

**BIRMINGHAM CITY COMMISSION AGENDA**  
**AUGUST 5, 2019**  
**MUNICIPAL BUILDING, 151 MARTIN**  
**7:30 P.M.**

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

Patty Bordman, Mayor

**II. ROLL CALL**

J. Cherilynn Mynsberge, City Clerk

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

***Announcements:***

- Introduction of James Gallagher, Assistant to the City Manager.
- On Thursday, August 8 at 7:00 PM, the jointly sponsored Summer Lecture Series of the Birmingham Museum and Baldwin Public Library will conclude with "Birmingham at the Movies," a look at how Birmingham has contributed to the film industry, presented by movie buff and museum staff MEMBER, Kyle Phillips.
- The City of Birmingham has an election tomorrow, August 6, 2019. The polls will be open from 7:00 a.m. until 8:00 p.m. Qualified residents who are not yet registered to vote may register tomorrow in person at the City Clerk's Office with proof of residency and will then be eligible to vote.
- In The Park Summer Concert Series continues this week on Wednesday, August 7, 2019 with Magic Bus (A journey to Woodstock Late 1960's) at 7:00 PM in Shain Park.

Next week we have our last two concerts, afternoon performance Surf Zup (Surf Guitar Band) on Wednesday, August 14th beginning at Noon - 2:00 PM; and the 7:00 PM band is Nobody's Business (Rockabilly/Roots Rock) in Shain Park.

***Appointments:***

- A. Appointment of Birmingham Fire Chief, Paul Wells
- B. Administration of Oath of Office to Fire Chief, Paul Wells

**IV. CONSENT AGENDA**

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

- A. Resolution approving the Regular City Commission meeting minutes of July 22, 2019.
- B. Resolution approving the warrant list, including Automated Clearing House payments, dated July 31, 2019 in the amount of \$ 881,404.65.

- C. Resolution approving the warrant list, including Automated Clearing House payments, dated July 24, 2019 in the amount of \$ 7,327,657.57.
- D. Resolution approving the street light agreement between the City of Birmingham and DTE Energy Co. regarding the installation of streetlights at 2254 Cole Ave. Further, to direct the Mayor to sign the agreement on behalf of the City. All costs relative to this agreement will be charged to the adjacent owner.
- E. Resolution approving the street light agreement between the City of Birmingham and DTE Energy Co. regarding the installation of street lights on Park Street and to charge those costs to account number 401-901.010-981.0100; to direct the Mayor to sign the agreement on behalf of the City; and approve the appropriation and amendment to the FY 2019-2020 Capital Projects Fund budget as follows:

Capital Projects Fund:

Revenues:

Draw from Fund Balance	401-000.000-400.0000	\$60,501
Special Assessment	401-901.010-672.0888	<u>6,723</u>
Total Revenues		\$67,224

Expenditures:

Capital Improvements	401-901.010-981.0100	<u>\$67,224</u>
Total Expenditures		\$67,224

- F. Resolution approving the City Manager to cast a vote, on the City's behalf, for the three incumbent members of the Michigan Municipal League Workers' Compensation Fund Board of Trustees for four year terms, beginning October 1, 2019.
- G. Resolution approving the Piano in the Park timeline to be extended beyond August 31, 2019 to sometime before December 25, 2019, depending on weather and coordination with Professional Movers.
- H. Resolution approving the purchase of the replacement motor for the Shain Park plaza fountain pump from Roman Fountains in the amount not to exceed \$6,996.00. Funds are available from the Parks Operating Supplies account #101-751.000-729.0000. Further, to waive the normal bidding requirements as Roman Fountains is a sole source provider.
- I. Resolution approving a special event permit as requested by Birmingham Bloomfield Chamber of Commerce to hold the annual Halloween Parade and Pumpkin Patch in Shain Park and streets surrounding the park on October 27, 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 a special event permit as requested by Piety Hill Chapter, NSDAR to hold the Veterans Day Wreath Laying Ceremony in Shain Park November 11, 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.
- K. Resolution approving the purchase of a traffic signal modernization for the intersection of Derby and Adams from the Road Commission for Oakland County in the amount of \$143,226.23; further to waive normal bidding requirements and to authorize this expenditure from account number 202-303.001-971.0100; and further to approve the appropriation and amendment to the 2019-20 Major Street Fund as follows:



Major Street Fund Revenues:		
Draw from Fund Balance	202-000.000-400.0000	<u>\$13,960</u>
Total Revenue		\$13,960
Expenditures:		
Traffic Controls-Police	202-303.001-971.0100	
	(Machinery & Equipment)	<u>\$13,960</u>
Total Expenditures		\$13,960

- L. Resolution approving the following improvements at the Maple Rd. and Southfield Rd. intersection, as an interim measure to improve pedestrian safety prior to the reconstruction of the intersection in 2020:
1. Modification of the traffic signal timing to add a 4-second LPI for those using the north/south crosswalk located on the east leg of the intersection.
  2. Installation of an R10-15(R) sign stating TURNING VEHICLES YIELD TO PEDS sign for the northbound right turn lane.
- M. Resolution approving the Agreement for Local Agency Highway-Railway Bridge Improvements with the Railroad Company in the amount not to exceed \$114,605.00 for painting and rehabilitation work of the Maple Road Railroad Bridge, to be funded from Property Maintenance – Other Contractual Service account #101-441.003-811.0000. In addition, to authorize the Mayor and Clerk to sign the agreement on behalf of the City. Further, to approve the appropriation and amendment to the fiscal year 2019-2020 General Fund budget as follows:
- |                           |                      |                     |
|---------------------------|----------------------|---------------------|
| General Fund Revenues:    |                      |                     |
| Draw from Fund Balance    | 101-000.000-400.0000 | <u>\$114,605.00</u> |
| Total Revenue:            |                      | \$114,605.00        |
| Expenditures:             |                      |                     |
| Property Maintenance –    |                      |                     |
| Other Contractual Service | 101-441.003-811.0000 | <u>\$114,605.00</u> |
| Total Expenditure:        |                      | \$114,605.00        |
- N. Resolution to receive the petition submitted requesting the paving of Lakeview Avenue from Harmon Street to Oak Avenue and to adopt the following resolution that this Commission shall meet on Monday, September 16, 2019 at 7:30 P.M., for the purpose of conducting a public hearing of necessity for the improvement proposed herein. FURTHER RESOLVED, if necessity is determined on September 16, 2019, a hearing to review the assessments and to confirm the roll will be held on September 23, 2019 at 7:30 P.M.
- O. Resolution approving the contract amendment with Buccilli Group, L.L.C. for inspection services, to be charged to the various capital improvement accounts for work being undertaken by the City, and further, to direct the Mayor and City Clerk to sign the agreement on behalf of the City.
- P. Resolution rejecting all bids for the Pierce Alley Paving project and to direct staff to re-bid the project in the winter/spring of 2020 with construction beginning late summer of 2020 after the Maple Road project.
- Q. Resolution approving the purchase of Rink Seal Pro Preventative Solution from Shaler-Rink Seal Pro in the amount not to exceed of \$8,150.00. Funds are available from the Ice Arena - Other Contractual Services account #101-752.000-811.0000.

## **V. UNFINISHED BUSINESS**

## VI. NEW BUSINESS

- A. Public Hearing to amend Article 4, Section 4.18(A) for structures excluded from height standards, 4.19(A) for height standards in the MX Zone, Article 5, Section 5.03, 5.04, 5.05, 5.06, 5.07, 5.08, 5.09, 5.10, 5.11, 5.12, 5.13, 5.14, 5.15, 5.16 for rooftop use standards, and Article 9 Definitions for Building Height, Building Height Overlay, and Rooftop.
- B. Resolution approving the selection of \_\_\_\_\_ as the new City logo and direct staff to finalize an implementation plan.

OR

Resolution approving the selection of \_\_\_\_\_ as the new City logo and appoint \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_ to an Ad Hoc Committee to finalize the implementation plan.

- C. It is requested that the city commission meet in closed session pursuant to the Open Meetings Act Section 8(e) regarding 2400 E. Lincoln v. City of Birmingham, TIR Equities v. City of Birmingham, and Baller/Bloom v. City of Birmingham, Schneider v. City of Birmingham and Section 8(h) to consider material exempt from discussion or disclosure by state or federal statute.

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

## VII. REMOVED FROM CONSENT AGENDA

## VIII. COMMUNICATIONS

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

## X. REPORTS

- A. Commissioner Reports
  - 1. Notice of Intention to Appoint to the Design Review Board on September 16, 2019.
  - 2. Notice of Intention to Appoint to the Historic District Commission on September 16, 2019.
- B. Commissioner Comments
- C. Advisory Boards, Committees, Commissions' Reports and Agendas
- D. Legislation
- E. City Staff

## XI. ADJOURN

**PLEASE NOTE: Due to building security, public entrance during non-business hours is through the Police Department – Pierce St. entrance only.**

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

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

**DATE:** July 26, 2019

**TO:** City Commission

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

**SUBJECT:** Appointment of Paul Wells as Fire Chief

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Following Interim Fire Chief John Donohue's retirement on December 28, 2018, Assistant Chief Paul Wells was officially designated as Interim Fire Chief on December 29, 2018.

During this time, Interim Chief Wells has worked to continue positive changes to the department in the areas of labor relations and policy development; has prepared the department's budget request for FY 2019-2020; has promoted two captains and four lieutenants; and has oriented six new firefighters and the new Assistant Chief. Also, under his tenure thus far, the department has placed a second ambulance into service as well as upgraded Engine 2 to an Advanced Life Support unit.

Paul Wells has served the Birmingham Fire Department for 21 years. Prior to being designated as Interim Chief, he served for 3 years as Captain before being appointed Assistant Fire Chief – Operations in July 2018. Previously, he held the EMS Coordinator and Fire Paramedic Lieutenant positions. Wells's most notable educational achievements include completion of the EMU Fire Staff and Command School, and attainment of the Bachelor of Science Degree in Fire Administration from Columbia Southern University.

You may recall that the City Charter calls for the Fire Chief to be appointed by the City Manager with the advice and consent of the City Commission.

I am pleased to appoint Paul Wells to the position of Fire Chief.

**Suggested Action:** To confirm the Manager's appointment of Assistant Fire Chief Paul Wells as Fire Chief, and direct the Clerk to administer the oath of office to Chief Wells.

**BIRMINGHAM CITY COMMISSION MINUTES**  
**JULY 22, 2019**  
**MUNICIPAL BUILDING, 151 MARTIN**  
**7:30 P.M.**

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

Mayor Patty Bordman called the meeting to order at 7:30 PM.

**II. ROLL CALL**

Present: Mayor Bordman  
Mayor Pro Tem Boutros  
Commissioner DeWeese  
Commissioner Harris (arrived at 7:32 p.m.)  
Commissioner Hoff  
Commissioner Nickita  
Commissioner Sherman

Absent: None

Administration: City Manager Valentine, City Attorney Currier, Police Chief Clemence, Planning Director Ecker, DPS Manager Filipski, Assistant City Engineer Fletcher, Finance Director Gerber, Deputy Treasurer Klobucar, City Clerk Mynsberge, DPS Director Wood

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

**07-183-19 ANNOUNCEMENTS**

- City Attorney Currier read the following statement:

"There has been much dialogue regarding events that occurred at the last City Commission meeting. The issues are simple; the Open Meetings Act provides that citizens be allowed to comment at a meeting on issues not on the agenda. This is a right of free speech.

The Michigan Campaign Financing Act states that the City cannot authorize the use of any public resource in support of a political campaign or candidate.

The conflict that occurs between these acts is when individuals wish to use the public resources of the governmental cable television channel paid for by the City of Birmingham for the purposes of advocating for their political position or candidate. That is the use of a public resource.

The use of the governmental channel is without question a public resource, by the City allowing the channel to be used gives the appearance that it has been authorized by the City, which it has not.

This is not intended to impinge upon anyone's free speech. From this point forward, we are going to ask for those that wish to address an issue on the ballot be allowed

to speak first at the public comments section of the agenda. At such time, the City may turn off the broadcast of the meeting for the public comments section if advocacy occurs. There is no law that requires the City to broadcast its meetings, but the City feels it is important to do so. We believe that this is a solution to allow free speech at a public meeting in accordance with the Open Meetings Act and not violate the Michigan Campaign Financing Act.

We ask that individuals be respectful in making comments and not make personal attacks on individuals or other institutions in the City."

- Mayor Bordman read the following statement:

"In November 2018 when I was sworn in as mayor, I took an oath of office that I would support the constitution of the State of Michigan. I also agreed in writing to be bound by a Birmingham City Ordinance that requires me to comply with the laws of the State and the City. All of the other commissioners sitting here today, and every person appointed to a City board must take this oath and enter into this agreement to comply with the laws of the state and city.

The Michigan Campaign Finance Act was enacted by the State of Michigan in 1976. It does not matter if I like or dislike the act, it makes no difference if I agree or disagree with the act. Whether it is bad policy or good policy does not matter. As mayor, I do not have the luxury to make those judgements. I swore an oath to abide by the law and the Michigan Campaign Finance Act is a duly enacted law of the state of Michigan.

When City Attorney Currier recommended to me to adjourn the meeting of July 8 in order that the City of Birmingham did not conflict with the law; I had no choice but to adjourn. Tonight we will follow Mr. Currier's advice in the manner in which he gave it, and I will remind you of that when we get to Public Commit later in the meeting."

- City Attorney Tim Currier added:
  - That he did recommend to the Mayor in light of the meeting getting heated to adjourn.
  - A number of reporters asked if anyone had ever been removed from a meeting, trying to compare the City of Birmingham with the City of Detroit Charter Commission.
  - In the 28 years that he has been here, the Commission had never removed anyone from a meeting.
  - It is not how this body conducts itself.
- Celebration of Commissioner Harris' birthday.
- The Birmingham Shopping District presents Day on the Town:
  - The biggest shopping day of the year in downtown Birmingham, on Saturday, July 27; from 9:00 a.m. until 6:00 p.m.
  - Birmingham merchants will place their discounted merchandise on display around the Maple and Old Woodward area.
  - Parking is free in all parking structures all day and at meters throughout the event.

- The Birmingham Fire Department is offering an American Heart Association recognized CPR class on Saturday, July 27, from 8:00 a.m. until noon, at the Adams Fire Station. Cost of the class is \$45. Register by calling the Fire Department at 248-530-1906.
- The City Commission extends its thanks to James Cunningham for his service on the Birmingham Museum Board and wishes him well in his future endeavors.
- In The Park Summer Concert Series continues in Shain Park:
  - Wednesday, July 24 with Sky Island Band (Motown-Blues-Jazz) at 7:00 p.m.
  - Wednesday, July 31 is Thornetta Davis (Funky Rocking Blues) at 7:00 p.m.

**07-184-19                      APPOINTMENT TO THE MUSEUM BOARD**

The City Commission interviewed current member Judith Keefer.

**MOTION:**      Motion by Commissioner Hoff:

To appoint Judith Keefer as a regular member to the Birmingham Museum Board to serve a three-year term to expire July 5, 2022.

VOTE:              Yeas,                      7  
                          Nays,                      0

City Clerk Mynsberge administered the Oath of Office to Ms. Keefer.

**IV.      CONSENT AGENDA**

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**07-185-19                      APPROVAL OF CONSENT AGENDA**

The following items were removed from the Consent Agenda:

Commissioner Hoff:	Item A - Resolution approving the Special City Commission meeting minutes of July 1, 2019.
Commissioner Nickita:	Recusal from Item A due to absence. Item F - Resolution approving the purchase and installation of decorative aluminum fencing to be located at Booth Park, along North Old Woodward.

**MOTION:**      Motion by Commissioner Sherman, seconded by Mayor Pro Tem Boutros:

To approve the Consent Agenda, excluding Items A and F which were pulled from consent.

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

- B. Resolution approving the Regular City Commission meeting minutes of July 8, 2019.
- C. Resolution approving the warrant list, including Automated Clearing House payments, dated July 10, 2019 in the amount of \$1,307,978.67.
- D. Resolution approving the warrant list, including Automated Clearing House payments, dated July 17, 2019 in the amount of \$538,044.23.
- E. Resolution accepting the resignation of Richard Lilley as an Alternate Member of the Board of Zoning Appeals, thanking him for his service, and directing the City Clerk to begin the process of filling the vacancy.
- G. Resolution approving the fertilizer/chemical purchases for Lincoln Hills and Springdale Golf Courses from Harrell's for \$22,000, Target Specialty Products for \$22,000 and Great Lakes Turf for \$8,000. The total purchase from all vendors will not exceed a total of \$52,000. Funds are available from the Department of Public Services account #s 584/597-753.001-729.0000.
- H. Resolution approving the purchase of uniforms with Contractors Clothing Company for the total amount not to exceed \$9,000 for fiscal year 2019-2020. Funds are available in the Department of Public Services Uniform Allowance account # 101-441.002-743.0000.
- I. Resolution approving \$20,800 in Municipal Credits and \$7,917 in Community Credits from fiscal year 2020 to Next in support of their specialized transportation program; and approving \$21,932 in Community Credits from fiscal year 2020 to purchase and install a bus shelter (location to be determined); and further to direct the Mayor to sign the Municipal Credit and Community Credit contract for fiscal year 2020 on behalf of the City.
- J. Resolution approving the Amendment to License Agreement with enCodePlus, LLC, to provide for ordinance codification services on an as-requested basis at a rate of \$18 per page to be paid from Account # 101-215.000-815.02, and to direct the Mayor and City Clerk to execute the Amendment on behalf of the City.
- K. Resolution approving the METRO Act Application of CenturyLink Communications, LLC and the METRO Act Permit for Level 3 Communications, LLC for "Project Location 2" as shown on Exhibit A.
- L. To approve the purchase of (11) 4RE DVR camera systems from WatchGuard Video via Oakland County Cooperative Purchasing contract # 004898; further charging this expenditure in the amount of \$97,854.00 to the Drug and Law Enforcement Fund capital outlay account # 265-302-002-971.0100, further to direct the Mayor and City Clerk to sign the agreement on behalf of the City.

**07-186 -19 (ITEM A) RESOLUTION APPROVING THE SPECIAL CITY COMMISSION MEETING MINUTES OF JULY 1, 2019.**

Commissioner Hoff pointed out that on page 7, the reference to Robinson should be Robertson.

**MOTION:** Motion by Commissioner Hoff, and seconded by Commissioner Sherman:  
To approve the Special City Commission meeting minutes of July 1, 2019 as corrected.

VOTE:        Yeas,            6  
                 Nays,            0

Recused, 1 (Commissioner Nickita)

**07-187-19 (ITEM F) RESOLUTION APPROVING THE PURCHASE AND INSTALLATION OF DECORATIVE ALUMINUM FENCE TO BE LOCATED AT BOOTH PARK, ALONG NORTH OLD WOODWARD.**

Commissioner Nickita suggested a citywide fence review to assure fence selections are more appropriate for the settings already created in Birmingham, and he would like to see fence consistencies throughout the City.

**MOTION:** Motion by Commissioner Nickita, and seconded by Mayor Pro Tem Boutros: To approve the purchase and installation of Decorative Aluminum Fence from Kimberly, LLC, in the amount not to exceed \$8,287.31, to be located at Booth Park, along North Old Woodward. Funds are available from the Parks Other Contractual Services account # 101-751.000-811.0000. Further, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City.

VOTE: Yeas, 7  
Nays, 0

**V. UNFINISHED BUSINESS**

None

**VI. NEW BUSINESS**

**07-188-19 WIMBLETON PETITION STATUS REPORT**

Assistant City Engineer Austin Fletcher presented the item.

Commissioner Hoff asked if the engineering staff has met with petitioners. Assistant City Engineer Fletcher replied that the standard departmental practice is to validate the number of signatures obtained, and schedule an information session with the petitioners. Due to the timing of obtaining signatures, the department was not able to schedule the informational session before this meeting.

Commissioner Sherman recalled that the issue was removing Wimbledon from the cape seal project if they received the desired number of signatures on a petition for permanent improvements. He went on to say that the residents did an admirable job on obtaining signatures in record time, and he personally, feels there is no need to hear from the petitioners. Commissioner Sherman was comfortable removing Wimbledon from the cape seal list.

Mayor Bordman asked if every household on Wimbledon was approached. Dominick Pulis, 824 Wimbledon, replied that all households were approached, but feedback was not received from 30 properties.

Assistant City Engineer Fletcher confirmed for Commissioner Harris that 51.8% of households included additional properties referenced in the memo.

**07-189-19 PUBLIC HEARING OF CONFIRMATION FOR 2019 CAPE SEAL PROGRAM**

Mayor Bordman opened the public hearing at 7:52 p.m.



Mayor Bordman explained that during the Public Hearing on this program held at the July 8 City Commission meeting, there were some residents from Wimbledon who wanted their street to be improved rather than cape sealed. The residents were advised to get a petition signed by the majority of residents on Wimbledon agreeing to permanent street improvements. The petitioners were successful.

Deputy Treasurer Klobucar presented the item.

Commissioner Hoff suggested removing Wimbledon, like Lakeview, from this program. Both streets will be considered for the paving program next year. There was no public comment.

Mayor Bordman closed the public hearing at 7:56 p.m.

**MOTION:** Motion by Commissioner Sherman, and seconded by Mayor Pro Tem Boutros: To confirm Special Assessment Roll No. 892, to defray the cost of public street maintenance of all properties fronting and/or siding on the improvement within the 2019 Cape Seal, excluding Wimbledon, between Woodward and Adams. (*Formal resolution appended to these minutes as Attachment A.*)

VOTE:	Yeas,	7
	Nays,	0

#### **07-190-19 CAPE SEAL PROJECT CONTRACT AWARD**

DPS Manager Filipski presented the item and confirmed that the Request for Proposal made it clear that the City reserves the right to change the quantity/scope of work at any time.

Mayor Bordman noticed that Highway Maintenance and Construction, Inc. was the lowest bidder in five categories but twice as high in the manhole adjustment category. Mr. Filipski explained that manhole adjustments are always included in the City street maintenance bids as an alternate but rarely used. In this case, he does not anticipate using that category because the adjustments could be done in house by DPS staff if needed.

**MOTION:** Motion by Commissioner DeWeese, and seconded by Commissioner Harris: Resolution approving the bid from Highway Maintenance and Construction, Inc. for services related to the 2019 Cape Seal Program, contingent upon the results of the related public hearing of necessity and confirmation of the special assessment roll, in amounts not to exceed the per-unit pricing as submitted; Double chip seal \$3.40/sq. yd., Single chip seal \$2.00/sq. yd., Slurry seal \$2.62/sq. yd., Pulverizing \$2.15/sq. yd., Street preparation \$400.00/ton and Manhole adjustment \$1000.00 each. Further, to authorize the Mayor and Clerk to sign the agreement on behalf of the City upon receipt of proper insurances.

VOTE:	Yeas,	7
	Nays,	0

#### **07-191 -19 PUBLIC HEARING – PERNOI BISTRO PERMIT**

Mayor Bordman opened the public hearing at 8:00 p.m.

Planning Director Ecker presented the item.

The Planning Board recommended approval with added conditions. The applicant complied with those conditions and the plans were altered as a result.

Ms. Ecker confirmed for Commissioner Hoff that everything in the plan is in compliance, including proof of ownership.

Commissioner Nickita wanted to verify that owners understood that there would be no outdoor seating between November and April. Ms. Ecker confirmed.

Commissioner Nickita, in reference to the exterior front canopy, asked if anything conflicts with VIA signage. Ms. Ecker indicated that VIA has been identified and designed as such. She went on to say that this is a private VIA and everything conforms to the ordinance.

Commissioner Nickita persisted with whether there was some coordination of signage to not conflict with VIA. Ms. Ecker assured Commissioner Nickita that VIA signage would come up as part of the Maple Road plan and what Pernoi is doing will not preclude the City from doing that.

Commissioner Nickita noted that on the plan, seating would be very visible from the sidewalk. Ms. Ecker confirmed, heavy drapes and heavy large planters, which blocked the windows from the sidewalk in the past, would not be there. She also confirmed that the owners would not be allowed to add anything without coming before the commission for a SLUP amendment.

Commissioner Hoff asked about the protrusion on Maple shown on the site plan. Ms. Ecker explained that it is a bumped out window, and is not in the ROW. She also expressed that it currently exists and that there is no proposed outdoor seating on Maple.

Mayor Bordman asked if the canopy extends into ROW. Ms. Ecker confirmed that it does, but noted that it was existing and grandfathered in years ago. She also confirmed that the proposed curtains are sheer.

Mayor Bordman closed the public hearing at 8:22 p.m.

Mayor Pro Tem Boutros expressed his support for the project.

Commissioner DeWeese expressed that he hopes they are successful and that they will extend their hours into the lunch period in the future.

**MOTION:** Motion by Mayor Pro Tem Boutros, and seconded by Commissioner Hoff:  
To approve a Special Land Use Permit and Final Site Plan and Design Review for 310 E. Maple to allow the operation of a new bistro, Pernoi, in accordance with Article 7, Section 7.34 of the Zoning Ordinance; and to authorize the Chief of Police to sign the MLCC Police Investigation Report (LC-1800) and to approve the liquor license request of Nuovo Holdings, LLC that requests a transfer of interest in a Class C License to be issued under MCL 436.1521(A)(1)(B) and SDM License with Outdoor Service (1 Area) located at 310 E. Maple, Birmingham, Oakland County, MI 48009; and pursuant to Birmingham City Ordinance, to authorize the City Clerk to complete the Local Approval Notice at the request of Nuovo Holdings, LLC approving the liquor license transfer request of Nuovo Holdings, LLC that requested a Class C License be transferred

under MCL 436.1521 (A)(1)(B) & SDM License with Outdoor Service (1 Area) located at 310 E. Maple, Birmingham, Oakland County, MI 48009.

VOTE:	Yeas,	7
	Nays,	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**

Mayor Bordman read the following statement:

"To ensure we are operating in compliance with all applicable statutes governing public meetings during the period of the current ballot initiative, and ensuring everyone has the opportunity to share their comments, we will institute some rules for the meeting tonight as we have previously done.

- Each individual will be provided two minutes for public comment.
- Individuals that choose to advocate during this time may cause the broadcasting of the meeting to be paused, but all speakers will be allowed to complete their two minutes as long as they are not a disturbance to the meeting.

The City welcomes public comment and wants to ensure its obligations to comply with all governing statutes."

- Clinton Baller, 822 Shirley, objected strenuously to new policy:
  - The commission have not defined what does and does not qualify under this new rule.
  - He has not seen any deliberation and does not understand who made the new rule.
  - He is a party to a lawsuit filed today charging the Mayor and City Manager with violating the first and fourteenth amendment rights of Mr. Bloom and himself and violating the Open Meetings Act.
- Brad Host, 639 Puritan, distributed something (unidentified) to City Attorney Currier. In reference to the July 5 study of the parking structure, he asked why the study was not done before July 5, and why refurbishment was not considered.
- Beth Davidson, 600 W Frank St., said:
  - This is one of my first meetings.
  - I am disappointed in what the process has been regarding the new project and parking deck.
  - I am disappointed in the dialog and communication.
  - I am disappointed in the participation of this Board and the activities that have gone on here.
  - This has been steamrolled to the community; the vote has been pushed through.
  - I do not appreciate the quantity of mailers.
  - This whole process has been discouraging. The city does not have my support for this project.

- Dianne McKeon, 555 Townsend, said:
  - I sat on this commission for 8 years.
  - I am truly disappointed with the amount of mailers that I have received.
  - Today I received my tenth mailer saying to ignore the lies with Commissioners quoted.
  - I am disappointed in the reaction from the City Commission and City Attorney.
- David Bloom, 5091 Stanley, said on Memorial Day I attended the ceremony in Shain Park. Our mayor, Patty Bordman, made a speech talking about the sacrifices that soldiers made in WWII. Millions of men and women have died defending our country and one of the things they were protecting was freedom of speech. Three City Commissioners are attorneys and Tim Currier is also an attorney. All have taken an oath to uphold the law. At the last meeting, the Commission violated our first amendment rights to speak and the Open Meetings Act. Attorney Currier disparaged Mr. Baller and me to the Detroit News. Our rights have been trampled on for the benefit of this project. We now have two federal lawsuits against this City because of this mess that this Commission has led. This is wrong. I would like to ask each of you if you go along with the shenanigans that this Commission has been engaging in.
- Brad Coulter, 498 Wimbeldon, commented:
  - That he was very happy to see Wimbeldon cape seal postponed in favor of improved streets.
  - In regards to the private/public partnership, the City needs to be more aggressive in asking for community benefits from the developers for phase 2.
  - The fair market value for ground leases should be the floor.
  - Funds should have been targeted for something for the City, for example targeting money for the seniors and youth of Birmingham.
- Paul Reagan, 997 Purdy St., asked Mr. Currier to reiterate the criteria for acceptable speech and asked what type of content constitutes political speech.
- City Attorney Currier reread his statement from the beginning of the meeting.
- Mayor Bordman referred everyone to the Michigan Campaign Finance Act, which defines "advocacy".
- City Manager Valentine responded to the question of why not refurbish rather than reconstruct the parking structure.
  - He explained that an analysis was done a few years ago as to which structures in the City allowed for the greatest opportunity for expanded parking capacity.
  - The decision was made at the time to pursue the North Old Woodward structure because it offered the greatest opportunity to expand parking and is the oldest in the City's parking system.
  - The structure is not failing; it is sound.
  - The façade is failing in regard to the ongoing maintenance required to keep the façade attached to the building.
  - Once the building was identified, for this project an analysis was still pursued for demolition purposes.
  - The intent was from the standpoint of having an existing footprint to accommodate a surface parking lot and garage for increased parking.
- City Attorney Currier added that the broadcast was not turned off tonight. Mayor Bordman thanked public participants for their courtesy.

<b>X.</b>	<b>REPORTS</b>
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## **07-192-19 COMMISSIONER REPORTS**

The City Commission will appoint one (1) alternate member to the Board of Zoning Appeals on September 16, 2019 to serve the remainder of a three-year term to expire February 17, 2020.

## **07-193-19 COMMISSIONER COMMENTS**

Commissioner DeWeese read the following statement:

"I am not a lawyer, but I have a sense when an interpretation or application of the law does not feel correct. I do not understand why the City Attorney directed the mayor to end the last City Commission meeting to stop some individuals expressing certain points of view.

I do not understand the rationale for not allowing individuals to make comments on any topic in front of the City Commission. Virtually every comment made at a City Commission meeting is political in some form or another and is a form of political advocacy. Individuals expressing their opinions or concerns are not the City advocating or not for any topic. It is individuals so advocating. Based upon what you supplied such advocacy is legal per Michigan Campaign Finance Act Sec. 169.257 section 3(3) where "the production or dissemination of factual information concerning issues relevant to the function of the public body" applies. The individuals were questioning the validity of information provided by the City and were trying to provide new information for consideration by the City Commission. Note that it is legal in section 3(d) for all individuals to have an equal opportunity to use the public facility to express their views.

To me, the City should not show favoritism or discouragement to any comments by individuals or groups advocating before it. I do not understand how a distinction can be made that some points of view (positive or negative) are not appropriate for public comment.

Comments made by individuals, negative or positive, provide an opportunity for the City to answer, if it chooses, with information and not advocacy by the City. If one chooses to be literal, the very fact that a person or group shows up at a City Commission and speaks is a use of public resources. Taken to the extreme, no one would be allowed to advocate a point of view at a City Commission meeting since public resources would be used even without it being broadcast.

None of the comments that were made for the individuals disallowed of making comments at the recent City Commission meeting are a violation of those listed as prohibited from any show produced for, with, or by BCTV. If BCTV feels that something is not appropriate, they can make the choice to not broadcast it. This is not the duty of the City or any governmental entity.

The basic notion of freedom of speech is the right to express any opinions without censorship or restraint. I am aware that this right is not absolute with common limitations or boundaries to freedom of speech being libel, slander, obscenity, pornography, sedition, incitement, fighting words, classified information, copyright violation, trade secrets, food labeling, non-disclosure agreements, the right to privacy, the right to be forgotten, public security, and perjury. None of these were involved with the persons not being allowed to speak at the City Commission meeting. Freedom of speech is a key concept in the US Constitution's Bill of Rights and the United Nations' Declaration of Human Rights. If any mistake is made in the interpretation of the

laws or practice by government at any level, I believe it should favor openness and free expression.

To me the interpretation of law to prohibit “political advocacy” at televised public meetings is misplaced. I find it ironic that the denial of speech has strengthened the mistrust toward the City and is helping encourage a no vote on the bond issue. The City has the information needed to address the concerns without seeming so heavy-handed. I have always thought of Birmingham as a place where people can express their concerns without government interference.”

**07-194-19**

**CITY STAFF REPORTS**

Parking Utilization Report as submitted by Assistant City Manager Gunter.

<b>XI. ADJOURN</b>
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Mayor Bordman adjourned the meeting at 8:50 p.m.

J. Cherilynn Mynsberge, City Clerk  
/vc

**07-189-19  
RESOLUTION CONFIRMING SPECIAL ASSESSMENT ROLL NO. 892**

WHEREAS, To confirm Special Assessment Roll No. 892, to defray the cost of public street maintenance of all properties fronting and/or siding on the improvement within the 2019 Cape Seal as listed in the table above:

WHEREAS, Special Assessment Roll, designated Roll No. 892, has been heretofore prepared by the Deputy Treasurer for collection, and

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

WHEREAS, the Commission has deemed it practicable to cause payment of the cost thereof to be made at a date closer to the time of construction and Commission Resolution #07-178-19 provided it would meet this 22th day of July, 2019 for the sole purpose of reviewing the assessment roll, and

WHEREAS, at said hearing held this July 22, 2019, 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. 892 be in all things ratified and confirmed, and that the City Clerk be and is hereby instructed to endorse said roll, showing the date of confirmation thereof, and to certify said assessment roll to the City Treasurer for collection at or near the time of construction of the improvement.

BE IT FURTHER RESOLVED, that special assessments shall be payable in one (1) payment as provided in Section 94-10 of the Code of the City of Birmingham at six and one half percent (6.5%) annual interest.

I, Cherilynn Mynsberge, City Clerk of the City of Birmingham, Michigan, do hereby certify that the foregoing is a true and correct copy of the resolution adopted by the Birmingham City Commission at its regular meeting held on July 22, 2019.

Cherilynn Mynsberge, City Clerk

**07-191-19  
RESOLUTION  
SPECIAL LAND USE PERMIT  
PER NOI BISTRO  
310 E. MAPLE**

- WHEREAS, Per Noi filed an application pursuant to Article 7, section 7.34 of Chapter 126, Zoning, of the City Code to operate a new bistro as defined in Article 9, section 9.02 of Chapter 126, Zoning, of the City;
- WHEREAS, The land for which the Special Land Use Permit is sought is located on the south side of E. Maple between Old Woodward and Woodward Avenue;
- WHEREAS, The land is zoned B-4, Business Residential, and is located within the Downtown Birmingham Overlay District, which permits bistros with a Special Land Use Permit;
- WHEREAS, Article 7, section 7.34 of Chapter 126, Zoning requires a Special Land Use Permit to be considered and acted upon by the Birmingham City Commission, after receiving recommendations on the site plan and design from the Planning Board for the proposed Special Land Use;
- WHEREAS, The Planning Board on June 12, 2019 reviewed the application for a Special Land Use Permit and Final Site Plan and Design Review for the proposed Per Noi bistro and recommended approval of the same for 310 E. Maple – Per Noi pending receipt of the following items and approval of those items by the Planning Department and the Chairman of the Planning Board:
- 1) An aerial photo of the site and at least 200 feet of the surrounding area.
  - 2) Removal of all isinglass and other enclosure systems from the outdoor dining area and the addition of a trash receptacle.
  - 3) Confirmation that no existing or proposed curbing will be present in the outdoor dining area.
  - 4) Submission of complete and consistent signage plans for review by the Planning Department and the Chair of the Planning Board to determine all sign requirements have been met.
- WHEREAS, The applicant has complied with all of the conditions noted by the Planning Board;
- WHEREAS, The Birmingham City Commission has reviewed the Per Noi Special Land Use Permit application and the standards for such review as set forth in Article 7, section 7.36 of Chapter 126, Zoning, of the City Code;



NOW, THEREFORE, BE IT RESOLVED, The Birmingham City Commission finds the standards imposed under the City Code have been met, subject to the conditions below, and that Per Noi's application for a Special Land Use Permit authorizing the operation of a bistro at 310 E. Maple in accordance with Chapter 10, Alcoholic Liquors, is hereby approved;

BE IT FURTHER RESOLVED, That the City Commission determines that to assure continued compliance with Code standards and to protect public health, safety, and welfare, this Special Land Use Permit is granted to allow the operation of a new bistro at 310 E. Maple with the following conditions:

- 1) Per Noi shall abide by all provisions of the Birmingham City Code; and
- 2) The Special Land Use Permit may be canceled by the City Commission upon finding that the continued use is not in the public interest including, but not limited to, violations of the state law or Birmingham City Code.

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

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

I, Cherilynn Mynsberge, City Clerk of the City of Birmingham, Michigan, do hereby certify that the foregoing is a true and correct copy of the resolution adopted by the Birmingham City Commission at its regular meeting held on July 22, 2019.

Cherilynn Mynsberge, City Clerk

**City of Birmingham**  
**Warrant List Dated 07/31/2019**

Meeting of 08/05/2019

Check Number	Early Release	Vendor #	Vendor	Amount
<u>PAPER CHECK</u>				
267716		005430	21ST CENTURY MEDIA- MICHIGAN	599.75
267717		MISC	325 S OLD WOODWARD LLC	20,000.00
267718		MISC	4 WAY CEMENT	100.00
267719	*	000855	48TH DISTRICT COURT	100.00
267720	*	000855	48TH DISTRICT COURT	100.00
267721	*	000855	48TH DISTRICT COURT	500.00
267722	*	000855	48TH DISTRICT COURT	100.00
267723	*	000855	48TH DISTRICT COURT	100.00
267724	*	000855	48TH DISTRICT COURT	500.00
267725	*	000855	48TH DISTRICT COURT	100.00
267726	*	000855	48TH DISTRICT COURT	70.00
267727		MISC	ADACHI RESTAURANT GROUP LLC	700.00
267728		MISC	AMERICAN STANDARD ROOFING	100.00
267729		MISC	ANTONELLI LANDSCAPE	100.00
267730	*	007033	APPLIED IMAGING	5,196.39
267731		000500	ARTECH PRINTING INC	520.00
267732	*	009101	CITY OF BIRMINGHAM #239	32,408.08
267733	*	006759	AT&T	1,672.33
267734	*	006759	AT&T	219.82
267736	*	006759	AT&T	175.65
267737	*	007216	AT&T	124.75
267738		MISC	BABI CONSTRUCTION INC	400.00
267740		MISC	BARAWI, MOHAMMAD	100.00
267741	*	003839	MATTHEW J. BARTALINO	50.00
267742		003012	BATTERIES PLUS	4.32
267743		MISC	BLOOMFIELD CONSTRUCTION CO	200.00
267744		MISC	BOBSON CONSTRUCTION CO.	100.00
267745		003526	BOUND TREE MEDICAL, LLC	305.21
267746		MISC	BRICKWORKS PROPERTY RESTORATION	200.00
267747		008179	BUCCILLI GROUP, LLC	3,294.00
267748		MISC	C & G CEMENT CEMENT CONTRACTORS INC	100.00
267749		MISC	C & L WARD BROS CO	500.00
267750		001239	C & N PARTY RENTALS	692.20
267751		003907	CADILLAC ASPHALT, LLC	503.42
267752		009078	CANON SOLUTIONS AMERICA INC	163.20
267753		MISC	CAPALDI BUILDERS	500.00
267754		MISC	CARLO BARONE	100.00
267755	*	000444	CDW GOVERNMENT INC	87.39
267756		000605	CINTAS CORPORATION	123.04
267757	*	002191	COCHRANE SUPPLY AND ENG INC	1,084.80
267758	*	008955	COMCAST	337.76
267759	*	007774	COMCAST BUSINESS	1,233.70

**City of Birmingham**  
**Warrant List Dated 07/31/2019**

Meeting of 08/05/2019

Check Number	Early Release	Vendor #	Vendor	Amount
267760		000979	COMERICA BANK	19,625.05
267761	*	000627	CONSUMERS ENERGY	279.01
267762		008582	CORE & MAIN LP	615.22
267763		MISC	COUNTRYSIDE CONSTRUCTION COMPANY, I	300.00
267764		MISC	COY CONSTRUCTION INC	200.00
267765		MISC	CREATIVE BRICK PAVING & LANDSCAPING	100.00
267766		000177	DELWOOD SUPPLY	331.65
267770		MISC	FARTHING, GARY	300.00
267771		001223	FAST SIGNS	252.00
267772	*	006752	FERMOB USA	5,696.18
267773		MISC	FOUNDATION SYSTEMS OF MICHIGAN INC.	100.00
267774		002510	GAMCO INVESTORS INC	22,888.00
267775		MISC	GARAGES R US LLC	200.00
267776		MISC	GGA INC	2,000.00
267777		MISC	GGA SERVICES LLC	500.00
267778	*	009070	WILLIAM GIORGIO	250.00
267779		005395	GOOSE BUSTERS!	120.00
267780	*	004604	GORDON FOOD	40.75
267781		005103	GORNO FORD, INC.	30,196.00
267782	*	004983	GREAT AMERICAN BUSINESS PRODUCTS	358.20
267783		MISC	GREAVES INC	100.00
267785		MISC	HERMANN, JANINE E	500.00
267786	*	001956	HOME DEPOT CREDIT SERVICES	1,592.74
267787		000342	IBS OF SE MICHIGAN	150.95
267788		MISC	IDEAL BUILDERS AND REMODELING INC	2,000.00
267789		003823	JAY'S SEPTIC TANK SERVICE	1,229.50
267790		MISC	JOHN ZARYCKYJ	100.00
267791		000155	JOHNSON CONTROLS SECURITY SOLUTIONS	477.04
267792		MISC	JTK BUILDING AND ACOUSTICAL	300.00
267793		MISC	KASTLER CONSTRUCTION INC	500.00
267794		MISC	KAZAK BUILDING COMPANY INC	1,000.00
267795		MISC	KEN JACKSON CLEAN UP	2,000.00
267796		008147	KIMBALL MIDWEST	193.72
267797		009086	KLEPINGER CONSTRUCTION LLC	1,900.00
267798	*	000362	KROGER COMPANY	24.43
267799		MISC	LEWAND CUSTOM HOMES LLC	500.00
267800		MISC	MARANGON BUILDERS LLC	200.00
267801	*	009072	SCOTT MARTIN	250.00
267802	*	009071	JIM MCKINSEY	250.00
267803	*	008201	MECHANICAL DESIGN & INSTALLTN LLC	470.00
267804		MISC	MERRILLWOOD COLLECTION	200.00
267805		MISC	MERRILLWOOD INVESTMENT LLC	200.00
267806		MISC	METRO CONSTRUCTION CO	700.00

**City of Birmingham**  
**Warrant List Dated 07/31/2019**

Meeting of 08/05/2019

Check Number	Early Release	Vendor #	Vendor	Amount
267807		MISC	METRO DETROIT SIGNS INC	100.00
267808	*	007833	MICHIGAN ASSOCIATION OF PLANNING	75.00
267809		MISC	MICHIGAN SOLAR SOLUTIONS	200.00
267810		007214	MIDWEST ARBORIST SUPPLIES	1,107.60
267811		MISC	MORSE, JANICE	100.00
267812	*	008160	MPARKS	735.00
267813	*	006371	MPELRA	150.00
267814		009008	NEW TECH BENCH OF BIRMINGHAM LLC	250.00
267815		MISC	OAKES ROOFING	100.00
267816		MISC	OAKES ROOFING SIDING & WINDOWS INC	200.00
267817	*	000477	OAKLAND COUNTY	414,879.60
267818		008214	OAKLAND COUNTY WATER DEPARTMENT	5,590.51
267819	*	004370	OCCUPATIONAL HEALTH CENTERS	112.50
267820	*	000481	OFFICE DEPOT INC	151.37
267821		MISC	PCI INDUSTRIES, INC.	300.00
267822		MISC	PDW HOLDING LLC	100.00
267823	*	001753	PEPSI COLA	732.96
267824		MISC	PERFORMANCE RESIDENTIAL REMODELING	200.00
267825		MISC	PETRONA CO	500.00
267826		MISC	PIERCE MARTIN LLC	5,200.00
267827		MISC	POWER HOME REMODELING GROUP	500.00
267829	*	008342	RAIN MASTER CONTROL SYSTEMS	29.85
267830		MISC	SCHWARTZ, CHARLES F	200.00
267831		MISC	SEBOLD AND KAGE INC	200.00
267833		MISC	SHERRIFF-GOSLIN CO.	100.00
267834		007142	SHERWIN-WILLIAMS COMPANY	11.81
267835		009009	SIGNATURE CLEANING LLC	700.00
267836	*	008073	SITEONE LANDSCAPE SUPPLY, INC	1,536.11
267837		MISC	SMOLYANOV HOME IMPROVMENT	400.00
267839	*	007907	SP+ CORPORATION	365.00
267840		005364	STATE OF MICHIGAN-MDOT	2,746.89
267841		004544	STRYKER SALES CORPORATION	16,748.37
267842	*	008507	SUPERFLEET MASTERCARD PROGRAM	291.02
267843		MISC	TRESNAK CONSTRUCTION INC	100.00
267844		007587	TRI-COUNTY AQUATICS, INC.	3,600.00
267845		006881	TUUCI, LLC.	3,380.00
267846		MISC	UNITED HOME SERVICES	100.00
267847	*	008411	VARIPRO	817.50
267848	*	009069	VENTUREX MUSIC	800.00
267849	*	000158	VERIZON WIRELESS	723.51
267850	*	000158	VERIZON WIRELESS	850.47
267851		MISC	WALLSIDE INC	500.00
267852		000309	ZEP SALES AND SERVICE	244.63

**City of Birmingham**  
**Warrant List Dated 07/31/2019**

Meeting of 08/05/2019

Check Number	Early Release	Vendor #	Vendor	Amount
267853		008902	ZORO TOOLS, INC.	56.60
SUBTOTAL PAPER CHECK				\$638,542.55
<u>ACH TRANSACTION</u>				
1235	*	002284	ABEL ELECTRONICS INC	930.00
1236	*	008847	ABS- AUTOMATED BENEFIT SVCS, INC	19,757.34
1237	*	007440	AMICI PET SERVICES, INC	250.00
1238		004232	DEARBORN LITHOGRAPH INC	3,785.96
1239	*	000956	DELTA TEMP INC	831.38
1240	*	000565	DORNBOS SIGN & SAFETY INC	121.42
1241	*	001077	DUNCAN PARKING TECH INC	3,735.74
1242	*	000207	EZELL SUPPLY CORPORATION	1,005.26
1243	*	001230	FIRE SYSTEMS OF MICHIGAN LLC	389.50
1244	*	007807	G2 CONSULTING GROUP LLC	18,474.75
1245	*	000592	GAYLORD BROS., INC	264.89
1246		000331	HUBBELL ROTH & CLARK INC	58,778.71
1247	*	008851	INSIGHT INVESTMENT	4,274.27
1248	*	002407	J & B MEDICAL SUPPLY	1,030.48
1249	*	000261	J.H. HART URBAN FORESTRY	1,010.00
1250	*	005876	KROPF MECHANICAL SERVICE COMPANY	8,777.75
1251	*	005550	LEE & ASSOCIATES CO., INC.	175.52
1252		001864	NOWAK & FRAUS ENGINEERS	46,728.00
1253	*	006359	NYE UNIFORM COMPANY	1,225.20
1254		008269	PREMIER SAFETY	639.55
1255	*	000478	ROAD COMM FOR OAKLAND CO	2,912.90
1256		000254	SOCRRA	65,978.00
1256	*	000254	SOCRRA	150.00
1257		005787	SOUTHEASTERN EQUIPMENT CO. INC	135.48
1258	*	004320	TRI-COUNTY POWER RODDING, INC	1,500.00
SUBTOTAL ACH TRANSACTION				\$242,862.10
GRAND TOTAL				\$881,404.65

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 07/24/2019**

Meeting of 08/05/2019

Check Number	Early Release	Vendor #	Vendor	Amount
<u>PAPER CHECK</u>				
267599	*	000855	48TH DISTRICT COURT	100.00
267600	*	000855	48TH DISTRICT COURT	300.00
267601	*	000855	48TH DISTRICT COURT	100.00
267602	*	000855	48TH DISTRICT COURT	100.00
267603	*	000855	48TH DISTRICT COURT	100.00
267604	*	000855	48TH DISTRICT COURT	100.00
267605	*	006965	7UP DETROIT	268.90
267608	*	009034	ASPHALT SPECIALISTS INC	584,434.70
267609		008988	ASTI ENVIRONMENTAL	2,660.00
267610	*	006759	AT&T	158.78
267611	*	006759	AT&T	160.39
267612	*	006759	AT&T	78.74
267613	*	006759	AT&T	79.15
267614		003012	BATTERIES PLUS	295.66
267615	*	001086	CITY OF BIRMINGHAM	65.68
267616	*	001086	CITY OF BIRMINGHAM	761.35
267617	*	006953	JACQUELYN BRITO	91.97
267618	*	006177	BULLSEYE TELECOM INC	119.42
267619		006257	C.S. MCKEE LP	1,809.01
267620		003907	CADILLAC ASPHALT, LLC	6,685.65
267621		008082	CAMFIL USA INC	180.00
267623	*	000444	CDW GOVERNMENT INC	26.97
267624		MISC	CEI MICHIGAN LLC	360.00
267625		002067	CENTRAL PARKING SYSTEM	134.00
267626		007284	CINCINNATI TIME SYSTEMS, INC.	140.00
267627		000605	CINTAS CORPORATION	123.04
267629		005116	CITY OF MADISON HEIGHTS	2,481.32
267630		001054	CITY OF TROY	5,937.86
267631	*	008006	CLEAR RATE COMMUNICATIONS, INC	1,364.74
267632	*	004905	COCM	650.00
267633	*	004188	COFFEE BREAK SERVICE, INC.	95.25
267634	*	000627	CONSUMERS ENERGY	843.10
267635		002668	CONTRACTORS CLOTHING CO	2,262.00
267636		008005	DE LAGE LANDEN FINANCIAL SVCS INC	173.75
267637		000190	DOWNRIVER REFRIGERATION	50.58
267638	*	006700	DRV CONTRACTORS, LLC	4,550.00
267639	*	000180	DTE ENERGY	4,976.53
267640	*	000179	DTE ENERGY	72.88
267641	*	000179	DTE ENERGY	353.49
267642	*	000179	DTE ENERGY	30.73
267643	*	000179	DTE ENERGY	43.00
267644	*	000179	DTE ENERGY	33.03

**City of Birmingham**  
**Warrant List Dated 07/24/2019**

Meeting of 08/05/2019

Check Number	Early Release	Vendor #	Vendor	Amount
267645	*	000179	DTE ENERGY	1,825.92
267646	*	000179	DTE ENERGY	43.11
267647	*	000179	DTE ENERGY	2,688.79
267648	*	000179	DTE ENERGY	3,781.16
267649	*	000179	DTE ENERGY	1,199.23
267650	*	000179	DTE ENERGY	8,411.77
267651	*	000179	DTE ENERGY	468.74
267652	*	000179	DTE ENERGY	134.41
267653	*	000179	DTE ENERGY	2,627.86
267654	*	000179	DTE ENERGY	857.91
267656	*	000179	DTE ENERGY	124.00
267657	*	000179	DTE ENERGY	56.41
267658		004671	ELDER FORD	616.64
267659	*	008161	FIERA CAPITAL INC	15,183.39
267660		006384	GEOGRAPHIC INFORMATION SERVICES, IN	81.38
267662	*	004604	GORDON FOOD	1,194.13
267665		MISC	HEALTH EDCO	1,169.73
267666		007339	HIGHEST HONOR, INC	7.00
267667		001415	HORNUNG'S PRO GOLF SALES INC	263.81
267668		000347	JOHN R. SPRING & TIRE CENTER INC.	1,439.62
267669	*	002720	CARLOS JORGE	24.90
267670		MISC	KELLY BADHWAR	57.83
267671	*	006368	KETTUNEN CENTER	671.00
267672		004088	KGM DISTRIBUTORS INC	147.00
267673		004085	KONE INC	1,056.06
267674	*	000362	KROGER COMPANY	7.00
267675		009097	LAURUS SYSTEMS INC	90.00
267676		002635	LAZARD ASSET MANAGEMENT LLC	18,969.70
267677		000287	LIGHTING SUPPLY COMPANY	378.87
267678		001417	MAJIK GRAPHICS INC	145.00
267679	*	008763	MARYKO HOSPITALITY, LLC	7,500.00
267680	*	009099	ELIZABETH MASEK	396.25
267681	*	MISC	MI RECREATION & PARK ASSOCIATION	1,020.00
267682	*	MISC	MI-AWWA	890.00
267684		001950	MILLER CANFIELD PADDOCK AND	44,316.37
267685	*	007462	MICHAEL MORAD	31.78
267688	*	001450	OAKLAND COUNTY PKS & REC COMM.	661.00
267689	*	003461	OBSERVER & ECCENTRIC	1,194.60
267690	*	000481	OFFICE DEPOT INC	190.13
267691		MISC	PAUL DALLAS	238.31
267692		001341	PIFER GOLF CARS INC	5,850.00
267693		008866	PRECISION CONCRETE CUTTING INC	109,609.20
267695		007305	REFRIGERATION SERVICE PLUS	227.00

**City of Birmingham**  
**Warrant List Dated 07/24/2019**

Meeting of 08/05/2019

Check Number	Early Release	Vendor #	Vendor	Amount
267696		005344	RESERVE ACCOUNT	8,000.00
267697		008602	SEIZERT CAPITAL PARTNERS	11,170.00
267698	*	008073	SITEONE LANDSCAPE SUPPLY, INC	598.46
267700		004544	STRYKER SALES CORPORATION	16,221.77
267701		008159	TORTOISE CREDIT STRATEGIES, LLC	7,612.21
267702	*	006881	TUUCI, LLC.	1,092.00
267703		008728	TWO THE RESCUE LLC	1,000.00
267704		005331	UBS FIN SERVICES, INC	16,742.67
267705	*	000158	VERIZON WIRELESS	105.12
267707	*	000158	VERIZON WIRELESS	127.12
267708	*	000158	VERIZON WIRELESS	51.23
267709	*	MISC	VLADIMIR SOTIROVSKI	9.00
267711		007978	WEST BLOOMFIELD TOWNSHIP	118.00
267712	*	MISC	WILLIAM MITCHELL	300.00
267713		001438	WINDER POLICE EQUIPMENT	479.50
267714	*	003890	LAUREN WOOD	525.00
267715	*	005289	BUSINESS CARD	138.82
SUBTOTAL PAPER CHECK				\$923,489.58

ACH TRANSACTION

1209	*	008847	ABS- AUTOMATED BENEFIT SVCS, INC	51,172.01
1210	*	002284	ABEL ELECTRONICS INC	90.00
1211	*	007345	BEVERLY HILLS ACE	65.06
1212		008840	BIRMINGHAM PUBLIC SCHOOLS-TAXES	2,386,362.40
1213	*	001035	DOUGLASS SAFETY SYSTEMS LLC	367.98
1214	*	001077	DUNCAN PARKING TECH INC	1,438.28
1215	*	000207	EZELL SUPPLY CORPORATION	356.04
1216		001230	FIRE SYSTEMS OF MICHIGAN LLC	337.00
1217		000592	GAYLORD BROS., INC	28.27
1218		000186	JACK DOHENY COMPANIES INC	11,344.97
1219	*	003458	JOE'S AUTO PARTS, INC.	365.96
1220		003845	JOHNSON HILL LAND ETHICS STUDIO INC	1,144.20
1221	*	005550	LEE & ASSOCIATES CO., INC.	1,034.19
1223	*	006359	NYE UNIFORM COMPANY	272.50
1224		008843	OAKLAND COUNTY TREASURER- TAX PYMNT	3,929,177.26
1225		008269	PREMIER SAFETY	350.00
1226	*	001062	QUALITY COACH COLLISION	1,097.00
1227	*	003554	RKA PETROLEUM	1,351.22
1228		001181	ROSE PEST SOLUTIONS	71.00
1229		005787	SOUTHEASTERN EQUIPMENT CO. INC	1,980.00
1231	*	007374	WESTWOOD TRUST	11,406.63
1232	*	007278	WHITLOCK BUSINESS SYSTEMS, INC.	1,828.87
1233	*	000306	WOLVERINE CONTRACTORS INC	2,049.15
1234		000926	WRIGHT TOOL COMPANY	478.00



**City of Birmingham**  
**Warrant List Dated 07/24/2019**

Meeting of 08/05/2019

Check Number	Early Release	Vendor #	Vendor	Amount
SUBTOTAL ACH TRANSACTION				\$6,404,167.99
GRAND TOTAL				\$7,327,657.57

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.

**DATE:** July 18, 2019

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

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

**SUBJECT:** Building Redevelopment  
2254 Cole Ave.  
DTE Energy Street Light Agreement

---

**INTRODUCTION:**

The owner of the property at 2254 Cole Ave. is in the process of renovating the building and parking lot for new tenants.

**BACKGROUND:**

Since 2254 Cole Ave. is located within the Rail District, the redevelopment of the site requires the installation of street lights in the right-of-way. The street lights will be owned and operated by DTE Energy Co., matching the City's recently revised standards for street lights in the Rail District. Given the space available along its frontage, four (4) new street lights are proposed.

**LEGAL REVIEW:**

In accordance with other commercial projects, the attached agreement prepared by DTE Energy Co. has been reviewed and approved by the City Attorney's office.

**FISCAL IMPACT:**

As noted in the agreement, the cost being charged to the City for the installation of these street lights is \$21,637.57. While the City will be responsible for payment to DTE Energy Co., payment will not be required until the work is 100% complete. Once the work has been billed to the City, our office will then generate an invoice for the same amount to the property owner, payable within thirty (30) days. The developer will not be able to obtain a final Certificate of Occupancy until the payment has been made in full, to reimburse this cost to the City.

**SUMMARY:**

It is recommended that the Commission authorize the Mayor to sign the attached Agreement for Municipal Street Lighting presented by DTE Energy relative to 2254 Cole Ave. All costs relative to this agreement will be charged to the owner and/or developer of the property.

**ATTACHMENTS:**

- Agreement prepared by DTE Energy Co. to supply and install four (4) new street lights in front of 2254 Cole Ave. including a sketch of proposed work, as prepared by DTE Energy Co. (six pages);

- Approved site plan for 2254 Cole Ave. redevelopment (four sheets).

**SUGGESTED RESOLUTION:**

To approve the street light agreement between the City of Birmingham and DTE Energy Co. regarding the installation of street lights at 2254 Cole Ave. Further, to direct the Mayor to sign the agreement on behalf of the City. All costs relative to this agreement will be charged to the adjacent owner.



July 15, 2019

City of Birmingham  
151 Martin St, PO Box 3001  
Birmingham, MI 48012  
Attn: Paul T. O'Meara

Re: City of Birmingham-2254 Cole Ave

Attached is the Purchase Agreement for the work to be performed in the budget letter that was sent on July 15, 2019. A detailed description of the project is outlined in the agreements. Please print **TWO** copies. Please sign **BOTH** copies in the designated areas. A check or Purchase Order in the amount of **\$21,637.57** is also required at this time. Please return **BOTH** signed agreements (as well as check or Purchase Order...made payable to **DTE Energy**) to the following address:

DTE Energy  
8001 Haggerty Rd.  
Belleville, MI 48111  
140 WWSC-Brandon Faron

Please call if you have questions, 734-397-4017.

Sincerely,  
*Brandon R. Faron*  
Brandon R. Faron  
Account Manager  
Community Lighting


## Exhibit A to Master Agreement

### Purchase Agreement

This Purchase Agreement (this "Agreement") is dated as of July 15, 2019 between DTE Electric Company ("Company") and the City of Birmingham ("Customer").

This Agreement is a "Purchase Agreement" as referenced in the Master Agreement for Municipal Street Lighting dated April 11, 2013 (the "Master Agreement") between Company and Customer. All of the terms of the Master Agreement are incorporated herein by reference. In the event of an inconsistency between this Agreement and the Master Agreement, the terms of this Agreement shall control.

Customer requests the Company to furnish, install, operate and maintain street lighting equipment as set forth below:

1. DTE Work Order Number:	54324030 If this is a conversion or replacement, indicate the Work Order Number for current installed equipment: N/A						
2. Location where Equipment will be installed:	[2254 Cole Ave], as more fully described on the map attached hereto as <u>Attachment 1</u> .						
3. Total number of lights to be installed:	4						
4. Description of Equipment to be installed (the " <u>Equipment</u> "):	Install four (4) Special Order Material Rockford Harbor posts (2 GFI's per post), four (4) Special Order Material Bishops Crook arms, and four (4) Special Order Material Hallbrook GlasWerks 69w LED full cutoff luminaires with FROSTED LENS. Material to be painted Birmingham Green (RAL6012)						
5. Estimated Total Annual Lamp Charges	\$1,047.84						
6. Computation of Contribution in aid of Construction (" <u>CIAC Amount</u> ")	<table border="1"><tr><td>Total estimated construction cost, including labor, materials, and overhead:</td><td>\$24,781.09</td></tr><tr><td>Credit for 3 years of lamp charges: New Install Only</td><td>\$3,143.52</td></tr><tr><td><b>CIAC Amount (cost minus revenue)</b></td><td><b>\$21,637.57</b></td></tr></table>	Total estimated construction cost, including labor, materials, and overhead:	\$24,781.09	Credit for 3 years of lamp charges: New Install Only	\$3,143.52	<b>CIAC Amount (cost minus revenue)</b>	<b>\$21,637.57</b>
Total estimated construction cost, including labor, materials, and overhead:	\$24,781.09						
Credit for 3 years of lamp charges: New Install Only	\$3,143.52						
<b>CIAC Amount (cost minus revenue)</b>	<b>\$21,637.57</b>						
7. Payment of CIAC Amount:	Due promptly upon execution of this Agreement						
8. Term of Agreement	5 years. Upon expiration of the initial term, this Agreement shall continue on a month-to-month basis until terminated by mutual written consent of the parties or by either party with thirty (30) days prior written notice to the other party.						
9. Does the requested Customer lighting design meet IESNA recommended practices?	(Check One) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO If "No", Customer must sign below and acknowledge that the lighting design does not meet IESNA recommended practices <div style="text-align: right;"></div>						
10. Customer Address for Notices:	City of Birmingham 151 Martin St. Birmingham, MI 48012 Attn: Paul T. O'Meara						

11. Special Order Material Terms:

All or a portion of the Equipment consists of special order material: (check one) ☒ YES ☐ NO

If "Yes" is checked, Customer and Company agree to the following additional terms.

