



**CITY COMMISSION MEETING AGENDA
JANUARY 22, 2018
7:30 PM**



Photo Credit: Carroll DeWeese

Municipal Building, 151 Martin, Birmingham, MI 48009

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BIRMINGHAM CITY COMMISSION AGENDA
JANUARY 22, 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.

Administration of Oaths:

- Swearing in ceremony for six new Police Officers.

Announcements:

- Birmingham Restaurant Week will be held January 29th through February 2nd and February 5th through 9th. Birmingham's top chefs will be creating special three-course lunch and dinner menus for \$15 and \$30.
- Please remember the two most important requirements of the City's snow ordinance:
1) You are required to clear snow and ice from the sidewalk in front of your home. If the snow stops falling during the day, your sidewalks must be cleared within 12 hours. If the snow stops falling during the night, sidewalks must be cleared by 6 p.m. the following day. And 2) When a Snow Emergency is declared, cars must be removed from city streets so the snow plows can get through. Cars that are not moved will be ticketed.

Appointments:

- A. Interviews for Board of Zoning Appeals Alternate Member
 - 1. Francis N. Rodriguez
 - 2. Matthew Vivas
- B. Appointment of Alternate Member to Board of Zoning Appeals
 - 1. To appoint _____, to the Board of Zoning Appeals as an alternate member to serve the remainder of a three-year term to expire February 17, 2020.
- C. Interviews for Ad Hoc Unimproved Street Study Committee
 - 1. Scott Seltzer, 1500 Lakeside Dr. – resident living on an unimproved street
 - 2. Janelle Boyce, 179 Catalpa Dr. – resident living on an improved street
 - 3. Alfred (Al) Bosley, 732 Westchester Way – resident living on an unimproved street
 - 4. Jami Statham, 1741 Holland – resident living on an improved street
 - 5. Robert Lavoie, 555 Lakeview St. – applicant with a background in road design and maintenance
 - 6. Katie Schafer, 1966 Fairway – resident living on an improved street
- D. Appointments to the Ad Hoc Unimproved Street Study Committee

1. To appoint ____ to the Ad Hoc Unimproved Street Study Committee as the resident representative living on an **improved street** to serve a term expiring on December 31, 2018.
2. To appoint ____ to the Ad Hoc Unimproved Street Study Committee as a resident representative living on an **unimproved street** to serve a term to expire December 31, 2018.
3. To appoint ____ to the Ad Hoc Unimproved Street Study Committee as a resident representative living on an **unimproved street** to serve a term to expire December 31, 2018.
4. To appoint ____ to the Ad Hoc Unimproved Street Study Committee as a resident representative living on an **unimproved street** to serve a term to expire December 31, 2018.
5. To appoint ____ to the Ad Hoc Unimproved Street Study Committee as a member with a **background in road design and maintenance** to serve a term to expire December 31, 2018.
6. To appoint ____ to the Ad Hoc Unimproved Street Study Committee as **a member of the City Commission** to serve a term to expire December 31, 2018.
7. To appoint ____ to the Ad Hoc Unimproved Street Study Committee as **a member of the City Commission** to serve a term to expire December 31, 2018.

E. 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 January 8, 2018.
- B. Approval of warrant list, including Automated Clearing House payments, dated January 10, 2018 in the amount of \$3,546,811.18.
- C. Approval of warrant list, including Automated Clearing House payments, dated January 17, 2018 in the amount of \$7,943,677.94.
- D. Resolution accepting the Contract Termination Agreement between the City of Birmingham and Progressive Irrigation, Inc. d/b/a/ Pro Turf Management Lawn for lawn and landscape services in the City of Birmingham. Further, authorizing the City Manager to execute the Contract Termination Agreement on behalf of the City.
- E. Resolution approving the extension of the bid award as part of the MITN cooperative bid of unleaded gasoline and diesel fuel for truck transport deliveries to RKA Petroleum Companies, Inc., 28340 Wick Road, Romulus, MI 48174 and Ports Petroleum Co., Inc. 1337 Blachleyville Road, Wooster, OH 44691 for truck transport deliveries; and Atlas Oil Companies, 24501 Ecorse Road, Taylor, MI 48180 for tank wagon deliveries, for the purchase of gasoline and diesel fuel at the respective unit prices bid through January 31, 2020. Funds for the purchase of gasoline and diesel fuels are budgeted in Auto Equipment Fund – Fuel Expense account #641-441.006-737.0000.
- F. Resolution approving the purchase of two (2) new John Deere 1575 commercial mowers from John Deere and Company, using MI-Deal Contract #071B7700085 extendable

purchasing pricing for a total expenditure of \$61,707.14. Funds for this purchase are available in the Auto Equipment Fund, account #641.441.006-971.0100.

- G. Resolution authorizing the Mayor and Clerk to sign the agreement between OHM Advisors and the City of Birmingham.

V. UNFINISHED BUSINESS

VI. NEW BUSINESS

- A. Public Hearing to consider a Special Land Use Permit Amendment and Final Site Plan - 1669 W. Maple (First Presbyterian Church)
1. Resolution approving a Special Land Use Permit Amendment and Final Site Plan for First Presbyterian Church at 1669 W. Maple to allow the installation of new signage on the property. (complete resolution in agenda packet)
- OR**
- Resolution denying the Special Land Use Permit Amendment and Final Site Plan for First Presbyterian Church at 1669 W. Maple.
- B. Resolution approving the installation of "No Parking 7am to 9am" signs to be installed on the south side of Midvale from the western most driveway of NEXT to Glenhurst. Further, directing the Chief of Police and the City Clerk to sign the traffic control order on behalf of the City.
- C. Resolution approving the installation of one-hour parking in the service drive of southbound Woodward Ave. in front of 33495, 33483 and 33477 Woodward Ave., for a total of six parking spaces. Further, directing the Chief of Police and the City Clerk to sign the traffic control order on behalf of the City.
- D. Resolution accepting the concept plan for the Barnum Arch Landscape Enhancements in keeping with the overall Barnum Park concept plan. Further, authorizing the Administration to proceed with the design for the BALE project and bid out the work to be funded by the Barnum Park donation dollars for the installation during 2018.
- E. Resolution authorizing the Mayor to sign Contract No. 17-5499 between the City of Birmingham and the Michigan Dept. of Transportation to authorize the City's participation in a Transportation Alternatives Program grant to fund the planned improvements at the intersection of Woodward Ave. and Oak St. The estimated cost to the City in fiscal year 2017-18 is \$107,502, charged to account number 202-449.001-981.0100. In addition, endorsing the installation of 24 inch wide continental style pavement markings at all Woodward Ave. crosswalks to be installed as a part of the 2018 Woodward Ave. Resurfacing Project, wherein the City will become responsible for the future maintenance of said crosswalks on a four year cycle. Further approving the appropriations and budget amendments as follows:

Major Street Fund

Revenues:

Draw from Fund Balance	#202-000.000-400.0000	\$107,502
Total Revenue Adjustments		\$107,502

Expenditures:

Public Improvements	#202-449.001-981.0100	\$107,502
Total Expenditure Adjustments		\$107,502

VII. REMOVED FROM CONSENT AGENDA

VIII. COMMUNICATIONS

- A. Joseph Broder, 444 Bonnie Brier

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

X. REPORTS

- A. Commissioner Reports
 - 1. Notice of intention to appoint a member, who is a representative of a professional firm within the parking assessment district, to the Advisory Parking Committee on February 12, 2018.
 - 2. Notice of intention to appoint an alternate member to the Historic District Commission on February 12, 2018.
- B. Commissioner Comments
- C. Advisory Boards, Committees, Commissions' Reports and Agendas
- D. Legislation
- E. City Staff

XI. ADJOURN

INFORMATION ONLY

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

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



NOTICE OF INTENTION TO APPOINT TO BOARD OF ZONING APPEALS

At the regular meeting of Monday, January 22, 2018 the Birmingham City Commission intends to appoint one (1) alternate member to the Board of Zoning Appeals to serve the remainder of a three-year term to expire February 17, 2020.

Interested parties may recommend others or themselves for these positions by submitting a form available from the City Clerk's office. Applications must be submitted to the city clerk's office on or before noon on Wednesday, January 17, 2018. Applications will appear in the public agenda at which time the commission will discuss recommendations, and may make nominations and vote on appointments.

Duties of Board

The Board of Zoning Appeals acts on questions arising from the administration of the zoning ordinance, including the interpretation of the zoning map. The board hears and decides appeals from and reviews any order, requirement, decision or determination made by the building official.

Applicant(s) Presented For City Commission Consideration:

Applicant Name	Criteria/Qualifications
	Applicants shall be property owners of record and registered voters.
Francis N. Rodriguez 333 Pilgrim	Resident and registered voter.
Matthew Vivas 1027 Clark Street	Resident and registered voter.

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

SUGGESTED ACTION:

To appoint _____ to the Board of Zoning Appeals as an alternate member to serve the remainder of a three-year term to expire on February 17, 2020.



BOARD OF ZONING APPEALS

Chapter 126 – Section 126-671 – Seven Members – Three Year Terms
Requirements – Property owners of record and registered voter

The Board of Zoning Appeals acts on questions arising from the administration of the zoning ordinance, including the interpretation of the zoning map. The board hears and decides appeals from and reviews any order, requirement, decision or determination made by the building official.

Last Name Home Address	First Name	Home Business E-Mail	Appointed	Term Expires
Canvasser 369 Kimberly	Jason	(248) 231-9972 <i>jcanvasser@clarkhill.com</i>	11/23/2015 alternate	2/17/2020
Hart 2051 Villa	Kevin	(248) 4967363 <i>khartassociates@aol.com</i>	2/27/2012 (served as an alternate 2/27/12 - 10/13/14)	10/10/2020
Jones 1701 Winthrop Lane	Jeffery R.	(248) 433-1127 <i>j_rjones@sbcglobal.net</i>	6/12/2006	10/10/2019
Judd 1592 Redding	A. Randolph	(248)396-5788 (248) 396-5788 <i>arjudd@comcast.net</i>	11/13/1995 Attorney	10/10/2020
Lillie 496 S. Glenhurst	Charles	(248) 642-6881 <i>lilliecc@sbcglobal.net</i>	1/9/1984 Attorney	10/10/2019
Lyon 1498 Yosemite	Peter	(248) 646-9337 (313) 805-5745	11/15/2002 Engineer	10/10/2020

Last Name Home Address	First Name	Home Business E-Mail	Appointed	Term Expires
Miller 544 Brookside	John	(248) 703-9384 <i>feymiller@comcast.net</i>	1/23/2012 (Served as alternate 01/11/10- 01/23/12)	10/10/2018
Morganroth 631 Ann	Erik	(248) 762-9822 <i>emorganroth@comcast.net</i>	10/12/2015	10/10/2018
Vacant			Alternate	2/17/2020



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JAN 16 2018

OFFICE USE ONLY

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

APPLICATION FOR CITY BOARD OR COMMITTEE

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

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

(Please print clearly)

Board/Committee of Interest Board of Zoning AppealsSpecific Category/Vacancy on Board Alternate MemberName Francis N. RodriguezPhone 248 631 7933Residential Address 333 PilgrimEmail Francis@korolaw.comResidential City, Zip Birmingham 48009Length of Residence 6 monthsBusiness Address 550 W. Merrill, Ste 100Occupation Business AttorneyBusiness City, Zip Birmingham 48009

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

About 1/3 of my law practice concentrates on real estate and governance and general contract counseling. I review and interpret regulations daily.List your related employment experience Please see above and my bio at korolaw.com for specific real estate and related examples.List your related community activities N/AList your related educational experience Please see above.

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: My wife is an interior designer

(Katie Rodriguez Design) and works with builders exclusively in Birmingham and Bloomfield Hills. Thus, this is more of an indirect relationship.

Do you currently have a relative serving on the board/committee to which you have applied? NoAre you an elector (registered voter) in the City of Birmingham? Yes

Signature of Applicant

Date

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

3A1

Updated 8/16/17



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

APPLICATION FOR CITY BOARD OR COMMITTEE

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(Please print clearly)

Board/Committee of Interest Board of Zoning Appeals
Specific Category/Vacancy on Board Alternate Member
Name Matthew Vivas Phone 773-209-1677
Residential Address 1027 Clark St Email matthewvivas@gmail.com
Residential City, Zip Birmingham, 48009 Length of Residence 6 months
Business Address 622 1000 Chrysler Dr Occupation Corporate Development Program
Business City, Zip 4422 Auburn Hills, 48326

Reason for Interest: Explain how your background and skills will enhance the board to which you have applied vested interest in maintaining/enhancing appeal of Birmingham. Experience as an unbiased 3rd party willing to listen to all sides of an issue.

List your related employment experience DiMeo Schneider & Assoc, Investment Consultant
FCA US LLC, Corporate Leadership Development Program

List your related community activities N/A

List your related educational experience University of Michigan, BA
University of Chicago, MBA

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

No

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

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

Matthew Vivas
Signature of Applicant

1-16-18
Date



PAGE 2 REVISED 1/22/2018

**NOTICE OF INTENTION TO APPOINT TO THE
AD HOC UNIMPROVED STREET STUDY COMMITTEE**

At the regular meeting of Monday, December 4, 2017, the Birmingham City Commission intends to appoint seven members to the Ad Hoc Unimproved Street Study Committee to serve terms to expire December 31, 2018.

The scope of the Committee shall be to develop a long term plan on how to best proceed in addressing unimproved roads in the City in accordance with the following:

1. Review the history and evolution of the road system in the City.
2. Review and evaluate the types of streets in the City while considering road durability, maintenance cycles, drainage, Rights-of-Way usage, traffic speeds, parking, resident preference and aesthetics.
3. Review and evaluate policies from neighboring communities for addressing unimproved streets.
4. Review the policies and procedures attributed to each type of street construction and maintenance method used by the City.
5. Review conditions where small sections of unimproved streets exist within a predominately improved block and provide recommendations.
6. Review conditions where large areas of unimproved streets exist within a neighborhood and provide recommendations.
7. Review and evaluate cost and budget implications of any proposed recommendations and include strategic funding alternatives.
8. Compile the Committee's findings and recommendations into a report to be presented at the end of the Committee's term.

Interested citizens may submit an application available at the City Clerk's office or online at www.bhamgov.org/boardopportunities. Applications must be submitted to the City Clerk's office on or before noon on Wednesday, November 29, 2017. These documents will appear in the public agenda for the regular meeting at which time the City Commission will discuss recommendations, and may make nominations and vote on appointments.

Applicant(s) Presented For City Commission Consideration on January 22, 2018:

Applicant Name	Criteria/Qualifications of Open Position
	Two members of the City Commission. Three residents living on an unimproved street representing different areas of the City. One resident living on an improved street. One member with a background in road design and maintenance.
Scott Seltzer 1500 Lakeside	Resident living on unimproved street
Janelle Boyce 179 Catalpa Dr.	Resident living on improved street

3CA - REVISED

Alfred (Al) Bosley 732 Westchester Way	Resident living on unimproved street
Jami Statham 1741 Holland	Resident living on improved street
Robert Lavoie 555 Lakeview Ave.	Background in road design and maintenance Unable to attend. Please see letter of interest and qualifications attached to application.
Katie Schafer 1966 Fairway	Resident living on improved street Unable to attend. Please see letter of interest and qualifications attached to application.

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

On December 4, 2017, seven additional candidates were interviewed by the City Commission: Scott Moore, Dominick Pulis, Michael Fenberg, Jeffrey Heldt, Julie Hollinshead, Christina McKenna, and John Rusche. Below is a chart of all candidates to date, categorized by appointment criteria.

REVISION: THE LIST BELOW HAS BEEN REVISED TO SHOW SCOTT MOORE AND KATIE SCHAFFER ON BOTH THE IMPROVED STREET AND UNIMPROVED STREET LISTS.

Both Scott Moore and Katie Schafer have requested to be considered as candidates who are eligible to represent either an improved street or an unimproved street. The rationales are listed below.

- MR. MOORE. His residence is addressed on Rivenoak, which is improved. His driveway is on Worth, which is unimproved.
- MS. SCHAFFER. Her residence is on the improved section of Fairway, but is only 6 houses from the unimproved portion of the street.

RESIDENT REPRESENTATIVE LIVING ON AN IMPROVED STREET	
One (1) such member to be appointed.	
Scott Moore	984 Rivenoak
Janelle Boyce	179 Catalpa Dr.
Jami Statham	1741 Holland
Katie Schafer	1966 Fairway

RESIDENT REPRESENTATIVE LIVING ON AN UNIMPROVED STREET	
Three (3) such members to be appointed.	
Dominick Pulis	824 Wimbledon Dr.
Michael Fenberg	908 Chesterfield
Jeffrey Heldt	1415 Lakeside
Julie Hollinshead	590 Lakeview Ave.
Christina McKenna	608 Lakeview Ave.
John Rusche	358 Henley
Scott Seltzer	1500 Lakeside
Al Bosley	732 Westchester Way
Scott Moore	984 Rivenoak
Katie Schafer	1966 Fairway

MEMBER WITH A BACKGROUND IN ROAD DESIGN AND MAINTENANCE	
Robert Lavoie	555 Lakeview Ave.

The applications for all applicants are attached, as is a map denoting the location of residence for each applicant and an excerpt from the minutes of the December 4, 2017 City Commission meeting.

SUGGESTED ACTIONS:

1. To appoint ____ to the Ad Hoc Unimproved Street Study Committee as the resident representative living on an **improved street** to serve a term expiring on December 31, 2018.
2. To appoint ____ to the Ad Hoc Unimproved Street Study Committee as a resident representative living on an **unimproved street** to serve a term expiring on December 31, 2018.
3. To appoint ____ to the Ad Hoc Unimproved Street Study Committee as a resident representative living on an **unimproved street** to serve a term expiring on December 31, 2018.
4. To appoint ____ to the Ad Hoc Unimproved Street Study Committee as a resident representative living on an **unimproved street** to serve a term expiring on December 31, 2018.
5. To appoint ____ to the Ad Hoc Unimproved Street Study Committee as a **member with a background in road design and maintenance** to serve a term expiring on December 31, 2018.
6. To appoint ____ to the Ad Hoc Unimproved Street Study Committee as a **member of the City Commission** to serve a term expiring on December 31, 2018.
7. To appoint ____ to the Ad Hoc Unimproved Street Study Committee as a **member of the City Commission** to serve a term expiring on December 31, 2018.



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

APPLICATION FOR CITY BOARD OR COMMITTEE

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(Please print clearly)

Board/Committee of Interest Unimproved Street Study Committee

Specific Category/Vacancy on Board Resident Living on Unimproved Street

Name Scott Seltzer

Phone (248) 752-3535

Residential Address 1500 Lakeside Dr

Email Scott@coreseiniorcare.com

Residential City, Zip Birmingham 48009

Length of Residence 8 years

Business Address 1725 Chester Rd

Occupation Owner - Assisted Living

Business City, Zip Royal Oak 48073

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

able to assess issues and engage in discussions that will produce positive results!
I have overseen renovation projects for commercial properties and built my house.

List your related employment experience

Owner - Chester Street Residence and Core Real Estate Services.

Director of Acquisitions - Dietz Property Group

List your related community activities

List your related educational experience

Michigan State University - 1999 Bachelor of Arts in Business Communication

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

No

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

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

[Signature]
Signature of Applicant

10/17/17
Date



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DEC 5 2017

CITY CLERK'S OFFICE

APPLICATION FOR CITY BOARD OR COMMITTEE

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

Available for both mtgs.
in January.

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(Please print clearly)

Board/Committee of Interest Unimproved Streets Committee

Specific Category/Vacancy on Board resident on improved street

Name Janelle Boyce

Phone 248 321 3207

Residential Address 179 Catelapa Dr

Email jlwboyce@gmail.com

Residential City, Zip B'ham 48009

Length of Residence 23 years

Business Address _____

Occupation Interior Designer,
Residential Home Builder

Business City, Zip _____

Reason for Interest: Explain how your background and skills will enhance the board to which you have applied As a
PB member, designer, builder and resident I will offer my insight and
Knowledge as we collectively recommend improvements to the process
and unimproved areas particularly as it relates to pedestrians.

List your related employment experience Building, Construction, Design management
Independent contractor, Business Owner.

List your related community activities Planning Board, Past Ad-Hoc committees, Baldwin
Library event chair, B'ham public schools community education, PSJ
Neighborhood Association

List your related educational experience _____

BA - Michigan State University - Human Environment & Design

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

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

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

Janelle Boyce
Signature of Applicant

12-04-2017
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 cmvnsberge@bhamgov.org or by fax to 248.530.1080.

Updated 8/16/17

3CB



RECEIVED BY

DEC 7 2017

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

APPLICATION FOR CITY BOARD OR COMMITTEE

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(Please print clearly)

Board/Committee of Interest UNIMPROVED STREET COMMITTEE

Specific Category/Vacancy on Board UNIMPROVED STREET

Name ALFRED ("AL") BOSLEY

Phone 248.642.2740
248.909.8494

Residential Address 732 WESTCHESTER WAY

Email ADBOSLEY@CHARRIS.NET

Residential City, Zip BIRMINGHAM, MI

Length of Residence 49 YRS

Business Address ~

Occupation ENGINEER (RETIRED)

Business City, Zip ~

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

PROBLEM SOLVING, ENGINEERING & GOOD LEADERSHIP SKILLS

List your related employment experience 40 YEARS OF ENGINEERING AND

MANAGEMENT EXPERIENCE WITH A MAJOR AUTO COMPANY

List your related community activities _____

List your related educational experience B.S. (M.E.), M.A.E.

P.E. (RETIRED)

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

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

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

[Signature]
Signature of Applicant

12/7/2017
Date



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

APPLICATION FOR CITY BOARD OR COMMITTEE

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(Please print clearly)

Board/Committee of Interest Ad Hoc Unimproved Street Study Committee

Specific Category/Vacancy on Board Improved street resident

Name Jammi Statham

Phone 313 613 2822

Residential Address 1741 Holland

Email Jammi.Statham@autonoom.com

Residential City, Zip Birmingham MI 48009

Length of Residence 8 years

Business Address 29293 Haggerty

Occupation Attorney

Business City, Zip Novi, MI 48377

Reason for Interest: Explain how your background and skills will enhance the board to which you have applied
I'm very interested in Birmingham's development. I believe that one of the best attributes of Birmingham is its walkability.

List your related employment experience As an experienced in-house counsel, I believe my practical nature and ability to build consensus will add value.

List your related community activities _____

List your related educational experience _____

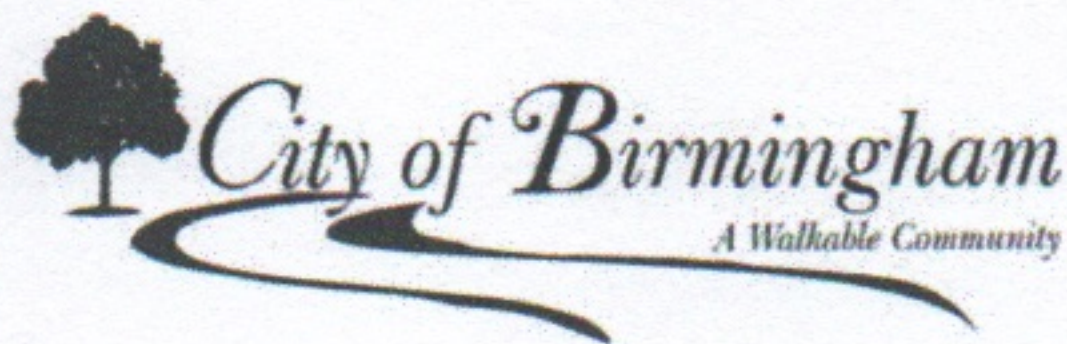
To the best of your knowledge, do you or a member of your immediate family have any direct financial or business relationships with any supplier, service provider or contractor of the City of Birmingham from which you or they derive direct compensation or financial benefit? If yes, please explain: No

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

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

[Signature]
Signature of Applicant

12/21/17
Date



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

APPLICATION FOR CITY BOARD OR COMMITTEE

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(Please print clearly)

Board/Committee of Interest Ad Hoc Committee to Study Unimproved Streets in City of Birmingham

Specific Category/Vacancy on Board Member w/road design and maintenance background

Name ROBERT D LAVOIE

Phone 248 635 6472

Residential Address 555 LAKEVIEW AVE

Email RDLAVOIE@AOL.COM

Residential City, Zip BIRMINGHAM, 48009

Length of Residence 2.5 YEARS

Business Address N/A

Occupation RETIRED P.E.

Business City, Zip N/A

Reason for Interest: Explain how your background and skills will enhance the board to which you have applied I would expect that my experience as a practicing consulting civil engineer, former highway maintenance superintendent, city engineer and dpw director would provide valued input.

List your related employment experience Former President of Nowak and Fraus Engineers, Former Hwy Maintenance Sup't., City Engineer and DPW Director in Pontiac.

List your related community activities City of Birmingham Storm Water Utility Board Member

List your related educational experience BSCE Civil Engineering, MSCE Civil Engineering and current registered PE in Michigan.

To the best of your knowledge, do you or a member of your immediate family have any direct financial or business relationships with any supplier, service provider or contractor of the City of Birmingham from which you or they derive direct compensation or financial benefit? If yes, please explain: I have a Stock Buy-Sell agreement with Nowak and Fraus related to my retirement benefits.

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

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

[Signature]
Signature of Applicant

11/27/17
Date

3CE

December 21, 2017

Mr. Paul O'Meara, PE
City Engineer
City of Birmingham
151 Martin St.
Birmingham, MI 48009

RE: Ad Hoc Study Committee for Improving Unimproved City Streets

Dear Paul,

In follow up of our discussions earlier this week, I would like to confirm my interest in serving on the City of Birmingham's above referenced Ad Hoc Study Committee. As a City resident and licensed Professional Engineer with expertise in road maintenance and design I am desirous of serving on the Ad Hoc Study Committee and expect my 40 year career in public works would be an asset to the Committee.

Unfortunately, I was out of town for the Commission's meeting in December, wherein the candidates for the Ad Hoc Committee were interviewed. I was also unsuccessful in scheduling my attendance at a Commission meeting in January, 2018 with the City Clerk and therefore am writing this letter of interest and qualifications, which I request you forward to the City Manager and City Commission for their information and consideration.

The following resume of my education and work experience is submitted in an effort to best inform the City Manager and Commission of my qualifications to serve on the Ad Hoc Study Committee:

EDUCATION

- BSCE from Michigan State University, 1975
- Licensed Professional Engineer, 1981
- MSCE from Wayne State University, 1985

WORK EXPERIENCE

- Civil Engineer, 1976-1982
- Highway Maintenance Superintendent, 1983-1986
- DPW&S Director/City Engineer, 1987-1991
- V.P. Nowak and Fraus Civil Engineers and Land Surveyors, 1992-2008
- President Nowak and Fraus Civil Engineers and Land Surveyors, 2008-2016

During my 15 years working in the public sector civil engineering discipline, I designed and managed the improvements of many residential street and arterial highway projects, together with related utility improvements, including storm drains, sanitary sewers and water mains. This design included researching and reviewing alternative paving options, subgrade improvements options, and their expected life cycle costs. My responsibilities also included developing cost estimates and preparing special assessment rolls for residential roadway and utility improvements, including the development of special assessment ordinances (for City Commission approval) that attempted to fairly spread the cost of public road and utility improvements across the benefitting properties. These ordinances also established City participation in the improvement projects based on future maintenance savings expected by the City

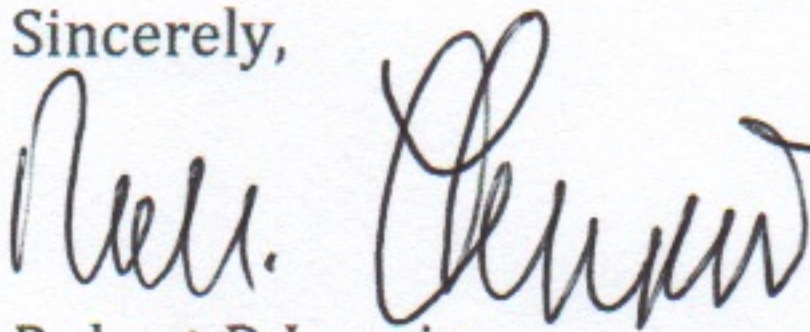
As Highway Maintenance Superintendent, I managed a work force responsible for maintaining over 250 miles of roads and studied/implemented methods and procedures for providing routine surface maintenance, markings, signage, signalization, sweeping, salting, plowing and drainage.

PURPOSE OF VOLUNTEERING

My purpose for volunteering to serve on this Committee is to assist the City in developing a plan, policy or ordinance that effectively presents better long term options/solutions for street improvements (including sewers and water mains) rather than continuing the current practice of chip sealing unimproved formerly gravel roads. The current practice only provides a mere stop gap/band aid approach to pavement longevity and ignores the underlying public storm drains, sanitary sewers and water main needs. These improvements are critical to the public safety of all the residents of the City.

Please feel free to contact me if you have any questions regarding my background and I look forward to being of service on the Ad Hoc Committee.

Sincerely,



Robert D Lavoie
555 Lakeview Ave.
Birmingham, MI 48009
Cell: 248 635 6472



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

APPLICATION FOR CITY BOARD OR COMMITTEE

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(Please print clearly)

Board/Committee of Interest Ad Hoc Unimproved Streets Committee
Specific Category/Vacancy on Board Member from different geographic area of city.
Name Katie Schafer Phone 248.335.5064
Residential Address 1960 Fairway Drive Email Schafekat@gmail.com
Residential City, Zip Birmingham, MI 48001 Length of Residence 10 yrs.
Business Address 2055 E. 14 Mile Rd. Occupation Physician/Pediatrician
Business City, Zip Birmingham, MI 48001

Reason for Interest: Explain how your background and skills will enhance the board to which you have applied I am
a current member on the Multi-Modal Transportation Board. I live on a
street that is partially improved and partially unimproved. I have
a particular interest in improving safety & transportation within our city and advocating
List your related employment experience My experience as a physician in the community
I interface with families who are affected by proposed changes to neighborhoods
and I am an advocate for child safety. is a pediatrician.
List your related community activities Citizens Academy graduate, Spring 2017
Alternate member Multi-Modal Transportation Board - current
List your related educational experience University of Michigan - Ann Arbor, B.S. 2002
Michigan State College of Osteopathic Medicine, D.O. - 2007

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

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

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

Katie Schafer
Signature of Applicant

11/17/13
Date

To the members of the City Commission:

It is my honor to be considered for an appointment to the Ad Hoc Unimproved Street Study Committee. I regret to inform you that I will not be able to attend the regular meeting on January 22, 2018 due to a prior work obligation.

Please in no way let this reflect my sincere interest in being a part of this unique committee.

My service as an alternate member on the Multi-Modal Transportation Board serves as a complement to this new committee as we attempt to find new and innovative ways to make some of the aging streets in our City more functional and safe. As a resident on a street that is both improved in some areas and unimproved in others, I have the unique perspective of the challenges of aging streets and benefits of those that are already improved and how they each impact my own neighbors.

I look forward to each and every opportunity to be involved with our City and I am honored to already work with a great group of dedicated individuals on the Multi-Modal Transportation Board.

I hope you will consider my application and I apologize in advance for my absence.

Sincerely,

Katie Schafer
1966 Fairway Drive

RECEIVED BY
JH 10/25/17/3pm
OCT 25 2017

APPLICATION FOR CITY BOARD OR COMMITTEE

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(Please print clearly)

Board/Committee of Interest

7th 1st PAVING COMMITTEE (STREET)

Specific Category/Vacancy on Board Resident living on a corner - Rivenoak is an improved street; the other sheet is unimproved.

Name

Scott Moore

Phone

248-703-8615

Residential Address

984 RIVENOAK

Email

SIDM984@SBC6203AL.NET

Residential City, Zip

BIRM 48009

Length of Residence

64 yrs

Business Address

Occupation

RETIRED

Business City, Zip

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

INSTITUTIONAL HISTORY - I LIVE ON A
CORNER WHERE THE STREET IS IMPROVED &
UNIMPROVED STREET

List your related employment experience

TEACHER, LAWYER

List your related community activities

CITY COMMISSIONER

List your related educational experience

B.A., J.D. - SUMMARY TRAINED

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

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

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

YES

Signature of Applicant

Scott Moore

Date

10-25-17



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

APPLICATION FOR CITY BOARD OR COMMITTEE

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(Please print clearly)

Board/Committee of Interest Ad Hoc Unimproved Street Study Committee

Specific Category/Vacancy on Board resident of an unimproved street

Name Dominick Pulis

Phone 586-381-5831

Residential Address 824 Wimbleton Dr

Email dompulis@hotmail.com

Residential City, Zip Birmingham, 48009

Length of Residence 1 year

Business Address _____

Occupation Quality Manager

Business City, Zip _____

Reason for Interest: Explain how your background and skills will enhance the board to which you have applied _____
I've lived in Birmingham for over 10 years, always on improved roads (North Eton and Cole Street). Now, as a
homeowner on Wimbleton Dr, I'd like to learn about and help develop an intelligent plan for unimproved roads.

List your related employment experience _____
Engineering and Quality roles at FCA - Chrysler

List your related community activities _____
prior board member for Birmingham Parks and Rec

List your related educational experience _____
Bachelor Engineering / Master Engineering / MBA

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

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

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

[Signature]
Signature of Applicant

31Oct2017
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 cmynsberge@bhamgov.org or by fax to 248.530.1080.

3CH

Updated 8/16/17



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

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(Please print clearly)

Board/Committee of Interest Ad Hoc Unimproved Street Study Committee

Specific Category/Vacancy on Board Member living on an unimproved street

Name Michael Fenberg

Phone 248-310-7373

Residential Address 908 Chesterfield

Email michael.fenberg@bakertilly.com

Residential City, Zip Birmingham, 48009

Length of Residence 23 Years in Birmingham

Business Address 2000 Town Center, Suite 900

Occupation Certified Public Accountant

Business City, Zip Southfield, 48075

Reason for Interest: Explain how your background and skills will enhance the board to which you have applied _____
Living on an unimproved street for 17 years; 12 Year participation in Quarton Lakes Neighborhood Association

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

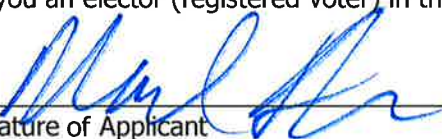
List your related community activities Birmingham Area Cable Board; Board of Education trustee-Birmingham Public Schools 12.5 years; Quarton Lakes Neighborhood Association Treasurer; Temple Beth El Audit Committee

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

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

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

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


Signature of Applicant

Nov 1, 2017
Date

3CI



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

APPLICATION FOR CITY BOARD OR COMMITTEE

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(Please print clearly)

Board/Committee of Interest Ad Hoc Unimproved Street Study Committee

Specific Category/Vacancy on Board citizen member residing on unimproved street

Name Jeffrey A. Heldt

Phone 586 918 6654

Residential Address 1415 Lakeside

Email heldtj@excite.com

Residential City, Zip Birmingham, MI 48009

Length of Residence 12 1/2 years

Business Address 36700 Woodward, Ste 202

Occupation Attorney

Business City, Zip Bloomfield Hills, MI 48304

Reason for Interest: Explain how your background and skills will enhance the board to which you have applied reside on unimproved street; 10+ years appointed member Birmingham Area Cable Board - PEG Chair and Treasurer

List your related employment experience attorney with related construction, finance experience

List your related community activities Birmingham Area Cable Board, 10+ years

List your related educational experience Juris Doctor, cum laude, Wayne State, 1972; Masters of Science in Taxation, Walsh College, 1990

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

NO

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

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


Signature of Applicant

November 17, 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 Lpierce@bhamgov.org or by fax to 248.530.1080.

3CJ

Updated 10/12/16



RECEIVED BY

NOV 21 2017

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

APPLICATION FOR CITY BOARD OR COMMITTEE

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(Please print clearly)

Board/Committee of Interest Ad Hoc Unimproved Street Study Committee
Specific Category/Vacancy on Board Resident on unimproved street

Name Julie Hollinshead

Phone 248.703.7201

Residential Address 590 Lakeview Ave.

Email jhollinshead@comcast.net

Residential City, Zip Birmingham, MI 48009

Length of Residence 30 yrs.

Business Address 2000 Town Center, Suite 2850

Occupation Investments

Business City, Zip Southfield, MI 48075

Reason for Interest: Explain how your background and skills will enhance the board to which you have applied Having lived and worked in Birmingham, I know the city from a residential and commercial perspective. I am one of several family members who lives in the city. Given my general experience in Birmingham, including raising a child, I am deeply committed to the city.
List your related employment experience I have worked in the investment industry for twenty-five years.

List your related community activities Last year, I attended The Citizen's Academy. Through that and other experiences I've had, I have come to know the City, and gained knowledge of how governmental processes in the City work.

List your related educational experience B.A. cum laude, Tufts University and M.A. The Johns Hopkins University.

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

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

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

Julie Hollinshead
Signature of Applicant

3CK

11/20/17
Date



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

APPLICATION FOR CITY BOARD OR COMMITTEE

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(Please print clearly)

Board/Committee of Interest Ad Hoc Unimproved Street Committee

Specific Category/Vacancy on Board Board Member Resident living on an unimproved street.

Name Christina McKenna

Phone 248.514.7085

Residential Address 608 Lakeview

Email cmckenna@bluestoneexec.com

Residential City, Zip Birmingham 48009

Length of Residence 14 years Birmingham

Business Address 1025 E. Maple Rd

Occupation Consultant

Business City, Zip Birmingham 48009

Reason for Interest: Explain how your background and skills will enhance the board to which you have applied
I've spent two years working to raise support for a street improvement project and observed first-hand the obstacles inherent to the existing system.

List your related employment experience As a strategic communications consultant, I advise organizations on how to achieve better results through communication.

List your related community activities Holy Name School Advisory Committee, Holy Name parishoner, Birmingham Little League and Birmingham Hockey (parent)

List your related educational experience MS Journalism, Columbia University; BA Political Science, University of Chicago

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

No.

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

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

Christina McKenna **3CL**
Signature of Applicant

November 20, 2017
Date



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

APPLICATION FOR CITY BOARD OR COMMITTEE

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(Please print clearly)

Board/Committee of Interest Ad Hoc Unimproved Street Study Committee

Specific Category/Vacancy on Board Resident living on an unimproved street

Name John Rusche

Phone 248-731-7068

Residential Address 358 Henley Street

Email JPRusche@aol.com

Residential City, Zip Birmingham 48009

Length of Residence 10 years

Business Address 300 East Big Beaver, Suite 500

Occupation Program Manager

Business City, Zip Troy 48083

Reason for Interest: Explain how your background and skills will enhance the board to which you have applied Graduate of the first Birmingham Citizen's Academy. During the Engineering Dept. Session I learned the process for improving an unimproved street. I verified my understanding with Mr. O'Meara and then explored interest with the Poppleton Park Facebook Group. It didn't progress further.

List your related employment experience None related to street improvements.

List your related community activities Currently serving as an alternate to the Parks & Recreation Board

List your related educational experience None related to street improvements.

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

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

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

John Rusche
Signature of Applicant

11/22/2017
Date

5. 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 that is not reported in the prior answers? No
6. To the best of your knowledge, have you or a member of your immediate family given or received any gifts, other than from immediate family members, the value of which exceeds \$50.00, within the last year, or since the effective date of this code, whichever time period is shorter, to or from any person or business or other legal entity doing business with the City, other than legal campaign contributions?
No

If so, supply the following information for each donee or donor:

NAMES OF DONOR/DONEE	ADDRESS	DATE GIFT RCVD/DONATED	NATURE OF GIFT

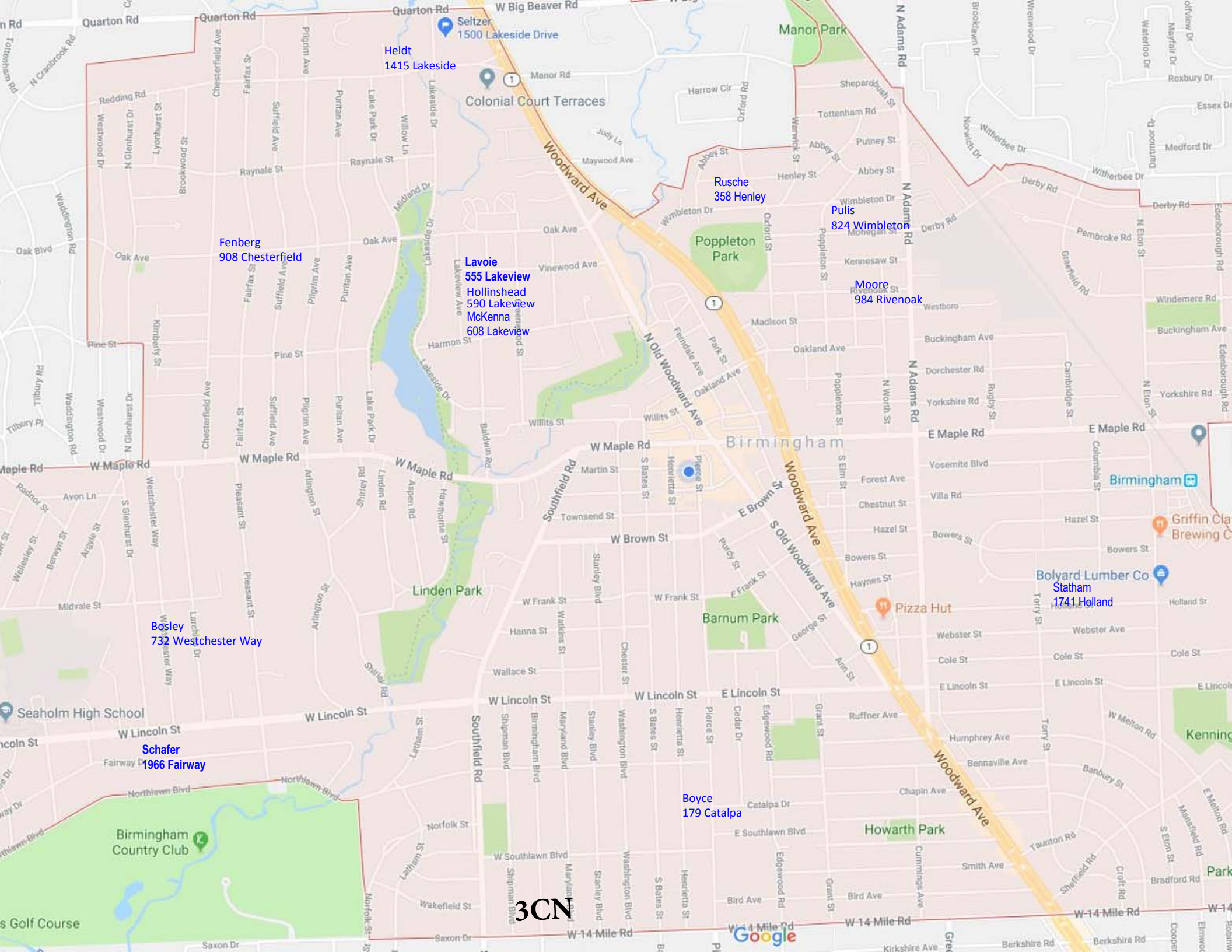
"I have read and I understand the Code of Ethics of the City of Birmingham and, to the best of my knowledge, I am not in conflict with its provisions."

John Busche 11/22/2017
Signature of city official or employee Date

Subscribed and sworn to before me this _____ day of _____, ____.
Notary Public
Acting in the County of _____, Michigan

Signature of Notary
My commission expires _____.

FOR OFFICE USE ONLY	
Accepted by _____	Date _____



Heldt
1415 Lakeside



Seltzer
1500 Lakeside Drive

Fenberg
908 Chesterfield

Lavoie
555 Lakeview
590 Lakeview
608 Lakeview

Rusche
358 Henley

Pulis
824 Wimbleton

Moore
984 Rivenoak

Bosley
732 Westchester Way

Schafer
1966 Fairway

Boyce
179 Catalpa

Bolyard Lumber Co
Statham
1741 Holland

3CN



EXCERPT
BIRMINGHAM CITY COMMISSION MINUTES
DECEMBER 4, 2017
MUNICIPAL BUILDING, 151 MARTIN
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

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.

BIRMINGHAM CITY COMMISSION MINUTES
JANUARY 8, 2018
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 (arrived at 7:36 p.m.) Commissioner Sherman
Absent,	None

Administration: City Manager Valentine, City Attorney Currier, Communications Director Byrnes, Police Chief Clemence, Fire Chief Connaughton, Planning Director Ecker, Director of Finance/Treasurer Gerber, Deputy Treasurer Klobucar, City Clerk Mynsberge, City Engineer O'Meara

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

Mayor Harris introduced Assistant City Manager Tiffany Gunter.

Mayor Harris announced 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 was celebrated.

01-001-18 APPOINTMENTS TO THE PUBLIC ARTS BOARD

The Commission interviewed Monica Neville and Barbara Heller, current Board members.

MOTION: Motion by Commissioner Boutros:

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

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

MOTION: Motion by Commissioner Sherman:

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

VOTE: Yeas, 7

Nays, 0

Absent, 0

Commissioner Hoff stated she would like to see the Board's two alternate positions filled as well.

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.

01-002-18

APPROVAL OF CONSENT AGENDA

The following items were removed from the Consent Agenda:

- Commissioner Hoff: Item I, Vehicle Towing and Storage Bid
Item J, Collection Agency Services Bid

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

To approve the Consent Agenda, with Items I and J removed and, regarding Items L and M, with special note of thanks to Lex Kuhne and Adam Charles for their service on City boards.

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

- Approval of City Commission meeting minutes of December 4, 2017, as amended.
- Approval of City Commission meeting minutes of December 11, 2017.
- Approval of warrant list, including Automated Clearing House payments, dated 12/13/2017 in the amount of \$853,074.63.
- Approval of warrant list, including Automated Clearing House payments, dated 12/20/2017 in the amount of \$1,350,602.11.
- Approval of warrant list, including Automated Clearing House payments, dated 01/03/2018 in the amount of \$650,191.37.
- 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.
- 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

01-003-18 AMENDMENT TO CITY CODE 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

From City Attorney Currier's letter to City Manager Valentine dated January 5, 2018:

Chapter 10 of the Birmingham City Code involves the enforcement of liquor license rules regarding consummation of liquor on or about the premises. The proposed amendment to delete Sec. 10-107 of Division 5 and add Division 6. Violations of License Contracts or Special Land Use Permits (SLUP) 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.

MOTION: Motion by Mayor Pro Tem Bordman, seconded by Commissioner DeWeese:
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 Licenses, Contracts or Special Use Permits. (*Appended to these minutes as Attachment A*)

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

**01-004-18 CONTINUATION OF PUBLIC HEARING TO CONSIDER A SPECIAL
LAND USE PERMIT AMENDMENT AND FINAL SITE PLAN FOR 210
S. OLD WOODWARD - VINOTECCA**

Mayor Harris continued the public hearing from December 11, 2017.

From Planning Director Ecker's report to City Manager Valentine dated January 2, 2018:

On December 11, 2017, the City Commission opened the public hearing to discuss the proposed SLUP Amendment and Final Site Plan for Vinoteca 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.

Mayor Harris closed the public hearing at 7:50 p.m.

MOTION: Motion by Commissioner Sherman, seconded by Commissioner DeWeese:
To approve a Special Land Use Permit Amendment and Final Site Plan for Vinoteca 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. *(Formal resolution appended to these minutes as Attachment B)*

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

**01-005-18 CONTINUATION OF 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.

Mayor Harris continued the public hearing from December 11, 2017.

From Planning Director Ecker's report to City Manager Valentine dated January 2, 2018:

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.

Planning Director Ecker confirmed for Mayor Pro Tem Bordman that:

- The City planted the tree required by 220 Restaurant's SLUP.

- Zaid Elia, owner of 220 Restaurant, reimbursed the City \$400 for the tree and its planting.

Mayor Harris closed the public hearing at 7:55 p.m.

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

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. *(Formal resolution appended to these minutes as Attachment C)*

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

VI. NEW BUSINESS

01-006-18 OLD WOODWARD AVE. PAVING PROJECT, CONTRACT #1-18(P) CONTRACT AWARD

From City Engineer O'Meara's report to City Manager Valentine dated December 19, 2017:

On November 7, 2017, revised plans for the project were issued for bids 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 project. 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, 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	BUDGET	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	\$ 7,709,520		

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.

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.

City Engineer O'Meara confirmed for Commissioners Sherman and Hoff that:

- During the three weekends when Maple and Woodward will be closed to traffic, work will be performed on both Saturday and Sunday.
- The contractor may request to work on other Sundays should they so choose, and those hours will be granted at the discretion of the City Manager's office.
- The intersections of Maple and Woodward and Old Woodward and Brown will not be closed simultaneously.
- The new electrical system on Old Woodward will be to power city lights.
- The budget for the project increased due to the increase in the project's complexity. The recommended bid came in under the updated budget.

MOTION: Motion by Commissioner Sherman, seconded by Commissioner Nickita:
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>

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>

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

**01-007-18 OLD WOODWARD AVE. PAVING PROJECT-SEWER & WATER
 LATERAL SPECIAL ASSESSMENT DISTRICT
 STREETSCAPE SPECIAL ASSESSMENT DISTRICT**

Commissioner Sherman stated that setting a date for a public hearing is usually placed on the Consent Agenda, but since the approval of the associated project also came before the Commission this evening, the item was placed under New Business.

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

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

**01-008-18 PROPOSED SIDEWALK STREETScape ASSESSMENT
 OLD WOODWARD AVE. PAVING PROJECT**

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

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

City Engineer O'Meara outlined for Commission Hoff the communications and meeting plan for contacting all property owners concerned.

**01-009-18 W. MAPLE ROAD PEDESTRIAN ISLANDS-MULTI-MODAL
 TRANSPORTATION BOARD RECOMMENDATION**

City Engineer O'Meara reported that after study and discussion the Multi-Modal Transportation Board (MMTB) did not recommend pedestrian islands at:

- Chesterfield Avenue, due to potential interference with the Fire Department; and,
- Between Suffield Avenue and Pilgrim Avenue, due to feedback from homeowners and United Methodist Church members who frequent the intersection.

City Engineer O'Meara continued that the MMTB recommended installation of pedestrian crossing traffic islands at Lake Park Avenue and Linden Road and Baldwin Road east of Hawthorne Street, in accordance with the plans prepared for this work. The MMTB recommended including this work in the 2018 Concrete Sidewalk Program, at an estimated cost of \$108,000.

City Engineer O'Meara confirmed for Mayor Pro Tem Bordman that the large tree near the proposed Baldwin Road crossing traffic island will not need to be moved.

Mayor Pro Tem Bordman said the installation of the island at Baldwin Road will be a great help for pedestrians.

Commissioner Nickita stated that:

- These islands aid in the effort to make Birmingham increasingly pedestrian-friendly.
- Having multiple islands along West Maple will encourage drivers to expect pedestrians along that stretch of road.
- Strategies to enhance pedestrian accommodations at Chesterfield Avenue should be explored in the near future.
- Previous pedestrian accommodations at Lincoln and Oak promoted decreased driving speed and increased pedestrian traffic.

City Engineer O'Meara confirmed for Commissioner Hoff that:

- The landscaping will consist of hardy perennials that can withstand road salt.
- The islands will be done next summer.
- It would be possible to remove the crosswalk that is currently in place on Baldwin Road should the Commission see fit to do so.

Commissioner Hoff stated that pedestrians should still exercise caution in these areas.

Commissioner Boutros shared his approval of the proposal and his agreement with Commissioner Nickita that pedestrian accommodations at Chesterfield Avenue should be revisited in the near future.

