Restaurant shall be permitted to provide entertainment in banquet rooms of the premises designated for "private functions" as defined in MCL 436.2014(3) in accordance with their entertainment permit issued by the MLCC, except that no disc jockey ("DJ") entertainment shall be permitted after \_\_\_\_\_ on any day of the week;
- 2. DJ entertainment includes any entertainment that involves a person who mixes different sources of pre-existing recorded music as it is playing;
- 3. 220 Restaurant shall abide by all provisions of the Birmingham City Code; and
- 4. The Special Land Use Permit may be canceled by the City Commission upon finding that the continued use is not in the public interest, including, but not limited to, violation of state law or Birmingham City Code.

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, 220 Restaurant 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 220 Restaurant to comply with all the ordinances of the City may result in the Commission revoking this Special Land Use Permit.

MAY IT BE FURTHER RESOLVED that 220 Restaurant is recommended for the operation of a food and drink establishment serving alcoholic beverages on premises with a Class C Liquor License at 220 E. Merrill, pursuant to Chapter 10, Alcoholic Liquors, of the Birmingham City Code, subject to final inspection.

I, Cherilynn Mynsberge, 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 January 8, 2018.

Cherilynn Mynsberge, City Clerk

# **OPTION 2 (changes in bold and strike through text)**

# 220 RESTAURANT 220 E. MERRILL SPECIAL LAND USE PERMIT ADMENDMENT 2017

- WHEREAS, 220 Restaurant filed an application pursuant to Article 7, section 7.34 of Chapter 126, Zoning, of the City Code to operate a food and drink establishment in the B4 zone district in accordance Article 2, Section 2.37 of Chapter 126, Zoning, of the City Code;
- WHEREAS, The land for which the Special Land Use Permit is sought is located on the south side of E. Merrill, west of S. Old Woodward;
- WHEREAS, The land is zoned B-4, and is located within the Downtown Birmingham Overlay District, which permits the operation of food and drink establishments serving alcoholic beverages 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 applicant was granted a Special Land Use Permit by the City Commission on March 10, 2014;
- WHEREAS, The applicant submitted an application for a Special Land Use Permit Amendment and Final Site Plan for 220 Restaurant;
- WHEREAS, The Planning Board on November 8, 2017 reviewed the application for a Special Land Use Permit Amendment and recommended approval of the application with the following conditions:
  - 4. Add the required street tree to the existing open tree well, with a minimum caliper of 3 in. DBH at the time of planting;
  - 5. Complete and legible plans, with all required information, will need to be submitted before approval of any occupancy of this space, and for the evaluation of this space for the allowable occupant load; and
  - 6. Compliance with the requests of all City departments.
- WHEREAS, The applicant has agreed to comply with the conditions of approval recommended by the Planning Board;
- WHEREAS, The Birmingham City Commission has reviewed 220 Restaurant's Special Land Use Permit Amendment application and the standards for such review as set forth in Article 7, section 7.36 of Chapter 126, Zoning, of the City Code;

NOW, THEREFORE, BE IT RESOLVED, The Birmingham City Commission finds the standards

imposed under the City Code have been met, subject to the conditions below, and that 220 Restaurant's application for a Special Land Use Permit Amendment and Final Site Plan at 220 E. Merrill is hereby approved;

- BE IT FURTHER RESOLVED, That the City Commission determines that to assure continued compliance with Code standards and to protect public health, safety, and welfare, this Special Land Use Permit is granted subject to the following conditions:
  - 220 Restaurant shall be permitted to provide entertainment in areas of the premises open to the general public in accordance with their entertainment permit issued by the MLCC; except that no disc jockey ("DJ") entertainment shall be permitted after \_\_\_\_\_on any day of the week;
  - 2. DJ entertainment includes any entertainment that involves a person who mixes different sources of pre-existing recorded music as it is playing;
  - **2.** 220 Restaurant shall abide by all provisions of the Birmingham City Code; and
  - **3**. The Special Land Use Permit may be canceled by the City Commission upon finding that the continued use is not in the public interest, **including, but not limited to, violation of state law or Birmingham City Code**.

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, 220 Restaurant 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 220 Restaurant to comply with all the ordinances of the City may result in the Commission revoking this Special Land Use Permit.
- MAY IT BE FURTHER RESOLVED that 220 Restaurant is recommended for the operation of a food and drink establishment serving alcoholic beverages on premises with a Class C Liquor License at 220 E. Merrill, pursuant to Chapter 10, Alcoholic Liquors, of the Birmingham City Code, subject to final inspection.

I, Cherilynn Mynsberge, 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 January 8, 2018.

Cherilynn Mynsberge, City Clerk

# **PREVIOUS SLUP RESOLUTION**

#### 220 MERRILL RESTAURANT SPECIAL LAND USE PERMIT AMENDMENT OUTDOOR DINING 2000

WHEREAS, 220 Merrill Restaurant at 220 Merrill has applied for a continuation of a Special Land Use Permit originally granted on March 15, 1993 to permit the placement of outdoor seating for 20 persons in front of the building, where customers would consume food purchased at 220 Merrill Restaurant, such applications having been filed pursuant to Section 126-477 of the City Code;

WHEREAS, The land for which the Special Land Use Permit is sought is on the north side of Merrill, east of Pierce;

WHEREAS, The land is zoned B - 4 Business-Residential, which permits outdoor dining with a Special Land Use Permit;

WHEREAS, Section 126-477 (8) requires a Special Land Use Permit to be considered by the Birmingham City Commission at such time that any change takes place in the building, or the use of the property is altered;

WHEREAS, 220 Merrill Restaurant has applied for a Special Land Use Permit Amendment for outdoor dining in conformance with the approved February 10, 1993 plan;

WHEREAS, The Birmingham City Commission has reviewed the 220 Merrill Restaurant Special Land Use Permit application and standards for such review as set forth in Subparagraphs (a) through (f) of Section 126-477 of the City Code; now, therefore, be it

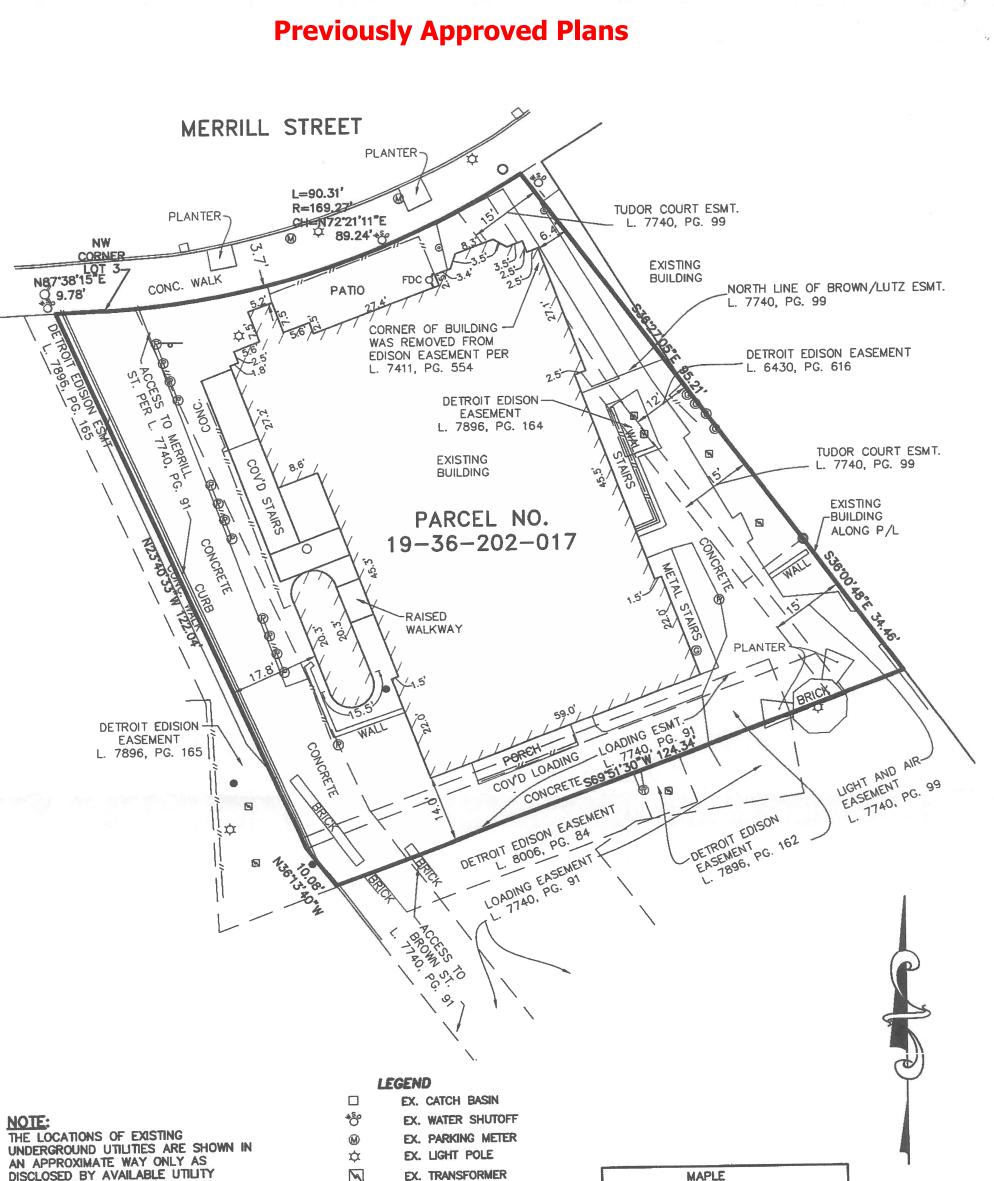
RESOLVED, That the Birmingham City Commission finds the standards imposed under the City Code have been met and 220 Merrill Restaurant application for a Special Land Use Permit Amendment to continue the outdoor dining operation is hereby approved; be it further

RESOLVED, That all conditions of the previously approved 1999 Special Land Use Permit shall be continued for a period of one year as part of this Special Land Use Permit Amendment and are incorporated as herein by reference; be it further

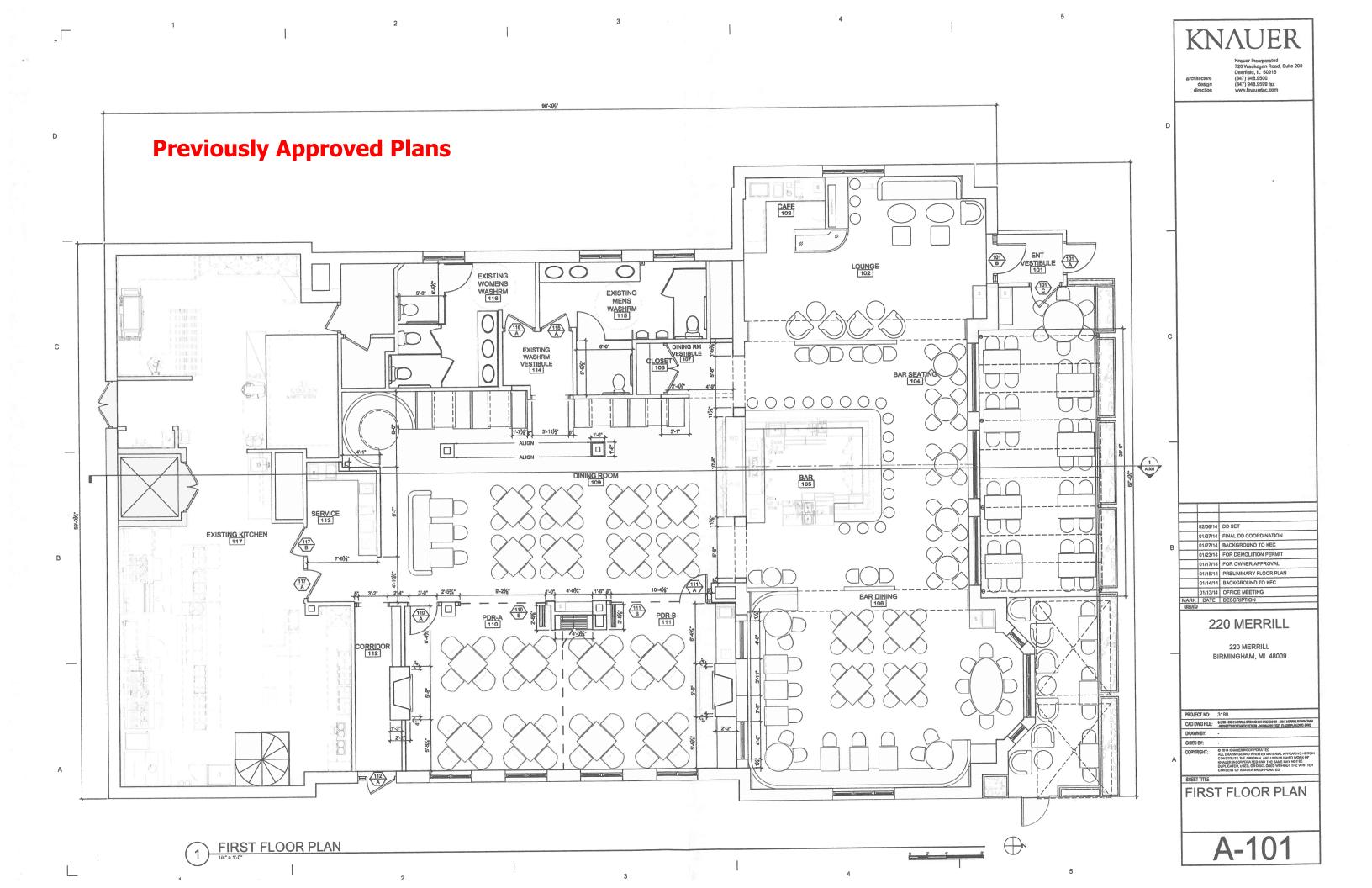
RESOLVED, Except as herein specifically provided, 220 Merrill Restaurant and its heirs, successors and assigns shall be bound by all ordinances of the City of Birmingham in effect at the time of the issuance of this permit, and as they may be subsequently amended. Failure of 220 Merrill Restaurant and its heirs, successors and assigns to comply with all the ordinances of the city, may result in the Commission revoking this Special Land Use Permit. The applicant may reapply for a renewal of its Special Land Use Permit at the end of the one year period.

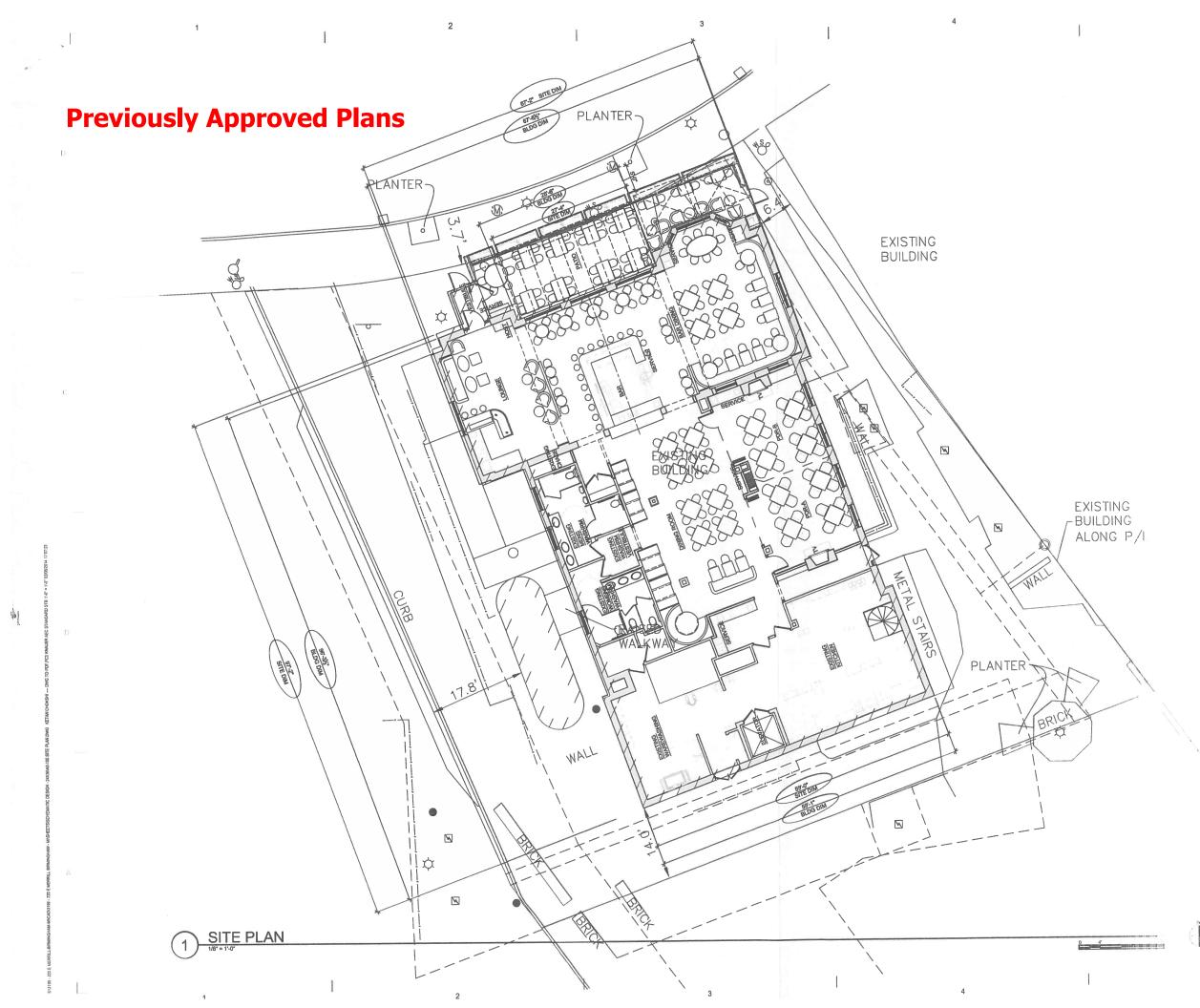
I, Judith A. Benn, City Clerk of the City of Birmingham, Michigan, do hereby certify that the foregoing is a true and correct copy of the resolution adopted by the Birmingham City Commission at its regular meeting held on March 27, 2000.

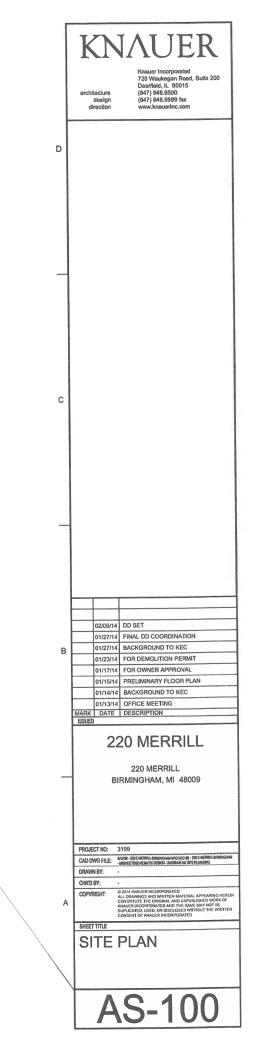
Judith A. Benn, City Clerk



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## CITY OF BIRMINGHAM REGULAR MEETING OF THE PLANNING BOARD MINUTES OF WEDNESDAY, FEBRUARY 26, 2014

# SLUP & FINAL SITE PLAN REVIEW 220 E. Merrill St.

#### Site Plan Review

Ms. Ecker advised the subject site, currently 220 Restaurant, is located on the south side of Merrill St. west of Old Woodward Ave. The parcel is zoned B-4, Business-Residential and D-4 in the Downtown Overlay District. The applicant, 220 Restaurant, is proposing to renovate the existing interior of the restaurant and to update and enlarge the outdoor dining area across the front of the building. A new door system is also proposed to replace a window on the existing façade to allow direct access from the restaurant into the outdoor dining area. The establishment will remain as 220 Restaurant, operating under the existing Class C liquor license. The applicant is required to obtain a Special Land Use Permit ("SLUP") due to the change in ownership of both the restaurant and the liquor license. Article 06 section 6.02 Continuance of Nonconformity, A (5) requires that any establishment with alcoholic beverage sales (on-premise consumption) shall obtain a ("SLUP") upon change in ownership or name of establishment, or upon application for a site plan review.

Accordingly, the applicant is required to obtain a recommendation from the Planning Board on the Final Site Plan and SLUP, and then obtain approval from the City Commission for the Final Site Plan and SLUP. As the proposed establishment is located within the Central Business District Historic District, the applicant is also required to appear before the Historic District Commission.

There is an unscreened dumpster at the rear of the building which is visible from the vias to the south and west of the building. *The applicant will be required to screen the dumpster or obtain a variance from the Board of Zoning Appeals.* 

## Design Review

The applicant is proposing to renovate the north elevation of the building by reconfiguring the central bay, and adding glass doors with sidelites in metal frames with a bronze finish to match the existing windows. The existing transom windows in this bay are proposed to remain. This new door will improve access and circulation in the area of the outdoor dining as guests and servers will be able to access the outdoor dining area directly from the building without having to go in and out of the main entrance door to the restaurant.

No signage changes are proposed at this time. The name of the restaurant will remain the same.

The applicant is proposing to expand the existing 360 sq. ft. outdoor dining area to both the east and west to extend the full length of the property. The existing outdoor dining area will also extend into the public sidewalk to the north. The total outdoor dining area proposed is 825 sq. ft.

Nine 24 in. by 30 in. two-top dining tables with stainless steel bases and white carrarra marble table tops are proposed within the expanded outdoor dining area. Ten 32 in. by 48 in. four-top dining tables with stainless steel bases and white carrarra marble table tops are also proposed. Sixty-four

powder coated aluminum chairs in lime green are proposed for use at all dining tables. Sunbrella "Canvas Walnut" fabric chair cushions are proposed for each dining chair.

The applicant also proposes to install a pergola structure constructed of 5 ft. steel tube columns and 3 ft. aluminum cross bars, with overhead planters and lights in the central portion of the outdoor dining area at 11 ft. above grade.

The required 5 ft. pedestrian pathway will be maintained along the entire frontage of the building.

Mr. Christopher Longe, Architect, said their proposal opens up the rear of the restaurant to the front and to the street. Chairs and tables in the outdoor area are all movable. In response to Ms. Whipple-Boyce's inquiry, the space between tables is adequate at 3 ft. His preference was to put in a regular door in the middle and not a roll-up door. In answer to Ms. Lazar, the food will stay about the same. The chef will remain. On the interior, the paneling will be stained. Valet parking is not part of their plan. They hope to open by June 1.

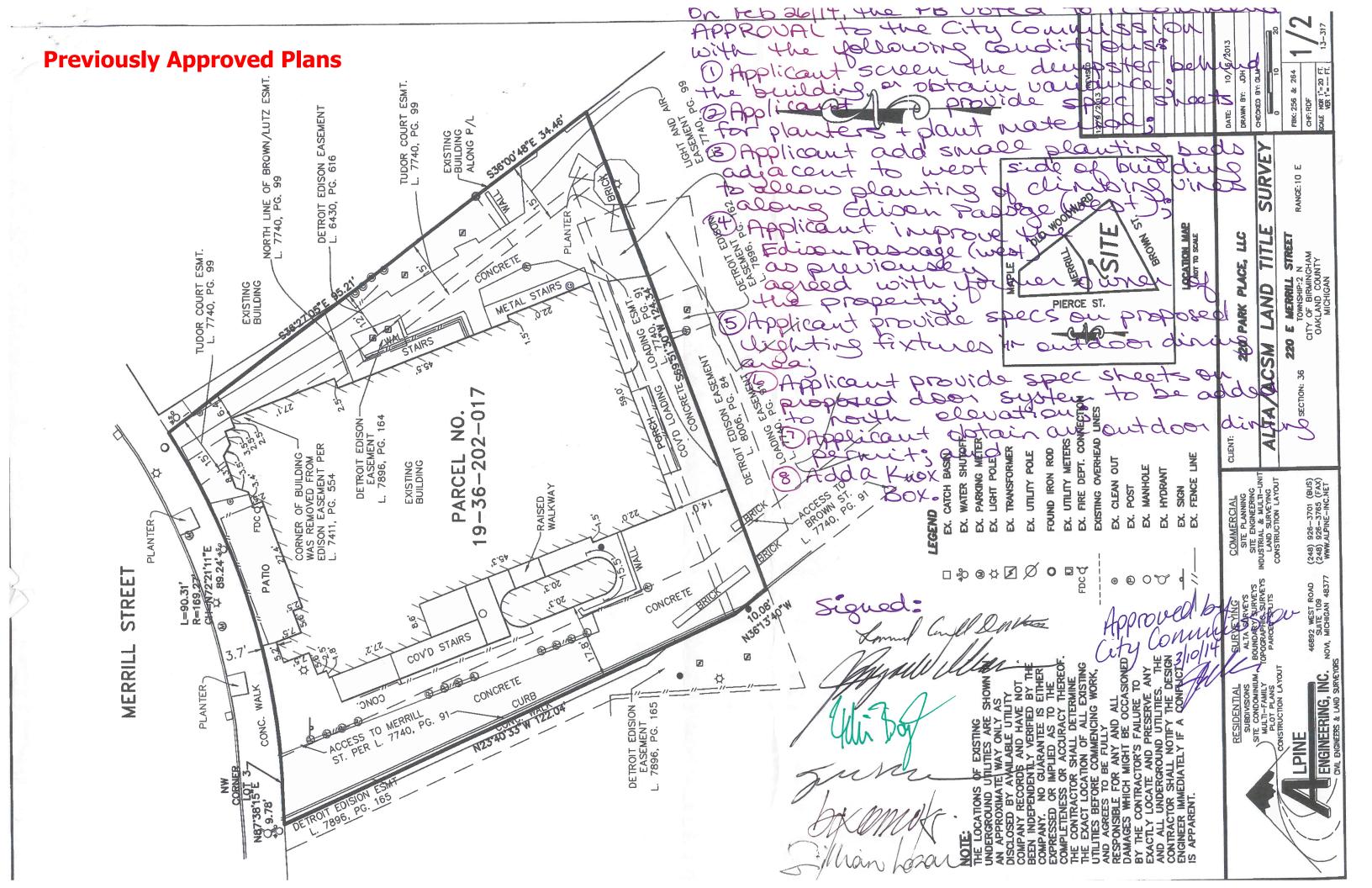
#### Motion by Mr. DeWeese

Seconded by Mr. Williams that the Planning Board approve the applicant's request for Final Site Plan and a SLUP for 220 E. Merrill, 220 Restaurant, with the following conditions:

There were no public comments on the motion at 10:05 p.m.

## Motion carried, 6-0.

VOICE VOTE Yeas: DeWeese, Williams, Boyle, Koseck, Lazar, Whipple-Boyce Nays: None Absent: Clein



LIBER 46848 'PAGE 534

OAKLAND COUNTY TREABURERS CERTIFICATE ARLAND COURTY INCLOSURE OF A STATEMENT HEREBY CERTIFY that there are no TAX LIENS or TITLES hold by the state or any individual signisit the within description and all TAXES on same are paid for live years previous to the date of this instrument as appears by the records in the effice except as staled.

#### FEB 2 8 20:4

001523

•:

1.00 /~

ANDREW E. MEISNER, County Treasurer Sec. 135, Act 208, 1893 as amonded

0039513

LIBER 46848 PAGE 534 \$22.00 DEED - COMBINED \$4.00 REMONUMENTATION

03/10/2014 08:29:11 AM RECEIPT# 22098 PAID RECORDED - Oakland County, MI Lisa Brown, Clerk/Register of Deeds

#### WARRANTY DEED

TWO TWENTY, LL.C., a Michigan limited liability company ("Grantor"), having an address of 16267 West 14 Mile Road, Suite 200, Beverly Hills, Michigan 48025, conveys and warrants to 220 PARK PLACE, LLC, a Michigan limited liability company ("Grantee"), having an address of 124 South Old Woodward Avenue, Suite A, Birmingham, Michigan 48009, certain land situated in the City of Birmingham, Oakland County, Michigan, and more particularly described in attached Exhibit A, subject to those matters set forth in attached Exhibit B, for good and valuable consideration [Real Estate Transfer Tax Valuation Affidavit filed].

Dated as of the 11th day of February, 2014.

#### **GRANTOR:**

TWO TWENTY, L.L.C., a Michigan limited liability company

By: 🕅

2014 MAR -4

ok - Àn

Tule Connect LLC

a title insurance agency

28470 W. 13 Mile Rd. Suite 325

- Farmington Hills, MI 48334

Name: Judith Ann Roberts

Its: Authorized Representative

¢,

**[ACKNOWLEDGMENT ON FOLLOWING PAGE]** 

1

#### **REVENUE TO BE AFFIXED** AFTER RECORDING

Warranty Deed - 220 East Merrill Street 200095916:2 12472/068440

CHECKING COMPLETED AT REGISTER OF DEEDS IAR 05 2014 Register of Deeds Oakland County, MI.

STATE OF MICHIGAN ) ) ss. **COUNTY OF OAKLAND** ).

MCHELLE A MISTRETTA stary Public - Michigan Macordo County 201 incico Excitat ۸W

| -Michelle a     | Mistro     | ta               |
|-----------------|------------|------------------|
| Michelle A. M   | )istretta  | , Notary Public  |
| Maramb          |            | County, Michigan |
| My commission e | xpires: lo | 210.2018         |
| Acting in Oak   | and        | County, Michigan |

۸.

Prepared by:

÷

Brandon J. Muller Clark Hill PLC 151 South Old Woodward Avenue, Suite 200 Birmingham, Michigan 48009 When recorded, return to:

Zaid D. Elia 220 Park Place, LLC 124 South Old Woodward Avenue, Suite A Birmingham, Michigan 48009

#### Exhibit A to Warranty Deed

#### Legal Description

Land situated in the City of Birmingham, Oakland County, Michigan, described as follows:

Part of Lots 3, 4, 6 and 7, Assessor's Plat No. 25, as recorded in Liber 54A of Plats, Page 73, Oakland County Records, described as beginning at the Northwest corner of said Lot 3; thence along the Northerly line of said Lot 3, on a curve to the left (radius = 169.27 feet, long chord bears North 72 degrees 21 minutes 11 seconds East, 89.24 feet), a distance of 90.31 feet; thence South 36 degrees 27 minutes 05 seconds East 95.21 feet, thence South 36 degrees 00 minutes 48 seconds East, 34.46 feet, thence South 69 degrees 51 minutes 30 seconds West, 124.34 feet; thence North 36 degrees 13 minutes 40 seconds West, 10.08 feet; thence North 23 degrees 40 minutes 33 seconds West, 122.04 feet; thence North 87 degrees 38 minutes 15 seconds East 9.78 feet to the point of beginning.

Commonly known as 220 East Merrill Street, Birmingham, Michigan 48009 Tax Parcel No. 19-36-202-017

Subject to and together with easements for ingress, egress and loading described as:

#### ACCESS TO MERRILL STREET:

A 15 foot wide easement for ingress and egress described as the Westerly 15.00 feet of part of Lots 3, 4, 6 and 7 of Assessor's Plat No. 25, as recorded in Liber 54A of Plats, Page 73, Oakland County Records, described as beginning at the Northwest corner of said Lot 3; thence along the Northerly line of said Lot 3 on a curve to the left (radius = 169.27 feet, long chord bears North 72 degrees 21 minutes 11 seconds East, 89.24 feet), a distance of 90.31 feet; thence South 36 degrees 27 minutes 05 seconds East, 95.21 feet; thence South 36 degrees 00 minutes 48 seconds East, 34.46 feet; thence South 69 degrees 51 minutes 30 seconds West, 124.34 feet; thence North 36 degrees 13 minutes 40 seconds West, 10.08 feet; thence North 23 degrees 40 minutes 33 seconds West, 122.04 feet; thence North 87 degrees 38 minutes 15 seconds East, 9.78 feet to the point of beginning. Created by Easement recorded in Liber 7740, Page 91, Oakland County Records.

#### LOADING EASEMENT:

An easement for loading and unloading over and across part of Lots 3, 6 and 7, Assessor's Plat No. 25, as recorded in Liber 54A of Plats, Page 73, Oakland County Records, described as commencing at the Northwest corner of said Lot 3; thence along the Southerly right-of-way line of Merrill Street (60 feet wide), South 87 degrees 38 minutes 15 seconds West 9.78 feet; thence South 23 degrees 40 minutes 33 seconds East, 119.72 feet to the point of beginning; thence North 69 degrees 51 minutes 30 seconds East, 102.28 feet; thence South 20 degrees 08 minutes 30 seconds East, 12.00 feet; thence South 69 degrees 51 minutes 30 West, 99.34 feet; thence North 36 degrees 13 minutes 40 seconds West, 10.08 feet; thence North 23 degrees 40 minutes 33 seconds West, 2.32 feet to the point of beginning. Created by Easement recorded in Liber 7740, Page 91, Oakland County Records.

#### ACCESS TO BROWN STREET:

A 15 foot wide easement for ingress and egress described as the Westerly 15.00 feet of Lots 19 and 20 and part of Lots 3, 7, 8, 9 and 18 of Assessor's Plat No. 25, as recorded in Liber 54A of Plats, Page 73,

Warranty Deed - 220 East Merrill Street 200095916.2 12472/068440 Oakland County Records, described as beginning at the Southeasterly corner of said Lot 20; thence South 61 degrees 38 minutes 00 seconds West, along the Southerly line of said Lots 19, 20 and part of Lot 18, a distance of 120.00 feet; thence North 36 degrees 13 minutes 40 seconds West, 229.0 feet; thence North 69 degrees 51 minutes 30 seconds East, 124.34 feet; thence South 36 degrees 00 minutes 48 seconds East, 47.0 feet; thence South 35 degrees 56 minutes 29 seconds East, 43.96 feet; thence South 36 degrees 07 minutes 40 seconds East, 120.0 feet to the point of beginning. Created by Easement recorded in Liber 7740, Page 91, Oakland County Records.

#### LOADING EASEMENT:

An easement for loading and unloading over and across part of Lots 3, 7, 8 and 9, Assessor's Plat No. 25, as recorded in Liber 54A of Plats, Page 73, Oakland County Records, described as commencing at the Southeast corner of said Lot 20; thence along the Southerly lot line of Lots 20, 19 and part of Lot 18, also being the Northerly right-of-way line of Brown Street, South 61 degrees 38 minutes 00 seconds West, 120.00 feet; thence North 36 degrees 13 minutes 40 seconds West, 182.62 feet to the point of beginning; thence North 36 degrees 13 minutes 40 seconds West, 46.38 feet; thence North 69 degrees 51 minutes 30 seconds East, 99.34 feet; thence South 08 degrees 38 minutes 00 seconds East, 17.00 feet; thence South 81 degrees 22 minutes 00 seconds West, 35.00 feet; thence South 56 degrees 43 minutes 20 seconds West, 10.00 feet; thence South 36 degrees 13 minutes 40 seconds East, 20.00 feet; thence South 36 degrees 13 minutes 40 seconds East, 20.00 feet; thence South 36 degrees 13 minutes 40 seconds East, 17.00 feet; thence South 81 degrees 22 minutes 00 seconds West, 35.00 feet; thence South 56 degrees 43 minutes 20 seconds West, 10.00 feet; thence South 36 degrees 13 minutes 40 seconds East, 20.00 feet; thence South 51 degrees 46 minutes 20 seconds West, 46.56 feet to the point of beginning. Created by Easement recorded in Liber 7740, Page 91, Oakland County Records.

#### Exhibit B to Warranty Deed

#### **Permitted Exceptions**

- 1. Taxes and assessments that are not yet due and payable.
- 2. Easements over subject property as shown on the recorded plat.
- 3. Rights of tenants under any unrecorded leases.
- 4. Easement to Detroit Edison Company to construct, operate and maintain its lines for transmission and distribution of electrical light and power over the Easterly 12 feet of the subject property as recited in deed recorded in Liber 6430, Page 616, Oakland County Records, which easement has been partially released by Release recorded in Liber 7411, Page 554, Oakland County Records.
- 5. Agreement to create common easements for ingress, egress and loading as recorded in Liber 7740, Page 91, Oakland County Records.
- 6. Agreement for creation of limited easement to provide light and air and to satisfy zoning set back requirements as recorded in Liber 7740, Page 99, Oakland County Records.
- Underground Easement in favor of The Detroit Edison Company as recorded in Liber 7896, Page 162, Liber 7896, Page 164, Liber 7896, Page 165 and in Liber 8006, Page 84, Oakland County Records.
- 8. Resolution regarding special assessment recorded in Liber '8715, Page 137, Oakland County Records.

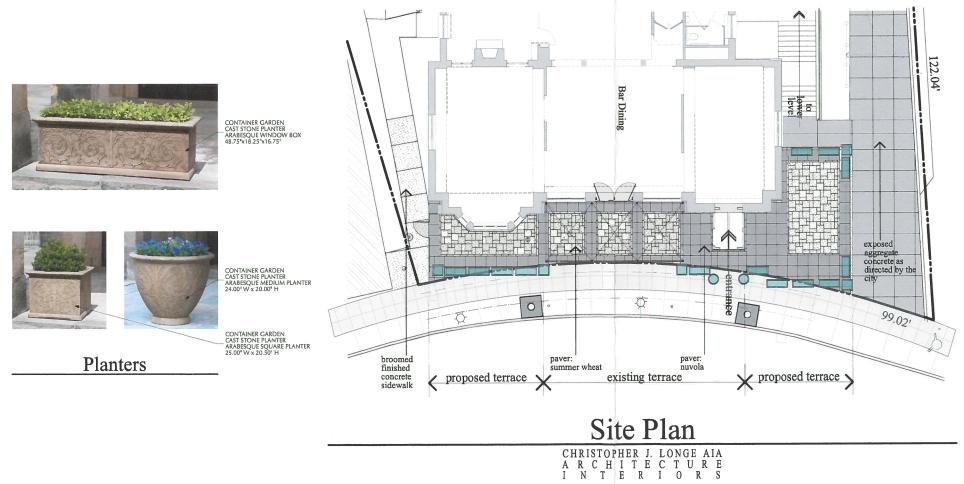
Warranty Deed - 220 East Merrill Street 200095916.2 12472/068440

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220 Merrill Birmingham, MI. 48009



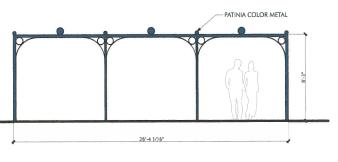




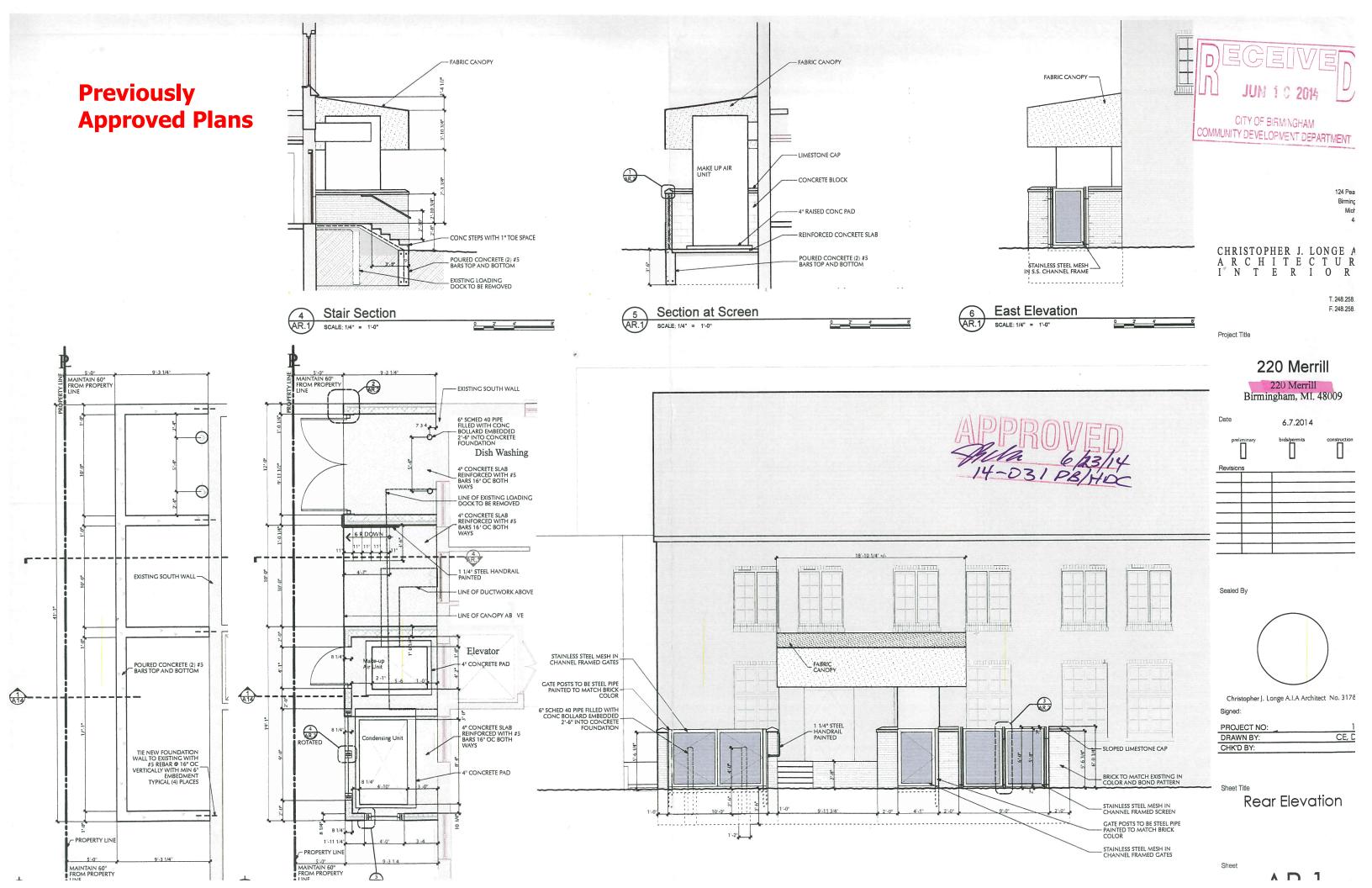
124 Peabody, Birmingham, Michigan 48009 248.258.6940







# Purgola



## HISTORIC DISTRICT COMMISSION MINUTES OF June 17, 2015

#### HISTORIC DESIGN AND SIGN REVIEW 220 E. Merrill 220 Restaurant Legendary Steaks CBD Historic District

Zoning: B-4 Business Residential

<u>Proposal</u>: The applicant proposes to renovate the tenant space front elevation of a onestory, multi-tenant non-contributing building in the CBD Historic District. The tenant space is currently occupied by Max and Erma's. The applicant proposes to extend the façade toward the sidewalk and apply new finishes and add a new canopy. The applicant also proposes to install planters and outdoor dining. The project requires a Special Land Use Permit (SLUP), so the applicant will be reviewed for the SLUP application, additional square footage, signage and the outdoor dining at the November 14, 2012, Planning Board Meeting. The applicant will receive final review at a City Commission meeting in December.

