



**CITY COMMISSION MEETING AGENDA  
MARCH 12, 2018  
7:30 PM**



Photo Credit: Carroll DeWeese

**Municipal Building, 151 Martin, Birmingham, MI 48009**

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**BIRMINGHAM CITY COMMISSION AGENDA**  
**MARCH 12, 2018**  
**MUNICIPAL BUILDING, 151 MARTIN**  
**7:30 P.M.**

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

Andrew M. Harris, Mayor

**II. ROLL CALL**

J. Cherilynn Mynsberge, City Clerk

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

***Announcements:***

- Books, Bags & Bagels is a fundraiser being hosted by the Friends of the Baldwin Public Library on Sunday, March 18<sup>th</sup>, 1:00 – 4:00 p.m. Shop for gently used handbags, totes and wallets. Enjoy bagels and coffee while browsing a collection of books on women's topics and by female authors. Donations of bags are being accepted at the Circulation Desk.

***Appointments:***

- A. Interviews for Cablecasting Board
  - 1. R. David Eick
- B. Appointments to Cablecasting Board
  - 1. To appoint \_\_\_\_\_, to the Cablecasting Board as a regular member to serve a three-year term to expire March 30, 2021.
- C. Interviews for Multi-Modal Transportation Board
  - 1. Katie Schafer
- D. Appointments to Multi-Modal Transportation Board
  - 1. To appoint \_\_\_\_\_, as a regular member at large from the northern area of the City, to the Multi-Modal Transportation Board to serve a three-year term to expire March 24, 2021.
  - 2. To appoint \_\_\_\_\_, as a regular member who is a pedestrian advocate to the Multi-Modal Transportation Board to serve a three-year term to expire March 24, 2021.
- E. Interviews for Parks and Recreation Board
  - 1. Heather Carmona
  - 2. William Wiebrecht
  - 3. Ryan Ross
  - 4. Dominick Pulis
- F. Appointments to Parks and Recreation Board

1. To appoint \_\_\_\_\_, to the Parks and Recreation Board as a regular member to serve a three-year term to expire March 13, 2021.
  2. To appoint \_\_\_\_\_, to the Parks and Recreation Board as a regular member to serve a three-year term to expire March 13, 2021.
  3. To appoint \_\_\_\_\_, to the Parks and Recreation Board as a regular member to serve a three-year term to expire March 13, 2021.
- G. Interviews for Planning Board
1. Stuart Jeffares
  2. J. Bryan Williams
  3. Nasseem Ramin
  4. Daniel Share
- H. Appointments to Planning Board
1. To appoint \_\_\_\_\_, to the Planning Board as a regular member who is a building owner in the Central Business or Shain Park Historic District to serve a three-year term to expire March 28, 2021.
  2. To appoint \_\_\_\_\_, to the Planning Board as a regular member to serve a three-year term to expire March 28, 2021.
  3. To appoint \_\_\_\_\_, to the Planning Board as a regular member to serve a three-year term to expire March 28, 2021.
- I. Interview for Ad Hoc Unimproved Street Study Committee
1. Scott Assenmacher, P.E.
- J. Appointment to Ad Hoc Unimproved Street Study Committee
1. 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.
- K. 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 February 26, 2018.
- B. Approval of warrant list, including Automated Clearing House payments, dated February 28, 2018 in the amount of \$755,720.63.
- C. Approval of warrant list, including Automated Clearing House payments, dated March 7, 2018 in the amount of \$3,323,122.40.
- D. Resolution approving a request from the City of Birmingham Department of Public Services to hold the 2018 In the Park Concert series in Shain Park, contingent upon compliance with all permit and insurance requirements and payment of all fees, and, further, pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event.

- E. Resolution authorizing the expenditure of up to \$8,100.00 from account #101-721.000-811.00 for the purpose of conducting bicycle and pedestrian counts utilizing our current multimodal transportation consultant, Fleis and Vandenbrink/MKSK, who are under contract with the City, at 9 intersections during the months of May and September of the year 2018.
  
- F. Resolution awarding the Parks and City Property Lawn Maintenance Services Contract to Birmingham Lawn Maintenance and Snow Removal, Inc. for a four (4) year Agreement commencing April 15, 2018 and ending November 15, 2021 in the amount not to exceed \$675,124.00 and an amount not to exceed \$60,000.00 for fertilization and weed control services. Funds are available in each of the following accounts:  
 Local Streets, Contract Maintenance: 203-449.003-937.0400  
 Major Streets, Contract Maintenance: 202-449.003-937.0400;  
 Parks, Other Contractual Services: 101-751.000-811.0000;  
 Property Maintenance, Other Contractual Services: 101-441.003-811.0000;  
 Weed/Snow Enforcement, Other Contractual Services: 101-441.007-811.0000;  
 Wells and Controls, Other Contractual Services: 591-537.002-811.0000.  
 Further, authorizing the Mayor and City Clerk to sign the Lawn Maintenance Agreement upon receipt of the required insurances.
  
- G. Resolution accepting the resignation of Jeffrey Bozell from the Cablecasting Board, effective March 30, 2018, thanking him for his service, and directing the City Clerk to begin the process of filling the vacancy.
  
- H. Resolution accepting the resignation of Matthew McAlear from the Cablecasting Board, effective March 30, 2018, thanking him for his service, and directing the City Clerk to begin the process of filling the vacancy.
  
- I. Resolution accepting the resignation of Art Stevens from the Parks and Recreation Board, effective March 13, 2018, thanking him for his service, and directing the City Clerk to begin the process of filling the vacancy.
  
- J. Resolution accepting the resignation of Andy Lawson from the Multi-Modal Transportation Board, effective March 24, 2018, thanking him for his service, and directing the City Clerk to begin the process of filling the vacancy.
  
- K. Resolution accepting the resignation of Gillian Lazar from the Planning Board, effective March 28, 2018, thanking her for her service, and directing the City Clerk to begin the process of filling the vacancy.
  
- L. Resolution confirming the City Manager's authorization for the emergency expenditure regarding the repair of the Bates Street elevator in the N. Old Woodward parking garage to Kone Inc. in the amount of \$11,970.00 to be paid from the Parking Fund account #585-538.005-930.0200, pursuant to Sec. 2-286 of the City Code.

<b>V. UNFINISHED BUSINESS</b>
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<b>VI. NEW BUSINESS</b>
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- A. Public Hearing to consider renewal of Liquor License for Mad Hatter Bistro (Tea Parlor, Inc.); 185 N. Old Woodward
  - 1. Resolution renewing, for the 2018 licensing period, the liquor license held by Mad Hatter Bistro (Tea Parlor, Inc.); 185 N. Old Woodward.
- B. Public Hearing to consider a Final Site Plan and Special Land Use Permit for 191 Chester - for Office Use
  - 1. Resolution cancelling the public hearing for 191 N. Chester, at the request of the applicant, to allow time for additional building changes to be reviewed by the Planning Board.
- C. Public Hearing to consider the Final Site Plan & Design and a Special Land Use Permit Amendment - 33588 Woodward – Shell Gas Station
  - 1. Resolution approving the Final Site Plan & Design and a Special Land Use Permit Amendment at 33588 Woodward to allow the addition of a new accessible bathroom to the existing Shell gasoline service station as recommended by the Planning Board on January 24, 2018. (complete resolution in agenda packet)
- D. Resolution accepting the proposed 2018 Birmingham Museum Master Landscape Plan.
- E. Resolution accepting the recommendation of the Multi-Modal Transportation Board, and directing staff to implement Leading Pedestrian Intervals at each of the intersections within the Central Business District as listed in the letter and analysis prepared by F&V dated February 5, 2018.
- F. Ordinance amending Part II of the City Code, Chapter 74 Offenses, Article VI – Offenses Against Public Safety, Division 2 Weapons, sections 74-206 to 74-218 to include “portable device or weapon directing electrical current” as suggested and authorizing the Mayor and City Clerk to sign the ordinance on behalf of the city.
- G. Resolution approving the recommendation made by the APC for an expenditure of \$33,768 to be allocated equally between all garages from accounts #585-538.002-828.0100, #585-538.003-828.0100, #585-538.004-828.0100, #585-538.005-828.0100, and #585-538.008-828.0100 to support the implementation of the restricted 3-hour parking/no monthly parking signage at all of the existing parking structures.

**-AND-**

Resolution modifying the existing permit rules to require monthly permit holders to utilize the roof-top valet assist option through the completion of the Old Woodward reconstruction at which time the APC will evaluate the success of the initiative.

<b>VII. REMOVED FROM CONSENT AGENDA</b>
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<b>VIII. COMMUNICATIONS</b>
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<b>IX. OPEN TO THE PUBLIC FOR MATTERS NOT ON THE AGENDA</b>
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<b>X. REPORTS</b>
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- A. Commissioner Reports

1. Notice of Intention to appoint two regular members to the Architectural Review Committee on April 9, 2018.
  2. Notice of Intention to appoint three regular members to the Housing Board of Appeals on April 9, 2018.
- B. Commissioner Comments
  - C. Advisory Boards, Committees, Commissions' Reports and Agendas
  - D. Legislation
  - E. City Staff
    1. Parking Utilization Report, submitted by Assistant City Manager Gunter

<b>XI. ADJOURN</b>
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## **INFORMATION ONLY**

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

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



## NOTICE OF INTENTION TO APPOINT TO THE CABLECASTING BOARD

At the regular meeting of Monday, March 12, 2018 the Birmingham City Commission intends to appoint to the Cablecasting Board three regular members to serve three-year terms expiring March 30, 2021. Applicants must be residents of the City of Birmingham.

Interested citizens may submit an application available at the City Clerk's office or online at [www.bhamgov.org/boardopportunities](http://www.bhamgov.org/boardopportunities). Applications must be submitted to the City Clerk's office on or before noon on Wednesday, March 7, 2018. These applications will appear in the public agenda for the regular meeting at which time the City Commission will discuss recommendations, and may make nominations and vote on the appointments.

### Duties of the Cablecasting Board

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

### Applicant(s) Presented For City Commission Consideration:

Applicant Name	Criteria/Qualifications
	Must be a resident of Birmingham
R. David Eick	Resident, 559 Greenwood St.

*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 Cablecasting Board as a regular member to serve a three-year term to expire March 30, 2021.



## CABLECASTING BOARD

Chapter 30 - Section 30-226 - Birmingham City Code  
Meeting Schedule: 3<sup>rd</sup> Wednesday of the month - 7:45 A. M

The Board shall consist of 12 members, which includes 7 members who are residents of the City of Birmingham. Each member community shall also appoint one alternative representative. (30-226)

Last Name Home Address	First Name	Home Business E-Mail	Appointed	Term Expires
<b>Abraham</b> 898 Arlington	<b>George</b>	(248) 642-1257  <i>georgeabrahamjr@outlook.com</i>	3/13/2017  ALTERNATE	3/30/2019
<b>Bozell</b> 1564 Penistone	<b>Jeffrey</b>	(313) 204-5489  <i>jeffrey.bozell@gmail.com</i>	2/22/2016  Birmingham resident	3/30/2018
<b>Eick</b> 559 Greenwood	<b>R. David</b>	(248) 231-8067  <i>eickhouse@comcast.net</i>	12/14/2015  Birmingham resident	3/30/2018
<b>Fenberg</b> 908 Chesterfield	<b>Michael</b>	(248) 310-7373  <i>michael.fenberg@bakertilly.com</i>	3/13/2017  Birmingham resident	3/30/2020
<b>Heldt</b> 1415 Lakeside	<b>Jeffrey</b>	(248) 646-4678  <i>heldtj@excite.com</i>	3/22/2010  Birmingham resident	3/30/2019

**For Cable Inquires:**

Cathy White 248-336-9445  
P.O. Box 165, Birmingham, MI 48012

Last Name	First Name	Home Business E-Mail	Appointed	Term Expires
McAlear 1742 Latham	Matthew	(248)420-5635  <i>mbmcalear@gmail.com</i>	2/25/2013  Birmingham resident	3/30/2018
McLain 425 N Eton, #302	Elaine	(248) 225-9903  <i>ekmclain@gmail.com</i>	1/9/2006  Birmingham resident	3/30/2020
Shand 1645 Buckingham Ave.	Donovan	248-330-0747  <i>dgshand@gmail.com</i>	12/4/2017  Birmingham resident	3/30/2020

**For Cable Inquires:**

Cathy White 248-336-9445  
P.O. Box 165, Birmingham, MI 48012

Cherilynn Mynsberge <[cmynsberge@bhamgov.org](mailto:cmynsberge@bhamgov.org)>

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**Attendance Report from Birmingham Area Cable Board Executive Director**

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**Re: Reappointment of David Eick to Board**

1 message

**execdir@birminghamareacableboard.org** <[execdir@birminghamareacableboard.org](mailto:execdir@birminghamareacableboard.org)>

Mon, Mar 5, 2018 at 12:04 PM

Reply-To: [execdir@birminghamareacableboard.org](mailto:execdir@birminghamareacableboard.org)To: [cmynsberge@bhamgov.org](mailto:cmynsberge@bhamgov.org)Cc: Elaine McLain <[ekmclain@gmail.com](mailto:ekmclain@gmail.com)>, David Eick <[eickhouse@comcast.net](mailto:eickhouse@comcast.net)>

Good morning: I have checked our Minutes back to when David Eick was first appointed in December 2015. He has had excellent attendance at our meetings and has only missed one meeting (our most recent one last month in February). In addition, he has taken on the responsibility to become Chair of our Cable Action Committee and attends most of those meetings as well. He is a very valued member of our Board and we feel fortunate that he is willing to devote his time to serving the community in this manner. Please let me know if you need anything further.

Cathy White  
Executive Director of BACB  
P.O.Box 165  
Birmingham, MI 48012  
[248-336-9445](tel:248-336-9445)

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**From:** Cherilynn Mynsberge <[cmynsberge@bhamgov.org](mailto:cmynsberge@bhamgov.org)>**Sent:** 3/2/18 1:20 PM**To:** [execdir@birminghamareacableboard.org](mailto:execdir@birminghamareacableboard.org)**Subject:** Reappointment of David Eick to Board

David Eick is one of Birmingham's representatives to the BACB. His term expires March 30, 2018, and the Birmingham City Commission will be considering his application for re-appointment at their March 12th meeting.

When considering reappointments, the Commission likes to have a record of the member's attendance over the past few years. Would you be able to provide me with attendance records for Mr. Eick?

I have been notified by Jeff Bozell that he will not be seeking reappointment to the BACB. We are recruiting for the position.

Thank you.

J. Cherilynn Mynsberge  
City Clerk  
City of Birmingham  
[248-530-1802](tel:248-530-1802)



Cherilynn Mynsberge &lt;cmynsberge@bhamgov.org&gt;

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## Reappointment to Cablecasting Board

2 messages

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**Cherilynn Mynsberge** <cmynsberge@bhamgov.org>  
To: jeffrey.bozell@gmail.com

Thu, Feb 15, 2018 at 2:09 PM

Thank you for your service on the Cablecasting Board. Your term will expire on March 30, 2018. If you wish to continue serving on the board, please complete the attached application form and return it no later than noon on Wednesday, March 7, 2018.

**The meeting and interview for this appointment will be held on Monday, March 12, 2018 at 7:30 p.m. in Room 205 of the Municipal Building.**

When you return your application, please let me know whether or not you will be attending the Commission meeting.

Regards,

J. Cherilynn Mynsberge  
City Clerk  
City of Birmingham  
[248-530-1802](tel:248-530-1802)

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 **0-APPLICATION FORM 081417.pdf**  
30K

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**Jeffrey Bozell** <jeffrey.bozell@gmail.com>  
To: Cherilynn Mynsberge <cmynsberge@bhamgov.org>

Mon, Feb 19, 2018 at 2:47 PM

Cherilynn,

Thank you for the email notification. I will not be seeking reappointment to the Birmingham Area Cablecasting Board.

Kind regards,  
Jeff Bozell  
[Quoted text hidden]



Cherilynn Mynsberge &lt;cmynsberge@bhamgov.org&gt;

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## Reappointment to Cablecasting Board

4 messages

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**Cherilynn Mynsberge** <cmynsberge@bhamgov.org>  
To: mbmcalear@gmail.com

Thu, Feb 15, 2018 at 2:18 PM

Thank you for your service on the Cablecasting Board. Your term will expire on March 30, 2018. If you wish to continue serving on the board, please complete the attached application form and return it no later than noon on Wednesday, March 7, 2018.

**The meeting and interview for this appointment will be held on Monday, March 12, 2018 at 7:30 p.m. in Room 205 of the Municipal Building.**

When you return your application, please let me know whether or not you will be attending the Commission meeting.

Regards,

J. Cherilynn Mynsberge  
City Clerk  
City of Birmingham  
[248-530-1802](tel:248-530-1802)

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**Matt McAlear** <mbmcalear@gmail.com>  
To: Cherilynn Mynsberge <cmynsberge@bhamgov.org>

Wed, Mar 7, 2018 at 12:26 PM

Cherilynn,

Sorry for the delay and thanks for your patience. I talked with Elaine McLain and I am going to pass on continuing with the Cable Board.

Thank you,

Matt



RECEIVED BY

JT / 1049 AM  
FEB 28 2018

## OFFICE USE ONLY

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

## APPLICATION FOR CITY BOARD OR COMMITTEE

CITY CLERK'S OFFICE

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

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

(Please print clearly)

Board/Committee of Interest BCLB CABLE BOARDSpecific Category/Vacancy on Board REPRESENTATIVE FROM BIRMINGHAMName R. DAVID EICKCell Phone 248 - 231-8067Residential Address 559 GREENWOOD ST.Email EICKHOUSE@COMCAST.NET  
DAVIDEICK@COMCAST.NETResidential City, Zip BIRMINGHAM, 48009Length of Residence 50 yrs.Business Address PO BOX 38Occupation MARKETING/ADVERTISING/  
PUBLISHINGBusiness City, Zip BIRMINGHAM 48012Reason for Interest: Explain how your background and skills will enhance the board to which you have applied I AM AN INCUMBENT REPRESENTATIVE AND CURRENTLY THE B'HAM REP.MY 40+ YEARS IN MARKETING RELATED BUSINESSES AND EXECUTIVE MANAGEMENT  
POSITIONS ALONG WITH MY MANY EXPERIENCES WILL ADD TO THE BOARDList your related employment experience MARKETING/ADVERTISING EXECUTIVE WITH THREE  
ADVERTISING AGENCIES: CHEVROLET, GMC/BUICK, CHRYSLER/VEEP,  
MAGNAVOX (PHILIPS ELECTRONICS), PUBLISHING + SALES COMPANIES ALSO.List your related community activities HEAD OF THE ALLEN HOUSE FEASIBILITY COMMITTEE,  
HOLY NAME CHURCH GARDEN MINISTRIES, B'HAM SCHOOLS PTAList your related educational experience BA AT WESTERN MICH UNIV. '72  
MA AT WESTERN MICH UNIV. '73

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? NOAre you an elector (registered voter) in the City of Birmingham? YESSignature of Applicant R. David EickDate 2/27/18



## **NOTICE OF INTENTION TO APPOINT TO THE MULTI-MODAL TRANSPORTATION BOARD**

At the regular meeting of Monday, March 12, 2018, the Birmingham City Commission intends to appoint two regular members to the Multi-Modal Transportation Board to serve three-year terms to expire March 24, 2021.

Interested citizens may submit an application available at the City Clerk's office or online at [www.bhamgov.org/boardopportunities](http://www.bhamgov.org/boardopportunities). Applications must be submitted to the City Clerk's office on or before noon on Wednesday, March 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 vote on appointments.

In so far as possible, the seven member committee shall be composed of the following: one pedestrian advocate member; one member with a mobility or vision impairment; one member with traffic-focused education and/or experience; one bicycle advocate member; one member with urban planning, architecture or design education and/or experience; and two members at large living in different geographical areas of the city. At least five (5) members of the Board shall be registered voters in Birmingham. Applicants for the remaining positions may or may not be electors or property owners in the City.

### Duties of the Multi-modal Transportation Board

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

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

Applicant(s) Presented For City Commission Consideration:

<b>Applicant Name</b>	<b>Criteria/Qualifications</b> <u>In so far as possible, members shall represent,</u> <ul style="list-style-type: none"><li>• One pedestrian advocate member;</li><li>• One member at large living in the northern area of the City.</li></ul> <i>At least five members of the Board shall be electors (registered voter) or property owners in the City.</i>
Katie Schafer	Registered Voter, 1966 Fairway Pedestrian Advocate

SUGGESTED ACTION:

To appoint \_\_\_\_\_, as a regular member who is a pedestrian advocate to the Multi-Modal Transportation Board to serve a three-year term to expire March 24, 2021.

To appoint \_\_\_\_\_, as a regular member at large from the northern area of the City, to the Multi-Modal Transportation Board to serve a three-year term to expire March 24, 2021.



# MULTI-MODAL TRANSPORTATION BOARD

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

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

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

Term: Three years.

Last Name	First Name	Home Business E-Mail	Appointed	Term Expires
<b>Adams</b>	<b>Vionna</b>	(202) 423-7445	12/15/2014	3/24/2018
2109 Dorchester Birmingham	48009		Member at large from different geographical areas of the city.	
<i>vionnajones@gmail.com</i>				
<b>Edwards</b>	<b>Lara</b>	(734) 717-8914	4/28/2014	3/24/2020
1636 Bowers Birmingham	48009		Member at large from different geographical areas of the city.	
<i>lmedwards08@gmail.com</i>				
<b>Folberg</b>	<b>Amy</b>	(248) 890-9965	12/14/2015	3/24/2020
1580 Latham Birmingham	48009		Member at large from different geographical areas of the city.	
<i>amy.folberg@gmail.com</i>				

Last Name Home Address	First Name	Home Business E-Mail	Appointed	Term Expires
<b>Isaksen</b> 1386 Yorkshire Birmingham	<b>Daniel</b> 48009	(734) 9046867  <i>isaksen.dan@gmail.com</i>	5/8/2017 Alternate	10/27/2019
<b>Lawson</b> 1351 E. Maple Birmingham	<b>Andy</b> 48009	(586) 944-6701  <i>andlawson@deloitte.com</i>	4/28/2014 Pedestrian Advocate Member	3/24/2018
<b>Rontal</b> 926 Bird Birmingham	<b>Daniel</b> 48009	(734) 904-2544  <i>darontal@gmail.com</i>	10/27/2016 Mobility or Vision Impairment Experience/Expertise	3/24/2020
<b>Schafer</b> 1966 Fairway Birmingham	<b>Katie</b> 48009	(248) 835-5064  <i>schafekat@gmail.com</i>	3/13/2017 Alternate	10/27/2019
<b>Slanga</b> 4410 Charing Way Bloomfield Hills	<b>Johanna</b> 48304	(248) 761-9567  <i>johannaslanga@gmail.com</i>	5/5/2014 Traffic-Focus Education/Experience Member	3/24/2019
<b>Surnow</b> 320 Martin St. #100 Birmingham	<b>Michael</b> 48009	(248) 865-3000  <i>michael@surnow.com</i>	4/13/2015 Bicycle Advocate Member	3/24/2019

## CITY BOARD/COMMITTEE ATTENDANCE RECORD

Name of Board: Multi Modal Transportation Board

Year: 2018

Members Required for Quorum: 4

MEMBER NAME	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	SPEC MTG	SPEC MTG	Total Mtg. Att.	Total Absent	Percent Attended Available
<b>REGULAR MEMBERS</b>																	
Vionna Adams	P	A	P												2	1	67%
Lara Edwards	P	P	P												3	0	100%
Andy Lawson	P	A	P												2	1	67%
Michael Surnow	P	A	A												1	2	33%
Amy Folberg	P	A	P												2	1	67%
Daniel Rontal	P	A	P												2	1	67%
Johanna Slanga	A	P	P												2	1	67%
0															0	0	#DIV/0!
0															0	0	#DIV/0!
<b>ALTERNATES</b>																	
Katie Schafer	P	P	P												3	0	100%
Daniel Isaksen	P	P	P												3	0	100%
Reserved															0	0	#DIV/0!
Reserved															0	0	#DIV/0!
Present or Available	8	4	8	0	0	0	0	0	0	0	0	0	0	0			

**KEY:**

- A = Member absent
- P = Member present or available
- CP = Member available, but meeting canceled for lack of quorum
- CA = Member not available and meeting was canceled for lack of quorum
- NA = Member not appointed at that time
- NM = No meeting scheduled that month
- CM = Meeting canceled for lack of business items

## *CITY BOARD/COMMITTEE ATTENDANCE RECORD*

Board/Committee:

**Multi Modal Transportation Board**

Year:    **2017**

MEMBER NAME	1/4	2/2	3/2	4/13	5/4	6/1	7/20	8/3	9/7	10/19	11/2	12/7	Total Mtgs. Att.	Total Absent	Percent Attend
<b>REGULAR MEMBERS</b>															
Vionna Adams	NM	A	P	A	A	P	P	P	P	P	A	P	7	4	64%
Lara Edwards	NM	P	P	P	P	P	P	P	P	A	P	P	10	1	91%
Andy Lawson	NM	A	A	P	P	P	P	A	A	P	A	A	5	6	45%
Michael Surnow	NM	P	A	P	P	P	A	A	A	P	P	P	7	4	64%
Amy Folberg	NM	P	P	A	P	P	P	P	P	P	P	A	9	2	82%
Daniel Rontal	NM	P	A	P	P	P	P	A	P	P	P	A	8	3	73%
Johanna Slanga	NM	P	P	P	A	P	A	P	P	A	P	P	8	3	73%
<b>ALTERNATES</b>															
Katie Schafer	NM	A	A	P	P	P	P	P	P	P	P	P	9	2	82%
Daniel Isaksen	NM	A	A	A	A	P	P	A	P	P	P	P	6	5	55%
Members in attendance	0	5	4	6	6	9	7	5	7	7	7	6			

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

**MULTI-MODAL  
TRANSPORTATION**

**2016**

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

X = Meeting Cancelled

\* = Member Resigned

\*\* = Member Not Yet Appointed

**2015**

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

**2014**

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



Cherilynn Mynsberge &lt;cmynsberge@bhamgov.org&gt;

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## Reappointment to Multi-modal Transportation Board

4 messages

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**Cherilynn Mynsberge** <cmynsberge@bhamgov.org>  
To: andlawson@deloitte.com

Thu, Feb 15, 2018 at 2:20 PM

Thank you for your service on the Multi-modal Transportation Board. Your term will expire on March 24, 2018. If you wish to continue serving on the board, please complete the attached application form and return it no later than noon on Wednesday, March 7, 2018.

**The meeting and interview for this appointment will be held on Monday, March 12, 2018 at 7:30 p.m. in Room 205 of the Municipal Building.**

When you return your application, please let me know whether or not you will be attending the Commission meeting.

Regards,

J. Cherilynn Mynsberge  
City Clerk  
City of Birmingham  
[248-530-1802](tel:248-530-1802)

---

**Lawson, Andrew Jack (US - Detroit)** <andlawson@deloitte.com>  
To: Cherilynn Mynsberge <cmynsberge@bhamgov.org>

Wed, Mar 7, 2018 at 3:42 PM

I regret to inform you and the commissioners that I will not be thinking reappointment for another term due to personal reasons. It is my hope that a position as an alternate will arise in the coming months so that I can continue to be involved in the activities of the board.

[Quoted text hidden]



MAR - 7 2018

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

### APPLICATION FOR CITY BOARD OR COMMITTEE

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

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

(Please print clearly)

Board/Committee of Interest Multimodal Transportation Board

Specific Category/Vacancy on Board regular member - pedestrian advocate

Name Katie Schaffer

Phone 248-835-5044

Residential Address 1706 Farway Drive

Email Schafekat@gmail.com

Residential City, Zip Birmingham, MI 48009

Length of Residence 10 years

Business Address 2055 E. 14 Mile Road

Occupation Physician / pediatrician

Business City, Zip Birmingham, MI 48009

Reason for Interest: Explain how your background and skills will enhance the board to which you have applied I am currently an alternate member on the same board for one year and have attended

all meetings since my appointment. I continue to have a vested interest in maintaining Birmingham as a multi-modal community & staying abreast of future changes as they

List your related employment experience As a pediatrician I am an advocate for the safety of

& well being of children & their families. In particular keeping them safe from motor vehicle traffic, advocating for safe walking & biking routes/paths, encouraging health & well

List your related community activities Current alternate member on MMTB Appointed 3/2017 by

Appointed to the Ad Hoc Unimproved Streets Committee 1/2015; graduate of Citizens Academy Spring 2017.

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

2007; Doctorate of Osteopathic Medicine; Michigan State University College of Osteopathic Medicine

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 Katie Schaffer

Date 3/7/18



## NOTICE OF INTENTION TO APPOINT TO THE PARKS AND RECREATION BOARD

At the regular meeting of Monday, March 12, 2018, the Birmingham City Commission intends to appoint three regular members to the Parks and Recreation Board to serve three-year terms to expire March 13, 2021.

Interested citizens may submit an application available at the City Clerk's office or online at [www.bhamgov.org/boardopportunities](http://www.bhamgov.org/boardopportunities). Applications must be submitted to the City Clerk's office on or before noon on Wednesday, March 7, 2021. These applications will appear in the public agenda for the regular meeting at which time the City Commission will discuss recommendations, and may make nominations and vote on the appointments.

### Responsibilities

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

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

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

### Applicant(s) Presented For City Commission Consideration:

Applicant Name	Criteria/Qualifications
	Members must be electors (registered voters) of the City of Birmingham.
Heather Carmona	Registered voter in Birmingham, 887 Lakeview Ave.
William Wiebrecht	Registered voter in Birmingham, 1714 Torry
Ryan Ross	Registered voter in Birmingham, 1872 Derby
Dominick Pulis	Registered voter in Birmingham, 824 Wimbledon

### SUGGESTED ACTION:

To appoint \_\_\_\_\_, to the Parks and Recreation Board as a regular member to serve a three-year term to expire March 13, 2021.

To appoint \_\_\_\_\_, to the Parks and Recreation Board as a regular member to serve a three-year term to expire March 13, 2021.

To appoint \_\_\_\_\_, to the Parks and Recreation Board as a regular member to serve a three-year term to expire March 13, 2021.

# PARKS AND RECREATION BOARD

## Article II, Section 78

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

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

Two alternate members, Three-year Terms, Appointed by the City Commission

Members must be electors of the City of Birmingham

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

Last Name	First Name	Home Business E-Mail	Appointed	Term Expires
<b>Cousins</b> 1687 Webster	<b>Cecilia</b>	(248) 520-5969  <i>cecilia.cousins@gmail.com</i>	2/26/2018 Student Representative	12/31/2018
<b>Kaplan</b> 635 Oak	<b>Ross</b>	(248) 645-6526  <i>rkaplan@neumannsmith.com</i>	10/22/2007 Registered Voter in Birmingham	3/13/2020
<b>Longe</b> 1253 Yosemite	<b>Therese</b>	(248) 258-6744 (313) 745-0138  <i>tmquattro@gmail.com</i>	3/29/2004 Registered Voter in Birmingham	3/13/2019
<b>Meehan</b> 656 Chester	<b>John</b>	(248) 644-5923  <i>john.meehan@att.net</i>	3/18/2002 Registered Voter in Birmingham	3/13/2020

Last Name Home Address	First Name	Home Business E-Mail	Appointed	Term Expires
<b>Noble</b> 1160 Lake Park Dr.	<b>Eleanor</b>	(248) 417-7777  <i>elliecnoble@hotmail.com</i>	7/10/2017 Alternate	3/13/2020
<b>Ross</b> 1872 Derby	<b>Ryan</b>	(248) 705-6465  <i>ryan.countryside@gmail.com</i>	5/21/2012 Registered Voter in Birmingham	3/13/2018
<b>Rusche</b> 358 Henley St.	<b>John</b>	(248) 731-7068  <i>jprusche@aol.com</i>	7/10/2017 Alternate	3/13/2020
<b>Sayers</b> 1264 South Eton	<b>Jakob</b>	(248) 804-2036  <i>xcrunner1042000@gmail.com</i>	2/26/2018 Student Representative	12/31/2018
<b>Stevens</b> 1243 Ruffner	<b>Raymond</b>	(248) 514-3740  <i>art2953@gmail.com</i>	4/15/1996 Registered Voter in Birmingham	3/13/2018
<b>Stotland</b> 698 Hanna	<b>Lilly</b>	(248) 433-3148  <i>lstotland@vescooil.com</i>	12/7/2015 Registered Voter in Birmingham	3/13/2019

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

## CITY BOARD/COMMITTEE ATTENDANCE RECORD

Name of Board:       Parks and Recreation Board

Year:    2018

Members Required for Quorum:       4

MEMBER NAME	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	SPEC MTG	SPEC MTG	Total Mtgs. Att.	Total Absent	Percent Attended Available
<b>REGULAR MEMBERS</b>																	
Therese Longe	P	P	P												3	0	100%
Ryan Ross	P	P	P												3	0	100%
Ross Kaplan	A	P	A												1	2	33%
John Meehan	P	A	A												1	2	33%
Raymond Stevens	P	P	A												2	1	67%
Lilly Stotland	P	A	P												2	1	67%
William Wiebrecht	P	P	P												3	0	100%
															0	0	#DIV/0!
															0	0	#DIV/0!
<b>ALTERNATES</b>																	
Eleanor Noble	P	P	P												3	0	100%
John Rusche		P	P												2	0	100%
Reserved															0	0	#DIV/0!
Reserved															0	0	#DIV/0!
Present or Available	7	7	6	0	0	0	0	0	0	0	0	0	0	0			

**KEY:**     A = Member absent  
               P = Member present or available  
               CP = Member available, but meeting canceled for lack of quorum  
               CA = Member not available and meeting was canceled for lack of quorum  
               NA = Member not appointed at that time  
               NM = No meeting scheduled that month  
               CM = Meeting canceled for lack of business items

\_\_\_\_\_  
 Department Head Signature

## CITY BOARD/COMMITTEE ATTENDANCE RECORD

Board/Committee: **Parks and Recreation Board**

Year: **2017**

MEMBER NAME	1/10	2/7	3/7	4/12	5/2	6/6	7/11	8/1	9/12	10/3	11/14	12/5	Total Mtgs. Att.	Total Absent	Percent Attend
<b>REGULAR MEMBERS</b>															
Lilly Stotland	P	A	P	P	P	A	P	P	A	P	P	A	8	4	67%
Ross Kaplan	P	P	P	P	A	A	P	P	P	P	P	P	10	2	83%
Therese Longe	P	P	P	P	P	P	P	P	P	P	P	P	12	0	100%
John Meehan	A	A	A	P	P	P	P	A	P	P	A	P	7	5	58%
Ryan Ross	P	P	P	P	P	P	P	P	P	P	P	P	12	0	100%
Art Stevens	A	A	A	A	P	P	P	P	A	P	P	P	7	5	58%
Bill Wiebrecht	P	P	P	P	P	P	P	A	P	P	P	P	11	1	92%
Reserved													0	0	#DIV/0!
Reserved													0	0	#DIV/0!
<b>ALTERNATES</b>															
Eleanor Noble 7/10/17									P		P		2	0	100%
John Rusche 7/10/17								P	P			P	3	0	100%
Reserved													0	0	#DIV/0!
Reserved													0	0	#DIV/0!
Members in attendance	5	4	5	6	6	5	7	6	7	7	7	7			

**KEY: A = Absent**

**P = Present**

**NM = No Meeting**

**na = not appointed at that time**

**Department Head Signature**

CITY OF BIRMINGHAM  
PARKS AND RECREATION BOARD  
ATTENDANCE

2016

MEMBER NAME	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC	Total Mtg. Held	Total Mtg. Attended	% Attended (P/O)
Lilly Stotland	P	A	P	P	P	A	P	P	A	A	A	A	12	6	50%
Ross Kaplan	P	P	P	P	P	A	P	P	A	P	P	P	12	10	83%
Therese Longe	P	P	P	P	P	P	P	P	P	P	P	P	12	12	100%
John Meehan	P	P	A	P	P	P	P	P	P	P	P	P	12	11	92%
Ryan Ross	P	P	A	P	P	P	P	P	P	P	P	A	12	10	83%
Art Stevens	A	A	A	P	P	P	P	P	P	A	P	A	12	7	58%
Bill Wiebrecht	P	P	P	P	P	P	P	P	P	P	P	P	12	12	100%
Nichole McMaster, Student Representative <b>appointed 2/8/16</b>			P	P	P	P	P	A	A	P	A	P	10	7	70%
<b>KEY: A=ABSENT</b>															
<b>P= PRESENT</b>															
<b>C= MEETING CANCELLED</b>															

\_\_\_\_\_  
Department Head Signature

CITY OF BIRMINGHAM  
PARKS AND RECREATION BOARD  
2015 ATTENDANCE

2015

MEMBER NAME	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC	Total Mtg. Held	Total Mtg. Attended	% Attended (P/0)
Pat Bordman	P	P	P	P	P	P	No meeting	P	P	No meeting	appointed to CC 11/9/15	appointed to CC 11/9/15	9	8	89%
Ross Kaplan	A	P	P	P	A	A	No meeting	P	P	No meeting	P	A	10	6	60%
Therese Longe	P	P	P	P	A	P	No meeting	P	P	No meeting	P	P	10	9	90%
John Meehan	A	P	A	P	P	P	No meeting	P	P	No meeting	A	P	10	7	70%
Ryan Ross	P	P	P	A	A	P	No meeting	P	P	No meeting	P	P	10	8	80%
Art Stevens	A	P	P	A	P	P	No meeting	P	P	No meeting	A	P	10	7	70%
Bill Wiebrecht	P	P	P	P	P	P	No meeting	P	P	No meeting	P	P	10	10	100%
Shahanna Sarkisian, Student Representative appointed 2/9/15			A	P	A	P	No meeting	A	A	No meeting	A	P	8	3	38%
Paige White, Student Representative appointed 2/9/15			P	P	A	P	No meeting	A	P	No meeting	P	P	8	6	75%
KEY: A=ABSENT															
P= PRESENT															
C= MEETING CANCELLED															

Department Head Signature



Cherilynn Mynsberge &lt;cmynsberge@bhamgov.org&gt;

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**Fwd: Retirement from Board of Parks and Recreation**

1 message

---

**Lauren Wood** <lwood@bhamgov.org>  
To: "Valentine, Joe" <jvalentine@bhamgov.org>  
Cc: Cherilynn Brown <cmynsberge@bhamgov.org>

Mon, Mar 5, 2018 at 9:50 AM

fyi

**Lauren Wood**  
Director of Public Services

City of Birmingham  
Department of Public Services  
851 S. Eton  
Birmingham, MI 48009  
direct dial: 248.530.1702

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

From: **Art Stevens** <art2953@gmail.com>  
Date: Sat, Mar 3, 2018 at 12:48 PM  
Subject: Retirement from Board of Parks and Recreation  
To: [john.meehan@att.net](mailto:john.meehan@att.net), Ross Kaplan <[rkaplan@neumannsmith.com](mailto:rkaplan@neumannsmith.com)>, "Longes, The" <[tmquattro@gmail.com](mailto:tmquattro@gmail.com)>, Bill Wiebrecht <[whw989@wowway.com](mailto:whw989@wowway.com)>, Lilly Epstein Stotland <[lstotland@vescooil.com](mailto:lstotland@vescooil.com)>, ryan countryside <[ryan.countryside@gmail.com](mailto:ryan.countryside@gmail.com)>, John Rusche <[jprusche@aol.com](mailto:jprusche@aol.com)>, [elliecnoble@comcast.net](mailto:elliecnoble@comcast.net)  
Cc: "Folk, Connie" <[Cfolk@bhamgov.org](mailto:Cfolk@bhamgov.org)>, Lauren Wood <[lwood@bhamgov.org](mailto:lwood@bhamgov.org)>, "Laird, Carrie" <[Claird@bhamgov.org](mailto:Claird@bhamgov.org)>

Good Afternoon,

I am writing this email to you to let you know that I have decided to retire from the Board of Parks and Recreation at the end of my term, March 13, 2018. I feel it is time to let someone else take over since I have been on the Board since 1997.

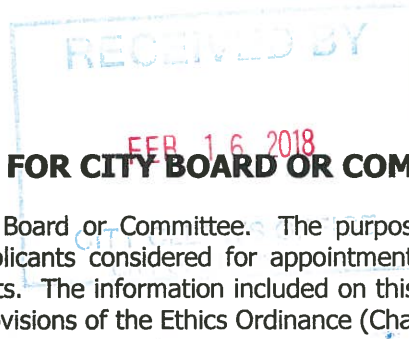
I wish to thank all the present and former Board members for their help over the years. I wish to thank Bill Wiebrecht for being a great mentor. I have learned many things. There have been many ups and downs over the years but more ups and I will remember those the most.

I hope that whoever replaces me understands that the Board is a community wide board and not just a neighborhood entity.

Again, I wish to thank you all for allowing me to serve with you over the years. Good luck in future years.

Sincerely,

Art Stevens



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

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](http://www.bhamgov.org/boardopportunities).

(Please print clearly)

Board/Committee of Interest Parks & Recreation Board

Specific Category/Vacancy on Board Regular Member

Name Heather Carmona

Phone 248-867-1346

Residential Address 887 Lakeview Avenue

Email htcarmona@sbcglobal.net

Residential City, Zip Birmingham 48009

Length of Residence 9 years

Business Address \_\_\_\_\_

Occupation Business Consultant

Business City, Zip \_\_\_\_\_

Reason for Interest: Explain how your background and skills will enhance the board to which you have applied \_\_\_\_\_  
I provided input into the drafting of both the 2012 and 2018 Master Plans. I understand and enjoy working with multiple stakeholders and interests to achieve a shared vision.

List your related employment experience \_\_\_\_\_

As a former nonprofit ED (Woodward Ave Action Assoc), my experience working with municipalities, committees and residents will be an asset. I've worked with planners, place-making/public spaces/landscape designers/architects, preservationists and understand the important connection between non-motorized planning and public amenities to serve multiple goals.

List your related community activities \_\_\_\_\_

My family is avid users of many of the parks and trails within the city. Living a block from Quarton Lake, I have particular interest in balancing the preservation and environmental quality/green infrastructure of our watershed, while maximizing use of our open spaces and natural resources.

List your related educational experience \_\_\_\_\_

Also a certified health coach knowledgeable in principles of active aging and community/population health initiatives. Important as the city considers the recreational opportunities and evolving needs of inter-generational families and aging population.

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: \_\_\_\_\_

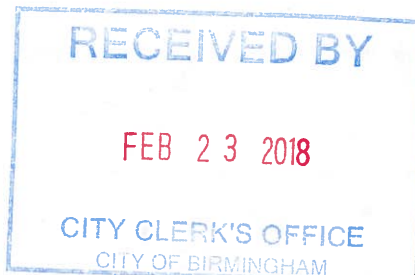
No

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

Heather Carmona  
Signature of Applicant

2-16-18  
Date



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

### APPLICATION FOR CITY BOARD OR COMMITTEE

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

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

(Please print clearly)

Board/Committee of Interest PARKS & RECREATION

Specific Category/Vacancy on Board MEMBER

Name William Wiebrecht

Phone 248-703-6523

Residential Address 1714 Torrey

Email whw989@wowway.com

Residential City, Zip BIRMINGHAM 48009

Length of Residence 54 yrs

Business Address Retired

Occupation Retired RISK MANAGER

Business City, Zip \_\_\_\_\_

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

CONTINUE INVOLVEMENT WITH CITY PARKS AND RECREATION PROGRAMS

List your related employment experience INSURANCE/BENEFITS/FINANCIAL

List your related community activities TORREY COMMUNITY ASSOCIATION  
P+R BOARD 25+ YEARS.

List your related educational experience GMI GRADUATE 1955 BUSINESS / ACCOUNTING MENSA

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

William Wiebrecht

2/22/18

Signature of Applicant

Date



<b>OFFICE USE ONLY</b>	
Meets Requirements?	<input checked="" type="radio"/> Yes <input type="radio"/> 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 IV of the City Code).

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(Please print clearly)

Board/Committee of Interest PARKS AND RECREATION

Specific Category/Vacancy on Board regular member, registered voter in Birmingham

Name RYAN R. ROSS

Phone 248-705-6465

Residential Address 1872 DEXBY

Email RYAN.COUNTRYSIDE@gmail.com

Residential City, Zip Birmingham MI

Length of Residence 38 years

Business Address 200 ELM ST

Occupation General Contractor

Business City, Zip Birmingham MI 48009

Reason for Interest: Explain how your background and skills will enhance the board to which you have applied Current Parks Board Member willing to continue my service.

List your related employment experience \_\_\_\_\_


List your related community activities PARK and Rec Board member applying for my third term

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 of Applicant

3/1/18  
Date



Received 3/2/2018

<b>OFFICE USE ONLY</b>	
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

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

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(Please print clearly)

Board/Committee of Interest Parks and Recreation Board

Specific Category/Vacancy on Board regular member (registered voter in the City of Birmingham)

Name Dominick Pulis

Phone (586) 381-5831

Residential Address 824 Wimbleton Dr

Email dompulis@hotmail.com  
dcompulis@hotmail.com

Residential City, Zip Birmingham, MI 48009

Length of Residence 15 years (cumulative)

Business Address \_\_\_\_\_

Occupation Quality Manager at FCA (Fiat Chrysler)

Business City, Zip \_\_\_\_\_

Reason for Interest: Explain how your background and skills will enhance the board to which you have applied \_\_\_\_\_  
As an father of 3, golfer, and dog owner, I am an avid user of the Bham Parks and Rec offerings. This opportunity fits well with my  
interest in civic volunteering.

List your related employment experience I have managed large capital budgets and strategic long range capex forecasting.

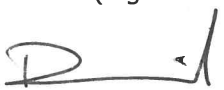
List your related community activities previously served as 2012 Parks and Rec Board member and Vice-Chair; discontinued the  
role due to international work assignment relocation.

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 of Applicant

02March2018  
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](mailto:cmynsberge@bhamgov.org) or by fax to 248.530.1080.

Updated 8/16/17



## **NOTICE OF INTENTION TO APPOINT TO PLANNING BOARD**

At the regular meeting of Monday, March 12, 2018, the Birmingham City Commission intends to appoint three regular members to serve three-year terms to expire March 28, 2021. Members must consist of an architect duly registered in this state, a building owner in the Central Business or Shain Park Historic District, and the remaining members shall represent, insofar as possible, different occupations and professions such as, but not limited to, the legal profession, the financial or real estate professions, and the planning or design professions. Members must be residents of the City of Birmingham.

Interested citizens may submit an application available at the City Clerk's office or online at [www.bhamgov.org/boardopportunities](http://www.bhamgov.org/boardopportunities). Applications must be submitted to the City Clerk's office on or before noon on Wednesday, March 7, 2018. These applications will appear in the public agenda for the regular meeting at which time the City Commission will discuss recommendations, and may make nominations and vote on the appointments.

### **PLANNING BOARD DUTIES**

The planning board consists of seven regular and two alternate members who serve three-year terms without compensation. The board meets at 7:30 p.m. on the second and fourth Wednesdays of each month to hear design reviews, zoning ordinance text amendments and any other matters which bear relation to the physical development or growth of the City.

Specifically, the duties of the planning board are as follows:

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

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

Applicant(s) Presented For City Commission Consideration:

<b>Applicant Name</b>	<b>Criteria/Qualifications</b> Building owner in the Central Business or Shain Park Historic District.  Other members shall represent, insofar as possible, different occupations and professions such as, but not limited to, the legal profession, the financial or real estate professions, and the planning or design professions.  Members must be residents of the City of Birmingham.
Stuart Jeffares	Resident, 1381 Birmingham Real estate profession
J. Bryan Williams	Resident, 1421 Stanley Blvd. Legal profession
Nasseem Ramin	Resident, 1701 Maryland Blvd. Legal profession
Daniel Share	Resident, 1040 Gordon Lane Legal profession-representation of business and real estate owners in Birmingham

**SUGGESTED ACTION:**

To appoint \_\_\_\_\_, to the Planning Board as a regular member who is a building owner in the Central Business or Shain Park Historic District to serve a three-year term to expire March 28, 2021.

To appoint \_\_\_\_\_, to the Planning Board as a regular member to serve a three-year term to expire March 28, 2021.

To appoint \_\_\_\_\_, to the Planning Board as a regular member to serve a three-year term to expire March 28, 2021.

# PLANNING BOARD

Chapter 82 – Section 82-27 – Seven Members

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

Terms: Three Years

Appointment by City Commission

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

Last Name	First Name	Home Business	Appointed	Term Expires
Home Address	E-Mail			
<b>Boyce</b> 179 Catalpa	<b>Janelle</b>  <i>jlwboyce@hotmail.com</i>	(248) 321-3207	12/10/2007 Design profession	3/28/2020
<b>Boyle</b> 840 Wimbledon	<b>Robin</b>  <i>r.boyle@wayne.edu</i>	(248) 961-1514	4/19/2004 Planning Professor	3/28/2019
<b>Clein</b> 1556 Yosemite	<b>Scott</b>  <i>s.clein@comcast.net</i>	(248) 203-2068	3/22/2010 Civil Engineer/Urban Design	3/28/2019
<b>Daminato</b> 1789 Washington Blvd.	<b>Madison</b>  <i>madisondaminato@gmail.com</i>	(314) 737-3171	2/26/2018 Student Representative	12/31/2018
<b>Fogel</b> 956 Henrietta	<b>Sam</b>  <i>shoppingcartengineer@gmail.com</i>	(248) 979-8406	2/26/2018 Student Representative	12/31/2018

Last Name	First Name	Home Business E-Mail	Appointed	Term Expires
<b>Jeffares</b> 1381 Birmingham Blvd	<b>Stuart</b>	(248) 321-2120  <i>stuartjeffares@gmail.com</i>	12/14/2015 Real Estate profession	3/28/2018
<b>Koseck</b> 2441 Dorchester	<b>Bert</b>	(248) 302-4018  <i>bkoseck@comcast.net</i>	10/12/2009 Architect	3/28/2020
<b>Lazar</b> 420 Harmon	<b>Gillian</b>	(248) 613-3400 (248) 644-2500 <i>glazar@hallandhunter.com</i>	4/10/2006 Building Owner in the Central Business	3/28/2018
<b>McElroy</b> 2106 Buckingham	<b>Ellie</b>	(248) 496-9331  <i>elliemcelroy1@aol.com</i>	2/26/2018 Student Representative	12/31/2018
<b>Ramin</b> 1701 Maryland	<b>Nasseem</b>	(248) 765-9446  <i>nramin@dykema.com</i>	11/20/2017 Alternate/Attorney	11/2/2020
<b>Share</b> 1040 Gordon Lane	<b>Daniel</b>	(248) 642-7340  <i>dshare@bsdd.com</i>	11/24/2014 Alternate/Attorney	11/2/2020
<b>Williams</b> 1421 Stanley	<b>J. Bryan</b>	(248) 420-3522 (248) 433-7289 <i>jwilliams@dickinsonwright.com</i>	4/16/2007 Attorney	3/28/2018

2018 Planning Board Attendance

Members Required for Quorum: 4

MEMBER NAME	1/10	1/24	2/21	2/28	3/14	3/28	4/11	4/25	5/9	5/23	6/13	6/27	7/11	7/25	8/8	9/12	10/10	10/24	11/14	11/28	12/12	SPEC MTG	SPEC MTG	Total Mtgs. Att.	Total Absent	Percent Attended Available	
REGULAR MEMBERS																											
Janelle Boyce	P	P	NM	P																					3	0	100%
Robin Boyle	P	P	NM	P																					3	0	100%
Scott Clein	P	P	NM	P																					3	0	100%
Stuart Jeffares	P	P	NM	P																					3	0	100%
Bert Koseck	P	P	NM	P																					3	0	100%
Gillian Lazar	A	P	NM	P																					2	1	67%
J. Bryan Williams	P	P	NM	P																					3	0	100%
Madison Daminato(St.	NA	NA	NM	P																					1	0	100%
Sam Fogel (Student)	NA	NA	NM	P																					1	0	100%
ALTERNATES																											
Nassem Ramin	P	P	NM	P																					3	0	100%
Daniel Share	P	A	NM	A																					1	2	33%
Ellie McElroy (Student)	NA	NA	NM	P																					1	0	100%
Reserved																									0	0	#DIV/0!
Present or Available	8	8	0	11	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0				

- KEY:
- A = Member absent
  - P = Member present or available
  - CP = Member available, but meeting canceled for lack of quorum
  - CA = Member not available and meeting was canceled for lack of quorum
  - NA = Member not appointed at that time
  - NM = No meeting scheduled that month
  - CM = Meeting canceled for lack of business items

## CITY BOARD/COMMITTEE ATTENDANCE RECORD

Board/Committee:

Planning Board

Year : 2017

MEMBER NAME	1/11	1/25	2/8	2/22	3/8	3/22	3/29	4/26	5/10	5/24	6/14	6/19	6/28	7/12	7/26	8/9	8/23	9/13	9/18	9/27	10/25	11/8	11/29	Total Mtgs. Att.	Total Absent	Percent Attend	
REGULAR MEMBERS												wkshp							wkshp								
Janelle Boyce	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	P	A	P	P	P	P	P	P	21	2	91%
Robin Boyle	P	P	P	P	P	A	P	A	P	P	A	A	A	P	P	P	P	P	P	P	P	P	P	P	18	5	78%
Scott Clein	P	P	P	A	P	P	P	P	P	A	P	P	P	P	A	P	P	P	P	P	P	A	A	P	19	4	83%
Stuart Jeffares	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	P	P	P	P	P	P	P	P	P	22	1	96%
Bert Koseck	P	P	P	P	A	P	A	P	P	P	P	P	P	A	P	P	P	P	P	A	P	P	P	A	18	5	78%
Gillian Lazar	P	A	P	P	P	A	A	P	P	P	P	A	P	P	P	P	P	P	A	A	P	P	P	P	17	6	74%
J. Bryan Williams	P	P	P	P	A	P	P	A	P	P	A	P	P	P	A	P	P	P	P	A	P	P	P	P	18	5	78%
Arianne Afrahtek (Student Rep)	*	*	*	*	P	A	P	P	A	P	A	**	P	P	P	A	A	A	**	P	A	A	A	A	8	9	47%
Isabella Niskar (Student Rep)	*	*	*	*	A P		A	P	P	A	A	**	P	A	P	A	A	A	**	P	P	P	P	P	8	9	47%
ALTERNATES																											
Lisa Prasad	A	A	A	A	P	A	A	P	**	P	P	A	A	P	A	A	A	A	A	P	A	A	*	6	15	29%	
Daniel Share	A	P	A	P	P	P	P	P	**	P	P	A	P	A	A	A	P	A	A	P	A	A	A	11	11	50%	
Naseem Ramin	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	P	1	0	100%	
Members in attendance	7	7	7	7	8	7	7	9	8	9	7	5	9	8	6	6	8	6	5	9	7	7	9				

**KEY:     A = Absent**

**P = Present**

**NM = No Meeting**

\*\* = not asked to attend

\* = not on board

**Department Head Signature**



# PLANNING BOARD

2016

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

/= Two meetings in that month

\* = Member Resigned

\*\* = Member Not Yet Appointed

2015

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

420 Harmon  
Birmingham, MI 48009

March 8, 2018

To: Birmingham City Commission

Re: Decision not to seek re-appointment to the Planning Board

Mayor Harris & Fellow Commissioners:

After careful thought and consideration, mostly due to increased travel, I have made the difficult decision not to re-apply for my position on the Planning Board. The past twelve years have been a truly rewarding investment of my time. I have learned much about the importance and necessity of good planning and I shall always value the extended privilege of having shared my position on the Planning Board with an outstanding group of individuals, including members of the Planning Department, all of whom I continue to have the utmost respect for. I shall long remember being part of some significant decision-making that has contributed to Birmingham's ever evolving growth and magnetism which I am confident will continue to draw many others into the community to live, work & invest. We do, indeed, have a very special City.

My personal thanks to each of you on the City Commission for giving me the honor of serving my community in such a constructive and fulfilling manner. I shall miss the participation but will remain an avid observer as Birmingham moves forward.

Respectfully submitted,

Gillian Lazar

cc: Jana Ecker – Planning Director



<b>OFFICE USE ONLY</b>	
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 PLANNING BOARD

Specific Category/Vacancy on Board REGULAR MEMBER

Name STUART JEFFARES

Phone 248-321-2120

Residential Address 1381 BIRMINGHAM

Email STUART.JEFFARES@GMAIL.COM

Residential City, Zip BIRMINGHAM, 48009

Length of Residence 14 YEARS

Business Address 275 S. OLD WOODWARD

Occupation ASSOC. BROKER - MAYBROCK

Business City, Zip BIRMINGHAM, MI 48009

Reason for Interest: Explain how your background and skills will enhance the board to which you have applied 3+ YEARS ON PLANNING BOARD, ASSOC. BROKER SPECIALIZING IN RESIDENTIAL REAL ESTATE IN BIRMINGHAM, NEIGHBORHOOD PRESIDENT, INVOLVED WITH AREA SENIORS & CYCLISTS.

List your related employment experience ASSOC. BROKER REAL ESTATE, LICENSED RESIDENTIAL BUILDER, 20+ YEARS-EXECUTIVE IN STRATEGIC PLANNING, FINANCE & M&A

List your related community activities BOARD MEMBER, NEXT/PRESIDENT, CRESTVIEW NEIGHBORHOOD LECTURER @ BPL & NEXT/FRIENDS OF BPL - MEMBER / PAST BOARD MEMBER - BIRMINGHAM EDUCATION FOUNDATION.

List your related educational experience BA - MARKETING, MBA - FINANCE, ASSOC. - CONSTRUCTION MGT (50% COMPLETE), MASTER GARDNER CERTIFICATION

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

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

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

Signature of Applicant

Date

2-15-18

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](mailto:cmynsberge@bhamgov.org) or by fax to 248.530.1080.

Updated 8/16/17



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

## APPLICATION FOR CITY BOARD OR COMMITTEE

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

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

(Please print clearly)

Board/Committee of Interest Planning Board  
Specific Category/Vacancy on Board Attorney  
Name J. Bryan Williams Phone 248-420-3522  
Residential Address 1421 Stanley Blvd. Email jwilliams@dickinsonwright.com  
Residential City, Zip Birmingham, MI 48009 Length of Residence 43 years  
Business Address 2600 W. Big Beaver Rd. Ste. 300 Occupation Attorney  
Business City, Zip Troy, MI 48084

Reason for Interest: Explain how your background and skills will enhance the board to which you have applied \_\_\_\_\_  
I have 46 years of experience as a practicing attorney with significant experience  
in municipal finance, corporate and real estate practice areas.

List your related employment experience \_\_\_\_\_  
Dickinson Wright PLLC 1972 - present (CEO 1991-2000)

List your related community activities Birmingham Planning Board 2007 - present. Detroit Regional  
Chamber of Commerce, Director 1994 - 2002; Vice Chairman 1997 - 2002. Board of Water  
Commissioners, DWSD, 2011 - 2015.

List your related educational experience University of Michigan, J.D., 1972  
University of Notre Dame, A.B., 1969

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

J. Bryan Williams  
Signature of Applicant

02/16/2018  
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](mailto:cmynsberge@bhamgov.org) or by fax to 248.530.1080. Updated 8/16/17



RECEIVED BY

MAR - 1 2018

CITY CLERK'S OFFICE

APPLICATION FOR CITY BOARD OR COMMITTEE

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

Ms. Ramin has a scheduling conflict on March 12.

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](http://www.bhamgov.org/boardopportunities).

(Please print clearly)

Board/Committee of Interest Planning Board  
Specific Category/Vacancy on Board Regular Member

Name Nassem Sara Ramin Phone 248.745.9444  
Residential Address 1701 Maryland Blvd. Email nramin@dykema.com  
Residential City, Zip Birmingham, MI 48009 Length of Residence 4.5 years  
Business Address 400 Renaissance Ctr. Occupation Attorney  
Business City, Zip Detroit, MI 48223

Reason for Interest: Explain how your background and skills will enhance the board to which you have applied  
real estate litigation and mediation skills honed during  
past 8+ years of legal practice

List your related employment experience commercial litigation attorney @  
dykema goseff since 2009

List your related community activities planning board alternate member (Nov  
2012), Federal bar association

List your related educational experience BA, Univ. of Michigan; MA, American  
University; JD, American 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

Nassem S. Ramin  
Signature of Applicant

Mar. 1, 2018  
Date



RECEIVED BY

MAR - 7 2018

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

APPLICATION FOR CITY BOARD OR COMMITTEE

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(Please print clearly)

Board/Committee of Interest Planning Board

Specific Category/Vacancy on Board Regular Member

Name Daniel M. Share

Phone 248-642-7340

Residential Address 1040 Gordon Lane

Email dshare@bsdd.com

Residential City, Zip Birmingham, MI 48009

Length of Residence 39 years

Business Address 333 West Fort Street, 12th Floor

Occupation Attorney

Business City, Zip Detroit, MI 48226

Reason for Interest: Explain how your background and skills will enhance the board to which you have applied During the past three plus years I have enjoyed participating in numerous Planning Board meetings.

I welcome the opportunity to continue in this role. I think I have made positive contributions to the Board's deliberations.

List your related employment experience Nearly 40 years experience in real estate and business law, including land use, finance, construction and development, including representation of business and real estate owners in Birmingham.

List your related community activities Alternate Planning Board Member; Ad Hoc Greenwood Cemetery Committee; Birmingham School Board; Board Member - Oakland Schools

List your related educational experience BA Degree; Law Degree

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

March 6, 2018  
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](mailto:cmvnsberge@bhamgov.org) or by fax to 248.530.1080. Updated 8/16/17



## **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](http://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:**

<b>Applicant Name</b>	<b>Criteria/Qualifications of Open Position</b>
	One member with a background in road design and maintenance.
Scott F. Assenmacher, P.E.	Member with a background in road design and maintenance

*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 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.



## AD HOC UNIMPROVED STREET STUDY COMMITTEE

Resolution No. 09-262-17

Terms: Through December 31, 2018, unless otherwise directed by the City Commission

Membership: 7 members comprised of following: Two members of the City Commission, three residents living on an unimproved street in different areas of the City, one member living on an improved street, and one member with a background in road design and maintenance.

The Committee shall develop a long term plan on how best to proceed in addressing unimproved roads in the City in accordance with the following: a) Review history & evolution of road system in City. b) Review & 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. c) Review & evaluate policies from neighboring communities for addressing unimproved streets. d) Review policies & procedures attributed to each type of street construction & maintenance method used by City. e) Review conditions where small sections of unimproved streets exist within improved block; provide recommendations. f) Review conditions where large areas of unimproved streets exist within neighborhood. g) Review & evaluate cost and budget implications of proposed recommendations; include strategic funding alternatives. h) Compile Committee's findings & recommendations into report.

Last Name	First Name	Home Business E-Mail	Appointed	Term Expires
<b>Boutros</b>	<b>Pierre</b>	248-361-6868	1/22/2018	12/31/2018
285 Hawthorne			Commissioner	
Birmingham	48009	<i>pboutros@bhamgov.org</i>		
<b>Boyce</b>	<b>Janelle</b>	248-321-3207	1/22/2018	12/31/2018
179 Catalpa Dr.			Resident on Improved street	
Birmingham	48009	<i>jlwboyce@gmail.com</i>		
<b>Fenberg</b>	<b>Michael</b>	248-310-7373	1/22/2018	12/31/2018
908 Chesterfield			Resident on Unimproved street	
Birmingham	48009	<i>michael.fenberg@bakertilly.com</i>		
<b>Moore</b>	<b>Scott</b>	248-703-8615	1/22/2018	12/31/2018
984 Rivenoak			Resident on Unimproved street	
Birmingham	48009	<i>sdm984@sbcglobal.net</i>		

Last Name	First Name	Home Business E-Mail	Appointed	Term Expires
<b>Schafer</b> 1966 Fairway Dr. Birmingham	<b>Katie</b> 48009	248-835-5064 <i>schafekat@gmail.com</i>	1/22/2018 Resident on Unimproved street	12/31/2018
<b>Sherman</b> 1252 Stanley Birmingham	<b>Stuart</b> 48009	248-321-4409 <i>ssherman@bhamgov.org</i>	1/22/2018 Commissioner	12/31/2018
<b>VACANT</b>				12/31/2018 Background in road design and maintenance

## 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 Member with a background in road design and maintenance

Name Scott F. Assenmacher, P.E.

Phone 734-755-8274

Residential Address 8750 Eggert Road

Email sassenmacher@asphalt-materials.com

Residential City, Zip Ida, MI, 48140

Length of Residence 13 Years

Business Address 940 N Wynn Road

Occupation Asphalt Materials, Inc  
Professional Engineer - Sales

Business City, Zip Oregon, OH, 43616

Reason for Interest: Explain how your background and skills will enhance the board to which you have applied I was employed with the Monroe (MI) County Road Commission for over 19 years, 12 of which as the County Hwy Engineer. I also was a member of the County Planning Commission and Chairman for the Federal Aid Committee. My experience in "Right Fix, Right Time", reactive and routine maintenance techniques and preservation and rehabilitation solutions along with asset management experience will provide valuable insight.

List your related employment experience CHE for the Monroe CRC managing the engineering department, local, state and federal funded programs and projects. In September of 2017, started employment with Asphalt Materials, Inc. expanding my road improvements knowledge as a 'solutions specialist' for agencies in MI, OH and IN.

List your related community activities Ida Athletic Boosters member, Ida Wrestling assistant, Assistant coach Michigan Monarchs- Baseball, John Tyner Chorale- Monroe, MI, former County Planning Commission member


List your related educational experience Michigan and Ohio registered Professional Engineer, Bachelor's of Science Michigan Technological University- Civil, Associates of Science Monroe County Community College

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. Full disclosure, however, the only potential conflict here

would be if an improvement solution is chosen and put out for bid, a contractor may bid the project using material from my company. But this again would be a competitive bid situation and should not be considered a conflict.

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

Are you an elector (registered voter) in the City of Birmingham? No

  
\_\_\_\_\_  
Signature of Applicant

March 7, 2018  
\_\_\_\_\_  
Date

**BIRMINGHAM CITY COMMISSION MINUTES**  
**FEBRUARY 26, 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 7:32 p.m.)
Absent,	Commissioner Sherman

Administration: City Manager Valentine, City Attorney Currier, Golf Manager Brito, Police Commander Busen, Chief of Police Clemence, Finance Director/Treasurer Gerber, Assistant to the City Manager Haines, Building Official Johnson, Deputy Treasurer Klobucar, Assistant Building Official Morad, City Clerk Mynsberge, City Engineer O'Meara, Director of Public Services Wood

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

**02-047-18 ANNOUNCEMENTS**

Mayor Harris announced:

- The Birmingham Ice Arena offers ice skating classes for ages three and up. The next session begins March 5<sup>th</sup> and runs through April 22<sup>nd</sup>. Registration for new skaters is February 28<sup>th</sup>, 5:00 - 7:00 pm, and March 3, 10:00 am - 1:00 pm. For more information visit [www.bhamgov.org](http://www.bhamgov.org).
- Commissioner DeWeese's Birthday was celebrated.

**02-048-18 RECOGNITION OF 2017 STUDENT BOARD REPRESENTATIVES**

The following Birmingham Public School students were recognized with service awards for civic involvement as student representatives to City boards in 2017:

<u>STUDENT</u>	<u>BOARD / COMMISSION</u>
Ariana Afrakhtek	Planning Board
Bella Niskar	Planning Board
Ben Gould	Parks and Recreation Board
Joe Kummer	Parks and Recreation Board
Sarah Evans	Public Arts Board
Celeste Demps-Simons	Public Arts Board

Cecilia Trella	Public Arts Board
Carson Claar	Museum Board
Hanna Sandler	Museum Board
Josh Chapnick	Historic District Commission/Design Review Board
Griffin Pfaff	Historic District Commission/Design Review Board

**02-049-18                      RESOLUTION APPOINTING THE FOLLOWING STUDENTS AS  
NON-VOTING MEMBERS FOR THE CALENDAR YEAR 2018**

Assistant to the City Manager Haines introduced student leaders Pamela Davis from Seaholm High School and Jennifer Kondak from Groves High School, explained the program, and thanked the City for affording students the opportunity for civic involvement.

**MOTION:**     Motion by Commissioner DeWeese:

To appoint the following students as non-voting members for the calendar year 2018:

Planning Board	Madison Daminato – Seaholm Sam Fogel – Seaholm Ellie McElroy - Seaholm
Parks and Recreation Board	Jakob Sayers - Seaholm Cecilia Cousins - Seaholm
Public Arts Board	Cole Wolhfiel - Seaholm Amelia Berry - Seaholm
Museum Board	Joy Tenjeras – Groves
Advisory Parking Committee	Anjay Yapple - IA
HDC-DRB	Ava Wells – Seaholm Grace Donati – Seaholm

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

Commissioner DeWeese and Commissioner Nickita told the students that these positions afford a real opportunity to influence City policy should the students choose to pursue that.

Commissioner Hoff said she is encouraged that three different schools are represented.

The City Clerk administered the Oath of Office to the student board representatives.

**IV.     CONSENT AGENDA**

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

**02-050-18                      APPROVAL OF CONSENT AGENDA**

The following items were removed from the Consent Agenda:

- Mayor Pro Tem Bordman:     Item A, Special City Commission meeting minutes of February 12, 2018

- Commissioner DeWeese: Item H, Replacement of four (4) wooden bridges located at Springdale Golf Course

**MOTION:** Motion by Commissioner Hoff, seconded by Commissioner Nickita:  
To approve the Consent Agenda, with Items A and H removed.

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

- B. Approval of Regular City Commission meeting minutes of February 12, 2018.
- C. Approval of warrant list, including Automated Clearing House payments, dated February 14, 2018 in the amount of \$676,695.80.
- D. Approval of warrant list, including Automated Clearing House payments, dated February 21, 2018 in the amount of \$2,013,252.38.
- E. Resolution approving a request submitted by the Michigan Chapter of the Huntington's Disease Society of America requesting permission to hold Yoga in the Park, on Saturday, June 16, 2018, contingent upon compliance with all permit and insurance requirements and payment of all fees and, further pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event.
- F. Resolution approving the purchase of one (1) new Toro Groundsmaster 4500D and one (1) Toro Groundsmaster 3500D from Spartan Distributors, through State of Michigan extendable purchasing contract #2017025 for a total expenditure of \$95,270.14. Funds for this purchase are available in the equipment fund account # 641-441.006-971.0100.
- G. Resolution setting Monday, March 26, 2018 at 7:30 PM for a Public Hearing to consider the reprogramming of program year 2017 Community Development Block Grant (CDBG) funds.

**02-051-18 RESOLUTION APPROVING THE SPECIAL CITY COMMISSION MEETING MINUTES OF FEBRUARY 12, 2018 (ITEM 4A)**

Mayor Pro Tem Bordman noted she, not Mayor Harris, adjourned the meeting.

**MOTION:** Motion by Bordman, seconded by Commissioner Nickita:  
To approve the Special City Commission meeting minutes of February 12, 2018 as corrected.

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

**02-052-18 RESOLUTION APPROVING REPLACEMENT OF WOODEN BRIDGES AT SPRINGDALE GOLF COURSE (ITEM 4H)**

City Manager Valentine confirmed for Commissioner DeWeese that:

- ADA regulations require parts of the course to be accessible, including the clubhouse.
- The bridge will meet ADA regulations for width.

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

To award the Replacement of four (4) wooden bridges located at Springdale Golf Course, to Kyle Builders, Inc. in the amount not to exceed \$71,560, and approving hiring Anderson, Eckstein and Westrick, Inc. (AEW) in the amount not to exceed \$8,000 to provide professional Engineering Services related to this project for a total project amount of \$79,560.00 to be funded from account 584-753.001-981.0100 and further; approving the appropriation and amendment to the 2017-2018 Springdale Golf Course Fund budget as follows. Further, authorizing the Mayor and the City Clerk to sign the agreement on behalf of the City upon receipt of required insurances.

Springdale Golf Course Fund

Revenues:

Draw from Net Position	584-000.000-400.0000	\$79,560.00
Total Revenue		\$79,560.00

Expenses:

Capital Outlay – Public Improvements	584-753.001-981.0100	\$79,560.00
Total Expenses		\$79,560.00

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

## **V. UNFINISHED BUSINESS**

None.

## **VI. NEW BUSINESS**

**02-053-18        PUBLIC HEARING TO CONSIDER CONFIRMATION OF SPECIAL  
ASSESSMENT DISTRICT ROLL NO. 880 – REPLACEMENT OF  
SEWER AND WATER LATERALS WITHIN OLD WOODWARD  
AVENUE PAVING PROJECT**

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

Deputy Treasurer Klobucar presented the proposed special assessment district to ratify and confirm Special Assessment District Roll No. 880 to defray the cost of installment of sewer and water laterals within the Old Woodward Avenue Paving Project over a ten-year period. Billing for the project would occur at a date closer to the end of construction.

Commissioner Hoff noted, for the record, a letter was received from Dr. Karni Frank in opposition.

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

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

To ratify and confirm Special Assessment District Roll No. 880 for the replacement of sewer and water laterals within the Old Woodward Ave. Paving Project, and to instruct the City Clerk to endorse said roll, showing the date of confirmation thereof and to certify said assessment roll to the City Treasurer for collection at or near the time of construction of the improvement; Further, to resolve that special assessments shall be payable in ten (10) payments as provided in Section 94-10 of the Code of the City of Birmingham, with an annual interest rate of five and a half percent (5.5%) on all unpaid installments. *(Formal resolution appended to these minutes as Attachment A)*

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

**02-054-18                   PUBLIC HEARING TO CONSIDER CONFIRMATION OF SPECIAL ASSESSMENT DISTRICT ROLL NO. 881 – FOR OLD WOODWARD AVE. STREETSCAPE ENHANCEMENTS WITHIN THE OLD WOODWARD AVENUE PAVING PROJECT**

Mayor Harris opened the public hearing at 7:56 p.m.

Deputy Treasurer Klobucar presented the proposed special assessment district to ratify and confirm Special Assessment District Roll No. 881 to defray the costs of the Old Woodward Avenue Streetscape Enhancements within the limits of the Old Woodward Avenue Paving Project over a ten-year period. Billing for the project would occur at a date closer to the end of construction.

Commissioner DeWeese noted, for the record, a letter was received from Dr. Karni Frank in opposition.

Adam Lutz asked why the cost of Special Assessment District Roll Number 881 is not being spread across all of Birmingham rather than just the adjoining properties.

City Manager Valentine explained that it is the City's long-standing policy to assess the adjoining properties for laterals and enhancements.

Mr. Lutz rejoined that:

- The work benefits the whole City, not just the adjoining properties, and therefore should be assessed to the whole City.
- He has been concerned about the unsafe nature of the streetscape in front of his office for six years, and has reported his concerns to the City multiple times.
- He anticipates the streetscape changes will remedy some of those safety concerns, but does not believe the adjoining properties should exclusively bear the financial brunt of the changes.

Mayor Harris closed the public hearing at 7:59 p.m.

**MOTION:**     Motion by Commissioner Boutros, seconded by Commissioner Nickita:  
To ratify and confirm Special Assessment District Roll No. 881 for Old Woodward Ave. Streetscape Enhancements within the limits of the Old Woodward Avenue Paving Project, and

to instruct the City Clerk to endorse said roll, showing the date of confirmation thereof and to certify said assessment roll to the City Treasurer for collection at or near the time of construction of the improvement; Further, to resolve that special assessments shall be payable in ten (10) payments as provided in Section 94-10 of the Code of the City of Birmingham, with an annual interest rate of five and a half percent (5.5%) on all unpaid installments. *(Formal resolution appended to these minutes as Attachment B)*

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

## **02-055-18                   2017 LIQUOR LICENSE REVIEWS AND 2018 LIQUOR LICENSE RENEWALS**

City Clerk Mynsberge explained that annually:

- The City Commission is required by Chapter 10, Alcoholic Liquors, of the Birmingham Code of Ordinances to review the licenses of establishments which sell intoxicating liquor for consumption on the premises in the city;
- Investigations are conducted of each licensed establishment to determine whether the licensee is in compliance with all applicable city and state codes.
- The City Commission uses the findings of the investigations to consider the renewal of the licenses.

City Clerk Mynsberge further reported:

- The summary report of investigative findings was reformatted to be responsive to the Commission's input during last year's review process.
- The report is now in the form of a chart, with violations of each licensed establishment listed by the statutory reasons for which the Commission may object to the renewal of a liquor license.
- Chapter 10, Sec. 10-40 of the Code lists the statutory reasons.
- If the City Commission wishes to consider objecting to the renewal of any license, it must first hold a public hearing.
- Public hearings should be scheduled for March 12, 2018 to allow adequate time to forward objections to the Michigan Liquor Control Commission by their March 31, 2018 deadline.
- For establishments in compliance with the requirements of Chapter 10 the City Commission may approve the renewal of licenses tonight.

City Clerk Mynsberge confirmed all licensed establishments were notified the Commission would be considering renewal of licenses tonight.

- The notice included any violations reported during the 2017 investigation.
- Owners of establishments with outstanding financial obligations to the City were contacted personally.
- Where a payment plan was established, an appropriate notation has been entered in the report.
- 220 Merrill, Rojo and Sidecar paid their outstanding obligations on Friday, and all their accounts are now current.

- Emagine has removed the sidewalk sign for which they had no permit. The Community Development Department is working with license holders to bring all other violations of regulatory codes under Sec. 10-40 (3)a into compliance.
- Mad Hatter has been contacted about their outstanding taxes and have indicated a check is in the mail.

City Clerk Mynsberge confirmed for Commissioner Hoff that:

- Any establishments in violation of the City's sign ordinances were notified, and that Community Development is working with establishments to bring their signage into compliance.
- Birmingham Teatro is the Birmingham Theatre.

City Clerk Mynsberge confirmed for Mayor Harris that as of this Commission meeting, six establishments remain in violation of the City's sign ordinances.

Mayor Pro Tem Bordman said:

- She was concerned about establishments' sign ordinance violations and issues with intoxicated patrons.
- Establishments need to stop serving before patrons are intoxicated.

Chief of Police Clemence explained to Commissioner DeWeese that:

- While Market North End had a high number of police contacts relative to other Birmingham establishments, nine police contacts in a year is still considered low for a City.
- The owners of Market North End met with City Manager Valentine and Chief of Police Clemence and have implemented a proactive plan to reduce the number of incidents that require police involvement.

Commissioner DeWeese echoed Mayor Pro Tem Bordman's concerns regarding intoxication, and said establishments need to be proactive in terms of safety in order to avoid issues that have occurred in the past.

Chief of Police Clemence explained to Commissioner Hoff that police contacts with Townhouse were potential noise violations, with no violations observed when officers arrived on scene.

Chief of Police Clemence told Commissioner Nickita that Market North End has had no reported noise violations, and that people who congregate outside of establishments usually do so in order to adhere to the ban on smoking inside establishments.

Commissioner Nickita replied that the sidewalk in front of Market North End is often raucous on busy nights, and that the City needs to be aware that incidents which originate in an establishment may spill out on to City streets.

Commissioner DeWeese congratulated City staff on the summary of violations and said it was the best he had seen. Mayor Pro Tem Bordman added her thanks.

City Manager Valentine and City Clerk Mynsberge mutually acknowledged each other's work on the presentation.

Commissioner Boutros stated that the Commission is exploring ways of strengthening alley maintenance and cleanliness ordinances in order to compel City establishments to prioritize the issue.

The Commissioners were generally in favor of setting a public hearing for Mad Hatter based on the tax payment not yet being received by the City.

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

To set a public hearing for 7:30 PM on Monday, March 12, 2018 in the City Commission Room at the Birmingham Municipal Building, 151 Martin, Birmingham, MI 48009, to consider whether to file an objection with the Michigan Liquor Control Commission to the renewal of the license for consumption of intoxicating liquor on the premises currently held by the owners/operators of Mad Hatter Bistro (Tea Parlor, Inc.) for the following reasons: violations of Sec. 10-40 (7), failure to timely pay monies due the City.

Further, to direct the City Manager to notify the owners/operators of Mad Hatter Bistro (Tea Parlor, Inc.) in writing, that they may submit any written material for consideration by the City Commission prior to the date of the public hearing or at the hearing, that the licensee may appear in person at the hearing or be represented by counsel and that the licensee may present witnesses or written evidence at the hearing.

**-AND -**

To approve the renewal for the 2018 licensing period, of all Class B, Class C, and microbrewery liquor licenses for which a current year application was received, except for the license(s) held by Mad Hatter Bistro (Tea Parlor, Inc.), for which a public hearing(s) has been set.

Commissioner Nickita requested to abstain from the vote on 220 Merrill, per a conversation with the City Attorney and due to a business relationship with some of the individuals involved. The Commission concurred.

VOTE:           Yeas,       6  
                  Nays,       0  
                  Absent,    1 (Sherman)  
                  Abstain, on vote for 220 Merrill Restaurant, 1 (Nickita)

## **02-056-18                   2017 ANNUAL GOLF REPORT**

Golf Manager Brito presented the 2017 Annual Golf Report:

- The courses saw a profit of \$106,000 in 2017.
- This was less profit than the previous year, due largely to renovations and slight increases in labor costs at both courses.
- On July 1, 2017 the City began to pay back the \$100,000 incurred to build the Lincoln Hills Clubhouse in 2010. The repayment will occur over the next seven to ten years.
- 52,591 rounds were completed in 2017. In 2016, there were 53,840 rounds. November temperatures and a rainy May may have contributed to the lower 2017 numbers.
- Resident memberships remained at 1,898. Business memberships were a little bit down, but non-resident memberships are growing.

- Resident rounds also increased in 2017, which was one of the courses' stated objectives.
- Junior golf yielded a \$51,201 profit in 2017 with 483 participants. Golf Manager Brito said the courses hope to expand the program this year.
- The course had a "Nine, Dine and Sing" event in August that Mayor Harris reviewed positively, and a "Nine, Dine and Laugh" event in June.
- Food and beverage profits were at \$89,971, with burgers as the #1 selling item.
- The cart fleet was updated, tee signage is being updated, and the website will be updated.
- An adaptive golf cart was purchased, and the courses will market the cart's availability.

Mayor Pro Tem Bordman congratulated Golf Manager Brito on the new events, on the acquisition of the adaptive golf cart, and on the courses turning a profit. Mayor Pro Tem Bordman clarified that the adaptive golf cart enables users with mobility issues to, while remaining in the cart, navigate and play Birmingham's golf courses.

Commissioner Hoff suggested that Golf Manager Brito look into advertising in Birmingham Living and Seen Magazines. Golf Manager Brito agreed.

Mayor Harris congratulated Golf Manager Brito on her success and asked about the relative underperformance of Springdale Golf Course. Golf Manager Brito said there was a closure that affected the course, and she plans to move her office to Springdale in order to get a better sense as to what the issues may be.

**MOTION:** Motion by Commissioner DeWesse, seconded by Commissioner Hoff:  
To accept the 2017 Annual Golf Report.

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

## **02-057-18                   CONSTRUCTION SITES MAINTENANCE CODE**

Building Official Johnson noted:

- Construction sites and maintenance of those sites are an ongoing issue.
- To improve Section 50-29 of the Birmingham City Code a new General Penalty provision, Section 1-9 which makes clear the penalty for civil infractions, is proposed.
- A new Section 50-29 "Construction Site Maintenance", including new ordinances that will penalize permit holders who maintain unsafe construction sites, especially if three or more violations occur on the same site, is also proposed.
- A proposed staggered penalty provision includes:
  - A first violation will be \$100;
  - A second offense will be \$250; and,
  - A third, and any subsequent, offenses will be \$500.
- An amendment to the City's fee schedule is proposed to reflect the penalties.
- Changes are also proposed to Section 50-74(b).

Building Official Johnson explained that, historically, the penalties for violations of ordinances regarding construction site maintenance were criminal misdemeanors. As such, code officials

were cautious about giving persons on a construction site tickets which would make them criminally liable. By changing the penalties to civil infractions, the City will have a mechanism by which to hold the construction site workers and permit holders responsible in a swift and meaningful way.

Commissioner DeWeese reiterated that the goal of the proposed changes is to enable the Commission to apply increased pressure on construction site workers and permit holders who violate City construction ordinances.

Building Official Johnson told Commissioner Boutros that non-payment of the aforementioned fines would legally be like non-payment of any other civil fine.

**MOTION:** Motion by Commissioner DeWeese, seconded by Commissioner Bordman:  
To approve the ordinance amendment to amend the City Code, Part II, Chapter 1 – General Provisions, Sec. 1-9 General Penalty. (*Full ordinance appended to these minutes as Attachment C.*)

**-AND -**

To approve the ordinance amendment to amend the City Code, Part II, Chapter 50-Environment, Article II. – Nuisances, Division 1 – Generally, Sec. 50-29 Construction Site Maintenance Provisions for Residential and Commercial Properties. (*Full ordinance appended to these minutes as Attachment D.*)

**-AND -**

To approve changes to the Fee Schedule adding Construction Site Maintenance Violations (Sec. 50-29), with clarification that the fee for Building Permit Holders with five or more violations at the same site within one calendar month is \$500.

**-AND -**

To approve the ordinance amendment to amend the City Code, Part II, Chapter 50 – Environment, Article II. – Nuisances, Division 4. Noise, Sec. 50-74 Decibel Level Prohibitions. (*Full ordinance appended to these minutes as Attachment E.*)

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

## **VII. REMOVED FROM THE CONSENT AGENDA**

The items removed were discussed earlier in the meeting.

## **VIII. COMMUNICATIONS**

None.

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

None.

## **X. REPORTS**

### **02-059-18 COMMISSIONER COMMENTS**

Mayor Pro Tem Bordman reported that at the NEXT board meeting Executive Director Chris Braun commented the restricted parking signs along Midvale have been effective.

Mayor Pro Tem Bordman said that this summer NEXT will be offering Pickle Ball at the ice arena.

Mayor Pro Tem Bordman reported an excellent experience in a police ride-along on February 21, 2018. Over the course of several traffic stops, the officer received compliments from every driver stopped. Mayor Pro Tem Bordman continued that it was clear that the officers in the department support each other, and told Chief of Police Clemence that he is doing a great job.

Chief of Police Clemence and City Manager Valentine thanked Mayor Pro Tem Bordman for her positive feedback.

Commissioner Nickita said:

- He has concerns regarding poorly designed or hung signage in some of the downtown merchants' windows.
- The City needs to more thoroughly enforce its retail ordinances by walking through the retail district, notifying merchants of violations, and working with them to come into code.
- If the current ordinances insufficiently yield the desired aesthetic downtown, the Commission should take time to review the relevant ordinances in order to make sure they reflect the City's standards.

City Manager Valentine told Mayor Harris that City staff would be looking at what the current ordinances provide, and acknowledged that there are some merchants who currently take liberties with their signage.

#### **02-060-18 CITY STAFF**

The Commission received the 2<sup>nd</sup> Quarter Financial Reports submitted by Finance Director/Treasurer Gerber.

The Commission received the December 2017 Investment Report submitted by Finance Director/Treasurer Gerber.

