

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

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

Andrew M. Harris, Mayor

**II. ROLL CALL**

J. Cherilynn Mynsberge, City Clerk

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

**Organization of City Commission**

- A. Election of Temporary Chair of City Commission for purposes of conducting the Mayor and Mayor Pro Tem election.
- B. Election of Mayor and Mayor Pro Tem:
  - 1. Acceptance of nominations for Mayor from City Commissioners
  - 2. Election of Mayor
  - 3. Acceptance of nominations for Mayor Pro Tem from City Commissioners
  - 4. Election of Mayor Pro Tem
- C. Oath of Office to Mayor and Mayor Pro Tem
- D. Comments by newly elected Mayor and Mayor Pro Tem
- E. Presentation to outgoing mayor, Andrew Harris, by new mayor
- F. Comments by Commissioner Harris

**INTERMISSION**

- G. Appointment of \_\_\_\_\_, Mayor, to the Retirement Board.
- H. Appointment of \_\_\_\_\_, Mayor Pro Tem, to the Retirement Board.
- I. Appointment of \_\_\_\_\_, Mayor, to the Retirees Health Care Fund Investment Committee.
- J. Resolution concurring in the Mayor's appointment of \_\_\_\_\_ (Mayor or his/her assignee), to the Triangle District Corridor Improvement Authority. *Member shall be appointed by the Mayor, subject to approval by the City Commission.* (Commissioner Sherman is currently serving on the Authority.)
- K. Resolution concurring in the Mayor's appointment of \_\_\_\_\_ (city commissioner), to the Foundation for Birmingham Senior Residents. *Member shall be appointed by the Mayor.* (Commissioner Hoff is currently serving on the Foundation.)

- L. Resolution authorizing the new Mayor to sign the City's Emergency Action Guide on behalf of the City.

#### **IV. CONSENT AGENDA**

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

- A. Approval of City Commission minutes of October 29, 2018.
- B. Approval of warrant list, including Automated Clearing House payments dated October 24, 2018 in the amount of \$2,835,969.79.
- C. Approval of warrant list, including Automated Clearing House payments dated October 31, 2018, in the amount of \$410,053.28.
- D. Approval of warrant list, including Automated Clearing House payments dated November 7, 2018, in the amount of \$591,584.63.
- E. Resolution adopting the Performance Resolution for Governmental Agencies with the Michigan Department of Transportation (MDOT) and authorizing City Engineer, Paul O'Meara and Assistant City Engineer, Austin Fletcher, to apply to MDOT for the necessary permit work within the State Highway Right-of-Way on behalf of the City of Birmingham.
- F. Resolution authorizing the IT department to purchase the Security Subscription, Support and License renewals for the Palo Alto Firewall and Traps Server and endpoint clients from AmeriNet. The purchase price not to exceed \$26,578.63. Funds are available in the IT Network Upgrade fund account #636-228.000-973.0400.
- G. Resolution setting Monday, December 3, 2018 at 7:30 PM for a public hearing to consider the Program Year 2019 Community Development Block Grant Program.

#### **V. UNFINISHED BUSINESS**

#### **VI. NEW BUSINESS**

- A. Public Hearing to consider confirmation of SAD Rolls for funding for the Principal Shopping District.
  - 1. Resolution ratifying and confirming Special Assessment Roll No. 884 for fiscal year 2018-2019, Special Assessment Roll No. 885 for fiscal year 2019-2020, Special Assessment Roll No. 886 for fiscal year 2020-2021 and Special Assessment Roll No. 887 for fiscal year 2021-2022, funding for the Principal Shopping District, and instructing the City Clerk to endorse said rolls, showing the date of confirmation thereof, and certifying said assessment rolls to the City Treasurer for collection. Further, that for each year of such assessments, special assessments shall be payable in one (1) installment as provided in Section 94-10 of the Code of the City of Birmingham, with an annual interest rate of six and a quarter percent (6.25%) on all due unpaid installments.
- B. Resolution approving the Revised 2018-2019 Planning Board Action List as provided.

**OR**

Resolution directing the Planning Board to revise their 2018-2019 Planning Board Action List to reflect the City Commission's top priorities as discussed tonight.

**AND**

Resolution establishing a process to address needed amendments to the Planning Board's Action List between annual reviews.

- C. Resolution approving the 2018 HDSC Action List as provided.

**OR**

Resolution directing the HDSC to revise their 2018 Action List to reflect the City Commission's top priorities as discussed tonight.

- D. Resolution approving the Multi-Modal Transportation Board's recommendation to add moped parking and directing City Staff to begin work on implementing moped parking on Old Woodward between Brown Street and Oakland Avenue.

**AND**

Resolution to provide a report back to the City Commission in one year on the status and usage of the designated moped parking.

- E. Ordinance adopting the Amendment to Chapter 26. - Businesses to add Article XII. - Marihuana Establishments Prohibited, Sec. 426-500.

**VII. REMOVED FROM CONSENT AGENDA**

**VIII. COMMUNICATIONS**

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

**X. REPORTS**

- A. Commissioner Reports
  - 1. Notice of Intention to appoint two members to the Board of Review on December 3, 2018.
  - 2. Notice of Intention to appoint a member who is a District resident and a member who has an ownership or business interest in property located in the District to the Triangle District Corridor Improvement Authority on December 3, 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
  - 2. Collector Street MMTB Review Staff Memo

**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).*



## MEMORANDUM

City Clerk's Office

**DATE:** November 12, 2018  
**TO:** Joseph A. Valentine, City Manager  
**FROM:** J. Cherilynn Mynsberge, City Clerk  
**SUBJECT:** Organization of the City Commission

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### INTRODUCTION:

November 12, 2018 is the annual organizational meeting of the City Commission. The Commission will nominate and vote on a temporary chair to conduct the election of a mayor and a mayor pro tem. When the new mayor and mayor pro tem have been elected, the City Clerk will administer the oath of office to them. The new mayor, the new mayor pro tem, and the outgoing mayor each make brief comments, and then a short intermission is observed.

Following the intermission formal appointments are made of the Mayor and the Mayor Pro Tem to the City Boards, Committees, and Authorities whose memberships include the individuals representing the offices of Mayor and Mayor Pro Tem.

### BACKGROUND:

City Charter, Chapter III.-Plan of Government, Section 5 dictates the organization process:

On the second Monday in November of each year, the commission shall meet at the usual place for holding the meetings of the legislative body of the city for the purpose of organization. At each of said organization meetings the commission shall elect one of its members as mayor who shall be the presiding officer of the commission and chief executive head of the city and who shall have such other powers and perform such other duties as are or may be imposed or authorized by the laws of the state, by this Charter or by the commission. He shall be the conservator of the peace and may exercise within the city the powers conferred upon sheriffs to suppress disorder. At each of said organization meetings the commission shall also elect another member of the commission as mayor pro tem, who during the mayor's absence or disability to perform his duties, shall act in his stead and shall during the time of said absence or disability exercise all of the duties and possess all of the powers of the mayor. In the absence or disability of the mayor pro tem, the commission may temporarily appoint one of its members to that office. The mayor as a member of the commission shall have the right to vote on all matters before the commission and shall possess all of the other rights and powers of members of that body. He shall not have the right to veto.

(Amend. of 11-2-99)

### LEGAL REVIEW:

Not applicable.



**FISCAL IMPACT:**

Not applicable.

**SUMMARY:**

The organization of the City Commission will follow the same program as last year. Minutes of the November 13, 2017 are attached for reference.

**ATTACHMENTS:**

1. Excerpted minutes from the November 13, 2017 City Commission meeting.

**SUGGESTED RESOLUTION:**

To nominate \_\_\_\_\_ as the temporary chair of the City Commission for the purpose of conducting the Mayor and Mayor Pro Tem election.

***EXCERPT***  
**BIRMINGHAM CITY COMMISSION MINUTES**  
**NOVEMBER 13, 2017**  
**MUNICIPAL BUILDING, 151 MARTIN**  
**7:30 P.M.**

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

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

**II. ROLL CALL**

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

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

**11-288-17 ORGANIZATION OF THE CITY COMMISSION**

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

To nominate Mayor Nickita as the temporary chair of City Commission for purposes of conducting the Mayor and Mayor Pro Tem election.

VOTE: Yeas, 7  
Nays, 0  
Absent, 0

**MOTION:** Motion by Commissioner Hoff:

To nominate Mayor Pro Tem Harris as Mayor.

VOTE: Yeas, 7  
Nays, 0  
Absent, 0

**MOTION:** Motion by Commissioner DeWeese:

To nominate Commissioner Bordman as Mayor Pro Tem.

VOTE: Yeas, 7  
Nays, 0  
Absent, 0

The Clerk administered the oath of office to Mayor Harris and Mayor Pro Tem Bordman.

Mayor Harris laid out his vision for guiding the City through the upcoming Master Planning process, and expressed appreciation for the community's support and confidence in him.

Mayor Pro Tem Bordman expressed gratitude for the camaraderie with her fellow Commissioners, and explained that collaboration between the Commissioners allows them to do their best work, which she looks forward to continuing.

Mayor Harris presented a gift on behalf of the City to outgoing Mayor Nickita.

Commissioner Nickita thanked the citizens of Birmingham, the City staff, and his family for their confidence in him. He reflected on the health of the City and the accomplishments of the Commission, and is glad for the continued opportunity to perform this work.

The meeting was recessed at 8:02 p.m.

### **INTERMISSION**

Mayor Harris reconvened the meeting at 8:21 p.m.

**11-289-17                    APPOINTMENTS TO THE RETIREMENT BOARD, RETIREES  
HEALTH CARE FUND COMMITTEE, TRIANGLE DISTRICT  
CORRIDOR IMPROVEMENT AUTHORITY, AND FOUNDATION FOR  
BIRMINGHAM SENIOR RESIDENTS.**

**MOTION:**     Motion by Nickita:  
To appoint Andrew Harris, Mayor, to the Retirement Board.

VOTE:           Yeas,        7  
                     Nays,        0  
                     Absent,     0

**MOTION:**     Motion by Nickita:  
To appoint Patty Bordman, Mayor Pro Tem, to the Retirement Board.

VOTE:           Yeas,        7  
                     Nays,        0  
                     Absent,     0

**MOTION:**     Motion by Boutros:  
To appoint Andrew Harris, Mayor, to the Retirees Health Care Fund Committee.

VOTE:           Yeas,        7  
                     Nays,        0  
                     Absent,     0

**MOTION:**     Motion by DeWeese:  
To concur in the Mayor's appointment of Commissioner Sherman to the Triangle District Corridor Improvement Authority.

VOTE:           Yeas,        7

Nays, 0  
Absent, 0

**MOTION:** Motion by Boutros:

To concur in the Mayor's appointment of Commissioner Hoff to the Foundation for Birmingham Senior Residents.

VOTE: Yeas, 7  
Nays, 0  
Absent, 0

**BIRMINGHAM CITY COMMISSION MINUTES**  
**OCTOBER 29, 2018**  
**MUNICIPAL BUILDING, 151 MARTIN**  
**7:30 P.M.**

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

Mayor Andrew M. Harris called the meeting to order at 7:30 PM.

**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, Senior Planner Baka, Fire Chief Connaughton, Police Commander Grewe, Planning Director Ecker, Finance Director Gerber, Building Official Johnson, City Clerk Mynsberge, Birmingham Museum Director Pielack, BSD Director Tighe, DPS Director Wood

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

**10-282-18 ANNOUNCEMENTS**

- The Museum Board will conclude the celebration of Birmingham's bicentennial by presenting a time capsule to the City at the tree lighting ceremony on November 30, almost 200 years to the day of the first land purchase in Birmingham in 1818. The time capsule will contain contributions from Birmingham's students with the theme, 'Message to the Future,' and will be placed in Shain Park, to be opened in fifty years on December 1, 2068.
- Museum Director Pielack announced the Birmingham Museum's receipt of an award from the Michigan Museum Association for Excellence in Community Outreach for the 'Message to the Future' project.

**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.

**10-283-18 APPROVAL OF CONSENT AGENDA**

The following items were removed from the Consent Agenda:

- |                      |         |                                 |
|----------------------|---------|---------------------------------|
| • Commissioner Hoff: | Item H, | Shain Park Menorah              |
|                      | Item I, | Birmingham Museum Heritage Zone |
|                      | Item L, | Pro Shop Lease Agreement        |

- Commissioner Sherman: Item B, City Commission-Planning Board Joint Meeting Minutes

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

To approve the Consent Agenda with Items B, H, I, & L removed and noting abstentions of Mayor Harris from Item A due to his absence from the October 8, 2018 meeting and Commissioner Hoff and Mayor Pro Tem Bordman from Item C due to reimbursements to them listed on the October 10, 2018 warrant list for their attendance at the Michigan Municipal League.

VOTE:

Ayes:	Mayor Harris Mayor Pro Tem Bordman Commissioner Boutros Commissioner DeWeese Commissioner Hoff Commissioner Nickita Commissioner Sherman
Nays:	None

- A. Resolution approving the City Commission meeting minutes of October 8, 2018.
- C. Resolution approving the warrant list, including Automated Clearing House payments, dated October 10, 2018 in the amount of \$1,825,457.44.
- D. Resolution approving the warrant list, including Automated Clearing House payments, dated October 17, 2018 in the amount of \$765,622.19.
- E. Resolution approving the purchase and planting of 139 trees from KLM Landscape for the 2018 Fall Tree Purchase and Planting Project for a total project cost not to exceed \$44,327.00. Funds are available from the Local Streets Fund-Forestry Service Contract account #203-449.005-819.0000, the Major Streets Fund-Forestry Service Contract account #202-449.005-819.0000, the Local Streets Fund-Operating Supplies account #203-449.005-729.0000, the Major Streets Fund-Operating Supplies account #202-449.005-729.0000, the Parks Other Contractual Services account #101-751.000-811.0000, and the Parks Operating Supplies account, #101-751.000-729.0000 for these services. Further, authorizing the Mayor and City Clerk to sign the agreement on behalf of the City upon receipt of required insurances.
- F. Resolution setting a public hearing date of November 19<sup>th</sup>, 2018 to consider an amendment to the Zoning Ordinance, Article 3, Section 3.08(E) to increase the one-time payment-in-lieu of parking fee in the Triangle District.
- G. Resolution approving a request from the Birmingham Bloomfield Art Center to hold Art Birmingham in Shain Park and on the surrounding streets on May 10 – 12, 2019 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.
- J. Resolution approving the Lighting Agreements with Essco of Birmingham, LLC and Merrillwood Investment, LLC, granting permission for the City to install holiday lighting over Merrill Street during the 2018 holiday season, directing the Mayor to sign the agreements on behalf of the City, and further approving the closure of Merrill Street on Sunday, November 18, 2018 or November 25, 2018 to install the lighting.

- K. Resolution authorizing an agreement between the City of Birmingham and Smarking for a period of one year to provide parking platform management and data integration for all municipal parking structures and parking meters in the Automated Parking System for a monthly subscription cost of \$3,294.54 per month and a one-time installation fee of \$7,906 using account #585-538-001-811.0000.
- M. Resolution adopting the 2017 Oakland County Hazard Mitigation Plan for the City of Birmingham. Further, authorizing the Mayor and Clerk to sign the Resolution on behalf of the City.

**10-284-18 SHAIN PARK MENORAH (Consent Item H)**

Rabbi Cohen explained '36 Mystics' is the name of a space in Birmingham being rented by the Birmingham Jewish Connection.

**MOTION:** Motion by Commissioner Hoff, seconded by Commissioner DeWeese: To approve a request from the Birmingham Jewish Connection to display the Shain Park Menorah on December 2 – 10, 2018, with a special gathering to be held on December 4, 2018 at 7 pm in Shain Park, contingent upon compliance with all permit and insurance requirements and payment of all fees and, further pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event.

VOTE:            Yeas,            7  
                     Nays,            0  
                     Absent,          0

**10-285-18 BIRMINGHAM MUSEUM HERITAGE ZONE LANDSCAPE DESIGN SERVICES (Consent Item I)**

Museum Director Pielack explained:

- Historic architect Brian Devlin had already created concept plans for the City. The agreement before the Commission this evening is to provide design services and construction documents to execute the plan.
- The Nagy Devlin Land Design, LLC bid came in lower than the other two bids due to less business overhead and Mr. Devlin's relative familiarity with the area and its needs.
- The other two bidders did receive a copy of the concept plan because it was included in the RFP.

**MOTION:** Motion by Commissioner Hoff, seconded by Commissioner Boutros: To approve a service agreement with Nagy Devlin Land Design, LLC to provide Historic Landscape Design Services for the Birmingham Museum Heritage Zone, in the amount of \$2,960.00, to be charged to account 101-804.002-811.0000, and directing the Mayor and City Clerk to sign the agreement on behalf of the City.

VOTE:            Yeas,            7  
                     Nays,            0  
                     Absent,          0

**10-286-18 PRO SHOP SPACE LEASE AGREEMENT (Consent Item L)**

DPS Director Wood explained:

- This space has not been used for sales activity by a vendor since 2011.
- The City brings in a company to sharpen rental skates.

- From 2011 to 2014, there was a barter-exchange agreement where a vendor sold wares and performed skate sharpening for the City.
- The option to run a shop in this space was bid out, but there were no bidders.

**MOTION:** Motion by Commissioner Hoff, seconded by Commissioner DeWeese: To approve the Pro Shop Space Lease Agreement with Birmingham Hockey Association and Birmingham Unified High School Hockey Team for use of the space in the Birmingham Ice Sports Arena referred to as the Pro Shop effective November 1, 2018 for the amount of \$400.00 per month until the end of the season. Further, authorizing the Mayor and Clerk to sign the agreement upon receipt of the required insurance.

VOTE:            Yeas,            7  
                      Nays,            0  
                      Absent,          0

**10-287-18                    CITY COMMISSION-PLANNING BOARD JOINT MEETING  
                                      MINUTES OF OCTOBER 15, 2018 (Consent Item B)**

Commissioner Sherman noted he arrived at the meeting at 9:20 p.m.

**MOTION:** Motion by Commissioner Sherman, seconded by Commissioner DeWeese: To approve the City Commission-Planning Board joint meeting minutes of October 15, 2018, as corrected.

VOTE:            Yeas,            7  
                      Nays,            0  
                      Absent,          0

<b>V.      UNFINISHED BUSINESS</b>
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**10-288-18                    MASTER PLAN CONSULTANT SELECTION**

**MOTION:** Motion by Commissioner Sherman, seconded by Commissioner Boutros: To approve the contract with DPZ Partners, LLC, as recommended by the Ad Hoc Master Plan Selection Committee, with the direction that staff discuss with DPZ the retail component concerns raised at previous meetings, in the amount of \$298,000.00 payable from account # 101-721-000-811.000, to provide professional services to prepare an update to the City's comprehensive master plan, and to direct the Mayor to execute same.

Commissioner Sherman clarified that the City is looking for a focus on the neighborhoods and engaging the public rather than analysis of the downtown.

Commissioner DeWeese said he would not be supporting this motion because Mr. Duany did not do DPZ good service. He added:

- He was impressed with Megan O'Hara from MKSK's team who is an expert in neighborhoods.
- He will support the outcome of this vote either way because both firms are outstanding.

Commissioner Sherman said his motion would allow staff to express the Commission's stated concerns and to confirm that the scope of the project is in-line with the City's requested scope. He anticipated no revisions to the contract as part of his motion.



Commissioner Hoff expressed support of MKSK due to Ms. O'Hara's presentation and the team's overall local experience. She voiced concerns with the DPZ's team in terms of Mr. Duany's familiarity with the proposal, the fact that Mr. McKenna is retired, and Mr. Gibbs' philosophy on downtown retail as it pertains to Birmingham. She stated that the chosen consultant must tailor their process to Birmingham's unique qualities. She noted she will support whichever group is chosen.

Mayor Pro Tem Bordman agreed with the remarks made by Commissioners DeWeese and Hoff and stated her belief the better choice is not DPZ. She noted the majority rules, and she will be supportive of the decision.

Mayor Harris apologized for his absence at the October 8, 2018 Commission meeting. Mayor Harris acknowledged that both teams would do a great job. He noted positively DPZ's success with the 2016 Plan, the quality of its presentation to the Commission, its near-unanimous approval by the Ad Hoc Master Plan Selection Committee (MPSC), DPZ's focus on input from younger citizens given the duration of this plan and its commitment to an updated and efficient Charrette process.

Commissioner Nickita spoke in favor of DPZ. He acknowledged both teams are competent and would do well, although DPZ has more experience with Birmingham. He factored in the MPSC's endorsement of DPZ, and said he is in support of staff clarifying expectations vis-a-vis retail with the DPZ team.

Commissioner Boutros urged the Commission to award the contract to DPZ.

VOTE:	Yeas,	4
	Nays,	3 (Bordman, DeWeese, Hoff)
	Absent,	0

## **VI. NEW BUSINESS**

### **10-289-18 PUBLIC HEARING TO CONSIDER THE LOT REARRANGEMENT OF 120 HAWTHORNE AND 125 ASPEN**

Mayor Harris opened the public hearing at 8:01 p.m.

Senior Planner Baka confirmed the request meets all requirements.

Commissioner Boutros disclosed his residence in this neighborhood but did not believe it represented a conflict.

Senior Planner Baka explained:

- There would be no change to 125 Aspen except for the rear property line. 120 Hawthorne would see the detached garage demolished, an addition which would include an attached garage, and a slightly shifted driveway.
- The utility lines would remain accessible to the utility companies and the proposed changes would not infringe on any easements.

Mr. Willoughby, the architect for the project, explained:

- If the lot rearrangement is granted, the owner may consider moving the power line to be on the new property line.
- The lot owner is committed to preserving as many trees as possible.

Mayor Harris closed the public hearing at 8:09 p.m.

Senior Planner Baka confirmed there is precedent for changing the rear lot line in the neighborhood, and that there will be no unintended consequences from the lot rearrangement.

Mr. Willoughby stated plans for 125 Aspen beyond the construction of 120 Hawthorne have not been determined.

Senior Planner Baka explained the lot rearrangement would not be changing the width of the property.

Mayor Pro Tem Bordman noted that the houses south of the two houses in question have very consistent rear lot lines.

Commissioner Boutros said this is a very minor rearrangement and would not affect the continuity of the street.

**MOTION:** Motion by Commissioner Boutros, seconded by Commissioner Nickita:  
To approve the proposed lot rearrangement of 120 Hawthorne and 125 Aspen as requested.

VOTE:            Yeas,            7  
                     Nays,            0  
                     Absent,          0

**10-290-18                    PUBLIC HEARING TO CONSIDER THE NECESSITY TO ESTABLISH  
ASSESSMENT FOR THE BIRMINGHAM SHOPPING DISTRICT**

Mayor Harris opened the public hearing at 8:20 p.m.

Jeff Hockman, Chair of the BSD Board, introduced Mr. Fehan, Mr. Astrein and City Manager Valentine, members of the Board.

BSD Executive Director Tighe explained:

- Property is constituted by the land and the real property on the land.
- Property owners are subject to the cap rate. The BSD Board calculated which properties would hit the cap rate and used those figures to determine the necessary rate to be applied to the rest of the properties.
- Changes to square footage of a property would be factored in to the property's assessment.
- Private parking decks and residences will not be included in these assessments per statute.
- Rates are locked-in for four years and include anticipated inflation and costs related to items like valet services and personnel.
- The BSD Board has considered the possibility of expanding the BSD assessment area and will be looking into it further over the next couple of years.
- The proposed rate increases fall in line with the CPI inflation rate over the last ten years.
- This exact presentation was given at the BSD's merchant meeting the week before, which was attended by merchants and open to the public.

City Manager Valentine said:

- The fund balance remains available should any anomalies in funding needs arise after this assessment is approved.
- Subject to any changes in the properties, this is a locked-in rate for the next four years.
- He also added this plan has more strategic vision, as it takes into account the next two construction cycles in downtown Birmingham.
- These rates have remained flat over the last ten years, so the increase in assessments is to match the increase in costs.

Chair of the BSD Board Hockman stated:

- The majority of the members of the BSD Board are property owners. The meetings are publicly noticed and often attended by other business owners.
- The vote of the Board was 9-1.

Mayor Harris closed the public hearing at 8:45 p.m.

**MOTION:** Motion by Commissioner Boutros, seconded by Commissioner Sherman:  
To declare the necessity to establish assessment for the Birmingham Principal Shopping District for 2018-19, 2019-20, 2020-21, and 2021-2022.

BSD Executive Director Tighe explained the BSD works on expanding the benefits of the BSD through:

- Recruiting retail into some of the larger, more accomodating spaces in the 1A area;
- Adding more flowers, providing snow services, and other services to the 1A area which was made possible by this past summer's construction project; and,
- Continuing to market and provide publicity for the businesses in the 1A area.

VOTE:           Yeas,           7  
                  Nays,           0  
                  Absent,       0

#### **10-291-18                   DOWNTOWN RETAIL REVIEW**

Planning Director Ecker recapped the material provided to the Commission in their agenda packet.

Mayor Pro Tem Bordman expressed concern that City RFPs are garnering one or two bids for a project, making it harder to compare bidders' services and costs. She opined that the City must ensure the RFPs are reaching their intended audience.

Planning Director Ecker explained:

- Sixteen firms downloaded the RFP from MITN.
- City staff reached out to all sixteen firms for more information regarding the lack of bids. Some firms explained they would have to partner with another firm in order to provide the full range of required services, and other firms said they were overwhelmed with work at this time.
- The RFP asks for two focuses: a retail market analysis and a change in City planning policies. Very few firms have both in-house.

Commissioner Nickita gave his opinion:

- The RFP does not ask for a retail market analysis; rather, it looks at the physical conditions of the downtown retail district.
- Given the fact that most of the RFP items focus on a physical analysis of the retail district, the RFP may not be clear enough to be attracting physical planning firms, architectural firms, or design firms that would best understand these physical conditions.
- The six firms that provided feedback seem to be exactly what the City is looking for with this project, which indicates a lack of clarity in the RFP.

**MOTION:** Motion by Commissioner Sherman, seconded by Commissioner DeWeese:  
To rebid the RFP seeking additional responses.

VOTE:           Yeas,           7  
                  Nays,           0  
                  Absent,       0

Commissioner DeWeese requested staff reach beyond MITN for dissemination of RFPs.

Sole bidder Mr. Gibbs explained:

- The firms on his team were selected on the basis of being the best in the country.
- He picked three of the best retail brokers to get their insight on the retail spaces they lease and also reached out to a local retail broker.
- He brought in the Leland Group, which is the leading national market analyst in the country, to get a second opinion on whether 1,000,000 sq. ft. of retail space is supportable in the redline retail district.

A number of Commissioners stated the City typically does not accept a bid when there is only a single bidder, but they do hope Mr. Gibbs will follow up with the project.

#### **10-292-18 REMOVAL OF PARKING SPOT AT 160 ELM**

Police Commander Grewe presented the request to remove a parking spot at 160 Elm to reserve space for emergency vehicles called to All Seasons senior living facility.

Commissioner Hoff said there is not enough parking available in this area, and the need is only increasing. She said that the City must give thought to how to increase parking in the area.

Commissioner Nickita echoed Commissioner Hoff's concerns about losing parking. He suggested:

- Emergency vehicles could take up one lane of Maple as an option when called to the area, leaving three lanes open.
- Removing more parking on Elm will result in higher traffic speeds, which is also a concern.

City Manager Valentine suggested this is an evolution of the property's demand on the community. He suggested removal of the parking space could be a short-term option, which would be reassessed as part of a broader conversation over time.

Commissioner Boutros suggested temporarily removing the parking space and using the recently-approved smaller emergency vehicle could solve the issue.

Police Commander Grewe said that on medical runs proximity to the front door of the building is a priority.

Mayor Pro Tem Bordman said City staff should contact All Seasons to help resolve the issue. She said room for emergency vehicles could be made in the All Seasons parking lot, for instance, instead of removing on-street parking.

**MOTION:** Motion by Commissioner DeWeese, seconded by Commissioner Hoff:  
To remove one parking spot on Elm St. located in front of 160 Elm Street for a period of one year and to review the situation at the end of the year to determine if it should continue.

VOTE:           Yeas,           7  
                  Nays,           0  
                  Absent,       0

Commissioner Boutros said the City needs to talk to All Seasons about the residents' increasing utilization of the City's emergency services. He emphasized the fact that the residents at All Seasons should authentically qualified for independent living, and not require assisted living.

Commissioner DeWeese suggested:

- Code changes in the future could take into account the needs of parking emergency vehicles at independent living locations around the City.
- More All Seasons residents should be encouraged to park under the building to free up space on the street.

#### **10-293-18 UNDERGROUND ELECTRIC EASEMENT**

City Manager Valentine and City Attorney Currier described the easement.

**MOTION:** Motion by Commissioner Sherman, seconded by Commissioner Boutros:  
To approve the Underground Electric Easement as provided herewith authorizing the Mayor and Clerk to sign the same on behalf of the City.

VOTE:           Yeas,           7  
                  Nays,           0  
                  Absent,       0

#### **10-294-18 SETTLEMENT AGREEMENT WITH TEAMSTERS LOCAL 214**

City Manager Valentine presented the terms of the agreement.

**MOTION:** Motion by Commissioner DeWeese, seconded by Mayor Pro Tem Bordman:  
To approve the Settlement Agreement of September 24, 2018 between the City of Birmingham and Teamsters Local 214 for a renewal of the collective bargaining agreement through June 30, 2021, and to authorize staff to execute a collective bargaining agreement consistent with its terms and conditions. Further, to authorize the transfer of the appropriate funds by the Finance Department.

VOTE:           Yeas,           7  
                  Nays,           0  
                  Absent,       0

**10-295-18 SALARY ADJUSTMENT FOR DEPARTMENT HEAD AND ADMINISTRATIVE/MANAGEMENT CLASSIFICATIONS**

City Manager Valentine presented the item, confirming for Commissioner Hoff that the performance increment would be paid as a one-time lump sum payment and not included in the annual wage.

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

To approve the recommendation by the Human Resources Department to implement a 2% salary table adjustment and in-range adjustments based upon performance for full-time and part-time employees in the Department Head and Administrative/Management classifications effective July 1, 2018.

AND

To approve the recommendation by the Human Resources Department implementing the 2% performance increment through June 30, 2019 with individual eligibility to be in accordance with merit increase guidelines as specified in the report.

AND

To approve ICMA plan amendments to the 401(a) plan for the Department Heads and Administrative/Management, effective January 1, 2019, increasing the City contribution to 9.5%.

AND

To approve the additional employee health care cost sharing measures, effective January 1, 2019, increasing the copay for emergency room/illness services to \$150; increasing the calendar year deductible to \$600 individual/\$1,200 family (combined in and out-of-network); increasing the annual in-network out-of-pocket maximum to \$1,100 individual/\$2,200 family; increasing the annual out-of-network out-of-pocket maximums to \$1,700 individual/\$3,400 family; and, increasing the specialty drug copay to \$75.

AND

To approve the transfer of the necessary funds by the Finance Department to the respective departmental personnel accounts.

VOTE:        Yeas,            7  
              Nays,            0  
              Absent,        0

**VII. REMOVED FROM CONSENT AGENDA**

Items removed from the Consent Agenda were addressed earlier in the meeting.

**VIII. COMMUNICATIONS**

None

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

None

**X. REPORTS**

- A. Commissioner Reports
- B. Commissioner Comments

Mayor Pro Tem Bordman noted she and Commissioner Hoff attended the Michigan Municipal League Conference and reported on the relevancy of issues discussed, including a workshop on short-term rentals.

Commissioner Nickita requested additional information on the email regarding a tree removal on Dorchester and on the current policy.

City Manager Valentine explained:

- Dead or dying trees can pose a safety hazard.
- Such trees are assessed by a forester in order to determine whether removal is appropriate.
- Sometimes a stump must decompose for a bit before any other landscaping can occur if the lot is narrow.
- The tree planting cycle must be taken into account for new trees planted. This may mean that a dead tree will be taken down in the fall, and the new tree may need to wait until the following fall to be planted, according to the needs of the new tree's species. The interlude safeguards the longevity of the new tree planted.

Mayor Harris reported on the success of the recent fundraiser by the Friends of the Library.

- C. Advisory Boards, Committees, Commissions' Reports and Agendas
- D. Legislation
- E. City Staff
  - 1. Quarterly Investment Report as submitted by Finance Director Gerber
  - 2. Quarterly Budget Report as submitted by Finance Director Gerber

<b>XI. ADJOURN</b>
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There being no further business Mayor Harris adjourned the meeting at 9:56 p.m.

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J. Cherilynn Mynsberge, City Clerk

**City of Birmingham**  
**Warrant List Dated 10/24/2018**

Meeting of 10/29/2018

Check Number	Early Release	Vendor #	Vendor	Amount
<u>PAPER CHECK</u>				
261875	*	000855	48TH DISTRICT COURT	100.00
261876		004627	A & L SYSTEMS	444.39
261877		MISC	A & R LAWN & LANDSCAPE SERVICES INC	300.00
261878		003708	AIRGAS USA, LLC	212.37
261879		000167	ANDERSON ECKSTEIN WESTRICK INC	2,000.00
261880		MISC	ANTONIO OLIVERIO	100.00
261881		MISC	ASHOUH, DORIS	100.00
261882	*	006759	AT&T	158.39
261883	*	006759	AT&T	65.36
261884	*	006759	AT&T	132.23
261885	*	006759	AT&T	132.30
261886	*	007216	AT&T	204.79
261887		008368	ATOMIC CLEANING SYSTEMS INC.	168.20
261888		MISC	BARGY, CHRISTINE J	100.00
261889	*	001086	CITY OF BIRMINGHAM	326.92
261890		000542	BLUE WATER INDUSTRIAL	218.34
261891	*	003282	LISA MARIE BRADLEY	143.00
261892		MISC	BRIXNSTONE LLC	100.00
261893		MISC	BROHN, JANET	100.00
261894		MISC	BT'S CONSTRUCTION INC	100.00
261895		008179	BUCCILLI GROUP, LLC	10,670.00
261896	*	006177	BULLSEYE TELECOM INC	110.10
261897		008799	BUTCHER & BUTCHER CONSTRUCTION CO.,	23,178.60
261898		003907	CADILLAC ASPHALT, LLC	3,069.68
261899		MISC	CAMPBELL, ANASTACIA M	900.00
261900		004125	CANNON EQUIPMENT	403.50
261902		007732	CAPITAL TIRE, INC.	266.04
261903		007933	CARDNO, INC.	1,623.00
261904		MISC	CAROL OWENS	225.00
261905		005238	CBTS	2,160.00
261906	*	000444	CDW GOVERNMENT INC	22.00
261907		007259	CENTERLINE INDUSTRIAL FAB, INC	5,830.00
261908		MISC	CHAPMAN, ANDREW C	100.00
261909		MISC	CHARLES, ADAM	100.00
261910		MISC	CHRISTINE DALTON	100.00
261911		000605	CINTAS CORPORATION	305.96
261912		MISC	CITI ROOFING CO.	100.00
261913	*	008006	CLEAR RATE COMMUNICATIONS, INC	1,362.81
261914	*	008044	CLUB PROPHET	590.00
261915	*	000626	J. M. CONNAUGHTON	382.07
261916	*	000627	CONSUMERS ENERGY	3,693.24
261917		002167	CONTR. WELDING & FABRICATING INC	86.00



# City of Birmingham

## Warrant List Dated 10/24/2018

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Check Number	Early Release	Vendor #	Vendor	Amount
261918		008512	COOL THREADS EMBROIDERY	179.97
261919		MISC	CRANBROOK CONTRACTUAL SERVICES	100.00
261920		MISC	CREGGER SERVICES INC	6.62
261921		MISC	CURB APPEAL DOOR & WINDOW INC	100.00
261922		004386	CYNERGY PRODUCTS	110.00
261923		MISC	DAVID PAUL FORCE	1,900.00
261924		MISC	DESIGN DECOR LLC	200.00
261925		008559	DETROIT BATTERY COMPANY	519.90
261926		MISC	DONALD A BOSCO BUILDING INC	1,900.00
261927	*	000179	DTE ENERGY	12,822.20
261928	*	000180	DTE ENERGY	10,701.00
261929		000196	EJ USA, INC.	3,248.86
261930	*	004671	ELDER FORD	58.28
261931		008581	ENGLISH GARDENS	207.90
261932		001495	ETNA SUPPLY	2,465.00
261933		MISC	EVOLUTION POOLS	200.00
261934		008495	FALCON ASPHALT REPAIR EQUIPMENT	156.69
261935	*	001223	FAST SIGNS	120.00
261936		000936	FEDEX	660.64
261937		MISC	FOUNDATION SYSTEMS OF MICHIGAN INC.	100.00
261938		007172	GARY KNUREK INC	100.00
261939	*	004604	GORDON FOOD	170.55
261940		008293	GRAINGER	130.33
261941	*	004983	GREAT AMERICAN BUSINESS PRODUCTS	350.45
261943		000249	GUARDIAN ALARM	235.14
261944		001531	GUNNERS METER & PARTS INC	400.00
261945		MISC	HANSONS GROUP LLC	500.00
261946		MISC	HM HOMES LLC	100.00
261947		000342	IBS OF SE MICHIGAN	769.65
261948	*	002931	INLAND LAKES LANDSCAPING CORP	2,510.11
261949		008922	INTERNATIONAL PARKING INSTITUTE	595.00
261950		MISC	JACOBSON, MARK	1,000.00
261951		MISC	JARJOSA, JASON F	300.00
261952		003823	JAY'S SEPTIC TANK SERVICE	835.00
261953		001625	JB DLCO & MULTISTATE	59.43
261954		MISC	JOHN GRAHAM INC	100.00
261955		000155	JOHNSON CONTROLS SECURITY SOLUTIONS	443.76
261956	*	007837	LARYSSA R KAPITANEC	55.50
261957	*	007827	HAILEY R KASPER	162.00
261958		008831	KIESLER POLICE SUPPLY	17,520.88
261959	*	000352	JILL KOLAITIS	1,521.00
261960		MISC	KOMISAR, BRUCE M	200.00
261961		004085	KONE INC	1,953.95

**City of Birmingham**  
**Warrant List Dated 10/24/2018**

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Check Number	Early Release	Vendor #	Vendor	Amount
261962	*	000362	KROGER COMPANY	357.21
261963	*	005327	L3 TECHNOLOGIES, INC.	290.00
261964	*	007582	DOMINIC LANE	57.00
261965		008081	MARK LAWRY	1,093.35
261966		002635	LAZARD ASSET MANAGEMENT LLC	18,875.07
261967		MISC	LECLERC DISPLAY COMPANY INC.	259.52
261968		MISC	LEWAND CUSTOM HOMES LLC	100.00
261969		008804	LIEBERMAN, GIES & COHEN, PLLC	3,361.06
261971		MISC	MAJIC WINDOW COMPANY	200.00
261972	*	MISC	MARANGON BUILDERS LLC	400.00
261973		MISC	MARANGON BUILDERS LLC	100.00
261974		MISC	MARY F BERNST AND HOWARD BURDETT	232.88
261975	*	008763	MARYKO HOSPITALITY, LLC	7,500.00
261976		000888	MCKENNA ASSOCIATES INC	42,187.50
261977		MISC	MICHAEL SAVINO CONCRETE	200.00
261978		MISC	MICHIGAN ASPHALT PAVING	100.00
261979	*	000377	MICHIGAN MUNICIPAL LEAGUE	128.28
261980		001253	MICHIGAN MUNICIPAL RISK	3,922.00
261982	*	007659	MICHIGAN.COM #1008	65.00
261983		001452	MONTGOMERY & SONS INC	13,677.00
261984	*	000972	MOORE MEDICAL LLC	1,202.06
261985		MISC	MR ROOF HOLDING CO LLC	100.00
261986		000668	NATIONAL TIME & SIGNAL CORP	412.00
261987		006556	NICE RINK	1,465.81
261988		001864	NOWAK & FRAUS ENGINEERS	17,393.00
261989		004110	OAKLAND COMMUNITY COLLEGE	695.00
261990	*	000477	OAKLAND COUNTY	3,300.19
261991		MISC	OAKLAND COUNTY ECONOMIC DEVELOPEMEN	75.00
261992	*	004370	OCCUPATIONAL HEALTH CENTERS	273.00
261993	*	000481	OFFICE DEPOT INC	1,927.51
261994		MISC	OVERLAND CONTRACTING INC.	200.00
261995		MISC	PALMERO CONSTRUCTION COMPANY LLC	100.00
261996	*	003588	PATRIOT 2000 INC.	662.63
261997		MISC	PELLA WINDOWS & DOORS, INC.	400.00
261998	*	001753	PEPSI COLA	865.18
261999		MISC	PLEASANTVIEW WINDOW MFG. CORP	500.00
262000		005310	POINTE ENVIRONMENTAL SERVICES INC.	1,110.00
262001		008866	PRECISION CONCRETE CUTTING	34,173.60
262002		003629	PREMIUM AIR SYSTEMS INC	364.40
262003		000897	PRINTING SYSTEMS INC	958.76
262004		007252	RAY WIEGAND'S NURSERY INC.	259.49
262005		MISC	REBECCA BAAKI	170.00
262006		MISC	RENEWAL BY ANDERSEN	1,600.00