A. Customer acknowledges that all or a portion of the Equipment is special order materials ("SOM") and not Company's standard stock. Customer will purchase and stock replacement SOM and spare parts. When replacement equipment or spare parts are installed from Customer's inventory, the Company will credit Customer in the amount of the then current material cost of Company standard street lighting equipment.

B. Customer will maintain an initial inventory of at least 1 posts and 1 luminaires and any other materials agreed to by Company and Customer, and will replenish the stock as the same are drawn from inventory. Costs of initial inventory are included in this Agreement. The Customer agrees to work with the Company to adjust inventory levels from time to time to correspond to actual replacement material needs. If Customer fails to maintain the required inventory, Company, after 30 days' notice to Customer, may (but is not required to) order replacement SOM and Customer will reimburse Company for such costs. Customer's acknowledges that failure to maintain required inventory could result in extended outages due to SOM lead times.

C. The inventory will be stored at City of Birmingham DPW Yard. Access to the Customers inventory site must be provided between the hours of 9:00 am to 4:00 pm, Monday through Friday with the exceptions of federal Holidays. Customer shall name an authorized representative to contact regarding inventory: levels, access, usage, transactions, and provide the following contact information to the Company:

Name: Paul O'Meara

Title: City Engineer

Phone Number:248-530-1840

Email: pomeara@bhamgov.org

The Customer will notify the Company of any changes in the Authorized Customer Representative. The Customer must comply with SOM manufacturer's recommended inventory storage guidelines and practices. Damaged SOM will not be installed by the Company.

D. In the event that SOM is damaged by a third party, the Company may (but is not required to) pursue a damage claim against such third party for collection of all labor and stock replacement value associated with the damage claim. Company will promptly notify Customer as to whether Company will pursue such claim.

E. In the event that SOM becomes obsolete or no longer manufactured, the Customer will be allowed to select new alternate SOM that is compatible with the Company's existing infrastructure.

F. Should the Customer experience excessive LED equipment failures, not supported by LED manufacturer warranties, the Company will replace the LED equipment with other Company supported Solid State or High Intensity Discharge luminaires at the Company's discretion. The full cost to complete these replacements to standard street lighting equipment will be the responsibility of the Customer.



\*\*\*\*\*

Company and Customer have executed this Purchase Agreement as of the date first written above.

Company:

DTE Electric Company

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Customer:

City of Birmingham

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

SIGN HERE

**Attachment 1 to Purchase Agreement**

**Map of Location**

[To be attached]

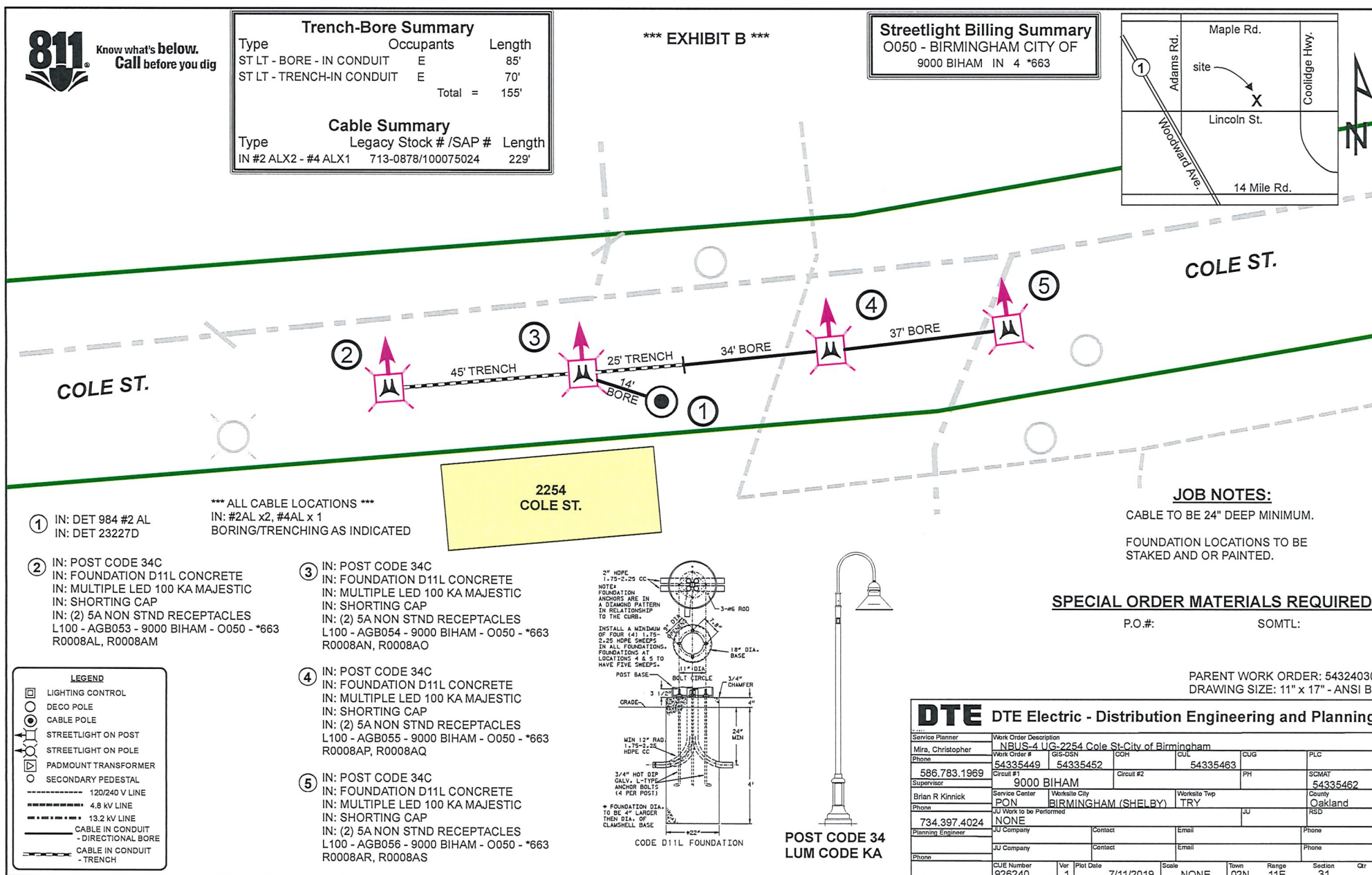
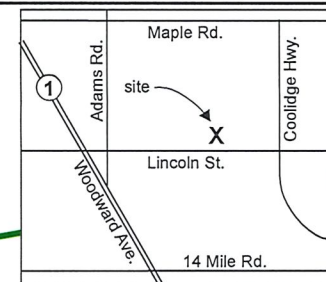




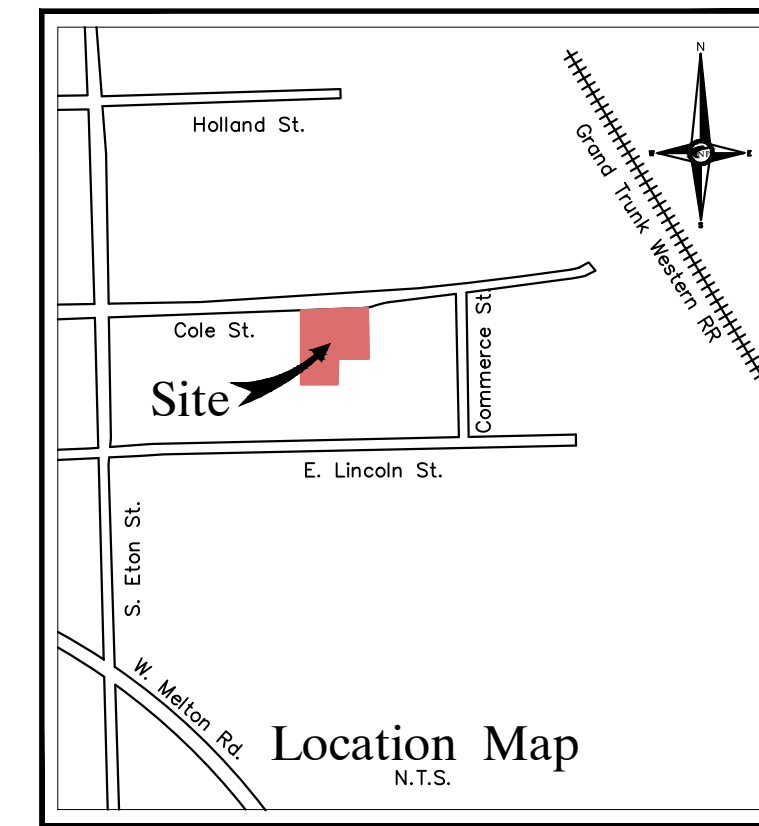
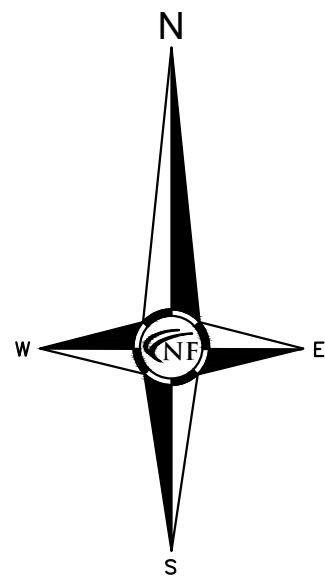
Type	Occupants	Length
ST LT - BORE - IN CONDUIT	E	85'
ST LT - TRENCH-IN CONDUIT	E	70'
	Total =	155'

Type	Legacy Stock # /SAP #	Length
IN #2 ALX2 - #4 ALX1	713-0878/100075024	229'

**Streetlight Billing Summary**  
O050 - BIRMINGHAM CITY OF  
9000 BIHAM IN 4 \*663







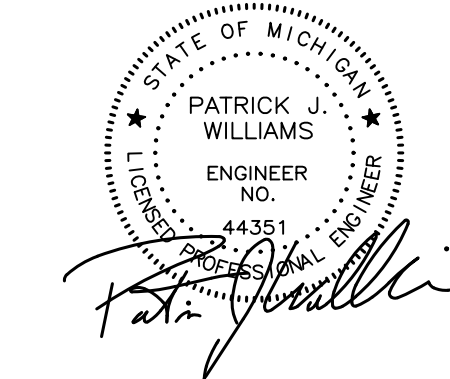
# NF

## ENGINEERS

CIVIL ENGINEERS  
LAND SURVEYORS  
LAND PLANNERS

NOWAK & FRAUS ENGINEERS  
46777 WOODWARD AVE.  
PONTIAC, MI 48342-5032  
TEL. (248) 332-7931  
FAX. (248) 332-8257

SEAL



PROJECT  
Artesian Properties  
2254 Cole St.  
Birmingham, MI

CLIENT  
Prime Design Systems  
2397 Old Kent Road  
Warren, MI 48091

Contact: Glenn DeSimone  
Ph: (586) 944-7495

PROJECT LOCATION  
Part of the Northeast 1/4  
of Section 31  
T. 2 North, R. 11 East  
City of Birmingham,  
Oakland County, Michigan

SHEET  
Boundary / Topographic /  
Tree Survey



Know what's below  
Call before you dig.

### REVISIONS

06-28-17 Revised Per City  
08-16-2017 Revised Per Client  
10-04-2017 Revised Per City  
06-14-2019 Revised Per City

### LEGAL DESCRIPTION

LAND SITUATED IN THE COUNTY OF OAKLAND, CITY OF BIRMINGHAM, STATE OF MICHIGAN, IS DESCRIBED AS FOLLOWS:

LOTS 22 AND 23 OF ASSESSOR'S PLAT NO. 28-B, ACCORDING TO THE PLAT THEREOF RECORDED IN LIBER 64 OF PLATS, PAGE 10 OF OAKLAND COUNTY RECORDS.

2254 COLE STREET  
TAX ID: 20-31-252-007

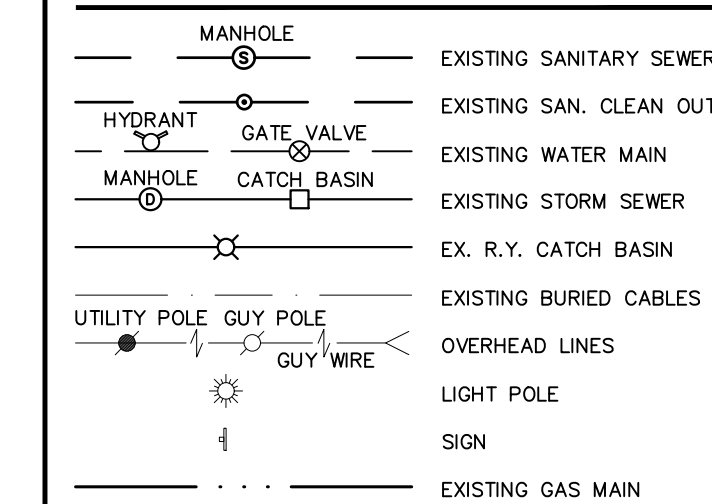
### TOPOGRAPHIC SURVEY NOTES

ALL ELEVATIONS ARE EXISTING ELEVATIONS, UNLESS OTHERWISE NOTED.

UTILITY LOCATIONS WERE OBTAINED FROM MUNICIPAL OFFICIALS AND RECORDS OF UTILITY COMPANIES, AND NO GUARANTEE CAN BE MADE TO THE COMPLETENESS, OR EXACTNESS OF LOCATION.

THIS SURVEY MAY NOT SHOW ALL EASEMENTS OF RECORD UNLESS AN UPDATED TITLE POLICY IS FURNISHED TO THE SURVEYOR BY THE OWNER.

### LEGEND



### Master Tree List

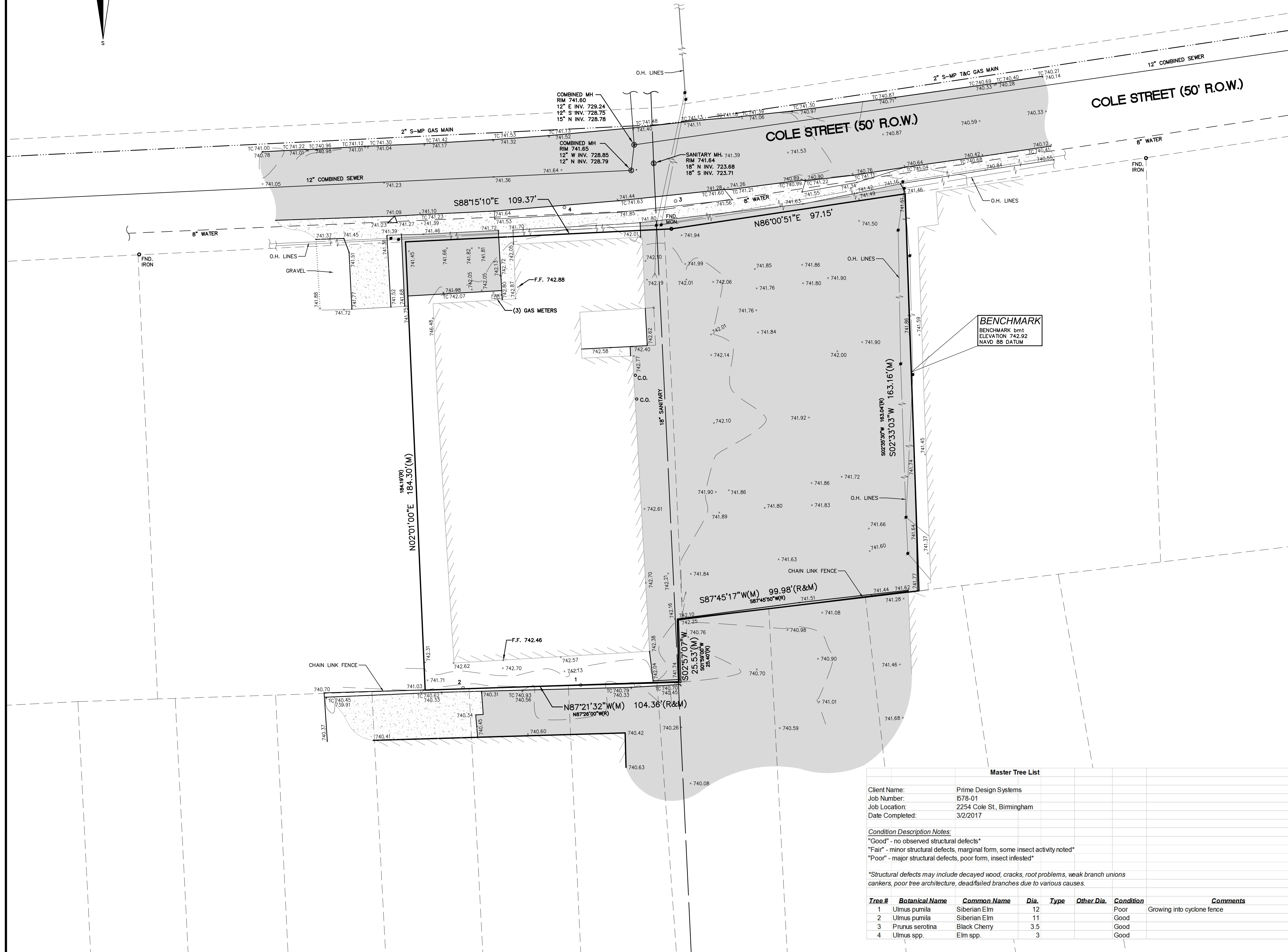
Client Name: Prime Design Systems  
Job Number: 1578-01  
Job Location: 2254 Cole St., Birmingham  
Date Completed: 3/2/2017

### Condition Description Notes:

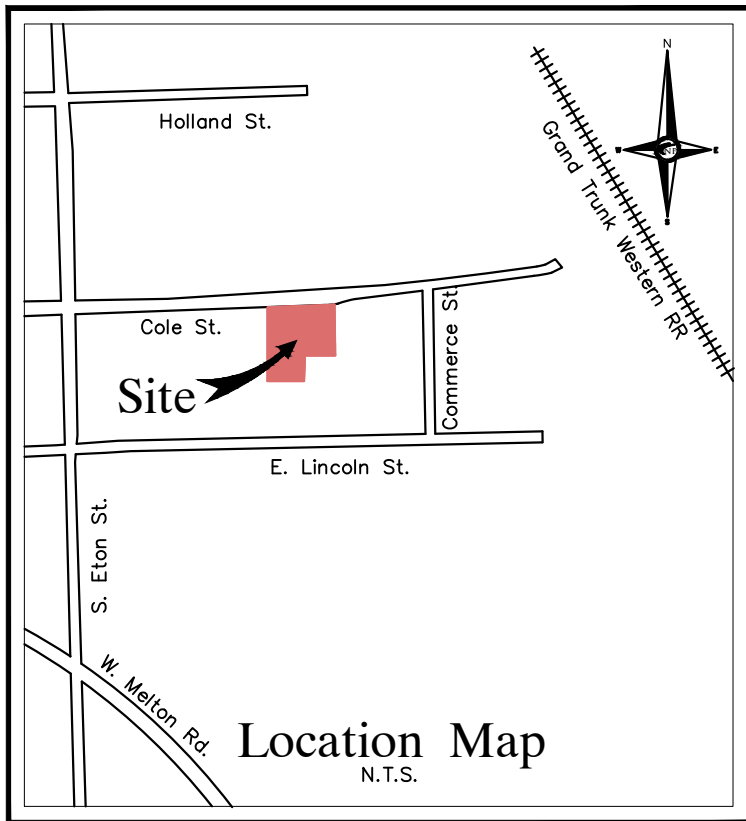
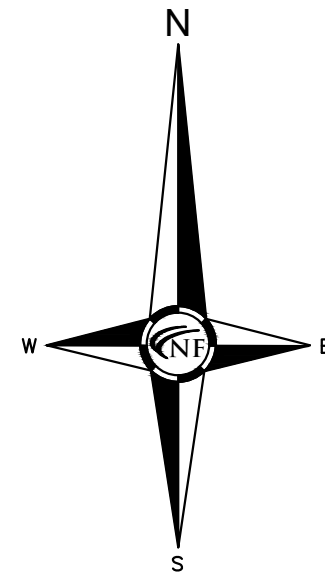
"Good" - no observed structural defects"  
"Fair" - minor structural defects, marginal form, some insect activity noted"  
"Poor" - major structural defects, poor form, insect infested"

"Structural defects may include decayed wood, cracks, root problems, weak branch unions  
cankers, poor tree architecture, dead/failed branches due to various causes.

Tree #	Botanical Name	Common Name	Dia.	Type	Other Dia.	Condition	Comments
1	Ulmus pumila	Siberian Elm	12			Poor	Growing into cyclone fence
2	Ulmus pumila	Siberian Elm	11			Good	
3	Prunus serotina	Black Cherry	3.5			Good	
4	Ulmus spp.	Elm spp.	3			Good	

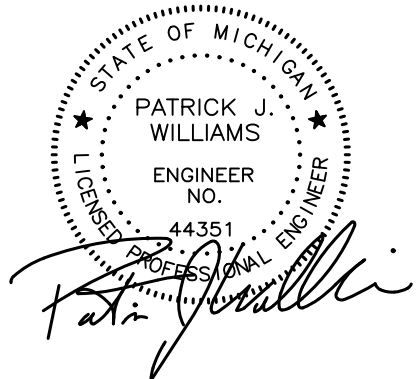






NOWAK & FRAUS ENGINEERS  
46777 WOODWARD AVE.  
PONTIAC, MI 48342-5032  
TEL (248) 332-7931  
FAX: (248) 332-8257

SEAL



PROJECT

Artesian Properties  
2254 Cole St.  
Birmingham, MI

CLIENT

Prime Design Systems  
2397 Old Kent Road  
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Contact: Glenn DeSimone  
Ph: (586) 944-7495

PROJECT LOCATION

Part of the Northeast 1/4  
of Section 31  
T. 2 North, R. 11 East  
City of Birmingham,  
Oakland County, Michigan

SHEET

Demolition Plan



Know what's below  
Call before you dig.

### TOPOGRAPHIC SURVEY NOTES

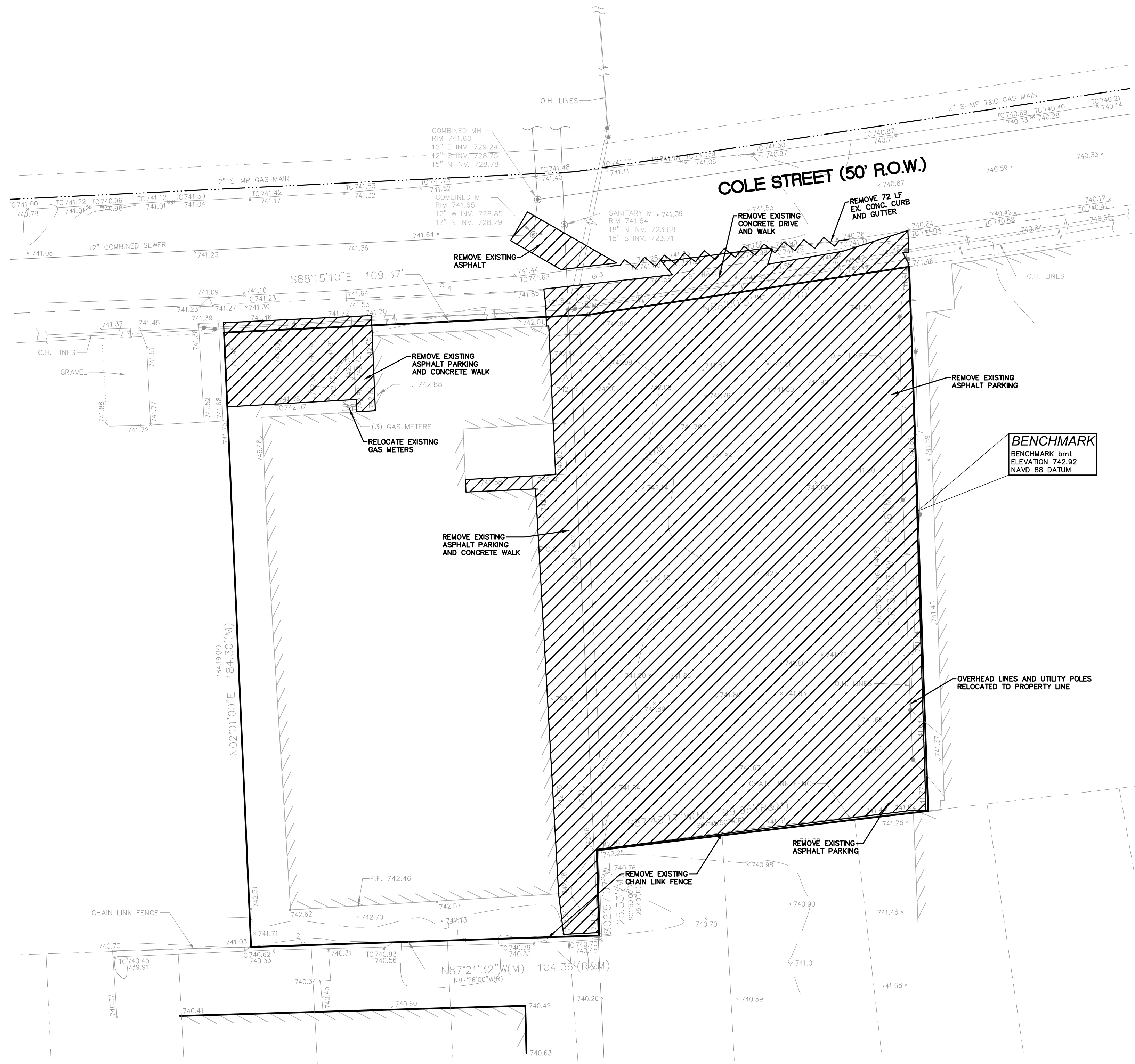
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THIS SURVEY MAY NOT SHOW ALL EASEMENTS OF RECORD UNLESS AN UPDATED TITLE POLICY IS FURNISHED TO THE SURVEYOR BY THE OWNER

### LEGEND

MANHOLE	EXISTING SANITARY SEWER
HYDRANT	EXISTING SAN. CLEAN OUT
GATE VALVE	EXISTING WATER MAIN
MANHOLE CATCH BASIN	EXISTING STORM SEWER
	EX. R. Y. CATCH BASIN
UTILITY POLE	EXISTING BURIED CABLES
GUY POLE	OVERHEAD LINES
GUY WIRE	LIGHT POLE
	SIGN
	EXISTING GAS MAIN
XXXXXXXXXXXXXXXXXX	EXISTING UTILITY TO BE REMOVED
-----	EXISTING UTILITY TO BE ABANDONED
12" MAPLE	INDICATES EXISTING TREE TO BE REMOVED
	INDICATES AREAS OF PAVEMENT, BUILDINGS, ETC. TO BE REMOVED



### DEMOLITION NOTES

DEMOLITION OF SITE IMPROVEMENTS SHALL BE ALLOWED ONLY AFTER AN APPROVED PERMIT HAS BEEN SECURED FROM THE PUBLIC AGENCY HAVING JURISDICTION OVER SAID DEMOLITION.

FOR ANY DEMOLITION WITHIN PUBLIC RIGHT-OF-WAY, THE CONTRACTOR SHALL PAY FOR, AND SECURE, ALL NECESSARY PERMITS AND LIKEWISE SHALL ARRANGE FOR ALL SITE INSPECTIONS.

SITE DEMOLITION INCLUDES THE COMPLETE REMOVAL OF SITE IMPROVEMENTS AND OFF-SITE DISPOSAL. DEBRIS SHALL BE TRANSPORTED TO AN APPROPRIATE DISPOSAL FACILITY THAT IS LICENSED FOR THAT TYPE OF DEBRIS.

THE CONTRACTOR SHALL COORDINATE TRUCK ROUTES WITH THE MUNICIPALITY PRIOR TO COMMENCEMENT OF SITE DEMOLITION. ALL TRUCKS SHALL BE TARPED OR PROPERLY SECURED TO CONTAIN DEMOLITION DEBRIS PRIOR TO LEAVING SITE.

EXISTING ON-SITE UNDERGROUND UTILITIES AND BUILDING SERVICES HAVE BEEN INDICATED BASED UPON THE BEST AVAILABLE UTILITY RECORDS AND/OR ON-SITE INSPECTION. NO GUARANTEE IS MADE BY THE DESIGN ENGINEER, AS TO THE COMPLETENESS OR ACCURACY OF UTILITY DATA. THE CONTRACTOR SHALL BE RESPONSIBLE FOR FIELD VERIFICATION OF UTILITY INFORMATION (THE DESIGN ENGINEER MAKES NO GUARANTEE NOR ASSUMES ANY LIABILITY AS TO THE COMPLETENESS AND/OR ACCURACY OF UTILITY DATA).

PRIOR TO THE REMOVAL OR ABANDONMENT OF ANY EXISTING UNDERGROUND UTILITY OR BUILDING SERVICE LINES CALLED FOR IN THE PLANS OR DISCOVERED DURING EXCAVATION, THE CONTRACTOR MUST DETERMINE IF THE UTILITY LINE OR BUILDING SERVICE IS STILL IN USE. IF THE UTILITY LINE OR BUILDING SERVICE IS STILL IN USE/ACTIVE THE CONTRACTOR MUST TAKE ALL THE NECESSARY STEPS TO GUARANTEE THAT THE UTILITY LINE OR BUILDING SERVICE IS RECONNECTED WITHOUT AN INTERRUPTION IN SERVICE. THE RECONNECTION OF THE UTILITY LINE OR BUILDING SERVICE MUST BE IN ACCORDANCE WITH THE STANDARDS AND REQUIREMENTS OF THE APPROPRIATE GOVERNMENTAL AGENCY OR PRIVATE UTILITY COMPANY.

SOIL EROSION AND SEDIMENTATION CONTROL MEASURES SHALL BE INSTALLED BY THE CONTRACTOR PRIOR TO SITE DEMOLITION.

THE CONTRACTOR SHALL NOTIFY MISS DIG (1-800-482-7171) A MINIMUM OF THREE (3) WORKING DAYS PRIOR TO THE START OF THE SITE DEMOLITION.

THE CONTRACTOR SHALL COORDINATE THE REMOVAL AND/OR RELOCATION OF EXISTING UTILITY POLES AND BUILDING SERVICES WITH THE DETROIT EDISON COMPANY. REMOVAL OF DETROIT EDISON ELECTRICAL SERVICES SHALL BE IN ACCORDANCE WITH THE CURRENT STANDARDS AND REQUIREMENTS OF DETROIT EDISON.

THE CONTRACTOR SHALL COORDINATE THE REMOVAL AND/OR RELOCATION OF EXISTING UTILITY POLES AND BUILDING SERVICES WITH CONSUMERS ENERGY/MICHCON. REMOVAL OF CONSUMERS ENERGY/ MICHCON GAS SERVICES SHALL BE IN ACCORDANCE WITH THE STANDARDS AND REQUIREMENTS OF CONSUMERS ENERGY/MICHCON.

THE CONTRACTOR SHALL COORDINATE THE REMOVAL AND/OR RELOCATION OF EXISTING UTILITY POLES AND BUILDING SERVICES WITH AMERITECH. REMOVAL OF AMERITECH COMMUNICATION SERVICES SHALL BE IN ACCORDANCE WITH THE CURRENT STANDARDS AND REQUIREMENTS OF AMERITECH.

THE CONTRACTOR SHALL COORDINATE THE REMOVAL AND/OR RELOCATION OF EXISTING UTILITY POLES AND BUILDING SERVICES WITH THE APPROPRIATE CABLE MEDIA COMPANY. REMOVAL OF CABLE SERVICES SHALL BE IN ACCORDANCE WITH THE CURRENT STANDARDS AND REQUIREMENTS OF THE CABLE COMPANY.

THE CONTRACTOR SHALL BE RESPONSIBLE FOR NOTIFICATION OF PRIVATE UTILITY COMPANIES AND COORDINATE UTILITY SERVICE SHUT OFF/DISCONNECT, PRIOR TO DEMOLITION OF EXISTING STRUCTURES OR PROPERTIES.

ALL UTILITY METERS SHALL BE REMOVED BY THE APPROPRIATE UTILITY COMPANY.

ANY ON-SITE STORM SEWER FACILITIES LOCATED DURING DEMOLITION SHALL BE REMOVED AND BULK HEADED AT THE PROPERTY LINE IF INDICATED FOR REMOVAL ON THE PLANS.

PRIOR TO BUILDING DEMOLITION, ALL HAZARDOUS MATERIAL SHALL BE REMOVED BY OTHERS. THE DEMOLITION CONTRACTOR SHALL IMMEDIATELY NOTIFY THE OWNER SHOULD ANY SUSPICIOUS MATERIAL BE FOUND.

WATER SERVICES AND/OR STOP-BOX SHALL BE PRESERVED AND BULK HEADED AT THE PROPERTY LINE OR AS DIRECTED BY THE OWNER'S REPRESENTATION.

WHERE EXISTING BUILDINGS PLANNED FOR DEMOLITION FALL WITHIN PROPOSED BUILDING FOOT PRINTS, BASEMENT FLOOR SLABS, FOUNDATION WALLS AND FOOTINGS SHALL BE COMPLETELY REMOVED AND BACK FILLED WITH MDOT CLASS II GRANULAR MATERIAL AND BE MACHINE COMPACTED TO A MINIMUM OF 98% OF MATERIALS MAXIMUM DENSITY.

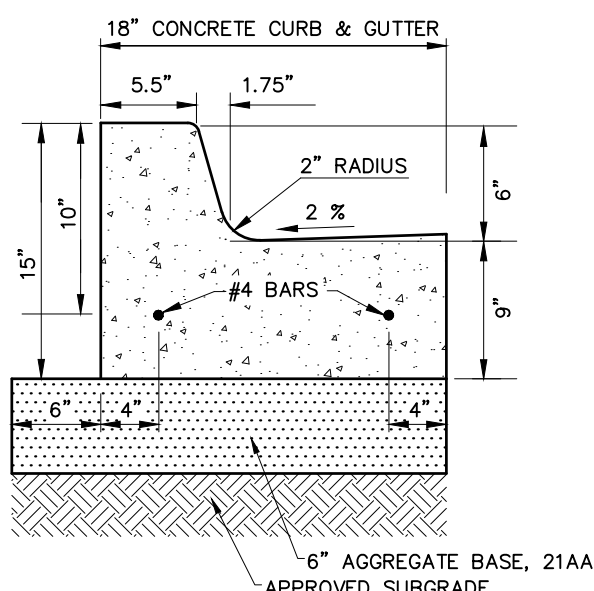
NFE JOB NO.

1578-01

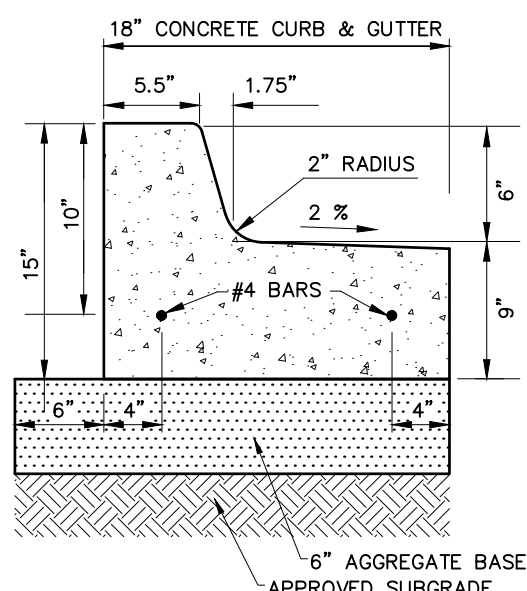
SHEET NO.

C-2





CONCRETE CURB DETAIL 'A'  
N.T.S.



CONCRETE CURB DETAIL 'B'  
N.T.S.

#### STORM STRUCTURE SCHEDULE

- EX. 4" DIA. MANHOLE  
RIM 741.65  
EX. 12" N INV. 728.85  
EX. 12" N INV. 728.79  
PR. 12" SE INV. 736.42
- 2' DIA. INLET  
RIM 740.50  
12" N INV. 737.50
- 4" DIA. CATCH BASIN  
W/2" SUMP  
RIM 740.50  
12" NW INV. 737.27  
12" S INV. 737.27

#### UTILITY CROSSING SCHEDULE

- PR. 12" STM B/P 736.50  
EX. 8" WM T/P 735.50 (V.I.F.)  
INSTALL CONCRETE CRADLE AS NEEDED

#### STORM SEWER NOTES

ALL WORKMANSHIP AND MATERIALS SHALL BE IN ACCORDANCE WITH THE CURRENT STANDARDS AND SPECIFICATIONS OF THE MUNICIPALITY. THE MUNICIPALITY STANDARD NOTES, DETAILS AND SPECIFICATIONS SHALL BE INCORPORATED AS PART OF THEIR PLANS.

ALL STORM SEWER TRENCHES UNDER OR WITHIN THREE (3) FEET OF EXISTING OR PROPOSED PAVEMENT SHOULD BE BACKFILLED WITH MDOT CLASS II MATERIAL (SAND) AND BE MACHINE COMPACTED TO A MINIMUM OF 95% OF THE MATERIAL'S MAXIMUM DENSITY. PAVEMENT SHALL INCLUDE PARKING LOTS, DRIVE APPROACHES, CURB & GUTTER AND ADJACENT WALLS.

ALL STORM SEWER PIPE SHALL BE INSTALLED ON CLASS "B" BEDDING OR BETTER UNLESS OTHERWISE INDICATED ON THE PLANS.

STORM SEWER SHALL BE OF THE TYPE, SIZE & CLASS DESIGNATION INDICATED ON THE PLANS AND SHALL BE INSTALLED AT THE PROPOSED LINE AND GRADE INDICATED.

ALL STORM SEWER PIPE SHALL BE REINFORCED CONCRETE PIPE CONFORMING TO ASTM SPECIFICATION C-76, CL. IV.

ALL MANHOLE, CATCH BASIN, INLET, REAR YARD DRAIN FRAMES AND COVERS SHALL BE AS INDICATED ON THE PLANS IN ACCORDANCE WITH MUNICIPALITY STANDARDS.

THE CONTRACTOR SHALL NOTIFY MISS DIG (1-800-482-7171) A MINIMUM OF THREE (3) WORKING DAYS PRIOR TO THE START OF CONSTRUCTION.

EXACT GRADES AND INVERTS OF PROPOSED STORM SEWER ARE TO BE CHECKED WITH THE FIELD ENGINEER PRIOR AND DURING INSTALLATION. THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE DESIGN ENGINEER OF ANY PLAN INCONSISTENCY AND/OR UTILITY CONFLICTS.

ALL STORM SEWER PIPE JOINTS SHALL BE "PREMIUM JOINT" MODIFIED GROOVED TONGUE, (M.G.T.) WITH SYNTHETIC RUBBER GASKETS CONFORMING TO ASTM SPECIFICATION C-443 & C-361 UNLESS OTHERWISE INDICATED ON THE PLANS. ALTERNATE JOINT CONNECTION MAYBE STANDARD GROOVED TONGUE WITH COLD MASTIC (DEWITT #10 JOINT COMPOUND OR EQUAL).

FACTORY MANUFACTURED PRECAST TEE SECTIONS SHALL BE USED FOR ROOF DRAINS AND/OR SUMP PUMP LEADS AND LATERALS WHERE INDICATED ON THE PLANS. BLIND TOP CONNECTIONS INTO STORM SEWER WILL NOT BE PERMITTED BY BREAKING PIPE WALL.

THE UNDERGROUND SITE CONTRACTOR SHALL INSTALL ALL STORM SEWER BUILDING LEADS TO WITHIN FIVE (5) FEET OF PROPOSED BUILDING.

GROUTED RIP RAP SHALL BE INSTALLED AT THE ENDS OF ALL CULVERTS AND END SECTIONS. GROUTED RIP RAP SHALL LIKEWISE BE INSTALLED AT OUTLET POINTS IN DETENTION AND SEDIMENTATION FACILITY. THE MINIMUM WIDTH OF THE RIP RAP SHALL BE TWICE THE OUTSIDE DIAMETER OF THE PIPE. THE RIP RAP SHALL EXTEND FROM THE BOTTOM OF THE SLOPE TO THE PIPE INVERT.

THE CONTRACTOR SHALL PAY FOR AND SECURE ALL NECESSARY PERMITS AND LIKEWISE ARRANGE FOR ALL SITE INSPECTION.

#### GENERAL PAVING NOTES

PAVEMENT SHALL BE OF THE TYPE, THICKNESS AND CROSS SECTION AS INDICATED ON THE PLANS AND AS FOLLOWS:

CONCRETE: PORTLAND CEMENT TYPE IA (AIR-ENTRAINED) WITH A MINIMUM CEMENT CONTENT OF SIX SACKS PER CUBIC YARD, MINIMUM 28 DAY COMPRESSIVE STRENGTH OF 3,500 PSI AND A SLUMP OF 1 1/2 TO 3 INCHES.

ASPHALT: BASE COURSE - MDOT BITUMINOUS MIXTURE NO. 1100L, 20AA; SURFACE COURSE - MDOT BITUMINOUS MIXTURE NO. 1100T, 20AA; ASPHALT CEMENT PENETRATION GRADE 85-100, BOND COAT - MDOT SS-1H EMULSION AT 0.10 GALLON PER SQUARE YARD; MAXIMUM 2 INCH LIFT.

PAVEMENT BASE SHALL BE COMPACTED TO 95% OF THE MAXIMUM DENSITY (MODIFIED PROCTOR) PRIOR TO PLACEMENT OF PROPOSED PAVEMENT. EXISTING SUB-BASE SHALL BE PROOF-ROLLED IN THE PRESENCE OF THE ENGINEER TO DETERMINE STABILITY.

ALL CONCRETE PAVEMENT, DRIVEWAYS, CURB & GUTTER, ETC., SHALL BE SPRAY CURED WITH WHITE MEMBRANE CURING COMPOUND IMMEDIATELY FOLLOWING FINISHING OPERATION.

ALL CONCRETE PAVEMENT JOINTS SHALL BE FILLED WITH HOT POURED RUBBERIZED ASPHALT JOINT SEALING COMPOUND IMMEDIATELY AFTER SAWCUT OPERATION. FEDERAL SPECIFICATION SS-S164.

ALL WORKMANSHIP AND MATERIALS SHALL BE IN ACCORDANCE WITH THE CURRENT STANDARDS AND SPECIFICATIONS OF THE MUNICIPALITY AND THE MICHIGAN DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR CONSTRUCTION, CURRENT EDITION.

ALL TOP OF CURB ELEVATIONS, AS SHOWN ON THE PLANS, ARE CALCULATED FOR A 6" CONCRETE CURB UNLESS OTHERWISE NOTED.

ALL SIDEWALK RAMPS, CONFORMING TO PUBLIC ACT NO. 8, 1993, SHALL BE INSTALLED AS INDICATED ON THE PLANS.

CONSTRUCTION OF A NEW OR RECONSTRUCTED DRIVE APPROACH CONNECTING TO AN EXISTING STATE OR COUNTY ROADWAY SHALL BE ALLOWED ONLY AFTER AN APPROVED PERMIT HAS BEEN SECURED FROM THE AGENCY HAVING JURISDICTION OVER SAID ROADWAY. FOR ANY WORK WITHIN THE PUBLIC RIGHT-OF-WAY, THE CONTRACTOR SHALL PAY FOR AND SECURE ALL NECESSARY PERMITS AND LIKEWISE ARRANGE FOR ALL INSPECTION.

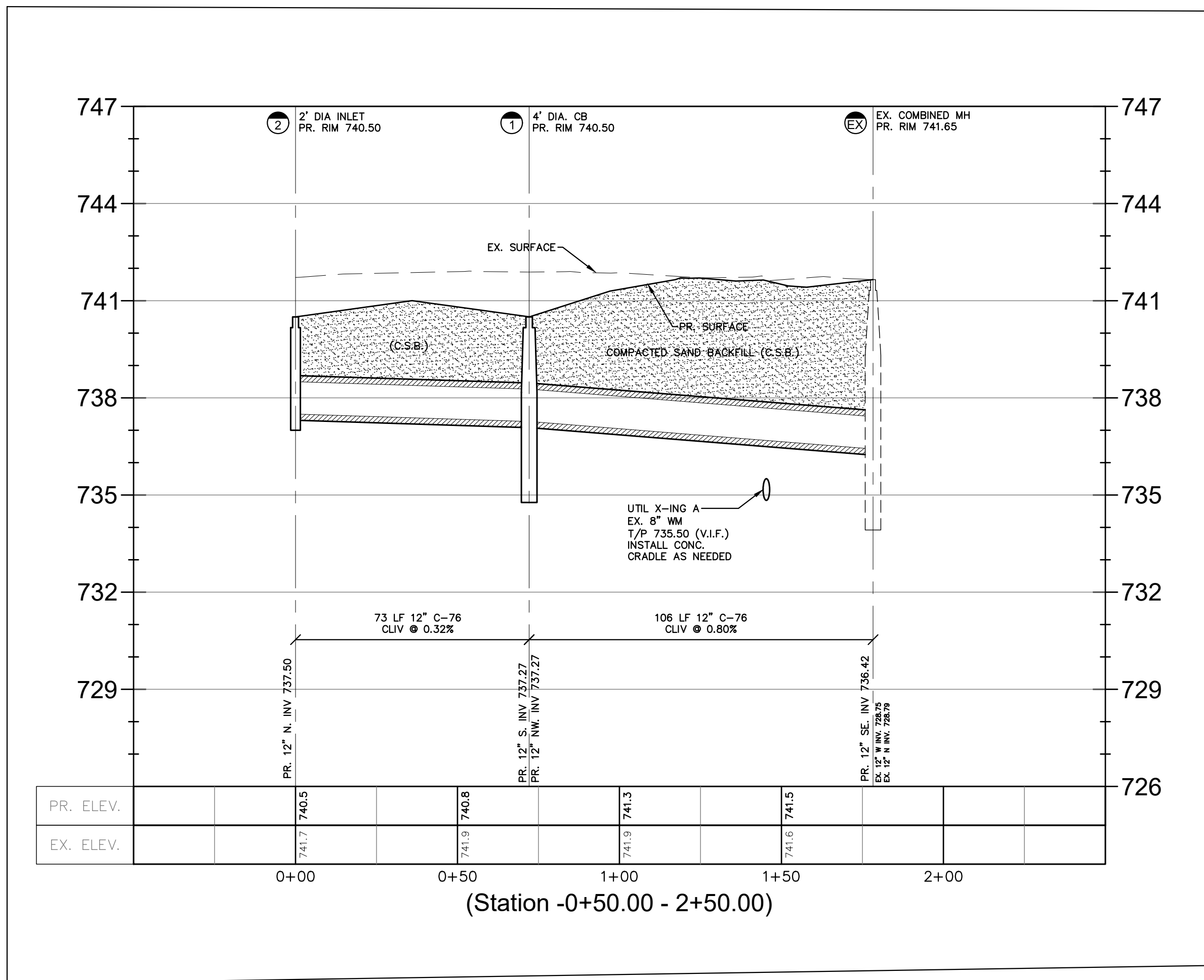
EXISTING TOPSOIL, VEGETATION AND ORGANIC MATERIALS SHALL BE STRIPPED AND REMOVED FROM PROPOSED PAVEMENT AREA PRIOR TO PLACEMENT OF BASE MATERIALS.

EXPANSION JOINTS SHOULD BE INSTALLED AT THE END OF ALL INTERSECTION RADII.

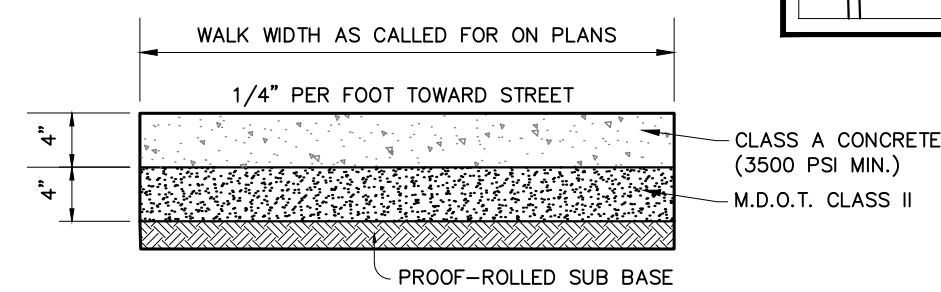
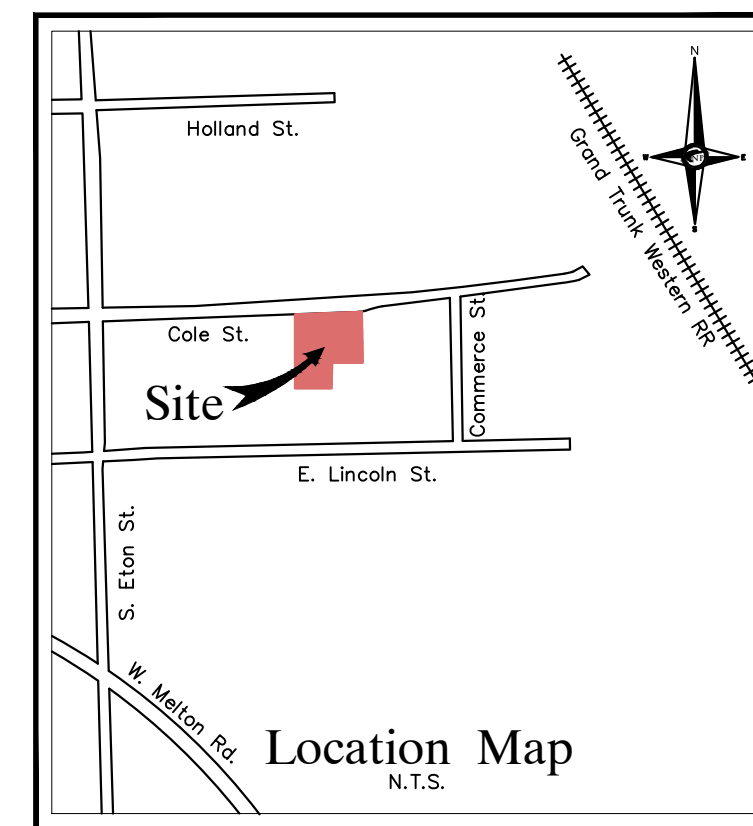
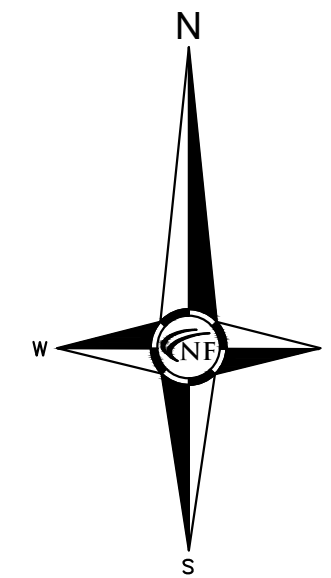
SIDEWALK RAMPS, CONFORMING TO PUBLIC ACT NO. 8, 1973, SHALL BE INSTALLED AS SHOWN AT ALL STREET INTERSECTIONS AND AT ALL BARRIER FREE PARKING AREAS AS INDICATED ON THE PLANS.

ALL PAVEMENT AREAS SHALL BE PROOF-ROLLED UNDER THE SUPERVISION OF A GEOTECHNICAL ENGINEER PRIOR TO THE PLACEMENT OF BASE MATERIALS AND PAVING MATERIALS.

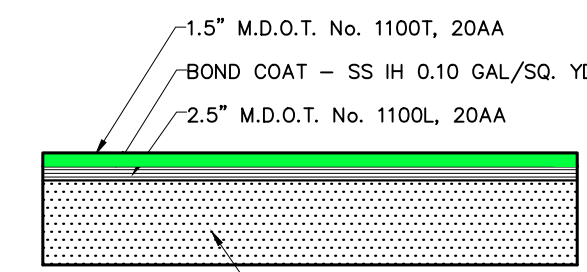
FILL AREAS SHALL BE MACHINE COMPACTED IN UNIFORM LIFTS NOT EXCEEDING 9 INCHES THICK TO 98% OF THE MAXIMUM DENSITY (MODIFIED PROCTOR) PRIOR TO PLACEMENT OF PROPOSED PAVEMENT.



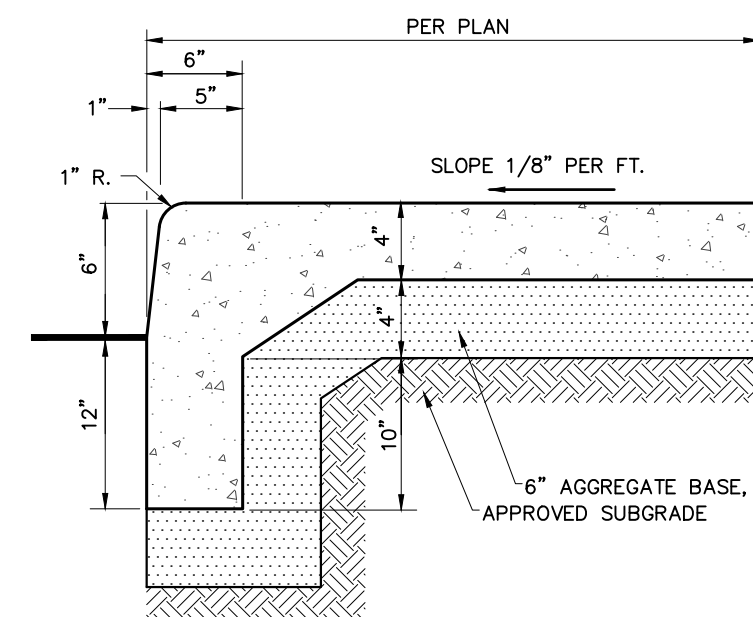
		T= I = n (Conc.) n (Pvc)	15 Minutes 170 / (T+23) 0.013 0.011		City of Birmingham, Oakland County, Michigan Storm Sewer Calculations																Project No: Project Name:		I578-01 2254 Cole			
					Manning's Roughness Coefficient																Location:		Birmingham			
					Manning's Roughness Coefficient																Dated:		June 6, 2017			
																					Revised:					
Drainage Area	From Struc. No.	To Struc. No.	Drainage Area (Acres)	Runoff Coefficient (C)	Equivalent Area (C * A)	Total Area (Sum C * A)	Time of Concentration (Minutes)	Rainfall Intensity (Inches/Hr.)	Actual Discharge (CFS)	Pipe Size (Inches)	Pipe Slope (% Slope)	Pipe Length (Feet)	Flow Velocity (Ft / Sec)	Time of Flow (Minutes)	Full Pipe Capacity (CFS)	H. G. Elev. Upper End (Feet)	H. G. Elev. Lower End (Feet)	H. G. Slope (% Slope)	Theoretical Velocity (Ft / Sec)	Ground Elevation (Upper)	Change in Elevation (Feet)	Invert Elev. Upper End (Feet)	Invert Elev. Lower End (Feet)	Upper Rim to HGL (Feet)		
A	2	1	0.450	0.90	0.405	0.405	15.00	4.474	1.812	12	0.32	73	2.566	0.47	2.015	737.22	737.03	0.259	2.31	741.50	0.23	737.50	737.27	4.28		
B	1	Ex	0.330	0.90	0.297	0.702	15.47	4.419	3.102	12	0.80	106	4.057	0.44	3.187	737.07	736.27	0.758	3.95	741.50	0.85	737.27	736.42	4.43		



CONCRETE SIDEWALK SECTION  
N.T.S.



ASPHALT PAVEMENT SECTION  
(DRIVE AND PARKING)



6" MONOLITHIC CURB AND WALK  
N.T.S.

#### ESTIMATED QUANTITIES

DESCRIPTION	QUANTITY	UNITS
4" ASPHALT ON 8" 21AA BASE	1,650	S.Y.
4" CONCRETE SIDEWALK	1,510	S.F.
8" NON-REINFORCED CONCRETE SIDEWALK	320	S.F.
8" NON-REINFORCED CONCRETE	320	S.F.
6" CONCRETE CURB & GUTTER	100	L.F.
8" CONCRETE APPROACH	600	S.F.

#### STORM SEWER

DESCRIPTION	QUANTITY	UNITS
12" C-76, CLASS IV, SEWER PIPE	179	L.F.
4" DIA. CATCH BASIN W/ 2" SUMP	1	EA.
2" DIA. INLET	1	EA.
SEWER TAP/CONNECTION	1	EA.

#### PAVING LEGEND

	PROPOSED CONCRETE PAVEMENT
	PROPOSED ASPHALT PAVEMENT

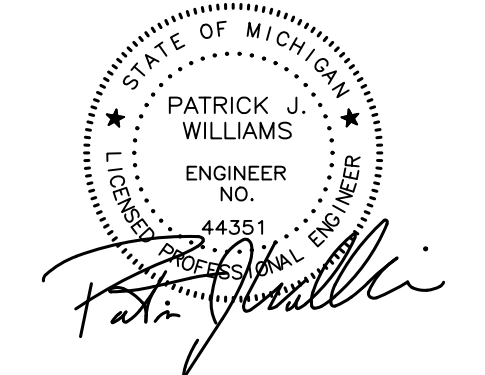
#### LEGEND

	MANHOLE	EXISTING SANITARY SEWER
	HYDRANT	SAN. CLEAN OUT
	GATE VALVE	EXISTING WATERMAIN
	MANHOLE CATCH BASIN	EXISTING STORM SEWER
	EX. R. Y. CATCH BASIN	
	UTILITY POLE	EXISTING BURIED CABLES
	GUY POLE	OVERHEAD LINES
	SIGN	
	EXISTING GAS MAIN	
	PR. SANITARY SEWER	
	PR. WATER MAIN	
	PR. STORM SEWER	
	PR. R. Y. CATCH BASIN	
	PROPOSED LIGHT POLE	
	PR. TOP OF CURB ELEVATION	
	PR. GUTTER ELEVATION	
	PR. TOP OF WALK ELEVATION	
	PR. TOP OF PMT. ELEVATION	
	FINISH GRADE ELEVATION	



NOWAK & FRAUS ENGINEERS  
46777 WOODWARD AVE.  
PONTIAC, MI 48342-5032  
TEL. (248) 332-7931  
FAX. (248) 332-8257

SEAL



PROJECT

Artesian Properties  
2254 Cole St.  
Birmingham, MI

CLIENT

Prime Design Systems  
2397 Old Kent Road  
Warren, MI 48091

Contact: Glenn DeSimone  
Ph: (586) 944-7495

PROJECT LOCATION

Part of the Northeast 1/4  
of Section 31  
T. 2 North, R. 11 East  
City of Birmingham,  
Oakland County, Michigan

SHEET

Engineering Site Plan



REVISIONS

06-28-17 Revised Per City  
08-16-2017 Revised Per Client  
10-04-2017 Revised Per City  
06-24-2019 Revised Per City

DRAWN BY:

A. Eizember

DESIGNED BY:

P. Williams

APPROVED BY:

P. Williams

DATE:

June 7, 2017

SCALE: 1" = 20'

20 10 0 10 20 30

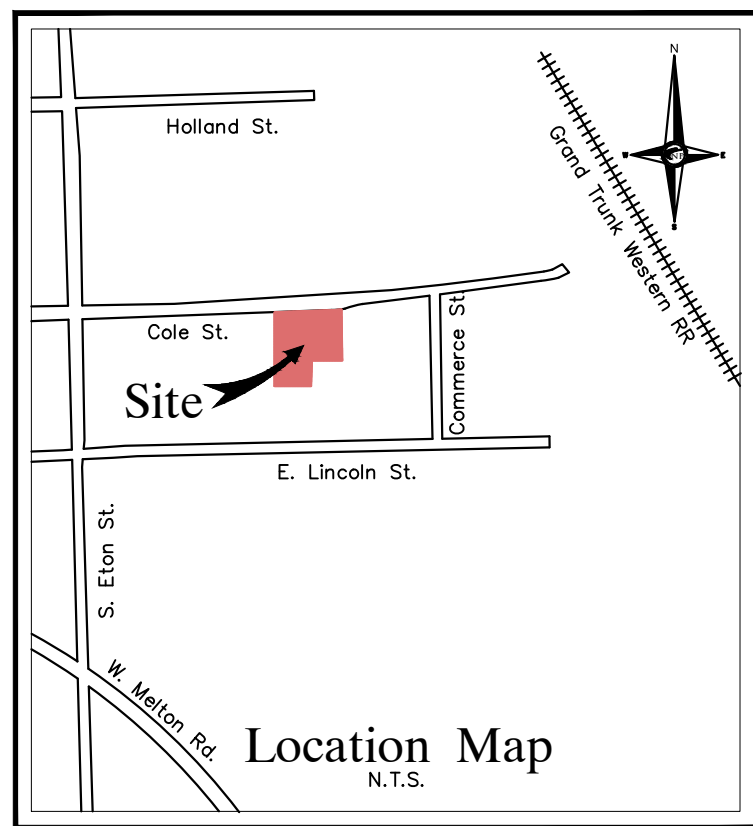
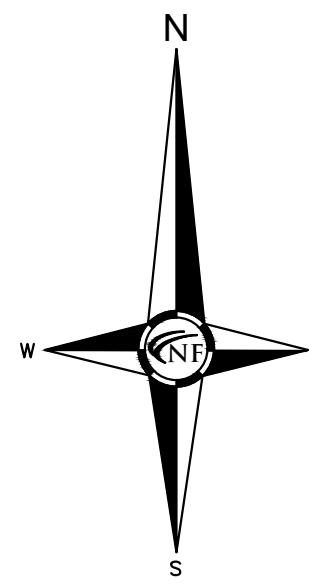
NFE JOB NO.

