



**CITY COMMISSION MEETING AGENDA
MAY 14, 2018
7:30 PM**



Municipal Building, 151 Martin, Birmingham, MI 48009

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BIRMINGHAM CITY COMMISSION AGENDA
MAY 14, 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:

- The Celebrate Birmingham Parade and Party will be held Sunday, May 20th. The parade starts at 1:00 p.m., rain or shine, at the corner of S. Old Woodward and Frank and continue to Brown, Pierce, Martin, and Bates. The parade will be immediately followed by the Party in Shain Park with entertainment, games, food and fun for the entire family.
- Presentation of Birmingham Museum Artifacts

Appointments:

- A. Interviews for the Board of Building Trades Appeals
 - 1. David Force
 - 2. Bradley Klein
 - 3. Ronald White
- B. Appointments to the Board of Building Trades Appeals
 - 1. To appoint _____ to the Board of Building Trades Appeals as a regular member to serve a three-year term to expire May 23, 2021.
 - 2. To appoint _____ to the Board of Building Trades Appeals as a regular member to serve a three-year term to expire May 23, 2021.
 - 3. To appoint _____ to the Board of Building Trades Appeals as a regular member to serve the remainder of a three-year term to expire May 23, 2019.
- C. Interview for Brownfield Redevelopment Authority
 - 1. Wendy Zabriskie
- D. Appointment to Brownfield Redevelopment Authority
 - 1. To concur in the Mayor's appointment of _____ to the Brownfield Redevelopment Authority as a regular member to serve a three-year term to expire May 23, 2021.
- E. Interviews for Multi-Modal Transportation Board
 - 1. Doug White
- F. Appointments to Multi-Modal Transportation Board

1. To appoint _____ to the Multi-Modal Transportation Board as an alternate member to serve the remainder of a three-year term to expire October 27, 2019.
 2. To appoint _____ to the Multi-Modal Transportation Board as a regular member to serve a three-year term to expire March 24, 2021.
- G. Interviews for Planning Board
1. Jason Emerine
- H. Appointment to Planning Board
1. To appoint _____ to the Planning Board as an alternate member to serve the remainder of a three-year term to expire November 2, 2020.
- I. Interview for Cablecasting Board
1. George Abraham
- J. Appointment to Cablecasting Board
1. To appoint _____ to the Cablecasting Board as a regular member to serve the remainder of a three-year term to expire March 30, 2021.
- 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. Resolution approving the City Commission meeting minutes of April 23, 2018.
- B. Resolution approving the City Commission budget hearing minutes of April 28, 2018.
- C. Resolution approving the City Commission special meeting minutes of April 28, 2018.
- D. Resolution approving the warrant list, including Automated Clearing House payments, dated April 25, 2018 in the amount of \$562,763.31 .
- E. Resolution approving the warrant list, including Automated Clearing House payments, dated May 2, 2018 in the amount of \$539,780.51.
- F. Resolution approving the warrant list, including Automated Clearing House payments, dated May 9, 2018 in the amount of \$781,428.52.
- G. Resolution accepting the resignation of Michael Surnow from the Multi-Modal Transportation Board as a Regular Member, thanking him for his service, and directing the City Clerk to begin the process of filling the vacancy.
- H. Resolution accepting the resignation of Cheryl Daskas from the Birmingham Shopping District Board, thanking her for her service, and directing the City Clerk to begin the process of filling the vacancy.
- I. Resolution accepting the resignation of Rachel A. Woods from the Birmingham Shopping District Board, thanking her for her service, and directing the City Clerk to begin the process of filling the vacancy.
- J. Resolution approving the attached Resolution requesting reimbursement for the maximum allotment of \$2,648.39 for eligible mosquito control activity under the Oakland County's West Nile Virus Fund Program.

- K. Resolution approving the purchase of uniforms with Contractors Clothing Company for the total amount not to exceed \$9,000 for fiscal year 2018-2019. Funds are available for this in the Public Services - Uniform Allowance account # 101-441.002-743.0000.
- L. Resolution setting Monday, June 4, 2018 at 7:30 PM for a public hearing to consider a Special Land Use Permit Amendment for 209 Hamilton Row/250 N Old Woodward – Emagine Palladium, to allow for the renovation and installation of a 35 seat private viewing theater.
- M. Resolution setting Monday, June 4, 2018 at 7:30 PM for a public hearing to consider the proposed lot combination of 736 & 760 Pleasant.
- N. Resolution awarding the 2018 Sidewalk Trip Hazard Elimination Program, Contract #6-18(SW) to Precision Concrete, Inc., in the amount of \$48,000.00, to be charged to the Sidewalk Fund, account number 101-444.001-981.0100, contingent upon execution of the agreement and meeting all insurance requirements. Further, approving an amendment to the 2017-18 Fiscal Year Budget as follows:
Sidewalk Fund

Revenues:		
Draw from Fund Balance	#101-000.000-400.0000	\$48,000
Total Revenue Adjustments		\$48,000
Expenditures:		
Public Improvements	#101-444.001-981.0100	\$48,000
Total Expenditure Adjustments		\$48,000
- O. Resolution authorizing the purchase of the one model #D6626-1 bus shelter from account 401-901.020-971.0100 in the amount of \$21,927 from Enseicom, and further, waiving the normal bidding requirements as Enseicom is a sole source vendor for this product.
- P. Resolution awarding the contract for the Native Wet Meadow Planting Project to Cardno, Inc. in the amount not to exceed \$16,720.00. Funds are available in the Parks - Other Contractual Services account, #101-751.000-811.0000 for this project. Further, authorizing the Mayor and Clerk to sign the agreement on behalf of the City upon the receipt of required insurances.

V. UNFINISHED BUSINESS

VI. NEW BUSINESS

- A. Public Hearing to consider necessity for improvement – 2018 Cape Seal project-Public Street Improvement
 - 1. Resolution determining necessity for the improvement to be known as 2018 Cape Seal Program-Public Street Improvement; further, approving the cost estimates submitted by the Department of Public Services; further, creating a special assessment district and special assessments levied in accordance with benefits against the subject properties; further that the following method of assessment be adopted: 85% of front-foot costs for improvement are assessed on all property fronting the improvement; 25% of side-foot costs for improvement are assessed on all residential property siding the improvement;

85% of side-foot costs for improvement are assessed on improved business property siding the improvement and; 25% of side-foot costs for improvement are assessed on vacant business property siding on the improvement; further, directing the City Manager to prepare the special assessment roll and present the same to the City Commission for confirmation at the public hearing on Monday, June 4, 2018 at 7:30 p.m.

- B. Public Hearing to consider the Special Land Use Permit & Final Site Plan Review-260 N. Old Woodward-The Morrie (complete Resolution in agenda packet)
 - 1. Resolution approving the Special Land Use Permit & Final Site Plan Review for 260 N. Old Woodward – The Morrie, to allow the operation of a restaurant, serving alcoholic liquors, and providing live entertainment.
- C. Public Hearing to consider Zoning Ordinance amendments to Bistro Ordinance
 - 1. Resolution approving the following amendments to the Zoning Ordinance as recommended by the Planning Board on April 11, 2018:
 - 1. Article 3, Section 3.04(C)(10), Specific Standards, Building Use, amending the regulations for a bistro in the Downtown Overlay District.
 - 2. Article 5, Section 5.06(A), O1 – Office District, Specific Standards, Building Use, amending the regulations for a bistro in the O1 District.
 - 3. Article 5, Section 5.07(A), O2 – Office Commercial District, Specific Standards, Building Use, amending the regulations for a bistro in the O2 District.
 - 4. Article 5, Section 5.08(A), P – Parking District, Specific Standards, Building Use, amending the regulations for a bistro in the P District.
 - 5. Article 5, Section 5.10(B), B2 – General Business district, B2B – General Business District, B2C – General Business District, Specific Standards, Building Use, amending the regulations for a bistro in the B2B District.
 - 6. Article 5, Section 5.11(A), B3 – Office-Residential District, Specific Standards, Building Use, amending the regulations for a bistro in the B3 District.
 - 7. Article 5, Section 5.12(B), B4 – Business-Residential District, Specific Standards, Building Use, amending the regulations for a bistro in the B4 District.
 - 8. Article 5, Section 5.13, MX(C) – (M) – Mixed Use District, Specific Standards, Building Use, adding regulations for a bistro in the MX District and renumber regulations following (C).
 - 9. Article 9, Section 9.02, Definitions, to amend the existing definition of bistro.
- D. Public Hearing to consider ordinance amendments to allow hotel liquor licenses in B-4 Zoning District
 - 1. Resolution amending Chapter 10, Alcoholic Liquors, Article II, Division 5, to allow hotels in Downtown Birmingham to qualify to operate with liquor licenses, similar to theaters;
 - AND**
 - 2. Resolution amending Chapter 126, Zoning, Article 2, section 2.37, B-4 Business Residential, to allow the sale of liquor in hotels in the B-4 zoning district with a valid Special Land Use Permit.

OR

3. Resolution taking no action at this time.

E. Resolution approving a request submitted by Birmingham First United Methodist Church requesting permission to hold a contemporary worship service with a live band and message on Sunday, July 15, 2018 in the Shain Park pavilion and lawn area, 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 establishing an Ad Hoc Master Plan Selection Committee for the duration of the consultant selection process to review all Master plan RFP submittals and make a recommendation to the City Commission, with the following members:

Three (3) Planning Board members

Two (2) City residents

One (1) Multi-Modal Transportation Board member

One (1) Advisory Parking Committee member

One (1) Parks and Recreation Board member

One (1) Design Review Board/Historic District Commission member

OR

Resolution directing the Planning Board to review all Master Plan RFP submittals and make a recommendation to the City Commission.

G. Resolution approving the installation of 9 U Rack embedded bike racks and the purchase and installation of 8 Loop embedded bike racks as outlined on the attached chart and map of Phase 4 of the City's Bicycle Parking Plan, for a total cost of \$3240 from account #721.000-825.0000;

AND

Resolution approving the following as the City-wide standard bicycle maintenance station components:

1. Fixit bicycle maintenance station with a Hunter Green powder coat finish;
2. Air Kit 2 public bike pump with a Hunter Green powder coat finish; and
3. Dero Bicycle Repair signs;

AND

Resolution approving the purchase and installation of four bicycle repair stations, including four fixit stations (\$2808), four air pumps (\$1624), and four Dero Bicycle Repair signs (\$128) at the locations noted in Booth Park, Quarton Lake Park, Shain Park, and Kenning Park, for a total expenditure of \$4,819.50 from account #721.000-825.0000.

H. Resolution accepting the bid from Johnson Sign Co. and authorizing the allocation of \$7,800.00 from account #101-721.000-825.0100 for the purpose of the fabrication and installation of via wayfinding signs.

I. Resolution approving the recommendations of the Public Arts Board and Parks and Recreation Board to accept a 5-year loan of Eastern Hophornbeam, by Robert Lobe, and approving the proposed located at Booth Park;

AND

Resolution approving the Access and Maintenance Agreement with Robert Lobe and further directing the Mayor and City Clerk to sign the agreement on behalf of the City;

OR

Resolution postponing approval of Eastern Hophornbeam until a suitable location has been identified;

OR

Resolution recommending denial of the proposed loan of Eastern Hophornbeam by Robert Lobe.

VII. REMOVED FROM CONSENT AGENDA

VIII. COMMUNICATIONS

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

X. REPORTS

- A. Commissioner Reports
 - 1. Notice of Intention to appoint one regular member to the Board of Ethics on June 4, 2018.
 - 2. Notice of Intention to appoint three regular members to the Greenwood Cemetery Advisory Board on June 4, 2018.
 - 3. Notice of Intention to appoint the alternate Hearing Officer on June 4, 2018.
 - 4. Notice of Intention to appoint four regular members to the Historic District Study Committee on June 4, 2018.
 - 5. Notice of Intention to appoint two regular members to the Museum Board on June 4, 2018.
 - 6. Notice of Intention to appoint one regular member to the Multi-Modal Transportation Board on June 4, 2018.
 - 7. Notice of Intention to interview for two positions on the Birmingham Shopping District Board on June 4, 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.

XI. ADJOURN

INFORMATION ONLY

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

Las personas que requieren alojamiento, tales como servicios de interpretación, la participación efectiva en esta reunión deben ponerse en contacto con la Oficina del Secretario Municipal al [\(248\) 530-1880](tel:2485301880) por lo menos el día antes de la reunión pública. (Title VI of the Civil Rights Act of 1964).



NOTICE OF INTENTION TO APPOINT TO BOARD OF BUILDING TRADES APPEAL

At the regular meeting of Monday, May 14, 2018 the Birmingham City Commission intends to appoint to the Board of Building Trades Appeals two regular members to serve three-year terms to expire May 23, 2021, and one regular member to serve the remainder of a three-year term to expire May 23, 2019. Applicants shall be qualified by experience or training.

Interested citizens may submit an application available at the City Clerk's office or online at www.bhamgov.org/boardopportunities. Applications must be submitted to the City Clerk's office on or before noon on Wednesday, May 9, 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.

The Board of Building Trades Appeal hears and grants or denies requests for variances from strict application of the provisions of the Michigan Building, Residential, Mechanical and Plumbing Codes and the National Electrical Code. The board will decide on matters pertaining to specific code requirements related to the construction or materials to be used in the erection, alteration or repair of a building or structure.

NOTE: Attendance records are not included in this report because the Board has not met since before 2015.

Applicant(s) Presented For City Commission Consideration:

Applicant Name	Criteria/Qualifications
	Applicants shall be qualified by experience or training.
David Force	Builder
Bradley Klein	Electrician
Ronald White	Electrical Contractor

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

SUGGESTED ACTION:

To appoint _____ to the Board of Building Trades Appeals as a regular member to serve a three-year term to expire May 23, 2021.

To appoint _____ to the Board of Building Trades Appeals as a regular member to serve a three-year term to expire May 23, 2021.

To appoint _____ to the Board of Building Trades Appeals as a regular member to serve the remainder of a three-year term to expire May 23, 2019.



BOARD OF BUILDING TRADES APPEALS

Chapter 22, Article II, 1972 PA 230, MCL 125.1514

Members shall be qualified by experience or training (such as Architect, Engineer, Mechanical Engineer, Building Contractor, Electrical Contractor, Plumbing Contractor, Heating Contractor, and Refrigeration Contractor).

Term: Three years – 6 members

The Board of Building Trades Appeal hears and grants or denies requests for variances from strict application of the provisions of the Michigan Building, Residential, Mechanical and Plumbing Codes and the National Electrical Code. The board will decide on matters pertaining to specific code requirements related to the construction or materials to be used in the erection, alteration or repair of a building or structure.

Last Name	First Name	Home Business	E-Mail	Appointed	Term Expires
Force	David	(248) 644-1724		12/11/2006	5/23/2018
1099 N. Cranbrook				Building Contractor	
Bloomfield Hills	48301		<i>force0621@ameritech.net</i>		
Mando	Dennis	(248) 767-0515		1/30/2006	5/23/2020
5310 Heron Cove		(248) 669-4338		Heating Contractor	
Beaverton	48612		<i>denny@dennysonline.com</i>		
Stahelin	Benjamin	(248) 210-7764		2/22/2016	5/23/2020
1832 East Lincoln					
Birmingham	48009		<i>stahelinbenjamin@gmail.com</i>		
VACANT					5/23/2019
White	Ronald	(248) 543-5532		7/15/1991	5/23/2018
1898 Tahquamenon		(810) 543-5532		Electrical Contractor	
Bloomfield Hills	48302		<i>offices@rdwhiteco.com</i>		

MAR 29 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.

(Please print clearly)

Board/Committee of Interest Board of Building Trades Appeals.

Specific Category/Vacancy on Board regular

Name DAVID FORCE

Phone 248-420-9968

Residential Address 557 Henrietta St.

Email force0621@ameritech.net

Residential City, Zip BIRMINGHAM

Length of Residence 2 years

Business Address _____

Occupation Builder

Business City, Zip _____

Reason for Interest: Explain how your background and skills will enhance the board to which you have applied _____
I have been on this Board for many years.

List your related employment experience OWN FORCE BUILDING CO.

List your related community activities Community House Volunteer,
Habitat For Humanity, GRACE Centers of Hope, FORMER BIRMINGHAM PUBLIC
Schools Volunteer of the Year

List your related educational experience B.S. BUSINESS

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

David P. Force
Signature of Applicant

3/28/18
Date



RECEIVED BY

APR 3 2018

CITY CLERK'S OFFICE
CITY OF BIRMINGHAM**OFFICE USE ONLY**
Meets Requirements? ☒ Yes ☐ No
☒ Will Attend ☐ Unable to Attend**APPLICATION FOR CITY BOARD OR COMMITTEE**

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

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

(Please print clearly)

Board/Committee of Interest Construction Review Board (Board of Building Trades Appeal)

Specific Category/Vacancy on Board _____

Name Bradley H. KleinPhone (248) 863-6302 (Cell)Residential Address 5063 Parkside DriveEmail bklein@kleinelectric.netResidential City, Zip West Bloomfield, MI 48323Length of Residence 7 YearsBusiness Address 24565 Hallwood Ct.Occupation ElectricianBusiness City, Zip Farmington Hills, MI 48335Reason for Interest: Explain how your background and skills will enhance the board to which you have applied _____
An opening became available and a colleague of mine suggested me because of my interest in the application of codes.List your related employment experience Familiar with installation of electrical in both residential and commercial installations and provide consulting services for repairs in the insurance restoration business.

List your related community activities _____

List your related educational experience Bachelor of Science, Psychology from The University of Michigan, Ann Arbor
State of Michigan Master Electrician, State of Michigan Electrical Contractor

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? NO

Signature of Applicant

April 3, 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 or by fax to 248.530.1080.

Updated 8/16/17

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

(Please print clearly)

Board/Committee of Interest Building Trades Appeals

Specific Category/Vacancy on Board Electrical Contractor

Name Ronald White

Phone 248 543 5532

Residential Address 1898 Tahquamenon Ct W

Email offices@rdwhiteco.com

Residential City, Zip Bld Twp

Length of Residence 18 yrs

Business Address RD White Co Inc

Occupation electrical Contractor

Business City, Zip 1825 Bellaire
Royal Oak MI 48067

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

Assist Board if required, President of RD White Co Inc

List your related employment experience RD White Co Inc over 35 yrs
electrical contracting

List your related community activities Birmingham & Bloomfield
Appeals Board member

List your related educational experience 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: _____

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

4.11.18
Date



**NOTICE OF INTENTION TO APPOINT TO THE
CITY OF BIRMINGHAM
BROWNFIELD REDEVELOPMENT AUTHORITY**

At the regular meeting of Monday, May 14, 2018 the Birmingham City Commission intends to appoint one regular member to the City of Birmingham Brownfield Redevelopment Authority to serve a three-year term to expire May 23, 2021.

The authority shall have the powers and duties to the full extent as provided by and in accordance with the provisions of the Brownfield Redevelopment Financing Act, being Act 381 of the Public Acts of the state of Michigan of 1996, as amended. Among other matters, in the exercise of its powers, the Board may prepare Brownfield plans pursuant to Section 13 of the Act and submit the plans to the Commission for consideration pursuant to Section 13 and 14 of the Act.

Members shall be appointed by the Mayor, subject to approval by the City Commission.

Interested citizens may submit an application available at the city clerk's office or online at www.bhamgov.org/boardopportunities. Applications must be submitted to the city clerk's office on or before noon on Wednesday, May 9, 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.

Applicant(s) Presented For City Commission Consideration:

Applicant Name	Criteria/Qualifications
	Applicants shall, in so far as possible, be residents of the City of Birmingham.
Wendy Zabriskie	Resident – 587 Watkins

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 concur in the Mayor's appointment of _____ to the City of Birmingham Brownfield Redevelopment Authority as a regular member to serve a three-year term to expire May 23, 2021.



BROWNFIELD REDEVELOPMENT AUTHORITY

Resolution # 04-123-05

5 members, three-year terms, appointed by the mayor subject to approval of the commission.

The authority shall have the powers and duties to the full extent as provided by and in accordance with the provisions of the Brownfield Redevelopment Financing Act, being Act 381 of the Public Acts of the state of Michigan of 1996, as amended. Among other matters, in the exercise of its powers, the Board may prepare Brownfield plans pursuant to Section 13 of the Act and submit the plans to the Commission for consideration pursuant to Section 13 and 14 of the Act.

Last Name	First Name	Home Business E-Mail	Appointed	Term Expires
Awdey	Harry	(586) 453-4677 <i>hawdey@gmail.com</i>	9/25/2017	5/23/2019
1633 Graefield				
Gotthelf	Beth	(248) 227.6920 <i>gotthelf@butzel.com</i>	5/9/2005	5/23/2020
363 Catalpa				
Runco	Robert	(248) 388-8100 <i>rrunco@runcowaste.com</i>	5/9/2005	5/23/2020
1556 Lakeside				
Torcolacci	Daniella	248-217-4805 <i>dtorcolacci@gmail.com</i>	10/27/2014	5/23/2019
2849 Buckingham				
Zabriskie	Wendy	(248) 646-7543 (248) 743-6046 <i>jwzab@comcast.net</i>	5/9/2005	5/23/2018
587 Watkins				

CITY BOARD/COMMITTEE ATTENDANCE RECORD

Name of Board: **Brownfield Development Authority**

Year: **2017**

Members Required for Quorum:

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
REGULAR MEMBERS																	
Beth Gotthelf	NM	NM	A	NM	NM	P	P	NM	NM	NM	NM	NM			2	1	67%
Paul Robertson, Jr.	NM	NM	P	NM	NM	NA	NA	NA	NA	NA	NA	NA			1	0	100%
Robert Runco	NM	NM	P	NM	NM	P	P	NM	NM	NM	NM	NM			3	0	100%
Danielle Torcolacci	NM	NM	P	NM	NM	P	P	NM	NM	NM	NM	NM			3	0	100%
Wendy Zabriskie	NM	NM	P	NM	NM	A	A	NM	NM	NM	NM	NM			1	2	33%
															0	0	#DIV/0!
															0	0	#DIV/0!
															0	0	#DIV/0!
															0	0	#DIV/0!
ALTERNATES																	
Member 1															0	0	#DIV/0!
															0	0	#DIV/0!
															0	0	#DIV/0!
															0	0	#DIV/0!
Present or Available	0	0	4	0	0	3	3	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

Name of Board: **Brownfield Development Authority**

Year: **2016**

Members Required for Quorum:

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
REGULAR MEMBERS																	
Beth Gotthelf	NM	P	A	NM	NM	NM	NM	NM	P	NM	NM	NM			2	1	67%
Paul Robertson, Jr.	NM	P	P	NM	NM	NM	NM	NM	P	NM	NM	NM			3	0	100%
Robert Runco	NM	P	P	NM	NM	NM	NM	NM	P	NM	NM	NM			3	0	100%
Danielle Torcolacci	NM	A	A	NM	NM	NM	NM	NM	P	NM	NM	NM			1	2	33%
Wendy Zabriskie	NM	P	P	NM	NM	NM	NM	NM	A	NM	NM	NM			2	1	67%
															0	0	#DIV/0!
															0	0	#DIV/0!
															0	0	#DIV/0!
															0	0	#DIV/0!
ALTERNATES																	
Member 1															0	0	#DIV/0!
															0	0	#DIV/0!
															0	0	#DIV/0!
															0	0	#DIV/0!
Present or Available	0	4	3	0	0	0	0	0	4	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

Name of Board: **Brownfield Development Authority**

Year: **2015**

Members Required for Quorum:

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
REGULAR MEMBERS																	
Beth Gotthelf	NM	NM	NM	NM	P	NM	P	P	NM	NM	NM	NM			3	0	100%
Paul Robertson, Jr.	NM	NM	NM	NM	P	NM	P	P	NM	NM	NM	NM			3	0	100%
Robert Runco	NM	NM	NM	NM	P	NM	P	P	NM	NM	NM	NM			3	0	100%
Danielle Torcolacci	NM	NM	NM	NM	P	NM	P	P	NM	NM	NM	NM			3	0	100%
Wendy Zabriskie	NM	NM	NM	NM	P	NM	A	P	NM	NM	NM	NM			2	1	67%
															0	0	#DIV/0!
															0	0	#DIV/0!
															0	0	#DIV/0!
															0	0	#DIV/0!
ALTERNATES																	
Member 1															0	0	#DIV/0!
															0	0	#DIV/0!
															0	0	#DIV/0!
															0	0	#DIV/0!
Present or Available	0	0	0	0	5	0	4	5	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



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

APPLICATION FOR CITY BOARD OR COMMITTEE

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

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

(Please print clearly)

Board/Committee of Interest Brownfield Redevelopment Authority

Specific Category/Vacancy on Board _____

Name Wendy L. Zabriskie

Phone (248) 798-5434

Residential Address 587 Watkins

Email jwzab@comcast.net

Residential City, Zip Birmingham, 48009

Length of Residence 18 Years in City

Business Address Bodman PLC,
201 W. Big Beaver Rd., #500

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 been a member of the Brownfield Redevelopment Authority since inception. My background as a real estate finance lawyer enables me to be a strong contributor on the Authority.

List your related employment experience Real Estate Finance Attorney; Commercial Lender.


List your related community activities Prior Vice Chairperson – City of Royal Oak Zoning Board of Appeals.

List your related educational experience J.D. Wayne State University; B.A. Accounting, Michigan State University.

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

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

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



Signature of Applicant

May 3, 2018
Date



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

At the regular meeting of Monday, May 14, 2018, the Birmingham City Commission intends to appoint one regular member to the Multi-Modal Transportation Board to serve a three-year term to expire March 24, 2021, and one alternate member to the Multi-Modal Transportation Board to serve the remainder of a three-year term to expire October 27, 2019.

Interested citizens may submit an application available at the city clerk's office or online at www.bhamgov.org/boardopportunities. Applications must be submitted to the city clerk's office on or before noon on Wednesday, May 9, 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:

Applicant Name	Criteria/Qualifications <u>In so far as possible</u> , members shall represent, <ul style="list-style-type: none">• One pedestrian advocate member;• One member at large living in the northern area of the City. <i>At least five members of the Board shall be electors (registered voter) or property owners in the City.</i>
Doug White	Registered Voter, 1342 Holland St. Bicycle Advocate

SUGGESTED ACTION:

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

To appoint _____, as an alternate member who is a _____ to the Multi-Modal Transportation Board to serve the remainder of a three-year term to expire October 27, 2019.



MULTI-MODAL TRANSPORTATION BOARD

Chapter 110, Sections 110-26 & 110-27

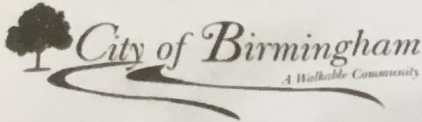
The purpose of the Multi-Modal Transportation Board shall be to assist in maintaining the safe and efficient movement of motorized and non-motorized vehicles and pedestrians on the streets and walkways of the city and to advise the city commission on the implementation of the Multi-Modal Transportation 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
Edwards	Lara	(734) 717-8914	4/28/2014	3/24/2020
1636 Bowers Birmingham	48009	<i>lmedwards08@gmail.com</i>	Member at large from different geographical areas of the city.	
Folberg	Amy	(248) 890-9965	12/14/2015	3/24/2020
1580 Latham Birmingham	48009	<i>amy.folberg@gmail.com</i>	Member at large from different geographical areas of the city.	
Isaksen	Daniel	(734) 9046867	5/8/2017	10/27/2019
1386 Yorkshire Birmingham	48009	<i>isaksen.dan@gmail.com</i>	Alternate	

Last Name Home Address	First Name	Home Business E-Mail	Appointed	Term Expires
Rontal 926 Bird Birmingham	Daniel 48009	(734) 904-2544 <i>darontal@gmail.com</i>	10/27/2016 Mobility or Vision Impairment Experience/Expertise	3/24/2020
Schafer 1966 Fairway Birmingham	Katie 48009	(248) 835-5064 <i>schafekat@gmail.com</i>	3/13/2017 Pedestrian Advocate	3/24/2021
Slanga 4410 Charing Way Bloomfield Hills	Johanna 48304	(248) 761-9567 <i>johannaslanga@gmail.com</i>	5/5/2014 Traffic-Focus Education/Experience Member	3/24/2019
Surnow 320 Martin St. #100 Birmingham	Michael 48009	(248) 865-3000 <i>michael@surnow.com</i>	4/13/2015 Bicycle Advocate Member	3/24/2019
VACANT				3/24/2021 Member at large from different geographical area/or other qualification
VACANT				10/27/2019 Alternate



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.

(Please print clearly)

Board/Committee of Interest Multi-Modal Transportation Board
 Specific Category/Vacancy on Board Regular Member Bicycle advocate

Name Doug White

Phone (248) 825-2223

Residential Address 1342 Holland St

Email dwhite10@peoplepc.com

Residential City, Zip Birmingham, 48009

Length of Residence 12 years

Business Address _____

Occupation Retired - Ford Motor Co.

Business City, Zip _____

Reason for Interest: Explain how your background and skills will enhance the board to which you have applied
I bring a background of marketing, finance, logistics and large team management. Skilled in problem solving and creating win-win solutions.

List your related employment experience Demonstrated leader with experience in gaining consensus within cross-functional groups

List your related community activities President - Torry Community Association

List your related educational experience BA Business Administration - Washington + Jefferson 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

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 [Signature]

Date 5/1/18

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 or by fax to 248.530.1080.

Updated 8/16/17

3E1

I bring a unique perspective as a resident who actively walks, rides a bicycle, rides a motorcycle and drives both a new and classic car. In addition, from my long career with Ford Motor Company I offer considerable experience in collaboration, problem solving, budgeting, attention to detail and industry insight into the future of mobility.



NOTICE OF INTENTION TO APPOINT TO PLANNING BOARD

At the regular meeting of Monday, May 14, 2016, the Birmingham City Commission intends to appoint one alternate member to serve the remainder of a three-year term to expire November 2, 2020. 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. Applications must be submitted to the city clerk's office on or before noon on Wednesday, May 9, 2016. 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:

Applicant Name	Criteria/Qualifications 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.
Jason Emerine	Resident, 720 Bennaville MI Licensed Civil Engineer

SUGGESTED ACTION:

To appoint _____, to the Planning Board as an alternate member to serve the remainder of a three-year term to expire November 2, 2020.

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

Last Name	First Name	Home Business	Appointed	Term Expires
Home Address	E-Mail			
Jeffares 1381 Birmingham Blvd	Stuart <i>stuartjeffares@gmail.com</i>	(248) 321-2120	12/14/2015 Real Estate profession	3/28/2021
Koseck 2441 Dorchester	Bert <i>bkoseck@comcast.net</i>	(248) 302-4018	10/12/2009 Architect	3/28/2020
McElroy 2106 Buckingham	Ellie <i>elliemcelroy1@aol.com</i>	(248) 496-9331	2/26/2018 Student Representative	12/31/2018
Ramin 1701 Maryland	Nasseem <i>nramin@dykema.com</i>	(248) 765-9446	11/20/2017 Alternate/Attorney	11/2/2020
Share 1040 Gordon Lane	Daniel <i>dshare@bsdd.com</i>	(248) 642-7340	11/24/2014 Building Owner	3/28/2021
VACANT			Alternate	11/2/2020
Williams 1421 Stanley	J. Bryan <i>jwilliams@dickinsonwright.com</i>	(248) 420-3522 (248) 433-7289	4/16/2007 Attorney	3/28/2021



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

RECEIVED BY
9:10 AM JT
3/12/18
CITY OF BIRMINGHAM
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 Planning Board

Specific Category/Vacancy on Board Regular Member - Resident with background in engineering, design, and planning

Name Jason M. Emerine, PE

Phone 312-371-9398

Residential Address 720 Bennaville Ave

Email je@seiberkeast.com

Residential City, Zip Birmingham, MI 48009

Length of Residence 1 year

Business Address Seiber, Keast Engineering, LLC
100 Maincentre Suite 10

Occupation MI Licensed Civil Engineer

Business City, Zip Northville, MI 48167

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

I am a MI licensed civil engineer with 16 years experience in commercial, residential and light industrial development. Experience includes planning, road design, utility design, and planning. Experience also includes work as a construction cost and schedule expert serving attorneys, utilities, municipalities as an expert witness in construction litigation.

List your related employment experience Seiber Keast Engineering LLC, Northville MI - Owner & Principal Engineer - 2015- Present.
Exponent Inc, Chicago, IL - Manager - Construction Cost & Schedule Expert Consultant - 2012-2015.

L. D'Agostini & Sons, Inc. Project Manager, Underground Utility Construction, 2007-2012. Various Engineering Companies, Civil Eng. 2002-2007

List your related community activities New resident in 2017. No current activities.

List your related educational experience BS Civil Engineering, Michigan State University, 2002
State of Michigan Licensed Professional Engineer 2006-Present

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

3/9/2018
Date



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. 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
George Abraham	Resident, 898 Arlington

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 the remainder of a three-year term to expire March 30, 2021.



CABLECASTING BOARD

Chapter 30 - Section 30-226 - Birmingham City Code
Meeting Schedule: 3rd 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	First Name	Home Business E-Mail	Appointed	Term Expires
Abraham	George	(248) 642-1257	3/13/2017	3/30/2019
898 Arlington		<i>georgeabrahamjr@outlook.com</i>	ALTERNATE	
Eick	R. David	(248) 231-8067	12/14/2015	3/30/2021
559 Greenwood		<i>eickhouse@comcast.net</i>	Birmingham resident	
Fenberg	Michael	(248) 310-7373	3/13/2017	3/30/2020
908 Chesterfield		<i>michael.fenberg@bakertilly.com</i>	Birmingham resident	
Heldt	Jeffrey	(248) 646-4678	3/22/2010	3/30/2019
1415 Lakeside		<i>heldtj@excite.com</i>	Birmingham resident	
McLain	Elaine	(248) 225-9903	1/9/2006	3/30/2020
425 N Eton, #302		<i>ekmclain@gmail.com</i>	Birmingham resident	

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
Shand	Donovan	248-330-0747	12/4/2017	3/30/2020
1645 Buckingham Ave.		<i>dgshand@gmail.com</i>	Birmingham resident	

VACANT				3/30/2021
			Birmingham resident	

VACANT				3/30/2021
			Birmingham resident	

For Cable Inquires:

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



Cherilynn Mynsberge <cmynsberge@bhamgov.org>

Appointment of George Abraham to Regular member

3 messages

Cherilynn Mynsberge <cmynsberge@bhamgov.org>

Thu, May 3, 2018 at 9:22 AM

To: execdir@birminghamareacableboard.org

Cathy:

George Abraham is one of Birmingham's alternate representatives to the BACB. He is applying to be one of the regular members, and his application will be considered by the Birmingham City Commission on May 14.

When considering reappointments (or changes in status), 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. Abraham since he was appointed in March, 2017?

Thank you.

J. Cherilynn Mynsberge
City Clerk
City of Birmingham
248-530-1802

execdir@birminghamareacableboard.org <execdir@birminghamareacableboard.org> Fri, May 4, 2018 at 10:22 AM

Reply-To: execdir@birminghamareacableboard.org

To: cmynsberge@bhamgov.org

Cc: George Abraham <georgeabrahamjr@outlook.com>

Good morning Ms. Mynsberge: I am happy to report that George Abraham has had perfect attendance at our Board meetings. In addition, he attends many of our committee meetings (which are optional for members to attend) and he is very engaged and has contributed a lot of good ideas. Let me know if you need anything further.

Cathy White
Executive Director of BACB
P.O.Box 165
Birmingham, MI 48012
248-336-9445



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

APPLICATION FOR CITY BOARD OR COMMITTEE

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(Please print clearly)

Board/Committee of Interest Cable Board

Specific Category/Vacancy on Board Member - Regular

Name George Abraham

Phone 248-642-1257

Residential Address 898 Arlington St.

Email georgeabrahamjr@outlook.com

Residential City, Zip Birmingham, 48009

Length of Residence 24 years

Business Address _____

Occupation Chemical Engineer - Newly Retired

Business City, Zip _____

Reason for Interest: Explain how your background and skills will enhance the board to which you have applied _____
I like (too much) to watch television. Millennials are "cutting the cord" as it is termed. This is not accurate, of course, since while they are choosing to not subscribe to cable television, they overwhelmingly subscribe to cable internet. I would like to study this and the TV/Internet convergence.

List your related employment experience Have used computers (large then small) in my various jobs for over 40 years.

List your related community activities None

List your related educational experience PhD, P.E. in Chemical Engineering with minor in Computer Science.

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

No

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

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

George Abraham
Signature of Applicant

4/27/2018
Date



Cherilynn Mynsberge <cmynsberge@bhamgov.org>

Application for Regular Membership of Cablecasting Board

1 message

George Abraham <georgeabrahamjr@outlook.com>
To: "cmynsberge@bhamgov.org" <cmynsberge@bhamgov.org>

Fri, Apr 27, 2018 at 12:19 PM

I have been an alternate member of the Cablecasting Board (Birmingham Area Cable Board) since March 13, 2017 and wish to apply for regular member status. In my year as an alternate member I have attended all monthly board meetings and have contributed to the discussion of board affairs with relevant technical information. Over the past six months, or so, I worked extensively with a sub-committee of the BACB in developing an RFP and in selecting a vendor for a replacement of the current (outdated) BABC website.

Attached is my original application that I submitted in 2017. Nothing has changed on it except for my years service as an alternate member. Please let me know if I should redo the application.

Sincerely,

George Abraham

898 Arlington, St.

Birmingham, MI 48009

248-642-1257 (home)

Sent from [Mail](#) for Windows 10



Cable Board application George Abraham.pdf
170K

BIRMINGHAM CITY COMMISSION MINUTES
APRIL 23, 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 Commissioner Sherman
Absent,	None

Administration: City Manager Valentine, City Attorney Currier, Senior Planner Baka, Chief of Police Clemence, Planning Director Ecker, Finance Director Gerber, Assistant to the City Manager Haines, Deputy Treasurer Klobucar, City Clerk Mynsberge, Museum Director Pielak, Assistant Engineer Fletcher, Director of Public Services Wood

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

04-109-18 INTRODUCTION OF GUESTS

Mayor Harris welcomed County Commissioner Shelley Goodman Taub, who updated the Commission on current county initiatives.

04-110-18 ANNOUNCEMENTS

Mayor Harris announced:

- The City of Birmingham's annual ice show will be held on May 4-6 at the Birmingham Ice Arena. Tickets are available at the Ice Arena which is located at 2300 East Lincoln. Call 248-530-1640 for more information.
- Opening Day for the Birmingham Farmers Market is Sunday, May 6th. The market will be open 9:00 a.m. until 2:00 p.m. in Parking Lot #6 on N. Old Woodward between Ravine and Oak.
- The Museum Board invites the public to a reception on Saturday, May 12th from 2:00 until 4:00 p.m. for the current museum exhibit, "The People of Birmingham: Celebrating 200 Years of Stories". This is a crowd-sourced exhibit which showcases the stories of Birmingham's citizens.
- The Birmingham Department of Public Services is hosting an Open House on Saturday, May 12th from 10:00 AM - 2:00 PM at the DPS building at 851 S. Eton.

IV. CONSENT AGENDA

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

04-111-18 APPROVAL OF CONSENT AGENDA

The following items were removed from the Consent Agenda:

- Commissioner Hoff: Item I, Parking in the Right-of-Way at 2075 14 Mile Road
Item M, Landscape Maintenance Services

MOTION: Motion by Commissioner Boutros, seconded by Commissioner DeWeese:
To approve the Consent Agenda, with Items I and M removed.

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

- Resolution approving the City Commission meeting minutes of April 9, 2018.
- Resolution approving the warrant list, including Automated Clearing House payments, dated April 11, 2018 in the amount of \$1,237,371.01.
- Resolution approving the warrant list, including Automated Clearing House payments, dated April 18, 2018 in the amount of \$518,434.82.
- Resolution accepting the resignation of Vionna Adams from the Multi-Modal Transportation Board as a regular member, thanking her for her service, and directing the City Clerk to begin the process of filling the vacancy.
- Resolution accepting the resignation of Daniel Share from the Planning Board as an alternate member, thanking him for his service, and directing the City Clerk to begin the process of filling the vacancy.
- Resolution setting a public hearing date of May 14, 2018 at 7:30 p.m. to consider the following Zoning Ordinance amendments:
 - To amend Article 3, Section 3.04(C)(10), Specific Standards, Building Use, to amend the regulations for a bistro in the Downtown Overlay District.
 - To amend Article 5, Section 5.06(A), O1 – Office District, Specific Standards, Building Use, to amend the regulations for a bistro in the O1 District.
 - To amend Article 5, Section 5.07(A), O2 – Office Commercial District, Specific Standards, Building Use, to amend the regulations for a bistro in the O2 District.
 - To amend Article 5, Section 5.08(A), P – Parking District, Specific Standards, Building Use, to amend the regulations for a bistro in the P District.
 - To amend Article 5, Section 5.10(B), B2 – General Business District, B2B –

- General Business District, B2C – General Business District, Specific Standards, Building Use, to amend the regulations for a bistro in the B2B District.
6. To amend Article 5, Section 5.11(A), B3 – Office-Residential District, Specific Standards, Building Use, to amend the regulations for a bistro in the B3 District.
 7. To amend Article 5, Section 5.12(B), B4 – Business-Residential District, Specific Standards, Building Use, to amend the regulations for a bistro in the B4 District.
 8. To amend Article 5, Section 5.13, MX(C) – (M) – Mixed Use District, Specific Standards, Building Use, to add regulations for a bistro in the MX District and renumber regulations following (C).
 9. To amend Article 9, Section 9.02, Definitions, to amend the existing definition of bistro.
- G. Resolution approving a request from Temple Beth El to hold Havdalah in the Park in Shain Park, on June 9, 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.
- H. Resolution approving the purchase of one (1) new Exmark LZX740EKC526WO Zero Turn Riding Mower from Weingartz Supply for a total expenditure not to exceed \$10,871.00. Funds for this purchase are available in the Auto Equipment Fund, account #641-441.006-971.0100.
- J. Resolution directing the Treasurer to transfer unpaid and delinquent special assessments and invoices, including interest and penalty, of subject properties to the 2018 City tax roll and authorizing removal from the list any bills paid or a payment plan agreement signed after City Commission approval.
- K. Resolution directing the Treasurer to transfer unpaid and delinquent water/sewage bills of subject properties to the 2018 City tax roll and authorizing removal from the list any bills paid or a payment plan agreement signed after City Commission approval.
- L. Resolution approving the purchase of WinDSX upgrades to the ReadyKey access control building security systems for the Department of Public Services, City Hall, and Police pistol range from Vigilante Security, Inc. in the amount of \$44,190; further charging the budgeted expenditures to account numbers 401-901.013-977.0000 (DPS - \$18,186) and 401-301.000-971.0100 (City Hall and Police - \$26,004).
- N. Resolution awarding the 2018 Concrete Sidewalk Repair Program, Contract #2-18(SW) to Italia Construction, Inc., in the amount of \$732,129.00, to be charged to the various accounts as detailed in the report; and further approving the appropriations and budget amendments to the 2017-2018 budget.

**04-112-18 RESOLUTION APPROVING THE USE OF TWO PARKING SPACES
IN THE RIGHT-OF-WAY ON MANSFIELD DRIVE (ITEM 4I)**

Planning Director Ecker explained these additional two parking spaces are necessary in order for the owner of 2075 14 Mile Road to use the building for offices. Previously the building housed a pet groomer, which required fewer parking spaces.

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

To approve the use of two (2) parking spaces in the right-of-way on Mansfield Drive directly abutting the property located at 2075 14 Mile Road to fulfill a portion of the off-street parking requirements per Article 4, section 4.43 (G)(1) of the Zoning Ordinance.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

04-113-18 RESOLUTION AWARDDING LANDSCAPE MAINTENANCE SERVICES CONTRACT TO SUPERIOR SCAPE, INC. FOR TWO-YEAR AGREEMENT COMMENCING MAY 1, 2018 AND ENDING NOVEMBER 15, 2019 (ITEM 4M)

Director of Public Services Wood explained:

- The 2017-2020 lawn maintenance bid was canceled since Birmingham is no longer doing business with that contractor. Lawn mowing services were re-bid without bed maintenance, and the bid for bed maintenance is before the Commission tonight.
- The '17-'18 fiscal year budget includes money for this service, as does the proposed '18-'19 fiscal year budget which will be before the Commission on April 28, 2018.

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

To award the Landscape Maintenance Services contract to Superior Scape, Inc. for a two year agreement commencing May 1, 2018 and ending November 15, 2019 in an amount not to exceed \$66,896.00. Funds for this project are available in the following accounts: Property Maintenance-Other Contractual Services account #101-441.003-811.0000, Major Streets-Contract Maintenance account #202-449-003-937.0400, Local Streets-Contract Maintenance account #203-449.003-937.0400, and Parks-Other Contractual Services account #101-751.000-811.0000. Further, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City upon receipt of required insurances.

Director of Public Services Wood noted the DPS staff manages the 26 beds not included in this bid.

Mayor Pro Tem Bordman also clarified for the public that the planters and hanging baskets throughout Birmingham are paid for by the Birmingham Shopping District, and are not part of the beds included in this contract.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

V. UNFINISHED BUSINESS

None.

VI. NEW BUSINESS

04-114-18 PUBLIC HEARING TO CONSIDER A SPECIAL LAND USE PERMIT AMENDMENT AND FINAL SITE PLAN FOR FIRST PRESBYTERIAN CHURCH, 1669 W. MAPLE

Mayor Harris opened the public hearing at 7:40 p.m.

Planning Director Ecker reviewed:

- Her memo explaining First Presbyterian Church's requested SLUP amendment to allow Canape Cart to rent the Church's kitchen.
- The Planning Board's discussion regarding the proposed SLUP amendment during their March 14, 2018 meeting.
- City Attorney Currier's letter stating that the SLUP amendment would be a permitted usage under the Church's current R-1 zoning.

Mayor Pro Tem Bordman told the Commission she had employed Canape Cart once, over ten years ago. She did not believe this constituted a conflict of interest. The Commission concurred.

Kathleen O'Neill, co-owner of Canape Cart, appeared before the Commission.

Ms. O'Neill said that The Canape Cart had been approached by FAR Therapeutic Arts and Recreation (FAR) with a request to run an internship program in the Church's kitchen for developmentally disabled children and adults. Ms. O'Neill stated that she and Mary Rembelski, co-owner of The Canape Cart, were enthusiastic about the idea.

Commissioner DeWeese clarified that the owners of The Canape Cart had requested a delay in order to have sufficient time to defend the proposed SLUP amendment should it run into any issues before the Commission. Commissioner DeWeese continued that it was his impression that the owners of The Canape Cart would prefer, however, to settle the matter tonight. Ms. O'Neill confirmed.

James Goss, the Business Manager and Treasurer of First Presbyterian Church, appeared before the Commission. Mr. Goss said the Church's goal is to serve the community. The Church believes this would be an opportunity to help two entrepreneurs, and Canape Cart's rent can be used to help the wider community.

Mr. Goss told Mayor Harris that:

- The proposed relationship between Canape Cart and FAR has not yet been fully developed because the Church planned to do so if the SLUP amendment was approved.
- There were other tentative proposals regarding the relationship between the Canape Cart and the Church, for example providing Canape Cart with first right-of-refusal for catering internal Church events.
- FAR is a separate entity, but it is housed at the Church.

Mr. Goss clarified that there would be no discernable traffic increase as a result of Canape Cart renting the kitchen because, while the food would be prepared in the Church's kitchen, non-Church related catering services would be carried out off-site.

Commissioner Hoff said:

- Canape Cart's use of the Church's kitchen for non-Church related events seems to be a strictly commercial enterprise.
- She is all right with an exclusive catering contract between Canape Cart and the Church, but beyond that this proposal is a business one, not a non-profit one.
- She is not comfortable with a commercial business operating out of a Birmingham Church.

Commissioner Sherman stated that this is actually a standard arrangement, and he has seen similar arrangements between synagogues and caterers many times. Commissioner Sherman provided a number of local examples and said he concurs with the City Attorney's conclusion that this use is permitted.

Mr. Goss told Mayor Harris that the Church:

- Will have to fill out an extra form with the IRS in order to properly document the income.
- He has not yet solicited a legal opinion as to how this arrangement would affect the Church's tax-exempt status.

Mayor Harris suggested that the Church look into the implications of this arrangement for the Church's tax status before a lease is finalized.

Mayor Pro Tem Bordman suggested this proposal is no different from the City's proposal to lease church parking lots in order to provide additional parking in Birmingham. Mayor Pro Tem Bordman continued that this use will be practically invisible to the surrounding neighborhood due to the low number of people involved in the business.

City Attorney Currier explained:

- The Church is allowed to rent out rooms according to Birmingham's zoning ordinances. The room in this case is the Church's kitchen. The Canape Cart would be paying taxes on their own income as a result of the catering services. The two issues are separate and distinct.
- Canape Cart's rental of the kitchen would have no bearing on the Church's tax-exempt status.

Ms. O'Neill clarified:

- Canape Cart caters three to four days a week and is not actively looking to acquire new business. At maximum, business hours at the Church would be 9 a.m. – 4 p.m.
- She expects business to shift orientation more towards working with FAR and teaching within the Church since both she and Ms. Rembelski are nearing the end of their catering careers.
- In her experience, many religious institutions are interested in this kind of business arrangement with a caterer.

Commissioner Hoff noted:

- There was a letter included in the Commission's packet with the signatures of five residents on Pleasant Street in Birmingham who are against this proposal.
- If SLUP violations are alleged subsequent to the Commission's approval of the SLUP amendment, the Commission can set up a hearing to review the SLUP amendment violations at that time. Some of the concerns of the local residents, however, may not constitute SLUP amendment violations.

David Lattie, a Pleasant Street resident and author of the letter referenced by Commissioner Hoff, shared residents' concerns regarding expanding non-residential uses of churches in a residential neighborhood. Mr. Lattie remarked:

- Churches are already in residential neighborhoods as a zoning exception, and permitting them to rent to businesses expands their existence in the neighborhood in a potentially detrimental way.
- A commercial business is at an advantage when renting from a church since churches are non-profit entities and can provide inexpensive leases as a result. This may present a loophole that would encourage further growth of commercial business in residential districts.
- The Planning Board unanimously recommended against passage of the proposed SLUP amendment.
- This proposal constitutes a commercial lease not an occasional fundraising opportunity such as a bake sale or rummage sale.

Robert Portensky, building manager of Drayton Avenue Presbyterian Church in Ferndale where Canape Cart was formerly located, said that the First Presbyterian Church in Birmingham would be lucky to have Canape Cart as tenants.

David Smith, a Pleasant Street resident, agreed with Mr. Lattie and expressed concern about potential noise from the Canape Cart van. Mr. Smith added that other churches in the neighborhood have changed the character of the area, citing reduction of green space as one such issue, and reported residents are wary of similar changes resulting from this proposal.

Ann Bookmeyer Lattie, a Pleasant Street resident, said she is concerned about commercial use in the neighborhood resulting from this SLUP amendment.

Mr. Goss commented:

- The social hall at First Presbyterian Church can hold up to 200 guests.
- The Church's bylaws prohibit the serving and consumption of alcohol at the Church.

Commissioner Sherman commented that use of the Church for weddings, funerals, and other receptions routinely results in far more activity than the Canape Cart's proposed single additional van. Mr. Goss agreed.

Commissioner Hoff stated that her sole concern is a commercial venture setting up in a Church.

Mr. Portensky indicated that such uses within a Church are common.

Ms. O'Neill said that she has been grateful over the years for the affordable kitchen rental rates churches are able to provide which have been very important to the operation of a small business.

City Attorney Currier explained a church in this neighborhood is a pre-existing non-conforming but legal use, and that whatever uses a church would be permitted pursuant to a SLUP would be applicable in this matter.

City Attorney Currier verified no precedent would be set by the Commission's approval of this proposal because it is a SLUP.

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

To approve the application for a Special Land Use Permit Amendment and Final Site Plan for First Presbyterian Church at 1669 W. Maple to allow the use of the Church's kitchen by Canape Cart.

Mayor Pro Tem Bordman then noted the resolution's last phrase needs to be amended to read, "allowing the lease of the basement kitchen to the Canape Cart."

MOTION: Motion by Commissioner DeWeese, seconded by Commissioner Sherman:
To amend the motion to read, "To approve the application for a Special Land Use Permit Amendment and Final Site Plan for First Presbyterian Church at 1669 W. Maple allowing the lease of the basement kitchen to the Canape Cart."

Mayor Harris commented:

- This use does not seem incidental to the underlying permitted use for the Church.
- The Planning Board suggested the possibility of the petitioner seeking a variance through the Board of Zoning Appeals to accomplish their goal.

Commissioner Nickita noted:

- Part of the Planning Board's concerns regarded whether this would be a legal use for the Church, and City Attorney Currier has confirmed it is.
- This kind of arrangement is not uncommon, citing daycares which operate in churches as one example. A kitchen rental is an extremely light use, relatively speaking.

Commissioner Boutros agreed with Commissioner Nickita, stating he supports this because it is a SLUP, which means it does not set precedent.

VOTE ON AMENDMENT TO MOTION:

Yeas,	5
Nays,	2 (Harris, Hoff)
Absent,	0

VOTE ON MOTION AS AMENDED:

To approve the application for a Special Land Use Permit Amendment and Final Site Plan for First Presbyterian Church at 1669 W. Maple allowing the lease of the basement kitchen to the Canape Cart. (*Formal resolution appended to these minutes as Attachment A*)

Yeas,	5
Nays,	2 (Harris, Hoff)
Absent,	0

04-115-18 PUBLIC HEARING TO CONSIDER THE PROPOSED COMBINATION OF 298 S. OLD WOODWARD & 325 E. BROWN

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

Senior Planner Baka reported the owner of the properties known as 298 S. Old Woodward and 325 E. Brown is seeking approval to combine the two parcels into one lot. The subject properties are located at the northwest corner of S. Old Woodward and E. Brown. The Planning

Board recommended Final Site Plan approval to construct a five (5) story hotel on the two parcels. Senior Planner Baka stated the proposed lot combination meets the applicable standards of the Subdivision Regulation Ordinance (Chapter 102, Section 102-83).

Senior Planner Baka explained:

- Historically there was a Coldwell Banker on the larger parcel and subsequently a doctor's office, with an office building on the smaller parcel.
- Lots 22, 23 and 24 were combined previously.

Rick Rattner, representing the property owner, noted the ordinance was adopted in 2017 when the owners were already in the process of completing the site plan.

There being no further comment, Mayor Harris closed the public hearing at 8:53 p.m.

MOTION: Motion by Commissioner Hoff, seconded by Commissioner Boutros:
To approve the proposed lot combination of 298 S. Old Woodward, Parcel #1936202016 and 325 E. Brown, Parcel #1936202009 as proposed.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

**04-116-18 PUBLIC HEARING TO CONSIDER THE PROPOSED LOT
COMBINATION OF 34965 WOODWARD & 215 PEABODY**

Mayor Harris opened the public hearing at 8:53 p.m.

Senior Planner Baka reported the owner of the properties known as 215 Peabody and 34965 Woodward seeks to combine the two parcels into one lot. The two subject lots were recently granted site plan approval for a five (5) story mixed use building. In order to be issued a building permit the applicant must combine the lots. S Senior Planner Baka stated the proposed lot combination meets the applicable standards of the Subdivision Regulation Ordinance (Chapter 102, Section 102-83).

Commissioner Nickita temporarily left the commission room.

There were no questions for Rick Rattner, representing the property owner.

There being no further comment, Mayor Harris closed the public hearing at 8:55 p.m.

MOTION: Motion by Commissioner Boutros, seconded by Commissioner Sherman:
To approve the proposed lot combination of 34965 Woodward, Parcel #1936207008, and 215 Peabody, Parcel #1936207004.

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

Commissioner Nickita returned to the commission room.

04-117-18

**PUBLIC HEARING TO CONSIDER ORDINANCE AMENDMENTS TO
ZONING ORDINANCE – SITE PLAN AND SPECIAL LAND USE
PERMIT REVIEW**

Mayor Harris opened the public hearing at 8:56 p.m.

Planning Director Ecker reported that on February 28, 2018 the Planning Board asked staff to require aerial photos for site plan submittals moving forward. On March 14, 2018, the Planning Board recommended approval of ordinance amendments for site plan submittal requirements to the City Commission. The ordinance amendments under consideration are:

- (a) To amend Article 7, Section 7.26, Application, to amend the site plan review submittal requirements to include adjacent property details; and
- (b) To amend Article 7, Section 7.34, Special Land Use Permit Review, to amend the Special Land Use Permit review process to include adjacent property details.

Planning Director Ecker noted free-of-cost aerial photos can easily be obtained and submitted by applicants, so the requirement is not prohibitive.

Commissioner DeWeese stated this information will be helpful in Commission considerations moving forward.

Commissioner Nickita said:

- The Commission needs information on sidewalks, curb line, curb cuts, and parking spaces as well.
- Aerial photos may prove insufficient sources of information due to age of the photos or potential interference from tree canopies.
- Applications should require submission of a drawing of the surroundings, including the aforementioned features.

Planning Director Ecker:

- Suggested the language in Article 7, Section 7.26, Application may sufficiently cover Commissioner Nickita's concerns.
- Stated the proposed language cannot be made stricter without re-noticing the Public Hearing.

City Manager Valentine explained:

- The Planning Board has been instructed to only submit plans to the Commission which are in their final form and include all elements being considered.
- Directives to City Board and Commissions, which are not ordinances, can be codified elsewhere. For example, the directive to the Planning Board could be included in the Board's Rules of Procedure.

Commissioner Nickita opined that requiring a submission of a drawing of the surroundings, including sidewalks, curb line, curb cuts, and parking spaces, could be done administratively rather than through an ordinance change.

Commissioner DeWeese said this was a great improvement over previous requirements and indicated the Commission can always adjust it further in the future if need be.

There being no further comment, Mayor Harris closed the public hearing at 9:15 p.m.

MOTION: Motion by Commissioner Hoff, seconded by Commissioner DeWeese:
To approve the following ordinance amendments to amend the submittal requirements for Site Plan and Special Land Use Permit review:

- (a) Ordinance amending Article 7, Section 7.26, Application, amending the site plan review submittal requirements to include adjacent property details (*Appended to these minutes as Attachment B*); and
- (b) Ordinance amending Article 7, Section 7.34, Special Land Use Permit Review, amending the Special Land Use Permit review process to include adjacent property details. (*Appended to these minutes as Attachment C*)

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

04-118-18 2018 SPRING SCREENING FOR BISTRO APPLICANTS

Planning Director Ecker reported that one bistro application was submitted by Taste of Ethiopia at 183 N. Old Woodward, for the former Bangkok Cuisine restaurant space. As outlined in the bistro process for 2018, any new bistro applications that meet the requirements will be reviewed by the Commission, and the applicant will be given a time limit to verbally present their concepts to the City Commission. The City Commission will then determine whether to forward the application to the Planning Board for full site plan and design review and Special Land Use Permit review.

Applicant Meskerem Gebreyohannes provided a brief overview of the proposed restaurant and of her qualifications and experience in the restaurant industry. Ms. Gebreyohannes explained that liquor sales would allow for helpful additional income; no bar is being proposed; she is proposing table service; she has a signed lease, and the business is not a chain. She has had liquor licenses at previous locations.

Commissioner Hoff suggested that the Commission take no action and wait for a more complete application to be submitted in October.

Commissioner DeWeese suggested that the Commission could move forward with a motion for the Planning Board to do due diligence.

Commissioner Sherman agreed with Commissioner DeWeese and said the Commission only seeks to ascertain whether a given restaurant fits the character of Birmingham, and to let the Planning Board carry out other analysis if answered affirmatively.

MOTION: Motion by Commissioner Sherman, seconded by Commissioner DeWeese:
To direct the bistro application for Taste of Ethiopia be referred to the Planning Board for full site plan and design review and Special Land Use Permit review.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

04-119-18

INDIVIDUAL NOMINATION FOR ALLEN HOUSE – NATIONAL REGISTER OF HISTORIC PLACES

Senior Planner Baka reviewed his memo to City Manager Valentine dated April 13, 2018 explaining:

- The history of the Allen House in Birmingham;
- The process of registering the Allen House with the National Register of Historic Places; and,
- The benefits of registering the Allen House with the National Register of Historic Places.

Senior Planner Baka commented:

- There are no drawbacks to the application.
- The Hunter House is already registered with the National Register of Historic Places, and the exterior of a building is what is usually registered, not the interior.

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

To authorize staff to submit an application on behalf of the City to the Michigan State Historic Preservation Office and United States Department of the Interior/National Park Service to nominate the Allen House and grounds for listing on the National Register of Historic Places.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

04-120-18

FINDINGS FROM THE JANUARY 2018 CITY LOGO SURVEY

Assistant to the City Manager Haines reviewed her April 17, 2018 memo to City Manager Valentine describing the design and survey process for the new Birmingham logo.

Assistant to the City Manager Haines told Commissioner Sherman that individuals were only able to vote once per email address.

Commissioner Nickita told Assistant to the City Manager Haines that he was able to vote numerous times from the same email address, and therefore questions the validity of the survey. Commissioner Nickita continued that the survey is only the starting point for the logo consideration, however, so its validity is not a large concern.

Commissioner Hoff stated the City is back to where it was a year and a half ago because:

- An RFP was issued;
- A committee was unable to come to a conclusion; and
- The survey was not conclusive.

Assistant to the City Manager Haines clarified:

- The aim of the survey was not to pick a logo, but to narrow down the preferred visual elements for the logo.
- The survey provided a lot more data than the City previously had.

Commissioner Hoff commented the data has only further confused the situation, since it contradicts what the committee had suggested.

Mayor Pro Tem Bordman agreed with Commissioner Hoff and proposed:

- Before anything else, the Commission must decide whether to change the logo.
- If the answer is yes, Mayor Pro Tem Bordman suggested the Commission narrow the criteria for a logo, including font and concepts, before the RFP is sent out.

Mayor Harris asked about the impetus for a new logo search, because he sees a dearth of evidence that there is interest in changing the logo.

City Manager Valentine stated the interest originally came from the Commission two or three years ago.

Commissioner Nickita agreed and explained it was an effort to refresh the City's brand and keep Birmingham updated and relevant. He noted the City makes other updates to keep Birmingham relevant and to abandon the process would be a disservice to the City.

Mayor Harris:

- Asked whether McCann Erickson was retained to create a new logo, or to evaluate whether a new logo was necessary.
- Cited logos that remain the same for decades and are viewed positively.

Assistant to the City Manager Haines reported McCann Erickson worked under the direction of the Ad Hoc Committee, looked at all the input from the stakeholders, and then came back with design ideas. The logo went through five rounds of refinement before it came before the Commission. The goal was to refresh and update the logo.

Commissioner Boutros said the RFP should be very clear before it is issued.

Commissioner Nickita:

- Requested the Commission allow Assistant to the City Manager Haines to put together the framework for an RFP.
- Stated it is the Commission's responsibility to make a decision on this.

The Commission reached consensus to direct staff to draft an outline for an RFP.

04-121-18 RESOLUTION TO MEET IN CLOSED SESSION PURSUANT TO SECTION 8(H) OF THE OPEN MEETINGS ACT

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

MOTION: Motion by Commissioner Sherman, seconded by Commissioner Nickita:
To meet in closed session pursuant to Section 8(h) of the Open Meetings Act.

ROLL CALL VOTE: Yeas, Mayor Pro Tem Bordman
 Commissioner Boutros
 Commissioner DeWeese

	Mayor Harris
	Commissioner Hoff
	Commissioner Nickita
	Commissioner Sherman
Nays,	None
Absent,	None

VII. REMOVED FROM THE CONSENT AGENDA

The items removed were discussed earlier in the meeting.

VIII. COMMUNICATIONS

A. Metered parking.

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

None.

X. REPORTS

04-122-18 COMMISSIONER REPORTS

The City Commission will appoint one regular member to the Multi-Modal Transportation Board on May 14, 2018.

The City Commission will appoint one alternate member to the Planning Board on May 14, 2018.

XI. ADJOURN

Mayor Harris adjourned the meeting into closed session at 10:22 p.m., and stated action may be taken following the closed session.

The regular meeting was reconvened at 10:24 p.m.

04-123-18

MOTION: Motion by Commissioner Boutros, seconded by Commissioner Sherman:
To approve the settlement of the DiPonio Contract.

VOTE:	Yeas,	7
	Nays,	0
	Absent,	0

Mayor Harris adjourned the meeting at 10:24 p.m.

J. Cherilynn Mynsberge, City Clerk

**RESOLUTION 04-114-18
1669 W. MAPLE
FIRST PRESBYTERIAN CHURCH
SPECIAL LAND USE PERMIT AMENDMENT
2018**

- WHEREAS, The First Presbyterian Church originally applied for and received a Special Land Use Permit on September 8, 1987 to allow for the resurfacing, lighting and landscaping of the parking lot at 1669 West Maple Road, such application having been filed pursuant to the former Section 126-477 of the City Code;
- WHEREAS, The land for which the Special Land Use Permit Amendment is sought is located on the south side of West Maple Road between Larchlea and Pleasant Streets;
- WHEREAS, The land is zoned R-1A, Single Family Residential, which permits a church with a Special Land Use Permit;
- WHEREAS, Article 7, section 7.34 of Chapter 126, Zoning requires a Special Land Use Permit to be reviewed by the Birmingham City Commission at such time that any addition to or change in the building or improvements on the parcel of land is proposed or the use of the property is altered;
- WHEREAS, The applicant submitted an application for a Special Land Use Permit Amendment and Final Site Plan Review to gain approval to lease out the existing Church kitchen to Canape Cart;
- WHEREAS, All conditions of the previously approved 1989, 1990, 1991, 1992, 1994, 1995, 1996, 1997, 2002 and 2017 Special Land Use Permit Amendments be continued as part of this Special Land Use Permit Amendment;
- WHEREAS, The Planning Board on March 14, 2018 reviewed the application for a Special Land Use Permit Amendment and Final Site Plan and recommended denial of the application based on concerns about a commercial use leasing space;
- WHEREAS, The Birmingham City Commission has reviewed the First Presbyterian Church's Special Land Use Permit Amendment application as well as the standards for such review, as set forth in Article 7, section 7.36 of Chapter 126, Zoning, of the City Code and has reviewed the letter written by the City Attorney dated March 13, 2018 stating that this is permitted as a use customarily incidental to the permitted principal use of a Church on the site;
- NOW, THEREFORE, BE IT RESOLVED, The Birmingham City Commission finds the standards imposed under the City Code have been met and the First Presbyterian Church's application for a Special Land Use Permit Amendment and Final Site Plan Review allowing the lease between First Presbyterian Church and Canape Cart is hereby approved;

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

1. First Presbyterian Church shall abide by all provisions of the Birmingham City Code; and
2. The Special Land Use Permit may be canceled by the City Commission upon finding that the continued use is not in the public interest.

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

MAY IT BE FURTHER RESOLVED that the First Presbyterian Church and its heirs, successors and assigns shall be bound by all ordinances of the City of Birmingham in effect at the time of the issuance of this permit, and as they may subsequently be amended. Failure of the First Presbyterian Church to comply with all the ordinances of the city may result in the Commission revoking this Special Land Use Permit.

I, 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 April 23, 2018.

J. Cherilynn Mysnberge, City Clerk

CITY OF BIRMINGHAM
ORDINANCE NO. 2266

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

TO AMEND ARTICLE 7, SECTION 7.26, APPLICATION, TO AMEND THE SITE PLAN REVIEW SUBMITTAL REQUIREMENTS TO INCLUDE ADJACENT PROPERTY DETAILS

7.26 Application

Each Site Plan submitted to the Planning Board in accordance with the requirements of the Zoning Ordinance shall be on such forms and contain such information as the Planning Board shall determine necessary, including but not limited to a site plan, photometric plan, landscape plan, elevation drawings, interior floor plans, **current aerial photos of the subject site and surrounding properties**, specification sheets for all lighting and exterior mechanical equipment, and samples of all exterior building materials. **All site plans submitted for review and approval must show the subject site in its entirety, must include all property lines, buildings and structures, and must show the same details for all adjacent properties within 200 feet of the subject site's property lines.**

ORDAINED this 23 day of April, 2018 to become effective 7 days after publication.

Andrew Harris, Mayor

J. Cherilynn Mynsberge, City Clerk

**CITY OF BIRMINGHAM
ORDINANCE NO. 2267**

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

**TO AMEND ARTICLE 7, SECTION 7.34, SPECIAL LAND USE PERMIT REVIEW,
TO AMEND THE SPECIAL LAND USER PERMIT REVIEW PROCESS TO INCLUDE
SITE PLAN REVIEW SUBMITTAL REQUIREMENTS TO INCLUDE ADJACENT
PROPERTY DETAILS**

7.34 Review

Site Plan and Design Review for special land uses shall be considered and acted upon by the City Commission. Prior to its consideration of a special land use application for an initial permit or an amendment to a permit, the City Commission shall refer the Site Plan and the design to the Planning Board for its review and recommendation. **Each Site Plan submitted in accordance with the requirements of the Zoning Ordinance shall be on such forms and contain such information as the Planning Board shall determine necessary, including but not limited to a site plan, photometric plan, landscape plan, elevation drawings, interior floor plans, current aerial photos of the subject site and surrounding properties, specification sheets for all lighting and exterior mechanical equipment, and samples of all exterior building materials. All site plans submitted for review and approval must show the subject site in its entirety, must include all property lines, buildings and structures, and must show the same details for all adjacent properties within 200 feet of the subject site's property lines.** After receiving the recommendation **of the Planning Board**, the City Commission shall review the Site Plan and design of the buildings and uses proposed for the site described in the application of amendment. The City Commission's approval of any special land use application or amendment pursuant to this section shall constitute approval of the Site Plan and Design. ~~Site Plan Review and Design Review in this article shall not be required.~~

ORDAINED this 23 day of April, 2018 to become effective 7 days after publication.

Andrew Harris, Mayor

J. Cherilynn Mynsberge, City Clerk

**BIRMINGHAM CITY COMMISSION MINUTES
APRIL 28, 2018 BUDGET PUBLIC HEARING
MUNICIPAL BUILDING, 151 MARTIN
8:30 A.M.**

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Andrew M. Harris, Mayor, called the meeting to order and opened the public hearing at 8:30 a.m.

II. ROLL CALL

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

Administration: City Manager Valentine, Assistant City Manager Gunter, City Attorney Currier, Police Commander Albrecht, IT Director Brunk, Police Chief Clemence, Fire Chief Connaughton, Assistant Fire Chief Donohue, Planning Director Ecker, DPS Manager Filipski, Finance Director Gerber, Building Official Johnson, Library Director Koschik, City Clerk Mynsberge, City Engineer O'Meara, Museum Director Pielack, HR Manager Taylor, BSD Director Tighe, Deputy Finance Director Wickenhauser (SP), DPS Director Wood

III. BUDGET PRESENTATION

City Manager Valentine thanked Finance Director Gerber and his staff for their work on the budget. He presented highlights of the proposed 2018-2019 fiscal year budget:

- A 10% decrease from the prior fiscal year, primarily due to the Old Woodward project occurring in the 2017-2018 fiscal year.
- The equivalent of an additional 6.5 full-time positions based on strategic succession-planning initiatives.
- An additional contribution to address some of the City's outstanding liabilities to the retirement healthcare system, as it is currently approximately 50% funded with liabilities at \$28 million.
- A general fund which remains within the threshold of 17-40% -- it represents a 36% fund balance. This will reinforce Birmingham's Triple A Bond Rating as the City seeks bonding opportunities for new parking facilities in the future.
- \$9.2 million in capital improvements to address infrastructure needs.
- Adjustments to the water and sewer rates. The water rates will be increased by about 5%, and sewer rates will increase about 3.8%.

1. BUDGET VIDEO

Finance Director Gerber presented an introductory DVD to the proposed budget for fiscal year 2018-2019, highlighting the following:

- The proposed fiscal year 2018-2019 budget represents the seventh year of revenue growth for the City. The growth has been the result of reinvestment in the City as a result of low interest rates and favorable economic conditions.
- The estimated taxable value used for the proposed 2018-2019 budget is approximately 5% higher than 2017-2018.
- The total recommended fiscal year 2018-2019 budget, for all funds, including component units, is approximately 77.8 million dollars, which represents a 10 percent decrease from the prior year's budget.
- A significant portion of the decrease in expenditures for fiscal year 2018-2019 is attributable to large budgeted capital improvements in the prior year budget for road projects.
- The City's recommended fiscal year 2018-2019 General Fund Budget, which represents expenditures for major City operations, totals approximately 36 million dollars and represents an increase of approximately 1 percent over the prior year's General Fund budget.
- General Fund expenditures represent 47% of the City's total budgeted expenditures.
- Property taxes account for 68% of revenues within the City's General Fund.
- Within the proposed fiscal year 2018-2019 General Fund Budget, Police and Fire services account for 13.7 million dollars, or 38% of all expenditures.
- The recommended fiscal year 2018-2019 budget includes 9.2 million dollars in Capital Improvement projects. Of this amount, approximately 5.2 million dollars is budgeted for improvements to streets, sidewalks, sewers, and the water delivery system in residential neighborhoods.
- The recommended fiscal year 2018-2019 budget includes a recommended total property tax levy of 14.5411 mills, which represents a slight decrease from the prior year's levy.
- The City's Operating levy is proposed to decrease slightly from 11.2481 mills to 11.2099 mills.
- The Library operating levy is proposed to decrease from 1.41 mills to 1.3983 mills as a result of the Headlee Amendment cap.
- The City's refuse levy is proposed to decrease from 0.8252 mills to 0.8111 mills, as a result of an increase in taxable value.
- The City's debt levy is proposed to decrease from 1.1906 mills to 1.1218 mills as a result of an increase taxable value.
- The total average residential property tax bill for 2018-2019 is estimated to be \$9,074 based on an average residential taxable value of \$209,800 and estimated total tax levy of 43.25 mills.
- Of the total tax levy of 43.25 mills, the City accounts for 14.5411 mills or approximately 33%. This equates to approximately \$3,050 of the total tax bill of \$9,074. The remainder of the property taxes is remitted to Oakland County, State of Michigan, and Birmingham Schools.
- The water rate is recommended to increase 5.4% for 2018-2019 as a result of a 3% increase in the cost of water attributable the Great Lakes Water Authority and an 8% increase in city maintenance costs.
- The sewer rate is recommended to increase by 3.8% as a result of a 4% increase in the cost of sanitary sewage disposal attributable to the Great Lakes Water Authority and a 4% increase in city maintenance costs.

IV. DEPARTMENT PRESENTATIONS AND DISCUSSION

2. GENERAL FUND

CITY COMMISSION

City Manager Valentine reported a 2% increase, primarily attributable to the computer equipment rental charge.

MANAGER'S OFFICE

City Manager Valentine reported a 5% increase, attributable to roll-up costs of new employees added last year.

CITY HALL AND GROUNDS

City Manager Valentine reported a 8% increase, attributable to some adjustments in contracted services and personnel, one of them being transitional employees.

PROPERTY MAINTENANCE-LIBRARY

City Manager Valentine reported a 15% decrease, attributable to projects completed in the current fiscal year.

LEGAL

City Manager Valentine noted that the wrong budget year was included in the budget document distributed to the City Commission, and a corrected page reflecting the 2018-2019 fiscal year legal budget was subsequently provided to the Commission.

City Attorney Currier explained:

- The legal budget includes \$13,000 a month in retainer fees for meetings, opinion writing, and any other non-litigation related tasks.
- For litigation, the City only responds to lawsuits, and prosecution is dependent on how contentious tickets become, therefore the legal budget includes some flexibility to plan for these contingencies.
- The City is requesting a \$5/hour increase for the prosecution pay-rate. The pay-rate has not changed in a number of years.

HUMAN RESOURCES

Human Resources Manager Yvonne Taylor reported a \$2,300, or .5% increase, attributable to the increase in computer equipment rental costs.

CITY CLERK

City Clerk Mynsberge reported a 4.6% increase primarily due to a one-time expenditure for reconfiguring the outer office to increase efficiency and provide appropriate protection of voter records which are displayed on computer screens.

City Manager Valentine explained to Commissioner Hoff that the Clerk will no longer budget \$1,500 for contractual Deaf and Hearing Impaired Services, since those services are infrequently used and remain available upon request. Commissioner Hoff voiced approval of that decision.

City Clerk Mynsberge explained to Resident David Bloom that Birmingham works with government at every level to guarantee the City has the most up-to-date security for voter records in place.

ELECTIONS

City Clerk Mynsberge reported an increase of \$10,000, due to two elections being held in FY 2018-2019, as opposed to one election held in the current fiscal year.

FINANCE DEPARTMENT

Finance Director Gerber reported a 1.7% increase, attributable to computer rental costs and a change in personnel hospitalization costs.

TREASURY

Finance Director Gerber reported an 8% increase, attributable to a transitional employee for succession training for the Deputy Treasurer position.

Commissioner DeWeese commended City staff on their attention to succession training.

ASSESSING

Finance Director Gerber reported very little change in the assessing budget, noting the contract with Oakland County is due for renewal in 2020.

GENERAL ADMINISTRATION

Finance Director Gerber reported an increase of \$285,000, or 25%, attributable to estimated costs for potential increases in compensation.

City Manager Valentine indicated the \$7,500 budgeted in the current fiscal year was for operating supplies, and the additional \$5,000 included in the 2018-2019 fiscal year budget includes changes that will result if a new City logo is approved.

TRANSFERS OUT

Finance Director Gerber explained an increase of \$1.5 million in the budget for transfers out. Half of that amount is budgeted to reimburse the sewage disposal fund's disbursements for the Wolf lawsuit. Other portions are for future road projects and the retiree health care fund.

City Manager Valentine stated that this is part of the effort to reduce the liabilities owed as part of the retiree health care fund. While a \$200,000 payment against those liabilities is currently being proposed to the Commission, City Manager Valentine explained that there may be an additional \$250,000 in taxable values available to the City. As a result, City Manager Valentine recommended using the extra income from taxable values, and budgeting a potential total of \$450,000 towards the retiree health care fund liabilities for the 2018-2019 fiscal year.

Commissioner DeWeese approved and stated he just wanted to be sure there would be enough money for the next leg of the Old Woodward project so as not to cause delays.

PENSION ADMINISTRATION

Finance Director Gerber explained this fund records pension costs, actuarial fees, and the costs of Comerica handling the processing of retirement checks. The fees are reimbursed to the general fund by the pension fund, so it has zero net effect on the general fund. Finance Director Gerber noted the proposed budget was approved by the Retirement Board.

COMMUNITY DEVELOPMENT PLANNING

City Planner Ecker reported a 10% decrease, attributable to less being budgeted for the master plan.

BUILDING

Building Official Johnson reported a 3% increase, attributable to the purchase of the 2018 editions of all building codes, a 15% increase in contracted services, and renewals of state licenses and registrations for staff. The 2019-2020 fiscal year will see a 19% decrease in contracted services, however, when the City decreases its use of McKenna's services.

Building Official Johnson stated the furniture budget is to increase efficiency and public service within the Building Department.

ENGINEERING

City Engineer O'Meara reported an increase attributable to a temporary increase in staffing to help manage the downtown project, other projects, and private demands.

SIDEWALKS

City Engineer O'Meara reported the sidewalk project will be progressing into the southeast corner of Birmingham – south of Maple and east of Adams and Woodward.

City Engineer O'Meara confirmed for Commissioner Hoff that improvements for Maple Road are budgeted in the 2018-2019 fiscal year.

City Manager Valentine told Commissioner Nickita that most flag maintenance occurs as the result of minor upheaval. Beginning in the current fiscal year, the City has taken a new approach to repair which entails grinding the risen parts of the flags in order to create a level surface, instead of replacing a whole flag which is in otherwise good condition. This approach will be monitored, and if continued, will lead to a decrease in the City's costs.

City Engineer O'Meara clarified that costs for concrete are actually on the rise due to demand, so this change in procedure will more likely allow the City to maintain its costs for this project, instead of yielding a decrease.

Commissioner Nickita said he is comfortable with a change in approach but wants to be sure that there is enough funding for sidewalk maintenance going forward.

Mayor Pro Tem Bordman noted that the City repairs unsafe sidewalk conditions expediently, and that citizens should report any unsafe sidewalk conditions they encounter.

City Manager Valentine concurred and stated that while maintenance costs may seem higher, they are significantly lower than the costs incurred by the City for trip-and-fall lawsuits.

ALLEYS

City Engineer O'Meara explained an allocated \$30,000 for alley maintenance and an additional amount budgeted with the goal of undertaking improvements to the Pierce Street alley between Pierce and S. Old Woodward.

City Engineer O'Meara told Commissioner Hoff that surface improvements in alleys are fully assessed to adjoining properties. An allotment for the surface alley upgrades is included in this budget, but will be fully reimbursed via assessments.

City Engineer O'Meara told Mayor Harris that sewer upgrades within an alley are funded by the sewer fund, which is separate from this fund.

Resident Jennifer Sterling stated she would like Birmingham to consider allowing second water meters on homes, which would allow residents to not pay costs of sewage on irrigation costs. Ms. Sterling stated that other municipalities routinely allow for second water meters.

City Attorney Currier replied that there is no need for a second water meter because the system of billing for storm water disposal changed to be based on property acreage, not on water usage, as the result of a lawsuit filed against Birmingham.

City Manager Valentine responded that the issue with such an approach is that the City is still billed a total amount for water usage, and therefore if a cost is removed from a property with a second water meter, the cost does not disappear, but is redistributed among neighboring properties.

Commissioner Sherman noted that when the aforementioned billing changes were implemented in January 2017, the Commission committed to reassessing the issue within the next couple of years. Commissioner Sherman then addressed Ms. Sterling and said that reassessment should be coming before the Commission within the next year or so.

City Engineer O'Meara explained that Birmingham's billing structure differs from surrounding communities because Birmingham's sewage fund is billed by how much water the City runs through a water meter. The whole east side of the City is billed accordingly, which means increases in water usage, even ones that result from irrigation, require increases in payments to the sewage fund. Thus, if some citizens get second water meters and some do not, the ones without will bear a heavier cost burden.

City Manager Valentine explained that these costs come from the Water Resource Commissioner in Oakland County, who has chosen not to undergo the costs of upgrading the system which would allow for the billing change being requested by Ms. Sterling.

The Commission agreed to look into the matter further.

Resident Zeo Windley stated that he and other neighbors have had issues with flooding in the neighborhood of his home, 921 Brookwood, dating back to at least 2000.

City Manager Valentine confirmed that this project is included in the 2018-2019 budget.

City Engineer O'Meara confirmed for Mayor Pro Tem Bordman that there is currently a lack of sewage capacity in that area's combined sewer district, so the City is working on building a new storm sewage system on neighboring Oak St. so that the water will be redirected.

3. SPECIAL REVENUE FUNDS

MAJOR STREETS

City Engineer O'Meara reported on upcoming street repair projects on Oakland, Park, Peabody and Bowers.

City Manager Valentine explained that:

- The City is putting escalators into these budget estimates in order to meet inflationary costs.
- Two grants, totaling approximately \$600,000, will be lost to the City if some of these repairs are not completed by 2020.

Commissioner Sherman stated:

- Money should be re-allocated towards these projects in this budget rather than have to increase taxes next year. He mentioned possibly delaying library construction by a year as an option.
- It is more prudent to have money set aside in order to cover potential cost increases with these projects.

City Engineer O'Meara confirmed for Commissioner Nickita that the City has written its current proposals based on increases incurred by recent projects and all information currently available.

Finance Director Gerber told Mayor Harris that he is not sure if the Governor has transferred the recently legislated funds from the General Fund to the Road Fund. As a result, Birmingham has structured its proposed major street budget assuming a lack of funding from the State, in order to make sure there is no gap in funding.

Resident David Bloom stated:

- He cannot see how Birmingham will meet its obligations to the retirement fund and liabilities with contributions of only \$450,000.
- While many people view the downtown construction as necessary, many people also view it as excessive and detrimental to retailers.
- The library has worked very hard to keep costs for their reconstruction low, and he would be disappointed to see money re-allocated from that project.

Finance Director Gerber clarified that the City is contributing \$3 million to retiree health care in this budget. Of that, \$2 million is addressing the unfunded liability. The \$450,000 City Manager Valentine mentioned earlier in the budget presentation was an additional estimated contribution towards the City's unfunded liability, on top of the proposed \$2 million.

City Manager Valentine added that the City is meeting its funding obligations to the retiree health care fund, and would be exceeding those obligations with the addition of the estimated \$450,000.

LOCAL STREETS

City Engineer O'Meara reported that the main focus this upcoming fiscal year will be some of the improved streets north of Oak Street and west of Chesterfield. The project will be Phase One of a two-phase project to remove pavement and put down new concrete, address sewage capacity, and replace the water mains. He added that there will be a small project on Elm Street that will be coupled with the work on Bowers Street.

City Engineer O'Meara confirmed that improved streets are only assessed to the adjoining properties once. Mayor Pro Tem Bordman reminded the public of the difference within Birmingham between an improved and an unimproved street.

City Manager Valentine announced the Ad Hoc Unimproved Streets (Ad Hoc) Committee anticipates its first meeting in June.

Resident David Bloom mentioned that Northlawn, west of Southfield, is in need of repair. Mayor Harris stated that repairs on an unimproved street can be commenced at the request of the street's residents.

COMMUNITY DEVELOPMENT BLOCK GRANT

Finance Director Gerber reported the normal allocation of funds. Money is set aside for barrier-free improvements, home chore money and senior outreach services. There is no City project currently proposed for the barrier free improvement, but City staff is on the lookout for a good use of the funding.

Finance Director Gerber explained the monies are sometimes rolled over into the next fiscal year if not exhausted, which contributes to what looks like a larger fluctuation in funding than actually occurs.

Mayor Pro Tem Harris reminded Birmingham seniors that they can contact NEXT to access any of the aforementioned services made available by the Community Development Block Grant.

SOLID-WASTE DISPOSAL

Finance Director Gerber reported very little change from the previous budget year.

4. ENTERPRISE FUNDS

AUTOMOBILE PARKING SYSTEM

City Engineer O'Meara reported:

- Operational parking structure and operational parking meter responsibilities are being transferred to Assistant City Manager Gunter.
- City Engineer O'Meara will remain involved in construction and the large capital maintenance of the buildings.
- There had been hope to rehabilitate two floors of the Pierce Street structure this year, but the City did not want to conflict with parking needs caused by the Old Woodward construction, so that will be delayed.

Finance Director Gerber explained:

- Increases in this area of the budget are due to more time spent by police monitoring parking meters and a significant portion of Assistant City Manager Gunter's time spent working on parking-related issues.
- There is a revenue source from the General Fund to cover the parking monitoring done by police that has been allocated to this budget.

City Engineer O'Meara stated the \$600,000 budgeted for public improvements under this section is for potential upgrades to Lot #6, which will be coming before the Commission soon.

Police Chief Clemence reported:

- The parking sensors have not yet been paid for because they are not currently functional.
- Police Chief Clemence and Assistant City Manager Gunter are working on developing an application that will allow potential Birmingham parkers to locate all available parking within the City at a given time on their phone. The sensors on the parking meters are an integral part of that vision.

City Manager Valentine explained payments for the system were allocated in a previous budget, and the money is available every year until the system is paid.

Police Chief Clemence told the Commission that utilization rates are about 47% coins, 26.5% ParkMobile App, and 26.5% credit card. Each month, credit cards are becoming incrementally more popular.

WATER SUPPLY SYSTEM

Finance Director Mark Gerber reported a 5% increase in water costs primarily due to increased fees from the Great Lakes Water Authority (GLWA), and an increase in Birmingham's own costs for personnel.

SEWAGE DISPOSAL

Finance Director Gerber reported the City is waiting for the Oakland County Water Resources Commissioner to finalize fees, but a large change is not anticipated between the projection and the final budget.

City Manager Valentine confirmed adequate funding is contained in the proposed budget for planned projects.

MUNICIPAL GOLF COURSES

DPS Director Wood reported an increase in the Lincoln Hills budget of approximately 7% due to wage increases for seasonal staff and planned public improvements. The Springdale course is currently undergoing a public improvement project, and is scheduled to open on Mother's Day.

Mayor Harris questioned the projected deficit for 2020. Finance Director Gerber explained both depreciation and capital costs are shown, so if capital expenditures are deducted the deficit is much smaller than what is shown.