**City of Birmingham**  
**Warrant List Dated 10/24/2018**

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Check Number	Early Release	Vendor #	Vendor	Amount
262007		006931	RESTAURANT EQUIPPERS	1,998.00
262008	*	008871	JAMIE PILLOW ROBOTNIK	1,776.00
262009		000495	ROCHESTER LAWN EQUIPMENT CENTER INC	27.06
262010		000221	RUSSELL HARDWARE COMPANY	94.86
262011	*	002806	SAM'S CLUB/SYNCHRONY BANK	1,438.46
262012		008602	SEIZERT CAPITAL PARTNERS	11,404.00
262013		007142	SHERWIN-WILLIAMS COMPANY	13.16
262014		MISC	SIGNS & MORE	200.00
262015		MISC	SINGER, MICHAEL LAWRENCE	100.00
262016	*	008916	JOHN E. SMILNAK	700.00
262017		MISC	SNELL AND ASSOCIATES LLC	100.00
262018		MISC	SOLOMON, BARRY A	100.00
262019		005787	SOUTHEASTERN EQUIPMENT CO. INC	1,410.21
262020		MISC	SOVA, VOSSI	500.00
262021	*	007907	SP+ CORPORATION	4,240.00
262022		MISC	SPURLOCK'S NATURAL STONE	200.00
262023		008748	TECHSEVEN COMPANY	4,031.00
262024		MISC	TEMPLETON BUILDING COMPANY	5,000.00
262025		MISC	TEMPLETON, STEPHEN R	1,900.00
262026		MISC	THD AT HOME SERVICES INC	700.00
262027		000275	TIRE WHOLESALERS CO INC	495.60
262028		004692	TRANSPARENT WINDOW CLEANING	670.00
262029	*	005481	TRI-COUNTY INTL TRUCKS, INC.	1,760.81
262030		MISC	TRIPLE R CONSTRUCTION	100.00
262031		MISC	UNITED HOME SERVICES	200.00
262032		MISC	UNIVERSAL SIGN, INC.	200.00
262033	*	003760	UNUM LIFE INSURANCE CO. OF AMERICA	20,623.62
262034	*	000158	VERIZON WIRELESS	90.12
262035	*	000158	VERIZON WIRELESS	50.67
262036		MISC	WALLSIDE INC	1,300.00
262037		000299	WEINGARTZ SUPPLY	416.88
262038		MISC	WILLIAM GARDNER	100.00
262039		008915	WILLIAMS REFRIGERATION & HEATING	175.00
262040		MISC	WINDOW PRO HOLDINGS LLC	500.00
262041	*	005794	WINDSTREAM	721.69
262042		008408	WISS, JANNEY, ELSTNER ASSOC. INC	4,890.00
262043	*	003890	LAUREN WOOD	525.00
SUBTOTAL PAPER CHECK				\$356,319.74

ACH TRANSACTION

*	008847	ABS- AUTOMATED BENEFIT SVCS, INC	45,458.81
	002284	ABEL ELECTRONICS INC	1,375.00
*	008655	ANGELO IAFRATE CONSTRUCTION	2,022,126.34

**City of Birmingham**  
**Warrant List Dated 10/24/2018**

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Check Number	Early Release	Vendor #	Vendor	Amount
	*	000517	BEIER HOWLETT P.C.	47,099.75
		007345	BEVERLY HILLS ACE	68.52
		008840	BIRMINGHAM PUBLIC SCHOOLS-TAXES	106,720.51
		007875	CANFIELD EQUIPMENT SERVICE INC.	374.00
		001035	DOUGLASS SAFETY SYSTEMS LLC	140.94
		000995	EQUATURE	3,120.00
		000207	EZELL SUPPLY CORPORATION	3,250.41
		007314	FLEIS AND VANDENBRINK ENG. INC	7,697.73
		003938	HART PAVEMENT STRIPING CORP	36,000.00
		001672	HAYES PRECISION INC	30.50
		000331	HUBBELL ROTH & CLARK INC	10,411.84
	*	007465	IN-HOUSE VALET INC	1,500.00
		000261	J.H. HART URBAN FORESTRY	14,049.50
		003458	JOE'S AUTO PARTS, INC.	486.30
	*	005550	LEE & ASSOCIATES CO., INC.	352.81
		006359	NYE UNIFORM COMPANY	102.50
		008843	OAKLAND COUNTY TREASURER- TAX PYMNT	171,140.42
		006853	PAUL C SCOTT PLUMBING INC	245.50
		006027	PENCHURA, LLC	215.41
		000478	ROAD COMM FOR OAKLAND CO	5,077.52
		000273	TERMINAL SUPPLY CO.	336.24
		000969	VIGILANTE SECURITY INC	85.00
		000306	WOLVERINE CONTRACTORS INC	1,294.50
		004512	WOLVERINE POWER SYSTEMS	890.00
SUBTOTAL ACH TRANSACTION				\$2,479,650.05
GRAND TOTAL				\$2,835,969.79

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**  
**Warrant List Dated 10/31/2018**

Meeting of 11/12/2018

Check Number	Early Release	Vendor #	Vendor	Amount
<u>PAPER CHECK</u>				
262045		MISC	325 S OLD WOODWARD LLC	100.00
262046	*	000855	48TH DISTRICT COURT	750.00
262047	*	000855	48TH DISTRICT COURT	100.00
262048		MISC	ADACHI RESTAURANT GROUP LLC	200.00
262049		MISC	ADAM FRIEDMAN	200.00
262050		MISC	ALBERTO ALBERTI	100.00
262051		000282	APOLLO FIRE EQUIPMENT	209.85
262052		001252	APWA - MICHIGAN CHAPTER	695.00
262054	*	007216	AT&T	95.23
262055		MISC	B & B POOL SERVICE & SUPPLY CO	500.00
262056		MISC	BABI CONSTRUCTION INC	1,400.00
262057		MISC	BBEK CONSTRUCTION LLC	100.00
262059		MISC	BRANDYWINE CONSTRUCTION	1,000.00
262060		MISC	BRANDYWINE CONSTRUCTION LLC	1,400.00
262061		MISC	BRICKWORKS PROPERTY RESTORATION	100.00
262062	*	006953	JACQUELYN BRITO	82.29
262063		MISC	C & L WARD BROS CO	400.00
262064		003907	CADILLAC ASPHALT, LLC	438.63
262065		MISC	CAMPBELL, AMAL A	100.00
262066	*	000571	CAR TRUCKING INC	1,500.00
262067		007533	CENTRAL TURF & IRRIGATION SUPPLY	396.15
262068		MISC	CERTIFIED HOME IMPROVEMENT LLC	100.00
262069		MISC	CHAD CLARK	100.00
262070		MISC	CHESTER STREET PARTNERS LLC	400.00
262071		MISC	CHRISTINE DALTON	100.00
262072		007284	CINCINNATI TIME SYSTEMS, INC.	140.00
262073		007710	CINTAS CORP	187.00
262074		000605	CINTAS CORPORATION	142.74
262076		002191	COCHRANE SUPPLY AND ENG INC	407.67
262077	*	007625	COMCAST	558.25
262078		000979	COMERICA BANK	13,861.72
262079		002668	CONTRACTORS CLOTHING CO	58.70
262080		MISC	COUNTRYSIDE CONSTRUCTION COMPANY, I	100.00
262081		MISC	CROSS RENOVATION INC	1,900.00
262082		MISC	DELTA CONSTRUCTION LLC	200.00
262083		008641	DINGES FIRE COMPANY	675.20
262084	*	000179	DTE ENERGY	6,712.59
262085		MISC	DUNBAR CONSTRUCTION INC	100.00
262086	*	003186	ENGLISH GARDENS	2,649.86
262087		004367	ENSEICOM, INC.	210.00
262088		MISC	Erik Stone	100.00
262089		008918	EROSION MASTERS LLC	5,995.00

**City of Birmingham**  
**Warrant List Dated 10/31/2018**

Meeting of 11/12/2018

Check Number	Early Release	Vendor #	Vendor	Amount
262090		001223	FAST SIGNS	612.48
262091		MISC	FINE STROKES MICROBLADING LLC	100.00
262092		003106	FITNESS THINGS & ALL PRO EXERCISE	318.49
262093		004095	ROBERT FOURNIER	42.00
262094		MISC	FRANK ANTONELLI	500.00
262095		MISC	G FISHER CONSTRUCTION CO	100.00
262096		MISC	GERSONDE, ERIC E	100.00
262097	*	004604	GORDON FOOD	412.98
262098		MISC	GSA GRUPPO LLC	200.00
262099		MISC	HIGH TECH SECURITY INC	200.00
262100		MISC	HM HOMES LLC	3,264.78
262101		MISC	HOMESPEC	100.00
262102		MISC	HOUSE, ADAM	100.00
262103		000980	ICE SPORTS INDUSTRY	395.00
262104		002407	J & B MEDICAL SUPPLY	18.89
262105		MISC	J D CANDLER ROOFING	100.00
262106		MISC	JOLA REAL ESTATE INVESTMENTS LLC	100.00
262107		MISC	JONNA RENOVATIONS LLC	200.00
262108		005291	KAESER & BLAIR INC	602.22
262109		MISC	KEVIN KALCZYNSKI	15,000.00
262110		004088	KGM DISTRIBUTORS INC	163.00
262111		MISC	KILGORE, LOUIS D	100.00
262112		MISC	KIRCOS, DAVID	100.00
262113	*	007828	DEBORAH KLEIN	757.50
262114	*	000362	KROGER COMPANY	82.74
262115		MISC	KVM DOOR SYSTEMS INC.	245.00
262116		MISC	LAKE ORION PLUMBING	872.17
262117		MISC	LAMOUREUX, PETER N	100.00
262118		MISC	LIVE WELL CUSTOM HOMES LLC	1,900.00
262119	*	001577	KATE LONG	627.98
262120		MISC	LOPICCOLO HOMES INC	829.56
262121		MISC	LOUWERS, MICHAEL	100.00
262122	*	000312	LUCKENBACH-ZIEGELMAN ARCHITECT	3,840.00
262123		008551	M & K TRUCK CENTERS	189.94
262124		MISC	MANSOUR, CLINT	100.00
262125	*	002648	MARC DUTTON IRRIGATION INC	652.00
262126		MISC	MASSIMO D AGOSTINO	200.00
262127		000369	MCFI	214.24
262128		MISC	MEADOWBROOK URGENT CARE	300.00
262129		MISC	MERRILLWOOD COLLECTION	200.00
262130		MISC	METRO GENERAL CONTRACTOR	500.00
262131		007988	MICHIGAN KENWORTH- CLINTON	17.37
262132		MISC	MILLCREEK CONSTRUCTION MANAGEMENT C	1,000.00

**City of Birmingham**  
**Warrant List Dated 10/31/2018**

Meeting of 11/12/2018

Check Number	Early Release	Vendor #	Vendor	Amount
262133		007163	MOBILE HEALTH RESOURCES	1,169.60
262134	*	005634	GINA MOODY	72.91
262135		MISC	MR ROOF HOLDING CO LLC	200.00
262136		MISC	NC CEMENT	100.00
262137		MISC	NEW ERA CONSTRUCTION INC	200.00
262138	*	007856	NEXT	414.00
262139		005431	NILFISK, INC.	344.35
262140		MISC	NORTHEND BUILDERS INC	100.00
262141		007502	OAKLAND COUNTY	25.00
262142		MISC	OHANA FAMILY CONSTRUCTION LLC	200.00
262143		MISC	OVERLAND CONTRACTING INC.	200.00
262144		MISC	PAUL F & DIANE M MARTIN	850.00
262145		MISC	PELLA WINDOWS & DOORS, INC.	100.00
262146		001277	PHYSIO-CONTROL CORP.	408.00
262147		MISC	PIPECON INC	26.16
262148		008901	PLANTE & MORAN CRESA, LLC	7,000.00
262149		MISC	PRO HOME IMPROVEMENT INC	200.00
262150		MISC	QUALIFIED CONSTRUCTION CORP	100.00
262151		MISC	QUARTON, LAUREN A	100.00
262152	*	008342	RAIN MASTER CONTROL SYSTEMS	29.85
262153		005379	RED WING BUSINESS ADVANTAGE ACCT	58.01
262154		MISC	RENEWAL BY ANDERSEN	500.00
262155		000286	RESIDEX LLC	9,087.00
262156		MISC	RIASHI CONTRACTING INC	100.00
262157		MISC	RICHARD SWANN	100.00
262158		MISC	ROBERT JOHN WEIDER	100.00
262159	*	004513	ROCKWORKS, LLC	26,000.00
262160		007562	MIKE ROMANOWSKI	297.88
262161		MISC	ROOFING & BEYOND LLC	200.00
262162		MISC	ROSETT, EDWARD	100.00
262163		MISC	ROYAL OAK & BIRMINGHAM	200.00
262164		MISC	SCACCIA BUILDING COMPANY	300.00
262165		008926	SCHATTLER SHADES & BLINDS, LLC.	1,389.46
262166		007142	SHERWIN-WILLIAMS COMPANY	15.73
262167		MISC	STEVE COCHRAN	100.00
262168		MISC	STONIK'S SERVICES LLC	500.00
262169		005863	SUCCESS COMMUNICATIONS, INC.	1,594.00
262170	*	008507	SUPERFLEET MASTERCARD PROGRAM	322.45
262171		MISC	TAPPAN K DATTA	100.00
262172		MISC	TECH HOME BUILDING CO LLC	1,400.00
262173		MISC	TEMPLETON BUILDING COMPANY	800.00
262174	*	MISC	THOMAS HODGES	100.00
262175		MISC	THOMAS JAMES O'LEARY	100.00

**City of Birmingham**  
**Warrant List Dated 10/31/2018**

Meeting of 11/12/2018

Check Number	Early Release	Vendor #	Vendor	Amount
262176		008585	TODD WENZEL BUICK GMC	36,838.00
262177		008159	TORTOISE CREDIT STRATEGIES, LLC	7,159.97
262178		MISC	TREMONT CONSTRUCTION LLC	2,500.00
262179		MISC	TRI PHASE COMMERCIAL CONST LLC	500.00
262180		MISC	TROPICAL MANAGEMENT HOLDINGS	5,000.00
262181		005331	UBS FIN SERVICES, INC	16,926.65
262182		000931	VARSITY SHOP	59.87
262183	*	000158	VERIZON WIRELESS	844.72
262184		MISC	VICTOR TALIA ARCHITECTURE LLC	500.00
262185		MISC	WALLSIDE INC	1,100.00
262186	*	007355	LINDSAY WILLEN	572.00
262187		001438	WINDER POLICE EQUIPMENT	118.68
262187	*	001438	WINDER POLICE EQUIPMENT	101.90
262188	*	007362	WINTERGREEN CORPORATION	3,992.63
262189		MISC	WOLVERINE PAINTING & SECORATING, IN	500.00
SUBTOTAL PAPER CHECK				\$212,143.04
<u>ACH TRANSACTION</u>				
	*	008847	ABS- AUTOMATED BENEFIT SVCS, INC	51,307.44
		002284	ABEL ELECTRONICS INC	3,011.32
		007345	BEVERLY HILLS ACE	111.07
		007875	CANFIELD EQUIPMENT SERVICE INC.	584.00
		000956	DELTA TEMP INC	305.50
		000995	EQUATURE	3,500.00
	*	007807	G2 CONSULTING GROUP LLC	7,905.00
	*	007465	IN-HOUSE VALET INC	1,500.00
		008851	INSIGHT INVESTMENT	4,460.70
		000261	J.H. HART URBAN FORESTRY	14,159.75
		003458	JOE'S AUTO PARTS, INC.	260.79
		006359	NYE UNIFORM COMPANY	1,882.54
		006027	PENCHURA, LLC	32,505.00
		001181	ROSE PEST SOLUTIONS	355.00
		000254	SOCRRA	64,056.00
	*	000254	SOCRRA	28.75
		000273	TERMINAL SUPPLY CO.	134.82
		002037	TOTAL ARMORED CAR SERVICE, INC.	736.27
	*	007374	WESTWOOD TRUST	11,106.29
SUBTOTAL ACH TRANSACTION				\$197,910.24



**City of Birmingham**  
**Warrant List Dated 10/31/2018**

Meeting of 11/12/2018

Check Number	Early Release	Vendor #	Vendor	Amount
GRAND TOTAL				\$410,053.28

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**  
**Warrant List Dated 11/07/2018**

Meeting of 11/12/2018

Check Number	Early Release	Vendor #	Vendor	Amount
<u>PAPER CHECK</u>				
262190	*	002397	43RD DISTRICT COURT	500.00
262191	*	000855	48TH DISTRICT COURT	100.00
262192	*	000855	48TH DISTRICT COURT	100.00
262193	*	000855	48TH DISTRICT COURT	100.00
262194	*	000855	48TH DISTRICT COURT	100.00
262196		007696	AMERICAN CLEANING COMPANY LLC	1,350.00
262197		001206	AMERICAN MIDWEST PAINTING INC	2,875.00
262198		008929	ANDERSON PROCESS	4,170.89
262199		000500	ARTECH PRINTING INC	56.00
262200		001466	ASCAP	10.00
262201	*	006759	AT&T	156.63
262202	*	006759	AT&T	171.62
262203	*	003839	MATTHEW J. BARTALINO	273.59
262204		003012	BATTERIES PLUS	17.85
262205	*	008933	CITY OF BIRMINGHAM #236	36,606.45
262206	*	008870	KASEY BOEGNER	195.00
262207		003907	CADILLAC ASPHALT, LLC	231.28
262208	*	MISC	CAR KEYS EXPRESS	399.80
262210		000595	CARRIER & GABLE INC	143.17
262212	*	008305	CBT NUGGETS LLC	1,677.65
262213		005238	CBTS	4,170.50
262214		000444	CDW GOVERNMENT INC	683.11
262214	*	000444	CDW GOVERNMENT INC	107.85
262215	*	001318	CLOVERDALE EQUIPMENT CO	1,610.00
262216	*	008044	CLUB PROPHET	590.00
262217		002191	COCHRANE SUPPLY AND ENG INC	396.54
262218		004188	COFFEE BREAK SERVICE, INC.	284.50
262219		006204	COLORBLENDS	250.80
262220		007625	COMCAST	264.85
262220	*	007625	COMCAST	395.73
262221	*	007774	COMCAST BUSINESS	1,230.66
262222		001367	CONTRACTORS CONNECTION INC	107.10
262225	*	008191	DETROIT JEWISH NEWS	212.00
262226		MISC	DIANE WENGER WILSON	12.99
262227	*	007980	CURTIS DAVID DICHO	400.50
262228		008641	DINGES FIRE COMPANY	164.24
262230	*	000179	DTE ENERGY	4,452.90
262233		000196	EJ USA, INC.	1,357.80
262234		004671	ELDER FORD	603.58
262237	*	008868	JULIA FRYKMAN	146.25
262239		007172	GARY KNUREK INC	100.00
262241		000920	GLOBAL EQUIPMENT COMPANY INC	41.93

**City of Birmingham**  
**Warrant List Dated 11/07/2018**

Meeting of 11/12/2018

Check Number	Early Release	Vendor #	Vendor	Amount
262242	*	004604	GORDON FOOD	91.01
262243		008293	GRAINGER	93.82
262244		008818	GREAT DANE HEATING & COOLING	210.00
262245	*	MISC	GREAT LAKES HEARING PROTECTION	210.00
262246		000245	GREAT LAKES POPCORN CO	126.00
262247	*	005959	H2O COMPLIANCE SERVICE INC	631.50
262251	*	001956	HOME DEPOT CREDIT SERVICES	7,216.81
262253		000342	IBS OF SE MICHIGAN	543.75
262254	*	001204	ICMA	1,136.79
262255		004837	IDEACORE, LLC	75.00
262256		003888	INTERNATIONAL CODE COUNCIL INC	22,797.50
262257	*	008457	ITALIA CONSTRUCTION	361,675.70
262258		003823	JAY'S SEPTIC TANK SERVICE	165.00
262259		001625	JB DLCO & MULTISTATE	1,186.78
262261	*	007827	HAILEY R KASPER	153.00
262262		MISC	KEVIN DESMOND	130.00
262263	*	000352	JILL KOLAITIS	1,183.00
262265		008842	MAIN STREET CONTRACTING, INC.	2,625.00
262268		008611	MCCI	12,775.00
262270		000230	MIKE SAVOIE CHEVROLET INC	157.17
262274		007755	NETWORK SERVICES COMPANY	504.55
262276		005431	NILFISK, INC.	174.60
262277		004048	OCBOA	490.00
262278		008657	OCBOA	105.00
262279	*	004370	OCCUPATIONAL HEALTH CENTERS	177.00
262280	*	000481	OFFICE DEPOT INC	2,362.85
262281		001277	PHYSIO-CONTROL CORP.	4,651.20
262282		003629	PREMIUM AIR SYSTEMS INC	244.32
262283		006729	QUENCH USA INC	116.13
262286		004513	ROCKWORKS, LLC	26,000.00
262288		005759	SCHENA ROOFING & SHEET METAL	1,425.00
262290	*	002048	THE SHWAYDER COMPANY	2,490.00
262291		005787	SOUTHEASTERN EQUIPMENT CO. INC	3,737.52
262294		005863	SUCCESS COMMUNICATIONS, INC.	797.00
262297		004692	TRANSPARENT WINDOW CLEANING	400.00
262298		004692	TRANSPARENT WINDOW CLEANING	2,320.00
262299		004379	TURNER SANITATION, INC	143.94
262301	*	000158	VERIZON WIRELESS	152.33
262302	*	000158	VERIZON WIRELESS	2,071.39
262304		006491	VILLAGE AUTOMOTIVE	293.35
262305		001438	WINDER POLICE EQUIPMENT	146.00
262309		006318	FRANK J ZAMBONI CO. INC	249.24
262310		000309	ZEP SALES AND SERVICE	1,334.25

**City of Birmingham**  
**Warrant List Dated 11/07/2018**

Meeting of 11/12/2018

Check Number	Early Release	Vendor #	Vendor	Amount
SUBTOTAL PAPER CHECK				\$530,387.26
<u>ACH TRANSACTION</u>				
	*	008847	ABS- AUTOMATED BENEFIT SVCS, INC	53,868.24
		002284	ABEL ELECTRONICS INC	340.00
		002702	B & B GREASE TRAP & DRAIN	95.00
		007345	BEVERLY HILLS ACE	31.97
		007624	BIRMINGHAM OIL CHANGE CENTER, LLC	78.94
	*	006380	C & S ICE RESURFACING SERVICES, INC	333.26
		000565	DORNBOS SIGN & SAFETY INC	129.54
		000207	EZELL SUPPLY CORPORATION	1,097.02
		001672	HAYES PRECISION INC	81.50
	*	007465	IN-HOUSE VALET INC	1,500.00
		003458	JOE'S AUTO PARTS, INC.	665.32
	*	005550	LEE & ASSOCIATES CO., INC.	1,125.88
		008269	PREMIER SAFETY	75.00
		008389	R.C. SYSTEMS, INC.	668.00
		007706	UTEC	208.20
		000306	WOLVERINE CONTRACTORS INC	899.50
SUBTOTAL ACH TRANSACTION				\$61,197.37
GRAND TOTAL				\$591,584.63

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



Mark Gerber  
Finance Director/ Treasurer

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



# MEMORANDUM

(Department Name)

**DATE:** November 5, 2018

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

**FROM:** Austin W. Fletcher, Assistant City Engineer

**SUBJECT:** Michigan Department of Transportation (MDOT) Annual Permit

---

## INTRODUCTION:

MDOT requires that a certified resolution be provided to establish the authorized representative designated to obtain permits for our community.

## BACKGROUND:

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

The annual permit is to take effect on January 1, 2019, and continues through the calendar year.

## LEGAL REVIEW:

Not required

## FISCAL IMPACT:

None

## SUMMARY

It is recommended that the City Engineer, Paul T. O'Meara be designated the officer authorized to obtain these permits as required by the State of Michigan beginning January 1, 2019, in accordance with the requirements of the attached application and permit. In his absence, the designated officer shall be Austin W. Fletcher, Assistant City Engineer.

## ATTACHMENTS:

MDOT Letter – dated September 4, 2018  
MDOT Performance Resolution for Governmental Agencies

**SUGGESTED RESOLUTION:**

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



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
**DEPARTMENT OF TRANSPORTATION**  
OAKLAND TRANSPORTATION SERVICE CENTER



September 4, 2018

**2019 ANNUAL PERMIT FOR WORK ON STATE TRUNKLINE RIGHT OF WAY**

The MDOT Oakland TSC is now accepting 2019 Annual Permit applications. All permit applications are to be submitted via the MDOT electronic Construction Permit System (CPS). The 2019 Annual Permit will be effective January 1, 2019. Your 2018 Annual Permit shall continue to be used for any work occurring between now and December 31, 2018.

The Performance Resolution for Governmental Agencies (Form 2207B) was revised in December 2016, therefore, if you haven't done so already, an updated Resolution will be required for 2019. The form shall include the name or title of the designated person(s) authorized to sign permits and shall be uploaded into CPS with your Annual Permit application. I have attached a copy of the form and it can also be found on the internet at [www.michigan.gov/mdot](http://www.michigan.gov/mdot).

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

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

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

Thank you for your cooperation. If you have any additional questions, feel free to contact me at 248-451-2453.



Sincerely,

Stacey Gough  
Oakland TSC Utility/Permit Engineer  
[goughs@michigan.gov](mailto:goughs@michigan.gov)

cc: File

## PERFORMANCE RESOLUTION FOR GOVERNMENTAL AGENCIES

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

RESOLVED WHEREAS, the CITY OF BIRMINGHAM  
(city, village, township, etc.)

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

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

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



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

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

Title and/or Name:

<u>PAUL O'MEARA</u>	<u>CITY ENGINEER</u>
<u>AUSTIN FLETCHER</u>	<u>ASSISTANT CITY ENGINEER</u>
_____	_____
_____	_____

I HEREBY CERTIFY that the foregoing is a true copy of a resolution adopted by

the \_\_\_\_\_  
(Name of Board, etc)

of the \_\_\_\_\_ of \_\_\_\_\_  
(Name of GOVERNMENTAL AGENCY) (County)

at a \_\_\_\_\_ meeting held on the \_\_\_\_\_ day

of \_\_\_\_\_ A.D. \_\_\_\_\_.

Signed \_\_\_\_\_ Title \_\_\_\_\_



## MEMORANDUM

IT Department

**DATE:** 11/12/2018

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

**FROM:** Eric Brunk, IT Manager

**SUBJECT:** Traps AV and Palo Alto Firewall Security Subscription Renewal

---

### Introduction:

Our Palo Alto Firewall and Traps Antivirus server are up for renewal of the Support and Security Subscription licenses. These 2 components work together to keep our network and computer systems virus free.

### Background:

Support and Security Subscriptions for the Palo Alto firewall and Traps antivirus server are a yearly renewal and allows for continuous updates to the Antivirus Server, Endpoint Clients and Firewall to keep up with the latest infected websites, internet hacks, as well as virus and malware attack attempts. Included in that renewal is the renewal of licensing for the 208 individual endpoint clients (Traps AV) installed on machines throughout the City which keep any "virus like code" from running on our desktops and servers.

### Legal Review:

This is a standard subscription renewal purchase. No legal review needed.

### Fiscal impact:

Palo Alto has worked with AmeriNet (their local licensed vendor) to put together a bundled price for the renewal of all of the Support, Subscription and endpoint Licenses using GSA Multiple Award Schedule IT-70 Extendable contract # GS-35F-0511T which expires in June of 2022.

Money was budgeted for this renewal of Support, subscriptions and licenses in the IT Network Upgrade Fund account.

### Summary:

The It department would like to purchase the Security Subscription, Support and License renewals for the Palo Alto Firewall and Traps Server and endpoint clients from AmeriNet.

### SUGGESTED RESOLUTION:

Authorize the IT department to purchase the Security Subscription, Support and License renewals for the Palo Alto Firewall and Traps Server and endpoint clients from AmeriNet. The purchase price not to exceed \$26,578.63. Funds are available in the IT Network Upgrade fund account # 636-228.000-973.0400



## Birmingham City of | Palo Alto Renewal Traps & PA3020 expires 12/2

To:	From:
Eric Brunk	Keith Shoultz
City of Birmingham	AmeriNet
151 Martin Street	1241 S. Maple Rd.
Birmingham, MI 48012	Ann Arbor, MI 48103
248.530.1885	Phone: 734-995-1233
ebrunk@bhamgov.org	kshoultz@amerinet.com

### Summary

Total Amount:	<b>\$26,578.63</b>	Quote ID:	QUO-17477-W4G0
Shipping Method:		Date:	10/29/2018
Payment Terms:	Net 30		

### Details

Product ID	Product	Serial #	Start Date	End Date	Quantity	Price	Sub Total
PAN-PA-3020-URL4-HA2-R	PANDB URL filtering subscription renewal for devices in HA pair, PA-3020	'001801042254	2/2/2019	2/2/2020	1.00	\$1,666.00	\$1,666.00
PAN-PA-3020-GP-HA2-R	GlobalProtect subscription renewal for devices in HA pair, PA-3020	'001801042226	2/2/2019	2/2/2020	1.00	\$1,666.00	\$1,666.00
PAN-SVC-PREM-3020-R	Premium support year 1 renewal, PA-3020	'001801042226	12/2/2018	2/2/2020	1.00	\$2,489.47	\$2,489.47
PAN-TRAPS-A-1YR-R	Traps Advanced Endpoint Protection for agents, tier A, 1-year renewal, includes Premium Support	'012102017244	12/2/2018	2/2/2020	208.00	\$39.77	\$8,272.16
PAN-PA-3020-TP-HA2-R	Threat prevention subscription renewal for devices in HA pair, PA-3020	'001801042226	2/2/2019	2/2/2020	1.00	\$1,666.00	\$1,666.00
PAN-PA-3020-WF-HA2-R	WildFire subscription renewal for devices in HA pair, PA-3020	'001801042226	2/2/2019	2/2/2020	1.00	\$1,666.00	\$1,666.00
PAN-PA-3020-WF-HA2-R	WildFire subscription renewal for devices in HA pair, PA-3020	'001801042254	2/2/2019	2/2/2020	1.00	\$1,666.00	\$1,666.00
PAN-SVC-PREM-3020-R	Premium support year 1 renewal, PA-3020	'001801042254	12/2/2018	2/2/2020	1.00	\$2,489.00	\$2,489.00
PAN-PA-3020-TP-HA2-R	Threat prevention subscription renewal for devices in HA pair, PA-3020	'001801042254	2/2/2019	2/2/2020	1.00	\$1,666.00	\$1,666.00
PAN-PA-3020-GP-HA2-R	GlobalProtect subscription renewal for devices in HA pair, PA-3020	'001801042254	2/2/2019	2/2/2020	1.00	\$1,666.00	\$1,666.00
PAN-PA-3020-URL4-HA2-R	PANDB URL filtering subscription renewal for devices in HA pair, PA-3020	'001801042226	2/2/2019	2/2/2020	1.00	\$1,666.00	\$1,666.00

<b>Total</b>	<b>\$26,578.63</b>
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Thank you for the opportunity to quote these products. Applicable taxes are additional. Important: Please renew before the expiration dates. There may be additional fees or changes if there is a lapse in coverage. We look forward to helping you in the future.



## MEMORANDUM

Finance Department

**DATE:** November 2, 2018

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

**FROM:** Mark Gerber, Finance Director/Treasurer

**SUBJECT:** Public Hearing for PY 2019 Community Development Block Grant Application

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### INTRODUCTION:

The Finance Department is requesting that the City Commission set a public hearing for December 3, 2018 in order to hear public comments on the City's 2019 Community Development Block Grant (CDBG) application.

### BACKGROUND:

Every year the City receives a grant for the Community Development Block Grant program. This is a federal grant program which is administered by Oakland County. The purpose of the grant is to:

- Primarily benefit low- or moderate-income persons or households
- Aid in the elimination of slum or blight conditions
- Meet an urgent community need

Previously the City has used these funds to assist low income seniors and to make ADA compliant renovations to City property.

Oakland County has notified the City that our planning allocation for this grant is \$33,621 for the 2019 program year (July 2019 – June 2020). This is a slight increase from the amount which was originally allocated to the City for the 2018-2019 program year and is subject to change.

In order to be eligible to receive these funds, the City must conduct a public hearing to receive citizen input, make a determination of eligible projects to be pursued and submit a completed application to Oakland County by December 14, 2018. The public hearing must be noticed at least 10 days in advance of the meeting.

### LEGAL REVIEW:

None required

### FISCAL IMPACT:

None

### SUMMARY:

It is recommended that the City Commission set December 3, 2018 as the date to conduct the required public hearing. If the public hearing is set for December 3, 2018, a list of recommended

projects and funding allocation will be presented to the public and commission for consideration at that time.

**ATTACHMENTS:**

1. PY 2019 CDBG Application Cover with Deadline
2. 10 day notice requirement

**SUGGESTED RESOLUTION:**

To set December 3, 2018 as the public hearing date for the Program Year 2019 Community Development Block Grant Program.



## Program Year 2019

(July 1, 2019 - June 30, 2020)

# Community Development Block Grant (CDBG) Application Guide

*A guide designed to assist participating communities to complete their annual application for Community Development Block Grant (CDBG) funds. The guide outlines the application process and provides specific instruction on proper completion. The PY 2019 CDBG Application Workshop was held from 9:00 am - 12:00 pm on Tuesday, October 16, 2018 at the Oakland County Executive Office Building Conference Center.*

## Previous Editions Obsolete

Oakland County Community & Home Improvement Division

Oakland Pointe #1900

250 Elizabeth Lake Road

Pontiac, Michigan 48341-0414

[www.oakgov.com/advantageoakland/communities/Pages/CPHACommunities.aspx](http://www.oakgov.com/advantageoakland/communities/Pages/CPHACommunities.aspx)

DUNS #136200362

CAGE# 39SZ3

Catalog of Federal Domestic Assistance (CFDA) # 14-218

**Applications Due 5:00 p.m. Friday,  
December 14, 2018**

Dr. Timothy Meyer, Deputy County Executive  
Irene Spanos, Director  
Dan Hunter, Deputy Director  
Karry L. Rieth, Manager



**OAKLAND**  
COUNTY MICHIGAN  
ECONOMIC DEVELOPMENT  
& COMMUNITY AFFAIRS  
L. BROOKS PATTERSON  
OAKLAND COUNTY EXECUTIVE



## **2019 CDBG APPLICATION - ATTACHMENTS CHECKLIST**

**PLEASE MAKE SURE YOUR APPLICATION IS COMPLETE  
AND INCLUDES THE FOLLOWING DOCUMENTS  
BEFORE SUBMITTING IT TO OAKLAND COUNTY**

### **NOTICE OF PUBLIC HEARING**

**Option 1** - Notice must be published at least 10 days prior to the public hearing in a newspaper of general local circulation.

**Option 2** - Notice must be published at least 10 days prior to the public hearing on website and at the city/township/village hall.

### **PUBLIC HEARING MEETING MINUTES**

**Option 1** - A true copy of the Public Hearing Minutes that:

- Clearly show an opening and closing of the public hearing
- Sets forth and approves the planned use of CDBG funds
- Approves the Application

**Option 2** - A true copy of a Governing Body Resolution that:

- Clearly show an opening and closing of the public hearing
- Sets forth and approves the planned use of CDBG funds

### **CONFLICT OF INTEREST CERTIFICATION**

- Community Name
- Highest Elected Official (HEO) or Approved Designee Name
- Highest Elected Official or Approved Designee Title
- Signature of HEO or Approved Designee

**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, October 29, 2018, 7:30 PM Municipal Building, 151 Martin, Birmingham, MI
Meeting Date, Time, Location:	HEARING OF CONFIRMATION FOR SPECIAL ASSESSMENT DISTRICT Monday, November 12, 2018, 7:30 PM Municipal Building, 151 Martin, Birmingham, MI
Location:	Birmingham Shopping District (BSD) District 1 & District 1A (See attached map)
Nature of Improvement:	To renew the special assessment for the 2018-19, 2019-2020, 2020-21 and 2021-22 fiscal years for the purposes set forth in the act, including, but not limited to the financing of improved promotion, maintenance, security and operation of the BSD. (Public Act 120 of 1961 and Public Act 260 of 1984 as amended in 1992)  All vacant land parcels are included in the hearing of necessity. If necessity is declared, vacant property will be assessed when developed, as other like properties in this special assessment district.
City Staff Contact:	Ingrid Tighe 248.530.1250 <a href="mailto:itighe@bhamgov.org">itighe@bhamgov.org</a>
Notice Requirements:	Mail to affected property owners Publish October 14 & 21, 2018
Approved minutes may be reviewed at:	City Clerk's Office

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, including installment payments, 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.



**DATE:** November 5, 2018

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

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

**SUBJECT:** Funding for Principal Shopping District  
Resolution to Confirm Special Assessment  
District (SAD) Numbers 884, 885, 886 and 887

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**INTRODUCTION:**

The main funding source for the Principal Shopping District is an annual special assessment to building owners in the shopping district. The assessment is based on the square footage of the building used for business purposes multiplied by a rate with the first floor square footage charged more than the other floors. The funding is used by the Principal Shopping District to provide marketing, recruitment, and maintenance of the downtown shopping district. The special assessment is approved every three to four years by the City Commission.

**BACKGROUND:**

Every three to four years, the City Commission approves an annual special assessment for the Principal Shopping District. The special assessment is charged property owners in the principal shopping district and is used to provide marketing of the downtown merchants, recruitment of new tenants, and maintenance of the downtown such as outdoor lights during the holiday season, trash removal, and hanging flower baskets.

The last special assessment approved by the City Commission was on October 12, 2015, which provided for 3 years of funding through the 2017-2018 fiscal year. In order to provide continued funding for the Principal Shopping District, the City Commission must approve new special assessments.

At the October 29, 2018 City Commission meeting, a Public Hearing of Necessity was held. Ingrid Tighe, Executive Director, and Geoffrey Hockman, Principal Shopping District Board Chair, gave a presentation of the services provided by the Principal Shopping District and reasoning for the rates they were recommending for approval. The rates that were presented were based on extensive discussion by the Principal Shopping District Board. After discussion by the City Commission, the City Commission approved the rates for fiscal years, 2018-2019, 2019-2020, 2020-2021, and 2021-2022 and directed the city manager or designee to prepare the special assessment roll.

**LEGAL REVIEW:**

No legal review needed.

**FISCAL IMPACT:**

The approved rates provide just over \$1 million of annual funding to the Principal Shopping District for fiscal years 2018-2019, 2019-2020, 2020-2021, and 2021-2022. Per state law, there is a cap per property owner of \$15,858.50 for fiscal year 2018-2019. This cap is adjusted each year by the rate of inflation.

**SUMMARY:**

To adopt a resolution for the confirmation of SAD 884, 885, 886, and 887.

**ATTACHMENTS:**

- 1) Preliminary Special Assessment Roll No. 884 for the Birmingham Principal Shopping District.

**SUGGESTED RESOLUTION:**

To confirm Special Assessment Roll No. 884 for fiscal year 2018-2019, Special Assessment Roll No. 885 for fiscal year 2019-2020, Special Assessment Roll No. 886 for fiscal year 2020-2021, and Special Assessment Roll No. 887 for fiscal year 2021-2022, Funding for the Principal Shopping District:

WHEREAS, Special Assessment Roll, designated Roll No. 884 for fiscal year 2018-2019 has been heretofore prepared for collection and Roll No. 885 for fiscal year 2019-2020, Roll No. 886 for fiscal year 2020-2021, and Roll No. 887 for fiscal year 2021-2022 shall be prepared for collection in the respective years, and

WHEREAS, the City Commission has established rates for fiscal years 2018-2019, 2019-2020, 2020-2021 and 2021-2022 included in District 1 at \$0.494 per square foot for the first floor and \$0.346 per square foot for the floors second and above and included in District 1A at \$0.247 for the first floor and \$0.173 per square foot for the floors second and above, respectively, and with a maximum amount to be determined, and

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

WHEREAS, Commission resolution 10-290-18 provided it would meet this 12th day of November, 2018 for the sole purpose of reviewing the assessment roll, and

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

NOW, THEREFORE, BE IT RESOLVED that Special Assessment Roll No. 884 for fiscal year 2018-2019 has been heretofore prepared for collection and Roll No. 885 for fiscal year 2019-2020 Roll No. 886 for fiscal year 2020-2021 and Roll No. 887 for fiscal year 2021-2022 be in all things ratified and confirmed, and that the City Clerk be and is hereby instructed to endorse said rolls, showing the date of confirmation thereof, and to certify said assessment rolls to the City Treasurer for collection.

BE IT FURTHER RESOLVED, that for each year of such assessments, special assessments shall be payable in one (1) installment as provided in Section 94-10 of the Code of the City of Birmingham, with an annual interest rate of six and a quarter percent (6.25%) on all due unpaid installments.