1578-01

SHEET NO.

C-3





#### SOIL EROSION CONTROL - SEQUENCE OF OPERATION (NEW CONSTRUCTION)

INSTALL CRUSHED CONCRETE ACCESS DRIVE AND TEMPORARY CULVERTS AT THE SITE ENTRANCE AS INDICATED ON THE PLANS.

INSTALL SILT FENCE OR SIMILAR APPROVED SILT BARRIER ALONG PROPERTY LINES AND AROUND SENSITIVE NATURAL FEATURES AS INDICATED ON THE PLANS.

EXCAVATE A SHALLOW SWALE/DITCH AROUND PERIMETER OF SITE. GRADE THE TEMPORARY SWALE TO AN EXISTING DRAINAGE FACILITY. PLACE OUTLET FILTER IN EXISTING UPSTREAM STORM SEWER FACILITIES.

IF INDICATED ON CONSTRUCTION PLANS, SEDIMENTATION BASINS, DETENTION POND, ETC., SHALL BE CONSTRUCTED PRIOR TO THE INSTALLATION OF ANY OTHER WORK.

STRIP EXISTING TOPSOIL, VEGETATION AND ORGANIC MATTER FROM BUILDING PAD AND PARKING AREAS. COMMENCE LAND BALANCE AND MASS GRADING OPERATIONS. MAINTAIN A MINIMUM BUFFER OF 15' OF EXISTING VEGETATION WHEREVER POSSIBLE AROUND SITE PERIMETER. STOCK PILES SHOULD BE LOCATED AWAY FROM EXISTING DRAINAGE FACILITIES.

EXCAVATE AND INSTALL UNDERGROUND UTILITIES. INSTALL PEASTONE INLET FILTERS AROUND ALL NEW STORM SEWER FACILITIES AS INDICATED ON THE PLANS. EXISTING AND PROPOSED STORM SEWER FACILITIES SHALL BE PROTECTED FROM EROSION AND SEDIMENT INFILTRATION AT ALL TIMES.

COMMENCE FINAL GRADING AND TRIMMING OPERATIONS. PREPARE SUBGRADE FOR INSTALLATION OF PROPOSED PAVEMENT.

SEED AND MULCH ALL DISTURBED SITE AREAS AND INSTALLED SITE LANDSCAPING.

REMOVE CONSTRUCTION DEBRIS AND JET VAC NEWLY INSTALLED STORM SEWER SYSTEM AS REQUIRED BY THE MUNICIPALITY.

REMOVE ALL REMAINING TEMPORARY SOIL EROSION AND SEDIMENTATION CONTROL MEASURES ONCE PERMANENT MEASURES ARE ESTABLISHED.

WHENEVER POSSIBLE, THE SITE SHALL BE GRADED TO WITHIN SIX INCHES (6") OF THE PROPOSED FINISH GRADE PRIOR TO INSTALLATION OF UNDERGROUND FACILITIES.

STAGING OF PROPOSED WORK SHALL BE COMPLETED BY THE CONTRACTOR AS REQUIRED TO ENSURE PROGRESSIVE STABILIZATION OF DISTURBED AREAS.

#### SOIL EROSION CONTROL

CUTTING, FILLING AND GRADING SHALL BE MINIMIZED AND THE NATURAL TOPOGRAPHY OF THE SITE SHALL BE PRESERVED TO THE MAXIMUM POSSIBLE EXTENT, EXCEPT WHERE SPECIFIC FINDINGS DEMONSTRATE THAT MAJOR ALTERATIONS WILL STILL MEET THE PURPOSES AND REQUIREMENTS OF THIS ORDINANCE.

DEVELOPMENT SHALL BE STAGED TO KEEP THE EXPOSED AREAS OF SOIL AS SMALL AS PRACTICABLE.

SOIL EROSION CONTROL MEASURES SHALL BE INSTALLED BETWEEN THE DISTURBED AREA AND ANY WATERCOURSES, INCLUDING RIVERS, STREAMS, CREEKS, LAKES, PONDS AND OTHER WATERCOURSES; WETLANDS; OR ROADWAYS ON OR NEAR THE SITE.

SEDIMENT RESULTING FROM ACCELERATED SOIL EROSION SHALL BE REMOVED FROM RUNOFF WATER BEFORE THAT WATER LEAVES THE SITE.

TEMPORARY AND PERMANENT SOIL EROSION CONTROL MEASURES DESIGNED AND CONSTRUCTED FOR THE CONVEYANCE OF WATER AROUND, THROUGH, OR AWAY FROM THE SITE SHALL BE DESIGNED TO LIMIT THE WATER FLOW TO A NON-EROSIVE VELOCITY.

TEMPORARY SOIL EROSION CONTROL MEASURES SHALL BE REMOVED AFTER PERMANENT SOIL EROSION CONTROL MEASURES HAVE BEEN IMPLEMENTED. ALL SITES SHALL BE STABILIZED WITH PERMANENT SOIL EROSION CONTROL MEASURES.

IF LAKES, PONDS, CREEKS, STREAMS, OR WETLANDS ARE LOCATED ON OR NEAR THE SITE, EROSION CONTROL MEASURES WHICH DIVERT RUNOFF AND TRAP SEDIMENT MUST BE PROVIDED AT STRATEGIC LOCATIONS. STRAW BALE BERMS MAY BE USED AS TEMPORARY STORMWATER DIVERSION STRUCTURES, BUT WILL NOT BE CONSIDERED SUFFICIENT FOR TRAPPING SEDIMENT. THE USE OF SEDIMENT BASINS, FILTER FABRIC, VEGETATED BUFFER STRIPS, AND ROCK FILTERS IN LIEU OF STRAW BALE BERMS SHALL BE STRONGLY ENCOURAGED. OTHER MEASURES MAY BE REQUIRED IF REASONABLY DETERMINED TO BE NECESSARY TO PROTECT A WATERCOURSE OR WETLAND.

WHEN IT IS NOT POSSIBLE TO PERMANENTLY STABILIZE A DISTURBED AREA AFTER AN EARTH CHANGE HAS BEEN COMPLETED OR WHEN SIGNIFICANT EARTH CHANGE ACTIVITY CEASES, TEMPORARY SOIL EROSION CONTROL MEASURES SHALL BE INSTALLED.

PERMANENT EROSION CONTROL MEASURES FOR ALL SLOPES, CHANNELS, DITCHES, OR ANY DISTURBED LAND AREA SHALL BE COMPLETED WITHIN 15 (FIFTEEN) CALENDAR DAYS AFTER FINAL GRADING OR THE FINAL EARTH CHANGE HAS BEEN COMPLETED. ALL TEMPORARY SOIL EROSION CONTROL MEASURES SHALL BE MAINTAINED UNTIL PERMANENT SOIL EROSION CONTROL MEASURES ARE IMPLEMENTED.

VEGETATED BUFFER STRIPS SHALL BE CREATED OR RETAINED ALONG THE EDGES OF ALL LAKES, PONDS, CREEKS, STREAMS, OTHER WATERCOURSES, OR WETLANDS.

EROSION AND SEDIMENTATION CONTROL MEASURES SHALL RECEIVE REGULAR MAINTENANCE TO ASSURE PROPER FUNCTIONING.

ALL GRADING PLANS AND SPECIFICATIONS, INCLUDING EXTENSIONS OF PREVIOUSLY APPROVED PLANS, SHALL INCLUDE PROVISIONS FOR EROSION AND SEDIMENT CONTROL IN ACCORDANCE WITH, BUT NOT LIMITED TO, THE STANDARDS CONTAINED IN THE "STANDARDS AND SPECIFICATIONS FOR SOIL EROSION AND SEDIMENT CONTROL", PUBLISHED BY THE OAKLAND SOIL CONSERVATION DISTRICT.

#### ESTIMATED QUANTITIES SOIL EROSION

DESCRIPTION	QUANTITY	UNITS
SILT FABRIC FENCING	330	L.F.
INLET FILTER	2	EA.

#### LEGEND

---	INDICATES LIMITS OF SILT FABRIC FENCE
---	INDICATES LIMITS OF DRAINAGE DISTRICT AREA
---	INDICATES LIMITS OF SOIL DISRUPTION
●	INDICATES LOW POINT INLET FILTER OR PROPOSED DRAINAGE STRUCTURE
○	INDICATES SILT SACK OR EQUAL ON EXISTING DRAINAGE STRUCTURE
AREA A 0.00 ACRE	INDICATES DRAINAGE DISTRICT AREA

#### NOTES

REFER TO THE WRC SOIL EROSION AND SEDIMENTATION CONTROL DETAIL SHEET FOR ALL ADDITIONAL NOTES & DETAILS (TYP)

A DISTANCE OF APPROXIMATELY 1.5 MILES TO THE NEAREST BODY OF WATER (ROUGE RIVER).

THE TOTAL AREA OF EARTH DISRUPTION IS 0.46 ACRES.

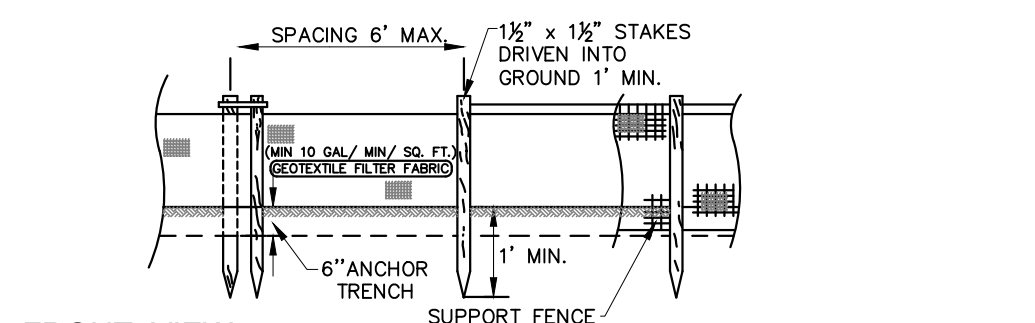
THE SOIL EROSION CONTROLS WILL BE MAINTAINED WEEKLY AND AFTER EVERY STORM EVENT BY THE CONTRACTOR.

A SOIL EROSION PERMIT IS REQUIRED FROM OAKLAND COUNTY.

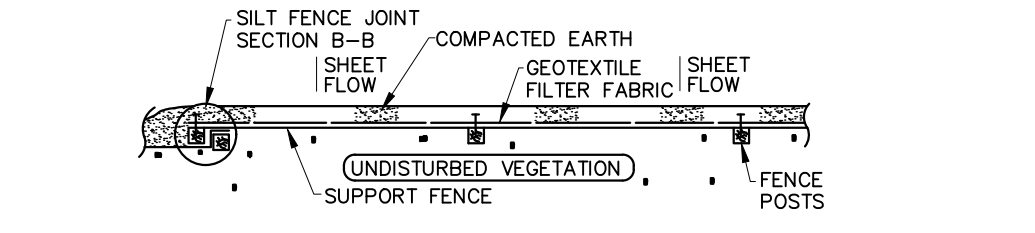
#### SOIL DATA

THIS SITE CONSISTS OF  
100.0% - (59) Urban Land

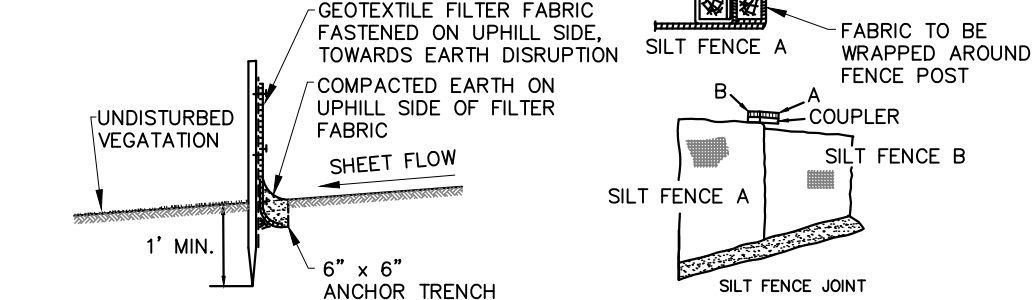
BASED ON DATA PROVIDED BY THE UNITED STATES DEPARTMENT OF AGRICULTURE, NATURAL RESOURCES CONSERVATION SERVICE.



FRONT VIEW



PLAN VIEW

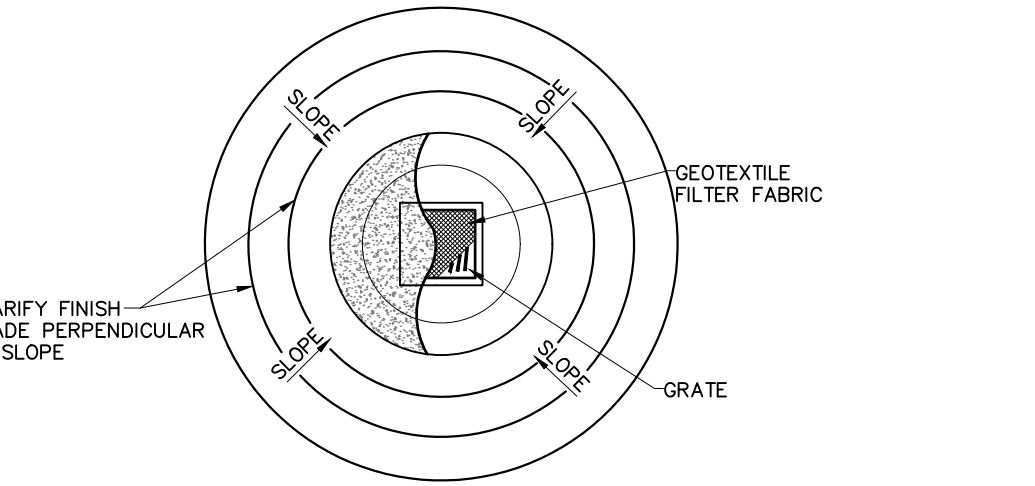


SECTION A-A

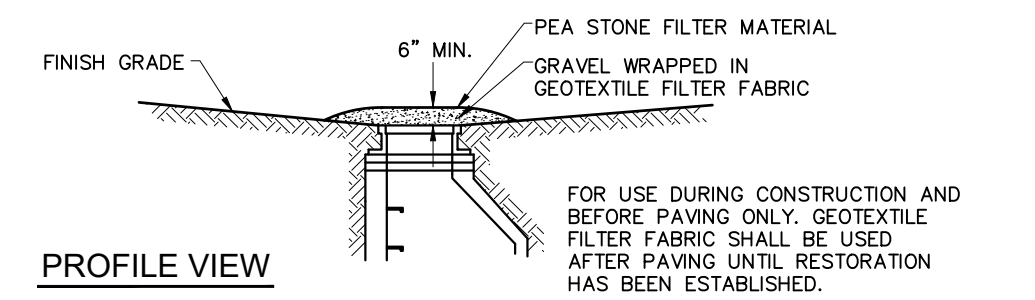
SECTION B-B

#### SILTFENCE DETAIL

N.T.S.



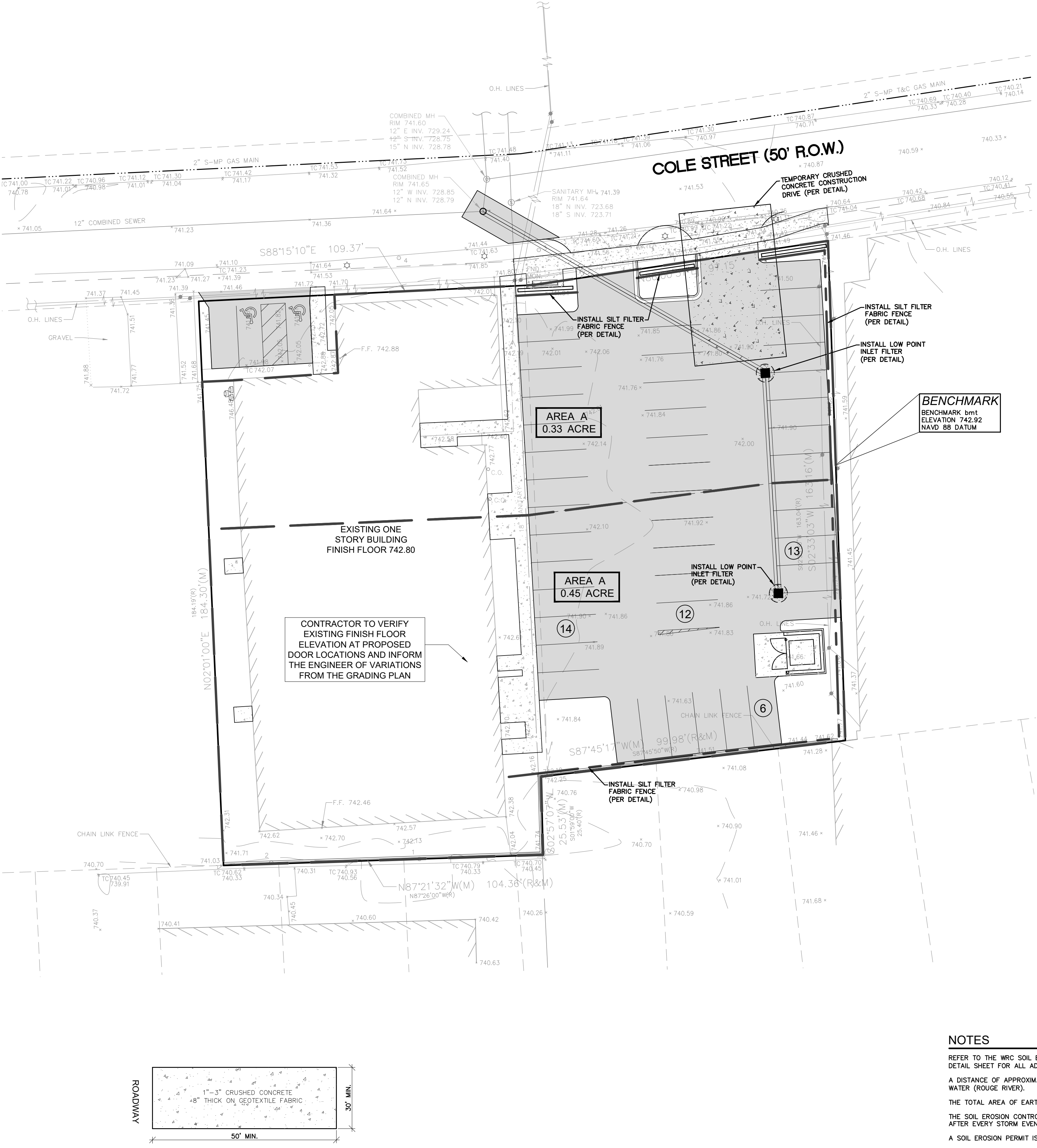
PLAN VIEW



PROFILE VIEW

#### LOW POINT INLET FILTER

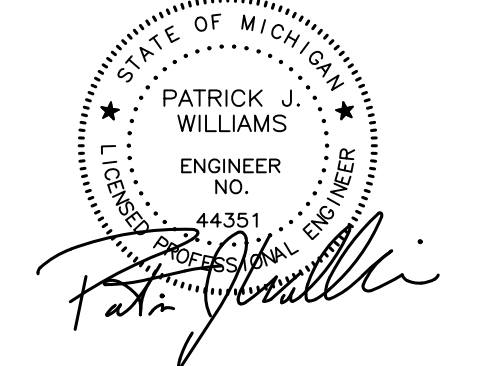
N.T.S.



#### TEMPORARY CRUSHED CONCRETE CONSTRUCTION ACCESS ROAD

N.T.S.

SEAL



PROJECT

Artesian Properties  
2254 Cole St.  
Birmingham, MI

CLIENT

Prime Design Systems  
2397 Old Kent Road  
Warren, MI 48091

Contact: Glenn DeSimone  
Ph: (586) 944-7495

PROJECT LOCATION

Part of the Northeast 1/4  
of Section 31  
T. 2 North, R. 11 East  
City of Birmingham,  
Oakland County, Michigan

SHEET

Soil Erosion /  
Drainage Area Plan



REVISIONS

06-28-17 Revised Per City  
08-16-2017 Revised Per Client  
10-04-2017 Revised Per City  
06-24-2019 Revised Per City

DRAWN BY:

A. Eizember

DESIGNED BY:

P. Williams

APPROVED BY:

P. Williams

DATE:

June 7, 2017

SCALE: 1" = 20'

20 10 0 10 20 30

NFE JOB NO.

1578-01

SHEET NO.

C-4



# MEMORANDUM

Engineering Department

**DATE:** July 30, 2019

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

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

**SUBJECT:** Park Street Paving Project #8-19(P)  
DTE Energy Street Light Agreement

## INTRODUCTION:

As part of the City's on-going capital improvement plan, Park Street from Oakland Avenue to Hamilton Row is scheduled to be reconstructed in 2019. As part of this project, the right-of-way will be updated to the City's Standard Streetscape to include new street lights.

## BACKGROUND:

Currently, on the east side of Park Street there are five (5) existing light poles with cobra head style light fixtures and eight (8) existing streetlights with the Downtown style light fixtures on the west side of Park Street in front of the parking structure. As part of this project, the five (5) cobra head style light poles will be removed and twelve (12) Downtown style street lights will be installed per the attached plans (eleven on east side and one on the west side near the alley).

The street lights will be owned and operated by DTE Energy Co., matching the City's standards for street lights in the Downtown District.

A special assessment district was created in March 2019 by the City Commission for the City's Standard Streetscape including new street lights. 100% of the costs of the street lighting will be assessed to the adjacent property owners.

## LEGAL REVIEW:

In accordance with other DTE Street Lighting projects, the attached standard form agreement prepared by DTE Energy Co. has been reviewed and approved by the City Attorney's office.

## FISCAL IMPACT:

As noted in the agreement, the cost being charged to the City for the installation of these street lights is \$67,223.72. While the City will be responsible for payment to DTE Energy Co., payment will not be required until the work is 100% complete. Once the work has been completed, 100% of the costs will be assessed to the adjacent property owners. The cost of the streetlights was not budgeted in fiscal year 2019-2020, so a budget



amendment is necessary. The budget amendment assumes that the cost of the streetlights will be recovered over the 10-year life of the special assessment.

**SUMMARY:**

It is recommended that the Commission authorize the Mayor to sign the attached Agreement for Municipal Street Lighting presented by DTE Energy relative to Park Street Paving Project #8-19(P) and approve the budget amendment. All costs relative to this agreement will be charged to the adjacent property owners by means of a special assessment.

**ATTACHMENTS:**

- Agreement prepared by DTE Energy Co. to remove five (5) existing light poles and cobraheads light fixtures and supply and install twelve (12) new street lights along Park Street (five pages);
- Park Street Paving Project Plan (one sheet).

**SUGGESTED RESOLUTION:**

To approve the street light agreement between the City of Birmingham and DTE Energy Co. regarding the installation of street lights on Park Street and to charge those costs to account number 401-901.010-981.0100; to direct the Mayor to sign the agreement on behalf of the City; and approve the appropriation and amendment to the FY 2019-2020 Capital Projects Fund budget as follows:

Capital Projects Fund:

Revenues:

Draw from Fund Balance	401-000.000-400.0000	\$60,501
Special Assessment	401-901.010-672.0888	<u>6,723</u>
Total Revenues		\$67,224

Expenditures:

Capital Improvements	401-901.010-981.0100	<u>\$67,224</u>
Total Expenditures		\$67,224



July 30, 2019

City of Birmingham  
151 Martin St.  
Birmingham, MI 48012  
Attn: Paul T. O'Meara

Re: City of Birmingham-Park St

Attached is the Purchase Agreement for the work to be performed in the budget letter that was sent on July 30, 2019. A detailed description of the project is outlined in the agreements. Please print **TWO** copies. Please sign **BOTH** copies in the designated areas. A check or Purchase Order in the amount of **\$67,223.72** is also required at this time. Please return **BOTH** signed agreements (as well as check or Purchase Order...made payable to **DTE Energy**) to the following address:

DTE Energy  
8001 Haggerty Rd.  
Belleville, MI 48111  
140 WWSC-Brandon Faron

Please call if you have questions, 734-397-4017.

Sincerely,  
*Brandon R. Faron*  
Brandon R. Faron  
Account Manager  
Community Lighting




## Exhibit A to Master Agreement

### Purchase Agreement

This Purchase Agreement (this "Agreement") is dated as of July 30, 2019 between DTE Electric Company ("Company") and the City of Birmingham ("Customer").

This Agreement is a "Purchase Agreement" as referenced in the Master Agreement for Municipal Street Lighting dated April 11, 2013 (the "Master Agreement") between Company and Customer. All of the terms of the Master Agreement are incorporated herein by reference. In the event of an inconsistency between this Agreement and the Master Agreement, the terms of this Agreement shall control.

Customer requests the Company to furnish, install, operate and maintain street lighting equipment as set forth below:

1. DTE Work Order Number:	54233424 If this is a conversion or replacement, indicate the Work Order Number for current installed equipment: N/A	
2. Location where Equipment will be installed:	[Park St-Between Oakland Ave and Hamilton Ave], as more fully described on the map attached hereto as <u>Attachment 1</u> .	
3. Total number of lights to be installed:	12	
4. Description of Equipment to be installed (the " <u>Equipment</u> "):	Remove five (5) existing posts and five (5) 250w HPS cobraheads. Foundations to be removed by others.  Install twelve (12) Special Order Material Green Philips/Signify Hadco Birmingham style 68w LED fixtures and twelve (12) Special Order Material Green Philips/Signify Hadco Birmingham style posts. Posts to include (2) GFI outlets per post. Posts to be installed on concrete foundations.	
5. Estimated Total Annual Lamp Charges	\$3,143.52	
6. Computation of Contribution in aid of Construction (" <u>CIAC Amount</u> ")	Total estimated construction cost, including labor, materials, and overhead:	\$76,654.28
	Credit for 3 years of lamp charges: New Install Only	\$9,430.56
	<b>CIAC Amount (cost minus revenue)</b>	<b>\$67,223.72</b>
7. Payment of CIAC Amount:	Due promptly upon execution of this Agreement	
8. Term of Agreement	5 years. Upon expiration of the initial term, this Agreement shall continue on a month-to-month basis until terminated by mutual written consent of the parties or by either party with thirty (30) days prior written notice to the other party.	
9. Does the requested Customer lighting design meet IESNA recommended practices?	(Check One) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO If "No", Customer must sign below and acknowledge that the lighting design does not meet IESNA recommended practices <div style="text-align: right;">_____ </div>	
10. Customer Address for Notices:	City of Birmingham 151 Martin St. Birmingham, MI 48012 Attn: Paul T. O'Meara	

11. Special Order Material Terms:

All or a portion of the Equipment consists of special order material: (check one) ☒ YES ☐ NO

If "Yes" is checked, Customer and Company agree to the following additional terms.

A. Customer acknowledges that all or a portion of the Equipment is special order materials ("SOM") and not Company's standard stock. Customer will purchase and stock replacement SOM and spare parts. When replacement equipment or spare parts are installed from Customer's inventory, the Company will credit Customer in the amount of the then current material cost of Company standard street lighting equipment.

B. Customer will maintain an initial inventory of at least 1 posts and 1 luminaires and any other materials agreed to by Company and Customer, and will replenish the stock as the same are drawn from inventory. Costs of initial inventory are included in this Agreement. The Customer agrees to work with the Company to adjust inventory levels from time to time to correspond to actual replacement material needs. If Customer fails to maintain the required inventory, Company, after 30 days' notice to Customer, may (but is not required to) order replacement SOM and Customer will reimburse Company for such costs. Customer's acknowledges that failure to maintain required inventory could result in extended outages due to SOM lead times.

C. The inventory will be stored at City of Birmingham DPW Yard. Access to the Customers inventory site must be provided between the hours of 9:00 am to 4:00 pm, Monday through Friday with the exceptions of federal Holidays. Customer shall name an authorized representative to contact regarding inventory: levels, access, usage, transactions, and provide the following contact information to the Company:

Name: Paul O'Meara

Title: City Engineer

Phone Number: 248-530-1840

Email: pomeara@bhamgov.org

The Customer will notify the Company of any changes in the Authorized Customer Representative. The Customer must comply with SOM manufacturer's recommended inventory storage guidelines and practices. Damaged SOM will not be installed by the Company.

D. In the event that SOM is damaged by a third party, the Company may (but is not required to) pursue a damage claim against such third party for collection of all labor and stock replacement value associated with the damage claim. Company will promptly notify Customer as to whether Company will pursue such claim.

E. In the event that SOM becomes obsolete or no longer manufactured, the Customer will be allowed to select new alternate SOM that is compatible with the Company's existing infrastructure.

F. Should the Customer experience excessive LED equipment failures, not supported by LED manufacturer warranties, the Company will replace the LED equipment with other Company supported Solid State or High Intensity Discharge luminaires at the Company's discretion. The full cost to complete these replacements to standard street lighting equipment will be the responsibility of the Customer.

\*\*\*\*\*

Company and Customer have executed this Purchase Agreement as of the date first written above.

Company:

DTE Electric Company

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Customer:

City of Birmingham

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

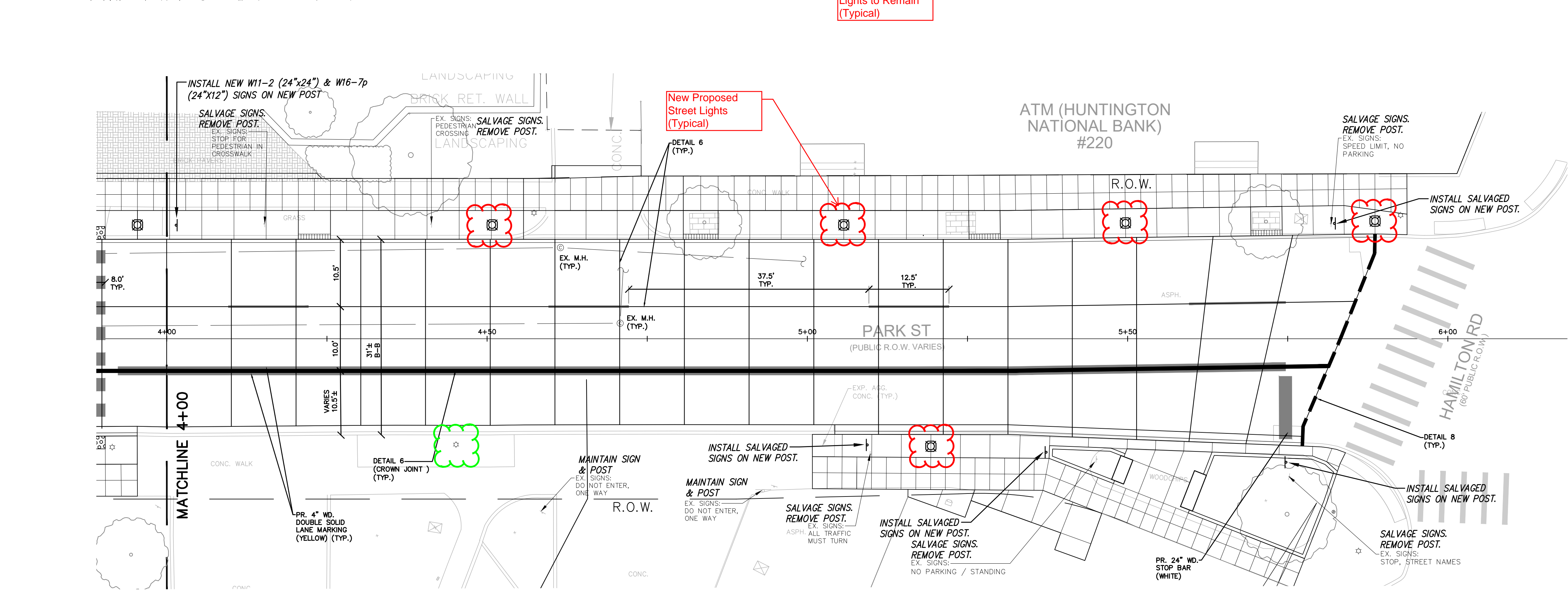
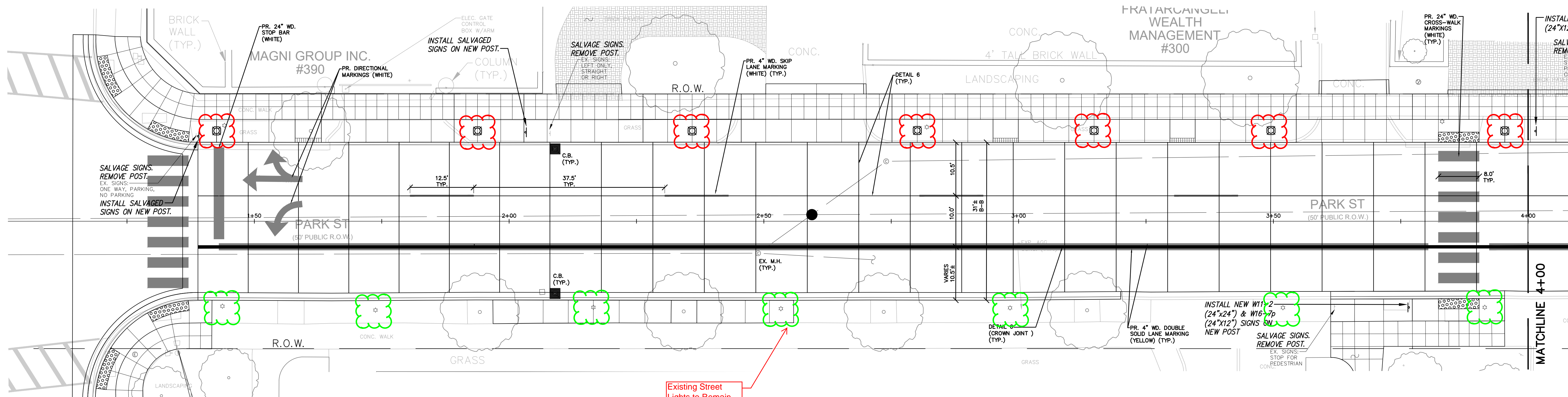


**Attachment 1 to Purchase Agreement**

**Map of Location**

[To be attached]





**SIGNAGE NOTES**

EXISTING SIGNS SHALL REMAIN IN PLACE UNLESS THEY ARE REQUIRED TO BE REMOVED TO ACCOMMODATE PROPOSED CONSTRUCTION.

USE APPROPRIATE PAY ITEMS TO SALVAGE EXISTING SIGNS AND INSTALL ON NEW POST IF REQUIRED.

**PAVEMENT JOINT NOTES**

REFER TO THE CITY OF BIRMINGHAM STANDARD PAVING DETAILS FOR ALL JOINT DETAILS.

INSTALL DETAIL #6 JOINTS FOR ALL TRANSVERSE JOINTS.

EXPANSION JOINTS SHALL BE 1", UNLESS OTHERWISE DIRECTED BY THE CITY.

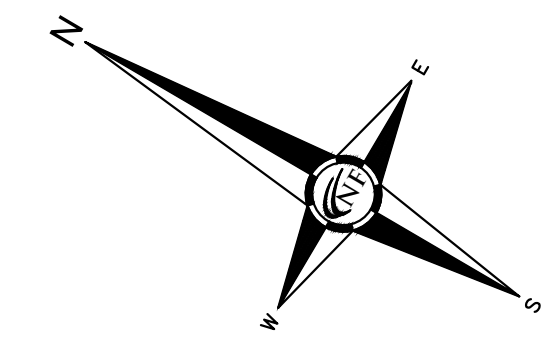
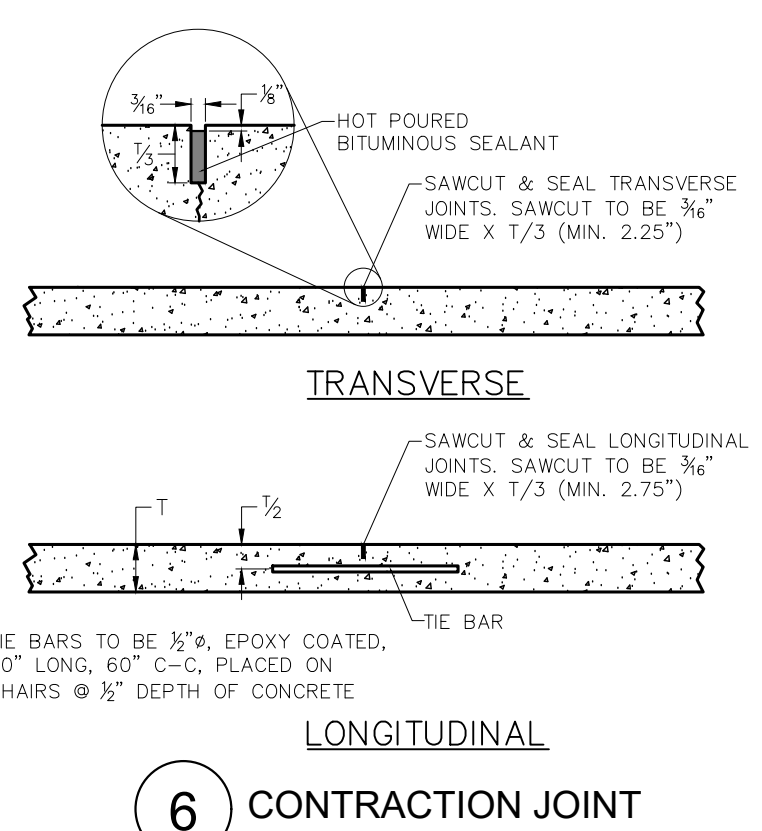
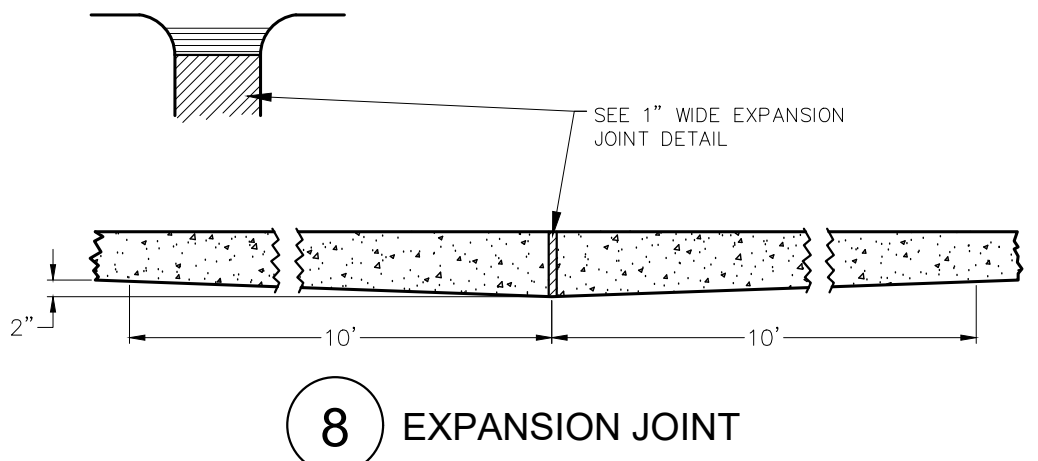
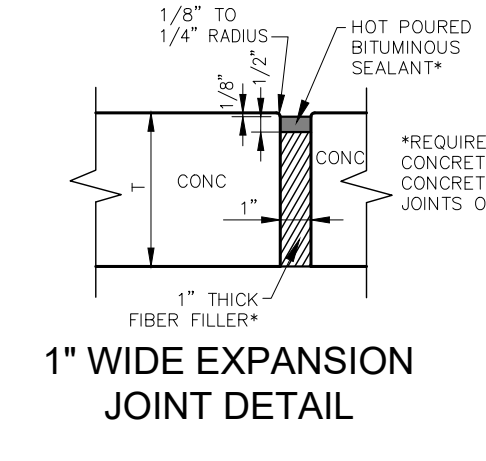
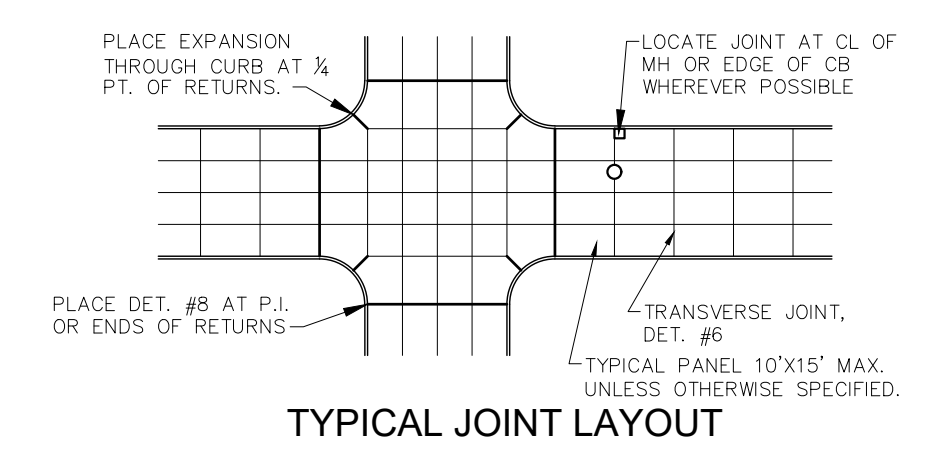
TRANSVERSE SIDEWALK EXPANSION JOINTS SHALL BE PLACED EVERY FIFTY (50) FEET OR AS OTHERWISE DIRECTED BY THE CITY.



SIGN DETAIL -W11-2  
N.T.S.



SIGN DETAIL -W16-7p  
N.T.S.



**NOWAK & FRAUS ENGINEERS**

CIVIL ENGINEERS  
LAND SURVEYORS  
LAND PLANNERS

NOWAK & FRAUS ENGINEERS  
46777 WOODWARD AVE.  
PONTIAC, MI 48342-5032  
TEL. (248) 332-7931  
FAX. (248) 332-8257

SEAL

PROJECT  
Park Street Paving Project  
Contract #8-19(P)

CLIENT  
  
Engineering Department  
151 Martin Street  
Birmingham, MI 48012

PROJECT LOCATION  
Part of the Southeast 1/4  
of Section 25  
Town 2 North,  
Range 10 East,  
City of Birmingham,  
Oakland County, Michigan

SHEET  
Paving Jointing, Marking  
& Signage Plan  
Park St.  
Sta. P.O.B. to P.O.E.



DATE	ISSUED/REVISED
04-08-19	CITY REVIEW
05-28-19	REVISED PER CITY
06-03-19	BIDS

DRAWN BY:  
C. Danielsen  
DESIGNED BY:  
P. Tulikangas  
APPROVED BY:  
B. Buchholz  
DATE:  
03-04-2019

SCALE: 1" = 10'  
NFE JOB NO. **K720** SHEET NO. **C7**

**DATE:** July 30, 2019

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

**FROM:** James Gallagher, Assistant to the City Manager

**SUBJECT:** Michigan Municipal League (MML) Workers' Compensation Fund Board of Trustees Election

---

The City of Birmingham is a member of the Michigan Municipal League Workers' Compensation Fund. The Michigan Municipal League is the state's leading provider of municipal workers' compensation and risk management services.

The Michigan Municipal League is holding an election for this year's Workers' Compensation Fund Board of Trustees. Three (3) incumbent Trustees have agreed to seek re-election. A brief biographical sketch of each candidate is attached for your review. The three incumbent Board members are:

Devin Olson, City Manager, City of Munising  
Adam Smith, City Manager/ Municipal Executive, City of Grand Ledge  
David J. Tossava, Mayor, City of Hastings

A resolution is required to authorize the City of Birmingham's vote to be cast for the above persons to serve as Trustees of the Michigan Municipal League Workers' Compensation Fund. These three incumbents are the only three candidate seeking re-election to this Board.

**SUGGESTED RESOLUTION:**

To authorize the City Manager to cast a vote, on the City's behalf, for the three incumbent members of the Michigan Municipal League Workers' Compensation Fund Board of Trustees for four year terms, beginning October 1, 2019.



to	Members of the MML Workers' Compensation Fund	from	Michael J. Forster
cc		date	June 24, 2019
pages	1	subject	2019 Fund Trustee Election

Dear Fund Member:

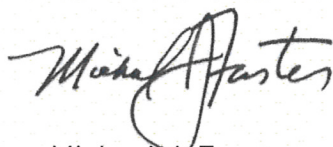
Enclosed is your ballot for this year's Board of Trustees election. Three (3) Trustees have agreed to seek election. You also may write in one or more candidates if you wish.

A brief biographical sketch of each candidate is provided for your review.

I hope you will affirm the work of the Nominating Committee by returning your completed ballot in the enclosed return envelope, no later than August 10. You may also submit your ballot online by going to [www.mml.org](http://www.mml.org). Click on *Insurance*, then *Workers' Compensation Fund*; the official ballot is located in the left navigation bar under *Online Forms*.

Thank you for your membership in the Worker's Compensation Fund, and for participating in the election of your governing board.

Sincerely,



Michael J. Forster

Fund Administrator

**CITY OF BIRMINGHAM**

**JUN 26 2019**

**HUMAN RESOURCES**

THE CANDIDATES  
Four-year terms beginning October 1, 2019



***Devin Olson, City Manager, City of Munising***

Devin has five years' experience as a municipal official, having served as Munising's City Manager since 2014. Devin has also served on MML's Transportation and Infrastructure Committee for three years. Devin is seeking election to his first term.



***Adam Smith, City Manager/Municipal Executive, City of Grand Ledge***

Adam has worked in local government since 2004 and currently serves as the City Manager/Municipal Executive of Grand Ledge. He is chair of the MML's Municipal Services Committee, formerly served six years as City Manager Representative on the Elected Officials Academy Board of Directors, and received the League's Special Award of Merit in 2013. Adam is an active member of Michigan Municipal Executives, having served on its Board of Directors from 2013-2016, and currently serving as its Advocacy Chairperson. He has given workshops on effective Council-Manager relationships. Adam has a Bachelor's Degree in Public Administration and a Master's in Administrative Leadership, both from Central Michigan University; a Certificate in Strategic Foresight from the University of Houston; and is a graduate of the Disney Institute for Leadership Excellence. Adam is seeking re-election to his second term.



***David J. Tossava, Mayor, City of Hastings***

David has over twelve years' municipal experience and has served as mayor of Hastings for two years. He also serves on the Board of Directors of the Michigan Association of Mayors. David is seeking election to his first term.





## MEMORANDUM

Planning Division

**DATE:** August 5<sup>th</sup>, 2019

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

**FROM:** Brooks Cowan, City Planner

**APPROVED:** Jana Ecker, Planning Director

**SUBJECT:** Piano in the Park

---

### INTRODUCTION:

The Public Arts Board has considered placing pianos in various locations throughout downtown Birmingham for the public to play at any time.

### BACKGROUND:

On October 17<sup>th</sup>, 2018, the Public Arts Board reviewed suggested sites for a public piano and prioritized the pavilion in Shain Park as their top choice. There was consensus with the Board that they only wanted to place one piano in the City at this time.

On January 16<sup>th</sup>, 2019 the Public Arts Board voted to recommend adding a piano beneath the pavilion of Shain Park with the following conditions:

The Public Arts Board approved \$750 to be used from its budget for picking up a piano from its current site and delivering it to Shain Park. Finances will also be used for potentially removing the piano for a certain amount of time.

Members of the Board find a piano to be donated for free and the piano must have wheels for the City to be able to move the piano when necessary.

The piano will be placed in Shain Park from June 1<sup>st</sup>, 2019 through August 31<sup>st</sup>, 2019. The piano will have a sign saying "this area is under surveillance" to deter vandalism. On August 21<sup>st</sup> the Public Arts Board will vote on whether or not to extend the amount of time the piano is kept in the park (Changed to City Commission in August 2019), and funding from the Public Arts Board will be used to have piano removed from the park if necessary.

Since the motion was approved, members of the Board posted advertisements seeking a free piano, and also coordinated with the City of Royal Oak's public piano coordinator. The City has received an application for a piano donated by Birmingham residents Michael and Maybeth Flynn whose piano is currently located at the Professional Movers warehouse in Walled Lake, MI. Please see attached application and photos.

On March 20<sup>th</sup>, 2019, Jason Gittinger of Detroit School of Rock and Pop Music joined the Public Arts Board to provide insight about policy for public pianos. Jason Gittinger discussed his

relationship with Professional Movers and how they help assist Royal Oak's public piano program. He discussed the process of a public painting event for the residents to paint the pianos and what the life cycle of the public pianos typically is, depending on the location. Jason Gittinger volunteered to help assist with moving the piano as well.

The Public Arts Board approved a recommendation to the City Commission to accept the piano donated by Michael and Maybeth Flynn for the recommended site beneath the pavilion at Shain Park with the condition that the piano is managed by the Detroit School of Rock and Pop, and would be replaced with another piano donated by Professional Movers if the current piano falls into disrepair.

The Public Arts Board then approved a motion to recommend a public painting event for the piano to be painted with an outdoor floral theme.

The Public Arts Board noted that a plaque recognizing the donors as well as the Detroit School of Rock and Pop will be placed on the piano.

On April 2<sup>nd</sup>, 2019, the Piano in the Park concept was presented to the Parks and Recreation Board. The board shared concerns about the piano being in the same space as concerts in the park, and inquired about who would be responsible for moving the piano during events. It was discussed that DPS would most likely be responsible to move the piano out of the way of any concert or event. The Parks and Recreation Board wanted to ensure that the wheels attached to the piano were sufficient enough to allow a person to move the piano without too much strain. They also wanted to have the piano covered during park events so that people could not interrupt the events. Staff also discussed that the City Commission should vote on whether or not to keep the piano beyond August 31<sup>st</sup> near the end of August.

The Parks and Recreation Board then voted to recommend the piano donated by Michael and Maybeth Flynn for the location beneath the pavilion at Shain Park as suggested by the Public Arts Board for the time period of June 1<sup>st</sup>, 2019 to August 31<sup>st</sup>, 2019, with the conditions that the piano be equipped with industrial grade lockable wheels, a cover be provided during Shain Park events, and that City Commission vote on whether or not to keep the piano in the park beyond August 31<sup>st</sup>, 2019 at a later date.

On May 22<sup>nd</sup>, 2019, the City Commission voted to approve Piano in the Park with the recommended conditions and a funding amount not to exceed \$750. Afterwards the Public Arts Boards members coordinated to obtain a piano dolly with lockable wheels. The piano was sanded and primed, and then the Public Arts Board hosted a piano painting event at St James Church on June 1<sup>st</sup>. On June 3<sup>rd</sup> the piano was wheeled into Shain Park.

On July 17<sup>th</sup>, 2019, the Public Arts Board voted to recommend to City Commission that the time frame for the piano to remain in Shain Park be extended from August 31<sup>st</sup>, 2019 to sometime before December 25<sup>th</sup>, 2019, depending on weather, and for the removal to be coordinated with Professional Movers and their program assistance with other cities.

#### LEGAL REVIEW:

No concerns indicated by City Attorney.

**FISCAL IMPACT:**

Piano in the Park was approved for an amount not to exceed \$750 from account #101-299-000-811-0000 for expenses related to moving, maintaining, decorating, and covering the piano. So far the project has cost \$306.50 with costs featured below. The Public Arts Board does not anticipate any new costs as Professional Movers have been recommended to move the piano for free.

<b>Piano Expenses</b>	<b>Amount</b>
Dolly	\$ 25
Cover	\$ 67
Sign	\$ 28
Wheels	\$ 40
Primer & Prep	\$ 55
Paint & Brushes	\$ 92
Total	\$ 307

**SUMMARY:**

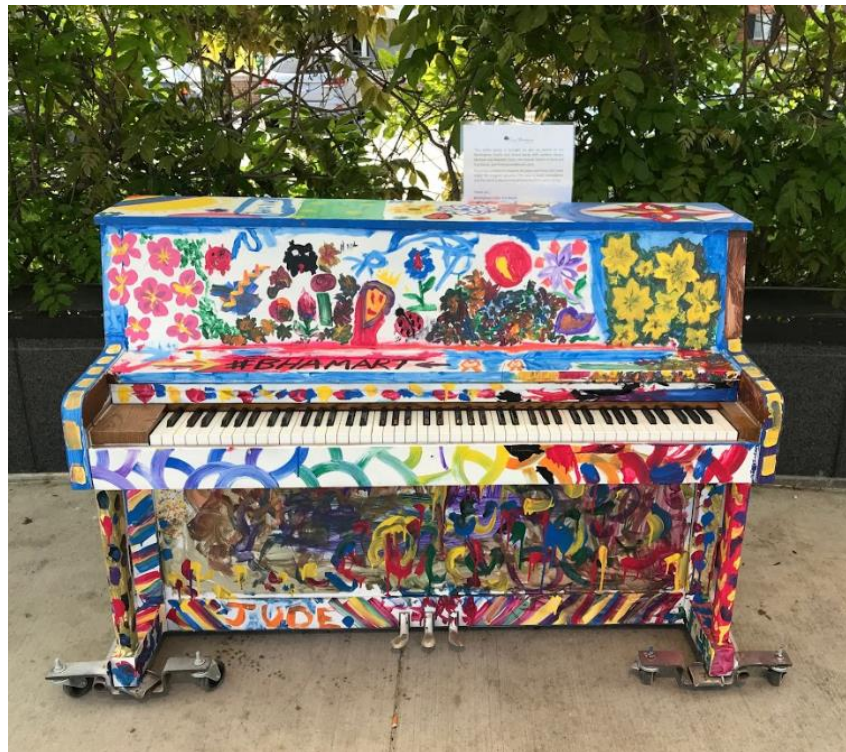
To approve the recommendation from the Public Arts Board that the Piano in the Park timeline be extended beyond August 31<sup>st</sup>, 2019 to sometime before December 25<sup>th</sup>, 2019, depending on weather and coordination with Professional Movers.

**ATTACHMENTS:**

- Photos of piano and piano painting event
- Application and photos for proposed piano
- Application and photos for backup pianos
- Wheel dolly and piano cover
- Photo and map of proposed Shain Park location
- Relevant Public Arts Board Memos
- April 2<sup>nd</sup>, 2019 Parks and Recreation Board Memo
- May 20<sup>th</sup> 2019 City Commission Memo
- Relevant Minutes

**SUGGESTED ACTION:**

To approve the recommendation from the Public Arts Board that the Piano in the Park timeline be extended beyond August 31<sup>st</sup>, 2019 to sometime before December 25<sup>th</sup>, 2019, depending on weather and coordination with Professional Movers.





APPLICATION  
TO THE PUBLIC ARTS BOARD  
FOR ARTWORK TO BE DISPLAYED ON PUBLIC  
PROPERTY

ARTIST (first and last) or PROJECT NAME

Piano in the Park

TITLE

DATE of ARTWORK

3-11-19

MEDIUM/TECHNIQUE

DESCRIPTION OF ARTWORK

Used Piano in Storage for Piano in the Park  
Pilot program.

DIMENSIONS 58 1/2 in height x 59 in width x 25 in length/depth

OBJECT TYPE(S)/MATERIAL Piano (i.e. sculpture, mural, tile, fountain)

INSCRIPTION/FOUNDRY MARKS (if a multiple, please include edition number)

PROPOSED ☒ DONATION ☐ LOAN: DURATION OF LOAN (mos./yr.)

PRESENT LOCATION OF ARTWORK (where is the work of art?)

Walled Lake Warehouse

CONDITION Used - Great Condition

MAINTENANCE REQUIRED Tuning when placed (long term care/annual)

VALUE \$1500 ☐ APPRAISED ☒ OWNER'S STATED VALUE

STATE OWNER OR AGENT FOR OWNER'S RELATIONSHIP TO ARTIST

Michael C. Marybeth Flynn 424-634-2508



NARRATIVE/RATIONALE FOR GIFT/LOAN/TEMPORARY INSTALLATION

We were approached by Jason Eckstein from Bham Public Arts Board about our piano and decided it was a very worthwhile program to donate it to for the enjoyment of the residents of Birmingham.

OWNER/AGENT FOR OWNER

Michael & Marybeth Flynn

DAYTIME PHONE

474-634-2508

EVENING PHONE

EMAIL

SIGNATURE

DATE

3-11-19

Submit application together with SLIDES OR DIGITAL IMAGES of artwork and a VITEA or RESUMÉ of the artist to:

City of Birmingham  
Attn: City Clerk – c/o Public Arts Board  
151 Martin St.  
P.O. Box 3001  
Birmingham, MI 48012

For Office use only

Date Received \_\_\_\_\_

REVIEW/APPROVAL (date)

Presented for Arts Board discussion \_\_\_\_\_

Board Action ☐ approved for continuation ☐ approved ☐ not approved/decline

Recommendation(s)/Action Taken \_\_\_\_\_

Routing and dates approved:

Y N

- ☐ Planning Board \_\_\_\_\_
- ☐ Engineering \_\_\_\_\_
- ☐ Public Safety (Police/Fire) \_\_\_\_\_
- ☐ Parks and Recreation \_\_\_\_\_
- ☐ Presented to City Commission \_\_\_\_\_

Site Location: \_\_\_\_\_

Y N

- ☐ Parking \_\_\_\_\_
- ☐ Building \_\_\_\_\_
- ☐ Other \_\_\_\_\_
- ☐ Other \_\_\_\_\_
- ☐ Final approval \_\_\_\_\_











APPLICATION  
TO THE PUBLIC ARTS BOARD  
FOR ARTWORK TO BE DISPLAYED ON PUBLIC  
PROPERTY

ARTIST (first and last) or PROJECT NAME

Piano in the Park

TITLE

DATE of ARTWORK

3-26-19

MEDIUM/TECHNIQUE

DESCRIPTION OF ARTWORK

Used Pianos in Storage for Piano in the Park  
pilot program

ALTERNATE

PIANO # 1

PIANO # 2

DIMENSIONS	height	x	width	x	length/depth
	42"		59"		24 1/2"
	42"		59"		24"

OBJECT TYPE(S)/MATERIAL Pianos (i.e. sculpture, mural, tile, fountain)

INSCRIPTION/FOUNDRY MARKS (if a multiple, please include edition number)

PROPOSED ☐ DONATION ☒ LOAN: DURATION OF LOAN (mos./yr.)

PRESENT LOCATION OF ARTWORK (where is the work of art?)

Walled Lake Warehouse

CONDITION

Used - Great Condition

MAINTENANCE REQUIRED

(long term care/annual)

VALUE \$500 Each ☐ APPRAISED

☒ OWNER'S STATED VALUE

STATE OWNER OR AGENT FOR OWNER'S RELATIONSHIP TO ARTIST

NARRATIVE/RATIONALE FOR GIFT/LOAN/TEMPORARY INSTALLATION

These would be back-up Pianos that would only be used in the event that the main piano, previously submitted, would break down and not be reasonably repaired.

OWNER/AGENT FOR OWNER

DAYTIME PHONE

EVENING PHONE

EMAIL

SIGNATURE

DATE

*Andrew Androff*

3-26-19

Submit application together with SLIDES OR DIGITAL IMAGES of artwork and a VITEA or RESUMÉ of the artist to:

City of Birmingham  
Attn: City Clerk – c/o Public Arts Board  
151 Martin St.  
P.O. Box 3001  
Birmingham, MI 48012

For Office use only

Date Received \_\_\_\_\_

REVIEW/APPROVAL (date)

Presented for Arts Board discussion \_\_\_\_\_

Board Action ☐ approved for continuation ☐ approved ☐ not approved/decline

Recommendation(s)/Action Taken \_\_\_\_\_

Routing and dates approved:

Y N

☐ ☐ Planning Board \_\_\_\_\_

☐ ☐ Engineering \_\_\_\_\_

☐ ☐ Public Safety (Police/Fire) \_\_\_\_\_

☐ ☐ Parks and Recreation \_\_\_\_\_

☐ ☐ Presented to City Commission \_\_\_\_\_

Site Location: \_\_\_\_\_

Y N

☐ ☐ Parking \_\_\_\_\_

☐ ☐ Building \_\_\_\_\_

☐ ☐ Other \_\_\_\_\_

☐ ☐ Other \_\_\_\_\_

☐ Final approval \_\_\_\_\_



SEARCH:

GO

VIEW CART

0 Items

Home Page

ALPHABETICAL  
PRODUCT INDEX

Piano Repair Parts

Piano Tools

Piano Benches

Piano Covers

Piano Lamps

Dollies / Wheels

Cushions / Pads

Tuning Kits / Tools

Caster Cups

Music Cabinets

Strings & Tools

Keytops / Supplies

Locks & Keys

Piano Accessories

Pedals

Technical Books



### Twin Dollies Set for Upright Pianos

Average rating:

★★★★★ [READ ALL REVIEWS](#)

Retail Price: \$340.00

**Sale Price: \$255.00**

SKU #:731A

**Twin Dolly set for Full size Upright Pianos with toe blocks**

For use anywhere an upright piano needs to be moved quickly and easily.

Can be permanently left on the piano. The dollies slip under each end of the piano.

Sold per Set of 2

**731A** They are equipped with 2-1/2" diameter, 1" face, heavy duty ball bearing swivel rubber wheels for ease and maneuverability. Will fit any piano up to 15" deep at bottom exclusive of legs.

*This set allows the piano to be raised 2" off the floor.*

**PLEASE NOTE:**

***These dollies are for full size upright pianos and cannot be used on pianos with free standing front legs.***

See related items below for pianos with free standing front legs.



Piano dimensions are 42" in height, 59" in length, and 25" in depth.

