BIRMINGHAM CITY COMMISSION AGENDA
JANUARY 13, 2020
MUNICIPAL BUILDING, 151 MARTIN
7:30 P.M.

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Pierre Boutros, Mayor

II. ROLL CALL

Cheryl Arft, Acting City Clerk

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

ANNOUNCEMENTS:

APPOINTMENTS:

A. Parks & Recreation Board
   1. Eleanor Noble
   2. Pam Graham
   3. Andrew Haig

B. To appoint _____ to the Parks & Recreation Board as a regular member to serve the remainder of a three-year term to expire March 13, 2022.

C. Public Arts Board
   1. Annie Van Gelderan
   2. Natalie Bishai
   3. Anne Ritchie
   4. Jason Eddleston

D. To appoint _____ to the Public Arts Board as a regular member to serve the remainder of a three-year term to expire January 28, 2022.

   To appoint _____ to the Public Arts Board as an alternate member to serve a three-year term to expire January 28, 2023.

   To appoint _____ to the Public Arts Board as a regular member to serve a three-year term to expire January 28, 2023.

   To appoint _____ to the Public Arts Board as a regular member to serve a three-year term to expire January 28, 2023.

E. Multi-Modal Transportation Board
   1. Thomas Peard

F. To appoint _____ to the Multi-Modal Transportation Board as a regular member who has urban planning, architecture or design education and/or experience to serve the remainder of a three-year term to expire March 24, 2022.

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 December 16, 2019.

B. Resolution approving the Ad Hoc Clerk Selection Committee meeting minutes of January 3, 2020.

C. Resolution approving the warrant list, including Automated Clearing House payments, dated December 18, 2019 in the amount of $567,686.36.

D. Resolution approving the warrant list, including Automated Clearing House payments, dated January 8, 2020 in the amount of $3,376,128.65.

E. Resolution delegating to the Birmingham City Clerk and her authorized assistants, those being the members of her staff, the following duties of the election commission for the March 10th Presidential Primary Election, August 4th, 2020 Primary Election and November 3rd, 2020 General Election:

- Preparing meeting materials for the election commission, including ballot proofs for approval and a listing of election inspectors for appointment;
- Contracting for the preparation, printing and delivery of ballots;
- Providing candidates and the Secretary of State with proof copies of ballots;
- Providing notice to voters in the case of precinct changes/consolidations;
- Providing election supplies and ballot containers; and
- Preliminary logic and accuracy testing.

F. Resolution designating Finance Director Mark Gerber, Assistant Finance Director Kim Wickenheiser, DPS Director Lauren Wood, Building Official Bruce Johnson, Assistant Building Official Mike Morad, Birmingham Museum Director Leslie Pielack, and Police Commander Scott Grewe as representatives for Election Commission members Mayor Pierre Boutros, Mayor Pro Tem Therese Longe, and Commissioners Rackeline Hoff, Brad Host, Mark Nickita and Stuart Sherman for the purpose of conducting the Public Accuracy Tests of the electronic tabulating equipment which will be used to count votes cast at the March 10, 2020, August 4, 2020 and November 3, 2020 elections.

G. Resolution approving the cost sharing agreement with Bloomfield Township to proceed with the installation of a new Woodward Ave. crosswalk on the south leg of the Woodward Ave. and Quarton Rd./Big Beaver Rd. intersection at the estimated amount of $65,320.50, to be charged to the General Sidewalk Fund Capital Improvements, 101-444.001-981.0100. Also, directing the Mayor to sign the agreement on behalf of the City. Further, approving the appropriation and amendment to the fiscal year 2019-2020 General Fund budget.

H. Resolution appointing Assistant City Engineer Austin Fletcher as representative, and Assistant City Engineer Theresa Bridges as alternate representative, for the City of Birmingham, on the Southeastern Oakland County Water Authority Board of Trustees for the period starting January 13, 2020.

I. Resolution approving the Amended and Restated Professional Services Agreement with McKenna Associates, Inc. for inspection, code enforcement and support services as planned in the current fiscal year, and thereafter, as budgeted. Further, directing the Mayor and City Clerk to sign the agreement on behalf of the City.

J. Resolution approving the use of six parking spaces in the right-of-way adjacent to the property located at 707-717 S. Eton to fulfill the parking requirements per Article 4, section 4.43 (G)(4) of the Zoning Ordinance, subject to the recommended repairs being completed as required by the Engineering Department.

K. Resolution awarding the Video Inspection – Maple Road to M-1 Studios of Ferndale, MI in the amount of $28,400.00 to be charged to the various accounts as detailed in this report.

L. Resolution awarding the Maple Road Traffic Signal Mast Arm Materials Contract to Farr & Faron Associates of Brighton, MI in the amount of $95,429.00 to be charged to Major Street Fund (Traffic Control) 202-303.001-977.0100.

V. UNFINISHED BUSINESS

VI. NEW BUSINESS

A. Public hearing to consider Zoning Ordinance amendments – Overlay Districts
Resolution approving the following amendments to Chapter 126, Zoning:
1. Article 3, Overlay Districts, section 3.04(A) to amend the building height standards in the D5 zone of the Downtown Birmingham Overlay District; and
2. Article 9, Definitions, section 9.02 to add a definition for the term abutting.

B. Resolution approving the applicant's request to waive the application fees and expedite the request for a SLUP Amendment for Dick O'Dows at 160 W. Maple to allow the applicant to temporarily relocate the outdoor dining area at the rear of the building during the 2020 outdoor dining season.

C. Resolution approving the 2020 Lead and Copper Compliance Testing Sampling proposal from HydroCorp, Inc. using Paragon Laboratories at the cost of $48.00 per site for a total amount not to exceed $35,088.00; and approving the quote from Paragon Laboratories at the cost of $41.00 per site for a total amount not to exceed $29,971.00, contingent upon receipt of proper insurance. Further, waiving the formal bidding requirements. In addition, approving the appropriation and amendment to the fiscal year 2019-2020 Water Fund budget.

D. Resolution revising the public comment section of the commission agenda to move public comment prior to the consent agenda for a six (6) month trial period and to include the suggested guidelines for public comment.

OR

Resolution revising the public comment section of the commission agenda to move public comment prior to the consent agenda and to include the suggested guidelines for public comment.

OR

Resolution maintaining the public comment section at the current location on the agenda and to include the suggested guidelines for public comment.

VII. REMOVED FROM CONSENT AGENDA

VIII. COMMUNICATIONS

A. Communication from Mr. Kojaian re Maple alley and city response

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

X. REPORTS

A. Commissioner Reports
B. Commissioner Comments
C. Advisory Boards, Committees, Commissions' Reports and Agendas
D. Legislation
E. City Staff
   1. City Clerk report, submitted by City Manager Valentine

INFORMATION ONLY

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 por lo menos el día antes de la reunión pública. (Title VI of the Civil Rights Act of 1964).

NOTICE OF INTENTION TO APPOINT TO THE PARKS AND RECREATION BOARD

At the regular meeting of Monday, January 13, 2020, the Birmingham City Commission intends to appoint a regular member to the Parks and Recreation Board to serve the remainder of a three-year term to expire March 13, 2022.

Interested citizens may submit an application available at the City Clerk's office or online at www.bhamgov.org/boardopportunities. Applications must be submitted to the City Clerk's office on or before noon on Wednesday, May 1, 2019. These applications will appear in the public agenda for the regular meeting at which time the City Commission will discuss recommendations, and may make nominations and vote on the appointments.

Responsibilities

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

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

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

Applicant(s) Presented for City Commission Consideration:

Applicant Name	**Criteria/Qualifications** Members must be electors (registered voters) of the City of Birmingham.
Eleanor Noble	Registered voter; currently alternate member on board
Pam Graham	Registered voter; currently alternate member on board
Andrew Haig	Registered voter

SUGGESTED ACTION:

To appoint _____, to the Parks and Recreation Board as a regular member to serve the remainder of a three-year term to expire March 13, 2022.

PARKS AND RECREATION BOARD

Article II, Section 78

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

Seven regular members, Three-year Terms, Appointed by the City Commission
Two alternate members, Three-year Terms, Appointed by the City Commission
Members must be electors of the City of Birmingham
Meetings held the first Tuesday of each month at 6:30 PM.

Last Name Home Address	First Name	Home Business E-Mail	Appointed	Term Expires
[redacted]	[redacted]	[redacted]	2/25/2019 Student Representative	12/31/2019
Carmona 887 Lakeview Ave.	**Heather**	(248) 867-1346 *htcarmona@sbcglobal.net*	3/12/2018 Registered Voter	3/13/2021
Graham 884 Knox	**Pam**	(248) 408-6277 *pamcracker@gmail.com*	6/3/2019 Alternate	3/13/2020
Kaplan 635 Oak	**Ross**	(248) 645-6526 *rkaplan@neumannsmith.com*	10/22/2007 Registered Voter in Birmingham	3/13/2020

Last Name Home Address	First Name	Home Business E-Mail	Appointed	Term Expires
Meehan 656 Chester	**John**	(248) 644-5923 *john.meehan@att.net*	3/18/2002 Registered Voter in Birmingham	3/13/2020
Noble 1160 Lake Park Dr.	**Eleanor**	(248) 417-7777 *elliecnoble@hotmail.com*	7/10/2017 Alternate	3/13/2020
Pulis 824 Wimbleton Dr.	**Dominick**	(586) 381-5831 *dompulis@hotmail.com*	3/25/2019 Registered Voter in Birmingham	3/13/2022
Rusche 358 Henley St.	**John**	(248) 731-7068 *jprusche@aol.com*	9/6/2018 Registered Voter in Birmingham (was Alt)	3/13/2021
VACANCY				3/13/2022
Wiebrecht 1714 Torry	**William**	(248) 703-6503 *whw989@wowway.com*	10/14/1991 Registered Voter in Birmingham	3/13/2021

CITY BOARD / COMMITTEE ATTENDANCE RECORD

Name of Board: Parks and Recreation Board **Year:** 2019

Members Required for Quorum: 4

MEMBER NAME	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	SPEC MTG	SPEC MTG	Total Mtgs. Att.	Total Absent	Percent Attended Available
REGULAR MEMBERS																	
Heather Carmona	P	P	P	A	P	P	A	P	P	P	P	P			7	1	88%
Ross Kaplan	A	P	P	P	P	P	P	P	A	P	P	P			10	2	83%
Therese Longe	P	P	A	P	P	P	P	P	A	P					8	2	80%
John Meehan	P	A	A	P	A	P	A	A	P	P	P	P			7	5	58%
Dominick Pulis	NA	NA	P	A	P	P	P	P	P	A	P	P			8	2	80%
John Rusche	P	P	P	P	P	P	P	A	A	P	A	P			9	3	75%
Lilly Stotland	P	P	P												3	0	100%
William Wiebrecht	P	P	P	A	P	P	A	P	P	P	P	P			10	2	83%
CeCe Cousins (student)	P	P	NA												2	0	100%
Jakob Sayers (student)	P	A	NA												1	1	50%
John Butcher (student)			P	P	P	P	P	P	P	P	P	P					
ALTERNATES																	
Eleanor Noble	P	P	P	P	P	A	A	A	A	P	P				7	4	64%
Pam Graham	NA	NA	NA	NA	NA	NA	A	P	P		P	P			4	1	80%
															0	0	#DIV/0!
Present or Available	**9**	**8**	**8**	**6**	**8**	**8**	**5**	**7**	**6**	**8**	**8**	**8**	0	0			

KEY:

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

Department Head Signature

CITY BOARD/COMMITTEE ATTENDANCE RECORD

Name of Board: Parks and Recreation Board **Year:** 2018

Members Required for Quorum: 4

MEMBER NAME	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	SPEC MTG	SPEC MTG	Total Mtgs. Att.	Total Absent	Percent Attended Available
REGULAR MEMBERS																	
Heather Carmona	NA	NA	NA	P	P	P	P	P	P	P	A	P			7	1	88%
Ross Kaplan	A	P	A	P	P	P	P	P	A	P	P	P			9	3	75%
Therese Longe	P	P	P	P	P	P	P	P	P	A	P	P			11	1	92%
John Meehan	P	A	A	P	P	P	P	P	P	P	P	A			9	3	75%
John Rusche (frm Alt to Bd 9/6/18)		P	P					P	P	P	A	P			6	1	86%
Lilly Stotland	P	A	P	P	P	P	P	P	P	A	P	A			9	3	75%
Ryan Ross	P	P	P	P	P	P	P	NA	NA	NA	NA	NA	NA	NA	7	0	100%
Raymond Stevens	P	P	A	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	2	1	67%
William Wiebrecht	P	P	P	P	P	P	P	P	P	P	P	P			12	0	100%
CeCe Cousins (student)	NA	NA	P	A	P	P	A	P	P	P	P	A			7	3	70%
Jakob Sayers (student)	NA	NA	P	P	P	P	A	P	A	P	P	P			8	2	80%
ALTERNATES																	
Eleanor Noble	P	P	P						P	P	P	P			7	0	100%
VACANT																	
Reserved															0	0	#DIV/0!
Present or Available	**7**	**7**	**8**	**8**	**9**	**9**	**7**	**9**	**8**	**8**	**8**	**7**	0	0			

KEY:

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

Department Head Signature

CITY BOARD/COMMITTEE ATTENDANCE RECORD

Board/Committee: **Parks and Recreation Board** **Year:** **2017**

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

KEY: A = Absent
P = Present
NM = No Meeting
na = not appointed at that time

Department Head Signature

City of Birmingham
A Walkable Community

NOV 13 2019

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

APPLICATION FOR CITY BOARD OR COMMITTEE

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

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

(Please print clearly)

Board/Committee of Interest Parks and Recreation Board

Specific Category/Vacancy on Board member due to vacancy of Therese Longe

Name Eleanor Noble

Phone 248-417-7777

Residential Address 1160 Lake Park Dr.

Email elliecnoble@hotmail.com

Residential City, Zip Birmingham 48009

Length of Residence over 50 years.

Business Address

Occupation Sales, part time.

Business City, Zip

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

See enclosed sheet

List your related employment experience "

List your related community activities "

List your related educational experience "

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

NO

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

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

Eleanor C. Noble
Signature of Applicant

November 13, 2019
Date

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

Updated 8/16/17

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

APPLICATION FOR CITY BOARD OR COMMITTEE

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

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(Please print clearly)

Board/Committee of Interest Parks and Recreation

Specific Category/Vacancy on Board Member

Name Pam Graham

Phone 248-408-6277

Residential Address 884 Knox

Email pamcracker@gmail.com

Residential City, Zip Birmingham, MI 48009

Length of Residence 21 years

Business Address

Occupation engineer

Business City, Zip

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

I want to encourage city to fund improvements to neighborhood and community parks.

List your related employment experience I am an automotive test engineer for a safety product. I instruct employees on problem solving techniques and data analysis. This experience could be helpful to board to consider alternatives and reach consensus with community

List your related community activities Attended Birmingham Citizen Academy 2018. Alternate member for Park and Rec Board 2019. Secretary South Poppleton Subdivision Association. Birmingham Public Schools. Bham Unitarian Church.

List your related educational experience BS Enineering MIT. MS Engineering Northwestern Univeristy.

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

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

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

PMGra

Signature of Applicant

12/1/2019

Date

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

Updated 8/16/17

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

APPLICATION FOR CITY BOARD OR COMMITTEE

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

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

(Please print clearly)

Board/Committee of Interest PARKS AND RECREATION BOARD

Specific Category/Vacancy on Board Regular member (see back of this form for information)

Name Andrew Haig

Phone 248-5069979

Residential Address 1814 Banbury St

Email ahjunkah@gmail.com

Residential City, Zip 48009

Length of Residence 10 years

Business Address 1 Continental Drive

Occupation Program Manager

Business City, Zip 48326

Reason for Interest: Explain how your background and skills will enhance the board to which you have applied With 2 small small children and an interest in open space preservation - I volunteered with the Detroit Mower Gang for many years, and grew up in the countryside

List your related employment experience Financial analysis, Mechanical Engineering

List your related community activities Detroit Mower Gang volunteer. Responsible for rezoning denial of NE corner of Lincoln/Eton green space into development area.

List your related educational experience B.Eng (Hons), M.Sc. PMP

To the best of your knowledge, do you or a member of your immediate family have any direct financial or business relationships with any supplier, service provider or contractor of the City of Birmingham from which you or they derive direct compensation or financial benefit? If yes, please explain: None

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

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

Signature of Applicant

12/11/2019
Date

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

Updated 12/02/19

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NOTICE OF INTENTION TO APPOINT TO PUBLIC ARTS BOARD

At the regular meeting of Monday, January 13, 2020, the Birmingham City Commission intends to appoint two regular members to the Public Arts Board to serve three-year terms to expire January 28, 2023, two regular members to serve the remainder of a three-year term to expire January 28, 2022, and 2 alternate members to serve three-year terms to expire January 28, 2023.

In so far as possible, the members shall represent a major cultural institution, a registered architect of the State of Michigan, an artist, an art historian, and an art consultant. Members may also be members of the Historic District Commission, Design Review Board, the Parks and Recreation Board, or the Planning Board. At least four members of the Board shall be residents of the City of Birmingham.

The objectives of the Public Arts Board are to enrich the City's civic and cultural heritage; to promote a rich, diverse, and stimulating cultural environment in order to enrich the lives of the City's residents, business owners, employees, and all visitors; and to establish an environment where differing points of view are fostered, expected, and celebrated by providing the opportunity for such expression through the display of public art.

Interested citizens may apply for this position by submitting an application available from the City Clerk's office. Applications must be submitted to the City Clerk's office on or before noon on Wednesday, January 8, 2020. These applications will appear in the public agenda for the regular meeting at which time the commission will discuss recommendations, and may make nominations and vote on the appointments.

Applicant(s) Presented For City Commission Consideration:

Applicant Name	**Criteria/Qualifications** Members shall, in so far as possible, represent a major cultural institution, a registered architect of the State of Michigan, an artist, an art historian, and an art consultant. Members may also be members of the Historic District Commission, Design Review Board, the Parks and Recreation Board, or the Planning Board. Residents of the City of Birmingham
Annie VanGelderan	Art Consultant/Artist/Cultural institution representative member
Natalie Bishai	Resident member
Anne Ritchie	Artist member
Jason Eddleston	Resident member

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

SUGGESTED ACTION:
To appoint _____ to the Public Arts Board as a regular member to serve the remainder of a three-year term to expire January 28, 2022.

To appoint _____ to the Public Arts Board as an alternate member to serve a three-year term to expire January 28, 2023.

To appoint _____ to the Public Arts Board as a regular member to serve a three-year term to expire January 28, 2023.

To appoint _____ to the Public Arts Board as a regular member to serve a three-year term to expire January 28, 2023.

PUBLIC ARTS BOARD

City Code - Chapter 78, Article V
Terms - 3 years
7 regular members - At least 4 members shall be residents of the City of Birmingham. The remaining members may or may not be residents of Birmingham. In so far as possible, the members shall represent a major cultural institution, a registered architect of the State of Michigan, an artist, an art historian, and an art consultant. Members may also be members of the HDDRC, the Parks and Recreation Board, or the Planning Board.
2 alternate members - must meet one of the already established criteria for regular members
Objectives -

- to enrich the City's civic and cultural heritage;
- to promote a rich, diverse, and stimulating cultural environment in order to enrich the lives of the City's residents, business owners, employees, and all visitors;
- to establish an environment where differing points of view are fostered, expected, and celebrated by providing the opportunity for such expression through the display of public art.

Last Name	First Name	Home Business E-Mail	Appointed	Term Expires
Home Address				
Bishai	**Natalie**	(248) 640-0088	2/12/2018	1/28/2020
1173 Latham St.			Alternate	
Birmingham	48009	*nlbishai @yahoo.com*		
Eddleston	**Jason**	(248) 703-3808	12/5/2016	1/28/2020
892 Purdy			Resident Member	
Birmingham	48009	*jason28e@yahoo.com*		
Heller	**Barbara**	(248) 540-1310	1/28/2002	1/28/2021
176 Linden		(313) 833-7834	Major Cultural Institution-DIA (Conservator)	
Birmingham	48009	*bheller@dia.org*		
Neville	**Monica**	(248) 321-1776	2/27/2017	1/28/2021
1516 E. Melton			Resident Member	
Birmingham	48009	*monica.neville1@gmail.com*		

Last Name Home Address	First Name	Home Business E-Mail	Appointed	Term Expires
Ritchie 1455 South Eton Birmingham 48009	**Anne**	(248) 635-1765 ***anneritchie7@yahoo.com***	9/12/2016 Artist	1/28/2020
VACANT			Art Historian (Degree in Fine Arts & Art History)	1/28/2022
VACANT			Resident Member	1/28/2022
VACANT			Alternate	1/28/2020
Wells 588 Cherry Ct. Birmingham 48009	**Linda**	(248) 647-1165 *lawells126@gmail.com*	2/11/2013 Resident Member	1/28/2022

CITY BOARD/COMMITTEE ATTENDANCE RECORD

Name of Board: Public Arts Board **Year:** 2019

Members Required for Quorum:

MEMBER NAME	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	SPEC MTG	SPEC MTG	Total Mtgs. Att.	Total Absent	Percent Attended Available
REGULAR MEMBERS																	
Barbara Heller	NM	P	P	CP	P	CP	P	P	A	P	✓	CP			6	1	86%
Monica Neville	NM	P	P	A	P	A	P	P	P	P	✓	CP			6	2	75%
~~Rabbi Boruch Cohen~~	~~NM~~	~~A~~	~~A~~	~~CP~~	~~P~~	~~A~~	~~NA~~	~~NA~~	~~A~~	~~A~~					1	4	20%
Anne Ritchie	NM	P	P	A	P	CP	A	P	P	A	✓				4	3	57%
Linda Wells	NM	P	P	CP	P	CP	P	P	A	P	✓				5	1	83%
Jason Eddleston	NM	P	P	A	A	A	P	P	P	P	✓				5	3	63%
															0	0	#DIV/0!
															0	0	#DIV/0!
															0	0	#DIV/0!
ALTERNATES																	
Natalie Bishai	NM	P	A	A	A	A	P	A	P	A		CP			3	6	33%
Cole Wolhfiel (Student)	NM	P	P	A	A	A	A	A	A	A					2	7	22%
Amelia Berry (Student)	NM	A	A	A	A	A	A	A	A	A					0	9	0%
															0	0	#DIV/0!
Present or Available	0	7	6	3	5	3	5	5	4	4	0	0	0	0			

KEY:

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

Department Head Signature

CITY BOARD / COMMITTEE ATTENDANCE RECORD

Name of Board: Public Arts Board **Year:** 2018

Members Required for Quorum: 4

MEMBER NAME	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	SPEC MTG	SPEC MTG	Total Mtgs. Att.	Total Absent	Percent Attended Available
REGULAR MEMBERS																	
Rabbi Boruch Cohen	P		P	P	P	P	P	P		P	P	P			10	0	100%
Jason Eddleston	P		A	A	A	A	P	P		A	P	A			4	6	40%
Barbara Heller	P		P	P	P	P	P	P		P	A	P			9	1	90%
Anne Ritchie	A		P	A	A	P	A	A		P	P	A			4	6	40%
Mary Roberts	A		A	A	A	A	A	A		P	A	A			1	9	10%
Linda Wells	P		P	P	P	P	P	P		P	P	P			10	0	100%
Monica Neville	P		P	P	P	P	P	P		P	P	P			10	0	100%
Amelia Berry-student rep			P	P	P	P	P	P		P	P	P					
Cole Wohlfiel-student rep			P	A	A	P	P	P		P	P	A					
ALTERNATES																	
Natalie Bishai			P		P												
VACANT																	
Reserved															0	0	#DIV/0!
Reserved															0	0	#DIV/0!
Present or Available	**5**	0	**8**	**5**	**6**	**7**	**7**	**7**	0	**8**	**7**	**5**	0	0			

KEY:

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

C. Mynsberge

Department Head Signature

CITY BOARD/COMMITTEE ATTENDANCE RECORD

Board/Committee: **Public Arts Board** **Year: 2017**

MEMBER NAME	1/18	2/15	3/15	4/19	5/17	6/21	7/19	8/16	10/18	11/15	Total Mtgs. Att.	Total Absent	Percent Attend
REGULAR MEMBERS													
Barbara Heller	P	P	P	P	P	P	P	A	P	P	9	1	90%
Eva Suchara	A	x	x	x	x	x	x	x	x	x	0	1	0%
Maggie Metler	P	x	x	x	x	x	x	x	x	x	1	0	100%
Monica Neville	**	**	P	P	P	P	P	P	P	A	7	1	88%
Rabbi Boruch Cohen	**	**	P	P	P	P	P	P	P	P	8	0	100%
Anne Ritchie	P	P	A	P	A	A	A	P	P	P	6	4	60%
Mary Roberts	A	A	A	P	A	A	P	A	P	A	3	7	30%
Linda Wells	P	P	P	P	P	P	P	P	P	P	10	0	100%
Jason Eddleston	A	P	A	A	P	P	A	A	P	A	4	6	40%
Celeste Demps-Simons (Student Rep.)	A	A	A	P	P	A	P	P	P	P	4	6	40%
Sarah Evans (Student Rep.)	A	A	A	P	P	P	P	A	A	A	4	6	40%
Cecilia Trella (Student Rep.)	A	P	P	P	A	P	P	A	P	A	6	4	60%
ALTERNATES													
Member 1											0	0	#DIV/0!
Member 2											0	0	#DIV/0!
Members in attendance	4	5	5	9	7	7	8	5	9	5			

KEY: A = Absent
P = Present
NM = No Meeting
** = Not yet appointed
x = no longer serving

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DEC - 9 2019
CITY CLERK'S OFFICE
CITY OF BIRMINGHAM

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

APPLICATION FOR CITY BOARD OR COMMITTEE

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

(Please print clearly)

Board/Committee of Interest: Public Arts Board

Specific Category/Vacancy on Board: non-resident position

Name: Annie VanGelderen

Phone: Cell: 248.408.6132

Residential Address: 3795 Loch Bend Dr

Email: AnnieVanGelderen@BBArtCenter.org

Residential City, Zip: Commerce Twp MI 48382

Length of Residence:

Business Address: 1516 S. Cranbrook Rd

Occupation: President & CEO

Business City, Zip: Birmingham, MI 48009

Reason for Interest: Explain how your background and skills will enhance the board to which you have applied: I have been an advocate for the arts for at least 20 years - An artist, a teacher, on numerous boards & as CEO of an arts organizat.