**Principal Shopping District SAD 884**  
**FY 2018-2019**

**DISTRICT 1 SAD**

<b>PARCEL IDENTIFICATION NUMBER</b>	<b>TOTAL COST PER PARCEL</b>
19-25-356-013	\$11,547.08
19-25-376-099	\$15,858.50
19-25-377-006	\$15,858.50
19-25-378-008	\$4,573.69
19-25-378-009	\$5,172.73
19-25-378-010	\$3,644.74
19-25-378-011	\$3,057.11
19-25-378-012	\$1,003.72
19-25-378-014	\$4,614.63
19-25-378-015	\$7,179.06
19-25-378-016	\$4,327.72
19-25-378-094	\$9,785.36
19-25-378-021	\$2,565.53
19-25-378-023	\$15,858.50
19-25-378-026	\$4,414.88
19-25-378-027	\$2,173.83
19-25-378-028	\$3,869.01
19-25-378-029	\$3,291.03
19-25-378-030	\$2,237.33
19-25-378-031	\$2,917.57
19-25-379-007	\$15,738.32
19-25-379-021	\$7,313.27
19-25-379-022	\$7,933.64
19-25-379-023	\$15,858.50
19-25-379-024	\$15,858.50
19-25-453-010	\$15,858.50
19-25-453-011	\$15,858.50
19-25-454-005	\$4,830.83
19-25-454-006	\$1,764.00
19-25-454-007	\$1,764.00
19-25-454-008	\$1,060.62
19-25-454-009	\$2,088.30
19-25-455-002	\$3,075.03
19-25-455-015	\$11,490.05
19-25-455-016	\$15,629.64
19-25-455-017	\$15,858.50
19-25-456-001	\$6,368.25
19-25-456-002	\$3,563.36
19-25-456-007	\$3,322.27

**Principal Shopping District SAD 884**  
**FY 2018-2019**

19-25-456-009	\$5,677.82
19-25-456-010	\$1,701.00
19-25-456-011	\$1,197.00
19-25-456-014	\$468.81
19-25-456-017	\$877.35
19-25-456-018	\$1,115.95
19-25-456-019	\$1,488.43
19-25-456-023	\$2,609.31
19-25-456-024	\$3,627.98
19-25-456-027	\$976.15
19-25-456-051	\$244.04
19-25-456-029	\$2,307.48
19-25-456-035	\$7,330.65
19-25-456-039	\$9,221.22
19-25-456-041	\$2,233.87
19-25-456-047	\$1,532.09
19-25-456-048	\$1,530.02
19-25-456-049	\$2,006.63
19-36-126-017	\$4,521.79
19-36-126-018	\$10,191.22
19-36-127-004	\$4,315.04
19-36-128-001	\$3,419.45
19-36-128-002	\$2,484.67
19-36-128-003	\$3,316.74
19-36-128-004	\$11,724.30
19-36-128-006	\$2,499.62
19-36-128-009	\$848.70
19-36-128-010	\$1,406.92
19-36-129-001	\$2,200.73
19-36-129-002	\$2,124.93
19-36-129-003	\$2,682.58
19-36-129-004	\$4,462.93
19-36-129-005	\$4,521.82
19-36-129-006	\$2,115.83
19-36-129-016	\$184.27
19-36-129-017	\$184.27
19-36-134-001	\$1,782.36
19-36-134-006	\$15,858.50
19-36-138-001	\$6,659.40
19-36-138-002	\$2,689.83
19-36-138-003	\$9,845.55
19-36-138-007	\$15,858.50
19-36-179-003	\$1,436.40

**Principal Shopping District SAD 884**  
**FY 2018-2019**

19-36-179-004	\$2,621.66
19-36-179-025	\$3,714.23
19-36-201-001	\$3,077.47
19-36-201-005	\$2,077.38
19-36-201-006	\$3,199.15
19-36-201-009	\$2,331.53
19-36-201-010	\$3,552.22
19-36-201-011	\$6,013.16
19-36-201-012	\$1,732.76
19-36-201-013	\$6,169.64
19-36-201-014	\$5,140.13
19-36-201-015	\$2,199.04
19-36-201-018	\$2,563.60
19-36-201-019	\$15,858.50
19-36-201-020	\$8,599.14
19-36-201-021	\$4,454.63
19-36-201-022	\$5,299.49
19-36-202-015	\$15,858.50
19-36-202-017	\$8,960.11
19-36-202-018	\$15,858.50
19-36-203-011	\$2,312.42
19-36-203-024	\$4,346.71
19-36-204-001	\$1,743.33
19-36-204-006	\$2,235.84
19-36-204-007	\$1,009.66
19-36-204-014	\$4,260.15
19-36-204-016	\$660.98
19-36-204-021	\$8,125.88
19-36-204-025	\$15,858.50
19-36-205-040	\$6,177.37
19-36-205-043	\$4,909.38
19-36-206-001	\$15,858.50
19-36-206-002	\$7,863.88
19-36-206-005	\$15,113.26
19-36-206-006	\$11,153.35
19-36-206-007	\$11,507.35
19-36-206-008	\$5,977.44
19-36-206-018	\$4,246.61
19-36-206-020	\$9,479.57
19-36-206-021	\$15,858.50
19-36-207-001	\$13,818.00
19-36-207-004	\$869.44
19-36-207-009	\$15,858.50

## Principal Shopping District SAD 884 FY 2018-2019

19-36-208-004	\$2,971.91
19-36-208-015	\$4,388.03
19-36-208-016	\$15,858.50

<b>TOTALS</b>	\$774,410.65
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### DISTRICT 1 (@ 40% OF RATE) :

19-36-129-010	\$8,150.88
19-36-132-007	\$6,113.51

<b>TOTALS</b>	\$14,264.39
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<b>DISTRICT 1 TOTAL</b>	\$788,675.04
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## DISTRICT 1A

PARCEL IDENTIFICATION NUMBER	TOTAL COST PER PARCEL
19-25-179-001	\$560.45
19-25-179-002	\$1,028.31
19-25-327-031	\$863.52
19-25-327-032	\$606.64
19-25-328-005	\$391.01
19-25-328-006	\$486.82
19-25-328-007	\$440.16
19-25-328-008	\$326.79
19-25-328-009	\$551.89
19-25-328-010	\$551.89
19-25-328-014	\$1,966.49
19-25-328-017	\$1,306.59
19-25-328-018	\$1,285.63
19-25-328-019	\$898.58
19-25-328-020	\$1,780.32
19-25-328-022	\$395.20
19-25-328-023	\$481.65
19-25-328-024	\$604.80
19-25-328-025	\$507.37
19-25-328-026	\$298.38
19-25-328-027	\$296.40
19-25-328-028	\$296.40

**Principal Shopping District SAD 884**  
**FY 2018-2019**

19-25-328-030	\$790.40
19-25-328-031	\$592.80
19-25-328-032	\$296.40
19-25-328-033	\$226.75
19-25-328-034	\$306.28
19-25-328-035	\$345.80
19-25-328-058	\$2,652.45
19-25-328-060	\$2,617.37
19-25-328-061	\$2,001.45
19-25-330-001	\$2,182.51
19-25-330-004	\$2,377.93
19-25-330-009	\$684.68
19-25-460-019	\$5,932.26
19-25-483-019	\$448.76
19-25-483-026	\$650.11
19-25-483-031	\$4,879.20
19-25-483-032	\$15,858.50
19-25-483-033	\$122.02
19-25-483-034	\$148.45
19-25-486-013	\$634.44
19-25-486-014	\$661.41
19-25-486-018	\$5,403.31
19-25-486-019	\$1,681.69
19-25-487-007	\$4,252.65
19-25-487-008	\$350.74
19-25-487-009	\$473.75
19-36-205-026	\$2,608.82
19-36-205-041	\$4,888.63
19-36-208-011	\$711.86
19-36-208-012	\$851.41
19-36-208-017	\$15,858.50
19-36-210-001	\$15,858.50
19-36-210-005	\$1,509.02
19-36-226-003	\$1,774.28
19-36-226-007	\$1,403.65
19-36-226-009	\$1,076.81
19-36-226-012	\$1,228.24
19-36-226-013	\$1,033.70
19-36-226-020	\$3,450.13
19-36-226-021	\$126.72
19-36-226-022	\$2,306.74
19-36-227-002	\$4,277.62
19-36-227-003	\$404.10



**Principal Shopping District SAD 884**  
**FY 2018-2019**

19-36-227-005	\$607.13
19-36-227-006	\$861.85
19-36-227-007	\$508.08
19-36-227-008	\$1,225.33
19-36-227-024	\$2,452.44
19-36-227-025	\$677.80
19-36-227-028	\$1,506.35
19-36-228-001	\$678.76
19-36-228-002	\$1,457.01
19-36-228-005	\$2,744.29
19-36-230-003	\$3,566.93
19-36-232-001	\$4,666.17
19-36-232-005	\$2,861.01
19-36-233-022	\$1,294.04
19-36-234-002	\$2,290.52
19-36-234-004	\$444.79
19-36-234-007	\$440.12
19-36-253-025	\$735.57
19-36-253-026	\$362.11
19-36-253-028	\$748.17
19-36-253-029	\$1,003.56
19-36-253-030	\$1,162.60
19-36-253-034	\$1,715.91
19-36-253-035	\$1,688.99
19-36-278-012	\$1,765.53
19-36-278-013	\$1,287.37
19-36-278-017	\$2,470.00
19-36-278-018	\$2,187.00
19-36-279-004	\$1,598.39
19-36-279-005	\$3,482.11
19-36-279-008	\$5,385.23
19-36-280-002	\$779.78
19-36-281-004	\$622.44
19-36-281-005	\$1,093.61
19-36-281-017	\$2,159.04
19-36-281-022	\$2,050.10
19-36-281-028	\$1,316.51
19-36-281-029	\$4,599.59
19-36-281-030	\$1,484.87
19-36-281-031	\$3,571.73
19-36-282-005	\$8,287.02
19-36-282-006	\$6,814.93
19-36-283-009	\$2,519.06

**Principal Shopping District SAD 884**  
**FY 2018-2019**

19-36-283-014	\$320.12
19-36-283-016	\$4,091.70
19-36-283-019	\$1,287.62
19-36-283-020	\$866.48
19-36-283-021	\$750.14
19-36-283-022	\$1,217.71
19-36-283-024	\$2,626.08
19-36-284-001	\$170.68
19-36-284-002	\$419.16
19-36-284-009	\$1,769.33
19-36-285-001	\$12,628.32
19-36-285-002	\$529.57
19-36-285-006	\$1,308.36
19-36-285-008	\$1,405.39
19-36-285-009	\$941.05
19-36-285-010	\$316.41
19-36-285-012	\$973.26
19-36-285-013	\$1,758.89

**TOTALS** \$254,420.24

**DISTRICT 1A**

**DISTRICT 1A (@ 40% OF RATE):**

19-25-330-008	\$267.99
19-36-230-004	\$864.17
<b>TOTALS</b>	\$1,132.16

**DISTRICT 1A TOTAL:** \$255,552.40

**GRAND TOTAL (1 & 1A)** \$1,044,227.44

**\*\*Detroit CPI 1.022**

**DATE:** November 1, 2018

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

**FROM:** Jana Ecker, Planning Director

**SUBJECT:** Revised Draft of the Planning Board's Action List

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**INTRODUCTION:**

In March of each year the Planning Division prepares an Annual Report to the City Commission outlining the activities of several boards and commissions over the previous year, as well as an action list of identified priority items for the boards for consideration over the coming year. The Planning Board's Action List is included in the Annual Report each year. From this list, the Planning Board and the City Commission have the opportunity to evaluate the Planning Board's goals and objectives, and make any needed amendments based on current priorities.

In recent years, the City Commission has also updated the Planning Board's Action List after joint City Commission / Planning Board meetings as new planning issues for discussion arise. Accordingly, please find attached a revised draft of the Planning Board's 2018-2019 Action List based on the discussions at the most recent joint meetings of the City Commission and Planning Board for your review, along with a resolution outlining the process for minor amendments to the Planning Board's Action List between annual reviews.

**BACKGROUND:**

On June 18, 2018, the Planning Board and City Commission held a joint meeting at which several new planning issues were discussed, including potential changes to the signage requirements in the Downtown Overlay District and to parking requirements for all land uses.

On October 15, 2018, the Planning Board and City Commission held a joint meeting at which several new planning issues were discussed. Specifically, the issues of aging in place and the use and occupation of rooftops within the MX District and the need for rooftop structure regulations were discussed.

**LEGAL REVIEW:**

No legal review is needed.

**FISCAL IMPACT:**

None, unless the City Commission votes to hire consultants to conduct research and draft ordinance amendments instead of having this done in house within the Planning Division.

**SUMMARY:**

The City Commission should review the revised draft of the Planning Board's 2018-2019 Action List and discuss the prioritization of the issues and studies listed. The City Commission should also review the draft resolution outlining the process for minor amendments to the Planning Board's Action List between annual reviews.

**ATTACHMENTS:**

- Revised Draft Planning Board Action List 2018 - 2019
- Draft resolution to establish a process to address needed amendments to the Planning Board's Action List between annual reviews
- Relevant City Commission and Planning Board meeting minutes

**SUGGESTED RESOLUTION:**

- A. 1. To approve the Revised 2018-2019 Planning Board Action List as provided.

**OR**

2. To direct the Planning Board to revise their 2018-2019 Planning Board Action List to reflect the City Commission's top priorities as discussed tonight:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_
7. \_\_\_\_\_
8. \_\_\_\_\_
9. \_\_\_\_\_
10. \_\_\_\_\_.

**AND**

- B. To adopt a resolution establishing a process to address needed amendments to the Planning Board's Action List between annual reviews.

## Planning Board Action List – 2018 – 2019

	TOPIC	SPECIFIC DIRECTION/ PROBLEM DEFINITION	STUDY SESSION	PUBLIC HEARING	STATUS	NOTES
1	<b>Bistro Parameters</b>	<ul style="list-style-type: none"> <li>Review bistro regulations on the location or number of outdoor dining seats permitted</li> <li>Clarify and/or provide additional regulations for the operation of bistros</li> <li>Consider different standards for different districts</li> </ul>	7/12/17 8/9/17 9/13/17 1/10/18 3/14/18 6/13/18 7/11/18 8/18/18	4/11/18 (PB) 8/18/18 (PB) 9/7/18 (CC) 10/8/18 (CC) 12/3/18 (CC)	All amendments approved except changes to bistro definition	<ul style="list-style-type: none"> <li>As directed by the City Commission on 7/10/17</li> </ul>
2	<b>Definition of Retail – Long Term Study</b>	<ul style="list-style-type: none"> <li>Provide big picture study of boundaries and existing conditions</li> </ul>	8/10/16 3/29/17 5/10/17 6/14/17 1/10/18 3/14/18 4/11/18 5/9/18 6/13/18 6/18/18 7/11/18 7/25/18 8/3/18 (CC) 8/27/18 (CC) 10/24/18		In Progress	<ul style="list-style-type: none"> <li>As directed by the City Commission on 7/11/2016</li> </ul>
3	<b>Amend cost of parking space for payment-in- lieu of parking to allow additional building height in the Triangle District</b>	<ul style="list-style-type: none"> <li>Update cost of parking space to today's cost</li> <li>Build in automatic cost increase / year into ordinance language</li> </ul>	8/8/18 9/12/18	10/10/18 (PB) 11/19/18 (CC)	In Progress, Almost Complete	<ul style="list-style-type: none"> <li>As directed by the City Manager</li> </ul>

<b>4</b>	<b>Overlay Signage Standards</b>	<ul style="list-style-type: none"> <li>Consider consistent signage standards inside and out of the Downtown Birmingham Overlay District</li> <li>Consider quality of signage and fastening systems</li> </ul>	6/18/18 7/11/18 7/25/18	9/12/18 (PB)	Complete at PB, In Progress at DRB	<ul style="list-style-type: none"> <li>As discussed at the joint meeting of the City Commission / Planning Board on 6/18/18</li> </ul>
<b>5</b>	<b>Commercial Projections onto Public Property / Architectural Allowances</b>	<ul style="list-style-type: none"> <li>Clarify in the Zoning Ordinance which, if any, projections are permitted into the ROW</li> <li>Draft regulations to address the height, projection or permitted materials for architectural features projecting into the ROW</li> </ul>	1/10/18 8/8/18 10/10/18 10/24/18		In Progress	<ul style="list-style-type: none"> <li>As directed by the City Commission on 7/10/17</li> </ul>
<b>6</b>	<b>Renovation of Commercial Properties</b>	<ul style="list-style-type: none"> <li>Amend the review procedures for new construction and/or the Renovation of existing buildings</li> <li>Clarify the distinction between a renovation and new construction</li> <li>Clarify the distinction between a site plan review and a design review</li> <li>Consider PB review for use changes</li> </ul>	8/19/17 10/13/17 1/10/18 4/11/18		In Progress	<ul style="list-style-type: none"> <li>As directed by the City Commission on 7/10/17</li> </ul>

<b>7</b>	<b>Parking Issues:</b>					
	<ul style="list-style-type: none"> <li><b>Shared Parking</b></li> <li><b>Parking Requirements</b></li> </ul>	<ul style="list-style-type: none"> <li>Evaluate the success/difficulties encountered in other communities</li> <li>Require a formal shared parking agreement</li> <li>Review parking requirements for residential uses</li> </ul>	8/10/16 2/8/17 3/29/17 5/10/17 7/12/17  7/11/18 7/25/18 8/13/18(CC)		In Progress  In Progress	<ul style="list-style-type: none"> <li>As directed by the City Commission on 7/10/17</li> <li>As discussed at the joint meeting of the City Commission / Planning Board on 6/18/18</li> </ul>
<b>8</b>	<b>Rooftop Uses &amp; Structures</b>	<ul style="list-style-type: none"> <li>Allow use and occupation of rooftops in the MX District consistent with other mixed use zone districts</li> <li>Draft regulations to address the size, height and placement of permitted rooftop structures and / or enclosures</li> </ul>	10/24/18		In Progress	<ul style="list-style-type: none"> <li>As discussed at the joint meeting of the City Commission / Planning Board on 10/15/18</li> </ul>
<b>9</b>	<b>Aging in Place</b>	<ul style="list-style-type: none"> <li>Consider ordinance amendments to allow existing homes to be modified for increased accessibility</li> <li>Consider allowing multi-generational housing stock</li> <li>Encourage affordable housing opportunities</li> <li>Enhance public spaces to accommodate an aging population</li> </ul>				<ul style="list-style-type: none"> <li>As discussed at the joint meeting of the City Commission / Planning Board on 10/15/18</li> </ul>

<b>10</b>	<b>Consider looking at principal uses allowed and add flexibility ("and other similar uses")</b>	<ul style="list-style-type: none"> <li>Evaluate the current system of listing only permitted uses in each zone district</li> <li>Determine whether to continue this system, or switch to broad use categories (ie. retail is permitted, instead of listing drugstore, shoe store, grocery store)</li> </ul>				
<b>11</b>	<b>Potential residential zoning changes; MF &amp; MX garage doors</b>	<ul style="list-style-type: none"> <li>Consider adding garage placement standards and/or garage and garage door size or design standards for mixed use and multi-family residential developments</li> </ul>				
<b>12</b>	<b>Sustainable Urbanism (Green building standards, pervious surfaces, geothermal, native plants, low impact development etc.)</b>	<ul style="list-style-type: none"> <li>Incentive option in Triangle District</li> <li>Guest speakers in LEED</li> <li>Certification, Pervious Concrete, LED Lighting, Wind Power, Deconstruction</li> <li>Sustainability website &amp; awards</li> <li>Native Plant brochure</li> </ul>	2/09/2005 7/11/2007 8/08/2007 9/12/2007 1/9/2008 9/10/08 1/14/09 1/28/09 2/10/09 (LRP) 5/13/09 8/12/09 11/11/09 1/23/10 (LRP) 5/12/10 6/9/10	2/25/09 (PB - Solar) 1/13/10 (PB-Wind) 2/10/10 (PB-Wind) 6/14/2010 (CC-Wind)	Solar ordinance completed. Wind ordinance completed.	



<b>1 3</b>	<b>Additional Items to be Considered during Master Plan Process</b>	<ul style="list-style-type: none"> <li>• Woodward Avenue Gateway Plan (Lincoln to 14 Mile Road)</li> <li>• Parking</li> <li>• Complete Streets</li> <li>• Regional Planning</li> </ul>	7/12/17		On Hold	
<b>1 4</b>	<b>Review Process for Public Projects</b>	<ul style="list-style-type: none"> <li>• Clarify review process for projects on public property</li> <li>• Consider requiring same site plan review process as that for private projects</li> </ul>				



**RESOLUTION ESTABLISHING A PROCESS TO ADDRESS NEEDED AMENDMENTS TO THE PLANNING BOARD ACTION LIST BETWEEN ANNUAL REVIEWS.**

**WHEREAS,** The City of Birmingham strives to operate in a strategic manner to ensure the needs of the community are addressed in accordance with policy directives of its elected officials; and

**WHEREAS,** there are several City boards and commissions that serve in this supporting capacity to recommend various actions, improvements and policy changes; and

**WHEREAS,** the Birmingham Planning Board serves in this role and operates under their Planning Board Action List which is reviewed and approved by the City Commission each year; and

**WHEREAS,** the City Commission and the Planning Board have discussed at their October 15, 2018 joint workshop the need to clarify a process for miscellaneous items that arise in between reviews of the Planning Board Action List; and

**NOW, THEREFORE, BE IT RESOLVED,** that the Birmingham City Commission wishes to outline a process for the Planning Board to follow in addressing miscellaneous items that arise in between reviews of the Planning Board Action List which warrant some urgency in obtaining action; and

**BE IT FURTHER RESOLVED,** that the process to initiate changes to the Planning Board Action List between annual reviews shall consist of the following:

1. Topics which can be undertaken by the Planning Board without modification to the Planning Board Action List shall include:
  - a. Clarification of existing ordinance language in order to act on pending applications, including but not limited to preliminary and final site plan approval, SLUPs, regulated uses, rezoning and community impact studies.
2. Topics which must receive approval by the City Commission for modification to the Planning Board Action List shall include:
  - a. Topics which establish or change policy under ordinance
  - b. The creation of new ordinance sections.Topics requiring Commission approval shall be requested by a majority vote of the Planning Board and be advanced through their staff liaison.
3. Questions on whether a topic complies with Article 1 or 2 of this section shall be directed to the City Manager for determination.

**BE IT FINALLY RESOLVED,** that the City Commission hereby adopts this Resolution and directs a copy be shared with the Planning Board for their use.

*On behalf of the City Commission this 12<sup>th</sup> day of November, 2018.*

\_\_\_\_\_, Mayor

**BIRMINGHAM CITY COMMISSION /  
PLANNING BOARD JOINT WORKSHOP SESSION MINUTES  
JUNE 18, 2018  
DPS FACILITY, 851 SOUTH ETON  
7:30 P.M.**

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

Mayor Andrew Harris called the meeting to order at 7:30 PM.

**II. ROLL CALL**

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

Scott Klein, Planning Board Chairman  
Robin Boyle, Member  
Stuart Jeffares, Member  
Bert Koseck, Member  
Naseem Ramin, Member  
Daniel Share, Member  
Janelle Whipple-Boyce, Member  
J. Bryan Williams, Member

ABSENT: Jason Emerine, Member

ADMINISTRATION: City Manager Valentine, City Attorney Currier, Deputy Clerk Arft, Assistant Planner Cowan, Planning Director Ecker, Building Official Johnson

**III. ITEMS FOR DISCUSSION**

Mayor Harris stated that this is a workshop session where no formal decisions will be made. The purpose of this workshop format is to focus on problem definition and desired outcomes. Each Commissioner will have an opportunity to share their perspective and thoughts on problems and possible solutions, and to engage the Planning Board for input. Citizens will also have opportunity to make public comment at the end of the workshop meeting.

City Manager Valentine said the objective was to provide discussion items in order to clarify how the City should move forward on the following issues.

**B. PARKING STANDARDS**

Planning Director Ecker noted this issue has been discussed in the past. She explained that requiring residential units to provide parking has the consequences of:

- Inflating the cost of the residential units;
- Encouraging the building of larger units in order to be in-line with the cost; and,

- Discouraging the building of smaller apartment units because people would not be getting good value for their money and because the building would be unable to provide parking for each unit.
- This, in turn, reduces economic diversity in housing in Birmingham's downtown.

Planning Director Ecker continued:

- There has been past discussion of eliminating the residential parking standards altogether, and that the same option is being revisited this evening.
- Only historic landmark buildings adding residences on the second or third floor are currently exempt from the parking standards.
- An overview of how parking is usually provided as part of a residential building within Birmingham.
- The public parking system could be used for residential parking since residents require parking during off-peak, non-business hours.

City Manager Valentine suggested:

- A two-prong approach of hiring a consultant to clarify relevant considerations in making this change and asking the Planning Board to study the issue would be the most effective course of action.
- The City would ask its current parking consultant to further explore the land-use issues at hand. The consultant would work with two other firms currently familiar with the parking situation in Birmingham – Nelson-Nygaard and MKSK.

Mr. Boyle opined that there may be a conflict in asking parking industry experts to explore ways to reduce the need for parking in the City.

Commissioner DeWeese said:

- The residential parking requirement should be voided and a method of dis-incentivizing the creation of more office-space in Birmingham should be explored, so as to tax Birmingham's parking systems less.
- While dis-incentivizing more offices, he would like to see parking remain affordable for Birmingham's retail workers.
- The City's goal is to enable people to live and work downtown, and finding ways to increase the affordability is part of achieving the City's goal.
- Nelson-Nygaard or any other contractor hired for the project must be capable of handling Birmingham's particular parking circumstances and goals in order to offer the most relevant solutions.
- This issue should not be delayed until the Master Planning process, but the City must also ensure that the solutions reached will be compatible with the Master Plan's objectives.

Mr. Koseck affirmed the City should solicit the help of experts in parking and land-use in order to understand all the relevant factors. He continued:

- One-and-a-half parking spaces in the City costs between \$30,000 and \$40,000. Removing the parking requirement for a hypothetical \$800,000 unit would only reduce the cost of the apartment by 5%. This decrease would not make residential units significantly more affordable.
- Because of this, the goal needs to be clarified. If the goal is smaller residential units and more flexibility, there are many ways to pursue that.

- These considerations must be part of the Master Planning process.

Mayor Pro Tem Bordman noted:

- Metro Detroit's dearth of mass transit makes giving up a vehicle relatively unfeasible.
- Many Birmingham households have a car for each adult, meaning residential parking remains in high demand.
- Making residential units more affordable by eliminating the parking standards is a worthy goal, but Mr. Koseck's calculations imply that this change will not have the intended impact.
- If the goal is making residential units more affordable, then hiring a consultant with broader experience in that area would be necessary.
- Determining whether City has a goal of increasing affordable residential units gets to the heart of how Birmingham wants to define itself. This is a much more complicated and theoretical question than just parking.

Mr. Williams said:

- The issue at hand is land-use and not just parking.
- Because residents already perceive Birmingham as lacking sufficient parking, the City should be very cautious with how it proceeds.
- If MKSK and Nelson-Nygaard have the necessary experience with complex land-use issues, Mr. Williams is in favor of using them. If these two consultants do not have the necessary experience, however, they must be supplemented with another consultant.

Commissioner Nickita ventured:

- This about a specific use in a particular district, meaning it should be addressed as a parking issue and not a broader land-use issue.
- The land-use aspects would be explored during the Master Planning process.
- It would be wise to consider alternative consultants due to the issues raised by Mr. Williams, but Commissioner Nickita remains confident that Nelson-Nygaard would also be up to the task.
- Requiring parking is one of the most challenging aspects of developing high-density residences in cities. Developers are often forced to pass on developing in cities with more strict residential parking requirements.
- The parking requirements are a large part of why there are so many buildings with one, two, or three residences downtown.
- Shared parking is a very viable option in Birmingham because downtown parking is so underutilized in the evenings.
- Residents in urban areas are largely comfortable and familiar with off-site parking as long as the streets are safe and comfortable.
- The 2016 Plan had a goal of increasing resident-density downtown and this would be an effective way to do it.
- A study should specifically clarify whether and how much the parking standards correlate with a lower resident-density downtown.

Commissioner DeWeese pointed out:

- Some of the senior residences in Birmingham became possible in when the parking requirements were halved.
- Those residences still have parking available because of the less-frequent car use of their residents.

- The built-in cost of parking for downtown residents is likely higher than the cost to get a monthly long-term parking permit.
- Some parking standards should remain, but the more they can be reduced the more the Birmingham market will respond in a positive and desired manner.
- A resident should be guaranteed the ability to purchase access to parking downtown should they so choose.

Mayor Harris noted consensus regarding the need for further study of the issue.

City Manager Valentine said he would return with a proposed Scope of Work which, if approved, can be extended either to Nelson-Nygaard or bid out to other contractors.

## **B. RETAIL ORDINANCE REVIEW**

Assistant Planner Cowan reviewed the direction to the Planning Board (PB) to:

- Evaluate the boundary of the redline retail district ('Redline');
- Identify buildings less-suited to retail; and
- Discuss what is permitted in retail spaces within the first twenty feet from the door.

Assistant Planner Cowan discussed the maps provided to the meeting which delineated:

- The distribution of uses in the Redline;
- Market-rent data for various areas of the Redline; and,
- How the retail distribution in the Redline reflected the stated development goals of the 2016 Plan.

Assistant Planner Cowan then explained that the PB considered:

- Dividing the Redline into multiple tiers with more or less strict retail zoning requirements: D4 and D5 would have the strictest retail zoning requirements, and D2 and D3 would have slightly looser retail zoning requirements.
- Maintaining a strict retail core and then decreasing stringency in tiers as the zoning moves out from the City center.
- Maintaining a strict retail core, and relaxing the retail zoning requirements along the edges.

Assistant Planner Cowan said the PB recommends hiring a consultant because they feel they lack sufficient information regarding retail market and trends in Birmingham.

PB Chairman Clein reiterated that none of the above possibilities was moved as a recommendation to the Commission by the PB at this time, and that if the Commission is interested in exploring the possibilities, hiring a consultant would be the next step. PB Chairman Clein emphasized that the issue of where to draw zoning lines would be an important issue for a consultant to address.

Commissioner Nickita suggested Buxton may be able to provide some of the necessary information since the company is already working with the Birmingham Shopping District (BSD) in a consultant role. He also said the goals of the delineation need to be made more clearly.

Planning Director Ecker specified:

- The Commission this evening was only provided with five pages of highlights out of the PB's review materials, which comprise about 500 pages per PB agenda item.

- The PB has reviewed all information available from Buxton and the BSD from the last three years.
- Each property has been reviewed methodically for demand on the space, what kind of business is currently located in the property, what kind of businesses are suitable for the property, and other factors.
- Her understanding is that Buxton is only doing research on niche retailers in Birmingham, not a more systemic study.
- The PB is sure the retail core should remain and should be zoned strictly. All other possibilities remain open for consideration.

Commissioner Nickita explained that he was not questioning whether there has been sufficient research into this issue by the PB. Rather, his main concern was that the Commission was provided a map of Birmingham retail areas with green, red and blue sections, with no indication as to what those colors signify.

Commissioner DeWeese delineated the relevant issues as what is happening now in the Redline area, and what the City would like to be happening in 20 years in the Redline area, citing changes to Bates Street as a future anchor for retail. He continued that:

- Buxton could clarify why retailers are not moving to Birmingham. With that information, the City can then explore options for remedying the perceived issues.
- If a business in the Redline area is over a certain percentage of replacement, the business must be brought up to code.
- If a business in the Redline area is under a certain percentage of replacement, said business should retain grandfathered status.
- There may be use in providing incentive to businesses that elect to come up to code.
- In terms of street-friendliness, differentiation should be made between services like banks, which have windows open and engaging to the street, and doctors' offices, which have windows closed and not-engaging to the street and no after-hours use.
- Retail businesses that do not have street-centric windows should be encouraged to shift that practice through zoning and code enforcement.
- Birmingham's goal is to make the pedestrian experience friendly, open, interactive, and street-centric.
- The development of outdoor dining in Birmingham has enhanced the liveliness of the streetscape, for one example.

Ms. Whipple-Boyce explained that the PB had hypotheses as to what the green, red and blue sections on the provided map could signify, but had not narrowed it down enough to provide it as a legend. She added that:

- The PB will explore Commissioner DeWeese's concerns after the zones are clarified.
- In order to clarify the zones and the conditions leading to the delineation of the zones a consultant would be helpful.

Mr. Share said the PB undertook the process to explore reasons for vacant retail spaces, which turned into a need to consider the City's future retail goals. In order to do that, however, the PB needs to:

- Understand what broader retail trends are in order to best suggest a policy for the City.
- Know what kind of incentives would actually be desirable for retail businesses.

A consultant specializing in retail is the most prudent way to obtain such information.

Commissioner Boutros suggested asking Buxton if they are able to provide the information the PB needs, and if not, agreed the City should hire an outside consultant to explore these questions. The City must also be very clear on its goals for a consultant if that route is pursued.

Commissioner Hoff commended the PB on its work and said it returned what the Commission requested. She said the red zone on the map was clearly strict retail, the blue zone seemed to allow for more services, and the green zone is to be clarified. She continued Buxton should be able to provide retail trends and information, even if that is not currently part of its contract with Birmingham. Once that information is available a more informed exploration of these issues can continue.

Mayor Harris said:

- Procedurally staff can draw of a Request for Proposals (RFP) for a consultant, and at that point Buxton could determine whether they are an appropriate fit for the role. Until the City determines the criteria for an RFP, however, a consultant cannot be hired.
- He agrees with Commissioner Hoff that the PB has done thorough research and due diligence, and based on the information concurs that a retail consultant should be hired.

Commissioner Sherman concurred with Mayor Harris and Commissioner Hoff.

### **C. SIGN ORDINANCE REVIEW**

Planning Director Ecker said current issues are:

- Overlay sign standards, which do not specify the square footage of signage permitted, but limit signage to one sign per entrance. As a result, businesses on a corner with two sets of windows facing two different streets are permitted only one sign. Additionally, upper-floor tenants are permitted from displaying any signage in the overlay. Businesses are appearing in front of the Board of Zoning Appeals (BZA) frequently to appeal these restrictions, which indicate the need to consider an adjustment to the ordinance.
- Window signage standards, which is limited by size – 12 sq. ft. or 18 sq. ft. on big Woodward – with no limits on quality of signage or content of signage.
- Window treatment standards, which currently prohibit window-tinting but permit first-floor businesses to put up blinds, drapes, screens and other window-blocking materials.

She concluded by saying the Community Development office gets complaints regarding these issues frequently.

Planning Director Ecker specified that the current window ordinances prevent tinting, blockage with shelves, blockage with furniture, and require 80% visible light transmittance. There is no current prohibition on blinds or other window treatments.

Commissioner Nickita said window-blockage is a huge discouragement to pedestrian activity and he would like to see the above issues explored seriously.

Mr. Koseck said the ordinance likely needs to be updated to reflect the spirit and intent of what Birmingham would like to see in windows.

Mayor Pro Tem Bordman concurred that these issues should be explored, adding that overlay businesses should likely not be limited to one sign per entrance if Birmingham is trying to encourage retail.



Commissioner DeWeese said he would like to see parking ordinances, retail ordinances, and sign ordinances addressed in that order.

Mr. Williams said he would like to see the City have increased influence on interior space in terms of what is seen from the windows.

Commissioner Hoff agreed with Mr. Williams, adding that current ordinances might provide relief for some of these concerns but would require increased enforcement.

Commissioner Boutros said he would like to see increased enforcement and further exploration of the issues.

Commissioner Nickita said Birmingham should explore prohibiting taped window signs in order to discourage the posting of haphazard signage.

Mayor Harris noted consensus to explore the aforementioned issues further.

#### **D. FRONT YARD FENCES**

Building Official Johnson explained current Birmingham residential fence requirements and said:

- A resident has asked to City to explore the issue of installing fences at the property line since some could potentially impede neighbors' free use of their driveways.
- This specific concern has arisen an estimated two times in Building Official Johnson's twenty-year tenure with the City.
- Local communities largely allow fencing up to the property line.
- The concerned resident could expand their driveway a bit in order to allow for both car-doors to be opened easily. Paved surfaces cannot occupy more than 35% of the front open space, but the particular lot in question would not likely exceed the limit with an expansion of their driveway.

Ms. Whipple-Boyce said a more general look at the fence ordinances is in order because other fence issues, especially commercial, have arisen in the past.

Mayor Pro Tem Bordman said:

- Infrequent complaints about the residential fencing ordinances positively indicate their functionality, and that a change to the ordinance would lead to many houses suddenly being out of code.
- If fencing at the lot line is prohibited, the allowance of shrubbery and driveways at the lot line would also have to be reconsidered.
- There may be commercial fencing issues to explore, but that is not the issue at hand.

Commissioner DeWeese suggested that if a resident needed to expand their paved surfaces to accommodate a neighbor's fence and the paved surfaces would then total more than 35% of their front open space, this issue could be addressed by the BZA. An ordinance consideration is only necessary if this is a frequent issue.

Ms. Whipple-Boyce mentioned fences made of burlap and said those should not be permitted by ordinance, which is another reason to review the issue.

Building Official Johnson said that City does let residents know if something is extremely narrow when issuing site permits.

Mayor Harris noted general agreement to allow the fencing ordinances to remain as-is. He also commended the property owner for making the effort to bring the issue to the Commission's attention.

#### **E. ARTIFICIAL TURF LAWNS**

Building Official Johnson explained:

- The question is whether artificial turf is considered an 'impervious surface' by ordinance, and is thus limited by open space ordinance requirements.
- Artificial turf lawn technology has improved drastically, allowing for drainage of water and realistic grass appearance.

Commissioner Hoff said with the information provided she is fine with artificial turf lawns.

Commissioner DeWeese suggested the Building Department should clarify its definitions, because while artificial turf lawns are technically 'impervious', advanced technology and drainage systems may eliminate the imperviousness as a concern.

City Manager Valentine explained that Building Official Johnson seeks direction from the Commission for interpreting the ordinance.

Building Official Johnson clarified the artificial turf lawn is 'impervious', but has a drainage hole to a drain, which is why a closer look at definitions is being recommended.

Mayor Pro Tem Bordman said:

- Understanding the amount of water that drains from artificial turf lawns into the ground is a critical part of whether this should be permitted.
- If 100% of the rainwater ends up in the ground with artificial turf lawns, this is a desirable move because it reduces fertilizer and pesticide run-off.

Commissioner Nickita said artificial turf lawns are inappropriate in Birmingham.

Building Official Johnson said stone is mentioned in the ordinance as an 'impervious surface', meaning it is subject to percentage limits.

Mayor Harris acknowledged consensus for further study and discussion.

#### **IV. PUBLIC COMMENT**

Mr. Templeton explained:

- He currently has an artificial turf lawn at his home in Birmingham.
- It was installed in an effort to make his home and lot environmentally-friendly.
- He can provide the City with data that shows artificial turf lawns drain better than standard grass lawns.

Mayor Pro Tem Bordman replied that it is worth considering whether artificial turf lawns should be allowed in some exceptional cases, such as when it is in conjunction with efforts to be environmentally-friendly.

<b>V. ADJOURN</b>
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Mayor Harris adjourned the meeting at 9:43 p.m.

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

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

**BIRMINGHAM CITY COMMISSION /  
PLANNING BOARD JOINT MEETING MINUTES  
OCTOBER 15, 2018  
DPS FACILITY, 851 SOUTH ETON, BIRMINGHAM MI 48009  
7:30 P.M.**

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

Mayor Andrew M. Harris called the meeting to order at 7:30 PM.

**II. ROLL CALL**

ROLL CALL:           Present,           Mayor Harris  
  Mayor Pro Tem Bordman  
  Commissioner Boutros  
  Commissioner DeWeese  
  Commissioner Hoff  
  Commissioner Nickita  
  Scott Clein, Planning Board Chairman  
  Robin Boyle, Member  
  Jason Emerine, Member  
  Stuart Jeffares, Member  
  Bert Koseck, Member  
  Daniel Share, Member  
  Janelle Whipple-Boyce, Member  
  J. Bryan Williams, Member

Absent,           Commissioner Sherman, Naseem Ramin

ADMINISTRATION:   City Manager Valentine, City Attorney Currier, Deputy Clerk Arft, Assistant  
  Planning Director Ecker, Building Official Johnson, Assistant Building  
  Official Morad

**III. ITEMS FOR DISCUSSION**

**A. CURRENT ISSUES:**

1.       Aging in Place

City Planner Ecker reviewed the October 10, 2018 memo on the matter.

Planning Board (PB) Chair Clein said the issue of aging in place is part of a larger issue of affordable housing in Birmingham. He asked the Commission if there was interest in exploring affordable housing in general in Birmingham, in addition to the issue of aging in place, in order to allow older residents to continue to live in Birmingham.

Commissioner DeWeese suggested that the City could look at its code to encourage people to build accessible housing from the outset. He continued:

- That part of the issue is that the code does not currently require people to consider accessibility issues.

- Changes that increase building accessibility help all citizens, not just those using mobility aids. People pushing baby carriers, for instance, are greatly benefitted by ramp entrances to buildings.

Planning Director Ecker said there are many examples of how other communities are dealing with the same issues of accessibility and aging in place.

Mr. Jeffares explained these issues currently loom large for real estate agents in Birmingham. A couple of examples were residential requests for:

- Covered walkways between a house and a detached garage so as to increase the safety of the path in winter.
- Elevator additions to homes where stairs present an accessibility issue.

Mr. Jeffares also suggested that planning parks with an eye towards the preferred recreational activities of an older population, such as softball, pickleball, and shuffleboard, would be beneficial. He noted that it was very difficult for NEXT to find softball fields in Birmingham for the senior softball league.

Commissioner Hoff explained the Foundation for Senior Residents' program providing no-interest loans to Birmingham senior citizens to increase residential accessibility. She is the Commission's representative at the Foundation, and the Foundation gets very few requests from citizens even though there is capacity. She mentioned:

- One of the reasons is likely that applicants have to be low-income, and many Birmingham residents are not at that level.
- The Commission and PB must remain aware of potential unintended consequences of changing the code to allow accessibility modifications to residences.

She also asked the PB to work closely with NEXT to get feedback on needs.

Commissioner Nickita offered a couple of examples of increased residential accessibility:

- Converting first-floor garages into liveable spaces.
- Creating smaller residences in the backyard of a residence to allow for independent living for seniors while allowing them to be close to their family.