<b>XI. ADJOURN</b>
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Mayor Harris adjourned the meeting at 8:42 p.m.

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J. Cherilynn Mynsberge, City Clerk

**RESOLUTION 02-053-18**

**RATIFICATION AND CONFIRMATION  
OF SPECIAL ASSESSMENT ROLL NO. 880  
SEWER AND WATER LATERAL REPLACEMENT WITHIN  
THE OLD WOODWARD AVENUE PAVING PROJECT**

To confirm Special Assessment Roll No. 880, to defray the cost of Sewer and Water Lateral Replacement:

WHEREAS, Special Assessment Roll, designated Roll No. 880, has been heretofore prepared for collection; and

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

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

WHEREAS, Commission Resolution 02-039-18 provided it would meet this 26th day of February 2018 for the sole purpose of reviewing the assessment roll; and

WHEREAS, at said hearing held this February 12, 2018, all those property owners or their representatives present have been given an opportunity to be heard specifically concerning costs appearing in said special assessment roll as determined in Section 94-9 of the Code of the City of Birmingham.

NOW, THEREFORE, BE IT RESOLVED, that Special Assessment Roll No. 880 be in all things ratified and confirmed, and that the City Clerk be and is hereby instructed to endorse said roll, showing the date of confirmation thereof, and to certify said assessment roll to the City Treasurer for collection at or near the time of construction of the improvement.

BE IT FURTHER RESOLVED, that special assessments shall be payable in ten (10) payments as provided in Section 94-10 of the Code of the City of Birmingham, with an annual interest rate of five and a half percent (5.5%) on all unpaid installments.

**Special Assessment Roll No.880  
Old Woodward Avenue Sewer and Water Lateral Replacement**

<u>Parcel ID</u>	<u>Address</u>	<u>Amount</u>
19-25-378-026	275 N. Old Woodward Ave.	\$ 3,080.00
19-25-378-027	265 N. Old Woodward Ave.	\$ 2,884.00
19-25-378-014	233-239 N. Old Woodward Ave.	\$ 10,318.00
19-25-378-015	215-229 N. Old Woodward Ave.	\$ 2,884.00
19-25-378-016	183-191 N. Old Woodward Ave.	\$ 5,768.00
19-25-378-094	101-167 N. Old Woodward Ave.	\$ 5,768.00
19-36-201-011	100 S. Old Woodward Ave.	\$ 3,090.00
19-36-201-012	106-112 S. Old Woodward Ave.	\$ 3,090.00

19-36-201-013	114-116 S. Old Woodward Ave.	\$ 3,090.00
19-36-201-014	124-128 S. Old Woodward Ave.	\$ 9,666.00
19-36-201-015	138-142 S. Old Woodward Ave.	\$ 5,858.00
19-36-201-021	154 S. Old Woodward Ave.	\$ 3,296.00
19-36-201-018	160-168 S. Old Woodward Ave.	\$ 9,462.00
19-36-202-016	298 S. Old Woodward Ave.	\$ 7,874.00
19-25-456-001	188 N. Old Woodward Ave.	\$ 2,060.00
19-36-456-002	152-172 N. Old Woodward Ave.	\$ 4,860.00
19-25-456-039	100-136 N. Old Woodward Ave.	\$ 11,496.00
19-36-206-001	101-115 S. Old Woodward Ave.	\$ 1,190.00
19-36-206-006	181-201 S. Old Woodward Ave.	\$ 5,552.00
19-36-206-008	217-239 S. Old Woodward Ave.	\$ 5,014.00
19-25-378-011	142 W. Maple Rd.	\$ 3,512.00
19-25-378-012	138 W. Maple Rd.	\$ 1,040.00
19-25-456-017	129-135 E. Maple Rd.	\$ 3,886.00
19-25-456-018	205-213 E. Maple Rd.	\$ 3,989.00
<b>TOTAL</b>		<b>\$ 118,727.0</b>

I, J. 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 February 26, 2018.

J. Cherilynn Mysnberge, City Clerk

**RESOLUTION 02-054-18**

RATIFICATION AND CONFIRMATION  
OF SPECIAL ASSESSMENT ROLL NO. 881  
SIDEWALK STREETScape ENHANCEMENTS WITHIN  
THE OLD WOODWARD AVENUE PAVING PROJECT

To confirm Special Assessment Roll No. 881, to defray the cost of sidewalk streetscape enhancements:

WHEREAS, Special Assessment Roll, designated Roll No. 881, has been heretofore prepared for collection; and

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

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

Commission Resolution 02-040-18 provided it would meet this 26th day of February 2018 for the sole purpose of reviewing the assessment roll; and

WHEREAS, at said hearing held this February 12, 2018, all those property owners or their representatives present have been given an opportunity to be heard specifically concerning costs appearing in said special assessment roll as determined in Section 94-9 of the Code of the City of Birmingham.

NOW, THEREFORE, BE IT RESOLVED, that Special Assessment Roll No. 881 be in all things ratified and confirmed, and that the City Clerk be and is hereby instructed to endorse said roll, showing the date of confirmation thereof, and to certify said assessment roll to the City Treasurer for collection at or near the time of construction of the improvement.

BE IT FURTHER RESOLVED, that special assessments shall be payable in ten (10) payments as provided in Section 94-10 of the Code of the City of Birmingham, with an annual interest rate of five and a half percent (5.5%) on all unpaid installments.

Special Assessment Roll No.881

Old Woodward Avenue Streetscape Enhancement

<u>Parcel ID</u>	<u>Address</u>	<u>Amount</u>
19-25-378-026	275 N. Old Woodward Ave.	\$ 53,037.90
19-25-378-027	265 N. Old Woodward Ave.	\$ 19,504.26
19-25-378-014	233-239 N. Old Woodward Ave.	\$ 26,081.72
19-25-378-015	205-229 N. Old Woodward Ave.	\$ 41,517.84
19-25-378-016	183-191 N. Old Woodward Ave.	\$ 28,591.04
19-25-378-094	101-135 N. Old Woodward Ave.	\$ 131,127.54
19-36-201-011	100 S. Old Woodward Ave.	\$ 70,372.26
19-36-201-012	106-108 S. Old Woodward Ave.	\$ 11,862.24

19-36-201-013	112-116 S. Old Woodward Ave.	\$	40,491.30
19-36-201-014	124-128 S. Old Woodward Ave.	\$	27,526.48
19-36-201-015	138-142 S. Old Woodward Ave.	\$	32,469.08
19-36-201-021	154 S. Old Woodward Ave.	\$	18,819.90
19-36-201-018	160-168 S. Old Woodward Ave.	\$	49,730.16
19-36-206-005	176-180 S. Old Woodward Ave.	\$	61,630.42
19-36-202-015	200-210 S. Old Woodward Ave.	\$	94,099.50
19-36-202-016	298 S. Old Woodward Ave.	\$	137,138.14
19-36-204-006	300 S. Old Woodward Ave.	\$	28,210.84
19-25-453-010	280 N. Old Woodward Ave.	\$	48,817.68
19-25-453-011	250-270 N. Old Woodward Ave.	\$	96,152.58
19-25-456-001	188 N. Old Woodward Ave.	\$	26,918.16
19-25-456-002	152-172 N. Old Woodward Ave.	\$	36,423.16
19-25-456-039	100-136 N. Old Woodward Ave.	\$	80,858.90
19-36-206-001	101-115 S. Old Woodward Ave.	\$	127,949.25
19-36-206-005	177 S. Old Woodward Ave.	\$	65,280.34
19-36-206-006	181-201 S. Old Woodward Ave.	\$	70,032.84
19-36-206-007	211 S. Old Woodward Ave.	\$	20,606.84
19-36-206-008	217-239 S. Old Woodward Ave.	\$	57,524.26
19-36-206-021	255-275 S. Old Woodward Ave.	\$	133,868.42
19-36-208-015	325 S. Old Woodward Ave.	\$	36,993.46
19-25-378-012	138 W. Maple Rd.	\$	10,526.57
19-25-378-021	120-122 W. Maple Rd.	\$	33,502.52
19-25-456-017	135 E. Maple Rd.	\$	13,459.67
19-36-129-005	115 W. Maple Rd.	\$	31,677.48
<b>TOTAL</b>		<b>\$</b>	<b>1,762,802.7</b>

I, J. 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 February 26, 2018.

J. Cherilynn Mysnberge, City Clerk

**CITY OF BIRMINGHAM  
ORDINANCE NO. 2261**

**AN ORDINANCE TO AMEND PART II OF THE CITY CODE, CHAPTER 1 – GENERAL PROVISIONS, SEC. 1-9 GENERAL PENALTY.**

THE CITY OF BIRMINGHAM ORDAINS:

The City Code, Part II, Chapter 1. General Provisions, Sec. 1-9. – General penalty, shall read as follows:

Sec. 1-9. - General penalty; continuing violations.

- (a) Any provision of this Code that is made or declared to be a misdemeanor, civil infraction or municipal civil infraction is a violation of this Code.
- (b) Whenever in this Code or in any rule, regulation or order made pursuant to this Code or any ordinance of the city, any act is prohibited or is made or declared to be unlawful or an offense, or whenever the doing of any act is required or the failure to do any act is declared to be unlawful, the violation of any such provision by any person shall, upon conviction, be punished by a fine not exceeding \$500.00, and/or a term of probation, and/or imprisonment for a term not exceeding 90 or 93 days, except whenever a specific penalty is otherwise provided except pursuant to MCL 117.3(k), MCL 257.625(1)(c) of the Michigan vehicle code is hereby specifically adopted by reference. In addition to probation, costs of prosecution, and any other consequence ordered by the court, a violation of this Code is punishable by one or more of the following:
  - (1) Community service for not more than 360 hours.
  - (2) Imprisonment for not more than 180 days.
  - (3) A fine of not less than \$200.00 or more than \$700.00.
- (c) The commission of any violation of this Code that is declared to be a civil infraction shall subject the violator to a civil penalty as provided by state law for civil infractions, or municipal civil infractions whichever is applicable, and as determined by city ordinance.
- (d) Except as specifically provided, any person under the age of 17 years who violates any provision of this Code or any ordinance of the city shall be dealt with by the juvenile division of the probate court or as prescribed by the laws of the state.
- (e) In addition to the penalties provided in subsections (b) and (c) of this section, any condition caused or permitted to exist in violation of any of the provisions of this Code or any ordinance shall be deemed a new and separate offense for each day that such condition continues to exist.
- (f) In addition to any penalty under this section, the city may seek injunctive relief, abate the condition as a nuisance, revoke any permit or license, and/or seek any other available remedy.
- (g) The provisions of this section shall not apply to the failure of city officers and employees to perform duties required in this Code.

All other Sections of Chapter 1 – General Provisions, shall remain unaffected.

Ordained this 26th day of February, 2018. Effective upon publication.

Andrew M. Harris, Mayor

J. Cherilynn Mynsberge, City Clerk

I, J. Cherilynn Mynsberge, 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 February 26, 2018 and that a summary was published March 4, 2018 on the Observer and Eccentric newspaper.

J. Cherilynn Mynsberge, City Clerk

**CITY OF BIRMINGHAM  
ORDINANCE NO. 2262**

**AN ORDINANCE TO AMEND PART II OF THE CITY CODE, CHAPTER 50 – ENVIRONMENT, ARTICLE II. – NUISANCES, DIVISION 1 – GENERALLY, SEC. 50-29 CONSTRUCTION SITE MAINTENANCE PROVISIONS FOR RESIDENTIAL AND COMMERCIAL PROPERTIES.**

THE CITY OF BIRMINGHAM ORDAINS:

The City Code, Part II, Chapter 50. Environment, Article II. Nuisances, Division 1. Generally, Sec. 50-29 Construction site maintenance provisions for residential and commercial properties, shall read as follows:

Sec. 50-29 – Construction site maintenance provisions for all properties.

A. All residential and commercial properties, in addition to other City Code provisions and the requirements of the Michigan building codes, shall comply with the following provisions while under a valid permit for construction:

- 1) *Residential Construction Hours.* Residential construction, repair, remodeling, demolition, drilling, wood cutting, excavating, and all other construction activities shall only be permitted between 7:00 a.m. and 7:00 p.m. and shall only be permitted Monday through Saturday, except legal holidays, with activities not exceeding the decibel levels identified in Table I of Section 50-74.
- 2) *Commercial Construction Hours.* Commercial construction, repair, remodeling, demolition, drilling, wood cutting or excavating, and similar construction activities conducted between 7:00 a.m. and 7:00 p.m. Monday through Saturdays, except legal holidays, which does not produce a sound level exceeding 100 DBA at or beyond the property line of the property on which the work is being conducted.
- 3) *Loading, Idling and Deliveries.* In addition to construction activities, the following limitations shall apply to all construction sites on legal holidays, Sundays, and between 7:00 p.m. and 7:00 a.m., Monday through Saturday:
  - a. No loading or unloading of trucks, trailers, etc., on a construction site within 500 feet of any residential dwelling.
  - b. No idling or running of vehicle engines or other motors on a construction site within 500 feet of any residential dwelling.
  - c. No making or receiving deliveries for materials, supplies, equipment, etc., on a construction site.
- 4) *Public Protection.* Wherever a building or structure is erected, altered, repaired, removed or demolished, the operation shall be conducted in a safe manner and suitable protection for the general public must be provided.

- 5) *Equipment Storage.* Construction equipment must be stored in an orderly fashion and in compliance with the building code.
- 6) *Airborne Materials.* Protective provisions must be provided for control of on-site dust, soil and any other airborne materials so that such materials remain on the job site.
- 7) *Watchman.* Wherever a building is being demolished, erected or altered, a watchman shall be employed to warn the general public when intermittent hazardous operations are conducted across the sidewalk or walkway or where required by the building official.
- 8) *Construction Fencing.* Every excavation and/or area of a construction site must be enclosed with a barrier consisting of chain link fencing not less than six (6) feet high to prevent the entry of unauthorized persons. Barriers of equal or greater strength may be utilized if approved in writing by the building official. Construction fencing must comply with the following provisions:
  - a. The six-foot tall rigid construction fencing must remain in place until a City Official has approved its removal.
  - b. The fence must remain properly installed inside the lot one foot from the City sidewalk.
  - c. The fence must not encroach onto or over any adjoining property at any height.
  - d. Access gates are required in the construction fence and must be able to be secured in a closed rigid position.
  - e. Gates opening outward must be able to be secured in the open position one foot away from the City sidewalk.
  - f. The gates must be closed and secured at all times construction workers are not present.
- 9) *Sign.* The "Code of Conduct" sign provided by the City, must remain mounted on the front of the fence near the gate.
- 10) *Address.* The property address numbers must be posted on front of the fence and legible from the street.
- 11) *Silt Fencing.* Silt fencing must be installed at construction sites where earth disruption has occurred and must be properly maintained until its removal as approved by a City Official.
- 12) *Streets and Sidewalks.* The City streets and sidewalks must be kept clean and passable at all times. Any mud or debris deposited on the street or sidewalk must be cleaned up immediately.
- 13) *Vehicle Access.* A construction driveway consisting of concrete, asphalt or 21AA crushed stone 6-inches deep must be provided from the street to a point of 20-feet into the site from the property line. The driveway must be properly maintained at all times.
- 14) *City Right of Way.* The grass area between the road and the sidewalk cannot be used for parking vehicles, staging of materials, and must be properly maintained. Any damage must be repaired immediately to the satisfaction of a City official.

- 15) *Deliveries, Material Staging.* All construction materials must be delivered directly onto the construction site. The City Street, sidewalk and grass area between them must not be used for deliveries or staging of construction materials at any time.
  - 16) *Sidewalk Damage.* Any damage to the sidewalk must be repaired immediately unless a Sidewalk Obstruction Permit has been issued by the Engineering Department.
  - 17) *Sidewalk Repair.* Sections of sidewalk that are damaged or removed must be repaired with concrete or asphalt to the satisfaction of a City official.
  - 18) *Toilet Facilities.* A toilet facility must be provided for construction workers and must be maintained in a sanitary condition, within the fenced area of the site.
- B. *Penalties for violations.*

- 1) *Unsafe Construction Site.* Building permit holders shall be held responsible to have a legal and safe construction site. If five (5) or more violations of this Section 50-29, and/or Section 118-15 occur on the same site per calendar month, the building permit holder shall be cited under this section for an unsafe construction site. The penalty shall be as specified in the Schedule of Fees, charges, bonds and insurance.
- 2) *Civil Infraction.* Any violation under this Section "Construction Site Maintenance" shall be a municipal civil infraction issued to the party in violation. For a first, second, third and subsequent offense of the same violation under this section at the same site the fine shall be as specified in the Schedule of Fees, charges, bonds and insurance.
- 3) *Daily Violation.* Each and every day that a violation occurs on the same construction site under Section 50-29 and/or Section 118-15 shall constitute a new, separate and citable violation with the penalties prescribed above.

All other Sections of Chapter 50 - Environment, shall remain unaffected.

Ordained this 26th day of February, 2018. Effective upon publication.

Andrew M. Harris, Mayor

J. Cherilynn Mynsberge, City Clerk

I, J. Cherilynn Mynsberge, 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 February 26, 2018 and that a summary was published March 4, 2018 and published in the Observer and Eccentric newspaper.

J. Cherilynn Mynsberge, City Clerk

**CITY OF BIRMINGHAM  
ORDINANCE NO. 2263**

**AN ORDINANCE TO AMEND PART II OF THE CITY CODE, CHAPTER 50 –  
ENVIRONMENT, ARTICLE II. – NUISANCES, DIVISION 4 – NOISE, SEC. 50-74  
DECIBEL LEVEL PROHIBITIONS.**

THE CITY OF BIRMINGHAM ORDAINS:

The City Code, Part II, Chapter 50. Environment, Article II. Nuisances, Division 4. Noise, Sec. 50-74 Decibel Level Provisions, shall read as follows:

Sec. Sec. 50-74. - Decibel level prohibitions.

- (a) No person shall conduct or permit any activity, including those specific prohibitions listed on section 50-73, that produces a DBA at or beyond the property line of the property on which it is conducted which exceeds the levels specified in Table I. Such noise levels shall be measured on the property line or on the adjacent property which is receiving the noise. Where property is used for both residential and commercial purposes, the limitations set forth below for commercial property shall apply.

Table I

Use of Property Producing the Sound	Use of Property Receiving the Sound	Sunday to Saturday 7:00 a.m. to 7:00 p.m.	Sunday to Saturday 7:00 p.m. to 7:00 a.m.
Residential	Residential	75	60
Commercial	Residential	80	60
Residential	Commercial	80	60
Commercial	Commercial	90	75

(b) The following limited activities are exempted from the sound level limitations of this section:

- (1) *Equipment operations.* Operation, between 7:00 a.m. and 7:00 p.m., of power equipment that does not produce a sound level exceeding 100 DBA at or beyond the property line of the property on which the equipment is operated.
- (2) *Snow removal equipment operations.* Operation of snow removal equipment which does not produce a sound level exceeding 90 DBA at or beyond the property line of the property on which the equipment is operated.

All other Sections of Chapter 50 - Environment, shall remain unaffected.

Ordained this 26th day of February, 2018. Effective upon publication.

Andrew M. Harris, Mayor

J. Cherilynn Mynsberge, City Clerk

I, J. Cherilynn Mynsberge, 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 February 26, 2018 and that a summary was published March 4, 2018 in the Observer and Eccentric newspaper.

J. Cherilynn Mynsberge, City Clerk

**City of Birmingham**  
**Warrant List Dated 02/28/2018**

Meeting of 03/12/2018

Check Number	Early Release	Vendor #	Vendor	Amount
256444	*	000855	48TH DISTRICT COURT	100.00
256445	*	000855	48TH DISTRICT COURT	100.00
256446	*	000855	48TH DISTRICT COURT	100.00
256447		002284	ABEL ELECTRONICS INC	415.95
256448	*	008226	KATHI ABELA	252.00
256449		003708	AIRGAS USA, LLC	189.79
256451		MISC	AMERICAN STANDARD ROOFING	100.00
256452		000167	ANDERSON ECKSTEIN WESTRICK INC	1,000.00
256454	*	006759	AT&T	109.02
256455	*	006759	AT&T	54.17
256456	*	006759	AT&T	109.02
256457		003012	BATTERIES PLUS	30.00
256458		007345	BEVERLY HILLS ACE	6.29
256459	*	008690	CITY OF BIRMINGHAM #230	1,322.95
256460		007624	BIRMINGHAM OIL CHANGE CENTER, LLC	30.72
256461		MISC	BONAMY, STEPHEN A	100.00
256462		003526	BOUND TREE MEDICAL, LLC	108.95
256463	*	003282	LISA MARIE BRADLEY	192.00
256464	*	006177	BULLSEYE TELECOM INC	107.53
256465		007732	CAPITAL TIRE, INC.	864.96
256466	*	007933	CARDNO, INC.	2,204.41
256467	*	002067	CENTRAL PARKING SYSTEM	54.00
256470		002191	COCHRANE SUPPLY AND ENG INC	1,359.33
256471	*	007625	COMCAST	402.97
256472	*	007774	COMCAST BUSINESS	1,161.00
256473	*	000627	CONSUMERS ENERGY	12,923.82
256474		002668	CONTRACTORS CLOTHING CO	1,329.30
256475		008512	COOL THREADS EMBROIDERY	177.98
256476		MISC	COUNTRYSIDE CONSTRUCTION COMPANY, I	300.00
256477		003923	CUMMINS BRIDGEWAY LLC	242.00
256478		MISC	DANA BUILDING CO	200.00
256479	*	000177	DELWOOD SUPPLY	1,114.37
256480		MISC	DOD ENTERPRISES, LTD	150.00
256481		000565	DORNBOS SIGN & SAFETY INC	741.54
256482		001035	DOUGLASS SAFETY SYSTEMS LLC	58.21
256483	*	000179	DTE ENERGY	2,428.49
256484	*	000180	DTE ENERGY	8,680.20
256485		MISC	EDD LLC	2,500.00
256486		003253	ESRI, INC	8,950.00
256487		000207	EZELL SUPPLY CORPORATION	71.94
256488		008034	CITY OF FARMINGTON HILLS	150.00
256489		008034	CITY OF FARMINGTON HILLS	150.00
256490	*	000936	FEDEX	178.87

**City of Birmingham**  
**Warrant List Dated 02/28/2018**

Meeting of 03/12/2018

Check Number	Early Release	Vendor #	Vendor	Amount
256491	*	004514	FEDEX OFFICE	21.60
256492		007314	FLEIS AND VANDENBRINK ENG. INC	8,420.07
256493		007172	GARY KNUREK INC	112.00
256494		001233	GCSAA	435.00
256495		008190	GLASCO CORPORATION	3,822.00
256496	*	004604	GORDON FOOD	169.53
256498	*	008002	JOELLEN HAINES	97.31
256499		007799	HARVEY ELECTRONIC AND RADIO LLC	760.00
256500		001672	HAYES PRECISION INC	61.00
256501	*	001956	HOME DEPOT CREDIT SERVICES	1,768.53
256502		001040	HOOR MEDIA LLC	1,085.00
256503		000331	HUBBELL ROTH & CLARK INC	10,649.41
256504		008378	THE HUNTINGTON NATIONAL BANK	204,550.00
256505		002407	J & B MEDICAL SUPPLY	48.90
256506		000261	J.H. HART URBAN FORESTRY	11,231.56
256507		003458	JOE'S AUTO PARTS, INC.	1,272.51
256508		MISC	JOHN MCCARTER CONSTRUCTION LLC	300.00
256509	*	007002	SHON JONES	95.00
256510	*	007828	DEBORAH KLEIN	606.00
256511		004085	KONE INC	1,012.10
256512	*	000362	KROGER COMPANY	34.04
256513		MISC	KROLL CONSTRUCTION CO	100.00
256514		005550	LEE & ASSOCIATES CO., INC.	845.60
256515		MISC	LEWAND CONSTRUCTION CO LLC	100.00
256517		008551	M & K TRUCK CENTERS	37.95
256518	*	008417	M-1 STUDIOS, LLC	15,127.05
256519		MISC	MAINSTREET RESTORATIONS & REMODELIN	800.00
256520		008000	MARXMODA	2,103.07
256521		000888	MCKENNA ASSOCIATES INC	62,211.25
256522		004479	MEGGITT TRAINING SYSTEMS INC	2,046.81
256523		007984	MICHIGAN ACADEMY OF EMER SERVICES	98.00
256524		001660	MICHIGAN CAT	246.62
256525	*	007659	MICHIGAN.COM #1008	65.00
256526		007378	MIDAS AUTO SERVICE CENTER	983.86
256527		000230	MIKE SAVOIE CHEVROLET INC	396.90
256528		007163	MOBILE HEALTH RESOURCES	812.80
256529		MISC	MT EVEREST MAINTENANCE	500.00
256530		007755	NETWORK SERVICES COMPANY	711.94
256531	*	007856	NEXT	1,607.54
256532	*	008687	NORTH BREATHING AIR, LLC	445.00
256533		006359	NYE UNIFORM COMPANY	129.50
256534		006599	OBSERVER & ECCENTRIC	65.00
256535	*	000481	OFFICE DEPOT INC	55.24

**City of Birmingham**  
**Warrant List Dated 02/28/2018**

Meeting of 03/12/2018

Check Number	Early Release	Vendor #	Vendor	Amount
256536		003881	ORKIN PEST CONTROL	3,800.00
256537		002767	OSCAR W. LARSON CO.	210.00
256538		006189	P.F. PETTIBONE & CO.	187.45
256539		MISC	PARK TRUSTEE, CHRISTOPHER H	125.00
256540		MISC	PCI INDUSTRIES, INC.	500.00
256541		007633	CASEY PEDERSEN	125.98
256542		001277	PHYSIO-CONTROL CORP.	208.92
256543	*	008404	PETE REALY	98.96
256545		006497	RNA OF ANN ARBOR INC	2,210.00
256546	*	001181	ROSE PEST SOLUTIONS	291.00
256547		MISC	ROYALE BUILDING LLC	2,500.00
256548		MISC	SHOWICH, ANDREW	100.00
256549	*	004202	SHRED-IT USA	457.72
256550	*	007882	MICHAEL SIMPSON	95.38
256551	*	000254	SOCRRA	61,960.00
256552		005787	SOUTHEASTERN EQUIPMENT CO. INC	66.70
256553	*	007907	SP+ CORPORATION	3,380.00
256554		000260	SPARTAN DISTRIBUTORS INC	239.69
256555	*	008549	STATEWIDE DOOR & SECURITY	2,000.00
256556		004544	STRYKER SALES CORPORATION	577.32
256557		001065	SUNSHINE MEDICAL SUPPLY, INC.	183.45
256559		MISC	THORNTON & GROOMS INC.	550.00
256560		000275	TIRE WHOLESALERS CO INC	598.00
256561		MISC	TITTLE BROTHERS CONSTRUCTION LLC	200.00
256562		002037	TOTAL ARMORED CAR SERVICE, INC.	714.83
256563		MISC	TOWN BUILDING COMPANY	4,360.00
256564		MISC	UNILAND CORPORATION	200.00
256565		MISC	UNITED HOME SERVICES	100.00
256566	*	008411	VARIPRO	2,287.50
256567	*	000158	VERIZON WIRELESS	50.67
256568		000969	VIGILANTE SECURITY INC	305.50
256569	*	002974	VILLAGE OF BEVERLY HILLS	125,308.82
256570		MISC	WIESE, JAMES A	2,500.00
256571	*	007894	BRENDA WILLHITE	520.00

**City of Birmingham**  
**Warrant List Dated 02/28/2018**

Meeting of 03/12/2018

Check Number	Early Release	Vendor #	Vendor	Amount
Sub Total Checks:				\$603,875.36
Sub Total ACH:				\$151,845.27
Grand Total:				\$755,720.63

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 2/28/2018**

Vendor Name	Transfer Date	Transfer Amount
Automated Benefit Services, Inc.	2/26/2018	147,463.00
Cutwater Asset Management-January	**	4,382.27
<b>TOTAL</b>		151,845.27

\*\*Awaiting approval from Commission.

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

**City of Birmingham**  
**Warrant List Dated 03/07/2018**

Meeting of 03/12/2018

Check Number	Early Release	Vendor #	Vendor	Amount
256572	*	002300	43RD DISTRICT COURT	945.00
256573	*	000855	48TH DISTRICT COURT	100.00
256574	*	000855	48TH DISTRICT COURT	500.00
256575	*	000855	48TH DISTRICT COURT	100.00
256576	*	000855	48TH DISTRICT COURT	100.00
256577	*	000855	48TH DISTRICT COURT	100.00
256578		002284	ABEL ELECTRONICS INC	431.45
256579		008555	ABELL PEST CONTROL INC	40.00
256581		002909	ACOM SOLUTIONS, INC.	250.00
256582		007696	AMERICAN CLEANING COMPANY LLC	1,350.00
256584		000500	ARTECH PRINTING INC	107.00
256585	*	006759	AT&T	137.29
256586	*	007216	AT&T	89.92
256587	*	MISC	ATA NATIONAL TITLE	181.81
256588	*	006534	BADER AND SONS CO	286.72
256591		007345	BEVERLY HILLS ACE	52.62
256593		007624	BIRMINGHAM OIL CHANGE CENTER, LLC	49.97
256595	*	001086	CITY OF BIRMINGHAM	511.68
256598		006380	C & S ICE RESURFACING SERVICES, INC	333.26
256599		007732	CAPITAL TIRE, INC.	268.70
256600		000595	CARRIER & GABLE INC	424.76
256601	*	000444	CDW GOVERNMENT INC	90.88
256602		008306	CHARTER TOWNSHIP OF BLOOMFIELD	326.78
256603		000603	CHEMCO PRODUCTS INC	442.00
256604	*	MISC	CHIRCO TITLE	563.42
256605		000605	CINTAS CORPORATION	150.04
256606		002191	COCHRANE SUPPLY AND ENG INC	148.53
256607	*	007625	COMCAST	39.96
256608	*	007774	COMCAST BUSINESS	1,169.64
256610	*	000627	CONSUMERS ENERGY	800.47
256611		MISC	CONSUMERS ENERGY	50.00
256612		001367	CONTRACTORS CONNECTION INC	318.95
256613		MISC	CRAIN HEATING AND COOLING LLC	71.25
256614		005742	CRAIN'S DETROIT BUSINESS	79.00
256615		004386	CYNERGY PRODUCTS	209.88
256616		007359	DETROIT CHEMICAL & PAPER SUPPLY	24.04
256618	*	008700	CHRIS DOLAN	3,350.00
256619	*	MISC	DORIS OMAND	314.56
256621	*	000179	DTE ENERGY	19,419.70
256622		004671	ELDER FORD	602.88
256623	*	008308	ERADICO PEST SERVICES	38.00
256624		007212	FOSTER BLUE WATER OIL	344.88
256625		007172	GARY KNUREK INC	21.00

**City of Birmingham**  
**Warrant List Dated 03/07/2018**

Meeting of 03/12/2018

Check Number	Early Release	Vendor #	Vendor	Amount
256626	*	004604	GORDON FOOD	158.70
256628		003458	JOE'S AUTO PARTS, INC.	20.99
256629		000353	KNAPHEIDE TRUCK EQUIPMENT	3,690.60
256631	*	MISC	LIVE WELL CUSTOM HOMES	592.87
256634		005841	MADISON HGTS PLUMBING &	2,480.00
256635	*	MISC	MARGEAX INTERIORS LLC	100.00
256637	*	MISC	MICHAEL HOROWITZ	3,206.78
256638		001660	MICHIGAN CAT	352.46
256639		007765	MICHIGAN INDEPENDENT DOOR CO.	221.50
256640	*	002089	MICHIGAN-SHIGA SISTER STATE BOARD	65.00
256642	*	007659	MICHIGAN.COM #1008	65.00
256643		000230	MIKE SAVOIE CHEVROLET INC	890.78
256644		007755	NETWORK SERVICES COMPANY	66.86
256646		001864	NOWAK & FRAUS ENGINEERS	26,040.00
256647		006359	NYE UNIFORM COMPANY	908.40
256648	*	000481	OFFICE DEPOT INC	293.11
256649		008343	ORKIN PEST CONTROL	1,400.00
256650		008343	ORKIN PEST CONTROL	3,600.00
256651	*	MISC	PAUL MELI	672.18
256652	*	001753	PEPSI COLA	418.62
256653		007368	PHASE FOUR INVESTIGATIONS	405.00
256654	*	008342	RAIN MASTER CONTROL SYSTEMS	29.85
256656	*	003554	RKA PETROLEUM	8,970.10
256657		000478	ROAD COMM FOR OAKLAND CO	2,948.54
256658	*	MISC	ROBERT J MAKES &	784.53
256659	*	001181	ROSE PEST SOLUTIONS	86.00
256660	*	000218	ROYAL OAK P.D.Q. LLC	367.59
256661		002556	CITY OF ROYAL OAK	5,995.28
256663	*	001097	SOCWA	127,405.75
256664		005787	SOUTHEASTERN EQUIPMENT CO. INC	4,199.93
256666	*	008507	SUPERFLEET MASTERCARD PROGRAM	341.23
256667		008697	T-MOBILE USA, INC	153.00
256668		000273	TERMINAL SUPPLY CO.	681.76
256670		005481	TRI-COUNTY INTL TRUCKS, INC.	102.17
256671	*	MISC	TROY ABSTRACT TITLE	190.54
256672	*	000158	VERIZON WIRELESS	200.10
256673	*	000158	VERIZON WIRELESS	840.16
256675	*	000158	VERIZON WIRELESS	52.49
256677	*	MISC	VICTORY ASSOCIATES	59.40
256678		000969	VIGILANTE SECURITY INC	725.00
256680		002405	R.D. WHITE CO., INC.	140.00
256684		008391	XEROX CORPORATION	123.95

**City of Birmingham**  
**Warrant List Dated 03/07/2018**

Meeting of 03/12/2018

Check Number	Early Release	Vendor #	Vendor	Amount
Sub Total Checks:				\$234,982.26
Sub Total ACH:				\$3,088,140.14
Grand Total:				\$3,323,122.40

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



Mark Gerber  
Finance Director/ Treasurer

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

**City of Birmingham**  
**ACH Warrant List Dated 3/7/2018**

Vendor Name	Transfer Date	Transfer Amount
Automated Benefit Services, Inc.	3/2/2018	35,665.74
Birmingham Schools	3/1/2018	2,368,975.14
Oakland County Treasurer	3/1/2018	683,499.26
<b>TOTAL</b>		3,088,140.14



## MEMORANDUM

City Clerk's Office

**DATE:** March 6, 2018

**TO:** Joseph A. Valentine, City Manager

**FROM:** J. Cherilynn Mynsberge, City Clerk

**SUBJECT:** Special Event Request  
In the Park Concerts

Attached is a special event application submitted by the City of Birmingham Department of Public Services requesting permission to hold the 2018 In the Park Concerts on:

Friday, June 15 (3p-10p)  
Wednesday, June 20 (7p-10p)  
Wednesday, June 27 (7p-10p)  
Wednesday, July 11 – two concerts (12p-2p and 7p-10p)  
Wednesday, July 18 (7p-10p)  
Wednesday, July 25 (7p-10p)  
Wednesday, August 1 – two concerts (12p-2p and 7p-10p)  
Wednesday, August 8 (7p-10p)  
Wednesday, August 15 (7p-10p)

In accordance with the City Commission's input, no set-up will occur prior to 7:00 a.m.

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

The following events have either been approved by the Commission or are planned to be held June – August, 2018 and have not yet submitted an application. These events do not pose a conflict with the proposed event.

Event Name	Date	Location
Farmers Market	Every Sunday May - October	Lot 6 (North Old Woodward)
Village Fair	May 31—June 3	Shain Park
Breathe Deep Michigan 5K	June 2	Booth Park & surrounding neighborhood
Movie Nights	June 22 July 20 August 24	Booth Park
Day on the Town	July 14	Downtown
Birmingham Cruise Event	August 18	South Old Woodward

SUGGESTED RESOLUTION:

To approve a request from the City of Birmingham Department of Public Services to hold the 2018 In the Park Concerts on:

Friday, June 15 (3p-10p)

Wednesday, June 20 (7p-10p)

Wednesday, June 27 (7p-10p)

Wednesday, July 11 – two concerts (12p-2p and 7p-10p)

Wednesday, July 18 (7p-10p)

Wednesday, July 25 (7p-10p)

Wednesday, August 1 – two concerts (12p-2p and 7p-10p)

Wednesday, August 8 (7p-10p)

Wednesday, August 15 (7p-10p)

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

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

**IMPORTANT: EVENTS UTILIZING CITY SIDEWALKS AND/OR STREETS MUST MEET  
WITH POLICE DEPARTMENT SPECIAL EVENT OFFICER TO REVIEW PROPOSED  
EVENT DETAILS PRIOR TO SUBMITTING APPLICATION.**

Police Department acknowledgement: \_\_\_\_\_

***I. EVENT DETAILS***

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

<b>FEES:</b>	<b>FIRST TIME EVENT:</b>	<b>\$200.00</b>
	<b>ANNUAL APPLICATION FEE:</b>	<b>\$165.00</b>

(Please print clearly or type)

Date of Application February 20, 2018

Name of Event 2018 City of Birmingham In The Park Concert Series

Detailed Description of Event (attach additional sheet if necessary) Summer Concert Series  
sponsored by the City of Birmingham. The concerts will be held on the following dates  
6/15, 6/20, 6/27, \*7/11, 7/18, 7/25, \*8/1, 8/8, and 8/15

\*7/11 and \*8/1 there will be an afternoon concert (12pm-2pm) in addition to the evening  
concert on these two dates.

Location Shain Park (Thomas M. Markus Pavilion)

Date(s) of Event 6/15, 6/20, 6/27, \*7/11, 7/18, 7/25, \*8/1, 8/8, and 8/15

Hours of Event 6/15 (3pm-10pm); 6/20-8/15 (7pm-10pm)\*7/11 and \*8/1 there will be an  
afternoon concert (12pm-2pm) in addition to the evening concert on these two dates.

Date(s) of Set-up Day of Concert

Hours of Set-up 6/15 (12pm-3pm), 6/20-8/15 (5pm-7pm); \*7/11 & \*8/1 (11am-12pm)

**NOTE: No set-up to begin before 7:00 AM, per City ordinance.**

Date(s) of Tear-down After each concert

Hours of Tear-down 6/15 (10pm-11pm), 6/20-8/15 (7pm-9pm)

Organization Sponsoring Event City of Birmingham Department of Public Services

Organization Address 851 South Eton, Birmingham, MI 48009

Organization Phone 248-530-1642

Contact Person Connie Folk, Recreation Coordinator

Contact Phone 248-530-1642

Contact Email [cfolk@bhamgov.org](mailto:cfolk@bhamgov.org)

## ***II. EVENT INFORMATION***

1. Organization Type City of Birmingham  
(city, non-profit, community group, etc.)
2. Additional Sponsors or Participants (Provide name, address, contact person, status, etc. for all additional organizations sponsoring your event. )  
TBA  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
3. Is the event a fundraiser? YES ☐ NO ☒  
List beneficiary \_\_\_\_\_  
List expected income \_\_\_\_\_  
Attach information about the beneficiary.
4. First time event in Birmingham? YES ☐ NO ☒  
If no, describe \_\_\_\_\_  
\_\_\_\_\_
5. Total number of people expected to attend per day 500 people (approximate)

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

☐ Street(s) \_\_\_\_\_

☐ Sidewalk(s) \_\_\_\_\_

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

7. Will street closures be required? YES ☐ NO ☒

**(Police Department acknowledgement prior to submission of application is required) (initial here)** [Signature]

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

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

**If yes, please provide number of staff to be provided and any specialized training received.**

Describe A city representative will be present for each concert.

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

**(Police Department acknowledgement prior to submission of application is required.) (initial here)** [Signature]

Describe \_\_\_\_\_

11. Will alcoholic beverages be served? YES ☐ NO ☒

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

12. Will music be provided? YES ☒ NO ☐

☒ Live ☒ Amplification ☐ Recorded ☒ Loudspeakers

Time music will begin Afternoon concert begin at 12pm and the evening concerts begin at 7pm

Time music will end Afternoon concert will end at 2pm and the evening concerts will end at 9pm

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

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

Number of signs/banners 1 sponsor banner

Size of signs/banners \_\_\_\_\_

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

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

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

### LIST OF VENDORS/PEDDLERS

(attach additional sheet if necessary)

VENDOR NAME	GOODS TO BE SOLD	WATER HOOK-UP REQUIRED?	ELECTRIC REQUIRED?
	<b>TBD</b>		

### **III. EVENT LAYOUT**

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

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

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

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

TYPE	QUANTITY	SIZE
Tents/Canopies/Awnings (A permit is required for tents over 120 sq ft)		
Portable Toilets	2	(1) Standard/(1)Handicap
Rides		
Displays		
Vendors		
Temporary Structure (must attach a photo)		
Other (describe)		

## SIGNATURE OF APPLICANT REQUIRED

EVENT NAME City of Birmingham In The Park Concert Series

EVENT DATE 6/15, 6/20, 6/27, \*7/11, 7/18, 7/25, \*8/1, 8/8, and 8/15

\*7/11 and \*8/1 there will be an afternoon concert (12pm-2pm) in addition to the evening concert on these two dates.

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

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

*Connie J. Folk*

2/20/2018

Signature

Date

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

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

## SAMPLE NOTIFICATION LETTER

### SPECIAL EVENT REQUEST NOTIFICATION LETTER

DATE: February 20, 2018

TO: \_\_\_\_\_  
Residential Property or Business Owner  
\_\_\_\_\_  
Address

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

#### **EVENT INFORMATION**

NAME OF EVENT: 2018 City of Birmingham In The Park Concert Series

LOCATION: Shain Park (Thomas M. Markus Pavilion)

Date(s) of Event 6/15, 6/20, 6/27, \*7/11, 7/18, 7/25, \*8/1, 8/8, and 8/15

Hours of Event 6/15 (3pm-10pm); 6/20-8/15 (7pm-10pm)\*7/11 and \*8/1 there will be an afternoon concert (12pm-2pm) in addition to the evening concert on these two dates.

BRIEF DESCRIPTION OF EVENT/ACTIVITY: Summer Concert Series sponsored by the City of Birmingham.

Date(s) of Event 6/15, 6/20, 6/27, \*7/11, 7/18, 7/25, \*8/1, 8/8, and 8/15

Hours of Event 6/15 (3pm-10pm); 6/20-8/15 (7pm-10pm)\*7/11 and \*8/1 there will be an afternoon concert (12pm-2pm) in addition to the evening concert on these two dates.

Date(s) of Tear-down After each concert

Hours of Tear-down 6/15 (10pm-11pm), 6/20-8/15 (7pm-9pm)

DATE OF CITY COMMISSION MEETING: Monday, March 12, 2018

The City commission meets in room 205 of the Municipal Building at 151 Martin at 7:30PM. **A complete copy of the application to hold this special event is available for your review at the City Clerk's Office (248/530-1880).** Log on to [www.bhamgov.org/events](http://www.bhamgov.org/events) for a complete list of special events.

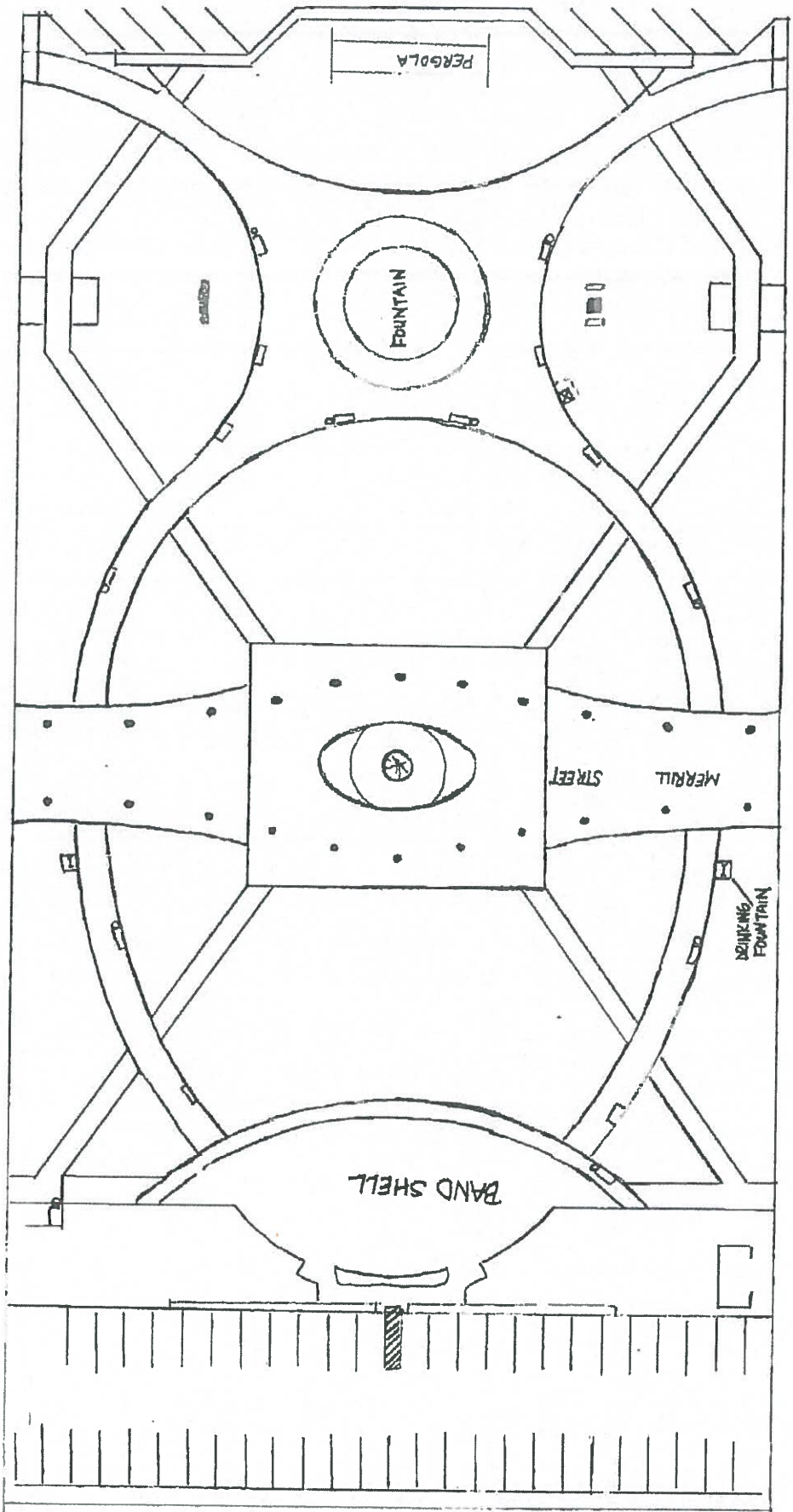
EVENT ORGANIZER: City of Birmingham Department of Public Services

ADDRESS: 851 South Eton, Birmingham, MI 48009

PHONE: 248-530-1642 or 248-530-1643

FOR QUESTIONS ON DAY OF EVENT, CONTACT: Connie Folk, 248-530-1642

**A map showing street closures must be attached.**



MARTIN STREET

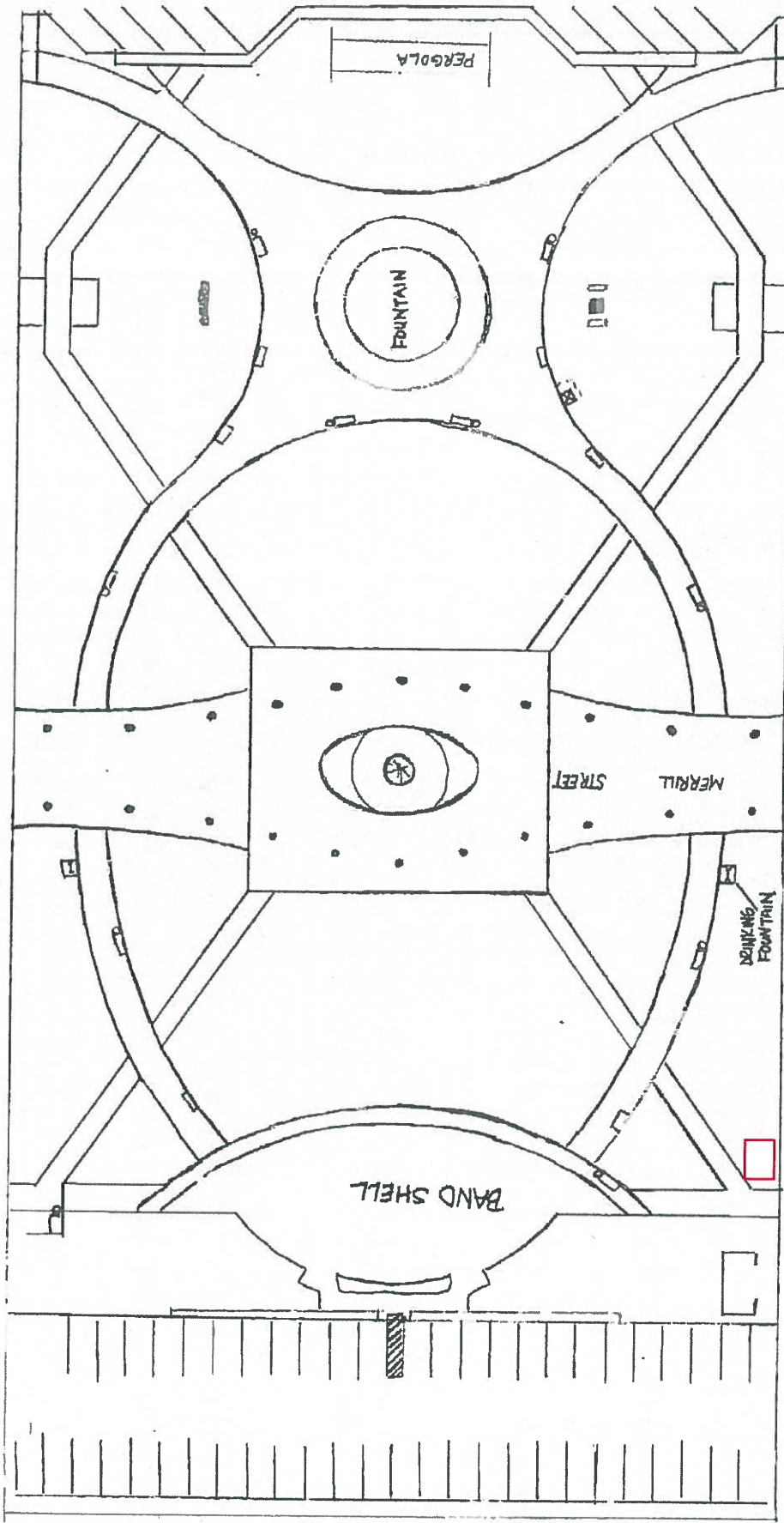
HENRIETTA STREET

TOWNSEND STREET

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



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(1) Standard/(1) Handicap Restrooms

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



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## SPECIAL EVENT NOTIFICATION TO ALL PROPERTY/BUSINESS OWNERS

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

**NAME OF EVENT:** In The Park Summer Concerts

**LOCATION:** Shain Park (Thomas M. Markus Pavilion)

**DATES/TIMES:** Band Jam, Friday 6/15/18 3:00 pm-10:00 pm  
Wednesday afternoon: (7/11, 8/1, 2018) 12:00 pm -2:00 pm  
Wednesday evenings: (6/20, 6/27, 7/11, 7/18, 7/25, 8/1,  
8/8, 8/15, 2018) 7:00 pm -9:00 pm

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**EVENT ORGANIZER:** City of Birmingham, DPS  
851 South Eton, Birmingham, MI 48009

City Contact Person: Connie Folk, 248.530.1642, [Cfolk@bhamgov.org](mailto:Cfolk@bhamgov.org)

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



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MAPLE RING LLC  
CENTRAL PARK PROPTS III  
111 S OLD WOODWARD AVE STE 222  
BIRMINGHAM, MI 48009

WILLITS RETAIL LLC  
WILLITS RETAIL II LLC  
1 TOWNE SQ STE 1913  
SOUTHFIELD, MI 48076

ESSCO OF WABEEC  
210 S OLD WOODWARD AVE STE 230  
BIRMINGHAM, MI 48009

MARTIN G FELDMAN  
MARSHA S FELDMAN  
111 WILLITS ST # 200  
BIRMINGHAM, MI 48009

TREVOR GEORGE  
111 WILLITS ST # 202  
BIRMINGHAM, MI 48009

DAVID H ROSE IRREVOCABLETRUST  
PO BOX 810490  
DALLAS, TX 75381

RICHARD BARNETT LVNG TRUST  
RICHARD BARNETT TRUSTEE  
111 WILLITS ST STE 206  
BIRMINGHAM, MI 48009

ANDREW ASARO  
DOROTHY L ASARO  
5044 CHRISITY CT  
TROY, MI 48098

ANDREW ECHT  
KORI BELZER  
111 WILLITS ST STE 210  
BIRMINGHAM, MI 48009

BHAVIN P PATEL  
MOHAMAD Y TAWILA  
751 HANNA BLVD  
BIRMINGHAM, MI 48009

MICHAEL HANSEN  
VICTORIA MCINNIS  
111 WILLITS ST STE 214  
BIRMINGHAM, MI 48009

TIMOTHY P NOLAN  
4541 BELLAIRE DR S # 100  
FORT WORTH, TX 76109

ROBERT E BRZUCHOWSKI  
CAROLYN J BRZUCHOWSKI  
111 WILLITS ST STE 213  
BIRMINGHAM, MI 48009

GAIL H WIENER  
111 WILLITS ST STE 211  
BIRMINGHAM, MI 48009

STEFENIE D SASSON  
111 WILLITS ST STE 209  
BIRMINGHAM, MI 48009

BRIAN BARR  
111 WILLITS ST STE 207  
BIRMINGHAM, MI 48009

BERT WHITEHEAD  
111 WILLITS ST STE 205  
BIRMINGHAM, MI 48009

SANDRA R LEVEQUE-ROSELLE  
2600 S OCEAN BLVD APT 17C  
BOCA RATON, FL 33432

RODGER WASSERMAN  
LOREE WASSERMAN  
111 WILLITS ST STE 201  
BIRMINGHAM, MI 48009

LEROY C RICHIE  
JULIA T RICHIE  
111 WILLITS ST STE 300  
BIRMINGHAM, MI 48009

KIRIT C PATEL  
MALTI K PATEL  
3008 HERON POINTE DR  
BLOOMFIELD HILLS, MI 48302

JORDAN YELLEN  
111 WILLITS ST STE 304  
BIRMINGHAM, MI 48009

ROBERT SACHS TRUST  
MARTHA SACHS TRUST  
11420 US HIGHWAY 1 # 214  
NORTH PALM BEACH, FL 33408

PHYLLIS H CLARK TRUST  
111 WILLITS ST STE 308  
BIRMINGHAM, MI 48009

MICHELE DUBRINSKY TRUSTEE  
MICHELE DUBRINSKY TRUST  
111 WILLITS ST STE 310  
BIRMINGHAM, MI 48009

DAVID E BERRY  
PAULA BERRY  
7665 OYSTER BAY DR  
CHARLEVOIX, MI 49720

JEREMY S SASSON  
111 WILLITS ST STE 314  
BIRMINGHAM, MI 48009

GLORIA KOGAN  
111 WILLITS ST STE 315  
BIRMINGHAM, MI 48009

JOHN D OPIE  
NINA RUANNE OPIE  
111 WILLITS ST APT 511  
BIRMINGHAM, MI 48009

CHARLES KONIECZNY TRUSTEE  
SUSAN KONIECZNY TRUSTEE  
1303 PENINSULA DR  
TRAVERSE CITY, MI 49686

MARVIN D SIEGEL REVOC TRUST  
111 WILLITS ST STE 309  
BIRMINGHAM, MI 48009

ROBERT ROSIN  
PO BOX 692  
BLOOMFIELD HILLS, MI 48303

WILLITS 305 LLC  
16938 BEECHWOOD AVE  
BEVERLY HILLS, MI 48025

DIANE M DIETZ  
1932 KLINGENSMITH RD UNIT 57C  
BLOOMFIELD HILLS, MI 48302

THOMAS CUNNINGTON  
LAURIE CUNNINGTON  
36700 WOODWARD AVE STE 101  
BLOOMFIELD HILLS, MI 48304

RAUL SAMARDZICH  
BARBARA SAMARDZICH  
111 WILLITS ST STE 400  
BIRMINGHAM, MI 48009

GARY L SHORT JR  
1320 WASHINGTON AVE  
BAY CITY, MI 48708

WILLIAM G GILBERT  
111 WILLITS ST STE 404  
BIRMINGHAM, MI 48009

DANIEL S COOPER  
NANCY LIND COOPER  
111 WILLITS ST STE 406  
BIRMINGHAM, MI 48009

VIVIAN C STRATHER TRUST  
111 WILLITS ST STE 408  
BIRMINGHAM, MI 48009

LEE STEINBERG  
TAMARA STEINBERG  
111 WILLITS ST # 410  
BIRMINGHAM, MI 48009

MICHAEL D ALIOTO  
MARY ANNE ALIOTO  
111 WILLITS ST # 412  
BIRMINGHAM, MI 48009

ROMANS WILLITS LLC  
901 WILSHIRE DR STE 560  
TROY, MI 48084

Occupant  
220 E MERRILL ST  
BIRMINGHAM, MI 48009

EDWARD G ASCIONE  
8208 LAKESIDE TRL  
WILLIAMSBURG, MI 49690

MTAP LLC  
23 HIDDEN RIDGE DR  
BLOOMFIELD HILLS, MI 48301

JUDY CASSADY REVOC TRUST  
JUDY CASSADY TRUSTEE  
111 WILLITS ST # 500  
BIRMINGHAM, MI 48009

DEREK J STEVENS TRUST  
111 WILLITS ST UNIT 504  
BIRMINGHAM, MI 48009

JOHN S DEMARE JR  
REGINA M DEMARE  
111 WILLITS ST UNIT 506  
BIRMINGHAM, MI 48009

CYNTHIA NIEKAMP  
111 WILLITS ST # 510  
BIRMINGHAM, MI 48009

JOHN D OPIE  
RUANNE OPIE  
111 WILLITS ST # 511  
BIRMINGHAM, MI 48009

111 WILLITS LLC  
151 LAFAYETTE ST FL 6  
NEW YORK, NY 10013

STEPHENIE X VANHELLEMONT  
111 WILLITS ST # 507  
BIRMINGHAM, MI 48009

STUART BLANCK REVOC TRUST  
111 WILLITS ST # 505  
BIRMINGHAM, MI 48009

SSN PARTNERSHIP  
354 INDUSCO CT  
TROY, MI 48083

RICHARD P MCDERMOTT TRUST  
111 WILLITS ST # 501  
BIRMINGHAM, MI 48009

Occupant  
255 E BROWN ST  
BIRMINGHAM, MI 48009

JOHN S DEMARE JR  
LINDA J KENNY  
111 WILLITS ST # 409  
BIRMINGHAM, MI 48009

JORDAN KATZMAN  
111 WILLITS ST STE 407  
BIRMINGHAM, MI 48009

MATTHEW L ANDERSON  
111 WILLITS ST # 405  
BIRMINGHAM, MI 48009

CITY OF BIRMINGHAM  
CHESTER ST PARKING STRUCTURE  
151 MARTIN ST  
BIRMINGHAM, MI 48009

MUFFREY LLC  
185 NW SPANISH RIVER BLVD STE 100  
BOCA RATON, FL 33431

BATES GROUP LLC  
PO BOX 2230  
SOUTHFIELD, MI 48033

S S KRESGE CO TAX DEPT  
3100 W BIG BEAVER RD  
TROY, MI 48084

CITY OF BIRMINGHAM  
PO BOX 3001  
BIRMINGHAM, MI 48012

ST JAMES CHURCH  
355 W MAPLE RD  
BIRMINGHAM, MI 48009

320 INVESTMENTS LLC  
  
320 MARTIN ST STE 100  
BIRMINGHAM, MI 48009

SETH E WALKER AND CO LLC  
863 S BATES ST  
BIRMINGHAM, MI 48009

PINESTONE PROPERTIES LLC  
E & EJ DASKAS  
271 W MAPLE RD  
BIRMINGHAM, MI 48009

PATRICIA FLEMING  
454 FRENCH ROYALE CIR  
ATLANTIS, FL 33462

LYLE SHUERT  
JOYCE J SHUERT  
250 MARTIN ST STE 301  
BIRMINGHAM, MI 48009

OSMAN MINKARA  
GHALDA MINKARA  
6741 QUEEN ANNE DR  
WEST BLOOMFIELD, MI 48322

MARTIN PLACE CAC LLC  
360 N CRESCENT DR  
BEVERLY HILLS, CA 90210

CHRISTINE BECK  
DANA LOCNISKAR  
250 MARTIN ST STE 501 W  
BIRMINGHAM, MI 48009

CRISTBROOK REAL ESTATE HOLDINGS  
LLC  
260 MARTIN ST  
BIRMINGHAM, MI 48009

JOHN W BOUKAMP III  
MARIANNE M BOUKAMP  
250 MARTIN ST STE 2  
BIRMINGHAM, MI 48009

SHAIN PARK ASSOCIATES LLC  
201 W BIG BEAVER RD STE 1420  
TROY, MI 48084

FREUND INVESTMENT II LLC  
3985 TORREY HILL LN  
SAN DIEGO, CA 92130

SHARER WEST MAPLE PROPERTIES LLC  
RICHARD SHARER  
1431 W LINCOLN ST  
BIRMINGHAM, MI 48009

MONDIAL PROPERTIES II LLC  
27725 STANSBURY BLVD STE 300  
FARMINGTON HILLS, MI 48334

GEORGE V CARTSOS REVOC TRUST  
1 TOWNE SQ STE 1200  
SOUTHFIELD, MI 48076

VINSETTA PROPERTIES LLC  
  
420 HARMON ST  
BIRMINGHAM, MI 48009

AMERITECH  
LAW DEPT - TAXES  
221 N WASHINGTON SQ # R-301  
LANSING, MI 48933

ROBERT BRUCE MCDONALD  
PATRICIA ANTONETTE MCDONALD  
180 PIERCE ST UNIT 1  
BIRMINGHAM, MI 48009

SDR POLO AND ASSOCIATES LLC  
23179 TELEGRAPH RD  
SOUTHFIELD, MI 48033

LAITH S HANNA  
IVANA HANNA  
180 PIERCE ST UNIT 3  
BIRMINGHAM, MI 48009

180 PIERCE LLC  
27725 STANSBURY BLVD STE 200  
FARMINGTON HILLS, MI 48334

PIERCE MARTIN LLC  
32605 W TWELVE MILE RD STE 290  
FARMINGTON HILLS, MI 48334

CARL E KONA REVOC LVNG TRUST  
439 W MERRILL ST  
BIRMINGHAM, MI 48009

HELEN H CANNON  
415 W MERRILL ST  
BIRMINGHAM, MI 48009

JENNIFER M LEWISTON  
738 ASH ST  
DENVER, CO 80220

HAROLD J KOSS  
SUSAN KOSS  
443 W MERRILL ST  
BIRMINGHAM, MI 48009

LEO S & ROBIN EISENBERG REVOC  
TRUST  
LEO AND ROBIN EISENBERG TRUSTEES  
33533 W 12 MILE RD STE 295  
FARMINGTON HILLS, MI 48331

STEPHEN J PICKETT TRUST  
STEPHEN J PICKETT TRUSTEE  
26140 HICKORY BLVD APT 301  
BONITA SPRINGS, FL 34134

AMANDA J TOLDO  
  
473 W MERRILL ST  
BIRMINGHAM, MI 48009

ROBERT CHECK TRUST  
ROBERT CHECK TRUSTEE  
503 W MERRILL ST  
BIRMINGHAM, MI 48009

JUDY J MILLER  
513 W MERRILL ST  
BIRMINGHAM, MI 48009

MARK S TURNBULL LIVING TRUST  
10124 BERTRAM LN  
FORT MYERS, FL 33919

PETER F BARRY JR TRUST  
PO BOX 2564  
BIRMINGHAM, MI 48012

THOMAS C WHITE III  
SUZANNE WHITE  
420 TOWNSEND ST  
BIRMINGHAM, MI 48009

MARY LAURA KANTGIAS TRUST  
MARY LAURA KANTGIAS TRUSTEE  
410 TOWNSEND ST  
BIRMINGHAM, MI 48009

COMMUNITY HOUSE  
380 S BATES ST  
BIRMINGHAM, MI 48009

JOHN W FRASCO TRUST  
KATHLEEN M FRASCO TRUST  
372 TOWNSEND ST  
BIRMINGHAM, MI 48009

BRIAN C MANOOGIAN REVOCABLE  
TRUST  
374 TOWNSEND ST  
BIRMINGHAM, MI 48009

GERALD L BYER  
RHONDA A BYER  
376 TOWNSEND ST  
BIRMINGHAM, MI 48009

MICHAEL L PETTIBONE  
CINDY PETTIBONE  
373 TOWNSEND ST  
BIRMINGHAM, MI 48009

CAROLE S HOFLEY LIVING TRUST  
NORMAN H HOFLEY LIVING TRUST  
PO BOX 1447  
WILSON, WY 83014

THC INVESTORS LP  
DAVID SILLMAN VP  
21 E LONG LAKE RD STE 110  
BLOOMFIELD HILLS, MI 48304

JANICE K HAUSER TRUST  
JANICE K HAUSER TRUSTEE  
819 N CRANBROOK RD  
BLOOMFIELD HILLS, MI 48301

NAYSMITH IRREVOCABLE TRUST  
JEANNE H NAYSMITH TRUSTEE  
6632 TELEGRAPH RD # 226  
BLOOMFIELD HILLS, MI 48301

WASIM M NASIR  
444 S CHESTER ST # 403  
BIRMINGHAM, MI 48009

KEENER INVESTMENT ENTERPRISES  
286 W BROWN ST  
BIRMINGHAM, MI 48009

TJB REAL ESTATE LTD  
PO BOX 333  
NEW CASTLE, NH 3854

ANTHONY P ROBINSON  
1321 PIERCE ST  
BIRMINGHAM, MI 48009

HAYBAT ZETOUNA  
444 S CHESTER ST # 407  
BIRMINGHAM, MI 48009

BRYAN M TANGHE  
33717 WOODWARD AVE # 260  
BIRMINGHAM, MI 48009

IRINA GERSHANOVICH  
  
444 S CHESTER ST # 409  
BIRMINGHAM, MI 48009

VIRGINIA C SULLIVAN TRUST  
3952 OAKLAND DR  
BLOOMFIELD HILLS, MI 48301

DAVID B MUIR  
444 S CHESTER ST # 411  
BIRMINGHAM, MI 48009

444-12 CHESTER LLC  
5440 CORPORATE DR STE 225  
TROY, MI 48098

ALBERT MASCIA  
MARY MASCIA  
444 S CHESTER ST # 413  
BIRMINGHAM, MI 48009

RANA KHOURY  
HAISSAM KHOURI  
444 S CHESTER ST # 414  
BIRMINGHAM, MI 48009

JPK CHESTER LLC  
4460 HARDWOODS DR  
WEST BLOOMFIELD, MI 48323

LUXE CAPITAL LLC  
21649 A GODDARD RD STE A  
TAYLOR, MI 48180

JAMES CUNNINGHAM  
ANN MARIE CUNNINGHAM  
21182 KNUDSEN DR  
GROSSE ISLE, MI 48138

CAROLYN MC KINNIS STEFFEN  
444 S CHESTER ST # 419  
BIRMINGHAM, MI 48009

ELLEN L KRAFT  
444 S CHESTER ST # 420  
BIRMINGHAM, MI 48009

TRISTANA BIERKLE  
HAYLEY BIERKLE  
444 S CHESTER ST # 421  
BIRMINGHAM, MI 48009

DAVID GRALEWSKI  
4637 17TH ST  
SAN FRANCISCO, CA 94117

ELIZABETH CLARK  
444 S CHESTER ST # 423  
BIRMINGHAM, MI 48009

ELIZABETH A COSTELLO  
ELIZABETH A COSTELLO TRUST  
444 S CHESTER ST # 425  
BIRMINGHAM, MI 48009

KENNETH J D'ORAZIO  
  
444 S CHESTER ST # 426  
BIRMINGHAM, MI 48009

PENNY L SAGE  
355 TOWNSEND ST  
BIRMINGHAM, MI 48009

JOHN C MUELLER TRUSTEE  
ANTONINA M MUELLER TRUSTEE  
339 TOWNSEND ST  
BIRMINGHAM, MI 48009

WILLIAM FINNICUM  
25885 GERMAN MILL RD  
FRANKLIN, MI 48025

GREGORY J PACKER  
8112 BOYNE CITY RD  
CHARLEVOIX, MI 49720

MICHAEL A GRATTAN  
350 W BROWN ST UNIT 1  
BIRMINGHAM, MI 48009

PAUL W SANTORO  
CHRISTINE M SANTORO  
PO BOX 1056  
KEY WEST, FL 33041

DOUGLAS S DALGLEISH  
372 W BROWN ST UNIT 3  
BIRMINGHAM, MI 48009

ROCHELLE ROTH  
CARLYN D ROTH  
384 W BROWN ST UNIT 4  
BIRMINGHAM, MI 48009

THOMAS M ROSSITER  
JAYME M ROSSITER REVOC TRUST  
324 W BROWN ST  
BIRMINGHAM, MI 48009

312 WEST BROWN LLC  
312 W BROWN ST  
BIRMINGHAM, MI 48009

SHAIN PARK APARTMENTS LLC  
36700 GRAND RIVER AVE  
FARMINGTON HILLS, MI 48335

RTS IV LLC  
211 TOWNSEND ST  
BIRMINGHAM, MI 48009

WILLIAM JOHN VLASIC  
WILLIAM JOHN VLASIC REVOCABLE  
TRUST  
228 W BROWN ST  
BIRMINGHAM, MI 48009

ANN G SMALLWOOD TRUST  
ANN G SMALLWOOD TRUSTEE  
288 W BROWN ST  
BIRMINGHAM, MI 48009

ANITA PLOUS TRUSTEE  
274 W BROWN ST  
BIRMINGHAM, MI 48009

MICHAEL SBROCCA  
LIDIA SBROCCA  
6620 WABASH LN  
TROY, MI 48085

ANN L LITTLETON  
268 W BROWN ST  
BIRMINGHAM, MI 48009

SUSAN C MILLER  
266 W BROWN ST  
BIRMINGHAM, MI 48009

SHERRI ALINDA VANDENBERG  
208 W BROWN ST  
BIRMINGHAM, MI 48009

TOWNSEND PROPERTIES OF  
BIRMINGHAM LLC  
2211 WOODWARD AVE STE 101  
DETROIT, MI 48201

TOWNSEND STREET BUILDING LLC  
EGERTON NATKE ASSOCIATE  
1871 WOODSMAN DR  
ORTONVILLE, MI 48462

KAREN K MOBLEY  
383 W BROWN ST  
BIRMINGHAM, MI 48009

PETER ROOT  
LYNN E ROOT  
347 W BROWN ST  
BIRMINGHAM, MI 48009

HERBERT E KNOWLES JR  
329 W BROWN ST  
BIRMINGHAM, MI 48009

MARJORIE CHRISTOPHER  
ZACHARY CHIN CHRISTOPHER  
211 W BROWN ST  
BIRMINGHAM, MI 48009

ERIC D SACHS REVOC TRUST  
ERIC D SACHS TRUSTEE  
287 W BROWN ST  
BIRMINGHAM, MI 48009

PIERCE BIRMINGHAM PLACE LLC  
159 PIERCE ST  
BIRMINGHAM, MI 48009

GLADYS DUFFY PEW GST EX TRUST  
  
16205 W 14 MILE RD STE 100  
BEVERLY HILLS, MI 48025

SUZANNE KUECKEN REVOC LIVING  
TRUST  
SUZANNE KUECKEN TRUSTEE  
460 HENRIETTA ST  
BIRMINGHAM, MI 48009

LICHT-KOZIN TOWNSEND BLDG  
MANAGEMENT COMPANY  
2301 W BIG BEAVER RD STE 950  
TROY, MI 48084

480 PIERCE LLC  
260 E BROWN ST STE 300  
BIRMINGHAM, MI 48009

DOUGLAS CHAN  
SHARON CHAN  
385 W BROWN ST  
BIRMINGHAM, MI 48009

ADAM N BLEZNAK  
341 W BROWN ST  
BIRMINGHAM, MI 48009

CHRISTOPHER S VARJABEDIAN  
TRACY VARJABEDIAN  
1607 BRACKEN RD  
BLOOMFIELD HILLS, MI 48302

NYMAN & BROWN STREET LLC  
  
115 W BROWN ST  
BIRMINGHAM, MI 48009

DANIEL GORCZYCA  
JULIE GORCZYCA  
297 W BROWN ST  
BIRMINGHAM, MI 48009

FULLER CENTRAL PARK PROP LLC  
112 PEABODY ST  
BIRMINGHAM, MI 48009

277 DEVELOPMENT ASSOCIATE LLC  
  
39400 WOODWARD AVE STE 250  
BLOOMFIELD HILLS, MI 48304

SUZANNE STONE  
237 TOWNSEND ST  
BIRMINGHAM, MI 48009

EPM INVESTMENTS LLC  
COLLEEN M STEVENS  
3830 GROVELAND RD  
ORTONVILLE, MI 48462

DENISE L LUKES  
381 W BROWN ST  
BIRMINGHAM, MI 48009

JENNIFER B FISHMAN  
MICHAEL D FISHMAN  
255 E BROWN # 310  
BIRMINGHAM, MI 48009

ROBERT G FINNERTY  
GEORGIANNA M FINNERTY  
335 W BROWN ST  
BIRMINGHAM, MI 48009

WOODSTOCK APARTMENTS LC  
2159 BABCOCK DR  
TROY, MI 48084

MARC P SAKWA  
MERYL J SAKWA  
277 W BROWN ST  
BIRMINGHAM, MI 48009

GREAT LAKES CUSTOM BUILDER LLC  
1655 E AUBURN RD  
ROCHESTER HILLS, MI 48307

FULLER CENTRAL PARK PROP LLC  
111 S OLD WOODWARD STE 222  
BIRMINGHAM, MI 48009

THE GWYNN BUILDING LLC  
  
3835 MILLER WAY S  
BLOOMFIELD HILLS, MI 48301

BIRMINGHAM PARK PLACE LLC  
124 S OLD WOODWARD AVE STE A  
BIRMINGHAM, MI 48009

CEDARCLIFF LLC

18855 WARWICK ST  
BEVERLY HILLS, MI 48025

255 BROWN STREET LLC

6384 LAKE LEELANAU DR  
TRAVERSE CITY, MI 49684

Occupant  
180 W MAPLE RD  
BIRMINGHAM, MI 48009

Occupant  
101 WILLITS ST  
BIRMINGHAM, MI 48009

Occupant  
111 WILLITS ST STE 212  
BIRMINGHAM, MI 48009

Occupant  
111 WILLITS ST STE 302  
BIRMINGHAM, MI 48009

Occupant  
111 WILLITS ST STE 313  
BIRMINGHAM, MI 48009

Occupant  
111 WILLITS ST STE 305  
BIRMINGHAM, MI 48009

Occupant  
111 WILLITS ST STE 402  
BIRMINGHAM, MI 48009

138 S OLD WOODWARD LLC  
89 LONE PINE RD  
BLOOMFIELD HILLS, MI 48304

DARA LLC

154 S OLD WOODWARD AVE  
BIRMINGHAM, MI 48009

Occupant  
336 W MAPLE RD  
BIRMINGHAM, MI 48009

Occupant  
115 WILLITS ST  
BIRMINGHAM, MI 48009

Occupant  
111 WILLITS ST STE 204  
BIRMINGHAM, MI 48009

Occupant  
111 WILLITS ST STE 215  
BIRMINGHAM, MI 48009

Occupant  
111 WILLITS ST STE 306  
BIRMINGHAM, MI 48009

Occupant  
111 WILLITS ST STE 311  
BIRMINGHAM, MI 48009

Occupant  
111 WILLITS ST STE 303  
BIRMINGHAM, MI 48009

Occupant  
111 WILLITS ST # 415  
BIRMINGHAM, MI 48009

MERRILLWOOD BUILDING LLC  
225 E MERRILL  
BIRMINGHAM, MI 48009

220 PARK PLACE LLC

124 A S OLD WOODWARD AVE STE A  
BIRMINGHAM, MI 48009

Occupant  
117 WILLITS ST  
BIRMINGHAM, MI 48009

Occupant  
113 WILLITS ST  
BIRMINGHAM, MI 48009

Occupant  
111 WILLITS ST STE 208  
BIRMINGHAM, MI 48009

Occupant  
111 WILLITS ST STE 203  
BIRMINGHAM, MI 48009

Occupant  
111 WILLITS ST STE 312  
BIRMINGHAM, MI 48009

Occupant  
111 WILLITS ST STE 307  
BIRMINGHAM, MI 48009

Occupant  
111 WILLITS ST STE 301  
BIRMINGHAM, MI 48009

Occupant  
111 WILLITS ST # 413  
BIRMINGHAM, MI 48009

Occupant  
111 WILLITS ST # 403  
BIRMINGHAM, MI 48009

Occupant  
111 WILLITS ST # 401  
BIRMINGHAM, MI 48009

Occupant  
111 WILLITS ST # 502  
BIRMINGHAM, MI 48009

Occupant  
111 WILLITS ST # 509  
BIRMINGHAM, MI 48009

Occupant  
111 WILLITS ST # 503  
BIRMINGHAM, MI 48009

Occupant  
111 WILLITS ST APT 411  
BIRMINGHAM, MI 48009

Occupant  
180 S CHESTER ST  
BIRMINGHAM, MI 48009

Occupant  
211 W MAPLE RD  
BIRMINGHAM, MI 48009

Occupant  
151 S BATES ST  
BIRMINGHAM, MI 48009

Occupant  
200 S CHESTER ST  
BIRMINGHAM, MI 48009

Occupant  
299 W MAPLE RD  
BIRMINGHAM, MI 48009

Occupant  
243 W MAPLE RD  
BIRMINGHAM, MI 48009

Occupant  
250 MARTIN ST STE 302  
BIRMINGHAM, MI 48009

Occupant  
250 MARTIN ST STE 401  
BIRMINGHAM, MI 48009

Occupant  
250 MARTIN ST STE 402  
BIRMINGHAM, MI 48009

Occupant  
250 MARTIN ST STE 502 E  
BIRMINGHAM, MI 48009

Occupant  
242 MARTIN ST  
BIRMINGHAM, MI 48009

Occupant  
193 W MAPLE RD  
BIRMINGHAM, MI 48009

Occupant  
175 W MAPLE RD  
BIRMINGHAM, MI 48009

Occupant  
157 W MAPLE RD  
BIRMINGHAM, MI 48009

Occupant  
137 W MAPLE RD  
BIRMINGHAM, MI 48009

Occupant  
102 PIERCE ST  
BIRMINGHAM, MI 48009

Occupant  
148 PIERCE ST  
BIRMINGHAM, MI 48009

Occupant  
155 HENRIETTA ST  
BIRMINGHAM, MI 48009

Occupant  
180 PIERCE ST UNIT 2  
BIRMINGHAM, MI 48009

Occupant  
180 PIERCE ST UNIT 4  
BIRMINGHAM, MI 48009

Occupant  
180 PIERCE ST STE 5  
BIRMINGHAM, MI 48009

Occupant  
180 PIERCE ST  
BIRMINGHAM, MI 48009

Occupant  
464 TOWNSEND ST  
BIRMINGHAM, MI 48009

Occupant  
453 W MERRILL ST  
BIRMINGHAM, MI 48009

Occupant  
463 W MERRILL ST  
BIRMINGHAM, MI 48009

Occupant  
515 W MERRILL ST  
BIRMINGHAM, MI 48009

Occupant  
430 TOWNSEND ST  
BIRMINGHAM, MI 48009

Occupant  
361 TOWNSEND ST  
BIRMINGHAM, MI 48009

Occupant  
189 W MERRILL ST  
BIRMINGHAM, MI 48009

Occupant  
100 TOWNSEND ST  
BIRMINGHAM, MI 48009

Occupant  
444 S CHESTER ST # 401  
BIRMINGHAM, MI 48009

Occupant  
444 S CHESTER ST # 402  
BIRMINGHAM, MI 48009

Occupant  
444 S CHESTER ST # 404  
BIRMINGHAM, MI 48009

Occupant  
444 S CHESTER ST # 405  
BIRMINGHAM, MI 48009

Occupant  
444 S CHESTER ST # 406  
BIRMINGHAM, MI 48009

Occupant  
444 S CHESTER ST # 408  
BIRMINGHAM, MI 48009

Occupant  
444 S CHESTER ST # 410  
BIRMINGHAM, MI 48009

Occupant  
444 S CHESTER ST # 412  
BIRMINGHAM, MI 48009

Occupant  
444 S CHESTER ST # 415  
BIRMINGHAM, MI 48009

Occupant  
444 S CHESTER ST # 416  
BIRMINGHAM, MI 48009

Occupant  
444 S CHESTER ST # 418  
BIRMINGHAM, MI 48009

Occupant  
444 S CHESTER ST # 422  
BIRMINGHAM, MI 48009

Occupant  
404 S BATES ST  
BIRMINGHAM, MI 48009

Occupant  
346 W BROWN ST  
BIRMINGHAM, MI 48009

Occupant  
366 W BROWN ST UNIT 2  
BIRMINGHAM, MI 48009

Occupant  
245 TOWNSEND ST  
BIRMINGHAM, MI 48009

Occupant  
272 W BROWN ST  
BIRMINGHAM, MI 48009

Occupant  
235 TOWNSEND ST  
BIRMINGHAM, MI 48009

Occupant  
191 TOWNSEND ST  
BIRMINGHAM, MI 48009

Occupant  
161 TOWNSEND ST  
BIRMINGHAM, MI 48009

Occupant  
101 TOWNSEND ST  
BIRMINGHAM, MI 48009

Occupant  
480 PIERCE ST  
BIRMINGHAM, MI 48009

Occupant  
387 W BROWN ST  
BIRMINGHAM, MI 48009

Occupant  
253 W BROWN ST  
BIRMINGHAM, MI 48009

Occupant  
526 HENRIETTA ST  
BIRMINGHAM, MI 48009

Occupant  
123 W BROWN ST  
BIRMINGHAM, MI 48009

Occupant  
195 W BROWN ST  
BIRMINGHAM, MI 48009

Occupant  
135 PIERCE ST  
BIRMINGHAM, MI 48009

Occupant  
235 PIERCE ST  
BIRMINGHAM, MI 48009

Occupant  
237 PIERCE ST  
BIRMINGHAM, MI 48009

Occupant  
263 PIERCE ST  
BIRMINGHAM, MI 48009

Occupant  
277 PIERCE ST  
BIRMINGHAM, MI 48009

Occupant  
100 S OLD WOODWARD AVE  
BIRMINGHAM, MI 48009

Occupant  
114 S OLD WOODWARD AVE  
BIRMINGHAM, MI 48009

Occupant  
124 S OLD WOODWARD AVE  
BIRMINGHAM, MI 48009

Occupant  
138 S OLD WOODWARD AVE  
BIRMINGHAM, MI 48009

Occupant  
251 E MERRILL ST  
BIRMINGHAM, MI 48009

Occupant  
165 PIERCE ST  
BIRMINGHAM, MI 48009

Occupant  
247 PIERCE ST  
BIRMINGHAM, MI 48009

# DEPARTMENT APPROVALS

EVENT NAME IN THE PARK CONCERT SERIES

LICENSE NUMBER #18-00010230

COMMISSION HEARING DATE: March 12, 2018

NOTE TO STAFF: Please submit approval by **March 1, 2018**

DATE OF EVENT: June-August (weekly)

DEPARTMENT	APPROVED	COMMENTS	PERMITS REQUIRED (Must be obtained directly from individual departments)	ESTIMATED COSTS (Must be paid two weeks prior to the event. License will not be issued if unpaid.)	ACTUAL COSTS (Event will be invoiced by the Clerk's office after the event)
<b>PLANNING</b> 101-000.000-634.0005 248.530.1855		No Comment		\$0	
<b>BUILDING</b> 101-000.000.634.0005 248.530.1850	MM	No Building Department involvement		\$0	
<b>FIRE</b> 101-000.000-634.0004 248.530.1900	JMC			\$0	
<b>POLICE</b> 101-000.000.634.0003 248.530.1870	SG	On duty personnel to give extra patrol. 3 meters bagged and two officer assigned for the Battle of the Bands.		\$700	
<b>PUBLIC SERVICES</b> 101-000.000-634.0002 248.530.1642	Carrie Laird 2/26/2018	Includes set-up and take down for concerts. And (1) staff member at each concert.		\$4,500	
<b>ENGINEERING</b> 101-000.000.634.0002 248.530.1839	A.F.	No Comments – No Engineering Involvement	None	\$0	\$0
<b>SP+ PARKING</b>	A.F.	Emailed information to SP+ on 02/26/18	None	\$0	\$0

<b>INSURANCE</b> 248.530.1807	CA	City event	None	\$0	\$0
<b>CLERK</b> <b>101-000.000-614.0000</b> 248.530.1803		Notification letters mailed by applicant on 2/26/18. Notification addresses on file in the Clerk's Office. Evidence of required insurance must be on file with the Clerk's Office no later than N/A.	Applications for vendors license must be submitted no later than 6/1/18.	\$165	
				<b>TOTAL DEPOSIT REQUIRED</b>  <b>\$5,365.</b>	<b>ACTUAL COST</b>

**FOR CLERK'S OFFICE USE**

Deposit paid \_\_\_\_\_

Actual Cost \_\_\_\_\_

Due/Refund \_\_\_\_\_

Rev. 3/6/18

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**DATE:** March 2<sup>nd</sup>, 2018

**TO:** Joseph A. Valentine, City Manager

**FROM:** Nicholas Dupuis, Planning Intern

**APPROVED:** Jana Ecker, Planning Director

**SUBJECT:** Bicycle and Pedestrian Counts –2018

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The City of Birmingham Multi Modal Transportation Plan states that bicycle and pedestrian counts are essential to understand if a community's efforts to increase the number of people walking and bicycling are successful and to be able to effectively evaluate changes in the overall crash rate as well as the number of crashes at specific locations. They also help gauge a community's progress as compared to other peer communities. The Multi Modal Plan recommends doing bicycle and pedestrian counts on a biennial basis, with consistent locations used each year.

In fiscal year 2017/2018, the Planning Department has been allocated a budget of \$8,000.00 to perform bicycle and pedestrian (B&P) counts at various intersections throughout the City. The last B&P count was performed in 2013 at three intersections: **S. Eton & Maple**, **Old Woodward & Maple**, and **Pierce & Lincoln**. The counts were performed over the course of one day each, from 7:30 AM to 5:45 PM. The data from the last B&P count is attached for your review.