List your related employment experience: I have been President & CEO of the Birmingham Bloomfield Art Center x 9 years. I have a vast experience in exhibitions & a broad relationships w/ artists in S.E Michigan

List your related community activities: Board: MI Bank, VP Cultural Council of Birm/Bloomf. Southfield's Partnership for Education Council, Arts & Healing/MI & Sit on Detroit Arts Symposium Commitee.

List your related educational experience: Along w/ being a profess. artist & running an arts organization have a certificate in Fundraising Mgt from Indiana University, Graduate of Leadership Oakland, Advanced Leadership Institute leadership Detroit

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

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

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

Annie VanGelderen
Signature of Applicant

9-3-19
Date

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

Updated 8/16/17

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JAN - 8 2020

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Meets Requirements? Yes No
Will Attend / Unable to Attend

APPLICATION FOR CITY BOARD OR COMMITTEE

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(Please print clearly)

Board/Committee of Interest Public Arts Board

Specific Category/Vacancy on Board Resident member or Alternate (see back of this form for information)

Name Natalie L Bishai

Phone 248 640 0088

Residential Address 1173 Latham St

Email nlbishai@yahoo.com

Residential City, Zip Birmingham 48009

Length of Residence 11 years

Business Address n/a

Occupation Homemaker
Current Public Art Board Alternate

Business City, Zip n/a

Reason for Interest: Explain how your background and skills will enhance the board to which you have applied My experience in fashion and visual merchandising allows me the knowledge of visual flow and what is pleasing to the eye. My love for art and the contribution it brings to our lives.

List your related employment experience District Sales manager for Express a Limited Brand Corporation. Store manager of Sales and visual merchandising for The Contained Store.

List your related community activities I have sat on the Art Board for the last 2 years involved in the Self Expression community. The piano in the park and the Kidszone at the Farmers market.

List your related educational experience Fashion Merchandising degree with a focus on visual merchandising

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

no

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

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

Natalie L Bishai

Signature of Applicant

1.7.2020

Date

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

Updated 12/02/19

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Meets Requirements? Yes No
Will Attend / Unable to Attend

APPLICATION FOR CITY BOARD OR COMMITTEE

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(Please print clearly)

Board/Committee of Interest PUBLIC ARTS BOARD

Specific Category/Vacancy on Board BOARD MEMBER (see back of this form for information)

Name ANNE L. RITCHIE

Phone 248.635.1765

Residential Address 1455 S. ETON ST

Email ANNERITCHIE7@YAHOO.COM

Residential City, Zip BIRMINGHAM MI 48009

Length of Residence 16 YRS

Business Address

Occupation ARTIST

Business City, Zip

Reason for Interest: Explain how your background and skills will enhance the board to which you have applied CURRENT BOARD MEMBER. ACTIVE WITH BOARD SUPPORTING MISSION & OBJECTIVES

List your related employment experience 35 YRS+ ADVERTISING/MARKETING CURRENTLY ART INSTRUCTOR BBAC/DPS

List your related community activities PARTICIPATE IN BOARD ACTIVITIES. CREATED PAB POSTER, COLLATERAL. POPCORN BOX!

List your related educational experience GRAPHIC DESIGN/WEB C.C.S

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

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

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

Anne L Ritchie
Signature of Applicant

1/8/20
Date

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

Updated 12/02/19

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

APPLICATION FOR CITY BOARD OR COMMITTEE

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(Please print clearly)

Board/Committee of Interest Public Arts Board

Specific Category/Vacancy on Board Renewing (see back of this form for information)

Name Jason Eddleston

Phone 248-703-3808

Residential Address 892 Purdy

Email jason28e@yahoo.com

Residential City, Zip Birmingham 48009

Length of Residence 13 years

Business Address 702 E 11 Mile Road

Occupation Small Business Owner

Business City, Zip Royal Oak 48067

Reason for Interest: Explain how your background and skills will enhance the board to which you have applied
Spent 6 years on FJC board at DIA. Fundraised for art projects in Detroit, DIA & Hamtramck.

List your related employment experience —

List your related community activities Royal Oak Commerce Board, Hamtramck Recycling Commission

List your related educational experience Lifer at Cranbrook, College at University of Pennsylvania, Wharton School of Business

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

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

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

[signature]
Signature of Applicant

12-11-19
Date

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

Updated 12/02/19

from 12/9/19 meeting

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

At the regular meeting of Monday, December 9, 2019, the Birmingham City Commission intends to appoint one Regular member to the Multi-Modal Transportation Board with Urban Planning/Architecture/Design Education/Experience to serve a three-year term to expire March 24, 2022, and one Alternate member to serve a three-year term to expire October 27, 2022.

Interested citizens may submit an application available at the City Clerk's office or online at www.bhamgov.org/boardopportunities. Applications must be submitted to the City Clerk's office on or before noon on Wednesday, March 6, 2019. These documents will appear in the public agenda for the regular meeting at which time the City Commission will discuss recommendations, and may make nominations and vote on appointments.

In so far as possible, the seven member committee shall be composed of the following: one pedestrian advocate member; one member with a mobility or vision impairment; one member with traffic-focused education and/or experience; one bicycle advocate member; one member with urban planning, architecture or design education and/or experience; and two members at large living in different geographical areas of the City. Applicants for this position do not have be a qualified elector or property owner in Birmingham.

Duties of the Multi-Modal Transportation Board

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

Applicant(s) Presented For City Commission Consideration:

Applicant Name	**Criteria/Qualifications** Traffic-focused education/experience, or urban planning, architecture or design education/experience.
Thomas Peard	Urban Planning/Architecture/Design

SUGGESTED ACTION:
To appoint _____, as a regular member who has urban planning, architecture or design education and/or experience to the Multi-Modal Transportation Board to serve the remainder of a three-year term to expire March 24, 2022.

MULTI-MODAL TRANSPORTATION BOARD

Chapter 110, Sections 110-26 & 110-27

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

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

Term: Three years.

Last Name Home Address	First Name	Home Business E-Mail	Appointed	Term Expires
Capone 1493 Fairfax Birmingham 48009	**Chris**	(258) 979-4113 *cjcapone@yahoo.com*	2/25/2019 Student Representative	12/31/2019
Edwards 1636 Bowers Birmingham 48009	**Lara**	(734) 717-8914 *lmedwards08@gmail.com*	4/28/2014 Member at large from different geographical areas of the city.	3/24/2020
Folberg 1580 Latham Birmingham 48009	**Amy**	(248) 890-9965 *amy.folberg@gmail.com*	12/14/2015 Member at large from different geographical areas of the city.	3/24/2020

Last Name Home Address	First Name	Home Business E-Mail	Appointed	Term Expires
Pompi 295 Argyle Birmingham 48009	**Bennett**	(412) 932-8120 *bennettp2002@gmail.com*	2/25/2019 Student Representative	12/31/2019
Rontal 926 Bird Birmingham 48009	**Daniel**	(734) 904-2544 *darontal@gmail.com*	10/27/2016 Mobility or Vision Impairment Experience/Expertise	3/24/2020
Schafer 1966 Fairway Birmingham 48009	**Katie**	(248) 835-5064 *schafekat@gmail.com*	3/13/2017 Pedestrian Advocate	3/24/2021
Slanga 4410 Charing Way Bloomfield Hills 48304	**Johanna**	(248) 761-9567 *johannaslanga@gmail.com*	5/5/2014 Traffic-Focus Education/Experience Member	3/24/2022
VACANT			Alternate	10/27/2022
VACANT			Urban Planning /Architecture /Design	3/24/2022

Last Name Home Address	First Name	Home Business E-Mail	Appointed	Term Expires
White 1342 Holland St. Birmingham 48009	**Doug**	(248) 825-2223 *dwhite10@peoplepc.com*	5/14/2018 Bicycle/Pedestrian	3/24/2021 Advocate
Zane 1014 Chestnut St. Birmingham 48009	**Joseph**	(248) 563-3381 *Joseph.Michael.Zane@gmail.com*	12/10/2018 Alternate	10/27/2022

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DEC 13 2019

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

APPLICATION FOR CITY BOARD OR COMMITTEE

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(Please print clearly)

Board/Committee of Interest: Multi-Modal Transportation Board

Specific Category/Vacancy on Board: Regular w/ Design Exp. (see back of this form for information)

Name: Thomas Peard
Phone: 248-770-7761

Residential Address: 645 Suffield Avenue
Email: thomaspeard@yahoo.com

Residential City, Zip: Birmingham, MI 48009
Length of Residence: 10 years

Business Address: 24777 Denso Drive
Occupation: Engineer

Business City, Zip: Southfield, MI 48086

Reason for Interest: Explain how your background and skills will enhance the board to which you have applied
I am looking for an opportunity to utilize my technical and analytical skills toward the continuous improvement of (continued on page 2)

List your related employment experience
I bring 26 years of design and engineering management experience with (con't on page 2)

List your related community activities
My coaching activity in Birmingham Little League baseball led to discussions (con't on page 2)

List your related educational experience: BSME (Mechanical Engineering), University of Michigan, 1989; MSME, University of Illinois, 1992; MBA, Wayne State University, 2003

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

No

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

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

Signature of Applicant

12/13/2019
Date

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

Updated 12/02/19

Sorry, but my laptop here at my office and the City's Application for City Board form aren't playing nice, so I'm not able to either change/commonize the font size in the form or to enter my responses in the fields so that everything appears when the document is printed.

Therefore, I hope it's OK if I start my responses on page 1 and finish them in the paragraphs below. Thanks for your consideration.

Reason for Interest

...our vibrant community. Through my work experience, I have had opportunities to successfully create, analyze, and evaluate complex technical proposals involving a variety of stakeholders such as (Det3 OEM) customers, my employer's supply base, and global manufacturing facilities.

Related Employment Experience

...DENSO International America, Inc. (an automotive supplier locally based in Southfield) that I am confident would benefit the board in achieving its goals.

Since the birth of my second child, I have been working for DENSO part-time. However, before retiring from full time employment I was responsible for all of DENSO's HVAC module business with the Detroit 3 automakers which included business development, detailed product design activity, manpower and budgetary planning, and work with global affiliates.

Related Community Activities

...with former City Commissioner Andrew Harris who recommended this opportunity as a possible means to utilize my technical skills and become more formally involved in the community in which I've lived for 10 years.

BIRMINGHAM CITY COMMISSION MINUTES
DECEMBER 16, 2019
MUNICIPAL BUILDING, 151 MARTIN
7:30 P.M.

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Pierre Boutros called the meeting to order at 7:30 PM.

II. ROLL CALL

ROLL CALL: Present: Mayor Boutros
Mayor Pro Tem Longe
Commissioner Baller
Commissioner Hoff
Commissioner Host
Commissioner Nickita
Commissioner Sherman
Absent: None

Administration: City Manager Valentine, Assistant City Manager Gunter, City Attorney Currier, Acting City Clerk Arft, Human Resource Manager Myers, DPS Director Wood, Assistant City Engineer Fletcher, Police Commander Grewe, Police Chief Clemence, City Planner Ecker, Assistant City Manager Gunter

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

12-298-19 ANNOUNCEMENTS:

- Commissioner Hoff's birthday.
- City offices and Baldwin Library will be closed Tuesday, Dec. 24th & Wednesday, Dec. 25th, and Tuesday, Dec. 31st & Wednesday, Jan. 1st, 2020.
- The City will hold the Long Range Planning Workshop on Saturday, January 25, 2020 at 8:30 A.M. in City Hall.

12-299-19 APPOINTMENT OF JAMES N. ALLEN, BIRMINGHAM CITY CLERK:

Human Resource Manager Myers presented this item.

MOTION: Motion by Commissioner Sherman, seconded by Commissioner Hoff:
To accept the recommendation of the City Clerk Selection Sub-Committee to appoint James N. Allen as the Birmingham City Clerk effective January 2, 2020.

VOTE: Ayes, 7
Nays, 0

12-300-19 ADMINISTRATION OF OATH

Acting City Clerk Arft administered the Oath of Office to James N. Allen, City Clerk.

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.

12-301-19 APPROVAL OF CONSENT AGENDA

The following items were removed from the Consent Agenda:

Commissioner Hoff: Item D - Resolution confirming the City Manager's authorization for the emergency expenditure related to the repair of vehicle #157 by J.B. DLCO Auto Repair Center & Multistate Transmissions for $14,483.65 from the Auto Equipment Fund account #641-441.006-933.0200, pursuant to Sec. 2-286 of the City Code.

Commissioner Baller: Item G - Resolution accepting the resignation of Christopher Longe from the Architectural Review Committee, thanking him for his service, and directing the City Clerk to begin the process of filling the vacancy.

Item I - Resolution approving the Professional Communications Services Agreement with Van Dyke●Horn in the amount of $7,000 per month and additional communications services charged in accordance with their rate card of December 11, 2019 subject to compliance with the City's insurance requirements as specified in the agreement, and authorizing the Mayor and Acting City Clerk to sign the agreement on behalf of the City.

MOTION: Motion by Commissioner Sherman, seconded by Commissioner Hoff:
To approve the Consent Agenda, excluding Items D, G, and I, which were pulled from consent.

ROLL CALL VOTE: Ayes, Mayor Boutros
Mayor Pro Tem Longe
Commissioner Baller
Commissioner Hoff
Commissioner Host
Commissioner Nickita
Commissioner Sherman
Nays, None

A. Resolution approving the Regular City Commission meeting minutes of December 9, 2019

B. Resolution approving the Ad Hoc Clerk Selection Committee special meeting minutes of December 10, 2019.

C. Resolution approving the warrant list, including Automated Clearing House payments, dated December 11, 2019 in the amount of $1,205,771.25.

E. Resolution approving both Change Orders #1 and #2 with Mechanical Design & Installation, LLC. in the combined amount not to exceed $17,549.00 to be funded from the City Hall and Grounds

Capital Improvement Account #401-265-001-977-0000 to complete the New Boilers and Controls Upgrade for City Hall and further; approving the appropriation and amendment to the fiscal year 2019-2020 Capital Projects Fund budget as presented.

F. Resolution setting Monday, January 13, 2020 at 7:30 PM for a public hearing to consider approval of the following amendments to Chapter 126, Zoning:
   1. Article 3, Overlay Districts, section 3.04(A) to amend the building height standards in the D5 zone of the Downtown Birmingham Overlay District; and
   2. Article 9, Definitions, section 9.02 to add a definition for the term abutting.

H. Resolution approving the invoices from Harvey Electronics to perform system upgrades totaling $24,756.80, allocated equally to each garage to ensure PCI compliance requirements are met and customer credit data remains secure when using the parking garages. The upgrades will be charged to the following accounts:

Pierce Street Garage	$4,951.36	Account 585-538.002-971.0100
Park Street Garage	$4,951.36	Account 585-538.003-971.0100
Peabody Street Garage	$4,951.36	Account 585-538.003-971.0100
N. Old Woodward Garage	$4,951.36	Account 585-538.005-971.0100
Chester Garage	$4,951.36	Account 585-538.008-971.0100

12-302-19 (ITEM D) EMERGENCY REPAIR OF VEHICLE #157

Commissioner Hoff asked if the failure was due to operator error or a vehicle defect. She also wanted clarification on the scope of work and if the invoice accurately reflected the scope.

DPS Director Wood confirmed that the recommended repairs resulted from transmission failure. The invoice reflects the removal of the old transmission assembly and installation of a new transmission assembly.

MOTION: Motion by Commissioner Hoff, seconded by Commissioner Nickita:
To approve the resolution confirming the City Manager's authorization for the emergency expenditure related to the repair of vehicle #157 by J.B. DLCO Auto Repair Center & Multistate Transmissions for $14,483.65 from the Auto Equipment Fund account #641-441.006-933.0200, pursuant to Sec. 2-286 of the City Code.

VOTE: Ayes, 7
Nays, 0

12-303-19 (ITEM G) RESIGNATION OF CHRISTOPHER LONGE FROM ARC

Commissioner Baller pulled this item from consent to recognize the many years of service of Christopher Longe to this City and to highlight a few of his accomplishments.

- 1984 Began practicing Architecture in the City of Birmingham
- 2004 Appointed to the Architectural Review Committee
  - Design of Shain Park
  - New Chesterfield Fire Station
  - Brookside Terrace
  - Dakota Condominium
  - McCain Worldwide Renovation
  - 250 Martin St. Renovation
  - Briggs Building Renovation - Lulu Lemon
  - Universal Watch Building Renovation
  - Peabody Mansion Restoration for Hidachi

- Numerous homes and townhomes in Birmingham.

Mayor Boutros explained that while he has been an asset to the City in serving on the ARC, he could not serve on a board if he had a spouse serving as a commissioner; it is viewed as a conflict of interest as outlined in the applicable City Ordinance.

MOTION: Motion by Commissioner Baller, seconded by Commissioner Host:
To approve the resolution accepting the resignation of Christopher Longe from the Architectural Review Committee, thanking him for his service, and directing the City Clerk to begin the process of filling the vacancy.

VOTE: Ayes, 7
Nays, 0

12-304-19 (ITEM I) PROFESSIONAL SERVICE AGREEMENT FOR VAN DYKE-HORN

Commissioner Baller pulled from consent to hear from the City Manager on this contract.

City Manager Valentine explained that the City, in the past, had an individual who served in a communications capacity overseeing communications planning; the individual has left employ with the City. As a result, staff evaluated what needed to be done on a short-term basis moving forward. An RFQ was issued to several firms that have the capacity to provide the services that the City is looking for and at the caliber that the City wants to provide them. This firm was chosen because they submitted the best-qualified quote to provide daily management of the City's social media platforms, and the overall strategic direction of the communications plan. The new approach would be re-evaluated over the next 6 months and a recommendation would be brought back to the commission as to whether to continue with this type of arrangement, modify it, or move in a different direction.

Commissioner Hoff asked:

- Who would be the city contact,
- who would direct the work of this contractor,
- and will a person be located in City Hall.

City Manager Valentine replied that he is also the public information officer for the City, and will direct the work. He went on to say that, there would be someone here at least 1 day a week to meet with staff, City Manager, and others in reference to communications.

Anne Marie Erickson, Beverly Hills resident, spoke on behalf of Van Dyke-Horn. She referenced Kay Byrd, a Birmingham resident, as the person who will work with the City and be the primary point of contact.

Commissioner Hoff commented that the firm's previous municipal experience seemed to be project-oriented; she asked how that experience would transfer to ongoing communications.

Ms. Erickson agreed that her experience is project based but went on to say that the City of Birmingham is in a unique position to evaluate whether an Agency or FTE would better suit the needs of the City.

Commissioner Baller asked Ms. Erickson to identify the City's strengths and weaknesses in terms of the current communications plan.

Ms. Erickson replied that a deep dive had not been done, but in reviewing current information, she felt the City did not need a complete overhaul. Ms. Erickson expressed that there appeared to be a robust communications platform in place, which is a great foundation to build.

City Manager Valentine added that one of the tasks is to offer critiques and recommendations for improvement over the next several months.

MOTION: Motion by Commissioner Baller, seconded by Mayor Pro Tem Longe:
To approve the resolution for the Professional Communications Services Agreement with Van Dyke●Horn in the amount of $7,000 per month and additional communications services charged in accordance with their rate card of December 11, 2019 subject to compliance with the City's insurance requirements as specified in the agreement, and authorize the Mayor and Acting City Clerk to sign the agreement on behalf of the City.

VOTE: Ayes, 7
Nays, 0

V. UNFINISHED BUSINESS

12-305-19 PLANNING BOARD REVIEW SCHEDULE FOR CITY'S MASTER PLAN

Director Ecker presented this item.

Commissioner Host suggested that the staff bring in some of the experts from Birmingham and surrounding communities to provide input, such as Kate Beebe, who was the Master Planner for the City of Detroit under the Archer's administration.

Commissioner Baller commented that the resolution before the commission is to approve the schedule, but he recalled that at the last meeting, the issue was raised whether the planning board was the appropriate body to set the schedule. While he believes that it is, he also felt that the City should supplement the planning board. He agreed with Commissioner Host's suggestion.

Mayor Boutros called for a point of order and further explained to Commissioners Host and Baller that the discussion on the table was a resolution for the Master Plan schedule only.

Commissioner Hoff noted that the planning board had an action list and that many of the items on the list would be part of the Master Plan. However, three of the items are not part of the Master Plan and she felt that the commission should give direction to the planning board on when to consider them.

Specifically:
1. Solar Panel Review Process
2. Balcony/Terrace Enclosure
3. Aging in Place

Director Ecker expressed that the planning board would address those items as they could get to them. She is hoping that they would be addressed at the February 8, 2020 meeting.

Commissioner Sherman agreed with Commissioner Hoff and further expressed that it would be helpful to have the priority list. Understanding the planning board's desire for continuity in their discussions, he suggested that they start in February and go thru June on the same schedule just move each item back a month.

MOTION: Motion by Commissioner Sherman, seconded by Mayor Pro Tem Longe:
To approve the review schedule recommended by the planning board on November 13, 2019 for an in depth review of the first draft of the Master Plan.

Commissioner Hoff asked if DPZ is willing to move their schedule back to the middle of the year.

Director Ecker affirmed that DPZ is willing.

Commissioner Baller expressed concern about DPZ falling behind schedule.

Mayor Pro Tem Longe commented that DPZ agreed to begin their days early and stay late to avoid falling behind.