Cover for Piano during Shain Park event from "The Cover Store"

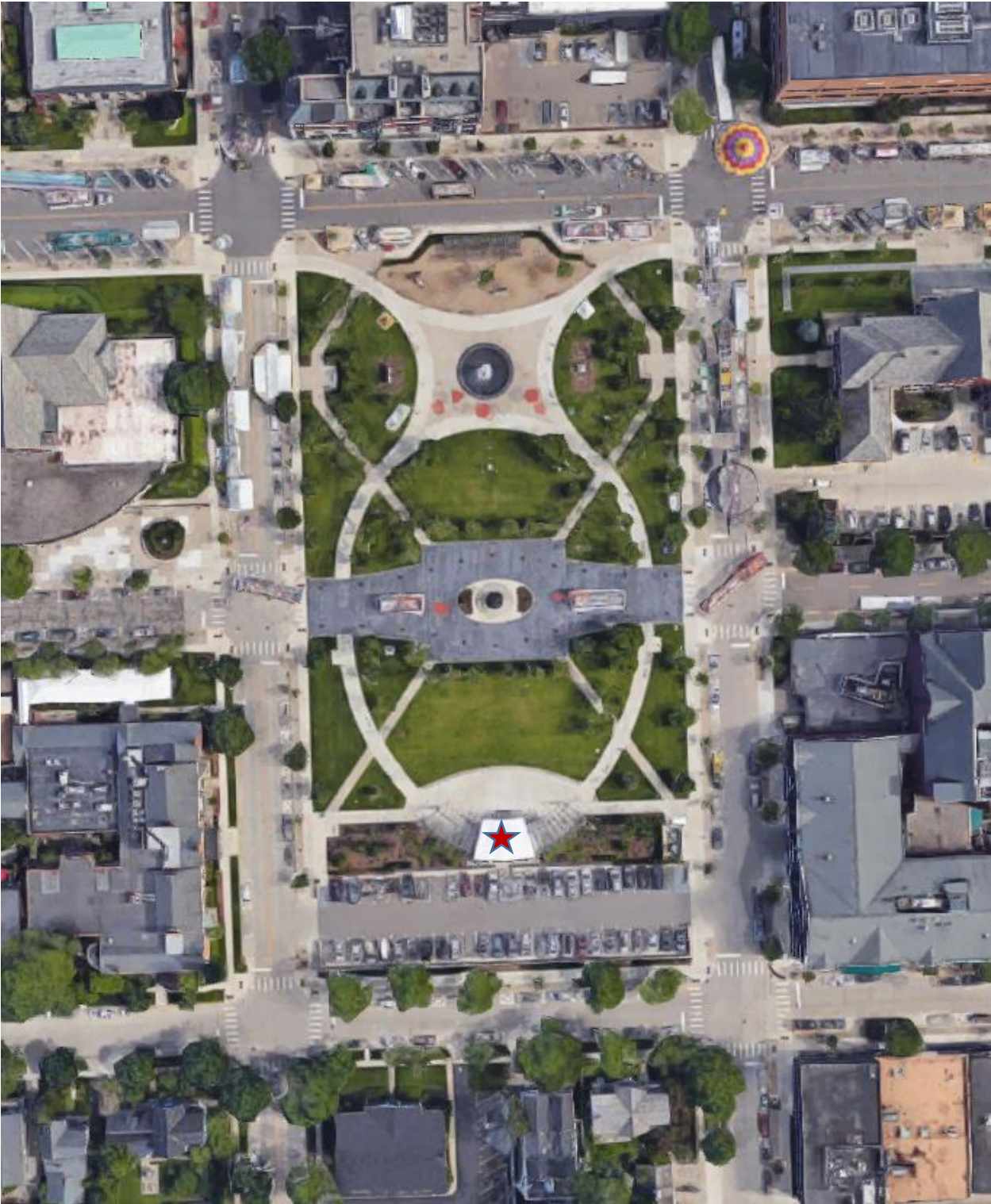


Specifications	Description	Warranty & Care
<ul style="list-style-type: none"><li>• 74W x 38D x 44H</li><li>• Made with thick 12-gauge commercial vinyl</li><li>• Elastic hem provides secure fit</li><li>• Mesh vent for breathability</li></ul>		

<https://www.the-cover-store.com/island-grill-covers-123-classic?color=Black>









# MEMORANDUM

Planning Division

**DATE:** October 17<sup>th</sup>, 2018

**TO:** Public Arts Board Members

**FROM:** Brooks Cowan, City Planner

**APPROVED:** Jana Ecker, Planning Director

**SUBJECT:** Project Group Reports

---

Members of the Public Arts Board have prioritized projects that they would like to pursue and indicated which projects they would like to volunteer for. Board members were divided into groups who each created a general outline of short term and long term goals, an implementation plan, and a budget request. Each project group provides updates each meeting related to their project.

- Alleyway Project: Rabbi Cohen, Jason Eddleson, Cole Wohlfiel, Amelia Barrie
  - Create basic outline of idea and potentially schedule a meeting with adjacent property owners of desired allies for activities
- PAB Branding: Monica Neville, Anne Ritchie
  - Finalizing brochure and poster designs
  - Need addendum signatures from Tim Hill for two more sculptures
- Public Art Tours & Lectures: Barbara Heller and Linda Wells
  - Waiting for two new installations and new map to be posted online
- Art Gallery Tours: Rabbi Cohen and Jason Eddleson
  - Plans in progress
- Artistic Self Expression: Natalie Bishai, Rabbi Cohen, Amelia Berry, Cole Wohlfiel
  - Participated in Day on the Town and two Farmers Market events. Thoughts and comments?
- Free Pianos: Jason Eddelson, Rabbi Cohen, Amelia Berry
  - Plans in Progress



# Potential Piano Locations





## MEMORANDUM

Planning Division

**DATE:** December 19<sup>th</sup>, 2019

**TO:** Public Arts Board Members

**FROM:** Brooks Cowan, City Planner

**APPROVED:** Jana Ecker, Planning Director

**SUBJECT:** Piano in the Park Policy

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The Public Arts Board has considered placing pianos in various locations throughout downtown Birmingham for the public to play at any time. On October 17<sup>th</sup>, 2018, the Public Arts Board reviewed suggested sites for a public piano and prioritized the amphitheater in Shain Park as their top choice. There was consensus with the Board that they only wanted to place one piano in the City at this time. Members of the Board have identified potential pianos to be used for the program. The use of Shain Park will require approval from both the Parks and Recreation Board and the City Commission.

It is recommended that the Public Arts Board review the proposed process and make amendments as necessary:

- 1.) The Public Arts Board approve finances for picking up piano from site and delivering it to Shain Park. Finances will also be used for potentially removing piano for a certain amount of time.
- 2.) Members of the "Free Piano Committee" find a piano being donated for free.
  - a. The piano must have wheels for the City to be able to move when necessary.
- 3.) The piano will be placed in Shain Park from June 1<sup>st</sup> through August 31<sup>st</sup>
  - a. Piano will have sign "this area is under surveillance" to deter vandalism.
  - b. On August 21<sup>st</sup> the Public Arts Board will vote on whether or not to extend the amount of time the piano is kept in the park.
  - c. Funding from the Public Arts Board will be used to have piano removed from park if necessary.



## MEMORANDUM

Planning Division

**DATE:** March 20<sup>th</sup>, 2019

**TO:** Public Arts Board Members

**FROM:** Brooks Cowan, City Planner

**APPROVED:** Jana Ecker, Planning Director

**SUBJECT:** Piano in the Park Policy

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The Public Arts Board has considered placing pianos in various locations throughout downtown Birmingham for the public to play at any time. On October 17<sup>th</sup>, 2018, the Public Arts Board reviewed suggested sites for a public piano and prioritized the amphitheater in Shain Park as their top choice. There was consensus with the Board that they only wanted to place one piano in the City at this time. Members of the Board have identified potential pianos to be used for the program. The use of Shain Park will require approval from both the Parks and Recreation Board and the City Commission.

On January 16<sup>th</sup>, 2019 the Public Arts Board approved a Piano beneath the ampitheatre of Shain Park with the following conditions:

- 1.) The Public Arts Board approve \$750 to be used from its budget for picking up piano from site and delivering it to Shain Park. Finances will also be used for potentially removing piano for a certain amount of time.
- 2.) Members of the "Free Piano Committee" find a piano being donated for free.
  - a. The piano must have wheels for the City to be able to move when necessary.
- 3.) The piano will be placed in Shain Park from June 1<sup>st</sup> through August 31<sup>st</sup>
  - a. Piano will have sign "this area is under surveillance" to deter vandalism.
  - b. On August 21<sup>st</sup> the Public Arts Board will vote on whether or not to extend the amount of time the piano is kept in the park.
  - c. Funding from the Public Arts Board will be used to have piano removed from park if necessary.

Since this motion was made, it was determined by City Staff that a piano must follow the same application procedure and approval process as a sculpture. Therefore, applicants must fill out an application, and the Board must vote whether or not to accept the loan/donation. Once approved, the Parks and Recreation Board must approve the Piano for Shain Park, as well as City Commission.

The City has received an application for a piano donation. Please see attached application and photos.





## MEMORANDUM

Planning Division

**DATE:** April 2, 2019

**TO:** Parks and Recreation Board

**FROM:** Brooks Cowan, City Planner

**APPROVED:** Jana Ecker, Planning Director

**SUBJECT:** Piano in the Park

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The Public Arts Board has considered placing pianos in various locations throughout downtown Birmingham for the public to play at any time. On October 17<sup>th</sup>, 2018, the Public Arts Board reviewed suggested sites for a public piano and prioritized the pavillion in Shain Park as their top choice. There was consensus with the Board that they only wanted to place one piano in the City at this time.

On January 16<sup>th</sup>, 2019 the Public Arts Board voted to recommend adding a Piano beneath the pavilion of Shain Park with the following conditions:

- 1.) The Public Arts Board approved \$750 to be used from its budget for picking up a piano from site and delivering it to Shain Park. Finances will also be used for potentially removing the piano for a certain amount of time.
- 2.) Members of the Board find a piano to be donated for free.
  - a. The piano must have wheels for the City to be able to move when necessary.
- 3.) The piano will be placed in Shain Park from June 1<sup>st</sup> through August 31<sup>st</sup>
  - a. Piano will have sign "this area is under surveillance" to deter vandalism.
  - b. On August 21<sup>st</sup> the Public Arts Board will vote on whether or not to extend the amount of time the piano is kept in the park.
  - c. Funding from the Public Arts Board will be used to have piano removed from the park if necessary.

Since the motion was approved, members of the Board posted advertisements seeking a free piano, and also coordinated with the City of Royal Oak's public piano coordinator. The City has received an application for a piano donated by Birmingham residents Michael and Maybeth Flynn whose piano is currently located at the Professional Movers warehouse in Walled Lake, MI. Please see attached application and photos.

On March 20<sup>th</sup>, 2019, Jason Gittinger of Detroit School of Rock and Pop Music joined the Public Arts Board to provide insight about policy for public pianos. Jason Gittinger discussed his relationship with Professional Movers and how they help assist Royal Oak's public piano program.

He discussed the process of a public painting event for the residents to paint the pianos and what the life cycle of the public pianos typically is, depending on the location.

The Public Arts Board approved a recommendation to the City Commission to accept the piano donated by Michael and Maybeth Flynn for the recommended site beneath the pavilion at Shain Park with the condition that the piano is managed by the Detroit School of Rock and Pop, and would be replaced with another piano donated by Professional Movers if the current piano falls into disrepair.

The Public Arts Board then approved a motion to recommend a public painting event for the piano to be painted with an outdoor floral theme.

The Public Arts Board noted that a plaque recognizing the donors as well as the Detroit School of Rock and Pop will be placed on the piano.

Photos of the recommended pavilion location are provided below, as well as the attached application and piano photos.

**Suggested Action:**

To recommend approval to the City Commission of a piano with wheels beneath the Shain Park pavilion for the time period of June 1<sup>st</sup> through August 31<sup>st</sup>. Also to recommend a public painting event for the piano to be painted with an outdoor floral theme.





## MEMORANDUM

Planning Division

**DATE:** May 20<sup>th</sup>, 2019

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

**FROM:** Brooks Cowan, City Planner

**APPROVED:** Jana Ecker, Planning Director

**SUBJECT:** Piano in the Park

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### INTRODUCTION:

The Public Arts Board has considered placing pianos in various locations throughout downtown Birmingham for the public to play at any time.

### BACKGROUND:

On October 17<sup>th</sup>, 2018, the Public Arts Board reviewed suggested sites for a public piano and prioritized the pavilion in Shain Park as their top choice. There was consensus with the Board that they only wanted to place one piano in the City at this time.

On January 16<sup>th</sup>, 2019 the Public Arts Board voted to recommend adding a piano beneath the pavilion of Shain Park with the following conditions:

The Public Arts Board recommend up to \$750 to be used for picking up a piano from its current site and delivering it to Shain Park. Finances will also be used for potentially removing the piano for a certain amount of time.

Members of the Board find a piano to be donated for free and the piano must have wheels for the City to be able to move the piano when necessary.

The piano will be placed in Shain Park from June 1<sup>st</sup>, 2019 through August 31<sup>st</sup>, 2019. The piano will have a sign saying "this area is under surveillance" to deter vandalism. On August 21<sup>st</sup> the Public Arts Board will vote on whether or not to extend the amount of time the piano is kept in the park (Changed to City Commission in August 2019), and funding from the Public Arts Board will be used to have piano removed from the park if necessary.

Since the motion was approved, members of the Board posted advertisements seeking a free piano, and also coordinated with the City of Royal Oak's public piano coordinator. The City has received an application for a piano donated by Birmingham residents Michael and Maybeth Flynn whose piano is currently located at the Professional Movers warehouse in Walled Lake, MI. Please see attached application and photos.

On March 20<sup>th</sup>, 2019, Jason Gittinger of Detroit School of Rock and Pop Music joined the Public Arts Board to provide insight about policy for public pianos. Jason Gittinger discussed his

relationship with Professional Movers and how they help assist Royal Oak's public piano program. He discussed the process of a public painting event for the residents to paint the pianos and what the life cycle of the public pianos typically is, depending on the location. Jason Gittinger volunteered to help assist with moving the piano as well.

The Public Arts Board approved a recommendation to the City Commission to accept the piano donated by Michael and Maybeth Flynn for the recommended site beneath the pavilion at Shain Park with the condition that the piano is managed by the Detroit School of Rock and Pop, and would be replaced with another piano donated by Professional Movers if the current piano falls into disrepair.

The Public Arts Board then approved a motion to recommend a public painting event for the piano to be painted with an outdoor floral theme.

The Public Arts Board noted that a plaque recognizing the donors as well as the Detroit School of Rock and Pop will be placed on the piano.

On April 2<sup>nd</sup>, 2019, the Piano in the Park concept was presented to the Parks and Recreation Board. The board shared concerns about the piano being in the same space as concerts in the park, and inquired about who would be responsible for moving the piano during events. It was discussed that DPS would most likely be responsible to move the piano out of the way of any concert or event. The Parks and Recreation Board wanted to ensure that the wheels attached to the piano were sufficient enough to allow a person to move the piano without too much strain. They also wanted to have the piano covered during park events so that people could not interrupt the events. Staff also discussed that the City Commission should vote on whether or not to keep the piano beyond August 31<sup>st</sup> near the end of August.

The Parks and Recreation Board then voted to recommend the piano donated by Michael and Maybeth Flynn for the location beneath the pavilion at Shain Park as suggested by the Public Arts Board for the time period of June 1<sup>st</sup>, 2019 to August 31<sup>st</sup>, 2019, with the conditions that the piano be equipped with industrial grade lockable wheels, a cover be provided during Shain Park events, and that City Commission vote on whether or not to keep the piano in the park beyond August 31<sup>st</sup>, 2019 at a later date.

The Public Arts Board has identified a twin dolly set with wheels for upright pianos from Vanda King's Piano Showcase.

#### LEGAL REVIEW:

No concerns indicated by City Attorney.

#### FISCAL IMPACT:

The Public Arts Board has requested an amount not to exceed \$750 from account #101-299-000-811-0000 for expenses related to moving, maintaining, decorating, and covering the piano.

#### SUMMARY:

To recommend approval to the City Commission for the acceptance of a piano with wheels to be placed beneath the Shain Park pavilion for the time period of June 1<sup>st</sup> through August 31<sup>st</sup>, with the condition that the piano is equipped with industrial grade wheels, that the Public Arts Board

provide a covering to be used during Shain Park events, the painting be held at an event outside of Shain Park, and that the City Commission consider whether to keep the piano in the park beyond August 31<sup>st</sup>, 2019 in August 2019.

ATTACHMENTS:

- Application and photos for proposed piano
- Application and photos for backup pianos
- Wheel dolly and piano cover
- Photo and map of proposed Shain Park location
- Relevant Public Arts Board Memos
- April 2<sup>nd</sup>, 2019 Parks and Recreation Board Memo
- Relevant Minutes

SUGGESTED ACTION:

To recommend the piano donated by Michael and Maybeth Flynn be placed in the location beneath the pavilion at Shain Park as suggested by the Public Arts Board for the time period of June 1<sup>st</sup>, 2019 to August 31<sup>st</sup>, 2019, with the conditions that the piano be equipped with industrial grade wheels, a cover be provided during Shain Park events, and that the City Commission vote on whether or not to keep the piano in the park beyond August 31<sup>st</sup>, 2019 In August 2019. Also, that the painting of the piano occur at a space outside of Shain Park, and that the Public Arts Board be responsible for funding the moving of the piano if the City Commission chooses to have the piano removed on August 31<sup>st</sup>, 2019, or any time before that.

And further, to authorize funds in an amount not to exceed \$750 from account #101-299-000-811-0000.



**DATE:** July 17<sup>th</sup>, 2019

**TO:** Public Arts Board Members

**FROM:** Brooks Cowan, City Planner

**APPROVED:** Jana Ecker, Planning Director

**SUBJECT:** Piano in the Park

Piano in the Park was approved by City Commission on May 20<sup>th</sup> with the condition that City Commission would vote in August 2019 on whether or not to keep the piano in the park beyond August 31<sup>st</sup>, 2019. The Public Arts Board may wish to recommend what to do with the piano beyond August 31<sup>st</sup> 2019.

The Piano is currently sitting beneath the pavilion of Shain Park on top of a dolly with industrial lockable wheels. The painting of the piano was held off site and had over 20 people contribute to the painting of it. The City Commission approved a budget of up to \$750 for this project, and so far the project has cost \$306.50 with a table of expenses below.

<b>Piano Expenses</b>	<b>\$</b>
dolly	25
cover	67
sign	28
wheels	40
Primer & Prep	55
Paint & brushes	91.5
<b>Total</b>	<b>306.5</b>



**Suggested Action:**

The Public Arts Board recommend an extension for the timeline of the piano to be in Shain Park.

OR

The Public Arts Board recommend the piano be removed on a specific date.



## **Public Arts Board Minutes**

**Rooms 202 & 203 Birmingham City Hall – October 17<sup>th</sup>, 2018**

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### **A. Roll Call:**

**Members Present:** Rabbi Baruch Cohen, Monica Neville, Linda Wells, Barbara Heller, Mary Roberts, Anne Ritchie, Amelia Berry (Student), Cole Wohlfiel (Student)

**Members Absent:** Jason Eddleston

**Administration:** Brooks Cowan, City Planner

### **B. Approval of Minutes – August 15<sup>th</sup>, 2018**

Barbara Heller mentioned that "Marshall Fredericks" was missing an "s". Motion by Linda Wells, Second by Barbara to approve minutes.

**Yeas: 6                Nays: 0**

The motion carried.

### **C. Sculpture Donation**

The Sculpture "Michigan Spring" by Jim Miller-Melburg was donated to the City of Birmingham by the artist's representative James Robb. Doug Kosich of the Library Board said the members of the Library Board like the sculpture and would be open to placing the sculpture on their property. Members of the Public Arts Board were also in support of recommending the sculpture for the location at the Library. A motion to recommend the sculpture "Michigan Spring" for the Library Location was made by Linda Wells, seconded by Anne Ritchie.

**Yeas: 6                Nays: 0**

The motion carried.

### **D. Committee Report**

The Public Arts Board committee reports began with the Alleys and passages groups. Rabbi Baruch Cohen indicated that his group still needs to come up with a proposal for an art in the alley event that includes a basic outline of ideas. Once this is put together they would like to schedule a meeting with property owners. Getting together as a group is step one for them.

The branding group shared their poster design that includes multiple photos of City sculptures. They are still waiting on addendum signatures from artists and City Commission approval.

Public art tours and lectures indicated changes for the public art map and indicated that plans are a work in progress. They would like to see the map uploaded to the website. They would also like a QR code on the map that links to the art board website.

Art gallery tours had no update.

Artistic self-expression discussed potentially participating in Winter Market.

Free pianos prioritized locations as the Amphitheatre in Shain Park, Panera, Clark Hill Alley, Birmingham 8 Theater, and then Vinoteca. Just one piano seemed reasonable at the time.

## **E. New Business**

Two paintings by Gretchen Maricak were donated to the City by the artist's representative Russell Dixon. The Public Arts Board determined that it generally does not deal with determining painting locations within Birmingham's municipal building. Staff indicated they would ask around if anyone would like to have a painting to go in their office and then let the Russell Dixon know.

The Public Arts Board considered the electrical box in front of Birmingham 8 Theater as potential site for a sculpture. It was determined that doing so was impractical but that it would be good site for a painting design. The Board decided they would evaluate how other cities around the world have painted their electrical boxes in the next meeting.

## **Communication**

Kroger was told they had to install Soundheart by the end of the month or they would receive a ticket for failure to comply with Site Plan Approval.

Robert Lobe received approvals from City departments for his installation at Booth Park.

## **Comments**

Cindy Rose expressed concern about the City's current sculpture loan policy. She believes making the artist pay for installation and removal of loans reduces the likelihood of artists to loan their sculptures to the City. She would like to see a policy brought forth that assists artists with the installation and removal process. Members of the Board agreed with this sentiment. Staff agreed to bring forth potential solutions to this issue at the next meeting.

## **F. Adjournment**

The meeting adjourned at 7:55 pm

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Brooks Cowan  
City Planner

## **Public Arts Board Minutes**

**Rooms 202 & 203 Birmingham City Hall – January 16<sup>th</sup>, 2019**

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### **A. Roll Call:**

**Members Present:** Rabbi Boruch Cohen, Barbara Heller, Monica Neville, Linda Wells, Anne Ritchie, Natalie L. Bishai, Amelia Berry (Student), Cole Wohlfiel (Student)

**Members Absent:** Jason Eddleston, Mary Roberts

**Administration:** Brooks Cowan, City Planner, Laura Eichenhorn, Transcriptionist

### **B. Approval of Minutes – December 19, 2018**

Linda Wells clarified that Eastern Hophornbeam was 'waiting to be installed', not that Eastern Hophornbeam was 'waiting to install' a sculpture. Motion to approve was made by Linda Wells, seconded by Anne Ritchie.

**Yeas: 5                Nays: 0**

The motion carried.

Rabbi Boruch Cohen arrived at 6:41 p.m.

### **C. Committee Report**

The Public Arts Board committee report began with the Alleys and Passages committees.

Cole Wohlfiel reported three different clubs are interested in talking to alleyway owners about potential art projects.

City Planner Cowan requested a summary of the proposed projects in writing. The alleyway owners would be sent the proposal summaries, and a meeting would be scheduled between the owners, City Planner Cowan, the relevant members of the Board, and the parties interested in creating the art in the alleys.

City Planner Cowan asked that the summary include the involved parties and the specifics of the proposed projects.

Cole Wohlfiel confirmed that he would reach out to the interested clubs in the next two weeks requesting proposal summaries and confirmation that they would be able to attend a meeting with an alleyway owner. He said he would forward the information to Amelia Berry, Rabbi Cohen, and City Planner Cowan once he receives responses.

City Planner Cowan reported that the City Commission approved the photographic use of LOL, Windswept and Eastern Hophornbeam in City promotional materials. He confirmed that the four sculptures listed in the full agenda packet cannot be used in promotional materials at this time,

and added the City is working on obtaining approval to eventually use said sculptures in City promotional materials.

Anne Ritchie requested confirmation that unapproved sculptures would need to be removed from current promotional materials at this time. City Planner Cowan confirmed.

The branding committee discussed plans to fix errors on the City's website.

Barbara Heller provided the branding committee with the Board's most current mission statement and information on art installations around the City. She confirmed that she would send Anne Ritchie the correct logo, and confirmed that all sculptures could remain on the art installation list.

Monica Neville stated the branding committee would like to generate enough arts content to post to the City's social media account once a month. It was suggested that Commissioner DeWeese be asked to take photos of the City's art installations in the near future.

Anne Ritchie said it would benefit the Board to have a database of all City art holdings.

The branding committee presented a calendar of all City events in the next year, and a calendar of all intended Board meetings. They suggested the Board decide on the intended scope of its presence and engagement at various events, and suggested they begin planning those activities well in advance using this information.

Anne Ritchie confirmed for Natalie Bishai that the Board's posters could not be sold.

City Planner Cowan confirmed he would look into the policy on accepting donations both for the Board's posters and in general.

Barbara Heller said she would look for the Board's information on various ways the public could support the Board financially, including 'adopting a sculpture'.

Anne Ritchie said decisions regarding the Board's event attendance and engagement should be finalized at the February meeting.

City Planner Cowan said he would email the Board and ask that each committee have their event dates and plans in writing for the February meeting.

Rabbi Cohen suggested that coordinated whole-Board endeavors could be more effective than working in smaller committees. He also suggested the Board make coloring book pictures of the City's art holdings.

The Board confirmed that larger, independent efforts would require a permit at least ninety days out from the intended event. Smaller engagement opportunities, like setting up a table at another committee's event, would not require permits.

Rabbi Cohen said the Board should clarify its focus. He said his impression is that the Board seeks to promote public awareness of the City's arts holdings, with a smaller focus on promotion of art in general.

City Planner Cowan confirmed that no more than three people from the Board could meet at a time outside of the official Board meetings.

Rabbi Cohen suggested putting some of the committee projects on hold so the Board could focus its efforts on a few specific activities.

The Board agreed to focus on spending the next meeting selecting events the Board will attend.

City Planner Cowan said committees will be required to submit written memos of their plans and accomplishments in advance of future Board meetings moving forward.

Monica Neville suggested that the committees' goals be overlaid onto the City's calendar of events at the next meeting in order to decide on the Board's presence at the events.

Linda Wells said the Board should focus on what it can accomplish. Projects that are not gaining traction could be paused until a later date.

The Board proposed painting the electrical box outside the Birmingham Theatre with a popcorn box in the style of the popcorn containers used in the Birmingham Theatre, as proposed by Rabbi Cohen at the December 19, 2018 meeting and by Anne Ritchie and Monica Neville presently. The Board discussed asking the Theatre to possibly help sponsor the painting.

Anne Ritchie volunteered to go with City Planner Cowan to meet with the Birmingham Theatre for a discussion of potential sponsorship.

City Planner Cowan confirmed there would need to be a mock-up of the painting and that the plan would require approval by the City Commission.

A motion was made by Monica Neville to paint the electrical box outside of the Birmingham Theatre like one of the Theatre's popcorn boxes with a design by Board member Anne Ritchie. Motion was seconded by Anne Ritchie.

Yeas: 6        Nays: 0

The motion carried.

The Board proposed looking for free pianos on Craigslist, and allocating an amount not to exceed \$750 for moving the piano into Shain Park June 1, 2019 and out of Shain Park on August 31, 2019. On August 21, 2019 the Board would hear from the public regarding the project and vote whether to extend the time the piano would remain in Shain Park.

Cole Wohlfiel said he would look into options and costs for piano movers.

The Board discussed finding a piano with wheels in order to allow the piano to be moved around Shain Park during the season in an effort to increase traffic and engagement. The sidewalk outside of Panera or outside of Pierce garage were discussed, but were determined to be either too crowded or too out-of-the-way to generate enough engagement.

Natalie Bishai said her daughter could test-play any potential free pianos to make sure they are somewhat in-tune.

Anne Ritchie made a motion to approve Shain Park as the location, with the option to move the piano around the park, to approve an amount not to exceed \$750 for the moving of the piano from its original location, installation of the piano on June 1, 2019 in Shain Park, and removal of the piano on August 31, 2019, with the option for an extension of the term to be discussed on August 21, 2019. Motion was seconded by Rabbi Cohen.



Yeas: 6          Nays: 0

The motion carried.

City Planner Cowan said he would bring this proposal in front of the Parks and Recreation Board next.

#### **D. New Business**

City Planner Cowan said the discussion of the calendar and event engagement planned for the February 2019 Board meeting is in line with the mandate of the public space activation committee. He recommended coordinating joint projects with the Birmingham-Bloomfield Art Center, and confirmed permits require a 90-day lead time for any projects the Board undertakes that would utilize public space independently of another City event.

The Board discussed asking the Birmingham Shopping District to allocate some space for public arts activities at the Farmer's Market subsequent to the February 2019 Board meeting.

Barbara Heller said she would give another talk at the Library about the City's art holdings once all the public arts materials are finalized.

#### **Communication**

Barbara Heller discussed the Sound Heart article in the Birmingham Eccentric and noted that Christina Heidrich should be credited as the sole donor.

Eastern Hophornbeam will likely be installed in April 2019.

The Board reviewed the information on Michigan Spring that was included in the full agenda packet. There was consensus on a 30" base for the sculpture.

City Planner Cowan said he would email Kroger and request that Kroger illuminates Sound Heart.

The Board commented that the sculpture looks wonderful, and the goal is to draw more attention to it. They added that if Sound Heart is illuminated in the right way Kroger could also illuminate its own sign at the same time.

#### **Comments**

Barbara Heller asked the Board for consensus about keeping Amelia Berry and Cole Wohfiel on as alternates. The Board consented.

Cindy Rose and City Planner Cowan reminded the Board that they would need to have representatives prepared to present the Board's request for funding at the City's Budget meeting in March.

City Planner Cowan suggested doing a project either with the road stops or potential benches at Bird Avenue by Dairy Deluxe. He also suggested that Birmingham high school students could be involved in the project.

The Board agreed to put this project on the calendar during their next meeting.

Cole Wohlfel and Amelia Berry said they would talk to students at the high school to see who might want to be involved.

Linda Wells asked for approval for Birmingham in Stitches during the Fall Art Fair. She said Birmingham in Stitches would also probably be done during Winter Markt 2019.

Barbara Heller explained that the charity poker dates for evenings in April, May and June 2019 are already full, meaning the Board does not have fundraising opportunities for the next two quarters.

The Board discussed smaller opportunities to solicit donations, such as having a box for donations available, at events where they are engaging the public.

Cole Wohlfel told the Board this was his and Amelia Berry's last meeting.

Barbara Heller explained that the City Commission appoints students to the Board, and that the City will be writing Cole Wohlfel and Amelia Berry their community service letters.

Barbara Heller also officially thanked Cole Wohlfel and Amelia Berry for their service on behalf of the Board.

#### **E. Adjournment**

The meeting adjourned at 8:06 p.m.

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Brooks Cowan  
City Planner

## **Public Arts Board Minutes**

**Rooms 202 & 203 Birmingham City Hall – March 20<sup>th</sup>, 2019**

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### **A. Roll Call:**

**Members Present:** Barbara Heller, Monica Neville, Linda Wells, Anne Ritchie, Jason Eddleson, Cole Wohlfel (Student)

**Members Absent:** Rabbi Boruch Cohen, Amelia Berry (Student)

**Administration:** Brooks Cowan, City Planner

### **B. Approval of Minutes – February 20<sup>th</sup>, 2019**

Motion to approve minutes made by Jason Eddleson, seconded by Linda Wells.

**Yeas: 5              Nays: 0**

The motion carried.

### **C. Unfinished Business**

The Public Arts Board had previously approved a recommendation to have board member Anne Ritchie create a popcorn box design to recommend to City Commission for the electrical box in the sidewalk planter in front of the Birmingham 8 theater. Anne Ritchie brought in her designs this day which indicated a red and white striped box with popcorn on the top. The Public Arts Board was enthusiastic about the idea and thought it would be a fun addition to the downtown.

It was suggested that the text “#BirminghamPublicArt” be added to the box for a way to encourage people to tag Birmingham Public Art in online platforms. This text is planned to be placed in the lower box where the ingredients are currently listed. The Public Arts Board motioned to approved the recommendation to City Commission of the popcorn box design with “#BirminghamPublicArt” added for the electrical box in the sidewalk planter at S. Old Woodward and Merrill.

The motion approved 5-0.

The Public Arts Board had been working on creating a public piano program and had previously recommended the pavilion at Shain Park as their desired space. The Public Arts Board recently received an application for review from a Birmingham resident to have their piano placed in Shain park for the public to play. Along with the application, Jason Gittinger of Detroit School of Rock and Pop Music came and spoke with the Public Arts Board about how Royal Oak manages their public piano program. He described how moving parts are bolted down and then the City hosts a community painting event for the pianos where they are stored. He also described how professional movers assists with the storage and transportation for this program. Questions regarding vandalism were raised by the board. Jason Gittinger noted that two of the roughly 40 or so pianos had been vandalized, and his outlook was that the program created far more good than harm.

The Public Arts Board motioned to approve the recommendation to City Commission for the piano donated by Michael and Maybeth Flynn for the recommended location at Shain Park for the time period of June 1<sup>st</sup>, 2019 to August 31<sup>st</sup>, 2019, with the condition that the piano maintenance is managed by Jason Gittinger of Detroit School of Rock and Pop Music and Professional Movers.

The motion approved 5-0.

The Public Arts Board then motioned to approve a recommendation to City Commission for a public painting event where the piano is painted with an outdoor floral theme.

The motion approved 5-0.

It was noted that a plaque would be created stating that the piano is donated on behalf of Michael and Maybeth Flynn, and managed by Detroit School of Rock and Pop Music and Professional Movers.

In discussion of planning for special events, The Art Board continued to finalize details for the Art in the Alley event. The group of board members working on this project indicated they would get a detailed summary of the event and its participants before the City Commission hearing for it. The promotional material group then discussed the flyers with description of Birmingham Public Arts Board mission statement and the goals of Art in Public Spaces. It was determined that the header for the flyer would be "Birmingham Public Art".

#### **D. New Business**

#### **E. Communication**

The Birmingham in Stitches application had been submitted and the board would like to create more promotional material for the event to recruit more participants.

#### **F. Comments**

#### **G. Adjournment**

The meeting adjourned at 7:50 p.m.

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Brooks Cowan  
City Planner

## **PARKS AND RECREATION BOARD MEETING MINUTES**

**April 2, 2019**

Therese Longe, Chairperson, called the meeting to order at 6:30 p.m. at 851 S. Eton.

**MEMBERS PRESENT:** Therese Longe, Ross Kaplan, John Meehan, Ellie Noble, and John Rusche

**MEMBERS ABSENT:** Heather Carmona, Dominick Pulis and Bill Wiebrecht

**STUDENT REPRESENTATIVES PRESENT:** John Butcher, Seaholm High School

**ADMINISTRATION:** Lauren A. Wood, Director of Public Services  
Carrie A. Laird, Parks and Recreation Manager  
Brooks Cowan, City Planner  
Connie Folk, Recreation Coordinator

**GUESTS:** Cheryl Couretas, Pam Graham, Cindy Rose and David Young

It was moved by Ross Kaplan, seconded by John Rusche that the minutes of the March 5, 2019 regular meeting be approved.

**Yeas – 5** Therese Longe, Ross Kaplan, John Meehan, Ellie Noble, and John Rusche

**Nays – 0**

**Absent -3** Heather Carmona, Dominick Pulis and Bill Wiebrecht

Carrie stated that at Quarton Lake there is an area near the bridge at Oak that will be planted with 30 native quart size species in order to stabilize the slope. Further, work includes planting more native plants at Barnum Park in the natural areas and continuing maintenance of follow up treatment of invasive species including Canada Thistle at Barnum Park and Phragmites at the Museum Park property near the pond and in the nearby woods.

Carrie Carrie stated that it's important to note that the invasive species removals are site specific and include spot treatment of woody and herbaceous invasive species to the cut area directly and does not involve mass treatment using a large quantity of approved chemicals.

It was moved by Ellie Noble, seconded by Ross Kaplan to approve the project for Natural Areas Maintenance with Cardno for a total cost not to exceed \$20,650.00. Funds are available from the General Fund-Parks Other Contractual Services account #101-751.000-811.0000 for these services. Further, to recommend this project to be considered for approval by the City Commission.

**Yeas – 5**

Therese Longe, Ross Kaplan, John Meehan, Ellie Noble, and John Rusche

**Nays – 0**

**Absent -3**

Heather Carmona, Dominick Pulis and Bill Wiebrecht

### **AGENDA ITEM #3: Piano in Shain Park**

Brooks Cowan, City of Birmingham Planner stated that the Public Arts Board has considered placing pianos in various locations throughout downtown Birmingham for the public to play at any time. On October 17, 2018, the Public Arts Board reviewed suggested sites for a public piano and prioritized the pavilion in Shain Park as their top choice. There was consensus with the Board that they only wanted to place one piano in the City at this time.

Brooks stated that Public Arts Board voted to recommend adding a Piano beneath the pavilion of Shain Park with the following conditions:

- 1.) The Public Arts Board approved \$750 to be used from its budget for picking up a piano from site and delivering it to Shain Park. Finances will also be used for potentially removing the piano for a certain amount of time.
- 2.) Members of the Board find a piano to be donated for free.
  - a. The piano must have wheels for the City to be able to move when necessary.
- 3.) The piano will be placed in Shain Park from June 1st through August 31st
  - a. Piano will have sign "this area is under surveillance" to deter vandalism.
  - b. On August 21st the Public Arts Board will vote on whether or not to extend the amount of time the piano is kept in the park.
  - c. Funding from the Public Arts Board will be used to have piano removed from the park if necessary.



Brooks stated that Jason Gittinger of Detroit School of Rock and Pop Music joined the Public Arts Board to provide insight about policy for public pianos. Jason Gittinger discussed his relationship with Professional Movers and how they help assist Royal Oak's public piano program.

Brooks stated that the Public Arts Board approved a recommendation to the City Commission to accept the piano donated by **Birmingham residents** Michael and Marybeth Flynn for the recommended site beneath the pavilion at Shain Park with the condition that the piano is managed by the Detroit School of Rock and Pop, and would be replaced with another piano donated by Professional Movers if the current piano falls into disrepair.

Brooks stated that the Public Arts Board then approved a motion to recommend a public painting event for the piano to be painted with an outdoor floral theme and that the Public Arts Board noted that a plaque recognizing the donors as well as the Detroit School of Rock and Pop **and Professional Movers** will be placed on the piano.

Therese stated that both Ferndale and Royal Oak have struggled with vandalism of their public placed pianos. Therese stated that the Shain Park band shell is already scheduled for the summer concert series, weddings and special events.

Therese asked Brooks who would be responsible for moving the piano prior to the **Wednesday night** summer concert series, weddings and special events.

Brooks stated that the ~~City of Department of Public Services (DPS)~~ **Department of Public Services staff would be responsible in moving** move the piano prior to the scheduled events.

Brooks stated the vandalism is **a** very small percentage in Royal Oak.

Therese stated that the pianos that have been placed in Ferndale and Royal Oak are on public thoroughfares. Therese stated that in Shain Park there are children running around without parent supervision. Therese stated from an injury prevention standpoint whether there is a tipping safety hazard, children could be playing on the piano and having the piano be pulled over on them since it will not be anchored in anyway.

Brooks stated that any moving parts would be anchored down.

Therese stated that there are concerns making the DPS staff in charge of having to watch the piano, maintaining the piano and pushing the piano out of the way on concert nights, weddings and special events.

Connie stated that on Wednesday nights she is by herself, large crowds and the band setup with children running around and during the concert the child is banging on the piano while the band is performing and she would have to stop the concert and sometimes bands will take up the full length of the band shell.

Brooks stated a cover could be placed on the piano. Therese asked if a Public Arts Board member would like to babysit the piano and or move the piano out of the way on Wednesday nights, if there is a sole person is there a way to get help.

Brooks stated he does not believe so and that the Public Arts Board proposed a good faith sort of like a Community Garden. The Public Arts Board is proposing this for the public good it will bring and there might be some vandalism or children banging on the keys causing a distraction.

Ross stated that there is not a long term commitment and if it does not work in two months or after the first concert **the piano can be removed**.

Brooks states that the Public Arts Board wants to set up a deciding factor that at the last City Commission meeting in August, 2019 if there have been complaints that the piano can be removed based on funds from the Public Arts Board.

Therese asked if other department heads would review the piano proposal, would the city attorney review the proposal. Therese stated that she is still concerned about the piano being pulled over on a child. ~~or dragging it into the fountain.~~

Lauren asked Brooks if other departments such as police, fire or the engineering department will be reviewing this request.

Brooks stated that based on an art installation that the proposal goes through the boards channels like any other art installation like the foundations of art pieces once it is approved by City Commission.

Therese stated that the installation at Shain Park is a lot different than an installation in front of a business, library or on a sidewalk.

Connie stated that the sidewalk is exposed aggregate and based on the weight of the piano how easy would the piano be able to move?

Ross stated he liked the concept of the idea but his concerns would be **how** the humidity and heat ~~and how it will~~ **would** affect the piano and how long would the piano last.

Brooks stated the life of the piano is short lived but it's the experience of having the piano at Shain Park.

John Rusche asked if the piano could be anchored to a pillar.

Connie stated that she would not want it to be anchored in case the piano has to be moved and then how about the trip hazard.

Brooks stated that it was the intention to have the piano mobile and the use of the piano would be used during Shain Park hours.

John Meehan stated that the plaza in front of City Hall would be a lovely spot for the piano.

It was moved by Ellie Noble, seconded by John Meehan to recommend approval to the City Commission of a piano on a trial basis for the time period of June 1<sup>st</sup> through August 31<sup>st</sup>, 2019 with sufficient sturdy size lockable wheels suitable for exposed aggregate and that the piano would be placed in the Shain Park pavilion area in a location as directed by the DPS staff, in addition a piano cover would be provided by the Public Arts Board to prevent public access during all scheduled events, such as weddings and concerts in the park and that the desired piano painting event be off-site.

**Yeas – 5**

Therese Longe, Ross Kaplan, John Meehan, Ellie Noble, and John Rusche

**Nays – 0**

**Absent -3**

Heather Carmona, Dominick Pulis and Bill Wiebrecht

### **COMMUNICATION/DISCUSSION ITEM #1: Dog Park Report**

Carrie provided the Off Leash Dog Park revenue and expenses from 2011- present. Carrie stated that the department would like to hydro-seed in late April, early May.

Connie stated that most sales occur May – July.

**No Action was taken by the Parks and Recreation Board**

### **COMMUNICATION/DISCUSSION ITEM #2: Proposed 2019-2020 Capital Projects**

Lauren stated as part of the budget process, the Department of Public Services submits recommended budget requests for the upcoming fiscal year to the City Manager. These are recommended expenditures and may not become part of the final budget.

Lauren stated all of the Capital Improvement requests are considered expenditure items over and above regular department operational expenditures.

**No Action was taken by the Parks and Recreation Board**

### **COMMUNICATION/DISCUSSION ITEM #3: January/February 2019 "The Review"**

**Michigan Municipal League magazine**

Connie stated that this article is being presented as a communication.

**No Action was taken by the Parks and Recreation Board**

**BIRMINGHAM CITY COMMISSION MINUTES**  
**MAY 20, 2019**  
**MUNICIPAL BUILDING, 151 MARTIN**  
**7:30 P.M.**

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

Mayor Patty Bordman called the meeting to order at 7:30 PM.

**II. ROLL CALL**

Present:	Mayor Bordman Mayor Pro Tem Boutros Commissioner DeWeese Commissioner Harris (arrived at 8:46 p.m.) Commissioner Hoff Commissioner Nickita Commissioner Sherman
Absent:	none

VOTE:           Yeas,           7  
                  Nays,           0

**05-132-19                   RESOLUTION APPROVING THE CITY COMMISSION BUDGET  
HEARING MEETING MINUTES OF MAY 11, 2019. (ITEM B)**

Commissioner Hoff noted, on Page 7 under Greenwood Cemetery Perpetual Care Fund, "1718" should be changed to "FY2017-18".

**MOTION:**     Motion by Commissioner Hoff, seconded by Mayor Pro Tem Boutros:  
To approve the City Commission Budget Hearing minutes of May 11, 2019 as corrected.

VOTE:           Yeas,           7  
                  Nays,           0  
Abstain                   1 (Harris)

**05-133-19                   PIANO IN SHAIN PARK (ITEM J)**

Commissioner DeWeese expressed concerns about keeping a piano outdoors in the weather.

City Planner Cowan explained the band shell cover will partially protect the piano in Shain Park. While he knows that the cover will not protect the piano from humidity and heavy rains, Mr. Cowan was advised that instruments in the park are intended to be a fun thing and will eventually become decommissioned. Therefore, it is planned as a summer activity that is budgeted to be moved at the end of the season.

Commissioner Hoff expressed that this is a unique idea that should receive publicity. She asked that the donation from Michael and Marybeth Flynn be publicly acknowledged and that the Flynns be thanked for their generosity to the City of Birmingham.

Mayor Bordman mentioned that Cole Wohlfel, student representative, is doing a lot of work on this project. She expressed appreciation for the enthusiasm of the student representatives on the Public Arts Board, commended Jason Eddleson for his leadership, and commented it is wonderful to have this donation.

**MOTION:**     Motion by Commissioner Hoff, seconded by Commissioner Nickita:  
Resolution recommending the piano donated by Michael and Maybeth Flynn be placed in the location beneath the pavilion at Shain Park as suggested by the Public Arts Board for the time period of June 1<sup>st</sup>, 2019 to August 31<sup>st</sup>, 2019, with the conditions that the piano be equipped with industrial grade wheels, a cover be provided during Shain Park events, and that the City Commission vote on whether or not to keep the piano in the park beyond August 31<sup>st</sup>, 2019 in August 2019. Also, that the painting of the piano occur at a space outside of Shain Park, and that the Public Arts Board be responsible for funding the moving of the piano if the City Commission chooses to have the piano removed on August 31<sup>st</sup>, 2019, or any time before that. And further, authorizing funds in an amount not to exceed \$750 from account #101-299-000-811-0000.

Commissioner Nickita expressed that he has seen this in a number of cities including Detroit at Campus Martius. He went on to advise that the piano be creatively painted and coated with a preservative finish.

Jason Eddleston, Birmingham Public Arts Board, suggested doing some epoxy work on the upright piano, since the plan was to paint it anyway. He also asked for suggestions from Commission on design.

Mayor Pro Tem Boutros advised the details be left to the Public Arts Board.

VOTE:	Yeas,	7
	Nays,	0



## **Public Arts Board Minutes DRAFT**

**Rooms 202 & 203 Birmingham City Hall – July 17<sup>th</sup>, 2019**

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### **A. Roll Call:**

**Members Present:** Barbara Heller, Monica Neville, Linda Wells, Jason Eddleson, Natalie Bishae

**Members Absent:** Anne Ritchie

**Administration:** Brooks Cowan, City Planner

### **B. Approval of Minutes – May 15<sup>th</sup>, 2019 (No quorum for June meeting)**

Motion to approve minutes made by Monica Neville, seconded by Natalie Bishai.

**Yeas: 5            Nays: 0**

The motion carried.

### **C. Unfinished Business**

The Public Arts Board has been planning to host arts and crafts activities at various events throughout the year such as Art in the Alley and Farmers Markets. Crafts materials for these events including scissors, hole punchers, straws and paper for participants to make pinwheels have been purchased. Six rolls of gorilla tape were also purchased for Art in the Alley to tape art to walls, and secure the electrical cords from the various plugs running from the rooftops to the band area. The total for these costs have amounted to \$105.70 so far. The Public Arts Board would indicated to they would also like to purchase pipe cleaners and foam shapes for crafts projects where kids can build miniature sculptures. The PAB decided that \$200 is an appropriate amount to recommend given then current schedule of events and available volunteers.

Motion to recommend \$200 for interactive art projects was made by Monica Neville, seconded by Natalie Bishai.

**Yeas: 5            Nays: 0**

The motion carried.

The Public Arts Board discussed potential locations for Chris Yockey's "The Counselor" sculpture in case the current North Old Woodward parking structure is torn down to make way for a new structure. They reviewed four suggested locations throughout Birmingham on public property, and the top two were the west facing wall of the new Chester Fire Station, or the exterior stair case of the Park Street parking structure. The Public Arts Board determined that the Park Street structure had more visibility and would be easier to move from its current location. The Public Arts Board also determined that they would like to recommend "The Counselor" be located at the site on a temporary basis and to be reconsidered if or when the buildings for the North Old Woodward redevelopment are built as they would like "The Counselor" to be a part of the proposed plaza in some way.

Motion to recommend the temporary relocation of the "The Counselor" to the Park Street parking structure on the southwest staircase at a height to be determined by the artist in case of new North Old Woodward parking structure plans being approved was made by Jason Eddleson, seconded by Natalie Bishai.

**Yeas: 5      Nays: 0**

The motion carried.

Chris Yockey has been made aware of the potential for his sculpture to be moved. In this discussion, the artist has offered to sell "The Counselor" to the City of Birmingham for an amount of \$5,500. The Public Arts Board believes this sculpture provides aesthetic value to its surroundings, the offered price is a good value, and that they should recommend the purchase of this piece.

Motion to recommend the purchase of Chris Yockey's "The Counselor" for an amount of \$5,500 was made by Monica Neville, seconded by Jason Eddleson.

**Yeas: 5      Nays: 0**

The motion carried.

The City has approved the donation and installation of Michigan Spring for the southwest corner of the library. A 6'x6' concrete pad will have to be poured before the sculpture can be installed. An issue with installation is that the sculpture needs a special mount in order to be secured to the concrete pad. The Library Board, Public Arts Board, and donor have also recommended that the mount elevate the sculpture by two feet, which will require extra crafting. City staff has been in communication with James Storm who is a sculpture mount fabricator for the Detroit Institute of Arts. The donor for "Michigan Spring" agreed that he would like James Storm to perform the installation due to his experience with the DIA. James Storm quoted the project to cost to be between \$700-\$900. The Public Arts Board felt that they should recommend up to \$1,000 to be safe, and then suggest that the Library Board contribute to any costs that exceed that amount, although they don't believe that will be the case.

Motion to recommend up to \$1,000 for James Storm to fabricate a sculpture mount for "Michigan Spring" and conduct the installation at the Library was made by Natalie Bishai, seconded by Monica Neville.

**Yeas: 5      Nays: 0**

The motion carried.

A fourth item was added to the agenda for the Public Arts Board in unfinished business. City Commission approved the Public Arts Board's recommendation for Piano in the Park on May 20, 2019. One of the conditions of approval was that the Piano be placed in the Shain Park until August 31, 2019, and would be revisited by City Commission in a time in August for review. The Public Arts Board discussed the positive feedback they have received from the community and would like to see the timeframe extended throughout the fall. They feel that location in Shain Park provided adequate protection from the weather. Jason Eddleson also notified the Board that Professional Movers coordinates with the Royal Oak and the Detroit School of Rock and Pop Music for moving piano's when the weather gets cold around December. The Public Arts Board would like to see Birmingham extend the timeframe for the piano into the winter and coordinate with Professional Movers when they are moving Royal Oak's pianos as well.

Motion to recommend Piano in the Park be extended from August 31<sup>st</sup>, 2019 to sometime before December 25<sup>th</sup>, 2019, depending on the weather, to be coordinated with Professional Movers.

**Yeas: 5      Nays: 0**

The motion carried.

**D. New Business**

**E. Communication**

Electrical Box Painting is underway, Charity poker fundraiser is July 31<sup>st</sup> – August 3<sup>rd</sup>, and nominations for Birmingham Bloomfield Cultural Arts Awards are due July 30<sup>th</sup>.

**F. Comments**

Mark Di Suvero has indicated he will be removing his sculptures Choopy and Heart of Tetrahyden from the locations in Birmingham July 24<sup>th</sup>, 2019.

The Public Arts Board would like to send thank you notes to the previous student reps Cole Wohlfel and Amelia Berry.

**G. Adjournment**

The meeting adjourned at 7:50 p.m.

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Brooks Cowan  
City Planner



## MEMORANDUM

Department of Public Services

**DATE:** July 25, 2019

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

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

**SUBJECT:** Shain Park Fountain Replacement Motor Purchase

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### INTRODUCTION:

Roman Fountains originally designed the plaza fountain at Shain Park in 2009, as part of the development project, completed in 2010. A new motor is required for the filtration and display pump.

### BACKGROUND:

The motor for the fountain at Shain Park has reached its life expectancy. A qualified electrician from Marc Dutton, certified fountain installer/operator, inspected the fountain and the recommendation is to replace the motor. The motor needed repair once over the course of the past nine years, just last year. Because of its age, it is getting to the point the fountain will be down more frequently and require more repairs. As a result, it is the City's best interest to replace it now. Roman Fountains is the supplier of the plaza fountain and considered a sole source vendor for this work. We contacted them for a quote. The total for a new motor from this sole source supplier is \$6,996.00.

### LEGAL REVIEW:

A legal review was not necessary, as this is a purchase of product not a service, and there is no contract.

### FISCAL IMPACT:

Funds are available in the 2019-2020 budget from the Parks Operating Supplies account #101-751.000-729.0000 for this project.

### SUMMARY:

The Department of Public Services recommends approving the purchase of the new motor for the Shain Park plaza fountain from Roman Fountains in the amount not to exceed \$6,996.00. The quote is still valid for this purchase beyond July 26, 2019. They are the sole source provider of this part for the fountain. The motor replacement will take place upon arrival of the new motor, timed appropriately within the season of fountain operation and activity in the park.

### ATTACHMENTS:

- Roman Fountains Cost Proposal dated 6/26/19

**SUGGESTED RESOLUTION:**

To approve the purchase of the replacement motor for the Shain Park plaza fountain pump from Roman Fountains in the amount not to exceed \$6,996.00. Funds are available from the Parks Operating Supplies account #101-751.000-729.0000. Further, to waive the normal bidding requirements as Roman Fountains is a sole source provider.



Proposal: 23227001

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**Roman Fountains**

PO Box 1204

Tallevast, FL 34270

Tel:1 (941) 484-8224 Fax:(941) 538-7206

**Proposal For:**

City of Birmingham, MI

**Date:** 6/26/2019

**Proposal Valid Until:** 7/26/2019

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**Comments or Special Instructions:**

*Quote does not include shipping.*

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Model	Description	Qty	Price	Taxes	Total
RCMK-100 Replacement Motor	Replacement Motor for RCMK Pump	1	6,900.00		6,900.00
RCMK-100 Seal Kit	Replacement Seal Kit for RCMK Pump	1	96.00		96.00
Sub-Total:					<u>\$6,996.00</u>
Total:					<u>\$6,996.00</u>





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**Roman Fountains**  
PO Box 248  
Laurel, FL 34272  
Tel:1 (941) 484-8224 Fax:(941) 484-9302  
**Proposal For:**  
City of Birmingham, MI

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**Date:** 6/26/2019

**Proposal:** 23227001

**Total:** \$6,996.00

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**To place an order, please indicate your acceptance below by signing and faxing the complete proposal back to Roman Fountains, or provide a purchase order for review.**

Approved By: \_\_\_\_\_ Company: \_\_\_\_\_ Date: \_\_\_\_\_

This proposal to furnish fountain system equipment is based on the plans and/or descriptions you provided us. Upon receipt and review of your final plans and specifications and completion of our design review, the equipment list and pricing may change.

Pricing does not include freight to job-site. The installation of all equipment and fountain structure is not included.

If paying by check, please ensure that the appropriate freight/shipping charges have been added to above quotation. Please remit checks to:

Roman Fountains  
PO Box 1204  
Tallest, FL 34270

Roman Fountains appreciates the opportunity to be of service to you on this project, and would like very much to provide you and your client with our 50 years of experience, knowledge, and expertise. Please contact us should you require any additional information or assistance on this or any other projects.



## MEMORANDUM

Clerk's Office

**DATE:** July 30, 2019  
**TO:** Joseph A. Valentine, City Manager  
**FROM:** J. Cherilynn Mynsberge, City Clerk  
**SUBJECT:** Halloween Parade & Pumpkin Patch

### INTRODUCTION:

Birmingham Bloomfield Chamber of Commerce has submitted a Special Event application to hold the Halloween Parade & Annual Pumpkin Patch event in Shain Park and on Martin, Bates, Maple, S. Old Woodward, Merrill, and Pierce on **Sunday, October 27th, 2019**. Set-up for the event is scheduled for **October 27th** beginning at 9:00 am. The event begins at 1:00 pm with the Patch and at 4 PM with the Parade, concluding at 4:30 PM. Tear-down is scheduled for 4:30-5:30 pm.

### BACKGROUND:

- This is the 83<sup>rd</sup> Annual Halloween Parade and 26<sup>th</sup> Annual Pumpkin Patch

Prior to application submission the Police Department reviewed the proposed event details for street closures and the need for safety personnel and approved the details. DPS, Planning, Building, Police, Fire, and Engineering have indicated their approval. SP+ Parking has been notified of the event for planning purposes.

The following events occur in October in Birmingham, and do not pose a conflict for this event:

Farmers Market	Sundays	Lot 6
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### LEGAL REVIEW:

n/a

### FISCAL IMPACT:

n/a

### SUMMARY

The City Commission is being asked to approve the Halloween Parade and Pumpkin Patch event to be held October 27th, 2019 from 1:00 – 4:30 pm, with set-up to begin 9:00 am. Tear-down will begin at the conclusion of the event and is scheduled to end at 5:30 pm.

ATTACHMENTS:

1. Special Event application
2. Notification letter with map of event area distributed to residents/businesses within 300 feet of the event area on July 18, 2019. Notification addresses are on file in the Clerk's Office
3. Hold Harmless Agreement signed by the Birmingham Bloomfield Chamber of Commerce and Certificate of Insurance.
4. Department Approval page with comments and estimated costs

SUGGESTED RESOLUTION:

To approve a special event permit as requested by Birmingham Bloomfield Chamber of Commerce to hold the annual Halloween Parade and Pumpkin Patch in Shain Park and streets surrounding the park on October 27, 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.

#19-00011581

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

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

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

**I. EVENT DETAILS**

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

**FEES:**      **FIRST TIME EVENT:**      **\$200.00**  
                 **ANNUAL APPLICATION FEE:**      **\$165.00**

(Please print clearly or type)

Date of Application July 12, 2019

Name of Event 83<sup>rd</sup> ANNUAL Halloween Parade + 20<sup>th</sup> Annual Pumpkin Patch

Detailed Description of Event (attach additional sheet if necessary) \_\_\_\_\_

The pumpkin patch is an afternoon of fun for families to participate in Halloween activities and games. Following the pumpkin patch, families march in the parade.

Location Pumpkin patch from 1-4pm in Shain Park, Parade in streets

Date(s) of Event Sunday, 10/27/19 Hours of Event Patch 1-4 / parade 4-4:30 <sup>surrounding the</sup> park.

Date(s) of Set-up Sunday, 10/27/19 Hours of Set-up 9 AM

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

Date(s) of Tear-down Sunday, 10/27/19 Hours of Tear-down 4:30 - 5:30 pm

Organization Sponsoring Event Birmingham Bloomfield Chamber + Junior League of

Organization Address BBC Chamber, 725 S. Adams, Birmingham / Jr. League - <sup>460 N. Old</sup> Woodward, Birmingham

Organization Phone BBC Chamber 248-430-7688 Jr. League 248-1044-3163

Contact Person Kelly Bennett

Contact Phone 248-430-7688

Contact Email Kellyb@bbcc.com

## II. EVENT INFORMATION

1. Organization Type Chamber of Commerce + Non Profit  
(city, non-profit, community group, etc.)
2. Additional Sponsors or Participants (Provide name, address, contact person, status, etc. for all additional organizations sponsoring your event. ) Pow's Home Remodeling Group,  
Birmingham Bloomfield Credit Union & more TBD.  
Past sponsors include Beaumont, Next Step Broadway,  
Brightside Dental
3. Is the event a fundraiser? YES ☒ NO ☐  
List beneficiary BBChamber and Jr. League  
List expected income less than \$1,000.  
Attach information about the beneficiary.
4. First time event in Birmingham? YES ☐ NO ☒  
If no, describe Annual event celebrating 83rd year
5. Total number of people expected to attend per day 200-500
6. The event will be held on the following City property: (Please list)  
☒ Street(s) Parade (see map)  
☐ Sidewalk(s) \_\_\_\_\_  
☒ Park(s) Shain Park (see map)
7. Will street closures be required? YES ☒ NO ☐  
**(Police Department acknowledgement prior to submission of application is required) (initial here)** [Signature]
8. What parking arrangements will be necessary to accommodate attendance? Chester Street parking structure and on  
street parking

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

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

Describe Birmingham Fire Truck will lead the parade and volunteers will assist with safety at the event.

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

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

Describe \_\_\_\_\_  
\_\_\_\_\_

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

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

12. Will music be provided? YES ☒ NO ☐

\_\_\_\_\_ Live \_\_\_\_\_ Amplification TBD Recorded \_\_\_\_\_ Loudspeakers

Time music will begin Between 1-4pm

Time music will end 4pm

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

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

Number of signs/banners 2 info / thank you signs

Size of signs/banners A Frame Signs

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

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

- Peddler/vendor permits must be submitted to the Clerk's Office, **at least two weeks prior to the event.**
- You must obtain approval from the Oakland County Health Department for all food/beverage sales/donations. Contact [ehclerk@oakgov.com](mailto:ehclerk@oakgov.com) or 248-535-9612 to obtain Health Department approval.
- There is a \$50.00 application fee for all vendors and peddlers, in addition to the \$10.00 daily fee, per location.



# LIST OF VENDORS/PEDDLERS

(attach additional sheet if necessary)

VENDOR NAME	GOODS TO BE SOLD	WATER HOOK- UP REQUIRED?	ELECTRIC REQUIRED?

### III. EVENT LAYOUT

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

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

EQUIPMENT	QUANTITY	COST	NOTES
Picnic Tables		6 for \$500.00	A request for more than six tables will be evaluated based on availability.
Trash Receptacles	8	\$6.00 each includes 1 bag. For additional bags, the cost is \$32/per case.	Trash box placement and removal of trash is the responsibility of the event. Additional cost could occur if DPS is to perform this work.
Dumpsters	2	\$350.00/per dumpster per day.	Includes emptying the dumpster one time per day. The City may determine the need for additional dumpsters based on event requirements.
Utilities (electric)	# of vendors requiring utilities	Varies	Charges according to final requirements of event.
Water/Fire Hydrant		\$224.75/per hydrant. Includes the use of 5,000 gallons of water. Any additional water usage will be billed.	Applicant must supply their own means of disposal for all sanitary waste water. Waste water is NOT allowed to be poured into the street or on the grass.
Audio System		\$200.00 per day	Must meet with City representative.
Meter Bags / Traffic Cones / Barricades	# to be determined by the Police Department.		