5. GENERAL FUND (CONT.)

PUBLIC SAFETY

Police Chief Clemence and Police Commander Albrecht reported a 4.25% increase, attributable to wages, salaries and associated labor costs. Police Chief Clemence noted less than \$80,000 is budgeted for planned programs, six Tasers are being purchased for auxiliary officers, officers are due for new bullet proof vests this year and a federal grant will cover half the cost, and auxiliary officers are scheduled for new coats and uniforms. 3 desks for support staff are being replaced. They are from the 80s.

DISPATCH

Police Chief Clemence reported a 4.89% decrease, due to reduced annual maintenance fees

because of the purchase of equipment.

LAW & DRUG ENFORCEMENT FUND

Fire Chief Connaughton and Police Chief Clemence reported planned purchases using drug forfeiture funds.

Resident David Bloom questioned the proposed increase for wages and labor costs. City Manager Valentine explained labor costs are driven primarily by the cost of health care coverage and wages are dictated by union contracts.

FIRE

Assistant Fire Chief Donohue reported a 9.6% increase, primarily attributable to the succession plan for the retiring Fire Chief, step increases, and retiree health care increases.

City Manager Valentine explained the addition of three employees is due to increasing medical runs. He noted only 2% of runs are for fires, with the rest typically being medical runs.

EMERGENCY PREPAREDNESS

Assistant Fire Chief Donohue reported no change from the current year.

Resident David Bloom asked if increased tax revenue from new assisted care facilities covers the cost of increased medical runs. City Manager Valentine noted that emergency services are available for everyone equally, so the City doesn't budget in the way Mr. Bloom suggests.

PUBLIC SERVICES

DPS Director Wood and DPS Manager Filipski reported a 9% increase, primarily attributable to computer rental cost increases and planned building maintenance.

PROPERTY MAINTENANCE

DPS Director Wood reported a less than 1% increase.

WEED/SNOW ENFORCEMENT

DPS Director Wood reported the enforcement budget remains relatively flat.

ICE SPORTS ARENA

DPS Director Wood reported a 2% decrease. City Manager Valentine reported the City is looking at having an assessment done to determine future needs and noted a complete replacement of the ice arena sheets and underlying mechanicals may be needed. City Manager Valentine indicated that projects for parks and facilities were identified in the Parks and Recreation Master Plan, and that a discussion is forthcoming about the possibility of issuing parks bonds in order to make the improvements in a more financially stable way.

DPS Director Wood reported on the status of the infrastructure audit, noting the proposal is currently being reviewed. Discussion ensued focused on the future of the ice arena, the City's ability to address infrastructure repairs and replacements as soon as possible and repurposing the facility for additional off-season uses.

COMMUNITIY ACTIVITIES

DPS Director Wood reported a 12% increase, primarily attributable to a one-time additional purchase of holiday lights.

PARKS & RECREATION

DPS Director Wood reported the budget is relatively flat.

Commissioner Hoff questioned why the cost for city logo changes is included in the Parks and Recreation budget but not in other departments. City Manager Valentine explained costs for logo changes that apply across the organization, such as stationary, have been budgeted centrally, with specific areas, such as parks signs, budgeted to the appropriate department.

DPS Director Wood agreed that lily pad treatment in Quarton Park is a continuing maintenance issue. Mayor Pro Tem Bordman noted the runoff of nitrogen and silt provides grounding for lily pads and asked if any thought to fixing the runoff has been considered. DPS Director Wood indicated the MDEQ permit does not allow mitigation along the shoreline.

Resident David Bloom suggested lawn care services be educated about reducing fertilizer applications.

6. INFORMATION TECHNOLOGY

IT Director Brunk reported a 2% increase attributable to increasing connectivity speed to City facilities and to departmental requests for machinery and equipment.

IT Director Brunk confirmed appropriate measures have been taken to guard the network, and backups of all servers are run daily and kept independently. City Manager Valentine confirmed the intent to continue using an IT consultant rather than bringing the function in-house.

7. BIRMINGHAM HISTORICAL MUSEUM

ALLEN HOUSE

Museum Director Pielack reported a 2.6% decrease, attributable to the completion of one-time projects.

In response to Commissioner Hoff's question about the increase in labor burden, Finance Director Gerber and City Manager Valentine explained federal requirements regarding hospitalization has necessitated the implementation of a third tier of health coverage for a few City employees, including the Museum Director.

Museum Director Pielack explained the contractual services budget includes complete refinishing and repair of exterior mahogany doors, three-quarters of the fencing around the side, repair of brick siding, foundation repair, and repair of steel rails.

Commissioner Hoff noted she understands the Museum has delayed the replacement of signage in anticipation of a new city logo, but commented the unattractive state of the Museum signage is not appropriate for Birmingham.

HUNTER HOUSE

Museum Director Pielack reported a 29% increase, representing approximately \$4,000, attributable

to needed work, including replacement of the roof and possible repair of paint. The budget increase for this work is reflected in the capital projects line item.

Mayor Harris recessed the meeting at 12:17 p.m. and reconvened the meeting at 12:48 p.m.

8. BIRMINGHAM SHOPPING DISTRICT (BSD)

BSD Director Tighe highlighted three line items, noting the current fiscal year's budget was higher than usual due to support services and marketing to address challenges faced due to the Old Woodward construction project. Decreases in FY 2018-2019 are due to the completion of the Old Woodward construction project.

Highlighting the tenant recruitment line item, BSD Director Tighe noted a proposed increase to support tenant recruitment and retention following the construction project.

BSD Director Tighe reported an overall decrease of 8% from the current fiscal year.

Commissioner Nickita asked if Buxton has analyzed rental rates. BSD Director Tighe explained their scope of work entails analyzation of customer profiles, not rental rates. Commissioner Nickita stated he would like a clear analysis of Birmingham's rents in comparison to other communities.

9. BALDWIN PUBLIC LIBRARY

Library Director Koschik introduced Library Board Members Frank Pisano, Jim Suhay, Melissa Mark, and Bob Tera.

Library Director Koschik presented highlights of the Library's proposed budget:

- Continuation of the current 1.1 mills for operating expenses.
- An additional 0.2983 mills in FY 2018-19 to start pre-funding the Youth expansion and renovation, for a total millage request of 1.3983 mills.
- An additional 0.2819 mills in FY 2019-20 for continued funding of the expansion and renovation, for a total millage request of 1.3819 mills.
- An increase in the operating budget for two new part-time librarians, expansion of electronic resources, the Idea Lab and replacement of computer system, and building improvements in the Grand Hall, second floor and lower level, including furniture, carpet, paint, electrical and cleaning.

Library Director Koschik noted features of the proposed youth room project:

- Expansion of the youth room.
- Increase in size of story room, play area, and study and collaboration spaces.
- Updates of lighting, acoustics, and wiring.
- Improved wayfinding.
- Updates of paint, furniture, and carpeting.
- Renovation and modernization of restrooms.
- Exposing the brick on the 1927 building.
- Creating a building exterior that complements the existing building as well as Shain Park.
- Projected cost is \$2.348 million in 2019 dollars, with proposed construction occurring July 2019 – April 2020.

Library Director Koschik reported the projected fund balance for FY 2018-19 is \$1,672,764.

10. BROWNFIELD REDEVELOPMENT AUTHORITY

Finance Director Gerber explained the increase in expenditures is attributable to reimbursements for environmental costs being paid to Brownfield projects.

11. TRIANGLE DISTRICT CORRIDOR IMPROVEMENT AUTHORITY

Finance Director Gerber explained there is currently no tax capture. The City is working with various entities to develop a site in the triangle area for parking.

12. GREENWOOD CEMETERY PERPETUAL CARE FUND

Finance Director Gerber reported no expenditures are planned for next year, over half a million dollars is invested in the fund, and the fund is generating about \$12,000 in investment income.

City Manager Valentine noted the need to make the availability of cemetery plots known.

Regarding the cemetery master plan project, City Manager Valentine explained \$20,000 from the general fund was expected to be expended in the current fiscal year, but the RFP will likely need to be refined to more clearly align the scope of work with the Greenwood Cemetery Advisory Board's intent. The \$20,000 slated for the master plan, if not expended in the current fiscal year will be moved forward to the FY2018-2019 budget

Finance Director Gerber confirmed the City is taking advantage of the new law allowing more investment possibilities for the fund, and as a result higher returns are being realized than for general City investments.

13. DEBT SERVICE FUND

Finance Director Gerber explained the amount being requested for property taxes for the bonds is slightly less than the previous year. The bonds fluctuate depending on how each was structured when issued.

Referring to the previous mention of a possible Parks and Recreation bond issue, Finance Director Gerber noted an opportunity in coming fiscal years to replace retiring debt with a new bond issue.

14. CAPITAL PROJECTS FUND

Finance Director Gerber noted major planned expenditures including replacement of boilers at City Hall, installation of street lights in the Old Woodward project area, and work on the Kenning Park baseball fields.

15. PUBLIC COMMENT

None.

The Mayor closed the public hearing and adjourned the meeting at 1:36 p.m.

J. Cherilynn Mynsberge
City Clerk

**BIRMINGHAM CITY COMMISSION MINUTES
SPECIAL MEETING
APRIL 28, 2018
MUNICIPAL BUILDING, 151 MARTIN
2:30 P.M.**

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Harris called the meeting to order at 2:30 p.m.

II. ROLL CALL

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

Administration: City Manager Valentine, Assistant City Manager Gunter, City Attorney Currier, City Clerk Mynsberge.

III. CLOSED SESSION

**04-124-18 CONTRACT TO PROVIDE SITE PREPARATION SERVICES FOR
TEMPORARY PARKING LOT – SOUTHEAST CORNER OF
WOODWARD AND MAPLE**

MOTION: Motion by Commissioner Sherman, seconded by Commissioner DeWeese:
To authorize the contract with Angelo Iafrate to provide site preparation services for the temporary parking lot located at the southeast corner of Woodward and Maple for fiscal year 2017-2018 in the amount of \$80,335 from account # 585-538.012-981.0100, and, further, to direct the Mayor and City Clerk to sign the agreement on behalf of the City.

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

XI. ADJOURN

Mayor Harris adjourned the meeting at 2:31 p.m.

J. Cherilynn Mynsberge, City Clerk

City of Birmingham
Warrant List Dated 04/25/2018

Meeting of 05/14/2018

Check Number	Early Release	Vendor #	Vendor	Amount
257824	*	000855	48TH DISTRICT COURT	100.00
257825	*	000855	48TH DISTRICT COURT	100.00
257826	*	000855	48TH DISTRICT COURT	100.00
257827		002284	ABEL ELECTRONICS INC	3,341.49
257828		001797	ALLEGRA MARKETING, PRINT, MAIL	485.00
257829	*	MISC	ALLEN OSANTOWSKI	100.00
257830		000167	ANDERSON ECKSTEIN WESTRICK INC	4,080.00
257831		MISC	ANTHONY BRANHAM	100.00
257832		000500	ARTECH PRINTING INC	130.00
257834		000518	BELL EQUIPMENT COMPANY	3,847.82
257835		003361	BERGER CHEVROLET	36,170.00
257836	*	008707	CITY OF BIRMINGHAM #231	14,545.14
257837		000524	BIRMINGHAM LOCKSMITH	7.50
257838		007624	BIRMINGHAM OIL CHANGE CENTER, LLC	145.37
257839	*	001086	CITY OF BIRMINGHAM	386.04
257840		MISC	BLOOMFIELD CONSTRUCTION CO	200.00
257841	*	003282	LISA MARIE BRADLEY	144.00
257842	*	007772	BRIXNSTONE LLC	3,475.00
257843	*	006177	BULLSEYE TELECOM INC	108.61
257845		006257	C.S. MCKEE LP	3,580.42
257847	*	000444	CDW GOVERNMENT INC	426.43
257848		MISC	CEDAR PRESERVATION SYSTEMS LLC	200.00
257849		000605	CINTAS CORPORATION	175.04
257850		004188	COFFEE BREAK SERVICE, INC.	138.00
257851		MISC	CONSTANTINE INC	100.00
257852		008512	COOL THREADS EMBROIDERY	199.97
257853	*	004830	CUMMINS-ALLISON CORP.	242.00
257854		004386	CYNERGY PRODUCTS	454.00
257856		008559	DETROIT BATTERY COMPANY	965.70
257857		004198	DETROIT HITCH CO	97.45
257858	*	008757	DISASTER MASTERS RESTORATION	4,227.50
257859		004671	ELDER FORD	441.19
257860		001361	ERIE LANDMARK CO	165.40
257861		000207	EZELL SUPPLY CORPORATION	344.43
257862		001223	FAST SIGNS	2,950.00
257862	*	001223	FAST SIGNS	90.00
257863	*	000936	FEDEX	94.37
257864	*	MISC	FERBER, CARLA	266.16
257865		008161	FIERA CAPITAL INC	15,381.71
257866		007613	FIRESERVICE MANAGEMENT	30.00
257867		007314	FLEIS AND VANDENBRINK ENG. INC	526.74
257868		000217	FOUR SEASON RADIATOR SERVICE INC	768.00
257869		MISC	GLOBAL INTERIORS CO & RENOVATIONS	100.00

City of Birmingham
Warrant List Dated 04/25/2018

Meeting of 05/14/2018

Check Number	Early Release	Vendor #	Vendor	Amount
257870	*	004604	GORDON FOOD	244.24
257872	*	008756	TIFFANY J. GUNTER	710.15
257873		006845	HAWTHORNE	2,068.00
257874		001672	HAYES PRECISION INC	30.50
257875		MISC	HICKS CONSTRUCTION	200.00
257876		000331	HUBBELL ROTH & CLARK INC	30,141.75
257877	*	003824	THOMAS I. HUGHES	93.79
257878		001204	ICMA	200.00
257880		000340	INDUSTRIAL BROOM SERVICE, LLC	1,068.60
257881		000261	J.H. HART URBAN FORESTRY	10,736.61
257882		003458	JOE'S AUTO PARTS, INC.	401.01
257883		004088	KGM DISTRIBUTORS INC	132.00
257884	*	007828	DEBORAH KLEIN	192.00
257885		004085	KONE INC	11,970.00
257886	*	000362	KROGER COMPANY	23.97
257887	*	002466	MIKE LABRIOLA	75.00
257888	*	008607	LANZO TRENCHLESS TECHNOLOGIES NORTH	233,998.82
257889		005550	LEE & ASSOCIATES CO., INC.	97.50
257890	*	007977	KAREN LINGENFELTER	72.00
257891		MISC	LORI FRICKE	50.00
257892		MISC	LOUISA EGIDO	7.00
257894		MISC	LUXE HOMES DESIGN BUILD LLC	869.62
257895	*	003945	SANDRA LYONS	450.00
257896		004484	MACOMB COMMUNITY COLLEGE	650.00
257897		MISC	MANNA CONSTRUCTION	200.00
257898		007833	MICHIGAN ASSOCIATION OF PLANNING	800.00
257900	*	008126	MICHIGAN.COM	278.74
257901		000230	MIKE SAVOIE CHEVROLET INC	354.00
257902		001194	NELSON BROTHERS SEWER	850.00
257903	*	007856	NEXT	5,061.43
257904	*	000477	OAKLAND COUNTY	3,782.88
257905	*	004370	OCCUPATIONAL HEALTH CENTERS	408.00
257906		006189	P.F. PETTIBONE & CO.	126.90
257908		MISC	PETERSON WIAND BOES & CO	500.00
257909		MISC	PETRONA CO	200.00
257910		MISC	PICCOLO PENGUIN	100.00
257911		001341	PIFER GOLF CARS INC	5,850.00
257912		004137	R & R FIRE TRUCK REPAIR INC	130.00
257913	*	008404	PETE REALY	98.96
257914		MISC	RENEE BACKLUND	74.19
257915		MISC	RENEWAL BY ANDERSEN	1,000.00
257916	*	003554	RKA PETROLEUM	12,172.40
257917		000478	ROAD COMM FOR OAKLAND CO	3,768.55

City of Birmingham
Warrant List Dated 04/25/2018

Meeting of 05/14/2018

Check Number	Early Release	Vendor #	Vendor	Amount
257917	*	000478	ROAD COMM FOR OAKLAND CO	70.18
257918		000218	ROYAL OAK P.D.Q. LLC	42.83
257919		MISC	SEAN KELLY	200.00
257920		008602	SEIZERT CAPITAL PARTNERS	10,959.00
257921		007142	SHERWIN-WILLIAMS COMPANY	162.24
257922		MISC	SMOLYANOV HOME IMPROVMENT	200.00
257923	*	008569	ALEXA SOLOMON	120.00
257924		005787	SOUTHEASTERN EQUIPMENT CO. INC	903.22
257925	*	007907	SP+ CORPORATION	3,520.00
257926	*	005375	STEPPIN OUT	763.87
257927		000782	TERRYBERRY	73.45
257928	*	003173	TIFFANY FLORIST	61.95
257929		004320	TRI-COUNTY POWER RODDING, INC	450.00
257930		005331	UBS FIN SERVICES, INC	16,057.82
257931		008235	UNIVERSAL LAUNDRY MACHINE	835.00
257932	*	000158	VERIZON WIRELESS	125.96
257933		006491	VILLAGE AUTOMOTIVE	429.53
257934		004334	VILLAGE CONEY	1,089.96
257935	*	003890	LAUREN WOOD	525.00
257936		MISC	WOODLAKE CONSTRUCTION LLC	200.00
257937		006318	FRANK J ZAMBONI CO. INC	212.83
Sub Total Checks:				<u>\$466,771.93</u>
Sub Total ACH:				<u>\$95,991.38</u>
Grand Total:				<u><u>\$562,763.31</u></u>

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



Mark Gerber
Finance Director/ Treasurer

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

City of Birmingham
ACH Warrant List Dated 4/25/2018

Vendor Name	Transfer Date	Transfer Amount
Automated Benefit Services, Inc.	4/23/2018	91,791.16
Cutwater Asset Management-March	**	4,200.22
TOTAL		95,991.38

**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 05/02/2018

Meeting of 05/14/2018

Check Number	Early Release	Vendor #	Vendor	Amount
257938	*	000855	48TH DISTRICT COURT	75.00
257939		002284	ABEL ELECTRONICS INC	7,114.96
257940	*	008226	KATHI ABELA	324.00
257941		003243	AMERICAN PRINTING SERVICES INC	1,830.00
257942		008630	AMERICAN TRADE MARK CO.	292.37
257943		MISC	ANDERSON, RYAN	100.00
257944	*	007510	GRANT ANKNEY	694.00
257945	*	001357	ART/DESIGN GROUP LTD	150.00
257946		000500	ARTECH PRINTING INC	848.00
257947	*	006759	AT&T	136.54
257948	*	007216	AT&T	90.17
257949		008422	AXIOM CONSTRUCTION SVCS GROUP LLC	56,248.20
257950		005590	AXON ENTERPRISE, INC.	2,484.00
257951		002702	B & B GREASE TRAP & DRAIN	95.00
257952		008165	B5 INVESTMENTS, LLC	100.97
257954		007382	BEACON ATHLETICS	377.80
257955		000518	BELL EQUIPMENT COMPANY	1,370.26
257956	*	008665	MARY BERGER	294.00
257957		MISC	BERGSMAN WIAND BOUCHARD & CO	2,000.00
257958		007345	BEVERLY HILLS ACE	98.29
257959		008503	BIRDIE IMAGING SUPPLIES, INC	1,684.80
257960		000524	BIRMINGHAM LOCKSMITH	7.50
257961		007624	BIRMINGHAM OIL CHANGE CENTER, LLC	128.14
257962		001201	BIRMINGHAM YOUTH ASSISTANCE	5,514.99
257963	*	001086	CITY OF BIRMINGHAM	882.59
257964		007767	SHARON BLAIR	93.28
257965		007875	CANFIELD EQUIPMENT SERVICE INC.	445.00
257966	*	008067	CAREERBUILDER GOVERNMENT SOLUTIONS	650.00
257967		000595	CARRIER & GABLE INC	102.62
257968		000444	CDW GOVERNMENT INC	3,567.76
257968	*	000444	CDW GOVERNMENT INC	6,609.00
257969	*	007835	SARAH CHUNG	71.50
257970		000605	CINTAS CORPORATION	48.88
257971		003633	CLARKE MOSQUITO CONTROL	8,255.40
257972	*	007625	COMCAST	464.94
257973	*	007774	COMCAST BUSINESS	1,250.09
257974		000979	COMERICA BANK	18,296.50
257975	*	000627	CONSUMERS ENERGY	10,298.04
257976		002668	CONTRACTORS CLOTHING CO	497.97
257977		001367	CONTRACTORS CONNECTION INC	262.00
257978		008582	CORE & MAIN LP	985.90
257979		004386	CYNERGY PRODUCTS	95.00
257980		MISC	DANIEL KAUFMAN	125.00

City of Birmingham

Warrant List Dated 05/02/2018

Meeting of 05/14/2018

Check Number	Early Release	Vendor #	Vendor	Amount
257981		008559	DETROIT BATTERY COMPANY	371.90
257982		007359	DETROIT CHEMICAL & PAPER SUPPLY	43.52
257983	*	006077	DI PONIO CONTRACTING INC	142,937.45
257984	*	007980	CURTIS DAVID DICHO	273.00
257985	*	000179	DTE ENERGY	20,868.22
257986		001077	DUNCAN PARKING TECH INC	1,400.36
257987		003253	ESRI, INC	2,750.00
257988	*	008567	KAMERYN EVERETT	169.00
257989		000207	EZELL SUPPLY CORPORATION	98.96
257990		001230	FIRE SYSTEMS OF MICHIGAN INC	60.00
257991		007172	GARY KNUREK INC	756.34
257992	*	004604	GORDON FOOD	106.43
257993		000243	GRAINGER	656.00
257994		008382	GREAT LAKES PORTABLE STORAGE LLC	169.00
257995	*	007723	BRYAN GRILL	75.00
257996	*	007001	BRYAN HARDY	47.00
257998		006521	INTERSTATE BILLING SERVICE INC	80.42
257999		002407	J & B MEDICAL SUPPLY	180.38
258000		000261	J.H. HART URBAN FORESTRY	9,742.40
258001		003458	JOE'S AUTO PARTS, INC.	1,022.11
258002		000347	JOHN R. SPRING & TIRE CENTER INC.	140.00
258003	*	007244	CHRISTOPHER JUDKINS	1,027.96
258004		008413	KARANA REAL ESTATE, LLC	521.17
258005	*	007827	HAILEY R KASPER	195.00
258006	*	000362	KROGER COMPANY	18.81
258007		003404	LADUKE ROOF.& SHT.METAL CORP	854.50
258008		005550	LEE & ASSOCIATES CO., INC.	2,675.68
258009		MISC	LMB PROPERTIES LLC	2,000.00
258010		007865	LOGICAL SOLUTIONS ENTERPRISE INC	599.00
258011		000888	MCKENNA ASSOCIATES INC	1,000.00
258012		008479	MD SOLUTIONS, INC	250.00
258013		001660	MICHIGAN CAT	268.12
258014		000230	MIKE SAVOIE CHEVROLET INC	138.20
258015	*	008350	VERONICA MILLER	222.00
258016		006952	MITCHELL1	2,309.69
258017		007163	MOBILE HEALTH RESOURCES	753.10
258018		001452	MONTGOMERY & SONS INC	1,449.55
258019		001089	MUNICIPAL CODE CORP.	1,066.00
258021		007915	NENA	1,100.00
258022		006359	NYE UNIFORM COMPANY	127.50
258023	*	000477	OAKLAND COUNTY	1,325.19
258024	*	004370	OCCUPATIONAL HEALTH CENTERS	144.00
258025	*	000481	OFFICE DEPOT INC	2,964.80

City of Birmingham
Warrant List Dated 05/02/2018

Meeting of 05/14/2018

Check Number	Early Release	Vendor #	Vendor	Amount
258026	*	006027	PENCHURA, LLC	1,957.00
258027	*	008225	DIANA PERAINO	756.00
258029		001277	PHYSIO-CONTROL CORP.	334.25
258030	*	003352	JAMIE CATHERINE PILLOW	666.00
258031		007146	PLAYWORLD MIDSTATES	837.85
258032		000801	POSTMASTER	225.00
258033		003447	RAFT	1,276.00
258034	*	008342	RAIN MASTER CONTROL SYSTEMS	29.85
258035		006497	RNA OF ANN ARBOR INC	2,860.00
258036		001181	ROSE PEST SOLUTIONS	89.00
258037		000218	ROYAL OAK P.D.Q. LLC	188.00
258038		003785	SIGNS-N-DESIGNS INC	174.00
258039		000254	SOCRRA	61,960.00
258040		005787	SOUTHEASTERN EQUIPMENT CO. INC	348.01
258041		006783	STATE OF MICHIGAN	60.00
258042		005238	SUNTEL SERVICES	4,170.50
258043	*	008507	SUPERFLEET MASTERCARD PROGRAM	382.32
258044		000273	TERMINAL SUPPLY CO.	34.20
258045		MISC	THORNTON & GROOMS INC.	166.51
258046		000275	TIRE WHOLESALERS CO INC	450.48
258047		002037	TOTAL ARMORED CAR SERVICE, INC.	714.83
258048		008371	TREDROC TIRE SERVICES	585.60
258049	*	004887	TRUCK & TRAILER SPECIALTIES INC	405.50
258050	*	MISC	TWINS GROUP LLC	207.34
258051	*	001410	JOE VALENTINE	92.65
258052	*	000158	VERIZON WIRELESS	836.63
258053	*	000158	VERIZON WIRELESS	50.47
258054		007278	WHITLOCK BUSINESS SYSTEMS, INC.	1,641.82
258055	*	007355	LINDSAY WILLEN	180.00
258056	*	007894	BRENDA WILLHITE	580.00
258057		004512	WOLVERINE POWER SYSTEMS	240.00
258058		008344	WOODWARD BROWN ASSOCIATES, LLC	48,049.14

City of Birmingham
Warrant List Dated 05/02/2018

Meeting of 05/14/2018

Check Number	Early Release	Vendor #	Vendor	Amount
Sub Total Checks:				\$468,567.17
Sub Total ACH:				\$71,213.34
Grand Total:				\$539,780.51

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



Mark Gerber
Finance Director/ Treasurer

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

5/14/2018

City of Birmingham
4/18/2018

Vendor Name	Transfer Date	Transfer Amount
Automated Benefit Services, Inc.	4/30/2018	71,213.34
TOTAL		71,213.34

City of Birmingham
Warrant List Dated 05/9/2018

Meeting of 05/14/2018

Check Number	Early Release	Vendor #	Vendor	Amount
258059	*	000855	48TH DISTRICT COURT	100.00
258060	*	000855	48TH DISTRICT COURT	100.00
258061	*	000855	48TH DISTRICT COURT	100.00
258062	*	000855	48TH DISTRICT COURT	100.00
258063	*	000855	48TH DISTRICT COURT	96.00
258064	*	000855	48TH DISTRICT COURT	100.00
258065	*	000146	6TH CIRCUIT COURT	750.00
258066	*	006965	7UP DETROIT	424.14
258067		002284	ABEL ELECTRONICS INC	2,616.94
258068	*	007266	AETNA BEHAVIORAL HEALTH LLC	469.43
258069		007696	AMERICAN CLEANING COMPANY LLC	1,350.00
258070		002679	ANCHOR WIPING CLOTH CO	180.00
258071	*	008280	APWA - MICHIGAN CHAPTER	200.00
258073		000500	ARTECH PRINTING INC	275.00
258075		007479	ASB DISTRIBUTORS	43.60
258076	*	006759	AT&T	136.55
258077	*	006759	AT&T	123.33
258078	*	006759	AT&T	68.92
258079	*	006759	AT&T	123.38
258080	*	006759	AT&T	68.91
258081	*	004027	AUTOMATED BENEFIT SVCS INC	9,926.17
258082	*	008422	AXIOM CONSTRUCTION SVCS GROUP LLC	383,741.75
258083	*	007263	BACCHANAL PROMOTIONS LLC	950.00
258085		004931	BIDNET	712.27
258086		002231	BILLINGS LAWN EQUIPMENT INC.	80.89
258087	*	008543	CITY OF BIRMINGHAM #225	75,280.64
258088	*	001086	CITY OF BIRMINGHAM	223.18
258089		006520	BS&A SOFTWARE, INC	2,715.00
258091	*	000569	JOEL CAMPBELL	657.50
258092		007875	CANFIELD EQUIPMENT SERVICE INC.	2,716.31
258093		000603	CHEMCO PRODUCTS INC	442.00
258094		000605	CINTAS CORPORATION	210.04
258095	*	008044	CLUB PROPHET	590.00
258096	*	004026	COFINITY	1,440.00
258097	*	007625	COMCAST	356.40
258099		008582	CORE & MAIN LP	397.76
258100		004386	CYNERGY PRODUCTS	85.00
258101	*	008005	DE LAGE LANDEN FINANCIAL SVCS INC	173.75
258102	*	006907	DENTEMAX, LLC	135.00
258106		005322	DTE ENERGY COMPANY	63,783.53
258107		001077	DUNCAN PARKING TECH INC	89.80
258108		007505	EAGLE LANDSCAPING & SUPPLY	203.00
258109		004671	ELDER FORD	1,128.27

City of Birmingham
Warrant List Dated 05/10/2018

Meeting of 05/14/2018

Check Number	Early Release	Vendor #	Vendor	Amount
258111		001230	FIRE SYSTEMS OF MICHIGAN INC	80.00
258112		006181	FIRST CHOICE COFFEE SERV	143.45
258113		007125	HEATHER FRACASSI	250.00
258115		002510	GAMCO INVESTORS INC	23,957.00
258116	*	004604	GORDON FOOD	966.48
258117		000243	GRAINGER	46.24
258118	*	005090	GRAND TRAVERSE RESORT & SPA, LLC	551.09
258119		001531	GUNNERS METER & PARTS INC	2,210.00
258121	*	001956	HOME DEPOT CREDIT SERVICES	4,258.45
258122		000948	HYDROCORP	1,315.00
258123		004837	IDEACORE, LLC	75.00
258124		008433	INFO TECH INC	600.00
258125	*	007035	INNOVATIVE OFFICE TECHNOLOGY GROUP	733.18
258126		002407	J & B MEDICAL SUPPLY	16.65
258127	*	002576	JAX KAR WASH	353.00
258128		003458	JOE'S AUTO PARTS, INC.	9.60
258129	*	000891	KELLER THOMA	785.08
258130		004088	KGM DISTRIBUTORS INC	150.00
258131	*	007511	ADAM KNOWLES	471.17
258132	*	004085	KONE INC	489.01
258133	*	008762	LABOR ARBITRATION INSTITUTE	275.00
258134		008188	LEARN TO SKATE USA	77.95
258135		005550	LEE & ASSOCIATES CO., INC.	2,354.60
258136		006817	LEXISNEXIS RISK DATA MANAGEMENT INC	100.00
258138	*	008417	M-1 STUDIOS LLC	9,450.00
258139		008000	MARXMODA	1,330.00
258140		008763	MARYKO HOSPITALITY, LLC	7,500.00
258141		008761	MASTERCRAFT PLUMBING, INC.	289.00
258143		006461	MID AMERICA RINK SERVICES	34.23
258144		000230	MIKE SAVOIE CHEVROLET INC	154.08
258145	*	000649	MML WORKERS' COMP FUND	44,284.00
258146	*	007773	MONSTER WORLDWIDE INC	375.00
258148		008156	MPELRA	50.00
258150		007755	NETWORK SERVICES COMPANY	265.59
258151		006723	NEWMIND GROUP, INC	57.55
258154		006027	PENCHURA, LLC	215.41
258155	*	001753	PEPSI COLA	379.83
258156		005660	PUBLIC AGENCY TRAINING COUNCIL	295.00
258157		004137	R & R FIRE TRUCK REPAIR INC	1,378.49
258158		000286	RESIDEX LLC	1,447.11
258159		000218	ROYAL OAK P.D.Q. LLC	67.00
258160		003785	SIGNS-N-DESIGNS INC	190.00
258161	*	008073	SITEONE LANDSCAPE SUPPLY, INC	269.25

City of Birmingham
Warrant List Dated 05/10/2018

Meeting of 05/14/2018

Check Number	Early Release	Vendor #	Vendor	Amount
258162		007738	SOLOMON DIVING, INC.	9,000.00
258163		000256	SOMERSET BUICK GMC INC	60.36
258164		005787	SOUTHEASTERN EQUIPMENT CO. INC	838.69
258166		001255	TEKNICOLORS INC	1,312.94
258167		001900	TRISTAR FIRE PROTECTION INC	250.00
258168		000155	TYCO INTEGRATED SECURITY LLC	412.80
258169		007706	UTEC	208.20
258170		007226	VALLEY CITY LINEN	42.35
258171		000931	VARSITY SHOP	83.00
258172	*	000158	VERIZON WIRELESS	714.59
258173	*	000158	VERIZON WIRELESS	151.41
258174	*	000158	VERIZON WIRELESS	907.86
258175	*	000158	VERIZON WIRELESS	151.76
258177		008711	VOLVIK USA	150.70
258178	*	007355	LINDSAY WILLEN	299.00
258181		000306	WOLVERINE CONTRACTORS INC	821.50
258182		008344	WOODWARD BROWN ASSOCIATES, LLC	1,649.96
258183		008391	XEROX CORPORATION	990.27
258184	*	001741	MACOMB COUNTY FRIEND OF	500.00
Sub Total Checks:				\$680,309.34
Sub Total ACH:				\$101,119.18
Grand Total:				\$781,428.52

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



Mark Gerber
Finance Director/ Treasurer

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

5/14/2018

City of Birmingham
5/9/2018

Vendor Name	Transfer Date	Transfer Amount
Automated Benefit Services, Inc.	5/7/2018	101,119.18
TOTAL		101,119.18



Cherilynn Mynsberge <cmynsberge@bhamgov.org>

Fwd: MMTB

1 message

Jana Ecker <jecker@bhamgov.org>
To: cmynsberge@bhamgov.org

Tue, May 1, 2018 at 11:54 AM

On May 1, 2018, at 11:26 AM, Michael Surnow <michaelsurnow@gmail.com> wrote:

Fellow Board Members:

With the onset of 2018, I decided to put my work load on a “crash diet” to give me a bit more time to pursue travel, hiking, biking, and just fooling around. I am happy to report that I have done so well on my diet that I am usually somewhere else....With that in mind, I would be a disservice to the Board for me to continue to occupy a seat when I would be absent from most meetings. Accordingly, I will resign my seat forthwith. I would like to conclude by saying that it has been a pleasure working with all of you over the past few years. Each of you bring something special and unique to the Board and I wish all of you the very best. m

Although time flies.....youre the pilot

SUGGESTED RESOLUTION:

To accept the resignation of Michael Surnow from the Multi-Modal Transportation Board as a Regular Member, to thank him for his service, and to direct the City Clerk to begin the process of filling the vacancy.



Cherilynn Mynsberge <cmynsberge@bhamgov.org>

Fwd: Resignation of Cheryl Daskas from BSD Board

1 message

Joe Valentine <jvalentine@bhamgov.org>
To: Cherilynn Brown <cmynsberge@bhamgov.org>
Cc: Ingrid Tighe <itighe@bhamgov.org>

Thu, May 3, 2018 at 11:32 AM

FYI

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

From: **Jeff Hockman** <jeff.hockman@mellc.co>
Date: Thu, May 3, 2018 at 11:10 AM
Subject: Resignation of Cheryl Daskas from BSD Board
To: Joe Valentine <jvalentine@bhamgov.org>

Joe

Cheryl Daskas informed me today of her resignation from the Birmingham Shopping District Board effective immediately.

Jeff Hockman

Chairman, Birmingham Shopping District Board
City of Birmingham

SUGGESTED RESOLUTION:

To accept the resignation of Cheryl Daskas from the Birmingham Shopping District Board, to thank her for her service, and to direct the City Clerk to begin the process of filling the vacancy.



Cherilynn Mynsberge <cmynsberge@bhamgov.org>

Board vacancy

1 message

Joe Valentine <jvalentine@bhamgov.org>
To: Cherilynn Brown <cmynsberge@bhamgov.org>
Cc: Ingrid Tighe <itighe@bhamgov.org>

Tue, May 8, 2018 at 8:43 AM

BSD board member Rachel A. Woods has informed the board of her "retirement" from the board as she plans for retirement in her business. Please provide notice as we prepare to fill her position.

Thanks,

--

Joseph A. Valentine
City Manager
City of Birmingham
151 Martin Street
Birmingham, MI 48009
(248) 530-1809 Office Direct
(248) 530-1109 Fax
jvalentine@bhamgov.org
Twitter: @JoeValentine151

To get the latest information regarding the City of Birmingham, please sign up for our communication tools by clicking here www.bit.ly/bhamnews.

SUGGESTED RESOLUTION:

To accept the resignation of Rachel A. Woods from the Birmingham Shopping District Board, to thank her for her service, and to direct the City Clerk to begin the process of filling the vacancy.



MEMORANDUM

Department of Public Services

DATE: May 2, 2018

TO: Joseph A. Valentine, City Manager

FROM: Lauren A. Wood, Director of Public Services

SUBJECT: Oakland County West Nile Expense Reimbursement Request

Upon recommendation of the Oakland County Executive, the Oakland County Board of Commissioners continues to establish a West Nile Virus Fund Program to assist cities, villages and townships (CVT) in addressing mosquito control activities.

Oakland County's West Nile Virus Fund Program authorizes Oakland County CVT to apply for reimbursement of eligible expenses incurred in connection with personal mosquito protection measures/activity, mosquito habitat eradication, mosquito larviciding or focused adult mosquito insecticide spraying in designated community green areas.

The amount designated for the City of Birmingham is \$2,648.39. Birmingham must apply for reimbursement and our project must meet the eligibility requirements as determined by the Oakland County Health Division. This is the fourteenth year for this reimbursement program. Last year's reimbursement amount was \$2,648.39 for this program.

We spend approximately \$9,000 in Larvicide material to administer our mosquito control program each season. The program includes treating the local catch basins throughout the community, once during the season. This activity is eligible for reimbursement under Oakland County's West Nile Virus Fund Program.

SUGGESTED RESOLUTION:

To approve the attached Resolution requesting reimbursement for the maximum allotment of \$2,648.39 for eligible mosquito control activity under the Oakland County's West Nile Virus Fund Program.

**CITY OF BIRMINGHAM RESOLUTION AUTHORIZING WEST
NILE VIRUS FUND EXPENSE REIMBURSEMENT REQUEST**

WHEREAS, upon recommendation of the Oakland County Executive, the Oakland County Board of Commissioners has established a West Nile Virus Fund Program to assist Oakland County cities, villages and townships in addressing mosquito control activities; and

WHEREAS, Oakland County's West Nile Virus Fund Program authorizes Oakland County cities, villages and townships to apply for reimbursement of eligible expenses incurred in connection with personal mosquito protection measures/activity, mosquito habitat eradication, mosquito larviciding or focused adult mosquito insecticide spraying in designated community green areas; and

WHEREAS, the City of Birmingham, Oakland County, Michigan has incurred expenses in connection with mosquito control activities believed to be eligible for reimbursement under Oakland County's West Nile Virus Fund Program.

NOW THEREFORE BE IT RESOLVED that the Birmingham City Commission authorizes and directs its Director of Public Services, as agent for the City of Birmingham, in the manner and to the extent provided under Oakland County Board of Commissioners, to request reimbursement of eligible mosquito control activity under Oakland County's West Nile Virus Fund Program.

DATED
SIGNED
CERTIFIED



MEMORANDUM

Department of Public Services

DATE: May 2, 2018

TO: Joseph A. Valentine, City Manager

FROM: Lauren A. Wood, Director of Public Services

SUBJECT: Uniform Allowance Order for Teamsters

The Department of Public Services publicly opened bids titled "DPS Uniforms 2018", Tuesday April 24, 2018. Bid specifications were advertised with the Michigan Intergovernmental Trade Network (MITN). The Department of Public Services employs approximately 30 Teamsters. Under contractual obligation the Teamsters are allowed \$300 per fiscal year to spend for uniforms. The employees are allowed to purchase shirts, pants, boots, jackets, hats and gloves up to the \$300 fiscal year allowance. If an employee goes over this \$300 allotment they are able to personally pay the difference of the overage, or cut back on the items they are ordering. There were three bidders, Arrow Uniform, Contractors Clothing Company and Libra Industries, Inc. The bids are broken down as follows:

Company	Total amount for all garments listed in bid specifications	Company can met all requirements?
Contractors Clothing Company	\$250.30	Yes
Arrow Uniform	\$252.19	No
Libra Industries, Inc.	\$269.44	No

The total amount shown in the above results would be if the employee ordered every item that the bid specification listed. More often than not, the employees do not need to order the entire line of garments each fiscal year, but rather only select items; for example, boots and heavy coats may be ordered every few years and not necessarily each fiscal year, thereby keeping the total amount spent below the \$300 threshold. The general brand for pricing purposes is Carhartt products.

Contractors Clothing Company is the only vendor that has a store within 7 miles of Birmingham which allows the employees easy access to visit and try on garments before purchase. The City has done business with Contractors Clothing before and has been very pleased with their service and quality of goods. The company tracks all orders and sends detail invoices by individual to us for payment. The low bid amount last year was a total of \$341.25 from Contractors Clothing.

The other two bidders are catalog purchases only which is a system we used over the years in the past. Now the DPS personnel are able to purchase uniform items available in the store, try on clothing before purchasing, easy returns and the ability to pay for anything in excess of the \$300.00 allotment. This has become a much more efficient and effective system for everyone involved. Funds are budgeted in the fiscal year 2018-2019 Public Services - Uniform Allowance account # 101-441.002-743.0000.

SUGGESTED RESOLUTION:

To approve the purchase of uniforms with Contractors Clothing Company for the total amount not to exceed \$9,000 for fiscal year 2018-2019. Funds are available for this in the Public Services - Uniform Allowance account # 101-441.002-743.0000.



MEMORANDUM

Planning Division

DATE: May 14th, 2018

TO: Joseph A. Valentine, City Manager

FROM: Jana L. Ecker, Planning Director

SUBJECT: Set Public Hearing for Special Land Use Permit Amendment for 209 Hamilton Row/250 N Old Woodward – Emagine Palladium

The subject site, 209 Hamilton Row/250 N Old Woodward is located at the corner of N. Old Woodward and Hamilton Row in the Downtown Overlay. The applicant is seeking a Special Land Use Permit Amendment to remove a portion of the dining area (formerly 4-Story Burger) and install a 35 seat private viewing theater. There will be no changes made to the exterior of the building, and the building's signage will remain unchanged. The applicant has also advised that food and alcoholic beverage will be sold and consumed in the same manner as exists currently.

On April 25th, 2018, the Planning Board conducted a public hearing on the above application for a Special Land Use Permit Amendment for Emagine Palladium, where the Planning Board voted unanimously to recommend approval to the City Commission of Emagine Palladium at 209 Hamilton Row/250 N Old Woodward.

Accordingly, the Planning Division requests that the City Commission set a public hearing date of **June 4th, 2018** to consider the above request for a Special Land Use Permit Amendment. Please find attached the Planning Board staff report and application attachments for your review. The Planning Board minutes from April 25th, 2018 are not yet available.

SUGGESTED ACTION:

To set a public hearing date of June 4th, 2018 to consider a Special Land Use Permit Amendment for 209 Hamilton Row/250 N Old Woodward – Emagine Palladium, to allow for the renovation and installation of a 35 seat private viewing theater.

EMAGINE PALLADIUM
209 HAMILTON ROW / 250 N. OLD WOODWARD
SPECIAL LAND USE PERMIT AMENDMENT
2018

WHEREAS, Emagine Palladium filed an application pursuant to Article 7, section 7.34 of Chapter 126, Zoning, of the City Code to operate a food and drink establishment in the B4 zone district in accordance Article 2, Section 2.37 of Chapter 126, Zoning, of the City Code;

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

WHEREAS, The land is zoned B-4, and is located within the Downtown Birmingham Overlay District, which permits the operation of food and drink establishments serving alcoholic beverages with a Special Land Use Permit;

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

WHEREAS, The applicant submitted an application for a Special Land Use Permit Amendment to install a new 35 seat private viewing theater in the former dining area of Four Story Burger;

WHEREAS, The Planning Board reviewed the application on April 25th, 2018 for a Special Land Use Permit Amendment and Final Site Plan Review and recommended with no conditions;

WHEREAS, The Birmingham City Commission has reviewed Emagine Palladium's Special Land Use Permit Amendment application and the standards for such review as set forth in Article 7, section 7.36 of Chapter 126, Zoning, of the City Code;

NOW, THEREFORE, BE IT RESOLVED, The Birmingham City Commission finds the standards imposed under the City Code have been met, subject to the conditions below, and that Emagine Palladium's application for a Special Land Use Permit Amendment and Final Site Plan at 209 Hamilton Row/250 N Old Woodward is hereby approved;

BE IT FURTHER RESOLVED, That the City Commission determines that to assure continued compliance with Code standards and to protect public health, safety, and welfare,

this Special Land Use Permit Amendment is granted subject to the following conditions:

1. Emagine Palladium shall be permitted to provide entertainment in accordance with their entertainment permit issued by the MLCC;
2. Emagine Palladium shall abide by all provisions of the Birmingham City Code; and
3. The Special Land Use Permit may be canceled by the City Commission upon finding that the continued use is not in the public interest including, but not limited to, violations of the state law or Birmingham City Code.

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

BE IT FURTHER RESOLVED, Except as herein specifically provided, Emagine Palladium and its heirs, successors, and assigns shall be bound by all ordinances of the City of Birmingham in effect at the time of the issuance of this permit, and as they may be subsequently amended. Failure of Emagine Palladium 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 Emagine Palladium is recommended for the operation of a food and drink establishment serving alcoholic beverages on premises with a Class C Liquor License, at 209 Hamilton Row/250 N Old Woodward, Birmingham, Michigan, 48009, above all others, pursuant to Chapter 10, Alcoholic Liquors, of the Birmingham City Code, subject to final inspection.

I, Cherilynn Mynsberge, City Clerk of the City of Birmingham, Michigan, do hereby certify that the foregoing is a true and correct copy of the resolution adopted by the Birmingham City Commission at its regular meeting held on June 4th, 2018.

Cherilynn Mynsberge, City Clerk



Special Land Use Permit Application Planning Division

Form will not be processed until it is completely filled out.

1. Applicant

Name: CH Birmingham, LLC d/b/a Emagine Palladium

Address: 209 Hamilton Row, Birmingham, MI 48009

Attn: Anthony LaVerde, CEO

Phone Number: c/o J. Patrick Howe 248-385-3112

Fax Number: 888-450-1682

Email Address: jphowe@jphowe.com

2. Applicant's Attorney/Contact Person

Name: J. Patrick Howe, Esq., JPHOWE, PLLC

Address: 280 N. Old Woodward Ave., Suite 12

Birmingham, MI 48009

Phone Number: 248-385-3112

Fax Number: 888-450-1682

Email Address: jphowe@jphowe.com

Property Owner

Name: The Palladium of Birmingham, LLC

Address: 250 N. Old Woodward Ave.

Birmingham, Michigan 48009

Phone Number: 248-593-6200

Fax Number: 248-593-6203

Email Address: jjonna@ajjonna.com

Project Designer/Developer

Name: Studio Three Design

Address: 8604 Aliosville Rd., Suite 330

Indianapolis, IN 46250

Phone Number: 317-595-1236

Fax Number: 317-572-1236

Email Address: N/A

3. Required Attachments

- Warranty Deed with legal description of property
- Required fee (see Fee Schedule for applicable amount)
- Fifteen (15) folded copies of plans including a certified land survey, color elevations showing all materials, site plan, landscape plan, photometric plan, and interior plan
- Photographs of existing site and buildings
- Samples of all materials to be used

- Catalog sheets for all proposed lighting, mechanical equipment & outdoor furniture
- An itemized list of all changes for which approval is requested
- Completed Checklist
- Digital copy of plans
- One (1) additional set of plans mounted on a foam board, including a color rendering of each elevation

4. Project Information

Address/Location of Property: 250 N. Old Woodward Ave.

Birmingham, Michigan 48009

Name of Development: Palladium of Birmingham, LLC

Sidwell #: 19-25-453-011

Current Use: Movie theatre with food & beverage services

Proposed Use: Same

Area in Acres: .84 acres

Current Zoning: B-4, Downtown Overlay District

Zoning of Adjacent Properties: B-4, P

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: No

Date of HDC Approval, if any: N/A

Date of Application for Preliminary Site Plan: 5/28/14

Date of Preliminary Site Plan Approval: 5/28/14

Date of Application for Final Site Plan: 6/25/14

Date of Final Site Plan Approval: 8/27/14

Date of Revised Final Site Plan Approval:

Date of Final Site Plan Approval:

Date of DRB approval, if any: 5/28/14

Date of Last SLUP Amendment: 6/28/17

Will proposed project require the division of platted lots?

5. Details of the Nature of Work Proposed (Site plan & design elements)

Applicant is proposing to remove a portion of the dining area that was formerly used to operate Four Story Burger, and create an additional private screening room in this area per the enclosed plans.

There are no proposed changes to the existing lobby, cocktail lounge, bar, or kitchen. Emagine Palladium will continue to offer food and beverages, including alcoholic beverages, in the existing bar and lounge area. If the proposed changes are approved, no portion of the facility will be operated as Four Story Burger, and all components of the facility will be operated as Emagine Palladium.

11. Streetscape NO CHANGES

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 NO CHANGES

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 NO CHANGES

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 NO CHANGES

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: NO CHANGES

Number of ground mounted units: _____
Size of ground mounted units (LxWxH): _____

Location of all ground mounted units: _____

Screenwall material: _____

Height of screenwall: _____

Rooftop Mechanical Equipment: NO CHANGES

Number of rooftop units: _____
Type of rooftop units: _____

Location of all ground mounted units: _____
Size of rooftop units (LxWxH): _____

Screenwall material: _____
Location of screenwalls: _____

Height of screenwall: _____
Percentage of rooftop covered by mechanical units: _____
Distance from units to rooftop units to screenwall: _____

15. Accessory Buildings NOT APPLICABLE

Number of accessory buildings: _____ Size of accessory buildings: _____
Location of accessory buildings: _____ Height of accessory buildings: _____

16. Building Lighting NO CHANGES

Number of light standards on building: _____ Type of light standards on building: _____
Size of light fixtures (LxWxH): _____ Height from grade: _____
Maximum wattage per fixture: _____ Proposed wattage per fixture: _____
Light level at each property line: _____ Number & location of holiday tree lighting receptacles: _____

The undersigned states the above information is true and correct, and understands that it is the responsibility of the applicant to advise the Planning Division and / or Building Division of any additional changes made to an approved site plan or Special Land Use Permit. The undersigned further states that they have reviewed the procedures and guidelines for site plan review and Special Land Use Permits in Birmingham and have complied with same. The undersigned will be in attendance at the Planning Board meeting when this application will be discussed.

The Palladium of Birmingham, LLC

Signature of Owner: _____

Date: March 27, 2018

Print Name: _____

CH Birmingham, LLC d/b/a Imagine Palladium

Signature of Applicant: _____

Date: March 27, 2018

Print Name: Anthony LaVerde, CEO

Studio Three Design

Signature of Architect: _____

Date: March 27, 2018

Print Name: Kevin Coppedge

Office Use Only

Application #: _____ Date Received: _____ Fee: _____

Date of Approval: _____ Date of Denial: _____ Accepted by: _____



280 N. Old Woodward
Suite 12
Birmingham, MI 48009

O 248.385.3112

C 248.835.2068

F 888.450.1682

jphowe@jphowe.com

www.jphowe.com

March 29, 2018

VIA HAND DELIVERY

Ms. Jana Ecker
Planning Director
City of Birmingham
City Hall Building
151 Martin Street, Suite #223
Birmingham, MI 48009

Re: Application for Amendment to Special Land Use Permit
Applicant: CH Birmingham, LLC d/b/a Emagine Palladium
209 Hamilton Row, Birmingham, MI 48009

Dear Ms. Ecker,

This firm represents CH Birmingham, LLC d/b/a Emagine Palladium, which operates a movie theater with a Class C liquor license at 209 Hamilton Row under a Special Land Use Permit issued by the City. We hereby submit this application to request an amendment to our client's Special Land Use Permit, to allow a portion of the dining area in the facility operated as Four Story Burger, to be converted to private movie screening room that will seat 35 guests. Interior construction to a limited area of the facility will be required to convert a portion of the existing dining space into a private movie screening room. There will be no changes to the exterior of the building, and all exterior signage will remain unchanged. Food and alcoholic beverages will continue to be offered for sale in the facility, and will be served and consumed as they currently are in the lounge area, concession area, and movie theaters.

In connection with this request, we have enclosed the following documents for your review:

1. Special Land Use Permit Application;
2. Floor Plan of facility showing proposed changes to create a private movie screening room;
3. Façade drawings showing no changes to the exterior façade; and
4. Check payable to the City of Birmingham in the amount of \$2,800 to cover the application fee

We appreciate your assistance processing this application, and we look forward to appearing before the Planning Board and City Commission to address any questions or concerns that the City may have regarding this request. Thank you for your attention to this matter. We await your response with respect to the date that you will present this request to the Planning Board.

Very truly yours,

JPHOWE, PLLC

J. Patrick Howe

cc: Emagine Palladium

PALLADIUM

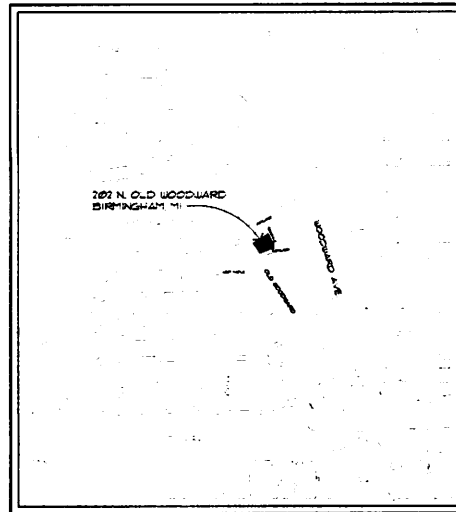
BIRMINGHAM, MICHIGAN

BUILDING OWNER/DEVELOPER:

A.F. JONNA DEVELOPMENT
4036 TELEGRAPH RD. SUITE 201
BLOOMFIELD HILLS, MI 48302
(248) 593-6200 FAX: (248) 593-6203

ARCHITECT:

JPRA ARCHITECTS
39300 WEST TWELVE MILE RD. SUITE 180
FARMINGTON HILLS, MI 48331
(248) 737-0180 FAX: (248) 737-9161



LOCATION MAP
CITY OF BIRMINGHAM

(NOT TO SCALE)



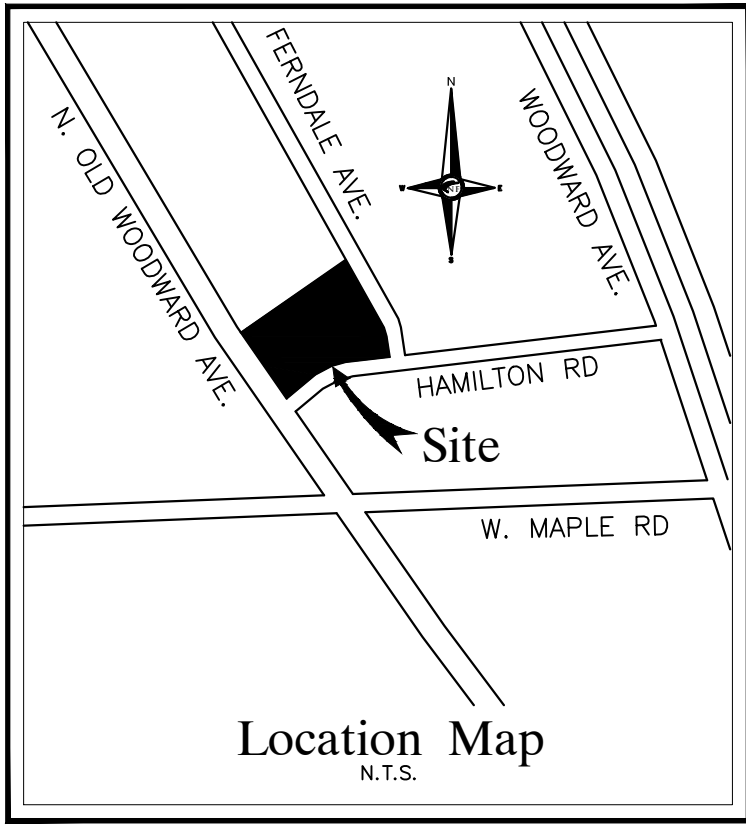
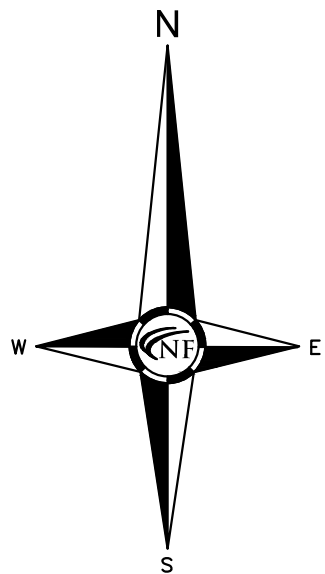
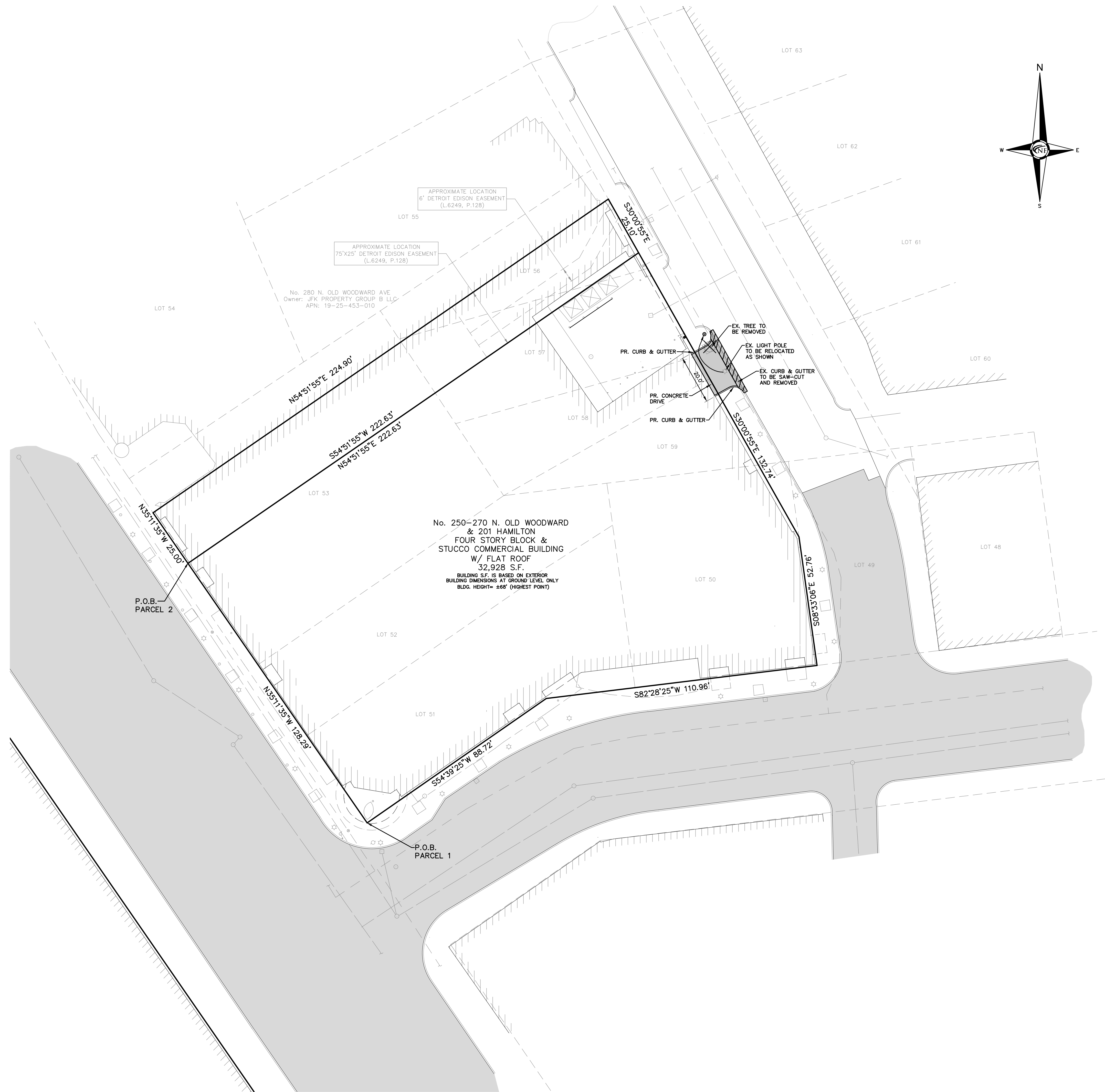
INDEX OF DRAWINGS

SHEET NUMBER	DRAWING TITLE
CS	COVER SHEET
C1	ALTA/ACSM LAND TITLE SURVEY
C2	FINAL SITE PLAN
A.102	LOWER LEVEL FLOOR PLAN
A.103	STREET LEVEL FLOOR PLAN
A.104	SECOND LEVEL FLOOR PLAN
A.105	FOURTH LEVEL FLOOR PLAN
A.106	THIRD LEVEL FLOOR PLAN
A.107	FIFTH LEVEL FLOOR PLAN
A.108	ELEVATIONS
A.109	ELEVATIONS
A.110	PHOTOMETRIC CALCULATIONS

PREVIOUS APPROVAL

PRELIMINARY SITE PLAN APPROVAL
BY PLANNING BOARD MAY 28, 2014

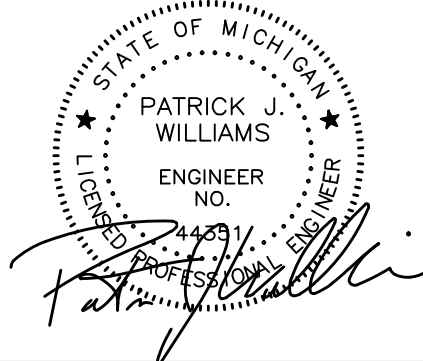
FINAL SITE PLAN APPROVAL
JUNE 09, 2014



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
Palladium
250-270 N. Old Woodward

CLIENT
Tower Construction
2550 Telegraph Road,
Suite 111A
Bloomfield Hills, MI 48302

Contact:
Jason Gekiere
Tel. (248) 287-8200
Fax (248) 284-8203

PROJECT LOCATION
Part of the SW ¼
of Section 10
T.3N. , R.10E.
City of Birmingham,
Oakland County, Michigan

SHEET
Preliminary Site Plan



Know what's below
Call before you dig.

REVISIONS
06-09-2014 Final Site Plan Approval

DRAWN BY:
C. Hazzard

DESIGNED BY:
-

APPROVED BY:
P. Williams

DATE:
06-06-2014

SCALE: 1" = 20'

NFE JOB NO.
H888-01

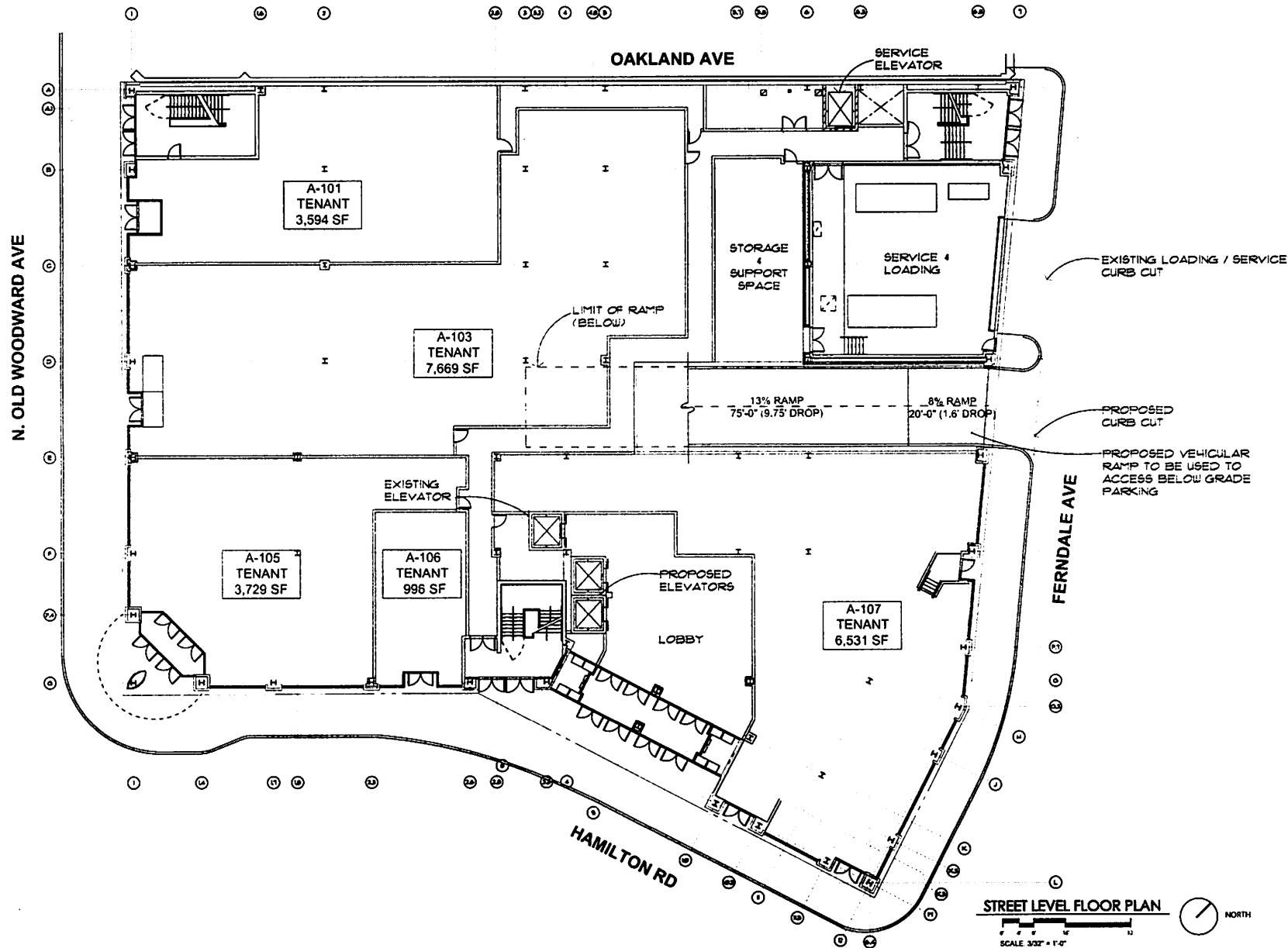
SHEET NO.
C2

PAVING LEGEND

	PROPOSED CONCRETE PAVEMENT
	PROPOSED ASPHALT PAVEMENT

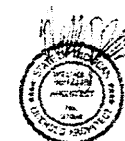
LEGEND

	MANHOLE		EXISTING SANITARY SEWER
	HYDRANT		SAN. CLEAN OUT
	GATE VALVE		EXISTING WATERMAIN
	MANHOLE CATCH BASIN		EXISTING STORM SEWER
	UTILITY POLE		EX. R. Y. CATCH BASIN
	GUY POLE		EXISTING BURIED CABLES
	GUY WIRE		OVERHEAD LINES
	LIGHT POLE		SIGN
	C.O.		EXISTING GAS MAIN
	MANHOLE		PR. SANITARY SEWER
	HYDRANT		PR. WATER MAIN
	INLET		PR. STORM SEWER
	G.B.		PR. R. Y. CATCH BASIN
	MANHOLE		PROPOSED LIGHT POLE
	TC 600.00		PR. TOP OF CURB ELEVATION
	GU 600.00		PR. GUTTER ELEVATION
	TW 600.00		PR. TOP OF WALK ELEVATION
	TP 600.00		PR. TOP OF PVMT. ELEVATION
	FG 600.00		FINISH GRADE ELEVATION



Do not scale this plan for use in any other project.
 Final Site Plan Approved
 JUNE 09, 2014

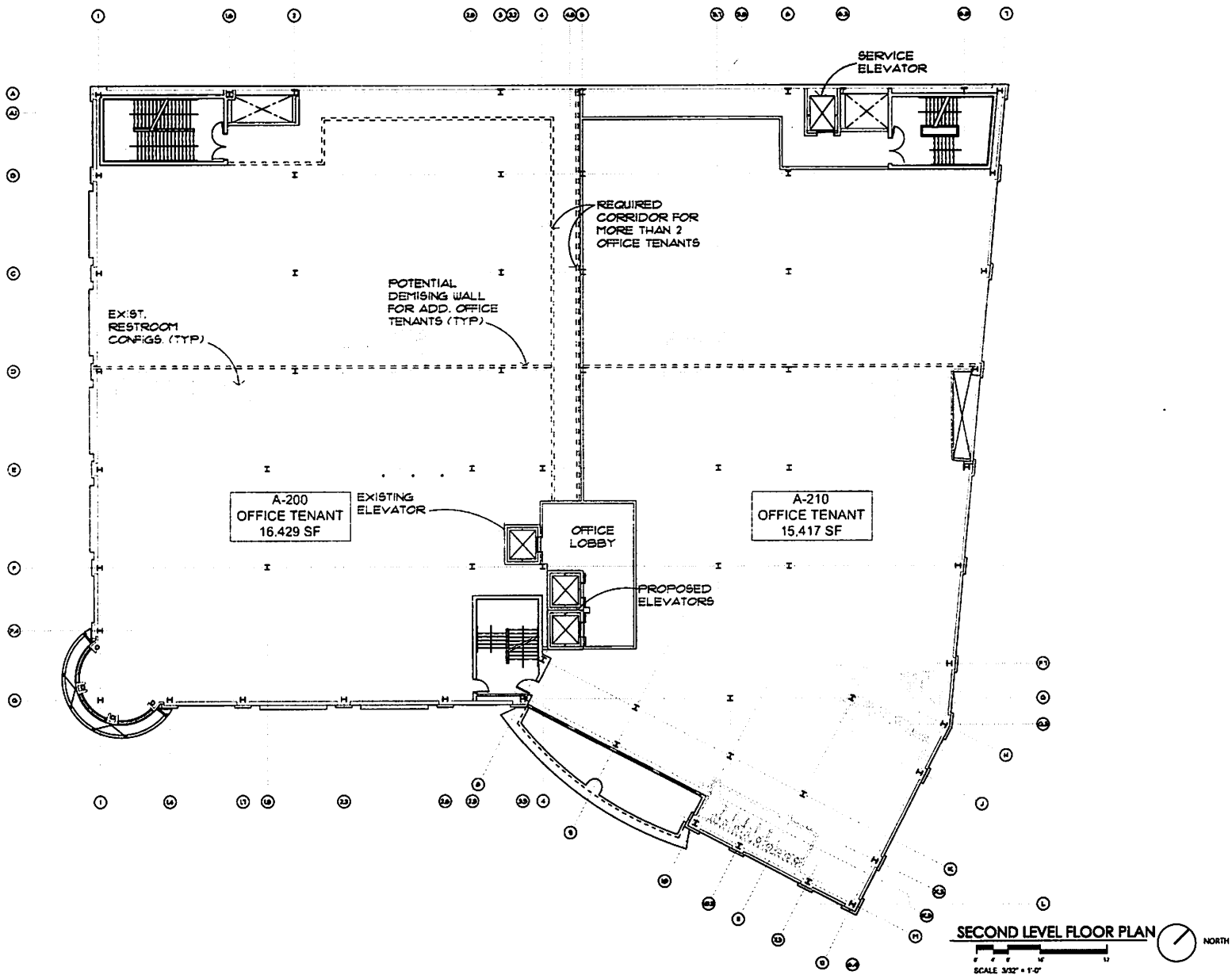
STREET LEVEL FLOOR PLAN



PALLADIUM
 HIRSHING JAMES MURKIN
 A.P. JONAS
 DEVELOPMENT & MANAGEMENT CO.

JPRA ARCHITECTS
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1787
A.103



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 JUNE 09, 2014

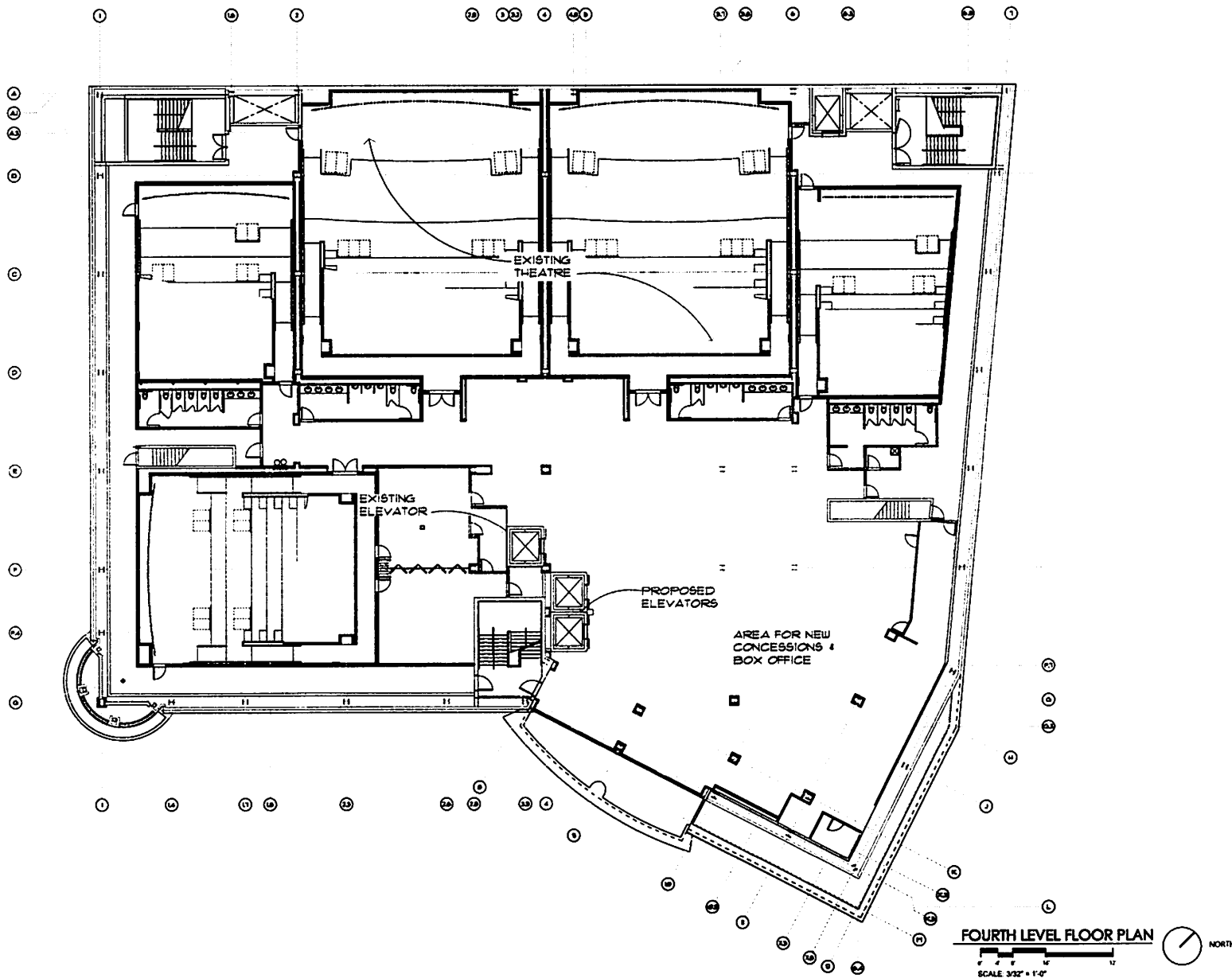
SECOND LEVEL FLOOR PLAN



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JPPA ARCHITECTS
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 JUNE 09, 2014

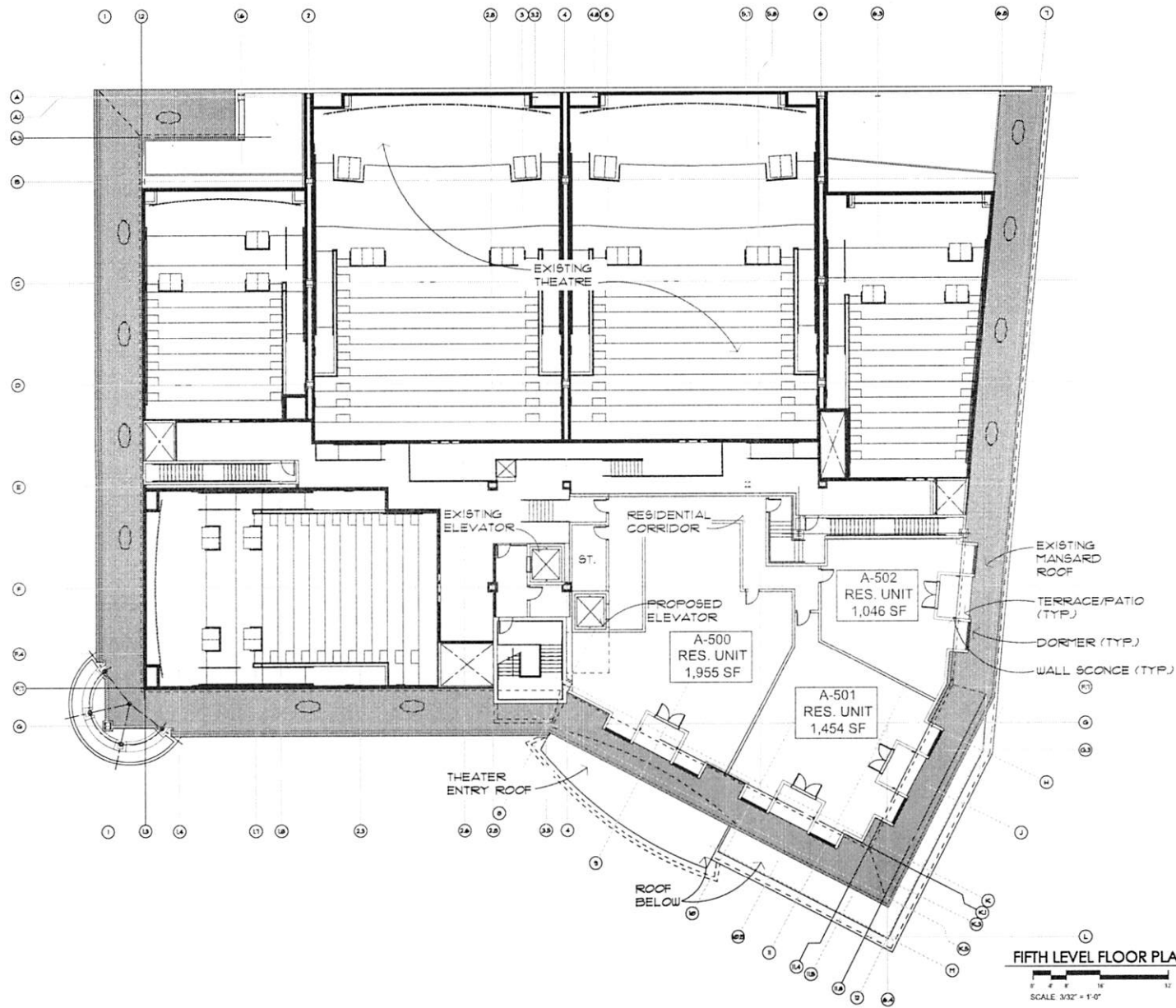
FOURTH LEVEL
 FLOOR PLAN



PALLADIUM
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 DEVELOPMENT & MANAGEMENT CO.

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 A.106



FIFTH LEVEL FLOOR PLAN
 SCALE: 3/32" = 1'-0"



FIFTH LEVEL FLOOR PLAN



PALLADIUM
 BIRMINGHAM, ALABAMA
 A.F. JONNA
 DEVELOPMENT & MANAGEMENT CO.

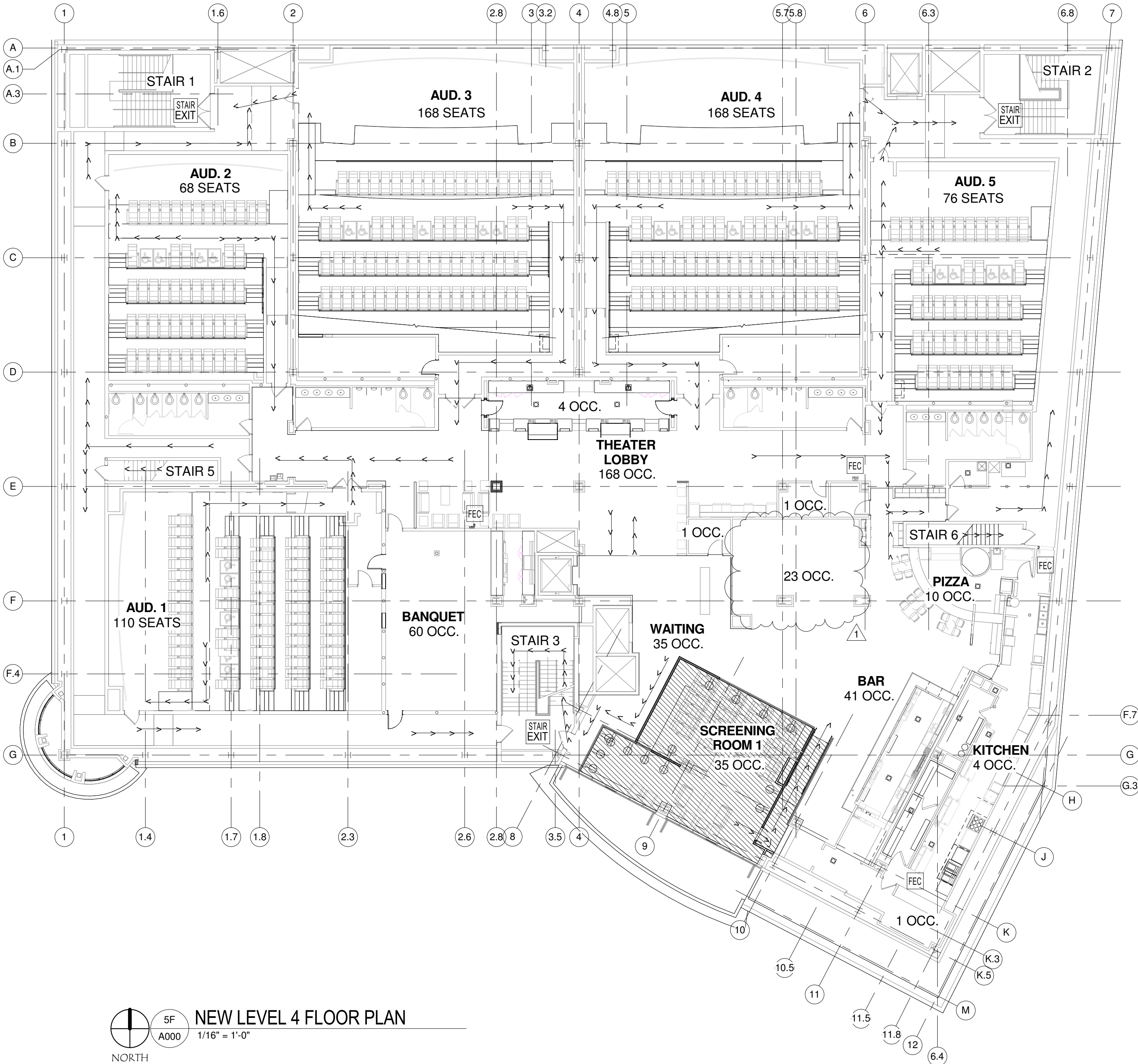
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Job No. 1787	Sheet No. A.107
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EMAGINE PALLADIUM SCREENING ROOMS

250 N. Old Woodward Avenue
Birmingham, MI 48009

APPLICABLE CODES:	
BUILDING CODE 2012 Michigan Building Code	
ELECTRICAL CODE 2014 National Electrical Code (NEC)	
MECHANICAL CODE 2012 Michigan Mechanical Code	
PLUMBING CODE 2012 Michigan Plumbing Code	
SUMMARY:	
OCCUPANCY, CHAPTER 3	
Classification(s) per 303.1	Motion Picture Theaters - A-1
Incidental use areas per 302.1.1	Storage rooms over 100 SF - automatic fire-extinguishing system permitted without a fire barrier. Doors shall be self-closing.
Non Separated uses per 508.3.2	Separations not required based upon Table 508.3.3 - entire building shall comply with most restrictive occupancy classification (A-1) and the most restrictive applicable provisions of Section 403 and Chapter 9.
BUILDING HEIGHTS AND AREAS, CHAPTER 5	
Construction Type	Type 2A, PROTECTED NONCOMBUSTIBLE
Allowable Building Height per table 503	6 stories allowed - 6 stories actual (85 feet allowed, 73 feet actual)
Allowable Area per table 503	57,855 SF Allowable, 33,200 SF (4th floor) + 2,460 SF (5th floor) actual
INTERIOR FINISHES, CHAPTER 8	
Interior wall and ceiling finish requirements per Table 803.5	All exit passageways, exit access corridors and other exitways shall have a Class B flame spread index or greater. All rooms and enclosed spaces shall have a Class C flame spread index or greater.
FIRE PROTECTION SYSTEMS, CHAPTER 9	
Automatic Sprinkler System per 903.2.1.1	COMPLETE AUTOMATIC SPRINKLER SYSTEM
MEANS OF EGRESS, CHAPTER 10	
Occupant load factor per Table 1004.1.2	Refer to occupant load summary this sheet
Means of egress width factors per Sec. 1005.3	Stairs and Aisle steps: 0.20 inches per person width Doors and other egress: 0.15 inches per person width
Occupant Load	1,073 Total Occupants
Minimum dead end corridor length per Section 1018.2	20'
Common path of egress travel per Section 1014.3	Not to exceed 75 feet
Exit access travel distance per Table 1016.2	Not to exceed 250 feet
Panic and fire exit hardware per 1008.1.9	Exit doors serving 100 or more in an A occupancy are not permitted to be equipped with a lock or latch unless it is panic hardware
PLUMBING FACILITIES, CHAPTER 29	
Minimum number of plumbing facilities per Table No. 29	Refer to plumbing counts this sheet



LIFE SAFETY PLAN KEYNOTES

GENERAL LIFE SAFETY PLAN NOTES

- THEATER IS OPERATED ON STAGGERED TIME SHOWINGS. THE AUDITORIUMS AND LOBBY WOULD NEVER BE 100% OCCUPIED AT THE SAME TIME.
- THIS THEATER IS 100% DIGITAL. NO FILM WILL BE PRESENT IN THE BUILDING.