The City currently has Fleis & Vandenbrink/MKSK under contract as multimodal transportation consultants who have estimated a cost to perform the B&P counts at \$450/intersection. With a budget of \$8,000.00, the City will be able to have approximately 17 intersections studied. The City would like to split the intersections into two count periods.

According to the *Guidebook on Pedestrian and Bicycle Volume Data Collection*, there are four approaches for selecting count locations:

- **Random locations:** Sites are selected randomly. This approach may not capture strategic locations, nor select sites appropriate for automated counting. Selecting randomly from within categories of desired characteristics (stratified random sampling) is an alternative.
- **Representative locations:** This approach balances available resources with spatial coverage. Identified sites, in aggregate, are representative of the community as a whole.
- **Targeted locations:** Sites are selected on the basis of being associated with particular projects, facility types, or locations with particular characteristics (e.g., safety concerns).

- **Control locations:** This approach compares sites affected by a project with unaltered sites (control locations) to determine how much of the observed change in demand can be attributed to the project.

In choosing intersections to study in Birmingham, it was evident that the previously studied intersections should be included as per the Multi Modal Transportation Plan recommendation of consistent locations. 6 additional intersections were selected as follows for their proximity to new developments, future proposed projects/improvements, civic areas, public parks, neighborhood connector routes as described in the Multimodal Transportation Plan, and established commercial hubs:

- Old Woodward & Maple\*
- S. Eton & Maple\*
- Pierce & Lincoln\*
- Lincoln & S. Eton
- E. Lincoln & S. Adams
- S. Old Woodward & Brown
- Woodward Ave. & Oak Blvd.
- Chesterfield & W. Maple
- Adams and Bowers

The relevant section of the Guidebook on Pedestrian and Bicycle Volume Data Collection is attached for your review.

When performing bicycle and pedestrian count's, the *National Bicycle and Pedestrian Documentation Project* (NBPDP) dictates that the second week in September is the preferred official annual national bicycle and pedestrian count and survey week, with other options in January, May or July.

**Proposed National Count Dates**

Official	Optional	Optional	Optional
Sept. 14-16, 2010	January 12-14, 2010	May 11-13, 2010	July 6-8, 2010
Sept. 13-15, 2011	January 11-13, 2011	May 10-12, 2011	July 5-7, 2011
Sept. 11-13, 2012	January 10-12, 2012	May 15-17, 2012	July 3-5, 2012

Mid-September is proposed because it represents a peak period for walking and bicycling, both work and school related. Weather conditions across the country are generally conducive, schools have been underway for several weeks, and people have returned from vacations and are back at work. The other dates were selected to provide a representative sampling of activity during a typical spring (May) and winter (January) period. The 4<sup>th</sup> of July period was selected because it will afford both a typical summer weekday and what is typically the busiest holiday period and activity period for recreational facilities and activities. Details from the NBPDP proposed count dates are attached for your review.

The City would benefit from a split-study based on the NBPDP proposed national count dates performed in both May and September of 2018. This methodology will provide the City with feedback for the ongoing efforts put forth to increase pedestrian activity and multimodality.

**SUGGESTED ACTION:**

To authorize the expenditure of up to \$8,100.00 from account #101-721.000-811.00 for the purpose of conducting bicycle and pedestrian counts utilizing our current multimodal transportation consultant, Fleis and Vandenbrink/MKSK, who are under contract with the City, at the following 9 intersections during the months of May and September of the year 2018:

- Old Woodward & Maple\*
- S. Eton & Maple\*
- Pierce & Lincoln\*
- Lincoln & S. Eton
- E. Lincoln & S. Adams
- S. Old Woodward & Brown
- Woodward Ave. & Oak Blvd.
- Chesterfield & W. Maple
- Adams and Bowers

## POLICY AND PROGRAM RECOMMENDATIONS

### 2.6 BICYCLE AND PEDESTRIAN COUNTS

#### DESCRIPTION

Bicycle and pedestrian counts are essential to understand if a community's efforts to increase the number of people walking and bicycling are being successful and to be able to effectively evaluate changes in the overall crash rate as well as the number of crashes at specific locations. They also help gauge a community's progress as compared to other peer communities.

#### RECOMMENDATIONS

- ☐ Bicycle and pedestrian counts should be conducted as part of the National Bicycle and Pedestrian Documentation Project. The National Bicycle and Pedestrian Documentation Project is a nationwide effort to provide a consistent model of data collection and ongoing data for use by planners, governments, and bicycle and pedestrian professionals. The counts should be done on a biennial basis, with consistent locations used each year. Please visit, [www.bikepeddocumentation.org](http://www.bikepeddocumentation.org) for more information on conducting a bicycling and pedestrian count and on ways the local communities can participate in a national count.

**BICYCLE - PEDESTRIAN COUNT PROFILE**

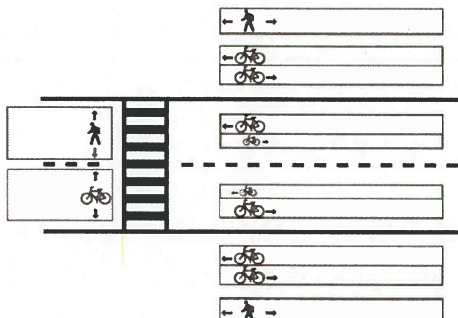
DATE: \_\_\_\_\_

NAME: \_\_\_\_\_

STREET NAME: \_\_\_\_\_

BETWEEN STREETS: \_\_\_\_\_ AND \_\_\_\_\_

STARTING TIME: \_\_\_\_\_ ENDING TIME: \_\_\_\_\_

TO STREET      TO STREET

*It should be noted that since the 2000 US Census, bicycle and pedestrian commute data has been collected by the American Community Survey. Unfortunately, especially for small and mid-sized communities, the sample size is too small to give an accurate account of bicycle and pedestrian commutes making actual counts even more important in those communities.*

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**EXPECTED TIME FRAME FOR IMPLEMENTATION****Within One Year:**

- ☐ Identify approximately a dozen locations around town where pedestrian and bicycle counts will be taken.
- ☐ Become involved in the National Bicycle and Pedestrian Documentation Project and make at least one count at each of the locations.

**On a yearly basis:**

- ☐ Always conduct counts before a facility is improved to document changes that are the result of a facility being constructed
- ☐ Conduct bicycle and pedestrian counts from the same locations every year

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**RESPONSIBLE FOR BICYCLE AND PEDESTRIAN COUNTS: PLANNING DEPARTMENT**

# Multi Modal Pedestrian and Bike Count

## Corners of Old Woodward and Maple Avenues

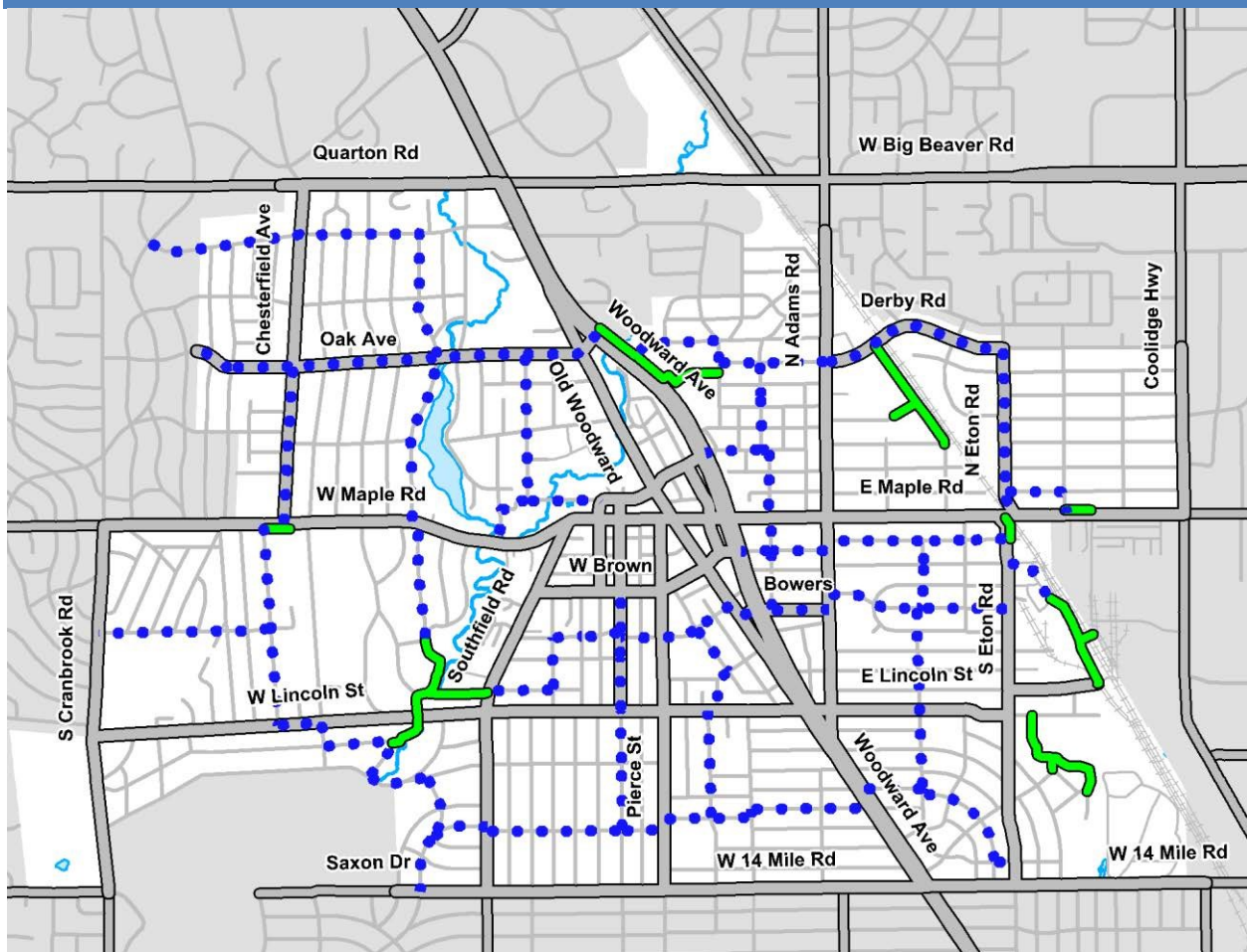
Date	8/20/2013	7:30AM	7:45 AM	8:00AM	8:15AM	8:30AM	8:45AM	9:00AM	9:15AM
Weather	72 Sunny	BIKE/PED	BIKE/PED	BIKE/PED	BIKE/PED	BIKE/PED	BIKE/PED	BIKE/PED	BIKE/PED
Northwest Corner	Crossing East	0/1	0/3	0/9	1/3	0/6	0/7	0/7	0/7
Northwest Corner	Crossing South	0/8	0/3	0/6	0/10	1/3	1/9	0/11	0/10
Northeast Corner	Crossing South	0/5	0/10	0/9	0/13	0/17	0/9	0/12	0/19
Northeast Corner	Crossing West	0/6	0/9	0/3	0/2	0/3	0/1	0/13	0/7
Southwest Corner	Crossing East	0/5	0/2	1/3	0/19	1/5	0/11	0/13	0/4
Southwest Corner	Crossing North	0/6	0/3	0/2	1/10	0/6	0/12	1/3	2/11
Southeast Corner	Crossing West	0/4	0/5	0/3	0/10	0/4	0/8	0/3	0/6
Southeast Corner	Crossing North	0/5	0/6	1/5	0/6	0/6	0/1	0/12	0/17
Date	8/20/2013	11:00AM	11:15AM	11:30AM	11:45 AM	Noon	12:15PM	12:30PM	12:45 PM
Weather	82 Sunny	BIKE/PED	BIKE/PED	BIKE/PED	BIKE/PED	BIKE/PED	BIKE/PED	BIKE/PED	BIKE/PED
Northwest Corner	Crossing East	1/13	0/9	0/15	0/31	0/17	0/25	2/43	0/43
Northwest Corner	Crossing South	0/3	1/8	1/13	0/23	1/24	0/28	1/35	2/34
Northeast Corner	Crossing South	0/13	0/12	0/12	1/33	0/27	0/28	0/46	0/51
Northeast Corner	Crossing West	0/15	0/6	0/17	0/43	0/35	5/34	0/39	1/20
Southwest Corner	Crossing East	0/27	4/9	1/12	0/11	0/33	0/34	2/42	1/38
Southwest Corner	Crossing North	2/16	2/18	1/16	0/38	1/37	0/26	0/36	0/46
Southeast Corner	Crossing West	0/7	2/13	0/17	1/27	0/25	0/21	0/17	0/47
Southeast Corner	Crossing North	4/18	4/18	0/15	0/32	0/34	1/41	0/39	1/57
Date	8/20/2013	4PM	4:15PM	4:30PM	4:45PM	5PM	5:15PM	5:30PM	5:45PM
Weather	80 Sunny	BIKE/PED	BIKE/PED	BIKE/PED	BIKE/PED	BIKE/PED	BIKE/PED	BIKE/PED	BIKE/PED
Northwest Corner	Crossing East	1/15	0/9	0/3	1/23	0/15	0/12	0/15	0/3
Northwest Corner	Crossing South	1/14	0/25	0/1	2/13	1/13	0/20	0/11	1/18
Northeast Corner	Crossing South	0/27	0/20	0/6	0/28	0/15	1/16	0/26	0/18
Northeast Corner	Crossing West	0/7	0/17	0/2	0/11	1/13	0/22	1/17	1/26
Southwest Corner	Crossing East	0/15	1/16	0/5	0/9	0/27	1/15	1/25	0/15
Southwest Corner	Crossing North	0/9	0/29	0/9	1/20	0/23	0/16	0/17	0/18
Southeast Corner	Crossing West	0/10	0/16	0/2	0/10	0/28	1/7	0/15	0/24
Southeast Corner	Crossing North	0/29	2/20	0/10	0/22	10/43	1/24	2/24	6/27

## **Corners of Eton and Maple Avenues**

<b>Date</b>	<b>8/13/2013</b>	<b>7:30AM</b>	<b>7:45 AM</b>	<b>8:00AM</b>	<b>8:15AM</b>	<b>8:30AM</b>	<b>8:45AM</b>	<b>9:00AM</b>	<b>9:15AM</b>
<b>Weather</b>	<b>66/Overcast</b>	<b>BIKE/PED</b>	<b>BIKE/PED</b>	<b>BIKE/PED</b>	<b>BIKE/PED</b>	<b>BIKE/PED</b>	<b>BIKE/PED</b>	<b>BIKE/PED</b>	<b>BIKE/PED</b>
<b>Northwest Corner</b>	<b>Crossing East</b>	0/0	0/0	0/0	0/0	0/0	0/0	0/0	0/0
<b>Northwest Corner</b>	<b>Crossing South</b>	0/0	0/0	0/0	1/0	0/0	0/0	0/0	0/0
<b>Northeast Corner</b>	<b>Crossing South</b>	0/0	0/0	0/0	0/0	0/0	0/0	0/0	0/0
<b>Northeast Corner</b>	<b>Crossing West</b>	0/0	0/0	0/1	0/0	0/0	0/0	0/0	0/0
<b>Southwest Corner</b>	<b>Crossing East</b>	1/0	0/0	1/0	0/0	0/0	2/0	1/1	0/0
<b>Southwest Corner</b>	<b>Crossing North</b>	0/0	0/0	0/0	0/0	0/0	0/0	0/0	0/0
<b>Southeast Corner</b>	<b>Crossing West</b>	0/0	0/0	0/1	0/0	1/0	0/0	0/1	0/0
<b>Southeast Corner</b>	<b>Crossing North</b>	0/0	0/0	0/0	0/0	0/0	0/0	0/0	0/0
<b>Date</b>	<b>8/13/2013</b>	<b>11:00AM</b>	<b>11:15AM</b>	<b>11:30AM</b>	<b>11:45 AM</b>	<b>Noon</b>	<b>12:15PM</b>	<b>12:30PM</b>	<b>12:45 PM</b>
<b>Weather</b>	<b>70 Overcast</b>	<b>BIKE/PED</b>	<b>BIKE/PED</b>	<b>BIKE/PED</b>	<b>BIKE/PED</b>	<b>BIKE/PED</b>	<b>BIKE/PED</b>	<b>BIKE/PED</b>	<b>BIKE/PED</b>
<b>Northwest Corner</b>	<b>Crossing East</b>	0/1	0/1	0/0	0/0	0/0	0/2	0/0	0/0
<b>Northwest Corner</b>	<b>Crossing South</b>	0/0	0/0	0/1	0/0	0/0	0/0	0/0	0/0
<b>Northeast Corner</b>	<b>Crossing South</b>	0/0	0/0	0/0	0/1	0/0	0/2	0/0	0/0
<b>Northeast Corner</b>	<b>Crossing West</b>	0/0	0/1	0/0	0/0	0/0	1/0	0/0	0/1
<b>Southwest Corner</b>	<b>Crossing East</b>	4/0	0/3	0/1	0/2	1/2	0/0	0/0	1/1
<b>Southwest Corner</b>	<b>Crossing North</b>	0/0	0/0	0/0	0/0	0/1	0/0	0/0	1/0
<b>Southeast Corner</b>	<b>Crossing West</b>	0/0	0/1	0/0	0/1	0/0	0/2	0/0	0/0
<b>Southeast Corner</b>	<b>Crossing North</b>	0/0	0/1	0/0	0/0	0/0	1/0	0/0	0/0
<b>Date</b>	<b>8/14/2013</b>	<b>4PM</b>	<b>4:15PM</b>	<b>4:30PM</b>	<b>4:45PM</b>	<b>5PM</b>	<b>5:15PM</b>	<b>5:30PM</b>	<b>5:45PM</b>
<b>Weather</b>	<b>74 Overcast</b>	<b>BIKE/PED</b>	<b>BIKE/PED</b>	<b>BIKE/PED</b>	<b>BIKE/PED</b>	<b>BIKE/PED</b>	<b>BIKE/PED</b>	<b>BIKE/PED</b>	<b>BIKE/PED</b>
<b>Northwest Corner</b>	<b>Crossing East</b>	0/0	0/0	0/0	0/1	0/1	0/0	5/1	1/0
<b>Northwest Corner</b>	<b>Crossing South</b>	0/0	0/0	0/1	0/3	0/0	1/3	0/0	1/1
<b>Northeast Corner</b>	<b>Crossing South</b>	0/0	0/0	0/0	0/0	0/0	0/3	0/0	0/0
<b>Northeast Corner</b>	<b>Crossing West</b>	1/2	0/0	0/0	0/0	0/1	1/0	0/0	0/0
<b>Southwest Corner</b>	<b>Crossing East</b>	1/3	0/1	0/2	0/1	1/0	1/1	0/0	9/0
<b>Southwest Corner</b>	<b>Crossing North</b>	0/0	0/0	0/0	0/0	0/0	0/0	0/0	0/0
<b>Southeast Corner</b>	<b>Crossing West</b>	0/1	0/0	2/1	1/1	1/2	0/1	0/0	0/0
<b>Southeast Corner</b>	<b>Crossing North</b>	0/3	0/0	0/2	0/0	0/0	0/0	0/0	0/0

## **Corners of Pierce and Lincoln Avenues**

<b>Date</b>	<b>8/14/2013</b>	<b>7:30AM</b>	<b>7:45 AM</b>	<b>8:00AM</b>	<b>8:15AM</b>	<b>8:30AM</b>	<b>8:45AM</b>	<b>9:00AM</b>	<b>9:15AM</b>
<b>Weather</b>	<b>63 Sunny</b>	<b>BIKE/PED</b>	<b>BIKE/PED</b>	<b>BIKE/PED</b>	<b>BIKE/PED</b>	<b>BIKE/PED</b>	<b>BIKE/PED</b>	<b>BIKE/PED</b>	<b>BIKE/PED</b>
<b>Northwest Corner</b>	<b>Crossing East</b>	0/0	0/0	0/0	0/0	0/1	0/0	0/0	0/0
<b>Northwest Corner</b>	<b>Crossing South</b>	0/0	0/2	0/0	0/0	0/0	2/1	0/0	0/0
<b>Northeast Corner</b>	<b>Crossing South</b>	0/0	0/0	0/0	0/0	0/0	0/0	0/0	0/2
<b>Northeast Corner</b>	<b>Crossing West</b>	0/0	0/0	0/0	0/2	0/0	0/0	0/0	1/1
<b>Southwest Corner</b>	<b>Crossing East</b>	1/0	1/1	0/2	0/1	0/0	0/1	1/1	1/1
<b>Southwest Corner</b>	<b>Crossing North</b>	0/0	0/0	0/2	0/0	0/0	1/0	2/1	0/1
<b>Southeast Corner</b>	<b>Crossing West</b>	0/2	1/0	1/0	0/0	0/0	0/0	1/0	0/0
<b>Southeast Corner</b>	<b>Crossing North</b>	2/0	0/0	0/1	0/0	1/0	1/0	1/0	1/3
<b>Date</b>	<b>8/14/2013</b>	<b>11:00AM</b>	<b>11:15AM</b>	<b>11:30AM</b>	<b>11:45 AM</b>	<b>Noon</b>	<b>12:15PM</b>	<b>12:30PM</b>	<b>12:45 PM</b>
<b>Weather</b>	<b>68 Sunny</b>	<b>BIKE/PED</b>	<b>BIKE/PED</b>	<b>BIKE/PED</b>	<b>BIKE/PED</b>	<b>BIKE/PED</b>	<b>BIKE/PED</b>	<b>BIKE/PED</b>	<b>BIKE/PED</b>
<b>Northwest Corner</b>	<b>Crossing East</b>	2/0	0/1	1/0	0/1	0/0	0/0	0/0	0/0
<b>Northwest Corner</b>	<b>Crossing South</b>	1/0	0/1	0/0	0/0	0/0	0/1	1/0	0/0
<b>Northeast Corner</b>	<b>Crossing South</b>	0/2	0/1	0/0	1/0	0/0	0/0	0/0	1/1
<b>Northeast Corner</b>	<b>Crossing West</b>	0/2	1/0	0/0	0/0	0/0	4/1	0/0	0/0
<b>Southwest Corner</b>	<b>Crossing East</b>	0/1	0/0	0/0	0/0	0/0	0/1	0/0	0/1
<b>Southwest Corner</b>	<b>Crossing North</b>	0/0	0/1	0/0	0/0	0/0	0/0	0/0	0/1
<b>Southeast Corner</b>	<b>Crossing West</b>	1/2	0/0	0/0	0/3	0/0	0/4	0/0	0/0
<b>Southeast Corner</b>	<b>Crossing North</b>	1/1	1/0	2/0	0/1	0/0	0/0	2/0	0/2
<b>Date</b>	<b>8/14/2013</b>	<b>4PM</b>	<b>4:15PM</b>	<b>4:30PM</b>	<b>4:45PM</b>	<b>5PM</b>	<b>5:15PM</b>	<b>5:30PM</b>	<b>5:45PM</b>
<b>Weather</b>	<b>63 Sunny</b>	<b>BIKE/PED</b>	<b>BIKE/PED</b>	<b>BIKE/PED</b>	<b>BIKE/PED</b>	<b>BIKE/PED</b>	<b>BIKE/PED</b>	<b>BIKE/PED</b>	<b>BIKE/PED</b>
<b>Northwest Corner</b>	<b>Crossing East</b>	0/3	0/0	0/0	0/0	0/0	0/0	0/2	0/2
<b>Northwest Corner</b>	<b>Crossing South</b>	0/1	0/0	0/0	0/1	0/0	0/0	0/0	1/0
<b>Northeast Corner</b>	<b>Crossing South</b>	0/0	0/0	0/0	0/3	0/1	0/3	1/2	0/0
<b>Northeast Corner</b>	<b>Crossing West</b>	0/0	0/0	0/0	0/1	0/0	1/0	1/0	0/0
<b>Southwest Corner</b>	<b>Crossing East</b>	1/0	0/1	0/0	0/2	4/0	1/1	0/2	0/0
<b>Southwest Corner</b>	<b>Crossing North</b>	0/3	0/0	1/1	1/0	1/1	0/0	0/0	0/2
<b>Southeast Corner</b>	<b>Crossing West</b>	0/6	0/0	0/0	1/1	0/0	0/1	3/0	0/3
<b>Southeast Corner</b>	<b>Crossing North</b>	0/3	0/0	1/0	0/6	0/0	2/1	1/7	2/0

**FIGURE 3.7A PROPOSED NEIGHBORHOOD CONNECTOR ROUTES****Proposed Neighborhood Connector Routes**

- • • • • Proposed Routes on Local Roadways
- Proposed Off-Road Trail

APPROXIMATELY 15.4 MILES OF  
NEIGHBORHOOD CONNECTOR ROUTES  
AND 2.25 MILES OF PAVED OFF-ROAD  
TRAILS ARE PROPOSED

Web Survey Results:

- Around 73% of respondents would be comfortable riding a bike along a Bike Route on a Residential Road

In some cases it may be appropriate to use volunteers to assist in installing, moving, and downloading data from automated counting devices. However, given the complexities associated with some technologies, this approach requires identifying volunteers with some degree of technical capacity, and it may be best suited for students at a local college or university. Most automated devices call for professional expertise to install and use, and quality control will be optimized by hands-on staff training and involvement, regardless of the count approach or technology selected.

By showing the utility of counts for producing policy-relevant results, a transportation agency can make the case that counting pedestrians and bicyclists is an important function that should be a routine part of their activities. Therefore, useful count results can lead to additional resources for counting. *Even data collected infrequently and opportunistically can lead to a permanent count program.* Nevertheless, as initial decisions about counting activities affect subsequent decisions about how, when, and where to collect data, it is important for agencies to think about how their programs may grow in the future. Both geographic (where) and temporal (when and how long to count) expansions can be planned systematically, so that the program ends up representing key geographic areas (or the whole community) and all important time periods. Any expansion should keep some original count sites and time periods so that past trends can be monitored into the future.

### 3.2.3 Selecting General Count Locations and Timeframe

Pedestrian and bicycle data collection programs can benefit from combining two approaches:

1. Gathering short-duration counts (typically less than 1 day to several days, but potentially up to several months) at many locations; and
2. Gathering continuous counts over multiple years at a small sample of locations.

The short-duration counts capture spatial variation in pedestrian and bicycle activity in different parts of the community. The continuous counts identify specific types of activity patterns and are used to adjust the short-duration counts. The TMG (FHWA 2013) recommends this approach (see TMG Chapter 2 for general guidance on selecting count locations and times, and Sections 4.4 and 4.5 of TMG Chapter 4 for more specific guidance on non-motorized counting).

#### Approaches for Selecting Count Locations

The following are possible options for selecting count locations:

- **Random locations.** Sites are selected randomly. This approach may not capture strategic locations, nor select sites appropriate for automated counting. Selecting randomly from within categories of desired characteristics (*stratified random sampling*) is an alternative.
- **Representative locations.** This approach balances available resources with spatial coverage. Identified sites, in aggregate, are representative of the community as a whole.
- **Targeted locations.** Sites are selected on the basis of being associated with particular projects, facility types, or locations with particular characteristics (e.g., safety concerns).
- **Control locations.** This approach compares sites affected by a project with unaltered sites (*control locations*) to determine how much of the observed change in demand can be attributed to the project.

### Select General Geographic Locations

Resource limitations often prevent counting at every desired location, so particular locations must be chosen based on the primary purposes of the data collection program. Four approaches, described in more detail below, have been used for determining count locations:

- Random locations,
- Representative locations,
- Targeted locations, and
- Control locations.

### Random Locations

Count locations can be selected randomly. For example, an agency can assign unique identification numbers to each of its intersections and use a random number generator to select which intersections to count. However, this *simple random sampling* approach may not capture strategic locations for counting. Additionally, random sampling may not identify locations suitable for automated technologies, because numerous site-specific factors ultimately determine suitability for a count location (e.g., opportunities to install equipment and patterns of pedestrian and bicycle movements). Random sampling can also result in selecting locations with very low volumes, which tend to have higher levels of variation over time than higher volume locations. High variability produces more error when estimating long-term (e.g., annual) volumes from short-duration counts.

There are alternatives to simple random sampling. Potential count locations can be stratified into categories according to particular characteristics, such as commuting versus recreational route, land use type, income category, or proximity to attractors (e.g., schools, parks, and transit stops). Analysts consider each category separately and select locations within each category randomly. This process, called *stratified random sampling*, can be used to ensure that there are at least a few count locations with each key characteristic of interest. This strategy has been used to select count locations when developing predictive pedestrian and bicycle volume models and safety performance functions (Schneider, Arnold, and Ragland 2009a; Schneider et al. 2010; Griswold, Medury, and Schneider 2011; Strauss, Miranda-Moreno, and Morency 2014). See the San Diego County case study for an example of stratified sampling.

### Representative Locations

Most communities would like to measure how pedestrian and bicycle activity changes over time in the community as a whole. This objective requires counting at representative sites throughout the community. Representative locations could be identified using a random sampling process. However, it is more common to select representative sites using a systematic approach guided by a count manager or advisory group.

In order to be representative, count locations should be

- Located in different geographic parts of the community;
- Surrounded by different types of land uses;
- Found on different types of facilities (e.g., multi-use trails, bicycle lanes, sidewalks); and
- Reflective of the range of socioeconomic characteristics in the community as a whole.

*Limiting count sites to locations that are convenient, have the highest pedestrian or bicycle volumes, or are expected to have the greatest increases in walking and bicycling does not produce a representative sample.*

A set of representative sites can be used to compare changes in the number of reported pedestrian and bicycle crashes with changes in overall pedestrian and bicycle activity levels throughout the community. This approach allows analysts to track the relative risk of pedestrian or bicycle

crashes (per pedestrian crossing, per trail user, per bicyclist, etc.). In other words, representative counts control for exposure across the community as a whole.

### ***Targeted Locations***

Specific locations can be targeted for counting, recognizing that the count locations, in aggregate, will not be representative of the community as a whole. These locations are often related to particular projects, particular facility types, or locations with particular characteristics.

For example, some communities choose to count in specific locations with a high number of crashes (i.e., “hot spots”). If the community is interested in identifying the relative risk of one specific roadway segment versus another specific roadway segment, the agency may target counts at these two locations. After using the counts to control for exposure, the agency can determine which locations have the greatest crash risk and evaluate the roadway design and behavioral characteristics that might be making those sites dangerous.

Communities also target counts at locations where specific projects have been or will be implemented, to document changes in walking and bicycling after project completion. For this purpose, it is important to count at locations at or near the project, and to select *control locations* for comparison, described next.

Finally, “pinch points,” or locations where pedestrians and bicyclists must converge to cross a barrier (e.g., river crossings, freeway crossings, railroad crossings), are good locations to document large portions of a community’s pedestrians and bicyclists. One sampling strategy is to count at a series of pinch points (e.g., all bridges crossing a river that bisects a community or all pedestrian and bicycle crossings of a freeway loop around the CBD).

### ***Control Locations***

To get a true understanding of the effect of a specific project on pedestrian or bicycle activity or safety, it is also necessary to count at similar locations not directly affected by the project (e.g., at a location with the same number of roadway lanes and a similar surrounding neighborhood on the other side of town). These other locations are called *control sites*. Control sites account for broader influences on walking and bicycling (e.g., an increase in gas prices or a community-level pedestrian and bicycle promotion program), making it possible to quantify the change in walking and bicycling activity or safety actually due to the project of interest.

Some of the users of a new or improved pedestrian or bicycle facilities may have shifted from nearby parallel routes. Counts can be taken on these streets and corridors to help distinguish between new (or more frequent) non-motorized travel generated by the project and existing non-motorized travelers who have diverted to the new or improved facility.

### ***Developing Factor Groups***

When a goal of the counting program is to use long-term volume patterns to extrapolate short-term counts to longer periods of time (e.g., a year), it is important to extrapolate based on long-term volume patterns at a site with similar patterns to the count location being extrapolated. This is referred to as using an appropriate *factor group*. The need to establish factor groups then becomes a consideration when selecting the continuous count sites that will be used to develop the long-term volume patterns.

Research by the Colorado DOT (Nordback, Marshall, and Janson 2013) has used long-term automated counts from multiple locations to identify different factor groups (see the Colorado DOT case study for examples). Figure 3-3 shows how bicycle activity patterns from multiple automated monitoring stations can be used to identify a factor group on the basis of having similar daily volume patterns. For motor vehicle counts, the TMG (FHWA 2013) recommends having at least five to eight continuous count stations as the basis of each factor group.

## Introduction

This document provides detailed instructions on conducting bicycle and pedestrian counts and surveys as part of the National Documentation Project. The document first reviews the proposed dates and times, provides instructions for counts and then provides instructions for surveys.

## 1. Proposed Count and Survey Dates and Times

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### Dates

The second week in September is proposed as the official annual national bicycle and pedestrian count and survey week. Participants in the National Documentation Project shall pick at least one weekday (Tuesday, Wednesday, or Thursday) and a Saturday following or preceding the official count dates. Optional counts can be conducted in January, May and July to understand seasonal changes in walking and cycling.

**Proposed National Count Dates**

Official	Optional	Optional	Optional
Sept. 14-16, 2010	January 12-14, 2010	May 11-13, 2010	July 6-8, 2010
Sept. 13-15, 2011	January 11-13, 2011	May 10-12, 2011	July 5-7, 2011
Sept. 11-13, 2012	January 10-12, 2012	May 15-17, 2012	July 3-5, 2012

To reduce the chance that data is skewed by weather, sports events, or other outside factors, local participants may choose to conduct counts and surveys on more than one weekday during the count week and on the Saturdays preceding and following the count week.

**Note 1:** The collection of year-long data has allowed us to be able to adjust counts done at any time of the year in most locations. However, we recommend using the National count dates whenever possible.

**Note 2:** If your agency or group has been conducting counts at other times of the year, continue to do those counts at the same time period rather than change to these dates.

### Rationale for Dates

The National Count Date in mid-September was selected because it represents a peak period for walking and bicycling, both work- and school-related. Weather conditions across the country are generally conducive, schools have been underway for several weeks, and people have returned from vacations and are back at work.

At least one weekday and one weekend day should be selected to obtain a sampling of weekday and weekend activity levels. There should be little statistical difference

between counts conducted on a Tuesday, Wednesday, or Thursday of the same week, and this provides agencies and organizations some scheduling flexibility.

The other dates were selected to provide a representative sampling of activity during a typical spring (May) and winter (January) period. The 4<sup>th</sup> of July period was selected because it will afford both a typical summer weekday and what is typically the busiest holiday period and activity period for recreational facilities and activities.

Having an official count week is also important for generating enthusiasm around the date. Much like nationwide Bike to Work Weeks, we hope that the National Documentation Project Week in September will become a much-anticipated annual event in localities around the nation.

## **Times**

Based on our research, we are recommending new time periods for 2009 onwards (see below). However, if you have been doing counts using the old time periods, please keep using these same time periods for all future counts in order to be consistent.

### ***RECOMMENDED TIMES:***

Weekday, 5-7 PM

Saturday, 12 noon – 2PM

### ***SECONDARY TIMES:***

Weekday, 7 AM to 7 PM

Saturday, 7 AM to 7 PM

## **Rationale for Time Periods**

Time periods are more important for counts than for surveys. Weekday PM peak periods were chosen since the afternoon peak typically has the largest volume of travelers, with commuters, school children and people running errands. Counts conducted during these periods will provide an excellent snapshot of walking and bicycling during the peak periods of the year. Mid-day weekend periods are another peak period. Actual local peak periods may vary with considerably. It is recommended that the national count time periods be collected along with supplementary time periods if it is determined that this period captures the true peak period of activity.

## **Automatic Machines**

While the NBPD is based on manual counts, we strongly encourage agencies and groups conducting counts to consider conducting automatic machine counts in their community. These machines will give invaluable information for estimating annual usage, benefits and other information.

## **Weather**

Weather may be a determinant in selecting one of the three proposed weekdays to conduct counts and surveys, but a participant should not be worried if the weather is poor or unusual during the count period. Weather conditions will be recorded for each

count in the Background Data Sheet and be considered as a factor in future analysis. Over time, counts and surveys will average out and overall trends in activity will become apparent.

### **Number of Counts per Location**

We suggest that between 1 and 3 counts be conducted at every location on sequential days and weeks, based on the approximate levels of activity. Areas with high volumes (over 100 people per hour during mid-day periods) can usually be counted once on a weekday and weekend day, unless there is some unusual activity that day or land use nearby.

Areas with lower activity levels and/or with unusual nearby land uses (with any irregular activity, such as a ball park) or activity (such as a special event) should be counted on sequential days or weeks at least one more and possibly two more times.





## MEMORANDUM

Department of Public Services

**DATE:** March 5, 2018

**TO:** Joseph A. Valentine, City Manager

**FROM:** Lauren A. Wood, Director of Public Services

**SUBJECT:** Parks and City Property Lawn Maintenance Services Contract

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Sealed bids were opened on Friday, February 23, 2018 for proposals to provide Lawn Maintenance Services for the City's Parks, City Owned Properties, Well sites, and Local and Major Street right of ways and median islands such as Woodward Median. The request for proposal (RFP) was entered into the Michigan Inter-governmental Trade Network (MITN) purchasing system. Four (4) vendors responded, one of which provided a proposal for lawn maintenance of Greenwood Cemetery only. The bid results are attached.

Over the past several years, there has been a steady increase in the services necessary to maintain the community at large. As mentioned briefly above, this includes 26 parks, City properties, several street right-of-ways and well sites, totaling close to 200 acres. Not only will the selected contractor cut grass, but also be responsible for spring and fall cleanup, and shall maintain a pristine, neat and clean appearance of all properties which involves weeding as needed, trash and debris clean up, blowing off sidewalks, tennis courts, benches, and other park furnishings, and edging of sidewalks and curbs.

This contract includes lawn mowing maintenance, fertilizing and weed control, and the mowing of grass and noxious weeds for residential and commercial lots in violation of City ordinance. A cost proposal for Fertilizing and Weed control for all properties was requested as well and this service will be initiated by the City on an as-needed basis. At the City's option, the contract may be extended for an additional two (2) years. A bid price comparison chart is shown at the end of this report.

The proposals were evaluated based on, but not limited to, the following criteria: 1. Ability to provide services, 2. Related experience with similar projects, Contractor background, and personnel qualifications, 3. Work experience and track record, 4. Quality of materials proposed, 5. Overall costs, and 6. References. In addition, the evaluation panel met with the 2 low qualified bidders, Green Meadows Lawnscape, Inc. and Birmingham Lawn, Inc. for an interview.

The difference per season between the 2 low bidders is \$19,184 per season. Greenwood Cemetery is part of this contract and is reimbursed by Elmwood. Greenwood mowing services aside, the difference is \$14,844 per season. It will cost \$494 per cut (average 30 cuts per season) or \$7.62 average per property (65 locations of various sizes) more for Birmingham Lawn, Inc. to maintain the City's Parks and City properties.

Birmingham Lawn, Inc. held the contract for Birmingham from April 2011 to November 2016. During Birmingham Lawn's six year tenure, the Department of Public Services was completely satisfied with the service level provided. Other positive references included Bloomfield Township, MDOT and Southfield Public Schools among others. The vendor's working knowledge and familiarity with the City properties will allow them to hit the ground running. They have a full complement of equipment and local resources to fulfill the obligations of this contract. The low bidder, Green Meadows Lawnscape, had good reference checks; however, we have no experience with them and the small difference in the annual contract amount leads us to select the known commodity in order to serve the best interest of the City. Therefore, the Department of Public Services recommends awarding this contract to Birmingham Lawn, Inc. based on a complete review of all considerations.

In 2016, under a contract extension to Birmingham Lawn, Inc., the City paid \$161,485.23 for Lawn and Landscape Maintenance Services. In addition, the City paid \$4,005.88 for fertilization and weed control for a total of \$165,491.11. Previous years budgets have fluctuated upwards of \$12,000 for fertilization and weed control, depending on the need.

In 2017, the City paid \$134,360.00 for lawn mowing and landscape services. In addition, \$9,185.00 for fertilizing and weed control services over and above the lawn and landscape services for a total of \$143,545.00.

It should be noted that when this work went out for proposals in 2017, the Department of Public Services added to the scope of work to include Landscape Bed Maintenance of select areas, Spring Clean Up and Fall Clean Up. We have since removed the Landscape Bed Maintenance portion, and anticipate letting bids for vendors to submit proposals for the upkeep of select landscape beds throughout the City for the upcoming season. Spring and Fall Clean Up remains in the scope of work for the Lawn Maintenance contract.

Birmingham Lawn's 2018 proposal for lawn maintenance services totals \$168,781.00 per year or a four (4) year total of \$675,124.00 for a contract term beginning April 15, 2018 and ending November 15, 2021. The City has once again budgeted for fertilization and weed control, in limited areas, and this will be over and above grass mowing services. We estimate this not to exceed \$15,000 per year of the contract or \$60,000 over the entire four years.

Funds are budgeted in a variety of accounts for the performance of these services: General Fund, Local and Major Streets, and Water Fund.

#### SUGGESTED RESOLUTION:

To award the Parks and City Property Lawn Maintenance Services Contract to Birmingham Lawn Maintenance and Snow Removal, Inc. for a four (4) year Agreement commencing April 15, 2018 and ending November 15, 2021 in the amount not to exceed \$675,124.00 and an amount not to exceed \$60,000.00 for fertilization and weed control services. Funds are available in each of the following accounts: Local Streets, Contract Maintenance: 203-449.003-937.0400; Major Streets, Contract Maintenance: 202-449.003-937.0400; Parks, Other Contractual Services: 101-751.000-811.0000; Property Maintenance, Other Contractual Services: 101-441.003-811.0000; Weed/Snow Enforcement, Other Contractual Services: 101-441.007-811.0000; Wells and Controls, Other Contractual Services: 591-537.002-811.0000. Further, to authorize the Mayor and City Clerk to sign the Lawn Maintenance Agreement upon receipt of the required insurances.

	Green Meadows Lawnscape, Inc	<b>Birmingham Lawn Maintenance and Snow Removal, Inc.</b>	Xpert Lawn & Snow	Apartment Services (Greenwood Cemetery Only)
Year 1 Total	\$ 149,597.00	\$ <b>168,781.00</b>	\$ 172,445.00	\$ 33,000.00
Year 2 Total	\$ 149,597.00	\$ <b>168,781.00</b>	\$ 172,445.00	\$ 33,990.00
Year 3 Total	\$ 149,597.00	\$ <b>168,781.00</b>	\$ 172,445.00	\$ 35,010.00
Year 4 Total	\$ 149,597.00	\$ <b>168,781.00</b>	\$ 172,445.00	\$ 36,060.00
4 Year Total:	\$ 598,388.00	\$ <b>675,124.00</b>	\$ 689,780.00	\$ 138,060.00

	Green Meadows Lawnscape, Inc.		Birmingham Lawn Maintenance and Snow Removal, Inc.		Xpert Lawn & Snow		Apartment Services	
<b>Year 1</b>								
<b>Parks</b>								
Mowing (30 cuts)	\$	72,990.00	\$	83,040.00	\$	93,390.00		
Spring Cleanup	\$	5,240.00	\$	4,817.00	\$	3,700.00		
Fall Cleanup	\$	9,688.00	\$	9,070.00	\$	9,900.00		
<b>City Properties</b>							Greenwood Cemetery only	
Mowing (30 cuts)	\$	16,710.00	\$	22,350.00	\$	15,600.00	\$ 33,000.00	
Spring Cleanup	\$	1,070.00	\$	520.00	\$	620.00		
Fall Cleanup	\$	2,160.00	\$	2,195.00	\$	1,420.00		
<b>Well Sites</b>								
Mowing (30 cuts)	\$	7,140.00	\$	7,680.00	\$	7,650.00		
Spring Cleanup	\$	740.00	\$	635.00	\$	325.00		
Fall Cleanup	\$	839.00	\$	943.00	\$	750.00		
<b>Local Streets</b>								
Mowing (30 cuts)	\$	5,100.00	\$	6,690.00	\$	3,600.00		
Spring Cleanup	\$	500.00	\$	461.00	\$	120.00		
Fall Cleanup	\$	500.00	\$	486.00	\$	230.00		
<b>Major Streets</b>								
Mowing (30 cuts)	\$	14,970.00	\$	18,390.00	\$	18,150.00		
Spring Cleanup	\$	1,100.00	\$	971.00	\$	475.00		
Fall Cleanup	\$	1,100.00	\$	1,069.00	\$	1,245.00		
<b>Woodward</b>								
Mowing (30 cuts)	\$	8,100.00	\$	8,130.00	\$	13,500.00		
Fert/Weed Control	\$	400.00		included	\$	320.00		
Spring Cleanup	\$	625.00	\$	667.00	\$	450.00		
Fall Cleanup	\$	625.00	\$	667.00	\$	1,000.00		
<b>Year 1 Total</b>	\$	149,597.00	\$	168,781.00	\$	172,445.00	\$ 33,000.00	

Grass & Noxious Weeds	Small \$35.00, Large \$48.00	Small \$39.00, Large \$49.00	Small \$25.00, Large \$49.00	
Fert/Weed Control per property per application(range)	\$25.00-\$1,628.00	\$15.00-\$918.00	\$5.00-\$1,700.00	\$460 Greenwood only 2018 pricing

	Green Meadows Lawnscape, Inc.	Birmingham Lawn Maintenance and Snow Removal, Inc.	Xpert Lawn & Snow	Apartment Services
<b>Year 2</b>				
<b>Parks</b>				
Mowing (30 cuts)	\$ 72,990.00	\$ 83,040.00	\$ 93,390.00	
Spring Cleanup	\$ 5,240.00	\$ 4,817.00	\$ 3,700.00	
Fall Cleanup	\$ 9,688.00	\$ 9,070.00	\$ 9,900.00	
<b>City Properties</b>				Greenwood Cemetery only
Mowing (30 cuts)	\$ 16,710.00	\$ 22,350.00	\$ 15,600.00	\$ 33,990.00
Spring Cleanup	\$ 1,070.00	\$ 520.00	\$ 620.00	
Fall Cleanup	\$ 2,160.00	\$ 2,195.00	\$ 1,420.00	
<b>Well Sites</b>				
Mowing (30 cuts)	\$ 7,140.00	\$ 7,680.00	\$ 7,650.00	
Spring Cleanup	\$ 740.00	\$ 635.00	\$ 325.00	
Fall Cleanup	\$ 839.00	\$ 943.00	\$ 750.00	
<b>Local Streets</b>				
Mowing (30 cuts)	\$ 5,100.00	\$ 6,690.00	\$ 3,600.00	
Spring Cleanup	\$ 500.00	\$ 461.00	\$ 120.00	
Fall Cleanup	\$ 500.00	\$ 486.00	\$ 230.00	
<b>Major Streets</b>				
Mowing (30 cuts)	\$ 14,970.00	\$ 18,390.00	\$ 18,150.00	
Spring Cleanup	\$ 1,100.00	\$ 971.00	\$ 475.00	
Fall Cleanup	\$ 1,100.00	\$ 1,069.00	\$ 1,245.00	
<b>Woodward</b>				
Mowing (30 cuts)	\$ 8,100.00	\$ 8,130.00	\$ 13,500.00	
Fert/Weed Control	\$ 400.00	included	\$ 320.00	
Spring Cleanup	\$ 625.00	\$ 667.00	\$ 450.00	
Fall Cleanup	\$ 625.00	\$ 667.00	\$ 1,000.00	
<b>Year 2 Total</b>	\$ 149,597.00	\$ 168,781.00	\$ 172,445.00	\$ 33,990.00

Grass & Noxious Weeds	Small \$35.00, Large \$48.00	Small \$39.00, Large \$49.00	Small \$25.00, Large \$49.00	
Fert/Weed Control per property per application(range)	\$25.00-\$1,628.00	\$15.00-\$918.00	\$5.00-\$1,700.00	No quote provided

	Green Meadows Lawnscape, Inc.	Birmingham Lawn Maintenance and Snow Removal, Inc.	Xpert Lawn & Snow	Apartment Services
<b>Year 3</b>				
<b>Parks</b>				
Mowing (30 cuts)	\$ 72,990.00	\$ 83,040.00	\$ 93,390.00	
Spring Cleanup	\$ 5,240.00	\$ 4,817.00	\$ 3,700.00	
Fall Cleanup	\$ 9,688.00	\$ 9,070.00	\$ 9,900.00	
<b>City Properties</b>				Greenwood Cemetery only
Mowing (30 cuts)	\$ 16,710.00	\$ 22,350.00	\$ 15,600.00	\$ 35,010.00
Spring Cleanup	\$ 1,070.00	\$ 520.00	\$ 620.00	
Fall Cleanup	\$ 2,160.00	\$ 2,195.00	\$ 1,420.00	
<b>Well Sites</b>				
Mowing (30 cuts)	\$ 7,140.00	\$ 7,680.00	\$ 7,650.00	
Spring Cleanup	\$ 740.00	\$ 635.00	\$ 325.00	
Fall Cleanup	\$ 839.00	\$ 943.00	\$ 750.00	
<b>Local Streets</b>				
Mowing (30 cuts)	\$ 5,100.00	\$ 6,690.00	\$ 3,600.00	
Spring Cleanup	\$ 500.00	\$ 461.00	\$ 120.00	
Fall Cleanup	\$ 500.00	\$ 486.00	\$ 230.00	
<b>Major Streets</b>				
Mowing (30 cuts)	\$ 14,970.00	\$ 18,390.00	\$ 18,150.00	
Spring Cleanup	\$ 1,100.00	\$ 971.00	\$ 475.00	
Fall Cleanup	\$ 1,100.00	\$ 1,069.00	\$ 1,245.00	
<b>Woodward</b>				
Mowing (30 cuts)	\$ 8,100.00	\$ 8,130.00	\$ 13,500.00	
Fert/Weed Control	\$ 400.00	included	\$ 320.00	
Spring Cleanup	\$ 625.00	\$ 667.00	\$ 450.00	
Fall Cleanup	\$ 625.00	\$ 667.00	\$ 1,000.00	
<b>Year 3 Total</b>	\$ 149,597.00	\$ 168,781.00	\$ 172,445.00	\$ 35,010.00

Grass & Noxious Weeds	Small \$35.00, Large \$48.00	Small \$39.00, Large \$49.00	Small \$25.00, Large \$49.00	
Fert/Weed Control per property per application(range)	\$25.00-\$1,628.00	\$15.00-\$918.00	\$5.00-\$1,700.00	No quote provided

	Green Meadows Lawnscape, Inc.		Birmingham Lawn Maintenance and Snow Removal, Inc.		Xpert Lawn & Snow		Apartment Services	
<b>Year 4</b>								
<b>Parks</b>								
Mowing (30 cuts)	\$	72,990.00	\$	83,040.00	\$	39,390.00		
Spring Cleanup	\$	5,240.00	\$	4,817.00	\$	3,700.00		
Fall Cleanup	\$	9,688.00	\$	9,070.00	\$	9,900.00		
<b>City Properties</b>							Greenwood Cemetery only	
Mowing (30 cuts)	\$	16,710.00	\$	22,350.00	\$	15,600.00	\$ 36,060.00	
Spring Cleanup	\$	1,070.00	\$	520.00	\$	620.00		
Fall Cleanup	\$	2,160.00	\$	2,195.00	\$	1,420.00		
<b>Well Sites</b>								
Mowing (30 cuts)	\$	7,140.00	\$	7,680.00	\$	7,650.00		
Spring Cleanup	\$	740.00	\$	635.00	\$	325.00		
Fall Cleanup	\$	839.00	\$	943.00	\$	750.00		
<b>Local Streets</b>								
Mowing (30 cuts)	\$	5,100.00	\$	6,690.00	\$	3,600.00		
Spring Cleanup	\$	500.00	\$	461.00	\$	120.00		
Fall Cleanup	\$	500.00	\$	486.00	\$	230.00		
<b>Major Streets</b>								
Mowing (30 cuts)	\$	14,970.00	\$	18,390.00	\$	18,150.00		
Spring Cleanup	\$	1,100.00	\$	971.00	\$	475.00		
Fall Cleanup	\$	1,100.00	\$	1,069.00	\$	1,245.00		
<b>Woodward</b>								
Mowing (30 cuts)	\$	8,100.00	\$	8,130.00	\$	13,500.00		
Fert/Weed Control	\$	400.00		included	\$	320.00		
Spring Cleanup	\$	625.00	\$	667.00	\$	450.00		
Fall Cleanup	\$	625.00	\$	667.00	\$	1,000.00		
<b>Year 4 Total</b>	\$	149,597.00	\$	168,781.00	\$	118,445.00	\$ 36,060.00	

Grass & Noxious Weeds	Small \$35.00, Large \$48.00	Small \$39.00, Large \$49.00	Small \$25.00, Large \$49.00	
Fert/Weed Control per property per application(range)	\$25.00-\$1,628.00	\$15.00-\$918.00	\$5.00-\$1,700.00	No quote provided

**ATTACHMENT A - AGREEMENT**  
**For Parks and City Property Lawn Maintenance Services**

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This AGREEMENT, made this \_\_\_\_\_ day of \_\_\_\_\_, 2018, by and between CITY OF BIRMINGHAM, having its principal municipal office at 151 Martin Street, Birmingham, MI (hereinafter sometimes called "City"), and Birmingham Lawn Maintenance and Snow Removal, Inc., having its principal office at 4760 Hatchery, Waterford, MI 48329 (hereinafter called "Contractor"), provides as follows:

**WITNESSETH:**

**WHEREAS**, the City of Birmingham, through its Department of Public Services, is desirous of having lawn maintenance 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 maintenance 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 February 22, 2018 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, 2018 and ending on November 15, 2021. 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 for all lawn maintenance services in an amount not to exceed \$ 675,124.00, in addition an amount not to exceed \$ 60,000.00, for fertilization and weed control as set forth in the Contractor's February 22, 2018 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:

\_\_\_\_\_

CONTRACTOR

By:   
Adam Janusch  
Its: owner

CITY OF BIRMINGHAM


\_\_\_\_\_

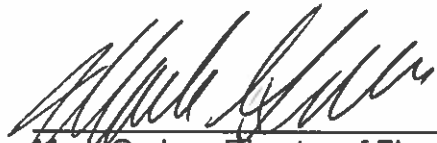
By: \_\_\_\_\_  
Andrew M. Harris  
Its: Mayor

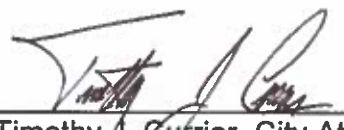
\_\_\_\_\_


By: \_\_\_\_\_  
J. Cherilynn Mynsberge  
Its: City Clerk

Approved:

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

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

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

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



## CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
03/02/2018

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).

<b>PRODUCER</b> Johnston Lewis Associates, Inc 575 E. Maple Road Troy, MI 48063 Michael S. Cardella	<b>CONTACT NAME:</b> Jan C Gibson	
	<b>PHONE (A/C, No, Ext):</b> 248-602-4294 <b>FAX (A/C, No):</b> 248-602-4295	
	<b>E-MAIL ADDRESS:</b> jang@johnstonlewis.com	
<b>INSURED</b> Precision Landscaping, Inc. Birmingham Lawn Maintenance 4760 Hatchery Rd. Waterford, MI 48329	<b>INSURER(S) AFFORDING COVERAGE</b>	<b>NAIC #</b>
	<b>INSURER A:</b> Motorists Mutual Insurance	14621
	<b>INSURER B:</b> Michigan Insurance Company	10857
	<b>INSURER C:</b>	
	<b>INSURER D:</b>	
	<b>INSURER E:</b>	
	<b>INSURER F:</b>	

## COVERAGES

## CERTIFICATE NUMBER:

## 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 INSD	SUBR 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 <input checked="" type="checkbox"/> EPLI \$100,000 GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	X		33.305934-20	02/12/2018	02/12/2019	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 7,500 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COM/POF AGG \$ 2,000,000 Emp Ben. \$ 500/1.5
A	<input type="checkbox"/> AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS	X		33.305934-20	02/12/2018	02/12/2019	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$			33.305934-20	02/12/2018	02/12/2019	EACH OCCURRENCE \$ 4,000,000 AGGREGATE \$ 4,000,000
B	<input checked="" type="checkbox"/> WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A	WVA8975126	02/12/2018	02/12/2019	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 500,000 E.L. DISEASE - EA EMPLOYEE \$ 500,000 E.L. DISEASE - POLICY LIMIT \$ 500,000

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

The City of Birmingham, including all elected and appointed officials, all employees and volunteers, all boards, commissions and/or authorities and board members, including employees and volunteers are Additional Insured with respects to teh General Liability when required written contract or agreement with the insured. SEE HOLDER NOTES ON NEXT PAGE

## CERTIFICATE HOLDER

## CANCELLATION

<b>CITYOFB</b>  City of Birmingham 151 Martin St., 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 
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**NOTEPAD:**

HOLDER CODE CITYOFB  
INSURED'S NAME Precision Landscaping, Inc.

PREC12  
OP ID: JCG

PAGE 2  
Date 03/02/2018

City of Birmingham:

Primary & Non Contributory applies as outlined in form CG7037

Endorsement - 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

Commercial General Liability includes Contractual Liability, Independent Contractors Coverage; Broad Form General Liability Extensions or equivalent



Cherilynn Mynsberge &lt;cmynsberge@bhamgov.org&gt;

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## Reappointment to Cablecasting Board

2 messages

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**Cherilynn Mynsberge** <cmynsberge@bhamgov.org>  
To: jeffrey.bozell@gmail.com

Thu, Feb 15, 2018 at 2:09 PM

Thank you for your service on the Cablecasting Board. Your term will expire on March 30, 2018. If you wish to continue serving on the board, please complete the attached application form and return it no later than noon on Wednesday, March 7, 2018.

**The meeting and interview for this appointment will be held on Monday, March 12, 2018 at 7:30 p.m. in Room 205 of the Municipal Building.**

When you return your application, please let me know whether or not you will be attending the Commission meeting.

Regards,

J. Cherilynn Mynsberge  
City Clerk  
City of Birmingham  
[248-530-1802](tel:248-530-1802)



**0-APPLICATION FORM 081417.pdf**  
30K

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**Jeffrey Bozell** <jeffrey.bozell@gmail.com>  
To: Cherilynn Mynsberge <cmynsberge@bhamgov.org>

Mon, Feb 19, 2018 at 2:47 PM

Cherilynn,

Thank you for the email notification. I will not be seeking reappointment to the Birmingham Area Cablecasting Board.

Kind regards,  
Jeff Bozell

[Quoted text hidden]

### SUGGESTED RESOLUTION:

To accept the resignation of Jeffrey Bozell from the Cablecasting Board, effective March 30, 2018, to thank him for his service, and to direct the City Clerk to begin the process of filling the vacancy.



Cherilynn Mynsberge &lt;cmynsberge@bhamgov.org&gt;

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## Reappointment to Cablecasting Board

4 messages

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**Cherilynn Mynsberge** <cmynsberge@bhamgov.org>  
To: mbmcalear@gmail.com

Thu, Feb 15, 2018 at 2:18 PM

Thank you for your service on the Cablecasting Board. Your term will expire on March 30, 2018. If you wish to continue serving on the board, please complete the attached application form and return it no later than noon on Wednesday, March 7, 2018.

**The meeting and interview for this appointment will be held on Monday, March 12, 2018 at 7:30 p.m. in Room 205 of the Municipal Building.**

When you return your application, please let me know whether or not you will be attending the Commission meeting.

Regards,

J. Cherilynn Mynsberge  
City Clerk  
City of Birmingham  
[248-530-1802](tel:248-530-1802)

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**Matt McAlear** <mbmcalear@gmail.com>  
To: Cherilynn Mynsberge <cmynsberge@bhamgov.org>

Wed, Mar 7, 2018 at 12:26 PM

Cherilynn,

Sorry for the delay and thanks for your patience. I talked with Elaine McLain and I am going to pass on continuing with the Cable Board.

Thank you,

Matt

### SUGGESTED RESOLUTION:

To accept the resignation of Matthew McAlear from the Cablecasting Board, effective March 30, 2018, to thank him for his service, and to direct the City Clerk to begin the process of filling the vacancy.



Cherilynn Mynsberge &lt;cmynsberge@bhamgov.org&gt;

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**Fwd: Retirement from Board of Parks and Recreation**1 message

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

From: **Art Stevens** <art2953@gmail.com>

Date: Sat, Mar 3, 2018 at 12:48 PM

Subject: Retirement from Board of Parks and Recreation

To: [john.meehan@att.net](mailto:john.meehan@att.net), Ross Kaplan <[rkaplan@neumannsmith.com](mailto:rkaplan@neumannsmith.com)>, "Longes, The" <[tmquattro@gmail.com](mailto:tmquattro@gmail.com)>, Bill Wiebrecht <[whw989@wowway.com](mailto:whw989@wowway.com)>, Lilly Epstein Stotland <[lstotland@vescooil.com](mailto:lstotland@vescooil.com)>, ryan countryside <[ryan.countryside@gmail.com](mailto:ryan.countryside@gmail.com)>, John Rusche <[jprusche@aol.com](mailto:jprusche@aol.com)>, [elliecnoble@comcast.net](mailto:elliecnoble@comcast.net)Cc: "Folk, Connie" <[Cfolk@bhamgov.org](mailto:Cfolk@bhamgov.org)>, Lauren Wood <[lwood@bhamgov.org](mailto:lwood@bhamgov.org)>, "Laird, Carrie" <[Claird@bhamgov.org](mailto:Claird@bhamgov.org)>

Good Afternoon,

I am writing this email to you to let you know that I have decided to retire from the Board of Parks and Recreation at the end of my term, March 13, 2018. I feel it is time to let someone else take over since I have been on the Board since 1997.

I wish to thank all the present and former Board members for their help over the years. I wish to thank Bill Wiebrecht for being a great mentor. I have learned many things. There have been many ups and downs over the years but more ups and I will remember those the most.

I hope that whoever replaces me understands that the Board is a community wide board and not just a neighborhood entity.

Again, I wish to thank you all for allowing me to serve with you over the years. Good luck in future years.

Sincerely,

Art Stevens

**SUGGESTED RESOLUTION:**

To accept the resignation of Art Stevens from the Parks and Recreation Board, effective March 13, 2018, to thank him for his service, and to direct the City Clerk to begin the process of filling the vacancy.



Cherilynn Mynsberge &lt;cmynsberge@bhamgov.org&gt;

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## Reappointment to Multi-modal Transportation Board

4 messages

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**Cherilynn Mynsberge** <cmynsberge@bhamgov.org>  
To: andlawson@deloitte.com

Thu, Feb 15, 2018 at 2:20 PM

Thank you for your service on the Multi-modal Transportation Board. Your term will expire on March 24, 2018. If you wish to continue serving on the board, please complete the attached application form and return it no later than noon on Wednesday, March 7, 2018.

**The meeting and interview for this appointment will be held on Monday, March 12, 2018 at 7:30 p.m. in Room 205 of the Municipal Building.**

When you return your application, please let me know whether or not you will be attending the Commission meeting.

Regards,

J. Cherilynn Mynsberge  
City Clerk  
City of Birmingham  
[248-530-1802](tel:248-530-1802)

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**Lawson, Andrew Jack (US - Detroit)** <andlawson@deloitte.com>  
To: Cherilynn Mynsberge <cmynsberge@bhamgov.org>

Wed, Mar 7, 2018 at 3:42 PM

I regret to inform you and the commissioners that I will not be thinking reappointment for another term due to personal reasons. It is my hope that a position as an alternate will arise in the coming months so that I can continue to be involved in the activities of the board.

[Quoted text hidden]

### SUGGESTED RESOLUTION:

To accept the resignation of Andy Lawson from the Multi-Modal Transportation Board, effective March 24, 2018, to thank him for his service, and to direct the City Clerk to begin the process of filling the vacancy.

420 Harmon  
Birmingham, MI 48009

March 8, 2018

To: Birmingham City Commission

Re: Decision not to seek re-appointment to the Planning Board

Mayor Harris & Fellow Commissioners:

After careful thought and consideration, mostly due to increased travel, I have made the difficult decision not to re-apply for my position on the Planning Board. The past twelve years have been a truly rewarding investment of my time. I have learned much about the importance and necessity of good planning and I shall always value the extended privilege of having shared my position on the Planning Board with an outstanding group of individuals, including members of the Planning Department, all of whom I continue to have the utmost respect for. I shall long remember being part of some significant decision-making that has contributed to Birmingham's ever evolving growth and magnetism which I am confident will continue to draw many others into the community to live, work & invest. We do, indeed, have a very special City.

My personal thanks to each of you on the City Commission for giving me the honor of serving my community in such a constructive and fulfilling manner. I shall miss the participation but will remain an avid observer as Birmingham moves forward.

Respectfully submitted,

Gillian Lazar

cc: Jana Ecker – Planning Director

**SUGGESTED RESOLUTION:**

To accept the resignation of Gillian Lazar from the Planning Board, effective March 28, 2018, to thank her for her service, and to direct the City Clerk to begin the process of filling the vacancy.



## MEMORANDUM

Office of the City Manager

**DATE:** March 8, 2018

**TO:** Joseph A. Valentine, City Manager

**FROM:** Tiffany J. Gunter, Assistant City Manager

**SUBJECT:** Emergency Repairs at the North Old Woodward Parking Garage

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On February 19, the hydraulic motor that supports the function of the elevator on the Bates St. side of the N. Old Woodward parking structure failed. The elevator has been out of service since that time. Shortly after the outage, the elevator technician provided a quote to replace the motor.

As of this writing, it is anticipated that the hydraulic motor will be installed and the elevator will be fully operational no later than Wednesday, March 14. Our goal was to minimize the overall disruption to users of the N. Old Woodward garage and restore operations as soon as possible. A copy of the quote from Kone Inc. is attached with details illustrating that the total cost of \$11,970.00 includes the installation, permit and State of Michigan elevator inspection as well as full load testing.

**SUGGESTED RESOLUTION:**

To confirm the City Manager's authorization for the emergency expenditure regarding the repair of the Bates Street elevator in the N. Old Woodward parking garage to Kone Inc. in the amount of \$11,970.00 to be paid from the Parking Fund account #585-538.005-930.0200, pursuant to Sec. 2-286 of the City Code.



Elevators Escalators

February 26, 2018

City of Birmingham  
151 Martin Street  
Birmingham, MI 48012

ATTN: Carlos George/Tiffany Gunter

KONE Inc.  
11864 Belden Court  
Livonia, MI 48150  
Tel (734) 513-6944  
Fax (734) 513-6948  
www.kone.com  
kevin.strasser@kone.com

Re: Hydraulic Elevator Power Unit Replacement Proposal for the North  
Old Woodward Parking passenger

Description of Work. We surveyed the passenger elevator in North Old Woodward. Water flooded the machine room and seemed to affect the starter holding it in burning the oil and damaging the motor. We would recommend replacement of the motor.

We will furnish and install a new hydraulic motor for this power unit. We will also install new oil approximately 110 gallons. We will have to obtain a permit from the State of Michigan elevator division and conduct a full load inspection test.

Price

Our total price to perform the above-mentioned work amounts to: \$11,970.00. Includes permit and State of Michigan elevator inspection as well as full load testing.

Our price includes applicable labor, material and permit fees. This proposal is not binding on KONE until approved by an authorized KONE representative. Pricing is subject to KONE's attached Terms and Conditions for tendered repairs and, by signing below, Purchaser hereby agrees to these Terms and Conditions. Price is valid for 30 days from date of this proposal.

During the course of our work, should deficiencies, code violations, or other issues be discovered, we will promptly notify Purchaser and provide a separate quotation to correct these issues.

ACCEPTANCE: The foregoing Agreement is hereby  
signed and accepted in duplicate on behalf of City of  
Birmingham Chester Park

Respectfully submitted by,  
KONE Inc.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
Kevin Strasser, Service Sales

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
(Approved By) Authorized Representative

(Print Title)

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Title

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

1<sup>ST</sup> PAYMENT RECEIPT

	<b>Area Office:</b> Detroit 190	KONE Federal Tax ID #: 36 2357423
	<b>Project Location:</b>	

Please return this portion with your payment.

---

<b>Payer:</b>  _____	<b>Receipt #:</b>  <b>Date:</b>  <b>Customer #:</b>  <b>Area Office #:</b>
<b>Remit To:</b>  KONE Inc. 11864 Belden Court Livonia, MI 48150	<b>AMOUNT:</b>  \$

## TERMS AND CONDITIONS

This proposal is subject to the following terms and conditions, all of which are hereby agreed to:

Purchaser agrees to pay the amount of any tax imposed by any existing law, or by any law enacted after the date of this Agreement, based upon the transfer, use, ownership or possession of the equipment involved in the services rendered herein. KONE reserves the right to discontinue our work at anytime until we have assurance, satisfactory to us, that payments will be made as agreed. Final payment shall become due and payable upon completion of the work described in this Agreement. Failure to pay any sum due to KONE within thirty (30) days of the invoice will be a material breach. A delinquent payment charge calculated at the rate of 1½ % per month, or if such rate is usurious then at the maximum rate under applicable law, shall be applied to the delinquent payments. In the event of default on the payment provisions herein, Purchaser agrees to pay, in addition to any defaulted amount, all attorney fees, collection cost or court costs in connection therewith. The machinery, implements and apparatus furnished hereunder remain KONE's personal property and KONE retains title thereto until final payment is made, with right to retake possession of the same at the cost of the Purchaser if default is made in any of the payments, irrespective of the manner of attachment to the realty, the acceptance of notes, or the sale, mortgage or lease of the premises.

The states requiring notice prior to filing a lien, this notice requirement is hereby complied with.

KONE shall not be liable for damage or delay caused directly or indirectly by accidents, embargoes, strikes, lockouts, work interruption or other labor dispute, fire, theft, floods, or any cause beyond KONE's control. Regardless of the type of delay, KONE shall not be liable for any indirect, consequential, or special damages including but not limited to fines, penalties, loss of profits, goodwill, business or loss of use of equipment or property.

Purchaser agrees to provide safe access to the equipment and machine room areas. Should conditions develop beyond KONE's control, making the building or premises in which KONE's personnel are working unsafe, KONE reserves the right to discontinue work until such unsafe conditions are corrected. Should damage occur to KONE's material or work on the premises, by fire, theft or otherwise, Purchaser shall compensate us therefore.

KONE undertakes to perform this work in conformity with the usual applied codes and standards, however, no guarantee can be made that all code violations or defects have been found. This work is not intended as a guarantee against failure or malfunction of equipment at any future time.

It is agreed and understood that KONE is not responsible for damages, either to the vertical transportation equipment or to the building, or for any personal injury or death, arising from or resulting from any code required safety tests performed on this equipment.

Nothing in this agreement shall be construed to mean that KONE assumes any liability of any nature whatsoever arising out of, relating to or in any way connected with the use or operation of the equipment described above. Purchaser shall be solely responsible for the use, repair and maintenance of the equipment and for taking such steps including but not limited to providing attendant personnel, warning signs and other controls necessary to ensure the safety of the user or safe operation of the equipment.

Neither KONE nor its affiliates, subsidiaries or divisions shall be responsible or liable for any damages, claims, suits, expenses and payments on account of or resulting from any injury, death or damage to property arising or resulting from the misuse, abuse or neglect of the equipment herein named or any other device covered by this contract.

Purchaser shall at all times and at Purchaser's own cost, maintain a commercial general liability policy covering bodily injury and property damage with the limits of liability Purchasers customarily carry (naming KONE as additional insured) arising out of the services provided under this Authorization and/or the ownership, maintenance, use or operation of the equipment described herein.

It is agreed and understood that Purchaser is solely responsible for ongoing maintenance and care of the equipment described above. IT IS EXPRESSLY UNDERSTOOD, IN CONSIDERATION OF OUR PERFORMANCE OF THIS WORK THAT PURCHASER ASSUMES ALL LIABILITY FOR THE USE, MAINTENANCE OR OPERATION OF THE EQUIPMENT DESCRIBED ABOVE AND FOR ANY INJURY, INCLUDING DEATH, TO ANY PERSON OR PERSONS AND FOR DAMAGE TO PROPERTY OR LOSS OF USE THEREOF, ON ACCOUNT OF OR RESULTING FROM THE PERFORMANCE OF THE WORK TO BE DONE HEREIN, AND AGREES TO THE EXTENT PERMITTED BY LAW TO DEFEND, INDEMNIFY AND HOLD HARMLESS KONE, ITS OFFICERS, DIRECTORS AND EMPLOYEES FROM ALL DAMAGES, CLAIMS, SUITS, EXPENSES AND PAYMENTS ON ACCOUNT OF OR RESULTING FROM ANY SUCH INJURY, DEATH OR DAMAGE TO PROPERTY, EXCEPT THAT RESULTING FROM THE SOLE NEGLIGENCE OF KONE INC. Purchaser hereby waives any and all rights of recovery, arising as a matter of law or otherwise, which Purchaser might now or hereafter have against KONE Inc.

KONE warrants the materials and workmanship of the equipment for 90 days after completion. Purchaser's remedy is limited to repair or replacement of a defective part, in KONE's sole discretion. The warranty is limited to the replacement or repair of the part itself, and excludes labor. In no event shall KONE be responsible for damage due to normal wear and tear, vandalism, abuse, misuse, neglect, work or repairs or modifications by others, or any other cause beyond the control of KONE. KONE disclaims any other warranty of any kind; either expressed or implied, including without limitation the implied warranties of merchantability or fitness for a particular purpose, or noninfringement.

Unless otherwise agreed, it is understood that the work shall be performed during regular working hours of regular working days of the elevator trade. If overtime work is mutually agreed upon and performed, the additional price, at KONE's usual rates for such work, shall be added to the contract price herein named.

It is expressly understood and agreed all prior agreements written or verbal regarding the subject matter herein are void and the acceptance of this Agreement shall constitute the contract for the material and work specified in this Agreement. Any changes to this Agreement must be made in writing and signed by both parties.

The terms and conditions set forth herein shall constitute the complete agreement for any work performed, AND shall prevail over and supersede any terms and conditions contained in any documents provided by the Purchaser.

The Purchaser does hereby agree the exclusive venue for any dispute between the parties shall be in the county of Rock Island, IL.



## MEMORANDUM

City Clerk's Office

**DATE:** March 5, 2018

**TO:** Joseph A. Valentine, City Manager

**FROM:** J. Cherilynn Mynsberge, City Clerk

**SUBJECT:** Public Hearing to Consider Objection to Renewal of Liquor License held by Mad Hatter Bistro (Tea Parlor, Inc.)

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On February 26, 2018 the City Commission reviewed the results of the annual investigation of each establishment in the City which sells intoxicating liquor for on premises consumption.

After consideration of the summary of investigative findings the Commission approved the renewal, for the 2018 licensing period, of all Class B, Class C, and microbrewery liquor licenses with the exception of the license held by Mad Hatter Bistro (Tea Parlor, Inc.).

Because Mad Hatter Bistro was, at the time, in violation of Chapter 10, Sec. 10-40 (7), Failure to timely pay monies due to the City, the Commission adopted a resolution setting a public hearing for 7:30 p.m. on Monday, March 12, 2018, to consider whether to file an objection with the Michigan Liquor Control Commission to the renewal of the license held by the owners/operators of Mad Hatter Bistro.

The owners/operators of Mad Hatter Bistro were notified, in writing, of the scheduled public hearing, that they may submit any written material for consideration by the City Commission prior to the date of the public hearing or at the hearing, that the licensee may appear in person at the hearing or be represented by counsel and that the licensee may present witnesses or written evidence at the hearing. The notice was sent by both certified, return receipt mail and first class mail.

On Friday, March 2, 2018 Mad Hatter Bistro (Tea Parlor, Inc.) made payment in full of taxes due.

The public hearing has been properly noticed and should therefore be held on March 12, 2018.

### SUGGESTED RESOLUTION

To renew, for the 2018 licensing period, the liquor license held by Mad Hatter Bistro (Tea Parlor, Inc.).

### ATTACHMENTS:

- Excerpt of City Commission meeting minutes of February 26, 2018, documenting the Commission's discussion and resolutions.
- Notification letter sent to Mad Hatter.

***EXCERPT***  
**BIRMINGHAM CITY COMMISSION MINUTES**  
**FEBRUARY 26, 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 7:32 p.m.)
Absent,	Commissioner Sherman

**02-055-18                      2017 LIQUOR LICENSE REVIEWS AND 2018 LIQUOR LICENSE RENEWALS**

City Clerk Mynsberge explained that annually:

- The City Commission is required by Chapter 10, Alcoholic Liquors, of the Birmingham Code of Ordinances to review the licenses of establishments which sell intoxicating liquor for consumption on the premises in the city;
- Investigations are conducted of each licensed establishment to determine whether the licensee is in compliance with all applicable city and state codes.
- The City Commission uses the findings of the investigations to consider the renewal of the licenses.

City Clerk Mynsberge further reported:

- The summary report of investigative findings was reformatted to be responsive to the Commission's input during last year's review process.
- The report is now in the form of a chart, with violations of each licensed establishment listed by the statutory reasons for which the Commission may object to the renewal of a liquor license.
- Chapter 10, Sec. 10-40 of the Code lists the statutory reasons.
- If the City Commission wishes to consider objecting to the renewal of any license, it must first hold a public hearing.
- Public hearings should be scheduled for March 12, 2018 to allow adequate time to forward objections to the Michigan Liquor Control Commission by their March 31, 2018 deadline.
- For establishments in compliance with the requirements of Chapter 10 the City Commission may approve the renewal of licenses tonight.

City Clerk Mynsberge confirmed all licensed establishments were notified the Commission would be considering renewal of licenses tonight.

- The notice included any violations reported during the 2017 investigation.
- Owners of establishments with outstanding financial obligations to the City were contacted personally.
- Where a payment plan was established, an appropriate notation has been entered in the report.
- 220 Merrill, Rojo and Sidecar paid their outstanding obligations on Friday, and all their accounts are now current.
- Emagine has removed the sidewalk sign for which they had no permit. The Community Development Department is working with license holders to bring all other violations of regulatory codes under Sec. 10-40 (3)a into compliance.
- Mad Hatter has been contacted about their outstanding taxes and have indicated a check is in the mail.

City Clerk Mynsberge confirmed for Commissioner Hoff that:

- Any establishments in violation of the City's sign ordinances were notified, and that Community Development is working with establishments to bring their signage into compliance.
- Birmingham Teatro is the Birmingham Theatre.

City Clerk Mynsberge confirmed for Mayor Harris that as of this Commission meeting, six establishments remain in violation of the City's sign ordinances.

Mayor Pro Tem Bordman said:

- She was concerned about establishments' sign ordinance violations and issues with intoxicated patrons.
- Establishments need to stop serving before patrons are intoxicated.

Chief of Police Clemence explained to Commissioner DeWeese that:

- While Market North End had a high number of police contacts relative to other Birmingham establishments, nine police contacts in a year is still considered low for a City.
- The owners of Market North End met with City Manager Valentine and Chief of Police Clemence and have implemented a proactive plan to reduce the number of incidents that require police involvement.

Commissioner DeWeese echoed Mayor Pro Tem Bordman's concerns regarding intoxication, and said establishments need to be proactive in terms of safety in order to avoid issues that have occurred in the past.

Chief of Police Clemence explained to Commissioner Hoff that police contacts with Townhouse were potential noise violations, with no violations observed when officers arrived on scene.

Chief of Police Clemence told Commissioner Nickita that Market North End has had no reported noise violations, and that people who congregate outside of establishments usually do so in order to adhere to the ban on smoking inside establishments.

Commissioner Nickita replied that the sidewalk in front of Market North End is often raucous on busy nights, and that the City needs to be aware that incidents which originate in an establishment may spill out on to City streets.

Commissioner DeWeese congratulated City staff on the summary of violations and said it was the best he had seen. Mayor Pro Tem Bordman added her thanks.

City Manager Valentine and City Clerk Mynsberge mutually acknowledged each other's work on the presentation.

Commissioner Boutros stated that the Commission is exploring ways of strengthening alley maintenance and cleanliness ordinances in order to compel City establishments to prioritize the issue.

The Commissioners were generally in favor of setting a public hearing for Mad Hatter based on the tax payment not yet being received by the City.

**MOTION:** Motion by Commissioner DeWeese, seconded by Commissioner Boutros:  
To set a public hearing for 7:30 PM on Monday, March 12, 2018 in the City Commission Room at the Birmingham Municipal Building, 151 Martin, Birmingham, MI 48009, to consider whether to file an objection with the Michigan Liquor Control Commission to the renewal of the license for consumption of intoxicating liquor on the premises currently held by the owners/operators of Mad Hatter Bistro (Tea Parlor, Inc.) for the following reasons: violations of Sec. 10-40 (7), failure to timely pay monies due the City.

Further, to direct the City Manager to notify the owners/operators of Mad Hatter Bistro (Tea Parlor, Inc.) in writing, that they may submit any written material for consideration by the City Commission prior to the date of the public hearing or at the hearing, that the licensee may appear in person at the hearing or be represented by counsel and that the licensee may present witnesses or written evidence at the hearing.

**-AND -**

To approve the renewal for the 2018 licensing period, of all Class B, Class C, and microbrewery liquor licenses for which a current year application was received, except for the license(s) held by Mad Hatter Bistro (Tea Parlor, Inc.), for which a public hearing(s) has been set.

Commissioner Nickita noted that his vote will count for every establishment excepting 220 Merrill, per a conversation with the City Attorney and due to a business relationship he has with some of the individuals involved. The Commission concurred.

VOTE:           Yeas,       6  
                  Nays,       0  
                  Absent,    1 (Sherman)  
                  Abstain, on vote for 220 Merrill Restaurant, 1 (Nickita)



February 27, 2018

Mad Hatter Bistro (Tea Parlor, Inc.)  
Attn: Benjamin Lootens  
185 N. Old Woodward  
Birmingham, MI 48009

Via Certified Mail  
7017 3040 0000 6013 3128  
and First Class Mail

**Re: 2018 Liquor License Renewal for Mad Hatter Bistro (Tea Parlor, Inc.), 185 N. Old Woodward**

Dear Mr. Lootens,

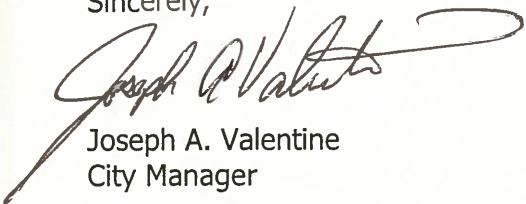
At the City Commission meeting of February 26, 2018, the Birmingham City Commission adopted a resolution to hold a public hearing on Monday, March 12, 2018 at 7:30 PM to consider whether to file an objection with the Michigan Liquor Control Commission to the renewal of the license for consumption of intoxicating liquor on the premises currently held for the subject business. The public hearing will be held in the City Commission Room at the Birmingham City Hall, located at 151 Martin, Birmingham, MI 48009.

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

- Section 10-40 (7) Licensee's failure to comply with the terms of its liquor license or any conditions imposed by the city commission or the liquor control commission at the time of issuance or transfer of the license.
  - *Licensee's failure to timely pay its taxes or other monies due the city.*

You may submit any written material for consideration by the City Commission prior to the date of the public hearing or at the hearing, you may appear in person at the hearing or be represented by counsel, and you may present witnesses or written evidence at the hearing. If you wish to submit any written materials prior to the public hearing, please submit them to the City Clerk's Office no later than noon on Monday, March 12, 2018.

Sincerely,



Joseph A. Valentine  
City Manager

Enclosures: Chapter 10 of the Birmingham City Code  
February 26, 2018 City Commission Resolution

## NOTICE OF PUBLIC HEARING

<b>BIRMINGHAM CITY COMMISSION</b>
<b>SPECIAL LAND USE PERMIT &amp; FINAL SITE PLAN</b>

Meeting Date, Time, Location:	Monday, March 12, 2018 at 7:30 PM Municipal Building, 151 Martin Birmingham, MI
Location of Request:	191 N. Chester
Nature of Hearing:	To consider the Final Site Plan and Special Land Use Permit to allow office use over 3,000 s.f., and a new lobby addition
City Staff Contact:	Jana Ecker 248.530.1841 <a href="mailto:jecker@bhamgov.org">jecker@bhamgov.org</a>
Notice Requirements:	Mailed to all property owners and occupants within 300 feet of subject address. Publish February 18, 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:** March 5, 2018

**TO:** Joseph A. Valentine, City Manager

**FROM:** Matthew Baka, Senior Planner

**APPROVED:** Jana L. Ecker, Planning Director

**Re:** Public Hearing for a Special Land Use Permit and Final Site Plan for  
191 N. Chester

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The subject property at 191 N. Chester is located in the TZ2 Transition Zone district. The TZ2 lists office use over 3,000 sq. ft. as a permitted use requiring a Special Land Use Permit (SLUP). The applicant is proposing to renovate the existing building for office over 3,000 sq. ft. and to add a new lobby addition on the N. Chester elevation. The applicant submitted an application for a SLUP to the Planning Department and appeared before the Planning Board on January 24, 2018 and received a recommendation for approval with the following conditions:

1. Add an additional street tree along Willits;
2. Replace proposed Sweet Gum trees with species acceptable to the Department of Public Services and provide irrigation for the trees;
3. Show placement and measurement of one (1) off-street loading space or obtain a variance from the Board of Zoning Appeals;
4. The applicant will need to submit revised plans showing a railing made of metal, wood, cast concrete, or stone, or obtain a variance from the Board of Zoning Appeals; and
5. Applicant add bike racks to the site subject to administrative approval.

The City Commission set a public hearing date for March 12, 2018 to consider an application for a Special Land Use Permit ("SLUP") and Final Site Plan for 191 N. Chester. Please find attached the Planning Board memo, relevant meeting minutes and the proposed plans for 191 N. Chester, as well as the Planning Board minutes of January 24, 2018.

On March 8, 2018, the applicant submitted the attached letter requesting cancellation of the public hearing to allow them to pursue additional design changes to the building which will require them to go back to the Planning Board for Revised Final Site Plan & Design Review.

### SUGGESTED ACTION:

To cancel the public hearing for 191 N. Chester, at the request of the applicant, to allow time for additional building changes to be reviewed by the Planning Board.



CHESTER STREET PARTNERS, LLC

A SURNOW COMPANY

March 8, 2018

City Commission  
City of Birmingham, MI  
151 Martin Street  
Birmingham, MI 48009

RE: 191 N Chester Street - Updated Plans

Dear City Commission,

After embarking on the development of the existing Christian Science Church to an office use, our company has come to the realization that limiting the renovation only to the inside of the building is not going to have the initial outcome that we originally intended. After commencing the actual construction, we found that the outside structure has been much more difficult to rejuvenate in the current condition.

Furthermore, the outside of the building as it is right now, lacks marketability to any office users. As we did not start marketing this project to prospective tenants until after the T22 zoning change on October 16, 2017, it took some trial and error throughout that process to find out that modifications were necessary. However, consistent with every project The Surnow Company has had in the City of Birmingham, it is still our goal to preserve as much of the iconic structure as possible, but bring the modern elements necessary to be an outstanding project that's sustainable for the future.

Therefore, it is our goal to go back to the residents, and gain support of modified plans that we have put together for 191 Chester, before coming back to the commission for final site plan/slop approval. For this reason, I am respectfully asking that the city cancel the commission hearing on March 12<sup>th</sup>.