<u>Design</u>: The applicant proposes to demolish the existing façade and construct a new façade. The east half of the new facade will extend an additional 6 ft. out to the edge of the existing second-story overhang. Artificial timber planks stained with Sherwin Williams Woodscape Plum Mahogany are proposed to be mounted over the main entrance, and the bays east and west of it. A Heritage Cast Stone arch in Greystone is proposed and is to be mounted in the wall beneath the wood timber plank, and a matching stone is proposed to be applied at the base of the existing columns. The applicant proposes to add Sturgis Natural Thin Stone Veneer in Crystal Ridge to the new façade and existing columns of the building.

A new storefront window system will be installed in the new facade. Kawneer aluminum windows in Boysenberry will have aluminum detailing in Light Bronze. Six windows with transoms are proposed on the east side of the recessed entrance which consists of a set of three windows on either side of the column. The proposed recessed entry will have a single window placed perpendicular to the east side of the Marvin Windows glass double door stained to match the timber plank. An additional single window is proposed west of the double doors.

Two windows and a door with transoms are proposed for the west end of the façade.

The applicant proposes to install a canopy over the entire length of the main entrance. The canopy finish will match the Boysenberry window frame. A door with a transom and stained to match the timber is proposed for the east elevation of the new addition.

<u>Illumination</u>: The applicant proposes to install two Hinkley Casa Extra Large wall lanterns.

Mr. Henry Clover, Clover Architects, Kansas City, and Mr. Fred Timm, President of 220 RestaurantLegendary Steaks, were present. Mr. Clover explained that the intent of their proposed design is to add life to the front facade by pulling the building out flush with the

second floor. He went on to highlight the design and pass around material samples. Mr. Timm described 220 Restaurantas being a high-end steak restaurant.

Ms. Bashiri advised that the applicant will need to present cut views of the signage that show how it is mounted. Mr. Clover indicated the sign will be back-lit.

Mr. Willoughby urged the applicant to construct the arch out of the same stone so that it is not yet another element on a building that already has too much decoration. Mr. Clover agreed to check if it is possible to do that with the stone.

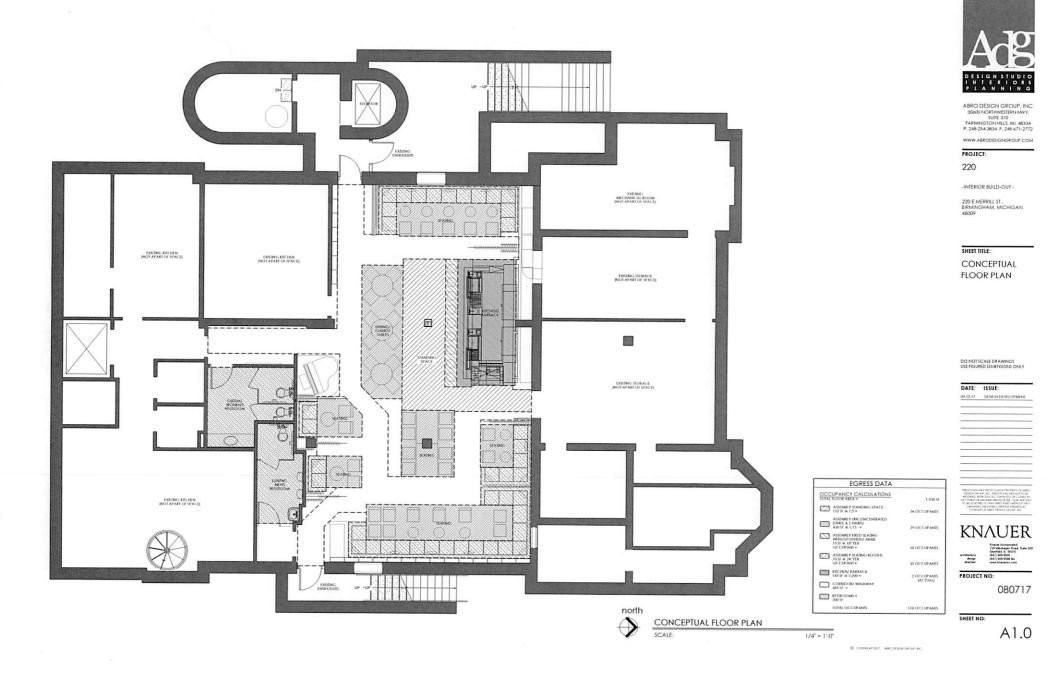
#### Motion by Mr. Willoughby

Seconded by Mr. Goldman to approve the design for 220 E. Merrill, 220 RestaurantLegendary Steaks, with capability of getting administrative approval should they be able to successfully change the arch to fieldstone, and to make sure that the 220 Restaurantsign complies with the Ordinance.

#### Motion carried, 4-0.

Mr. Timm said their price point is half or less than a lot of high priced restaurants in town. The entire inside will be renovated.

VOICE VOTE Yeas: Willoughby, Goldman, Lekas, Gehringer Nays: None Absent: Henke, Deyer, Weisberg



# 220 Merrill Birmingham, Michigan 48009



Elevation



220 Merrill Birmingham, Michigan 48009



West Elevation



9.26.2017



LAW OFFICES

# ADKISON, NEED, ALLEN, & RENTROP

PROFESSIONAL LIMITED LIABILITY COMPANY

39572 Woodward, Suite 222 Bloomfield Hills, Michigan 48304 Telephone (248) 540-7400 Facsimile (248) 540-7401 www.ANAfirm.com OF COUNSEL:

KEVIN M. CHUDLER SARAH J. GABIS LINDA S. MAYER

September 28, 2017

Via Hand Delivery and Electronic Mail

Jana Ecker, Planning Director City of Birmingham 151 Martin St. Birmingham, MI 48012

# Re: Special Land Use and Final Site Plan Application for 220 Merrill Street Lower Level

Dear Ms. Ecker:

220 Restaurant Hospitality, LLC requests City approval for a Special Land Use Permit and a Final Site Plan to enable the lower level of the building (f/k/a Edison's) to reopen.

The plan is to open the lower level for special events, private parties, and the public. The hours would be the same as the hours for the main restaurant. A food menu will be offered.

The lower level may have low-key entertainment, such as jazz music and a piano bar.

There will be no changes to the façade or layout of the lower level. There will be upgrades of the plumbing, electrical, and HVAC systems.

The Michigan Liquor Control Commission has approved the lower level as part of the licensed premises, as well as the following permits: Add Bar, Sunday Sales (AM and PM), Dance/Entertainment, and Outdoor Service.

Enclosed for your review are the following:

- 1. Special Land Use Permit Application;
- 2. Elevations;
- 3. Floor plan;
- 4. Deed; and

PHILLIP G. ADKISON KELLY A. ALLEN JESSICA A. HALLMARK GREGORY K. NEED G. HANS RENTROP 5. Check for \$2,800.00.

Please contact me if you need any further information or documentation. We would appreciate being placed on the Planning Board agenda as soon as possible.

Thank you, as always, for your assistance.

Very truly yours,

ADKISON, NEED, ALLEN, & RENTROP, PLLC

Les allen

/kjf Enclosures

Cc: Matt Baka Zaid Elia



# Special Land Use Permit Application Planning Division

Form will not be processed until it is completely filled out.

#### 1. Applicant

| Name: 22 | 20 Restaurant Hospitality, LLC                 | 1 |
|----------|--|---|
| Address: | 124 S Old Woodward, Birmingham, Michigan 48009 |   |
| Phone Nu | Imber:   |   |
| Fax Num  | ber:   |   |

Email Address: zaid@theeliagroup.com

#### 2. Applicant's Attorney/Contact Person

Name: Kelly Allen Address: 39572 Woodward, Suite 222, Bloomfield Hills, Michigadd Ess:

| Phone Number: (248) 540-7400      |  |
|-----------------------------------|--|
| Fax Number: (248) 540-7401        |  |
| Email Address: kallen@anafirm.com |  |

#### 3. Required Attachments

- · Warranty Deed with legal description of property
- Required fee (see Fee Schedule for applicable amount)
- · Fifteen (15) folded copies of plans including a certified land survey, color elevations showing all materials, site plan, landscape plan, photometric plan, and interior plan
- · Photographs of existing site and buildings
- · Samples of all materials to be used

## 4. Project Information

Address/Location of Property: 220 Merrill Street

| Name of Develo     | opment: 220 Park Place, LLC           |
|--------------------|---------------------------------------|
| Sidwell #:         |                                       |
| Current Use: C     | ommercial/bar/restaurant              |
| Proposed Use:      | Commercial/bar/restaurant             |
| Area in Acres:     |                                       |
| Current Zoning     | : B-4                                 |
| Zoning of Adja     | cent Properties: B-4                  |
| Is there a current | at SLUP in effect for this site?: Yes |
| Is property loca   | ted in the floodplain? No             |

#### Property Owner

| Contraction and Contraction of Contr | 20 Park Place, LLC |  |
|--|--------------------|--|
|  | Same as applicant  |  |
| Phone Nu   | -                  |  |
| Fax Num  |                    |  |
| Email Ad   | ldress:            |  |

#### Project Designer/Developer

Name:

| Phone Number:  |  |
|----------------|--|
| Fax Number:    |  |
| Email Address: |  |

·Catalog sheets for all proposed lighting, mechanical equipment & outdoor furniture

· An itemized list of all changes for which approval is requested

- · Completed Checklist
- · Digital copy of plans
- One (1) additional set of plans mounted on a foam board, including a color rendering of each elevation

| Name of Historic District site is in, if any:               |
|---|
| Date of HDC Approval, if any:                               |
| Date of Application for Preliminary Site Plan:              |
| Date of Preliminary Site Plan Approval:                     |
| Date of Application for Final Site Plan:                    |
| Date of Final Site Plan Approval:                           |
| Date of Revised Final Site Plan Approval:                   |
| Date of Final Site Plan Approval:                           |
| Date of DRB approval, if any:                               |
| Date of Last SLUP Amendment: 6/23/14                        |
| Will proposed project require the division of platted lots? |

## 5. Details of the Nature of Work Proposed (Site plan & design elements)

The applicant intends to open the lower level of the building, to be used for special events, and to be open to the public during the same hours as the main restaurant upstairs. The only changes will include updated plumbing, HVAC, and electrical.

#### 6. Buildings and Structures

| Number of Buildings on site: 1     |   | Use of Buildings: Restaurant/Bar/Office     |
|------------------------------------|---|---|
| Height of Building & # of stories: | 2 | Height of rooftop mechanical equipment: N/A |

#### 7. Floor Use and Area (in square feet)

#### **Commercial Structures:**

| Total basement floor area: 3,500                                | Office space:               |
|---|-----------------------------|
| Number of square feet per upper floor: 6,400                    | Retail space:               |
| Total floor area:   | Industrial space:           |
| Floor area ratio (total floor area divided by total land area): | Assembly space:             |
| Open space:   | Scating Capacity:           |
| Percent of open space:  | Maximum Occupancy Load: 110 |

#### Residential Structures:

| Total number of units: N/A     | Rental units or condominiums?: |
|--------------------------------|--------------------------------|
| Number of one bedroom units:   | Size of one bedroom units:     |
| Number of two bedroom units:   | Size of two bedroom units:     |
| Number of three bedroom units: | Size of three bedroom units:   |
| Open space:                    | Seating Capacity:              |
| Percent of open space:         | Maximum Occupancy Load:        |

#### 8. Required and Proposed Setbacks

| Required front setback: N/A  | Proposed front setback:      |  |
|------------------------------|------------------------------|--|
| Required rear setback:       | Proposed rear setback:       |  |
| Required total side setback: | Proposed total side setback: |  |
| Side setback:                | Second side setback:         |  |

#### 9. Required and Proposed Parking

| Required number of parking spaces: N/A     | Proposed number of parking spaces:         |    |
|--|--|----|
| Typical angle of parking spaces:           | Typical size of parking spaces:            | Ξ. |
| Typical width of maneuvering lanes:        | Number of spaces < 180 sq. ft.:            | _  |
| Location of parking on the site:           | Number of handicap spaces:                 | _  |
| Location of off site parking:              | Shared Parking Agreement?:                 | _  |
| Number of light standards in parking area: | Height of light standards in parking area: |    |
| Screenwall material:                       | Height of screenwall:                      |    |

### 10. Landscaping

Location of landscape areas: N/A Proposed landscape material: 

#### 11. Streetscape

| Sidewalk width: N/A              | Description of benches or planters: |
|----------------------------------|-------------------------------------|
| Number of benches:               |                                     |
| Number of planters:              |                                     |
| Number of existing street trees: | Species of existing street trees:   |
| Number of proposed street trees: | Species of proposed street trees:   |
| Streetscape Plan submitted?:     |                                     |

#### 12. Loading

| Required number of loading spaces: No change | Proposed number of loading spaces: |  |
|--|------------------------------------|--|
| Typical angle of loading spaces:             | Typical size of loading spaces:    |  |
| Screenwall material:                         | Height of screenwall:              |  |
| Location of loading spaces on the site:      |                                    |  |

#### 13. Exterior Trash Receptacles

| Required number of trash receptacles: No change | Proposed number of trash receptacles: |
|---|---------------------------------------|
| Location of trash receptacles:                  | Size of trash receptacles:            |
| Screenwall material:                            | Height of screenwall:                 |

#### 14. Mechanical Equipment

#### Utilities & Transformers:

| Number of ground mounted transformers: No change | Location of all utilities & easements: |
|--|--|
| Size of transformers (LxWxH):                    |  |
|  |  |
|  |  |

#### Ground Mounted Mechanical Equipment:

Number of ground mounted units: No change Size of ground mounted units (LxWxH):

\_\_\_\_

Screenwall material:

#### Rooftop Mechanical Equipment:

Number of rooftop units: No change Type of rooftop units: \_\_\_\_\_

Screenwall material:

Location of screenwalls:

Height of screenwall:

Location of all gournd mounted units:

Height of screenwall:

Location of all ground mounted units: Size of rooftop units (LxWxH):

# Height of screenwall:

Percentage of rooftop covered by mechanical units: Distance from units to rooftop units to screenwall:

#### 15. Accessory Buildings

| Number of accessory buildings: No change Location of accessory buildings:           | Size of accessory buildings:                               |  |  |
|---|--|--|--|
| 16. Building Lighting   |  |  |  |
| Number of light standards on building: No change<br>Size of light fixtures (LxWxH): | Type of light standards on building:<br>Height from grade: |  |  |
| Maximum wattage per fixture:  | Proposed wattage per fixture:                              |  |  |
| Light level at each property line:  | Number & location of holiday tree lighting receptacles:    |  |  |

The undersigned states the above information is true and correct, and understands that it is the responsibility of the applicant to advise the Planning Division and / or Building Division of any additional changes made to an approved site plan or Special Land Use Permit. The undersigned further states that they have reviewed the procedures and guidelines for site plan review and Special Land Use Permits in Birmingham and have complied with same. The undersigned will be in attendance at the Planning Board meeting when this application will be discussed.

| Signature of Owner:<br>Print Name: Zaid Elia |                 | Date: _ | 9-28-17 |
|--|-----------------|---------|---------|
| Signature of Applicant:                      |                 | Date: _ | 9-28-17 |
| Signature of Architect:                      |                 | Date: _ |         |
|  | Office Use Only |         |         |
|  |                 |         |         |
| Application #:                               | Date Received:  | _ Fee:  |         |
| Date of Approval:                            | Date of Denial: | _ Accep | ted by: |

| City     | of Bi | rmingham             |
|----------|-------|----------------------|
|          | 5     | A Walkable Community |
| STATUTE. |       |                      |

# **MEMORANDUM**

**Planning Division** 

DATE: November 1, 2017

TO: Planning Board

FROM: Sean Campbell, Assistant City Planner

APPROVED BY: Jana Ecker, Planning Director

SUBJECT: 220 E. Merrill, 220 Restaurant – Final Site Plan and Special Land Use Permit Amendment

## **Executive Summary**

The subject site, currently 220 Restaurant, is located at 220 E. Merrill, on the south side of Merrill west of Old Woodward. The parcel is located in the B-4, Business-Residential zoning district and is also zoned D-4 in the Downtown Overlay District, and is located in a historic district. At this time, the applicant is proposing to utilize a portion of the basement of the building (formerly Edison's) to use for special events, private parties, and the public as an extension to 220 restaurant on the first floor. The applicant has indicated that the proposed lower level of 220 Restaurant will offer a food menu (the same as that offered on the main floor of the existing restaurant) and will host low-key entertainment, such as jazz music and piano music, in the space. Business hours would be the same as those of the main restaurant. No changes to the existing building facade or first floor plan are proposed.

As no exterior changes are proposed to the building, historic review by the Historic District Commission is not required at this time.

The subject site currently operates under a Special Land Use Permit ("SLUP") as 220 restaurant serves alcoholic beverages under a Class C liquor license. No changes are proposed to the name of the establishment or to the ownership of the existing establishment. The only change proposed at this time is to amend the SLUP to include the lower level as part of 220 restaurant. The Michigan Liquor Control Commission has already approved the basement of the 220 E. Merrill as part of the licensed premises, and thus no licensing changes are required with the State of Michigan.

However, in accordance with Article 06 section 6.02 Continuance of Nonconformity, A(5) of the Zoning Ordinance, any establishment with alcoholic beverage sales (on-premises consumption) shall obtain a Special Land Use Permit upon change in ownership or name of establishment, or upon application for a site plan review. As the applicant is proposing to expand the square footage of the restaurant operating under the existing SLUP, site plan review is required. Accordingly, the applicant is required to obtain a recommendation from the Planning Board on the Final Site Plan

and SLUP Amendment, and then obtain approval from the City Commission for the Final Site Plan and SLUP Amendment.

## **1.0** Land Use and Zoning

- 1.1 <u>Existing Land Use</u> The existing site is used for retail and commercial purposes, including an eating establishment with alcoholic beverage sales. Land uses surrounding the site are also retail and commercial, with multi-family residential to the north.
- 1.2 <u>Existing Zoning</u> The property is currently zoned B-4, Business Residential and D-4 in the Downtown Overlay District. The existing use and surrounding uses appear to conform to the permitted uses of each Zoning District.
- 1.3 <u>Summary of Land Use and Zoning</u> The following chart summarizes existing land use and zoning adjacent to and/or in the vicinity of the subject site.

|   | North                                     | South                         | East                          | West                          |
|---|---|-------------------------------|-------------------------------|-------------------------------|
| Existing Land<br>Use                      | Commercial /<br>Retail and<br>Residential | Commercial /<br>Retail        | Commercial /<br>Retail        | Commercial /<br>Retail        |
| Existing<br>Zoning<br>District            | B-4, Business-<br>Residential             | B-4, Business-<br>Residential | B-4, Business-<br>Residential | B-4, Business-<br>Residential |
| Downtown<br>Overlay<br>Zoning<br>District | D-4                                       | D-4                           | D-4                           | D-4                           |

## 2.0 Screening and Landscaping

- 2.1 <u>Screening</u> No screening is required, nor proposed at this time. The applicant was previously required to screen mechanical equipment and a dumpster at the rear of the building, which was completed.
- 2.2 <u>Landscaping</u> No changes are proposed at this time.

# 3.0 Parking, Loading, Access, and Circulation

3.1 <u>Parking</u> – No changes are proposed. Parking is not required as the site is located within the Parking Assessment District.

- 3.2 <u>Loading</u> No changes are proposed. Existing loading occurs from the adjacent alleys to the west and south of the building.
- 3.3 <u>Vehicular Access & Circulation</u> Vehicular access to the building will not be altered.
- 3.4 <u>Pedestrian Access & Circulation</u> No changes are proposed to either pedestrian circulation or the existing outdoor dining layout.
- 3.5 <u>Streetscape</u> The applicant is not proposing to alter the existing sidewalk, street trees, or light poles. However, there is one street tree missing from a tree well in front of the existing 220 restaurant which the applicant was required to plant as part of their previous approval. This was not done, and thus the applicant will be required to add the required street tree to the existing open tree well. At the time of planting, the new tree must measure at least 3" DBH. The species of tree must be approved by the Department of Public Services.

## 4.0 Lighting

No new lighting is proposed at this time to the exterior of the building.

#### 5.0 Departmental Reports

- 5.1 <u>Engineering Division</u> The Engineering Division has no concerns.
- 5.2 <u>Department of Public Services</u> The DPS has stated that the applicant still owes the City a new tree in the tree well located in front of the building on E. Merrill.
- 5.3 <u>Fire Department</u> The Fire Department has no concerns with the **concept** of occupying this lower level space. **However, a readable set of floor plans, with all required information, will need to be submitted before approval of any occupancy of this space, and for the evaluation of this space, for the allowable occupant load. This space is only approved for storage at this time. Additionally this space will require a full final inspection before occupancy.**
- 5.4 <u>Police Department</u> No comments have been received at this time, but will be provided prior to the Planning Board meeting on November 8, 2017.
- 5.5 <u>Building Division</u> No comments have been received at this time, but will be provided prior to the Planning Board meeting on November 8, 2017.

## 6.0 Design Review

The applicant is not proposing any design changes to the exterior of the subject building.

The interior of the existing restaurant on the first floor currently has 145 seats in the dining room, 17 seats at the bar, and 8 seats in a lounge area near the front entrance, for an

existing total of 170 interior seats on the first floor. No interior changes are proposed for the first floor at this time. The applicant is now proposing to incorporate the lower level of the building (formerly Edison's) into the existing 220 restaurant on the first floor. The addition of the lower level will add 77 seats in the open area around the bar, and 9 seats at the bar. A piano is also proposed to provide low key entertainment for guests. The applicant has stated that the lower level will be an extension of the first floor restaurant, but it may be used for private events at times, and open to the general public at other times. The furniture plan for the lower level appears to be lounge style seating with cocktail tables. Only 3 full size dining tables are provided in the area between the bar and the piano, thus suggesting more of a lounge atmosphere than the first floor restaurant space. With the addition of the lower level to the restaurant, a total of 256 seats will be provided between the dining areas, lounge areas and the upper and lower bar areas.

# 7.0 Downtown Birmingham 2016 Overlay District

The site is located within the D-4 zone of the DB 2016 Regulating Plan, and is within the Downtown Birmingham Overlay District. The proposed plans conform to the provisions of the D-4 overlay zoning district, and continue to implement the goals of the plan.

## 8.0 Approval Criteria

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

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

# 9.0 Approval Criteria for Special Land Use Permits

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

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

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

# **10.0 Suggested Action**

Based on a review of the site plans submitted, the Planning Division recommends that the Planning Board recommend APPROVAL to the City Commission of the applicant's request for Final Site Plan and a SLUP amendment for 220 E. Merrill, 220 Restaurant to enable the restaurant to reopen the basement for food and alcoholic beverage sales, public use, special events, private parties, and low-key entertainment.

# **11.0** Sample Motion Language

Based on a review of the site plans submitted, the Planning Division recommends that the Planning Board recommend APPROVAL to the City Commission of the applicant's request for Final Site Plan and a SLUP Amendment for 220 E. Merrill, 220 Restaurant with the following conditions:

1. Add the required street tree to the existing open tree well, with a minimum caliper of 3" DBH at the time of planting; and

2. Complete and legible plans, with all required information, will need to be submitted before approval of any occupancy of this space, and for the evaluation of this space for the allowable occupant load; and

3. Compliance with the requests of all departments.

# OR

Motion to recommend DENIAL of the Final Site Plan and SLUP Amendment to the City Commission for 220 E. Merrill, 220 Restaurant for the following reasons:

1. \_\_\_\_\_

2.

Motion to recommend POSTPONEMENT of the Final Site Plan and SLUP Amendment for 220 E. Merrill, 220 Restaurant, pending receipt of the following:

1. 2.

## Planning Board Minutes November 8, 2017

#### **UNFINISHED BUSINESS**

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

#### 1. 220 E. Merrill, 220 Restaurant

# Request for approval of a Final Site Plan and SLUP Amendment to expand the establishment into the lower level of the building

Ms. Ecker advised the subject site, currently 220 Restaurant, is located on the south side of Merrill, west of Old Woodward Ave. The parcel is located in the B-4 Business-Residential Zoning District and is also zoned D-4 in the Downtown Overlay District, and is located in a Historic District.

She explained there are two issues, the State Licensing issue and the City zoning issue. At the State, the lower level is already included in the applicant's licensed premises area and they have a Class C Liquor License with an Entertainment Permit. From the City's standpoint, the approval of 220 Restaurant did not include the basement.

At this time, the applicant is proposing to utilize a portion of the basement of the building for special events, private parties, and the public as an extension of the 220 Restaurant on the first floor. The applicant has indicated that the proposed lower level of the restaurant will offer a food menu (the same as that offered on the main floor of the existing restaurant) and will host low-key entertainment, such as jazz music and piano music, in the space.

Business hours would be the same as those of the main restaurant.

The only issue outside has been called out by the Dept. of Public Services ('DPS") who says the applicant has not added the required street tree to the existing open tree well in the front,

No changes to the existing building facade or first floor plan are proposed. As no exterior changes are proposed to the building, historic review by the Historic District Commission is not required at this time.

#### Design Review

No interior changes are proposed for the first floor at this time. The applicant is now proposing to incorporate the lower level of the building (formerly Edison's) into the existing 220 Restaurant on the first floor.

The addition of the lower level will add 77 seats in the open area around the bar, and nine seats at the bar. A piano is also proposed to provide low key entertainment for guests. The furniture plan for the lower level appears to be lounge style seating with cocktail tables. Only three full size dining tables are provided in the area between the bar and the piano, thus suggesting more of a lounge atmosphere than the first floor restaurant space. With the addition of the lower level to the restaurant, a total of 256 seats will be provided between the dining areas, lounge areas and the upper and lower bar areas.

Ms. Kelly Allen, Attorney, was present with Mr. Zaid Elia on behalf of 220 Restaurant. She explained for Mr. Boyle that an Entertainment Permit allows 220 to have music, karaoke, closed

circuit television, and stand-up comedians. An entertainment agreement with the City is pretty strict with regard to what kind of entertainment is allowed.

There were no comments from the public at 8:26 p.m.

### Motion by Mr. Williams

Seconded by Mr. Boyle that based on a review of the site plans submitted, the Planning Board recommends approval to the City Commission of the applicant's request for Final Site Plan and a SLUP Amendment for 220 E. Merrill, 220 Restaurant, with the following conditions:

**1.** Add the required street tree to the existing open tree well, with a minimum caliper of 3 in. DBH at the time of planting;

2. Complete and legible plans, with all required information, will need to be submitted before approval of any occupancy of this space, and for the evaluation of this space for the allowable occupant load; and

3. Compliance with the requests of all City departments.

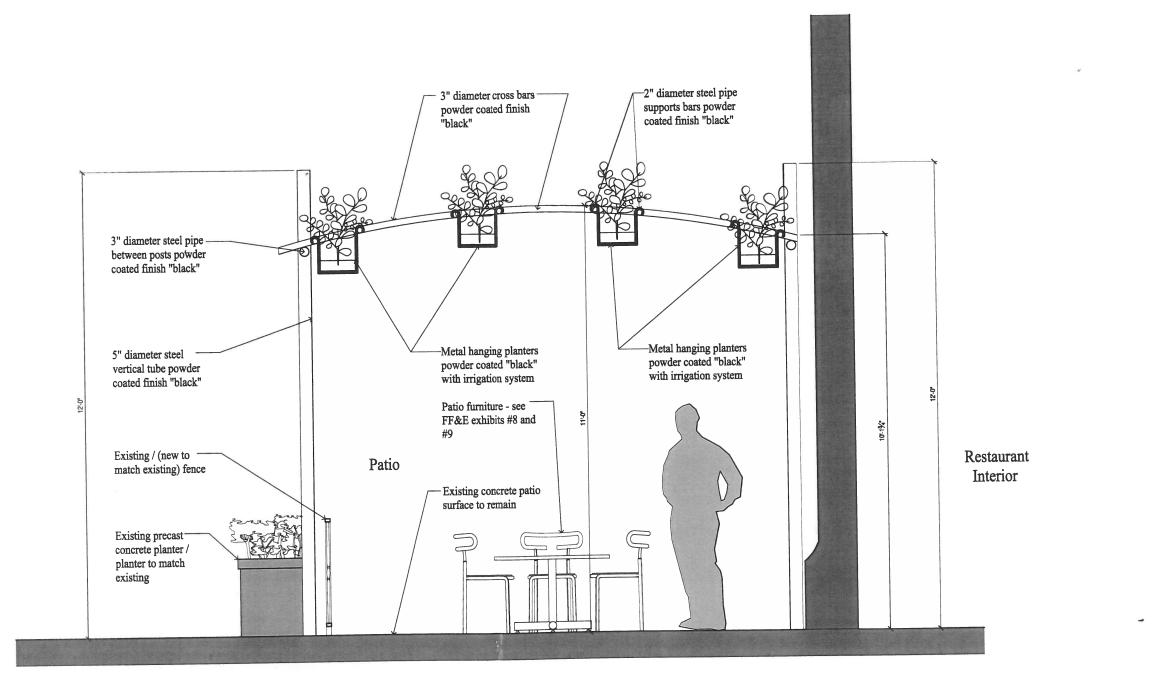
No one from the public commented on the motion at 7:27 p.m.

## Motion carried, 6-0.

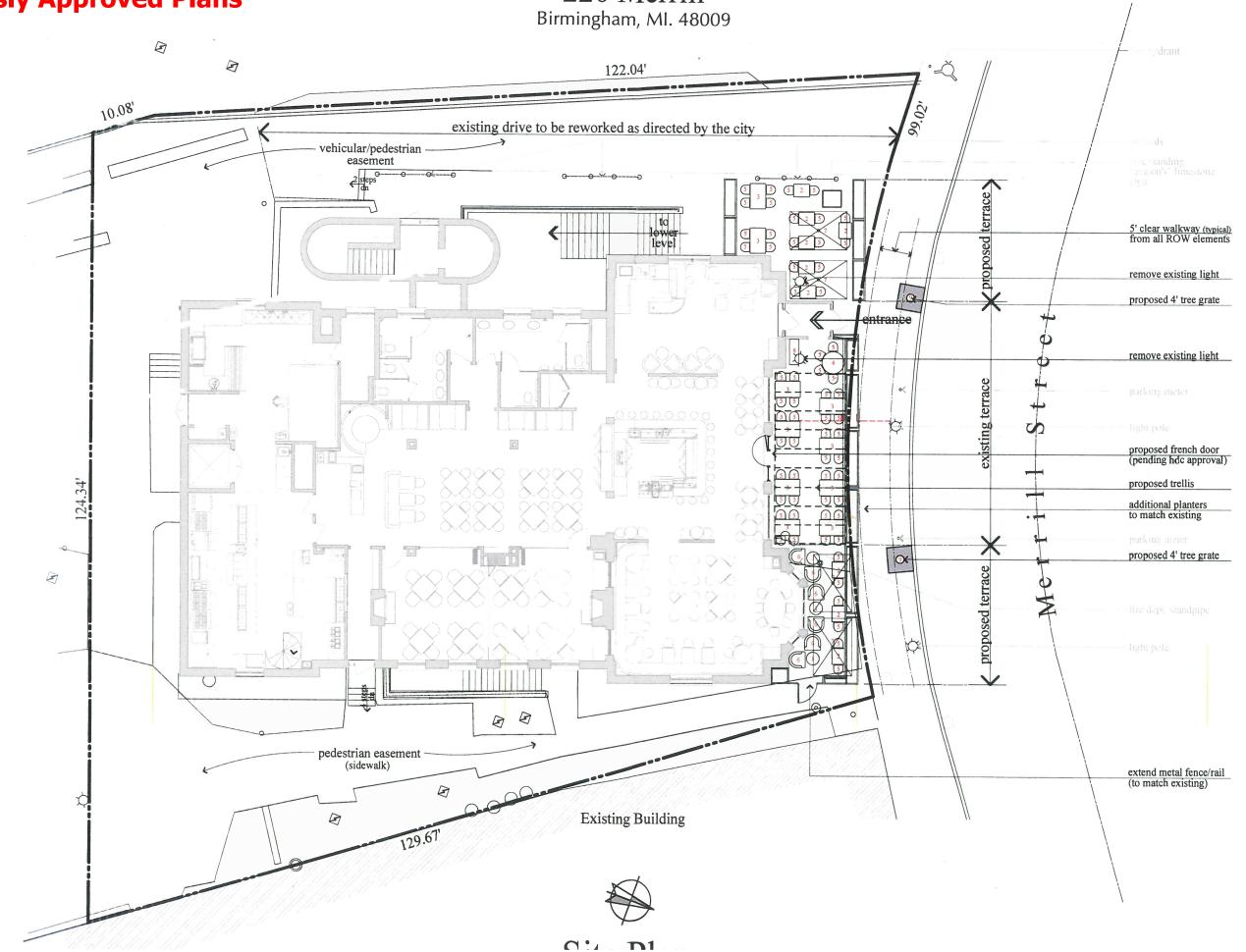
VOICE VOTE Yeas: Williams, Boyle, Jeffares, Koseck, Lazar, Whipple-Boyce Nays: None Absent: Clein

4

# 220 Merrill Birmingham, MI. 48009



# 220 Merrill



220 Merrill Birmingham, MI. 48009



└─5" square steel vertical ─┘ tubes powder coated "black." Remove existing portion of glazing system and stone wainscot. Install new metal french door and sidelites with bronze finish to match existing.

# **Previously Approved Plans**

220 Merrill Birmingham, MI. 48009









| City of I | Birmingham   | MEMORANDUM             |
|-----------|--|------------------------|
|           |  | ENGINEERING DEPARTMENT |
| DATE:     | December 19, 2017                                  |                        |
| TO:       | Joseph A. Valentine, City Manager                  |                        |
| FROM:     | Paul T. O'Meara, City Engineer                     |                        |
| SUBJECT:  | Old Woodward Ave. Paving Project<br>Contract Award | t, Contract #1-18(P)   |

On April 13, 2017, bids were opened on the first Old Woodward Ave. Paving bid package, known as Contract #2-17(P). After review of the two bids received compared to what was budgeted at that time, the City Commission voted at their meeting of April 24, 2017 to reject all bids.

At the meeting of July 10, 2017, the City Commission reviewed design elements of the first bid package, and directed staff to proceed with new plans that would include:

- a) Removal and replacement of the DTE Energy street lights with new Hadco street lights matching the design and features that have been installed on other recent street renovation projects within the Central Business District.
- b) Installation of a separate City owned underground electrical system on the Old Woodward Ave. portion of the project, providing 24-hour access to power, as well as charging station bollards at various locations throughout the project.
- c) Standard concrete street pavement, as well as sawcut concrete sidewalks accented with exposed aggregate concrete sidewalks along the curb line of both streets, matching the general design intent used on other recent street renovation projects within the Central Business District.

With that direction, the Engineering Dept. proceeded to modify the bidding documents to this intent, simplifying the bid package, particularly in the area of the pavement elements of the project. Additional review was also given to the sewer design, in order to remove areas of uncertainty about the status of various existing pipelines within the project. In addition, new provisions were also added to the contract to encourage timely performance on this project.

On November 7, 2017, the plans were re-issued for bids under the new name of Contract #1-18(P), with a focus on quality completion in the shortest possible timeframe. A contract final completion date of July 27, 2018 was included, to encourage completion of underground work during colder weather when the business community is less active, as well as a strong bonus/penalty clause to encourage high production on every work day. Other unique time factor items written into the contract include:

1. Standard working hours on the project shall be 7 AM to 10 PM, six days per week (standard working hours end at 7 PM every day).

2. The allowance of a complete closure of Maple Rd. to all vehicle traffic at the Old Woodward Ave. intersection for three weekend periods, and the complete closure of Brown St. to all vehicle traffic for one weekend period (both with provisions encouraging full production on Sundays).

On December 15, 2017, the Engineering Department opened bids on the above referenced project. Attached are the bid results. Three companies submitted bids for this project. At the bid opening, the apparent low bidder was F.D.M. Contracting, Inc. However, after checking the math within all submitted proposals, a major math error in the apparent low bid increased their number substantially, now making the low bidder Angelo Iafrate Construction Co., with their corrected bid price of \$7,078,773.33. This compares well to the low bid received last April of \$6,870,000.

The following summarizes how the various funds budgeted for this project compared to the bid prices received. Although some funds will require a budget amendment, the total cost of the project is less than budget by approximately \$180,000:

| FUND                       | <u>BUDGET</u>          | BID          | VARIANCE     |
|----------------------------|------------------------|--------------|--------------|
|                            |                        |              |              |
| GENERAL FUND (STREETSCAPE) | \$ 1,758,590           | \$ 2,315,249 | \$ (556,659) |
| MAJOR STREET FUND:         |                        |              |              |
| ROAD                       | 2,678,250              | 2,199,258    | 478,992      |
| TRAFFIC SIGNAL             | 400,000                | 418,830      | (18,830)     |
| WATER FUND                 | 823,070                | 904,215      | (81,145)     |
| SEWER FUND                 | 1,599,610              | 1,223,201    | 376,409      |
| AUTO PARKING FUND          |                        | 18,020       | (18,020)     |
| TOTAL ROAD COSTS           | 7,259,520              | 7,078,773    | 180,747      |
|                            |                        |              |              |
| STREETLIGHTS (FY 18-19)    | 450,000                |              |              |
| TOTAL PROJECT              | <u>\$    7,709,520</u> |              |              |

Angelo Iafrate has not historically worked for the City of Birmingham, but they are a reputable and capable firm. Their most recent project in the immediate area was the reconstruction of Big Beaver Rd., from Woodward Ave. to Adams Rd., completed in 2016 for the Road Commission for Oakland Co. Other projects that they have completed that are more similar to our downtown project include:

- M-150 (Rochester Rd.) reconstruction in downtown Rochester (2012).
- Streetscape project for Little Caesars arena (Detroit) valued at \$11 million.
- Woodward Ave. reconstruction for the new Q-Line transit system in the City of Detroit, valued at \$16.3 million.
- Concrete reconstruction of M-59 between M-53 and Romeo Plank Rd., valued at \$20 million.