City Manager Valentine stated that the City can review pedestrian accommodations at Chesterfield Avenue once the new Fire Station is open.

Commissioner DeWeese said he:

- Approves of revisiting the Chesterfield Avenue pedestrian accommodations.
- Prefers to wait on the Baldwin crossing in order to observe actual behavior.
- Supports the resolution but would not change Baldwin at this time.

MOTION: Motion by Commissioner Nickita, seconded by Mayor Pro Tem Bordman:

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.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

**01-010-18 LOCAL STREETS PAVING PROGRAM
 MULTI-MODAL TRANSPORTATION BOARD RECOMMENDATION**

From City Engineer O'Meara's report to City Manager Valentine on January 5, 2018:

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.

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.

It was proposed that the Bennaville Ave. block be narrowed from 32' to 26'. At the January 4, 2018 public hearing held by the MMTB, however, five households expressed a desire to see the road width remain 32'. The MMTB changed its recommendation to 32', in order to align with public preference.

The MMTB also recommended that the:

- Ruffner Ave. block be narrowed from 28' to 26'.
- Chapin Ave. block to the west of Cummings remain 26', and Chapin Ave. to the east of Cummings be reduced by 2' in order to make it 26'.
 - Two households indicated they were not in favor of narrowing the east side of Chapin Ave. Four mature trees along this roadway would be negatively affected by leaving Chapin Ave. to the east of Cummings at 28' during the restoration of the road.

Planning Director Ecker confirmed for Commissioner Hoff that the MMTB vote on Chapin and Ruffner passed 4-3.

City Engineer O'Meara clarified for Commissioner Nickita that:

- Portions of Cummings and Henrietta were recently rebuilt to 26'.
- A 26' road standard has applied since 1998 for roads with no curb and gutter.
- There is no available data on changes in traffic patterns due to these road updates.

City Engineer O'Meara explained to Mayor Pro Tem Bordman that the close split on the MMTB's vote regarding Chapin was due to the fact that Chapin does not have many issues with speeding, and members of the public prefer the street width be left as-is.

Mayor Pro Tem Bordman expressed concern with:

- The City's lack of criteria for when to apply the 26' road standard; and
- The MMTB making their decision largely based on public opinion.

She concluded that the lack of criteria means the Commission does not have enough information to vote on this issue.

Commissioner DeWeese:

- Concurred with Mayor Pro Tem Bordman's concerns.
- Preferred not to move ahead without a clarification of City policy from the MMTB and the City's traffic consultants.

City Engineer O'Meara confirmed for Mayor Harris that:

- The 2016 Plan has a decision tree to determine when deviations from the 26' road standard are appropriate.
- It is assumed that parked cars take up approximately 8', and a travel lane should be a minimum of 10'.
- Reducing Chapin to 26' would likely save four mature trees, and reducing Ruffner to 26' would save about ten mature trees.

City Engineer O'Meara continued that the MMTB did take standards into consideration by recommending that Chapin and Ruffner undergo the same changes, and that Bennaville be different due to different circumstances.

Commissioner Nickita noted that:

- While 8' is allocated for parked cars, usually only 6-7' is used, leaving 12-14' for a driving lane.
- The driveways every 30-40' along the street create gaps in the cars that are parallel parked and allow cars to pass each other.

Commissioner Nickita also concurred with Mayor Pro Tem Bordman's concerns.

Gary Cromie, a Chapin resident, stated:

- He enjoys the wide street.
- He has been in forestry his entire life.
- There are only three trees on Chapin Ave., all of which are past their useful lifespan.
- Speeding is unlikely because the block is only approximately 300' long.
- Houses sufficiently identify a residential area without bump-outs.
- The streets should be repaved prior to the City's formulation of standards because the asphalt is in poor condition.

Audrey Marcus, a Chapin resident, said that:

- Narrowing the street to 26' will make navigating the road very dangerous in icy conditions.
- The wider block of Chapin is much safer and more pleasant than the narrower block.
- Chapin does not need to be repaved, and that the money would be better spent on more active clearing of snow and ice from streets.
- After some internet searching she learned that the standard street width is 28', allowing 8' for cars by a curb and 20' for an emergency vehicle.
- If all four redone streets have requested exceptions to the 26' standard, the problem is likely the standard, not the streets.

City Manager Valentine confirmed for Ms. Marcus that no assessment would apply for the repaving; only if a sewer or water lateral needs replacing.

Edmund Aronowitz, a Bennaville resident, stated that he is glad the MMTB recommended Bennaville remain its current width, and recommends Chapin remain its current width as well. He noted that a 26' standard only seeks to minimize speed but does not sufficiently account for other aspects of neighborhood livability.

Chrysanthe Buschmohle, a Chapin resident, stated that:

- Bump-outs will create a bottleneck and only Lincoln has them.
- There is no speeding problem on Chapin.
- Her car has been sideswiped at the street width of 28', and she is concerned it would occur more often on a narrower street.

Rosalind Nessel, a Chapin resident, shared her opposition to the proposal because large vehicles travelling the alleyways make the extra space necessary. Narrowing the street would increase hazards for children, pedestrians, cyclists and drivers. These changes may even decrease

property values by reducing available parking. Ms. Nessel confirmed for Commissioner DeWeese that trucks are turning from the alley going west.

City Planner O'Meara explained that the water and sewer assessment would be \$1,000 - \$3,000 per pipeline, and would only apply if the water service is less than 1" or if the pipe is more than 50 years old.

Jane Petersen, a Bennaville resident, stated that she is 16, just began driving, and believes that narrowing the street would make the street much more dangerous for everyone involved.

Carl Petersen, a Bennaville resident, said he is glad the MMTB recommended Bennaville remain its current width, especially because the city standard was for existing, uncurbed roads.

Victoria Petersen, a Bennaville resident, asked if there is data comparing traffic incidents between Birmingham's wider and narrower streets. She continued that she cannot see the benefit of narrowing the road, especially since the wider road seems more safe.

Ena Brown, a Bennaville resident, stated that driving the narrower streets east of Grant is harrowing, and that the Edgewood Ave. to Grant St. block of Bennaville is currently devoid of the same issues. She continued that:

- Bennaville is a beautiful, functioning street.
- Three other neighbors who were not able to attend tonight's meeting sent along their desire to see the road width remain the same.
- A University of California study suggested that people largely prefer a street width of 36', which begs the question of why 26' is being proposed as the standard.

Sara Bauman, a Bennaville resident, stated that:

- Part of her family's consideration in purchasing their home on Bennaville was the road's width.
- Narrowing the street will impede various sightlines, including the one between her house and the bus stop.
- Due to inadequate snow and ice removal in the winter, cars often are not able to park close to the curb, which would make a narrower street much less safe.
- Construction vehicles that may be parking on the street are not the same width as other vehicles, and if construction continues to occur on Bennaville, those vehicles must be considered.
- Her civil-engineer father told her that Birmingham's 26' standard is unwise.

Tom Hubbard, a Bennaville resident, echoed comments of his neighbors on Bennaville. He stated that:

- Narrowing the street would decrease visibility and make the area less safe.
- If the standards are going to be applied, considering citizen input is essential.
- He does not want to see citizen opinion dismissed after information is gathered.
- This project is different from West Maple because this project has residents who are providing input, whereas the West Maple project did not.

Frank Colasonti, Jr., a Chapin resident, was in opposition of the changes. He shared concern about:

- Parking, as his car has already been hit twice by his neighbor;
- The width of SUVs and construction vehicles being prohibitive to driving if the street is narrowed; and
- Congestion at the entrance of the street from Woodward if bump-outs are added.

In an email to the Commission Mr. Colasonti included suggestions for changed neighborhood signage in order to improve safety. He also stated that the neighborhood does not have a speeding problem, and that not every neighborhood is alike, so the same standards do not work well everywhere.

City Engineer O'Meara explained for Commissioner Nickita that:

- Catalpa Road was redone in 2015, and remained 28' wide.
- Catalpa Road remained 28' because the policy has been to leave road widths as-is unless there was a need to change them.
- The 26' standard from 1998 was for roads without a curb and gutter.

City Engineer O'Meara said that Cummings is the only other road in the area that has been recently redone.

Planning Director Ecker explained to Commissioner Hoff that the Commission-approved transitional zoning ordinance included provisions for bump-outs in order to distinguish between residential and commercial areas.

Commissioner Hoff stated she is inclined to agree with the residents, since they are the experts on what is working in their neighborhoods.

Commissioner Nickita questioned the wisdom of having standards if public opinion can undermine said standards. He continued that:

- Criteria for deviation should be in place before deviation occurs.
- The West Maple decision was also unpopular but done according to research, which informs his opinion on this issue.
- The decision should not be moved forward until more information is available.

Commissioner Sherman said that the Commission originally wanted to differentiate between commercial and residential zoning but did not necessarily plan to use bump-outs on every street to do so. He continued that on main streets bump-outs are effective, but that on smaller streets they are a hindrance. His inclination was not to include them.

Mayor Pro Tem Bordman concurred with Commissioner Sherman. She continued that:

- Alternative ways of delineating neighborhoods, such as pillars or signage, could be useful.
- Both the residents' points and Commissioner Nickita's points are valid.
- She lacked the information necessary to make a decision at this time.
- A standard cannot exist when there is so much variation.
- The City needs to decide on the usefulness and criteria for a standard road width.
- She wishes to vote the way the residents would like her to vote, but her responsibility to the City requires due diligence which means a delay on the vote in order to gather more information.

City Engineer O'Meara explained to Commissioner Boutros that:

- Streets are selected for repair based on the service life of the concrete.
- There are no imminent plans to update any other streets in the neighborhood.

Commissioner Boutros said he would like to see further study before deciding.

City Engineer O'Meara told Commissioner DeWeese that the streets could last two more years. Commissioner DeWeese replied that the decision should be deferred, and the City should focus on the Master Planning process and clarifying policy.

Mayor Harris said:

- The two important factors in this decision are city standards and public opinion.
- He agrees with Commissioner Hoff that residents likely know the streets best.
- He would like to leave Bennaville at 32', and have the MMTB conduct further study on the other two streets.

City Engineer O'Meara told Commissioner Sherman that the useful life of Ruffner and Chapin cannot be extended through asphalt application.

City Engineer O'Meara told Mayor Harris that the updates are scheduled for July – November 2018, and that there could be a cost increase if the project is broken into parts.

Commissioner Hoff said she sees this as different from the West Maple project, because West Maple was a test based on a lack of information, whereas these residents are very clear on what works for them.

City Engineer O'Meara told Mayor Pro Tem Bordman that delays could be detrimental to the project.

City Manager Valentine told Mayor Pro Tem Bordman that the MMTB could add this issue to their next meeting, but that he could not guarantee a timeframe for formulating standards.

Mayor Pro Tem Bordman said she would like to wait another year in order to gather the necessary information and formulate the standards.

Mayor Harris stated that the Commission can approve reconstruction and decide which widths should apply to each street.

Commissioner Nickita said that the Commission should take no action this evening and direct the MMTB to study this within the next year.

Juliuse Harrison, a Chapin resident, stated that reducing the width of the street would cause a lot of problems, especially in regards to snow clearing.

Commissioner DeWeese stated that:

- A delay is an attempt to gather further information.
- The Commission sets City policy, so it should not be making this and other decisions ad hoc.

- The residents should voice their concerns at the MMTB meetings.
- He supports Commissioner Nickita's proposal to do more research and return to the decision within a year.

Commissioner Hoff said the Commission has an obligation to vote, especially in light of the residents' input and the fact that this project is already budgeted.

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

To modify 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 to 28 ft.
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.

City Engineer O'Meara pointed out that no one has objected to the plans for Ruffner, and leaving the street at 28' will require the removal of several trees.

Mayor Pro Tem Bordman supported the motion because there seems not to be a standard, and she supports further study of the matter.

Commissioner Nickita stated he does not support the motion because the city needs standards and further study by the MMTB is required.

City Engineer O'Meara and Commissioner Sherman attempted to review 15 years of updates to improved streets and whether the updates included width changes, but many of the answers were guesses.

Commissioner Sherman noted that on improved streets, it seemed the city largely left street width as is. He continued that this information provides the Commission with some guidance.

Commissioner Hoff pointed out that even the MMTB had a close split on this issue and that it is not clear-cut, hence the motion.

Mayor Harris said he objected to Item 2 of the motion.

Commissioner Nickita noted that the uncertainty about street width changes to improved streets demonstrates the need for further study.

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

To amend the main motion to read:

To modify 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. between Grant St. and the Woodward Ave. alley shall be reconstructed to 26'.
3. Chapin Ave. between Grant St. and Cummings shall be reconstructed to match its current width of 26'
4. Chapin Ave. between Cummings and the Woodward Ave. alley shall be reconstructed to match its current width of 28'.

Commissioner DeWeese stated he would vote in favor of the amendment, but would not vote in favor of the entire motion as he shares Commissioner Nickita's concerns.

VOTE ON AMENDMENT:

Yeas,	6
Nays,	1 (Nickita)
Absent,	0

VOTE ON MAIN MOTION AS AMENDED:

Yeas,	4
Nays,	3 (DeWeese, Nickita, Sherman)
Absent,	0

VII. REMOVED FROM CONSENT AGENDA

01-011-18	TOWING CONTRACT TO PROVIDE TOWING AND STORAGE OF IMPOUNDED, ABANDONED, ACCIDENT AND OTHER MOTOR VEHICLES (ITEM I)
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Chief Clemence confirmed for Commissioner Hoff that:

- Bob Adams Towing, Inc. has been providing services to the City of Birmingham for at least 33 years.
- The costs to the City are remaining the same, while the costs to the proprietor of a towed vehicle will increase slightly.

MOTION: Motion by Commissioner Hoff, seconded by Commissioner DeWeese:
To accept the bid submitted by Bob Adams Towing, Inc. to provide Towing and Storage of impounded, abandoned, accident and other motor vehicles, and to authorize the Mayor and the City Clerk to execute the contract on behalf of the city.

VOTE:	Yeas,	7
	Nays,	0
	Absent,	0

01-012-18	CONTRACT FOR COLLECTION AGENCY SERVICES (ITEM J)
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Deputy Treasurer Klobucar explained to Commissioner Hoff that the contract received five bids, and the only bidding contractor from Michigan had fees 5% higher than Universal Fidelity LP.

MOTION: Motion by Commissioner Hoff, seconded by Mayor Pro Tem Bordman:
To accept 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.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

VIII. COMMUNICATIONS

None.

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

None.

X. REPORTS

01-013-18 COMMISSIONER COMMENTS

Mayor Harris announced that Baldwin Public Library will hold a re-enactment of Rosa Parks' refusal to give up her bus seat at 3:00 p.m. on Monday, January 15 – Martin Luther King Jr. Day. Registration is required and may be done online.

Mayor Pro Tem Bordman stated that in the recently adopted economic development ordinance, "church" should either be defined as "any religious institution", or other potential religious institutions like temple, mosque, and synagogue should be listed.

01-014-18 CITY STAFF REPORTS

The Commission received the Parking Utilization Report as submitted by City Engineer O'Meara. Mayor Pro Tem Bordman noted that the city has a lot of parking available. The garages are generally open and did not reach capacity any day in the months of July, August, September, October, November or December of 2017.

The Commission received the Allen House Siding Update as submitted by Museum Director Pielack. Commissioner Hoff commented it came out beautifully.

City Manager Valentine explained to Commissioner Hoff that the overhang is white, and the area in the photo that looks black is a shadow.

Commissioner Hoff asked if the new shingles will be contemporary or historical in appearance.

XI. ADJOURN

Mayor Harris adjourned the meeting at 10:46 p.m.

J. Cherilynn Mynsberge, City Clerk

**AN ORDINANCE TO AMEND PART II OF THE CITY CODE, CHAPTER 10.
ALCOHOLIC LIQUORS, ARTICLE II. LICENSES, BY DELETING SEC. 10-
107 FROM DIVISION 5. AND ADDING DIVISION 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

Section 10-107. Section deleted.

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 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.

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

**01-004-18
RESOLUTION
VINOTECCA
210 S. OLD WOODWARD
SPECIAL LAND USE PERMIT AMMENDMENT 2017**

- WHEREAS, Vinoteca 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 Vinoteca, along with minor interior and exterior changes;
- WHEREAS, The applicant received SLUP approval from City Commission on October 7th, 2013 for the restaurant HOME;
- WHEREAS, The applicant received SLUP approval from City Commission on February 10th, 2014 to change the name from HOME to The Bird and the Bread;
- WHEREAS, The Planning Board on November 8th, 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 Vinoteca, 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 Vinoteca'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 Vinoteca'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. Vinoteca shall be permitted to provide entertainment in accordance with their entertainment permit issued by the MLCC; AND
2. Vinoteca 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, Vinoteca 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 Vinoteca 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 Vinoteca 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, 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 January 8, 2018.

J. Cherilynn Mynsberge

**01-005-18
RESOLUTION
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 accordance with their entertainment permit issued by the MLCC
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, 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 January 8, 2018.

J. Cherilynn Mynsberge, City Clerk

City of Birmingham
Warrant List Dated 01/10/2018

Meeting of 01/22/2018

Check Number	Early Release	Vendor #	Vendor	Amount
255265	*	000855	48TH DISTRICT COURT	100.00
255266	*	000855	48TH DISTRICT COURT	100.00
255267	*	000855	48TH DISTRICT COURT	400.00
255268	*	000855	48TH DISTRICT COURT	100.00
255269	*	000855	48TH DISTRICT COURT	100.00
255270	*	000855	48TH DISTRICT COURT	100.00
255271	*	000855	48TH DISTRICT COURT	100.00
255272	*	000855	48TH DISTRICT COURT	100.00
255273	*	000855	48TH DISTRICT COURT	100.00
255274		MISC	AARON KOSIBA	100.00
255275	*	008649	ROBERT ABRAHAM JR.	425.00
255276		007071	AIRE SERV	89.00
255278		007696	AMERICAN CLEANING COMPANY LLC	1,350.00
255279		MISC	AMERICAN FIREPLACE	60.00
255280	*	003243	AMERICAN PRINTING SERVICES INC	445.00
255281	*	007510	GRANT ANKNEY	425.00
255282		MISC	APOLLO MANGEMENT AND CONSTRUCTION L	500.00
255283		007566	ART & FRAME STATION	150.00
255285		000500	ARTECH PRINTING INC	166.00
255286		001466	ASCAP	348.00
255287	*	006759	AT&T	134.93
255288	*	006759	AT&T	119.93
255289	*	007216	AT&T	89.82
255290		MISC	BABI CONSTRUCTION INC	572.17
255291		MISC	BACKERS CONSTRUCTION INC	100.00
255292		006316	BAHL & GAYNOR, INC	5,259.48
255293	*	008009	TREVOR BAKER	425.00
255294		001122	BOB BARKER CO INC	1,471.27
255295	*	003839	MATTHEW J. BARTALINO	425.00
255296		MISC	BEDIENT CONSTRUCTION	123.75
255297	*	000517	BEIER HOWLETT P.C.	28,424.25
255299		008503	BIRDIE IMAGING SUPPLIES, INC	889.20
255301	*	MISC	BIRMINGHAM BOWER LLC RALPH FERANZO	1,398.43
255302		007624	BIRMINGHAM OIL CHANGE CENTER, LLC	31.97
255303		MISC	BIRMINGHAM SEALCOAT INC	100.00
255304	*	001086	CITY OF BIRMINGHAM	634.31
255305		MISC	BMB WHOLESALE INC	100.00
255306		MISC	BOMMARITO, CHRISTOPHER J	100.00
255307		000431	BRESSER'S INFORMATION SERVICE	810.00
255309	*	006177	BULLSEYE TELECOM INC	107.44
255312		MISC	C & L WARD BROS CO	200.00
255314		008082	CAMFIL USA INC	358.52
255315		007875	CANFIELD EQUIPMENT SERVICE INC.	2,910.00

City of Birmingham
Warrant List Dated 01/10/2018

Meeting of 01/22/2018

Check Number	Early Release	Vendor #	Vendor	Amount
255317	*	000598	CHRISTOPHER CATON	425.00
255318	*	000444	CDW GOVERNMENT INC	8,962.39
255320		MISC	CHARLES & BETSY CORKUM	200.00
255321		000603	CHEMCO PRODUCTS INC	442.00
255322		000605	CINTAS CORPORATION	241.90
255323		MISC	CLARKS BUILDING LLC	300.00
255324	*	008044	CLUB PROPHET	590.00
255325	*	007625	COMCAST	944.03
255327		MISC	COUNTRYSIDE CONSTRUCTION COMPANY, I	200.00
255328		005742	CRAIN'S DETROIT BUSINESS	44.00
255329	*	007638	MARSHALL CRAWFORD	425.00
255330		004386	CYNERGY PRODUCTS	561.00
255331		MISC	DAVID E WINN REVOC LVNG TRUST	500.00
255332		MISC	DAVID PAUL FORCE	1,400.00
255333		MISC	DEERBROOK CONSTRUCTION CO	100.00
255334	*	003204	MARK DELAUDER	319.92
255335		000956	DELTA TEMP INC	522.90
255336	*	006999	CHRISTOPHER DEMAN	425.00
255338	*	MISC	DORIS JOYAL GALLAGHER	792.95
255339		001035	DOUGLASS SAFETY SYSTEMS LLC	1,598.89
255340		000190	DOWNRIVER REFRIGERATION	60.22
255342	*	000179	DTE ENERGY	4,571.79
255343		002460	EASTERN MICHIGAN UNIVERSITY	3,000.00
255344		004671	ELDER FORD	897.76
255345	*	000213	FIRE DEFENSE EQUIP CO INC	660.00
255346		MISC	FISHER, JAMES D	100.00
255347		MISC	FOUNDATION SYSTEMS OF MICHIGAN INC.	193.75
255349	*	007289	BRIAN FREELS	425.00
255350		MISC	FROST, RICHARD J	1,000.00
255351		001023	GABRIEL, ROEDER, SMITH & CO.	1,500.00
255352		006384	GEOGRAPHIC INFORMATION SERVICES, IN	220.56
255353		MISC	GILLETTE BROTHERS POOL & SPA	300.00
255354	*	008648	HUNTER GILLYCK	425.00
255355	*	008105	JASON GRANROTH	425.00
255356	*	008382	GREAT LAKES PORTABLE STORAGE LLC	169.00
255357	*	000247	DAVID GREENWOOD	425.00
255358		MISC	GRENNAN CONSTRUCTION	200.00
255360		000249	GUARDIAN ALARM	224.03
255361		MISC	GUTPA FAMILY LVNG TRUST	200.00
255363		001447	HALT FIRE INC	1,273.49
255364		MISC	HANSONS ADMINISTRATIVE GROUP LLC	600.00
255365		001672	HAYES PRECISION INC	61.00
255366		MISC	HM HOMES LLC	1,400.00

City of Birmingham
Warrant List Dated 01/10/2018

Meeting of 01/22/2018

Check Number	Early Release	Vendor #	Vendor	Amount
255367		MISC	HOFMANN BROS CUSTOM BUILDERS INC	200.00
255368		MISC	HOMEWORKS CGO, INC.	500.00
255371	*	003824	THOMAS I. HUGHES	425.00
255374		MISC	INGRAM ROOFING INC	100.00
255375	*	002931	INLAND LAKES LANDSCAPING CORP	56,318.50
255376		002407	J & B MEDICAL SUPPLY	923.70
255377		MISC	J HAMMOND LLC	500.00
255378		MISC	JBE MANAGEMENT LLC	200.00
255380		000347	JOHN R. SPRING & TIRE CENTER INC.	183.00
255381	*	007244	CHRISTOPHER JUDKINS	425.00
255382	*	MISC	KATHRYN REED	2,271.87
255383		MISC	KELLY BUILDING & DEVELOPMENT CO LLC	200.00
255384	*	007511	ADAM KNOWLES	425.00
255385	*	000352	JILL KOLAITIS	1,656.00
255386		MISC	KOPKE HOME ENHANCEMENT INC	100.00
255387		005876	KROPF MECHANICAL SERVICE COMPANY	1,888.00
255388		008518	LERMA, INC.	50.00
255389		MISC	LEWAND CUSTOM HOMES LLC	7,400.00
255390	*	008142	LITTLE FREE LIBRARY	49.52
255391		008551	M & K TRUCK CENTERS	36.49
255392		MISC	MAC CONSTRUCTION, INC.	300.00
255393		001669	MACP	115.00
255394		MISC	MAINSTREET RESTORATIONS & REMODELIN	200.00
255395		MISC	MALISZEWSKI, MATTHEW	100.00
255396		MISC	MARK AND SUZANNE REYNOLDS TRUST	100.00
255397		MISC	MAURO PIO-FABRIZIO BIANCHINI	200.00
255399	*	000337	JIM MCCULLOCH	425.00
255400		000888	MCKENNA ASSOCIATES INC	3,356.50
255401		008652	MEDIA FRESH LLC	40.00
255402	*	MISC	MELVYN & DONNA STERNFELD &	400.83
255403	*	MISC	MICHAEL VAN SYCKLE	1,167.74
255406		000230	MIKE SAVOIE CHEVROLET INC	982.55
255407		MISC	MILLCREEK CONSTRUCTION MANAGEMENT C	1,800.00
255408	*	007306	MARK MISCHLE	425.00
255409		007163	MOBILE HEALTH RESOURCES	1,589.08
255410		001089	MUNICIPAL CODE CORP.	440.00
255411	*	007856	NEXT	24,952.50
255414		001864	NOWAK & FRAUS ENGINEERS	6,063.00
255415		006359	NYE UNIFORM COMPANY	613.30
255416		MISC	O'DWYER BUILDING COMPANY	500.00
255417		001686	OAKLAND CO CLERKS ASSOC	50.00
255418		004110	OAKLAND COMMUNITY COLLEGE	790.00
255418	*	004110	OAKLAND COMMUNITY COLLEGE	1,450.00

City of Birmingham
Warrant List Dated 01/10/2018

Meeting of 01/22/2018

Check Number	Early Release	Vendor #	Vendor	Amount
255419		000919	OAKLAND COUNTY TREASURER	23.43
255420		004370	OCCUPATIONAL HEALTH CENTERS	472.00
255422		MISC	OROW HOME IMPROVEMENT	300.00
255423		002767	OSCAR W. LARSON CO.	1,000.00
255424	*	003963	DAVID PAPANDREA	425.00
255425		008197	PARKMOBILE LLC	69.96
255426	*	MISC	PATRICK BESHOURI	1,977.28
255427		MISC	PEABODY OWNER LLC	15,000.00
255428		MISC	PELLA WINDOWS & DOORS, INC.	1,000.00
255429	*	006027	PENCHURA, LLC	178.00
255430	*	001753	PEPSI COLA	578.53
255431		MISC	PERSPECTIVES CUSTOM CABINETRY INC	200.00
255433		001277	PHYSIO-CONTROL CORP.	2,299.50
255434		000801	POSTMASTER	225.00
255435		006729	QUENCH USA INC	120.00
255437		MISC	RENAISSANCE RESTORATIONS INC	200.00
255438		MISC	REYNOLDS, JANE	200.00
255439		MISC	RHI INC	200.00
255440		MISC	RID-A-LEAK WATERPROOFING LLC	200.00
255441	*	003554	RKA PETROLEUM	11,880.55
255442		MISC	RMZ CONSTRUCTION	100.00
255443		000478	ROAD COMM FOR OAKLAND CO	6,891.88
255444		MISC	ROCK BUILDING COMPANY INC	2,000.00
255445		MISC	ROOF-RITE, INC.	300.00
255446		001181	ROSE PEST SOLUTIONS	71.00
255447		000218	ROYAL OAK P.D.Q. LLC	27.00
255448	*	007897	JEFFREY SCAIFE	425.00
255449	*	007898	JEFFREY SCHEMANSKY	425.00
255450	*	002087	SEMCOG	2,728.00
255451	*	001551	SESAC	417.00
255452		MISC	SHERRIFF-GOSLIN CO.	100.00
255453		007142	SHERWIN-WILLIAMS COMPANY	209.94
255455	*	006591	MICHAEL SLACK	425.00
255456	*	007899	NICHOLAS SLANDA	425.00
255457		MISC	SMOLYANOV HOME IMPROVMENT	200.00
255458	*	003466	ALAN SOAVE	425.00
255459		000254	SOCRRA	61,960.00
255460	*	007245	NICK SOPER	425.00
255461		MISC	SRK BLUE VENTURES LLC	100.00
255462		MISC	STERLING DEVELOPMENT CORP	500.00
255463	*	008194	TOM STILES	425.00
255466	*	008507	SUPERFLEET MASTERCARD PROGRAM	331.93
255467		MISC	TEMPLETON BUILDING COMPANY	200.00

City of Birmingham
Warrant List Dated 01/10/2018

Meeting of 01/22/2018

Check Number	Early Release	Vendor #	Vendor	Amount
255468		000273	TERMINAL SUPPLY CO.	389.72
255470		MISC	TORINO QUALITY HOMES	400.00
255471		MISC	TOWER CONSTRUCTION LLC	2,000.00
255472		MISC	TRI PHASE COMMERCIAL CONST LLC	300.00
255474		MISC	UNILAND CORPORATION	200.00
255475		MISC	UNITED HOME SERVICES	100.00
255476		003760	UNUM LIFE INSURANCE CO. OF AMERICA	15,707.51
255477	*	000158	VERIZON WIRELESS	138.05
255479	*	000158	VERIZON WIRELESS	152.09
255481		MISC	WALLSIDE INC	1,171.25
255483	*	MISC	WELLS FARGO BANK	3,398.53
255484	*	000301	PAUL WELLS	425.00
255485	*	007894	BRENDA WILLHITE	250.00
255486	*	MISC	WILLIAM STIEFEL	122.20
255488	*	007362	WINTERGREEN CORPORATION	5,955.55
255489	*	007900	RYAN WISEMAN	425.00
255491		MISC	WRIGHT DESIGN & REMODELING	200.00
Sub Total Checks:				\$354,278.53
Sub Total ACH:				\$3,192,532.65
Grand Total:				\$3,546,811.18

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



Mark Gerber
Finance Director/ Treasurer

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

1/22/2018

City of Birmingham
ACH Warrant List Dated 1/10/2018

Vendor Name	Transfer Date	Transfer Amount
Birmingham Schools	1/3/2018	2,279,078.14
Oakland County Treasurer	1/3/2018	830,569.09
Automated Benefit Services, Inc.	1/8/2018	82,885.42
TOTAL		3,192,532.65

City of Birmingham
Warrant List Dated 01/17/2018

Meeting of 01/22/2018

Check Number	Early Release	Vendor #	Vendor	Amount
255493	*	000144	36TH DISTRICT COURT	100.00
255494	*	000855	48TH DISTRICT COURT	100.00
255495	*	000855	48TH DISTRICT COURT	100.00
255496	*	000855	48TH DISTRICT COURT	100.00
255497	*	000855	48TH DISTRICT COURT	100.00
255499		002284	ABEL ELECTRONICS INC	727.49
255500		008555	ABELL PEST CONTROL INC	40.00
255502		003708	AIRGAS USA, LLC	187.79
255503		007745	ALL COVERED	1,192.00
255504		007696	AMERICAN CLEANING COMPANY LLC	1,350.00
255506		000167	ANDERSON ECKSTEIN WESTRICK INC	1,500.00
255507		000282	APOLLO FIRE EQUIPMENT	1,400.00
255508	*	006759	AT&T	123.61
255509	*	006759	AT&T	1,088.54
255510	*	006759	AT&T	54.04
255511	*	006759	AT&T	135.23
255512	*	006759	AT&T	220.63
255513	*	006759	AT&T	206.61
255514	*	006759	AT&T	48.07
255515		MISC	B5 INVESTMENTS LLC	200.00
255517		MISC	BARAN BUILDING CO INC	500.00
255518		001122	BOB BARKER CO INC	247.70
255519		003012	BATTERIES PLUS	227.90
255520		007009	BEAUMONT HEALTH SYSTEM	70.00
255521		007345	BEVERLY HILLS ACE	50.77
255523	*	004931	BIDNET	20.87
255524	*	001734	BIRMINGHAM COMMAND OFFICERS	490.00
255525		007624	BIRMINGHAM OIL CHANGE CENTER, LLC	31.97
255526		000542	BLUE WATER INDUSTRIAL	88.75
255527		000157	BOB ADAMS TOWING INC.	65.00
255528		MISC	BRIAN LYNGAAS	50.00
255530		006380	C & S ICE RESURFACING SERVICES, INC	328.46
255531		008082	CAMFIL USA INC	354.42
255532		000595	CARRIER & GABLE INC	149.88
255534		000444	CDW GOVERNMENT INC	6,864.00
255537		008306	CHARTER TOWNSHIP OF BLOOMFIELD	908.90
255538		MISC	CHRISTINE DALTON	100.00
255539		007710	CINTAS CORP	257.59
255540		000605	CINTAS CORPORATION	161.78
255541		002234	CMP DISTRIBUTORS INC	2,138.00
255542	*	007774	COMCAST BUSINESS	1,910.96
255543		MISC	COMMUNITY HOUSE	200.00
255544		002668	CONTRACTORS CLOTHING CO	576.98

City of Birmingham
Warrant List Dated 01/17/2018

Meeting of 01/22/2018

Check Number	Early Release	Vendor #	Vendor	Amount
255545		008582	CORE & MAIN LP	1,928.60
255546		MISC	COY CONSTRUCTION INC	100.00
255547		004386	CYNERGY PRODUCTS	255.00
255549		008005	DE LAGE LANDEN FINANCIAL SVCS INC	173.75
255550		004232	DEARBORN LITHOGRAPH INC	15,066.00
255551	*	000177	DELWOOD SUPPLY	78.82
255553		MISC	DEMMON CHRISTOPHER ROBINSON	100.00
255554	*	000180	DTE ENERGY	53,105.03
255555	*	007538	EGANIX, INC.	720.00
255556		000196	EJ USA, INC.	2,115.15
255557		MISC	ERIK MORGANROTH	25.00
255558		MISC	EVOLUTION POOLS	200.00
255559		000207	EZELL SUPPLY CORPORATION	995.93
255561		008656	FBINAA	105.00
255562		004313	FBINAA MICHIGAN CHAPTER	995.00
255563		007212	FOSTER BLUE WATER OIL	1,040.34
255564		MISC	FOUNDATION SYSTEMS OF MICHIGAN INC.	100.00
255565	*	004604	GORDON FOOD	318.70
255566		004983	GREAT AMERICAN BUSINESS PRODUCTS	295.68
255567		007723	BRYAN GRILL	556.30
255569		MISC	HAMBLIN SIGNS	200.00
255570		003132	HASTINGS AIR-ENERGY CONTROL INC	283.95
255571		001672	HAYES PRECISION INC	30.50
255573		MISC	HOLSBEKE CONSTRUCTION, INC.	100.00
255574		MISC	HURON SIGN CO	200.00
255575		000948	HYDROCORP	1,315.00
255576		005990	ICC INC	135.00
255577		001820	IIMC	100.00
255578		004839	INTERNATIONAL ASSOCIATION OF	120.00
255579		MISC	IRON MOUNTAIN RENOVATIONS INC	200.00
255580		000261	J.H. HART URBAN FORESTRY	17,651.22
255581		000344	J.T. EXPRESS, LTD.	1,034.75
255582		MISC	JACK FAXON	80.00
255583		MISC	JEFFERY JONES	25.00
255584		003458	JOE'S AUTO PARTS, INC.	134.39
255585		MISC	JOHN MONIGOLD	1,000.00
255586	*	007837	LARYSSA R KAPITANEC	60.00
255587		004088	KGM DISTRIBUTORS INC	164.00
255588		MISC	KING DEVELOPMENT	100.00
255589	*	006370	KLM SCAPE & SNOW LLC	43,280.00
255590		005876	KROPF MECHANICAL SERVICE COMPANY	3,203.00
255591		MISC	KRUGER BUILDERS GROUP	100.00
255592		MISC	KT CONSTRUCTION GROUP LLC	200.00

City of Birmingham

Warrant List Dated 01/17/2018

Meeting of 01/22/2018

Check Number	Early Release	Vendor #	Vendor	Amount
255594		006817	LEXISNEXIS RISK SOLUTIONS	100.00
255597		008158	LOGICALIS INC	9,700.00
255599		007797	MAILFINANCE INC.	422.13
255600		004855	MAMC	450.00
255601		000377	MICHIGAN MUNICIPAL LEAGUE	1,820.00
255603	*	007659	MICHIGAN.COM #1008	97.50
255604		MISC	MIDPOINT CONSTRUCTION LLC	200.00
255608		000230	MIKE SAVOIE CHEVROLET INC	1,422.31
255609		MISC	MONIGOLD, JOHN	5,500.00
255610		MISC	NASTOVSKI, KRISTINA	100.00
255611		001864	NOWAK & FRAUS ENGINEERS	19,942.32
255612		006359	NYE UNIFORM COMPANY	474.00
255613	*	000477	OAKLAND COUNTY	243,109.33
255614		006870	OAKLAND COUNTY	30.00
255615		008214	OAKLAND COUNTY WATER DEPARTMENT	8,812.52
255616		008657	OCBOA	105.00
255620		006625	PACIFIC TELEMAGEMENT SERVICES	78.00
255621	*	008588	PERFECT MATCH FINISHING	950.00
255625		MISC	ROBERT L WOLK	200.00
255626		000218	ROYAL OAK P.D.Q. LLC	146.16
255627	*	002806	SAM'S CLUB/SYNCHRONY BANK	616.37
255628		MISC	SAS SERVICES INC	100.00
255630		MISC	SHELDON ALLEN LEMPert	200.00
255631		007142	SHERWIN-WILLIAMS COMPANY	231.20
255632	*	007882	MICHAEL SIMPSON	228.39
255633	*	001097	SOCWA	135,114.51
255634		MISC	SOMERSET PAINTING & PROFESSION	200.00
255635		005787	SOUTHEASTERN EQUIPMENT CO. INC	2,155.89
255636		MISC	STERLING DEVELOPMENT CORP	500.00
255637		004355	SYMETRA LIFE INSURANCE COMPANY	29,878.89
255638		001076	TAYLOR FREEZER OF MICH INC	325.00
255639		MISC	THOMAS, TERRELL E JR	100.00
255640		000930	TRI-COUNTY PLUMBING INSP ASSN	45.00
255641	*	MISC	TROMBLEY, CHRIS	433.04
255644	*	000293	VAN DYKE GAS CO.	528.15
255645	*	000158	VERIZON WIRELESS	90.12
255646	*	000158	VERIZON WIRELESS	865.61
255647	*	000158	VERIZON WIRELESS	875.37
255648	*	000158	VERIZON WIRELESS	394.25
255649		000969	VIGILANTE SECURITY INC	85.00
255650		002582	VULCAN SIGNS, INC.	393.00
255651	*	007893	JENNA WADE	27.00
255652		001014	WALKER PARKING CONSULTANTS	8,172.35

City of Birmingham
Warrant List Dated 01/17/2018

Meeting of 01/22/2018

Check Number	Early Release	Vendor #	Vendor	Amount
255653		005231	WALKER RESTORATION CONSULTANTS	8,727.42
255654		006285	WASHINGTON ELEVATOR CO, INC	710.50
255655		MISC	WECHSLER CONSTRUCTION LLC	200.00
255657		MISC	WHITE, CHARLES P	100.00
255658		007278	WHITLOCK BUSINESS SYSTEMS, INC.	1,652.84
255659		MISC	WHITTIER BUILDING COMPANY LLC	2,500.00
255660		008391	XEROX CORPORATION	1,403.31
255661		006318	FRANK J ZAMBONI CO. INC	211.71
Sub Total Checks:				\$663,483.24
Sub Total ACH:				\$7,280,194.70
Grand Total:				\$7,943,677.94

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



Mark Gerber
Finance Director/ Treasurer

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

City of Birmingham
ACH Warrant List Dated 1/17/2018

Vendor Name	Transfer Date	Transfer Amount
Birmingham Schools	1/16/2018	5,262,394.34
Oakland County Treasurer	1/16/2018	1,986,890.18
Automated Benefit Services, Inc.	1/12/2018	30,910.18
TOTAL		7,280,194.70



MEMORANDUM

Department of Public Services

DATE: December 26, 2017

TO: Joseph A. Valentine, City Manager

FROM: Lauren A. Wood, Director of Public Services

SUBJECT: Progressive Irrigation, Inc. - Termination Agreement

In early 2017, the City issued a Request for Proposals (RFP) for lawn and landscape services for the City of Birmingham. The agreement was to be for a period of four (4) years/mowing seasons commencing April 15, 2017 and ending November 15, 2020. This includes the 2017, 2018, 2019 and 2020 mowing seasons.

A copy of the Agreement entered into between the parties dated April 13, 2017 is attached. Progressive Irrigation, Inc. was the successful bidder. Upon the completion of the first season of mowing, I contacted the owner of Progressive Irrigation to inform them the City wishes to exercise its right to terminate the Agreement without cause. A ten (10) day written notice was provided by the City of Birmingham to Progressive Irrigation, Inc. on December 20, 2017, also enclosed herewith.

Attached is a Contract Termination Agreement reviewed by the City Attorney's Office, who indicated that since the contract was approved by the City Commission, any termination of the contract should likewise come from the City Commission. This Contract Termination Agreement has been signed by Jim Simpkins, President of Progressive Irrigation, Inc. Both parties have agreed to this early termination of the contract.

The Department of Public Services will prepare to solicit bids for these services upon the execution of this agreement.

SUGGESTED RESOLUTION:

To accept the Contract Termination Agreement between the City of Birmingham and Progressive Irrigation, Inc. d/b/a/ Pro Turf Management Lawn for lawn and landscape services in the City of Birmingham. Further, to authorize the City Manager to execute the Contract Termination Agreement on behalf of the City.

ATTACHMENT A - AGREEMENT

For Parks and City Property Lawn and Landscape Maintenance Services

This AGREEMENT, made this 15th day of April, 2017, by and between CITY OF BIRMINGHAM, having its principal municipal office at 151 Martin Street, Birmingham, MI (hereinafter sometimes called "City"), and Progressive Irrigation, Inc. d/b/a Pro Turf Management Lawn, having its principal office at 4280 Matthew Lane, White Lake, MI 48383 (hereinafter called "Contractor"), provides as follows:

WITNESSETH:

WHEREAS, the City of Birmingham, through its Department of Public Services, is desirous of having lawn and landscape services performed at various parks and city property in the City of Birmingham, as well as having grass mowed and trimmed for certain private lots that are determined by the Department of Public Services to be in violation of the City's Grass and Noxious Weeds ordinance, performed on its behalf.

WHEREAS, the City has heretofore advertised for bids for the procurement and performance of services required to perform lawn and landscape services, and private lot mowing for properties deemed by the City of Birmingham as in violation of the City's ordinance, 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 lawn and landscape services and private lot mowing.

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 provide landscape services and the Contractor's cost proposal dated March 9, 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 Contractor agrees to provide the labor, material, supplies, and equipment necessary to perform the lawn and landscape services and private lot mowing in accordance with the specifications and conditions contained in the RFP documents for a period of four (4) years/mowing seasons, commencing on April 15, 2017 and ending on November 15, 2020. Thereafter, at the option of the City, and agreement by Contractor, this Agreement shall renew for a successive two-year period unless the City terminates this Agreement by providing written notice to the Contractor prior to the expiration of the initial term or any renewal term.

3. The City shall have the right to terminate this Agreement prior to the end of the initial term or any of the renewal terms without cause. If the City terminates this Agreement prior to the end of any term, the City shall provide Contractor with 10 days written notice of the early termination. Any claims or fees that Contractor is working on collecting on behalf of the City, and Contractor shall continue to collect such fees and process same pursuant to the terms and conditions of this Agreement through the date of notice of early termination.
4. The City shall pay the Contractor for the performance of this Agreement in an amount not to exceed \$541,320.00 as set forth in the Contractor's March 9, 2017 cost proposal.
5. The Contractor agrees that it will apply for and secure all permits and approvals as may be required from the City in accordance with the provisions of applicable laws and ordinances of the City, State of Michigan and/or Federal agencies.
6. This Agreement shall commence upon execution by both parties, unless the City exercises its option to terminate the Agreement in accordance with the Request for Proposals.
7. The Contractor shall employ personnel of good moral character and fitness in performing all services under this Agreement.
8. 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.
9. 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.

10. 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.
11. 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.
12. 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.
13. 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.
14. 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.
15. The Contractor shall maintain during the life of this Agreement the types of insurance coverage and minimum limits as set forth below:
 - A. Workers' Compensation Insurance: Contractor shall procure and maintain during the life of this Agreement, Workers' Compensation Insurance, including Employers Liability Coverage, in accordance with all applicable statutes of the State of Michigan.
 - B. Commercial General Liability Insurance: Contractor shall procure and maintain during the life of this Agreement, Commercial General Liability Insurance on an

"Occurrence Basis" with limits of liability not less than \$1,000,000 per occurrence combined single limit, Personal Injury, Bodily Injury and Property Damage. Coverage shall include the following extensions: (A) Contractual Liability; (B) Products and Completed Operations; (C) Independent Contractors Coverage; (D) Broad Form General Liability Extensions or equivalent; (E) Deletion of all Explosion, Collapse and Underground (XCU) Exclusions, if applicable.

- C. Motor Vehicle Liability: Contractor shall procure and maintain during the life of this Agreement Motor Vehicle Liability Insurance, including all applicable no-fault coverages, with limits of liability of not less than \$1,000,000 per occurrence combined single limit Bodily Injury and Property Damage. Coverage shall include all owned vehicles, all non-owned vehicles, and all hired vehicles.
- D. Additional Insured: Commercial General Liability and Motor Vehicle Liability Insurance, as described above, shall include an endorsement stating the following shall be *Additional Insureds*: The City of Birmingham, including all elected and appointed officials, all employee and volunteers, all boards, commissions and/or authorities and board members, including employees and volunteers thereof. This coverage shall be primary to any other coverage that may be available to the additional insured, whether any other available coverage by primary, contributing or excess.
- E. Professional Liability: Professional liability insurance with limits of not less than \$1,000,000 per claim if Contractor will provide service that are customarily subject to this type of coverage.
- F. Pollution Liability Insurance: Contractor shall procure and maintain during the life of this Agreement Pollution Liability Insurance, with limits of liability of not less than \$1,000,000, per occurrence preferred, but claims made accepted.
- G. Owners Contractors Protective Liability: The Contractor shall procure and maintain during the life of this contract, an Owners Contractors Protective Liability Policy with limits of liability not less than \$3,000,000 per occurrence, combined single limit, Personal Injury, Bodily Injury and Property Damage. The City of Birmingham shall be "Name Insured" on said coverage. Thirty (30) days Notice of Cancellation shall apply to this policy.
- H. Cancellation Notice: Workers' Compensation Insurance, Commercial General Liability Insurance and Motor Vehicle Liability Insurance (and Professional Liability Insurance, if applicable), as described above, shall include an endorsement stating the following: "Thirty (30) days Advance Written Notice of Cancellation or Non-Renewal, shall be sent to: Finance Director, City of Birmingham, PO Box 3001, 151 Martin Street, Birmingham, MI 48012-3001.

- I. Proof of Insurance Coverage: Contractor shall provide the City of Birmingham at the time the Agreement is returned for execution, Certificates of Insurance and/or policies, acceptable to the City of Birmingham, as listed below.
 - 1) Two (2) copies of Certificate of Insurance for Workers' Compensation Insurance;
 - 2) Two (2) copies of Certificate of Insurance for Commercial General Liability Insurance;
 - 3) Two (2) copies of Certificate of Insurance for Vehicle Liability Insurance;
 - 4) Two (2) copies of Certificate of Insurance for Professional Liability Insurance;
 - 5) If so requested, Certified Copies of all policies mentioned above will be furnished.
 - J. Coverage Expiration: If any of the above coverages expire during the term of this Agreement, Contractor shall deliver renewal certificates and/or policies to the City of Birmingham at least (10) days prior to the expiration date.
 - K. Maintaining Insurance: Upon failure of the Contractor to obtain or maintain such insurance coverage for the term of the Agreement, the City of Birmingham may, at its option, purchase such coverage and subtract the cost of obtaining such coverage from the Agreement amount. In obtaining such coverage, the City of Birmingham shall have no obligation to procure the most cost-effective coverage but may contract with any insurer for such coverage.
16. 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.
17. 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.

18. 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.

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

City of Birmingham
Attn: Lauren Wood, Director of Public Services
851 South Eton
Birmingham, MI 48009

20. 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.

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

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

WITNESSES:

K. Brenner

CONTRACTOR

By: Jim S. [Signature]

Its:

Cheryl [Signature]

Cheryl [Signature]

CITY OF BIRMINGHAM

By: Mark Nickita

Mark Nickita

Its: Mayor

By: J. Cherilyn Brown

J. Cherilyn Brown

Its: City Clerk

Approved:

Lauren A. Wood

Lauren A. Wood, Director of Public Services

(Approved as to substance)

Mark Gerber

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

Timothy J. Currier

Timothy J. Currier, City Attorney

(Approved as to form)

Joseph A. Valentine

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



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

3/28/2017

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

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

PRODUCER VTC Insurance Group Troy Office 1175 W. Long Lake Ste. 200 Troy MI 48098-4960		CONTACT NAME: PHONE (A/C, No., Exl): (248) 828-3377 FAX (A/C, No.): (248) 828-3741 E-MAIL ADDRESS:	
INSURED Progressive Irrigation Inc. DBA: Pro Turf Management Lawn 4280 Matthew Lane White Lake, MI 48383		INSURER(S) AFFORDING COVERAGE INSURER A Michigan Millers Mutual Ins Co INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	
		NAIC # 14508	

COVERAGES

CERTIFICATE NUMBER: 16-17 Master Liab

REVISION NUMBER:

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

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC OTHER:	X	C0515113	10/15/2016	10/15/2017	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COM/OP AGG \$ 2,000,000 Employee Benefits \$ 1,000,000
A	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS	X	C0515113	10/15/2016	10/15/2017	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ Underinsured motorist \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> EXCESS LIAB DED <input checked="" type="checkbox"/> RETENTIONS \$ 10,000		L0105503	10/15/2016	10/15/2017	EACH OCCURRENCE \$ 2,000,000 AGGREGATE \$ 2,000,000
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N <input type="checkbox"/> N/A	W0513107	10/15/2016	10/15/2017	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$ 500,000 E.L. DISEASE - EA EMPLOYEE \$ 500,000 E.L. DISEASE - POLICY LIMIT \$ 500,000
A	Pesticide/Herbicide Applicator Coverage		C0515113	10/15/2016	10/15/2017	Limit Included

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

Where required by written contract, the City of Birmingham, including all elected & appointed officials, all employees and volunteers, all boards, commissions and/or authorities and board members, including employees and volunteers thereof is additional insured for General Liability (GL) arising out of ongoing & completed operations on a primary & non-contributory basis and additional insured as respects Automobile liability. Umbrella/Excess liability coverage follows form over GL, Auto & Employers Liability. Insurer will endeavor to mail 30 days written notice of cancellation to the certificate holder; however, failure to do so will impose no liability of any kind upon the insurer or its agents or

CERTIFICATE HOLDER**CANCELLATION**

City of Birmingham
151 Martin St
Birmingham, MI 48012-3001

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Alan Chandler/V610

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December 20, 2017

Jim Simpkins, President
Progressive Irrigation, Inc.
4280 Matthew Lane
White Lake, MI 48383

RE: Lawn and Landscape Maintenance Services

Dear Mr. Simpkins:

This letter confirms our discussion from December 20, 2017 to end the existing contract early and serves as a ten (10) day written notice to terminate the Agreement between the City of Birmingham and Progressive Irrigation, Inc. pursuant to paragraph 3 on page two of the Agreement dated April 13, 2017.