He added:

- That the issue of increasing downtown residency is related to parking, which the City is currently working on.
- Changing the zoning of some streets from single- to multi-family homes could help. This would be done through the Master Plan process. While the onus would not be on the PB to make these changes, the PB could help direct the Master Plan conversation on the issue.

Mayor Pro Tem Bordman offered support for exploring both affordable housing and aging in place.

Mr. Boyle talked about the 'house within a house' concept in which different generations of a family can both live with each other and have separate living spaces. He also:

- Agreed that there are a number of other elements to explore to increase accessibility, such as curb heights, seating, and signage.
- Commended the City on providing larger and more legible street signage.
- Noted that the market will not make these kinds of accessibility changes. Only the City can provide them.

Mr. Koseck said the City should be focusing on attracting younger residents as well.

Commissioner Boutros agreed with Commissioner Hoff that the potential unintended consequences of moving forward with code changes must be considered. He noted:

- People may use the code changes put in place for seniors to gain space they do not need.
- The City must consider who moves into a house modified for senior citizens once the home is relisted.
- Perhaps there could be an age criterion for more flexible rules on these issues.

Mayor Harris noted consensus among the Commissioners in favor of exploring aging in place and affordable housing. He then opened the issue to comment from the public.

Ron Lewis spoke on behalf of himself and his wife, Stephanie Olman, who was in the audience. He explained:

- That while he is currently mobile, he has a back issue and was looking to build a bedroom and accessible bathroom on the first floor of his home.
- Mr. Lewis and Ms. Olman went to the Board of Zoning Appeals (BZA) to request the 3% variance that would have been necessary to make these changes.
- The BZA declined their request for the variance.
- Such a modest change to the house would not be a deterrent to a potential future buyer.
- The zoning ordinances are currently very rigid on these issues. He said Commissioner Boutros' suggestion of an age criterion could be a good idea.

Mr. Lewis thanked the Commission and PB for listening. He thanked City Manager Valentine and Mayor Pro Tem Bordman for speaking with him prior to his comments regarding the matter.

## 2. Rooftop Usage in MX District

City Planner Ecker reviewed the October 10, 2018 memo on the matter.

Commissioner Nickita endorsed this possibility, saying it should be considered for the rail district, the triangle district, and the downtown as well. He noted that the ordinances would need to be updated to require accessible access to rooftops. He cautioned:

- That these rooftop usages should not become an additional floor of interior space.
- Attention must be paid to the structural changes made as part of these updates. For instance, columns on the roof would visually imply another floor.

Planning Director Ecker said she could not speak to the City's original rationale for disallowing rooftop usage in 1998.

Commissioner DeWeese suggested that the code should be written with an eye towards creating these spaces as an amenity, as opposed to for occupancy. He also agreed with Commissioner Nickita that the careful implementation of these spaces could occur in Birmingham's other commercial districts as well.

Commissioner Hoff said:

- The MX District is currently the only district that disallows rooftop usage.
- Rooftop usage could be expanded to the MX District.

- The issue of enclosures for elevators or similar considerations could be looked at further, both for the MX District and for the other commercial districts.

Planning Director Ecker explained that currently an enclosed rooftop-access elevator cannot cause a building to exceed the permitted number of stories in a district.

Mayor Harris acknowledged consensus to explore rooftop usage in the MX District and to explore definitions affecting rooftop usage in all of Birmingham's commercial districts.

It was determined that All Seasons has two buildings of differing heights, and residents have rooftop access to the shorter building's roof by exiting an elevator in the taller building.

### 3. Process for Minor Changes to the Planning Board's Action List

City Planner Ecker reviewed the October 10, 2018 memo on the matter. She provided wooden gates on dumpster enclosures as one such potential minor change.

Mayor Pro Tem Bordman said the PB has a full slate of important issues, and that the minor issues should be saved to be addressed periodically so they do not take time from the major issues.

Ms. Whipple-Boyce explained she would like to have a miscellaneous category for the PB to consider minor ordinance changes, which would then go before the Commission. She cited two examples where materials that would have been appropriate for a building were disallowed by the City's code. She stressed that none of these issues would bump a more pressing issue off the list.

Mr. Koseck noted that materials continue improving, and the PB is currently unable to recommend updates to the code to keep up with those improvements.

PB Chair Clein explained that the PB would not make exceptions to ordinances. Rather, as projects are proposed and turned down based on code, the PB notes issues that could be revised. They are asking for a process to revisit those issues with the Commission a bit more frequently. PB Chair Clein suggested a quarterly review might work.

Planning Director Ecker explained minor issues used to go to the Commission from the PB through an informal Miscellaneous category. Since the PB's list is now formalized and ordered by priority, however, it would be more difficult to have a miscellaneous category.

Commissioner DeWeese said that if the issues can be resolved quickly, they should be. Otherwise, issues should be noted and brought to the next joint Commission-PB meeting to be discussed.

Commissioner Nickita suggested clarifying:

- The definition of minor;
- The appropriate process for reviewing these issues and making changes; and,
- When these issues are addressed.

Mayor Harris noted consensus to expedite consideration of minor issues. He suggested City staff could bring issues to the Commission's attention at the next Commission meeting after the issues arise, in order to quickly get feedback to the PB.

City Manager Valentine confirmed that City staff would look into how to do this efficiently.

#### 4. Use of Astro Turf in Residential Rear Yards

Building Official Johnson reviewed the October 10, 2018 memo on the matter.

Mayor Pro Tem Bordman spoke on grass' importance to the local ecological system.

Commissioner DeWeese said:

- Turf can help control run-off and helps avoid fumes from lawn mowers.
- In the particular example being discussed, the water would be recycled to water a garden, which gets to Mayor Pro Tem Bordman's concern.
- He does not have a preference for a particular color of turf as long as the public cannot see it.

Commissioner Nickita said:

- Drainage is a big issue although products are getting better.
- He would only want it in the rear yard.
- The significant burden of implementation and regulation would be placed on the City.
- Odor retention can be an issue with pets and turf.

Building Official Johnson explained this would only add a few inspections to the normal inspection routine and that he is in favor of this.

Commissioner Hoff said she was comfortable with a study of this, and would want to start with backyards.

Commissioner Boutros pointed out that turf is better than rocks or concrete, which would currently be permitted by code.

Building Official Johnson said lower-quality materials tend to have the issues with odor retention. He also confirmed that high-quality turf installed properly reduces drainage problems that lawns have.

Mayor Harris noted consensus to study the turf use in rear yards further.

#### 5. Walls, Structures & Grade Changes in Front Yards

Building Official Johnson explained the current issue.

Commissioner Nickita agreed the City needs to figure out the limits for these issues before the walls, structures and grade changes get too extreme. The parameters should adhere to the character of the neighborhoods. He also acknowledged that creative expression on front lawns can be valuable and has a place in the community.

Commissioner DeWeese said the character of the neighborhoods will be clarified during the Master Planning process, and this topic can be brought up within that conversation. The PB could do some preliminary research on trends. The question will also be what residents want their own neighborhoods to look like.



Building Official Johnson said that raising the grade of a yard can cause excess water in neighbors' yards. He also explained that a drainage system installed at the time of the grade-raising would prevent the issue.

Commissioner Hoff said effects on adjacent properties should be considered.

Building Official Johnson noted some back-to-back lots can have six-foot tall fences along the property line.

Commissioner Nickita said he wants an ordinance requiring a concrete walk between the sidewalk and the front door, instead of only having a front door accessible by walking along the driveway. He would like this added into the discussion of front yard ornamentation, and believes it promotes Birmingham's goal of being a walkable City.

<b>V. PUBLIC COMMENT</b>
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There was no public comment.

<b>V. CITY COMMISSION BUSINESS</b>
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- A. Resolution of the City Commission to meet in closed session, as requested pursuant to Section 8(A) of the Open Meetings Act, MCL 15.261 – 15.275.

The meeting was recessed at 9:22 p.m.

The meeting was adjourned to closed session at 9:32 pm.

The meeting returned to open session at 11:20 p.m.

<b>VI. ADJOURN</b>
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The meeting was adjourned at 11:20 p.m.



## MEMORANDUM

Planning Division

**DATE:** November 2, 2018

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

**FROM:** Matthew Baka, Senior Planner

**APPROVED:** Jana Ecker, Planning Director

**SUBJECT:** HDSC Action List

### INTRODUCTION:

At the July 9, 2018 City Commission meeting there was discussion among the Commission members about increasing the activity of the Historic District Study Committee (HDSC) as a method of encouraging historic preservation in the City and to allow the volunteer committee members to be more active.

### BACKGROUND:

As a result of the discussion by the City Commission, staff requested that the HDSC create a priority list of projects to pursue that would foster and promote historic preservation in the City of Birmingham. On October 4, 2018, the HDSC developed a short action list of projects that they feel are important and would enhance the awareness surrounding historic preservation in the City of Birmingham. The following seven items were submitted by the HDSC for consideration by the City Commission:

1	Repair all rusted plaques on historic buildings in the CBD/install on designated buildings without plaques.
2	Re-initiate the Heritage Home Plaque and Certificate Program with a new category for Wallace Frost homes.
3	Audit designated Historical Buildings.
4	Prepare a self-guided tour brochure, historic maps/brochure.
5	Raise awareness of Birmingham historical assets through editorials, City calendar, articles, etc...
6	Promote/encourage new properties for designation.
7	Publish the Eco City Survey.

### LEGAL REVIEW:

No legal review required.

**FISCAL IMPACT:**

No funding for these items was included in the annual budget. However, some funding would be necessary for the purchase of plaques and for printing costs of self-guided tour brochures or historic surveys. If approved, a budget transfer request to account #101-721.000-729 for plaques or to account #101-721.000-901 for printing would be required.

**SUMMARY:**

The HDSC would like permission from the City Commission to pursue one or more of the items on the attached action list.

**ATTACHMENTS:**

- 2018 HDSC Action List
- Relevant meeting minutes

**SUGGESTED RESOLUTION:**

To approve the 2018 HDSC Action List as provided.

**OR**

To direct the HDSC to revise their 2018 Action List to reflect the City Commission's top priorities as discussed tonight:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_
7. \_\_\_\_\_

Priority Number	TOPIC	STUDY SESSION	PUBLIC HEARING	STATUS	NOTES
1	Repair all rusted plaques on historic buildings in the CBD/install on designated buildings without plaques.				
2	Re-initiate the Heritage Home Plaque and Certificate Program with a new category for Wallace Frost homes.				
3	Audit designated Historical Buildings				
4	Prepare a self guided tour brochure, historic maps/brochure.				
5	Raise awareness of Birmingham historical assets through editorials, City calendar, articles, etc...				
6	Promote/encourage new properties for designation.				
7	Publish the Eco City Survey.				

**BIRMINGHAM CITY COMMISSION MINUTES**  
**JULY 9, 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, Planning Director Ecker, Assistant to the City Manager Haines, Building Official Johnson, City Clerk Mynsberge, City Engineer O'Meara, BSD Director Tighe

**07-202-18 COMMISSIONER COMMENTS**

Commissioner Hoff asked whether there is a way to allow the Historic District Study Committee (HDSC) to be more active in the City, suggesting that perhaps the HDSC could work with the Museum Board on preservation and historic issues, in order to utilize their knowledge and desire to be involved.

Commissioner DeWeese recalled that the purpose of the HDSC was to do the due diligence in order to designate a Birmingham home 'historic'. He continued that perhaps staff could create a resolution granting the HDSC an advisory capacity to the Commission regarding ways to make the City more historically-oriented in terms of preservation and designation.

Mayor Pro Tem agreed with the previous statements.

City Manager Valentine stated that:

- Matt Baka is the staff liaison to the HDSC.
- Their most recent project was considering the de-designation of 361 E. Maple.
- The scope of the HDSC was changed by the Commission approximately five years ago to be more narrow.
- The HDSC can be asked to assume more of an advisory role at the Commission's discretion.

Commissioner Hoff suggested Mr. Baka ask the HDSC for their feedback and insights regarding the HDSC's structure.

**HISTORIC DISTRICT STUDY COMMITTEE**  
**MINUTES OF OCTOBER 4, 2018**  
Birmingham City Hall Commission Room  
151 Martin, Birmingham, Michigan

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Minutes of the regular meeting of the Historic District Study Committee ("HDSC") held Thursday, October 4, 2018. Chairperson Gigi Debbrecht called the meeting to order at 6:00 p.m.

**1. ROLL CALL**

**Present:** Chairperson Gigi Debbrecht; Board Members Jonathan DeWindt, Patricia Lang, Michael Xenos

**Absent:** Board Member Paul Beshouri

**Administration:** Matthew Baka, Senior Planner

Committee members introduced themselves to a guest, Susan Browne Plummer, who expressed possible interest in joining the committee.

**2. APPROVAL OF THE JULY 26, 2018 HDSC MINUTES**

**Motion by Ms. Lang**

**Seconded by Mr. Xenos to approve the Minutes of July 26, 2018 as presented.**

**Motion carried, 4-0.**

VOICE VOTE

Yeas: Xenos, Lang, DeWindt, Debbrecht

Nays: None

Absent: Beshouri

Mr. Baka gave the Committee a brief summary of the Public Hearing at the City Commission concerning the de-designation of 361 E. Maple where the Commission concurred with findings of the HDSC. All members expressed approval and gratitude that the Commission affirmed the recommendation of the HDSC.

**3. HDSC PRIORITY LIST**

Mr. Baka advised that at the direction of the City Commission, the City Manager has requested that the HDSC create a priority list of projects to pursue that would foster and promote historic preservation in the City of Birmingham.

On July 26, 2018 the Historic District Study Committee discussed the request by the City Commission to develop a priority list.

Mr. Baka asked the Committee to brainstorm and see what they feel are priority projects. Projects that effectively address the goals for the Historic Preservation Program based upon the Michigan Comprehensive Historic Preservation Plan are:

- Survey Projects
- Nominations
- Planning
- Public Education
- Restoration Planning Development

At that time the Committee agreed to correspond by email in the immediate future and provide some ideas to staff. The following list was formulated through that correspondence;

- Repairing all rusted plaques on historic buildings in the CBD;
- A plaque for the Community House;
- Publishing the Eco City Survey;
- Re-initiating the Heritage Home Plaque and Certificate Program;
- Audit of designated Historical Homes;
- Develop infill guidelines for new construction in the Historic Districts;
- Develop ordinance language for sandwich board signage in Historic District;

After some discussion it was decided that the development of design guidelines and revisions to the portable sign regulations were outside the purview of the HDSC.

Mr. Dewindt suggested that information could be compiled to create an architectural tour. With the size of the downtown being very walkable a walking tour could be developed and printed as high quality brochures and placed at various locations throughout town such as the Chamber of commerce, the Baldwin Library, Historic Museum, etc.

Mr. Baka noted that many of the items that the HDSC has placed on the list should be eligible for matching grants from the Certified Local Government program as they fit within the categories listed in the staff memo.

Ms. Debbrecht suggested that encouraging people to designate their houses should be on the list. Discussion ensued about various examples of how some of the oldest homes in the City are not designated. It was suggested that literature be developed that could be used as promotional materials.

It was also discussed that there are several Wallace Frost homes in town that are not designated. It was suggested that a plaque program be started specifically for Frost homes to encourage designation.

The Committee then discussed what the order of the list should be and designated an order for the list to be forwarded to the City Commission. The priority determined by the Committee was as follows;

1. Repair all rusted plaques on historic buildings in the CBD/install on designated buildings without plaques

2. Re-initiate the Heritage Home Plaque and Certificate Program with a new category for Wallace Frost homes.
3. Audit of designated Historical Buildings
4. Self-guided tour, historic maps/brochure
5. Raise awareness of Birmingham historical assets through editorials, City calendar, articles, etc...
6. Promote/encourage new properties for designation.
7. Publish the Eco City Survey.

## **5. ADJOURNMENT**

No further business being evident, the committee members motioned to adjourn at 7:17 p.m.

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Matthew Baka, Sr. Planner



**DATE:** October 31<sup>st</sup>, 2018

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

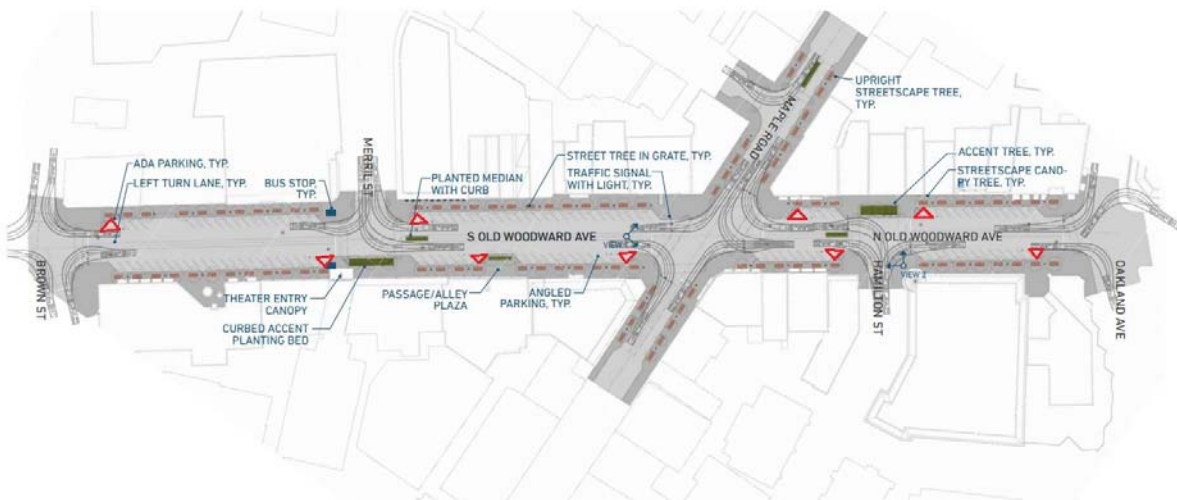
**FROM:** Jana Ecker, Planning Director

**SUBJECT:** Moped Parking – Old Woodward

## INTRODUCTION:

There are unused triangular spaces 100 square feet in size along Old Woodward in downtown between the new bump-outs and the angled parking. The City's current policy is that no parking is allowed in these areas. It was also decided that no structures such as bike racks would be placed in these spaces in order to provide room for the street sweeper to get through.

The City has been asked to examine these spaces as potential parking locations for mopeds. Current parking opportunities for motorcycles and mopeds are the 180 square foot spaces suited for automobiles which could be considered an inefficient use of space. Birmingham does not have a policy for a required size or dimension of moped spaces or motorcycles. Nor does the City have a requirement for the provision of these spaces. Preliminary examples have been drawn into the unused triangular spaces of the Old Woodward plans. The triangular spaces have enough room for one 4.5'x8' space and one 3'x6' space, or three 3'x6' spaces. Stencils of mopeds and/or motorcycles would be painted on the ground to indicate the type of vehicle the space is intended for.



Old Woodward between Brown Street and Oakland Avenue, as a part of the Old Woodward Reconstruction Project, retained 9 of these triangular areas of interest for moped parking. Using one 4.5'x8' and one 3'x6' space in each triangle would yield roughly 18 moped parking spaces in that span of Old Woodward. Using three 3'x6' spaces would yield roughly 27 moped parking spaces.

**BACKGROUND:**

The moped parking concept went before the Multi-Modal Transportation Board (MMTB) on October 4<sup>th</sup>, 2018. The MMTB was asked to decide if the Board would like to utilize this space for moped parking, and if so, which configuration they might prefer. Discussions were also had regarding whether or not to install parking meters at these spaces and charge for moped parking, or to leave these spaces fare-free. The MMTB recommended implementation of the moped parking concept with the three, 3'x6' spaces layout option, a stencil marking the pavement to identify the spots, and no post signage.

The MMTB decision must now be reviewed by the City Commission.

**LEGAL REVIEW:**

No legal review is required.

**FISCAL IMPACT:**

There is no fiscal impact associated with the proposed moped parking concept along Old Woodward.

**SUMMARY:**

The City Commission should review the MMTB decision to allow three, 3'x6' moped parking spaces to be installed along the empty triangular spaces along South Old Woodward and decide whether to direct City Staff to move forward with the concept.

**ATTACHMENTS:**

- Motorcycle and Moped Multi-Modal Transportation Board Memo dated August 24, 2018
- Multi Modal Transportation Board Minutes – October 4<sup>th</sup>, 2018

**SUGGESTED RESOLUTION:**

To approve the Multi-Modal Transportation Board's recommendation to add moped parking and direct City Staff to begin work on implementing moped parking on Old Woodward between Brown Street and Oakland Avenue.

**AND**

To provide a report back to the City Commission in one year on the status and usage of the designated moped parking.



## MEMORANDUM

Planning Division

**DATE:** August 24<sup>th</sup>, 2018  
**TO:** Multi-Modal Board  
**FROM:** Brooks Cowan, City Planner  
**APPROVED BY:** Jana Ecker, Planning Director  
**SUBJECT:** Motorcycle and Moped Parking

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There are unused triangular spaces 100 square feet in size along Old Woodward in downtown between the new bump-outs and the angled parking. The City's current policy is that no parking is allowed in these areas. It was also decided that no structures such as bike racks would be placed in these spaces in order to provide room for the street sweeper to get through.

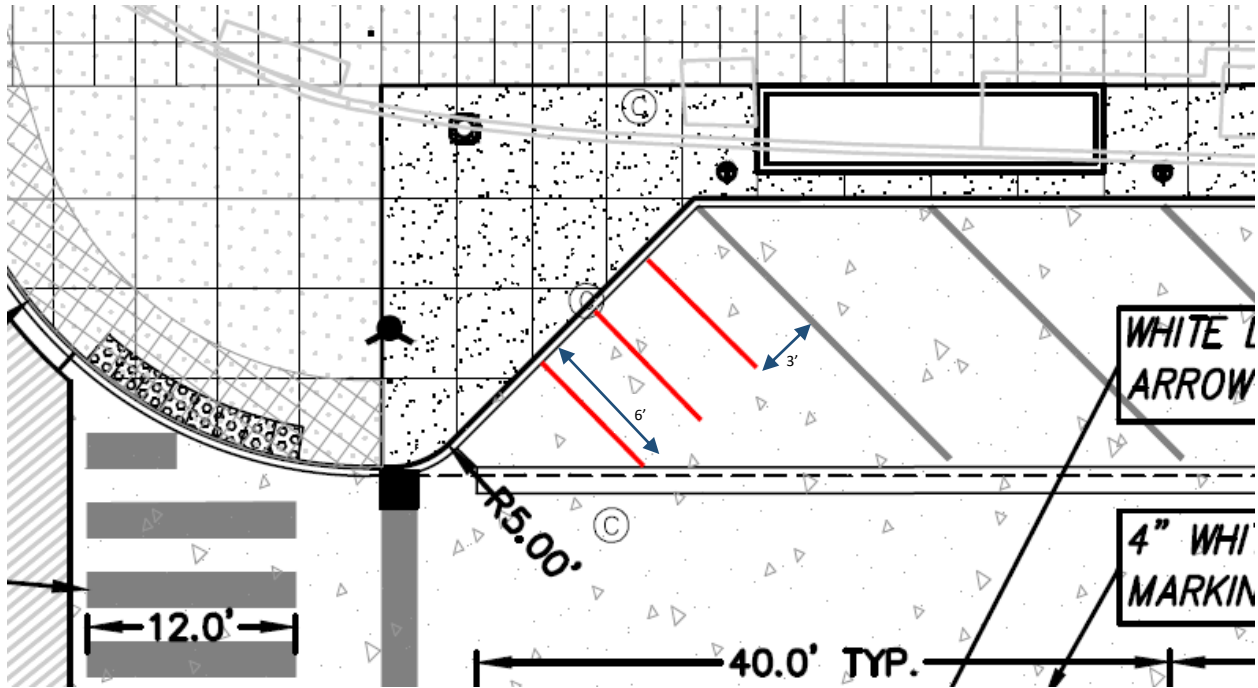
The City has been asked to examine these spaces as potential parking locations for mopeds. Mopeds are defined by the state of Michigan as a two or three wheeled vehicle equipped with a motor that does not exceed 50 cubic centimeters piston displacement, produces 2.0 brake horsepower or less, and cannot propel the vehicle at a speed greater than 30 miles per hour on a level surface. The power drive system shall not require the operator to shift gears. Electric scooters and other personal assistive mobility devices fall under the definition of moped. Two or three wheeled vehicles that exceed these parameters are considered motorcycles.

Mopeds must be registered by the Secretary of State and are considered motor vehicles that must follow the same traffic rules as other motor vehicle operators. Also, mopeds are not allowed on the sidewalk in accordance with Michigan Vehicle Code Chapter 257.660(6), therefore the City does not permit mopeds to be parked on the sidewalk or locked to bike racks. Current parking opportunities for motorcycles and mopeds are the 180 square foot spaces suited for automobiles which could be considered an inefficient use of space.

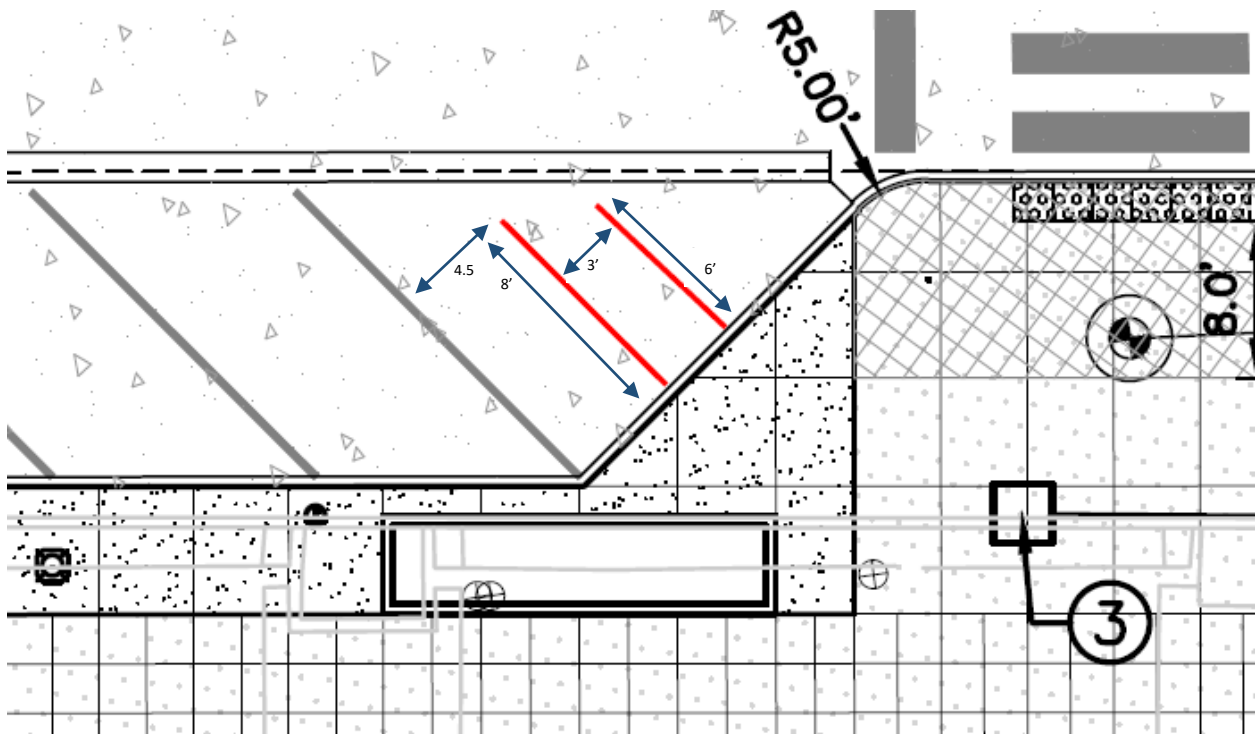
Birmingham does not have a policy for a required size or dimension of moped spaces or motorcycles. Nor does the City have a requirement for the provision of these spaces. The City of Lansing, MI has a requirement of 4.5' by 8' for combined motorcycle and moped parking, while Sacramento, CA and various cities have 3'x6' spaces for both. The City of Madison, WI has a requirement of 3' by 6' exclusively for moped parking. Preliminary examples have been drawn into the unused triangular spaces of the Old Woodward plans for review. The triangular spaces have enough room for one 4.5'x8' spaces and one 3'x6' space, or three 3'x6' spaces. The MMTB may wish to consider if these triangular spaces should be for mopeds only, or for motorcycles as well.

Stencils of Mopeds and/or Motorcycles would be painted on the ground to indicated the type of vehicle the space is intended for. As of now, no post signs are meant for the spaces.

Example 1: Three 3' wide spaces (Oakland and N. Old Woodward)



Example 2: One 4.5' space and one 3' space (N. Old Woodward and Hamilton)





Madison, Wisconsin: 3'x6' Moped Parking Example



Sacramento, California: 3'x6' Motorcycle and Moped Parking



**MICHIGAN VEHICLE CODE (EXCERPT)**  
**Act 300 of 1949**

\*\*\*\*\* 257.660 THIS SECTION IS AMENDED EFFECTIVE SEPTEMBER 18, 2018: See 257.660.amended  
\*\*\*\*\*

**257.660 Electric personal assistive mobility device, low-speed vehicle, or moped; operation; limitations; applicability to police officer; regulation by local government; prohibitions; regulation by department of natural resources.**

Sec. 660. (1) A person operating an electric personal assistive mobility device, low-speed vehicle, or moped upon a roadway shall ride as near to the right side of the roadway as practicable and shall exercise due care when passing a standing vehicle or one proceeding in the same direction. A motorcycle is entitled to full use of a lane, and a motor vehicle shall not be driven in such a manner as to deprive a motorcycle of the full use of a lane. This subsection does not apply to motorcycles operated 2 abreast in a single lane.

(2) A person riding an electric personal assistive mobility device, motorcycle, or moped upon a roadway shall not ride more than 2 abreast except on a path or part of a roadway set aside for the exclusive use of those vehicles.

(3) Where a usable and designated path for bicycles is provided adjacent to a highway or street, a person operating an electric personal assistive mobility device may, by local ordinance, be required to use that path.

(4) A person operating a motorcycle, moped, low-speed vehicle, or electric personal assistive mobility device shall not pass between lines of traffic, but may pass on the left of traffic moving in his or her direction in the case of a 2-way street or on the left or right of traffic in the case of a 1-way street, in an unoccupied lane.

(5) A person operating an electric personal assistive mobility device on a sidewalk constructed for the use of pedestrians shall yield the right-of-way to a pedestrian and shall give an audible signal before overtaking and passing the pedestrian.

(6) A moped, low-speed vehicle, or commercial quadricycle shall not be operated on a sidewalk constructed for the use of pedestrians.

(7) A low-speed vehicle or commercial quadricycle shall be operated at a speed of not more than 25 miles per hour. A low-speed vehicle shall not be operated on a highway or street with a speed limit of more than 35 miles per hour except for the purpose of crossing that highway or street. A commercial quadricycle shall not be operated on a highway or street with a speed limit of more than 45 miles per hour except for the purpose of crossing that highway or street. An individual shall not operate a commercial quadricycle that is equipped with a motor unless he or she has a valid operator's license issued under this act. The state transportation department may prohibit the operation of a low-speed vehicle or commercial quadricycle on any highway or street under its jurisdiction if it determines that the prohibition is necessary in the interest of public safety.

(8) This section does not apply to a police officer in the performance of his or her official duties.

(9) An electric personal assistive mobility device shall be operated at a speed of not more than 15 miles per hour and shall not be operated on a highway or street with a speed limit of more than 25 miles per hour except to cross that highway or street.

(10) The governing body of a county, a city, a village, an entity created under the urban cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512, or a township may, by ordinance, which is based on the health, safety, and welfare of the citizens, regulate the operation of electric personal assistive mobility devices or commercial quadricycles on sidewalks, highways or streets, or crosswalks. Except as otherwise provided in this subsection, a governing body of a county, city, village, entity created under the urban cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512, or township may prohibit the operation of electric personal assistive mobility devices or commercial quadricycles in an area open to pedestrian traffic adjacent to a waterfront or on a trail under its jurisdiction or in a downtown or central business district. Signs indicating the regulation shall be conspicuously posted in the area where the use of an electric personal assistive mobility device or commercial quadricycle is regulated.

(11) Operation of an electric personal assistive mobility device is prohibited in a special charter city and a state park under the jurisdiction of the Mackinac Island State Park commission.

(12) Operation of an electric personal assistive mobility device may be prohibited in a historic district.

(13) The department of natural resources may by order regulate the use of electric personal assistive mobility devices on all lands under its control.

**History:** 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1966, Act 207, Eff. Mar. 10, 1967;—Am. 1969, Act 134, Eff. June 1, 1970;—Am. 1975, Act 209, Imd. Eff. Aug. 25, 1975;—Am. 1975, Act 273, Eff. Mar. 31, 1976;—Am. 1976, Act 439, Imd. Eff. Jan. 13, 1977;—Am. 1994, Act 348, Eff. Mar. 30, 1995;—Am. 2000, Act 82, Eff. July 1, 2000;—Am. 2002, Act 494, Imd. Eff. July 3, 2002;—Am. 2006,

Act 339, Imd. Eff. Aug. 15, 2006;—Am. 2015, Act 126, Imd. Eff. July 15, 2015.

**Compiler's note:** For transfer of powers and duties of department of natural resources to department of natural resources and environment, and abolishment of department of natural resources, see E.R.O. No. 2009-31, compiled at MCL 324.99919.

For transfer of powers and duties of department of natural resources and environment to department of natural resources, see E.R.O. No. 2011-1, compiled at MCL 324.99921.



If you are a moped operator, you must follow the same traffic rules as other motor vehicle operators. A moped is defined by law as a motor vehicle with two or three wheels that:

- Has an engine that does not exceed 100 cc piston displacement
- Does not have a gearshift
- Has a top speed of 30 mph or less on a level surface

Vehicles exceeding *any* of the criteria above must be registered and titled as a motorcycle. Other types of vehicles, such as electric scooters, “pocket rockets” and mini-choppers, may fit the definition of a moped or a motorcycle, but cannot be registered by the Department of State if they lack the equipment required by law to legally drive on public roads.

## Registration Requirements

- \* **Mopeds must be registered at a Secretary of State office** unless operated solely on private property. A three-year registration decal costs \$15 and is displayed on the back of your moped so it is visible to law enforcement officers. It expires April 30 in the year on the decal.

## License Requirements

- \* If you do not have a valid operator or chauffeur license and are at least age 15, you may apply for a moped license. You are not eligible for a moped license if your operator or chauffeur license is suspended, revoked or denied.
- \* You must present proof of your Social Security number, legal presence, identity and two proofs of Michigan residency. For more information, visit [www.michigan.gov/sos](http://www.michigan.gov/sos).
- \* You must pass vision, knowledge and traffic sign tests to obtain a moped license. You do not have to pass a driver education course or a driving skills test.
- \* If you are under age 18, a parent or legal guardian must sign your license application.
- \* You must give up your moped license if you obtain a regular operator or chauffeur license.
- \* The original moped license fee is \$7.50. Applicants under age 20 years, 6 months receive a moped license valid until their 21st birthday. Any other moped license expires four years from the

applicant’s last birthday. The four-year renewal fee is \$6.

## Rules of the Road

- \* Operators under age 19 must wear an approved and properly fastened safety helmet when riding a moped on a public road. The helmet must meet U.S. Department of Transportation safety standards.
- \* Sit on a regular, permanently attached seat.
- \* Keep both hands on the handle grips. Never hang on to another vehicle for a “tow.”
- \* Ride on the right edge of the road, out of the flow of traffic, when possible.
- \* Make sure all moped equipment is in good working order.
- \* **Never** operate a moped on freeways, more than two side-by-side, between lanes of traffic, or on sidewalks and bicycle paths.
- \* **Never** allow an unlicensed operator to use your moped.
- \* **Never** carry a passenger - it is illegal even if the moped has a passenger seat.

## Perform Safety Check Before Riding

- \* Keep tires properly inflated.
- \* Check the front and rear brakes, the throttle and cables for kinks and broken strands.
- \* Test the horn and all lights including the brake light and turn signals.
- \* Make sure the chain is properly adjusted.
- \* Adjust and clean mirrors.

## Riding Techniques

### Body Position

Sit straight and close enough to the handlebars to reach them with your arms slightly bent. Hold the handle grips firmly.

### Turning

- \* Approach turns carefully and limit your speed until you learn to judge the safest speed.
- \* Lean with your moped. The sharper the turn, the more you must lean.
- \* Use turn signals whenever you plan to enter traffic, turn or change lanes, even if you do not see another vehicle or pedestrian.

- \* Remember to turn off your signals after turning! They could confuse other drivers.
- \* Use your left arm to signal turns if your moped does not have electric turn signals.

## Be Visible

- \* Keep your headlight on at all times.
- \* Wear brightly colored protective clothing that covers your arms and legs completely. Use reflective tape on your clothing, helmet and vehicle.
- \* Wear protective boots and gloves.
- \* Do not ride in another driver’s blind spot. Stay behind and to the right of the vehicle in front of you, so you can see the vehicle’s turn signals.

## Braking

- \* Flash your brake light to warn others, by squeezing the brake lever before slowing down.
- \* If you squeeze the brake lever too hard, you may lock the front wheel and tip your moped over, particularly on wet or loose surfaces.
- \* Apply both brakes at the same time.
- \* Brake before entering a curve or turn.
- \* If you must stop quickly, keep the front wheel straight (do not slide). Apply the rear brake firmly and the front brake gently. Then, quickly increase the pressure on the front brake.

## Ride Defensively

Defensive driving is the key to safety. Expect the unexpected. Be aware of other vehicles and pedestrians. Be prepared for their mistakes. Watch for bicyclists, joggers, blind pedestrians, animals crossing the road, flying objects, gravel, icy or slippery roads.

## The Road Ahead

- \* Keep checking the road surface ahead. Slow down and test your brakes if you see slippery spots, oil, water, painted lane markings, manhole covers, bad bumps, loose gravel, grooves and gratings, broken or jutting pavement, railroad tracks or leaves.
- \* Watch for vehicles leaving the curb or entering the road from side streets and driveways.
- \* Look for places where you could leave the road safely in case of an emergency.



### Using Your Mirrors

Check your mirrors every few seconds when you slow down, stop, change lanes or approach intersections. Also, check mirrors periodically to be aware of vehicles approaching or passing from behind.

### Checking Around You

Mopeds have “blind spots” that you need to check by turning your head. When changing lanes, always look over your shoulder at the traffic behind you.

### Position for Visibility

As a moped operator, you can often see things other vehicle operators cannot.

- \* At intersections, check around buildings, parked vehicles and bushes to see if other vehicles are coming.
- \* When parked, pull back onto the road from an angled position for a better view of traffic coming from both directions.

### Night Riding

- \* Reduce your speed. Use your headlight if you must ride a moped at night. Leave more room between you and others to allow more time to react in a dangerous situation. Check for rough spots in the road by watching the tail lights of vehicles in front of you.
- \* Limit night riding. If you must ride at night, wear reflective clothing. It is difficult to see you and your moped in the dark.

### Keeping Your Distance

#### Distance in Front

- \* Remain a safe distance behind the vehicle in front of you when coming to a stop.
- \* Keep at least a three- to four- second traveling distance between you and the vehicle in front of you to allow time to react if the driver ahead suddenly stops. It gives you time to see potholes, slippery spots and debris.

#### Distance to the Side

Be careful when a vehicle passes. Trucks can create gusts of wind that affect your steering. When you pass parked cars, allow for people opening doors and getting out of vehicles by moving to the left side of your lane. Move further over to the right when traffic passes you from behind.

### Distance Behind

Monitor traffic behind you. If another vehicle follows you too closely, allow the vehicle to pass. Brake or signal early to communicate that you are turning, slowing down or stopping.

### Intersections

Most moped/car crashes occur at intersections, so enter them slowly and assume others do not see you. If you turn right, watch for approaching vehicles turning left in front of you. If you turn left, enter the intersection and turn when oncoming traffic has cleared.

### Emergencies

- \* If you have a blowout, hold the handle grips firmly, and concentrate on steering and maintaining a straight course. If the front tire blows, shift your weight as far back as you can. If the rear tire blows, do not shift your weight. Do not use either brake. Slowly close the throttle and coast. When your moped is going slowly and it is safe, edge to the side of the road and stop.
- \* If you have a mechanical breakdown, get off the road. When walking your moped, stay on the right shoulder with your moped between you and passing traffic.

*Remember... Never drink alcohol or use drugs before riding a moped!*

*For Your Protection... Always wear an approved safety helmet!*



**Secretary of State**  
[www.Michigan.gov/sos](http://www.Michigan.gov/sos)

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SOS-321 (PA 300, 1949 as amended; 40,000/\$2,204.78/\$0.06) 02/18

# Riding A Moped Safely

**CITY OF BIRMINGHAM  
MULTI-MODAL TRANSPORTATION BOARD  
THURSDAY, OCTOBER 4, 2018  
City Commission Room  
151 Martin Street, Birmingham, Michigan**

Minutes of the regular meeting of the City of Birmingham Multi-Modal Transportation Board held Thursday, October 4, 2018.

Chairperson Johanna Slanga convened the meeting at 6:03 p.m.