After reviewing the history of these other larger projects, we are confident that they are qualified to perform the work on this contract.

As is required for all of the City's construction projects, lafrate has submitted a 5% bid security with their bid which will be forfeited if they do not provide the signed contracts and required bonds and insurance required by the contract following the award by the City Commission.

The project will completely remove and replace the existing underlying concrete pavement and asphalt overlay currently on the full length of Old Woodward Ave. from Willits St. to Brown St., including the Brown St. intersection, as well as 400 ft. of Maple Rd. from west of Pierce St. to east of Old Woodward Ave. Work will include replacement of the water and sewer system, replacement of traffic signals at three intersections, and installation of a new fiber optic system, City-owned electrical system, and all new landscaping with irrigation.

The Contractor is required to submit a preliminary construction schedule within three weeks of the contract award. We will be encouraging them to start early in the season if at all possible. The Engineering Dept. will continue to work with the BSD and the City Manager's office to communicate to the businesses and property owners throughout the construction project.

This contract includes a provision for street closure assessments designed to act as an incentive to complete the project within the allowed time as bid on the bidding document, or in this case, 125 calendar days (four months and one week). Using this provision, if the contractor should keep the road closed longer than 125 days, they will be assessed \$3,000 per day. If the contractor should complete the project quicker than 125 days, and open the road to traffic accordingly, the City shall pay a bonus at double the penalty rate, or \$6,000 per day.

Since this is a complex project that includes improvements to several of the City's systems, the costs for this project will be charged to six different accounts:

| Sewer Fund                          | 590-536.001-981.0100 | \$1,223,201.26 |
|-------------------------------------|----------------------|----------------|
| Water Fund                          | 591-537.004-981.0100 | \$ 904,215.08  |
| Major Streets Fund                  | 202-449.001-981.0100 | \$2,199,260.26 |
| Major Street Fund (Traffic Control) | 202-303.001-977.0100 | \$ 418,827.88  |
| General Fund (Sidewalk              |                      |                |
| Assessment District)                | 101-444.001-985.7400 | \$2,315,248.79 |
| APS Fund (Parking meters)           | 585-305.000-811.0000 | \$ 18,020.00   |
| TOTAL                               |                      | \$7,078,773.32 |

It is recommended that the Old Woodward Ave. Paving Project, Contract #1-18(P), be awarded to Angelo Iafrate Construction Co, Inc. of Warren, MI in the amount of \$7,078,773.32.

### SUGGESTED RESOLUTION:

To award the Old Woodward Ave. Paving Project, Contract #1-18(P), to Angelo Iafrate Construction Co., of Warren, MI, in the amount of \$7,078,773.32, to be funded from the following accounts:

| Sewer Fund                          | 590-536.001-981.0100 | \$1,223,201.26 |
|-------------------------------------|----------------------|----------------|
| Water Fund                          | 591-537.004-981.0100 | \$ 904,215.08  |
| Major Streets Fund                  | 202-449.001-981.0100 | \$2,199,260.26 |
| Major Street Fund (Traffic Control) | 202-303.001-977.0100 | \$ 418,827.88  |
| General Fund (Sidewalks)            | 101-444.001-985.7400 | \$2,315,248.79 |
| APS Fund (Parking meters)           | 585-305.000-811.0000 | \$ 18,020.00   |
| TOTAL                               |                      | \$7,078,773.32 |

And further; to approve the appropriation and amendment to the 2017-2018 General Fund and Water Fund budgets as follows:

| General Fund   |                  |
|--|------------------|
| Revenues:  |                  |
| Draw from Fund Balance   |                  |
| 101-000.000-400.0000   | <u>\$556,659</u> |
| Total Revenue  | <u>\$556,659</u> |
| Eveneditures   |                  |
| Expenditures:  |                  |
| Sidewalk-Construction/Public Improvements 101.444.001-985.7400 |                  |
|  | <u>\$556,659</u> |
| Total Expenditures   | <u>\$556,659</u> |
|  |                  |
| Water Fund   |                  |
| Revenues:  |                  |
| Draw from Net Position   |                  |
| 591-0000.000-400.0000  | <u>\$81,145</u>  |
| Total Revenue  | <u>\$81,145</u>  |
|  |                  |
| Expenditures:  |                  |
| Water Mains Capital Improvements                               |                  |
| 591-537.004-981.0100   | <u>\$81,145</u>  |
| Total Expenditures   | <u>\$81,145</u>  |
|  |                  |

**CITY OF BIRMINGHAM** 

# OLD WOODWARD AVE. PAVING PROJECT CONTRACT # 1-18 (P)

#### **BID SUMMARY**

# December 15, 2017 - 2:00 PM

| Company Name                        | Addendums    | 5% Bid<br>Security | Base Bid |                |  |  |  |
|-------------------------------------|--------------|--------------------|----------|----------------|--|--|--|
| Angelo lafrate Construction Company | No. 1, 2 & 3 | Bond               | \$       | 7,078,773.33 * |  |  |  |
| F.D.M. Contracting, Inc.            | No. 1, 2 & 3 | Bond               | \$       | 7,172,101.10 * |  |  |  |
| Dan's Excavating, Inc.              | No. 1, 2 & 3 | Bond               | \$       | 7,827,900.10   |  |  |  |
|                                     |              |                    |          |                |  |  |  |
|                                     |              |                    |          |                |  |  |  |
|                                     |              |                    |          |                |  |  |  |
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|                                     |              |                    |          |                |  |  |  |
|                                     |              |                    |          |                |  |  |  |
|                                     |              |                    |          |                |  |  |  |

| City of  | Birmingham   | MEMORANDUM        |
|----------|--|-------------------|
| DATE:    | December 26, 2017  | Engineering Dept. |
| TO:      | Joseph A. Valentine, City Manager  |                   |
| FROM:    | Paul T. O'Meara, City Engineer   |                   |
| SUBJECT: | Old Woodward Ave. Paving Project<br>Sewer & Water Lateral Special Asse<br>Streetscape Special Assessment Dis |                   |

1

In accordance with current policy, the Engineering Dept. plans to replace all older sewer laterals underneath the new proposed pavement on the above project, which includes Old Woodward Ave. between Willits St. and Brown St., as well as approximately 400 ft. of Maple Rd. west and east of Old Woodward Ave. In addition, per policy authorized within the last year, all water services less than 1 inch diameter shall be replaced with 1 inch. As a part of this new policy, all lead water services shall be replaced at owner expense, matching the size of the existing service, or at least 1 inch dia., and assessed to the adjacent owners.

As recommended under separate cover, it is anticipated that this construction contract will be awarded to Angelo Iafrate Construction Co., with their low bid of \$\$7,078,773.32. As outlined on the attached spreadsheet, existing pipelines to be replaced range from 6 inch to 12 inch diameter for sewer services, and 1 inch to 2 inch for water services. The wide variety is a function of the similar variety of building ages, sizes, and uses in the project area.

In the past, the City has compared the low bidder's price for sewer and water services with the other bidders, to ensure the price of this work, which will be assessed, reflects the actual value of the work. Since most of the services will be either a 6 inch sewer service or a 1 inch water service, the focus of this comparison is based on these categories. A list of the sewer and water lateral bid prices for all the bidders follows below:

| CONTRACTOR<br>(in order of lowest to highest bidder based on total<br>price) | BID PRICE<br>6" SEWER<br>(PER FOOT) | BID PRICE<br>1" WATER<br>(PER FOOT) |
|--|-------------------------------------|-------------------------------------|
| Angelo lafrate Construction Co.  | \$103.00                            | \$65.00                             |
| FDM Contracting, Inc.  | \$90.00                             | \$60.00                             |
| Dan's Excavating Co.   | \$100.00                            | \$60.00                             |
| Average Price Per Foot   | \$97.67                             | \$61.67                             |

In both cases, the low bidder's price is less than 6% higher than the average price bid among the three bids received. Considering the very difficult work environment if these property owners waited until their sewer service failed, or if they needed to bring the building to current code, replacing these pipes within this congested work area would be both a costly and

disruptive process. We believe charging the low bidder's price (\$103 & \$65 respectively), is appropriate.

Prices for the larger sewer and water services that will apply for this special assessment district are as follows:

8 inch sewer = \$110 per foot 10 inch sewer = \$119 per foot 12 inch sewer = \$127 per foot

 $1\frac{1}{2}$  inch water = \$70 per foot 2 inch water = \$80 per foot

Total estimated costs for these service replacements are as outlined on the attached spreadsheet. The average estimated cost for a 6 inch sewer service replacement is \$2,493, while the average estimated cost for a 1 inch water service replacement is \$2,123. Although not fully reflected on the spreadsheet, it is noted that we are working with the developers of the 298 S. Old Woodward Ave. project (Boutique Hotel), and plan to install both new sewer and water service connections to suit their needs, 100% at their cost, as a part of this project.

It is recommended that a public hearing of necessity for the replacement of sewer and water services be scheduled at the Monday, February 12, 2018 City Commission meeting. It is further recommended that the public hearing to confirm the roll be held on Monday, February 26, 2018 at the prices charged by the lowest bidder, as outlined in the attached estimated assessment roll.

#### SUGGESTED RESOLUTION:

- RESOLVED, that the City Commission shall meet on Monday, February 12, 2018, at 7:30 P.M., for the purpose of conducting a public hearing of necessity for the installation of sewer and water services within the Old Woodward Ave. Paving project area. Be it further
- RESOLVED, that the City Commission meet on Monday, February 26, 2018, at 7:30 P.M. for the purpose of conducting a public hearing to confirm the roll for the installation of sewer and water services in the Old Woodward Ave. Paving project area.

#### **SEWER & WATER SERVICE CHART**

#### Old Woodward Ave. Paving Project - Contract #1-18(P)

| Address | Street | Type of Pipe | Date      | SAD? | Estd   | Estd  | Estd  | Estd  | Estd  | Water | Date      | SAD? | Estd   | Estd | Estd | Estd |
|---------|--------|--------------|-----------|------|--------|-------|-------|-------|-------|-------|-----------|------|--------|------|------|------|
|         |        |              | Installed |      | Length | Cost  | Cost  | Cost  | Cost  | Туре  | Installed |      | Length | Cost | Cost | Cost |
|         |        |              |           |      |        | 6"    | 8"    | 10"   | 12"   |       |           |      |        | 1"   | 1.5" | 2"   |
|         |        |              |           |      |        | \$103 | \$110 | \$119 | \$127 |       |           |      |        | \$65 | \$70 | \$80 |

#### Old Woodward Ave. - Willits St. to Brown St.

#### WEST SIDE

| $ \begin{array}{ c c c c c c c c c c c c c c c c c c c$  | WEST SIDE   | 1                    |              |         |   | -  |         |         |         |                 |      |   | -  | 1       |         |         |  |
|--|---|----------------------|--------------|---------|---|----|---------|---------|---------|-----------------|------|---|----|---------|---------|---------|--|
| $\begin{array}{ c c c c c c c c c c c c c c c c c c c$   | 275   | N. Old Woodward Ave. | On Willits   | 1956    | N | 0  |         |         |         | On Willits      | 1998 | N | 0  |         |         |         |  |
| 233-239       Unknown        Y       28       \$2,884       1.5° Lead        Y       65       \$4,550         233-239       Unknown        Y       28       \$2,884 <td></td> <td></td> <td></td> <td></td> <td></td> <td>-</td> <td></td> <td>\$3,080</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td>  |   |                      |              |         |   | -  |         | \$3,080 |         |                 |      |   |    |         |         |         |  |
| 233-239         Unknown          Y         28         \$2,884          N         0            215-229         On Alley         2005         N         0          1.5" Copper          N         0            215-229         Unknown          Y         28         \$2,884   |   |                      |              |         |   | -  |         |         |         | 2" Copper       | 1997 | N | •  |         |         |         |  |
| 215-229         On Alley         2005         N         0         Image: form of the system of the sys                             |   |                      | Unknown      |         | Y |    |         |         |         | 1.5" Lead       |      | Y | 65 |         | \$4,550 |         |  |
| 215-229       Unknown        Y       28       \$2,884  | 233-239   |                      | Unknown      |         | Y | 28 | \$2,884 |         |         |                 |      |   |    |         |         |         |  |
| 205         On Alley         1965         N         0         1.5" Copper         1958         N         0           205         Unknown          N         0  | 215-229   |                      | On Alley     | 2005    | N | 0  |         |         |         | 1.5" Copper     |      | Ν | 0  |         |         |         |  |
| 205         Unknown          N         0         ///         // <th <="" th="">         //         //         <t< td=""><td>215-229</td><td></td><td>Unknown</td><td></td><td>Y</td><td>28</td><td>\$2,884</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></t<></th>  | //         // <t< td=""><td>215-229</td><td></td><td>Unknown</td><td></td><td>Y</td><td>28</td><td>\$2,884</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></t<> | 215-229              |              | Unknown |   | Y  | 28      | \$2,884 |         |                 |      |   |    |         |         |         |  |
| 183-191       Unknown        Y       28       \$2,884       4" Ductile Iron       1985       N       0          183-191       Unknown        Y       28       \$2,884       2" Copper       1983       N       0          167       Unknown        Y       28       \$2,884       2" Copper       1984       N       0          101-135       Unknown        Y       28       \$2,884       4" Ductile Iron       1979       N       0          100       S. Old Woodward Ave.       Unknown        Y       30       \$3,090       6" Ductile Iron       2016       N       0          100       S. Old Woodward Ave.       Unknown        Y       30       \$3,090       2" Copper       1991       N       0          114-116       Unknown        Y       30       \$3,090       4" Ductile Iron       1991       N       0         16" Ductile Iron       1991       N       0        14" Ductile Iron       1991       N       0        14" Ductile Iron       1991   | 205   |                      | On Alley     | 1965    | Ν | 0  |         |         |         | 1.5" Copper     | 1958 | Ν | 0  |         |         |         |  |
| 183-191         Unknown          Y         28         \$2,884         2° Copper         1983         N         0            167         Unknown          Y         28         \$2,884         2° Copper         1983         N         0            101-135         Unknown          Y         28         \$2,884         4" Ductile Iron         1979         N         0            101-135         P.V.C.         2002         N         0  | 205   |                      | Unknown      |         | Ν | 0  |         |         |         |                 |      |   |    |         |         |         |  |
| 100-191       0       1       2       2       300       N       0       1       1       1       2       300       N       0       1       1       1       1       1       2       300       N       0       1       <  | 183-191   |                      | Unknown      |         | Y | 28 | \$2,884 |         |         | 4" Ductile Iron | 1985 | Ν | 0  |         |         |         |  |
| 101-135       Unknown        Y       28       \$2,884       4* Ductile Iron       1979       N       0       1         101-135       P.V.C.       2002       N       0   | 183-191   |                      | Unknown      |         | Y | 28 | \$2,884 |         |         | 2" Copper       | 1983 | Ν | 0  |         |         |         |  |
| 101-135       P.V.C.       2002       N       0  | 167   |                      | Unknown      |         | Y | 28 | \$2,884 |         |         | 2" Copper       | 1984 | Ν | 0  |         |         |         |  |
| 100         S. Old Woodward Ave.         Unknown          Y         30         \$3,090         6" Ductile Iron         2016         N         0  | 101-135   |                      | Unknown      |         | Y | 28 | \$2,884 |         |         | 4" Ductile Iron | 1979 | Ν | 0  |         |         |         |  |
| 106-112       Unknown        Y       30       \$3,090       2" Copper       1991       N       0       1         114-116       Unknown        Y       30       \$3,090       4" Ductile Iron       1991       N       0       1         120        Y       30       \$3,090       4" Ductile Iron       1991       N       0       1         120        Y       31       \$3,193       2" Lead        Y       41       \$3,28         124-128       Unknown        Y       31       \$3,193       2" Lead        Y       41       \$3,28         124-128       Unknown        Y       31       \$3,193        Y       41       \$3,28         138-142       Orangeburg       1953       Y       31       \$3,193        Y       41       \$2,665         142         Y       32       \$3,296       4" Cast Iron        N       0         160-162       Unknown        Y       32       \$3,296       1" Copper       1995       N       0        <  | 101-135   |                      | P.V.C.       | 2002    | Ν | 0  |         |         |         |                 |      |   |    |         |         |         |  |
| 114-116       Unknown        Y       30       \$3,090       4" Ductile Iron       1991       N       0       1         120       Unknown        Y       31       \$3,193       1.5" Copper        N       0       1         124-128       Unknown        Y       31       \$3,193       2" Lead        Y       41       \$3,28         124-128       Unknown        Y       31       \$3,193       1.5" Copper        Y       41       \$3,28         124-128       Unknown        Y       31       \$3,193       1.5" Copper       1987       N       0       1914       \$3,286         138-142       Orangeburg       1953       Y       31       \$3,296       1.5" Copper       1987       N       0       1914       \$2,665       1914       142       142       142       142       144       \$2,665       1164       160-162       Unknown        Y       32       \$3,296       1"Copper       1995       N       0       1914       \$2,665       1164-168       166-162       Unknown        Y       32       \$3,296 <t< td=""><td>100</td><td>S. Old Woodward Ave.</td><td>Unknown</td><td></td><td>Y</td><td>30</td><td>\$3,090</td><td></td><td></td><td>6" Ductile Iron</td><td>2016</td><td>Ν</td><td>0</td><td></td><td></td><td></td></t<>  | 100   | S. Old Woodward Ave. | Unknown      |         | Y | 30 | \$3,090 |         |         | 6" Ductile Iron | 2016 | Ν | 0  |         |         |         |  |
| 120       Image: constraint of the system of t | 106-112   |                      | Unknown      |         | Y | 30 | \$3,090 |         |         | 2" Copper       | 1991 | Ν | 0  |         |         |         |  |
| 120       Image: constraint of the system of t | 114-116   |                      | Unknown      |         | Y | 30 | \$3,090 |         |         | 4" Ductile Iron | 1991 | Ν | 0  |         |         |         |  |
| 124-128       Unknown        Y       31       \$3,193       1.5" Copper       1987       N       0         138-142       Orangeburg       1953       Y       31       \$3,193       1.5" Copper       1987       N       0       1         142       Unknown        Y       32       \$3,296       3/4" Lead        Y       41       \$2,665         154       Unknown        Y       32       \$3,296       4" Cast Iron        N       0       1         160-162       Unknown        Y       32       \$3,296       1" Copper       1995       N       0       1         164-168       Unknown        Y       32       \$3,296       1.5" Lead        Y       41       \$2,870         176-180       On E. Merrill       1967       N       0       0       0       1       20,210       12" Concrete       1979       N       0       0       1       20,210       1967       N       0       1       20,210       0       12" Concrete       1979       N       0       0       0       1       298       6" OB Storm   | 120   |                      |              |         |   |    |         |         |         | 1.5" Copper     |      | Ν | 0  |         |         |         |  |
| 124-126       Orknown       1       31       33, 133       1.5" Copper       1987       N       0       1         138-142       Orangeburg       1953       Y       31       \$31       \$31, 93       1.5" Copper       1987       N       0       1         142       Image: Comparison of the comparison  | 124-128   |                      | Unknown      |         | Y | 31 | \$3,193 |         |         | 2" Lead         |      | Y | 41 |         |         | \$3,280 |  |
| 138-142       Orangeburg       1953       Y       31       \$3,193       1.5" Copper       1987       N       0       Image: constraint of the state of the st   | 124-128   |                      | Unknown      |         | Y | 31 | \$3,193 |         |         |                 |      |   |    |         |         |         |  |
| 142       0       3/4" Lead        Y       41       \$2,665         154       Unknown        Y       32       \$3,296       4" Cast Iron        N       0          160-162       Unknown        Y       32       \$3,296       1" Copper       1995       N       0          164-168       Unknown        Y       32       \$3,296       1.5" Lead        Y       41       \$2,870         164-168       Unknown        Y       32       \$3,296       1.5" Lead        Y       41       \$2,870         176-180       On E. Merrill       1967       N       0       0       0n Merrill       1967       N       0          200-210       12" Concrete       1979       N       0       6" Ductile Iron       1979       N       0          298       6" WL Storm       1971       N       0        On Brown       1964       N       0          298       6" OB Storm       1963       Y       62       \$7,874 </td <td>138-142</td> <td></td> <td>Orangeburg</td> <td>1953</td> <td>Y</td> <td>31</td> <td>\$3,193</td> <td></td> <td></td> <td>1.5" Copper</td> <td>1987</td> <td>Ν</td> <td>0</td> <td></td> <td></td> <td></td>   | 138-142   |                      | Orangeburg   | 1953    | Y | 31 | \$3,193 |         |         | 1.5" Copper     | 1987 | Ν | 0  |         |         |         |  |
| 154         Unknown          Y         32         \$3,296         4" Cast Iron          N         0  | 142   |                      | 0 0          |         |   |    |         |         |         |                 |      | Y | 41 | \$2,665 |         |         |  |
| 160-162         Unknown          Y         32         \$3,296         1" Copper         1995         N         0            164-168         Unknown          Y         32         \$3,296         1.5" Lead          Y         41         \$2,870           176-180         On E. Merrill         1967         N         0         On Merrill         1967         N         0         0           200-210         12" Concrete         1979         N         0         6" Ductile Iron         1979         N         0         0           298         6" WL Storm         1971         N         0         0n Brown         1964         N         0         0           298         6" OB Storm         1963         Y         62         \$7,874   | 154   |                      | Unknown      |         | Y | 32 | \$3,296 |         |         |                 |      | Ν | 0  |         |         |         |  |
| 164-168         Unknown          Y         32         \$3,296         1.5" Lead          Y         41         \$2,870           176-180         On E. Merrill         1967         N         0         On Merrill         1967         N         0           200-210         12" Concrete         1979         N         0         6" Ductile Iron         1979         N         0         0           298         6" WL Storm         1971         N         0         0n Brown         1964         N         0         0           298         6" OB Storm         1963         Y         62         \$7,874 <td>160-162</td> <td></td> <td>Unknown</td> <td></td> <td>Y</td> <td>32</td> <td></td> <td></td> <td></td> <td>1" Copper</td> <td>1995</td> <td>Ν</td> <td>0</td> <td></td> <td></td> <td></td>   | 160-162   |                      | Unknown      |         | Y | 32 |         |         |         | 1" Copper       | 1995 | Ν | 0  |         |         |         |  |
| 176-180         On E. Merrill         1967         N         0         On Merrill         1967         N         0         O           200-210         12" Concrete         1979         N         0         6" Ductile Iron         1979         N         0         0           298         6" WL Storm         1971         N         0         0         0n Brown         1964         N         0         0           298         6" OB Storm         1963         Y         62         \$7,874         V         V         0         V         V         0         V         V         0         V         V   |   |                      |              |         | Y |    |         |         |         |                 |      | Y | 41 |         | \$2,870 |         |  |
| 200-210         12" Concrete         1979         N         0         6" Ductile Iron         1979         N         0         9           298         6" WL Storm         1971         N         0         0         0n Brown         1964         N         0         0           298         6" OB Storm         1963         Y         62         \$7,874         V         V         0<   | 176-180   |                      |              | 1967    | N | 0  |         |         |         |                 | 1967 | N | 0  |         |         |         |  |
| 298         6" WL Storm         1971         N         0         On Brown         1964         N         0           298         6" OB Storm         1963         Y         62         \$7,874 <td< td=""><td>200-210</td><td></td><td>12" Concrete</td><td>1979</td><td>N</td><td>0</td><td></td><td></td><td></td><td>6" Ductile Iron</td><td></td><td>N</td><td>0</td><td></td><td></td><td></td></td<>   | 200-210   |                      | 12" Concrete | 1979    | N | 0  |         |         |         | 6" Ductile Iron |      | N | 0  |         |         |         |  |
| 298 6" OB Storm 1963 Y 62 \$7,874  |   |                      |              |         |   | -  |         |         |         |                 |      | Ν | 0  |         |         |         |  |
|  |   |                      |              | -       | Ý | 62 |         |         | \$7.874 |                 |      |   |    |         |         |         |  |
|  | 298   |                      | On Brown     | 1969    | Ň | 0  |         |         | , ,     |                 |      |   |    |         |         |         |  |
| 300 On Brown N 0 On Brown N 0  |   |                      |              |         |   | -  |         |         |         | On Brown        |      | N | 0  | 1       |         |         |  |

| Address   | Street               | Type of Pipe | Date      | SAD? | Estd   | Estd    | Estd    | Estd    | Estd  | Water           | Date      | SAD? | Estd   | Estd    | Estd    | Estd |
|-----------|----------------------|--------------|-----------|------|--------|---------|---------|---------|-------|-----------------|-----------|------|--------|---------|---------|------|
|           |                      |              | Installed |      | Length | Cost    | Cost    | Cost    | Cost  | Туре            | Installed |      | Length | Cost    | Cost    | Cost |
|           |                      |              |           |      |        | 6"      | 8"      | 10"     | 12"   |                 |           |      |        | 1"      | 1.5"    | 2"   |
|           |                      |              |           |      |        | \$103   | \$110   | \$119   | \$127 |                 |           |      |        | \$65    | \$70    | \$80 |
| EAST SIDE |                      |              |           |      |        |         |         |         |       |                 |           |      |        |         |         |      |
| 280       | N. Old Woodward Ave. | 10" Concrete | 1973      | N    | 0      |         |         |         |       | On Ferndale     | 1973      | Ν    | 0      |         |         |      |
| 250-270   |                      | 12" PVC      | 2001      | N    | 0      |         |         |         |       | 8" Ductile Iron | 2001      | Ν    | 0      |         |         |      |
| 250-270   |                      | 12" PVC      | 2001      | N    | 0      |         |         |         |       |                 |           |      |        |         |         |      |
| 188       |                      | Orangeburg   | 1953      | Y    | 10     | \$1,030 |         |         |       | On Hamilton     | 1970      | Ν    | 0      |         |         |      |
| 188       |                      | Orangeburg   | 1950      | Y    | 10     | \$1,030 |         |         |       |                 |           |      |        |         |         |      |
| 152-172   |                      | Unknown      |           | Y    | 10     | \$1,030 |         |         |       | 1.5" Lead       |           | Y    | 40     |         | \$2,800 |      |
| 152-172   |                      | 8" Cast Iron |           | Y    | 10     | \$1,030 |         |         |       | 6" Ductile Iron |           | Ν    | 0      |         |         |      |
| 132-136   |                      | Wedgelock    | 1967      | Y    | 10     | \$1,030 |         |         |       | 3/4" Lead       |           | Y    | 40     | \$2,600 |         |      |
| 132-136   |                      |              |           |      |        |         |         |         |       | 1.5" Lead       |           | Y    | 40     |         | \$2,800 |      |
| 100-124   |                      | Orangeburg   | 1957      | Y    | 12     | \$1,236 |         |         |       | 1.5" Lead       |           | Y    | 40     |         | \$2,800 |      |
| 100-124   |                      | Clay         |           | Y    | 10     | \$1,030 |         |         |       | 4" Ductile Iron | 2008      | Ν    | 0      |         |         |      |
| 101-115   | S. Old Woodward Ave. | 10" Clay     |           | Y    | 10     |         |         | \$1,190 |       | Through 177     |           |      |        |         |         |      |
| 177       |                      | 8" PVC       | 2007      | N    | 0      |         |         |         |       | 6" Ductile Iron | 2007      | Ν    | 0      |         |         |      |
| 181-187   |                      | Cast Iron    | 1946      | Y    | 10     | \$1,030 |         |         |       | 6" Ductile Iron | 1996      | Ν    | 0      |         |         |      |
| 201       |                      | 10" Unknown  |           | Y    | 38     |         |         | \$4,522 |       | 2" Copper       |           | Ν    | 0      |         |         |      |
| 211       |                      | Off Peabody  | 1996      | N    | 0      |         |         |         |       | Off Peabody     | 1996      | Ν    | 0      |         |         |      |
| 217-239   |                      | Unknown      |           | Y    | 38     | \$3,914 |         |         |       | Through 187     |           |      |        |         |         |      |
| 217-239   |                      | 8" Cast Iron |           | Y    | 10     |         | \$1,100 |         |       |                 |           |      |        |         |         |      |
| 255-275   |                      | Off Alley    | 1983      | N    | 0      |         |         |         |       | 8" Ductile Iron | 1983      | Ν    | 0      |         |         |      |
| 325       |                      | 6" P.V.C.    | 2003      | N    | 0      |         |         |         |       | 4" Ductile Iron | 1990      | Ν    | 0      |         |         |      |

#### W. Maple Rd. · Pierce St. to E. of Old Woodward Ave.

NORTH SIDE

| 142     | W. Maple Rd. | Unk To Maple | <br>Y | 24 | \$2,472 | 3/4" Lead   | <br>Y | 16 | \$1,040 |  |
|---------|--------------|--------------|-------|----|---------|-------------|-------|----|---------|--|
| 138     |              | Off Alley    | <br>N | 0  |         | 3/4" Lead   | <br>Y | 16 | \$1,040 |  |
| 120-122 |              | Off Alley    | <br>N | 0  |         | 1.5" Copper | <br>Ν | 0  |         |  |
| 129-135 | E. Maple Rd. | Unk To Maple | <br>Y | 27 | \$2,781 | 3/4" Copper | <br>Y | 17 | \$1,105 |  |
| 205-213 |              | Unk To Maple | <br>Y | 28 | \$2,884 | 3/4" Copper | <br>Y | 17 | \$1,105 |  |

#### SOUTH SIDE

| 137-139 | W. Maple Rd. | Unk To Maple |      | Ν | 0 |  |  | 3/4" Lead   |      | Y | 49 | \$3,185 |  |
|---------|--------------|--------------|------|---|---|--|--|-------------|------|---|----|---------|--|
| 123     |              | On Pierce    |      | Ν | 0 |  |  | 1.5" Copper | 1947 | Ν | 0  |         |  |
| 115     |              | On Pierce    | 2013 | Ν | 0 |  |  | On Pierce   | 1939 | Ν | 0  |         |  |

TOTALS

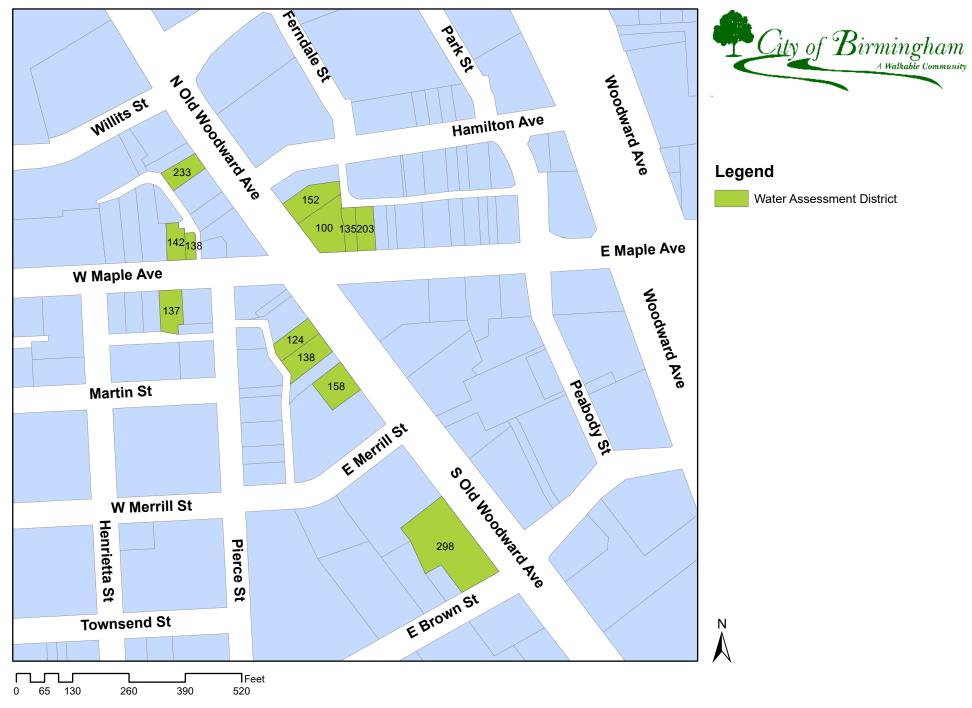
\$72,306 \$4,180 \$5,712 \$7,874

\$12,740 \$15,820 \$3,280

# Downtown Sewer Assessment District



# **Downtown Water Assessment District**



| City of  | Birmingham  | EMORANDUM         |
|----------|---|-------------------|
| DATE:    | December 26, 2017   | Engineering Dept. |
| TO:      | Joseph Valentine, City Manager  |                   |
| FROM:    | Paul T. O'Meara, City Engineer  |                   |
| SUBJECT: | Proposed Sidewalk Streetscape Assessm<br>Old Woodward Ave. Paving Project | nent              |

As noted in related memos, Old Woodward Ave. will be reconstructed in the upcoming year, including new streetscape in front of each existing business. On both the Old Woodward Ave. and Maple Rd. segments of the project, the new streetscape will consist of an enhanced version of the downtown standard sawcut concrete sidewalk with exposed aggregate sidewalk between the main pedestrian path and the street. Elements of the new streetscape design to be included in this project include:

- All new concrete and exposed aggregate sidewalks from the building face to the back of curbs.
- Removal and replacement of all street trees, including excavation and replacement with the equivalent of 1,000 cu.ft. of specially formulated soil designed to encourage tree growth.
- Enlarged, raised planter beds around each new street tree, framed by a 6 inch high exposed aggregate curb, with irrigation, and professionally designed landscaping.
- Granite seating areas where space permits.

In addition, on the Old Woodward Ave. frontages, a new City-owned underground electrical system shall be installed to provide new lighting opportunities for trees, future computerized information kiosks, and cell phone charging stations.

On previous projects of this nature, it has been the City's policy to assess 75% of the streetscape improvements. The estimated cost per square foot for streetscape, based on the prices charged by the low bidder, comes to:

Old Woodward Ave. Frontage = \$38.03 Maple Rd. Frontage = \$32.59

1

While the assessment district unit rate is higher than numbers being charged on previous downtown assessment districts, the level of quality being proposed for the new streetscape is substantially elevated. It is also important to note that the amount to be collected represents only about 22% of the total expenditure being undertaken by the City to accomplish this project. Further, each year the City will bill one-tenth of the expense, as would be done on other special assessment districts, plus interest, making the cost more manageable on an annual basis.

The attached map highlights those property frontages that would be subject to a sidewalk streetscape assessment. A detailed spreadsheet is also attached with estimated assessment values. For purposes of the assessment district, 298 S. Old Woodward Ave. (the Boutique Hotel property) has been included in the district. It has been included in case the project plans change, and the City elects to proceed with improvements in this area. However, if the adjacent project begins at about the same time as the City's project (as the developer is currently indicating) then the cost for streetscape improvements in this area will not be expended by the City, nor charged to the property owner.

We acknowledge that a project of this nature will create serious concerns for the adjacent businesses. With that in mind, should the Commission endorse the project, the following is proposed:

- The following week, the Engineering Dept. will prepare an informational letter explaining the details of this project and distribute it to all property owners and tenants. The booklet will explain the project scope, timing, proposed access plan (for customers), costs, and payback schedule.
- Prior to the public hearing, the Engineering Dept. will host a morning "Open House" meeting at the Municipal Building where business owners and tenants would be invited to come in, learn more about the project, and have their particular questions answered. The Open House is scheduled for Friday, January 26.

As a part of the package to be mailed to property owners, information will also be distributed relative to the proposed fiber optic system being installed, and inviting owners to provide a \$1,500 deposit if they are interested in having a fiber optic connection installed to the basement wall of their building, to simplify improved internet connectivity into the future.

After completing the informational phase, the Engineering Department recommends that a public hearing of necessity be scheduled for Monday, February 12, 2018, at the regularly scheduled City Commission meeting, followed by a hearing for confirmation of the roll two weeks later.

#### SUGGESTED ACTION:

To adopt a resolution for the Commission to meet on Monday, February 12, 2018, at 7:30 P.M., for the purpose of conducting a public hearing of necessity for the installation of sidewalk streetscape adjacent all properties on Old Woodward Ave. from Willits St. to Brown St., as well as for 400 feet of Maple Rd. west and east of the Old Woodward Ave. intersection.

FURTHER RESOLVED, if necessity is determined on February 12, 2018, a hearing to review the assessments and to confirm the roll will be held on February 26, 2018, at 7:30 P.M.

#### STREETSCAPE ASSESSMENT DISTRICT CHART

#### Old Woodward Ave. Paving Project - Contract #1-18(P)

| Address      | Street | Estimated<br>Area (SF)<br>Old Woodward | Estimated<br>Area (SF)<br>Maple Rd. | Estimated<br>Cost<br>Old Woodward | Estimated<br>Cost<br>Maple Rd. | Total<br>Cost<br>Per Parcel |
|--------------|--------|--|-------------------------------------|-----------------------------------|--------------------------------|-----------------------------|
|              |        |  |                                     | \$37.33                           | \$31.90                        |                             |
| ============ |        |  |                                     |                                   |                                |                             |

Old Woodward Ave. - Willits St. to Brown St.

#### WEST SIDE

| 275     | N. Old Woodward Ave. | 1,395 |       | \$52,075.35  |             | \$52,075.35  |
|---------|----------------------|-------|-------|--------------|-------------|--------------|
| 265     |                      | 513   |       | \$19,150.29  |             | \$19,150.29  |
| 233-239 |                      | 686   |       | \$25,608.38  |             | \$25,608.38  |
| 205-229 |                      | 1,092 |       | \$40,764.36  |             | \$40,764.36  |
| 183-191 |                      | 752   |       | \$28,072.16  |             | \$28,072.16  |
| 101-135 |                      | 2,254 | 1,394 | \$84,141.82  | \$44,468.60 | \$128,610.42 |
| 100     | S. Old Woodward Ave. | 248   | 1,870 | \$9,257.84   | \$59,653.00 | \$68,910.84  |
| 106-108 |                      | 312   |       | \$11,646.96  |             | \$11,646.96  |
| 112-116 |                      | 1,065 |       | \$39,756.45  |             | \$39,756.45  |
| 124-128 |                      | 724   |       | \$27,026.92  |             | \$27,026.92  |
| 138-142 |                      | 854   |       | \$31,879.82  |             | \$31,879.82  |
| 154     |                      | 495   |       | \$18,478.35  |             | \$18,478.35  |
| 160-168 |                      | 1,308 |       | \$48,827.64  |             | \$48,827.64  |
| 176-180 |                      | 1,621 |       | \$60,511.93  |             | \$60,511.93  |
| 200-210 |                      | 2,475 |       | \$92,391.75  |             | \$92,391.75  |
| 298     |                      | 3,607 |       | \$134,649.31 |             | \$134,649.31 |
| 300     |                      | 742   |       | \$27,698.86  |             | \$27,698.86  |

#### EAST SIDE

| ENOT OIDE |                      |       |     |              |             |              |
|-----------|----------------------|-------|-----|--------------|-------------|--------------|
| 280       | N. Old Woodward Ave. | 1,284 |     | \$47,931.72  |             | \$47,931.72  |
| 250-270   |                      | 2,529 |     | \$94,407.57  |             | \$94,407.57  |
| 188       |                      | 708   |     | \$26,429.64  |             | \$26,429.64  |
| 152-172   |                      | 958   |     | \$35,762.14  |             | \$35,762.14  |
| 100-136   |                      | 1,393 | 856 | \$52,000.69  | \$27,306.40 | \$79,307.09  |
| 101-115   | S. Old Woodward Ave. | 2,713 | 761 | \$101,276.29 | \$24,275.90 | \$125,552.19 |
| 177       |                      | 1,717 |     | \$64,095.61  |             | \$64,095.61  |
| 181-201   |                      | 1,842 |     | \$68,761.86  |             | \$68,761.86  |
| 211       |                      | 542   |     | \$20,232.86  |             | \$20,232.86  |
| 217-239   |                      | 1,513 |     | \$56,480.29  |             | \$56,480.29  |
| 255-275   |                      | 3,521 |     | \$131,438.93 |             | \$131,438.93 |
| 325       |                      | 973   |     | \$36,322.09  |             | \$36,322.09  |

W. Maple Rd. · Pierce St. to E. of Old Woodward Ave.

| NORTH SIDE |              |        |       |                |              |                |
|------------|--------------|--------|-------|----------------|--------------|----------------|
| 138        | W. Maple Rd. |        | 323   |                | \$10,303.70  | \$10,303.70    |
| Alley      |              |        | 198   |                | \$6,316.20   | \$6,316.20     |
| 120-122    |              |        | 1,028 |                | \$32,793.20  | \$32,793.20    |
| 135        | E. Maple Rd. |        | 413   |                | \$13,174.70  | \$13,174.70    |
| SOUTH SIDE |              |        |       |                |              |                |
| 115        | W. Maple Rd. |        | 972   |                | \$31,006.80  | \$31,006.80    |
| TOTALS     |              | 39,836 | 7,815 | \$1,487,077.88 | \$249,298.50 | \$1,736,376.38 |

# Downtown Sidewalk Special Assessment



| City of | Birmingham          |
|---------|---------------------|
|         | A tranade Community |

# MEMORANDUM

Engineering Dept. Planning Dept. Police Dept.