LIFESAFETY PLAN LEGEND

- EXISTING BUILDING AREA
- EXISTING BUILDING OF RENOVATION
- BUILDING EXIT
- FIRE EXTINGUISHER LOCATIONS
- 1 HOUR SMOKE BARRIER
- 2 HOUR SMOKE BARRIER/FIRE BARRIER
- 2 HOUR FIRE BARRIER
- SMOKE RESISTANT CORRIDOR
- SMOKE RESISTANT HAZARDOUS ROOM
- 1 HOUR CORRIDOR
- 2 HOUR CORRIDOR
- SMOKE RESISTANT SHAFT
- 1 HOUR SHAFT
- 2 HOUR SHAFT
- 2 HOUR EXIT ENCLOSURE
- PATH OF EGRESS

PROJECT TEAM

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MA ENGINEERING.....MEP Engineer
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Birmingham, MI 48009
Salim Sessine ssessine@ma-engineering.com Phone: (248) 258-1610 Fax: (248) 258-9538

DRAWING LIST

Sheet Number	Sheet Name
A000	COVER SHEET / LIFE SAFETY PLAN
A001	INFORMATION SHEET
A050	LEVEL 4 DEMOLITION PLAN
A100	FOURTH FLOOR PLAN
A120	NEW LEVEL 4 REFLECTED CEILING PLAN
A130	FINISH LEGEND & MATERIAL LIST
A600	INTERIOR ELEVATIONS & DETAILS

DRAWING LIST

Sheet Number	Sheet Name
E001	ELECTRICAL LEGEND, SHEET INDEX AND SPECIFICATIONS
E002	LEVEL 4 DEMOLITION PLAN - ELECTRICAL
E100	FOURTH FLOOR PLAN - LIGHTING
E200	FOURTH FLOOR PLAN - POWER
E300	ROOF PLAN
R-E002	REFERENCE - ELECTRICAL RISER DIAGRAM
R-E100	REFERENCE - FOURTH FLOOR PLAN - LIGHTING
R-E200	REFERENCE - FOURTH FLOOR PLAN - POWER & SYSTEMS
M100	LEVEL 4 DEMOLITION PLAN - MECHANICAL
M200	LEVEL 4 NEW WORK PLAN - HVAC
M300	MECHANICAL DETAILS AND SCHEDULES
M400	MECHANICAL SPECIFICATIONS

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Emagine Entertainment
EMAGINE PALLADIUM
SCREENING ROOMS
250 N. Old Woodward Avenue
Birmingham, MI 48009

PROJECT NUMBER:
17091

DATE:
12-12-2017

Revision Schedule		
Revision Number	Revision Date	Revision Description
1	02-03-2018	SCREENING RM. #2 TAKEN OUT OF SCOPE. ITEMS ADDED TO SCREENING RM. #1

CERTIFICATION:



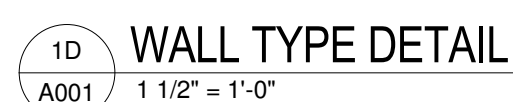
SHEET DESCRIPTION:

COVER SHEET / LIFE SAFETY
PLAN

SHEET NUMBER:

A000

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3D
A001

DETAIL - DOOR JAMB @ STOP

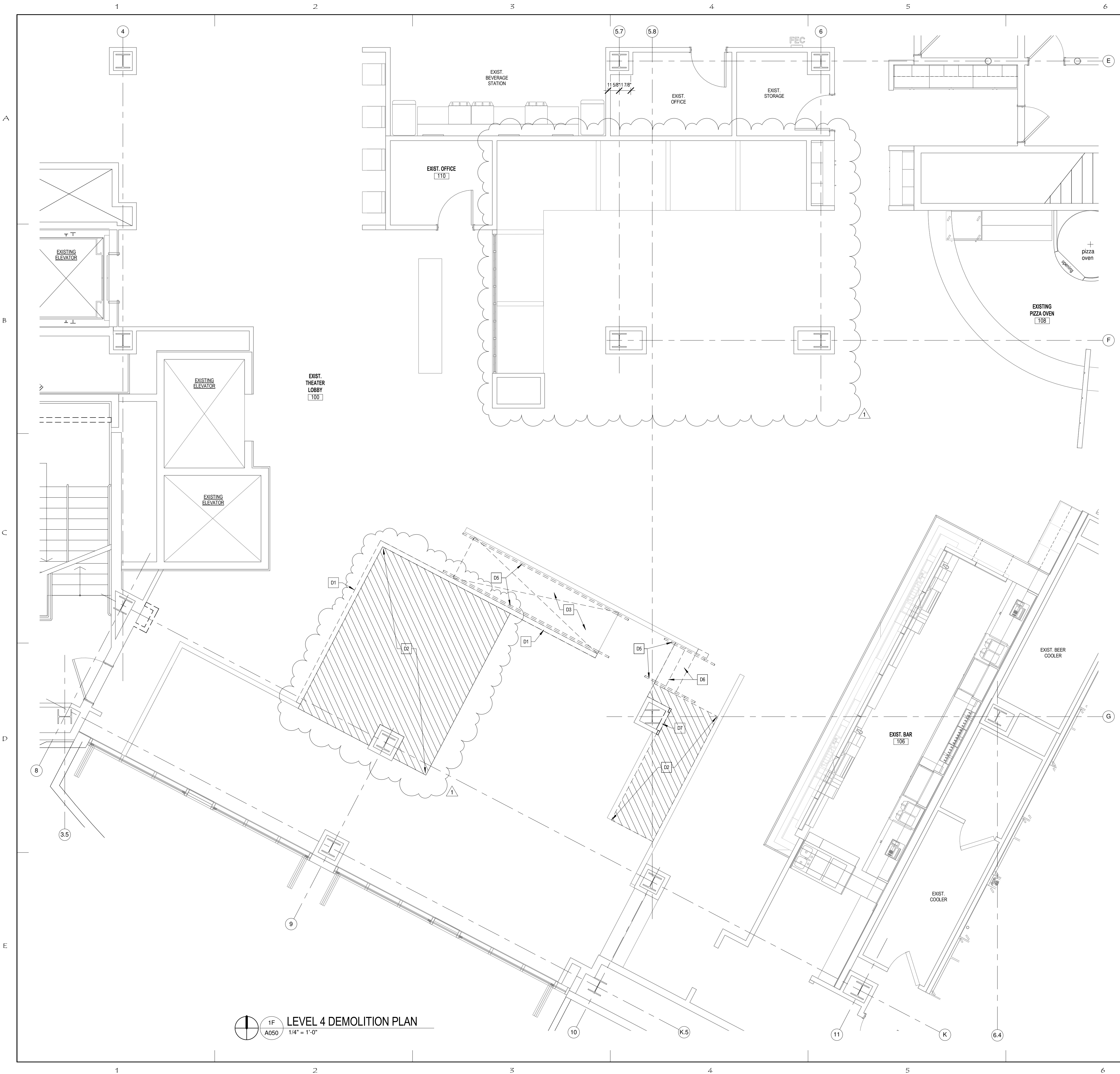
3" = 1'-0"



1. SHOULD THERE BE ANY QUESTIONS REGARDING THE CONTRACT DOCUMENTS, EXISTING CONDITIONS, AND/OR DESIGN INTENT, THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING A CLARIFICATION FROM THE ARCHITECT PRIOR TO BID SUBMITTAL PRIOR TO PROCEEDING WITH ANY WORK, OR RELATED WORK IN QUESTION.
2. THESE CONTRACT DOCUMENTS ARE INTENDED TO DESCRIBE ONLY THE SCOPE AND APPEARANCE OF THE REAL PROPERTY IMPROVEMENTS, INCLUDING THE PERFORMANCE AND LEVEL OF QUALITY EXPECTED OF ITS COMPONENTS. IT IS INCUMBERT UPON THE CONTRACTOR TO INSURE THAT ALL WORK COMPLETED AND MATERIALS INSTALLED BE IN FULL COMPLIANCE, AS A MINIMUM STANDARDS, WITH ALL APPLICABLE CODES, REGULATIONS AND ORDINANCES HAVING JURISDICTION.
3. THESE CONTRACT DOCUMENTS DO NOT ATTEMPT TO INSTRUCT THE CONTRACTOR IN THE DETAILS OF HIS TRADE. THEY ARE PERFORMANCE SPECIFICATIONS IN THAT THEY DO REQUIRE THAT ALL MANUFACTURED ITEMS, MATERIALS AND EQUIPMENT BE INSTALLED IN STRICT ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDED SPECIFICATIONS, EXCEPT IN THE CASE WHERE THE CONTRACT DOCUMENTS ARE MORE STRINGENT. ANY MISCELLANEOUS ITEMS OR MATERIALS NOT SPECIFICALLY NOTED, BUT REQUIRED FOR PROPER INSTALLATION SHALL BE FURNISHED AND INSTALLED BY THE CONTRACTOR(S) RESPONSIBLE FOR THE AFFECTED PORTION OF WORK.
4. ALL WORK SHALL BE WARRANTED SATISFACTORY, IN MATERIALS AND WORKMANSHIP, FOR A MINIMUM PERIOD OF ONE (1) YEAR, OR FOR THE PERIOD OF WARRANTY CUSTOMARY, OR STIPULATED FOR THE TRADE, CRAFT, OR PRODUCT, WHICHEVER IS LONGER. THEREFORE, ONLY COMPETENT MECHANICS CAPABLE OF PRODUCING GOOD WORKMANSHIP CUSTOMARY TO THE TRADE SHALL BE USED.
5. THE CONTRACTOR SHALL COORDINATE WITH THE OWNER, OR THE AUTHORIZED, AGENT, TO DETERMINE ALL EXISTING MATERIALS TO BE SALVAGED AND RETAINED BY THE OWNER. THE CONTRACTOR SHALL REMOVE SALVAGEABLE MATERIALS FROM THE SPACE AND STORE IN A LOCATION AS DIRECTED BY THE OWNER. ALL OTHER MATERIALS, RUBBISH, AND DEBRIS, SHALL BE REMOVED AND PROMPTLY DISPOSED OF BY THE CONTRACTOR AT AN OFFSITE LOCATION. THE CONTRACTOR SHALL TAKE ALL NECESSARY PRECAUTIONS TO ASSURE THAT ALL PROPERTY IMPROVEMENTS (I.E. PARTITIONS, DOORS, FRAMES, CABINETS, CEILING GRID, CEILING TILE, AND THE ELECTRICAL AND MECHANICAL DEVICES, ETC.) WHICH ARE TO REMAIN, ARE PROTECTED FROM DAMAGE OF ANY KIND.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR FIELD VERIFYING ALL EXISTING WORK WHICH IS TO REMAIN, AND DETERMINING WHETHER OR NOT IT CAN BE REPAIRED AND/OR RECONDITIONED TO MATCH AND BLEND WITH NEW MATERIALS AND COMPONENTS. THEY SHALL OBTAIN THE OWNER'S APPROVAL OF THE SCOPE AND LIMIT OF SAID WORK PRIOR TO STARTING CONSTRUCTION AND RECOMMEND AN ALLOWANCE IF NECESSARY. NO CHANGE ORDERS SHALL BE ACCEPTED FOR COMPLETED WORK THAT DOES NOT CONFORM TO THE STANDARDS ESTABLISHED AT THE TIME OF BID ACCEPTANCE.
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR FAMILIARIZING HIMSELF WITH THE PROJECT SCOPE OF WORK, BUILDING STANDARDS, SCHEDULE AND DEADLINES. THE CONTRACTOR SHALL FURTHER BE RESPONSIBLE FOR ADVISING THE OWNER OF ALL LONG LEAD TIME ITEMS AFFECTING THE PROJECT SCHEDULE AND SHALL, UPON REQUEST FROM THE OWNER, SUBMIT ORDER CONFIRMATIONS AND DELIVERY DATES FOR SUCH LONG LEAD TIME ITEMS TO THE OWNER.
8. THE CONTRACTOR SHALL COORDINATE WITH THE BUILDING OWNER ACCESS TO THE SPACE AND THE ONGOING CONSTRUCTION WORK. DISRUPTIVE OR POTENTIALLY HAZARDOUS CONSTRUCTION ACTIVITIES OCCURRING WITHIN OR ADJACENT TO OCCUPIED SPACE SHALL BE COORDINATED TO OCCUR AFTER NORMAL OFFICE HOURS, SO AS TO MINIMIZE DISTURBANCE TO BUILDING OCCUPANTS.
9. THE CONTRACTOR SHALL COORDINATE WITH THE BUILDING OWNER FOR DELIVERY TO THE SPACE OF ALL BUILDING MATERIALS, AND SHALL ARRANGE FOR USAGE OF THE FREIGHT ELEVATOR (OR SUCH ELEVATOR DESIGNATED IF APPLICABLE). IF DELIVERY OF BUILDING MATERIALS INVOLVES THE USE OF OTHER FACILITIES, THE CONTRACTOR SHALL COORDINATE SUCH ACTIVITIES IN SUCH A MANNER WHICH POSES NO HAZARD TO ANY PERSONNEL WITHIN OR AROUND THE BUILDING OR BUILDING SITE.
10. ALL CONTRACTOR OR SUPPLIER REQUESTS FOR SUBSTITUTIONS OF SPECIFIED ITEMS SHALL BE SUBMITTED IN WRITING ACCOMPANIED BY THE ALTERNATIVE PRODUCT INFORMATION TO THE ARCHITECT. ALL SUBSTITUTIONS SHALL BE SUBMITTED TO THE ARCHITECT, NO LATER THAN (10) WORKING DAYS PRIOR TO BID OPENING DATE. SUBSTITUTIONS SHALL ONLY BE CONSIDERED IF THEY DO NOT SACRIFICE QUALITY, APPEARANCE, AND FUNCTION. UNDER NO CIRCUMSTANCES WILL THE OWNER BE REQUIRED TO PROVE THAT A PRODUCT PROPOSED FOR SUBSTITUTION IS OR IS NOT EQUAL QUALITY TO THE PRODUCT SPECIFIED.
11. UNDER NO CIRCUMSTANCES SHALL THE CONTRACTOR SCALE THE DRAWINGS TO DETERMINE THE DIMENSIONS. SEE FLOOR PLAN FOR DIMENSION LOCATIONS.
12. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE INSTALLATION OF ALL SELECTED MATERIALS WHICH SHALL BE COMPLETE IN ALL RESPECTS PRIOR TO THE FINAL ACCEPTANCE, UNLESS OTHERWISE NOTED.
13. THE CONTRACTOR SHALL BE PRESERVE ALL PRINTED INSTRUCTIONS AND WARRANTIES THAT ARE PROVIDED WITH EQUIPMENT OR MATERIALS USED, AND DELIVER SAID IN PRINTED MANNER TO THE OWNER AT THE TIME(S) DESIGNATED FOR O & M MANUAL DISBURSEMENTS. THE CONTRACTOR SHALL INSTRUCT THE OWNER OR OWNERS REPRESENTATIVE IN THE PROPER USE OF THE EQUIPMENT FURNISHED BY THEIR TRADE.
14. GENERAL CONTRACTOR IS TO PROVIDE A THOROUGH CONSTRUCTION CLEAN-UP AT CLOSE-OUT, INCLUDING VACUUMING AND CLEANING ALL CARPETING.
15. THE CONTRACTOR SHALL SUBMIT SHOP DRAWINGS OF CUSTOM MILLWORK, CUSTOM FABRICATION OR MANUFACTURE, AND PHYSICAL SAMPLES OF ALL FINISH MATERIALS SPECIFIED TO THE ARCHITECT FOR REVIEW AND APPROVAL BY THE OWNER. SEE SPECIFICATIONS.
16. REVIEWED SHOP DRAWINGS AND SCHEDULES PREPARED BY OTHERS SHALL NOT BE CONSTRUED TO BE PART OF THE CONTRACT DOCUMENTS, AS THE ARCHITECT ASSUMES NO RESPONSIBILITY FOR DRAWINGS, SCHEDULES, AND/OR SPECIFICATIONS FOR WORK ON THE PROJECT PREPARED OR ACCOMPLISHED BY OTHERS.
17. THE ARCHITECT WILL REVIEW THE DRAWINGS AND SAMPLES SUBMITTED BY THE CONTRACTOR (FOLLOWING A REVIEW BY THE GENERAL CONTRACTOR) FOR CONFORMITY WITH THE INFORMATION CONTAINED IN THE CONSTRUCTION DOCUMENTS.
18. CONTRACTOR TO FOLLOW ALL BUILDING STANDARDS, INTERIM LIFE SAFETY MEASURES AND COORDINATE SCHEDULING OF WORK WITH AFFECTED OCCUPANTS (IF APPLICABLE) PRIOR TO STARTING.
19. CONTRACTOR TO FIELD VERIFY ALL DIMENSIONS AND EXISTING CONDITIONS AND NOTIFY ARCHITECT, IN WRITING, OF ALL DISCREPANCIES. CONTRACTOR TO REVIEW AND RECORD EXISTING CEILING FIELD CONDITIONS, LIGHT FIXTURE AND MEP SUPPLY/RETURN LOCATIONS, SPRINKLER HEADS, AND ALL OTHER CEILING ITEMS LOCATIONS PRIOR TO CONSTRUCTION. DISCREPANCIES IN THIS INFORMATION SHALL BE RECORDED IN THE CONSTRUCTION FIELD SET.
20. THE GENERAL CONTRACTOR AND EACH TRADE IS RESPONSIBLE FOR REVIEWING AND COORDINATING ALL NEW WORK WITH ALL EXISTING CONDITIONS AND WITH ALL OTHER TRADES.
21. ALL CONSTRUCTION TO MEET CURRENT BUILDING STATE AND LOCAL CODES, ORDINANCES AND ADA REGULATIONS.
22. PREP ALL WALL SURFACES TO RECEIVE NEW PAINT OR WALL COVERING FINISH. PATCH ALL EXISTING HOLES IN AREAS TO RECEIVE NEW FINISHES. SAND ALL NEW TO EXISTING TENSORS/SMOOTH SURFACES. PATCH ALL WALL AREAS WHERE RECEPTACLE OR FIXTURES ARE REMOVED. REMOVE EMERGENCY LIGHTS, SIGNAGE, THERMOSTATS, FIRE STROBES, ETC. PRIOR TO PAINTING AND REINSTALL WHEN COMPLETE.
23. UNLESS NOTED OTHERWISE, THE TERM "PROVIDE" INDICATES TO SUPPLY AND INSTALL COMPLETE, FOLLOWING MANUFACTURER'S INSTRUCTIONS AND RECOMMENDATIONS AND SUPPLYING AND INSTALLING ALL ASSOCIATED ITEMS AND ACCESSORIES AS REQUIRED FOR COMPLETE INSTALLATION.
24. GENERAL CONTRACTOR SHALL ACCOMMODATE TENANTS VENDORS DURING CONSTRUCTION AND WORK WITH THE OWNER TO SCHEDULE INSTALLATION OF OWNER SUPPLIED AND INSTALLED ITEMS.
25. WHERE RATED WALLS ARE INDICATED, ENTIRE WALL ASSEMBLY SHALL BE CONTINUOUS AS SHOWN OR IMPLIED ON THE CONTRACT DOCUMENTS.
26. WHERE GAUGE OF METAL STUDS ARE NOT SPECIFICALLY SHOWN OR NOTED, PROVIDE GAUGE AS INDICATED IN THE GENERAL WALL TYPE NOTES.
27. CONTRACTOR TO REVISE, ADD OR RELOCATE FIRE STROBES, SPRINKLERS, AND OTHER LIFE SAFETY DEVICES AS NECESSARY TO MEET ALL APPLICABLE CODES, MAINTAIN LIFE SAFETY AND/OR AS STIPULATED BY THE CONTRACT DOCUMENTS.
28. COMMENCEMENT OF WORK BY A CONTRACTOR OR SUBCONTRACTOR, CONSTITUTES ACCEPTANCE OF THE CONDITIONS AND SURFACES IN QUESTION. IF ANY SUCH CONDITIONS/SURFACES ARE UNACCEPTABLE, THE GENERAL CONTRACTOR SHOULD BE NOTIFIED AT ONCE BY THE SUBCONTRACTOR AND NO WORK DONE UNTIL CONDITIONS ARE ACCEPTABLE.
29. CONTRACTORS ARE TO FOLLOW ALL MANUFACTURERS RECOMMENDATIONS FOR INSTALLATION OF EQUIPMENT, MATERIALS, AND FINISHES.
31. CONTRACTOR TO PROVIDE DUST WALLS AT NECESSARY LOCATIONS.
32. THE CONTRACTOR IS RESPONSIBLE TO PATCH/REPAIR/SEAL ALL NEW & EXISTING PENETRATIONS INTO RATED WALLS TO MAINTAIN RATED ASSEMBLY.
33. ALL PENETRATIONS IN AND THROUGH FIRE AND SMOKE RATED WALLS SHALL BE SLEEVED AND FIRE STOPPED AS NECESSARY TO MAINTAIN RATING.

Imagine Entertainment
EMAGINE PALLADIUM
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GENERAL DEMOLITION NOTES

- A. SEE GENERAL NOTES ON CUTTING AND PATCHING OUTLINED ON SHEET A001 FOR ADDITIONAL INFORMATION.
- B. PERFORM ALL WORK UNDER ESTABLISHED PROJECT GUIDELINES.
- C. FIELD VERIFY EXISTING CONDITIONS AND COORDINATE DEMOLITION OR REMOVAL WORK WITH CORRESPONDING NEW CONSTRUCTION WORK AND APPROPRIATE TRADES PRIOR TO STARTING DEMOLITION WORK. IF DISCREPANCIES ARE FOUND BETWEEN CONTRACT DOCUMENTS AND ACTUAL FIELD CONDITIONS, NOTIFY ARCHITECT IMMEDIATELY.
- D. DASHED LINES INDICATE EXISTING ITEMS TO BE REMOVED. UNLESS OTHERWISE NOTED, CONTRACTOR SHALL BE RESPONSIBLE FOR THE OFF-SITE DISPOSAL OF ALL DEMOLITION ITEMS.
- E. REMOVE ALL CONSTRUCTION DEBRIS FROM SITE DAILY. DO NOT ALLOW REFUSE TO BLOCK CORRIDORS, STAIRS, OR ANY OTHER TRAFFIC AREAS.
- F. PROVIDE TEMPORARY FIRE AND LIFE SAFETY PROTECTION THROUGHOUT DURATION OF PROJECT.
- G. PATCH AND REPAIR ALL ADJACENT SURFACES DISTURBED/DAMAGED BY CONSTRUCTION. CLEAN ALL FLOOR SURFACES OF ADHESIVE AND OR GROUT RESIDUE PRIOR TO INSTALLATION OF NEW FLOORING MATERIAL.
- H. PROTECT ADJACENT EXISTING TO REMAIN CONSTRUCTION THROUGHOUT DURATION OF PROJECT. PROVIDE SHORING, BRACING OR SUPPORT AS REQUIRED TO PREVENT MOVEMENT OR SETTLEMENT OF EXISTING CONSTRUCTION.
- I. PROVIDE CONSTRUCTION BARRIER PARTITIONS BETWEEN AREAS OF WORK AND OCCUPIED SPACES (IF APPLICABLE), PARTITIONS TO REMAIN INTACT THROUGHOUT CONSTRUCTION, INCLUDING COMPLETED WORK AND WORK UNDER CONSTRUCTION.
- J. REMOVE ALL EXISTING CONSTRUCTION ITEMS AND FINISHES MADE OBSOLETE BY OR IN CONFLICT WITH NEW CONSTRUCTION. VERIFY WITH ARCHITECT AND/OR OWNER'S REPRESENTATIVE. REMOVE WIRING BACK TO SOURCE AT ALL OUTLETS, ETC. MADE OBSOLETE BY WALL REMOVAL OR ANY OTHER NEW CONSTRUCTION.
- K. REMOVE ALL ITEMS IN THEIR ENTIRETY UNLESS OTHERWISE NOTED. DESCRIPTION OF PRIMARY ITEMS TO BE REMOVED IS GENERAL IN NATURE, AND REMOVAL OF SECONDARY COMPONENTS SUCH AS BLOCKING, SUPPORTS, ANCHORS, TRIM, ADHESIVE, PIPING, WIRING, ETC., RELATED TO PRIMARY ITEMS SHALL BE INCLUDED.
- L. RELOCATED ITEMS SHALL BE CLEANED AND PLACED IN STORAGE PER OWNER'S DIRECTIONS UNTIL ITEMS ARE READY TO BE REINSTALLED. IF ITEM IS DAMAGED DURING DEMOLITION OR RELOCATION, IT SHALL BE REPAIRED WITH NEW ITEM AS APPROVED BY OWNER AT NO EXPENSE TO OWNER.
- M. AT OWNER'S REQUEST, SALVAGED ITEMS SHALL BE TURNED OVER TO THE OWNER OR STORED IN AN AREA DESIGNATED BY THE OWNER.
- N. PATCH EXISTING FLOOR, WALL, AND CEILING CONSTRUCTION AT ABANDONED PENETRATION LOCATIONS WITH NEW MATERIALS AS REQUIRED TO RECEIVE NEW FINISHES AND TO MAINTAIN ORIGINAL FIRE RATING ASSEMBLY WHERE APPLICABLE.
- O. DEMOLITION DOCUMENTS GRAPHICALLY INDICATE ONLY SHELL CONSTRUCTION DEMOLITION. DEMOLITION DRAWINGS INDICATE, BUT DO NOT SHOW THE FULL EXTENT OF EXISTING INTERIOR WALLS, MECHANICAL, ELECTRICAL AND PLUMBING TO BE REMOVED. CONTRACTOR TO WALK SITE TO UNDERSTAND FULL EXTENT OF WORK.
- P. IF EXISTING ITEMS TO BE REMOVED OR DISTURBED ARE SUSPECTED OR DISCOVERED TO CONTAIN ASBESTOS OR OTHER HAZARDOUS MATERIALS, STOP DEMOLITION AND NOTIFY OWNER IMMEDIATELY.
- Q. SEE M.E.P. DOCUMENTS FOR EXTENT OF DEMOLITION/REMOVAL OF PIPING/DUCTWORK/ELECTRICAL THAT WILL OCCUR IN PREPARATION FOR NEW CONSTRUCTION.

DEMOLITION KEYNOTES

- D1 REMOVE EXISTING HALF-WALL CONSTRUCTION DOWN TO BELOW RAISED PLATFORM. PROVIDE NEW TOP TRACK FOR SUPPORT OF NEW FLOOR SYSTEM.
- D2 REMOVE EXISTING FLOORING SYSTEM DOWN TO BARE CONCRETE / EXISTING TILE. PREP SURFACES TO RECEIVE NEW RAMP/FLOOR SYSTEM.
- D3 DEMO EXISTING RAMP AS NECESSARY TO FACILITATE INSTALLATION OF NEW FLOOR SYSTEM.
- D4 DEMO EXISTING BOOTH TABLE, BENCH, AND HALF WALL COMPLETE. PREP EXISTING TO REMAIN SURFACES TO RECEIVE NEW FINISHES.
- D5 DEMO EXISTING METAL PIPE HANDRAIL COMPLETE.
- D6 DEMO EXISTING STAIR RISER AS NECESSARY TO FACILITATE INSTALLATION OF NEW FLOOR SYSTEM.
- D7 REMOVE ONE SIDE OF COLUMN ENCLOSURE TO ALLOW FOR INSTALLATION OF NEW RAMP.



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Imagine Entertainment
EMAGINE PALLADIUM
SCREENING ROOMS
250 N. Old Woodward Avenue
Birmingham, MI 48009

PROJECT NUMBER:

17091

DATE:

12-12-2017

Revision Schedule

Revision Number	Revision Date	Revision Description
1	02-03-2018	SCREENING RM. #2 TAKEN OUT OF SCOPE. ITEMS ADDED TO SCREENING RM. #1

CERTIFICATION:



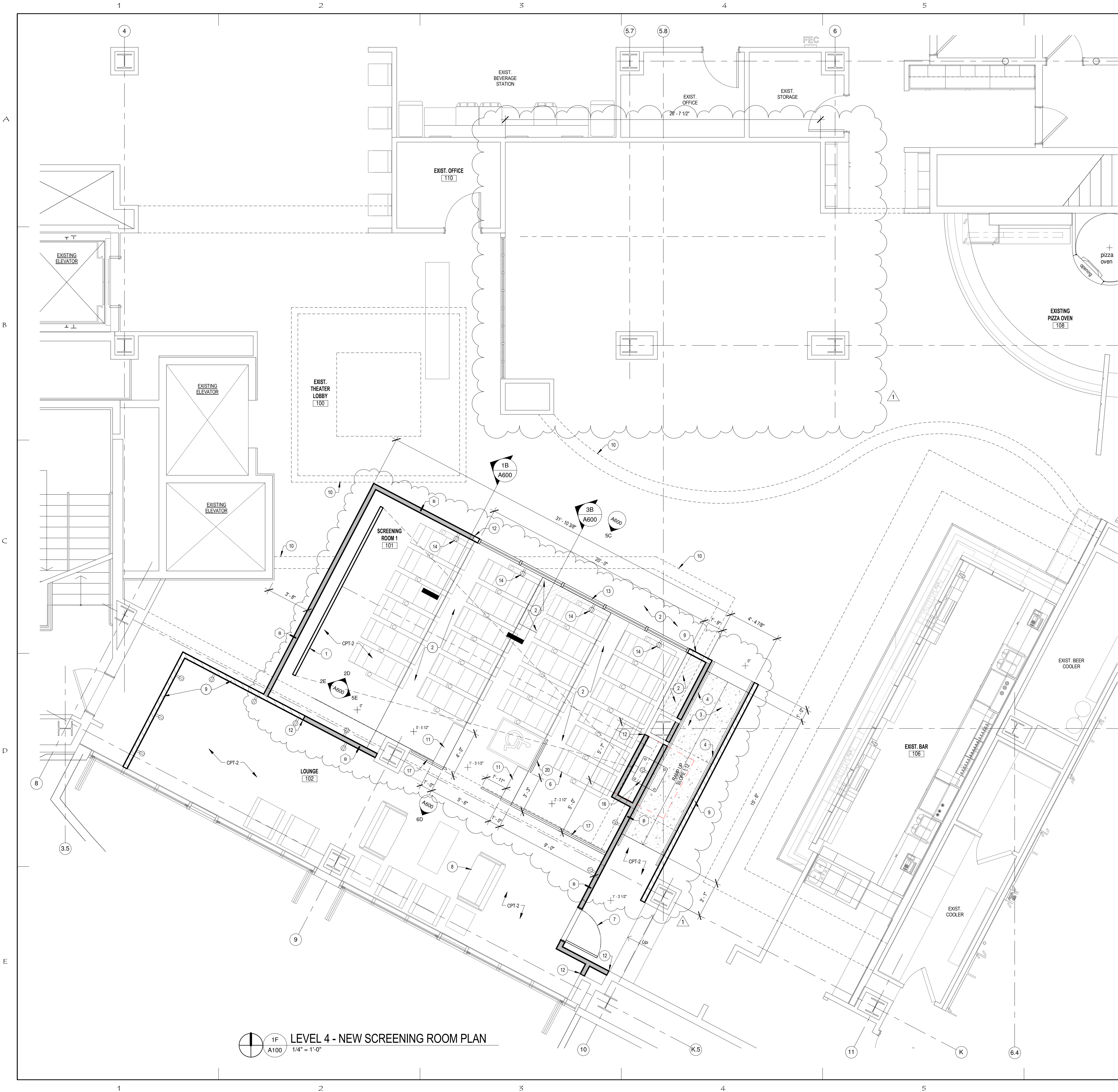
SHEET DESCRIPTION:

LEVEL 4 DEMOLITION PLAN

SHEET NUMBER:

A050

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GENERAL FLOOR PLAN NOTES

- A. CONTRACTOR TO FOLLOW ALL BUILDING/PROJECT STANDARDS. PROVIDE INTERIM LIFE SAFETY MEASURES AND FOLLOW ALL STATE AND LOCAL BUILDING CODES. IF CONTRARY INSTRUCTIONS ARE CONTAINED HEREIN, REQUEST CLARIFICATION FROM OWNER/ARCHITECT.
- B. CONTRACTOR SHALL BE RESPONSIBLE FOR FIELD VERIFICATION OF ALL DIMENSIONS, JOB CONDITIONS, ETC.
- C. SEE SHEET A001 FOR ADDITIONAL NOTES.
- D. ALL DIMENSIONS ARE FROM FACE OF STUD FRAMING TO FACE OF STUD FRAMING UNLESS OTHERWISE NOTED.
- E. SEE WALL TYPES, DOORS AND HARDWARE SCHEDULES FOR ADDITIONAL INFORMATION.
- F. WHERE DISSIMILAR FLOOR MATERIALS MEET, THEY SHOULD DO SO UNDER THE CENTERLINE OF THE DOOR, UNLESS OTHERWISE NOTED.
- G. SEE TYPICAL DETAILS FOR LOCATION OF HINGE SIDE OF DOOR JAMBS FROM ADJACENT WALLS IN METAL STUD WALLS UNLESS OTHERWISE NOTED.
- H. PROVIDE BLOCKING IN NEW AND EXISTING WALLS FOR ALL WALL SUPPORTED ITEMS. SEE PLANS FOR CASEWORK LOCATIONS.
- I. ALL MATERIALS TO BE INSTALLED PER MANUFACTURERS RECOMMENDATIONS AND STANDARD SPECIFICATIONS.
- J. REFER TO SHEETS A130 AND A620-A622 FOR ALL REQUIRED FINISH INFORMATION.
- K. WHERE NEW WALL CONSTRUCTION IS REQUIRED ADJACENT TO OR ABUTTING EXISTING CONSTRUCTION, ALIGN FACE OF NEW CONSTRUCTION WITH FACE OF EXISTING CONSTRUCTION. SKIM ENTIRE WALL SURFACE AS REQUIRED TO PROVIDE SMOOTH, FLUSH TRANSITIONS.
- L. PROVIDE CONTROL JOINTS IN ALL RUNS OF GYPSUM BOARD. WALLS OVER 30 FEET IN LENGTH. COORDINATE WITH ARCHITECT PRIOR TO INSTALLATION FOR COMPLIANCE WITH DESIGN INTENT.
- M. PREP ALL WALL SURFACES TO RECEIVE NEW PAINT OR WALL COVERING FINISH. PATCH ALL EXISTING HOLES IN AREAS TO RECEIVE NEW FINISHES. SAND WALLS SMOOTH PRIOR TO PAINTING. PROVIDE BLANK COVER PLATES WHERE NEEDED. REMOVE EMERGENCY LIGHTS, SIGNAGE, THERMOSTATS, FIRE STROBES, ETC. PRIOR TO PAINTING AND REINSTALL WHEN COMPLETE.
- N. ALL PENETRATIONS IN AND THROUGH FIRE AND SMOKE RATED WALLS SHALL BE SLEEVED AND FIRE STOPPED AS NECESSARY TO MAINTAIN RATINGS.
- O. SEE MEP DRAWINGS FOR RELATED LEGENDS AND SCOPE OF WORK.
- P. SEE SHEET A001 FOR WALL TYPES.
- Q. SEE SHEET A001 FOR TYPICAL DOOR DETAILS.

NEW FLOOR PLAN KEYNOTES

- 1 PROJECTION SCREEN.
- 2 NEW PLYWOOD FLOOR ON METAL DECK AND STUDS. SEE SECTION 3B/A600 FOR ADDITIONAL INFORMATION.
- 3 NEW RAMP (PLYWOOD OVER METAL DECK AND STUDS). SEE DETAILS ON SHEET A600.
- 4 PIPERAIL HANDRAIL (WALL MOUNTED), TO BE PAINTED P-2. TOP OF RAIL TO BE 36" ABOVE FLOOR/RAMP/STEP NOSING. SPACE WALL BRACKETS 48" O.C. PROVIDE POSTS WHERE SHOWN. CORE DRILL POSTS INTO CONCRETE (6" TYP.) AND PACK WITH NON-SHRINK EPOXY GROUT.
- 5 INFILL BACKSIDE OF EXISTING WINDOW WITH METAL STUDS AND DRYWALL, PAINTED BLACK ON WINDOW SIDE.
- 6 NEW THEATER SEATS (RECLINERS), FLOOR MOUNTED.
- 7 NEW ACOUSTIC WOOD DOOR, SEE SHEET A001 FOR TYPICAL HEAD AND JAMB DETAILS. PROVIDE CONTINUOUS HINGE, DOOR PULL, PUSH PLATE, CLOSER W/HOLDER, AND WALL STOP. COORDINATE DOOR FINISH WITH OWNER.
- 8 OWNER PROVIDED FURNITURE.
- 9 EXTEND EXISTING HALF WALL CONSTRUCTION UP TO BOTTOM OF ROOF DECK ABOVE. REMOVE EXISTING PLYWOOD SHEATHING AND INSTALL NEW 5/8" GYP. BD. ON BOTH SIDES OF WALL. WALL TO BE INSULATED. SEE SECTION 1B/A600 FOR ADDITIONAL INFORMATION.
- 10 LINE OF BULKHEAD ABOVE.
- 11 NEW PLYWOOD AND METAL STUD STEP, 12" DEEP X WIDTH INDICATED ON PLAN. SEE DETAIL 3C/A600.
- 12 ALIGN NEW WALL WITH FACE OF EXISTING WALL/COLUMN. PROVIDE SMOOTH TRANSITION BETWEEN EXISTING AND NEW.
- 13 PROVIDE FIXED ALUMINUM STOREFRONT FRAMING WITH 1/4" CLEAR GLAZING, SIMILAR TO KAWNEER Trifab 400 FRAMING SYSTEM. ALTERNATE: PROVIDE OPERABLE PARTITION IN LIEU OF ALUMINUM FRAMING. SYSTEM TO BE EQUAL TO MODERNFOLD ACOUSTI-SEAL PAIRED PANEL SYSTEM 932FS. SEE ELEVATIONS ON SHEET A600 FOR ADDITIONAL INFORMATION.
- 14 WALL MOUNTED POWER SUPPLY FOR RECLINERS. COORDINATE POWER REQUIREMENTS WITH SEATING MANUFACTURER.
- 15 FLOOR POWER SUPPLY FOR RECLINERS. COORDINATE POWER REQUIREMENTS WITH SEATING MANUFACTURER.
- 16 PROJECTOR ON PLATFORM ABOVE. SEE SHEET A600 FOR ADDITIONAL INFORMATION. PROVIDE POWER AND DATA AS REQUIRED BY PROJECTOR MANUFACTURER.
- 17 STEEL PIPERAIL HANDRAIL (POST MOUNTED), TO BE PAINTED P-2. TOP OF RAIL TO BE 36" ABOVE FLOOR/STEP NOSING. SPACE POSTS 48" O.C. MAX.
- 20 26" HIGH PIPERAIL. PAINT P-2. SEE DETAIL 1C/A600 FOR ADDITIONAL INFORMATION.
- 24



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Imagine Entertainment
EMAGINE PALLADIUM
SCREENING ROOMS
250 N. Old Woodward Avenue
Birmingham, MI 48009

PROJECT NUMBER:

17091

DATE:

12-12-2017

Revision Schedule

Revision Number	Revision Date	Revision Description
1	02/03/2018	SCREENING RM. #2 TAKEN OUT OF SCOPE. ITEMS ADDED TO SCREENING RM. #1

CERTIFICATION:



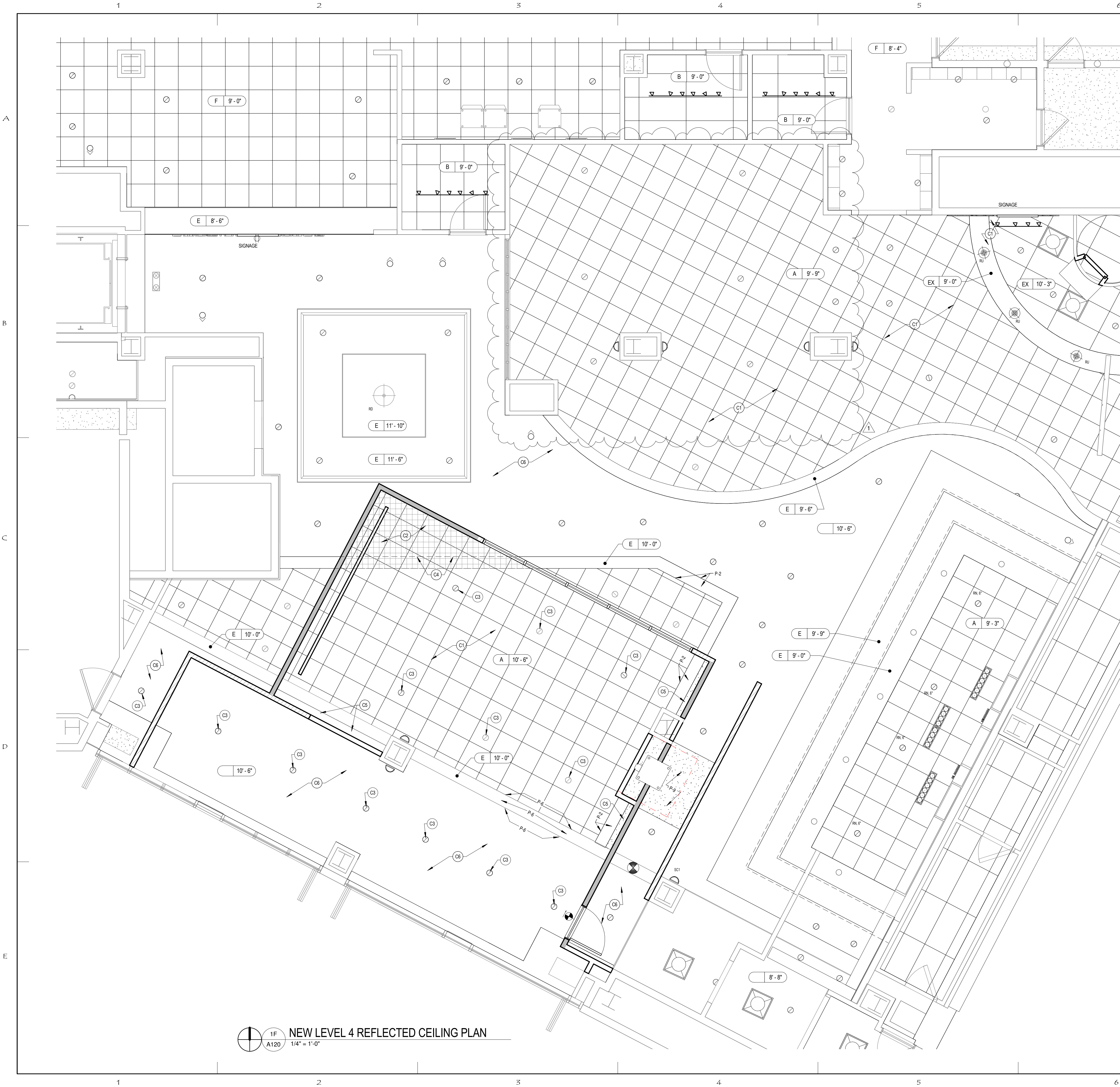
SHEET DESCRIPTION:

FOURTH FLOOR PLAN

SHEET NUMBER:

A100

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NEW LEVEL 4 REFLECTED CEILING PLAN
1/4" = 1'-0"

GENERAL CEILING PLAN NOTES

- EXISTING TO REMAIN CEILING SYSTEMS SHOWN LIGHTER THAN NEW GRID SYSTEM.
- NEW CEILING GRID CENTERED IN ROOM EACH WAY, UNLESS NOTED OTHERWISE.
- UNLESS OTHERWISE NOTED, INSTALL SUSPENDED CEILING GRID WITH EQUAL SIZE PANELS AT EACH SIDE OF ENDS OF ROOMS. IN GENERAL, PANELS SHOULD NOT BE LESS THAN 1'-0" WIDE.
- PROVIDE NIGHT LIGHT CIRCUITS AS REQUIRED.
- REFER TO ROOM FINISH SCHEDULE FOR SPECIFIC CEILING TYPES, MATERIALS, ETC.
- THE ARCHITECTURAL REFLECTED CEILING PLANS SHALL GOVERN THE LAYOUT OF ALL CEILING ELEMENTS AND/OR PENETRATIONS. COORDINATE WITH ARCHITECT ANY FIELD CONDITIONS THAT DIFFER FROM WHAT IS SHOWN ON THESE PLANS.
- SIZES AND SHAPES OF MECHANICAL EQUIPMENT, LIGHTING AND OTHER MISC. ELECTRICAL EQUIPMENT (IF SHOWN HERE) ARE SHOWN FOR REFERENCE ONLY. COORDINATE ACTUAL SIZES AND CIRCUITING WITH ELECTRICAL ENGINEERING DOCUMENTS.
- REFER TO WALL TYPE FOR ADDITIONAL INFORMATION & WALLS THAT BREAK GRID.
- IF POSSIBLE, ANY CEILING MOUNTED ITEMS (SPRINKLER HEADS, SPEAKERS, ETC.) SHOULD BE CENTERED IN CEILING PANELS.
- WHERE EXISTING CEILING GRID IS REMODELED TO MEET NEW CONSTRUCTION, THE CONTRACTOR SHALL:
 - A. REPLACE ALL DAMAGED OR UNREPAIRABLE PORTIONS OF EXISTING GRID WITH NEW GRID TO MATCH EXISTING BUILDING STANDARDS.
 - B. REMOVE PORTIONS OF EXISTING GRID OR PROVIDE NEW GRID AS REQUIRED BY NEW CONSTRUCTION. ALL NEW GRID MUST MATCH EXISTING TO REMAIN OR BE BUILDING STANDARD.
 - C. REPLACE ALL DAMAGED CEILING TILES WITH NEW TILES TO MATCH EXISTING TO REMAIN.

REFLECTED CEILING PLAN KEYNOTES

- C1 EXISTING ACOUSTIC CEILING TO REMAIN. REPLACE ANY MISSING OR DAMAGED CEILING TILES.
- C2 INFILL ACOUSTIC CEILING TILE AND GRID TO MATCH EXISTING.
- C3 NEW OR RELOCATED CAN LIGHT.
- C4 DEMO PORTION OF EXISTING BULKHEAD AS SHOWN.
- C5 INSTALL NEW GYP. BD. CEILING TO INFILL SPACE BETWEEN WALL AND EXISTING BULKHEAD.
- C6 EXISTING GYP. BD. CEILING TO REMAIN. PATCH AND REPAIR ANY DAMAGED AREAS, INCLUDING AREAS WHERE LIGHTS, SIGNAGE, NEON, AND OTHER CEILING MOUNTED ITEMS HAVE BEEN REMOVED. PROVIDE SMOOTH, FLUSH SURFACE TO RECEIVE NEW PAINT FINISH.

REFLECTED CEILING PLAN LEGEND

- CEILING TYPE
- MATERIAL/DETAIL VARIATION
- CEILING HEIGHT
- CEILING TAG
- CLG2 0'-0"
- GYP. BOARD CEILING OR BULKHEAD
- CEILING GRID
- 2' X 4' RECESSED FLUORESCENT
- NEW BLACK UNDERMOUNT LED LIGHT
- NEW WALL MOUNT FLUORESCENT
- NEW 1' X 4' RECESSED TROFFER FLUORESCENT
- NEW VANITY LIGHT
- 4" DOWNLIGHT w/ LED BULB, UNLESS NOTED OTHERWISE
- WALL MOUNTED EXIT SIGN
- CEILING MOUNTED EXIT SIGN
- HVAC SUPPLY DIFFUSER
- HVAC RETURN GRILLE
- SMOKE DETECTOR
- WALL SCONCE - ADIRONDACK SILVER LEAF
- PENDANT - CUSTOM 'TWIG' FIXTURE
- PENDANT - RAISED DINING AREA
- PENDANT - RECEPTION
- PENDANT - BERESFORD BRONZE ANTLER
- PENDANT - CHROME / AMBER BULBOUS MINI
- PENDANT - ALITA CHAMPAGNE PENDANT (3 TOTAL - HUNG AT DIFFERENT ELEVATIONS)
- TRACK LIGHTING w/ LED TRACK HEADS



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Revision Schedule		
Revision Number	Revision Date	Revision Description
1	02-03-2018	SCREENING RM. #2 TAKEN OUT OF SCOPE. ITEMS ADDED TO SCREENING RM. #1

CERTIFICATION:



SHEET DESCRIPTION:
NEW LEVEL 4 REFLECTED
CEILING PLAN

SHEET NUMBER:
A120

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				FINISH MATERIAL LIST		
MARK	MANUFACTURER	STYLE	MODEL NUMBER	COLOR	SIZE	COMMENTS
CARPET						
CPT-2	DURKAN	PATTERN "D39774", ANASTASIA SERIES	STRIKE OFF P0216521C	BLACK W/ TAUPES & GOLD, CUSTOM SCROLL 'E'	24"x24" REPEAT	REP: MARNI BROWN 517-719-0800 marni_brown@mohawkind.com
CPT-3	MOHAWK GROUP (BIGELOW BRAND)	BOLD STROKES, MIXOLOGY COLLECTION	BQ 362	#968 "SMOKY MARTINI"	BROADLOOM	REP: MARNI BROWN 517-719-0800 marni_brown@mohawkind.com
CARPET BASE						
CB-1	DURKAN	SAME AS CPT-1			6" HIGH	SAME AS CPT-1, BIND ONE EDGE
CEILINGS						
A	USG	FROST CLIMAPLUS	414	090 SANDSTONE	2' x 2'	GRID: 15/16", SANDSTONE
B	USG	RADAR	2310	WHITE	2' x 4'	GRID: 15/16", WHITE
C	USG	CLEAN ROOM, UNPERFORATED	56091	WHITE	2' x 4'	GRID: 15/16", WHITE
D	USG	RADAR CLIMAPLUS	2410	FLAT BLACK	2' x 4'	GRID: 15/16", BLACK
E		SUSPENDED GYP. BD. CEILING / BULKHEAD		AS NOTED ON PLANS		
F	USG	FROST CLIMAPLUS	414	143 STRAW	2' x 2'	GRID: 15/16", STRAW
CERAMIC TILE						
CT-1	DALTILE	CONTINENTAL SLATE	CS50	EGYPTIAN BEIGE	12" x 18"	PATTERN: STAGGERED BRICKWORK GROUT: GT-1 REP: KIM HOFFMAN 248-471-7150
CT-2	DALTILE	ACACIA VALLEY	AV07 & AV15	ALDER	6" x 36" AV07, 9" x 36" AV15	LAY IN ALTERNATING PATTERN. USE MATCHING BASE TB-3. GROUT GT-1
CT-3	DALTILE	CONTINENTAL SLATE	CS56	TUSCAN BLUE	12"x18" STAGGERED BRICKWORK PATTERN.	GROUT: GT-7. TILE USED AT BOTH WALL AND FLOOR APPLICATIONS
CT-4	DALTILE	SLATE RADIANCE	SA55	FLINT	5/8" MOSAIC LAY-IN HORIZONTALLY	ACCENT BAND THROUGH OUT BATHROOMS - +/- 12" HIGH. BAR AND RANDOM. GROUT: GT-2
CT-5	OLYMBIA VERSAILLES	BRUSHED STRAIGHT EDGE		WALNUT TRAVERTINE	16" x 24" x 7/16"	BEAVER TILE - FARMINGTON HILLS 248-476-2333 ("MUST SEAL)
CT-8	ADEX		ADNT 1008 ADENACH36	NATURE CHARCOAL		MUST BE SEALED BEFORE AND AFTER GROUTING. FROM VIRGINIA TILE. SEE CT-7, GROUT: GT-5
CT-9	LUNADA BAY		SGEOTIMOS140JN	TIN NATURAL	1"x4" BRICK JOINT GLASS MOSAIC	GLASS TILE TO BE SET W/TEC HB SUPERFLEX WHITE. GROUT WITH GT-6. ON PIZZA OVEN AND BACK OF BAR
CT-10	DALTILE	SLATE - NATURAL STONE	S772 NATURAL CLEFT GAUGED	AUTUMN MIST	16"x16" LAY IN GRID PATTERN.	FARMINGTON HILLS SHOWROOM - KIM 248-471-7150 START AT CLG & CUT AT FLOOR
CT-11	STONE TILES INTERNATIONAL	STISIER LEDGER		SIERRA, NATURAL FACE	6x24 LEDGER PANEL. MUST BE SEALED.	GT-7 IF NEEDED. REP. VIRGINIA TILE, MAUREEN AT TROY, 248-649-4422 SELECTION #40669
CT-12		CASTELLINA BLEND	STICABL1624HCU	COBBLESTONE HONED & UNFILLED TRAVERTINE	16x24. MUST BE SEALED BEFORE/AFTER GROUTING	GROUT GT-3. INSTALL IN STAGGERED VERTICAL BRICKWORK PATTERN STARTING AT CLG.
CT-13	DALTILE	30 METAL MOSAICS	#9999447132	RECTANGLE STAINLESS STEEL	12"x6"	GROUT IF NEEDED WITH GT-6-#02 PEWTER (MAPAI). REP: KIM HOFFMAN 248-471-7150
CERAMIC TILE BASE						
TB-1	DALTILE	CONTINENTAL SLATE	CS50 S-36C9T	EGYPTIAN BEIGE	6" x 12" COVE BASE	FOR USE AT WTP-1, 2 & 3
TB-2	DALTILE	SLATE COLLECTION	S772 NATURAL CLEFT GAUGED	AUTUMN MIST	6"H CUT SLATE (GT-10) BEVEL TOP EDGE	FOR USE AT WTP-4
TB-3	DALTILE	ACACIA VALLEY	#S-36C9T	ARK	6" x 12" COVE BASE	FOR USE AT CT-7
CORNER GUARDS						
CG-1	TBD					
FABRIC						
F-1	HYTEX INDUSTRIES, INC.	HYTEX RIB	#19-17	TAFFY #19-17		REP: RICHARD RIGAZIO 781-963-4400
F-2	HYTEX INDUSTRIES, INC.	HYTEX RIB	#19-33	BLACK		REP: RICHARD RIGAZIO 781-963-4400
F-3	HYTEX INDUSTRIES, INC.	BRAVO	BELLO	GRGIO		REP: RICHARD RIGAZIO 781-963-4400
F-4	CULP INDUSTRES	DILLION		LUGGAGE		THEATER SEAT FABRIC
GRANITE						
GR-1	-	GRANITE BAR TOP		SPECTRUS BLACK - "MAGMA"		THIS GRANITE MUST BE APPROVED. SLABS REVIEWED AND SIGNED OFF ON. GRANITE SELECTED AT CIOT DETROIT - RICCI BELLUCCI 248-288-8888
GR-2	-	GRANITE PIZZA BAR SERVICE TOP		BLACK UBATUBA		GRANITE MUST BE TRUE BLACK. GRANITE SELECTED AT CIOT DETROIT - RICCI BELLUCCI 248-288-8888
GR-3	-	CONCESSION COUNTER TOP		BLACK GALAXIE - BLACK & COPPER / GOLD FLECKS		GRANITE SELECTED AT CIOT DETROIT - RICCI BELLUCCI 248-288-8888
GROUT						
GT-1	MAPEI	UNSANDED OR EQUAL	#05	CHAMOIS	1/8" GROUT JOINT	
GT-2	MAPEI	UNSANDED OR EQUAL	#50	MAGNOLIA	1/8" GROUT JOINT	
GT-3	MAPEI	UNSANDED OR EQUAL	#44	PALE UMBER	1/8" GROUT JOINT	
GT-4	MAPEI	UNSANDED OR EQUAL	#10	BLACK	1/8" GROUT JOINT	
GT-5	MAPEI	UNSANDED OR EQUAL	#09	CHARCOAL	1/8" GROUT JOINT	
GT-6	MAPEI	UNSANDED OR EQUAL	#02	PEWTER	1/8" GROUT JOINT	
GT-7	MAPEI	UNSANDED OR EQUAL	#11	SAHARA BEIGE (QUARRY TILE)	1/8" GROUT JOINT	
PAINT						
P-1	BENJAMIN MOORE		HC-20	WOODSTOCK TAN		MATCHES WC-1 & SANDSTONE CEILING TILE
P-2	SHERWIN WILLIAMS		SW7674	PEPPERCORN		MATCHES WALLCOVERING WC-2 AND WC-4
P-3	BENJAMIN MOORE		HC-77	ALEXANDRIA BEIGE		MATCHES WALLCOVERING WC-3
P-4	SHERWIN WILLIAMS		SW7073	NETWORK GRAY		MISC. WALLS, BACK OF HOUSE, STORAGE, ETC. (200 SERIES PAINT IN PREP AREAS)
P-5	BENJAMIN MOORE		READY MIX	BLACK		
P-6	BENJAMIN MOORE		1075	FAIRWAY OAKS		
P-7	BENJAMIN MOORE		1117	GUEST HOUSE		
P-8	BENJAMIN MOORE		SW6363	GINGERY		ACCENT PANEL TRIMS IN THEATERS
P-9	SHERWIN WILLIAMS		SW7036	ACCESSIBLE BEIGE		CONCESSION WALLS
						DRY WALL CLG'S
PLASTIC LAMINATE						
LAM-1	FORMICA		#8848-58	BLACKENED LEGNO		
LAM-2	FORMICA	PECAN WOOD	#5883-58, MATTE FINISH	PECAN WOODLINE		FRONTS OF CONCESSION MILLWORK
LAM-3	NUMETAL		#256	BRUSHED STAINLESS		ANDREA ANGERS 248-302-1355
LAM-4	FORMICA		#929-58, MATTE FINISH	OYSTER GRAY		KICKS
LAM-5	FORMICA		#909-58, MATTE FINISH	BLACK		KICKS
LAM-6	FORMICA		#8846-58, MATTE FINISH	OILED LEGNO		
LAM-7	FORMICA		#5887-58, MATTE FINISH	MILLENNIUM OAK		
LAM-8	NEVAMAR		FS6001T	RUSH (EBONY)		
QUARRY TILE						
QT-1	AMERICAN OLEAN	QUARRY NATURALS		SHADOW GRAY - N46 W/ #11 SAHARA BEIGE TO MATCH. GT-7	1/2" x 6 'x 6"	TRIMS & WALL BASE TO MATCH. VIRGINIA TILE-TROY 248-649-4422 ROSANNI OR MAUREEN
RESILIENT BASE						
B-1	JOHNSONITE	.080 VINYL WALL BASE, COVED		#28 MEDIUM GREY	6" HIGH	JOHNSONITE, 1-800-899-8916
SOLID SURFACE						
SS-1	CORIAN	PRIVATE COLLECTIONS		THYME		PURSE SHELF, TROUGH SINKS & TOILET PARTITIONS. LOCALLY FROM H.J. OLDENKAMP CO..
VINYL COMPOSITION TILE						
VCT-1	MANNINGTON COMMERCIAL	ESSENTIALS SERIES		STONE GRAY #102	12"x12"x1/8"	RADIO DISTRIBUTORS 1-800-462-1544
VINYL FLOORING						
VF-1	CONGOLEUM	ENDURANCE PLANK	EK-14-6-36" LONG	DRIFTWOOD	6" PLANKS	RUN IN DIRECTION OF TIER. PROVIDE MATCHING VINYL REDUCER AT TIER NOSING
VF-2	MOHAWK GROUP	SELECT STEP - WOOD #C0007	#F006S	DOVETAIL GRAY	7.25" x 48"	ALTERNATE TO VF-1. REP: MARNI BROWN, 517-719-0800, MARNI_BROWN@MOHAWKIND.COM
VINYL WALLCOVERING						
VWC-1	MDC WALLCOVERING	ALDERWOOD	Y46719AW	GOLD BAR	54" WIDE 20 OZ.	STEPHANIE TROSHYNSKI 586-764-8985
VWC-2	MDC WALLCOVERING	ALDERWOOD	Y46722AW	BLACK PEARL	54" WIDE, 20 OZ.	STEPHANIE TROSHYNSKI 586-764-8985
VWC-3	MDC WALLCOVERING	ALDERWOOD	Y46718AW	GLEAM	54" WIDE, 20 OZ.	STEPHANIE TROSHYNSKI 586-764-8985
VWC-4	MDC WALLCOVERING	GENON MOLTEN	W2-MT-07	CHARRED	54" WIDE, 20 OZ.	STEPHANIE TROSHYNSKI 586-764-8985
VWC-5	MDC WALLCOVERING	GENON MOLTEN	W2-MT-06	TORCHED	54" WIDE, 20 OZ.	STEPHANIE TROSHYNSKI 586-764-8985
VWC-6	MDC WALLCOVERING	GENON MOLTEN	W2-MT-04	SMOLDERING SILVER	54" WIDE, 20 OZ.	STEPHANIE TROSHYNSKI 586-764-8985
WOOD PANELS						
WPS-1	FASHION ARCHITECTURAL DESIGNS	FASHION STACKED WOOD "SATINE"	PRINCE EDWARD #FAD 1105	WALNUT	3.5"H x 53.5"L PANELS	CORNERS TO BE MITRED. BASE MATERIAL TO BE LAM-6. REP: ANDEA ANGERS 248-302-1355

GENERAL FINISH FLOOR PLAN NOTES

- STANDARD PAINT FINISH ON GYPSUM BOARD TO BE MINIMUM (1) PRIMER COAT (NOT FINISH COLOR) & MINIMUM (2) FINISH COATS OF FINAL DESIRED COLOR OF INTERIOR LATEX (EGGSHELL FINISH). EQUAL TO SHERWIN WILLIAMS CASHMERE & COLOR ACCENTS PAINT QUALITY. CONTRACTOR TO SUBMIT DRAW CARDS FOR VERIFICATION OF COLOR MATCH TO DESIGNER.
- ALL INTERIOR EXPOSED ITEMS AND SURFACES THROUGHOUT PROJECT ARE TO BE PAINTED. EXCEPT WHERE A SURFACE MATERIAL IS SPECIFICALLY INDICATED NOT TO BE PAINTED, IS PREFINISHED, OR IS TO REMAIN NATURAL.
- ALL SOLID AND VENEER WOOD SHALL BE FINISHED WITH FINAL FINISH COAT OF MINWAX POLYACRYLIC SEMI-GLOSS FINISH. SUBMIT SAMPLES OF ALL WOOD AND VENEER COMPONENTS.
- WRAP ALL VINYL WALL COVERING AROUND OUTSIDE CORNERS. NO SEAMS SHOULD BE LOCATED AT OUTSIDE CORNERS.
- PROVIDE LATEX SKIM COAT ON WALL SURFACE AT EXISTING WALL LOCATIONS TO PROVIDE SMOOTH SURFACE PREP FOR NEW FINISH RE-TREATMENT.
- ALL GYPSUM BOARD BULKHEADS TO BE PAINTED CEILING WHITE, UNLESS OTHERWISE NOTED ON REFLECTED CEILING PLAN.
- PROVIDE TRANSITION STRIPS AT ALL FLOORING MATERIAL CHANGES (CENTERLINE OF DOOR OPENING) UNLESS OTHERWISE NOTED. SEE SHEET A621 FOR DETAILS.
- SEE SHEET A620 FOR FINISH FLOOR PLAN.
- SEE SHEETS A600-A606 FOR INTERIOR ELEVATIONS AND SPECIFIC FINISH LOCATIONS.
- ALL AUDITORIUM STEEL PIPE HANDRAILS AND GUARDRAILS TO BE PAINTED P-.
- PROVIDE CRACK ISOLATION MEMBRANE AS REQUIRED AT ALL TILE INSTALLATIONS. CONTRACTOR TO COORDINATE WITH DESIGNER.
- THERE SHALL NOT BE PAINT CONDITIONS THAT OCCUR CAUSING FINISH OR COLOR TO CHANGE ON AN OUTSIDE CORNER UNLESS OTHERWISE NOTED. IF THIS CONDITION OCCURS BRING THIS TO THE DESIGNERS ATTENTION IMMEDIATELY.
- REFER TO PROJECT MANUAL FOR SPECIFICATIONS FOR SEALED CONCRETE (SC) AND HARDENER/SEALER OR HARDENER SEALED CONCRETE (HSC).
- GYPSUM BOARD TO RECEIVE A LEVEL FIVE (5) FINISH IN AREAS TO RECEIVE A DARK COLOR PAINT.
- ALL INTERIOR DOORS SCHEDULED TO BE PAINTED SHALL BE SEMI-GLOSS FINISH.
- ALL HVAC VENTS, GRILLES, TRIMS & ETC. TO BE PAINTED TO MATCH THE WALL/CEILING THEY ARE LOCATED ON.
- PATTEN NAME, COLOR AND NUMBER FOR EACH MATERIAL ARE GIVEN WHEREVER POSSIBLE ON THE FINISH PLAN. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO BRING ANY DISCREPANCIES TO THE ATTENTION OF THE ARCHITECT/DESIGNER SO THAT THE CORRECT MATERIAL IS INSTALLED.
- AUDITORIUM TIER NOSINGS @ VINYL FLOORING TO RECEIVE VINYL NOSING EQUAL TO ROPPE #203, COLOR: .
- PROVIDE SAFETY STAIR NOSING AT ALL AUDITORIUM STEPS. PROVIDE CONTRASTING STRIPE.
- PROVIDE CONTROL JOINTS IN RUNS OF GYP. BD. GREATER THAN 30 FEET IN LENGTH. SEE DETAIL 7D/A651. COORDINATE LOCATION WITH DESIGNER PRIOR TO INSTALLATION FOR COMPLIANCE WITH DESIGN INTENT.
- EXISTING WOOD VENEER DOORS & HARDWARE TO REMAIN - REPAIR/TOUCH-UP. THESE DOORS ARE RESTROOMS, EXIT DOORS, AND SOME BACK OF HOUSE. PAINT FRAMES TO MATCH ADJACENT WALLCOVERING AS NOTED.
- EXISTING THEATRE SINGLE OR DOUBLE SET OF WOOD VENEER DOORS & HARDWARE TO REMAIN, TOUCH-UP & REPAIR. GLASS PANELS IN DOORS ARE TO BE REMOVED & REPLACED W. NEW "EMAGINE" LOGO PANELS. PAINT FRAMES TO MATCH ADJACENT WALLCOVERING AS NOTED.
- NON VENEER DOORS AND FRAMES ON VWC-2 TO BE PAINTED P-2.
- NON VENEER DOORS AND FRAMES ON VWC-3 TO BE PAINTED P-3.
- NON VENEER DOORS AND FRAMES ON VWC-1 TO BE PAINTED P-1.
- DOORS AND FRAMES ON FABRIC F-2 TO BE PAINTED P-5 (BLACK).
- DOORS AND FRAMES ON P-4 (NETWORK GREY) TO BE PAINTED THE SAME (P-4).
- DOORS AND FRAMES ON P-6 TO BE PAINTED THE SAME (P-6).
- DOORS AND FRAMES ON CT-5 TO BE PAINTED P-6.
- WPS COLUMNS ARE TO HAVE LAM. #6 BASE
- SEE SHEET A800 FOR FURNITURE FABRICS IN DINING AND BAR AREAS.



www.studio3design.net
Phone: (317) 595.1000
Fax: (317) 572.1236
8604 Allisonville Road, Suite 330
Indianapolis, IN 46250

MECHANICAL - PLUMBING - ELECTRICAL
CONSULTING ENGINEER:



400 S. Old Woodward, Suite 100
Birmingham, MI 48009
P 248-258-1610 F 248-258-9538

Imagine Entertainment

EMAGINE PALLADIUM
SCREENING ROOMS

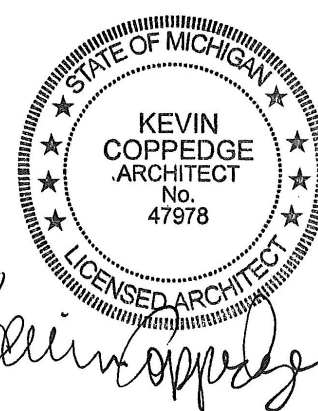
250 N. Old Woodward Avenue
Birmingham, MI 48009

PROJECT NUMBER:
17091

DATE:
12-12-2017

Revision Schedule		
Revision Number	Revision Date	Revision Description

CERTIFICATION:



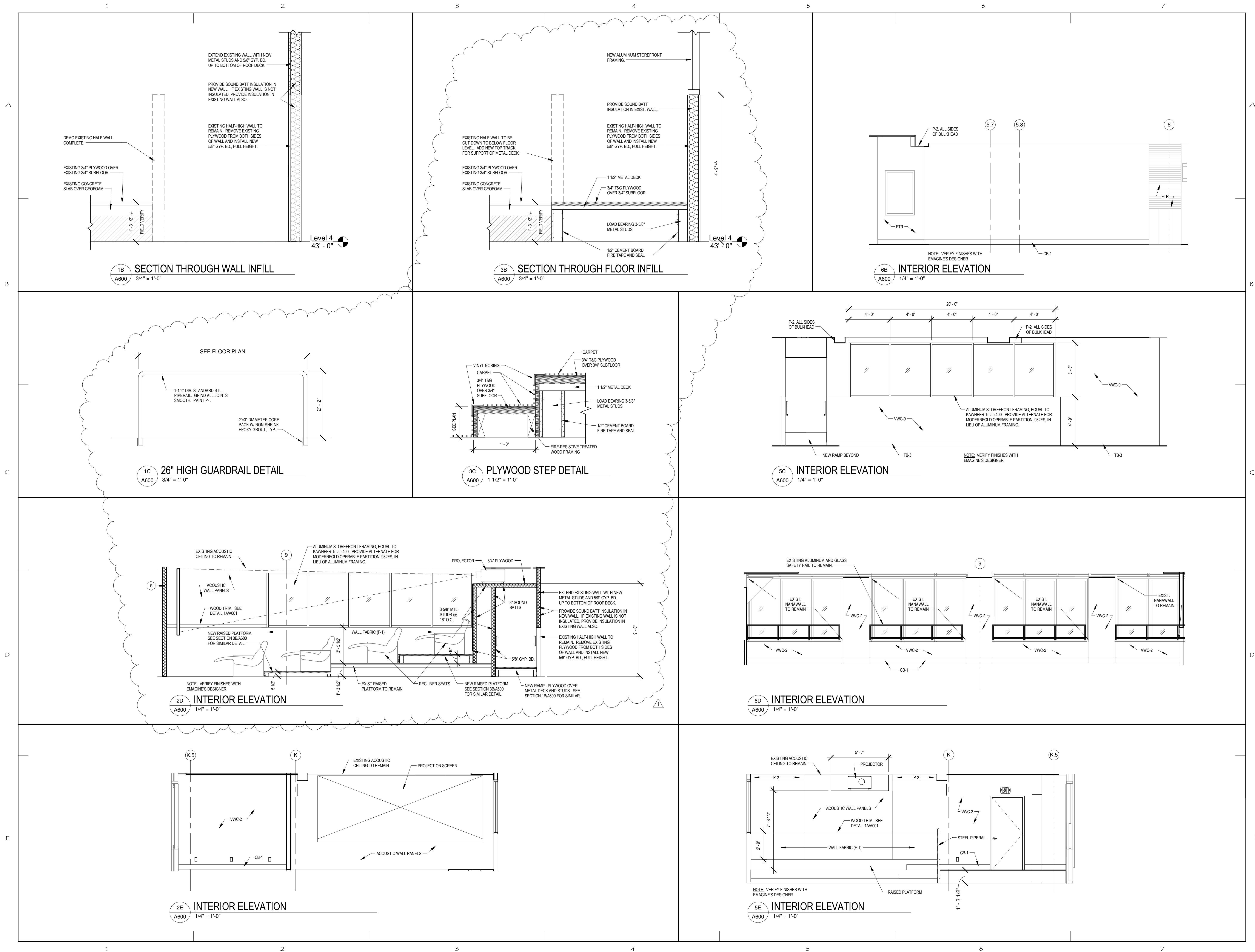
SHEET DESCRIPTION:

FINISH LEGEND & MATERIAL
LIST

SHEET NUMBER:

A130

THIS DRAWINGS IS THE PROPERTY
OF STUDIO 3 DESIGN, INC. ALL
RIGHTS RESERVED



Revision Schedule		
Revision Number	Revision Date	Revision Description
1	02-03-2018	SCREENING RM. #2 TAKEN OUT OF SCOPE. ITEMS ADDED TO SCREENING RM. #1





Project

PALLADIUM

BIRMINGHAM MICHIGAN
A.F. JONNA
DEVELOPMENT & MANAGEMENT CO.



EXISTING CONDITIONS PHOTOS





EAST ELEVATION

SCALE: 3/32" = 1'-0"

	1ST FLR	2ND-5TH FLR	FACADE SQFT	GLAZING SQFT	TOTAL %
			779.333	639.34	0.8204 = 82.04%
			10,571.63	2,513.68	0.2378 = 23.78%

EXISTING WINDOWS
 NEW WINDOWS

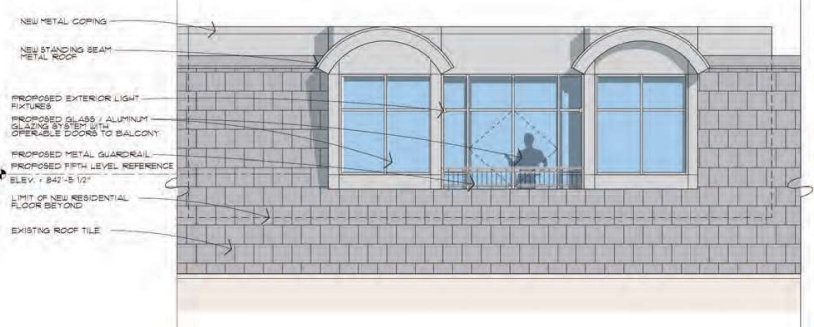
**Downtown Birmingham Overlay District:
 Article 03**

A-3. D4 Zone (four or five stories)

E-1. At least 90% of the exterior finish material on all facades that face a street shall be limited to the following: glass, brick, cut stone, cast stone, coarsely textured stucco, or wood. Dryvit or EPS is prohibited.

E-4. Storefronts shall be directly accessible from public sidewalks. Each storefront must have transparent or - eas, equal to 70% of its portion of the facade, between one and eight feet from the ground. The wood or metal structure (structural elements to support canopies or signage) of such storefronts shall be painted, bronze, or powder-coated.

E-6. The glazed area of a facade above the first floor shall not exceed 35% of the total area, with each facade being calculated independently.

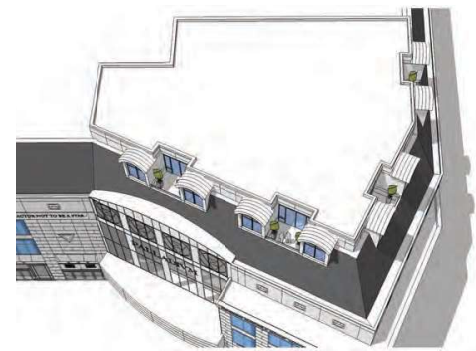


1 BALCONY DETAIL

SCALE: 1/4" = 1'-0"



CONCEPT PERSPECTIVES



EXISTING CONDITIONS PHOTOS

ELEVATIONS



PALLADIUM
 BIRMINGHAM, MICHIGAN
 A.F. JONNA
 DEVELOPMENT & MANAGEMENT CO.

JPRA ARCHITECTS
 30200 West Lakeside Road, Suite 100
 Farmington Hills, MI 48331
 Tel: 248.372.5461
 www.jparchitects.com



MEMORANDUM

Planning Division

DATE: April 12th, 2018

TO: Jana Ecker, Planning Director

FROM: Nicholas Dupuis, Planning Intern

SUBJECT: **209 Hamilton Row /250 N. Old Woodward – Palladium Special Land Use Permit and Final Site Plan**

The 0.84 acre subject site, 250 N. Old Woodward, is located at the corner of N. Old Woodward and Hamilton Row in the Downtown Overlay. The applicant is seeking a Special Land Use Permit Amendment to remove a portion of the dining area (formerly 4-Story Burger) and install a 35 seat private viewing theater. There will be no changes made to the exterior of the building, and the building's signage will remain unchanged. The applicant has also advised that food and alcoholic beverage will be sold and consumed in the same manner as exists currently.

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 B-4, Business Residential
- 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	Commercial	Commercial
Existing Zoning District	B-4, Business Residential	B-4, Business Residential	B-4, Business Residential	B-4, Business Residential

Downtown Overlay Zoning District	D-4	D-4	D-4	D-4
---	-----	-----	-----	-----

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 – No changes proposed.

5.0 Lighting

The applicant is not proposing any changes to the lighting of the property.

6.0 Departmental Reports

- 6.1 Engineering Division – The Engineering Department has no concerns at this time.
- 6.2 Department of Public Services –
- 6.3 Fire Department – The Fire Department has provided the following comments:

Based off the dimensions on the supplied plans, it appears the 35 seat screening room will need to incorporate a second egress door. Per the International Fire Code (IFC) 2015 Edition, section 1006.2.1, table 1006.2.1, and section 1029.8, the plans as shown, seem to exceed the common path of egress travel.

6.4 Police Department – The Police Department has no concerns at this time.

6.5 Building Division –

7.0 Design Review

According to Article 7, Section 7.08 of the Zoning Ordinance, a design review is not required for the property, as no alteration or painting of the exterior of any building and/or the addition of any lighting, signs, equipment or other structures which substantially alter the exterior appearance is proposed at this time.

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 Amendment for 250 N. Old Woodward – Palladium with the condition that a second egress door be added as requested by the Fire Department.

10.0 Sample Motion Language

Motion to recommend APPROVAL of the Final Site Plan and Special Land Use Permit Amendment for 250 N. Old Woodward – Palladium with the following condition;

1. Comply with the requests of all City Departments

OR

Motion to recommend POSTPONEMENT of the Final Site Plan and Special Land Use Permit Amendment to the City Commission for 250 N. Old Woodward – Palladium – for the following reasons:

1. _____
2. _____
3. _____

OR

Motion to recommend the DENIAL of the Final Site Plan and Special Land Use Permit Amendment to the City Commission for 250 N. Old Woodward – Palladium – for the following reasons:

1. _____
2. _____
3. _____



Concession Favorites

Small Popcorn	\$6	Milk Duds	\$4
Medium Popcorn	\$7	Buncha Crunch	\$4
Large Popcorn	\$8	Snickers Bites	\$4
upgrade any size popcorn to caramel corn, cheddar corn or Poppin’ Olive - \$1			
Small Drink	\$5	Butterfinger Bites	\$4
Medium Drink	\$5.50	Sour Patch Kids	\$4.50
Large Drink	\$6	Skittles	\$4.50
Cotton Candy	\$4	M&M’s Plain	\$4.50
Raisinets	\$4	M&M’s Peanut	\$4.50
Goobers	\$4	Reese’s Pieces	\$4.50
Kit-Kat	\$4	Mike & Ike	\$4.50
Junior Mints	\$4	Welch’s	
		Fruit Snacks	\$4.50
		Swedish Fish	\$4.50



Starters

Edamame	\$6	Chicken, Bacon & Jalapeno Quesadilla	\$10
fresh, steamed edamame topped with salt. served with soy sauce			
Chicken Wings	\$10		
1 lb. of chicken wings tossed in your choice of buffalo, bbq or thai-chili sauce. served with ranch and celery			
Mozzarella Sticks	\$10	Nachos	\$12
crispy, beer-battered cheese sticks. served with marinara sauce			
Bosco Sticks	\$6	Sharable Dips	
soft breadsticks stuffed with mozzarella cheese. served with marinara sauce			
Pretzel Bites	\$8.75	spinach & artichoke	\$5
		warm queso	\$3.50
		guacamole	\$5
		fire-roasted salsa	\$3.50

Baskets

served with french fries (substitute for onion rings or salad - \$1)

Popcorn Shrimp	\$12	Chicken Tenders	\$10
crispy, fried shrimp with cocktail sauce and lemon. served with coleslaw and fries			
Fish & Chips	\$12		
crispy, fried cod with tartar sauce and lemon. served with coleslaw and fries			

Sliders

served with french fries (substitute for onion rings or salad - \$1)

Cheeseburger Sliders (3)	\$10	Reuben Sliders (3)	\$10
angus beef, cheddar cheese, butter-glazed onions and pickle			
Cowboy Burger Sliders (3)	\$12	Chicken & Waffle Sliders (2)	\$12
angus beef, cheddar cheese, bbq sauce, onion ring, pickle and mayo			
BBQ Sliders (3)	\$10	Veggie Burger Sliders (3)	\$10
roasted pulled pork with bbq sauce and coleslaw			
Turkey Burger Sliders (3)	\$10		
ground turkey patty, swiss cheese, guacamole and honey mustard			

Wraps

served with french fries (substitute for onion rings or salad - \$1)

Shrimp Caesar Wrap	\$12	Buffalo Chicken Wrap	\$10
fried shrimp, romaine lettuce, caesar dressing, shaved parmesan, flour tortilla			
Chicken Caesar Wrap	\$10	BLT-G Wrap	\$10
grilled chicken, romaine lettuce, caesar dressing, shaved parmesan, flour tortilla			

Salads

add popcorn shrimp - \$4
add chicken - \$4

Mixed Greens	\$7	Caesar Salad	\$7
mixed greens, carrots, tomato, cucumber, red onion, crispy pita chips and choice of dressing: ranch, blue cheese, honey mustard or italian			

Pizza

10” personal pizza

Cheese	\$10.50	Buffalo Chicken	\$12.75
classic red sauce and mozzarella cheese			
Pepperoni	\$10.50	Big Kahuna	\$12.75
classic red sauce, pepperoni and mozzarella cheese			
BBQ Chicken	\$12.75		
bbq sauce, grilled chicken, bacon, red onion, jalapeno and mozzarella cheese			

Sides

French Fries	\$3	Mixed Greens	\$4
Onion Rings	\$4	Caesar Salad	\$4
Coleslaw	\$2		



Ask about menu items that are cooked to order. Consuming undercooked meats or eggs could increase your risk of foodborne illness.

Cocktails

Long Island Iced Tea	\$10	Patriot Punch	\$11
rum, gin, vodka, tequila, triple sec, sour mix and coca-cola		tito's, pama liquer, lemonade and sprite	
Devil's Delight	\$10	Sex on the Beach	\$10
vodka, coconut rum, peach schnapps, pineapple juice, cranberry juice and grenadine		vodka, midori, peach schnapps, cranberry juice and pineapple juice	
Blue Motorcycle	\$11	Tequila Sunrise	\$8
rum, gin, vodka, tequila, blue curacao, sour mix and sprite		tequila, orange juice and grenadine	
Big Bahama Mama	\$12.25	Strawberry Daquiri	
rum, coconut rum, bacardi gold, bacardi limon, pineapple juice, orange juice and grenadine		frozen blend of rum and our signature strawberry mix	
		16 oz. \$9 24 oz. \$12	
Top Shelf Long Island	\$15.75	Blue Margarita	
bacardi, tito's, tanqueray, cointreau, jose cuervo, sour mix and coke		frozen blend of tequila, triple sec and our signature margarita mix with blue curacao	
		16 oz. \$9 24 oz. \$12	

Beers

	24 oz.	32 oz.
Bell's Two-Hearted Ale	\$10.50	\$12.50
Bell's Best Brown Ale	\$10.50	\$12.50
Founder's All Day IPA	\$10.50	\$12.50
Sam Adams Seasonal	\$10.50	\$12.50
Blue Moon	\$10.50	\$12.50
Stella Artois	\$10.50	\$12.50
Angry Orchard	\$8.50	\$10.50
Miller Lite	\$7.50	\$9.50

Wines

	8 oz.	14 oz.
Liberty Creek Chardonnay	\$8.00	\$12.00
Liberty Creek Pinot Grigio	\$8.00	\$12.00
Liberty Creek White Zinfandel	\$8.00	\$12.00
Liberty Creek Cabernet	\$8.00	\$12.00
Liberty Creek Merlot	\$8.00	\$12.00
Cupcake Sauvignon Blanc	\$11.00	\$16.00
Grand Traverse Riesling	\$13.00	\$18.00

Welcome to Dine & View,
Emagine's premier dine-in
theatre experience.

ORDERING

Emagine Dine & View is a full service restaurant experience directly from your theatre seat. We recommend that guests arrive at least 30 mins before showtime to order food.

REQUESTING SERVICE

Use your server indicator light to request service. Your server will arrive shortly after to allow you to place an order, provide refills, etc. Please be aware that Dine & View staff will be serving other guests throughout the film.

PAYMENT

A server will deliver your bill along with your order. A 15% service charge will be added to your order. Prompt payment will complete your transaction.

Thank you for joining us.



A full service restaurant experience
directly from your movie theatre seat.





Jana Ecker <jecker@bhamgov.org>

RE: DRAFT Emagine Palladium SLUP Amendment

1 message

J. Patrick Howe <jphowe@jphowe.com>

Fri, Apr 13, 2018 at 3:01 PM

To: Jana Ecker <jecker@bhamgov.org>

Cc: Nicholas Dupuis <ndupuis@bhamgov.org>, Anthony LaVerde <ajl@303mgt.com>

Hi Jana,

Attached is a PDF copy of the application we filed with the City. I have also attached separate PDFs of the floor plan, site plan and elevation drawing that are included in the application.

Here is a link to the menu:

<http://s3.amazonaws.com/assets.emagine-entertainment.com/app/uploads/2017/08/DineNView-FINAL-legal.pdf>

Here is a video describing the screening room that is being proposed:

<http://www.emagine-entertainment.com/the-screening-room/>

Photos of the proposed screening room are also attached.

Let me know if you need anything else.

Thanks,

Pat

**J. Patrick Howe****Attorney & Counselor at Law**

280 N. Old Woodward, Suite 12

Birmingham, Michigan 48009

O. 248.385.3112

C. 248.835.2068

F. 888.450.1682

jphowe@jphowe.com

www.jphowe.com

NOTICE: Information contained in this transmission to the named addressee is proprietary information and is subject to attorney-client privilege and work product confidentiality. If the recipient of this transmission is not the named addressee, the recipient should immediately notify the sender at (248) 385-3112, and destroy the information transmitted without making any copy or distribution thereof.

NOTICE: To ensure compliance with requirements imposed by the IRS, we inform you that any U.S. tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (a) avoiding penalties under the Internal Revenue Code; or (b) promoting, marketing or recommending to another party any transaction or tax-related matter addressed herein.

From: Jana Ecker <jecker@bhamgov.org>
Sent: Friday, April 13, 2018 10:50 AM
To: J. Patrick Howe <jphowe@jphowe.com>
Cc: Nicholas Dupuis <ndupuis@bhamgov.org>
Subject: Re: DRAFT Emagine Palladium SLUP Amendment

Good morning,

Can you please send me digital copies of the final version of the application and plans? If there were no changes since the attached email, just let me know and I will use those instead.

Thanks,

Jana

On Thu, Mar 1, 2018 at 10:06 PM, J. Patrick Howe <jphowe@jphowe.com> wrote:

Hi Jana,

I hope all is well. As discussed, I am preparing to file an amendment to the Emagine Palladium's SLUP to allow for the restaurant dining area to be renovated to create a private screening room. I have prepared the SLUP application with very basic information, and have also attached the existing site plan, floor plan showing proposed renovations, and food menu for the theater. I want to review this draft application packet with you before I send it out for signature and submit it. Given all of the confusion last year with the name change, I want to make sure that we provide everything that you need to process this on the front end. I will certainly submit a cover letter with the application outlining the nature of the request, and providing more details with respect to the private screening room.

Please let me know if any additional information needs to be added to the application, or if you think we are ok to submit this draft.

Thanks for your help. I look forward to hearing from you.

Pat



J. Patrick Howe

Attorney & Counselor at Law

280 N. Old Woodward, Suite 12

Birmingham, Michigan 48009

O. 248.385.3112

C. 248.835.2068

F. 888.450.1682

jphowe@jphowe.com

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--

Jana L. Ecker

Planning Director

City of Birmingham

248-530-1841

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

From: "J. Patrick Howe" <jphowe@jphowe.com>

To: "J. Patrick Howe" <jphowe@jphowe.com>

Cc:

Bcc:

Date: Fri, 13 Apr 2018 18:58:34 +0000

Subject: Emagine Screening Room Photos



J. Patrick Howe

Attorney & Counselor at Law

4/16/2018

City of Birmingham MI Mail - RE: DRAFT Emagine Palladium SLUP Amendment

280 N. Old Woodward, Suite 12

Birmingham, Michigan 48009

O. 248.385.3112

C. 248.835.2068

F. 888.450.1682

jphowe@jphowe.com

www.jphowe.com

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From: Anthony LaVerde <ajl@303mgt.com>

Sent: Monday, March 05, 2018 12:17 PM

To: J. Patrick Howe <jphowe@jphowe.com>

Subject: RE: SLUP Amendment details






Pat –

Below are photos of the proposed screening room.





5 attachments

-  **Emagine Palladium - SLUP Amendment App (3.29.18).pdf**
3515K
-  **Palladium SitePlanApproval 6.9.14_(2) optimized.pdf**
7718K
-  **Palladium Screening Rooms_ARCH_PERMIT SET_02-05-18.pdf**
5301K
-  **H888-01_SITE.PDF**
186K
-  **noname.eml**
3001K



April 20, 2018

VIA E-MAIL ONLY

Ms. Jana L. Ecker
Planning Director
City of Birmingham
151 Martin Street
P.O. Box 300
Birmingham, MI 48012

Dear Ms. Ecker

RE: April 24, 2018 Planning Commission Meeting – SLUP Amendment Consideration

Further to our conversation this morning, I regret to tell you that I, along with our entire executive team, will be out of town next week attending our annual industry conference, Cinemacon. As such, Messrs. Jordan Jonna (owner of the Palladium building) and J. Patrick Howe (our attorney) will represent us before the Planning Commission meeting. They have the full and unfettered authority to do so.

Please be sure to inform the commissioners that our physical absence is no way intended to demonstrate indifference or any disrespect for the process. We simply need to keep the initiative at hand moving forward with all due haste, even in our absence.

Thank you.