Attached you will find the Contract Termination Agreement for your signature. Please sign and return to me on or before December 31, 2017.

Sincerely,

A handwritten signature in blue ink that reads "Lauren Wood". The signature is fluid and cursive, with the first name "Lauren" and the last name "Wood" clearly distinguishable.

Lauren Wood
Director of Public Services

CONTRACT TERMINATION AGREEMENT

This Contract Termination Agreement ("Agreement"), by and between the City of Birmingham ("City") and Progressive Irrigation, Inc. d/b/a/ Pro Turf Management Lawn ("Contractor"), is and for the consideration of mutual representations and releases each given to the other.

The City and Contractor entered into a contract wherein Contractor was to provide lawn and landscape services for the City of Birmingham for the 2017, 2018, 2019 and 2020 mowing seasons ("Contract").

The City and Contractor have mutually agreed to terminate the Contract immediately, such that neither party retains any further obligation under the Contract. The City Commission approved said termination at its January 8, 2018 meeting wherein the City Manager was authorized to sign the necessary document to reflect the mutual termination of the Contract.

The parties agree that this Agreement is in full and final settlement of all issues between the parties with respect to any and all claims the parties have or may have, now or in the future against the other in connection with said Contract.

CITY OF BIRMINGHAM

Dated: _____

By: _____

Joseph A. Valentine

Its: City Manager

PROGRESSIVE IRRIGATION, INC.

Dated: 1-5-18

By:  _____
Jim Simpkins

Its: President



MEMORANDUM

Department of Public Services

DATE: January 10, 2018

TO: Joseph A. Valentine, City Manager

FROM: Lauren A. Wood, Director of Public Services

SUBJECT: Award Extension of Cooperative Bid for Gasoline and Diesel Fuel

As you are aware, the award of a two-year bid for truck transport and tank wagon deliveries of gasoline and diesel fuel (initially approved on September 30, 2015 with the effective date of February 1, 2016) is set to expire on February 1, 2018. The original solicitation and bid award provided the option to extend the existing 'bid-factors' for a two-year period upon mutual consent. On January 25, 2016 the Birmingham City Commission approved the award of the cooperative bid for gasoline and diesel fuel, see the attached report and supporting documentation.

The City of Sterling Heights was the host municipality for the new MITN cooperative gasoline, diesel and alternative fuels bid that includes 18 communities in the Macomb, Oakland and Wayne County region. On February 1, 2018, the two-year award for transport deliveries (RKA Petroleum Companies and Ports Petroleum Co. Inc.) and tank wagon deliveries (RKA Petroleum Companies and Atlas Oil Company) of unleaded gasoline and diesel fuel will expire.

The City of Sterling Heights spoke with representatives from each of these companies and ALL three are willing to extend the terms and conditions for an additional two years. Following receipt of that feedback, the three fuel providers (RKA, Port Petroleum, and Atlas Oil) all of whom expressed interest in extending the bid award. Their mutual consent was subsequently obtained in writing, see attached. On November 8, 2017, the Sterling Heights City Council took formal action to extend the split award of a bid as recommended by Purchasing. It is the City of Birmingham's intention to participate in a two-year extension through January 31, 2020.

Among the governmental entities participating in the bid process through the submission of their respective fuel requirements were Birmingham, Clinton Township, Eastpointe, Farmington Hills, Grosse Pointe Woods, Huron-Clinton Metro Parks, Livonia, Madison Heights, Novi, Oakland County, Rochester Hills, Royal Oak, St. Clair Shores, Southfield, Sterling Heights, Troy, Warren, Waterford, and West Bloomfield.

Gasoline and diesel fuel are purchased and delivered by truck transport for quantities of fuel greater than 5,000 gallons, and by tank wagon for quantities less than 5,000 gallons. The bid is structured so that MITN members pay for fuel based on the per gallon wholesale rack average as published daily by the Oil Price Information Service (OPIS), plus a delivery fee (bid factor) per gallon.

The City of Birmingham purchases approximately 50,000 gallons of gasoline and 34,000 gallons of diesel fuel per fiscal year to power the City's fleet of automobiles, trucks, equipment and generators. Our diesel tank is 6,400 gallons and the gasoline tank is 11,600 gallons. The golf courses both house two tanks for each fuel at 500 gallons each tank. The total annual expenditure costs approximately between \$200,000 and \$245,000.

The Department of Public Services recommends participating in the MITN cooperative bid award to purchase gasoline and diesel fuel using the bid pricing secured through the cooperative bid by Sterling Heights for the period beginning February 1, 2018 through January 31, 2020, as specified in the resolution herewith. It is the consensus of the MITN cooperative members to extend the bid award. The vendors have performed very well over the last two years. This cooperative bid extends the terms of the agreement to the City of Birmingham with the lowest available pricing to purchase gasoline and diesel fuel.

SUGGESTED RESOLUTION:

To approve the extension of the bid award as part of the MITN cooperative bid of unleaded gasoline and diesel fuel for truck transport deliveries to RKA Petroleum Companies, Inc., 28340 Wick Road, Romulus, MI 48174 and Ports Petroleum Co., Inc. 1337 Blachleyville Road, Wooster, OH 44691 for truck transport deliveries; and Atlas Oil Companies, 24501 Ecorse Road, Taylor, MI 48180 for tank wagon deliveries, for the purchase of gasoline and diesel fuel at the respective unit prices bid through January 31, 2020. Funds for the purchase of gasoline and diesel fuels are budgeted in Auto Equipment Fund – Fuel Expense account #641-441.006-737.0000.

TANK WAGON DELIVERIES OF GASOLINE AND DIESEL FUEL
TWO-YEAR EXTENSION OF CONTRACT AT UNIT PRICES BID
ITB-SH15-032

The signatures below serves as confirmation that RKA Petroleum Companies, Inc. is in receipt of a letter from the City of Sterling Heights (lead agency in the fuel purchasing cooperative), dated October 9, 2017 from Purchasing Manager James Buhlinger.


RKA Petroleum Companies, Inc., 28340 Wick Road, Romulus, MI 48174 acknowledges the City's / Cooperative's request and mutually agrees to extend the contract for the purchase of truck transport and tank wagon deliveries of gasoline and diesel fuel for an additional two-year period, through January 31, 2020, at unit prices stated in the bid of October 13, 2015, all other terms and conditions remain the same. This extension shall be binding upon final review and approval by the City of Sterling Heights City Council, and approval by the respective cooperative members, when applicable.

PREPARED BY:
(On behalf of the Cooperative)


James Buhlinger, Purchasing Manager
City of Sterling Heights

10/9/17
Dated

REVIEWED AND ACCEPTED BY:
RKA Petroleum Companies, Inc.


Michael Calhoun, National Account Rep.

10/9/17
Dated


TRUCK TRANSPORT DELIVERIES OF GASOLINE AND DIESEL FUEL
TWO-YEAR EXTENSION OF CONTRACT AT UNIT PRICES BID
ITB-SH15-032

The signatures below serves as confirmation that Ports Petroleum is in receipt of a letter from the City of Sterling Heights (lead agency in the fuel purchasing cooperative), dated October 9, 2017 from Purchasing Manager James Buhlinger.

Ports Petroleum, 1337 Blachleyville Road, PO Box 1046, Wooster, OH 44691, acknowledges the City's / Cooperative's request and mutually agrees to extend the contract for the purchase of truck transport deliveries of gasoline and diesel fuel for an additional two-year period, through January 31, 2020, at unit prices stated in the bid of October 13, 2015, all other terms and conditions remain the same. This extension shall be binding upon final review and approval by the City of Sterling Heights City Council, and approval by the respective cooperative members, when applicable.

PREPARED BY:

(On behalf of the Cooperative)


James Buhlinger, Purchasing Manager
City of Sterling Heights

10/9/17
Dated

REVIEWED AND ACCEPTED BY:

Ports Petroleum


April Fishburn, Procurement Manager

10/9/17
Dated

TANK WAGON DELIVERIES OF GASOLINE AND DIESEL FUEL
TWO-YEAR EXTENSION OF CONTRACT AT UNIT PRICES BID
ITB-SH15-032

The signatures below serves as confirmation that Atlas Oil Company is in receipt of a letter from the City of Sterling Heights (lead agency in the fuel purchasing cooperative), dated October 9, 2017 from Purchasing Manager James Buhlinger.

Atlas Oil Company, 24501 Ecorse Road, Taylor, MI 48180 acknowledges the City's / Cooperative's request and mutually agrees to extend the contract for the purchase of tank wagon deliveries of gasoline and diesel fuel for an additional two-year period, through January 31, 2020, at unit prices stated in the bid of October 13, 2015, all other terms and conditions remain the same. This extension shall be binding upon final review and approval by the City of Sterling Heights City Council, and approval by the respective cooperative members, when applicable.

PREPARED BY:

(On behalf of the Cooperative)

James Buhlinger
James Buhlinger, Purchasing Manager
City of Sterling Heights

10/9/17
Dated

REVIEWED AND ACCEPTED BY:

Atlas Oil Company

[Signature]
Sandra Schoenrade, Inside Sales Manager

Robert Kenyon, President/COO

12/11/17
Dated



MEMORANDUM

Department of Public Services

DATE: January 13, 2016

TO: Joseph A. Valentine, City Manager

FROM: Lauren A. Wood, Director of Public Services

SUBJECT: Award of Cooperative Bid for Gasoline and Diesel Fuel

The City of Sterling Heights was the host municipality for the new MITN cooperative gasoline, diesel and alternative fuels bid that includes 18 communities in the Macomb, Oakland and Wayne County region. Through this cooperative bid, approximately 2,900,000 gallons of gasoline and 1,230,000 gallons of diesel fuel are purchased annually. The current bid pricing expires on February 1, 2016.

Among the governmental entities participating in the bid process through the submission of their respective fuel requirements were Birmingham, Clinton Township, Eastpointe, Farmington Hills, Grosse Pointe Woods, Huron-Clinton Metro Parks, Livonia, Madison Heights, Novi, Oakland County, Rochester Hills, Royal Oak, St. Clair Shores, Southfield, Sterling Heights, Troy, Warren, Waterford, and West Bloomfield. In addition, there are approximately 2-3 additional entities that may be included at a later date.

Gasoline and diesel fuel are purchased and delivered by truck transport for quantities of fuel greater than 5,000 gallons, and by tank wagon for quantities less than 5,000 gallons. The bid is structured so that MITN members pay for fuel based on the per gallon wholesale rack average as published daily by the Oil Price Information Service (OPIS), plus a delivery fee (bid factor) per gallon.

The City of Birmingham purchases approximately 50,000 gallons of gasoline and 34,000 gallons of diesel fuel per fiscal year to power the City's fleet of automobiles, trucks, equipment and generators. Our diesel tank is 6,400 gallons and the gasoline tank is 11,600 gallons. The golf courses both house two tanks for each fuel at 500 gallons each tank. The total annual expenditure costs approximately between \$200,000 and \$245,000.

On October 13, 2015, five bids were received for the cooperative purchase of truck transport and tank wagon deliveries of gasoline and diesel fuel for a two-year period. Upon receipt and review of all bids, the recommendation was made to split the award among three bidders, as follows. This recommendation was approved at the November 17, 2015 Sterling Heights City Council meeting. Please find attached to this report the Invitation to Bid and supporting documentation.

- Truck Transport (deliveries of greater than 5,000 gallons) – Awarded to the two overall low bidders, RKA Petroleum Inc. and Ports Petroleum Co, Inc. A split bid allows each purchasing entity to leverage its own most favorable pricing based upon the type of fuel being purchased. Additionally, in the event of an emergency, MITN cooperative members will have two truck transport vendors available.
- Tank Wagon (deliveries of less than 5,000 gallons) – Awarded to RKA Petroleum, Inc. and Atlas Oil Company, the two low bidders.

Ports Petroleum, based in Wooster, OH, is a new vendor to the City. They utilize the same terminals as all other fuel delivery companies operating in southeastern Michigan. Ports Petroleum is licensed to deliver fuel in 26 states using their own fleet of trucks as well as contracting with local carriers for delivery when needed. RKA is the incumbent tank wagon vendor and its performance has been very good. RKA is also a current vendor for the State of Michigan. References for both vendors were checked and proved acceptable. All vendors receiving the award must agree to indemnify and hold the MITN cooperative members harmless from liability and provide evidence of insurance with acceptable terms and coverage.

The wholesale fuel prices charged to MITN members through the cooperative bid will fluctuate based on market conditions, but are considerably lower than the prices consumers pay at the local gas station, as evidenced in the examples below. The allowable taxes/fees equate to \$0.01165 per gallon and are included in all factors submitted. For comparative purposes, the breakdown below compares the pricing per gallon for truck transport and tank wagon deliveries of fuel available to the City under the low bids as compared to consumer pump pricing. (Wholesale pricing was based on the OPIS Detroit Rack Average on October 6, 2015.)

Truck Transport

Fuel Type	10/6/15 OPIS Price Per Gallon	Bid Factor Delivery Fees Per Gallon	State & Federal Fees Per Gallon	Total Delivered Price Per Gallon
Unleaded Regular Gasoline	\$1.8353	\$-0.0243**	Included	\$1.8110

Comparative Consumer Retail Price on 10/6/15: \$2.428

ULS Diesel #2	\$2.0928	\$-0.0293**	Included	\$2.0635
---------------	----------	-------------	----------	----------

Comparative Consumer Retail Price on 10/6/15: \$2.679

Tank Wagon

Fuel Type	10/6/15 OPIS Price Per Gallon	Bid Factor Delivery Fees Per Gallon	State & Federal Fees Per Gallon	Total Delivered Price Per Gallon
Unleaded Regular Gasoline	\$1.8353	\$0.0848	Included	\$1.9201

Comparative Consumer Retail Price on 10/6/15: \$2.428

ULS Diesel #2	\$2.0928	\$0.0995	Included	\$2.1923
---------------	----------	----------	----------	----------

Comparative Consumer Retail Price on 10/6/15: \$2.679

**For the first time ever, bids were received that reflect negative (-) factors for the truck transport deliveries. This negative factor applies only to the larger truck transport deliveries, not the smaller volume tank wagon deliveries. These negative bid factors can best be explained as the "sharing of a volume discount provided to the vendor from the fuel terminals." The bidders buy a high volume of fuel from the terminals and as a result, have favorable pricing agreements with the terminals. In the hope of being awarded a bid, vendors have made a business decision to pass along savings offered by the terminals in the form of a negative factor. If awarded, the gallons of fuel included in this cooperative bid advances the vendors objective of meeting their threshold of fuel needed to secure favorable pricing from the fuel terminals.

Bid factor pricing for truck transport by the successful vendors follows:

Ports Petroleum Co., Inc.:

Unleaded Regular 87	\$-0.0139/gal
Unleaded Mid-Grade 89	\$-0.0026/gal
ULS Premium Diesel #2	\$-0.0193/gal
ULS Diesel #2	\$-0.0293/gal

RKA Petroleum Companies, Inc.:

Unleaded Regular 87	\$-0.0243/gal
Unleaded Mid-Grade 89	\$-0.0208/gal
ULS Premium Diesel #2	\$0.0120/gal
ULS Diesel #2	\$-0.0108/gal

Bid factor pricing for tank wagon transport by the successful vendor follows:

RKA Petroleum Companies, Inc.:

Unleaded Regular 87	\$0.0848/gal
Unleaded Mid-Grade 89	\$0.0848/gal
ULS Premium Diesel #2	\$0.0968/gal
ULS Diesel #2	\$0.0848/gal
ULS Diesel #2 Dyed	\$0.0848/gal
ULS Diesel #1 Dyed	\$0.2202/gal

Atlas Oil Company:

Unleaded Regular 87	\$0.0995/gal
Unleaded Mid-Grade 89	\$0.0995/gal
ULS Premium Diesel #2	\$0.0995/gal
ULS Diesel #2	\$0.0995/gal
ULS Diesel #2 Dyed	\$0.0995/gal
ULS Diesel #1 Dyed	\$0.0995/gal

The bid factor is added to all fuel orders based on the daily OPIS rack rate. So, the OPIS rack rate plus or minus the bid factor equals the final delivery cost of every fuel order. The Department of Public Services recommends participating in the MITN cooperative bid award to purchase gasoline and diesel fuel using the bid pricing secured through the cooperative bid by Sterling Heights for the period beginning February 1, 2016 through January 31, 2018, as specified in the resolution herewith. This cooperative bid extends the terms of the agreement to the City of Birmingham with the lowest available pricing to purchase gasoline and diesel fuel.

SUGGESTED RESOLUTION:

To approve the split award of the MITN cooperative bid of unleaded gasoline and diesel fuel for truck transport deliveries to RKA Petroleum Companies, Inc., 28340 Wick Road, Romulus, MI 48174 and Ports Petroleum Co., Inc. 1337 Blachleyville Road, Wooster, OH 44691; and further, to approve the award for tank wagon deliveries to RKA Petroleum Companies, 28340 Wick Rd., Romulus, MI, 48174 and Atlas Oil Company, 24501 Ecorse Road, Taylor, MI 48180; based on bid factors included in the respective bids for a two-year period from February 1, 2016 through January 31, 2018, with the option to extend the terms and conditions an additional two years upon mutual consent. Funds for this purchase of gasoline and diesel fuels are budgeted in Auto Equipment Fund – Fuel Expense account #641-441.006-737.0000.



CITY OF
Sterling Heights
InnovatingLiving

Richard J. Notte Sterling Heights City Center
City Hall
40555 Utica Rd. | P.O. Box 8009
Sterling Heights, MI | 48311-8009

City Council

<i>Mayor</i>	Michael C. Taylor
<i>Mayor Pro Tem</i>	Doug Skrzyniarz
<i>Councilwoman</i>	Deanna Koski
<i>Councilman</i>	Joseph V. Romano
<i>Councilwoman</i>	Maria G. Schmidt
<i>Councilman</i>	Nate Shannon
<i>Councilwoman</i>	Barbara A. Ziarko

TEL 586.446.CITY (2489) **FAX** 586.276.4077

cityhall@sterling-heights.net | www.sterling-heights.net


facebook.com/cityofsterlingheights | twitter.com/sterling_hts

City Manager Mark D. Vanderpool

INVITATION TO BID

ITB-SH15-032

The City of Sterling Heights, as the lead agency for a fuel cooperative of at least eighteen governmental entities, is accepting sealed bids for TRUCK TRANSPORT AND TANK WAGON DELIVERIES OF UNLEADED GASOLINE AND DIESEL FUEL until TUESDAY, OCTOBER 13, 2015, at 2:30 P.M. in the Office of the City Clerk, 40555 Utica Road, Sterling Heights, MI 48313. Specifications are attached.


James Buhlinger
Purchasing Manager

Office of Purchasing
586-446-2740

INVITATION TO BID
TRUCK TRANSPORT AND TANK WAGON DELIVERIES OF
UNLEADED GASOLINE AND DIESEL FUEL

CITY OF STERLING HEIGHTS
40555 UTICA ROAD
Sterling Heights, MI 48313

CONTACT PERSON: JAMES BUHLINGER, PURCHASING MANAGER
PHONE: 586-446-2741, FAX: 586-276-4062, E-MAIL: shpurchasing@sterling-heights.net

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I. GENERAL CONDITIONS

All information requested of the vendor shall be entered in the appropriate space on the form. Failure to do so may disqualify your offer.

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

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

Time of delivery/installation shall be stated as the number of calendar days following receipt of the order by the vendor to receipt of the goods or services by the City. Time of delivery/installation may be a consideration in the award.

Prices shall be stated in units of quantity specified in the bid document. In case of a discrepancy in computing the amount of the bid, the unit price shall govern. All quantities stated, unless indicated otherwise, are estimates and the City reserves the right to increase or decrease the quantity at the unit price bid as best fits its needs.

All prices will be bid F.O.B. Destination and remain in effect for at least 90 days to allow for approval by City Council. The successful bidder's prices will remain firm through the length of the contract as designated within these bid specifications.

Bids shall include all charges for delivery, packing, crating, etc. unless otherwise stated in the bid document. General delivery hours are 8:30 a.m. to noon and 1:00 p.m. to 5:00 p.m. Monday – Friday. No deliveries are to be made between noon and 1:00 p.m. The city is not to be held responsible for, and will not pay, any fuel surcharges during the term of the contract. Unit prices bid shall include delivery.

Prices will be considered net if no cash discount is shown.

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

To be considered, bids must be submitted and received in the Office of the City Clerk and stamped with the official time/date stamp in the Clerk's Office by the date and at, or prior to, the time specified. No late bids, telegraphic, faxed bids or telephone bids will be accepted.

Submit bids in a sealed envelope, stating item being bid, closing date and time on outside of envelope. Please submit your original bid. No additional copies are necessary.

Bids may be withdrawn in person by a bidder, or authorized representative, provided their identity is made known and a receipt is signed for the bid, but only if the withdrawal is made prior to the stated bid deadline.

The City of Sterling Heights reserves the right to postpone the bid opening for its own convenience.

Municipalities are exempt from Michigan State Sales and Federal Excise taxes. Do not include such taxes in your bid price. The City will furnish the successful contractor with tax exemption certificates when requested. The following exception shall apply to installation projects. When sales tax is charged to the successful contractor for materials to be installed during the project, that cost shall be included in the bid cost and not charged as a separate item. The City is not tax exempt in this case and cannot issue an exemption certificate. If you are unfamiliar with your sales and use tax obligations, please contact the Michigan Department of Treasury for directions, including any applicable Revenue Administrative Bulletins (i.e. 1999-2 and any subsequent replacements / updates).

The City's normal payment terms are 30 days in connection with any cash discounts specified on this bid. Time will be computed from the date of complete delivery of supplies or equipment as specified, or from the date correct invoices are received in the City's Finance Department, if the latter date is later than the date of delivery.

The City reserves the right: (1) To award bids received on the basis of individual items, or groups of items, or on the entire list of items, (2) To reject any or all bids, or any part thereof, (3) To waive any irregularity in the bids, (4) To accept the bid that is in the best interest of the City, (5) To reduce or eliminate this purchase without prior notice, (6) To split the award to realize the greatest cost savings, (7) To issue Post-Bid Addendums to clarify or request additional information, including pricing, (8) To require one or more selected bidders to perform the requested service on a trial basis, at the unit prices bid, as evidence of a bidders ability to satisfactorily perform the requested service, prior to a formal recommendation and approval by City Administration / City Council.

This invitation to bid and the acceptance of a bid by the City is not a contract for the purchase of services or products. The City will issue a Purchase Order, which will define, make reference to, and incorporate the bid specifications and the pricing bid as accepted by the City. Winning bidder is not to commence with any service or product order without receiving a Purchase Order signed by the Purchasing Manager. Unless otherwise stated, all contracts for services are subject to additions, reductions and/or termination at the sole discretion of the City and without prior notice by the City.

Bid prices submitted by the successful bidder should remain firm for the length of the contract from date of award by City Council.

ALL BIDS MUST INCLUDE MATERIAL SAFETY DATA SHEETS FOR MATERIALS AS REQUIRED BY M.I.O.S.H.A.

The City of Sterling Heights is part of an organization called the Michigan Inter-governmental Trade Network (MITN), a group of agencies that joined forces to create a Regional Bid Notification System to notify companies of new bid opportunities. All bids, quotations and proposals are now being posted online. All vendors are encouraged to visit <http://www.mitn.info> in order to register their company and gain access to new bids and proposals. If you do not have internet access, please call 1-800-835-4603 to speak to a representative at BidNet®, the technical support group that handles the MITN system.

II. CHECK LIST FOR BIDDERS

All information required by the terms of the bid documents must be furnished.

MISTAKES OR OMISSIONS CAN RESULT IN THE REJECTION OF YOUR BID.

Important items for you to check are included in, but not limited to, those listed below. This checklist is furnished only to assist you in submitting a proper bid. Check as you read.

- _____ Is your bid properly signed? (refer to bid documents)
- _____ If required, have you entered a unit price for each bid item?
- _____ If required, have you entered the unit price or lump sum price in both words and figures? (unit price or lump sum price in words governs)
- _____ Are decimals in unit price in the proper places? Are your figures legible?
- _____ Is the envelope containing your bid properly identified that it is a sealed bid and addressed with the bid shipping label?
- _____ Will your bid arrive on time? Late bids will ***not*** be considered. ***Bids must be received in the Office of the City Clerk and stamped no later than 2:30 p.m. with the official time stamp in the City Clerk's Office by the date specified.***
- _____ Are any bid bonds or bid deposits, if required, included in your bid package?
- _____ Did you include the **Exhibit A, Hold Harmless, Non-Iran Linked Business Certification** and **References** forms and **MSDS**?
- _____ Did you submit your original bid form (no additional copies are required)?
DO NOT RETURN COPIES OF OUR SPECIFICATIONS/INSTRUCTIONS. ONLY RETURN THE FORMS REQUIRING YOUR COMPLETION (Pages 15-20).
- _____ Did you check the MITN website for any addendums which may have been posted? **Addendums may be posted at any time.**

III. BID SUBMISSION INSTRUCTIONS

Please read these instructions carefully. ***Your bid may be disqualified if it is not submitted as detailed below.***

Your bid must be submitted in a sealed envelope or other form of sealed packaging (**NO** fax submissions will be accepted) using the bid shipping label provided.

Vendor Name

ITB-SH15-032: Truck Transport and Tank Wagon Deliveries of Leaded and Unleaded Gasoline, and Diesel Fuel

Date Due: Tuesday, October 13, 2015 at 2:30 p.m.

If the bid is to be express mailed, "**Bid Documents Enclosed**" must be conspicuously marked on the package. All bids, regardless of method used for delivery, are to be delivered to the following address:

City of Sterling Heights
Office of the City Clerk
Attn: Mark Carufel, City Clerk
40555 Utica Road
Sterling Heights, MI 48313

*Please keep in mind that due to the City's mail safety regulations, if your envelope/package is not labeled as directed, **it will not be opened and will be disposed.***

DO NOT deliver your bid to the requesting department or to the Office of Purchasing. All bids **must** be delivered to the Office of the City Clerk before the due date and time so they can be stamped received and filed appropriately. Bids are considered received when in the possession of the City Clerk. If your bid is not received before the due date and time, it will be disqualified and will not be opened or considered.

The City of Sterling Heights officially distributes bid documents through the Michigan Inter-governmental Trade Network (MITN). Copies of bid documents obtained from any other source are not considered official copies. Bids or notification of bids issued by members of MITN are to be posted, in whole or in part, **ONLY** on the MITN system. Any other use is prohibited. Only those vendors who obtain bid documents from the MITN system are guaranteed access to receive addendum information, if such information is issued. The City of Sterling Heights cannot guarantee the accuracy of any information not obtained from the MITN website and is not responsible for any errors contained by information received from alternate sources.

If you received this document from a source other than the sources indicated, please notify us. It is recommended that all vendors register on the MITN website at www.mitn.info to obtain an official copy. All future bids, proposals, quotes and any addenda and tabulations will be posted on the MITN website.

IV. INSTRUCTIONS TO BIDDERS

Attachments A, A1 and B, B1 indicate tank size and location; product required and estimated annual usage in summary and detailed formats. Volumes are estimates only that are based upon previous usage and are not a firm commitment. They are offered as a guide for bidding purposes only.

One price for each product shall apply to all delivery locations and all participants in this cooperative bid. Bids offering different prices for different locations or participants will be rejected. All prices shall be F.O.B. Destination.

Invoices will be paid within thirty (30) days of receipt. Payment discounts offered will be considered in calculations to arrive at the lowest price per gallon. Please indicate on the bid form if purchasing cards are accepted for payment of invoiced amounts, including the types of cards accepted.

Successful vendor must comply with all State of Michigan and local laws and ordinances i.e. frost laws, transportation of flammable liquids, etc. All bidders shall submit material safety data sheets (MSDS) for products included in their bid.

Before award of contract, the vendor must be post-qualified, by the cooperative as awardable to conduct business with the cooperative members. Failure to be post-qualified will result in rejection of vendor's bid.

PRICING

Pricing as indicated on the bid form shall be the final per gallon pricing for the term of the 2-year award and any extensions, and shall include any and all state and federal fees, underground storage taxes, environmental recovery fees, environmental protection fees, etc. No per gallon price increases will be allowed during the term of the award and any extensions.

INVOICES

Separate invoices with each delivery location shall be submitted in duplicate to each cooperative member's Finance Department. Invoices shall state the delivery location (name of using agency), product, quantity delivered and extended price. Each entity is responsible for its own ordering and payment. Vendor must submit verification of OPIS Price Report for date of delivery.

BILL OF LADING

Each delivery location shall receive a metered delivery slip that is metered at point of delivery, stating product and quantity delivered. Any exceptions to this requirement must be noted on your bid and be accepted by the cooperative prior to award of bid.

SALES AND EXCISE TAXES

Each cooperative member is exempt from sales and federal excise taxes. Bid price is to be net, exclusive of taxes. Each cooperative member will issue the necessary exemption certificates, if requested.

STATE AND FEDERAL SURCHARGES

All additional charges, including State and Federal surcharges and MUSTFA, must be computed and included within your unit pricing on your bid form and not broken out separately. Any additional surcharges that come up after award cannot be charged nor will be paid by any entities during the course of the contract. Any surcharges should be included but must be broken out as a line item on the invoice.

DELIVERY REQUIREMENTS

All deliveries shall be made within approximately 24 hours from time of telephone release or no later than 4:00 p.m. the following business day, if ordered prior to the weekend. If an automated ordering system is used, vendor shall place a phone call or fax to confirm delivery. The vendor shall have the right to specify the order cut off time for next day delivery (e.g. all orders for next day delivery to be placed by 3:00 p.m.). The vendor must have personnel available for telephone releases at all times during normal business hours 8:30 a.m. to 4:00 p.m. If a delivery is called in on a Friday, the delivery will occur no later than the following Monday at 4:00 p.m. Please provide an emergency phone number with 24 hours a day/7 days a week availability which will be accessible for all governmental agencies using this contract.

DISASTERS AND DECLARED EMERGENCIES

All participating entities must be given first priority in times of Disaster or Declared Emergencies. Vendors must provide a 24-hour emergency phone number (land line) available 7 days a week. All bidders are requested to include written procedures with their bid to accommodate deliveries during a Disaster or Declared Emergency.

PENALTY FOR LATE DELIVERIES

In the event that fuel is not delivered within 72 hours or the third business day, the cooperative cities reserve the right to obtain gas and or diesel fuel from an alternate source. If the price is higher, the awarded vendor shall be responsible to pay the difference between the price paid at the alternate source and the bid price that would have been paid on the day of the scheduled delivery and deduct the difference from the next invoice issued to that city.

V. INSURANCE REQUIREMENTS

The Contractor shall not commence work under this contract until required insurance within this contract has been obtained. All insurance coverages shall be with insurance carriers acceptable to the cooperative members represented by Sterling Heights. If any insurance is written with a deductible or self-insured retention, the contractor shall be solely responsible for said deductible or self-insured retention. The purchase of insurance and the furnishing of a certificate of insurance shall not be a satisfaction of the contractor's indemnification of the cooperative membership. The contractor is responsible to meet all MIOSHA requirements for on-the-job safety. The contractor and his subcontractor shall procure and maintain during the life of this contract the following coverages:

Workers Compensation Insurance: The contractor shall procure and maintain during the life of this Contract, Workers' Compensation Insurance, including Employers Liability Coverage, in accordance with all applicable Statutes of the State of Michigan.

Commercial General Liability Insurance: The Contractor shall procure and maintain during the life of this Contract, Commercial General Liability Insurance on an "Occurrence Basis" with limits of liability not less than \$3,000,000.00 per occurrence and aggregate, Personal Injury, Bodily Injury and Property Damage. Coverage shall include the following extensions:

- (1) Contractual Liability
- (2) Products and Completed Operations
- (3) Independent Contractors Coverage
- (4) Broad Form General Liability Extensions or equivalent
- (5) Deletion of all Explosion, Collapse and Underground (XCU) Exclusions, if applicable

Motor Vehicle Liability: The Contractor shall procure and maintain during the life of this Contract Motor Vehicle Liability Insurance, including Michigan No-Fault Coverages, with limits of liability of not less than \$3,000,000.00 per occurrence combined single limit Bodily Injury and Property Damage. Coverage shall include all owned vehicles, all non-owned vehicles and all hired vehicles.

Pollution Liability: The Contractor shall procure and maintain during the life of this contract, a Pollution Liability Policy with limits of liability not less than \$3,000,000.00 per occurrence and aggregate, including, but not limited to, the collection, transportation, storage, and removal of all hazardous waste. Each entity of the Cooperative listed above shall be named as additional insured on said coverage.

Additional Insured: Following the official award of bid by City Council, the Commercial General Liability Insurance, Motor Vehicle Liability and Pollution Liability as described above shall include an Additional Insured endorsement as follows:

"Each entity of the Cooperative listed above, including all elected and appointed officials, all employees and volunteers, all boards, commissions and/or authorities

and board members, including employees and volunteers thereof. It is understood and agreed by naming each entity of the Cooperative listed above as additional insured, coverage afforded is considered to be primary and any other insurance each entity of the Cooperative listed above may have in effect shall be considered secondary and/or excess.”

Cancellation Notice: Workers Compensation Insurance, Commercial General Liability Insurance, Motor Vehicle Liability Insurance and Pollution Liability as described above shall include an endorsement stating that thirty (30) days advance written notice of cancellation, non-renewal, reduction and/or material change shall be sent to:

City of Sterling Heights
Reference: ITB-SH15-032
James Buhlinger, Purchasing Manager
40555 Utica Road
Sterling Heights, MI 48313

The Contractor shall provide the City of Sterling Heights at the time the Contracts are returned by him for execution, certificates and policies as listed below:

- a. Two (2) copies of Certification of Insurance of contractor's Workers Compensation Insurance;
- b. Two (2) copies of Certification of Insurance for Commercial General Liability Insurance;
- c. Two (2) copies of Certificate of Insurance for Vehicle Liability Insurance;
- d. If so requested, copies of all policies mentioned above will be furnished.

If any of the above coverages expire during the term of this Contract, the Contractor shall deliver renewal certificates and/or policies to the City of Sterling Heights at least ten (10) days prior to the expiration date.

If the required insurance (with the exception of the Additional Insured endorsement) is already in place, please include a copy of the Certificate of Liability Insurance with your bid. However, if required insurance is not already in place when submitting bid, contractors shall include a letter from their insurance agent (labeled Exhibit A) indicating that they will be able to secure a Certificate of Liability Insurance upon award of the contract.

VI. BOND REQUIREMENTS

Bid Bond

Bids must be accompanied by a Bid Bond, Bank Issued Money Order, or Cashier's Check in the amount of five thousand dollars (\$5,000.00) which will be returned to the unsuccessful bidders after the award of the bid. No bid shall be considered unless it is accompanied by the required guaranty. Corporate checks will *not* be accepted as bid security. The successful bidder will be required to enter into an agreement with the Cooperative and the check will be attached thereto and made a part thereof, pending acceptance of the proposal in accordance with City specifications.

VII. SPECIFICATIONS

The governmental entities of Birmingham, Clinton Township, Eastpointe, Farmington Hills, Huron-Clinton Metroparks, Livonia, Madison Heights, Novi, Oakland County, Rochester Hills, Royal Oak, St. Clair Shores, Southfield, Sterling Heights, Troy, Warren, Waterford, and West Bloomfield herein known as the "cooperative" are jointly requesting sealed bid proposals for the purchase of gasoline and diesel fuel, as described below, in truck transport and tank wagon deliveries for the period of **February 1, 2016 through January 31, 2018** with an option to extend for two (2) additional years through mutual consent, under the same terms and conditions. The entities mentioned above have their estimated annual fuel use incorporated into the bid. In addition, there may be approximately 2-3 additional entities that may be included at a later date.

The cooperative reserves the right to extend the contract, exclusively, unless the vendor can show that terms or conditions or their variables within the contract have changed.

TRUCK TRANSPORT ESTIMATED TOTAL ANNUAL REQUIREMENTS

Unleaded 87 Octane	2,079,000	gallons
Unleaded Mid-grade 89 Octane	416,000	gallons
ULS Diesel #2 Premium	375,000	gallons
ULS Diesel #2	624,000	gallons

TANK WAGON ESTIMATED ANNUAL REQUIREMENTS

Unleaded 87 Octane	185,400	gallons
Unleaded Mid-grade 89 Octane	171,800	gallons
ULS Diesel #2 Premium	18,500	gallons
ULS Diesel #2	88,100	gallons
ULS Diesel #2 – Dyed	102,000	gallons
ULS Diesel #1 - Dyed	200	gallons

SPECIFICATIONS

Unleaded gasoline (10% Ethanol)	Minimum octane rating of 87	(R+M)/2
Mid-grade gasoline (10% Ethanol)	Minimum octane rating of 89	(R+M)/2
Ultra Low Sulphur Diesel	Maximum sulphur 15ppm	

All gasoline shall be free of water, suspended matter and strong obnoxious odors and shall meet the standards as per ASTM, D439-83 and all other recognized minimum standards.

Biodiesel fuel: Although currently not being used by the majority of entities, this bid is requesting pricing for biodiesel due to the ongoing changes in fuel over the past several years. Pricing should be included for B-5, B-10 and B-20 biodiesel that meets or exceeds ASTM D6751 specifications. Splash blending is not acceptable.

Diesel fuel: The following specifications should be considered the minimum acceptable. All diesel fuel must meet or exceed the latest ASTM D975 version of standard specification, be free of water, suspended matter and strong obnoxious odors.

	<u>NO. 1</u>	<u>PREMIUM NO. 2</u>		<u>NO. 2</u>
		<u>SUMMER</u>	<u>WINTER</u>	
Gravity, API, Min (ASTM D287)	37	34	36	30
Flash, F., P-M, Min. (ASTM D93)	120-160	155	145	140
Pour Point, F., Max. (ASTM D97)	-25	-10	-20	+10 to -5
Cloud Point, F., Max. (ASTM D2500)	-	0	-15	+15 max
Viscosity @ 40 C., (100 F.) MIN. c St. (ASTM D445) MAX.	1.3 2.1	35 -	33 -	2.0 3.6
Carbon Residue on 10% Bottoms, % Max. (ASTM D524)	0.15	.02	.02	0.35
Ash, % Max. (ASTM D482)	0.01	0.01	0.01	0.01
Corrosion 3 hrs. @ 122 F., Max. (ASTM D130)	1	1	1	1
Distillation (ASTM D86) 10% Recovered, F., Max.	420	413	413	Report
Color, Min. (ASTM D156) Color, Max. (ASTM D1500)	+14 -	- -	- -	- 2.5
Cetane No., (Motor), Min. (ASTM D613) or Cetane Index (ASTM D976)	40.0	45.0	46.0	40.0
Water & Sediment (D96) Max.	trace	0	0	Clear/Bright

All No. 1, No. 2 Premium and No. 2 delivered *must* not exceed 0.0015 percent by weight of sulfur.

VENDOR QUALIFICATIONS

Bids will be accepted only from vendors who are licensed by the State of Michigan as a wholesale distributor. Vendors may be required to submit financial data as required for qualification. Please submit all sources of supply and approximate volume of annual business currently transacted in Southeast Michigan where indicated on your bid form.

MISCELLANEOUS

The vendor will be responsible for any spillage. If the governmental entities need to clean or otherwise remedy the results of a spill, the vendor will be responsible for all costs incurred, to notify the Department of Natural Resources and to complete and file all required forms. Proof of all such actions are to be provided to cooperative member concerned. Inasmuch as the fuel to be supplied under this agreement is for Police, Fire and other emergency services, the successful bidder shall agree to designate the members of this cooperative as priority services.

In any case where vehicle performance is poor and fuel quality is suspect, the vendor shall provide the necessary technical assistance and independent testing to determine the cause and/or solution to the problem. Testing would be at vendor's expense, if fuel is determined to be of poor quality.

The vendor is responsible for all expense to remove defective fuel and repair equipment. All defective fuel would be replaced with fuel meeting specifications and priced at original delivery date. If requested by agency, driver to provide fuel sample before fuel is dropped into tank. Agency to provide container and sample.

In the event any member of the cooperative elects to have an additive added to their diesel/gasoline supply, the rate for the next highest grade will be charged. Example: Diesel #2 with additives would be charged at the rate for Premium Diesel #2.

Indicate on the Bid Form additional charges, if any, for a split order of fuel to equal the vendor's minimum order (i.e. 4,000 gallons of diesel and 4,000 gallons of unleaded) at the same address.

METHOD OF AWARD

The Detroit, Michigan Market OPIS Contract - Rack Average will be used as a point of reference in evaluating bid prices and as the method for price adjustments during the term of the agreement. Please submit your bid on the basis of the OPIS for Detroit Michigan Rack Average on prices that are contained in the 10:00:01, **October 6, 2015** publication date. Unit prices and factors prevail and the cooperative will correct any extension errors.

Please base pricing for truck transport on minimum delivery of 8,000 gallons per drop. Indicate any short load charges for quantities between 5,000 and 8,000 gallons. Base pricing for tank wagon on minimum delivery of 250 gallons.

Use Diesel #2 OPIS Index for No. 1 and No. 2 Premium Diesel if *not* shown on the OPIS Index.

Award will be made on a joint basis. However, separate purchase orders will be issued by each member of the cooperative, subject to approval of respective elected officials.

The successful bidder shall have the option to extend the terms of the agreement to other governmental units in the Metropolitan area upon approval of the Purchasing Manager of the City of Sterling Heights.

The members of the cooperative reserve the right to accept or reject any or all bids, waive irregularities or informalities, award to other than the low bidder, to split award and to accept any bid considered to be in the best interests of the members. All bids shall be in accordance with the specifications and shall be submitted on the bid forms contained herein. Any exceptions shall be so noted.

The cooperative members individually reserve the right to withdraw from this contract if their governing body will not approve the contract as awarded and in the event of the abandonment of full storage tanks. The vendor is required to hold prices for the other cooperative members. If more than two (2) members cannot obtain approval from their respective governing body, the cooperative bid will be void.

VIII. BID FORM

The undersigned hereby declares that the instructions and specifications have been carefully examined and that **TRUCK TRANSPORT AND TANK WAGON DELIVERIES OF UNLEADED GASOLINE AND DIESEL FUEL** will be furnished for the prices set forth in this bid. It is understood and agreed that all bids are **F.O.B. DESTINATION** and shall remain in effect for at least ninety (90) days from the date of the bid opening to allow for award of bid. Unit prices and factors prevail and the cooperative will correct extension errors. Bid prices shall remain firm for the two-year contract beginning on February 1, 2016 through January 31, 2018 and any extension options that may be agreed upon.

Enclose the written policy you have in place for times of disaster or declared emergencies.

Realistic delivery time in hours: _____

List 24/7 emergency contact and number: _____

Indicate split order charges, if any: _____

Indicate if payment by a Purchasing Card is acceptable: _____

List Cards Accepted: _____

MSDS included? _____

How did you receive notification of this bid? _____

How did you obtain the bid specifications? If bid documents were downloaded from a website, please list: _____

The undersigned certifies that he has downloaded all documents/addendums associated with this bid from the MITN website.

Company _____

Address _____

City/State/Zip _____

Representative/Title _____

Telephone/Fax _____

E-Mail Address/Website _____

Terms _____

Signature/Date _____

This form **must** be completed and returned with your bid.

VIII. BID FORM — TRUCK TRANSPORT

	Est. Usage*	Average	±	Price/gallon	Ext. Total#
Unleaded 87	2,079,000	\$ _____	_____	\$ _____	\$ _____
Unleaded Mid-Grade 89	416,000	\$ _____	_____	\$ _____	\$ _____
ULS Premium Diesel #2	375,000	\$ _____	_____	\$ _____	\$ _____
ULS Diesel #2	624,000	\$ _____	_____	\$ _____	\$ _____
				<i>Total:</i>	\$ _____

Please base pricing on minimum delivery of 8,000 gallons per drop. Indicate any short load charges for quantities between 5,000 and 8,000 gallons.

Short load charge, if any: _____

1. Identify all sources of supply: _____

2. Approximate annual volume in gallons, in Southeast Michigan: _____

* Estimated yearly product usage of cooperative in gallons

Extended total is calculated by multiplying estimated yearly product usage by price per gallon

This form **must** be completed and returned with your bid.

Official bid specifications are available only at www.mitn.info.

VIII. BID FORM — TANK WAGON

	Est. Usage*	Average	±	Price/gallon	Ext. Total#
Unleaded 87	185,400	\$ _____	_____	\$ _____	\$ _____
Unleaded Mid-Grade	171,800	\$ _____	_____	\$ _____	\$ _____
ULS Premium Diesel #2	18,500	\$ _____	_____	\$ _____	\$ _____
ULS Diesel #2	88,100	\$ _____	_____	\$ _____	\$ _____
ULS Dyed Diesel #2	102,000	\$ _____	_____	\$ _____	\$ _____
ULS Dyed Diesel #1	200	\$ _____	_____	\$ _____	\$ _____
Total:					\$ _____

The term "tank wagon" is intended to describe delivery in lots of 5,000 or less. Please specify minimum delivery quantity: _____

1. Identify all sources of supply: _____

2. Approximate annual volume in gallons, in Southeast Michigan: _____

* Estimated yearly product usage of cooperative in gallons

Extended total is calculated by multiplying estimated yearly product usage by price per gallon

This form **must** be completed and returned with your bid.

Official bid specifications are available only at www.mitn.info.

IX. HOLD HARMLESS AND INDEMNITY

To the fullest extent permitted by law, the vendor expressly agrees to indemnify and hold the City of Sterling Heights (City), its elected and appointed officials, employees and volunteer and others working on behalf of the City, harmless from and against all loss, cost, expense, damage, liability or claims, whether groundless or not, arising out of the bodily injury, sickness or disease (including death resulting at any time therefrom) which may be sustained or claimed by any person or persons, or the damage or destruction of any property, including the loss of use thereof, based on any act or omission, negligent or otherwise, of contractor or anyone acting in its behalf in connection with or incident to this contract or the work to be performed hereunder, except that the contractor shall not be responsible to the City on indemnity for damages caused by or resulting from the City's sole negligence; and the Vendor shall, at its own cost and expense, defend any such claim and any suit, action, or proceeding which may be commenced hereunder, and the Vendor shall pay any and all judgments which may be recovered in any such suit, action or proceeding, and any and all expense, including, but not limited to, costs, attorneys' fees and settlement expenses which may be incurred therein.

PLEASE PRINT:

Company Name _____

Authorized Representative _____

Signature/Date _____

This form **must** be completed and returned with your bid.

X. NON-IRAN LINKED BUSINESS CERTIFICATION

Pursuant to Michigan law before accepting any bid or proposal or entering into any contract for goods and services with any prospective Vendor, the Vendor must certify that it is not an "Iran Linked Business".

By signing below, I certify and agree on behalf of myself and the company submitting this proposal the following: (1) that I am duly authorized to legally bind the company submitting this proposal; and (2) that the company submitting this proposal is not an "Iran Linked Business," as that term is defined in Section 2(e) of the Iran Economic Sanctions Act, being Michigan Public Act No. 517 of 2012; and (3) That I and the company submitting this proposal will immediately comply with any further certifications or information submissions requested by the City in this regard."

PLEASE PRINT:

Company Name_____

Authorized Representative_____

Signature/Date_____

This form **must** be completed and returned with your bid.

XI. REFERENCES

List at least three references with whom you have had similar contracts during the past three years. Include letters of reference when available.

1. Company or City_____
- Contact Name_____
- Telephone Number_____
- E-mail_____

2. Company or City_____
- Contact Name_____
- Telephone Number_____
- E-mail_____

3. Company or City_____
- Contact Name_____
- Telephone Number_____
- E-mail_____

Bidder's Signature_____Date_____

Company_____

This form **must** be completed and returned with your bid.

XII. BID SHIPPING LABEL

Please cut below dotted line and affix to mailing envelope or package

Bid Documents Enclosed

From:

Company Name: _____

Contact Person: _____

Phone Number: _____

Solicitation Title: TRUCK TRANSPORT AND TANK WAGON
DELIVERIES OF UNLEADED GASOLINE
AND DIESEL FUEL

**Solicitation
Number:** ITB-SH15-032

Due Date: OCTOBER 13, 2015

Time: 2:30 p.m.