DATE: December 28, 2017

TO: Joseph A. Valentine, City Manager

FROM: Jana Ecker, Planning Director Scott Grewe, Police Commander Paul T. O'Meara, City Engineer

SUBJECT: W. Maple Rd. Pedestrian Islands Multi-Modal Transportation Board Recommendation

Following a review of the Rouge River Trail Corridor Master Plan by the Parks & Recreation Board, a trail connection was approved from the pedestrian bridge south of Maple Rd. to the W. Maple Rd. south side sidewalk. The Master Plan also contemplated a designated crossing for pedestrians using the trail at Maple Rd. To help address the needs of the trail at its intersection with Maple Rd., the Multi-Modal Transportation Board (MMTB) recently reviewed the Multi-Modal Master Plan not only in this area, but along the entire W. Maple Rd. corridor. Recommendations from the Plan are summarized as follows:

- 1. Modifying W. Maple Rd. from a 4 lane road to 3 lanes, and installing 5.5 ft. wide bike lanes on both sides of the road.
- 2. Installation of improved crosswalk facilities with pedestrian islands and other improvements at four key locations:
  - Chesterfield Ave.
  - Between Suffield Ave. and Pilgrim Ave.
  - Between Lakepark Ave. and Linden Rd.
  - Baldwin Ave.

As you know, W. Maple Rd. was resurfaced and converted into a 3-lane road, officially opened to traffic in September, 2016. After extensive study and discussion, both the MMTB and the City Commission elected not to move forward with the implementation of bike lanes in this area. Generally speaking, the conversion to a 3-lane road has been met with support from the public.

During the past year, staff has worked with our consulting engineer, and received input from the MMTB to prepare preliminary designs for pedestrian islands at the four locations noted above. After studying the issue further at their meeting of November 1, the MMTB posted preliminary designs of three of the islands on the City's website, and held a public hearing at their meeting of December 7, 2017. The following summarizes the conclusions of the Board:

#### Chesterfield Ave.

A pedestrian island at this signalized intersection must be installed on the east leg, in the area where there are no left turning movements. After the island was laid out, it was noticed that the new Fire Station main driveway will be closer to the intersection than it was previously. The design was reviewed with the Fire Chief, and it was determined that the island would prove detrimental to response times. During times of traffic congestion, it will be imperative that the Fire Dept. first responders have access to the left turn lane to avoid other vehicles in the roadway. With this in mind, the MMTB elected not to proceed with the installation of an island at this intersection.

#### Between Suffield Ave. and Pilgrim Ave.

The Master Plan suggested an island in the middle of this block, to avoid conflicts with left turns. Since the location does not have a lot of pedestrian traffic generators, the Board was not certain what level of usage an island in this location would receive. Public input was requested as a part of the public hearing notice sent out to those in the area in November. Feedback from those in the area was generally negative. Concerns were raised both by homeowners and the First United Methodist Church, who noted that this left turn lane area is needed on Sunday mornings as large numbers of vehicles attempt to make a left turn into the adjacent driveway. Not sensing that there was much support for the island in this area, the Board did not recommend moving this idea forward.

#### Lakepark Ave.

As shown on the attached aerial map, in addition to the detailed design, an island located at the existing crosswalk works well. A landscaped island at this location would provide a safer crossing for pedestrians, which already benefits from a traffic signal. The island would also require drivers to be more cautious, encouraging slower speeds. The Board recommended the installation of an island at this location, as recommended in the Master Plan.

#### Baldwin Ave. (East of Hawthorne Rd.)

Input received from the community has indicated strong support for a designated pedestrian crossing in the area of the Rouge River, for those that use the trail system extending north and south of this area. Given the curvature of the road, which impairs sight distance, the long guard rail sections at the bridge, and the intersecting streets which require left turning movements, there is only one area that has been recommended by our engineering consultant for an island in this area, which is west of the bridge, at the point where the trail extends north of Maple Rd. This is further west than the location originally recommended in the Master Plan. Detailed plans of this location have been prepared. The installation of an island at this location would conflict with turning movements into and out of an existing residential driveway for the home located at 123 Hawthorne Rd. City staff met with the homeowners to discuss options to relocate the driveway in such a way that this problem could be resolved. The homeowner agreed to the driveway being curved to the west, as shown on the attached plans, which then provides room for turns in and out of the driveway.

Relocation of the driveway will create a conflict with an existing overhead street light. For about \$2,000, the street light can be relocated to the east, which then also provides better light for the crosswalk at night.

Since through traffic is not required to stop at this location, our consultant has recommended the installation of Rectangular Rapid Flashing Beacons at this location. As shown on the plan, crosswalk signs fitted with a solar panel and battery system would be able to be activated by a pushbutton. Once activated, the beacons would flash brightly in both directions, alerting motorists to use caution, and to stop if pedestrians are present.

The MMTB recommends the installation of a crossing island east of Hawthorne Rd. to connect the Rouge River park trails north and south of Maple Rd.

#### Construction and Implementation

The Engineering Dept. is currently preparing bidding documents for the 2018 Concrete Sidewalk Program, which will be bid in the coming months. The installation of these islands is appropriate work for the contractor ultimately awarded this project. If the City Commission approves this recommendation, the plans for the islands will become a part of the bid. Proposed landscape beds would be planted and maintained by our Dept. of Public Services staff. Hardy perennials that can handle difficult winter conditions would be installed to ensure success. No irrigation is proposed.

Estimated construction costs for the islands are:

Lakepark Ave. - \$20,000 East of Hawthorne Rd. - \$88,000

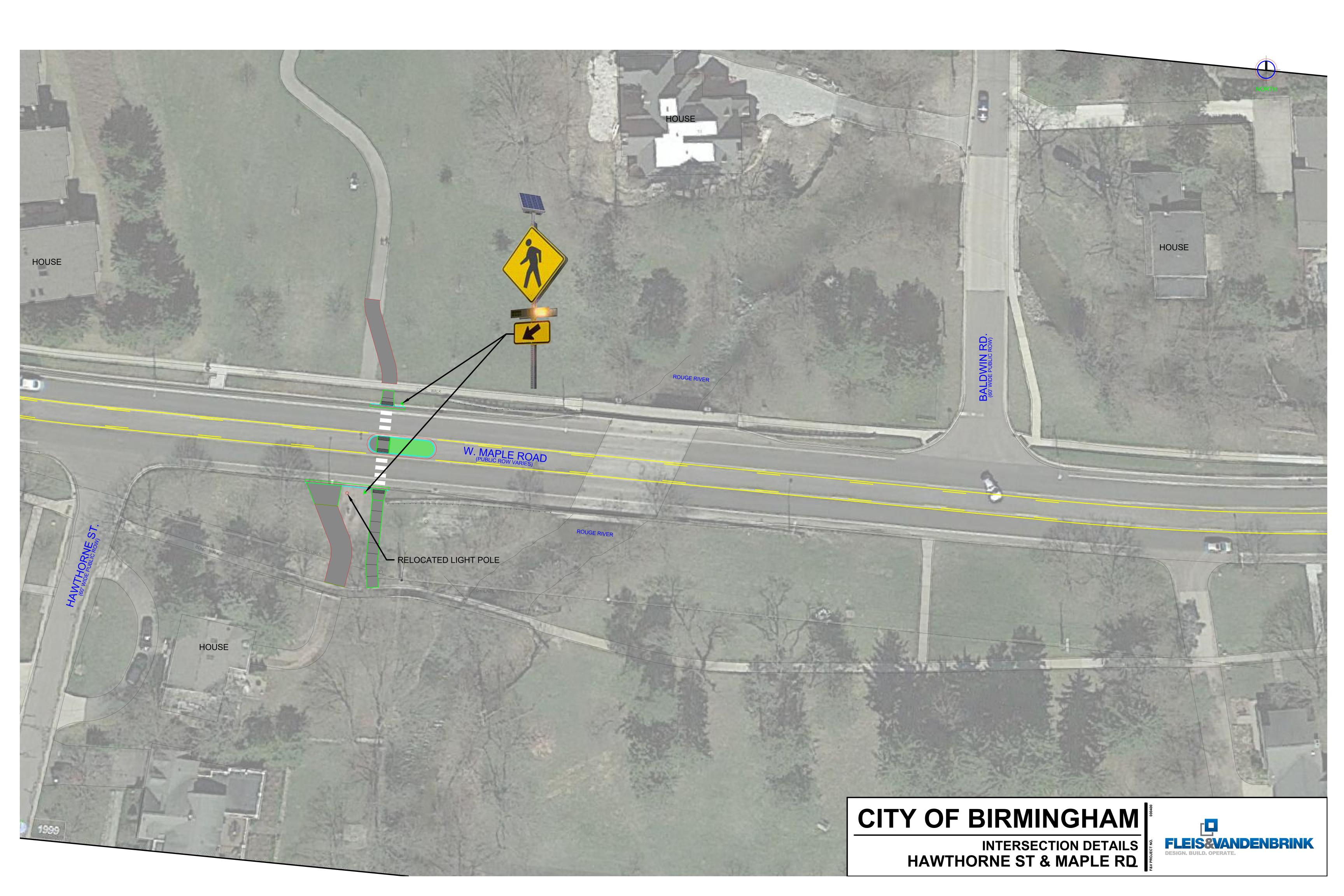
The additional costs at the second location include the installation of handicap ramps on both sides, relocation of the private driveway, and the installation of the Rectangular Rapid Flashing Beacon system. Since this work was not included in the current budget, an amendment to the budget will be requested at the time the contract is awarded, and actual costs are known.

While the work involved in constructing these islands is in a difficult location, it is not anticipated that W. Maple Rd. traffic would be disrupted to any significant extent. Traffic would be diverted away from the center lane to partially use the adjacent paved shoulders, therefore, lane closures or detours are not planned.

#### SUGGESTED RESOLUTION:

To approve the recommendation of the Multi-Modal Transportation Board for the installation of pedestrian crossing traffic islands located at Lakepark Ave. and east of Hawthorne Rd., in accordance with the plans prepared for this work, and to include this work in the 2018 Concrete Sidewalk Program, at an estimated cost of \$108,000.





| City of  | Birmingham   | MEMORANDUM                                    |
|----------|--|---|
|          |  | Engineering Dept./Planning Dept./Police Dept. |
| DATE:    | October 26, 2017   | 7   |
| TO:      | Multi-Modal Trar   | sportation Board                              |
| FROM:    | Jana Ecker, Planı<br>Scott Grewe, Pol<br>Paul O'Meara, Cit | ice Commander                                 |
| SUBJECT: | W. Maple Rd. Peo   | destrian Islands                              |

As many of you know, the W. Maple Rd. corridor was studied extensively by the Multi-Modal Transportation Board (MMTB) in preparation for the resurfacing of this road from Cranbrook Rd. to Southfield Rd. in 2016. Now that the paving has been completed, and a continuous left turn lane has been installed, the City now has the opportunity to consider the installation of pedestrian refuge islands along this corridor, as referenced in the Multi-Modal Transportation Master Plan.

Attached are several sheets where Multi-Modal improvements were recommended for the W. Maple Rd. corridor in the master plan. These can be summarized as follows:

- 1. Modifying W. Maple Rd. from a 4 lane road to 3 lanes, and installing 5.5 ft. wide bike lanes on both sides of the road.
- 2. Installation of improved crosswalk facilities with pedestrian islands and other improvements at four key locations:
  - Chesterfield Ave.
  - Between Suffield Ave. and Pilgrim Ave.
  - Between Lakepark Ave. and Linden Rd.
  - Baldwin Ave.

During the proposal to change Maple Rd. to 3 lanes, there was significant opposition to a road diet, on the premise that it would remove needed capacity for vehicles, resulting in poor levels of service for the corridor. Part of the opposition being expressed was relative to the perceived safety issues that would result from the installation of bike lanes on this corridor. In the end, the MMTB, as well as the City Commission, decided to recommend the 3 lane road only, as support for the bike lane concept on Maple Rd. was limited.

Since the road construction has been completed, staff has studied the potential for crosswalk islands. Detailed plans were prepared for the potential islands at the following locations:

- 1. Chesterfield Ave.
- 2. Lakepark Ave.
- 3. East of Hawthorne Rd. (just east of the recommended Baldwin Ave. location)

These three island locations have received the most attention to date because they are either located at a traffic signal, which improves safety for pedestrians, or in the case of the one east of Hawthorne Rd., represent an important link in the City's River Rouge Trail system.

Staff recommended that the location between Suffield Ave. and Pilgrim Ave. not be prioritized at this time, given the potential of constructing islands at existing traffic signals in both directions within a quarter mile, and given that this section of W. Maple Rd. has limited activity and immediate destinations. More detail of each of the priority locations' design is provided below, from west to east:

#### Chesterfield Ave.:

As shown on the attached plan, the three-way signalized intersection of Chesterfield Ave. at first appeared to present an excellent opportunity for the installation of a protected pedestrian island. The island was designed with the existing crosswalk location being moved easterly about ten feet from its present location in order to accommodate truck turns from Chesterfield Ave. on to eastbound Maple Rd. The drawback of this location is the adjacency of the City's Chesterfield Ave. Fire Station. The reconstruction of the fire station is now well along toward final completion. The improved fire station has been designed to accommodate one of the department's larger engines. Further, the new station's front driveway entrance on to Maple Rd. is being built further west, closer to the intersection, than it was previously. Truck turning requirements were studied for right turns from the new driveway to Maple Rd. Conflicts were found to exist. After review with the Fire Dept., it was decided that installation of a pedestrian island at this location could cause potential conflicts with emergency vehicles, thereby increasing response time for Fire Dept. personnel. The construction of an island is not recommended at this location as a result.

#### Lakepark Ave.:

Given that a traffic signal operates here, a marked crosswalk on the east leg of the intersection already exists. The attached plan indicates that a raised pedestrian island can be installed at the current marked crosswalk location, and still allow room for left turning trucks out of Lakepark Ave. (as shown on the attached plan). The suggested location for a pedestrian island appears to work well, and is recommended at this time.

### East of Hawthorne Ave.:

The Master Plan recommends the installation of a pedestrian island and improved crosswalk at Baldwin Ave. However, further study of this location indicated that installation on the east leg of the Baldwin Ave. intersection (thereby not disrupting left turning movements on the Baldwin Ave.) is problematic. Sight distance for vehicles traveling Maple Rd., given the curvature of the road, and hill in this area, is such that it is not a good location to encourage pedestrian crossings. Further study of the area revealed similar concerns at the other intersection in the area (Hawthorne Rd.). However, just west of the existing Rouge River bridge, a location with suitable sight distance from both directions does exist. Further, the location would line up with the existing Rouge River trail as it extends north toward Quarton Lake. The drawback of this location is that it would conflict with an existing residential driveway for the home located at 123 Hawthorne Rd. If the driveway for this house was not relocated, safety for left turns into

the driveway would be compromised, as the left turn lane would not be available for this movement. A modified plan was presented to the homeowner, as attached, and they have indicated their support for the changes. Moving the driveway to the west would allow for sufficient space for a sidewalk connection to the existing Maple Rd. sidewalk (which then leads to the continuation of the Rouge River trail to the south, and it allows for left turning movements into the driveway.

The Master Plan recommended the installation of a Rectangular Rapid Flashing Beacon (RRFB) at this location, as depicted on "page 52" of the plan, attached. The RRFB would be actuated by a pushbutton installed at the crossing, and is an effective means of alerting motorists to the fact that a pedestrian is crossing the road at this location. The pedestrian island, along with the RRFB, is recommended at this location.

#### <u>Summary</u>

Now that the Chesterfield Ave. location is not being considered, staff requests input from the MMTB as to whether the suggested location between Suffield Ave. and Pilgrim Ave. should be explored further at this time. A photo of the block is attached. It depicts that there are no apparent obstacles at this location, however, there is little activity as well. If installed, it would be located about 980 ft. to the west of the new Lakepark Ave. island, or less than 0.2 mile. Feedback from the Board is requested as to whether this location should be more fully explored at this time.

After review of these locations by the Board, if there is agreement on the preferred locations and direction, a public hearing would be appropriate. All property owners along the W. Maple Rd. corridor from Cranbrook Rd. to Southfield Rd. would be notified to solicit input, before a final recommendation is forwarded to the City Commission. A suggested recommendation for this action follows. If there is a need for further study before a public hearing is scheduled, direction for staff is requested at this time.

#### SUGGESTED RECOMMENDATION:

To recommend the installation of pedestrian islands on the W. Maple Rd. corridor at the following locations \_\_\_\_\_\_, further, to conduct a public hearing to solicit input for this proposal at the regular meeting of the Multi-Modal Transportation Board, scheduled for Thursday, December 7, at 6 PM.

| City of B | Sirmingham   | MEMORANDUM                                    |
|-----------|--|---|
|           |  | Engineering Dept./Planning Dept./Police Dept. |
| DATE:     | October 26, 201  | 7   |
| TO:       | Multi-Modal Trai   | nsportation Board                             |
| FROM:     | Jana Ecker, Plan<br>Scott Grewe, Pol<br>Paul O'Meara, Ci | lice Commander                                |
| SUBJECT:  | W. Maple Rd. Pe  | destrian Islands                              |

As many of you know, the W. Maple Rd. corridor was studied extensively by the Multi-Modal Transportation Board (MMTB) in preparation for the resurfacing of this road from Cranbrook Rd. to Southfield Rd. in 2016. Now that the paving has been completed, and a continuous left turn lane has been installed, the City now has the opportunity to consider the installation of pedestrian refuge islands along this corridor, as referenced in the Multi-Modal Transportation Master Plan.

Attached are several sheets where Multi-Modal improvements were recommended for the W. Maple Rd. corridor in the master plan. These can be summarized as follows:

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  - Chesterfield Ave.
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  - Lakepark Ave.
  - Baldwin Ave.

During the proposal to change Maple Rd. to 3 lanes, there was significant opposition to the idea, on the premise that it would remove needed capacity for vehicles, resulting in poor levels of service for the corridor. Part of the opposition being expressed was relative to the perceived safety issues that would result from the installation of bike lanes on this corridor. In the end, the MMTB, as well as the City Commission, decided to recommend the 3 lane road only, as support for the bike lane concept on Maple Rd. was not well supported.

Since the road construction has been completed, staff has studied the potential for crosswalk islands. Detailed plans were prepared for the potential islands at the following locations:

- 1. Chesterfield Ave.
- 2. Lakepark Ave.
- 3. East of Hawthorne Rd.

These three island locations have received the most attention to date because they are either located at a traffic signal, which improves safety for pedestrians, or in the case of the one east of Hawthorne Rd., represent an important link in the City's River Rouge Trail system. The location between Suffield Ave. and Pilgrim Ave. was not prioritized, given the potential of constructing islands at existing traffic signals in both directions within a quarter mile. More detail of each location's design is provided below, from west to east:

#### Chesterfield Ave.:

As shown on the attached plan, the three-way signalized intersection of Chesterfield Ave. at first appeared to present an excellent opportunity for the installation of a protected pedestrian island. The island was designed with the existing crosswalk location being moved easterly about ten feet from its present location in order to accommodate truck turns from Chesterfield Ave. on to eastbound Maple Rd. The drawback of this location is the adjacency of the City's Chesterfield Ave. Fire Station. The reconstruction of the fire station is now well along toward final completion. The improved fire station has been designed to accommodate one of the department's larger engines. Further, the new station's front driveway entrance on to Maple Rd. is being built further west, closer to the intersection, than it was previously. Truck turning requirements were studied for right turns from the new driveway to Maple Rd. Conflicts were found to exist. After review with the Fire Dept., it was decided that installation of a pedestrian island at this location could cause potential conflicts with emergency vehicles, thereby increasing response time for Fire Dept. personnel. The construction of an island is not recommended at this location as a result.

#### Lakepark Ave.:

Given that a traffic signal operates here, a marked crosswalk on the east leg of the intersection already exists. The attached plan indicates that a raised pedestrian island can be installed at the current marked crosswalk location, and still allow room for left turning trucks out of Lakepark Ave. (as shown on the attached plan). The suggested location for a pedestrian island appears to be good location for this improvement. Review by the MMTB is recommended at this time.

#### East of Hawthorne Ave.:

The Master Plan recommends the installation of a pedestrian island and improved crosswalk at Baldwin Ave. However, further study of this location indicated that installation on the east leg of the Baldwin Ave. intersection (thereby not disrupting left turning movements on the Baldwin Ave.) is problematic. Sight distance for vehicles traveling Maple Rd., given the curvature and hill in this area, is such that it is not a good location to encourage pedestrian crossings. Further study of the area revealed similar concerns at the other intersection in the area (Hawthorne Rd.). However, just west of the existing Rouge River bridge, a location with suitable sight distance from both directions does exist. Further, the location would line up with the existing Rouge River trail as it extends north toward Quarton Lake. The drawback of this location is that it would conflict with an existing residential driveway for the home located at 123 Hawthorne Rd. If the driveway for this house was not relocated, safety for left turns into the driveway would be compromised, as the left turn lane would not be available for this movement. A modified plan was presented to the homeowner, as attached, and they have indicated their

support for the changes. Moving the driveway to the west would allow for sufficient space for a sidewalk connection to the existing Maple Rd. sidewalk (which then leads to the continuation of the Rouge River trail to the south, and it allows for left turning movements into the driveway.

The Master Plan recommended the installation of a Rectangular Rapid Flashing Beacon (RRFB) at this location, as depicted on "page 52" of the plan, attached. The RRFB would be actuated by a pushbutton installed at the crossing, and is an effective means of alerting motorists to the fact that a pedestrian is crossing the road at this location. The RRFB is recommended as an important element to this installation.

Review of this crossing as proposed is recommended by the MMTB at this time.

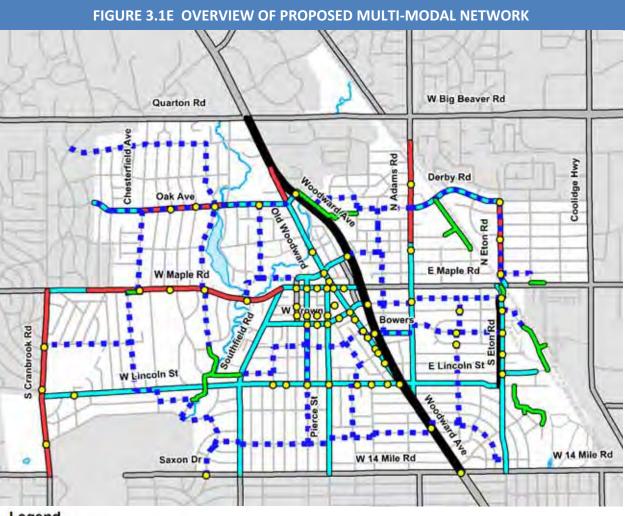
#### Summary

Now that the Chesterfield Ave. location is not being considered, staff requests input from the MMTB if the suggested location between Suffield Ave. and Pilgrim Ave. should be explored further at this time. A photo of the block is attached. It depicts that there are no apparent obstacles at this location. If installed, it would be located about 980 ft. to the west of the new Lakepark Ave. island, or less than 0.2 mile. Feedback from the Board is requested as to whether this location should be more fully explored at this time.

After review of these locations by the Board, if there is agreement on the preferred locations and direction, a public hearing would be appropriate. All property owners along the W. Maple Rd. corridor from Cranbrook Rd. to Southfield Rd. would be notified to solicit input, before a final recommendation is forwarded to the City Commission. A suggested recommendation for this action follows. If there is a need for further study before a public hearing is scheduled, direction for staff is requested at this time.

#### SUGGESTED RECOMMENDATION:

To recommend the installation of pedestrian islands on the W. Maple Rd. corridor at the following locations \_\_\_\_\_\_, further, to conduct a public hearing to solicit input for this proposal at the regular meeting of the Multi-Modal Transportation Board, scheduled for Thursday, December 7, at 6 PM.



#### Legend

- Proposed Crossing Improvement
- Proposed Off-road Trail
- Proposed Neighborhood Connector Route
- Proposed Bike Lane
  - Proposed Buffered Bike Lane
  - Proposed Shared-lane Marking

Due to the scale of this map some facilities were not included. Please refer to the following maps for more details.

### Web Survey Results:

- About 72% of respondents would walk to work and/or do errands if there was a system of sidewalks, pathways, crosswalks, bike lanes, etc.
- Around 84% of respondents feel that a complete network for bicycle facilities such as bike lanes, signed routes and trails are very important or somewhat important to making future bicycling trips actually happen

70

#### 

# **3.3 ROAD CROSSING IMPROVEMENTS**

## DESCRIPTION

Road crossing improvements are needed in areas where there is demand to cross by pedestrians and/or bicyclists. These areas occur where a bike route crosses a collector or arterial road, a major bus stop or bus shelter is present, there is a long distance between crosswalks, or there is a high demand based on land use and population density.



There are many different types of countermeasures that can be used to improve the safety and visibility of pedestrians at crosswalks. Traffic speeds, traffic volume, number of lanes and location of the crossing in context to the surrounding land use will dictate what type of crossing improvement is appropriate for a specific location. In some instances the improvements are as simple as adding high visibility crosswalk markings and in others signalization may be needed.

For the most up-to-date guidelines please refer to all Chapters of the *MUTCD* and Chapter 3 & 4 of AASHTO's *Guide for the Planning, Design and Operation of Pedestrian Facilities*.

### RECOMMENDATIONS

The exact solution for every crossing has not been determined; rather, the location and recommended countermeasure has been identified. Please note that these are initial recommendations and that each crossing needs to be studied further prior to implementation. Please refer to the Network Implementation Plan for specific recommendations on near-term crossing improvements.

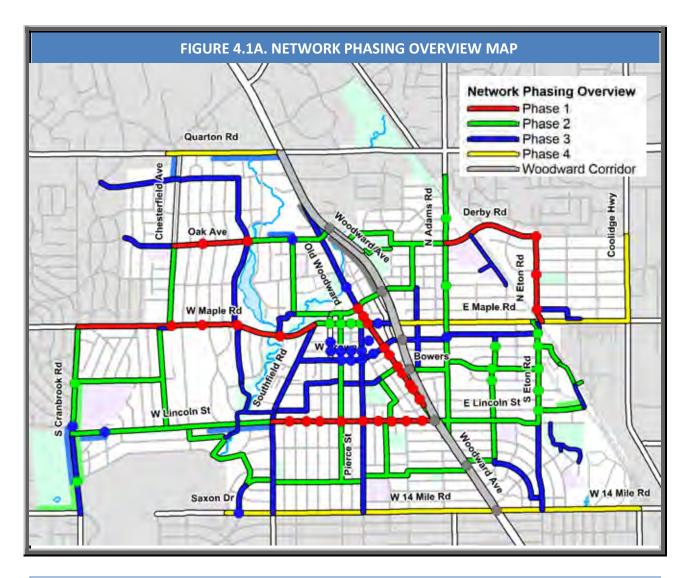
At signalized intersections it is recommended that leading pedestrian signals and signal countdowns be implemented.

Please refer to Fig. 3.3A, 3.3B and 3.3C for maps of the proposed crossing improvements.

Web Survey Results:

• Around 61% of respondents feel that mid-block crosswalks are very important or somewhat important to making future walking and bicycling trips actually happen





### **CONCURRENT STUDIES**

Numerous concurrent studies were underway on the Woodward Avenue Corridor during the creation of this plan. Due to this occurrence, implementation recommendations for this corridor were not provided. Details on the Woodward Avenue Corridor can be found under the Specific Area Concept Plans.

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#### 

# 4.2 PHASE 1

## **PHASE 1: OVERVIEW**

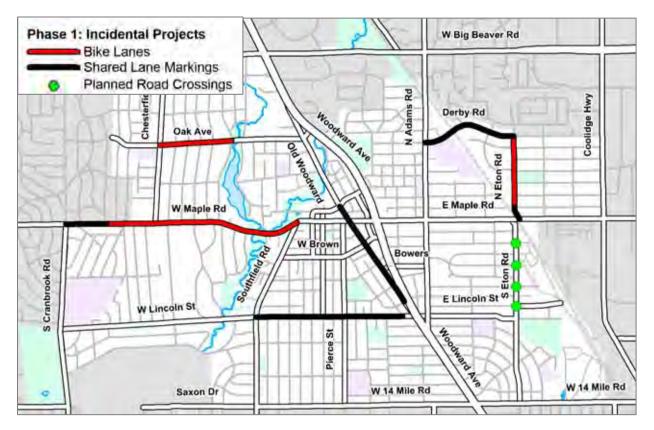
Many of the routes in Phase 1 may be implemented as part of the City's Capital Improvement Plan (CIP). A Capital Improvement Plan is a short-range plan, usually five to ten years which identifies capital projects and provides planning schedules and options for financing the plan. CIP roadway projects generally fall into two categories, resurfacing and reconstruction. Resurfacing projects typically only affect the surface of the roadway, whereas in a reconstruction project the existing roadway, curb and sidewalk may be completely removed and reconstructed. Incorporating the proposed improvements with the CIP is a cost effective way to implement the facilities as it will reduce mobilization costs and help to consolidate roadway closures.

FIGURE 4.2A. PHASE 1 W Big Beaver Rd 2d Phase 1 Map Phase 1 Woodward Corridor 8 Ŧ Chesterfe Woodward Ave Adams Derby Rd Coolidge Oak Ave -Moodward Rd Eton z E Maple Rd W Maple Rd (III W Brown Par Bower Southfield F 2 Rd Eton S Cranbrook E Lincoln St 0 W Lincoln St Woodsward ŝ Pierce PLO W 14 Mile Rd W 14 Mile Rd Saxon Dr 2

The following pages provide a more detailed breakdown of Phase 1.

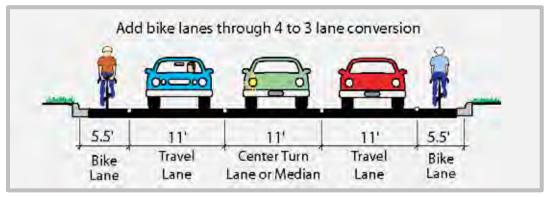
## PHASE 1: INCIDENTAL PROJECTS

The following is a list of projects that could be implemented as part of the City's Capital Improvement Plan (CIP) with incidental costs.

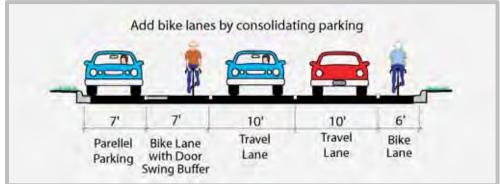


Add bike lanes to W Maple Road between Waddington Street and Southfield Road through a four-lane to three-lane conversion as part of the 2015 road resurfacing project.

### W MAPLE ROAD

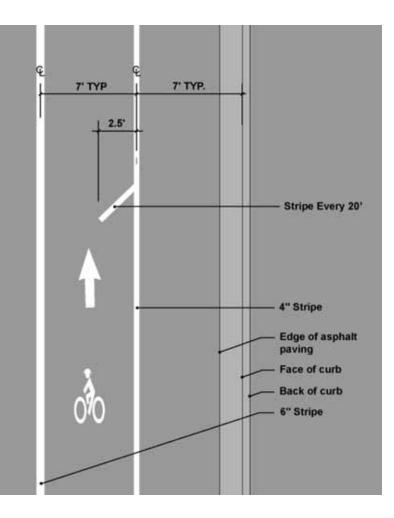


Add bike lanes to N Eton Road between Derby Road and Yorkshire Road by consolidating the parking to the west side of the road as part of the 2014 road reconstruction project.



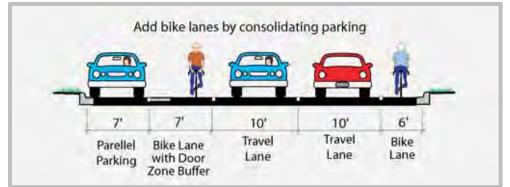
### N ETON ROAD

Markings for the door swing zone of the parked cars are proposed within the bike lane when it is adjacent to on-street parking.



Add bike lanes to Oak Avenue between Chesterfield Avenue and Lake Park Drive by consolidating the parking to one side of the road as part of the 2016 road reconstruction project. To provide additional traffic calming the consolidated parking should alternate from the north side of the road to the south side of the road every few blocks, changing sides where there are proposed curb extensions:

- Chesterfield Avenue to Suffield Avenue Parking on south side
- Suffield Avenue to Puritan Avenue Parking on north side
- Puritan Avenue to Lake Park Drive Parking on south side





Pavement markings for the door swing zone are proposed between the on-street parking and the bike lane. See previous page for details.

#### **OAK AVENUE**

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Add shared lane markings to the following corridors:

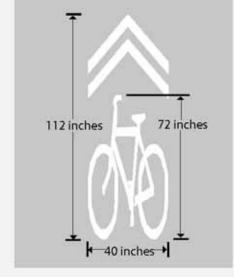
- Derby Road between N Adams Road and the Railroad Overpass (2013 reconstruction project)
- Derby Road between the Railroad Overpass and N Eton Road (2014 resurfacing project)
- Lincoln Street between Southfield Road and Ann Street (2014 resurfacing project)
- N Eton Road between Yorkshire Road and E Maple Road (2014 reconstruction project)
- W Maple Road between Cranbrook Road and Waddington Street (2015 resurfacing project)
- N Old Woodward Avenue between Willits Street and W Maple Road (2016 reconstruction project)
- S Old Woodward Avenue between W Maple Road and E Brown Street (2016 reconstruction project)
- S Old Woodward Avenue between E Brown Street and Landon Road (2017 reconstruction project)

Four new road crossings are planned on S Eton Road between E Maple Road and E Lincoln Street in 2013. The plans for these crossing include basic improvements such as pavement markings. As part of Phase 2 it is recommended that curb extensions be implemented at these crossing locations as well.

| PHASE 1 INCIDENTAL PROJECTS:                     |                   |                   |          |      |  |  |
|--|-------------------|-------------------|----------|------|--|--|
| Road   | From              | То                | Quantity | Unit |  |  |
| Bike Lanes:                                      |                   |                   |          |      |  |  |
| N Eton Rd  | Yorkshire Rd      | Derby Rd          | 0.40     | MI   |  |  |
| W Maple Rd                                       | Waddington St     | Southfield Rd     | 1.12     | MI   |  |  |
| Oak Ave  | Chesterfield Ave  | Lake Park Dr      | 0.40     | MI   |  |  |
| Shared Lane Markings (placed every 200' - 250'): |                   |                   |          |      |  |  |
| Derby Rd   | N Adams Rd        | Railroad Overpass | 0.17     | MI   |  |  |
| Derby Rd   | Railroad Overpass | N Eton Rd         | 0.36     | MI   |  |  |
| Lincoln St                                       | Southfield Rd     | Ann St            | 0.80     | MI   |  |  |
| W Maple Rd                                       | Cranbrook Rd      | Waddington St     | 0.20     | MI   |  |  |
| N Old Woodward Ave                               | Willits St        | W Maple Rd        | 0.10     | MI   |  |  |
| S Old Woodward Ave                               | W Maple Rd        | E Brown St        | 0.17     | MI   |  |  |
| S Old Woodward Ave                               | E Brown St        | Landon Rd         | 0.43     | MI   |  |  |
| Road Crossings                                   |                   |                   |          |      |  |  |
| S Eton Rd  | at Villa Rd       |                   | 1        | EACH |  |  |
| S Eton Rd  | at Bowers St      |                   | 1        | EACH |  |  |
| S Eton Rd  | at Holland St     |                   | 1        | EACH |  |  |
| S Eton Rd  | at Cole St        |                   | 1        | EACH |  |  |

#### Guidelines to Follow When Adding Shared Lane Markings:

Please note that when used on a street without on-street parking that has an outside travel lane that is less than 14 feet wide, the center of the shared Lane markings should be at least 4 feet from the face of the curb or from the edge of the pavement where there is no curb.



#### PHASE 1: PROPOSED COLORED SHARED LANE MARKING

There is an opportunity to add colored shared lane markings to W Lincoln Street between Ann Street and Woodward Avenue during the 2014 road resurfacing project and to Bowers Avenue between S Old Woodward Avenue and Woodward Avenue during the 2017 road reconstruction project. **Please note that these projects would probably result in additional costs to the CIP.** 



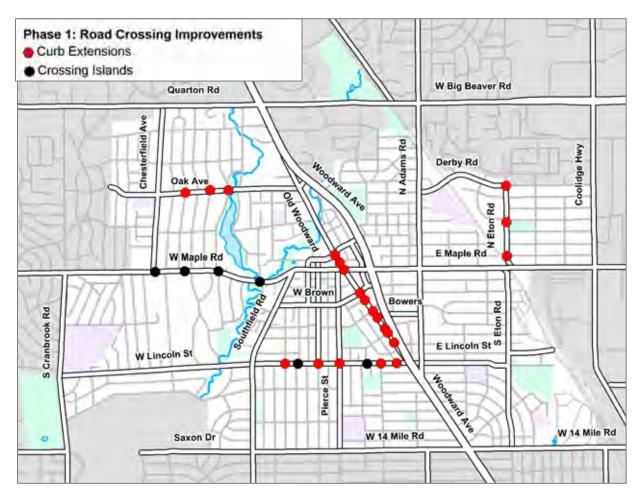
| PHASE 1 COLORED SHARED LANE MARKING:  |                    |              |          |      |  |
|---|--------------------|--------------|----------|------|--|
| Road  | From               | То           | Quantity | Unit |  |
| Colored Shared Lane Markings (placed every 200' - 250' with solid green paint the entire length): |                    |              |          |      |  |
| W Lincoln St  | Ann St             | Woodward Ave | 0.10     | MI   |  |
| Bowers  | S Old Woodward Ave | Woodward Ave | 0.05     | MI   |  |



\*As an alternative to the green paint, white chevrons may be used through the intersections.

#### PHASE 1: PROPOSED ROAD CROSSING IMPROVEMENTS

The following table provides a list of proposed road crossing improvements that could be implemented as part of the City's Capital Improvement Plan (CIP). Please note that these projects would probably result in additional costs to the CIP.



With the proposed four-lane to three-lane conversion as part of the 2015 road resurfacing project on W Maple Road there is the potential for crossing islands at Chesterfield Avenue, Baldwin Road, between Suffield Drive and Pilgrim Avenue and between Lake Park Drive and Linden Road. Double posted rectangular rapid flash beacons with advanced warning signs in both directions are recommended at all crossing islands except Chesterfield Avenue due to the existing signal (assuming the signal at Lake Park Drive is removed with the four to three lane conversions).`

Crossing islands and curb extensions are proposed on Lincoln Street between Southfield Road and Woodward Avenue with the 2014 road resurfacing project.