Sincerely,

Sam Surnow

President  
Chester Street Partners, LLC

191 N. Chester  
SPECIAL LAND USE PERMIT ADMENDMENT  
2018

- WHEREAS, 191 N. Chester filed an application pursuant to Article 7, section 7.34 of Chapter 126, Zoning, of the City Code to establish an office use over 3,000 sq. ft. in the TZ2 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 Chester, south of Willits;
- WHEREAS, The land is zoned TZ2, and is located within the Downtown Birmingham Overlay District;
- WHEREAS, Article 7, section 7.34 of Chapter 126, Zoning requires a Special Land Use Permit to be considered and acted upon by the Birmingham City Commission, after receiving recommendations on the site plan and design from the Planning Board for the proposed Special Land Use;
- WHEREAS, The applicant submitted an application for a Special Land Use Permit and Final Site Plan for 191 N. Chester;
- WHEREAS, The Planning Board on January 24, 2018 reviewed the application for a Special Land Use Permit Amendment and recommended approval of the application with the following conditions:
1. Add an additional street tree along Willits;
  2. Replace proposed Sweet Gum trees with species acceptable to the Department of Public Services and provide irrigation for the trees;
  3. Show placement and measurement of one (1) off-street loading space or obtain a variance from the Board of Zoning Appeals;
  4. The applicant will need to submit revised plans showing a railing made of metal, wood, cast concrete, or stone, or obtain a variance from the Board of Zoning Appeals; and
  5. Applicant add bike racks to the site subject to administrative approval.
- WHEREAS, The applicant has agreed to comply with the conditions of approval recommended by the Planning Board;
- WHEREAS, The Birmingham City Commission has reviewed the Special Land Use Permit application for 191 N. Chester and the standards for such review as set forth in Article 7, section 7.36 of Chapter 126, Zoning, of the City Code;
- NOW, THEREFORE, BE IT RESOLVED, The Birmingham City Commission finds the standards imposed under the City Code have been met, subject to the conditions below, and that the 191 N. Chester application for a Special Land Use Permit and Final Site Plan at 191 N. Chester 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. Add an additional street tree along Willits;
2. Replace proposed Sweet Gum trees with species acceptable to the Department of Public Services and provide irrigation to the trees;
3. Show placement and measurement of one (1) off-street loading space or obtain a variance from the Board of Zoning Appeals.
4. The applicant will need to submit revised plans showing a railing made of metal, wood, cast concrete, or stone, or obtain a variance from the Board of Zoning Appeals;
5. Applicant add bike racks to the site subject to administrative approval;
6. 191 N. Chester shall abide by all provisions of the Birmingham City Code; and
7. The Special Land Use Permit may be canceled by the City Commission upon finding that the continued use is not in the public interest.

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

BE IT FURTHER RESOLVED, Except as herein specifically provided, 191 N. Chester 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 191 N. Chester 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 191 N. Chester is recommended for the establishment of an office use over 3,000 sq. ft., subject to final inspection.

I, Cherilynn Mynsberge, City Clerk of the City of Birmingham, Michigan, do hereby certify that the foregoing is a true and correct copy of the resolution adopted by the Birmingham City Commission at its regular meeting held on March 12, 2018.

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Cherilynn Mynsberge, City Clerk



# MEMORANDUM

Planning Division

**DATE:** January 18<sup>th</sup>, 2018

**TO:** Jana Ecker, Planning Director

**FROM:** Nicholas Dupuis, Planning Intern

**SUBJECT:** 191 N. Chester – The Jeffrey  
Final Site Plan and Special Land Use Permit Review

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The 0.40 acre subject site, 191 N. Chester, is located at the corner of Chester and Willits on the outer edge of Downtown Birmingham. The Planning Board recommended approval to the City Commission for a rezoning from TZ1 to TZ2 on September 13th, 2017 to allow the former Church of Christ Scientist building to become an office space. On October 16<sup>th</sup>, 2017, the City Commission approved the request for a rezoning to TZ-2. The transformed office building is proposed to contain 16,493 sq. ft. of office space. The Zoning Ordinance limits tenants of an office building to 3,000 sq. ft. per tenant in the TZ-2 district. The proposed floor plans for the renovated office building show three tenant lease spaces, all of which will be over the permitted 3,000 sq. ft. (5,404 sq. ft., 7,278.2 sq. ft. & 3,810.85 sq. ft.). Thus, the applicant is seeking a Special Land Use Permit to allow for three office tenants to each exceed 3,000 sq. ft. in area.

A highlight of the proposed transformation of the former church use to an office use is the proposed 1,355 sq. ft. addition to the front of the building. Along with the design of an overhead garage door off of Willits, a new roof, new windows, and new paint, the addition will create an entirely new look for the building. The proposed addition will bring the gross floor area to 26,105 sq. ft. (figure includes the 10,011 sq. ft. lower level and the 2,493 sq. ft. indoor garage).

All relevant meeting minutes are attached for your review.

## 1.0 Land Use and Zoning

- 1.1 Existing Land Use – The existing land use is a vacant Church.
- 1.2 Zoning – The parcel is zoned TZ-2 (Transitional Zoning 2) and C (Community) in the Downtown overlay.
- 1.3 Summary of Adjacent Land Use and Zoning - The following chart summarizes existing land use and zoning adjacent to and/or in the vicinity of the subject site, including the proposed 2016 Regulating Plan zones.

	<b>North</b>	<b>South</b>	<b>East</b>	<b>West</b>
<b>Existing Land Use</b>	Residential	Commercial	Commercial	Residential
<b>Existing Zoning District</b>	R2, Single-Family Residential	TZ-3, Transitional Zone-3	B-4, Business-Residential	R2, Single-Family Residential
<b>Downtown Overlay Zoning District</b>	N/A	D4	D4	N/A

## 2.0 Setback and Height Requirements

Please see the attached zoning compliance summary sheet for details on setback and height requirements for the proposed development.

## 3.0 Screening and Landscaping

3.1 Dumpster Screening – The applicant indicated that there will be a designated area for trash collection inside the building underneath the stairs located in the garage area. Therefore, the trash area will be fully screened by the building.

3.2 Parking Lot Screening – The subject site is located in the Parking Assessment District and thus no parking is required on site. However, the applicant is proposing an 8-space garage with access off of Willits. Thus, the parking will be fully screened within the building. All proposed parking spaces are 180 sq. ft.

The applicant also noted three existing outdoor spaces that are located at the northwest corner of the property in the application. The submitted site plans show these three existing outdoor spaces, and the applicant indicated that they will be screened on either side with a five foot concrete masonry split face retaining wall which will match the building. As the site currently stands, the spaces are set below grade with a stone retaining wall and landscaping. As these parking spaces directly abut the street for primary access, there is no screen wall screening the view of the parking spaces from Willits. However, these are existing, non-conforming parking spaces for screening.

3.3 Mechanical Equipment Screening – The applicant has indicated that the building will utilize the existing rooftop mechanical units that are already screened by the parapet of the building. The applicant has also noted that there may be additional mechanical equipment placed on the inside of the building. Therefore, all mechanical equipment will be fully screened.

- 3.4 Landscaping – The applicant has submitted a landscape plan for the proposed development detailing the size, type, and placement of plants across the site. All of the proposed plantings are permitted and are described in the table below:

	<b>Botanical/Common Name</b>	<b>Size</b>	<b>Quantity</b>
<i>Trees</i>	Liquidambar styraciflua/ Emerald Sentinel Sweet Gum	3" CAL	3
	Tilia cordata/ Chancellor Linden	3" CAL	4
<i>Shrubs</i>	Thuja occidentalis/ Niagra – Dark Green Arborvitae	8' HT	6
<i>Groundcovers/Perennials</i>	Calamagrostis/ Karl Forester Feather Reed Grass	3 GAL	8
	Hemerocalis/ Happy Returns Daylily	2 GAL	44
	Sesleria autumnalis/ Autumn Moor Grass	2 GAL	55

Article 4, Section 4.20 of the Zoning Ordinance requires deciduous trees to be a minimum of 3 inches in caliper. The proposed trees meet this requirement. The applicant is not required to provide parking lot landscaping, as the three existing parking spaces are less than 7,500 sq. ft. in area.

- 3.5 Streetscape – The submitted site plans show 3 street trees along N. Chester, and 4 street trees along Willits. However, based on Article 4, Section 4.20 of the Zoning Ordinance which requires one street tree per 40 ft. of frontage, the applicant is required to have 2 streets along N. Chester and 5 street trees along Willits. **Thus, the applicant must add an additional tree along Willits Street, or obtain a waiver from the Staff Arborist.**

The applicant is proposing substantial changes to the streetscape along Willits to greatly enhance pedestrian circulation. The existing sidewalk along Willits includes several steps due to the grade. The applicant intends to regrade the northern edge of the property and right-of-way to construct a new sidewalk with appropriate slopes and landings to permit the removal of the stairs at the corner of Willits and N. Chester and replace them with a new ADA ramp and pad. This will create a more walkable street in front of the proposed development.

**The applicant has not proposed any bike racks, trash receptacles, or benches. The Planning Board may wish to require any or all of the above to be added to the streetscape.**

#### **4.0 Parking, Loading and Circulation**

- 4.1 Parking – The proposed office building does not require on-site parking, as it is located within the Parking Assessment District. However, the submitted site plans show eight parking spaces within a garage proposed in the lower level. The applicant is also proposing to retain the three existing outdoor spaces

located at the north-west corner of the property with an ADA space available. The proposed parking spaces all measure the appropriate 180 sq. ft. in area.

- 4.2 Loading – Article 4, Section 4.24 of the Zoning Ordinance requires office uses in between 10,001 and 50,000 sq. ft. in size to provide one off-street loading space. The proposed development contains 16,493 sq. ft. of office space, thus is required to provide one off street loading space. The applicant has not proposed an off street loading space. **Therefore, the applicant must submit revised plans showing the placement and measurements of one off street loading space, or obtain a variance from the Board of Zoning Appeals.**
- 4.3 Vehicular Circulation and Access – Access to the proposed development will predominantly be by foot, but access to the vehicular garage will be via a driveway and garage door off of Willits. The driveway is proposed to be 12 ft. wide.
- 4.4 Pedestrian Circulation and Access – The principal pedestrian entrance is proposed on N. Chester. The entrance is equipped with an ADA ramp and an elevator to the upper and lower floors. Secondary pedestrian access is also provided along the Willits façade.

## 5.0 Lighting

The applicant has submitted a photometric plan, along with specification sheets for the proposed luminaires. The photometric plan demonstrates that all of the lighting requirements of Article 4, Section 4.21 of the Zoning Ordinance have been met with regards to property line light levels. There are two recessed canopy lights manufactured by Gotham to be installed beneath the new canopy at the entrance on Chester, at 36.91 watts each. Two wall sconces manufactured by Lithonia Lighting are proposed along the south building elevation at the stair wells. These are 9.15 watts each and proposed to be mounted at a height of 10'. Five architectural wall sconce manufactured by Lithonia Lighting are also proposed on the north and west building elevations. These fixtures are 12 watts each, and proposed to be mounted at a height of 12'. All proposed lighting is fully cut off and black in color.

## 6.0 Departmental Reports

- 6.1 Engineering Division – A sidewalk/drive approach permit will be required.
- 6.2 Department of Public Services – **Instead of Sweet Gums along Chester Street, we require a different variety of tree for this location due to the fruit of this species and the proximity to the sidewalks. Irrigation should be installed.**
- 6.3 Fire Department – No comments have been received at this time but will be provided by January 24, 2018.

6.4 Police Department – No comments have been received at this time but will be provided by January 24, 2018.

6.5 Building Division –The Building Department has examined the plans for the proposed project referenced above. The plans were provided to the Planning Department for site plan review purposes only and present conceptual elevations and floor plans. Although the plans lack sufficient detail to perform a code review, the following comments are offered for Planning Board and/or Design Review Board and applicant consideration:

1. There are no apparent building code means of egress concerns based on the preliminary floor plans and the assumption that the building will be occupied by a single tenant. Multiple tenants would require common corridors connecting the exits, the elevator and the parking garage.

## 7.0 Design Review

The applicant is proposing to renovate the existing Church of Christ Scientist to create an office building. The transformation from Church to office will include the removal of the existing porch and entry to create an addition off of the front of the building to be used as the primary entryway to the building, bringing it to the property line. There will also be repairs done and paint (SW 7069 Iron Ore) added to the existing masonry, a new quartz -zinc metal roof, a new garage with a 10' x 8' garage door **(material and color unknown)**, and new windows added to the building. **Some material samples and colors have been provided at this time, but the missing details must be provided.**

For the new addition, the applicant is proposing new grey brick **(manufacturer unknown)**, quartz -zinc metal paneling for coping and roofing, an aluminum clear glass window system, and a new anthra-zinc metal canopy in black for the new front entrance. This will modernize the front of the building and give it more of an office building look, as opposed to a Church look. Since the proposed addition will be bringing the building to the property line, the building's street presence will match that of the McCann building to the east, and Integra building to the south.

The original building will be painted charcoal grey (SW 7069 Iron Ore) and have a new grey standing seam metal roof installed, along with 24 new clear glass windows/doors. The applicant is also proposing to create three new patios on the property, one off of the new addition, one off of the back of the building at the first floor, and finally, one on the second floor. The patio proposed with the addition will be enclosed with a powder coated aluminum railing. The other patios will be enclosed with an aluminum and tempered glass railing system. Article 3, Section 3.04 of the Zoning Ordinance requires balconies, railings and porch structures to be wood, metal, cast concrete, or stone. **The applicant will need to submit revised plans showing a railing made of metal, wood, cast concrete, or stone, or obtain a variance from the Board of Zoning Appeals.**

The applicant is not proposing any signage at this time.

The applicant has provided window samples showing clear glass with a visual light transmittance of 80% for the new windows.

## **8.0 Approval Criteria**

In accordance with Article 7, section 7.27 of the Zoning Ordinance, the proposed plans for development must meet the following conditions:

- (1) The location, size and height of the building, walls and fences shall be such that there is adequate landscaped open space so as to provide light, air and access to the persons occupying the structure.
- (2) The location, size and height of the building, walls and fences shall be such that there will be no interference with adequate light, air and access to adjacent lands and buildings.
- (3) The location, size and height of the building, walls and fences shall be such that they will not hinder the reasonable development of adjoining property nor diminish the value thereof.
- (4) The site plan, and its relation to streets, driveways and sidewalks, shall be such as to not interfere with or be hazardous to vehicular and pedestrian traffic.
- (5) The proposed development will be compatible with other uses and buildings in the neighborhood and will not be contrary to the spirit and purpose of this chapter.
- (6) The location, shape and size of required landscaped open space is such as to provide adequate open space for the benefit of the inhabitants of the building and the surrounding neighborhood.

## **9.0 Recommendation**

Based on a review of the site plan submitted, the Planning Division finds that the proposed Final Site Plan meets the requirements of Article 7, section 7.27 of the Zoning Ordinance and recommends that the Planning Board recommend **APPROVAL** of the Final Site Plan and Special Land Use Permit for 191 N. Chester to the City Commission with the following conditions:

1. The applicant must add an additional tree along Willits Street, or obtain a waiver from the Staff Arborist;
2. Replace the proposed Sweet Gum trees along Chester Street and provide irrigation for trees;

3. The applicant must submit revised plans showing the placement and measurements of one off street loading space, or obtain a variance from the Board of Zoning Appeals;
4. The applicant will need to submit revised plans showing a railing made of metal, wood, cast concrete, or stone, or obtain a variance from the Board of Zoning Appeals; and
5. The applicant must submit specifications on all of the proposed materials used for the construction of the building.

## 10.0 Sample Motion Language

Motion to recommend **APPROVAL** of the Final Site Plan and Special Land Use Permit for 191 N. Chester – The Jeffrey – with the following conditions:

1. The applicant must add an additional tree along Willits Street, or obtain a waiver from the Staff Arborist;
2. Replace the proposed Sweet Gum trees along Chester Street and provide irrigation for trees;
3. The applicant must submit revised plans showing the placement and measurements of one off street loading space, or obtain a variance from the Board of Zoning Appeals;
4. The applicant will need to submit revised plans showing a railing made of metal, wood, cast concrete, or stone, or obtain a variance from the Board of Zoning Appeals; and
5. The applicant must submit specifications on all of the proposed materials used for the construction of the building.

**OR**

Motion to **POSTPONE** the Final Site Plan and Special Land Use Permit for 191 N. Chester pending receipt of the following:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

**OR**

Motion to recommend the **DENIAL** of the Final Site Plan and Special Land Use Permit for 191 N. Chester to the City Commission for the following reasons:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

**Zoning Compliance Summary Sheet  
Final Site Plan Review  
191 N. Chester**

**Existing Site:** Church of Christ, Scientist

Zoning: TZ-2, Transitional Zone 2 & C, Community

Land Use: Commercial

**Existing Land Use and Zoning of Adjacent Properties:**

	<b>North</b>	<b>South</b>	<b>East</b>	<b>West</b>
<b>Existing Land Use</b>	Residential	Commercial	Commercial	Residential
<b>Existing Zoning District</b>	R-2, Single-Family Residential	TZ-3, Transitional Zone 3	B-4, Business Residential	R-2, Single-Family Residential
<b>Overlay Zoning District</b>	N/A	D-4	D-4	N/A

**Land Area:** Existing: 0.40 acres (17,370 ft<sup>2</sup>)  
Proposed: 0.40 acres (17,370 ft<sup>2</sup>)

**Dwelling Units:** Existing: 0  
Proposed: 0

**Minimum Lot Area/Unit:** Required: N/A  
Proposed: N/A

**Min. Floor Area /Unit:** Required: N/A  
Proposed: N/A

**Max. Total Floor Area:** Required: N/A  
Proposed: N/A

<b>Min. Open Space:</b>	Required:	N/A
	Proposed:	N/A
<b>Max. Lot Coverage:</b>	Required:	N/A
	Proposed:	N/A
<b>Front Setback:</b>	Required:	0-5 ft.
	Proposed:	0 ft.
<b>Side Setbacks</b>	Required:	0 ft. from interior side lot line 10 ft. from side lot line abutting a single family district
	Proposed:	<b>No changes proposed.</b> (7 ft. from abutting single family district, 0 ft. along Willits)
<b>Rear Setback:</b>	Required:	10 ft. 20 ft. abutting single family zoning district
	Proposed:	<b>No changes proposed.</b> (30 ft.)
<b>Min. Front+Rear Setback</b>	Required:	N/A
	Proposed:	N/A
<b>Max. Bldg. Height:</b>	Permitted:	30 ft., 2 stories
	Proposed:	<b>No changes proposed.</b> (35 ft., 2 stories)
<b>Min. Eave Height:</b>	Required:	N/A
	Proposed:	N/A
<b>Floor-Ceiling Height:</b>	Required:	14 ft.
	Proposed:	<b>No changes proposed.</b>
<b>Front Entry:</b>	Required:	N/A
	Proposed:	N/A
<b>Absence of Bldg. Façade:</b>	Required:	N/A
	Proposed:	N/A
<b>Opening Width:</b>	Required:	N/A
	Proposed:	N/A
<b>Parking:</b>	Required:	None required, Parking Assessment District
	Proposed:	11 total - 8 within proposed garage, 3 existing
<b>Min. Parking Space Size:</b>	Required:	180 ft <sup>2</sup>
	Proposed:	180 ft <sup>2</sup>

<b>Parking in Frontage:</b>	Required:	N/A
	Proposed:	N/A
<b>Loading Area:</b>	Required:	1 (40' x 12' x 14')
	Proposed:	0
<b>The applicant must submit plans showing a screened loading space measuring 40 x 12 x 14 or obtain a variance from the Board of Zoning Appeals.</b>		
<b>Screening:</b>		
<u>Parking:</u>	Required:	6 ft. masonry screen wall
	Proposed:	8 spaces fully screened within building 3 existing unscreened legal, non-conforming parking spaces
<u>Loading:</u>	Required:	6 ft. masonry screen wall
	Proposed:	None proposed
<b>The applicant must submit plans showing the screening details for one off-street loading space, or obtain a variance from the Board of Zoning Appeals.</b>		
<u>Rooftop Mechanical:</u>	Required:	Full screening to compliment the building
	Proposed:	Fully screened by existing parapet and building structure.
<u>Elect. Transformer:</u>	Required:	Fully screened from public view
	Proposed:	No transformer is proposed on the property.
<u>Dumpster:</u>	Required:	6 ft. high capped masonry wall with wooden gates
	Proposed:	Fully screened by building.

**CITY OF BIRMINGHAM  
REGULAR MEETING OF THE PLANNING BOARD  
WEDNESDAY, SEPTEMBER 13, 2017  
City Commission Room  
151 Martin Street, Birmingham, Michigan**

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Minutes of the regular meeting of the City of Birmingham Planning Board held on September 13, 2017. Chairman Scott Clein convened the meeting at 7:30 p.m.

**Present:** Chairman Scott Clein; Board Members Robin Boyle, Stuart Jeffares, Bert Koseck, Vice- Chairperson Gillian Lazar, Bryan Williams

**Absent:** Board Member Janelle Whipple-Boyce; Alternate Board Members Lisa Prasad, Daniel Share; Student Representatives Ariana Afrakhteh, Isabella Niskar

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

## **REZONING REQUEST**

**1. 191 N. Chester, First Church of Christ, Scientist  
Request for rezoning from TZ-1 to TZ-2 (Transitional Zoning) to allow the  
adaptive reuse of the existing building for office use**

Chairman Clein returned to chair the meeting.

Ms. Ecker reported that the property owner is requesting the rezoning of the property to keep the building as-is on site while renovating the inside for an office use.

The subject site is located on the west side of N. Chester, with single-family homes to the north and office/commercial buildings to the south (Integra Building) and east (McCann Worldgroup Building). The area of the site is .40 acres, the building is 16,000 sq. ft. in size. The subject property is in the Downtown Overlay District and was zoned C - Community Use, due to its former use as a church. At the time of the transitional rezoning the City Commission created the TZ-1 Zone District and the TZ-3 Zone District. They did not create the TZ-2 Zone District then and the property was rezoned TZ-1 which allows only a residential use and not an office use.

The applicant lists a number of reasons that with the City's adoption of TZ-2 into the Zoning Ordinance, the TZ-2 classification would be better suited. The applicant would like to re-purpose the existing church building into an office use. While office use is permitted in the TZ-2 Zoning District, any office use over 3,000 sq. ft. in size would require a Special Land Use Permit ("SLUP"). The applicant has affirmed the building is not suitable for adaptive reuse to residential.

The applicant had meetings with the adjoining property owners who have indicated a desire to keep the existing building as opposed to demolishing it and increasing and changing the height

and mass with a new structure. They felt building as it stands would have the least impact on the neighborhood in terms of scale, visibility, and traffic.

The applicant has tried to market the building as a religious institution but has been unsuccessful in finding someone who is interested.

The only physical modification done to the building was in 1956 when an addition was added to the existing church. The church building is still in fair condition today.

Based on a review of the rezoning application and supporting documentation submitted by the applicant, a review of the applicable Master Plan documents, current zoning and recent development trends in the area, the Planning Dept. finds that the applicant meets the established ordinance requirements to qualify for a rezoning of the property from TZ-1 (Transitional Zone 1) to TZ-2 (Transitional Zone 2) to permit the adaptive reuse of the building for office/commercial use. Given the recommendations of the Master Plan and the 2016 Plan, the existing mix of uses in the immediate neighborhood, and given the age and character of the building, the proposal to adaptively reuse the building is appropriate and compatible with the area. The Planning Board will make a recommendation to the City Commission and the City Commission shall make the final determination on whether this potential rezoning should be approved.

Mr. Boyle asked what design oversight there might be with this building if it was rezoned to TZ-2. Ms. Ecker replied that just the design of the building would go to the Design Review Board or come to the Planning Board for review. If they are going to propose over 3,000 sq. ft. of office use, it will come to the Planning Board because it would require a SLUP which would bring in all of the design elements as well as the signage. Then it would go to the City Commission for the final decision.

In response to Mr. Koseck, Ms. Ecker said the applicant has the option to seek a use variance for the building. The Chairman asked about the difference between TZ-1 and TZ-2 with regard to massing and height. Ms. Ecker advised that TZ-1 allows three stories and 35 ft. in height with a minimum of two stories. In TZ-2 only a two-story maximum is allowed.

Ms. Ecker explained for Mr. Boyle that there is no requirement that there must be a mix of uses on a transitional zoned property.

Mr. Williams said a question for the City Attorney would be whether the site can be rezoned to TZ-2 with the condition that the building structure remain the same. Ms. Ecker noted the Planning Board at this level has not made a recommendation to go down the conditional rezoning path.

The applicant, Mr. Sam Surnow, 320 Martin, said they have spent a lot of time over the last three years trying to figure out what to do because they acquired the property before it was rezoned to TZ-1. Based on feedback from all of the neighbors and the different departments, they have been guided in the direction of rezoning the existing building for office use. They feel it is the best choice. It seems that a residential development would have the potential to change the impact on the neighborhood. On-site parking will be needed to be marketable and to attract tenants. Therefore they will have to take away a few thousand feet in the lower level

to make room for ten or fifteen parking spaces. Then, after taking away the common areas, the office space left will be much less than 16,000 sq. ft.

Mr. Surnow stated that they decided not to apply for a use variance with the BZA because having a use variance in a TZ-1 Zone that is meant for residential use only would be contradictory. Also if the City could have rezoned to TZ-2 which didn't exist at the time, it probably would have. They don't have an issue with coming up with an agreement stating they will preserve exactly what is there if the City Commission requested that.

Mr. Kevin Biddison, 320 Martin, added they are excited hopefully to be involved in another project with the Surnows. This is really a similar challenge to what they did with the post office and they are looking to do some of the very same things and create multi-uses for smaller businesses which can tuck into the very unusual nature of the building.

No one from the public came forward with comments at 8:38 p.m.

Mr. Boyle observed that office space is changing. He hoped this iconic building will be redesigned and repurposed in such a way that it can accommodate the contemporary office and how it is going to operate. Also, he thought a mixed use in some shape or form might enliven this street.

Mr. Koseck noted this is a unique building on a challenging site. The Chester Parking Structure is least used so the project could help to populate that. These developers have a proven track record and he is in favor of the proposal to rezone.

**Motion by Mr. Koseck**

**Seconded by Mr. Boyle to recommend approval to the City Commission for the rezoning of 191 N. Chester from TZ-1 (Transitional Zone 1) to TZ-2 (Transitional Zone 2).**

Chairman Clein thought the adaptive reuse that is being proposed is awesome and the rezoning to facilitate that makes perfect sense. However he has concerns about rezoning, and that means ten years from now the building could be razed and a 17,000 sq. ft. site could turn into 30,000 sq. ft. of something. He leans toward approving the request because he feels this is a fantastic project but he thinks the Commission needs to weigh those concerns.

At 8:43 p.m. there were no comments from the members of the public on the motion.

**Motion carried, 6-0.**

**ROLLCALL VOTE**

Yeas: Koseck, Boyle, Clein, Jeffares, Lazar, Williams

Nays: None

Absent: Whipple-Boyce

**BIRMINGHAM CITY COMMISSION MINUTES  
OCTOBER 16, 2017**

**VI. NEW BUSINESS 10-267-17**

**PUBLIC HEARING TO CONSIDER THE REZONING OF 191 N.CHESTER FROM TZ1 TO TZ2**

From City Planner Ecker's staff report to City Manager Valentine dated October 6, 2017:

The property owner of 191 N. Chester (The First Church of Christ, Scientist), is requesting the rezoning of the property from TZ-1 (Transitional Zone 1) to TZ-2 (Transitional Zone 2) to allow office use. The subject site is located on the west side of N. Chester, with single family homes to the north and office/commercial buildings to the south (Integra Building) and east (McCann Worldgroup Building). The subject property is currently zoned TZ1 (Transitional Zoning), as well as C - Community Use in the Downtown Overlay District, due to its former use as a Church. On September 13, 2017, the Planning Board conducted a public hearing to consider the requested rezoning. After much discussion, the Planning Board voted to recommend approval of the proposed rezoning to the City Commission. The applicant has submitted a letter voluntarily offering to limit the use of the property at 191 N. Chester to office use only should the rezoning to TZ2 be approved. The applicant has also submitted numerous letters of support from the surrounding property owners.

City Planner Ecker continued:

- In 2015, the Commission created TZ1 and TZ3. TZ2 was added in the past year.
- 191 N. Chester was previously zoned as R4 – Residential, and then it was re-zoned to TZ1. TZ3 allowed too many uses on the site.
- Applicant would now like the property re-zoned to TZ2. TZ2 allows uses beyond residential, which are the only uses permitted by TZ1.
- Applicant is looking to keep the exterior of the building, and to re-build the inside as office space.
- A TZ1 designation is residential, and allows for three stories and a height of thirty-five feet. A TZ2 designation allows for more uses, but it only allows for two stories and a height of thirty feet.
- When an applicant applies for re-zoning, they must submit the following information:
  - An explanation of why the re-zoning is necessary for the preservation and enjoyments of the rights of usage commonly associated with property ownership;
  - An explanation of why the existing zoning classification is no longer appropriate;
  - An explanation of why the proposed re-zoning will not be detrimental to the surrounding properties;
  - A land survey.
- The current applicant explained that:
  - The building was determined not to be of interest to any religious institution, and also not tenable for residential adaptation.

- Re-zoning the building for office use would preserve the current building, does not change the character of the neighborhood, and creates less traffic than a possible residential re-use.
- Planning staff performed a review of the application's adherence to existing zoning and Master Planning requirements for the site, an analysis of existing uses of the property within the general area, the suitability of the property in question to the uses permitted under the existing zoning classification, and the general trend of development in the area of the property in question, including any changes that have taken place in the zoning classification.
- This area is considered part of a commercial piece on the edge of downtown, which according to the 1980 Master Plan "should be restricted to office and low intensity commercial use" whenever possible. The currently submitted application is in line with this goal.
  - This area is also zoned according to the Downtown Birmingham 2016 Plan as C – 5 October 16, 2017 Community, which requires the City to retain and enhance the character and vitality of downtown, and make sure new architecture is compatible with old. Keeping the exterior of the building, as proposed in the application, is also in line with this goal.
  - The Zoning Ordinance states that "the purpose of the Zoning Ordinance is to guide the growth and development of the City, in accordance with the goals, objectives, and strategies stated within the Birmingham Future Land Use Plan and the 2016 Plan." The adaptive re-use proposed by the applicant supports the City's growth, development, and re-use, and maintains the character of the neighborhood.
  - Since there is a four-story office building to the south, the McCann Building to the east, and single family residential homes to the north and west, this proposed zoning change could be considered transitional between the high density commercial business district on one side and the single-family low density residential on the other side.
  - With the current TZ1 zoning, the building in question could not be used for a religious institution without a use variance, since it is restricted to residential use.
  - Several changes have occurred to office buildings in the area, and the only rezoning in the area was the change of this building's zoning designation from R4 to TZ1.
- Upon review of the aforementioned information, the Planning Department and the Planning Board recommended that 151 N. Chester be re-zoned from TZ1 to TZ2. The Commission should also consider whether to accept the applicant's offer to restrict the use to office and commercial use only.

City Planner Ecker confirmed for Commissioner Hoff that 151 N. Chester is historical, but is not a historically-designated building, and that the parking would be built out into the basement of the building. City Planner Ecker also confirmed that if this re-zoning is granted, a much larger building could be built in this building's stead later on.

Mayor Nickita explained that conditional zoning is a possibility in order to address concerns of what would be allowed, although the Commission has not taken that route before.

City Attorney Currier confirmed for Commissioner DeWeese that if any further construction were to occur in the future after this re-zoning, the construction would still need to adhere to both the greater zoning and whatever conditional zoning the Commission may apply.

City Planner Ecker confirmed for Mayor Pro Tem Harris that a Special Land Use Permit (SLUP) would be required for this use, and City Attorney Currier confirmed that if the building were to change hands, the conditions of the SLUP would have to be followed or they would need to be amended by the Commission at the request of the new owner.

Mayor Nickita opened the public hearing at 8:12 p.m.

Sam Surnow of the Surnow Company (320 Martin Street) explained that while many possibilities for the building were explored, the conclusion was that the building would need to be torn down in order to adhere to TZ1. The Surnow Company met with the building's neighbors in March to solicit feedback, and the neighborhood overwhelmingly expressed its desire to keep the building. Mr. Surnow explained that:

- Of the 16,000 sq. ft., an estimated 3,000 and 4,000 sq. ft. will be used for parking while the rest of the building is maintained;
- The Surnow Company would be willing to restrict traffic exiting the building so that employees could only make a right onto Chester;
- Fire suppression would be included in the parking lot, the building would be made wheelchair-accessible, and it would be brought up to code.

Mr. Biddison, the architect on this project from Biddison Architecture, explained:

- That the main floor would be maintained as public space, with former mechanical spaces being repurposed as storage for office users;
- The trusses may be changed from the inside into an additional useable level;
- An elevator would be added;
- Some stairs would be re-configured;
- And the windows would be maintained, but the floors would be re-positioned so the windows are at an appropriate height.

Mr. Biddison confirmed for Commissioner DeWeese that the parking lot would include about twelve spaces.

City Planner Ecker confirmed for Commissioner Hoff that:

- The Surnow Company can keep the existing roof lines within TZ2 because the building is grandfathered in, even if they decide to build up into the trusses to create a level.
- If the conditional zoning is not accepted, either a church or food and drink establishment could go into the building with a SLUP.
- The Surnow Company is considering permanent offices, not bistro offices similar to an application submitted by a previous group.

Lauren Stein spoke in support of the proposed project and re-zoning by the Surnow Company.

Susan Martin wholly supported renovating the existing building with the conditional zoning for business use only.

Mayor Nickita closed the public hearing at 8:36 p.m.

City Planner Ecker explained to Commissioner Hoff that information on traffic pattern changes will not be available until after re-zoning is approved.

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

To approve the rezoning of 191 N. Chester from TZ1 (Transitional Zoning) to TZ2 (Transitional Zoning) as recommended by the Planning Board on September 13, 2017 with the conditions as outlined in the letter dated October 5, 2017 from Chester Street Partners, LLC, A Surnow Company.

Mayor Nickita clarified that Birmingham does not usually re-zone in response to developer requests, but that this is a unique situation because:

- The requested zoning designation did not exist at the original time of zoning;
- To maintain the current zoning would essentially require the demolition of the current building and the construction of a higher density space, which is counter to Birmingham's goals, and;
- The Surnow Company offered to take on additional conditional zoning in order to maintain the intended use category long-term.

VOTE:            Yeas, 7  
                     Nays, 0  
                     Absent, 0

**Planning Board Minutes  
January 24, 2018**

**2. 191 N. Chester (Church of Christ, Scientist, renamed The Jeffrey)  
Request for approval of the Final Site Plan and Design to allow for exterior  
design and site changes to the existing building to convert to office use larger  
than 3,000 sq. ft. in size**

Mr. Dupuis explained the 0.40 acre subject site is located at the corner of Chester and Willits on the outer edge of Downtown Birmingham. The Planning Board recommended approval to the City Commission for a rezoning from TZ-1 to TZ-2 on September 13, 2017 to allow the former Church of Christ Scientist building to permit office use.

The City Commission approved the request for a rezoning to TZ-2. The transformed office building is proposed to contain 16,493 sq. ft. of office space. The Zoning Ordinance limits tenants of an office building to 3,000 sq. ft. per tenant in the TZ-2 District. The proposed floor plans for the renovated office building show three tenant lease spaces, all of which will be over the permitted 3,000 sq. ft. Thus, the applicant is seeking a SLUP to allow for three office tenants to each exceed 3,000 sq. ft. in area. A highlight of the proposed transformation of the former Church use to an office use is the proposed 1,355 sq. ft. addition to the front of the building. Along with the design of an overhead garage door off of Willits, a new roof, new windows, and new paint, a new lobby addition will create an entirely new look for the building.

Based on Article 4, section 4.20 of the Zoning Ordinance, the applicant is required to have two street trees along N. Chester and five street trees along Willits. ***Thus, the applicant must add an additional tree along Willits or obtain a waiver from the Staff Arborist.***

The Dept. of Public Services states that instead of Sweet Gums along Chester St., they require a different variety of tree for this location due to the fruit of the species and the proximity to the sidewalks. Also, irrigation should be installed.

The proposed development contains 16,493 sq. ft. of office space, thus is required to provide one off-street loading space. The applicant has not proposed an off-street loading space. ***Therefore, the applicant must submit revised plans showing the placement and measurements of one off-street loading space, or obtain a variance from the Board of Zoning Appeals ("BZA").***

*Design Review*

The transformation from Church to office will include the removal of the existing porch and entry to create an addition on the front of the building to be used as the primary entryway to the building, bringing it to the property line. There will also be repairs done and paint (SW 7069 Iron Ore) added to the existing masonry, a new quartz -zinc metal roof, a new garage with a 10 ft. x 8 ft. garage door (material and color unknown), and new windows added to the building. Some material samples and colors have been provided at this time, but the missing details must be provided.

For the new addition, the applicant is proposing new grey brick (manufacturer unknown), quartz -zinc metal paneling for coping and roofing, an aluminum clear glass window system, and a new anthra-zinc metal canopy in black for the new front entrance. This will modernize the front of the building and give it more of an office building look, as opposed to a Church look. The proposed addition will bring the building to the property line and the building's street

presence will match that of the McCann Building to the east and the Integra Building to the south.

The original building will be painted charcoal grey (SW 7069 Iron Ore) and have a new grey standing seam metal roof, along with 24 new clear glass windows/doors. The applicant is also proposing to create three new patios on the property, one off of the new addition, one off of the back of the building at the first floor, and finally, one on the second floor. The patio proposed with the addition will be enclosed with a powder coated aluminum railing. The other patios will be enclosed with an aluminum and tempered glass railing system. Article 3, Section 3.04 of the Zoning Ordinance requires balconies, railings and porch structures to be wood, metal, cast concrete, or stone. ***The applicant will need to submit revised plans showing a railing made of metal, wood, cast concrete, or stone, or obtain a variance from the BZA.***

The applicant is not proposing any signage at this time. The applicant has provided window samples showing clear glass with a visual light transmittance of 80% for the new windows.

Mr. Williams received confirmation that the applicant may have to come back for a SLUP amendment when the tenants and signage are identified.

Mr. Jeffares noted there are sterile cultivars of Sweet Gum trees that do not have fruit. Mr. Baka said the applicant would have to talk to the arborist and work that out.

Mr. Boyle felt that adding street furniture does not help in that particular location. Mr. Jeffares said he cannot fathom not having a bike rack on the property, assuming the building has been named after Jeffrey Surnow. There was general agreement on the bike racks.

Mr. Kevin Biddison, Biddison Architecture, 320 Martin, thought the adjustments that are planned will greatly improve the building. The tenant signage will go on the main brick frontage on the Chester side. There is an existing ground sign on the property but they do not know if it is something they would request.

Mr. Sam Surnow, the developer, 320 Martin, agreed there is no other location for signage other than on Chester.

There were no comments from the public at 8:15 p.m.

**Motion by Ms. Whipple-Boyce**

**Seconded by Mr. Williams to recommend APPROVAL the Final Site Plan and Special Land Use Permit to the City Commission for 191 N. Chester, The Jeffrey, with the following conditions:**

- 1. The applicant must add an additional tree along Willits, or obtain a waiver from the Staff Arborist;**
- 2. The applicant replace the proposed Sweet Gum trees along Chester and provide irrigation for trees;**
- 3. The applicant must submit revised plans showing the placement and measurements of one off-street loading space, or obtain a variance from the BZA;**
- 4. The applicant will need to submit revised plans showing a railing made of metal, wood, cast concrete, or stone, or obtain a variance from the BZA; and**
- 5. The applicant add bike racks.**

Ms. Whipple-Boyce and Mr. Koseck thought the applicant did a great job with the front of the building. Mr. Williams added this is great utilization of an existing structure.

There were no comments from the public on the motion.

**Motion carried, 7-0.**

VOICE VOTE

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

Nays: None

Absent: None

**01-17-18**

## **FINAL SITE PLAN AND DESIGN REVIEW**

### **3. 885 Redding (new two-family construction)**

#### **Request for approval of the Final Site Plan and Design Review to allow for construction of a new two-family residence**

Mr. Baka advised that the subject site is a 0.39 acre parcel located on the south side of Redding Rd. between Lakeside Dr. and North Old Woodward Ave. in the R-4 Zoning District. The applicant was previously approved on January 13, 2016 to construct a two-family residential development at the above-referenced address. However, the applicant decided not to build the project as approved and is now returning to the Planning Board to request approval of a new two-family residential development in a new configuration and design.

As the location and footprint of the new plan are completely different from the previous approval, the applicant is required to complete the Preliminary and Final Site Plan Approval process again. On November 29, 2017, the applicant was granted Preliminary Site Plan approval by the Planning Board with several conditions.

A landscaping plan was provided by the applicant that provides the required number of deciduous trees, however no evergreen trees are evident on the plan. ***The applicant must submit a landscaping plan that complies with the Ordinance requirements or obtain a variance from the Board of Zoning Appeals.***

#### ***Design Review***

The applicant is currently proposing that the two-family structure be constructed as a row house style building with side-by-side gabled ends facing the front property line. The siding is proposed to be James Hardie lap siding with pine board trim painted white. The roof on the overhangs is proposed to be standing seam and all windows are proposed to be double hung.

Mr. Boyle expressed his opinion that the poured concrete driveways coming into the two properties take up a significant amount of the lot.

Mr. Richard Wiand with Hunter Roberts Homes said they could remove the turn-arounds in the back. He would be happy to reduce in any way possible the amount of concrete on the site, however the driveway is an efficient way of moving run-off. In response to Mr. Boyle he indicated they are building for spec.

PROPOSED RENOVATION AND NEW ADDITION FOR:

# THE JEFFREY

## CONDITIONS OF WORK

### CONSTRUCTION COORDINATION:

1. ALL CONTRACTORS SHALL REVIEW ALL DRAWINGS & ARE RESPONSIBLE FOR A COMPLETE REVIEW & SITE VISIT. ITEMS AFFECTING ALL TRADES ARE PLACED THROUGHOUT SET & NO "EXTRAS" FOR MISSED ITEMS IN OTHER SECTIONS WILL BE PERMITTED. THE CONTRACTOR SHALL IMMEDIATELY NOTIFY ARCHITECT OF ANY AMBIGUITY, INCONSISTENCY OR ERRORS WHICH THEY DISCOVER UPON EXAMINATION OF DOCUMENTS, THE SITE OR LOCAL CONDITIONS.

2. ANY CONTRACTOR OR SUBCONTRACTOR BY SUBMITTING A BID WARRANT'S THAT HE HAS VISITED THE SITE AND IS AWARE OF ANY AND ALL SITE CONDITIONS AFFECTING HIS BID.

3. THE CONTRACTOR BY COMMENCING WORK ACCEPTS THE CONDITIONS OF THE SITE & THE COMPLETENESS OF CONTRACT DOCUMENTS.

4. FIELD VERIFY ALL DIMENSIONS AND REPORT ANY DISCREPANCIES IMMEDIATELY TO THE ARCHITECT. DO NOT SCALE DRAWINGS USE FIGURED DIMENSIONS ONLY.

5. ANY MATERIAL OR LABOR NEITHER SHOWN ON THE DRAWINGS NOR SPECIFIED, BUT WHICH IS OBVIOUSLY NECESSARY TO COMPLETE THE WORK IN A WORKMANLIKE MANNER SHALL BE FURNISHED WITHOUT COST TO THE OWNER.

6. ALL MATERIALS FURNISHED AND INSTALLED BY THE GENERAL CONTRACTOR SHALL BE FREE FROM DEFECTS. ALL WORK SHALL BE GUARANTEED FOR A PERIOD OF (1) YEAR FROM DATE OF ACCEPTANCE OF WORK. DURING THIS PERIOD THE GENERAL CONTRACTOR SHALL CORRECT ANY PROBLEMS DUE TO DEFECTIVE MATERIALS OR FAULTY WORKMANSHIP AT NO COST TO THE OWNER. ANY PROBLEM THAT OCCURS DURING CONSTRUCTION SHALL IMMEDIATELY BE CORRECTED TO THE SATISFACTION OF THE OWNER.

7. NO SUBSTITUTIONS OF SPECIFIED MATERIAL OR EQUIPMENT WILL BE ACCEPTED UNLESS WRITTEN REQUEST FOR APPROVAL HAS BEEN RECEIVED BY THE ARCHITECT AND CONTRACTOR HAS RECEIVED WRITTEN APPROVAL FROM ARCHITECT.

8. DURING AND AT THE COMPLETION OF THE CONTRACTOR'S DAILY WORK, CONTRACTOR IS RESPONSIBLE FOR THE CLEANING UP AND REMOVAL OF ALL RUBBISH AND DEBRIS BEFORE LEAVING THE PROJECT JOB SITE.

### PERMITS & SAFETY:

1. GENERAL CONTRACTOR SHALL APPLY & SUBMIT FOR BUILDING PERMIT.

2. GENERAL CONTRACTOR SHALL OBTAIN "ALL RISK" INSURANCE AND ALL CUSTOMARY STATUTORY INSURANCE FOR COMPREHENSIVE GENERAL LIABILITY, ETC. AS REQUIRED BY OWNER/LANDLORD.

3. GENERAL CONTRACTOR SHALL PROVIDE ADEQUATE PROTECTION OF WORK, MATERIALS, FIXTURES, ETC. IN LEASED SPACE FROM LOSS OR DAMAGE FROM FIRE, THEFT OR VANDALISM.

4. ALL WORK SHALL BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT (OSHA). THE FOLLOWING ARE STRICTLY PROHIBITED WORK PRACTICES.

A. ANY COMBUSTIBLE MATERIALS ABOVE FINISHED CEILING OR IN ANY NON-SPRINKLED LOCATIONS.

B. IMPOSING ANY STRUCTURAL LOAD, TEMPORARY OR PERMANENT ON ANY PART OF THE LANDLORD'S WORK OR STRUCTURE WITHOUT PRIOR WRITTEN APPROVAL.

C. CUTTING ANY HOLES IN LANDLORD'S EXISTING FLOOR SLABS, WALLS OR ROOF WITHOUT PROPER APPROVAL'S PROPER APPROVAL'S FROM LANDLORD. BEFORE STARTING ANY UNDERSLAB WORK CONTRACTORS MUST CHECK WITH THE LANDLORD OR SUPERINTENDENT OF THE LANDLORD'S GENERAL CONTRACTOR TO DETERMINE IF ANY COMMON UTILITY OR OTHER TENANT UTILITY LINES EXIST WITHIN THE SPACE.

### CODE COMPLIANCE:

1. WORK INDICATED IS TO BE EXECUTED IN ACCORDANCE WITH THE LATEST EDITIONS OF ALL APPLICABLE CODES.

2. FIRE EXTINGUISHERS SHALL BE PROVIDED BY G.C. AND INSTALLED PER THE FIRE MARSHALL'S INSTRUCTIONS.

3. ALL WALL FINISHES TO MEET CLASS III FLAME SPREAD RATINGS IN ACCORDANCE WITH MBC-2015 CHAPTER 8.

4. INTERIOR FINISHES IN EXIT ACCESS CORRIDORS, OTHER EXIT WAYS, ROOMS, AND ENCLOSED SPACES IN USE GROUPS "B" AND "S" IN SPRINKLED BUILDINGS ARE REQUIRED TO HAVE AT LEAST A CLASS C: FLAME SPREAD 78-200, SMOKE DEVELOPED 0-450; RATING AS LISTED IN THE 2015 MICHIGAN BUILDING CODE.

5. SAFETY GLAZING MUST HAVE PERMANENT IDENTIFICATION IN ACCORDANCE WITH THE 2015 MICHIGAN BUILDING CODE.

6. ALL REQUIREMENTS OF THE MICHIGAN BARRIER FREE ACT & THE AMERICAN'S WITH DISABILITIES ACT SHALL BE MAINTAINED TO COMPLY WITH ICC/A117.1-2009.

7. ALL OFFICE FURNITURE & EQUIPMENT TO BE PROVIDED BY TENANT. SHOWN FOR LAYOUT PURPOSES ONLY. TO COMPLY WITH ADA- ICC/A117.1-2009 (TYP.) REQUIREMENTS, A MINIMUM OF 5% BUT NOT LESS THAN (1) OF THE LUNCHROOM TABLES AND EMPLOYEE WORKSTATIONS (CUBICLES) SHALL BE ACCESSIBLE. ACCESSIBLE TABLE AND WORKSTATION TOPS SHALL BE 28" MIN. TO 34" MAX. A.F.F. KNEE AND TOE CLEARANCES AS FOLLOWS SHALL ALSO APPLY- TOE: 4" MIN. HIGH, 17" MIN. TO 25" MAX. DEPTH, AND 30" MIN. WIDE. KNEE: 27" MIN. HIGH, 11" DEEP @ 9" HIGH TO 8" DEEP @ 27" HIGH, AND 30" MIN. WIDE.

8. ALL ENTRANCE AND EXIT DOORS SHALL HAVE BARRIER FREE ACCESSIBILITY TO COMPLY WITH ICC/A117.1-2009.

9. TO COMPLY WITH ADA - ICC/A117.1-2009 (TYP.) REQUIREMENTS, CHANGES IN LEVEL GREATER THAN 1/2" SHALL BE RAMPED AND CHANGES IN LEVEL BETWEEN 1/4" AND 1/2" SHALL BE BEVELED A MAXIMUM OF 1:2.

10. ALL LUNCHROOM APPLIANCES TO BE PROVIDED BY TENANT. TO COMPLY WITH ADA-ICC/A117.1-2009 (TYP.) REQUIREMENTS, DISHWASHERS MUST FIT UNDER A 34" HIGH (32 1/4" CLEAR UNDER) COUNTERTOP. THE REFRIGERATOR MUST BE A SIDE-BY-SIDE OR BOTTOM FREEZER UNIT, AND ALL MICROWAVE CONTROLS TO BE NO HIGHER THAN 46" A.F.F. TO MEET OBSTRUCTED HIGH SIDE REACH REQUIREMENTS.

11. SIGNAGE INDICATING ACCESSIBILITY PROVISIONS SHALL BE PROVIDED AT EACH DOOR TO AN EXIT DISCHARGE. A TACTILE SIGN STATING EXIT AND COMPLYING WITH ICC/ANSI A117.1-2009 SHALL BE PLACED ADJACENT TO THE DOOR. PLEASE REFER TO SHEET A. 601 FOR ADDITIONAL INFORMATION AND LOCATION.

### FIRE SUPPRESSION NOTE:

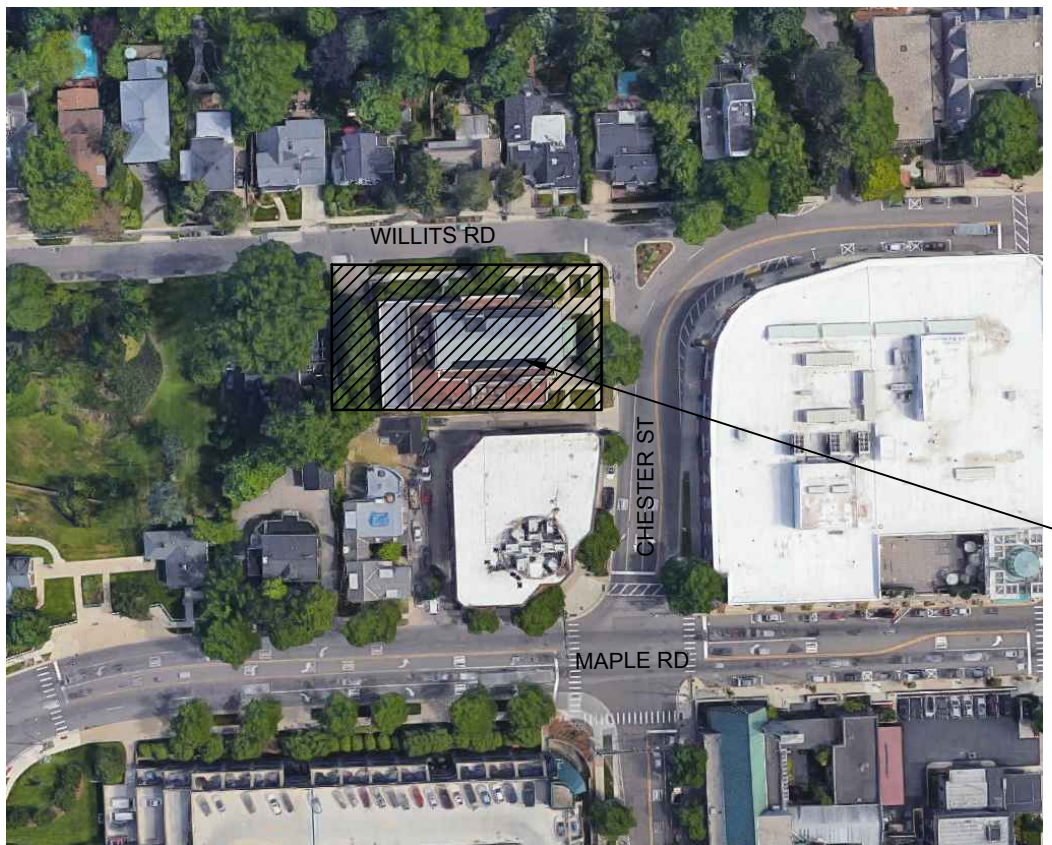
THE BUILDING IS PROVIDED WITH A FULL AUTOMATIC FIRE PROTECTION SPRINKLER SYSTEM (FIRE SUPPRESSION SYSTEM) WHICH WILL BE DESIGNED TO MEET M.B.C. REQUIREMENTS AND CITY OF BIRMINGHAM INSPECTION AND PERMIT APPROVAL. SPRINKLER CONTRACTOR SHALL BE FULLY LICENSED AND BE RESPONSIBLE FOR PREPARATION OF ENGINEERING DRAWING, SUBMISSION OF DRAWINGS TO ALL LOCAL AND STATE AGENCIES FOR APPROVAL, AND FOR COORDINATION OF REQUIREMENTS WITH OWNERS AND TENANTS INSURANCE CARRIER.

### NOTE:

FIRE PROTECTION SYSTEM FOR THE BUILDING EQUAL TO ORDINARY HAZARD N.F.P.A. NO. 13 CRITERIA WITH ONE (1) 6" D.I. BUILDING SERVICE PROVIDED. PROTECTION BASED ON TENANT WAREHOUSING 12'-0" A.F.F.

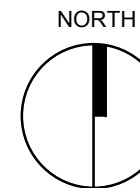
BUILDING TO BE EQUIPPED WITH A FIRE ALARM SYSTEM (PER SPECIFICATIONS PAID FOR BY TENANT) AS REQUIRED PER N.F.P.A. 72-2015 BASED ON BUILDING OCCUPANCY.

TYPE 2A FIRE EXTINGUISHERS SHALL BE PROVIDED AND SPACED A MAX. OF 75' APART PER SECTION 908.1.1 OF THE 2015 INTERNATIONAL FIRE CODE AND / OR BY THE DIRECTION OF THE FIRE MARSHAL.



EXISTING BUILDING:

191 N CHESTER ST,  
BIRMINGHAM, MI 48009



## LOCATION PLAN

SCALE: NOT TO SCALE

*biddison* |  
*architecture + design*

320 Martin Street Suite 10

Birmingham, MI 48009

t:248.554.9500

Contact Person: Kevin Biddison

e.mail: kb@biddison-ad.com

## PROJECT ADDRESS

191 N Chester St,  
Birmingham, MI 48009

ZONED: TZ-2

## APPLICANT INFORMATION

### CONTACT PERSON:

Sam Surnow

320 Martin St, Suite 100  
Birmingham, MI 48009

### GENERAL CONTRACTOR:

Ronnisch Construction

4327 Delemere Ct,

Royal Oak, MI 48073

p.(248) 549-1800

## SHEET INDEX

T.101 TITLE SHEET

SP-1 ENGINEERING SITE PLAN

SP-2 BOUNDARY/TOPO/TREE  
SURVEY PLAN

L-1 LANDSCAPE PLAN

SP.101 ARCHITECTURAL SITE PLAN

PP.101 PHOTOMETRIC PLAN

A.201 ELEVATIONS

A.202 ELEVATIONS

A.101 LOWER LEVEL PLAN

A.102 FIRST FLOOR PLAN

A.103 SECOND FLOOR PLAN

Project data	
GOVERNING CODES:	2015 MICHIGAN BUILDING CODE 2015 MICHIGAN PLUMBING CODE 2015 MICHIGAN MECHANICAL CODE 2015 MICHIGAN REHABILITATION CODE 2015 INTERNATIONAL FUEL GAS CODE MICHIGAN ELECTRICAL CODE, 2014 N.E.C. W/ PART 8 STATE AMENDMENTS ICC/ANSI A117.1-2015 AND MICHIGAN BARRIER FREE DESIGN LAW OF PUBLIC ACT 1 OF 1966 AS AMENDED. MICHIGAN UNIFORM ENERGY CODE RULES PART 10 WITH ANSI/ASHRAE/IESNA STANDARD 90.1-2015 2015 INTERNATIONAL FIRE CODE NFPA 13 - 2010 NFPA 72 - 2010
BUILDING USE GROUP(S):	BUSINESS: B
RENOVATION AREA: (EXIST. FLOOR AREA)	7544.87 SQFT
NEW ADDITION AREA:	1355.01 SQFT
NEW TOTAL AREA:	8899.88 SQFT
TYPE OF CONSTRUCTION:	2015 MBC: 2B (UN-PROTECTED) NFPA 220: TYPE II-000 NFPA 13: 2010 NFPA 72: 2010
Issued for	
ZONING	08.29.17
SPECIAL LAND USE PERMIT	01.15.18
Project no.	
1997-17	
Sheet no.	
T.101	

## GENERAL PAVING NOTES

PAVEMENT SHALL BE OF THE TYPE, THICKNESS AND CROSS SECTION AS INDICATED ON THE PLANS AND AS FOLLOWS:

**CONCRETE:** PORTLAND CEMENT TYPE IA (AIR-ENTRAINED) WITH A MINIMUM CEMENT CONTENT OF SIX SACKS PER CUBIC YARD, MINIMUM 28 DAY COMPRESSIVE STRENGTH OF 3,500 PSI AND A SLUMP OF 1 1/2 TO 3 INCHES.

**ASPHALT:** BASE COURSE - MDOT BITUMINOUS MIXTURE NO. 1100L, 20AA; SURFACE COURSE - MDOT BITUMINOUS MIXTURE NO. 1100T, 20AA; ASPHALT CEMENT PENETRATION GRADE 85-100, BOND COAT - MDOT SS-1H EMULSION AT 0.10 GALLON PER SQUARE YARD, MAXIMUM 2 INCH LIFT.

PAVEMENT BASE SHALL BE COMPACTED TO 95% OF THE MAXIMUM DENSITY (MODIFIED PROCTOR) PRIOR TO PLACEMENT OF PROPOSED PAVEMENT. EXISTING SUB-BASE SHALL BE PROOF-ROLLED IN THE PRESENCE OF THE ENGINEER TO DETERMINE STABILITY.

ALL CONCRETE PAVEMENT, DRIVEWAYS, CURB & GUTTER, ETC., SHALL BE SPRAY CURED WITH WHITE MEMBRANE CURING COMPOUND IMMEDIATELY FOLLOWING FINISHING OPERATION.

ALL CONCRETE PAVEMENT JOINTS SHALL BE FILLED WITH HOT POURED RUBBERIZED ASPHALT JOINT SEALING COMPOUND IMMEDIATELY AFTER SAWCUT OPERATION. FEDERAL SPECIFICATION SS-S164.

ALL WORKMANSHIP AND MATERIALS SHALL BE IN ACCORDANCE WITH THE CURRENT STANDARDS AND SPECIFICATIONS OF THE MUNICIPALITY AND THE MICHIGAN DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR CONSTRUCTION, CURRENT EDITION.

ALL TOP OF CURB ELEVATIONS, AS SHOWN ON THE PLANS, ARE CALCULATED FOR A 6" CONCRETE CURB UNLESS OTHERWISE NOTED.

ALL SIDEWALK RAMPS, CONFORMING TO PUBLIC ACT NO. 8, 1993, SHALL BE INSTALLED AS INDICATED ON THE PLANS.

CONSTRUCTION OF A NEW OR RECONSTRUCTED DRIVE APPROACH CONNECTING TO AN EXISTING STATE OR COUNTY ROADWAY SHALL BE ALLOWED ONLY AFTER AN APPROVED PERMIT HAS BEEN SECURED FROM THE AGENCY HAVING JURISDICTION OVER SAID ROADWAY.

FOR ANY WORK WITHIN THE PUBLIC RIGHT-OF-WAY, THE CONTRACTOR SHALL PAY FOR AND SECURE ALL NECESSARY PERMITS AND LIKEWISE ARRANGE FOR ALL INSPECTION.

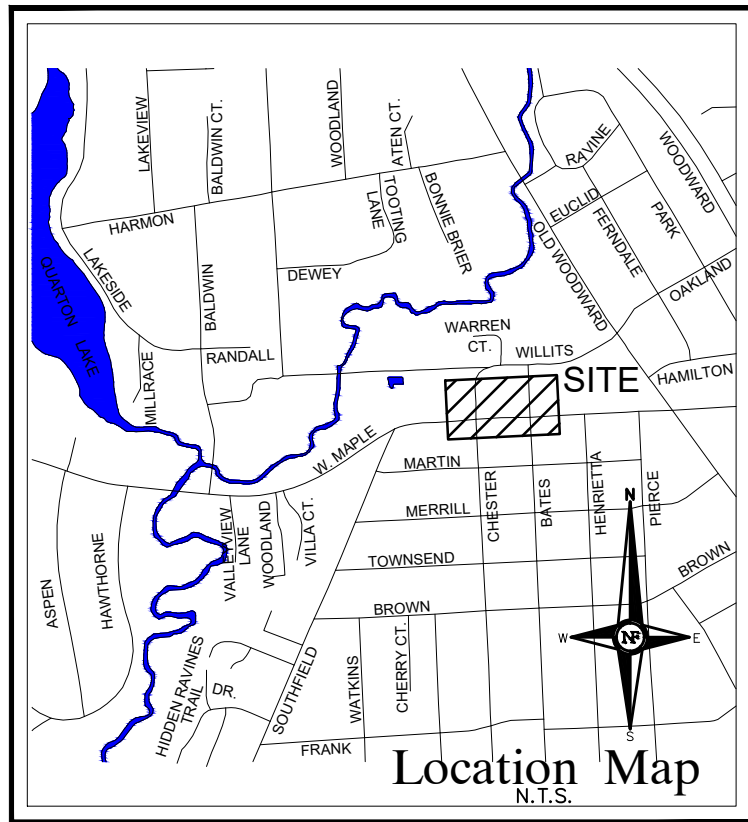
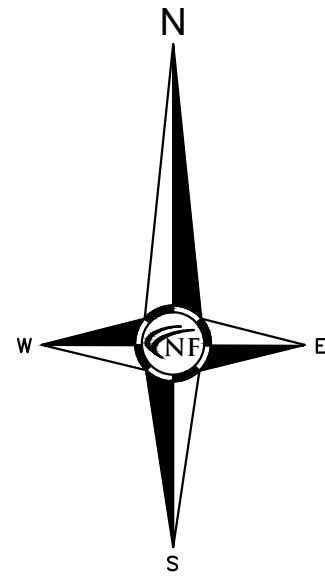
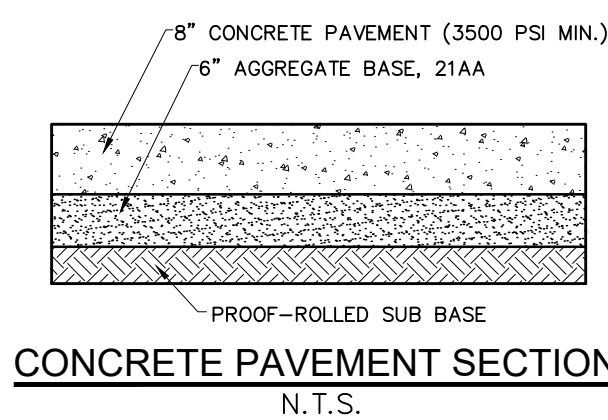
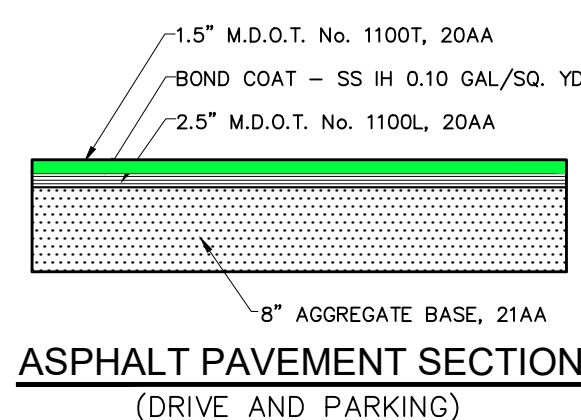
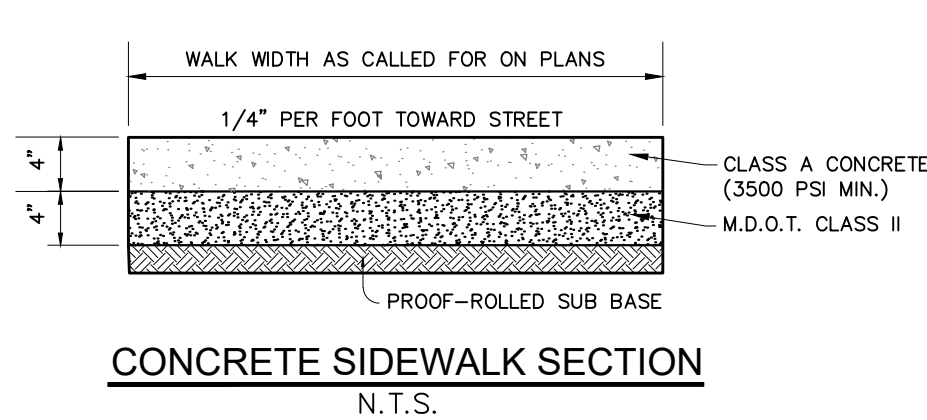
EXISTING TOPSOIL, VEGETATION AND ORGANIC MATERIALS SHALL BE STRIPPED AND REMOVED FROM PROPOSED PAVEMENT AREA PRIOR TO PLACEMENT OF BASE MATERIALS.

EXPANSION JOINTS SHOULD BE INSTALLED AT THE END OF ALL INTERSECTION RADII.

SIDEWALK RAMPS, CONFORMING TO PUBLIC ACT NO. 8, 1973, SHALL BE INSTALLED AS SHOWN AT ALL STREET INTERSECTIONS AND AT ALL BARRIER FREE PARKING AREAS AS INDICATED ON THE PLANS.

ALL PAVEMENT AREAS SHALL BE PROOF-ROLLED UNDER THE SUPERVISION OF A GEOTECHNICAL ENGINEER PRIOR TO THE PLACEMENT OF BASE MATERIALS AND PAVING MATERIALS.

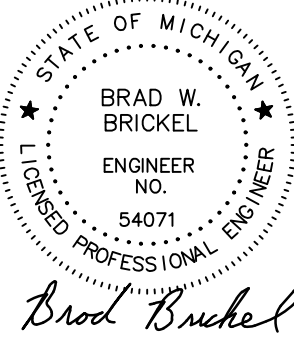
FILL AREAS SHALL BE MACHINE COMPACTED IN UNIFORM LIFTS NOT EXCEEDING 9 INCHES THICK TO 98% OF THE MAXIMUM DENSITY (MODIFIED PROCTOR) PRIOR TO PLACEMENT OF PROPOSED PAVEMENT.



**NF**  
**ENGINEERS**  
CIVIL ENGINEERS  
LAND SURVEYORS  
LAND PLANNERS

NOWAK & FRAUS ENGINEERS  
46777 WOODWARD AVE.  
PONTIAC, MI 48342-5032  
TEL. (248) 332-7931  
FAX. (248) 332-8257

SEAL



PROJECT  
The Jeffrey

CLIENT  
Chester Street Partners, LLC  
c/o The Surnow Group  
320 Martin St., Suite 100  
Birmingham, MI 48009

Contact: Sam Surnow  
248.877.4000 - Phone

PROJECT LOCATION  
Part of the SW 1/4  
of Section 25  
T.2N., R.10E.  
City of Birmingham,  
Oakland County, Michigan

SHEET  
Preliminary Engineering  
Site Plan



Know what's Below  
Call before you dig.

REVISIONS  
01-15-18 ISSUED FOR SITE PLAN REVIEW

DRAWN BY:  
R. Johnson

DESIGNED BY:  
B. Brickel

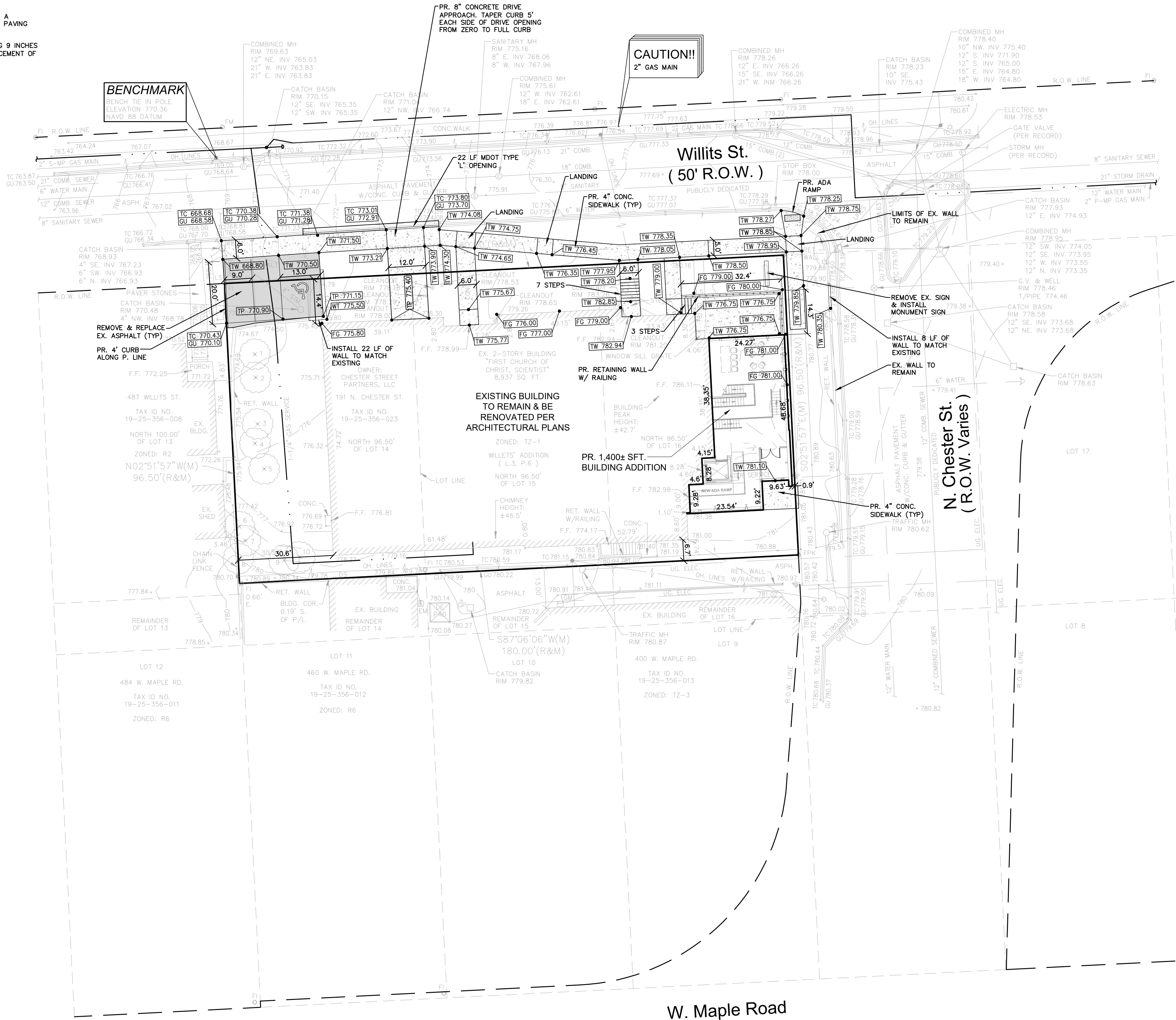
APPROVED BY:  
B. Brickel

DATE:  
January 4, 2018

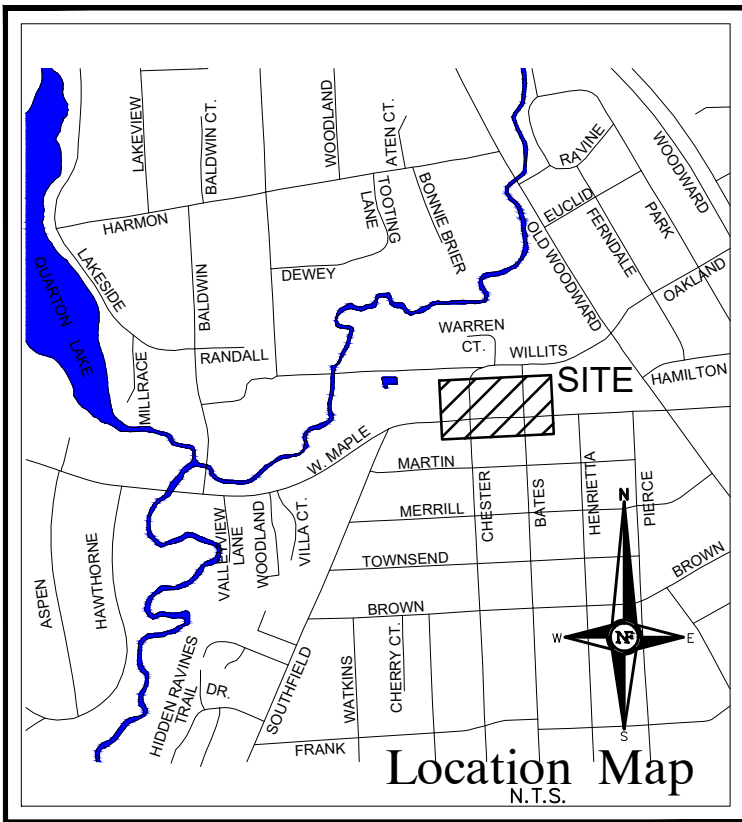
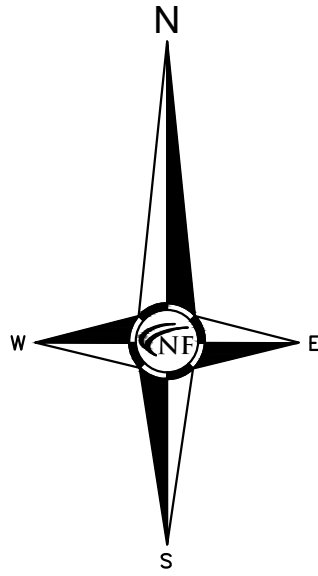
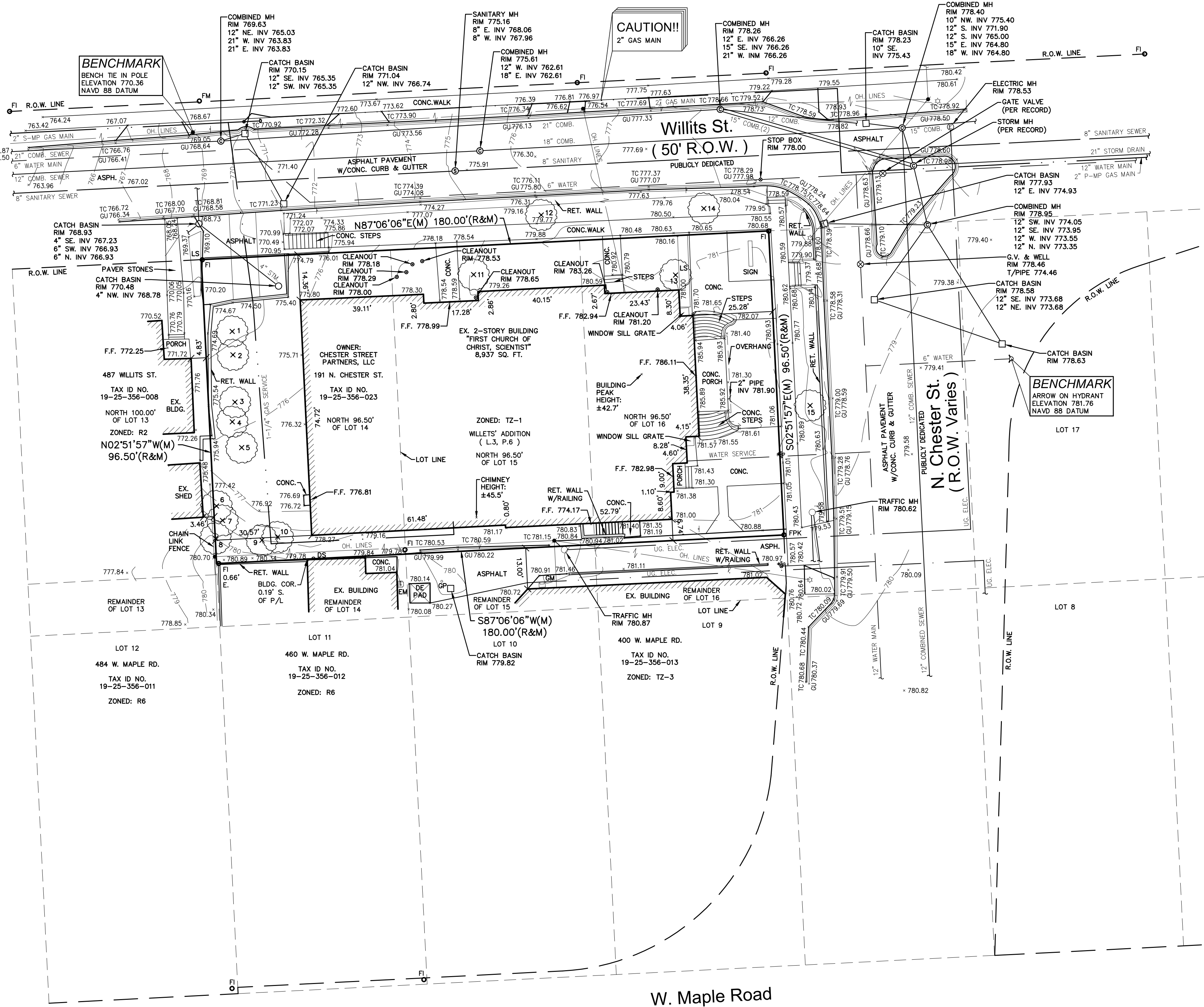
SCALE: 1" = 20'

20 10 0 10 20 30

NFE JOB NO. **K190** SHEET NO. **SP1**



Tree Inventory List						
Job Number:	K190					
Job Location:	191 N Chester St., Birmingham, MI					
Client	The Surnow Group					
<i>Condition Description Notes:</i>						
"Good" - no observed structural defects"						
"Fair" - minor structural defects, marginal form, some insect activity noted"						
"Poor" - major structural defects, poor form, insect infested"						
<i>*Structural defects may include decayed wood, cracks, root problems, weak branch unions</i>						
<i>cankers, poor tree architecture, dead/failed branches due to various causes.</i>						
<i>Tree #</i>	<i>Botanical Name</i>	<i>Common Name</i>	<i>Dia.</i>	<i>Type</i>	<i>Other Dia.</i>	<i>Condition</i>
1	Pinus strobus	Eastern White Pine	14			Good
2	Pinus strobus	Eastern White Pine	15			Good
3	Pinus strobus	Eastern White Pine	18			Good
4	Pinus strobus	Eastern White Pine	13			Good
5	Pinus strobus	Eastern White Pine	12			Good
6	Thuja occidentalis	Northern White-cedar	7			Good
7	Thuja occidentalis	Northern White-cedar	6			Good
8	Juglans nigra	Black Walnut	22			Good
9	Thuja occidentalis	Northern White-cedar	8			Good
10	Thuja occidentalis	Northern White-cedar	12			Good
11	Amelanchier spp.	Serviceberry	4	Multiple	4, 4, 4	Good
12	Ulmus spp.	Elm spp.	12			Good
13	Cornus florida	Flowering Dogwood	6	Multiple	6, 5, 3	Good
14	Pyrus calleryana	Bradford Pear	7			Good
15	Gleditsia triacanthos	Honeylocust	18			Good



#### SITE DATA

SITE AREA:  
17,370.00 SQUARE FEET OR 0.398 ACRES

ZONING:  
TZ-1, TRANSITIONAL ZONING 1

PARKING SPACES:  
3 STRIPED PARKING SPACES

THE CLIENT DID NOT PROVIDE THE SURVEYOR WITH A ZONING REPORT AT THE TIME OF THE SURVEY, THEREFORE NO ADDITIONAL INFORMATION CAN BE PROVIDED.

#### LEGAL DESCRIPTION

LAND SITUATED IN THE CITY OF BIRMINGHAM, COUNTY OF OAKLAND, STATE OF MICHIGAN, DESCRIBED AS FOLLOWS:

THE NORTH 96.50 FEET OF LOTS 14, 15 AND 16 OF WILLETS' ADDITION TO THE CITY OF BIRMINGHAM, ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 3 OF PLATS, PAGE 6, OAKLAND COUNTY RECORDS.

ADDRESS: 191 N. CHESTER STREET, BIRMINGHAM, MI 48009

TAX ID NO. 19-25-356-023

#### DATUM NOTE

THE NORTH AMERICAN VERTICAL DATUM OF 1988 (N.A.V.D. 88), REFERENCED HEREON, IS ONE (1) FOOT LOWER THAN THE CITY OF BIRMINGHAM'S VERTICAL DATUM.

#### FLOOD HAZARD NOTE

THIS PROPERTY IS NOT LOCATED WITHIN THE FLOOD HAZARD AREA INDICATED BY FLOOD INSURANCE RATE MAP (FIRM) NO. 26125C0537F EFFECTIVE DATE: SEPTEMBER 29, 2006. (ZONE X)

#### SNOW NOTE

SURVEY COMPLETED UNDER SNOWY CONDITIONS, AND EXACT LOCATION OF PAVEMENT, CURBS, AND SURFACE STRUCTURES CANNOT BE GUARANTEED.

#### TOPOGRAPHIC SURVEY NOTES

ALL ELEVATIONS ARE EXISTING ELEVATIONS, UNLESS OTHERWISE NOTED.

UTILITY LOCATIONS WERE OBTAINED FROM MUNICIPAL OFFICIALS AND RECORDS OF UTILITY COMPANIES, AND NO GUARANTEE CAN BE MADE TO THE COMPLETENESS, OR EXACTNESS OF LOCATION.

THE SURVEY MAY NOT SHOW ALL EASEMENTS OF RECORD UNLESS AN UPDATED TITLE POLICY IS FURNISHED TO THE SURVEYOR BY THE OWNER.

#### MISS DIG / UTILITY DISCLAIMER NOTE

A MISS DIG TICKET NUMBER B73540430, PURSUANT TO MICHIGAN PUBLIC ACT 174 WAS ENTERED FOR THE SURVEYED PROPERTY. DUE TO THE EXTENDED REPORTING PERIOD FOR UNDERGROUND FACILITY OWNERS TO PROVIDE THEIR RECORDS, THE SURVEY MAY NOT REFLECT ALL THE UTILITIES AT THE TIME THE SURVEY WAS ISSUED ON JANUARY 4, 2018. THE SURVEY ONLY REFLECTS THOSE UTILITIES WHICH COULD BE OBSERVED BY THE SURVEYOR IN THE FIELD OR AS DEPICTED BY THE UTILITY COMPANY RECORDS FURNISH PRIOR TO THE DATE THIS SURVEY WAS ISSUED. THE CLIENT AND/OR THEIR AUTHORIZED AGENT SHALL VERIFY WITH THE FACILITY OWNERS AND/OR THEIR AUTHORIZED AGENTS, THE COMPLETENESS AND EXACTNESS OF THE UTILITIES LOCATION.

#### CERTIFICATE OF SURVEY

WE HEREBY CERTIFY THAT WE HAVE SURVEYED THE PROPERTY HEREON DESCRIBED.

*Kevin Navaroli*

KEVIN NAVAROLI, P.S. NO. 53503

1-4-2018

DATE

#### LEGEND

MANHOLE(MH)	EXISTING SANITARY SEWER
HYDRANT(HYD)	EXISTING SAN. CLEAN OUT
GATE VALVE(GVW)	EXISTING WATER MAIN
MANHOLE(MH) CATCH BASIN(CB)	EXISTING STORM SEWER
UTILITY POLE	EX. R.Y. CATCH BASIN
GUY POLE	EX. UNDERGROUND (UG.) CABLE
GUY WIRE	OVERHEAD (OH.) LINES
LP	LIGHT POLE
↑	SIGN
LS	EXISTING GAS MAIN
CONC.	LANDSCAPE
DE	CONCRETE
GP	DETROIT EDISON
R.O.W.	GUARD POST
SI	RIGHT-OF-WAY
(TYP)	SET IRON
(R)	TYPICAL
(M)	RECORD
C/L	MEASURED
WW	CENTERLINE
GM	WINDOW WELL
EM	GAS METER
ES	ELECTRIC METER
MB	END SECTION
AC	MAILBOX
x 15	AIR CONDITIONING UNIT
RET. WALL	TREE TAG NUMBER
	RETAINING WALL



NOWAK & FRAUS ENGINEERS  
46777 WOODWARD AVE.  
PONTIAC, MI 48342-5032  
TEL. (248) 332-7931  
FAX. (248) 332-8257

SEAL

PROJECT

The Jeffrey

CLIENT

Chester Street Partners, LLC  
c/o The Surnow Group  
320 Martin St., Suite 100  
Birmingham, MI 48009

Contact: Sam Surnow

248.877.4000 - Phone

PROJECT LOCATION

Part of the SW 1/4

of Section 25

T.2N., R.10E.

City of Birmingham,

Oakland County, Michigan

SHEET

Boundary / Topographic /

Tree Survey



REVISIONS

01-04-18 SURVEY ISSUED

DRAWN BY:

M. Carnaghi

DESIGNED BY:

APPROVED BY:

K. Navaroli

DATE:

January 4, 2018

SCALE: 1" = 20'

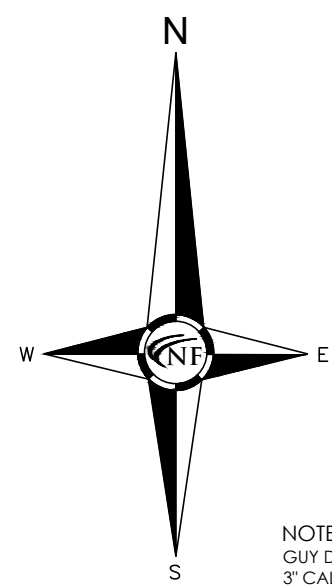
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NFE JOB NO.