**1. ROLL CALL**

**Present:** Chairperson Johanna Slanga; Board Members Vice-Chairperson Lara Edwards, Amy Folberg, Daniel Rontal, Doug White; Alternate Board Member Daniel Isaksen

**Absent:** Board Member Katie Schafer; Student Representative Alex Lindstrom

**Administration:** Jana Ecker, Planning Director  
Austin Fletcher, Asst. City Engineer  
Scott Grewe, Police Dept. Commander  
Paul O'Meara, City Engineer  
Carole Salutes, Recording Secretary

**Fleis & Vanderbrink ("F&V"):**  
Justin Rose, Traffic Engineer

**MKSK:** Brad Strader

**2. INTRODUCTIONS** (none)

**3. REVIEW AGENDA** (no change)

**4. APPROVAL OF MINUTES, MMTB MEETING OF SEPTEMBER 6, 2018**

**Motion by Mr. White**

**Seconded by Ms. Folberg to approve the MMTB Minutes of September 6, 2018 as presented.**

**Motion carried, 6-0.**

VOICE VOTE

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.....

**Motion carried, 6-0.**

VOICE VOTE

Yeas: Edwards, Isaksen, Folberg, Rontal, Slanga, White

Nays: None

Absent: Schafer

## **7. MAPLE RD. AND PIERCE ST. CROSSWALK SIGNING**

Mr. O'Meara said they have asked F&V to consider the fact that people have complained about motorists not stopping when they see a pedestrian and they want to make the intersection more pedestrian friendly. The recommendation that came back was to add yellow diamond signs with the pedestrian picture and arrows. Commander Grewe said that stopping for pedestrians is technically a rule within the State law. His opinion was that these signs do a great job by bringing attention to the crosswalk.

Mr. Justin Rose said because it is at an existing intersection this sign should be sufficient.

It was agreed this signage is a matter of people getting used to it.

**Motion by Mr. Isaksen**

**Seconded by Dr. Rontal to install W11-2 signing at the crosswalk on the west side of the intersection of Maple Rd. and Pierce St.**

**Motion carried, 6-0.**

VOICE VOTE

Yeas: Isaksen, Rontal, Edwards, Folberg, Slanga, White

Nays: None

Absent: Schafer

## **8. MOPED/SCOOTER PARKING DOWNTOWN**

Ms. Ecker advised there are unused triangular spaces 100 sq. ft. in size along Old Woodward Ave. in Downtown between the new bump-outs and the angled parking. The City has been asked to examine these spaces as potential parking locations for mopeds. What is being proposed would not change the configuration of the road but there is an opportunity to fit in three scooter, moped, or motorcycle spots.

Birmingham does not have a policy for a required size or dimension of moped spaces or motorcycles. Nor does the City have a requirement for the provision of these spaces.

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Preliminary examples have been drawn into the unused triangular spaces of the Old Woodward Ave. plans for review.

Example 1: Three 3 ft. wide spaces

Example 2: One 4.5 ft. space and one 3 ft. space

Responding to Dr. Rontal, Ms. Ecker said the direction at this point is that there would be no charge for these spots. As of now, no post signs are meant for the spaces. The recommendation is that stencils of mopeds or motorcycles be painted on the ground in each of the spots.

Mr. Isaksen said the 4.5 ft. x 8 ft. spot would fit a large motorcycle. His inclination was toward Example 2 because it offers more options.

Commander Grewe stated that parking over a line in a designated spot is a violation and it would be the same thing here. The determination is made by looking at the ground. If Example 2 is used, anyone could park. If Example 1 is used, they are saying no to motorcycles unless they are small enough to fit. Adding these spots will give mopeds legal places to park, although there aren't a lot of mopeds around town.

### **Motion by Mr. Isaksen**

**Seconded by Ms. Edwards that in the unused triangular spaces along Old Woodward Ave. install three 3 ft, x 6 ft. parking spots for mopeds with a stencil of a moped mark on the pavement.**

**Motion carried, 6-0.**

### VOICE VOTE

Yeas: Isaksen, Edwards, Folberg, Rontal, Slanga, White

Nays: None

Absent: Schafer

## **9. MEETING OPEN TO THE PUBLIC FOR ITEMS NOT ON THE AGENDA**

Mr. Strader updated the Board on the Maple Rd. design project. F&V, City staff and MKSK have been working on design refinements and will be presenting a refined design to the City Commission for their input. They have had meetings with M-DOT on the issue of losing parking. This Board had said to get rid of the Xs if more parking can be recovered. They have worked through a number of design sequences and have been able to reduce the amount of lost parking from 20 spaces down to 10, even with the bumpouts. That is partly because M-DOT has allowed them to go a little closer to the crosswalks and go with the typical Birmingham design standards. So they are back to the Xs now.

## Multi-Modal Transportation Board Proceedings

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Additionally, at the Park, Peabody, Maple Rd. intersection they have come up with an alternative they think meets this Board's objectives. The bumpout will be on the NE corner and there won't be an island. Vehicles will stop and there will be a pedestrian activated signal so the pedestrians can press a button and the westbound to northbound traffic will stop.

Ms. Ecker reminded everyone that this will be preliminary conceptual approval by the City Commission and it will then come back to this board.

### **10. MISCELLANEOUS COMMUNICATIONS** (none)

### **11. NEXT MEETING NOVEMBER 1, 2018 at 6 p.m.**

### **11. ADJOURNMENT**

No further business being evident, the board members adjourned at 8:21 p.m.

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Jana Ecker, Planning Director

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Paul O'Meara, City Engineer

# MEMORANDUM

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**DATE:** November 8, 2018  
**TO:** Joseph A. Valentine  
**FROM:** Timothy J. Currier, City Attorney  
**SUBJECT:** Marihuana Establishments

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## INTRODUCTION:

In last Tuesday's General Election, the Petition to Initiate Legislation for the Michigan Regulation and Taxation of Marihuana Act was passed by the voters for the State of Michigan. This Act has provisions wherein a municipality may opt out of having marihuana establishments within its boundaries.

## BACKGROUND:

The City Manager, Police Chief, City Attorney and City Planner have all discussed the potential impacts marihuana establishments in the City may have, and all have concluded they are probably negative impacts for the community. Therefore, we are proposing an Amendment to Chapter 26 of the Birmingham Code to prohibit marihuana establishments within the political boundaries of the City of Birmingham.

## LEGAL REVIEW:

This matter has been reviewed by the City Attorney's office, including, but not limited to the legislation which is attached to this report, and we believe it is in the best interest of the City of Birmingham to take advantage of the provisions of the new Act to prohibit marihuana establishments within the political boundaries of the City of Birmingham. Marihuana establishments are defined in the Act under Sec. 3(h), as follows:

"(h) 'Marihuana establishment' means a marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter, or any other type of marihuana-related business licensed by the department."

The provision that permits a municipality to prohibit or limit marihuana establishments, reads as follows:

"Sec. 6. 1. Except as provided in section 4, a municipality may completely prohibit or limit the number of marihuana establishments within its boundaries. Individuals may petition to initiate an ordinance to provide for the number of marihuana establishments allowed within a

municipality or to completely prohibit marihuana establishments within a municipality, and such ordinance shall be submitted to the electors of the municipality at the next regular election when a petition is signed by qualified electors in the municipality in a number greater than 5% of the votes cast for governor by qualified electors in the municipality at the last gubernatorial election.”

#### FISCAL IMPACT:

There will not be a fiscal impact to the City of Birmingham. In fact, should the City not act, there would be an adverse fiscal impact in requiring a licensing procedure, administrative reviews and police functions for these establishments within the political boundaries of the City.

#### SUMMARY:

For the City Commission to review and approve the Amendment to Chapter 26 of the City Code to prohibit marihuana establishments within the City’s political boundaries.

#### ATTACHMENTS:

A copy of the draft amendment to the City Code, and a copy of the Michigan Regulation and Taxation of Marihuana Act.

#### SUGGESTED RESOLUTION:

To adopt the Amendment to Chapter 26. – Businesses to add Article XII. – Marihuana Establishments Prohibited, as follows:

“The City Code, Part II, Chapter 26. Businesses shall be amended to add Article XII. – Marihuana Establishments Prohibited, shall read as follows:

#### CHAPTER 26 – BUSINESSES

#### ARTICLE XII. – MARIHUANA ESTABLISHMENTS PROHIBITED.

#### Sec. 426-500 – Marihuana Establishments Prohibited.

Marihuana establishments as defined in Section 3 of the Michigan Regulation and Taxation of Marihuana Act, and as it may hereafter be amended from time to time, are completely prohibited within the City limits of the City of Birmingham, as provided for in Section 6 of the Act.”

**AN ORDINANCE TO AMEND PART II OF THE CITY CODE, CHAPTER 26 – BUSINESSES TO ADD ARTICLE XII. – MARIHUANA ESTABLISHMENTS PROHIBITED.**

THE CITY OF BIRMINGHAM ORDAINS:

The City Code, Part II, Chapter 26. Businesses shall be amended to add Article XII. – Marihuana Establishments Prohibited, shall read as follows:

**CHAPTER 26 – BUSINESSES**

**ARTICLE XII. – MARIHUANA ESTABLISHMENTS PROHIBITED.**

**Sec. 426-500 – Marihuana Establishments Prohibited.**

Marihuana establishments as defined in Section 3 of the Michigan Regulation and Taxation of Marihuana Act, and as it may hereafter be amended from time to time, are completely prohibited within the City limits of the City of Birmingham, as provided for in Section 6 of the Act.

All other Sections of Chapter 26 – Businesses, shall remain unaffected.

Ordained this \_\_\_\_\_ day of \_\_\_\_\_, 2018. Effective upon publication.

\_\_\_\_\_  
Andrew 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 \_\_\_\_\_, 2018 and that a summary was published \_\_\_\_\_, 2018.

\_\_\_\_\_  
J. Cherilynn Mynsberge, City Clerk



## INITIATION OF LEGISLATION

An initiation of legislation to allow under state law the personal possession and use of marihuana by persons 21 years of age or older; to provide for the lawful cultivation and sale of marihuana and industrial hemp by persons 21 years of age or older; to permit the taxation of revenue derived from commercial marihuana facilities; to permit the promulgation of administrative rules; and to prescribe certain penalties for violations of this act.

The people of the State of Michigan enact:

Sec. 1. This act shall be known and may be cited as the Michigan Regulation and Taxation of Marihuana Act.

Sec. 2. The purpose of this act is to make marihuana legal under state and local law for adults 21 years of age or older, to make industrial hemp legal under state and local law, and to control the commercial production and distribution of marihuana under a system that licenses, regulates, and taxes the businesses involved. The intent is to prevent arrest and penalty for personal possession and cultivation of marihuana by adults 21 years of age or older; remove the commercial production and distribution of marihuana from the illicit market; prevent revenue generated from commerce in marihuana from going to criminal enterprises or gangs; prevent the distribution of marihuana to persons under 21 years of age; prevent the diversion of marihuana to illicit markets; ensure the safety of marihuana and marihuana-infused products; and ensure security of marihuana establishments. To the fullest extent possible, this act shall be interpreted in accordance with the purpose and intent set forth in this section.

Sec. 3. As used in this act:

- (a) "Cultivate" means to propagate, breed, grow, harvest, dry, cure, or separate parts of the marihuana plant by manual or mechanical means.
- (b) "Department" means the department of licensing and regulatory affairs.
- (c) "Industrial hemp" means a plant of the genus *cannabis* and any part of that plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration that does not exceed 0.3% on a dry-weight basis, or per volume or weight of marihuana-infused product, or the combined percent of delta-9-tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant of the genus *cannabis* regardless of moisture content.
- (d) "Licensee" means a person holding a state license.
- (e) "Marihuana" means all parts of the plant of the genus *cannabis*, growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, including marihuana concentrate and marihuana-infused products. For purposes of this act, marihuana does not include:
  - (1) the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from those stalks, fiber, oil, or cake, or any sterilized seed of the plant that is incapable of germination;
  - (2) industrial hemp; or
  - (3) any other ingredient combined with marihuana to prepare topical or oral administrations, food, drink, or other products.
- (f) "Marihuana accessories" means any equipment, product, material, or combination of equipment, products, or materials, which is specifically designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling, or otherwise introducing marihuana into the human body.
- (g) "Marihuana concentrate" means the resin extracted from any part of the plant of the genus *cannabis*.
- (h) "Marihuana establishment" means a marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter, or any other type of marihuana-related business licensed by the department.
- (i) "Marihuana grower" means a person licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments.
- (j) "Marihuana-infused product" means a topical formulation, tincture, beverage, edible substance, or similar product containing marihuana and other ingredients and that is intended for human consumption.
- (k) "Marihuana microbusiness" means a person licensed to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a marihuana safety compliance facility, but not to other marihuana establishments.
- (l) "Marihuana processor" means a person licensed to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments.
- (m) "Marihuana retailer" means a person licensed to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are 21 years of age or older.
- (n) "Marihuana secure transporter" means a person licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments.
- (o) "Marihuana safety compliance facility" means a person licensed to test marihuana, including certification for potency and the presence of contaminants.
- (p) "Municipal license" means a license issued by a municipality pursuant to section 16 of this act that allows a person to operate a marihuana establishment in that municipality.
- (q) "Municipality" means a city, village, or township.
- (r) "Person" means an individual, corporation, limited liability company, partnership of any type, trust, or other legal entity.
- (s) "Process" or "Processing" means to separate or otherwise prepare parts of the marihuana plant and to compound, blend, extract, infuse, or otherwise make or prepare marihuana concentrate or marihuana-infused products.
- (t) "State license" means a license issued by the department that allows a person to operate a marihuana establishment.
- (u) "Unreasonably impracticable" means that the measures necessary to comply with the rules or ordinances adopted pursuant to this act subject licensees to unreasonable risk or require such a high investment of money, time, or any other resource or asset that a reasonably prudent businessperson would not operate the marihuana establishment.

Sec. 4. 1. This act does not authorize:

- (a) operating, navigating, or being in physical control of any motor vehicle, aircraft, snowmobile, off-road recreational vehicle, or motorboat while under the influence of marihuana;
  - (b) transfer of marihuana or marihuana accessories to a person under the age of 21;
  - (c) any person under the age of 21 to possess, consume, purchase or otherwise obtain, cultivate, process, transport, or sell marihuana;
  - (d) separation of plant resin by butane extraction or another method that utilizes a substance with a flashpoint below 100 degrees Fahrenheit in any public place, motor vehicle, or within the curtilage of any residential structure;
  - (e) consuming marihuana in a public place or smoking marihuana where prohibited by the person who owns, occupies, or manages the property, except for purposes of this subdivision a public place does not include an area designated for consumption within a municipality that has authorized consumption in designated areas that are not accessible to persons under 21 years of age;
  - (f) cultivating marihuana plants if the plants are visible from a public place without the use of binoculars, aircraft, or other optical aids or outside of an enclosed area equipped with locks or other functioning security devices that restrict access to the area;
  - (g) consuming marihuana while operating, navigating, or being in physical control of any motor vehicle, aircraft, snowmobile, off-road recreational vehicle, or motorboat, or smoking marihuana within the passenger area of a vehicle upon a public way;
  - (h) possessing marihuana accessories or possessing or consuming marihuana on the grounds of a public or private school where children attend classes in preschool programs, kindergarten programs, or grades 1 through 12, in a school bus, or on the grounds of any correctional facility; or
  - (i) Possessing more than 2.5 ounces of marihuana within a person's place of residence unless the excess marihuana is stored in a container or area equipped with locks or other functioning security devices that restrict access to the contents of the container or area.
2. This act does not limit any privileges, rights, immunities, or defenses of a person as provided in the Michigan medical marihuana act, 2008 IL 1, MCL 333.26421 to 333.26430, the medical marihuana facilities licensing act, 2016 PA 281, MCL 333.27101 to 333.27801, or any other law of this state allowing for or regulating marihuana for medical use.
3. This act does not require an employer to permit or accommodate conduct otherwise allowed by this act in any workplace or on the employer's property. This act does not prohibit an employer from disciplining an employee for violation of a workplace drug policy or for working while under the influence of marihuana. This act does not prevent an employer from refusing to hire, discharging, disciplining, or otherwise taking an adverse employment action against a person with respect to hire, tenure, terms, conditions, or privileges of employment because of that person's violation of a workplace drug policy or because that person was working while under the influence of marihuana.
4. This act allows a person to prohibit or otherwise regulate the consumption, cultivation, distribution, processing, sale, or display of marihuana and marihuana accessories on property the person owns, occupies, or manages, except that a lease agreement may not prohibit a tenant from lawfully possessing and consuming marihuana by means other than smoking.
5. All other laws inconsistent with this act do not apply to conduct that is permitted by this act.



Sec. 5. 1. Notwithstanding any other law or provision of this act, and except as otherwise provided in section 4 of this act, the following acts by a person 21 years of age or older are not unlawful, are not an offense, are not grounds for seizing or forfeiting property, are not grounds for arrest, prosecution, or penalty in any manner, are not grounds for search or inspection, and are not grounds to deny any other right or privilege:

- (a) except as permitted by subdivision (b), possessing, using or consuming, internally possessing, purchasing, transporting, or processing 2.5 ounces or less of marihuana, except that not more than 15 grams of marihuana may be in the form of marihuana concentrate;
  - (b) within the person's residence, possessing, storing, and processing not more than 10 ounces of marihuana and any marihuana produced by marihuana plants cultivated on the premises and cultivating not more than 12 marihuana plants for personal use, provided that no more than 12 marihuana plants are possessed, cultivated, or processed on the premises at once;
  - (c) assisting another person who is 21 years of age or older in any of the acts described in this section; and
  - (d) giving away or otherwise transferring without remuneration up to 2.5 ounces of marihuana, except that not more than 15 grams of marihuana may be in the form of marihuana concentrate, to a person 21 years of age or older, as long as the transfer is not advertised or promoted to the public.
2. Notwithstanding any other law or provision of this act, except as otherwise provided in section 4 of this act, the use, manufacture, possession, and purchase of marihuana accessories by a person 21 years of age or older and the distribution or sale of marihuana accessories to a person 21 years of age or older is authorized, is not unlawful, is not an offense, is not grounds for seizing or forfeiting property, is not grounds for arrest, prosecution, or penalty in any manner, and is not grounds to deny any other right or privilege.
3. A person shall not be denied custody of or visitation with a minor for conduct that is permitted by this act, unless the person's behavior is such that it creates an unreasonable danger to the minor that can be clearly articulated and substantiated.

Sec. 6. 1. Except as provided in section 4, a municipality may completely prohibit or limit the number of marihuana establishments within its boundaries. Individuals may petition to initiate an ordinance to provide for the number of marihuana establishments allowed within a municipality or to completely prohibit marihuana establishments within a municipality, and such ordinance shall be submitted to the electors of the municipality at the next regular election when a petition by qualified electors in the municipality in a number greater than 5% of the votes cast for governor by qualified electors in the municipality at the last gubernatorial election. A petition under this subsection is subject to section 488 of the Michigan election law, 1954 PA 116, MCL 168.488.

2. A municipality may adopt other ordinances that are not unreasonably impracticable and do not conflict with this act or with any rule promulgated pursuant to this act and that:
- (a) establish reasonable restrictions on public signs related to marihuana establishments;
  - (b) regulate the time, place, and manner of operation of marihuana establishments and of the production, manufacture, sale, or display of marihuana accessories;
  - (c) authorize the sale of marihuana for consumption in designated areas that are not accessible to persons under 21 years of age, or at special events in limited areas and for a limited time; and
  - (d) designate a violation of the ordinance and provide for a penalty for that violation by a marihuana establishment, provided that such violation is a civil infraction and such penalty is a civil fine of not more than \$500.
3. A municipality may adopt an ordinance requiring a marihuana establishment with a physical location within the municipality to obtain a municipal license, but may not impose qualifications for licensure that conflict with this act or rules promulgated by the department.
4. A municipality may charge an annual fee of not more than \$5,000 to defray application, administrative, and enforcement costs associated with the operation of the marihuana establishment in the municipality.
5. A municipality may not adopt an ordinance that restricts the transportation of marihuana through the municipality or prohibits a marihuana grower, a marihuana processor, and a marihuana retailer from operating within a single facility or from operating at a location shared with a marihuana facility operating pursuant to the medical marihuana facilities licensing act, 2016 PA 281, MCL 333.27101 to 333.27801.

Sec. 7. 1. The department is responsible for implementing this act and has the powers and duties necessary to control the commercial production and distribution of marihuana. The department shall employ personnel and may contract with advisors and consultants as necessary to adequately perform its duties. No person who is pecuniarily interested, directly or indirectly, in any marihuana establishment may be an employee, advisor, or consultant involved in the implementation, administration, or enforcement of this act. An employee, advisor, or consultant of the department may not be personally liable for any action at law for damages sustained by a person because of an action performed or done in the performance of their duties in the implementation, administration, or enforcement of this act. The department of state police shall cooperate and assist the department in conducting background investigations of applicants. Responsibilities of the department include:

- (a) promulgating rules pursuant to section 8 of this act that are necessary to implement, administer, and enforce this act;
- (b) granting or denying each application for licensure and investigating each applicant to determine eligibility for licensure, including conducting a background investigation on each person holding an ownership interest in the applicant;
- (c) ensuring compliance with this act and the rules promulgated thereunder by marihuana establishments by performing investigations of compliance and regular inspections of marihuana establishments and by taking appropriate disciplinary action against a licensee, including prescribing civil fines for violations of this act or rules and suspending, restricting, or revoking a state license;
- (d) holding at least 4 public meetings each calendar year for the purpose of hearing complaints and receiving the views of the public with respect to administration of this act;
- (e) collecting fees for licensure and fines for violations of this act or rules promulgated thereunder, depositing all fees collected in the marihuana regulation fund established by section 14 of this act, and remitting all fines collected to be deposited in the general fund; and
- (f) submitting an annual report to the governor covering the previous year, which report shall include the number of state licenses of each class issued, demographic information on licensees, a description of enforcement and disciplinary actions taken against licensees, and a statement of revenues and expenses of the department related to the implementation, administration, and enforcement of this act.

Sec. 8. 1. The department shall promulgate rules to implement and administer this act pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to MCL 24.328, including:

- (a) procedures for issuing a state license pursuant to section 9 of this act and for renewing, suspending, and revoking a state license;
  - (b) a schedule of fees in amounts not more than necessary to pay for implementation, administration, and enforcement costs of this act and that relate to the size of each licensee or the volume of business conducted by the licensee;
  - (c) qualifications for licensure that are directly and demonstrably related to the operation of a marihuana establishment, provided that a prior conviction solely for a marihuana-related offense does not disqualify an individual or otherwise affect eligibility for licensure, unless the offense involved distribution of a controlled substance to a minor;
  - (d) requirements and standards for safe cultivation, processing, and distribution of marihuana by marihuana establishments, including health standards to ensure the safe preparation of marihuana-infused products and prohibitions on pesticides that are not safe for use on marihuana;
  - (e) testing, packaging, and labeling standards, procedures, and requirements for marihuana, including a maximum tetrahydrocannabinol level for marihuana-infused products, a requirement that a representative sample of marihuana be tested by a marihuana safety compliance facility, and a requirement that the amount of marihuana or marihuana concentrate contained within a marihuana-infused product be specified on the product label;
  - (f) security requirements, including lighting, physical security, and alarm requirements, and requirements for securely transporting marihuana between marihuana establishments, provided that such requirements do not prohibit cultivation of marihuana outdoors or in greenhouses;
  - (g) record keeping requirements for marihuana establishments and monitoring requirements to track the transfer of marihuana by licensees;
  - (h) requirements for the operation of marihuana secure transporters to ensure that all marihuana establishments are properly serviced;
  - (i) reasonable restrictions on advertising, marketing, and display of marihuana and marihuana establishments;
  - (j) a plan to promote and encourage participation in the marihuana industry by people from communities that have been disproportionately impacted by marihuana prohibition and enforcement and to positively impact those communities; and
  - (k) penalties for failure to comply with any rule promulgated pursuant to this section or for any violation of this act by a licensee, including civil fines and suspension, revocation, or restriction of a state license.
2. In furtherance of the intent of this act, the department may promulgate rules to:
- (a) provide for the issuance of additional types or classes of state licenses to operate marihuana-related businesses, including licenses that authorize only limited cultivation, processing, transportation, delivery, storage, sale, or purchase of marihuana, licenses that authorize the consumption of marihuana within designated areas, licenses that authorize the consumption of marihuana at special events in limited areas and for a limited time, licenses that authorize cultivation for purposes of propagation, and licenses intended to facilitate scientific research or education; or
  - (b) regulate the cultivation, processing, distribution, and sale of industrial hemp.
3. The department may not promulgate a rule that:
- (a) establishes a limit on the number of any type of state licenses that may be granted;
  - (b) requires a customer to provide a marihuana retailer with identifying information other than identification to determine the customer's age or requires the marihuana retailer to acquire or record personal information about customers other than information typically required in a retail transaction;

- (c) prohibits a marihuana establishment from operating at a shared location of a marihuana facility operating pursuant to the medical marihuana facilities licensing act, 2016 PA 281, MCL 333.27101 to 333.27801, or prohibits a marihuana grower, marihuana processor, or marihuana retailer from operating within a single facility; or
- (d) is unreasonably impracticable.

Sec. 9. 1. Each application for a state license must be submitted to the department. Upon receipt of a complete application and application fee, the department shall forward a copy of the application to the municipality in which the marihuana establishment is to be located, determine whether the applicant and the premises qualify for the state license and comply with this act, and issue the appropriate state license or send the applicant a notice of rejection setting forth specific reasons why the department did not approve the state license application within 90 days.

2. The department shall issue the following state license types: marihuana retailer; marihuana safety compliance facility; marihuana secure transporter; marihuana processor; marihuana microbusiness; class A marihuana grower authorizing cultivation of not more than 100 marihuana plants; class B marihuana grower authorizing cultivation of not more than 500 marihuana plants; and class C marihuana grower authorizing cultivation of not more than 2,000 marihuana plants.

3. Except as otherwise provided in this section, the department shall approve a state license application and issue a state license if:

- (a) the applicant has submitted an application in compliance with the rules promulgated by the department, is in compliance with this act and the rules, and has paid the required fee;
- (b) the municipality in which the proposed marihuana establishment will be located does not notify the department that the proposed marihuana establishment is not in compliance with an ordinance consistent with section 6 of this act and in effect at the time of application;
- (c) the property where the proposed marihuana establishment is to be located is not within an area zoned exclusively for residential use and is not within 1,000 feet of a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12, unless a municipality adopts an ordinance that reduces this distance requirement;
- (d) no person who holds an ownership interest in the marihuana establishment applicant:
  - (1) will hold an ownership interest in both a marihuana safety compliance facility or in a marihuana secure transporter and in a marihuana grower, a marihuana processor, a marihuana retailer, or a marihuana microbusiness;
  - (2) will hold an ownership interest in both a marihuana microbusiness and in a marihuana grower, a marihuana processor, a marihuana retailer, a marihuana safety compliance facility, or a marihuana secure transporter; and
  - (3) will hold an ownership interest in more than 5 marihuana growers or in more than 1 marihuana microbusiness, except that the department may approve a license application from a person who holds an ownership interest in more than 5 marihuana growers or more than 1 marihuana microbusiness if, after January 1, 2023, the department promulgates a rule authorizing an individual to hold an ownership interest in more than 5 marihuana growers or in more than 1 marihuana microbusiness.

4. If a municipality limits the number of marihuana establishments that may be licensed in the municipality pursuant to section 6 of this act and that limit prevents the department from issuing a state license to all applicants who meet the requirements of subsection 3 of this section, the municipality shall decide among competing applications by a competitive process intended to select applicants who are best suited to operate in compliance with this act within the municipality.

5. All state licenses are effective for 1 year, unless the department issues the state license for a longer term. A state license is renewed upon receipt of a complete renewal application and a renewal fee from any marihuana establishment in good standing.

6. The department shall begin accepting applications for marihuana establishments within 12 months after the effective date of this act. Except as otherwise provided in this section, for 24 months after the department begins to receive applications for marihuana establishments, the department may only accept applications for licensure: for a class A marihuana grower or for a marihuana microbusiness, from persons who are residents of Michigan; for a marihuana retailer, marihuana processor, class B marihuana grower, class C marihuana grower, or a marihuana secure transporter, from persons holding a state operating license pursuant to the medical marihuana facilities licensing act, 2016 PA 281, MCL 333.27101 to 333.27801; and for a marihuana safety compliance facility, from any applicant. One year after the department begins to accept applications pursuant to this section, the department shall begin accepting applications from any applicant if the department determines that additional state licenses are necessary to minimize the illegal market for marihuana in this state, to efficiently meet the demand for marihuana, or to provide for reasonable access to marihuana in rural areas.

7. Information obtained from an applicant related to licensure under this act is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

Sec. 10. 1. Notwithstanding any other law or provision of this act, and except as otherwise provided in section 4 of this act or the rules promulgated thereunder, the following acts are not unlawful, are not an offense, are not grounds for seizing or forfeiting property, are not grounds for arrest, prosecution, or penalty in any manner, are not grounds for search or inspection except as authorized by this act, and are not grounds to deny any other right or privilege:

- (a) a marihuana grower or an agent acting on behalf of a marihuana grower who is 21 years of age or older, cultivating not more than the number of marihuana plants authorized by the state license class; possessing, packaging, storing, or testing marihuana; acquiring marihuana seeds or seedlings from a person who is 21 years of age or older; selling or otherwise transferring, purchasing or otherwise obtaining, or transporting marihuana to or from a marihuana establishment; or receiving compensation for goods or services;
- (b) a marihuana processor or agent acting on behalf of a marihuana processor who is 21 years of age or older, possessing, processing, packaging, storing, or testing marihuana; selling or otherwise transferring, purchasing or otherwise obtaining, or transporting marihuana to or from a marihuana establishment; or receiving compensation for goods or services;
- (c) a marihuana secure transporter or an agent acting on behalf of a marihuana secure transporter who is 21 years of age or older, possessing or storing marihuana; transporting marihuana to or from a marihuana establishment; or receiving compensation for services;
- (d) a marihuana safety compliance facility or an agent acting on behalf of a marihuana safety compliance facility who is 21 years of age or older, testing, possessing, repackaging, or storing marihuana; transferring, obtaining, or transporting marihuana to or from a marihuana establishment; or receiving compensation for services;
- (e) a marihuana retailer or an agent acting on behalf of a marihuana retailer who is 21 years of age or older, possessing, storing, or testing marihuana; selling or otherwise transferring, purchasing or otherwise obtaining, or transporting marihuana to or from a marihuana establishment; selling or otherwise transferring marihuana to a person 21 years of age or older; or receiving compensation for goods or services; or
- (f) a marihuana microbusiness or an agent acting on behalf of a marihuana microbusiness who is 21 years of age or older, cultivating not more than 150 marihuana plants; possessing, processing, packaging, storing, or testing marihuana from marihuana plants cultivated on the premises; selling or otherwise transferring marihuana cultivated or processed on the premises to a person 21 years of age or older; or receiving compensation for goods or services.
- (g) leasing or otherwise allowing the use of property owned, occupied, or managed for activities allowed under this act;
- (h) enrolling or employing a person who engages in marihuana-related activities allowed under this act;
- (i) possessing, cultivating, processing, obtaining, transferring, or transporting industrial hemp; or
- (j) providing professional services to prospective or licensed marihuana establishments related to activity under this act.

2. A person acting as an agent of a marihuana retailer who sells or otherwise transfers marihuana or marihuana accessories to a person under 21 years of age is not subject to arrest, prosecution, forfeiture of property, disciplinary action by a professional licensing board, denial of any right or privilege, or penalty in any manner, if the person reasonably verified that the recipient appeared to be 21 years of age or older by means of government-issued photographic identification containing a date of birth, and the person complied with any rules promulgated pursuant to this act.

3. It is the public policy of this state that contracts related to the operation of marihuana establishments be enforceable.

Sec. 11. (a) A marihuana establishment may not allow cultivation, processing, sale, or display of marihuana or marihuana accessories to be visible from a public place outside of the marihuana establishment without the use of binoculars, aircraft, or other optical aids.

(b) A marihuana establishment may not cultivate, process, test, or store marihuana at any location other than a physical address approved by the department and within an enclosed area that is secured in a manner that prevents access by persons not permitted by the marihuana establishment to access the area.

(c) A marihuana establishment shall secure every entrance to the establishment so that access to areas containing marihuana is restricted to employees and other persons permitted by the marihuana establishment to access the area and to agents of the department or state and local law enforcement officers and emergency personnel and shall secure its inventory and equipment during and after operating hours to deter and prevent theft of marihuana and marihuana accessories.

(d) No marihuana establishment may refuse representatives of the department the right during the hours of operation to inspect the licensed premises or to audit the books and records of the marihuana establishment.

(e) No marihuana establishment may allow a person under 21 years of age to volunteer or work for the marihuana establishment.

(f) No marihuana establishment may sell or otherwise transfer marihuana that was not produced, distributed, and taxed in compliance with this act.

(g) A marihuana grower, marihuana retailer, marihuana processor, marihuana microbusiness, or marihuana testing facility or agents acting on their behalf may not transport more than 15 ounces of marihuana or more than 60 grams of marihuana concentrate at one time.

(h) A marihuana secure transporter may not hold title to marihuana.

(i) No marihuana processor may process and no marihuana retailer may sell edible marihuana-infused candy in shapes or packages that are attractive to children or that are easily confused with commercially sold candy that does not contain marihuana.

(j) No marihuana retailer may sell or otherwise transfer marihuana that is not contained in an opaque, resealable, child-resistant package designed to be significantly difficult for children under 5 years of age to open and not difficult for normal adults to use properly as defined by 16 C.F.R. 1700.20 (1995), unless the marihuana is transferred for consumption on the premises where sold.

(k) No marihuana establishment may sell or otherwise transfer tobacco.

Sec. 12. In computing net income for marihuana establishments, deductions from state taxes are allowed for all the ordinary and necessary expenses paid or incurred during the taxable year in carrying out a trade or business.

Sec. 13. 1. In addition to all other taxes, an excise tax is imposed on each marihuana retailer and on each marihuana microbusiness at the rate of 10% of the sales price for marihuana sold or otherwise transferred to anyone other than a marihuana establishment.

2. Except as otherwise provided by a rule promulgated by the department of treasury, a product subject to the tax imposed by this section may not be bundled in a single transaction with a product or service that is not subject to the tax imposed by this section.

3. The department of treasury shall administer the taxes imposed under this act and may promulgate rules pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to MCL 24.328 that prescribe a method and manner for payment of the tax to ensure proper tax collection under this act.

Sec. 14. 1. The marihuana regulation fund is created in the state treasury. The department of treasury shall deposit all money collected under section 13 of this act and the department shall deposit all fees collected in the fund. The state treasurer shall direct the investment of the fund and shall credit the fund interest and earnings from fund investments. The department shall administer the fund for auditing purposes. Money in the fund shall not lapse to the general fund.

2. Funds for the initial activities of the department to implement this act shall be appropriated from the general fund. The department shall repay any amount appropriated under this subsection from proceeds in the fund.

3. The department shall expend money in the fund first for the implementation, administration, and enforcement of this act, and second, until 2022 or for at least two years, to provide \$20 million annually to one or more clinical trials that are approved by the United States food and drug administration and sponsored by a non-profit organization or researcher within an academic institution researching the efficacy of marihuana in treating the medical conditions of United States armed services veterans and preventing veteran suicide. Upon appropriation, unexpended balances must be allocated as follows:

- (a) 15% to municipalities in which a marihuana retail store or a marihuana microbusiness is located, allocated in proportion to the number of marihuana retail stores and marihuana microbusinesses within the municipality;
- (b) 15% to counties in which a marihuana retail store or a marihuana microbusiness is located, allocated in proportion to the number of marihuana retail stores and marihuana microbusinesses within the county;
- (c) 35% to the school aid fund to be used for K-12 education; and
- (d) 35% to the Michigan transportation fund to be used for the repair and maintenance of roads and bridges.

Sec. 15. A person who commits any of the following acts, and is not otherwise authorized by this act to conduct such activities, may be punished only as provided in this section and is not subject to any other form of punishment or disqualification, unless the person consents to another disposition authorized by law:

1. Except for a person who engaged in conduct described in sections 4(1)(a), 4(1)(b), 4(1)(c), 4(1)(d), 4(1)(g), or 4(1)(h), a person who possesses not more than the amount of marihuana allowed by section 5, cultivates not more than the amount of marihuana allowed by section 5, delivers without receiving any remuneration to a person who is at least 21 years of age not more than the amount of marihuana allowed by section 5, or possesses with intent to deliver not more than the amount of marihuana allowed by section 5, is responsible for a civil infraction and may be punished by a fine of not more than \$100 and forfeiture of the marihuana.

2. Except for a person who engaged in conduct described in section 4, a person who possesses not more than twice the amount of marihuana allowed by section 5, cultivates not more than twice the amount of marihuana allowed by section 5, delivers without receiving any remuneration to a person who is at least 21 years of age not more than twice the amount of marihuana allowed by section 5, or possesses with intent to deliver not more than twice the amount of marihuana allowed by section 5:

- (a) for a first violation, is responsible for a civil infraction and may be punished by a fine of not more than \$500 and forfeiture of the marihuana;
- (b) for a second violation, is responsible for a civil infraction and may be punished by a fine of not more than \$1,000 and forfeiture of the marihuana;
- (c) for a third or subsequent violation, is guilty of a misdemeanor and may be punished by a fine of not more than \$2,000 and forfeiture of the marihuana.

3. Except for a person who engaged in conduct described by section 4(1)(a), 4(1)(d), or 4(1)(g), a person under 21 years of age who possesses not more than 2.5 ounces of marihuana or who cultivates not more than 12 marihuana plants:

- (a) for a first violation, is responsible for a civil infraction and may be punished as follows:
  - (1) if the person is less than 18 years of age, by a fine of not more than \$100 or community service, forfeiture of the marihuana, and completion of 4 hours of drug education or counseling; or
  - (2) if the person is at least 18 years of age, by a fine of not more than \$100 and forfeiture of the marihuana.
- (b) for a second violation, is responsible for a civil infraction and may be punished as follows:
  - (1) if the person is less than 18 years of age, by a fine of not more than \$500 or community service, forfeiture of the marihuana, and completion of 8 hours of drug education or counseling; or
  - (2) if the person is at least 18 years of age, by a fine of not more than \$500 and forfeiture of the marihuana.

4. Except for a person who engaged in conduct described in section 4, a person who possesses more than twice the amount of marihuana allowed by section 5, cultivates more than twice the amount of marihuana allowed by section 5, or delivers without receiving any remuneration to a person who is at least 21 years of age more than twice the amount of marihuana allowed by section 5, shall be responsible for a misdemeanor, but shall not be subject to imprisonment unless the violation was habitual, willful, and for a commercial purpose or the violation involved violence.

Sec. 16. 1. If the department does not timely promulgate rules as required by section 8 of this act or accept or process applications in accordance with section 9 of this act, beginning one year after the effective date of this act, an applicant may submit an application for a marihuana establishment directly to the municipality where the marihuana establishment will be located.

2. If a marihuana establishment submits an application to a municipality under this section, the municipality shall issue a municipal license to the applicant within 90 days after receipt of the application unless the municipality finds and notifies the applicant that the applicant is not in compliance with an ordinance or rule adopted pursuant to this act.

3. If a municipality issues a municipal license pursuant to this section:

- (a) the municipality shall notify the department that the municipal license has been issued;
- (b) the municipal license has the same force and effect as a state license; and
- (c) the holder of the municipal license is not subject to regulation or enforcement by the department during the municipal license term.

Sec. 17. This act shall be broadly construed to accomplish its intent as stated in section 2 of this act. Nothing in this act purports to supersede any applicable federal law, except where allowed by federal law. All provisions of this act are self-executing. Any section of this act that is found invalid as to any person or circumstances shall not affect the application of any other section of this act that can be given full effect without the invalid section or application.



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

At the regular meeting of Monday, December 3, 2018, the Birmingham City Commission intends to appoint two (2) regular members to serve three-year terms to expire December 31, 2021. Applicants must be property owners and electors of the City of Birmingham.

The Board of Review, consisting of two panels of three local citizens who must be property owners and electors, is appointed by the City Commission for three-year terms. Although a general knowledge of the City is very helpful, more important are good judgment and the ability to listen carefully to all sides of an issue before making a decision. Approximately three weeks in March are scheduled for taxpayers to protest their assessments and one day each in July and December for correcting clerical errors and mutual mistakes of fact. Two training sessions in February are also required.

Interested citizens may submit an application available at the Clerk's office or online at [www.bhamgov.org/boardopportunities](http://www.bhamgov.org/boardopportunities). Applications must be submitted to the City Clerk's office on or before noon on Wednesday, November 28, 2018. These documents will appear in the public agenda for the regular meeting at which time the City Commission will interview applicants and may make nominations and vote on appointments.

Board members are paid \$110 per diem.

<b>Criteria/Qualifications of Open Position</b>	<b>Date Applications Due (by noon)</b>	<b>Date of Interview</b>
Members must be property owners and electors (registered voters) of the City of Birmingham.	11/28/18	12/03/18

*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 APPOINT TO  
BIRMINGHAM TRIANGLE DISTRICT CORRIDOR IMPROVEMENT AUTHORITY**

At the regular meeting of Monday, December 3, 2018 the Birmingham City Commission intends to appoint to the Birmingham Triangle District Corridor Improvement Authority one member who is a District resident for a four-year term to expire December 15, 2022, and one member who has an ownership or business interest in property located in the District to the Birmingham Triangle District Corridor Improvement Authority to serve the remainder of a four-year term expiring December 15, 2021.