2. Will the following be constructed or located in the area of the event? YES NO

(show location of each on map) NOTE: Stakes are not allowed.

TYPE	QUANTITY	SIZE
Tents/Canopies/Awnings (A permit is required for tents over 120 sq ft)	2	1 20x40 tent other TBD
Portable Toilets		
Rides		
Displays		
Vendors		
Temporary Structure (must attach a photo)		
Other (describe)	Display table for sponsors	

## SIGNATURE OF APPLICANT REQUIRED

EVENT NAME 83<sup>rd</sup> Annual Halloween Parade + 26<sup>th</sup> Annual Pumpkin Patch  
EVENT DATE Sunday, October 27, 2019

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

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

Kelly Bennett 6-25-19  
Signature Date

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

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



## SPECIAL EVENT REQUEST NOTIFICATION

July 17, 2019

To: Property/Business Owner

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

NAME OF EVENT: 83rd Annual Parade and 26<sup>th</sup> Annual Pumpkin Patch

LOCATION: Streets surrounding Shain Park

DESCRIPTION OF EVENT: Family Halloween activities, games and parade.

DATES/TIMES: Set-up Sunday, October 27, 2019 at 9 a.m.

Pumpkin Patch Hours: 1 – 4 p.m. Parade Hours: 4 – 4:15 p.m.

Tear down: Sunday, October 27, 2019 at 5 p.m.

DATE/TIME OF CITY COMMISSION MEETING: August 5, 2019; 7:30 p.m.

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

EVENT ORGANIZER: Birmingham Bloomfield Chamber 725 S. Adams, Suite 130 Birmingham MI 48009 (248) 430-7688

FOR QUESTIONS ON DAY OF EVENT, CONTACT: Kelly Bennett  
CELL PHONE: (248) 505-4149



## HOLD-HARMLESS AGREEMENT

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

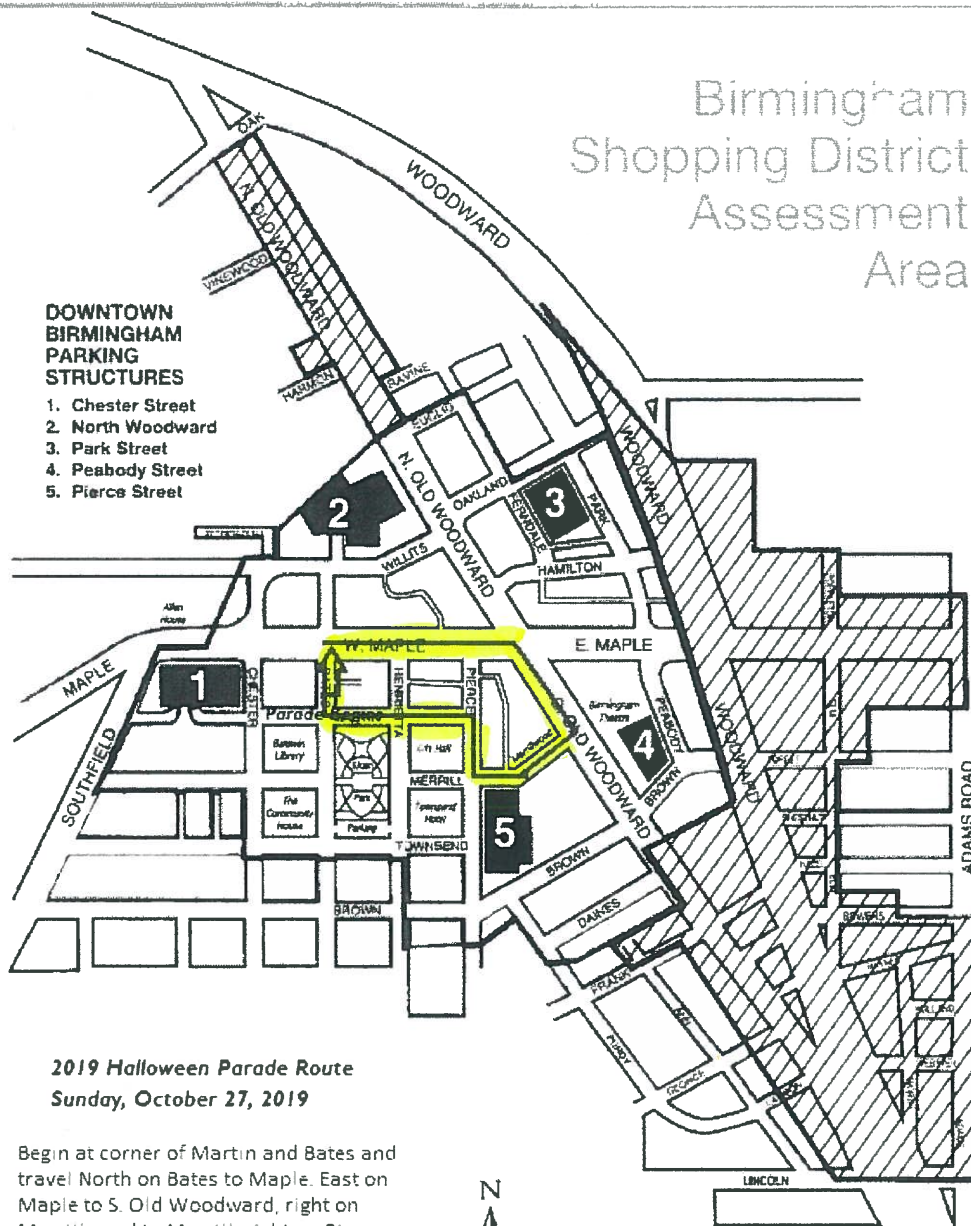
K Bennett  
Applicant's signature

7-11-19  
Date

# Birmingham Shopping District Assessment Area

## DOWNTOWN BIRMINGHAM PARKING STRUCTURES

1. Chester Street
2. North Woodward
3. Park Street
4. Peabody Street
5. Pierce Street

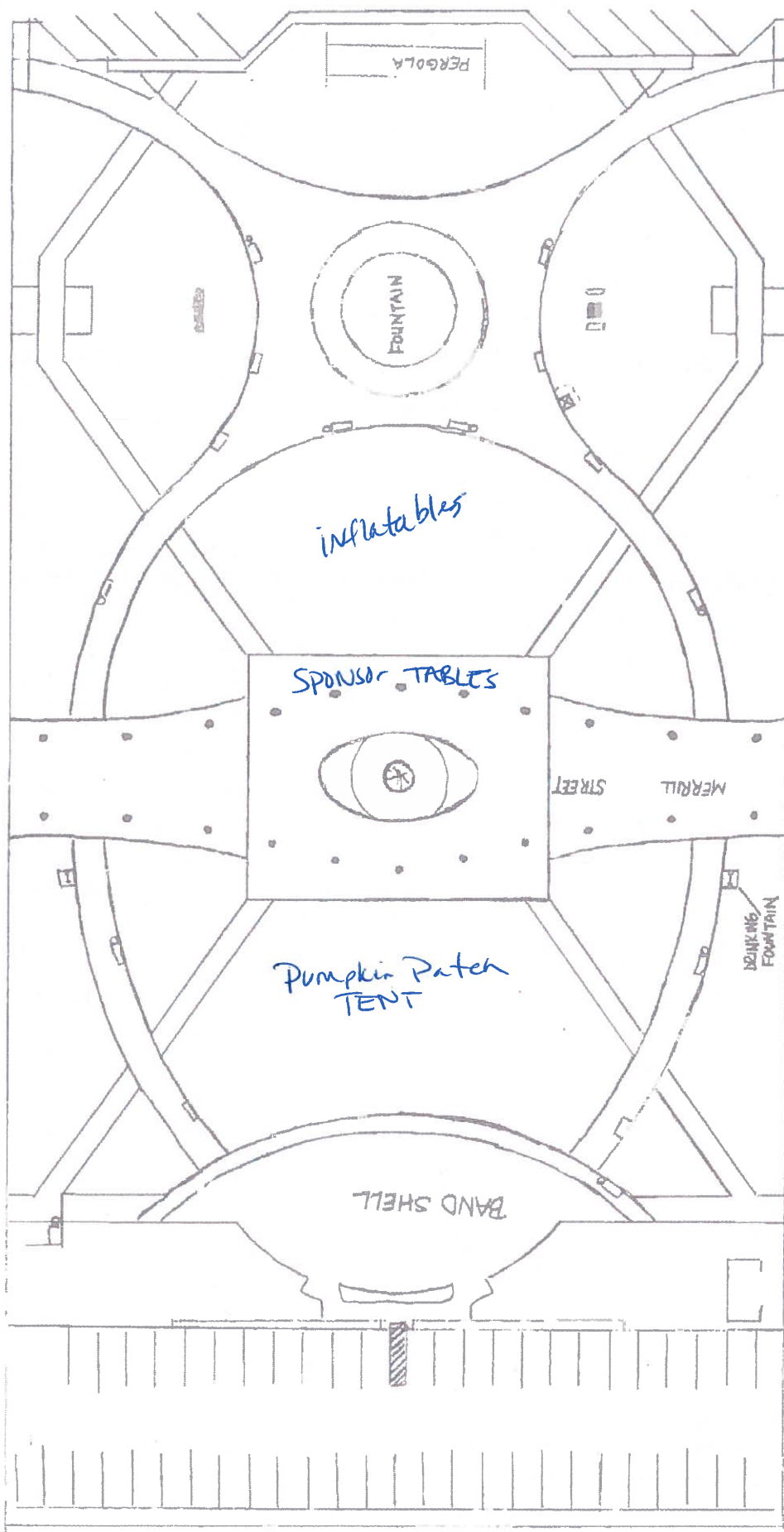


## 2019 Halloween Parade Route Sunday, October 27, 2019

Begin at corner of Martin and Bates and travel North on Bates to Maple. East on Maple to S. Old Woodward, right on Merrillwood to Merrill, right on Pierce, left on Martin and will end at the corner of Bates and Martin.

**BIRMINGHAM**  
The Shopping District





MARTIN STREET

MERRILL STREET

HENRIETTA STREET

DRINKING FOUNTAIN



BIRMBLO-01

KMCCANN

## CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

7/12/2019

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

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

<b>PRODUCER</b> Emerson-Prew 30600 Telegraph Road Suite 3110 Bingham Farms, MI 48025	<b>CONTACT NAME:</b> Shari Hornyak	
	<b>PHONE (A/C, No, Ext):</b> (248) 203-1817 <b>FAX (A/C, No):</b>	
	<b>E-MAIL ADDRESS:</b> shornyak@epi-ins.com	
	<b>INSURER(S) AFFORDING COVERAGE</b>	<b>NAIC #</b>
	<b>INSURER A:</b> West Bend Mutual Insurance Company	15350
	<b>INSURER B:</b> Accident Fund Insurance Company of America	10166
	<b>INSURER C:</b>	
	<b>INSURER D:</b>	
	<b>INSURER E:</b>	
	<b>INSURER F:</b>	

**INSURED**  
  
Birmingham Bloomfield Chamber of Commerce  
725 S. Adams, Suite 130  
Birmingham, MI 48009

## COVERAGES

## CERTIFICATE NUMBER:

## REVISION NUMBER:

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

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	X		A04349106	6/29/2019	6/29/2020	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 200,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
A	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY			A04349106	6/29/2019	6/29/2020	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input checked="" type="checkbox"/> RETENTION \$ 0			A04349106	6/29/2019	6/29/2020	EACH OCCURRENCE \$ 1,000,000 AGGREGATE \$ 1,000,000
B	<input checked="" type="checkbox"/> WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y / N If yes, describe under DESCRIPTION OF OPERATIONS below		N / A	WCV8011508	6/29/2019	6/29/2020	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 500,000 E.L. DISEASE - EA EMPLOYEE \$ 500,000 E.L. DISEASE - POLICY LIMIT \$ 500,000

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

The City of Birmingham Including all Elected and Appointed Officials; All Employees & Volunteers; Board Members; Employees & Volunteers are Named as Additional Insured. This Coverage Shall be Primary and Non-Contributory.

Event: Annual Halloween Parade to take place on October 27, 2019.

## CERTIFICATE HOLDER

## CANCELLATION

City of Birmingham  
151 Martin St.  
P. O. Box 3001  
Birmingham, MI 48009

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

AUTHORIZED REPRESENTATIVE

*Shari Hornyak*

## DEPARTMENT APPROVALS

EVENT NAME HALLOWEEN PARADE & PARTY

LICENSE NUMBER #19-00011581

COMMISSION HEARING DATE: AUGUST 5, 2019

NOTE TO STAFF: Please submit approval by **JULY 30, 2019**

DATE OF EVENT: OCTOBER 27, 2019

DEPARTMENT	APPROVED	COMMENTS	PERMITS REQUIRED (Must be obtained directly from individual departments)	ESTIMATED COSTS (Must be paid two weeks prior to the event. License will not be issued if unpaid.)	ACTUAL COSTS (Event will be invoiced by the Clerk's office after the event)
<b>PLANNING</b> <b>101-000.000-634.0005</b> 248.530.1855	TBC	No Cost No Comment			
<b>BUILDING</b> <b>101-000.000.634.0005</b> 248.530.1850	MJM	Tent requires a permit. Tent must be weighted down.	Tent permit	\$166.11	
<b>FIRE</b> <b>101-000.000-634.0004</b> 248.530.1900	JMC	<ol style="list-style-type: none"><li>1. No Smoking in any tents or canopy. Signs to be posted.</li><li>2. All tents and Canopies must be flame resistant with certificate on site.</li><li>3. No open flame or devices emitting flame, fire or heat in any tents. Cooking devices shall not be permitted within 20 feet of the tents.</li><li>4. Tents and Canopies must be properly anchored for the weather conditions, no stakes allowed.</li></ol>		\$45	

- |  |  |  |  |  |  |
|--|--|--|--|--|--|
|  |  | <ol style="list-style-type: none"><li>5. Clear Fire Department access of 12 foot aisles must be maintained, no tents, canopies or other obstructions in the access aisle unless approved by the Fire Marshal.</li><li>6. Pre-event site inspection required.</li><li>7. A prescheduled inspection is required for food vendors through the Bldg. dept. prior to opening.</li><li>8. All food vendors are required to have an approved 5lbs. multi-purpose (ABC) fire extinguisher on site and accessible.</li><li>9. Cords, hoses, etc. shall be matted to prevent trip hazards.</li><li>10. Exits must be clearly marked in tents/structures with an occupant load over 50 people.</li><li>11. Paramedics will respond from the fire station as needed. Dial 911 for fire/rescue/medical emergencies.</li><li>12. A permit is required for Fire hydrant usage.</li><li>13. Do Not obstruct fire hydrants or fire sprinkler connections on buildings.</li><li>14. Provide protective barriers between hot surfaces and the public.</li><li>15. All cooking hood systems that capture grease laden vapors must have an approved suppression system and a K fire</li></ol> |  |  |  |
|--|--|--|--|--|--|

		<p>extinguisher in addition to the ABC Extinguisher.</p> <p>16. Suppression systems shall be inspected, tested, and properly tagged prior to the event. All Sprinkler heads shall be of the 155 degree Quick Response type unless serving an area of high heat and approved by the Fire Marshal. The suppression system shall have a continuous water supply as well as a secondary back up supply. Activation of the suppression system will shut down the ride and cause illumination of the exits.</p>			
<b>POLICE</b> <b>101-000.000.634.0003</b> 248.530.1870	SG	Personnel and Barricades		\$0	\$0
<b>PUBLIC SERVICES</b> <b>101-000.000-634.0002</b> 248.530.1642	CL	<b>2 Dumpsters estimated. Trash handling fee also included.</b> Includes delivery of barricades and picnic tables. Additional costs could occur for trash pick up.		\$1300	
<b>ENGINEERING</b> <b>101-000.000.634.0002</b> 248.530.1839	A.F.	No damage to any pavement allowed for tents, inflatables, stages, etc... Maintain 5' clear pedestrian access route on all sidewalks	None	\$0	\$0
<b>SP+ PARKING</b>					

<b>INSURANCE</b> 248.530.1807	CA	APPROVED	NONE	\$0	\$0
<b>CLERK</b> <b>101-000.000-614.0000</b> 248.530.1803		Notification letters mailed by applicant on 7/18/19. Notification addresses on file in the Clerk's Office. Evidence of required insurance must be on file with the Clerk's Office no later than (submitted).	Applications for vendors license must be submitted no later than 7/20/19.	\$165 PD	
				<b>TOTAL DEPOSIT REQUIRED</b>  <b>\$1,511.11</b>	<b>ACTUAL COST</b>

**FOR CLERK'S OFFICE USE**

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

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

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





## MEMORANDUM

Clerk's Office

**DATE:** July 30, 2019  
**TO:** Joseph A. Valentine, City Manager  
**FROM:** J. Cherilynn Mynsberge, City Clerk  
**SUBJECT:** Veterans Day Wreath Laying Ceremony

### INTRODUCTION:

Piety Hill Chapter, NSDAR has submitted a Special Event application to hold the Veterans Day Wreath Laying Ceremony in Shain Park November 11<sup>th</sup>, 2019. Set-up for the event is scheduled for November 11<sup>th</sup> beginning at 10:00 am. The event begins at 11:00 am and concludes at 12:00 PM. Tear-down is scheduled for 12:00-1:00 PM.

### BACKGROUND:

Prior to application submission the Police Department reviewed the proposed event details for street closures and the need for safety personnel and approved the details. DPS, Planning, Building, Police, Fire, and Engineering have indicated their approval. SP+ Parking has been notified of the event for planning purposes.

There are no known events in Shain Park in November with the exception of the arrival of Santa on Saturday, November 30<sup>th</sup>.

### LEGAL REVIEW:

n/a

### FISCAL IMPACT:

n/a

### SUMMARY

The City Commission is being asked to approve the Veterans Day Wreath Laying Ceremony to be held November 11<sup>th</sup>, 2019 from 12:00 – 1:00 PM, with set-up to begin at 11:00 AM. Tear-down will begin at the conclusion of the event and is scheduled to end at 1:00 PM.

### ATTACHMENTS:

1. Special Event application
2. Notification letter with map of event area distributed to residents/businesses within 300 feet of the event area on July 22, 2019. Notification addresses are on file in the Clerk's Office
3. Hold Harmless Agreement and Certificate of Insurance (city event)

4. Department Approval page with comments and estimated costs

**SUGGESTED RESOLUTION:**

To approve a special event permit as requested by Piety Hill Chapter, NSDAR to hold the Veterans Day Wreath Laying Ceremony in Shain Park November 11, 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.

19-00011571

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

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

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

**I. EVENT DETAILS**

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

**FEES:**                      **FIRST TIME EVENT:**                      **\$200.00**  
                                 **ANNUAL APPLICATION FEE:**                      **\$165.00**

(Please print clearly or type)

Date of Application June 12, 2019

Name of Event VETERANS DAY WREATH LAYING CEREMONY

Detailed Description of Event (attach additional sheet if necessary) VETERANS DAY  
WREATH LAYING AT BOTH MONUMENTS IN  
SHAIN PARK; FLAG CEREMONY

Location SHAIN PARK

Date(s) of Event NOV 11, 2019 Hours of Event 11:00 - 12:00

Date(s) of Set-up NOV 11, 2019 Hours of Set-up 10:00 - 11:00

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

Date(s) of Tear-down NOV 11 2019 Hours of Tear-down 12:00 - 1:00

Organization Sponsoring Event PIETY HILL CHAPTER, NSDAR

Organization Address 1392 Odar Drive, Birmingham

Organization Phone 248-505-5306

Contact Person Deborah Harrington

Contact Phone 248-505-5306

Contact Email deborah.harrington@gmail.com



151 Martin Street, P.O. Box 3001  
Birmingham, MI 48012  
248/530-1880 PHONE  
248/530-1080 FAX

## APPLICATION FOR SPECIAL EVENT PERMIT PARKS AND PUBLIC SPACES

- I. EVENT DETAILS
- II. EVENT INFORMATION
- III. EVENT LAYOUT
- IV. SAMPLE LETTER TO NOTIFY AFFECTED PROPERTY OWNERS/BUSINESSES WITHIN 300 FEET OF EVENT LOCATION
- V. INSURANCE INFORMATION
  - INSURANCE REQUIREMENTS
  - HOLD HARMLESS AGREEMENT
- VI. POLICIES AND PROCEDURES
- VII. CHECKLIST
- VIII. SAMPLE MAPS
- IX. DEPARTMENTAL APPROVAL PAGE


### TIME LINE AS REQUIRED BY COMMISSION ADOPTED POLICY

TIME	REQUIREMENT
At least 90 days prior to event	<ul style="list-style-type: none"><li>• Events utilizing City sidewalks and/or streets must meet with the Police Department Special Events officer prior to submitting this application.</li><li>• Application and attachments must be submitted</li></ul>
At least two (2) weeks prior to Commission hearing	<ul style="list-style-type: none"><li>• Letters mailed to affected property owners/businesses within 300 feet of event area</li><li>• Copy of letter and distribution list provided to Clerk</li></ul>
Three (3) weeks prior to the event	<ul style="list-style-type: none"><li>• Final additions/changes must be submitted for approval.</li></ul>
Two (2) weeks prior to event	<ul style="list-style-type: none"><li>• All building, electrical, sign, and hydrant permits must be obtained</li><li>• All permit fees must be paid and insurance certificates must be submitted and approved</li><li>• All peddler/vendors applications must be submitted for approval</li></ul>

## II. EVENT INFORMATION

1. Organization Type NON-PROFIT COMMUNITY GROUP  
(city, non-profit, community group, etc.)
2. Additional Sponsors or Participants (Provide name, address, contact person, status, etc. for all additional organizations sponsoring your event. ) \_\_\_\_\_  
CITY OF BIRMINGHAM
3. Is the event a fundraiser? YES ☐ NO ☒  
List beneficiary \_\_\_\_\_  
List expected income \_\_\_\_\_  
Attach information about the beneficiary.
4. First time event in Birmingham? YES ☐ NO ☒  
If no, describe 13th ANNUAL
5. Total number of people expected to attend per day APPROX 100
6. The event will be held on the following City property: (Please list)  
☐ Street(s) \_\_\_\_\_  
☐ Sidewalk(s) \_\_\_\_\_  
☒ Park(s) SHAIN PARK
7. Will street closures be required? YES ☐ NO ☒  
**(Police Department acknowledgement prior to submission of application is required) (initial here)** [Signature]
8. What parking arrangements will be necessary to accommodate attendance? NONE



9. Will staff be provided to assist with safety, security and maintenance? YES ☒ NO ☐  
**If yes, please provide number of staff to be provided and any specialized training received.**  
Describe PIETY HILL BOARD MEMBERS
10. Will the event require safety personnel (police, fire, paramedics)? YES ☒ NO ☐  
**(Police Department acknowledgement prior to submission of application is required.) (initial here)**   
Describe POLICE OFFICERS WILL ASSIST IN PLACING WREATHS
11. Will alcoholic beverages be served? YES ☐ NO ☒  
If yes, additional approval by the City Commission is required, as well as the Michigan Liquor Control Commission.
12. Will music be provided? YES ☒ NO ☐  
☒ Live ☐ Amplification ☐ Recorded ☐ Loudspeakers  
Time music will begin 11<sup>00</sup> BAGPIPES, BUGLE  
Time music will end 12<sup>00</sup>  
Location of live band, DJ, loudspeakers, equipment must be shown on the layout map.
13. Will there be signage in the area of the event? YES ☐ NO ☒  
Number of signs/banners \_\_\_\_\_  
Size of signs/banners \_\_\_\_\_  
Submit a photo/drawing of the sign(s). **A sign permit is required.**
14. Will food/beverages/merchandise be sold? YES ☐ NO ☒
  - Peddler/vendor permits must be submitted to the Clerk's Office, **at least two weeks prior to the event.**
  - You must obtain approval from the Oakland County Health Department for all food/beverage sales/donations. Contact [ehclerk@oakgov.com](mailto:ehclerk@oakgov.com) or 248-535-9612 to obtain Health Department approval.
  - There is a \$50.00 application fee for all vendors and peddlers, in addition to the \$10.00 daily fee, per location.

# LIST OF VENDORS/PEDDLERS

(attach additional sheet if necessary)

VENDOR NAME	GOODS TO BE SOLD	WATER HOOK-UP REQUIRED?	ELECTRIC REQUIRED?

### III. EVENT LAYOUT

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

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

EQUIPMENT	QUANTITY	COST	NOTES
Picnic Tables	0	6 for \$500.00	A request for more than six tables will be evaluated based on availability.
Trash Receptacles	0	\$6.00 each includes 1 bag. For additional bags, the cost is \$32/per case.	Trash box placement and removal of trash is the responsibility of the event. Additional cost could occur if DPS is to perform this work.
Dumpsters	0	\$350.00/per dumpster per day.	Includes emptying the dumpster one time per day. The City may determine the need for additional dumpsters based on event requirements.
Utilities (electric)	0 # of vendors requiring utilities	Varies	Charges according to final requirements of event.
Water/Fire Hydrant	0	\$224.75/per hydrant. Includes the use of 5,000 gallons of water. Any additional water usage will be billed.	Applicant must supply their own means of disposal for all sanitary waste water. Waste water is NOT allowed to be poured into the street or on the grass.
Audio System	YES	\$200.00 per day	Must meet with City representative.
Meter Bags / Traffic Cones / Barricades	# to be determined by the Police Department.		

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

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

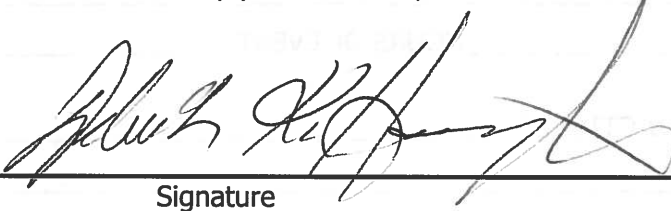
**SIGNATURE OF APPLICANT REQUIRED**

EVENT NAME VETERANS DAY WREATH LAYING

EVENT DATE 11-11-19

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

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

 6/24/19  
Signature Date

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

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

**Piety Hill Chapter**  
*The National Society Daughters of the American Revolution*  
PO Box 285 Birmingham, MI 48012-0285

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**SPECIAL EVENT REQUEST NOTIFICATION LETTER**

DATE: July 15, 2019  
TO: Residential Property or Business Owner

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

**EVENT INFORMATION**

NAME OF EVENT: Veterans Day Wreath Laying

LOCATION: Shain Park

DATE(S) OF EVENT November 11, 2019      HOURS OF EVENT 11:00 am – 12:00 Noon

BRIEF DESCRIPTION OF EVENT/ACTIVITY: Veterans Day Ceremony with wreath laying by Piety Hill Chapter NSDAR (National Society Daughters of the American Revolution), bagpipes and bugle.

DATE(S) OF SET-UP Nov 11, 2019      HOURS OF SET-UP 10:00 – 11:00 am

DATE(S) OF TEAR-DOWN Nov 11, 2019      HOURS OF TEAR-DOWN 12:00 – 1:00 pm

DATE OF CITY COMMISSION MEETING: August 5, 2019

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

EVENT ORGANIZER: Deborah Harrington  
ADDRESS: 1392 Cedar Drive Birmingham  
PHONE: 248-505-5306

**FOR QUESTIONS ON DAY OF EVENT, CONTACT: Deborah Harrington 248-505-5306**

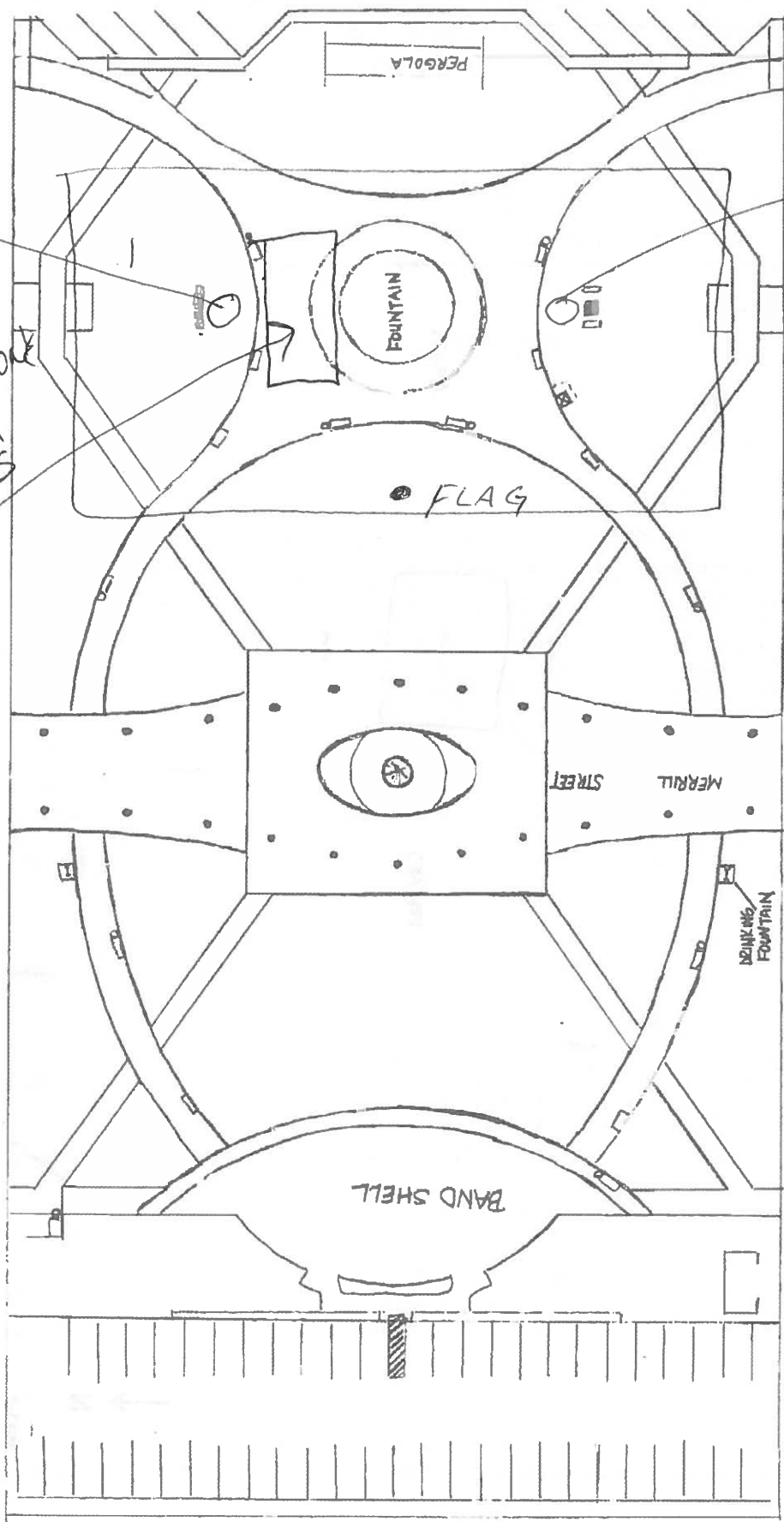
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**A map showing street closures must be attached.** (N/A)

WREATH

MICROPHONE  
PODIUM  
CHAIRS

WREATH



MARTIN STREET

MERRILL STREET

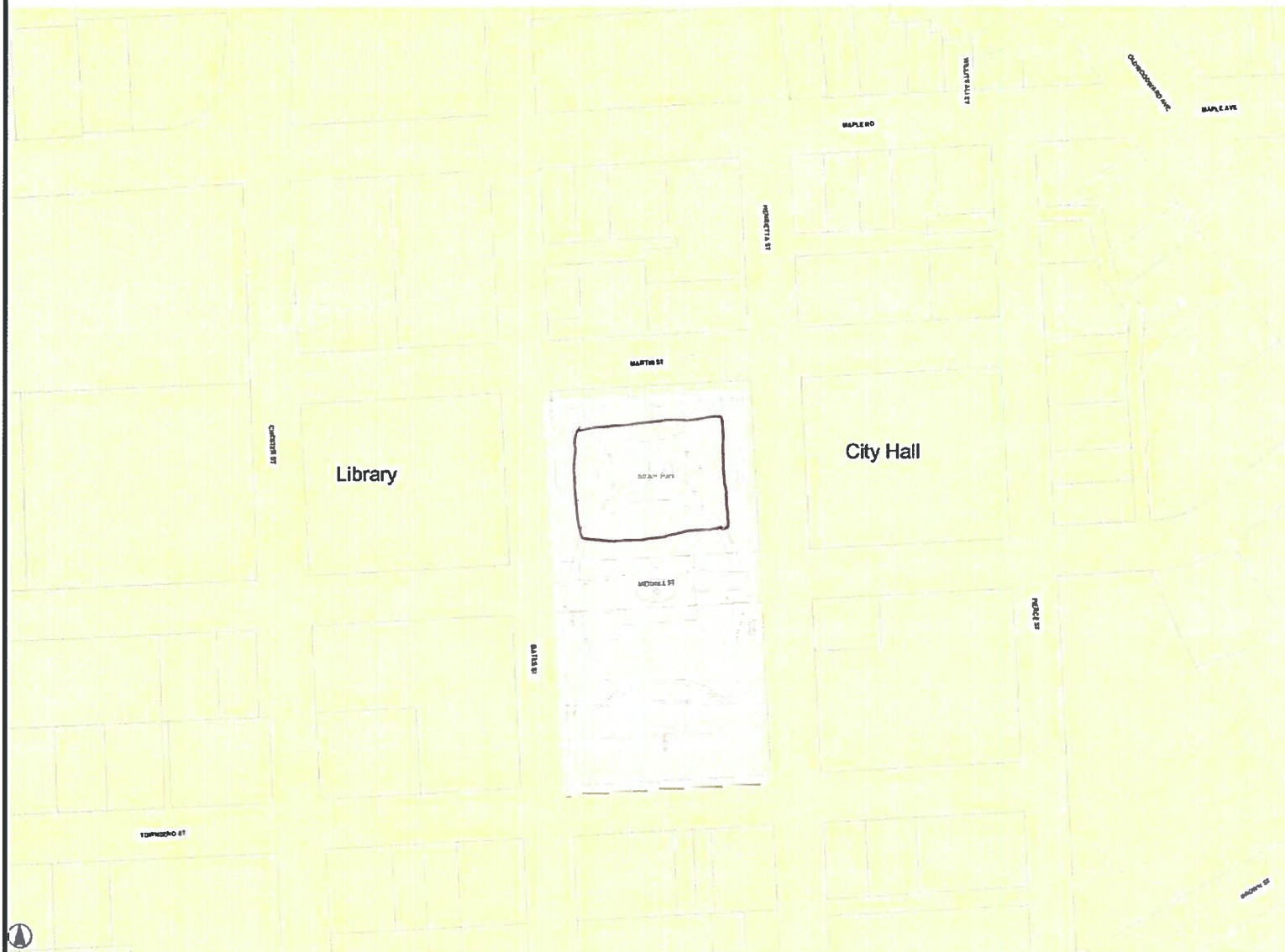
DRINKING FOUNTAIN

HENRIETTA STREET

TOWNSEND STREET



# Birmingham Map



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



## DISCLAIMER

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## DEPARTMENT APPROVALS

EVENT NAME 2019 Veterans Day Wreath Laying ceremony

LICENSE NUMBER #19-00011571

COMMISSION HEARING DATE: 8/5/19

NOTE TO STAFF: Please submit approval by **7/1/19**

DATE OF EVENT: 11/11/19

DEPARTMENT	APPROVED	COMMENTS	PERMITS REQUIRED (Must be obtained directly from individual departments)	ESTIMATED COSTS (Must be paid two weeks prior to the event. License will not be issued if unpaid.)	ACTUAL COSTS (Event will be invoiced by the Clerk's office after the event)
<b>PLANNING</b> <b>101-000.000-634.0005</b> 248.530.1855		No involvement			
<b>BUILDING</b> <b>101-000.000.634.0005</b> 248.530.1850	MJM	No building department involvement		\$0	
<b>FIRE</b> <b>101-000.000-634.0004</b> 248.530.1900	JMC			\$0	
<b>POLICE</b> <b>101-000.000.634.0003</b> 248.530.1870	SG	On duty personnel to attend.		\$0	\$0
<b>PUBLIC SERVICES</b> <b>101-000.000-634.0002</b> 248.530.1642	CL	1-Portable Audio System 1-Podium 30-folding chairs (chairs placed in Shain Park) Chairs and all flags placed around site. Large flag pole available to post colors with flags.		\$0	

<b>ENGINEERING</b> <b>101-000.000.634.0002</b> 248.530.1839		No involvement			
<b>SP+ PARKING</b>					
<b>INSURANCE</b> 248.530.1807	CA	City event	None	\$0	\$0
<b>CLERK</b> <b>101-000.000-614.0000</b> 248.530.1803		Notification letters mailed by applicant on 7/22/19. Notification addresses on file in the Clerk's Office. Evidence of required insurance must be on file with the Clerk's Office no later than (city event).	Applications for vendors license must be submitted no later than N/A	\$0 (city event)	
				<b>TOTAL DEPOSIT REQUIRED</b>  <b>\$0</b>	<b>ACTUAL COST</b>

**FOR CLERK'S OFFICE USE**

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

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

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



## MEMORANDUM

Police Department

**DATE:** July 17, 2019

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

**FROM:** Mark H. Clemence, Chief of Police

**SUBJECT:** Traffic Signal Modernization – Derby and Adams Intersection

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### INTRODUCTION:

The Road Commission for Oakland County (RCOC) has identified several intersections throughout the city where traffic signals are in need of modernization. These upgrades vary by location and may include the purchase of LED traffic signals, LED pedestrian countdown signals, controllers, cabinets, updated electrical and new poles. This list is updated annually by the traffic safety division of RCOC.

### BACKGROUND:

We have received correspondence from RCOC that the traffic signal located at Derby and Adams is in need of replacement due to age and condition. The existing signal does not have LEDs, the heads are only 8 inch instead of 12 inch and the current design is diagonal span. The new box span design standard provides for better visibility to drivers and facilitates maintenance for RCOC work crews. This traffic adapted signal upgrade will include new controllers and cabinet, installation of new LED traffic signals, LED pedestrian countdown signals and new electrical wiring and poles. This traffic signal modernization will also include the installation of back plates with reflective tape around the traffic signals to provide greater visibility for motorists (particularly during nighttime hours).

### LEGAL REVIEW:

The city attorney reviewed the agenda report and concurred with the purchase plan.

### FISCAL IMPACT:

Funding in the amount of \$129,270 was budgeted and approved in the 2019-20 Major Streets traffic control machinery and equipment account to provide for this signal upgrade. The amount of funding requested for this project was based upon an estimate in the amount of \$129,271.32 received from RCOC in November 2018. A revised cost estimate in the amount of \$143,226.23 was received from RCOC on July 9, 2019. The price escalation of \$13,954.91 (10.79%) was due to tariff related materials cost increases for the signals, back plates, controllers, cabinets, metal cables and steel pole. Labor costs and administrative overhead did not increase on the revised estimate.

This cost estimate was reviewed by our traffic engineering consultant, Julie M. Kroll, P.E., P.T.O.E, Senior Project Manager of Fleis & VandenBrink. Ms. Kroll concludes that the RCOC estimate is consistent with current costs to do this type of work. Furthermore, if the city were to bid this

project, design work and preparation of a bid package would result in additional costs. The police department recommends waiving competitive bidding requirements for this project and awarding the Derby / Adams traffic signal modernization purchase to RCOC. An amendment to the 2019-20 Major Streets budget will be required due to the increased costs for completion of this project.

**SUMMARY:**

An agreement for traffic control device is not required for this project as this signal is owned by the City of Birmingham and maintained by RCOC. The Oakland County Board of Commissioners requires traffic signal modernization and maintenance agreements for county owned or jurisdictionally shared traffic control devices. RCOC has provided traffic signal removal and installation plans and drawings for the work to be completed at this intersection.

**ATTACHMENT:**

1. Road Commission for Oakland County cost estimate

**SUGGESTED RESOLUTION:**

To approve the purchase of a traffic signal modernization for the intersection of Derby and Adams from the Road Commission for Oakland County in the amount of \$143,226.23; further to waive normal bidding requirements and to authorize this expenditure from account number 202-303.001-971.0100; and further to approve the appropriation and amendment to the 2019-20 Major Street Fund as follows:

Major Street Fund

Revenues:

Draw from Fund Balance:

202-000.000-400.0000

\$13,960

Total Revenue

\$13,960

Expenditures:

Traffic Controls-Police

202-303.001-971.0100 (Machinery & Equipment)

\$13,960

Total Expenditures

\$13,960

ROAD COMMISSION FOR OAKLAND COUNTY COST ESTIMATE FOR TRAFFIC SIGNAL MODERNIZATION AT ADAMS ROAD AND DERBY ROAD				
ESTIMATED BY: D. Deneau		DATE: July 9, 2019		
MATERIALS:	QTY.	UNIT	UNIT PRICE	TOTAL
TRAFFIC SIGNALS (LED):				
1W-3C-SA 12"	8	EACH	\$500.00	\$4,000.00
Backplate w/Reflectorized Striping	8	EACH	\$175.00	\$1,400.00
PEDESTRIAN SIGNALS (LED):				
2W-1C-BA 12" BI-MODAL (Countdown)	4	EACH	\$700.00	\$2,800.00
CASE SIGNS:				
2-WAY 24"X30" (Non-Illuminated)	4	EACH	\$925.00	\$3,700.00
CONTROLLERS & EQUIPMENT:				
CONTROLLER w/ M Cabinet	1	EACH	\$12,500.00	\$12,500.00
60 AMP SAFETY SWITCH (Stainless Steel)	1	EACH	\$475.00	\$475.00
GPS CLOCK	1	EACH	\$325.00	\$325.00
CABLE:				
7/C#14	2000	FEET	\$0.55	\$1,100.00
2/C#4	200	FEET	\$2.70	\$540.00
5/16" MESSENGER	1000	FEET	\$0.36	\$360.00
POLES:				
30' ANCHOR BASE STEEL POLE (w/Bolts)	4	EACH	\$5,854.00	\$23,416.00
MISCELLANEOUS MATERIALS				\$1,000.00
SUBTOTAL:				\$51,616.00
MATERIAL HANDLING:			10%	\$5,161.60
TOTAL MATERIALS:				<b>\$56,777.60</b>
LABOR:	#MEN	#HRS	RATE	TOTAL
ELECTRICIANS	2	120	\$28.00	\$6,720.00
LABORERS	2	16	\$23.00	\$736.00
INSPECTION	1	40	\$26.00	\$1,040.00
ENGINEERING & SUPERVISION				\$750.00
DESIGN				\$3,000.00
SUBTOTAL:				\$12,246.00
FRINGE BENEFITS:			136%	\$16,654.56
TOTAL LABOR:				<b>\$28,900.56</b>
EQUIPMENT RENTAL:		#HRS	RATE	TOTAL
BOOM TRUCK		100	\$45.00	\$4,500.00
VAN		40	\$12.00	\$480.00
AUGER TRUCK		16	\$45.00	\$720.00
TOTAL EQUIPMENT RENTAL:				<b>\$5,700.00</b>
CONTRACTOR WORK:				\$30,000.00
SUBTOTAL:				<b>\$121,378.16</b>
ADMINISTRATIVE OVERHEAD:			18%	\$21,848.07
TOTAL ESTIMATED COST:				<b>\$143,226.23</b>



## MEMORANDUM

Engineering Dept.  
Planning Dept.  
Police Dept.

**DATE:** July 26, 2019

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

**FROM:** Jana Ecker, Planning Director  
Scott Grewe, Police Commander  
Paul O'Meara, City Engineer

**SUBJECT:** Pedestrian Improvements at Maple Rd. & Southfield Rd.

### INTRODUCTION:

The City has received a federal grant to use safety funding for the relocation of the Maple Rd. and Southfield Rd. intersection. The project is currently in design for construction in 2020, as a part of the larger Maple Rd. corridor reconstruction planned for the Central Business District.

As has been discussed previously, pedestrians have expressed concerns about the current safety conditions of attempting to cross Maple Rd. at this intersection. Recently received comments caused staff to ask our traffic engineering consultant to review the current conditions, and identify any simple, short term improvements that can be made while we await the major changes planned for next year.

### BACKGROUND:

In response to our request, F&V prepared a report which was discussed with the Multi-Modal Transportation Board (MMTB) at their meeting of June 6, 2019. The following short term improvements were offered for consideration:

- Modify the timing of the traffic signal to provide a 4-second LPI (Leading Pedestrian Interval) for the north/south crosswalk on the east leg of the intersection. The LPI would provide a 4-second period each cycle where all vehicles would be stopped to allow time for pedestrians to get out into the intersection before vehicles start moving, allowing them to have the right-of-way. The additional four seconds would be provided at a time so as to not impact the current Level of Service for vehicles.
- Replace the current sign for the northbound right turn lane with a higher visibility sign stating "WATCH FOR PEDESTRIANS WHILE TURNING." The sign would have a fluorescent green background to command more attention than the current sign does. A picture of what the sign would look like is included in this report.

The MMTB reviewed these suggestions, and passed a recommendation to the City Commission endorsing them both.

**LEGAL REVIEW:**

No legal review is needed at this time.

**FISCAL IMPACT:**

The cost of these improvements, both in staff and consultant time, as well as for the purchase of the sign, are estimated at less than \$500.

**SUMMARY**

It is recommended that the City Commission endorse the recommendations of the MMTB relative to short term modifications to the Maple Rd. & Southfield Rd. intersection, implementing the addition of an LPI for pedestrians crossing Maple Rd., and for the replacement of a more effective sign for northbound right turn lane traffic stating "TURNING VEHICLES YIELD TO PEDS."

**ATTACHMENTS:**

- Cover memo for the MMTB meeting of June 6, 2019
- Emails regarding the Maple Rd. & Southfield Rd. intersection.
- Photograph depicting the proposed sign for northbound right turning traffic.
- Draft minutes of the MMTB meeting of June 6, 2019.

**SUGGESTED RESOLUTION:**

To endorse the recommendations of the MMTB relative to proposed pedestrian improvements at the Maple Rd. & Southfield Rd. intersection, as follows:

1. Modification of the traffic signal timing to add a 4-second LPI for those using the north/south crosswalk located on the east leg of the intersection.
2. Installation of an R10-15(R) sign stating TURNING VEHICLES YIELD TO PEDS sign for the northbound right turn lane.



## MEMORANDUM

Engineering Dept.  
Planning Dept.  
Police Dept.

**DATE:** May 30, 2019

**TO:** Multi-Modal Transportation Board

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

**SUBJECT:** Pedestrian Improvements at Maple Rd. & Southfield Rd.

The City has received a grant to relocate the south leg of the above intersection. The federal funding was authorized due to the expected safety benefits that the work would provide. The intersection is now being designed for bidding as a part of the larger Maple Rd. Paving Project planned for construction in the spring of 2020.

In the interim, the City has received another complaint about the bad conditions that currently exist for pedestrians at this intersection, particularly for those attempting to cross Maple Rd. Based on the comments (attached), we asked F&V to consider any low cost improvements that could be made while we await to reconstruct this area. Two low cost ideas were provided:

- Modify the timing of the traffic signal to provide a 4 second LPI for the north/south crosswalk on the east leg of the intersection. The LPI would provide a 4 second period each cycle where all vehicles would be stopped to allow time for pedestrians to get out into the intersection before vehicles start moving, allowing them to have the right-of-way. The additional four seconds would be provided at a time so as to not impact the Level of Service.
- Replace the current sign for the northbound right turn lane with a higher visibility sign stating "WATCH FOR PEDESTRIANS WHILE TURNING." The sign would have a fluorescent green background to command more attention than the current sign does.

Staff endorses these changes as being simple ways to make an effort to improve the current conditions until the road can be reconstructed less than a year from now. A suggested resolution is provided below.

### SUGGESTED RECOMMENDATION:

To recommend to the City Commission the following improvements at the Maple Rd. and Southfield Rd. intersection, as an interim measure to improve pedestrian safety prior to the reconstruction of the intersection in 2020:

1. Modification of the traffic signal timing to add a 4 second LPI for those using the north/south crosswalk located on the east leg of the intersection.

2. Installation of an R10-15(R) sign stating TURNING VEHICLES YIELD TO PEDS sign for the northbound right turn lane.



Paul O'Meara <pomeara@bhamgov.org>

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## RE: Pedestrian Safety

3 messages

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**Julie M. Kroll** <jkroll@fveng.com>  
To: Paul O'Meara <pomeara@bhamgov.org>  
Cc: Austin Fletcher <afletcher@bhamgov.org>

Fri, May 3, 2019 at 12:09 PM

Paul,

We have reviewed the intersection signing and operations and there are few items that could be implemented at low cost to improve safety in the interim before the intersection reconfiguration is completed.

1. Add a 4 sec LPI for N/S crosswalk (east leg of intersection)
  - This would be the "pedestrian override" that would provide an all red for 4 sec to allow peds to enter the intersection.
  - An LPI of 4 secs will not impact the LOS at the intersection. The 4 secs would be applied to Southfield traffic and the splits on Maple Road would not change.
  
2. Replace existing "Watch for Pedestrians While Turning" sign with a R10-15 " (Right) Turning Vehicles Yield to Peds" -See attached exhibit.
  - This sign has high visibility sheeting and may help make drivers more aware of pedestrian crossing.

Both of these options are very low cost, but will help improve the pedestrian safety without impacting the intersection operations.

Please let me know if you need anything additional regarding this request.

Thanks,

Julie

**Julie M. Kroll, PE, PTOE**

Sr. Project Manager | Associate

**FLEIS & VANDENBRINK**

27725 Stansbury Blvd., Suite 195 | Farmington Hills | MI | 48334

O: 248.536.0080 | D: 248.536.1998 | C: 248.342.5786 | F: 248.536.0079

[www.fveng.com](http://www.fveng.com)

**From:** Paul O'Meara <[Pomeara@bhamgov.org](mailto:Pomeara@bhamgov.org)>  
**Sent:** Thursday, April 25, 2019 5:03 PM  
**To:** Julie M. Kroll <[jkroll@fveng.com](mailto:jkroll@fveng.com)>  
**Cc:** Austin Fletcher <[afletcher@bhamgov.org](mailto:afletcher@bhamgov.org)>  
**Subject:** Fwd: Pedestrian Safety

Please review the conversation below, and lets discuss next week off line when we are meeting with the MMTB. Thanks.

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

From: **Joe Valentine** <[Jvalentine@bhamgov.org](mailto:Jvalentine@bhamgov.org)>  
Date: Thu, Apr 25, 2019 at 4:57 PM  
Subject: Re: Pedestrian Safety  
To: DShare <[DShare@bsdd.com](mailto:DShare@bsdd.com)>  
Cc: Paul O'Meara <[Pomeara@bhamgov.org](mailto:Pomeara@bhamgov.org)>, Austin Fletcher <[afletcher@bhamgov.org](mailto:afletcher@bhamgov.org)>, Mark Clemence <[Mcmclence@bhamgov.org](mailto:Mcmclence@bhamgov.org)>

Dan,

Nice to hear from you and thank you for sharing your concerns regarding the Maple and Southfield intersection. This specific intersection has been reviewed extensively as part of the plans to reconstruction Maple Road next year. As you've suggested, the angle of the intersection will be changed to improve this condition as a result. Given the vehicles would technically have the right of way until you are in the crosswalk, I will pass along your suggestion regarding the signal override for right turns to our Engineering Department to see if this or other accommodations can be implemented in the interim.

Thanks again for sharing your experience and ideas for improvement of this intersection. Work is expected to begin next Spring for the physical improvements.

Should you have any further questions, please let me know.

Best regards,

Joe

On Tue, Apr 16, 2019 at 2:23 PM DShare <[DShare@bsdd.com](mailto:DShare@bsdd.com)> wrote:

Hi Joe. Twice in the last week I have had to cross Maple at Southfield, from the southeast corner where the traffic light is to the north side of the street in front of the Museum. On both occasions I was clearly in danger. The first time, last Saturday, I was unable to cross the first time the pedestrian crossing light went white. The line of cars came around the corner from Southfield onto eastbound



Maple so fast that had I stepped into the intersection I would have been hit. Either the turning cars didn't see me until they were already at the crosswalk and with a head of steam or they saw me but didn't care, perhaps thinking they have the right of way. I had to wait until halfway through the second traffic light cycle to cross. Then I was able to do so only because there were no more cars heading from northbound Southfield to eastbound Maple. The second time was this morning. Again, until all the traffic that wanted to head east had turned, I was unable to enter the street.

When I crossed back this morning from the north to the south side of Maple, I had no difficulty. I entered the crosswalk with the light. The eastbound cars stopped and let me pass. I realized that was because the angle of the intersection allows cars turning east on Maple to look directly at the crosswalk on the north side of Maple, but the same angle seems to prevent them from seeing the northbound pedestrians at the edge of the crosswalk until they are well into their turn and building up speed.

Can something be done about this? One thought that occurs to me is a pedestrian override of the right turn green arrow for the northbound Southfield cars.

As I am not sure who the correct person in your administration is to address this situation, I am sending it to you.

Thanks for any help you can give.

**BARRIS | SOTT | DENN | DRIKER | PLLC**

**Daniel M. Share**

[333 W. Fort St.](#)

Suite 1200

Detroit, MI 48226

Tel: (313) 965-9725

Fax: (313) 983-3324

Direct: (313) 596-9306

e-mail: [dshare@bsdd.com](mailto:dshare@bsdd.com)

Web: [www.bsdd.com](http://www.bsdd.com)

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--  
**Joseph A. Valentine**

City Manager

[City of Birmingham](#)

[151 Martin Street](#)

Birmingham, MI 48009

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[jvalentine@bhamgov.org](mailto:jvalentine@bhamgov.org)

Twitter: @JoeValentine151

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

--  
**Paul T. O'Meara**

City of Birmingham, MI

City Engineer

248-530-1836

[pomeara@bhamgov.org](mailto:pomeara@bhamgov.org)

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**Maple & Southfield.pdf**  
448K

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**Paul O'Meara** <Pomeara@bhamgov.org>  
To: Joe Valentine <Jvalentine@bhamgov.org>

Mon, May 6, 2019 at 10:33 AM

Cc: "Ecker, Jana" <Jecker@bhamgov.org>, "Grewe, Scott" <Sgrewe@bhamgov.org>, Austin Fletcher <aletcher@bhamgov.org>, Lauren Chapman <lchapman@bhamgov.org>

Joe -

I asked F&V to look at the Maple & Southfield intersection in response to the comments from Daniel Share about his concerns as a pedestrian. There are two minor tweaks that we can implement right now at low cost, as described below. We would generally go through the MMTB and City Commission to do this. However, since this intersection is being reconstructed starting next March, and we may be able to bring some benefit to the public quicker, we could just move forward and make these modifications now, unless you think it is best to go through normal channels.

[Quoted text hidden]



**Maple & Southfield.pdf**  
448K

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**Paul O'Meara** <Pomeara@bhamgov.org>  
To: "Julie M. Kroll" <jkroll@fveng.com>

Mon, May 6, 2019 at 10:34 AM

Thanks for these suggestions Julie. I have passed them on to Joe to see if we should move forward quickly, or discuss first with the board.

[Quoted text hidden]



R10-15



# **DRAFT**

**CITY OF BIRMINGHAM MULTI-MODAL  
TRANSPORTATION BOARD THURSDAY,  
June 6, 2019  
City Commission Room  
151 Martin Street, Birmingham, Michigan**

Minutes of the regular meeting of the City of Birmingham Multi-Modal Transportation Board held Thursday, June 6, 2019.

Vice-Chairwoman Lara Edwards convened the meeting at 6:03 p.m.

## **1. ROLL CALL**

**Present:** Vice-Chairwoman Lara Edwards; Board Members Amy Folberg, Katie Schafer (arrived at 6:09 p.m.), Doug White; Alternate Board Member Daniel Isaksen; Student Representatives Chris Capone, Bennett Pompei

**Absent:** Chairwoman Johanna Slanga; Board Members Daniel Rontal, Joe Zane

**Administration:** Jana Ecker, Planning Director  
Scott Grewe, Police Commander  
Paul O'Meara, City Engineer  
Austin Fletcher, Assistant City Engineer  
Laura Eichenhorn, Transcriptionist

**Fleis & Vanderbrink ("F&V"):**

Julie Kroll

## **2. Introductions (none)**

## **3. Review Agenda**

Maple Road and Southfield Pedestrian Improvements was heard before Willits / Oakland and N. Old Woodward – Pedestrian Improvements.

## **4. Approval of MMTB Minutes of May 2, 2019**

Austin Fletcher was present at the May 2, 2019 meeting and requested the minutes be updated to reflect his attendance.

**Motion by Mr. White**

**Seconded by Mr. Isaksen to approve the MMTB Minutes of May 2, 2019 as presented.**

**Motion carried, 4-0.**

VOICE VOTE

Yeas: White, Isaksen, Edwards, Folberg

Nays: None

## **5. Smith and Cummings Stop Sign Request**

Police Commander Scott Grewe presented the item.

Mr. Isaksen said the problem with the intersection is that there is a two-way stop at the intersection of two streets of similar character. He suggested that given the similar character of the streets, it is not always clear to a driver whether it is a two-way or four-way intersection. In those cases, a driver may think it is a four-way stop, and that may be what causes the accidents because the driver does not know to yield the right of way.

Mr. Isaksen suggested some possible remedies to the situation:

- The stop signs at the intersection could have "Cross Traffic Does Not Stop" added to the signage.
- The stop signs could be converted to yield signs, which could reduce the confusion regarding whether the intersection is a two-way or four-way stop.

Police Commander Grewe explained that the accident data from the last ten years of the intersection showed two accidents, both of which resulted from failure to yield.

Ms. Folberg said she drove around the intersection and noted that it was slightly challenging to see oncoming traffic due to the density of cars parked on the street. Acknowledging the infrequency of accidents at the intersection, Ms. Folberg said Mr. Long's assertion that there are many near misses still seemed plausible to her after viewing the conditions. As a result, Ms. Folberg said she would not be opposed to making the intersection a four-way stop. Opining that Mr. Isaksen's suggestion to convert the stop signs to yield signs could also be useful, Ms. Folberg stated that it would be prudent for the MMTB to recommend the intersection experience some change given the level of confusion the current signage seems to cause.

Planning Director Ecker said the "Cross Traffic Does Not Stop" suggestion could address the issue, given that similar signage has resulted in clearer intersections elsewhere in the City.

Vice-Chairwoman Edwards said her thoughts aligned with Mr. Isaksen's, and asked if it would be necessary to study whether yield signs were warranted.

Police Commander Grewe cautioned the Board that replacing the stop signs with yield signs may be perceived as reducing the level of traffic control at the intersection, which would likely not be well-received by the residents.

Ms. Folberg said "Cross Traffic Does Not Stop" would add the necessary clarity to the intersection.



**Motion Mr. Isaksen**

**Second Ms. Folberg to install "Cross Traffic Does Not Stop" signs on the stop signs at the intersection of Smith and Cummings.**

City Engineer O'Meara stated that when he sees signage like "Cross Traffic Does Not Stop", it often seems to indicate that there is something unique about the intersection. He asked Police Commander Grewe whether that is a correct interpretation for this intersection.

Police Commander Grewe said he was unsure about the specific implications of the signage, and asked Ms. Kroll whether she knew.

Ms. Kroll stated she would need to consult the MUTCD for a clearer answer.

Mr. Isaksen stated that he looked at the MUTCD for the signage, and that the signage was recommended when it could improve the functioning of the intersection. He explained that signage indicating the intersection was a two-way stop had fallen out of favor, even though signage indicating a four-way stop is often recommended. Because of this, Mr. Isaksen said "Cross Traffic Does Not Stop" remained the best solution.

City Engineer O'Meara restated his comments that signage like "Cross Traffic Does Not Stop" often seems to indicate a particularly unique intersection.

Ms. Folberg said the intersection is sufficiently unclear as to merit the specification that cross traffic does not stop.

Mr. Isaksen read from the MUTCD, quoting that "the placard may be used in combination with a stop sign when conditions are present that are causing or could cause drivers to misinterpret the intersection as an all-way stop." He said that description seems to be exactly the case at the Smith and Cummings intersection.

Vice-Chairwoman Edwards called for a vote on the motion.

**Motion carried, 5-0.**

VOICE VOTE

Yeas: Isaksen, Folberg, White, Edwards, Schafer

Nays: None

**6. Maple Road and Southfield Pedestrian Improvements**

City Engineer Paul O'Meara presented the item.

Mr. Isaksen said he was comfortable with both suggestions for pedestrian improvements, stating that leading pedestrian intervals (LPIs) seem to be effective elsewhere in the City.

Ms. Folberg asked if there would be a way for the signage to light up when a pedestrian was in the crosswalk.

Staff explained that since this signage would be a temporary measure, the expenditure of installing an illuminated sign would not be the best course of action.

Ms. Folberg said she was unsure if this measure would benefit pedestrian safety.

City Engineer O'Meara told the Board the measure would last until Spring 2020, or less than a year.

Vice-Chairwoman Edwards said she thought LPIs were very effective because it allows a driver to view a pedestrian in a crosswalk before the vehicle begins to enter the intersection. She asked whether a four-second LPI would be sufficient.

City Engineer O'Meara said a four-second LPI prevents the level of service of the intersection from being negatively impacted.

**Motion by Dr. Schafer**

**Second by Ms. Folberg to recommend to the City Commission the following improvements at the Maple Rd. and Southfield Rd. intersection, as an interim measure to improve pedestrian safety prior to the reconstruction of the intersection in 2020:**

- 1. Modification of the traffic signal timing to add a 4 second LPI for those using the north/south crosswalk located on the east leg of the intersection.**
- 2. Installation of an R10-15(R) sign stating TURNING VEHICLES YIELD TO PEDS sign for the northbound right turn lane.**

**Motion carried, 5-0.**

VOICE VOTE

Yeas: Schafer, Folberg, Isaksen, White, Edwards

Nays: None

**7. Willits / Oakland and N. Old Woodward – Pedestrian Improvements**

Ms. Kroll presented an overview of the item.