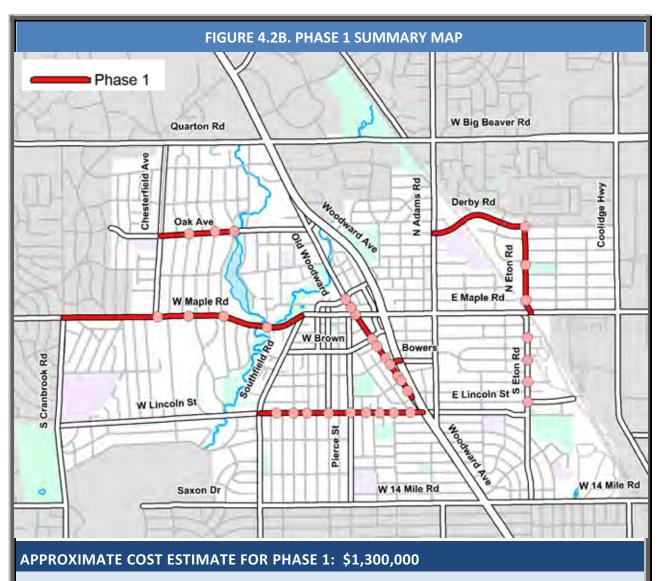
Curb extensions are proposed on N Eton Road between Derby Road and E Maple Avenue with the 2014 road reconstruction project.

Curb extensions are recommended at intersections along Old Woodward Avenue between Willits Road and E Brown Street as part of the 2016 road reconstruction project and between E Brown Street and Landon Street as part of the 2017 road reconstruction project.

Curb extensions are proposed on Oak Avenue at Suffield Avenue, Puritan Avenue and Lake Park Drive with the 2016 road reconstruction project.

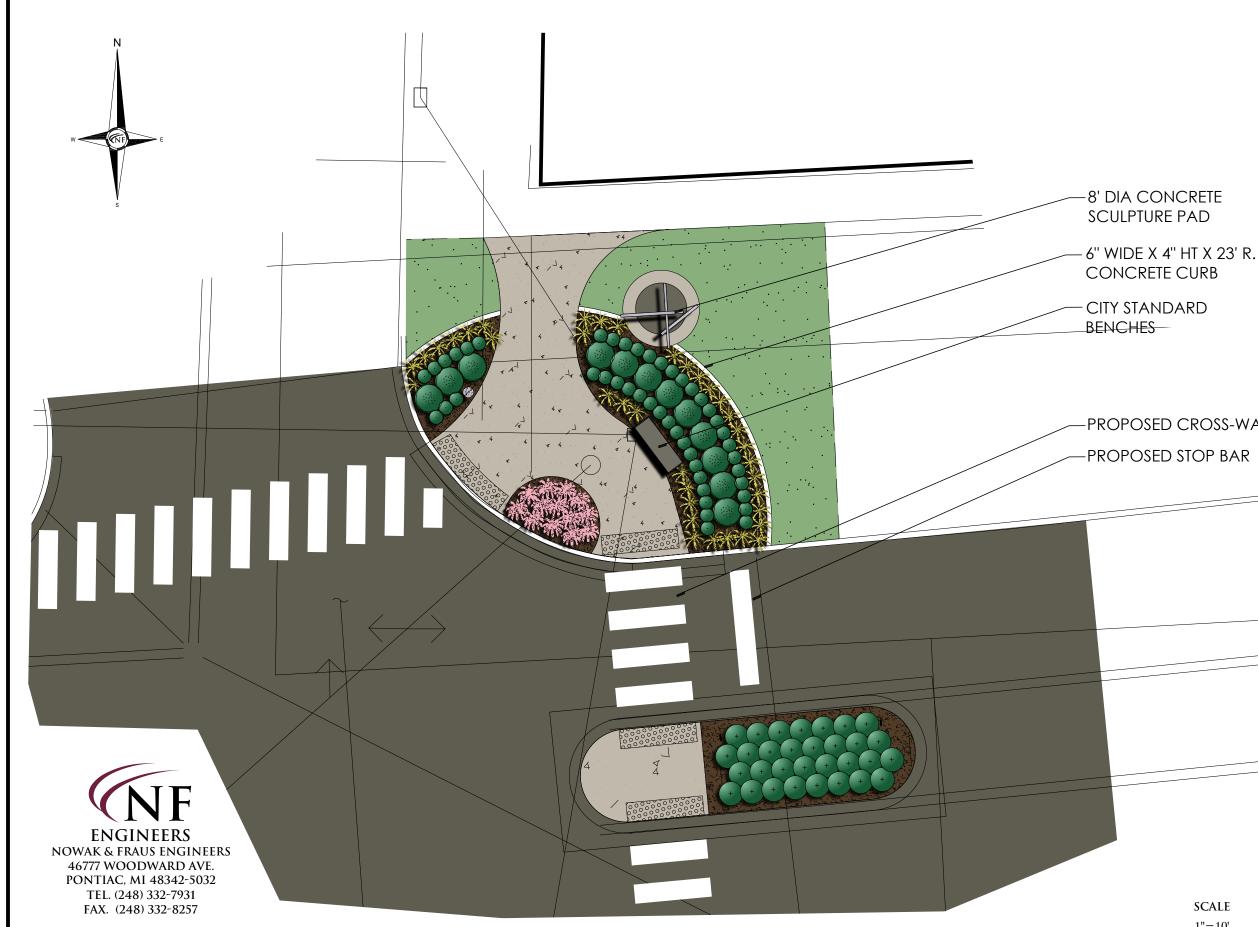
- Suffield Avenue curb extensions on north side of road
- Puritan Avenue curb extension on south side of road
- Lake Park Drive curb extension on north side of road

| PHASE 1 ROAD CROSSING IMPROVEMENTS: |                        |                             |            |         |
|-------------------------------------|------------------------|-----------------------------|------------|---------|
| Road                                | From                   | То                          | Quantity   | Unit    |
| Crossing Islands (Bollards, lan     | dscaping, concrete cur | bs, striping):              |            |         |
| W Maple Rd                          | at Chesterfield Ave    |                             | 1          | EACH    |
| W Lincoln St                        | at Stanley Blvd        |                             | 1          | EACH    |
| W Lincoln St                        | at Floyd St            |                             | 1          | EACH    |
| Crossing Islands with Double        | Posted Rectangular Rap | oid Flash Beacon with Advar | ice Warnin | g Signs |
| W Maple Rd                          | Between Suffield Dra   | and Pilgram Ave             | 1          | EACH    |
| W Maple Rd                          | Between Lake Park Dr   | and Linden Rd               | 1          | EACH    |
| W Maple Rd                          | at Baldwin Rd          |                             | 1          | EACH    |
| Curb Extensions (Sidewalks, l       | andscaping, concrete c | urbs, sidewalk)             |            |         |
| Oak Ave                             | at Suffield Ave        |                             | 2          | EACH    |
| Oak Ave                             | at Puritan Ave         |                             | 2          | EACH    |
| Oak Ave                             | at Lake Park Dr        |                             | 2          | EACH    |
| N Eton Rd                           | at Derby Rd            |                             | 4          | EACH    |
| N Eton Rd                           | at Windemere Rd        |                             | 1          | EACH    |
| N Eton Rd                           | at Yorkshire Rd        |                             | 2          | EACH    |
| W Lincoln St                        | at Maryland Blvd       |                             | 4          | EACH    |
| W Lincoln St                        | Pierce St              |                             | 4          | EACH    |
| E Lincoln St                        | at Grant St            |                             | 3          | EACH    |
| E Lincoln St                        | at Bates               |                             | 4          | EACH    |
| E Lincoln St                        | at Ann St              |                             | 4          | EACH    |
| N Old Woodward Ave                  | at Willits St          |                             | 2          | EACH    |
| N Old Woodward Ave                  | at Hamilton Row        |                             | 4          | EACH    |
| N Old Woodward Ave                  | at E Maple Rd          |                             | 4          | EACH    |
| S Old Woodward Ave                  | at W Merrill St        |                             | 4          | EACH    |
| S Old Woodward Ave                  | at E Brown St/Forest A | Ave                         | 4          | EACH    |
| S Old Woodward Ave                  | at Danes Street        |                             | 2          | EACH    |
| S Old Woodward Ave                  | at Hazel St/Frank St   |                             | 2          | EACH    |
| S Old Woodward Ave                  | at Bowers St           |                             | 3          | EACH    |
| S Old Woodward Ave                  | at Haynes St           |                             | 3          | EACH    |
| S Old Woodward Ave                  | between George St ar   | nd Landon St                | 2          | EACH    |



APPROXIMATELY 4.5 MILES OF NEW MULTI-MODAL FACILITIES ARE PROPOSED IN PHASE 1:

- 2 MILES OF BIKE LANES
- 2.3 MILES OF SHARED LANE MARKINGS
- 0.1 MILES OF COLORED SHARED LANE MARKINGS
- 0.1 MILES OF SIDEWALK (NOT SHOWN ON MAP)
- 31 ROAD CROSSING IMPROVEMENTS
- 2 TREE EXTENSIONS
- 44 BICYCLE PARKING HOOPS (NOT SHOWN ON MAP)
- 5 BUS SHELTERS (NOT SHOWN ON MAP)



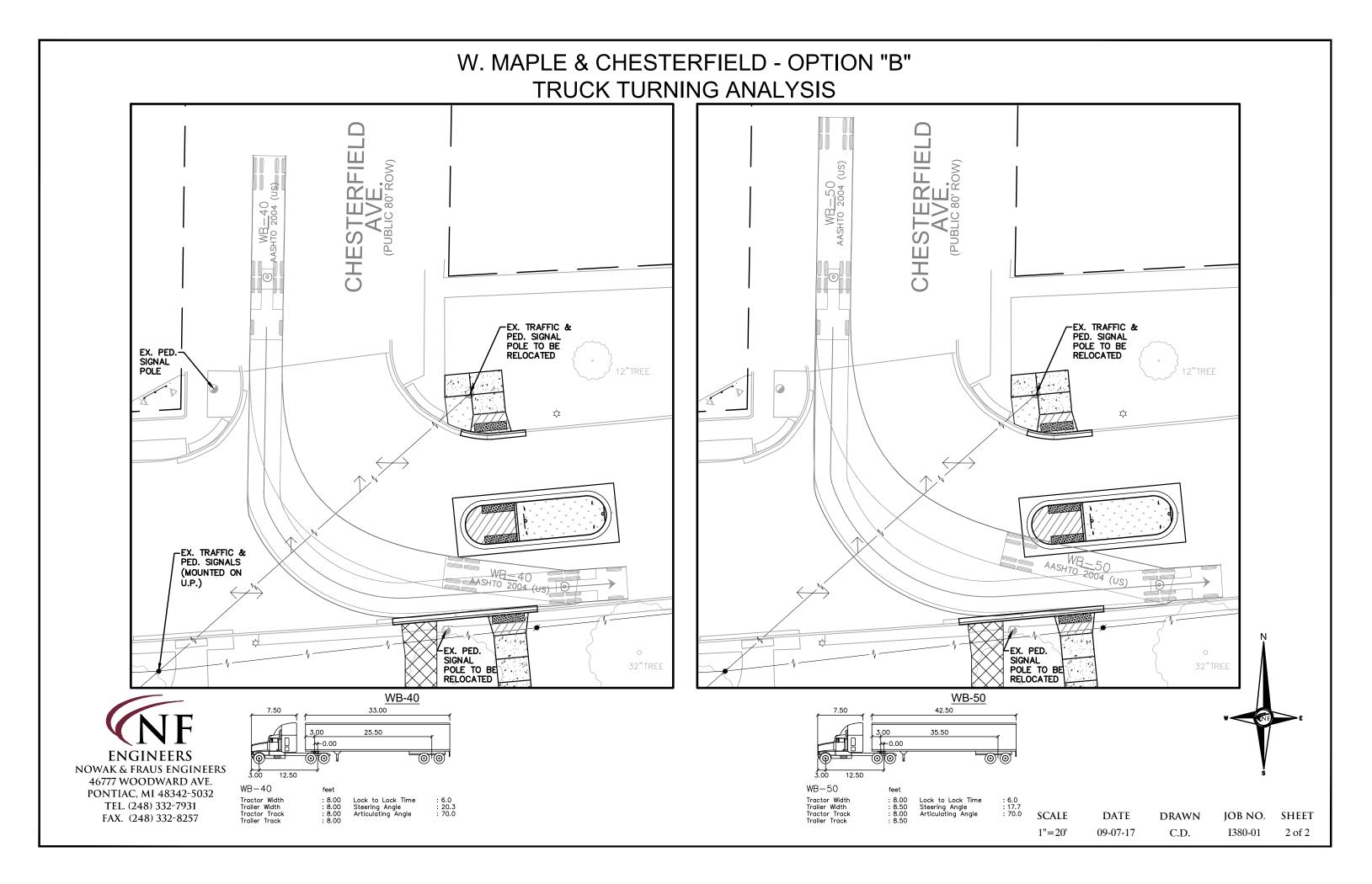
| SCALE  | DATE     | DRAWN | JOB NO. | SHEET  |
|--------|----------|-------|---------|--------|
| 1"=10' | 09-19-17 | G.O.  | I380-01 | 1 of 1 |

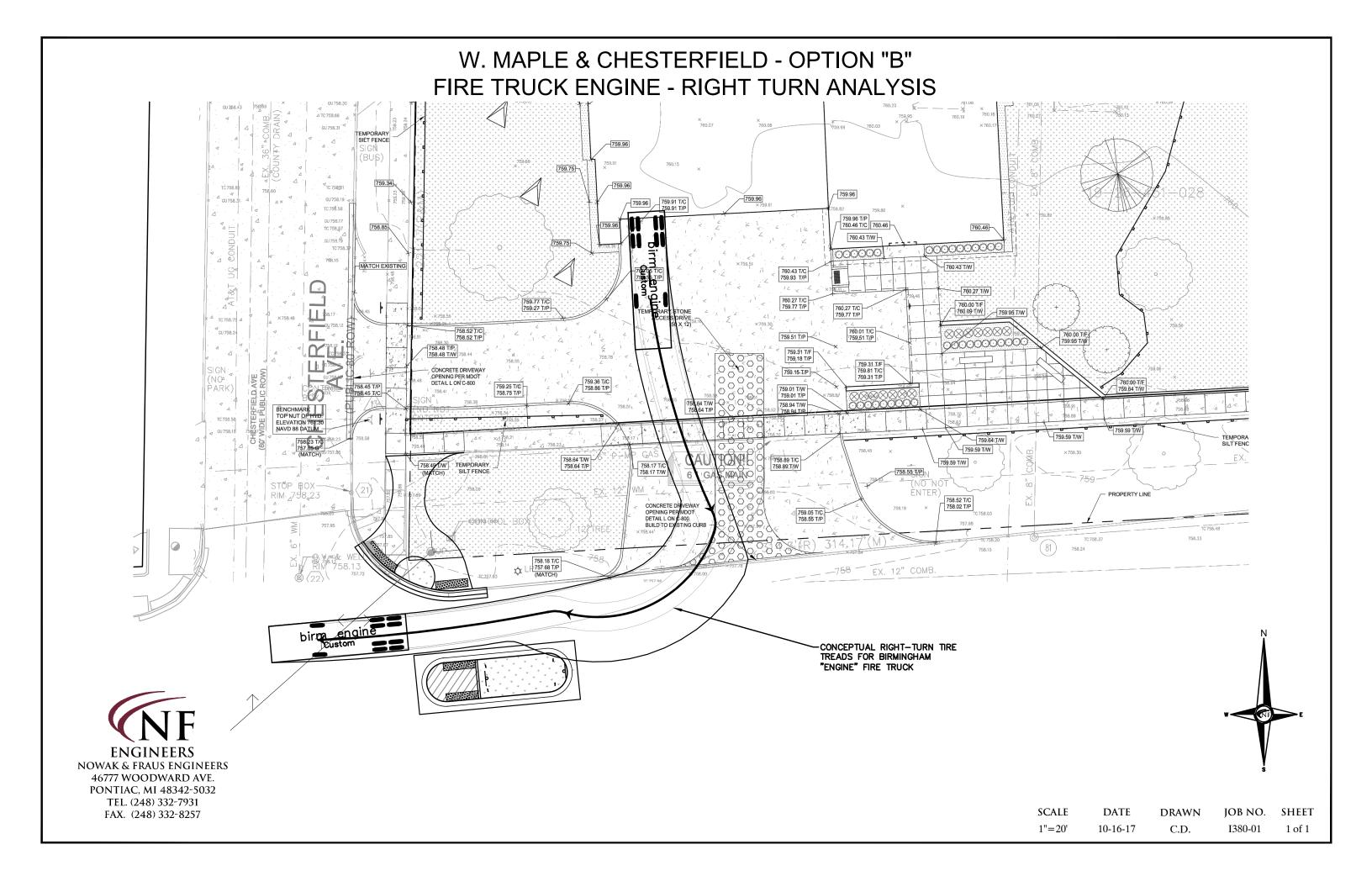
| SCALE   | DATE     | DRAWN | JOB NO. | SHEET  |
|---------|----------|-------|---------|--------|
| 1''=10' | 09-19-17 | G.O.  | I380-01 | 1 of 1 |

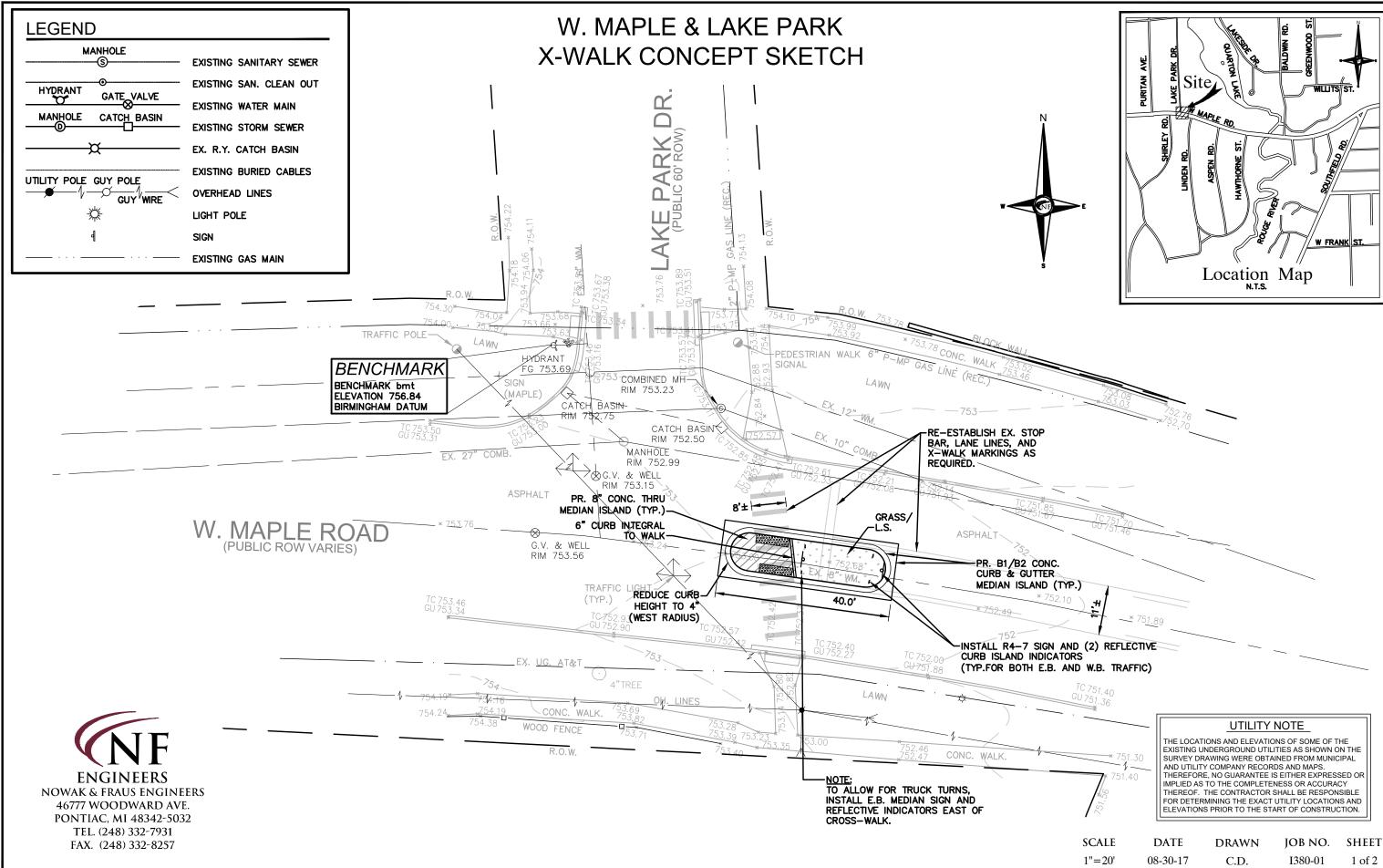
-PROPOSED STOP BAR

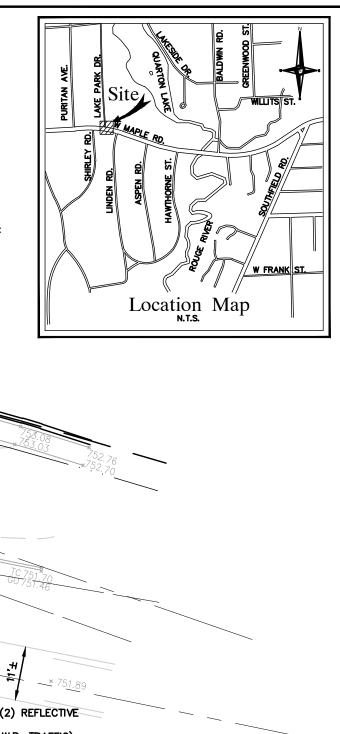
-PROPOSED CROSS-WALK

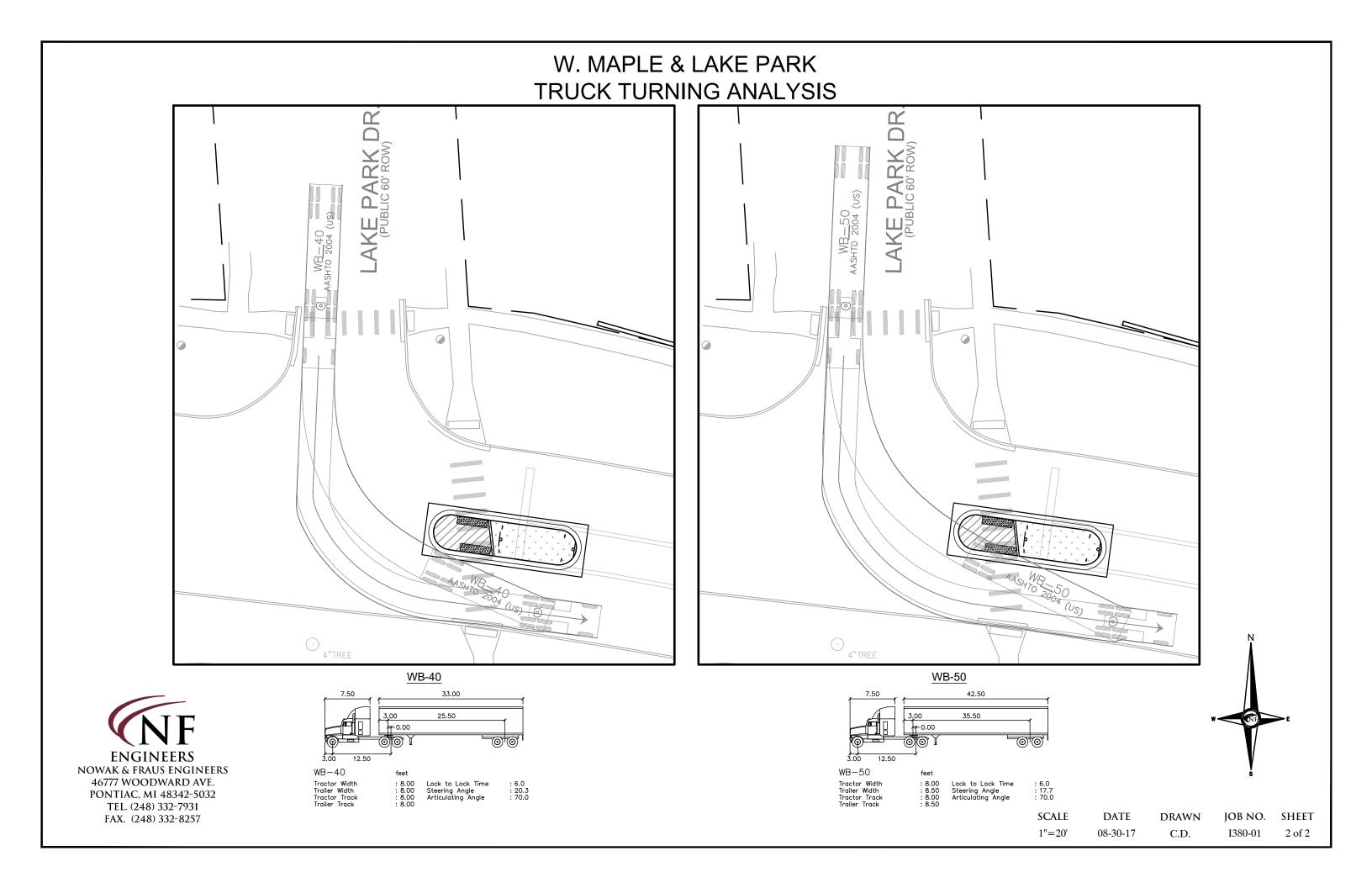
# CHESTERFIELD EPT Z R X $\propto$ $\checkmark$ Δ W. MAPLE Ш $\checkmark$ Δ











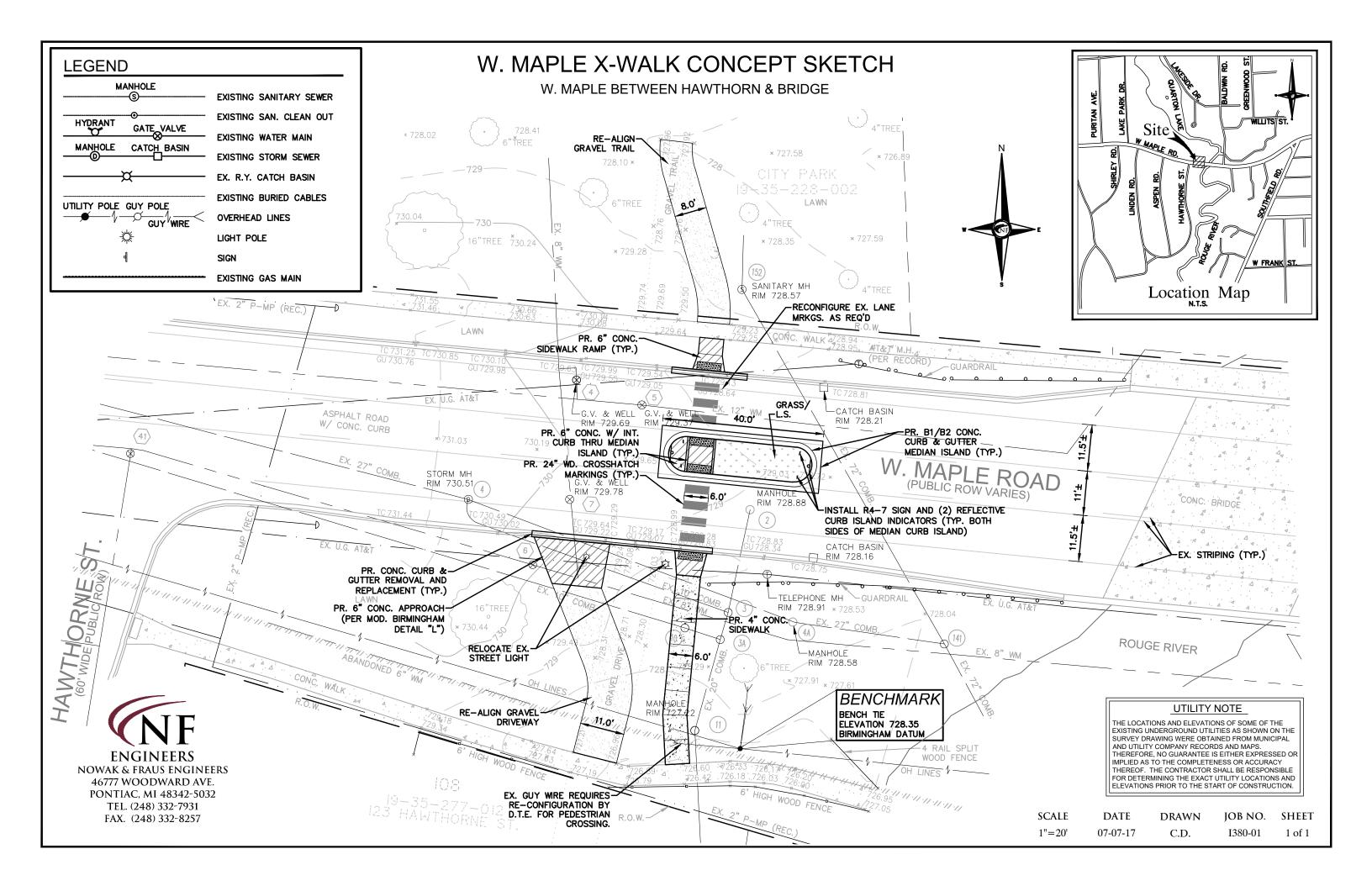




Image capture: Oct 2016 © 2017 Google United States

#### CITY OF BIRMINGHAM MULTI-MODAL TRANSPORTATION BOARD THURSDAY, NOVEMBER 2, 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, November 2, 2017.

Johanna Slanga convened the meeting at 6:02 p.m.

#### 1. ROLL CALL

- **Present:** Board Members Lara Edwards, Amy Folberg, Daniel Rontal, Johanna Slanga, Michael Surnow; Alternate Board Members Daniel Isaksen, Katie Schafer
- Absent: Chairperson Vionna Adams, Vice-Chairperson Andy Lawson
- Administration: Lauren Chapman, Asst. Planner Jana Ecker, Planning Director Austin Fletcher, Asst. City Engineer Commander Scott Grewe, Police Dept. Paul O'Meara, City Engineer
- Also Present: Julie Kroll from Fleis & Vandenbrink ("F&V"), Transportation Engineering Consultants

#### Motion by Mr. Surnow

Seconded by Mr. Isaksen to elect Johanna Slanga as temporary chairperson.

#### Motion carried, 7-0.

VOICE VOTE Yeas: Surnow, Isaksen, Edwards, Folberg, Rontal, Schafer, Slanga Nays: None Absent: Adams, Lawson

- 2. **INTRODUCTIONS** (none)
- 3. **REVIEW AGENDA** (no change)

#### 4. APPROVAL OF MINUTES, Multi-Modal Transportation Board ("MMTB") MEETING OF OCTOBER 19, 2017

Motion by Ms. Folberg Seconded by Dr. Rontal to approve the MMTB Minutes of October 19, 2017 as presented.

Motion carried, 7-0.

VOICE VOTE Yeas: Folberg, Rontal, Edwards, Isaksen, Schafer, Slanga, Surnow Nays: None Absent: Adams, Lawson

#### 5. **PUBLIC HEARING** S. Eton Rd. Corridor Multi-Modal Options Lincoln Ave. to 14 Mile Rd.

The public hearing opened at 6:05 p.m.

Ms. Ecker gave an overview. On October 19, 2017, the MMTB reviewed and discussed a total of 12 different conceptual options prepared by F&V for the MMTB to consider for the S. Eton corridor between Lincoln Ave. and 14 Mile Rd.

After much discussion, the MMTB reached consensus and voted unanimously to recommend conceptual option B-2 to move forward to a public hearing on November 2, 2017. Option B-2 includes maintaining the existing roadway width at 28 ft. It would shift the center line to the east to create two travel lanes and use a portion of the public right-of-way between the curb and the sidewalk to add an 8 ft. bi-directional bike lane and 2 ft. of landscaped area on the west side, buffered from moving traffic by a striped on-street parking lane. On-street parking is a convenience for the residents but it is also a traffic calming measure.

The board's other recommendations include curb bump-outs at side street intersections that make the crosswalks shorter so they are safer for pedestrians; new ADA ramps at all street crossings; and green marked areas for bikes to cross the street. All of the existing trees will remain.

A public hearing invitation was mailed to all property owners located along the S. Eton corridor to allow for review and comment by adjacent owners.

Ms. Kroll discussed how the bikes and pedestrians will navigate the 14 Mile Rd. transition into Royal Oak. Bikers will queue up at the bike box which is located at the light in front of the stop bar.

Mr. O'Meara explained for Ms. Edwards that the turning radii were studied at all of the corners with the side streets. The bumpouts vary in size because each of the intersections comes in at a different angle. Additionally, he clarified that presently it is not legal to park on S. Eton Rd. from 2 a.m. to 6 a.m. However if this option is constructed that rule could be removed for the west side parking.

Chairperson Slanga opened up discussion to the public.

Ms. Cindy Chiara, 1622 S. Eton Rd., said she was a member of the Ad Hoc Rail District Study Committee. She indicated that she is extremely disappointed that what happened in the Ad Hoc Committee is not what is now proposed. The Ad Hoc Committee considered traffic, safety and walkability. Now everything is about bike lanes for maybe five bikes that come down that road.

Ms. Edwards assured her that some ideas from the Ad Hoc Committee have been adopted. Bumpouts will remain on the major cross streets. The idea of slowing traffic is included in this design because the travel lanes are narrowed. Chairperson Slanga noted that going forward it is a balance of everything.

Mr. Thomas Giddeon said he lives on Humphrey and is an avid bicyclist. He likes what is being proposed.

Mr. Brian Chiara, 1622 S. Eton Rd., noticed that there has been no count of how many bicycles travel on S. Eton Rd. in a day. He described how when he pulls in and out of his driveway he must go around a parked car, around a 2 ft. barrier, then there is a blind spot for bikers and pedestrians. He concluded that he loves everything except the bike path.

Mr. Morris Sunday, 1668 S. Eton Rd. said he agrees. It seems like a lot of money to spend for a bike path. To Mr. Chiara's point, how many bikes are actually going up and down S. Eton Rd. that this will benefit? He was not in favor of anything that will bring traffic closer to his house. He also noted all of the things to be aware of just backing out of his driveway.

Mr. Bob Mitchum, 1713 Mansfield, indicated his dislike of bumpouts. A driver almost has to pull into the oncoming lane to make a turn.

Mr. Florian Dutke, 1608 S. Eton Rd., thought defining the travel lanes into 10 ft. sections may cause problems. People will have trouble navigating the road. Backing down his driveway, he must look past the blind spot of his neighbor, plus the sidewalk, and then another blind spot caused by a tree in order to get past a bike lane behind that. Also the apron is shortened and he will lose the ability to park his car there when he needs to. Additionally he expressed concern about who will be responsible for plowing the bike lane in the winter.

Ms. Schafer commented part of the reason the board came to this conclusion is because they wanted to accommodate bikers since that is part of the Multi-Modal Board's objective. They only have a 28 ft. wide road to work with so they looked at 12 options. They felt that on-street parking actually slows the traffic. So their goal was to keep the cars on the street in the designated parking lane, not to make it harder for anyone to back out of their driveway.

Dr. Rontal commented this is part of the designated regional bike route through the City. The mandate of this board is to try and balance between pedestrians, vehicles, and bikes.

Ms. Shirley Lebrens, 1779 Mansfield, said that Eton Rd. is not safe to bicycle on. So it is better to have the bicyclists in a safe area rather than on the road in harm's way.

Mr. Surnow felt that while a lot of people don't like the bike path, it is the only place people can ride down a street like Eton Rd. He doesn't think it is safe to ride there the way it is presently constructed.

Chairperson Slanga requested they make sure not to introduce parking so close to people's driveways that they can't pull out or see around the bike path.

Ms. Edwards noted the constraint the board is working under is not being able to change the curb-to-curb width of the existing road, which is 28 ft. That is how the bike path got pushed to the easement because it is really wide on S. Eton Rd.

Ms. Folberg thought they should find out who will be responsible for snow removal on the bike path.

Mr. O'Meara noted for the record the two emails sent to the Board earlier this week. One was opposed to the plan, and the other was neutral once they realized that the bike path was not on their side of the street. He also said that he received a phone call from resident Betty Shinaberry on Mansfield, who was against the proposal because she thinks the traffic lanes need the width that is there presently.

Mr. Isaksen observed that residents on the west side of Eton Rd. have not bought into the project yet. Before he could vote comfortably for it he would need more of a consensus from those residents who are most directly affected.

Mr. Surnow said if they are going to have a bike lane along Eton Rd., Option B-2 is the safest and most practical way to achieve it. Ms. Schafer added the board was confined by a number of constraints and this was the marriage of all of the

considerations to make the road safer for everyone who uses it; walkers, bikers, and cars.

Chairperson Slanga stated she would always want to increase the site distance backing out from driveways, even if that means taking out some parking.

#### Motion by Mr. Surnow

Seconded by Ms. Schafer that the Multi-Modal Transportation Board recommends the following improvements to S. Eton Rd. from Lincoln to 14 Mile Rd.:

1. Maintain the existing curb-to-curb road width of 28 ft.;

2. Install an 8 ft. wide on-street parking lane on the west side of the street, separated from traffic with a solid line, and recommend 24-hour parking be permitted. Conduct an engineering study to make certain that the sight distance is appropriate for anyone backing out of their driveway. If it is not, parking should be eliminated to accommodate the proper sight distance;

3. Shift the center line of S. Eton to the east to create two 10 ft. wide travel lanes for vehicles;

4. Install an 8 ft. wide bidirectional bike lane 2 ft. from the back of curb on the west side of S. Eton;

5. Maintain a 2 ft. wide landscaped buffer between the on-street parking lane and the bike lane;

6. Install curb bumpouts and crosswalks at the intersections of S. Eton and Bradford, Sheffield, Humphrey, Melton and Lincoln as noted on the B-2 plan;

7. Install new ADA ramps at all street crossings from Lincoln to 14 Mile Rd.; 8. Install green marked bicycle crossings on the western leg of the intersections of S. Eton and Bradford, Sheffield, Humphrey, Melton and Lincoln as noted on the B-2 plan.

9. The City and not the residents assumes responsibility for the maintenance of the 8 ft. bike lane; and

10. The center line will be striped.

Comments on the motion were taken from the audience at 7:20 p.m.

Ms. Cindy Chiara said that having bikers cross over to the east side of N. Eton is confusing to her. Also she did not like giving up parking on the driveway apron and having to put her car in the street where it might get hit.

Mr. Florian Dutke indicated he is disappointed there isn't more data on the number of bicycles. He was in favor of mocking up a section of the road with plastic bollard bumpouts to give an idea if traffic speed is reduced.

Mr. Bob Mitchum noted that police are always at the intersection of Eton Rd. and Sheffield watching people go through the stop sign.

Ms. Shirley Lebrens spoke in favor of adding strategically placed speed bumps. Chairperson Slanga responded the challenge is the maintenance of them. Basically they do the same thing as a stop sign where people will rush up to them, slow down, go over, and then rush off.

#### Motion carried, 6-1.

ROLLCALL VOTE Yeas: Surnow, Schafer, Edwards, Folberg, Rontal, Slanga Nays: Isaksen Absent: Adams, Lawson

The public hearing closed at 7:30 p.m.

#### 6. W. MAPLE RD. PEDESTRIAN CROSSING ISLANDS Review of pedestrian crossing island locations and designs

Mr. O'Meara offered background. The W. Maple Rd. corridor was studied extensively by the MMTB in preparation for the resurfacing of this road from Cranbrook Rd. to Southfield Rd. in 2015. Now that the paving has been completed, and a continuous left turn lane has been installed, the City has the opportunity to consider the installation of pedestrian refuge islands along this corridor, as referenced in the Multi-Modal Transportation Master Plan.

Since the road construction has been completed, staff has studied the potential for crosswalk islands. Detailed plans were prepared for the potential islands at the following locations:

- 1. Chesterfield Ave.
- 2. Lakepark Ave.

3. East of Hawthorne Rd. (just east of the recommended Baldwin Ave. location). These three island locations have received the most attention to date because they are either located at a traffic signal, which improves safety for pedestrians, or in the case of the one east of Hawthorne Rd., represent an important link in the City's River Rouge Trail system.