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

Not less than a majority of the members shall be persons having an ownership or business interest in property located in the Development Area. Not less than 1 of the members shall be a resident of the Development Area, or of an area within 1/2 mile of any part of the Development Area.

The authority shall operate to correct and prevent deterioration in business districts, to redevelop the City's commercial corridors and promote economic growth, pursuant to Act 280 of the Public Acts of Michigan, 2005, as amended.

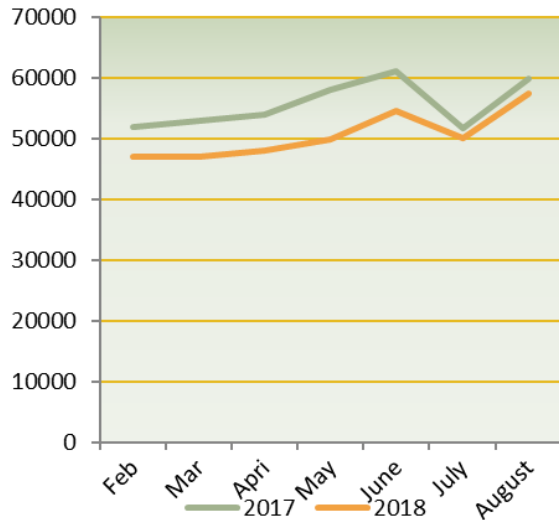
Interested parties may recommend others or themselves for these positions by submitting a form available from the city clerk's office. Applications must be submitted to the city clerk's office on or before noon on Wednesday, November 28, 2018. Applications will appear in the public agenda at which time the commission will discuss recommendations, and may make nominations and vote on appointments.

<b>Criteria/Qualifications of Open Position</b>	<b>Date Applications Due (by noon)</b>	<b>Date of Interview</b>
A person having an ownership or business interest in property located in the Development Area.	11/28/18	12/3/18

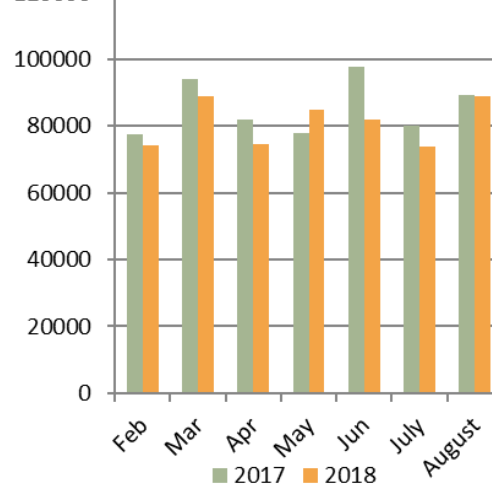
*NOTE: All members of boards and commissions are subject to the provisions of City of Birmingham City Code Chapter 2, Article IX, Ethics and the filing of the Affidavit and Disclosure Statement.*

# City of Birmingham Parking Utilization Dashboard – August 2018

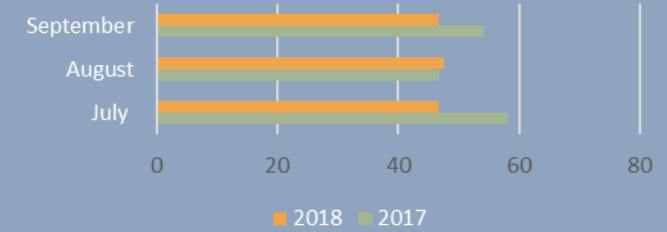
## Monthly Permit Parking



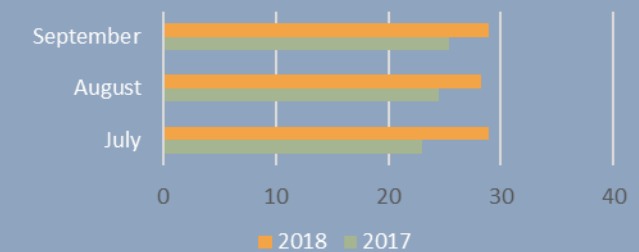
## Transient Parking



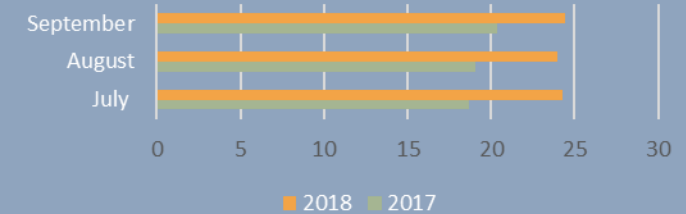
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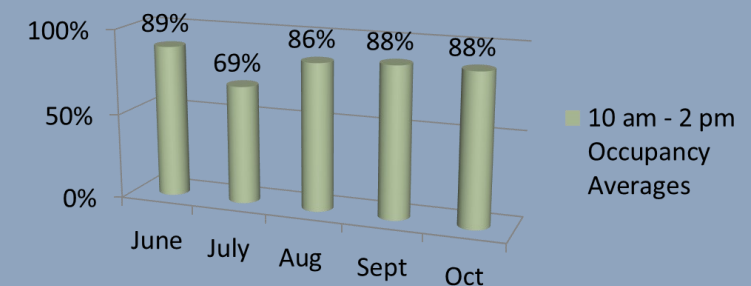
## Credit



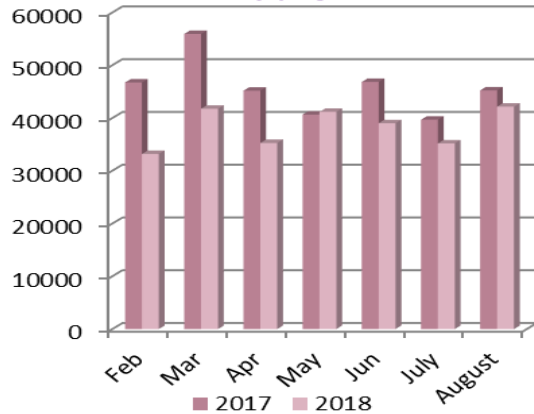
## ParkMobile



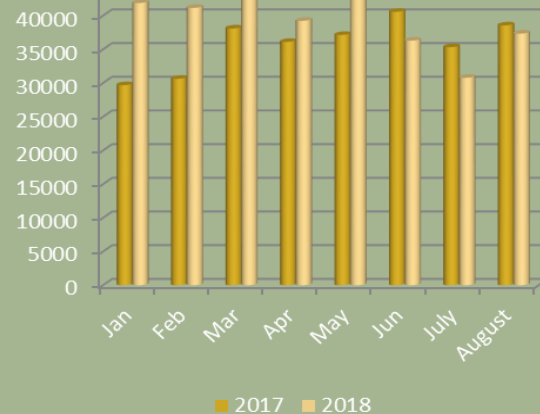
## 10 am - 2 pm Parking Garage Occupancy Average



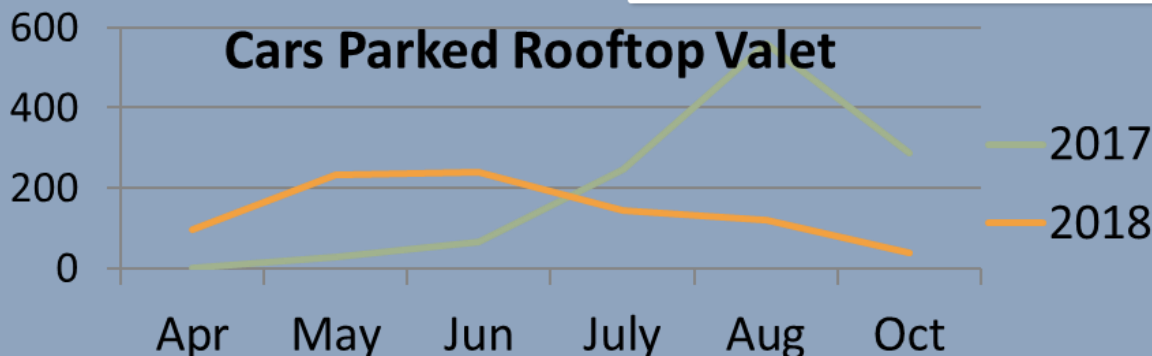
## Transactions Under 2 Hours



## Transactions Over 2 Hours



## Cars Parked Rooftop Valet



\*2017 Rooftop valet utilization increased due to the Park Street Paving Project

R10E

## MONTHLY PARKING PERMIT REPORT

For the month of: September 2018

Date Compiled: October 16, 2018

	Pierce	Park	Peabody	N.Old Wooc	Chester	Lot #6/\$210	Lot #6/\$150	South Side	Lot B	35001 Woodward	Lot 12	Total
1. Total Spaces	706	811	437	745	880	174	79	8	40	40	150	4070
2. Daily Spaces	370	348	224	359	425	N/A	N/A	N/A	N/A	N/A	N/A	1726
3. Monthly Spaces	336	463	213	386	560	174	79	8	30	40	150	2439
4. Monthly Permits Authorized	550	750	400	800	1140	150	40	8	30	50	150	4068
5. Permits - end of previous month	550	750	400	800	1140	150	40	8	30	50	100	4018
6. Permits - end of month	550	750	400	800	1140	150	40	8	30	50	100	4018
7. Permits - available at end of month	0	0	0	0	0	0	0	0	0	0		0
8. Permits issued in month includes permits effective 1st of month	3	3	4	65	8	0	0	0	0	0	0	83
9. Permits given up in month	3	3	4	65	8	0	0	0	0	0	0	83
10. Net Change	0	0	0	0	0	0	0	0	0	0	0	0
11. On List - end of month*	1091	1093	1099	1083	1079	0	0	0	0	0	0	5445
**On List-Unique Individuals												3382
12. Added to list in month	21	23	29	13	9	0	0	0	0	0	0	95
13. Withdrawn from list in month (w/o permit)	0	0	0	0	0	0	0	0	0	0	0	0
14. Average # of weeks on list for permits issued in month	143	82	141	126	57	0	0	0	0	0	0	109.8
15. Transient parker occupied	188	102	69	115	72	N/A	N/A	N/A	N/A	N/A	N/A	546
16. Monthly parker occupied	456	685	313	542	755	N/A	N/A	N/A	N/A	N/A	N/A	2751
17. Total parker occupied	644	787	382	657	827	N/A	N/A	N/A	N/A	N/A	N/A	3297
18. Total spaces available at 1pm on Wednesday 9/19	62	24	55	88	53	N/A	N/A	N/A	N/A	N/A	N/A	282
19. "All Day" parkers paying 5 hrs. or more												
A: Weekday average.	230	180	106	120	131	N/A	N/A	N/A	N/A	N/A	N/A	767
B: *Maximum day	N/A*	N/A*	N/A*	N/A*	N/A*	N/A	N/A	N/A	N/A	N/A	N/A	0
20. Utilization by long term parkers	N/A*	N/A*	N/A*	N/A*	N/A*	N/A	N/A	N/A	N/A	N/A	N/A	#DIV/0!

(1) Lot #6 does not have gate control, therefore no transient count available

(2) (Permits/Oversell Factor + Weekday Avg.) / Total Spaces

\* Average Maximum day not available currently in Skidata

\*\* Unique individuals represent the actual number of unique people on the wait list regardless of how many structures they have requested.



**Birmingham Parking System  
Transient & Free Parking Analysis  
Months of September 2017 & September 2018**

September 2017

<b>GARAGE</b>	<b>TOTAL CARS</b>	<b>FREE CARS</b>	<b>CASH REVENUE</b>	<b>% FREE</b>
PEABODY	16,010	9,040	\$36,380.00	56%
PARK	15,542	7,288	\$42,945.00	47%
CHESTER	6,624	2,273	\$51,413.00	34%
WOODWARD	14,268	7,467	\$37,051.00	52%
PIERCE	27,414	13,351	\$68,311.00	49%
<b>TOTALS</b>	79,858	39,419	\$ 236,100.00	49%

September 2018

<b>GARAGE</b>	<b>TOTAL CARS</b>	<b>FREE CARS</b>	<b>CASH REVENUE</b>	<b>% FREE</b>
PEABODY	15,659	8,661	\$ 54,768.00	55%
PARK	17,298	7,235	\$ 40,562.00	42%
CHESTER	7,662	2,669	\$ 56,122.00	35%
WOODWARD	12,333	6,615	\$ 34,448.00	54%
PIERCE	25,661	11,840	\$ 68,858.00	46%
<b>TOTALS</b>	78,613	37,020	\$ 254,758.00	47%

<b>BREAKDOWN:</b>	TOTAL CARS	-2%
	FREE CARS	-6%
	CASH REVENUE	+8%

## Structure Occupancy at 1pm Tuesday-Thursday

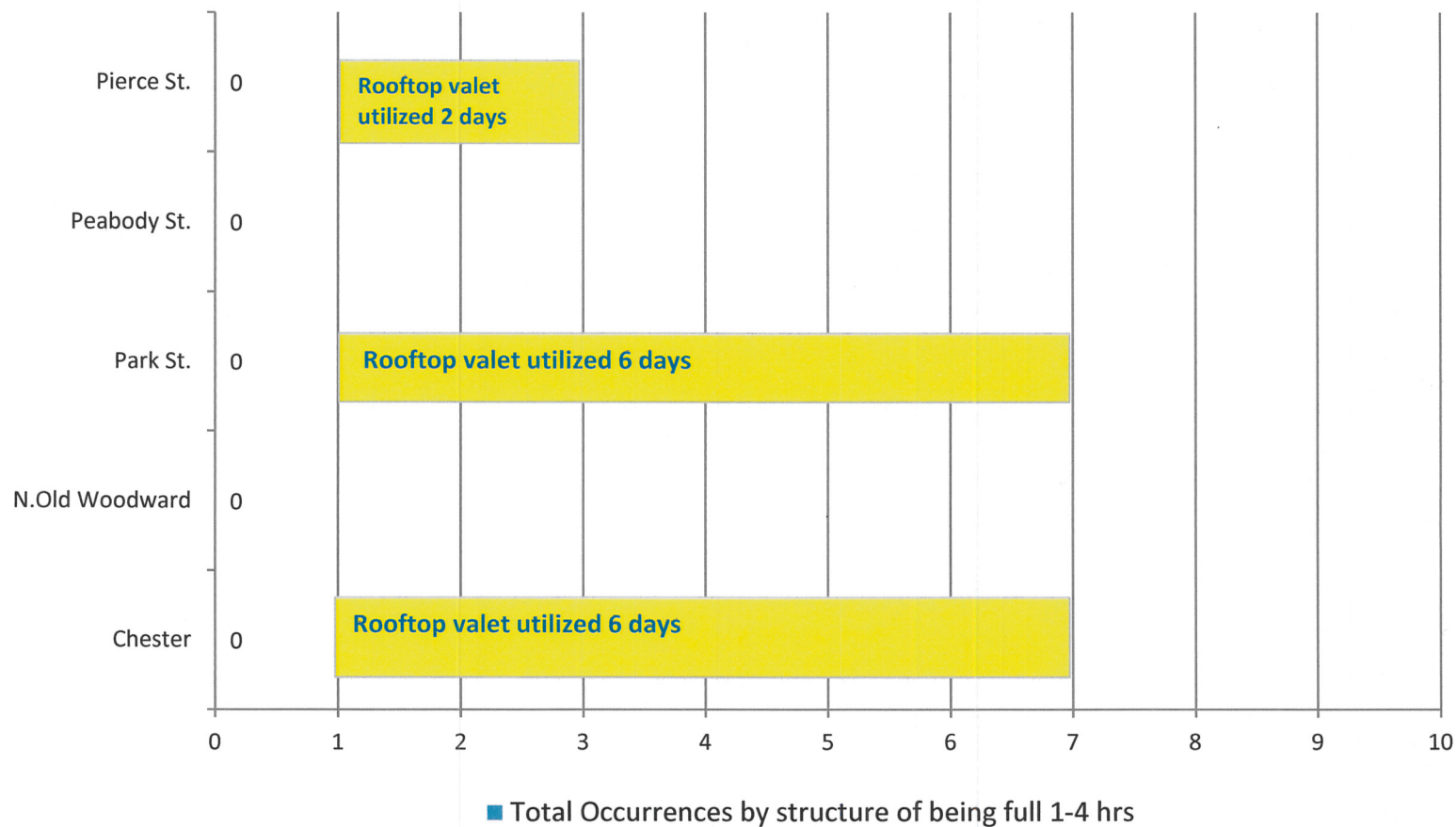
Available Spaces

# OCTOBER 2018

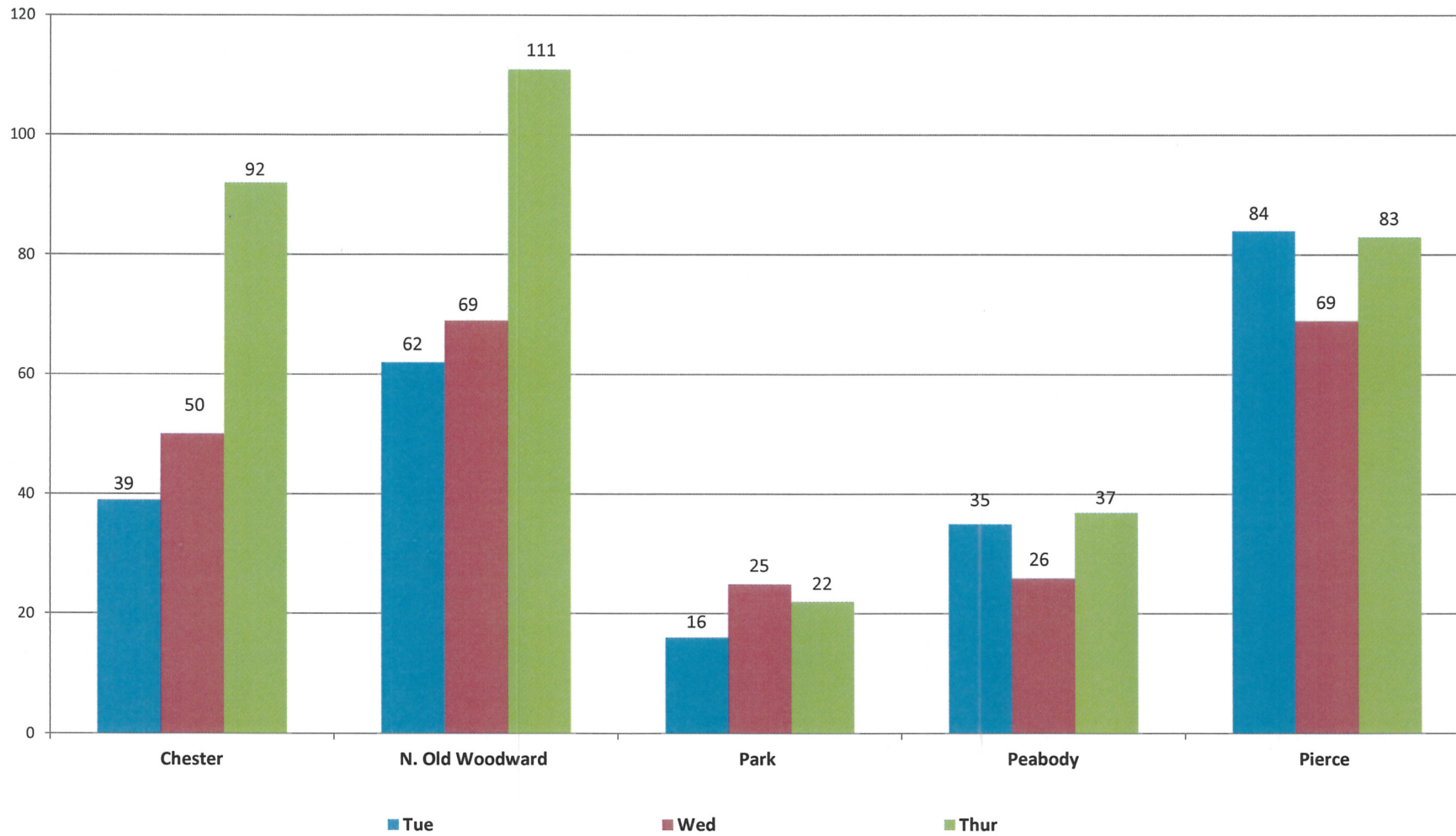
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1	2 Chester-21 N.O.W.-45 Park-15 Peabody-7 Pierce-119	3 Chester-62 N.O.W.-85 Park-14 Peabody-20 Pierce-41	4 Chester-92 N.O.W.-115 Park-21 Peabody-33 Pierce-78	5	6
7	8	9 Chester-34 N.O.W.-69 Park-18 Peabody-57 Pierce-71	10 Chester-48 N.O.W.-97 Park-55 Peabody-37 Pierce-62	11 Chester-88 N.O.W.-101 Park-10 Peabody-18 Pierce-85	12	13
14	15	16 Chester-92 N.O.W.-97 Park-20 Peabody-63 Pierce-83	17 Chester-34 N.O.W.-42 Park-12 Peabody-16 Pierce-90	18 Chester-132 N.O.W.-142 Park-18 Peabody-78 Pierce-92	19	20
21	22	23 Chester-20 N.O.W.-59 Park-11 Peabody-24 Pierce-68	24 Chester-29 N.O.W.-35 Park-30 Peabody-21 Pierce-53	25 Chester-57 N.O.W.-85 Park-37 Peabody-20 Pierce-75	26	27
28	29	30 Chester-26 N.O.W.-39 Park-14 Peabody-22 Pierce-80	31 Chester-77 N.O.W.-86 Park-15 Peabody-34 Pierce-97			
		Notes:				

# Parking Full Status by Structure

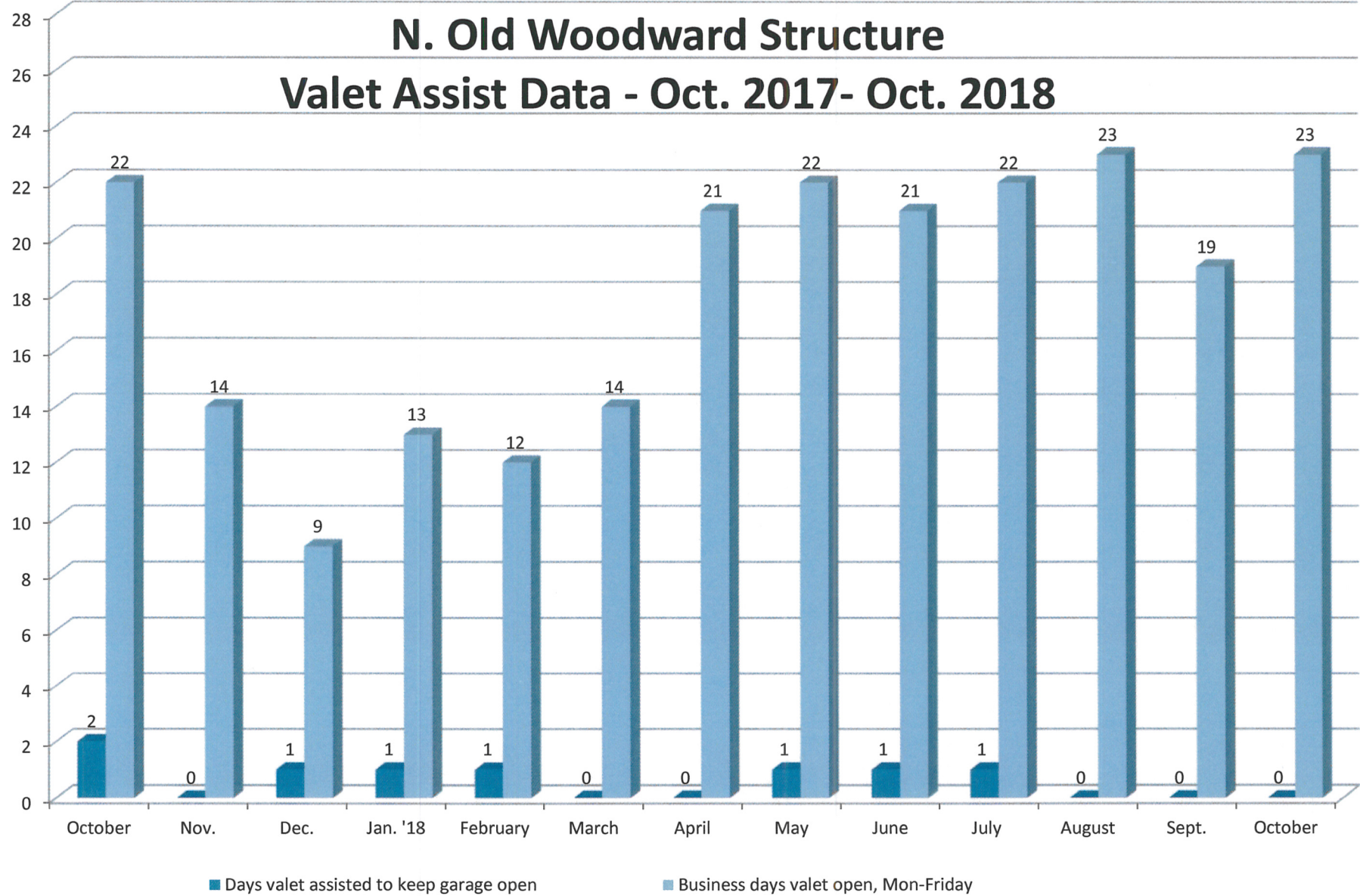
October 2018 Business Days Only (M-Friday)



## Structure Occupancy at 1 pm Tuesday-Thursday Average Available Spaces - October 2018



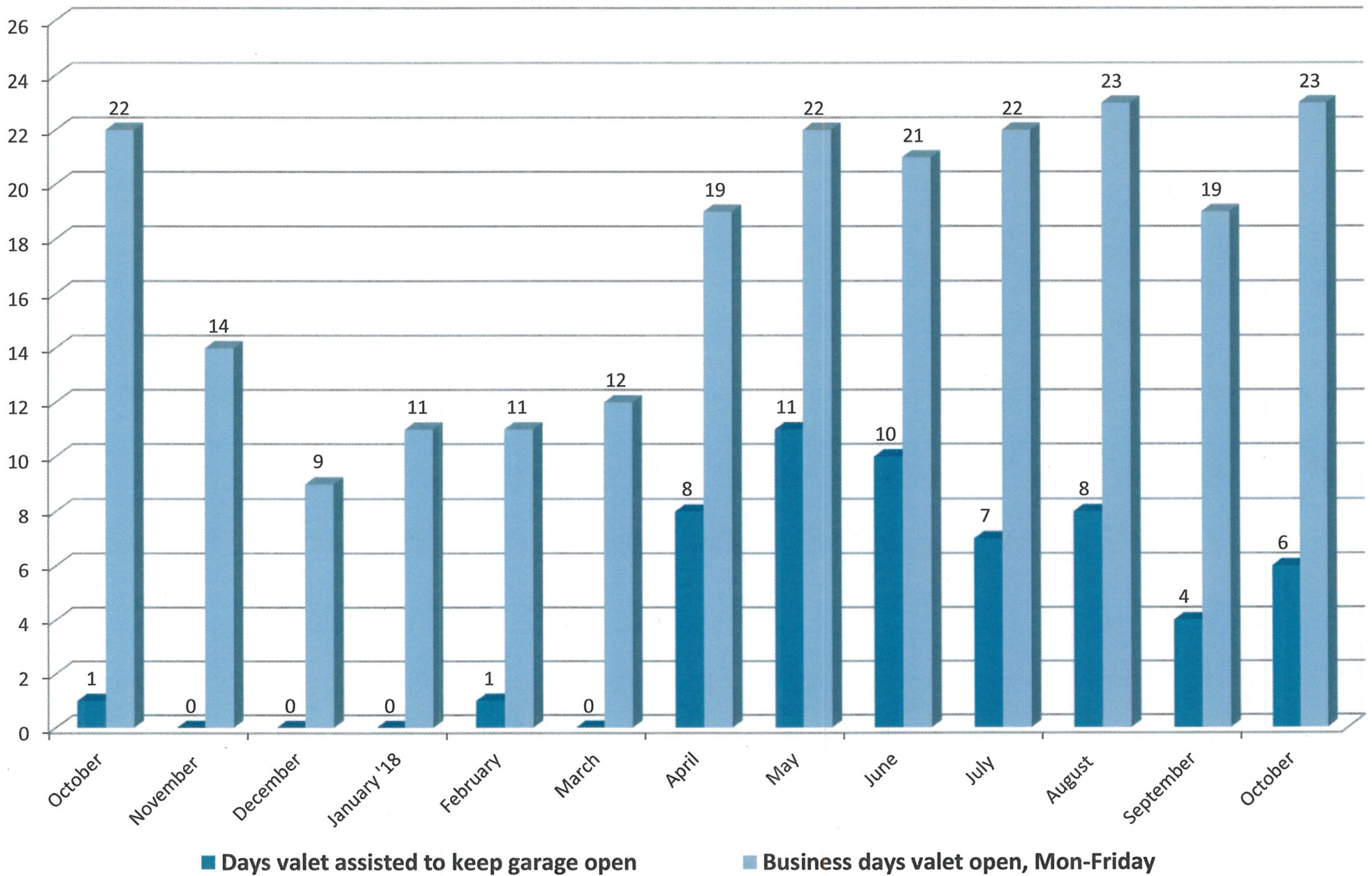
## N. Old Woodward Structure Valet Assist Data - Oct. 2017- Oct. 2018



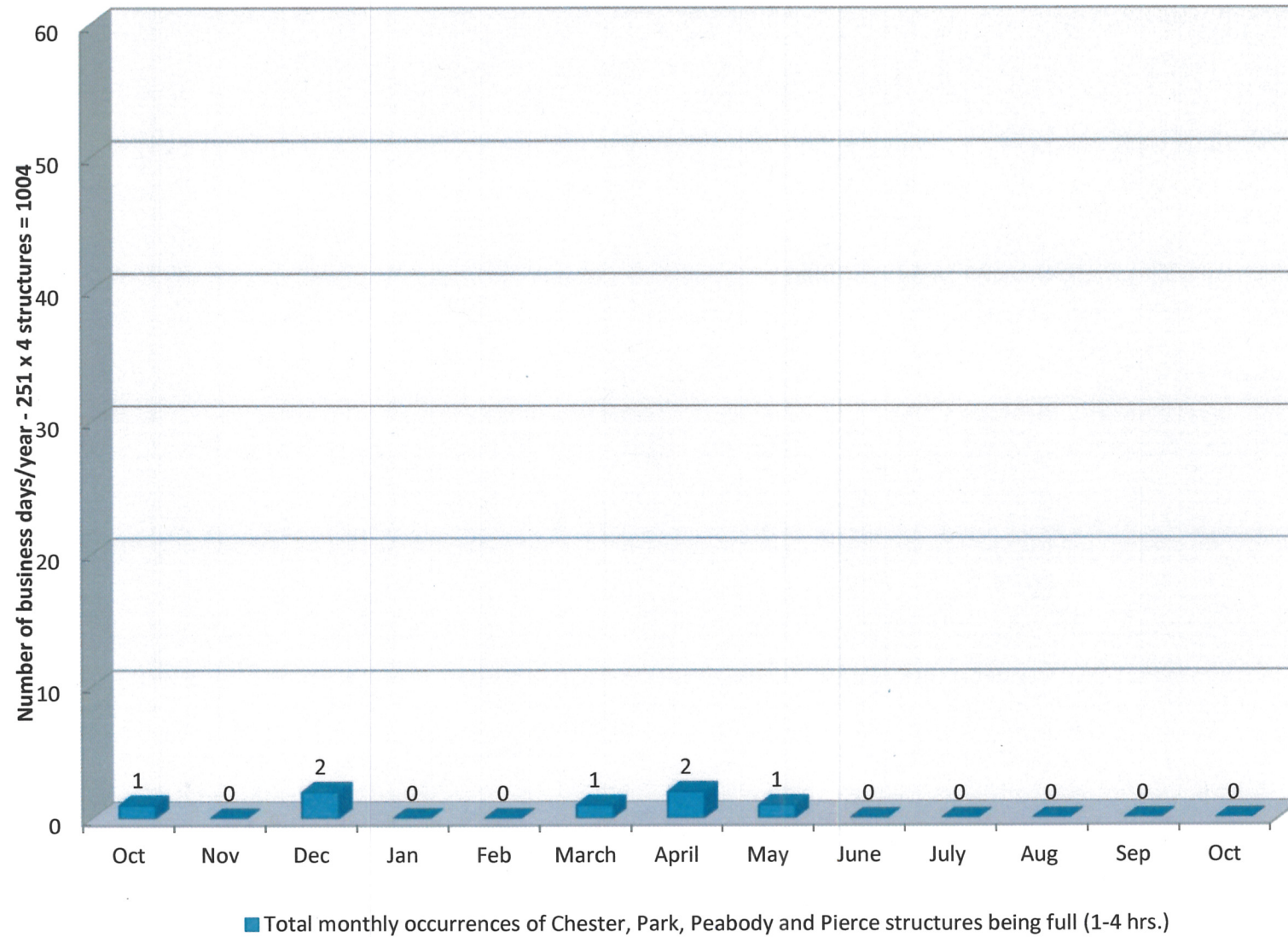


# Park Street Structure

## Valet Assist Data - Oct. 2017 - Oct. 2018



## 2017-18 Combined Parking Structure Full Status



## Structure Occupancy at 1pm Tuesday-Thursday

Available Spaces

# OCTOBER 2018

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1	2 Chester-21 N.O.W.-45 Park-15 Peabody-7 Pierce-119	3 Chester-62 N.O.W.-85 Park-14 Peabody-20 Pierce-41	4 Chester-92 N.O.W.-115 Park-21 Peabody-33 Pierce-78	5	6
7	8	9 Chester-34 N.O.W.-69 Park-18 Peabody-57 Pierce-71	10 Chester-48 N.O.W.-97 Park-55 Peabody-37 Pierce-62	11 Chester-88 N.O.W.-101 Park-10 Peabody-18 Pierce-85	12	13
14	15	16 Chester-92 N.O.W.-97 Park-20 Peabody-63 Pierce-83	17 Chester-34 N.O.W.-42 Park-12 Peabody-16 Pierce-90	18 Chester-132 N.O.W.-142 Park-18 Peabody-78 Pierce-92	19	20
21	22	23 Chester-20 N.O.W.-59 Park-11 Peabody-24 Pierce-68	24 Chester-29 N.O.W.-35 Park-30 Peabody-21 Pierce-53	25 Chester-57 N.O.W.-85 Park-37 Peabody-20 Pierce-75	26	27
28	29	30 Chester-26 N.O.W.-39 Park-14 Peabody-22 Pierce-80	31 Chester-77 N.O.W.-86 Park-15 Peabody-34 Pierce-97			
		Notes:				



### Occupancy 10a-2p(Weekday Analysis)

10/1/2018	10am	11am	12pm	1pm	2pm
Chester(880)	788	816	802	790	768
N.O.W.(745)	588	607	597	592	586
Park(811)	738	750	747	760	754
Peabody(437)	379	385	375	388	378
Pierce(706)	469	492	526	540	532

10/2/2018	10am	11am	12pm	1pm	2pm
Chester(880)	842	864	877	859	842
N.O.W.(745)	663	685	699	700	692
Park(811)	783	810	806	806	799
Peabody(437)	391	410	422	430	427
Pierce(706)	538	582	579	587	585

10/3/2018	10am	11am	12pm	1pm	2pm
Chester(880)	794	837	843	818	824
N.O.W.(745)	604	649	668	660	661
Park(811)	769	785	810	797	758
Peabody(437)	381	387	404	417	422
Pierce(706)	594	628	651	665	624

10/4/2018	10am	11am	12pm	1pm	2pm
Chester(880)	712	809	791	788	798
N.O.W.(745)	614	642	658	648	653
Park(811)	717	768	786	790	792
Peabody(437)	330	380	382	381	372
Pierce(706)	509	589	622	652	612

10/5/2018	10am	11am	12pm	1pm	2pm
Chester(880)	762	819	776	751	739
N.O.W.(745)	580	591	586	569	542
Park(811)	678	702	738	759	763
Peabody(437)	389	400	385	376	381
Pierce(706)	521	587	608	638	620

10/8/2018	10am	11am	12pm	1pm	2pm
Chester(880)	760	808	801	799	804
N.O.W.(745)	524	560	549	529	534
Park(811)	585	658	666	671	671
Peabody(437)	344	386	388	393	389
Pierce(706)	434	505	500	503	503

10/9/2018	10am	11am	12pm	1pm	2pm
Chester(880)	804	867	852	846	841
N.O.W.(745)	534	661	673	676	667
Park(811)	671	792	793	793	789
Peabody(437)	389	389	381	380	375
Pierce(706)	503	601	636	635	620

10/10/2018	10am	11am	12pm	1pm	2pm
Chester(880)	851	868	843	832	811
N.O.W.(745)	653	697	661	648	654
Park(811)	728	750	756	769	766
Peabody(437)	366	384	400	397	394
Pierce(706)	506	556	653	644	638

10/11/2018	10am	11am	12pm	1pm	2pm
Chester(880)	738	782	788	792	794
N.O.W.(745)	555	634	636	644	653
Park(811)	675	775	790	802	786
Peabody(437)	383	422	420	419	425
Pierce(706)	554	608	617	621	599

10/12/2018	10am	11am	12pm	1pm	2pm
Chester(880)	776	818	765	752	749
N.O.W.(745)	591	584	572	569	554
Park(811)	668	724	766	759	753
Peabody(437)	376	400	388	384	381
Pierce(706)	537	634	657	637	620

### Occupancy 10a-2p(Weekday Analysis)

10/1/2018	10am	11am	12pm	1pm	2pm
Chester(880)	90%	93%	91%	90%	87%
N.O.W.(745)	79%	81%	80%	79%	79%
Park(811)	91%	92%	92%	94%	93%
Peabody(437)	87%	88%	86%	89%	86%
Pierce(706)	66%	70%	75%	76%	75%

10/2/2018	10am	11am	12pm	1pm	2pm
Chester(880)	96%	98%	100%	98%	96%
N.O.W.(745)	89%	92%	94%	94%	93%
Park(811)	97%	100%	99%	99%	99%
Peabody(437)	89%	94%	97%	98%	98%
Pierce(706)	76%	82%	82%	83%	83%

10/3/2018	10am	11am	12pm	1pm	2pm
Chester(880)	90%	95%	96%	93%	94%
N.O.W.(745)	81%	87%	90%	89%	89%
Park(811)	95%	97%	100%	98%	93%
Peabody(437)	87%	89%	92%	95%	97%
Pierce(706)	84%	89%	92%	94%	88%

10/4/2018	10am	11am	12pm	1pm	2pm
Chester(880)	81%	92%	90%	90%	91%
N.O.W.(745)	82%	86%	88%	87%	88%
Park(811)	88%	95%	97%	97%	98%
Peabody(437)	76%	87%	87%	87%	85%
Pierce(706)	72%	83%	88%	92%	87%

10/5/2018	10am	11am	12pm	1pm	2pm
Chester(880)	87%	93%	88%	85%	84%
N.O.W.(745)	78%	79%	79%	76%	73%
Park(811)	84%	87%	91%	94%	94%
Peabody(437)	89%	92%	88%	86%	87%
Pierce(706)	74%	83%	86%	90%	88%

10/8/2018	10am	11am	12pm	1pm	2pm
Chester(880)	86%	92%	91%	91%	91%
N.O.W.(745)	70%	75%	74%	71%	72%
Park(811)	72%	81%	82%	83%	83%
Peabody(437)	79%	88%	89%	90%	89%
Pierce(706)	61%	72%	71%	71%	71%

10/9/2018	10am	11am	12pm	1pm	2pm
Chester(880)	91%	99%	97%	96%	96%
N.O.W.(745)	72%	89%	90%	91%	90%
Park(811)	83%	98%	98%	98%	97%
Peabody(437)	89%	89%	87%	87%	86%
Pierce(706)	71%	85%	90%	90%	88%

10/10/2018	10am	11am	12pm	1pm	2pm
Chester(880)	97%	99%	96%	95%	92%
N.O.W.(745)	88%	94%	89%	87%	88%
Park(811)	90%	92%	93%	95%	94%
Peabody(437)	84%	88%	92%	91%	90%
Pierce(706)	72%	79%	92%	91%	90%

10/11/2018	10am	11am	12pm	1pm	2pm
Chester(880)	84%	89%	90%	90%	90%
N.O.W.(745)	74%	85%	85%	86%	88%
Park(811)	83%	96%	97%	99%	97%
Peabody(437)	88%	97%	96%	96%	97%
Pierce(706)	78%	86%	87%	88%	85%

10/12/2018	10am	11am	12pm	1pm	2pm
Chester(880)	88%	93%	87%	85%	85%
N.O.W.(745)	79%	78%	77%	76%	74%
Park(811)	82%	89%	94%	94%	94%
Peabody(437)	86%	92%	89%	88%	87%
Pierce(706)	76%	90%	93%	90%	88%

10/15/2018	10am	11am	12pm	1pm	2pm
Chester(880)	767	762	752	752	770
N.O.W.(745)	535	630	638	639	626
Park(811)	706	757	773	755	759
Peabody(437)	354	382	377	394	404
Pierce(706)	463	525	561	554	510

10/16/2018	10am	11am	12pm	1pm	2pm
Chester(880)	722	810	795	788	798
N.O.W.(745)	614	653	658	648	653
Park(811)	727	756	786	791	793
Peabody(437)	336	377	382	374	408
Pierce(706)	494	578	615	623	598