K190

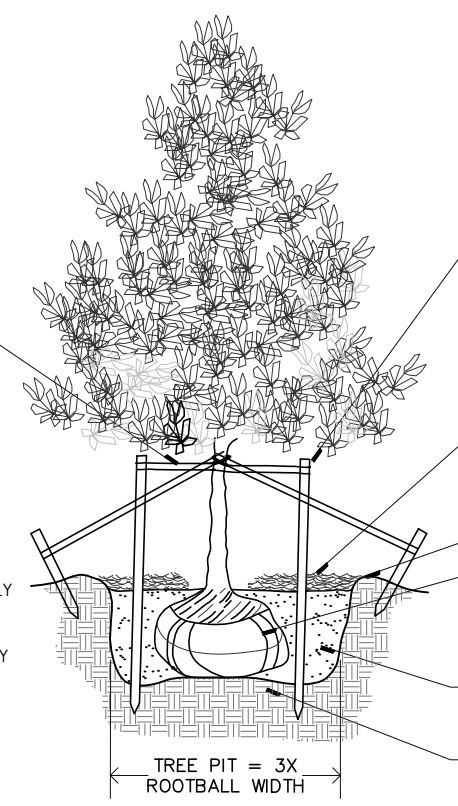
SHEET NO.

SP2



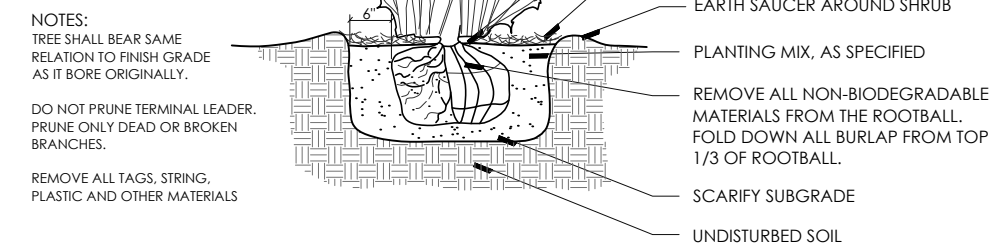
NOTE:  
GUY DECIDUOUS TREES ABOVE  
3" CALIPER. STAKE TREES BELOW  
3" CALIPER.  
STAKE TREES JUST BELOW  
FIRST BRANCH USING 2-3"  
WIDE BELT-LIKE NYLON OR  
PLASTIC STRAPS. CONNECT  
FROM TREE TO STAKE OPPOSITE.  
ALLOW FOR SOME FLEXING.  
REMOVE AFTER ONE (1) YEAR.

NOTES:  
TREE SHALL BEAR SAME  
RELATION TO FINISH GRADE  
AS IT BORE ORIGINALLY OR SLIGHTLY  
HIGHER THAN FINISH GRADE. UP TO  
6" ABOVE GRADE, IT DIRECTED BY  
LANDSCAPE ARCHITECT FOR HEAVY  
CLAY SOILS.  
DO NOT PRUNE TERMINAL LEADER.  
PRUNE ONLY DEAD OR BROKEN  
BRANCHES.  
REMOVE ALL TAGS, STRING,  
PLASTIC AND OTHER MATERIALS.

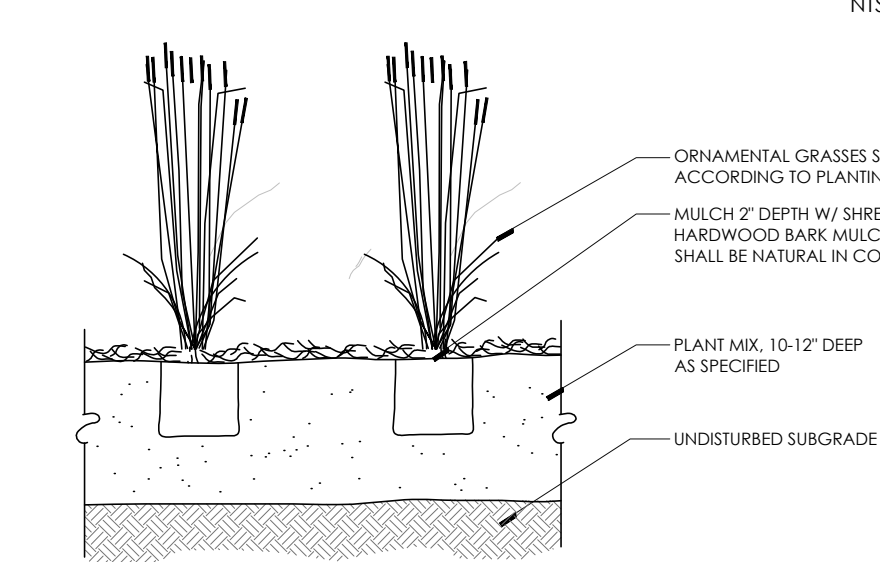


USE 3 HARDWOOD STAKES  
PER TREE, 36" ABOVE GROUND  
FOR UPRIGHT, 18" IF ANGLED.  
DRIVE STAKES INTO UNDISTURBED  
SOIL 6-8" OUTSIDE ROOTBALL  
TO A DEPTH OF 18" BELOW  
TREE PIT. REMOVE AFTER ONE  
(1) YEAR. WIRE OR ROPE THROUGH  
A HOSE SHALL NOT BE ALLOWED.  
MULCH 3" DEPTH WITH SHREDDED  
HARDWOOD BARK. MULCH SHALL BE  
NATURAL IN COLOR. LEAVE 3" CLEAR  
AROUND BASE OF TREE.  
ROUND TO FORM 3" EARTH SAUCER  
REMOVE ALL NON-BIODEGRADABLE  
MATERIALS FROM THE ROOTBALL.  
CUT DOWN WIRE BASKET AND FOLD  
DOWN ALL BURLAP FROM 1/2 OF  
ROOTBALL.  
PLANTING MIX TO BE AMENDED PER  
SITE CONDITIONS AND REQUIREMENTS  
OF THE PLANT MATERIAL.  
SCARIFY SUBGRADE AND PLANTING  
PIT SIDES. RECOMPACT PIT BASE TO  
4" DEPTH.

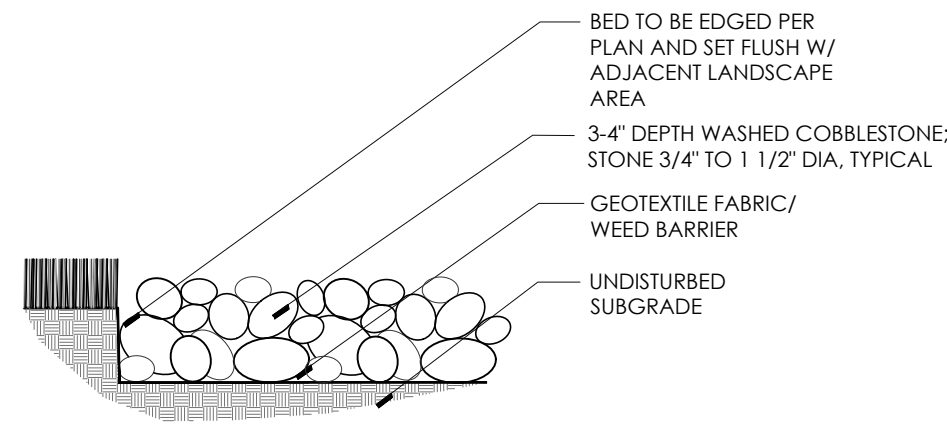
## DECIDUOUS TREE PLANTING DETAIL



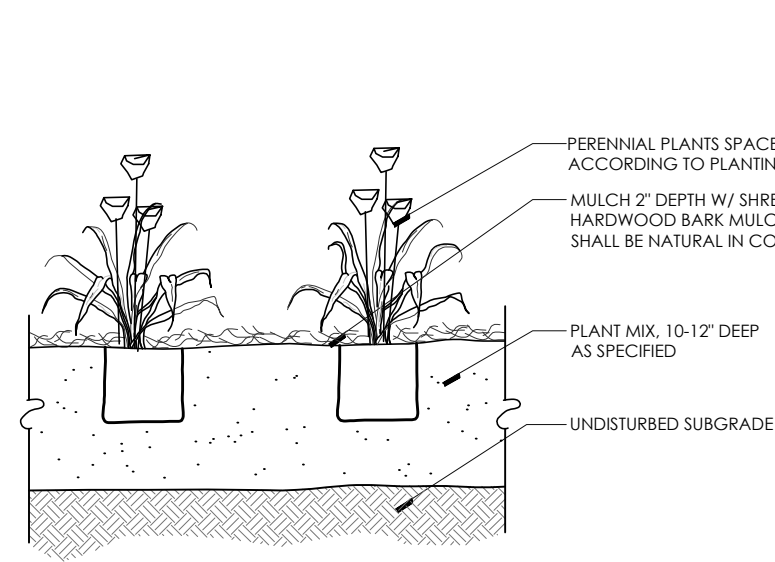
## HEDGE PLANTING DETAIL



## ORNAMENTAL GRASS PLANTING DETAIL



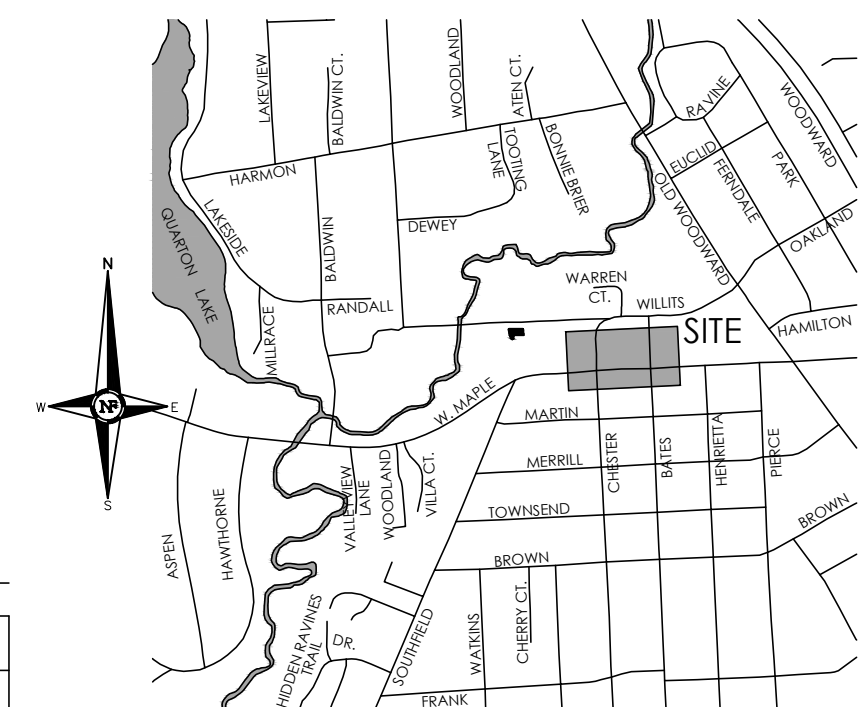
## COBBLESTONE MULCH DETAIL



## PERENNIAL PLANTING DETAIL

## PLANT SCHEDULE

KEY	QTY	BOTANICAL/COMMON NAME	SIZE	SPACING	ROOT	COMMENT
TREES						
LS	3	Liquidambar styraciflua 'Emerald Sentinel' Emerald Sentinel Sweet Gum	3" CAL	SEE PLAN	B&B	FULLY BRANCHED HEADS
TC	4	Tilia cordata 'Chancellor' Chancellor Linden	3" CAL	SEE PLAN	B&B	FULLY BRANCHED HEADS
SHRUBS						
TO	6	Thuja occidentalis 'Mira' Dark Green Arborvitae	8" HT	42" OC	B&B	SHEAR AT UNIFORM 6' HT
GROUNDCOVERS/PERENNIALS						
CA	8	Calamagrostis a. 'Karl Foerster' Karl Foerster Feather Reed Grass	3 GAL	30" OC	CONT	
HR	44	Hemerocallis 'Happy Returns' Happy Returns Daylily	2 GAL	24" OC	CONT	
SA	55	Sesleria autumnalis Autumn Moor Grass	2 GAL	24" OC	CONT	



## LOCATION MAP

## GENERAL LANDSCAPE NOTES

- LANDSCAPE CONTRACTOR SHALL VISIT SITE, INSPECT EXISTING CONDITIONS AND REVIEW PROPOSED PLANTING AND RELATED WORK. IN CASE OF DISCREPANCY BETWEEN PLAN AND PLANT LIST, THE PLAN SHALL GOVERN QUANTITIES. CONTRACT THE LANDSCAPE ARCHITECT WITH ANY CONCERNS.
- THE CONTRACTOR SHALL VERIFY LOCATIONS OF ALL ON-SITE UTILITIES PRIOR TO BEGINNING CONSTRUCTION ON HIGHER PHASE OF WORK. ANY DAMAGE OR INTERFERENCE OF SERVICES SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.
- THE CONTRACTOR SHALL COORDINATE ALL RELATED ACTIVITIES WITH OTHER TRADES, AND SHALL REPORT ANY UNACCEPTABLE SITE CONDITIONS TO THE OWNER'S REPRESENTATIVE PRIOR TO COMMENCEMENT.
- PLANTS SHALL BE FULLY BRANCHED, AND IN HEALTHY VIGOROUS GROWING CONDITION.
- PLANTS SHALL BE WATERED BEFORE AND AFTER PLANTING IS COMPLETE.
- ALL TREES MUST BE STAKED, FERTILIZED AND MULCHED AND SHALL BE GUARANTEED TO EXHIBIT A NORMAL GROWTH CYCLE FOR AT LEAST ONE (1) YEAR FOLLOWING PLANTING.
- ALL MATERIAL SHALL CONFORM TO THE GUIDELINES ESTABLISHED IN THE MOST RECENT EDITION OF THE "AMERICAN STANDARDS FOR NURSERY STOCK".
- CONTRACTOR WILL SUPPLY FINISHED GRADE AND EXCAVATE AS NECESSARY TO SUPPLY PLANT MIX DEPTH IN ALL PLANTING BEDS AS INDICATED IN PLANT DETAILS AND A DEPTH OF 4" IN ALL LAWN AREAS.
- PROVIDE CLEAN BACKFILL SOIL, USING MATERIAL STOCKPILED ON-SITE. SOIL SHALL BE SCREENED AND FREE OF DEBRIS, FOREIGN MATERIAL, AND STONE. SLOW-RELEASE FERTILIZER SHALL BE ADDED TO THE PLANT PITS BEFORE BEING BACKFILLED. APPLICATION SHALL BE AT THE MANUFACTURER'S RECOMMENDED RATES.
- AMENDED PLANT MIX (PREPARED TOPSOIL) SHALL CONSIST OF 1/3 SCREENED TOPSOIL, 1/3 SAND, AND 1/3 TANNY DOG COMPOST. MIXED WELL AND SPREAD TO A DEPTH AS INDICATED IN PLANTING DETAILS.
- ALL PLANTINGS SHALL BE MULCHED WITH SHREDDED HARDWOOD BARK, SPREAD TO A DEPTH OF 3" FOR TREES AND SHRUBS, AND 2" ON ANNUALS, PERENNIALS, AND GROUNDCOVER PLANTINGS. MULCH SHALL BE FREE FROM DEBRIS AND FOREIGN MATERIAL, AND PILES ON INCONSISTENT SIZE.
- NO SUBSTITUTIONS OR CHANGES OF LOCATION, OR PLANT TYPE SHALL BE MADE WITHOUT THE APPROVAL OF THE LANDSCAPE ARCHITECT OR OWNER'S REPRESENTATIVE. THE LANDSCAPE ARCHITECT SHALL BE NOTIFIED OF ANY DISCREPANCIES BETWEEN THE PLANS AND FIELD CONDITIONS PRIOR TO INSTALLATION.
- THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING ALL PLANT MATERIAL IN A VERTICAL CONDITION THROUGHOUT THE GUARANTEED PERIOD.
- THE LANDSCAPE ARCHITECT OR OWNER'S REPRESENTATIVE SHALL HAVE THE RIGHT TO REJECT ANY WORK OR MATERIAL THAT DOES NOT MEET THE REQUIREMENTS OF THE PLANS AND/OR SPECIFICATIONS.
- THE LANDSCAPE CONTRACTOR SHALL SEED AND MULCH OR SOD (AS INDICATED ON PLANS) ALL AREAS DESIGNATED AS SUCH ON THE PLANS, THROUGHOUT THE CONTRACT LIMITS. FURTHER, THE CONTRACTOR SHALL BE RESPONSIBLE FOR RESTORING AREAS DISTURBED DURING CONSTRUCTION, NOT IN THE CONTRACT LIMITS, TO EQUAL OR GREATER CONDITION.
- ALL LANDSCAPE AREAS SHALL HAVE PROPER DRAINAGE THAT PREVENTS EXCESSIVE WATER FROM PONDING ON LAWN AREAS OR AROUND TREES AND SHRUBS.
- ALL LANDSCAPE AREAS SHALL BE IRRIGATED WITH AN AUTOMATIC UNDERGROUND SYSTEM.

## LANDSCAPE REQUIREMENTS

EXISTING SITE AREA: 17,369.99 S.F. OR 0.40 ACRES

### STREET FRONTAGE TREES

CHESTER STREET  
96.50 L.F. / 40 L.F. = 2.41 OR 2 TREES REQUIRED  
PROVIDED: 3 TREES  
WILLITS STREET  
180 L.F. / 40 L.F. = 4.5 OR 5 TREES REQUIRED  
PROVIDED: 4 TREES

### PARKING LOT LANDSCAPE REQUIREMENTS

5% OF THE TOTAL PAVED AREA SHALL BE PROVIDED  
AS LANDSCAPE AREAS, 1 TREE PER 150 S.F. OF REQUIRED

PAVED AREA: 648.64 S.F.

5% X 648.64 S.F. = 32.43 S.F. REQUIRED  
32.43 S.F. / 150 S.F. = 0.22 OR 0 TREES REQUIRED

## GROUNDCOVER KEY

- TYPICAL SOD LAWN AREAS, SOWN ON 3" TOPSOIL
- RESTORE EXISTING LAWN AREAS W/ HYDROSEED AND MULCH
- 4" DIA SPADE CUT EDGE W/ 3" SHREDDED BARK MULCH
- 3" DEPTH DOUBLE SHREDDED HARDWOOD BARK MULCH
- 3/4" - 1 1/2" STONE MULCH, 3-4" DEPTH ON WEED BARRIER
- 1/8" X 4" METAL EDGING, STAKED PER MANUFACTURER

WILLITS ST.  
( 50' R.O.W. )

N. CHESTER ST.  
( R.O.W. VARIES )

EXISTING  
8,937 S.F.  
BUILDING

ZONED: TZ-1

PROPOSED  
1,400 S.F.  
BUILDING  
ADDITION

PROPOSED 3/4" TO 1-1/2" DIA  
WASHED RIVER ROCK, 4-6" DEPTH  
W/ 4"X1/8" METAL EDGING

INFILL EXISTING WALL TO MATCH.  
SEE CIVIL DWGS.

RESTORE DISTURBED AREAS  
WITH HYDROSEED AND MULCH

MAIN BUILDING ACCESS

S87°06'06"W(M)  
180.00'(R&M)

ASPHALT

EX. BUILDING

CONC.

RET. WALL

7"W(M)  
R&M

EX. BLDG.

PORCH

PROPOSED GARAGE ACCESS

4-TC

20-SA

4-TO

23-HR

7-SA

2-TO

8-SA

3-LS

4

4

5

3

2

1

1

1

1

1

1

1

1

1

1

1

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1

1

1

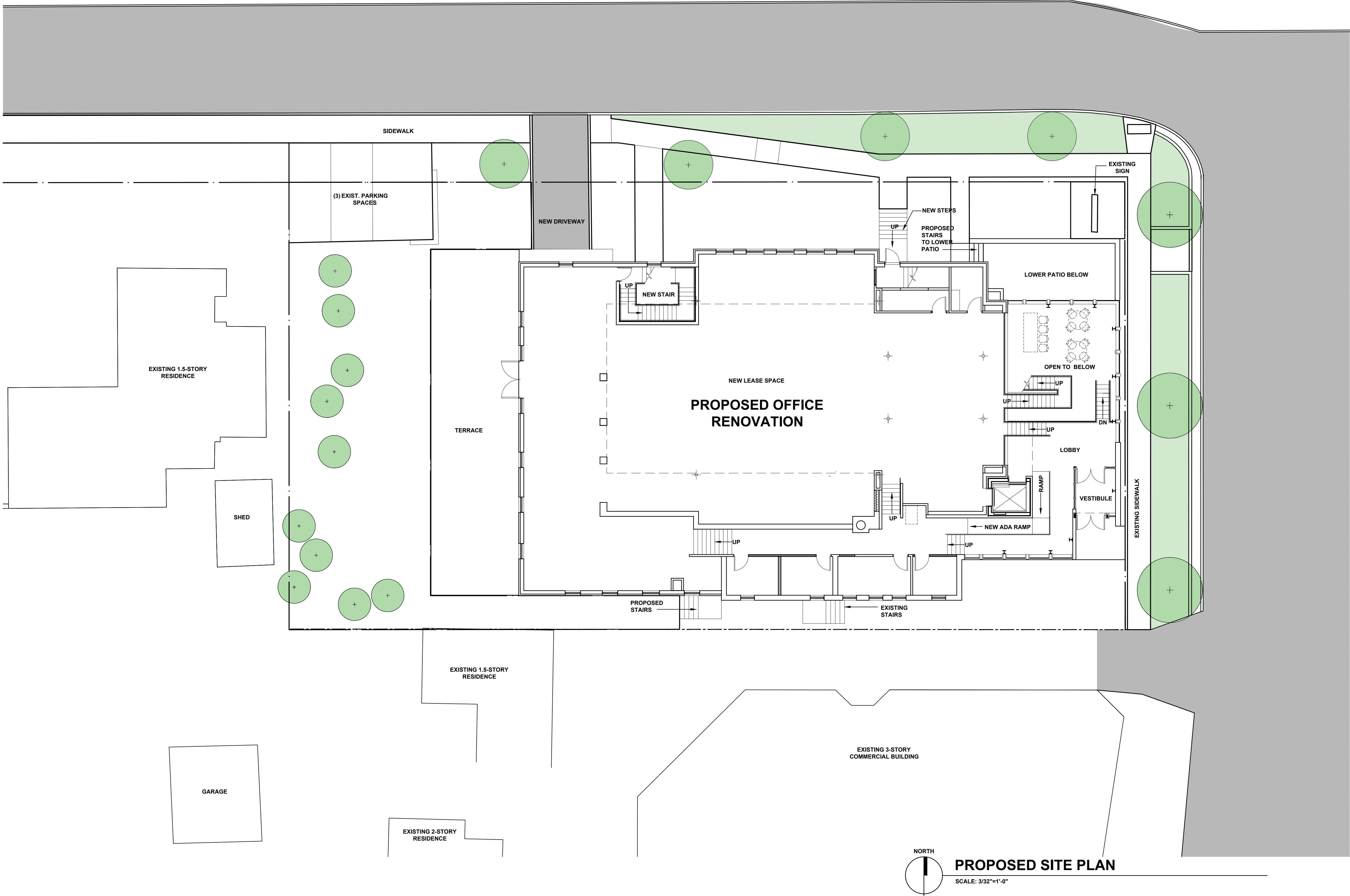
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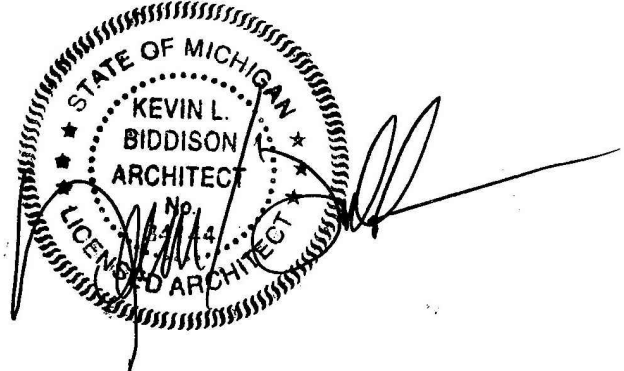
PROPOSED BUILDING RENOVATION FOR:  
**THE JEFFREY**

191 N Chester St  
Birmingham, Michigan 48009

ZONING  
SPECIAL LAND USE  
PERMIT

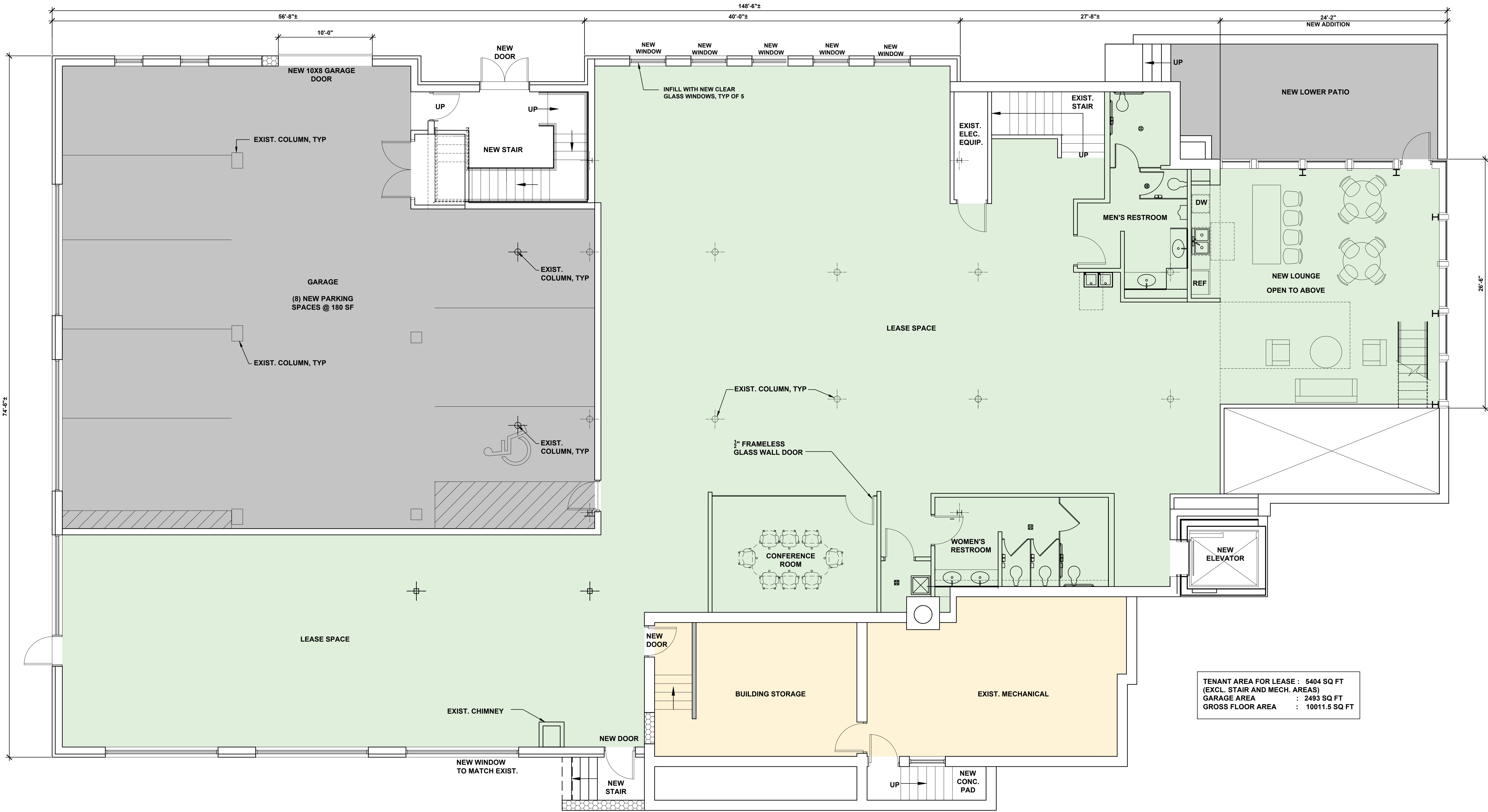
08.29.17  
01.16.18

**PROPOSED SITE  
PLAN**



**1997.17**

**SP.101**



TENANT AREA FOR LEASE : 5404 SQ FT  
(EXCL. STAIR AND MECH. AREAS)  
GARAGE AREA : 2493 SQ FT  
GROSS FLOOR AREA : 10011.5 SQ FT

PROPOSED BUILDING RENOVATION FOR:  
**THE JEFFREY**

191 N Chester St  
Birmingham, Michigan 48009

ZONING	08.29.17
REVIEW	09.29.17
REVIEW	10.09.17
SPECIAL LAND USE PERMIT	01.15.18

**LOWER LEVEL FLOOR PLAN**



**1997.17**

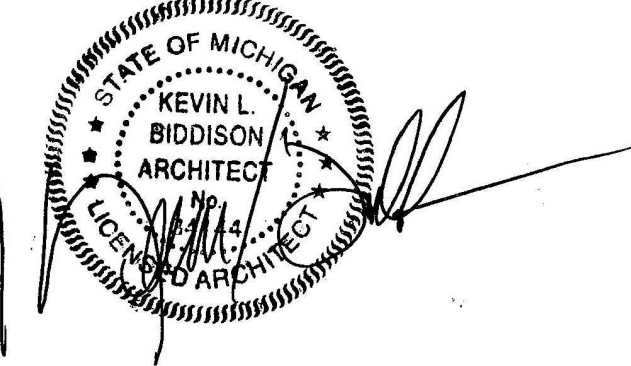
**A.100**

PROPOSED BUILDING RENOVATION FOR:  
**THE JEFFREY**

191 N Chester St  
Birmingham, Michigan 48009

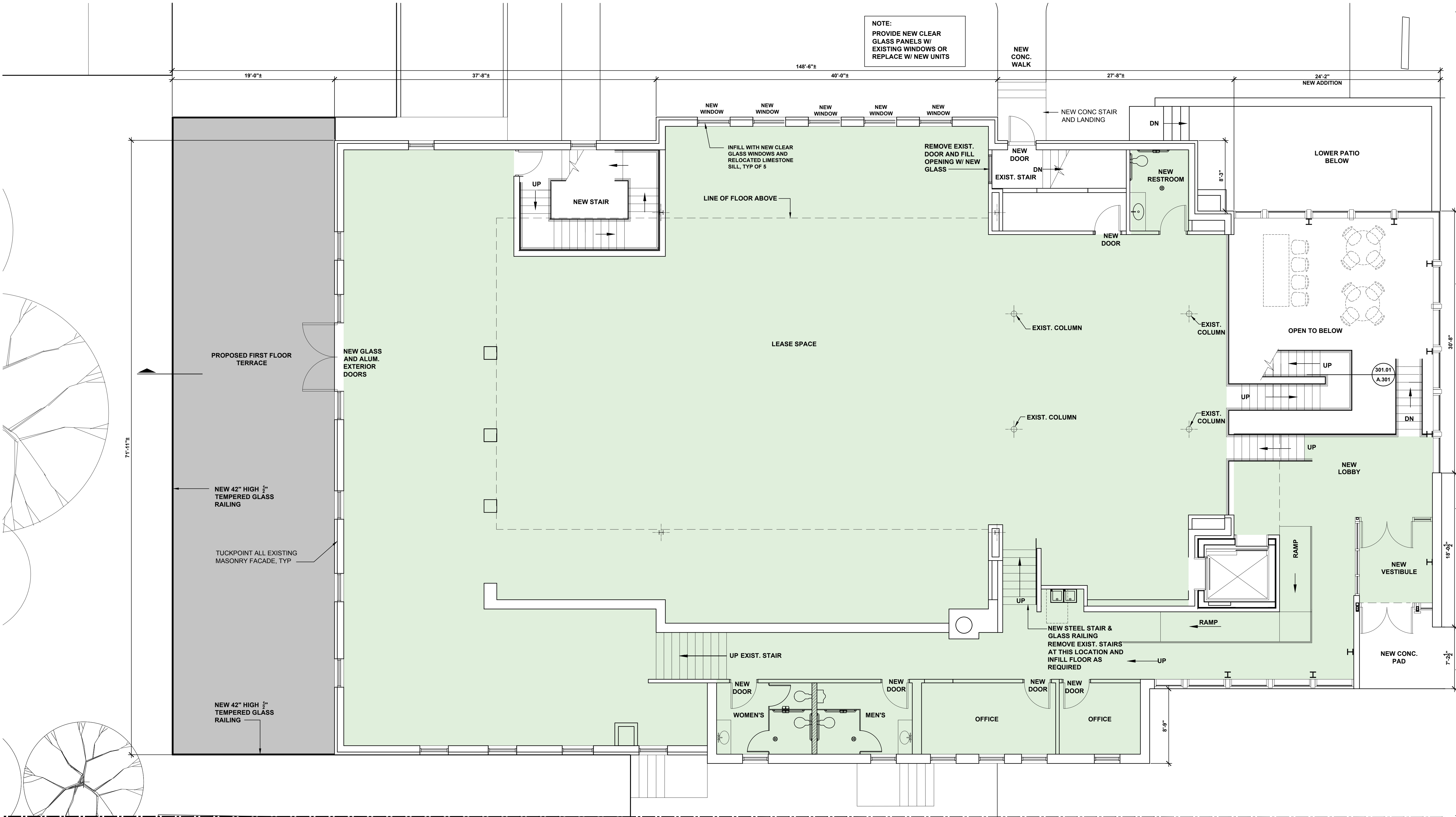
ZONING REVIEW 08.29.17  
SPECIAL LAND USE PERMIT 09.29.17  
01.15.18

**FIRST FLOOR PLAN**



1997.17

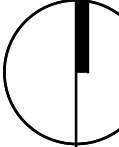
A.101



NOTE:  
PROVIDE NEW CLEAR  
GLASS PANELS W/  
EXISTING WINDOWS OR  
REPLACE W/ NEW UNITS

TENANT AREA FOR LEASE : 7278.2 SQ FT  
(EXCL. STAIR AND MECH. AREAS)  
GROSS FLOOR AREA : 8899.88 SQ FT

NORTH



**FIRST FLOOR PLAN**

SCALE: 3/16"=1'-0"

PROPOSED BUILDING RENOVATION FOR:  
**THE JEFFREY**

191 N Chester St  
Birmingham, Michigan 48009

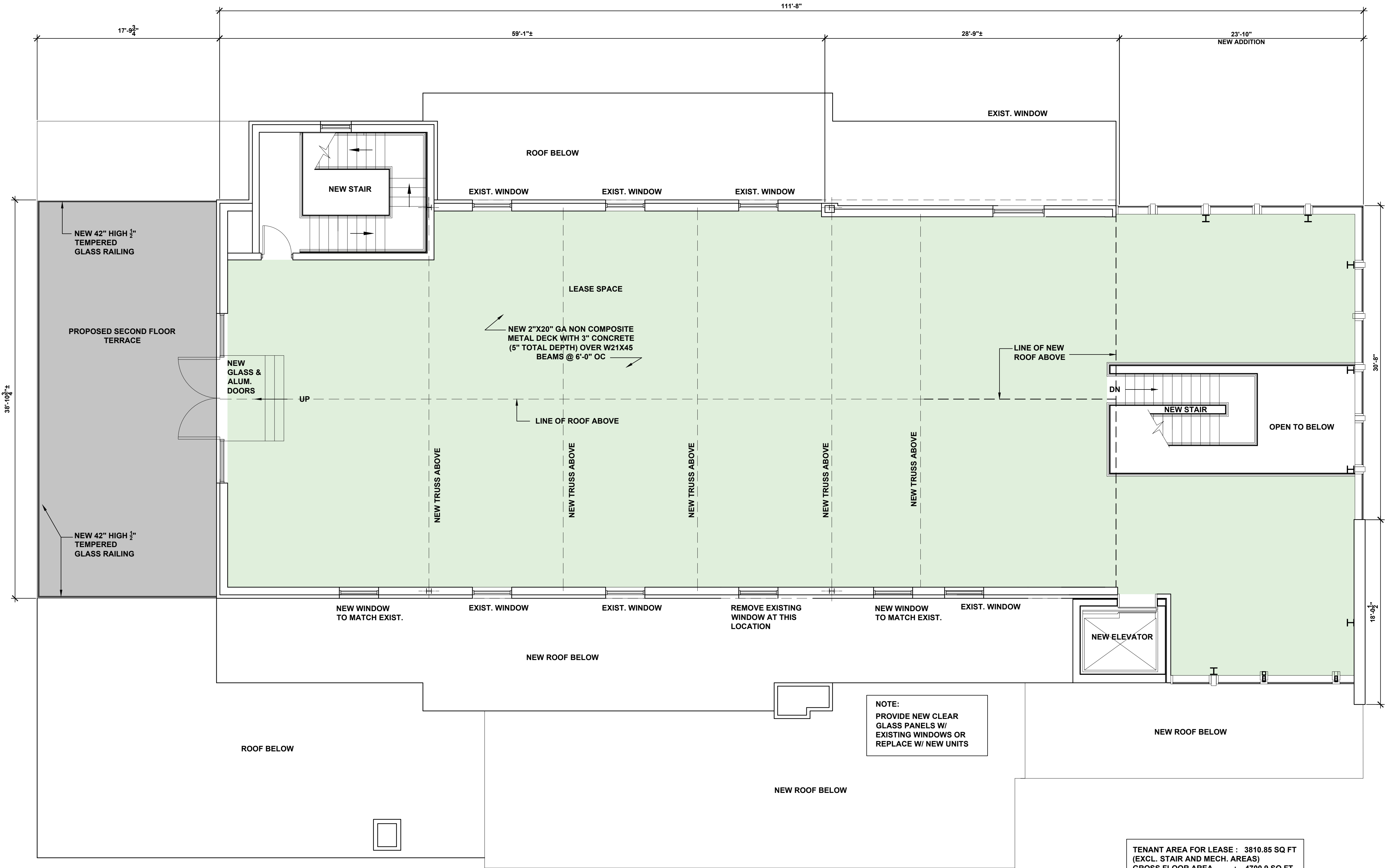
ZONING REVIEW	08.29.17
SPECIAL LAND USE PERMIT	09.29.17
	01.15.18

**SECOND FLOOR PLAN**



1997.17

A.102



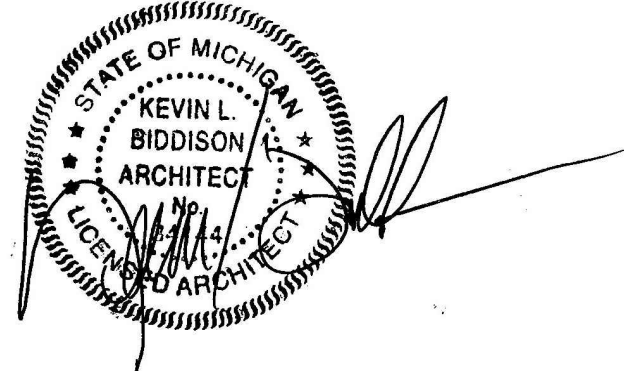
**SECOND FLOOR PLAN**  
SCALE: 3/16"=1'-0"

PROPOSED BUILDING RENOVATION FOR:  
**THE JEFFREY**

191 N Chester St  
Birmingham, Michigan 48009

SPECIAL LAND USE  
PERMIT 01.15.18

**PROPOSED  
ELEVATIONS**



**1997.17**

**A.201**



201.02  
A.201

**PROPOSED EAST ELEVATION**

SCALE: 3/16"=1'-0"

NOTE:

● DENOTES NEW WINDOW/DOOR



201.01  
A.201

**PROPOSED NORTH ELEVATION**

SCALE: 3/16"=1'-0"

NOTE:

● DENOTES NEW WINDOW/DOOR

Consultants

Project title

PROPOSED BUILDING RENOVATION FOR:  
THE JEFFREY

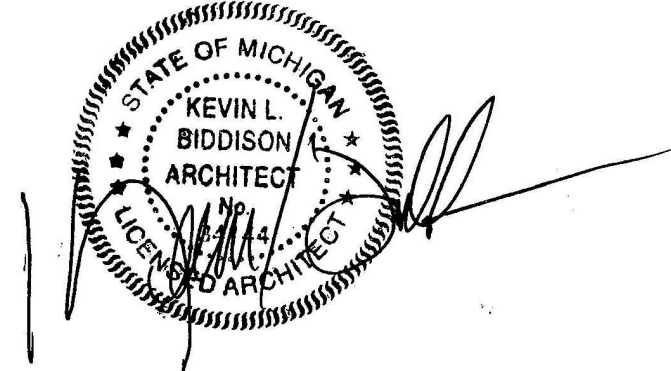
191 N Chester St  
Birmingham, Michigan 48009

Issued dr/ch

SPECIAL LAND USE  
PERMIT  
01.15.18

Sheet title

PROPOSED  
ELEVATIONS



Project no.

1997.17

Sheet no.

A.202



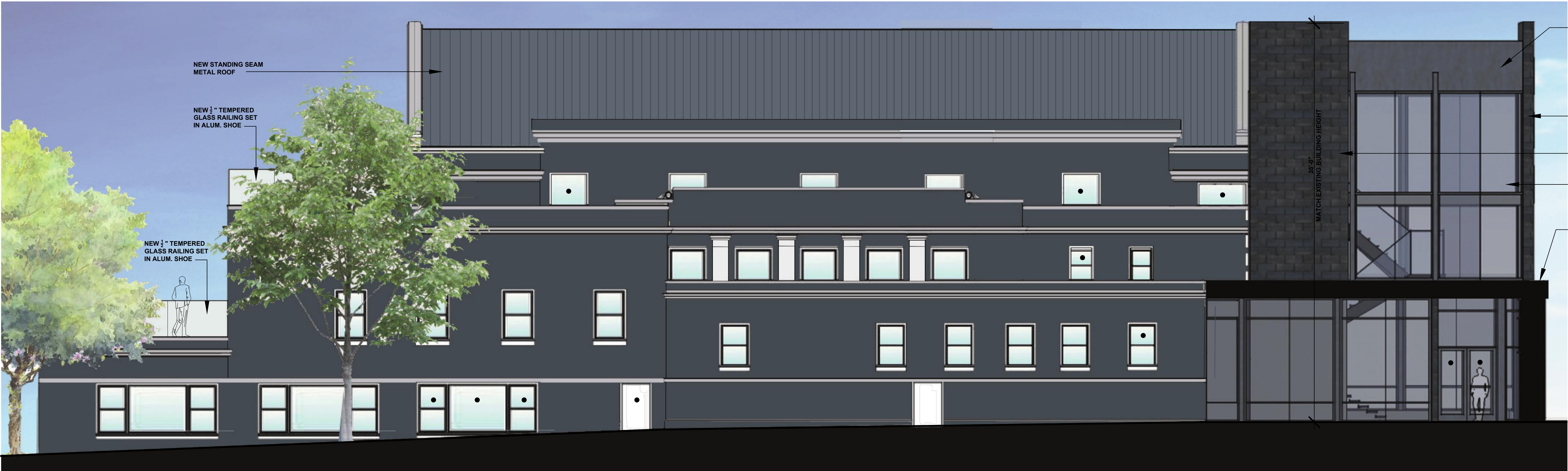
NOTE:  
● DENOTES NEW WINDOW/DOOR

202.02

A.202

PROPOSED WEST ELEVATION

SCALE: 3/16"=1'-0"



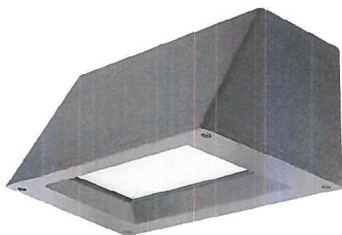
NOTE:  
● DENOTES NEW WINDOW/DOOR

202.01

A.202

PROPOSED SOUTH ELEVATION

SCALE: 3/16"=1'-0"



# WST LED

## Architectural Wall Sconce



Catalog  
Number

Notes

Type

For the ability to navigate over the page to see all applicable elements.

### Specifications

#### Luminaire

**Height:** 8-1/2"  
(21.59 cm)

**Width:** 17"  
(43.18 cm)

**Depth:** 10-3/16"  
(25.9 cm)

**Weight:** 20 lbs  
(9.1 kg)

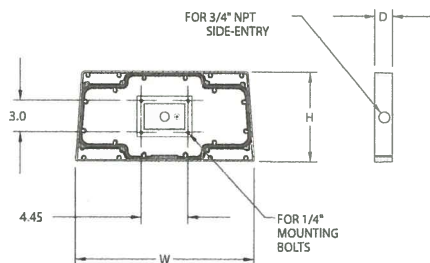


#### Optional Back Box (PBBW)

**Height:** 4"  
(10.2 cm)

**Width:** 5-1/2"  
(14.0 cm)

**Depth:** 1-1/2"  
(3.8 cm)

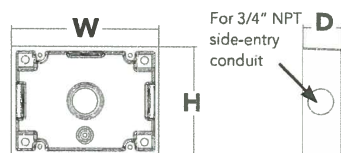


#### Optional Back Box (BBW)

**Height:** 4"  
(10.2 cm)

**Width:** 5-1/2"  
(14.0 cm)

**Depth:** 1-1/2"  
(3.8 cm)



### A+ Capable Luminaire

This item is an A+ capable luminaire, which has been designed and tested to provide consistent color appearance and system-level interoperability.

- All configurations of this luminaire meet the Acuity Brands' specification for chromatic consistency
- This luminaire is A+ Certified when ordered with DTL® controls marked by a shaded background. DTL DLL equipped luminaires meet the A+ specification for luminaire to photocontrol interoperability<sup>1</sup>
- This luminaire is part of an A+ Certified solution for ROAM® or XPoint™ Wireless control networks, providing out-of-the-box control compatibility with simple commissioning, when ordered with drivers and control options marked by a shaded background<sup>1</sup>

To learn more about A+, visit [www.acuitybrands.com/aplus](http://www.acuitybrands.com/aplus).

See ordering tree for details.

A+ Certified Solutions for ROAM require the order of one ROAM node per luminaire. Sold Separately: [Link to Roam](#); [Link to DTL DLL](#)





A+ Capable options indicated  
by this color background.

## Ordering Information

**EXAMPLE: WST LED P1 40K VF MVOLT DDBTXD**

WST LED						
Series	Performance Package	Color temperature	Distribution	Voltage	Mounting	
WST LED	P1 1,500 Lumen package	27K 2700 K	VF Visual comfort forward throw	MVOLT <sup>1</sup>	277 <sup>2</sup>	<b>Shipped included</b> (blank) Surface mounting bracket  <b>Shipped separately</b> BBW Surface-mounted back box <sup>3</sup> PBBW Premium surface-mounted back box <sup>3,4</sup>
	P2 3,000 Lumen package	30K 3000 K	VW Visual comfort wide	120 <sup>2</sup>	347 <sup>2</sup>	
	P3 6,000 Lumen package	40K 4000 K		208 <sup>2</sup>	480 <sup>2</sup>	
		50K 5000 K		240 <sup>2</sup>		

Options		Finish (required)			
PE	Photoelectric cell, button type <sup>5</sup>	E7WC	Emergency battery backup, Non CEC compliant (cold, 7W) <sup>10,11</sup>	DDBXD	Dark bronze
PER	NEMA twist-lock receptacle only (controls ordered separate) <sup>6</sup>	E7WHR	Remote emergency battery backup, Non CEC compliant (remote 7W) <sup>10,12</sup>	DBLXD	Black
PER5	Five-wire receptacle only (controls ordered separate) <sup>6</sup>	E20WH	Emergency battery pack 18W constant power, CEC compliant <sup>10</sup>	DNAXD	Natural aluminum
PER7	Seven-wire receptacle only (controls ordered separate) <sup>6</sup>	E20WC	Emergency battery pack -20°C 18W constant power, CEC compliant <sup>10,11</sup>	DWHXD	White
PIR	Motion/Ambient Light Sensor, 8-15' mounting height <sup>7,8</sup>	E23WHR	Remote emergency battery backup, Non CEC compliant (remote 20W) <sup>10,11,13</sup>	DSSXD	Sandstone
PIR1FC3V	Motion/ambient sensor, 8-15' mounting height, ambient sensor enabled at 1fc <sup>1,8</sup>	LCE	Left side conduit entry <sup>14</sup>	DDBTXD	Textured dark bronze
PIRH	180° motion/ambient light sensor, 15-30' mounting height <sup>1,8</sup>	RCE	Right side conduit entry <sup>14</sup>	DBLXD	Textured black
PIRH1FC3V	Motion/ambient sensor, 15-30' mounting height, ambient sensor enabled at 1fc <sup>1,8</sup>			DNATXD	Textured natural aluminum
SF	Single fuse (120, 277, 347V) <sup>2</sup>			DWHGXD	Textured white
DF	Double fuse (208, 240, 480V) <sup>2</sup>			DSSTXD	textured sandstone
DS	Dual switching <sup>9</sup>				
E7WH	Emergency battery backup, Non CEC compliant (7W) <sup>10</sup>				

## Accessories

Ordered and shipped separately

WSTVCPBBW DDBXD U	Premium Surface - mounted back box
WSSBW DDBTXD U	Surface - mounted back box
RBPW DDBXD U	Retrofit back plate

## NOTES

- MVOLT driver operates on any line voltage from 120-277V (50/60 Hz).
- Single fuse (SF) requires 120V, 277V or 347V. Double fuse (DF) requires 208V, 240V or 480V.
- Also available as a separate accessory; see accessories information.
- Top conduit entry standard.
- Need to specify 120, 208, 240 or 277 voltage.
- Photocell ordered and shipped as a separate line item from Acuity Brands Controls. Shorting Cap included.
- Not available with VG or WG. See PER Table.

- Reference Motion Sensor table.
- Not available with Emergency options, PE or PER options.
- Not available with 347/480V.
- Battery pack rated for -20° to 40°C.
- Comes with PBBW.
- Warranty period is 3-years.
- Not available with BBW.
- Must order with fixture; not an accessory.

## Emergency Battery Operation

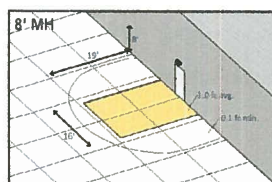
The emergency battery backup is integral to the luminaire — no external housing required! This design provides reliable emergency operation while maintaining the aesthetics of the product.

All emergency backup configurations include an independent secondary driver with an integral relay to immediately detect AC power loss, meeting interpretations of NFPA 70/NEC 2008 - 700.16

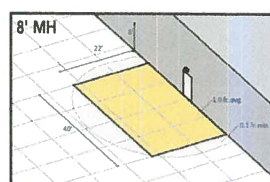
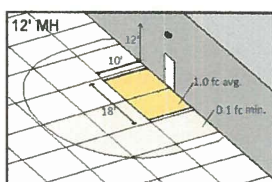
The emergency battery will power the luminaire for a minimum duration of 90 minutes (maximum duration of three hours) from the time supply power is lost, per International Building Code Section 1006 and NFPA 101 Life Safety Code Section 7.9, provided luminaires are mounted at an appropriate height and illuminate an open space with no major obstructions.

The examples below show illuminance of 1 fc average and 0.1 fc minimum of the P1 power package and VF distribution product in emergency mode.

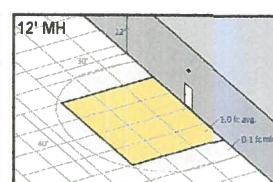
10' x 10' Gridlines  
8' and 12' Mounting Height



WST LED P1 27K VF MVOLT E7WH



WST LED P2 40K VF MVOLT E20WH



## Performance Data

### Lumen Ambient Temperature (LAT) Multipliers

Use these factors to determine relative lumen output for average ambient temperatures from 0-40°C (32-104°F).

Ambient	Lumen Multiplier
0°C	1.03
10°C	1.02
20°C	1.01
25°C	1.00
30°C	0.99
40°C	0.98

### Electrical Load

Performance package	System Watts	Current (A)					
		120	208	240	277	347	480
P1	11	0.1	0.06	0.05	0.04	—	—
	14	—	—	—	—	0.04	0.03
P1 DS	14	0.12	0.07	0.06	0.06	—	—
	25	0.21	0.13	0.11	0.1	—	—
P2	25	—	—	—	—	0.09	0.06
	30	0.21	0.13	0.11	0.1	—	—
P3	50	0.42	0.24	0.21	0.19	—	—
	56	—	—	—	—	0.16	0.12
P3 DS	52	0.43	0.26	0.23	0.21	—	—

### Projected LED Lumen Maintenance

Values calculated according to IESNA TM-21-11 methodology and valid up to 40°C.

Operating Hours	0	25,000	50,000	100,000
Lumen Maintenance Factor	1.0	>0.95	>0.92	>0.87

### Motion Sensor Default Settings

Option	Dimmed State	High Level (when triggered)	Photocell Operation	Ramp-up Time	Dwell Time	Ramp-down Time
*PIR or PIRH	3V (37%) Output	10V (100%) Output	Enabled @ 5FC	3 sec	5 min	5 min
PIR1FC3V or PIRH1FC3V	3V (37%) Output	10V (100%) Output	Enabled @ 1FC	3 sec	5 min	5 min

\*for use with centrize Dusk to Dawn

### PER Table

Control	PER (3 wire)	PER5 (5 wire)			PER7 (7 wire)		
		Wire 4/Wire5	Wire 4/Wire5	Wire 4/Wire5	Wire 4/Wire5	Wire 6/Wire7	Wire 6/Wire7
Photocontrol Only (On/Off)	✓	⚠	Wired to dimming leads on driver	⚠	Wired to dimming leads on driver	Wires Capped inside fixture	Wires Capped inside fixture
ROAM	✗	✓	Wired to dimming leads on driver	⚠	Wired to dimming leads on driver	Wires Capped inside fixture	Wires Capped inside fixture
ROAM with Motion	✗	⚠	Wired to dimming leads on driver	⚠	Wired to dimming leads on driver	Wires Capped inside fixture	Wires Capped inside fixture
Futureproof*	✗	⚠	Wired to dimming leads on driver	✓	Wired to dimming leads on driver	Wires Capped inside fixture	Wires Capped inside fixture
Futureproof* with Motion	✗	⚠	Wired to dimming leads on driver	✓	Wired to dimming leads on driver	Wires Capped inside fixture	Wires Capped inside fixture

- ✓ Recommended
- ✗ Will not work
- ⚠ Alternate

\*Futureproof means: Ability to change controls in the future.

### Lumen Output

Lumen values are from photometric tests performed in accordance with IESNA LM-79-08. Data is considered to be representative of the configurations shown, within the tolerances allowed by Lighting Facts.

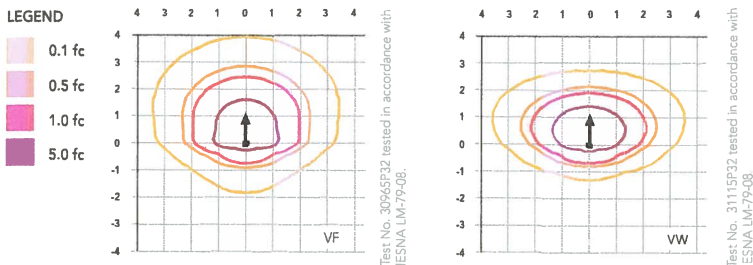
Performance Package	System Watts (MVOLT)	Dist. Type	27K (2700K, 70 CRI)					30K (3000K, 70 CRI)					40K (4000K, 70 CRI)					50K (5000K, 70 CRI)				
			Lumens	B	U	G	LPW	Lumens	B	U	G	LPW	Lumens	B	U	G	LPW	Lumens	B	U	G	LPW
P1	12W	VF	1,494	0	0	0	125	1,529	0	0	0	127	1,639	0	0	0	137	1,639	0	0	0	137
		VW	1,513	0	0	0	126	1,548	0	0	0	129	1,659	0	0	0	138	1,660	0	0	0	138
P2	25W	VF	3,163	1	0	1	127	3,237	1	0	1	129	3,469	1	0	1	139	3,468	1	0	1	139
		VW	3,201	1	0	0	128	3,276	1	0	0	131	3,512	1	0	0	140	3,512	1	0	0	140
P3	50W	VF	6,025	1	0	1	121	6,165	1	0	1	123	6,609	1	0	1	132	6,607	1	0	1	132
		VW	6,098	1	0	1	122	6,240	1	0	1	125	6,689	1	0	1	134	6,691	1	0	1	134



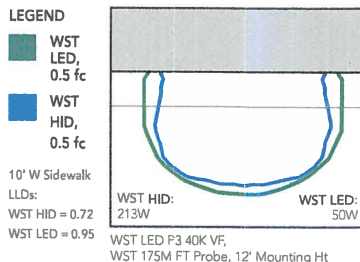
## Photometric Diagrams

To see complete photometric reports or download .ies files for this product, visit Lithonia Lighting's [WST LED homepage](#).

Isofootcandle plots for the WST LED P3 40K VF and VW. Distances are in units of mounting height (10').



Distribution overlay comparison to 175W metal halide.



## FEATURES & SPECIFICATIONS

### INTENDED USE

The classic architectural shape of the WST LED was designed for applications such as hospitals, schools, malls, restaurants, and commercial buildings. The long life LEDs and driver make this luminaire nearly maintenance-free.

### CONSTRUCTION

The single-piece die-cast aluminum housing integrates secondary heat sinks to optimize thermal transfer from the internal light engine heat sinks and promote long life. The driver is mounted in direct contact with the casting for a low operating temperature and long life. The die-cast door frame is fully gasketed with a one-piece solid silicone gasket to keep out moisture and dust, providing an IP65 rating for the luminaire.

### FINISH

Exterior parts are protected by a zinc-infused Super Durable TGIC thermoset powder coat finish that provides superior resistance to corrosion and weathering. A tightly controlled multi-stage process ensures a minimum 3 mils thickness for a finish that can withstand extreme climate changes without cracking or peeling. Standard Super Durable colors include dark bronze, black, natural aluminum, sandstone and white. Available in textured and non-textured finishes.

### OPTICS

Well crafted reflector optics allow the light engine to be recessed within the luminaire, providing visual comfort, superior distribution, uniformity, and spacing in wall-mount applications. The WST LED has zero uplight and qualifies as a Nighttime Friendly™ product, meaning it is consistent with the LEED® and Green Globes™ criteria for eliminating wasteful uplight.

### ELECTRICAL

Light engine(s) consist of 98 high-efficacy LEDs mounted to a metal core circuit board and integral aluminum heat sinks to maximize heat dissipation and promote long life (100,000 hrs at 40°C, L87). Class 2 electronic driver has a power factor >90%, THD <20%. Easily-serviceable surge protection device meets a minimum Category B (per ANSI/IEEE C62.41.2).

### INSTALLATION

A universal mounting plate with integral mounting support arms allows the fixture to hinge down for easy access while making wiring connections.

### LISTINGS

CSA certified to U.S. and Canadian standards. Luminaire is IP65 rated. PIR and back box options are rated for wet location. Rated for -30°C to 40°C ambient.

DesignLights Consortium® (DLC) Premium qualified product. Not all versions of this product may be DLC Premium qualified. Please check the DLC Qualified Products List at [www.designlights.org/QPL](http://www.designlights.org/QPL) to confirm which versions are qualified.

### WARRANTY

5-year limited warranty. Complete warranty terms located at: [www.acuitybrands.com/CustomerResources/Terms\\_and\\_conditions.aspx](http://www.acuitybrands.com/CustomerResources/Terms_and_conditions.aspx).

**Note:** Actual performance may differ as a result of end-user environment and application. All values are design or typical values, measured under laboratory conditions at 25 °C. Specifications subject to change without notice.





## FEATURES & SPECIFICATIONS

### INTENDED USE

Provides years of maintenance-free illumination for outdoor use in residential & commercial applications. Ideal for applications such as lighting walkways and stairways.

### CONSTRUCTION

Cast aluminum housing with corrosion-resistant paint in either dark bronze or white finish.

### ADA compliant

### OPTICS

4000K CCT LEDs.

Polycarbonate lens protects the LED from moisture, dirt and other contaminants.

LUMEN MAINTENANCE: The LED will deliver 70% of its initial lumens at 50,000 hour average LED life. See Lighting Facts label on page 2 for performance details.

### ELECTRICAL

MVOLT driver operates on any line voltage from 120-277V.

Operating temperature -30°C to 40°C.

1KV surge protection standard.

### INSTALLATION

Surface mount to universal junction box (provided by others).

### LISTINGS

UL Listed in U.S. and Canadian safety standards for wet locations.

Tested to accordance with IESNA LM-79 and LM-80 standards.

### WARRANTY

Five-year limited warranty.

Full warranty terms located at [www.AcuityBrands.com/CustomerResources/Terms\\_and\\_Conditions.aspx](http://www.AcuityBrands.com/CustomerResources/Terms_and_Conditions.aspx)

Note: Specifications are subject to change without notice.

Actual performance may differ as a result of end-user environment and application.

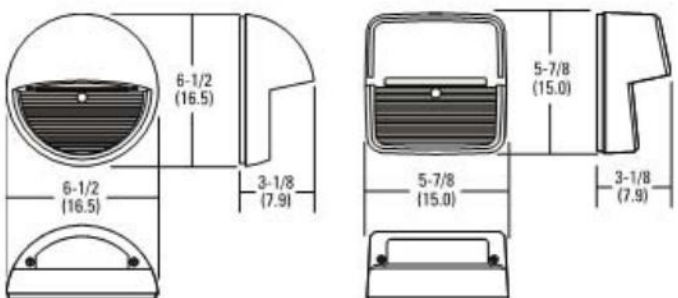
Catalog Number
Notes
Type

## Outdoor General Purpose OLSR & OLSS LED STEP LIGHT



Specifications

All dimensions are inches (centimeters)



### ORDERING INFORMATION

Lead times will vary depending on options selected. Consult with your sales representative.

Example: OLSS DOB

Series	Color temperature (CCT)	Voltage	Finish
OLSR Step light round	(blank) 4000K	(blank) MYOLT (120V-277V)	DOB Dark bronze
OLSS Step light square			WH White

DECORATIVE INDOOR & OUTDOOR

OLSR-OLSS



## WST LED Architectural Wall Sconce



Catalog Number
Notes
Type

For this Tab key or mouse over the page to see all interactive elements.

### Capable Luminaire

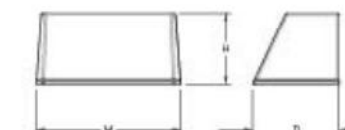
This item is an A+ capable luminaire, which has been designed and tested to provide consistent color appearance and system-level interoperability.

- All configurations of this luminaire meet the Acuity Brands' specification for chromatic consistency
- This luminaire is A+ Certified when ordered with DTL controls marked by a shaded background. DTL DL equipped luminaires meet the A+ specification for luminaire to photocontrol interoperability
- This luminaire is part of an A+ Certified solution for ROAM® or XPoint™ Wireless control networks, providing out-of-the-box control compatibility with simple commissioning, when ordered with drivers and control options marked by a shaded background

To learn more about A+, visit [www.acuitybrands.com/aplus](http://www.acuitybrands.com/aplus).

See ordering tree for details.

A+ Certified Solutions for ROAM require the order of one ROAM node per luminaire. Sold Separately. Link to Roam: [Link to DTL DLI](#)



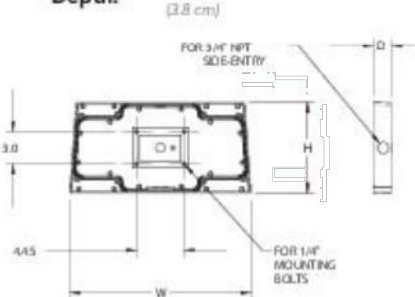
### Optional Back Box (PBBW)

Height: 4"

Width: 5-1/2"

Depth: 1-1/2"

For 3/4" NPT side entry conduit



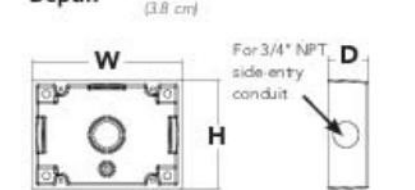
### Optional Back Box (BBW)

Height: 4"

Width: 5-1/2"

Depth: 1-1/2"

For 3/4" NPT side entry conduit



LITHONIA LIGHTING  
One Lithonia Way • Conyers, Georgia 30012 • Phone: 800.229.8061 • [sales@lithonia.com](mailto:sales@lithonia.com)  
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WST LED  
Rev: 11/01/17



Luminaire Type:  
Catalog Number  
(not specified)

Gotham Architectural Downlighting  
LED Downlights  
4" Evo® Square  
Downlight  
Solid-State Lighting



### FEATURES

#### OPTICAL SYSTEM

- Self-flanged or flangeless semi-specular, matte-diffuse finishing trim
- Patented Bouncing Ray™ optical design (U.S. Patent No. 5,800,050)
- 5° cutoff to square and source image
- Top-down flash characteristic
- Polycarbonate lens integral to light engine

#### MECHANICAL SYSTEM

- 16-gauge galvanized steel construction; maximum 1-1/4" ceiling thickness
- Telescopic mounting barn maximum of 24" and minimum of 15", included, 4" vertical adjustment
- Toolless adjustments post installation
- Junction box capacity: 8-1/4 in. 4-wire 12AWG rated for 90°C
- Light engine and driver accessible through aperture
- Patented adjustable aperture allows 1/4" adjustments in all directions and up to 5° of rotation allowing post-installation adjustments to ensure trim-to-trim alignment
- Injection molded mud ring included with flangeless trims. Ships separately. Installs independently of the mounting frame to reduce cracks in plaster due to vibration.

#### EXAMPLE: EVO SQ 35/10 4ARFLSS MVOLT EZ1

Series	Type	Color temperature	Nominal lumen values	Aperture/Trim color	Trim style	Finish	Voltage
EVO	SQ	27	2700 K	07	750 lumens	4AR	Clear
		30	3000 K	10	1000 lumens	4PR	Pewter
		35	3500 K	15	1500 lumens	4WTR	White
		40	4000 K	20	2000 lumens	4WR	White
		50	5000 K	25	2500 lumens	4BR	Black
				30	3000 lumens		

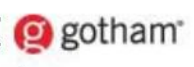
Driver <sup>1</sup>	Options
EZ10	added 0-10V ECOdrive. Linear dimming to 30% min.
EZ1	added 0-10V ECOdrive. Linear dimming to 1% min.
EZ2	added 0-10V SOLdrive. Logarithmic dimming to <1%.
EZAB	added SOLdrive DALI. Logarithmic dimming to <1%.
EZ1B	added POE/ECOdrive DALI with ROM (remote device management). Square Law dimming to <1%. Includes termination resistor. Refer to <a href="#">DALI02 Manual</a> .
EXM1	Wireless, added 0-10V ECOdrive. Linear dimming to 1%. Refer to XPoint tech sheet.
EXAB	Wireless, added 0-10V SOLdrive. Logarithmic dimming to <1%. Refer to XPoint tech sheet.
ECOS2 <sup>2,3</sup>	Lithon® Hi-Lum® 2-wire forward-phase driver. Minimum dimming level 1%. Maximum lumen 1000/Maximum lumen 3000.
ECOS3 <sup>4</sup>	Lithon® Hi-Lum® 3-wire or EcoSystem® dimming driver. Minimum dimming level 1%. Minimum lumen 1000/Maximum lumen 4500.

ACCESSORIES order as separate catalog numbers (shipped separately)

ISO BC 0-10V wall-to-wall dimmer. Refer to ISO-BC.

EVO SQ 4-OPEN  
PAGE 1 OF 4

GOTHAM ARCHITECTURAL DOWNLIGHTING | P 800.335.4362 | [gothamlighting.com](http://gothamlighting.com)  
© 2010-2017 Acuity Brands Lighting, Inc. All Rights Reserved. Rev. 11/01/17. Specifications subject to change without notice.



### Ordering Information

Series	Performance Package	Color temperature	Distribution	Voltage	Mounting
WST LED	P1 1,500 lumen package	27K 2700K	VF Visual comfort forward throw	MVOLT 120V	277
	P2 3,000 lumen package	30K 3000K	VW Visual comfort wide	240V	347
	P3 6,000 lumen package	40K 4000K		240V	480
		50K 5000K			240V

Options	Field prepared
PL Photocell cut, buttonless <sup>1</sup>	DDDB Dark bronze
PLR ROM (two-wire) (optional only) (ordered/ordered square) <sup>2</sup>	DBLD Dark
PLRS Two-wire (optional only) (ordered/ordered square) <sup>2</sup>	DNAX Natural aluminum
PLRT Seven-wire (optional only) (ordered/ordered square) <sup>2</sup>	DWKO White
PR Motion/ambient light sensor, 8-10" mounting height <sup>3</sup>	DSXD Sandstone
PR HCV Motion/ambient sensor, 8-10" mounting height, ambient sensor enabled at 16" <sup>4</sup>	DSWD Toward dark bronze
PRV Motion/ambient light sensor, 15-50" mounting height <sup>3</sup>	DBLD Toward dark
PRV HCV Motion/ambient sensor, 15-50" mounting height, ambient sensor enabled at 16" <sup>4</sup>	DNATD Toward natural aluminum
SF Single face (100, 273, 347V) <sup>5</sup>	DWNGD Toward white
DF Double face (208, 240, 480V) <sup>6</sup>	DSSTD Toward sandstone
BS Dual switching <sup>7</sup>	
EWB Emergency battery backup, Non-CE compliant (700) <sup>8</sup>	
EWVC Emergency battery backup, Non-CE compliant (cold, 700) <sup>8</sup>	
EWWR Remote emergency battery backup, Non-CE compliant (remote 700) <sup>8</sup>	
EZWHR Emergency battery pack, 20W constant power, CE compliant <sup>9</sup>	
EZWVC Emergency battery pack, 20W constant power, CE compliant <sup>9</sup>	
EZWWR Remote emergency battery backup, Non-CE compliant (remote 20W) <sup>10,11</sup>	
ICE Left side conduit entry <sup>12</sup>	
RCE Right side conduit entry <sup>12</sup>	
RPBW Retrofit back plate <sup>13</sup>	
VG Vandal guard <sup>14</sup>	
VG Vitr guard <sup>15</sup>	

### Accessories

Ordered and shipped separately

WSTWHR Remote emergency battery backup, Non-CE compliant (remote 700)<sup>8</sup>

WSTWVC Emergency battery pack, 20W constant power, CE compliant<sup>9</sup>

WSTWWR Remote emergency battery backup, Non-CE compliant (remote 20W)<sup>10,11</sup>

WSTWBS Dual switching<sup>7</sup>

WSTWVGR Vandal guard<sup>14</sup>

WSTWVG Vitr guard<sup>15</sup>

### NOTES

- MVOLT driver operates on any line voltage from 120-277V (50/60 Hz).
- Single face (SF) requires 120V, 277V or 347V; Double face (DF) requires 208V, 240V or 480V.
- Also available as a separate accessory: see accessories information.
- Top conduit entry standard.
- Need to specify 120, 208, 240 or 277 voltage.
- Photocell ordered and shipped as a separate line item from Acuity Brands Controls. Shorting Cap included.
- Not available with VG or VGR. See PEB Table.
- Reference Motion Sensor table.
- Not available with Emergency options, PE or PE options.
- Not available with 347V/480V.
- Battery pack rated for 20° to 40°C.
- Comes with PBBW.
- Warranty period is 3 years.
- Not available with BBW.
- Must order with fixture, not an accessory.


### Emergency Battery Operation

The emergency battery backup is integral to the luminaire — no external housing required. This device provides reliable emergency operation while maintaining the aesthetics of the product.

All emergency backup configurations include an independent secondary driver with an integral relay to immediately detect AC power loss, meeting interpretations of NFPA 70/NEC 2008, 780.15.

The emergency battery will power the luminaire for a minimum duration of 90 minutes (maximum duration of three hours) from the time supply power is lost, per [International Building Code Section 1008](#) and [NFPA 70/NEC 2008, 780.15](#). The emergency battery will power the luminaire for a minimum duration of 90 minutes (maximum duration of three hours) from the time supply power is lost, per [International Building Code Section 1008](#) and [NFPA 70/NEC 2008, 780.15](#). The emergency battery will power the luminaire for a minimum duration of 90 minutes (maximum duration of three hours) from the time supply power is lost, per [International Building Code Section 1008](#) and [NFPA 70/NEC 2008, 780.15](#). The emergency battery will power the luminaire for a minimum duration of 90 minutes (maximum duration of three hours) from the time supply power is lost, per [International Building Code Section 1008](#) and [NFPA 70/NEC 2008, 780.15](#). 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## City of Birmingham

Make-up Name	Make-up Icon	Transmittance		Reflectance			U-Value		R-Value	Solar Heat Gain Coefficient (SHGC)
		Visible (τ <sub>v</sub> %)	Solar (τ <sub>e</sub> %)	Visible		Solar	Winter Night (Btu/hr-ft²·F)	Summer Day (Btu/hr-ft²·F)		
				ρ <sub>v</sub> % out	ρ <sub>v</sub> % in	ρ <sub>e</sub> % out				
Default Make-up 01		80	67	15	15	13	0.47	0.50	2.11	0.74

Calculation Standard: NFRC 2010

### Default Make-up 01

#### Outdoors

GLASS 1	Clear (North America)		#1 -----
	Thickness = 1/4" = 6mm		#2 -----
GAP 1		100% Air, 1/2" = 12.7 mm	
GLASS 2	Clear (North America)		#3 -----
	Thickness = 1/4" = 6mm		#4 -----

Total Unit (Nominal) = 1 in / 24.7 mm

Slope = 90°

Window Height = 1 meter

Estimated Nominal Glazing Weight: 5.75 lb/ft<sup>2</sup>

#### Indoors

### Important Notes

The performance values shown above represent NOMINAL VALUES for the center of glass with no spacer system or framing. Slight variations may occur due to manufacturing tolerances, point of manufacture, and type of instrumentation used to measure the optical properties. For configurations that include non-specular (diffuse) components, performance results cannot be verified and should only be used as a general indication of performance. For configurations which include ceramic frit coating, the actual values may vary significantly based upon the thickness and composition of the frit. For configurations with coatings laminated facing the PVB, there may be a noticeable color change. Guardian recommends a full size mock-up be approved. Calculations and terms in this report are based on NFRC 2010.

Please note that the THERMAL STRESS GUIDELINE is only a rough reference to the thermal safety of a glazing. Other factors such as the size of glass areas, shapes and patterns, glass thickness, glass damaged during shipping, handling or installation, orientation of the building, exterior shading, overhangs/fins that reduce wind speed, and areas with high daily temperature fluctuations can all increase the probability of thermal breakage. The results shown are not for any specific glazing installation and do not constitute a warranty against glass breakage.

### Explanation of Terms

**% Transmittance Visible or Light Transmittance ( $\tau_v$  %)** is the percentage of visible light at normal incidence (90° to surface) that is transmitted by the glass.

**% Ultraviolet (UV) Transmittance ( $\tau_{uv}$  %)** is the percentage of ultraviolet light at normal incidence directly transmitted by the glass. Ultraviolet Light is defined as radiant energy from the sun having a wavelength range of 300 nm to 380 nm.

**% Solar Energy Direct Transmittance ( $\tau_e$  %)** is the percentage of solar energy at normal incidence directly transmitted by the glass. Solar Energy is the radiant energy from the sun having a wavelength range of 300 nm to 2500 nm.

**% Reflectance Visible Outdoors or Light Reflectance Out ( $\rho_v$  % out)** is the percentage of visible light at normal incidence directly reflected by the glass back outdoors.

**% Reflectance Visible Indoors or Light Reflectance In ( $\rho_v$  % in)** is the percentage of visible light at normal incidence directly reflected by the glass back indoors.

**% Solar Energy Reflected Outdoors or Solar Direct Reflectance Out ( $\rho_e$  % out)** is the percentage of solar energy at normal incidence directly reflected by the glass back outdoors.

**% Solar Energy Reflected Indoors or Solar Direct Reflectance In ( $\rho_e$  % in)** is the percentage of solar energy at normal incidence directly reflected by the glass back indoors.

**Absorptance ( $\alpha_e$  %)** (Solar, Visible or UV) is defined as a process in which a range of radiation is retained by a substance and converted into heat energy. The creation of heat energy also causes the substance to emit its own radiation.

**U-Factor or U-Value ( $U_G$ )** is the air-to-air thermal conductance of 39" high glazing and associated air films. US Standard units are Btu/hr.ft<sup>2</sup>.F. and SI / Metric units are W/m<sup>2</sup>K. Winter night values are 12.3 mph wind at -0.4°F outdoors and 69.8°F still indoor air. Summer values are 0 sun, 6.15 mph wind at 89.6°F outdoors and 75.2°F still indoor air.

**Relative Heat Gain (RHG)** is the total net heat gain to the indoors due to both the air-to-air thermal conductance and the solar heat gain. Imperial units are Btu/hr.ft<sup>2</sup>.  $RHG = [(Summer\ U-Value)(89.6^\circ F - 75.2^\circ F) + (Shading\ Coefficient)(200\ Btu/hr-ft^2)]$ . Metric units are W/m<sup>2</sup>.  $RHG = [(Summer\ U-Value)(32^\circ C - 24^\circ C) + (Shading\ Coef.)(631\ W/m^2)]$

**Shading Coefficient (SC)** is the fraction of solar heat, direct (300 to 2500 nm) plus indirect (5 to 40  $\mu$ m), transferred indoors through the glass. For reference, 1/8" (3.1 mm) clear glass has a value of 1.00 (SC is an older term being replaced by the SHGC).

**Solar Heat Gain Coefficient (SHGC)** is the fraction of solar energy incident on the glazing that is transferred indoors both directly and indirectly through the glazing. The direct gain portion equals the direct solar transmittance, while the indirect is the fraction of the solar energy absorbed to the energy reradiated and convected indoors. No heat gain from warmer outdoor air is included.  $SHGC = (Direct\ Solar\ Trans) + \{[(Indirect\ Solar\ Heat\ Gain) - (Summer\ U-Value)(89.6^\circ F - 75.2^\circ F)] / (248.209\ Btu/hr-ft^2)\}$

**Light-to-Solar Gain (LSG)** is the ratio of visible light gain to solar gain.  $LSG = (Visible\ Transmittance) / (SHGC)$

**Color Rendering Index in transmission, D65 ( $R_a$ )** is the change in color of an object as a result of the light being transmitted by the glass.

**Weighted Sound Reduction Index (Rw)** is a single-number quantity which characterizes the airborne sound insulation of a material or building element over a range of frequencies.

**Sound Transmission Class (STC)** is a single-number quantity which characterizes the airborne sound insulation of a material or building element over a range of frequencies.

#### Disclaimer

This performance analysis is provided for the limited purpose of assisting the user in evaluating the performance of the glass products identified on this report. Spectral data for products manufactured by Guardian reflect nominal values derived from typical production samples. Spectral data for products not manufactured by Guardian were derived from the LBNL International Glazing Database and have not been independently verified by Guardian. The values calculated by this tool are generated according to established engineering practices and applicable calculation standards. Many factors may affect glass performance, including glass size, building orientation, shading, wind speed, type of installation, and others. The applicability and results of the analysis are directly related to user inputs and any changes in actual conditions can have a significant effect on the results. It is possible to create many different glazing types and glass make-ups using this tool. Guardian makes no guarantee that any glazing modeled by the tool is available from Guardian or any other manufacturer. The user has the responsibility to check with the manufacturer regarding availability of any glass type or make-up. While Guardian has made a good faith effort to verify the reliability of this tool, it may contain unknown programming errors that could result in incorrect results. The user assumes all risk relating to the results provided by the tool and is solely responsible for selection of appropriate products for the user's application. GUARDIAN MAKES NO EXPRESS OR IMPLIED WARRANTY OF ANY KIND WITH RESPECT TO THE PERFORMANCE CALCULATOR. THERE ARE NO WARRANTIES OF MERCHANTABILITY, NON-INFRINGEMENT OR FITNESS FOR A PARTICULAR PURPOSE WITH RESPECT TO THE PERFORMANCE CALCULATOR AND NO WARRANTY SHALL BE IMPLIED BY OPERATION OF LAW OR OTHERWISE. IN NO EVENT SHALL GUARDIAN BE LIABLE FOR DIRECT, INDIRECT, SPECIAL, CONSEQUENTIAL OR INCIDENTAL DAMAGES OF ANY KIND RELATING TO OR RESULTING FROM USE OF THE PERFORMANCE CALCULATOR.

Program Version: 4.1.0.6167  
Database Version: 20180118

## NOTICE OF PUBLIC HEARING

<b>BIRMINGHAM CITY COMMISSION</b>
<b>SPECIAL LAND USE PERMIT AMENDMENT &amp; FINAL SITE PLAN</b>

Meeting Date, Time, Location:	Monday, March 12, 2018 at 7:30 PM Municipal Building, 151 Martin Birmingham, MI
Location of Request:	33588 WOODWARD – SHELL GAS STATION
Nature of Hearing:	To consider the Final Site Plan and Special Land Use Permit amendment to allow construction a small addition to allow for new accessible bathroom
City Staff Contact:	Jana Ecker 248.530.1841 <a href="mailto:jecker@bhamgov.org">jecker@bhamgov.org</a>
Notice Requirements:	Mailed to all property owners and occupants within 300 feet of subject address. Publish February 18, 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:** March 6, 2018

**TO:** Joseph A. Valentine, City Manager

**FROM:** Matthew Baka, Senior Planner

**APPROVED:** Jana L. Ecker, Planning Director

**SUBJECT:** Public Hearing for Final Site Plan & Special Land Use Permit  
Amendment at 33588 Woodward – Shell Gas Station

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The subject property at 33588 Woodward is located in the B2B General Business zone district. The B2B zone lists gasoline service station as a permitted use requiring a Special Land Use Permit (SLUP). The applicant was approved for a SLUP by the City Commission on September 22, 2014. The applicant is now requesting an amendment to the existing SLUP to allow them to construct a small addition to the building to allow for a new accessible bathroom. On January 24, 2018, the Planning Board conducted a public hearing to discuss a request by the applicant to construct the addition. The Planning Board voted unanimously to recommend approval of the Final Site Plan and Design and the Special Land Use Permit to the City Commission with the following conditions:

1. Confirm that the ice and propane storage units do not exceed 4'; and
2. Comply with the requests of City Departments.

Thus, the Planning Division requests that the City Commission set a public hearing date for March 12, 2018 to consider approval of the Final Site Plan and Design and a Special Land Use Permit Amendment to allow the addition of a new bathroom to the existing Shell gasoline station. Please find attached the staff report presented to the Planning Board, along with the relevant plans and supporting documents.

### SUGGESTED ACTION:

To approve the Final Site Plan & Design and a Special Land Use Permit Amendment at 33588 Woodward to allow the addition of a new accessible bathroom to the existing Shell gasoline service station as recommended by the Planning Board on January 24, 2018.

**33588 WOODWARD  
SHELL GASOLINE SERVICE STATION/DUNKIN DONUTS  
SPECIAL LAND USE PERMIT AMENDMENT  
MARCH 12, 2018**

**WHEREAS**, the Shell gasoline station with a convenience store and a Dunkin Donuts store was granted a Special Land Use Permit on September 22, 2014,

**WHEREAS**, B5 Investment LLC has now applied for a Special Land Use Permit Amendment, to construct a new accessible bathroom addition on site at 33588 Woodward,

**WHEREAS**, The land for which the Special Land Use Permit is sought is located at the southeast corner of Woodward Ave. and Chapin Ave.,

**WHEREAS**, The land is zoned B-2B General Business, which permits a gasoline service station with a convenience store 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 now requests a Special Land Use Permit Amendment to allow for the construction of a new bathroom addition, such application having been filed pursuant to Article 7, section 7.34 of Chapter 126, Zoning of the City Code,

**WHEREAS**, The Planning Board reviewed the proposed Special Land Use Permit Amendment on January 24, 2018 at which time the Planning Board voted to recommend approval of the Final Site Plan and SLUP to the City Commission with the following conditions:

1. Confirm that the ice and propane storage units do not exceed 4'; and
2. Comply with the requests of City Departments.

**WHEREAS**, The applicant has agreed to comply with all conditions for approval as recommended by the Planning Board on January 24, 2018,

**WHEREAS**, The Birmingham City Commission has reviewed the B5 Investments LLC Special Land Use Permit application as well as the standards for such review as set forth in Article 7, section 7.34 of Chapter 126, Zoning of the City Code,

**BE IT FURTHER RESOLVED**, The Birmingham City Commission finds the standards imposed on B5 Investments LLC under the City Code have been met, subject to the conditions below and B5 Investments LLC's application for a Special Land Use Permit Amendment to construct a new accessible bathroom to the existing a gasoline service station, convenience store and Dunkin Donuts store on site at 33588 Woodward, is hereby approved, subject to the attached site plan, and subject to the following conditions:

1. Confirm that the ice and propane storage units do not exceed 4'; and

2. Comply with the requests of City Departments.

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

**BE IT FURTHER RESOLVED**, Except as herein specifically provided, the B5 Investments LLC Company 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 B5 Investments LLC to comply with all the ordinances of the City, may result in the Commission revoking this Special Land Use Permit.

I, Cherilynn Mynsberge, City Clerk of the City of Birmingham, Michigan, do hereby certify that the foregoing is a true and, correct copy of the resolution adopted by the Birmingham City Commission at its regular meeting held on March 12, 2018.

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Cherilynn Mynsberge, City Clerk



# MEMORANDUM

Planning Division

**DATE:** January 18<sup>th</sup>, 2018

**TO:** Jana Ecker, Planning Director

**FROM:** Nicholas Dupuis, Planning Intern

**SUBJECT:** 33588 Woodward Ave – Birmingham Shell  
Final Site Plan and Special Land Use Permit Amendment

The 0.34 acre subject site, 33588 Woodward Avenue, is located at the corner of Woodward and Chapin. The applicant is seeking a Special Land Use Permit Amendment to relocate the bathroom within the building, which will include a small addition of square footage to the building. The total added area to the building is roughly 79 sq. ft. at the south-western portion of the building, facing the parking lot. The addition will displace the ice and propane storage machines, which are proposed to be relocated to the side of the building, adjacent to the rear parking area.

## 1.0 Land Use and Zoning

- 1.1 Existing Land Use – The land use at this parcel is commercial.
- 1.2 Zoning – The parcel is zoned B2-B, General Business.
- 1.3 Summary of Adjacent Land Use and Zoning - The following chart summarizes existing land use and zoning adjacent to and/or in the vicinity of the subject site, including the proposed 2016 Regulating Plan zones.

	North	South	East	West
Existing Land Use	Commercial	Commercial	Residential	Commercial
Existing Zoning District	B2-B, General Business	B2-B, General Business	R4, Two Family Residential	B2-B, General Business

<b>Downtown Overlay Zoning District</b>	N/A	N/A	N/A	N/A
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## **2.0 Setback and Height Requirements**

Please see attached zoning compliance summary sheet for detailed setback and height requirements.