Deliver To:

City of Sterling Heights

Office of the City Clerk

Attn: Mark Carufel, City Clerk

40555 Utica Road

Sterling Heights, MI 48313

XIII. ATTACHMENTS

- A – Truck Transport – Usage Summary
- A1 – Truck Transport Estimated Annual Usage
- B – Tank Wagon – Usage Summary
- B1 – Tank Wagon Estimated Annual Usage

ATTACHMENT A
TRUCK TRANSPORT ESTIMATED ANNUAL USAGE

<u>Location</u>	<u>Tank Size</u>	<u>Above/Below Ground</u>	<u>Type of Product</u>	<u>Annual Est. Usage</u>
Birmingham, City of	11,600	Below	Regular Unleaded	55,000
851 S. Eton Road	6,000	Below	ULS Diesel #2	30,000
Birmingham, MI 48009				
Clinton Township Water Dept.	10,000	Below	Regular Unleaded	130,000
24230 Shook Road	10,000	Below	ULS Diesel #2	42,000
Clinton Township, MI 48035				
Clinton Township Water Dept.	2,000	Below	ULS Diesel #2	(filled by portable tank from Shook Road)
17825 18 Mile Rd.				
Clinton Township, MI 48038				
Eastpointe, City of	8,000	Below	Regular Unleaded	60,000
Department of Public Works				
17800 10 Mile Road				
Eastpointe, MI 48021				
Farmington Hills, City of	10,000	Below	Regular Unleaded	87,000
Police Station	10,000	Below	Regular Unleaded	
31655 Eleven Mile Road				
Farmington Hills, MI 48336				
Farmington Hills, City of	8,000	Below	Regular Unleaded	25,000
DPW	12,000	Below	ULS Premium Diesel #2	35,000
27245 Halsted	(20k tank that is compartmentalized)			
Farmington Hills, MI 48331				
Livonia, City of	10,000	Below	Regular Unleaded	160,000
33000 Civic Center Drive	10,000	Below	ULS Diesel #2	30,000
Livonia, MI 48154				
Livonia, City of	10,000	Below	Regular Unleaded	80,000
Public Service Division	10,000	Below	ULS Diesel #2	80,000
12973 Farmington Road				
Livonia, MI 48150				
Madison Heights, City of	10,000	Below	ULS Diesel #2	34,000
Department of Public Services	12,000	Below	Mid-Grade Unleaded	19,000
801 Ajax Drive				
Madison Heights, MI 48071				
Madison Heights, City of	10,000	Below	Mid-Grade Unleaded	32,000
Police Department				
280 W. Thirteen Mile Road				
Madison Heights, MI 48071				
Novi, City of	10,000	Below	Regular Unleaded	115,000
26300 Delwal	10,000	Below	Regular Unleaded	(combined)
Novi, MI 48375	10,000	Below	ULS Diesel #2	42,000
Oakland County Central Garage	20,000	Below	Regular Unleaded	450,000
1200 North Telegraph Road	20,000	Below		
Building 38E	20,000	Below		
Pontiac, MI 48341	12,000	Below		
Rochester Hills, City of	15,000	Below	ULS Premium Diesel #2	70,000
Department of Public Services	15,000	Below	Regular Unleaded	60,000
511 E. Auburn Road				
Rochester Hills, MI 48037				
Royal Oak, City of	20,000	Below	Mid-Grade Unleaded	125,000
Motor Pool Garage	10,000	Below	ULS Premium Diesel #2	55,000
1600 N. Campbell Road	10,000	Below	ULS Premium Diesel #2	55,000
Royal Oak, MI 48067				

ATTACHMENT A
TRUCK TRANSPORT ESTIMATED ANNUAL USAGE

<u>Location</u>	<u>Tank Size</u>	<u>Above/Below Ground</u>	<u>Type of Product</u>	<u>Annual Est. Usage</u>
St. Clair Shores, City of	12,000	Below	Regular Unleaded	105,000
Department of Public Works	6,000	Below	ULS Premium Diesel #2	62,000
19800 Pleasant				
St. Clair Shores, MI 48080				
Southfield, City of	20,000	Below	Mid-Grade Unleaded	60,000
DPS Facility				
25501 Clara Lane	20,000	Below	ULS Diesel #2	85,000
Southfield, MI 48034				
Southfield, City of	20,000	Below	Mid-Grade Unleaded	180,000
Public Safety Building				
26000 Evergreen				
Southfield, MI 48076				
Sterling Heights, City of	25,000	Below	Regular Unleaded	190,000
Department of Public Works	20,000	Below	ULS Diesel #2	75,000
7200 Eighteen Mile Road				
Sterling Heights, MI 48314				
Troy, City of	12,000	Below	Regular Unleaded	94,000
500 W. Big Beaver				
Troy, MI 48084				
Troy, City of	12,000	Below	Regular Unleaded	50,000
Department of Public Works	12,000	Below	ULS Diesel #2	76,000
4693 Rochester Road				
Troy, MI 48098				
Warren, City of	10,000	Below	Regular Unleaded	46,000
Department of Public Works	10,000	Below	Regular Unleaded	42,000
12801 Stephens	10,000	Below	ULS Premium Diesel #2	78,000
Warren, MI 48089				
Warren, City of	10,000	Below	Regular Unleaded	65,000
Police Department	10,000	Below	Regular Unleaded	65,000
29900 Civic Center Blvd.				
Warren, MI 48093				
Warren, City of	12,000	Above	ULS Diesel #2	130,000
Sanitation				
25601 Flanders				
Warren, MI 48093				
Waterford Township	10,000	Below	Regular Unleaded	125,000
5240 Civic Center Drive	6,000	Below	ULS Premium Diesel #2	20,000
Waterford, MI 48239				
West Bloomfield Township	10,000	Below	Regular Unleaded	75,000
Police Department				
4430 Walnut Lake Road				
West Bloomfield, MI 48323				

TRUCK TRANSPORT - USAGE SUMMARY
ATTACHMENT A1

<u>Location</u>	Unleaded <u>87 Octane</u>	Mid-Grade Unleaded <u>89 Octane</u>	ULS Premium <u>Diesel #2</u>	<u>ULS Diesel #2</u>
Birmingham	55,000			30,000
Clinton Township	130,000			42,000
Eastpointe	60,000			
Farmington Hills	112,000		35,000	
Livonia	240,000			110,000
Madison Heights		51,000		34,000
Novi	115,000			42,000
Oakland County	450,000			
Rochester Hills	60,000		70,000	
Royal Oak		125,000	110,000	
St. Clair Shores	105,000		62,000	
Southfield		240,000		85,000
Sterling Heights	190,000			75,000
Troy	144,000			76,000
Warren	218,000		78,000	130,000
Waterford	125,000		20,000	
West Bloomfield	75,000			
Totals:	2,079,000	416,000	375,000	624,000

ATTACHMENT B
TANK WAGON ESTIMATED ANNUAL USAGE

<u>Location</u>	<u>Tank Size</u>	<u>Above/Below Ground</u>	<u>Type of Product</u>	<u>Annual Est. Usage</u>
Birmingham, City of	500	Below	Regular Unleaded	1,500
Lincoln Hills Golf Course	500	Below	ULS Dyed Diesel #2	1,000
2666 W. Fourteen Mile Road				
Birmingham, MI 48009				
Birmingham, City of	500	Below	Regular Unleaded	1,500
Springdale Golf Course	500	Below	ULS Dyed Diesel #2	1,000
316 Strathmore				
Birmingham, MI 48009				
Eastpointe, City of	2,000	Above	ULS Premium Diesel #2	17,000
Department of Public Works				
17800 10 Mile Road				
Eastpointe, MI 48021				
Eastpointe, City of	560	Above	ULS Premium Diesel #2	3,500
Fire & Rescue Department				
16370 9 Mile Road				
Eastpointe, MI 48021				
Farmington Hills, City of	3,000	Below	Regular Unleaded	18,500
Parks & Golf Maintenance	500	Above	ULS Premium Diesel #2	3,500
38111 Interchange Drive			(in colder months	
Farmington Hills, MI 48331			Winter Blend Diesel)	
HC Metropark - Lake St. Clair	4,000	Above	Regular Unleaded	11,000
31300 Metro Parkway	2,000	Above	ULS Dyed Diesel #2	5,000
Mt. Clemens, MI 48045				
HC Metropark - Wolcott Mill Farm Center	500	Above	Regular Unleaded	2,700
65775 Wolcott Road	500	Above	ULS Dyed Diesel #2	800
Ray, MI 48096				
HC Metropark - Wolcott Golf Course	500	Temporary Above	Regular Unleaded	3,000
21690 27 Mile Road	500	Temporary Above	ULS Dyed Diesel #2	1,400
Ray, MI 48096				
HC Metropark - Stony Creek Golf Course	1,000	Above	Regular Unleaded	1,100
5140 Main Parkway	1,000	Above	ULS Dyed Diesel #2	1,300
Shelby Township, MI 48316				
HC Metropark - Stony Creek Service Yard	4,000	Above	Regular Unleaded	20,000
4250 26 Mile Road	2,000	Above	ULS Dyed Diesel #2	6,500
Shelby Township, MI 48316				
HC Metropark - Indian Springs Service Area	3,000	Under	Regular Unleaded	3,000
5200 Indian Trail				
White Lake, MI 48386				
HC Metropark - Indian Springs Golf Course	1,000	Under	Regular Unleaded	8,100
5100 Indian Trail	1,000	Under	ULS Dyed Diesel #2	3,200
White Lake, MI 48386				
HC Metropark - Kensington Service Yard	4,000	Above	Regular Unleaded	25,000
2240 W Buno Road	2,000	Above	ULS Dyed Diesel #2	8,000
Milford, MI 48380				
HC Metropark - Kensington Golf Course	2,500	Under	Regular Unleaded	6,000
13760 High Ridge Drive	1,000	Under	ULS Dyed Diesel #2	2,700
Brighton, MI 48114				
HC Metropark - Kensington Boat Rental	500	Above	Regular Unleaded	500
2240 West Buno Rd				
Milford, MI 48380				
HC Metropark - Huron Meadows Service Yard	1,000	Under	Regular Unleaded	3,100
8765 Hammel Road	1,000	Under	ULS Dyed Diesel #2	3,500
Brighton, MI 48116				

ATTACHMENT B
TANK WAGON ESTIMATED ANNUAL USAGE

HC Metropark - Hudson Mills Golf Course	2,500	Under	Regular Unleaded	2,900
4800 Dexter-Pinckney Road	1,000	Under	ULS Dyed Diesel #2	1,400
Dexter, MI 48130				
HC Metropark - Hudson Mills Service Yard	2,500	Above	Regular Unleaded	9,100
8801 North Territorial	1,500	Above	ULS Dyed Diesel #2	3,100
Dexter, MI 48130				
HC Metropark - Lower Huron Service Yard	4,000	Under	Regular Unleaded	9,000
17845 Savage Road	2,500	Under	ULS Dyed Diesel #2	2,900
Belleville, MI 48111	1,000	Under	Regular Unleaded	3,200
HC Metropark - Willow Service Yard	4,000	Above	Regular Unleaded	11,500
23140 Interloop Rd	2,000	Above	ULS Dyed Diesel #2	7,700
New Boston, MI 48164				
HC Metropark - Willow Golf Course	1,000	Under	Regular Unleaded	5,000
22900 Huron River Drive	1,000	Under	ULS Dyed Diesel #2	2,900
New Boston, MI 48164				
HC Metropark - Lake Erie Service Yard	4,000	Above	Regular Unleaded	12,200
32481 West Jefferson	2,000	Above	ULS Dyed Diesel #2	1,700
Brownstown, MI 48173				
HC Metropark - Lake Erie Golf Course	4,000	Above	Regular Unleaded	5,000
14786 Lee Road	2,000	Above	ULS Dyed Diesel #2	2,200
Browntown, MI 48173				
Livonia, City of	500	Above	Regular Unleaded	3,500
Fox Creek Golf Course	500	Above	ULS Dyed Diesel #2	2,500
36000 Seven Mile Road				
Livonia, MI 48152				
Livonia, City of	2,000	Above	Regular Unleaded	2,500
Idylwyld Golf Course	2,000	Above	ULS Dyed Diesel #2	2,000
35786 Five Mile Road				
Livonia, MI 48150				
Livonia, City of	2,000	Above	Regular Unleaded	4,500
Whispering Willows Golf Course	2,000	Above	ULS Dyed Diesel #2	2,500
20500 Newburgh Road				
Livonia, MI 48152				
St. Clair Shores, City of	1,000	Above	Regular Unleaded	8,000
St. Clair Shores Country Club	1,000	Above	ULS Premium Diesel #2	4,500
22185 Masonic				
St. Clair Shores, MI 48082				
Southfield, City of	1,000	Above	ULS Premium Diesel #2	7,500
Fire Headquarters				
24477 Lahser Road				
Southfield, MI 48033				
Station 1	1,000	Above	ULS Diesel #2	5,500
Station 2	1,000	Above	ULS Diesel #2	6,000
Station 3	1,000	Above	ULS Diesel #2	6,000
Station 4	1,000	Above	ULS Diesel #2	6,000
	500	Above	ULS Diesel #2	4,000
Southfield, City of	3,000	Above	ULS Diesel #2	500
Public Safety Building / Park Services				
26000 Evergreen				
Southfield, MI 48076				
Sterling Heights, City of	1,000	Above	ULS Diesel #2	4,300
Fire Station #2				
12825 Nineteen Mile Road				
Sterling Heights, MI 48313				

ATTACHMENT B
TANK WAGON ESTIMATED ANNUAL USAGE

Sterling Heights, City of Fire Station #3 5250 Fifteen Mile Road Sterling Heights, MI 48310	1,000	Above	ULS Diesel #2	4,500
Sterling Heights, City of Fire Station #4 12850 Fifteen Mile Road Sterling Heights, MI 48312	1,000	Above	ULS Diesel #2	3,700
Sterling Heights, City of Fire Station #5 41627 Ryan Road Sterling Heights, MI 48314	generator	Above	ULS Dyed Diesel #2 off-road diesel	0
Sterling Heights, City of Booster Station 2460 Dobry Drive Sterling Heights, MI 48314	generator	Above	ULS Dyed Diesel #2 off-road diesel	300
Sterling Heights, City of Police Department 40333 Dodge Park Sterling Heights, MI 48313	generator	Above	ULS Dyed Diesel #2 off-road diesel	400
Troy, City of 500 W. Big Beaver Troy, MI 48084	12,000	Below	Regular Unleaded	4,000
Troy DPW, City of 4693 Rochester Road Troy, MI 48098	12,000	Below	ULS Diesel #2	3,000
Warren, City of Parks & Recreation 32601 Warkop Warren, MI 48093	4,000 2,000	Above Above	Mid-Grade Unleaded ULS Diesel #2	8,000 22,000
Warren, City of Waste Water Treatment Plant 32360 Warkop Warren, MI 48093	6,000 (14 Mile) 125 (14 Mile) 1,050 (9 Mile)	Below Above Above	ULS Dyed Diesel #2 ULS Dyed Diesel #1 ULS Dyed Diesel #2	5,000 200 1,000
Warren, City of Police Department 29900 Civic Center Blvd. Warren, MI 48093	6,000	Below	ULS Diesel #2 - Dyed	6,000
Waterford Township 5240 Civic Center Drive Waterford, MI 48239	1,000	Above	ULS Premium Diesel #2	3,000
Waterford Township Fire Station #3 3435 Elizabeth Lake Road Waterford, MI 48328	1,000	Above	ULS Diesel #2	7,000
West Bloomfield Township Fire Station #1 4601 Orchard Lake Road West Bloomfield, MI 48323	500 500	Below Below	Mid-grade Unleaded ULS Diesel #2	2,000 2,000
West Bloomfield Township Fire Station #2 6925 West Maple West Bloomfield, MI 48322	500	Below	ULS Diesel #2	3,200

ATTACHMENT B
TANK WAGON ESTIMATED ANNUAL USAGE

West Bloomfield Township Fire Station #3 3340 Green Lake Road West Bloomfield, MI 48324	500	Below	ULS Diesel #2	2,500
West Bloomfield Township Fire Station #4 5842 Greer Road West Bloomfield, MI 48324	500 500	Below Below	Mid-grade Unleaded ULS Diesel #2	1,500 1,500
West Bloomfield Township Fire Station #5 5425 W. Maple West Bloomfield, MI 48322	500 500	Below Below	Mid-grade Unleaded ULS Diesel #2	3,300 3,400
West Bloomfield Township Fire Station #9 3300 Orchard Lake Road West Bloomfield, MI 48324	500	Below	ULS Diesel #2	3,000
West Bloomfield Township Police Department 4430 Walnut Lake Road West Bloomfield, MI 48323	2,000	Below	ULS Dyed Diesel #2	1,000
West Bloomfield Township Township Hall 4550 Walnut Lake Road West Bloomfield, MI 48323	300	Below	ULS Dyed Diesel #2	500
West Bloomfield Township Water and Sewer Department 2400 Haggerty West Bloomfield, MI 48323	3,000 5,000	Below Below	ULS Dyed Diesel #2 Mid-grade Unleaded	4,000 157,000

TANK WAGON - USAGE SUMMARY
ATTACHMENT B1

<u>Location</u>	Unleaded <u>87 Octane</u>	Mid-Grade Unleaded <u>89 Octane</u>	ULS Premium <u>Diesel #2</u>	<u>ULS Diesel #2</u>	ULS Dyed <u>Diesel #2</u>	ULS Dyed <u>Diesel #1</u>
Birmingham	3,000				2,000	
Eastpointe					20,500	
Farmington Hills	18,500		3,500			
Huron-Clinton Metroparks	141,400				54,300	
Livonia	10,500				7,000	
St. Clair Shores	8,000		4,500			
Southfield			7,500	28,000		
Sterling Heights				12,500	700	
Troy	4,000			3,000		
Warren		8,000		22,000	12,000	200
Waterford			3,000	7,000		
West Bloomfield		163,800		15,600	5,500	
Totals:	185,400	171,800	18,500	88,100	102,000	200

Notification List:

Ports Petroleum Company, Inc.
13347 Blacheyville Road
Wooster, OH 44691
Robert Lay, Government Sales
roblay@portspetro.com

RKA Petroleum Companies, Inc.
28340 Wick Road
Romulus, MI 48174
Michael Calhoon, National Account Rep
mcalhoon@rkapetroleum.com

Atlas Oil Company
24501 Ecorse Road
Taylor, MI 48180
Sandra Schoenrade, Inside Sales Representative
sandras@atlasoil.com

**CITY OF STERLING HEIGHTS
 BID TABULATION - OCTOBER 13, 2015
 ITB-SH15-032: TRUCK TRANSPORT AND TANK WAGON
 DELIVERIES OF UNLEADED GASOLINE AND DIESEL FUEL**

TRUCK TRANSPORT FACTORS																	
Commodity	Est. Gallons	Avg	Atlas Oil Company			Mansfield Oil Company			Petroleum Traders Corp			Ports Petroleum			RKA Petroleum Companies		
			Factor	Price/gal	Ext Total	Factor	Price/gal	Ext Total	Factor	Price/gal	Ext Total	Factor	Price/gal	Ext Total	Factor	Price/gal	Ext Total
Unleaded 87	2,079,000	1.8353	+0148	\$1.8501	\$3,846,357.90	+01600	\$1.85130	\$3,848,852.70	-0075	\$1.8278	\$3,799,996.20	-0139	\$1.8214	\$3,786,690.60 *	-0243	\$1.8110	\$3,765,069.00
Unleaded Mid-Grade 89	416,000	2.0610	+0148	2.0758 *	863,532.80	+01950	2.08050	865,488.00	-0018	2.0592	856,627.20	-0026	2.0584	856,294.40	-0208	2.0402	848,723.20
ULS Premium Diesel #2	375,000	2.1230	-0154	2.1076	790,350.00	-0143	2.10870	790,762.50	-0162	2.1068	790,050.00	-0193	2.1037	788,887.50	+00120	2.1242	796,575.00
ULS Diesel #2	624,000	2.0928	-0154	2.0774	1,296,297.60	-0193	2.07350	1,293,864.00	-0276	2.0652	1,288,684.80	-0293	2.0635	1,287,624.00	-0108	2.0820	1,299,168.00
Totals					\$6,796,538.30			\$6,798,967.20			\$6,735,358.20			\$6,719,496.50			\$6,709,535.20

TANK WAGON FACTORS																	
Commodity	Est. Gallons	Avg	Atlas Oil Company			Mansfield Oil Company			Petroleum Traders Corp			Ports Petroleum			RKA Petroleum Companies		
			Factor	Price/gal	Ext Total	Factor	Price/gal	Ext Total	Factor	Price/gal	Ext Total	Factor	Price/gal	Ext Total	Factor	Price/gal	Ext Total
Unleaded 87	185,400	1.8353	+0995	\$1.9348	\$358,711.92	+2928	\$2.1281	\$394,549.74	N/B			+3000	\$2.1353	\$395,884.62	+0848	\$1.9201	\$355,986.54
Unleaded Mid-Grade 89	171,800	2.0610	+0995	2.1605	371,173.90	+2928	2.3538	404,382.84	N/B			+3000	2.3610	405,619.80	+0848	2.1458	368,648.44
ULS Premium Diesel #2	18,500	2.1230	+0995	2.2225	41,116.25	+3133	2.4363	45,071.55	N/B			+3000	2.4230	44,825.50	+0968	2.2198	41,066.30
ULS Diesel #2	88,100	2.0928	+0995	2.1923	193,141.63	+2933	2.3861	210,215.41	N/B			+3000	2.3928	210,805.68	+0848	2.1776	191,846.56
ULS Dyed Diesel #2	102,000	2.1009	+0995	2.2004	224,440.80	+2933	2.3942	244,208.40	N/B			+3000	2.4009	244,891.80	+0848	2.1857	222,941.40
ULS Dyed Diesel #1	200	2.5016	+0995	2.6011	520.22	+9933	3.4949	698.98	N/B			+4000	2.9016	580.32	+2202	2.7218	544.36
Totals					\$1,189,104.72			\$1,299,126.92			\$0.00			\$1,302,607.72			\$1,181,033.60

ADDITIONAL TERMS AND CONDITIONS					
	Atlas Oil Company	Mansfield Oil Company	Petroleum Traders Corp	Ports Petroleum	RKA Petroleum Companies
Short load charge - TRUCK (5,000-8,000 gals)	\$50	\$70	\$50	\$75	\$50
Short load charge - TANK WAGON	\$0	\$0	N/B	\$0 - 500 to 5,000, \$150 < 500	\$0 - 150 to 5,000, \$100 < 150
Minimum delivery w/no charge - TANK WAGON	No minimum	500 gallons	N/B	500 gallons	150 gallons
Volume/Gallons, SE MI	200,000,000	99,955,000 +	5,200,000	> 10,000,000	100,000,000
Terms	net 30	net 30	net 30, or net 10 w/.005 gal discount	net 30	net 30, or net 15 w/.005 gal discount
Split order charge	\$35.00	\$40.00	\$40.00	\$55.00 (if not at same address)	\$35.00
Delivery Time	24 hours	24 hours	24 hours	24 hours	24-48 hours

OPIS Detroit Michigan Rack Average - Purchasing adjusted several to maintain continuity to benchmark.

* Adjusted by Purchasing

N/B - No Bid Submitted

Bid by Foster Blue Water Oil Co. was received late, unopened.

All factors above include: Federal LUST (Leaking Underground Storage Tank) tax, State UST (Underground Storage Tank) Fee, and Federal Environmental Recovery Fee.



**CITY OF
Sterling
Heights**
InnovatingLiving

Richard J. Notte Sterling Heights City Center
City Hall
40555 Utica Rd. | P.O. Box 8009
Sterling Heights, MI | 48311-8009

City Council	
Mayor	Michael C. Taylor
Mayor Pro Tem	Doug Skrzyniarz
Councilwoman	Deanna Koski
Councilman	Joseph V. Romano
Councilwoman	Maria G. Schmidt
Councilman	Nate Shannon
Councilwoman	Barbara A. Ziarko


TEL 586.446.CITY (2489) FAX 586.276.4077
cityhall@sterling-heights.net | www.sterling-heights.net
facebook.com/cityofsterlingheights | twitter.com/sterling_hts

City Manager Mark D. Vanderpool

INVITATION TO BID

ITB-SH15-032

The City of Sterling Heights, as the lead agency for a fuel cooperative of at least eighteen governmental entities, is accepting sealed bids for TRUCK TRANSPORT AND TANK WAGON DELIVERIES OF UNLEADED GASOLINE AND DIESEL FUEL until TUESDAY, OCTOBER 13, 2015, at 2:30 P.M. in the Office of the City Clerk, 40555 Utica Road, Sterling Heights, MI 48313. Specifications are attached.


James Buhlinger
Purchasing Manager

Office of Purchasing
586-446-2740

VII. SPECIFICATIONS

The governmental entities of Birmingham, Clinton Township, Eastpointe, Farmington Hills, Huron-Clinton Metroparks, Livonia, Madison Heights, Novi, Oakland County, Rochester Hills, Royal Oak, St. Clair Shores, Southfield, Sterling Heights, Troy, Warren, Waterford, and West Bloomfield herein known as the "cooperative" are jointly requesting sealed bid proposals for the purchase of gasoline and diesel fuel, as described below, in truck transport and tank wagon deliveries for the period of **February 1, 2016 through January 31, 2018** with an option to extend for two (2) additional years through mutual consent, under the same terms and conditions. The entities mentioned above have their estimated annual fuel use incorporated into the bid. In addition, there may be approximately 2-3 additional entities that may be included at a later date.

The cooperative reserves the right to extend the contract, exclusively, unless the vendor can show that terms or conditions or their variables within the contract have changed.

TRUCK TRANSPORT ESTIMATED TOTAL ANNUAL REQUIREMENTS

Unleaded 87 Octane	2,079,000	gallons
Unleaded Mid-grade 89 Octane	416,000	gallons
ULS Diesel #2 Premium	375,000	gallons
ULS Diesel #2	624,000	gallons

TANK WAGON ESTIMATED ANNUAL REQUIREMENTS

Unleaded 87 Octane	185,400	gallons
Unleaded Mid-grade 89 Octane	171,800	gallons
ULS Diesel #2 Premium	18,500	gallons
ULS Diesel #2	88,100	gallons
ULS Diesel #2 – Dyed	102,000	gallons
ULS Diesel #1 - Dyed	200	gallons

SPECIFICATIONS

Unleaded gasoline (10% Ethanol)	Minimum octane rating of 87	(R+M)/2
Mid-grade gasoline (10% Ethanol)	Minimum octane rating of 89	(R+M)/2
Ultra Low Sulphur Diesel	Maximum sulphur 15ppm	

All gasoline shall be free of water, suspended matter and strong obnoxious odors and shall meet the standards as per ASTM, D439-83 and all other recognized minimum standards.

Biodiesel fuel: Although currently not being used by the majority of entities, this bid is requesting pricing for biodiesel due to the ongoing changes in fuel over the past several years. Pricing should be included for B-5, B-10 and B-20 biodiesel that meets or exceeds ASTM D6751 specifications. Splash blending is not acceptable.

Diesel fuel: The following specifications should be considered the minimum acceptable. All diesel fuel must meet or exceed the latest ASTM D975 version of standard specification, be free of water, suspended matter and strong obnoxious odors.

	<u>NO. 1</u>	<u>PREMIUM NO. 2</u>		<u>NO. 2</u>
		<u>SUMMER</u>	<u>WINTER</u>	
Gravity, API, Min (ASTM D287)	37	34	36	30
Flash, F., P-M, Min. (ASTM D93)	120-160	155	145	140
Pour Point, F., Max. (ASTM D97)	-25	-10	-20	+10 to -5
Cloud Point, F., Max. (ASTM D2500)	-	0	-15	+15 max
Viscosity @ 40 C., (100 F.) MIN. c St. (ASTM D445) MAX.	1.3 2.1	35 -	33 -	2.0 3.6
Carbon Residue on 10% Bottoms, % Max. (ASTM D524)	0.15	.02	.02	0.35
Ash, % Max. (ASTM D482)	0.01	0.01	0.01	0.01
Corrosion 3 hrs. @ 122 F., Max. (ASTM D130)	1	1	1	1
Distillation (ASTM D86) 10% Recovered, F., Max.	420	413	413	Report
Color, Min. (ASTM D156) Color, Max. (ASTM D1500)	+14 -	- -	- -	- 2.5
Cetane No., (Motor), Min. (ASTM D613) or Cetane Index (ASTM D976)	40.0	45.0	46.0	40.0
Water & Sediment (D96) Max.	trace	0	0	Clear/Bright

All No. 1, No. 2 Premium and No. 2 delivered *must* not exceed 0.0015 percent by weight of sulfur.

VENDOR QUALIFICATIONS

Bids will be accepted only from vendors who are licensed by the State of Michigan as a wholesale distributor. Vendors may be required to submit financial data as required for qualification. Please submit all sources of supply and approximate volume of annual business currently transacted in Southeast Michigan where indicated on your bid form.

MISCELLANEOUS

The vendor will be responsible for any spillage. If the governmental entities need to clean or otherwise remedy the results of a spill, the vendor will be responsible for all costs incurred, to notify the Department of Natural Resources and to complete and file all required forms. Proof of all such actions are to be provided to cooperative member concerned. Inasmuch as the fuel to be supplied under this agreement is for Police, Fire and other emergency services, the successful bidder shall agree to designate the members of this cooperative as priority services.

In any case where vehicle performance is poor and fuel quality is suspect, the vendor shall provide the necessary technical assistance and independent testing to determine the cause and/or solution to the problem. Testing would be at vendor's expense, if fuel is determined to be of poor quality.

The vendor is responsible for all expense to remove defective fuel and repair equipment. All defective fuel would be replaced with fuel meeting specifications and priced at original delivery date. If requested by agency, driver to provide fuel sample before fuel is dropped into tank. Agency to provide container and sample.

In the event any member of the cooperative elects to have an additive added to their diesel/gasoline supply, the rate for the next highest grade will be charged. Example: Diesel #2 with additives would be charged at the rate for Premium Diesel #2.

Indicate on the Bid Form additional charges, if any, for a split order of fuel to equal the vendor's minimum order (i.e. 4,000 gallons of diesel and 4,000 gallons of unleaded) at the same address.

METHOD OF AWARD

The Detroit, Michigan Market OPIS Contract - Rack Average will be used as a point of reference in evaluating bid prices and as the method for price adjustments during the term of the agreement. Please submit your bid on the basis of the OPIS for Detroit Michigan Rack Average on prices that are contained in the 10:00:01, **October 6, 2015** publication date. Unit prices and factors prevail and the cooperative will correct any extension errors.

Please base pricing for truck transport on minimum delivery of 8,000 gallons per drop. Indicate any short load charges for quantities between 5,000 and 8,000 gallons. Base pricing for tank wagon on minimum delivery of 250 gallons.

Use Diesel #2 OPIS Index for No. 1 and No. 2 Premium Diesel if *not* shown on the OPIS Index.

Award will be made on a joint basis. However, separate purchase orders will be issued by each member of the cooperative, subject to approval of respective elected officials.

The successful bidder shall have the option to extend the terms of the agreement to other governmental units in the Metropolitan area upon approval of the Purchasing Manager of the City of Sterling Heights.

The members of the cooperative reserve the right to accept or reject any or all bids, waive irregularities or informalities, award to other than the low bidder, to split award and to accept any bid considered to be in the best interests of the members. All bids shall be in accordance with the specifications and shall be submitted on the bid forms contained herein. Any exceptions shall be so noted.

The cooperative members individually reserve the right to withdraw from this contract if their governing body will not approve the contract as awarded and in the event of the abandonment of full storage tanks. The vendor is required to hold prices for the other cooperative members. If more than two (2) members cannot obtain approval from their respective governing body, the cooperative bid will be void.

VIII. BID FORM

The undersigned hereby declares that the instructions and specifications have been carefully examined and that **TRUCK TRANSPORT AND TANK WAGON DELIVERIES OF UNLEADED GASOLINE AND DIESEL FUEL** will be furnished for the prices set forth in this bid. It is understood and agreed that all bids are **F.O.B. DESTINATION** and shall remain in effect for at least ninety (90) days from the date of the bid opening to allow for award of bid. Unit prices and factors prevail and the cooperative will correct extension errors. Bid prices shall remain firm for the two-year contract beginning on February 1, 2016 through January 31, 2018 and any extension options that may be agreed upon.

Enclose the written policy you have in place for times of disaster or declared emergencies.

Realistic delivery time in hours: _____

List 24/7 emergency contact and number: _____

Indicate split order charges, if any: _____

Indicate if payment by a Purchasing Card is acceptable: _____

List Cards Accepted: _____

MSDS included? _____

How did you receive notification of this bid? _____

How did you obtain the bid specifications? If bid documents were downloaded from a website, please list: _____

The undersigned certifies that he has downloaded all documents/addendums associated with this bid from the MITN website.

Company _____

Address _____

City/State/Zip _____

Representative/Title _____

Telephone/Fax _____

E-Mail Address/Website _____

Terms _____

Signature/Date _____

This form **must** be completed and returned with your bid.

VIII. BID FORM — TRUCK TRANSPORT

	Est. Usage*	Average	±	Price/gallon	Ext. Total#
Unleaded 87	2,079,000	\$ _____	_____	\$ _____	\$ _____
Unleaded Mid-Grade 89	416,000	\$ _____	_____	\$ _____	\$ _____
ULS Premium Diesel #2	375,000	\$ _____	_____	\$ _____	\$ _____
ULS Diesel #2	624,000	\$ _____	_____	\$ _____	\$ _____
Total:					\$ _____

Please base pricing on minimum delivery of 8,000 gallons per drop. Indicate any short load charges for quantities between 5,000 and 8,000 gallons.

Short load charge, if any: _____

1. Identify all sources of supply: _____

2. Approximate annual volume in gallons, in Southeast Michigan: _____

* Estimated yearly product usage of cooperative in gallons

Extended total is calculated by multiplying estimated yearly product usage by price per gallon

This form **must** be completed and returned with your bid.

Official bid specifications are available only at www.mitn.info.

VIII. BID FORM — TANK WAGON

	Est. Usage*	Average	±	Price/gallon	Ext. Total#
Unleaded 87	185,400	\$ _____	_____	\$ _____	\$ _____
Unleaded Mid-Grade	171,800	\$ _____	_____	\$ _____	\$ _____
ULS Premium Diesel #2	18,500	\$ _____	_____	\$ _____	\$ _____
ULS Diesel #2	88,100	\$ _____	_____	\$ _____	\$ _____
ULS Dyed Diesel #2	102,000	\$ _____	_____	\$ _____	\$ _____
ULS Dyed Diesel #1	200	\$ _____	_____	\$ _____	\$ _____
Total:					\$ _____

The term "tank wagon" is intended to describe delivery in lots of 5,000 or less. Please specify minimum delivery quantity: _____

1. Identify all sources of supply: _____

2. Approximate annual volume in gallons, in Southeast Michigan: _____

* Estimated yearly product usage of cooperative in gallons

Extended total is calculated by multiplying estimated yearly product usage by price per gallon

This form **must** be completed and returned with your bid.

Official bid specifications are available only at www.mitn.info.

ATTACHMENT A
TRUCK TRANSPORT ESTIMATED ANNUAL USAGE

<u>Location</u>	<u>Tank Size</u>	<u>Above/Below Ground</u>	<u>Type of Product</u>	<u>Annual Est. Usage</u>
Birmingham, City of	11,600	Below	Regular Unleaded	55,000
851 S. Eton Road	6,000	Below	ULS Diesel #2.	30,000
Birmingham, MI 48009				
Clinton Township Water Dept.	10,000	Below	Regular Unleaded	130,000
24230 Shook Road	10,000	Below	ULS Diesel #2	42,000
Clinton Township, MI 48035				
Clinton Township Water Dept.	2,000	Below	ULS Diesel #2	(filled by portable tank from Shook Road)
17825 18 Mile Rd.				
Clinton Township, MI 48038				
Eastpointe, City of	8,000	Below	Regular Unleaded	60,000
Department of Public Works				
17800 10 Mile Road				
Eastpointe, MI 48021				
Farmington Hills, City of	10,000	Below	Regular Unleaded	87,000
Police Station	10,000	Below	Regular Unleaded	
31655 Eleven Mile Road				
Farmington Hills, MI 48336				
Farmington Hills, City of	8,000	Below	Regular Unleaded	25,000
DPW	12,000	Below	ULS Premium Diesel #2	35,000
27245 Halsted	(20k tank that is compartmentalized)			
Farmington Hills, MI 48331				
Livonia, City of	10,000	Below	Regular Unleaded	160,000
33000 Civic Center Drive	10,000	Below	ULS Diesel #2	30,000
Livonia, MI 48154				
Livonia, City of	10,000	Below	Regular Unleaded	80,000
Public Service Division	10,000	Below	ULS Diesel #2	80,000
12973 Farmington Road				
Livonia, MI 48150				
Madison Heights, City of	10,000	Below	ULS Diesel #2	34,000
Department of Public Services	12,000	Below	Mid-Grade Unleaded	19,000
801 Ajax Drive				
Madison Heights, MI 48071				
Madison Heights, City of	10,000	Below	Mid-Grade Unleaded	32,000
Police Department				
280 W. Thirteen Mile Road				
Madison Heights, MI 48071				
Novi, City of	10,000	Below	Regular Unleaded	115,000
26300 Delwal	10,000	Below	Regular Unleaded	(combined)
Novi, MI 48375	10,000	Below	ULS Diesel #2	42,000
Oakland County Central Garage	20,000	Below	Regular Unleaded	450,000
1200 North Telegraph Road	20,000	Below		
Building 38E	20,000	Below		
Pontiac, MI 48341	12,000	Below		
Rochester Hills, City of	15,000	Below	ULS Premium Diesel #2	70,000
Department of Public Services	15,000	Below	Regular Unleaded	60,000
511 E. Auburn Road				
Rochester Hills, MI 48037				
Royal Oak, City of	20,000	Below	Mid-Grade Unleaded	125,000
Motor Pool Garage	10,000	Below	ULS Premium Diesel #2	55,000
1600 N. Campbell Road	10,000	Below	ULS Premium Diesel #2	55,000
Royal Oak, MI 48067				

ATTACHMENT A
TRUCK TRANSPORT ESTIMATED ANNUAL USAGE

<u>Location</u>	<u>Tank Size</u>	<u>Above/Below Ground</u>	<u>Type of Product</u>	<u>Annual Est. Usage</u>
St. Clair Shores, City of	12,000	Below	Regular Unleaded	105,000
Department of Public Works	6,000	Below	ULS Premium Diesel #2	62,000
19800 Pleasant				
St. Clair Shores, MI 48080				
Southfield, City of	20,000	Below	Mid-Grade Unleaded	60,000
DPS Facility				
25501 Clara Lane	20,000	Below	ULS Diesel #2	85,000
Southfield, MI 48034				
Southfield, City of	20,000	Below	Mid-Grade Unleaded	180,000
Public Safety Building				
26000 Evergreen				
Southfield, MI 48076				
Sterling Heights, City of	25,000	Below	Regular Unleaded	190,000
Department of Public Works	20,000	Below	ULS Diesel #2	75,000
7200 Eighteen Mile Road				
Sterling Heights, MI 48314				
Troy, City of	12,000	Below	Regular Unleaded	94,000
500 W. Big Beaver				
Troy, MI 48084				
Troy, City of	12,000	Below	Regular Unleaded	50,000
Department of Public Works	12,000	Below	ULS Diesel #2	76,000
4693 Rochester Road				
Troy, MI 48098				
Warren, City of	10,000	Below	Regular Unleaded	46,000
Department of Public Works	10,000	Below	Regular Unleaded	42,000
12801 Stephens	10,000	Below	ULS Premium Diesel #2	78,000
Warren, MI 48089				
Warren, City of	10,000	Below	Regular Unleaded	65,000
Police Department	10,000	Below	Regular Unleaded	65,000
29900 Civic Center Blvd.				
Warren, MI 48093				
Warren, City of	12,000	Above	ULS Diesel #2	130,000
Sanitation				
25601 Flanders				
Warren, MI 48093				
Waterford Township	10,000	Below	Regular Unleaded	125,000
5240 Civic Center Drive	6,000	Below	ULS Premium Diesel #2	20,000
Waterford, MI 48239				
West Bloomfield Township	10,000	Below	Regular Unleaded	75,000
Police Department				
4430 Walnut Lake Road				
West Bloomfield, MI 48323				

3,494,000

TRUCK TRANSPORT - USAGE SUMMARY
ATTACHMENT A1

<u>Location</u>	Unleaded <u>87 Octane</u>	Mid-Grade Unleaded <u>89 Octane</u>	ULS Premium <u>Diesel #2</u>	<u>ULS Diesel #2</u>
Birmingham	55,000			30,000
Clinton Township	130,000			42,000
Eastpointe	60,000			
Farmington Hills	112,000		35,000	
Livonia	240,000			110,000
Madison Heights		51,000		34,000
Novi	115,000			42,000
Oakland County	450,000			
Rochester Hills	60,000		70,000	
Royal Oak		125,000	110,000	
St. Clair Shores	105,000		62,000	
Southfield		240,000		85,000
Sterling Heights	190,000			75,000
Troy	144,000			76,000
Warren	218,000		78,000	130,000
Waterford	125,000		20,000	
West Bloomfield	75,000			
Totals:	2,079,000	416,000	375,000	624,000

2,495,000	999,000
Gasoline	Diesel

ATTACHMENT B
TANK WAGON ESTIMATED ANNUAL USAGE

<u>Location</u>	<u>Tank Size</u>	<u>Above/Below Ground</u>	<u>Type of Product</u>	<u>Annual Est. Usage</u>
Birmingham, City of	500	Below	Regular Unleaded	1,500
Lincoln Hills Golf Course	500	Below	ULS Dyed Diesel #2	1,000
2666 W. Fourteen Mile Road				
Birmingham, MI 48009				
Birmingham, City of	500	Below	Regular Unleaded	1,500
Springdale Golf Course	500	Below	ULS Dyed Diesel #2	1,000
316 Strathmore				
Birmingham, MI 48009				
Eastpointe, City of	2,000	Above	ULS Premium Diesel #2	17,000
Department of Public Works				
17800 10 Mile Road				
Eastpointe, MI 48021				
Eastpointe, City of	560	Above	ULS Premium Diesel #2	3,500
Fire & Rescue Department				
16370 9 Mile Road				
Eastpointe, MI 48021				
Farmington Hills, City of	3,000	Below	Regular Unleaded	18,500
Parks & Golf Maintenance	500	Above	ULS Premium Diesel #2	3,500
38111 Interchange Drive			(in colder months	
Farmington Hills, MI 48331			Winter Blend Diesel)	
HC Metropark - Lake St. Clair	4,000	Above	Regular Unleaded	11,000
31300 Metro Parkway	2,000	Above	ULS Dyed Diesel #2	5,000
Mt. Clemens, MI 48045				
HC Metropark - Wolcott Mill Farm Center	500	Above	Regular Unleaded	2,700
65775 Wolcott Road	500	Above	ULS Dyed Diesel #2	800
Ray, MI 48096				
HC Metropark - Wolcott Golf Course	500	Temporary Above	Regular Unleaded	3,000
21690 27 Mile Road	500	Temporary Above	ULS Dyed Diesel #2	1,400
Ray, MI 48096				
HC Metropark - Stony Creek Golf Course	1,000	Above	Regular Unleaded	1,100
5140 Main Parkway	1,000	Above	ULS Dyed Diesel #2	1,300
Shelby Township, MI 48316				
HC Metropark - Stony Creek Service Yard	4,000	Above	Regular Unleaded	20,000
4250 26 Mile Road	2,000	Above	ULS Dyed Diesel #2	6,500
Shelby Township, MI 48316				
HC Metropark - Indian Springs Service Area	3,000	Under	Regular Unleaded	3,000
5200 Indian Trail				
White Lake, MI 48386				
HC Metropark - Indian Springs Golf Course	1,000	Under	Regular Unleaded	8,100
5100 Indian Trail	1,000	Under	ULS Dyed Diesel #2	3,200
White Lake, MI 48386				
HC Metropark - Kensington Service Yard	4,000	Above	Regular Unleaded	25,000
2240 W Buno Road	2,000	Above	ULS Dyed Diesel #2	8,000
Milford, MI 48380				
HC Metropark - Kensington Golf Course	2,500	Under	Regular Unleaded	6,000
13760 High Ridge Drive	1,000	Under	ULS Dyed Diesel #2	2,700
Brighton, MI 48114				
HC Metropark - Kensington Boat Rental	500	Above	Regular Unleaded	500
2240 West Buno Rd				
Milford, MI 48380				
HC Metropark - Huron Meadows Service Yard	1,000	Under	Regular Unleaded	3,100
8765 Hammel Road	1,000	Under	ULS Dyed Diesel #2	3,500
Brighton, MI 48116				

ATTACHMENT B
TANK WAGON ESTIMATED ANNUAL USAGE

HC Metropark - Hudson Mills Golf Course	2,500	Under	Regular Unleaded	2,900
4800 Dexter-Pinckney Road	1,000	Under	ULS Dyed Diesel #2	1,400
Dexter, MI 48130				
HC Metropark - Hudson Mills Service Yard	2,500	Above	Regular Unleaded	9,100
8801 North Territorial	1,500	Above	ULS Dyed Diesel #2	3,100
Dexter, MI 48130				
HC Metropark - Lower Huron Service Yard	4,000	Under	Regular Unleaded	9,000
17845 Savage Road	2,500	Under	ULS Dyed Diesel #2	2,900
Belleville, MI 48111	1,000	Under	Regular Unleaded	3,200
HC Metropark - Willow Service Yard	4,000	Above	Regular Unleaded	11,500
23140 Interloop Rd	2,000	Above	ULS Dyed Diesel #2	7,700
New Boston, MI 48164				
HC Metropark - Willow Golf Course	1,000	Under	Regular Unleaded	5,000
22900 Huron River Drive	1,000	Under	ULS Dyed Diesel #2	2,900
New Boston, MI 48164				
HC Metropark - Lake Erie Service Yard	4,000	Above	Regular Unleaded	12,200
32481 West Jefferson	2,000	Above	ULS Dyed Diesel #2	1,700
Brownstown, MI 48173				
HC Metropark - Lake Erie Golf Course	4,000	Above	Regular Unleaded	5,000
14786 Lee Road	2,000	Above	ULS Dyed Diesel #2	2,200
Browntown, MI 48173				
Livonia, City of	500	Above	Regular Unleaded	3,500
Fox Creek Golf Course	500	Above	ULS Dyed Diesel #2	2,500
36000 Seven Mile Road				
Livonia, MI 48152				
Livonia, City of	2,000	Above	Regular Unleaded	2,500
Idylwyld Golf Course	2,000	Above	ULS Dyed Diesel #2	2,000
35786 Five Mile Road				
Livonia, MI 48150				
Livonia, City of	2,000	Above	Regular Unleaded	4,500
Whispering Willows Golf Course	2,000	Above	ULS Dyed Diesel #2	2,500
20500 Newburgh Road				
Livonia, MI 48152				
St. Clair Shores, City of	1,000	Above	Regular Unleaded	8,000
St. Clair Shores Country Club	1,000	Above	ULS Premium Diesel #2	4,500
22185 Masonic				
St. Clair Shores, MI 48082				
Southfield, City of	1,000	Above	ULS Premium Diesel #2	7,500
Fire Headquarters				
24477 Lahser Road				
Southfield, MI 48033				
Station 1	1,000	Above	ULS Diesel #2	5,500
Station 2	1,000	Above	ULS Diesel #2	6,000
Station 3	1,000	Above	ULS Diesel #2	6,000
Station 4	1,000	Above	ULS Diesel #2	6,000
	500	Above	ULS Diesel #2	4,000
Southfield, City of	3,000	Above	ULS Diesel #2	500
Public Safety Building / Park Services				
26000 Evergreen				
Southfield, MI 48076				
Sterling Heights, City of	1,000	Above	ULS Diesel #2	4,300
Fire Station #2				
12825 Nineteen Mile Road				
Sterling Heights, MI 48313				

ATTACHMENT B
TANK WAGON ESTIMATED ANNUAL USAGE

Sterling Heights, City of Fire Station #3 5250 Fifteen Mile Road Sterling Heights, MI 48310	1,000	Above	ULS Diesel #2	4,500
Sterling Heights, City of Fire Station #4 12850 Fifteen Mile Road Sterling Heights, MI 48312	1,000	Above	ULS Diesel #2	3,700
Sterling Heights, City of Fire Station #5 41627 Ryan Road Sterling Heights, MI 48314	generator	Above	ULS Dyed Diesel #2 off-road diesel	0
Sterling Heights, City of Booster Station 2460 Dobry Drive Sterling Heights, MI 48314	generator	Above	ULS Dyed Diesel #2 off-road diesel	300
Sterling Heights, City of Police Department 40333 Dodge Park Sterling Heights, MI 48313	generator	Above	ULS Dyed Diesel #2 off-road diesel	400
Troy, City of 500 W. Big Beaver Troy, MI 48084	12,000	Below	Regular Unleaded	4,000
Troy DPW, City of 4693 Rochester Road Troy, MI 48098	12,000	Below	ULS Diesel #2	3,000
Warren, City of Parks & Recreation 32601 Warkop Warren, MI 48093	4,000 2,000	Above Above	Mid-Grade Unleaded ULS Diesel #2	8,000 22,000
Warren, City of Waste Water Treatment Plant 32360 Warkop Warren, MI 48093	6,000 (14 Mile) 125 (14 Mile) 1,050 (9 Mile)	Below Above Above	ULS Dyed Diesel #2 ULS Dyed Diesel #1 ULS Dyed Diesel #2	5,000 200 1,000
Warren, City of Police Department 29900 Civic Center Blvd. Warren, MI 48093	6,000	Below	ULS Diesel #2 - Dyed	6,000
Waterford Township 5240 Civic Center Drive Waterford, MI 48239	1,000	Above	ULS Premium Diesel #2	3,000
Waterford Township Fire Station #3 3435 Elizabeth Lake Road Waterford, MI 48328	1,000	Above	ULS Diesel #2	7,000
West Bloomfield Township Fire Station #1 4601 Orchard Lake Road West Bloomfield, MI 48323	500 500	Below Below	Mid-grade Unleaded ULS Diesel #2	2,000 2,000
West Bloomfield Township Fire Station #2 6925 West Maple West Bloomfield, MI 48322	500	Below	ULS Diesel #2	3,200

ATTACHMENT B
TANK WAGON ESTIMATED ANNUAL USAGE

West Bloomfield Township Fire Station #3 3340 Green Lake Road West Bloomfield, MI 48324	500	Below	ULS Diesel #2	2,500
West Bloomfield Township Fire Station #4 5842 Greer Road West Bloomfield, MI 48324	500 500	Below Below	Mid-grade Unleaded ULS Diesel #2	1,500 1,500
West Bloomfield Township Fire Station #5 5425 W. Maple West Bloomfield, MI 48322	500 500	Below Below	Mid-grade Unleaded ULS Diesel #2	3,300 3,400
West Bloomfield Township Fire Station #9 3300 Orchard Lake Road West Bloomfield, MI 48324	500	Below	ULS Diesel #2	3,000
West Bloomfield Township Police Department 4430 Walnut Lake Road West Bloomfield, MI 48323	2,000	Below	ULS Dyed Diesel #2	1,000
West Bloomfield Township Township Hall 4550 Walnut Lake Road West Bloomfield, MI 48323	300	Below	ULS Dyed Diesel #2	500
West Bloomfield Township Water and Sewer Department 2400 Haggerty West Bloomfield, MI 48323	3,000 5,000	Below Below	ULS Dyed Diesel #2 Mid-grade Unleaded	4,000 157,000

566,000

**TANK WAGON - USAGE SUMMARY
ATTACHMENT B1**

<u>Location</u>	Unleaded 87 Octane	Mid-Grade Unleaded 89 Octane	ULS Premium Diesel #2	ULS Diesel #2	ULS Dyed Diesel #2	ULS Dyed Diesel #1
Birmingham	3,000				2,000	
Eastpointe					20,500	
Farmington Hills	18,500		3,500			
Huron-Clinton Metroparks	141,400				54,300	
Livonia	10,500				7,000	
St. Clair Shores	8,000		4,500			
Southfield			7,500	28,000		
Sterling Heights				12,500	700	
Troy	4,000			3,000		
Warren		8,000		22,000	12,000	200
Waterford			3,000	7,000		
West Bloomfield		163,800		15,600	5,500	
Totals:	185,400	171,800	18,500	88,100	102,000	200

357,200 Gasoline	208,800 Diesel
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MEMORANDUM

Department of Public Services

DATE: January 12, 2018

TO: Joseph A. Valentine, City Manager

FROM: Lauren A. Wood, Director of Public Services

SUBJECT: Replacement Vehicles #231 and #232

The Department of Public Services (DPS) vehicles #231 and #232 are John Deere model 1445 mower/tractors used in a variety of operations including snow removal on sidewalks and mowing of city property and parks. These vehicles are very well suited for snow removal operations on City sidewalks, in the downtown area especially. The extensive maneuverability of this machine is not found in any other comparable equipment. This ability to maneuver helps with efficient and complete clearing between meters and tight spots in the downtown area. These machines are crucial for handling snow removal expectations in the City of Birmingham. The machines also have the versatility to accommodate several types of attachments, including brooms, snowplows, snow blowers, and mowing decks.

All attachments that are used currently on these machines are in good condition and will fit onto the new model machines; therefore we will not need to purchase any new attachments at this time. Other uses for this equipment includes the following activities; mowing of parks and City properties, leaf pick-up and mulching operations, sidewalk sweeping and cleaning, among various other needed tasks.

The existing vehicles were purchased in 2011 in the midst of new governmental standards on emissions. At that time, the engines in the machines were the early stage interim Tier 4 emissions engines. The new model of this tractor, the John Deere 1575, has the final Tier 4 engine, with extreme environmental standards met for the EPA regulations. There have been significant improvements made, resulting in a much cleaner exhaust system. Some key features of these improvements to the diesel engine are found described in the attachment. Another very important difference in the newer model is that the cab is now placed on the vehicle at the factory, instead of as an aftermarket option. It is a tighter fit, cab over tractor, ultimately resulting in no exhaust fumes inside the cab, unlike our current vehicle. As of recent, we have been struggling to keep the fumes from affecting the operator.