10/17/2018	10am	11am	12pm	1pm	2pm
Chester(880)	820	865	858	846	850
N.O.W.(745)	611	699	710	703	718
Park(811)	716	808	803	799	760
Peabody(437)	399	405	415	427	423
Pierce(706)	493	597	608	616	605

10/18/2018	10am	11am	12pm	1pm	2pm
Chester(880)	748	843	838	842	844
N.O.W.(745)	567	641	644	646	648
Park(811)	682	784	796	799	780
Peabody(437)	338	391	405	409	415
Pierce(706)	551	571	581	590	593

10/19/2018	10am	11am	12pm	1pm	2pm
Chester(880)	751	799	788	748	734
N.O.W.(745)	562	596	602	603	594
Park(811)	706	754	788	793	787
Peabody(437)	341	375	366	359	351
Pierce(706)	399	563	583	614	608

10/22/2018	10am	11am	12pm	1pm	2pm
Chester(880)	784	828	833	820	827
N.O.W.(745)	472	515	654	650	651
Park(811)	770	791	771	778	749
Peabody(437)	358	395	385	385	384
Pierce(706)	490	548	571	598	597

10/23/2018	10am	11am	12pm	1pm	2pm
Chester(880)	826	869	864	866	860
N.O.W.(745)	632	682	684	684	686
Park(811)	753	787	795	799	800
Peabody(437)	356	410	412	411	412
Pierce(706)	544	631	634	638	638

10/24/2018	10am	11am	12pm	1pm	2pm
Chester(880)	829	838	844	851	839
N.O.W.(745)	677	696	701	710	714
Park(811)	763	775	777	781	753
Peabody(437)	385	401	407	416	432
Pierce(706)	594	612	617	653	652

10/25/2018	10am	11am	12pm	1pm	2pm
Chester(880)	782	845	823	722	640
N.O.W.(745)	603	677	660	653	535
Park(811)	710	759	774	762	756
Peabody(437)	386	422	417	416	412
Pierce(706)	646	640	631	620	597

10/26/2018	10am	11am	12pm	1pm	2pm
Chester(880)	834	864	863	854	844
N.O.W.(745)	543	609	609	593	582
Park(811)	649	677	676	685	665
Peabody(437)	321	352	353	342	336
Pierce(706)	353	584	574	566	555

10/15/2018	10am	11am	12pm	1pm	2pm
Chester(880)	87%	87%	85%	85%	88%
N.O.W.(745)	72%	85%	86%	86%	84%
Park(811)	87%	93%	95%	93%	94%
Peabody(437)	81%	87%	86%	90%	92%
Pierce(706)	66%	74%	79%	78%	72%

10/16/2018	10am	11am	12pm	1pm	2pm
Chester(880)	82%	92%	90%	90%	91%
N.O.W.(745)	82%	88%	88%	87%	88%
Park(811)	90%	93%	97%	98%	98%
Peabody(437)	77%	86%	87%	86%	93%
Pierce(706)	70%	82%	87%	88%	85%

10/17/2018	10am	11am	12pm	1pm	2pm
Chester(880)	93%	98%	98%	96%	97%
N.O.W.(745)	82%	94%	95%	94%	96%
Park(811)	88%	100%	99%	99%	94%
Peabody(437)	91%	93%	95%	98%	97%
Pierce(706)	70%	85%	86%	87%	86%

10/18/2018	10am	11am	12pm	1pm	2pm
Chester(880)	85%	96%	95%	96%	96%
N.O.W.(745)	76%	86%	86%	87%	87%
Park(811)	84%	97%	98%	99%	96%
Peabody(437)	77%	89%	93%	94%	95%
Pierce(706)	78%	81%	82%	84%	84%

10/19/2018	10am	11am	12pm	1pm	2pm
Chester(880)	85%	91%	90%	85%	83%
N.O.W.(745)	75%	80%	81%	81%	80%
Park(811)	87%	93%	97%	98%	97%
Peabody(437)	78%	86%	84%	82%	80%
Pierce(706)	57%	80%	83%	87%	86%

10/22/2018	10am	11am	12pm	1pm	2pm
Chester(880)	89%	94%	95%	93%	94%
N.O.W.(745)	63%	69%	88%	87%	87%
Park(811)	95%	98%	95%	96%	92%
Peabody(437)	82%	90%	88%	88%	88%
Pierce(706)	69%	78%	81%	85%	85%

10/23/2018	10am	11am	12pm	1pm	2pm
Chester(880)	94%	99%	98%	98%	98%
N.O.W.(745)	85%	92%	92%	92%	92%
Park(811)	93%	97%	98%	99%	99%
Peabody(437)	81%	94%	94%	94%	94%
Pierce(706)	77%	89%	90%	90%	90%

10/24/2018	10am	11am	12pm	1pm	2pm
Chester(880)	94%	95%	96%	97%	95%
N.O.W.(745)	91%	93%	94%	95%	96%
Park(811)	94%	96%	96%	96%	93%
Peabody(437)	88%	92%	93%	95%	99%
Pierce(706)	84%	87%	87%	92%	92%

10/25/2018	10am	11am	12pm	1pm	2pm
Chester(880)	89%	96%	94%	82%	73%
N.O.W.(745)	81%	91%	89%	88%	72%
Park(811)	88%	94%	95%	94%	93%
Peabody(437)	88%	97%	95%	95%	94%
Pierce(706)	92%	91%	89%	88%	85%

10/26/2018	10am	11am	12pm	1pm	2pm
Chester(880)	95%	98%	98%	97%	96%
N.O.W.(745)	73%	82%	82%	80%	78%
Park(811)	80%	83%	83%	84%	82%
Peabody(437)	73%	81%	81%	78%	77%
Pierce(706)	50%	83%	81%	80%	79%

10/29/2018	10am	11am	12pm	1pm	2pm
Chester(880)	791	828	832	841	822
N.O.W.(745)	568	670	673	674	671
Park(811)	671	731	743	768	756
Peabody(437)	361	387	389	392	392
Pierce(706)	415	475	527	550	537

10/30/2018	10am	11am	12pm	1pm	2pm
Chester(880)	833	857	851	854	844
N.O.W.(745)	680	721	723	706	696
Park(811)	772	802	806	807	801
Peabody(437)	365	397	408	415	406
Pierce(706)	508	579	604	626	620

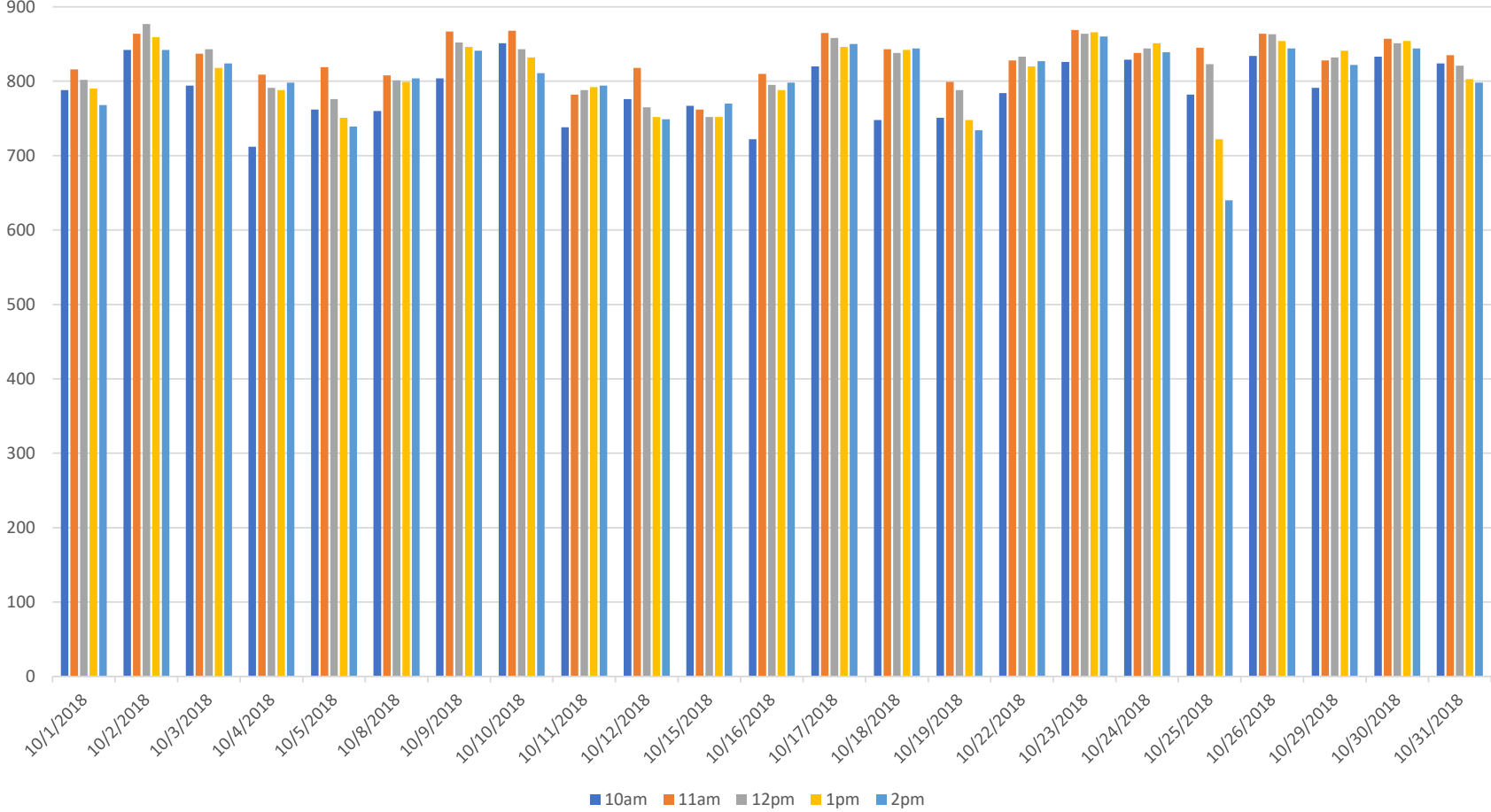
10/31/2018	10am	11am	12pm	1pm	2pm
Chester(880)	824	835	821	803	798
N.O.W.(745)	609	616	666	659	656
Park(811)	739	760	794	800	795
Peabody(437)	345	349	378	403	399
Pierce(706)	505	508	572	609	594

10/29/2018	10am	11am	12pm	1pm	2pm
Chester(880)	90%	94%	95%	96%	93%
N.O.W.(745)	76%	90%	90%	90%	90%
Park(811)	83%	90%	92%	95%	93%
Peabody(437)	83%	89%	89%	90%	90%
Pierce(706)	59%	67%	75%	78%	76%

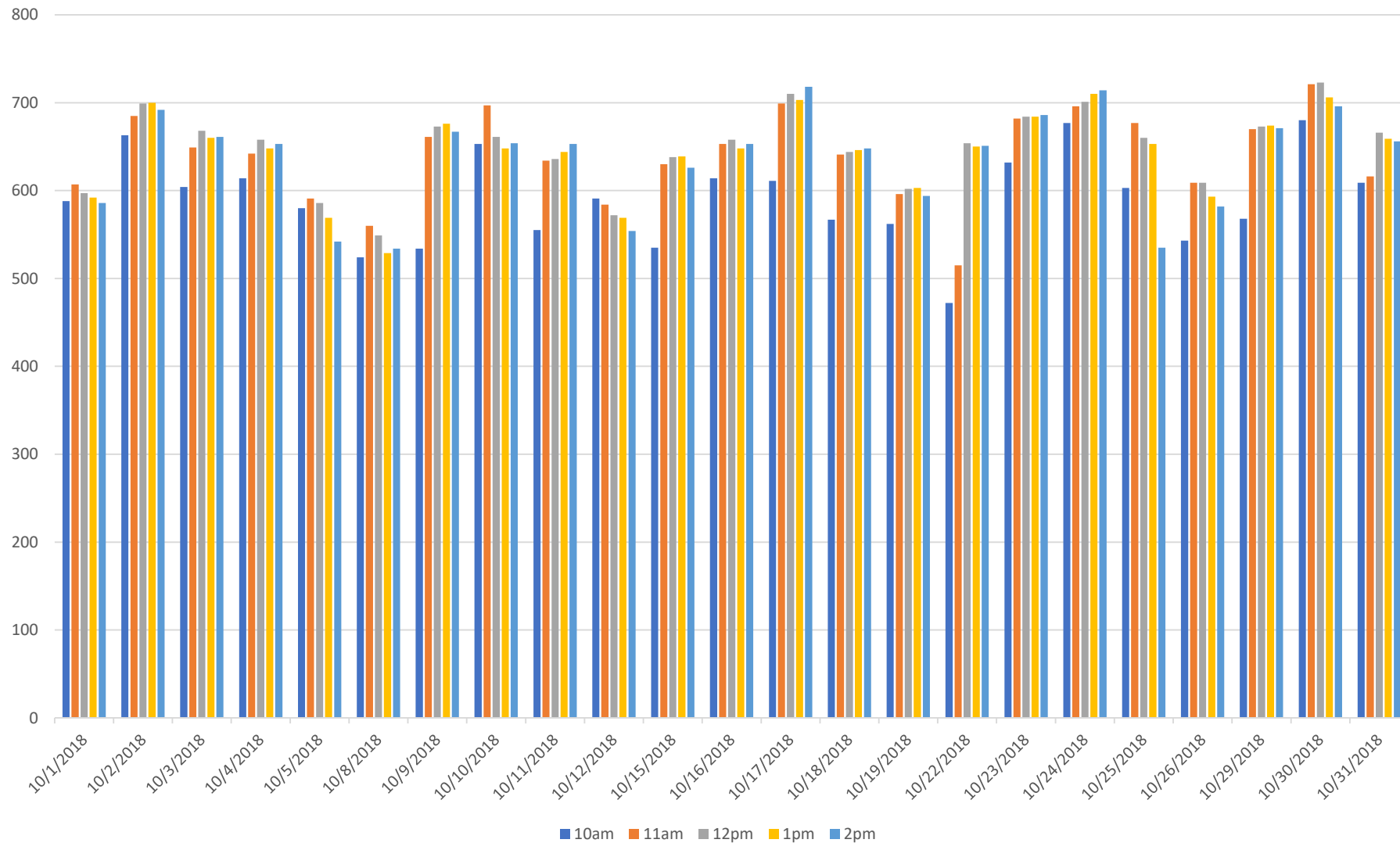
10/30/2018	10am	11am	12pm	1pm	2pm
Chester(880)	95%	97%	97%	97%	96%
N.O.W.(745)	91%	97%	97%	95%	93%
Park(811)	95%	99%	99%	100%	99%
Peabody(437)	84%	91%	93%	95%	93%
Pierce(706)	72%	82%	86%	89%	88%

10/31/2018	10am	11am	12pm	1pm	2pm
Chester(880)	94%	95%	93%	91%	91%
N.O.W.(745)	82%	83%	89%	88%	88%
Park(811)	91%	94%	98%	99%	98%
Peabody(437)	79%	80%	86%	92%	91%
Pierce(706)	72%	72%	81%	86%	84%

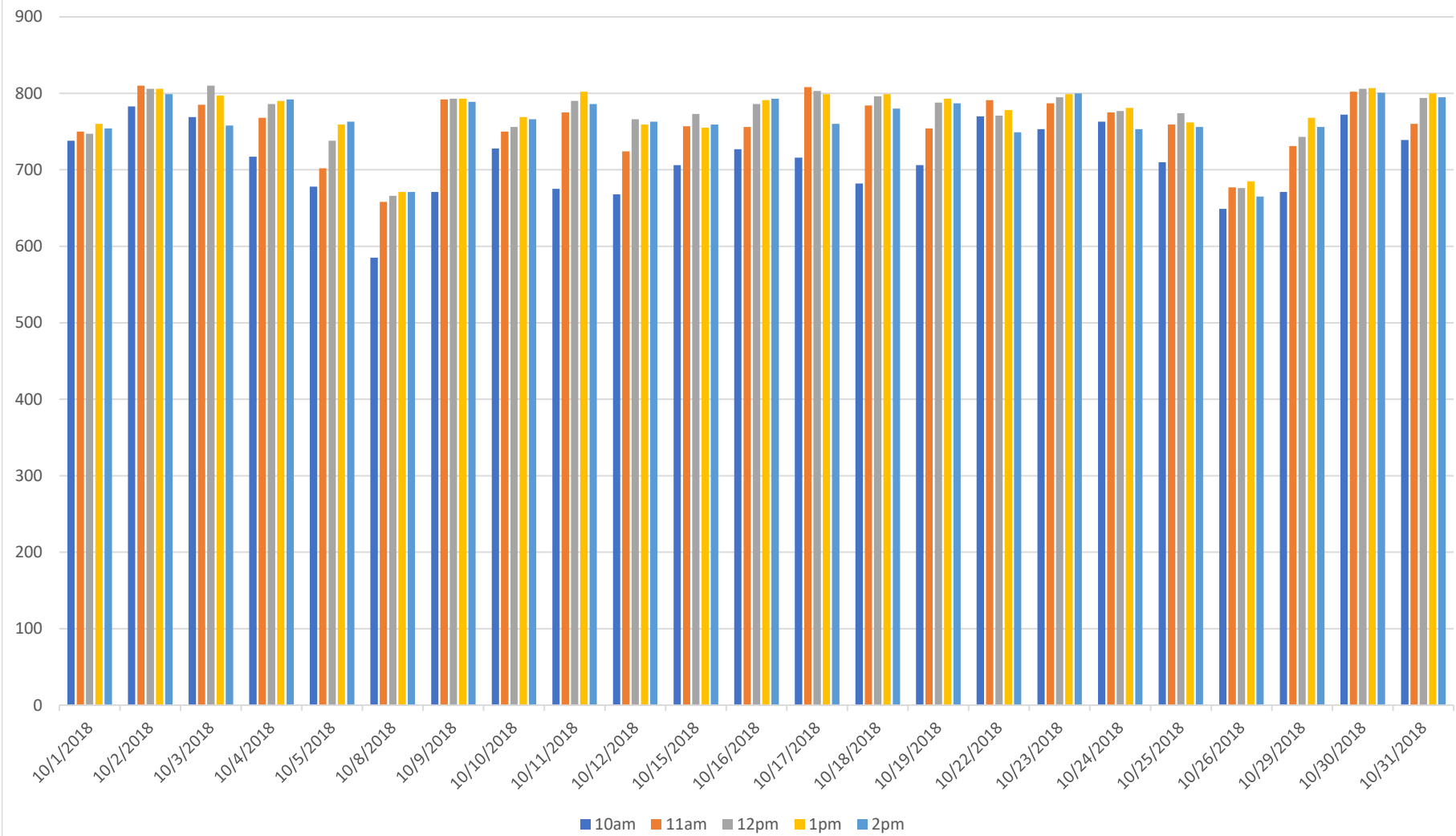
Chester Occupancy-880 Spaces



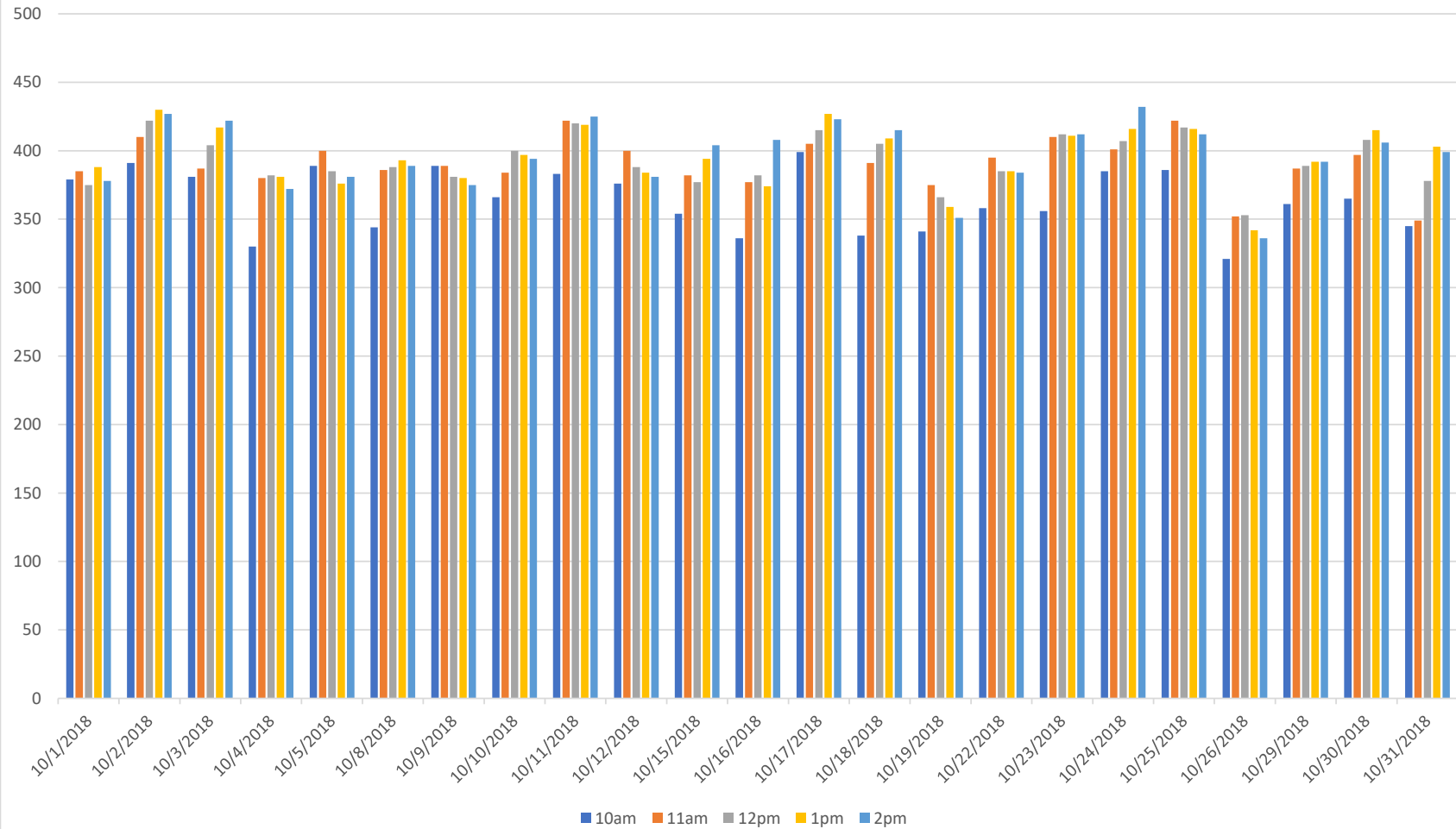
N.O.W. Occupancy-745 Spaces



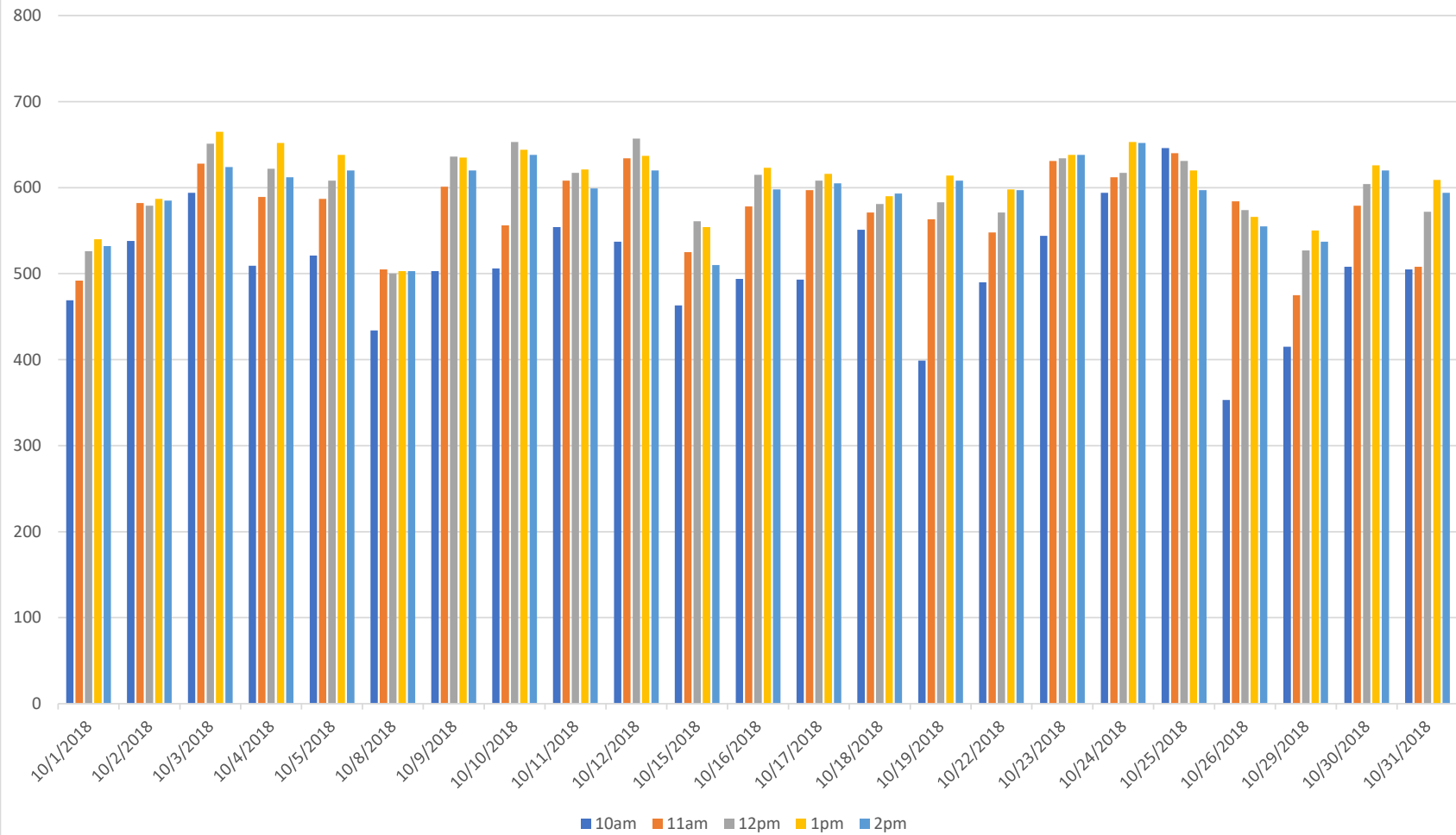
Park Occupancy-811 Spaces



Peabody Occupancy-437 Spaces



Pierce Occupancy-706 Spaces







## MEMORANDUM

Engineering Dept.  
Planning Dept.  
Police Dept.

**DATE:** November 7, 2018

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

**FROM:** Jana Ecker, Planning Director  
Scott Grewe, Police Commander  
Paul T. O'Meara, City Engineer

**SUBJECT:** Collector Streets Paving Project  
Contract #2-19(P)

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The Engineering Dept. is in the process of preparing plans for projects that will be bid this winter, and constructed in 2019. Since the creation of the Multi-Modal Transportation Board (MMTB), the Multi-Modal Transportation Plan is reviewed to make sure that any multi-modal improvements that should be implemented with a project are implemented accordingly.

Contract #2-19(P) is being prepared as a maintenance project for several commercial segments of City streets that are in need of repair. The attached map identifies the four different streets where work is proposed. All work has been budgeted and is currently authorized in the fiscal 2018-19 budget.

### PROJECT OVERVIEW

Following is a brief description of the work that is proposed.

#### **#1 – Park St. – Oakland Blvd. to Hamilton Ave.**

This one block segment adjacent to the Park St. Structure was last resurfaced in 2005. The last asphalt overlay has not performed very well, and resurfacing again is not recommended. The street is currently 33 ft. wide, and operates with one southbound lane, and two northbound lanes. The northbound lane operates as a left turn lane for the main vehicle entrance to the Park St. Parking Structure. We propose to remove the existing pavement and replace it with new concrete, matching the existing width.

#### **#2 – Peabody St. – Maple Rd. to Brown St.**

The pavement surface of this one block segment is in poor condition. The majority of the concrete curbs and sidewalks have been replaced more recently. The street serves as the only entrance to the Peabody St. Structure, as well as three private parking garages. Since it is vital that the street is kept open as much as possible, we propose to save the curbs, removing the older pavement, and replacing it with full-depth asphalt. The asphalt option will allow the work to be done so that the street can be rehabilitated in less than one business week.

**#3 – Bowers St. – Woodward Ave. to Adams Rd.**

**#4 – Elm St. – Bowers St. to Woodward Ave.**

Bowers St. was first scheduled for resurfacing in 2004. However, the City desired at that time to install streetscape amenities that would improve the pedestrian experience. The plan would involve installing bumpouts in the parking lane to allow the installation of street trees in this narrow right-of-way. Preparing a comprehensive streetscape plan requires locating driveways along the route, which cannot be established given that a large percentage of the private properties along these blocks are subject to being redeveloped. With that in mind, Bowers St. has been cape sealed to extend the life of the existing asphalt. More recently, several water main breaks have occurred, requiring several service shutdowns and difficult repairs. Since redevelopment plans have not materialized, the City is moving forward with replacement of the water main, and resurfacing of Bowers St. The block of Elm St. south of Bowers St. is also in poor condition, and will be resurfaced as well. The work is intended to allow the street to function for near future, until redevelopment plans have been finalized. At that time, a complete pavement reconstruction and streetscape can be implemented.

**MULTI-MODAL TRANSPORTATION BOARD REVIEW**

Recently, staff confirmed that no multi-modal improvements are planned for these street segments, other than that Bowers St. is identified as part of a larger neighborhood connector route. (Connector routes are proposed bike routes throughout the City. Signs and sharrows (pavement markings indicating to drivers to share the street with bicyclists) are proposed as needed to guide bicylists on designated routes throughout the City.)

At their regular meeting of November 1, the MMTB reviewed the attached information. The plans recommend crosswalk improvements throughout the project limits, widening crossings and installing handicap ramps in accordance with the City's approved crosswalk standards policy. Neighborhood connector route signs and pavement markings recommended on Bowers St. are proposed to be delayed until the entire route is set up and installed as a complete unit. After discussing the report, the Board agreed with the staff recommendations. Since the multi-modal improvements are simply moving forward with the required handicap ramps and crosswalk improvements required both by the Americans with Disabilities Act (ADA) and the City's crosswalk standards policy, no action is required by the City Commission at this time.



## MEMORANDUM

Engineering Dept.  
Planning Dept.  
Police Dept.

**DATE:** October 25, 2018

**TO:** Multi-Modal Transportation Board

**FROM:** Jana Ecker, Planning Director  
Scott Grewe, Police Commander  
Paul T. O'Meara, City Engineer

**SUBJECT:** Collector Street Paving Program  
Contract #2-19(P)  
Multi-Modal Master Plan Review

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**Park St. – Oakland Blvd. to Hamilton Ave.**  
**Peabody St. – E. Maple Rd. to E. Brown St.**  
**Bowers St. – Woodward Ave. to S. Adams Rd.**  
**Elm St. – Bowers St. to Woodward Ave.**

The above commercial street segments are budgeted for maintenance work in 2019. The work varies from asphalt resurfacing to full depth pavement replacement. Other than Park St., no curb and gutter sections are planned for removal, other than patching. With that in mind, no street widths are being changed with this project.

As is typically done, staff has reviewed the Multi-Modal Transportation Plan (MMTP) to verify if any multi-modal improvements should be incorporated into the project at this time. The following summarizes this review:

1. Park St. – Oakland Blvd. to Hamilton Ave.

The existing pavement on this segment is in poor condition. The original concrete street was resurfaced in 2004. The overlay has not held up well, leading to the conclusion that the original pavement should be retired. The street was paved at 30 ft. wide, and is currently being used with three 10 ft. wide lanes. Due to the large number of left turns into the Park St. Structure, maintaining the current three lane configuration is strongly recommended.

The MMTP does not call for any improvements on this segment.

As on all projects, handicap ramp improvements will be included. Since the project is within the Central Business District, the City's crosswalk standards will apply. The crosswalk at the Oakland Ave. end of the job is just beyond the north limits of the proposed pavement replacement. Since the asphalt is in poor condition, it is recommended that the asphalt be repaired, and the handicap ramps widened to provide for a 12 ft. wide crossing, as required in the crosswalk standards. An existing mid-block crossing between the Park St. Parking Structure

and the main entrance to 300 Park St. should be improved to include 8 ft. wide ramps and improved pavement markings. The location of the crosswalk will be adjusted slightly to make it perpendicular to the street. The crosswalk at Hamilton Ave. was rebuilt in 2016, and meets the requirements of both the ADA and the crosswalk standards. No further work is planned at this time.

### **Staff Recommendation:**

In accordance with the City's crosswalk standards policy:

- Replace handicap ramps and pavement markings at the Oakland Blvd. intersection with new 12 ft. wide walking surface.
- Replace handicap ramps and pavement markings at the mid-block crossing with new 8 ft. wide walking surface.

#### **2. Peabody St. – Maple Rd. to Brown St.**

The existing pavement is in poor condition, but the curb and gutter system has been replaced on almost the entire length. This block is the access for the City's Peabody St. Parking Structure, as well as three private parking garages. Closing it for any length of time would be very disruptive for the adjacent business community. With this in mind, we plan to save the existing curbs, sidewalks, and driveways, and replacing the original pavement with a new deep strength asphalt section. Using this model, it is expected that the street closure could be kept to less than one week.

The MMTP does not call for any improvements on Peabody St.

A review of the crosswalks on this segment revealed:

- a. At Maple Rd., the intersection will be completely reconstructed and enhanced in 2020. The intersection work is outside of the scope of this project, but will be addressed the year after.
- b. Given the proximity of the Peabody St. Parking Structure main north stair tower, locating a mid-block crossing near the north end of the structure would be an enhancement for pedestrians attempting to cross the street here. The best location for a mid-block crossing would be directly in front of the stair tower, as shown in the attached photo. Unfortunately, there are currently four vehicle driveways in the immediate area, with a fifth one proposed for an underground parking garage as a part of the upcoming construction at 34965 Woodward Ave. Secondly, assuming the adjacent building project is underway when Peabody St. is repaved, the sidewalk on the east side of the street will be closed for safety reasons. In order to ensure that a mid-block crossing is added in the future, the Engineering Dept. will be asking the developer to add this feature to their plans wherein a marked mid-block crossing would be installed to align with their front door, which would also be about the mid-point of the block.
- c. The existing crosswalk at the Brown St. intersection does not meet current City standards. It will be upgraded to 8 ft. wide ramps and pavement markings.

**Staff Recommendation:**

- Require construction of a mid-block crossing as a part of the new construction at 34965 Woodward Ave.
  - At Brown St., replace the handicap ramps and pavement markings to meet the City's current standards at the mid-block crossing at 8 ft. wide.
3. Bowers St. – Woodward Ave. to Adams Rd.
  4. Elm St. – Bowers St. to Woodward Ave.

Resurfacing of Bowers St. was originally planned in 2005. The proposal was modified in favor of a proposed street narrowing and streetscape enhancement project that was postponed in hopes that adjacent buildings planned on both sides of the street would be reconstructed, allowing the design of the streetscape to be finalized. Unfortunately, the proposed buildings were never built. In the meantime, the pavement surface and the existing water main system has continued to deteriorate, and work must now be scheduled for 2019. Assuming that the adjacent properties will still be redeveloped, the City plans to replace the water main, repair curbs and sidewalks where needed, and replacing the thin asphalt surface. The underlying concrete would remain in place. Similarly on Elm St., concrete repairs will be made where needed, and the road will be upgraded with a new asphalt surface over the existing concrete.

As shown on the attached MMTP, Bowers St. is identified as part of a Neighborhood Connector Route that has not yet been constructed. The plan suggests that sharrows be installed along the corridor as a part of the larger route. No other lane marking changes are proposed. Since the sharrows will be more appropriate when installed as a part of the larger route, it is recommended that this work be done at the time the entire route is approved and installed.

The MMTP also called for crosswalk improvements at the Woodward Ave. intersection, which were completed earlier this year by MDOT. Handicap ramp and crosswalk improvements are required at the Elm St. and Adams Rd. intersections. Since the City's crosswalk standards calls for 8 ft. wide ramps and pavement markings, enhanced crosswalks will be implemented at both of these intersections.

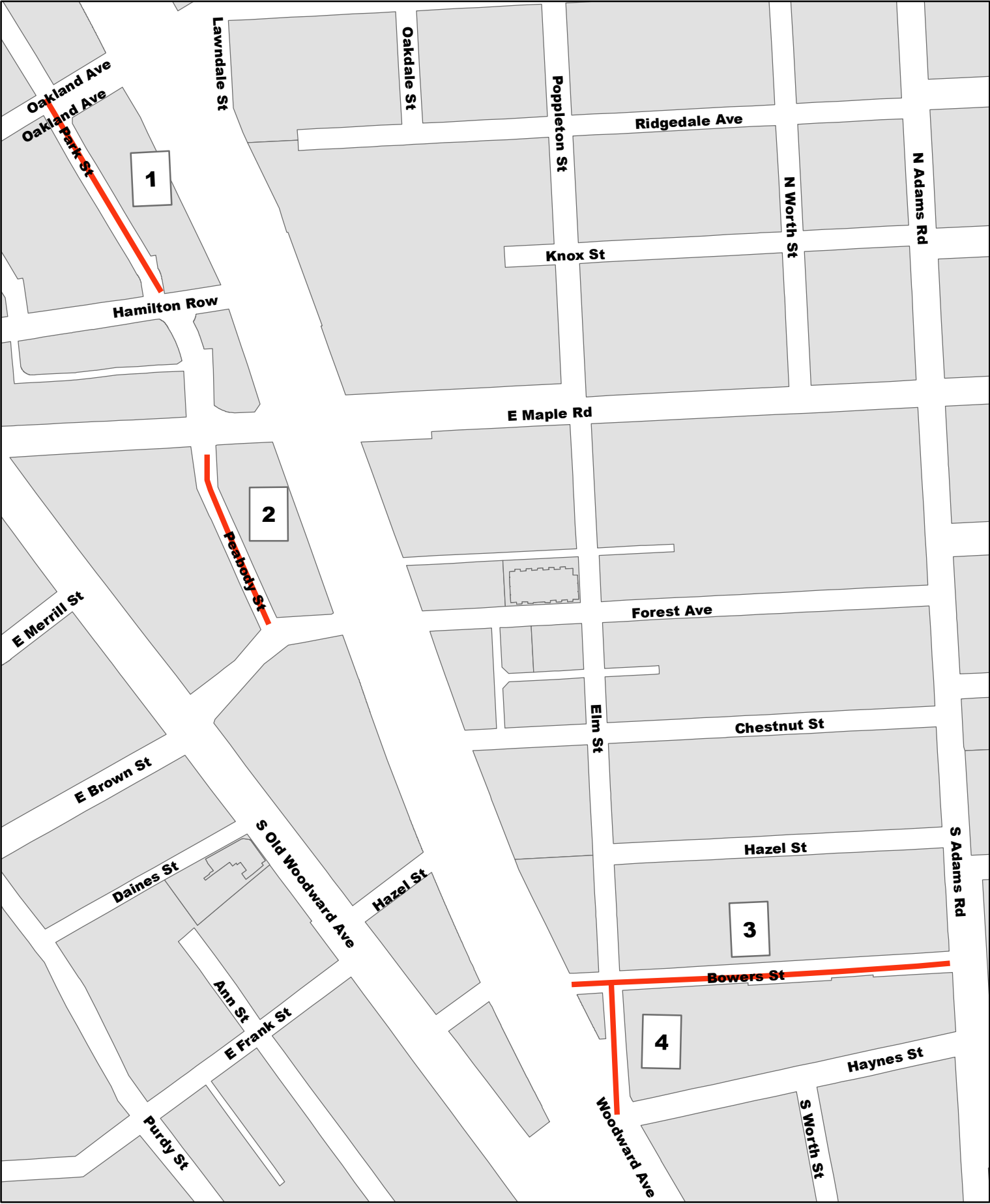
The MMTP does not call for any improvements on Elm St. A widened crosswalk is also proposed on Elm St. where it meets Woodward Ave.