<u>Chesterfield Ave.</u>: The drawback of this location is the adjacency of the City's Chesterfield Ave. Fire Station. The improved fire station has been designed to accommodate one of the department's larger engines. Truck turning requirements were studied for right turns from the new driveway to Maple Rd. and conflicts were found to exist. After review with the Fire Dept., it was decided that installation of a pedestrian island at this location could cause potential conflicts with emergency vehicles, thereby increasing response time for Fire Dept. personnel. <u>The construction of an island is not recommended at this location.</u>

<u>Lakepark Ave.</u>: Given that a traffic signal operates here, a marked crosswalk on the east leg of the intersection already exists. The plan indicates that a raised pedestrian island can be installed at the current marked crosswalk location, and still allow room for left turning trucks out of Lakepark Ave. <u>The suggested location</u> for a pedestrian island appears to work well, and is recommended at this time.

East of Hawthorne Ave.: The Master Plan recommends the installation of a pedestrian island and improved crosswalk at Baldwin Ave. However, further study of this location indicated that sight distance for vehicles traveling Maple Rd., given the curvature of the road and hill in this area is such that it is not a good location to encourage pedestrian crossings. Further study of the area revealed similar concerns along most of this section. However, just west of the existing Rouge River bridge, a location with suitable sight distance from both directions does exist. Further, the location would line up with the existing Rouge River trail as it extends north toward Quarton Lake. The drawback of this location is that it would conflict with an existing residential driveway for the home located at 123 Hawthorne Rd. If the driveway for this house was not relocated, safety for left turns into the driveway would be compromised, as the left turn lane would not be available for this movement. A modified plan was presented to the homeowner, and they have indicated their support for the changes. Moving the driveway to the west would allow sufficient space for a sidewalk connection to the existing Maple Rd. sidewalk (which then leads to the continuation of the Rouge River trail to the south), and it allows for left turning movements into the driveway. The Master Plan recommended the installation of a Rectangular Rapid Flashing Beacon ("RRFB") at this location, The RRFB would be actuated by a pushbutton installed at the crossing, and is an effective means of alerting motorists to the fact that a pedestrian is crossing the road. The pedestrian island, along with the RRFB, is recommended at this location.

Ms. Ecker noted now that the Chesterfield Ave. location is not being considered, staff requests input from the MMTB as to whether the suggested location <u>between Suffield Ave. and Pilgrim Ave</u>. (mid-block crossing) as recommended in the Multi-Modal Master Plan should be explored further at this time. There are no apparent obstacles at this location; however, there is little activity as well. If installed, it would be located about 980 ft. to the west of the new Lakepark Ave. island, or less than 0.2 mile. If there is agreement on the preferred locations and direction, a public hearing would be appropriate before a final recommendation is forwarded to the City Commission.

Dr. Rontal observed the crossing would connect to the Arlington neighborhood which connects down to Lincoln. Chairperson Slanga stated the use is small at that location. Residents on the northern side can be contacted for feedback.

#### Motion by Ms. Edwards

Seconded by Dr. Rontal to recommend the installation of pedestrian islands on the W. Maple Rd. corridor at the following locations:

- Lakepark Ave.
- East of Hawthorne Ave.

The Rectangular Rapid Flashing Beacon is recommended at the Hawthorne Ave. location only.

Further, to conduct a public hearing to solicit input for this proposal at the regular meeting of the Multi-Modal Transportation Board, scheduled for Thursday, December 7th at 6 p.m.

#### Motion carried, 7-0.

VOICE VOTE Yeas: Edwards, Rontal, Folberg, Isaksen, Schafer, Slanga, Surnow Nays: None Absent: Adams, Lawson

#### 7. 2018 PAVING PROJECTS

Mr. O'Meara advised the Engineering Dept. plans to issue plans for bids on two paving contracts during the 2018 construction season:

- 1. Old Woodward Ave. Paving Project;
- 2. 2018 Local Street Paving Project.

The first project was designed last year, and reviewed previously by the MMTB. The design has not changed with respect to Multi-Modal criteria, so no further review is needed. The second project involves the complete reconstruction of the following streets:

- Bennaville Ave. Edgewood Ave. to Grant St.;
- Ruffner Ave. Grant St. to Woodward Ave.;
- Chapin Ave. Grant St. to Woodward Ave.

The Multi-Modal Master Plan has no comments for these streets.

<u>Bennaville Ave.</u>: The existing pavement on this block was installed at 33 ft. wide in 1948. The road width is wider than the current 27 ft. standard width the City installs on unimproved streets today. Typically, when streets are being reconstructed due to age, the City would replace the pavement to match the current condition. A new concrete pavement with curbs is proposed.

| City of | Birmingham |
|---------|------------|
|         |            |

# MEMORANDUM

Engineering Dept. Planning Dept. Police Dept.

DATE:November 30, 2017TO:Multi-Modal Transportation BoardFROM:Jana L. Ecker, Planning Director<br/>Commander Scott Grewe, Police Department<br/>Paul T. O'Meara, City EngineerSUBJECT:W. Maple Rd. Pedestrian Islands

The most recent plans for the installation of pedestrian islands on W. Maple Rd. were reviewed by the Multi-Modal Transportation Board (MMTB) at their meeting of November 2, 2017. The following motion was passed:

To recommend the installation of pedestrian islands on the W. Maple Rd. corridor at the following locations:

- Lakepark Ave.
- East of Hawthorne Ave.

The Rectangular Rapid Flashing Beacon is recommended at the Hawthorne Ave. location only.

Further, to conduct a public hearing to solicit input for this proposal at the regular meeting of the Multi-Modal Transportation Board, scheduled for Thursday, December 7th at 6 p.m.

Although not reflected in the resolution, discussion was also held about the Master Plan suggestion for the installation of a pedestrian island between Suffield Ave. and Pilgrim Ave. Although the MMTB did not necessarily support the proposal, input from the public was requested.

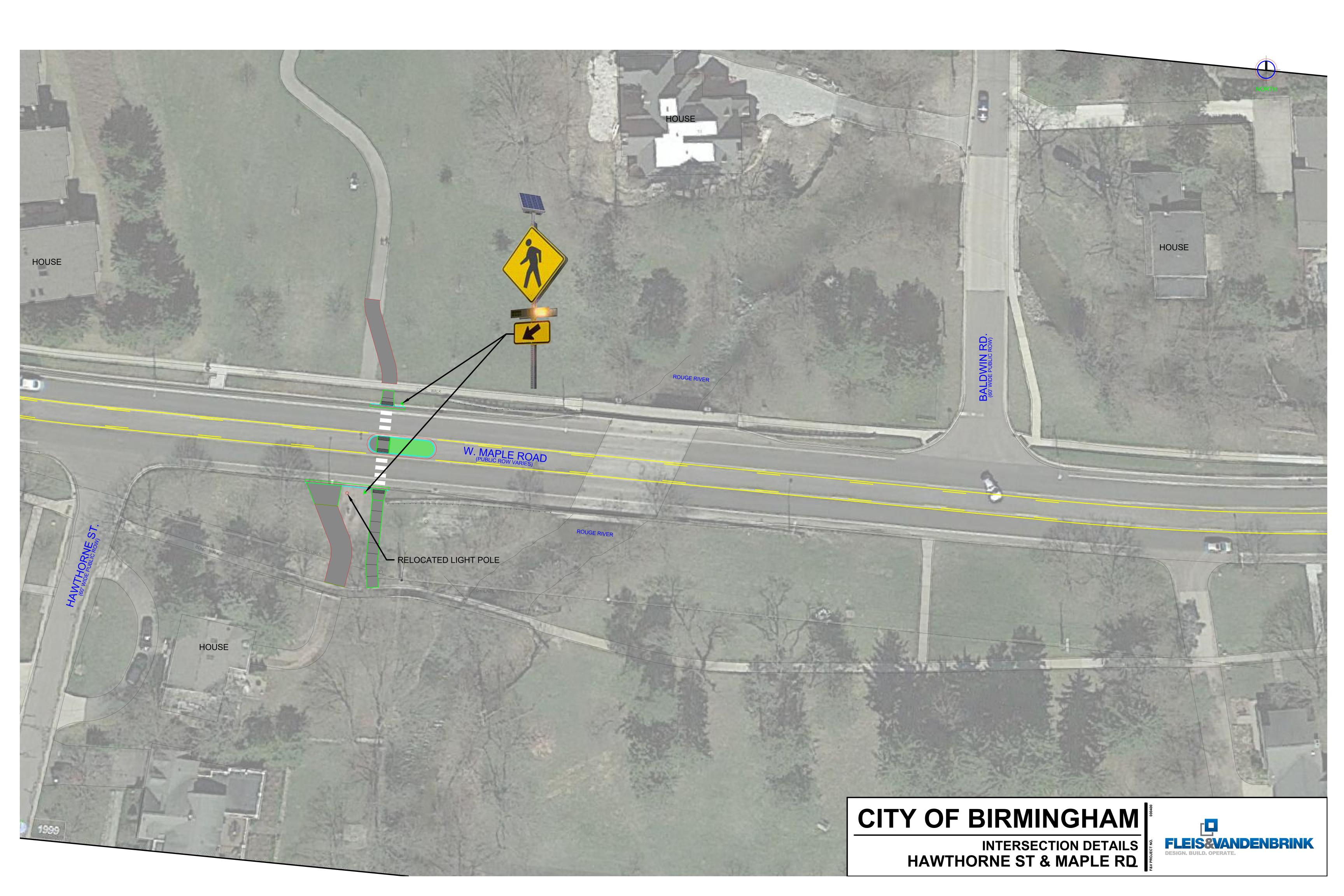
Staff mailed the attached postcards to all property owners located on W. Maple Rd. from Chesterfield Ave. to Southfield Rd. We also notified subdivision associations where possible. The cover sheet of the MMTB webpage was updated to include information on both of the above island locations, as well as the potential island proposed between Suffield Ave. and Pilgrim Ave. Several written comments have been received, which are attached.

After receiving input from the public, the Multi-Modal Transportation will have the opportunity to finalize a recommendation to the City Commission, if they are so inclined. Based on the recommendation, staff will then put together a cost estimate, and forward it to the City Commission for their consideration.

SUGGESTED RECOMMENDATION:

To recommend the installation of pedestrian islands on W. Maple Rd. at \_\_\_\_\_\_ in accordance with the attached plans.







#### CITY OF BIRMINGHAM MULTI-MODAL TRANSPORTATION BOARD PUBLIC HEARING THURSDAY, DECEMBER 7, 2017 AT 6 PM ROOM 205, MUNICIPAL BUILDING

The Multi-Modal Transportation Board is studying a proposal to install pedestrian crosswalk islands at three locations on W. Maple Rd.: 1) Between Suffield & Pilgrim; 2) At the Lakepark Dr. traffic signal; and 3) Between Hawthorne Rd. and the Rouge River Bridge. The Board would like public input before a final recommendation is made to the City Commission. Please see the Multi-Modal Transportation Board page at www.bhamgov.org for more information and illustrations.

#### CITY OF BIRMINGHAM MULTI-MODAL TRANSPORTATION BOARD PUBLIC HEARING THURSDAY, DECEMBER 7, 2017 AT 6 PM ROOM 205, MUNICIPAL BUILDING

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Engineering Department City of Birmingham 151 Martin Birmingham, MI 48009

> «SIDWELL» «NAME» «ADDRESS» «CITY», «STATE» «ZIP\_CODE»

Engineering Department City of Birmingham 151 Martin Birmingham, MI 48009

> «Next Record» «SIDWELL» «NAME» «ADDRESS» «CITY», «STATE» «ZIP\_CODE»



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# Multi-Modal Transportation Board

The goal of the Multi-Modal Transportation Board shall be to assist in maintaining the safe and efficient movement of motorized and non-motorized vehicles and pedestrians on the streets and walkways of the City and to advise the City Commission on the implementation of the Multi-Modal Transportation Plan, including reviewing project phasing and budgeting. Board members shall be electors or property owners in the City. If you have any questions or comments regarding the Multi-Modal Transportation Board, please contact <u>Mark Clemence</u>, Deputy Chief of Police at 248.530.1875 or Jana Ecker, City Planner at 248.530.1841.

## **MULTI-MODAL TRANSPORTATION BOARD**

### PROPOSAL: W. MAPLE RD. CORRIDOR PEDESTRIAN CROSSING IMPROVEMENTS – CHESTERFIELD AVE. TO SOUTHFIELD RD.

**PUBLIC HEARING SCHEDULED FOR THURSDAY, DECEMBER 7, 2017, at 6 p.m**., Room 205, City Hall, at 151 Martin St. After 5 p.m, please enter through the Police Dept. door located on Pierce St.

#### Location #1 – On W. Maple between Hawthorne Rd. and Baldwin Ave. See <u>Conceptual drawing of Location # 1 - Hawthorne Rd. and Baldwin Ave.</u>

The City maintains a trail system following the Rouge River corridor. There is now an opportunity to install an improved, marked pedestrian crossing island at this location to allow pedestrians wishing to use the trail a safer option when crossing Maple Rd. This improvement was recommended in the City's Multi-Modal Transportation Master Plan. of the island at Hawthorne is provided. The island would be constructed in the left turn lane, in an area where the lane is not being used. Landscaping would be installed in the area to the east of the crosswalk, as shown. Signs would be installed for each traffic direction, equipped with a pedestrian activated Rectangular Rapid Flashing Beacon, drawing attention to the crosswalk when pedestrians are present.

#### Location #2 – On W. Maple at Lakepark Drive See <u>Conceptual drawing of Location #2 – At Lakepark Dr</u>.

Also in accordance with the Master Plan, an island is proposed at the existing crosswalk on the east side of the Lakepark Dr. intersection. The island would help reduce the speeds of motorists, and encourage pedestrians to cross Maple Rd. at the signalized intersection. Similar to the other islands, a landscape feature would be <a href="http://www.bhamgov.org/government/boards/MMTB\_board.php">http://www.bhamgov.org/government/boards/MMTB\_board.php</a>

included in the construction. A picture of this proposal at is included.

### Location # 3 - On Maple from Suffield to Pilgrim Avenue

#### See Conceptual drawing of Location #3 – Suffield Ave. to Pilgrim Ave.

The Master Plan also recommended the construction of a pedestrian island on the block between Suffield Ave. and Pilgrim Ave. The island would provide another means for a safer crossing for pedestrians wishing to cross Maple Rd. in this area. Similar to the first location, Rectangular Rapid Flashing Beacons would be installed to help call attention to the area when pedestrians are crossing. While this location was recommended in the plan, the Multi-Modal Transportation Board is not certain that the demand for crossings here would be as great as at the other two locations. Input from residents in the area would be helpful as this proposal is being considered.

#### <u>Summary</u>

The Multi-Modal Board wishes to receive input from area residents prior to making a final recommendation. If you would like your position known, but cannot attend the meeting, please forward written comment to the Engineering Dept. at <u>sdelpup@bhamgov.org</u> preferably no later than Thursday, November 30, 2017, for the Board's review. If you have questions, you may contact Paul O'Meara at the email address above, or at 248-530-1836.

#### PROPOSAL: S. ETON RD. CORRIDOR IMPROVEMENTS – LINCOLN AVE. TO 14 MILE RD.

Over the past year, the Board has been studying potential improvements to the entire S. Eton Rd. corridor from Maple Rd. to 14 Mile Rd. Previous discussions at the Board level have resulted in a recommendation to the City Commission that includes:

- A pedestrian island at Maple Rd.
- Narrowing of S. Eton Rd. from Maple Rd. to Yosemite Blvd. to allow an improvement to the sidewalk on the west side of the street.
- Narrowing of S. Eton Rd. from Yosemite Blvd. to Villa Ave. to allow for wider sidewalks, as well as a green parkway with new street trees between the sidewalk and the road (on-street parking would be eliminated).
- Removal of parking on the southbound side of the street, from Villa Ave. to Lincoln Ave., and using this paved area to install a two-way bike path separated from vehicle traffic by the use of a raised buffer.

The City Commission, while aware of the above proposal, has not taken any action on it to date. Attached is an <u>aerial map north of Lincoln</u>, and an <u>aerial map south of Lincoln</u>.

The Board has passed a motion recommending changes to S. Eton Rd. from Maple to 14 Mile Rd.

# S. Eton Street (Villa to Yosemite)-Looking North



Jana Ecker <jecker@bhamgov.org>

#### **Clemence - Liaison for Traffic**

1 message

Ann Steglich <asteglich@comcast.net> To: mclemence@bhamgov.org, jecker@bhamgov.org

Wed, Nov 15, 2017 at 2:35 PM

To whom it may concern,

People spent so much time, energy, money, our tax dollars and years trying to slow down the traffic on Maple Rd. between Cranbrook and downtown/Southfield and make it safer. Now someone wants to spend more. There is no reason why people can't walk to a light and there is no need to islands inbetween or at the lights. The new configuration seems to slow down getting out of the side streets onto Maple. What use to take me no longer than a minute to get across Maple, now takes almost 5 minutes to get across Maple with cars piling up behind me.

All I can see is that this is another big cost to the taxpayer and a road block as it is build. There is the construction cost, then the plants that go into the island and then maintenance to the plants, including watering, replacing plants that are driven over, etc.

I think if there is money to be spent on roads, give it to the taxpayer as their cost is lowered every time they are required to pay for new pavement on the road in front of their house. Actually, the builders should be charged a road fee for every construction they have. Between the huge dirt trucks with an added same length trailer attached and then the cement trucks, the two lane roads have been torn apart along with the front lawns of the homeowners. My street use to curve at my house and now the road has been straightened out.

Forget the islands on Maple!!!

Ann Steglich

1052 Fairfax



#### Re: multimodal islands Baldwin & Hawthorn

1 message

Paul O'Meara <pomeara@bhamgov.org> To: Susan Delpup <sdelpup@bhamgov.org> Cc: Kristy a <kristybarrett1@yahoo.com>, Jana Ecker <Jecker@bhamgov.org> Wed, Nov 15, 2017 at 12:35 PM

Hi Kristy -

Thanks for your comment. The island location being selected is unfortunately the only area along this section where such a crossing would be safe. We cannot build it in the area of the bridge railings or guard rail, we cannot build it to the west of Baldwin because that would obstruct left turns on to Baldwin, and we cannot build east of Baldwin because the sight distance with the curved road is not sufficient.

Hopefully the above helps. Feel free to call or write me directly if you have other questions or comments.

On Wed, Nov 15, 2017 at 11:50 AM, Susan Delpup <<u>sdelpup@bhamgov.org</u>> wrote: Kristy,

Thank you for taking the time to write regarding the proposed pedestrian island. I am copying Jana Ecker, Planning Director, and Paul O'Meara, City Engineer, so that all involved receive your input.

Regards,

On Wed, Nov 15, 2017 at 11:44 AM, Kristy a <kristybarrett1@yahoo.com> wrote:

Please consider moving the proposed island between Baldwin and how thorn closer to Baldwin. The Rouge River walking path that goes through Booth Park then behind the Historical Museum exits close to Baldwin. Many people currently cross to the south side of W. Maple at Baldwin. Additionally, there is already a connection walkway there with an ADA compliant sidewalk decline. This is a natural place to put an island for crossing. The next safety crossing from north to south Maple is at Southfiled Rd.

Kristy Barrett

--

#### Sue DelPup

Admin. Assistant Planning/Engineering City of Birmingham 151 Martin Birmingham, MI 48009 Ph: 248-530-1850 Ext. 1837 Fax: 248-530-1290

Paul T. O'Meara City of Birmingham, MI City Engineer

248-530-1836 pomeara@bhamgov.org



#### **Re: Islands on Maple**

1 message

Susan Delpup <sdelpup@bhamgov.org>

Wed, Nov 15, 2017 at 2:27 PM

To: Julie Leonard <julieleonard270@icloud.com>, Jana Ecker <Jecker@bhamgov.org>, Paul O'Meara <pomeara@bhamgov.org>

Julie,

Thank you for taking the time to write regarding the proposed pedestrian island. I am copying Jana Ecker, Planning Director, and Paul O'Meara, City Engineer, so that all involved receive your input.

#### Regards,

On Wed, Nov 15, 2017 at 1:57 PM, Julie Leonard <julieleonard270@icloud.com> wrote:

To Whom it May Concern,

I like the idea of the islands to help create a safer area for pedestrians to cross.

My concern comes with the island between Puritan and Suffield. The traffic turning left onto Maple from Arlington is busy and it's often difficult to find an opening in traffic. It's usually necessary to turn left into the middle lane and then wait for traffic West bound on Maple to clear before merging. The island will restrict the amount of space that can be used.

Also, would you be able to have the sign say "Yield to Pedestrians" rather than "Stop for Pedestrians"? I think people see the word Stop and think it's a Stop sign rather than just stopping for pedestrian traffic.

Thanks.

Julie Leonard 270 Suffield Ave

Birmingham

#### Sue DelPup

Admin. Assistant Planning/Engineering City of Birmingham 151 Martin Birmingham, MI 48009 Ph: 248-530-1850 Ext. 1837 Fax: 248-530-1290



#### **Re: Crossings on Maple**

1 message

#### Susan Delpup <sdelpup@bhamgov.org>

Thu, Nov 16, 2017 at 9:23 AM To: Eric Voeffray <evoeffray@gmail.com>, Jana Ecker <Jecker@bhamgov.org>, Paul O'Meara <pomeara@bhamgov.org>

Eric,

Thank you for taking the time to write regarding the proposed pedestrian islands. I am copying Jana Ecker, Planning Director, and Paul O'Meara, City Engineer, so that all involved receive your input.

#### Regards,

On Wed, Nov 15, 2017 at 6:49 PM, Eric Voeffray <evoeffray@gmail.com> wrote:

Hello, I wanted to give my input on the crossings, especially the one near Suffield. These crossings are desperately needed. We live on Fairfax and frequently cross Maple to visit friends on Pleasant or Arlington. These days, crossing, especially with children, is quite difficult and feels dangerous. Traffic is often so constant that crossing becomes quite a challenge, and you end up running across when it feels the least dangerous. This seems crazy in a walkable community. We have actually discussed starting to drive, even though it is such a short walk, simply because it is safer. I am a strong supporter of all 3 crosswalks.

In addition, Oak has become a tougher road to cross since it was improved. Since then, traffic and speeds have increased. At busy times it is more challenging then it should be to cross Oak. Again, especially with kids you need to cross guickly, and pick the best moment, especially at morning or evening rush hours, or on weekends. The multi modal plan included bump outs at Suffield, which would help. The speeds between Chesterfield and Lake Park are too fast.

Thanks for your time, Eric Voeffray 621 Fairfax

Sent from my iPhone

#### Sue DelPup

Admin. Assistant Planning/Engineering City of Birmingham 151 Martin Birmingham, MI 48009 Ph: 248-530-1850 Ext. 1837 Fax: 248-530-1290



#### **Re: Maple Road Crosswalk Islands**

1 message

#### Susan Delpup <sdelpup@bhamgov.org>

Mon, Nov 20, 2017 at 8:27 AM To: Kurt Luedtke <kurtluedtke@gmail.com>, Jana Ecker <Jecker@bhamgov.org>, Paul O'Meara <pomeara@bhamgov.org>

Kurt,

Thank you for taking the time to write regarding the proposed pedestrian islands. I am copying Jana Ecker, Planning Director, and Paul O'Meara, City Engineer, so that all involved receive your input.

#### Regards

On Thu, Nov 16, 2017 at 7:02 PM, Kurt Luedtke <kurtluedtke@gmail.com> wrote:

Given the heavy traffic on Maple Road, I'm not sure any of these islands make much sense. There's already a light at Lakepark to facilitate pedestrians crossing. Another island between Suffield and Pilgrim seems a pedestrian convenience at significant cost to motorists. The one near the Rouge River bridge may tempt pedestrians to cross just at the point where traffic is acclerating on the downslopes. Are you sure this isn't the walkable community run amok?

Kurt Luedtke

#### Sue DelPup

Admin. Assistant Planning/Engineering City of Birmingham 151 Martin Birmingham, MI 48009 Ph: 248-530-1850 Ext. 1837 Fax: 248-530-1290



#### **Re: Maple Road Crosswalk Islands**

1 message

Kurt Luedtke <kurtluedtke@gmail.com> To: Paul O'Meara <pomeara@bhamgov.org> Cc: Jana Ecker <Jecker@bhamgov.org>, Susan Delpup <sdelpup@bhamgov.org> Sat, Nov 25, 2017 at 12:45 PM

On reflection, and having driving Maple Road several times since my first response, I think a case might be made for a pedestrian walkway at the Rouge/Lincoln Park crossing IF we knew how many would in fact use that crossing, which I think would vary substantially with the season and the weather. If we knew those numbers--(another study?!)--and we wanted to be really innovative, I wonder if such a thing as a crossing that was seasonal might be designed to be installed, to come and go on the half-year.

#### Kurt Luedtke

On Mon, Nov 20, 2017 at 11:39 AM, Paul O'Meara pomeara@bhamgov.org> wrote:
 Thanks for your comment Mr. Luedtke. I will include your comments for the Board's review prior to the next meeting.

On Mon, Nov 20, 2017 at 8:27 AM, Susan Delpup <<u>sdelpup@bhamgov.org</u>> wrote: Kurt,

Thank you for taking the time to write regarding the proposed pedestrian islands. I am copying Jana Ecker, Planning Director, and Paul O'Meara, City Engineer, so that all involved receive your input.

Regards

On Thu, Nov 16, 2017 at 7:02 PM, Kurt Luedtke <kurtluedtke@gmail.com> wrote:

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Kurt Luedtke

#### -

Sue DelPup

Admin. Assistant Planning/Engineering City of Birmingham 151 Martin Birmingham, MI 48009 Ph: 248-530-1850 Ext. 1837 Fax: 248-530-1290

Paul T. O'Meara City of Birmingham, MI City Engineer



#### W. Maple Rd. Pedestrian Islands

1 message

jfmei@aol.com <jfmei@aol.com> To: pomeara@bhamgov.org Sat, Nov 25, 2017 at 12:50 PM

Cc: Elbert Dulworth <edulworth@fumc.org>, edulworth@fumcbirmingham.org, lewlakfam@gmail.com, swarthout@gmail.com

Dear Mr. O'Meara,

As a member of the First United Methodist Church of Birmingham Board of Trustees, I would like to provide our comments relative to the above subject as requested in your November 15, 2017 memo.

After review of the Pedestrian Island proposals, we conclude that the only location that affects the church is the island located east of the church east entrance. We believe this island will cause traffic to back-up when westbound vehicles attempt to enter our east entrance.

Additionally, it is our opinion that this pedestrian crossing in the middle of a block would be safer if located at the corner of Puritan and W.Maple, people expect to cross at corners.

Please include these comments in your deliberations relative to the installation of the Pedestrian Island east of First United Methodist Church of Birmingham.

Thank you for your consideration of our comments.

Sincerely yours, Frank Mei

Frank Mei Mobile: 1-248-210-6841 Sent from my iPad



41000 Woodward Avenue Suite 395 East Bloomfield Hills, MI 48304 11/20/2017 Joe Tana

November 15, 2017

Multi-Modal Transportation Board City of Birmingham City Hall Birmingham, MI 48009

#### **RE:** West Maple Road Pedestrian Islands

DECEDVED NOV 2 0 2017 CITY OF BEFMINGHAM COMMUNITY DEVELOPMENT DEPARTMENT

Dear Board Members:

<sup>-</sup> I am writing to you to share my support for the proposed installation of Pedestrian Islands on West Maple Road. I have lived at the corner of Maple and Pilgrim for 30 years and have observed countless instances of people having close calls with vehicles as they attempted to cross Maple in this area. The addition of these islands would provide people with a much safer designated path to cross from north to south and vice versa. In addition, since the change of Maple to three lanes, I have seen many drivers use the turn lane as a travel lane to merge into traffic. This lane is intended to be used for turns only, and the installation of these islands would discourage that practice and make it much more difficult for people to use it in this manner. Such a measure would serve to make the roadway safer, and I am all for it.

Thank you for your attention to this matter and for your continued service to the City.

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fuly yours.

Michael S. Clawson

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MSC/jfj

Office 248.433.4366 Fax 248.433.4363 Cell 248.318.9801

msc@mikeclawsonlaw.com

To: Multi Modal Transportation Board

Subject: West Maple Road Pedestrian Islands

Our objection to placing a Pedestrian Island on Maple between Pilgrim and Suffield is for the following reason.

My wife and I have lived at 316 Pilgrim for fifty eight years and feel

We know something about Maple and Pilgrim traffic.

Our street Pilgrim carries more traffic than any of adjacent streets. Pilgrim is a straight shot to Quarton Rd. When you are driving East on Maple and preparing to turn, we turn our turn signal on about a block ahead and slide into the left turn lane preparing to turn on to Pilgrim. By placing the proposed Pedestrian Island between Pilgrim and Suffield, ones will not have sufficient time to change lanes and make their left turn onto Pilgrim. In addition the traffic preparing to cross Maple from Arlington and Shirley is a problem currently and will be even greater if the proposed island is placed there.

I go to our Birmingham Y several times a week and when entering Y the Island is a problem for traffic travelling west bound on Lincoln. I have yet To see anyone on the pedestrian crosswalk. My wife and I feel that Pedestrian Cross Walks on Maple are unnecessary and would be more dangerous. Another serious problem I see is when our Fire Department has to proceed East And in a very short distance has to face traffic pulled over while very quickly you have

A Pedestrian Island they have to face. I believe our Fire Department is more important to the City's safety. I don't think Islands should even be considered when there are so few people crossing now. The present system is working just fine.

Don and Phyllis Byerlein 316 Pilgrim Tel: 248-646-3378

On ace's Phyllis Byelein



Mr. Andy Lawson, Pedestrian Advocate

% Multi Modal Transportation Board City of Birmingham Dear Andy,

I have sent the following letter to your Board, our Mayor and Mayor Pro-tem expressing our feelings on the proposed Pedestrian Island Crossings. I note you are one of the Representatives And wanted you to have a copy. On another matter. Today my wife and I were being driven by our daughter today from Starbuck's on Maple and Lasher and she proceeded to slide into the left turn lane To turn onto Pilgrim (our street) when a woman driver decided to enter the turning Lane in front of us, then saw us and quickly ducked back into regular lane luckily

Otherwise we would have been hit head on.I believe she was trying to pass cars in her . lane I think the Board ought to have with the money to be spent for these Islands be spent on Warning Signs, that No Passing Center Lane Allowed. The signs would be at Southfield and Cranbrook.

Don and Phyllis Byerlein

Mr. andy Lawson

To: Multi Modal Transportation Board Nov. 16, 2017 Subject: West Maple Road Pedestrian Islands Our objection to placing a Pedestrian Island on Maple between Pilgrim and Suffield is for the following reason. My wife and I have lived at 316 Pilgrim for fifty eight years and feel We know something about Maple and Pilgrim traffic. Our street Pilgrim carries more traffic than any of adjacent streets. Pilgrim is a straight shot to Quarton Rd. When you are driving East on Maple and preparing to turn, we turn our turn signal on about a block ahead and slide into the left turn lane preparing to turn on to Pilgrim. By placing the proposed Pedestrian Island between Pilgrim and Suffield, ones will not have sufficient time to change lanes and make their left turn onto Pilgrim. In addition the traffic preparing to cross Maple from Arlington and Shirley is a problem currently and will be even greater if the proposed island is placed there.

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Don and Phyllis Byerlein 316 Pilgrim Tel: 248-646-3378

few people crossing now. The present system is working just fine.

# CITY OF BIRMINGHAM MULTI-MODAL TRANSPORTATION BOARD THURSDAY, DECEMBER 7, 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, December 7, 2017.

Chairperson Vionna Adams convened the meeting at 6 p.m.

# 1. ROLL CALL

- **Present:** Board Members Lara Edwards, Johanna Slanga, Michael Surnow; Alternate Board Members Daniel Isaksen, Katie Schafer
- Absent: Board Members Amy Folberg, Vice-Chairperson Andy Lawson, Daniel Rontal
- Administration: Lauren Chapman, Asst. Planner Jana Ecker, Planning Director Austin Fletcher, Asst. City Engineer Scott Grewe, Police Dept. Commander Paul O'Meara, City Engineer
- Also Present: Julie Kroll from Fleis & Vandenbrink "F&V"), Transportation Engineering Consultants and Joe Nichol from MKSK, Urban Design and Strategy

# 2. INTRODUCTIONS

Ms. Kroll introduced Joe Nichol of MKSK, who said he is looking forward to helping the board accomplish its goals.

# 3. REVIEW AGENDA

Ms. Ecker announced that the Crosswalk Materials Study is postponed to the January meeting.

# 4. APPROVAL OF MINUTES, Multi-Modal Transportation Board ("MMTB") MEETING OF NOVEMBER 2, 2017

#### Motion by Ms. Edwards Seconded by Ms. Slanga to approve the MMTB Minutes of November 2, 2017 as presented.

#### Motion carried, 6-0.

VOICE VOTE Yeas: Edwards, Slanga, Adams, Surnow, Isaksen, Schafer Nays: None Absent: Folberg, Lawson, Rontal

#### 5. **PUBLIC HEARING** W. Maple Rd. Pedestrian Crossing Islands

The public hearing opened at 6:07 p.m.

Mr. O'Meara provided background and brought up views of the locations. The most recent plans for the installation of pedestrian islands on W. Maple Rd. were reviewed by the MMTB at their meeting of November 2, 2017. The following locations were recommended:

- Lakepark Ave., at the existing marked crosswalk located at the traffic signal.
- East of Hawthorne Ave. Since there is no traffic signal, the Rectangular Rapid Flashing Beacon is proposed at the Hawthorne Ave. site only. This location is also endorsed by Parks and Recreation because it provides a nice connection from the path to the north, crossing and then linking up to the south down to the trail system.

Although not reflected in the MMTB resolution on November 2, 2017, discussion was also held about the Master Plan suggestion for the installation of a pedestrian island between Suffield Ave. and Pilgrim Ave. The question is whether or not it would really draw that much use by pedestrians.

The Chairperson called for public comments.

Ms. Pat Hayes, who lives on the corner of Pilgrim and Pine, was concerned about how the Fire Dept. would get through with the islands there and cars bumper to bumper. Ms. Ecker replied the Fire and Police Depts. had no concerns with the three proposed islands. These are small islands which will afford the opportunity for vehicles to move into the middle lane if a fire truck has to get through.

Mr. Surnow said he hasn't seen enough pedestrian traffic along Maple Rd. to justify doing anything. Ms. Ecker noted that the islands will calm traffic.

Ms. Gail Widdy, 165 Baldwin, said she sees people trying to cross Maple Rd. with dogs or kids and it is scary because the cars come by fast. So she can definitely see the value of the islands. Her experience is at the Rouge River crossing.

Mr. Don Byerlein, 316 Pilgrim, didn't think any crossing islands should be constructed. He thought they would cause a lot of accidents.

Mr. Joe Lieberman, who lives on the corner of Glenhurst and Brookwood, thought this is a horrible idea for all the reasons stated.

Mr. Michael Clawson, 139 Pilgrim, supported the islands because drivers have been using the left hand turn lane to merge. However he was not sure how many people would use the island between Suffield and Pilgrim.

Ms. Pat Hayes spoke again to say it is very difficult for drivers to get across Maple Rd. from Arlington to go south because the traffic lights are not synchronized to turn red at the same time. Mr. O'Meara noted if the lights were red at the same time the existing 35 mph timing would not work.

Ms. Slanga asked for the Police Dept. to gather some general observations about 1) people using the left hand turn lane for merging; and 2) whether enough gaps are being created. Commander Grewe said they have been targeting people who are using the turn lane to merge. Also, it is always safer to make a right turn rather than a left.

Ms. Judy Dielman, 1060 N. Glenhurst, says she sees backups along Maple Rd. going east or west and it is very difficult if vehicles want to get across. Further, making a left turn is impossible because there is never a break.

Mr. Isaksen noted the needs of emergency vehicles have been considered and the Fire Dept. has given the green light on this project. He thought the board should trust their judgment on that. He has not seen a connection between how the islands make the problem of making a left turn worse. Those problems will continue to be there after the islands are installed.

Ms. Edwards thought they need to balance cost with traffic calming measures. She was definitely in favor of the crossing island that connects the parks.

Ms. Schafer was in favor of the island between Suffield Ave. and Pilgrim Ave.

Chairperson Adams favored placing an island between Hawthorne Rd. and Baldwin Ave. connecting the trail system following the Rouge River corridor. She had no strong feelings on the other islands.

Mr. Surnow was fine with the Lakepark crossing island. Also he thought the island that connects the trails makes logical sense. However he didn't see the need for an island between Suffield Ave. and Pilgrim Ave. because he isn't convinced there is enough pedestrian traffic to justify it. Maybe visit it at a later date if there is a demonstrated need for it.

Mr. Isaksen echoed Mr. Surnow's thoughts on this.

#### Motion by Ms. Slanga

Seconded by Ms. Schafer to recommend the installation of pedestrian islands on the W. Maple Rd. corridor at Hawthorne Ave. and Lakepark Ave. in accordance with the attached plans.

#### Motion carried, 6-0.

VOICE VOTE Yeas: Slanga, Schafer, Adams, Edward, Surnow, Isaksen Nays: None Absent: Folberg, Lawson, Rontal

Mr. O'Meara noted that based on the recommendation, staff will put together a cost estimate, and forward it to the City Commission for their final decision.

The public hearing closed at 6:40 p.m.

# 6. 2018 PAVING PROJECTS

Mr. O'Meara recalled that at the meeting of November 2, 2017, staff reviewed the potential for Multi-Modal improvements on the three streets planned for reconstruction in 2018. The following briefly reviews the discussion from that meeting for each street, and what has been prepared in the meantime.

# BENNAVILLE AVE - EDGEWOOD AVE. TO GRANT ST.

At the last meeting, it was noted that the existing street is 32 ft. wide, and that the City's standard today for a new local street of this nature is 26 ft. Reconstructing the road at the narrower width would reduce the length of the crosswalks at each end of the block, which would be an improvement for pedestrians.

| City | ningham<br>1 Walkable Community = |
|------|-----------------------------------|
|      |                                   |

# MEMORANDUM

Engineering Dept. Planning Dept. Police Dept.

DATE: January 5, 2018

TO: Joseph A. Valentine, City Manager

FROM: Jana Ecker, Planning Director Scott Grewe, Police Commander Paul T. O'Meara, City Engineer

SUBJECT: 2018 Local Streets Paving Program Multi-Modal Transportation Board Recommendation

As a part of our ongoing effort to maintain infrastructure, the following streets have been budgeted for complete reconstruction, including the replacement of water mains, sewers, and street pavements:

Bennaville Ave. – Edgewood Ave. to Grant St. Ruffner Ave. – Grant St. to Woodward Ave. Chapin Ave. – Grant St. to Woodward Ave.

It is the intent of the Engineering Dept. to package these three streets together into one larger contract for the purposes of construction. In order that the staff can devote most of its attention to the Old Woodward Ave. project while it is underway, the intent is to construct this project from July to November, 2018.

In accordance with current policy, the street segments were reviewed for any suggested changes or improvements that may be referenced in the Multi-Modal Master Plan. No changes were suggested for any of these streets. However, a review of the current conditions, and suggestions for refinement, were discussed at both the November and December Multi-Modal Transportation Board (MMTB) meetings. Upon finalizing suggested recommendations, aerial maps of each street were prepared and posted on the City's website. The property owners on all three streets, as well as the Woodward Ave. commercial property owners that may use the alley entrances to these streets, were invited by mailed postcard to a public hearing held at their meeting of January 4, 2018. The following summarizes the existing conditions and proposed changes for each street.

#### Bennaville Ave. – Edgewood Ave. to Grant St.

This relatively short block was constructed with a 32<sup>1</sup> ft. wide pavement in 1948. The entire road is being removed and replaced with new concrete. After study and review with staff, the MMTB recommended that the new street be replaced at the current standard 26 ft. width. (A 26 ft. wide pavement provides enough space for one vehicle to pass slowly between two parked cars.) The narrower street would provide more green space between the sidewalks and the curbs, reduce storm water runoff, reduce traffic speeds, and reduce the length of the crosswalks at each end of the block.