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

Vehicle #231 and Vehicle #232 John Deere 1445 – Same for both vehicles

Factor	Description	Points
Age	1 point each year of age.	7
Miles/Hours	1 point each 250 hours of usage	4
Type of Service	4 points, extreme duties in adverse atmosphere (dust, salt, water, dirt, mud).	4
Reliability	4 points, in shop more than twice within 3 months, 1 or more breakdowns in same period.	4
M & R Costs	2 points, maintenance and repair costs are 21-40% of replacement costs.	2
Condition	4 points, severe damage, rust, operating system, component non-functional.	4
Total points 23-27, satisfactory, qualifies for replacement this year if budget allows.		25

The two (2) John Deere 1575 models are available for purchase using cooperative bid pricing available through MI Deal Contract #071B7700085. Bader & Sons Co. is an approved vendor/delivering dealer for this contract and was contacted for pricing. The contract price of the new vehicles total \$61,707.14. Replacement of these two vehicles were scheduled and budgeted in the fiscal year 2018-2019, but as the result of more exhaust issues we are moving up the purchase of two new replacement vehicles. The aerial/lift vehicle #154 estimated at \$250,000 will be replaced next year, making available extra funds for this requested purchase. Funds for this purchase are available in the Auto Equipment Fund, account #641-441.006-971.0100.

The new vehicles will be available in 30 days or less upon receipt of the purchase order by the approved delivering dealer, Bader and Sons Co. Upon delivery of the new vehicles, the two (2) John Deere 1445 model mower/tractors will be placed on the Michigan Inter-governmental Trade Network for re-sale.

SUGGESTED RESOLUTION:

To approve the purchase of two (2) new John Deere 1575 commercial mowers from John Deere and Company, using MI-Deal Contract #071B7700085 extendable purchasing pricing for a total expenditure of \$61,707.14. Funds for this purchase are available in the Auto Equipment Fund, account #641.441.006-971.0100.

Diesel engine has high-quality features to minimize operating cost



Hood open for access to engine



3-cylinder, liquid-cooled diesel engine

The 1500 Series TerrainCut Front Mowers are powered by liquid-cooled, 3-cylinder diesel engines. These engines feature low levels of exhaust and emissions, reduced noise levels, and excellent fuel economy. They also meet the necessary Environmental Protection Agency (EPA) Tier 4 emissions requirements. Models 1570, 1575, 1580, and 1585 are biodiesel compatible from the factory up to B20. Model 1550 requires an optional kit to be compatible with B20 biodiesel fuel.



Engine drawing for 1570, 1575, 1580, 1585 shown

	1550	1570, 1575, 1580, 1585
Fuel	Diesel (optional kit permits B20 compatibility)	Diesel (B20 compatible)
Power		
Gross at maximum rpm	24.2 hp (17.8 kW), PS	37.4 hp (27.5 kW), PS
Net	---	---
Displacement	77 cu in. (1.262 L)	100.2 cu in. (1.642 L)

Maximum torque	---	---
----------------	-----	-----

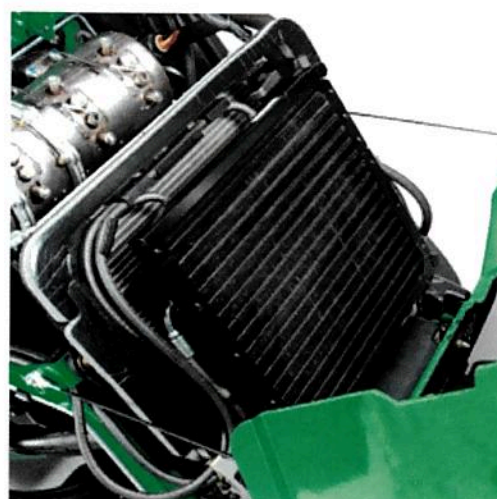
Key features of the engine include:

- Economical cast-in block cylinder design for good cooling and long life
- Indirect fuel injection (model 1550)
- Direct fuel injection (model 1570, 1575, 1580, 1585)
 - Injects fuel directly on top of pistons for more efficient combustion
 - Delivers more horsepower per gallon of fuel
 - Improves starting
 - Develops more horsepower per gallon of fuel; improves starting
- Aluminum alloy pistons with built-in steel struts are lightweight to reduce connection rod bearing loads and provide good heat transfer characteristics
- Design permits tighter tolerances and neutralizes expansion of the piston, thereby reducing blow-by gas and noise from the piston slap
- Higher top rings on the piston and a thinner head gasket greatly reduce the volume of unburned waste gases and increase combustion efficiency
- Timing gears and injector drive gears utilize helical profile gears to help lower engine noise; gear teeth have a newly designed roll-off profile, giving almost no clash, no noise, and no backlash
- Fuel filter with replaceable element
- Full-pressure intake manifold provides quick starts in temperatures down to 0°F (-18°C). (Optional engine coolant heater attachment will assist starting under more extreme conditions.)
- Auto-bleed fuel system; there is no need to prime the system if the tractor runs out of fuel; the system will self-prime the injection pump, lines and injectors, providing fast fuel recovery
- Key start and shutoff eliminates fuel shut-off knob; electric solenoid shuts fuel supply off immediately when key is turned off
- See-through coolant recovery tank permits operator to check coolant level without removing radiator cap
- Enclosed engine compartment to keep out debris and lower sound levels
- Sealed radiator compartment to keep trash and debris on outside of hood
- Excellent torque for plenty of lugging power when operating in tough mowing conditions
- Full-pressure lubrication for positive lubrication, even when operating on slopes
- Dual-element, dry-type, replaceable air cleaner completely sealed for effective cleaning
 - 90 percent to 95 percent of dirt ejected before it reaches the paper element
- Secondary safety element for additional filtering
- Progressive-type air restriction indicator to let operator know when the filter needs servicing
- Automotive-type alternator for plenty of charge to the battery and power for accessories
 - 75 amp for open-station models
 - 95 amp for ComfortCab models
- Automatic initiation of air heater for easier cold-weather starting
- Automotive-sensing system tells operator when engine is ready to start

Rear-mounted radiators



Rear-mounted radiators (1550, 1570, 1580)



Rear-mounted radiators and air conditioner condenser (1575, 1585)

Base Equipment On: 1550, 1570, 1575, 1580, 1585

Provide feedback about this page (JavaScript:open_win('http://dlrdoc.deere.com/sales/salesmanual/feedback_form.html?referrer=http://dlrdoc.deere.com/sales/salesmanual/en_NA/commercial_mowers/2017/feature/_engine/1500tc_engine.html'))
 Last Updated: 05-Jul-2016

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 Engine horsepower and torque information for non-Deere engines are provided by the engine manufacturer for comparison purposes only. Actual operating horsepower and torque will be less. Refer to the engine manufacturer's Web site for additional information.
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ALL PURCHASE ORDERS MUST BE MADE OUT TO (VENDOR):

Deere & Company
2000 John Deere Run
Cary, NC 27513
FED ID: 36-2382580; DUNS#: 60-7690989

ALL PURCHASE ORDERS MUST BE SENT TO DELIVERING DEALER:

Bader & Sons Co.
20801 Pontiac Trail
South Lyon, MI 48178
248-437-2091
epetzold@greentractors.com

Quote Summary**Prepared For:**

City Of Birmingham
Po Box 137
Birmingham, IA 52535

Delivering Dealer:

Bader & Sons Co.
David White
20801 Pontiac Trail
South Lyon, MI 48178
Phone: 248-437-2091
dwhite@greentractors.com

Quote ID: 16530822
Created On: 14 December 2017
Last Modified On: 28 December 2017
Expiration Date: 21 December 2017

Equipment Summary	Selling Price	Qty	Extended
JOHN DEERE 1575 TerrainCut with ComfortCab Commercial Front Mower (Less Mower Deck)	\$ 30,853.57 X	2 =	\$ 61,707.14
Contract: MI Ag, Grounds, and Roadside Equip 071B7700085 (PG 3W)			
Price Effective Date: September 12, 2016			

Equipment Total	\$ 61,707.14
------------------------	---------------------

* Includes Fees and Non-contract items

Quote Summary

Equipment Total	\$ 61,707.14
Trade In	
SubTotal	\$ 61,707.14
Est. Service	\$ 0.00
Agreement Tax	
Total	\$ 61,707.14
Down Payment	(0.00)
Rental Applied	(0.00)
Balance Due	\$ 61,707.14

Salesperson : X _____

Accepted By : X _____

Confidential



Selling Equipment

Quote Id: 16530822 Customer Name: CITY OF BIRMINGHAM

**ALL PURCHASE ORDERS MUST BE MADE OUT
TO (VENDOR):**

Deere & Company
2000 John Deere Run
Cary, NC 27513
FED ID: 36-2382580; DUNS#: 60-7690989

**ALL PURCHASE ORDERS MUST BE SENT
TO DELIVERING DEALER:**

Bader & Sons Co.
20801 Pontiac Trail
South Lyon, MI 48178
248-437-2091
epetzold@greentractors.com

JOHN DEERE 1575 TerrainCut with ComfortCab Commercial Front Mower

Hours:

Stock Number:

Contract: MI Ag, Grounds, and Roadside Equip
071B7700085 (PG 3W)

Selling Price *
\$ 30,853.57

Price Effective Date: September 12, 2016

* Price per item - includes Fees and Non-contract items

Code	Description	Qty	List Price	Discount%	Discount Amount	Contract Price	Extended Contract Price
2443TC	1575 TerrainCut with ComfortCab Commercial Front Mower (Less Mower Deck)	2	\$ 38,549.00	21.00	\$ 8,095.29	\$ 30,453.71	\$ 60,907.42
Standard Options - Per Unit							
001A	United States and Canada	2	\$ 0.00	21.00	\$ 0.00	\$ 0.00	\$ 0.00
Standard Options Total			\$ 0.00		\$ 0.00	\$ 0.00	\$ 0.00
Dealer Attachments/Non-Contract/Open Market							
LVB24852	Beacon Light Kit (Cab Only)	2	\$ 243.10	21.00	\$ 51.05	\$ 192.05	\$ 384.10
TCB10303	Rear Weight Mounting Kit	2	\$ 112.36	21.00	\$ 23.60	\$ 88.76	\$ 177.53
LVB24853	Rear Work Light Kit (2 Lights) (Cab Only)	2	\$ 150.70	21.00	\$ 31.65	\$ 119.05	\$ 238.11
Dealer Attachments Total			\$ 506.16		\$ 106.29	\$ 399.86	\$ 799.74
Value Added Services Total			\$ 0.00			\$ 0.00	\$ 0.00
Suggested Price							\$ 61,707.16
Total Selling Price			\$ 39,055.16		\$ 8,201.58	\$ 30,853.58	\$ 61,707.16



Extended Repair Plan Proposal

PowerGard™ Protection Plan Residential

Date : December 28, 2017

Machine/Use Information

Plan Description

Price

Manufacturer	JOHN DEERE	Plan Type:	Deductible:
Equipment Type	1575 TERRAIN CUT T4	Coverage:	Quoted Price \$ 0.00
Model	1575 TERRAIN CUT T4	Total Months:	
		Total Hours:	

THIS PROPOSAL IS VALID FOR 30-DAYS FROM DATE ISSUED. GRACE pricing is offered only early during the Deere basic warranty period and has no surcharges. After this period, DELAYED PURCHASE pricing (surcharged) is offered later during the John Deere Basic Warranty. Many PowerGard quotes presented in the Delayed Purchase Period will require inspection/certification process and must also past fluid testing. The Total Months and Total Hours listed above include the John Deere Basic Warranty terms (24 months / 2000 hours on Tractors, 24 months on Golf & Turf Products, 12 months for all AG Harvesting and Sprayer equipment, and 12 months/1000 hours on most Gator Utility Vehicles). "Limited" Plan coverage = Engine & Powertrain only. "Comprehensive" Plan coverage = Full Machine.

Proposal Prepared for:

I have been offered this coverage and

Customer Name - Please Print

☐ I ACCEPT the Residential plan

☒ I DECLINE the Residential plan

Customer Signature

If declined, I fully understand that my equipment listed above is not covered for repair expenses due to component failures beyond the original basic warranty period provided by John Deere.

Note : This is **not** a contract. For specific PowerGard™ Protection plan Residential coverage, please refer to the terms and conditions on John Deere's public website(www.JohnDeere.com) under Services & Support >Warranty > Extended Warranties > PowerGard protection plan Residential.

Date : December 28, 2017

Machine/Use Information

Plan Description

Price

Manufacturer	JOHN DEERE	Plan Type:	Deductible:
Equipment Type	1575 TERRAIN CUT T4	Coverage:	Quoted Price \$ 0.00
Model	1575 TERRAIN CUT T4	Total Months:	
		Total Hours:	

THIS PROPOSAL IS VALID FOR 30-DAYS FROM DATE ISSUED. GRACE pricing is offered only early during the Deere basic warranty period and has no surcharges. After this period, DELAYED PURCHASE pricing (surcharged) is offered later during the John Deere Basic Warranty. Many PowerGard quotes presented in the Delayed Purchase Period will require inspection/certification process and must also past fluid testing. The Total Months and Total Hours listed above include the John Deere Basic Warranty terms (24 months / 2000 hours on Tractors, 24 months on Golf & Turf Products, 12 months for all AG Harvesting and Sprayer equipment, and 12 months/1000 hours on most Gator Utility Vehicles). "Limited" Plan coverage = Engine & Powertrain only. "Comprehensive" Plan coverage = Full Machine.

Proposal Prepared for:

I have been offered this coverage and

Customer Name - Please Print

☐ **I ACCEPT** the Residential plan

☒ **I DECLINE** the Residential plan

Customer Signature

If declined, I fully understand that my equipment listed above is not covered for repair expenses due to component failures beyond the original basic warranty period provided by John Deere.

Note : This is **not** a contract. For specific PowerGard™ Protection plan Residential coverage, please refer to the terms and conditions on John Deere's public website(www.JohnDeere.com) under Services & Support >Warranty > Extended Warranties > PowerGard protection plan Residential.

PowerGard™ Protection Plan Residential (Residential plan) is:

The PowerGard™ Protection Plan Residential is an extended repair plan that provides parts and labor coverage up to four years beyond the manufacturer's warranty. It is available on all riding lawn equipment, zero-turn radius mowers, utility vehicles, utility tractors and compact utility tractors. Your John Deere equipment will be in the hands of qualified, certified technicians from John Deere dealers using Genuine John Deere Parts.

Not covered under a Residential plan:

Residential plans do not cover routine maintenance services or items normally designed to be replaced by the purchaser due to normal wear and tear. They do not cover any product used for commercial or rental applications. They also do not cover repairs for damage from accident, misuse, fire, theft, or exposure to weather conditions such as lightning, hail, flood or water. See the actual PowerGard™ Protection Plan Residential Terms and Conditions for a complete listing of coverage, and limitations and conditions under the program.

Benefits of a Residential plan:

- Offer the choice of adding up to 4 years of repair coverage beyond the machine's factory warranty.
- Do not require preapproval before repairs are made by the authorized John Deere dealership.
- Is transferable by the original purchaser for the balance of the original agreement period.
- Ensures higher resale value and makes equipment more marketable during sale or trade-in.
- Comprehensive Plans:
 - No deductibles and no out-of-pocket costs on covered repairs.
 - Free transportation for factory warranty and extended repair plan repairs for the term of the plan (Note: A surcharge may apply for machines located outside of the dealership's normal service area).
- Limited Powertrain Plans:
 - Low deductibles on covered repairs
 - Do not provide transportation coverage



MEMORANDUM

Engineering Dept.

DATE: January 12, 2018

TO: Joseph A. Valentine, City Manager

FROM: Paul T. O'Meara, City Engineer

SUBJECT: OHM Advisors
Engineering Services Contract Proposal

Currently, the Engineering Dept. has two full-time positions budgeted for work primarily field-based. The Senior Engineering Tech position is in charge of overseeing all inspection operations within the department, focusing on oversight of City capital improvement projects. The position also performs multiple inspections each week, ensuring that ongoing privately financed work within the public rights-of-way is done in accordance with City standards. The full time Public Works Inspector position typically acts as a senior inspector on various capital improvement projects, and assists the Senior Engineering Tech in his absence.

In addition to the above, up to three seasonal employees are budgeted, also known as Public Works Inspectors, depending on demand. Work for these positions tends to typically run from April to November of each year. Our preference has been to hire experienced personnel that have worked similar jobs in the past. However, given the current strong demand for people with construction related expertise, it has been an ongoing challenge to find quality people for the seasonal position, given the limited pay scale and benefit package.

A recruitment for seasonal employees for the 2018 construction season is currently underway. We are uncertain what success we will have, given the results of previous efforts. As you know, the contract for the Old Woodward Ave. Paving Project has been structured to encourage multiple activities being accomplished each work day. In addition, most work days are expected to be long, and six or even seven day work weeks will be commonplace. We do not want to be in a position where the City is holding up progress for the contractor due to having insufficient staff available to answer questions and help address problems, such as unknown service connections, difficulty operating water valves, or insufficient documentation of progress, etc. With the above in mind, the Engineering Dept. feels it will be prudent to seek help temporarily from an outside consulting firm for inspection services.

In preparation for this report, inspection consulting services packages were requested from three firms specifically for this project, including Nowak & Fraus, Bucilli, and OHM Advisors. While the City has not worked with OHM in over 15 years, the firm has historically maintained a successful relationship with other large clients such as the Michigan Dept. of

Transportation, and the cities of Livonia, Auburn Hills, and Farmington Hills. OHM has substantial experience in providing construction administration services on large, complex projects, including many that are much larger than our upcoming downtown project. The attached proposal coupled a package of experienced field personnel, as well as competitive hourly rates, that are attractive for this effort. Given the expectation that many overtime hours will be necessary on this upcoming project, it is noted that the hourly rates will remain the same, rather than increase for hours worked over 40 each week, which is more typical for these types of services.

Attached is an engineering consultant agreement between the City of Birmingham and OHM Advisors (OHM). OHM is a multi-disciplinary consulting firm that can assist the Engineering Department in multiple ways, although inspection services is all that is contemplated at this time.

It is recommended that the City of Birmingham engage OHM Advisors to provide engineering services according to the attached agreement, which has been approved by the City Attorney.

SUGGESTED RESOLUTION:

To authorize the Mayor and Clerk to sign the agreement between OHM Advisors and the City of Birmingham.

**CONSULTING AGREEMENT BETWEEN THE CITY OF BIRMINGHAM
AND OHM ADVISORS**

AGREEMENT made this ____ day of _____, 2018, by and between the CITY OF BIRMINGHAM, whose address is 151 Martin Street, Birmingham, Michigan (hereinafter referred to as the "City") and OHM ADVISORS whose address is 34000 Plymouth Rd., Livonia, MI 48150 (hereinafter referred to as the "Contractor"), to-wit:

1. Contractor shall provide professional engineering consultant services under this Agreement as requested from time to time by the City of Birmingham through its Engineer or his/her designee as described in Exhibit A.

2. Payment for professional services rendered under this Agreement shall be made on an hourly basis in accordance with the fee schedule mutually agreed upon prior to the time the work is performed as set forth in Exhibit A. The City promises and agrees to pay said Contractor for all labor supplied and work performed under this Agreement. Invoices shall be submitted to the City on a monthly basis and shall be paid upon acceptance by the City of the work produced by the Contractor.

3. Written notices regarding this Agreement shall be addressed to the following:

City: City of Birmingham
P.O. Box 3001
Birmingham, Michigan 48012
Attn: City Engineer and City Clerk (one written copy to each)

Contractor: OHM Advisors
34000 Plymouth Road
Livonia, MI 48150
Attn: Mr. Timothy J. Juidici, P.E.

4. This Agreement shall have a term of three (3) years from the date stated above. The City and the Contractor shall each have the right to unilaterally terminate this Agreement on thirty (30) days written notice. In the event of termination, the Contractor shall receive compensation for services to the date the termination takes effect and the City shall be entitled to retain and use the results to the date the termination takes effect and the City shall be entitled to retain and use the results of all information, maps, and recommendations prepared by the Contractor through such date.

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 considered 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. 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 their behalf 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 or recovered against or from the City, its elected and appointed officials, employees, volunteers or others working on their behalf, by reason of personal injury, including bodily injury and death and/or property damage, including loss of use thereof, which arises out of any negligent act or omission of the Contractor to the extent permitted by law. 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.

The Contractor agrees to defend and hold harmless the City from any and all liability outside the scope of this Agreement for acts and omissions of the Contractor's employees or agents providing services to the City.

12. The Contractor shall not commence work under this Agreement until it has, at its sole expense, obtained the insurance required by this paragraph. All certificates of insurance shall be with insurance carriers licensed and admitted to do business in the State of Michigan. All coverages shall be with insurance carriers acceptable to the City of Birmingham. The Contractor shall maintain during the life of this Agreement the types of insurance coverage and minimum limits as set forth below:

- A. Workers' Compensation Insurance: Contractor shall procure and maintain during the life of this Agreement, Workers' Compensation Insurance, including Employers Liability Coverage, in accordance with all applicable statutes of the State of Michigan.
- B. Commercial General Liability Insurance: Contractor shall procure and maintain during the life of this Agreement, Commercial General Liability Insurance on an "Occurrence Basis" with limits of liability not less than \$1,000,000 per occurrence combined single limit, Personal Injury, Bodily Injury and Property Damage. Coverage shall include the following extensions: (A) Contractual Liability; (B) Products and Completed Operations; (C) Independent Contractors Coverage; (D) Broad Form General Liability Extensions or equivalent; (E) Deletion of all Explosion, Collapse and Underground (XCU) Exclusions, if applicable.
- C. Motor Vehicle Liability Insurance: Contractor shall procure and maintain during the life of this Agreement Motor Vehicle Liability Insurance, including all applicable no-fault coverages, with limits of liability of not less than \$ 1,000,000 per occurrence combined single

limit Bodily Injury and Property Damage. Coverage shall include all owned vehicles, all non-owned vehicles, and all hired vehicles.

- D. Additional Insured: The Commercial General Liability and Motor Vehicle Liability, 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 employees, all boards, commissions and/or authorities and board members. This coverage shall be primary and any other insurance maintained by the additional insureds shall be considered to be excess and non-contributing with this insurance required from Contractor under this Section.
- E. Professional Liability Insurance: If Professional Liability Insurance is available, Professional Liability Insurance with limits of not less than \$1,000,000 per claim if Consultant will provide service that are customarily subject to this type of coverage.
- F. Cancellation Notice: Workers' Compensation Insurance, Commercial General Liability Insurance, Professional Liability Insurance and Motor Vehicle Liability Insurance 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: Director of Finance, City of Birmingham, P.O. Box 3001, 151 Martin Street, Birmingham, Michigan 48012.
- G. Proof of Insurance Coverage: Contractor shall provide the City at the time the Agreement is returned for execution, Certificates of Insurance and/or policies, acceptable to the City, 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;
- H. Coverage Expiration: If any of the above coverages expire during the term of this Agreement, Contractor shall deliver renewal certificates and/or policies to the City at least (10) days prior to the expiration date.

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

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

15. 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.

16. The City shall be the owner of all drawings, reports, specifications and other documents prepared by the Contractor. Any modifications made to these documents by the City shall be clearly marked as such on the modified document. Any modifications made by the City without the prior written consent of the Contractor shall be at the City's sole risk and responsibility.

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

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

CITY OF BIRMINGHAM

By: _____
Andrew Harris, Mayor

By: _____
Cherilynn Mynsberge, City Clerk

OHM ADVISORS

By: Timothy J. Currier

Its: Principal in Charge

Approved:

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

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

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

Mark Gerber
Mark Gerber, Director of Finance

EXHIBIT A

Old Woodward Avenue Paving Project, CONTRACT #1-18(P) Hourly Rates for Construction Observation Services

Senior Construction Technician	\$82.50/hour
Construction Technician	\$70.50/hour



OHM ADVISORS 2018 HOURLY RATE SCHEDULE

Professional Engineer IV/Architect IV	\$170.00
Professional Engineer III/Architect III	\$155.00
Professional Engineer II/Architect II	\$140.00
Professional Engineer I/Architect I	\$130.00
Graduate Engineer IV	\$135.00
Graduate Engineer III	\$125.00
Graduate Engineer II	\$120.00
Graduate Engineer I	\$110.00
Graduate Architect III/Landscape Architect III	\$120.00
Graduate Architect II/Landscape Architect II	\$100.00
Graduate Architect I/Landscape Architect I	\$90.00
Technician IV	\$130.00
Technician III	\$110.00
Technician II	\$95.00
Technician I	\$75.00
Engineering/Architectural Aide	\$60.00
Professional Surveyor III	\$155.00
Professional Surveyor II	\$140.00
Professional Surveyor I	\$130.00
Graduate Surveyor	\$110.00
Surveyor III	\$107.00
Surveyor II	\$100.00
Surveyor I	\$80.00
Surveyor Aide	\$60.00
Planner IV	\$155.00
Planner III	\$135.00
Planner II	\$120.00
Planner I	\$80.00
Planner Aide	\$60.00
Graphic Designer	\$105.00
Data Base Developer	\$185.00
Administrative Support	\$65.00
Clerical Aide	\$50.00
Principal	\$195.00
Sr. Associate	\$185.00
Associate	\$175.00

Rates as reflected subject to review and adjustment on an annual basis.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

12/20/2017

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

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

PRODUCER Professional Concepts Insurance Agency, Inc. 1127 South Old US Highway 23 Brighton MI 48114-9861 INSURED Orchard Hiltz & McCliment, Inc., DBA: OHM Advisors 34000 Plymouth Rd Livonia MI 48150	CONTACT NAME: certs@pciaonline.com PHONE (A/C, No, Ext): (800) 969-4041 FAX (A/C, No): (800) 969-4081 E-MAIL ADDRESS: certs@pciaonline.com INSURER(S) AFFORDING COVERAGE INSURER A: Twin City Fire Insurance Co. 29459 INSURER B: Hartford Accident & Indemnity 22357 INSURER C: XL Specialty Ins. Co. 37885 INSURER D: INSURER E: INSURER F:
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COVERAGES

CERTIFICATE NUMBER: 17-18 ALL

REVISION NUMBER:

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

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY					EACH OCCURRENCE \$ 1,000,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR					DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000
	<input checked="" type="checkbox"/> Contractual Liability	<input checked="" type="checkbox"/>	35SBWIJ3910	12/1/2017	12/1/2018	MED EXP (Any one person) \$ 10,000
	<input checked="" type="checkbox"/> X, C, U					PERSONAL & ADV INJURY \$ 1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:					GENERAL AGGREGATE \$ 2,000,000
	<input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PROJECT <input type="checkbox"/> LOC					PRODUCTS - COMP/OP AGG \$ 2,000,000
	<input type="checkbox"/> OTHER					\$
B	AUTOMOBILE LIABILITY					COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000
	<input checked="" type="checkbox"/> ANY AUTO					BODILY INJURY (Per person) \$
	<input type="checkbox"/> ALL OWNED AUTOS					BODILY INJURY (Per accident) \$
	<input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> SCHEDULED AUTOS NON-OWNED AUTOS	<input checked="" type="checkbox"/>	35UEGBK0625	12/1/2017	12/1/2018	PROPERTY DAMAGE (Per accident) \$
						NONOWNED/HIRED \$ 1,000,000
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR					EACH OCCURRENCE \$ 5,000,000
	<input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE					AGGREGATE \$ 5,000,000
	DED <input checked="" type="checkbox"/> RETENTION \$ 10,000		35SBWIJ3910	12/1/2017	12/1/2018	\$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY					<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	Y/N				E.L. EACH ACCIDENT \$ 1,000,000
	If yes, describe under DESCRIPTION OF OPERATIONS below	N N/A	35WEGKN6010	12/1/2017	12/1/2018	E.L. DISEASE - EA EMPLOYEE \$ 1,000,000
						E.L. DISEASE - POLICY LIMIT \$ 1,000,000
C	Professional Liability		DPR9919818	12/1/2017	12/1/2018	Each Claim 5,000,000
						Aggregate 7,000,000

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

The City of Birmingham including all elected and appointed officials, all employees, all boards, commissions and/or authorities and board members are considered additional insured's with respects to general and auto liability coverage as long as required within a written contract. Waiver of subrogation in favor of certificate holder and additional insured's as long as required within a written contract. Coverage is primary and non-contributory as it applies to general liability, auto liability and umbrella. 30 day written notice provided to certificate holder and additional insured's for cancellation of coverages listed. 10 day notice for nonpayment of listed policies.

CERTIFICATE HOLDER

CANCELLATION

City of Birmingham
151 Martin Street
P.O. Box 3001
Birmingham, MI 48012

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Mike Cosgrove/KATHRY

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ACORD 25 (2014/01)

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INS025 (201401)



November 29, 2017

City of Birmingham
151 Martin Street
Birmingham, Michigan 48009

Attention: **Mr. Austin W. Fletcher, P.E.**
Assistant City Engineer

Regarding: Old Woodward Avenue Paving Project, CONTRACT #1-18(P)
Scope for Construction Observation Services

Dear Mr. Fletcher:

OHM Advisors (OHM) is pleased to submit this proposal for the Old Woodward Avenue Paving project between Willits Street and Brown Street in the City of Birmingham. We have prepared the following project understanding and scope of services to be provided by OHM based on our previous discussions.

PROJECT UNDERSTANDING

The City of Birmingham is planning to reconstruct Old Woodward Avenue from Willits Street to Brown Street. This section of roadway is a vital corridor within the City and is part of a series of projects to update the infrastructure within the Central Business District. The project will include installation of new combined sewer, storm sewers, water main, concrete pavement, sidewalks, landscaping with irrigation and electrical, traffic signals, and fiber optic conduits. Approximate quantities for the project are as follows: 2,300 lft of combined and storm sewers, 2,300 lft of water main, 11,000 syds of concrete pavement with integral curb, 65,000 sft of concrete sidewalks, complete replacement of traffic signals for three intersections, 7,700 ft. of electrical conduit, and 5,000 ft. of fiber optic conduit, a small amount of granite curb elements, plus other work to complete the project.

We understand that the City's Engineering Department will be performing the Contract Administration and Construction Engineering for this project, with OHM providing staff for Construction Observation as needed to support the City Team. Given the scope and significant impact this project will have, we are committed to providing highly talented/experienced personnel to best serve the City in this role. Our team has been involved in numerous similar projects and understands the challenges that will be faced throughout construction. Based on our understanding of the project, we will assign Paul Wilkerson (Senior Construction Technician) and Andrew Rudder (Construction Technician) to provide the City with Construction Observation support. Resumes for Paul and Andrew are enclosed for your reference.

This project will be on an expedited schedule, with work commencing in early spring of 2018. The City has setup the contract to allow extended work hours, encourage multiple crews, and incorporate schedule incentives/penalties. We recognize how disruptive a project like this will be and will work together with the project team to minimize the impact to businesses and the overall community as much as possible. Our team understands the importance of the communication and coordination with the residents and businesses impacted by this project. This includes both property owners within the project limits, and residents and business owners elsewhere in the community.

OHM Advisors®

1827 NORTH SQUIRREL ROAD
AUBURN HILLS, MICHIGAN 48326

T 248.751.3100
F 248.364.3001

OHM-Advisors.com



OHM understands that the City of Birmingham will use a multifaceted approach to keeping those impacted by the project informed. We recognize that different forms of communication are preferred by different customers, and that the information will need to be disseminated by the City via several methods in order to be effective. As a way to assist the City in the outreach efforts that will be made to the community, OHM Advisors will provide the City representative with regular project updates. The frequency and delivery method will be dictated by the City.

SCOPE OF SERVICES

Construction Observation

Under this task the project team will observe the construction efforts on the project and assist with any necessary field changes to successfully complete the work. We anticipate two full time construction technicians for the duration of the project (estimated 125 workdays) Specific work efforts include:

- Attend the pre-construction meeting for the project.
- Provide daily observation of all major items of work, including, but not limited to, concrete paving, new combined sewers, storm sewers, water main, sidewalks, landscaping with irrigation and electrical, traffic signals, and fiber optic conduit to verify that materials, installation, and construction methods used are in conformance with the project plans and specifications as well as applicable standards.
- Produce daily field reports using FieldBook software to document work and record quantities of contract pay items. All project data will be collected and delivered to the City as required
- Track quantities of work completed by the contractor on a daily basis, and if requested, assist in maintaining a running project estimate Field quantities will be measured daily, and reviewed with the contractor's project foreman.
- Coordinate with the materials testing consultant on materials related items as required.
- Address Contractor's construction concerns and resolve conflicts with the executed contract specifications.
- Attend regularly scheduled progress meetings. It is anticipated that meetings will be held weekly during the active construction period.
- Coordinate with the business owners and other stakeholders in the construction area regarding access, traffic staging, schedule, and other pertinent items for the duration of the project.
- Attend public meetings, if requested.
- Assist as needed with project closeout.

SCHEDULE

Based on the project documents, we anticipate that the project award would be approved by the City Commission in January and construction on the project would begin in early Spring 2018. The project is expected to be substantially completed by July 27, 2018. Final project completion is anticipated in August 2018.

COMPENSATION

The services outlined above will be performed on an hourly basis in accordance with the enclosed *Standard Terms and Conditions* at the hourly rates indicated below:

Senior Construction Technician	\$82.50/hour
Construction Technician	\$70.50/hour

Based on the assumed project duration of 125 workdays at 12 hours per day for each technician, the estimated total budget for the project is \$229,500.00. The City will be invoiced for services on a monthly basis



FURTHER CLARIFICATIONS AND ASSUMPTIONS

The above-listed scope of services was prepared with the following assumptions:

- ▼ OHM will be pleased to provide any additional services for this project on an hourly basis. Services not included in this proposal:
 - Construction Engineering
 - Contract Administration
 - Construction Survey Layout/Staking.
 - Preparation of Record Drawings

Should you find this agreement acceptable, please execute both copies and return one copy to us for our files. We look forward to providing professional services on this project. If you have any questions, please contact us.

Sincerely,

OHM Advisors

Timothy J. Juidici, P.E.
Client Representative

Gary Smolinski
Construction Manager

Enclosures: *Project Team Resumes*
 Standard Terms and Conditions

cc: File

City of Birmingham
Old Woodward Avenue Paving Project
CONTRACT # 1-18(P)
Construction Observation Services

Accepted By: _____

Printed Name: _____

Title: _____

Date: _____

Paul W. Wilkerson | Senior Construction Technician**Education**

- Associate of Applied Science in Surveying Technology, Ferris State University, 1997

Experience

With OHM since 1992
All experience with OHM

Professional Certification(s)

- MDEQ, SESC Comprehensive Part 91
- MDEQ, Storm Water Operator- Construction Site
- OSHA 30 Hour Outreach Training
- OSHA, Confined Space Entry Training
- NASSCO, PACP, MACP, LACP Certified

Professional Development

- Aggregate Presentation, Edward C Levy Co.
- Crystalline Concrete Waterproofing, Xypex Chemical
- APAM LRW Workshop

Background

Mr. Wilkerson has provided on-site construction inspection services on numerous Municipal and MDOT LAP projects for OHM clients. These services include inspection of underground utility installations, excavation, aggregate base installation, adherence of contractors to traffic control and maintenance requirements, bituminous and concrete paving along with soil erosion and sedimentation control inspection, striping and landscape restoration. Mr. Wilkerson has also provided construction survey layout for many other projects of this type.

Mr. Wilkerson has also provided soil erosion and sedimentation control (SESC) inspections for several of OHM's municipal clients. He coordinated with municipal ordinance enforcement officers and other municipal officials to assist in compliance actions on various developments and individual residential lots. His soil erosion control responsibilities have covered sites ranging in size from less than one acre to more than 100 acres with sensitive wetlands and lakes present for projects in Auburn Hills, Orion and Ypsilanti Townships, and the Cities of Livonia, Westland, Lincoln Park, and Farmington Hills.

Select Relevant Experience**Special Assessment District; Hickory Lawn and Norton Lawn, Rochester Hills, Oakland County, MI**

Lead Construction Technician for this project, which involved roadway and drainage improvements within a residential area of Rochester Hills. The project consisted of asphalt paving of approximately one mile of roadway, re-establishment of ditches and adjusting and replacing storm structures. Resident access and traffic control were critical to the success of the project.

Special Assessment District; Atlantic Auburn Hills, Oakland County, MI

Lead Construction Technician for this project, which involved pavement replacement and rehabilitation on several commercial/industrial collector roads within the City of Auburn Hills. This \$3.5 million project was done with three commercial special assessment districts and consisted of reconstruction of North Atlantic Boulevard and Continental Drive, pavement replacement on Deepwood Drive, and pavement mill/overlay with complete curb replacement on Pacific Drive. A major component of the project was coordination with businesses, traffic control, and construction staging in order to insure uninterrupted access to many large facilities. Other challenges included poor soil conditions, utility conflicts, and an expedited schedule.

OMID PCI-6 Lining Repair - CCA, Oakland and Macomb Counties, MI

Lead Construction Technician for cementitious and chemical grouting the 12' 9" interceptor. Project involves the pipe rehabilitation and lining of approximately 15,000 feet of existing 10' and 12'-9" diameter concrete tunneled pipe. The existing access shaft structures are also being rehabilitated by having loose concrete removed and replaced with non-shrink materials. Void areas outside of pipe will be filled using non-shrink grout to protect the pipe from further deterioration and settlement.

Paul W. Wilkerson | Senior Construction Technician**Select Relevant Experience Continued****Oakland Macomb Interceptor Drain (OMID), Oakland and Macomb Counties, MI**

Construction Technician for this major rehabilitation to the OMID interceptor to maintain proper continued operation. Completion of the rehabilitation required the construction of four massive reinforced concrete flow control structures and two access structures to stop flow during construction and access the pipe with equipment.

Coolidge Highway, 8 to 10 Mile Roads, Oak Park, Oakland County, MI

Construction Technician, Soil Erosion and Sedimentation Control Inspection and Survey Technician on this five lane, 3R, MDOT LAP administered concrete overlay project. Project specifics included concrete curb and gutter replacement, hot mix asphalt milling and a concrete overlay of the existing five lane roadway, storm sewer upgrades, parking lot reconstruction, water main replacement, median plantings, landscape walls, street lighting, signs and pavement markings. Project received Silver Award – ACPA National Award for Excellence in Concrete Paving.

9 Mile Road Rehabilitation; Greenfield Road to Parklawn and Coolidge Road to Pinecrest, Oak Park, MI

Construction Technician on this 3R, MDOT LAP administered road rehabilitation project. Project specifics included hot mix asphalt (HMA) resurfacing, HMA and concrete pavement repair and curb and gutter replacement, pavement markings, and sanitary sewer replacement.

9 Mile Road Reconstruction, Tuck to Middlebelt Road, Farmington Hills, Oakland County, MI

Construction Technician on this Road Rehabilitation project. Project specifics included hot mix asphalt resurfacing, pavement repair and concrete curb and gutter replacement, and traffic control.

Taft Road Roundabout Reconstruction and Rehabilitation, Northville, MI

Survey Technician and Soil Erosion and Sedimentation Control Inspection on this road rehabilitation and

roundabout construction project. Project specifics included hot mix asphalt (HMA) reconstruction, roundabout construction, HMA and concrete pavement repair, curb and gutter replacement, and pavement markings, sewer, sanitary and water main replacement.

Newburgh Road Rehabilitation Project; 7 Mile Road to 8 Mile Road, Livonia, MI

Construction Technician and Soil Erosion and Sedimentation Control Inspection on this road rehabilitation project. Project specifics included hot mix asphalt (HMA) rehabilitation, HMA and concrete pavement repair, concrete curb and gutter replacement, pavement markings, traffic signal upgrades, and sanitary sewer replacement.

Ann Arbor Trail Rehabilitation; Hines Drive to Merriman Road, Westland, MI

Construction Technician, Soil Erosion and Sedimentation Control Inspection and Survey Technician on this 3R, MDOT LAP administered road rehabilitation project. Project specifics included 1.25 miles of hot mix asphalt resurfacing, full depth concrete pavement repair and ADA ramp upgrades, intersection widening, traffic signal upgrades, guardrail improvements, and pavement markings.

14 Mile Road Rehabilitation; Farmington Road to Orchard Lake Road, Farmington Hills, Oakland County, MI

Soil Erosion and Sedimentation Control Inspection on this road rehabilitation project. Project specifics included hot mix asphalt (HMA) reconstruction, HMA and concrete pavement repair and concrete curb and gutter replacement, traffic signal upgrades, pavement markings, and sanitary sewer replacement.

River Drive Paving Improvements, Lincoln Park, MI

Construction Technician on this MDOT/LAP road reconstruction project. Project specifics included concrete road reconstruction, concrete pavement repair, concrete curb and gutter replacement, pavement markings, sanitary sewer and water main replacement.

Andrew P. Rudder | Construction Technician**Education**

- Associate of Applied Science in Civil Technology, Macomb Community College, 2004

Experience

With OHM since 2014
9 Years prior experience

Professional Certification(s)

- ACI, Concrete Field Testing Technician, Grade 1
- MCA, Concrete Field Testing Technician, Level 1
- MDOT, Concrete Paving Inspection,
- MDOT Density Technology
- Radiation Safety Officer
- MDOT, HMA Paving Operations
- MDEQ, Stormwater Management- Construction Site
- OSHA 10 Hour Outreach Training
- OSHA, Confined Space Entry
- NASSCO, PACP and MACP Certified
- American Red Cross, Adult First Aid/CPR/AED
- MDOT, Materials Acceptance Process

Background

Mr. Rudder is a Construction Technician specifically involved with projects for the Michigan Department of Transportation. Andrew has had projects with many MDOT TSCs throughout the Metro Region. His responsibilities include field supervision, materials compliance, enforcing proper installation methods used by Contractors, and adherence by contractors to maintenance and traffic control requirements. His duties include record keeping of daily events and monitoring contract quantities utilizing MDOT Field Book software.

Before OHM, Mr. Rudder worked eight years with a Detroit-based engineering firm where he performed as-needed work for the Michigan Department of Transportation at various TSCs throughout the Metro Region including Port Huron, Macomb, Detroit, Taylor and Oakland. This work consisted of the inspection of underground and roadway work items as well as performing concrete quality control and density inspection testing utilizing the Troxler nuclear gauge. Mr. Rudder also worked as an Office Technician for one year while with the aforementioned firm.

Prior to this, Mr. Rudder worked one year for the Macomb County Department of Roads through the cooperative education program where he was a construction technician aide. This consisted of assisting in the inspection of the annual concrete pavement repair program.

Select Relevant Experience**Evergreen Road Reconstruction; 9 Mile Road to NB Northwestern Highway Service Drive, Southfield, MI**

Lead Construction Technician for Construction Engineering for 1.00 mi of concrete reconstruction including pavement removal, aggregate base, storm sewer, drainage, concrete pavement with integral curb, ramps, guardrail and signal upgrades on Evergreen Road from 9 Mile Road to northbound Northwestern Service Drive in the city of Southfield, Oakland County.

Evergreen Reconstruction; 11 Mile Road to 13 Mile Road, Southfield, MI

Construction Technician for Construction Engineering for 2.09 mi of hot mix asphalt cold milling, crushing, shaping and resurfacing, pavement removal, aggregate base, concrete curb, gutter, sidewalk and ramps, water main, storm sewer, drainage and traffic signal upgrades on Evergreen Road from 11 mile Road north to 13 Mile Road in the village of Beverly Hills and cities of Lathrup Village and Southfield, Oakland County.

Ypsilanti Signals Upgrade (Michigan Avenue at Prospect), Ypsilanti, MI

Construction Technician for Construction Engineering for upgrading existing signal to box span (mast arms), backplates, upgrade to countdown pedestrian push buttons and ADA ramps on Prospect Road at US-12 (Michigan Avenue) in the city of Ypsilanti, Washtenaw County.

Andrew P. Rudder | Construction Technician

Select Relevant Experience Continued

M-10 Bridges Rehabilitation, Detroit, MI

Construction Technician for Construction Engineering for the rehabilitation of four structures over M-10 and the removal of a pedestrian bridge (X01) over M-10, south of X01-6 Plaza Bridge/M-85. The four structures are S08 (NB I-75 to NB M-10 ramp over M-10), S11 (M-85 over M-10), S12 (NB M-10 to SB I-75 over M-10) and S13 (SB I-75 to SB M-10 over M-10). S08 received a full deck replacement, beam end repairs, complete cleaning and coating of structural steel, replacement of Pier 1 and Pier 4, rehabilitation of Pier 2 and Pier 3, modifications to the abutments, bridge approach reconstructions and reconstruction to the outside shoulders on M-10 under S08. S12 received a deep overlay, deck patchwork, rail replacement, beam end repairs, structural paint, substructure patch repair, concrete surface coating and bridge approach work. S13 included an epoxy overlay, deck patchwork, beam end repairs, structural paint, substructure patch repair, slope paving repair, concrete surface coating and bridge approach work. S11 received substructure patching, epoxy overlay, and joint replacement. The biggest challenge on this project was maintaining traffic on M-10 and the closure of the interchange-to-interchange bridges (S08, S12 and S13) and monitoring the extensive detours for this highly congested area. Careful coordination with MDOT, Contractors, and the City regarding adjacent projects, such as the MLK bridge over M-10 and City of Detroit special events helped minimize the impacts to the motorists entering and exiting the City of Detroit. Traffic control consisted of multiple single and double lane closures along with two full freeway closures with detours that were inspected daily. OHM was responsible for Project Management/Project Engineering, Project Inspection, and Office Technician roles. OHM was responsible for a sub-consultant that performed material testing.

Section 15 Water Main and Repaving, Southfield, MI

Lead Construction Technician for professional services for the proposed water main and paving improvement project planned in northeast portion of Section 15 in the City of Southfield. The planned improvements consist of replacing the entire water system, including the pipes, hydrants, valves, and services, as well as replacing sections of concrete within

the area impacted by the water main project, and areas of failed pavement.

Section 13 Water Main and Repaving (Cambridge Village), Southfield, MI

Lead Construction Technician for Construction Engineering for the proposed water main and paving improvements. The planned improvements consist of replacing the entire water main system, including the pipes, hydrants, valves, and services, as well as new concrete curb and gutter, concrete driveway approaches and HMA pavement.

Section 12 Water Main and Repaving (Meadowdale), Southfield, MI

Construction Technician for Construction Engineering for the proposed water main and paving improvements. The planned improvements consist of replacing the entire water main system, including the pipes, hydrants, valves, and services, as well as replacing sections of concrete within the area impacted by the water main project, and areas of failed pavement.

SB Northwestern Highway Service Drive Reconstruction, Berg Road to M-10, Oakland County, MI

Inspector for project involving the reconstruction of the SB NW Service Drive from Berg to just south of the off ramp from M-10. South of here, the project will rehabilitate the road with a mill and two lift overlay, gapping the major intersections of Lahser, Civic Center, 10 Mile and finally ending at the north radius of Evergreen. Project will require some road widening, drainage upgrades, pavement repairs, sidewalk gap filling, and ROW acquisition.

Downtown Fenton Streetscape (Leroy & Shiawassee), Genesee County, MI

Office Technician for the Full CE on 0.60 mi of hot mix asphalt cold milling and resurfacing, concrete curb, gutter, sidewalk and ramps, storm sewer, water main, streetscaping, lighting, and pavement marking on Leroy Street (From 2nd Street north to Elizabeth Street) and on Shiawassee Street (From Leroy Street east to Adelaide Street) in the city of Fenton, Genesee County.

Andrew P. Rudder | Construction Technician

Select Relevant Experience Continued

Northwestern Highway Service Drive Reconstruction; 8 Mile Road to Southfield Road, Oakland County, MI

Full CE for 1.43 mi of hot mix asphalt removal and resurfacing, concrete curb, gutter and aggregate base; reducing the lanes from three to two lanes on Northwestern Highway Service Drive northbound from 8 Mile Road north to Southfield Road in the City of Southfield, Oakland County. Full depth reconstruction with concrete pavement for approximately 4,000 Ft south of 9 Mile was performed. The project also entailed rehabilitation from 9 Mile north to Southfield Road. The work also included drainage (storm sewer), station grading, traffic signals and ADA sidewalk ramp upgrades at the crossing of M-10 at Northland, J.L Hudson, North Park and filling in the sidewalk gaps between 8 Mile and 9 Mile.

Section 31 Water Main and Paving, Southfield, MI

Construction Technician for replacement of 25,000 feet of water main and appurtenances within the City of Southfield. Project included open cut and directional drilling of Bell and spigot PVC C909, 450 homes, and pulverizing, grading, and paving of 5 miles of residential streets.

Evergreen Road Replacement; 8 Mile Road to 9 Mile Road, Southfield, Oakland County, MI

Construction Technician for replacement of an existing two lane road with ditches by the construction of 1.00 mi of new three to five lane concrete curb and gutter road that included: A new storm sewer with underdrain and collection system for sump leads, installation of a new water main, abandonment of two parallel water mains, new sidewalk, new non-motorized trail, ADA ramps, one new and two replaced signals and push buttons, light pole relocation, decorative concrete crosswalks, new landscaping island, and pavement markings on Evergreen Road from Eight Mile Road north to Nine Mile Road in the city of Southfield, Oakland County. The project had four large high pressure gas mains under the new pavement for which one had to be abandoned, two of the mains had to be shielded, and special construction techniques used to prevent damage to the shielded mains that were within inches of the subgrade.

Mill and Fill, 13 Mile Road; Orchard Lake Road to Middlebelt Road, Farmington Hills, Oakland County, MI

Construction Technician on this project, which consists of 0.96 mi of hot mix asphalt cold milling and resurfacing, concrete curb, gutter, sidewalk and ramps, storm sewer, culvert extension, and pavement markings on 13 Mile Road from Orchard Lake Road east to Middlebelt Road in the city of Farmington Hills, Oakland County.

Featherstone Road Reconstruction, Auburn Hills, MI

Construction Technician on this project, which consists of reconstruction of 1 mile of two lane boulevard along with the replacement of a 20" water main. OHM provided Full CE Services overseeing the installation of Water Main, including pressure testing; bac tests and tie ins, maintenance of traffic, pavement removals pavement construction and material testing completed by our sub-consultant.

Fiber Optic Cable Repairs on M-10 and I-75 cities of Southfield and Detroit, Oakland and Wayne Counties, MI *

Office Technician for this project consisting of installation of fiber optic cable and interconnection of existing devices, two new spun concrete poles with surveillance equipment, and fiber optic cable repairs on M-10 from M-102 to Hub 6 at the M-10/US-24 interchange and along I-75 in the cities of Southfield and Detroit, Oakland and Wayne Counties.

MITs Communication Tower Reconstruction, cities of Plymouth, Dearborn, and Detroit, Wayne County, MI*

Office Technician on this project consisting of reconstruction of three MITs communications towers and the installation of fiber optic cable located at Hub 9 at I-94 and Greenfield Road, Hub 10 at I-96 and M-8, Node 11 at the M-14/I-275/I-96 interchange, and along I-96 from Greenfield Road to the I-96/M-8 interchange in the cities of Plymouth, Dearborn, and Detroit, Wayne County.

**Denotes work performed prior to joining OHM Advisors.*

STANDARD TERMS and CONDITIONS

1. THE AGREEMENT – These Standard Terms and Conditions and the attached Proposal or Scope of Services, upon their acceptance by the Owner, shall constitute the entire Agreement between Orchard, Hiltz & McCliment, Inc. (OHM ADVISORS), a registered Michigan Corporation, and the Owner. The Agreement shall supersede all prior negotiations or agreements, whether written or oral, with respect to the subject matter herein. The Agreement may be amended only by mutual agreement between OHM ADVISORS and the Owner and said amendments must be in written form.

2. SERVICES TO BE PROVIDED – OHM ADVISORS will perform the services as set forth in the attached proposal or scope of services which is hereby made a part of the Agreement.

3. SERVICES TO BE PROVIDED BY OWNER – The Owner shall at no cost to OHM ADVISORS:

- a) Provide OHM ADVISORS personnel with access to the work site to allow timely performance of the work required under this Agreement.
- b) Provide to OHM ADVISORS within a reasonable time frame, any and all data and information in the Owners possession as may be required by OHM ADVISORS to perform the services under this Agreement.
- c) Designate a person to act as Owners representative who shall have the authority to transmit instructions, receive information, and define Owner policies and decisions as they relate to services under this Agreement.