Sincerely,

Paul A. Glantz
President – 303 Management, Inc.
Manager for CH Birmingham LLC d/b/a Emagine Palladium

Cc: Mr. Jordan Jonna
Mr. J. Patrick Howe
Mr. Jon Goldstein
Mr. Anthony LaVerde



MEMORANDUM

Planning Division

DATE: May 4, 2018

TO: Joseph A. Valentine, City Manager

FROM: Matthew Baka, Senior Planner

APPROVED: Jana Ecker, Planning Director

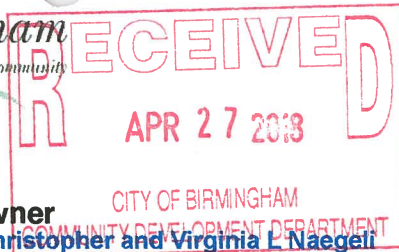
SUBJECT: Set Public Hearing for a Lot Combination of 736 Pleasant, Parcel # 1935201047, T2N, R10E, SEC 35 ASSESSOR'S PLAT NO 23 LOT 29: 692726 and 760 Pleasant, Parcel #1935201048, T2N, R10E, SEC 35 ASSESSOR'S PLAT NO 23 E 333.49 FT OF LOT 28: 692727

The owners of the properties known as 736 & 760 Pleasant are seeking approval to combine the two parcels into one lot for the construction of a single family home. The applicant has submitted the required application, attachments, and land survey.

At this time the Planning Division recommends that the City Commission set a public hearing date of **June 4, 2018** to consider the proposed lot combination, pursuant to the procedures set forth in Section 102-52 of the Subdivision Ordinance. The application and land survey have been included for your review.

SUGGESTED ACTION:

To set a public hearing for June 4, 2018 to consider the proposed lot combination of 736 & 760 Pleasant.



Combination of Platted Lots Application

1. Applicant

Name: Mark T. Mitchel, or His Assigns
Address: 55 West Maple Road
Birmingham, MI 48009
Phone Number: 248-247-3811
Fax Number: _____
Email Address: mark@lorientcap.com

2. Applicant's Attorney/Contact Person

Name: Jeffrey Silverman
Address: 500 Kirts Blvd
Troy, MI 48064
Phone Number: 248-910-0678
Fax Number: _____
Email Address: silvoman@aol.com

3. Project Information

Address/Location of Property: 736 & 760 Pleasant St.
Birmingham, MI 48009
Sidwell #: S:
Current Zoning: R1-A

4. Attachments

- Proof of ownership
- Written statement of reasons for request
- A letter of authority or power of attorney in the event the application is made by a person other than the property owner
- Other data having a direct bearing on the request
- **Sketches of proposed development (optional)**
- One digital copy of plans
- Two (2) copies of a **registered** land survey showing:
 - All Existing and proposed platted lot lines
 - Legal descriptions of proposed lots
 - Locations of existing/surrounding structures for at least 500 feet in all directions
 - Footprints of proposed development including proposed building envelope with front, side and rear setbacks clearly marked.

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

Signature of Property Owner: Christopher Naegeli, Virginia L Naegeli Date: 13 APR 18
Print Name: Christopher Naegeli, Virginia L Naegeli
Signature of Applicant: _____ Date: _____
Print Name: Mark Mitchel

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

Mark T. Mitchell

102 Pierce Street, Birmingham, MI 48009

April 18, 2018

Matthew Baka, Senior Planner
City of Birmingham
151 Martin Street
Birmingham, MI 48009



Dear Mr. Baka,

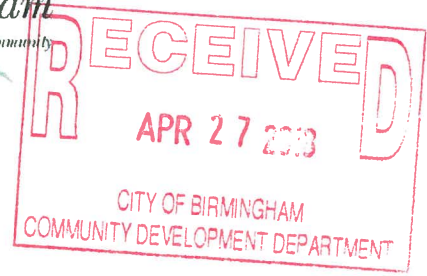
It is my intention, should the City approve the lot combination and I close on the property, to build a personal residence for my family in a size no larger than the footprint provided for in the survey.

If you have any questions, please call me on my cell phone 248-219-6414.

Sincerely,

A handwritten signature in blue ink, appearing to read "M. Mitchell". The signature is fluid and cursive.

Mark Mitchell



Notice Signs - Rental Application Community Development

1. Applicant

Name: Mark T. Mitchel, or His Assigns
Address: 55 West Maple Road
Birmingham, MI 48009
Phone Number: 248-247-3811
Fax Number: _____

Property Owner

Name: Christopher and Virginia L Naegeli
Address: 736 Pleasant St
Birmingham, MI 48009
Phone Number: (248) 918-1376
Fax Number: _____

2. Project Information

Address/Location of Property: 736 & 760 Pleasant St
Name of Development: 736 & 760 Pleasant
Area in Acres: 1.46 when combined

Name of Historic District site is in, if any: _____
Current Use: Residential
Current Zoning: RI-A

3. Date of Board Review

Board of Building Trades Appeals: _____
City Commission: _____
Historic District Commission: _____
Planning Board: _____

Board of Zoning Appeals: _____
Design Review Board: _____
Housing Board of Appeals: _____

The undersigned states the above information is true and correct, and understands that it is the responsibility of the applicant to post the Notice Sign(s) at least 15 days prior to the date on which the project will be reviewed by the appropriate board or commission, and to ensure that the Notice Sign(s) remains posted during the entire 15 day mandatory posting period. The undersigned further agrees to pay a rental fee and security deposit for the Notice Sign(s), and to remove all such signs on the day immediately following the date of the hearing at which the project was reviewed. The security deposit will be refunded when the Notice Sign(s) are returned undamaged to the Community Development Department. Failure to return the Notice Sign(s) and/or damage to the Notice Sign(s) will result in forfeiture of the security deposit.

Signature of Applicant:  Date: 4-16-18

Office Use Only

Application #: _____	Date Received: _____	Fee: _____
Date of Approval: _____	Date of Denial: _____	Reviewed by: _____

Oakland County Public Records - Full Detail Report

Location & Ownership

Property Address:	736 Pleasant Street	Property ID:	1935201047
City/State/Zip:	Birmingham, Michigan, 48009-2950		
Owner Name:	Christopher Naegeli/Virginia L Naegeli	Latitude:	42.540810
Taxpayer Address:	736 Pleasant Street	Longitude:	-83.234395
City/State/Zip:	Birmingham, Michigan, 48009-2950	Census Tract:	1527
		Block Group:	3
City/Village/Town:	Birmingham	School District:	Birmingham
Subdivision:	ASSR'S PLAT NO 23 - BIRMINGHAM	Property Category:	Residential
MLS Area:	02192 - Birmingham	Land Use:	401 - RESIDENTIAL, IMPROVED
Legal Description:	T2N, R10E, SEC 35 ASSESSOR'S PLAT NO 23 LOT 29		

Photos

Taxes

Year	Season	Total Ad Val	Admin Fee	Asmnt	CVT	Ttl Seasonal
2017	S	\$7,744.42	\$0.00	\$0.00	\$0.00	\$7,744.42
2016	W	\$1,946.11	\$0.00	\$0.00	\$0.00	\$1,946.11
2016	S	\$7,717.82	\$0.00	\$0.00	\$0.00	\$7,717.82
2015	W	\$1,942.08	\$0.00	\$0.00	\$0.00	\$1,942.08
2015	S	\$7,721.94	\$0.00	\$0.00	\$0.00	\$7,721.94
2014	W	\$1,911.77	\$0.00	\$0.00	\$0.00	\$1,911.77
2014	S	\$7,665.82	\$0.00	\$0.00	\$0.00	\$7,665.82
2013	W	\$1,810.04	\$0.00	\$0.00	\$0.00	\$1,810.04
2013	S	\$7,543.27	\$0.00	\$0.00	\$0.00	\$7,543.27

Assessments

Year	Taxable Val	State Eq Val	Hmstd %	Ttl Taxes
2017	\$182,750	\$274,480	0	\$7,744.42
2016	\$181,120	\$265,960	0	\$9,663.93
2015	\$180,580	\$244,680	0	\$9,664.02
2014	\$177,740	\$209,810	0	\$9,577.59
2013	\$174,950	\$183,530	0	\$9,353.31

Transfer Information

Grantor	Grantee	Sale Date	Deed Date	Sale Price	Deed Type	Liber/Page
SERCOMBE,ARTHUR,H	NAEGELI,CHRISTOPHER	08/30/2000	07/31/2000	\$500,000	WAR/DEED	21759/0092

Other Recordings

Obligee	Obligor	Record Date	Doc Date	Amount	Doc Type	Liber/Page
CHEMICAL BK	CHRISTOPHER NAEGELI	12/21/2016	12/16/2016	\$388,500	MTG	50209/0299
GMAC MORTGAGE CORP	CHRISTOPHER NAEGELI	05/04/2005	04/13/2005	\$0	DIS	35440/0645
MORTGAGE ELECTRONIC REC	CHRISTOPHER R NAEGELI	04/27/2005	04/13/2005	\$0	DIS	35395/0509
GMAC MORTGAGE CORP	CHRISTOPHER NAEGELI	04/07/2005	03/22/2005	\$34,000	MTG	35278/0857
GMAC MORTGAGE CORP	CHRISTOPHER NAEGELI	03/30/2005	03/22/2005	\$474,000	MTG	35227/0712
GMAC MORTGAGE CORP	GMAC MORTGAGE CORP	01/31/2005	04/23/2004	\$0	SUB/MTG	34878/0253
GMAC MORTGAGE CORP	NAEGELI,CHRISTOPHER,R	07/06/2004	04/29/2004	\$275,900	MTG	33498/0226
GMAC MORTGAGE CORP	NAEGELI,CHRISTOPHER,R	06/29/2004	06/15/2004	\$0	DIS	33439/0067
GMAC MORTGAGE CORP	NAEGELI,CHRISTOPHER	05/20/2004	11/24/2003	\$277,000	MTG	33088/0797
GMAC MORTGAGE CORP	NAEGELI,CHRISTOPHER	05/20/2004	11/24/2003	\$243,000	MTG	33088/0642
GMAC MORTGAGE CORP	NAEGELI,CHRISTOPHER	02/17/2004	12/11/2003	\$0	DIS	32228/0540
MORTGAGE ELECTRONIC REC	NAEGELI,CHRISTOPHER	02/11/2004	12/19/2003	\$0	DIS	32191/0187
MORTGAGE ELECTRONIC REC	NAEGELI,CHRISTOPHER	01/17/2004	11/11/2003	\$0	DIS	31907/0558
GMAC MORTGAGE CORP	NAEGELI,CHRISTOPHER	09/23/2002	08/12/2002	\$200,000	MTG	26614/0285
GMAC MORTGAGE CORP	NAEGELI,CHRISTOPHER	11/26/2001	11/05/2001	\$0	DIS	24093/0101
GMAC MORTGAGE CORP	NAEGELI,CHRISTOPHER	08/25/2000	07/31/2000	\$252,000	MTG	21748/0135

Characteristics

Living Area SF: **2421**
Basement Sqft: **1139**
Year Built: **1941**
Year Remodeled:
Exterior: **Brick Siding**
Architecture Level: **2 Story**
Style: **Colonial**
Roof Type/Materials: **/Asphalt**
Basement: **Basement**
Water:
Heating: **Forced Air**
Heat Fuel: **Natural Gas**
#1 Porch Type: **Porch - Concrete Platform**
#1 Porch/Dimensions: **6.1000/ 4.7000**
#2 Porch Type: **Porch - Concrete Platform**
#2 Porch/Dimensions: **5.0000/3.8000**
Irregular: **NO**

Bedrooms: **5**
Bathrooms: **2.1**
Pool:
Fireplace: **Yes**
Garage Features: **Detached**
Garage Year Built: **1941**
Garage Square Feet: **459**
Garage Length:
Garage Width:
Garage Capacity: **2**
Gas Service:
Sewer:
Septic:
Storm Sewer:
Construction Type: **Semi-Custom**
Land Dimension: **73.8X443.54**
Acres: **0.75**

Oakland County Public Records - Full Detail Report

Location & Ownership

Property Address:	760 Pleasant Street	Property ID:	1935201048
City/State/Zip:	Birmingham, Michigan, 48009-2950		
Owner Name:	Virginia L Naegeli	Latitude:	42.540810
Taxpayer Address:	736 Pleasant Street	Longitude:	-83.234395
City/State/Zip:	Birmingham, Michigan, 48009-2950	Census Tract:	1527
		Block Group:	3
City/Village/Town:	Birmingham	School District:	Birmingham
Subdivision:	ASSR'S PLAT NO 23 - BIRMINGHAM	Property Category:	Residential
MLS Area:	02192 - Birmingham	Land Use:	401 - RESIDENTIAL, IMPROVED
Legal Description:	T2N, R10E, SEC 35 ASSESSOR'S PLAT NO 23 E 333.49 FT OF LOT 28		

Photos

Taxes

Year	Season	Total Ad Val	Admin Fee	Asmnt	CVT	Ttl Seasonal
2017	S	\$9,969.23	\$0.00	\$0.00	\$0.00	\$9,969.23
2016	W	\$2,505.28	\$0.00	\$0.00	\$0.00	\$2,505.28
2016	S	\$9,935.35	\$0.00	\$0.00	\$0.00	\$9,935.35
2015	W	\$2,500.15	\$0.00	\$0.00	\$0.00	\$2,500.15
2015	S	\$9,940.86	\$0.00	\$0.00	\$0.00	\$9,940.86
2014	W	\$2,461.09	\$0.00	\$0.00	\$0.00	\$2,461.09
2014	S	\$9,868.44	\$0.00	\$5.00	\$0.00	\$9,873.44
2013	W	\$1,221.69	\$0.00	\$0.00	\$0.00	\$1,221.69
2013	S	\$7,559.04	\$0.00	\$0.00	\$0.00	\$7,559.04

Assessments

Year	Taxable Val	State Eq Val	Hmstd %	Ttl Taxes
2017	\$235,250	\$298,450	0	\$9,969.23
2016	\$233,160	\$289,210	0	\$12,440.63
2015	\$232,470	\$266,210	0	\$12,441.01
2014	\$228,810	\$228,810	0	\$12,334.53
2013	\$193,040	\$203,090	100	\$8,780.73

Transfer Information

Grantor	Grantee	Sale Date	Deed Date	Sale Price	Deed Type	Liber/Page
ELIZABETH D KAUSCH	CHRISTOPHER NAEGELI	08/06/2013	05/31/2013	\$587,500	WAR/DEED	46160/0691

Other Recordings

Obligee	Obligor	Record Date	Doc Date	Amount	Doc Type	Liber/Page
TALMER BANK TR	VIRGINIA NAEGELI	09/03/2013	05/31/2013	\$387,500	MTG	46269/0567
CHRISTOPHER NAEGELL	H NATHAN RESNCIK	09/03/2013	05/13/2013	\$0	P/ATTY	46269/0579
VIRGINIA L NAEGELI	H NATHAN RESNCIK	09/03/2013	05/13/2013	\$0	P/ATTY	46269/0581
FIDELITY BANK	HUNTINGTON NATIONALBK	06/14/2013	05/02/2013	\$0	ASMT	45927/0604
FIDELITY BANK	JOHN W KAUSCH	06/06/2005	05/20/2005	\$0	DIS	35624/0147
FIDELITY BANK	ELIZABETH D KAUSCH	05/05/2005	04/21/2005	\$20,000	MTG	35447/0228
FIDELITY BANK	KAUSCH,JOHN,W	10/13/2000	09/25/2000	\$15,000	MTG	21908/0485
STANDARD FEDERAL BK	KAUSCH,JOHN,W	04/28/2000	03/23/2000	\$0	DIS	21330/0188
STANDARD FEDERAL BK	KAUSCH,JOHN,W	01/29/1998	11/24/1997	\$0	DIS	18028/0776
STANDARD FEDERAL BK	KAUSCH,JOHN,W	01/13/1998	12/03/1997	\$0	DIS	17972/0558
	STANDARD FEDERAL BK	10/20/1997	10/01/1997	\$125,000	MTG	17701/0071
	KAUSCH JOHN W	07/16/1996	06/21/1996	\$5,000	MTG	16435/0217

Characteristics

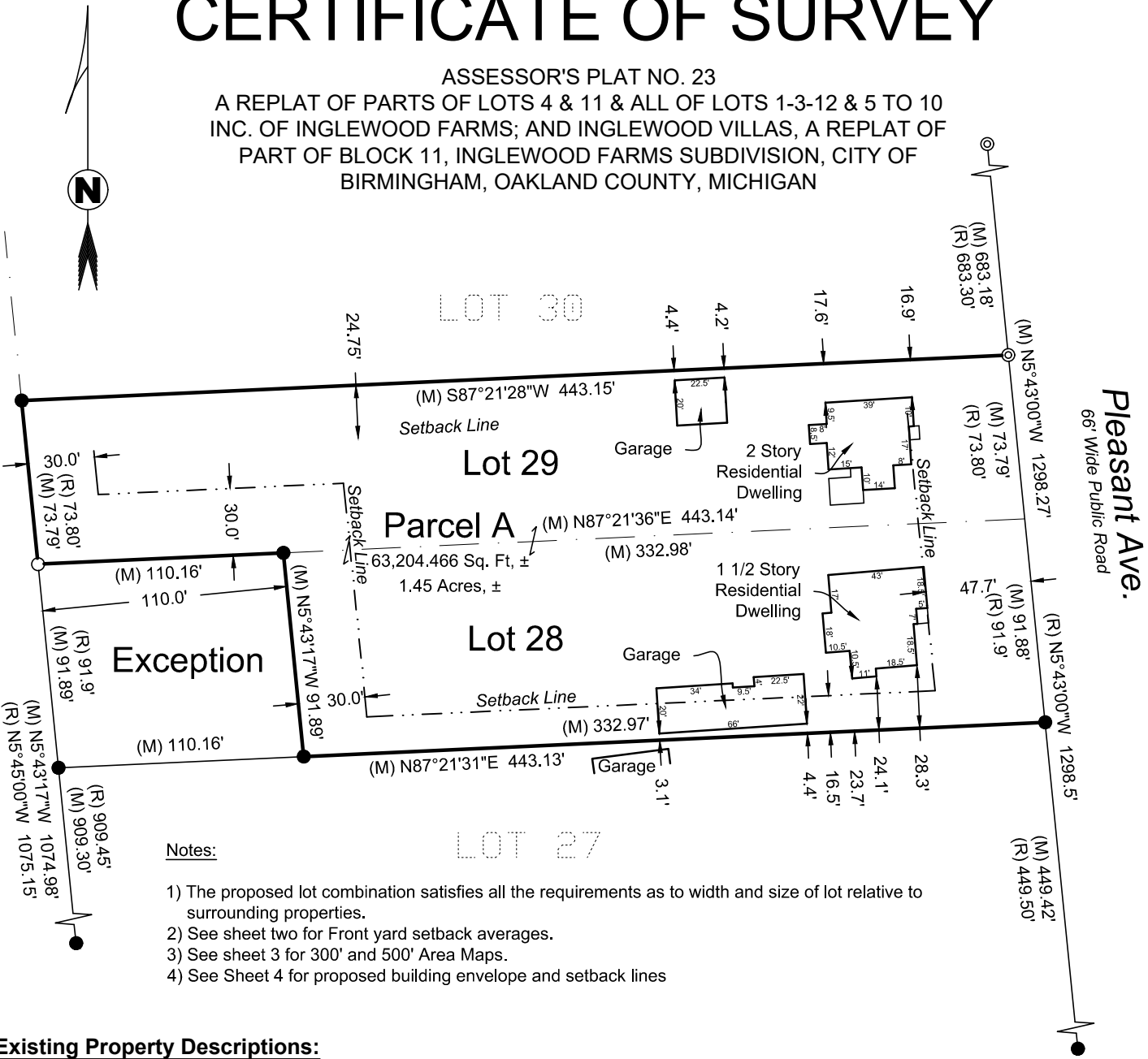
Living Area SF:	2710	Bedrooms:	4
Basement Sqft:	667	Bathrooms:	2.0
Year Built:	1941	Pool:	
Year Remodeled:	1999	Fireplace:	Yes
Exterior:	Aluminum, Other	Garage Features:	Detached

Architecture Level: **2 Story**
Style: **Colonial**
Roof Type/Materials: **/Asphalt**
Basement: **Basement**
Water:
Heating: **Forced Air**
Heat Fuel: **Natural Gas**
#1 Porch Type: **Porch - Concrete Platform**
#1 Porch/Dimensions: **7.3000/ 3.3000**
#2 Porch Type: **Porch - Concrete Covered**
#2 Porch/Dimensions: **6.9000/5.0000**
Irregular: **NO**

Garage Year Built: **1941**
Garage Square Feet: **1361**
Garage Length:
Garage Width:
Garage Capacity: **2**
Gas Service:
Sewer:
Septic:
Storm Sewer:
Construction Type: **Semi-Custom**
Land Dimension: **91.9X333.49**
Acres: **0.7**

CERTIFICATE OF SURVEY

ASSESSOR'S PLAT NO. 23
A REPLAT OF PARTS OF LOTS 4 & 11 & ALL OF LOTS 1-3-12 & 5 TO 10
INC. OF INGLEWOOD FARMS; AND INGLEWOOD VILLAS, A REPLAT OF
PART OF BLOCK 11, INGLEWOOD FARMS SUBDIVISION, CITY OF
BIRMINGHAM, OAKLAND COUNTY, MICHIGAN



Notes:

- 1) The proposed lot combination satisfies all the requirements as to width and size of lot relative to surrounding properties.
- 2) See sheet two for Front yard setback averages.
- 3) See sheet 3 for 300' and 500' Area Maps.
- 4) See Sheet 4 for proposed building envelope and setback lines

Existing Property Descriptions:

Warranty Deed, Liber 46160, Page 691
Land situated in the City of Birmingham, County of Oakland, and State of Michigan, described as:
Lot 28 except the West 110 feet thereof Assessor's Plat No. 23 a Replat of parts of Lots 4 and 11 and all of Lots 1, 3, 12 and 5 to 10 inclusive of Inglewood Farms and Inglewood Villas, and Replat of Part of Block 11, Inglewood Farms Subdivision, City of Birmingham, Oakland County, Michigan, according to the Plat thereof as recorded in Liber 30, Page 53 of Plats, Oakland County Records.

Warranty Deed, Liber 21759, Page 92
Land situated in the City of Birmingham, County of Oakland, and State of Michigan, described as:
Lot 29, Assessor's Plat No. 23 as recorded in Liber 30, Page 53 of Plats, Oakland County Records.

Combined Parcel A:

Land situated in the City of Birmingham, County of Oakland, and State of Michigan, described as:
Lot 29 AND Lot 28 except the West 110.00 feet thereof, Assessor's Plat No. 23 as recorded in Liber 30, Page 53 of Plats, Oakland County Records.

Prepared For: Mark Mitchell
102 Pierce St.
Birmingham, MI 48009



I Terry R. Campbell, hereby certify that I have surveyed the above mapped and described property and the error of closure is less than 1 in 5000, and that this map complies with section 3 (a-i), ACT 132, P.A. 1970

LEGEND

- ⊙ FOUND CAPPED IRON
- SET CAPPED IRON
- FOUND IRON OR PIPE
- FOUND CONCRETE MONUMENT
- (R) RECORD (M) MEASURED

Terry R. Campbell, P.S. No: 60806
ORIGINAL SIGNATURE IN BLUE

OFFICIAL SEAL

COPY

Bearing Basis: Assessor's Plat No. 23

DATE: April 3, 2018
PAGE: Sheet 1 of 4

SCALE: 1" = 70'
REVISED:

DWG NO: S18C27AR
DRAWN BY: TRC

CLIENT: JOB Mitchell: S18C27A
CHK:

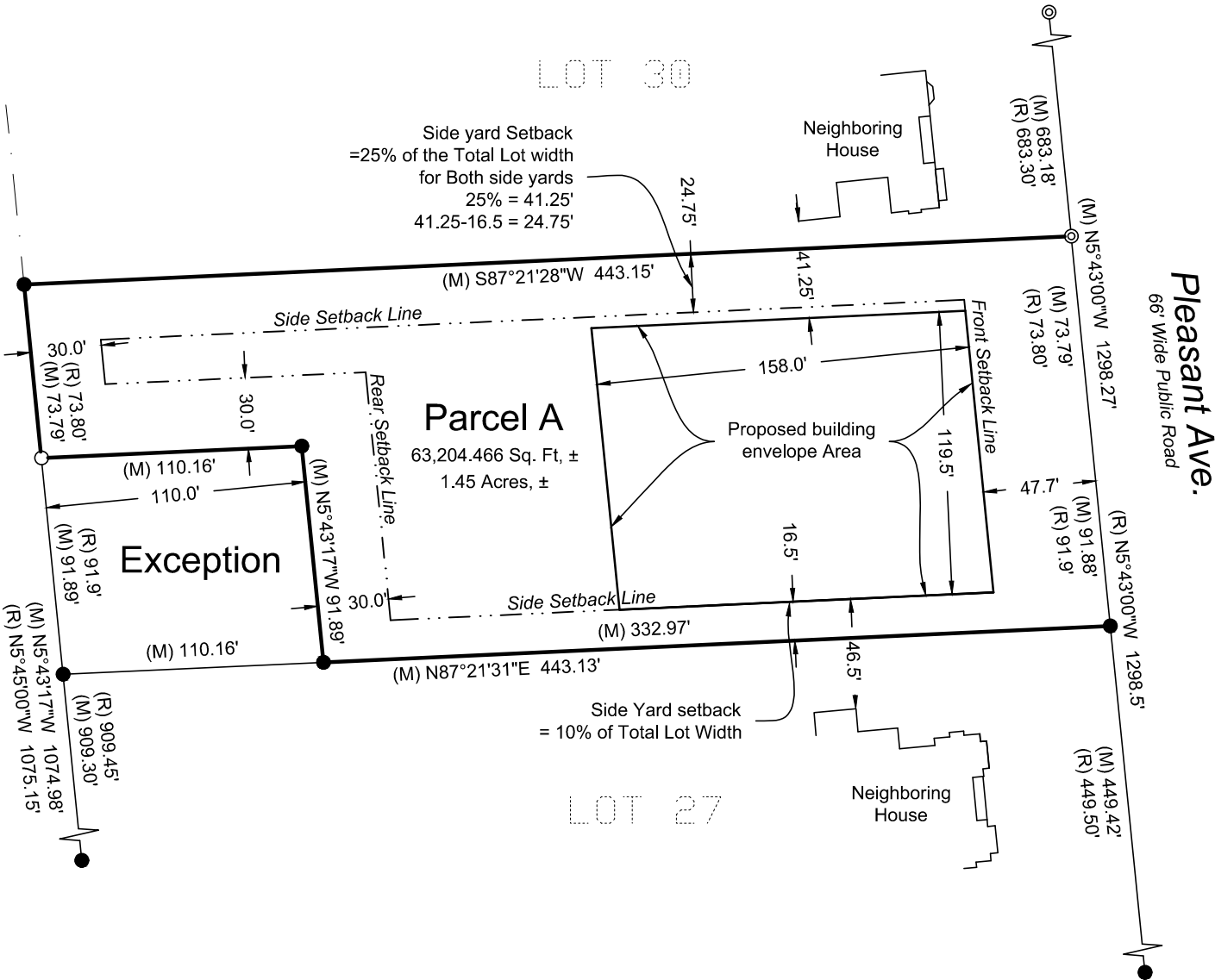
Campbell
Surveying Engineering, Inc.
Professional Surveying Services

10051 E. Highland Road, Suite 29 www.campbellse.com
Howell, Michigan 48843 (989) 390-1189

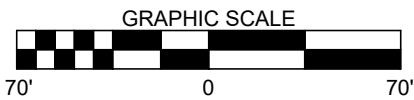
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CERTIFICATE OF SURVEY

ASSESSOR'S PLAT NO. 23
A REPLAT OF PARTS OF LOTS 4 & 11 & ALL OF LOTS 1-3-12 & 5 TO 10
INC. OF INGLEWOOD FARMS; AND INGLEWOOD VILLAS, A REPLAT OF
PART OF BLOCK 11, INGLEWOOD FARMS SUBDIVISION, CITY OF
BIRMINGHAM, OAKLAND COUNTY, MICHIGAN



Prepared For: Mark Mitchell
102 Pierce St.
Birmingham, MI 48009



LEGEND

- ⊙ FOUND CAPPED IRON
- SET CAPPED IRON
- FOUND IRON OR PIPE
- FOUND CONCRETE MONUMENT
- (R) RECORD (M) MEASURED

Terry R. Campbell, P.S. No: 60806
ORIGINAL SIGNATURE IN BLUE

OFFICIAL SEAL

COPY

Bearing Basis: Assessor's Plat No. 23

DATE: April 3, 2018
PAGE: Sheet 3 of 4

SCALE: 1" = 70'
REVISED:

DWG NO: S18C27AR
DRAWN BY: TRC

CLIENT: JOB Mitchell: S18C27A
CHK:

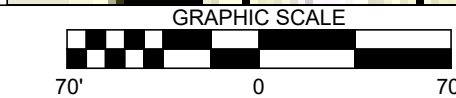
Campbell
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Howell, Michigan 48843 (989) 390-1189

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500' AREA MAP

ASSESSOR'S PLAT NO. 23
A REPLAT OF PARTS OF LOTS 4 & 11 & ALL OF LOTS 1-3-12 & 5 TO 10
INC. OF INGLEWOOD FARMS; AND INGLEWOOD VILLAS, A REPLAT OF
PART OF BLOCK 11, INGLEWOOD FARMS SUBDIVISION, CITY OF
BIRMINGHAM, OAKLAND COUNTY, MICHIGAN



AREA MAP

ASSESSOR'S PLAT NO. 23
A REPLAT OF PARTS OF LOTS 4 & 11 & ALL OF LOTS 1-3-12 & 5 TO 10
INC. OF INGLEWOOD FARMS; AND INGLEWOOD VILLAS, A REPLAT OF
PART OF BLOCK 11, INGLEWOOD FARMS SUBDIVISION, CITY OF
BIRMINGHAM, OAKLAND COUNTY, MICHIGAN

Existing Property Descriptions:

Warranty Deed, Liber 46160, Page 691
Land situated in the City of Birmingham, County of Oakland, and State of Michigan, described as:
Lot 28 except the West 110 feet thereof Assessor's Plat No. 23 a Replat of parts of Lots 4 and 11 and
all of Lots 1, 3, 12 and 5 to 10 inclusive of Inglewood Farms and Inglewood Villas, and Replat of Part
of Block 11, Inglewood Farms Subdivision, City of Birmingham, Oakland County, Michigan, according
to the Plat thereof as recorded in Liber 30, Page 53 of Plats, Oakland County Records.

Warranty Deed, Liber 21759, Page 92
Land situated in the City of Birmingham, County of Oakland, and State of Michigan, described as:
Lot 29, Assessor's Plat No. 23 as recorded in Liber 30, Page 53 of Plats, Oakland County Records.

Combined Parcel A:

Land situated in the City of Birmingham, County of Oakland, and State of Michigan, described as:
Lot 29 AND Lot 28 except the West 110.00 feet thereof, Assessor's Plat No. 23 as recorded in Liber
30, Page 53 of Plats, Oakland County Records.

Analysis for Sec. 102-83 of the City
code.

All residential lots formed as a result
of a combination shall be a
maximum width of no more than
twice the average lot width of all lots
in the same zone district within 300
feet on the same street.

Address #	Average	Lot Width
670	91.9'	
654	91.9'	
638	110.0'	
820	114.9'	
848	114.9'	
860	114.9'	
867	45.9'	
855	124.0'	
793	105.8'	
777	106.0'	
775	129.0'	
715	75'	
665	100'	
629	129.8'	
Sum =	1,454'	
Average =	103.86'	
Double Average =	207.72'	
Proposed Lot =	165.67'	

Analysis for Sec. 102-83 of the City
code.

All residential lots formed as a result
of a combination shall be a
maximum area of no more than
twice the average lot area of all lots
in the same zone district within 300
feet on the same street.

Address #	Lot Area (sq ft)
670	28,380
654	40,768
638	40,765
820	50,943
848	45,197
860	50,920
867	19,871
855	54,755
793	46,688
777	46,872
775	44,720
715	10,125
665	44,140
629	57,258
Sum =	581,402
Average =	41,528
Double Average =	83,056
Proposed Lot =	63,204.47

AREA MAP

ASSESSOR'S PLAT NO. 23
A REPLAT OF PARTS OF LOTS 4 & 11 & ALL OF LOTS 1-3-12 & 5 TO 10
INC. OF INGLEWOOD FARMS; AND INGLEWOOD VILLAS, A REPLAT OF
PART OF BLOCK 11, INGLEWOOD FARMS SUBDIVISION, CITY OF
BIRMINGHAM, OAKLAND COUNTY, MICHIGAN

COPY

Terry R. Campbell, P.S.
Professional Surveyor No.: 60806

ORIGINAL SIGNATURE IN BLUE

OFFICIAL SEAL

Prepared For: Mark Mitchell
102 Pierce St.
Birmingham, MI 48009

Campbell
Surveying Engineering, Inc.
Professional Surveying Services

10051 E. Highland Road, Suite 29 www.campbellse.com
Howell, Michigan 48843 (989) 390-1189

DATE: April 3, 2018	SCALE: 1" = 60'	PAGE: 4 OF 4	REVISED:
CLIENT: JOB Mitchell: S18C27A	DWG NO: S18C27A	DRAWN BY: TRC	CHK:

Examined and Approved

8/13/34
Lyle D. Taylor
Deputy Auditor General

"ASSESSOR'S PLAT NO. 23

A REPLAT OF: PARTS OF LOTS 4 & 11 & ALL OF LOTS 1-3-12 & 5 TO 10 INC. OF INGLEWOOD FARMS;
AND INGLEWOOD VILLAS, A REPLAT OF PART OF BLOCK 11, INGLEWOOD FARMS SUBDIVISION, CITY
OF BIRMINGHAM, OAKLAND COUNTY, MICHIGAN."

DEDICATION.

KNOW ALL MEN BY THESE PRESENTS, That I, Donald C. Egbert, Acting Assessor of the City of Birmingham of Oakland County, State of Michigan, by virtue of Authority in me vested by Section 51, Act 172, of 1929, having been duly authorized by the City Commission have caused the land described in the annexed plat to be surveyed, laid out and platted, to be known as "Assessor's Plat No. 23, A Replat of: Parts of Lots 4 & 11 & All of Lots 1-3-12 & 5 to 10 Inc. of Inglewood Farms; and Inglewood Villas, A Replat of Part of Block 11, Inglewood Farms Subdivision, City of Birmingham, Oakland County, Michigan," and that the streets and alleys shown on said plat, are now being used for such purposes.

Witnesses:

Truman J. Nease
W. H. McManis

Donald C. Egbert
Acting Assessor
of the City of Birmingham.

ACKNOWLEDGMENT. STATE OF MICHIGAN ss.

County of Oakland
On this 12th day of April AD 1934 before me, a Notary Public in and for said county, personally came the above named Donald C. Egbert, Acting Assessor of the City of Birmingham, known to me to be the person who executed the above dedication, and acknowledged the same to be his free act and deed as such Acting Assessor.

June E. Stanley
Notary Public in and for Oakland County.
My commission expires April 10th 1935.

CERTIFICATE OF MUNICIPAL APPROVAL.

This plat was approved by the City Commission of the City of Birmingham at a meeting held April 11, 1934.

James H. Smith
Clerk.

SURVEYOR'S CERTIFICATE.

I hereby certify that the plat herewith delineated is a correct one and that permanent metal monuments of not less than one inch in diameter and fifteen inches in length, set in a concrete base, at least four inches in diameter and forty-eight inches in depth have been placed at points marked thus X as thereon shown at all angles in the boundaries of the land platted, at all the intersections of streets, intersections of alleys, or of streets and alleys, and at the intersections of streets and alleys with the boundaries of the plat as shown on said plat.

H. H. Brown
Registered Civil Engineer

DEDICATION.

The land embraced in the annexed plat of "Assessor's Plat No. 23, a Replat of: Parts of Lots 4 & 11 & All of Lots 1-3-12 & 5 to 10 Inc. of Inglewood Farms; and Inglewood Villas, a Replat of Part of Block 11, Inglewood Farms Subdivision, City of Birmingham, Oakland County, Michigan, is described as follows: beginning at a point said point of beginning being S 84° 00' 50" W a distance of 108.83 feet and N 5° 45' 00" W a distance of 33.25 feet, from the center 1/4 corner Section 35, T2N, R10E.

Thence: N 5° 45' 00" W a distance of 2113.25 feet
Thence: N 87° 20' 30" E a distance of 443.23 feet
Thence: N 5° 43' 00" W a distance of 794.35 feet
Thence: N 87° 44' 30" E a distance of 510.12 feet
Thence: S 5° 40' 50" E a distance of 2861.23 feet
Thence: S 84° 44' 45" W a distance of 949.22 feet

to the point of beginning.

Approved by the Board of County Auditors of Oakland County, Michigan this 13th day of December, 1934.

W. H. McManis
Chairman

W. H. McManis

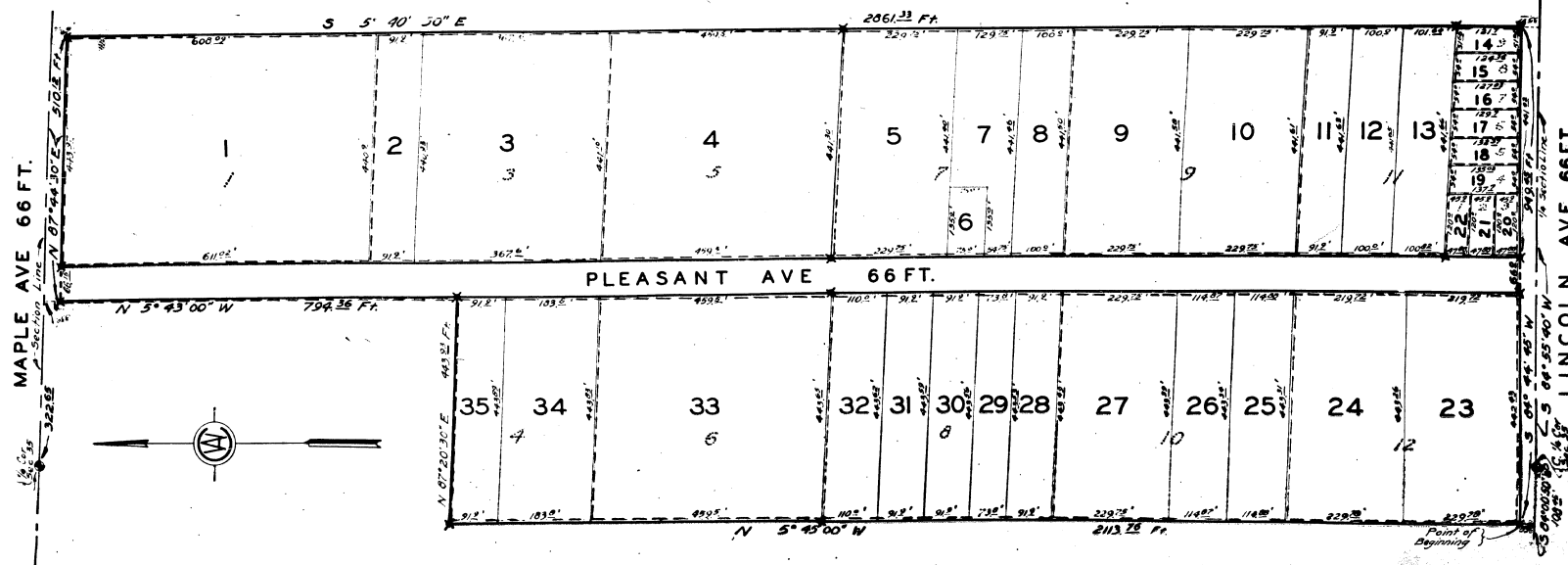
FILED IN AUDITOR GENERAL'S DEPT.

8/13/34
Lyle D. Taylor
DEPUTY AUDITOR GENERAL

I HEREBY CERTIFY THAT THIS COPY IS A TRUE COPY OF THE MAP OR PLAT FORWARDED THE REGISTER OF DEEDS FOR RECORDING.

8/13/34
Lyle D. Taylor
DEPUTY AUDITOR GENERAL

Map of this
5x
30
of
16
day of
1934
A.D. 1934
at 8:30 A.M.
Plat of Assessor's Plat No. 23
Oakland County
Register's Office



26182



MEMORANDUM

Engineering Dept.

DATE: May 2, 2018

TO: Joseph A. Valentine, City Manager

FROM: Paul T. O'Meara, City Engineer

SUBJECT: Sidewalk Trip Elimination Services
Contract #6-18(SW)

As you know, each year the Engineering Dept. inspects all public sidewalks in a designated section of the City, documenting all defects that could be considered a trip hazard. A larger "residential" section of the City is inspected on a seven year rotating cycle, and a smaller "commercial" section of the Central Business District is inspected on a four year rotating cycle. Once a list of defects has been prepared, the City then issues a concrete repair program contract. The contract involves hiring a concrete contractor that can address several needs throughout the City such as:

1. Removing and replacing defective sections of sidewalk.
2. Removing and replacing defective concrete road sections, primarily repairing the road from utility trench damage, as well as other damages such as water main breaks.

More recently, the concrete contract has also addressed other needs, such as:

1. Construction of special projects, such as those recommended by the Multi-Modal Transportation Board.
2. Installation of handicap ramps needed to keep the cape seal program in compliance with the Americans with Disabilities Act (ADA).
3. Improved maintenance of the streetscape in the Central Business District, such as installing clear sealer on exposed aggregate sidewalks, or replacing caulk in joints.

As various new processes and equipment becomes available, the Engineering Dept. has attempted to simplify the construction process by varying the requirements for smaller, simpler defects. Most notable are those conditions where the sidewalk is not cracked, but has been heaved relative to the sidewalk next to it, causing a trip hazard. Instead of removing and replacing the concrete, a process that involves several steps, newer equipment allows other potentially simpler means to do this work. Other methods include grinding off the concrete surface that is now too high, sawing it off with a horizontal saw, or pushing the lower section up by pumping grout underneath it. Understanding that concrete grinding is the most common method currently being used to remove the surface of concrete, starting in 2015, we added a new pay item to our contracts requiring that the concrete contractor reduce the amount of concrete being removed, and instead fixing simpler defects through concrete grinding.

While there has been a cost advantage to this initiative, overall we have seen mixed results, depending on the contractor. Concrete contractors are typically not set up to conduct this type

of work, as it is not in their area of expertise. Achieving the consistent level of quality on the finished product that we need has been difficult. In the 2017 concrete contract, the contractor attempted to complete the concrete grinding portion of the contract using recently bought equipment. The quality of the results was not acceptable, and we had to ask them to stop. Having been introduced to a contractor that specializes in the area of horizontal sawing such defects using a patented system, a free demonstration was set up. The specialty contractor is known as Precision Concrete Cutting, Inc. Both the City and the concrete contractor were very impressed with the results, and they were able to be hired as a subcontractor to get the "grinding" portion of the work done to specs, at no additional cost to the City. Further, the work, which involved over 900 individual locations, was done remarkably quick (in less than three weeks).

As a result of these impressive results, staff considered the feasibility of bidding a separate contract for sawcutting services. However, we understand that the system that Precision Concrete Cutting has developed is patented, and that there would be no other contractors that compete specifically with their system. Knowing that there are other ways to address trip hazards other than sawing, such as grinding, raising sidewalk by pumping grout, or simply removing and replacing the concrete, we strove to create a bidding document that would be more open to any methodology. To achieve this, rather than issuing a traditional contract document that narrowed the scope of potential methods, a Request for Proposals (RFP) document was prepared. The RFP was identified as "Sidewalk Trip Elimination Services, Contract #6-18(SW)." In this document, the desired scope of work was clarified, but the method used to achieve the results was left open to any that bidders may suggest. The document reserved the right of the City to choose the methodology that the City deemed to be best, considering not only total cost, but quality of product, disruption to the adjacent property owners, and staff time required to monitor the work.

The area selected for the focus of this contract is known as Sidewalk Area 8, the same area that was inspected for traditional sidewalk repairs, or specifically, the area north of Maple Rd., and east of Adams Rd. In this area, about 715 locations were identified as being good candidates for this work, adding up to a total of 4,000 linear feet.

The RFP was advertised using the Michigan Intergovernmental Trade Network (MITN), the statewide bidding program being used by the majority of public agencies and contractors to disseminate information about construction bids. Bids were opened on April 24, 2018. A summary of the bid results is attached.

Only one bid was received from this solicitation, that being Precision Concrete Cutting, of Holland, MI, with their bid of \$48,000. Having not bid a project of this nature before, and not knowing what work would be authorized, an Engineer's estimate was not established. However, the unit rate of \$12 per foot is within the expected cost range for this type of work. Having worked with Precision Concrete Cutting as a subcontractor, and knowing that the process they use not only saves money, but greatly reduces staff time and neighborhood disruption, we are excited to hire this company directly for this type of work. If the City attempted to repair over 700 trip hazards using conventional concrete replacement, the cost would be approximately double, meaning that the City is saving about \$50,000 just in contract costs. Additional savings in staff time and effort will also be realized.

A suggested resolution follows. Given the funds already authorized for the traditional sidewalk program is using the majority of the current funding available in this account, a budget amendment for this account will be required as included below in the suggested resolution.

SUGGESTED RESOLUTION:

To award the 2018 Sidewalk Trip Hazard Elimination Program, Contract #6-18(SW) to Precision Concrete, Inc., in the amount of \$48,000.00, to be charged to the Sidewalk Fund, account number 101-444.001-981.0100, contingent upon execution of the agreement and meeting all insurance requirements. Further, to approve an amendment to the 2017-18 Fiscal Year Budget as follows:

Sidewalk Fund

Revenues:

Draw from Fund Balance #101-000.000-400.0000	<u>\$48,000</u>
Total Revenue Adjustments	<u>\$48,000</u>

Expenditures:

Public Improvements #101-444.001-981.0100	<u>\$48,000</u>
Total Expenditure Adjustments	<u>\$48,000</u>



**REQUEST FOR PROPOSALS
For TRIP ELIMINATION SERVICES**

Sealed proposals endorsed **“SIDEWALK TRIP ELIMINATION SERVICES – CONTRACT #6-18(SW)”**, will be received at the Office of the City Clerk, 151 Martin Street, PO Box 3001, Birmingham, Michigan, 48012; until April 24, 2018 after which time bids will be publicly opened and read.

The City of Birmingham, Michigan is accepting sealed bid proposals from qualified contractors to provide services to eliminate sidewalk trip hazards in the locations as specified herein and/or by the City Engineer. This work must be performed as specified accordance with the specifications contained in the Request For Proposals (RFP).

The RFP, including the Specifications, may be obtained online from the Michigan Inter-governmental Trade Network at <http://www.mitn.info> or at the City of Birmingham, 151 Martin St., Birmingham, Michigan, ATTENTION: Paul, O'Meara, City Engineer.

The acceptance of any proposal made pursuant to this invitation shall not be binding upon the City until an agreement has been executed.

Submitted to MITN:	April 5, 2018
Deadline for Submissions:	April 24, 2018 by 4:00 PM Eastern Standard Time
Contact Person:	Paul O'Meara P.O. Box 3001, 151 Martin Street Birmingham, MI 48012-3001 Phone: 248.530.1836 Email: pomeara@bhamgov.org



REQUEST FOR PROPOSALS

For PARKING CONSULTANT SERVICES

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INTRODUCTION

For purposes of this request for proposals the City of Birmingham will hereby be referred to as "City" and the private firm will hereby be referred to as "Contractor." References to the "sidewalk system" shall generally refer to the City's public sidewalk system, and more specifically the trip elimination district, as outlined in the attached map under Attachment "E."

The City of Birmingham, Michigan is accepting sealed bid proposals from qualified firms to provide services to improve the City's sidewalk system, including the review and elimination of trip hazards due to vertical joint displacements greater than 0.5" and less than 1.5", in the most clean and efficient manner, with the least impact to vehicular and pedestrian traffic. Displacements encountered that are greater than 1.5" will be repaired under traditional concrete sidewalk replacement methods, and are not considered a part of this contract.

The determination of the award of this contract will not be made solely based on the lowest cost bid. Each bidder is required to prepare written details of the procedures used to repair vertical joint displacements of the sidewalk system greater than 0.5" (trip hazards) and less than 1.5", including but not limited to listing its: Certifications, processes, schedule, cleanup methods, recycling, road/sidewalk closure requirements, and cost. References from other similar customers, such as municipalities, are most relevant, and shall be submitted for consultation. The City shall pay for the contractor's services per the attached bid proposal.

Pricing, cleanliness, speed, and accuracy, with minimal impacts to vehicular and pedestrian traffic will all be reviewed during the bid evaluation process. Minimal impact upon the adjacent property and existing landscaping will also be considered.

This work must be performed as specified accordance with the specifications outlined by the Scope of Work contained in this Request For Proposals (RFP).

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

It is anticipated the selection of a firm will be completed by May 7, 2018 or sooner. An Agreement for services will be required with the selected Contractor. A copy of the Agreement is contained herein for reference. The City shall have the right to negotiate final payment terms, expectations, and specifications with the successful Contractor prior to the final signing of said Agreement. Contract services will commence upon execution of the service agreement by the City. All work referenced within this Agreement shall be satisfactorily

REQUEST FOR PROPOSALS (RFP)

The purpose of this RFP is to request sealed bid proposals from qualified parties presenting their qualifications, capabilities and costs to provide sidewalk trip hazard elimination of the City's sidewalk system in the area as designated in the RFP.

INVITATION TO SUBMIT A PROPOSAL

Proposals shall be submitted no later than April 24, 2018 by 2:00 PM Eastern Standard Time to:

City of Birmingham
Attn: City Clerk
151 Martin Street
Birmingham, Michigan 48009

One (1) original and one (1) copy of the proposal shall be submitted. The proposal should be firmly sealed in an envelope, which shall be clearly marked on the outside, **"SIDEWALK TRIP ELIMINATION SERVICES"**. Any proposal received after the due date cannot be accepted and will be rejected and returned, unopened, to the proposer. Proposer may submit more than one proposal provided each proposal meets the functional requirements.

INSTRUCTIONS TO BIDDERS

1. Any and all forms requesting information from the bidder must be completed on the attached forms contained herein (see Contractor's Responsibilities). If more than one bid is submitted, a separate bid proposal form must be used for each.
2. Any request for clarification of this RFP shall be made in writing and delivered to: Paul O'Meara, City Engineer at pomeara@bhamgov.org . Such request for clarification shall be delivered, in writing, no later than 5 days prior to the deadline for submissions.
3. All proposals must be submitted following the RFP format as stated in this document and shall be subject to all requirements of this document including the instruction to respondents and general information sections. All proposals must be regular in every respect and no interlineations, excisions, or special conditions shall be made or included in the RFP format by the respondent.
4. Each respondent shall review the Scope of Work and include in his or her proposal the following items:
 - a. Technical specifications of his or her processes and methods to correct vertical sidewalk joint deficiencies;
 - b. Ability to access sidewalk work areas without driving equipment on adjacent lawns;
 - c. Cleanup process;

- d. Vehicular and pedestrian traffic maintenance practices;
 - e. Work schedules/timeframes to complete work;
 - f. Cost details to complete the work, including unit pricing per foot of sidewalk joint trip hazard elimination;
 - g. Written statement and photographs as to the condition that the walking surface will be left in upon completion of the proposed treatment;
 - h. Any other pertinent information to be used in the City's bid evaluation.
5. The contract will be awarded by the City of Birmingham to the most responsive and responsible bidder based upon the City's determination of the evaluation of the value of its processes in combination with lowest price and the contract will require the completion of the work pursuant to these documents.
6. Each respondent shall include in his or her proposal, in the format requested, the cost of performing the work. Municipalities are exempt from Michigan State Sales and Federal Excise taxes. Do not include such taxes in the proposal figure. The City will furnish the successful company with tax exemption information when requested.
7. Each respondent shall include in their proposal the following information: Firm name, address, city, state, zip code, telephone number, and fax number. The company shall also provide the name, address, telephone number and e-mail address of an individual in their organization to whom notices and inquiries by the City should be directed as part of their proposal.

EVALUATION PROCEDURE AND CRITERIA

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

1. Ability to provide services as outlined.
2. Related experience with similar projects, Contractor background, and personnel qualifications.
3. Quality of the response to this RFP including a demonstrated understanding of the enclosed scope of work and the City's sidewalk system.
4. Overall Costs.
5. Processes/Methods of completing the work.
6. Cleanup process.
7. Details of impacts to vehicular and pedestrian traffic.
8. Details of work schedule and efficiency of completing the work.
9. Details of condition of walking surface upon completion.
10. Statement of understanding that if concrete is inadvertently damaged during process, such as an unexpected fracture, then the Contractor shall become responsible for traditional concrete removal and replacement.

11. Statement clarifying if there are any existing sidewalk conditions that would represent a special situation that would result in the Contractor refusing to perform the trip elimination hazard treatment, and if so, what conditions would be applicable. (Note that the City will not suggest this treatment on any fractured concrete slabs.)
12. Statement of understanding that the elimination of all existing trip hazards as specified within the Contract shall be completed no later than November 2, 2018, or the Contractor shall be fined an amount of \$200 per calendar day until such trip hazards are successfully removed.
13. Other pertinent information provided by the Contractor.
14. References.

TERMS AND CONDITIONS

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

8. The successful bidder shall enter into and will execute the contract as set forth and attached as Attachment A.

CONTRACTOR'S RESPONSIBILITIES

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

1. Complete and sign all forms requested for completion within this RFP.
 - a. Bidder's Agreement (Attachment B - p. 16)
 - b. Cost Proposal (Attachment C - p. 17)
 - c. Iran Sanctions Act Vendor Certification Form (Attachment D - p. 18)
 - d. Agreement (p. 10 – **only if selected by the City**).
2. Provide a description of completed projects that demonstrate the firm's ability to complete projects of similar scope, size, and purpose, and in a timely manner, and within budget.
3. Provide a written plan detailing the anticipated timeline for completion of the tasks set forth in the Scope of Work (p. 9).
4. Provide a description of the firm, including resumes and professional qualifications of the principals involved in administering the project.
5. Provide a list of sub-contractors and their qualifications, if applicable.
6. Provide three (3) client references from past projects, include current phone numbers. At least two (2) of the client references should be for similar projects.
7. Provide a project timeline addressing each section within the Scope of Work and a description of the overall project approach. Include a statement that the Contractor will be available according to the proposed timeline. Contractor shall be aware that all trip elimination hazard work shall be 100% complete within the designated work area no later than October 12, 2018.

CITY RESPONSIBILITY

1. The City will provide a designated representative to work with the Contractor to coordinate both the City's and Contractor's efforts and to inspect and verify any work performed by the Contractor.

SETTLEMENT OF DISPUTES

The successful bidder agrees to certain dispute resolution avenues/limitations. Please refer to paragraph 17 of the Agreement attached as Attachment A for the details and what is required of the successful bidder.

INSURANCE

The successful bidder is required to procure and maintain certain types of insurances. Please refer to paragraph 12 of the Agreement attached as Attachment A for the details and what is required of the successful bidder.

CONTINUATION OF COVERAGE

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

EXECUTION OF CONTRACT

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

INDEMNIFICATION

The successful bidder agrees to indemnify the City and various associated persons. Please refer to paragraph 13 of the Agreement attached as Attachment A for the details and what is required of the successful bidder.

CONFLICT OF INTEREST

The successful bidder is subject to certain conflict of interest requirements/restrictions. Please refer to paragraph 14 of the Agreement attached as Attachment A for the details and what is required of the successful bidder.

EXAMINATION OF PROPOSAL MATERIALS

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

SCOPE OF WORK

This section shall constitute the Scope of Work and the Contractor shall perform the following services in accordance with the requirements as defined and noted herein:

1. Project Coordination & Management: The Contractor shall attend a pre-construction meeting with the City staff prior to starting work to review the work plan, procedure, and any concerns that either party may have. The Contractor shall coordinate with designated City staff regarding schedule, deliverables and the scope of work. The Contractor shall provide a list of personnel to work on the project prior to commencement of work, including field supervisors and technicians. The designated field supervisor shall be always present during work operations.
2. Emergency Contacts/Safety Plan: Prior to commencement of the work, the Contractor shall submit a list of emergency contacts and safety plan to the City Engineer.
3. Perform Repairs: The Contractor shall remove vertical displacements of 0.5 inches to 1.5 inches, all inclusive, on existing sidewalk joints, using methods acceptable to the City that comply with current ADA specifications, under the following conditions:
 - a. Concrete panel/slab must be free of chipped, cracked, scaled or spalled concrete, and is not less than half of its standard thickness.
 - b. Displacement repair shall not be performed on vertical displacements greater than 1.5 inches unless otherwise approved by the City.
 - c. The work area shall be confined to the area of the City defined as being north of Maple Rd., located between Adams Rd. and Coolidge Hwy., clarified on the map herein attached. The sidewalks within the subject work area boundary has been inspected, and the total number of locations is currently estimated at 361 individual locations. Most are on local streets, but some exist on major roads such as Maple Rd. No extra payment shall be provided to the Contractor for extra costs that may be incurred for performing these services on major roads. If the process employed by the Contractor requires blocking a lane of traffic for safety, all such additional costs shall be included in the proposal, and all such work shall be performed on Saturdays only.
 - d. Displacement repair shall be at an existing joint or score cut of sidewalk that has not been previously repaired.
 - e. Displacement repair shall not leave ridges, holes, grooves, cuts, stray marks, or otherwise deface panels, and shall not require filling of any material that deteriorates or breaks apart over time.
 - f. Any damage to adjacent areas, including but not limited to lawns, trees, landscape, adjacent panels/slabs/bricks, walls, buildings, etc., caused by the work, shall be at the Contractor's expense.

- g. Displacement repair shall not cause displacement, separation or movement of adjacent undamaged panels.
 - h. Slab removal/replacement is prohibited.
 - i. Grinding, chipping, pulverization or other destructive methods that damages or defaces panels are prohibited.
 - j. Displacement repair must meet American Disabilities Act (ADA) requirements in terms of slope and coefficient of friction. Repaired surface slopes shall not exceed 1/12 and shall have essentially the same or slightly rougher texture as the undamaged portion of adjacent panels.
 - k. Displacement repair must be neat, smooth and uniform in appearance and leave zero point of vertical differential between slabs over the full width of the raised sidewalk to eliminate the trip hazard. Any panels inspected that do not meet these criteria afterward shall be repaired as required, at the Contractor's expense.
4. Equipment & Cleanup: The City reserves the right to inspect and approve or reject the Contractor's equipment and processes used in performing the repairs including cleanup of the work area, and as part of the work, the Contractor shall be responsible for the following:
- a. Any cutting equipment used shall be of the type that is able to cut flush to ground and/or working at any angle to perform the work in tight working spaces, around obstacles, along buildings, walls or fences, etc., without causing damage to the adjacent work areas or panels.
 - b. Clean up of the repair area and disposing or recycling of debris and dust generated from the repair shall be performed immediately after repair, in the cleanest manner to minimize spreading of dust. Blowing of debris and dust shall be prohibited, and operations shall maintain a safe environment for the public and adjacent work areas at all times.
 - c. In no way shall operations cause the creation of wet/slippery surfaces or a mix of dust, debris and water (slurry) from the repairs and cleanup. Also, the Contractor shall submit a work plan to address mitigation of runoff caused by rain, irrigation, or other unexpected water sources during repair operations, prior to construction.
 - d. All disposal shall be performed in accordance with applicable laws. Submit disposal manifest records to City.
 - e. The Contractor shall endeavor to not damage any private property, such as landscape features, shrubs, trees, or irrigation equipment. Any damage noted shall be repaired to the City's and adjacent owner's expectations.
5. Traffic Maintenance/Storage: Vehicular and pedestrian traffic must be maintained at all times in a safe manner. The Contractor shall submit a plan to maintain access to roads, sidewalks and driveways to the City prior to construction. Also, equipment storage and contractor parking shall be in designated areas as approved by the City. Work on private property shall not

be permitted without written permission from the landowner. The Contractor shall not have access to storage in the right-of-way, other than to park road legal vehicles in designated areas, with the understanding that such storage shall be moved on a regular basis, and not left in the same area on a routine basis.

6. Schedule: Generally, the work shall begin in accordance with this Contract. Contractor shall submit a schedule to complete the work to the City prior to construction. Contractor shall schedule daily operations to minimize disruption to the public, in accordance with this RFP.
7. Daily Work Items/Invoicing/Additional Services: The Contractor shall log all work completed on a daily basis. Quantities shall be agreed upon with the City's Field Inspector on a daily basis. A monthly invoice shall be submitted for the work that details quantities by day, per location, expressed in inch-feet of displaced joints repaired. Any work outside of the area of scope of work shall not be performed without written authorization from the City.
8. Work Coordination Clause: The Contractor shall be responsible for coordinating completion of the work with others performing construction that may be ongoing within the project limits, including but not limited to utility companies, home builders, or other City contracts, etc.
9. Bonds: The selected Contractor shall supply a Payment Bond and Performance Bond to the City using the forms included in Appendix F, valued at the value of the Contract.
10. Payment for Services: As referenced in Appendix C, the Contractor shall be paid for services based on a price per linear foot of trip hazard eliminated. For example, if a five foot wide sidewalk is lifted such that work is needed across its full width, the Contractor shall be paid for five linear feet. If a sidewalk is lifted on an angle such that only three of the five feet is lifted to the point that it meets the criteria, then the Contractor shall work on the three feet needing repair, and be paid for a total of three feet at that location. The Contractor shall also indicate the number of work days that will be needed to complete the work, assuming each work day that the Contractor is on site, Monday through Saturday, as needing some supervision and interaction on the part of the City staff. The work shall be based on the assumption that there are 361 work locations throughout the subject work area. Adjustments up or down shall be modified by a percentage up or down, and the number of work days shall be modified by the same percentage. If the Contractor works more days than that estimated, the Contractor shall be charged \$360 per work day. If the Contractor works less days than that estimated, and successfully completes the Contract, then they shall be paid a bonus of \$360 per work day.
11. This section and referenced documents shall constitute the Scope of Work for this project and as such all requirements must be met.

ATTACHMENT A - AGREEMENT
For SIDEWALK TRIP HAZARD ELIMINATION SERVICES

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

WITNESSETH:

WHEREAS, the City of Birmingham has heretofore advertised for bids for the procurement and performance of services required to perform sidewalk repair services to eliminate sidewalk trip hazards of the City's sidewalk system and provide associated mapping deliverables of the repairs, 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 sidewalk repair services to eliminate sidewalk trip hazards of the City's sidewalk system.

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

1. It is mutually agreed by and between the parties that the documents consisting of the Request for Proposal to perform sidewalk repair services to eliminate sidewalk trip hazards of the City's sidewalk system and the Contractor's cost proposal dated _____, 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 City shall pay the Contractor for the performance of this Agreement in an amount not to exceed _____, as set forth in the Contractor's _____, 2018 cost proposal.
3. This Agreement shall commence upon execution by both parties, unless the City exercises its option to terminate the Agreement in accordance with the Request for Proposals.

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

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

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

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

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

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

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

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

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

- A. 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 **\$3,000,000** 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 \$3,000,000 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. 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.
- F. 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.
- G. 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.
- H. 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 Pollution Liability Insurance;
 - 5) If so requested, Certified Copies of all policies mentioned above will be furnished.
- I. 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.
- J. 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.
13. To the fullest extent permitted by law, the Contractor and any entity or person for whom the Contractor is legally liable, agrees to be responsible for any liability, defend,

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

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

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

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

City of Birmingham
Attn: Paul O'Meara
151 Martin Street
Birmingham, MI 48009
248.530.1836

CONTRACTOR
(Insert Contractor Information)

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

18. 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: _____

Its:

CITY OF BIRMINGHAM

By: _____

Andrew Harris

Its: Mayor

By: _____

Cherilynn Mynsberge

Its: City Clerk

Approved:

Paul O'Meara, City Engineer
(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)

ATTACHMENT B - BIDDER'S AGREEMENT
For SIDEWALK TRIP HAZARD ELIMINATION SERVICES

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

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

PREPARED BY (Print Name)

DATE

AUTHORIZED SIGNATURE

Title

E-MAIL ADDRESS

COMPANY

ADDRESS

PHONE

NAME OF PARENT COMPANY

PHONE

ADDRESS

ATTACHMENT C - COST PROPOSAL
For SIDEWALK TRIP HAZARD ELIMINATION SERVICES

In order for the bid to be considered valid, this form must be completed in its entirety. The cost for the Scope of Work as stated in the Request for Proposal documents shall be priced as follows:

Attach technical specifications for all proposed materials as outlined in the Contractor's Responsibilities section of the RFP (p. 6)

Additional Bid Item section is available for Contractor if pricing structure is not suited to cover all costs to be considered in Bid. Note that deviating from basic price structure may make proposal more difficult to compare to others.

COST PROPOSAL	
ITEM	BID AMOUNT
PRICE PER FOOT (BASED ON TOTAL OF 4000 L.FT.)	\$
WORK DAYS	_____ DAYS
ADDITIONAL BID ITEMS	
	\$
	\$
GRANDTOTAL AMOUNT	\$

Firm Name _____

Authorized signature _____ Date _____

ATTACHMENT D - IRAN SANCTIONS ACT VENDOR CERTIFICATION FORM
For PARKING CONSULTANT SERVICES

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

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

PREPARED BY (Print Name)

DATE

AUTHORIZED SIGNATURE

E-MAIL ADDRESS

TITLE

COMPANY

ADDRESS

PHONE

NAME OF PARENT COMPANY

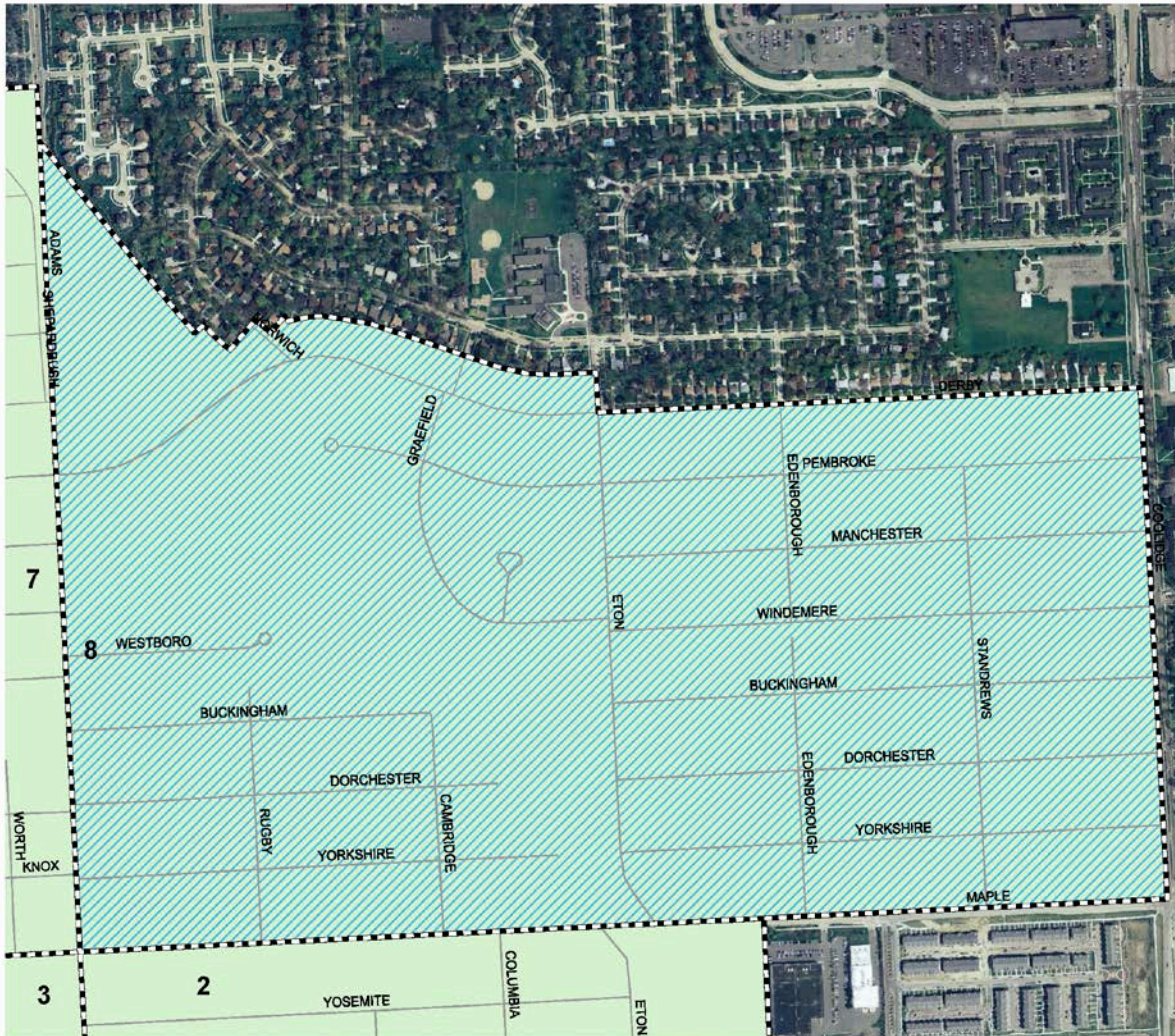
PHONE

ADDRESS

TAXPAYER I.D.#

ATTACHMENT E

MAP OF TRIP ELIMINATION DISTRICT



**ATTACHMENT F
REQUIRED BONDS**

2018 CONCRETE SIDEWALK REPAIR PROGRAM - CONTRACT #2-18(SW)**PERFORMANCE BOND**

KNOW ALL MEN BY THESE PRESENTS that we, the undersigned

_____ as Principal,
and _____ as Sureties,
are hereby held and firmly bound unto the **CITY OF BIRMINGHAM, MICHIGAN** in the sum of
_____ Dollars (\$_____), in lawful
money of the United States, for the payment of which we hereby jointly and severally bind ourselves, our
heirs, executors, administrators, successors and assigns this _____ day of
_____, 20_____.

WHEREAS, the above bounded Principal has entered into a certain written contract with
the above named City of Birmingham, Michigan dated _____ day of _____, 20_____ for the
construction of _____

_____,
which contract is hereby referred to and made a part hereof as fully and to the same extent as if the same
were entirely written herein,

AND THE SAID SURETY, for value received, hereby stipulates and agrees that no
change, extension of time, alteration or addition to the terms of the contract or to the work to be
performed thereunder of the specifications accompanying the same shall in anywise affects its obligations
on this bond, and it does hereby waive notice of any such change, extension of time, alteration or addition
to the terms of the contract, or to the work or to the specifications.

NOW, THEREFORE, the condition of the above obligation is such that if the Principal
shall fully perform the annexed contract according to the terms thereof, or as such terms may be changed
or modified by mutual agreement, and shall guarantee all work furnished against all defects and incidental
damage to other property for a period of one (1) year following final acceptance of the work, then this
obligation shall be void, otherwise the same shall remain in full force and effect.

This Bond is provided in compliance with and subject to the provisions of Act 213 of the Public Acts of Michigan for 1963, as amended by Act 351 of the Public Acts of Michigan for 1972, also known as MCL §129.201 et. seq.

WITNESSED:

Principal

2018 CONCRETE SIDEWALK REPAIR PROGRAM – CONTRACT #2-18(SW)**PAYMENT BOND**

KNOW ALL MEN BY THESE PRESENTS, that we _____
_____ of the _____
hereinafter called the “Principal” and _____
_____ hereinafter called the “Surety”, are held and firmly bound unto those
persons known as “Claimants”, as defined in MCL §129.206(6) supplying labor or materials to the
Principal or his subcontractors and the prosecution of the work provided for in a certain Contract by and
between the City of Birmingham and the Principal in the sum of
_____ Dollars
(\$_____), in lawful money of the United States, for the payment whereof, we bid
ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally this
_____ day of _____, A.D., 20____.

WHEREAS, the above named Principal has entered into a Contract with the CITY OF
BIRMINGHAM, MICHIGAN dated the _____ day of _____, A.D., 20____,
wherein said principal has covenanted and agreed as follows, to wit:

To furnish all the labor and materials _____

and,

WHEREAS, this Bond is given in compliance with and subject to the provisions of Act
No. 213 of the Public Acts of Michigan for 1963, as amended by Act. No. 351 of the Public Acts of
Michigan for 1972, also known as MCL §129.201 et seq.

NOW, THEREFORE, the condition of the above obligation is such that if all persons or
claimants as defined in Public Act 213 of 1963 supplying labor or materials to the principal contractor or
his subcontractors in the prosecution of the work provided for in the contract are paid, the obligation of
this Bond shall be void; otherwise, it shall be in full force and effect.

WITNESSED:

Principal

Surety



1896 Goldeneye Drive, Holland MI 49424
Phone: 616.403.1140 FAX: 616.582.5951
www.MichiganSafeSidewalks.com

April 24, 2018

City of Birmingham

Attn: Paul O'Meara, City Engineer
151 Martin Street
Birmingham, MI 48012-3001

Phone: 248.530.1836 Email: pomeara@bhamgov.org

Subject: **SIDEWALK TRIP ELIMINATION SERVICES – CONTRACT #6-18(SW)**
RFP response for City of Birmingham, DUE April 24, 2018 by 2pm

Paul,

We appreciate the opportunity to submit our Request for Proposal (RFP) response (Proposal) to the City of Birmingham, MI (City). This cover letter is being provided to augment the required RFP response documents and aid the City Engineering Department in making a decision to award the project. The enclosed response to "Contractor Responsibilities" and the following attachments make this RFP response packet complete;

1a) **Bidder's Agreement** (Attachment B), 1b) **Cost Proposal** (Attachment C), and 1c) **Iran Sanctions Act Vendor Certification Form** (Attachment D)

Precision Concrete, Inc (Precision Concrete Cutting)

Precision Concrete Cutting (PCC) has been removing trip hazards from uneven sidewalks and other concrete walkways across the nation for over 20 years. As the industry leader in technology and price, PCC can reduce liability associated with uneven sidewalk and help meet ADA compliance with a method more effective and less expensive than alternatives. PCC utilizes its patented tools and processes that it has developed and refined for trip hazard removal. Not only is trip hazard removal the specialty of PCC... it's the only thing we do. Precision Concrete, Inc. is the locally licensed business unit serving Michigan and Indiana that leverages the proven tools, process, and training to provide this service.

The Advantage

The Precision Concrete Cutting (PCC) service removes the entire trip hazard from side to side on the entire sidewalk while other methods of repair often leave a portion of the trip hazard. Not only can PCC reach the edges of every sidewalk, we can remove trip hazards from virtually any angle and at any location. Trip hazards caused by cracked concrete or located in hard-to-reach places such as in gutters or adjacent to a wall, post, or railing will be eliminated without any damage to nearby impediments. **There is no other process of trip hazard removal available with the quality, flexibility, and diversity as that of PCC.**



Quality

The Precision Concrete Cutting (PCC) process involves the measurement of every sidewalk trip hazard identified. PCC inspects the sidewalks and takes specific measurements to identify and log each trip hazard size and location. These measurements are used to determine the size of repair that is required, and to guarantee that the repair is made to dimensional specifications.

The PCC finished repair is aesthetically pleasing, smooth, and of superior quality compared to alternatives. It does not leave grooves in the surface of the concrete, it is not uneven, and is left with an acceptable coefficient of friction to not create slip hazards.



Environmental & Community Friendly

The Precision Concrete Cutting (PCC) process does not require heavy equipment in the work area. The PCC equipment is small and maneuvered about by individual employees. No damage is created to buildings, landscaping, irrigation systems, or the surrounding environment. Complete cleanup of the work area is performed and dust abatement systems minimize dust. All materials removed are properly recycled.

PCC utilizes a patented dust collection system to keep dust to a minimum while performing its work. This is a great benefit over other repair processes that leave the area covered in concrete dust or slurry. PCC also cleans up the removed concrete and debris created while performing the repairs and disposes (for recycle) of it as part of the service. Being a complete solution, no follow-on tasks are required of City staff. Sidewalks remain open with only minor disruption while PCC moves thru an area performing the trip hazard removals.

As a member of the U.S. Green Building Council (USGBC) we are proud of the fact that we reduce the impact to landfills and the environment as a result of our service. For example, **removing and replacing just 50 sidewalk panels would result in approximately 60,000 lbs of concrete being removed** (your average 5' x 5' panel weighs about 1,200 lbs). Using Precision Concrete Cutting, sidewalk trip hazard removal can be accomplished by removing about 400 lbs of concrete that will be recycled. No heavy equipment or hauling is required. Also, there is no damage to trees or adjoining landscape with Precision Concrete Cutting.



PCC will deploy a well-marked light-duty truck/van and full logo trailer used to mobilize up to three (3) full sets of cutting equipment and technicians. Safety cones are placed wherever the truck/van and trailer park and they are placed on the sidewalks in front of and behind the technician area to assure pedestrian safety during cutting. All PCC staff (including project managers) wear high-visibility safety vests whenever they are outside their vehicle and in the right-of-way.



Contractor's Responsibilities (including Scope. Items in blue are pulled from the RFP)

Precision Concrete Cutting (PCC) will perform the work listed in the **City of Birmingham 2018 CONCRETE SIDEWALK REPAIR PROGRAM CONTRACT #6-18 (SW)** by removing sidewalk trip hazards on walkways in the locations identified by the City. Based on data provided by the City on April 5, 2018, there are approximately 361 locations that comprises about **4,000 linear feet (LF) of cutting**.

The sidewalk trip hazards are defined as differentials in the walkway of 0.5" up to (including) 1.5" high. Trip hazards will be eliminated leaving a maximum running slope (ramp) of 1:12 as required by the City to meet ADA requirements. The work area shall be confined to the area of the City defined as being north of Maple Rd., located between Adams Rd. and Coolidge Hwy., clarified on the **Map** below (page 6).

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

1. *Complete and sign all forms requested for completion within this RFP.*
 - a. *Bidder's Agreement (Attachment B - p. 16) see **Attachment B***
 - b. *Cost Proposal (Attachment C - p. 17) see **Attachment C***
 - c. *Iran Sanctions Act Vendor Certification Form (Attachment D - p. 18) see **Attachment D***
 - d. *Agreement (p. 10 – only if selected by the City). n/a for RFP*
2. *Provide a description of completed projects that demonstrate the firm's ability to complete projects of similar scope, size, and purpose, and in a timely manner, and within budget.*

Not only is trip hazard removal the specialty of PCC... it's the only thing we do. PCC completed over 150 projects (**82 of which were municipal/public services projects**) in Michigan and Indiana in 2017 of similar scope. Every 2017 project was completed **on-time and within budget**. There are no disputes, change orders, or claims of any type pending including bonds open between PCC and any insured. PCC also completed it's fifth consecutive year of zero lost-time accidents.

3. *Provide a written plan detailing the anticipated timeline for completion of the tasks set forth in the Scope of Work (p. 9).*

PCC will conduct a pre-construction planning meeting with the City designated contact(s) using a PCC Project Manager to establish priorities, a high-level schedule for each job site, review risks/constraints, and safety plans. The Project Manager will assure schedule, scope, and budget objectives are attained for the project. The PCC Delivery Manager will assure quality and safety objectives are attained during the onsite work phase of the project.

The **overall timeline from "Project Award" to "Project Closure" is anticipated to be May 7 thru June 8, 2018**. The anticipated timeline to "Perform Repairs" is May 22 thru June 4 in which there are 10 working days for construction (excludes 5/26 thru 5/28 Memorial Day Weekend / Holiday and provides up to 3 rain days without impact to completion date). This timeline is based on the assumption that there are 361 work locations throughout the subject work area as identified by the City. Adjustments up or down for the task "Perform Repairs" shall be modified by a percentage up or down, and the number of work days shall be modified by the same percentage if the City changes the quantities of work locations and linear feet.

See item 7 below for the requested detail timeline for completion of the tasks with earliest start and finish dates identified for the City.

The following gives **written details of the tasks to be performed** in response to the City Scope of Work;

a) PCC will provide the necessary **Project Coordination & Management**. PCC will attend a pre-construction meeting with the City staff prior to starting work to review the work plan, procedure, and any concerns that either party may have. PCC will coordinate with designated City staff regarding schedule, deliverables and the scope of work. PCC will provide a list of personnel to work on the project prior to commencement of work, including field supervisors and technicians. The designated field supervisor will always be present during work operations in the field.

b) PCC will provide an **Emergency Contacts/Safety Plan** to the City Engineer.

c) PCC will **Perform Repairs** by removing vertical displacements of 0.5 inches to 1.5 inches, all inclusive, on existing sidewalk joints as marked by the City. Work will be performed based on the SCOPE OF WORK as outlined by the City in the April 5, 2018 RFP. The planned work area is currently defined as being north of Maple Rd, located between Adams Rd and Coolidge Hwy (see Map below for illustration of the work area). PCC does *not* plan to block any traffic lanes during the project. Repairs will be done to meet the American Disabilities Act (ADA) requirements in terms of

slope and coefficient of friction. Repairs will be neat, smooth, and uniform in appearance and leave zero point of vertical differential between slabs over the full width of the raised sidewalk to eliminate the trip hazard.

d) **Equipment & Cleanup.** PCC will use cutting equipment that is able to cut flush to ground and/or working at any angle to perform the work in tight working spaces, around obstacles, along buildings, walls or fences, etc., without causing damage to the adjacent work areas or panels. PCC will immediately cleanup the repair area by collecting for recycle the debris generated from the repair and minimize dust during the operation to maintain a safe environment for the public and adjacent work areas at all times. PCC uses a dry cut process with special HEPA rated vacuums to collect dust and small debris during the trip hazard removal operation. No water is used during the cutting process nor is the operation performed in rain or other wet conditions that may produce slurry. Therefore, the work plan for PCC eliminates the need to address slurry or run-off as no slurry is generated during the repair or during cleanup. All debris will be disposed in accordance with applicable laws as needed at a qualified concrete recycle center. PCC will provide proof, upon request, that all debris is being recycled in a proper and environmentally safe manner.

e) **Traffic Maintenance/Storage.** Vehicular and pedestrian traffic will be maintained at all times in a safe manner. PCC will maintain access to roads, sidewalks and driveways during construction. No storage in the right-of-way or special parking needs are anticipated for this project. If needed, PCC will follow utilize designated areas for parking as approved by the City.

f) PCC will **Schedule** the work in accordance with this Contract. Contractor shall submit a schedule to complete the work to the City prior to construction. PCC will schedule daily operations and inspections to minimize disruption to the public, in accordance with this RFP.

g) **Daily Work Items/Invoicing/Additional Services.** PCC will log all work completed on a daily basis. Quantities shall be agreed upon with the City's Field Inspector on a daily basis. At minimum, a monthly invoice will be submitted for the work that details quantities by day, per location, expressed in lineal feet (and inch-feet) of displaced joints repaired. Any work outside of the area of scope of work will not be performed without written authorization from the City.

h) **Work Coordination.** PCC will be responsible for coordinating completion of the work with others performing construction that may be ongoing within the project limits, including but not limited to utility companies, home builders, or other City contracts, etc.

j) PCC will acquire the necessary **Bonds** as/if required by the City once the proposal has been accepted. PCC is anticipating to supply a Payment Bond and Performance Bond to the City using the forms included in RFP Appendix F, valued at the value of the Contract.

k) **Payment for Services:** As referenced in Appendix C, PCC expects be paid for services based on a price per linear foot of trip hazard eliminated. PCC had indicated the number of work days (10) that will be needed to complete the work, assuming each work day that the Contractor is on site, Monday through Saturday, as needing some supervision and interaction on the part of the City staff.

4. Provide a description of the firm, including resumes and professional qualifications of the principals involved in administering the project.

Precision Concrete Cutting (PCC) utilizes its patented tools and processes that it has developed and refined for trip hazard removal. There are numerous PCC owned and franchised locations across the country performing this work in their respective geography's. Precision Concrete, Inc. (DBA: Precision Concrete Cutting (or PCC)) is the locally licensed business serving all of Michigan and Indiana that leverages the proven tools, process, and training to provide this service. Ownership of Precision Concrete, Inc. is shared by Mark and Bonnie Bonkowski. The principals and professional management team related to this proposal and the administration of the potential project consists of the following full-time employees;

- a) Mark Bonkowski, President. Founder and owner since 2008. Current roles include business development, project/program compliance, sales management, finance, business planning, and staffing. Project Management Professional plus college educations from Ferris State University (Engineering) and Davenport University (Business).
- b) Bonnie Bonkowski, CFO. Owner and employed since 2008. Roles include accounting, compliance, payroll, human resources, and office administration.

- c) Ben Johnson, Program Manager. Employed full-time since 2017. Roles include project management, fleet management, field surveying, operations/resource planning. College education from Ferris State University.
- d) Sarah Temple, Project Coordinator. Employed full-time since 2015. Roles include data collection, project planning support, mapping documents, invoicing, and customer support.
- e) Jerry Timar, Safety and Delivery Manager. Employed full-time since 2011. Roles included sidewalk technician, crew leader/foreman, and field operations. OSHA-30 Construction certified.
- f) Technicians, Employed on average 3+ years. All are minimum of OSHA-10 certified.

5. Provide a list of sub-contractors and their qualifications, if applicable.

Not applicable. PCC does not utilize any sub-contractors for this type of work. All human resources are employees of PCC.

6. Provide three (3) client references from past projects, include current phone numbers. At least two (2) of the client references should be for similar projects.

6.1) City of Ann Arbor

Brian Slizewski, Project Mgt / Engineering
BSlizewski@a2gov.org
phone: (734) 794-6410

6.2) City of Lansing

Mitch Whisler, Engineering
mwhisler@lansingmi.gov
phone: (517) 483-4249

6.3) City of Lapeer

Pam Reid, Director of Public Works
preid@ci.lapeer.mi.us
phone: (810) 664-4711

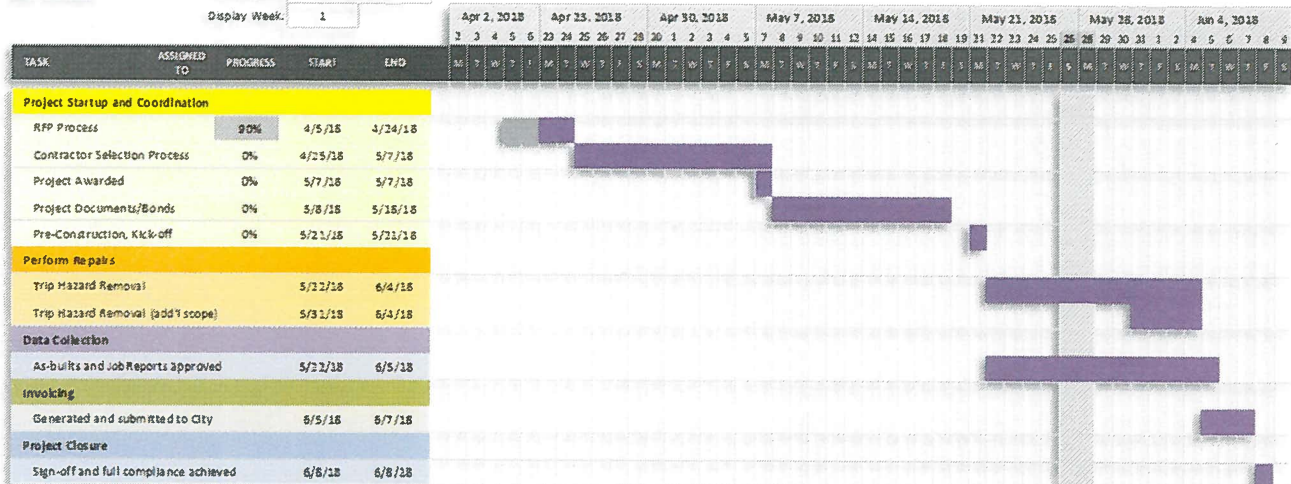
7. Provide a project timeline addressing each section within the Scope of Work and a description of the overall project approach. Include a statement that the Contractor will be available according to the proposed timeline. Contractor shall be aware that all trip elimination hazard work shall be 100% complete within the designated work area no later than October 12, 2018.