**Staff Recommendation:**

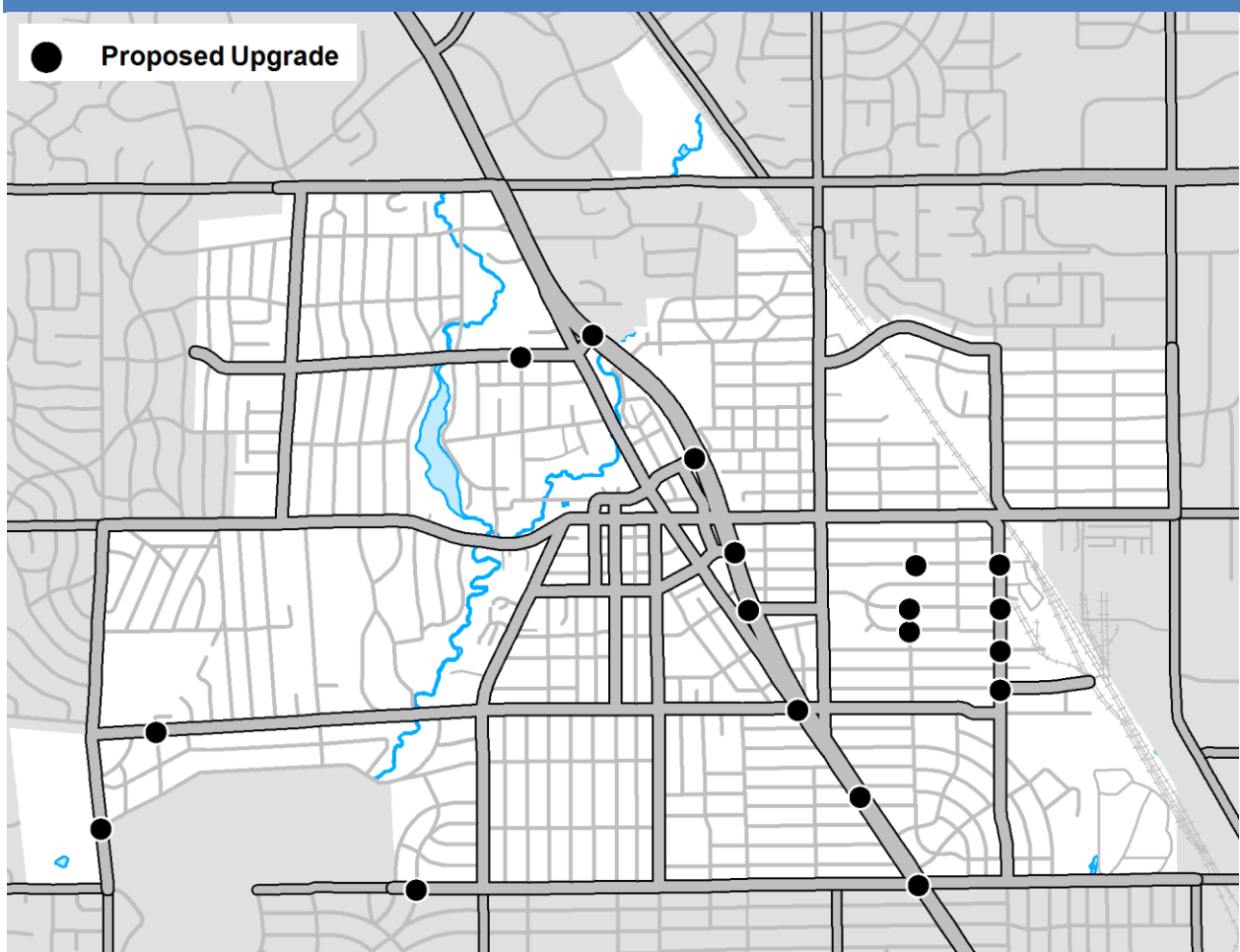
- On Bowers St., replace handicap ramps at the Elm St. and Adams Rd. intersections to meet the City's current crosswalk standards at 8 ft. wide.
- On Elm St., replace handicap ramps at the Elm St. and Woodward Ave. intersection to meet the City's current crosswalk standards at 8 ft. wide.

# Collector Streets Paving Project

## Contract #2-19(P)



**FIGURE 3.3C PROPOSED CROSSING IMPROVEMENTS – UPGRADES**

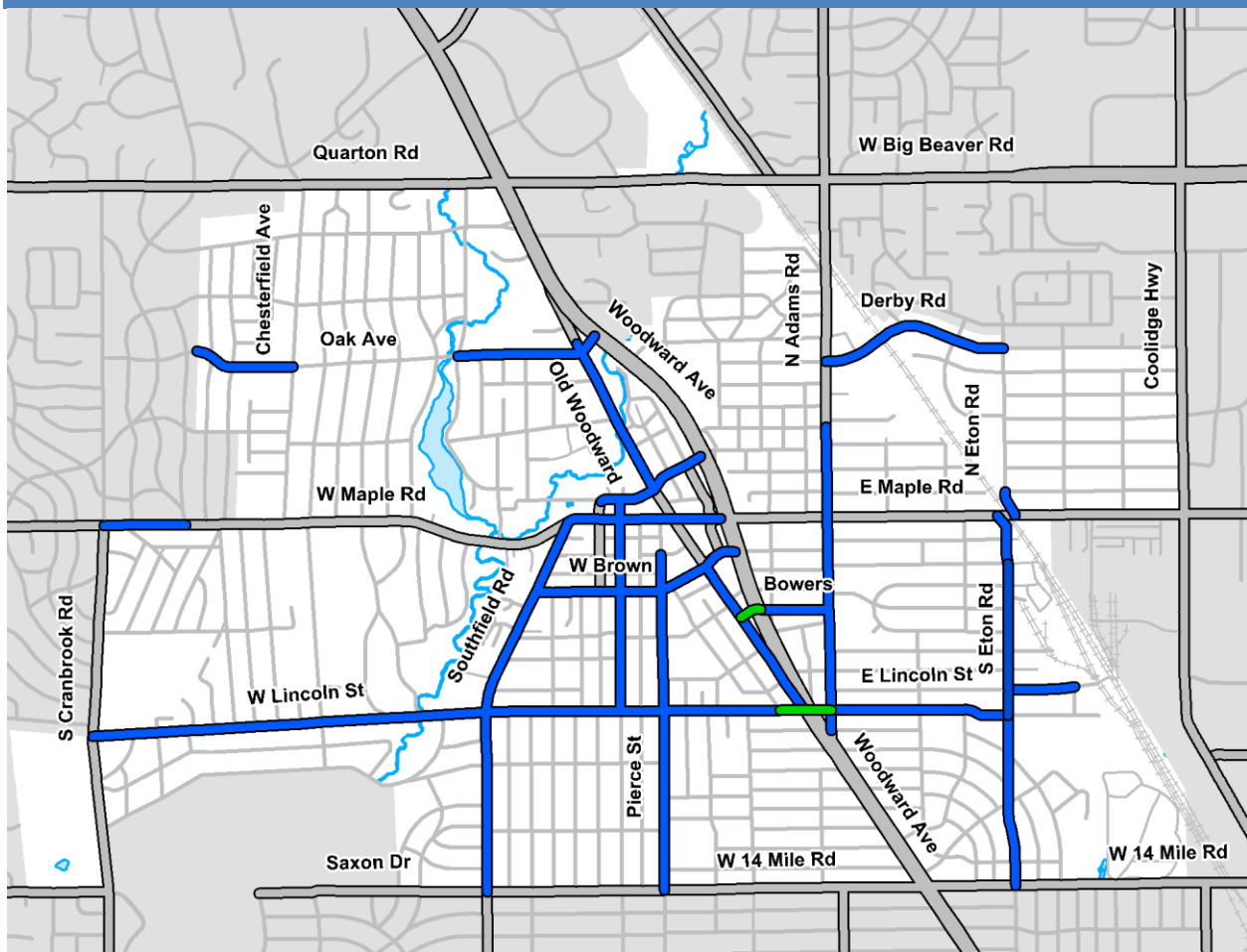


**18 ROAD CROSSING UPGRADES ARE PROPOSED**

Many of the proposed improvements include upgrades such as ramps, detectable warnings, pedestrian signals, and high visibility crosswalk markings.

Please refer to the Network Implementation Plan and Special Area Concept Plans for more details.

FIGURE 3.6A PROPOSED SHARED LANE MARKINGS

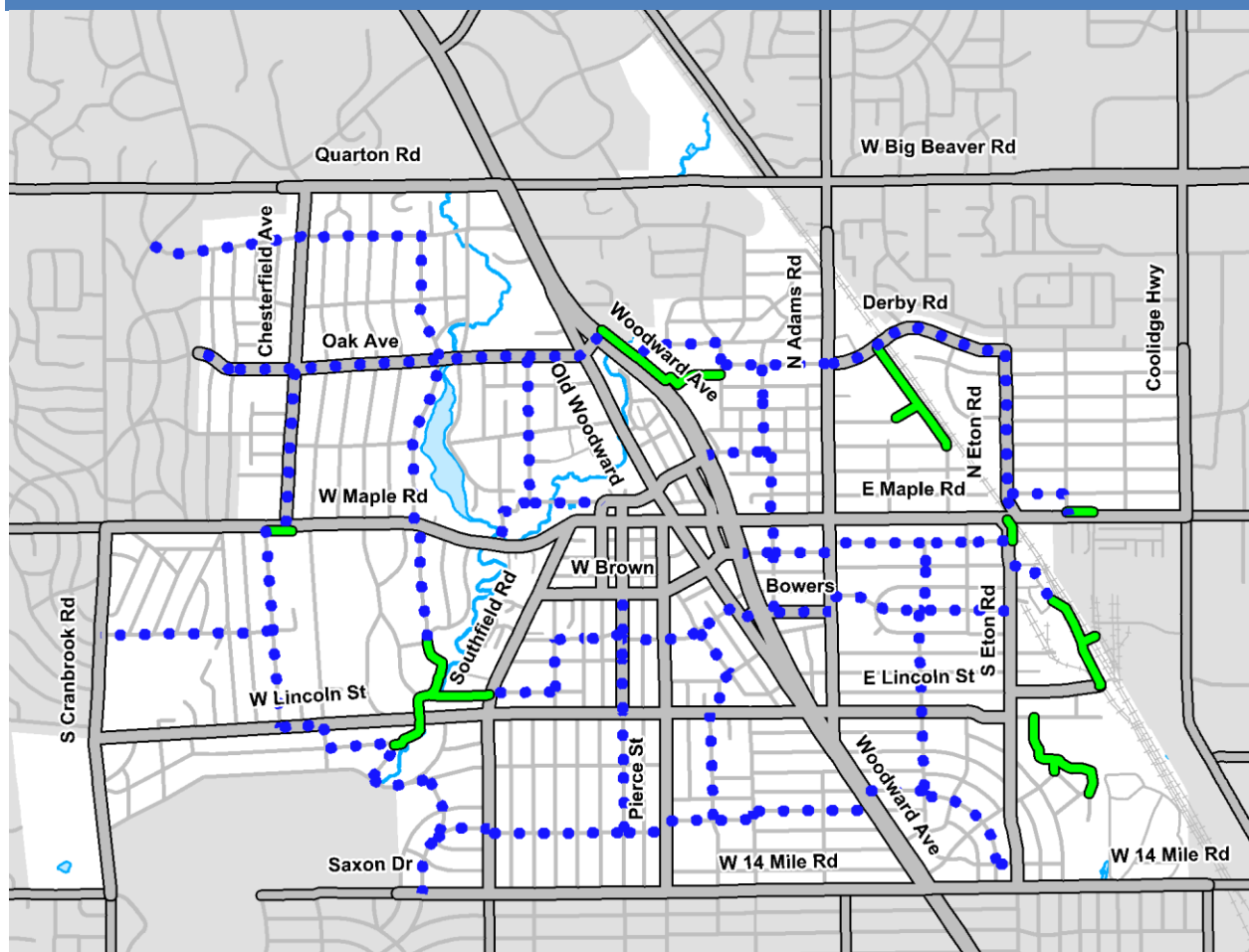


### Shared Lane Markings

- Proposed Shared Lane Markings
- Proposed Colored Shared Lane Markings

APPROXIMATELY 10.7 MILES OF NEW SHARED LANES MARKINGS ARE PROPOSED AND 0.2 MILES OF COLORED SHARED LANE MARKINGS ARE PROPOSED



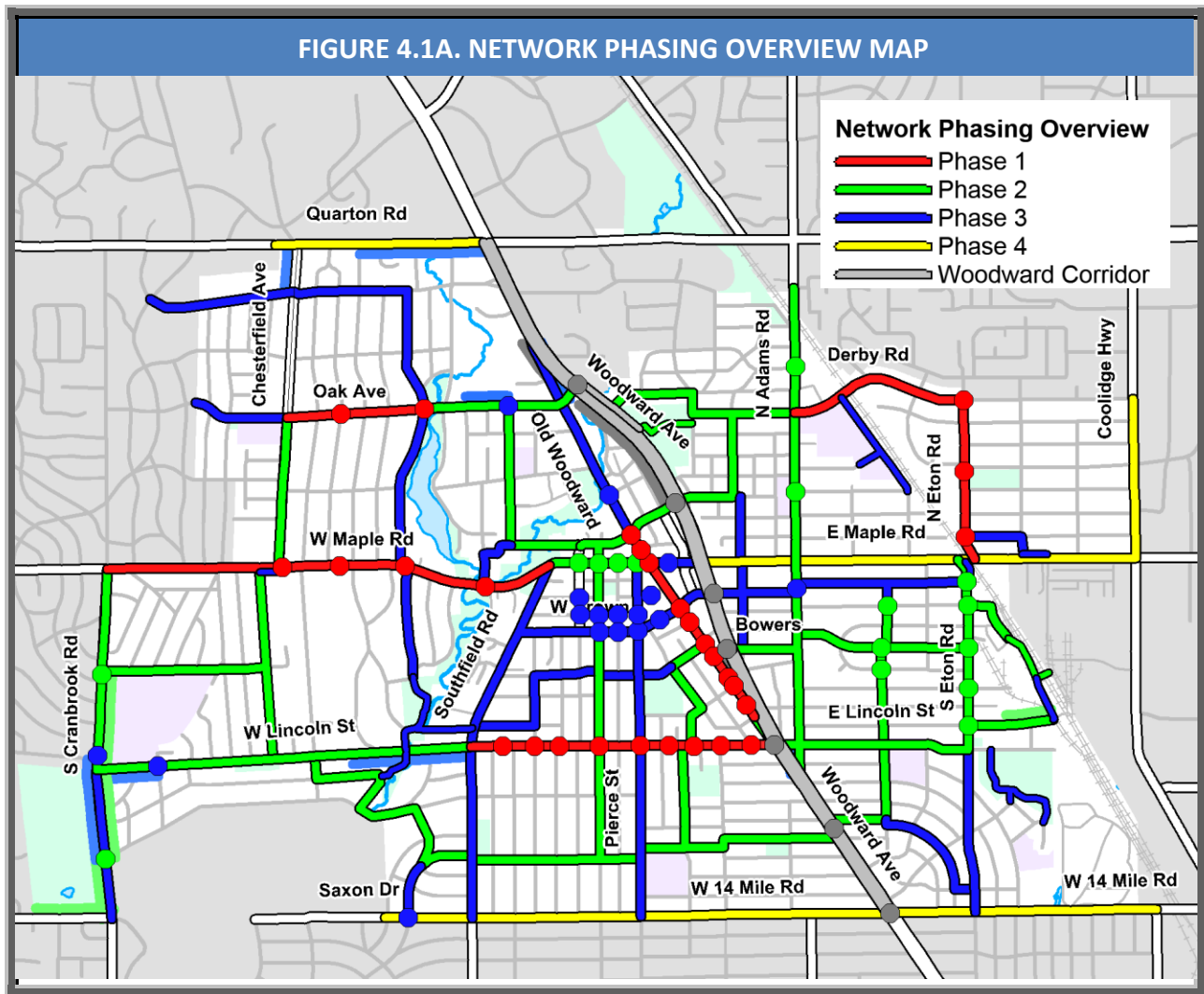
**FIGURE 3.7A PROPOSED NEIGHBORHOOD CONNECTOR ROUTES****Proposed Neighborhood Connector Routes**

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

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

Web Survey Results:

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



#### CONCURRENT STUDIES

Numerous concurrent studies were underway on the Woodward Avenue Corridor during the creation of this plan. Due to this occurrence, implementation recommendations for this corridor were not provided. Details on the Woodward Avenue Corridor can be found under the Specific Area Concept Plans.

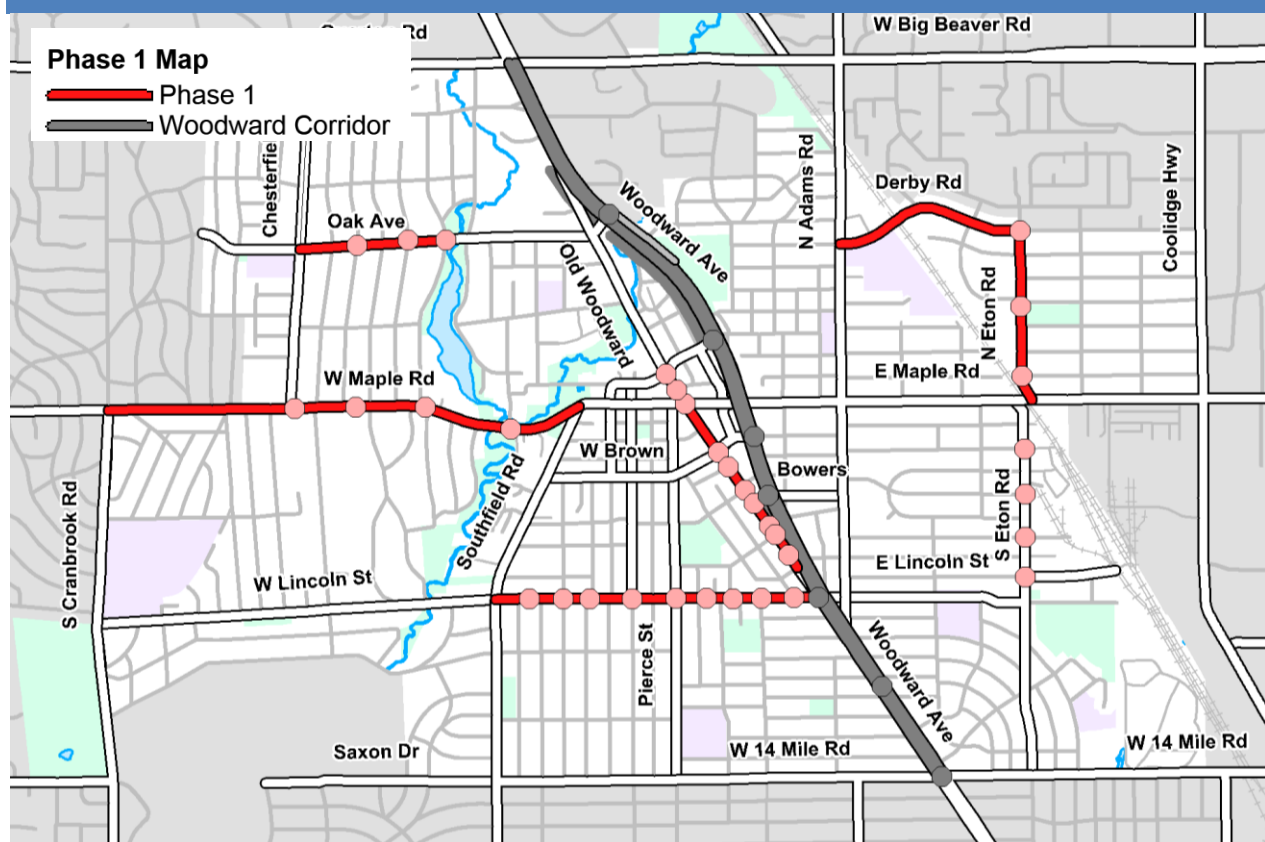
### 4.2 PHASE 1

#### PHASE 1: OVERVIEW

Many of the routes in Phase 1 may be implemented as part of the City's Capital Improvement Plan (CIP). A Capital Improvement Plan is a short-range plan, usually five to ten years which identifies capital projects and provides planning schedules and options for financing the plan. CIP roadway projects generally fall into two categories, resurfacing and reconstruction. Resurfacing projects typically only affect the surface of the roadway, whereas in a reconstruction project the existing roadway, curb and sidewalk may be completely removed and reconstructed. Incorporating the proposed improvements with the CIP is a cost effective way to implement the facilities as it will reduce mobilization costs and help to consolidate roadway closures.

The following pages provide a more detailed breakdown of Phase 1.

FIGURE 4.2A. PHASE 1



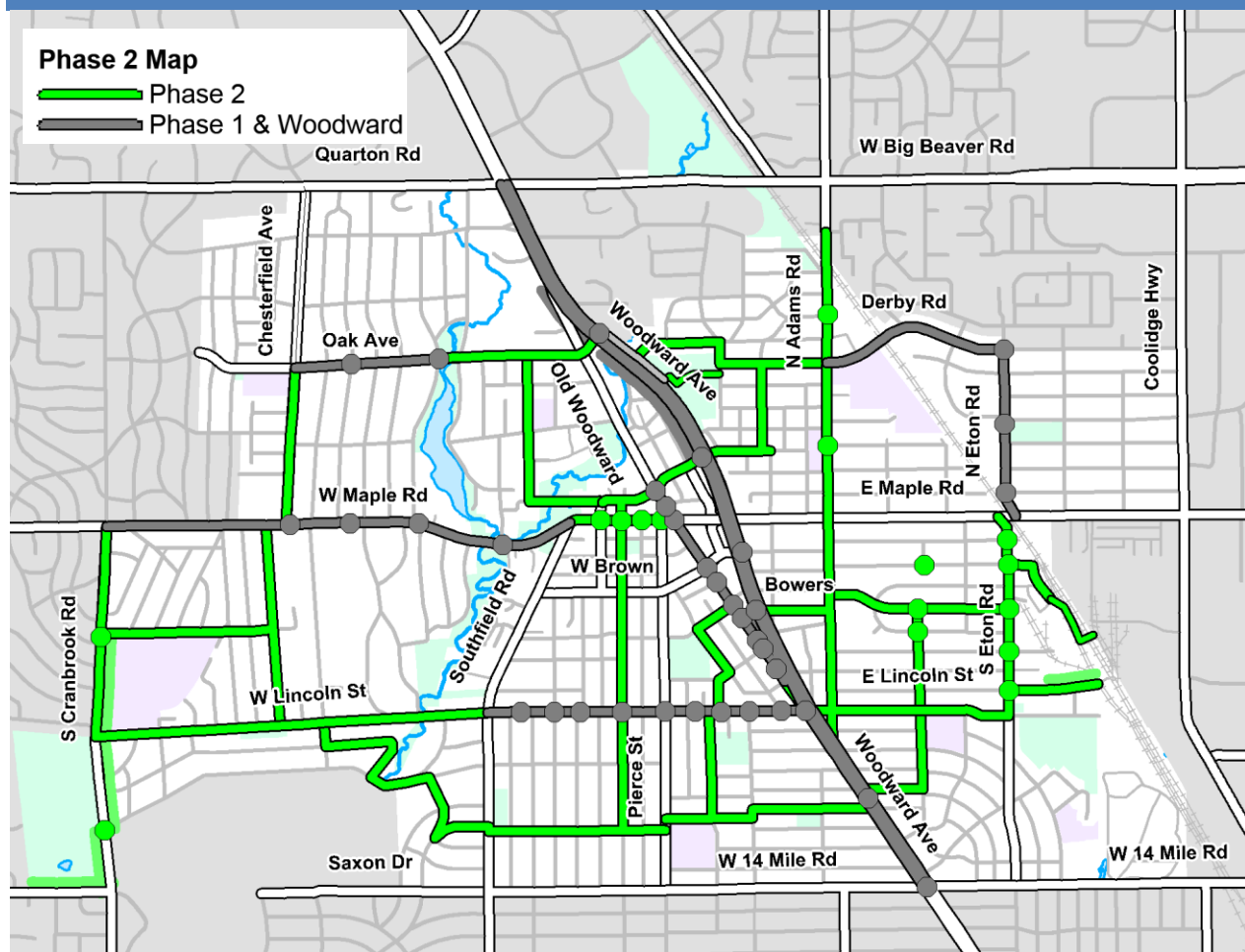
## 4.3 PHASE 2

### PHASE 2: OVERVIEW

Phase 2 objective is to provide connections across the community and create a backbone for the City's long-range multi-modal system. This phase achieves this by building on the existing multi-modal system.

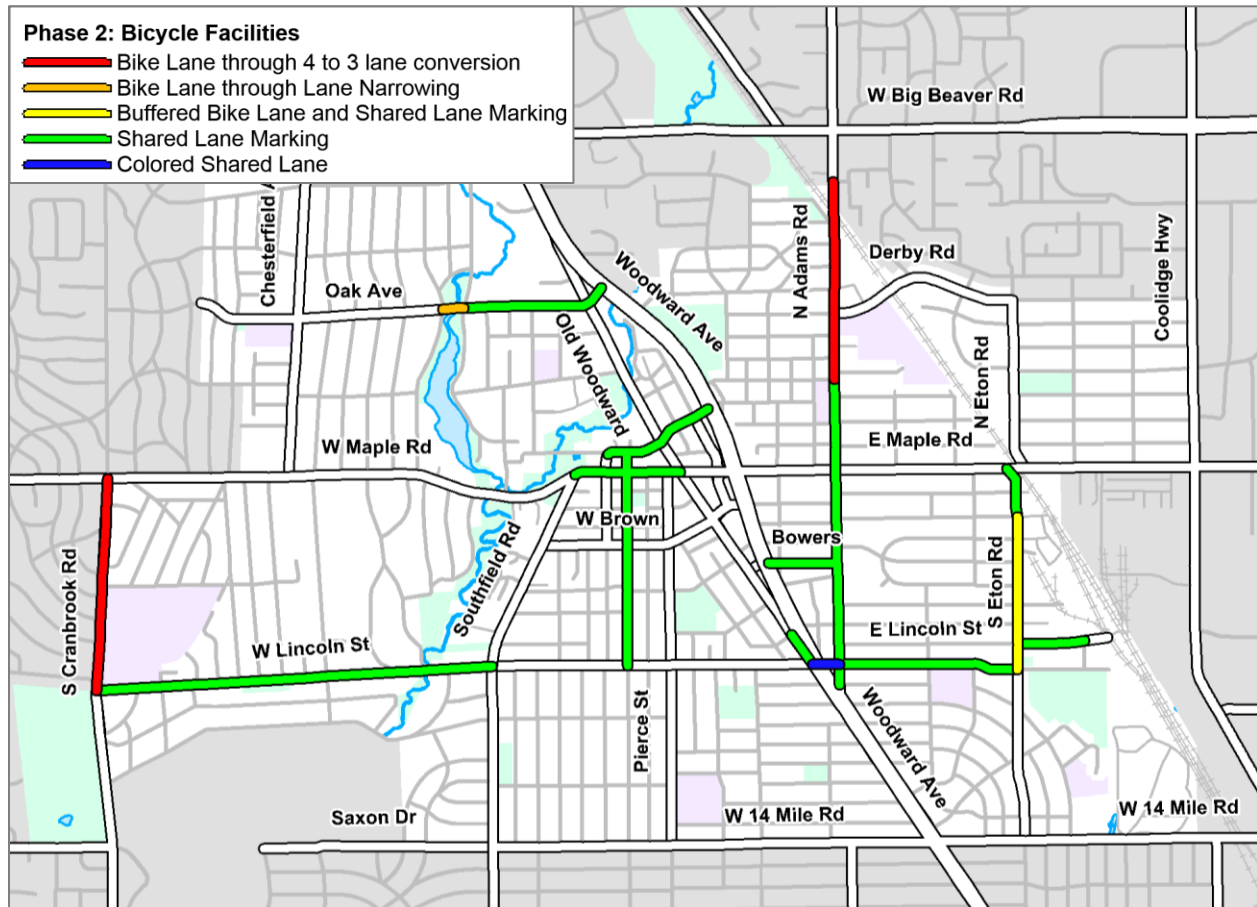
The following pages provide a more detailed breakdown of Phase 2.

FIGURE 4.3A. PHASE 2



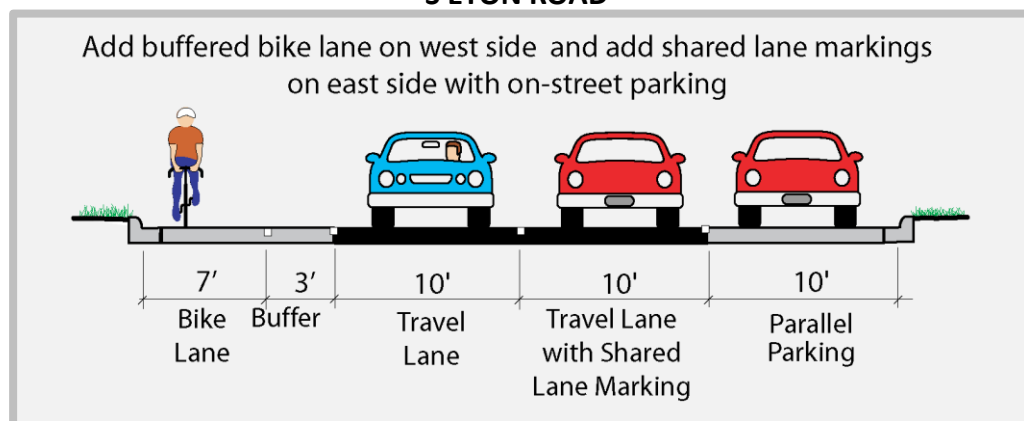
## PHASE 2: PROPOSED BIKE FACILITIES

The following provides a list of on-road bike facilities that can be implemented in the near-term with minimal changes to the roadway. Please note that at time of implementation all bike facilities should be accompanied by appropriate signage.



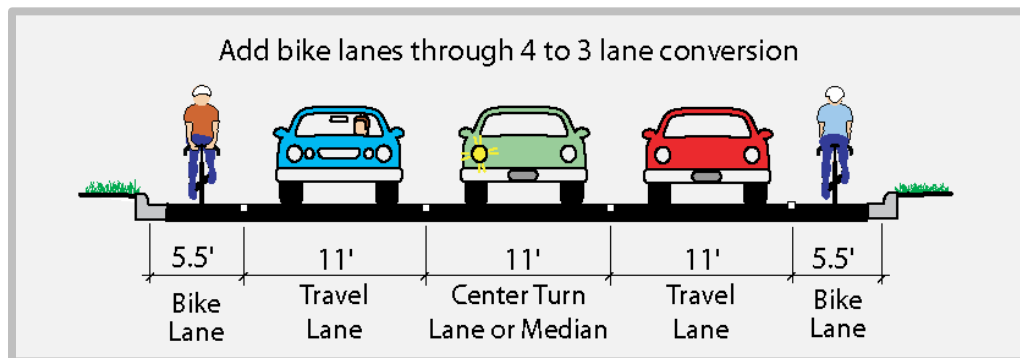
On S Eton Road between Yosemite Boulevard and E Lincoln Street, remove parking on the west side of the street and add a buffered bike lane. On the east side of the street keep on-street parking and add a shared-lane marking. The buffer between the bike lane and travel lane should be cross hatched.

### S ETON ROAD



Add bike lanes to S Cranbrook Road between W Maple Avenue and W Lincoln Street through a four-lane to three-lane conversion. Add bike lanes to N Adams Road between Madison Street and Evergreen Drive through a four-lane to three-lane conversion. Please note that prior to implementation a micro-simulation may be necessary to see how school traffic timing affects both corridors.

#### **S CRANBROOK ROAD AND N ADAMS ROAD**



Add bike lanes to Oak Avenue between Lake Park Drive and Lakeside Drive by adding an edge stripe 6' out from the curb on both sides of the road.

Add shared lane markings to the following roadways:

- W Lincoln Street between S Cranbrook Road and Southfield Road
- E Lincoln Street between Adams Road and S Eton Road
- S Eton Road between W Maple Rd and Yosemite
- N Eton Road between Yorkshire Road and W Maple Road
- Bowers Street between Woodward Avenue and Adams Avenue
- Oakland Avenue between N Old Woodward Avenue and Woodward Avenue
- Willits Street between N Chester Street and N Old Woodward Avenue
- W Maple Road between Southfield Road and N Old Woodard Avenue
- S Bates Street between W Lincoln St and Willits Street
- Cole Street east of S Eton Street
- Adams Road between Madison Street and Woodward Avenue
- Oak Avenue between Lake Park Drive and Woodward Avenue
- Chesterfield Avenue between Oak Avenue and W Maple Road
- One-way on S Old Woodward Ave between Landon Rd and E Lincoln St

Add colored shared lane markings to E Lincoln Street between Woodward Avenue and Adams Road.

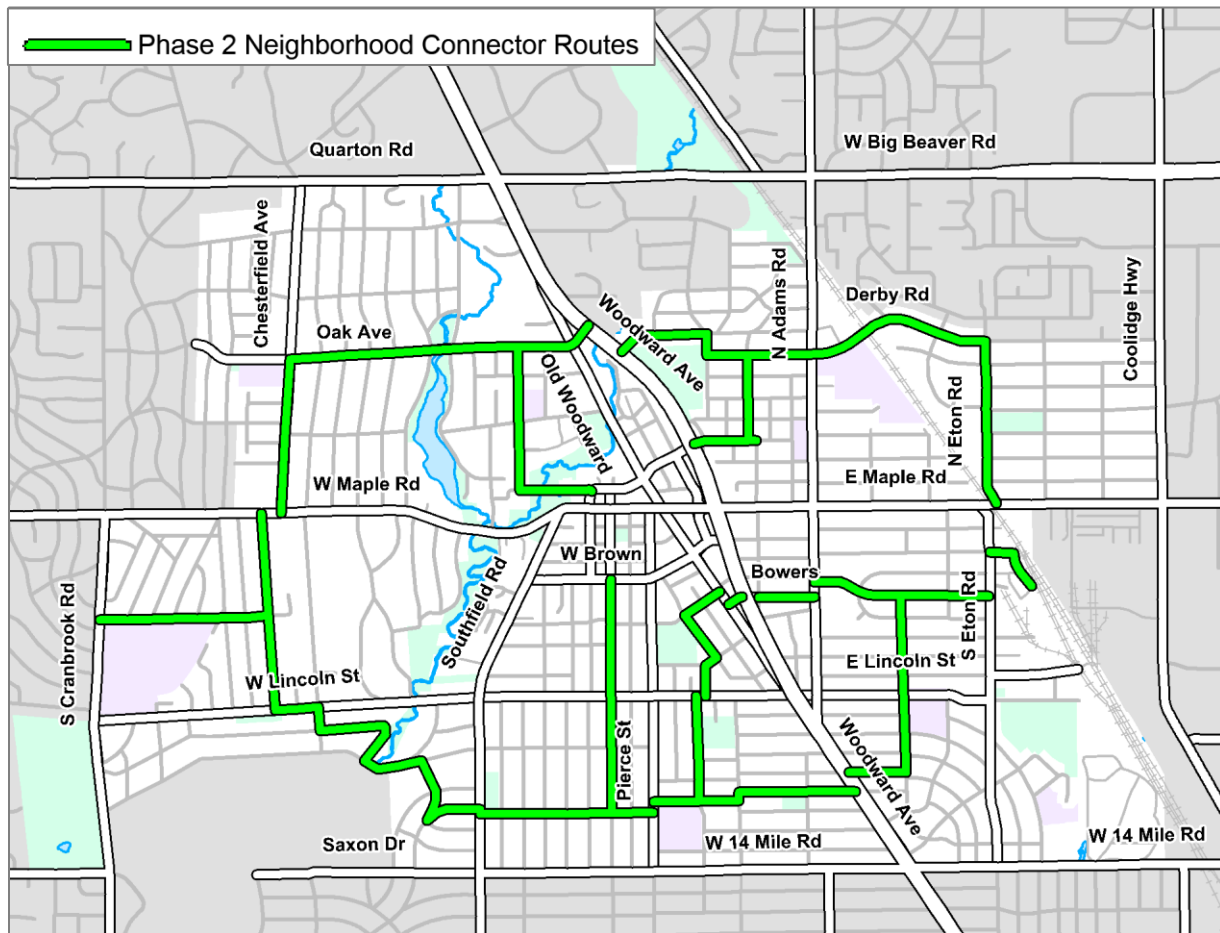
PHASE 2 BICYCLE FACILITIES:				
Road	From	To	Quantity	Unit
<b>Bike Lanes through 4 to 3 lane conversion (stripe removal, pavement markings and signage):</b>				
S Cranbrook Rd	W Maple Rd	W Lincoln Rd	0.57	MI
N Adams Rd	Evergreen Dr	Madison St	0.55	MI
<b>Buffered Bike Lane (pavement markings and signage in one direction)</b>				
S Eton Rd	Yosemite Blvd	E Lincoln St	0.5	LF
<b>Bike Lanes through Lane Narrowing:</b>				
Oak Ave	Lake Park Dr	Lakeside Dr	0.06	MI
<b>Shared Lane Markings (placed every 200' - 250'):</b>				
W Lincoln St	S Cranbrook Rd	Southfield Rd	1.00	MI
E Lincoln St	Adams Rd	S Eton Rd	0.51	MI
S Eton Rd	W Maple Rd	Yosemite	0.07	MI
N Eton Rd	Yorkshire Rd	W Maple Rd	0.08	MI
Bowers St	Woodward Ave	Adams Rd	0.2	MI
Oakland Ave	N Old Woodward Ave	Woodward Ave	0.16	MI
Willits St	N Chester St	N Old Woodward Ave	0.15	MI
W Maple Rd	Southfield Rd	N Old Woodward Ave	0.27	MI
S Bates	W Lincoln St	Willits St	0.6	MI
Cole St	East of S Eton St		0.25	MI
Adams Rd	Madison St	Woodward Ave	0.9	MI
Oak Ave	Lake Park Dr	Woodward Ave	0.46	MI
Chesterfield Ave	Oak Ave	W Maple Rd	0.45	MI
<b>Shared Lane Markings (placed every 200' - 250' in one direction):</b>				
S Eton Rd	Yosemite Blvd	E Lincoln St	0.5	MI
S Old Woodward Ave	Landon Rd	E Lincoln St	0.12	MI
<b>Colored Shared Lane Markings (placed every 200' - 250' with solid green paint the entire length):</b>				
W Lincoln St	Woodward Ave	Adams Rd	0.10	MI



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## PHASE 2: PROPOSED NEIGHBORHOOD CONNECTOR ROUTES

The following map displays the neighborhood connector routes that should be implemented first. Initially, implementation along these routes is as simple as providing wayfinding signage identifying the direction of the route and key destinations. Eventually, other enhancements such as rain gardens, traffic calming measures, and street art may be incorporated. Please note that some of these routes are dependent on road crossings which are proposed in Phase 1 and Phase 2.



In Phase 2 only wayfinding signage is proposed. In the future, the City may consider adding some additional enhancements such as mini traffic circles, pavement markings, chicanes, street diverters, and pedestrian street lighting.



PHASE 2 NEIGHBORHOOD CONNECTOR ROUTES:				
Road	From	To	Quantity	Unit
<b>Wayfinding Signs:</b>				
Midvale	S Cranbrook Rd	Larchlea Dr	0.47	MI
Larchlea Dr	W Maple Rd	W Lincoln St	0.57	MI
W Lincoln St	Larchlea Dr	Pleasant St	0.13	MI
Pleasant St	W Lincoln St	Fairway Dr	0.08	MI
Fairway Dr	Pleasant St	Northlawn Blvd	0.30	MI
Northlawn Blvd	Fairway Dr	Latham St	0.18	MI
Latham St	Northlawn Blvd	Worthington Rd	0.16	MI
Worthington Rd	Latham St	Southfield Rd	0.16	MI
W Southlawn Blvd	Southfield Rd	Peirce St	0.36	MI
Pierce St	W Southlawn Blvd	W Southlawn Blvd	0.03	MI
E Southlawn Blvd	Pierce St	Grand St	0.24	MI
Grant St	E Southlawn Blvd	Emmons Ave	0.03	MI
Emmons Ave	Grant St	Woodward Ave	0.35	MI
Chapin Ave	Woodward Ave	Troy St	0.17	MI
Torry St	Haynes St	Chapin Ave	0.45	MI
Pathway (north of Torry St)	Bowers St	Haynes St	0.08	MI
Bowers St	Adams Rd	S Eton Rd	0.52	MI
Adams Rd	Bowers St	Bowers St	0.03	MI
Bowers St	Woodward Ave	Adams Rd	0.18	MI
Bowers St	S Old Woodward Ave	Woodward Ave	0.07	MI
S Old Woodward Ave	E Frank St	Bowers St	0.03	MI
E Frank St	Purdy St	S Old Woodward Ave	0.11	MI
Purdy St	E Frank St	George St	0.15	MI
George St	Floyd St	Purdy St	0.03	MI
Floyd St	George St	E Lincoln St	0.08	MI
E Lincoln St	Edgewood Rd	Floyd St	0.03	MI
Edgewood Rd	E Lincoln St	E Southlawn Blvd	0.3	MI
S Bates St	W Brown St	Southlawn Blvd	0.66	MI
Washington Blvd	W Lincoln St	W Southlawn Blvd	0.34	MI
Chesterfield Ave	Oak Ave	W Maple Rd	0.44	MI
Oak Ave	Chesterfield Ave	Woodward Ave	0.87	MI
Greenwood St	Oak Ave	Willits St	0.4	MI
Willits St	Greenwood St	N Chester St	0.2	MI
Woodward Ave Sidepath	Oak Ave	Wimbleton Dr	0.13	MI
Wimbleton Dr	Woodward Ave	Oxford St	0.26	MI
Oxford St	Wimbleton Dr	Mohegan St	0.06	MI
Mohegan St	Oxford St	N Adams Rd	0.3	MI
Poppleton St	Mohegan St	Oakland Ave	0.25	MI
Oakland Ave	Poppleton St	Woodward Ave	0.15	MI
Derby Rd	N Adams Rd	N Eton Rd	0.53	MI
E Eton St	Derby Rd	E Maple Rd	0.48	MI
E Maple Rd Sidepath	S Eton Rd	N Eton Rd	0.06	MI
S Eton St Sidepath	E Maple Rd	Yosemite Blvd	0.09	MI
Villa Ave	S Eton Rd	Villa Rd	0.09	MI
Villa Rd	Villa Ave	Proposed Pathway	0.12	MI
Proposed Pathway extending from Villa Rd to Troy Transit Station			0.2	MI



Google Maps 324 Park St



Image capture: Aug 2017 © 2018 Google



Google Maps 308 Park St



Image capture: Aug 2017 © 2018 Google



Google Maps 215 Peabody St



Image capture: Aug 2017 © 2018 Google