City Engineer O'Meara added the recommendation had the extraneous benefit of adding more parking in front of Fleming's Steakhouse.

**Motion by Mr. Isaksen**

**Second by Ms. Folberg to recommend approval of Alternative 8 – Combination of Improvements (1, 2, and 4) as depicted in F & V's report dated May 22, 2019: to add bumpouts at both the NE and NW corners of the Old Woodward and Willits/ Oakland intersection (after the completion of the Maple Road reconstruction project) and provide protected-only phasing for the E/W left-turn movements from Willits.**

**Motion carried, 5-0.**

VOICE VOTE

Yeas: Isaksen, Folberg, Schafer, White, Edwards

Nays: Non

**8. Meeting Open to the Public for items not on the Agenda** (none)

**9. Miscellaneous Communications**

Dr. Schafer said she was pleased to see the painting on Eton that the MMTB had previously advocated for.

**10. Next Meeting – July 11, 2019**

Due to possible low attendance, the Board said it would determine whether the July 2019 meeting would be held closer to the date.

**11. Adjournment**

No further business being evident, the board members adjourned at 6:33 p.m.

Jana Ecker, Planning Director

Paul O'Meara, City Engineer



## MEMORANDUM

Department of Public Services

**DATE:** July 25, 2019

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

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

**SUBJECT:** Maple Road Bridge Improvements – Painting Project

---

### INTRODUCTION:

Walker Consultants performed a Maple Road Railroad Bridge Improvement Study during 2017 as reviewed with the City Commission during the last two Long Range Planning Sessions. Ongoing talks have been underway between the City of Birmingham and Grand Trunk Western Railroad Company personnel since these efforts began. The Railroad Company provided us with a project estimate in June to perform paint and rehabilitation work on an existing railroad bridge structure. In turn, we received the Agreement for Local Agency Highway – Railway Bridge Improvements this month.

### BACKGROUND:

As you may recall, the Railroad Company must perform the maintenance repairs and painting of their own bridge with the City of Birmingham funding the costs. Preliminary discussions with them provided us with the actual performance of this work sometime during the summer of 2019. It is anticipated the project will take about 30 workdays to complete. The bridge painting and rehabilitation work is the first step before any lighting work or potential mural work is performed. The new concrete sidewalk areas beneath the bridge is in progress, the north side has been replaced and the south side will be next. The City will be responsible for scheduling and paying for any lane closures with State Barricades for this painting project.

The Railroad Company already told us they do not allow painting or any type of material on the underside of their bridges for a few reasons. The underside of the bridge is steel beams. Having paint or any material could deteriorate the steel. It also does not allow us to inspect properly if the beams are not visual even. Lastly, not allowing water to drain only creates issues with the track structure above. Water sitting in the ballast causes mud spots and other issues with the track.

As follow-up to questions raised by the Commission, we reached out to our bridge consultant Anderson, Eckstein & Westrick, Inc. (AEW) to determine what if anything can happen to the underside of the bridge to alleviate any drips or drainage occurring over the public. They concur with the reasoning provided by the Railroad Company, the water needs to escape the underside of the bridge.

LEGAL REVIEW:

The City Attorney has completed a review of this contract agreement and provided input for its final form as part of this report.

FISCAL IMPACT:

An amendment to the fiscal year 2019-2020 General Fund is necessary because of the uncertainty of the start date due to ongoing talks with Railroad Company. Funds will be available in the 2019-2020 budget from Property Maintenance – Other Contractual Service account #101-441.003-811.0000.

SUMMARY:

The Department of Public Services recommends approval of this project based on the Operation Special Capital Project Estimate at a not to exceed cost of \$114,605.00 with the work to be performed by the bridge owner, Grand Trunk Western Railroad Company. We do not have the costs available at this time from State Barricades, but want to get approval to proceed due to the fact we do not want to delay scheduling the work for this summer.

ATTACHMENTS:

- Agreement for Local Agency Highway – Railway Bridge Improvements
- Cost Proposal dated June 25, 2019
- AEW letter dated July 19, 2019 Drainage Improvement Review

SUGGESTED RESOLUTION:

To approve the Agreement for Local Agency Highway-Railway Bridge Improvements with the Railroad Company in the amount not to exceed \$114,605.00 for painting and rehabilitation work of the Maple Road Railroad Bridge, to be funded from Property Maintenance – Other Contractual Service account #101-441.003-811.0000. In addition, to authorize the Mayor and Clerk to sign the agreement on behalf of the City.

Further, to approve the appropriation and amendment to the fiscal year 2019-2020 General Fund budget as follows:

General Fund

Revenues:

101-000.000-400.0000	Draw from Fund Balance	<u>\$114,605.00</u>
Total Revenue:		<u>\$114,605.00</u>

Expenditures:

101-441.003-811.0000	Property Maintenance – Other Contractual Service	<u>\$114,605.00</u>
Total Expenditure:		<u>\$114,605.00</u>

AGREEMENT  
FOR  
LOCAL AGENCY HIGHWAY-RAILWAY  
BRIDGE IMPROVEMENTS

THIS AGREEMENT, made and entered into this \_\_\_\_ day of August, 2019, by and between City of Birmingham in the State of Michigan, hereinafter referred to as the "LOCAL AGENCY" and the RAILROAD COMPANY, hereinafter referred to as "RAILROAD";

W I T N E S S E T H:

WHEREAS, in the interest of public safety and convenience, the parties hereto propose to perform paint and rehabilitation work on an existing RAILROAD bridge structure on the Holly Subdivision at railroad milepost 17.79 as identified in Exhibit A; and

WHEREAS, the parties mutually agree to accomplish the proposed improvements in part through the use of LOCAL AGENCY funds which are provided as an appropriation by the LOCAL AGENCY;

WHEREAS, the LOCAL AGENCY has committed to acquiring all necessary permits to allow for the closure of the RAILROAD bridge structure at the sole cost and risk of the LOCAL AGENCY, and the RAILROAD has committed to perform painting and rehabilitation work to bridge structure at a Lump Sum cost of \$114,605 to the LOCAL AGENCY;

NOW THEREFORE, in consideration of the premises and of the mutual covenants and agreements of the parties hereto, to be by them respectfully kept and performed as hereinafter set forth, it is hereby agreed as follows:

ARTICLE I. For the purpose of identifying the plans, specifications, estimates and other documents, this project will be designated as "Road Bridge Improvements at Grand Trunk Western Railroad Company's Milepost 17.79, at/near Birmingham, Michigan".

ARTICLE II. The project covered under this Agreement shall be subject to all applicable federal, state, and local laws, rules, regulations, orders and approvals pertaining to agreements, specifications, award of contracts, acceptance of work and general engineering practices. With respect to reimbursement by the LOCAL AGENCY to the RAILROAD, as hereinafter provided, for any work or portion thereof performed by the RAILROAD, the LOCAL AGENCY and the RAILROAD shall be governed by the applicable provisions of the Federal-Aid Policy Guide (FAPG), as currently amended, which is also made a part of this Agreement by reference.

ARTICLE III. The proposed improvements to be accomplished shall be in accordance with attached Exhibit A. The RAILROAD's portion of the work for the proposed improvements, listed under "WORK TO BE PERFORMED BY RAILROAD" on Exhibit A, shall be in accordance with the plan and the cost attached hereto as Exhibit A. No approved plan or specification shall be changed by the RAILROAD without written permission from the LOCAL



AGENCY, excepting for minor changes necessitated by actual field conditions encountered at the time of construction or substitutions of equivalent materials as may be agreed upon by RAILROAD's and LOCAL AGENCY's respective representatives.

ARTICLE V. All items of work listed under "WORK TO BE PERFORMED BY RAILROAD" on Exhibit A may be performed by the RAILROAD with its own forces on a force account basis, continuing contract, or by contract. In the event the RAILROAD elects to engage a contractor to perform all or a substantial portion of the work, the RAILROAD shall furnish LOCAL AGENCY the name of the contractor whose services will be used to perform the work. Such contracts will be in compliance with any applicable State statutes and implementing rules and regulations prohibiting discrimination in the solicitation or selection of contractors or subcontractors on the basis of race, color, national origin or sex.

ARTICLE V. The LOCAL AGENCY shall prepare any required detailed drawings, plans and specifications as may be required for any proposed improvements listed under "WORK TO BE PERFORMED BY LOCAL AGENCY" on Exhibit A, and shall perform or arrange for the performance of said items of work at its sole cost, risk and expense, except as may otherwise be specifically provided for in this Agreement.

ARTICLE VI. In the event the work to be performed by LOCAL AGENCY is to be let by contract, the LOCAL AGENCY shall require its contractor(s) enter into the current standard RAILROAD right of entry agreement. The LOCAL AGENCY will enter into the current standard RAILROAD right of entry agreement in regards to any work to be performed by LOCAL AGENCY's own forces, excepting the provisions thereof pertaining to the furnishing of certificates of insurance or as may be otherwise provided in this agreement.

ARTICLE VII In the event the work to be performed by the LOCAL AGENCY on or in close proximity to the RAILROAD's property, tracks or other facilities is let by contract, the LOCAL AGENCY shall require its contractor or contractors to furnish evidence of Workmen's Compensation coverage and to maintain at all times during the performance of any construction or reconstruction work the following types of insurance: (A) Contractors' Public Liability and Property Damage Liability Insurance, including automobile coverage, with a combined single limit of \$5,000,000 per occurrence with an aggregate limit of \$10,000,000 for the term of the policy; (B) if subcontractors are involved, Contractors' Protective Public Liability and Property Damage Liability Insurance with the limits prescribed in (A) above; and (C) Railroad Protective Public Liability and Property Damage Liability Insurance with the limits prescribed in (A) above. The Railroad Protective policy shall name the Illinois Central Railroad Company as the insured, shall be in a form acceptable to the RAILROAD and said insurance shall be primary as it relates to the this contract. The LOCAL AGENCY shall require its contractor(s) to furnish to the RAILROAD the original Railroad Protective policy and certificates evidencing the other insurance coverage specified herein. The Railroad Protective policy and all other insurance certificates must meet with the RAILROAD's approval before any work may be started on the RAILROAD's property or in close proximity of RAILROAD's tracks or other facilities by the said contractor or contractors.

ARTICLE VII. Subsequent to the award of any contract or contracts by the parties, and before any work commences on this project, a conference shall be held between the representatives of the LOCAL AGENCY, the RAILROAD and the interested contractor(s), at a mutually convenient time and place, for the purpose of coordinating the work to be performed, and at which time a schedule of operations will be adopted. Such schedule of operations will provide sufficient lead time for the RAILROAD to order and assemble their respective materials.

ARTICLE IX. Upon execution of this agreement, the RAILROAD shall promptly assemble the necessary materials and, as soon as possible thereafter, arrange to perform its work consistent with the schedule of operations adopted and in accordance with the approved plans and specifications, and shall notify the agencies listed on Exhibit "A" before commencing work.

ARTICLE X. The RAILROAD shall bill the LOCAL AGENCY at a fixed cost Lump Sum of \$114,605.00 for the work of paint and rehabilitation cost to complete the work of the structure at milepost 17.79 of the Holly subdivision. The Local Agency will be billed 50% of the cost or \$57,302.50 on the end of the month when work starts at the site and the remaining 50% or \$57,302.50 upon completion of paint and rehabilitation work.

ARTICLE XI. After work is complete, the railroad is not liable for any cosmetic repairs that may occur due to vehicles striking the bridge or graffiti that may be applied by vandals.

ARTICLE XII. The LOCAL AGENCY hereby certifies that for payment of its obligations incurred in connection with the construction of the proposed improvements, the necessary appropriations have been made and are evidenced by the attached resolution.

ARTICLE XIII. In the event that delays or difficulties arise in securing any necessary approvals, acquiring rights-of-way, settling damage claims, or for any other cause which in the opinion of the LOCAL AGENCY renders it impracticable to proceed with the construction of the project, then at any time before the construction is started, LOCAL AGENCY may serve formal notice of cancellation upon the RAILROAD and this Agreement shall thereupon terminate. In the event of cancellation, LOCAL AGENCY shall reimburse the RAILROAD for all eligible cost and expense incurred by the RAILROAD prior to receipt of notice of cancellation and payment by LOCAL AGENCY.

ARTICLE XIV. This Agreement shall be binding on the parties hereto, their successors and assigns to the extent permitted under law.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed in duplicate counterparts, each of which shall be considered an original, by their duly authorized officials as of the day and date first written above.

GRAND TRUNK WESTERN RAILROAD COMPANY

By: \_\_\_\_\_  
Chad A. Anderson  
Southern Regional Engineer

CITY OF BIRMINGHAM

By: \_\_\_\_\_  
Name: Patricia Bordman  
Title: Mayor

RESOLUTION

BE IT RESOLVED, that the Commissioners of the City of Birmingham in the State of Michigan, hereby authorizes the Mayor, to execute an Agreement dated \_\_ August, 2019 with the Grand Trunk Western Railroad Company, copy attached, covering "Maple" Road Bridge Improvements at Grand Trunk Western Railroad Company's Milepost 17.79, at/near Birmingham, Michigan;" on behalf of said City by affixing his signature to each of two (2) original counterparts of said Agreement, the same to be attested by the Clerk; and it is herein and hereby certified and affirmed that funds have been appropriated and are available for the payment by City of any amounts agreed to be paid by it under the terms of said Agreement.

BE IT FURTHER RESOLVED a certified copy of this resolution be transmitted to the Grand Trunk Western Railroad Company.

\* \* \* \* \*

I, \_\_\_\_\_, Clerk for the City of Birmingham, in the State of Michigan, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the said \_\_\_\_\_ of \_\_\_\_\_, at a meeting on \_\_\_\_\_, 2019; that said resolution is still in effect; that the Agreement referred to therein, attached thereto, is in the form presented to said meeting and in the form executed.

WITNESS the seal of said \_\_\_\_\_ and my signature this \_\_\_\_day of \_\_\_\_\_, 2019.

By: \_\_\_\_\_

(SEAL)

Clerk

City of Birmingham, Michigan

EXHIBIT A

Page 1 of 2

CROSSING IDENTIFICATION:

RAILROAD: Grand Trunk Western Railroad Company

RR MILEPOST: 17.79

ROAD NAME: Maple Road.

LOCATION Birmingham, MI

DESCRIPTION OF WORK TO BE PERFORMED BY RAILROAD:

1. Remove old paint
2. Paint entire bridge
3. Fill divots(Optional and will take the 25 day option)
4. Removal of loose concrete/Formed and poured with new concrete
5. Incidental work necessary for completion of above.

DESCRIPTION OF WORK TO BE PERFORMED BY LOCAL AGENCY:

1. Electrical, concrete or additional work that is located under the bridge(Not including the Column's)
2. Furnish any traffic control for project;
3. Incidental work necessary for completion of above.

TOTAL LUMP SUM COST OF WORK BY RAILROAD: \$114,605

LOCAL AGENCY's SHARE OF RAILROAD COST: 100%

NOTIFY BEFORE COMMENCING WORK:

Grand Trunk Western Railroad	City of Birmingham
c/o Mr. Nathan Bush	_____
Supervisor, Bridge and Structuer of Engineering	_____
24002 Vreeland Rd	_____
Flat Rock, MI. 48134	_____
ph. (248) 794-8460	ph. _____

EXHIBIT B







Southern Region

## Operations Special Capital Project Estimate

Design and Construction  
Homewood, IL

## Birmingham Bridge Project

Location: Birmingham, MI  
 Company Name: Grand Trunk Western Railroad Company  
 Subdivision Name: HOLLY  
 Mile Post: 17.79  
 State: MI  
 Survey Network Number:  
 Track Network Number:  
 Signal Network Number:  
 Buy American Certification Required? No  
 Agency: CN-US-GAAP Engineering (Ops Special)  
 Labor Additive Type: Agency/CN Approved

Labor	\$83,688
Material	\$11,038
Other	\$19,879
<b>Total Capital Cost</b>	<b>\$114,605</b>
PW Material	\$0
Donation	\$0
<b>TOTAL PROJECT COST</b>	<b>\$114,605</b>

Created By: TLB  
 Revised By:  
 Created Date:  
 Date Revised: June 25, 2019  
 Status:

Description	GANG SIZE	DAYS	MANDAYS	PRICE	TOTAL
<b>LABOR</b>					
B&S Labor	4	20	80	\$330	\$26,400
<b>TOTAL DIRECT LABOR</b>		MD:	80		<b>\$26,400</b>

Description	TOTAL
<b>MATERIAL</b>	
Bridge & Structures Material	\$10,196
Subtotal New / Capitalized Material	\$10,196
<b>TOTAL DIRECT MATERIAL</b>	<b>\$10,196</b>

Description	UM	QTY	PRICE	TOTAL
<b>OTHER</b>				
Engineering				
Total Engineering				\$0
Real Estate				
Total Real Estate				\$0
Grading				
Total Grading				\$0
Contractor Track Construction				
Total Contractor Track Construction				\$0
Utilities				
Total Utilities				\$0
Signal and Communications				
Total Signal and Communications				\$0
Bridge & Structures				
Aerial Lift Rental	LS	1	\$2,500.00	\$2,500
Total Bridge & Structures				\$2,500
Hauling/Disposal				
Total Hauling/Disposal				\$0
Miscellaneous				
Per Diem (BMW Labor)	MD	80	\$87	\$6,960
Contingency	SUM	10%	\$104,186	\$10,419
Total Miscellaneous				\$17,379
<b>TOTAL OTHER</b>				<b>\$19,879</b>

Description	UM	QTY	PRICE	TOTAL
<b>ADDITIVES</b>				
Labor Capitalized Surcharges	USD	\$26,400	217.00%	\$57,288
Material Capitalized Surcharges	USD	\$10,196	8.25%	\$842
<b>TOTAL ADDITIVES</b>				<b>\$58,130</b>

DONATION	Amount	TOTAL
<b>TOTAL DONATION</b>		<b>\$0</b>

<b>TOTAL CAPITAL COST</b>	<b>\$114,605</b>
<b>TOTAL NON-CAPITALIZED COST (PW MATERIALS)</b>	<b>\$0</b>
<b>TOTAL DONATION</b>	<b>\$0</b>
<b>TOTAL PROJECT COST</b>	<b>\$114,605</b>



Operations Special Capital Project Estimate

Design and Construction  
Homewood, IL

Southern Region

Birmingham Bridge Project

MATERIAL FORECAST FOR :					
Material Description	State Tax	UM	QTY	Unit Price	Total
Bridges & Structures Materials					
Paint	6.00%	Can	293	\$26.00	\$8,076
Repair Mortar	6.00%	Bag	50	\$40.00	\$2,120
TOTAL BRIDGE & STRUCTURES					\$10,196
V.4.5	TOTAL MATERIAL				\$10,196



**ANDERSON, ECKSTEIN & WESTRICK, INC.**

**CIVIL ENGINEERS   SURVEYORS   ARCHITECTS**

51301 Schoenherr Road  
Shelby Township, MI 48315

586.726.1234  
www.aewinc.com

July 19, 2019

Paul O'Meara  
City Engineer  
151 Martin St., P.O. Box 3001  
Birmingham, MI 48012

Reference:    CN Railroad Bridge over Maple Road  
                  Drainage Improvements  
                  AEW Project No. 0221-0045

Dear Paul:

This letter is in response to your request to provide recommendations on drainage and maintenance improvements on the above referenced structure, which is located near Eton Street. A report prepared by Walker Consultants dated 11-19-17, which proposed these and other appearance and lighting improvements, was provided for our review.

We understand water accumulating in the ballast of the railroad tracks above is leaking through the bridge deck, which is composed of steel beams encased in concrete, and is dripping on pedestrian and vehicular traffic below. The leaking water is also causing rust staining at the bottom surface of the concrete at the steel reinforcing support (chair) locations and at the exposed steel beam bottom flanges.

We understand the CN Railroad does not recommend painting the underside of the bridge concrete or steel beams, citing that paint or other material could trap moisture from above, further deteriorating the steel, and also prevent proper inspection of the steel surface.

We share the concerns the railroad has expressed regarding drainage. It is essential from the railroad's perspective to allow surface water to drain away from the tracks and through the ballast to maintain resiliency, and not cause ponding or mud spots, or further fouling or breakdown of the ballast. From both the perspective of a bridge owner, as well as the City, it is also important to divert as much of the drainage off the bridge as possible.

Painting of other portions of the structure other than the underside of the bridge deck, such as bridge railings and fascia, piers and abutments, may be pursued as maintenance improvements, without negatively affecting the performance of the bridge, railroad tracks and associated drainage.

Refer to the following pictures indicating the general conditions of the railroad tracks and ballast above the structure.



Sincerely,

Kevin E. Zauel, PE  
Senior Project Engineer

M:\0221-0045\Gen\Letters\KEZ OMeara071919.docx



**CN Railroad over Maple Road, looking north**



**Vegetation along west railing**





**Shallow swale in ballast between tracks, looking south**



**East railing**





## MEMORANDUM

Engineering Department

**DATE:** July 29, 2019

**TO:** Joseph Valentine, City Manager

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

**SUBJECT:** Petition for Special Assessment  
Lakeview Avenue Paving – Harmon Street to Oak Avenue

### INTRODUCTION:

The Engineering Department received a petition to pave Lakeview Avenue between Harmon Street and Oak Avenue.

### BACKGROUND:

In June of 2019, the Engineering Department received a request to pave Lakeview Avenue between Harmon Street and Oak Avenue. Since the petition reflected a majority of the property owners on these two (2) blocks, an informational booklet (attached) was prepared and distributed. An informational meeting was held on July 16, to discuss the matter further with any interested parties. Twenty-four (24) properties were represented at the meeting. Since the July 16<sup>th</sup> meeting, no residents have requested to be added or removed. The following percentages of property owners are in favor of the project:

By Parcel.....21 out of 39 (53.8%)  
By Front Foot Assessed.....1,184.28 ft. out of 2,262.27 ft. (52.4 %)

The attached map indicates the proposed assessment district and the highlighted properties are those in favor of proceeding.

The existing pavement is a cape seal surface. There is no curb, and the edges of the road are a continuing maintenance problem, particularly where drainage is poor. The sidewalk elevation is below the road in several areas on the street, so the water collects in the sidewalk without a drainage outlet. In accordance with the City policy, the road is proposed to be constructed at twenty-six (26) feet wide, with concrete pavement and curbs.

Although a detailed cost-estimate has not been done for this street, the assessment for this project is estimated at \$195 per front foot of road with this cross-section. Concrete driveway approaches would be constructed and appropriately assessed to each owner based on square footage.

Due to the existing water mains size and age, it would be recommended for replacement, should a new pavement be proposed. No substantial improvements have been made to the existing combined sewer in decades. It is anticipated that some sections of the sewer

system would likely be recommended for replacement or improvements (i.e. point repairs or lining). Additional study will be required to verify this. In accordance with the current City policy, all of the older sewer laterals (fifty years or older) and water services less than one inch will be required to be replaced as a part of this project and those costs will be assessed to the benefitting property owners.

If authorized at this time, the project could be designed and bid during the early part of 2020. Construction would have to be budgeted in the upcoming fiscal year, with construction starting after July 1, 2020.

#### LEGAL REVIEW:

No legal review required at this time.

#### FISCAL IMPACT:

Based on the preliminary cost estimates, the following are the anticipated costs to the various City Funds:

- Local Streets Fund – \$ 350,000
- Sewer Fund – \$ 200,000 - \$400,000
- Water Fund – \$ 200,000

#### SUMMARY:

The Engineering Department recommends that a public hearing of necessity be scheduled for Monday, September 16, 2019, at the regular scheduled City Commission meeting, and that the public hearing to confirm the roll be held at the regularly scheduled City Commission meeting on September 23, 2019.

#### ATTACHMENTS:

- Map of SAD limits (1 page)
- Copy of the Petition (8 pages)
- Lakeview Ave. Paving Report (10 pages)
- Informational Meeting Agenda (1 page)
- Informational Meeting Sign-In Sheet (3 pages)

#### SUGGESTED RESOLUTION:

To receive the petition submitted requesting the paving of Lakeview Avenue from Harmon Street to Oak Avenue and to adopt the following resolution:

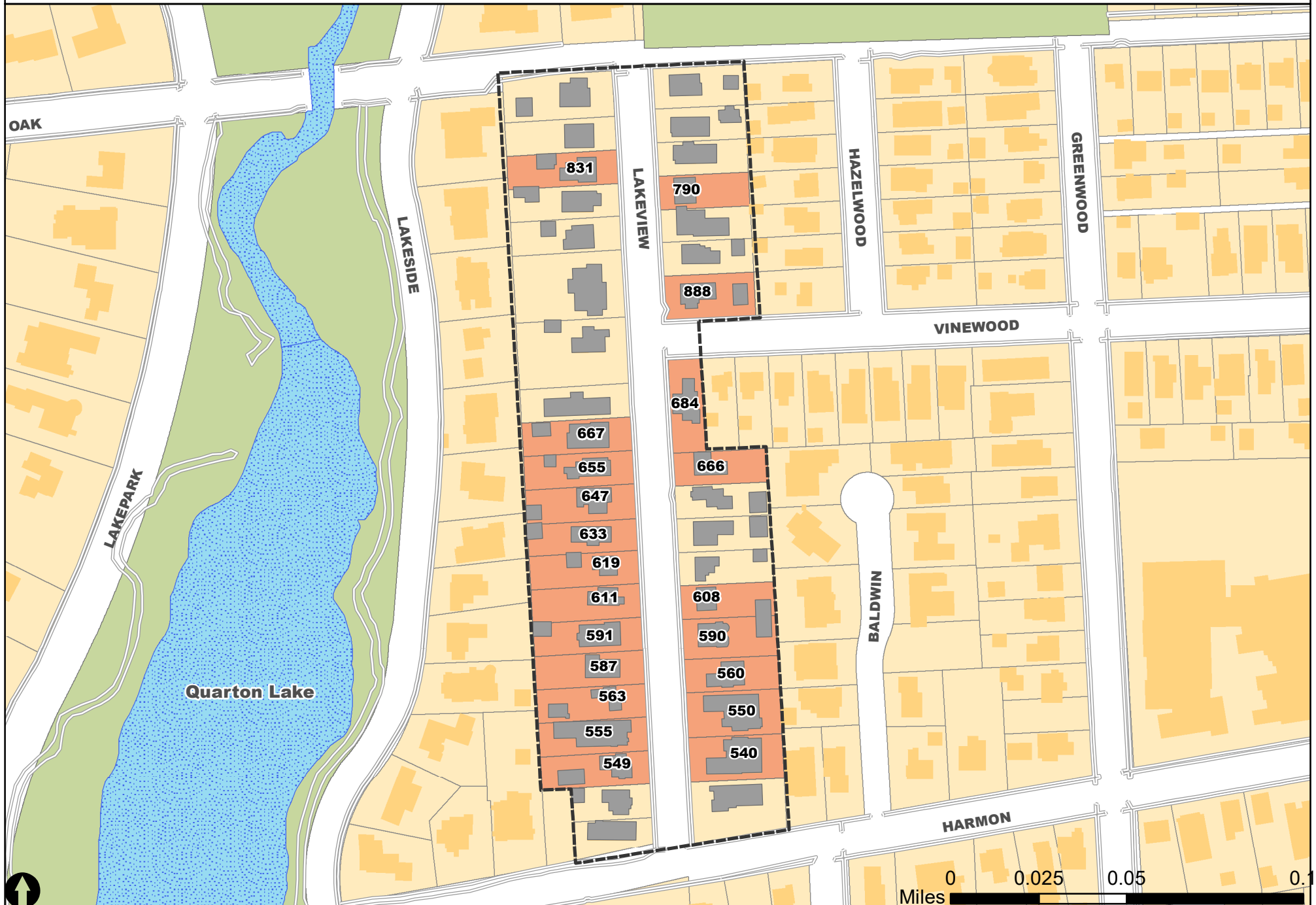
RESOLVED, That this Commission shall meet on Monday, September 16, 2019 at 7:30 P.M., for the purpose of conducting a public hearing of necessity for the improvement proposed herein.

FURTHER RESOLVED, if necessity is determined on September 16, 2019, a hearing to review the assessments and to confirm the roll will be held on September 23, 2019 at 7:30 P.M.

**CITY OF BIRMINGHAM**  
**SAD - LAKEVIEW AVE.**

 **IN FAVOR OF SAD**

JULY 26, 2019



### Petition Circulator:

Page:

Telephone No.

## REQUEST FOR PUBLIC IMPROVEMENT

(Special Assessments Only)

To: City Commission  
Birmingham, Michigan



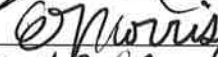

We, the undersigned, owners of property in the City of Birmingham to be benefited by the proposed improvement, description of which property, and our addresses, are set forth opposite our respective names hereto, do hereby request the following public improvement, to wit:

**The installation of 26' wide concrete pavement with concrete curbs, parking allowed on both sides, and concrete driveway apron replacement.**

**Location:** Lakeview Ave. – Oak St. to Harmon St.

It is the practice of the city that as part of this project city staff will review the condition and make improvements to the city sewer and water mains. The city also bids out sewer service line replacement as a part of the construction contract so that all private sewers that are over 50 years old are also replaced, which will result in a second special assessment. The City also encourages private utilities (gas, electric and wire equipment companies) to review their facilities at no additional cost to the homeowner. The replacement of sidewalks will be added to the special assessment district costs whenever it is necessary to replace to be compatible to the improvement in the right-of-way and adjoining properties.

This request is made for the purpose of advising the City Commission of the desire for such improvement and willingness to have property assessed if the Commission, in the exercise of its discretion, orders such improvement to be made. Subsequent to your signing this petition should you wish to have your name withdrawn from the petition you are asked to send a letter to the City Engineer to represent the removal of your signature. Your letter must be received prior to the City Commission action to declare necessity in order for the withdrawal to be effective.

Date	Name (Please Print)	Address	Signature
5/30/19	KARL M. LYNGAAS	1081 LAKEVIEW	
5/31/19	Joe Ned	655 Lakeview	
5/31/19	ERICA MORRIS	888 VINELWOOD AVE	
5/15/19	MARY H. CALLAGHAN	666 LAKEVIEW	



## 16/7

To: City Commission  
Birmingham, Michigan

The installation of 26' wide concrete pavement with concrete curbs, parking allowed on both sides, and concrete driveway apron replacement.

**Location:** Lakeview Ave. - Oak St. to Harmon St.

This request is made for the purpose of advising the City Commission of the desire for such improvement and willingness to have property assessed if the Commission, in the exercise of its discretion, orders such improvement to be made. Subsequent to your signing this petition should you wish to have your name withdrawn from the petition you are asked to send a letter to the City Engineer to represent the removal of your signature. Your letter must be received prior to the City Commission action to declare necessity in order for the withdrawal to be effective.

[illegible]





### Petition Circulator:

Page:

Telephone No.

## REQUEST FOR PUBLIC IMPROVEMENT

(Special Assessments Only)

To: City Commission  
Birmingham, Michigan

We, the undersigned, owners of property in the City of Birmingham to be benefited by the proposed improvement, description of which property, and our addresses, are set forth opposite our respective names hereto, do hereby request the following public improvement, to wit:

**The installation of 26' wide concrete pavement with concrete curbs, parking allowed on both sides, and concrete driveway apron replacement.**

**Location:** Lakeview Ave. – Oak St. to Harmon St.

It is the practice of the city that as part of this project city staff will review the condition and make improvements to the city sewer and water mains. The city also bids out sewer service line replacement as a part of the construction contract so that all private sewers that are over 50 years old are also replaced, which will result in a second special assessment. The City also encourages private utilities (gas, electric and wire equipment companies) to review their facilities at no additional cost to the homeowner. The replacement of sidewalks will be added to the special assessment district costs whenever it is necessary to replace to be compatible to the improvement in the right-of-way and adjoining properties.

This request is made for the purpose of advising the City Commission of the desire for such improvement and willingness to have property assessed if the Commission, in the exercise of its discretion, orders such improvement to be made. Subsequent to your signing this petition should you wish to have your name withdrawn from the petition you are asked to send a letter to the City Engineer to represent the removal of your signature. Your letter must be received prior to the City Commission action to declare necessity in order for the withdrawal to be effective.

[illegible]

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[illegible]

Christina McKenna Walton

5/7

248-514-7085

(Special Assessments Only)

5/31/19 Marjorie Duncan 540 Lakeview Margie Duncan  
5/31/19 Todd Emerson 619 Lakeview  
5/31/19 Todd Emerson 611 Lakeview  
6/5/2019 DAVID A. SCHWARTZ 550 LAKEVIEW David Schwartz

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[illegible]

STATE OF MICHIGAN     )  
                                      )  
COUNTY OF OAKLAND    )     SS.:

I, being duly sworn, say that I reside at No. 608 Lakewood Avenue,

that I know of my own personal knowledge that each of the persons purporting to sign the foregoing request did sign the same and that all of said signers are property owners of the City of Birmingham.

Christina M. Korman (Signed):

Address:  
608 Lakewood Ave, Birmingham MI 48009

(Date Submitted): June 21, 2019

Signed, subscribed and sworn to before me, a Notary Public  
in and for said County this 11<sup>th</sup> day of June, 2019

Cheryl Arft  
My Commission Expires: 9-3-2024





# **PROPOSED PROJECT REPORT**

## **LAKEVIEW AVENUE PAVING**

**Oak St. to Harmon St.**



**City of Birmingham  
Engineering Department**

**June 28, 2019**



## **PROPOSED PROJECT REPORT: LAKEVIEW AVENUE PAVING**

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## I. INTRODUCTION

Recently, the residents on Lakeview Avenue between Oak Street and Harmon Street signed and submitted a petition requesting that the City install a new paved surface on their street. The following report has been prepared to allow property owners in the affected area to understand the full impact of the idea.

With the submission of this petition, verified signatures representing **fifty-four percent (54%)** of the properties on this street indicated that they would be in favor of a paving project. Anyone who signed the petition, who, for whatever reason, is no longer in favor of the project, will need to indicate so in writing to our office to have his or her name removed. Likewise, anyone that wishes to add his or her name in favor of the project will need to submit a note in writing to our office indicating this.

## II. EXISTING CONDITIONS

### ROADWAY HISTORY

Lakeview Avenue (between Oak Street and Harmon Street) was originally platted in 1916 and 1918 with a sixty (60) foot road right-of-way. The road was constructed as a gravel road and has never been engineered to drain water or serve as a durable road surface. Over the years, as with other gravel streets in Birmingham, the road surface began to be oiled to reduce dust and improve stability. Starting in the 1940's, the road began to be chip sealed. As technology improved, a cape seal process has been used which creates a surface resembling asphalt, without the durability properties of asphalt. Resealing is often necessary every seven (7) to ten (10) years depending on particular conditions of the road.

As with all cape seal streets, the surface of Lakeview Avenue is rough in spots and the edges tend to break off. Water and mud can remain in the roadway at some locations long after rainstorms are over. Drainage has been a problem, particularly along the edge of the street. Grass near the street is difficult to maintain, since vehicles often park off the edge of the street. The existing road surface is approximately twenty (20) feet wide, but there are areas where it is wider to allow for on-street parking in front of some homes. The roadway is generally centered in the sixty (60) foot wide City Right of Way.

The existing sidewalks on Lakeview Avenue are generally four (4) feet wide.

### PUBLIC UTILITIES

There is an existing eight (8) inch combined sewer that runs from Oak Street to Harmon Street that was constructed in 1926. There is also an existing twenty-one (21) inch combined sewer that flows from Vinewood Avenue south to Harmon Street that was constructed in 1941.

There is an existing six (6) inch cast iron water main that runs from Oak Street to Harmon Street that was installed in 1923.

Given the age and nature of this infrastructure, future study of these systems may require their replacement. While there is no additional cost for the replacement of water mains or sewer lines, there may be additional costs for sewer lateral replacements and water lead replacements as outlined below.

### **III. PROPOSED IMPROVEMENTS**

#### **ROAD IMPROVEMENTS**

Lakeview Avenue is proposed to be paved with the City's standard road width in a residential area, which is **twenty-six (26) feet**, measured between the face of the curbs. An example of how this width appears can be found on Greenwood Street. Unlike Greenwood Street, however, the entire road will be constructed of concrete, which is now the City's standard pavement for new roads.

Lakeview Avenue has a sixty (60) foot wide right-of-way. After the installation of the road as described above, there will be approximately twelve (12) feet of grass between the sidewalk and the curb. Typically, tree roots grow in the direction of available water. In the case of street trees, the roots tend to grow towards the adjacent front yards, and away from the street. The impervious nature of the hard gravel road, and later the sealed paved surface, discourages the growth of roots in the area of the road. Nevertheless, we cannot guarantee what impact this project will have on each tree until the project is underway, as each tree is different.

The proposed limits for this project would start at the south side of the Oak Street intersection and go to the north side of the Harmon Street intersection, including the Vinewood Avenue intersection.

The sidewalks will generally remain as they are today, with repairs where damaged occurred due to installation of the sewer leads, or where needed for existing trip hazards. All sidewalk ramps within the project limits will also need to have ADA compliant ramps and detectable warnings installed.

Since all existing trees were installed relatively close to the City sidewalks, no trees are slated for removal as a result of this project. It should be noted that the City has constructed several new streets with similar situations, and typically very few trees are lost due to construction. However, since the risk of damage is present, homeowners need to be aware that some tree loss may occur, either during construction, or subsequent to it.

#### **PUBLIC UTILITY IMPROVEMENTS**

##### **SEWER LINES**

A cursory review of the existing sewers indicates the possible need for improvements. However, additional research and/or a study will be required in order to determine the extent and type of improvements, if any. This will be conducted by the City once the project is authorized and before the design begins to ensure all necessary pipe replacement and/or repairs are done to ensure that the pipe is stable for many years to come.

## **WATER LINES**

The existing water main will be replaced with a new eight (8) inch water main as part of this project. An alignment for this water main will have to be determined during the detailed design phase. We will work to avoid damage to the existing trees, but it is possible that a small number of trees may be in conflict with this work.

**\*\*\*It should be noted that the improvements to the City water main and any improvements deemed necessary to the City sewer, will not affect (increase) the cost of the special assessment.\*\*\***

### SEWER LATERAL REPLACEMENT (THE LINE FROM YOUR HOME TO THE CITY SEWER)

Beginning in 2007, whenever the City is constructing a new pavement such as envisioned in this project, each home's sewer lateral must be considered relative to its remaining service life. Each homeowner is responsible for the maintenance of their sewer lateral from the home to the City sewer connection. The portion from the right-of-way line to the City sewer can be quite costly to repair if done on an emergency basis because it has collapsed. Experience has shown when older sewer laterals are replaced in conjunction with a street renewal project, the cost of the work is generally substantially reduced. Replacing older sewer laterals also significantly reduces the possibility of the new pavement having to be cut and patched afterward due to the continuing decline of sewer laterals. With that in mind, should the City Commission authorize the installation of a new pavement, **all homes with sewer laterals older than fifty (50) years (the expected service life of an underground pipe from that era), will be included in a second special assessment district requiring removal and replacement of the sewer lateral in the right-of-way at homeowner expense as part of this project.**

### WATER SERVICE REPLACEMENT (THE LINE FROM YOUR HOME TO THE CITY WATER)

Beginning in 2017, whenever the City is constructing a new pavement such as envisioned in this project, each home's water service must be considered relative to its size (diameter) and material. Each homeowner is responsible for the maintenance of their water service from the home to the City water connection. Experience has shown when water services are replaced in conjunction with a street renewal project, the cost of the work is generally substantially reduced. Upgrading the water service to one (1) inch diameter service also significantly reduces the possibility of the new pavement having to cut and patched afterwards due to either the desire by the homeowner to upgrade the size, needed replacement or from new construction. The current Building Code requires all new construction to have a minimum of a one (1) inch diameter water service. With that in mind, should the City Commission authorize the installation of a new pavement, **all homes with water laterals that are ¾" in diameter will be included in a third special assessment district requiring removal and replacement of the water service in the right-of-way at homeowner expense as part of this project.**

## IV. PROJECT APPROVAL PROCESS

### PUBLIC HEARING TO AUTHORIZE PROJECT

Installing a new permanent improved pavement on Lakeview Avenue will require that the City Commission authorize the creation of a special assessment district (SAD). Prior to this occurring, the Engineering Department will hold an informational meeting with residents on the street to review this program and answer any questions you may have to ensure that you fully understand what is being proposed prior to scheduling the Public Hearing. This informational meeting is scheduled for **July 16, 2019 at 7:00 p.m. at City Hall**. After the open informational meeting described on the cover letter is held, if it can be demonstrated that **a majority (over 50%)** are still in favor of the road paving plans, City staff will forward the petition to the City Commission, and recommend that a Public Hearing of Necessity of this project be scheduled to consider whether to authorize the project. The Public Hearing date will likely be set approximately four (4) weeks later. City staff will invite all property owners by individual notice (and advertise in the local press) to a Public Hearing for the purpose of taking comments in regard to the proposed project.

The Public Hearing will provide a forum for those impacted by the project to discuss the matter with the City Commission prior to any decision on the project being made. Any interested party may provide comment either by appearing and speaking at the meeting, or filing a letter with the City Clerk, preferably one (1) week prior to the scheduled hearing date.

After the Public Hearing is closed, the City Commission will determine if the proposed project is necessary and advisable. If they vote in favor of the project, the City Assessor will be directed to prepare a special assessment roll identifying all properties to be assessed, and the estimated amounts to be assessed against each property (described below). A second Public Hearing will be scheduled to confirm the roll of assessments.

### PUBLIC HEARING TO CONFIRM ASSESSMENTS

The City Commission will then schedule another Public Hearing for the confirmation of the roll assigning the amounts for the special assessments. The City will again invite all property owners to this hearing. Property owners will be able to determine their particular assessment at the City Clerk's office for a period of ten (10) days prior to the hearing. The City Commission may confirm, correct, revise, or annul the special assessment roll.

A property owner or party-in-interest may file a written appeal of the special assessment with the Michigan Tax Tribunal within thirty (30) days of the confirmation if the property owner or party-in-interest, or their agent, appears and protests the assessment at the Public Hearing held for the purpose of confirming the roll. Appearance and protest may be made in person at the hearing, or may be made by filing a letter with the City Clerk prior to the hearing. If a protest is not made at the Public Hearing, an appeal may not be filed with the Michigan Tax Tribunal.

If the Commission confirms the roll, the Engineering Department will begin design of the project. After construction takes place, and final costs are available, the roll is subject to adjustment after the actual cost of construction is determined.

## V. CONSTRUCTION

### ANTICIPATED CONSTRUCTION SEQUENCE

Construction will likely take the following course:

1. The existing road surface will be removed or pulverized.
2. City sewer will be replaced and/or repaired (if determined necessary).
3. City water main will be replaced.
4. Sewer and water services will be replaced on an as-needed basis.
5. The existing storm drains will be abandoned, and new catch basins will be installed to accommodate the new road design. Short sections of storm sewer will be installed to drain these new basins.
6. The new grade of the road will be roughed out; generally about twelve (12) inches lower than the existing road, to ensure that all front yards drain properly to the street.
7. A gravel road base will be prepared.
8. New concrete pavement with integral curb will be installed. The new pavement will take **at least seven (7) days** to cure to gain strength before it can be re-opened to traffic.
9. New concrete driveway approaches will be installed. The drive approaches will match the width as needed for each existing driveway, and will be replaced complete from the sidewalk to the new curb.
10. The existing sidewalks will be repaired (where needed) to provide a consistent walking surface and new sidewalk ramps will be installed that meet current ADA regulations.
11. All yard areas within the right-of-way will be graded off, and topsoil will be placed. Front yards will generally be sodded. Seed and mulch will be used in small areas where sod is impractical, in areas where sod would not be watered, and adjacent to large trees. Seed will also be installed upon written request.
12. The Contractor will return for a short period of time (normally two weeks) to ensure that the grass is growing sufficiently in all disturbed areas. Homeowners are encouraged to water and maintain new lawn areas after the Contractor's work has been completed.

The above phases may be interchanged somewhat based upon Contractor's preference, and weather conditions.

Access to each property's driveway will be maintained during the majority of the work. Access may be limited during the following operations:

1. City sewer or sewer service installation directly in front of the driveway approach.
2. City water main or water service installation directly in front of the driveway approach.
3. Installation of new catch basins and connections to City sewers.
4. Installation of the concrete pavement.
5. Installation of the concrete drive approach (or sidewalk).

Of the above, only items 4 and 5 should involve overnight periods. Once the new concrete is placed, it is important that all traffic stay off a minimum of seven (7) days. Note that the time between the beginning of road base construction until the drive approach is ready to be driven on can be as much as **three (3) weeks**. Sewer and water main work will impede access during the day, but traffic will be permitted to return at night.



All residents will be notified ahead of time if access is to be restricted, so that vehicles may be pulled out if needed.

It is anticipated that if this project is approved by the City Commission in the fall of 2019 that the construction on this project should be included in a larger contract during the 2020 construction season.

#### INSPECTION

During construction, a City Inspector will be assigned to the project. The City Inspector and the Contractor's Foreman will be on site every day that work is occurring, and will be available to discuss any concerns or problems that you have as a result of the project. The Engineering Department will also be available between 8:00 A.M. and 5:00 P.M. weekdays to respond to any concerns that cannot be resolved at the work site **(248) 530-1840**.

#### SPECIAL TREATMENTS (IMPROVEMENTS BETWEEN THE SIDEWALK AND THE STREET)

Note that any special landscaping treatments in the right-of-way, such as underground sprinklers, brick pavers, wood ties, shrubbery, etc., will be impacted by the project. These special items will be removed if they will be inappropriate relative to the new street. Items such as underground sprinklers will likely be damaged or destroyed. Any repairs or replacement to sprinkler systems or other special landscaping treatments (within the right-of-way) will need to be accomplished by the property owner, prior to project completion, at their own expense. Replacement of such items will be subject to the provisions of a Special Treatment License.

## **VI. COSTS & FINANCING**

This project will include various cost components (i.e. Paving Assessment, Drive Approach, Sewer Lateral Replacement and Water Service Replacement, if necessary) that are considered assessable costs and will be assessed by the City.

#### ASSESSABLE COSTS

Assessable costs include grading, street surfaces, driveway approaches, sidewalks, curb and gutter, drainage structures, and final restoration. The City of Birmingham pays for 15% of the cost of the project. The adjacent property owners share the remaining 85%. The **estimated assessment for this project is approximately \$195.00 per front foot**. The estimated cost includes engineering design, construction, inspection, and project administration. Should bids come in significantly different than anticipated, City staff will review the costs and make an appropriate recommendation to the City Commission.

Corner properties are provided some financial relief in certain cases. For single family houses, if the longer side of a corner property faces the street being constructed, the City will pay two-thirds (2/3) of the cost of the assessment for that property. The property owner will be charged the remaining third (1/3). If the short side of a corner property faces the street to be constructed, the owner pays 100% of the assessment. This reduction will apply to the property owner on the southwest corner of Vinewood Avenue and Lakeview Avenue (684 Lakeview).

FINANCING INFORMATION

Once the assessment has been confirmed (at the estimated rate), and funding has been authorized, billings for the first installment shall be due and payable within sixty (60) days after billing. Normally this occurs near the starting date of the project. **You will have the option of paying the assessment in full or participating in a payment plan for up to ten (10) years.** Bills not paid when due will be subject to additional interest and penalties. If you desire to pay the cost of the assessment over a ten-year period, you will pay interest at the rate fixed by the Commission at the time of the confirmation hearing. The interest rate selected reflects current market conditions, but will not exceed 12%. You may pay off the assessment, including interest accrued to date; or you may pay the total amount at the first payment date and not accrue any interest. If you elect to pay in ten (10) installments, interest will then be charged to the second and subsequent bills, based upon the unpaid balance. Subsequent bills will arrive approximately every twelve (12) months thereafter, until the assessment is paid.

For this example, a 50-foot lot width was used, and a 130 square foot driveway approach. In addition, the sewer lateral replacement is estimated at \$70.00 per linear foot for 30 feet in the road right of way and the water service replacement is estimated at \$60.00 per linear foot for 30 feet in the road right-of-way.

The assessment for this parcel would be calculated as follows:

Paving Assessment:	50 LF @ \$ 195.00 / LF =	\$ 9,750.00
Drive Approach:	130 SF @ \$ 6.50 / SF =	\$ 850.00
Sewer Lateral Replacement:	30 LF @ \$ 70.00 / LF =	\$ 2,100.00
<u>Water Service Replacement:</u>	<u>30 LF @ \$ 60.00 / LF =</u>	<u>\$ 1,800.00</u>

**TOTAL: \$14,500.00**

Total Cost = \$ 14,500.00

No interest on first payment.

Assumed Interest Rate = 5.0%

Interest due on unpaid balance.

Loan payable over 10-year period.

Principal payments = \$ 14,500.00 divided by 10 = \$ 1,450.00

The following chart provides an example of the assessment period over ten (10) years using the rates specified above. An interest rate of 5% has been selected for this example, only.

YEARS	PRINCIPAL	UNPAID BALANCE	INTEREST CHARGE	YEARLY PAYMENT
1st Year	\$ 1,450.00	\$13,050.00	\$ -	\$ 1,450.00
2nd Year	\$ 1,450.00	\$11,600.00	\$ 652.50	\$ 2,102.50
3rd Year	\$ 1,450.00	\$10,150.00	\$ 580.00	\$ 2,030.00
4th Year	\$ 1,450.00	\$ 8,700.00	\$ 507.50	\$ 1,957.50
5th Year	\$ 1,450.00	\$ 7,250.00	\$ 435.00	\$ 1,885.00
6th Year	\$ 1,450.00	\$ 5,800.00	\$ 362.50	\$ 1,812.50
7th Year	\$ 1,450.00	\$ 4,350.00	\$ 290.00	\$ 1,740.00
8th Year	\$ 1,450.00	\$ 2,900.00	\$ 217.50	\$ 1,667.50
9th Year	\$ 1,450.00	\$ 1,450.00	\$ 145.00	\$ 1,595.00
10th Year	\$ 1,450.00	\$ -	\$ 72.50	\$ 1,522.50
TOTALS	\$14,500.00		\$ 3,262.50	\$ 17,762.50

Average payment per year = \$ 1,766.25

Note that the billing cycle may begin before the project is completed. There will be no refunds on interest paid by any property owner if this occurs.

## VII. POST-CONSTRUCTION

### BENEFITS

If the project is constructed, once completed, there are several benefits to be derived. As with other curbed streets, street-side leaf pickup during the months of October and November will be provided. Leaves need to be deposited at the curb, and the Department of Public Services will make two (2) pick-ups on each street, per year, at no additional cost. Once the road is paved, the **City will be fully responsible for its continued maintenance.** This will include patching, crack sealing, and eventually, resurfacing or complete reconstruction.

## VIII. DISCLAIMER

The information provided in this report was based upon facts at the time written to the best of the Engineering Department's knowledge. The City of Birmingham reserves the right to change the policies and procedures noted herein without notice based upon changing conditions that may be appropriate in the future. If you have knowledge that any of the information contained in this report is incorrect, please contact the City of Birmingham Engineering Department as soon as possible to notify them of any inaccuracies.



## **LAKEVIEW AVENUE PAVING PROJECT**

### **INFORMATIONAL MEETING AGENDA JULY 16, 2019**

1. Sign Attendance Sheet
2. Introductions
3. Where are we here?
  - a. Lakeview is an unimproved road
  - b. A petition has been submitted to the City (54%)
4. What is being proposed?
  - a. Updating the road to an Improved Road (concrete w/curbs)
  - b. Updating Public Utilities (as needed)
5. What are the costs to the residents?
  - a. Road Improvement (85%) - \$195.00 per foot of frontage
  - b. Driveway Approach  $\approx$  \$1,000
  - c. Sewer Lateral Replacement (if 50 years or older / Orangeburg)  $\approx$  \$2,000
  - d. Water Service Replacement (if  $\frac{3}{4}$ " or lead)  $\approx$  \$2,000
6. What are the costs to the City?
  - a. 15% of the Road Improvements
  - b. All costs associated with any public sanitary sewer improvements
  - c. All costs associated with any public water main improvements
7. If project moves forward, when will construction begin?
  - a. Depends on Budget – likely 2020 or 2021
8. What are the next steps?
  - a. Allow residents time to add/remove name from petition (must be in writing)
  - b. If a majority remains, moves to City Commission for two public hearings
  - c. City Commission votes on proposed project
9. Questions

CITY OF BIRMINGHAM  
ENGINEERING DEPARTMENT

LAKEVIEW AVENUE PAVING PROJECT

DATE: July 16, 2019

ATTENDANCE LIST

NAME / BUSINESS	ADDRESS	TELEPHONE NUMBER	CONSTANT CONTACT EMAIL ADDRESS
DAN SCHIEMANN	784 LAKEVIEW	248-706-8346	dan.schiemann@gmail.com
PETER HOLLINSHEAD	590 LAKEVIEW	248 642 2195	phollinshead@comcast.net
JULIE HOLLINSHEAD	590 LAKEVIEW	248 642 2195	j.hollinshead@comcast.net
Louise Emerson	611 Lakeview	248 670 6264	lemerson@comcast.net
Todd Emerson	611 Lakeview	248-320-2185	Todd@sdc.build
Louise Emerson	619 Lakeview	248 670 6264	lemerson@comcast.net
Todd Emerson	619 Lakeview	248 320 2185	Todd@sdc.build
Loran Brooks	763 Lakeview	248-647-7319	loran.d.brooks@gmail.com
Margaret Brooks	763 Lakeview	248-647-7319	margaret.g.brooks@gmail.com
Christina McKenna	608 Lakeview	248 514 7095	cmckenna@westonelec.com
RODNEY LOCKWOOD	650 LAKEVIEW	248-361-1545	RODLOCKWOOD124@YAHOO.COM

**CITY OF BIRMINGHAM  
ENGINEERING DEPARTMENT**

**LAKEVIEW AVENUE PAVING PROJECT**

DATE: July 16, 2019

**ATTENDANCE LIST**

NAME / BUSINESS	ADDRESS	TELEPHONE NUMBER	CONSTANT CONTACT EMAIL ADDRESS
Jim Gorman	739 Lakeview	248-835-3527	jim@gorman.com
Greg DeGrazia	764 Lakeview	248-227-2268	gdegrazia@gmail.com
MIKE KULWICKI	836 Lakeview	248-866-8578	mkulwicki@att.net
Heather Carmora	887 Lakeview	248-867-1346	h.carmora@siglobal.net
ALVIN STANLEY	675 LAKEVIEW	248-705-1199	astanley@gmail.com
CHRISTOPHER LUTON	608 Lakeview	248-250-1086	christyluton14@gmail.com
MARY GRESSONS	790 LAKEVIEW	248-795-0082	mary@gressons.net
DAVID LURIE	755 Lakeview	248-646-9868	dlurie2001@comcast.net
JIM CALLAGHAN	666 LAKEVIEW	248-642-3423	jpcallaghan60@hotmail.com
Hilary Callaghan	666 Lakeview	248-642-3423	hcallagha@hotmail.com



**CITY OF BIRMINGHAM  
ENGINEERING DEPARTMENT**

**LAKEVIEW AVENUE PAVING PROJECT**

DATE: July 16, 2019

**ATTENDANCE LIST**

NAME / BUSINESS	ADDRESS	TELEPHONE NUMBER	CONSTANT CONTACT EMAIL ADDRESS
Lando + Sarah Juarez	591 Lakeview	202-320-6999	arlando.juarez@gmail.com
Christine Carrara	404 Lakeview	248-645-1588	ac7256@wayne.edu
Jody Block	560 LAKEVIEW	248-761-0041	jblock333@gmail.com
Bob Lavoie	555 Lakeview	248-635-6472	calavoi@aol.com
Margie Duncan	540 Lakeview	248-752-8118	mduncan@cbwm.com
DAVE PULF	530 Lakeview	248-647-1172	divergence@att.net
KEVIN + COLLEEN EVERETT	6067 LAKEVIEW	248-321-5008	kevin122@mac.com
KARL + M.E. LYONS	684 LAKEVIEW	248-330-1567	mel1222@aol.com
Jean Jackson	620 Lakeview	248-647-4888	jeanj5123@gmail.com

**DATE:** August 1, 2019

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

**FROM:** Paul T. O'Meara, City Engineer

**SUBJECT:** Buccilli Group, L.L.C.  
Contract Extension

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**INTRODUCTION:**

Buccilli Group specializes in providing inspection services for capital improvement projects such as those often completed by the Engineering Dept. Their initial contract with the City from 2016 is expiring. An amendment to extend the contract for another three years is required.

**BACKGROUND:**

Currently, the Engineering Dept. has three full time positions to cover activities in the field, including inspecting and overseeing the various capital improvement projects that are undertaken each year. For the past several years, the Senior Engineering Technician has overseen all projects and personnel related to activities in the rights-of-way. We also have two full time positions (one of which was just authorized with the new fiscal year), and up to three seasonal positions.

With the strong demand for construction experienced personnel, recruitments for new seasonal employees has been poor the past several years. In order to ensure that City projects are properly monitored, we have had to rely on temporary inspectors from an agency such as Buccilli. Over the past three years, Buccilli has assisted the staff by being able to provide knowledgeable, experienced personnel that can represent the City well. For 2019, Buccilli has supplied an inspector for us to monitor the 2019 Sidewalk Program, which has worked well. We would like to continue this relationship to provide continuity between the City and the sidewalk contractor. We anticipate needing extra personnel next year during the Maple Rd. downtown project, wherein Buccilli could also assist.

**LEGAL REVIEW:**

The City Attorney's office wrote the contract amendment included in this report. Buccilli has signed the amendment without any request for changes.

**FISCAL IMPACT:**

Buccilli is offering rates of \$55 per hour regular time, and \$66 per hour for overtime. This represents a \$1 per hour increase from their 2016 regular rate, and no increase for the overtime rate. While more costly than City employees, these rates represent a significant savings from those offered by other engineering consultants for similar services. It is our intent to only use these services if we are unable to fill the seasonal positions that we have authorized. Savings from the unfilled positions in the Engineering Dept. labor budget helps cover the costs expended to Buccilli when needed.

#### SUMMARY

It is recommended that the contract amendment to extend the contract with Buccilli Group, L.L.C. be approved for a period of three years.

#### ATTACHMENTS:

- Contract amendment between the City of Birmingham and Buccilli Group, L.L.C.
- Attachment A of the contract amendment (clarifying hourly rates).
- Certificate of insurance.
- Copy of signed contract between the City and Buccilli Group, L.L.C. from 2016.

#### SUGGESTED RESOLUTION:

To approve the contract amendment with Buccilli Group, L.L.C. for inspection services, to be charged to the various capital improvement accounts for work being undertaken by the City, and further, to direct the Mayor and City Clerk to sign the agreement on behalf of the City.

**EXTENSION OF THE CITY OF BIRMINGHAM  
AGREEMENT WITH BUCCILLI GROUP, LLC  
AGREEMENT, A PROFESSIONAL SERVICES CONTRACT**

**THIS AGREEMENT**, made and entered into this 27<sup>th</sup> day of July, 2019, by and between the **CITY OF BIRMINGHAM**, A Michigan Municipal Corporation located at 151 Martin Street, Birmingham, Michigan, hereinafter referred to as the CITY, and **BUCCILLI GROUP, LLC**, a Michigan Limited Liability Company, located at 235 E. Main Street, Suite 105, Northville, Michigan 48167, hereinafter referred to as the CONSULTANT.

**W I T N E S S E T H:**

**WHEREAS**, the CITY would like to extend the Agreement that was entered into on August 8, 2016; and

**WHEREAS**, the CONSULTANT is willing to extend the Agreement that was entered into on August 8, 2016.

**NOW, THEREFORE**, for and in consideration of the mutual undertakings of the parties hereto, all as hereinafter set forth, it is agreed by and between the parties as follows:

1. The Agreement shall commence on August 1, 2019 and shall continue for three (3) years, to July 31, 2022. However, notwithstanding the term of this Agreement, the CITY shall have the right to terminate this Agreement on ten (10) days written notice. In the event of termination, the CONSULTANT shall receive compensation for services to the date the termination takes effect, and the CITY shall be entitled to retain and use the results to the date the termination takes effect and the CITY shall be entitled to retain and use the results of all information, documents and recommendations prepared by the CONSULTANT through such date.

All the remaining terms and conditions of the Agreement, including the compensation sections, shall remain in full force and effect as set forth in the August 8, 2016 Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first above written.