Timeline (project Gannt Chart) of project assuming 5/8/2018 project award (earliest finish 6/8/2018);

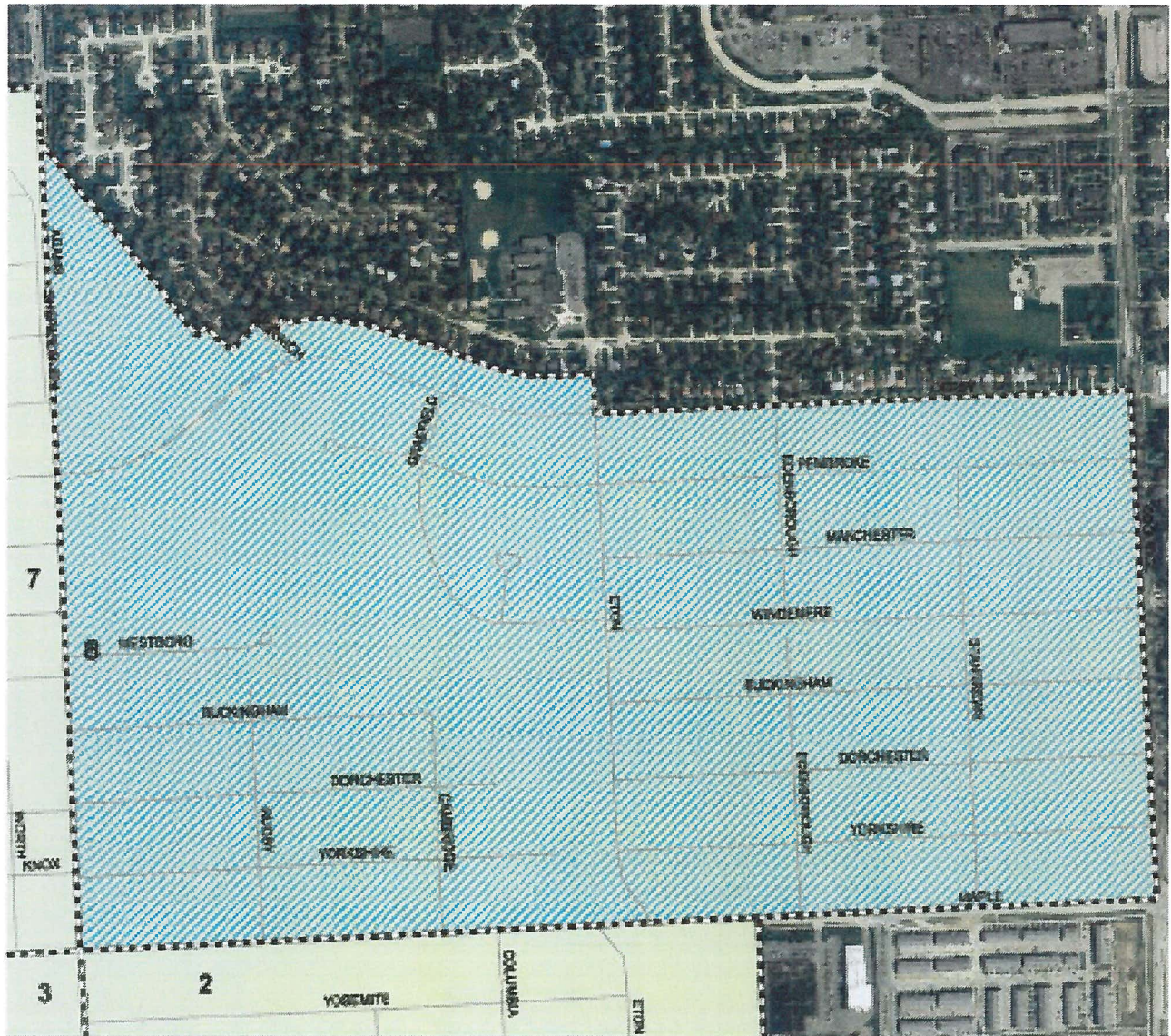
CONCRETE SIDEWALK REPAIR PROGRAM CONTRACT #6-18 (SW)

Birmingham, City of
Ben Johnson

Project Start: Thu, 4/5/2018
Display Week: 1



MAP: Proposed 2018 work area as provided by the City of Birmingham.



Sole Source Status

The technology that Precision Concrete Cutting uses to remove trip hazards has been developed and patented by Precision Concrete Cutting based in Provo, UT. Precision Concrete Cutting and its local branches are the only companies authorized to use the patented equipment and method for removing sidewalk trip hazards as described by the following patent numbers:

U.S. Patent No. 6,827,074
U.S. Patent No. 6,896,604
U.S. Patent No. 7,000,606

U.S. Patent No. 7,143,760
U.S. Patent No. 7,201,644
U.S. Patent No. 7,402,095

These patent numbers and the Precision Concrete Cutting (PCC) licensing agreement make Precision Concrete, Inc. a sole source for trip hazard removal in Michigan using this technology.

Invoicing

A Precision Concrete Cutting (PCC) invoice will be issued for work completed at the conclusion of the project. Payment terms are net 30 days from the date work is completed unless contract states otherwise. PCC will not charge the City any additional fees for mobilization, setup, cleanup, or travel / expenses. All such fees are included in the proposed unit price.

An itemized invoice listing the location of each trip hazard resolved will be listed and can be provided in hard copy or soft copy as required by the City. This itemized list provides the City with a completely auditable summary of the work performed by PCC. It is also a document that can support the fact that your organization has a proactive sidewalk maintenance program in place.

Summary

Precision Concrete Cutting is very interested in working with the City to deliver a proactive and cost-effective sidewalk maintenance program to help with the efforts of ADA compliance and reduce liabilities associated with sidewalk trip hazards. Our goal is to develop a long term relationship in which we can help the City achieve its annual sidewalk maintenance objectives.



Thank you for your consideration.

Mark Bonkowski (President)

Precision Concrete, Inc.
1896 Goldeneye Drive
Holland MI 49424

MBonkowski@PCCMich.com

(616) 403-1140 Office
(616) 582-5951 Fax

Ben Johnson (Project Manager)

Precision Concrete, Inc.
1896 Goldeneye Drive
Holland MI 49424

BJohnson@PCCMich.com

(616) 402-3980 Cell
(616) 582-5951 Fax

Attachment B

**ATTACHMENT B - BIDDER'S AGREEMENT
For SIDEWALK TRIP HAZARD ELIMINATION SERVICES**

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

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

Mark A. Bonkowski	April 24, 2018
PREPARED BY (Print Name)	DATE

	
AUTHORIZED SIGNATURE	

President	mbonkowski@pccmich.com
Title	E-MAIL ADDRESS

Precision Concrete, Inc.	
COMPANY	

1896 Goldeneye Dr., Holland, MI 49424	(616) 403-1140
ADDRESS	PHONE

N/A	
NAME OF PARENT COMPANY	PHONE

ADDRESS	
----------------	--

ATTACHMENT C - COST PROPOSAL
For SIDEWALK TRIP HAZARD ELIMINATION SERVICES

In order for the bid to be considered valid, this form must be completed in its entirety. The cost for the Scope of Work as stated in the Request for Proposal documents shall be priced as follows:

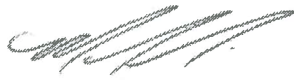
Attach technical specifications for all proposed materials as outlined in the Contractor's Responsibilities section of the RFP (p. 6)

Additional Bid Item section is available for Contractor if pricing structure is not suited to cover all costs to be considered in Bid. Note that deviating from basic price structure may make proposal more difficult to compare to others.

COST PROPOSAL	
ITEM	BID AMOUNT
PRICE PER FOOT (BASED ON TOTAL OF 4000 L.FT.)	\$ 12.00
WORK DAYS	<u>10</u> DAYS
ADDITIONAL BID ITEMS	
	\$
	\$
GRANDTOTAL AMOUNT	\$ 48,000.00

Firm Name Precision Concrete, Inc.

Authorized signature



Date 4/24/2018

Attachment D

ATTACHMENT D - IRAN SANCTIONS ACT VENDOR CERTIFICATION FORM
For PARKING CONSULTANT SERVICES

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

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

Mark A. Bonkowski	04/24/2018
PREPARED BY (Print Name)	DATE
	mbonkowski@pccmich.com
AUTHORIZED SIGNATURE	E-MAIL ADDRESS
President	
TITLE	
Precision Concrete, Inc.	
COMPANY	
1896 Goldeneye Dr., Holland, MI 49424	(616) 403-1140
ADDRESS	PHONE
N/A	
NAME OF PARENT COMPANY	PHONE
ADDRESS	
80-0183496	
TAXPAYER I.D.#	



MEMORANDUM

Planning Division

DATE: May 4, 2018
TO: Joseph A. Valentine, City Manager
FROM: Lauren Chapman, Assistant Planner
APPROVED BY: Jana L. Ecker, Planning Director
SUBJECT: Transit Shelter Purchase

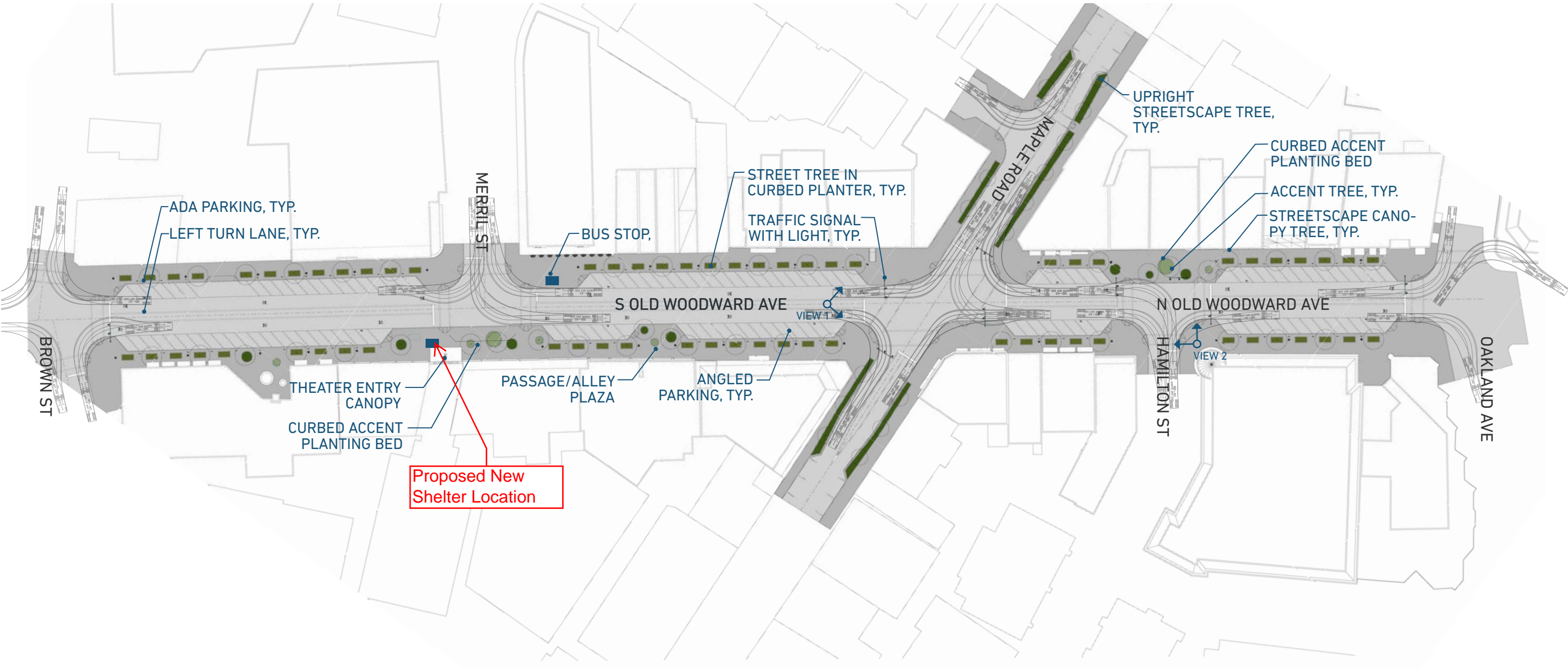
At the meeting on October 10, 2016, the City of Birmingham voted to approve \$20,042 in Community Credit funds from SMART Municipal and Community Credits for the purchase of a new bus shelter.

The transit shelter is the same model that is installed at bus stops throughout Birmingham, and was reviewed and approved by Birmingham's Architectural Review Committee (ARC) in 2004 when this shelter model was first introduced. Enseicom, a sole source vendor for these shelters and a leading supplier of street furniture for many large Canadian and US cities manufactures the transit shelters.

The total purchase price for the shelter is \$21,927, which includes the interior bench and installation. The shelter will be located at the bus stop on northbound S. Old Woodward at Merrill as approved on the Old Woodward reconstruction plans (see attached). \$25,000 has been budgeted in the Capital Projects Fund for this shelter, consisting of SMART funding and a transfer from the General Fund. The shelter shown on the plans for southbound S. Old Woodward has already been purchased and is in storage awaiting installation when construction is complete.

SUGGESTED RESOLUTION:

To authorize the purchase of the one model #D6626-1 bus shelter from account 401-901.020-971.0100 in the amount of \$21,927 from Enseicom, and further, to waive the normal bidding requirements as Enseicom is a sole source vendor for this product.

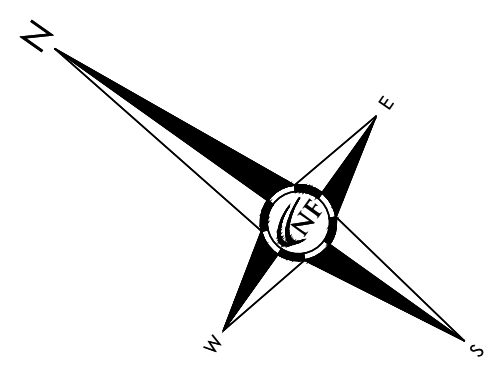


C- BUS STOP



LEGEND

1. Bus loading zone ~12' x 50'
2. Bus stop
3. Stops before intersection;
does not block traffic or
parking spots
4. Two on-street parking
spots lost
5. Creates clear and open
access to theater

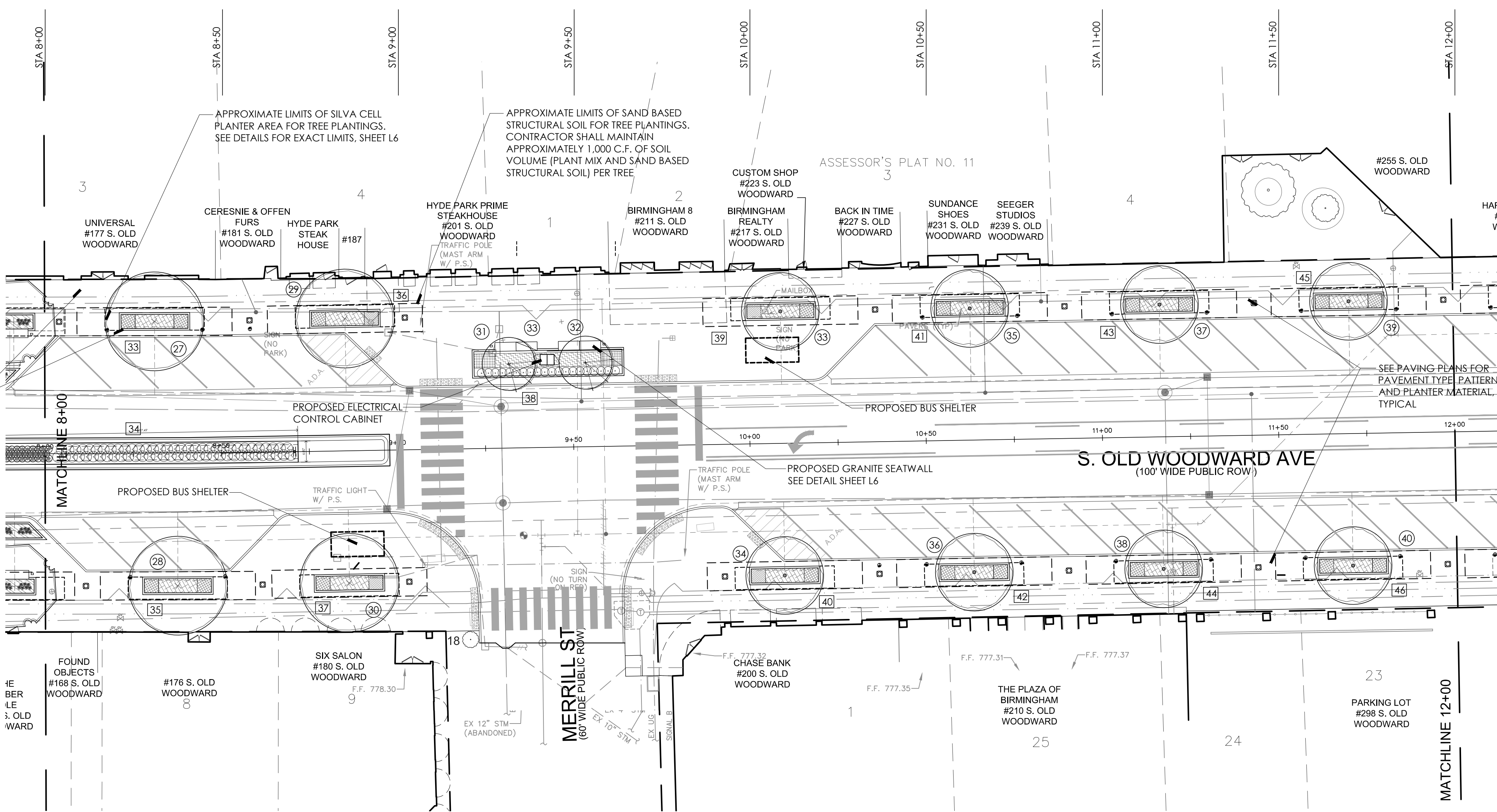


SEE PAVING PLANS FOR PAVEMENT TYPE, PATTERN AND PLANTER MATERIAL, TYPICAL

APPROXIMATE LIMITS OF SILVA CELL PLANTER AREA FOR TREE PLANTINGS. SEE DETAILS FOR EXACT LIMITS, SHEET L6

SEE PAVING PLANS FOR PAVEMENT TYPE, PATTERN AND PLANTER MATERIAL, TYPICAL

APPROXIMATE LIMITS OF SAND BASED STRUCTURAL SOIL FOR TREE PLANTINGS. CONTRACTOR SHALL MAINTAIN APPROXIMATELY 1,000 C.F. OF SOIL VOLUME (PLANT MIX AND SAND BASED STRUCTURAL SOIL) PER TREE



TREE SCHEDULE

TREE NUMBER	STATION	OFFSET FROM C		TREE SIZE
27	8+31.21	37.50'	E	3.5-4 INCH CAL. SWAMP WHITE OAK
28	8+37.53	37.50'	W	3.5-4 INCH CAL. SWAMP WHITE OAK
29	8+85.72	37.50'	E	3.5-4 INCH CAL. SWAMP WHITE OAK
30	8+85.72	37.50'	W	3.5-4 INCH CAL. SWAMP WHITE OAK
31	9+31.99	23.83'	E	6 FT AUTUMN BRILLIANCE SERVICEBERRY
32	9+53.74	23.83'	E	6 FT AUTUMN BRILLIANCE SERVICEBERRY
33	10+09.26	37.43'	E	3.5-4 INCH CAL. FRONTIER ELM
34	10+09.26	37.50'	W	3.5-4 INCH CAL. FRONTIER ELM
35	10+63.00	37.31'	E	3.5-4 INCH CAL. FRONTIER ELM
36	10+63.00	37.50'	W	3.5-4 INCH CAL. FRONTIER ELM
37	11+16.85	37.50'	E	3.5-4 INCH CAL. FRONTIER ELM
38	11+16.85	37.50'	W	3.5-4 INCH CAL. FRONTIER ELM
39	11+70.48	37.50'	E	3.5-4 INCH CAL. FRONTIER ELM
40	11+70.48	37.50'	E	3.5-4 INCH CAL. FRONTIER ELM
41	12+24.23	37.50'	E	3.5-4 INCH CAL. FRONTIER ELM
42	12+24.23	37.50'	W	3.5-4 INCH CAL. FRONTIER ELM
43	12+77.96	37.50'	E	3.5-4 INCH CAL. FRONTIER ELM
44	12+77.96	37.50'	W	3.5-4 INCH CAL. FRONTIER ELM

PLANTER SCHEDULE

PLANTER/BED NO.	TYPE	SHEET NO.
33	TYPE 'B'	L4
34	TYPE 'D2'	L4
35	TYPE 'B'	L4
36	TYPE 'A'	L4
37	TYPE 'A'	L4
38	TYPE 'C'	L4
39	TYPE 'A'	L4
40	TYPE 'A'	L4
41	TYPE 'B'	L4
42	TYPE 'B'	L4
43	TYPE 'B'	L4
44	TYPE 'B'	L4
45	TYPE 'B'	L4
46	TYPE 'B'	L4
47	TYPE 'B'	L4
48	TYPE 'B'	L4
49	TYPE 'A'	L4
50	TYPE 'A'	L4
51	TYPE 'E4'	L4
52	TYPE 'E4'	L4

LAYOUT LEGEND

- 13 PROPOSED PLANTER NUMBER
- 10 PROPOSED TREE NUMBER

PLANT AND MATERIALS LIST

QTY	MATERIAL AND SIZE
2 EA	AMELANCHIER X GRANDIFLORA 'AUTUMN BRILLIANCE' 6' HT CLUMP
4 EA	QUERCUS BICOLOR SWAMP WHITE OAK, 3.5-4 INCH CAL
12 EA	ULMUS X 'FRONTIER' FRONTIER ELM, 3.5-4 INCH CAL
61 EA	ECHINACEA 'TIKI TORCH' ORANGE CONEFLOWER, #1 CONT, 18" OC
108 EA	HAKONECHLOA MACRA 'ALL GOLD' ALL GOLD JAPANESE FOREST GRASS, #1 CONT, 12" OC
468 EA	HAKONECHLOA MACRA 'AUREOLA' JAPANESE FOREST GRASS, #1 CONT, 12" OC
78 EA	HEMEROCALLIS 'HAPPY RETURNS' HAPPY RETURN'S DAYLILY, #1 CONT, 12" OC
69 EA	HYDRANGEA PANICULATA 'JANE' LITTLE LIME HYDRANGEA, #3 CONT, 24" OC
800 EA	LIRIOPE MUSCARI 'ROYAL PURPLE' ROYAL PURPLE LIRIOPE, #1 CONT, 12" OC
225 EA	LIRIOPE SPICATA CREEPING LILY-TURF, #1 CONT, 12" OC
20 EA	RIBES ALPINUM 'GREEN MOUND' GREEN MOUND ALPINE CURRANT, #3 CONT, 24" OC
124 EA	SEDUM KAMTSCHATICUM SPP. ELLACOMBIANUM YELLOW STONECROP, #1 CONT, 8" OC
247 SY	DOUBLE PROCESSED MULCH, 3" DEPTH
6,663 CF	PLANT MIX, AS SPECIFIED
54 LF	GRANITE SEATWALL ON FOUNDATION, COMPLETE
6,600 CF	SAND BASED STRUCTURAL SOIL BACKFILL
2,448 CF	SILVA CELL INSTALLATION BACKFILL AND ACCESSORIES, COMPLETE



NOWAK & FRAUS ENGINEERS
46777 WOODWARD AVE.
PONTIAC, MI 48342-5032
TEL. (248) 332-7931
FAX. (248) 332-8257

PROJECT
Old Woodward Ave.
Reconstruction Project
Contract # 1-18(P)

CLIENT

Engineering Department
151 Martin Street
Birmingham, MI 48012

PROJECT LOCATION
Part of the SW/NE 1/4
Section 25/36, Town 2 North,
Range 10 East, City of
Birmingham, Oakland
County, Michigan

SHEET
Landscape Plan
N./S. Old Woodward Ave
Sta. 8+00 to POE



REVISIONS
03/20/17 FOR BIDS
09/29/17 CITY REVIEW
11/04/17 FOR BIDS

DRAWN BY:
G. Ostrowski
DESIGNED BY:

APPROVED BY:
B. Buchholz
DATE:
03-20-17

SCALE: 1" = 20'
20 10 0 10 20 30

NFE JOB NO. J230 SHEET NO. L2



MEMORANDUM

Department of Public Services

DATE: April 30, 2018

TO: Joseph A. Valentine, City Manager

FROM: Lauren A. Wood, Director of Public Services

SUBJECT: Martha Baldwin Native Wet Meadow Planting Project

Sealed proposals endorsed "Martha Baldwin Native Wet Meadow Planting Project" were opened on Tuesday, March 27, 2018 at the Department of Public Services. The request for proposals was placed on MITN, per our City purchasing guidelines. Four bidders responded and the bid results are outlined in the chart below:

Cardno, Inc.	\$16,720.00
Natural Community Services	\$21,989.00
R & M Property Services	\$28,314.69
JSS-Macomb, LLC	\$32,683.00

The project includes site preparation of the entire wet area, which includes herbicide application and the installation of a weed barrier and mulch. In addition, the contractor will provide and plant fifty-nine (59) flats consisting of 38-cell plugs or a variety of native plant genotypes. In addition, the area will be maintained for 2 years as part of this contract.

As mentioned above, plants are of native genotype and varieties include: Swamp Milkweed, Boneset, Joe Pye weed, Marsh Blazing Star, Blue Lobelia, Yellow Coneflower, Stiff Goldenrod, New England Aster, Ironweed, and Golden Alexanders. The plants thrive in the "wet meadow" conditions, and if maintained properly, will thrive in the area. The new meadow will not only be beautiful, but will also attract butterflies and birds.

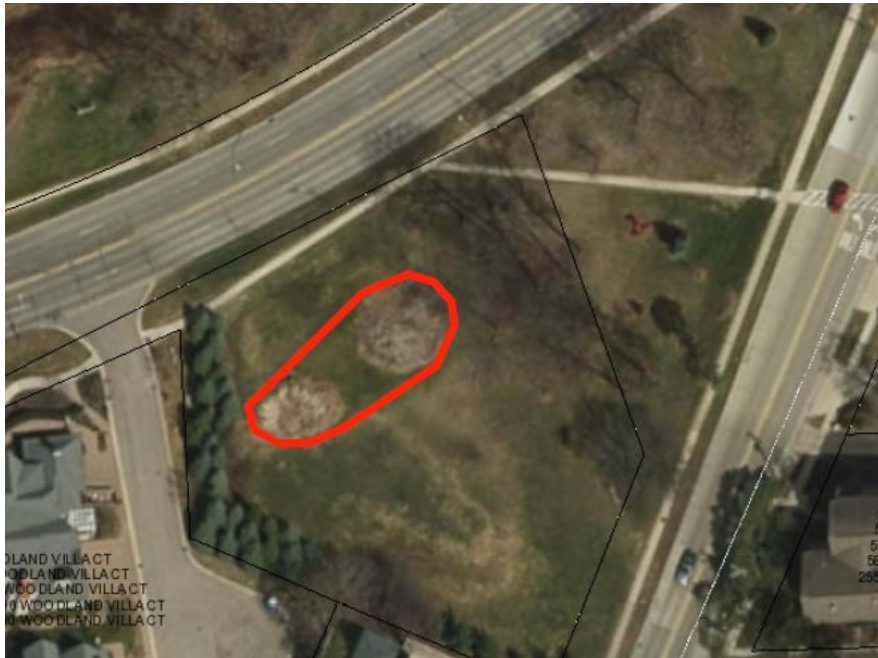
At their April 9, 2018 Meeting, the Martha Baldwin Park Board reviewed and endorses this project. This area has been in need of improvements for quite some time, as the previous planting had become overrun with invasive Canada thistle and Invasive Narrow Leaf Cattails. Staff has considered various options for improvements to the area and is recommending this project as the best solution. Interpretive signage will come after the project, as the Board would like to review sign ideas at their next meeting. The Parks and Recreation Board is aware of this project.

The Department of Public Services recommends awarding this project to Cardno, Inc. They are able to meet all specifications, and are the lowest responsible and responsive bidder. The Department has extensive experience working with this contractor and is satisfied with the quality of work and plant material provided in the past.

Funds are available for this project from the Parks – Other Contractual Services account #101-751.000-811.0000.

SUGGESTED RESOLUTION:

To award the contract for the Native Wet Meadow Planting Project to Cardno, Inc. in the amount not to exceed \$16,720.00. Funds are available in the Parks - Other Contractual Services account, #101-751.000-811.0000 for this project. Further to authorize the Mayor and Clerk to sign the agreement on behalf of the City upon the receipt of required insurances.



ATTACHMENT A - AGREEMENT
For Martha Baldwin Park Native Wet Meadow Planting Project

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 Cardno, Inc., having its principal office at 8000 Kensington Ct., Brighton, MI 48116 (hereinafter called "Contractor"), provides as follows:

WITNESSETH:

WHEREAS, the City of Birmingham, through its Department of Public Services, is desirous of having work completed to install and maintain a native wet meadow planting bed at Martha Baldwin Park in the City of Birmingham,

WHEREAS, the City has heretofore advertised for bids for the procurement and performance of services required to perform supplying and planting native plants, and installing a weed barrier and mulch, 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 site preparation, and supply and planting of the desired amount of native plants in the wetland area at Martha Baldwin Park.

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

1. It is mutually agreed by and between the parties that the documents consisting of the Request for Proposal to perform tree supply and planting and the Contractor's cost proposal dated March 27, 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 City shall pay the Contractor for the performance of this Agreement in an amount not to exceed \$ 16,720.00 as set forth in the Contractor's March 27, 2018 cost proposal.
3. This Agreement shall commence upon execution by both parties, unless the City exercises its option to terminate the Agreement in accordance with the Request for Proposals.
4. The Contractor shall employ personnel of good moral character and fitness in performing all services under this Agreement.

5. The Contractor and the City agree that the Contractor is acting as an independent Contractor with respect to the Contractor's role in providing services to the City pursuant to this Agreement, and as such, shall be liable for its own actions and neither the Contractor nor its employees shall be construed as employees of the City. Nothing contained in this Agreement shall be construed to imply a joint venture or partnership and neither party, by virtue of this Agreement, shall have any right, power or authority to act or create any obligation, express or implied, on behalf of the other party, except as specifically outlined herein. Neither the City nor the Contractor shall be considered or construed to be the agent of the other, nor shall either have the right to bind the other in any manner whatsoever, except as specifically provided in this Agreement, and this Agreement shall not be construed as a contract of agency. The Contractor shall not be entitled or eligible to participate in any benefits or privileges given or extended by the City, or be deemed an employee of the City for purposes of federal or state withholding taxes, FICA taxes, unemployment, workers' compensation or any other employer contributions on behalf of the City.
6. The Contractor acknowledges that in performing services pursuant to this Agreement, certain confidential and/or proprietary information (including, but not limited to, internal organization, methodology, personnel and financial information, etc.) may become involved. The Contractor recognizes that unauthorized exposure of such confidential or proprietary information could irreparably damage the City. Therefore, the Contractor agrees to use reasonable care to safeguard the confidential and proprietary information and to prevent the unauthorized use or disclosure thereof. The Contractor shall inform its employees of the confidential or proprietary nature of such information and shall limit access thereto to employees rendering services pursuant to this Agreement. The Contractor further agrees to use such confidential or proprietary information only for the purpose of performing services pursuant to this Agreement.
7. This Agreement shall be governed by and performed, interpreted and enforced in accordance with the laws of the State of Michigan. The Contractor agrees to perform all services provided for in this Agreement in accordance with and in full compliance with all local, state and federal laws and regulations.
8. If any provision of this Agreement is declared invalid, illegal or unenforceable, such provision shall be severed from this Agreement and all other provisions shall remain in full force and effect.
9. This Agreement shall be binding upon the successors and assigns of the parties hereto, but no such assignment shall be made by the Contractor without the prior written consent of the City. Any attempt at assignment without prior written consent shall be void and of no effect.
10. The Contractor agrees that neither it nor its subcontractors will discriminate against any employee or applicant for employment with respect to hire, tenure, terms,

conditions or privileges of employment, or a matter directly or indirectly related to employment because of race, color, religion, national origin, age, sex, height, weight or marital status. The Contractor shall inform the City of all claims or suits asserted against it by the Contractor's employees who work pursuant to this Agreement. The Contractor shall provide the City with periodic status reports concerning all such claims or suits, at intervals established by the City.

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

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

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

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

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

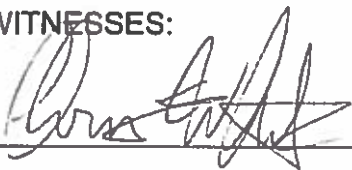
16. Any controversy or claim arising out of or relating to this Agreement, or the breach thereof, shall be settled either by commencement of a suit in Oakland County Circuit Court, the 48th District Court or by arbitration. If both parties elect to have the dispute resolved by arbitration, it shall be settled pursuant to Chapter 50 of the Revised Judicature Act for the State of Michigan and administered by the American Arbitration Association with one arbitrator being used or three arbitrators in the event any party's claim exceeds \$1,000,000. Each party shall bear its own costs and expenses and an equal share of the arbitrator's and administrative fees of arbitration. Such arbitration shall qualify as statutory arbitration pursuant to MCL§600.5001 et. seq., and the Oakland County Circuit Court or any court having jurisdiction shall render judgment upon the award of the arbitrator made pursuant to this Agreement. The laws of the State of Michigan shall govern this Agreement, and the arbitration shall take place in Oakland County, Michigan. In the event that the parties elect not to have the matter in dispute

arbitrated, any dispute between the parties may be resolved by the filing of a suit in the Oakland County Circuit Court or the 48th District Court.


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

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

WITNESSES:



CONTRACTOR

By: 

Its: SENIOR CONSULTANT
PRINCIPAL - ENVIRONMENTAL SERVICES

CITY OF BIRMINGHAM

By: _____

Andrew M. Harris

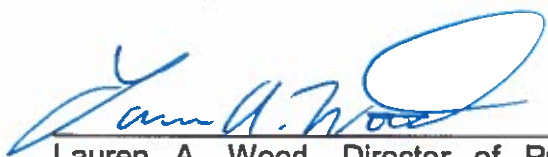
Its: Mayor

By: _____

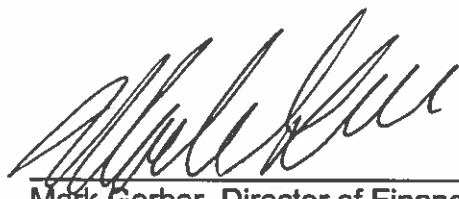
J. Cherilynn Mynsberge

Its: City Clerk

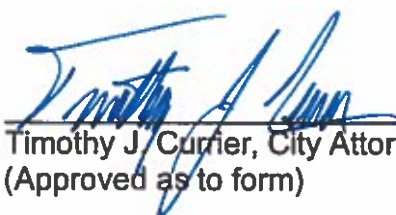
Approved:




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)
04/11/2018

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

PRODUCER
Aon Risk Services Southwest, Inc.
Houston TX Office
5555 San Felipe
Suite 1500
Houston TX 77056 USA

CONTACT NAME:
PHONE
(A/C. No. Ext): 8662837122 **FAX**
(A/C. No.): (800) 363-0105

E-MAIL ADDRESS:

INSURER(S) AFFORDING COVERAGE

NAIC #

INSURED
Cardno, Inc.
10004 Park Meadows Drive
Suite 300
Lone Tree CO 80124 USA

INSURER A:	Underwriters At Lloyds London	15792
INSURER B:	Lloyd's Syndicate No. 2232	AA1120112
INSURER C:	Zurich American Ins Co	16535
INSURER D:	Ironshore Specialty Insurance Company	25445
INSURER E:		
INSURER F:		

COVERAGES

CERTIFICATE NUMBER: 570070818045

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.

Limits shown are as requested

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
C	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Per Project Agg \$2M GENTL AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC <input type="checkbox"/> OTHER:			GLO018396102 General Liability	09/30/2017	06/30/2018	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$1,000,000 MED EXP (Any one person) \$5,000 PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$10,000,000 PRODUCTS - COMP/OP AGG \$2,000,000
C	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY			BAP 0183962-02 Auto	09/30/2017	06/30/2018	COMBINED SINGLE LIMIT (Ea accident) \$1,000,000 BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)
	<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OED <input type="checkbox"/> RETENTION						EACH OCCURRENCE AGGREGATE
C	<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	N/A	WC018396002 WC	09/30/2017	06/30/2018	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$1,000,000 E.L. DISEASE-EA EMPLOYEE \$1,000,000 E.L. DISEASE-POLICY LIMIT \$1,000,000
D	<input checked="" type="checkbox"/> Env Site Liab			002161703 Pollution	09/30/2017	06/30/2018	Occurrence \$1,000,000 Aggregate \$1,000,000

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

The City of Birmingham, including all elected and appointed officials, all employee and volunteers, all boards, commissions and/or authorities and board members, including employees and volunteers are included as Additional Insured in accordance with the policy provisions of the General Liability, Automobile Liability policies. General Liability policy evidenced herein is Primary and Non-Contributory to other insurance available to Additional Insured, but only in accordance with the policy's provisions. Contractual Liability is included under the General Liability Policy. Ongoing-Completed Operations for Additional Insured applies to General Liability Policy. General Liability policy includes Explosion/Collapse/Underground (XCU). Should General Liability, Automobile Liability and Workers' Compensation policies be cancelled before the expiration date thereof, the

CERTIFICATE HOLDER

CANCELLATION

City of Birmingham
Attn: Carrie Laird
151 Martin Street
Birmingham MI 48009 USA

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

Aon Risk Services Southwest, Inc.

Holder Identifier :

Certificate No : 570070818045

NOTICE OF PUBLIC HEARINGS

BIRMINGHAM CITY COMMISSION
PUBLIC HEARING OF NECESSITY
PUBLIC HEARING OF CONFIRMATION

Meeting Date, Time, Location:	HEARING OF NECESSITY FOR SPECIAL ASSESSMENT DISTRICT Monday, May 14, 2018, 7:30 PM Municipal Building, 151 Martin	
Meeting Date, Time, Location:	HEARING OF CONFIRMATION FOR SPECIAL ASSESSMENT DISTRICT Monday, June 4, 2018, 7:30 PM Municipal Building, 151 Martin	
Location of Improvement	STREET	AREA
	CHESTERFIELD	MAPLE TO QUARTON
	FAIRFAX	MAPLE TO RAYNALE
	SUFFIELD	MAPLE TO QUARTON
	PILGRIM	MAPLE TO QUARTON
	PURITAN	PINE TO REDDING
	LAKEPARK	MAPLE TO REDDING
	PINE	CHESTERFIELD TO LAKEPARK
	RAYNALE	CHESTERFIELD TO LAKESIDE
	REDDING	CHESTERFIELD TO LAKEPARK
Nature of Improvement:	2018 Cape Seal Program will consist of a double layer of chip seal and a slurry coat. Several street segments will also require road surface pulverization prior to cape seal treatment. Sidewalk crosswalk ramps will be reconstructed to meet ADA requirements, where applicable.	
City Staff Contact:	Aaron Filipski, Public Services Manager 248.530.1701 afilipski@bhamgov.org	
Notice Requirements:	Mail to all affected property owners. Publish: April 15th and 22nd, 2018	
Approved minutes may be reviewed at:	City Clerk's Office 151 Martin, Birmingham, MI 48009	
Estimated Costs:	Estimated costs range from \$12/curb-foot to \$15/curb-foot and vary according to individual street dimensions and the required treatment.	
	Costs are assessed to property owners based on the following method:	
	85% of front-foot costs for all property fronting the improvement;	
	25% of side-foot costs for all residential property siding the improvement;	
	85% of side-foot costs for all improved business property siding the improvement;	
	25% of side-foot costs for all vacant business property siding the improvement.	
You or your agent may appear at the hearings to express your views; however, if you fail to protest either in person or by letter received on or before the date of the hearing, you cannot appeal the amount of the special assessment to the Michigan Tax Tribunal. Mail any correspondence to: City Clerk, P.O. Box 3001, Birmingham, MI 48012		

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

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

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



MEMORANDUM

Department of Public Services

DATE: May 3, 2018

TO: Joseph A. Valentine, City Manager

FROM: Lauren A. Wood, Director of Public Services

SUBJECT: Cape Seal 2018 – Public Hearing of Necessity

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

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

Chesterfield	Maple to Quarton
Fairfax	Maple to Raynale
Suffield	Maple to Quarton
Pilgrim	Maple to Quarton
Puritan	Pine to Redding
Lakepark	Maple to Redding
Pine	Chesterfield to Lakepark
Raynale	Chesterfield to Lakeside
Redding	Chesterfield to Lakepark

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

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

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

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

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

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

Chesterfield	Maple to Quarton	\$11.67	per foot
Fairfax	Maple to Raynale	\$11.99	per foot
Suffield	Maple to Quarton	\$13.35	per foot
Pilgrim	Maple to Quarton	\$13.45	per foot
Puritan	Pine to Redding	\$14.75	per foot
Lakepark	Maple to Redding	\$14.47	per foot
Pine	Chesterfield to Lakepark	\$13.30	per foot
Raynale	Chesterfield to Lakeside	\$13.36	per foot
Redding	Chesterfield to Lakepark	\$13.40	per foot

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

SUGGESTED RESOLUTION:

To determine necessity for the improvement to be known as 2018 Cape Seal Program-Public Street Improvement; further, approving the cost estimates submitted by the Department of Public Services; further, creating a special assessment district and special assessments levied in accordance with benefits against the subject properties; further that the following method of assessment be adopted: 85% of front-foot costs for improvement are assessed on all property fronting the improvement; 25% of side-foot costs for improvement are assessed on all residential property siding the improvement; 85% of side-foot costs for improvement are assessed on improved business property siding the improvement and; 25% of side-foot costs for improvement are assessed on vacant business property siding on the improvement; further, to direct the City Manager to prepare the special assessment roll and present the same to the City Commission for confirmation at the public hearing on Monday, June 4, 2018 at 7:30 p.m.

2018 Cape Seal Prep Procedures



May 9, 2018

City of Birmingham
Department of Public Services
851 S. Eton
Birmingham, MI 48009



RE: NECESSITY FOR SPECIAL ASSESSMENT DISTRICT

I do not support or approve the proposed 2018 Cape Seal Program and, thereby, PROTEST THE SPECIAL ASSESSMENT, designated for residents of the special assessment district. CONSIDER THIS COMMUNICATION AS MY FORMAL PROTEST.

The roads are in need of significant repair. But given the uncontrolled traffic along Fairfax Street (location of my residence) including large multiple tractor trucks, I do not support the assessment. Perhaps upon controlled traffic and a strategy for routine repair of the roads, further consideration can be given.

A handwritten signature in black ink, appearing to read "Kimberly R. Zazula".

Kimberly R. Zazula
454 Fairfax
Birmingham, MI 48009
248-594-6658
248-420-9836 (cell)

NOTICE OF PUBLIC HEARING

BIRMINGHAM CITY COMMISSION
SPECIAL LAND USE PERMIT & FINAL SITE PLAN

Meeting Date, Time, Location:	Monday, May 14, 2018 at 7:30 PM Municipal Building, 151 Martin Birmingham, MI
Location of Request:	260 N. Old Woodward – The Morrie
Nature of Hearing:	To consider the Special Land Use Permit & Final Site Plan to allow the operation of a restaurant, serving alcoholic liquors, and providing live entertainment.
City Staff Contact:	Jana Ecker 248.530.1841 jecker@bhamgov.org
Notice Requirements:	Mailed to all property owners and occupants within 300 feet of subject address. Publish April 15, 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: May 3, 2018

TO: Joseph A. Valentine, City Manager

FROM: Jana L. Ecker, Planning Director

SUBJECT: Public Hearing for Special Land Use Permit & Final Site Plan Review for 260 N. Old Woodward – The Morrie

The subject site, 260 N. Old Woodward, is located within the Palladium Building in the former Au Cochon and Arthur Avenue restaurant spaces just north of the Hamilton Row and N. Old Woodward intersection. The applicant is proposing a restaurant serving alcoholic liquors, named The Morrie. The concept will be based on The Morrie restaurant currently based in Royal Oak, and will feature a casual dining style with eclectic roadhouse cuisine. The applicant is proposing the renovated 7,952 sq. ft. restaurant space to contain 214 indoor seats and 16 outdoor seats on a raised platform. Thirty-three of the proposed indoor seats will surround a bar and 240 sq. ft. raised performance stage for live entertainment. The owner of the building currently has a liquor license that may be utilized in this space, and The Morrie is proposing to utilize the license.

On March 28, 2018, the Planning Board conducted a public hearing on the above application for a Special Land Use Permit and Final Site Plan Review for The Morrie. After much discussion, the Planning Board voted unanimously to recommend approval to the City Commission of The Morrie at 260 N. Old Woodward with the condition that the applicant revise the proposed signage to comply with the Overlay signage standards. The applicant has revised the sign plans to meet the maximum height requirement of 1.5' in the Downtown Overlay District.

Accordingly, the City Commission set a public hearing date of May 14, 2018 to consider the above request for a Special Land Use Permit. Please find attached the Planning Board staff report and application attachments for your review.

SUGGESTED ACTION:

To approve the Special Land Use Permit & Final Site Plan Review for 260 N. Old Woodward – The Morrie, to allow the operation of a restaurant, serving alcoholic liquors, and providing live entertainment.

THE MORRIE
260 N. OLD WOODWARD
SPECIAL LAND USE PERMIT AMENDMENT
2018

- WHEREAS, The Morrie filed an application pursuant to Article 7, section 7.34 of Chapter 126, Zoning, of the City Code to operate a food and drink establishment in the B4 zone district in accordance Article 2, Section 2.37 of Chapter 126, Zoning, of the City Code;
- WHEREAS, The land for which the Special Land Use Permit is sought is located on the east side of N. Old Woodward, north of Hamilton Row;
- WHEREAS, The land is zoned B-4, and is located within the Downtown Birmingham Overlay District, which permits the operation of food and drink establishments serving alcoholic beverages with a Special Land Use Permit;
- WHEREAS, Article 7, section 7.34 of Chapter 126, Zoning requires a Special Land Use Permit to be considered and acted upon by the Birmingham City Commission, after receiving recommendations on the site plan and design from the Planning Board for the proposed Special Land Use;
- WHEREAS, The applicant submitted an application for a Special Land Use Permit and Final Site Plan to open a new restaurant, The Morrie, with live entertainment in the former Au Cochon and Arthur Avenue spaces;
- WHEREAS, The Planning Board on March 28, 2018 reviewed the application for a Special Land Use Permit and Final Site Plan Review and recommended approval of The Morrie with the condition that the applicant revises the proposed signage to comply with the Overlay signage standards.
- WHEREAS, The applicant has complied with the condition of approval recommended by the Planning Board and submitted revised plans;
- WHEREAS, The Birmingham City Commission has reviewed The Morrie's Special Land Use Permit Amendment application and the standards for such review as set forth in Article 7, section 7.36 of Chapter 126, Zoning, of the City Code;
- NOW, THEREFORE, BE IT RESOLVED, The Birmingham City Commission finds the standards imposed under the City Code have been met, subject to the conditions below, and that The Morrie's application for a Special Land Use Permit Amendment and Final Site Plan at 260 N. Old Woodward is hereby approved;

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

1. The Morrie shall be permitted to provide entertainment in accordance with their entertainment permit issued by the MLCC;
2. The Morrie shall abide by all provisions of the Birmingham City Code; and
3. The Special Land Use Permit may be canceled by the City Commission upon finding that the continued use is not in the public interest including, but not limited to, violations of the state law or Birmingham City Code.

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

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

MAY IT BE FURTHER RESOLVED that The Morrie is recommended for the operation of a food and drink establishment serving alcoholic beverages on premises with a Class C Liquor License, at 260 N. Old Woodward, Birmingham, Michigan, 48009, above all others, pursuant to Chapter 10, Alcoholic Liquors, of the Birmingham City Code, subject to final inspection.

I, Cherilynn Mynsberge, City Clerk of the City of Birmingham, Michigan, do hereby certify that the foregoing is a true and correct copy of the resolution adopted by the Birmingham City Commission at its regular meeting held on May 14, 2018.

Cherilynn Mynsberge, City Clerk



Special Land Use Permit Application

Planning Division

Form will not be processed until it is completely filled out.

1. Applicant

Name: AFB HOSPITALITY GROUP LLC

Address: 27387 WOODWARD AVE

BERKLEY MI 48072

Phone Number: 248-629-9221 x201

Fax Number: _____

Email Address: AFB@AFBHOSPITALITYGROUP.COM

Property Owner

Name: JORDAN JONNA

Address: 4036 TELEGRAPH RD

SUITE 201 BLOOMFIELD HILLS MI 48302

Phone Number: 248-431-0350

Fax Number: 248-593-6203

Email Address: JJONNA@AFJONNA.COM

2. Applicant's Attorney/Contact Person

Name: KELLY ALLEN

Address: 40950 WOODWARD AVE.

BLOOMFIELD HILLS MI 48304

Phone Number: 248-540-7400

Fax Number: _____

Email Address: KALLEN@ANAFIRM.COM

Project Designer/Developer

Name: BIDDISON ARCHITECTURE

Address: 320 MARTIN ST LL10

BIRMINGHAM MI 48009

Phone Number: 248-554-9500

Fax Number: _____

Email Address: _____

3. Required Attachments

- Warranty Deed with legal description of property
- Required fee (see Fee Schedule for applicable amount)
- Fifteen (15) folded copies of plans including a certified land survey, color elevations showing all materials, site plan, landscape plan, photometric plan, and interior plan
- Photographs of existing site and buildings
- Samples of all materials to be used

- Catalog sheets for all proposed lighting, mechanical equipment & outdoor furniture
- An itemized list of all changes for which approval is requested
- Completed Checklist
- Digital copy of plans
- One (1) additional set of plans mounted on a foam board, including a color rendering of each elevation

4. Project Information

Address/Location of Property: 260 N. OLD
WOODWARD AVE. BIRMINGHAM MI 48009

Name of Development: _____

Sidwell #: _____

Current Use: _____

Proposed Use: A-2 RESTAURANT

Area in Acres: _____

Current Zoning: D-4 OVERLAY

Zoning of Adjacent Properties: D-4 OVERLAY / P

Is there a current SLUP in effect for this site?: _____

Is property located in the floodplain? _____

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? _____

5. Details of the Nature of Work Proposed (Site plan & design elements)

INTERIOR RENOVATION, EXISTING KITCHEN TO REMAIN,
RESTROOM TO REMAIN, BACKROOM TO REMAIN, EXISTING
STORE FRONT GLAZING TO REMAIN, EXTERIOR SIGNAGE
TO BE RENOVATED

11. Streetscape **EXISTING**

Sidewalk width: MIN 5'-0"
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 **EXISTING**

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 **EXISTING**

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 **ALREADY ESTABLISHED**

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: **EXISTING**

Number of ground mounted units: _____
Size of ground mounted units (LxWxH): _____

Location of all ground mounted units: _____

Screenwall material: _____

Height of screenwall: _____

Rooftop Mechanical Equipment: **EXISTING**

Number of rooftop units: _____
Type of rooftop units: _____

Location of all ground mounted units: _____

Size of rooftop units (LxWxH): _____

Screenwall material: _____
Location of screenwalls: _____

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 EXISTING CITY LIGHT POLES

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: [Signature]
Print Name: Jordan Jones

Date: 2/1/2018

Signature of Applicant: [Signature]
Print Name: Arron F. Bolen

Date: 2/1/2018

Signature of Architect: [Signature]
Print Name: Kevin Biddison

Date: 2/1/18

Office Use Only

Application #: _____ Date Received: _____ Fee: _____

Date of Approval: _____ Date of Denial: _____ Accepted by: _____

OAKLAND COUNTY TREASURERS CERTIFICATE
I HEREBY CERTIFY that there are no TAX LIENS or TITLES
held by the state or any individual against the within description
and all TAXES on same are paid for five years previous to the
date of this instrument as appears by the records in the office
except as stated.

APR 23 2014

ANDREW E. MEISNER, County Treasurer
Sec. 135, Act 206, 1893 as amended

1.00

78470
LIBER 46980 PAGE 443
\$19.00 DEED - COMBINED
\$4.00 REMONUMENTATION
04/23/2014 04:28:55 P.M. RECEIPT# 37699
PAID RECORDED - OAKLAND COUNTY
LISA BROWN, CLERK/REGISTER OF DEEDS

003439

COVENANT DEED ①

THIS COVENANT DEED, dated as of April 23, 2014, from **CROWLEY-WILLITS RETAIL, L.L.C.**, a Delaware limited liability company ("Grantor") having an address of c/o The Related Companies, L.P., 60 Columbus Circle, New York, New York 10023 to **The Palladium of Birmingham, LLC**, a Michigan limited liability company (the "Grantee") having an address of 4036 Telegraph Road, Suite 201, Bloomfield Hills, Michigan 48302.

WITNESSETH

That said Grantor, in consideration of the sum of Ten (\$10.00) Dollars and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell, convey and warrant unto Grantee, its successors and assigns, all of Grantor's right, title and interest in and to the parcel or parcels of land described in Exhibit A hereto (the "Real Estate"), together with the appurtenances and rights of Grantor with respect to the Real Estate, and Grantor's interest in the buildings, structures and other improvements, including the building fixtures therein, now or hereafter located on and permanently annexed to the Real Estate, (the "Improvements"), which Improvements are and shall remain real property. The Real Estate and Improvements are collectively referred to herein as the "Property".

TO HAVE AND TO HOLD the Property together with the appurtenances and all the estate and rights of Grantor in and to the Property, unto the Grantee, its successors and assigns forever. It is the intent of Grantor by virtue of this instrument to transfer to Grantee all of Grantor's entire interest in the Property.

Grantor does hereby bind itself, its successors and assigns, to warrant and forever defend all and singular the title to said estate in the Property unto the said Grantee, its successors and assigns, against all and every person or persons whomsoever lawfully claiming or to claim the same by, through, or under Grantor, subject only to those validly existing encumbrances, easements, conditions and restrictions relating to the hereinabove described Property as now reflected by the real estate records of the Register of Deeds for Oakland County of Michigan and those matters listed on Exhibit B attached hereto and made a part hereof.

CONSIDERATION: For the full consideration as set forth in the Real Estate Transfer Tax Valuation Affidavit, the receipt and adequacy of which is hereby acknowledged.


REVENUE TO BE AFFIXED
AFTER RECORDING

OK - AN

This property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan Right to Farm Act.

IN WITNESS WHEREOF, said Grantor has caused these presents to be executed as of the date first above written.

CROWLEY-WILLITS RETAIL, L.L.C.,
a Delaware limited liability company

By: 
Name: GOPAL RAJEGOWDA
Title: Authorized Officer

STATE OF New York)
) ss:
COUNTY OF Kings)

The foregoing instrument was acknowledged before me this 21st day of April, 2014 by Gopal Rajegowda, an Authorized Officer of CROWLEY-WILLITS RETAIL, L.L.C., a Delaware limited liability company. He / She is personally known to me (~~or has produced~~ as identification).

[Notarial Seal] ERIN M. CUNNINGHAM
Notary Public, State of New York
No. 01CU6283130
Qualified in Kings County
Commission Expires 5/28/2017

Erin M. Cunningham
Notary Public
Kings County, ~~Michigan~~ New York
Acting in New York County
My Commission Expires: 5/28/2017

DRAFTED BY:
Richard A. Zussman
Jaffe, Raitt, Heuer & Weiss, P.C.
27777 Franklin Road, Suite 2400
Southfield, Michigan 48034

AFTER RECORDING, RETURN TO:

SEND SUBSEQUENT TAX BILLS TO: Grantee

TAX INDEX NOS.: 19-25-453-011

When Recorded Return to:
Title Source, Inc. -
Commercial Team
662 Woodward Avenue
Detroit, MI 48226
TSI#: 58844352 JRV

EXHIBIT A

LEGAL DESCRIPTION

Land situated in the City of Birmingham, County of Oakland, State of Michigan, described as:

PARCEL 1

Part of Lots 50, 53, 56 and 57, ASSESSOR'S PLAT NO. 21, according to the recorded plat thereof, as recorded in Liber 54 of Plats, page 19, Oakland County Records, beginning at the Southwest corner of Lot 51, thence North 35 degrees 11 minutes 35 seconds West 128.29 feet, thence North 54 degrees 51 minutes 55 seconds East 222.63 feet, thence South 30 degrees 00 minutes 55 seconds East 132.74 feet, thence South 08 degrees 33 minutes 06 seconds East 52.76 feet, thence South 82 degrees 28 minutes 25 seconds West 110.96 feet, thence South 54 degrees 39 minutes 25 seconds West 88.72 feet to Beginning.

Also all of Lots 51, 52, 58 and 59 of said Subdivision.

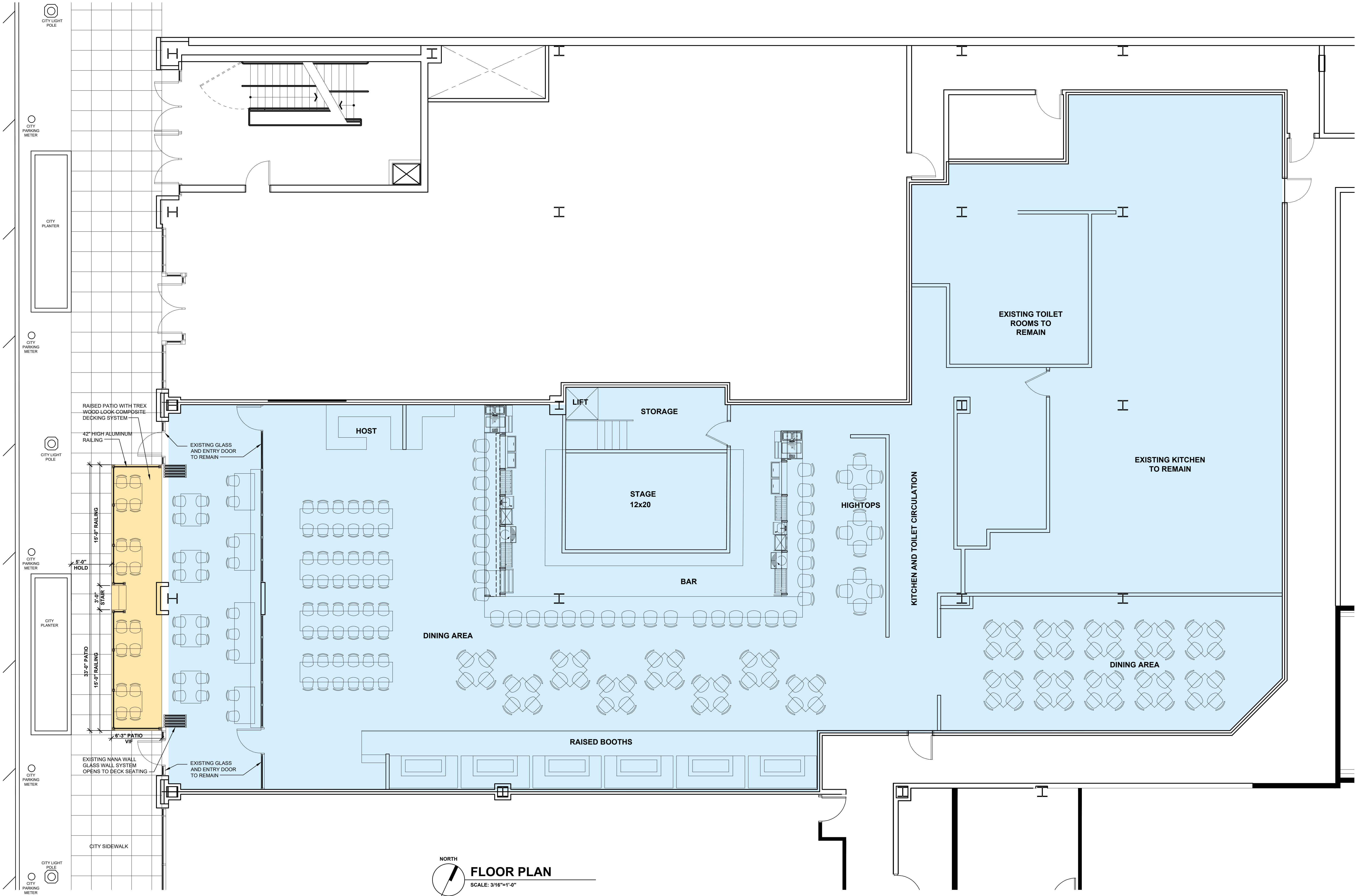
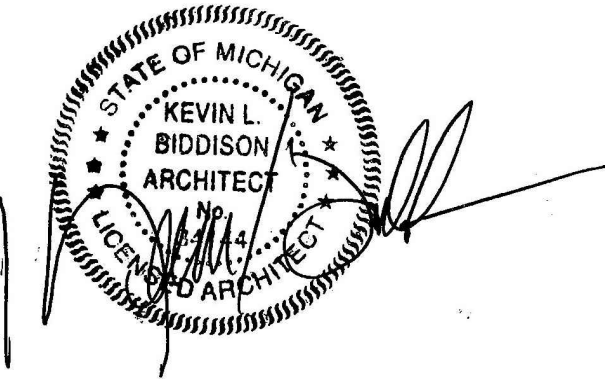
PARCEL 2:

Part of Lots 53, 56 and 57, ASSESSOR'S PLAT NO. 21, according to the plat thereof, as recorded in Liber 54 of Plats, page 19, Oakland County Records, beginning at point distant 128.29 feet from the Southwest corner of Lot 51, thence North 35 degrees 11 minutes 35 seconds West 25 feet, thence North 54 degrees 51 minutes 55 seconds East 224.90 feet, thence South 30 degrees 00 minutes 55 seconds East 25.10 feet, thence South 54 degrees 51 minutes 55 seconds West 222.63 feet.

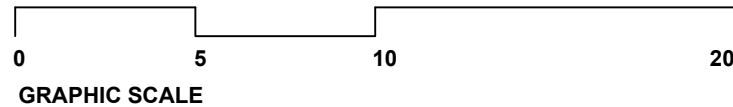
EXHIBIT B

PERMITTED EXCEPTIONS

1. Liens for taxes and assessments which are not yet due and payable.
2. Right of Way granted to The Detroit Edison Company recorded February 22, 1973 in Liber 6249, Page 128.
3. Resolution recorded July 2, 1984 in Liber 8715, Page 120.
4. Terms and Conditions of Consent Judgment recorded November 12, 1999 in Liber 20789, Page 58.
5. Building and zoning laws and ordinances for the municipality where the Property is located and any county, state or federal regulations affecting the Property.
6. Matters that would be disclosed by an accurate survey of the Property.



NORTH
FLOOR PLAN
SCALE: 3/16"=1'-0"





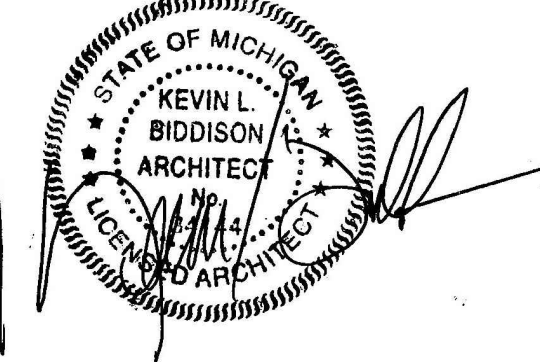
EXTERIOR PATIO PERSPECTIVE

FOR REFERENCE NOT TO SCALE



EXTERIOR ELEVATION

FOR REFERENCE NOT TO SCALE



Consultant

Project title

PROPOSED BUILDING RENOVATION FOR
THE MORRIE

260 N OLD WOODWARD AVE,
BIRMINGHAM, MI 48009

Issued drawing

Sheet title

INTERIOR
PERSPECTIVE
IMAGE

Project number

2010.17

Sheet number

A.301



INTERIOR PERSPECTIVE
FOR REFERENCE NOT TO SCALE



INTERIOR PERSPECTIVE
FOR REFERENCE NOT TO SCALE



INTERIOR PERSPECTIVE
FOR REFERENCE NOT TO SCALE



INTERIOR PERSPECTIVE
FOR REFERENCE NOT TO SCALE

Consultant

Project title

PROPOSED BUILDING RENOVATION FOR
THE MORRIE

260 N OLD WOODWARD AVE,
BIRMINGHAM, MI 48009

Issued drc

SPECIAL LAND USE
PERMIT 02.01.18

Sheet title

INTERIOR
PERSPECTIVE
IMAGES

Project no

2010.17

Sheet no

A.302



INTERIOR PERSPECTIVE
FOR REFERENCE NOT TO SCALE



INTERIOR PERSPECTIVE
FOR REFERENCE NOT TO SCALE



INTERIOR PERSPECTIVE
FOR REFERENCE NOT TO SCALE



INTERIOR PERSPECTIVE
FOR REFERENCE NOT TO SCALE



MEMORANDUM

Planning Department

DATE: March 14th, 2018

TO: Jana Ecker, Planning Director

FROM: Nicholas Dupuis, Planning Intern

SUBJECT: 260 N. Old Woodward – The Morrie – Special Land Use Permit & Final Site Plan Review

Executive Summary

The subject site, 260 N. Old Woodward, is proposed in the first floor of the Palladium building just north of the Hamilton Row and N. Old Woodward Intersection. The Morrie features a casual dining style while serving eclectic neighborhoods roadhouse cuisine. The applicant is proposing the renovated 7,952 sq. ft. restaurant space to contain 214 indoor seats and 16 outdoor seats on a raised platform. 33 of the proposed indoor seats will surround a bar and 240 sq. ft. raised performance stage for live entertainment. **The Planning Department has requested additional detail regarding the proposed entertainment but has not received any new information at this time.**

The applicant is seeking a Special Land Use Permit to engage in the sale of liquor. The liquor license is currently with the tenant space, and the Morrie is proposing to utilize that license.

The applicant is also proposing new signage for the Morrie to be located above the restaurant windows.

1.0 Land Use and Zoning

- 1.1 Existing Land Use – The existing land use is commercial, replacing a former Italian restaurant space.
- 1.2 Existing Zoning – The property is currently zoned B-4, Business-Residential, and D-4 in the Downtown Overlay District. The existing use and surrounding uses appear to conform to the permitted uses of each Zoning District.
- 1.3 Summary of Land Use and Zoning - The following chart summarizes existing land use and zoning adjacent to and/or in the vicinity of the subject site.

	North	South	East	West
Existing Land Use	Commercial / Retail	Commercial / Retail	Commercial / Retail	Commercial / Retail
Existing Zoning District	B-4, Business-Residential	B-4, Business-Residential	B-4, Business-Residential	B-4, Business-Residential
Downtown Overlay Zoning District	D-4	D-4	D-4	D-4

2.0 Screening and Landscaping

- 2.1 Screening – No screening is proposed at this time. However, if needed in the future, the applicant will be required to screen any additional mechanical equipment in accordance with the Zoning Ordinance.
- 2.2 Landscaping – No changes proposed.

3.0 Parking, Loading, Access, and Circulation

- 3.1 Parking – As the subject site is located within the Parking Assessment District, the applicant is not required to provide on-site parking.
- 3.2 Loading – No changes are proposed.
- 3.3 Vehicular Access & Circulation - Vehicular access to the building will not be altered.
- 3.4 Pedestrian Access & Circulation – Pedestrians will be able to access the restaurant from N. Old Woodward via two entry doors, one on the northern end of the façade and one on the southern portion of the façade. Patrons may enter the restaurant from the elevated outdoor patio as well through a retractable window wall system.
- 3.5 Streetscape – The proposed outdoor dining platform is the only proposed change to the streetscape. The applicant has indicated that there will be 5 ft. of

unobstructed pedestrian right of way available from the end of the dining platform to the edge of the new Old Woodward streetscape elements such as planters, parking meters and light poles.

4.0 Lighting

The applicant is not proposing any new lighting for the property. New pedestrian street lights will light the property once installed as part of the Old Woodward Reconstruction Project. The Applicant has not indicated any illumination for the proposed signage. The Applicant must submit any proposed signage lighting to the Planning Department for approval.

5.0 Departmental Reports

5.1 Engineering Division – The Engineering Department has no concerns at this time.

5.2 Department of Public Services –

5.3 Fire Department –

5.4 Police Department –

5.5 Building Department – As requested, 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 Design Review purposes and applicant consideration:

Applicable Building Codes:

- 2015 Michigan Building Code. Applies to all buildings other than those regulated by the Michigan Residential Code.
- 2015 Michigan Residential Code. Applies to all detached one and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with a separate means of egress and their accessory structures.
- 2015 Michigan Mechanical Code. (Residential requirements for mechanical construction in all detached one and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with a separate means of egress and their accessory structures are contained in the Michigan Residential Code).
- 2015 Michigan Plumbing Code. (Residential requirements for plumbing construction in all detached one and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with a separate means of egress and their accessory structures are contained in the Michigan Residential Code).

- 2014 National Electrical Code along with the Michigan Part 8 Rules. (Residential requirements for electrical construction in all detached one and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with a separate means of egress and their accessory structures are contained in the Michigan Residential Code)

Review Comments:

1. Per Section 3202.2 2015 MBC. The North entry door can't swing into the public right-of way and needs to be recessed back to provide proper egress.
2. Per Section 3202.2 2015 MBC. The South entry door can't swing into the public right-of way and needs to be recessed back to provide proper egress.
3. The construction of the building is 2B. The stage must be built in strict compliance with sections 410.3.1 (1), and 410.4, 2015 MBC.
4. The applicant must obtain an outdoor dining permit from the building department.

6.0 Design Review

Exterior:

The Applicant is proposing the façade to be comprised of existing stone, existing "Nana" wall glass wall system, existing glass entry doors, a new painted aluminum awning at northern entry, a new metal fascia mounted to the stone façade to replace the existing sign band, and new signage. The Trex Wood composite outdoor platform is proposed to be 10 in. off of the ground with 42 in. high aluminum railings. The applicant has not indicated the color or manufacturer of the newly proposed façade materials. **The Applicant must submit material specification sheets for all newly proposed materials to complete the design review, including any signage.**

Signage:

The proposed signage will be constructed of metal letters and will be mounted atop the newly proposed metal fascia. The proposed signage reads "The Morrie" and measures 10 ft. long by 2 ft. high (20 sq. ft.). The Overlay Sign Ordinance allows a *single* external sign band or zone to be applied to the facade of a building between the first and second floors, provided that it shall be a maximum of 1.5 feet in vertical dimension by any horizontal dimension.

The proposed signage does not meet the sign standards outlined in Article 3, Section 3.04(F) of the Zoning Ordinance, as the sign height is greater than 1.5 ft. **The Applicant must submit revised signage plans depicting proposed signage that measures no more than 1.5 ft. by any horizontal dimension.**

7.0 Downtown Birmingham 2016 Overlay District

The site is located within the D-4 zone of the DB 2016 Regulating Plan, within the Downtown Birmingham Overlay District. The Planning Division finds the proposed site plan adequately implements the goals of the plan as they relate to outdoor café uses. The 2016 Plan states that outdoor dining space is in the public's best interest as it

enhances street life, thus promoting a pedestrian friendly environment. The 2016 Plan also recommends that a 5' clear pedestrian passage be provided against the storefronts to ensure that merchants can display and sell their products and so as not to distort the flow of pedestrians.

8.0 Approval Criteria

In accordance with Article 7, section 7.27 of the Zoning Ordinance, the proposed plans for development must meet the following conditions:

- (1) The location, size and height of the building, walls and fences shall be such that there is adequate landscaped open space so as to provide light, air and access to the persons occupying the structure.
- (2) The location, size and height of the building, walls and fences shall be such that there will be no interference with adequate light, air and access to adjacent lands and buildings.
- (3) The location, size and height of the building, walls and fences shall be such that they will not hinder the reasonable development of adjoining property not diminish the value thereof.
- (4) The site plan, and its relation to streets, driveways and sidewalks, shall be such as to not interfere with or be hazardous to vehicular and pedestrian traffic.
- (5) The proposed development will be compatible with other uses and buildings in the neighborhood and will not be contrary to the spirit and purpose of this chapter.
- (6) The location, shape and size of required landscaped open space is such as to provide adequate open space for the benefit of the inhabitants of the building and the surrounding neighborhood.

9.0 Approval Criteria for Special Land Use Permits

Article 07, section 7.34 of the Zoning Ordinance specifies the procedures and approval criteria for Special Land Use Permits. Use approval, site plan approval, and design review are the responsibilities of the City Commission. This section reads, in part:

Prior to its consideration of a special land use application (SLUP) for an initial permit or an amendment to a permit, the **City Commission shall refer the site plan and the design to the Planning Board for its review and recommendation. After receiving the recommendation, the City Commission shall review the site plan and design of the buildings and uses proposed** for the site described in the application of amendment.

The City Commission's approval of any special land use application or amendment pursuant to this section shall constitute approval of the site plan and design.

10.0 Suggested Action

Based on a review of the site plans submitted, the Planning Division recommends that the Planning Board recommend POSTPONE the applicant's request for Final Site Plan and a SLUP for 260 N. Old Woodward – The Morrie, with the following condition:

1. The applicant revises the proposed signage to comply with the overlay signage standards.
2. The applicant provides details on the proposed entertainment; and
3. The applicant provides material samples to complete the design review.

11.0 Sample Motion Language

Based on a review of the site plans submitted, the Planning Division recommends that the Planning Board recommend POSTPONE the applicant's request for Final Site Plan and a SLUP for 260 N. Old Woodward – The Morrie, with the following condition:

1. The applicant revises the proposed signage to comply with the overlay signage standards.
2. The applicant provides details on the proposed entertainment; and
3. The applicant provides material samples to complete the design review.

OR

Motion to recommend DENIAL of the Final Site Plan and SLUP to the City Commission for 260 N. Old Woodward – The Morrie, for the following reasons:

1. _____
2. _____

OR

Motion to APPROVAL of the Final Site Plan and SLUP for 260 N. Old Woodward – The Morrie, with the following conditions:

1. _____
2. _____



Matthew Baka <mbaka@bhamgov.org>

Fwd: The Morrie of Birmingham

1 message

Jana Ecker <jecker@bhamgov.org>

Mon, Mar 26, 2018 at 5:19 PM

To: "Baka, Matthew" <MBaka@bhamgov.org>, Bert Koseck <bkoseck@neumannsmith.com>, Brooks Cowan <bcowan@bhamgov.org>, Bryan Williams <jwilliams@dickinsonwright.com>, Carole Salutes <carole.salutes@yahoo.com>, Dan Share <dshare@bsdd.com>, Gillian Lazar <glazar@hallandhunter.com>, Janelle Whipple Boyce <jlwboyce@gmail.com>, "jlwboyce@hotmail.com" <jlwboyce@hotmail.com>, Nasseem Ramin <nramin@dykema.com>, Robin Boyle <aa2815@wayne.edu>, "robinboyle@ameritech.net" <robinboyle@ameritech.net>, Scott Clein <s.clein@comcast.net>, Stuart Jeffares <stuartjeffares@gmail.com>

I know that you prefer all information to be submitted in the full agenda packet, however, the applicant sent over this entertainment information today for The Morrie.

Please do not comment via email on the info...it is for your review for Wed night's meeting.

Have a great evening,

Jana

*******Open Meetings Act**

Caution*****

This email and attachments have been provided to you for information purposes only. Do not reply to this email by the use of group email with your fellow elected or appointed officials because it may, unintentionally, create or give the appearance of a violation of the Michigan Open Meetings Act.

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

From: **Kelly Allen** <KAllen@anafirm.com>

Date: Mon, Mar 26, 2018 at 1:43 PM

Subject: The Morrie of Birmingham

To: Jana Ecker <jecker@bhamgov.org>, Nicholas Dupuis <ndupuis@bhamgov.org>

Cc: "AFB (afb@afbhospitalitygroup.com)" <afb@afbhospitalitygroup.com>, "kb@biddison-ad.com (kevinbiddison@gmail.com)" <kevinbiddison@gmail.com>

Hi Nicholas: I am working with Aaron Belen and Kevin Biddison on The Morrie, which is scheduled for the Planning Board Meeting on March 28th.

Please forward this e-mail to the Planning Commissioners for their consideration as it pertains to the proposed entertainment at the The Morrie.

The Morrie in Birmingham will operate in a similar fashion as does The Morrie in Royal Oak. We would encourage any and all City Officials and residents to visit The Morrie in Royal Oak to take in a great meal and the entertainment.

As far as the entertainment is concerned, please consider the following:

1. Type of Entertainment: The Morrie will bring live entertainment to the City of Birmingham. The type of music is intended to span the generations, from the contemporary music, pop, rock and roll, jazz, classical piano, acoustic guitars and bands striving to be discovered.

The Morrie's "House Band" is called "Your Generation In Concert". It is a live multimedia spectacular celebrating six decades of American and British pop/rock hits. Your Generation In Concert is led by a nine-piece band. This exciting ensemble is sure to play all the hits The Morrie goer will remember and, will want to sing along with the band.

We encourage the Planning Board to visit the The Morrie's website at themorrie.com to hear the House Band and peruse other live entertainment.

The Morrie may also feature an occasional Comedian.

2. Entertainment Hours: In addition to culinary integrity and a focus on guest service, live entertainment is an integral part of The Morrie experience. The level of commitment to staging, lighting and sound equipment indicate that we will not confine the live entertainment experience to weekends. Acoustic duos at brunch, classical piano, and electric violins are all on the menu.

3. Guest Interaction: Other than singing along with the band there will be no guest interaction.

4. Other Information: The Morrie will operate in accordance with the Special Land Use Permit and the City of Birmingham's Entertainment Agreement. Further, the Royal Oak Chief of Police, Chief Corrigan O'Donahue has provided a great reference to Chief Mark Clemence, a copy of which is attached.

If you have any questions, please call me. I appreciate your assistance.

Thank you,

Kelly



ADKISON, NEED, ALLEN, & RENTROP, PLLC

39572 Woodward Ave., Suite 222

Bloomfield Hills, MI 48304

(248)-540-7400

KAllen@ANAFirm.com

www.ANAfirm.com

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Pursuant to applicable U.S. Treasury Regulations, if, and to the extent, this message contains advice concerning one or more Federal tax issues, it is not a formal legal opinion and may not be relied upon or used by any person for the avoidance of Federal tax penalties.

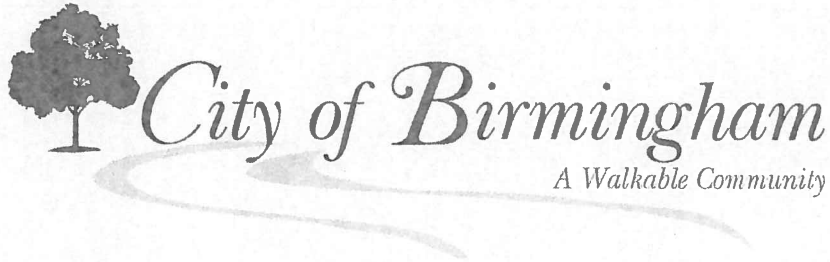
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Jana L. Ecker

***Planning Director
City of Birmingham
248-530-1841***



City of Royal Oak_20180323_161936.pdf
325K



January 23, 2018

Mark Pipis, Manager
Imagine Palladium & IronWood Grill (CH Birmingham, LLC)
209 Hamilton Row
Birmingham MI 48009

Dear Mr. Pipis:

This letter is to advise you of an amendment made to the Birmingham City Code, which took effect January 21, 2018, involving the process by which violations or failures to abide by the terms of a liquor license, contract, special land use permit, state law or the City Code will be handled going forward. A copy of this new ordinance is enclosed for your review.

Compliance with the provisions that govern Alcoholic Liquors is essential to the City ensuring the public's health, safety and welfare is made a priority by all liquor license establishments. Continued adherence with these provisions will mean the new ordinance provision will have no effect on your business. However, should a violation or failure occur a temporary suspension of your license, in whole or in part, may occur until such time a hearing before the City Commission is scheduled.

The relevant new language is included in Division 6, Section 10-125 (a) which provides the details of this change.

Your ongoing efforts to ensure compliance for your establishment are appreciated. Should you have any questions concerning this new ordinance amendment, please feel free in contacting me.

Sincerely,

Joseph A. Valentine
City Manager
Jvalentine@bhamgov.org
(248) 530.1809

Enclosure

ORDINANCE 2260

AN ORDINANCE TO AMEND PART II OF THE CITY CODE, CHAPTER 10. ALCOHOLIC LIQUORS, ARTICLE II. LICENSES, BY DELETING SEC. 10-107 FROM DIVISION 5. AND ADDING DIVISION 6. VIOLATION OF LICENSE, CONTRACT, SPECIAL LAND USE.

THE CITY OF BIRMINGHAM ORDAINS:

Part II of the City Code, Chapter 10. Alcoholic Liquors, Article II. Licenses, shall be amended to delete Section 10-107 Violation of license, contract, special land use permit, and to add Division 6. - Violation of License, Contract, Special Land Use, as follows:

DIVISION 5. - LICENSES FOR THEATERS

Section 10-107. Section deleted.

Secs. 10-108—10-124. - Reserved.

DIVISION 6. - VIOLATION OF LICENSE, CONTRACT, SPECIAL LAND USE PERMIT

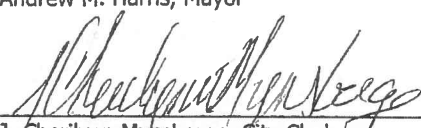
Sec. 10-125. - Violation of license, contract, special land use permit.

- (a) Violations or failures to abide by terms of the liquor license, contract, special land use permit, state law or this Code, shall be grounds for the City Manager or his designee to temporarily suspend, in whole or in part, the special land use permit of the licensee. Such action shall be taken upon recommendation of the Police Chief or his designee as to the violations or failures of the licensee. The City Manager shall schedule a hearing before the Birmingham City Commission to review the facts and circumstances for the temporary suspension, in whole or in part, and the City Commission shall determine whether the said suspension should be rescinded, continued or other actions in accordance with this Code should be taken.
- (b) Violations or failures to abide by terms of the liquor license, contract, special land use permit, state law or this Code shall be grounds for the state liquor control commission to suspend, revoke or not renew the liquor license. Further, should violations occur, or should the applicant fail to complete the project as required by plans and specifications presented to the city commission, or fail to comply with all representations made to the city commission, the city shall be entitled to exercise any or all remedies provided in those documents, in this Code, including but not limited to seeking the revocation of the special land use permit, pursuing breach of contract claims, and all other legal and equitable rights to enforce the terms thereunder. The licensee shall reimburse the city all of its costs and actual attorney fees incurred by the city in seeking the suspension, revocation or non-renewal of the liquor license, revocation of the special land use permit, or enforcement of such other rights and remedies, including contractual, as may be available at law or in equity.

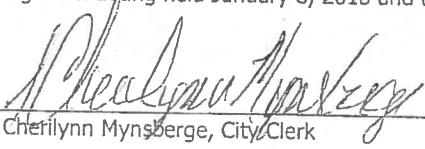
All other Sections of Chapter 10 Alcoholic Liquors, shall remain unaffected.

Ordained this 8th day of January, 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 January 8, 2018 and that a summary was published January 21, 2018.


J. Cherilynn Mynsberge, City Clerk

PLANNING BOARD
WEDNESDAY, MARCH 28, 2018

2. 260 N. Old Woodward Ave.

The Morrie (formerly Au Cochon and Arthur Avenue)

Application for FINAL SITE PLAN REVIEW AND SLUP to allow a new restaurant with entertainment

Ms. Ramin and Mr. Share gave up their places to Chairman Clein and Ms. Lazar who re-joined the board.

Mr. Baka advised that the subject site, 260 N. Old Woodward Ave., is proposed in the first floor of the Palladium Building just north of the Hamilton Row and N. Old Woodward Ave. Intersection. The existing zoning is B-4/D-4 in the Downtown Overlay. The Morrie features a casual dining style while serving eclectic neighborhood roadhouse cuisine. The applicant is proposing that the renovated 7,952 sq. ft. restaurant space will contain 214 indoor seats and 16 outdoor seats on a raised platform. Thirty-three of the proposed indoor seats will surround a bar and 240 sq. ft. raised performance stage for live entertainment.

Ms. Ecker noted discussion at the City Commission concluded that in general they want to know what the concept is for the entertainment. Ordinance amendments are in place now so that if a problem arises, the Police Chief can address it right away.

The applicant is seeking a SLUP to engage in the sale of liquor. The liquor license is currently with the tenant space, and the Morrie is proposing to utilize that license.

The applicant is also proposing new signage for the Morrie to be located above the restaurant windows.

Design Review

Exterior: The applicant is proposing the façade to be comprised of existing stone, existing "Nana" wall glass wall system, existing glass entry doors, a new painted aluminum awning at the northern entry, a new metal fascia mounted to the stone façade to replace the existing sign band, and new signage. The Trex Wood composite outdoor platform is proposed to be 10 in. off of the ground with 42 in. high aluminum railings. The applicant has not indicated the color or manufacturer of the newly proposed façade materials. The applicant must submit material specification sheets for all newly proposed materials to complete the design review, including any signage.

Signage: The proposed signage will be constructed of metal letters and mounted atop the newly proposed metal fascia. The proposed signage reads "The Morrie" and measures 10 ft. long by 2 ft. high (20 sq. ft.). The Overlay Sign Ordinance allows a single external sign band or zone to be applied to the facade of a building between the first and second floors, provided that it shall be a maximum of 1.5 ft. in vertical dimension by any horizontal dimension. **The proposed signage does not meet the sign standards outlined in Article 3, Section 3.04(F) of the Zoning Ordinance, as the sign height is greater than 1.5 ft.** The applicant must submit revised signage plans depicting proposed signage that measures no more than 1.5 ft. by any vertical dimension.

Motion by Mr. Williams

Seconded by Ms. Whipple-Boyce to make two documents a part of the record:

- 1. Letter from the City Manager dated January 23, 2018 addressed to Imagine Palladium dealing with changes to the Zoning Ordinance;**
- 2. An e-mail from Jana. Ecker to board members sent on March 26, 2018 in which she forwards an e-mail from Kelly Allen, Counsel to the applicant, where the applicant describes the types of entertainment that they envision at this location.**

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

Absent: None

Mr. Kevin Biddison, Biddison Architecture, passed around samples of the materials. They feel that they are simplifying somewhat of a cluttered elevation and hopefully cleaning it up and making it a bit more visually interesting. They will be more than happy to comply with the Sign Ordinance on the height of the letters. The Morrie will have good food combined with fun and a family orientation.

Mr. Keith Schofield, Director of Operations for the company, described what will happen at the restaurant on a typical week-end. They feel there is a broad enough distance between their property in Royal Oak and this property. They predict that their demographic range in Birmingham will skew between ages 30 to 32, whereas their Royal Oak restaurant attracts a younger crowd. In response to Mr. Jeffares, Mr. Schofield anticipated there would be times when the Nana walls would be open when music is playing. There will be a cover charge for bands on the week-ends.

Chairman Clein asked for comments from the public on the proposal at 8:50 p.m.

Mr. Kirk Karamanian, 655 Oakland, thought this is a great idea; a family restaurant that also has entertainment in the evening. He feels the Morrie in Royal Oak is a really well run establishment. He urged the Planning Board to approve the proposal.

Mr. Jordan Jonna said he is with Jonna Development Co., the company that redeveloped the Palladium four years ago. In his mind, this is the last key to their project. After visiting the Morrie in Royal Oak, he indicated that he is impressed with every aspect.

In response to Mr. Williams, Ms. Ecker assured him that if there is an issue with noise the City is prepared to deal with a situation where the noise might be considered by some residents to be excessive.

Ms. Whipple-Boyce said she visited the Morrie in Royal Oak and was pleasantly surprised by the atmosphere, by the food, and everything they have done. She thought this really can work in Birmingham. There are tools in place now in the event that something goes wrong. This is unlike anything else in town, and she is really supportive of it and hopes that it succeeds. She felt that it can with something a little different and more than just dining.

Mr. Jeffares added that he thinks the City has a dire need for this type of entertainment.

Mr. Koseck spoke in favor of the proposal but wished they had gone further with the facade treatment.

Mr. Boyle thought their website could be improved.