VOTE: Ayes, 7
Nays, 0

12-306-19 FUNDING TO SUPPORT PUBLIC ENGAGEMENT OPPORTUNITIES FOR THE CITY'S MASTER PLAN FIRST DRAFT REVIEW

Commissioner Hoff commented that it is premature to approve the suggested resolution.

Commissioner Sherman clarified that the resolution is an allocation of funds for public outreach if needed.

Mayor Boutros affirmed.

Commissioner Baller asked for more clarification.

City Manager Valentine expressed that the planning board would determine if and when there would be a need for public engagement. Approving the resolution would allow staff to spend up to the suggested amount at the right time for the services.

Commissioner Hoff expressed that before she would approve additional spending for surveys, she would like to know the results of the previous surveys and the demographic of the responses.

Director Ecker provided the number of responses to the previous surveys; and believed that there has been a significant response and is able to provide the demographics associated with the responses. She went on to say that DPZ felt the surveys were very successful.

Commissioner Nickita commented that the allotment is very flexible and felt that the commission would have the ability to evaluate results and he supports the resolution.

Commissioner Baller asked who would decide how the funding would be disbursed. City Manager Valentine expressed that while he welcomes commission input, he would make the determination.

Motion: Motion by Commissioner Nickita, seconded by Commissioner Sherman:
To approve the resolution for the expenditure of funds from Other Contractual Services, account #101-721.000- 811.0000 to incorporate additional public engagement opportunities into the remaining portion of the master plan update, in an amount not to exceed $28,600, as needed, to be determined by the City Manager.

AND

To approve an amendment to the 2019-2020 General Fund budget as presented.

VOTE: Ayes, 7
Nays, 0

VI. NEW BUSINESS

12-307-19 CONTINUATION OF PARKING RESTRICTIONS

Commander Grewe presented this item.

Commissioner Hoff asked when the restrictions would be reviewed next. Commander Grewe responded that after the Citywide Master Plan review is complete and the recommendations are out, there would be a review of the existing parking restrictions.

Commissioner Nickita commented that it is clear that the City needs to continue with things as they are until the master plan review is complete; and expressed his support for this resolution at this point.

MOTION: Motion by Commissioner Nickita, seconded by Mayor Pro Tem Longe:
To approve the resolution for continuation of the parking restrictions already in place on Frank between Bates and Chester, Glenhurst between Lincoln and Midvale, Haynes between S. Eton and Columbia and Hazel between S. Eton and Columbia, and to conduct an additional review following the acceptance of the City Master Plan.

Mayor Boutros asked what would happen with new petitions from residents. Commander Grewe affirmed that he has received new petitions recently; and the residents understand that the master plan process is under review and are willing to wait until it is complete.

VOTE: Ayes, 7
Nays, 0

12-308-19 CONSULTING SERVICES FOR THE BIRMINGHAM ICE ARENA

DPS Director Wood presented this item.

Mayor Pro Tem Longe and Mayor Boutros engaged in a discussion supporting the proposed resolution.

MOTION: Motion by Commissioner Hoff, seconded by Commissioner Nickita:
To approve the suggested resolution approving the proposal from Plante & Moran Cresa, LLC in the amount not to exceed $18,000, plus out-of-pocket expenses not-to-exceed two hundred fifty Dollars ($250.00) for the purpose of assisting with capital planning and operational review consulting services for the Birmingham Ice Arena; contingent upon receipt of proper insurance. Further, to waive the formal bidding requirements. Funds for this purchase are available from General Fund – Parks – Other Contractual Service account #101-751.000-811.0000.

VOTE: Ayes, 7
Nays, 0

12-309-19 OAKLAND COUNTY WATER RESOURCES COMMISSIONER'S REQUEST FOR EASEMENT AT LINCOLN GOLF COURSE

Assistant City Engineer Fletcher presented this item. Mr. Mantis, OCWRC, was present for questions.

Commissioner Sherman clarified that the easement request is over an existing easement that the OCWRC currently possess.

MOTION: Motion by Commissioner Sherman, seconded by Commissioner Nickita:
To approve the resolution approving the easement document presented by the Oakland County Water Resources Commissioner's office to allow the construction, operation and maintenance of two (2) communication and electrical conduits within the Lincoln Hills Golf Course.

Commissioner Host asked how long the proposed construction would take to complete. Mr. Mantis estimated 4-5 months to avoid disruption to the golf season.

Commissioner Sherman confirmed with Mr. Mantis that the golf course would be restored to its current condition or better after the project is complete.

Mayor Boutros asked for an estimate if the winter season was severe. Mr. Mantis expressed that it would be delayed by that time.

VOTE: Ayes, 7
Nays, 0

12-314-19 ENGINEERING AND FIRE DEPARTMENT FEE SCHEDULE AMENDMENT

Acting City Clerk Arft presented this item.

MOTION: Motion by Commissioner Hoff, seconded by Commissioner Sherman:
To approve the resolution amending the Schedule of Fees, Charges, Bonds and Insurance, in the following sections, as stated in this report Engineering and Fire Department.

VOTE: Ayes, 7
Nays, 0

VII. REMOVED FROM CONSENT AGENDA

Addressed at the beginning of the meeting.

VIII. COMMUNICATIONS

12-315-19 COMMUNICATION FROM MR. BLACK

Mr. Mitch Black, Dick O'Dows, addressed the commission about the road construction in front of his business blocking the use of his front entrance. The restaurant was unable to use their outdoor seating area during the summer of 2017 through 2019 due to the same road construction. Now, moving forward to 2020 they are subject to the same and would like to use the rear area of this space, now called "The Dow", for outdoor seating on a temporary basis for the summer. When road construction is complete, the restaurant will need to re-engineer the platform they have used in prior years and at that time would need to use the rear space for business. The owners would like the commission to waive the formal permit process and allow outdoor seating at the rear of the restaurant, temporarily, for the summer of 2020.

Mayor Boutros noted that the commission does not take action on this part of the agenda, but could request more information for an agenda item at a future meeting.

Commissioner Sherman asked if this type of request would require an amendment to the SLUP that would be able to time-out.

Commissioner Hoff suggested that the administration put this request on a future agenda.

Commissioner Host agreed with Commissioner Hoff.

Commissioner Baller asked for clarification of what exactly would be put on the agenda.

City Manager Valentine explained that it would be an amendment to the SLUP to consider relocating the outdoor dining from the street to the back area owned by the applicant for a time during 2020; and consider the request to waive the fee for the application process.

Commissioner Nickita commented that the process would have to be recognized; the planning board would need to review the SLUP amendment and make a recommendation.

City Manager Valentine commented that it is a very simple and straightforward request. The administration would proceed in a way to accommodate the demands of the outdoor seating season.

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

12-316-19 PUBLIC COMMENT

- Paul Reagan, 997 Purdy Street, expressed his concern about commercial parking on Purdy, parking around Barnum Park as if it were a City parking lot, and using existing data in the planning process for additional parking.

- Eric Wolfe, 393 E. Frank Street, noted that parking on his street is for residents only, but the commercially zoned businesses have been issued guest parking permits. He expressed that he would like the City to correct the practice of issuing commercial businesses guest parking permits in residential parking areas.

X. REPORTS

12-317-19 COMMISSIONER COMMENTS

- Commissioner Host commented on the 26 miles of unimproved roads in the City, and the commission should allow the residents to speak at the beginning of the meeting to express their opinion on road improvements.
- Commissioner Baller asked that the commission consider expediting review of neighborhood parking in the master plan and enforcement of parking policies. He went on to say that, the commissioners' silence on this issue is sending a message to the community about parking.
- Commissioner Hoff suggested that Commissioner Host encourage Ms. Kate Beebe to apply to the planning board when there is an opening.
- Mayor Pro Tem Longe asked if there could be a mechanism to have an individual appointed to a board or committee for limited service.
- In response to Mayor Pro Tem Longe's question, City Manager Valentine explained that in order to appoint individuals for limited service, the composition of the board would have to be amended in accordance with the ordinance that governs that board.
- Commissioner Nickita expressed that an ad hoc committee could satisfy this request; relative to Ms. Beebe, he would support her input and expertise at the table.

- Mayor Boutros felt that adding an additional layer would complicate the process.
- Commissioner Sherman pointed out that the current Ad Hoc Street Committee was set up to provide information to the commission and now Commissioner Host is asking that the decision come back to the commission instead of waiting for a recommendation.
- Commissioner Baller expressed that he appreciated the discussion.
- Commissioner Sherman recognized Cheryl Arft for her service as Acting City Clerk. He went on to say that, she ran a successful election and let her know that it could not have been done without her. He extended his thanks on behalf of the commission for her efforts.
- Mayor Pro Tem Longe suggested a joint meeting with the Advisory Parking Committee in 2020.
- Commissioner Baller and Commissioner Host both support the idea of a joint meeting.
- Commissioner Nickita added for clarity that a consultant was hired to work on the master plan. The consultant's scope of work included a thorough parking analysis; and it would not be prudent to discuss parking until the consultant's recommendation have been presented.
- Mayor Boutros agreed with Commissioner Nickita.
- Commissioner Baller asked if the September 2018 Downtown Parking Plan, submitted by Nelson and Nygaard, were experts providing recommendations based on data.
- City Manager Valentine explained that it was a series of recommendations for the APC to digest and begin implementing.
- Mayor Pro Tem Longe clarified that she wants to hear from the APC about their philosophies, priorities, and opinions on the Nelson and Nygaard report.
- Commissioner Sherman suggested that this discussion be tabled until the new commissioners have completed the Commissioner's Academy in January.
- City Manager Valentine suggested that the commission invite the APC to the Long Range Planning Meeting in January.

XI. ADJOURN

Mayor Boutros ended the meeting by wishing everyone a Happy Holiday and Prosperous New Year; and adjourned the meeting at 9:26 p.m.

AD HOC CITY CLERK SELECTION COMMITTEE
SPECIAL MEETING AGENDA
FRIDAY, JANUARY 3, 2020
MUNICIPAL BUILDING, 151 MARTIN
CONFERENCE ROOM 202
11:00 A.M.

I. CALL TO ORDER

Roll Call

II. DISCUSSION OF CITY CLERK SELECTION

III. PUBLIC COMMENT

IV. ADJOURN

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 por lo menos el día antes de la reunión pública. (Title VI of the Civil Rights Act of 1964).

City of Birmingham
Warrant List Dated 12/18/2019

Check Number	Early Release	Vendor #	Vendor	Amount
PAPER CHECK				
270681	*	000144	36TH DISTRICT COURT	500.00
270682	*	000855	48TH DISTRICT COURT	100.00
270683	*	000855	48TH DISTRICT COURT	67.00
270684	*	000855	48TH DISTRICT COURT	100.00
270685	*	000855	48TH DISTRICT COURT	100.00
270686	*	000855	48TH DISTRICT COURT	100.00
270687	*	000855	48TH DISTRICT COURT	100.00
270688	*	000855	48TH DISTRICT COURT	100.00
270689	*	000855	48TH DISTRICT COURT	1,850.00
270691	*	003708	AIRGAS USA, LLC	219.57
270692	*	007510	GRANT ANKNEY	25.00
270693		000500	ARTECH PRINTING INC	429.00
270694	*	006759	AT&T	295.27
270695	*	006759	AT&T	304.18
270696	*	006759	AT&T	79.14
270697	*	006759	AT&T	173.28
270698	*	006759	AT&T	335.60
270699		MISC	BAKALIS, PETER M	200.00
270701	*	008009	TREVOR BAKER	204.21
270702	*	008291	SETH BARONE	174.89
270703	*	009042	RANDY BEARDEN	80.00
270705	*	009142	BIDIGAIRE CONTRACTORS, INC	169,830.87
270706		MISC	BIRMINGHAM BUILDERS	100.00
270707		004244	BOLYARD LUMBER	112.06
270708		MISC	BRENNAN, LISA	1,497.60
270711	*	000595	CARRIER & GABLE INC	1,928.50
270713	*	007134	CERTIFIED POWER, INC	801.31
270714		000605	CINTAS CORPORATION	263.92
270715	*	000912	MARK CLEMENCE	1,920.00
270716	*	008955	COMCAST	256.85
270717	*	000627	CONSUMERS ENERGY	9,794.19
270718		MISC	D MET DESIGN LLC	100.00
270720	*	MISC	DAVID & KAREN MAHAZ	152.95
270721		008005	DE LAGE LANDEN FINANCIAL SVCS INC	173.75
270723		008641	DINGES FIRE COMPANY	444.95
270724	*	MISC	DOUGLAS & EMILY CHARRON	814.32
270725		000190	DOWNRIVER REFRIGERATION	278.00
270726	*	000180	DTE ENERGY	9,156.85
270727	*	000179	DTE ENERGY	84.52
270728	*	000975	DUKE'S ROOT CONTROL INC.	97,377.71
270729		MISC	DUNRITE ROOFING AND SIDING COMPANY	100.00
270730	*	007538	EGANIX, INC.	720.00

City of Birmingham
Warrant List Dated 12/18/2019

Meeting of 01/13/2020

Check Number	Early Release	Vendor #	Vendor	Amount
270733	*	009100	ENZO WATER SERVICE	210.00
270734	*	000936	FEDEX	153.82
270735	*	004514	FEDEX OFFICE	111.96
270737	*	MISC	FULL MORTISE	5,265.00
270739	*	MISC	GF PROPERTIES	4,890.04
270740		MISC	GIOVANNI J LAVIGNE	100.00
270741	*	004604	GORDON FOOD	290.71
270742		000245	GREAT LAKES POPCORN CO	151.90
270743		MISC	GREATER DETROIT LANDSCAPE CO.	300.00
270745		001377	HAGOPIAN CLEANING SERVICES	1,421.00
270747	*	007799	HARVEY ELECTRONIC AND RADIO LLC	24,756.80
270748		005990	ICC INC	135.00
270749	*	001204	ICMA	1,169.69
270750		MISC	IDEAL BUILDERS AND REMODELING INC	900.00
270751	*	000344	J.T. EXPRESS, LTD.	819.88
270752		MISC	JASDEEP SINGH	1,900.00
270753	*	008564	JERRY'S TIRE	1,040.00
270754	*	MISC	JESS & AMY BERLINE	1,067.57
270755	*	MISC	JOE CHOPSKI	19.95
270756		003746	JOHNSTON LEWIS ASSO INC	11,255.00
270757		MISC	JR VERVISCH BUILDING COMPANY	1,600.00
270758		MISC	KARL H SCHMITT TRUSTEE	100.00
270759	*	007827	HAILEY R KASPER	241.50
270760		MISC	KEARNS BROTHERS INC	500.00
270761	*	MISC	KENNETH & LYNN MONTEMAYOR	1,253.97
270762		004088	KGM DISTRIBUTORS INC	126.00
270763	*	000353	KNAPHEIDE TRUCK EQUIPMENT	4,310.09
270764		004085	KONE INC	1,953.95
270765		008553	L.G.K. BUILDING, INC	3,000.00
270766		MISC	LEVINE & SONS INC	850.00
270768		004498	LIFELOC TECHNOLOGIES, INC.	810.00
270770	*	009121	ALEXANDRA LUDEMAN	216.00
270771	*	008763	MARYKO HOSPITALITY, LLC	7,500.00
270772		MISC	MCGRANE, THOMAS D	100.00
270773		000888	MCKENNA ASSOCIATES INC	59,002.50
270774		000369	MCMI	410.72
270775	*	009124	ALEXANDRA MERCURIO	168.75
270776	*	009085	MGSE SECURITY LLC	9,540.00
270777	*	MISC	MICHAEL & NICOLE STONE	1,219.69
270778		001660	MICHIGAN CAT	345.41
270779		003099	MICHIGAN POLICE EQUIP.	6,375.00
270781		MISC	MLADINEO, CARLOS & DARLYN	1,000.00
270782	*	007568	CHRIS MORTON	35.85

City of Birmingham
Warrant List Dated 12/18/2019

Meeting of 01/13/2020

Check Number	Early Release	Vendor #	Vendor	Amount
270783	*	008160	MPARKS	950.00
270785		MISC	O'KEEFE, DAVID	100.00
270786	*	000477	OAKLAND COUNTY	1,164.19
270787		008657	OCBOA	700.00
270789	*	000481	OFFICE DEPOT INC	370.73
270790		MISC	ONSITE SOLUTIONS INC	100.00
270792		MISC	PACHOTA'S CONSTRUCTION LLC	200.00
270793	*	006625	PACIFIC TELEMANAGEMENT SERVICES	78.00
270794	*	MISC	PAUL BRAKORA	2,350.18
270796	*	MISC	PHILLIP D LEVY	1,260.26
270798		MISC	RENEWAL BY ANDERSEN	1,000.00
270799	*	MISC	ROBERT CITRIN	1,398.56
270800	*	MISC	ROMA R LOCKE	2,311.36
270802	*	MISC	S M SPA SALON LLC	150.89
270805		007142	SHERWIN-WILLIAMS COMPANY	167.71
270808		MISC	TOWN BUILDING COMPANY	2,500.00
270809		MISC	TRADEMARK BUILDING COMPANY INC	2,500.00
270810	*	004379	TURNER SANITATION, INC	140.00
270811	*	000293	VAN DYKE GAS CO.	119.10
270812	*	MISC	VELASA SPORTS, INC	2,763.00
270813	*	000158	VERIZON WIRELESS	105.12
270814	*	000158	VERIZON WIRELESS	430.32
270815		MISC	WADE GUNDY	100.00
270817	*	MISC	WILLIAM & ELIZABETH WALLER	8,239.59
270819	*	005794	WINDSTREAM	777.52
270820		005112	WOLVERINE	75.61
270821	*	003890	LAUREN WOOD	525.00
270822		008391	XEROX CORPORATION	97.00
270823		MISC	ZEFF, JAMES B	500.00
			SUBTOTAL PAPER CHECK	$489,237.38
ACH TRANSACTION				
1853	*	002284	ABEL ELECTRONICS INC	3,345.00
1855	*	000517	BEIER HOWLETT P.C.	37,951.25
1856	*	007345	BEVERLY HILLS ACE	26.06
1857	*	007624	BIRMINGHAM OIL CHANGE CENTER, LLC	250.60
1858		007875	CANFIELD EQUIPMENT SERVICE INC.	4,519.99
1860		009139	DUBOIS CHEMICALS INC	232.00
1861	*	000207	EZELL SUPPLY CORPORATION	314.25
1862	*	000243	GRAINGER	927.01
1863		001672	HAYES PRECISION INC	30.50
1864		000331	HUBBELL ROTH & CLARK INC	1,098.16
1864	*	000331	HUBBELL ROTH & CLARK INC	1,593.51
1865	*	007465	IN-HOUSE VALET INC	2,250.00

Meeting of 01/13/2020

City of Birmingham
Warrant List Dated 12/18/2019

Check Number	Early Release	Vendor #	Vendor	Amount
1866	*	000261	J.H. HART URBAN FORESTRY	13,556.13
1867	*	003458	JOE'S AUTO PARTS, INC.	613.87
1868	*	005550	LEE & ASSOCIATES CO., INC.	1,452.38
1869	*	006359	NYE UNIFORM COMPANY	1,465.70
1870	*	003352	JAMIE CATHERINE PILLOW	1,254.00
1871		000478	ROAD COMM FOR OAKLAND CO	3,789.49
1871	*	000478	ROAD COMM FOR OAKLAND CO	2,005.97
1873	*	007278	WHITLOCK BUSINESS SYSTEMS, INC.	1,773.11
			SUBTOTAL ACH TRANSACTION	$78,448.98
			GRAND TOTAL	$567,686.36

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 01/08/2020

Check Number	Early Release	Vendor #	Vendor	Amount
PAPER CHECK				
270824	*	005430	21ST CENTURY MEDIA- MICHIGAN	8,209.65
270825	*	000855	48TH DISTRICT COURT	327,851.79
270826	*	000855	48TH DISTRICT COURT	100.00
270827	*	000855	48TH DISTRICT COURT	921.00
270828	*	000855	48TH DISTRICT COURT	387.00
270829	*	000855	48TH DISTRICT COURT	100.00
270830	*	008226	KATHERINE ABELA	175.50
270831		MISC	ABR ALPINE DESIGN	200.00
270832		000394	AERO FILTER INC	165.00
270833		MISC	ALLEN BROTHERS INC.	200.00
270834	*	000161	ALPHA PSYCHOLOGICAL SERVICES PC	435.00
270835	*	001206	AMERICAN MIDWEST PAINTING INC	2,125.00
270836		MISC	AMERICAN STANDARD ROOFING	100.00
270837		000167	ANDERSON ECKSTEIN WESTRICK INC	579.55
270838	*	008977	JOBMATCH LLC DBA APPLICANTPRO	5,281.00
270839		000500	ARTECH PRINTING INC	62.00
270840	*	001466	ASCAP	363.00
270841		009034	ASPHALT SPECIALISTS INC	16,172.19
270841	*	009034	ASPHALT SPECIALISTS INC	858,729.26
270842	*	006759	AT&T	1,844.04
270843	*	006759	AT&T	206.73
270844	*	006759	AT&T	160.30
270845	*	007216	AT&T	96.59
270846		003703	AT&T MOBILITY	142.65
270847		MISC	ATLANTIC COAST WATERPROOFING	200.00
270849		001122	BOB BARKER CO INC	769.60
270850		003012	BATTERIES PLUS	151.55
270851		MISC	BELAGGIO HOMES INC	500.00
270852		004931	BIDNET	31.73
270853		002231	BILLINGS LAWN EQUIPMENT INC.	42.32
270854		MISC	BIRMINGHAM BUILDERS	300.00
270856		MISC	BLOOMINGDALE CONSTRUCTION COMPANY I	400.00
270857		MISC	BLOOMINGDALE CUSTOM HOMES INC	500.00
270858		MISC	BLUNDY, RYAN	100.00
270859	*	008870	KASEY BOEGNER	332.00
270860	*	000546	KAREN D. BOTA	3,750.00
270861		000431	BRESSER'S INFORMATION SERVICE	810.00
270862	*	006953	JACQUELYN BRITO	44.00
270863		MISC	BRUTTELL ROOFING INC	300.00
270864		MISC	BUDMAN DENTON	200.00
270865	*	006177	BULLSEYE TELECOM INC	119.51
270866	*	009083	CARTEGRAPH	28,000.00

City of Birmingham
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Check Number	Early Release	Vendor #	Vendor	Amount
270868		MISC	CHARLES DILLON	413.90
270869		008306	CHARTER TOWNSHIP OF BLOOMFIELD	354,538.15
270870	*	009122	CLAIRE CHUNG	435.00
270871		007710	CINTAS CORP	201.72
270872		000605	CINTAS CORPORATION	448.11
270873	*	008006	CLEAR RATE COMMUNICATIONS, INC	1,386.31
270874	*	000912	MARK CLEMENCE	115.00
270876	*	007496	CN RAILROAD	75,927.59
270877		004188	COFFEE BREAK SERVICE, INC.	85.25
270877	*	004188	COFFEE BREAK SERVICE, INC.	165.75
270878	*	008955	COMCAST	762.89
270879		MISC	COMET SERVICES, LLC	1,000.00
270880	*	MISC	CONCEPT 2, INC.	1,110.00
270881		002668	CONTRACTORS CLOTHING CO	307.78
270882		001367	CONTRACTORS CONNECTION INC	491.90
270883		008512	COOL THREADS EMBROIDERY	359.96
270884		008582	CORE & MAIN LP	1,525.30
270885		MISC	CORTESE, MASSIMO	200.00
270886	*	005742	CRAIN'S DETROIT BUSINESS	59.00
270887		MISC	CRANDELL, GREGORY K	500.00
270888	*	009145	CREATIVE COLLABORATIONS	3,800.00
270889		003923	CUMMINS BRIDGEWAY LLC	3,053.62
270890		MISC	DAN ALLOR PLUMBING & HTG CO	381.00
270891		MISC	DAVID BETHARDS	426.26
270892		008005	DE LAGE LANDEN FINANCIAL SVCS INC	173.75
270893		000233	DEAN SELLERS	2,435.78
270894		MISC	DEANNA LITES	136.28
270895	*	000177	DELWOOD SUPPLY	214.60
270897	*	007980	CURTIS DAVID DICHO	945.00
270898	*	009130	DOG WASTE DEPOT	366.30
270899		009073	DORSEY EMERGENCY MEDICAL ACADEMY	26.00
270900	*	000190	DOWNRIVER REFRIGERATION	116.71
270901		007876	DTE ENERGY	21,637.57
270902	*	000179	DTE ENERGY	138.46
270903	*	000179	DTE ENERGY	48.44
270904	*	000179	DTE ENERGY	867.27
270905	*	000179	DTE ENERGY	71.17
270906	*	000179	DTE ENERGY	254.60
270907	*	000179	DTE ENERGY	88.65
270908	*	000179	DTE ENERGY	111.49
270909	*	000179	DTE ENERGY	1,727.89
270910	*	000179	DTE ENERGY	186.56
270911	*	000179	DTE ENERGY	2,042.79