CITY OF BIRMINGHAM

\_\_\_\_\_  
Patty Bordman, Mayor


\_\_\_\_\_  
Cherilynn Mynsberge, Clerk

BUCCILLI GROUP, LLC

By: \_\_\_\_\_

Its: \_\_\_\_\_

APPROVAL (Sec 2-289 City Code)

  
\_\_\_\_\_  
Paul O'Meara, Engineer  
as to Substance

\_\_\_\_\_  
Joseph A. Valentine, City Manager, as to  
Substance

\_\_\_\_\_  
Mark Gerber, Director of  
Finance as to Financial Obligation

\_\_\_\_\_  
Timothy J. Currier, City Attorney as to  
Form

## Attachment A

SERVICES	AMOUNT
<p>Description: Inspection Services; Sanitary Sewer, Storm Sewer, Water Main, Asphalt &amp; Concrete Paving or any other type of service deemed necessary by both parties for a period of three years from the execution of this agreement, the term of which may be extended from the time as agreed upon by the City of Birmingham and Buccilli Group, LLC. The consultant shall serve as an at will vendor and the City of Birmingham reserves the right to terminate for convenience at any time.</p>	<p>Rate: \$55.00/ HR per Inspector</p> <p>Overtime Rate: 66.00/ HR per Inspector</p> <p>The minimum show up time for a Construction Inspector is four (4) hours. In the case of a "rain day" or any other cancellation, within 24 hours, the client will be charged a minimum of two (2) hours. The client will be charged an overtime rate for any work over 8 hours in a work day, Saturdays, Sundays, and holidays.</p>

**C. Insurance:**

Workers Compensation  
Commercial General Liability  
Comprehensive Automobile Liability  
Professional Liability

**Certificate Attached to this Contract**

Yes  
Yes  
Yes  
Yes

**D. Completion Date:** On-Going

**E. PAYMENT:** See Payment section in agreement

**BUCCILLI GROUP, LLC:**

12109 Merriman Rd  
Livonia, MI 48150

**City of Birmingham:**

151 Martin St.  
Birmingham, MI 48009

Date: 7-27-19

Date: \_\_\_\_\_

By: 

Jennifer A. Buccilli, Managing Member

By: \_\_\_\_\_





KENPBUC-01

APRINCE

## CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

7/23/2019

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

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

<b>PRODUCER</b> Mourer Foster, Inc 615 N. Capitol Ave. Lansing, MI 48933	<b>CONTACT NAME:</b> Josh Brower	
	<b>PHONE (A/C, No, Ext):</b> (517) 371-2300 237 <b>FAX (A/C, No):</b> (517) 371-7121	
	<b>E-MAIL ADDRESS:</b> jrbrower@mourer-foster.com	
<b>INSURED</b>  Ken P. Buccilli, LLC. 12109 Merriman Livonia, MI 48150	<b>INSURER(S) AFFORDING COVERAGE</b>	<b>NAIC #</b>
	<b>INSURER A:</b> Home Owners Insurance	26638
	<b>INSURER B:</b> Hartford Property and Casualty	34690
	<b>INSURER C:</b> Philadelphia Insurance Company	18058
	<b>INSURER D:</b>	
	<b>INSURER E:</b>	
	<b>INSURER F:</b>	

## COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

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

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC OTHER:	X		06777724	1/19/2019	1/19/2020	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 HNO AUTO \$ 1,000,000
A	<input type="checkbox"/> AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input checked="" type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY	X		4277772401	8/19/2019	8/19/2020	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$ \$
	<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
B	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y/N If yes, describe under DESCRIPTION OF OPERATIONS below		N/A	81WECKB0959	1/19/2019	1/19/2020	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$ 500,000 E.L. DISEASE - EA EMPLOYEE \$ 500,000 E.L. DISEASE - POLICY LIMIT \$ 500,000
C	<b>Professional Liabili</b>			PHSD1441077	6/8/2019	6/8/2020	Each Claim 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)  
The City of Birmingham including all elected and appointed officials, all employees, all boards, commissions and/or authorities and board members are listed as additional insureds. Coverage is primary and non-contributing 30 day notice of cancellation applies

## CERTIFICATE HOLDER

## CANCELLATION

City of Birmingham  
151 Martin  
PO Box 3001  
Birmingham, MI 48012-3001

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

AUTHORIZED REPRESENTATIVE

**CITY OF BIRMINGHAM AGREEMENT  
WITH BUCCILLI GROUP, LLC AGREEMENT**

THIS AGREEMENT, made and entered into this 31 day of August, 2016, by and between the **CITY OF BIRMINGHAM**, a Michigan Municipal Corporation located at 151 Martin Street, Birmingham, Michigan, hereinafter referred to as the CITY, and **BUCCILLI GROUP, LLC**, a Michigan Limited Liability Company located at 235 E. Main St. Suite 105, Northville, MI 48167 hereinafter referred to as the CONSULTANT.

**W I T N E S S E T H:**

**WHEREAS**, the CITY would like to engage the professional services of the CONSULTANT to perform the services described in Attachment A thereof, and,

**WHEREAS**, the CONSULTANT is willing to render such services desired by the CITY for the considerations hereinafter expressed.

**NOW, THEREFORE**, for and in consideration of the mutual undertakings of the parties hereto, all as hereinafter set forth, it is agreed by and between the parties as follows:

1. The CONSULTANT shall perform the professional services for the CITY, as set forth on Attachment A which is attached hereto and incorporated by reference.
2. The CONSULTANT shall perform all work under the direction of the Building Official or a designated representative.
3. The CITY agrees to pay the CONSULTANT for services rendered on the basis of the hourly fees as set forth in Attachment A which is attached hereto and made a part hereof. The fee may be reviewed and adjusted annually by mutual consent of both parties in writing. The CONSULTANT shall submit billings on a regular basis.
4. This Agreement shall commence on 8-1-16, and shall terminate on 8-1-19. However, notwithstanding the term of the agreement, the City shall have the right to terminate this Agreement on ten (10) days written notice. In the event of termination, the CONSULTANT shall receive compensation for services to the date the termination takes effect and the City shall be entitled to retain and use the results to the date the termination takes effect and the City shall be entitled to retain and use the results of all information, documents and recommendations prepared by the CONSULTANT through such date.
5. If the CONSULTANT fails to perform its obligations hereunder, the CITY may take any and all remedial actions permitted by law.
6. The CONSULTANT shall hire personnel of good character and fitness to perform the duties under this Agreement.
7. The CONSULTANT agrees that neither it nor its subcontractors will discriminate against any employee or applicant for employment with respect to hire, tenure, terms, conditions

or privileges of employment, or a matter directly or indirectly related to employment because of race, color, religion, national origin, age, sex, height, weight or marital status. The CONSULTANT shall inform the CITY of all claims or suits asserted against it by the CONSULTANT'S employees who work pursuant to this Agreement. The CONSULTANT shall provide the CITY with periodic status reports concerning all such claims or suits, at intervals established by the CITY.

8. Any controversy or claim arising out of or relating to this Agreement, or the breach thereof, shall be settled either by commencement of a suit in Oakland County Circuit Court, the 48<sup>th</sup> District Court or by arbitration. If both parties elect to have the dispute resolved by arbitration, it shall be settled pursuant to Chapter 50 of the Revised Judicature Act for the State of Michigan and administered by the American Arbitration Association with one arbitrator being used, or three arbitrators in the event any party's claim exceeds \$1,000,000. Each party shall bear its own costs and expenses and an equal share of the arbitrator's and administrative fees of arbitration. Such arbitration shall qualify as statutory arbitration pursuant to MCL §600.5001 et seq., and the Oakland County Circuit Court or any court having jurisdiction shall render judgment upon the award of the arbitrator made pursuant to this Agreement. The laws of the State of Michigan shall govern this Agreement, and the arbitration shall take place in Oakland County, Michigan. In the event that the parties elect not to have the matter in dispute arbitrated, any dispute between the parties may be resolved by the filing of a suit in the Oakland County Circuit Court or the 48<sup>th</sup> District Court.

9. To the fullest extent permitted by law, the CONSULTANT and any entity or person for whom the CONSULTANT is legally liable, agrees to indemnify the City of Birmingham, its elected and appointed officials and employees against any and all claims, demands, suits, or loss, and for any damages which may be recovered against or from the CITY, its elected and appointed officials and employees by reason of personal injury, including bodily injury and death and/or property damage, including loss of use thereof, which arise out of the acts, errors or omissions of the CONSULTANT including its employees and agents, in the performance of this Agreement. Consultant is not obligated to indemnify the City for that portion which is attributable to the City's own negligence.

The CITY agrees that the contractors shall be solely responsible for job site safety and all contractors shall be required in the CITY'S contract with such contractors to indemnify the CONSULTANT for any liability incurred by the CONSULTANT as a result of the contractor's negligent acts or omissions. However, such indemnification shall not extend to liability resulting from the negligence of the CONSULTANT.

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

- A. Workers' Compensation Insurance: CONSULTANT shall procure and maintain during the life of this Agreement, Workers' Compensation

Insurance, including Employers Liability Coverage, in accordance with all applicable statutes of the State of Michigan.

- B. Commercial General Liability Insurance: CONSULTANT shall procure and maintain during the life of this Agreement, Commercial General Liability Insurance on an "Occurrence Basis" with limits of liability not less than \$1,000,000 per occurrence combined single limit, Personal Injury, Bodily Injury and Property Damage. Coverage shall include the following extensions: (A) Contractual Liability; (B) Products and Completed Operations; (C) Independent Contractors Coverage; (D) Broad Form General Liability Extensions or equivalent; (E) Deletion of all Explosion, Collapse and Underground (XCU) Exclusions, if applicable.
- C. Motor Vehicle Liability Insurance: CONSULTANT shall procure and maintain during the life of this Agreement Motor Vehicle Liability Insurance, including all applicable no-fault coverages, with limits of liability of not less than \$ 1,000,000 per occurrence combined single limit Bodily Injury and Property Damage. Coverage shall include all owned vehicles, all non-owned vehicles, and all hired vehicles.
- D. Additional Insured: The Commercial General Liability and Motor Vehicle Liability, as described above, shall include an endorsement stating the following shall be *Additional Insureds*: The City of Birmingham including all elected and appointed officials, all employees, all boards, commissions and/or authorities and board members. This coverage shall be primary and any other insurance maintained by the additional insureds shall be considered to be excess and non-contributing with this insurance required from CONSULTANT under this Section.
- E. Professional Liability Insurance: If Professional Liability Insurance is available, Professional Liability Insurance with limits of not less than \$2,000,000 per claim if CONSULTANT will provide service that are customarily subject to this type of coverage.
- F. Cancellation Notice: Workers' Compensation Insurance, Commercial General Liability Insurance, Professional Liability Insurance and Motor Vehicle Liability Insurance as described above, shall include an endorsement stating the following: "Thirty (30) days Advance Written Notice of Cancellation or Non-Renewal shall be sent to: Director of Finance, City of Birmingham, P.O. Box 3001, 151 Martin Street, Birmingham, Michigan 48012.
- G. Proof of Insurance Coverage: CONSULTANT shall provide the CITY at the time the Agreement is returned for execution, Certificates of Insurance and/or policies, acceptable to the City, as listed below.

- 1) Two (2) copies of Certificate of Insurance for Workers' Compensation Insurance;
- 2) Two (2) copies of Certificate of Insurance for Commercial General Liability Insurance;
- 3) Two (2) copies of Certificate of Insurance for Vehicle Liability Insurance;
- 4) Two (2) copies of Certificate of Insurance for Professional Liability Insurance;

H. Coverage Expiration: If any of the above coverages expire during the term of this Agreement, CONSULTANT shall deliver renewal certificates and/or policies to the City at least (10) days prior to the expiration date.

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

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

13. The CONSULTANT agrees that it will apply for and secure all permits and approvals as may be required from the CITY in accordance with the provisions of applicable laws and ordinances of the CITY, State of Michigan or federal agencies.

14. This Agreement shall be binding upon and apply and inure to the benefit of the parties hereto and their respective successors or assigns. The covenants, conditions, and the agreements herein contained are hereby declared binding on the CITY and CONSULTANT. It is further agreed that there shall be no change, modification, or alteration hereof, except in

writing, signed by both of the parties hereto. Neither party shall assign any of the rights under this Agreement without prior approval, in writing, of the other. Any attempt at assignment without prior written consent shall be void and of no effect.

15. The CITY shall be the owner of all the drawings, specifications or other documents prepared by the CONSULTANT. Any modifications made to the drawings by the CITY shall be clearly marked as such on the modified document. The CITY may not use these documents for any purpose other than pursuant to the activities provided for in this Agreement.

16. Notices shall be given to:

- a. City of Birmingham  
151 Martin Street, P.O. Box 3001  
Birmingham, MI 48012-3001  
Attention: Mr. Paul O'Meara, City Engineer

With copies to:

Timothy J. Currier, City Attorney  
Beier Howlett, P.C.  
3001 W. Big Beaver Road, Suite #200  
Troy, MI 48084

- b. Buccilli Group, LLC  
Attention: Mr. Robert Tolliver  
235 E. Main Street  
Northville, MI 48167

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

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



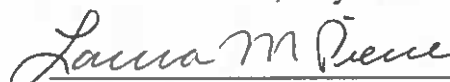
19. If any provision of this Agreement is declared invalid, illegal or unenforceable, such provision shall be severed from this Agreement and all other provisions shall remain in full force and effect.

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



IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first above written.

CITY OF BIRMINGHAM

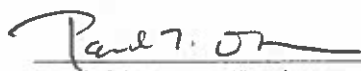
  
Racheline J. Hoff, Mayor

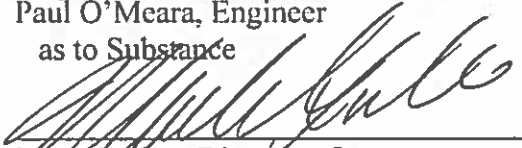
  
Laura M. Pierce, Clerk

BUCCILLI GROUP, LLC

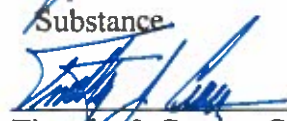
By:   
Its: 

APPROVAL (Sec 2-289 City Code)

  
Paul O'Meara, Engineer  
as to Substance

  
Mark Gerber, Director of  
Finance as to Financial Obligation

  
Joseph A. Valentine, City Manager as to  
Substance

  
Timothy J. Currier, City Attorney as to  
Form

**This Attachment A must be signed below in order for the contract to be valid.**

A. Inspection Services

B. Scope of Services and Fee: Please list scope of services as detailed as possible.

SERVICES	AMOUNT
Description: Inspection Services. (Sanitary Sewer; Storm Sewer; Water Main; Asphalt & Concrete Paving or any other type of service deemed necessary by both parties for the period of up to three years from the execution of this agreement, the term of which may be extended from time as agreed to by the City of Birmingham and Buccilli Group, LLC. Consultant shall serve as an at will vendor and the City of Birmingham reserves the right to terminate for convenience at any time.	Rate: \$54.00 per Hour  Overtime Rate: \$66.00 per Hour  The minimum show up time for a Construction Inspector is four (4) hours. In the case of a "rain day" or any other cancellation, within 24 hours, the client will be charged two (2) hours. The client will be charged an overtime rate for any work over 8 hours in a work day, Saturdays, Sundays, and holidays.

C. Insurance:

Certificate Attached to this Contract

Workers Compensation Professional Liability	Yes
Commercial General Liability	Yes
Comprehensive Automobile Liability	Yes
Other N/A	Yes

D. Completion Date: On-Going

E. Billing and Payment Schedule See payment section in agreement

**BUCCILLI GROUP, LLC:**  
235 E. Main Street, Suite 105  
Northville, Michigan 48167

Date: 7-31-12

By: Jennifer A. Buccilli  
Jennifer A. Buccilli, Managing Member

The City of Birmingham

Date: \_\_\_\_\_

By: \_\_\_\_\_



# MEMORANDUM

Engineering Department

**DATE:** July 26, 2019

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

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

**SUBJECT:** Pierce Alley Paving Project  
Contract # 5-19 (P)

---

## INTRODUCTION:

As part of the City's on-going capital improvement plan, Pierce Alley is scheduled to be reconstructed in 2019. As part of this project, the alley will be updated to the City's Alley Standard to also include new street lights.

## BACKGROUND:

Pierce Alley is scheduled to be reconstructed in the summer/fall of 2019. As part of the planning for this project, the existing public utilities and private service leads were evaluated. It should be noted that there is no public water main within the alley. All buildings adjacent to the alley are serviced by existing water mains either along Merrill, Pierce or Old Woodward. There is however an existing combined sewer within the alley. This sewer is in fair condition and is scheduled to be lined with a future project along with the sewer laterals, so no sewer work is planned at this time other than upgrading the existing catch basins. Additionally, as part of this project, cleanouts will be installed on each active sanitary lead to assist with the future lining project.

The project will include catch basin upgrades, as well as new enhanced concrete pavement on the eighteen (18) foot wide alley extending from Merrill Street to Pierce Street, matching the conceptual plans previously approved by the City Commission. Special amenities included in this project include the new 'Via' theme wayfinding signs to be attached to street lights and dumpster/compactor screens to be installed at five (5) different locations where dumpsters/compactors currently are located.

The Engineering Department opened bids on July 26, 2019. Two (2) bids were received, as listed on the attached summary. The low bidder was Koala-T Construction, with their bid of \$ 536,360.00. The Engineer's estimate was \$ 340,000.00.

It should be noted that \$99,200 of this project would be charged to the Sewer Fund with the remaining (\$437,160) being special assessed to the property owners. This is 38% higher than the established roll (\$298,593.20). If the City Commission chooses to proceed with the project at this time, the City Charter would require that another Public Hearing be scheduled to notify the property owners within the district.

Based on the lack of bidders, the bidding climate, and that it is not critical to complete the project this year, the Engineering Department is recommending that all bids be rejected and the project be rebid during the winter/spring of next year with construction beginning in late summer of 2020 after the Maple Road project.

LEGAL REVIEW:

No legal review required at this time.

FISCAL IMPACT:

No fiscal impact at this time.

SUMMARY:

Based on the lack of bids, higher than anticipated project costs and that it is not critical that the project be completed this year, the Engineering Department believes that it would be prudent to reject all bids and re-bid the project in the winter/spring of 2020.

ATTACHMENTS:

- Bid Summary (1 page)

SUGGESTED RESOLUTION:

To reject all bids for this project and to direct staff to re-bid the project in the winter/spring of 2020 with construction beginning late summer of 2020 after the Maple Road project.

**CITY OF BIRMINGHAM**

**PIERCE ALLEY PAVING PROJECT**

**CONTRACT # 5-19 (P)**

**BID SUMMARY**

**July 26, 2019 - 2:00 PM**

Company Name	Addendums	5% Bid Security	Base Bid
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[illegible]



## MEMORANDUM

Department of Public Services

**DATE:** July 22, 2019

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

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

**SUBJECT:** Rink Seal Pro for Ice Arena – Annual Maintenance

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### INTRODUCTION:

As part of our preventative maintenance program, the Department of Public Services plans for the periodic addition of Rink Seal Pro to our refrigeration system at the Birmingham Ice Arena. Rink Seal Pro is an additive to the piping that searches out weak spots, possible cracks or holes and adheres to the pipe creating a seal.

### BACKGROUND:

Because the system has experienced a leak and as a precautionary maintenance measure, our refrigeration system maintenance contractor, Delta Temp, recommended we apply Rink Seal Pro Solution prior to start-up of the system during the 2017-2018 season. The purchase of the first application of Rink Seal Pro product was approved at the June 26, 2017 City Commission meeting.

The recommendation by the manufacturer of Rink Seal Pro Preventative solution is to install an application as part of the "startup" of the compressor system each season. This will seal any existing leaks on the system. It also has a cleaning effect for the existing system. The product does have a 12-month warranty and a money back guarantee. Ice will be re-installed in the Arena mid-August for the upcoming season.

The Department of Public Services requested a quote from Shaler-Rink Seal Pro for the Rink Seal Pro Cooling Solution. It is better to add this material now, rather than to have the ice installed and encounter a leak after start-up or sometime during the course of the season. The total comes to \$8,150.00 and the product is same day shipped. Upon receipt of the product, Delta Temp is prepared to schedule the work for installation, keeping a timeslot open.

### LEGAL REVIEW:

A legal review was not necessary, as this is a purchase of product not a service, and there is no contract.

### FISCAL IMPACT:

Funds are available in the 2019-2020 budget from the Ice Arena - Other Contractual Services account #101-752.000-811.0000 for this project.



**SUMMARY:**

The Department of Public Services recommends awarding the purchase of Rink Seal Pro Preventative Solution from Shaler-Rink Seal Pro for \$8,150.00. This serves as an annual preventative maintenance to the system going forward at the Arena. Adding this solution was a recommendation as part of the interim plan until the overall Ice Arena improvement project could be funded and initiated.

Plante & Moran CRESA is continuing to evaluate the potential benchmark cost of renovating the existing City of Birmingham Sports Ice Arena verses constructing a new ice arena facility. The analysis will include information provided in the December 11 2018 City of Birmingham Ice Sports Arena Assessment Report along with a budgeted cost for constructing a new ice arena of similar size and amenities located on the current ice arena site.

**ATTACHMENTS:**

- Rink Seal Cost Proposal dated 7/9/19

**SUGGESTED RESOLUTION:**

To approve the purchase of Rink Seal Pro Preventative Solution from Shaler-Rink Seal Pro in the amount not to exceed of \$8,150.00. Funds are available from the Ice Arena - Other Contractual Services account #101-752.000-811.0000.

**RINK SEAL PRO™**  
10386 N. Holly Rd.  
Holly, MI 48442  
(855) 974-2537

# QUOTATION

Quote Prepared By: Mike Mermuys

## Customer Information

Quote Date: 7/9/2019 Quote#: 92813  
Company: City Of Birmingham /  
Attn: Lauren Wood  
Email: lwood@bhamgov.org Phone: 248.530.1702 Fax: 248.530.1742

## System Description

Based on the customers information, the customer has 2 sheet 4300 gallon facility on 1 loop.

## System Solution

Our recommendation is Rink Seal Pro Preventative solution be applied to the system. This will seal any existing leaks on the system. Solution will also have a cleaning effect for the existing system. All filtration systems must be bypassed for 12 months. Guaranteed to stop your leak or your money back.

## Quote Terms/Pricing

Payment Terms	Quote Price:	Freight:	Quote Total:	Tax Exempt?	Tax ID
7 Days	\$8,000.00	\$150.00	\$8,150.00	No	

**\*\*Note:** If you have not already, please fax or email proof of tax exemption. All applicable taxes will be charged unless you provide tax exempt status.

## Payment/Shipping Information

Payment Method ☐ Check ☐ COD ☐ Credit Card ☒ PO ☐ Warranty ☐ Wire Transfer PO Number  
Shipping Method ☐ Air Freight ☐ Customer Pick-up ☐ Ground ☐ LTL ☐ Ocean Freight

**\*\*Note:** Unless COD, shipping charges will be reflected on final invoice. Please make all checks payable to Shaler.

## TERMS AND CONDITIONS OF SALE

1. **Parties.** "Seller" means Shaler a Michigan corporation. "Buyer" means the entity or person submitting the purchase order to Seller.

**2. Application.** These Terms and Conditions of Sale define the relationship of Buyer and Seller and apply to all sales of products, supplies, materials, or other personal property (individually and collectively, "Product(s)") by Seller to Buyer. Buyer acknowledges and agrees that these Terms and Conditions of Sale are incorporated in, and are a part of, each quotation, purchase order, invoice, release, requisition, work order, shipping instruction, specification, and any other document, whether expressed verbally, in written form or electronic commerce, relating to the sale of Product(s) by Seller to Buyer (these documents are collectively referred to as the "Agreement").

**3. Warranty, Disclaimer and Money Back Guarantee.** Seller warrants if the Product(s) fail to meet Sellers published specifications and is defective because it fails to meet the Seller's normal published specifications, Seller will issue the Buyer a refund of the amount paid to Seller for the Product subject to the warranty claim. Warranty claims must be made in writing by Buyer to Seller. Seller's liability for warranty claims of any kind is strictly limited to the purchase price of the Product.

**4. Limitation.** THE FOREGOING WARRANTIES AND REMEDIES ARE EXCLUSIVE. NO OTHER WARRANTY OR REMEDY IS EXPRESSED OR IMPLIED, INCLUDING, WITHOUT LIMITATION, ANY IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, OR AND THOSE ARISING OUT OF COURSE OF DEALING OR USAGE OF TRADE. BUYER ACKNOWLEDGES THAT EXCEPT FOR THE WARRANTY SET FORTH ABOVE, NO REPRESENTATIONS CONCERNING THE PRODUCTS ARE OR WERE MADE TO BUYER OR RELIED UPON BY BUYER WITH RESPECT TO THE QUALITY OR FITNESS OF THE PRODUCTS. BUYER WAIVES THE RIGHT TO ANY CLAIMS BASED ON AN ALLEGED BREACH OF WARRANTY BY THE SELLER EXCEPT AS OTHERWISE PROVIDED IN THIS AGREEMENT.

Except as otherwise specified in this Agreement, the Seller shall have no liability of any kind from either Buyer, its customers, or end users of the Products, for any reason, for any expenditure made, or loss of income incurred, by Buyer in preparation for performance of the Buyer's obligations under this Agreement or otherwise. IN NO EVENT SHALL THE SELLER BE LIABLE TO BUYER OR ANY PARTY CLAIMING THROUGH BUYER FOR ANY SPECIAL, INCIDENTAL, INDIRECT, CONSEQUENTIAL, EXEMPLARY, PUNITIVE OR CONTINGENT DAMAGES WHATSOEVER, INCLUDING, WITHOUT LIMITATION, LOSS OF PROFITS, INJURIES TO PROPERTY, LOSS OF USE OF THE PRODUCT, OR ANY ASSOCIATED EQUIPMENT WITH RESPECT TO CLAIMS MADE UNDER THIS AGREEMENT OR BY ANY PURCHASER OR USER OF PRODUCTS, REGARDLESS OF THE FORESEEABILITY OF SUCH DAMAGES OR WHETHER THE SELLER WAS APPRISED OF THE LIKELIHOOD THEREOF.

Thank You!

Mike Mermuys - Vice President  
Shaler - Rink Seal Pro  
810-603-1324 Ext:401  
810-603-1335 (fax)  
mike.mermuys@shalerpro.com

X \_\_\_\_\_  
Buyer Signature

\_\_\_\_\_  
Buyer/Company Name

\_\_\_\_\_  
Date

**DATE:** July 26, 2019

**TO:** Joe Valentine, City Manager

**FROM:** Brooks Cowan, City Planner

**APPROVED:** Jana Ecker, Planning Director

**SUBJECT:** Public Hearing to amend Article 4, Section 4.18(A) for structures excluded from height standards, 4.19(A) for height standards in the MX Zone, Article 5, Section 5.03, 5.04, 5.05, 5.06, 5.07, 5.08, 5.09, 5.10, 5.11, 5.12, 5.13, 5.14, 5.15, 5.16 for rooftop use standards, and Article 9 Definitions for Building Height, Building Height, Overlay, and Rooftop.

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## INTRODUCTION:

Current Zoning Ordinance language has a mixture of rules determining what is allowed on a rooftop, the types of structures that may exceed the maximum height limit, and how many feet certain structures may exceed the maximum height limit. Efforts have been made to simplify ordinance language for rooftop structures and uses so that there is continuity among the various zones throughout the city.

## BACKGROUND:

The MX Zone in the Triangle District allows a maximum height for a flat roof to be 45 feet, but it does not allow rooftop uses above 40 feet, and does not allow mechanical equipment to exceed 50 feet. This has created practical difficulties in designing an elevator to provide access for rooftop mechanical equipment, and has prevented residents from enjoying the outdoor area and view provided by a rooftop in this zone.

The matter of rooftop uses in the MX District was discussed at the joint meeting of the City Commission and Planning Board on October 15, 2018. After much discussion, the consensus of the City Commission was to consider ordinance amendments to allow rooftop uses and occupation in the MX District so that such uses are permitted in all zone districts that allow mixed use buildings. In addition, the City Commission also expressed a desire to allow small lobbies or areas of enclosed space around elevators that extend up to rooftops in all districts.

The Planning Board has considered a number of issues related to rooftop uses and items permitted to exceed the maximum height in each zone. The number one priority in considering these issues was safety, followed closely by the practicality of being able to access the rooftop for maintenance work and leisure.

At the Planning Board meeting on May 8<sup>th</sup>, 2019, the Planning Board voted to set a public hearing

to further discuss the amendments to Article 4, Section 4.18(A) for structures excluded from height standards, 4.19(A) for height standards in the MX Zone, Article 5, Section 5.03, 5.04, 5.05, 5.06, 5.07, 5.08, 5.09, 5.10, 5.11, 5.12, 5.13, 5.14, 5.15, 5.16 for rooftop use standards, and Article 9 Definitions for Building Height, Building Height, Overlay, and Rooftop. On June 12, 2019, the Planning Board voted to recommend the proposed amendments for rooftop uses to the City Commission with the condition that the public hearing is set after the Planning Board approves the meeting minutes to ensure City Commission could review final comments on the proposed amendments.

**LEGAL REVIEW:**

The City Attorney has reviewed the draft language and has no concerns.

**FISCAL IMPACT:**

There are no anticipated fiscal impacts of the proposed amendments.

**SUMMARY:**

On June 12<sup>th</sup>, 2019, the Planning Board held a public hearing on the draft ordinance language and voted to recommend approval to the City Commission to amend Article 4, Section 4.18(A) for structures excluded from height standards, 4.19(A) for height standards in the MX Zone, Article 5, Section 5.03, 5.04, 5.05, 5.06, 5.07, 5.08, 5.09, 5.10, 5.11, 5.12, 5.13, 5.14, 5.15, 5.16 for rooftop use standards, and Article 9 Definitions for Building Height, Building Height, Overlay, and Rooftop.

**ATTACHMENTS:**

- Proposed ordinance language
- Planning Board Memo from June 12<sup>th</sup>, 2019
- Relevant meeting minutes

**SUGGESTED ACTION:**

To approve amendments to Article 4, Section 4.18(A) for structures excluded from height standards, 4.19(A) for height standards in the MX Zone, Article 5, Section 5.03, 5.04, 5.05, 5.06, 5.07, 5.08, 5.09, 5.10, 5.11, 5.12, 5.13, 5.14, 5.15, 5.16 for rooftop use standards, and Article 9 Definitions for Building Height, Building Height, Overlay, and Rooftop.

CITY OF BIRMINGHAM  
**ORDINANCE NO.**

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

**TO AMEND ARTICLE 4, SECTION 4.18(A), HEIGHT STANDARDS, TO REGULATE ROOFTOP ITEMS EXCLUDED FROM HEIGHT STANDARDS.**

This Height Standards section applies to the following districts: O1, O2, P, B1, B2, B2B, B2C, B3, B4, TZ1, TZ3, **MX**

The following height standard applies:

A.) Structures Excluded:

- 1.) The maximum height limit set forth in the two-page layout in Article 2 shall not apply to any **mechanical** penthouses, **stair enclosures**, **elevator shafts**, **elevator lobbies**, rooftop screening, rooftop mechanical equipment and/or other rooftop mechanical appurtenances, **provided the mechanical appurtenances** are screened in accordance with Section 4.54.
- 2.) **An elevator shaft may exceed the maximum height limit by no more than 16 feet.**
- 3.) **An elevator lobby may exceed the maximum height limit by no more than 16 feet provided that it is no larger in area than the area of the elevator shaft which it abuts, measured to the exterior walls.**
- 4.) **Stair enclosures, rooftop screening, rooftop mechanical equipment and/or other rooftop mechanical appurtenances may exceed the maximum height limit by no more than 10 feet.**
- 5.) **Rooftop amenities such as pergolas, trellises, furniture and other similar items may exceed the maximum height limit by no more than 10 feet, provided they meet the requirements of Rooftop Use Standards in Article 5.**

ORDAINED this \_\_\_\_\_ publication day of \_\_\_\_\_, 2019 to become effective 7 days after publication.

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Patty Bordman, Mayor

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Cherilynn Mynsberge, City Clerk



CITY OF BIRMINGHAM  
**ORDINANCE NO.**

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

**TO AMEND ARTICLE 4, SECTION 4.19(A), HEIGHT STANDARDS, TO  
ALLOW ROOFTOP USE AND AMENITIES IN THE MX ZONE DISTRICT.**

The following height standards apply:

- A. Roofs:
  - 1. Flat roofs shall be no more than 45 feet.
  - 2. Eave line for sloped roofs shall be no more than 40 feet.
  - 3. Peak or ridge of any sloped roof shall be no more than 50 feet as measured to the average grade at the sidewalk at the frontage line.
  - 4. ~~Maximum overall height including the mechanical and other equipment shall be no more than 50 feet.~~
  - 5. Sloped roofs no greater than 45 degrees measured to the horizontal shall be permitted for the screening of mechanical and other equipment.
  - 6. ~~Any other use or occupancy above 40 feet shall be prohibited.~~
  - 7. Maximum of 4 stories.

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CITY OF BIRMINGHAM  
**ORDINANCE NO.**

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

**TO AMEND ARTICLE 5.03 R4 DISTRICT, R5 DISTRICT, R8 DISTRICT, USE SPECIFIC STANDARDS, TO ALLOW ROOFTOP USE AND AMENITIES.**

**D. Rooftop Use Standards:**

- 1. Rooftop amenities such as pergolas, trellises and other similar items are permitted on a rooftop, provided:**
  - i. They are set back at least 5 feet from the eave line.**
  - ii. They are of sufficient weight or anchored to the building to resist anticipated wind loads.**
  - iii. They do not have full enclosures.**
  - iv. They do not include eisenglass or similar enclosure materials.**
- 2. Rooftop structures and amenities may not contain habitable space.**

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Patty Bordman, Mayor

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Cherilynn Mynsberge, City Clerk

CITY OF BIRMINGHAM  
**ORDINANCE NO.**

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

**TO AMEND ARTICLE 5.04 R6 DISTRICT, USE SPECIFIC STANDARDS, TO ALLOW ROOFTOP USE AND AMENITIES.**

**D. Rooftop Use Standards:**

- a. Rooftop amenities such as pergolas, trellises and other similar items are permitted on a rooftop, provided:
  - i. They are set back at least 5 feet from the eave line.
  - ii. They are of sufficient weight or anchored to the building to resist anticipated wind loads.
  - iii. They do not have full enclosures.
  - iv. They do not include eisenglass or similar enclosure materials.
- b. Rooftop structures and amenities may not contain habitable space.

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Patty Bordman, Mayor

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Cherilynn Mynsberge, City Clerk

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**TO AMEND ARTICLE 5.05 R7 DISTRICT, USE SPECIFIC STANDARDS, TO ALLOW ROOFTOP USE AND AMENITIES.**

**D. Rooftop Use Standards:**

- a. Rooftop amenities such as pergolas, trellises and other similar items are permitted on a rooftop, provided:
  - i. They are set back at least 5 feet from the eave line.
  - ii. They are of sufficient weight or anchored to the building to resist anticipated wind loads.
  - iii. They do not have full enclosures.
  - iv. They do not include eisenglass or similar enclosure materials.
- b. Rooftop structures and amenities may not contain habitable space.

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

**TO AMEND ARTICLE 5.06 01 DISTRICT, USE SPECIFIC STANDARDS, TO ALLOW ROOFTOP USE AND AMENITIES.**

**G. Rooftop Use Standards:**

- a. Rooftop amenities such as pergolas, trellises and other similar items are permitted on a rooftop, provided:**
  - i. They are set back at least 5 feet from the eave line.**
  - ii. They are of sufficient weight or anchored to the building to resist anticipated wind loads.**
  - iii. They do not have full enclosures.**
  - iv. They do not include eisenglass or similar enclosure materials.**
- b. Rooftop structures and amenities may not contain habitable space.**

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

**TO AMEND ARTICLE 5.07 02 DISTRICT, USE SPECIFIC STANDARDS, TO ALLOW ROOFTOP USE AND AMENITIES.**

**G. Rooftop Use Standards:**

- a. Rooftop amenities such as pergolas, trellises and other similar items are permitted on a rooftop, provided:**
  - i. They are set back at least 5 feet from the eave line.**
  - ii. They are of sufficient weight or anchored to the building to resist anticipated wind loads.**
  - iii. They do not have full enclosures.**
  - iv. They do not include eisenglass or similar enclosure materials.**
- b. Rooftop structures and amenities may not contain habitable space.**

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

**TO AMEND ARTICLE 5.08 P DISTRICT, USE SPECIFIC STANDARDS, TO ALLOW ROOFTOP USE AND AMENITIES.**

**F. Rooftop Use Standards:**

- a. Rooftop amenities such as pergolas, trellises and other similar items are permitted on a rooftop, provided:**
  - i. They are set back at least 5 feet from the eave line.**
  - ii. They are of sufficient weight or anchored to the building to resist anticipated wind loads.**
  - iii. They do not have full enclosures.**
  - iv. They do not include eisenglass or similar enclosure materials.**
- b. Rooftop structures and amenities may not contain habitable space.**

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Patty Bordman, Mayor

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Cherilynn Mynsberge, City Clerk

CITY OF BIRMINGHAM  
**ORDINANCE NO.**

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

**TO AMEND ARTICLE 5.09 B1 DISTRICT, USE SPECIFIC STANDARDS, TO ALLOW ROOFTOP USE AND AMENITIES.**

**H. Rooftop Use Standards:**

- a. Rooftop amenities such as pergolas, trellises and other similar items are permitted on a rooftop, provided:**
  - i. They are set back at least 5 feet from the eave line.**
  - ii. They are of sufficient weight or anchored to the building to resist anticipated wind loads.**
  - iii. They do not have full enclosures.**
  - iv. They do not include eisenglass or similar enclosure materials.**
- b. Rooftop structures and amenities may not contain habitable space.**

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

**TO AMEND ARTICLE 5.10 B2 DISTRICT, B2B DISTRICT, B2C DISTRICT, USE SPECIFIC STANDARDS, TO ALLOW ROOFTOP USE AND AMENITIES.**

**N. Rooftop Use Standards:**

- c. Rooftop amenities such as pergolas, trellises and other similar items are permitted on a rooftop, provided:**
  - i. They are set back at least 5 feet from the eave line.**
  - ii. They are of sufficient weight or anchored to the building to resist anticipated wind loads.**
  - iii. They do not have full enclosures.**
  - iv. They do not include eisenglass or similar enclosure materials.**
- d. Rooftop structures and amenities may not contain habitable space.**

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

**TO AMEND ARTICLE 5.11 B3 DISTRICT, USE SPECIFIC STANDARDS, TO ALLOW ROOFTOP USE AND AMENITIES.**

**F. Rooftop Use Standards:**

- e. Rooftop amenities such as pergolas, trellises and other similar items are permitted on a rooftop, provided:**
  - i. They are set back at least 5 feet from the eave line.**
  - ii. They are of sufficient weight or anchored to the building to resist anticipated wind loads.**
  - iii. They do not have full enclosures.**
  - iv. They do not include eisenglass or similar enclosure materials.**
- f. Rooftop structures and amenities may not contain habitable space.**

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

**TO AMEND ARTICLE 5.12 B4 DISTRICT, USE SPECIFIC STANDARDS, TO ALLOW ROOFTOP USE AND AMENITIES.**

**K. Rooftop Use Standards:**

- g. Rooftop amenities such as pergolas, trellises and other similar items are permitted on a rooftop, provided:**
  - i. They are set back at least 5 feet from the eave line.**
  - ii. They are of sufficient weight or anchored to the building to resist anticipated wind loads.**
  - iii. They do not have full enclosures.**
  - iv. They do not include eisenglass or similar enclosure materials.**
- h. Rooftop structures and amenities may not contain habitable space.**

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

**TO AMEND ARTICLE 5.13 MX DISTRICT, USE SPECIFIC STANDARDS, TO ALLOW ROOFTOP USE AND AMENITIES.**

**N. Rooftop Use Standards:**

- i. Rooftop amenities such as pergolas, trellises and other similar items are permitted on a rooftop, provided:**
  - i. They are set back at least 5 feet from the eave line.**
  - ii. They are of sufficient weight or anchored to the building to resist anticipated wind loads.**
  - iii. They do not have full enclosures.**
  - iv. They do not include eisenglass or similar enclosure materials.**
- j. Rooftop structures and amenities may not contain habitable space.**

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

**TO AMEND ARTICLE 5.14 TZ1 DISTRICT, USE SPECIFIC STANDARDS, TO ALLOW ROOFTOP USE AND AMENITIES.**

**B. Rooftop Use Standards:**

- k. Rooftop amenities such as pergolas, trellises and other similar items are permitted on a rooftop, provided:**
  - i. They are set back at least 5 feet from the eave line.**
  - ii. They are of sufficient weight or anchored to the building to resist anticipated wind loads.**
  - iii. They do not have full enclosures.**
  - iv. They do not include eisenglass or similar enclosure materials.**
- l. Rooftop structures and amenities may not contain habitable space.**

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Patty Bordman, Mayor

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Cherilynn Mynsberge, City Clerk



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

**TO AMEND ARTICLE 5.15 T22 DISTRICT, USE SPECIFIC STANDARDS, TO ALLOW ROOFTOP USE AND AMENITIES.**

**B. Rooftop Use Standards:**

- a. Rooftop amenities such as pergolas, trellises and other similar items are permitted on a rooftop, provided:**
  - i. They are set back at least 5 feet from the eave line.**
  - ii. They are of sufficient weight or anchored to the building to resist anticipated wind loads.**
  - iii. They do not have full enclosures.**
  - iv. They do not include eisenglass or similar enclosure materials.**
- b. Rooftop structures and amenities may not contain habitable space.**

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

**TO AMEND ARTICLE 5.16 TZ3 DISTRICT, USE SPECIFIC STANDARDS, TO ALLOW ROOFTOP USE AND AMENITIES.**

**B. Rooftop Use Standards:**

- c. Rooftop amenities such as pergolas, trellises and other similar items are permitted on a rooftop, provided:**
  - v. They are set back at least 5 feet from the eave line.**
  - vi. They are of sufficient weight or anchored to the building to resist anticipated wind loads.**
  - vii. They do not have full enclosures.**
  - viii. They do not include eisenglass or similar enclosure materials.**
- d. Rooftop structures and amenities may not contain habitable space.**

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CITY OF BIRMINGHAM  
**ORDINANCE NO.**

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

**TO AMEND ARTICLE 9, DEFINITIONS TO DEFINE BUILDING HEIGHT, BUILDING HEIGHT- DOWNTOWN OVERLAY, BUILDING HEIGHT, TRIANGLE OVERLAY, ROOFTOP, AND ROOFTOP TERRACE.**

Building Height: The Vertical distance measured from existing grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs, and to the midpoint for gable, hip, gambrel, barrel, and shed roofs. In a building having a flat roof, the parapet, if provided, may exceed the maximum building height by up to ~~3 feet~~ **42 inches**.

Building Height, **Downtown Overlay:** The vertical distance from the average grade at the sidewalk at the frontage line to the highest point of the roof surface in a flat roof and the eaves/eave line for a gable, hip, gambrel, or mansard roof. Height limits do not apply to ~~parapet walls, belfries, steeples or flagpoles. skylights, chimneys, or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building.~~

**Rooftop: The external upper covering of a building.**

ORDAINED this \_\_\_\_\_ publication day of \_\_\_\_\_, 2019 to become effective 7 days after publication.

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Patty Bordman, Mayor

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Cherilynn Mynsberge, City Clerk

**DATE:** June 12<sup>th</sup>, 2019

**TO:** Planning Board

**FROM:** Brooks Cowan, City Planner

**SUBJECT:** Rooftop Uses

A number of new mixed use and multi-family developments throughout the country have included rooftop amenities such as recreation spaces, terraces, patios, gardens or pools. Providing rooftop amenities allows building owners to maximize space. The view that rooftop amenities provide is often cited as one of the biggest benefits for patrons of such spaces. Examples in Birmingham include the All Seasons, The Forefront, and Social Kitchen.

Rooftop use above the building height limit is currently permitted in all zoning districts except the MX zone. Issues with limitations on rooftop mechanical equipment has also been an issue in the MX zone due to the area's height restrictions.

The Planning Board has discussed what is allowed on a rooftop and what is not. Factors in this discussion involve the types of structures the Zoning Ordinance excludes from the maximum building height, and how high these structures are allowed to extend. Another issue discussed has been how should rooftop uses be setback and allocated throughout the day.

To address items excluded from height restrictions, Article 4.16(C) of the Zoning Ordinance lists antennas, chimneys and flagpoles, provided that they do not exceed the maximum height limit by more than 10 feet. This standard applies to all zoning districts in the Zoning Ordinance.

## Height Standards (HT)

**Article  
04**

### 4.16 HT-01

This Height Standards section applies to the following districts:

R1A R1 R2 R3 R4 R5 R6 R7 R8 O1 O2 P B1 B2 B2B B2C B3 B4 MX TZ1 TZ3

The following height standards apply:

- A. Maximum Building/Eave Height: The maximum building height shall be as per each two-page layout in Article 2.
- B. Maximum Stories: The maximum number of stories shall be as per each two-page layout in Article 2.
- C. Structures Excluded: The maximum height limits set forth in the two-page layout in Article 2 shall not apply to radio or television antennas, chimneys and flagpoles, provided they do not exceed the required maximum height limits by more than 10 feet.

To address rooftop mechanical equipment in commercial zones, Article 4.18(A) excludes certain

mechanical structures from the maximum height limit, but it does not specify an amount to which these structures may exceed the height limit. Structures such as elevator shafts and stair enclosures are not mentioned in this section of the ordinance at this time. **Ordinance language suggesting a height limit exemption of 10 feet for rooftop mechanicals and amenities has been suggested, as well as an exemption of 16 feet for elevator shafts and elevator lobbies. It has also been suggested that zone MX be added to Article 4.18(A) to incorporate all mixed use buildings.**

#### 4.18 HT-03

This Height Standards section applies to the following districts:

O1 O2 P B1 B2 B2B B2C B3 B4 TZ1 TZ3

The following height standard applies:

- A. Structures Excluded: The maximum height limits set forth in the two-page layout in Article 2 shall not apply to any penthouses, rooftop screening, rooftop mechanical equipment and/or other rooftop mechanical appurtenances, providing they are screened in accordance with Section 4.54.

Article 4.19 of the Zoning Ordinance contains height standards for the Mixed Use (MX) zone, stating that flat roofs shall be no more than 45 feet, and maximum overall height including the mechanical and other equipment shall be no more than 50 feet. This only leaves 5 feet for rooftop mechanical equipment in the MX zone. Also, if a property owner in the MX zone constructs a building with a roof height of 40' or above, no rooftop use may be permitted. The MX zone is the only zoning district that prohibits rooftop use above a certain height limit. The District Lofts at the northwest corner of Villa and Eton and the Sheridan senior living center are two properties that have recently been built with a height above 40 feet and are currently prohibited from having uses on the rooftop. **Ordinance language has been suggested extending the height for mechanical and other equipment in the MX zone, as well as permitting use above 40 feet in the MX zone.**

## Height Standards (HT)

Article  
**04**

#### 4.19 HT-04

This Height Standards section applies to the following district:

MX

The following height standards apply:

- A. Roofs:
1. Flat roofs shall be no more than 45 feet.
  2. Eave line for sloped roofs shall be no more than 40 feet.
  3. Peak or ridge of any sloped roof shall be no more than 50 feet as measured to the average grade at the sidewalk at the frontage line.
  4. Maximum overall height including the mechanical and other equipment shall be no more than 50 feet.
  5. Sloped roofs no greater than 45 degrees measured to the horizontal shall be permitted for the screening of mechanical and other equipment.
  6. Any other use or occupancy above 40 feet shall be prohibited.
  7. Maximum of 4 stories.
- B. Structures Along Eton Road: The minimum eave height for a 1 story building along Eton Road shall be 18 feet.

In regards to height standards, the Zoning Ordinance has discrepancies related to what is and is not excluded from the maximum building height in the Downtown Overlay District. Height limit in Article 3.04 for zones D2, D3 and D4 is worded as follows:

- 3.04(A)(1)(c) "Maximum overall height **including the mechanical** and other equipment shall be no more than 56 feet.
- 3.04(A)(2)(c) "Maximum overall height **including the mechanical** and other equipment shall be no more than 68 feet.
- 3.04(A)(3)(c) "Maximum overall height **including the mechanical** and other equipment shall be no more than 80 feet.

Therefore, according to Article 3, rooftop mechanical equipment such as an elevator shaft on a building in the D4 zone must be below 80 feet. A table of all permissible height limits per commercial zone and their exempt height for mechanical is attached below.

Overlay	Zone	Floors	Height Limit	Bonus Floor/Height	Exempt Height for Mechanicals
Downtown	D2	2	56	1	-
Downtown	D3	3	68	1	-
Downtown	D4	4	80	1	-
Triangle	MU3	3	42-66	2 floors / 24ft	10
Triangle	MU5	5	66-78	1 floor / 12ft	10
Triangle	MU7	7	90-114	2 floors / 24ft	10
	MX	4	45		5
	B1	2	30		10
	B2	3	40		10
	B2B	2-3	30-40*		10
	B2C	3	30		10
	B3	3-5	40-60*		10
	B4	4-5	48-60*		10
	O1	2	28		10
	O2	2	28		10
	R4	2.5	35		10
	R5	2	30		10
	R6	3	40		10
	R7	4	50		10
	R8	2.5	30		10
	P	4	50		10
	10 feet is for screening 4.54(8), No language for mechanical height				
	* Commercial/mixed use - residential only				

An issue with the maximum height stated for each Downtown Overlay Zone is that Article 9's definition for "Building Height, Overlay" is inconsistent with the height policy in Article 3. The Article 9 definition for "Building Height, Overlay" includes rooftop structures and mechanical equipment as exempt from the height limit by stating:

The vertical distance from the average grade at the sidewalk at the frontage line to the highest point of the roof surface in a flat roof and the eaves/eave line for a gable, hip, gambrel, or mansard roof. **Height limits do not apply to parapet walls, belfries, steeples, flagpoles, skylights, chimneys, or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building.**

According to the Article 9 definition for "Building Height, Overlay", an elevator shaft on a building in the D4 zone is permitted to exceed the maximum height of 80 feet. **Ordinance language has been suggested for the definition of "Building Height, Overlay" so that rooftop structures such as mechanical equipment are not exempt from the height limit in Article 3.**

Parapets are another issue with items excluded from the maximum height limit. Flat roofs are required to be enclosed by parapets in the Downtown Overlay, the Triangle District and the TZ3 zone. The definition of "Building Height" in Article 9 allows parapets to exceed the maximum height by 3 feet, while building code requires guardrails for rooftop uses to be 42 inches. **Ordinance language has been suggested so that parapets may exceed the maximum height limit by 42 inches in order to meet the code for a guardrail.**

The matter of rooftop uses in the MX District was discussed at the joint meeting of the City Commission and Planning Board on October 15, 2018. After much discussion, the consensus of the City Commission was to consider ordinance amendments to allow rooftop uses and occupation in the MX District so that such uses are permitted in all zone districts that allow mixed use buildings. In addition, the City Commission also expressed a desire to allow small lobbies or area of enclosed space around elevators that extend up to rooftops in all districts.

On October 24<sup>th</sup> 2018 the Planning Board considered draft ordinance language that eliminated line 6 of Section 4.19(A) *"Any other use or occupancy above 40 feet shall be prohibited."* There was consensus that the Board wanted more in depth review of ordinance language in relation to rooftop uses before making any definitive decisions.

On December 12<sup>th</sup>, 2018 the Planning Board reviewed ordinance language from the cities of Denver, CO and Portland, OR. The Board discussed Denver's height exceptions which states mixed-use buildings up to three stories may exceed the permitted building height by 12 feet for elevator lobbies and open structures. In comparison, Portland, Oregon allows rooftop mechanical equipment to exceed the maximum height by 16 feet as long as it is setback 15 feet from the building frontage.

The Planning Board then reviewed proposed changes to ordinance language related to rooftop uses. Changes included adding MX to the list of zones in Section 4.18(A) for structures excluded from the maximum height limit. Language was also added in Section 4.18(A) to incorporate stair



enclosures, elevator shafts, and elevator lobbies.

In order to address the City Commission's directive to consider ordinance amendments to allow rooftop uses and occupation in the MX District, line 6 of Section 4.19(A) "Any other use or occupancy above 40 feet shall be prohibited" was eliminated for consideration. A section titled "Rooftop Uses" was also added to section 4.18(B) which attempted to limit rooftop uses. There was general consensus that this section needed revision, specifically related to permitted uses on rooftops.

On February 13<sup>th</sup>, 2019, the Planning Department presented updated language addressing previous comments and borrowing similar language from other City Ordinances. The Planning Board expressed concern about nuisance complaints, especially related to noise at night, and suggested a time limit of rooftop uses from 7 a.m. to 12 p.m which has been included in the following draft language.

A concern about rooftop items being carried off of the rooftop by wind was also expressed. While reviewing ordinance language, the Building Department addressed this issue by suggesting the inclusion of text under the *Rooftop Use* category stating *"All rooftop structures and furniture must be confined, of sufficient weight or anchored to the building to resist anticipated wind loads."*

The Building Department also had the following comments related to the proposed language for rooftop uses. In regards to the proposed *Article 4, Section 4.18(B) Rooftop Use* language, it was noted that Rooftop Uses are not height standards and should be moved to *Article 5, Specific Use Standards*.

On March 13<sup>th</sup>, 2019 the Planning Board reviewed suggestions from the Building Department and determined *Rooftop Use* should be moved to Chapter 5 of the Zoning Ordinance. In regards to permissible rooftop items, the Planning Board suggested further research into other cities such as Chicago to help specify what is and is not allowed on rooftops. Suggestions related to guardrail materials and setback were also made.

In researching the City of Chicago's Zoning Ordinance, The Birmingham Planning Department contacted Chicago's Planning Department and was informed that there are no limitations regarding furniture on the roof top patios of high rise commercial buildings or residential rooftops. All types of couches and grills are permitted. Eating and drinking establishments on rooftop patios in Chicago require a Special Use Application and approval from the Board of Zoning Appeals for commercial buildings. Also, Chapter 15 of Chicago's Municipal Code for fire prevention defines deck and rooftop deck, and defines the maximum deck size for combustible and noncombustible decks.

Chicago Zoning Ordinance also requires that pergolas, arbors and trellises located on rooftops of principal residential buildings and private garages are allowed to exceed the maximum building height, provided that on principal buildings less than 80 feet tall, they are set back at least 20 feet from the building line, or in the case of corner lots, at least 15 feet from the front and side building lines. Also that on principal buildings and private garages, they do not exceed 11 feet in overall height above the rooftop deck, or extend more than 8 feet above the building parapet, whichever is greater.

On April 10<sup>th</sup>, the Planning Board discussed rooftop uses more in depth. The Board decided rooftop features such as pergolas would remain in structures excluded from height requirements, but would also be moved to Chapter 5 for rooftop uses, along with the requirements for setback, attachments, material, and habitable space. It was determined that mention of guardrail materials was not necessary in this section due to other chapters addressing material requirements.

Issues of safety were also discussed. Building code requires rooftop guardrails to be 42 inches in height but members of the Planning Board suggested furniture being required to be setback up to 10 feet as an extra measure of safety. Differentiating between private, semi-private, and public rooftops was also discussed as a concern because setbacks requirements on furniture on smaller private rooftops, especially those sharing a floor with a residential unit.

On May 8<sup>th</sup> the Planning Board examined suggested ordinance language that required rooftop structures and amenities to be set back from the eave line, as well as a time limit on rooftop uses. They also examined aerial photos of the many buildings throughout the city with rooftop uses, and how requiring setbacks and restrictions on time of use would create a number of practical difficulties. The Board wanted it noted that they thoroughly considered issues related to safety and noise on rooftops, but they determined that the Building Code and noise ordinance addresses these issues to an acceptable level. The Planning Board decided to eliminate the setback of 10 feet for rooftop structures, and to allow rooftop use at all times of the day. Also on May 8<sup>th</sup>, 2019, the Planning Board set a public hearing date of June 12, 2019 to consider the proposed ordinance amendments.

One comment from the Building Department on the proposed language is that the Article 5 Section for Rooftop Use Standards should be more specific about full enclosures, such as "The amenity is not enclosed by more than 50% of the potential siding area." Another comment related to Article 5 is that restricting full enclosures eliminates the need to ban habitable space, as conflicts related to definition of *Habitable Room* may arise.

### **Suggested Action:**

To recommend approval to the City Commission of amendments to Article 4, Section 4.18(A) for structures excluded from height standards, 4.19(A) for height standards in the MX Zone, Article 5, Section 5.03, 5.04, 5.05, 5.06, 5.07, 5.08, 5.09, 5.10, 5.11, 5.12, 5.13, 5.14, 5.15, 5.16 for rooftop use standards, and Article 9 Definitions for Building Height, Building Height, Overlay, and Rooftop.

1.) Social Kitchen



2.) Clark Hill Building



### 3.) Birmingham Plaza – KW Domain



### 4.) All Seasons Senior Living





5.) The Balmoral



6.) Greenleaf Trust



### 7.) District Lofts

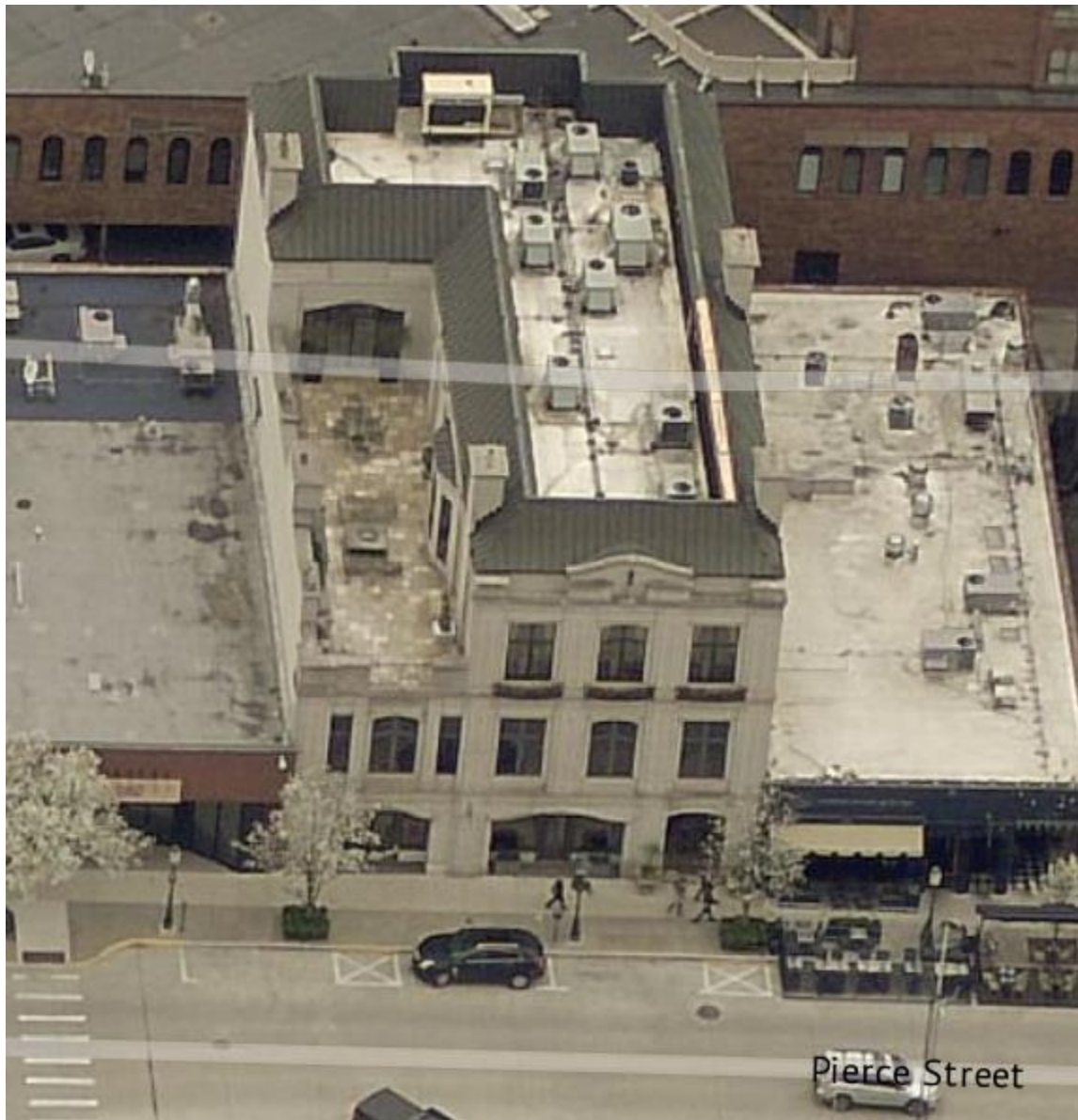


### 8.) Pierce and Brown





9.) Schecter Wealth





The Forefront



11.) The Daxton Hotel approved plans



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

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.

**CITY OF BIRMINGHAM**  
**REGULAR MEETING OF THE PLANNING BOARD**  
**WEDNESDAY, OCTOBER 24, 2018**  
City Commission Room  
151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Planning Board held on October 24, 2018. Chairman Scott Clein convened the meeting at 7:30 p.m.

**Present:** Chairman Scott Clein; Board Members Robin Boyle, Stuart Jeffares, Bert Koseck, Daniel Share, Janelle Whipple-Boyce, Bryan Williams

**Also Present:** Alternate Board Member Jason Emerine

**Absent:** Alternate Board Member Nasseem Ramin; Student Representatives Madison Dominato, Sam Fogel, Ellie McElroy

**Administration:** Jana Ecker, Planning Director  
Matthew Baka, Sr. Planner  
Carole Salutes, Recording Secretary

**10-182-18**

**5. Rooftop Usage in the MX District**

Mr. Baka reported that many new buildings, especially mixed-use and multi-family developments, have rooftop amenities such as recreation spaces, terraces, patios, gardens or pools. Providing rooftop amenities allows building owners to maximize space and is often cited as one of the biggest benefits for patrons of such spaces. Most new buildings built in Downtown Birmingham or in the Triangle District include such rooftop uses and amenities. Rooftop amenities are currently permitted on buildings in all zone districts that are built to the allowable number of stories, except in the MX District.

Thus, if a property owner in the MX District constructs a building to the maximum height of four stories with a roof height of 40 ft. or above, no rooftop amenities can be provided based on Section 4.19 (A) (6) which clearly prohibits any use above 40 ft. The District Lofts at the northwest corner of Villa and Eton and the Sheridan senior living center are two presently built properties that are currently prohibited from having uses or occupancy on the roof based on section 4.19 of the Zoning Ordinance.

This matter was discussed at the joint meeting of the City Commission and the Planning Board held on October 15, 2018. After much discussion, the consensus of the City Commission was to consider ordinance amendments to allow rooftop uses and occupation in the MX District so that such uses are permitted in all zone districts that allow mixed-use buildings. In addition, the City Commission also expressed a desire to allow small lobbies or areas of enclosed space around elevators that extend up to rooftops.

Accordingly draft ordinance language was presented for review to consider the first issue of removing a prohibition on rooftop use and occupation in the MX District to allow rooftop uses and amenities that are currently permitted in other mixed-use zoning districts in the City.

Ms. Ecker advised this is phase 1 of the discussion on rooftop uses. The draft language would allow rooftop uses in the MX District but it wouldn't allow a closed space around an elevator or other additions. That is another discussion.