Motion by Ms. Whipple-Boyce

Seconded by Mr. Williams to recommend approval of the applicant's request for Final Site Plan and a SLUP for 260 N. Old Woodward Ave., the Morrie, with the following condition:

1. The applicant revise the proposed signage to comply with the Overlay Signage Standards.

At 8:57 p.m. 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

NOTICE OF PUBLIC HEARING

BIRMINGHAM CITY COMMISSION

AMENDMENTS TO ZONING ORDINANCE

Meeting - Date, Time, Location:	Monday, May 14, 2018 7:30 PM Municipal Building, 151 Martin Birmingham, MI 48009
Nature of Hearing:	<p>To consider the following amendments to the Zoning Ordinance:</p> <ol style="list-style-type: none">1. To amend Article 3, Section 3.04(C)(10), Specific Standards, Building Use, to amend the regulations for a bistro in the Downtown Overlay District.2. To amend Article 5, Section 5.06(A), O1 – Office District, Specific Standards, Building Use, to amend the regulations for a bistro in the O1 District.3. To amend Article 5, Section 5.07(A), O2 – Office Commercial District, Specific Standards, Building Use, to amend the regulations for a bistro in the O2 District.4. To amend Article 5, Section 5.08(A), P – Parking District, Specific Standards, Building Use, to amend the regulations for a bistro in the P District.5. To amend Article 5, Section 5.10(B), B2 – General Business district, B2B – General Business District, B2C – General Business District, Specific Standards, Building Use, to amend the regulations for a bistro in the B2B District.6. To amend Article 5, Section 5.11(A), B3 – Office-Residential District, Specific Standards, Building Use, to amend the regulations for a bistro in the B3 District.7. To amend Article 5, Section 5.12(B), B4 – Business-Residential District, Specific Standards, Building Use, to amend the regulations for a bistro in the B4 District.8. To amend Article 5, Section 5.13, MX(C) – (M) – Mixed Use District, Specific Standards, Building Use, to add regulations for a bistro in the MX District and renumber regulations following (C).9. To amend Article 9, Section 9.02, Definitions, to amend the existing definition of bistro.

	A complete copy of the proposed ordinance amendment may be reviewed at the City Clerk's Office.
City Staff Contact:	Jana Ecker 248.530.1841 jecker@bhamgov.org
Notice:	Publish: April 29, 2018
Approved minutes may be reviewed at:	City Clerk's Office

Should you have any statement regarding the above, you are invited to attend the meeting or present your written statement to the City Commission, City of Birmingham, 151 Martin Street, P.O. Box 3001, Birmingham, Michigan 48012-3001 prior to the hearing.

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



MEMORANDUM

Planning Division

DATE: May 3, 2018

TO: Joseph A. Valentine, City Manager

FROM: Matthew Baka, Senior Planner

APPROVED: Jana L. Ecker, Planning Director

SUBJECT: Public Hearing for Revised Bistro Regulations

As the bistro concept has evolved over the past 10 years, new applicants have sought creative ways to make the establishments distinctive from other restaurants and bistros in the City, and to increase the number of seats through the use of all season outdoor dining. The following issues have been raised:

- **Use of Eisenglass** – Doing so extends the time period outdoor dining areas are in operation which increases the number of seats for the restaurant as a whole for a majority of the year;
- **District Requirements** – The Downtown District, Triangle District, and Rail District have different opportunities which could merit different requirements for bistros locating within them;
- **On-street Dining/Rooftop Dining** – the use of on-street parking spaces and rooftops in addition to the sidewalk area allows the addition of larger outdoor dining areas;
- **Parking Needs** – the expansion of outdoor dining increases the number of people dining at the restaurant, which increases parking demand;
- **Building Code Requirements** – the enclosure of outdoor dining areas triggers Building Code regulations such as Energy Code compliance, fire suppression requirements, fire separation distances and exterior wall fire resistive ratings; and
- **Incentivizing Seating Capacity Tiers** – Allowing an increased amount of indoor seating and/or outdoor dining seating for bistros based upon conditional standards such as shared parking, landscaping, greenspace, etc.

At the joint City Commission/Planning Board meeting of June 19th, 2017 the issue of bistro regulations was discussed at length. There was a consensus that a review of the bistro requirements and how they relate to the various areas in which they are permitted was warranted. Additionally, Commission members saw good reason to potentially regulate bistros differently depending on the district in which they are located.

Accordingly, the Planning Board began studying the existing bistro regulations and discussing potential new regulations. Over several months, the Planning Board studied existing bistros and discussed the goals of the bistro program in the future.

On April 11, 2018, the Planning Board conducted a public hearing and unanimously passed a motion recommending approval of the attached ordinance amendments for bistro regulations to the City Commission. Please find attached the draft ordinance language and meeting minutes for your consideration. Please note that all existing bistros would be grandfathered in, and would not be required to remove existing Eisenglass or otherwise conform to the new requirements. However, the new regulations would take effect a week after publication and apply to all future bistros.

On April 23, 2018 the City Commission set a public hearing for May 14, 2018 to consider APPROVAL of the following amendments to the Zoning Ordinance:

1. To amend Article 3, Section 3.04(C)(10), Specific Standards, Building Use, to amend the regulations for a bistro in the Downtown Overlay District.
2. To amend Article 5, Section 5.06(A), O1 – Office District, Specific Standards, Building Use, to amend the regulations for a bistro in the O1 District.
3. To amend Article 5, Section 5.07(A), O2 – Office Commercial District, Specific Standards, Building Use, to amend the regulations for a bistro in the O2 District.
4. To amend Article 5, Section 5.08(A), P – Parking District, Specific Standards, Building Use, to amend the regulations for a bistro in the P District.
5. To amend Article 5, Section 5.10(B), B2 – General Business district, B2B – General Business District, B2C – General Business District, Specific Standards, Building Use, to amend the regulations for a bistro in the B2B District.
6. To amend Article 5, Section 5.11(A), B3 – Office-Residential District, Specific Standards, Building Use, to amend the regulations for a bistro in the B3 District.
7. To amend Article 5, Section 5.12(B), B4 – Business-Residential District, Specific Standards, Building Use, to amend the regulations for a bistro in the B4 District.
8. To amend Article 5, Section 5.13, MX(C) – (M) – Mixed Use District, Specific Standards, Building Use, to add regulations for a bistro in the MX District and renumber regulations following (C).
9. To amend Article 9, Section 9.02, Definitions, to amend the existing definition of bistro.

SUGGESTED ACTION:

To approve the following amendments to the Zoning Ordinance as recommended by the Planning Board on April 11, 2018:

1. Article 3, Section 3.04(C)(10), Specific Standards, Building Use, to amend the regulations for a bistro in the Downtown Overlay District.
2. Article 5, Section 5.06(A), O1 – Office District, Specific Standards, Building Use, to amend the regulations for a bistro in the O1 District.
3. Article 5, Section 5.07(A), O2 – Office Commercial District, Specific Standards, Building Use, to amend the regulations for a bistro in the O2 District.
4. Article 5, Section 5.08(A), P – Parking District, Specific Standards, Building Use, to amend the regulations for a bistro in the P District.
5. Article 5, Section 5.10(B), B2 – General Business district, B2B – General Business District, B2C – General Business District, Specific Standards, Building Use, to amend the regulations for a bistro in the B2B District.
6. Article 5, Section 5.11(A), B3 – Office-Residential District, Specific Standards, Building Use, to amend the regulations for a bistro in the B3 District.
7. Article 5, Section 5.12(B), B4 – Business-Residential District, Specific Standards,

Building Use, to amend the regulations for a bistro in the B4 District.

8. Article 5, Section 5.13, MX(C) – (M) – Mixed Use District, Specific Standards, Building Use, to add regulations for a bistro in the MX District and renumber regulations following (C).
9. Article 9, Section 9.02, Definitions, to amend the existing definition of bistro.

CITY OF BIRMINGHAM
ORDINANCE NO. __

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

TO AMEND ARTICLE 3, SECTION 3.04(C)(10), SPECIFIC STANDARDS, BUILDING USE, TO AMEND THE REGULATIONS FOR A BISTRO IN THE DOWNTOWN OVERLAY DISTRICT.

3.04 Specific Standards

C. Building Use

10. Bistros: Bistros are permitted with a valid Special Land Use Permit with the following conditions:
 - A. No direct connect additional bar permit is allowed and the maximum seating at a bar cannot exceed 10 seats;
 - B. Alcohol is served only to seated patrons, except those standing in a defined bar area;
 - C. No dance area is provided;
 - D. Only low key entertainment is permitted;
 - E. Bistros must have tables located in the storefront space lining any street, or pedestrian passage;
 - F. A minimum of 70% glazing must be provided along building facades facing a street or pedestrian passage between 1 foot and 8 feet in height;
 - G. All bistro owners must execute a contract with the City outlining the details of the operation of the bistro; and
 - H. Outdoor dining must be provided, weather permitting, along an adjacent street or passage during the months of May through October each year. Outdoor dining is not permitted past 12:00 a.m. If there is not sufficient space to permit such dining on the sidewalk adjacent to the bistro, an elevated, ADA compliant, ~~enclosed~~ **defined** platform must be erected on the street adjacent to the bistro to create an outdoor dining area if the Engineering Department determines there is sufficient space available for this purpose given parking and traffic conditions.
 - I. **Enclosures facilitating year round dining outdoors are not permitted.**
 - J. **Railings, planters or similar barriers defining outdoor dining platforms may not exceed 42" in height.**

ORDAINED this _____ day of _____, 2018 to become effective 7 days after publication.

Andrew Harris, Mayor

Cherilynn Mynsberge, City Clerk

CITY OF BIRMINGHAM
ORDINANCE NO.

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

TO AMEND ARTICLE 5, SECTION 5.06(A), O1 – OFFICE DISTRICT, SPECIFIC STANDARDS, BUILDING USE, TO AMEND THE REGULATIONS FOR A BISTRO IN THE O1 DISTRICT.

5.06 O1 District

- A. Bistros: Bistros are permitted with a valid Special Land Use Permit with the following conditions:
1. No direct connect additional bar permit is allowed and the maximum seating at a bar cannot exceed 10 seats **in the Downtown Overlay District, or 15 seats in the Triangle District and Rail District;**
 2. Alcohol is served only to seated patrons, except those standing in a defined bar area;
 3. No dance area is provided;
 4. Only low key entertainment is permitted;
 5. Bistros must have tables located in the storefront space lining any street, or pedestrian passage;
 6. A minimum of 70% glazing must be provided along building facades facing a street or pedestrian passage between 1 foot and 8 feet in height;
 7. All bistro owners must execute a contract with the City outlining the details of the operation of the bistro; and
 8. Outdoor dining must be provided, weather permitting, along an adjacent street or passage during the months of May through October each year. Outdoor dining is not permitted past 12:00 a.m. If there is not sufficient space to permit such dining on the sidewalk adjacent to the bistro, an elevated, ADA compliant, ~~enclosed~~ **defined** platform must be erected on the street adjacent to the bistro to create an outdoor dining area if the Engineering Department determines there is sufficient space available for this purpose given parking and traffic conditions.
 9. **Enclosures facilitating year round dining outdoors are not permitted.**
 10. **Railings, planters or similar barriers defining outdoor dining platforms may not exceed 42" in height.**

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Andrew Harris, Mayor

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CITY OF BIRMINGHAM
ORDINANCE NO.

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

TO AMEND ARTICLE 5, SECTION 5.07(A), O2 – OFFICE COMMERCIAL DISTRICT, SPECIFIC STANDARDS, BUILDING USE, TO AMEND THE REGULATIONS FOR A BISTRO IN THE O2 DISTRICT.

5.07 O2 District

- A. Bistros: Bistros are permitted with a valid Special Land Use Permit with the following conditions:
1. No direct connect additional bar permit is allowed and the maximum seating at a bar cannot exceed 10 seats **in the Downtown Overlay District, or 15 seats in the Triangle District and Rail District;**
 2. Alcohol is served only to seated patrons, except those standing in a defined bar area;
 3. No dance area is provided;
 4. Only low key entertainment is permitted;
 5. Bistros must have tables located in the storefront space lining any street, or pedestrian passage;
 6. A minimum of 70% glazing must be provided along building facades facing a street or pedestrian passage between 1 foot and 8 feet in height;
 7. All bistro owners must execute a contract with the City outlining the details of the operation of the bistro; and
 8. Outdoor dining must be provided, weather permitting, along an adjacent street or passage during the months of May through October each year. Outdoor dining is not permitted past 12:00 a.m. If there is not sufficient space to permit such dining on the sidewalk adjacent to the bistro, an elevated, ADA compliant, ~~enclosed~~ **defined** platform must be erected on the street adjacent to the bistro to create an outdoor dining area if the Engineering Department determines there is sufficient space available for this purpose given parking and traffic conditions.
 9. **Enclosures facilitating year round dining outdoors are not permitted.**
 10. **Railings, planters or similar barriers defining outdoor dining platforms may not exceed 42" in height.**

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Andrew Harris, Mayor

Cherilynn Mynsberge, City Clerk

CITY OF BIRMINGHAM
ORDINANCE NO.

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

TO AMEND ARTICLE 5, SECTION 5.08(A), P – PARKING DISTRICT, SPECIFIC STANDARDS, BUILDING USE, TO AMEND THE REGULATIONS FOR A BISTRO IN THE P DISTRICT.

5.08 P District

- A. Bistros: Bistros are permitted with a valid Special Land Use Permit with the following conditions:
1. No direct connect additional bar permit is allowed and the maximum seating at a bar cannot exceed 10 seats **in the Downtown Overlay District, or 15 seats in the Triangle District and Rail District**;
 2. Alcohol is served only to seated patrons, except those standing in a defined bar area;
 3. No dance area is provided;
 4. Only low key entertainment is permitted;
 5. Bistros must have tables located in the storefront space lining any street, or pedestrian passage;
 6. A minimum of 70% glazing must be provided along building facades facing a street or pedestrian passage between 1 foot and 8 feet in height;
 7. All bistro owners must execute a contract with the City outlining the details of the operation of the bistro; and
 8. Outdoor dining must be provided, weather permitting, along an adjacent street or passage during the months of May through October each year. Outdoor dining is not permitted past 12:00 a.m. If there is not sufficient space to permit such dining on the sidewalk adjacent to the bistro, an elevated, ADA compliant, ~~enclosed~~ **defined** platform must be erected on the street adjacent to the bistro to create an outdoor dining area if the Engineering Department determines there is sufficient space available for this purpose given parking and traffic conditions.
 9. **Enclosures facilitating year round dining outdoors are not permitted.**
 10. **Railings, planters or similar barriers defining outdoor dining platforms may not exceed 42" in height.**

ORDAINED this _____ day of _____, 2018 to become effective 7 days after publication.

Andrew Harris, Mayor

Cherilynn Mynsberge, City Clerk

CITY OF BIRMINGHAM
ORDINANCE NO.

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

TO AMEND ARTICLE 5, SECTION 5.10(B), B2 – GENERAL BUSINESS DISTRICT, B2B – GENERAL BUSINESS DISTRICT, B2C – GENERAL BUSINESS DISTRICT, SPECIFIC STANDARDS, BUILDING USE, TO AMEND THE REGULATIONS FOR A BISTRO IN THE B2B DISTRICT.

5.10 B2 District, B2B District, B2C District

B. Bistros: Bistros are permitted with a valid Special Land Use Permit with the following conditions:

1. No direct connect additional bar permit is allowed and the maximum seating at a bar cannot exceed 10 seats **in the Downtown Overlay District, or 15 seats in the Triangle District and Rail District;**
2. Alcohol is served only to seated patrons, except those standing in a defined bar area;
3. No dance area is provided;
4. Only low key entertainment is permitted;
5. Bistros must have tables located in the storefront space lining any street, or pedestrian passage;
6. A minimum of 70% glazing must be provided along building facades facing a street or pedestrian passage between 1 foot and 8 feet in height;
7. All bistro owners must execute a contract with the City outlining the details of the operation of the bistro; and
8. Outdoor dining must be provided, weather permitting, along an adjacent street or passage during the months of May through October each year. Outdoor dining is not permitted past 12:00 a.m. If there is not sufficient space to permit such dining on the sidewalk adjacent to the bistro, an elevated, ADA compliant, ~~enclosed~~ **defined** platform must be erected on the street adjacent to the bistro to create an outdoor dining area if the Engineering Department determines there is sufficient space available for this purpose given parking and traffic conditions.
9. **Enclosures facilitating year round dining outdoors are not permitted.**
10. **Railings, planters or similar barriers defining outdoor dining platforms may not exceed 42" in height.**

ORDAINED this _____ day of _____, 2018 to become effective 7 days after publication.

Andrew Harris, Mayor

Cherilynn Mynsberge, City Clerk

CITY OF BIRMINGHAM
ORDINANCE NO.

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

TO AMEND ARTICLE 5, SECTION 5.11(A), B3 – OFFICE-RESIDENTIAL DISTRICT, SPECIFIC STANDARDS, BUILDING USE, TO AMEND THE REGULATIONS FOR A BISTRO IN THE B3 DISTRICT.

5.11 B3 District

A. Bistros: Bistros are permitted with a valid Special Land Use Permit with the following conditions:

1. No direct connect additional bar permit is allowed and the maximum seating at a bar cannot exceed 10 seats **in the Downtown Overlay District, or 15 seats in the Triangle District and Rail District**;
2. Alcohol is served only to seated patrons, except those standing in a defined bar area;
3. No dance area is provided;
4. Only low key entertainment is permitted;
5. Bistros must have tables located in the storefront space lining any street, or pedestrian passage;
6. A minimum of 70% glazing must be provided along building facades facing a street or pedestrian passage between 1 foot and 8 feet in height;
7. All bistro owners must execute a contract with the City outlining the details of the operation of the bistro; and
8. Outdoor dining must be provided, weather permitting, along an adjacent street or passage during the months of May through October each year. Outdoor dining is not permitted past 12:00 a.m. If there is not sufficient space to permit such dining on the sidewalk adjacent to the bistro, an elevated, ADA compliant, ~~enclosed~~ **defined** platform must be erected on the street adjacent to the bistro to create an outdoor dining area if the Engineering Department determines there is sufficient space available for this purpose given parking and traffic conditions.
9. **Enclosures facilitating year round dining outdoors are not permitted.**
10. **Railings, planters or similar barriers defining outdoor dining platforms may not exceed 42" in height.**

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CITY OF BIRMINGHAM
ORDINANCE NO.

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

TO AMEND ARTICLE 5, SECTION 5.12(B), B4 – BUSINESS-RESIDENTIAL DISTRICT, SPECIFIC STANDARDS, BUILDING USE, TO AMEND THE REGULATIONS FOR A BISTRO IN THE B4 DISTRICT.

5.12 B4 District

B- Bistros: Bistros are permitted with a valid Special Land Use Permit with the following conditions:

1. No direct connect additional bar permit is allowed and the maximum seating at a bar cannot exceed 10 seats **in the Downtown Overlay District, or 15 seats in the Triangle District and Rail District;**
2. Alcohol is served only to seated patrons, except those standing in a defined bar area;
3. No dance area is provided;
4. Only low key entertainment is permitted;
5. Bistros must have tables located in the storefront space lining any street, or pedestrian passage;
6. A minimum of 70% glazing must be provided along building facades facing a street or pedestrian passage between 1 foot and 8 feet in height;
7. All bistro owners must execute a contract with the City outlining the details of the operation of the bistro; and
8. Outdoor dining must be provided, weather permitting, along an adjacent street or passage during the months of May through October each year. Outdoor dining is not permitted past 12:00 a.m. If there is not sufficient space to permit such dining on the sidewalk adjacent to the bistro, an elevated, ADA compliant, ~~enclosed~~ **defined** platform must be erected on the street adjacent to the bistro to create an outdoor dining area if the Engineering Department determines there is sufficient space available for this purpose given parking and traffic conditions.
9. **Enclosures facilitating year round dining outdoors are not permitted.**
10. **Railings, planters or similar barriers defining outdoor dining platforms may not exceed 42" in height.**

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Andrew Harris, Mayor

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CITY OF BIRMINGHAM
ORDINANCE NO.

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

TO AMEND ARTICLE 5, SECTION 5.13, MX(C) – (M) – MIXED USE DISTRICT, SPECIFIC STANDARDS, BUILDING USE, TO ADD REGULATIONS FOR A BISTRO IN THE MX DISTRICT AND RENUMBER REGULATIONS FOLLOWING (C).

5.13 MX District

- A. Alcoholic Beverage Sales: Alcoholic beverage sales for consumption off the premises in conjunction with grocery stores, drugstores, party stores and delicatessens is permitted.
- B. Automobile Rental Establishment: An automobile rental establishment is permitted provided all vehicles are stored in a public or private parking garage
- C. **Bistros: Bistros are permitted with a valid Special Land Use Permit with the following conditions:**
 - 1. No direct connect additional bar permit is allowed and the maximum seating at a bar cannot exceed 10 seats in the Downtown Overlay District, or 15 seats in the Triangle District and Rail District;
 - 2. Alcohol is served only to seated patrons, except those standing in a defined bar area;
 - 3. No dance area is provided;
 - 4. Only low key entertainment is permitted;
 - 5. Bistros must have tables located in the storefront space lining any street, or pedestrian passage;
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 - 7. All bistro owners must execute a contract with the City outlining the details of the operation of the bistro; and
 - 8. Outdoor dining must be provided, weather permitting, along an adjacent street or passage during the months of May through October each year. Outdoor dining is not permitted past 12:00 a.m. If there is not sufficient space to permit such dining on the sidewalk adjacent to the bistro, an elevated, ADA compliant, defined platform must be erected on the street adjacent to the bistro to create an outdoor dining area if the Engineering Department determines there is sufficient space available for this purpose given parking and traffic conditions.
 - 9. Enclosures facilitating year round dining outdoors are not permitted.
 - 10. Railings, planters or similar barriers defining outdoor dining platforms may not exceed 42" in height.

~~E.~~ **D.** Dwelling – Accessory: Residential units located in accessory structures are permitted provided that the residential units meet the minimum unit requirements identified in each two-page layout in Article 2. Where there is a conflict between this provision and the requirements of Section 4.02, this section shall take precedent.

~~D.~~ **E.**

~~E.~~ **F.**

~~F.~~ **G.**

~~G.~~ **H.**

~~H.~~ **I.**

~~I.~~ **J.**

~~J.~~ **K.**

~~K.~~ **L.**

~~L.~~ **M.**

~~M.~~ **N.**

ORDAINED this _____ day of _____, 2018 to become effective 7 days after publication.

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CITY OF BIRMINGHAM
ORDINANCE NO.

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

TO AMEND ARTICLE 9, SECTION 9.02, DEFINITIONS, TO AMEND THE EXISTING DEFINITION OF BISTRO.

9.02 Definitions

Bistro: When located in the Downtown Overlay District, a restaurant with a full service kitchen with interior seating for no more than 65 people and additional seating for outdoor dining. **When located in the Triangle District or Rail District, a restaurant with a full service kitchen with interior seating for no more than 85 people and additional seating for outdoor dining.**

ORDAINED this _____ day of _____, 2018 to become effective 7 days after publication.

Andrew Harris, Mayor

Cherilynn Mynsberge, City Clerk



MEMORANDUM

Planning Division

DATE: April 5, 2018

TO: Planning Board

FROM: Matthew Baka, Senior Planner

SUBJECT: Bistro Ordinance amendment Public Hearing

Background:

In 2007 the City of Birmingham amended the Zoning Ordinance to create the bistro concept that allows small eclectic restaurants to obtain a liquor license if they have no more than 65 seats, including 10 at the bar, and low key entertainment only. The bistro regulations adopted also included requirements for storefront glazing, seating along the storefront windows, and a requirement for outdoor dining. In accordance with the Zoning Ordinance, each bistro applicant is required to go through an initial screening process at the City Commission, demonstrate that all bistro requirements have been met, and then obtain a Special Land Use Permit from the City Commission.

Issue:

As the bistro concept has evolved over the past 10 years, new applicants have sought creative ways to make the establishments distinctive from other restaurants and bistros in the City, and to increase the number of seats through the use of all season outdoor dining. The following issues have been raised:

- **Use of Eisenglass** – Doing so extends the time period outdoor dining areas are in operation which increases the number of seats for the restaurant as a whole for a majority of the year;
- **District Requirements** – The Downtown District, Triangle District, and Rail District have different opportunities which could merit different requirements for bistros locating within them;
- **On-street Dining/Rooftop Dining** – the use of on-street parking spaces and rooftops in addition to the sidewalk area allows the addition of larger outdoor dining areas;
- **Parking Needs** – the expansion of outdoor dining increases the number of people dining at the restaurant, which increases parking demand;
- **Building Code Requirements** – the enclosure of outdoor dining areas triggers Building Code regulations such as Energy Code compliance, fire suppression requirements, fire separation distances and exterior wall fire resistive ratings.
- **Incentivizing Seating Capacity Tiers** – Allowing an increased amount of indoor seating and/or outdoor dining seating for bistros based upon conditional standards such as shared parking, landscaping, greenspace, etc.

At the joint City Commission/Planning Board meeting of June 19th, 2017 the issue of bistro regulations was discussed at length. There was a consensus that a review of the Bistro

requirements and how they relate to the various areas in which they are permitted is warranted. Additionally, Commission members saw good reason to potentially regulate bistros differently depending on the district in which they are located.

On July 12th, 2017, the Planning Board held further discussion about the topics brought up in the joint City Commission/Planning Board meeting related to bistro requirements. Potential revisions and additions to the bistro standards were discussed, as well as sample draft ordinance language to be proposed for the next Planning Board meeting.

On August 9, 2017 the Planning Board held a study session to address the issues of parking, outdoor dining, and eisenglass enclosures. Based on previous discussion at the joint meeting and the Planning Board, the Planning Division presented sample draft ordinance language to initiate discussion. The draft language provided limits on the number of outdoor dining seats, restricted the use of eisenglass or vinyl enclosures and required additional parking for the outdoor dining areas. The discussion revealed that the Planning Board did not support regulating the number of outdoor dining seats, or requiring additional parking for such outdoor dining areas. There was unanimous support for restricting the use of enclosures on outdoor dining to ensure that outdoor dining is truly seasonal.

On Septemeber 13th, 2017 the Planning Board once again held a study session in regards to bistro regulations and reviewed sample draft ordinances. The draft language was revised to provide options that would eliminate the ability to utilize enclosures year round. The language was also revised so as not to limit the number of outdoor seats and not to require additional parking for those seating areas, as previously discussed.

Additional points raised by the Planning Board were whether or not the 65 seat limit should be revisited, whether rooftop dining should be encouraged, and what an acceptable railing height for platform decks is. It was suggested that The Triangle District and Rail District could establish different standards for maximum seating due to different conditions in those areas. New draft language has been included that expands interior seating for bistros in the Triangle District and Rail District to 85 seats with 15 at the bar, while interior seating for the Downtown District remains at 65. Current rooftop dining standards were deemed acceptable, but the Board wished to see railings on platform decks limited to 42".

On January 10, 2018 the Planning Board reviewed the latest draft ordinance language for the proposed bistro regulation changes. The Board requested that the language regarding permanent outdoor dining be consolidated and streamline and also that the language reference on street platforms be adjusted so that the reference to enclosing it be eliminated. No other changes were proposed at that time. The Board agreed that they would like to see the final draft language prior to setting a public hearing. The draft ordinance language and the minutes from the previous meetings are attached for your review.

On March 14, 2018 the Planning Board reviewed the updated draft ordinance amendments after discussion and one minor alteration to the language the Board voted to set a public hearing for April 11, 2018. Accordingly, the latest draft language is attached along with the relevant meeting minutes.

SUGGESTED ACTION:

The Planning Division recommends that the Planning Board recommend APPROVAL of the proposed ordinance amendment to the City Commission.

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

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

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

II. ROLL CALL

PRESENT: Mayor Nickita
Mayor Pro
Tem Harris
Commissioner
Bordman
Commissioner
Boutros
Commissioner DeWeese
Commissioner
Hoff
Commissioner
Sherman
Scott Clein, Planning Board
Chairman
Stuart Jeffares, Member
Bert Koseck, Member
Janelle Whipple-Boyce, Member
J. Bryan Williams, Member

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

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

III. ITEMS FOR DISCUSSION

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

E. BISTRO ALLOWANCES AND RESTRICTIONS

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

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

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

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

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

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

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

**CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, JULY 12, 2017
City Commission Room
151 Martin Street, Birmingham, Michigan
07-134-17**

4. Bistro Regulations

Mr. Baka recalled that In 2007 the City of Birmingham amended the Zoning Ordinance to create the bistro concept that allows small eclectic restaurants to obtain a liquor license if they have no more than 65 seats, including 10 at a bar, and low key entertainment only. Mr. Baka observed that as the bistro concept has evolved over the past 10 years, new applicants have sought creative ways to make their establishments distinctive from other restaurants and bistros in the City, and to increase the number of seats through the use of all season outdoor dining. The following issues have been raised:

- Use of Eisenglass – extends the time period outdoor dining areas are in operation which increases the number of seats for restaurant as a whole for a majority of the year;
- On-street Dining/Rooftop Dining – the use of on-street parking spaces and rooftops in addition to the sidewalk area allows the addition of larger outdoor dining areas;
- Parking Needs – the expansion of outdoor dining increases the number of people dining at the restaurant, which increases parking demand;
- Building Code Requirements – the enclosure of outdoor dining areas triggers Building Code regulations such as Energy Code compliance, fire suppression requirements, fire separation distances and exterior wall fire resistive ratings.

At the joint City Commission/Planning Board meeting of June 19, 2017 this issue was discussed at length. There seemed to be consensus that a review of the bistro requirements and how they relate to the various areas in which they are permitted is warranted. Accordingly, the Planning Division is now requesting that the Planning Board begin discussions on how these concerns should be addressed.

Mr. Williams indicated he never envisioned 10 years ago that some of the sites would be so disproportionately large based on outdoor dining. Ms. Whipple-Boyce said the bistros should be looked at from the standpoint of their locations in different districts throughout the City. Chairman Clein thought there is a need to study the general parking requirement in the MX District based on the number of outdoor dining seats. Mr. Boyle added that bistros might be incentivized there by allowing more seating outside. Further, also consider that the Triangle District is different.

Mr. Williams noted the single biggest thing the board never anticipated was the extent to which Eisenglass would provide for almost four season use.

Ms. Ecker added maybe the board doesn't mind having Eisenglass on a rainy day but they don't want to see it extend the season past November 1st through March 31st. There are two issues: the look of it, and whether it changes the character of use from seasonal to permanent.

There was consensus to look at including the opportunity for rooftop dining for bistros.

Ms. Lazar agreed the larger spaces, particularly in the MX District, might be increased. But, the neighbors may be upset if they feel there will be increased intrusion into the neighborhoods as a result. Maybe some type of parking requirement might have to be imposed. Chairman Clein thought that Residential Permit Parking might be needed in that case.

**CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, AUGUST 9, 2017
City Commission Room
151 Martin Street, Birmingham, Michigan
08-153-17**

STUDY SESSIONS

1. Bistro Regulations

Mr. Baka noted that in 2007 the City of Birmingham amended the Zoning Ordinance to create the bistro concept that allows small eclectic restaurants to obtain a Liquor License. Bistros are permitted in certain zone districts with a valid Special Land Use Permit ("SLUP") under several conditions. As the bistro concept has evolved over the past ten years, new applicants have sought creative ways to make their establishments distinctive from the other restaurants and bistros in the City, and to increase the number of seats through the use of all season outdoor dining.

At the joint City Commission/Planning Board meeting of June 19, 2017 the issue of clarifying bistro regulations was discussed at length. There seemed to be consensus that a review of the bistro requirements and how they relate to the various areas in which they are permitted is warranted. Additionally, Commission members saw good reason to potentially regulate bistros differently depending on the district in which they are located.

The Planning Division would like to begin to consider addressing the issues of **parking**, **outdoor dining** and **Eisenglass enclosures** via ordinance language changes. The following examples of potential ordinance language changes are based on two methods of regulating bistros. The thinking is that current bistros would not be impacted by what is being proposed.

The first option would be to amend Chapter 126, Zoning, to universally create development standards for bistros that would apply to all zoning districts that permit bistros. Universal regulation would ensure that the dining experience in one bistro (outside of menu, service, theme etc.) is the same as dining in any other bistro. This could mean putting a limit on outdoor seating of 40 seats for all districts, even if there is room (public property or private property) for more. Eisenglass or vinyl enclosures could be prohibited entirely as to not abuse the outdoor dining season limit set forth by the City (April-November). As for parking, requiring all bistros to include their outdoor dining square footage in parking requirements could make sure that there will be enough parking for all of those extra seats. Creating extra parking requirements, though, could also discourage outdoor seating and counteract a key intent of the Bistro Ordinance.

The second approach to clarifying bistro regulations would be to amend Chapter 126, Zoning, to create separate bistro standards depending on the bistro's location in the Downtown, Triangle or Rail Districts. In doing so separately, the City can take into account the different space and parking conditions present in different districts. Adding parking requirements, like including outdoor dining area square footage in the parking calculation, to the conditions of certain bistro location districts could help alleviate parking issues. Outdoor dining maximums are a reasonable

consideration Downtown because there is less space for a large outdoor dining area. In the Rail and Triangle Districts where street frontage is typically larger, outdoor dining maximums of 40 or 60 seats could be appropriate. Finally, Eisenglass or vinyl enclosures might be considered in some areas along the Woodward Ave. frontage of the Triangle District to alleviate the noise pollution patrons receive from the major road.

Mr. Williams thought the major focus should be that one size doesn't fit all. Mr. Jeffares commented that it would be interesting to find out how much of the lunch crowd consists of office users who are already parked in town. It was consensus that there should not be an enclosure that allows bistros to extend their outdoor dining season. The bistro concept is being pushed beyond its original boundaries.

Mr. Boyle thought they should be discussing the issue of 65 indoor seats. The board needs to review that and consider the possibility that number could go up. Then bistros could rely less on large outdoor seating and have a stronger business that doesn't tie them to 65 indoor seats.

Ms. Whipple-Boyce thought there could be implications to allowing more indoor seating. They don't want Birmingham to become an all restaurant city. She doesn't think parking is that much of a concern because when the offices clear out the restaurants become busy. Don't forget that there are many local residents who walk from their homes to the Downtown bistros. She does not want to encourage a bistro model behind the building. She likes the outdoor seating in the front of buildings to activate the sidewalk space. Look at each bistro independently and see what makes sense, rather than putting a number to it. Also, consider opportunities for rooftop dining. Maybe the districts need be viewed differently because they are different and because some of the parking situations are different.

Mr. Koseck said in his opinion the bistros are working. The intent was to attract small scale, unique establishments with a variety of different food types. Why treat the districts differently? Forty outdoor seats is fine and he doesn't want to get caught up in parking for outdoor dining. He totally thinks the outdoor dining should not be enclosed. Pick half of the number of interior seating for outdoor dining; 40 seats is fine. He would rather see three small bistros in the Rail District than one that has 150 seats.

Mr. Williams echoed that and added if seating is outdoor, it shouldn't be enclosed. The total seating ought be the combination of both indoor and outdoor. Parking generally works and the only time it doesn't is the 10 a.m. to 12 p.m. window. Lunch is problematic in the Downtown area.

Chairman Clein observed he doesn't think including parking in the count really matters. To him the issue is not so much the size of the bistros; it is that they are allowed to be wrapped in plastic and located in places the board doesn't like. Perhaps some incentives could be put forth for establishments to meet if they want to increase their outdoor dining.

Mr. Boyle hoped to find a way to make the industrial land use in the Rail District work for bistros.

Mr. Baka summarized that the board is divided on whether or not there should be a limit on the number of outside seats. Board members stated they were definitely not in favor of outdoor

dining enclosures, and most of the board is leaning against adding additional parking requirements for outdoor dining seats. Nearly everyone wants to keep the districts separate. Mr. Williams added they need to look at the parking, but not Downtown.

No one from the public wanted to comment at 10:10 p.m.

**CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, SEPTEMBER 13, 2017
City Commission Room
151 Martin Street, Birmingham, Michigan
09-175-17**

2. Bistro Regulations

Mr. Baka noted that in 2007 the City of Birmingham amended the Zoning Ordinance to create the bistro concept that allows small eclectic restaurants to obtain a liquor license. Bistros are defined in Article 09 of the Zoning Ordinance as restaurants with a full service kitchen with interior seating for no more than 65 people and additional seating for outdoor dining. Bistros are permitted in certain zone districts with a valid Special Land Use Permit ("SLUP") along with several conditions.

As the bistro concept has evolved over the past 10 years, new applicants have sought creative ways to make their establishments distinctive from other restaurants and bistros in the City, and to increase the number of seats through the use of all season outdoor dining.

There have been several issues raised:

- Use of Eisenglass – extends the time period outdoor dining areas are in operation which increases the number of seats for restaurant as a whole for a majority of the year;
- On-street Dining/Rooftop Dining – the use of on-street parking spaces and rooftops in addition to the sidewalk area allows the addition of larger outdoor dining areas;
- Parking Needs – the expansion of outdoor dining increases the number of people dining at the restaurant, which increases parking demand;
- Building Code Requirements – the enclosure of outdoor dining areas triggers Building Code regulations such as Energy Code compliance, fire suppression requirements, fire separation distances and exterior wall fire resistive ratings.

At the joint City Commission/Planning Board meeting of June 19, 2017 the issue of clarifying bistro regulations was discussed at length. On July 24th, 2017 the City Commission moved the review of bistros up on the Planning Board's Action List.

On August 9, 2017 the Planning Board held a study session to begin to consider addressing the issues of parking, outdoor dining and Eisenglass enclosures. Discussion revealed that the Planning Board did not support regulating the number of outdoor dining seats, or requiring additional parking for such outdoor dining areas. There was unanimous support on the board for restricting the use of enclosures on outdoor dining areas to ensure that outdoor dining is truly seasonal. There was also discussion about setting different standards for the interior number of seats in different areas.

Accordingly the draft language has been revised to provide options that would eliminate the ability to utilize enclosures year round. The language is now silent on the issues of limiting the number of outdoor seats and requiring additional parking for those seating areas.

At this time four proposed options have been added to the ordinance language:

- Permanent enclosures shall not be permitted for outdoor dining areas.
- Weather proof enclosures facilitating year around dining outdoors are not permitted.

- Outdoor dining is not permitted between November 16 and March 31.
- The use of any type of enclosure system (including but not limited to fabric, Eisenglass, vinyl panels, drapes, plant materials shall not be permitted for outdoor dining areas.

Mr. Koseck indicated that in his mind outdoor dining areas should not be framed with walls whether they are temporary or permanent. These areas were never intended to be quasi interior space. Discussion considered eliminating the date restriction and eliminating walls and plastic enclosures. People can sit outdoors on a nice winter day if they choose; however outdoor furniture must be brought inside each night and platforms have to come down in the winter. Board members thought that railings on decks in the street should be limited to 42 in. in height.

To sum up the issues that were previously discussed:

- The use of Eisenglass and the Building Code requirements of such enclosures have been covered in that outdoor dining areas must truly be outdoors, not within enclosed areas;
- The board was not interested in adding extra parking requirements for outdoor dining;
- Setting a maximum number of outdoor dining seats is not a concern as they are all SLUPs and thus subject to individual review;
- Everyone was okay with rooftop dining, but the priority is that there must be outdoor dining in the front first and foremost.
-

Mr. Jeffares was in favor of increasing the capacity of bistros for the Triangle and Rail Districts and Mr. Williams liked that concept. It was discussed that providing shared parking might be an incentive to increase inside seating from 65. However, Mr. Koseck thought that requiring shared parking complicates things. **Mr. Baka agreed to bring draft ordinance language for the next meeting.**

**CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, JANUARY 10, 2018
City Commission Room
151 Martin Street, Birmingham, Michigan**

Minutes of the regular meeting of the City of Birmingham Planning Board held on January 10, 2018. Chairman Scott Clein convened the meeting at 7:30 p.m.

Present: Chairman Scott Clein; Board Members Robin Boyle, Stuart Jeffares, Bert Koseck, Janelle Whipple-Boyce, Bryan Williams Alternate Board Members Nasseen Ramin, Daniel Share

Absent: Board Member Vice-Chairperson Gillian Lazar; Student Representatives Ariana Afrakhteh, Isabella Niskar

Administration: Matthew Baka, Sr. Planner

Jana Ecker, Planning Director

Carole Salutes, Recording Secretary

01-05-18

2. Bistro Regulations

Mr. Williams rejoined the board and Ms. Ramin left.

Mr. Baka advised that recently there has been discussion between the City Commission and the Planning Board that perhaps there should be a re-examination of the bistro requirements which already began last year with several study sessions.

As the bistro concept has evolved over the past 10 years, new applicants have sought creative ways to make the establishments distinctive from other restaurants and bistros in the City, and to increase the number of seats through the use of all season outdoor dining. The following issues have been raised:

- Use of Eisenglass – Doing so extends the time period outdoor dining areas are in operation which increases the number of seats for the restaurant as a whole for a majority of the year;
- District Requirements – The Downtown District, Triangle District, and Rail District have different opportunities which could merit different requirements for bistros locating within them;
- On-street Dining/Rooftop Dining –The use of on-street parking spaces and rooftops in addition to the sidewalk area allows the addition of larger outdoor dining areas;
- Parking Needs – The expansion of outdoor dining increases the number of people dining at the restaurant, which increases parking demand;

- Building Code Requirements – The enclosure of outdoor dining areas triggers Building Code regulations such as Energy Code compliance, fire suppression requirements, fire separation distances and exterior wall fire resistive ratings.
- Incentivizing Seating Capacity Tiers – Allowing an increased amount of indoor seating and/or outdoor dining seating for bistros based upon conditional standards such as shared parking, landscaping, green space, etc.

At the joint City Commission/Planning Board meeting of June 19th, 2017 the issue of bistro regulations was discussed at length. There was consensus that a review of the requirements and how they relate to the various areas in which they are permitted is warranted. Additionally, Commission members saw good reason to potentially regulate bistros differently depending on the district in which they are located.

The Planning Board held several study sessions on this matter and potential revisions and additions to the bistro standards were discussed. Draft language was created to provide options that would eliminate the ability to utilize enclosures year-round, and would not limit the number of outdoor dining seats or require additional parking for those seating areas. There was discussion on whether or not the 65 seat limit should be revised, or whether rooftop dining should be encouraged and what an acceptable railing height is for platform decks. It was suggested that perhaps the Triangle District and Rail District could establish different standards for maximum seating. New draft language was presented that expands interior seating for bistros in the Triangle and Rail Districts to 85 seats with 15 at the bar, while interior seating for the Downtown District remains at 65. Current rooftop dining standards were deemed acceptable, but the board wished to see railings on platform decks limited to 42 in. in height.

There was not a consensus on requiring shared parking as an incentive to get more seats at the bar.

Mr. Baka discussed Chapter 126 of the Code, sections 3.04, 5.06, 5.07, 5.08, 5.10, 5.11, 5.12, 5.13 and 9.02.

Consensus was for sections 3.04, 5.06, 5.07, 5.08, 5.10, 5.11, 5.12, change "enclosed platform" to "enclosed platform with a guard rail." Also find a way to consolidate I., J., and K in section 3.04 and other sections with the same language to a more precise limitation for enclosure systems for outdoor dining areas.

Mr. Baka clarified for Ms. Whipple-Boyce that vegetation can be planted above the 42 in. railing height.

There was general support for a larger number of indoor seating allowed by right for bistros located in the Rail and Triangle Districts.

Ms. Whipple-Boyce said it has been proven now that the Class C Liquor License holders and the bistro license holders are succeeding well side-by-side. Therefore, she is very supportive of allowing 85 indoor seats in the Rail and Triangle Districts. Losing parking spaces in the summer with more on-street dining doesn't concern her.

Mr. Williams observed that the issue of bistro locations in the Rail District has not been addressed. Ms. Ecker advised that currently they are allowed anywhere within the boundaries of the Rail District with a Special Land Use Permit ("SLUP"). Mr. Williams thought a bistro would significantly adversely impact the residential and live/work areas in the neighborhood.

Ms. Whipple-Boyce agreed with establishing some boundaries. From DPS north it is pretty well developed. She would like to see a bistro somewhere south of DPS.

Mr. Jeffares was not in favor of boundaries because he would like to see all applications. Mr. Koseck agreed with Mr. Jeffares.

Mr. Williams thought maybe it is enough to say there are sensitive areas both in the Rail District and in the Triangle District that need attention whenever a SLUP comes up. Other members agreed.

Mr. Williams stated he is in favor of expanding the number of outdoor dining seats in the Rail and Triangle Districts, but is adamantly opposed to increasing them Downtown. That is where most of the Class C Licenses are and he noted that one just closed. There is no question in his mind that bistros have had an effect on some of the Class C licenses in the Downtown area.

Further, he suggested having the new rules apply to existing bistros. Ms. Ecker explained that could happen if they came back for any changes.

Board members discussed putting a maximum formula in effect for outdoor dining in relationship to indoor dining in the Rail and Triangle Districts. Mr. Share was in favor of a 200% cap there that applies to all outdoor dining, thus outdoor dining (including rooftop dining) could be no more than twice the number of interior dining seats.

Mr. Jeffares did not want a cap. He said he would rather have the Planning Board be able to make decisions on the applications vs. having strict rules and not having any applications.

The board's consensus was to see this one more time before moving forward.

**CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, MARCH 14, 2018
Department of Public Services
851 S. Eton Street, Birmingham, Michigan**

Minutes of the regular meeting of the City of Birmingham Planning Board held on March 14, 2018. Chairman Scott Clein convened the meeting at 7:32 p.m.

Present: Chairman Scott Clein; Board Members Stuart Jeffares, Bert Koseck, Janelle Whipple-Boyce, Bryan Williams; Alternate Board Members Nasseen Ramin, Daniel Share; Student Representative Ellie McElroy (left at 9:07 p.m.)

Absent: Board Members Robin Boyle, Gillian Lazar; Student Representatives Madison Dominato, Sam Fogel

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

03-39-18

3. Bistro Regulations

Background: Mr. Baka advised that recently there has been discussion between the City Commission and the Planning Board that perhaps there should be a re-examination of the bistro requirements which already began last year with several study sessions.

Issue: As the bistro concept has evolved over the past 10 years, new applicants have sought creative ways to make the establishments distinctive from other restaurants and bistros in the City, and to increase the number of seats through the use of all season outdoor dining. The following issues have been raised:

- Use of Eisenglass – Doing so extends the time period outdoor dining areas are in operation which increases the number of seats for the restaurant as a whole for a majority of the year;
- District Requirements – The Downtown District, Triangle District, and Rail District have different opportunities which could merit different requirements for bistros locating within them;
- On-street Dining/Rooftop Dining – the use of on-street parking spaces and rooftops in addition to the sidewalk area allows the addition of larger outdoor dining areas;
- Parking Needs – the expansion of outdoor dining increases the number of people dining at the restaurant, which increases parking demand;
- Building Code Requirements – the enclosure of outdoor dining areas triggers Building Code regulations such as Energy Code compliance, fire suppression requirements, fire separation distances and exterior wall fire resistive ratings.

- Incentivizing Seating Capacity Tiers – Allowing an increased amount of indoor seating and/or outdoor dining seating for bistros based upon conditional standards such as shared parking, landscaping, green space, etc.

At the joint City Commission/Planning Board meeting of June 19th, 2017 the issue of bistro regulations was discussed at length. There was consensus that a review of the requirements and how they relate to the various areas in which they are permitted is warranted. Additionally, Commission members saw good reason to potentially regulate bistros differently depending on the district in which they are located.

The Planning Board held several study sessions on this matter and potential revisions and additions to the bistro standards were discussed. Draft language was created to provide options that would eliminate the ability to utilize enclosures year-round, and not to limit the number of outdoor dining seats or require additional parking for those seating areas. There was discussion on whether or not the 65 seat limit should be revised, or whether rooftop dining should be encouraged and what an acceptable railing height is for platform decks. It was suggested that perhaps the Triangle District and Rail District could establish different standards for maximum seating. New draft language has been presented that expands interior seating for bistros in the Triangle and Rail Districts to 85 seats with 15 at the bar, while interior seating for the Downtown District remains at 65. Current rooftop dining standards were deemed acceptable, but the board wished to see railings on platform decks limited to 42 in. in height.

On January 10, 2018 the Planning Board reviewed the latest draft ordinance language for the proposed bistro regulation changes. The board requested that the language regarding on-street platforms be adjusted so that the reference to enclosing them is eliminated. Also, eliminate permanent enclosures facilitating year-round dining outdoors. Lastly, railings on platform decks may not exceed 42 in. in height in order to create an open atmosphere where the dining adds vitality to the streetscape. Board members wanted to see the final draft language prior to setting a public hearing.

It was agreed the word "permanent" in front of "enclosures" should be eliminated.

Discussion confirmed that rooftop dining is allowable under SLUPs on a case-by-case basis. Outdoor dining on the street is excluded from the rooftop number of seats.

Motion by Mr. Williams

Seconded by Mr. Koseck to set a public hearing for April 11, 2018 to consider the proposed ordinance amendment.

There were no comments from the public at 9:18 p.m.

Motion carried, 7-0.

VOICE VOTE

Yeas: Williams, Koseck, Klein, Jeffares, Ramin, Share, Whipple-Boyce

Nays: None

Absent: Boyle, Lazar

**CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, APRIL 11, 2018
City Commission Room
151 Martin Street, Birmingham, Michigan**

Minutes of the regular meeting of the City of Birmingham Planning Board held on March 28, 2018. Chairman Scott Clein convened the meeting at 7:30 p.m.

Present: Chairman Scott Clein; Board Members Robin Boyle, Stuart Jeffares, Bert Koseck, Janelle Whipple-Boyce, Bryan Williams; Member Daniel Share; Student Representative Ellie McElroy (arrived at 8:35 p.m.)

Absent: Alternate Board Member Nasseen Ramin; Student Representatives Madison Dominato, Sam Fogel

Administration: Brooks Cowan, Planner
Jana Ecker, Planning Director
Carole Salutes, Recording Secretary

04-57-18

PUBLIC HEARING

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

TO AMEND SECTION 3.04, SPECIFIC STANDARDS, BUILDING USE, TO AMEND THE CONDITIONS OF THE BISTRO SPECIAL LAND USE PERMIT.

AND

TO AMEND SECTION 5.06, O1 – OFFICE DISTRICT, SPECIFIC STANDARDS, BUILDING USE, TO AMEND THE CONDITIONS OF THE BISTRO SPECIAL LAND USE PERMIT.

AND

TO AMEND SECTION 5.07, O2 – OFFICE DISTRICT, SPECIFIC STANDARDS, BUILDING USE, TO AMEND THE CONDITIONS OF THE BISTRO SPECIAL LAND USE PERMIT.

AND

TO AMEND SECTION 5.08, P – PARKING DISTRICT, SPECIFIC STANDARDS, BUILDING USE, TO AMEND THE CONDITIONS OF THE BISTRO SPECIAL LAND USE PERMIT.

AND

TO AMEND SECTION 5.10, B2 – GENERAL BUSINESS DISTRICT, B2B – GENERAL BUSINESS DISTRICT, B2C – GENERAL BUSINESS DISTRICT, SPECIFIC STANDARDS, BUILDING USE, TO AMEND THE CONDITIONS OF THE BISTRO SPECIAL LAND USE PERMIT.

AND

TO AMEND SECTION 5.11, B3 – OFFICE-RESIDENTIAL DISTRICT, SPECIFIC STANDARDS, BUILDING USE, TO AMEND THE CONDITIONS OF THE BISTRO SPECIAL LAND USE PERMIT.

AND

TO AMEND SECTION 5.12, B4 – BUSINESS-RESIDENTIAL DISTRICT, SPECIFIC STANDARDS, BUILDING USE, TO AMEND THE CONDITIONS OF THE BISTRO SPECIAL LAND USE PERMIT.

AND

TO AMEND SECTION 5.13, MX – MIXED USE DISTRICT, SPECIFIC STANDARDS, BUILDING USE,
TO AMEND THE CONDITIONS OF THE BISTRO SPECIAL LAND USE PERMIT.

AND

TO AMEND SECTION 9.02, DEFINITIONS: BISTRO.

The Chairman opened the public hearing at 7:34 p.m.

Ms. Ecker recalled the board has been talking about the bistro regulations for almost a year. At a joint City Commission/Planning Board on June 19, 2017 several issues came up that the Commission asked the Planning Board to look at. So, over the past several months the board has been studying this and they have agreed upon language and brought it to a public hearing tonight.

Primarily the changes were to set up two different types of bistros, keeping the standards for the number of interior seats and number of seats at the bar the same for Downtown because they are in the Parking Assessment District and there isn't an excessive amount of parking. Also, creating another section for bistros in the Rail District and Triangle District that would allow a greater number of interior seats and a greater number of seats at the bar, given the fact that they couldn't do that unless they provided the required parking.

Several other changes were made:

- Enclosures facilitating year-around dining are not permitted;
- At the suggestion of the Building Official, railings, platforms or similar barriers should not exceed 42 in. in height;
- The Building Official also suggested that the word "enclosed" be taken out and replaced with "defined" when talking about an elevated ADA compliant enclosed platform.
- The bistro standards are proposed to be added in the MX District.
- Language was added to the existing regulations with regard to the B-3 and B-4 standards on bistros: "No direct connect additional bar permit is allowed and the maximum seating at a bar cannot exceed 10 seats in the Downtown Overlay District, or 15 seats in the Triangle District and Rail District."

Board members were in agreement with the changes.

Motion by Mr. Williams

Seconded by Mr. Share to recommend approval of the proposed ordinance amendments to the City Commission with the changes outlined tonight.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

Absent: None

The public hearing closed at 7:40 p.m.

NOTICE OF PUBLIC HEARING
BIRMINGHAM CITY COMMISSION
AMENDMENT TO ZONING ORDINANCE

Meeting - Date, Time, Location:	Monday, May 14, 2018 7:30 PM Municipal Building, 151 Martin Birmingham, MI 48009
Nature of Hearing:	<p>To consider an amendment to the Zoning Ordinance, Chapter 126:</p> <ul style="list-style-type: none"> • TO AMEND ARTICLE 2, SECTION 2.37, B-4 BUSINESS RESIDENTIAL, TO ALLOW THE SALE OF LIQUOR IN HOTELS IN THE B-4 ZONING DISTRICT WITH A VALID SPECIAL LAND USE PERMIT; AND, <p>To consider the associated amendments to Chapter 10, Alcoholic Liquors, Article II:</p> <ul style="list-style-type: none"> • TO AMEND CHAPTER 10, ALCOHOLIC LIQUORS, ARTICLE II, DIVISION 5, TO ALLOW HOTELS IN DOWNTOWN BIRMINGHAM TO QUALIFY TO OPERATE WITH LIQUOR LICENSES, SIMILAR TO THEATERS <p>A complete copy of the proposed ordinance amendments may be reviewed at the City Clerk's Office.</p>
City Staff Contact:	Jana Ecker 248.530.1841 jecker@bhamgov.org
Notice:	Publish: April 15, 2018
Approved minutes may be reviewed at:	City Clerk's Office

Should you have any statement regarding the above, you are invited to attend the meeting or present your written statement to the City Commission, City of Birmingham, 151 Martin Street, P.O. Box 3001, Birmingham, Michigan 48012-3001 prior to the hearing.

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



MEMORANDUM

Planning Division

DATE: May 2, 2018

TO: Joseph A. Valentine, City Manager

FROM: Jana L. Ecker, Planning Director

SUBJECT: Public Hearing for Ordinance Amendments to Allow Liquor Licenses for Hotels in Downtown Birmingham

On February 20th, 2018, the owners of 298 S. Old Woodward submitted a request for ordinance amendments to Chapter 10, Alcoholic Liquors of the City Code to allow liquor licenses to be utilized at hotels in City, similar to allowing them in theaters in the City. In addition, the applicant applied for a Zoning Ordinance amendment that would allow the use of a liquor license only at qualified hotels located in the B4 zone district in Birmingham. At this time, The Townsend Hotel is the only hotel located in a B4 zone district. However, the proposed Daxton at 298 S. Old Woodward will be the second hotel to be located in B4 and thus could qualify for a hotel liquor license if the proposed ordinance amendments are approved.

On March 28, 2018, the Planning Board conducted a public hearing on the proposed amendments to Chapter 126, Article 2, section 2.37, B-4 Business-Residential, to allow the sale of liquor in hotels in the B-4 zoning district with a valid Special Land Use Permit. In addition, the Planning Board reviewed the associated amendments to Chapter 10, Alcoholic Liquors, Article II to include hotels, although a formal public hearing at the Planning Board was not required. After much discussion, the Planning Board voted to recommend approval to the City Commission of the proposed amendments to Chapter 126, Zoning, Article 2, section 2.37, B-4 Business Residential, to allow the sale of liquor in hotels in the B-4 zoning district with a valid Special Land Use Permit, and to recommend approval of the associated amendments to Chapter 10, Alcoholic Liquors, Article II to include hotels.

Accordingly, the City Commission set a public hearing date of May 14, 2018 to consider the above ordinance amendments. Please find attached the draft ordinance language and meeting minutes for your review.

SUGGESTED ACTION:

To amend Chapter 10, Alcoholic Liquors, Article II, Division 5, to allow hotels in Downtown Birmingham to qualify to operate with liquor licenses, similar to theaters;

AND

To amend Chapter 126, Zoning, Article 2, section 2.37, B-4 Business Residential, to allow the sale of liquor in hotels in the B-4 zoning district with a valid Special Land Use Permit.

OR

To take no action at this time.

(DOES NOT REQUIRE A FORMAL PUBLIC HEARING AT THE PLANNING BOARD)

CITY OF BIRMINGHAM
ORDINANCE NO. ____

AN ORDINANCE TO AMEND PART II OF THE CITY CODE, CHAPTER 10 ALCOHOLIC LIQUORS, ARTICLE II. LICENSES, TO AMEND DIVISION 5 TO ADD LICENSES FOR HOTELS.

THE CITY OF BIRMINGHAM ORDAINS:

Part II of the City Code, Chapter 10 Alcoholic Liquors, Article II. Division 5. – Licenses for Theaters shall be amended to add hotels, as follows:

DIVISION 5. - LICENSES FOR THEATERS AND HOTELS

Sec. 10-100. - Purpose.

The purpose of this division is to establish a policy and conditions to allow the city commission the ability to approve a request to transfer a liquor license into the city in excess of the city's quota licenses if the request is deemed to constitute a substantial benefit to the city for the continuation and development of theaters **or hotels**, and to establish criteria for selecting applicants, and to provide limitations on the influx of new liquor licenses and to insure controlled growth and development regarding liquor licenses and to evaluate the impact of increased liquor licenses on the city. For purposes of this division, theaters shall be defined as a building, part of a building for housing dramatic presentations, stage entertainments or motion picture shows, **and hotels shall be defined as in Chapter 126, Article 9, Section 9.02 of the Zoning Ordinance.**

Sec. 10-101. - Request for transfer of license into city.

Persons desiring to transfer a liquor license from outside the city limits into the city limits in excess of the city's quota licenses shall make an application to the city commission and pay the applicable theater **or hotel** liquor license transfer review fee as set forth in appendix A of this Code. In addition to those items and conditions set forth in section 10-42, the application shall set forth in detail its proposed project, including, but not limited to:

- (1) Utilization of said liquor licenses and details on the number of quota liquor licenses in escrow at the time of application.
- (2) Proposed and/or existing site plan of the property, building floor plan and an operations floor plan.
- (3) An economic impact analysis.
- (4) A copy of the special land use permit application and supporting documentation submitted by the applicant.
- (5) All documentation submitted to the LCC requesting the transfer.
- (6) Full identification and history of the license holder(s) as it pertains to the license proposed to be transferred, including all complaints filed with the state liquor control

commission (LCC) or actions taken by any municipality or the LCC to suspend, revoke or deny the non-renewal of said license and all other documentation setting forth the detail of the existing theater **or hotel**, or proposed theater **or hotel** by the applicant, including the approximate dollar amount of the investment to be made, number of jobs to be created, minimum of 150 seats **for theaters, a minimum of 100 guest rooms for hotels**, and other benefits to the city.

- (7) Information detailing how the proposed operation will create or sustain the theaters **or hotels** in the city.
- (8) Such other items deemed necessary by city administration.

Sec. 10-102. - Application for transfer of liquor license into the city for theater **or hotel** purposes.

- (a) Selection criteria. In addition to the usual factors and criteria used by the city commission for liquor license requests, including those listed in section 10-42, the commission shall consider the following non-exclusive list of criteria to assist in the determination of which of the existing establishment applicants, if any, should be approved:
 - (1) The applicant's demonstrated ability to finance the proposed project.
 - (2) The applicant's track record with the city including responding to city and/or citizen concerns.
 - (3) Whether the applicant has an adequate site plan to handle the proposed liquor license activities.
 - (4) Whether the applicant has adequate health and sanitary facilities.
 - (5) **For theaters only**, the percentage of proceeds from the sale of tickets and food products as compared to the sale of alcoholic beverages.
 - (6) Whether the applicant has outstanding obligations to the city (i.e. property taxes paid, utilities paid, etc.).
- (b) Maximum number of theater **and hotel** licenses. The city commission may approve a maximum of two theater **or hotel** licenses each calendar year in addition to the existing quota licenses otherwise permitted by state law.
- (c) Annual review of need. Every three calendar years, the city commission shall perform a review of the previously approved theater **and hotel** license(s), if any, and the impact of those decisions on the city's downtown. A time for public comment shall be provided.
- (d) If any new transfers of licenses for theaters **or hotels** are to be considered, the city commission shall set a schedule setting forth when all applicants must submit their application and supporting documentation, when interviews may be conducted and a timeframe within which a decision will be anticipated.

Sec. 10-103. - Transfer within city.

Should a theater **or hotel** license be issued by the city commission, said license is limited to the property proposed and approved and the applicant receiving the approval, and shall not be transferred to another location or person/entity within the city without prior approval of the city commission. Standards to be considered by the city commission and the procedure to be

followed shall include those set forth in section 10-42 and section 10-43. In addition, any expansion of the building located on the property must be approved by the city commission.

Sec. 10-104. - Contract and special land use permit required.

A contract for transfer and a special land use permit are required for all licenses approved under this division. The licensee must comply with all provisions of the contract and special land use permit, and any amendments thereto as a condition of granting of a requested transfer and subsequently maintaining the license under this division.

Sec. 10-105. - Renewals.

Once a license is issued under this division, the license holder must go through the license renewal process set forth in section 10-39 and is subject to the renewal standards set forth in section 10-40. A review of compliance with the contract and special land use permit shall also be included.

Sec. 10-106. - License types, endorsements, additional bar permits.

If a license is issued under this division, the license holder may apply for entertainment, dance and additional bar permits from the state liquor control commission for use only on the premises, but shall not apply for or seek from the state liquor control commission any permit endorsements to its liquor license or seek any change in its license status/class whether available in current state liquor control code or in future state liquor control codes, or amendments thereto, without the prior approval from the city commission.

Sec. 10-107. - Violation of license, contract, special land use permit.

Violations or failures to abide by terms of the liquor license, contract, the special land use permit or this Code shall be grounds for the state liquor control commission to suspend, revoke or not renew the liquor license. Further, should violations occur, or should the applicant fail to complete the project as required by plans and specifications presented to the city commission, or fail to comply with all representations made to the city commission, the city shall be entitled to exercise any or all remedies provided in those documents, in this Code, including but not limited to seeking the revocation of the special land use permit, pursuing breach of contract claims, and all other legal and equitable rights to enforce the terms thereunder. The licensee shall reimburse the city all of its costs and actual attorney fees incurred by the city in seeking the suspension, revocation or non-renewal of the liquor license, revocation of the special land use permit, or enforcement of such other rights and remedies, including contractual, as may be available at law or in equity.

Secs. 10-108—10-119. - Reserved.

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

(REQUIRES A FORMAL PUBLIC HEARING AT THE PLANNING BOARD)

CITY OF BIRMINGHAM
ORDINANCE NO. ____

AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CITY CODE, ARTICLE III, SECTION 2.37 (B4) TO ALLOW THE USE OF LIQUOR LICENSES FOR HOTELS.

THE CITY OF BIRMINGHAM ORDAINS:

Chapter 126 Zoning, Article III, Section 2.37 (B4 Business-Residential) shall be amended as follows:

Permitted Uses

Residential Permitted Uses

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

Institutional Permitted Uses

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

Recreational Permitted Uses

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

Commercial Permitted Uses

- auto sales agency
- bakery
- bank
- barber shop/beauty salon
- catering
- child care center
- clothing store
- delicatessen

- department store
- drugstore
- dry cleaning
- flower/gift shop
- food or drink establishment*
- furniture
- greenhouse
- grocery store
- hardware store
- hotel
- jewelry store
- motel
- neighborhood convenience store
- office
- paint
- party store
- retail photocopying
- school-business
- shoe store/shoe repair
- showroom of electricians/plumbers
- tailor
- theater*

Other Permitted Uses

- utility substation

Other Use Regulations

Accessory Permitted Uses

- alcoholic beverage sales*
- laboratory - medical/dental*
- loading facility - off-street
- outdoor cafe*
- outdoor display of goods*
- outdoor sales*
- parking facility - off-street
- retail fur sales cold storage facility
- sign

Uses Requiring a Special Land Use Permit

- alcoholic beverage sales (on-premise consumption)
- assisted living
- continued care retirement community
- establishments operating with a liquor license obtained under Chapter 10, Alcoholic Liquors, Article II, Division 5, Licenses for Theaters **and Hotels**
- independent hospice facility

- independent senior living
- skilled nursing facility

Uses Requiring City Commission Approval

- regulated uses*

*=Use Specific Standards in Section 5.10 Apply

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

Planning Division

DATE: March 20th, 2018

TO: Jana Ecker, Planning Director

FROM: Nicholas Dupuis, Planning Intern

SUBJECT: 298 S. Old Woodward – Daxton Hotel – Request to Allow Liquor Licenses for Hotels in Downtown Birmingham

On February 20th, 2018, the owners of the above-referenced property submitted a request for a Zoning Ordinance amendment that would allow the use of a liquor license at qualified hotels in Downtown Birmingham. Specifically, the owners of the proposed Daxton Hotel have submitted a request for an amendment to Chapter 10, Alcoholic Liquors, Division 5. - Licenses for Theaters of the City Code to include allowing the use of liquor licenses at hotels in Downtown Birmingham.

In order to permit the use of such hotel licenses, proposed zoning amendments are attached that would allow the sale of liquor at both theaters and hotels downtown, with a Special Land Use Permit, in the B4 (Business-Residential) zone district. The Daxton Hotel is located in the B4 zone district. All proposed amendments to the Zoning Ordinance are required to be reviewed by the Planning Board, and a public hearing at the Planning Board level is required. To ensure full public notice is given, the Planning Board will review and make recommendations to the City Commission on both the proposed amendments to Chapter 10, Alcoholic Liquors, and Chapter 126, Zoning. The City Commission has the final authority to approve or deny the proposed amendments.

SUGGESTED ACTION:

Motion to recommend approval to the City Commission of the proposed amendments to Chapter 126, Zoning, Article 2, section 2.37, B-4 Business Residential, to allow the sale of liquor in hotels in the B-4 zoning district with a valid Special Land Use Permit, and to recommend approval of the associated amendments to Chapter 10, Alcoholic Liquors, Article II to include hotels.

Planning Board Minutes
March 28, 2018

PUBLIC HEARING

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

TO AMEND ARTICLE III, SECTION 2.37 (B-4), TO ALLOW HOTELS THAT SERVE ALCOHOLIC LIQUOR.

AND

AN ORDINANCE TO AMEND CHAPTER 10, ALCOHOLIC LIQUORS, OF THE CODE OF THE CITY OF BIRMINGHAM:

TO AMEND ARTICLE II, LICENSES, TO AMEND DIVISION 5, SECTIONS 10-100 TO 10-107, LICENSES FOR THEATERS, TO ADD A NEW CATEGORY OF LIQUOR LICENSES FOR HOTELS (Courtesy review as public hearing is not required at the Planning Board).

Ms. Lazar recused herself on the basis of a familial relationship with one of the owners of the hotel that will be built.

Chairman Clein also recused himself because his firm is working with the developer of the hotel. Mr. Boyle took over the gavel at this time, and Ms. Ramin and Mr. Share joined the board.

Acting Chairman Boyle opened the public hearing at 7:31 p.m.

Ms. Ecker recalled that on February 20th, 2018, the owners of the property at 298 S. Old Woodward Ave. submitted a request for a Zoning Ordinance amendment that would allow the use of a Liquor License at qualified hotels in Downtown Birmingham. Specifically, the owners of the proposed Daxton Hotel at 298 S. Old Woodward Ave. have submitted a request for an amendment to Chapter 10, Alcoholic Liquors, Division 5. - Licenses for Theaters of the City Code to include allowing a new category of Liquor Licenses to be permitted for hotels in Downtown Birmingham. In order to permit the use of such hotel licenses, proposed zoning amendments are presented that would allow the sale of liquor at both theaters and hotels downtown with a Special Land Use Permit ("SLUP"), in the B-4 Business-Residential Zone District. The Daxton Hotel is located in the B-4 Zone District.

In order to qualify, it is recommended that a hotel have a minimum of 100 guest rooms.

In response to Mr. Share, Ms. Ecker explained the issue is there is no way for the hotel to bring in a Liquor License from outside of the jurisdiction unless they purchase a quota license of which there are none available.

All proposed amendments to the Zoning Ordinance are required to be reviewed by the Planning Board, and a public hearing at the Planning Board level is required. To ensure full public notice is given, the Planning Board will review and make recommendations to the City Commission on both the proposed amendments to Chapter 10, Alcoholic Liquors, and Chapter 126, Zoning. The City Commission has the final authority to approve or deny the proposed amendments.

Acting Chairman Boyle invited comments from the public at 7:37 p.m.

Mr. Rick Rattner, 380 N. Old Woodward Ave. spoke to represent the hotel. This ordinance amendment would provide them with a necessary competitive situation. If a hotel has banquet facilities, they always have liquor. This amendment would allow them to bring in a Liquor License from outside of the City.

Mr. Greg Obloy, 1135 N. Glenhurst, objected to this ordinance issue. It seems there should be availability of a quota license with the recent closings. With this amendment, any future hotels could come in and want to pay 5% of what a true quota license would cost to transfer in. Land owners and users have invested tremendous sums into their venues and their Liquor Licenses. Further, future users could come in and ask to be treated in the same manner so they could get a license for \$25,000 or \$30,000 rather than paying \$500,000 to \$750,000 for a quota license. Therefore, he does not think that the City should be whimsically amending its ordinances on a post hoc basis.

Mr. Durade Markus said his group owns the Holiday Inn on Woodward Ave. He pointed out that although Birmingham is still in the race, it will come to a point where Detroit takes over as the city of where to develop. In order to keep Birmingham relevant, he thinks the City should open up Liquor Licenses in hotels. Hotels are the major draw to any city. He doesn't believe allowing Liquor Licenses in hotels should be based on a capricious number of guest rooms. It should be based on how much money is spent and how much economic impact results.

Mr. David Foster, 512 Wallace, said with respect to the proposal to amend the Ordinance that it seems to him the City is opening itself up to a challenge in court because it would be making a special exception for some ~~well-healed~~ **well-heeled** developers to not compensate an existing entrepreneur whose restaurant failed, but thought it had a valuable asset to sell. He urged a balance in the City by this board between the residential community and the Downtown area.

Mr. Jeffares and Ms. Whipple-Boyce believed the City should incentivize what it wants and give a hotel like this the ability to sell alcohol. Ms. Whipple-Boyce thought an Economic Development License may be a better way to get where they want to be.

Mr. Share wondered if they wouldn't want to set a numeric size for guest rooms such as 60 or 75 rooms in a boutique hotel. Perhaps that could be tied to a district. He felt the proposal merits more thought.

Mr. Koseck said he does not have an issue with the Zoning Ordinance amendment. He doesn't see the owners of Liquor Licenses lined up to oppose this. In his mind having this hotel will stimulate going beyond the retail and it will bring people to Birmingham.

Mr. Williams thought it would be a mistake for the Planning Board to try and speculate what size boutique hotel less than 100 rooms is appropriate. He is very comfortable with the 100 limit on this project at this time. If the board wants to address it for a different hotel in a different location they can do that later.

Motion by Mr. Williams

Seconded by Mr. Koseck to recommend approval to the City Commission of the proposed amendments to Chapter 126, Zoning, Article 2, section 2.37, B-4 Business Residential, to allow the sale of liquor in hotels in the B-4 Zoning District with a valid SLUP, and to recommend approval of the associated amendments to Chapter 10, Alcoholic Liquors, Article II to include hotels.

There was no input from the public on the motion at 8:05 p.m.

Mr. Share commented that he was reluctant to support the motion because he is uncomfortable with the idea of adopting an Ordinance amendment that is specifically tailored to a particular development. He would much prefer to think about it in the context of hotels throughout the different areas of the City.

Motion carried, 6-1.

ROLLCALL VOTE

Yeas: Williams, Koseck, Boyle, Jeffares, Ramin, Whipple-Boyce

Nays: Share

Recused: Clein, Lazar

Absent: None

The public hearing closed at 8:06 p.m.

APPLICATION FOR ZONING MAP OR ORDINANCE CHANGE
Birmingham, Michigan

TO THE CITY COMMISSION:

The undersigned hereby makes application to the City Commission to:

1. Zoning Map Change:

Change premises described as:

No.	Street
Legal Description	
_____ from its present zoning	
classification of _____ to _____.	

A sealed land survey showing location, size of lot and placement of building (if any) on the lot to scale must be attached.

Statements and reason for request or other data have a direct bearing on the request.

2. Change premises described as:

298 S. Old Woodward Avenue	
No.	Street
See Exhibit A attached to this Application	
Legal Description	
to be given a hotel-only liquor _____ from its present zoning	
license pursuant to proposed amendment to Chapter 10, Article II, Division 5,	
classification of Section 10-100 to Section 10-107 of the City Code.	

A sealed land survey showing location, size of lot and placement of building (if any) on the lot to scale must be attached. N/A

Statements and reasons for request or other data have a direct bearing on the request. See letter and proposed ordinance attached to this Application.

Signature of Applicant: Richard Rattner *attorney for Woodward Brown*

Print Name: Woodward Brown Ventures, LLC c/o Richard Rattner, Esq.

Name of Owner: Woodward Brown Ventures, LLC

Address and Telephone Number: Williams, Williams, Rattner & Plunkett, P.C.
380 N. Old Woodward Ave, Suite 300
Birmingham, MI 48009
(248) 642-0333



February 20, 2018

Richard D. Rattner
rdr@wwrplaw.com

Birmingham City Commission
City of Birmingham
151 Martin Street
Birmingham, MI 48009

Re: Daxton Hotel Liquor License Request

Dear Birmingham City Commission:

The Daxton Hotel of 298 S. Old Woodward Avenue requests permission to obtain from the City a hotel-only Class C liquor license.

This license will be used by the Daxton to service its adult hotel guests, special event patrons, and bar and restaurant customers. Having a license at the Daxton would allow the hotel to compete in a very competitive market, and allows this new, first-class hotel to offer the best services to our citizens. Our area has numerous hotels and those that offer full services facilities are all licensed. Such hotels, include, by example, the Townsend in Birmingham, the Somerset Inn Troy, and The Kingsley Inn and CenterPoint Marriott in Bloomfield Hills. The license enables these hotels to offer special event services for weddings and parties, as well as to operate restaurants and bars within the hotels.

It is essential to provide hotel patrons and hotel guests with every amenity in order to ensure the success of the Daxton as a destination in Downtown Birmingham. The Daxton is a new development for Birmingham and will bring the unique design of a boutique hotel to Downtown. The hotel owners are investing considerable capital into the Daxton in order to develop it to the highest standards as a luxury property and point of destination. The Daxton will have a restaurant, bar and grill, wine bar, and retail establishments at street level, activating the block with pedestrian traffic, social engagement, and commerce.

We ask the City to allow a hotel-only license, as it recently was able to do for theater-only licenses. Such hotel-only licenses would enable the City to place whatever controls it feels appropriate on the newly created license.

We respectfully request that the City find a way through a SLUP or some other vehicle to allow a "hotel-only" license. The SLUP procedure ensures that the City may control the licensed activity and attach reasonable conditions to the privilege of operating a first-class hotel in Birmingham.

Thank you for your consideration regarding this matter.

Very truly yours,

WILLIAMS, WILLIAMS, RATTNER & PLUNKETT, P.C.



Richard D. Rattner

RDR/cmc

cc: Joseph A. Valentine
Jana Ecker

Division 5- Licenses for Theaters and Hotels

Section 10-100 – Purpose.

The purpose of this division is to establish a policy and conditions to allow the city commission the ability to approve a request to transfer a liquor license into the city in excess of the city's quota licenses if the request is deemed to constitute a substantial benefit to the city for the continuation and development of theaters or hotels, and to establish criteria for selecting applicants, and to provide limitations on the influx of new liquor licenses and to insure controlled growth and development regarding liquor licenses and to evaluate the impact of increased liquor licenses on the city. For purposes of this division, theaters shall be defined as a building, part of a building for housing dramatic presentations, state entertainments or motion picture shows, and hotels shall be defined as set forth in Article 9 of this Code.

(Ord. No. 2212, 2-13-17)

Sec. 10-101 - Request for Transfer of license into city.

Persons desiring to transfer a liquor license from outside the city limits into the city limits in excess of the city's quota licenses shall make an application to the city commission and pay the applicable theater or hotel liquor license transfer review fee as set forth in appendix A of this Code. In addition to those items and conditions set forth in section 10-42, the application shall set forth in detail its proposed project, including, but not limited to:

- (1) Utilization of said liquor licenses and details on the number of quota liquor licenses in escrow at the time of application.
- (2) Proposed and/or existing site plan of the property, building floor plan and an operations floor plan.
- (3) An economic impact analysis.
- (4) A copy of the special land use permit application and supporting documentation submitted by the applicant.
- (5) All documentation submitted to the LCC requesting the transfer.
- (6) Full identification and history of the license holder(s) as it pertains to the license proposed to be transferred, including all complaints filed with the state liquor control commission (LCC) or actions taken by any municipality or the LCC to suspend, revoke or deny the non-renewal of said license and all other documentation setting forth the detail of the existing theater or hotel or proposed theater or hotel by the applicant, including the approximate dollar amount of the investment to be made, number of jobs to be created, minimum of 150 seats for a theater and minimum of ___ guest rooms for a hotel and other benefits to the city.

Division 5 - Licenses for Theaters and Hotels

Page 2

- (7) Information detailing how the proposed operation will create or sustain development in the city consistent with the master plan.
- (8) Such other items deemed necessary by city administration.

(Ord. No. 2212, 2-13-17)

Sec. 10-102- Application for transfer of liquor license into the city for theater or hotel purposes.

- (a) Selection criteria. In addition to the usual factors and criteria used by the city commission for liquor license requests, including those listed in section 10-42, the commission shall consider the following non-exclusive list of criteria to assist in the determination of which of the existing establishment applicants, if any, should be approved:
 - (1) The applicant's demonstrated ability to finance the proposed project.
 - (2) The applicant's track record with the city including responding to city and/or citizen concerns.
 - (3) Whether the applicant has an adequate site plan to handle the proposed liquor license activities.
 - (4) Whether the applicant has adequate health and sanitary facilities.
 - (5) The percentage of proceeds from room rental fees, charges for special events and food sales as compared to the sale of alcoholic beverages.
 - (6) Whether the applicant has outstanding obligations to the city (i.e. property taxes paid, utilities paid, etc.).
- (b) Maximum number of theater and hotel licenses. The city commission may approve a maximum of ___ theater licenses and ___ hotel licenses each calendar year in addition to the existing quota licenses otherwise permitted by state law.
- (c) Annual review of need. Every three calendar years, the city commission shall perform a review of the previously approved theater and hotel license(s), if any, and the impact of those decisions on the city's downtown. A time for public comment shall be provided.
- (d) If any new transfers of licenses for theaters or hotels are to be considered, the city commission shall set a schedule setting forth when all applicants must submit their application and supporting documentation, when interviews may be conducted and a timeframe within which a decision will be anticipated.

(Ord. No. 2212, 2-13-17)

Sec. 10-103 -Transfer within city.

Should a theater or hotel license be issued by the city commission, said license is limited to the property proposed and approved and the applicant receiving the approval, and shall not be transferred to another location or person/entity within the city without prior approval of the city commission. Standards to be considered by the city commission and the procedure to be followed shall include those set forth in section 10-42 and section 10-43. In addition, any expansion of the building located on the property must be approved by the city commission.

(Ord. No. 2212, 2-13-17)

Sec. 10.104 - Contract and special land use permit required.

A contract for transfer and a special land use permit are required for all licenses approved under this division. The licensee must comply with all provisions of the contract and special land use permit, and any amendments thereto as a condition of granting of a requested transfer and subsequently maintaining the license under this division.

Sec. 10.105 - Renewals.

Once a license is issued under this division, the license holder must go through the license renewal process set forth in section 10-39 and is subject to the renewal standards set forth in section 10-40. A review of compliance with the contract and special land use permit shall also be included.

Sec. 10.106 - License types, endorsements, additional bar permits.

If a license is issued under this division, the license holder may apply for entertainment, dance and additional bar permits from the state liquor control commission for use only on the premises, but shall not apply for or seek from the state liquor control commission any permit endorsements to its liquor license or seek any change in its license status/class whether available in current state liquor control code or in future state liquor control codes, or amendments thereto, without the prior approval from the city commission.

(Ord. No. 2212, 2-13-17)

Sec. 10.107 - Violation of license, contract, special land use permit.

Violations or failures to abide by terms of the liquor license, contract, the special land use permit or this Code shall be grounds for the state liquor control commission to suspend, revoke or not renew the liquor license. Further, should violations occur, or should the applicant fail to complete the project as required by plans and specifications presented to the city commission, or

Division 5 - Licenses for Theaters and Hotels

Page 4

fail to comply with all representations made to the city commission, the city shall be entitled to exercise any or all remedies provided in those documents, in this Code, including but not limited to seeking the revocation of the special land use permit, pursuing breach of contract claims, and all other legal and equitable rights to enforce the terms thereunder. The licensee shall reimburse the city all of its costs and actual attorney fees incurred by the city in seeking the suspension, revocation or non-renewal of the liquor license, revocation of the special land use permit, or enforcement of such other rights and remedies, including contractual, as may be available at law or in equity.

(Ord. No. 2212, 2-13-17)



MEMORANDUM

City Clerk's Office

DATE: May 8, 2018

TO: Joseph A. Valentine, City Manager

FROM: J. Cherilynn Mynsberge, City Clerk

SUBJECT: Special Event Request
Birmingham First United Methodist Church – Shine On Worship Service

Attached is a special event application submitted by Birmingham First United Methodist Church requesting permission to hold a contemporary worship service with a live band and message on Sunday, July 15, 2018 in the Shain Park pavilion and lawn area. This is a first-time application for this event.

Set-up for the event will begin at 7:00 AM, with the event to begin at 10:00 AM. Tear-down will be completed by 12:30 PM. The Police Department has signed off on the application. No streets will be shut down, and no additional safety personnel will be required.

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

The following events have been approved by the Commission to be held in July. These events do not pose a conflict with the proposed event.

Event Name	Date	Location
Farmers Market	Sundays	Lot 6
In the Park Concerts	Wednesdays	Shain Park
Movie Night	Fridays	Booth Park

SUGGESTED RESOLUTION:

To approve a request submitted by Birmingham First United Methodist Church requesting permission to hold a contemporary worship service with a live band and message on Sunday, July 15, 2018 in the Shain Park pavilion and lawn area, 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.

18-00011247

RECEIVED BY

APR 12 2018

CITY CLERK'S OFFICE

**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

FEES: **FIRST TIME EVENT:** **\$200.00**
 ANNUAL APPLICATION FEE: **\$165.00**

(Please print clearly or type)

Date of Application 4/12/18

Name of Event Shine Worship in the Park

Detailed Description of Event (attach additional sheet if necessary) Contemporary worship service with a live band & message. We are a Christian church.

Location Shain Park - band shell + lawn area

Date(s) of Event 7/15/18 Hours of Event 9:00am - 10:00am - 11:00am

Date(s) of Set-up 7/15/18 Hours of Set-up 7:00am - 12:00pm

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

Date(s) of Tear-down 7/15/18 Hours of Tear-down 11:00am - 12:30pm

Organization Sponsoring Event Birmingham First

Organization Address 1589 W. Maple, Birmingham, MI 48009

Organization Phone 248-646-1200

Contact Person Kristin Snyder

Contact Phone 734-276-9828

Contact Email ksnyder@fmcbbirmingham.org

II. EVENT INFORMATION

1. Organization Type Non-profit.
(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.) N/A
3. Is the event a fundraiser? YES ☐ NO ☒
List beneficiary N/A
List expected income N/A
Attach information about the beneficiary. N/A
4. First time event in Birmingham? YES ☒ NO ☐
If no, describe _____
5. Total number of people expected to attend per day 100 people
6. The event will be held on the following City property: (Please list)
☐ Street(s) N/A
☐ Sidewalk(s) N/A
☒ Park(s) Shain Park (band shell + seating area on lawn)
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? None

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 _____

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 8:00am

Time music will end 11:00 am

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

13. Will there be signage in the area of the event? YES ☐ NO ☒
Number of signs/banners _____

Size of signs/banners _____

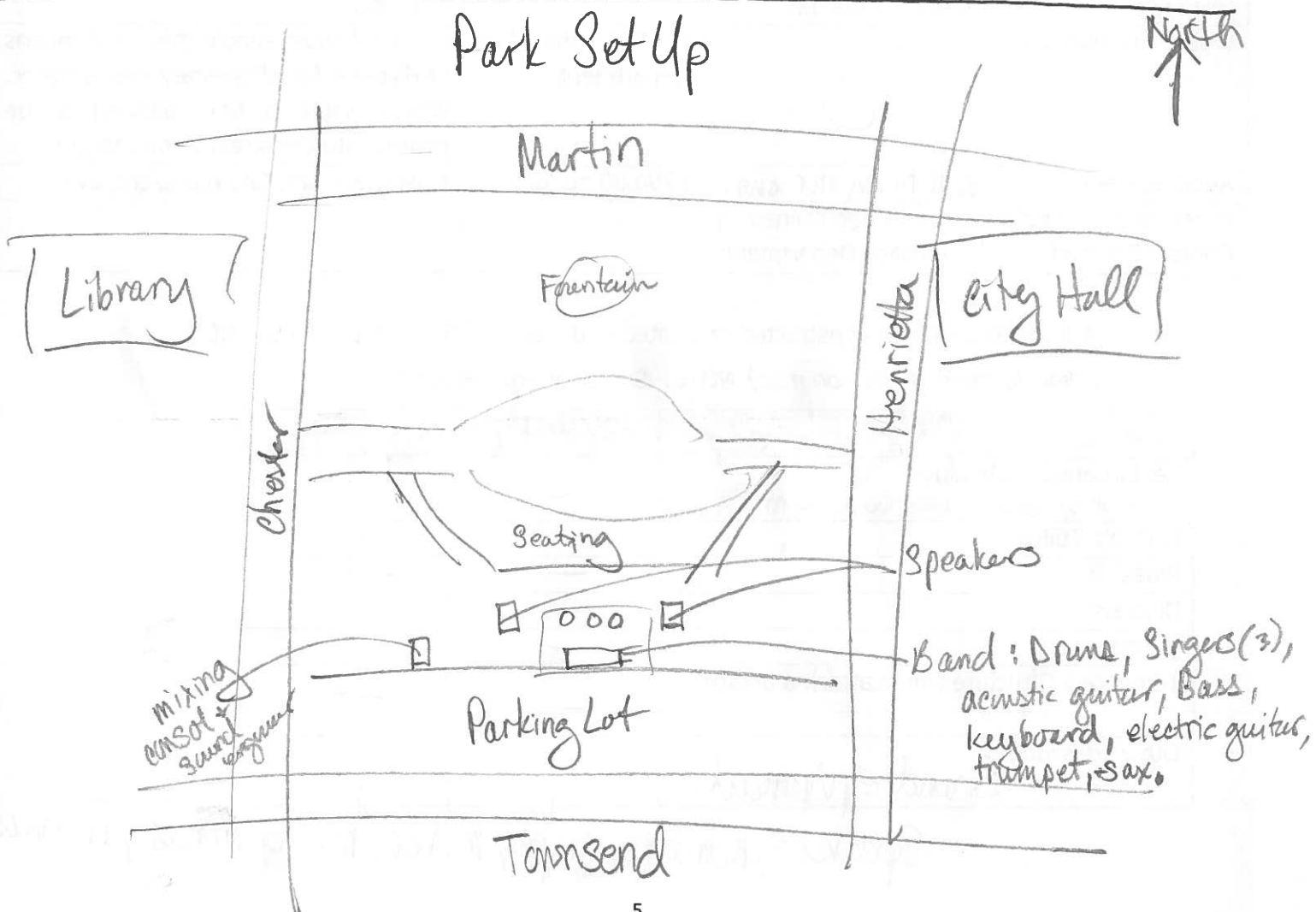
Submit a photo/drawing of the sign(s). **A sign permit is required.**

14. Will food/beverages/merchandise be sold? YES ☐ NO ☒
 - Peddler/vendor permits must be submitted to the Clerk's Office, **at least two weeks prior to the event.**
 - All food/beverage vendors must have Oakland County Health Department approval.
 - Attach copy of Health Dept approval.
 - There is a \$50.00 application fee for all vendors and peddlers, in addition to the \$10.00 daily fee, per location.