## **3.0 Screening and Landscaping**

- 3.1 Dumpster Screening – No changes proposed.
- 3.2 Parking Lot Screening – No changes proposed.
- 3.3 Mechanical Equipment Screening – No changes proposed.
- 3.4 Landscaping – No changes proposed.
- 3.5 Streetscape – No changes proposed.

## **4.0 Parking, Loading and Circulation**

- 4.1 Parking – No changes proposed.
- 4.2 Loading – No changes proposed.
- 4.3 Vehicular Circulation and Access – No changes proposed.
- 4.4 Pedestrian Circulation and Access – The proposed addition will displace the propane and bagged ice display units, and decrease the width of the current sidewalk along the front of the building where it will be located. The relocation of the propane and ice display units will decrease the sidewalk width significantly, but the applicant has not submitted dimensions for the two units. The proposed addition of the windshield washer fluid display will decrease the width of the sidewalk to 3 ft. 10 in. where it is proposed to be placed.

## **5.0 Lighting**

The applicant is not proposing any changes to the lighting of the property.

## **6.0 Outdoor Display Standards**

The proposed addition to the front of the building will displace the propane and bagged ice displays that currently exist in the space. The applicant is proposing to

relocate the display units to the south side of the building adjacent to the rear parking area, as well as add a windshield washer fluid display to the front of the building. According to Article 9, Section 9.02 of the Zoning Ordinance, Outdoor Display is defined as the placement of any item(s) outside a building for decorative display and/or accessible to the public for the purpose of sale, rent, lease or exhibit. Therefore, the propane and ice storage, as well as the proposed display for windshield washer fluid along the front of the building shall be regulated as outdoor displays.

Article 4, Section 4.67 outlines the requirements for an outdoor display in the B2-B zoning district. The proposed outdoor storage meets several of these standards, but falls short in a few key areas:

1. Outdoor displays shall not exceed a maximum of 4 feet in height.
  - **The applicant must confirm that the ice and propane storage units are no more than 4 feet in height, or obtain a variance from the Board of Zoning Appeals.** The submitted site plan does show the proposed windshield washer fluid display to be a maximum of four feet tall, meeting the Ordinance.
2. Furniture or shelving used to display goods outside shall be made of finished metal or wood or a material of comparable quality and maintained in a good condition.
  - The existing ice and propane storage units are constructed of metal, but the applicant has indicated that the proposed windshield washer fluid display will be constructed of plastic. **The applicant must submit plans showing a windshield washer fluid display unit constructed of metal or wood, or a material of comparable quality, or obtain a variance from the Board of Zoning Appeals.**
3. An unobstructed path not less than 5 feet in width shall be continuously maintained for pedestrian access to all business entrances and no point of access or egress from any building shall be blocked at any time.
  - Both the relocation of the ice and propane display units and the new windshield washer fluid display will subtract from the required 5 feet required for pedestrian access. **The applicant must submit plans showing an unobstructed continuously maintained 5 foot path for pedestrian access, or obtain a variance from the Board of Zoning Appeals.**

## **7.0 Departmental Reports**

- 7.1 Engineering Division – The Engineering Department has no concerns at this time.

- 7.2 Department of Public Services – No comments have been provided at this time, but will be provided by January 24, 2018.
- 7.3 Fire Department – No comments have been provided at this time, but will be provided by January 24, 2018.
- 7.4 Police Department – No comments have been provided at this time, but will be provided by January 24, 2018.
- 7.5 Building Division – The Building Department has examined the plans for the proposed project referenced above. The plans were provided to the Planning Department for site plan review purposes only and present conceptual elevations and floor plans. Although the plans lack sufficient detail to perform a code review, the following comments are offered for Planning Board and/or Design Review Board and applicant consideration:
1. The proposed addition is projecting into the accessible route (sidewalk) between the existing barrier free parking space and the entrance to the building. The accessible route cannot be reduced to less than 36.00 inches.
  2. The plans do not include proposed changes to the interior of the building. It appears that the existing toilet room located between the service counter and kitchen will be removed and the service counter made larger. The plans will need to detail these changes.

## **8.0 Design Review**

The proposed 79 sq. ft. addition to the south-west portion of the building will be for the relocation of a restroom to allow for more counter space for the establishment. The applicant has indicated on the site plan that the addition will be constructed with the same brick and paint as the existing building. The applicant has not submitted the elevations or material specifications necessary to complete a design review. **The applicant must submit scaled and colored elevations and material specifications for design review.**

## **9.0 Approval Criteria**

In accordance with Article 7, section 7.27 of the Zoning Ordinance, the proposed plans for development must meet the following conditions:

- (1) The location, size and height of the building, walls and fences shall be such that there is adequate landscaped open space so as to provide light, air and access to the persons occupying the structure.
- (2) The location, size and height of the building, walls and fences shall be such that there will be no interference with adequate light, air and access to adjacent lands and buildings.

- (3) The location, size and height of the building, walls and fences shall be such that they will not hinder the reasonable development of adjoining property nor diminish the value thereof.
- (4) The site plan, and its relation to streets, driveways and sidewalks, shall be such as to not interfere with or be hazardous to vehicular and pedestrian traffic.
- (5) The proposed development will be compatible with other uses and buildings in the neighborhood and will not be contrary to the spirit and purpose of this chapter.
- (6) The location, shape and size of required landscaped open space is such as to provide adequate open space for the benefit of the inhabitants of the building and the surrounding neighborhood.

#### **10.0 Recommendation**

Based on a review of the site plan submitted, the Planning Division finds that the proposed Final Site Plan does not meet the requirements of Article 7, section 7.27 of the Zoning Ordinance and recommends that the Planning Board recommend POSTPONEMENT of the Final Site Plan and Special Land Use Permit Amendment for 33588 Woodward Ave – Birmingham Shell – pending receipt of the following:

- (1) The applicant submit scaled and colored elevations and material specifications for the proposed addition;
- (2) The applicant confirm that the ice and propane storage units are no more than 4 feet in height, or obtain a variance from the Board of Zoning Appeals;
- (3) The applicant submit plans showing an unobstructed continuously maintained 5 foot path for pedestrian access, or obtain a variance from the Board of Zoning Appeals; and
- (4) The applicant submit plans showing a windshield washer fluid display unit constructed of metal or wood, or a material of comparable quality, or obtain a variance from the Board of Zoning Appeals.

#### **11.0 Sample Motion Language**

Motion to recommend POSTPONEMENT of the Final Site Plan and Special Land Use Permit Amendment for 33588 Woodward Ave – Birmingham Shell – pending receipt of the following:

- (1) The applicant submit scaled and colored elevations and material specifications for the proposed addition;

- (2) The applicant confirm that the ice and propane storage units are no more than 4 feet in height, or obtain a variance from the Board of Zoning Appeals;
- (3) The applicant submit plans showing an unobstructed continuously maintained 5 foot path for pedestrian access, or obtain a variance from the Board of Zoning Appeals; and
- (4) The applicant submit plans showing a windshield washer fluid display unit constructed of metal or wood, or a material of comparable quality, or obtain a variance from the Board of Zoning Appeals.

**OR**

Motion to recommend APPROVAL the Final Site Plan and Special Land Use Permit Amendment to the City Commission for 33588 Woodward Ave – Birmingham Shell – with the following conditions:

- (1) The applicant submit scaled and colored elevations and material specifications for the proposed addition;
- (2) The applicant confirm that the ice and propane storage units are no more than 4 feet in height, or obtain a variance from the Board of Zoning Appeals;
- (3) The applicant submit plans showing an unobstructed continuously maintained 5 foot path for pedestrian access, or obtain a variance from the Board of Zoning Appeals; and
- (4) The applicant submit plans showing a windshield washer fluid display unit constructed of metal or wood, or a material of comparable quality, or obtain a variance from the Board of Zoning Appeals.

**OR**

Motion to recommend the DENIAL of the Final Site Plan and Special Land Use Permit Amendment to the City Commission for 33588 Woodward Ave – Birmingham Shell – for the following reasons:

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_

**Zoning Compliance Summary Sheet  
Final Site Plan Review  
33588 Woodward – Birmingham Shell**

**Existing Site:** Gasoline Station & Dunkin Doughnuts

Zoning: B2-B, General Business

Land Use: Commercial

**Existing Land Use and Zoning of Adjacent Properties:**

	North	South	East	West
<b>Existing Land Use</b>	Commercial	Commercial	Residential	Commercial
<b>Existing Zoning District</b>	B2-B, General Business	B2-B, General Business	R-4, Two-Family Residential	B2-B, General Business
<b>Overlay Zoning District</b>	N/A	N/A	N/A	N/A

<b>Land Area:</b>	Existing:	0.34 acres (14,810 ft <sup>2</sup> )
	Proposed:	0.34 acres (14,810 ft <sup>2</sup> ) ( <b>No change</b> )
<b>Dwelling Units:</b>	Existing:	0
	Proposed:	0
<b>Minimum Lot Area/Unit:</b>	Required:	1,000 ft <sup>2</sup> / unit (single story hotel or motel) 2,000 ft <sup>2</sup> / unit (two/three story hotel or motel)
	Proposed:	N/A
<b>Min. Floor Area /Unit:</b>	Required:	N/A
	Proposed:	N/A
<b>Max. Total Floor Area:</b>	Required:	N/A

	Proposed:	N/A
<b>Min. Open Space:</b>	Required:	N/A
	Proposed:	N/A
<b>Max. Lot Coverage:</b>	Required:	N/A
	Proposed:	N/A
<b>Front Setback:</b>	Required:	N/A
	Proposed:	62 ft.
<b>Side Setbacks</b>	Required:	0 ft. from interior side lot line 10 ft. from side lot line abutting a single family district
	Proposed:	<b>No changes proposed</b> (0 ft. to the North, 52 ft. to the south existing)
<b>Rear Setback:</b>	Required:	10 ft. where abutting P, B1, B2, B2B, B2C, B3, B4, O1, O2 20 ft. when adjacent to a residential zoning district
	Proposed:	<b>No changes proposed</b> (10 ft. existing)
<b>Min. Front+Rear Setback</b>	Required:	N/A
	Proposed:	N/A
<b>Max. Bldg. Height:</b>	Permitted:	30 ft., 2 stories
	Proposed:	<b>No changes proposed</b> (18 ft., 1 story existing)
<b>Min. Eave Height:</b>	Required:	N/A
	Proposed:	N/A
<b>Floor-Ceiling Height:</b>	Required:	N/A
	Proposed:	N/A
<b>Front Entry:</b>	Required:	N/A
	Proposed:	N/A
<b>Absence of Bldg. Façade:</b>	Required:	N/A
	Proposed:	N/A
<b>Opening Width:</b>	Required:	N/A
	Proposed:	N/A
<b>Parking:</b>	Required:	8 spaces
	Proposed:	<b>No changes proposed</b> (17 spaces existing)
<b>Min. Parking Space Size:</b>	Required:	180 ft <sup>2</sup>

	Proposed:	<b>No changes proposed</b> (180 ft <sup>2</sup> existing)
<b>Parking in Frontage:</b>	Required:	N/A
	Proposed:	N/A
<b>Loading Area:</b>	Required:	1 (40 x 12 x 14)
	Proposed:	<b>No changes proposed</b> (1 existing)
<b>Screening:</b>		
<u>Parking:</u>	Required:	32 in. masonry screen wall
	Proposed:	N/A
<u>Loading:</u>	Required:	N/A
	Proposed:	N/A
<u>Rooftop Mechanical:</u>	Required:	Full screening to compliment the building
	Proposed:	<b>No changes proposed</b> (6 ft. 2 in. screen wall existing)
<u>Elect. Transformer:</u>	Required:	Fully screened from public view
	Proposed:	N/A
<u>Dumpster:</u>	Required:	6 ft. high capped masonry wall with wooden gates
	Proposed:	<b>No changes proposed</b> (6 ft. brick screen wall existing)



ABRO DESIGN GROUP, INC.  
30600 NORTHWESTERN HWY.  
SUITE 310  
FARMINGTON HILLS, MI. 48334  
P. 248-254-3834 F. 248-671-2772  
WWW.ABRODESIGNGROUP.COM

PROJECT:  
BIRMINGHAM  
GAS STATION

- GAS STATION RENOVATIONS -

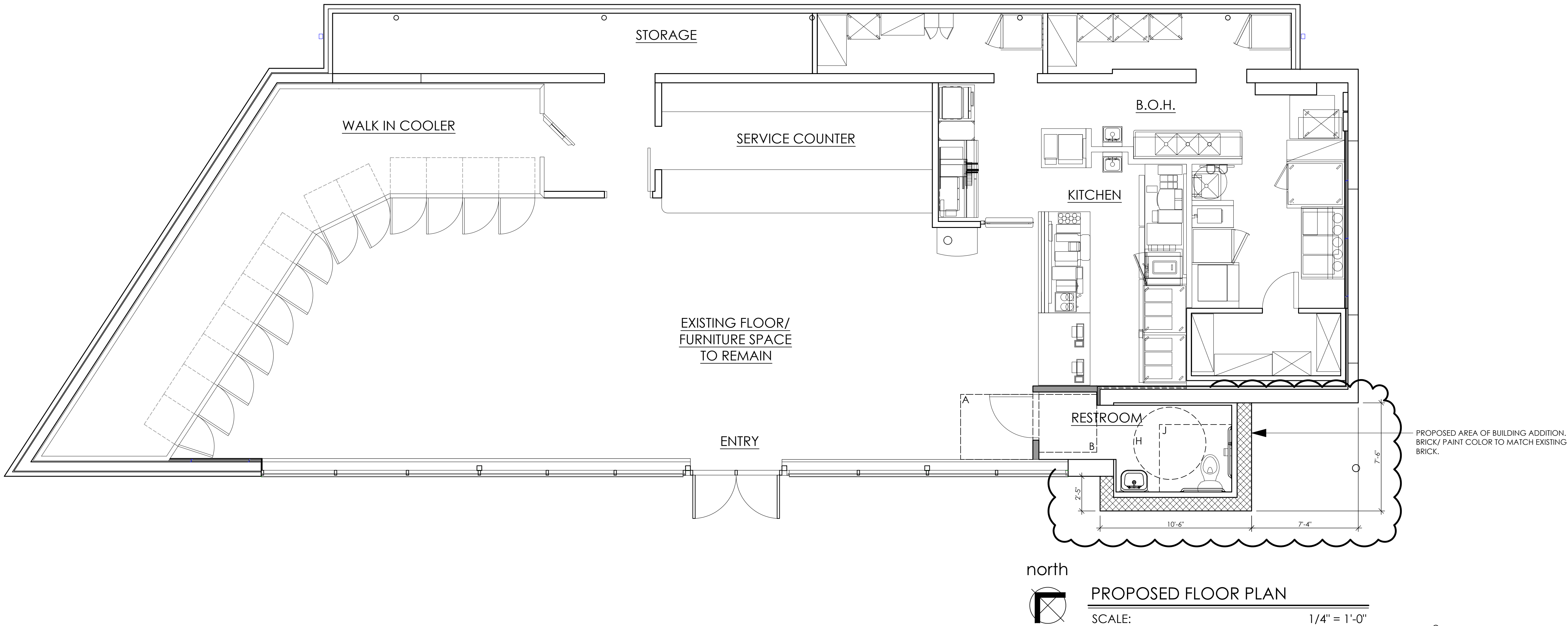
33588 WOODWARD AVE.,  
BIRMINGHAM, MI 48009

SHEET TITLE:  
PROPOSED  
FLOOR PLAN

DO NOT SCALE DRAWINGS  
USE FIGURED DIMENSIONS ONLY

DATE:	ISSUE:
01.10.18	CLIENT'S REVIEW

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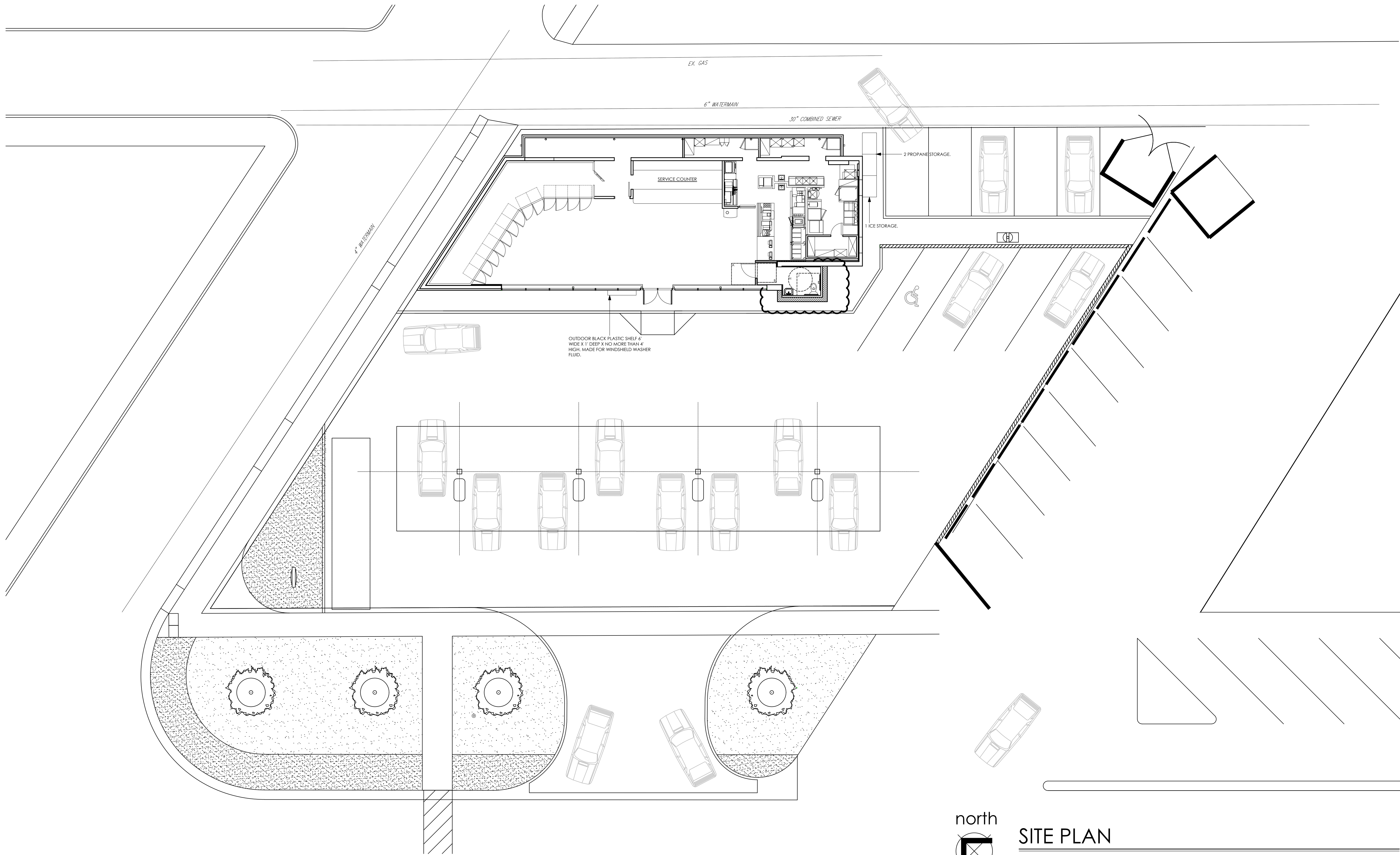
PROJECT NO:  
033017

SHEET NO:  
A-100

# BIRMINGHAM GAS STATION

## SITE PLAN

33588 WOODWARD AVE.,  
BIRMINGHAM, MI 48009



ABRO DESIGN GROUP, INC.  
30600 NORTHWESTERN HWY.  
SUITE 310  
FARMINGTON HILLS, MI. 48334  
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WWW.ABRODESIGNGROUP.COM

**PROJECT:**  
BIRMINGHAM  
GAS STATION  
-GAS STATION RENOVATIONS-

33588 WOODWARD AVE.,  
BIRMINGHAM, MI 48009

**SHEET TITLE:**  
SITE PLAN

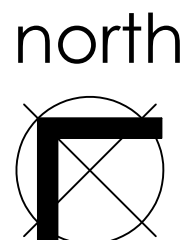
DO NOT SCALE DRAWINGS  
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**DATE:** 01.10.18 **ISSUE:** CLIENTS REVIEW

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**PROJECT NO:**  
033017

**SHEET NO:**  
S-100



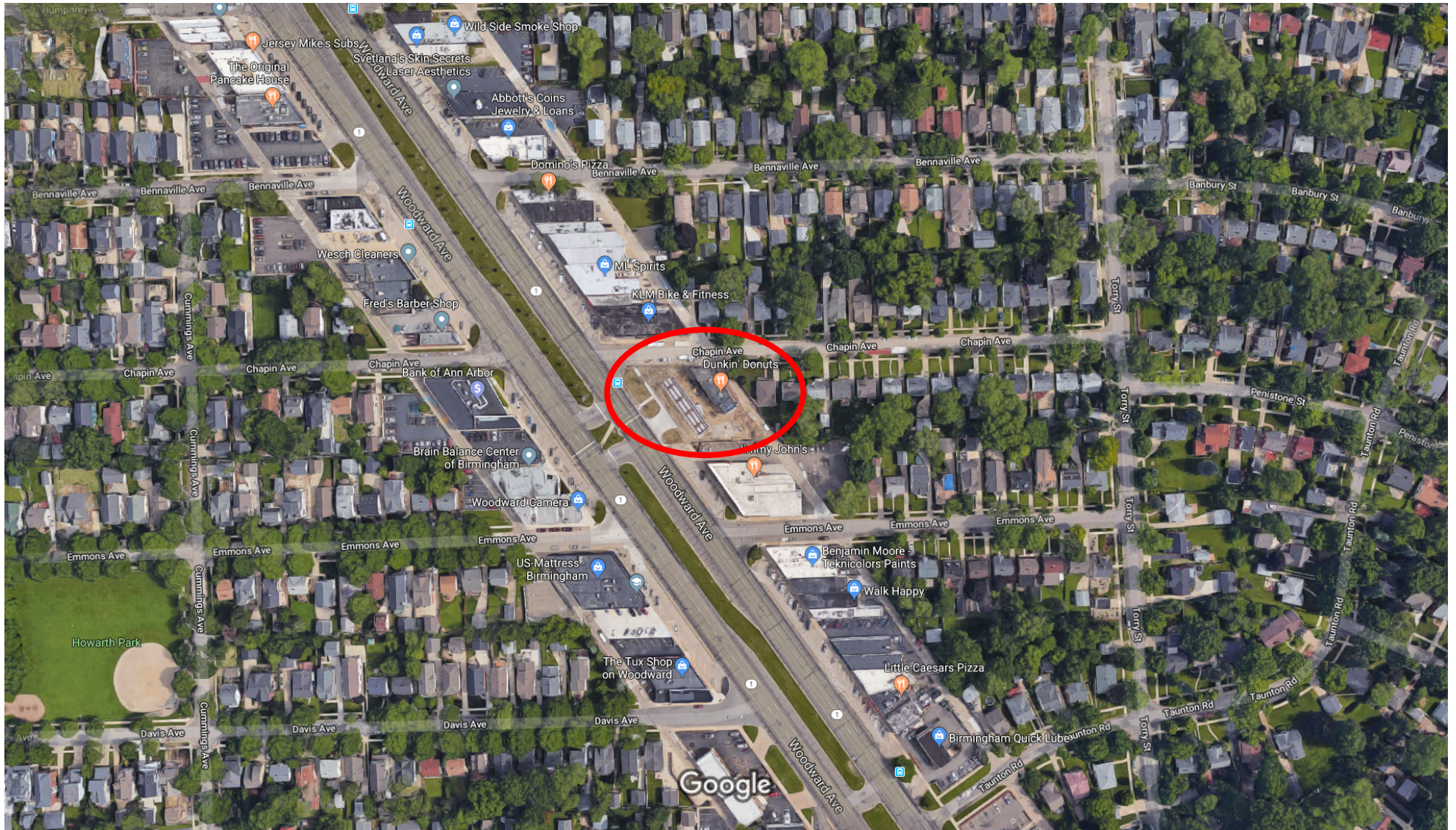
**SITE PLAN**  
SCALE:

1" = 10'-0"





AREA OF BUILDING ADDITION





## Special Land Use Permit Application Planning Division

Form will not be processed until it is completely filled out.

### 1. Applicant

Name: BS Investments, LLC  
Address: 33588 Woodward Ave.  
Birmingham, MI 48009  
Phone Number: 248-255-2090  
Fax Number: \_\_\_\_\_  
Email Address: Chris@barbatorganization.com

### Property Owner

Name: BS Investments, LLC - Chris Barbat  
Address: 33477 Woodward Ave, Ste 800  
Birmingham, MI 48009  
Phone Number: 248-255-2090  
Fax Number: \_\_\_\_\_  
Email Address: Chris@barbatorganization.com

### 2. Applicant's Attorney/Contact Person

Name: Chris Barbat  
Address: 33477 Woodward Ave, Ste 800  
Birmingham, MI 48009  
Phone Number: 248-255-2090  
Fax Number: \_\_\_\_\_  
Email Address: Chris@barbatorganization.com

### Project Designer/Developer

Name: Same as Above  
Address: \_\_\_\_\_  
Phone Number: \_\_\_\_\_  
Fax Number: \_\_\_\_\_  
Email Address: \_\_\_\_\_

### 3. Required Attachments

- Warranty Deed with legal description of property
- Required fee (see Fee Schedule for applicable amount)
- Two (2) folded copies of plans including a certified land survey, color elevations showing all materials, site plan, landscape plan, photometric plan, and interior plan
- Photographs of existing site and buildings
- Samples of all materials to be used

- Catalog sheets for all proposed lighting, mechanical equipment & outdoor furniture
- An itemized list of all changes for which approval is requested
- Completed Checklist
- Digital copy of plans

### 4. Project Information

Address/Location of Property: 33588 Woodward Ave.  
Birmingham, MI 48009  
Name of Development: BHAM SKELL  
Sidwell #: 20-31-352-001  
Current Use: Gas station and Dunkin Donuts  
Proposed Use: same  
Area in Acres: .34  
Current Zoning: \_\_\_\_\_  
Zoning of Adjacent Properties: \_\_\_\_\_  
Is there a current SLUP in effect for this site?: YES  
Is property located in the floodplain? NO

Name of Historic District site is in, if any: \_\_\_\_\_  
Date of HDC Approval, if any: \_\_\_\_\_  
Date of Application for Preliminary Site Plan: \_\_\_\_\_  
Date of Preliminary Site Plan Approval: \_\_\_\_\_  
Date of Application for Final Site Plan: \_\_\_\_\_  
Date of Final Site Plan Approval: \_\_\_\_\_  
Date of Revised Final Site Plan Approval: \_\_\_\_\_  
Date of Final Site Plan Approval: \_\_\_\_\_  
Date of DRB approval, if any: \_\_\_\_\_  
Date of Last SLUP Amendment: \_\_\_\_\_  
Will proposed project require the division of platted lots? NO

### 5. Details of the Nature of Work Proposed (Site plan & design elements)

Relocation of bathroom within the building to include small addition  
of square footage to the building. (and new signage)

## 6. Buildings and Structures

Number of Buildings on site: 1  
Height of Building & # of stories: 18' - 1 story

Use of Buildings: Gas Station + Dunkin Donuts  
Height of rooftop mechanical equipment: \_\_\_\_\_

### 7. Floor Use and Area (in square feet)

### Commercial Structures:

Total basement floor area: \_\_\_\_\_  
 Number of square feet per upper floor: \_\_\_\_\_  
 Total floor area: 2600 sq. ft.  
 Floor area ratio (total floor area divided by total land area): \_\_\_\_\_  
 Open space: \_\_\_\_\_  
 Percent of open space: \_\_\_\_\_

Office space: \_\_\_\_\_  
Retail space: \_\_\_\_\_  
Industrial space: \_\_\_\_\_  
Assembly space: \_\_\_\_\_  
Seating Capacity: \_\_\_\_\_  
Maximum Occupancy Load: \_\_\_\_\_

**Residential Structures:** *N/A*

Total number of units: \_\_\_\_\_  
 Number of one bedroom units: \_\_\_\_\_  
 Number of two bedroom units: \_\_\_\_\_  
 Number of three bedroom units: \_\_\_\_\_  
 Open space: \_\_\_\_\_  
 Percent of open space: \_\_\_\_\_

Rental units or condominiums?: \_\_\_\_\_  
 Size of one bedroom units: \_\_\_\_\_  
 Size of two bedroom units: \_\_\_\_\_  
 Size of three bedroom units: \_\_\_\_\_  
 Seating Capacity: \_\_\_\_\_  
 Maximum Occupancy Load: \_\_\_\_\_

## 8. Required and Proposed Setbacks *N/A*

Required front setback: \_\_\_\_\_  
 Required rear setback: \_\_\_\_\_  
 Required total side setback: \_\_\_\_\_  
 Side setback: \_\_\_\_\_

Proposed front setback: \_\_\_\_\_  
 Proposed rear setback: \_\_\_\_\_  
 Proposed total side setback: \_\_\_\_\_  
 Second side setback: \_\_\_\_\_

## 9. Required and Proposed Parking *N/A*

Required number of parking spaces: \_\_\_\_\_  
 Typical angle of parking spaces: \_\_\_\_\_  
 Typical width of maneuvering lanes: \_\_\_\_\_  
 Location of parking on the site: \_\_\_\_\_  
 Location of off site parking: \_\_\_\_\_  
 Number of light standards in parking area: \_\_\_\_\_  
 Screenwall material: \_\_\_\_\_

Proposed number of parking spaces: \_\_\_\_\_  
 Typical size of parking spaces: \_\_\_\_\_  
 Number of spaces < 180 sq. ft.: \_\_\_\_\_  
 Number of handicap spaces: \_\_\_\_\_  
 Shared Parking Agreement?: \_\_\_\_\_  
 Height of light standards in parking area: \_\_\_\_\_  
 Height of screenwall: \_\_\_\_\_

10. Landscaping *N/A*

Location of landscape areas: \_\_\_\_\_

Proposed landscape material: \_\_\_\_\_

**11. Streetscape** *N/A*

Sidewalk width: \_\_\_\_\_  
Number of benches: \_\_\_\_\_  
Number of planters: \_\_\_\_\_  
Number of existing street trees: \_\_\_\_\_  
Number of proposed street trees: \_\_\_\_\_  
Streetscape Plan submitted?: \_\_\_\_\_

Description of benches or planters: \_\_\_\_\_  
\_\_\_\_\_  
Species of existing street trees: \_\_\_\_\_  
Species of proposed street trees: \_\_\_\_\_  
\_\_\_\_\_

**12. Loading** *N/A*

Required number of loading spaces: \_\_\_\_\_  
Typical angle of loading spaces: \_\_\_\_\_  
Screenwall material: \_\_\_\_\_  
Location of loading spaces on the site: \_\_\_\_\_

Proposed number of loading spaces: \_\_\_\_\_  
Typical size of loading spaces: \_\_\_\_\_  
Height of screenwall: \_\_\_\_\_

**13. Exterior Trash Receptacles** *N/A*

Required number of trash receptacles: \_\_\_\_\_  
Location of trash receptacles: \_\_\_\_\_  
Screenwall material: \_\_\_\_\_

Proposed number of trash receptacles: \_\_\_\_\_  
Size of trash receptacles: \_\_\_\_\_  
Height of screenwall: \_\_\_\_\_

**14. Mechanical Equipment** *N/A*

**Utilities & Transformers:**

Number of ground mounted transformers: \_\_\_\_\_  
Size of transformers (LxWxH): \_\_\_\_\_  
\_\_\_\_\_

Location of all utilities & easements: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Number of utility easements: \_\_\_\_\_  
Screenwall material: \_\_\_\_\_

Height of screenwall: \_\_\_\_\_

**Ground Mounted Mechanical Equipment:** *N/A*

Number of ground mounted units: \_\_\_\_\_  
Size of ground mounted units (LxWxH): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Screenwall material: \_\_\_\_\_

Location of all ground mounted units: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Height of screenwall: \_\_\_\_\_

**Rooftop Mechanical Equipment:** *N/A*

Number of rooftop units: \_\_\_\_\_  
Type of rooftop units: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Screenwall material: \_\_\_\_\_  
Location of screenwalls: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Location of all ground mounted units: \_\_\_\_\_  
Size of rooftop units (LxWxH): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Height of screenwall: \_\_\_\_\_  
Percentage of rooftop covered by mechanical units: \_\_\_\_\_  
Distance from units to rooftop units to screenwall: \_\_\_\_\_  
\_\_\_\_\_

**15. Accessory Buildings** *N/A*

Number of accessory buildings: \_\_\_\_\_  
Location of accessory buildings: \_\_\_\_\_

Size of accessory buildings: \_\_\_\_\_  
Height of accessory buildings: \_\_\_\_\_

**16. Building Lighting** *N/A*

Number of light standards on building: \_\_\_\_\_  
Size of light fixtures (LxWxH): \_\_\_\_\_

Type of light standards on building: \_\_\_\_\_  
Height from grade: \_\_\_\_\_

Maximum wattage per fixture: \_\_\_\_\_  
Light level at each property line: \_\_\_\_\_

Proposed wattage per fixture: \_\_\_\_\_  
Number & location of holiday tree lighting receptacles: \_\_\_\_\_

The undersigned states the above information is true and correct, and understands that it is the responsibility of the applicant to advise the Planning Division and / or Building Division of any additional changes made to an approved site plan or Special Land Use Permit. The undersigned further states that they have reviewed the procedures and guidelines for site plan review and Special Land Use Permits in Birmingham and have complied with same. The undersigned will be in attendance at the Planning Board meeting when this application will be discussed.

Signature of Owner: Chris Barbat

Date: 10/30/17

Print Name: Chris Barbat

Signature of Applicant: Chris Barbat

Date: 10/30/17

Print Name: Chris Barbat - member

Signature of Architect: ADA, Inc

Date: 10-30-17

Print Name: ADA, Inc John ABR

*Office Use Only*

Application #: \_\_\_\_\_ Date Received: \_\_\_\_\_ Fee: \_\_\_\_\_

Date of Approval: \_\_\_\_\_ Date of Denial: \_\_\_\_\_ Accepted by: \_\_\_\_\_

**CHIRCO TITLE AGENCY, INC.**  
an agency for Fidelity National Title Insurance Company  
26800 Harper Ave.  
St. Clair Shores, MI 48081

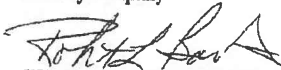
**WARRANTY DEED**  
Statutory Form  
R-128923

PHONE: 586-772-7020  
FAX: 586-772-3534

Barrick Properties #40, LLC, a Michigan limited liability company, Grantor, whose address is 4307 Delemere Ct., Royal Oak, MI 48073, conveys and warrants to B5 Investments, LLC, a Michigan limited liability company, Grantee, whose address is 10531 Highland Rd., White Lake, MI 48382, the following described premises situated in the City of Birmingham, County of Oakland, State of Michigan, to wit: Lots 544 through 550, LEINBACH-HUMPHREY'S WOODWARD AVENUE SUB., as recorded in Liber 27, Page 5, of Plats, Oakland County Records, commonly known as: 33588 Woodward Avenue, Birmingham, MI 48009, for the full consideration of Seven Hundred Seventy-Five Thousand and 00/100 (\$775,000.00). Subject to: Easements, restrictions and reservations of record, if any, and any acts or omissions by other than the Grantor herein from or after the 12th day of November, 2013, being the date of a certain Land Contract executed between the parties herein pursuant to which this deed is being given in complete fulfillment thereof.

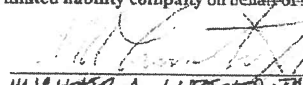
Dated this 12th day of November, 2013.

Barrick Properties #40, LLC, a Michigan limited liability company

  
Robert L. Barrick, Manager

STATE OF MICHIGAN     )  
                                  ) ss.  
COUNTY OF OAKLAND    )

The foregoing instrument was acknowledged before me this the 12th day of November, 2013 by Robert L. Barrick, Manager of Barrick Properties #40, LLC, a Michigan limited liability company on behalf of said Barrick Properties #40, LLC.

  
MICHAEL A. LUSVARDI, JR. Notary Public,  
WAYNE County, Michigan  
Acting in OAKLAND County  
My Commission Expires: 6-1-2020

Instrument Drafted by:  
Robert L. Barrick  
4307 Delemere Ct.  
Royal Oak, MI 48073

When recorded return to:  
B5 Investments, LLC  
10531 Highland Rd.  
White Lake, MI 48382

Send subsequent tax bills to:  
B5 Investments, LLC  
10531 Highland Rd.  
White Lake, MI 48382

Tax Item No. 20-31-352-001

Recording Fee   \$           County Tr Tax: \$           State Tr Tax: \$           Total Tr Tax: \$

File Number: R-128923

128923.Sale.doc



## MEMORANDUM

Clerk's Office

DATE: March 12, 2018

TO: Joseph A. Valentine, City Manager

FROM: Leslie Pielack, Museum Director

SUBJECT: Birmingham Museum Master Landscape Plan Document

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The site of the Birmingham Museum is one of the most historically and topographically complex in the city. It has distinctive natural landscape features on a steeply sloping lot with a rich history from pioneer times to the 20<sup>th</sup> century. Its location makes it accessible to people as well as a haven for a wide range of wildlife, yet it is centrally located in downtown Birmingham.

In 2016, the Museum Board considered the most appropriate approach for the landscape in the course of reviewing its **2017-2020 Birmingham Museum Strategic Plan**. A significant component of the plan involves evaluating and developing a strategy to preserve and protect the historic and natural features of the museum site while enhancing public access through physical and virtual means. The Museum Board wished to identify general concepts for the park, determine how phased approaches (such as improvements at the pond) could be utilized, and make additional recommendations.

As the park is part of Birmingham's Mill Pond Historic District, the first step was to survey existing historic and natural features of the landscape, to understand and make recommendations to preserve and protect those resources and factor in public education and access in planning. The Friends of the Birmingham Museum and the Rosso Family Foundation provided funding, and Brian Devlin, historic landscape architect of Nagy Devlin Land Designs was selected to study the landscape and make recommendations to the Museum Board.

The Museum Board worked with Mr. Devlin to review his findings and integrate them into a final **2018 Birmingham Museum Master Landscape Plan** that is closely aligned with the museum's mission and strategic plan. It protects and preserves the natural aspects of the landscape, while restoring its unique historic character that has been lost or obscured by time and invasive plants. Furthermore, the plan integrates a variety of public access options, enhancing the museum's community engagement and educational opportunities.

Although flexible and conceptual, it is comprehensive and consistent with the city's other planning initiatives and parks, allowing for coordination of projects. The identified zones also lend themselves very well to separate project-based funding support through grants or private donations. The Museum Board has established zone-based priorities according to project feasibility and anticipated funding timelines with cost estimates, included with the plan. This is intended to communicate with potential sponsors and granting organizations to leverage

funding commitments and assist with continued planning. As needs or conditions change, the suggested timelines can be revised.

On February 20, 2018, the Museum Board unanimously approved the 2018 Birmingham Museum Master Landscape plan and recommended that it be presented to the City Commission for final approval.

SUGGESTED RESOLUTION:

To accept the proposed **2018 Birmingham Museum Master Landscape Plan**.

# 2018

## Master Landscape Plan



**BIRMINGHAM**  
*The* **MUSEUM**

Brian Devlin, Nagy Devlin Land Design  
Leslie Pielack, Birmingham Museum  
Approved by the Museum Board, 2/20/2018  
Approved by the City Commission \_\_\_\_\_

This Landscape Master Plan for the Birmingham Museum and grounds, a City of Birmingham property, is the result of contributions from a wide range of stakeholders. These include members of the public; the City Commission and other advisory boards and commissions; the Friends of the Birmingham Museum; donors; and city administration and staff. In particular, we would like to acknowledge the following:

#### CITY COMMISSION

Andrew Harris, Mayor  
Patty Bordman, Mayor Pro Tem  
Pierre Boutros, Commissioner  
Carroll DeWeese, Commissioner  
Rackeline Hoff, Commissioner  
Mark Nickita, Commissioner  
Stuart Sherman, Commissioner

#### CITY ADMINISTRATION

Joseph A. Valentine, City Manager  
Leslie Pielack, Museum Director

#### MUSEUM BOARD

Tina Krizanic, Chair  
James Cunningham  
Russell Dixon  
Lori Eaton  
Judith Keefer  
Marty Logue  
Caitlin Rosso  
Carson Claar, Student Representative  
Hanna Sandler, Student Representative

#### FRIENDS OF THE BIRMINGHAM MUSEUM BOARD

Daniel C. Patton, President  
Fred Amrose  
George Getschman  
Marty Logue  
Leslie Mio  
Jennifer O'Hare  
Caitlin Rosso  
Mark Thomas

#### THE ROSSO FAMILY FOUNDATION

# Acknowledgements



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# I. Introduction



The site of the Birmingham Museum is one of the most historically and topographically complex in the city. It has distinctive natural landscape features on a steeply sloping lot with a rich history from pioneer times to the 20<sup>th</sup> century. Its location makes it accessible to both people and haven for a wide range of wildlife, yet it is centrally located in downtown Birmingham. In 2009, a preliminary landscape master plan by Michael Dul & Associates proposed a highly developed site with activity areas, a playground, paved terracing, extensive pathways and gardens, lighting, structures such as an arbor, decorative stone walls, and sculptures. Cost estimates exceeded 1 million dollars; at the time, it was hoped that park bond funds would be available to pay for the plan. However, sufficient park bond funding was not available, and it was not implemented. Dul's plan did provide guidelines for the final design and construction of Americans with Disability Act (ADA)/barrier-free access to the Allen and Hunter Houses in 2010 and 2012. These were completed largely with federal Community Development Block Grant (CDBG) funds, which support ADA projects.

The Dul plan was preliminary only, and is now incompatible with the direction of recent museum strategic planning. It also does not reflect changes in technology that have occurred since it was proposed. For example, providing public WiFi was not a consideration at that time, but now our digital needs have developed in new ways, making this a key focus of public programming and providing alternative access opportunities. Also, the Rouge Trail Corridor plan was not incorporated into the 2009 plan, although the museum site shares a long boundary with the consistently used area as part of its overall landscape. But most importantly, the Dul plan did not survey the significant historic nature of the site and its existing features, so that no provision could be made for their protection or preservation.

In 2016, the Museum Board considered the most appropriate approach for the landscape in the course of reviewing its general Museum Strategic Plan for 2017-2020. The Museum Board wished to identify general concepts for the park, determine how phased approaches (such as improvements at the pond) could be utilized, and make additional recommendations. As the park is part of Birmingham's Mill Pond Historic District, the first step was to survey existing historic and natural features of the landscape, to understand and make recommendations to preserve and protect those resources and factor in public education and access in planning. The Friends of the Birmingham Museum and the Rosso Family Foundation provided funding, and Brian Devlin, historic landscape architect of Nagy Devlin Land Designs was selected to study the landscape and make recommendations to the Museum Board before further master planning was undertaken.

The Museum Board worked with Mr. Devlin to review his findings and integrate them into a final Master Landscape Plan that is closely aligned with the museum's mission and 2017-2020 Birmingham Museum Strategic Plan. It protects and preserves the natural aspects of the landscape, while restoring its unique historic character that has been lost or obscured by invasive plants. Furthermore, the plan integrates a variety of public access options, enhancing the museum's community engagement and educational opportunities. Although flexible and conceptual, it is comprehensive and consistent with the city's other planning initiatives and parks, allowing for coordination of projects. The identified zones also lend themselves very well to project-based funding support through grants or private donations.

## II. Goals and Objectives



## PURPOSE of PLAN

The overall purpose of developing a Master Landscape Plan for the museum site is to provide long term guidance for improvement projects and other planning that incorporates the needs of the public with the existing natural features, the site's history and location in a local historic district, and city initiatives. The Birmingham Museum Master Landscape Plan is compatible with, but separate from, the 2017-2020 Birmingham Museum Strategic Plan. It is also aligned with the museum's mission, as stated below:

*Museum Mission—The Birmingham Museum will explore meaningful connections with our past, in order to enrich our community and enhance its character and sustainability. Our mission is to promote understanding of Birmingham's historical and cultural legacy through preservation and interpretation of its ongoing story.*

### Goals and Objectives

The specific goals and objectives of the Birmingham Museum Master Landscape Plan are as follows:

1. To Improve public access, especially barrier-free access, to the museum site
2. To preserve the natural and historic landscape features
3. To provide opportunities for education and interpretation of the site, its natural environment and its cultural history
4. To coordinate with the City of Birmingham Parks and Recreation and Rouge River Corridor plans and projects, such as pathways, access priorities, materials, and signage.
5. To utilize phased planning to optimize private donations and grant funding opportunities

## Planning Process

In order to approach the museum landscape planning comprehensively, input was gathered from a wide range of sources. These included:

- The Museum Board's extensive review of existing conditions, historical materials, site review and survey data through meetings with historical landscape consultant Brian Devlin. Other consultation included Hubble, Roth, and Clark regarding a pond and wetlands survey and associated state regulations and requirements.
- Input of the city staff from Parks, Engineering, Building, and Planning/Historic Preservation Departments regarding infrastructure, planning, alignment with local historic district ordinance and State Historic Preservation Office guidelines, ADA access and parking issues, and integration/coordination with policies and materials used by other city parks.
- A joint workshop between the Museum Board, the Parks and Recreation Board, and the Historic District Commission was held on January 17, 2018 to discuss the plan and gather input from board members as well as the public.
- Ongoing updates during 2016 and 2017 and formal presentation and discussion with the Friends of the Birmingham Museum Board on January 25, 2018.
- Public input was gathered through the joint workshop on January 17, 2018. Immediate neighbors were contacted

and invited to attend the workshop. Several were present at the meeting, including a neighbor who shares the east boundary with the Hunter House. Some public data was also gathered through the Parks and Recreation Master Plan's survey process in the fall of 2017.

- Meetings were held and the review process discussed with members of the Michigan Department of Environmental Quality, and DTE Energy planners regarding requirements of the site that involve wetlands regulation and utilities issues to aid in additional planning.
- The Historic District Commission Design Review Board reviewed and unanimously approved the plan on January 17, 2018.

The resulting Birmingham Museum Master Landscape Plan is conceptual in nature. While it provides a broad approach to integrating diverse components, it is designed to give general guidance in more detailed future planning. Additional design work will be needed on a project-related or phased basis.

Its strength lies in its careful consideration of providing for public needs while maintaining a fundamental preservation focus to ensure that no irreversible changes are made that negatively impact the historic or natural character of the landscape.



### III. Historic Background



#### EARLY SETTLEMENT PERIOD (1818-1856)

The landscape of the area that is now downtown Birmingham is characterized by its proximity to the Rouge River, which has formed valleys and has several branches and numerous tributaries as it works its way south through Oakland County to the Detroit River. The Saginaw Trail (now Woodward Avenue) followed the best route through swampy areas northwest out of Detroit. It was the only land route through the area when pioneer settlers came to Michigan in the early 19<sup>th</sup> century.

Settlers sought to purchase land at locations that had multiple resources, especially water and mill sites. Elijah Willits made claim to one of four parcels that intersected near where the Rouge River crossed the Saginaw Trail in what is now downtown Birmingham. This original purchase of 160 acres includes the site of the Birmingham Museum.

The original landscape wilderness was populated by a variety of native plants, trees and woodland wildlife, much of which is still present. Over time, non-native plants have begun to dominate. The museum site includes a portion of the floodplain of the Rouge River valley, as well as a spring-fed pond that drains to the river near Willits Street. Spring seeps also form a wetland environment on the southeast side of the pond.

#### RED SCHOOLHOUSE PERIOD (1856-1869)

In 1855-56, Willits sold a portion of his acreage to the local school district as a site for the first brick schoolhouse in Birmingham. Built of local brick, the 'red schoolhouse' as it is known, was in service until 1869, when the larger Hill School was built. The red

schoolhouse was converted to a residence, and by the end of the 19<sup>th</sup> century a small barn was built on the property behind the building and near the edge of the slope to the Rouge. Around this time, fieldstone walls were constructed on the property as well. The former schoolhouse continued to serve as a residence until Marion and Harry Allen purchased the property in the mid-1920s.

#### ALLEN HOUSE PERIOD (1928-1970)

The Allens attempted to incorporate the schoolhouse into their plans for their new home but were unable to use the entire building, as portions of it collapsed when excavating their basement. However, they re-used the brick and a portion of the school that remained, creating the current version of the Allen House in 1928. It is a Colonial Revival style house with prominent red brick and cedar shingle siding, featuring a large front porch and many dormers.

The Allens made some changes to the landscape that are documented in photos. These included enhancing the park-like appearance of much of the property with large elm trees and open areas of lawn. The area near the house was planted with perennials and shrubs characteristic of the period.

Two years before they built the house, 9 year old Jim Allen was struck with poliomyelitis—reportedly the only person in Birmingham to be afflicted. The spring fed pond was partially enclosed with concrete walls to create a swimming pool to help ease Jim's physical symptoms. Photos show the rectangular edges of the enclosure with a spillway to allow water to drain into the pond and on to the Rouge, and a platform and rail that may have led to a stair into the pool.

## CITY OWNERSHIP-1969-PRESENT

In 1969 voters approved the purchase of the house and land by the city to create a historic park, and to move the Hunter House there to save it from demolition. The Clizbe-Allen family continued to occupy the Allen House until 1973 by agreement with the city. From 1973-1977, the Allen House was renovated through efforts of a bicentennial commission and members of the community, who raised funds in a combination of private donations and grants.

As part of the landscape renovation during this time, the pond and pool were a concern because of maintenance needs and crumbling concrete walls. Filling them in and plowing them over was one solution to make way for more extensive landscaping and development, which included a possible arboretum. This concept for the landscape did not materialize, however due to the high cost. Instead, volunteers planted and maintained flower gardens for a number of years at the Hunter and Allen Houses, which depended on volunteer resources and availability. Boy Scout troops helped with clearing old growth and placing wood chips in pathways. Basic maintenance only was provided for the site otherwise.

For a number of years, event rentals were used to help raise funds, but were insufficient to make the building self-sustaining. Even so, the Allen House and grounds was a popular site for parties and weddings. Toward the mid to late 1990s, a joint plan between the city and the Birmingham Historical Society emerged to establish an endowment and to turn the house into a professionally staffed museum. The program met its goals and the Allen House, Hunter House, and surrounding park grounds became a city operated public museum in 2001.

Since then, the museum has expanded its audience and embraced changes in the museum field to incorporate new technology to reach the next generation. At the same time, preserving the historical past as accurately as possible is also of utmost importance. After the recession of 2008/2009, the focus has been primarily on needed maintenance of the two buildings, on preserving and exhibiting the museum collection, and on public engagement.

The landscape has always been important, however. The Museum Board is now in a position to direct its resources and attention to responsible and comprehensive planning. This will ensure the essential history and uniqueness of the site are preserved and that future citizens of Birmingham will experience the benefits of this long term strategy.

[illegible]

## SURVEY AND ANALYSIS OF EXISTING CONDITIONS

### Natural Resources

Two (2) significant natural resources occur on the museum property that substantially contribute to the quality of the overall landscape and offer unique elements for an expanded museum experience. The first is the Riverine Woodland ecosystem which comprises the western portion of the property. This ecosystem includes the Rouge River along the western boundary with a sparse woodland on the steep slopes rising up to the Allen House which sits at the top of the ridge. Plant species comprising the woodland include black walnut, hickory, maple, elm, box elder, cottonwood, mulberry, and catalpa with honeysuckle, privet, barberry, and buckthorn in the understory and grapevine and daylily occurring in the ground layer. Dead trees and limbs occur throughout the ecosystem. Several invasive species also occur in this ecosystem and include common reed (*Phragmites australis*) near the river, garlic mustard (*Allaria petiolata*), oriental bittersweet (*Celastrus orbiculatus*), creeping Charlie (*Glechoma hederacea*), buckthorn (*Rhamnus cathartica*), barberry (*Berberis thunbergii*), and privet (*Ligustrum sp.*), all occurring on the steep slopes.

Two (2) paths meander through the woodland. The primary path enters the woodland near the westerly driveway of the Allen House and runs diagonally to the northwest to the bridge over the Rouge River at Willits Street. The second path enters the woodland at the base of the steep slope behind the Allen House and connects to the primary path at the base of the slope of the Riverine Woodland ecosystem. Both paths consist of wood chips and include timber steps at the steeper sections of the route. Many timber steps are rotting away and need replacement.

The second natural feature is the spring-fed pond on the north central property line immediately adjacent to Willits Street. The pond is fed from groundwater seeps on the east side of the pond. The pond is overgrown with common reed (*Phragmites australis*) and cattails, and has accumulated debris over the years. The outlet for the pond occurs at the northwest point with a small spillway that leads to a catch basin. A wetland ecosystem is associated with the pond as groundwater is near and at the surface creating wetland conditions that, ironically, occur significantly up the slope, particularly in the southeast corner of the pond. The museum property also includes many trees including catalpa, elm, Norway maple, callery pear, Norway spruce, mulberry, European linden, bald cypress, and arborvitae.

### Historic Resources

The historic resources on the property include two (2) fieldstone walls. One wall occurs along the top of the ridge to the west of the Allen House and may have been part of a barn that was originally on the property. Unfortunately, a north section of this wall has been undermined and has fallen down the slope. The other fieldstone wall is located midway down the slope to the north of and between the Allen House and Hunter House. Both walls are made of fieldstone, both containing whole rounded stones and split face stones, characteristic of 19<sup>th</sup> c. farms in southeast Michigan.

Probably the most unique historic feature on the property is the swimming or bathing pool with cement walls built into the easterly portion of the pond. The pool was used by the Allens' son Jim, who was afflicted with polio, for physical therapy. The swimming pool is evident in the 1963 aerial photograph from Oakland County and from early photographs as indicated below.



*Early photograph showing the swimming pool in the pond*

The pool is unique in concept and design as well as history. It originally incorporated the spring as a natural water source and utilized a flow gate at the surface of the western divider to permit natural drainage and continuous flow. A landing with rail provided access into the water, presumably for Jim Allen to use. These unique aspects of the landscape are especially important for preservation and interpretation, and are highly desirable elements that may be eligible for special funding opportunities.

The pond has been surveyed and only two (2) partial walls (the north and east corner) of the swimming pool remain. Concrete was discovered at the bottom of the pond which could be one or more collapsed sides of the pool.



*Aerial photograph showing the swimming pool in the pond  
(from Oakland County, 1963)*

## V. Proposed Master Landscape Plan



## GENERAL INFORMATION

A conceptual Master Landscape Plan has been prepared and is the result of a collaborative effort of the museum staff, Museum Board, and landscape architectural consultant over a period of about one (1) year. Early on, the museum property was divided into several zones with distinct elements and characteristics associated with each. These distinct areas include:

1. The Heritage Zone along Maple Road with the Allen House, the Bell Plaza, and the Hunter House
2. The Transition Zone immediately north of the houses and plaza
3. The Riverine/ Woodland Zone on the west side of the Allen House to the Rouge River, the westerly boundary of the property; and
4. The Pond Zone which includes the north edge of the property along Willits Street. Each zone and the resulting master plan components are described below.

### Zone 1: Heritage Zone

The Heritage Zone is along Maple Road with the Allen House on the west, the Bell Plaza in the center, and the Hunter House on the east. This section of the museum property has had recent improvements to eliminate the circle drive and provide handicap parking as well as short term parallel parking in front of the Bell Monument. Pedestrian circulation has also been added with a sidewalk along the front and rear of the Allen House, a handicap accessible ramp to the Hunter House, and a plaza and garden area

at the Hill School Bell monument. Wi-Fi provides public access opportunities for visitors to the park and the museum.

The design objective for this zone was to provide features which could unite these three (3) distinct subzones with minimal impact to historical features while providing opportunities for the community to participate in museum activities.

### Plan for the Heritage Zone

The Master Plan includes restoration of early elm plantings, a children's garden in front of the Hunter House, and a garden of Birmingham heirloom plants at the Hill School Bell Plaza. The early photograph below of the Allen House shows a simple foundation planting with specimen elm trees planted in front of and behind the house.



*Early photograph showing elm trees in the foreground and background of the Allen House*

The Master Plan shows removal of undesirable trees and replacement with modern elm cultivars able to withstand Dutch elm disease. Original planting locations are indicated from recent surveys and a couple of elm stumps are preserved to show the impressive size of these trees. Two (2) new elm cultivars have been planted on either side of the bell monument to replace the diseased elms removed in 2016.

A children's garden is proposed for the space directly in front of the Hunter House. This location was chosen because the area provides level ground for gardening activity and the southern exposure is ideal for plants. Impacts from Maple Road are mediated with the existing picket fence and proposed yew hedge and gate for the front sidewalk. Other improvements include removal of undesirable species along the east property line and replacement of the picket fence. The Master Plan proposes a garden with heirloom plants from Birmingham with a boxwood shrub border in front of the bell monument. Residents of the city will be encouraged to bring their heirloom plants to the museum to create this specialty garden.

*I'm proud to be a part of the development of this master landscape plan. Each zone preserves and enhances the Birmingham Museum's scenic natural historic site while seamlessly integrating unique interpretive/educational opportunities for community members of all ages.*

**—Tina Krizanic, Museum Board Chair**

Signage for the museum will respect the historic setting by complementing the Heritage Zone surroundings while clearly

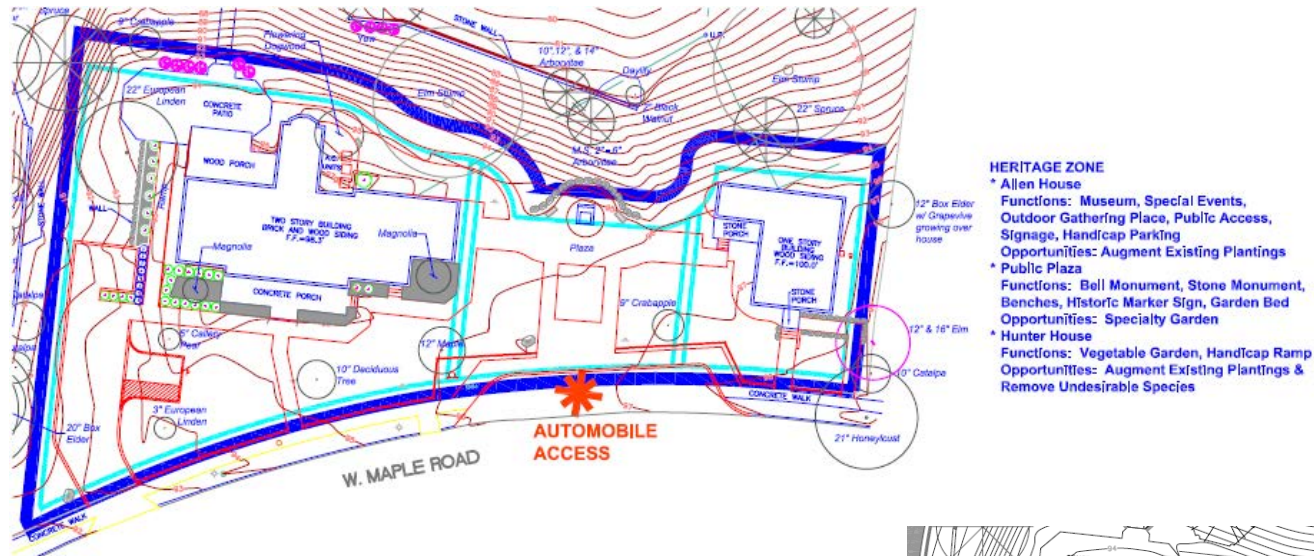
identifying the museum site in a manner that is consistent with historic district requirements. An effective approach is to utilize existing elements and compatible materials; a section of the existing fence can feature signage in a highly visible manner without overwhelming the historic character of the Allen House. Other signage on the grounds will coordinate with that used in other parks to provide a unified experience for visitors.

#### Heritage Zone Programming and Community Engagement

##### Opportunities: Public Access, Visibility, and Gathering

- Historical children's garden with heritage plants for educational/demonstration activities and tours
- Community perennial gardens showcasing Birmingham heirloom plants with interpretive information and tours
- Low maintenance organic herb garden with interpretive information and programming
- Family events and activities in the plaza area
- Musical performances and other programs on the back porch of the Allen House
- Outdoor exhibits utilizing app development and Wi-Fi to provide interpretive history of Allen House, Hunter House, Hill School Bell/school history and plantings in Heritage Zone with unobtrusive signage
- Improvements and programs at the plaza that promote public gathering, Wi-Fi connectivity and electronic access to museum collection and online exhibits

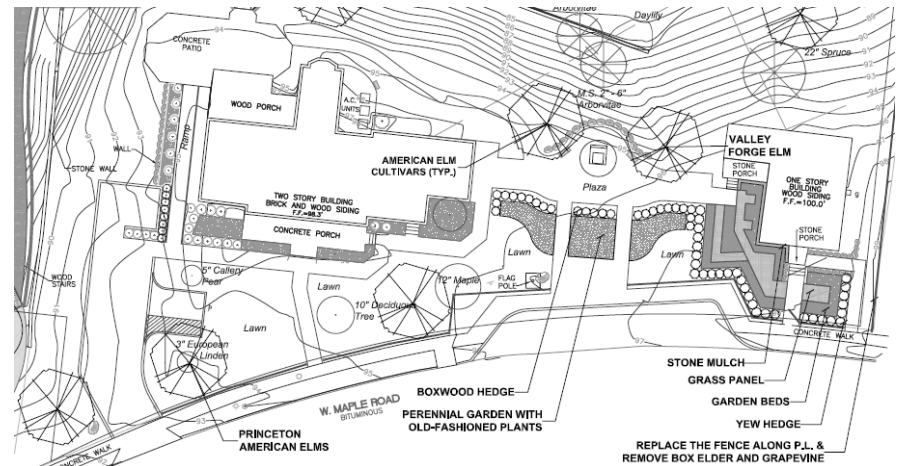
The images below show the characteristics of the Heritage Zone and the concept for the Master Landscape Plan. (See Attachments for additional views).



Existing conditions and analysis of the Heritage Zone

*I am the most excited for the educational/interpretive parts of the pond area. My personal connections and understanding of our Birmingham community comes from my experiences with the museum as a child. Some of my most invaluable memories involve the "Birmingham, Long, Long, Ago" movie and school tours. They helped me become passionate about this wonderful community. This landscape design and pond interpretation will only add value to those museum programs to provide more access to our historic landscape.*

**—Caitlin Rosso, Museum Board member**



Conceptual Master Plan for the Heritage Zone

## Zone 2 : Transition Zone

The Transition Zone begins at the top of the slope immediately behind the houses and plaza and extends down to the base of the slope. This zone provides access from the house to the pool and includes the original fieldstone wall and remnants of early plantings including elm and Norway spruce. Other trees include arborvitae, Norway maple, and mulberry. A wood staircase behind the Allen House provides pedestrian access down the slope to the open space on the west side of the pond. It appears that the stairs are placed over cement steps with fieldstone edges that were built just after the city purchased the property. The slopes of the area consist of maintained lawn.

### Plan for Transition Zone

The Master Plan for the Transition Zone shows removal of undesirable trees and replacement with modern elm cultivars. From early photographs of this area it appears that elm plantings formed a glade with maintained lawn and minimal plantings.

*The Museum's Master Landscape Plan restores and enhances, in both a timeless and contemporary setting, the natural beauty of a historically significant part of our community.*

**—James Cunningham, Museum Board member**

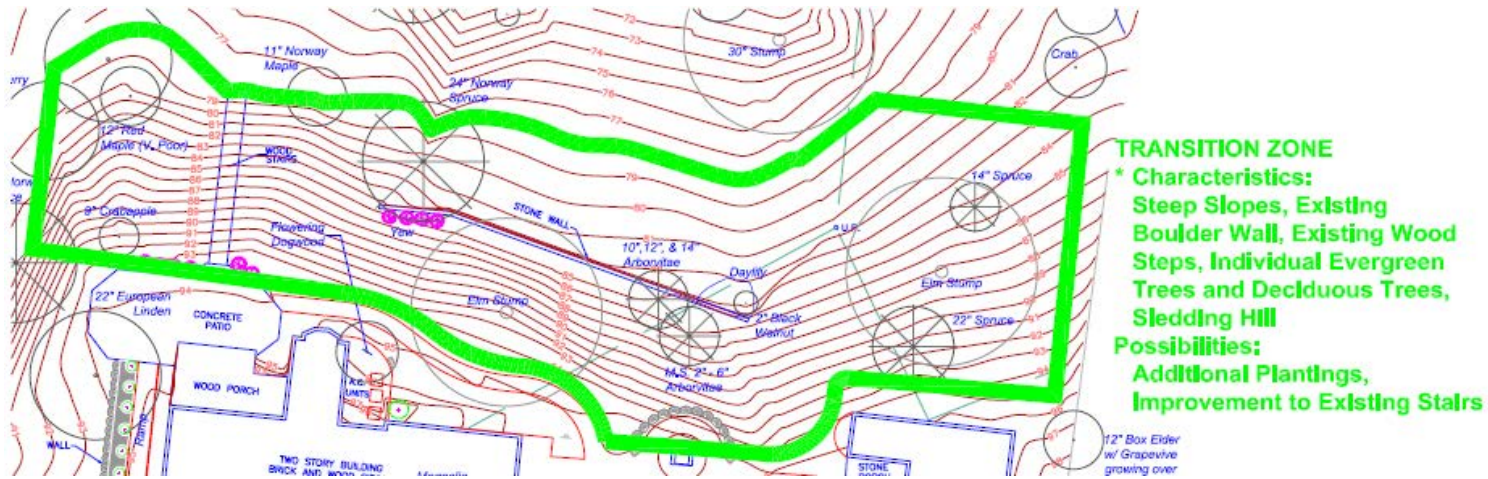
A significant new feature proposed for the Transition Zone is the concrete steps and fieldstone wall to replace the wood staircase. The proposed stairs with walls and handrails provide a safe route for pedestrians to move from the patio behind the Allen House to the woodland trail and pond at the bottom of the slope. The relatively large landing areas of the steps can allow people to congregate for small venues on an intimate scale.

### Transition Zone Programming and Community Engagement

#### Opportunities: Education and Intimate Gatherings

- Stair design provides for multi-use as small amphitheater-like performance area on lower lawn
- Open lawn provides area for traditional lawn activities such as picnics
- Wi-Fi based interpretive education about overall site history from pioneer period to present
- Small garden area for daylilies to feature historic varieties and interpretation of Allen House landscape
- Outdoor photography and art programs and display at stone wall

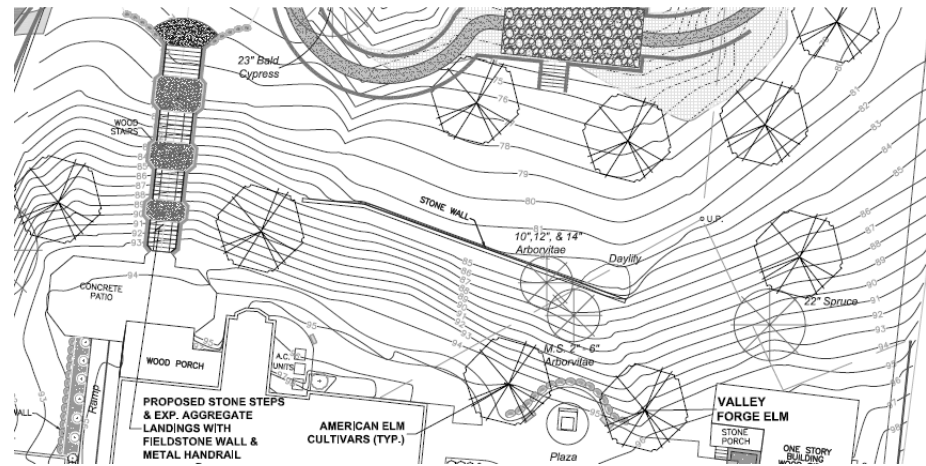
The images below show the characteristics of the Transition Zone and the concept for the Master Landscape Plan. (See Attachments for additional views).



Existing conditions and analysis of the Transition Zone

*I'm very excited, as a member of the Museum Board and the Friends Board, regarding the Master Landscape Plan for the museum grounds. These plans will help the community learn more about the grounds and its history.*

**—Marty Logue, Museum Board member**



Conceptual Master Plan for the Transition Zone

### Zone 3: Riverine/Woodland Zone

The Riverine/Woodland Zone begins at the top of the slope immediately west of the Allen House and extends to the Rouge River. This space offers an opportunity for residents to enjoy a secluded natural area within the city with trails and the potential to experience the river in close proximity.

#### Plan for Riverine/Woodland Zone

The Master Plan for the riverine/woodland zone proposes the creation of a climax woodland with the removal of invasive species and planting of sugar maples and associated sub-canopy and ground layer plants. A decision was made to keep the existing trails with the replacement of the timber steps with stone steps and a handrail. To conform to the existing Rouge River Trails Corridor Master Plan, a new path is proposed which runs parallel to the existing stone wall from the entry of the existing trail, where an overlook is proposed, and exiting at Maple Road. The steep slopes in this area will necessitate the use of boulder retaining walls to allow the layout of the path.

*What distinguishes Birmingham from our neighbors is the diversity of our topography—the same that Birmingham’s founders (Hamilton, Hunter, Pierce, and Willits) observed 200 years ago. The Museum’s grounds are part of this landscape, and making them more accessible to the public gives a starting point to tell Birmingham’s history and educate future generations about the environment.*

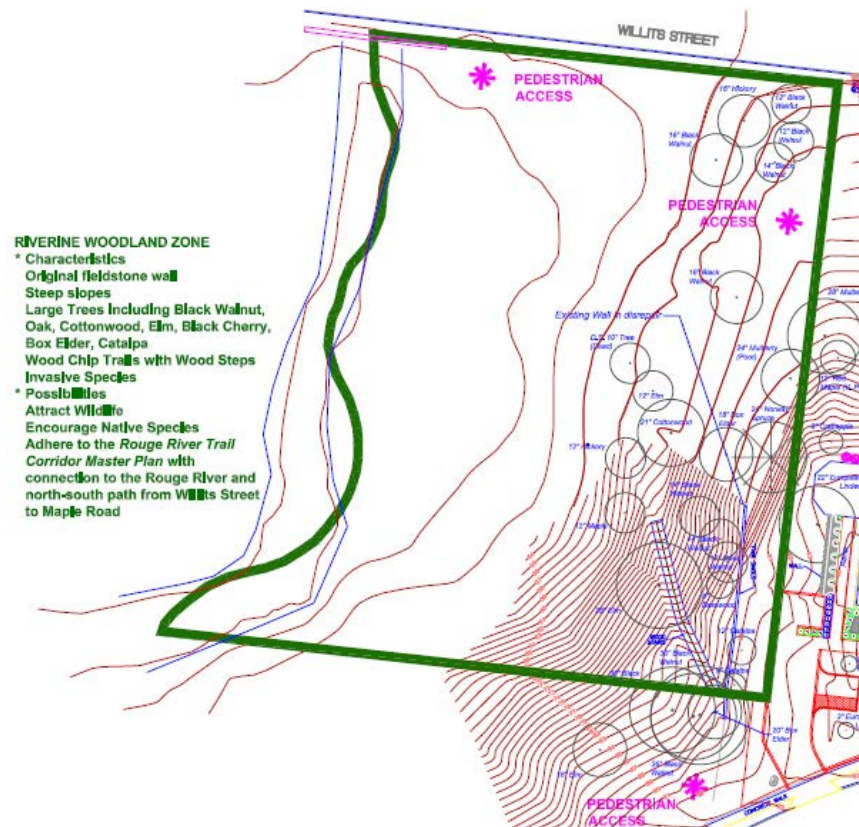
**—Russ Dixon, Museum Board member**

The original fieldstone wall is proposed to be stabilized and the sections that have fallen will be rebuilt following the original line of the wall. The boulder retaining walls will stabilize the slope and prevent further undermining of the original wall. Also to conform to the Rouge River Trails Corridor Master Plan, a boardwalk is proposed at the intersection of the existing trails which provides access to the Rouge River with a wood deck overlook. Large boulders as sculpture are proposed in the woodland zone.

#### Riverine/Woodland Zone Programming and Community Engagement Opportunities: Natural Habitat, Native American and Cultural History, and Education

- River Rouge natural history and landscape
- Native American presence in the area and land use
- Settlement and pioneer period of Birmingham and importance of Rouge River
- Wildlife and natural habitat information and interpretive materials (Wi-Fi/electronic)
- Invasive species vs. native plants-tours and interpretive materials
- Bird watching programs
- Other nature programs and tours

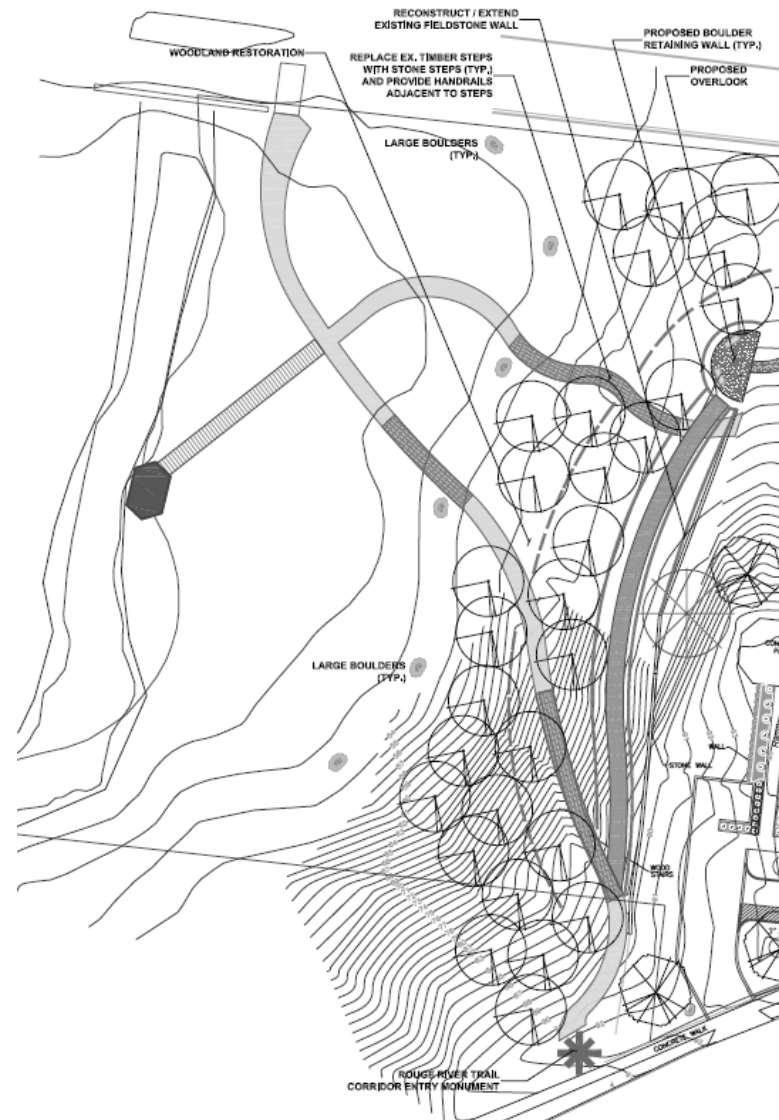
The images below show the characteristics of the Transition Zone and the concept for the Master Landscape Plan. (See Attachments for additional views).



Existing conditions and analysis of the Riverine/Woodland Zone

*I'm so inspired by our board's dedication to making our museum a cultural highlight of the community. I will always take pride in this opportunity to help with planning for our exceptional landscape and give back to our very unique and special city!*

**—Judith Keefer, Museum Board member**



Conceptual Master Plan for the Riverine/Woodland Zone

#### Zone 4: Pond Zone

The Pond Zone comprises the north portion of the museum property and includes the gentler slopes at the base of the transition zone and extends to Willits Street. A main goal of the Master Plan is to provide handicap parking along Willits Street with access to the museum property and especially to the pool and pond area. The preservation and interpretation of the swimming pool within the pond is an equally important goal, as this is an extremely unique use of the spring-fed pond.

#### Plan for Pond Zone

The Master Plan for the Pond Zone proposes a handicap accessible path from a new sidewalk along Willits Street around the pond to a staging area at the historic swimming pool location, then to a seating area on the west side of the pond, and finally to the new overlook at the woodland trail. The construction of this path will necessitate the use of boulder retaining walls to create the level surface for the path. This path is proposed to consist of crushed limestone and will include plantings along the pond side to act as a barrier to the pond below.

The interpretation of the swimming pool will be accomplished by the construction of a boardwalk along the east edge to complete that side. This boardwalk will also provide an opportunity to experience the pool right in the middle of the pond. A wood fence with cable railing is proposed for the west side of the boardwalk and a curb is proposed for the east side of the boardwalk. A water garden is proposed to the east of the boardwalk, giving an opportunity for visitors to learn about native water plants. A stone surface area is proposed for the south side and the existing

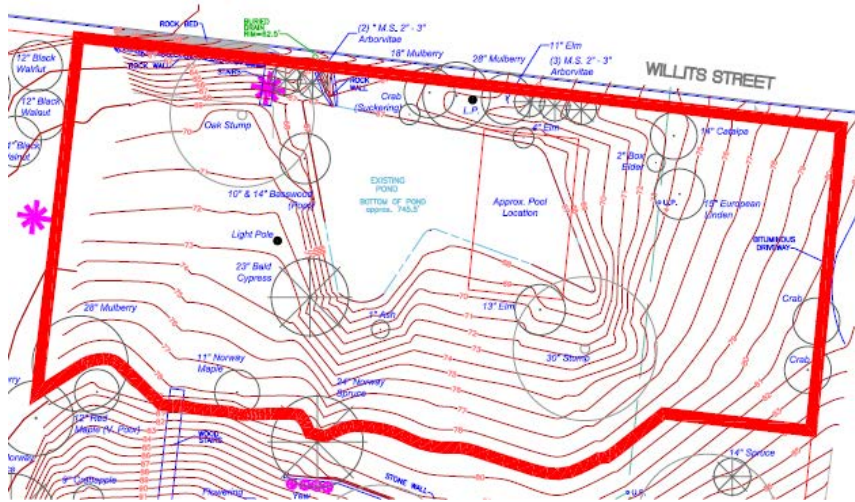
concrete wall defines the north edge of the pool. This stone surface and associated new stone wall allows a relatively large space where groups of people could congregate. To complete the rectangular shape of the swimming pool, a divider is proposed that runs from the south side of the pond to the north side. Care should be taken to preserve existing historical fabric so the remaining walls of the pool should be stabilized and maintained. The boulder walls and new fieldstone wall should be constructed with a different pattern to distinguish these new walls from original walls.

#### Pond Zone Programming and Community Engagement

##### Opportunities: Barrier-Free Public Access and Polio History

- Wi-Fi/online interpretive materials about poliomyelitis and the unique Allen House pool for Jim Allen's physical therapy
- Acknowledgment of importance of ADA and barrier-free access in signage and surroundings
- Barrier-free outdoor programming for all ages
- Interpretive programs for natural wetlands, native water plants, and wildlife
- Educational activities and programs on environmental value of birds, bees, bats, and butterflies and associated wild plants and flowers for habitat
- Barrier-free tours throughout grounds, including Pool area, Rouge overlook and Allen and Hunter Houses

The images below show the characteristics of the Transition Zone and the concept for the Master Landscape Plan.



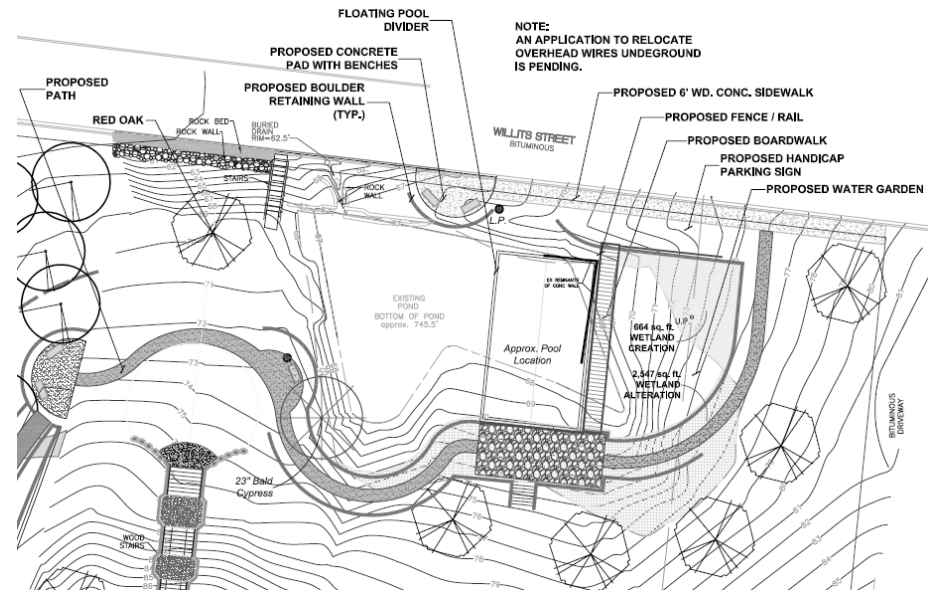
Existing conditions and analysis of the Pond Zone

#### POND ZONE

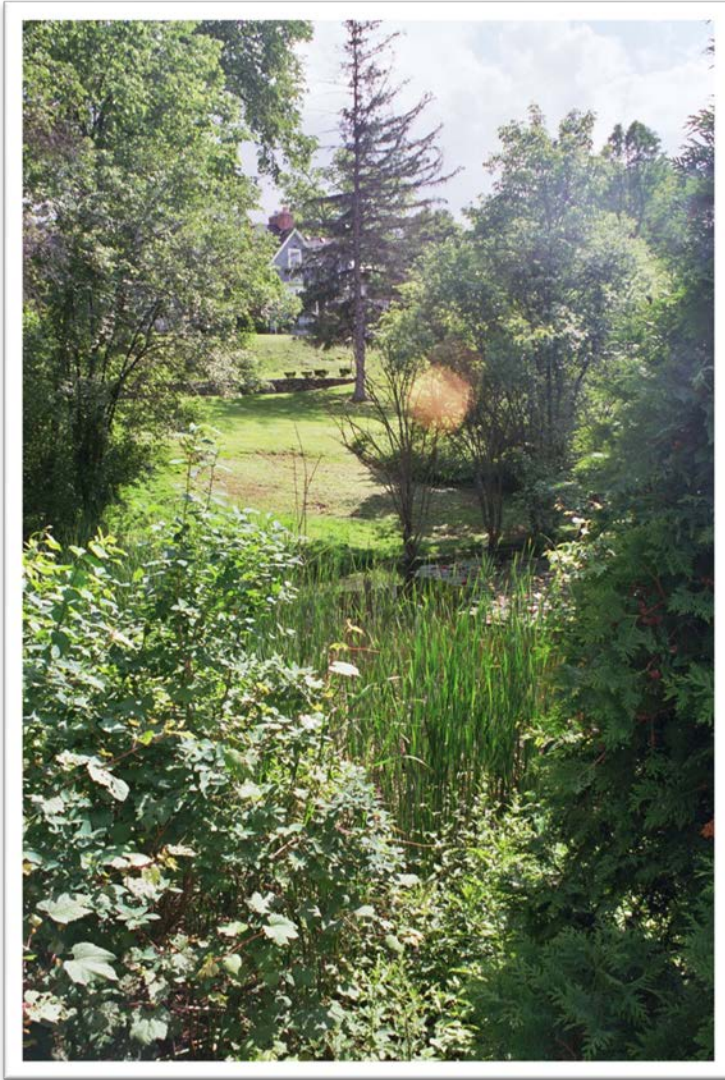
- \* **Characteristics:**  
Moderate Slopes, Pond with Historic Pool, Pedestrian Access from Willits Street, Light Pole with Internet Access, Overhead Lines
- \* **Possibilities**  
Automobile Parking  
Pond Improvements  
Possible Handicap Accessible Path  
Seating Area near Existing Light Pole  
Tree Planting  
Water Garden  
Relocate Overhead Wires Underground

*It is especially fitting that the Master Landscape Plan pays special attention to accessibility as it echoes the physical challenges young James Allen faced as he struggled to overcome the effects of polio.*

**—Lori Eaton, Museum Board member**



Conceptual Master Plan for the Pond Zone



## VI. Capital Improvements and Funding

This conceptual Master Landscape Plan is intended to provide a guideline for long-term planning and project development. Each zone can be approached as a separate project for planning and funding purposes; however available grants, changing conditions, or other needs may make it more efficient to combine certain elements from different zones. Whenever possible, work will be coordinated with other city Parks and Recreation projects for purposes of timing, to avoid duplication, or to enhance progress.

Establishing priorities by zone or project component will assist with planning, especially as regards targeted fundraising and grants. The Master Landscape Plan assumes that funding will be project-specific, but as part of a “big picture” that can be communicated to particular granting organizations and potential sponsors. Special interest grants and private donors are expected to figure prominently in all funding, and some likely sources are noted in the table that follows. Fund-raising initiatives will be held at the museum as well, which will also help connect the community physically to the landscape, promoting the museum’s mission.