4. PERIOD OF SERVICE – The services called for in this Agreement shall be completed within the time frame stipulated in the Proposal or Scope of Services, or if not stipulated shall be completed within a time frame which may reasonably be required for completion of the work. OHM ADVISORS shall not be liable for any loss or damage due to failure or delay in rendering any service called for under this agreement resulting from any cause beyond OHM ADVISORS reasonable control.

5. COMPENSATION – The Owner shall pay OHM ADVISORS for services performed in accordance

with the method of payment as stated in the Proposal or Scope of Services. Method of compensation may be lump sum, hourly; based on a rate schedule, percentage of the construction cost, or cost plus a fixed fee. The Owner shall pay OHM ADVISORS for reimbursable expenses for subconsultant services, equipment rental or other special project related items at a rate of 1.15 times the invoice amount.

6. TERMS OF PAYMENT – Invoices shall be submitted to the Owner not more often than monthly for services performed during the preceding period. Owner shall pay the full amount of the invoice within thirty days of the invoice date. If payment is not made within thirty days, the amount due to OHM ADVISORS shall include a charge at the rate of one percent per month from said thirtieth day.

7. LIMIT OF LIABILITY – OHM ADVISORS shall perform professional services under this Agreement in a manner consistent with the degree of care and skill in accordance with applicable professional standards of services of this type of work. To the fullest extent permitted by law, and notwithstanding any other provision of this Agreement, the total liability in the aggregate, of OHM ADVISORS and its Officers, Directors, Partners, employees, agents, and subconsultants, and any of them, to the Owner and anyone claiming by, through or under the Owner, for any and all claims, losses, costs or damages of any nature whatsoever arises out of, resulting from or in any way related to the project or the Agreement from any cause or causes, including but not limited to the negligence, professional errors or omissions, strict liability, breach of contract or warranty, express or implied, of OHM ADVISORS or OHM ADVISORS' Officers, Directors, employees, agents or subconsultants, or any of them shall not exceed the amount of \$25,000 or OHM ADVISORS fee, whichever is greater.

8. ASSIGNMENT – Neither party to this Agreement shall transfer, sublet, or assign any duties, rights under or interest in this Agreement without the prior written consent of the other party.

9. NO WAIVER – Failure of either party to enforce, at anytime, the provisions of this Agreement shall not constitute a waiver of such provisions or the right of either party at any time to avail themselves of such remedies as either may have for any breach or breaches of such provisions.

10. GOVERNING LAW – The laws of the State of Michigan will govern the validity of this Agreement, its interpretation and performance.

11. DOCUMENTS OF SERVICE – The Owner acknowledge OHM ADVISORS' reports, plans and construction documents as instruments of professional services. Nevertheless, the plans and specifications prepared under this Agreement shall become the property of the Owner upon completion of the work and payment in full of all monies due OHM ADVISORS, however, OHM ADVISORS shall have the unlimited right to use such drawings, specifications and reports and the intellectual property therein. The Owner shall not reuse or make any modifications to the plans and specifications without prior written authorization by OHM ADVISORS. In accepting and utilizing any drawings or other data on any electronic media provided by OHM ADVISORS, the Owner agrees that they will perform acceptance tests or procedures on the data within 30 days of receipt of the file. Any defects the Owner discovers during this period will be reported to OHM ADVISORS and will be corrected as part of OHM ADVISORS' basic Scope of Services.

12. TERMINATION – Either party may at any time terminate this Agreement upon giving the other party 7 calendar days prior written notice. The Owner shall within 45 days of termination, pay OHM ADVISORS for all services rendered and all costs incurred up to the date of termination in accordance with compensation provisions in this Agreement.

13. OHM ADVISORS' RIGHT TO SUSPEND ITS SERVICES – In the event that the Owner fails to pay OHM ADVISORS the amount shown on any invoice within 60 days of the date of the invoice, OHM ADVISORS may, after giving 7 days notice

to the Owner, suspend its services until payment in full for all services and expenses is received.

14. OPINIONS OF PROBABLE COST – OHM ADVISORS preparation of Opinions of Probable Cost represent OHM ADVISORS' best judgment as a design professional familiar with the industry. The Owner must recognize that OHM ADVISORS has no control over costs or the prices of labor, equipment or materials, or over the contractor's method of pricing. OHM ADVISORS makes no warranty, expressed or implied, as to the accuracy of such opinions as compared to bid or actual cost.

15. JOB SITE SAFETY – Neither the professional activities of OHM ADVISORS, nor the presence of OHM ADVISORS or our employees and subconsultants at a construction site shall relieve the General Contractor or any other entity of their obligations, duties, and responsibilities including, but not limited to, construction means, methods, sequences, techniques or procedures necessary for performing, superintending or coordinating all portions of the work of construction in accordance with the contract documents and the health or safety precautions required by any regulatory agency. OHM ADVISORS has no authority to exercise any control over any construction contractor or any other entity or their employees in connection with their work or any health or safety precautions. The Owner agrees that the General Contractor is solely responsible for jobsite safety, and warrants that this intent shall be made clear in the Owners agreement with the General Contractor. The Owner also agrees that OHM ADVISORS shall be indemnified and shall be made additional insureds under the General Contractors general liability insurance policy.

16. DISPUTE RESOLUTION – In an effort to resolve any conflicts that arise during the design or construction of the project or following the completion of the project, the Owner and OHM ADVISORS agree that all disputes between them arising out of or relating to this Agreement shall be submitted to nonbinding mediation, unless the parties mutually agree otherwise.

NOTICE OF PUBLIC HEARING

BIRMINGHAM CITY COMMISSION
SPECIAL LAND USE PERMIT AMENDMENT & FINAL SITE PLAN

Meeting Date, Time, Location:	Monday, January 22, 2018 at 7:30 PM Municipal Building, 151 Martin Birmingham, MI
Location of Request:	First Presbyterian Church, 1669 W. Maple
Nature of Hearing:	To consider the Final Site Plan and Special Land Use Permit Amendment to allow a replacement ground sign and two directional signs
City Staff Contact:	Jana Ecker 248.530.1841 jecker@bhamgov.org
Notice Requirements:	Mailed to all property owners and occupants within 300 feet of subject address. Publish January 7, 2018
Approved minutes may be reviewed at:	City Clerk's Office

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



MEMORANDUM

Planning Division

DATE: January 16, 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 1669 W. Maple, First Presbyterian Church

First Presbyterian Church is located on the south side of W. Maple between Pleasant and Larchlea Dr. They are proposing to install a replacement ground sign in front of the Church building and two directional signs. As a result of this new signage, the applicant requires an amendment to their existing Special Land Use Permit (SLUP), which was originally approved on May 13, 1991. Prior to the consideration of a SLUP Amendment, the City Commission refers the Site Plan and Design Review to the Planning Board.

On November 29, 2017, the Planning Board reviewed the proposed SLUP Amendment for the new signage, and voted to recommend approval of the Final Site Plan and Special Land Use Permit to the City Commission to allow the installation of a sign in front of the church building and a non-illuminated directional sign on Pleasant with the following condition:

1. The applicant must verify that the location of the directional sign along W. Maple Rd. is on private property or move the location to private property.

Thus, the City Commission set a public hearing date for January 22, 2018 to consider an application for a Special Land Use Permit ("SLUP") Amendment and Final Site Plan for 1669 W. Maple.

SUGGESTED ACTION:

To approve a Special Land Use Permit Amendment and Final Site Plan for First Presbyterian Church at 1669 W. Maple to allow the installation of new signage on the property.

OR

To deny the Special Land Use Permit Amendment and Final Site Plan for First Presbyterian Church at 1669 W. Maple.

1669 W. MAPLE
FIRST PRESBYTERIAN CHURCH
SPECIAL LAND USE PERMIT AMENDMENT
2018

- WHEREAS, The First Presbyterian Church originally applied for and received a Special Land Use Permit on September 8, 1987 to allow for the resurfacing, lighting and landscaping of the parking lot at 1669 West Maple Road, such application having been filed pursuant to the former Section 126-477 of the City Code;
- WHEREAS, The land for which the Special Land Use Permit Amendment is sought is located on the south side of West Maple Road between Larchlea and Pleasant Streets;
- WHEREAS, THE LAND IS ZONED R-1A, Single Family Residential, which permits a church with a Special Land Use Permit;
- WHEREAS, Article 7, section 7.34 of Chapter 126, Zoning requires a Special Land Use Permit to be reviewed by the Birmingham City Commission at such time that any addition to or change in the building or improvements on the parcel of land is proposed or the use of the property is altered;
- WHEREAS, The applicant submitted an application for a Special Land Use Permit Amendment and Final Site Plan Review to construct an illuminated ground sign and non-illuminated directional sign;
- WHEREAS, All conditions of the previously approved 1989, 1990, 1991, 1992, 1994, 1995, 1996, 1997 and 2002 Special Land Use Permit Amendments be continued as part of this Special Land Use Permit Amendment;
- WHEREAS, The Planning Board on November 29, 2017 reviewed the application for a Special Land Use Permit Amendment and Final Site Plan and recommended approval of the application with the following condition:
1. The applicant must verify that the location of the directional sign along W. Maple Rd. is on private property or move the location to private property.
- WHEREAS, The applicant has agreed to comply with the condition of approval recommended by the Planning Board;
- WHEREAS, The Birmingham City Commission has reviewed the First Presbyterian Church's Special Land Use Permit Amendment application as well as 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 and the First Presbyterian Church's application for a Special Land Use Permit Amendment and Final Site Plan Review allowing the installation of new signage is hereby approved;

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

1. First Presbyterian Church 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.

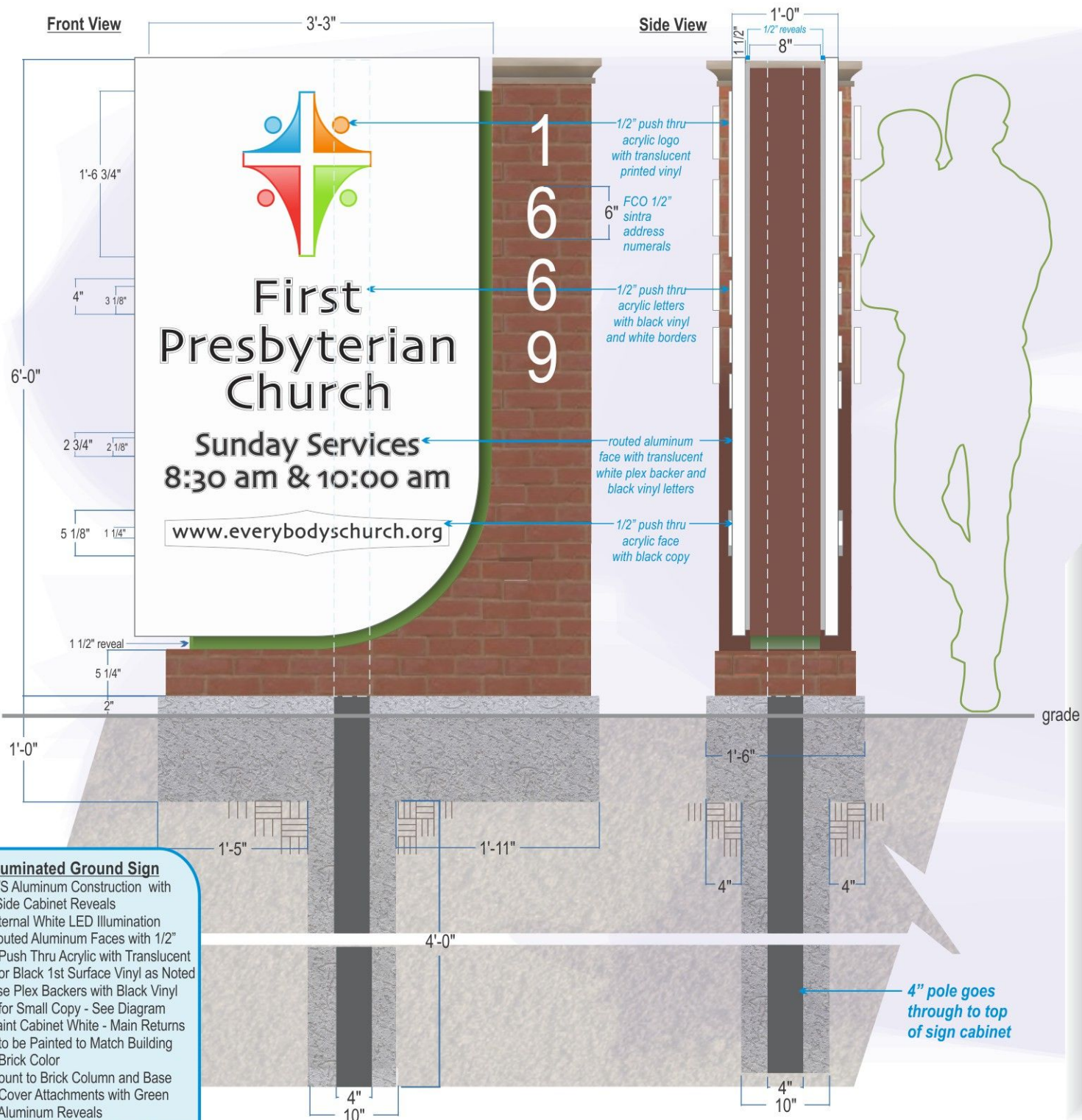
BE IT FURTHER RESOLVED, That failure to comply with any of the above conditions shall result in termination of the Special Land Use Permit.

MAY IT BE FURTHER RESOLVED that the First Presbyterian Church 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 subsequently be amended. Failure of the First Presbyterian Church to comply with all the ordinances of the city may result in the Commission revoking this Special Land Use Permit.

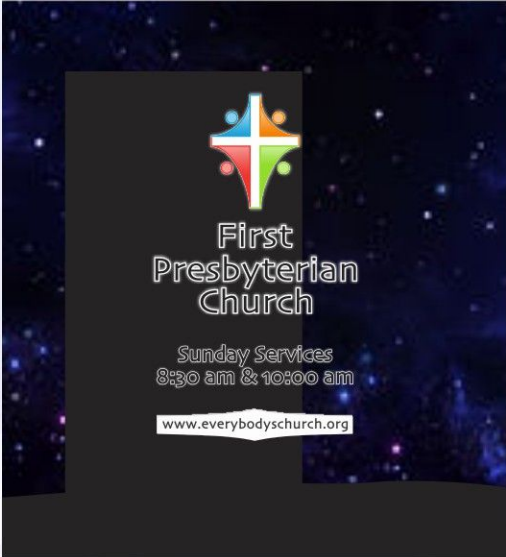
I, Cherilynn Mysnberge, City Clerk of the City of Birmingham, Michigan do hereby certify that the foregoing is a true and correct copy of the resolution by the Birmingham City Commission at its regular meeting held on January 22, 2018.

Cherilynn Mysnberge, City Clerk

Illuminated D/S Ground Sign - First Presbyterian Church - 1669 W Maple Rd-Birmingham, MI 48009



Night View - nts



Existing Elevation - nts



Proposed Elevation - 1/16" = 1'-0" Scale



Note:
This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and /or other applicable local codes. This includes proper grounding and bonding of the sign.

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Troy, MI 48083
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(248) 689-9101 F
www.gardnersigns.com

3800 Airport Hwy.
Toledo, OH 43615
(419) 385-6669 T
(419) 385-7046 F

CLIENT:	First Presbyterian Church
PROJECT:	Ground Sign
LOCATION:	1669 W Maple Rd Birmingham, MI 48009
SALESPERSON:	Mia Asta
DESIGNER:	dmf
DATE:	08/17/2017
DESIGN #:	4550-1
REVISIONS:	08/22/2017 09/14/2017 10/11/2017
SCALE:	Noted
FILE:	First Presbyterian Church-1669 W Maple Rd-Birmingham, MI 48009

SALES AUTHORIZATION

SIGNED BY:
DATE:

DESIGN AUTHORIZATION

SIGNED BY:
DATE:

PRODUCTION AUTHORIZATION

CLIENT APPROVAL:

DATE:

PRODUCTION APPROVAL:

DATE:

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MEMORANDUM

Planning Department

DATE: November 21, 2017

TO: Planning Board Members

FROM: Matthew Baka, Senior Planner

APPROVED: Jana Ecker, Planning Director

SUBJECT: Final Site Plan Review & Special Land Use Permit Amendment,
1669 W. Maple – First Presbyterian Church

Executive Summary

First Presbyterian Church is located on the south side of W. Maple between Pleasant and Larchlea Dr. They are proposing to install a replacement ground sign in front of the Church building and two directional signs. As a result of this new signage, the petitioner will require an amendment to their existing Special Land Use Permit (SLUP). Prior to the consideration of a SLUP Amendment, the City Commission refers the Site Plan and Design Review to the Planning Board. Should Planning Board approval be granted, a public hearing will be held by the City Commission to consider whether or not to grant the proposed Special Land Use permit (SLUP) Amendment.

This parcel of land is zoned R1A, Single Family Residential District. Churches are a permitted use in the R1A District, subject to Special Land Use regulations. The Church originally received a Special Land Use Permit on May 13, 1991.

1.0 Land Use and Zoning

- 1.1** Existing Land Use - The existing site is currently used as a Church. The land uses surrounding the site are single family residential, Neighborhood Business, and Office.
- 1.2** Existing Zoning – The Church is currently zoned R1A, Single Family Residential, and has a valid Special Land Use Permit which was originally granted on May 13, 1991.
- 1.3** Summary of Land Use and Zoning - The following chart summarizes existing land use and zoning adjacent to and/or in the vicinity of the subject site.

	North	South	East	West
Existing Land Use	Single Family Residential	Office/Parking	Commercial	Single Family Residential
Existing Zoning District	R2, Single Family Residential	O1, Office and P, Parking	B1, Neighborhood Business	R1A, Single Family Residential
2016 Regulating Plan	NA	NA	NA	NA

2.0 Setback and Height Requirements

No changes are proposed to existing building or site with the exception of the proposed signage. Sign requirements are discussed further in section 7.0, Sign Review.

3.0 Screening and Landscaping

3.1 Screening – No changes are proposed.

3.2 Landscaping – No changes are proposed.

4.0 Parking, Loading and Circulation

4.1 Parking - No changes are proposed.

4.2 Loading – No changes are proposed.

4.3 Circulation – No changes proposed.

5.0 Lighting

Signage lighting is detailed in the signage section below.

6.0 Departmental Reports

6.1 Engineering Division – No concerns had been received at the time of this report.

6.2 Department of Public Services – No comments had been received at the time of this report.

6.3 Fire Department – No concerns.

6.4 Police Department – No concerns.

6.5 Building Division – No comments had been received at the time of this report.

7.0 Sign Review

The Birmingham Sign Ordinance allows for one ground sign with 20 square feet of signage per side. The applicant is proposing one sign, located in front of the Church on W. Maple. The total amount of signage proposed per side on the sign is 17.94 square feet. The sign is proposed to be located 7' from the front property line along W. Maple.

The proposed sign along W. Maple will be composed of a brick monument base constructed of red brick that matches the Church Building and an internally illuminated aluminum sign cabinet with acrylic push-thru letters.

The sign will have three lines of text that read "First Presbyterian Church", "Sunday Services 8:30am & 10:00am" and "www.everybodyschurch". The text of the monument sign will also include address numbers. Address signs are not counted toward the total amount of signage provided that the letters do not exceed 8" in height. The proposed address letters are 6" in height. **The proposed ground sign meets the requirements of the sign ordinance.**

In addition to the ground sign, the applicant is also proposing to replace a directional sign along Pleasant near the entrance to their parking lot and a new directional sign along W. Maple. The new directional sign is proposed to be 1' 6" x 2' 6" or 3.75 sq. ft. per side. The Sign Ordinance restricts directional signage of this type to 5 sq. ft. per side. **The proposed directional signs meet this requirement.** However, it is unclear based on the photos submitted by the applicant if the directional sign on W. Maple would be on public or private property. Per the Birmingham Sign Ordinance, no sign shall be erected in the public right of way. Accordingly, **the applicant must verify that the location of the directional sign along W. Maple is on private property or move the location to private property.**

8.0 Approval Criteria

In accordance with Article 2, Section 2.02, Sign Requirements, of the City Code, the proposed plans for development must meet the following conditions:

- (c) Sign review approval shall be granted only upon determining the following:
 - (1) The scale, color, texture and materials of the sign(s) being used will identify the business succinctly, and will enhance the building on which it is located, as well as the immediate neighborhood.
 - (2) The scale, color, texture and materials of the sign(s) will be compatible with the style, color, texture and materials of the building on which it is located, as well as neighboring buildings.

- (3) The appearance of the building exterior with the signage will preserve or enhance, and not adversely impact, the property values in the immediate neighborhood.
- (4) The sign is neither confusing nor distracting, nor will it create a traffic hazard or otherwise adversely impact public safety.
- (5) The sign is consistent with the intent of the Master Plan, Urban Design Plan(s), and/or Downtown Birmingham 2016 Report, as applicable.
- (6) The sign otherwise meets all requirements of this chapter.

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 Recommendation

Based on a review of the site plan submitted, the Planning Division recommends the Planning Board forward a recommendation to the City Commission to APPROVE the SLUP Amendment for 1699 W. Maple to install replacement ground signage in front of the Church building and a non-illuminated directional sign on Larchlea with the following condition:

- 1. The applicant must verify that the location of the directional sign along W. Maple is on private property or move the location to private property.**

11.0 Sample Motion Language

Motion to recommend that the City Commission APPROVE the Special Land Use Permit Amendment for 1669 W. Maple to install a sign in front of the Church building and a non-illuminated directional sign on Larchlea with the following condition:

- 1. The applicant must verify that the location of the directional sign along W. Maple is on private property or move the location to private property.**

OR

Motion to recommend that the City Commission DENY the Special Land Use Permit Amendment for 1669 W. Maple.

OR

Motion to recommend that the City Commission POSTPONE the Special Land Use Permit Amendment for 1669 W. Maple.

Non-Illuminated Directional Sign - Qty: 1

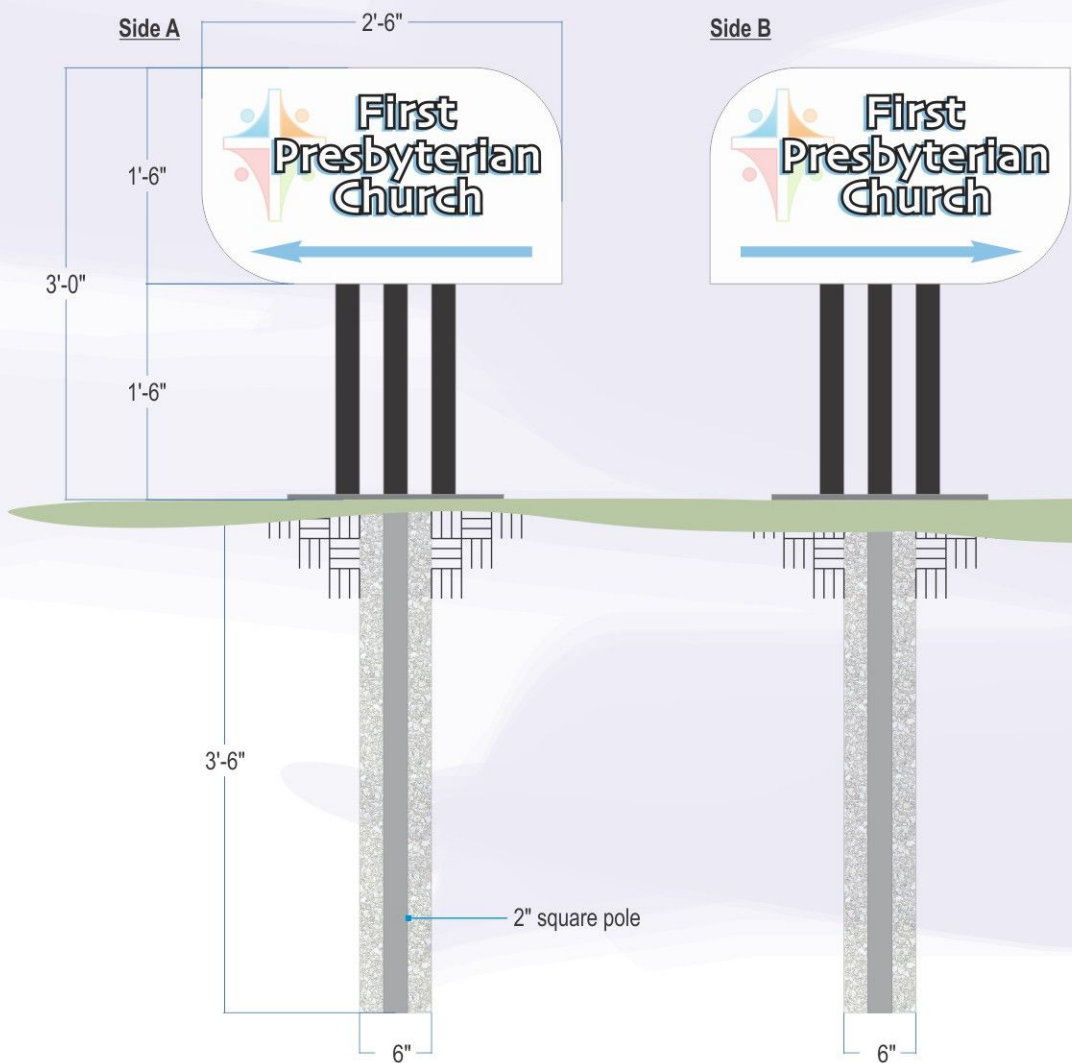
5 SqFt

D/S Aluminum Cabinet Construction

Paint Cabinets White

Apply 1st Surface Printed Vinyl

Install with 3 Decorative 2" Posts - Paint Posts Black



Existing Elevation #1 - nts



Proposed Elevation #1 - nts



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Troy, MI 48083 Toledo, OH 43615
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(248) 689-9101 F (419) 385-7046 F

www.gardnersigns.com

CLIENT:	First Presbyterian Church
PROJECT:	Directional Sign
LOCATION:	1669 W Maple Rd Birmingham, MI 48009
SALESPERSON:	Mia Asta
DESIGNER:	dmf
DATE:	08/17/2017
DESIGN #:	4550-1
REVISIONS:	08/22/2017 09/14/2017 11/22/2017
SCALE:	Noted
FILE:	First Presbyterian Church-1669 W Maple Rd-Birmingham, MI 48009

SALES AUTHORIZATION

SIGNED BY:

DATE:

DESIGN AUTHORIZATION

SIGNED BY:

DATE:

PRODUCTION AUTHORIZATION

CLIENT APPROVAL:

DATE:

PRODUCTION APPROVAL:

DATE:

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Non-Illuminated Directional Sign - Qty: 1

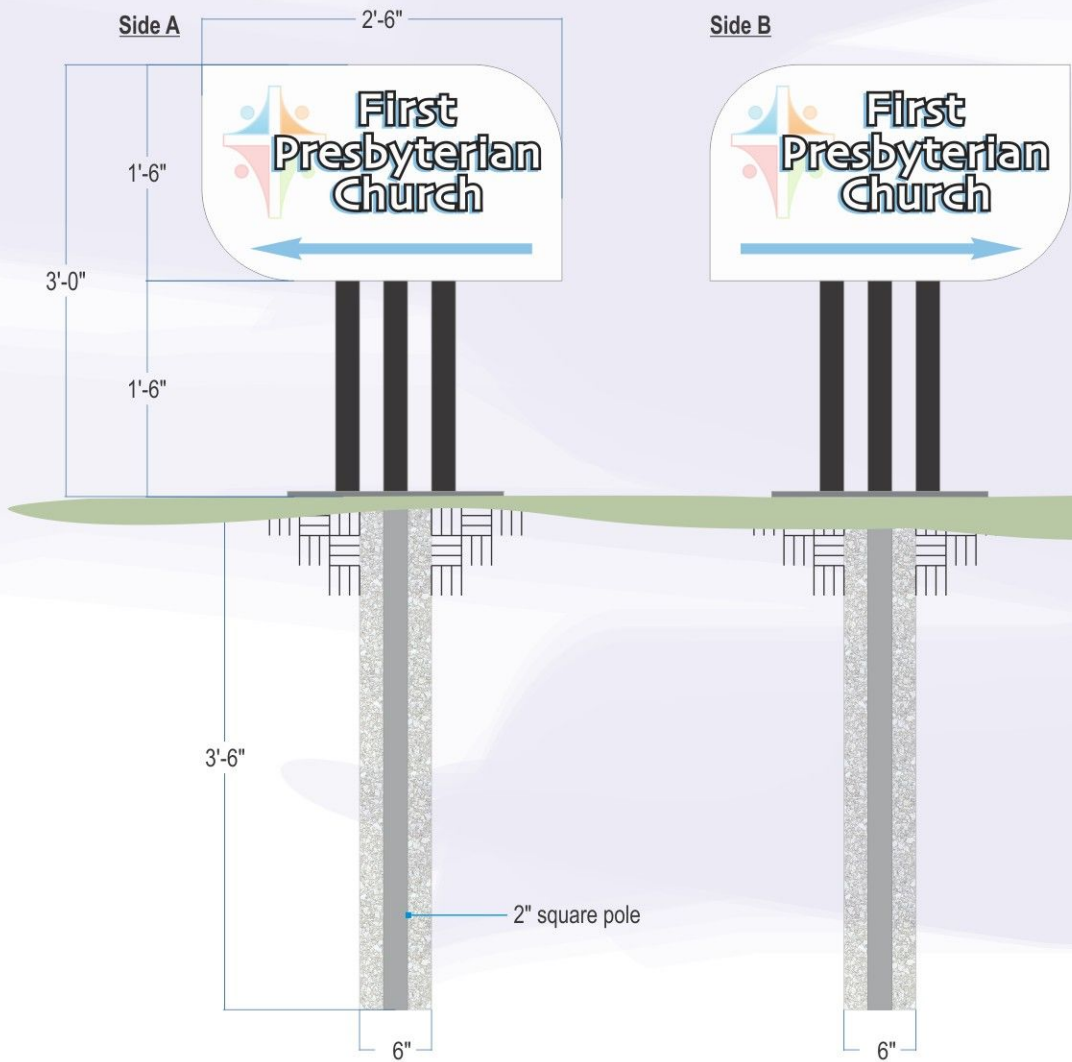
5 SqFt

D/S Aluminum Cabinet Construction

Paint Cabinets White

Apply 1st Surface Printed Vinyl

Install with 3 Decorative 2" Posts - Paint Posts Black



Existing Elevation #2 - nts



Proposed Elevation #2 - nts



CLIENT:	First Presbyterian Church
PROJECT:	Directional Sign
LOCATION:	1669 W Maple Rd Birmingham, MI 48009
SALESPERSON:	Mia Asta
DESIGNER:	dmf
DATE:	08/17/2017
DESIGN #:	4550-1
REVISIONS:	08/22/2017 09/14/2017 11/22/2017
SCALE:	Noted
FILE:	First Presbyterian Church-1669 W Maple Rd-Birmingham, MI 48009

SALES AUTHORIZATION
SIGNED BY:
DATE:

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**DRAFT Planning Board Minutes
November 29, 2017**

**3. 1669 W. Maple Rd. (First Presbyterian Church of Birmingham)
Special Land Use Permit ("SLUP") and Final Site Plan Review
Request for approval of a SLUP Amendment to add a new illuminated
ground sign**

Mr. Baka advised that First Presbyterian Church is located on the south side of W. Maple Rd. between Pleasant and Larchlea Dr. They are proposing to install a replacement ground sign and two directional signs. As a result of this new signage, the petitioner will require an amendment to their existing SLUP. Prior to the consideration of a SLUP Amendment, the City Commission refers the Site Plan and Design Review to the Planning Board. Should Planning Board approval be granted, a public hearing will be held by the City Commission to consider whether or not to grant the proposed SLUP Amendment.

This parcel of land is zoned R-1A, Single Family Residential. Churches are a permitted use in the R-1A District, subject to Special Land Use regulations. The Church originally received a SLUP on May 13, 1991.

Sign Review

The Birmingham Sign Ordinance allows for one ground sign with 20 sq. ft. of signage per side and a maximum height of 8 ft. The applicant is proposing one 6 ft. tall sign, located in front of the church on W. Maple Rd. The total amount of signage proposed per side is 17.94 sq. ft.

The proposed sign along W. Maple Rd. is proposed to be located 7 ft. from the front property line. The sign will be composed of a brick monument base constructed of red brick that matches the church building and an internally illuminated aluminum sign cabinet with acrylic push-thru letters.

The sign will have three lines of text that read "First Presbyterian Church," "Sunday Services 8:30 a.m. & 10:00 a.m." and "www.everybodyschurch." The text of the monument sign will also include 6 in. high address numbers that are not counted toward the total amount of signage because they do not exceed 8 in. in height. The proposed ground sign meets the requirements of the Sign Ordinance.

In addition to the ground sign, the applicant is also proposing to replace a directional sign along Pleasant near the entrance to their parking lot, and to add a new directional sign along W. Maple Rd. The Sign Ordinance restricts directional signage of this type to 5 sq. ft. per side. The new directional signage is proposed to be 3.75 sq. ft. per side and therefore the proposed directional signs meet this requirement. However, it is unclear based on the photos submitted by the applicant if the directional sign on W. Maple Rd. would be on public or private property. Per the Birmingham Sign Ordinance, no sign shall be erected in the public right-of-way. Accordingly, the applicant must verify that the location of the directional sign along W. Maple Rd. is on private property or move the location to private property.

Ms. Mia Assen with Gardner Signs, 1087 Naughton Dr., Troy said the directional sign on W. Maple Rd. will be moved to the other side of the sidewalk which will put it on the applicant's property. She thinks the updated ground sign will be a very nice addition to that area.

There was no one from the public that wished to comment at 8:16 p.m.

Motion by Ms. Whipple-Boyce

Seconded by Mr. Boyle to recommend that the City Commission approve the SLUP Amendment for 1669 W. Maple Rd. to install a sign in front of the church building and a non-illuminated directional sign on Pleasant with the following condition:

- 1. The applicant must verify that the location of the directional sign along W. Maple Rd. is on private property or move the location to private property.**

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

Absent: Koseck



MEMORANDUM

Police Department

DATE: January 8, 2018
TO: Joseph A. Valentine, City Manager
FROM: Mark H. Clemence, Chief of Police
SUBJECT: Parking restriction request on Midvale

Cris Braun, Executive Director of NEXT, contacted the police department regarding available parking. Mrs. Braun submitted a letter, which is attached, expressing the following concerns.

She stated all available street parking is taken up by Seaholm students who arrive around 7 a.m.. NEXT has continued to grow, offering a variety of programs for residents, bringing in approximately 1,500 visitors a week. NEXT has strategically scheduled programs in an attempt to minimize parking problems, however available parking is still an issue. The age of the population NEXT serves presents additional concerns, close proximity spots are desired as mobility is often a factor.

Executive Director Braun is requesting "No Parking 7 a.m. to 9 a.m." Monday to Friday between Glenhurst and the western most driveway of their building. This would open up approximately 12 spaces on the road for staff and visitors of NEXT to use on busy days, leaving more parking available in their lot.

History

On the south side of Midvale, there has been "No Parking" from Cranbrook to Argyle since 1993. East of Argyle to Glenhurst there are currently no parking restrictions in place.

This is the only area near Seaholm where there are no restrictions at all in place.

This request would allow parking anytime on the south side of Midvale from Argyle to the western most driveway of the preschool (approx. 4 spots). And no parking from the preschool driveway to Glenhurst between 7 a.m. and 9 a.m..

This request still allows anyone to parking on Midvale, students, resident and visitors of NEXT can utilize the area after 9 a.m.. This prevents students from blocking the area for an entire school day making it available for everyone.

The Multi-Model Transportation Board reviewed this request at their January 4th meeting and passed a motion (7-0) to approve the request. See attached minutes.

Previous parking changes implemented by the City Commission have included a one year review to determine if the parking restrictions are still in need. These previous requests were to remove vehicles from residential streets that were not resident vehicles and/or their guests. The previous streets were made Permit Parking. This requests differs, the intention is to provide more available parking throughout the day.

SUGGESTED RESOLUTION:

To approve the installation of "No Parking 7am to 9am" signs to be installed on the south side of Midvale from the western most driveway of NEXT to Glenhurst. Further, to direct the Chief of Police and the City Clerk to sign the traffic control order on behalf of the City.



Your Place to Stay Active & Connected

Cris Braun
Executive Director
CBraun@birmingham.k12.mi.us
248.203.5270

Proudly serving the 50+ population of Birmingham, Bingham Farms, Beverly Hills, Franklin, and surrounding areas.

December 12, 2017

Commander Grewe
Birmingham Police Department
151 Martin Road
Birmingham, MI 48012

Dear Commander Grewe,

Next is the non-profit 50-plus community center serving the Birmingham area, located behind Seaholm High School on Midvale Street in Birmingham. We are excited about our continued growth and reaching more Birmingham residents than ever before. Our recent study shows that a typical week for us brings in close to 1500 visits from the area.

The Midvale Center where we are located, is also home to the Birmingham Schools Preschool program. Between our two programs, parking has become a very difficult issue. Matters are made even worse because the available street parking up and down Midvale is totally taken by overflow Seaholm students who park starting at 7:00 in the morning and stay all day. The other surrounding streets are all marked residential permit parking only. We are strategically scheduling programs and staggering classes as best we can to try to minimize parking problems but that alone isn't enough. In addition, there is very limited parking for preschool parents when they need to pick up their children after school around 3:30 pm. This has become a significant safety issue.

The reason this is particularly difficult is the age of the population we serve. Parents with other young children in tow, and many Next members who are not able to park further away, navigate curbs, muddy easements or snow mounds, are finding it increasingly hazardous.

I am asking for your consideration to place "no parking signs from 7:00-9:00 am M-F" along the south side of Midvale from our west side parking lot to the corner of Midvale and Glenhurst. This will free up about 15 spaces where staff can park and ease some of the strain on the parking lot.

I appreciate your consideration. Please feel free to contact me should you have any questions.

Respectfully, Cris Braun



**CITY OF BIRMINGHAM
MULTI-MODAL TRANSPORTATION BOARD
THURSDAY, JANUARY 4, 2018
City Commission Room
151 Martin Street, Birmingham, Michigan**

Minutes of the regular meeting of the City of Birmingham Multi-Modal Transportation Board held Thursday, January 4, 2018.

Chairperson Vionna Adams convened the meeting at 6 p.m.

1. ROLL CALL

Present: Board Members Lara Edwards, Amy Folberg, Vice-Chairperson Andy Lawson, Daniel Rontal, Johanna Slanga, Michael Surnow; Alternate Board Members Katie Schafer

Absent: Board Member Johanna Slanga; Alternate Board Member Daniel Isaksen

Administration: Lauren Chapman, Asst. Planner
Jana Ecker, Planning Director
Austin Fletcher, Asst. City Engineer
Scott Grewe, Police Dept. Commander
Paul O'Meara, City Engineer
Carole Salutes, Recording Secretary

Also Present: Julie Kroll from Fleis & Vandenbrink ("F&V"), Transportation Engineering Consultants

2. INTRODUCTIONS

Ms. Ecker introduced Tiffany Gunter, Assistant to the City Manager.

3. REVIEW AGENDA (no change)

4. APPROVAL OF MINUTES, MMTB MEETING OF DECEMBER 7, 2017

Chairperson Adams made the following correction:
Page 1 - Add her name to the list of attendees.

Motion by Ms. Edwards

Seconded by Ms. Schafer to accept the MMTB Minutes of December 7, 2017 with the one change.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

Absent: Slanga

5. PUBLIC HEARING

Ruffner, Chapin and Bennaville Street Improvements

The public hearing opened at 6:05 p.m.

Mr. O'Meara provided background. At the meeting of December 6, 2017, the MMTB reviewed the revised plans for design modifications to three local streets planned for reconstruction in 2018. Having reached agreement on the suggested improvements, the following resolution was passed:

To schedule a public hearing at the regularly scheduled meeting of the MMTB of January 4, 2018 at 6 p.m. to consider the multi-modal improvements as a part of the City's planned 2018 Local Street Paving Program.

Also to notify the adjacent impacted property owners accordingly, especially the options on Ruffner Ave. and Chapin Ave.

Following the meeting, staff mailed notices to impacted homeowners, along with all of the Woodward Ave. commercial properties located on the blocks immediately north and south of Ruffner Ave. and Chapin Ave.

Mr. O'Meara noted the Multi-Modal Master Plan did not speak to any of these streets. Staff looked at them and thought they should consider the current standards for street widths.

Bennaville Ave.

Reconstruct at a 26 ft. wide section from Edgewood Ave. to Grant St. This will tend to slow traffic because the street will feel narrower.

Ruffner Ave.

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Reconstruct the residential section 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 and maintaining the 28 ft. wide street width on the commercial section. Narrowing the road will help the City to save as many of the trees as possible by adding space in front of the trees to build the new road.

Chapin Ave.

Reconstruct the residential section 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. This would also help with some of the existing trees that would be in conflict with the new road if it wasn't narrowed.

After receiving input from the public, the MMTB will have the opportunity to finalize a recommendation to the City Commission, if they are so inclined.

Dr. Rontal advised that in the winter at 26 ft. with cars parked on either side of the street and plows coming through it gets pretty tight and only one car can get by. Mr. Surnow added that even in the summer Chapin Ave. is tight with cars parked there.

Ms. Ecker noted that one letter has been received from a Ruffner Ave. resident regarding Ruffner Ave. from Grant to Woodward Ave. The resident was in favor of anything that would slow traffic.

Commander Grewe advised that a snow emergency is declared when snow depth reaches 5 or 6 in. and no cars are allowed to be parked on the street.

At this time the chairperson invited comments from the public.

Mr. Tom Hubbard, 440 Bennaville Ave., received clarification from staff that cost is not the number one factor for the City narrowing the streets. He noted that it is not comfortable to drive on a 26 ft. wide street that has parking. Cars must slow down. He was in favor of leaving his street wider because of safety concerns.

Mr. Edmond Deronowitz, 541 Bennaville Ave., joined his neighbor in opposing the narrowing of the street. He hasn't heard any neighbors speak out in favor of narrowing the street, nor has he seen issues with cars speeding down the street. Narrowing Bennaville Ave. will probably decrease safety for bicyclists and pedestrians exiting their vehicles. He urged the board to reject the idea of narrowing the street.

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Ms. Ina Brown, 473 Bennaville Ave., said her experience with streets east of Grant is that she can barely get through, such as on Floyd north of Lincoln. She cannot imagine how service vehicles can make it through. Further she was curious about the five month period for the City to complete one block. Also she was concerned about the cost to homeowners for replacing sewer and water lines. Mr. O'Meara advised there will be another public hearing when they know the costs for the sewer and water.

Mr. Barry Harrison, 441 Bennaville Ave., did not think that narrowing Bennaville Ave. makes sense. The liability is increased for a pedestrian stepping out into traffic. Also, turning into a driveway would take two moves. Presently they have one of the nicest blocks in the City.

Mr. Carl Peterson, 425 Bennaville Ave., said he is opposed to narrowing Bennaville Ave. It is already difficult for his daughter to back out of their driveway and maneuver around the street.

Ms. Janie Peterson, his daughter at 425 Bennaville Ave. said they have four cars in their driveway and she has no choice other than to park on the street. It is already difficult to pull out and she is opposed to the narrowing.

Ms. Victoria Peterson, another daughter who also lives at 425 Bennaville Ave., was also opposed. Their street is beautiful. It is very difficult to drive on streets east of Grant where the roads are narrower, As far as she has seen, Bennaville Ave. does not have a problem with speeding vehicles.

Mr. Frank Colosanti Jr., 1115 Chapin Ave., stated that with the snow and the parked cars he struggles to get in and out of his driveway. Downsizing to a 26 ft. width would make it even more difficult. So, he is definitely opposed to shrinking the width from 28 ft. to 26 ft. Further, adding the proposed bumpouts would take the entry into their street down to a width of 20 ft. This may cause backups on Woodward Ave. and into the neighborhood, so he is opposed. He noted that he would like to live on Bennaville Ave. because it is nice and wide.

Mr. Tom Hubbard thought signage would be a much preferable route for some of these streets.

It was discussed that when the parkway is widened to 13 ft. because of narrowing the street, it encourages people to park there with the nose of their car hanging over the sidewalk.

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Harrison, 1151 Chapin, noted that garbage trucks will not back up to let a car through. Also people will lose their mirrors. He is opposed to narrowing the street.

At this time public comments were closed.

Board members agreed that opposition to narrowing the street came primarily from residents on Bennaville Ave. and Chapin Ave.

Ms. Folberg said she would like to see Bennaville Ave. kept as it is.

Dr. Rontal agreed. He thought that Bennaville Ave. and the wider section of Catalpa are two of the nicest streets in that neighborhood because of their width. He felt that narrowing Ruffner Ave. to 26 ft. on the residential section would be helpful. He felt less strongly about Chapin Ave.

Mr. Surnow said that from what he has heard from residents, no one wants any of the streets narrowed. He feels to narrow the streets creates a potential danger.

Ms. Edwards thought they should treat Bennaville Ave. as it is or stick with the City standard. Narrowing a street by 1 or 2 ft. achieves slower traffic and ensures that drivers take care. She was comfortable with 26 ft. on Chapin Ave. and Ruffner Ave.

Mr. Lawson agreed. For instance, narrowing his street would make his house look further set back and add some property. He summed up the discussion, noting that on Ruffner Ave. there was one resident in favor of narrowing the street. For Chapin Ave., there were two residents opposed.

Ms. Schafer thought that if narrowing Ruffner Ave. saves trees, then to her it is a no-brainer.

Chairperson Adams favored leaving Bennaville as it is because she didn't want to negatively impact the people who live there.

Motion by Dr. Rontal

Seconded by Ms. Edwards to rebuild Bennaville Ave. with the exact same width as its current right-of-way.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

Absent: Slanga

Motion by Ms. Schafer

Seconded by Ms. Edwards to

- 1. Reconstruct Ruffner Ave. and Chapin Ave. from Grant St. to the Woodward Ave. alley at 26 ft. wide, face-to-face of curb, and provide 3 ft. wide curb extensions (bumpouts) on both sides of these streets just west of the intersection with the alley, to provide a residential gateway transition treatment.**
- 2. Reconstruct Ruffner Ave. from the Woodward Ave. alley to Woodward Ave. at 32 ft. wide, face-to-face of curb, matching the existing pavement width.**
- 3. Reconstruct Chapin Ave. from the Woodward Ave. alley to Woodward Ave. at 28 ft. wide, face-to-face of curb, matching the existing pavement width.**

The Chairperson invited public comments on the motion.

Harrison, 1151 Chapin, said the trees have overgrown over the curb into the street and over the sidewalks. There are three trees on his property that should go down. He was concerned about what would happen to his property value if the trees are cut down.

Motion carried, 4-3.

VOICE VOTE

Yeas: Schafer, Edwards, Adams, Rontal

Nays: Folberg, Lawson, Surnow

Absent: Slanga

The public hearing closed at 7:20 p.m.

6. CROSSWALK MATERIALS STUDY

Ms. Chapman recalled that over the last several months the MMTB has been discussing pavement marking material choices. Further research has been conducted by City staff during attempts to find a specification for the new thermoplastic standard to be used in bidding documents. Staff from the Planning and Police Departments contacted a variety of contractors and product manufacturers and visited the City of Ann Arbor. Numerous contractors, a

manufacturer, and the City of Ann Arbor all found a newer material, HPS-8, to be a superior product and stated that thermoplastic does not bind well to concrete and only performs for one year. Polyurea is a dependable material for both asphalt and concrete surfaces. Polyurea was the top choice of the MMTB originally but the board selected thermoplastic because polyurea was more expensive. However, further research has found that the two materials are much more similar in cost than originally reported.

HPS-8 is a newer material that has only been on the market for about four or five years.

Ann Arbor uses three types of pavement marking materials for crosswalks: thermoplastic, HPS-8 and polyurea. Ann Arbor prefers thermoplastic on asphalt because it is easier to maintain than polyurea. After the initial installation, they are able to use a different thermoplastic made for maintenance, and spray it on top of the existing markings. When the thermoplastic is layered it actually has better retroreflectivity than it did for initial application. Ann Arbor prefers to use polyurea on concrete rather than asphalt because when it needs to be maintained the old marking has to be scraped off, and that makes it less cost effective on asphalt.

Crosswalk markings and other transverse markings are required to be retroreflective, but are not subject to minimum levels. Despite not having a required minimum, all of the marking options that are up for consideration meet the highest minimum level that is required for longitudinal markings.

Contractors have the devices to put down the materials.

➤ Waterborne Paint

- Average estimated lifespan: 1 year
- Cheapest option
- Must be reapplied annually so is more expensive in the long-run

➤ Alkyd Thermoplastic

- Average estimated lifespan: 3-4 years
- Easy reapplication
- Good for asphalt
- Retroreflectivity increases when new material is applied on top of old
- Not recommended for concrete

➤ Polyurea

- Average estimated lifespan: 4-6 years
- Established material

- Used by M-DOT
- Recommended by Ann Arbor for concrete
- Must be scraped off for reapplication

➤ HPS-8

- Average estimated lifespan: 6-8 years but the challenge is that it hasn't been around that long
- Newer material
- Works better on asphalt than concrete
- Recommended by contractor and manufacturer
- Recommended by Ann Arbor, but not worth the cost on concrete

Thermoplastic is no longer recommended for major streets uniformly because it drastically underperforms on concrete. Paint continues to be recommended on other streets because it is the cheapest material as far as quotes are concerned. Paint is not recommended on major streets because it needs to be restriped at least once a year.

Commander Grewe advised the contractors don't care what material is used. They will put down whatever the City decides. The one thing that is different between a thermoplastic and HPS-8 is the increased reflectivity of HPS-8. It costs more, and the lifespan is unknown.

Ms. Chapman recalled the board's initial motion required that all crosswalk markings on new roads be recessed, regardless of the material.

Motion by Ms. Edwards

Seconded by Mr. Lawson to use polyurea on all major concrete streets and HPS-8 on all major asphalt streets within the Central Business District, Triangle District, Rail District; and waterborne paint on all other streets. Depending on visibility needs and average daily traffic, polyurea or HPS-8 may be used for crosswalks adjacent to schools.

Public comment was taken on the motion.

Mr. Edmond Deronowitz, 541 Bennaville Ave., asked if there is any difference in slippage risk with any of the materials. Ms. Chapin replied slippage on both is minimal. Ms. Ecker added they all meet the standards for retroreflectivity and they think HPS-8 might be even better.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

Absent: Slanga

**7. 33477 WOODWARD AVE.
REQUEST FOR ONE-HOUR PARKING IN RIGHT-OF-WAY**

Commander Grewe advised that the Police Dept. has received a request from Mr. Duane Barbat of The Barbat Organization to change the parking along the M-DOT right-of-way in front of his business. Mr. Barbat stated several vehicles park daily in front of his business for long periods of time and are not visiting any of the businesses in the area. Mr. Barbat believes drivers are using this area to carpool to town. He is requesting one-hour parking for the six parking spots along the front of his business.

Mr. Barbat completed a petition and obtained signatures from all businesses located in the same building as The Barbat Organization. Three of the four businesses at the south end of the service drive disagreed and did not sign the petition, the fourth is vacant. These four business addresses are south of the requested area to change. 82% of occupied businesses, located along the same service drive, signed the petition in favor of one-hour parking. Mr. Barbat would like to leave the spots on the south side unchanged so as to not affect the businesses that oppose the one-hour restriction. There are currently no parking restrictions in this area.