LIST OF VENDORS/PEDDLERS

(attach additional sheet if necessary)

VENDOR NAME	GOODS TO BE SOLD	WATER HOOK-UP REQUIRED?	ELECTRIC REQUIRED?
N/A	N/A	N/A	N/A



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	0	6 for \$200.00	A request for more than six tables will be evaluated based on availability.
Trash Receptacles	0	\$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	0	\$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	0	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	will bring our own	\$200.00 per day	Must meet with City representative.
Meter Bags / Traffic Cones / Barricades	# to be determined by the Police Department.		

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

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

Sound equipment

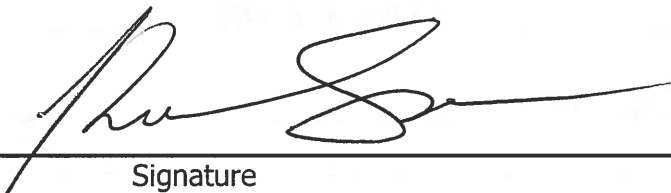
Speakers, monitors, amps, mixer, microphones, instruments

SIGNATURE OF APPLICANT REQUIRED

EVENT NAME Shine : Worship in the Park
EVENT DATE 7/15/18

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

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

 4/12/18
Signature Date

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

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

SPECIAL EVENT REQUEST NOTIFICATION LETTER

DATE: April 18, 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: Birmingham First United Methodist Church Worship in the Park

LOCATION: Shain Park

DATE(S) OF EVENT Sunday July 15, 2018 10am-11am

BRIEF DESCRIPTION OF EVENT/ACTIVITY: A Christian worship service in the park on Sunday morning.

DATE(S) OF SET-UP: 7/15/18 7am – 8:15am

DATE(S) OF REHEARSAL: 7/18/18 8:15am – 9:45am

DATE(S) OF EVENT: 7/15/18 10am-11am

DATE(S) OF TEAR-DOWN: 7/15/18 11am – 12:30pm

DATE OF CITY COMMISSION MEETING: Monday May 14th

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

EVENT ORGANIZER: First United Methodist Church Birmingham
ADDRESS: 1589 W. Maple, Birmingham, MI 48009
PHONE: 248-646-1200

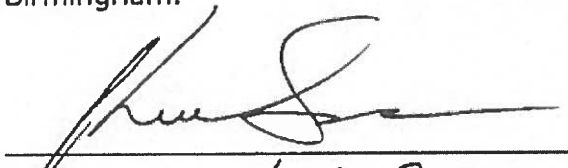
FOR QUESTIONS ON DAY OF EVENT, CONTACT: Kristin Snyder cell phone 734-276-9328



BIRMINGHAM FIRST
A UNITED METHODIST CHURCH

HOLD-HARMLESS AGREEMENT

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


Applicant Signature *Kristin Snyder*

4/18/18
Date

DEPARTMENT APPROVALS

EVENT NAME SHINE WORSHIP IN THE PARK

LICENSE NUMBER #18-00011247

COMMISSION HEARING DATE: MAY 14, 2018

NOTE TO STAFF: Please submit approval by **MAY 4, 2018**

DATE OF EVENT: JULY 15, 2018

DEPARTMENT	APPROVED	COMMENTS	PERMITS REQUIRED (Must be obtained directly from individual departments)	ESTIMATED COSTS (Must be paid two weeks prior to the event. License will not be issued if unpaid.)	ACTUAL COSTS (Event will be invoiced by the Clerk's office after the event)
PLANNING 101-000.000-634.0005 248.530.1855	Yes	No Cost/No Comment			
BUILDING 101-000.000.634.0005 248.530.1850	MM	No Building Department involvement		\$0	
FIRE 101-000.000-634.0004 248.530.1900	JMC			\$0	
POLICE 101-000.000.634.0003 248.530.1870	SG	On duty personnel to provide extra patrol.		\$0	\$0
PUBLIC SERVICES 101-000.000-634.0002 248.530.1642	Carrie Laird	No Services are Needed From DPS		\$0	
ENGINEERING 101-000.000.634.0002 248.530.1839	A.F.	No Comments	None	\$0	\$0
SP+ PARKING	A.F.	Emailed to SP+ on 05/01/18		\$0	\$0

INSURANCE 248.530.1807	CA	Hold Harmless agreement on file; must provide certificate of insurance by 6/29/18.	None	\$0	\$0
CLERK 101-000.000-614.0000 248.530.1803		Notification letters mailed by applicant ON 4/18/18. 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 6/29/18.	Applications for vendors license must be submitted no later than N/A.	\$165 pd	
				TOTAL DEPOSIT REQUIRED \$0	ACTUAL COST

FOR CLERK'S OFFICE USE

Deposit paid _____

Actual Cost _____

Due/Refund _____

Rev. 5/8/18

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Date: May 3, 2018

To: Joseph A. Valentine, City Manager

From: Matthew Baka, Senior Planner

Approved: Jana Ecker, Planning Director

Subject: Master Plan Selection Process

On April 9, 2018 the City Commission voted to issue the RFP for a new Birmingham Master Plan. The deadline to submit proposals for consideration is June 1, 2018. During previous meetings regarding the Master Plan RFP there has been discussion on the consultant selection process. The final selection will be made by the City Commission. The part of the process that was discussed at the joint meeting was who should perform a preliminary review of all of the RFP submittals. This topic was extensively discussed at the joint City Commission/ Planning Board meeting of September 16, 2016 (minutes attached). At that meeting several scenarios were considered. The options discussed were to have the Planning Board review the submittals and make a recommendation to the City Commission, which has been the process followed for many of the subarea plans. A second option discussed was to form a subcommittee that incorporates members of the Planning Board, select members of other relevant boards and Birmingham residents. Although no decision was made, as it was a study session, the conversation seemed to favor the ad hoc committee approach. It was suggested that if the City Commission determined that an ad hoc committee was the best course of action then the composition of the committee could be as follows:

Ad Hoc Committee Members

- Three (3) Planning Board members
- Two (2) City residents
- One (1) Multi-Modal Transportation Board member
- One (1) Advisory Parking Committee member
- One (1) Parks and Recreation Board member
- One (1) Design Review Board/Historic District Commission member

The chart below provides a tentative schedule for an ad hoc committee if the City Commission were to choose to create one.

May 14 th 2018	Creation of the ad hoc committee
June 1 st , 2018	Deadline for submittal of proposals
Week of June 4 th , 2018	1 st meeting of the committee
Week of June 25 th , 2018	2 nd meeting of the committee, Interview top consultants & forward recommendation to the City Commission
Week of July 9 th , 2018	City Commission review of proposals and recommendation, selection of consultant
Week of August 13 th , 2018	Kickoff meeting

SUGGESTED ACTION

Establish an Ad Hoc Master Plan Selection Committee for the duration of the consultant selection process to review all Master plan RFP submittals and make a recommendation to the City Commission. with the following members;

- Three (3) Planning Board members
- Two (2) City residents
- One (1) Multi-Modal Transportation Board member
- One (1) Advisory Parking Committee member
- One (1) Parks and Recreation Board member
- One (1) Design Review Board/Historic District Commission member

OR

To direct the Planning Board to review all Master Plan RFP submittals and make a recommendation to the City Commission.

**BIRMINGHAM CITY COMMISSION /
PLANNING BOARD JOINT WORKSHOP MINUTES
SEPTEMBER 19, 2016
DPS FACILITY, 851 SOUTH ETON
7:30 P.M.**

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

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

II. ROLL CALL

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

Ms. Boyce
Mr. Boyle
Mr. Jeffares
Mr. Koseck
Ms. Lazar
Ms. Prasad, alternate member
Mr. Williams

Absent: Mr. Clein
Mr. Share, alternate member

Administration: City Manager Valentine, City Attorney Currier, Deputy Clerk Arft, City Planner Ecker, Building Director Johnson

III. ITEMS FOR DISCUSSION

A. Comprehensive Master Plan Update

Ms. Ecker described what has transpired with the RFP for a Master Plan. In June, 2016 a draft scope of work was presented to the commission and board. At that time, it was agreed that a more holistic, comprehensive approach was desired, including a visioning process that would look at the character and future of the neighborhoods and how that would fit in with the commercial districts. Transitional zoning, parking concerns, and the use of present and future technology, among others, were also concerns. The intention is to get feedback tonight on the draft RFP and then bring the RFP formally to the City Commission for issuance. She said if the RFP is issued soon, respondents could submit in October, with interviews following, and an award in December of this year, with a kick-off meeting in January 2017.

Some of the additions to the draft include a public visioning process, a public engagement plan from firms. The Planning Board would work with the consultant to get a draft plan and then bring it to the City Commission. The Commission would be involved throughout the process in

the various design sessions, input sessions, and workshops. More detail was added to the parking analysis, including residential permit parking, city-wide parking plan.

Ms. Ecker said transitional zoning is not specifically called out for a study, but is referred to within the RFP as it relates to residential areas, the downtown, and commercial areas.

Mr. Williams would like to see representatives from residential communities added to the evaluation committee.

Ms. Ecker noted that the proposals would be reviewed by staff and the Planning Board, be narrowed down to two or three candidates, and be interviewed by the Planning Board. It would be brought to the City Commission to make the final selection. Ms. Ecker explained how the process was handled for the sub-area plans.

Mayor Hoff asked for thoughts on including residents on the selection committee. City Manager Valentine said the options would be to stay with the Planning Board, or create an ad hoc committee to serve as the evaluation panel for the proposals.

Mr. Williams said residents have complaints about a lack of input and he would like to get them involved. He would like the residents to appoint their own representatives from the beginning.

City Manager Valentine asked if the residents are part of the evaluation panel, are they going to have the same voting privileges as other members of the board.

Ms. Boyce thinks important for the Planning Board to make recommendations to the City Commission, and agrees it is important to have residents involved early in the process. She does not think there should be a separate committee and that the residents should not have a vote. The Planning Board already has qualified people on the board who have the knowledge and skills in this area.

Commissioner Boutros said the residents elected the commissioners to represent them and make decisions. He welcomes public involvement, but his fear is finding qualified residents to make the evaluations and decisions on this important plan.

Mayor Pro Tem Nickita said the key to public involvement is during the process to include as much as possible the public's interest and concerns and reaction to the proposals. In terms of selecting, he suggested we stay with the Planning Board or create an ad hoc committee to include members of different boards and some commissioners. He suggested it would be helpful to include the public in that dialog during the evaluation process with specific invitations and keep the final selection to the Planning Board.

Mr. Williams said since this plan will deal with residential areas and not just commercial as the sub-area plans have, the residents should be invited to participate at the beginning of the process. The residents would have opinions on what the study is going to look like as opposed to who the consultant is going to be.

Commissioner Bordman thinks an ad hoc committee could be created for the purpose of selecting the contractor to include MMTB, Parks & Recreation as well as the Planning Board and residents.

Mr. Boyle suggested those who respond to the RFP be asked how they would engage the public. He thinks we can deal with the selection of appropriate consultants by using the people who are experienced in this including the commission, staff and with a public meeting at the Planning Board with the consultants who respond.

Mayor Hoff said there are now two different opinions on how we should proceed. One is to create an ad hoc committee consisting of members of different boards and including members of the general public. The other is to have the Planning Board conduct the interviews with invitations to members of the public to attend that session and invite them to give their opinions on selecting the contractor.

Ms. Ecker said historically we have used an ad hoc committee if we do not have a specific board dedicated to the topic. She stated that the state law and city code specifically task the planning board with the planning of the city and making recommendations for land use, etc. to the City Commission.

Mayor Pro Tem Nickita prefers to base the decision making on some level of precedent that we have had success with. This is a special plan, more broad, more inclusive, more unique in the sense it has not been done in 30 years, so it may be appropriate to have the Planning Board lead, but incorporate some of the other boards as an option.

Commissioner DeWeese suggested a compromise of perhaps three or more Planning Board members that the board selects and maybe one member of other boards that are critical, along with a public representative.

Commissioner Harris agrees with the creation of an ad hoc committee for this review.

Mr. Jeffares suggested using the Planning Board and adding a few people to that. After the decision is made, the Planning Board will be working with the plan, and it is important to have the seven Planning Board members all feel like they were in on the decision.

Commissioner Sherman suggested that what is contemplated is how the city is going to grow and fit together, and he thinks it falls more in the category of a committee as we have set up for things like Shain Park where we had multiple aspects that went into it. All of the boards will be involved in various aspects of this plan, but he would limit the task of this committee solely to selecting the contractor. The plan itself is going to come back to each of the boards for review. At that point, the board's comments and interpretation are going to be incorporated into the plan. Selection is only part of it. Getting the right candidates to submit their proposals is more important.

Commissioner Boutros asked how the individual members feel.

Mr. Williams wants to be inclusive and go beyond the Planning Board.

Mr. Jeffares is in favor of the Planning Board and add a few of the other key players.

Ms. Prasad has experience in working on master plans and she does not believe that she has ever presented to a group that has not been tailor made to select the planner for that particular exercise. She agrees with including members of other committees that could add value with the Planning Board would be the right approach.

Ms. Boyce said the Planning Board is the appropriate board to make the selection for the recommendation and agrees that it would be beneficial to have others invited and hear their comments at a public meeting. She would not put them on the board and specifically give them a vote

Mr. Boyle is in favor of inclusiveness and wants the Planning Board members to be involved. At the end of the day, the board will be working with the consultant and their teams. He suggested that Parking, Multi-Modal Transportation Board, Parks and Recreation, and Design Review Boards be included, and there may be others.

Mr. Koseck said the Planning Board members have been appointed by the commission. Members of other committees would bring expertise to the group which might make it better.

Mayor Hoff said we are now talking about the Planning Board and four other people, or an ad hoc committee comprised of three or four planning board members and people from the other committees and boards. She believes the makeup makes a difference.

Ms. Boyce said this discussion began with including residents and asked if that is important or not.

Commissioner Sherman does not think the entire board should sit on the selection committee plus other committee members. He would rather see a couple board members plus the other committees mentioned, and a couple of residents. It will be looked at from different points of view made up of a mixed bag of people with different skill sets.

Mayor Hoff said if that is the way we go, we need to discuss the composition of the committee.

Mayor Hoff noted the contractor selection recommendation committee will be made up of three Planning Board members, two residents (one property owner), and one member of each of the following committees: Multi-Modal Transportation Board, Advisory Parking Committee, Parks and Recreation, Design Review Board.

Mayor Hoff asked for comments on the Introduction.

Commissioner DeWeese suggested changes in the reference to dense urban communities.

Mayor Pro Tem Nickita agreed and suggested the words "...traditional, walkable..." be used.

Commissioner Bordman suggested adding the words "...encouraging residents to participate in a public involvement process,...".

Mayor Hoff suggested "conducting strategic visioning sessions with residents".

Commissioner Bordman would like to see it in the introduction on the first page. She questioned the use of only "current" demographic data, and suggested that "projected" be added. Ms. Ecker noted it was spelled out in more detail on the next in the Updated Data Collection and Analysis section. Ms. Ecker said the word would be added.

Resident Deangelo Espree commented.

Commissioner DeWeese referred to bullet point 4, and said he would like to have something referring to a vision for neighborhoods. There is disagreement in this city over how the neighborhoods look and he would like to more directly address that with a vision on which we can get some agreement.

Mr. Williams would like to address the trends in the city since 1980, and analyze what has taken place in neighborhoods.

Commissioner DeWeese said we have a clear vision for the downtown and commercial areas, but we do not have a clear vision of the neighborhoods.

Commissioner Bordman suggested "Update of residential housing section to include an analysis of changes in residential areas from 1980 to present, neighborhood goals, projections..."

Commissioner DeWeese wants some direction. He wants to know where the city needs to be moving.

Mr. Boyle suggested adding "...future direction" to Commissioner Bordman's suggestion.

Mayor Pro Tem Nickita thinks it is more involved and maybe we need to expand the bullet, because it is going back to the percentage of the city that is single family residential for the most part and the amount of emphasis we have had on the planning and directing the non-residential. In order for us to identify where we want these neighborhoods to go, we have to recognize exactly what we have. Part of that is the distinction of identifying the characteristics of the different neighborhoods so that there is some definition of physical conditions of one neighborhood over another, because if we are going to start identify or analyze some type of variation of what is there, we need to understand how it is different from the next. He thinks the bullet point should expand to include "neighborhood typeology, neighborhood characteristics and neighborhood evolution". He said we cannot competently direct vision and set the stage for future development if we do not understand that.

Commissioner Harris suggested incorporating the RTA in the discussion in bullet 5.

Commissioner Bordman suggested adding "anticipated effects of autonomous vehicles". Ms. Ecker said that is covered on the next page under Parking Analysis.

Mr. Jeffares asked if that would cover the utility aspect since autonomous is mostly going to be electrical. Ms. Ecker agreed that should be added in section 3.

Commissioner DeWeese would like the words "and alternatives" added to item 4. Residential Permit Parking (city-wide). It would be clear that we are looking for alternatives.

Mayor Pro Tem Nickita said we need to be somewhat specific when referring to demographic data to include residential, office and commercial.

Mayor Pro Tem Nickita suggested adding to bullet point 7 "to incorporate current technological advancements" and "innovative policies". He feels "best practices" is too broad.

Mayor Pro Tem Nickita suggested under Public Participation language to include provide an app to develop and encourage as much public participation as possible.

Mr. Boyle suggested the words “,...utilizing contemporary technologies.” at the end of the last sentence.

Commissioner Bordman did not see anything like a monkey survey that the consultant would put together and offer to the public. She thought the city could use the email that we use now for the bulletins we send out so we could have a monkey survey ahead of or around the same time as the charrettes. It would involve people who due to work or family commitments cannot come to the charrette, but would still like to play a role to help figure out where we are going with this plan.

Mr. Boyle suggested more of a rewrite in the Visioning Process section to indicate we are looking for a consultant who understands the importance of capturing all views and brings these views early and often. He would like to put the onus on them to present to us a detailed plan for comprehensive community engagement, and that we assess that as part of the review process. They should bring experience of where it has been done before.

Mayor Hoff asked how we communicate that we want one public meeting for review of the final draft at the Planning Board and one before the City Commission.

Ms. Ecker suggested “....shall include at a minimum...”

Mayor Pro Tem Nickita suggested that the commission be involved in a preliminary meeting that provides a progress report.

Commissioner DeWeese suggested replacing the words “urban areas” with “dense, traditional, walkable communities” in 2. Updated Data Collection and Analysis.

Mr. Koseck suggested adding words “residential” before neighborhood in 1. Visioning Process.

Mayor Pro Tem Nickita suggested adding in 3. Infrastructure Analysis “and the incorporation of complete streets policies and walkable priorities.”

Ms. Prasad said whatever we find in the infrastructure analysis and parking analysis, should feed the visioning process, and that the community engagement goes on throughout the whole term of the project.

Commissioner DeWeese suggested changes to item 6 on page 6. He said it needs to be more inclusive especially as it relates to the City Commission. Ms. Ecker will add language requiring progress reports and/or updates.

Mr. Boyle suggested the words “ongoing engagement with....”

Mayor Pro Tem Nickita said we may want to be more specific in the Deliverables section. He suggested that we add “...that clearly depict the plan concepts, proposed vision, and recommendations.” We should be very clear on the documentation that they give us. We may want to add before and after illustrations, three dimensional illustrations of particular concepts, detailed plan document, including elements like buildings, pedestrian network, including sub-

area plans. We want to have in our hands at the end of the day that will give us the ability to implement the plan.

Mr. Boyce asked if we need the hard color copies. Ms. Ecker said historically we have supplied a copy of the plan to the commissioners.

Mr. Koseck said it might be more important to get a hard copy of a 90% complete set. It is common for architects to provide hard copies at 50% and 90% completion so the clients can mark it up.

Mr. Jeffares suggested an infographic might be helpful.

Mr. Koseck suggested that item 2 under Submission Requirements, identify key people and their roles, ask for references for those people, and a separate category for past projects that the firm has done with references.

Mr. Williams suggested we need to be flexible to accept both a contractor who brings along sub-contractors as opposed to a joint venture situation.

Mayor Pro Tem Nickita said it is important how we frame our desired qualifications.

City Attorney Currier said a joint venture agreement gives the city more protection and more accessibility.

Mr. Koseck suggested requesting an organizational chart in the submission requirements.

City Manager Valentine clarified this RFP will be bid under our normal procedure which is open and public as all bids are.

Mr. Williams said he is not sure a month is enough time to put together a joint venture. He thinks firms should have 60 days to respond.

Mayor Hoff adjourned the meeting at 9:44 pm.

Cheryl Arft
Deputy City Clerk



MEMORANDUM

Planning Department

DATE: May 8, 2018

TO: Joseph A. Valentine, City Manager

FROM: Lauren Chapman, Assistant City Planner

APPROVED BY: Jana L. Ecker, Planning Director

SUBJECT: Bicycle Infrastructure

The City Commission allocated \$15,000 for bicycle parking in the FY 17-18 budget. City staff has identified locations for 17 new bike racks in the City, and these locations have been reviewed by the Multi-Modal Transportation Board. As the total cost of these 17 racks was less than the amount budgeted, City staff also asked the Multi-Modal Transportation Board to review and comment on the purchase and installation of 4 bicycle maintenance stations.

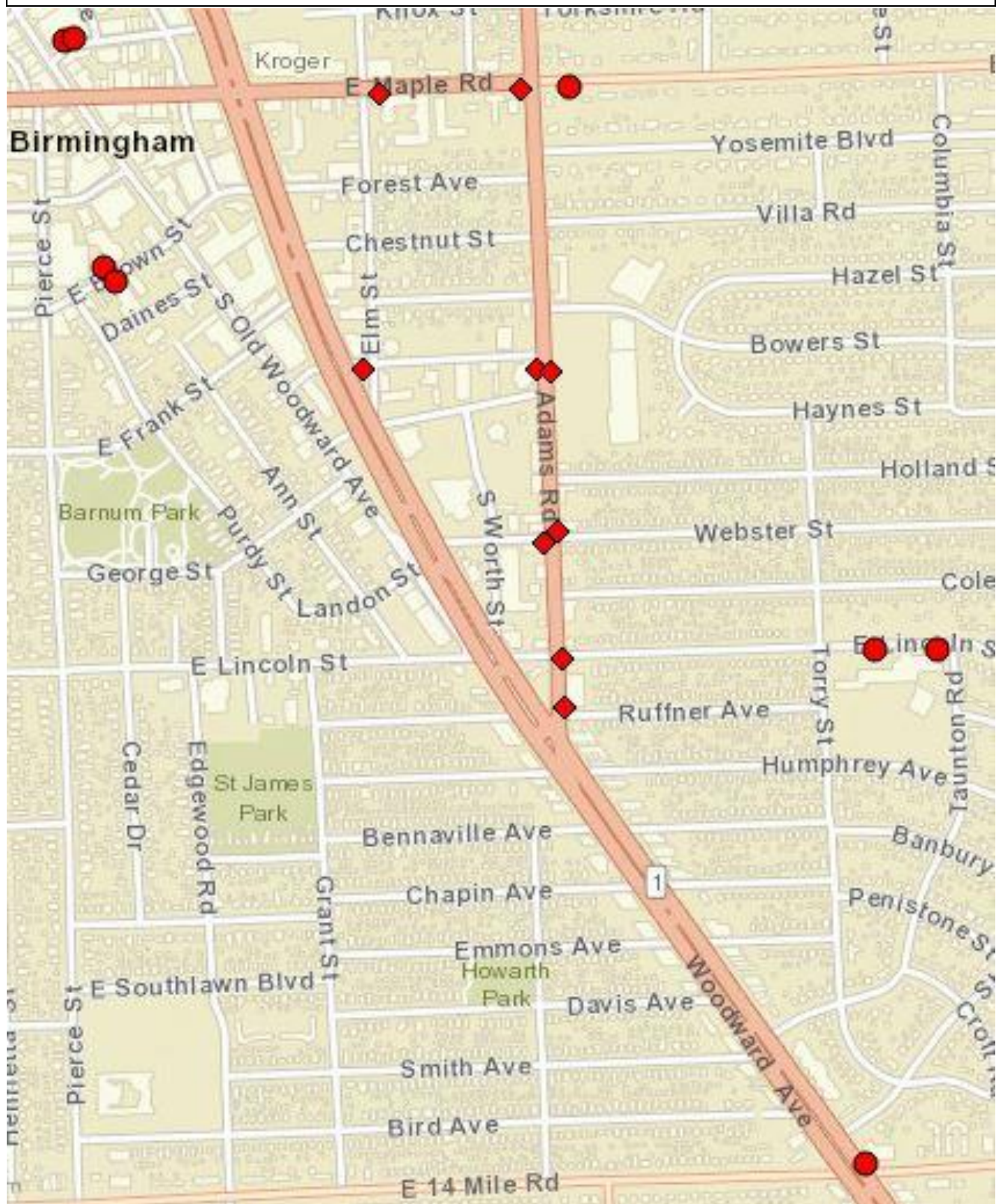
Bicycle Parking

On April 9, 2012, the City Commission approved the Downtown Bicycle Parking Plan. The plan consists of three phases that call for the installation of 101 bike racks at 80 locations. The City Commission approved the use of black plastisol finish Inverted U racks and the use of Rail-Mounted Inverted U rack, as the standard temporary bike rack model. Nearly all the racks that the City Commission approved in the Downtown Bicycle Parking Plan have been installed. Nine of the Phase 3 racks are proposed to be located within the boundaries of the Old Woodward reconstruction project area (9 U racks @ \$153, total of \$1377). The Multi-Modal Transportation Board will review those locations near completion of the Old Woodward reconstruction project.

At this time, the following bike racks are proposed as Phase 4 of the City's Bicycle Parking Plan, several bike racks are proposed in the vicinity of Downtown Birmingham, and several others are proposed for the Triangle District. The previously approved Inverted U racks would be installed at the locations in the vicinity of Downtown (8 U racks @ \$153, total of \$1224, bike racks already purchased and in stock).

On April 9, 2018, the City Commission approved the Loop bike rack to be the standard bicycle rack for the Triangle District, and thus the Loop racks are proposed for the Phase 4 locations within the Triangle District (9 Loop racks @ \$360, total of \$3240). However, four of the proposed locations are on the west side of S. Adams, just outside of the official boundaries of the Triangle District. City staff recommends that the same racks be use on both sides of the road so that all bike racks along S. Adams will be consistent. These locations are marked on the list with an asterisk (*).

Phase 4



Bicycle Infrastructure

Phase 4					
Number	Address	Adjacent Business	Location Description	Notes	Number of Racks
1,2	209 Hamilton	Palladium	Both sides of main entrance		2
3	294 Brown	Caldwell Banker			1
4	400 S Old Woodward	The Forefront	Adjacent to bus stop		1
5	1160 E Maple	Bus Stop			1
6,7	1658 E Lincoln	Our Shepard			2
8	33100 Woodward	FedEx Office	Adjacent to bus stop		1
9	100 Adams	Thrifty Florist		Triangle standard bike rack	1
10*	1137 Adams	Great Harvest Bread			1
11	600 Adams	Southbound bus stop	Adjacent to bus stop		1
12	611 Elm	Bus Stop	Behind pole; parallel to street		1
13*	725 Adams	Northbound bus stop			1
14	820 E Maple	All Seasons			1
15*	877 Adams				1
16	908 Adams	Claymore Shop			1
17*	1186 Adams	Block Advisors			1

Bicycle Maintenance Stations

In addition to adding bicycle parking throughout the City, the Multi-Modal Transportation Plan recommends that the City provide active transportation hubs at key locations around town. The Plan defines active transportation hubs as “wayfinding kiosks that serve as orientation and resource centers for multi-modal trips.” Active transportation hubs assist people who are already walking and/or bicycling find community resources and introduce people to new walking and bicycling opportunities. Two of the recommended amenities were bicycle maintenance stations and air pumps. The Multi-Modal Transportation Plan recommended the placement of bicycle maintenance stations at Booth Park, Quarton Lake Park, in the Rail District and at City Hall. Each proposed location is discussed below.

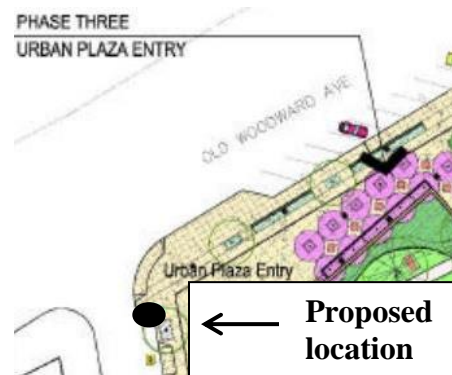
On May 1, 2018, the Parks and Recreation Board reviewed and endorsed the installation of the bicycle maintenance stations at Booth Park, Quarton Lake Park, Shain Park, and Kenning Park. The Board did want to ensure that the Planning Department coordinates closely with the Department of Public Services to guarantee that the positioning of the maintenance stations do not interfere with existing plans for the parks.

Bicycle Infrastructure

Booth Park



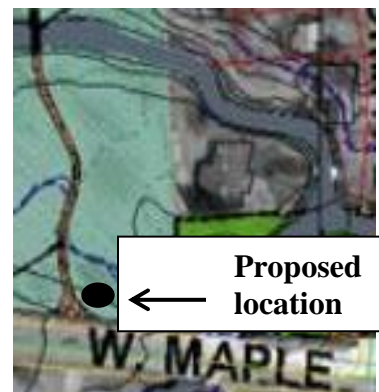
City staff recommends that a maintenance station and air pump be located at the corner of North Old Woodward and Harmon. This location would give the repair station great visibility to anyone traveling on either street as well as park and trail users. The proposed location will not interfere with the Booth Park Phase Three Plan.



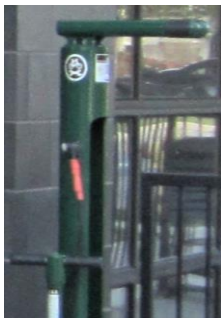
Quarton Lake Park



City staff recommends that a repair station and air pump be located at the Maple Road head of the Quarton Lake Trail. This location is immediately north of the area where the MMTB approved the installation of a crosswalk island. The repair station would be very visible to anyone traveling on West Maple Road as well as park and trail users. The proposed location will not interfere with the Rouge River Trail Corridor Master Plan.

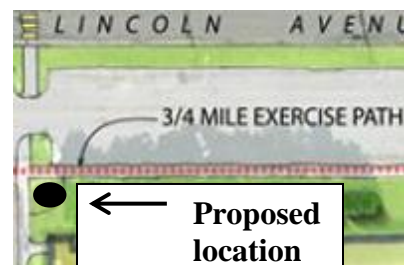


Rail District



**Fixit &
Air Kit 2 -
Griffin Claw**

Griffin Claw Brewing Company on Eton has installed a bicycle maintenance station and an air pump. City staff proposes another maintenance station at Kenning Park. The preferred location is near the sign identifying the park by the tennis courts. Staff recommends installing the bicycle repair station in this location as more people may see the station than if it were further east. The proposed location will not interfere with the Kenning Park Master Plan.

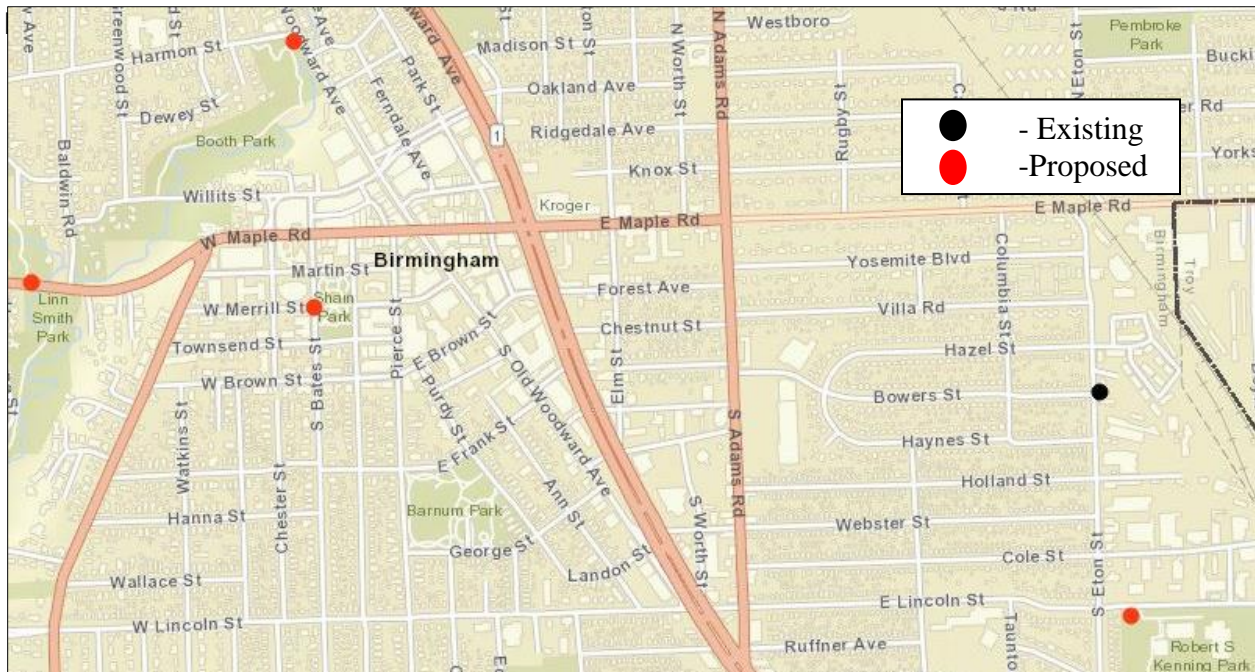


Shain Park



Although the Multi-Modal Plan recommends an active transportation hub be located at City Hall, locating a maintenance station and air pump at Shain Park near the Baldwin Library and Community House may be more beneficial. This location would give the repair station greater visibility for visitors to the park, library, and the Community House.

Bicycle Infrastructure



In addition to recommending bicycle maintenance station locations, the Multi-Modal Transportation Board recommended selection of the following products to be standards City-wide.

Fixit



Hanging the bike from the hanger arms allows pedals and wheels to spin freely while making adjustments. Dero Fixit hanger arms accommodate many types of bikes. Hanger arms can be mounted at 12, 3, 6, or 9 o'clock. The Fixit has a large surface area that could feature branding or wayfinding signage. Each Fixit has a QR code that takes smart phone users to a bike repair web site. A pump holster can be mounted on either side or back of Fixit. The Fixit includes commonly used tools necessary to perform basic bike repairs and maintenance. Braided stainless steel aircraft cables and tamper-proof fasteners secure the tools. The tools that are included are:

- Philips and flat head screwdrivers
- 2.5, 3, 4, 5, 6, 8mm Allen wrenches
- Headset wrench
- Pedal wrench
- 8, 9, 10, 11mm box wrenches
- Tire levers (2)



Fixit at Grand Circus Park - Detroit

The bicycle maintenance station located at Griffin Claw is a Fixit model station. Additionally, Detroit and Ferndale have used this model. Only one provider has been identified for the Fixit.

The quoted cost of this product is \$702 for galvanized and powder coat finishes.

Air Kit 2



The Air Kit 2 was specifically designed for outdoor public use. The Air Kit 2 has a pump head that accommodates both Presta and Schrader valve stem types. The bike pump is completely sealed from the elements. Solid stainless steel construction and impact-resistant gauge cover prevents misuse and vandalism. A piston and rod seal ensures a long service life. The pump includes a two-year warranty. It is ideal for heavy use settings.

The quoted cost of this product is \$406 for galvanized and powder coat finishes.

Dero



Dero bike repair signs are 12"W x 18"H and are made of aluminum. Made with standard hole placement for easy installation. QR code takes users to a map of known Fixit repair station installations in the area. Signs are printed with inks designed specifically for outdoor traffic and parking signs – for the ultimate in durability. Corners are rounded and burr-free, this provides a longer life and a professional appearance. The signs do not bend and have outlasted tough storms.

The quoted cost of a Repair/ Air sign is \$32.

Please find attached the staff memo to the Multi-Modal Transportation Board for a full range of bicycle maintenance station products considered by the Board. After much discussion, on April 5, 2018, the board voted to recommend the following to the City Commission:

To recommend that the City Commission approve the installation of 9 U Rack and 8 Loop embedded bike racks as outlined on the attached chart and map of Phase 4 of the City's Bicycle Parking Plan.

AND

To recommend that the City Commission approve the Fixit bicycle maintenance station with a Hunter Green powder coat finish be the new standard bicycle maintenance station for the City, along with the Air Kit 2 public bike pump with a Hunter Green powder coat finish and the Dero Bicycle Repair signs.

AND

To recommend that the City Commission approve the purchase and installation of four bicycle repair stations, air pumps, and Dero Bicycle Repair signs at the locations noted in Booth Park, Quarton Lake Park, Shain Park, and Kenning Park.

Bicycle Infrastructure

SUGGESTED RESOLUTION:

To approve the installation of 9 U Rack embedded bike racks and the purchase and installation of 8 Loop embedded bike racks as outlined on the attached chart and map of Phase 4 of the City's Bicycle Parking Plan, for a total cost of \$3240 from account #721.000-825.0000;

AND

To approve the following as the City-wide standard bicycle maintenance station components:

1. Fixit bicycle maintenance station with a Hunter Green powder coat finish;
2. Air Kit 2 public bike pump with a Hunter Green powder coat finish; and
3. Dero Bicycle Repair signs;

AND

To approve the purchase and installation of four bicycle repair stations, including four fixit stations (\$2808), four air pumps (\$1624), and four Dero Bicycle Repair signs (\$128) at the locations noted in Booth Park, Quarton Lake Park, Shain Park, and Kenning Park, for a total expenditure of \$4,819.50 from account #721.000-825.0000.

**DRAFT Multi-Modal Transportation Board Minutes
April 5, 2018**

6. BICYCLE RACK PLACEMENT - PHASE 4

Overview of Program

Ms. Chapman recalled that on April 9, 2012, the City Commission approved the Downtown Bicycle Parking Plan. The plan consists of three phases that call for the installation of 101 bike racks at 80 different locations. Nearly all of the racks that the City Commission approved in the Downtown Bicycle Parking Plan have been installed. Nine of the Phase 3 racks are proposed to be located within the boundaries of the Old Woodward reconstruction project area. The board will review those locations closer to the end of the construction.

Phase 4

In the 2017-2018 budget the City Commission approved allocating \$15,000 for the installation of additional bike racks. City staff has identified locations for 36 bike racks throughout the City. Thirty-six racks were ordered from the approved vendor and one has already been installed. The total cost of the racks was \$5,805. At this time, staff is requesting location approval for this round of bike racks. Several of the locations proposed are in the Triangle District.

The MMTB recommended the Loop bike rack to be standard for the Triangle District. Four of the locations are on the west side of S Adams. The west side of the street is outside of the official boundaries of the Triangle District. City staff recommends that the same racks be used on both sides of the road. Presented is a list and a map of proposed locations for new racks.

Ms. Edwards thought the Rail District would be an opportunity to do something that stands out as a totally different aesthetic. She would be comfortable with the racks in Kenning Park being postponed and the ones in front of business to be different.

Motion by Mr. Isaksen

Seconded by Ms. Edwards to recommend approval of the installation of 17 permanent bike racks to the City Commission as proposed on the attached chart excluding the sites to the east of Eton and the site at E. Maple Rd. and Eton. as part of Phase 4 of the City's Bicycle Parking Plan.

Motion carried, 5-0.

VOICE VOTE

Yeas: Isaksen, Edwards, Adams, Folberg, Schafer

Nays: None

Absent: Rontal, Slanga, Surnow

Ms. Chapman noted this matter will not go to the City Commission until it is completed.

7. BICYCLE MAINTENANCE STATIONS

Bicycle Infrastructure

Ms. Chapman advised the City Commission has allocated \$15,000 for bicycle parking in the FY 17-18 budget. City staff identified locations for 36 new bike racks, and the total cost of the racks for two different models was \$9,655. This leaves \$5,345 in the budget to spend.

City staff would like the MMTB to consider using some of the remaining funds for bicycle maintenance stations. The Multi-Modal Transportation Plan recommends the City provide active transportation hubs at key locations around town such as Booth Park, Quarton Lake Park, City Hall, and in the Rail District. Ms. Chapman thought the stations could be placed in Shain Park near City Hall and in Kenning Park in the Rail District as well as in Booth Park and Quarton Lake Park. There is one maintenance station in the Rail District already and it is at Griffin Claw, installed by them. It is the Fixit style in a dark green color along with an air pump.

Active transportation hubs assist people who are already walking and/or bicycling to find community resources and introduce people to new walking and bicycling opportunities. The Multi-Modal Transportation Plan describes Active Transportation Hubs as including among other amenities a bicycle maintenance station with air pump. City staff believes that installing bicycle maintenance stations would be an important step in encouraging and accommodating bikes as a transportation mode and establishing active transportation hubs.

Ms. Chapman reported on the features and pricing of four different models of bike maintenance stations. They all include commonly used tools for simple bike maintenance.

Board members agreed that a sign on the maintenance station would create some public awareness about its purpose.

She recommended the Fixit and the Air Kit 2 due to the products' low costs, previous use in the City, and simple and clean aesthetics. If the board chooses the recommended products, the total cost of four of each of the products plus shipping and taxes would be \$4,642, bringing the total for bike racks (Triangle and City standard), bicycle maintenance stations, concrete pads, and air pumps to \$13,830. This leaves \$541 available to spend on additional accessories, racks, or signage.

Motion by Ms. Edwards

Seconded by Ms. Folberg to recommend to the City Commission that the Fixit bicycle maintenance stand with a Hunter Green powder coat finish be the new standard bicycle maintenance stand for the City.

AND

To recommend to the City Commission that the Air Kit 2 public bike pump with a Hunter Green powder coat finish be the new standard public bike pump for the City.

AND

To recommend to the City Commission approval of the purchase and installation of four bicycle repair stations, four air pumps and 4 Dero bike repair signs at: Booth Park, Quarton Lake Park, Shain Park, and Kenning Park.

Bicycle Infrastructure

VOICE VOTE

Yeas: Edwards, Folberg, Adams, Isaksen, Schafer

Nays: None

Absent: Rontal, Slanga, Surnow



MEMORANDUM

Planning Department

DATE: March 3, 2018

TO: Multi-Modal Transportation Board

FROM: Lauren Chapman, Assistant City Planner

APPROVED BY: Jana Ecker, Planning Director

SUBJECT: Bicycle Maintenance Stations

The City Commission has allocated \$15,000 for bicycle parking in the FY 17-18 budget. City staff identified locations for 36 new bike racks, and the total cost of the racks for two different models was \$9,655. This leaves \$5,345 in the budget to spend. City staff would like the Multi-Modal Transportation Board to consider using the some of the remaining funds that are available for bicycle maintenance stations.

The Multi-Modal Transportation Plan recommends the City provide active transportation hubs at key locations around town such as Booth Park, Quarton Lake Park, City Hall, and in the Rail District. The Plan defines active transportation hubs as “wayfinding kiosks that serve as orientation and resource centers for multi-modal trips.” Active transportation hubs assist people who are already walking and/or bicycling find community resources and introduce people to new walking and bicycling opportunities.

The plan describes Active Transportation Hubs as including the following amenities:

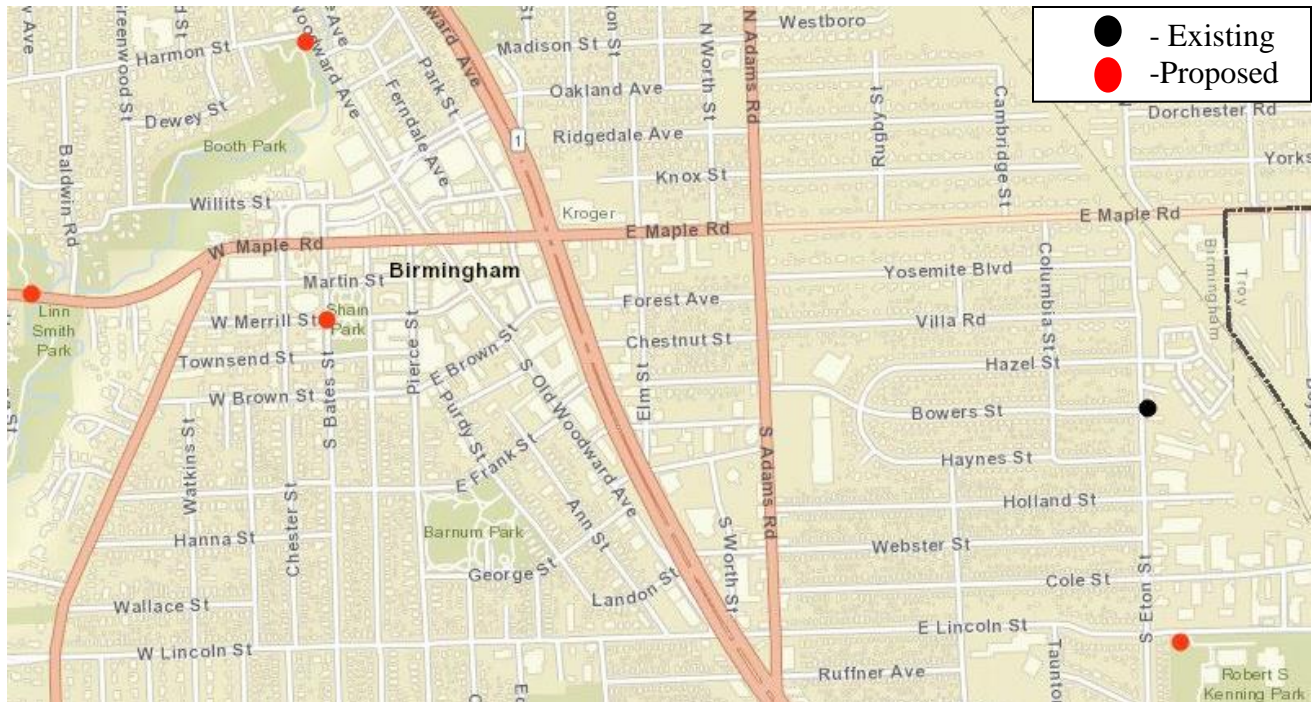
- Four Sided Information Kiosk
 - County/Regional Trail Map
 - Downtown Attractions/ Walking Map
 - Bulletin Board with Events
 - General Tourist Information
- Drinking Fountain
- Bicycle Maintenance Station with Air Pump
- Bike Parking, Bench and Trash/Recycling Receptacles
- Lighting
- Vending machines that dispense basic bicycle repair supplies if there is not a bike shop nearby

City Staff believes that installing bicycle maintenance stations would be an important step in encouraging and accommodating bikes as a transportation mode and establishing active transportation hubs. Included with this memo are: a map of proposed bicycle maintenance stations locations; renderings of where the maintenance

Bicycle Maintenance Stations

stations could be located; and information about models of and providers of bicycle maintenance stations.

Locations



Booth Park



Booth Park is located at the southwest intersection of Old Woodward and Harmon, north of the Rouge River branch. Its features include: a playscape, turf hill/amphitheater, rain garden, and a trail connecting to the Rouge River Trail. The park is a beautiful recreational area attracting hundreds of visitors from all over Michigan.

City staff recommends that a maintenance station and air pump be located at the corner of North Old Woodward and Harmon. This location would give the repair station great visibility to anyone traveling on either street as well as park and trail users.

Quarton Lake Park



Quarton Lake Park is located on the City's west side, and surrounds Quarton Lake. The Rouge River feeds the lake. In 2005, several improvements to the park were completed. Improvements included landscaping and structural enhancements creating several overlook viewing areas, installing a footbridge over the water, and an improved pathway system throughout the park.

Bicycle Maintenance Stations

City staff recommends that a repair station and air pump be located at the Maple Road head of the Quarton Lake Trail. This location is immediately north of the area where the MMTB approved the installation of a crosswalk island. The repair station would be very visible to anyone traveling on West Maple Road as well as park and trail users.

Shain Park



Shain Park is located in the downtown which is considered the heart of the City. It underwent extensive renovations that were completed in 2010. Features include a plaza fountain with granite décor, a band shell, a children's play area, granite paved Merrill Street with the Marshall Fredericks statue in the center of the park, and a performance stage area with open lawn space for large audiences. It is the home of the In the Park Summer Concerts.

While the Multi-Modal Plan recommends an active transportation hub be at City Hall, locating a maintenance station and air pump at Shain Park near the Baldwin Library and Community House may be more beneficial. This location would give the repair station greater visibility visitors to the park, library, and Community House.

Rail District



Griffin Claw Bicycle Maintenance Stand and Air Pump

The Multi-Modal Plan suggests that an active transportation hub be located in the Rail District. Griffin Claw Brewing Company on Eton has a bicycle maintenance station and an air pump. City staff proposes that another station be located at Kenning Park.

Kenning Park is located in the southeast portion of the City adjacent to Lincoln Road. The site is the primary recreation complex in the community and is home to the Ice Sports Arena. Outdoor facilities include: baseball diamonds, a softball diamond, tennis courts, open space, playground equipment, and a skate park. The City has also negotiated a long-term lease for the Racquet Club at Kenning Park. Inside the racquet club are locker rooms, a pro shop, and a nursery.

Nine bike racks are proposed to be located at the Park. The preferred location at the park is near the sign identifying the park by the tennis courts. This location is advantageous because many patrons of the park come onto Lincoln from S. Eton; staff recommends installing the bicycle repair station in this location as more people will see the station than if it were further east.



Public Bike Maintenance Stations

There are several different models of bicycle maintenance stations on the market. The following portion of this memo will explore four different models, the features and pricing of the models. The bike maintenance stations all include commonly used tools for simple bike maintenance.

Deluxe Public Work Stand



The Deluxe Public Work Stand is an all-in-one, repair facility that can be installed anywhere, providing cyclists with free equipment to make adjustments and repairs on the spot. The heavy-duty product is made from formed and welded steel and cast aluminum. The front is impact and UV resistant and won't show wear from pedal strikes. The repair station is designed to directly interface with all three of Bike Fixation's (the manufacturer's) manual pumps and wheel holder attachments. The repair station features a large surface area for custom branding/signage.

The Deluxe Public Work Stand features eight tools securely attached by retractable stainless steel cables; the long hoses provide wide range without touching the ground. The tools that are included are:

- Phillips & standard screwdrivers
- Steel core tire levers (2)
- Headset/pedal wrench
- 8/10 & 9/11mm cone wrenches
- Torx T-25
- Hex key set

Its' UV resistant powder coating assures its resilience to high levels of corrosion. There are several finish options for the Deluxe Public Work Stand:

- Steel: Galvanized and Stainless; and
- Colored powder coat, the colors are:
 - Bike Fixation Red
 - Cycle Track Black
 - Sunset Orange
 - Signal Yellow
 - Green: Sprout Green and Spruce Green
 - Billy Ocean Blue
 - Bark Brown
 - Gray: Granite Gray and Matter Gray

The quoted cost of this product is \$895 for galvanized and powder coat finishes and \$1,495 for a stainless steel finish.

Fixit

The Fixit includes the tools necessary to perform basic bike repairs and maintenance. Hanging the bike from the hanger arms allows pedals and wheels to spin freely while making adjustments. Dero Fixit hanger arms accommodate many types of bikes. Hanger arms can be mounted at 12, 3, 6, or 9 o'clock. The Fixit has a large surface area that could feature sponsorship, branding, or wayfinding signage. Each Fixit has a QR code that takes smart phone users to a bike repair web site. A pump holster can be mounted on either side or back of Fixit. The Fixit includes commonly used tools for simple bike maintenance. The tools that are included with the Fixit are secured with braided stainless steel aircraft cables and tamper-proof fasteners. The tools that are included are:

- Philips and flat head screwdrivers
- 2.5, 3, 4, 5, 6, 8mm Allen wrenches
- Headset wrench
- Pedal wrench
- 8, 9, 10, 11mm box wrenches
- Tire levers (2)



The bicycle repair station that is located at Griffin Claw is a Fixit model station. Additionally, this model has been used by the cities of Detroit and Ferndale. Only one provider has been identified for the Fixit.

There are several finish options for the Fixit:

- Steel: Galvanized and Stainless; and
- Colored powder coat, the colors are:
 - Red: Deep Red and Wine Red
 - Black: Black and Flat Black
 - Orange
 - Yellow: Yellow and CNH Bright Yellow
 - White
 - Dark Purple
 - Bronze
 - Silver
 - Sepia Brown
 - Green: Green, Hunter Green, Light Green
 - Gray: Light Gray and Iron Gray
- Colored thermoplastic coat, the colors are:
 - Red
 - Black
 - Green
 - Gray
 - Brown

**Fixit at Grand
Circus Park -
Detroit**



The quoted cost of this product is \$702 for galvanized and powder coat finishes and \$774 for a thermoplastic and stainless steel finishes.

Public Work Stand



The Public Bike Repair Stand is built to withstand the elements and misuse. To ensure that this stand will be looking great for years, the thick-walled tubing is finished in galvanized or stainless steel, or powder coated. The Public Bike Repair Stand's I-beam construction makes it difficult for bicycles to be locked to it.

An instructional label shows what the Public Bike Repair Stand is for, how to hang your bike from it, and includes a web link/QR code to online repair instructions.

The Public Bike Repair Stand is a multifunctional amenity offering cyclists a free facility for repairs and can be installed in any location.

Aircraft cable is used to permanently tether eight common bicycle tools to help riders get to their destination. Tool assemblies are spaced to prevent tangling. The tools that are included are:

- Phillips & standard screwdrivers
- Steel core tire levers (2)
- Headset/pedal wrench
- 8/10mm cone wrench
- 9/11mm cone wrench
- Torx T-25
- Hex key set

This product is designed by BikeFixation and features a stable universal bike mount to easily make repairs on the spot. Wayne State University has used this model.

The Public Work Stand is made from reinforced steel and is designed to be bolted into a concrete surface for stability and security. Its UV resistant powder coating ensures its resilience to high levels of corrosion making it ideal for installation at any cycle parking facility.

The quoted cost of this product is \$695 for galvanized and powder coat finishes and \$995 for a stainless steel finish.



Urban Repair Stand

The Urban Repair Stand is a station for simple bike repair and maintenance. The design allows for easy service and replacement of tools. The Urban Bike Repair Stand has ten attached tools for basic maintenance and flat repair along with a lockable compartment to prevent tool theft and vandalism. The following tools are included:

- Regular and Stubby Phillips screwdrivers
- Regular Slotted and Stubby Slotted screwdrivers
- Tire Levers
- Adjustable and combination wrenches
- Multi Torx Set
- Multi Hex Set



The two finish options for the Urban Repair Stand are:

- Galvanized Steel; and
- Colored thermoplastic coat, the colors are:
 - Black
 - Green
 - Red
 - Yellow

Only one provider has been identified for the Urban Repair Stand.

The quoted cost of this product is \$749 for all finishes.

Public Air Pump

An air pump is the ideal complement to a bicycle repair station. City staff only explored manual air pumps. Electric air pumps are much more expensive than manual pumps and are not seen as worth the extra cost. All of the public bike pump models have pump heads that accommodate both Presta and Schrader valve stem types.

Air Kit 2



The Air Kit 2 was specifically designed for outdoor public use. The bike pump is completely sealed from the elements. Solid stainless steel construction and impact-resistant gauge cover prevents misuse and vandalism. A piston and rod seal ensures a long service life. The pump includes a two-year warranty. It is ideal for heavy use settings.

The quoted cost of this product is \$406 for galvanized and powder coat finishes and \$442 for thermoplastic and stainless steel finishes.

Air Kit 3



The Air Kit 3 is designed for heavy-duty, repeated public use. Minimal maintenance is required. The pump has an operable temperature range of -30 to 110° F. The model features: a magnetic pump head that snaps to the pump body; rubber hand grips and an anti-fog PSI gauge.

Both the Air Kit 2 and the Air Kit 3 use cut-resistant steel braided core air hose for maximum protection. The finish options for both products are:

- Steel: Galvanized and Stainless; and
- Colored powder coat, the colors are:
 - Red: Deep Red and Wine Red
 - Black: Black and Flat Black
 - Orange
 - Yellow: Yellow and CNH Bright Yellow
 - White
 - Dark Purple
 - Bronze
 - Silver
 - Sepia Brown
 - Green: Green, Hunter Green, and Light Green
 - Gray: Light Gray and Iron Gray
- Colored thermoplastic coat, the colors are:
 - Red
 - Black
 - Green
 - Gray
 - Brown

The quoted cost of this product is \$598 for galvanized and powder coat finishes and \$634 for thermoplastic and stainless steel finishes.

Outdoor Public Bike Pump



The Outdoor Bike Pump can come with or without a gauge. The pump comes with a two-year warranty. The product is constructed with outdoor-rated stainless steel, and is completely sealed. The pump has a long-life piston seal and solid pump rod. The operable temperature range is -30 to 110° F. The pump can be surface mounted or mounted onto a bicycle repair station.



This product is constructed from stainless steel with an impact resistant gauge cover making it an ideal product for continuous public use and reduces its risk of vandalism. The hose has a rubber exterior and a braided steel core to prevent cutting. There are two options for the length of the hose: 18" or 35". The longer hose length requires a mounting clip.

The quoted cost of this product is \$450 without a gauge and \$675 with a gauge.

Super Duty Foot Pump



The Super Duty Foot Pump is designed for a high use environment making it suitable for indoor and outdoor applications. The oil-filled gauge will not freeze and resists damage from impact. The only finish option is heavy duty galvanized steel.

Only one provider has been identified for the Super Duty Foot Pump.

The quoted cost of this product is \$724.

Wheel holder

One accessory that could be paired with an air pump is a wheel holder. Two products for holding a bike's wheel have been identified, the wheel chock and the pump stop.

Wheel Chock

The Wheel Chock supports bikes without kickstands while inflating tires. It accommodates tires up to 2.75" and wheel diameters up to 29". Bikes cannot be locked onto the Wheel Chock. It can be mounted to the floor or onto a repair stand.

The Wheel Chock has several finish options:

- Steel: Galvanized and Stainless; and
- Colored powder coat, the colors are:
 - Bike Fixation Red
 - Cycle Track Black
 - Sunset Orange
 - Signal Yellow
 - Green: Sprout Green and Spruce Green
 - Billy Ocean Blue
 - Bark Brown
 - Gray: Granite Gray and Matter Gray



The quoted cost of this product is \$125 for galvanized and powder coat finishes and \$290 for a stainless steel finish.

Pump Stop

The Pump Stop holds bikes upright while filling tires with air. The Pump Stop has the following finish options:

- Galvanized Steel
- Colored powder coat, the colors are:
 - Red: Deep Red and Wine Red
 - Black: Black and Flat Black
 - Orange
 - Yellow: Yellow and CNH Bright Yellow
 - White
 - Dark Purple
 - Bronze
 - Silver



Bicycle Maintenance Stations

- Sepia Brown
- Green: Green, Hunter Green, and Light Green
- Gray: Light Gray and Iron Gray
- Colored thermoplastic coat, the colors are:
 - Red
 - Black
 - Green
 - Gray
 - Brown



The quoted cost of this product is \$101 for galvanized steel and powder coat finishes and \$136 for a thermoplastic coat.

Signage

Providing signage for bicycle maintenance stands and air pumps would increase the visibility of the amenities and boost their usage. Dero and Bike Fixation are two sign providers. Both providers' signs have the same dimensions and are made of aluminum. Bike repair and air signs are 12"W x 18"H. Arrow signs are 12"W x 6"H.

Dero



Made with standard hole placement for easy installation. QR code takes users to a map of known Fixit repair stand installations in the area. Signs are printed with inks designed specifically for outdoor traffic and parking signs – for the ultimate in durability. Corners are rounded and burr-free, this provides a longer life and a professional appearance. The signs do not bend and have outlasted tough storms.



The quoted cost of a Repair/ Air sign is \$32. The quoted cost of an Arrow sign is \$25.

Bike Fixation



Bike Fixation offers "Bike Air" and "Bike Repair" signs to help bring awareness to public bike repair facilities. Signs are instantly recognizable with large basic icons.

Additionally, the signs include a QR code; when scanned with a smart phone, it brings a cyclist to our repair web site with full bike repair instructions formatted for mobile phones.



The quoted cost of a Repair/ Air sign is \$39. The quoted cost of an Arrow sign is \$29.

Conclusion and Summary

Maintenance Station		
	Cost each	Number of Tools
Deluxe Repair Station	\$895 galvanized/ powder coat \$1,495 stainless steel	8
Fixit	\$702 galvanized/ powder coat \$774 thermoplastic	8
Public Work Stand	\$695 galvanized/ powder coat \$995 stainless steel	8
Urban Bike Repair Stand	\$749	10
Air Pump		
Air Kit 2	\$406 galvanized/ powder coat \$442 stainless/ thermoplastic	-
Air Kit 3	\$598 galvanized/ powder coat \$634 stainless/ thermoplastic	-
Outdoor Public Bike Pump	\$450 without gauge \$675 with gauge	-
Super Duty Foot Pump	\$724	-
Wheel Holder		
Wheel Chock	\$125 galvanized/ powder coat \$290 stainless steel	-
Pump Stop	\$101 galvanized/ powder coat \$136 thermoplastic	-
Signage		
Dero Repair/ Air	\$32	-
Dero Arrow	\$25	-
Bike Fixation Repair/ Air	\$39	-
Bike Fixation Arrow	\$29	-

Most of the maintenance stations provide the same tools. The key difference between the products that were reviewed was the appearance of each product. The average cost of models provided is \$921. The least expensive maintenance stand is the Public Work Stand (\$695). The most expensive maintenance stand is the Deluxe Repair Station with a stainless steel finish (\$1,495). The average cost of the provided air pumps is \$560.86. The cheapest air pump is the Air Kit 2 (\$406). The most expensive air pump is the Super Duty Foot Pump (\$724). Providing a wheel holder would be beneficial, but is not a necessity. Signage is valuable and should be considered.

Staff recommends the Fixit and the Air Kit 2 with a black powder coat finish due to the products' low costs, previous use in the City, and simple and clean aesthetics. Three of the locations recommend the installation of new concrete pads on which to mount the stations. The installation guides for all of the models (accounting for an air pump and a wheel holder) recommend a 9 square foot pad (3" x 3" x 4' deep). The estimated cost of three 9 sq. ft. pads at for \$6 per sq. ft. is \$162. If the board chooses the recommended products, the total cost of four of each of the products plus shipping and taxes would be

Bicycle Maintenance Stations

\$4,642, bringing the total for bike racks (Triangle and City standard), bicycle maintenance stations, concrete pads, and air pumps to \$13,830. This leaves \$541 available to spend on additional accessories, racks, or signage.

Suggested Recommendation:

To recommend to the City Commission that the Fixit bicycle maintenance stand with a black powder coat finish be the new standard bicycle maintenance stand for the City.

AND

To recommend to the City Commission that the Air Kit 2 public bike pump with a black powder coat finish be the new standard public bike pump for the City.

AND

To direct staff to proceed with the purchase and installation of four bicycle repair stations and four air pumps at: Booth Park, Quarton Lake Park, Shain Park, and Kenning Park.



MEMORANDUM

Planning Division

DATE: March 16, 2018

TO: Multi-Modal Transportation Board

FROM: Lauren Chapman, Assistant City Planner

APPROVED BY: Jana Ecker, Planning Director

SUBJECT: Downtown Bicycle Parking Plan

Overview of Program

On April 9, 2012, the City Commission approved the Downtown Bicycle Parking Plan. The plan consists of three phases that call for the installation of 101 bike racks at 80 different locations. The City Commission approved the use of black plastisol finish "inverted U" racks. The Commission also approved the use of the temporary rack model, known as a "rail-mounted inverted U rack," which consists of two rails 6 ft in length with 3 U-style bike racks secured to the rails. Nearly all of the racks that the City Commission approved in the Downtown Bicycle Parking Plan have been installed. Nine of the Phase 3 racks are proposed to be located within the boundaries of the Old Woodward reconstruction project area. The board will review those locations closer toward the end of the construction.

2017 Review and Assessment

In the 2017-2018 budget the City Commission approved allocating \$15,000 for the installation of additional bike racks. City staff has identified locations for 36 bike racks throughout the City. Thirty-six racks were ordered from the approved vendor. One rack was installed at the rear door of the City Hall building, per the request of the City Commission. The total cost of the racks was \$5,805. At this time, staff is requesting location approval for this round of bike racks.

Several of the locations proposed are in the Triangle District. The Multi-Modal Transportation Board recommended the Loop bike rack to be the standard rack for the Triangle District. Four of the locations are on the west side of S Adams. The west side of the street is outside of the official boundaries of the Triangle District. City staff recommends that the same racks be used on both sides of the road. These locations are marked on the list with an asterisk (*). Attached to this memo are a list and a map of proposed locations for new racks.

SUGGESTED ACTION:

To recommend approval of the installation of 35 permanent bike racks to the City Commission as proposed on the attached chart and map of Phase 4 of the City's Bicycle Parking Plan.

Phase 4					
Location Number	Address	Adjacent Business	Location Description	Additional Information	Number of Racks
1,2	209 Hamilton	Palladium	On either side of the main entrance		2
3	2221 Cole	Cloud 14	Pour pad		1
4	294 Brown	Caldwell Banker			1
5	400 S Old Woodward	The Forefront	Adjacent to bus stop		1
6,7	401 S Eton	Irongate	One on the corner of Hazel and one on the corner of Villa	Pour 2 pads	2
8	501 S Eton	Whistle Diner Stop	Near newspaper stand		1
9	933 S Eton	Invnt			1
10	1160 E Maple	Bus Stop			1
11,12	1658 E Lincoln	Our Shepard			2
13	33100 Woodward	FedEx Office	Adjacent to bus stop		1
14	2021 and 2023 Hazel				1
15	2051 Villa Rd	Elite Fitness			1
16	2300 Cole	Dogtopia			1
17-25	2300 E Lincoln	Kenning Park			9
26	2424 E Lincoln	Newingham Dental			1
27	100 Adams	Thrifty Florist		Triangle standard bike rack	1
28*	1137 Adams	Great Harvest Bread			1
29	600 Adams	Southbound bus stop	Adjacent to bus stop		1
30	611 Elm	Bus Stop	Behind pole; parallel to the street		1
31*	725 Adams	Northbound bus stop			1
32	820 E Maple	All Seasons			1
33*	877 Adams				1
34	908 Adams	Claymore Shop			1
35*	1186 Adams	Block Advisors			1

PHASE 4





DERO
A PLAYCORE Company

42 Northern Stacks Dr, Ste 100,
MINNEAPOLIS, MN, 55421

Tax Registration No 26-303-0026
www.dero.com

(612) 359-0689 * (888) 337-6729

Sales Representative - Ted Duepner

Contact Name Lauren Chapman

Contact Phone

Est. Ship Date 5/4/2018

Delivery terms FOB origin

Payment terms

Delivery Contact

Delivery Phone

Quotation

Page 1 of 1
Number QTE-00031621-2
Date 4/6/2018
Customer PO
Reference (4) Fixit-AK2s
Quote valid until 4/27/2018

Sold to:

City of Birmingham MI
TO BE DETERMINED
BIRMINGHAM, MI 48012
USA

Ship to:

City of Birmingham MI
TO BE DETERMINED
BIRMINGHAM, MI 48012
USA

Catalog No	Description	Ship date	Quantity	Unit	Net Unit	Amount
FIXIT-H	Surface Mount, Powder Coated, None	5/4/2018	4.00	EA	702.000	2,808.00
AIR KIT 2 FIXIT-B	Powder Coated, None	5/4/2018	4.00	EA	406.000	1,624.00
TOOL BAG	TAMPER-RESISTANT TOOLS FOR INSTALLATION, AIR KIT 2 FIXIT, B	5/4/2018	1.00	EA	0.000	0.00
DIRECTIONAL SIGNS	BIKE REPAIR	5/4/2018	4.00	EA	32.000	128.00

To place the order, verify that all the bill-to, ship-to, and order information is correct, sign and date where indicated, and email back to your sales representative, or to sales@dero.com. Once we receive a signed order form, we will e-mail you an order confirmation, so that you know that your order has been processed, and provide an estimated ship date.

This Ship Date is an estimate only. We will do everything possible to ship by or before that date but do not guarantee shipment by that date.

A 20% restocking fee will be assessed to all canceled orders.

Quote is good for 30 days.

Customer agrees that installation area is suitable for drilling.

Sales tax is estimated based on current tax rates. Final sales tax is subject to tax rates at the time of shipment. Please notify us immediately if your order is exempt from sales tax. We are unable to remove sales tax from an invoice once an order ships.

Payments can be made by credit card, pre-payment, or net 30 credit terms may be issued with credit approval.

THIS SIGNED ORDER FORM IS ACCEPTED AS A BINDING PURCHASE

Customer please specify desired ship date: _____

Signature & Date _____

Sales Subtotals	Freight	Other Charges	Sales Tax
4,560.00	235.00	-235.00	259.50

TOTAL

USD

\$4,819.50

Quote

Date: 03/16/2018
LF Quote#: 0000254768
PO#:

Project: City of Birmingham Bike Racks 2018

Bill To: City of Birmingham-Planning
ATTN: Accounts Payable
151 Martin
Birmingham, MI 48012

CORPORATE

7800 E. Michigan Avenue
Kalamazoo, MI 49048-9543
P: 800.521.2546 F: 269.381.3455
www.landscapeforms.com
Federal I.D.# 38-1897577

Ship To: City of Birmingham-Planning
ATTN: Lauren Chapman - (248) 530-1850
151 Martin
Birmingham, MI 48012

Ship Via: Common Carrier
F.O.B.: Destination

Qty	Description	Unit Price	Total Price
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Tagging Instructions:
Bill of Lading Instructions:

When ordering please confirm:

- Shipping address and contact information (name and ph#)
- Billing address and contact information
- Is your firm or the project tax exempt? If so, exemption certificate must accompany order
- Delivery schedule:

___ Immediately upon completion

___ Target delivery date: _____

9	Loop Bike Rack	\$ 360.00	\$ 3,240.00
	Mounting:	<i>Embedded</i>	
	Finish:	<i>Powdercoated</i>	
	Options:	<i>None Available</i>	
	Powdercoat Color:	<i>Silver</i>	

Item Total	\$ 3,240.00
Shipping & Handling	\$ 230.00
Sub Total	\$ 3,470.00
Estimated Tax	\$ 0.00
Document Total	\$ 3,470.00

Payment Terms: NET 30 DAYS

Landscape Forms, Inc. reserves the right to change payment terms based on payment history as well as information obtained from commercial credit reporting agencies.

- Purchaser is responsible for confirming options, materials, quantities, etc., for completeness and conformity to plans and specifications.
- Changes to or cancellations of orders may incur a penalty charge of 30% or more. Special orders may not be changed or cancelled.
- Studio 431 (custom) orders cannot be cancelled once purchase order is received and approved.

Page: 1 of 2

Ship Date:

Cust #: 0R1QJ
SSR: Sonjia McDonald
Rep: Kyle Verseman MI5

Landscape Forms Sales Service

Purchaser

Seller

landscapeforms®

Date: May 2, 2018

To: Joseph A. Valentine, City Manager

From: Matthew Baka, Senior Planner

Approved: Jana Ecker, Planning Director

Subject: Alley Improvement Plan

During the Long Range Planning meeting of the City Commission on January 27th, 2018, City staff discussed the issues surrounding alleys in the City including signage/wayfinding, dumpsters, parking and stormwater. The multitude of potential remedies to the issues outlined in the Long Range Planning meeting were proposed to be rolled out in a phased process over the coming years. Minutes from the Long Range Planning meeting are attached for your review. The phases are proposed as follows:

- **Phase 1: Signage/Wayfinding** – The Strategy for Alleys and Passages Plan for the City of Birmingham outlines signage/wayfinding as an activation strategy for the City's network of alleys and passages. Cities across the United States have utilized wayfinding and regulatory signage to direct pedestrians toward alleys and regulate activity in said alleys. Signage/wayfinding plays an important role in keeping alleys walkable, safe and clean. There are several wayfinding signs currently installed around Downtown. Locations for future signage will be identified, proposals will be procured, and ordinance language for regulatory signage written in this phase.
- **Phase 2: Waste Receptacles** – The biggest target in the attempt to clean up alleys in Birmingham are waste receptacles (trash, recycling, grease and compost). This phase will focus on adding accountability to the owners/operators of waste receptacles in alleys and passages. This will include required maintenance, registry with the City, and required informational stickers affixed to the receptacle.
- **Phase 3: Parking Control** – The Strategy for Alleys and Passages in Birmingham classified alleys and passages into 3 types: Active, Connecting, and Destination. Each classification allows for different levels of vehicular access. Further regulating vehicular access and parking in the City's alley and passage system will create less congestion for emergency, loading and trash vehicles. This phase will also help in eliminating some of the negative externalities imposed by vehicles, such as littering, air pollution and noise pollution.
- **Phase 4: Paving and Storm Water Management** – An increasingly popular technique to increase walkability is the installment of permeable pavement to mitigate

the effects of rainfall events and snow melt. Many cities have begun to focus their attention toward “greening” their alley systems to transform the miles and miles of wasted space into a functional member of their infrastructure networks. Requiring or incentivizing permeable pavement techniques in Birmingham is the main facet of this phase.

- **Phase 5: Alley Width Standards** – Controlling and adapting the allowed width of alleys to the different classifications provides a number of benefits to the cleanliness of Birmingham’s alley and passage system. Narrower passages can make it improbable or impossible for vehicles to utilize the alley where vehicles are not allowed, or not desired. Techniques such as adding landscaping, public art, or architectural details to the alley spaces can narrow alleys and help create a sense of place, which in turn creates a safe and clean space for pedestrians to utilize.
- **Phase 6: Code Enforcement** – The final phase of the alley improvement plan is to step up the City’s Code Enforcement capabilities. New language should be clear, and Code Enforcement officials should be able to write clear and appropriate citations when violations are present.

Implementation of Phase 1

The first of the via wayfinding signs were installed in the summer of 2017. Four signs were installed directing pedestrians through the via alongside Social Kitchen on E. Maple through the alley and out onto Hamilton next to Commonwealth Café. The Old Woodward reconstruction project also includes the installation of two additional via signs at the Willits alley entrance on W. Maple and the pedestrian path on S. Old Woodward leading to Café Via.

The Planning Division would like to continue the Phase 1: Signage/Wayfinding by installing five (5) additional via signs. The location of the new signs would be at the other two entrances to Willits Alley, the entrances to the Café Via passage along W. Maple and along Peabody, and then one additional sign on Merrill St. on the east side of 220 restaurant. These locations were selected because there are existing pedestrian light poles that can be used to mount the signs. Future locations will require the installation of additional poles to mount the signs on.

The 2018 Planning budget included funds specifically earmarked for use on via wayfinding signage. Accordingly, an Invitation to Bid (ITB) was issued requesting bids on the fabrication and installation of 5 additional via wayfinding signs. There were two responses to the ITB. The chart below shows the resulting bids. Both bid proposals met the requirements of the ITB. The ITB that was issued is attached to this report which includes the specifications on the signs, as well as a map and photographs of the proposed locations. Each company has done wayfinding signage for municipalities in southeast Michigan. References were contacted for both applicants. The references for both companies provided positive reviews of their work and stated that the quality and workmanship of the signs met their expectations. The applicants provided photographic examples of their work as follows:

Johnson Sign Company;

- Sterling Heights, MI
- Royal Oak, MI

Signs by Crannie

- Birch Run, MI
- Rochester Hills, MI
- Northville, MI
- Southfield, MI
- Sterling Heights, MI

Firm Name	Meets ITB requirements	Total Proposal Amount	Sign Costs for Fabrication	Cost for installation	Contact Name
<u>Johnson Sign Co.</u> 2240 Lansing Ave. Jackson MI 49202	Yes	\$7,800	<u>\$1,200 ea.</u> \$6,000 total	<u>\$360 ea.</u> \$1800 total	Jim Johnson
<u>Signs by Crannie</u> 4145 Market Place Flint, MI 48507	Yes	\$8,598	<u>\$1,350 ea.</u> \$6,753 total	<u>\$369 ea.</u> \$1,845 total	Nicholas Guzik

SUGGESTED ACTION:

The City Commission accept the bid from Johnson Sign Co. and to authorize the allocation of \$7,800.00 from account #101-721.000-825.0100 for the purpose of the fabrication and installation of via wayfinding signs.



INVITATION TO BID

Sealed bids endorsed **"VIA WAYFINDING SIGNS"** will be received by the City of Birmingham, Michigan at the Office of City Clerk, 151 Martin Street, P.O. Box 3001, Birmingham, MI, 48012 until Friday, April 6, 2018 at 1:00 p.m., at which time the bids will be publicly opened and read.

Bids from qualified vendors must include pricing for the purchase of (5) VIA WAYFINDING SIGNS. All proposals must include fabrication, installation costs and methods, shipping costs and estimated installation dates.

Materials and bids shall be submitted in accordance with the attached specifications and bid forms prepared by the City of Birmingham Community Development Department.

Specifications are available exclusively via the Michigan Intergovernmental Trade Network (MITN).*

Bids must be submitted in a sealed envelope marked **"VIA WAYFINDING SIGNS"**. The date and time of the bid opening must be marked on the envelope.

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

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

Submitted to MITN:	March 19, 2018
Deadline for Submissions:	April 6, 2018 1:00 p.m.
Contact Person:	Matthew Baka, Senior Planner City of Birmingham Community Development Department P.O. Box 3001, 151 Martin Street Birmingham, MI 48012 Phone: (248) 530-1841 Email: mbaka@bhamgov.org

* The City of Birmingham is part of an organization called the Michigan Intergovernmental Trade Network (MITN), a group of agencies that joined forces to create a regional bid notification system to notify companies of new bid opportunities. Bids, quotations and proposals are posted online. All vendors are encouraged to visit www.govbids.com and click on "The Michigan MITN System" link in order to register their company and gain access to new bids and proposals. If you do not have internet access, please call 1-800-835-4603, to speak to a representative at IPT BidNet®, the technical support group that handles the MITN system.

INTRODUCTION

For purposes of this invitation to bids the City of Birmingham will hereby be referred to as "City" and the vendor will hereby be referred to as "Contractor."

The City of Birmingham, Michigan is accepting sealed bids from qualified vendors for the purchase of **ALUMINUM LED WAYFINDING SIGNS**. Sealed bids will be received by the City of Birmingham, Michigan at the Office of City Clerk, 151 Martin Street, P.O. Box 3001, Birmingham, MI, 48012 until Friday, April 6, 2018 at 1:00 p.m., at which time the bids will be publicly opened and read.

Bids from qualified vendors must include pricing for the purchase of a total of (5) VIA WAYFINDING SIGNS. Construction drawings are attached. All proposals must include fabrication, installation costs and methods, shipping costs and estimated installation dates.

The City reserves the right to request additional information or clarification from bidders. At the discretion of the City, vendors submitting bids may be requested to provide sample materials or equipment.

GENERAL CONDITIONS AND INSTRUCTIONS TO BIDDERS

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

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

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

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

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

Submit bids in a sealed envelope marked "**VIA WAYFINDING SIGNS**". Also indicate the bid opening date and time on the envelope.

The City of Birmingham is exempt from State of Michigan and federal excise taxes. Do not include such taxes in the bid. The City will furnish the successful vendor with tax exemption information when requested.

All proposals shall include the following information: Vendor name, address, city, state, zip code, telephone number, and fax number. The company shall also provide the name, address, telephone number and e-mail address of an individual in their organization to whom notices and inquiries by the City should be directed as part of the bid.

The City of Birmingham reserves the right:

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

**INVITATION TO BID SUMMARY
VIA WAYFINDING SIGNS**

The City of Birmingham, Michigan is accepting sealed bids from qualified vendors for the purchase of **ALUMINUM LED WAYFINDING SIGNS**.

The City of Birmingham, Michigan will grant to the successful bidder a purchase order for the following:

(5) POLE MOUNT SIGNS per the attached specifications in Exhibit A

**BID FORM
BIDDER TO COMPLETE ALL BLANKS IN THIS DOCUMENT**

DESCRIPTION	QUANTITY	COST	TOTAL
VIA WAYFINDING POLE MOUNT SIGNS	5		
INSTALLATION COST VIA WAYFINDING POLE MOUNT SIGNS	5		
TOTAL SHIPPING AND DELIVERY CHARGES – DELIVERY ADDRESS 151 MARTIN, BIRMINGHAM, MI 48009	SHIPPING		
BID GRAND AMOUNT TOTAL			

PROJECT TIMELINE: ESTIMATED DELIVERY DATE: _____

BIDDER'S SIGNATURE _____ DATE _____

It is understood and agreed that all bid prices shall remain in effect for at least ninety (90) days from the date of bid opening to allow for the award of the bid.

BIDDER'S AGREEMENT

In submitting this bid as herein described the bidder agrees that:

1. Bidder / Vendor has carefully examined the specifications, terms and agreement of the Invitation to Bid and all other provisions of this document and understands the meaning, intent, and requirements therein.
2. Bidder / Vendor will accept a purchase order and furnish all items in the time specified in conformance with the specifications and conditions contained therein for the price quoted by the proponent on this proposal.

COMPANY_____

ADDRESS_____

CITY_____STATE_____ZIP_____

REPRESENTATIVE_____TITLE_____

EMAIL_____

PHONE_____FAX_____

SIGNATURE_____DATE _____

SPECIFICATIONS AND REQUIREMENTS

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

INSURANCE

The successful vendor is required to procure and maintain certain types of insurances.

The Contractor shall not commence work under this contract until the company has 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 insurance carriers acceptable to the City of Birmingham.

1. Workers' Compensation Insurance: The Contractor shall procure and maintain during the life of this contract, Workers' Compensation Insurance, including Employers Liability Coverage, in accordance with all applicable statutes of the State of Michigan.
2. Commercial General Liability Insurance: The Contractor shall procure and maintain during the life of this contract, Commercial General Liability Insurance on an "Occurrence Basis" with limits of liability not less than \$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.
3. Motor Vehicle Liability: The Contractor shall procure and maintain during the life of this contract 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.
4. 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 employees and volunteers, all boards, commissions and/or authorities and board members, including employees and volunteers thereof. This coverage shall be primary to any coverage that may be available to the additional insured, whether any other available coverage be primary, contributing or excess.
5. Cancellation Notice: Workers' Compensation Insurance, Commercial General Liability Insurance and Motor Vehicle Liability Insurance, as described above, shall include an endorsement stating the following: "Thirty (30) days Advance Written Notice of Cancellation or Non-Renewal shall be sent to: City of Birmingham, Police Department, attention Ellen DeView, P.O. Box 3001, 151 Martin Street, Birmingham, Michigan 48012.
6. Proof of Insurance Coverage: The Contractor shall provide the City of Birmingham at the time the contracts are returned for execution, Certificates of Insurance and/or policies, acceptable to the City of Birmingham, as listed below.
 - a. Two (2) copies of Certificate of Insurance for Workers' Compensation;
 - b. Two (2) copies of Certificate of Insurance for Commercial General Liability;
 - c. Two (2) copies of Certificate of Insurance for Vehicle Liability Insurance;

- d. If so requested, Certified Copies of all policies mentioned above will be furnished.
7. Insurance Certificate to be Submitted with Bid: The Contractor shall submit a copy of their standard insurance certificate, included with their bid, to the City of Birmingham.
8. Coverage Expiration: If any of the above coverages expire during the term of this contract, the Contractor shall deliver renewal certificates and/or policies to the City of Birmingham at least (10) days prior to the expiration date.

CONTINUATION OF COVERAGE

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

INDEMNITY

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

CONFLICT OF INTEREST

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

FAILURE TO PERFORM / REMEDIAL ACTIONS

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

OBLIGATION TO EXECUTE CONTRACT

The bidder whose proposal is accepted shall be required to execute the contract and to furnish all insurance coverages as specified within ten (10) days after receiving notice of such acceptance. Any contract awarded pursuant to any bid shall not be binding upon the City until a written contract has been executed by both parties. Failure or refusal to execute the contract shall be

considered as abandoned, and all rights and interest in the award and the contract may be awarded to another.

NON-DISCRIMINATION

The Contractor shall, when applicable, comply with the requirements of all federal, state, and local laws and ordinances and regulations relating to minimum wages, social security, unemployment compensation insurance, and Worker's Compensation, and shall not discriminate against any employee or applicant for employment because of religion, race, color, sex, marital status, age, national origin, handicap, sexual orientation or any other protected classification specified by state or federal law.

NON-ASSIGNABILITY

The covenants, conditions, and the Agreements herein contained are hereby declared binding on the City and Contractor. It is further agreed that there shall be no change, modification, or alteration hereof, except in writing, signed by both of the parties hereto. Neither party shall assign any of the rights under this Agreement without prior approval, in writing, of the other.

SETTLEMENT OF DISPUTES

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

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.

IRAN SANCTIONS ACT VENDOR CERTIFICATION FORM

The attached Iran Sanctions Act Vendor Certification Form must be completed and included with the sealed bid.

IRAN SANCTIONS ACT VENDOR CERTIFICATION FORM
For VIA WAYFINDING SIGNS

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

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

PREPARED BY
(Print Name)

DATE

TITLE

DATE

AUTHORIZED SIGNATURE

E-MAIL ADDRESS

COMPANY

ADDRESS

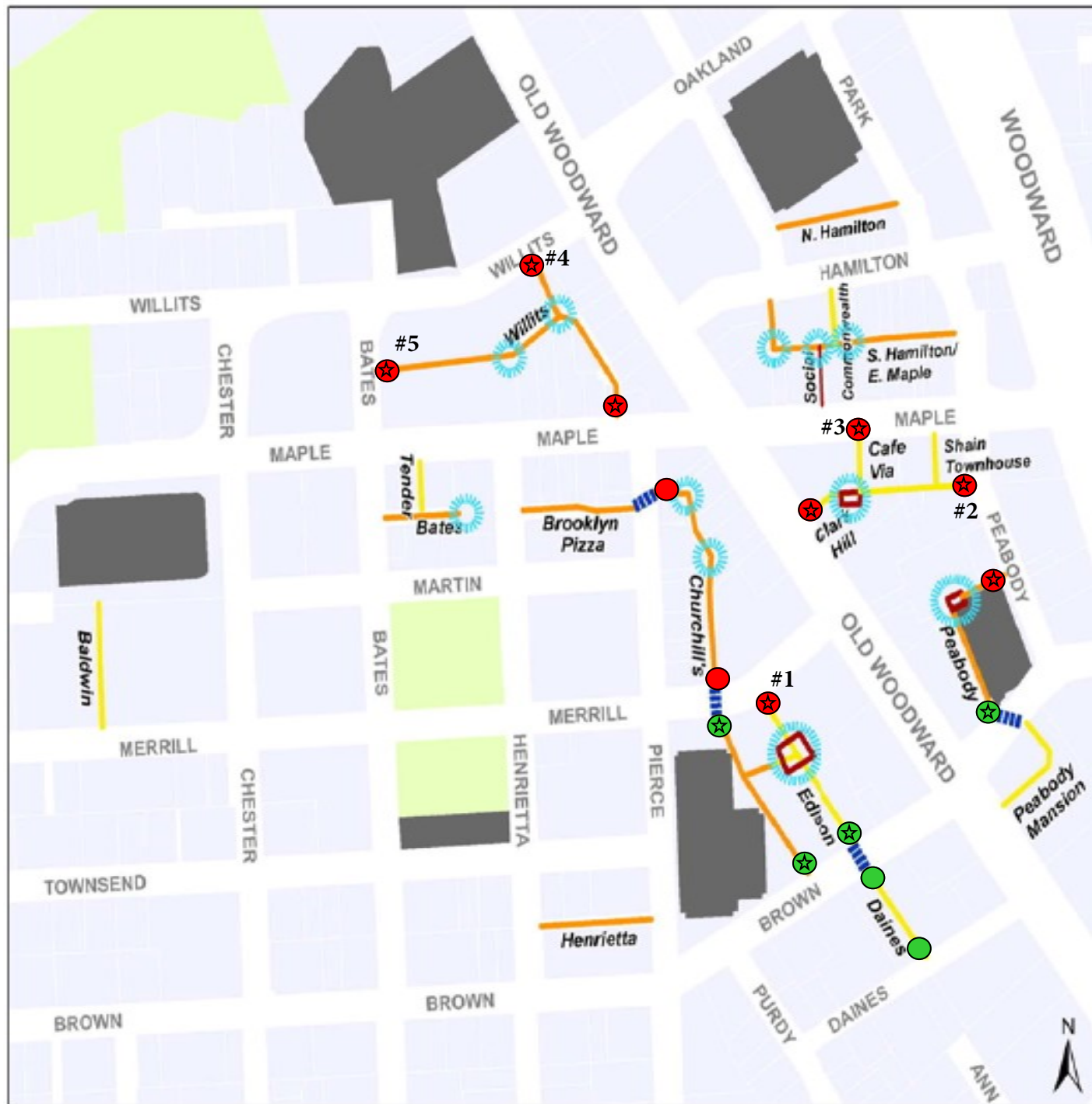
PHONE

NAME OF PARENT COMPANY

PHONE

ADDRESS

TAXPAYER I.D.#



Classifications for Alleys & Passages

LEGEND

- Active
- Connecting
- Destination
- Parking Structures
- Parks
- Potential Crosswalks
- Potential Vistas

Proposed Pole Signs

- Pole Needed
- Light Post Nearby
- ☆ Priority Signage
- # - numbers correspond to attached photos

0 150 300 Feet



Location #1



Location #2



Location #3



Location #4



Location #5



Corporate Office - Jackson
2240 Lansing Ave.
Jackson, MI 49202
P: (517) 784-3720
F: (517) 784-1556
www.johnsonsign.com

Douglas Sign - Lansing
A Division of Johnson Sign
1800 S. Cedar St.
Lansing, MI 48910
P: (517) 482-2090
F: (517) 482-2138

Huron Sign - Ypsilanti
A Division of Johnson Sign
663 S. Mansfield St.
Ypsilanti, MI 48197
P: (734) 483-2000
F: (734) 483-5164

VIA WAYFINDING SIGNS

April 6, 2018 1:00 p.m.