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Check Number	Early Release	Vendor #	Vendor	Amount
270912	*	000179	DTE ENERGY	80.88
270913	*	000179	DTE ENERGY	69.95
270914	*	000179	DTE ENERGY	15.41
270915	*	000179	DTE ENERGY	56.59
270916	*	000179	DTE ENERGY	145.27
270917	*	000179	DTE ENERGY	1,682.93
270918	*	000179	DTE ENERGY	48.94
270919	*	000179	DTE ENERGY	278.99
270920	*	000179	DTE ENERGY	6,560.25
270921	*	000179	DTE ENERGY	1,622.22
270922	*	000179	DTE ENERGY	5,420.99
270923	*	000179	DTE ENERGY	4,034.99
270924	*	000179	DTE ENERGY	43.96
270925	*	000179	DTE ENERGY	2,275.53
270926	*	000179	DTE ENERGY	48.20
270927	*	000179	DTE ENERGY	109.18
270928	*	000179	DTE ENERGY	110.16
270929	*	000179	DTE ENERGY	97.88
270930	*	000179	DTE ENERGY	498.39
270931	*	000179	DTE ENERGY	65.46
270932	*	000179	DTE ENERGY	430.81
270933	*	000179	DTE ENERGY	76.41
270934	*	000179	DTE ENERGY	224.00
270935		003806	DTS FLUID POWER LLC	1,069.26
270936		MISC	E L ELECTRICAL CONTRACTING	817.00
270937		MISC	ELEMENT RESTORATION	500.00
270938		MISC	ENRICO SUAVE	2,000.00
270939		MISC	EVANS PLUMBING INC	1,000.00
270940		001223	FAST SIGNS	85.00
270941		MISC	FOUNDATION SYSTEMS OF MICHIGAN INC.	200.00
270942		MISC	FOUR SEASONS GARDEN CENTER	100.00
270943	*	MISC	FRANK'S FLAG STORE	504.50
270944	*	008868	JULIA FRYKMAN	261.00
270945		001056	GALLS, LLC	310.97
270946		MISC	GARRITY, PAT	200.00
270947		007172	GARY KNUREK INC	350.80
270948		MISC	GBD RESIDENCES	2,500.00
270949		000234	GLENN WING POWER TOOLS	31.16
270950	*	004604	GORDON FOOD	507.03
270951		004878	GOVERNMENT FINANCE OFFICERS	150.00
270952		MISC	GREAT LAKES HOMES & REMODELING LLC	200.00
270954	*	007723	BRYAN GRILL	249.00
270955		000249	GUARDIAN ALARM	235.14

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Check Number	Early Release	Vendor #	Vendor	Amount
270956		006153	HARRY'S ARMY SURPLUS	130.00
270957		006845	HAWTHORNE	498.00
270958	*	001956	HOME DEPOT CREDIT SERVICES	3,201.82
270959	*	006801	HOWLEY AGENCY SALES	73.41
270960	*	003824	THOMAS I. HUGHES	95.39
270961		000948	HYDROCORP	1,315.00
270962		006640	IACP	190.00
270963		001234	IAFC MEMBERSHIP	215.00
270964		000342	IBS OF SE MICHIGAN	832.65
270965		MISC	J F SINELLI CEMENT LLC	100.00
270966		001625	J.B. DLCO & MULTISTATE	16,231.38
270967	*	MISC	JAMIL ALAWADI	17.00
270968		MISC	JAXX, INC	100.00
270969		MISC	JAYSON WALLER	500.00
270970		008564	JERRY'S TIRE	1,429.95
270971		MISC	JIMAX, LLC	200.00
270972		000155	JOHNSON CONTROLS SECURITY SOLUTIONS	313.74
270973	*	007827	HAILEY R KASPER	147.00
270974		MISC	KASTLER CONSTRUCTION INC	2,060.00
270975		MISC	KEARNS BROTHERS INC	200.00
270976	*	000352	JILL KOLAITIS	1,993.75
270977	*	000362	KROGER COMPANY	22.44
270978		MISC	LAWLESS, JOHN N	200.00
270979		MISC	LIVE WELL CUSTOM HOMES LLC	900.00
270980		MISC	LMB PROPERTIES LLC	2,400.00
270981		MISC	LOCKWOOD JR, RODNEY M	200.00
270982	*	008158	LOGICALIS INC	9,700.00
270983		001417	MAJIK GRAPHICS INC	15.00
270984		004855	MAMC	60.00
270985	*	007354	ALIS MANOOGIAN	170.00
270986		008793	MERGE MOBILE, INC.	73.00
270987		MISC	MEROLLA, ANTHONY J	200.00
270988		001660	MICHIGAN CAT	479.82
270989	*	000377	MICHIGAN MUNICIPAL LEAGUE	1,950.00
270990		001387	MICHIGAN MUNICIPAL LEAGUE	42,171.31
270990	*	001387	MICHIGAN MUNICIPAL LEAGUE	4,732.00
270991	*	007659	MICHIGAN.COM #1008	65.00
270993	*	008869	HALLE MISRA	688.00
270994		008319	MKSK INC	2,106.00
270995		007163	MOBILE HEALTH RESOURCES	1,662.62
270996		MISC	MOSHER & ASSOCIATES LANDSCAPE DESIG	100.00
270997		MISC	MR ROOF HOLDING CO LLC	200.00
270998		MISC	MSA HOME IMPROVEMENTS INC	200.00

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Check Number	Early Release	Vendor #	Vendor	Amount
270999		001194	NELSON BROTHERS SEWER	340.00
271001		MISC	NICK HILL	207.19
271002		MISC	OAKES ROOFING SIDING & WINDOWS INC	100.00
271003	*	000477	OAKLAND COUNTY	690,444.88
271004		008214	OAKLAND COUNTY WATER DEPARTMENT	5,318.43
271005	*	003461	OBSERVER & ECCENTRIC	933.96
271006	*	004370	OCCUPATIONAL HEALTH CENTERS	669.00
271007		MISC	OCR INCORPORATED	100.00
271008	*	000481	OFFICE DEPOT INC	1,018.31
271009		003881	ORKIN PEST CONTROL	100.00
271010	*	001325	P.K. CONTRACTING INC	118,356.10
271011	*	MISC	PAUL DALLAS	508.12
271012	*	001753	PEPSI COLA	731.32
271013		002518	PITNEY BOWES INC	195.00
271014	*	006691	SCOT POUNDERS	95.00
271015		MISC	PROFESSIONAL SPRINKLER INC	208.00
271016		006729	QUENCH USA INC	243.60
271017	*	004137	R & R FIRE TRUCK REPAIR INC	796.27
271018		MISC	RAGHAD FARAH	300.00
271019	*	008342	RAIN MASTER CONTROL SYSTEMS	29.85
271021		003447	RAFT	1,858.00
271022		MISC	RENEWAL BY ANDERSEN	1,191.25
271023		006793	ROLLNRACK	244.00
271024	*	000218	ROYAL OAK P.D.Q. LLC	185.46
271025		MISC	SACHSE CONSTRUCTION	500.00
271026	*	008983	BRENNA SANDLES	231.00
271027	*	007898	JEFFREY SCHEMANSKY	25.00
271028		009146	SCHLICHT PONDS	3,610.00
271029	*	001551	SESAC	460.00
271030	*	009143	MICHAEL SHUKWIT	500.00
271031	*	009009	SIGNATURE CLEANING LLC	4,899.00
271032		MISC	SIX RIVERS LAND CONSERVANCY	250.00
271033		MISC	SODONIS GROUP, LLC	200.00
271035	*	007907	SP+ CORPORATION	3,605.00
271036		002809	STATE OF MICHIGAN	749.56
271037		MISC	STEVE LAURAIN	100.00
271038		MISC	STEVENS, RAYMOND A	193.75
271039		004544	STRYKER SALES CORPORATION	1,324.35
271040		000256	SUBURBAN BUICK GMC INC	1,114.80
271041		006376	SUBURBAN CHRYSLER DODGE JEEP - TROY	112.50
271042	*	008507	SUPERFLEET MASTERCARD PROGRAM	312.95
271043		007441	SUREFIRE LLC	534.20
271044	*	004355	SYMETRA LIFE INSURANCE COMPANY	35,951.44

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271045		009148	TAKE A POWDER, INC	4,000.00
271046		MISC	TECHHOME BUILDING CO., LLC	2,000.00
271047		MISC	TEMPLETON BUILDING COMPANY	300.00
271048		MISC	THOMAS SEBOLD & ASSOCIATES, IN	5,000.00
271049		MISC	THORNTON & GROOMS INC.	464.78
271050	*	003173	TIFFANY FLORIST	90.95
271051		002358	TRA ART GROUP	330.00
271052		008017	TRATTORIA DA LUIGI	1,416.00
271053	*	009144	RICHARD TRUDO	1,900.00
271054		MISC	UNITED HOME SERVICES	100.00
271055	*	003760	UNUM LIFE INSURANCE CO. OF AMERICA	23,857.80
271056	*	000293	VAN DYKE GAS CO.	297.75
271057	*	008411	VARIPRO	3,252.00
271058	*	000158	VERIZON WIRELESS	685.46
271059	*	000158	VERIZON WIRELESS	127.25
271060	*	000158	VERIZON WIRELESS	973.72
271062	*	000158	VERIZON WIRELESS	76.02
271063	*	000158	VERIZON WIRELESS	758.15
271064	*	000158	VERIZON WIRELESS	160.26
271065	*	000158	VERIZON WIRELESS	1,073.48
271066		MISC	WALLER, JAYSON	300.00
271067		MISC	WALLSIDE INC	2,000.00
271068	*	009010	WCI CONTRACTORS INC	49,775.00
271069	*	000301	PAUL WELLS	47.36
271070		006897	WILKINSON CORPORATION	1,360.00
271071	*	007355	LINDSAY WILLEN	442.00
271072		008915	WILLIAMS REFRIGERATION & HEATING	130.00
271073		009128	WITMER PUBLIC SAFETY GROUP INC	11,688.77
271074	*	006318	FRANK J ZAMBONI CO. INC	97.90
271075	*	009147	SCOTT ZIELINSKI	111.24
			SUBTOTAL PAPER CHECK	$2,865,512.47
ACH TRANSACTION				
1879	*	008847	ABS- AUTOMATED BENEFIT SVCS, INC	13,799.46
1880	*	002284	ABEL ELECTRONICS INC	396.95
1882	*	008246	ANCHOR BAY POWDER COAT, LLC	3,850.00
1883		008655	ANGELO IAFRATE CONSTRUCTION	26,106.89
1884	*	000282	APOLLO FIRE EQUIPMENT	1,761.69
1885	*	000518	BELL EQUIPMENT COMPANY	760.00
1886	*	007345	BEVERLY HILLS ACE	118.37
1887		006683	BIRMINGHAM LAWN MAINTENANCE	21,288.00
1888	*	003282	LISA MARIE BRADLEY	156.00
1889	*	006380	C & S ICE RESURFACING SERVICES, INC	410.26
1890		007875	CANFIELD EQUIPMENT SERVICE INC.	1,121.93

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Check Number	Early Release	Vendor #	Vendor	Amount
1891	*	007835	SARAH CHUNG	30.00
1892	*	008044	CLUB PROPHET	1,080.00
1893	*	004232	DEARBORN LITHOGRAPH INC	14,954.00
1894	*	000956	DELTA TEMP INC	381.50
1895		003807	DOETSCH INDUSTRIAL SVCS INC	6,639.52
1896		007684	ELITE TRAUMA CLEAN-UP INC.	70.00
1897	*	000995	EQUATURE	5,927.72
1898	*	000207	EZELL SUPPLY CORPORATION	633.06
1899	*	007314	FLEIS AND VANDENBRINK ENG. INC	3,052.00
1900		001023	GABRIEL, ROEDER, SMITH & CO.	14,050.00
1901	*	000592	GAYLORD BROS., INC	178.06
1902	*	001672	HAYES PRECISION INC	63.00
1903		000331	HUBBELL ROTH & CLARK INC	37,648.12
1904	*	008851	INSIGHT INVESTMENT	5,430.66
1905	*	002407	J & B MEDICAL SUPPLY	875.78
1906	*	007870	J.C. EHRLICH CO. INC.	48.00
1907		000261	J.H. HART URBAN FORESTRY	28,173.06
1908	*	003458	JOE'S AUTO PARTS, INC.	1,471.72
1909	*	000891	KELLER THOMA	2,193.27
1910	*	005876	KROPF MECHANICAL SERVICE COMPANY	9,497.41
1911	*	005550	LEE & ASSOCIATES CO., INC.	2,361.54
1912	*	003945	SANDRA LYONS	156.00
1913	*	007856	NEXT	26,986.00
1914		001864	NOWAK & FRAUS ENGINEERS	24,999.00
1915	*	006359	NYE UNIFORM COMPANY	662.44
1916	*	002767	OSCAR W. LARSON CO.	247.50
1917	*	006027	PENCHURA, LLC	1,559.36
1918	*	003352	JAMIE CATHERINE PILLOW	1,497.50
1919		008269	PREMIER SAFETY	138.24
1920	*	001062	QUALITY COACH COLLISION	3,442.44
1921	*	003554	RKA PETROLEUM	9,837.65
1922	*	001181	ROSE PEST SOLUTIONS	160.00
1923	*	008920	SMARKING, INC.	39,534.00
1924		000254	SOCRRA	65,978.00
1925	*	001097	SOCWA	127,719.06
1926		005787	SOUTHEASTERN EQUIPMENT CO. INC	1,367.00
1927	*	002037	TOTAL ARMORED CAR SERVICE, INC.	736.27
1928		000298	VESCO OIL CORPORATION	83.25
1929	*	000969	VIGILANTE SECURITY INC	85.00
1930		000306	WOLVERINE CONTRACTORS INC	899.50
			SUBTOTAL ACH TRANSACTION	$510,616.18

Meeting of 01/13/2020

City of Birmingham
Warrant List Dated 01/08/2020

Check Number	Early Release	Vendor #	Vendor	Amount
			GRAND TOTAL	$3,376,128.65

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
A Walkable Community

MEMORANDUM

City Clerk's Office

DATE: **January 6, 2020**

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

FROM: **Cheryl Arft, Acting City Clerk**

SUBJECT: **Election Commission Delegation of Duties to City Clerk and Authorized Assistants for March 10th Presidential Primary Election, August 4th, 2020 Primary Election and November 3rd, 2020 General Election**

The Birmingham City Charter names the city commission as the election commission:

> Chapter IV. – Registrations, Nominations and Elections
> Section 22. - [Election commission.]
> The city commission shall constitute the election commission for the city and shall perform all of the duties required of the city election commissions by the general laws of the state. It shall appoint the inspectors of election and fix their compensation.

The attached excerpt from the Election Officials' Manual of the Michigan Bureau of Elections (BOE) cites the duties of a city election commission and draws distinctions between those which must be conducted by the election commission and those which may be delegated by the election commission to the City Clerk and her authorized assistants.

To comply with the BOE's recommendation that the election commission documents the delegation of its duties, I respectfully request the City Commission, in its role as the election commission, adopt the following resolution.

SUGGESTED RESOLUTION:
To delegate to the Birmingham City Clerk and her authorized assistants, those being the members of her staff, the following duties of the election commission for the March 10th Presidential Primary Election, August 4th, 2020 Primary Election and November 3rd, 2020 General Election:

- Preparing meeting materials for the election commission, including ballot proofs for approval and a listing of election inspectors for appointment;
- Contracting for the preparation, printing and delivery of ballots;
- Providing candidates and the Secretary of State with proof copies of ballots;
- Providing notice to voters in the case of precinct changes/consolidations;
- Providing election supplies and ballot containers; and
- Preliminary logic and accuracy testing.

CITY AND TOWNSHIP ELECTION COMMISSIONS:

Note: The chart above outlines the composition of the local election commissions based on your jurisdiction's form of government. The only exception to the composition of the local election commission must be provided by a city charter.

City and Township Election Commission members are responsible for the following:

- Establishing precincts, including temporary precinct consolidations for non-State/ Federal elections;
- Establishing Absent Voter Counting Boards (AVCBs);
- Assessing voting equipment needs;
- Performing logic and accuracy testing for voting equipment. **NOTE:** Even if the county performs the programming for the local jurisdictions, it is still the responsibility of the local election commission to conduct pre-election logic and accuracy testing for their voting equipment prior to each election. Preliminary testing may be delegated to the local clerk; however, public accuracy testing must be conducted by the election commission or each members' designated representative.
- Authorizing the printing and provision of ballots for use in city, township, village and certain school district elections;
- Providing election supplies (including forms and ballot containers);
- Appointing precinct inspectors prior to each election, including AVCB members, Receiving Board members, precinct chairpersons and alternates; note that certified election inspectors must be appointed at least 21 days prior to the election and no more than 40 days prior to each election;
- Notifying major political parties of the appointment of election inspectors in federal and state elections; and
- Carrying out other election related duties for their respective jurisdictions.

Election Commission Responsibilities that should be handled via an Open Meeting by Election Commission Members:

- Approving of ballots
- Appointing precinct inspectors
- Public Accuracy Test
- Precinct Changes / Consolidations
- Adoption of resolution outlining delegated duties

Election Commission Duties that may be delegated to the Local Clerk or authorized assistant (note: Delegated duties should be documented via resolution):

- Preparing meeting materials for the Election Commission (ballots proof for approval, list of election inspectors for appointment, etc.)
- Preparing, printing and delivering ballots
- Providing candidates and the Secretary of State with proof copies of ballots
- Providing notice to voters in the case of precinct changes/consolidations
- Providing election supplies and ballot containers
- Preliminary logic and accuracy testing
- Notifying major political parties of certified precinct Inspector appointments (federal and state elections only)

SCHOOL ELECTION COORDINATING COMMITTEE:

Every school district has a School Election Coordinating Committee responsible for determining the details of how special school elections will be administered. The School Election Coordinating Committee is composed of a school election coordinator, the secretary of the school board and the clerks of all jurisdictions covered by the school district. For a school district wholly contained within a single jurisdiction, that clerk is the school election coordinator. In a school district that crosses jurisdiction lines the county clerk is the coordinator.

TYPES OF ELECTIONS

There are several types of elections conducted in Michigan. The following is an overview of the various types.

MICHIGAN ELECTION LAW (EXCERPT)
Act 116 of 1954

168.798 Testing of electronic tabulating equipment; notice; method; sealing programs, test materials, and ballots; rules; sealing memory device.

Sec. 798. (1) Before beginning the count of ballots, the board of election commissioners shall test the electronic tabulating equipment to determine if the electronic tabulating equipment will accurately count the votes cast for all offices and on all questions. Public notice of the time and place of the test shall be given at least 48 hours before the test by publication in a newspaper published in the county, city, village, township, or school district where the electronic tabulating equipment is used. If a newspaper is not published in that county, city, village, township, or school district, the notice shall be given by publication in a newspaper of general circulation in that county, city, village, township, or school district. The test shall be conducted in the manner prescribed by rules promulgated by the secretary of state pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws. In the test, a different number of valid votes shall be assigned to each candidate for an office, and for and against each question. If an error is detected, the board of election commissioners shall determine the cause of the error and correct the error. The board of election commissioners shall make an errorless count and shall certify the errorless count before the count is started. The electronic tabulating equipment that can be used for a purpose other than examining and counting votes shall pass the same test at the conclusion of the count before the election returns are approved as official.

(2) On completion of the test and count, the programs, test materials, and ballots arranged by precincts shall be sealed and retained as provided by this subsection and rules promulgated by the secretary of state pursuant to Act No. 306 of the Public Acts of 1969. If the electronic tabulating equipment that is tested and certified to by the board of election commissioners will be used to count votes at the precinct, a memory device containing the tested programs, if any, shall be sealed into the electronic tabulating equipment. Upon completion and certification of the count of votes, the memory device containing the program and the vote totals shall remain sealed in the electronic tabulating equipment or, if removed from the electronic tabulating equipment, shall remain sealed in a container approved by the secretary of state, delivered to the clerk, and retained in the manner provided for other voted ballots.

History: Add. 1967, Act 155, Imd. Eff. June 30, 1967;—Am. 1990, Act 109, Imd. Eff. June 18, 1990;—Am. 1992, Act 8, Imd. Eff. Mar. 10, 1992.

Popular name: Election Code

Administrative rules: R 168.771 et seq. of the Michigan Administrative Code.

City of Birmingham
A Walkable Community

MEMORANDUM

City Clerk's Office

DATE: **January 10, 2020**

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

FROM: **Cheryl Arft, Acting City Clerk**

SUBJECT: **Election Commission Delegation of Duties for March 10, 2020, August 4, 2020 and November 3, 2020 Elections to City Clerk and Authorized Assistants**

INTRODUCTION:

The City Commission, per the Birmingham City Charter, functions as the City's Election Commission. Pursuant to State law, the Election Commission is responsible for conducting certain election duties, including the conduct and certification of the Public Accuracy test.

BACKGROUND:

The Birmingham City Charter names the City Commission as the Election Commission:

Chapter IV. – Registrations, Nominations and Elections
Section 22. - [Election commission.]
The city commission shall constitute the election commission for the city and shall perform all of the duties required of the city election commissions by the general laws of the state. It shall appoint the inspectors of election and fix their compensation.

The Public Accuracy Test is required by Michigan Election Law, MCL 168.798 "to determine if the electronic tabulating equipment will accurately count the votes cast for all offices". This is done by creating a chart of predetermined results in compliance with promulgated rule R 168.778, and marking a set of test ballots to correspond. The results produced by the tabulator must match the totals in the chart of predetermined results.

The creation of the chart of predetermined results and the marking of a set of test ballots may be done by the City Clerk, her staff, and/or a vendor. The test must be conducted by the Election Commission or its representatives. The test consists of tabulating the marked test ballots through a tabulator and certifying that the totals reported by the tabulator match the totals contained in the chart of predetermined results.

I recommend the members of the Commission designate representatives to conduct the Public Accuracy Tests in their stead. The test would be conducted during the work day by the Clerk or a member of Clerk's staff, attended by the Election Commission's designated representatives, and any interested members of the public as it is conducted pursuant to the Open Meetings Act. The City Clerk and her staff are not eligible to be the designated representatives for the Public Accuracy Tests.

The Public Accuracy Test for the March 10, 2020 Presidential Primary election is scheduled for Wednesday, February 26, 2020 at 10:00 a.m. in Room 205 of the Birmingham Municipal Building, 151 Martin, Birmingham. The Public Accuracy Test for the August 4, 2020 General Primary election is scheduled for Wednesday, July 29, 2020 at 10:00 a.m., and the Public Accuracy Test for the November 3, 2020 election is scheduled for Wednesday, October 28, 2020 at 10:00 a.m. in Room 205 of the Birmingham Municipal Building, 151 Martin, Birmingham.