#### PRIORITY LEVELS

Four levels of priority with their expected timelines are used in the table on the following page:

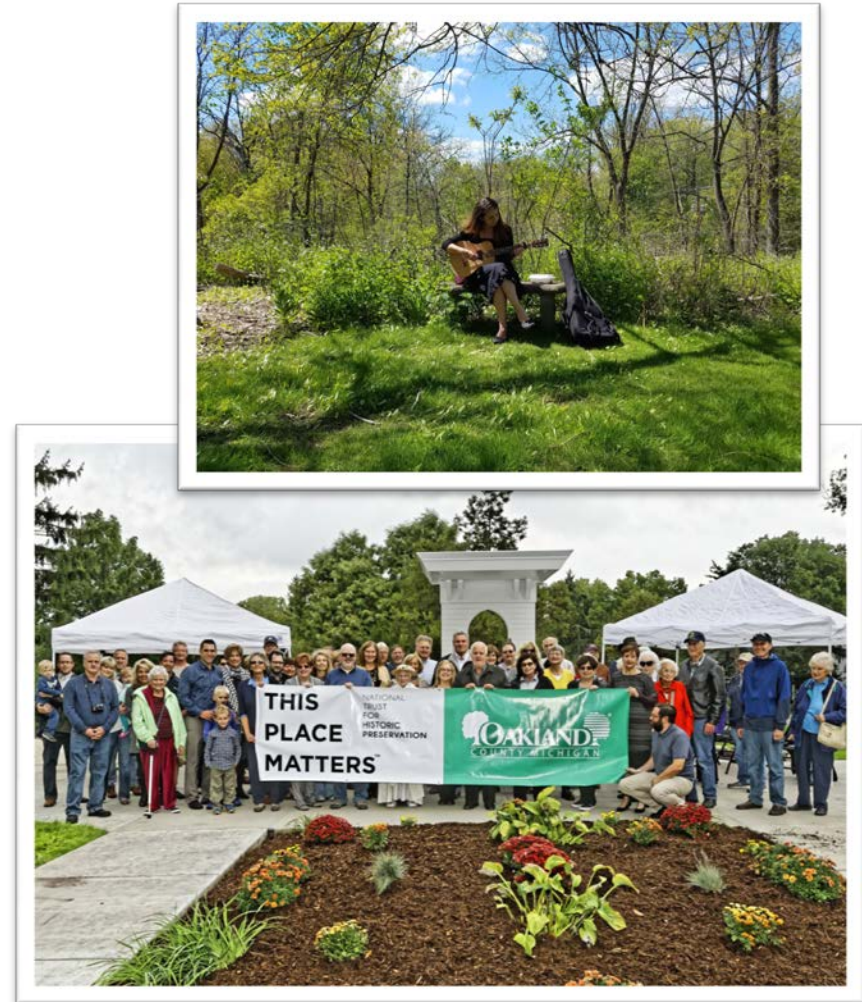
Priority 1—2018-2019

Priority 2—2019-2021

Priority 3—2021-2022

Priority 4—2023-2025

(Components of each zone area are sequentially identified with decimals, e.g., 2.1, 2.2 as first and second steps in Priority 2)



*Photo by Carroll Deweese, 2016*

TABLE-MASTER LANDSCAPE CAPITAL IMPROVEMENT AND FUNDING

Project Component	Priority	Cost Estimates	Comments	Potential Funding Sources
Heritage Zone	1.0		The visibility and impact of improvements in the Heritage Zone have the highest priority because they lend themselves well to enhanced programming and continued funding for other parts of the plan	
Design	1.1	\$ 3,000.00		Friends of Museum/City
Construction	1.2			Anticipated funding sources for construction includes a combination of grants, donations, funds from Friends of the Museum, and fundraising. Volunteers may assist with garden bed preparation. Plant material may be available through sponsorships or partnerships
tree removal		\$ 4,000.00	Tree removal coordinated with Parks to be re-planted elsewhere when possible	
new plant material				
deciduous trees		\$ 1,950.00		
densiformis yew		\$ 3,600.00		
winter gem boxwood		\$ 3,000.00		
garden bed preparation		\$ 6,000.00	Coordinate work with existing DPS maintenance plan	
wood fence		\$ 2,400.00		
metal edging		\$ 480.00		
stone mulch		\$ 225.00		
Subtotal		\$ 24,655.00		
Relocate utilities	1.0-2.0	\$ 3,500.00	DTE estimates represent the majority of the cost, but do not include relocation of other shared line users	Donations combined with grants

Priority 1—2018-2019  
Priority 2—2019-2021

Priority 3—2021-2022  
Priority 4—2023-2025

Project Component	Priority	Cost Estimates	Comments	Potential Funding Sources
<b>Pond Zone</b>	<b>2.0</b>			
<b>Additional Survey</b>	2.1	\$ 7,900.00	Survey will determine detail for construction at pond and will complete needed topography	Grants, fundraising + Friends
<b>Engineering Plan</b>	2.2	\$ 15,000.00	Grading plan for ADA paths around pond	Grants, fundraising + partnerships
Design (Pond & Transition Zones)	2.3	\$ 5,000.00	Transition Zone & Pond Zone to be designed together	Friends and donations
Construction	2.4			
tree removal		\$ 6,000.00		Anticipated funding sources for construction includes a combination of grants, donations, funds from Friends of the Museum, and fundraising. Plant material may be available through sponsorships or partnerships
shrub removal		\$ 4,000.00		
pond digging		\$ 10,200.00		
boulder retaining walls		\$ 39,200.00		
stone walls		\$ 31,200.00		
crushed limestone path		\$ 7,320.00		
boardwalk		\$ 23,400.00		
wood and cable rail fence		\$ 2,400.00		
concrete sidewalk & pad		\$ 8,320.00		
benches		\$ 700.00		
stone patio		\$ 14,740.00		
new plant material		\$ 25,000.00		
<b>Subtotal</b>		\$ 200,380.00		

<b>Transition Zone</b>	<b>3.0</b>			
Design (see Pond Zone)	2.3		Transition Zone & Pond Zone to be designed together	
Construction	3.1			Anticipated funding sources for construction includes a combination of grants, donations, funds from Friends of the Museum, and fundraising. Plant material may be available through sponsorships or partnerships
tree removal		\$ 15,000.00		
stone walls		\$ 62,400.00		
stone steps		\$ 27,200.00		
exposed aggregate concrete		\$ 7,200.00		
new plant material- deciduous trees		\$ 3,250.00		
<b>Subtotal</b>		\$ 115,050.00		

Project Component	Priority	Cost Estimates	Comments	Potential Funding Sources
<b>Woodland/Riverine Zone</b>	<b>4.0</b>			
Design	4.1	\$ 5,000.00		
Construction	4.2			
tree removal		\$ 7,500.00	Cost estimates for construction items are likely to change over the projected time period but are presented here in current dollars.	The Woodland/Riverine Zone has a higher level of cost but also may be eligible for grants because of multi-community involvement and importance in Michigan watershed management. Anticipated funding sources for construction includes a combination of grants, donations, funds from Friends of the Museum, and fundraising. Sponsorships or partnerships will be important for this zone, but the possibility of large scale corporate volunteer assistance is also greater for some components.
boulder retaining walls		\$ 86,800.00		
large boulders		\$ 9,000.00		
stone wall		\$ 38,400.00		
stone steps		\$ 26,160.00		
crushed limestone path		\$ 6,300.00		
crushed limestone pad		\$ 1,740.00		
boardwalk				
wood and metal hand rail		\$ 4,750.00		
river overlook		\$ 14,000.00		
new plant material		\$ 25,000.00		
benches		\$ 700.00		
invasive species eradication		\$ 12,000.00		
<b>Subtotal</b>		\$ 232,350.00		

<b>Grand Total</b>	\$ 572,935.00	
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PLANT LIST - WOODLAND RESTORATION

KEY	QTY.	BOTANICAL NAME	COMMON NAME	SIZE / HT.	FLOWER COLOR	FLOWERING TIME
<b>Canopy Trees</b>						
ASR	--	<i>Acer saccharum</i>	Sugar Maple	2" - 2-1/2" cal. B&B		
CO	--	<i>Celtis occidentalis</i>	Northern Hackberry	2" - 2-1/2" cal. B&B		
LT	--	<i>Liriodendron tulipifera</i>	Tuliptree	2" - 2-1/2" cal. B&B		
<b>Subcanopy Trees</b>						
AA	--	<i>Amelanchier arborea</i>	Downy Serviceberry	2" cal. B&B		
CA	--	<i>Cornus alternifolia</i>	Pagoda Dogwood	1" cal. B&B		
CC	--	<i>Carpinus caroliniana</i>	Muscledwood	2" cal. B&B		
OV	--	<i>Ostrya virginiana</i>	American Hopbroom	2" cal. B&B		
<b>Shrub Layer</b>						
HV	--	<i>Hamamelis virginiana</i>	Witch-Hazel	36" ht. B&B		
LB	--	<i>Lindera benzoin</i>	Spicebush	30" ht. 5 gal. pot		
VD	--	<i>Viburnum dentatum</i>	Arrowwood Viburnum	30" ht. 5 gal. pot		
VL	--	<i>Viburnum lentago</i>	Nannyberry Viburnum	30" ht. 5 gal. pot		
<b>FERNS</b>						
AP	--	<i>Adiantum pedatum</i>	Maidenhair Fern	12" - 24"		
PAC	--	<i>Polystichum acrostichoides</i>	Christmas Fern	12" - 24"		
-- Quantity to be determined in the field.						

PLANT LIST - WATER GARDEN

KEY	QTY.	BOTANICAL NAME	COMMON NAME	SIZE / HT.
<b>Shrub Layer</b>				
AG	--	<i>Andromeda glaucophylla</i>	Bog Rosemary	24" ht., 3 gal. pot
CCA	--	<i>Chamaedaphne calyculata</i>	Leatherleaf	24" ht., 3 gal. pot
GH	--	<i>Gaultheria hispida</i>	Creeping Snowberry	24" ht., 3 gal. pot
KP	--	<i>Kalmia latifolia</i>	Bog Laurel	24" ht., 3 gal. pot
LG	--	<i>Ledum groenlandicum</i>	Labrador Tea	24" ht., 3 gal. pot
LL	--	<i>Larix laricina 'Girard's Dwarf'</i>	Dwarf American Larch	24" ht., 3 gal. pot
VC	--	<i>Vaccinium macrocarpa</i>	Cranberry	24" ht., 3 gal. pot
<b>Ground Layer</b>				
MT	--	<i>Menyanthes trifoliata</i>	Bogbean	8" - 12"
DS	--	<i>Drosera spp.</i>	Sundews	6"
PO	--	<i>Pogonia ophioglossoides</i>	Pitcher Plants	9" - 18"
SC	--	<i>Spiranthes cernua</i>	Ladies'-tresses	8" - 20"
SS	--	<i>Sarracenia spp.</i>	Pitcher Plants	9" - 18"
-- Quantity to be determined in the field.				

COST ESTIMATE

AREA	QTY.	COST	TOTAL
<b>HERITAGE ZONE:</b>			
* Tree Removal:	4	\$500	\$4,000.00
* New Plant Material:			
Deciduous Trees	3	\$650	\$1,950.00
Densiformis Yew	30	\$120	\$3,600.00
Winter Gem Boxwood	25	\$120	\$3,000.00
* Garden Bed Preparation:			
Wood Fence:	80 l.f.	\$30 l.f.	\$2,400.00
* Metal Edging:	48 l.f.	\$10 l.f.	\$480.00
* Stone Mulch:	3 c.y.	\$75 c.y.	\$225.00
Subtotal			\$21,655.00

<b>TRANSITION ZONE:</b>			
* Tree Removal:	3	\$500 ea.	\$1,500.00
* Stone Walls:	520 f.f.	\$120 f.f.	\$62,400.00
* Stone Steps:	340 s.f.	\$80 s.f.	\$27,200.00
* Exposed Aggregate Conc.	400 s.f.	\$18 s.f.	\$7,200.00
* New Plant Material:			
Deciduous Trees	5	\$650	\$3,250.00
Subtotal			\$101,550.00

<b>POND ZONE:</b>			
* Tree Removal:	12	\$500	\$6,000.00
* Shrub Removal:			\$4,000.00
* Pond Dredging:	\$85,000 / ac. 0.12 ac.		\$10,200.00
* Boulder Retaining Walls:	1,120 f.f.	\$35 f.f.	\$39,200.00
* Stone Walls:	260 f.f.	\$120 f.f.	\$31,200.00
* Crushed Limestone Path:	1,220 s.f.	\$6 s.f.	\$7,320.00
* Boardwalk:	360 s.f.	\$65 l.f.	\$23,400.00
* Wood & Cable Rail Fence:	96 l.f.	\$25 l.f.	\$2,400.00
* Concrete Sidewalk & Pad:	1,040 s.f.	\$8 s.f.	\$8,320.00
* Benches:	2	\$350	\$700.00
* Stone Patio:	670 s.f.	\$22 s.f.	\$14,740.00
* New Plant Material:			\$25,000.00
Subtotal			\$172,480.00

<b>WOODLAND / RIVERINE ZONE</b>			
* Tree Removal:	15	\$500	\$7,500.00
* Boulder Retaining Walls:	2,480 f.f.	\$35 f.f.	\$86,800.00
* Large Boulders:	6	\$1,500	\$9,000.00
* Stone Wall:	320 f.f.	\$120 f.f.	\$38,400.00
* Stone Steps:	744 s.f.	\$60 s.f.	\$26,160.00
* Crushed Limestone Path:	1,050 s.f.	\$6 s.f.	\$6,300.00
* Crushed Limestone Pad:	290 s.f.	\$6 s.f.	\$1,740.00
* Wood & Metal Handrail:	190 l.f.	\$25 l.f.	\$4,750.00
* River Overlook:			\$14,000.00
* New Plant Material:			\$25,000.00
* Benches:	2	\$350	\$700.00
* Invasive Species Eradication:			\$12,000.00
Subtotal			\$232,350.00

Total \$528,035.00

Pool Restoration: \$180,000.00

date: October 5, 2017  
revised:  
11-02-2017 Adjust for pond survey.  
01-04-2018 Refine plan.  
01-05-2018 Minor adjustments.

LANDSCAPE PLAN FOR:  
City of Birmingham  
151 Martin Street  
Post Office Box 3001  
Birmingham, Michigan  
48012-3001  
(248) 530-1808

PROJECT LOCATION:  
Birmingham Museum/  
John West Hunter Park  
556 West Maple Road  
Birmingham, Michigan  
48009  
Ms. Leslie Pielack, Director  
(248) 530 1928

LANDSCAPE PLAN BY:  
Nagy Devlin Land Design  
31736 West Chicago Ave.  
Livonia, Michigan 48150  
(734) 634 9208

STATE OF MICHIGAN  
J. BRIAN DEVLIN  
NO. 1280  
REGISTERED LANDSCAPE ARCHITECT

J. Brian Devlin  
AUTOCAD SIGNATURE  
ORIGINAL IN BLUE

CLP - 1:  
CONCEPTUAL  
LANDSCAPE  
MASTER PLAN

\* Base data provided by  
Client from Atwell Hicks & HRC.



LANDSCAPE DEVELOPMENT PLAN

scale: 1" = 20'

KEY	QTY.	BOTANICAL NAME	COMMON NAME	SIZE / HT.
<b>Canopy Trees</b>				
ASR	—	<i>Acer saccharum</i>	Sugar Maple	2" - 2-1/2" cal.
CO	—	<i>Celtis occidentalis</i>	Northern Hackberry	2" - 2-1/2" cal.
LT	—	<i>Liriodendron tulipifera</i>	Tuliptree	2" - 2-1/2" cal.
<b>Subcanopy Trees</b>				
AA	—	<i>Aemulus arborea</i>	Pagoda Serviceberry	2" cal. B&B
CA	—	<i>Cornus alternifolia</i>	Pagoda Dogwood	1" cal. B&B
CO	—	<i>Cornus caroliniana</i>	Muscadine	2" cal. B&B
OV	—	<i>Ostrya virginiana</i>	American Hophornbeam	2" cal. B&B
<b>Shrub Layer</b>				
HV	—	<i>Hamamelis virginiana</i>	Witch-Hazel	36" ht. B&B
LB	—	<i>Lindera benzoin</i>	Spicebush	30" ht. 5 gal.
VD	—	<i>Viburnum dentatum</i>	Arrowwood Viburnum	30" ht. 5 gal.
VL	—	<i>Viburnum lentago</i>	Nannyberry Viburnum	30" ht. 5 gal.

KEY	QTY.	BOTANICAL NAME	COMMON NAME	SIZE / HT.
<b>Canopy Trees</b>				
ASR	—	<i>Acer saccharum</i>	Sugar Maple	2" - 2-1/2" cal.
CO	—	<i>Celtis occidentalis</i>	Northern Hackberry	2" - 2-1/2" cal.
LT	—	<i>Liriodendron tulipifera</i>	Tuliptree	2" - 2-1/2" cal.
<b>Subcanopy Trees</b>				
AA	—	<i>Aemulus arborea</i>	Pagoda Serviceberry	2" cal. B&B
CA	—	<i>Cornus alternifolia</i>	Pagoda Dogwood	1" cal. B&B
CO	—	<i>Cornus caroliniana</i>	Muscadine	2" cal. B&B
OV	—	<i>Ostrya virginiana</i>	American Hophornbeam	2" cal. B&B
<b>Shrub Layer</b>				
HV	—	<i>Hamamelis virginiana</i>	Witch-Hazel	36" ht. B&B
LB	—	<i>Lindera benzoin</i>	Spicebush	30" ht. 5 gal.
VD	—	<i>Viburnum dentatum</i>	Arrowwood Viburnum	30" ht. 5 gal.
VL	—	<i>Viburnum lentago</i>	Nannyberry Viburnum	30" ht. 5 gal.

VL	KTY.	BOTANICAL NAME	COMMON NAME	SIZE / HT.	FLOWER COLOR	FLOWERING TIME
-	-	<i>Viburnum lentago</i>	Nannyberry Viburnum	30' ht., 5 gal. pot		
<b>Ground Layer</b>						
ACA	-	<i>Asarum canadense</i>	Wild Ginger	6" - 12"	Dark red to brown	Late Spring
AT	-	<i>Arisaema triphyllum</i>	Jack-in-the-Pulpit	12" - 30"	Green	Spring
GM	-	<i>Claytonia virginica</i>	Spring Beauty	6" - 8"	Light green	Spring
PB	-	<i>Geranium maculatum</i>	Wild Geranium	12" - 18"	Purple purple to pink/Late Spring	
HA	-	<i>Hepatica americana</i>	Round-lobed Hepatica	4" - 6"	Pink, white, blue	Spring
PP	-	<i>Podophyllum peltatum</i>	Mayapple	12" - 24"	White	Late Spring
PB	-	<i>Polygonatum biflorum</i>	Solomon's Seal	12" - 36"	Yellow	Late Spring
SCA	-	<i>Sanguinaria canadensis</i>	Bloodroot	6" - 12"	White	Spring
SM	-	<i>Sanicula marilandica</i>	Black Snakeroot	12" - 48"	White	Spring/Summer
SR	-	<i>Smilacena racemosa</i>	False Solomon's Seal	12" - 36"	White	Late Spring/Spring
TG	-	<i>Trillium grandiflorum</i>	Showy Trillium	9" - 18"	White	Spring
<b>FERNS</b>						
AP	-	<i>Adiantum pedatum</i>	Maidenhair Fern	12" - 24"		
PAC	-	<i>Polystichum acrostichoides</i>	Christmas Fern	12" - 24"		
— Quantity to be determined in the field.						

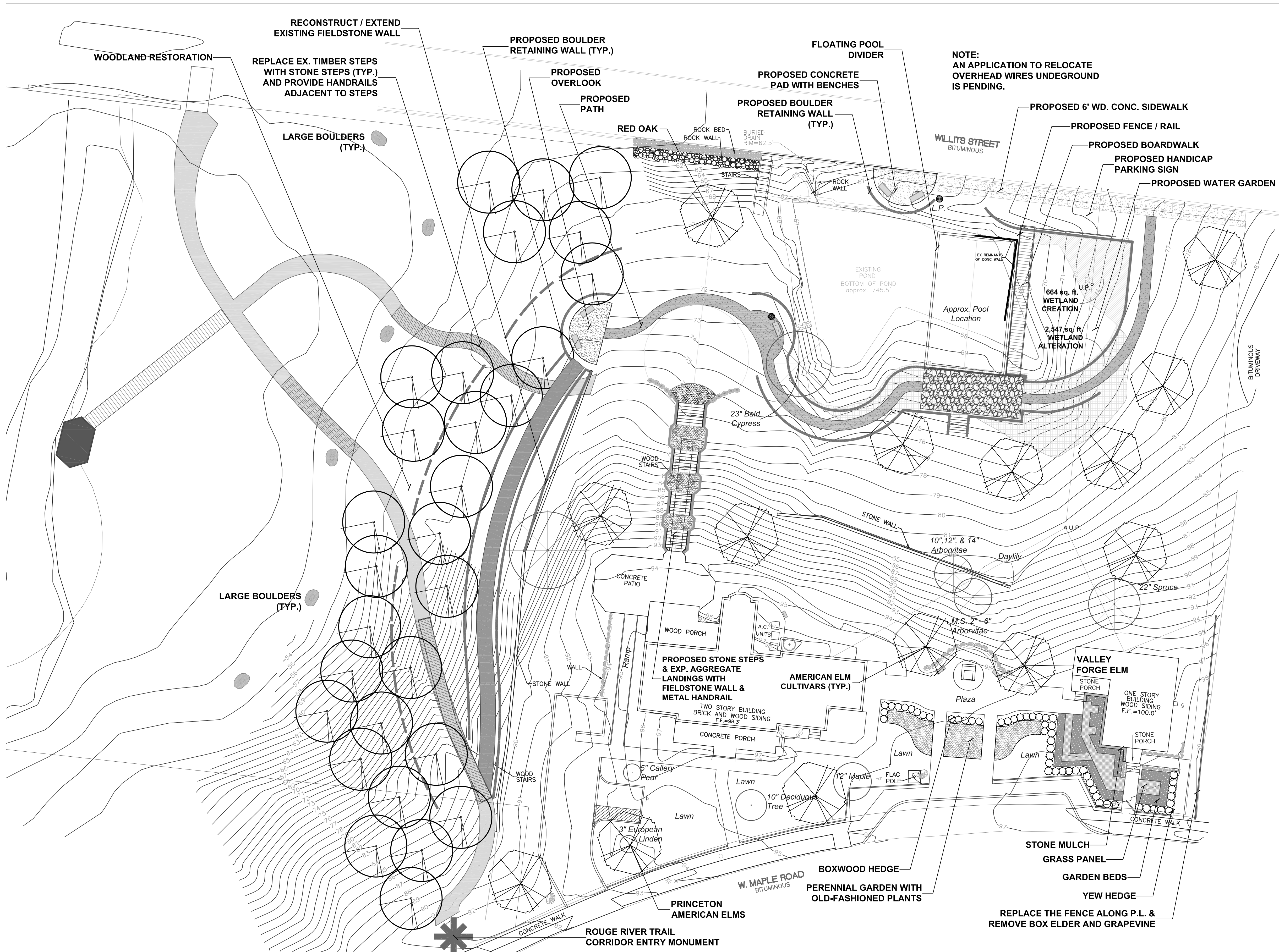
KEY QTY.	BOTANICAL NAME	COMMON NAME	SIZE / HT.
<b>Shrub Layer</b>			
AG	<i>Andromeda glaucophylla</i>	Bog Rosemary	24" ht., 3 gal. pot
CCA	<i>Chamaedaphne calyculata</i>	Leatherleaf	24" ht., 3 gal. pot
GH	<i>Galearia hispida</i>	Creeping Snowberry	24" ht., 3 gal. pot
KL	<i>Kalmia polifolia</i>	Bog Laurel	24" ht., 3 gal. pot
LD	<i>Ledum goerandiacum</i>	Labrador Tea	24" ht., 3 gal. pot
LL	<i>Larix laricina</i> 'Glard's Dwarf'	Dwarf American Larch	24" ht., 3 gal. pot
VC	<i>Vaccinium macrocarpa</i>	Cranberry	24" ht., 3 gal. pot
<b>Ground Layer</b>			
MT	<i>Menyanthes trifoliata</i>	Bumblebee	8" - 12"
DR	<i>Drosera</i> spp.	Sundew	
PO	<i>Pogonia optiloglossoides</i>	Pitcher Plants	9" - 18"
SC	<i>Spiranthes cernua</i>	Ladies'-tresses	8" - 20"
SS	<i>Sarracenia</i> spp.	Pitcher Plants	9" - 18"

— Quantity to be determined in the field.

KEY QTY.	BOTANICAL NAME	COMMON NAME	SIZE / HT.
<b>Shrub Layer</b>			
AG	<i>Andromeda glaucophylla</i>	Bog Rosemary	24" ht., 3 gal. pot
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SS	<i>Sarracenia</i> spp.	Pitcher Plants	9" - 18"

— Quantity to be determined in the field.

- Quantity to be determined in the field.



scale: 1" = 20'

AREA	QTY.	COST	TOTAL
HERITAGE ZONE:			
* Tree Removal:	4	\$500	\$4,000.00
* New Plant Material:			
Deciduous Trees	3	\$650	\$1,950.00
Densiformis Yew	30	\$120	\$3,600.00
Winter Gem Boxwood	25	\$120	\$3,000.00
* Garden Bed Preparation:			\$6,000.00
* Wood Fence:	80 l.f.	\$30 l.f.	\$2,400.00
* Metal Edging:	48 l.f.	\$10 l.f.	\$480.00
* Stone Mulch:	3 c.y.	\$75 c.y.	\$225.00
Subtotal			\$21,655.00

AREA	QTY.	COST	TOTAL
HERITAGE ZONE:			
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* Stone Mulch:	3 c.y.	\$75 c.y.	\$225.00
Subtotal			\$21,655.00

* Tree Removal:	3	\$500 ea.	\$1,500.00
* Stone Walls:	520 f.f.	\$120 f.f.	\$62,400.00
* Stone Steps:	340 s.f.	\$80 s.f.	\$27,200.00
* Exposed Aggregate Conc.	400 s.f.	\$18 s.f.	\$7,200.00
* New Plant Material:			
Deciduous Trees	5	\$650	\$3,250.00
Subtotal			<u>\$101,550.00</u>

* Tree Removal:	3	\$500 ea.	\$1,500.00
* Stone Walls:	520 f.f.	\$120 f.f.	\$62,400.00
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* New Plant Material:			
Deciduous Trees	5	\$650	\$3,250.00
Subtotal			<u>\$101,550.00</u>

* Tree Removal:	12	\$500	\$6,000.00
* Shrub Removal:			\$4,000.00
* Pond Dredging:	\$85,000 / 120 c. 0.12 ac.		\$10,200.00
* Boulder Retaining Walls:	1,100 f.f. 0.35 f.f.		\$39,200.00
* Stone Walls:	260 f.f. 120 f.f.		\$31,200.00
* Crushed Limestone Path:	1,220 s.f. \$6 s.f.		\$7,320.00
* Boardwalk:	360 s.f. \$65 l.f.		\$23,400.00
* Wood & Cable Rail Fence:	96 l.f. 125 l.f.		\$2,400.00
* Concrete Sidewalk & Pad:	1,040 s.f. \$8 s.f.		\$8,320.00
* Benches:	2	\$350	\$700.00
* Stone Patio:	670 s.f. \$22 s.f.		\$14,740.00
* New Plant Material:			\$25,000.00
Subtotal			\$172,480.00

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* Stone Patio:	670 s.f. \$22 s.f.		\$14,740.00
* New Plant Material:			\$25,000.00
Subtotal			\$172,480.00

* Tree Removal:	15	\$500	\$7,500.00
* Boulder Retaining Walls:	2,480 f.f.	\$35 f.f.	\$86,800.00
* Large Boulders:	6	\$1,500	\$9,000.00
* Stone Wall:	320 f.f.	\$120 f.f.	\$38,400.00
* Stone Steps:	744 s.f.	\$60 s.f.	\$26,160.00
* Crushed Limestone Path:	1,050 s.f.	\$6 s.f.	\$6,300.00
* Crushed Limestone Pad:	290 s.f.	\$6 s.f.	\$1,740.00
* Wood & Metal Handrail:	190 l.f.	\$25 l.f.	\$4,750.00
* River Overlook:			\$14,000.00
* New Plant Material:			\$25,000.00
* Benches:	2	\$350	\$700.00
* Invasive Species Eradication:			\$12,000.00
Subtotal			\$232,350.00

* Tree Removal:	15	\$500	\$7,500.00
* Boulder Retaining Walls:	2,480 f.f.	\$35 f.f.	\$86,800.00
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* Invasive Species Eradication:			\$12,000.00
Subtotal			\$232,350.00

Pool Restoration:	\$180,000.00
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City of Birmingham  
151 Martin Street  
Post Office Box 3001  
Birmingham, Michigan  
48012-3001  
(248) 530-1808

Birmingham Museum/  
John West Hunter Park  
556 West Maple Road  
Birmingham, Michigan  
48009  
Ms. Leslie Pielack, Director  
(248) 530 1928

*J. Brian Devlin*  
AUTOCAD SIGNATURE  
ORIGINAL IN BLUE



Know what's below.  
Call before you dig.



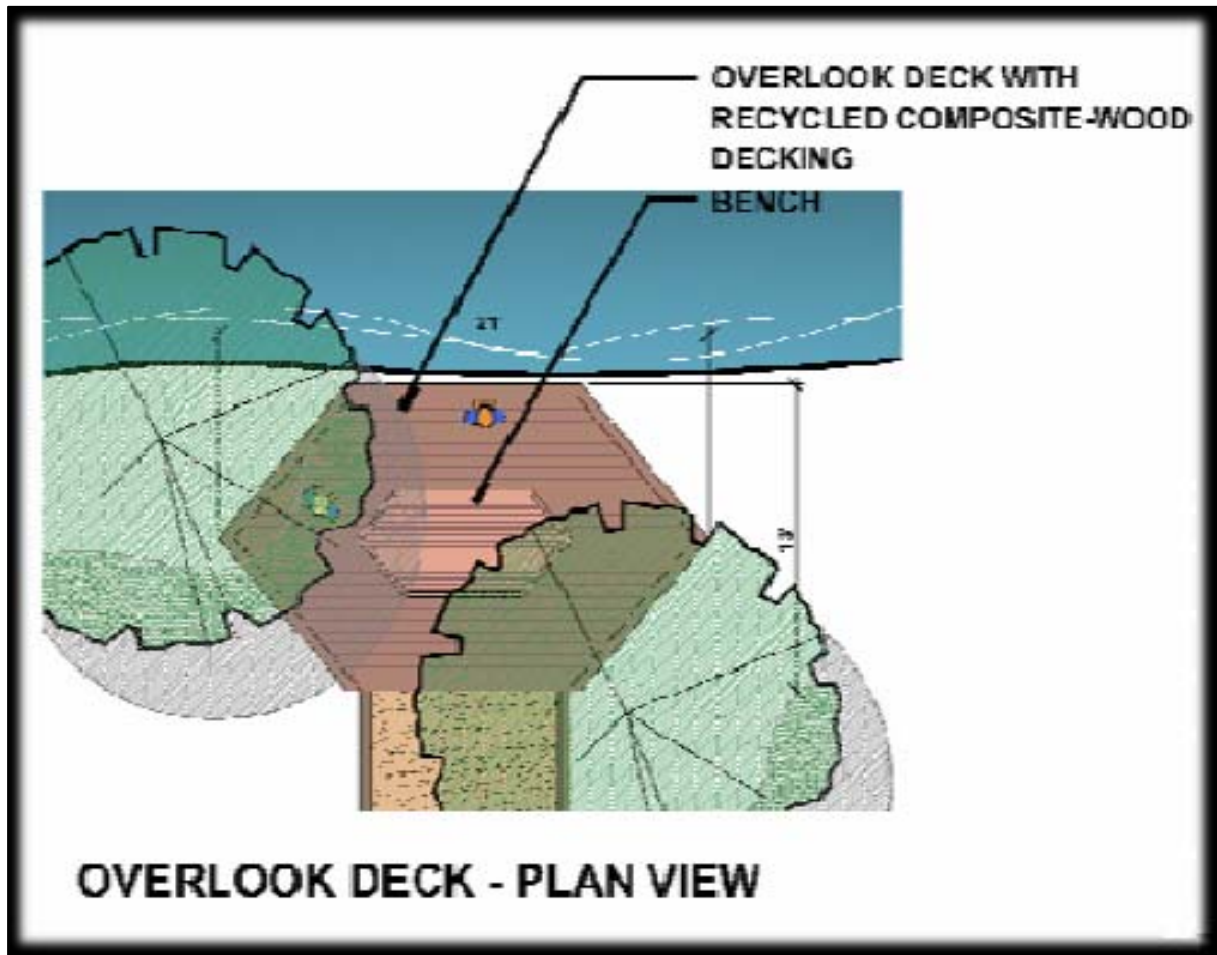
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scale: 1" = 20'

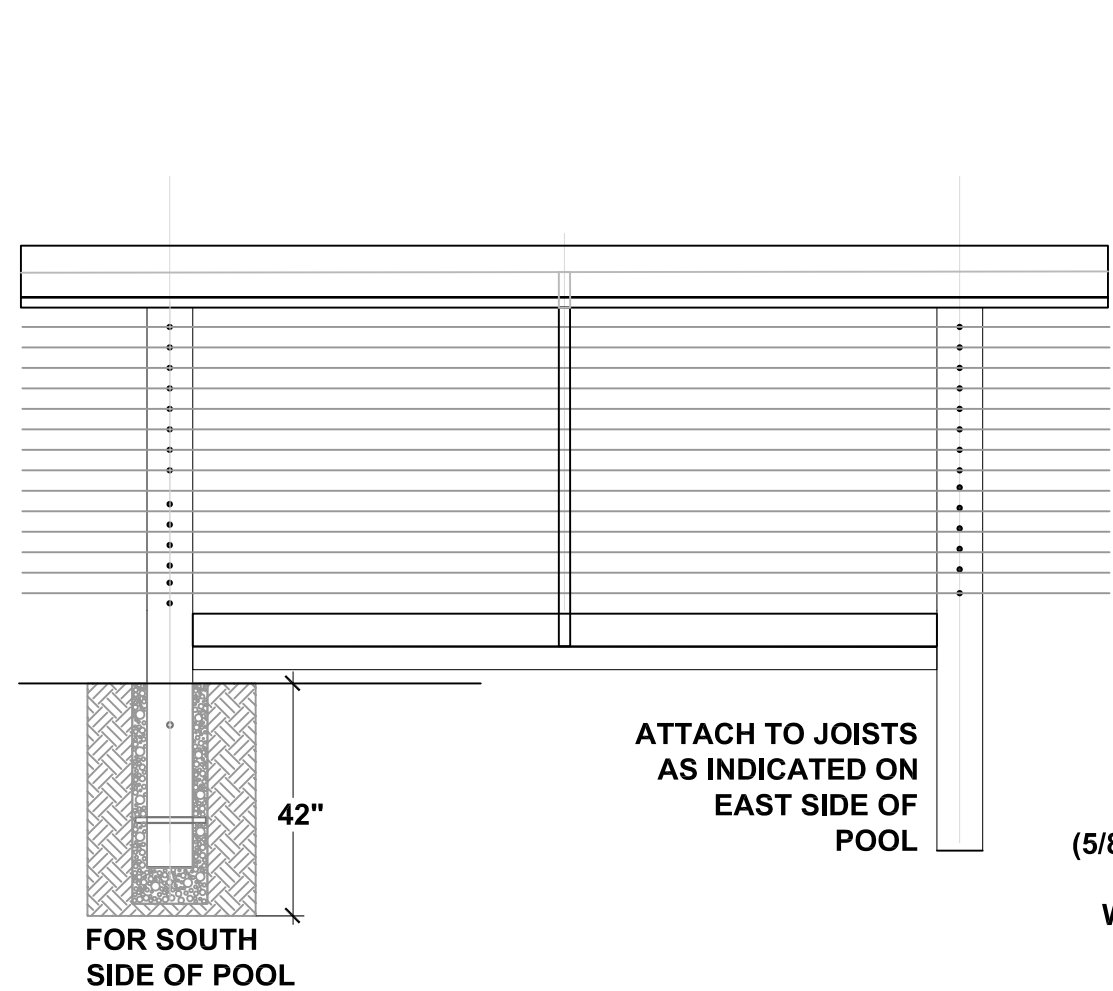
CLP - 1:  
CONCEPTUAL  
LANDSCAPE  
MASTER PLAN

\* Base data provided by Client from Atwell Hicks & HRC.

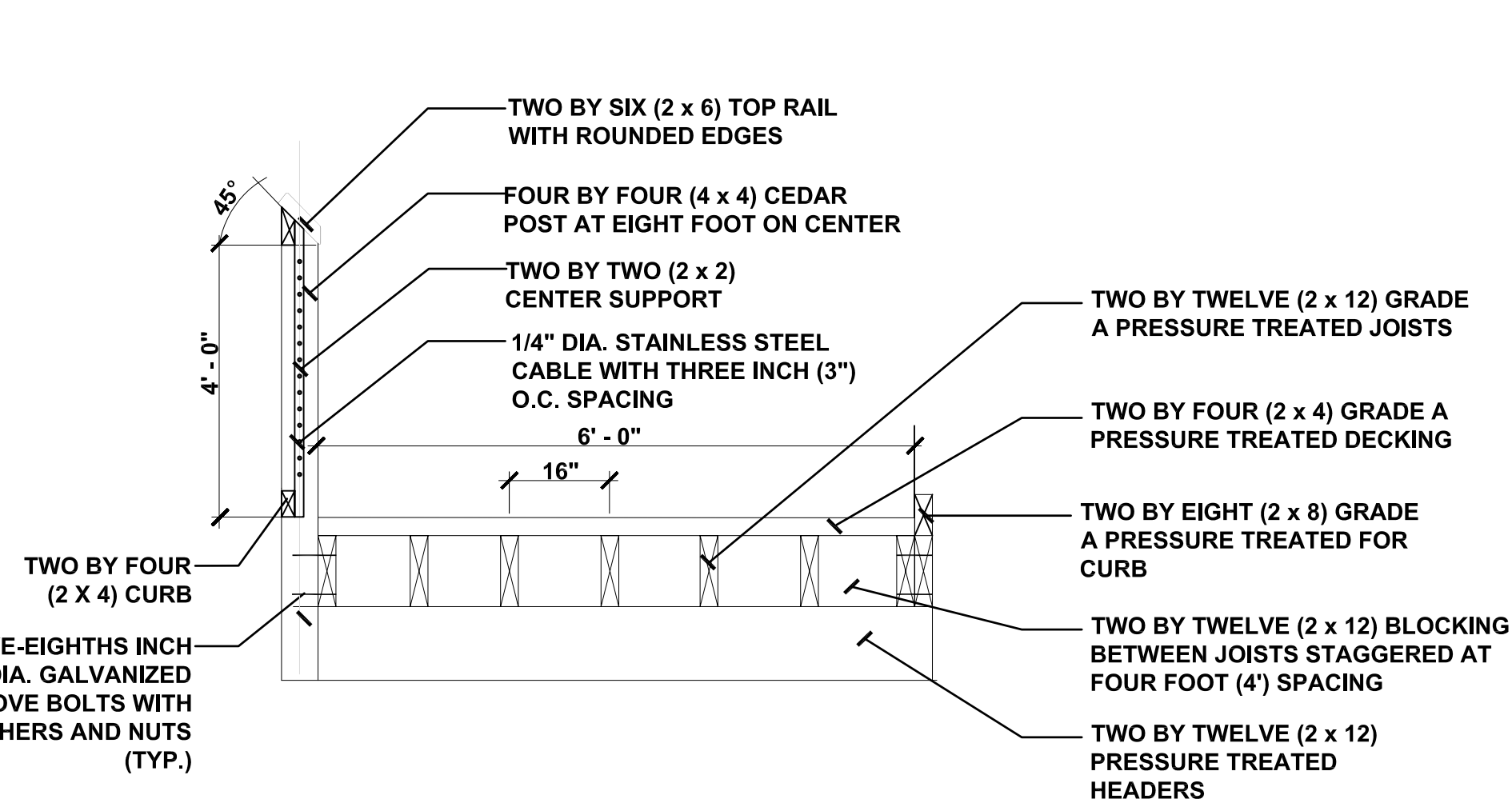
date: October 5, 2017  
revised:  
11-02-2017 Adjust for pond  
survey.  
01-04-2018 Refine plan.  
01-05-2018 Minor adjustments.



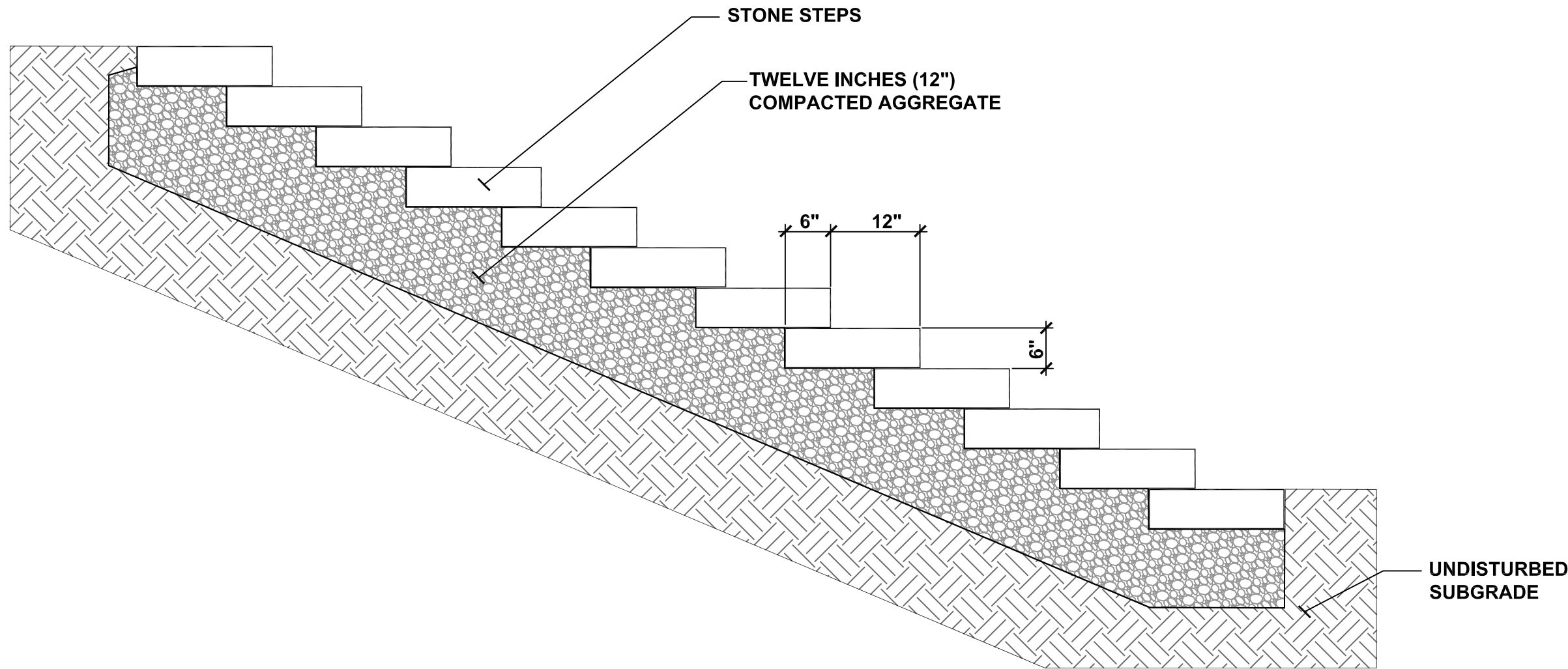
From the *Rouge River Trail Corridor Master Plan* for the City of Birmingham.



BOARDWALK DETAIL & CABLE RAIL FENCE DETAIL

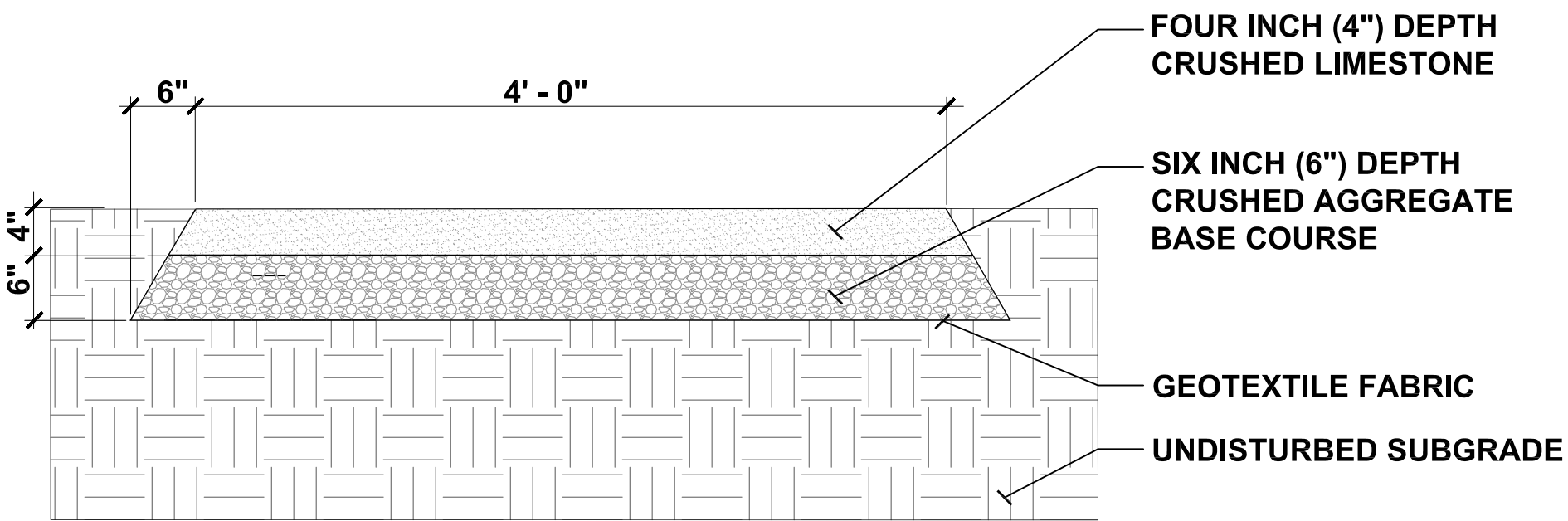


not to scale



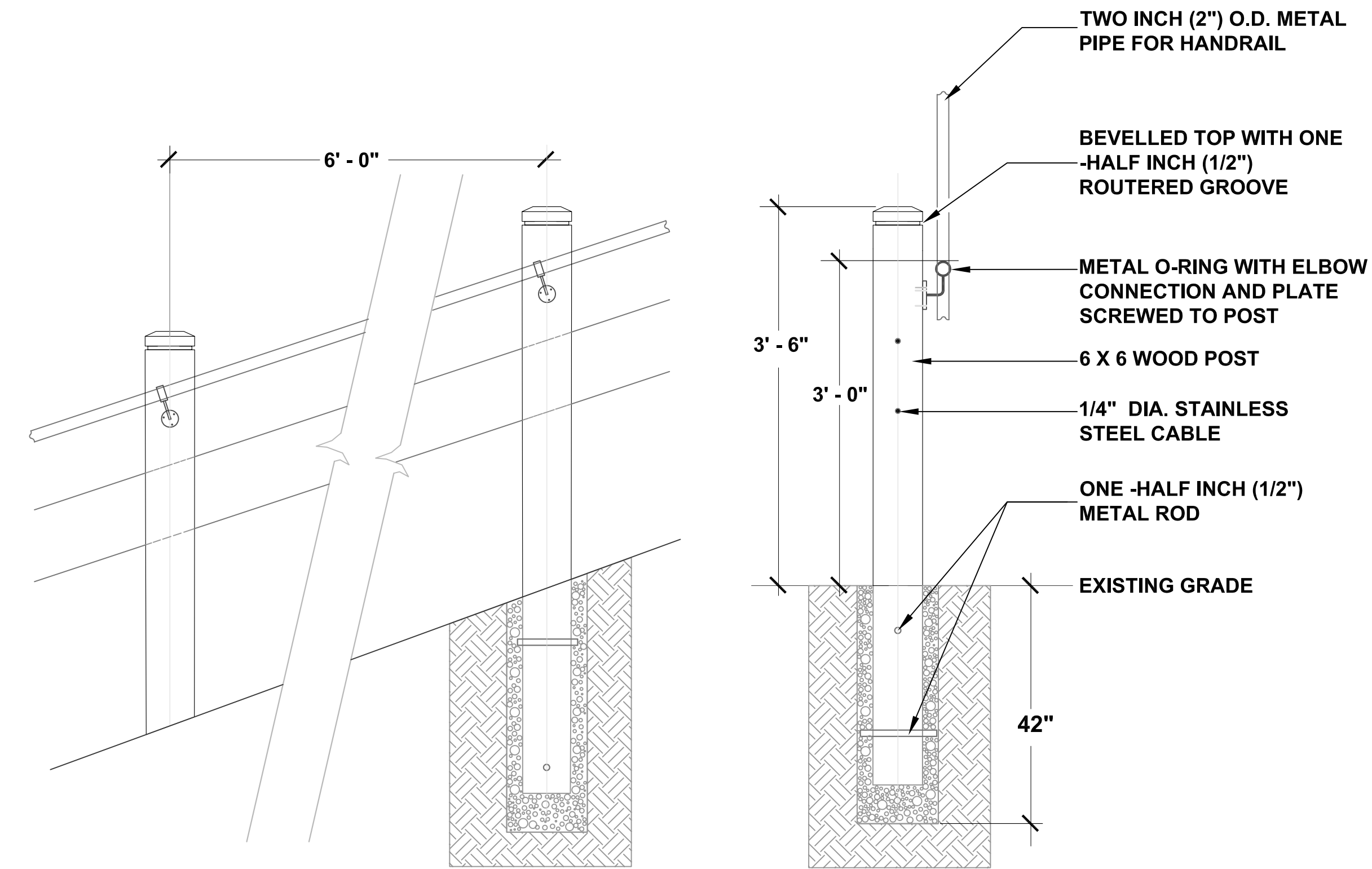
STONE STEPS DETAIL

not to scale



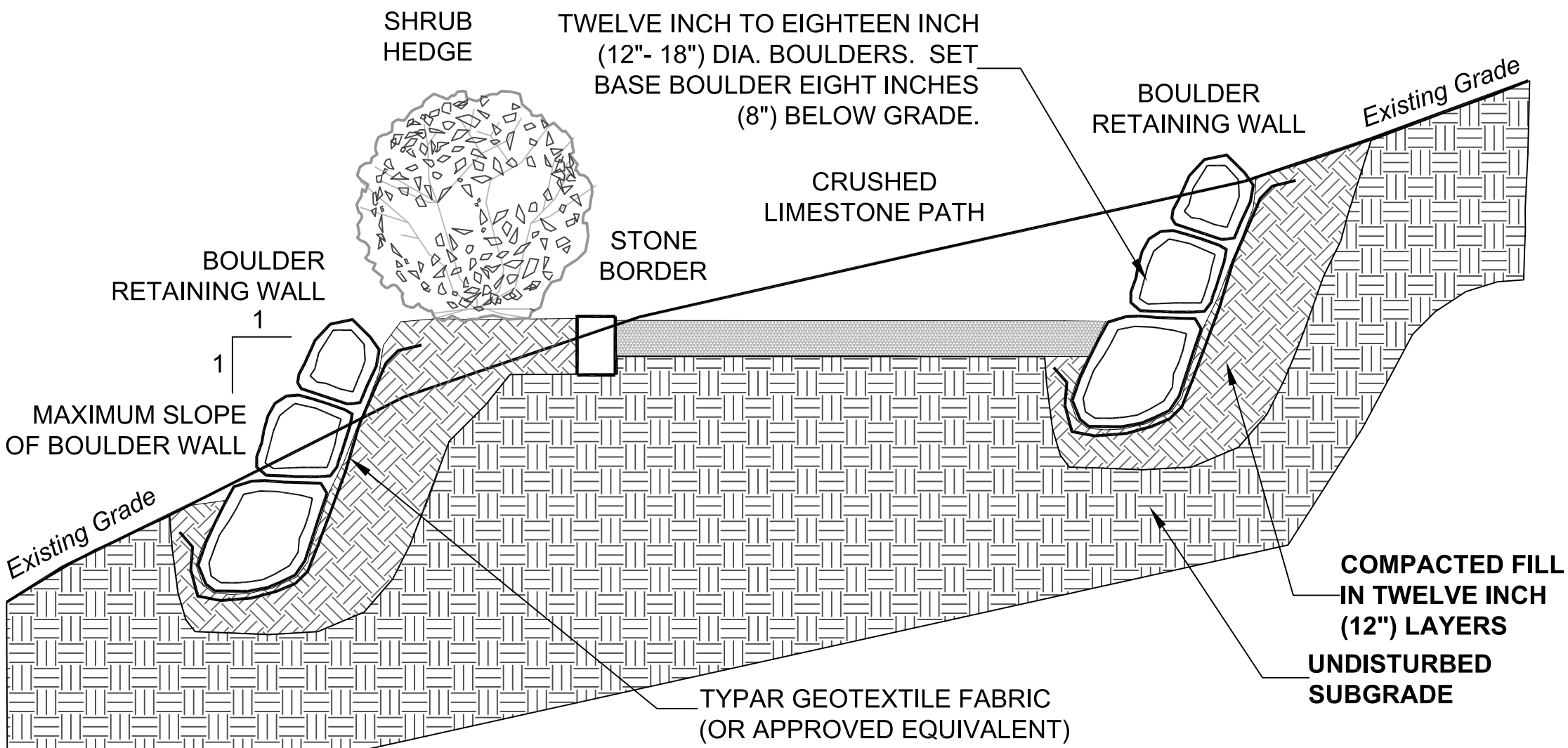
CRUSHED LESTONE PATH DETAIL

not to scale



WOOD POST W/ METAL HAND RAIL DETAIL

not to scale



BOULDER RETAINING WALL DETAIL

not to scale

NOTES FOR CONTROL OF *Phragmites* WITH HERBICIDES:

- PLANT DESCRIPTION
- Common Reed, *Phragmites australis* subsp. *australis*, is a warm-season perennial grass with a rigid, hollow stem that grows between six feet and thirteen feet (6' - 13') in height. The leaves are flat, smooth, and green to grayish-green and the flowers grow as dense branched clusters on the end of each stem that are open and feathery at maturity. It is often found in ditches, swales, wetlands, and on stream banks and pond banks. Common Reed has become an invasive species as it outcompetes native vegetation lowering local plant diversity.
- Common Reed can be eradicated with a long-term management strategy that may include burning, mechanical methods (mowing or hand pulling), and / or herbicides. The following guidelines utilize a management program to control *Phragmites* with the application of herbicides. (Information from the State of Michigan and Wikipedia.)
- The first step in the control of *Phragmites* is the application of herbicides. Glyphosate and imazapyr are two (2) herbicides effective in controlling *Phragmites*. Imazapyr can be used in combination with glysophate to provide control over *Phragmites* for a longer period of time but can also be used alone for effective control. *Phragmites* should be treated in early to late summer (June through September) when using imazapyr or late summer (August through September) when using glyphosate or a imazapyr/glyphosate mixture to achieve the best results. These herbicides are non-selective and will affect any plant which is contacted by the solution. The applicator should strictly adhere to the chemical manufacturer's specifications for the correct method of application and rate of application. Methods of application depend on the size of the *Phragmites* stand and existing site conditions. Scattered plants or isolated plant stands may be treated by injecting stems, hand swiping, or selective hand spraying. Large stands may require the use of commercial equipment. The application of herbicides should be conducted by a licensed or certified applicator to provide the best method for eradication of the *Phragmites* while minimizing damage to native plants and following best management practices for required safety procedures. Either herbicide should be used in a formulation that is specifically approved for use in wet areas.
  - The next step in the eradication of *Phragmites* is to mow or cut the dead plant material after the herbicide treatment. This process should not occur until at least two (2) weeks after the herbicide treatment to allow maximum exposure to the herbicide. Mowing or cutting of the treated plants is recommended during late summer to fall (August to first hard frost) or in the winter when the ground is frozen. Hand cutting is effective for removing individual plant stems or very small stands but a brush cutter is more effective for large dense stands. The cutting blade should be set to a mowing height of greater than four inches (4") to help minimize any impact to small mammals and native plants. Any equipment used to manage *Phragmites* should be cleaned of all debris before removing it from the treatment site to prevent the spread of seeds or rhizomes to other sites. If the plants are mowed or cut, the plant material should be immediately collected and bagged to prevent the spread of seeds and disposed of properly.
  - Reseeding of the treated area: Since Glyphosate does not persist in the soil for an extended period of time, reseeding of the desired seed mix can occur after the mowing or cutting process has been completed. Imazapyr remains in the soil for a much longer period of time, therefore, reseeding of the desired seed mix should not occur for a year after the application treatment.
  - Annual monitoring shall be conducted in mid to late summer. Any individual plants should be treated and removed by hand techniques as described above to insure that *Phragmites* does not become reestablished.

NOTES FOR CONTROL OF GARLIC MUSTARD:

- PLANT DESCRIPTION
- Garlic Mustard, *Alliara petiolata*, is an herbaceous biennial flowering plant that smells like garlic when crushed. The plant produces heart-shaped basal rosettes (leaves) that appear in year one at ground level. In the second year, stems shootup to one foot to four feet (1' - 4') in height and develop flowers and seeds while the leaves become more toothed and triangular in shape. In early Spring, clusters of tiny, white, four-petaled flowers bloom before the overstory trees leaf out. The seed pods aree green, long, and narrow and look like stems, turning brown in the Fall. Garlic Mustard thrives in woodlands because it can tolerate deep shade.
- Garlic Mustard has become an invasive that spreads quickly through woods outcompeting understory plants including tree saplings. (Information from the State of Michigan.)
- Garlic Mustard can be eradicated with a long-term management strategy that may include prescribed burning, manual and mechanical methods (mowing or hand pulling), and / or herbicides. The following guidelines utilize a management program to control *Phragmites* with the application of manual and mechanical methods.
- The manual method includes the removal of the plants by pulling the entire root mass with the leaves. Care should be taken to disturb the soil as little as possible since the disturbance can encourage seeds sprouting from the existing seed bank. Hand pulling of Garlic Mustad plants may be limited to year one plants. In conjunction with hand pulling, the management program can include the removal of just the flowers and seedheads. With this method it is important repeat the procedure multiple times during the growing season. The goal is to eliminate the individual plants while reducing the potential seed bank and minimizing soil disturbance and desirable plant damage or elimination.
  - Another manual technique is cutting the stem at ground level with a weed whip or other cutting device. This method is best employed in the second year of plant growth especially during a period of drought when the plant is already stressed. The resulting vegetative debris should be entirely removed from the site and discarded in a manner that does not allow seeds to escape and colonize other areas. Care should be taken to clean all tools used thoroughly including clothing and footwear to minimize any accidental seed dispersion.
- The successful elimination of Garlic Mustard is a process that will take several years and must be attempted with a sustained, long-term management approach. (Information from the Natural Resources Conservation Service.)

LANDSCAPE PLAN FOR:  
City of Birmingham  
151 Martin Street  
Post Office Box 3001  
Birmingham, Michigan  
48012-3001  
(248) 530-1808

PROJECT LOCATION:  
Birmingham Museum/  
John West Hunter Park  
556 West Maple Road  
Birmingham, Michigan  
48009  
Ms. Leslie Pielack, Director  
(248) 530 1928

LANDSCAPE PLAN BY:  
Nagy Devlin Land Design  
31736 West Chicago Ave.  
Livonia, Michigan 48150  
(734) 634 9208

date: January 4, 2018  
revised:  
01-05-2018 Minor adjustments.

STATE OF MICHIGAN  
J. BRIAN DEVLIN  
NO.1260  
PROFESSIONAL LANDSCAPE ARCHITECT

J. Brian Devlin  
AUTOCAD SIGNATURE  
ORIGINAL IN BLUE



CLP - 2:  
CONCEPTUAL  
LANDSCAPE  
MASTER PLAN  
DETAILS

## Appendix B

### **Comments from January 16, 2018 Museum Board Special Meeting/Joint Workshop with Parks and Recreation Board, Historic District Commission, and Public**

#### (Heritage Zone): Parks and Recreation Board questions related to

1. Tree restoration and replacement; distinction of volunteer trees vs. intentional/original landscape design, transplanting procedure and costs, use of proposed elm cultivars

#### *Historic District Commission questions related to*

2. The impact of volunteer tree removal and replacement with smaller, younger trees
3. Handicap/barrier free access; current accessibility near museum for parking and access and proposed additional access at Willits Street

#### *Public questions related to*

4. Planned designated handicapped parking on Willits Street as part of existing street parking

#### (Transition Zone): Parks and Recreation Board questions related to

1. Construction details of proposed stairs and adjacent fieldstone walls

#### *Historic District Commission questions related to*

2. Lighting design opportunities
3. Benefits of using concrete for safety, cost, and historical accuracy

*There were no public questions*

#### (Riverine/Woodland Zone): Parks and Recreation Board questions related to

1. Locating a children's play area along the Rouge River

2. Clarification that the Rouge River Master Plan is conceptual only
3. Use of crushed limestone in the zone for barrier free access; barrier free paths from Willits to Maple
4. Proposed replacement of rotting timber steps with stone
5. Prevalence of invasive species and maintenance costs

*There were no questions from the Historic District Commission or the public*

#### (Pond Zone): Parks and Recreation Board questions related to

1. Historic use of pool for polio physical therapy by Jim Allen; no public use of pool will be permitted
2. Provisions for water flow in proposed pond and pool design
3. Possibility of future water garden in pond
4. Use of vegetative barriers to maintain safety at edge of pond and depth estimates
5. Proposed relocation of utilities underground
6. Uncertain nature of original pool divider; goal is to educate about the history and its association with disabilities and to emulate the original pool barrier edge, as complete restoration would be costly

#### *Historic District Commission questions related to*

1. Ability to lower water to expose concrete structures for study
2. Cost of reconstruction of pool's divider wall; possibilities of partial reconstruction as an educational approach
3. Cost and difficulty of dredging; permitting issues with Michigan Department of Environmental Quality (MDEQ)
1. Reconstruction of MDEQ-required wetlands is a small amount of square footage as an offset of spring seeps

*There were no questions from the public*

## Appendix C

### **Comments from Parks and Recreation Board Master Plan Process, September and October, 2017**

- A. October 3, 2017 Open House Recommendations (Parks-Rec Master Plan draft p. 134)
  - 1. *historical games/playground at museum (1 comment)*
  - 2. *outdoor museum area at museum (1 comment)*
- B. Public Engagement Resource Mapping (Parks-Rec Master Plan draft p. 137)
  - 3. no recommendations
- C. Survey Responses-Park Use (Parks-Rec Master Plan draft p. 155)
  - 4. 18 respondents of 441, or 4.4% (includes Allen/Hunter House facilities)
- D. Survey Comments-(Parks –Rec Master Plan draft p. 197)
  - 5. *#70- Partnering with the schools, library, BBAC, museum, NEXT, Community House, etc is vital.*
  - 6. *#74-The Museum Park has been forgotten. It should be developed as an outdoor historic museum including walking exhibits and a game/play area.*



## MEMORANDUM

Engineering Dept.  
Planning Dept.  
Police Dept.

**DATE:** March 2, 2018

**TO:** Joseph A. Valentine

**FROM:** Jana Ecker, Planning Director  
Scott Grewe, Police Commander  
Paul T. O'Meara, City Engineer

**SUBJECT:** Leading Pedestrian Intervals  
Central Business District

---

A Leading Pedestrian Interval (LPI) within the timing plan of a traffic signal is defined as a period where vehicles in all directions are given a red (stop) phase, while the pedestrian signals change to the WALK mode for several seconds at the beginning of the phase. By doing so, pedestrians are given the opportunity to get out into the intersection while all vehicles are stopped. By the time the traffic signals change to green for vehicles in one direction, drivers can clearly see pedestrians, thereby increasing safety. LPI's can be beneficial in conditions wherein pedestrian demand is high, vehicle demand is relatively low, and turning vehicles are often having to turn at the same times when pedestrians wish to cross.

Staff asked our traffic consultant F&V to study 11 signalized intersections within the Central Business District, as shown on the attached map. Staff has also asked the Michigan Dept. of Transportation (MDOT) to consider the installation of LPIs on Woodward Ave. within the influence of downtown. They have indicated that they would consider the feasibility of this, but have not taken a position as of yet. We are currently attempting to get an update from them on this issue.

As described in the attached letter, F&V found that installing LPIs are feasible at all 11 intersections under City jurisdiction, and can be done so at nominal cost. The issue was reviewed by the Multi-Modal Transportation Board, who supported the idea. The following recommendation was passed at their meeting of February 8, 2018:

*The Multi-Modal Transportation Board recommends that the City Commission direct staff to implement Leading Pedestrian Intervals at each of the intersections within the Central Business District as listed in the letter and analysis prepared by F&V dated February 5, 2018.*

### IMPLEMENTATION

Due to the upcoming Old Woodward Ave. Paving Project, implementing the LPIs will have to be done in two phases. Three of the intersections studied will soon be within the road closure area. Another four intersections will have their timing changed soon to assist with the Maple

Rd. westbound detour planned around the project area. With that in mind, phase I of the LPI implementation would include the following intersections:

N. Old Woodward Ave. & Oak St.  
W. Maple Rd. & Bates St.  
W. Maple Rd. & Henrietta St.  
Pierce St. & Brown St.

LPIs can be installed on the remaining seven intersections once the Old Woodward Ave. Paving project is completed, and traffic patterns return to normal:

W. Maple Rd. & Chester St.  
Willits St. & Bates St.  
N. Old Woodward Ave. & Willits St./Oakland Blvd.  
Oakland Blvd. & Park St.  
N. Old Woodward Ave. & Hamilton Ave.  
Old Woodward Ave. & Maple Rd.  
S. Old Woodward Ave. & E. Merrill St.  
S. Old Woodward Ave. & E. Brown St.

To implement the timing changes, our consultant F&V will work directly with Road Commission for Oakland Co. personnel, who will have to reprogram the controllers at each traffic signal. The cost of implementation is anticipated to be less than \$1,000 for each of the two phases.

#### SUGGESTED RESOLUTION:

To accept the recommendation of the Multi-Modal Transportation Board, and direct staff to implement Leading Pedestrian Intervals at each of the intersections within the Central Business District as listed in the letter and analysis prepared by F&V dated February 5, 2018.

# Leading Pedestrian Interval Analysis, February, 2018





## MEMORANDUM

Engineering Dept.  
Planning Dept.  
Police Dept.

**DATE:** February 5, 2018

**TO:** Multi-Modal Transportation Board

**FROM:** Jana Ecker, Planning Director  
Scott Grewe, Police Commander  
Paul T. O'Meara, City Engineer

**SUBJECT:** Leading Pedestrian Intervals - Central Business District

---

Several years ago, City staff received several complaints from employees that regularly used the Chester St. Parking Structure, who needed to cross Maple Rd. at its intersection with Chester St. The issue was that due to the high number of right turns coming from southbound Chester St. on to Maple Rd., pedestrians did not always feel safe when crossing the west leg of the intersection. After review of the issue with F&V, it was suggested that a Leading Pedestrian Interval (LPI) be added to the traffic signal timing. Specifically, the LPI added a several second delay where all vehicles were stopped, but the pedestrian signals for those crossing Maple Rd. were given the signal to proceed with crossing. By doing so, the pedestrians were given the opportunity to enter the intersection when all vehicles were stopped. This gave motorists, particularly those making a right turn, more opportunity to see them as they approached the intersection. The addition of the LPI gave the City a low-cost opportunity to help pedestrians feel safer when making this crossing.

Recently, the attached article at the end of this section was circulated among the City Commissioners. As a result, it was asked that all of the downtown intersections be studied to see if there are opportunities to implement the LPI at other downtown intersections. The intersection of N. Old Woodward Ave. and Willits St. was identified in particular as one that is currently not pedestrian friendly, and in need of refinement. With that in mind, F&V was asked to study all of the downtown area intersections, as identified on the attached map. The resulting analysis is now attached.

When reviewing the list of intersections that were studied, note that no Woodward Ave. intersections are listed, even though complaints have been received from pedestrians relative to Woodward crossings, particularly at Maple Rd. However, Woodward Ave. is under the jurisdiction of the Michigan Dept. of Transportation (MDOT). We have reviewed this issue recently with the MDOT traffic engineer, to see if they would entertain any such refinements to the signal timing for intersections on Woodward Ave. The traffic engineer indicated that he would review it with the staff that is in charge of traffic signals, and get back to the City. As that issue moves forward, updates will be provided to the Board as they become available.

As the study of the City's intersections was started, it was noted that geometrics of the four centralized Old Woodward Ave. intersections are changing this year with the reconstruction of

Old Woodward Ave. As a result, the study was conducted with the new intersection designs, rather than the existing conditions. New timing plans will be prepared soon, and implemented with these new signals, so that the intersections operate to the best of their ability when the new road opens to the public. All further discussions about these intersections should be presumed to consider the new street design accordingly.

## ANALYSIS

Please find attached a letter from F&V that outlines the benefits of adding LPIs at intersections with high pedestrian volumes, a history of pedestrian-vehicle conflicts, permissive left turns, prohibited right turns on red, low vehicular demand and long crossing lengths. As most of our downtown intersections exhibit the majority of the conditions noted above for LPI consideration, F & V reviewed a total of 11 downtown intersections for the addition of LPIs. Each of these intersections were reviewed against criteria recommended by F&V based on guidance from industry standards.

As noted in the letter, F&V recommends that all intersections studied implement an LPI, with lead times varying from 3-10 seconds. Four of the intersections studied were on the Maple Rd. corridor with much higher traffic volumes, and thus an additional LOS analysis was conducted to ensure that the addition of LPIs would not cause significant traffic delays.

## **SUGGESTED RECOMMENDATION:**

The Multi-Modal Transportation Board recommends that the City Commission direct staff to implement Leading Pedestrian Intervals at each of the intersections within the Central Business District as listed in the letter and analysis prepared by F&V dated February 5, 2018.

February 5, 2018

VIA EMAIL

Mr. Paul O'Meara  
City Engineer  
City of Birmingham  
151 Martin Street  
Birmingham, MI 48012

**RE: Leading Pedestrian Interval Program**

Dear Mr. O'Meara,

The purpose of this letter is to provide an overview and recommendations for a leading pedestrian interval (LPI) program in response to a request from the City of Birmingham to evaluate the downtown Birmingham traffic signals.

The guidance regarding LPIs is provided in the *Michigan Manual of Uniform Traffic Control Devices (MMUTCD)* Section 4E.06. Additional information is provided in the National Association of City Transportation Officials *Urban Street Design Guide* and Federal Highway Administration *Proven Safety Countermeasures*. A case study published in the December 2017 issue of the *Institute of Transportation Engineers (ITE) Journal* was also referenced for this study and is attached.

**LPI Overview**

A LPI provides pedestrians with an opportunity to enter an intersection and establish their place in the crosswalk before the vehicles in the same direction of travel are given the green indication. In the appropriate locations benefits of an LPI include:

- Increase pedestrian safety at signalized intersections due to increased visibility of pedestrians in the crosswalk,
- Additional time for pedestrians who may be slower to start crossing, and
- Decreased potential for conflicts between vehicles and pedestrians.

The implementation LPIs has a low cost benefit ratio, since the cost of signal timings is low, but can reduce pedestrian-vehicle crashes by 60 percent at intersections with pedestrian-vehicle conflicts. LPIs can have the greatest impact to those intersections and roadways with the following conditions::

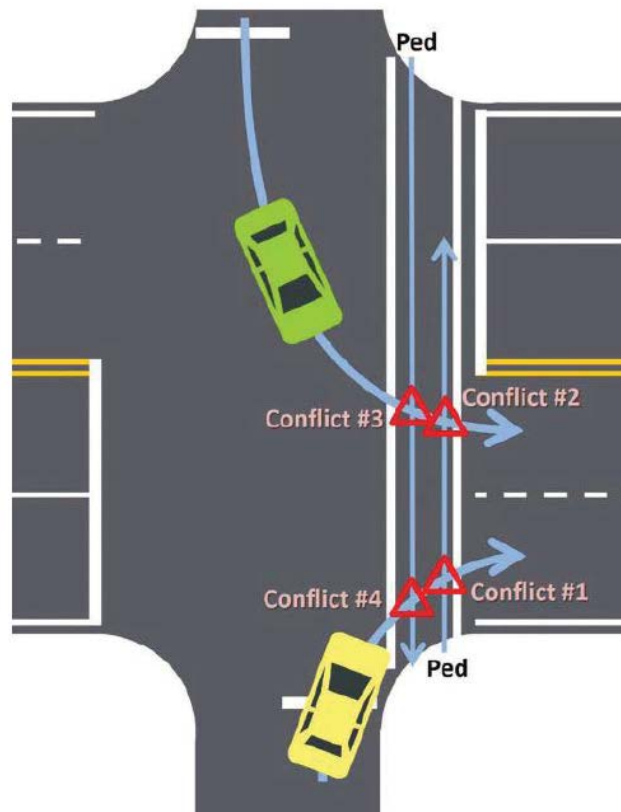
- A history of pedestrian-vehicle conflicts,
- High pedestrian volumes,
- Permissive left turns,
- Prohibited right turn on red,
- Low vehicular demand, and
- Long crossing lengths.

The MMUTCD guidance recommends an LPI of at least 3 seconds or long enough for a pedestrian to cross one lane of traffic and the *Urban Street Design Guide* recommends 3-7 seconds and up to 10 seconds where there are high pedestrian volumes or long crossing distances. The MMUTCD also recommends the installation of accessible pedestrian signals (i.e. audible tones) so that the visually impaired can be informed of the LPI. If accessible pedestrian crossings are not used, the visually impaired will begin crossing when the vehicular movement begins, which is not desirable.

Pedestrians within a crosswalk conflict with permissive left turning and right turning vehicles. These potential conflicts are shown in Figure 1. The desirable LPI duration would give enough time for a pedestrian to clear all four conflict points.

While LPIs are beneficial to pedestrian safety, they also reduce green time for vehicles and can cause additional delay at an intersection. However, if the time it takes a pedestrian to cross a street is greater than the vehicular movement demands the difference in times can be utilized as an LPI while minimizing the impact on vehicle delay and overall signal operations. This time would be considered the potential LPI duration.

**Figure 1: Conflicts in Crosswalk (ITE)**



### **LPI Program Recommendation**

The following criteria determine the best locations for implementing LPIs within the City were adapted from *Guidance for Installation of Pedestrian Crosswalks on Michigan State Trunkline Highways, MDOT 2014*

1. Pedestrian volumes greater than 20 pedestrians per one hour period (young, elderly, and disabled pedestrians count two times towards volume thresholds)
2. Conflicting turning movement volumes greater than 10% of total peak hour volume for approach
3. Vehicular demand is less than the time it takes for pedestrian crossing
4. Average Daily Traffic less than 5,000 vehicles per day parallel to crosswalk

Fleis and Vandenbrink studied the signal timings and geometric configurations of the signalized intersections located in the downtown area. Based on the criteria, LPIs are recommended at the following downtown intersections.

Intersection	Recommended	Criterion Met	Direction of Crossing	Recommended LPI (sec)
Old Woodward & Willits	Yes	1, 2, 3	N/S	7
		1, 2, 3	E/W	10
Old Woodward & Maple	Yes	1, 2	N/S	3
		1, 2	E/W	3
Old Woodward & Merrill	Yes	1, 2	N/S	3
		1, 2, 3	E/W	8
Old Woodward & Brown	Yes	1, 2, 3	N/S	3
		1, 2, 3	E/W	3
Willits & Bates	Yes	1, 2, 3	N/S	7
		1, 2, 3	E/W	3
Chester & Maple*	Yes	1, 2, 3, 4	E/W	3
Bates & Maple	Yes	1, 2, 3	N/S	9
		1, 2	E/W	3
Henrietta & Maple	Yes	1, 2, 3	N/S	7
		1, 2	E/W	3
Oakland & Park	Yes	1, 2, 3, 4	E/W	3
Pierce & Brown	Yes	1, 2	N/S	3
		1, 2	E/W	3
Oak and N. Old Woodward	Yes	1, 2	N/S	3
		1, 2, 3	E/W	3

\* N/S LPI currently operating

Pedestrian volumes are high throughout the downtown area and most intersections operate with permissive left turn. Therefore, LPI determination was primarily based on the vehicular demand for each direction. Generally, the potential LPI duration for the recommended intersections fell into the 3-10 second range that meets the guidance provided by the MMUTCD and *Urban Street Design Guide*, between 3 and 10 seconds.

### LPI Operational Analysis

The majority of the intersections that were considered for implementing in the downtown core area were had relatively low vehicular volumes, and therefore implementing the LPI would have minimal impact on the overall operations of the intersections.

The larger impact of implementing the LPIs would be potentially noticeable at the higher volume signalized intersections on the Maple Road corridor. Therefore, an operational analysis was performed at these intersections to evaluate the impact of a 3 second LPI at the Henrietta, Bates and Old Woodward intersections with Maple Road (Note: the Chester intersections currently has an LPI). The results of the operational analysis are summarized in the table below.

Intersection	Approach	AM Peak				PM Peak			
		Existing Delay (s/veh)	LOS	Future (LPI) Delay (s/veh)	LOS	Existing Delay (s/veh)	LOS	Future (LPI) Delay (s/veh)	LOS
Maple Road & Old Woodward	EB	3.2	A	4.2	A	4.3	A	7.1	A
	WB	15.6	B	18.7	B	18.9	B	22.9	C
Maple Road & Chester Street	EB	12.3	B	15.9	B	12.4	B	16.0	B
	WB	23.3	C	27.2	C	25.4	C	29.8	C
Maple Road & Bates Street	EB	10.5	B	12.7	B	9.7	A	11.7	B
	WB	2.1	A	2.6	A	1.9	A	2.4	A
Maple Road & Henrietta Street	EB	1.6	A	5.8	A	1.5	A	1.8	A
	WB	1.6	A	1.9	A	1.3	A	1.5	A

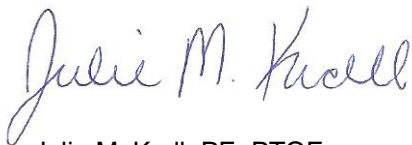
Please note that Level of service for signalized intersections is defined in terms of delay, which is a measure of driver discomfort and frustration, fuel consumption, and lost travel time. Specifically, level-of-service (LOS) criteria are stated in terms of the average stopped delay per vehicle for a 15-min analysis period. Delay was estimated for this project in accordance with the Highway Capacity Manual, 6<sup>th</sup> Edition. Delay is a complex measure and is dependent on a number of variables, including the quality of progression, the cycle length, the green ratio, and the volume/capacity ratio for the lane group in question. Therefore, we know from field observations that these LOS aren't necessarily experienced, and upstream vehicle queues, on-street parking maneuvers and mid-block pedestrian crossings are not included as factors in a LOS analysis.

Therefore, as a baseline conditions evaluation, the results show that the operations of the intersections will be similar to existing. Therefore, the implementation of a 3 second LPI on Maple Road will have some impact on the delay; however, the impact to the LOS will be minimal.

If you have any questions or concerns, please contact our office.

Sincerely,

FLEIS & VANDENBRINK



Julie M. Kroll, PE, PTOE  
Sr. Project Manager

LMS:jmk

Attachment: *How Long is Your LPI? Balancing Pedestrian Comfort and Traffic Impacts with an Elongated Leading Pedestrian Interval (ITE)*



# How Long Is Your LPI?



## Balancing Pedestrian Comfort and Traffic Impacts with an Elongated Leading Pedestrian Interval

BY RANDY DITTBERNER, P.E., PTOE, AND NHAN VU, P.E.

The Leading Pedestrian Interval (LPI) is an effective, low-cost method to improve pedestrian accommodations at signalized intersections. An LPI causes the Walk indication to appear before the green signal for parallel traffic, allowing pedestrians to start crossing a major street before conflicting vehicles begin to turn.

Several studies have shown that LPIs improve pedestrian safety. A study of three intersections in St. Petersburg, FL, USA found that LPIs reduced conflicts between crossing pedestrians and turning vehicles by 95 percent.<sup>1</sup> A study of 26 intersections in New York City, NY, USA showed that LPIs reduced crashes between pedestrians and turning vehicles by 28 percent.<sup>2</sup> An analysis of 10 intersections in State College, Pennsylvania showed that LPIs reduced pedestrian-vehicle crashes by 59 percent.<sup>3</sup>

### LPI Duration

*Manual on Uniform Traffic Control Devices (MUTCD)* guidance indicates that if used, an LPI “should be at least 3 seconds in duration, and should be timed to allow pedestrians to cross at least one lane of traffic or, in the case of a large corner radius, to travel far enough for pedestrians to establish their position ahead of the turning traffic before the turning traffic is released.”<sup>4</sup>

The *Urban Street Design Guide* recommends a minimum duration of 3 to 7 seconds, increased to as long as 10 seconds “where pedestrian volumes are high or the crossing distance is long.”<sup>5</sup>

Formulas have been developed to calculate the duration of an LPI, and they result in LPIs long enough for pedestrians to cross the first travel lane plus a parking lane, or to walk halfway across one direction of travel.<sup>6,7</sup>

New York City uses an alternative method for timing LPIs, providing at least 7 seconds but more when the signal cycle has additional time available.<sup>8</sup> Most pedestrians can clear the first lane in 7 seconds, but the longer duration provides additional benefit.

### The Four Conflicts

An LPI can help reduce pedestrian conflicts with both left- and right-turning motorists. Each crosswalk at a typical intersection could have four such conflicts when the side streets operate concurrently, based on the vehicular turning movement and the direction of pedestrian travel. The conflicts for one crosswalk are shown in Figure 1.

An LPI can help address all four conflicts, but not always equally. Conflicts with right-turning motorists (conflicts #1 and #4) are difficult to control where right turns on red (RTOR) are permitted. RTOR motorists are often looking to their left for a

gap in traffic, not to their right for pedestrians. A 2008 study showed that the benefits of an LPI in downtown environments are not necessarily transferrable to suburban environments where RTOR are permitted.<sup>9</sup>

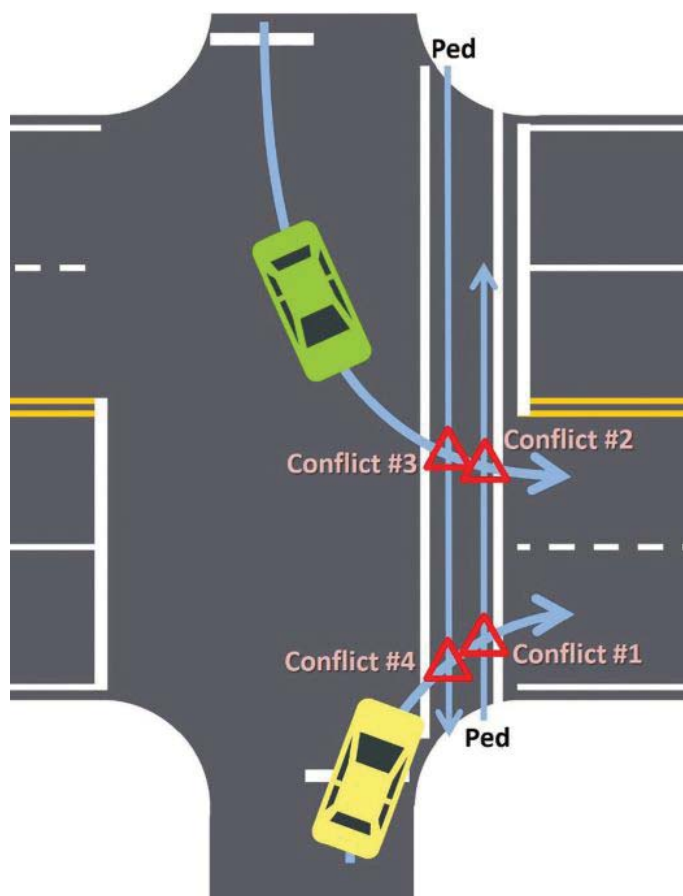


Figure 1: Conflicts in one crosswalk potentially resolvable by an LPI.

LPIs have a greater ability to control conflicts with permissive left turns (conflicts #2 and #3) because there are no turns on red. From a pedestrian's perspective, an LPI should be long enough to help mitigate all four conflicts by allowing pedestrians to cross at least to the point of conflict before conflicting traffic is released.

The “desirable LPI duration,” then, can be calculated as:

$$D_c = X_c \div V$$

where:

$D_c$  = Desirable LPI duration for conflict # $c$ , in seconds

$X_c$  = Walking distance from the curb to the point of conflict # $c$ , in feet

$V$  = Walking speed, in feet per second. A speed of 3.5 feet per second is consistent with MUTCD signal timing guidance.

The critical conflict is usually the one with the largest  $D$ , but conflicts with low-volume turning movements can be neglected if vehicle-pedestrian interactions are rare.

### Potential LPI Duration

Where pedestrians cross a wide street, the time needed for the pedestrian phase is often longer than the time needed for the concurrent vehicular phase. The difference between these times can be considered “potential LPI duration,” calculated as:

$$P_s = W - G_s$$

where:

$P_s$  = Potential LPI duration for signal timing plan  $s$ , in seconds

$W$  = Duration of the Walk plus Flashing Don't Walk (FDW), in seconds

$G_s$  = Green time for the concurrent vehicular phase in timing plan  $s$ , in seconds

Note:  $P_s$  should be reduced by the amount of time FDW and concurrent yellow appear together.

For example, consider an actuated-coordinated signal where the Walk plus FDW is 35 seconds but vehicular demand needs only 20 seconds of green time. In this case the signal is green 15 seconds longer than needed during cycles with a pedestrian call, so  $P = 15$  seconds.

An LPI could be set at some value equal to or less than  $P$  without affecting the vehicular green time on that phase. Every second that an LPI exceeds  $P$  requires that the vehicular green time on that phase or another phase be shortened by one second. If  $P$  is zero or less, the signal phase does not have any surplus time to allocate to an LPI. It could still be considered, but only after studying the impact to traffic and signal operations.

$P$  likely varies by time of day if the signal has more than one timing plan. Agencies may not want (or be able) to vary a crossing's LPI duration by time of day. If so,  $P$  should be determined for each timing plan, then an intersection's  $P$  could be chosen to balance

the benefits of the LPI with vehicular operations at different times of day.

### Elongated LPI

When an LPI appears, it usually causes all drivers on an approach, except those turning right on red, to wait longer for a green indication. However, pedestrians only benefit from delaying turning drivers. The delay other traffic experiences at an LPI provides no benefit. Agencies may choose to keep LPIs short to avoid holding back through traffic. (Alternatively, agencies such as New York City sometimes use a “split LPI” that avoids delay to the through movement using red arrows to prohibit conflicting turns during the LPI.<sup>10</sup>)

On approaches without through movements, an LPI only delays turning vehicles, the very vehicles that need to be delayed to provide pedestrian benefits. Such intersections are among the best candidates for an elongated LPI.

Consider the T-intersection in Figure 2. The missing leg eliminates conflicts #1 and #4, leaving only conflicts #2 and #3.

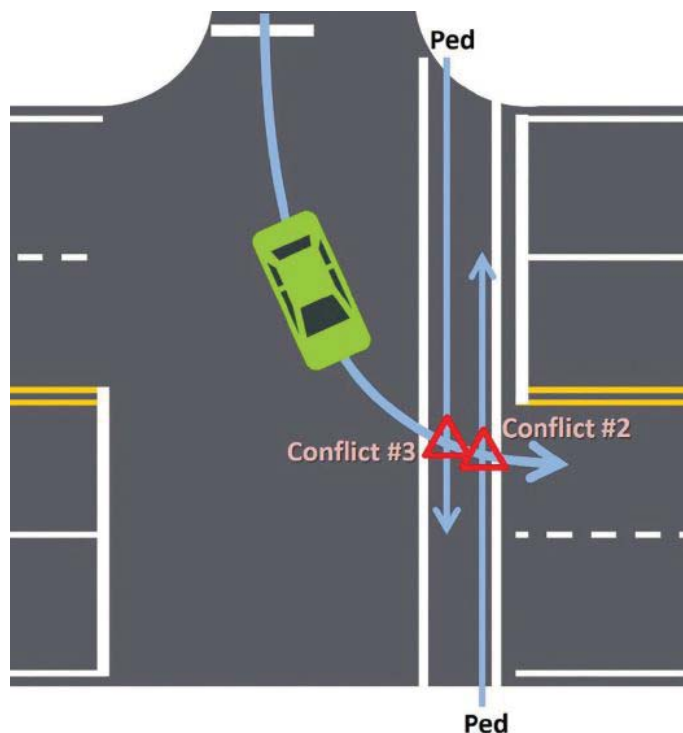


Figure 2: Conflicts in One Crosswalk at a T Intersection

An LPI for this crossing would delay only the left-turn movement from the stem of the T, as long as RTOR are permitted from the stem and have a dedicated approach lane. Since an LPI would only delay the left-turn movement, and this is the only movement that conflicts with pedestrians, the LPI duration could be set as follows:

- If  $D \leq P$ , the LPI should be set at  $D$ . Both conflicts #2 and #3 are mitigated fully with no reduction in vehicular green time. The start of the green for the concurrent left-turn movement is delayed by  $D$ , which will be noticeable by motorists, but once the green appears it will be long enough to serve all the demand.
- If  $D > P$ , the LPI should be set no less than  $P$ . Using an LPI of  $P$  would mitigate conflicts up to the point that signal operations are affected. The LPI could be longer than  $P$ , up to  $D$ , after evaluating operational impacts.