Bid Submitted by:

Johnson Sign Company

2240 Lansing Ave, Jackson, MI 49202

(517) 784-3720

(517) 784-1556 Fax

Company Contact:

Jim Johnson

(517) 414-5111 (Cell)

jim@johnsonsign.com

**INVITATION TO BID SUMMARY
VIA WAYFINDING SIGNS**

The City of Birmingham, Michigan is accepting sealed bids from qualified vendors for the purchase of **ALUMINUM LED WAYFINDING SIGNS.**

The City of Birmingham, Michigan will grant to the successful bidder a purchase order for the following:

(5) POLE MOUNT SIGNS per the attached specifications in Exhibit A

**BID FORM
BIDDER TO COMPLETE ALL BLANKS IN THIS DOCUMENT**

DESCRIPTION	QUANTITY	(EA) COST	TOTAL
VIA WAYFINDING POLE MOUNT SIGNS	5	\$1,200 ea	\$6,000
INSTALLATION COST VIA WAYFINDING POLE MOUNT SIGNS	5	\$360 ea	\$1,800
TOTAL SHIPPING AND DELIVERY CHARGES – DELIVERY ADDRESS 151 MARTIN, BIRMINGHAM, MI 48009	SHIPPING	N/A	N/A
BID GRAND AMOUNT TOTAL			\$7,800


PROJECT TIMELINE: ESTIMATED DELIVERY DATE: 4-6 WEEKS AFTER APPROVAL

BIDDER'S SIGNATURE  DATE 4-5-18

It is understood and agreed that all bid prices shall remain in effect for at least ninety (90) days from the date of bid opening to allow for the award of the bid.

BID SUBMITTED BY:

JOHNSON SIGN CO.
2240 LANSING AVE.
JACKSON, MI 49202

 Jim Johnson
4-5-18

BIDDER'S AGREEMENT

In submitting this bid as herein described the bidder agrees that:

1. Bidder / Vendor has carefully examined the specifications, terms and agreement of the Invitation to Bid and all other provisions of this document and understands the meaning, intent, and requirements therein.
2. Bidder / Vendor will accept a purchase order and furnish all items in the time specified in conformance with the specifications and conditions contained therein for the price quoted by the proponent on this proposal.

COMPANY JOHNSON SIGN CO

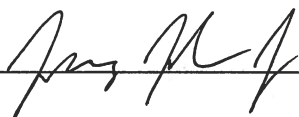
ADDRESS 2240 LAWSING AVE

CITY JACKSON STATE MI ZIP 49202

REPRESENTATIVE JIM JOHNSON TITLE VICE PRESIDENT

EMAIL jim@johnsonsign.com


PHONE 517-784-3720 FAX 517-784-1556

SIGNATURE  DATE 4-5-18

IRAN SANCTIONS ACT VENDOR CERTIFICATION FORM
For VIA WAYFINDING SIGNS

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

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

<u>Jim Johnson</u>	<u>4-5-18</u>
PREPARED BY (Print Name)	DATE
<u>VICE PRESIDENT</u>	<u>4-5-18</u>
TITLE	DATE
<u></u>	<u>Jim@johnsonsign.com</u>
AUTHORIZED SIGNATURE	E-MAIL ADDRESS
<u>Johnson Signs Co.</u>	
COMPANY	
<u>2240 Lansing Ct Ave, Jackson, MI</u>	<u>(517) 784-3720</u>
ADDRESS	PHONE
<u>SAME</u>	
NAME OF PARENT COMPANY	PHONE
<u></u>	
ADDRESS	
<u>38-1744519</u>	
TAXPAYER I.D.#	

ROYAL OAK
POLICE
DEPARTMENT
GENERAL INFORMATION EMERGENCY
1-248-246-3500 9-1-1
NO SURCHARGE ATM IN LOBBY

POLICE

Royal Oak





Downtown



Events

MAY 13	Royal Oak In Bloom
MAY 28	Memorial Day Parade
JUNE 9-10	Clay, Glass & Metal Festival
THURSDAYS JULY - AUG	Summer Concert Series
AUG 31 - SEPT 3	Arts, Beats & Eats
NOV 24	Small Business Saturday
NOV 29	Holiday Tree Lighting
SATURDAYS	Farmer's Market
FOR DETAILS VISIT: www.downtownroyaloak.org	

Life Now Playing



CITY OF
**Sterling
Heights**

senior center

40200



CITY OF
**Sterling
Heights**

RICHARD J. NOTTE
city center

city hall

police

library

court

40111 40255

40333 40555

**BIRMINGHAM CITY COMMISSION
LONG RANGE PLANNING MINUTES
JANUARY 27, 2018
MUNICIPAL BUILDING, 151 MARTIN
8:30 A.M.**

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Andrew Harris called the meeting to order at 8:34 a.m.

II. ROLL CALL

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

Absent: None

Administration: City Manager Valentine, City Attorney Currier, Police Commander
Albrecht, Communications Director Byrnes, Fire Chief Connaughton, Assistant Library
Director Craft, Assistant Fire Chief Donahue, Planning Director Ecker, DPS Manager
Filipski, Finance Director Gerber, Police Commander Grewe, Assistant City Manager
Gunter, Assistant to the City Manager Haines, Building Official Johnson, Library
Director Koschik, City Clerk Mynsberge, City Engineer O'Meara, Museum Director
Pielack, HR Manager Taylor, BSD Director Tighe, Assistant Finance Director
Wickenheiser, DPS Director Wood

2. Alley Regulations Planning

Director Ecker reported that:

- An Alleys and Passageways Plan was done in 2012 to try and activate the City's alleyways. The Plan delineates three types of alleyways, or 'vias':
 - Active vias, for cars and people;
 - Connecting vias, which are for bicycles and pedestrians only; and
 - Destination vias, with the goal of creating a public gathering space or plaza.
- There have been concerns about the conditions of the alleys including garbage, clutter, parked cars, graffiti and other issues.
- The City is exploring ways to address waste receptacle regulation, parking control regulations, paving and water retention, signage and wayfinding, and general code enforcement.
 - Other communities' approaches to waste receptacles are being studied. Some communities require each dumpster to be labelled with the owner's name and the trash hauler's name. In addition, some communities require that the dumpsters be maintained in good condition.
 - Signage regulating parking needs to be provided in order to allow the police department to enforce parking regulations in the public portions of the alleys.

- The issues of paving and water retention could be improved by material upgrades and more attention to greening the space.
- Signage can help direct pedestrians to retail frontage that opens up into the alleyways.

Planning Director Ecker told Commissioner Boutros that Birmingham has not been responsible for collecting the waste produced by the City's commercial retailers.

Commissioner Boutros suggested that Birmingham should attempt having one waste collector for the City. He continued that he believes the alleyways are high priority and he would like to see the issue advanced.

Planning Director Ecker explained that the current regulations on alleyways can only be enforced if a retailer comes before the Commission for a Site Plan or Design Review, which means the City is currently unable to address day-to-day issues.

City Manager Valentine acknowledged that the alleyway issues span many different City departments and are being approached through interdepartmental coordination in order to craft a comprehensive approach.

City Manager Valentine confirmed for Mayor Harris that proposals addressing these issues will be brought before the Commission.

Planning Director Ecker said that these issues are largely outside the jurisdiction of the Planning Board because they deal with areas of the City Code beyond the Zoning Ordinances.

Commissioner Nickita stated that the most successful alleys are the alleys where retail open up into the alley. He would like to discuss possible regulations which encourage both current and new developments to invest in alley activation.



MEMORANDUM

Planning Division

DATE: April 23rd, 2018
TO: Joseph A. Valentine, City Manager
FROM: Brooks Cowan, City Planner
APPROVED: Jana Ecker, Planning Director
SUBJECT: Proposed Sculpture Loan of *Eastern Hophornbeam*

The art piece titled *Eastern Hophornbeam* by Robert Lobe is an emerald colored 24 foot sculpture made of hammered and tempered aluminum. The sculpture has previously been featured in Chicago's Burnham Park and its creator, Robert Lobe, has a number of pieces located in parks throughout the US and Japan.

On November 15, 2017, the Public Arts Board (PAB) reviewed and subsequently recommended approval for the loan of the Robert Lobe sculpture *Eastern Hophornbeam* to be placed at the southwest corner of the Library. The Hill Gallery originally proposed this piece as a replacement for the Dennis Oppenheim sculpture, *Sound Heart*, which was removed from its location at the Baldwin Public Library.

On December 18, 2017, the Library Board formally reviewed the *Eastern Hophornbeam*, stated their concerns about the sculpture in relation to its context and scale with the library's design, and ultimately voted to reject *Eastern Hophornbeam*.

Following the meeting, staff discussed with Hill Gallery the options regarding the proposed loan. The gallery owner Mr. Hill has expressed an interest in the following locations:

1. Booth Park along Booth Park Trail
2. Barnum Park (no specific location but a site that the Board and Community for Barnum Park recommends)
3. Shain Park (potentially at a corner that is currently not overwhelmed with competing structures)

Mr. Hill has also indicated that he does not have a strong preference over any location in the City and would be happy to let the PAB decide where to place it. He also stressed the importance of placing it somewhere with ample foot and or vehicular traffic.

On January 17, 2018 the Public Arts Board discussed potential locations for the *Eastern Hophornbeam*. They voted for Booth Park as their number one priority due to its proximity to the trail, forest, and Old Woodward, with the exact location to be determined later. The Public Arts Board has yet to place a sculpture in Booth Park, and would like to have it visible from Old Woodward.

On March 21st, 2018 it was brought to the Public Arts Board's attention that there are a number of potential new projects planned for Booth Park, and the approved location may conflict with park activities. The Board decided to keep Booth Park as their number one priority. If this space was not approved, it was decided that Barnum Park is their second priority for placement of the sculpture, with its exact location to be determined. There was consensus from the Board that Barbara Heller and Anne Ritchie would meet to determine recommended locations within each park.

On March 28th, 2018, members of the Public Arts Board met with City staff to determine recommended locations in both Booth and Barnum Park. Site photos and aerial maps of the selected site were provided for the Parks and Recreation Board to review.

On April 3rd, 2018 the Parks and Recreation Board reviewed the two sites proposed by the Public Arts Board. It was discussed that Booth Park is the number one priority due to its visibility from North Old Woodward, its context with the park, and the fact that Booth Park has yet to have a sculpture installed on it. The activity and future plans for Booth Park were also discussed, but there was a general consensus that if any placement conflict arose, the sculpture could be moved. The Barnum Park location was also discussed, but this park is already having a sculpture installed this year. The Parks and Recreation Board then voted unanimously to approve the Eastern Hophornbeam sculpture at the site selected by the Public Arts Board at Booth Park.

SUGGESTED ACTION

To Approve the recommendations of the Public Arts Board and Parks and Recreation Board to accept a 5-year loan of *Eastern Hophornbeam*, by Robert Lobe, and to approve the proposed located at Booth Park;

AND

To approve the Access and Maintenance Agreement with Robert Lobe and further to direct the Mayor and City Clerk to sign the agreement on behalf of the City;

OR

To postpone approval of *Eastern Hophornbeam* until a suitable location has been identified;

OR

To recommend denial of the proposed loan of *Eastern Hophornbeam* by Robert Lobe.

SCULPTURE INSTALLATION AND MAINTENANCE AGREEMENT

This Sculpture Installation and Maintenance Agreement (the Agreement) is entered into on this 5th day of May, 2018, by and between the **CITY OF BIRMINGHAM**, a Michigan municipal corporation (the "City"), whose address is 151 Martin Street, Birmingham, Michigan 48009, and **Hill Gallery** ("Owner Representative"), whose address is 407 W. Brown Street, Birmingham, Michigan 48009.

Recitals

Artist Robert Lobe has loaned his *Eastern Hophornbeam* sculpture to Hill Gallery and authorized Hill Gallery to act as his representative with respect to the *EasternHophornbeam* as evidenced in exhibit A. Owner Representative desires to install and maintain the *Eastern Hophornbeam* sculpture in Booth Park at the location shown in Exhibit B. The City has agreed to permit Owner Representative to install and maintain the sculpture at Barnum Park, subject to the terms and conditions set forth in this Agreement.

Accordingly, the parties agree as follows:

Agreement

1. Installation of Sculpture. Owner Representative shall, at their sole expense, install the sculpture at Booth Park and restore the park grounds to its prior condition.
2. Maintenance and Conservation of Sculpture. Owner Representative shall be responsible for all maintenance and conservation of the Sculpture, at their sole expense, for the duration of the loan. In the event the Sculpture is damaged, Owner Representative shall, at their sole expense, promptly repair the Sculpture, or Owner Representative may, in their sole discretion, instead remove the sculpture pursuant to Section 4 below.

3. Ownership of the Sculpture. Owner Representative shall retain ownership agency rights of the sculpture and may, in accordance with the terms and conditions of this Agreement, remove the Sculpture from Booth Park at any time, for any reason.

4. Removal of Sculpture. When the Sculpture is removed from Booth Park, for any reason, Owner Representative shall, at their sole expense, restore the grounds to its prior condition, as requested by the City.

5. Casualty Insurance for Sculpture. Owner Representative may, in its sole discretion, purchase casualty insurance for the Sculpture insuring the value of the Sculpture for Owner's benefit.

6. Commercial General Liability Insurance. Owner Representative shall procure and maintain Commercial General Liability Insurance on an "Occurrence Basis" with limits of liability not less than \$2,000,000.00 per occurrence combined single limit, Personal Injury, Bodily Injury and Property Damage. The Commercial General 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 employees and volunteers, all boards, commissions and/or authorities and board members, including employees and volunteers thereof." This coverage shall be primary to any coverage that may be available to the additional insured, whether any other available coverage be primary, contributing or excess. The Commercial General Liability Insurance, as described above, shall also include an endorsement stating the following: "Thirty (30) days Advance Written Notice of Cancellation or Non-Renewal shall be sent to: City of Birmingham, P.O. Box 3001, 151 Martin Street, Birmingham, Michigan 48012." Owner Representative shall provide the City at the time this Agreement is returned for execution, Certificates of Insurance. If the above coverage expires during the term of this Agreement, Owner Representative shall deliver a renewal certificate to

the City at least ten (10) days prior to the expiration date. Notwithstanding the foregoing, any and all insurance required to be obtained pursuant to this Section 6 may be obtained in connection with, and combined with, Owner's insurance for the Building so long as the requirements of this Section 5 are satisfied.

7. Indemnification. To the fullest extent permitted by law, Owner Representative and any entity or person for whom Owner Representative is legally liable, agrees to be responsible for any liability, defend, pay on behalf of, indemnify, and hold City harmless, including City's elected and appointed officials, employees and volunteers and others working on behalf of City, 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 City, its elected and appointed officials, employees, volunteers or others working on behalf of City, 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 City, its elected or appointed officials, employees, volunteers or others working on behalf of City.

8. Binding on Successors and Assigns. All covenants, agreements, provisions and conditions of this Agreement shall be binding on and inure to the benefit of the parties hereto, their respective personal representatives, successors and assigns.

9. No Waiver. No waiver of any covenant or condition contained in this Agreement, or of any breach of any such covenant or condition, shall constitute a waiver of any subsequent breach of such covenant or condition by either party, or justify or authorize the nonobservance on any other occasion of the same or any other covenant or condition hereof of either party.

10. Interpretation. This Agreement shall be construed in accordance with the laws of the State of Michigan. Whenever the contents of any provision shall require it, the singular number shall be held to include the plural number and vice versa. The neuter gender includes the masculine and the feminine.

11. Entire Agreement. This Agreement contains the entire agreement of the parties hereto with respect to the installation and maintenance of the Sculpture described above, and this Agreement may not be amended or modified, in whole or in part, except by an instrument in writing signed by the parties hereto, their respective successors or assigns.

12. Termination of Agreement. This Agreement shall automatically terminate upon removal of the Sculpture from Booth Park in compliance with Section 4 of this Agreement.

[Remainder of Page Intentionally Blank]

IN WITNESS WHEREOF, the parties hereto have set their hands and seals the day and year first above written.

OWNER REPRESENTATIVE:

Hill Gallery

By:  *


Name: Timothy Hill


CITY OF BIRMINGHAM:


Cherilynn Mynsberge, City Clerk

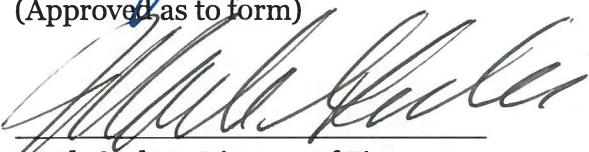
By: _____
Andrew Harris, Mayor

APPROVED:


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


Jana Ecker, Planning Director
(Approved as to substance)


Timothy Currier
(Approved as to form)


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



Cultural Council of Birmingham Bloomfield
P.O. Box 465 Birmingham, MI. 48012

APPLICATION FOR ART IN PUBLIC SPACES

Hill Gallery

APPLICANT NAME

248-540-9288

info@hillgallery.com

DAYTIME PHONE

Timothy Hill - Hill Gallery

EMAIL

DONOR, OWNER, OR AGENT (DEALER)

Robert Lobe

ARTIST (first and last) or PROJECT NAME

"Eastern Hophornbeam"

TITLE

1993

Hammered & Tempered Aluminum

DATE OF ARTWORK

MEDIUM/TECHNIQUE

PROPOSED

☐ DONATION

☒ LOAN

DESCRIPTION OF ARTWORK

A natural interpretation of the Eastern Hophornbeam (tree species) by a nationally

recognized sculptor Robert Lobe. Previously exhibited on the Chicago Waterfront

Burnham Park

24 ft h

24" w

48" d

250lbs

HEIGHT

x

WIDTH

x

LENGTH/DEPTH

WEIGHT

Hammer & Tempered Aluminum

OBJECT TYPE(S)/MATERIAL

150mph wind test

(i.e., metal, glass, stone, etc.)

DESIGN LOADS

None

(i.e., wind, and dead loads)

INSCRIPTION/FOUNDRY MARKS

Chicago, IL - Burnham Park

(if multiple, please include edition number)

PRESENT LOCATION OF ARTWORK (where is the work of art?)

Excellent

CONDITION

None

MAINTENANCE REQUIRED

(long term care/annual)

\$90,000.00

VALUE

☒ APPRAISED

☐ OWNER'S STATED VALUE

Steel base that anchors to concrete footer.

FOOTING/FOUNDATION REQUIREMENTS

(we plan to use existing concrete foundation)

Replacement for Arriving Home by Dennis Oppenheim.

NARRATIVE/RATIONALE FOR GIFT/LOAN/TEMPORARY INSTALLATION



11-8-17

SIGNATURE

DATE

***Submit application together with **prints or digital images of artwork, foundation plans, completed Outdoor Sculpture Agreement (if temporary sculpture), and a vitae or resume of the artist** to:

City of Birmingham

Attn: City Clerk – c/o Public Arts Board

151 Martin St.

P.O. Box 3001

Birmingham, MI 48012

PAB Action (Office use only)

Date Received: _____

Presented for Public Arts Board discussion: _____

Board Action: ☐ Recommended for approval ☐ Not recommended for approval

Insurance: ☐ Provided by CCBB ☐ Provided by City ☐ Other _____

Recommendation(s)/Action Taken _____

Routing and dates approved (Office use only):

Y N

☐ ☐ Planning _____

☐ ☐ Engineering _____

☐ ☐ Public Safety (Police/Fire) _____

☐ ☐ Parks and Recreation _____

☐ Approved by CCBB _____

☐ Approved by City Commission _____

Y N

☐ ☐ Building _____

☐ ☐ Other _____

☐ ☐ Other _____

Site Location _____

(If artwork is to be permanently donated, the City of Birmingham may provide required insurance.

If artwork is to be on temporary loan, the CCBB may provide required insurance.)

ROBERT LOBE

1945 Born Detroit, MI
 Lives and works in New York, NY

EDUCATION

1963-67 B.A., Oberlin College, Oberlin, OH
1967-68 Hunter College, New York

AWARDS & GRANTS

2008 Pollock-Krasner Foundation
2001 Joan Mitchell Foundation
1994 Adolph and Esther Gottlieb Foundation Grant
1993 Elizabeth Foundation
1992 Pollock-Krasner Foundation
1985 Guggenheim Sculptor in Residence, Chesterwood, MA
1984 National Endowment for the Arts Fellowship
1982 Creative Arts Public Service Award
1979 National Endowment for the Arts Fellowship

SELECTED PUBLIC COLLECTIONS

Albright-Knox Gallery, Buffalo, NY
Allen Memorial Art Museum, Oberlin, OH
Brooklyn Museum, Brooklyn, NY
Castellani Art Museum, Niagara University, NY
Cleveland Museum of Art, Cleveland, OH
DeCordova Museum and Sculpture Park, Lincoln, MA
Detroit Institute of Arts, Detroit, MI
Honolulu Museum of Art, Honolulu, HI
Indianapolis Museum of Art, Indianapolis, IN
Menil Collection, Houston, TX
Mihama-Cho International Outdoor Sculpture Garden, Japan
Milwaukee Art Museum, Milwaukee, WI
Museum of Contemporary Art Los Angeles, CA
Museum of Fine Arts, Houston, TX
National Gallery of Art, Washington, D.C.
Newark Museum, Newark, NJ
Solomon R. Guggenheim Museum, New York, NY

An abstract sculpture by Diana Al-Hadid, featuring a complex arrangement of layered, carved wooden blocks and panels. The sculpture is heavily textured with intricate carvings and is painted with various colors, including shades of blue, green, and purple. The overall form is tall and somewhat columnar, with a sense of depth and complexity. The title 'sculpture' is overlaid in a large, light blue, sans-serif font.

sculpture

April 2013
Vol. 32 No. 3

A publication of the
International Sculpture Center
www.sculpture.org

Diana Al-Hadid
Arnaldo Pomodoro
Not Vital

\$7.00US / CAN





ROBERT LOBE Nature as Effigy

BY CAROLEE THEA

The New York City Department of Parks and Recreation's public art program has consistently fostered the creation and installation of temporary public art throughout the five boroughs. Robert Lobe recently joined a long list of distinguished artists who have exhibited in Brooklyn's Prospect Park, among them, Roxy Paine and Mark di Suvero. But, how many of these artists have told a story so valuable?

In the 19th century, Frederick Law Olmsted and Calvert Vaux gained widespread acclaim for co-designing many well-known urban parks, among them Central Park and Prospect Park. Olmsted arrived at his practice after working as a reporter in the Antebellum South, where he witnessed war's devastating effect on nature. His design criteria aimed to uphold natural conditions rather than to appease the cultural will to control and, ultimately, to destroy. Lobe's three-part sculptural series, "Nature in Nature," reinforced the ideas of Olmsted's natural landscape.

Lobe has been working as a sculptor since the 1960s, when in an effort to disrupt Minimalism, he scattered shards of metal, rubber, wood, and rope on the floor. The Whitney Museum featured one of these scatter pieces in the 1969 exhibition "Anti-Illusion: Procedures/Materials," along with works by Carl Andre, Lynda Benglis, Robert Morris, Bruce Nauman, Richard Serra, and Keith Sonnier, among others. According to Lobe, "Organizing the scatter pieces...permitted variability and implied motion. Today I realize how closely these assemblies resemble the detritus where I forage for ideas in nature."

In the early '70s, Lobe began looking directly to nature, first in the "Stone Clones," a series of large-scale, extrapolated portraits of stones in hollow, laminated wood structures. He then moved to hammering aluminum around construction materials from the World Trade Center, found in the Battery Park landfill. Lobe chose aluminum "because of its artificial and industrial association, distinctly opposite that of weathered wood." Both bodies of work were exhibited at Dag Hammarskjöld Plaza in 1977.

Subsequently, the process of *repoussé* allowed him to work outdoors. In the solitude of the Adirondacks and on the Appa-



Opposite: *Nature's Clock*, 2005. Heat-treated hammered aluminum, 11 x 9 x 14 ft. Above: *Stone Clones*, 1976. Aluminum, view of installation at the Battery Park landfill.

lachian Trail, along the coast of Nova Scotia, he found new freedom and a personal transcendence. Since then, he has worked in a number of natural environments: "It was possibly my memory coupled with those wild landscapes that made my connection to nature more profound."

Lobe describes his process as first wandering around in the woods, then choosing the trees that he will trace. He hammers the sheet metal around trunk and branches with fasteners that leave the joints exposed; seams and bolts remain visible so that viewers can peer inside and see that the object is hollow. So, what might appear excessively heavy is relatively light, and by drawing attention to the gap between the real thing and the image, the artifice is exposed. The sculptor transforms nature into a facsimile, a death mask or an effigy of the natural form.

Lobe's works mimic the natural, while their industrial materiality brings to mind something out of George Miller's post-apocalyptic film *Road Warrior*, a world where nature has been poisoned by humanity's ravaging abuses. As such, the sculptures act as a memento mori, part of a tradition

in art dating back to antiquity and always sharing the same purpose, to remind man of his mortality.

In "Inside/Outside: Treelines," a group show at Abington Art Center in 2006, Lobe's large, outdoor work *Metamorphosis* and the indoor *Angel* created a profound scenario focusing on artifice and how nature has been altered. Lobe's aesthetic is low-key; his work doesn't try to muscle its way into our field of vision. It looks at home in a natural setting, but it also sets up a situation in which you detect its harmony, as well as its departure from the place in which you find it. Libby Rosof, writing on theartblog.org, says, "Robert Lobe's beaten aluminum tree sheaths look like body armor for the trees. His pieces are also a reminder of the gargantuan scale of trees while the surfaces and shapes evoke elephant skin."

Lobe belongs to an American tradition of artists whose work attempts to mirror the beauty of nature and human impact on the land. While 19th-century painters such as Thomas Cole, Albert Bierstadt, and Thomas Moran depicted nature in its pristine grandeur, photographers of the same era, including A.J. Russell, Carleton



Watkins, and W.H. Jackson, not only captured the beauty of the wilderness frontier, but, in documenting human progress, also recorded the damage caused by mass migrations to the West. By the middle of the 20th century, with countless remnants of destruction apparent in and out of American cities, artists like Robert Smithson and photojournalist Eugene Smith attempted to highlight the urgent necessity to restore balance to and understand the ecological relations conjoining humanity, industry, and the natural environment.

When I visited Prospect Park with Lobe, a man was fishing in the lake, where *Invisible Earth* was installed. The fisherman, who defined his sport as catch and release, said that bass are best found near a sheltering object such as the sculpture. In order to install this work, Lobe donned a wetsuit and dove into the Lullwater to make the footings—but the finished work appeared to float.

Just south of Prospect Park's 19th-century boathouse, on a grassy triangular intersection near a massive and ancient Camperdown elm (a variety immune to the Dutch elm disease that wiped out nearly all elms in North America), stood another of Lobe's hammered aluminum sculptures—*Antique Jenny*. The close proximity of the elm (nature) and the aluminum effigy (culture) made the contrast particularly strong. According to Lobe, "The idea of *Antique Jenny* grew out of contemplation of transcendentalism and the industrial revolution when the steam engine tore through the natural landscape." The third and largest of Lobe's three sculptures, *Nature's Clock*, perched on a hillock mimicking the sloped terrain.

The stylized forms of these works evoke the idea of archaic monuments ravaged by time. Their distinct location in the present, or even in some imaginary dystopian future, restructures the eternal dialectic of "man and nature" through artifacts made of reconstructed materials.

Recently, the Hudson Valley Center for Contemporary Art in Peekskill, New York, hosted an exhibition of three works on

Metamorphosis, 2005. Heat-treated aluminum, 116 x 86 x 40 in.



which Lobe collaborated with his wife, painter Kathleen Gilje. In *Kindred Spirits* (2009), *Appalachian Forest* (2010), and *Woodbury Quarry* (2011), Lobe's photographic documentation of his sites is transformed by Gilje into grisaille paintings and framed within a sculptural relief hammered out on rocks and trees from the places where the photographs were made. Lobe says, "We chose grisaille because its richness of grays is enhanced by the play of light in the monochromatic luster of hammered aluminum. But primarily, we wanted to interpret the exact same elements of the same place seen through the eyes of a painter and a sculptor." Lobe's work began as an effort to go past formal issues but migrated into another, more personal and spiritual realm based on a love of nature and a need to memorialize it in the face of inevitable destruction.

Above: *Invisible Earth*, 2007. Heat-treated hammered aluminum, 9 x 5.5 x 13.5 ft. Below: *Antique Jenny*, 2011. Heat-treated hammered aluminum, 11 x 5 x 14 ft.



Carolee Thea is a writer and curator living in New York. Her most recent book is *On Curating: Interviews with Ten International Curators*, published by D.A.P./Distributed Art Publishers.



Robert Lobe *Eastern Hophornbeam* 1993 Hammered and tempered aluminum Chicago, Burnham Park













MEMORANDUM

Planning Division

DATE: November 10, 2017

TO: Public Arts Board

FROM: Sean Campbell, Assistant City Planner

APPROVED BY: Jana Ecker, Planning Director

SUBJECT: Proposed Sculpture Loan – Eastern Hophornbeam

On November 10, 2017, City Staff received an application from the Hill Gallery to loan a sculpture from their collection to the City. The artwork titled Eastern Hophornbeam was sculpted in 1992 by artist Robert Lobe. The hammer and tempered aluminum and baked polyester resin sculpture stands 264" tall, 24" wide, and 48" long depicting a tree trunk without leaves. As discussed during the October 18, 2017 meeting, the Hill Gallery removed Dennis Oppenheim's sculpture Journey Home from its location at Baldwin Public Library southwest lawn to perform necessary repairs. At this time, the Gallery has indicated that their plans are to loan Eastern Hop hornbeam as a replacement for the Oppeinhem sculpture. The Gallery is proposing to make use of the existing foundation at the site. However, the Engineering Department will have to review the sculpture and advise as to whether the foundation will be sufficient enough to support the lb. sculpture.

Please find attached the application for the proposed donation with photos of the piece. In addition, the map and list of pre-qualified public art site locations have been attached to assist you in the consideration of an alternate location.

SUGGESTED MOTION LANGUAGE

Motion to recommend approval to City Commission of the donation of Eastern Hophornbeam and its placement in the following location_____.

OR

Motion to postpone approval of the donation of Eastern Hophornbeam for the following reasons:

1. _____
2. _____
3. _____

Motion to deny approval of the donation of Eastern Hophornbeam.





BALDWIN PUBLIC LIBRARY
MINUTES, REGULAR MEETING
December 18, 2017

Board Committee Reports:

Building Committee: Pisano introduced Sean Campbell, Birmingham's Assistant City Planner. Campbell described the piece of art—*Eastern Hophornbeam* by Robert Lobe—recommended by the Birmingham Public Arts Board to replace the prior sculpture, which had been sold to the University of Michigan. He also described another possible piece for the southwest lawn, called *Stack* by Tom Joyce. At Aidenbaum's request, Tim and Pamela Hill then provided background on the concept and construction of the proposed piece as well as the possible alternate piece. Underdown stated that he thought *Hophornbeam* didn't fit well in the space in front of the Library and stated that he hoped we had other choices. Tera also spoke out against *Eastern Hophornbeam*. Suhay expressed his disapproval of the color and the dissonance between it and the building.

Motion: To deny approval of the proposed loan of *Eastern Hophornbeam*.

1st Pisano

2nd Suhay

Further discussion ensued. Underdown and Aidenbaum expressed the desire for more time to consider, now that they had a greater understanding of the pieces. Koschik expressed his reasons for not liking *Eastern Hophornbeam* in this particular setting. In general, staff preferred *Stack* to *Hophornbeam*. Craft echoed similar sentiments. A member of the public asked about the cost of installation, maintenance etc. Campbell mentioned that insurance is covered by the Cultural Council of Birmingham-Bloomfield; he did not know the cost of installation but stated that the City does not cover the cost of installation. Hill stated that the installation cost could be worked out collaboratively, if necessary. Koschik gave a little background on the City-Library tenant-landlord relationship and noted that the Library has never spent money on outside art installations. The City has the right to do what it wishes with the exterior of the Library property and has ultimate responsibility for any required cost. Capone stated that she feels that *Hophornbeam* is not optimal for the site. Another member of the public agreed with Koschik and Capone that *Eastern Hophornbeam* was not the best choice for the site. In his view *Stack* looks more natural and has the added advantage of looking like a bunch of books. Mark mentioned that this sculpture had been vetted by the City and that the artist was responsible for the installation (page 20 of the December board packet). Campbell stated that this referred more to the process of installation and not the cost.

The motion was re-read and a vote was taken:

Yeas: Suhay, Tera, Underdown, Aidenbaum and Mark.

Nays: Pisano.

Absent and excused: None.

The motion was approved by 5 to 1.



Motion: To postpone approval of the proposed loan of *Stack* until a thorough review has been conducted of suitable alternatives for the site.

1st
Pisan
o 2nd
Tera

Another motion was made to amend the prior motion by adding the following: and furthermore to instruct the Library Director to initiate discussions with the City of Birmingham on how to carry out such a review.

The complete amended motion for consideration was: To postpone approval of the proposed loan of *Stack* until a thorough review has been conducted of suitable alternatives for the site, and furthermore to instruct the Library Director to initiate discussions with the City of Birmingham on how to carry out such a review.

1st Pisano
2nd Tera

Yeas: Suhay, Pisano, Tera, Underdown, Aidenbaum and Mark. Nays: None.

Absent and excused: None.

The motion was approved unanimously.

DATE: April 3rd, 2018
TO: Parks and Recreation Board Members
FROM: Brooks Cowan, City Planner
APPROVED: Jana Ecker, Planning Director
SUBJECT: Proposed Loan of *Eastern Hophornbeam*

On November 15, 2017, the Public Arts Board (PAB) reviewed and subsequently recommended approval for the loan of the Robert Lobe sculpture *Eastern Hophornbeam*. The Hill Gallery originally proposed this piece as a replacement for the Dennis Oppenheim sculpture, *Sound Heart*, which was removed from its location at the Baldwin Public Library (BPL) southwest lawn.

On December 18, 2017, the Library Board formally reviewed the *Eastern Hophornbeam*, stated their concerns about the sculpture in relation to its context and scale with the library's design, and ultimately voted to reject *Eastern Hophornbeam*.

Following the meeting, staff discussed with Hill Gallery the options regarding the proposed loan. The gallery owner Mr. Hill has expressed an interest in the following locations:

1. Booth Park along Booth Park Trail
2. Barnum Park (no specific location but a site that the Board and Community for Barnum Park recommends)
3. Shain Park (potentially at a corner that is currently not overwhelmed with competing structures)

Mr. Hill has also indicated that he does not have a strong preference over any location in the City and would be happy to let the PAB decide where to place it. He also stressed the importance of placing it somewhere with ample foot and or vehicular traffic.

On January 17, 2018 the Public Arts Board discussed potential locations for the *Eastern Hophornbeam*. They voted for Booth Park as their number one priority due to its proximity to the trail, forest, and Old Woodward, with the exact location to be determined later. The Public Arts Board has yet to place a sculpture in Booth Park, and would like to have it visible from Old Woodward.

On March 21st, 2018 it was brought to the Public Arts Board's attention that there are a number of potential new projects planned for Booth Park, and the approved location may conflict with park activities. The Board decided to keep Booth Park as their number one priority. If this space was not approved, it was decided that Barnum Park is their second priority for placement of the sculpture, with its exact location to be determined. There was consensus from the Board that

Barbara Heller and Anne Ritchie would meet to determine recommended locations within each park.

On March 28th, 2018 members of the Public Arts Board met with City staff to determine recommended locations in each park. Aerial images and photos of the area have been provided that indicate the proposed placements for *Eastern Hophornbeam* in both Booth Park and Barnum Park.

SUGGESTED MOTION

To recommend approval of the proposed 1-year loan of *Eastern Hophornbeam* to the City Commission at the proposed site at Booth Park

OR

To recommend approval of the proposed 1-year loan of *Eastern Hophornbeam* to the City Commission at the proposed site at Barnum Park

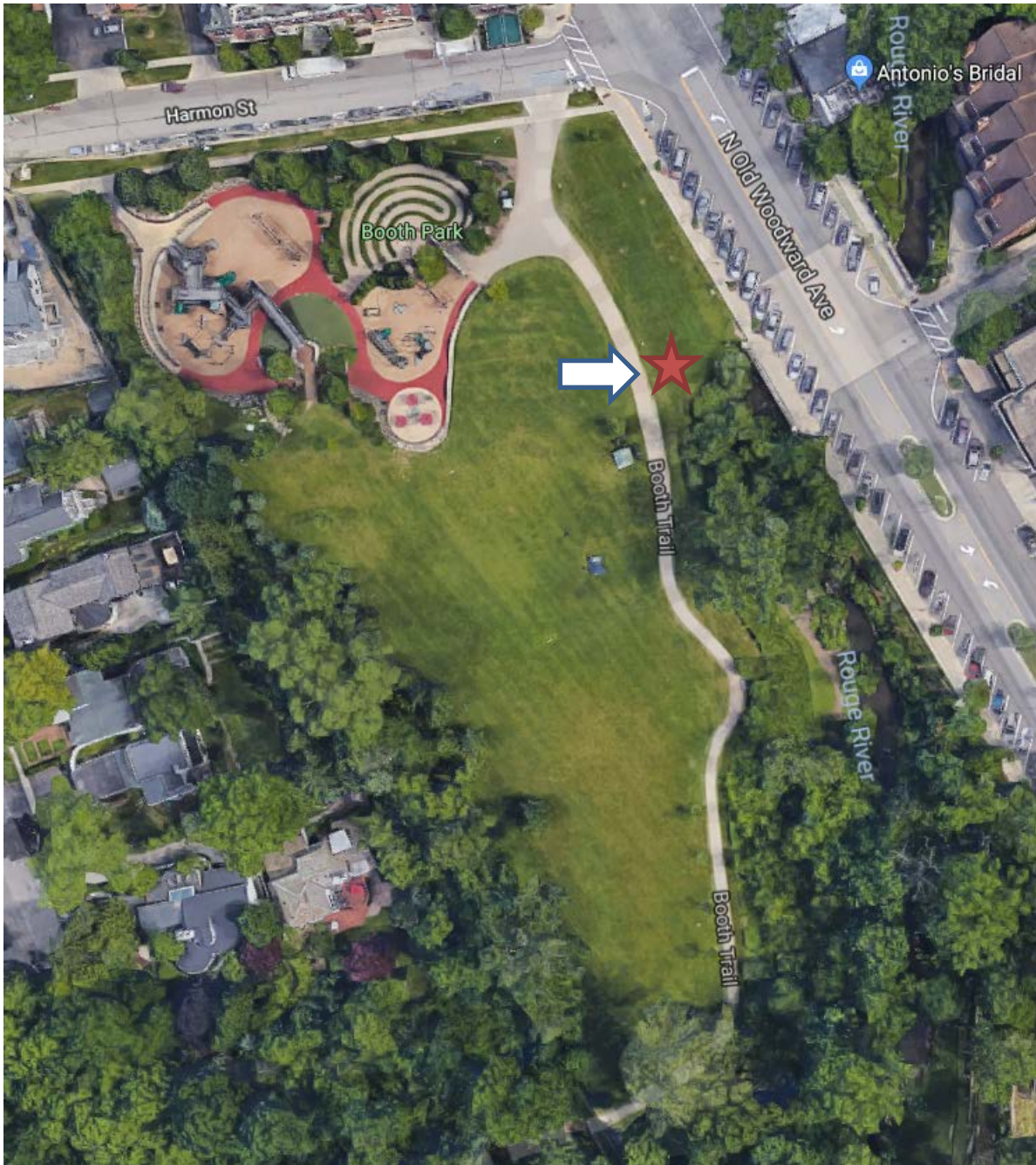
OR

To postpone approval of *Eastern Hophornbeam* until a suitable location has been identified

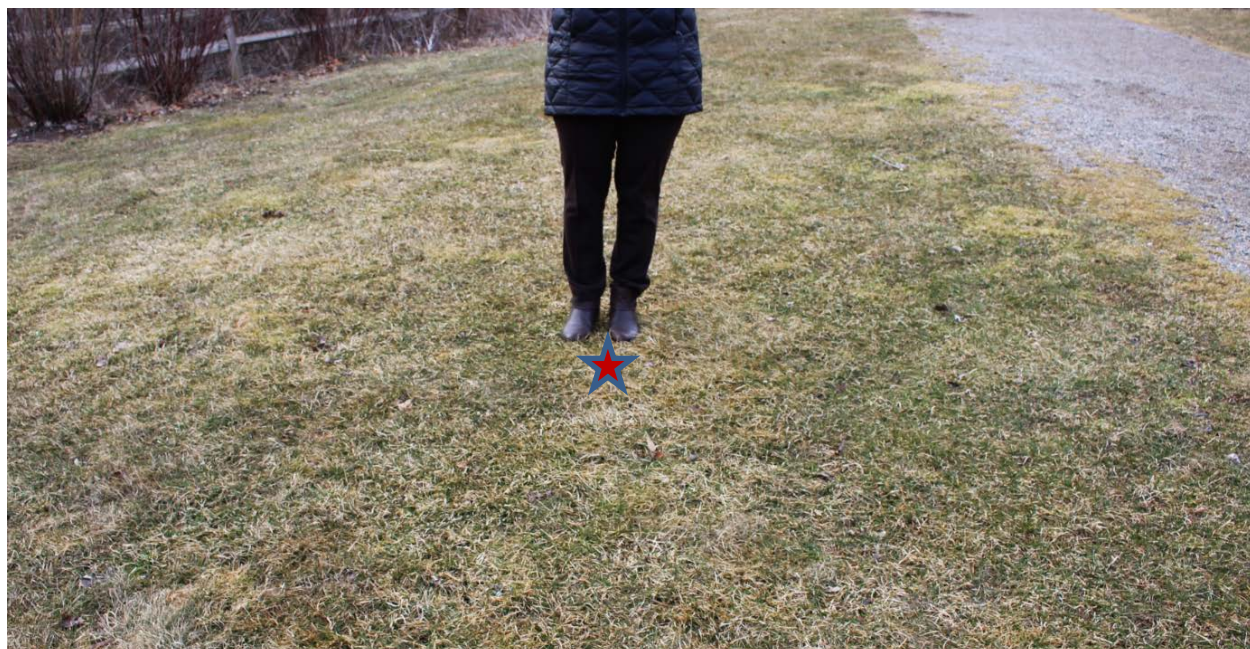
OR

To recommend denial of the proposed loan of *Eastern Hophornbeam*.

Booth Park



Booth Park



Booth Park



PAB Priority

- High
- Medium
- Low
- Low/No

The map displays the following parks and their priority levels (indicated by the number in the colored circle):

- 1. Millrace Park (High)
- 2. Lakeview Ave (High)
- 3. Pine St (High)
- 4. Historical Park (High)
- 5. Poppleton Park (High)
- 6. Barnum Park (High)
- 7. Howarth Park (High)
- 8. Kenning Park (High)
- 9. Cambridge Rd (Low)
- 10. Westboro Rd (Medium)
- 11. Lakepark Dr (Low)
- 12. Linn Smith Park (Low)
- 13. Fairway Park (Low)
- 14. Linn Smith Park (Low)
- 15. Linn Smith Park (Low)
- 16. Fairway Park (Low)
- 17. Fairway Park (Low)
- 18. Fairway Park (Low)
- 19. Pembroke Park (Low)
- 20. Crestview Park (Low)
- 21. Crestview Park (Low)
- 22. Martha Baldwin Park (Low)
- 23. Hamilton Ave (Low/No)
- 24. Shain Park (Low)
- 25. E Merrill St (Low/No)
- 26. E Merrill St (Low/No)
- 27. E Merrill St (Low/No)
- 28. E Merrill St (Low/No)
- 29. E Merrill St (Low/No)
- 30. E Lincoln Ave (Medium)
- 31. E Lincoln Ave (Medium)
- 32. E Lincoln Ave (Medium)
- 33. Linn Smith Park (Low)
- 34. Lakepark Dr (Low)
- 35. E Merrill St (Low/No)
- 36. Westboro Rd (Medium)

Prequalified Public Art Site Locations

1. Millrace Park along Quarton Lake Trail

Public Arts Board Priority Ranking: Medium

Additional comments: Hill is on a slope, limiting view



2. Quarton Lake Park #1

Public Arts Board Priority Ranking: High



3. Quarton Lake Park #2

Public Arts Board Priority Ranking: Medium



4. Booth Park along Booth Park Trail

Public Arts Board Priority Ranking: High



5. Poppleton Park @ Woodward Ave. & Madison St.

Public Arts Board Priority Ranking: High



6. Triangular open space in Barnum Park

Public Arts Board Priority
Ranking: High



7. Howarth Park near Emmons Ave. Entrance

Public Arts Board Priority Ranking: Medium



8. Courtyard at City tennis courts

Public Arts Board Priority Ranking: High



9. Derby back entranceway @ Cambridge

Public Arts Board Priority Ranking: Low



10. Derby Well Site #1

Public Arts Board Priority Ranking: Medium

Additional comments: Existing evergreen tree might compete or obstruct



or

11. Quarton Lake Park #3

Public Arts Board Priority Ranking: Low



12. Linden Park trailhead @ Shirley

Public Arts Board Priority Ranking: High



13. Along bend in Linden Park Trail

Public Arts Board Priority Ranking: Medium



14. Linn Smith Park close to Southfield Rd.

Public Arts Board Priority Ranking: Medium



15. Linn Smith Park near Rouge River

Public Arts Board Priority Ranking: Low



16. Fairway Trail trailhead

Public Arts Board Priority
Ranking: Medium



17. Along Fairway Trail

Public Arts Board Priority
Ranking: Low

Additional comments: Standing
water. Possible floodplain hazard



18. Fairway Trail access point at W. Lincoln

Public Arts Board Priority
Ranking: Low



19. Pembroke Park @ N. Eton and Windmere

Public Arts Board Priority Ranking: High

Additional comments: Play structure nearby



20. Crestview Park facing Southfield and Norfolk

Public Arts Board Priority Ranking: Medium



21. Crestview Park @ Southfield and Southlawn

Public Arts Board Priority Ranking: Low

Additional comments: Existing tree and telephone pole may obstruct view



22. Open space along W. Maple

Public Arts Board Priority Ranking: Low



23. Open space at east side of Park St. parking deck

Public Arts Board Priority
Ranking: Low/no



24. Street planter @ Maple Rd. & Chester St.

Public Arts Board Priority
Ranking: Low



25. Edison Passageway open space within recessed wall

Public Arts Board Priority Ranking: Medium

Additional comments: Possible 2D art



26. Edison Passageway in open space

Public Arts Board Priority
Ranking: Low/no



27. Social Passageway terminating vista

Public Arts Board Priority Ranking: High

Additional comments: 2D wall art only



28. Clark Hill Passageway terminating vista 2

Public Arts Board Priority Ranking: Medium

Additional comments: Limited space, possibly 2D wall art only



**29. Clark Hill Passageway
terminating vista**

Public Arts Board Priority
Ranking: Low

Additional comments: Limited
space, possibly 2D wall art only



30. Median at Worth and Woodward

Public Arts Board Priority Ranking: Medium



31. Right-of-way at Adams and Woodward

Public Arts Board Priority Ranking: High

Additional comments: Not a flat, level surface.



32. Manor Park entrance

Public Arts Board Priority Ranking: Low

Additional comments: Manor nature preserve sign and trees may obstruct.



33. Linden Park Trail near river

Public Arts Board Priority Ranking: Medium



34. Quarton Lake #4

Public Arts Board Priority Ranking: Low



35. Edison Passageway - east side

Public Arts Board Priority Ranking: Low



36. Derby Well Site #2

Public Arts Board Priority Ranking: Low





Cultural Council of Birmingham Bloomfield
P.O. Box 465 Birmingham, MI. 48012

ART IN PUBLIC SPACES SITE AND PLACEMENT GUIDELINES

To ensure the thoughtful placement of sculptures in the City of Birmingham and to further the City's vision to enhance public spaces, the Public Arts Board provides the following guidelines:

- Art should be located in a site where it will effectively enhance and activate the pedestrian and streetscape experience;
- Art should be sited where it will create a place of congregation or in a location that experiences high levels of pedestrian traffic;
- Art should be placed in a site where it is not overwhelmed by nor competing with the scale of the site or adjacent architecture, large retail signage, billboards, etc.;
- Art should be sited so as to be either immediately visible or in a location where it will be visible by the most people;
- Art should not be placed in a given site if the landscaping and maintenance requirements of that site cannot be met; and
- Artwork should not block windows or entranceways, nor obstruct normal pedestrian circulation in and out of a building (unless such alteration is specifically a part of the experience or design of the artwork).



NOTICE OF INTENTION TO APPOINT TO THE BOARD OF ETHICS

At the regular meeting of Monday, June 4, 2018, the Birmingham City Commission intends to appoint one regular member to the Board of Ethics to serve a three-year term to expire June 30, 2021.

Board members are to serve as an advisory body for the purposes of interpreting the Code of Ethics. The board consists of three members who serve without compensation. The members shall be residents and have legal, administrative or other desirable qualifications.

Interested citizens may submit an application available at the city clerk's office or online at www.bhamgov.org/boardopportunities. Applications must be submitted to the city clerk's office on or before noon on Wednesday, May 30, 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.

Criteria/Qualifications of Open Position	Date Applications Due (by noon)	Date of Interview
Members shall be residents and have legal, administrative or other desirable qualifications.	5/30/2018	6/4/2018

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



NOTICE OF INTENTION TO APPOINT TO THE GREENWOOD CEMETERY ADVISORY BOARD

At the regular meeting of Monday, June 4, 2018 the Birmingham City Commission intends to appoint three regular members to the Greenwood Cemetery Advisory Board to serve three-year terms to expire July 6, 2021.

Members must be chosen from among the citizens of Birmingham and, insofar as possible, represent diverse interests, such as persons with family members interred in Greenwood Cemetery; owners of burial sites within Greenwood Cemetery intending to be interred in Greenwood Cemetery; persons familiar with and interested in the history of Birmingham; persons with familiarity and experience in landscape architecture, horticulture, law or cemetery or funeral professionals.

Interested citizens may submit a form available at the City Clerk's Office on or before noon on Wednesday, May 30, 2018. These applications will appear in the public agenda for the regular meeting at which time the commission will discuss recommendations, and may make nominations and vote on the appointments.

Committee Duties

In general, it shall be the duty of the Greenwood Cemetery Advisory Board to provide recommendations to the City Commission on:

1. Modifications. As to modifications of the rules and regulations governing Greenwood Cemetery.
2. Capital Improvements. As to what capital improvements should be made to the cemetery. Future Demands. As to how to respond to future demands for cemetery services.
3. Day to Day Administration. The day to day administration of the cemetery shall be under the direction and control of the City, through the City Manager or his/her designee.
4. Reports. The Greenwood Cemetery Advisory Board shall make and submit to the City Commission an annual report of the general activities, operation, and condition of the Greenwood Cemetery for the preceding 12 months. The Greenwood Cemetery Advisory Board shall, from time to time, as occasion requires, either in the annual report, or at any time deemed necessary by the Greenwood Cemetery Advisory Board, advise the City Commission in writing on all matters necessary and proper for and pertaining to the proper operation of Greenwood Cemetery and any of its activities or properties.

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

Criteria/Qualifications of Open Position	Date Applications Due (by noon)	Date of Interview
Must be a resident of Birmingham and, insofar as possible, represent diverse interests, such as persons with family members interred in Greenwood Cemetery; owners of burial sites within Greenwood Cemetery intending to be interred in Greenwood Cemetery; persons familiar with and interested in the history of Birmingham; persons with familiarity and experience in landscape architecture, horticulture, law or cemetery or funeral professionals.	5/30/2018	6/4/2018



NOTICE OF INTENTION TO APPOINT HEARING OFFICER

At the regular meeting of Monday, June 4, 2018, the Birmingham City Commission intends to appoint the alternate hearing officer to serve a three-year term to expire June 30, 2021. The Hearing Officer shall be responsible for hearing disputes to a fee or bill that a property owner or resident of the city shall receive pursuant to the fee collection ordinances (section 1-17).

The hearing officer and alternate shall be residents of the City of Birmingham who have legal, administrative or other desirable qualifications that will aid him or her in the performance of the duties in accordance with provisions of the applicable code. The hearing officer and the alternate hearing office shall serve without compensation.

The hearing officer or alternate shall schedule periodic meetings for hearings as needed.

Interested citizens may submit an application available at the City Clerk's office on or before noon on Wednesday, May 30, 2018. These applications will appear in the public agenda for the regular meeting at which time the commission will discuss recommendations, and may make nominations and vote on the appointments.

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.

Criteria/Qualifications of Open Position	Date Applications Due (by noon)	Date of Interview
Members shall be residents of the city who have legal, administrative or other desirable qualifications that will aid him or her in the performance of the duties of the hearing officer.	5/30/2018	6/4/2018



NOTICE OF INTENTION TO APPOINT TO HISTORIC DISTRICT STUDY COMMITTEE

At the regular meeting of Monday, June 4, 2018, the Birmingham City Commission intends to appoint two regular members to the Historic District Study Committee to serve three-year terms to expire June 25, 2021, one regular member to serve the remainder of a three-year term to expire June 25, 2019, and one regular member to serve the remainder of a three-year term to expire June 25, 2020.

The goal of the Historic District Study Committee is to conduct historical research regarding the proposed designation of historic landmarks or districts in the City of Birmingham.

A majority of the members shall have a clearly demonstrated interest in or knowledge of historic preservation, although city residency is not required if an expert on the potential historic district topic is not available among city residents. The committee shall include representation of at least one member appointed from one or more duly organized local historic preservation organizations. The meetings are held by resolution of the City Commission.

Interested parties may submit an application available at the City Clerk's Office on or before noon on Wednesday, May 30, 2018. Applications will appear in the public agenda at which time the commission will discuss recommendations, and may make nominations and vote on appointments.

Criteria/Qualifications of Open Position	Date Applications Due (by noon)	Date of Interview
Members shall have a clearly demonstrated interest in or knowledge of historic preservation.	5/30/2018	6/4/2018

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



NOTICE OF INTENTION TO APPOINT TO THE MUSEUM BOARD

At the regular meeting of Monday, June 4, 2018, the Birmingham City Commission intends to appoint two regular members to the Museum Board who are also members of the Birmingham Historical Society to serve three-year terms to expire July 5, 2021.

Interested parties may submit an application available at the city clerk's office on or before noon on Wednesday, May 30, 2018. These applications will appear in the public agenda for the regular meeting at which time the commission will discuss recommendations, and may make nominations and vote on appointments.

Board Duties

The Museum Board is charged with collecting, arranging, cataloguing and preserving historical material. The board may locate and erect plaques or markers at historic sites, buildings or properties in the City of Birmingham with the consent of the owner or owners of any such property and subject to the approval of the city commission with respect to properties that, in the opinion of the board, have historic significance. Further, the board shall have the power to develop, operate and maintain the Allen House as a museum and to exercise authority, control and management over the Hunter House and John West Hunter Memorial Park.

Criteria/Qualifications of Open Position	Date Applications Due (by noon)	Date of Interview
Shall be qualified electors of the City and members of the Birmingham Historical Society.	5/30/2018	6/4/2018

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



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

At the regular meeting of Monday, June 4, 2018, the Birmingham City Commission intends to appoint one regular member to the Multi-Modal Transportation Board to serve the remainder of a three-year term to expire March 24, 2019.

Interested citizens may submit an application available at the City Clerk's office or online at www.bhamgov.org/boardopportunities. Applications must be submitted to the City Clerk's office on or before noon on Wednesday, May 30, 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. Applicants for this position do not have to be a qualified elector or property owner in Birmingham.

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.

Criteria/Qualifications of Open Position	Date Applications Due (by noon)	Date of Interview
In so far as possible, members shall represent pedestrian advocacy, mobility or vision impairment, traffic-focused education/experience, bicycle advocacy, urban planning, architecture or design education/experience, or different geographical areas of Birmingham. Members may or may not be electors (registered voter) or property owners of the City of Birmingham.	5/30/18	6/04/18

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



**NOTICE OF INTENTION TO INTERVIEW
FOR APPOINTMENT TO THE
BIRMINGHAM SHOPPING DISTRICT BOARD**

At the regular meeting of Monday, June 4, 2018 the Birmingham City Commission intends to interview applicants for one position on the Birmingham Shopping District Board to serve the remainder of a four-year term to expire November 16, 2018, and one position to serve the remainder of a four-year term to expire November 16, 2019.

The goal of the shopping district board shall be to promote economic activity in the principal shopping districts of the city by undertakings including, but not limited to, conducting market research and public relations campaigns, developing, coordinating and conducting retail and institutional promotions, and sponsoring special events and related activities. (Section 82-97(a)) The board may expend funds it determines reasonably necessary to achieve its goal, within the limits of those monies made available to it by the city commission from the financing methods specified in this article. (Section 82-97(b)).

The ordinance states that the City Manager will make the appointment with the concurrence of the City Commission.

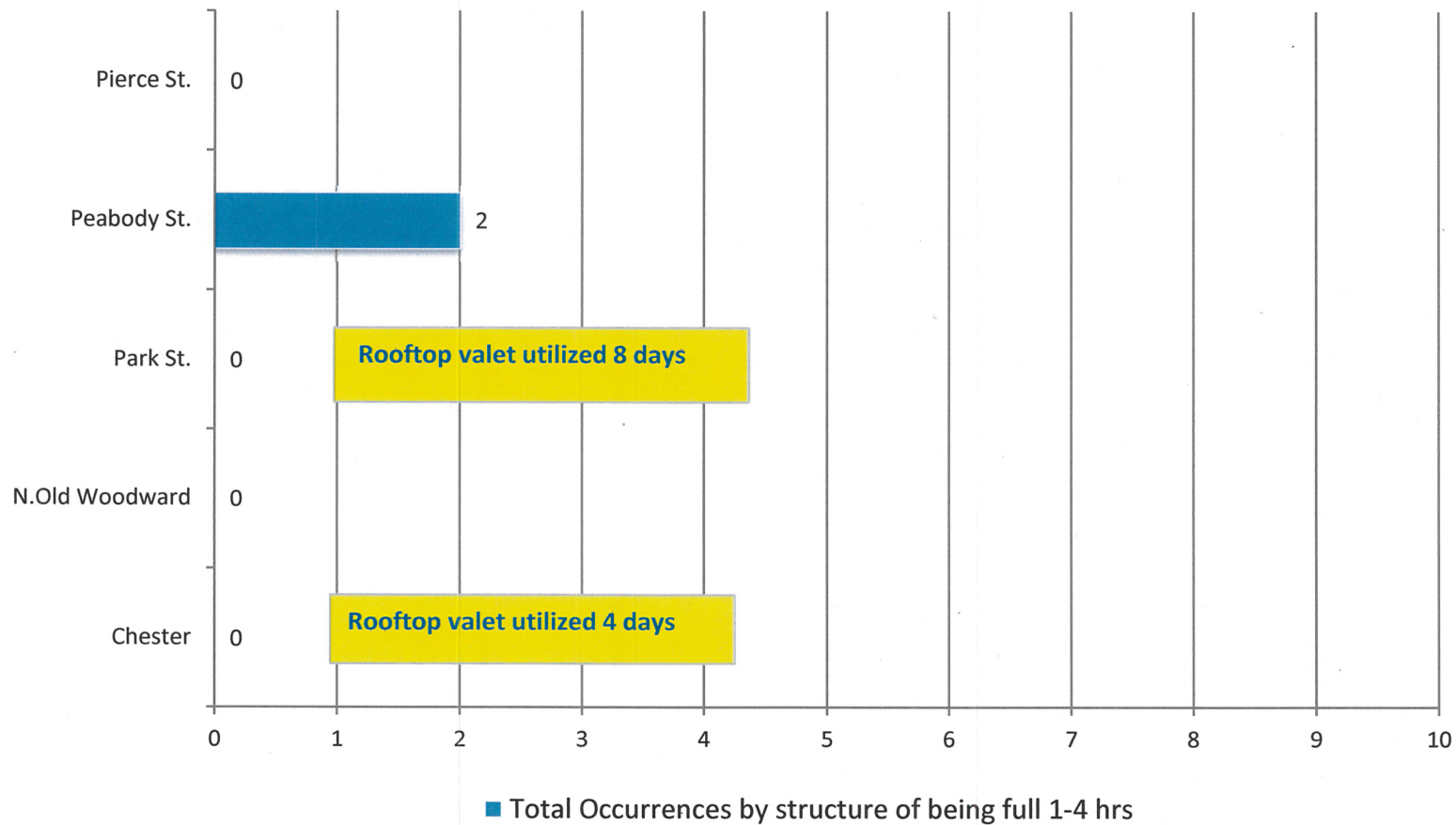
Interested persons may submit a form available from the city clerk's office. Applications must be submitted to the city clerk's office on or before noon on Wednesday, May 30, 2018. These documents will appear in the public agenda.

Criteria/Qualifications of Open Position	Date Applications Due (by noon)	Date of Interview
One member shall have an ownership interest in property located within the Birmingham Shopping District, and one member shall represent, as an operator, a business located within the District.	05/30/2018	06/04/2018

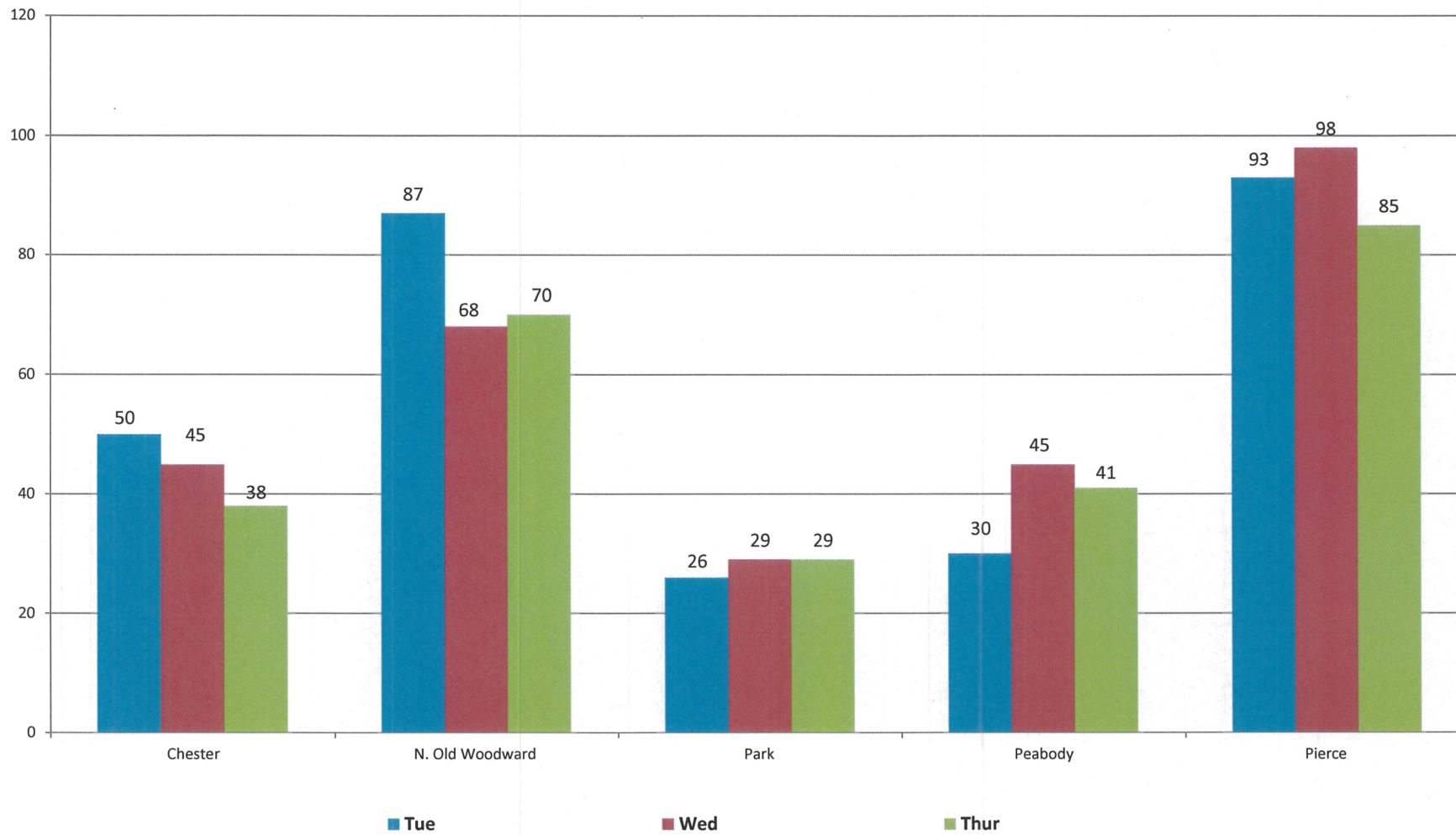
NOTE: All members of boards and commissions are subject to the provisions of City of Birmingham City Code Chapter 2, Article IX, Ethics and the filing of the Affidavit and Disclosure Statement.

Parking Full Status by Structure

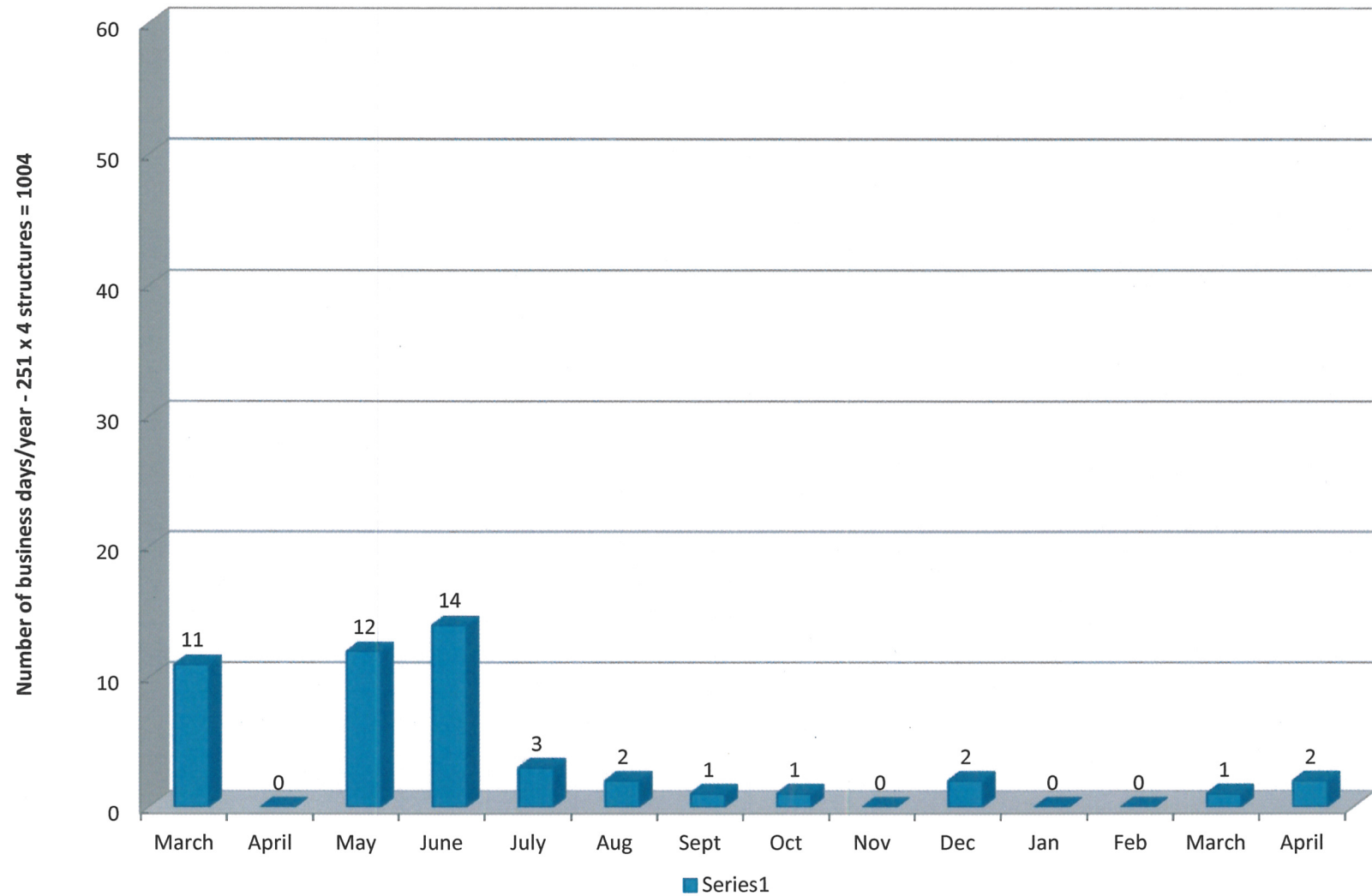
April 2018 Business Days Only (M-Friday)



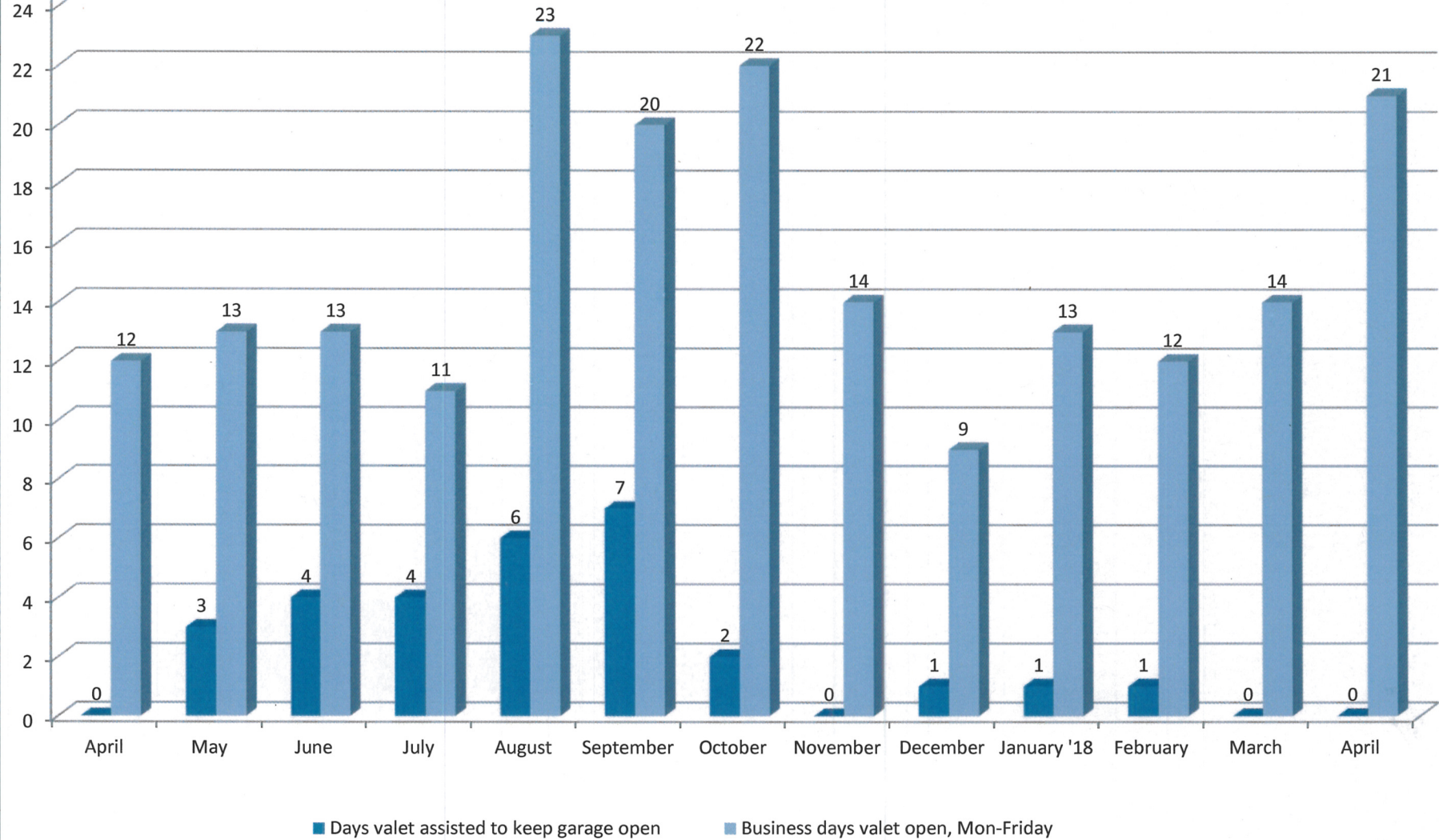
Structure Occupancy at 1 pm Tuesday-Thursday Average Available Spaces - April 2018



2017-18 Combined Parking Structure Full Status

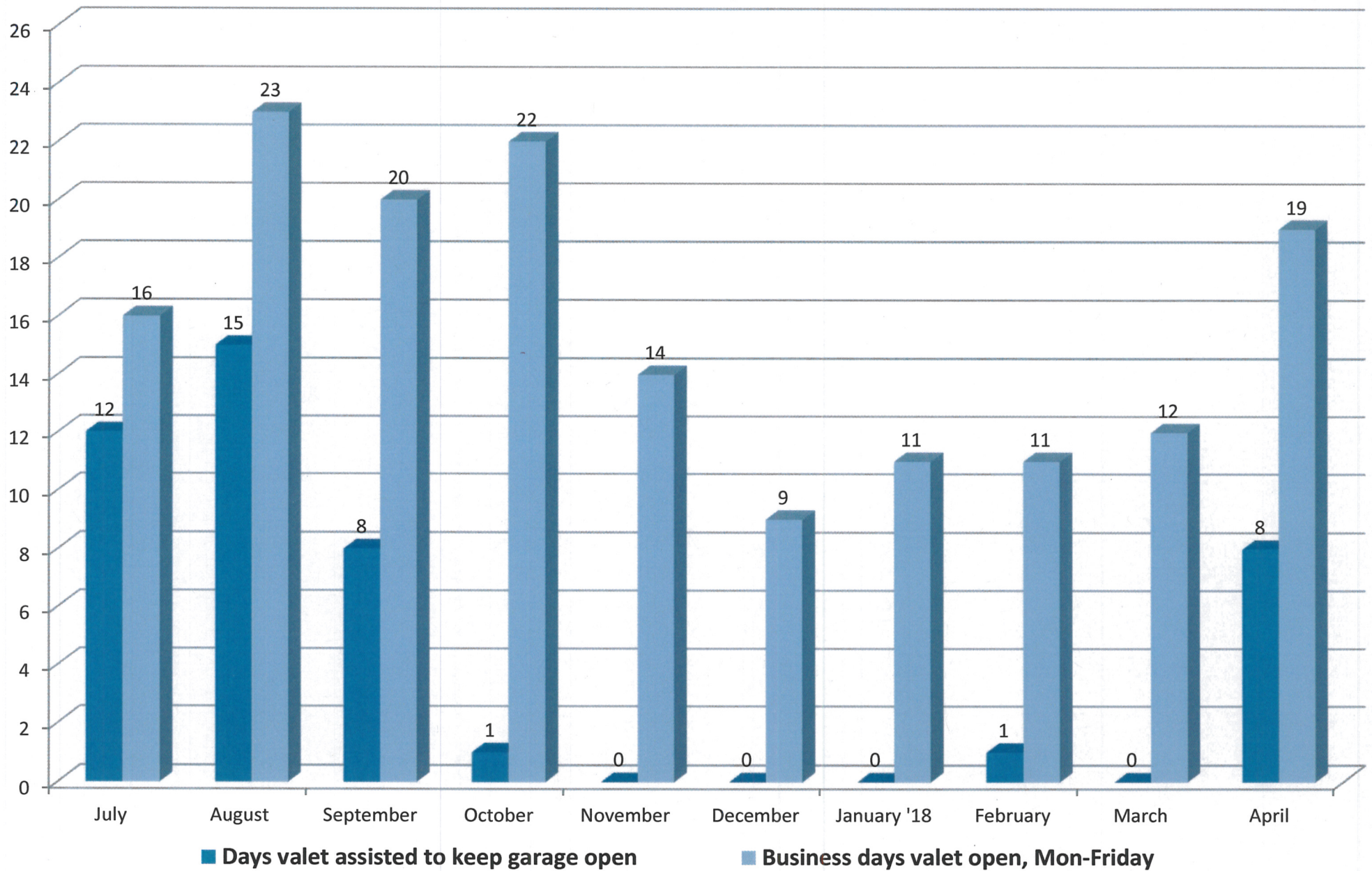


N. Old Woodward Structure Valet Assist Data - April 2017- April 2018



Park Street Structure

Valet Assist Data - July 2017 - April 2018



Chester Street Structure

Garage full list

APRIL 2018

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2 Garage not filled.	3 Garage not filled.	4 Garage not filled.	5 Garage not filled.	6 Garage not filled.	7
8	9 Garage not filled.	10 Garage not filled.	11 Valet-3 cars	12 Garage not filled.	13 Garage not filled.	14
15	16 Garage not filled.	17 Garage not filled.	18 Valet-8 cars	19 Garage not filled.	20 Garage not filled.	21
22	23 Garage not filled.	24 Valet-4 cars	25 Valet-4 cars	26 Garage not filled.	27	28
29	30					
		Notes:				

N. Old Woodward Garage

Counts

April 2018

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2 Garage not filled.	3 Garage not filled.	4 Garage not filled.	5 Garage not filled.	6 Garage not filled.	7
8	9 Garage not filled.	10 Garage not filled.	11 Garage not filled.	12 Garage not filled.	13 Garage not filled.	14
15	16 Garage not filled.	17 Garage not filled.	18 Garage not filled.	19 Garage not filled.	20 Garage not filled.	21
22	23 Garage not filled.	24 Garage not filled.	25 Garage not filled.	26 Garage not filled.	27 Garage not filled.	28
29	30					
		Notes:				

Park Street Structure

Garage full list

APRIL 2018

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2 Garage not filled.	3 Valet-1 car	4 Garage not filled.	5 Garage not filled.	6 Garage not filled.	7
8	9 Garage not filled.	10 Valet-12 cars	11 Valet-1 car	12 Valet-12 cars	13 Garage not filled.	14
15	16 Garage not filled.	17 Garage not filled.	18 Valet-11 cars	19 Garage not filled.	20 Garage not filled.	21
22	23 Garage not filled.	24 Valet-16 cars	25 Valet-16 cars	26 Valet-8 cars	27	28
29	30					
		Notes:				

Peabody Street Structure
Garage full list

APRIL 2018

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3	4	5	6	7
8	9	10 FULL @ 1:05p OPEN @1:47p	11	12	13	14
15	16	17	18	19	20	21
22	23	24 FULL @ 11:30A OPEN @1:16p	25	26	27	28
29	30					
		Notes:				

Pierce Street Structure

Garage full list

APRIL 2018

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					
		Notes: Structure did not fill.				

Structure Occupancy at 1pm Tuesday-Thursday

Available Spaces

APRIL 2018

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3 Chester-75 N.O.W.-169 Park-55 Peabody-55 Pierce-133	4 Chester-52 N.O.W.-138 Park-58 Peabody-66 Pierce-123	5 Chester-36 N.O.W.-146 Park-70 Peabody-83 Pierce-98	6	7
8	9	10 Chester-33 N.O.W.-99 Park-11 Peabody-1 Pierce-109	11 Chester-72 N.O.W.-61 Park-17 Peabody-50 Pierce-138	12 Chester-25 N.O.W.-46 Park-15 Peabody-27 Pierce-80	13	14
15	16	17 Chester-59 N.O.W.-50 Park-11 Peabody-54 Pierce-42	18 Chester-36 N.O.W.-64 Park-33 Peabody-44 Pierce-46	19 Chester-56 N.O.W.-44 Park-19 Peabody-36 Pierce-70	20	21
22	23	24 Chester-32 N.O.W.-31 Park-27 Peabody-9 Pierce-87	25 Chester-20 N.O.W.-29 Park-9 Peabody-20 Pierce-84	26 Chester-36 N.O.W.-42 Park-11 Peabody-17 Pierce-91	27	28
29	30					
		Notes:				

CENTRAL PARKING SYSTEM

Birmingham Parking System Transient & Free Parking Analysis Months of March 2017 & March 2018

March 2017

GARAGE	TOTAL CARS	FREE CARS	CASH REVENUE	% FREE
PEABODY	19,109	13,440	\$ 36,388.35	70%
PARK	21,177	11,731	\$ 65,358.80	55%
CHESTER	6,460	1,879	\$ 37,327.00	29%
WOODWARD	14,804	9,802	\$ 30,246.65	66%
PIERCE	32,512	19,084	\$ 71,012.90	59%

TOTALS	94,062	55,936	\$ 240,333.70	59%
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March 2018

GARAGE	TOTAL CARS	FREE CARS	CASH REVENUE	% FREE
PEABODY	18,434	10,548	\$ 35,594.00	57%
PARK	19,869	8,124	\$ 56,626.00	41%
CHESTER	7,169	2,337	\$ 56,405.00	33%
WOODWARD	13,935	7,132	\$ 33,528.00	51%
PIERCE	29,376	13,615	\$ 76,904.00	46%

TOTALS	88,783	41,756	\$ 259,057.00	47%
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BREAKDOWN:	TOTAL CARS	-6%
	FREE CARS	-25%
	CASH REVENUE	+8%



April 26, 2018

Ms. Cherilynn Brown, Clerk
City of Birmingham
151 Martin St.
Birmingham, MI 48012-3001

RE: International Channel Package Launch

Dear Ms. Brown:

We are pleased to share another enhancement we are making to our Xfinity TV offerings.

Comcast will launch up to 42 international channels and up to 31 international packages beginning around May 30, 2018. This launch will give customers access to more international content such as Bollywood movies, Brazilian telenovelas and Chinese news, to name a few.

Xfinity TV customers who would like to purchase these new international offerings will need the necessary equipment to access this cable programming, e.g. X1 or the Xfinity Beta App on Roku.

When these new international channels and packages launch, we will have a dedicated landing page - xfinity.com/moreinternational, which will provide additional information once the international channel package launch occurs.

Also, effective June 1, 2018, MGM HD, FSN Prime Ticket OOM and FSN Sun OOM will no longer be carried on Xfinity TV.

We know you may have questions about these changes. If I can be of any further assistance, please contact me at 734-254-1557.

Sincerely,

Kyle V. Mazurek
Manager of External Affairs
Comcast, Heartland Region
41112 Concept Drive
Plymouth, MI 48170

INFORMATION ONLY

**STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION**

**NOTICE OF HEARING
FOR THE ELECTRIC
CUSTOMERS OF
DTE ELECTRIC COMPANY
CASE NO. U-18232**



- DTE Electric Company requests Michigan Public Service Commission to review its renewable energy plan and determine compliance with comply with Public Acts 295 of 2008.
- The information below describes how a person may participate in this case.
- You may call or write, DTE Electric Company, One Energy Plaza, Detroit, MI 48226, (800) 477-4747 for a free copy of its application. Any person may review the application at the offices of DTE Electric Company.
- The prehearing conference in this matter will be held:

DATE/TIME: Tuesday, May 15, 2018, at 9:30 A.M.

BEFORE: Administrative Law Judge Sharon L. Feldman

LOCATION: Michigan Public Service Commission
7109 West Saginaw Highway
Lansing, Michigan 48917

PARTICIPATION: Any interested person may attend and participate. The hearing site is accessible, including handicapped parking. Persons needing any accommodation to participate should contact the Commission's Executive Secretary at (517) 284-8090 in advance to request mobility, visual, hearing or other assistance.

The Michigan Public Service Commission (Commission) will hold a hearing to consider DTE Electric Company's (Company) March 29, 2018 Renewable Energy plan application for compliance with Public Act 295 of 2008. The Company requests that the Commission: 1) determine that the Company's Amended Renewable Energy plan is reasonable and prudent, and is consistent with all applicable provisions of 2008 PA 295, as amended; 2) approve the revenue recovery mechanism surcharge of \$0.00/meter for all customer classes; 3) authorize the necessary accounting authority to effectuate the Company's Renewable Energy plan; 4) grant approval of the Company's proposed U-13808 Renewable Energy refund; and 5) grant additional relief.

INFORMATION ONLY

All documents filed in this case shall be submitted electronically through the Commission's E-Dockets website at: michigan.gov/mpscedockets. Requirements and instructions for filing can be found in the User Manual on the E-Dockets help page. Documents may also be submitted, in Word or PDF format, as an attachment to an email sent to: mpscedockets@michigan.gov. If you require assistance prior to e-filing, contact Commission staff at (517) 284-8090 or by email at: mpscedockets@michigan.gov.

Any person wishing to intervene and become a party to the case shall electronically file a petition to intervene with this Commission by **May 8, 2018**. (Petitions to intervene may also be filed using the traditional paper format.) The proof of service shall indicate service upon DTE Electric Company's attorney, Andrea E. Hayden, One Energy Plaza, 688 WCB, Detroit, MI 48226.

Any person wishing to appear at the hearing to make a statement of position without becoming a party to the case may participate by filing an appearance. To file an appearance, the individual must attend the hearing and advise the presiding administrative law judge of his or her wish to make a statement of position. All information submitted to the Commission in this matter becomes public information, thus available on the Michigan Public Service Commission's website, and subject to disclosure. Please do not include information you wish to remain private.

Requests for adjournment must be made pursuant to the Commission's Rules of Practice and Procedure R 792.10422 and R 792.10432. Requests for further information on adjournment should be directed to (517) 284-8130.

A copy of DTE Electric Company's request may be reviewed on the Commission's website at: michigan.gov/mpscedockets, and at the office of DTE Electric Company. For more information on how to participate in a case, you may contact the Commission at the above address or by telephone at (517) 284-8090.

Jurisdiction is pursuant to 1909 PA 106, as amended, MCL 460.551 et seq.; 1919 PA 419, as amended, MCL 460.54 et seq.; 1939 PA 3, as amended, MCL 460.1 et seq.; 1969 PA 306, as amended, MCL 24.201 et seq.; 1982 PA 304, as amended, MCL 460.6j et seq.; 2008 PA 295, MCL 460.1001 et seq.; and Parts 1 & 4 of the Michigan Administrative Hearing System's Administrative Hearing Rules, Mich. Admin Code, R 792.10101 through R 792.10137, and R 792.10401 through R 792.10448.