Mr. Duane Barbat, 33477 Woodward Ave., said his building is mixed use with a mattress retailer and a charter school on the bottom floor. Upstairs there are five office users. There is plenty of parking on-site. The idea is that the street parking would be for parents picking up their children, for customers of the mattress shop, and for tenants who come in to pay rent to the multi-family property owner upstairs. The one-hour restriction would only need to be in effect from 9 a.m. to 6 p.m.

Motion by Dr. Rontal

Seconded by Ms. Folberg to approve the installation of one-hour parking in the service drive of southbound Woodward Ave. in front of 33495, 33483 and 33477 Woodward Ave., for a total of six parking spaces.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

Absent: Slanga

**8. MIDVALE REQUEST FOR NO PARKING
7 a.m. TO 9 a.m. NEAR NEXT**

Commander Grewe reported that Ms. Chris Braun, Executive Director of NEXT, contacted the Police Dept. regarding available parking. Mrs. Braun submitted a letter expressing the following concerns:

She stated all available street parking is taken up by Seaholm students who arrive around 7 a.m.. NEXT has continued to grow, offering a variety of programs for residents, and bringing in approximately 1,500 visitors a week. NEXT has strategically scheduled programs in an attempt to minimize parking problems, however available parking is still a problem. The age of the population NEXT serves presents additional concerns. Close proximity spots are desired as mobility is often a factor.

Executive Director Braun is requesting “No Parking 7 a.m. to 9 a.m.” Monday to Friday between Glenhurst and the western most driveway of their building. This would open up approximately twelve spaces on the road for staff to use on busy days, leaving more parking available in their lot for visitors. Mrs. Braun also stated this would free up parking on the street to be used by preschool parents when picking up their children when the lot is full from staff members.

History: On the south side of Midvale there has been “No Parking” from Cranbrook to Argyle since 1993. East of Argyle to Glenhurst there currently are no parking restrictions in place. This request would allow parking anytime on the south side of Midvale from Argyle to the western most driveway of the pre-school (approx. four spots), and no parking from the pre-school driveway to Glenhurst between 7 a.m. and 9 a.m.

Ms. Chris Braun said she would like to have her staff park on the street at 9 a.m. and that would open up 16 or 17 spots in their parking lot close to the doors for their members in the afternoon. Part of the problem is that surrounding streets are all permit parking.

Motion by Dr. Rontal

Seconded by Ms. Folberg to approve the installation of No Parking signs from 7 a.m. to 9 a.m. (Monday through Friday) on the south side of Midvale from Glenhurst to the western-most driveway of Midvale School.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

Absent: Slanga

9. **MEETING OPEN TO THE PUBLIC FOR ITEMS NOT ON THE AGENDA**
(no more public)

10. **MISCELLANEOUS COMMUNICATIONS** (none)

11. **NEXT MEETING FEBRUARY 1, 2018 at 6 p.m.**

12. **ADJOURNMENT**

No further business being evident, the board members adjourned at 7:52 p.m.

Jana Ecker, Planning Director

Paul O'Meara, City Engineer



MEMORANDUM

Police Department

DATE: January 8, 2018

TO: Joseph A. Valentine, City Manager

FROM: Mark H. Clemence, Chief of Police

SUBJECT: Parking in MDOT right-of-way near 33477 Woodward

Duane Barbat of The Barbat Organization has requested a change in parking along the MDOT right of way in front of his business. Mr. Barbat stated several vehicles park daily in front of his business, for long periods of time, and are not visiting any of the business in the area. Mr. Barbat believes drivers are using this area to carpool to town. He is requesting one hour parking for the six parking spots along the front of his business.

Mr. Barbat completed a petition and obtained signatures from all businesses located in the same building as The Barbat Organization. Three of the four businesses at the south end of the service drive disagreed and did not sign the petition, the fourth is vacant. These four business addresses are south of the requested area to change. 82% of occupied businesses, located along the same service drive, signed the petition in favor of one hour parking.

There are no current parking restrictions in this area.

Along Woodward there are several areas that have different parking restrictions that have been put in place over time by request of the businesses in the area. For example, the service drive in front of The Original Pancake House has 1 hour parking and further north in the same service drive is 15 minute parking. Also, on the other side of Woodward in front of Batteries Plus, the southern part of the service drive has no parking restrictions while the northern half is a 30 minute time zone.

Different businesses create different parking demands. These changes are request driven as new businesses open. In the event businesses change, a request for a change in parking restrictions by the owner, based on parking demand for the business, will prompt a review.

The Multi-Modal Transportation Board reviewed this request at their January 4th meeting and passed a motion (7-0) to approve the request. See attached minutes.

SUGGESTED RESOLUTION:

To approve the installation of one-hour parking in the service drive of southbound Woodward Ave. in front of 33495, 33483 and 33477 Woodward Ave., for a total of six parking spaces.

Further, to direct the Chief of Police and the City Clerk to sign the traffic control order on behalf of the City.



33477 Woodward Avenue, Ste. 800
Birmingham, MI 48009
Office: (248) 914-0444
Fax: (248) 282-1314
barbatorganization.com

November 20, 2017

To Whom It May Concern,

We the undersigned business owners of 33477 (Suites 100-1000), 33483 and 33495 Woodward Ave. Birmingham, MI 48009, are requesting to change the 6 parking spaces located in the MDOT right of way to be restricted for 1-hour parking only. We are having a serious problem of people parking their vehicles for several hours at a time. Some of these vehicles are not even customers, we feel it is possible that there may be parking and then carpooling for the remainder of the day. We have attached a site plan highlighting the requested spaces.

Thank you,

A handwritten signature in black ink, appearing to read "Duane Barbat". The signature is fluid and cursive.










Duane Barbat

248-255-3565

Woodward Parking Petition

Woodward Parking Petition

Petition to restrict the 6 parking spaces located in the MDOT right of way, to 1-hour parking only.

Printed Name	Signature	Address	Name of Business	Date
Patricia Johnson		33495 Woodward Ave.	U.S. Mattress	11-22-17
Shari Newman		33483 Woodward Ave.	Brightmont Academy	11-21-17.
Scott Barbat		33477 Woodward Ave. (Suite 100)	Union Energy	11-21-17
Diane Barbat		33477 Woodward Ave. (Suite 800)	The Barbat Organization	11-21-17
Nanci Katz		33477 Woodward Ave. (Suite 300)	Vintage Rose	11-29-17
Cathy Wheeler		33477 Woodward Ave. (Suite 400) 200 C.W.	Able Ideaz	11-22-17
Shawn Mamol		33477 Woodward Ave. (Suite 1000)	Merchant Tree	11-21-17
John Benetke		33477 Woodward Ave. (Suite 700)	The Benetke Group	11-29-17
Chris Barbat		33477 Woodward Ave (St 800)	Barbat, Newman, Sells, PLLC	11-27-17
Jeff Nelson		33437 Woodward ave	The Tux Shop.	
Shaana Whiteside		33423 Woodward ave	Amora Luxe	
Dan Winter		1359 Davis st.	Prime commercial mgt.	

Vacant

33401 Woodward ave.

Vacant



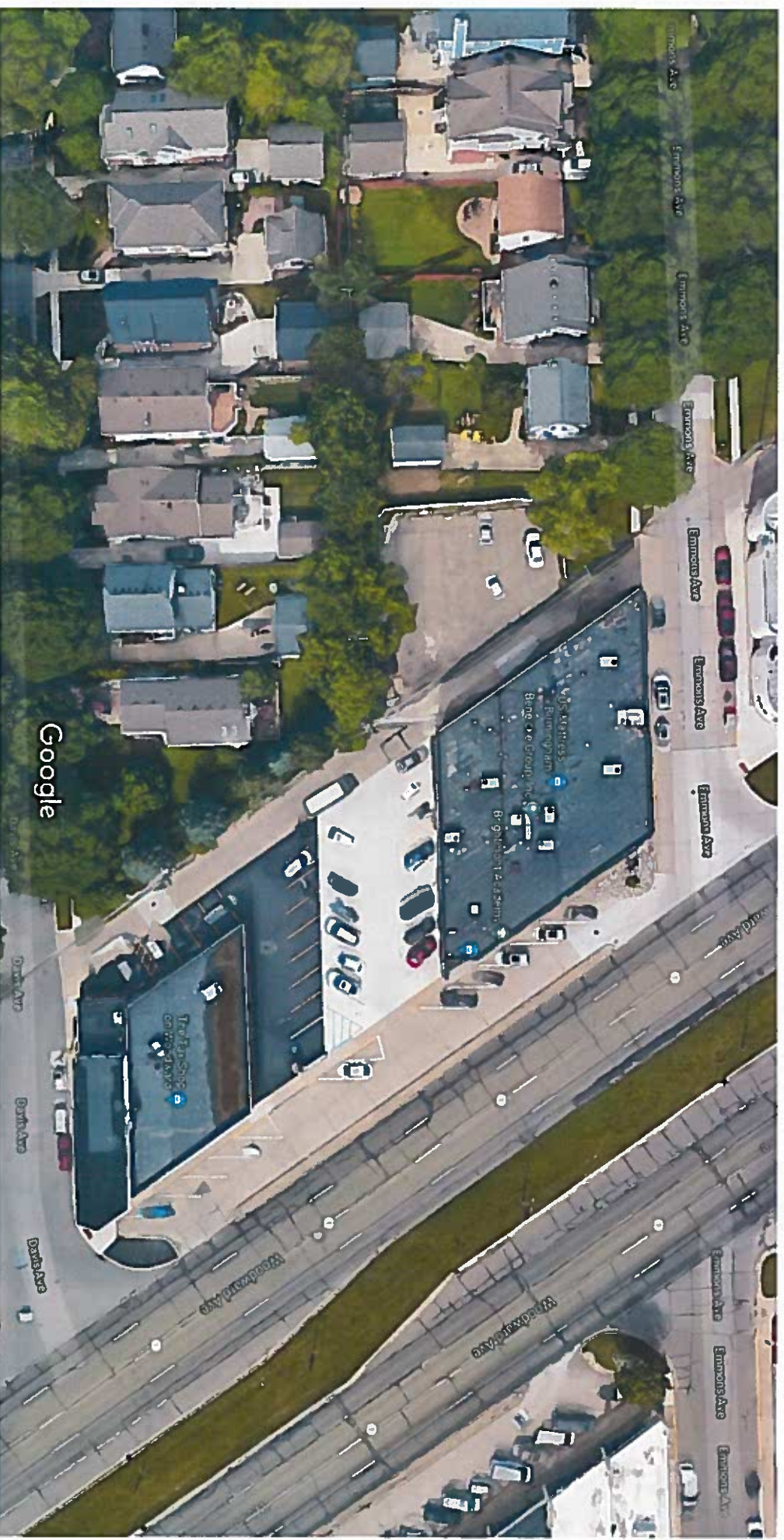
SP101

BATTLE PLAN

三

But not an empty vessel space
23405 Woodward Avenue, Birmingham, AL 35206

275 E. Froeh St Birmingham MI 48006
a) 348.722 6700 d) 246.722 2700



**CITY OF BIRMINGHAM
MULTI-MODAL TRANSPORTATION BOARD
THURSDAY, JANUARY 4, 2018
City Commission Room
151 Martin Street, Birmingham, Michigan**

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Ms. Janie Peterson, his daughter at 425 Bennaville Ave. said they have four cars in their driveway and she has no choice other than to park on the street. It is already difficult to pull out and she is opposed to the narrowing.

Ms. Victoria Peterson, another daughter who also lives at 425 Bennaville Ave., was also opposed. Their street is beautiful. It is very difficult to drive on streets east of Grant where the roads are narrower, As far as she has seen, Bennaville Ave. does not have a problem with speeding vehicles.

Mr. Frank Colosanti Jr., 1115 Chapin Ave., stated that with the snow and the parked cars he struggles to get in and out of his driveway. Downsizing to a 26 ft. width would make it even more difficult. So, he is definitely opposed to shrinking the width from 28 ft. to 26 ft. Further, adding the proposed bumpouts would take the entry into their street down to a width of 20 ft. This may cause backups on Woodward Ave. and into the neighborhood, so he is opposed. He noted that he would like to live on Bennaville Ave. because it is nice and wide.

Mr. Tom Hubbard thought signage would be a much preferable route for some of these streets.

It was discussed that when the parkway is widened to 13 ft. because of narrowing the street, it encourages people to park there with the nose of their car hanging over the sidewalk.

Multi-Modal Transportation Board Proceedings

January 4, 2018

Page 5

Harrison, 1151 Chapin, noted that garbage trucks will not back up to let a car through. Also people will lose their mirrors. He is opposed to narrowing the street.

At this time public comments were closed.

Board members agreed that opposition to narrowing the street came primarily from residents on Bennaville Ave. and Chapin Ave.

Ms. Folberg said she would like to see Bennaville Ave. kept as it is.

Dr. Rontal agreed. He thought that Bennaville Ave. and the wider section of Catalpa are two of the nicest streets in that neighborhood because of their width. He felt that narrowing Ruffner Ave. to 26 ft. on the residential section would be helpful. He felt less strongly about Chapin Ave.

Mr. Surnow said that from what he has heard from residents, no one wants any of the streets narrowed. He feels to narrow the streets creates a potential danger.

Ms. Edwards thought they should treat Bennaville Ave. as it is or stick with the City standard. Narrowing a street by 1 or 2 ft. achieves slower traffic and ensures that drivers take care. She was comfortable with 26 ft. on Chapin Ave. and Ruffner Ave.

Mr. Lawson agreed. For instance, narrowing his street would make his house look further set back and add some property. He summed up the discussion, noting that on Ruffner Ave. there was one resident in favor of narrowing the street. For Chapin Ave., there were two residents opposed.

Ms. Schafer thought that if narrowing Ruffner Ave. saves trees, then to her it is a no-brainer.

Chairperson Adams favored leaving Bennaville as it is because she didn't want to negatively impact the people who live there.

Motion by Dr. Rontal

Seconded by Ms. Edwards to rebuild Bennaville Ave. with the exact same width as its current right-of-way.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

Absent: Slanga

Motion by Ms. Schafer

Seconded by Ms. Edwards to

- 1. Reconstruct Ruffner Ave. and Chapin Ave. from Grant St. to the Woodward Ave. alley at 26 ft. wide, face-to-face of curb, and provide 3 ft. wide curb extensions (bumpouts) on both sides of these streets just west of the intersection with the alley, to provide a residential gateway transition treatment.**
- 2. Reconstruct Ruffner Ave. from the Woodward Ave. alley to Woodward Ave. at 32 ft. wide, face-to-face of curb, matching the existing pavement width.**
- 3. Reconstruct Chapin Ave. from the Woodward Ave. alley to Woodward Ave. at 28 ft. wide, face-to-face of curb, matching the existing pavement width.**

The Chairperson invited public comments on the motion.

Harrison, 1151 Chapin, said the trees have overgrown over the curb into the street and over the sidewalks. There are three trees on his property that should go down. He was concerned about what would happen to his property value if the trees are cut down.

Motion carried, 4-3.

VOICE VOTE

Yeas: Schafer, Edwards, Adams, Rontal

Nays: Folberg, Lawson, Surnow

Absent: Slanga

The public hearing closed at 7:20 p.m.

6. CROSSWALK MATERIALS STUDY

Ms. Chapman recalled that over the last several months the MMTB has been discussing pavement marking material choices. Further research has been conducted by City staff during attempts to find a specification for the new thermoplastic standard to be used in bidding documents. Staff from the Planning and Police Departments contacted a variety of contractors and product manufacturers and visited the City of Ann Arbor. Numerous contractors, a

manufacturer, and the City of Ann Arbor all found a newer material, HPS-8, to be a superior product and stated that thermoplastic does not bind well to concrete and only performs for one year. Polyurea is a dependable material for both asphalt and concrete surfaces. Polyurea was the top choice of the MMTB originally but the board selected thermoplastic because polyurea was more expensive. However, further research has found that the two materials are much more similar in cost than originally reported.

HPS-8 is a newer material that has only been on the market for about four or five years.

Ann Arbor uses three types of pavement marking materials for crosswalks: thermoplastic, HPS-8 and polyurea. Ann Arbor prefers thermoplastic on asphalt because it is easier to maintain than polyurea. After the initial installation, they are able to use a different thermoplastic made for maintenance, and spray it on top of the existing markings. When the thermoplastic is layered it actually has better retroreflectivity than it did for initial application. Ann Arbor prefers to use polyurea on concrete rather than asphalt because when it needs to be maintained the old marking has to be scraped off, and that makes it less cost effective on asphalt.

Crosswalk markings and other transverse markings are required to be retroreflective, but are not subject to minimum levels. Despite not having a required minimum, all of the marking options that are up for consideration meet the highest minimum level that is required for longitudinal markings.

Contractors have the devices to put down the materials.

➤ Waterborne Paint

- Average estimated lifespan: 1 year
- Cheapest option
- Must be reapplied annually so is more expensive in the long-run

➤ Alkyd Thermoplastic

- Average estimated lifespan: 3-4 years
- Easy reapplication
- Good for asphalt
- Retroreflectivity increases when new material is applied on top of old
- Not recommended for concrete

➤ Polyurea

- Average estimated lifespan: 4-6 years
- Established material

- Used by M-DOT
- Recommended by Ann Arbor for concrete
- Must be scraped off for reapplication

➤ HPS-8

- Average estimated lifespan: 6-8 years but the challenge is that it hasn't been around that long
- Newer material
- Works better on asphalt than concrete
- Recommended by contractor and manufacturer
- Recommended by Ann Arbor, but not worth the cost on concrete

Thermoplastic is no longer recommended for major streets uniformly because it drastically underperforms on concrete. Paint continues to be recommended on other streets because it is the cheapest material as far as quotes are concerned. Paint is not recommended on major streets because it needs to be restriped at least once a year.

Commander Grewe advised the contractors don't care what material is used. They will put down whatever the City decides. The one thing that is different between a thermoplastic and HPS-8 is the increased reflectivity of HPS-8. It costs more, and the lifespan is unknown.

Ms. Chapman recalled the board's initial motion required that all crosswalk markings on new roads be recessed, regardless of the material.

Motion by Ms. Edwards

Seconded by Mr. Lawson to use polyurea on all major concrete streets and HPS-8 on all major asphalt streets within the Central Business District, Triangle District, Rail District; and waterborne paint on all other streets. Depending on visibility needs and average daily traffic, polyurea or HPS-8 may be used for crosswalks adjacent to schools.

Public comment was taken on the motion.

Mr. Edmond Deronowitz, 541 Bennaville Ave., asked if there is any difference in slippage risk with any of the materials. Ms. Chapin replied slippage on both is minimal. Ms. Ecker added they all meet the standards for retroreflectivity and they think HPS-8 might be even better.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

Absent: Slanga

**7. 33477 WOODWARD AVE.
REQUEST FOR ONE-HOUR PARKING IN RIGHT-OF-WAY**

Commander Grewe advised that the Police Dept. has received a request from Mr. Duane Barbat of The Barbat Organization to change the parking along the M-DOT right-of-way in front of his business. Mr. Barbat stated several vehicles park daily in front of his business for long periods of time and are not visiting any of the businesses in the area. Mr. Barbat believes drivers are using this area to carpool to town. He is requesting one-hour parking for the six parking spots along the front of his business.

Mr. Barbat completed a petition and obtained signatures from all businesses located in the same building as The Barbat Organization. Three of the four businesses at the south end of the service drive disagreed and did not sign the petition, the fourth is vacant. These four business addresses are south of the requested area to change. 82% of occupied businesses, located along the same service drive, signed the petition in favor of one-hour parking. Mr. Barbat would like to leave the spots on the south side unchanged so as to not affect the businesses that oppose the one-hour restriction. There are currently no parking restrictions in this area.

Mr. Duane Barbat, 33477 Woodward Ave., said his building is mixed use with a mattress retailer and a charter school on the bottom floor. Upstairs there are five office users. There is plenty of parking on-site. The idea is that the street parking would be for parents picking up their children, for customers of the mattress shop, and for tenants who come in to pay rent to the multi-family property owner upstairs. The one-hour restriction would only need to be in effect from 9 a.m. to 6 p.m.

Motion by Dr. Rontal

Seconded by Ms. Folberg to approve the installation of one-hour parking in the service drive of southbound Woodward Ave. in front of 33495, 33483 and 33477 Woodward Ave., for a total of six parking spaces.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

Absent: Slanga

**8. MIDVALE REQUEST FOR NO PARKING
7 a.m. TO 9 a.m. NEAR NEXT**

Commander Grewe reported that Ms. Chris Braun, Executive Director of NEXT, contacted the Police Dept. regarding available parking. Mrs. Braun submitted a letter expressing the following concerns:

She stated all available street parking is taken up by Seaholm students who arrive around 7 a.m.. NEXT has continued to grow, offering a variety of programs for residents, and bringing in approximately 1,500 visitors a week. NEXT has strategically scheduled programs in an attempt to minimize parking problems, however available parking is still a problem. The age of the population NEXT serves presents additional concerns. Close proximity spots are desired as mobility is often a factor.

Executive Director Braun is requesting “No Parking 7 a.m. to 9 a.m.” Monday to Friday between Glenhurst and the western most driveway of their building. This would open up approximately twelve spaces on the road for staff to use on busy days, leaving more parking available in their lot for visitors. Mrs. Braun also stated this would free up parking on the street to be used by preschool parents when picking up their children when the lot is full from staff members.

History: On the south side of Midvale there has been “No Parking” from Cranbrook to Argyle since 1993. East of Argyle to Glenhurst there currently are no parking restrictions in place. This request would allow parking anytime on the south side of Midvale from Argyle to the western most driveway of the pre-school (approx. four spots), and no parking from the pre-school driveway to Glenhurst between 7 a.m. and 9 a.m.

Ms. Chris Braun said she would like to have her staff park on the street at 9 a.m. and that would open up 16 or 17 spots in their parking lot close to the doors for their members in the afternoon. Part of the problem is that surrounding streets are all permit parking.

Motion by Dr. Rontal

Seconded by Ms. Folberg to approve the installation of No Parking signs from 7 a.m. to 9 a.m. (Monday through Friday) on the south side of Midvale from Glenhurst to the western-most driveway of Midvale School.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

Absent: Slanga

9. **MEETING OPEN TO THE PUBLIC FOR ITEMS NOT ON THE AGENDA**
(no more public)

10. **MISCELLANEOUS COMMUNICATIONS** (none)

11. **NEXT MEETING FEBRUARY 1, 2018 at 6 p.m.**

12. **ADJOURNMENT**

No further business being evident, the board members adjourned at 7:52 p.m.

Jana Ecker, Planning Director

Paul O'Meara, City Engineer



MEMORANDUM

Department of Public Services

DATE: January 12, 2018

TO: Joseph A. Valentine, City Manager

FROM: Lauren A. Wood, Director of Public Services

SUBJECT: Barnum Arch Landscape Enhancements (BALE)

The Community for Barnum Park received a donation of \$12,000 to make landscaping improvements leading up to the "Arch" from Purdy Street. This donation has been deposited with the City with the designation "BALE". This enhancement is in keeping with the Barnum Park Concept Master Plan of further landscape enhancements and making use of the original bricks from the Barnum school building.

The BALE concept plan is attached for your review along with the correspondences from David Young detailing the project scope. The final design drawings and bid specifications will be prepared by David Peterhans at a cost not to exceed \$1,500.00, which will be paid from donation dollars. Also enclosed are the Phase 2 Barnum Park Landscape Improvement Design and the original Barnum Park Concept Master Plan.

Representative for the Community for Barnum Park, David Young, has been working with Dave Peterhans, architect, to put together a concept plan for this improvement for proposal to the Parks and Recreation Board. The proposed BALE concept plan went before the Parks and Recreation Board on November 14, 2017 for review. The Parks and Recreation Board did accept the concept plan for the Barnum Arch Landscape Enhancements and further to recommend to the City Commission for consideration. A copy of the approved minutes are attached, see beginning on page 9 for this item.

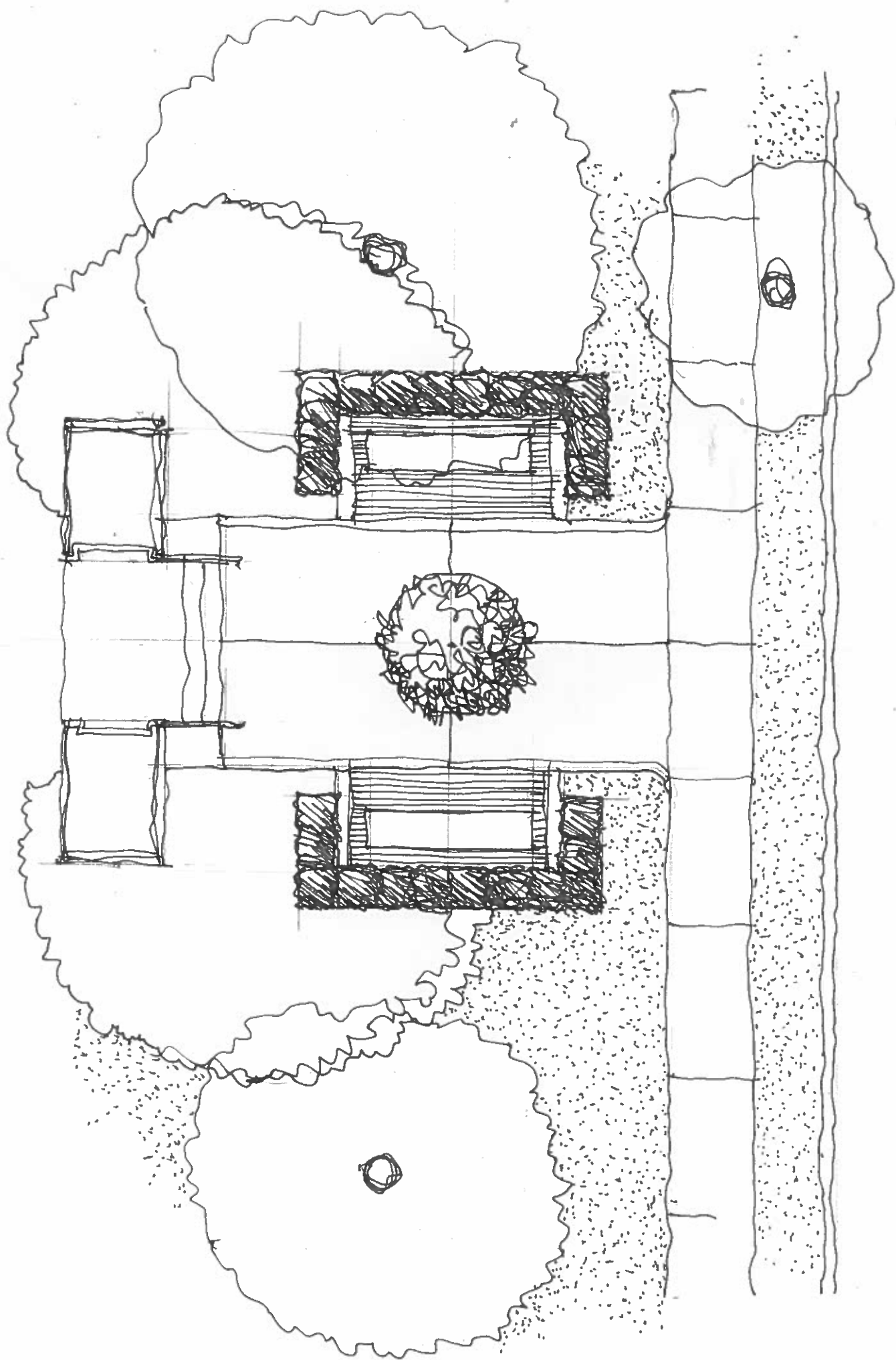
The proposed improvement will be located north and south of the walkway leading to the arch from Purdy Street, and will include adding seating areas made from salvaged brick from Barnum School capped with concrete or limestone, adding landscape materials such as boxwood shrubs and groundcover, and possibly a planter in the center of the concrete walkway.

I recommend we proceed with the foregoing Barnum Arch Landscape Enhancement plan and let bids in 2018 for construction during the spring.

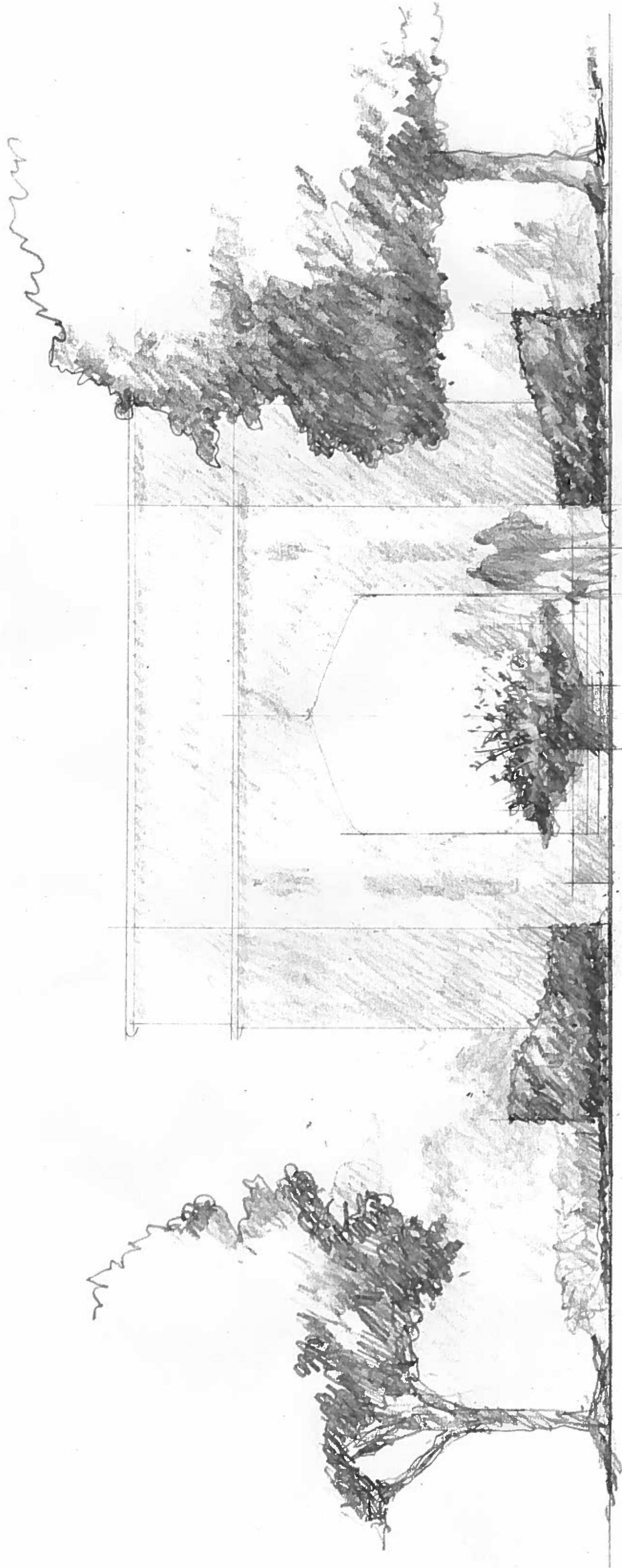
SUGGESTED RESOLUTION:

To accept the concept plan for the Barnum Arch Landscape Enhancements in keeping with the overall Barnum Park concept plan. Further, to authorize the Administration to proceed with the design for the BALE project and bid out the work to be funded by the Barnum Park donation dollars for the installation during 2018.

9.29.17



9.29.17





david young <davidmpyoung@gmail.com>

BALE

david young <davidmpyoung@gmail.com>
Draft To: Lauren Wood <Lwood@bhamgov.org>

Thu, Dec 28, 2017 at 12:26 PM

Ms Lauren Wood
Department of Public Services
City of Birmingham
851 S Eton Road
Birmingham
MI 48009

December 27, 2017

Dear Ms Wood,

We, the Community for Barnum Park, have received a very generous donation of \$12,000 (currently held in the Barnum account with the City) from Mr & Mrs Baker, Birmingham residents, for landscape enhancement to the area between the Barnum Arch and Purdy Street. They believe that this area needs to be upgraded to better reflect the setting of the Arch.

So, further to our original request for concept approval of this project, Barnum Arch Landscape Enhancement (BALE), of October 31, 2017, to the Parks & Recreation Board and their subsequent approval at their meeting on November 14, 2017 we are requesting that the City Commission also approves this concept so we can proceed with design and construction. The design fees of approximately \$1,500 will be paid from Barnum donor funds over and above the Baker's donation.

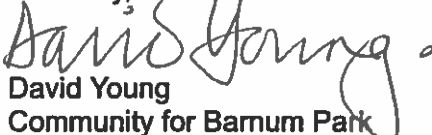
I have informally met with Dave Peterhans who has sketched BALE renderings which are included with this request.

The scope of BALE is the area between the Arch and the sidewalk on Purdy Street extending approximately 30' north and south of the existing concrete pathway (which will remain as is) connecting the Arch and the sidewalk. The 2 existing trees will remain; the 2 existing Arch spotlights will remain; there is an electrical ground panel which needs to be accommodated and the trashcan will need to be moved. 2 seating structures and apron pads are proposed, one either side of the concrete walkway leading to the Arch. The seating structures, which will be topped with limestone caps, and apron pads will be constructed with original Barnum bricks. Also, BALE will include 2 or 3 types of varying height ground cover such as boxwood and nepata. The existing sprinkler system will be adapted to accommodate the enhanced ground cover. If funds allow, there could also be a planter on the concrete walkway. Please see the accompanying renderings which illustrate the above scope.

We are requesting that the City Commission will consider and approve the BALE concept at their earliest convenience. I will be available to support BALE and answer any questions.

Thank you.

Sincerely,


David Young
Community for Barnum Park
1011 Clark Street
Birmingham
MI 48009



Lauren Wood <lwood@bhamgov.org>

Fwd: Barnum, BALE

Carrie Laird <claird@bhamgov.org>

Tue, Oct 31, 2017 at 1:12 PM

To: "Wood, Lauren" <lwood@bhamgov.org>

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

From: "david young" <davidmpyoung@gmail.com>

Date: Oct 31, 2017 11:25 AM

Subject: Barnum, BALE

To: "Carrie Laird" <Claird@bhamgov.org>

Cc:

Carrie Laird
Parks & Recreation Manager
Department of Public Works, City of Birmingham
[851 S Eaton Street](#)
Birmingham
MI 48009

October 31, 2017

Dear Carrie,

We have received a very generous donation of \$12,000 from Mr & Mrs Baker, Birmingham residents, for landscape enhancement of the area between the Barnum Arch and Purdy Street. They believe that the area needs to be upgraded to reflect the setting of the Arch.

The purpose of this letter is to present to, and gain approval from the Parks & Recreation Board for this enhancement and to proceed with an RFP for design and construction.

I have met with Dave Peterhans informally and he has sketched some ideas for the project. These sketches are attached. The scope of the work is the area between the Arch and the sidewalk on Purdy Street extending approximately 30' north and south of the existing concrete pathway connecting the Arch and the sidewalk. The 2 existing trees will remain; the 2 Arch spotlights will remain; there is an electrical ground panel which needs to be accommodated and the trashcan will need to be moved. The landscape enhancements could include 2 or 3 types of varying height groundcover such as boxwoods and nepata.

The existing sprinkler system will need to be adapted. Also, 2 seating structures and pads are proposed (either side of the concrete walkway leading to the Arch) which could be built with original Barnum bricks and topped with limestone caps. If funds allow, there could also be a planter on the concrete walkway.

I am requesting that consideration and approval be given to this project at the next Parks & Recreation meeting on November 14, 2017. I will be available to support this project and to answer any questions.

Thank you.

Sincerely,
David Young

JAN 9 - 2018

Received

To: City of Birmingham Michigan 1/11/18

Attention: Keri Laird

The following is our proposal to provide drawings to define buildout details for the Barnum Archway Landscape Project. The work will be undertaken for the City of Birmingham, Michigan.

Deliverables:

1. Provide drawing detail to construct planter and bench seating as described in the enclosed design drawings ~
2. Provide selection, layout and planting specifications on plant materials to be used ~
3. The above drawings and selections will be used to bid out the work on this project ~

Fee for this work will be — \$1500 —

BARNUM PARK LANDSCAPE

Invigorate the heart of Barnum Park by making it a welcoming and beautiful space to sit or gather with the addition of four wooden wedge-shaped shade trellises, six tables, circular benches, and with the addition of eight large sized trees

These north and south tallgrass areas will help contain balls from the playing fields and help to keep the east and west sides of the park united in terms of landscape character. Supplement all tallgrass areas with additional plugs of showy native wildflowers, as well as with native shrubs

Add a third black fence here to help contain balls and to repeat this landscape element across the entire west edge of the park. Plant hardy native vines along the western side of the fence. Supplement with native perennials if desired.

Soften the yew hedge here by not pruning it so severely and by adding several low deciduous shrubs, native grasses and perennials to its eastern edge. Remove a portion of the hedgerow to facilitate movement between east and west sides of the park

Leave this space open for sculpture when something becomes available so that it can anchor this southern terminus of the promenade and beautify the entrance to the park

Supplement this tallgrass area with additional plugs of showy, native wildflowers and shrubs

Move existing deciduous trees from center of promenade and concentrate many of them in a grove

Alter the paving surface in a concentric circle around the tower to highlight this key node on the promenade. Consider giving it an alternative treatment to remove any negative connotations it may have in the community, and to help tie disparate park elements together with a theme (such as education)

Locate the Yockey sculpture on this new node on the axis where the promenade and arched entrance path intersect. Treat pavement in a similar contrasting fashion at all key nodes along the promenade. Keep the view open 360 degrees around the sculpture

Supplement all tallgrass areas with additional plugs of native wildflowers, as well as with native shrubs. Tallgrass areas shown are limited to existing ridges, and eliminated from most other areas of the park

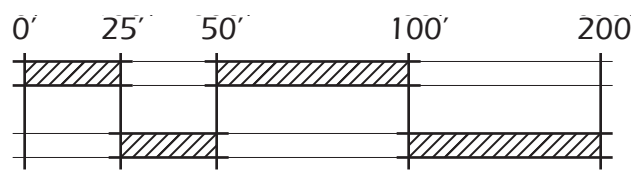
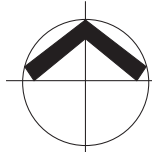
Add a toddler swingset here, purchased from the same company as the existing swingset

Make a generous expansion to the existing sand play area, as this is typically a highly popular feature. The east side of the pit can be tucked into the existing ridge and lined with large decorative boulders that also function as a place to sit. Add supplemental shrubs and tall grasses behind boulders to help delineate this edge. Add a shade sail over the existing bench, and consider adding another bench somewhere which faces the sand play area

Strengthen the character of the promenade by planting it's central spine with redbud trees, which offer beautiful spring color as well as architectural branch form. Plant low groundcover or creeping shrubs beneath trees, as opposed to turf grass

The Sanctuary may take on the theme of "nature in literature" or the "poet's garden." Features such as four composite or wooden benches inscribed with poetry; an owl sculpture that functions as a container for books; an inscribed entrance stone, etc. will help enforce this theme. Existing drainage issues will be dealt with by creating two depressed rain gardens flanking both sides of the (narrowed) entrance way, which will be planted with river birch and a shade tolerant, soft sedge groundcover. This should help frame and define a unique entry experience. Existing edging should be removed. Create a varying hierarchy of woody vegetation by adding a substantial amount of flowering shrubs such as viburnums, amelanchier, witch hazel, etc. Replace "no-mow" (and weeds) with native groundcover

Reinforce the collection of coniferous trees along this eastern boundary of the park for screening and privacy purposes



THE BARNUM PROJECT

MASTER PLAN

BIRMINGHAM, MICHIGAN



- NATURAL AREAS WITH NATIVE PLANTINGS
- CRUSHED STONE PATH
- ENTRANCE - ARBOR WITH FLORAL PLANTINGS
- PARALLEL PARKING FOR (22) CARS
- EXISTING TREES
- GIRLS' SOFTBALL FIELD- 180' OUTFIELD TO BACKSTOP AND 4' HIGH SIDE FENCES
- FOCAL POINT FEATURE
- CURVING PERIMETER WALK
- CRUSHED STONE PROMENADE
- SCULPTURE
- BLACK VINYL CLAD FENCE
- 2 SOCCER FIELDS 40x70 YARDS
- ENTRANCE - ARBOR WITH FLORAL PLANTINGS
- BENCHES
- LOW BRICK WALLS WITH SALVAGED BRICK
- ENTRANCE - ARBOR WITH FLORAL PLANTINGS



- RETAIN SMOKE STACKS
- RETAIN BUILDING ENTRY
- FORMAL GARDEN AREAS
- FLORAL PLANTING BEDS
- GREENHOUSE/ CONSERVATORY WITH RESTROOMS
- OPEN PAVILION
- SITE LIGHTING (LED)
- CHILDREN'S PLAY AREA
- CRUSHED STONE WALK
- SOCIAL SPACE WITH TREES
- OPEN MEADOW
- PAVED WALKWAY AROUND PARK
- NEW DECIDUOUS TREES
- GARDEN SANCTUARY
- NEW EVERGREEN TREES
- GRASS PAVER PARKING FOR 33 CARS
- PAVED PARKING DRIVE

PARKS AND RECREATION BOARD MEETING MINUTES
November 14, 2017

Therese Longe, Chairperson, called the meeting to order at 6:30 p.m. at 851 S. Eton.

MEMBERS PRESENT: Ross Kaplan, Therese Longe, Eleanor Noble, Ryan Ross, Art Stevens, Lilly Stotland and Bill Wiebrecht

MEMBERS ABSENT: John Meehan

STUDENT REPRESENTATIVES ABSENT: Ben Gould, Groves Student
Joey Kummer, Seaholm Student

ADMINISTRATION: Lauren A. Wood, Director of Public Services
Carrie A. Laird, Parks and Recreation Manager
Sean Campbell, Assistant City Planner
Connie J. Folk, Recreation Coordinator

PRESENTERS: Sarah Traxler, McKenna Associates

GUESTS: Anne Bray, Peter Bray, Cheryl Couretas, Charles Forbes, Wesley Forbes, Ricka Fuger, Tom Gideon, Bill Given, Patti Given, Tina Krizanic, Meval Mecum, Jim Noble, Cindy Rose, Marc Sunday, Julie Sutherland, Frank Willand and David Young

Therese Longe requested a motion to amend the November 14, 2017 agenda to postpone agenda item number 2, Birmingham Little League Donation Agreement Updated based on the applicant's request until Tuesday, December 5, 2017 Parks and Recreation Board meeting.

It was moved by Ryan Ross, seconded by Art Stevens to postpone agenda item #2 regarding the Birmingham Little League Donation Agreement until the Tuesday, December 5, 2017 Parks and Recreation Board meeting.

Yeas – 7 Ross Kaplan, Therese Longe, Eleanor Noble, Ryan Ross, Art Stevens, Lilly Stotland and Bill Wiebrecht

Nays – 0

Absent-1 John Meehan

Therese reiterated that the Birmingham Little League Donation Agreement would not be discussed until the Tuesday, December 5, 2017 Parks and Recreation Board meeting.

It was moved by Art Stevens, seconded by Ryan Ross the minutes of the Tuesday, October 3, 2017 regular meeting be approved.

Yeas – 7 Ross Kaplan, Therese Longe, Eleanor Noble, Ryan Ross,
Art Stevens, Lilly Stotland and Bill Wiebrecht

Nays – 0

Absent-1 John Meehan

AGENDA ITEM #1 – Five Year Parks and Recreation Master Plan Update

AGENDA ITEM #1a – Mission Statement Review

Lauren stated that after discussion with the Master Plan Sub-Committee the committee wanted to modify the existing Parks and Recreation Board Mission statement:

We the Parks & Recreation Board of Birmingham will help other organizations and agencies to plan and share family activities in helping to prevent the desires and need to use alcohol, drugs, and tobacco by providing recreational programs for all ages, and to encourage recreational life styles.

Therese stated the existing mission statement of the Parks and Recreation Board was created in April, 2002 and is not really representative of the purpose of the Parks and Recreation Board or the purpose of the parks necessarily so McKenna has drafted a proposed new mission statement.

Proposed Mission Statement:

The Parks and Recreation Board strives to provide opportunities for the enjoyment, education, and inspiration for present and future generations of residents and visitors through stewardship of natural, cultural and recreational resources. By continuously elevating the beauty and quality of the parks and recreation system of Birmingham, the Parks and Recreation Board will promote health and wellbeing, and strengthen the community.

Lauren stated the new mission statement would be incorporated into the updated Parks and Recreation Master Plan and placed on future Parks and Recreation Board Agendas.

It was moved by Lilly Stotland, seconded by Art Stevens to approve the proposed mission statement for the Parks and Recreation Board.

Yeas – 7 Ross Kaplan, Therese Longe, Eleanor Noble, Ryan Ross,
Art Stevens, Lilly Stotland and Bill Wiebrecht

Nays – 0

Absent-1 John Meehan

AGENDA ITEM #1b – Draft Parks and Recreation Master Plan Presentation

Lauren introduced Sarah Traxler to review the Parks and Recreation Master Plan document.

Sarah stated the Michigan Department of Natural Resources (MDNR) suggest that communities should update their plans every five years and provides a road map for parks and recreation decisions over the next five years, as well as long range planning projects.

Sarah stated the plan will address the City's current and future parks and recreation needs and will make the City of Birmingham eligible for MDNR acquisition and development grants.

Sarah stated the plan is used to:

- Communicate values
- Create historical record of parks and recreation assets and public input
- Determine areas for further exploration
- Make eligible for grants

Sarah stated the plan is not used:

- As a means of obligating funding, this is not a city budget
- To set programs or capital improvements in stone
- To create inflexible policies

Sarah stated there are seven components to the parks and recreation planning process. Sarah stated the plan is in the prepare action plan and the seventh element would be test to the plan through public review and adoption.

Sarah stated the plan has a description of Birmingham identifies the administrative structure and funding mechanisms the Department of Public Services has in place, inventory of the parks and recreation facilities and there was significant involvement from the public.

Sarah stated the City of Birmingham City Commission did significantly invest in public engagement through this process much more than many other communities. Sarah stated there will be additional input opportunities available.

Sarah stated after the November 14, 2017 Parks and Recreation Board meeting within one or two weeks a public comment period will commence and that is a part of testing the plan through public review and then finally through the adoption process.

Sarah reviewed the City of Birmingham demographic findings:

- Growth in younger age groups- two fastest growing age groups between 2011 and 2015 were under 5's (+4.3%) and 5-9's (+12.2%)
- Average household size- 2.3 persons (marginally smaller than County, State; up from 2.1 in 2000)
- Affluent and educated community
- Projected 59.4% increase in 65+ by 2040

Sarah stated that the national recreation trends are:

- 95% of Americans say it is important for their local park and recreation agency to the protect the natural environment by acquiring and maintaining parks, trails and green spaces
- 92% of Americans agree parks and recreation are important local government services
- 85% of Americans seek high-quality parks and recreation amenities when they are choosing a new place to live

Sarah continued to discuss the recreation trends:

1. Parks are everywhere- develop parks in places never before thought as suitable
2. Health and parks- growing body of research showing parks improve health outcomes
3. Data will drive budgets- reports such as the "Economic Impact of Local Parks" will justify proposed capital improvements
4. Conservation and recreation – parks become integral in conservation and storm water management efforts
5. Technology and parks – use technology to assist with promotion and integrate technology into park use

Sarah stated the three different means of public engagement were:

1. Provide quick and fun input during the Birmingham Farmers Market on September 17th
2. McKenna conducted roundtable discussions with a number of stakeholders on September 21st, 22nd and Sept. 26th
3. Online and Hard Copy surveys were made available at the City of Birmingham Website and on social media. Hard copy surveys were available at strategic locations throughout the City including City Hall and the Library. Three of which, the first was a general parks and recreation survey, the second shorter survey was specific to ice arena and the third also a shorter survey was specific to the golf courses.

Sarah stated the main take a ways from the field day at the Farmer's Market were a lot of friendly family responses:

1. Splash Pad
2. Sight Lines
3. Rubber Surfaces

Sarah stated that the physical improvements:

1. Bathrooms
2. Dog Parks with Water
3. Trails
4. Swimming Pool (outdoor)

Sarah stated a there was a mapping exercise where people could place stickers on parks. Sarah stated the two most stickered parks were Shain and Poppleton Park. Sarah stated restrooms and playgrounds were mapped the most.

Sarah stated public engagement roundtable discussions were with City Leadership, Boards & Commissions Liaisons, Birmingham Public Schools, Leagues, Associations, Nonprofits and Neighborhood Associations.

Sarah stated the 1,001 total responses were received and were broken down:

- Overall P&R survey: 417 responses
 - Golf courses survey: 324 responses
 - Ice arena survey: 260 response
- Total responses = 1,001

75% of respondents between ages 35 and 64

99% of respondents recognize the importance of parks and recreation programs to their quality of life

Sarah stated the main take a ways were significant satisfaction with maintenance, operation, and provision of parks and recreation offerings in Birmingham, including the ice arena and golf courses.

Sarah stated that ice arena respondents want more/better locker rooms and would be willing to pay between 0 and 10% more in fees for these improvements.

Sarah stated the golf course respondents felt the courses should be prioritized the same as other parks and want general maintenance improvements.

Sarah stated the main themes 47% respondents desired more hiking/walking trails, 36% respondents chose adult fitness and 44% respondents chose the selection of more or improved restroom facilities.

Sarah stated there were over all themes from public engagement:

1. Natural Area Stewardship
2. Inclusive Community
3. Health and Fitness
4. Connectivity
5. Customer Services

Sarah stated that there are seven draft plan goals:

Goal #1: Foster an inclusive and unique community.

Goal #2: Provide parks and recreation facilities that are beautiful and high quality, that respect history, offer a variety of experiences, both passive and active, are well maintained, and that are accessible to all residents of the community.

Goals #3: To create a community of healthy residents by providing opportunities that promote and encourage active lifestyles and mobility.

Goal #4: Provide recreation programming and facility opportunities that meet the needs and interests of the entire community.

Goal #5: To use existing community resources efficiently, demonstrate fiscal responsibility, and coordinate and partner with other entities to ensure the availability and opportunity for comprehensive and quality services and facilities.

Goal #6: To become a leader in sustainable, innovative maintenance practices to protect our natural community resources. Demonstrate environmental stewardship and reduce adverse health effects to all residents, while maintaining public use, access and enjoyment.

Goal #7: Operate the Department of Public Services in an effective and efficient manner so as to maintain a high level of customer service.

Sarah stated the draft plan has system wide recommendations which are barrier free accessibility, park design improvements, non-motorized connectivity, natural resource inventory, recreation programming, staffing, park promotion, fundraising and public involvement.

Sarah stated these general park enhancements are not park specific:

Landscape and beautification • Baseball/softball field maintenance • Tennis court maintenance • Install bike racks • Install drinking fountains • Install park benches and picnic tables / site furnishings • Land acquisition opportunities (as arise) • Open space maintenance • Playground equipment maintenance • Reforest public property • Install electric outlets • Install park shelters

Sarah stated these enhancements are park specific:

Implement Adams Park Master Plan • Install two pergolas at Barnum Park • Baseball field improvements at Howarth Park • Implement (phased) Kenning Park Master Plan • Improve parking lot at Lincoln Well Site • Study feasibility and installation of pedestrian bridge at Linn Smith Park • Improve native plants garden / monarch butterfly waystation at Martha Baldwin Park • Update playground facilities and create portable restroom screening structure at Pembroke Park • Analyze accessible playground at Poppleton Park • Reforest at Quarton Lake • Remove woody debris, stabilize riverbank, improve trail system along River Rouge Trail Corridor • Improve tables at Springdale Park • Maintain open space at St. James Park • Identify external funding sources as feasible

Sarah stated after the November 14, 2017 Park and Recreation Board meeting there will be a thirty day (30) public comment period day which MDNR requires. The draft plan will be made available for public review and comment on Birmingham Website, Department of Public Services, Birmingham City Hall and Birmingham Public Library.