Residents from five different households appeared before the Board at the hearing, all stating that they did not agree with the recommendation. All indicated that they feel that their block is a unique circumstance in that it is relatively short, does not serve a large number of homes, and motorists must stop and turn at each end of the block. They do not see a problem with cut-through traffic, and speeding is not an issue. Several of the residents commented that they are familiar with the streets that are more narrow to the east (closer to Woodward Ave.). They find that they are more congested and difficult to navigate, and they did not wish to see their street also have such problems. No one at the meeting supported the reduced street width.

In response, the MMTB passed a motion 7-0 recommending that Bennaville Ave. be reconstructed at its current width of 32 ft. The recommendation is reflected in the suggested resolution at the end of this memo.

#### Ruffner Ave. - Grant St. to Woodward Ave.

On the residential section (Grant St. to the Woodward Ave. alley), the original pavement was constructed at 28 ft. wide in 1947. Since then, several City trees have matured, and are now growing very close to or even over the existing curb. After review with staff, the MMTB recommended that the new street be narrowed by 2 feet to the 26 ft. wide standard. Doing so would help the contractor work to save the majority of the large trees by providing a small amount of space between the trees and the new concrete curb. The reduced width would also increase green space, shorten crossing distances, and reduce traffic speeds.

In addition, the MMTB recommended that three foot wide curb extensions (bumpouts) be constructed just west of the intersection with the alley, to help provide a gateway and separation between the residential and commercial sections of the street, as well as to calm westbound traffic as it enters the residential portion of the block.

On the commercial section of Ruffner Ave. (from the alley to Woodward Ave.), the existing street was constructed at 32 ft. wide. The MMTB explored the idea of adding bumpouts at the intersection with Woodward Ave. However, given the adjacent businesses' need to unload goods from the alley, and given the sharp right turn that is required off of Woodward Ave. to get to the alley, any reduction of the street width would cause potential for conflicts between the trucks and parked cars on the south side of the street. It is not clear if the Michigan Dept.

<sup>&</sup>lt;sup>1</sup> All street dimensions in this report are measured from the face of curb to the other face of curb.

of Transportation would approve any reduction to the street width in this area either. Given these concerns, the MMTB felt that the gateway feature into the neighborhood would provide a more clear benefit to the area, and recommended reconstructing the commercial block to match its current configuration.

There were no residents from Ruffner Ave. in attendance at the public hearing. One resident sent an email prior to the meeting expressing support for the changes. The MMTB passed a final recommendation describing the changes as noted above, which is reflected in the suggested resolution below.

#### Chapin Ave. - Grant St. to Woodward Ave.

When constructed in 1946, the block between Grant St. and Cummings St. was constructed at 26 ft. wide, which matches the current City standard. Fortunately, the additional green space has allowed for some room to remain between the curb and the adjacent City trees. The MMTB recommended that the new street pavement match the existing conditions on this block.

Between Cummings St. and the Woodward Ave. alley, the existing street is two feet wider, at 28 ft. Like Ruffner Ave., conflicts with existing trees would exist here if the City attempted to reconstruct the street at its current width. Also like Ruffner Ave., the MMTB recommended that the street be reconstructed two feet narrower to match the City's current standard of 26 ft. Further, the same gateway treatment is recommended just west of the alley. Constructing three foot wide curb extensions into the road would provide a separation between the residential and commercial sections of the street, and calm westbound traffic as it enters the residential portion of the block.

On the commercial section of Chapin Ave. (from the alley to Woodward Ave.), the existing street was constructed at 28 ft. wide, just slightly wider than the typical standard width for local streets. Given that parking demand is higher and truck turns are more frequent in this area, the MMTB recommended reconstructing this segment to match its current width of 28 ft.

Like Ruffner Ave., the MMTB explored the idea of adding bumpouts at the intersection with Woodward Ave. However, given the adjacent businesses' need to unload goods from the alley, and given the sharp right turn that is required off of Woodward Ave. to get to the alley, any reduction of the street width would cause potential for conflicts between the trucks and parked cars on the south side of the street. It is also not clear if the Michigan Dept. of Transportation would approve any reduction to the street width in this area. Given these concerns, the MMTB felt that the gateway feature into the neighborhood would provide a more clear benefit to the area, and recommended reconstructing the commercial block to match its current configuration.

At the hearing, two households from Chapin Ave. were represented. Both spoke against the narrowing proposed on the block east of Cummings Ave., and one spoke against the bumpouts, expressing concerns over congestion. No one spoke in favor of the suggested changes. The MMTB passed a final recommendation describing the changes as noted above, which is reflected in the suggested resolution below. It is noted that the Board voted 4-3 on this motion, as some were uncomfortable proceeding with the changes on Chapin Ave. given the lack of expressed support.

#### <u>Summary</u>

The MMTB review of these streets provided a good opportunity to obtain input from not only the Board, but also the adjacent property owners, about the future of these streets. The refinements on Ruffner Ave. and Chapin Ave. will help reduce vehicle speeds, save existing trees, and provide a new separation from the residential and commercial sections of the neighborhood, while not obstructing or creating new hardships for traffic. The Board saw the block of Bennaville Ave. as a unique circumstance wherein traffic problems are not prevalent. Since there is strong sentiment to leave things as they are, the Board elected not to impose the reduced width that had been contemplated.

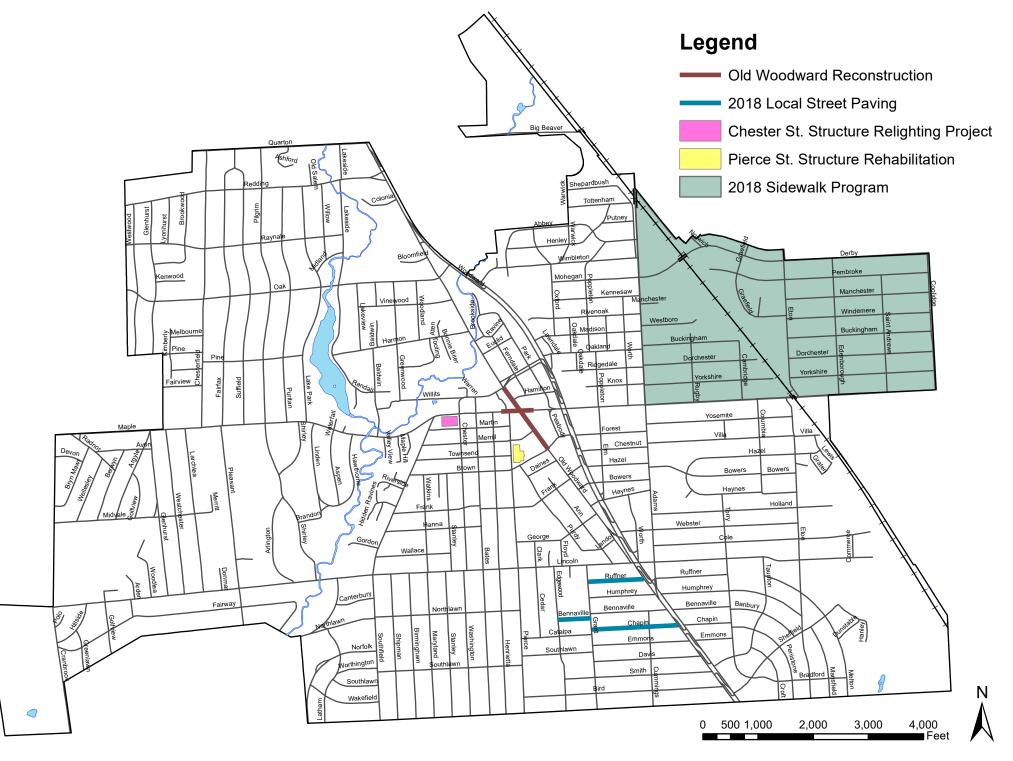
Once final direction is received by the City Commission, staff will proceed to final design and work to put together bidding documents as soon as possible.

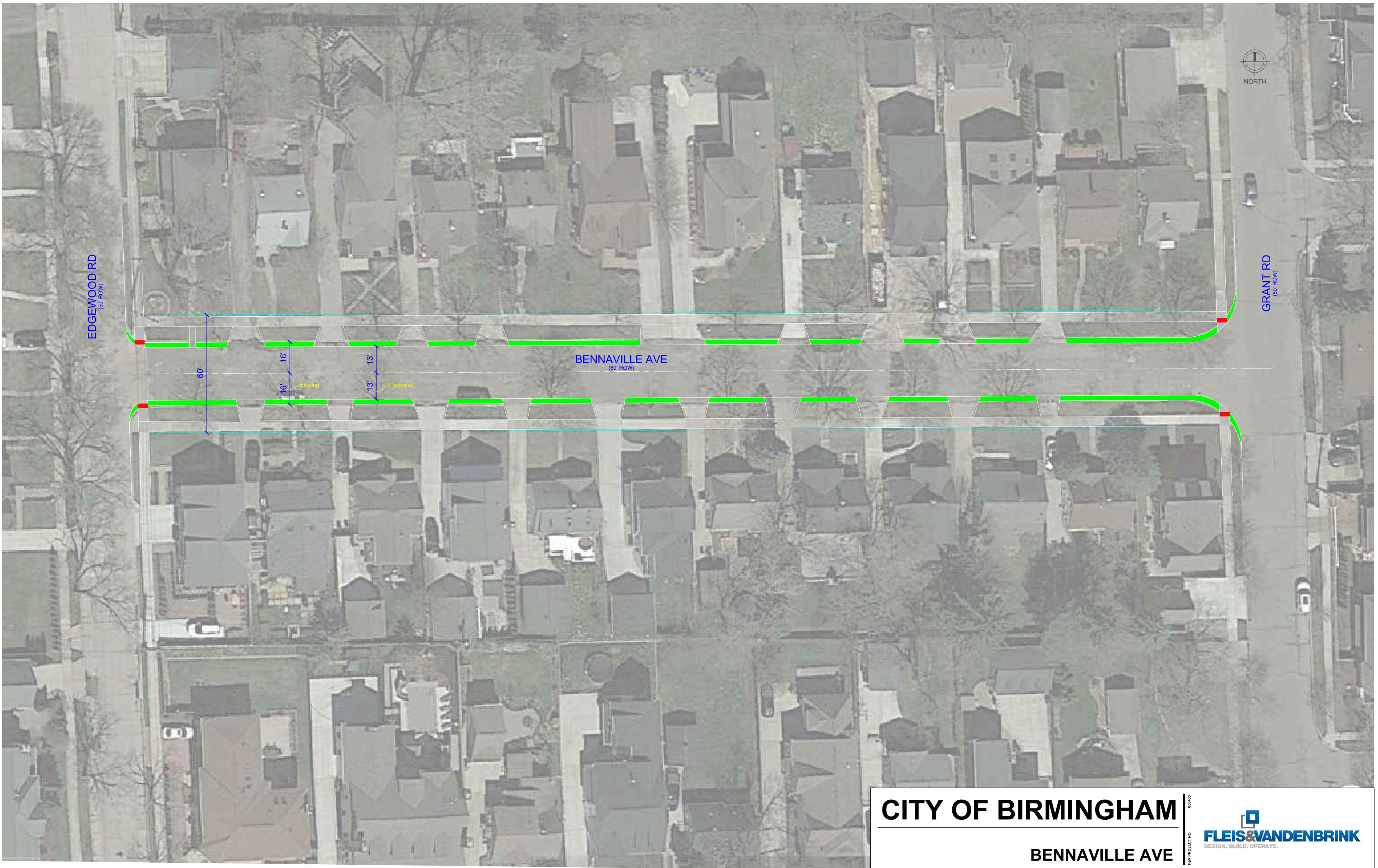
#### SUGGESTED RESOLUTION:

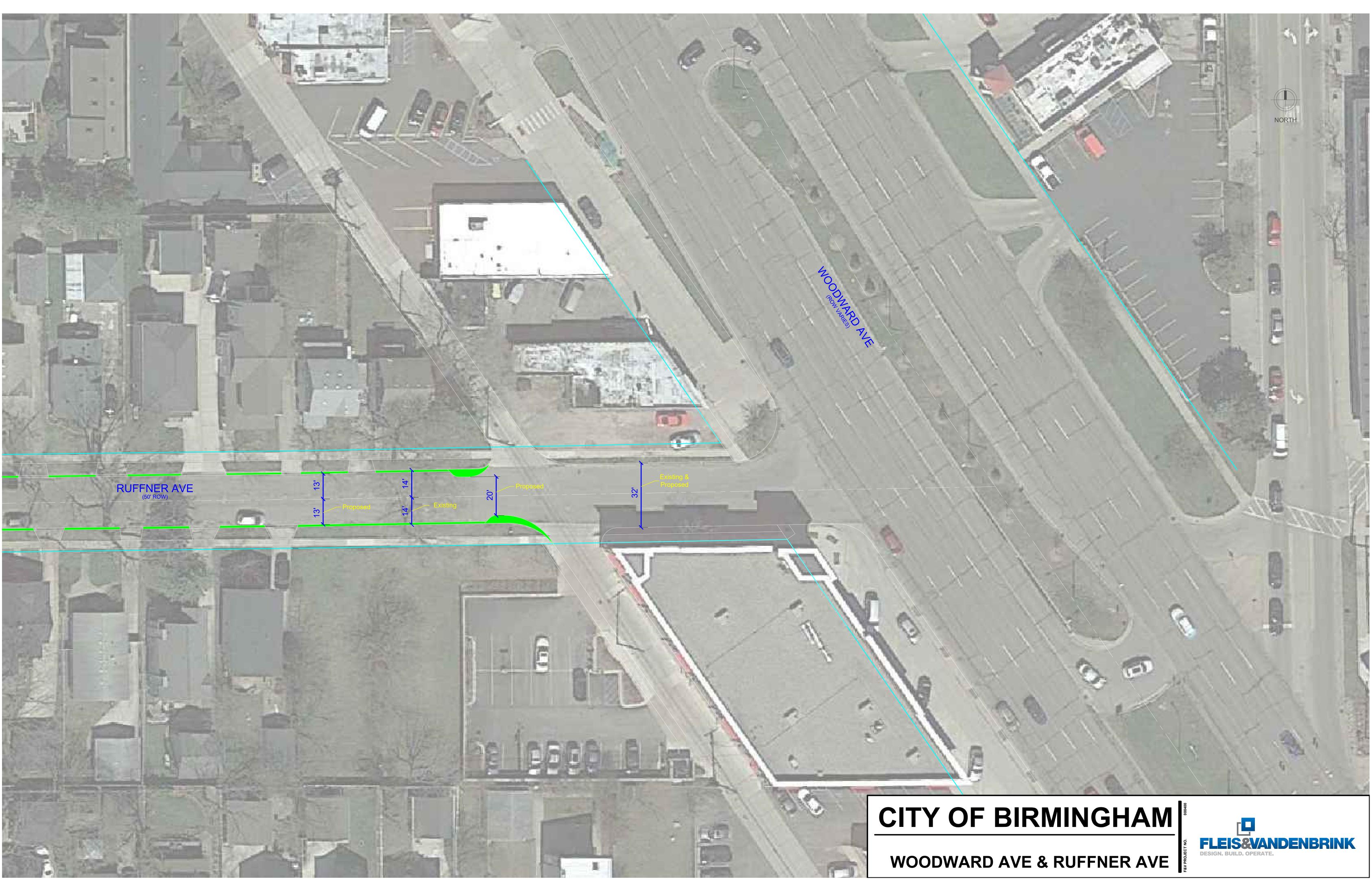
To accept the recommendations of the Multi-Modal Transportation Board relative to the reconstruction of the following streets:

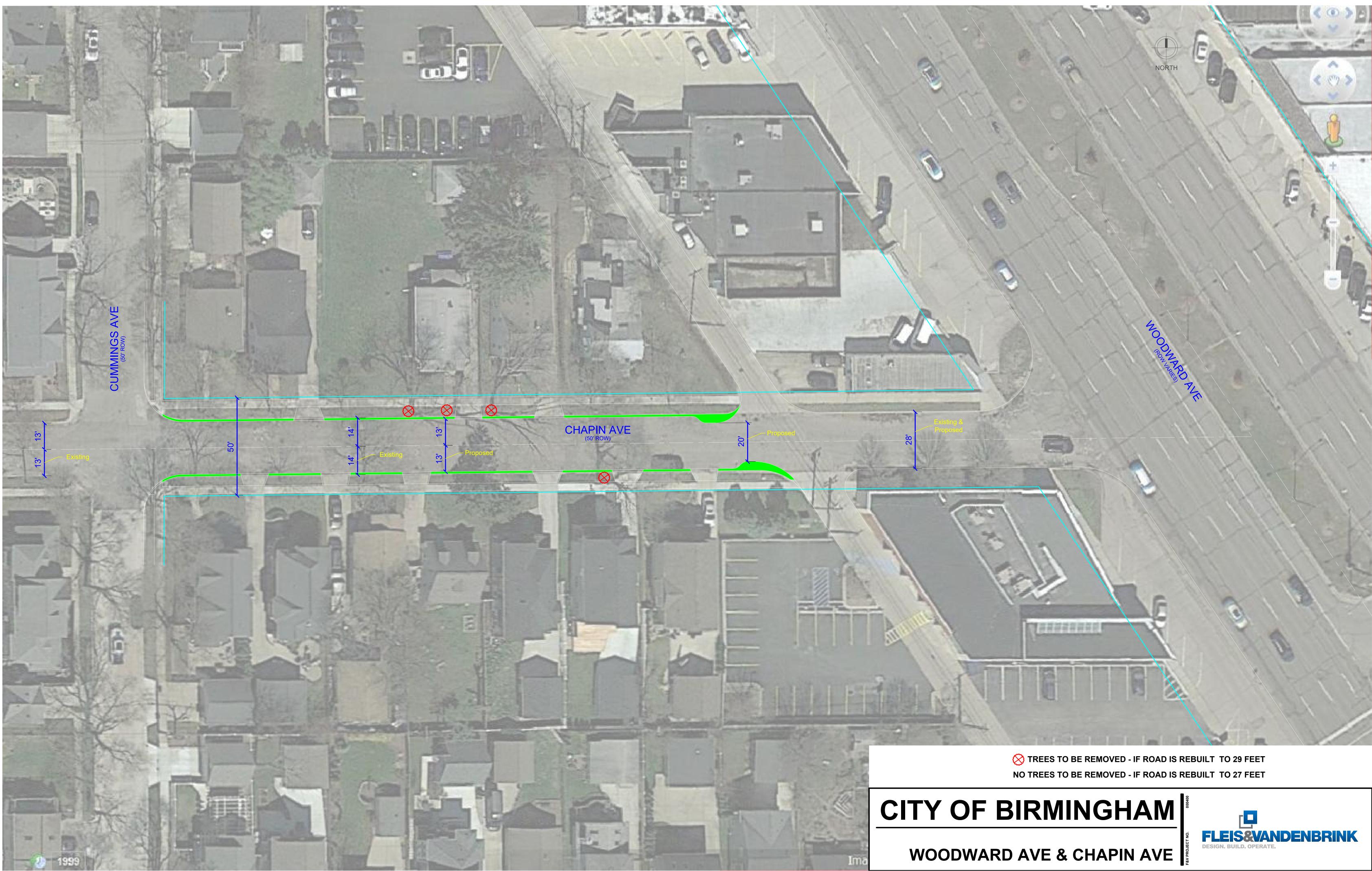
- 1. Bennaville Ave. between Edgewood Ave. and Grant St. shall be reconstructed to match its current width of 32 ft.
- 2. Ruffner Ave. and Chapin Ave. between Grant St. and the Woodward Ave. alley shall be reconstructed as a 26 ft. wide street, supplemented with 3 ft. wide curb extensions (bumpouts) immediately west of the intersection with the alley.
- 3. Ruffner Ave. between the Woodward Ave. alley to Woodward Ave. shall be reconstructed to match its current width of 32 ft.
- 4. Chapin Ave. between the Woodward Ave. alley to Woodward Ave. shall be reconstructed to match its current width of 28 ft.

# Birmingham Engineering Department Projects, 2018











| City of  | Birmingham                     | MEMORANDUM        |
|----------|--------------------------------|-------------------|
| DATE:    | October 27, 2017               | Engineering Dept. |
| то:      | Advisory Parking Committee     |                   |
| FROM:    | Paul T. O'Meara, City Engineer |                   |
| SUBJECT: | 2018 Paving Projects           |                   |

The Engineering Dept. plans to issue plans for bids on two paving contracts during the 2018 construction season:

- 1. Old Woodward Ave. Paving Project
- 2. 2018 Local Street Paving Project

The first project was designed last year, and reviewed previously by the Multi-Modal Transportation Board. The design has not changed with respect to Multi-Modal criteria, so no further review is needed. The second project involves the complete reconstruction of the following streets:

Bennaville Ave. – Edgewood Ave. to Grant St. Ruffner Ave. – Grant St. to Woodward Ave. Chapin Ave. – Grant St. to Woodward Ave.

The specified blocks are highlighted in teal on the attached map of 2018 projects.

The following is a detail of what is proposed.

#### Bennaville Ave.

1

The existing pavement on this block was installed at 32 ft. wide, in 1948. The road width is wider than the current 27 ft. standard width the City installs on unimproved streets today. This street has a wider right-of-way (60 ft.), which allows for the wider pavement while still maintaining a relatively wide lawn section between the sidewalks and curbs. There are no suggested changes to this street in the Multi-Modal Master Plan.

Typically, when streets are being reconstructed due to age, the City would replace the pavement to match the current condition. A new concrete pavement with curbs is proposed. There are no existing tree conflicts with the existing pavement width.

The options for this pavement include the following:

1. Replace the street at 32 ft. wide. Doing so would maintain the current good conditions for bicycles, but would provide no improvements for pedestrians. This is not a designated bike route in the master plan.

2. Replace the street at a reduced width of 27 ft. wide. Doing so would allow for parking to remain legal on both sides of the street. Available street width would be reduced for bicycles, but would improve conditions for pedestrians by reducing the length of the crosswalks at each end of the block.

No input has been solicited from residents on the block. Maneuvering in and out of driveways will become more difficult if the road is narrowed, particularly at times when parked cars are prevalent. If the Board prefers recommending a narrower pavement, it is suggested that a public hearing be held to obtain input from the residents.

#### Ruffner Ave.

The existing pavement was installed at 29 ft. for the residential section (west of the Woodward Ave. alley) in 1947. Since the right-of-way is small at 50 ft., several mature street trees are currently growing very close or even on top of the curb and gutter. Attempting to rebuild the street at the current width would be impossible unless the mature trees are removed. Since many similar streets function with a width of 27 ft., it is recommended that the new street be installed at 27 ft. The one foot of space will create the ability to construct the street around the large, mature trees. This minor change will result in little impact to the adjacent residents or users of the street.

The existing pavement between the alley and Woodward Ave., the commercial section, is currently 32 ft. Like several of the streets in this area, the section off of Woodward Ave. was paved wider to support the adjacent commercial uses. For example, the adjacent Savon-Drugs store needed the parking spaces on Ruffner Ave. as part of its official count for site plan approval. There are no trees in conflict with this width, therefore, a 32 ft. wide street to match the existing is recommended. In order to improve conditions for pedestrians at the Woodward Ave. crosswalk, it is recommended that 2.5 ft. bumpouts be installed at the approach to Woodward Ave., thereby reducing the width back to the minimum width for residential streets. Since this is adjacent to Woodward Ave., this design feature would be subject to approval by the Michigan Dept. of Transportation.

#### Chapin Ave.

The existing pavement from Grant St. to Cummings St. was installed at 26 ft. in 1946. This width is narrower (by 12") than what is recommended today. There are no existing tree conflicts, therefore, we recommend that the new pavement match the existing, at 26 ft. wide.

East of Cummings Ave., which is both residential and commercial, the existing pavement was installed at 29 ft. Conflicts with mature trees on the residential section would make it impossible to replace the street at this width, unless these trees are removed. No such conflicts exist in the short commercial section between the alley and Woodward Ave. It is recommended that the new street be constructed at 27 ft. wide (matching the City standard) in order to maintain the mature trees, widening to 29 ft. at the commercial section. Since 29 ft. is only 2 ft. wider than the minimum, no bumpouts are recommended at the Woodward Ave. approach.

Two suggested motions are provided below for your consideration:

#### For Bennaville Ave.:

#### SUGGESTED RECOMMENDATION A:

To recommend to the City Commission that Bennaville Ave. between Edgewood Ave. and Grant St. be reconstructed with a 32 ft. wide concrete pavement back of curb to back of curb (matching the existing width), and installing ADA compliant handicap ramps at each intersection.

Or –

#### SUGGESTED RESOLUTION A:

To endorse the installation of a 27 ft. wide pavement back of curb to back of curb on Bennaville Ave. between Edgewood Ave. and Grant St., and to schedule a public hearing at the regularly scheduled meeting of the Multi-Modal Transportation Board for December 7, 2017, at 6 PM.

#### For Ruffner Ave. and Chapin Ave.:

To recommend to the City Commission that the following streets be constructed with ADA compliant handicap ramps at each intersection, further, to install concrete pavement at the following widths:

- 1. Ruffner Ave., Grant St. to alley west of Woodward Ave. 27 ft. back of curb to back of curb.
- Ruffner Ave., alley west of Woodward Ave. to Woodward Ave. 32 ft. back of curb to back of curb, matching the existing width, and installing 2.5 ft. bumpouts at the approach to Woodward Ave. to reduce the length of the pedestrian width at this location, subject to approval by the Michigan Dept. of Transportation.
- 3. Chapin Ave., Grant St. to Cummings St. 26 ft. back of curb to back of curb, matching existing conditions.
- 4. Chapin Ave., Cummings St. to alley west of Woodward Ave. 27 ft. back of curb to back of curb.
- 5. Chapin Ave., alley west of Woodward Ave. to Woodward Ave. 29 ft. back of curb to back of curb, matching existing conditions.

# CITY OF BIRMINGHAM MULTI-MODAL TRANSPORTATION BOARD THURSDAY, NOVEMBER 2, 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, November 2, 2017.

Johanna Slanga convened the meeting at 6:02 p.m.

# 1. ROLL CALL

- **Present:** Board Members Lara Edwards, Amy Folberg, Daniel Rontal, Johanna Slanga, Michael Surnow; Alternate Board Members Daniel Isaksen, Katie Schafer
- Absent: Chairperson Vionna Adams, Vice-Chairperson Andy Lawson
- Administration: Lauren Chapman, Asst. Planner Jana Ecker, Planning Director Austin Fletcher, Asst. City Engineer Commander Scott Grewe, Police Dept. Paul O'Meara, City Engineer
- Also Present: Julie Kroll from Fleis & Vandenbrink ("F&V"), Transportation Engineering Consultants

# Motion by Mr. Surnow

Seconded by Mr. Isaksen to elect Johanna Slanga as temporary chairperson.

# Motion carried, 7-0.

VOICE VOTE Yeas: Surnow, Isaksen, Edwards, Folberg, Rontal, Schafer, Slanga Nays: None Absent: Adams, Lawson

- 2. **INTRODUCTIONS** (none)
- 3. **REVIEW AGENDA** (no change)

# 4. APPROVAL OF MINUTES, Multi-Modal Transportation Board ("MMTB") MEETING OF OCTOBER 19, 2017

Motion by Ms. Folberg Seconded by Dr. Rontal to approve the MMTB Minutes of October 19, 2017 as presented.

Motion carried, 7-0.

VOICE VOTE Yeas: Folberg, Rontal, Edwards, Isaksen, Schafer, Slanga, Surnow Nays: None Absent: Adams, Lawson

#### 5. **PUBLIC HEARING** S. Eton Rd. Corridor Multi-Modal Options Lincoln Ave. to 14 Mile Rd.

The public hearing opened at 6:05 p.m.

Ms. Ecker gave an overview. On October 19, 2017, the MMTB reviewed and discussed a total of 12 different conceptual options prepared by F&V for the MMTB to consider for the S. Eton corridor between Lincoln Ave. and 14 Mile Rd.

After much discussion, the MMTB reached consensus and voted unanimously to recommend conceptual option B-2 to move forward to a public hearing on November 2, 2017. Option B-2 includes maintaining the existing roadway width at 28 ft. It would shift the center line to the east to create two travel lanes and use a portion of the public right-of-way between the curb and the sidewalk to add an 8 ft. bi-directional bike lane and 2 ft. of landscaped area on the west side, buffered from moving traffic by a striped on-street parking lane. On-street parking is a convenience for the residents but it is also a traffic calming measure.

The board's other recommendations include curb bump-outs at side street intersections that make the crosswalks shorter so they are safer for pedestrians; new ADA ramps at all street crossings; and green marked areas for bikes to cross the street. All of the existing trees will remain.

A public hearing invitation was mailed to all property owners located along the S. Eton corridor to allow for review and comment by adjacent owners.

Ms. Kroll discussed how the bikes and pedestrians will navigate the 14 Mile Rd. transition into Royal Oak. Bikers will queue up at the bike box which is located at the light in front of the stop bar.

Mr. O'Meara explained for Ms. Edwards that the turning radii were studied at all of the corners with the side streets. The bumpouts vary in size because each of the intersections comes in at a different angle. Additionally, he clarified that presently it is not legal to park on S. Eton Rd. from 2 a.m. to 6 a.m. However if this option is constructed that rule could be removed for the west side parking.

Chairperson Slanga opened up discussion to the public.

Ms. Cindy Chiara, 1622 S. Eton Rd., said she was a member of the Ad Hoc Rail District Study Committee. She indicated that she is extremely disappointed that what happened in the Ad Hoc Committee is not what is now proposed. The Ad Hoc Committee considered traffic, safety and walkability. Now everything is about bike lanes for maybe five bikes that come down that road.

Ms. Edwards assured her that some ideas from the Ad Hoc Committee have been adopted. Bumpouts will remain on the major cross streets. The idea of slowing traffic is included in this design because the travel lanes are narrowed. Chairperson Slanga noted that going forward it is a balance of everything.

Mr. Thomas Giddeon said he lives on Humphrey and is an avid bicyclist. He likes what is being proposed.

Mr. Brian Chiara, 1622 S. Eton Rd., noticed that there has been no count of how many bicycles travel on S. Eton Rd. in a day. He described how when he pulls in and out of his driveway he must go around a parked car, around a 2 ft. barrier, then there is a blind spot for bikers and pedestrians. He concluded that he loves everything except the bike path.

Mr. Morris Sunday, 1668 S. Eton Rd. said he agrees. It seems like a lot of money to spend for a bike path. To Mr. Chiara's point, how many bikes are actually going up and down S. Eton Rd. that this will benefit? He was not in favor of anything that will bring traffic closer to his house. He also noted all of the things to be aware of just backing out of his driveway.

Mr. Bob Mitchum, 1713 Mansfield, indicated his dislike of bumpouts. A driver almost has to pull into the oncoming lane to make a turn.

Mr. Florian Dutke, 1608 S. Eton Rd., thought defining the travel lanes into 10 ft. sections may cause problems. People will have trouble navigating the road. Backing down his driveway, he must look past the blind spot of his neighbor, plus the sidewalk, and then another blind spot caused by a tree in order to get past a bike lane behind that. Also the apron is shortened and he will lose the ability to park his car there when he needs to. Additionally he expressed concern about who will be responsible for plowing the bike lane in the winter.

Ms. Schafer commented part of the reason the board came to this conclusion is because they wanted to accommodate bikers since that is part of the Multi-Modal Board's objective. They only have a 28 ft. wide road to work with so they looked at 12 options. They felt that on-street parking actually slows the traffic. So their goal was to keep the cars on the street in the designated parking lane, not to make it harder for anyone to back out of their driveway.

Dr. Rontal commented this is part of the designated regional bike route through the City. The mandate of this board is to try and balance between pedestrians, vehicles, and bikes.

Ms. Shirley Lebrens, 1779 Mansfield, said that Eton Rd. is not safe to bicycle on. So it is better to have the bicyclists in a safe area rather than on the road in harm's way.

Mr. Surnow felt that while a lot of people don't like the bike path, it is the only place people can ride down a street like Eton Rd. He doesn't think it is safe to ride there the way it is presently constructed.

Chairperson Slanga requested they make sure not to introduce parking so close to people's driveways that they can't pull out or see around the bike path.

Ms. Edwards noted the constraint the board is working under is not being able to change the curb-to-curb width of the existing road, which is 28 ft. That is how the bike path got pushed to the easement because it is really wide on S. Eton Rd.

Ms. Folberg thought they should find out who will be responsible for snow removal on the bike path.

Mr. O'Meara noted for the record the two emails sent to the Board earlier this week. One was opposed to the plan, and the other was neutral once they realized that the bike path was not on their side of the street. He also said that he received a phone call from resident Betty Shinaberry on Mansfield, who was against the proposal because she thinks the traffic lanes need the width that is there presently.

Mr. Isaksen observed that residents on the west side of Eton Rd. have not bought into the project yet. Before he could vote comfortably for it he would need more of a consensus from those residents who are most directly affected.

Mr. Surnow said if they are going to have a bike lane along Eton Rd., Option B-2 is the safest and most practical way to achieve it. Ms. Schafer added the board was confined by a number of constraints and this was the marriage of all of the

considerations to make the road safer for everyone who uses it; walkers, bikers, and cars.

Chairperson Slanga stated she would always want to increase the site distance backing out from driveways, even if that means taking out some parking.

#### Motion by Mr. Surnow

Seconded by Ms. Schafer that the Multi-Modal Transportation Board recommends the following improvements to S. Eton Rd. from Lincoln to 14 Mile Rd.:

1. Maintain the existing curb-to-curb road width of 28 ft.;

2. Install an 8 ft. wide on-street parking lane on the west side of the street, separated from traffic with a solid line, and recommend 24-hour parking be permitted. Conduct an engineering study to make certain that the sight distance is appropriate for anyone backing out of their driveway. If it is not, parking should be eliminated to accommodate the proper sight distance;

3. Shift the center line of S. Eton to the east to create two 10 ft. wide travel lanes for vehicles;

4. Install an 8 ft. wide bidirectional bike lane 2 ft. from the back of curb on the west side of S. Eton;

5. Maintain a 2 ft. wide landscaped buffer between the on-street parking lane and the bike lane;

6. Install curb bumpouts and crosswalks at the intersections of S. Eton and Bradford, Sheffield, Humphrey, Melton and Lincoln as noted on the B-2 plan;

7. Install new ADA ramps at all street crossings from Lincoln to 14 Mile Rd.; 8. Install green marked bicycle crossings on the western leg of the intersections of S. Eton and Bradford, Sheffield, Humphrey, Melton and Lincoln as noted on the B-2 plan.

9. The City and not the residents assumes responsibility for the maintenance of the 8 ft. bike lane; and

10. The center line will be striped.

Comments on the motion were taken from the audience at 7:20 p.m.

Ms. Cindy Chiara said that having bikers cross over to the east side of N. Eton is confusing to her. Also she did not like giving up parking on the driveway apron and having to put her car in the street where it might get hit.

Mr. Florian Dutke indicated he is disappointed there isn't more data on the number of bicycles. He was in favor of mocking up a section of the road with plastic bollard bumpouts to give an idea if traffic speed is reduced.

Mr. Bob Mitchum noted that police are always at the intersection of Eton Rd. and Sheffield watching people go through the stop sign.

Ms. Shirley Lebrens spoke in favor of adding strategically placed speed bumps. Chairperson Slanga responded the challenge is the maintenance of them. Basically they do the same thing as a stop sign where people will rush up to them, slow down, go over, and then rush off.

# Motion carried, 6-1.

ROLLCALL VOTE Yeas: Surnow, Schafer, Edwards, Folberg, Rontal, Slanga Nays: Isaksen Absent: Adams, Lawson

The public hearing closed at 7:30 p.m.

# 6. W. MAPLE RD. PEDESTRIAN CROSSING ISLANDS Review of pedestrian crossing island locations and designs

Mr. O'Meara offered background. The W. Maple Rd. corridor was studied extensively by the MMTB in preparation for the resurfacing of this road from Cranbrook Rd. to Southfield Rd. in 2015. Now that the paving has been completed, and a continuous left turn lane has been installed, the City has the opportunity to consider the installation of pedestrian refuge islands along this corridor, as referenced in the Multi-Modal Transportation Master Plan.

Since the road construction has been completed, staff has studied the potential for crosswalk islands. Detailed plans were prepared for the potential islands at the following locations:

- 1. Chesterfield Ave.
- 2. Lakepark Ave.

3. East of Hawthorne Rd. (just east of the recommended Baldwin Ave. location). These three island locations have received the most attention to date because they are either located at a traffic signal, which improves safety for pedestrians, or in the case of the one east of Hawthorne Rd., represent an important link in the City's River Rouge Trail system.

<u>Chesterfield Ave.</u>: The drawback of this location is the adjacency of the City's Chesterfield Ave. Fire Station. The improved fire station has been designed to accommodate one of the department's larger engines. Truck turning requirements were studied for right turns from the new driveway to Maple Rd. and conflicts were found to exist. After review with the Fire Dept., it was decided that installation of a pedestrian island at this location could cause potential conflicts with emergency vehicles, thereby increasing response time for Fire Dept. personnel. <u>The construction of an island is not recommended at this location.</u>

<u>Lakepark Ave.</u>: Given that a traffic signal operates here, a marked crosswalk on the east leg of the intersection already exists. The plan indicates that a raised pedestrian island can be installed at the current marked crosswalk location, and still allow room for left turning trucks out of Lakepark Ave. <u>The suggested location</u> for a pedestrian island appears to work well, and is recommended at this time.

East of Hawthorne Ave.: The Master Plan recommends the installation of a pedestrian island and improved crosswalk at Baldwin Ave. However, further study of this location indicated that sight distance for vehicles traveling Maple Rd., given the curvature of the road and hill in this area is such that it is not a good location to encourage pedestrian crossings. Further study of the area revealed similar concerns along most of this section. However, just west of the existing Rouge River bridge, a location with suitable sight distance from both directions does exist. Further, the location would line up with the existing Rouge River trail as it extends north toward Quarton Lake. The drawback of this location is that it would conflict with an existing residential driveway for the home located at 123 Hawthorne Rd. If the driveway for this house was not relocated, safety for left turns into the driveway would be compromised, as the left turn lane would not be available for this movement. A modified plan was presented to the homeowner, and they have indicated their support for the changes. Moving the driveway to the west would allow sufficient space for a sidewalk connection to the existing Maple Rd. sidewalk (which then leads to the continuation of the Rouge River trail to the south), and it allows for left turning movements into the driveway. The Master Plan recommended the installation of a Rectangular Rapid Flashing Beacon ("RRFB") at this location, The RRFB would be actuated by a pushbutton installed at the crossing, and is an effective means of alerting motorists to the fact that a pedestrian is crossing the road. The pedestrian island, along with the RRFB, is recommended at this location.

Ms. Ecker noted now that the Chesterfield Ave. location is not being considered, staff requests input from the MMTB as to whether the suggested location <u>between Suffield Ave. and Pilgrim Ave</u>. (mid-block crossing) as recommended in the Multi-Modal Master Plan should be explored further at this time. There are no apparent obstacles at this location; however, there is little activity as well. If installed, it would be located about 980 ft. to the west of the new Lakepark Ave. island, or less than 0.2 mile. If there is agreement on the preferred locations and direction, a public hearing would be appropriate before a final recommendation is forwarded to the City Commission.

Dr. Rontal observed the crossing would connect to the Arlington neighborhood which connects down to Lincoln. Chairperson Slanga stated the use is small at that location. Residents on the northern side can be contacted for feedback.

#### Motion by Ms. Edwards

Seconded by Dr. Rontal to recommend the installation of pedestrian islands on the W. Maple Rd. corridor at the following locations:

- Lakepark Ave.
- East of Hawthorne Ave.

The Rectangular Rapid Flashing Beacon is recommended at the Hawthorne Ave. location only.

Further, to conduct a public hearing to solicit input for this proposal at the regular meeting of the Multi-Modal Transportation Board, scheduled for Thursday, December 7th at 6 p.m.

#### Motion carried, 7-0.

VOICE VOTE Yeas: Edwards, Rontal, Folberg, Isaksen, Schafer, Slanga, Surnow Nays: None Absent: Adams, Lawson

# 7. 2018 PAVING PROJECTS

Mr. O'Meara advised the Engineering Dept. plans to issue plans for bids on two paving contracts during the 2018 construction season:

- 1. Old Woodward Ave. Paving Project;
- 2. 2018 Local Street Paving Project.