LEGAL REVIEW:

n/a

FISCAL IMPACT:

n/a

SUMMARY

It is recommended that the Birmingham City Commission, acting as the Election Commission, designate city staff members to act as their representatives for the purpose of conducting the Public Accuracy Tests for the March 10, 2020, August 4, 2020 and the November 3, 2020 elections.

ATTACHMENTS:

MCL 168.798 Testing of electronic tabulating equipment

Excerpt from the Election Officials' Manual of the Michigan Bureau of Elections listing duties that should be handled via an Open Meeting by election commission members.

SUGGESTED RESOLUTION:

Resolution designating Finance Director Mark Gerber, Assistant Finance Director Kim Wickenheiser, DPS Director Lauren Wood, Building Official Bruce Johnson, Assistant Building Official Mike Morad, Birmingham Museum Director Leslie Pielack, and Police Commander Scott Grewe as representatives for Election Commission members Mayor Pierre Boutros, Mayor Pro Tem Therese Longe, and Commissioners Rackeline Hoff, Brad Host, Mark Nickita and Stuart Sherman for the purpose of conducting the Public Accuracy Tests of the electronic tabulating equipment which will be used to count votes cast at the March 10, 2020, August 4, 2020 and November 3, 2020 elections.

MICHIGAN ELECTION LAW (EXCERPT)
Act 116 of 1954

168.798 Testing of electronic tabulating equipment; notice; method; sealing programs, test materials, and ballots; rules; sealing memory device.

Sec. 798. (1) Before beginning the count of ballots, the board of election commissioners shall test the electronic tabulating equipment to determine if the electronic tabulating equipment will accurately count the votes cast for all offices and on all questions. Public notice of the time and place of the test shall be given at least 48 hours before the test by publication in a newspaper published in the county, city, village, township, or school district where the electronic tabulating equipment is used. If a newspaper is not published in that county, city, village, township, or school district, the notice shall be given by publication in a newspaper of general circulation in that county, city, village, township, or school district. The test shall be conducted in the manner prescribed by rules promulgated by the secretary of state pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws. In the test, a different number of valid votes shall be assigned to each candidate for an office, and for and against each question. If an error is detected, the board of election commissioners shall determine the cause of the error and correct the error. The board of election commissioners shall make an errorless count and shall certify the errorless count before the count is started. The electronic tabulating equipment that can be used for a purpose other than examining and counting votes shall pass the same test at the conclusion of the count before the election returns are approved as official.

(2) On completion of the test and count, the programs, test materials, and ballots arranged by precincts shall be sealed and retained as provided by this subsection and rules promulgated by the secretary of state pursuant to Act No. 306 of the Public Acts of 1969. If the electronic tabulating equipment that is tested and certified to by the board of election commissioners will be used to count votes at the precinct, a memory device containing the tested programs, if any, shall be sealed into the electronic tabulating equipment. Upon completion and certification of the count of votes, the memory device containing the program and the vote totals shall remain sealed in the electronic tabulating equipment or, if removed from the electronic tabulating equipment, shall remain sealed in a container approved by the secretary of state, delivered to the clerk, and retained in the manner provided for other voted ballots.

History: Add. 1967, Act 155, Imd. Eff. June 30, 1967;—Am. 1990, Act 109, Imd. Eff. June 18, 1990;—Am. 1992, Act 8, Imd. Eff. Mar. 10, 1992.

Popular name: Election Code

Administrative rules: R 168.771 et seq. of the Michigan Administrative Code.

CITY AND TOWNSHIP ELECTION COMMISSIONS:

Note: The chart above outlines the composition of the local election commissions based on your jurisdiction's form of government. The only exception to the composition of the local election commission must be provided by a city charter.

City and Township Election Commission members are responsible for the following:

- Establishing precincts, including temporary precinct consolidations for non-State/ Federal elections;
- Establishing Absent Voter Counting Boards (AVCBs);
- Assessing voting equipment needs;
- Performing logic and accuracy testing for voting equipment. **NOTE:** Even if the county performs the programming for the local jurisdictions, it is still the responsibility of the local election commission to conduct pre-election logic and accuracy testing for their voting equipment prior to each election. Preliminary testing may be delegated to the local clerk; however, public accuracy testing must be conducted by the election commission or each members' designated representative.
- Authorizing the printing and provision of ballots for use in city, township, village and certain school district elections;
- Providing election supplies (including forms and ballot containers);
- Appointing precinct inspectors prior to each election, including AVCB members, Receiving Board members, precinct chairpersons and alternates; note that certified election inspectors must be appointed at least 21 days prior to the election and no more than 40 days prior to each election;
- Notifying major political parties of the appointment of election inspectors in federal and state elections; and
- Carrying out other election related duties for their respective jurisdictions.

Election Commission Responsibilities that should be handled via an Open Meeting by Election Commission Members:

- Approving of ballots
- Appointing precinct inspectors
- Public Accuracy Test
- Precinct Changes / Consolidations
- Adoption of resolution outlining delegated duties

Election Commission Duties that may be delegated to the Local Clerk or authorized assistant (note: Delegated duties should be documented via resolution):

- Preparing meeting materials for the Election Commission (ballots proof for approval, list of election inspectors for appointment, etc.)
- Preparing, printing and delivering ballots
- Providing candidates and the Secretary of State with proof copies of ballots
- Providing notice to voters in the case of precinct changes/consolidations
- Providing election supplies and ballot containers
- Preliminary logic and accuracy testing
- Notifying major political parties of certified precinct Inspector appointments (federal and state elections only)

SCHOOL ELECTION COORDINATING COMMITTEE:

Every school district has a School Election Coordinating Committee responsible for determining the details of how special school elections will be administered. The School Election Coordinating Committee is composed of a school election coordinator, the secretary of the school board and the clerks of all jurisdictions covered by the school district. For a school district wholly contained within a single jurisdiction, that clerk is the school election coordinator. In a school district that crosses jurisdiction lines the county clerk is the coordinator.

TYPES OF ELECTIONS

There are several types of elections conducted in Michigan. The following is an overview of the various types.

City of Birmingham
A Walkable Community

MEMORANDUM

Engineering Dept.

DATE: **January 9, 2020**

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

FROM: **Paul T. O'Meara, City Engineer**

SUBJECT: **Woodward Ave. Crosswalk Installation**
South Leg of Quarton Rd./Big Beaver Rd. Intersection

INTRODUCTION:

For many years, Bloomfield Twp. has been improving pedestrian accessibility through a safety path installation program. Concrete sidewalks and pedestrian paths have been installed on many miles of major streets throughout the township, as a result. In 2018, the township installed a sidewalk on the east side of Woodward Ave. from Strathmore (north of Big Beaver Rd.) south to Manor Rd. (south of Big Beaver Rd.). At that time, a signalized pedestrian crosswalk was installed on the east leg of the Woodward Ave. & Big Beaver Rd. intersection. It is their intention to continue the construction south to the current Birmingham sidewalk located at the intersection of Oak St.

As a part of the work in this area, the township initiated a plan to provide a signalized crosswalk for the south leg of the Woodward Ave. & Quarton Rd./Big Beaver Rd. intersection, with the understanding that the cost could potentially be shared with the City of Birmingham.

BACKGROUND:

As you know, in 2018, significant progress was made at several locations with respect to Woodward Ave. crosswalk improvements within Birmingham. Also in 2018, the Engineering Dept. designed sidewalk improvements on the southwest corner of Woodward Ave. and Quarton Rd., adjacent to a vacant commercial site. Last May, new City sidewalk was installed to provide a complete sidewalk loop on this block, on both the Quarton Rd. and Woodward Ave. frontages. The attached aerial map depicts in red the new sidewalk that was installed on this corner. The new crosswalk being discussed on this memo is depicted in yellow.

Also in 2018, we were contacted by Bloomfield Twp. relative to their proposal to install a new Woodward Ave. crosswalk on the south leg of this same intersection. Staff indicated that Birmingham would likely consider this endeavor with a 50/50 split between the two jurisdictions (the township confirmed that the Michigan Dept. of Transportation (MDOT) would not be able to financially contribute to this endeavor).

Attached are plans for the improvement, as bid. The work includes sidewalk at 8 ft. wide (consistent with the other new crosswalks located further south), pedestrian signals, and pavement markings. When reviewing the plans, it is noted that the plans call for crosswalk markings using a 12-inch wide, instead of 24-inch wide white bars, using the Polyurea

material. In order to align with Birmingham's crosswalk standards, we have requested the township staff have the plan modified so that the 24-inch wide white bars are used for the pavement markings. At the time of the bid, this change had not yet been approved by MDOT, but it has since been approved. (The plan is to build the crosswalk using the same dimensions and materials that were used for the several other recently improved Woodward Ave. crosswalks.) In accordance with previous discussions with MDOT, the City will become responsible for the long term maintenance of the crosswalk, which is estimated at $7,000 every four years for the installation of new polyurea material.

The contract for this work was bid by the township as a stand-alone project last July. The only bid received was higher than expected. The Township Board rejected the bid and directed the staff to repackage the project.

In August, the township repackaged the work with a larger safety path program. Bids of the new project were opened. Three bids were received this time. The work pertaining to the Woodward Ave. crossing went up in price, to $117,922.50 (including contingency). In October, the Township Board passed a resolution awarding the latter contract to the low bidder, with the caveat that the work at the Woodward Ave. & Quarton Rd. intersection would be subject to approval by the City of Birmingham as well. The township has taken the position that rather than splitting the cost evenly, the cost should be based on the sum of the actual work required to complete the project east and west of the center of Woodward Ave., thereby literally asking each agency to pay only for the work within each one's jurisdiction. Using the numbers as bid (with contingency), their engineer has calculated the recommended cost split at $52,602.00 for Bloomfield Twp., and $65,320.50 for Birmingham.

More recently, Birmingham's Planning Dept. has been in preliminary discussions with a developer considering new retail construction on the adjacent vacant parcel. No plans have yet been submitted for review. There are no conflicts between what is proposed for this crosswalk and the preliminary concepts being considered by the adjacent developer at this time.

LEGAL REVIEW:

The attached cost participation agreement was prepared by Bloomfield Township's legal staff. Birmingham's City Attorney reviewed the document, and it was modified slightly per his request before it was presented to the Township Board and subsequently approved.

FISCAL IMPACT:

The City's responsibility to Bloomfield Township is estimated at $65,320.50. The township has paid for the design costs of this project, and will be responsible for contract administration. This work was not included in the fiscal 2019-2020 budget. A request for a budget appropriation is included in the suggested resolution below.

PUBLIC COMMUNICATIONS:

No communications to the public have been issued as of this date.

SUMMARY:

In an effort to improve pedestrian facilities in this part of the City, it is recommended that the City partner with Bloomfield Twp. to install a signalized pedestrian crosswalk at the south leg of the Woodward Ave. and Quarton Rd./Big Beaver Rd. intersection.

ATTACHMENTS:

- Cost sharing agreement as approved by the Bloomfield Township Board of Trustees.
- Birmingham sidewalk and alley improvement plans for the southwest corner of Woodward Ave. & Quarton Rd. from the 2018 Concrete Sidewalk Replacement Program (now completed).
- Traffic signal and sidewalk plans for the proposed crosswalk on the south leg of the intersection of Woodward Ave. & Quarton Rd./Big Beaver Rd.
- Township Board report from meeting of July 22, 2019, rejecting the bid received for the pedestrian crosswalk at Woodward Ave. and Quarton Rd.
- Township Board report from the meeting of October 19, 2019, approving the low bid of JB Contractors for the Township's safety path program, with the work involving the Woodward Ave. and Quarton Rd. intersection contingent upon the City of Birmingham approving the cost sharing agreement.

SUGGESTED RESOLUTION:

To approve the cost sharing agreement with Bloomfield Township to proceed with the installation of a new Woodward Ave. crosswalk on the south leg of the Woodward Ave. and Quarton Rd./Big Beaver Rd. intersection at the estimated amount of $65,320.50, to be charged to the General Sidewalk Fund Capital Improvements, 101-444.001-981.0100. Also, to direct the Mayor 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	$65,321
Total Revenue		$65,321
Expenditures:		
101-444.001-981.0100	Capital Outlay – Sidewalks	$65,321
Total Expenditures		$65,321

INTERGOVERNMENTAL AGREEMENT
CITY OF BIRMINGHAM
AND
CHARTER TOWNSHIP OF BLOOMFIELD

This Intergovernmental Agreement ("Agreement") is made between the City of Birmingham, 151 Martin Street, P.O. Box 3001, Birmingham, Michigan 48012 ("City of Birmingham"), and the Charter Township of Bloomfield, 4200 Telegraph Road, P.O. Box 489, Bloomfield Township, Michigan 48303-0489 ("Bloomfield Township"). In this Agreement, the City of Birmingham or the Township of Bloomfield may also be referred to as "Party" or "Communities."

In consideration of the mutual promises, obligations, representations, and assurances in this Agreement, the Parties agree to the following:

1. AUTHORITY

The Parties enter into this Agreement pursuant to the authorization under The Intergovernmental Contracts Between Municipal Corporations Act, P.A. 35 of 1951, MCL 124.1, *et seq.*

2. PURPOSE OF AGREEMENT

The purpose of this Agreement is to make improvements to the existing intersection of Big Beaver Road and Woodward Avenue, and more specifically to install a crosswalk/safety path crossing on the south side of Big Beaver Road across Woodward Avenue, said portion of the intersection of Big Beaver Road and Woodward Avenue to be improved between the City of Birmingham and the Township of Bloomfield as described herein. The project will be installed and constructed at the east-west crossing of Woodward Avenue on the south side of Woodward Avenue's intersection with Big Beaver Road from the southwest corner (City of Birmingham) to the southeast corner (Township of Bloomfield). The project work calls for installation and construction of the crosswalk/safety path crossing to connect to the existing safety paths and the installation of intersection ramps to meet current ADA standards and the installation of signals, equipment and other appurtenances to meet current ADA and Road Commission for Oakland County standards.

3. RESPONSIBILITIES OF EACH COMMUNITY

3.1. Construction Costs. The Communities agree to share the expense of the construction costs for said project in accordance with Exhibit A, which is attached hereto and incorporated herein by reference. Bloomfield Township will install and construct the project improvements and the City of Birmingham shall reimburse and pay to Bloomfield Township the City of Birmingham's share of the cost as described herein and on Exhibit A. The City of Birmingham's contribution toward the costs of constructing and installing the project, which is estimated at $65,320.50, shall be payable to Bloomfield Township when the project has been completed. Furthermore, in the event of any overages, said overages must be approved by both Communities in advance and shall be paid in accordance with the percentages of the current breakdown of the total of $117,922.50 for the entire project.

3.2 Employee benefits. Each Community is responsible for the wages, salary, overtime, workers compensation, retirement, insurance, local, state and federal income tax withholding, and other fringe benefits for its employees.

3.3 Compliance with laws. Each Party shall comply with all federal, state, and local statutes, ordinances, regulations, administrative rules, and requirements applicable to its activities performed under this Agreement including, but not limited to, the policies, procedures, rules and regulations of their Community.

3.4. Responsibility. Each Community shall be responsible for its own acts and the acts of its employees, agents, and subcontractors acting within the scope of their employment.

3.5. Crosswalk striping maintenance. The City of Birmingham shall at its own cost maintain the 24 inch wide striping on the entire crosswalk across Woodward Avenue.

4. NOTICES

Notices given under this Agreement shall be in writing and shall be personally delivered, sent by certified mail, registered mail, or tracked express delivery service and shall be addressed to the person listed below. Notice will be deemed given on the date when one of the following first occur: (1) the date of actual receipt; (2) the next business day when notice is sent express delivery service or personal delivery.

To the City of Birmingham: Pierre Boutros, Mayor
151 Martin Street
P.O. Box 3001
Birmingham, MI 48012

To Bloomfield Township: Leo Savoie, Supervisor
4200 Telegraph Road
P.O. Box 489
Bloomfield Township, MI 48303-0489

The address and/or individual to which Notice is sent may be changed by notifying each Community in writing of the change.

5. INSURANCE

Each Community shall procure and maintain for the duration of this Agreement, at its sole and exclusive expense, the following insurance coverage:

5.1. Workers' Compensation Insurance, including Employers' Liability Coverage, in accordance with all applicable statutes of the State of Michigan.

5.2. Motor Vehicle Liability Insurance, including Michigan No-Fault Coverage, with limits of liability not less than $1,000,000 per occurrence combined single limit for Bodily Injury, and Property Damage. Coverage shall include all owned vehicles, all non-owned vehicles, and all hired vehicles.

5.3. Commercial General Liability Insurance on an "Occurrence Basis" with limits of liability not less than $1,000,000 per occurrence and/or aggregate combined single limit, Personal Injury, Bodily Injury, and Property Damage.

5.4. Excess Liability (Umbrella) Insurance in the amount of $1,000,000 per occurrence and $2,000,000 aggregate.

6. RESPONSIBILITY

Each party shall be responsible for any claims made against that party and for the acts of its respective officers, officials and employees. For any claims that may arise from the performance of this Agreement, each party shall seek its own legal representation and bear the costs associated with such representation including any attorney fees. Except as otherwise provided in this Agreement, none of the parties shall have any right under any legal principle to be indemnified by either of the other parties or any of the other parties' respective officers, officials, or employees in connection with any claim. For purposes of this paragraph, the term "claims" shall mean and include any alleged losses, claims, complaints, demands for relief or damages, suits, causes of action, proceedings, judgments, deficiencies, liability, penalties, litigation, costs and/or expenses of any kind which are imposed upon, incurred by, or asserted against a party.

Nothing in this Agreement is intended, nor shall it operate, to diminish, delegate, divest, impair, or contravene any constitutional, statutory, and/or other legal right, privilege, power, obligation, duty, capacity, immunity or character of office including, but not limited to, governmental immunity on behalf of the parties to this Agreement or any of their respective employees, appointees, officials or agents.

7. GOVERNMENTAL IMMUNITY

Each Community being a public entity is immune from liability under the Governmental Liability for Negligence Act, MCL 691.1401 et seq., and nothing herein shall abrogate or impair the immunity granted thereby. All activities performed under this Agreement are hereby deemed to be governmental functions. Neither the Communities nor their officials and employees, except in cases of willful misconduct or gross negligence, shall be liable for the death of or injury to persons, or for damage to property.

8. NO THIRD PARTY BENEFICIARIES

Nothing in the provisions of this Agreement is intended to 1) create duties or obligations to or rights in third parties not parties to this Agreement, or 2) to affect the legal liability of any party to this Agreement by imposing any standard of care with respect to third party claims.

9. EFFECTIVE DATE AND TERM

This Agreement shall take effect on the final date of execution and shall remain in effect until cancelled or terminated in writing pursuant to the terms contained in this Agreement.

10. SEVERABILITY

If a court of competent jurisdiction finds a term or condition of this Agreement to be illegal or invalid, then the term or condition shall be deemed severed from this Agreement. All other terms, conditions, and provisions of this Agreement shall remain in full force and effect.

11. RESERVATION OF RIGHTS

This Agreement does not and is not intended to impair, divest, delegate, or contravene any constitutional, statutory, and/or other legal right, privilege, power, obligation, duty, or immunity of the Parties.

12. ASSIGNMENT PROHIBITED

There shall be no assignment of this Agreement or any of the rights and obligations under this Agreement.

13. AMENDMENT

Amendment of this Agreement shall be in writing, approved by Resolution of the legislative body for each of the Communities and shall be signed by authorized representatives.

14. GOVERNING LAW

This Agreement shall be governed, construed, and enforced under the laws of the State of Michigan. Venue is proper in a court of competent jurisdiction within the State of Michigan.

15. ENTIRE AGREEMENT

This Agreement represents the entire Agreement and understanding between the Parties. This Agreement supersedes all other oral or written Agreements between the Parties. The language of this Agreement shall be construed as a whole according to its fair meaning and not construed strictly for or against any Party.

AS WITNESSED, and pursuant to the Resolution adopted by the Charter Township of Bloomfield Board of Trustees approving this Intergovernmental Agreement and authorizing the execution thereof, duly authorized representatives have executed this Agreement as of the date below.

CHARTER TOWNSHIP OF BLOOMFIELD

_____
Date

By:_____
Leo Savoie
Township Supervisor

_____
Date

By:_____
Janet Roncelli
Township Clerk

STATE OF MICHIGAN)
) ss.
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this_____day of_____, 2019, by Leo Savoie, Township Supervisor, and Janet Roncelli, Township Clerk of the Charter Township of Bloomfield.

_____
Notary Public
_____ County, Michigan
My commission expires: _____
Acting in the County of Oakland

AS WITNESSED, and pursuant to the Resolution adopted by the City of Birmingham City Commission approving this Intergovernmental Agreement and authorizing the execution thereof, duly authorized representative has executed this Agreement as of the date below.

CITY OF BIRMINGHAM

_____ By: _____
Date Pierre Boutros
Mayor

STATE OF MICHIGAN)
) ss.
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this_____day of_____, 2019, by Pierre Boutros, Mayor, City of Birmingham.