Sarah stated either January 8th or January 9th there will be another presentation of the draft plan. Sarah stated that all the public comments will be gathered and presented to the sub-committee to see if additional revisions will need to be made to the plan. Sarah stated once the revisions are made there will be an additional presentation. Sarah stated that on Monday, February 12, 2018 a Public Hearing and potential adoption of Plan by City Commission.

Therese opened the meeting up for public comments on the draft Parks and Recreation Master Plan.

Wesley Forbes asked that specifically for the golf courses that there should be additional general funding and additional employees hired.

Wesley Forbes asked that specifically the master plan for Kenning Park there is discussion about adding more baseball diamonds and in terms of the overall objective or mission statement to preserve open space. Wesley stated that he does not think it is irrelevant for most people in that neighborhood that backs up to Kenning Park.

Therese stated that the master plan for Kenning Park that was presented at our open house and in the current master plan is an existing master plan and was created in 2014 and is not anything that is new and it was not done by McKenna and was not created for this planning process. Therese stated that no new park plans were created as part of this planning process.

Therese stated that park plans that are presented are all plans that were done separately and exist already and are already on file. Therese stated the Kenning Park Master Plan is in the 2012-2016 Parks Master Plan. Therese stated the current number of baseball fields at Kenning Park are four and any activity that goes forward contemplates keeping the four baseball fields and there is no plan to add anymore fields at Kenning Park and there are no plans or funding to complete that master plan as it is presented.

Therese stated the Kenning Park Master Plan was done as part of a planning process that was necessary to figure out how the whole park was going to shake out before the city was going to make an investment upgrading the parking at Kenning Park. The Parks and Recreation Board looked at Kenning Park as a whole and a consultant was hired back in 2013-2014 to create the Kenning Park Master Plan.

Therese stated the parking part of the plan was completed but the rest of the facilities were not upgraded and again there is no plan to add anymore baseball Kenning Park, no plan to increase the usage of Kenning Park.

Therese stated Kenning Park will be discussed at the December 5, 2017 Parks and Recreation Board meeting about a donation from Birmingham Little League who is a current user and who would continue to use it at their current level of utilization just to pay for some upgrades to the current Kenning Park diamonds that are in rather poor condition.

Therese stated that there is no plan to change the usage or number of fields at Kenning Park.

Charles Forbes asked why does Birmingham Little League dominate Kenning Park and why does the city cater to Birmingham Little League.

Therese stated that it is the philosophy and tradition of the Parks and Recreation Board to work with organizations that provide recreation opportunities to the City of Birmingham youths since the City of Birmingham does not have staff to offer Parks and Recreation programming.

Therese stated to Charles Forbes that he may return to the December 5th Parks and Recreation Board to discuss the Birmingham Little League donation agreement.

Bill Wiebrecht stated that in regards to the golf course maintenance that the maintenance is superb.

Public comments continued on Adam Park Master Plan and funding sources that will be available and also additional items that have been included in the draft Parks and Recreation Master Plan.

It was moved by Ryan Ross, seconded by Bill Wiebrecht to approve commencing the 30-day public comment period for the 2018 Parks and Recreation Master Plan required by the MDNR parks and recreation planning standards.

Yeas – 7 Ross Kaplan, Therese Longe, Eleanor Noble, Ryan Ross,
Art Stevens, Lilly Stotland and Bill Wiebrecht

Nays – 0

Absent-1 John Meehan

AGENDA ITEM #2 – Birmingham Little League – Donation Agreement Updated

Motion was made at the beginning of the Parks and Recreation Board meeting to postpone the agenda item regarding the Birmingham Little League Donation Agreement until the Tuesday, December 5, 2017 Parks and Recreation Board meeting.

AGENDA ITEM #3 – Proposed Sculpture Loan –Windswept

Sean Campbell stated that the City of Birmingham is in receipt of an application from Gary Kulak to donate 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.

Sean stated 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. At this time, the artist's application and supplemental materials have been routed to all relevant City Departments for review.

Sean stated the president of the Cultural Council has said that the Council approves of the application and will commit the funds to insure the sculpture at the proposed location if it receives City Commission approval. With the insurance in place and all City requirements met, the only outstanding item at this time is the Access and Maintenance Agreement between the artist and the City. The City Attorney is currently drafting the contract which will be signed by all parties as deemed appropriate by the time the application placed on the City Commission agenda.

Sean stated the artist shall be responsible for the installation and all associated costs, including costs to repair damage to the park. The artist shall provide and install a "No Climbing" sign.

Bill Wiebrecht requested that the insurance that is being provided is liability insurance and not property insurance.

Lilly Stotland stated that are still concerns about the concept that it's the city's responsibility to monitor the park for the safety and the safe use of the proposed art piece where there are different users at Barnum Park. Lilly stated that the art piece is an attractive nuisance.

Cindy Rose stated that the city's attorney has reviewed the proposal and insurance requirements. Cindy stated that are several art pieces around the City of Birmingham are nuisances.

It was moved by Bill Wiebrecht, seconded by Art Stevens to recommend approval to City Commission of Gary Kulak's sculpture "Windswept" to be installed in the triangular open space in Barnum Park subject to provision of adequate liability insurance to cover the risk.

Yeas – 5	Ross Kaplan, Therese Longe, Ryan Ross, Art Stevens, and Bill Wiebrecht
Nays – 2	Eleanor Noble and Lilly Stotland
Absent-1	John Meehan

AGENDA ITEM #4 – Barnum Arch Landscape Enhancement (BALE)

Carrie stated The Community for Barnum Park received a donation of \$12,000 to make landscaping improvements leading up to the "Arch" from Purdy Street.

Carrie stated the proposed improvement will be located north and south of the walkway leading to the arch from Purdy Street, and will include adding seating areas made from salvaged brick from Barnum School capped with concrete or limestone, adding landscape materials such as boxwood shrubs and groundcover, and possibly a planter in the center of the concrete walkway.

David Young stated that he Dave Peterhans, architect, put together a concept plan for the improvement for proposal to the Parks and Recreation Board.

It was moved by Lilly Stotland, seconded by Ross Kaplan to accept the concept plan for the Barnum Arch Landscape Enhancements and further to recommended to the City Commission for consideration.

Yeas – 7 Ross Kaplan, Therese Longe, Eleanor Noble, Ryan Ross,
Art Stevens, Lilly Stotland and Bill Wiebrecht

Nays – 0

Absent-1 John Meehan

COMMUNICATIONS/DISCUSSION ITEM #1a Golf Course Finance Report

Lauren provided the Parks and Recreation Board the golf course financials.

No Action was taken by the Parks and Recreation Board

COMMUNICATIONS/DISCUSSION ITEM #1b Golf Course Report

Lauren provided the Parks and Recreation Board the golf course report.

No Action was taken by the Parks and Recreation Board

COMMUNICATION/DISCUSSION ITEM #2 Letter Received from Jeanette R. Aiello as it relates to the City of Birmingham Parks and Recreation Master Plan update

Communication was provided to the Parks and Recreation Board.

No Action was taken by the Parks and Recreation Board

COMMUNICATION/DISCUSSION ITEM #3 Email Received from Larry Bertollini regarding Kenning Park Concept Master Plan

Communication was provided to the Parks and Recreation Board.

No Action was taken by the Parks and Recreation Board

COMMUNICATION/DISCUSSION ITEM #4 Email Received from Pastor Steve Woodfin regarding Kenning Park

Communication was provided to the Parks and Recreation Board.

No Action was taken by the Parks and Recreation Board

COMMUNICATION/DISCUSSION ITEM #5 Email Packet received from Charles Forbes regarding Kenning Park

Communications were provided to the Parks and Recreation Board.

No Action was taken by the Parks and Recreation Board

COMMUNICATION/DISCUSSION ITEM #6 Letter requesting an additional locker room at the Birmingham Ice Sports Arena from Birmingham High School Hockey/Birmingham Hockey Association

Communication was provided to the Parks and Recreation Board.

No Action was taken by the Parks and Recreation Board

COMMUNICATION/DISCUSSION ITEM #7 Email regarding the Fitness Court and Campaign - Project Status

Communication was provided to the Parks and Recreation Board.

No Action was taken by the Parks and Recreation Board

COMMUNICATION/DISCUSSION ITEM #8 Correspondence to Marshall Lasser Dated November 6, 2017

Communication was provided to the Parks and Recreation Board.

No Action was taken by the Parks and Recreation Board

COMMUNICATION/DISCUSSION ITEM #9 City of Royal Oak Pickleball Courts

Communication was provided to the Parks and Recreation Board.

No Action was taken by the Parks and Recreation Board

Charles Forbes asked why the Communication/Discussion items number 2-6 were skipped.

Therese stated that the Communication/Discussion items 2-6 were not skipped but the items were received and incorporated into the Parks and Recreation Board packets and the Parks and Recreation Board have read all the communications.

Bill Wiebrecht stated that every time in the past that the Parks and Recreation Board have discussed baseball at Kenning Park the audience is filled with people who are interested in baseball at Kenning Park.

Bill stated that to make the comment, "Birmingham residents are opposed to any changes to Kenning Park", that is absolutely incorrect.

Bill stated it is true that there are some Birmingham residents that are maybe are opposed to changes at Kenning Park but to make that statement is absolutely incorrect and Birmingham Little League has been to the Parks and Recreation Board at least five times over the past 14 to 15 years to make improvements to Kenning Park and at each time the audience is filled with people who are absolutely involved in baseball.

COMMUNICATION/DISCUSSION ITEM #10 Booth Park Little Free Library Naming Contest Update *(verbal)*

Carrie stated that at the December Parks and Recreation Board meeting the Parks and Recreation Board will be approving the name for the Booth Park Little Free Library.

UNFINISHED BUSINESS:

No unfinished business

NEW BUSINESS:

No new business

OPEN TO THE PUBLIC FOR ITEMS NOT ON THE AGENDA:

Therese stated the next meeting will be held on Tuesday, December 5, 2017 at 6:30 pm at DPS.

The meeting adjourned at 8:25pm
Connie J. Folk, Recreation Coordinator

Parks and Recreation Board Meeting 11/14/2017



MEMORANDUM

Engineering Dept.

DATE: January 12, 2018

TO: Joseph A. Valentine, City Manager

FROM: Paul T. O'Meara, City Engineer

SUBJECT: Woodward Ave. Resurfacing
Quarton Rd. to 14 Mile Rd.
Cost Participation Agreement

As has been discussed previously, the Michigan Dept. of Transportation (MDOT) is in the process of improving the pavement surface on Woodward Ave. between Quarton Rd. and 14 Mile Rd. The work is being done under two contracts. The 2017 contract consisted primarily in concrete patching the worst sections of the road. That project is now complete. The second contract, scheduled for construction between April and August of this year, will include the following elements of work:

1. Asphalt milling and resurfacing for the mainline pavement and for adjacent street approaches when needed.
2. Removal and replacement of all handicap ramps along the corridor that are not built to current standards, and upgrading all crosswalk pavement markings once the new asphalt is in place.
3. Removal and replacement of the traffic signal at Oak St., which will include a new pedestrian signalized crosswalk on the south leg of the intersection, with sidewalks and handicap ramps.

Per our previous discussions with MDOT, all crosswalks crossing Woodward Ave. will be widened to include 8 foot wide handicap ramps, with ten foot wide continental style pavement markings. (It is noted that the replacement of the concrete handicap ramps at Maple Rd. and 14 Mile Rd. will be postponed until 2019. MDOT had initially planned to improve these intersections in conjunction with a planned traffic signal replacement contract that had been scheduled for construction in 2015. However, this funding was transferred elsewhere, and the project has been delayed until 2019. The funding for the concrete walk replacement at these two intersections resides in that contract, therefore, it must wait until that time. However, the pavement markings at these locations will match what is planned at the other intersections.)

In order for the project to proceed as planned, there are two issues that require cost participation by the City of Birmingham. As a result, an agreement between the City and MDOT has been prepared, and is now attached. Details relative to the agreement follow:

Woodward Ave. & Oak St. Traffic Signal and Crosswalk Installation

As noted previously, the installation of a pedestrian crosswalk at the Oak St. intersection has long been a goal for the City of Birmingham. A marked crosswalk would greatly improve

pedestrian accessibility for the public, particularly for those that live on the east side of Woodward Ave. in the Poppleton Park area. The issue has remained unresolved for many years because the existing traffic signal, which dates back at least 20 years, does not have a control box that can accommodate additional functionality, such as pedestrian crosswalk signals. MDOT has historically taken the position that they would allow the City to install a pedestrian signalized crosswalk at this intersection, but that doing so would require the removal and replacement of the traffic signal. To date, they were not interested in prioritizing the signal replacement to resolve this issue, meaning that the City would have been responsible for over \$200,000 in costs.

In January, 2017, City staff prepared an application for federal funding assistance for this improvement under the Transportation Alternatives Program (TAP) grant program. The TAP program is a funding source that encourages the combination of local and federal dollars to allow for multi-modal transportation improvements of this sort. At the time of the submittal, the City was not aware of MDOT's improvement plans for Woodward Ave., and envisioned that if the grant was awarded, it would be administrated by local staff, with little MDOT involvement.

By the time approval was received in May, MDOT was beginning to put together its construction plans for Woodward Ave., to occur in 2017 and 2018. They indicated that they would like to include the Oak St. traffic signal replacement as a part of their contract, provided that the local funding required would be paid from Birmingham directly to MDOT, with MDOT then paying all related contractor and design costs. We agree that this method would be most efficient, since other related work will be occurring with the 2018 MDOT project.

For the purposes of the agreement, costs are split into two sections, labeled Part A and Part B. Part B reflects all costs added to the project pertaining to the traffic signal and crosswalk improvements at Oak St. Part A reflects all other costs in the project in general. The City is not being asked to contribute any funds to the Part A costs.

The total estimated cost for Part B is \$251,700. The cost includes the removal and replacement of the traffic signal and related hardware, as well as all crosswalk improvements. For purposes of federal funding, construction and construction engineering costs are eligible for assistance. The original grant awarded funding at 65% federal participation of the construction cost estimated at \$222,000. After final design, the construction cost estimate crept up slightly to \$233,200. Modifying the federal funding level once it has been designated is difficult, so for purposes of this agreement, the City is being asked to be prepared to pay \$89,002 toward the actual construction cost of the project, with the federal grant paying the remainder, or \$144,198. Actual federal participation is therefore approximately 62%.

In addition, as is typically done with federal aid projects, the local benefitting agency is required to pay 100% of the design costs. In this case, MDOT is estimating this cost at \$18,500. Final City responsibility for this improvement is as laid out at the top of page 3 of the agreement, or \$107,502. These costs were not included in the fiscal year 2017-18 budget, therefore a budget amendment is included in the suggested resolution below.

Pavement Marking Improvements

As a part of our original communications to MDOT relative to this resurfacing project, the following requests were made:

1. All handicap ramps, which must be replaced anyway, shall be reconstructed at 12 feet wide, thereby allowing the pavement markings to also extend to 12 feet wide, in accordance with our recently approved crosswalk design policy.
2. All existing improved crosswalk locations must be improved with new continental style pavement markings, using 24 inch wide bars spaced at 24 inches apart.
3. The Woodward Ave. & Oak St. intersection improvement shall include a new crosswalk on the south leg of the intersection, in accordance with the conceptual plan prepared in the Multi-Modal Master Plan.
4. The existing crosswalk at the intersection of Woodward Ave. and Oakland Ave. shall be modified such that the crosswalk for northbound Woodward Ave. would be relocated south of the Oakland Blvd. approach, in accordance with the conceptual plan prepared in the Multi-Modal Master Plan.

An MDOT project of this sort is reviewed by a large team of staff, which study it from several angles, such as safety, traffic impacts, maintenance, cost, constructability, etc. Since the crosswalk design requests deviated from MDOT statewide policy, input also was required from the Lansing headquarters. After review, MDOT indicated that they could modify their standard designs, but some of the design elements would have to be compromised. The design modifications MDOT is willing to offer on the above four points are as follows:

1. The typical handicap ramp width MDOT constructs on projects such as Woodward Ave. measures 6 feet wide, coupled with pavement markings extending 8 feet in length. They took a close look at the feasibility of constructing the ramps as requested, and could not proceed. Increasing the width of handicap ramps and adjacent sidewalks create many difficulties and increase costs in urban, congested areas. Problems include conflicts with signal posts, street light posts, sign posts, and catch basin drains. Further, attempting to construct such a wide ramp near an intersection often results in a longer curb drop, which would be exacerbated with a 12 foot wide sidewalk. As a compromise, and knowing that the City's main interest was in lengthening the pavement markings, MDOT agreed to install 8 foot wide handicap ramps, in conjunction with 10 feet wide pavement markings.
2. When using the "continental" style pavement markings, MDOT's current policy is to install 12 inch wide bars gapped at 24 inches. Installing the wider pavement markings would be inconsistent with what is occurring on other state projects. As a compromise, MDOT is willing to install the 24 inch wide bars gapped at 24 inches (as requested) at their cost. If they are to proceed, however, the City must agree to accept all future maintenance responsibilities for these pavement markings.
3. MDOT agreed to construct the crosswalk improvements at Oak St., with federal aid and the City paying the expected additional costs.
4. MDOT agreed to relocate the northbound Oakland Ave. crosswalk, at no additional cost to the City.

While the suggested design does not fully meet the crosswalk standards recently approved by the City, the design suggested by MDOT still represents a large improvement over the existing conditions. The one area that requires input and financial consideration by the City is as underlined in #2 above. If the City Commission wishes to see the width of each individual white bar widened to 24 inches (from the MDOT standard of 12 inches), future maintenance of the crosswalks would become the responsibility of the City. As noted previously, this translates to a financial commitment of about \$70,000 (in 2017 dollars) every four years.

The long-term financial commitment on the part of the City is referenced in paragraph 8 of the agreement. Two items of note within this paragraph not referenced in our previous memo are:

1. If projects in the future damage the special pavement markings in the future, MDOT will request the City to cover the cost of these repairs. It is anticipated that projects may involve any currently unplanned excavation or pavement repair in the vicinity of a crosswalk that results in damage to the existing markings. We do not anticipate that this would be a common occurrence, but it is difficult to set any projected cost estimate on this figure.
2. As requested previously by the City Commission, the last sentence in Paragraph 8 states that should the statewide standard for continental style crosswalks change such that MDOT begins installing the 24 inch wide bars on other state funded projects, the City will no longer be held financially responsible for the maintenance of these pavement markings.

The agreement has been reviewed and approved by the City Attorney.

SUGGESTED RESOLUTION:

To authorize the Mayor to sign Contract No. 17-5499 between the City of Birmingham and the Michigan Dept. of Transportation to authorize the City's participation in a Transportation Alternatives Program grant to fund the planned improvements at the intersection of Woodward Ave. and Oak St. The estimated cost to the City in fiscal year 2017-18 is \$107,502, charged to account number 202-449.001-981.0100.

In addition, to endorse the installation of 24 inch wide continental style pavement markings at all Woodward Ave. crosswalks to be installed as a part of the 2018 Woodward Ave. Resurfacing Project, wherein the City will become responsible for the future maintenance of said crosswalks on a four year cycle.

Further to approve the appropriations and budget amendments as follows:

Major Street Fund

Revenues:

Draw from Fund Balance #202-000.000-400.0000	<u>\$107,502</u>
Total Revenue Adjustments	<u>\$107,502</u>

Expenditures:

Public Improvements #202-449.001-981.0100	<u>\$107,502</u>
Total Expenditure Adjustments	<u>\$107,502</u>

SPECIAL TRUNKLINE
NON-ACT-51
ADDED WORK

DA
Control Section 63051
Job Number 200434A, 200434C
Fed Project # 1800(168); 1763(031)
Contract 17-5499

THIS CONTRACT is made and entered into this date of _____, by and between the MICHIGAN DEPARTMENT OF TRANSPORTATION, hereinafter referred to as the "DEPARTMENT"; and the CITY OF BIRMINGHAM, a Michigan municipal corporation, hereinafter referred to as the "CITY"; for the purpose of fixing the rights and obligations of the parties in agreeing to pavement marking improvements with the DEPARTMENT'S construction on Highway M-1 (Woodward Avenue), within the corporate limits of the CITY.

WITNESSETH:

WHEREAS, the DEPARTMENT is planning hot mix asphalt milling and resurfacing work along Highway M-1 (Woodward Avenue) from 14 Mile Road to 16 Mile Road; and

WHEREAS, the CITY has requested additional work in connection with the Highway M-1 (Woodward Avenue) construction, which additional work is hereinafter referred to as the "PROJECT" and is located and described as follows:

PART A – FEDERAL & STATE FUDNING

Hot mix asphalt milling and resurfacing work along Highway M-1 (Woodward Avenue) from 14 Mile Road to 16 Mile Road, including modified special emphasis crosswalk marking installation work at the intersections of Highway M-1 (Woodward Avenue) and Oak Avenue, Highway M-1 (Woodward Avenue) and Oakland Avenue, Highway M-1 (Woodward Avenue) and Maple Street, Highway M-1 (Woodward Avenue) and Bowers Avenue, Highway M-1 (Woodward Avenue) and Lincoln Street, Highway M-1 (Woodward Avenue) and Chapin Avenue, Highway M-1 (Woodward Avenue) and 14 Mile Road; together with necessary related work, located within the corporate limits of the CITY; and

PART B – FEDERAL & CITY FUNDING

Traffic signal modernization and sidewalk ramp work at the intersection of Highway M-1 (Woodward Avenue) and Oak Avenue; together with necessary related work, located within the corporate limits of the CITY; and

WHEREAS, the DEPARTMENT presently estimates the PROJECT COST as hereinafter defined in Section 1 to be:

PART A	\$3,970,200
PART B	<u>\$ 251,700</u>
TOTAL	\$4,221,900

WHEREAS, the parties hereto have reached an understanding with each other regarding the performance of the PROJECT work and desire to set forth this understanding in the form of a written agreement.

NOW, THEREFORE, in consideration of the premises and of the mutual undertakings of the parties and in conformity with applicable law, it is agreed:

1. The parties shall undertake and complete the construction of the PROJECT in accordance with this contract. The term "PROJECT COST", as herein used, is hereby defined as the cost of the construction of the PROJECT including the costs of preliminary engineering (PE), plans and specifications; physical construction necessary for the completion of the PROJECT as determined by the DEPARTMENT; and construction engineering (CE), and any and all other expenses in connection with any of the above.

2. The cost of alteration, reconstruction and relocation, including plans thereof, of certain publicly owned facilities and utilities which may be required for the construction of the PROJECT, shall be included in the PROJECT COST; provided, however, that any part of such cost determined by the DEPARTMENT, prior to the commencement of the work, to constitute a betterment to such facility or utility, shall be borne wholly by the owner thereof.

3. The CITY will approve the design intent of the PROJECT and shall accept full responsibility for the special emphasis crosswalk markings installed as part of the PART A portion of PROJECT functioning as a part of the CITY'S facilities. The CITY is solely responsible for any input which it provides as it relates to the design of the special emphasis crosswalk markings installed as part of the PART A portion of the PROJECT functioning as part of the CITY'S facilities.

4. The DEPARTMENT will administer all phases of the PROJECT and will cause to be performed all the PROJECT work.

Any items of PROJECT COST incurred by the DEPARTMENT may be charged to the PROJECT.

5. The PROJECT COST shall be met in part by contributions from agencies of the Federal Government. The balance of the PROJECT COST shall be charged to and paid by the DEPARTMENT and the CITY in the following proportions and in the manner and at the times hereinafter set forth:

	<u>PART A</u>	<u>PART B</u>
DEPARTMENT -	100%	0%
CITY -	0%	100%

The PROJECT COST and the respective shares of the parties, after Federal-aid, is estimated to be as follows:

	<u>TOTAL ESTIMATED COST</u>	<u>FEDERAL AID</u>	<u>BALANCE AFTER FEDERAL AID</u>	<u>DEPT'S SHARE</u>	<u>CITY'S SHARE</u>
PART A					
Constr. & CE	\$3,512,100	\$2,874,700	\$637,400	\$637,400	\$ 0
PE	\$ 458,100	\$ 375,000	\$ 83,100	\$ 83,100	\$ 0
PART B					
Constr. & CE	\$ 233,200	\$ 144,198	\$ 89,002	\$ 0	\$ 89,002
PE	\$ 18,500	\$ 0	\$ 18,500	\$ 0	\$ 18,500
TOTAL	\$4,221,900	\$3,393,898	\$828,002	\$720,500	\$107,502

The PE costs will be apportioned in the same ratio as the actual construction award for the PART A portion of the PROJECT COST and the CE costs will be apportioned in the same ratio as the actual direct construction costs for PARTS A and B portions of the PROJECT COST. For the PART B portion of the PROJECT COST, the CITY will be responsible for 100 percent of the PE costs.

6. The DEPARTMENT shall maintain and keep accurate records and accounts relative to the cost of the PROJECT. The DEPARTMENT may submit progress billings to the CITY on a monthly basis for the CITY'S share of the cost of work performed to date, less all payments previously made by the CITY not including payments made for a working capital deposit. No monthly billings of a lesser amount than \$1,000 shall be made unless it is a final or end of fiscal year billing. All billings will be labeled either "Progress Bill Number _____", or "Final Billing". Payment is due within 30 days of receipt of invoice. Upon completion of the PROJECT, payment of all items of PROJECT COST and receipt of all Federal Aid, the DEPARTMENT shall make a final billing and accounting to the CITY.

The CITY will deposit with the DEPARTMENT the following amount which will be used by the DEPARTMENT as working capital and applied toward the end of the project for the contracted work and cost incurred by the DEPARTMENT in connection with the PROJECT:

DEPOSIT PART B - \$40,000

The total deposit will be billed to the REQUESTING PARTY by the DEPARTMENT and shall be paid by the REQUESTING PARTY within 30 days after receipt of invoice.

7. Pursuant to the authority granted by law, the CITY hereby irrevocably pledges a sufficient amount of funds received by it from the Michigan Transportation Fund to meet its obligations as specified herein. If the CITY shall fail to make any of its required payments when due, as specified herein, the DEPARTMENT shall immediately notify the CITY of the fact of such default and the amount thereof, and, if such default is not cured by payment within ten (10) days, the DEPARTMENT is then authorized and directed to withhold from the first of such monies thereafter allocated by law to the CITY from the Michigan Transportation Fund

sufficient monies to remove the default, and to credit the CITY with payment thereof, and to notify the CITY in writing of such fact.

8. Upon completion of construction, the PROJECT shall be operated and maintained by the DEPARTMENT except for the modified special emphasis markings installed in PART A of the PROJECT.

The DEPARTMENT will install the modified special emphasis crosswalks as part of the PART A portion of the PROJECT. Future maintenance of the modified special emphasis crosswalk markings will be the responsibility of the CITY. The CITY is expected to follow the DEPARTMENT's replacement cycle, currently established as every 4 years. If the DEPARTMENT finds the pavement markings in unacceptable condition, the condition must be brought to acceptable condition within 30 days. If not repairs are not completed within 30 days, the DEPARTMENT will repair the crosswalk markings with current DEPARTMENT standards. If a future DEPARTMENT project affect the locations in this agreement and non-standard crosswalks are desired, the CITY will be required to participate in the additional cost. Should the modified special emphasis crosswalk markings become a DEPARTMENT standard in the future, the CITY would no longer be required to pay for the additional cost of maintenance.

9. Any and all approvals of, reviews of, and recommendations regarding contracts, agreements, permits, plans, specifications, or documents, of any nature, or any inspections of work by the DEPARTMENT pursuant to the terms of this contract are done to assist the CITY. Such approvals, reviews, inspections and recommendations by the DEPARTMENT shall not relieve the CITY of its ultimate control and shall not be construed as a warranty of their propriety or that the DEPARTMENT is assuming any liability, control or jurisdiction.

When providing approvals, reviews and recommendations under this contract, the DEPARTMENT is performing a governmental function, as that term is defined in MCL 691.1401 et seq., as amended, which is incidental to the completion of the PROJECT.

10. In connection with the performance of PROJECT work under this contract the parties hereto (hereinafter in Appendix "A" referred to as the "contractor") agree to comply with the State of Michigan provisions for "Prohibition of Discrimination in State Contracts", as set forth in Appendix A, attached hereto and made a part hereof. The parties further covenant that they will comply with the Civil Rights Acts of 1964, being P.L. 88-352, 78 Stat. 241, as amended, being Title 42 U.S.C. Sections 1971, 1975a-1975d, and 2000a-2000h-6 and the Regulations of the United States Department of Transportation (49 C.F.R. Part 21) issued pursuant to said Act, including Appendix "B", attached hereto and made a part hereof, and will require similar covenants on the part of any contractor or subcontractor employed in the performance of this contract. The parties will carry out the applicable requirements of the DEPARTMENT'S Disadvantaged Business Enterprise (DBE) program and 49 CFR, Part 26, including, but not limited to, those requirements set forth in Appendix C.

11. This contract shall become binding on the parties hereto and of full force and effect upon the signing thereof by the duly authorized officials for the CITY and for the DEPARTMENT; upon the adoption of a resolution approving said contract and authorizing the signatures thereto of the respective officials of the CITY, a certified copy of which resolution shall be attached to this contract.

IN WITNESS WHEREOF, the parties hereto have caused this contract to be executed the day and year first above written.

CITY OF BIRMINGHAM

MICHIGAN DEPARTMENT
OF TRANSPORTATION

By _____
Title:

By _____
Department Director MDOT

By _____
Title:

RDB
12/12/17



APPROVED BY: 
Administrator
Real Estate
Date: 12/18/17

APPENDIX A
PROHIBITION OF DISCRIMINATION IN STATE CONTRACTS

In connection with the performance of work under this contract; the contractor agrees as follows:

1. In accordance with Public Act 453 of 1976 (Elliott-Larsen Civil Rights Act), the contractor shall not discriminate against an employee or applicant for employment with respect to hire, tenure, treatment, 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. A breach of this covenant will be regarded as a material breach of this contract. Further, in accordance with Public Act 220 of 1976 (Persons with Disabilities Civil Rights Act), as amended by Public Act 478 of 1980, the contractor shall not 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 a disability that is unrelated to the individual's ability to perform the duties of a particular job or position. A breach of the above covenants will be regarded as a material breach of this contract.
2. The contractor hereby agrees that any and all subcontracts to this contract, whereby a portion of the work set forth in this contract is to be performed, shall contain a covenant the same as hereinabove set forth in Section 1 of this Appendix.
3. The contractor will take affirmative action to ensure that applicants for employment and employees are treated without regard to their race, color, religion, national origin, age, sex, height, weight, marital status, or any disability that is unrelated to the individual's ability to perform the duties of a particular job or position. Such action shall include, but not be limited to, the following: employment; treatment; upgrading; demotion or transfer; recruitment; advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.
4. The contractor shall, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, national origin, age, sex, height, weight, marital status, or disability that is unrelated to the individual's ability to perform the duties of a particular job or position.
5. The contractor or its collective bargaining representative shall send to each labor union or representative of workers with which the contractor has a collective bargaining agreement or other contract or understanding a notice advising such labor union or workers' representative of the contractor's commitments under this Appendix.
6. The contractor shall comply with all relevant published rules, regulations, directives, and orders of the Michigan Civil Rights Commission that may be in effect prior to the taking of bids for any individual state project.

7. The contractor shall furnish and file compliance reports within such time and upon such forms as provided by the Michigan Civil Rights Commission; said forms may also elicit information as to the practices, policies, program, and employment statistics of each subcontractor, as well as the contractor itself, and said contractor shall permit access to the contractor's books, records, and accounts by the Michigan Civil Rights Commission and/or its agent for the purposes of investigation to ascertain compliance under this contract and relevant rules, regulations, and orders of the Michigan Civil Rights Commission.
8. In the event that the Michigan Civil Rights Commission finds, after a hearing held pursuant to its rules, that a contractor has not complied with the contractual obligations under this contract, the Michigan Civil Rights Commission may, as a part of its order based upon such findings, certify said findings to the State Administrative Board of the State of Michigan, which State Administrative Board may order the cancellation of the contract found to have been violated and/or declare the contractor ineligible for future contracts with the state and its political and civil subdivisions, departments, and officers, including the governing boards of institutions of higher education, until the contractor complies with said order of the Michigan Civil Rights Commission. Notice of said declaration of future ineligibility may be given to any or all of the persons with whom the contractor is declared ineligible to contract as a contracting party in future contracts. In any case before the Michigan Civil Rights Commission in which cancellation of an existing contract is a possibility, the contracting agency shall be notified of such possible remedy and shall be given the option by the Michigan Civil Rights Commission to participate in such proceedings.
9. The contractor shall include or incorporate by reference, the provisions of the foregoing paragraphs (1) through (8) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Michigan Civil Rights Commission; all subcontracts and purchase orders will also state that said provisions will be binding upon each subcontractor or supplier.

Revised June 2011

APPENDIX B
TITLE VI ASSURANCE

During the performance of this contract, the contractor, for itself, its assignees, and its successors in interest (hereinafter referred to as the "contractor"), agrees as follows:

1. **Compliance with Regulations:** For all federally assisted programs, the contractor shall comply with the nondiscrimination regulations set forth in 49 CFR Part 21, as may be amended from time to time (hereinafter referred to as the Regulations). Such Regulations are incorporated herein by reference and made a part of this contract.
2. **Nondiscrimination:** The contractor, with regard to the work performed under the contract, shall not discriminate on the grounds of race, color, sex, or national origin in the selection, retention, and treatment of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices, when the contractor covers a program set forth in Appendix B of the Regulations.
3. **Solicitation for Subcontracts, Including Procurements of Materials and Equipment:** All solicitations made by the contractor, either by competitive bidding or by negotiation for subcontract work, including procurement of materials or leases of equipment, must include a notification to each potential subcontractor or supplier of the contractor's obligations under the contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto and shall permit access to its books, records, accounts, other sources of information, and facilities as may be determined to be pertinent by the Department or the United States Department of Transportation (USDOT) in order to ascertain compliance with such Regulations or directives. If required information concerning the contractor is in the exclusive possession of another who fails or refuses to furnish the required information, the contractor shall certify to the Department or the USDOT, as appropriate, and shall set forth the efforts that it made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the Department shall impose such contract sanctions as it or the USDOT may determine to be appropriate, including, but not limited to, the following:
 - a. Withholding payments to the contractor until the contractor complies; and/or
 - b. Canceling, terminating, or suspending the contract, in whole or in part.

6. **Incorporation of Provisions:** The contractor shall include the provisions of Sections (1) through (6) in every subcontract, including procurement of material and leases of equipment, unless exempt by the Regulations or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the Department or the USDOT may direct as a means of enforcing such provisions, including sanctions for non-compliance, provided, however, that in the event a contractor becomes involved in or is threatened with litigation from a subcontractor or supplier as a result of such direction, the contractor may request the Department to enter into such litigation to protect the interests of the state. In addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

Revised June 2011

APPENDIX C

TO BE INCLUDED IN ALL FINANCIAL ASSISTANCE AGREEMENTS WITH LOCAL AGENCIES

Assurance that Recipients and Contractors Must Make (Excerpts from US DOT Regulation 49 CFR 26.13)

- A. Each financial assistance agreement signed with a DOT operating administration (or a primary recipient) must include the following assurance:**

The recipient shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any US DOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The recipient shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of US DOT-assisted contracts. The recipient's DBE program, as required by 49 CFR Part 26 and as approved by US DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the recipient of its failure to carry out its approved program, the department may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

- B. Each contract MDOT signs with a contractor (and each subcontract the prime contractor signs with a subcontractor) must include the following assurance:**

The contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of US DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.



MEMORANDUM

Engineering Dept.

DATE: November 10, 2017

TO: Joseph Valentine, City Manager

FROM: Paul T. O'Meara, City Engineer

SUBJECT: Woodward Ave. Resurfacing Project
Agreement with Michigan Dept. of Transportation

As has been noted previously, the Michigan Dept. of Transportation (MDOT) has scheduled two maintenance projects for the section of Woodward Ave. within Birmingham (Quarton Rd. to 14 Mile Rd.). The first contract, which involved removal and replacement of deteriorated concrete joints, is now substantially complete. The second contract, scheduled for 2018, will include asphalt resurfacing of the entire segment, as well as handicap ramp and crosswalk upgrades throughout.

As required by current federal policy, the 2018 project will include the removal and replacement of all handicap ramps bringing them to current Americans with Disabilities Act (ADA) requirements. The project represents an opportunity to greatly improve pedestrian crosswalks throughout the Birmingham segment of the corridor. Staff has met with MDOT staff to discuss the City's current crosswalk design standards, and requested the following upgrades be included in this project:

1. Construct all crosswalks crossing Woodward Ave. such that the marked walking surface shall be 12 feet wide when crossing Woodward Ave., and 8 feet wide when crossing a local street adjacent to the corridor.
2. Pavement markings shall be installed using the "continental" style rectangular bars, 24 inches wide, and spaced 24 inches apart.

MDOT staff reviewed our requests internally, and returned with the following comments:

1. Constructing crosswalk surfaces at 12 feet wide is larger than they have ever done in the past. They did not feel this was appropriate. MDOT engineering staff particularly noted that many conflicts would result on this job, given the number of sign posts, traffic signal posts, drainage structures, etc. As a compromise, they offered to install the crosswalk markings on Woodward Ave. at 10 feet wide, with new 8 foot wide handicap ramps. (It is standard MDOT policy to install all ramps at two feet narrower than the adjacent pavement markings.) Crosswalks for minor streets along the corridor would be installed with 8 foot wide pavement markings, and six foot wide handicap ramps.
2. Crosswalk pavement markings would be installed with the "continental" style rectangular bars, with a 12" wide bar spaced 24" apart.

The offer to widen the markings and the ramps as proposed over and above what they had planned, represents a small 2 foot reduction in width from the City's new standard.

The suggestion that MDOT would not install the 24 inch wide bars represented a significant departure from the direction the City is going on its crosswalk installations. City staff asked that they reconsider this item. Initially, they agreed to the wider bars, but then determined that it would not be consistent with what is being done on other state-wide projects unless the City wishes to accept future maintenance responsibilities.

Specifically, if the City agrees to this provision, MDOT will install the wider 24 inch rectangular bar pavement markings at all crosswalks within the project, which includes work at the following intersections:

Oak St.
Oakland Blvd.
Maple Rd.
Brown St./Forest Ave.
Bowers St.
Lincoln Ave.
North of Chapin Ave.
14 Mile Rd.

The upgrade would be completed at no charge to the City. However, the City would agree to be responsible for future maintenance of the crosswalk pavement markings every four years. It is estimated that this would result in an expense of approximately \$70,000 (in 2017 dollars) for the City of Birmingham, every four years into the future. If the City should decide not to agree to this term, MDOT would install and maintain 12 inch wide rectangular bars at no cost to the City.

To clarify the difference, attached are photographs of two crosswalk areas installed in Birmingham. The first depicts the 12 inch wide bars spaced at 24 inches apart, while the second depicts the 24 inch wide bars also spaced at 24 inches apart.

MDOT is currently drafting an agreement that will provide documentation that the City is committed to maintaining the new wider markings into the future. Once the agreement is in final form, it will be forwarded to the City Commission for their consideration.





How Will We Keep Motorists Informed?

For up-to-date information on this project, go to www.michigan.gov/drive or download the free Mi Drive app from iTunes and Google Play.

Follow MDOT's Metro Region on Twitter at: www.twitter.com/MDOT_MetroDet.

For More Information

Call the Oakland
Transportation Service Center at:
248-451-0001

Visit MDOT's Website at:
www.michigan.gov/mdot

*MDOT: Providing the highest quality integrated
transportation services for economic benefit
and improved quality of life.*



Prepared by: MDOT Graphic Design & Mapping Unit
GRAPHICS\OFFICES\COMMUNICATIONS\Brochures\
Construction Brochures\2017\M-1 Woodward (8/17 kh)



Michigan Department of Transportation
Oakland Transportation Service Center
800 Vanguard Drive
Pontiac, MI 48341



M-1 (Woodward Avenue) Improvements

City of Birmingham
Bloomfield Township

**Construction and Motorist
Information**

2017-2018

What Is Being Done?

The Michigan Department of Transportation (MDOT) is performing capital preventive maintenance on 2.3 miles of M-1 (Woodward Avenue) from 14 Mile Road to Quarton Road/Big Beaver Road in the city of Birmingham and Bloomfield Township. This work will be coordinated with the City of Birmingham's Old Woodward Avenue reconstruction project, and will be split into two construction seasons to minimize impacts on motorists.

In fall 2017, work includes concrete patching, drainage structure repairs and minor drainage improvements. In spring 2018, work will include milling and asphalt resurfacing, reconstructing sidewalk ramps, relocating crosswalks, and modernizing the signal at Oak Avenue.

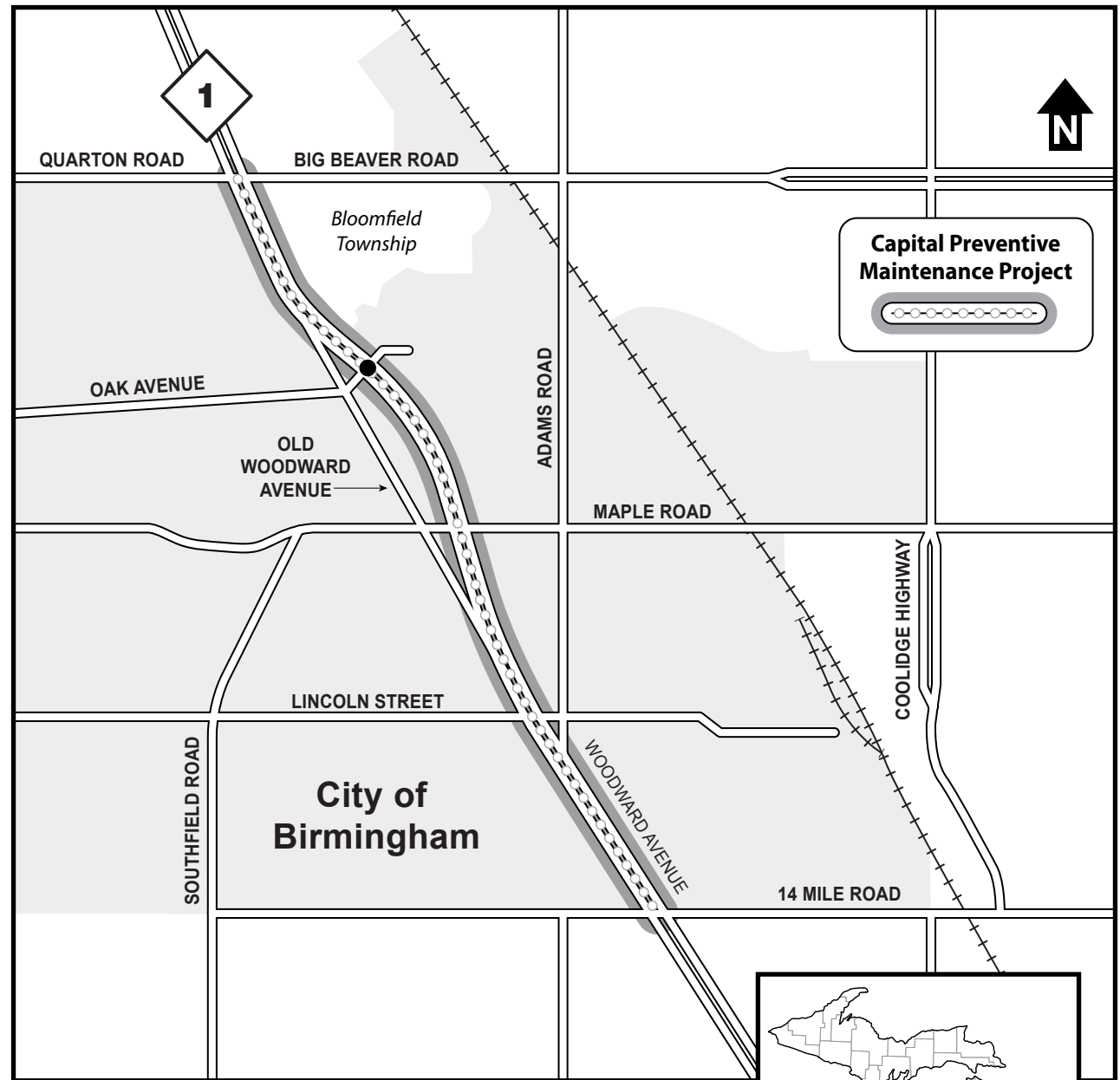
When Will This Be Done?

Work in 2017 will begin in September and is expected to be complete in October. The 2018 improvements will begin in April and are expected to be complete in August.

How Will Traffic Be Affected?

The fall 2017 work will be performed mostly on weekends. At least one lane will remain open in each direction at all times. Pavement saw cutting may occur 6 p.m. - 6 a.m. during the weekdays. Pouring of the concrete patches may occur at night.

The spring 2018 work will be performed under a variety of lane closures and work hours, including weekday daytime single-lane closures, weekend lane closures, and nighttime lane closures. It is anticipated most paving will occur at night.



Safety Benefits

This project will result in a smoother driving surface, improved drainage, and safer crossings for pedestrians.

MDOT reminds motorists to drive like you want to make it home tonight.

1/15/18

TO THE BIRMINGHAM COMMISSIONERS

I RECENTLY ASKED MR VALENTINE IF WE WERE NEIGHBORS AND I WANTED TO BUILD A 5 STORY GARAGE FACING THE BACK OF HIS LOT.

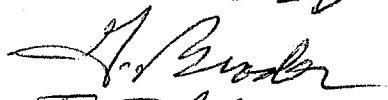
SIR, BUT THAT IS EXACTLY WHAT YOU HAVE DONE BY PUTTING A 5 STORY MONSTER ON OLD WOODWARD. TO ALL THE STREETS DOWN THE HILL, THE BUILDING IS EQUAL TO 9 OR 10 STORIES.

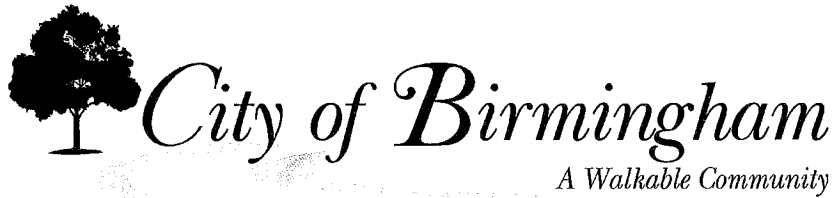
YOU TORE DOWN PART OF THE FOREST SURROUNDING THE PARK, WITHOUT ANY CONSIDERATION FOR RESIDENCES IN BACK OF THE PARK AND ALSO FOR THOSE EAST OF OLD WOODWARD.

NOW YOU ARE PLANNING MORE BUILDINGS AND PARKING THAT WILL INFRINGE ON OUR & THEIR PROPERTY. WE PROBABLY HERE, WOULD BE BE ABLE TO WITNESS THIS INVASION OF THE RESIDENTIAL NEIGHBORHOODS AGAIN.

THERE ARE NO COMMISSIONERS REPRESENTING THE RESIDENCES. IT APPEARS THAT COMMERCIAL INTERESTS CAN DO WHAT THEY WANT.

HOW COULD WE STOP THE NEW CONSTRUCTION GOING ON NOW, WHEN YOU APPROVED IT. A PARKING GARAGE NEXT DOOR CANT'D VOTE, NOR A BOOTH PARK NEXT DOOR! PLEASE READ THIS OUT LOUD AT YOUR NEXT MEETING. I AM TOO OLD TO ATTEND.


JOE BRODER
444 BONNIE BRIER
30 YEARS



January 17, 2018

Joe Broder
444 Bonnie Brier
Birmingham, MI 48009

Mr. Broder,

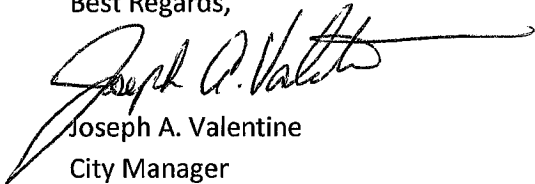
Thank you for your letter of January 15th outlining your concerns for the Brookside Terrace development on North Old Woodward. With the ongoing construction of this development, I understand why you are presenting your concerns at this time. Please know your letter will be shared with the City Commission as you requested.

It is important to note that this project had received extensive review during the approval stages from both city boards and the public. The plans submitted for this development do comply with the land use regulations in place for this property. The land use regulations were also reviewed and amended prior to the approval of this property and involved public review and input as well.

No plans have been approved for anything occurring west of this property at this time. This review process will begin in the next few months and will probably be occurring throughout the rest of this year. You are welcome to contact me for more information or visit the City's website for further details.

Thank you again for sharing your concerns and I'm hopeful you find this information helpful. I've included my contact information should you wish to contact me to discuss this further.

Best Regards,



Joseph A. Valentine
City Manager

Enclosure

cc: City Commission



NOTICE OF INTENTION TO APPOINT TO THE ADVISORY PARKING COMMITTEE

At the regular meeting of Monday, February 12, 2018, the Birmingham City Commission intends to appoint one regular member to the Advisory Parking Committee to serve the remainder of a three-year term expiring September 4, 2019. The member must be a representative of a professional firm within the parking assessment district.

Interested citizens may submit an application available at the City Clerk's Office or online at www.bhamgov.org/boardopportunities. Applications must be submitted to the City Clerk's Office on or before noon on Wednesday, February 7, 2018. These documents will appear in the public agenda for the regular meeting at which time the City Commission will discuss recommendations, and may make nominations and voter on appointments.

Committee Duties

The Advisory Parking Committee shall provide guidance to the City Commission in the management of Birmingham's Auto Parking System. The Committee shall recognize parking requirements of the CBD and fairly assess the costs to users. It will provide for attractive, maintained and safe facilities.

Criteria/Qualifications of Open Position	Date Applications Due (by noon)	Date of Interview
The majority of the members shall be residents. <ul style="list-style-type: none">• Member shall be a representative of a professional firm within the parking assessment district	02/07/2018	02/12/2018

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



NOTICE OF INTENTION TO APPOINT TO HISTORIC DISTRICT COMMISSION

At the regular meeting of Monday, February 12, 2018 the Birmingham City Commission intends to appoint one alternate member to the Historic District Commission to serve the remainder of a three-year term to expire September 25, 2019.

Interested parties may submit an application available from the City Clerk's Office on or before noon on Wednesday, February 7, 2018. Applications will appear in the public agenda at which time the commission will discuss recommendations, and may make nominations and vote on appointments.

The function and duty of the Historic District Commission is to advise the City Commission with respect to the proper development of the city with primary emphasis upon the city's established historic districts, sites, properties and historic resources. The Commission is also authorized to recommend for the guidance of the City Commission amendments to the City Code relating to the control and development of lands within historic districts.

Criteria/Qualifications of Open Position	Date Applications Due (by noon)	Date of Interview
<ul style="list-style-type: none">• A majority of the members shall have a clearly demonstrated interest in or knowledge of historic preservation.• Must be a resident	02/07/2018	02/12/2018

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