The first project was designed last year, and reviewed previously by the MMTB. The design has not changed with respect to Multi-Modal criteria, so no further review is needed. The second project involves the complete reconstruction of the following streets:

- Bennaville Ave. Edgewood Ave. to Grant St.;
- Ruffner Ave. Grant St. to Woodward Ave.;
- Chapin Ave. Grant St. to Woodward Ave.

The Multi-Modal Master Plan has no comments for these streets.

<u>Bennaville Ave.</u>: The existing pavement on this block was installed at 33 ft. wide in 1948. The road width is wider than the current 27 ft. standard width the City installs on unimproved streets today. Typically, when streets are being reconstructed due to age, the City would replace the pavement to match the current condition. A new concrete pavement with curbs is proposed. The options for this pavement include the following:

Replace the street at 33 ft. wide. Doing so would maintain the current good conditions for bicycles, but would provide no improvements for pedestrians.
 Replace the street at a reduced width of 27 ft. wide. Doing so would allow for parking to remain legal on both sides of the street. Available street width would be reduced for bicycles, but would improve conditions for pedestrians.
 Maneuvering in and out of driveways will become more difficult if the road is narrowed, particularly at times when parked cars are prevalent.

<u>Ruffner Ave.</u>: The existing pavement was installed at 29 ft. for the residential section (west of the Woodward Ave. alley) in 1947. Between the alley and Woodward Ave. next to the business section on Woodward Ave. the pavement is 33 ft. wide. The recommendation is to rebuild Ruffner to 27 ft. wide or else there would be conflicts with several mature street trees are currently growing very close or even on top of the curb and gutter. The width adjacent to Woodward Ave. would be matched with the idea that bumpouts could be built at the Woodward Ave. intersection to make the road smaller when first driving into the neighborhood but still support the parking demand from the commercial section. Three ft. bumpouts are recommended on both sides.

Board members recommended that the turning radii be further studied in order to clarify that it is doable. Since this is adjacent to Woodward Ave., this design feature would be subject to approval by the Michigan Dept. of Transportation.

<u>Chapin Ave.</u>: The existing pavement from Grant St. to Cummings St. was installed at 27 ft. in 1946 and then widened to 29 ft. between Cummings St. and Woodward Ave. It is recommended that the new street be constructed at 27 ft. wide (matching the City standard) in order to maintain the mature trees, and widening to 29 ft. at the Woodward Ave. commercial section.

The board thought that the options should be studied for turning radii and bumpouts to make sure they will work.

It was noted that ADA ramps will be installed at all of the crosswalks when new sidewalks go in.

Board members expressed the desire to see the drawings back from staff so they can review the three streets.

8. **MEETING OPEN TO THE PUBLIC FOR ITEMS NOT ONTHE AGENDA** (no comments)

- 9. MISCELLANEOUS COMMUNICATIONS (none)
- 10. NEXT MEETING DECEMER 7, 2017 at 6 p.m.

# 11. ADJOURNMENT

No further business being evident, the board members adjourned at 8 p.m.

Jana Ecker, Planning Director

Paul O'Meara, City Engineer

| City of | Birmingham             |
|---------|------------------------|
|         | A transition Community |

# MEMORANDUM

Engineering Dept. Planning Dept. Police Dept.

| DATE:    | November 30, 2017  |
|----------|--|
| TO:      | Multi-Modal Transportation Board   |
| FROM:    | Jana Ecker, Planning Director<br>Scott Grewe, Police Commander<br>Paul T. O'Meara, City Engineer |
| SUBJECT: | 2018 Local Street Paving Projects<br>Further Analysis  |

At the meeting of November 2, 2017, staff reviewed the potential for Multi-Modal improvements on the three streets planned for reconstruction in 2018. The following briefly reviews the discussion from that meeting for each street, and what has been prepared in the meantime.

#### BENNAVILLE AVE - EDGEWOOD AVE. TO GRANT ST.

At the last meeting, it was noted that the existing street is 32 ft. wide, and that the City's standard today for a new local street of this nature is 26 ft. Reconstructing the road at the narrower width would reduce the length of the crosswalks at each end of the block, which would be an improvement for pedestrians. The attached drawing has been prepared to help clarify the change in width that would result.

Potential benefits include crosswalks lengths being reduced approximately 6 feet, wider parkways, and slower vehicle speeds.

Potential drawbacks include restricted maneuvers in and out of driveways, particularly during times of high parking demand, reduced space for bicycles, and reduced space for emergency vehicles.

Should the Multi-Modal Transportation Board favor a change to 26 ft., it is recommended that a public hearing be held to gain input from the residents. No hearing would be required if the Board chooses to support reconstruction of the street in its present form.

#### RUFFNER AVE. - GRANT ST. TO WOODWARD AVE.

Ruffner Ave. was originally constructed at 28 ft. wide in the residential section, and 32 ft. wide in the commercial section. Staff is recommending reducing the width a small amount to 26 ft. for the residential section to help reduce the need of tree removals. The commercial section can be reconstructed at its current width, but 3 ft. bumpouts are recommended at the Woodward Ave. intersection. The attached aerial view was prepared to check for truck turning space.

Since this street serves as the connection for Woodward Ave. commercial deliveries accessing the rear alley of the adjacent commercial properties, a WB-40 vehicle was used for this analysis. The right turn on to Ruffner Ave. can be completed as shown with the proposed bumpout, even when a vehicle is parked on the south side of the street. On the north side, a bumpout of any larger size would cause a conflict. Since right turns are easier on the south corner, a larger bumpout could fit. Such a design would not be symmetrical, and it is unclear that such a proposal would be approved by the Michigan Dept. of Transportation (MDOT). Since changes are recommended on both streets, and since bumpouts may impact deliveries to the businesses, it is suggested that a public hearing be held. Notification postcards would be sent to both the residents on Ruffner Ave., and the businesses on both blocks north and south of this street.

#### CHAPIN AVE - GRANT ST. TO WOODWARD AVE.

Chapin Ave. was originally constructed at 26 ft. wide on its westerly block, and 28 ft. at its two easterly blocks (both residential and commercial). Staff recommends building both residential blocks at 26 ft., in accordance with current standards, and in order to work with existing large trees. Since the commercial block of Chapin Ave. is already relatively narrow, it would remain at the current width, with no bumpouts proposed.

As shown on the attached aerial photograph, right turns from a WB-40 are already in conflict with parked cars, given the space provided with this street width. No changes are recommended. As indicated by the truck turning diagram, a small bumpout could be installed on the south side. Similar to Ruffner Ave. above, such a design would not be symmetrical, and could be difficult to get approved by MDOT.

It is acknowledged that the changes suggested for Chapin Ave. are minor. However, since it is being discussed in conjunction with other nearby streets, it is suggested that all property owners in the area of this project be invited to the hearing as well, so that their input can be received.

#### <u>SUMMARY</u>

The following resolution is provided should the MMTB favor the suggested changes on these streets:

#### SUGGESTED RESOLUTION:

To schedule a public hearing at the regularly scheduled meeting of the Multi-Modal Transportation Board of January 4, 2018, at 6 PM, to consider the following multi-modal improvements as a part of the City's planned 2018 Local Street Paving Program:

- A. Reconstructing Bennaville Ave. at 26 ft. wide from Edgewood Ave. to Grant St.
- B. Reconstructing the residential section of Ruffner Ave. at 26 ft. wide from Grant St. to the Woodward Ave. alley, maintaining the 32 ft. wide existing width on the commercial section adjacent to Woodward Ave., and adding 3 ft. wide bumpouts at Woodward Ave.

C. Reconstructing the residential section of Chapin Ave. at 26 ft. wide from Grant St. to the Woodward Ave. alley, and maintaining the 28 ft. wide street width on the commercial section adjacent to Woodward Ave.

And to notify the adjacent impacted property owners accordingly.

# CITY OF BIRMINGHAM MULTI-MODAL TRANSPORTATION BOARD THURSDAY, DECEMBER 7, 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, December 7, 2017.

Chairperson Vionna Adams convened the meeting at 6 p.m.

# 1. ROLL CALL

- **Present:** Board Members Lara Edwards, Johanna Slanga, Michael Surnow; Alternate Board Members Daniel Isaksen, Katie Schafer
- Absent: Board Members Amy Folberg, Vice-Chairperson Andy Lawson, Daniel Rontal
- Administration: Lauren Chapman, Asst. Planner Jana Ecker, Planning Director Austin Fletcher, Asst. City Engineer Scott Grewe, Police Dept. Commander Paul O'Meara, City Engineer
- Also Present: Julie Kroll from Fleis & Vandenbrink "F&V"), Transportation Engineering Consultants and Joe Nichol from MKSK, Urban Design and Strategy

# 2. INTRODUCTIONS

Ms. Kroll introduced Joe Nichol of MKSK, who said he is looking forward to helping the board accomplish its goals.

# 3. REVIEW AGENDA

Ms. Ecker announced that the Crosswalk Materials Study is postponed to the January meeting.

# 4. APPROVAL OF MINUTES, Multi-Modal Transportation Board ("MMTB") MEETING OF NOVEMBER 2, 2017

#### Motion by Ms. Edwards Seconded by Ms. Slanga to approve the MMTB Minutes of November 2, 2017 as presented.

#### Motion carried, 6-0.

VOICE VOTE Yeas: Edwards, Slanga, Adams, Surnow, Isaksen, Schafer Nays: None Absent: Folberg, Lawson, Rontal

#### 5. **PUBLIC HEARING** W. Maple Rd. Pedestrian Crossing Islands

The public hearing opened at 6:07 p.m.

Mr. O'Meara provided background and brought up views of the locations. The most recent plans for the installation of pedestrian islands on W. Maple Rd. were reviewed by the MMTB at their meeting of November 2, 2017. The following locations were recommended:

- Lakepark Ave., at the existing marked crosswalk located at the traffic signal.
- East of Hawthorne Ave. Since there is no traffic signal, the Rectangular Rapid Flashing Beacon is proposed at the Hawthorne Ave. site only. This location is also endorsed by Parks and Recreation because it provides a nice connection from the path to the north, crossing and then linking up to the south down to the trail system.

Although not reflected in the MMTB resolution on November 2, 2017, discussion was also held about the Master Plan suggestion for the installation of a pedestrian island between Suffield Ave. and Pilgrim Ave. The question is whether or not it would really draw that much use by pedestrians.

The Chairperson called for public comments.

Ms. Pat Hayes, who lives on the corner of Pilgrim and Pine, was concerned about how the Fire Dept. would get through with the islands there and cars bumper to bumper. Ms. Ecker replied the Fire and Police Depts. had no concerns with the three proposed islands. These are small islands which will afford the opportunity for vehicles to move into the middle lane if a fire truck has to get through.

Mr. Surnow said he hasn't seen enough pedestrian traffic along Maple Rd. to justify doing anything. Ms. Ecker noted that the islands will calm traffic.

Ms. Gail Widdy, 165 Baldwin, said she sees people trying to cross Maple Rd. with dogs or kids and it is scary because the cars come by fast. So she can definitely see the value of the islands. Her experience is at the Rouge River crossing.

Mr. Don Byerlein, 316 Pilgrim, didn't think any crossing islands should be constructed. He thought they would cause a lot of accidents.

Mr. Joe Lieberman, who lives on the corner of Glenhurst and Brookwood, thought this is a horrible idea for all the reasons stated.

Mr. Michael Clawson, 139 Pilgrim, supported the islands because drivers have been using the left hand turn lane to merge. However he was not sure how many people would use the island between Suffield and Pilgrim.

Ms. Pat Hayes spoke again to say it is very difficult for drivers to get across Maple Rd. from Arlington to go south because the traffic lights are not synchronized to turn red at the same time. Mr. O'Meara noted if the lights were red at the same time the existing 35 mph timing would not work.

Ms. Slanga asked for the Police Dept. to gather some general observations about 1) people using the left hand turn lane for merging; and 2) whether enough gaps are being created. Commander Grewe said they have been targeting people who are using the turn lane to merge. Also, it is always safer to make a right turn rather than a left.

Ms. Judy Dielman, 1060 N. Glenhurst, says she sees backups along Maple Rd. going east or west and it is very difficult if vehicles want to get across. Further, making a left turn is impossible because there is never a break.

Mr. Isaksen noted the needs of emergency vehicles have been considered and the Fire Dept. has given the green light on this project. He thought the board should trust their judgment on that. He has not seen a connection between how the islands make the problem of making a left turn worse. Those problems will continue to be there after the islands are installed.

Ms. Edwards thought they need to balance cost with traffic calming measures. She was definitely in favor of the crossing island that connects the parks.

Ms. Schafer was in favor of the island between Suffield Ave. and Pilgrim Ave.

Chairperson Adams favored placing an island between Hawthorne Rd. and Baldwin Ave. connecting the trail system following the Rouge River corridor. She had no strong feelings on the other islands.

Mr. Surnow was fine with the Lakepark crossing island. Also he thought the island that connects the trails makes logical sense. However he didn't see the need for an island between Suffield Ave. and Pilgrim Ave. because he isn't convinced there is enough pedestrian traffic to justify it. Maybe visit it at a later date if there is a demonstrated need for it.

Mr. Isaksen echoed Mr. Surnow's thoughts on this.

#### Motion by Ms. Slanga

Seconded by Ms. Schafer to recommend the installation of pedestrian islands on the W. Maple Rd. corridor at Hawthorne Ave. and Lakepark Ave. in accordance with the attached plans.

#### Motion carried, 6-0.

VOICE VOTE Yeas: Slanga, Schafer, Adams, Edward, Surnow, Isaksen Nays: None Absent: Folberg, Lawson, Rontal

Mr. O'Meara noted that based on the recommendation, staff will put together a cost estimate, and forward it to the City Commission for their final decision.

The public hearing closed at 6:40 p.m.

# 6. 2018 PAVING PROJECTS

Mr. O'Meara recalled that at the meeting of November 2, 2017, staff reviewed the potential for Multi-Modal improvements on the three streets planned for reconstruction in 2018. The following briefly reviews the discussion from that meeting for each street, and what has been prepared in the meantime.

# BENNAVILLE AVE - EDGEWOOD AVE. TO GRANT ST.

At the last meeting, it was noted that the existing street is 32 ft. wide, and that the City's standard today for a new local street of this nature is 26 ft. Reconstructing the road at the narrower width would reduce the length of the crosswalks at each end of the block, which would be an improvement for pedestrians.

Potential benefits include crosswalk lengths being reduced approximately 6 ft., wider parkways, and slower vehicle speeds.

Should the Multi-Modal Transportation Board favor a change to 26 ft., it is recommended that a public hearing be held to gain input from the residents.

#### RUFFNER AVE. – GRANT ST. TO WOODWARD AVE.

Ruffner Ave. was originally constructed at 28 ft. wide in the residential section, and 32 ft. wide in the commercial section. Staff is recommending reducing the width a small amount to 26 ft. for the residential section to help reduce the need for tree removals. The commercial section can be reconstructed at its current width, but 3 ft. bumpouts are recommended at the Woodward Ave. intersection.

A WB-40 vehicle was used for this analysis. The right turn onto Ruffner Ave. can be completed as shown with the proposed bumpout, even when a vehicle is parked on the south side of the street. On the north side, a bumpout of any larger size would cause a conflict. Since right turns are easier on the south corner, a larger bumpout could fit. Such a design would not be symmetrical, and it is unclear that such a proposal would be approved by the Michigan Dept. of Transportation ("MDOT").

Ms. Edwards suggested placing 3 ft. bumpouts at the beginning of the residential section to signal drivers that they have entered a neighborhood and they should slow down. Mr. O'Meara noted there is definitely a cut-through problem on this block. He thought they could go down to a 20 ft. wide road for just a short distance. Ms. Kroll indicated this is called a "gateway treatment."

Since changes are recommended on both streets, and since bumpouts may impact deliveries to the businesses, it is suggested that a public hearing be held. Notices would be sent to both the residents on Ruffner Ave., and the businesses on both blocks north and south of the street.

#### CHAPIN AVE - GRANT ST. TO WOODWARD AVE.

Chapin Ave. was originally constructed at 26 ft. wide on its westerly block, and 28 ft. at its two easterly blocks (both residential and commercial). Staff recommends building both residential blocks at 26 ft., in accordance with current standards, and in order to work with existing large trees. Since the commercial block of Chapin Ave. is already relatively narrow, it would remain at the current width, with no bumpouts proposed.

Right turns from a WB-40 are already in conflict with parked cars, given the space provided with this street width. No changes are recommended. As indicated by the truck turning diagram, a small bumpout could be installed on the south side. Similar to Ruffner Ave. above, such a design would not be symmetrical, and could be difficult to get approved by MDOT. It is acknowledged that the changes suggested for Chapin Ave. are minor. However, since it is being discussed in conjunction with other nearby streets, it is suggested that all property owners in the area of this project be invited to the hearing as well, so that their input can be received.

### Motion by Ms. Slanga

Seconded by Ms. Edwards to schedule a public hearing at the regularly scheduled meeting of the MMTB of January 4, 2018 at 6 p.m. to consider the following multi-modal improvements as a part of the City's planned 2018 Local Street Paving Program:

- A. Reconstructing Bennaville Ave. at 26 ft. wide section from Edgewood Ave. to Grant St.
- B. Reconstructing the residential section of Ruffner Ave. at 26 ft. wide from Grant St. to the Woodward Ave. alley, maintaining the 32 ft. wide existing width on the commercial section adjacent to Woodward Ave., and adding a 3 ft. wide bumpout gateway treatment from residential to commercial with no 3 ft. wide bumpout changes at Woodward Ave.
- C. Reconstructing the residential section of Chapin Ave. at 26 ft. wide, from Grant St. to the Woodward Ave. alley, with the addition of a 3 ft. wide bumpout gateway treatment,, and maintaining the 28 ft. wide street width on the commercial section adjacent to Woodward Ave.

Also to notify the adjacent impacted property owners accordingly, especially the options on Ruffner Ave. and Chapin Ave.

### Motion carried, 6-0.

VOICE VOTE Yeas: Slanga, Edwards, Adams, Surnow, Isaksen, Schafer Nays: None Absent: Folberg, Lawson, Rontal

### 7. CROSSWALK MATERIALS STUDY

Postponed to the MMTB meeting of January 4, 2018.

8. **MEETING OPEN TO THE PUBLIC FOR ITEMS NOT ONTHE AGENDA** (no public was present)

### 9. MISCELLANEOUS COMMUNICATIONS

Mr. O'Meara reported that at their last meeting the City Commission reviewed the S. Eton issue. A cost estimate has been received from F&V which is over \$1.6 million. So it is suggested that there would be an opportunity to try and get a Transportation Alternatives Program ("TAP") grant and the Commission liked that idea. Therefore the City will try to get a grant in March. Not knowing whether or not that would happen, the Commission asked Staff to look at whether there is a cheaper way to do pavement markings to the most extent possible. They can be tried out for a while to see how the plan is working. Staff will bring that information to the Board next month.

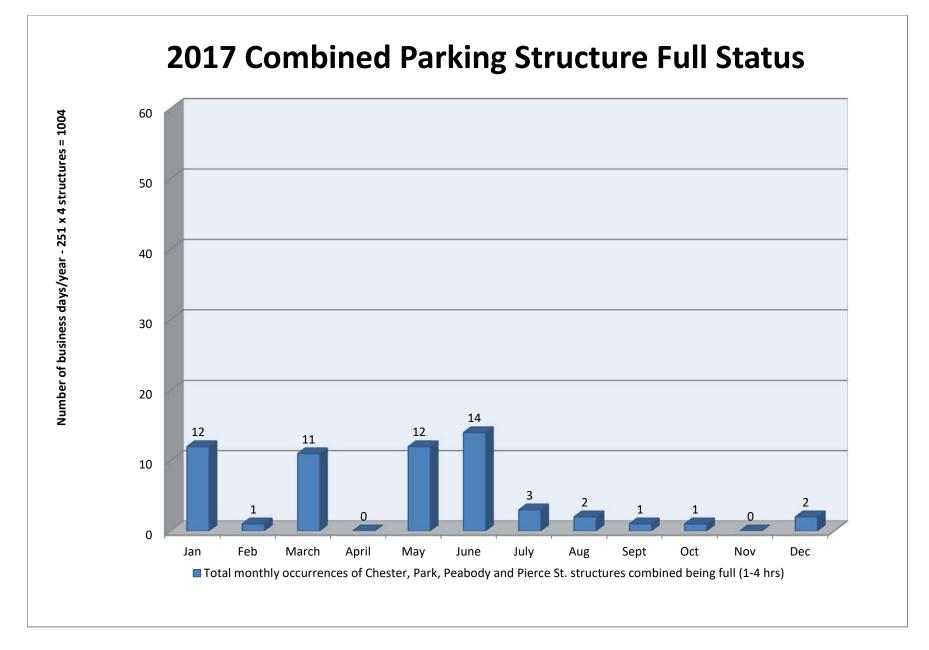
### 10. NEXT MEETING JANUARY 4, 2017 at 6 p.m.

### 11. ADJOURNMENT

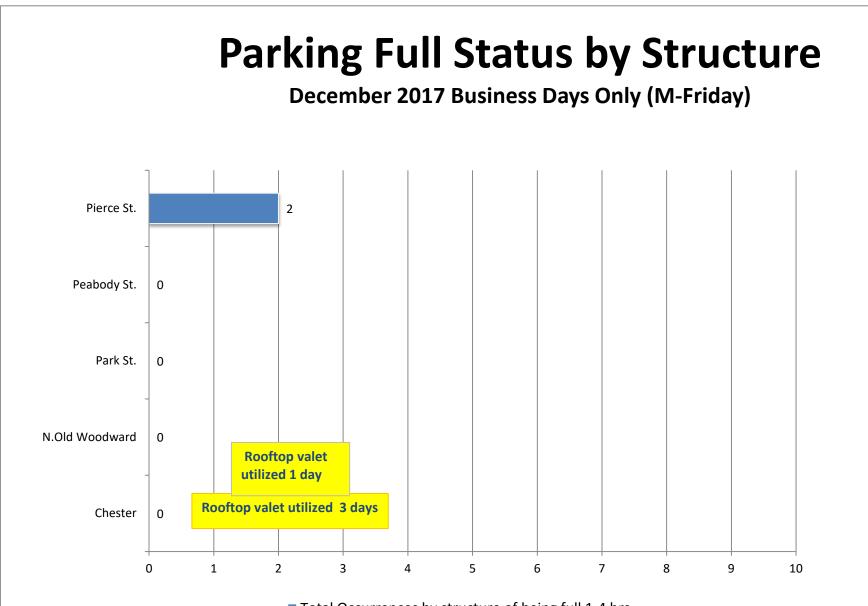
No further business being evident, the board members adjourned at 7:14 p.m.

Jana Ecker, Planning Director

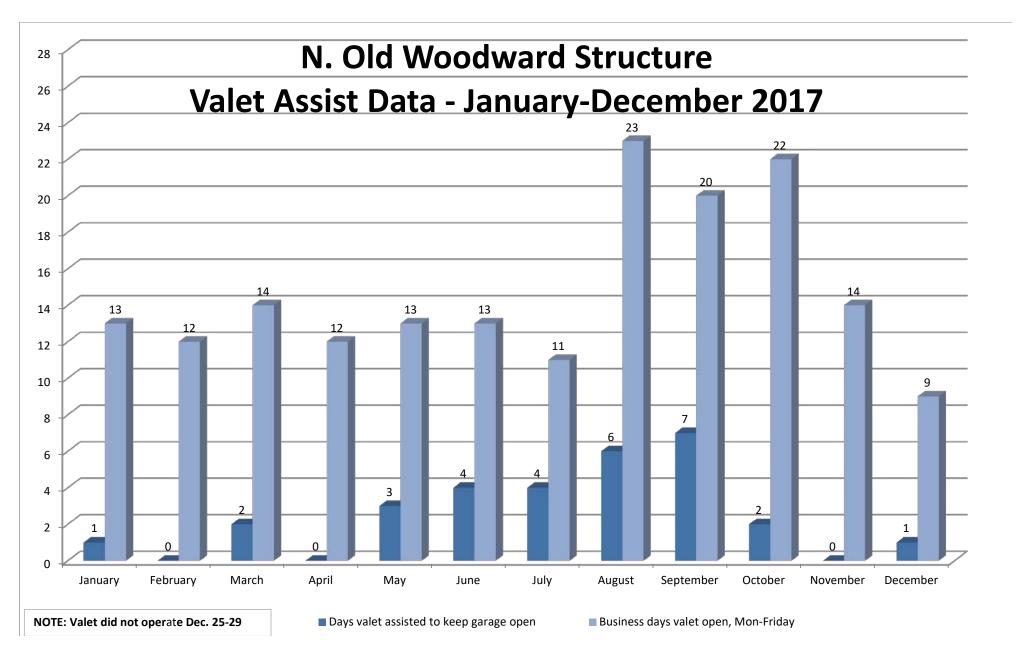
Paul O'Meara, City Engineer

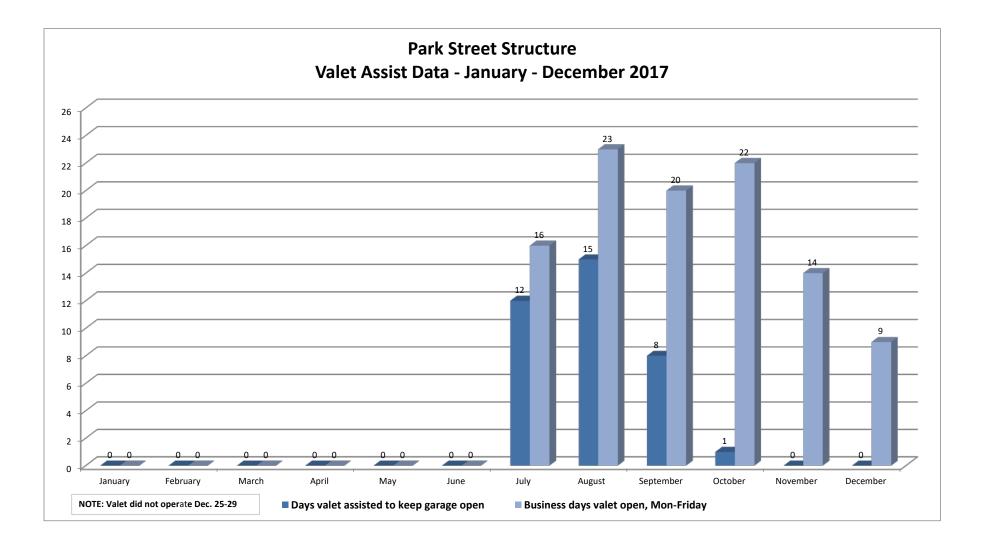


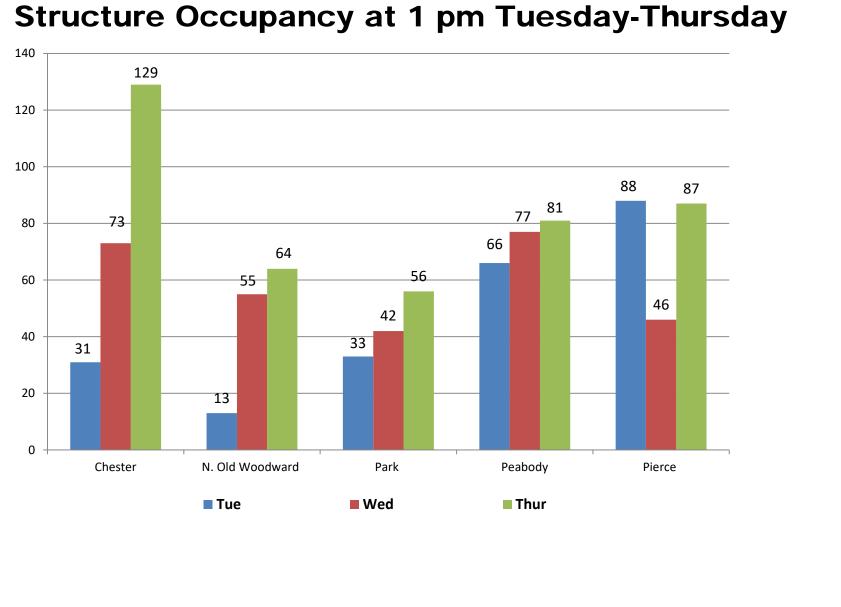
R10E1



Total Occurrences by structure of being full 1-4 hrs







### **Pierce Street Structure**

Garage full list

| Sunday | Monday | Tuesday  | Wednesday | Thursday | Friday  | Saturday |
|--------|--------|--|-----------|----------|---|----------|
|        |        |  |           |          | 1<br>f  | 2        |
| 3      | 4      | 5  | 6         | 7        | 8   | 9        |
| 10     | 11     | 12   | 13        | 14       | 15<br>FULL @ 12:15p<br>OPEN @ 1:00p<br>Large event at Townsend. | 16       |
| 17     | 18     | 19<br>FULL @ 12:00p<br>OPEN @ 12:20p<br>Large event at Townsend. | 20        | 21       | 22  | 23       |
| 24     | 25     | 26   | 27        | 28       | 29  | 30       |
| 31     |        | Notes:   |           |          |   |          |

### **Peabody Street Structure**

Garage full list

| Sunday | Monday | Tuesday                 | Wednesday | Thursday | Friday | Saturday |
|--------|--------|-------------------------|-----------|----------|--------|----------|
|        |        |                         |           |          | 1      | 2        |
|        |        |                         |           |          |        |          |
|        |        | _                       |           | _        |        |          |
| 3      | 4      | 5                       | 6         | 7        | 8      | 9        |
|        |        |                         |           |          |        |          |
| 10     | 11     | 12                      | 13        | 14       | 15     | 16       |
| 10     |        | 12                      | 15        | 14       | 15     | 10       |
|        |        |                         |           |          |        |          |
| 17     | 18     | 19                      | 20        | 21       | 22     | 23       |
|        |        |                         |           |          |        |          |
|        |        |                         |           |          |        |          |
| 24     | 25     | 26                      | 27        | 28       | 29     | 30       |
|        |        |                         |           |          |        |          |
|        |        |                         |           |          |        |          |
| 31     |        | Notes:                  |           | •        | •      |          |
|        |        | Structure did not fill. |           |          |        |          |
|        |        |                         |           |          |        |          |

### **Park Street Structure**

Garage full list

| Sunday | Monday             | Tuesday            | Wednesday          | Thursday           | Friday       | Saturday |
|--------|--------------------|--------------------|--------------------|--------------------|--------------|----------|
|        |                    |                    |                    |                    | 1            | 2        |
|        |                    |                    |                    |                    | Valet closed |          |
|        |                    |                    |                    |                    |              |          |
|        |                    |                    |                    |                    |              |          |
| 3      | 4                  | 5                  | 6                  | 7                  | 8            | 9        |
|        | Valet closed       | Garage not filled. | Garage not filled. | Garage not filled. | Valet closed |          |
| 10     | 11                 | 12                 | 13                 | 14                 | 15           | 16       |
| 10     | Valet closed       | Garage not filled. | Garage not filled. | Garage not filled. | Valet closed | 10       |
|        | Valet closed       | Odrage not niled.  | Carage not med.    | Garage not med.    | Valet closed |          |
|        |                    |                    |                    |                    |              |          |
| 17     | 18                 | 19                 | 20                 | 21                 | 22           | 23       |
|        | Valet closed       | Garage not filled. | Garage not filled. | Garage not filled. | Valet closed |          |
|        |                    |                    |                    |                    |              |          |
| 24     | 25<br>Valet closed | 26                 | 27                 | 28                 | 29           | 30       |
|        | Valet closed       |                    |                    |                    |              |          |
|        |                    |                    |                    |                    |              |          |
| 31     |                    | Notes:             | <b>I</b>           |                    | <b>I</b>     |          |
|        |                    |                    |                    |                    |              |          |
|        |                    |                    |                    |                    |              |          |
|        |                    |                    |                    |                    |              |          |

### N. Old Woodward Garage

Valet Counts

### December 2017

| Sunday | Monday             | Tuesday            | Wednesday          | Thursday           | Friday       | Saturday |
|--------|--------------------|--------------------|--------------------|--------------------|--------------|----------|
|        |                    |                    |                    |                    | 1            | 2        |
|        |                    |                    |                    |                    |              |          |
|        |                    |                    |                    |                    |              |          |
|        |                    |                    |                    |                    |              |          |
| 3      | 4                  | 5                  | 6                  | 7                  | 8            | 9        |
|        | Valet closed       | Garage not filled. | Garage not filled. | Garage not filled. | Valet closed |          |
| 10     | 11                 | 12                 | 13                 | 14                 | 15           | 16       |
| 10     | Valet closed       | Valet-2 cars       | Garage not filled. | Garage not filled. | Valet closed |          |
|        |                    |                    |                    |                    |              |          |
| 17     | 18                 | 19                 | 20                 | 21                 | 22           | 23       |
|        | Valet closed       | Garage not filled. | Garage not filled. | Garage not filled. | Valet closed |          |
| 04     | 05                 |                    |                    |                    |              |          |
| 24     | 25<br>Valet closed | 26                 | 27                 | 28                 | 29           | 30       |
|        |                    |                    |                    |                    |              |          |
| 31     |                    | Notes:             |                    |                    |              |          |
|        |                    |                    |                    |                    |              |          |

### **Chester Street Structure**

Garage full list

| Sunday   | Monday                   | Tuesday            | Wednesday          | Thursday           | Friday            | Saturday |
|----------|--------------------------|--------------------|--------------------|--------------------|-------------------|----------|
|          |                          |                    |                    |                    | 1                 | 2        |
|          |                          |                    |                    |                    | Valet closed      |          |
|          |                          |                    |                    |                    |                   |          |
| <u> </u> |                          | 5                  |                    | 7                  |                   | 0        |
| 3        | <b>4</b><br>Valet closed | Garage not filled. | 6<br>Valet-6 cars  | Garage not filled. | 8<br>Valet closed | 9        |
|          |                          | Carage not nined.  | Valeto cars        | Carage not nined.  | Valet Godeu       |          |
| 10       | 11                       | 12                 | 13                 | 14                 | 15                | 16       |
|          | Valet closed             | Valet-1 car        | Garage not filled. | Garage not filled. | Valet closed      |          |
|          |                          |                    |                    |                    |                   |          |
| 17       | 18                       | 19                 | 20                 | 21                 | 22                | 23       |
|          | Valet closed             | Garage not filled. | Valet-2 cars       | Garage not filled. | Valet closed      |          |
|          |                          |                    |                    |                    |                   |          |
| 24       | 25                       | 26                 | 27                 | 28                 | 29                | 30       |
|          | Valet closed             |                    |                    |                    |                   |          |
|          |                          |                    |                    |                    |                   |          |
| 31       |                          | Notes:             |                    |                    |                   |          |
|          |                          |                    |                    |                    |                   |          |
|          |                          |                    |                    |                    |                   |          |
|          |                          |                    |                    |                    |                   |          |



DATE:December 15, 2018TO:Joe ValentineFROM:Leslie Pielack, Museum DirectorSUBJECT:Allen House Siding Update

#### Background

The Allen House cedar siding and wood trim has been in need of complete repair and repainting for some time. Certified historical architect, Jackie Hoist of H2A Architects, was engaged in March of 2016 to study existing conditions and prepare drawings and specifications for siding and trim repair and replacement. The contract was awarded to L.G.K. builders to repair, replace, and repaint the siding and wood trim as specified by the architect. Where the siding intersected with the roof around the upper floor dormers, the old roofing shingles and flashing was to be removed and replaced with new roofing and flashing as specified by the architect. In addition, the scope of work included replacement of several weather-damaged brick near the foundation. It was anticipated by the architect that some conditions would not be known until the work was begun and surface material removed, i.e., the wood underlayment on the outer walls beneath the cedar shingles or under the roofing may be moisture damaged and require additional work.

#### Roof

The roofing was of concern because it is approximately 25 years old and approaching the end of its useful life, and when removed may reveal water damage underneath. Historic photos of the Allen House were provided to the architect to guide her research and specifications for roofing materials. She found the photos inconclusive as regards specific roofing shingle type, resulting in her specification of replacement asphalt shingles in the dormer areas that are not intended to look historic but to be contemporary and complement the original house style. The remainder of the old asphalt roofing shingles were found to be in poor condition and will need to be replaced in 2018-2019. The architect further specified that the same spot replacement shingles used in this project at the dormers would be appropriate for complete re-roofing when that project is undertaken.

#### Shutters

The photographic evidence reviewed by the architect as well as the existing shutter hardware confirms that the Allen House's original shutters were operable wood shutters typical of the period when the house was built in 1928. However, the original shutters had apparently been replaced at some point with modern vinyl appearance shutters, which the architect determined were not appropriate. Future installation of a restored historic operable shutter based on historic photos was recommended for consideration as a separate project. The Museum Board was in agreement, and will revisit the issue of appropriate operable historic shutters in the future (see attached images).

### **R10E2**

#### Outcome

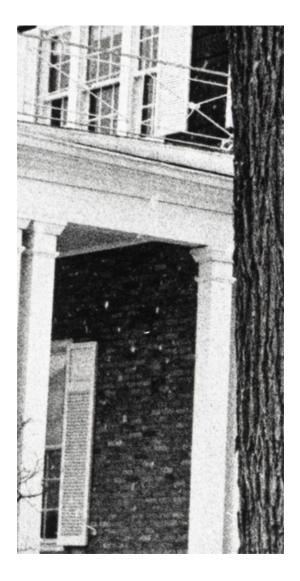
Work began in early September, 2017 and was completed in December. The condition of the wood underlayment and exterior walls was better than expected when damaged siding was removed, with no problematic moisture damage. Damaged cedar shingles were replaced with new cedar shingles to match existing before being repainted. Some areas of wood underlayment under the roofing shingles near the dormers was replaced due to water damage; new flashing and asphalt roofing shingles were then installed per architect specifications. Wood trim at windows and dormers was repaired and repainted. Water damaged trim behind gutters was replaced per architect specifications, and gutters re-installed. All moldings and trim around doors and on porch areas were scraped, primed, caulked, and repainted.

The architect worked closely with the contractor and city staff to ensure the project was completed to her specifications and in accordance with historic requirements. The Museum Board also received updates and viewed progress periodically on site during the three-month period.

Attached are before and after photos of the Allen House siding condition and sample areas of the completed project by L.G.K Builders, Inc. Also included are historic photos of the house that indicate the type of shutter original to the house that will be further reviewed and revisited for future restoration. The architect and Museum Board have been very pleased with the workmanship provided by L.G.K. and anticipate the repaired and repainted siding and trim to last many years.

Respectfully submitted,

Leslie Pielack Museum Director Historic Photo of Allen House Showing Original Operable Shutters with Original Hardware vs. Modern Flat Vinyl Appearance Shutters





### Before and After-Siding Conditions at Allen House





Southeast Corner



Southwest Corner





South Façade



October 20, 2017

Leslie Pielack - Museum Director Birmingham Historical Museum 556 W. Maple Rd. Birmingham MI 48009

RE: Roofing for Allen House

Dear Ms. Pielack:

This letter is regarding the future re-roofing of the Allen House.

Shingles for the future re-roofing project should be chosen based on historic precedence, durability, and warrantee.

The historic photos available do not definitively reveal the type of shingle that was originally used on the house. Therefore, a selection should be made based on a contemporary shingle that is clearly not historic yet complements the house and is appropriate for the style and class of the original house.

Today's asphalt shingles come in various weights with varying degrees of durability. Generally, we classify them and 20-year, 25-year, 30-year shingles or lifetime shingles. A 30-year shingle would provide appropriate durability for a house of this type.

The warrantees offered by shingle manufacturers are generally pro-rated based on the conditions of the installation, style of roof and venting of the roof. In this case the design of the house with habitable space in the attic leads to portions of the roof being non-vented. Therefore, the expectation for warrantee coverage for any of the shingles listed will be limited to about 10 years.

Based on these factors, the Landmark 30-year shingle manufactured by CertainTeed, (that is currently being used on the project for repairs), would be an appropriate choice for a complete re-roofing project.

Sincerely,

*Project Manager*, AIA Historical Architect 36CFR61

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