Chairman Clein was concerned this would open the door for people to do whatever they want on the roof without any regulations. He worried about the proximity to residential. Ms. Ecker noted they haven't heard any concerns about rooftop uses in the other districts.

It was decided to tell the City Commission that the Planning Board is concerned about doing what looks to be a simple easy fix, and the Board wants to know whether to go further into the study first.

**CITY OF BIRMINGHAM  
REGULAR MEETING OF THE PLANNING BOARD  
WEDNESDAY, DECEMBER 12, 2018**

City Commission Room  
151 Martin Street, Birmingham, Michigan

**12-202-18**

**G. STUDY SESSION ITEMS**

**1. Rooftop Uses**

Mr. Cowan explained that a number of new mixed use and multi-family developments throughout the country have included rooftop amenities such as recreation spaces, terraces, patios, gardens, or pools. Providing rooftop amenities allows building owners to maximize space. The view that rooftop amenities provide is often cited as one of the biggest benefits for patrons of such spaces. The use of rooftops for building amenities has been on the rise in recent years. Examples in Birmingham include the All Seasons in the Triangle District and Social Kitchen in the Downtown District. Rooftop amenities and recreational uses are currently permitted on buildings built to their maximum height in all zoning districts except in the MX District.

Article 4.18 of the Zoning Ordinance contains a section for structures excluded from height limits in Article 2, but it does not apply to the MX District.

Article 4.19 (A) (4) of the Zoning Ordinance restricts the maximum overall height in the MX District, including mechanical equipment to 50 ft., which only allows 5 ft. of height for structural amenities such as stair enclosures or elevator lobbies that provide access to the rooftop.

This matter was discussed at the joint meeting of the City Commission and the Planning Board on October 15, 2018. After much discussion, the consensus of the City Commission was to consider ordinance amendments to allow rooftop uses and occupation in the MX District so that such uses are permitted in all zone districts that allow mixed use buildings. In addition, the City Commission expressed a desire to allow small lobbies or areas of enclosed space around elevators that extend up to rooftops.

On October 24, 2018 the Planning Board considered draft ordinance language that eliminated line 6 of Section 4.19 (A): "Any other use or occupancy above 40 ft. shall be prohibited." There was consensus that the Board wanted more in-depth review of ordinance language in relation to rooftop uses before making any definitive decisions. It was suggested that staff look into cities such as Denver, CO and Portland, OR. Each has an ordinance with a designated section for exceptions to the building height regulations.

As an example, the table for Denver's Zoning Ordinance Section 7.3.7.1 Height Exceptions indicates that mixed use buildings up to three stories may exceed the permitted building height by 12 ft. for utility purposes, limited recreation, elevator lobbies and open structures.

Portland, Oregon's Zoning Ordinance allows rooftop mechanical equipment and stairwell enclosures that provide rooftop access to exceed the height limit by 16 ft. as long as it is set back

at least 15 ft. from all street facing facades. This is 4 ft. higher than the example provided from Denver for buildings of similar size and use. A suggested issue for discussion is the setback requirement for rooftop uses and equipment which is addressed in the proposed language for Section 4.19 (A) (8).

Draft ordinance language was presented for the Planning Board's review to consider the first issue of removing a prohibition on rooftop use and occupation in the MX District in order to allow rooftop uses and amenities that are currently permitted in other mixed use zoning districts in the City.

Mr. Koseck questioned what can go wrong on rooftops. Chairman Clein said the concern that was expressed to him was where the building is located in context to other residential. The second concern was whether rooftop use takes away from street activation. He added that the rooftop acts as a back yard for residents of a building.

Ms. Ecker said the concern she has heard is that an enclosure may get so big that it almost becomes akin to another story.

Mr. Jeffares thought there should be as much space outside an elevator as there is inside to allow queuing to fill the elevator. Additionally, non-permanent structures may become airborne during high winds.

The necessity of imposing a Special Land Use Permit ("SLUP") was discussed but board members hoped to find a way to make the addition of rooftop amenities work more easily than that. Problems could be dealt with by contacting building management or by calling the Police.

There was consensus to list what limited recreational uses along with permanent outdoor equipment for use by the building occupants would be permitted.



**CITY OF BIRMINGHAM**  
**REGULAR MEETING OF THE PLANNING BOARD**  
**WEDNESDAY, FEBRUARY 13, 2019**

City Commission Room  
151 Martin Street, Birmingham, Michigan

**3. Rooftop Uses**

City Planner Cowan presented his February 13, 2019 memorandum to the Planning Board regarding rooftop uses.

Mr. Share stated that the "condition that surrounding properties are not impacted in a negative manner" gave him pause. Allowing for the fact that City ordinances prevent nuisance, Mr. Share noted that being 'impacted in a negative manner' is a broad and subjective standard. He suggested the Board attempt to narrow the standard a bit more.

Chairman Clein said the same language gave him pause. He said he had brought up the possibility of using a SLUP in the past, but the Board had thought a SLUP might be too involved just to regulate rooftop use.

Mr. Share suggested the standard could be narrowed by including hours of permitted rooftop use or an injunction to adhere to the nuisance ordinances during rooftop use.

Ms. Whipple-Boyce suggested that #4 under Rooftop Use could be excised entirely since the City has sufficient nuisance ordinances to deter or penalize inappropriate behavior.

Mr. Share said the one reason to leave it in might be to provide the City with another tool to deter inappropriate behavior, if repeated violations of the ordinance could allow the City to take away the right to rooftop use. If the City could not take away rooftop use based on multiple violations, however, Mr. Share said he agreed with Ms. Whipple-Boyce.

Planning Director Ecker said she would not recommend pursuing that option, but that it could be done and would have to be worded carefully. She noted a noise or light violation would be given to both the individual(s) violating the ordinance and the owner of the property where the violation occurred, which usually results in property owners monitoring the issue more proactively.

Mr. Koseck suggested the City consider restricting the number of rooftop users allowed at one time, or restricting who was entitled to rooftop access.

Planning Director Ecker noted the difficulty for City enforcement of those rules.

Mr. Share agreed with Planning Director Ecker, but said that having those rules could just provide the City with a little more moral suasion.

Chairman Clein said the ordinance should include some tenets to deter inappropriate behavior, with the warning that repeated violations could lead to the City Commission revoking a building's site plan.

Planning Director Ecker said noise is the biggest concern and the police enforce noise violations. She said restricting hours of use might be the other way to approach the issue, suggesting 4.18(A)(4) could be changed to "Rooftop uses are permitted between the hours of 7 a.m. and midnight."

Replying to Mr. Jeffares, Planning Director Ecker explained that in 4.18(A)(1) Structures Excluded, 'penthouse' means a mechanical penthouse, not an apartment.

Ms. Whipple-Boyce suggested adding 'mechanical' before penthouse to make the restriction more clear. The Board agreed.

Planning Director Ecker recommended saving the public hearing for this item until April so the City Attorney and the Building Official have time to review the proposed changes. In reply to Mr. Koseck's question about permitted materials, Planning Director Ecker said minor changes would be subject to administrative approval and substantial changes would require approval of the Design Review Board.

Mr. Jeffares expressed concern that lightweight furniture or decor could be carried off a rooftop by wind.

Chairman Clein suggested the City Attorney and Building Official look at the proposed ordinance changes, and that perhaps they may have some ideas to address Mr. Jeffares' concern.

Discussing the issue of the percentage of a rooftop allowed to have coverings in 4.18(A)(2) Rooftop Uses, the Board agreed to remove umbrellas from the list while leaving canopies and pergolas, since only the latter two items create sufficient enough shelter so as to possibly give the impression of an additional floor.

**CITY OF BIRMINGHAM  
PLANNING BOARD ACTION ITEMS  
OF WEDNESDAY, March 13, 2019**

**03-037-19**

**F. STUDY SESSION ITEMS**

**1. Rooftop Uses**

City Planner Cowan presented the item. He noted the section on rooftop uses is under consideration by the Building Department as to whether that topic should remain under Height Standards within the ordinance or should be moved to Use Standards.

Mr. Boyle asked if there was language regarding guardrail requirements for rooftop usage.

Planning Director Ecker explained the height of a guardrail would be dictated by the Building Code, not the Zoning Ordinance. The materials are dictated in the Overlay only.

Mr. Boyle suggested it might make sense to compile the criteria for guardrails within the ordinance language so it is more easily accessible to developers.

Mr. Koseck confirmed that could be helpful.

Chairman Clein said it would be necessary to find a way to reduce the possible confusion that could stem from different requirements and language for different zones if these changes were made.

City Planner Cowan said guardrails could be added to 4.18(a)(1) where it also addresses penthouses, stair enclosures, and elevator shafts.

Planning Director Ecker explained that the material restrictions in the Overlay are to offset the extra density bonus. She stated it is not entirely necessary to restrict materials for other zones within the ordinance because projects are already subject to design review, though the Board could do so if it chooses.

Mr. Williams recalled a conversation regarding rooftop usage in the MX District that discussed the virtues of a setback of the usage so as not to disturb neighbors.

Planning Director Ecker suggested that it may behoove the Board to define 'rooftop' to clarify how these standards apply or do not apply to terraces on all levels.

Chairman Clein opined that the most expedient definition would differentiate between the private use of terraces and balconies and the common use of rooftops.

Planning Director Ecker noted that a rooftop could potentially be private to a penthouse, which means the definition would require more specificity.

According to Mr. Koseck, it might be most appropriate to limit the hours of use and the number of occupants and then to rely on the City's existing Zoning Ordinance and policing to address

issues such as noise or other disturbances should they arise. In addition, the Board would have an opportunity to review all these factors during the site plan approval process should additional concerns arise at that time.

Planning Director Ecker read the definition of "structure" from the ordinance as "anything constructed or erected which requires location on the ground, or attachment to something having location on the ground, including swimming pools. The term structure shall not include walls, fences, ornamental landscape features, driveways and sidewalks."

Mr. Koseck said he thinks of a guardrail as being attached to the structure of a building.

Planning Director Ecker explained that a usable roof space requires adherence to the commercial guardrail standard including 42" in height and the ability to withstand 200 lbs in weight every linear foot.

Mr. Share asked the Board to clarify what question they were focusing on in this discussion.

Mr. Boyle replied, stating he is trying to ascertain whether there are other ways to clarify the Zoning Ordinance for the benefit of developers and architects reading the ordinances on rooftop construction.

Laying out two options, Chairman Klein said the Board could either let the City's Building Code continue to address these questions, or could come up with standards to which developers and architects must adhere. He noted that the focus of the discussion has largely been regarding appropriate materials.

Planning Director Ecker reiterated that the issue of materials would be covered under the design review and the Building Code. If a building is only adding rooftop guardrails, that would be reviewed by the Design Review Board.

Mr. Boyle said the Planning Board should set the standard.

Mr. Share offered that the standard could be descriptive as opposed to material-specific; saying something like "high-quality materials" or "consistent with the materials of the building" might best achieve the Board's goals.

In response to Chairman Klein's question about what can be installed on a rooftop, Planning Director Ecker cited 4.19(a)(8) reading that rooftop structures shall be stepped back in the MX District, which is a prohibitive requirement meaning buildings in the MX District could not have their stair tower at the roof edge. For this reason, Planning Director Ecker suggested the Board strike the line.

Chairman Klein said he was comfortable striking the line, but would like to see rooftop installations appropriately specified.

Planning Director Ecker speculated that if a building is below the height limit it may be allowed to build an enclosed space on the rooftop. She emphasized that 4.18(a) specifies the only types of structures that can be built above a building's maximum height.

Ms. Whipple-Boyce said 4.18(b)(2) could be made less confusing by reading "Canopies and pergolas are permitted as long as they are not enclosed."

The Board agreed that rooftop furniture will be required to be "of sufficient weight or anchored to the building to resist anticipated wind loads."

Ms. Whipple-Boyce added that canopies and pergolas should also be weighted or anchored to the building.

Planning Director Ecker stated saying "all rooftop furnishings and accessories" would sufficiently encompass the different elements on a rooftop that must be weighted or anchored. She confirmed for Chairman Clein that the Planning Department could look into what else gets used on residential rooftops and report back in order to be sure the Board is not leaving anything out of the rooftop usage discussion.

Mr. Share said he wanted to be sure the two-page layout was absolutely clear, and recommended tying the maximum height in each district to either the two-page layout or the overlay standards, as appropriate. The recommended language change was "no more than twelve feet above the maximum height set forth in the two-page layout for each district."

The Board agreed with Mr. Share's recommendation, and said the exact wording could be worked out at a later time.

Planning Director Ecker asked for the Board's preference regarding Mr. Boyle's original suggestion of consolidating the rooftop use information with the appropriate zone sections.

Chairman Clein said he thinks consolidating the requirements for each zone would be wise, so that architects and developers do not have to go looking in the ordinance to make sure they are not missing any information.

Mr. Share suggested the ordinances for the specific zones could specify where the information on rooftop uses is located within the zoning ordinances in order to notify the reader that there is pertinent information elsewhere.

The Board ultimately reached consensus to move 'B. Rooftop Uses' to all the other relevant Use Standard sections.

**CITY OF BIRMINGHAM  
PLANNING BOARD ACTION ITEMS  
OF WEDNESDAY, APRIL 10, 2019**

**3. Rooftop Uses**

City Planner Cowan presented the item.

Chairman Clein said specifications pertaining to the use of a rooftop should be moved to Article 5 because they address use issues and not height issues.

City Planner Cowan suggested there be a category of Rooftop Uses under the Use Section for Article 5 within each zoning district.

The Board concurred that materials need not be discussed in this aspect of the ordinance since rooftop uses undergo site plan review and permitted material specifications exist elsewhere within City ordinance.

Planning Director Ecker suggested changing Rooftop Uses to Rooftop Use Standards. That would include the specification that any accessories, furnishings, cooking equipment has to be of sufficient weight and anchored to the building to resist anticipated windloads.

The Board concurred.

Mr. Williams clarified that he would like all the furniture stepped back ten feet from the roof perimeter.

Planning Director Ecker then said Article 4, Section 4.18(A)(3) would remain as "Rooftop features such as pergolas, trellises, furniture and other similar accessories may exceed the height limit," while 3(a), 3(b) and 3(c) would be moved into the new category called Rooftop Use Standards. Four is being removed from the list.

Mr. Williams said the issues of safety around rooftop uses should be given appropriate consideration, and one way of doing that is requiring all furniture to be ten feet from the perimeter of a roof. He noted that while there could also be concerns around the safety of balconies or terraces, rooftops are common areas where larger groups can gather.

Mr. Boyle suggested staff could look at rooftop uses one more time, and in that consideration include where on the rooftop furniture and other items can be placed.

Planning Director Ecker said it would be necessary to explore how the rooftop furniture placement requirements could impact terraces or other private roof-similar spaces.

Mr. Share suggested "they" in Article 4, Section 4.18(A)(1) be changed to "the mechanical equipment and appurtenances".

Planning Director Ecker agreed.

Ms. Whipple-Boyce noted that on occasion a rooftop could be reserved for private use, turning it functionally into an occupant's terrace. She recommended the definitions of rooftop and terrace accommodate that possibility. She added there may also be circumstances where a number of apartments

have private access to a rooftop, and she asked whether the Board should consider whether an elevator to the roof for each apartment should be allowable, or a stairway for each apartment.

The Board asked staff to consider language related to approvals of rooftop uses.

Chairman Clein also asked that staff consider whether renting a rooftop to a building resident would be considered a commercial use, and whether such a circumstance should be permitted or prohibited.



**CITY OF BIRMINGHAM  
REGULAR MEETING OF THE PLANNING BOARD  
WEDNESDAY, MAY 8, 2019**

City Commission Room  
151 Martin Street, Birmingham, Michigan

**05-067-19**

**G. Study Session Items**

**1. Rooftop Uses**

City Planner Brooks Cowan presented the item.

Planning Director Ecker clarified that a parapet wall could not exceed a height limit of 42 inches, but a railing could exceed that height up until it comes into conflict with the maximum allowed height for the building.

Mr. Jeffares noted that if the parapet wall cannot exceed 42 inches, but also must be 42 inches high to act as a railing, then that leaves no room for error in the construction of the element.

Mr. Emerine agreed, noting that a parapet built too low by a quarter of an inch would be non-compliant with the Building Code and a parapet built too high by a quarter of an inch would be non-compliant with the Zoning Ordinance. He said as a design engineer he tries to build in a bit of tolerance for possible, minor human error. He said he did not necessarily have a problem with the issue, but did want the Board to be aware of it.

Vice-Chairman Williams said there seemed to be issues with the hours of allowed use and the proposed setbacks.

Mr. Jeffares asked why the noise ordinance is sufficient for management of social gatherings in residential neighborhoods, but residents desiring to use their rooftops would be subject to an additional time requirement in addition to being subject to the noise ordinance.

Planning Director Ecker noted that if rooftop users are subject to an additional time limitation of 7 a.m. to midnight, a resident with access to a rooftop, if they desired to, could not quietly drink coffee on their own rooftop at 6 a.m.

Vice-Chairman Williams noted that the time limitation would also impact a number of rooftops in Birmingham that are already being utilized by the occupants of the buildings.

Mr. Share noted that rooftop terraces do not have time limitations, while rooftops do.

City Planner Cowan said the difference between a rooftop terrace and a rooftop were not yet clear and needed to be clarified by the Board.

Mr. Emerine suggested a rooftop terrace would be host to smaller, private gatherings, whereas the rooftop itself would be more accessible to the public.

Planning Director Ecker concurred that the City might want to limit the possibility of large groups gathered on rooftops all night, but that the noise ordinance would do a sufficient job of addressing the most significant concerns likely to arise from such a gathering.

Vice-Chairman Williams said he did not see much gain from adding additional time limitations on rooftop or rooftop terrace use. He also did not see much gain from distinguishing between a rooftop and a rooftop terrace.

Mr. Share agreed, noting the Board could always ~~repreach~~ **re-approach** the question should further issues arise.

Planning Director Ecker told the Board that to her knowledge the City has never received a complaint about rooftop usage. She said the only similar complaint was when an individual using their terrace called the City to state that the restaurant below their terrace was too loud.

City Planner Cowan asked if the language regarding Rooftop and Rooftop Terrace Definitions should be removed.

The Board confirmed, adding that the time limitations should be removed as well as the setback requirement for non-permanent structures. The setback requirements for non-permanent structures was deemed unnecessary because it has been occurring with no issue around the City for years.

Ms. Whipple-Boyce asked if elevators or stairs from multiple residences could be installed on rooftops.

Planning Director Ecker confirmed it would be allowed per ordinance although unlikely due to cost.

Mr. Boyle stated that safety of rooftop usage is a matter of importance to the Board, and was why they had considered the setbacks and time limitations. He continued that upon further analysis of extant circumstances in the City additional restrictions seemed unnecessary, but that it should be noted that the Board thoroughly considered the issue.

Mr. Jeffares agreed, saying rooftops and rooftop terraces are the equivalent of backyards in terms of the usage that should be permitted to the building occupants.

Mr. Boyle acknowledged the comparison, but specified that the possible safety issues of rooftop use are much greater than the average safety issues of backyard use.

Ms. Whipple-Boyce pointed out that rooftop usage unrestricted as to time and the placement of non-permanent structures already exists throughout the City and has been a non-issue up to this point.

Vice-Chairman Williams agreed, saying it was clear from the discussion that the Board is concerned for residents' safety, but that rooftops all over the City are being utilized safely by building occupants without the additional restrictions.

The Board recommended striking 'furniture' from "Rooftop amenities such as pergolas, trellises, furniture and other similar items are permitted on a rooftop, provided:" for all districts, changing the line to "Rooftop amenities such as pergolas, trellises and other similar items are permitted on a rooftop, provided:".

Planning Director Ecker recommended altering "iv. They do not consist of eisenglass or similar enclosure materials." to read "iv. They do not include eisenglass or similar enclosure materials."

The Board concurred with Planning Director Ecker's recommendation.

The Board added that they would also no longer distinguish between 'rooftop' and 'rooftop terrace', leaving only 'rooftop' and its definition as "the external upper covering of a building".

The Board confirmed for Planning Director Ecker that the line "Rooftop amenities such as pergolas, trellises, furniture and other similar items may exceed the maximum height limit by no more than 10 feet, provided they meet the requirements of Rooftop Use Standards in Article 5" should remain as-is.

**Motion by Mr. Boyle**

**Seconded by Ms. Whipple-Boyce to move the matter of Rooftop Uses and Design Elements to public hearing to be held on June 12, 2019 in accordance with Planning Director Ecker's summary.**

**Motion carried, 7-0.**

VOICE VOTE

Yeas: Boyle, Whipple-Boyce, Williams, Emerine, Jeffares, Ramin, Share

Nays: None

**CITY OF BIRMINGHAM  
PLANNING BOARD ACTION ITEMS  
OF WEDNESDAY, JUNE 12, 2019**

**06-084-19**

**F. Public Hearings**

**1. AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:**

**TO AMEND ARTICLE 4, SECTION 4.18(A), HEIGHT STANDARDS, TO REGULATE ROOFTOP ITEMS EXCLUDED FROM HEIGHT STANDARDS.**

**TO AMEND ARTICLE 4, SECTION 4.19(A), HEIGHT STANDARDS, TO ALLOW ROOFTOP USE AND AMENITIES IN THE MX ZONE DISTRICT.**

**TO AMEND ARTICLE 5.03 R4 DISTRICT, R5 DISTRICT, R8 DISTRICT, USE SPECIFIC STANDARDS, TO ALLOW ROOFTOP USE AND AMENITIES.**

**TO AMEND ARTICLE 5.04 R6 DISTRICT, USE SPECIFIC STANDARDS, TO ALLOW ROOFTOP USE AND AMENITIES. TO AMEND ARTICLE 5.05 R7 DISTRICT, USE SPECIFIC STANDARDS, TO ALLOW ROOFTOP USE AND AMENITIES.**

**TO AMEND ARTICLE 5.06 O1 DISTRICT, USE SPECIFIC STANDARDS, TO ALLOW ROOFTOP USE AND AMENITIES.**

**TO AMEND ARTICLE 5.07 O2 DISTRICT, USE SPECIFIC STANDARDS, TO ALLOW ROOFTOP USE AND AMENITIES. TO AMEND ARTICLE 5.08 P DISTRICT, USE SPECIFIC STANDARDS, TO ALLOW ROOFTOP USE AND AMENITIES.**

**TO AMEND ARTICLE 5.09 B1 DISTRICT, USE SPECIFIC STANDARDS, TO ALLOW ROOFTOP USE AND AMENITIES.**

**TO AMEND ARTICLE 5.10 B2 DISTRICT, B2B DISTRICT, B2C DISTRICT, USE SPECIFIC STANDARDS, TO ALLOW ROOFTOP USE AND AMENITIES.**

**TO AMEND ARTICLE 5.11 B3 DISTRICT, USE SPECIFIC STANDARDS, TO ALLOW ROOFTOP USE AND AMENITIES.**

**TO AMEND ARTICLE 5.12 B4 DISTRICT, USE SPECIFIC STANDARDS, TO ALLOW ROOFTOP USE AND AMENITIES.**

**TO AMEND ARTICLE 5.13 MX DISTRICT, USE SPECIFIC STANDARDS, TO ALLOW ROOFTOP USE AND AMENITIES.**

**TO AMEND ARTICLE 5.14 TZ1 DISTRICT, USE SPECIFIC STANDARDS, TO ALLOW ROOFTOP USE AND AMENITIES.**

**TO AMEND ARTICLE 5.15 TZ2 DISTRICT, USE SPECIFIC STANDARDS, TO ALLOW ROOFTOP USE AND AMENITIES.**

**TO AMEND ARTICLE 5.16 TZ3 DISTRICT, USE SPECIFIC STANDARDS, TO ALLOW ROOFTOP USE AND AMENITIES.**

**TO AMEND ARTICLE 9, DEFINITIONS TO DEFINE BUILDING HEIGHT, BUILDING HEIGHT- DOWNTOWN OVERLAY, AND ROOFTOP.**

Vice Chairman Williams opened the public hearing at 7:33 p.m.

City Planner Cowan presented the item.

Vice Chairman Williams invited public comment. No members of the public wished to speak on the matter.

Mr. Koseck noted the elevator lobby can match the height of an elevator at 16 feet but should be no larger in area than the area of the elevator shaft which it abuts. He said these parameters might be excessively limiting, and said he did not recall the reason these limits were selected.

Planning Director Ecker explained the goal as discussed at the October 2018 joint Planning Board-City Commission meeting was to allow for an protection from the elements around an elevator while preventing a lobby large enough that it could be similar to an additional story of a building.

Mr. Koseck reiterated that it could still be excessively limiting.

Vice Chairman Williams recalled the Commission specifically wanting to limit the size of elevator lobbies at the October 2018 joint Planning Board-City Commission meeting, as per Planning Director Ecker's comment.

Mr. Koseck said he would recommend limiting the elevator lobby to 10 feet by 10 feet to keep it small without being overly restrictive. He said he was also unclear how the elevator shaft was being defined so as to determine the allowable area.

Vice Chairman Williams said limiting the lobby to 100 square feet would likely remain in-line with the direction from the Commission on the matter.

Mr. Koseck asked how the Code would be defining the size of the space, noting that if gross area is the metric that the thickness of the wall would further reduce the already limited space.

In response to Mr. Share, Vice Chairman Williams said that the matter would have to be re-noticed for a public hearing if the PB decided to proceed with Mr. Koseck's suggested change.

Mr. Share and Vice Chairman Williams agreed that their inclination would be to leave the recommendation as-is with the understanding that if the Commission wanted to extend the permitted lobby area they could.

Vice Chairman Williams stated the present meeting's minutes would present Mr. Koseck's concerns and the Commission could determine how to set their public hearing based on their review of the PB's discussion.

**DATE:** July 25, 2019

**TO:** City Commission

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

**SUBJECT:** City Logo Advancement

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**INTRODUCTION:**

The City had initiated a process to update its current City logo. Recent efforts have involved the engagement of Factory Detroit to build on prior efforts and advance a recommendation for a new City logo. This process has been concluded and Factory Detroit will appear before the Commission on August 5, 2019 to provide recommendations for the Commission's consideration.

**BACKGROUND:**

Following the initial work of an Ad Hoc Brand Development Committee, several logo concepts were introduced to update the current logo. The committee concluded their work with the presentation of logo recommendations. These concepts were then presented for a public survey for input. To finalize this project, Factory Detroit was engaged in December of 2018 to review the prior concepts and survey information and build on the prior efforts. Their work has involved not only reviewing prior efforts, but researching and analyzing successful logos used by both corporate and municipal entities. This information has been shared individually with members of the Commission. Factory Detroit will provide final recommendations to the Commission for consideration of selecting an updated logo.

With the selection of a final design, Factory Detroit has requested to work with a small group of staff or Commissioners to finalize an implementation plan to address how and where the taglines, "A Walkable Community", "Birmingham, MI", etc. would be utilized with the logo.

**LEGAL REVIEW:**

No review at this time. Once a final logo is selected it will be reviewed for compliance with trademark and copyright protections.

**FISCAL IMPACT:**

With the selection of a new City logo, there would be a transition of existing stationary with the current logo as current supplies are exhausted. No additional costs are expected for this. There would be an expenditure of a few thousand dollars in the promotion of the new logo with the introduction of pens, pins, etc. It is anticipated that places where the current logo exists in a physical form, such as park signage, it would be replaced. The anticipated cost for this replacement is approximately \$20,000 and funding has been allocated in the 2019-2020 budget.



#### SUMMARY

Factory Detroit will present their research and analysis in the development of the final concepts for an updated City logo and present those concepts at the August 5<sup>th</sup> meeting. Upon selection of a final design, further direction would be provided to finalize the placement of taglines that would accompany the new logo.

#### ATTACHMENTS:

1. Logo Finalization Report.

#### SUGGESTED RESOLUTION:

The approve the selection of \_\_\_\_\_ as the new City logo and direct staff to finalize an implementation plan.

OR

To approve the selection of \_\_\_\_\_ as the new City logo and appoint \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_ to an Ad Hoc Committee to finalize the implementation plan.

# City Of Birmingham Logo Exploration

August 2019



# What We've Been Doing

- Reviewed all existing brand identity materials
- Interviewed Commissioners and the City Manager
- Conducted listening session with community leaders
- Photo explorations through Birmingham
- Analysis of municipal brand logos
- Analysis of premium/luxury goods logos
- 5 rounds of creative development
- **Over 150 unique logo designs**



# Headlines From The 2016 Listening Sessions

## DIVERSE STAKEHOLDERS WITH DIFFERENT NEEDS

### RESIDENTS



- Sophisticated, professional, proud of their achievements, respectful, educated, many age ranges — but more mature, stylish, classic, progressive, open
- Friendly residents — you can say hello to anyone on the street — it doesn't matter who you are
- Close-knit, family-oriented community
- Active lifestyle, healthy, dog friendly — enjoy the many parks in the city
- See the city as quaint and charming

### BUSINESSES



- Eclectic blend of businesses — restaurants, salons/spas, gift stores, art galleries, library, movie theaters, shops, grocery stores, technology, advertising, banking, doctors, lawyers, etc.
- Unique concepts and boutiques/individual proprietors — you will only find it here
- Birmingham is the perfect city to meet, network and ask people to come to
- City has stature and prestige — clients want to come to us

### VISITORS



- Visit out of curiosity, come back for a treat
- Central place to meet with friends to shop, go to the movies or dine, exciting nightlife
- Perfect "date night" location
- See it as quiet, clean, safe (even at night)
- Enjoy the parks, recreation and community areas
- Viewed as walkable, but occasionally not pedestrian-friendly
- Viewed as unapproachable, elitist, pretentious by outsiders
- Tough to get in and out, traffic and parking are hurdles



# What Makes Birmingham Birmingham?

- An affluent, educated, sophisticated . . . and prestigious . . . community
- Family friendly . . . but also friendly to singles and couples without kids
- Premium downtown area . . . restaurants, shops, luxury hotel, public park, events
- A strong business/commercial core . . . financial institutions, law firms, etc.
- An aspirational community within the Metro Detroit region



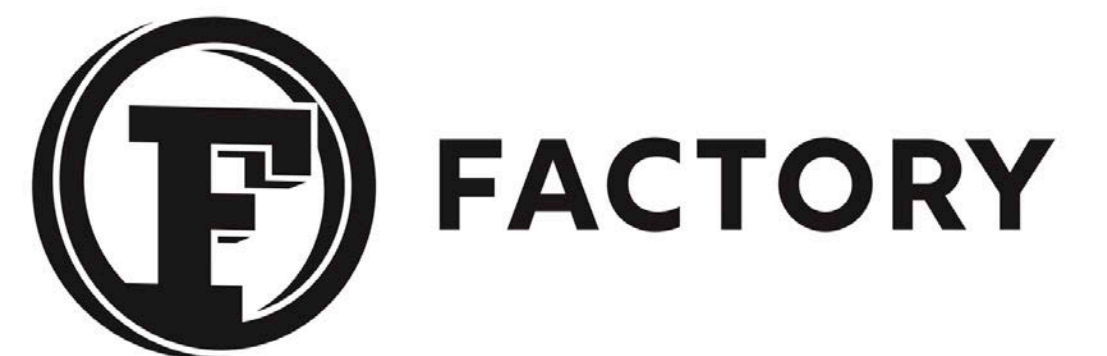
# Looking At Municipal Logos



# Municipal Seals



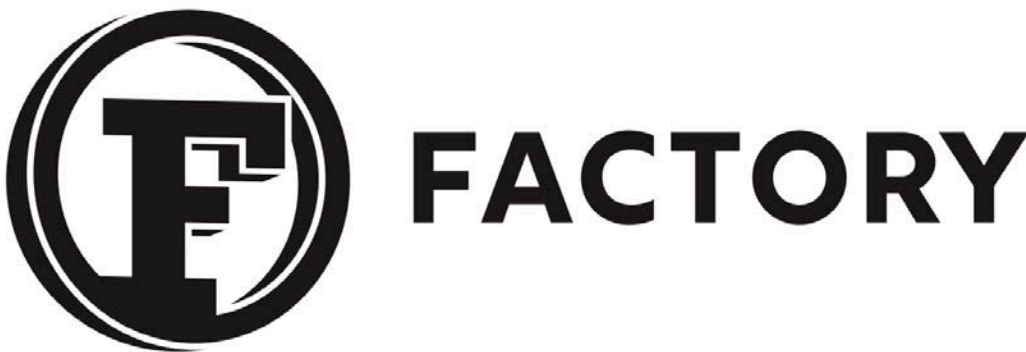
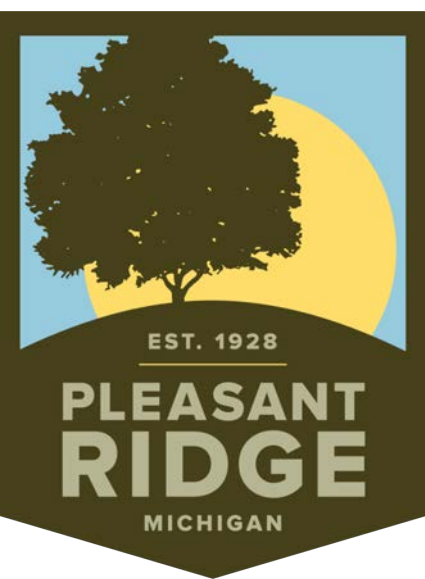




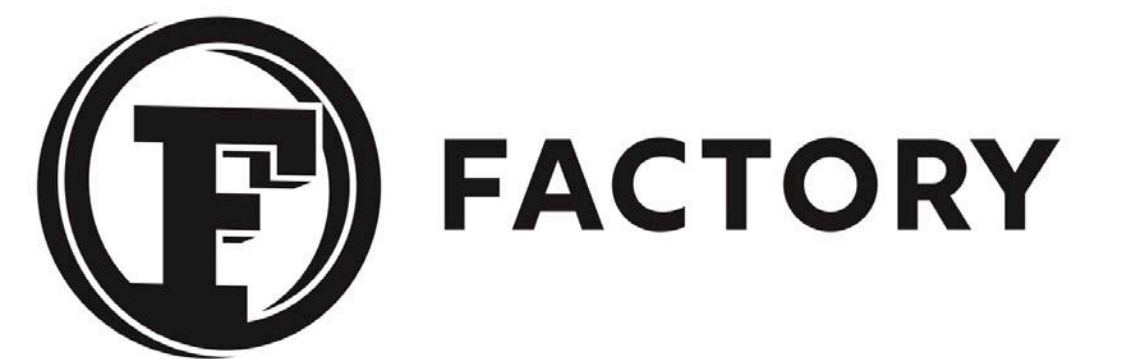


Trees





# Local Architecture

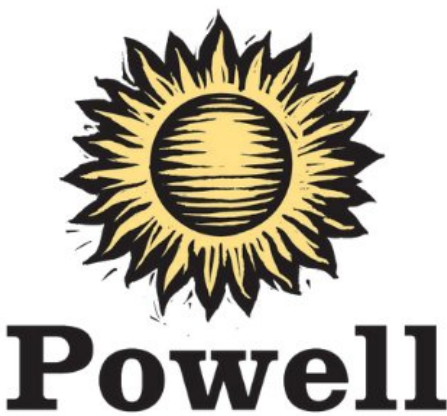




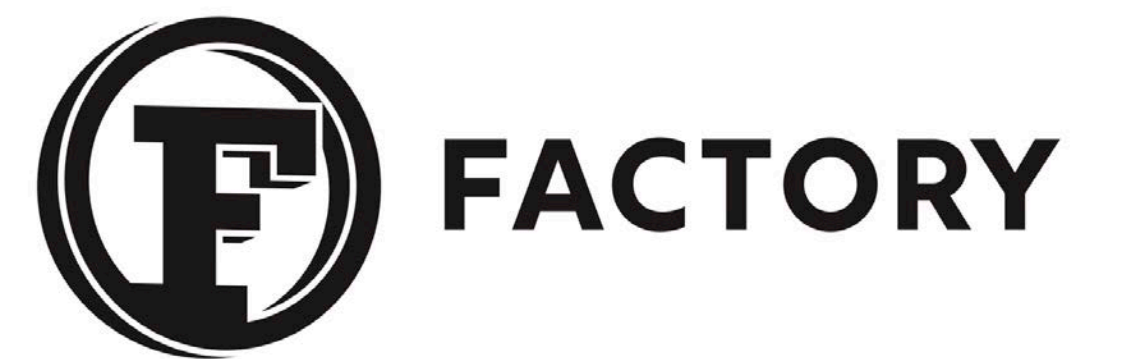




# Strong Municipality Logos



# Looking At Premium/Luxury Logos





Logotype Only



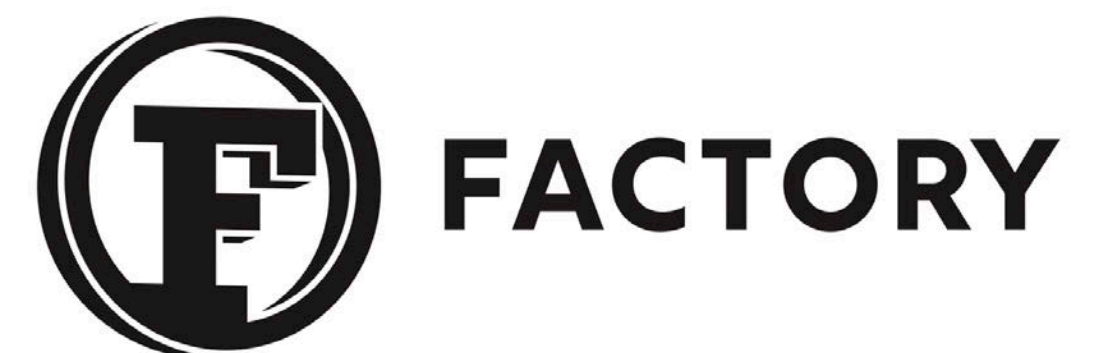
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ELLE    FORTNUM & MASON  
EST 1707    john varvatos    LANCÔME  
PARIS

MaxMara    MIKIMOTO    PIAGET    PRADA

SAVEUR    TIFFANY & Co.    Van Cleef & Arpels    VANITY FAIR

VERAWANG    VOGUE    WILLIAMS-SONOMA



bloomingdale's

***BOSE***

**BURBERRY**

**DOLCE & GABBANA**

**harman / kardon<sup>®</sup>**  
by HARMAN

**NORDSTROM**

**rochebobo**  
PARIS

**SHINOLA**  
DETROIT

**SHISEIDO**

**SONOS**

**TOM FORD**

**TUMI**

**FACTORY**

*Cartier*

*Chopard*  
GENÈVE

*Davidoff*

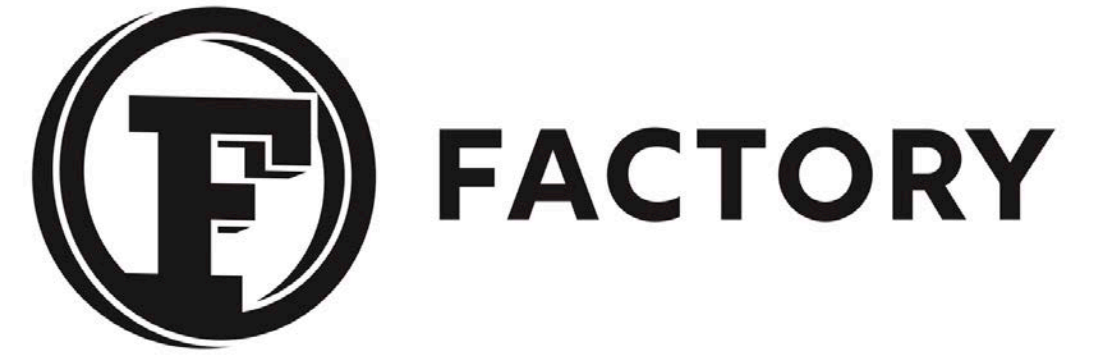


*Louis Vuitton*

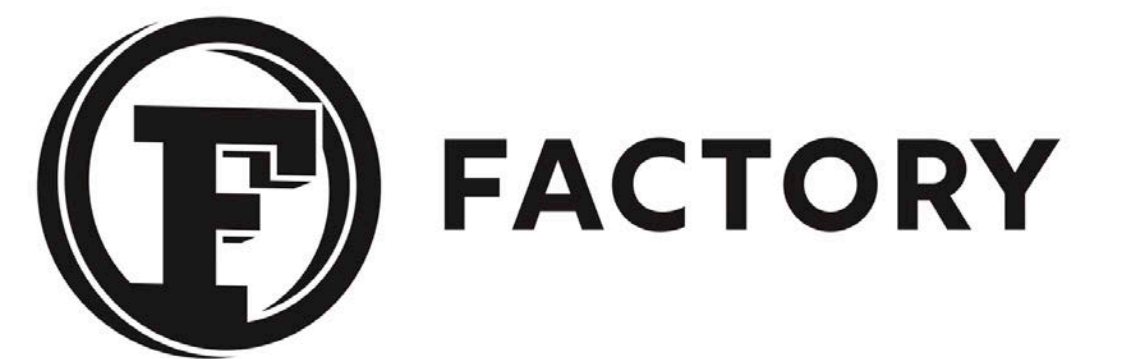
*Neiman Marcus*

*Saks  
Fifth  
Avenue*

*Salvatore Ferragamo*

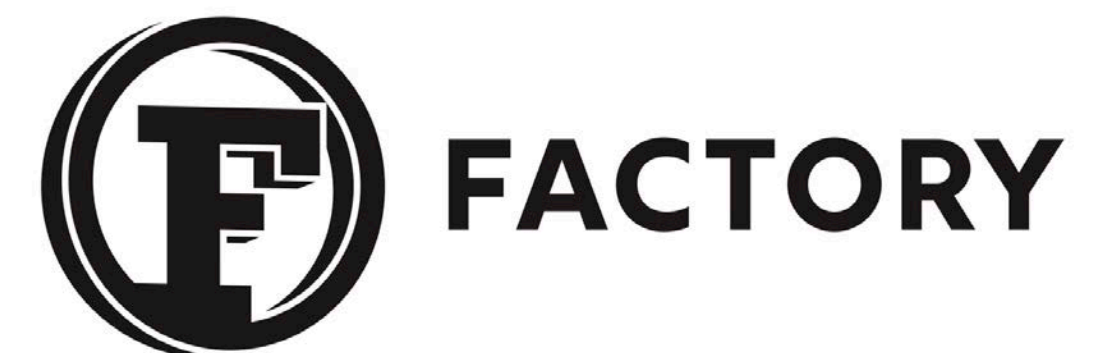
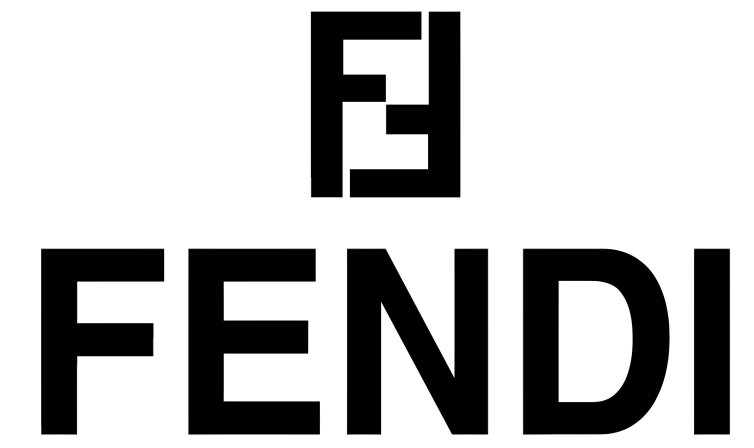


# Using Initials To Create An Icon

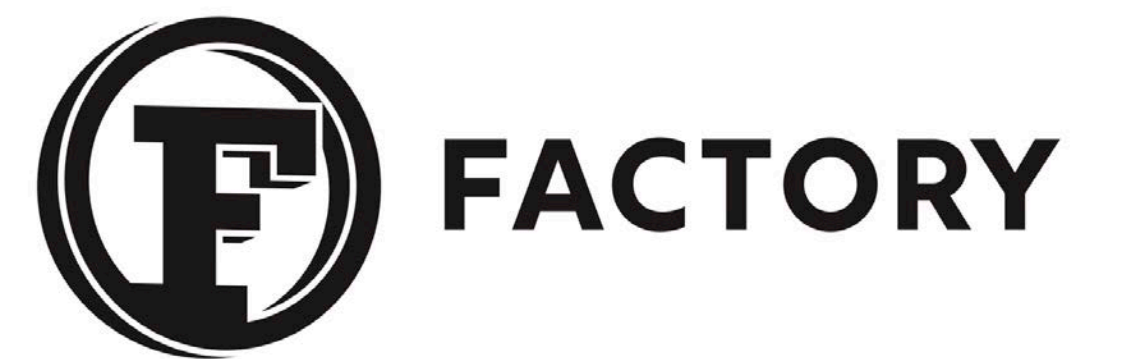




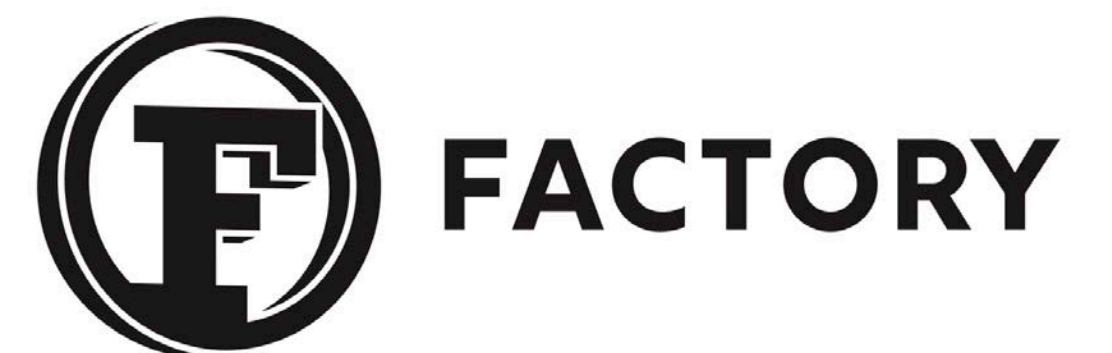
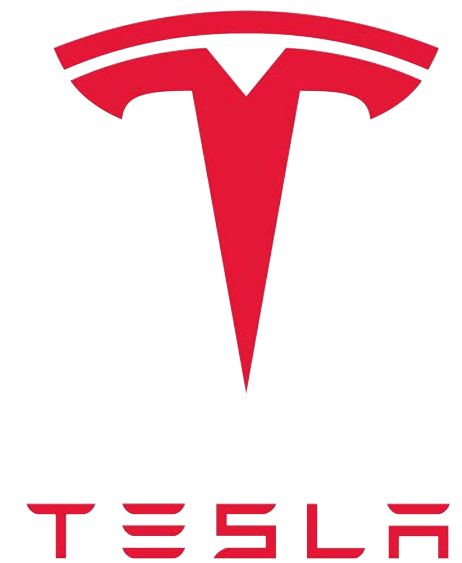
B&O



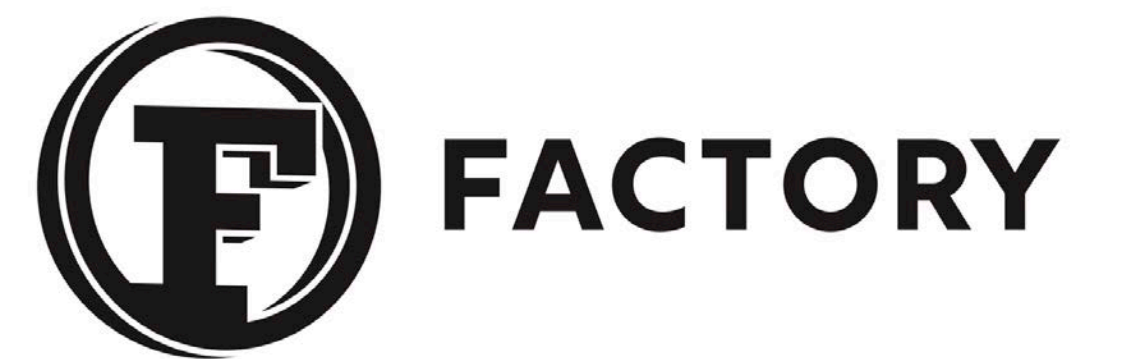
“Simple” Icon

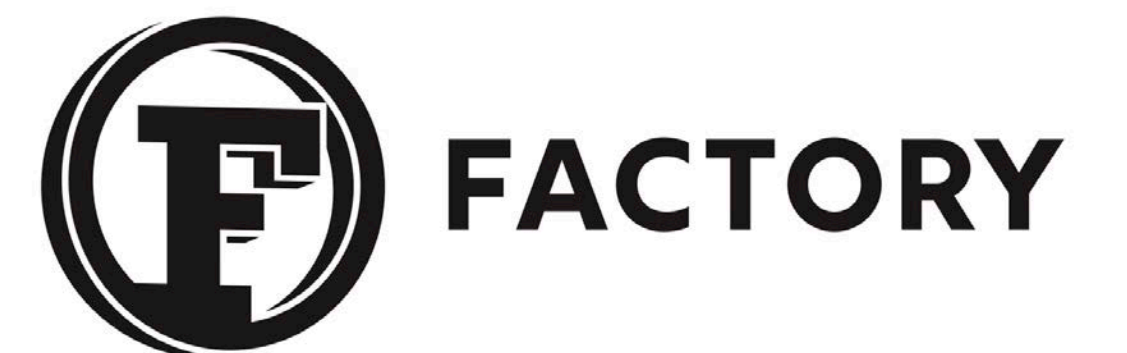
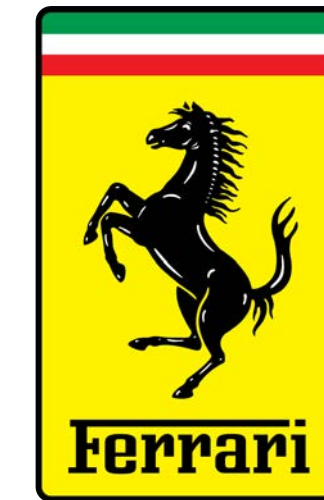
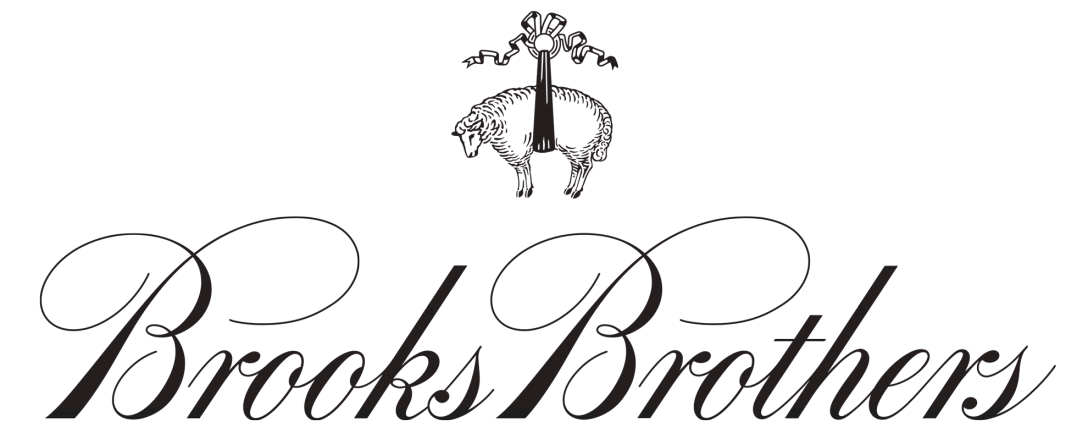






“Rich” Icon

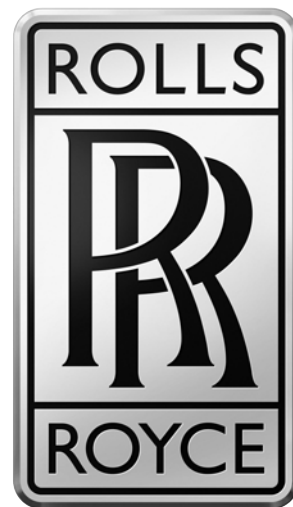




Embellished

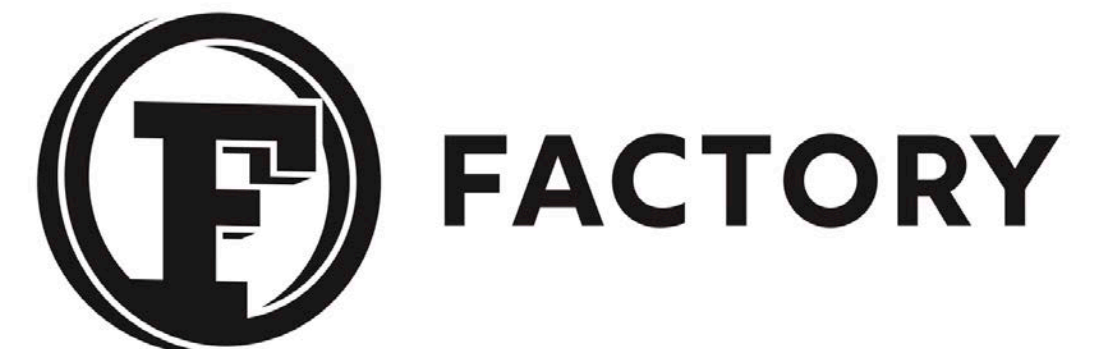






# Implications For This Project

- Simpler and more streamlined designs generally work better
- Name-only logos can show confidence and premium quality
- If using trees, explore new, non-literal ways to approach them
- The same goes for architectural imagery
- Explore within the “buckets” of premium logos
- But also keep in mind the competitive set of other municipalities









## MEMORANDUM

Office of City Manager

**DATE:** August 1, 2019

**TO:** City Commission

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

**SUBJECT:** Request for Closed Session regarding pending litigation and attorney client privileged communication

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It is requested that the city commission meet in closed session pursuant to the Open Meetings Act Section 8(e) regarding 2400 E. Lincoln v. City of Birmingham, TIR Equities v. City of Birmingham, and Baller/Bloom v. City of Birmingham, Schneider v. City of Birmingham and Section 8(h) to consider material exempt from discussion or disclosure by state or federal statute.

**SUGGESTED RESOLUTION:**

To meet in closed session to discuss pending litigation in accordance with Section 8(e) and material exempt from disclosure by state or federal statute in accordance with Section 8(h) of the Open Meetings Act.

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



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

At the regular meeting of Monday, September 16, 2019 the Birmingham City Commission intends to appoint three regular members to the Design Review Board to serve three-year terms to expire September 25, 2022.

Interested parties may submit an application available from the City Clerk's office on or before noon on Wednesday, September 11, 2019. Applications will appear in the public agenda at which time the City Commission will discuss recommendations, and may make nominations and vote on appointments.

The function and duty of the Design Review Board is to advise the City Commission in regards to the proper development of the City. The Design Review Board is specifically charged with carrying out the goals, objectives and intent of the City's adopted master plan and urban design plan and other development-oriented plans which may subsequently be adopted. The Design Review Board is authorized to advise and cooperate with the City Commission, City Planning Board, Historic District Commission and other City advisory boards and cooperate with the planning, historic district and legislative bodies of other governmental units in any area outside the boundaries of the City.

<b>Criteria/Qualifications of Open Position</b>	<b>Date Applications Due (by noon)</b>	<b>Date of Interview</b>
<ul style="list-style-type: none"><li>Members shall represent, insofar as possible, different occupations and professions such as, but not limited to, the legal profession, the financial or real estate professions, and the planning or design professions. Members shall be residents.</li></ul>	09/11/2019	09/16/2019

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



## **NOTICE OF INTENTION TO APPOINT TO HISTORIC DISTRICT COMMISSION**

At the regular meeting of Monday, September 16, 2019 the Birmingham City Commission intends to appoint four regular members to the Historic District Commission to serve three-year terms to expire September 25, 2022.

Interested parties may submit an application available from the City Clerk's Office on or before noon on Wednesday, September 11, 2019. Applications will appear in the public agenda at which time the commission will discuss recommendations, and may make nominations and vote on appointments.

The function and duty of the Historic District Commission is to advise the City Commission with respect to the proper development of the City with primary emphasis upon the City's established historic districts, sites, properties and historic resources. The Commission is also authorized to recommend for the guidance of the City Commission amendments to the City Code relating to the control and development of lands within historic districts.

<b>Criteria/Qualifications of Open Position</b>	<b>Date Applications Due (by noon)</b>	<b>Date of Interview</b>
<ul style="list-style-type: none"><li>• A majority of the members shall have a clearly demonstrated interest in or knowledge of historic preservation.</li><li>• Must be a resident</li></ul>	09/11/2019	09/16/2019

*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.*

**STATE OF MICHIGAN  
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION  
NOTICE OF HEARING  
FOR THE GAS CUSTOMERS OF  
CONSUMERS ENERGY COMPANY  
CASE NO. U-20209**



- Consumers Energy Company requests Michigan Public Service Commission's approval for reconciliation of its Gas Cost Recovery (GCR) plan (Case No. U-18411) for the 12-month period April 2018-March 2019.
- The information below describes how a person may participate in this case.
- You may call or write Consumers Energy Company, One Energy Plaza, Jackson, MI 49201, 517-788-0550 for a free copy of its application. Any person may review the documents at the offices of Consumers Energy Company.
- A pre-hearing will be held:

**DATE/TIME:** Tuesday, August 13, 2019, at 10:00 AM

**BEFORE:** Administrative Law Judge Kandra Robbins

**LOCATION:** Michigan Public Service Commission  
7109 West Saginaw Highway  
Lansing, Michigan 48917

**PARTICIPATION:** Any interested person may attend and participate. The hearing site is accessible, including handicapped parking. Persons needing any accommodation to participate should contact the Commission's Executive Secretary at (517) 284-8090 in advance to request mobility, visual, hearing or other assistance.

The Michigan Public Service Commission (Commission) will hold a pre-hearing to consider Consumers Energy Company's June 28, 2019 application requesting Commission approval of their April 1, 2018 through March 31, 2019 GCR plan reconciliation; and their \$17,520,929 under-recovery, including interest, to be rolled into the 2019-2020 GCR reconciliation beginning balance.

All documents filed in this case shall be submitted electronically through the Commission's E-Dockets website at: [michigan.gov/mpscedockets](http://michigan.gov/mpscedockets). Requirements and instructions for filing can be found in the User Manual on the E-Dockets help page. Documents may also be submitted, in Word or PDF format, as an attachment to an email sent to: [mpscedockets@michigan.gov](mailto:mpscedockets@michigan.gov). If you require assistance prior to e-filing, contact Commission staff at (517) 284-8090 or by email at: [mpscedockets@michigan.gov](mailto:mpscedockets@michigan.gov).

**For Information Only**

Any person wishing to intervene and become a party to the case shall electronically file a petition to intervene with this Commission by August 6, 2019. (Interested persons may elect to file using the traditional paper format.) The proof of service shall indicate service upon Consumers Energy Company's Legal Department – Regulatory Group, One Energy Plaza, Jackson, MI 49201.

Any person wishing to appear at the hearing to make a statement of position without becoming a party to the case may participate by filing an appearance. To file an appearance, the individual must attend the hearing and advise the presiding administrative law judge of his or her wish to make a statement of position. All information submitted to the Commission in this matter becomes public information, thus available on the Michigan Public Service Commission's website, and subject to disclosure. Please do not include information you wish to remain private.

Requests for adjournment must be made pursuant to Michigan Office of Administrative Hearings and Rules R 792.10422 and R 792.10432. Requests for further information on adjournment should be directed to (517) 284-8130.

A copy of Consumers Energy Company's application may be reviewed on the Commission's website at: [michigan.gov/mpscedockets](http://michigan.gov/mpscedockets), and at the office of Consumers Energy Company. For more information on how to participate in a case, you may contact the Commission at the above address or by telephone at (517) 284-8090.

The Utility Consumer Representation Fund has been created for the purpose of aiding in the representation of residential utility customers in various Commission proceedings. Contact the Chairperson, Utility Consumer Participation Board, Department of Licensing and Regulatory Affairs, P.O. Box 30004, Lansing, Michigan 48909, for more information.

Jurisdiction is pursuant to 1909 PA 300, as amended, MCL 462.2 et seq.; 1919 PA 419, as amended, MCL 460.54 et seq.; 1939 PA 3, as amended, MCL 460.1 et seq.; 1969 PA 306, as amended, MCL 24.201 et seq.; 1982 PA 304, as amended, MCL 460.6h et seq.; and Parts 1 & 4 of the Michigan Office of Administrative Hearings and Rules, Mich. Admin Code, R 792.10106 and R 792.10401 through R 792.10448.

**[THE MICHIGAN PUBLIC SERVICE COMMISSION MAY  
GRANT OR DENY CONSUMERS ENERGY'S GAS COST  
RECOVERY RECONCILIATION AND OTHER  
PROPOSALS IN WHOLE OR IN PART, AND MAY  
APPROVE LESSER OR GREATER AMOUNTS  
THAN THOSE REQUESTED.]**

1906-G

**For Information Only**





July 26, 2019

Ms. Cherilynn Mynsberge  
City Clerk  
City of Birmingham  
151 Martin Street  
P.O. Box 3001  
Birmingham, MI 48012



Dear Ms. Mynsberge,

As part of our ongoing efforts to keep you informed of changes that impact our customers, I want to share an upcoming change in our channel line-up offering.

Music Choice has announced that they will cease broadcasting Music Choice Play. Effective on or after September 3, 2019, Music Choice Play (Ch. 499) will no longer be available on WOW! Cable.

As a result of this change, customers subscribing to WOW! Cable will no longer have access Music Choice Play, however, they will still be able to enjoy all of the other great Music Choice channels with their WOW! subscription. We will communicate this change to our customers by placing a notice in the local newspaper and on our website.

Thank you for your continued support and cooperation. If you have any questions, please contact me at 248-677-9080.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Priester".

Terrell Priester  
**Everyone's Friend, Family Focused, Sports Fan**  
Director, Operations of WOW! Southeast Michigan  
WOW! Internet, Cable and Phone

**For Information Only**