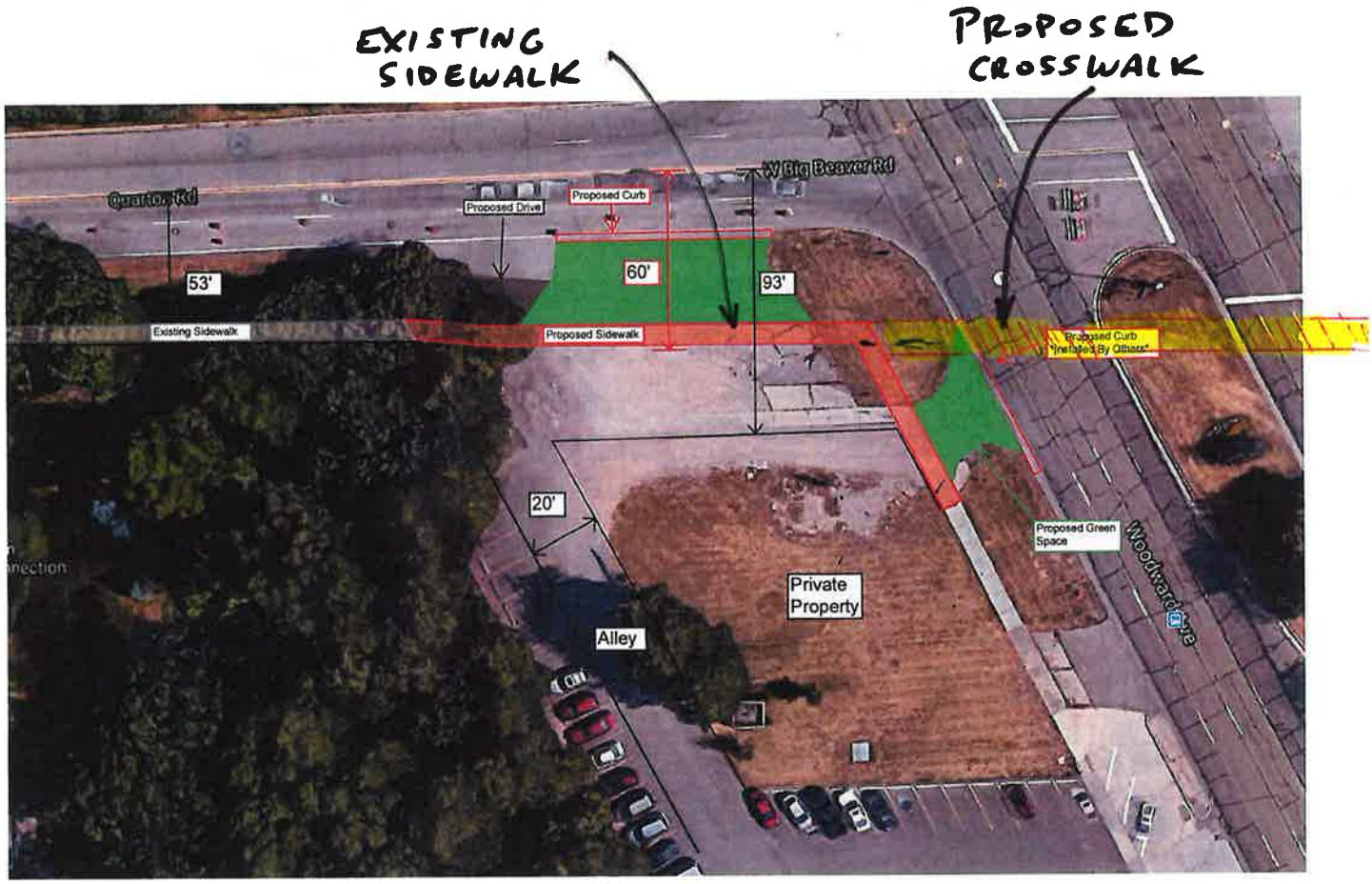
_____
Notary Public
_____ County, Michigan
My commission expires: _____
Acting in the County of Oakland

5809802

HRC
HUBBELL, ROTH & CLARK, INC
CONSULTING ENGINEERS SINCE 1915

Bloomfield Township
Woodward Avenue (M-1) and Big Beaver Road/Quarton Road
South Leg Crossing - Construction Cost Estimate
08/28/2019

Item Description	Qty	Unit	Unit Price	Total Cost
CITY OF BIRMINGHAM (WEST HALF OF INT.)				
Mobilization, Max 5%	1	LS	$ 2,500.00	$ 2,500.00
Curb and Gutter, Rem	26	Ft	$ 20.00	$ 520.00
Embankment, CIP	8	Cyd	$ 30.00	$ 240.00
Excavation, Earth	25	Cyd	$ 25.00	$ 625.00
Aggregate Base, 4 inch	47	Syd	$ 12.00	$ 564.00
Aggregate Base, 8 inch	8	Syd	$ 18.00	$ 144.00
Hand Patching	2	Ton	$ 600.00	$ 1,200.00
Sidewalk, Rem	0	Syd	$ 20.00	$ -
HMA Surface, Rem	5	Syd	$ 35.00	$ 175.00
Lane Tie, Epoxy Anchored	8	Ea	$ 10.00	$ 80.00
Curb Ramp Opening, Conc	26	Ft	$ 40.00	$ 1,040.00
Detectable Warning Surface, Cast Iron	10	Ft	$ 90.00	$ 900.00
Sidewalk Ramp, Conc, 6 inch	201	Sft	$ 8.00	$ 1,608.00
Sidewalk, Conc, 4 inch	216	Sft	$ 4.50	$ 972.00
Turf Establishment, Performance, Modified	50	Syd	$ 4.00	$ 200.00
Pavt Mrkg, Polyurea, 12 inch, Crosswalk	150	Ft	$ 5.75	$ 862.50
Pavt Mark, Polyurea, 24 inch Crosswalk	0	Ft	$ 11.50	$ -
Remove Keystone Retaining Wall	0	Sft	$ 50.00	$ -
Sign, Type II, Rem	1	Ea	$ 345.00	$ 345.00
Sign, Type II, Erect, Salv	1	Ea	$ 403.00	$ 403.00
Sign, Type III, Rem	1	Ea	$ 288.00	$ 288.00
Sign, Type III, Erect, Salv	1	Ea	$ 403.00	$ 403.00
Fdn, Perforated Steel Square Tube Sign Breakaway System Rem	3	Ea	$ 604.00	$ 1,812.00
Post, Wood, 6 inch by 8 inch	32	Ft	$ 115.00	$ 3,680.00
Post, Steel, 3 lb	14	Ft	$ 21.00	$ 294.00
Rem Spec Mrkg	0	Sft	$ 3.00	$ -
Conduit, DB, 1, 1 1/2 inch	0	Ft	$ 58.00	$ -
Conduit, DB, 1, 3 inch	25	Ft	$ 63.00	$ 1,575.00
Conduit, Directional Bore, 1, 3 inch	70	Ft	$ 115.00	$ 8,050.00
Hh, Round	2	Ea	$ 2,875.00	$ 5,750.00
Pedestal, Alum	2	Ea	$ 1,380.00	$ 2,760.00
Pedestal, Fdn	2	Ea	$ 2,070.00	$ 4,140.00
Pushbutton and Sign	2	Ea	$ 1,495.00	$ 2,990.00
Pushbutton Pedestal, Alum	0	Ea	$ 1,150.00	$ -
TS, Pedestrian, Pedestal Mtd, Rem	0	Ea	$ 460.00	
TS, Pedestrian, One Way Pedestal Mtd (LED) Countdown	2	Ea	$ 2,300.00	$ 4,600.00
TS, Pedestrian, Two Way Pedestal Mtd (LED) Countdown	0	Ea	$ 3,100.00	$ -
Maintaining Traffic	1	LS	$ 5,000.00	$ 5,000.00
Observation Crew days	7	Day	$ 800.00	$ 5,600.00
BLOOMFIELD TOWNSHIP (EAST HALF OF INT.)				
Mobilization, Max 5%	1	LS	$ 2,500.00	$ 2,500.00
Curb and Gutter, Rem	41	Ft	$ 20.00	$ 820.00
Embankment, CIP	7	Cyd	$ 30.00	$ 210.00
Excavation, Earth	25	Cyd	$ 25.00	$ 625.00
Aggregate Base, 4 inch	41	Syd	$ 12.00	$ 492.00
Aggregate Base, 8 inch	12	Syd	$ 18.00	$ 216.00
Hand Patching	3	Ton	$ 600.00	$ 1,800.00
Sidewalk, Rem	19	Syd	$ 20.00	$ 380.00
HMA Surface, Rem	5	Syd	$ 35.00	$ 175.00
Lane Tie, Epoxy Anchored	8	Ea	$ 10.00	$ 80.00
Curb Ramp Opening, Conc	41	Ft	$ 40.00	$ 1,640.00
Detectable Warning Surface, Cast Iron	19	Ft	$ 90.00	$ 1,710.00
Sidewalk Ramp, Conc, 6 inch	268	Sft	$ 8.00	$ 2,144.00
Sidewalk, Conc, 4 inch	100	Sft	$ 4.50	$ 450.00
Turf Establishment, Performance, Modified	50	Syd	$ 4.00	$ 200.00
Pavt Mrkg, Ovly Cold Plastic, 12 inch, Crosswalk	200	Ft	$ 5.75	$ 1,150.00
Pavt Mrkg, Ovly Cold Plastic, 24 inch, Stop Bar	60	Ft	$ 11.50	$ 690.00
Remove Keystone Retaining Wall	40	Sft	$ 50.00	$ 2,000.00
Sign, Type III, Rem	1	Ea	$ 288.00	$ 288.00
Sign, Type III, Erect, Salv	1	Ea	$ 403.00	$ 403.00
Post, Steel, 3 lb	14	Ft	$ 21.00	$ 294.00
Rem Spec Mrkg	130	Sft	$ 3.00	$ 390.00
Conduit, DB, 1, 1 1/2 inch	25	Ft	$ 58.00	$ 1,450.00
Conduit, DB, 1, 3 inch	25	Ft	$ 63.00	$ 1,575.00
Pedestal, Alum	1	Ea	$ 1,380.00	$ 1,380.00
Pedestal, Fdn	2	Ea	$ 2,070.00	$ 4,140.00
Pushbutton and Sign	2	Ea	$ 1,495.00	$ 2,990.00
Pushbutton Pedestal, Alum	1	Ea	$ 1,150.00	$ 1,150.00
TS, Pedestrian, Pedestal Mtd, Rem	1	Ea	$ 460.00	$ 460.00
TS, Pedestrian, One Way Pedestal Mtd (LED) Countdown	1	Ea	$ 2,300.00	$ 2,300.00
TS, Pedestrian, Two Way Pedestal Mtd (LED) Countdown	1	Ea	$ 3,100.00	$ 3,100.00
Maintaining Traffic	1	LS	$ 5,000.00	$ 5,000.00
Observation Crew days	7	Day	$ 800.00	$ 5,600.00
			Cost for City of Birmingham	$ 59,320.50
			Contingency (10%)	$ 6,000.00
			Cost for Bloomfield Township	$ 47,802.00
			Contingency (10%)	$ 4,800.00
			Total Construction Estimate	**$ 117,922.50**


EXISTING SIDEWALK
PROPOSED CROSSWALK
W Big Beaver Rd
Proposed Drive
Proposed Curb
53'
60'
93'
Existing Sidewalk
Proposed Sidewalk
Proposed Curb
20'
Proposed Green Space
Woodward Ave
Private Property
Alley

WOODWARD AVE PEDESTRIAN CROSSING

CHARTER TOWNSHIP OF BLOOMFIELD

CITY OF BIRMINGHAM

OAKLAND COUNTY, MICHIGAN

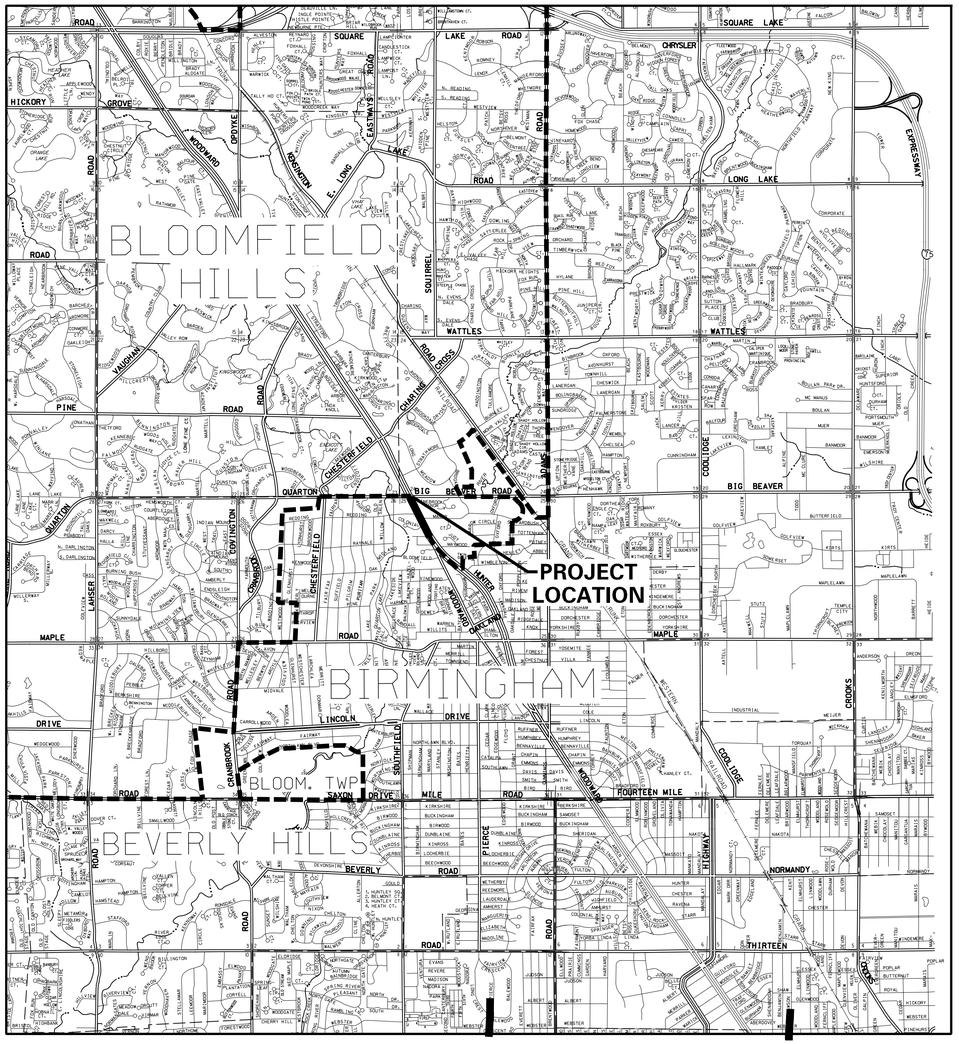
HRC JOB NO. 20181016

BLOOMFIELD TOWNSHIP

TOWNSHIP SUPERVISOR	LEO SAVOIE
TOWNSHIP CLERK	JANET RONCELLI
TOWNSHIP TREASURER	BRIAN KEPES
TOWNSHIP TRUSTEE	DAVID BUCKLEY
TOWNSHIP TRUSTEE	NEAL BARNETT
TOWNSHIP TRUSTEE	MICHAEL SCHOSTAK
TOWNSHIP TRUSTEE	DANI WALSH
DIRECTER OF ENGINEERING AND ENVIRONMENTAL SERVICES	OLIVIA OLSZTYN-BUDRY

CITY OF BIRMINGHAM

MAYOR	PATRICIA BORDMAN
MAYOR PRO-TEM	PIERRE BOUTROS
CITY COMMISSIONER	CARROLL DeWEESE
CITY COMMISSIONER	ANDREW HARRIS
CITY COMMISSIONER	RACKELINE HOFF
CITY COMMISSIONER	MARK NICKITA
CITY COMMISSIONER	STUART SHERMAN
CITY MANAGER	JOSEPH VALENTINE
CITY ENGINEER	PAUL O'MEARA



PROJECT LOCATION MAP

SCALE

PLAN SHEETS - FULL SIZE - 1"= 10'
HALF SIZE - 1"= 20'
DETAIL GRADES - FULL SIZE - 1"= 10'
HALF SIZE - 1"= 20'

OWNER'S REVIEW
06-10-19

PREPARED BY:

HRC

HUBBELL, ROTH & CLARK, INC
Consulting Engineers

555 HULET DRIVE
BLOOMFIELD HILLS, MICH. 48303 - 0824

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FAX (1st. Floor): (248) 454-6312
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WEB SITE: http://www.hrc-engr.com

FOR:

CHARTER TOWNSHIP OF BLOOMFIELD
ENGINEERING AND ENVIRONMENTAL
SERVICES DEPARTMENT

CHARTER TOWNSHIP OF BLOOMFIELD - 2019 SAFETY PATH PROGRAM - HRC PROJECT No. 20181016

GENERAL

THE PROJECT SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE BLOOMFIELD TOWNSHIP, ROAD COMMISSION FOR OAKLAND COUNTY (RCOC), AND THE MICHIGAN DEPARTMENT OF TRANSPORTATION (MDOT) STANDARD SPECIFICATIONS, DETAILS AND SPECIAL PROVISIONS AS CONTAINED HEREIN.

COOPERATION BY THE CONTRACTOR: NO ADDITIONAL COMPENSATION WILL BE PAID TO THE CONTRACTOR FOR ANY DELAY OR INCONVENIENCE DUE TO MATERIAL SHORTAGES OR REASONABLE DELAYS DUE TO THE OPERATIONS OF SUCH OTHER PARTIES DOING WORK INDICATED OR SHOWN ON THE PLANS OR IN THE PROPOSAL OR FOR ANY REASONABLE DELAYS IN CONSTRUCTION DUE TO THE ENCOUNTERING OF EXISTING UTILITIES THAT MAY OR MAY NOT BE SHOWN ON THE PLANS.

LIMITATIONS ON PRIVATE WORK: DURING CONSTRUCTION OPERATIONS, THE CONTRACTOR SHALL NOT PERFORM WORK BY PRIVATE AGREEMENT WITH PROPERTY OWNERS ADJACENT TO THE PROJECT WITHOUT PRIOR TOWNSHIP CONSENT. WORK MAY BE ALLOWED WHEN REQUESTED BY THE TOWNSHIP, BUT ONLY WITH WRITTEN CONSENT.

THE CONTRACTOR SHALL CONDUCT HIS OPERATIONS IN SUCH A MANNER TO COMPLY WITH ALL FEDERAL, STATE, AND LOCAL CODES FOR NOISE LEVELS, VIBRATIONS, OR ANY OTHER RESTRICTIONS WHILE PERFORMING ANY CONSTRUCTION OPERATIONS WITHIN THIS CONTRACT. COSTS TO BE INCLUDED IN THE RESPECTIVE ITEM OF WORK.

THE CONTRACTOR SHALL BE REQUIRED TO NOTIFY THE LOCAL FIRE & POLICE DEPARTMENTS, RCOC 24 HOURS IN ADVANCE OF PROPOSED ROAD CLOSURES OR PER MDOT PERMIT REQUIREMENTS.

THE CONTRACTOR SHALL, BEFORE EACH DAYS WORK, OR WHEN MOVING TO A NEW AREA OF WORK, DETERMINE AND EVALUATE THE LOCATION OF ALL UNDERGROUND FACILITIES IN THE AREA. IF LOCATION STAKES HAVE BEEN MOVED OR DO NOT APPEAR CORRECT, THE CONTRACTOR SHALL NOT EXCAVATE UNTIL ALL UTILITIES HAVE HAD AN OPPORTUNITY TO CHECK OR RESTAKE THEIR LOCATIONS. ANY DELAYS INCURRED, DUE TO THE CHECKING OR RESTAKING OF UTILITIES SHALL NOT BE A BASIS FOR ADDITIONAL COMPENSATION.

THERE WILL BE NO ADJUSTMENT IN THE CONTRACT UNIT PRICE REGARDLESS OF THE PERCENTAGE OF INCREASE OR DECREASE ABOVE OR BELOW THE CONTRACT QUANTITY FOR ANY ITEM OF WORK.

IT IS THE INTENT THAT ALL GOVERNMENT CORNERS ON THIS PROJECT BE PRESERVED AND THAT, WHERE NECESSARY, MONUMENT BOXES BE PLACED OR ADJUSTED, WHETHER SHOWN OR NOT

PROPERTY OWNERS' NAMES, WHERE SHOWN, ARE FOR INFORMATION ONLY, AND THEIR ACCURACY IS NOT GUARANTEED

THE LOCATION OF ALL PUBLIC UTILITIES SHOWN ON THESE PLANS IS TAKEN FROM THE BEST AVAILABLE DATA. BLOOMFIELD TOWNSHIP AND HUBBELL, ROTH AND CLARK, INC. WILL NOT BE HELD RESPONSIBLE FOR ANY OMISSION OR VARIATIONS FROM THE LOCATIONS SHOWN. PURSUANT TO ACT 53 OF THE PA OF 1974 AS A CONDITION OF THIS CONTRACT NOTICE SHALL BE GIVEN TO MISS DIG PRIOR TO UNDERGROUND WORK TO BE PERFORMED IN ACCORDANCE WITH THIS CONTRACT. PHONE (800)-482-7171 OR 647-7344.

CONTRACTOR TO SUBMIT DETAILED CONSTRUCTION SEQUENCE AT THE PRECONSTRUCTION MEETING NOTING ALL CHANGES TO PROPOSED SCHEDULE OF WORK PROPOSED OR WORK PROPOSED TO OCCUR CONCURRENTLY WITH OTHER ITEMS OF WORK.

TRAFFIC CONTROL

TRAFFIC WILL BE MAINTAINED DURING THE CONSTRUCTION IN ACCORDANCE WITH THE CONSTRUCTION PLANS, MMUTCD (2011 ED), SPECIFICATION 02550 AND MDOT MAINTAINING TRAFFIC TYPICAL PLANS INCLUDED IN THE PLANS. IN ADDITION TO THE LIGHTS BARRICADES AND SIGNS SPECIFIED ON THE CONSTRUCTION PLANS, THE CONTRACTOR SHALL ALSO PROVIDE NECESSARY SIGNS, BARRICADES AND LIGHTS TO PROTECT THE TRAFFIC AND THE WORK AS DIRECTED BY THE ENGINEER, RCOC OR MDOT. THE CONTRACTOR SHALL BE REQUIRED TO PROVIDE PLASTIC DRUMS WITH BATTERY OPERATED AMBER FLASHERS (ONE PER) AT PAVEMENT EDGE DROP-OFFS IN EXCESS OF 3 INCHES TO PROTECT THE TRAFFIC LANE AND THE WORK. THE DRUMS SHALL BE SPACED AT 50 FOOT MAX.INTERVALS. NO DROP OFF GREATER THAN 6" SHALL BE LEFT OVERNIGHT ADJACENT TO ANY TRAVEL LANE. IT IS THE INTENT OF THIS PROJECT TO OPEN UP ALL ROADS TO TRAFFIC OVERNIGHT. ANY OVERNIGHT LANE CLOSURES SHALL ONLY BE PERMITTED IF PRE-APPROVED BY RCOC, BLOOMFIELD TOWNSHIP OR MDOT PER APPLICABLE ROAD JURISDICTION.

CONTRACT PAY ITEMS:

THE CONSTRUCTION INFLUENCE AREA (C.I.A.) SHALL CONSIST OF THE WIDTH OF THE PROPOSED RIGHT-OF-WAY FROM THE PROJECT POINT OF BEGINNING TO THE POINT OF ENDING AND A SUFFICIENT DISTANCE BEFORE & AFTER THE PROJECT TO WARN MOTORISTS OF THE CONSTRUCTION AHEAD.

THE COSTS OF ALL TRAFFIC CONTROL DEVICES, AS DIRECTED BY PROJECT ENGINEER, RCOC OR MDOT OR AS NEEDED TO COMPLETE THIS PROJECT ARE TO BE INCLUDED IN THE LUMP SUM BID FOR MAINTAINING TRAFFIC. ROADS TO BE OPEN TO TRAFFIC UNLESS SPECIFICALLY WORKING IN THE RIGHT OF WAY.

PERMITS REQUIRED

MDOT: RIGHT-OF-WAY - PERMIT APP. #63051-061867-19-052019

RESTORATION

WATER REQUIRED FOR SOD AND SEEDING SHALL BE INCLUDED IN THE CONTRACT COST FOR THESE ITEMS. WATER REQUIRED FOR COMPACTION SHALL BE INCLUDED IN THE COST OF CONSTRUCTION FOR THIS PROJECT.

ALL AREAS DISTURBED BY THE CONTRACTOR AND/OR HIS SUBCONTRACTOR BEYOND THE NORMAL CONSTRUCTION LIMITS OF THIS PROJECT SHALL BE SODDED OR SEEDED AS SPECIFIED OR DIRECTED BY THE ENGINEER. NO ADDITIONAL PAYMENT OR COMPENSATION WILL BE ALLOWED FOR THIS ACTIVITY.

SPRINKLER SYSTEMS SHALL NOT BE COVERED WHEN PLACING TOPSOIL AND SEED.

ALL DISTURBED AREAS TO BE RESTORED WITHIN SEVEN (7) DAYS OF COMPLETION OF PATH SURFACE.

CONTRACTOR TO CHECK ON SEED GROWTH & SUPPLEMENT AS NEEDED. COSTS FOR RESEEDING TO BE INCLUDED IN THE UNIT PRICE FOR RESTORATION

UTILITIES

THE FOLLOWING UTILITY COMPANIES MAY HAVE FACILITIES WITHIN THE PROJECT LIMITS:

ATT
JEFF HEATH
54 N. MILL ST., BOX 33
PONTIAC, MICHIGAN 48342
OFFICE (248)975-4588 or
CELL (248)705-5506

COMCAST
DARYL WOOD
REGIONAL DESIGN CENTER
27800 FRANKLIN ROAD
SOUTHFIELD, MICHIGAN 48034
(248) 809-2749

CMS ENERGY CO.
CHRIS SCHNEIDER
11801 FARMINGTON ROAD
LIVONIA, MICHIGAN 48150
(734) 513-6277

DETROIT EDISON (DTE ENERGY)
JIM HAMMOND
REGIONAL SUPERVISOR NWPD
(248) 427-2982

OAKLAND COUNTY WATER RESOURCE COMMISSIONER
ONE PUBLIC WORKS DRIVE
WATERFORD, MI 48328-1907
JOE GARDNER (SOIL EROSION) (248) 858-9699

BUCKEYE PIPELINE
JAY McDONALD
(734) 721-8834

SUN OIL
TIM RICHARDSON
7155 INKSTER ROAD
TAYLOR, MICHIGAN 48180
(313) 292-3447

WINDSTREAM (FORMERLY NORLIGHT)
GREG SERICH
(810) 600-2090

WOW
FRANK BINAGHI
(248) 677-9008

ALL UTILITIES WITHIN ZONE OF INFLUENCE OF PROPOSED WORK ARE TO BE FIELD LOCATED AND HAND DUG INCLUDED IN THE UNIT BID PRICES FOR APPROPRIATE ITEMS.