This example illustrates a case without any through traffic parallel to crossing pedestrians. Many four-leg intersections operate with low through volumes crossing the major street, and these intersections may also be suitable for elongated LPIs. Through traffic would observe a delay in the start of green, but if the through volume is low enough the benefit to pedestrians may be an acceptable tradeoff.

Elongated LPIs do not require elongated Walk intervals. Rather, the Walk indication should be its normal duration so the FDW can start as scheduled. As an LPI gets longer, it approaches an operation similar to an exclusive pedestrian phase (EPP), which allows pedestrians to cross the entire street while all traffic has a red indication. However, an elongated LPI offers some operational flexibility over an EPP:

- Even where an LPI is the desirable duration  $D$ , it requires less time than an MUTCD-compliant EPP. Among other reasons, pedestrian and vehicular change and clearance intervals can occur simultaneously with an LPI but not with an EPP.
- Where an EPP is provided, time for the pedestrian phase must be reserved in the cycle even when the phase is called only rarely. This can cause minimum intersection cycle lengths to increase, potentially affecting operations of nearby coordinated signals. Because LPI duration is flexible, it can be tailored to local needs.
- Although not required, EPPs often allow pedestrians to cross diagonally, increasing FDW time as much as 70 percent. Diagonal crossing is not an option with an LPI.

## The Virginia Experience

The Northern Region of the Virginia Department of Transportation (VDOT) operates about 1,400 traffic signals outside Washington, DC, USA in mostly suburban conditions. VDOT has implemented dozens of LPIs, mostly 7 seconds in duration, where pedestrians cross higher-volume major streets.

The adequacy of a 7-second duration was tested in 2012 at the intersection of West Ox Road and Post Forest Drive in Fairfax, Virginia (Figure 3). West Ox is a minor arterial with three lanes plus a left-turn lane in each direction. Post Forest is a major collector that ends at West Ox, but the fourth leg of the intersection is the driveway for the Fairfax County Animal Shelter. RTOR are permitted on all approaches.

The side streets are phased concurrently, with permissive left turns. However, since the Animal Shelter has minimal traffic, left-turning drivers from Post Forest are not accustomed to yielding to opposing through traffic. When actuated, the pedestrian signal provides a 7-second Walk and 27-second FDW.



Figure 3: West Ox Road and Post Forest Drive.

The Animal Shelter normally provides on-site parking, but renovations in 2012 temporarily required employees to park across West Ox and walk across the street. The renovations considerably increased the normally low pedestrian volume.

The shelter supervisor contacted VDOT because drivers turning left from Post Forest were routinely failing to yield to shelter employees crossing the street. VDOT staff met the supervisor on site and witnessed the problem, as a left-turner nearly hit them both. The intersection had a 7-second LPI, but this was not enough time for pedestrians walking toward the shelter to avoid conflict with westbound left-turners.

All four conflicts occur in this crosswalk, but conflicts #1 and #4 are minor because the Animal Shelter has such little traffic. Rather, conflict #3 is critical; this was confirmed from frequent employee comments.

In response, VDOT increased the LPI to 14 seconds, which helped but did not solve the problem. On closer study VDOT increased the LPI again, this time to 22 seconds, curing the crossing problem while prompting no complaints from drivers, even though the green indication for Post Forest was considerably delayed.

VDOT's experience at this intersection led to a larger effort to determine appropriate LPI duration. After looking more closely at the four conflicts at West Ox and Post Forest, it became clear why a 7- or 14-second LPI was inadequate. As shown in Table 1,  $D_3 = 20$  seconds at a speed  $V$  of 3.5 feet per second.

Table 1: Conflict Details at West Ox and Post Forest.

Conflict $c$	Pedestrian crossing distance $X$ to reach conflict point (feet)	Walking time to reach conflict point, $D_c$ (seconds)
1	19	5
2	42	12
3	69	20
4	90	26

The signal operates using one of eight timing plans according to the time of day and day of week. For each timing plan  $s$ , Table 2 computes  $P_s$ .

In seven of the eight timing plans,  $W > G$ , leaving  $P$  as large as 22 seconds. Only during the weekday PM peak period is  $G > W$ . However, field observations showed that although the phase can extend up to 43 seconds to serve spikes in demand, the actual split is rarely longer than 20 seconds.

An intersection  $P$  of 13 seconds would have avoided any impacts to vehicular operation, but would not (and did not, in the field) sufficiently guard against conflict #3. An intersection  $P$  of 20 seconds would have avoided any impact to traffic operations in the

weekend timing plans and required up to 7 seconds of displaced green time during other times of day.

The shelter renovation was completed in 2014, but VDOT chose to retain the elongated LPI. Although pedestrian volume has dropped significantly, the LPI still provides benefits for pedestrians who use the intersection, and it only affects motorists when pedestrians place a call.

## Conclusion

Most guidance on LPI duration is designed to guard primarily against conflicts with right-turning vehicles, but these conflicts are difficult to control where RTOR are permitted. Elongated LPIs can also help guard against conflicts with left turns, which are often higher-speed movements more prone to severe crashes.

VDOT has successfully implemented elongated LPIs at six suburban intersections in Northern Virginia and none have generated operational problems or complaints. An elongated LPI is not right for every signalized intersection, but engineers should consider it at intersections with these characteristics, often found at pedestrian crossings of wide suburban arterials:

- Pedestrians conflict with a permissive left-turn movement.
- Vehicular through movements parallel to the crosswalk do not exist or are low volume.
- The pedestrian phase is actuated.
- A pedestrian crossing takes more time than vehicular demand.

Elongated LPIs and pedestrian crashes are both rare; as such, VDOT does not have enough data to quantify a safety benefit. However, anecdotal observations and literature agree that the trend is toward improved safety performance. [itej](#)

## References

1. Van Houten, R., R.A. Retting, C.M. Farmer and J. Van Houten. "Field Evaluation of a Leading Pedestrian Interval Signal Phase at Three Urban

Table 2: Signal Operational Details at West Ox and Post Forest

Timing Plan $s$	Cycle length (sec)	Maximum green time $G_s$ for side street phase (sec)	Pedestrian time $W$ (sec)	Potential LPI $P_s$ (sec)
Weekday AM Peak	140	20	34	14
Weekday mid-day	70	15	34	19
Weekday Off-peak	130	21	34	13
Weekday PM Peak	150	43	34	--
Saturday peak	75	13	34	21
Sunday peak	75	13	34	21
Weekend AM	70	12	34	22
Weekend PM	75	12	34	22

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5. National Association of City Transportation Officials. *Urban Street Design Guide*. Washington, DC: Island Press, 2013.
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8. Viola, R., New York City Department of Transportation. Personal correspondence, May 2016.
9. Hubbard, S.M.L., D.M. Bullock and J.H. Thai. "Trial Implementation of a Leading Pedestrian Interval: Lessons Learned." *ITE Journal*, October 2008: 32-41.

10. "Vision Zero in New York City," *ITE Journal*: Institute of Transportation Engineers. May 2016: 18-21.



**Randy Dittberner, P.E., PTOE** is a senior project manager at Lee Engineering in Phoenix, AZ, USA. He previously served as regional traffic engineer at the Virginia Department of Transportation. His 25 years of experience include a consistent emphasis on multimodal accommodations. He has bachelor's and master's degrees in transportation engineering from Arizona State University. Randy is a member of ITE.



**Nhan Vu, P.E.** is an assistant district traffic engineer in the Virginia Department of Transportation's Northern Virginia District. He has more than 19 years of experience in traffic signal design, operations, and maintenance. He is a registered professional engineer in the state of Virginia and holds a master's degree in civil, environmental, and infrastructure engineering from George Mason University. He is a member of ITE.

A nighttime photograph of a city street intersection. In the foreground, a red car and a yellow bus are visible. The background features several tall, modern buildings with illuminated windows. The sky is dark blue.

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## MEMORANDUM

Police Department

**DATE:** March 6, 2018

**TO:** Joseph A. Valentine, City Manager

**FROM:** Mark H. Clemence, Chief of Police

**SUBJECT:** Ordinance Amendments Regarding Electronic Weapons

---

Michigan law allows a person with a Concealed Pistol License (CPL) to possess a "Portable device or weapon directing electrical current" under section 750.224a. Violation of this statute is a 4 year felony.

Birmingham City Code currently does not address these types of devices. As a result, there is no alternative form of prosecution and any charges must be filed under state law. Our city attorney has suggested the attached amendment to our city ordinance to provide an option in prosecution.

See the attached amendment.

### SUGGESTED ACTION:

To amend Part II of the City Code, Chapter 74 Offenses, Article VI – Offenses Against Public Safety, Division 2 Weapons, sections 74-206 to 74-218 to include "portable device or weapon directing electrical current" as suggested and to authorize the Mayor and City Clerk to sign the ordinance on behalf of the city.

**AN ORDINANCE TO AMEND PART II OF THE CITY CODE, CHAPTER 74 – OFFENSES,  
ARTICLE VI. – OFFENSES AGAINST PUBLIC SAFETY, DIVISION 2 – WEAPONS**

THE CITY OF BIRMINGHAM ORDAINS:

The City Code, Part II, Chapter 74. Offenses, Article VI. Offenses Against Public Safety, Division 2. - Weapons, shall read as follows:

**DIVISION 2. – WEAPONS**

Sec. 74-206. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Bow* means a device for propelling an arrow from a string drawn, held, and released by hand where the force used to hold the string in the drawn position is provided by the archer's muscles.

*Brandish* means to point, wave about, or display in a threatening manner with the intent to induce fear in another person.

*Crossbow* means a weapon consisting of a bow mounted transversely on a stock or frame and designed to fire an arrow, bolt, or quarrel by the release of a bow string that is controlled by a mechanical or electric trigger and has a working safety.

*Firearm* means any weapon which will, is designed to, or may readily be converted to expel a projectile by action of an explosive.

*Pneumatic gun* means any implement, designed as a gun that will expel a BB or pellet by spring, gas, or air. Pneumatic gun includes a paintball gun that expels by pneumatic pressure plastic balls filled with paint for the purpose of marking the point of impact.

*Portable device or weapon that is capable of creating an electro muscular disruption and directs an electrical current, impulse, wave or beam, and is used or intended to be used as a defensive device capable of temporarily incapacitating or immobilizing a person by the direction or emission of conducted energy which can incapacitate temporarily, injure or kill another.*

Sec. 74-207. - Persons exempt.

Police officers, peace officers and persons in the military service, in pursuit of official duty, and persons duly authorized by federal or state law to carry firearms, are exempt from the provisions of this division.

Sec. 74-208. - Confiscation of weapons.

All weapons, guns, pistols, firearms, portable device or weapon directing electrical current, knives, dirks, razors, stilettos, bows and arrows, crossbows, or any other sharp-edged or pointed instruments, or weapons carried, possessed or used contrary to this division are hereby declared forfeited to the city.

Sec. 74-209. - Discharge.

No person shall discharge any bow and arrow, crossbow, firearm, air rifle, air pistol, or pneumatic gun, or portable device or weapon directing electrical current, impulse, waive or beam in the city, except when lawfully acting in the defense of persons or property or the enforcement of law or at a duly established range, the operation of which has been approved by the commission. This includes target practice and "sighting-in" on private property and public property.

Sec. 74-210. - Possession.

(a) No person shall, except as provided in subsection (b) of this section, possess a bow and arrow, crossbow, a firearm, portable device or weapon directing electrical current, impulse, waive or beam, or pneumatic gun on the premises of any of the following:

- (1) A depository financial institution or a subsidiary or affiliate of a depository financial institution.
- (2) A church or other house of religious worship.
- (3) A school.
- (4) A court.
- (5) A theater.
- (6) A sports arena.
- (7) A day care center.
- (8) A hospital.
- (9) An establishment licensed under the state liquor control act, Act No. 8 of the Public Acts of the State of Michigan of 1933, Extra Session (MCL 436.1 et seq.).

(b) This section does not apply to any of the following:

- (1) A person who owns or is employed by or contracted by an entity described in subsection (a) of this section if the possession of that firearm is to provide security services for that entity.
- (2) A peace officer.
- (3) A person licensed by this state or another state to carry a concealed weapon.
- (4) A person who possesses a firearm in a school for purposes of providing or receiving instruction in firearms safety.
- (5) A person who possesses a firearm on the premises of an entity described in subsection (a) of this section if that possession is with the permission of the owner or an agent of the owner of that entity.

(6) The possession and reasonable use of a portable device or weapon directing electrical current, impulse, waive or beam, may only be possessed in the City by an individual who holds a valid license to carry a concealed pistol under Section 5b of 1927, Public Act 372, MCL 28.425, and who has been trained in the use, effects and risks of the device.

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(c) A person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$100.00 or both.

Sec. 74-211. - Transporting a loaded firearm or pneumatic gun in a vehicle.

Except as otherwise permitted by law, a person shall not transport or possess either of the following in or upon a sailboat, motor vehicle, aircraft, motorboat, or any other vehicle propelled by mechanical means:

- (1) A firearm, other than a pistol that is loaded.
- (2) A pneumatic gun that is loaded and expels a metallic BB or metallic pellet greater than .177 caliber.

A person who violates this section is guilty of a 90-day misdemeanor.

Sec. 74-212. - Transporting an unloaded firearm or a pneumatic gun in a vehicle.

Except as otherwise permitted by law, a person shall not transport or possess in or upon a motor vehicle or any self-propelled vehicle designed for land travel any of the following:

- (1) A firearm, other than a pistol, or
- (2) A pneumatic gun that expels a metallic BB or metallic pellet greater than .177, unless the firearm or pneumatic gun is one or more of the following:
  - a. Taken down.
  - b. Enclosed in a case.
  - c. Carried in the trunk of a vehicle.
  - d. Inaccessible from the interior of the vehicle.

(3) A portable device or weapon directing electrical current, impulse, wave or beam.

A person who violates this section is guilty of a 90-day misdemeanor.

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Sec. 74-213. - Brandishing.

- (a) No person shall, except as provided in subsection (b) of this section, knowingly brandish a firearm or weapon in public.
- (b) Subsection (a) of this section does not apply to any of the following:
  - (1) A peace officer lawfully performing his duties as a peace officer.
  - (2) A person lawfully engaged in the sale, purchase, repair, or transfer of that firearm or weapon.
- (c) A person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$100.00 or both.

(Ord. No. 2156, 8-24-15; Ord. No. 2236, 5-22-17)

Sec. 74-214. - Intentionally aiming a firearm without malice.

It shall be unlawful for any person to intentionally, without malice, point or aim any firearm or weapon at or toward any other person.

Sec. 74-215. - Hunting within city prohibited.

It shall be unlawful for any person within the city to hunt wild game, or in any manner carry any gun, weapon or firearm within the city for the purpose of hunting any wild game or fowl at any time.

Sec. 74-216. - Unauthorized taking, killing of birds, animals.

No person shall by use of any pit, pitfall, deadfall, cage, snare, trap, net, baited hook, or any similar device, or of any drug, poison, chemical or explosive, injure, capture or kill any bird, or any game or fur bearing animal; nor shall any person at any time or in any manner whatever molest, harass, or annoy any such bird or any game or fur bearing animal within the limits of the city; except under authority of a written license issued by the police chief, or someone by him duly authorized.

Sec. 74-217. - Possession of knives, etc., by minors.

It shall be unlawful for any minor under 18 years of age to have in his possession or control, except within his own domicile, or carry or use in any manner any knife with a blade in excess of three inches, dagger, dirk, razor, stiletto or any other sharp-edged or pointed instrument; provided, however, that such person shall not be in violation of this section if:

- (1) His possession of such bladed weapon is necessary for his employment, trade or occupation;
- (2) He is engaged in or is proceeding to or returning from a place of hunting, trapping or fishing and whenever required, is also carrying a currently valid license issued to him by the state department of conservation;
- (3) Such person is a duly enrolled member of the Boy Scouts of America or a similar organization or society and such possession is necessary to participate in the activities of such organization or society; or
- (4) Such bladed weapon is required under circumstances that tend to establish that its possession is for a lawful purpose.

Sec. 74-218. - Carrying under the influence.

- (a) Acceptance of a license to carry a concealed pistol constitutes implied consent to submit to a chemical analysis under this section.
- (b) An individual shall not carry a concealed while he or she is under the influence of alcoholic liquor or a controlled substance or while having a bodily alcohol content prohibited under this section. An individual who violates this section is responsible for a municipal civil infraction or guilty of a misdemeanor crime as follows:
  - (1) If the person was under the influence of alcoholic liquor or a controlled substance or a combination of alcoholic liquor and a controlled substance, or had a bodily alcohol content of .10 or more grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine, the individual is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or \$100.00, or both. The court shall order the county clerk in the county in which the individual was issued a license to carry a concealed pistol to revoke the license. The county clerk shall notify the department of state police of the revocation in a manner prescribed by the department of state police. The department of state police shall immediately enter that revocation into the law enforcement information network.
  - (2) If the person had a bodily alcohol content of .08 or more but less than .10 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine, the individual is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or \$100.00, or both. The court shall order the county clerk in the county in which the individual was issued a license to carry a concealed pistol to suspend the license for three years. The county clerk shall notify the department of state police of that suspension in a manner prescribed by the department of state police. The department of state police shall immediately enter that suspension into the law enforcement information network.
  - (3) If the person had a bodily alcohol content of .02 or more but less than .08 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine, the individual is responsible for a municipal civil infraction and shall be fined \$100.00. The peace officer shall notify the department of state police of a civil infraction under this subdivision. The department of state police shall notify the county clerk in the county in which the individual was issued the license, who shall suspend the license for one year. The department of state police shall immediately enter that suspension into the law enforcement information network.
- (c) This section does not prohibit an individual licensed under this act to carry a concealed pistol who has any bodily alcohol content from transporting that pistol in the locked trunk of his or her motor vehicle or another motor vehicle in which he or she is a passenger or, if the vehicle does not have a trunk, from transporting that pistol unloaded in a locked compartment or container that is separated from the ammunition for that pistol.
- (d) A peace officer who has probable cause to believe an individual is carrying a concealed pistol may require the individual to submit to a chemical analysis of his or her breath, blood, or urine.
- (e) Before an individual is required to submit to a chemical analysis under subsection (d), the peace officer shall inform the individual of all of the following:
  - (1) The individual may refuse to submit to the chemical analysis, but if he or she chooses to do so, all of the following apply:

- a. The officer may obtain a court order requiring the individual to submit to a chemical analysis.
- b. The refusal shall result in his or her license to carry a concealed pistol being suspended for six months.
- (2) If the individual submits to the chemical analysis, he or she may obtain a chemical analysis described in subsection (d) from a person of his or her own choosing.
- (f) The collection and testing of breath, blood, and urine specimens under this section shall be conducted in the same manner that breath, blood, and urine specimens are collected and tested for alcohol- and controlled-substance-related driving violations under the Michigan Vehicle Code, 1949 PA 300, MCL 257.1 to 257.923.
- (g) If a person refuses to take a chemical test authorized under this section, the person is responsible for a municipal civil infraction and shall be fined \$100.00. A peace officer shall promptly report the refusal in writing to the department of state police. The department of state police shall notify the county clerk in the county in which the license was issued, who shall suspend the license for six months. The department of state police shall immediately enter that suspension into the law enforcement information network.
- (h) As used in this section:

*Alcoholic liquor* means that term as defined in Section 105 of the Michigan Liquor Control Code of 1998, 1998 PA 58, MCL 436.1105.

*Controlled substance* means that term as defined in Section 7104 of the Public Health Code, 1978 PA 368, MCL 333.7104.

*Under the influence of alcoholic liquor or a controlled substance* means that the individual's ability to properly handle a pistol or to exercise clear judgment regarding the use of that pistol was substantially and materially affected by the consumption of alcoholic liquor or a controlled substance.

Secs. 74-219—74-240. - Reserved.

All other Sections of Chapter 74 - Offenses, shall remain unaffected.

Ordained this \_\_\_\_ day of \_\_\_\_\_, 2018. Effective upon publication.

\_\_\_\_\_  
Andrew Harris, Mayor

\_\_\_\_\_  
Cherilynn Mynsberge, City Clerk

I, Cherilynn Mynsberge, 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.

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Cherilynn Mynsberge, City Clerk

**AN ORDINANCE TO AMEND PART II OF THE CITY CODE, CHAPTER 74 – OFFENSES,  
ARTICLE VI. – OFFENSES AGAINST PUBLIC SAFETY, DIVISION 2 – WEAPONS**

THE CITY OF BIRMINGHAM ORDAINS:

The City Code, Part II, Chapter 74. Offenses, Article VI. Offenses Against Public Safety, Division 2. - Weapons, shall read as follows:

**DIVISION 2. – WEAPONS**

**Sec. 74-206. - Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Bow* means a device for propelling an arrow from a string drawn, held, and released by hand where the force used to hold the string in the drawn position is provided by the archer's muscles.

*Brandish* means to point, wave about, or display in a threatening manner with the intent to induce fear in another person.

*Crossbow* means a weapon consisting of a bow mounted transversely on a stock or frame and designed to fire an arrow, bolt, or quarrel by the release of a bow string that is controlled by a mechanical or electric trigger and has a working safety.

*Firearm* means any weapon which will, is designed to, or may readily be converted to expel a projectile by action of an explosive.

*Pneumatic gun* means any implement, designed as a gun that will expel a BB or pellet by spring, gas, or air. Pneumatic gun includes a paintball gun that expels by pneumatic pressure plastic balls filled with paint for the purpose of marking the point of impact.

*Portable device or weapon* that is capable of creating an electro muscular disruption and directs an electrical current, impulse, wave or beam, and is used or intended to be used as a defensive device capable of temporarily incapacitating or immobilizing a person by the direction or emission of conducted energy which can incapacitate temporarily, injure or kill another.

**Sec. 74-207. - Persons exempt.**

Police officers, peace officers and persons in the military service, in pursuit of official duty, and persons duly authorized by federal or state law to carry firearms, are exempt from the provisions of this division.

**Sec. 74-208. - Confiscation of weapons.**

All weapons, guns, pistols, firearms, portable device or weapon directing electrical current, knives, dirks, razors, stilettos, bows and arrows, crossbows, or any other sharp-edged or pointed instruments, or weapons carried, possessed or used contrary to this division are hereby declared forfeited to the city.

Sec. 74-209. - Discharge.

No person shall discharge any bow and arrow, crossbow, firearm, air rifle, air pistol, or pneumatic gun, or portable device or weapon directing electrical current, impulse, waive or beam in the city, except when lawfully acting in the defense of persons or property or the enforcement of law or at a duly established range, the operation of which has been approved by the commission. This includes target practice and "sighting-in" on private property and public property.

Sec. 74-210. - Possession.

- (a) No person shall, except as provided in subsection (b) of this section, possess a bow and arrow, crossbow, a firearm, portable device or weapon directing electrical current, impulse, waive or beam, or pneumatic gun on the premises of any of the following:
  - (1) A depository financial institution or a subsidiary or affiliate of a depository financial institution.
  - (2) A church or other house of religious worship.
  - (3) A school.
  - (4) A court.
  - (5) A theater.
  - (6) A sports arena.
  - (7) A day care center.
  - (8) A hospital.
  - (9) An establishment licensed under the state liquor control act, Act No. 8 of the Public Acts of the State of Michigan of 1933, Extra Session (MCL 436.1 et seq.).
- (b) This section does not apply to any of the following:
  - (1) A person who owns or is employed by or contracted by an entity described in subsection (a) of this section if the possession of that firearm is to provide security services for that entity.
  - (2) A peace officer.
  - (3) A person licensed by this state or another state to carry a concealed weapon.
  - (4) A person who possesses a firearm in a school for purposes of providing or receiving instruction in firearms safety.
  - (5) A person who possesses a firearm on the premises of an entity described in subsection (a) of this section if that possession is with the permission of the owner or an agent of the owner of that entity.
  - (6) The possession and reasonable use of a portable device or weapon directing electrical current, impulse, waive or beam, may only be possessed in the City by an individual who holds a valid license to carry a concealed pistol under Section 5b of 1927, Public Act 372, MCL 28.425, and who has been trained in the use, effects and risks of the device.

- (c) A person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$100.00 or both.

Sec. 74-211. - Transporting a loaded firearm or pneumatic gun in a vehicle.

Except as otherwise permitted by law, a person shall not transport or possess either of the following in or upon a sailboat, motor vehicle, aircraft, motorboat, or any other vehicle propelled by mechanical means:

- (1) A firearm, other than a pistol that is loaded.
- (2) A pneumatic gun that is loaded and expels a metallic BB or metallic pellet greater than .177 caliber.

A person who violates this section is guilty of a 90-day misdemeanor.

Sec. 74-212. - Transporting an unloaded firearm or a pneumatic gun in a vehicle.

Except as otherwise permitted by law, a person shall not transport or possess in or upon a motor vehicle or any self-propelled vehicle designed for land travel any of the following:

- (1) A firearm, other than a pistol, or
- (2) A pneumatic gun that expels a metallic BB or metallic pellet greater than .177, unless the firearm or pneumatic gun is one or more of the following:
  - a. Taken down.
  - b. Enclosed in a case.
  - c. Carried in the trunk of a vehicle.
  - d. Inaccessible from the interior of the vehicle.
- (3) A portable device or weapon directing electrical current, impulse, wave or beam.

A person who violates this section is guilty of a 90-day misdemeanor.

Sec. 74-213. - Brandishing.

- (a) No person shall, except as provided in subsection (b) of this section, knowingly brandish a firearm or weapon in public.
- (b) Subsection (a) of this section does not apply to any of the following:
  - (1) A peace officer lawfully performing his duties as a peace officer.
  - (2) A person lawfully engaged in the sale, purchase, repair, or transfer of that firearm or weapon.
- (c) A person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$100.00 or both.

(Ord. No. 2156, 8-24-15; Ord. No. 2236, 5-22-17)

Sec. 74-214. - Intentionally aiming a firearm without malice.

It shall be unlawful for any person to intentionally, without malice, point or aim any firearm or weapon at or toward any other person.

Sec. 74-215. - Hunting within city prohibited.

It shall be unlawful for any person within the city to hunt wild game, or in any manner carry any gun, weapon or firearm within the city for the purpose of hunting any wild game or fowl at any time.

Sec. 74-216. - Unauthorized taking, killing of birds, animals.

No person shall by use of any pit, pitfall, deadfall, cage, snare, trap, net, baited hook, or any similar device, or of any drug, poison, chemical or explosive, injure, capture or kill any bird, or any game or fur bearing animal; nor shall any person at any time or in any manner whatever molest, harass, or annoy any such bird or any game or fur bearing animal within the limits of the city; except under authority of a written license issued by the police chief, or someone by him duly authorized.

Sec. 74-217. - Possession of knives, etc., by minors.

It shall be unlawful for any minor under 18 years of age to have in his possession or control, except within his own domicile, or carry or use in any manner any knife with a blade in excess of three inches, dagger, dirk, razor, stiletto or any other sharp-edged or pointed instrument; provided, however, that such person shall not be in violation of this section if:

- (1) His possession of such bladed weapon is necessary for his employment, trade or occupation;
- (2) He is engaged in or is proceeding to or returning from a place of hunting, trapping or fishing and whenever required, is also carrying a currently valid license issued to him by the state department of conservation;
- (3) Such person is a duly enrolled member of the Boy Scouts of America or a similar organization or society and such possession is necessary to participate in the activities of such organization or society; or
- (4) Such bladed weapon is required under circumstances that tend to establish that its possession is for a lawful purpose.

Sec. 74-218. - Carrying under the influence.

- (a) Acceptance of a license to carry a concealed pistol constitutes implied consent to submit to a chemical analysis under this section.

- (b) An individual shall not carry a concealed while he or she is under the influence of alcoholic liquor or a controlled substance or while having a bodily alcohol content prohibited under this section. An individual who violates this section is responsible for a municipal civil infraction or guilty of a misdemeanor crime as follows:
- (1) If the person was under the influence of alcoholic liquor or a controlled substance or a combination of alcoholic liquor and a controlled substance, or had a bodily alcohol content of .10 or more grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine, the individual is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or \$100.00, or both. The court shall order the county clerk in the county in which the individual was issued a license to carry a concealed pistol to revoke the license. The county clerk shall notify the department of state police of the revocation in a manner prescribed by the department of state police. The department of state police shall immediately enter that revocation into the law enforcement information network.
  - (2) If the person had a bodily alcohol content of .08 or more but less than .10 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine, the individual is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or \$100.00, or both. The court shall order the county clerk in the county in which the individual was issued a license to carry a concealed pistol to suspend the license for three years. The county clerk shall notify the department of state police of that suspension in a manner prescribed by the department of state police. The department of state police shall immediately enter that suspension into the law enforcement information network.
  - (3) If the person had a bodily alcohol content of .02 or more but less than .08 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine, the individual is responsible for a municipal civil infraction and shall be fined \$100.00. The peace officer shall notify the department of state police of a civil infraction under this subdivision. The department of state police shall notify the county clerk in the county in which the individual was issued the license, who shall suspend the license for one year. The department of state police shall immediately enter that suspension into the law enforcement information network.
- (c) This section does not prohibit an individual licensed under this act to carry a concealed pistol who has any bodily alcohol content from transporting that pistol in the locked trunk of his or her motor vehicle or another motor vehicle in which he or she is a passenger or, if the vehicle does not have a trunk, from transporting that pistol unloaded in a locked compartment or container that is separated from the ammunition for that pistol.
- (d) A peace officer who has probable cause to believe an individual is carrying a concealed pistol may require the individual to submit to a chemical analysis of his or her breath, blood, or urine.
- (e) Before an individual is required to submit to a chemical analysis under subsection (d), the peace officer shall inform the individual of all of the following:
- (1) The individual may refuse to submit to the chemical analysis, but if he or she chooses to do so, all of the following apply:
    - a. The officer may obtain a court order requiring the individual to submit to a chemical analysis.

- b. The refusal shall result in his or her license to carry a concealed pistol being suspended for six months.
- (2) If the individual submits to the chemical analysis, he or she may obtain a chemical analysis described in subsection (d) from a person of his or her own choosing.
- (f) The collection and testing of breath, blood, and urine specimens under this section shall be conducted in the same manner that breath, blood, and urine specimens are collected and tested for alcohol- and controlled-substance-related driving violations under the Michigan Vehicle Code, 1949 PA 300, MCL 257.1 to 257.923.
- (g) If a person refuses to take a chemical test authorized under this section, the person is responsible for a municipal civil infraction and shall be fined \$100.00. A peace officer shall promptly report the refusal in writing to the department of state police. The department of state police shall notify the county clerk in the county in which the license was issued, who shall suspend the license for six months. The department of state police shall immediately enter that suspension into the law enforcement information network.
- (h) As used in this section:

*Alcoholic liquor* means that term as defined in Section 105 of the Michigan Liquor Control Code of 1998, 1998 PA 58, MCL 436.1105.

*Controlled substance* means that term as defined in Section 7104 of the Public Health Code, 1978 PA 368, MCL 333.7104.

*Under the influence of alcoholic liquor or a controlled substance* means that the individual's ability to properly handle a pistol or to exercise clear judgment regarding the use of that pistol was substantially and materially affected by the consumption of alcoholic liquor or a controlled substance.

Secs. 74-219—74-240. - Reserved.

All other Sections of Chapter 74 - Offenses, shall remain unaffected.

Ordained this \_\_\_\_\_ day of \_\_\_\_\_, 2018. Effective upon publication.

\_\_\_\_\_  
Andrew Harris, Mayor

\_\_\_\_\_  
Cherilynn Mynsberge, City Clerk

I, Cherilynn Mynsberge, 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.

\_\_\_\_\_  
Cherilynn Mynsberge, City Clerk



## MEMORANDUM

Office of the City Manager

**DATE:** March 12, 2018

**TO:** Joseph A. Valentine, City Manager

**FROM:** Tiffany J. Gunter, Assistant City Manager

**SUBJECT:** Permit Rule Change: Valet Assist and Transient Parking 3 Hour Maximums

In the third week of March 2018, the City will undergo a major reconstruction of Old Woodward Avenue and will temporarily remove 130 on street parking spaces. Additionally, peak demand has historically been realized in May with the onset of consistently warmer weather and outdoor dining. In an effort to mitigate the impact on our transient parkers and ensure full utilization of the available roof top valet assist, the Advisory Parking Committee (APC) has made the following pair of recommendations for consideration by the City Commission.

Today, the five city structures in Birmingham have white lined spaces (transient parking) and yellow lined spaces (monthly parking) available for parking. Staff requested that SP+ monitor the structures over the course of two weeks to determine the average utilization for each section. Our goal is to maximize availability of the first level parking spaces within the decks. The following pair of recommendations, if approved by the Commission, would result in an increased capacity of 250 spaces in the existing structures and eliminate long term parking in the prime parking spaces, located on the first floors of each structure.

Table 1 below illustrates the existing spaces within the structures distinguishing between the transient and monthly parking spaces, the number of restricted parking spaces in three of the five structures, and the observed rates of utilization at 10 am.

**Table 1**

<b>Structure</b>	<b>Transient Parking Spaces (white lines)</b>	<b>Monthly Parking Spaces (yellow lines)</b>	<b>Restricted Parking Spaces (7AM to 9 or 10 AM)</b>	<b>%of Transient on average utilized at 10am</b>
Chester	425	560	0	100 %
N. Old Woodward	359	386	21	100 %
Park	348	463	31	90 %
Peabody	224	213	0	80 %
Pierce	370	336	270	70 %

We learned that the percentage of transient parking spaces that were utilized by 10 am ranged from 70-100%. Many of these vehicles remained parked throughout the day leaving the perception that there is no available parking in the structures throughout the day. Staff wants to increase overall capacity in the parking structures to mitigate the impact of the parking spaces that will be lost during construction and increase the availability of desirable parking to our daily visitors during this same period.

Further, we know from our monthly garage calendars that our Valet Assist services are not being utilized as expected. In January of 2018, the roof top valet parked a total of eight cars in the two decks where this service is currently available. During a period spanning five months in 2017 spanning from January – May we know that of the 149 days, none of the parking structures were reported as full for more than nine (9) days.

Staff asked SP+ to calculate the additional capacity that would be created in the structures if the roof top valet assist were being fully utilized. Table 2 below tells us that we could increase capacity by **250** spaces.

**Table 2**

<b><u>Structure</u></b>	<b><u>Total Rooftop Spaces – Self Park</u></b>	<b><u>Additional Valet Spaces</u></b>	<b><u>Total Rooftop Spaces – Valet Assist</u></b>
<u>Chester</u>	<u>132</u>	<u>75</u>	<u>207</u>
<u>N. Old Woodward</u>	<u>122</u>	<u>50</u>	<u>172</u>
<u>Park St.</u>	<u>247</u>	<u>50</u>	<u>297</u>
<u>Peabody</u>	<u>67</u>	<u>N/A</u>	<u>67*</u>
<u>Pierce St.</u>	<u>146</u>	<u>75</u>	<u>221</u>

**\*The rooftop at the Peabody structure does not accommodate valet assist.**

Based on the observations gathered in Tables 1 and 2, to the APC is asking the City Commission to consider a two part recommendation that will 1) open the most desired parking spaces for our transient parkers seeking to eat, dine, or recreate in the CBD while 2) simultaneously moving our monthly permit holders to higher levels within the parking structure and creating additional capacity during the reconstruction of Old Woodward.

Part 1 of the recommendation involves a change in strategy for the structures that will encourage greater turnover of parking spaces in the lower levels of the structure. Staff recommends that all garages will move away from the No Parking between 7 am and 9 am or 7 am and 10 am and replacing those signs with 3 hour maximum parking signs that exclude monthly permit holders from parking in these restricted spaces. A draft sign is attached at the end of this memo and would be applied in the structures as follows:

### **Chester Structure**

The Chester structure has 425 transient and 560 monthly parking spaces. On average at 10:00AM, approximately one hundred percent of the transient spaces are utilized; leaving only the roof and basement open for parking. Chester is a large monthly parking structure, which does not leave a lot of turn over for transient customers. The structure does not currently utilize

any restricted parking signage. Staff recommends adding restricted 3-hour parking/no monthly parking signage on the L1 ramp ascending into the structure, on the south side of the building (42 spaces). While adding 42 restricted parking spaces at Chester, where there are currently no time specific restrictions, we are simultaneously increasing capacity for our monthly parkers through valet assist with the additional 75 parking spaces.

#### **N. Old Woodward Structure**

The N. Old Woodward structure and lot has 359 transient and 386 monthly parking spaces. On average at 10:00AM, approximately one hundred percent of the transient spaces are utilized, leaving only the roof of the structure open for parking. The location includes 21 spaces on the surface lot that do not allow parking between 7:00 AM – 9:00 AM. Staff recommends adding restricted 3-hour parking/no monthly parking signage on the entire surface lot (156 spaces). There are currently 21 restricted parking spaces in the N. Old Woodward structure and we understand that increasing to 156 spaces is a substantial increase. Staff and SP+ agreed that communication and enforcement at this location would be difficult if there was an attempt to section off spaces within the existing surface lot. The assumption is that the need for transient parking within the structure would diminish as a result of this change in restricted parking and capacity would increase by 50 parking spaces with the use of valet assist. Staff would observe traffic flow to evaluate the success of the program and determine if the signage would need to be relocated inside of the structure after the initial roll out.

#### **Park Structure**

The Park Structure has 348 transient and 463 monthly parking spaces in the structure. On average at 10:00 AM, approximately ninety percent of the transient spaces are utilized, leaving only the upper levels of the structure open for parking. The structure has 31 spaces on the first level that do not allow parking between 7:00 AM-10:00 AM. Staff recommends adding restricted 3-hour parking/no monthly parking signage on the entire first floor (78 spaces). While adding 47 restricted parking spaces at Park, we are maintaining capacity for our monthly parkers through valet assist with the additional 50 spaces.

#### **Peabody Structure**

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#### **Pierce Structure**

The Pierce Structure has 370 transient and 336 monthly parking spaces in the structure. On average at 10:00 AM, approximately 70 percent of the transient spaces are being utilized, leaving only partial first and upper levels of the structure open for parking. The structure utilizes 270 spaces on the first and second level that do not allow parking between 7:00 AM – 9:00 AM. Staff recommends adding restricted 3-hour parking/no monthly parking signage on the first level of the Piece Street Side to the right (43 spaces) and left (3 spaces). Staff also recommends adding

restricted 3-hour parking/no monthly parking signage on the Pierce Brown side directly at the left entrance (8 spaces) and left side Level One Ramp B (23 spaces). Pierce would have a total of 77 restricted 3-hour/no monthly parking signage in the structure that accommodates both entrances. Staff recognizes that there are significantly fewer time restricted spaces for Pierce. Staff and SP+ agreed that adding signs over time, with observations to support the increase, would be easier than taking those spaces away due to an overly aggressive initial roll-out. Transient parkers will continue to have access to all levels in all of the decks.

These restrictions will create the need for heavy enforcement of each restricted area for a time to ensure the spaces are being used properly during the initial roll-out. Enforcement personnel will need to identify monthly parkers and track parking duration of the parkers in these spaces.

This would require SP+ to monitor and enforce the rules at these restricted spaces, which will require hiring additional staff. We recommend utilizing a team of 3 attendants to monitor the structures for a period of 3 months with the hours of enforcement being 8:00 AM to 4:00 PM Monday -Friday. This will result in additional payroll of approximately \$9,336 per month. After the initial three month period, the enforcement levels can be reduced to one attendant at a cost of approximately \$3,112.

Part II of the recommendation involves a modification to the existing rules that require the use of roof top valet assist for monthly permit parkers when the structure is full. This change would be rolled out along with the parking signage suggestions. Staff recommends changing the language on the monthly parking permit rules. Number 5 on the rules **currently** states the following:

**5. This permit authorizes parking only in designated areas on a first-come first serve basis.** Designated areas are striped with yellow lines. If no space is available in your designated area you may park in any available space in the structure. If the structure is full, you may park in designated areas in any other City Parking Structure (not surfaces lots).

To have the monthly parkers fully utilize their designated space in each structure staff would like to change the language to the following:

**5. This permit authorizes parking only in designated areas on a first-come first serve basis.** If all available spaces are full, you are required to use the rooftop valet service (if available) at no extra fee. If the rooftop valet is unavailable, you may park in designated areas in any other City Parking Structure. Parking spaces marked with a 3 hour time limit, as well as any parking meters on streets and surface lots do not qualify as monthly parking spaces at any time. Any monthly parker not utilizing the rooftop valet, when available, will be required to pay the daily rate at any other City Structure (except for permit holders at the Peabody structure, where valet assist is not available).

This recommendation will significantly increase the likelihood that transient spaces remain open for daily parkers and will help promote turnover when coupled with the time restrictions. Consistent and similar signage, enforcement, and change of rules in all the structures will give a more positive impression to daily parkers. Staff would work with SP+ to evaluate the

effectiveness of these changes, if implemented, so that upon the completion of the Old Woodward reconstruction project, the APC would have data to consider the possibility of issuing additional permits to address the growing waitlist.

We recognize that the overall recommendation represents a significant change in policy. If approved, SP+ will begin an intense communication push with our monthly permit holders. SP+ will send emails and instruct staff to pass out flyers to drivers as they enter and exit the structure for at least a week prior to the changes taking effect.

The total cost to implement these changes in the first three months is estimated to be \$33,768 through the remainder of this current fiscal year. (Signage is estimated at \$5,760 and enforcement costs for three months totaling \$28,008.) After three months, the on-going cost to maintain enforcement would be \$3,112.

#### SUGGESTED ACTION:

To approve the recommendation made by the APC for an expenditure of \$33,768 to be allocated equally between all garages from accounts #585-538.002-828.0100, #585-538.003-828.0100, #585-538.004-828.0100, #585-538.005-828.0100, and #585-538.008-828.0100 .to support the implementation of the restricted 3-hour parking/no monthly parking signage at all of the existing parking structures.

-- AND --

To modify the existing permit rules to require monthly permit holders to utilize the roof-top valet assist option through the completion of the Old Woodward reconstruction at which time the APC will evaluate the success of the initiative.

**1 - 12"w x 18"h white alum  
w/ black vinyl**



**1 - 12"w x 18"h white alum  
w/ black & red vinyl**





## MEMORANDUM

Office of the City Manager

**DATE:** March 7, 2018

**TO:** Advisory Parking Committee

**FROM:** Tiffany J. Gunter, Assistant City Manager

**SUBJECT:** Permit Rule Change: Valet Assist and Transient Parking 3 Hour Maximums

In the third week of March 2018, the City will undergo a major reconstruction of Old Woodward Avenue and will temporarily remove 130 on street parking spaces. Additionally, peak demand has historically been realized in May with the onset of consistently warmer weather and outdoor dining. In an effort to mitigate the impact on our transient parkers and ensure full utilization of the available roof top valet assist, staff has drafted the following recommendation for APC consideration. Today, the five city structures in Birmingham have white lined spaces (transient parking) and yellow lined spaces (monthly parking) available for parking. Staff requested that SP+ monitor the structures over the course of two weeks to determine the average utilization for each section. Our goal is to maximize availability of the first level parking spaces within the decks. The following pair of recommendations, if approved, would result in an increased capacity of 250 spaces in the existing structures and eliminate long term parking in the prime parking spaces, located on the first floors of each structure.

Table 1 below illustrates the existing spaces within the structures distinguishing between the transient and monthly parking spaces, the number of restricted parking spaces in three of the five structures, and the observed rates of utilization at 10 am.

**Table 1**

Structure	Transient Parking Spaces (white lines)	Monthly Parking Spaces (yellow lines)	Restricted Parking Spaces (7AM to 9 or 10 AM)	%of Transient on average utilized at 10am
Chester	425	560	0	100 %
N. Old Woodward	359	386	21	100 %
Park	348	463	31	90 %
Peabody	224	213	0	80 %
Pierce	370	336	270	70 %

We learned that the percentage of transient parking spaces that were utilized by 10 am ranged from 70-100%. Many of these vehicles remained parked throughout the day leaving the

perception that there is no available parking in the structures throughout the day. Staff wants to increase overall capacity in the parking structures to mitigate the impact of the parking spaces that will be lost during construction and increase the availability of desirable parking to our daily visitors during this period.

Further, we know from our monthly garage calendars that our Valet Assist services are not being utilized as expected. In January of 2018, the roof top valet parked a total of eight cars in the two decks where this service is currently available. During a period spanning five months in 2017 from January – May we know that of the 149 days, none of the parking structures were reported as full for more than nine (9) days.

Staff asked SP+ to calculate the additional capacity that would be created in the structures if the roof top valet assist were being fully utilized. Table 2 below tells us that we could increase capacity by **250** spaces.

**Table 2**

<b><u>Structure</u></b>	<b><u>Total Rooftop Spaces – Self Park</u></b>	<b><u>Additional Valet Spaces</u></b>	<b><u>Total Rooftop Spaces – Valet Assist</u></b>
<u>Chester</u>	<u>132</u>	<u>75</u>	<u>207</u>
<u>N. Old Woodward</u>	<u>122</u>	<u>50</u>	<u>172</u>
<u>Park St.</u>	<u>247</u>	<u>50</u>	<u>297</u>
<u>Peabody</u>	<u>67</u>	<u>N/A</u>	<u>67*</u>
<u>Pierce St.</u>	<u>146</u>	<u>75</u>	<u>221</u>

**\*The rooftop at the Peabody structure does not accommodate valet assist.**

Based on the observations gathered in Tables 1 and 2, staff would like the APC to consider a two part recommendation that will 1) open the most desired parking spaces for our transient parkers seeking to eat, dine, or recreate in the CBD while 2) simultaneously moving our monthly permit holders to higher levels within the parking structure and creating additional capacity during the reconstruction of Old Woodward.

Part 1 of the recommendation involves a change in strategy for the structures that will encourage greater turnover of parking spaces in the lower levels of the structure. Staff recommends that all garages will move away from the No Parking between 7 am and 9 am or 7 am and 10 am and replacing those signs with 3 hour maximum parking signs that exclude monthly permit holders from parking in these restricted spaces. A draft sign is attached at the end of this memo and would be applied in the structures as follows:

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Given APC's approval, staff requests that SP+ monitors and enforces these spaces, which will require hiring additional staff. We recommend utilizing a team of 3 attendants to monitor the structures for a period of 3 months with the hours of enforcement being 8:00 AM to 4:00 PM Monday -Friday. This will result in additional payroll of approximately \$9,336 per month. After the initial three month period, the enforcement levels can be reduced to one attendant at a cost of approximately \$3,112.

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The total cost to implement these changes in the first three months is estimated to be \$33,768 through the remainder of this current fiscal year. (Signage is estimated at \$5,760 and enforcement costs for three months totaling \$28,008.) After three months, the cost to maintain enforcement is \$3,112.

#### **SUGGESTED RECOMMENDATION:**

The Advisory Parking Committee recommends that the City Commission approves \$33,768 to support the implementation of the restricted 3-hour parking/no monthly parking signage at all of the existing parking structures and modification of the existing permit rules to require monthly permit holders to utilize the roof-top valet assist option with an ongoing enforcement cost of \$3,112 per month.

**1 - 12"w x 18"h white alum  
w/ black vinyl**



**1 - 12"w x 18"h white alum  
w/ black & red vinyl**





## **NOTICE OF INTENTION TO APPOINT TO ARCHITECTURAL REVIEW COMMITTEE**

At the meeting of Monday, April 9, 2018 the Birmingham City Commission intends to appoint one regular member to the Architectural Review Committee to serve a three-year term to expire April 11, 2021, and one regular member to serve the remainder of a three-year term to expire April 11, 2020. Members of this Committee will be appointed by the Commission. The Committee shall consist of three Michigan licensed architects who reside in the City of Birmingham.

The purpose of this committee is to review certain public improvement projects initiated by the City and referred to the committee by the City Manager or his/her designee. The Committee is expected to offer opinions as to what physical alterations or enhancements could be made to these projects in order to improve the aesthetic quality of the project and the City's overall physical environment.

Interested citizens may submit an application available at the City Clerk's Office or online at [www.bhamgov.org/boardopportunities](http://www.bhamgov.org/boardopportunities). Applications must be submitted to the City Clerk's office on or before noon on Wednesday, April 4, 2018. These applications will appear in the public agenda for the regular meeting at which time the City Commission will discuss recommendations, and may make nominations and vote on the appointments.

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

<b>Criteria/Qualifications of Open Position</b>	<b>Date Applications Due (by noon)</b>	<b>Date of Interview</b>
Michigan Licensed Architect & Resident of the City of Birmingham	4/4/18	4/9/18



## **NOTICE OF INTENTION TO APPOINT TO THE HOUSING BOARD OF APPEALS**

At the meeting of Monday, April 9, 2018, the Birmingham City Commission intends to appoint two regular members to the Housing Board of Appeals to serve three-year terms to expire May 4, 2021 and one regular member to serve the remainder of a three-year term to expire May 4, 2020. Members shall be educated or experienced in building, construction administration, social services, real estate or other responsible positions.

The Housing Board of Appeals was established in order to provide an appeal process from regulation derived from the housing and maintenance requirements found in Chapter 22 of the city code. The purpose of the housing and maintenance regulations is to protect, preserve and promote the physical and social well being of the people, to regulate privately and publicly owned dwellings for the purpose of maintaining adequate sanitation and public health.

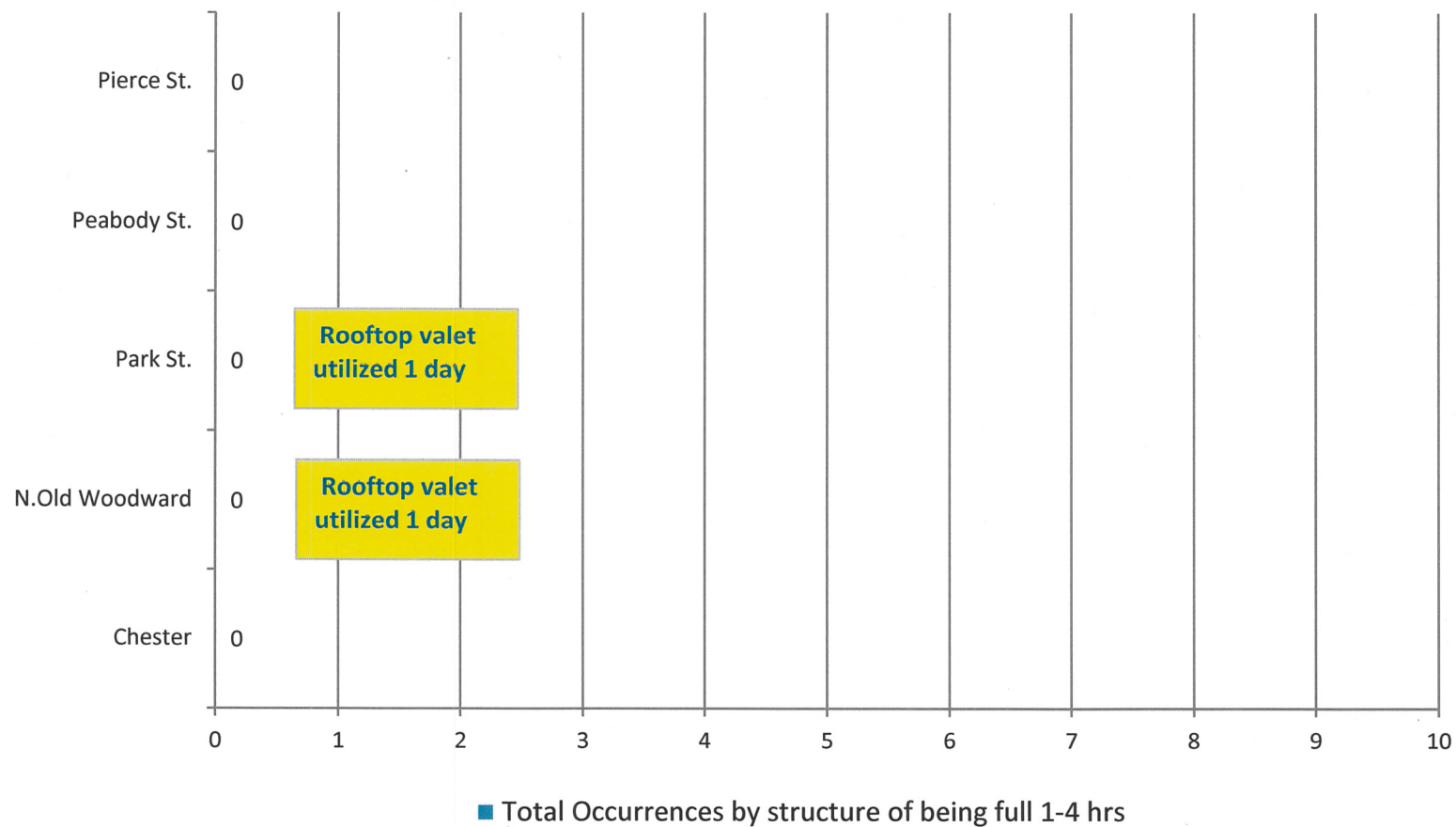
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<b>Criteria/Qualifications of Open Position</b>	<b>Date Applications Due (by noon)</b>	<b>Date of Interview</b>
Members shall be educated or experienced in building, construction administration, social services, real estate or other responsible positions.	04/04/18	04/09/18

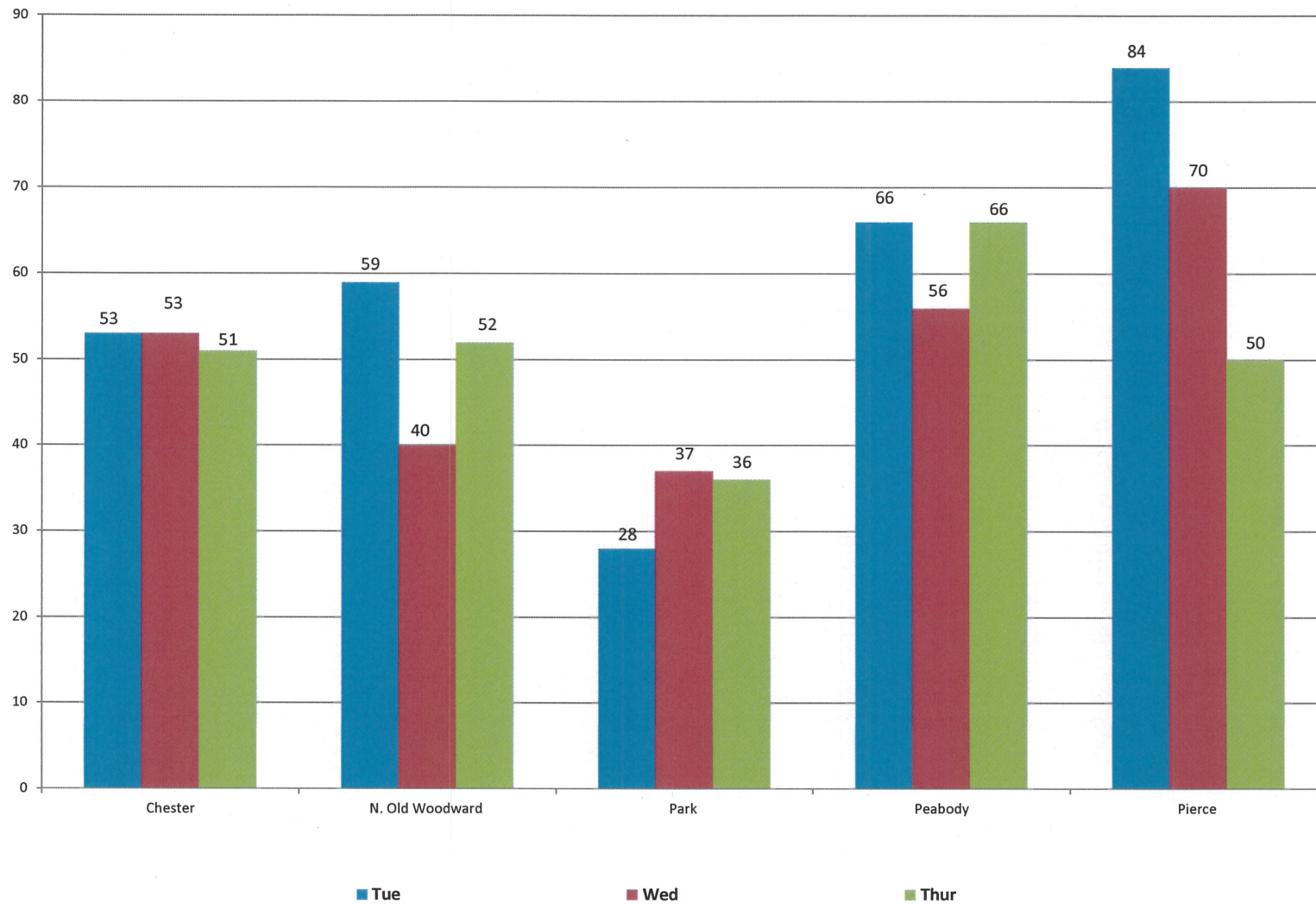
# Parking Full Status by Structure

February 2018 Business Days Only (M-Friday)

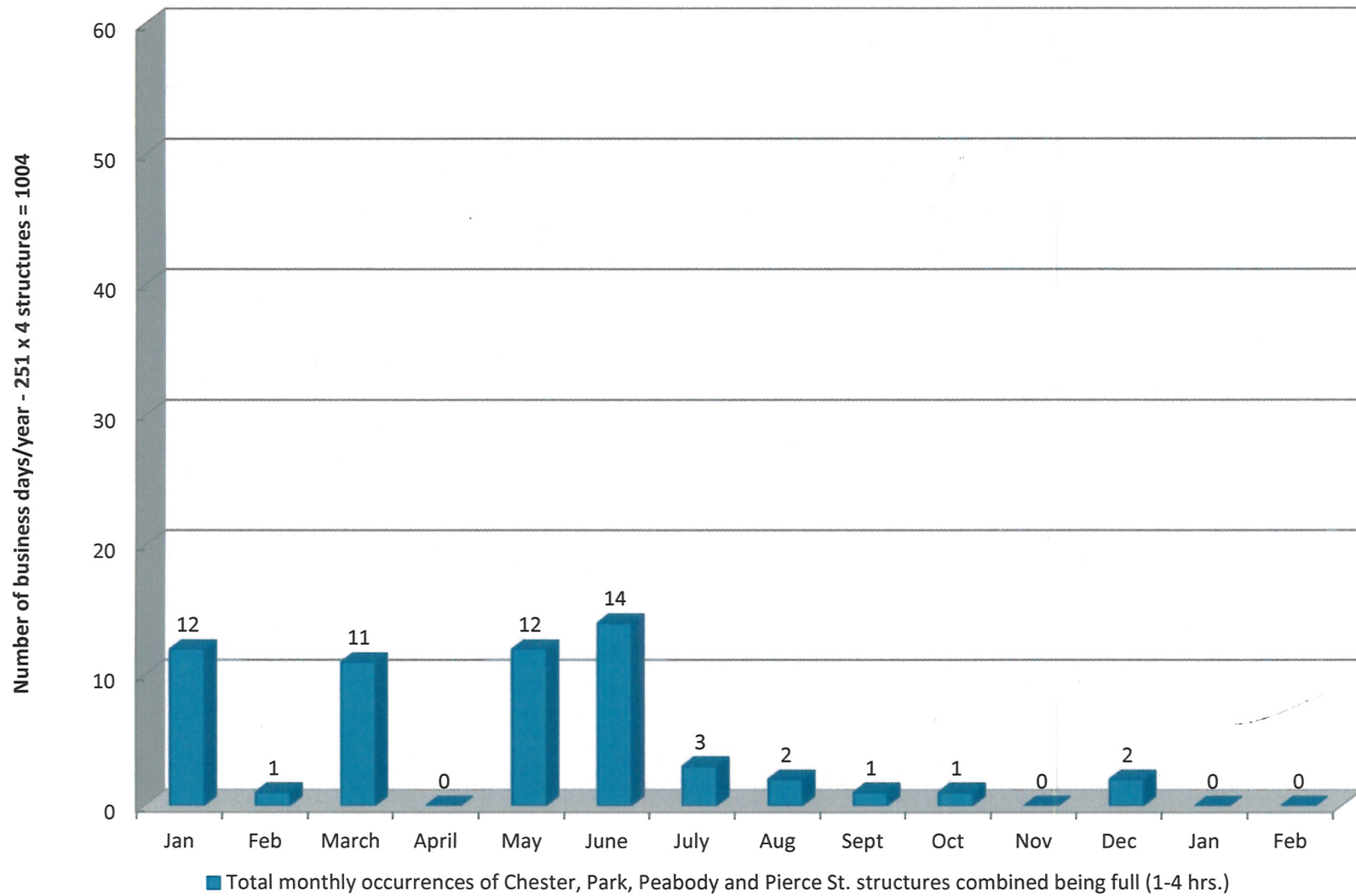


R10E1

## Structure Occupancy at 1 pm Tuesday-Thursday Average Available Spaces - February 2018

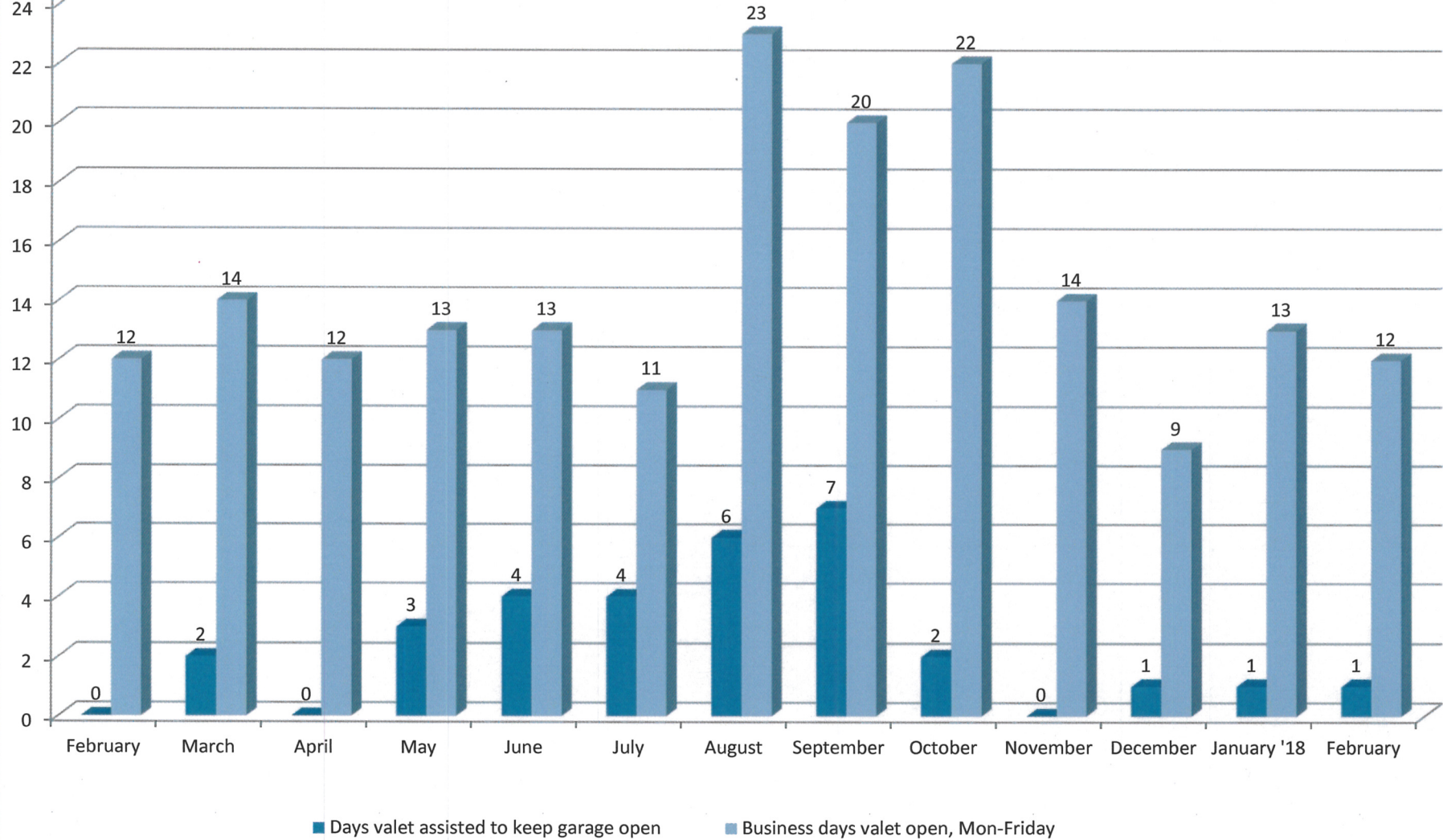


## 2017-18 Combined Parking Structure Full Status

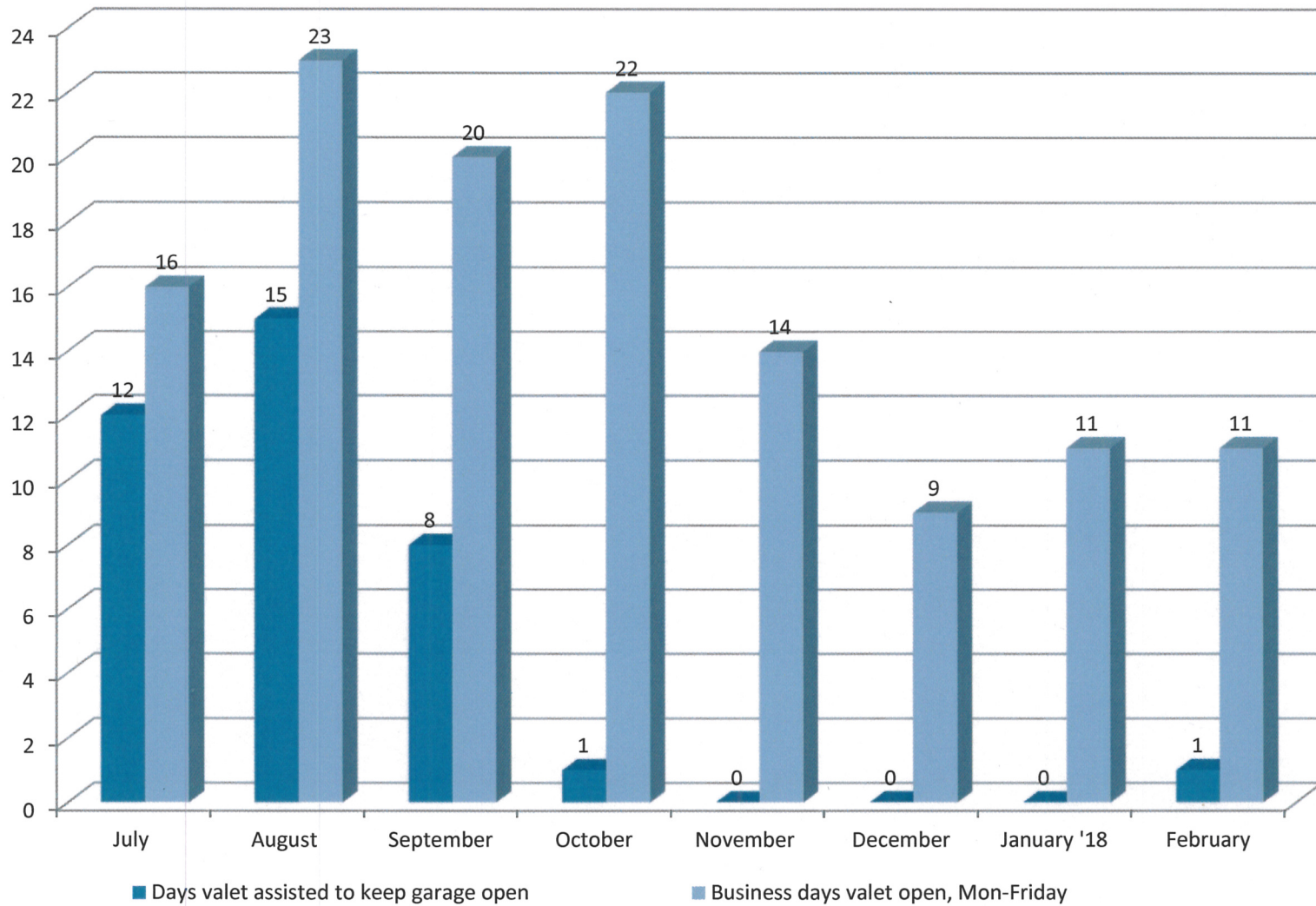


## N. Old Woodward Structure

### Valet Assist Data - February 2017- February 2018

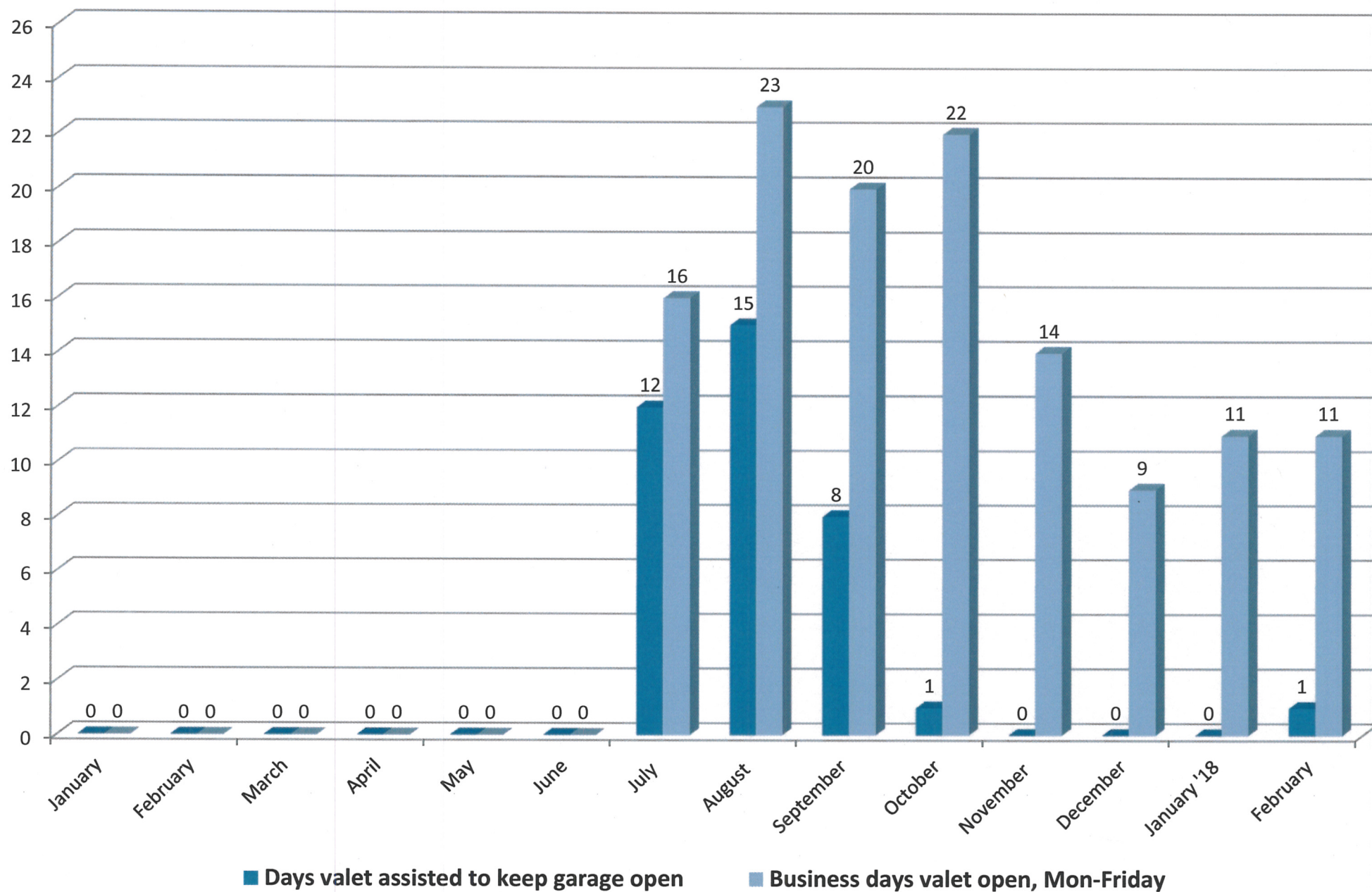


## Park Street Structure Valet Assist Data - July 2017 - February 2018



# Park Street Structure

## Valet Assist Data - January 2017 - February 2018





February 15, 2018

Ms. Cherilynn Brown, Clerk  
City of Birmingham  
151 Martin St.  
Birmingham, MI 48012-3001

Dear Ms. Brown:

As part of Comcast's commitment to keep you informed about important developments that affect our customers in your community. I am writing to notify some changes to the channel lineup. Customers are being notified of these changes via bill message.

Beginning March 28, 2018, Oxygen will move from channel 123 to channel 68 on Digital Starter.

Also, beginning April 10, 2018, Great American Country (GAC) will no longer be available on Digital Starter it will now be available on the Digital Preferred Tier. MAV TV will no longer be available as part of our channel lineup.

As always, feel free to contact me directly at 734-254-1557 with any questions you may have.

Sincerely,

Kyle W. Mazurek  
Manager of External Affairs  
Comcast, Heartland Region  
41112 Concept Drive  
Plymouth, MI 48170

**INFORMATION ONLY**

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**Public invited to offer input for the 2045 Regional Transportation Plan; meeting scheduled for March 21 in Waterford**

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Dingell, Cindy <cdingell@rcoc.org>  
To: "Dingell, Cindy" <cdingell@rcoc.org>  
Cc: "Bryson, Craig" <cbryson@rcoc.org>

Thu, Feb 22, 2018 at 2:38 PM



## **PRESS RELEASE PRESS RELEASE**

**FOR IMMEDIATE RELEASE: Feb. 22, 2018**



**Contact:** Craig Bryson, Public Information Officer, (248) 645-2000, ext. 2302 (e-mail: [cbryson@rcoc.org](mailto:cbryson@rcoc.org))

**Visit RCOC online at** [www.rcocweb.org](http://www.rcocweb.org)

### **PUBLIC INVITED TO OFFER INPUT FOR 2045 REGIONALTRANSPORTATION PLAN**

**Beverly Hills, Mich.** — Have an idea about which county roads should be improved over the next 25 years? If so, the Road Commission for Oakland County (RCOC), Oakland County Federal Aid Committee (FAC) and the Southeast Michigan Council of Governments (SEMCOG) invite you to the 2045 Regional Transportation Plan public input meeting on March 21.

The meeting will run from 3 p.m. to 6 p.m. and will take place at the Oakland County Executive Conference Center, 2100 Pontiac Lake Road, Building 41 West, Waterford Township, MI 48328. Anyone interested can offer input at any time during the meeting (you don't need to be present the entire time).

At the meeting, RCOC and SEMCOG staff will explain the 2045 regional transportation planning process, which is mandated by state and federal laws, and receive public input. There will not be a formal presentation.

The Long-Term Regional Transportation Plan, which is updated every five years, is intended to be a "blueprint" for transportation planning in the region. In addition to RCOC roads, the 2045 Regional Transportation Plan also includes capacity projects on eligible roads under the jurisdiction of many Oakland County cities and villages. Federal funds can only be used on road projects listed in the plan.

A [map](http://www.rcocweb.org/DocumentCenter/View/2051) of federal aid eligible roads in Oakland County can be found at: <http://www.rcocweb.org/DocumentCenter/View/2051>

Once RCOC has completed its 2045 road-improvement list, it will be submitted to SEMCOG for approval and will then become part of the 2045 Regional Transportation Plan.

"It is critically important that the public participate in this process and help us shape Oakland County's portion of the 2045 Regional Transportation Plan," RCOC Managing Director Dennis Kolar stated. "Infrastructure investment is on the national agenda in Washington, so this is a great time to share your input, and we want to hear from you."

## **INFORMATION ONLY**

In addition to attending this public meeting, anyone can offer input into the 2045 Regional Transportation Plan via the Website, e-mail, phone call or letter. Further information and an on-line comment form can be found at <http://www.oaklandFAC.org/rtp>

E-mails and phone calls should be directed to RCOC's Department of Customer Services (DCS) at [dcsmail@rcoc.org](mailto:dcsmail@rcoc.org) or 877-858-4804.

Written comments can also be mailed to:

Road Commission for Oakland County  
Department of Planning and Environmental Concerns  
31001 Lahser Road  
Beverly Hills, MI 48025  
Email: [splumer@rcoc.org](mailto:splumer@rcoc.org)

All comments must be received by RCOC by March 21, 2018.

--- # # # ---

***Cindy Nocerini Dingell***

Public Information Manager  
Road Commission for Oakland County  
31001 Lahser Road  
Beverly Hills, MI 48025  
[248-645-2000](tel:248-645-2000) (ext. 2310)



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**2 attachments**



**2045 RTP.pdf**  
294K



**Public Meeting Flyer.pdf**  
2840K



February 22, 2018

Laura Broski City of Birmingham  
Birmingham  
First Floor  
Birmingham, MI 48009-3368

Dear Laura,

At WOW!, we work hard to ensure that our customers receive Internet, cable and phone services at a fair and competitive price by carefully managing our business costs.

Unfortunately, we are limited in our ability to directly control some of our costs, most notably the license fees we pay to the cable and broadcast networks. TV programming is our single largest expense and every year demands from broadcasters and large media conglomerates get more extreme.

To help keep pace with these costs, the rates for cable service will be adjusted with the April 1, 2018 billing cycle.

#### Residential Customers

- The majority of our bundled residential customers will experience an monthly increase of: \$7.00-\$10.00.
- Customers with cable services a la carte will receive a monthly increase listed below based on the level of service they subscribe to:
 

Medium/Basic Cable:	\$7.00
Digital Basic Cable:	\$7.00
Large/Digital Signature Cable:	\$7.00
- Customers who subscribe to cable will receive a Broadcast TV Fee monthly increase of \$2.00.

#### Business Customers

- Customers with cable services will receive a monthly increase listed below based on the level of service they subscribe to:
 

Basic Cable:	\$7.00
Expanded Basic Cable:	\$7.00
- Customers who subscribe to cable will receive a Broadcast TV Fee monthly increase of \$2.00.

In addition, we are continuously updating our network in order to meet the ever increasing needs our customers have when it comes to the Internet. As usage of streaming services continues to grow and more and more devices in the home are online competing for connectivity, we must work continually to improve our capacity, protect our network, ensure reliability and generally provide the best level of service at the best possible price.

While these efforts have resulted in our being consistently ranked as a top ISP (Internet Service Provider), the costs to deliver and support Internet services is increasing.

To help keep pace with these costs, certain Internet speed rates will also be adjusted with the April 1, 2018 billing cycle.

#### Residential Customers

- Customers with Internet service a la carte with speeds up to 110Mbps will receive a monthly increase of \$5.00.

All customers will receive a notice based on their current level of service. Samples of the letters are enclosed.

Thank you for your continued support and cooperation. If you have any questions, please contact me at 248-677-9080.

Sincerely,

Terrell Priester  
**Everyone's Friend, Family Focused, Sports Fan**  
Director of Operations of WOW! Southeast Michigan  
WOW! Internet, Cable and Phone  
Enclosures

**INFORMATION ONLY**



## IMPORTANT INFORMATION ABOUT YOUR WOW! BILL

We know that you expect value for your money when it comes to Internet, cable and phone services. As an independent provider, we also know that keeping our services reliable and fair is what keeps our customers happy. However, each year the licensing fees WOW! is charged by the networks to deliver our customers' favorite broadcast and cable networks continue to rise dramatically.

TV programming is WOW!'s single largest expense and every year demands from broadcasters and large media conglomerates get more extreme. In fact, the rates WOW! pays to carry cable and broadcast TV channels are expected to rise approximately 35% in the next five years.

As a result of these cost increases, the price for your WOW! service will increase **\$7.00** per month, effective with next month's bill statement. In addition, the price for the WOW! Broadcast TV Fee will also increase **\$2.00** per month.

We are committed to doing everything in our power to negotiate with broadcast and cable networks for reasonable rates so that we can minimize our price adjustments. If you would like to better understand the cost of cable programming, please visit [www.wowway.com/aboutprogramming](http://www.wowway.com/aboutprogramming).

We are grateful to be your Internet, cable and phone provider and we'll keep working to earn the privilege of serving you. Thank you for choosing WOW!.

Pricing for WOW! Services excludes taxes, fees (such as applicable franchise, PEG and right-of-way access fees), the Network Line Fee/Subscriber Line Charge, the Broadcast TV Fee, Sports Surcharge, government program related fees (such as applicable 911 fees, and USF and TRS charges), additional equipment, installation and service call charges, and usage-based charges.  
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# Important Information

## About Your WOW! Bill



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We are grateful to be your Internet, cable and phone provider and we'll keep working to earn the privilege of serving you. Thank you for choosing WOW!.

# Important Information

## About Your WOW! Bill



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TV programming is WOW!'s single largest expense and every year demands from broadcasters and large media conglomerates get more extreme. In fact, the rates WOW! pays to carry cable and broadcast TV channels are expected to rise approximately 35% in the next five years.

As a result of these cost increases, the price for your WOW! service will increase **\$7.00** per month, effective with next month's bill statement. In addition, the price for the WOW! Broadcast TV Fee will also increase **\$2.00** per month.

As you know, your WOW! statement includes a monthly senior discount. This discount will continue to appear on your statement per its original terms.

We are committed to doing everything in our power to negotiate with broadcast and cable networks for reasonable rates so that we can minimize our price adjustments. If you would like to better understand the cost of cable programming, please visit [www.wowway.com/aboutprogramming](http://www.wowway.com/aboutprogramming).

We are grateful to be your Internet, cable and phone provider and we'll keep working to earn the privilege of serving you. Thank you for choosing WOW!.

# Important Information

## About Your WOW! Bill



We know that you expect value for your money when it comes to Internet, cable and phone services. As an independent provider, we also know that keeping our services reliable and fair is what keeps our customers happy. However, each year the licensing fees WOW! is charged by the networks to deliver our customers' favorite broadcast and cable networks continue to rise dramatically.

TV programming is WOW!'s single largest expense and every year demands from broadcasters and large media conglomerates get more extreme. In fact, the rates WOW! pays to carry cable and broadcast TV channels are expected to rise approximately 35% in the next five years.

As a result of these cost increases, the price for your WOW! bundled services including cable will increase **\$7.00** per month, effective with next month's bill statement. In addition, the price for the WOW! Broadcast TV Fee will also increase **\$2.00** per month.

We are committed to doing everything in our power to negotiate with broadcast and cable networks for reasonable rates so that we can minimize our price adjustments. If you would like to better understand the cost of cable programming, please visit [www.wowway.com/aboutprogramming](http://www.wowway.com/aboutprogramming).

We are grateful to be your Internet, cable and phone provider and we'll keep working to earn the privilege of serving you. Thank you for choosing WOW!.

# Important Information

## About Your WOW! Bill



We know that you expect value for your money when it comes to Internet, cable and phone services. As an independent provider, we also know that keeping our services reliable and fair is what keeps our customers happy. However, each year the licensing fees WOW! is charged by the networks to deliver our customers' favorite broadcast and cable networks continue to rise dramatically.

TV programming is WOW!'s single largest expense and every year demands from broadcasters and large media conglomerates get more extreme. In fact, the rates WOW! pays to carry cable and broadcast TV channels are expected to rise approximately 35% in the next five years.

As a result of these cost increases, the price for your WOW! bundled services including cable will increase **\$9.00** per month, effective with next month's bill statement. In addition, the price for the WOW! Broadcast TV Fee will also increase **\$2.00** per month.

We are committed to doing everything in our power to negotiate with broadcast and cable networks for reasonable rates so that we can minimize our price adjustments. If you would like to better understand the cost of cable programming, please visit [www.wowway.com/aboutprogramming](http://www.wowway.com/aboutprogramming).

We are grateful to be your Internet, cable and phone provider and we'll keep working to earn the privilege of serving you. Thank you for choosing WOW!.

## Important Information About Your WOW! Bill



We know that you expect value for your money when it comes to Internet, cable and phone services. As an independent provider, we also know that keeping our services reliable and fair is what keeps our customers happy. However, each year the licensing fees WOW! is charged by the networks to deliver our customers' favorite broadcast and cable networks continue to rise dramatically.

TV programming is WOW!'s single largest expense and every year demands from broadcasters and large media conglomerates get more extreme. In fact, the rates WOW! pays to carry cable and broadcast TV channels are expected to rise approximately 35% in the next five years.

As a result of these cost increases, the price for your WOW! bundled services including cable will increase **\$10.00** per month, effective with next month's bill statement. In addition, the price for the WOW! Broadcast TV Fee will also increase **\$2.00** per month.

We are committed to doing everything in our power to negotiate with broadcast and cable networks for reasonable rates so that we can minimize our price adjustments. If you would like to better understand the cost of cable programming, please visit [www.wowway.com/aboutprogramming](http://www.wowway.com/aboutprogramming).

We are grateful to be your Internet, cable and phone provider and we'll keep working to earn the privilege of serving you. Thank you for choosing WOW!.

## Important Information

### About Your WOW! Bill



We know that you expect value for your money when it comes to Internet service. As an independent provider, we also know that keeping our services reliable and fair is what keeps our customers happy.

To deliver the best possible product, we are continuously updating our network in order to meet the ever increasing needs our customers have when it comes to the Internet. As usage of streaming services continues to grow and more and more devices in the home are online competing for connectivity, we must work continually to improve our capacity, protect our network, ensure reliability and generally provide the best level of service at the best possible price.

While these efforts have resulted in our being consistently ranked as a top ISP (Internet Service Provider), the costs to deliver and support Internet services is increasing. As a result, the price for your WOW! service will increase **\$5.00** per month, effective with next month's bill statement.

We are committed to working tirelessly to provide you with reliable, fast Internet services and we will do everything in our power to minimize price adjustments in the future. We know your time and money is hard-earned and we'll keep working to earn the privilege of serving you in the future. For more information about the cost of providing Internet service, please visit [www.wowway.com/aboutprogramming](http://www.wowway.com/aboutprogramming).

Thank you for choosing WOW!.