ALL GAS FACILITIES SHALL BE PROTECTED AND SUPPORTED PER MICHCON OR CONSUMER ENERGY STANDARDS AS APPLICABLE.

PRIOR TO WORK ON FACILITIES BELONGING TO THE ABOVE AGENCIES, A MINIMUM OF 72 HOURS NOTICE MUST BE GIVEN IN ORDER TO INSURE PROPER INSPECTION BY THE RESPECTIVE AGENCIES

CONCRETE, GRADE S3, SHALL BE USED TO ENCASE UTILITIES THAT ARE IN CLOSE PROXIMITY TO THE PROPOSED CONSTRUCTION ONLY AS DIRECTED BY THE ENGINEER.

ALL EXPLORATORY WORK REQUIRED FOR LOCATING EXISTING UTILITIES SHALL NOT BE PAID FOR SEPARATELY BUT SHALL BE INCLUDED IN THE CONSTRUCTION OF THE PROJECT.

THE EXISTING UTILITIES LISTED HEREIN AND SHOWN ON THESE PLANS REPRESENT THE BEST INFORMATION AVAILABLE AS OBTAINED FROM SURVEYS AND FROM UTILITY RECORD MAPS. THIS INFORMATION DOES NOT RELIEVE THE CONTRACTOR OF THE RESPONSIBLITY TO SATISFY HIMSELF AS TO THEIR ACCURACY OR OF HIS RESPONSIBILITY IN CASE UTILITIES HAVE BEEN CONSTRUCTED, RELOCATED OR REMOVED.

OWNERS OF PUBLIC UTILITIES WILL NOT BE REQUIRED TO MOVE ADDITIONAL POLES AND STRUCTURES THAT ARE NOT SPECIFICALLY INDICATED AS SUCH ON THE PLANS.

THE CONTRACTOR SHALL LOCATE ALL ACTIVE UNDERGROUND UTILITIES PRIOR TO STARTING WORK, AND SHALL CONDUCT HIS OPERATIONS IN SUCH A MANNER AS TO INSURE THAT THOSE UTILITIES NOT REQUIRING RELOCATION WILL NOT BE DISTURBED.

FOR PROTECTION OF UNDERGROUND UTILITIES, THE CONTRACTOR SHALL DIAL 800-482-7171 A MINIMUM OF 3 WORKING DAYS, EXCLUDING SATURDAYS, SUNDAYS AND HOLIDAYS, PRIOR TO EXCAVATING IN THE VICINITY OF UTILITY LINES. ALL "MISS DIG" PARTICIPATING WILL THUS BE ROUTINELY NOTIFIED. THIS DOES NOT RELIEVE THE CONTRACTOR OF THE RESPONIBILITY OF NOTIFYING UTILITY OWNERS WHO MAY NOT BE A PART OF THE "MISS DIG" ALERT SYSTEM.

MISCELLANEOUS

PROTECTION AND RESTORATION OF PROPERTY: EXISTING MAILBOXES DISTURBED BY CONSTRUCTION ON THE PROJECT SHALL BE TEMPORARILY RESET ALONG THE OWNER'S DRIVEWAY OR ALONG AN INTERSECTING STREET, BEYOND THE LIMITS OF CONSTRUCTION AS DIRECTED BY THE ENGINEER. WHEN THE PROJECT IS COMPLETED, THE MAILBOXES SHALL BE RESET BY THE CONTRACTOR IN ACCORDANCE WITH POSTAL REGULATIONS. THE TEMPORARY RESETTING AND FINAL PLACEMENT OF THE MAILBOXES WILL BE CONSIDERED INCLUDED IN THE COST OF THE PROJECT.

AS DIRECTED BY THE ENGINEER, THE CONTRACTOR SHALL REPAIR OR REPLACE ALL MAILBOXES, AND/OR THEIR SUPPORTS, HE MAY HAVE DAMAGED BEYOND THE LIMITS OF CONSTRUCTION. NO ADDITIONAL PAYMENT OF COMPENSATION WILL BE ALLOWED FOR THIS ACTIVITY.

THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO THE PROPERTY BEYOND THE SPECIFIED DISTURBANCE LIMITS, INCLUDING EXISTING FENCING, LAWN, TREES AND SHRUBBERY.

WHEN HMA BOND COAT IS SPECIFIED ON THE PLANS OR REQUIRED BY THE ENGINEER FOR THE CONSTRUCTION OF THE PROJECT, IT WILL NOT BE PAID FOR SEPARATELY BUT SHALL BE INCLUDED IN THE UNIT BID PRICE FOR BITUMINOUS PAVING

WHEN SAWING FOR PAVEMENT AND CURB REMOVAL IS SPECIFIED ON THE PLANS OR REQUIRED BY THE ENGINEER IN THE CONSTRUCTION OF THE PROJECT, IT WILL NOT BE PAID FOR SEPARATELY BUT SHALL BE INCLUDED IN THE UNIT BID PRICE FOR "HMA SURFACE, REM" OR "CURB AND GUTTER, REM".

ALL STEEL CULVERTS SHALL REQUIRE STEEL END SECTIONS UNLESS OTHERWISE SPECIFIED.

GRATES WILL BE REQUIRED ON ALL CULVERTS WITH DIAMETERS LARGER THAN 18".

ALL TREES AND SHRUBS REQUIRED TO BE TRIMMED/PRUNED SHALL BE DONE IN A MANNER TO MAINTAIN NATURAL APPEARANCE. ALL TREES INDICATED TO BE PROTECTED ON THE PLANS OR AS DIRECTED BY THE PROJECT ENGINEER SHALL HAVE TEMP. PROTECTIVE MEASURES INSTALLED PER STANDARD SPECIFICATIONS.

CONTRACTOR RESPONSIBLE TO REPAIR OR REPLACE ANY EXISTING TRAFFIC SIGNS DAMAGED BY HIS OPERATION DURING CONSTRUCTION. SIGNS TO BE IN ACCORDANCE WITH MMUTCD(2011 ED.)

ACCESS TO AREAS OUTSIDE OF RIGHT-OF-WAY LIMITS TO BE APPROVED BY PROPERTY OWNERS PRIOR TO START OF CONSTRUCTION AND WRITTEN DOCUMENTATION OF SUCH APPROVAL FORWARDED TO THE PROJECT ENGINEER.

ALL PIPE TO BE AS SPECIFIED ON THE PLANS AND DETAIL SHEETS.

CONTRACTOR TO COORDINATE CONSTRUCTION ACTIVITIES WITH OTHER CONTRACTORS WORKING IN AREA.

ANY DEWATERING NECESSARY TO CONSTRUCT THIS PROJECT SHALL BE CONSIDERED INCIDENTAL AND ALL COSTS ASSOCIATED SHALL BE INCLUDED IN THE UNIT BID PRICES.

PAY ITEMS

ADA SAFETY PATH RAMPS ARE TO INCLUDE ADA WARNING INSERT TILE PAID FOR SEPARATELY AT THE UNIT PRICE FOR DETECTABLE WARNING SURFACE, CAST IRON - EA.

ALL COST ASSOCIATED WITH ANY HMA PAVEMENT REPLACEMENT NECESSITATED BY THE CURB & GUTTER INSTALLATION, SHALL BE PAID AS UNIT PRICE PER TON, FOR HAND PATCHING.

ALL SIGNS TO BE RELOCATED MUST BE TEMPORARILY MOUNTED & POSTED DURING CONSTRUCTION.

LEGEND

EXIST. SANITARY — SAN	PROPOSED SAFETY PATH
EXIST. WATERMAIN — WM	FIRE HYDRANT
GAS — G	GATE & VALVE, & WELL
OVERHEAD UTILITY LINES — O.H.	WATER STOP BOX & SPRINKLER HEAD
UND. TELEPHONE — TEL. D.	UTILITY POLE
TRAVERSE LINE & TRAVERSE POINT	LIGHT POLE
DEAD TREE	GUY WIRE ANCHOR
TREE/BRUSH LINE	UNDERGROUND MARKER
DECIDUOUS TREE	MANHOLE-TELE.
DECIDUOUS SHRUB	RISER
CONIFERIOUS TREE	GAS BOX & BLOW OFF
CONIFERIOUS SHRUB	℄ OF DITCH &TOE OF SLOPE
STUMP	TOP OF BANK & RIDGE
SQ.& RD.CATCH BASINS & INLETS IN PAVEMENT	TOP OF BERM &TOE OF BERM
STORM MANHOLE & PIPE END	EDGE OF WATER & WATER SURFACE
PROPOSED RETAINING WALL	HEADWALL & RETAINING WALL
EDGE OF PAVEMENT	SIGNS & SIGN POST
EXIST.CURB	TRAFFIC SIGN POST
PROPOSED CURB	TRAFFIC SIGN POST
SILT FENCE	MAILBOX
PROPOSED STORM	UNSPECIFIED MH.
PROPOSED SPLIT RAIL FENCE	PROPOSED INLET FILTER

BLOOMFIELD TOWNSHIP 1827

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HUBBELL, ROTH & CLARK, INC
CONSULTING ENGINEERS SINCE 1915
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BLOOMFIELD HILLS, MICH.
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PHONE: (248) 454-6300
FAX (1st. Floor): (248) 454-6312
FAX (2nd. Floor): (248) 454-6359
WEB SITE: http:// www.hrcengr.com

DATE	ISSUED FOR / ADDITIONS / REVISIONS
6/10/19	ISSUED FOR OWNER'S REVIEW

DESIGNED	C.O.B.
DRAWN	C.O.B.
CHECKED	C.H.S.
APPROVED	C.H.S.

KEY PLAN

PROJECT TITLE

TOWNSHIP OF BLOOMFIELD

WOODWARD AVENUE PEDESTRIAN CROSSING

OAKLAND COUNTY MICHIGAN

SHEET TITLE

PROJECT NOTES

HRC JOB NO.	SCALE
20181016	NO SCALE
DATE 5-31-2019	SHEET NO. 2 OF

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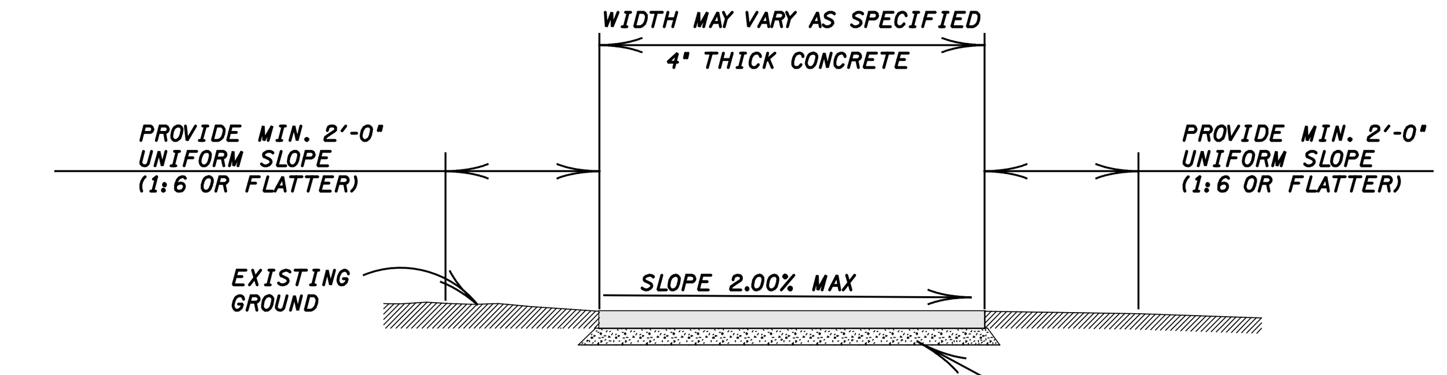
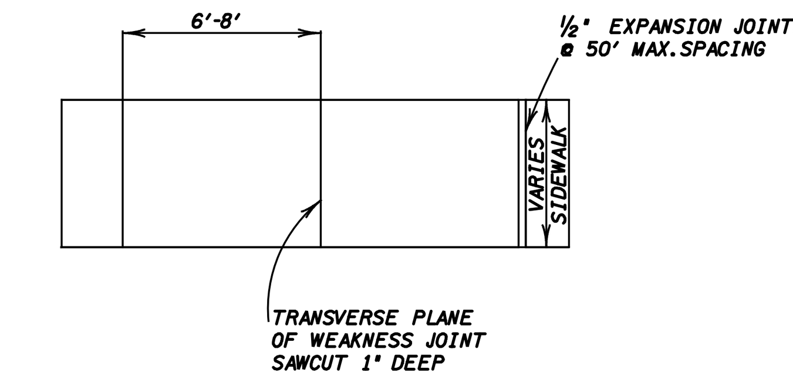


NOTE: ALL BASE MATERIAL TO BE INCLUDED IN THE UNIT PRICE BID FOR SAFETY PATH.

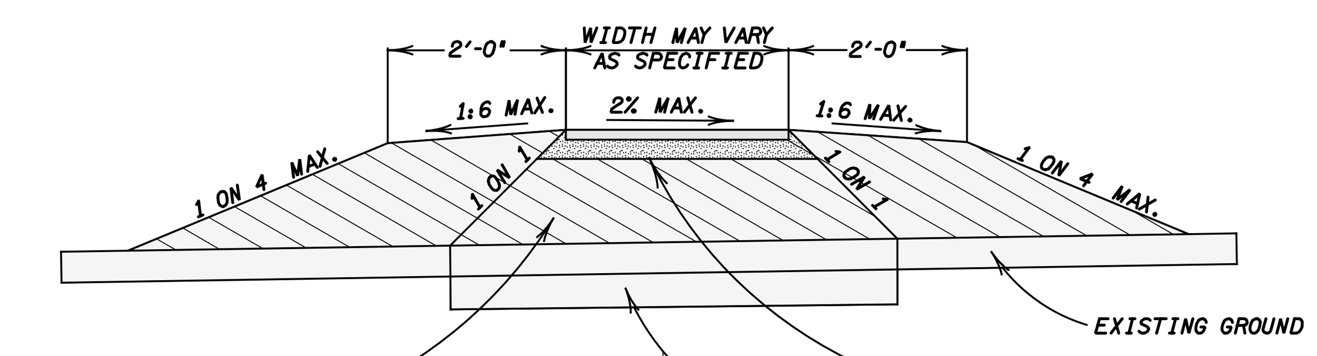
TYPICAL CONCRETE SAFETY PATH SECTION

NO SCALE



CONCRETE JOINTING

NO SCALE

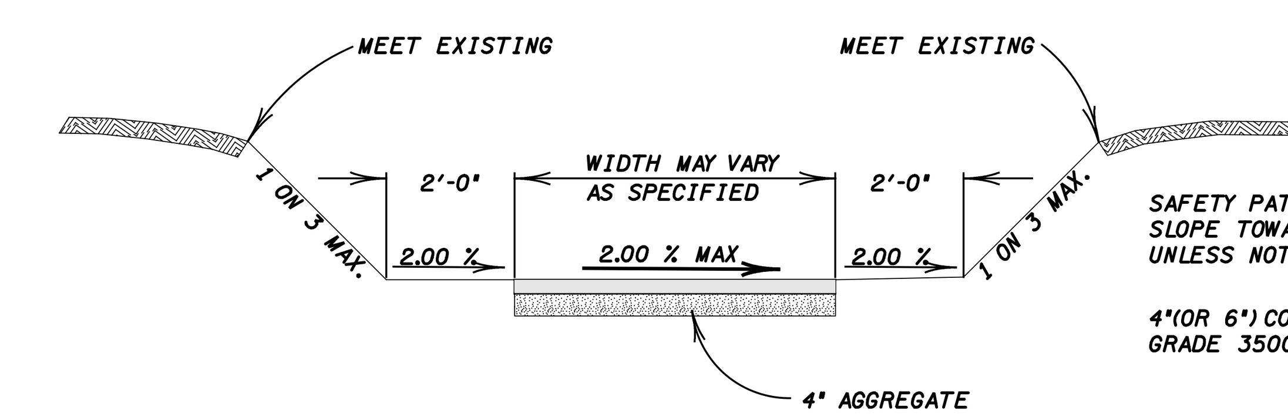


NOTE: CONTRACTOR SHALL PROVIDE CLEAN EMBANKMENT AS REQUIRED, - COMPACTED TO 95 % MAXIMUM DENSITY, - SEE SPEC. SEC.02201

NOTE: CONTRACTOR SHALL STRIP ALL VEGETATION AND TOPSOIL WITHIN THE 1 ON 1 INFLUENCE PRIOR TO PLACING FILL, - SEE SPEC.SEC.02201

TYPICAL FILL SECTION

NO SCALE



SAFETY PATH SHALL SLOPE TOWARD ROAD UNLESS NOTED OTHERWISE

4"(OR 6") CONCRETE SIDEWALK GRADE 3500 PSI CONCRETE

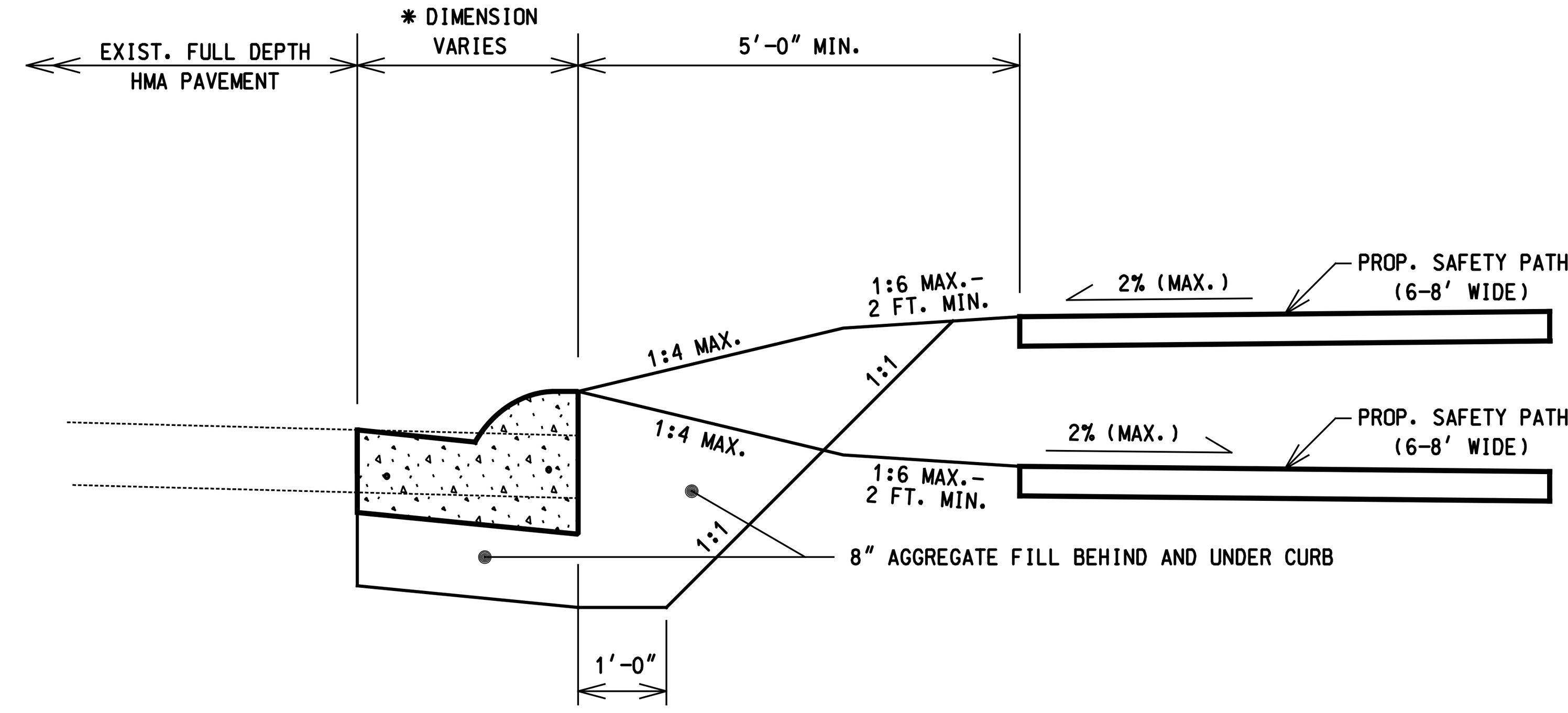
NOTE: ALL BASE MATERIAL TO BE INCLUDED IN UNIT PRICE BID FOR SAFETY PATH

TYPICAL CUT SECTION

NO SCALE

* DIMENSION & TYPE OF CONCRETE CURB VARIES BY DIVISION. SEE PLAN SHT. NO. 6 FOR CURB DETAILS. CURB MACHINE REQUIRED FOR ALL CURB CONSTRUCTION PER RCOC STANDARDS.

NOTE: EPOXY COATED #4 BAR REQUIRED AT ALL LOCATIONS WHERE MEETING EXISTING CURB OR CONCRETE PAVEMENT



CONCRETE NOTES:

FORMING OF THE SAFETY PATH IN CURVED AREAS SHALL BE ACCOMPLISHED WITH FLEXIBLE FORMS, SUFFICIENT TO OBTAIN A NEAT, SMOOTH, AND CONTINUOUS CURVE. RIGID FORMING WITHIN THE CURVED AREAS WILL NOT BE ACCEPTABLE.

LONGITUDINAL CENTERLINE GRADE SHALL NOT EXCEED 8.33% (OR AS SPECIFIED BY ENGINEER). FILLING AND/OR EARTH EXCAVATION SHALL BE DONE AS DIRECTED BY THE ENGINEER IN ORDER TO PROVIDE FOR THE PROPOSED PATH ELEVATIONS.

ALL SAFETY PATH RAMPS SHALL CONFORM TO MDOT STANDARD DETAIL R-28-J.

TRANSVERSE CONTRACTION JOINTS (PLANE OF WEAKNESS JOINTS) SHALL BE PLACED AT UNIFORM INTERVALS (MATCHING PATH WIDTH) BETWEEN EXPANSION JOINTS. THEY SHALL BE CONSTRUCTED AS A TOOLED JOINT.

ALL JOINTS SHALL BE INCIDENTAL TO THE UNIT PRICE BID FOR EACH CONCRETE PAVEMENT ITEM (4", 6" OR 8")

A TRANSVERSE EXPANSION JOINT SHALL BE PLACED AT UNIFORM INTERVALS OF NOT MORE THAN 50 FEET AND AT INTERSECTIONS WITH EXISTING WALKS, DRIVEWAYS, AND STREETS. THE TOP OF THE JOINT FILLER SHALL BE SLIGHTLY BELOW THE FINISHED GRADE. THICK NON -EXTRUDING BITUMINOUS FIBER BOARD SHALL BE PLACED FOR THE FULL THICKNESS AND WIDTH OF THE PATH.

LONGITUDINAL EXPANSION JOINTS EXTENDING THE FULL DEPTH OF THE POUR SHALL BE PLACED BETWEEN THE SAFETY PATH AND THE BACK OF ABUTTING PARALLEL CURB, ALSO BETWEEN THE SAFETY PATH AND DRIVEWAYS AND BUILDINGS OR OTHER RIGID STRUCTURES.

BLOOMFIELD TOWNSHIP 1827

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DESIGNED	C.O.B.
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KEY PLAN

PROJECT TITLE

TOWNSHIP OF BLOOMFIELD

WOODWARD AVENUE PEDESTRIAN CROSSING

OAKLAND COUNTY MICHIGAN

SHEET TITLE

TYPICAL SECTIONS AND DETAILS

HRC JOB NO.	SCALE
20181016	NO SCALE
DATE 5-31-2019	SHEET NO. 3 OF

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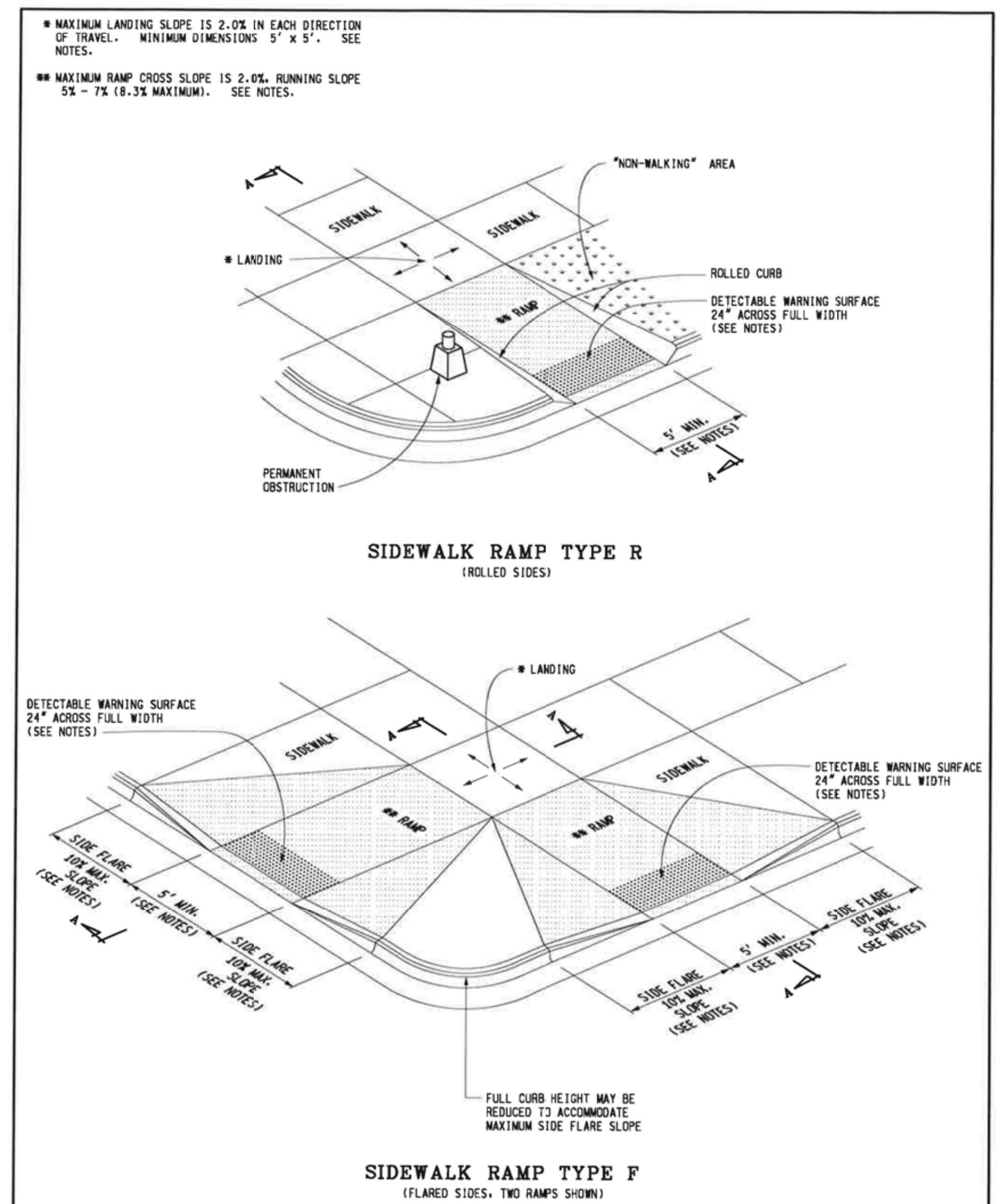
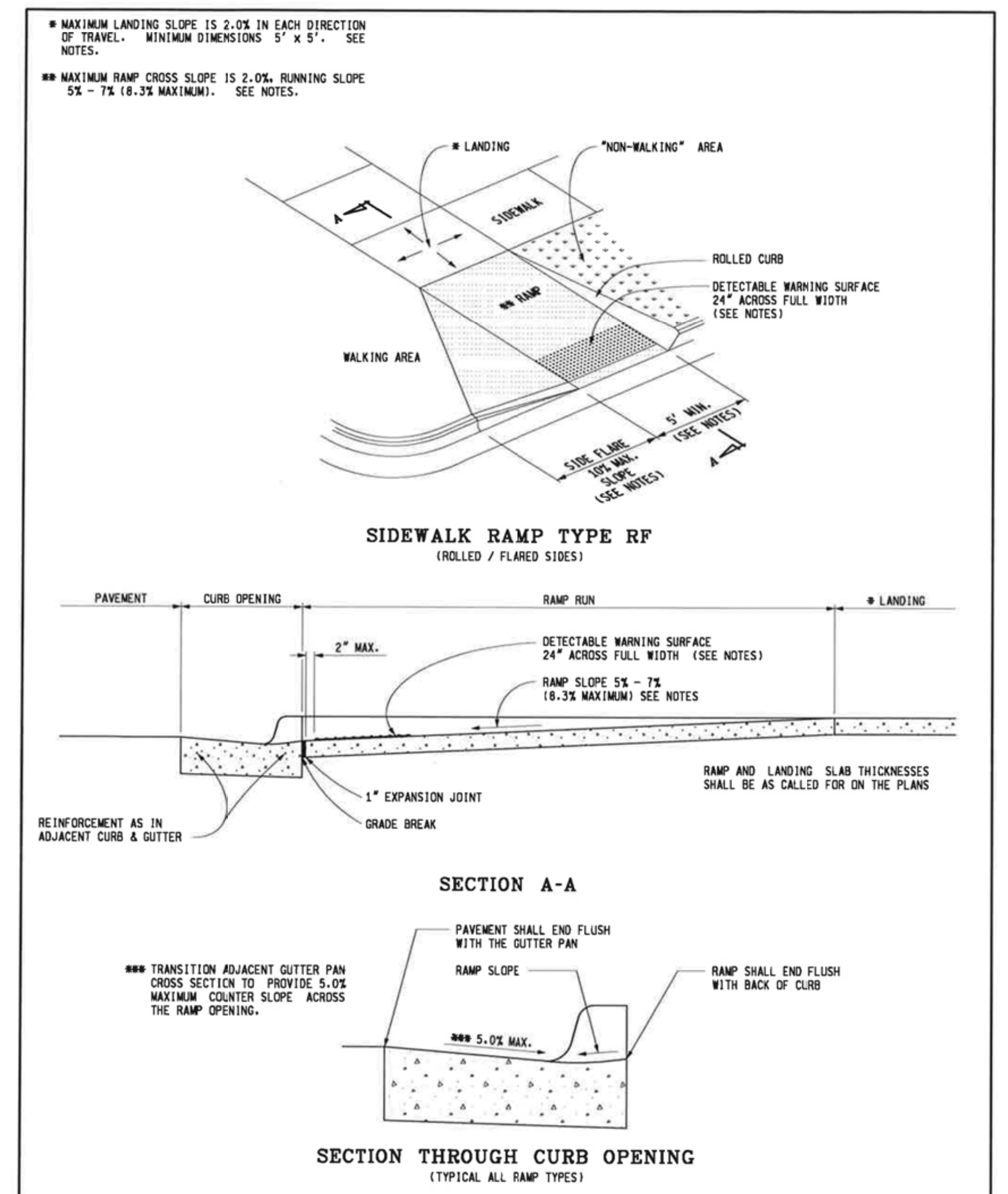
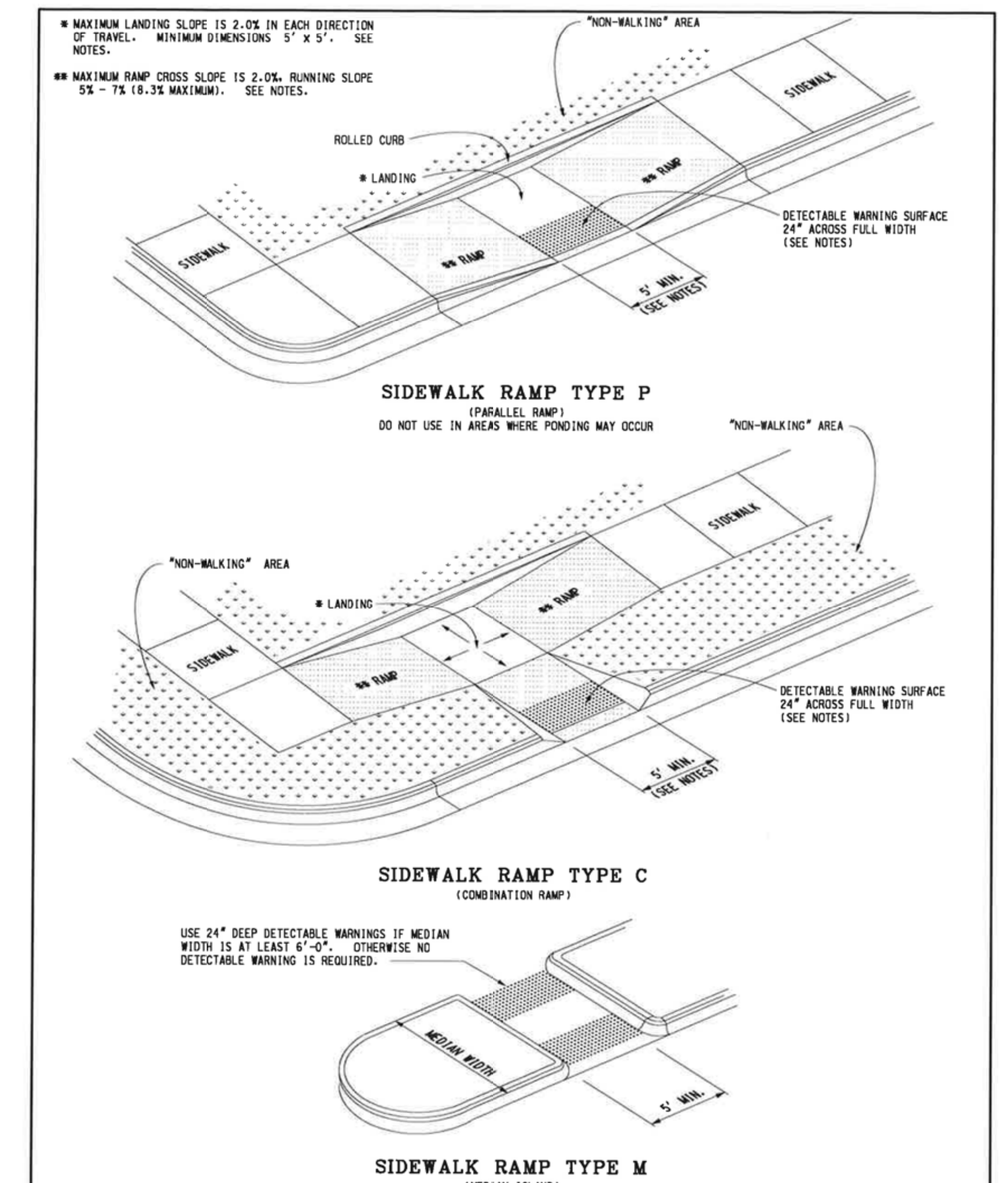


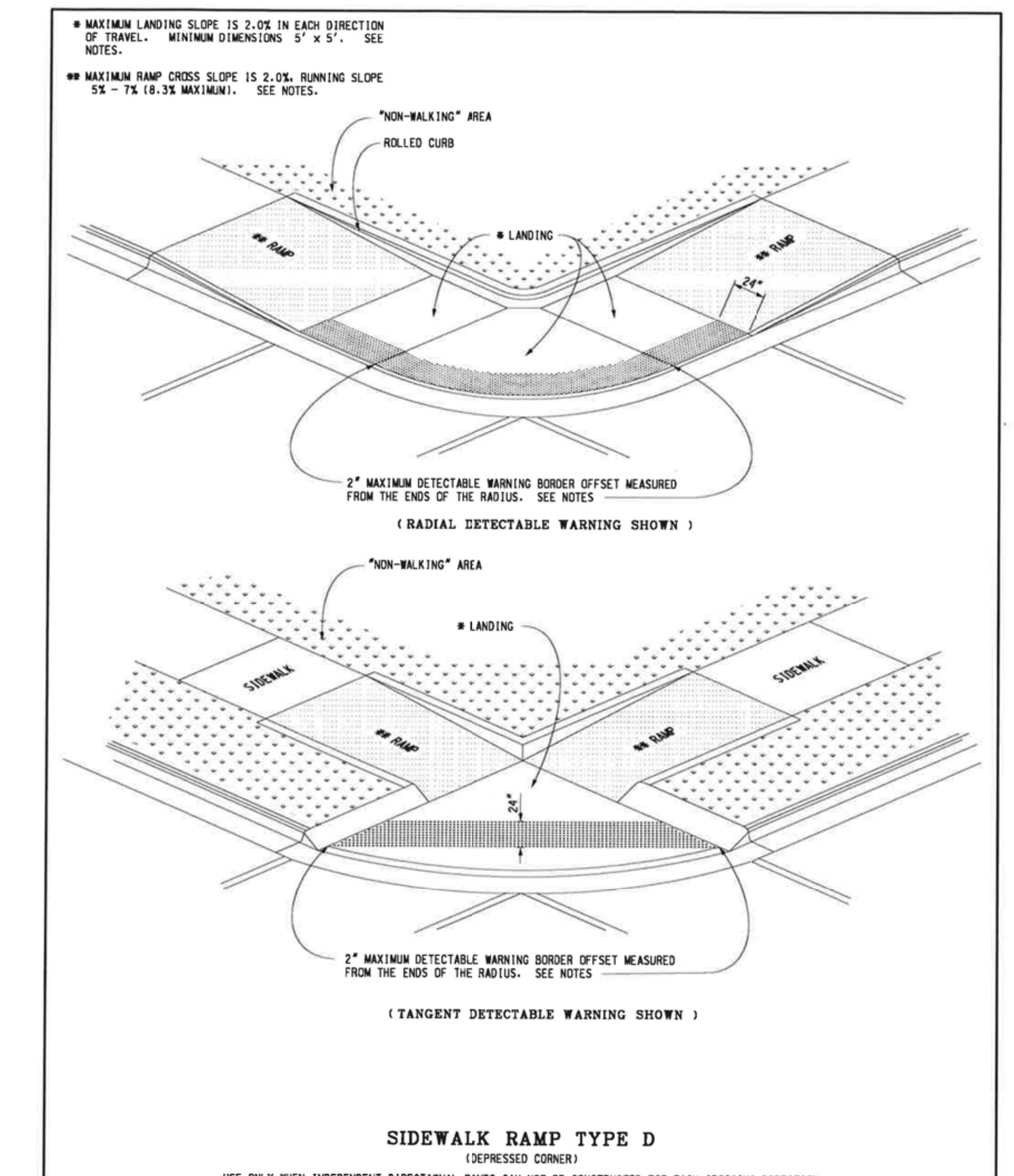
MICHIGAN DEPARTMENT OF TRANSPORTATION
BUREAU OF DEVELOPMENT STANDARD PLAN FOR
SIDEWALK RAMP AND DETECTABLE WARNING DETAILS
3-15-2016 | R-28-J | SHEET 1 OF 7



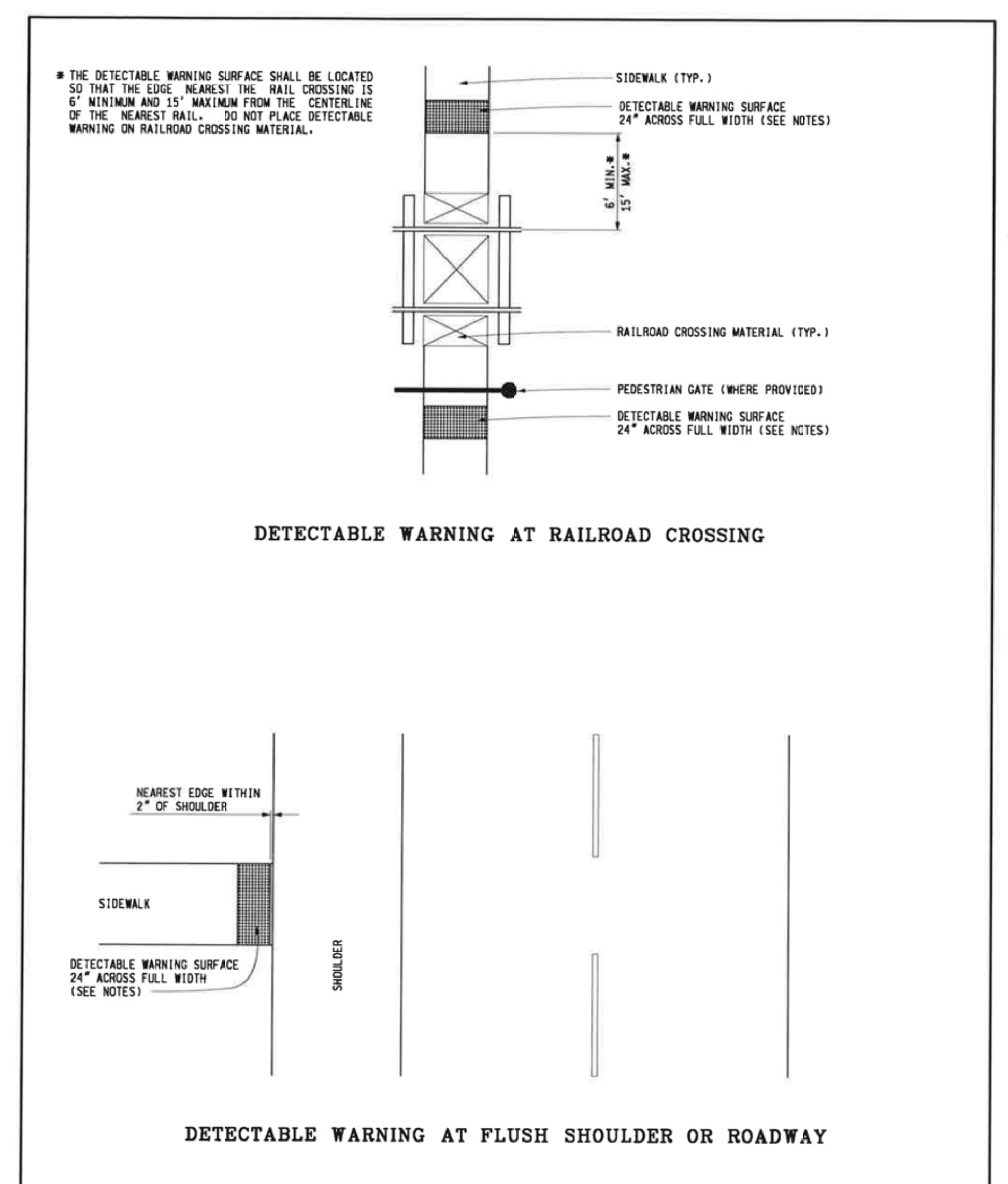
MICHIGAN DEPARTMENT OF TRANSPORTATION
BUREAU OF DEVELOPMENT STANDARD PLAN FOR
SIDEWALK RAMP AND DETECTABLE WARNING DETAILS
3-15-2016 | R-28-J | SHEET 2 OF 7



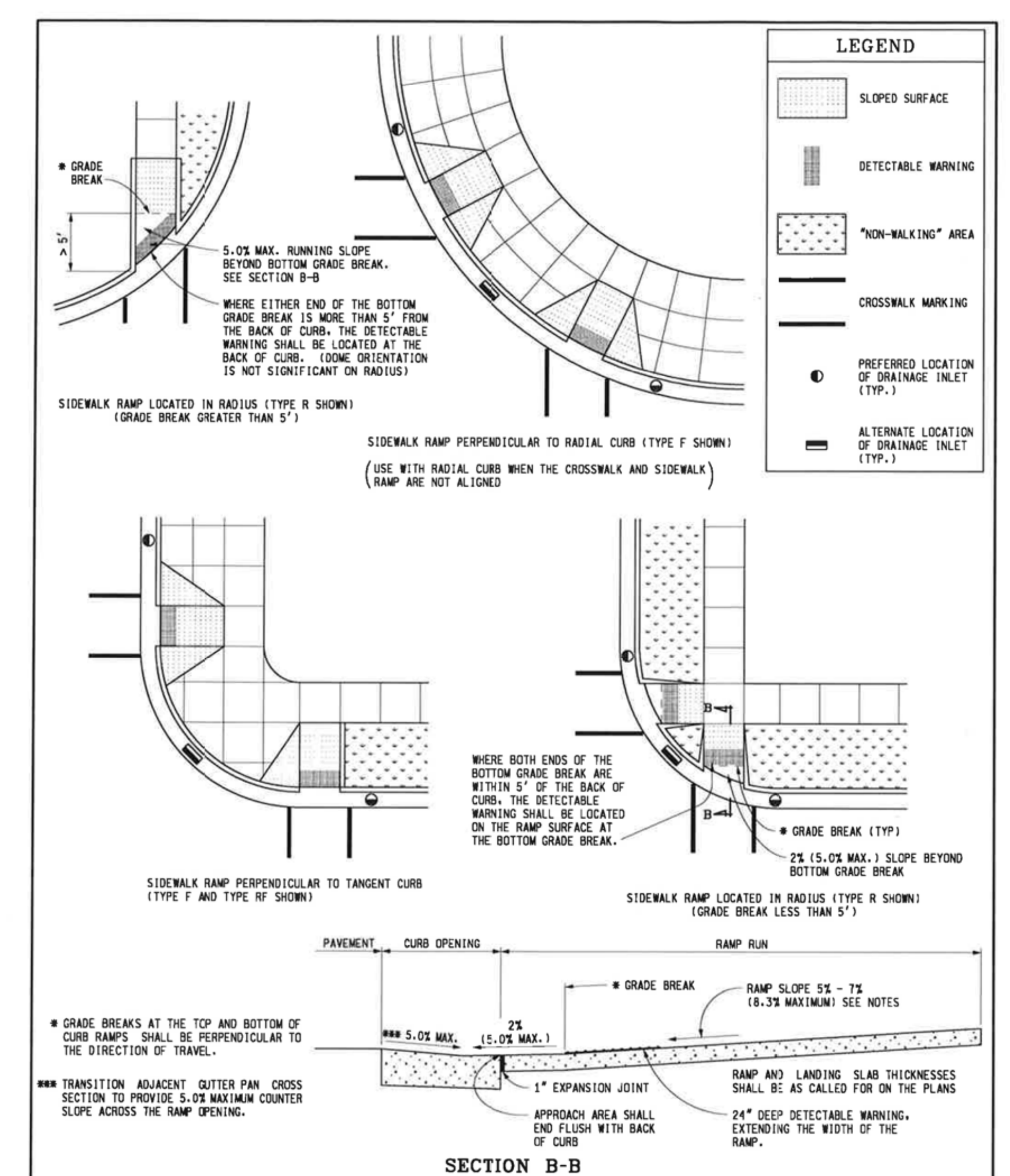
MICHIGAN DEPARTMENT OF TRANSPORTATION
BUREAU OF DEVELOPMENT STANDARD PLAN FOR
SIDEWALK RAMP AND DETECTABLE WARNING DETAILS
3-15-2016 | R-28-J | SHEET 3 OF 7



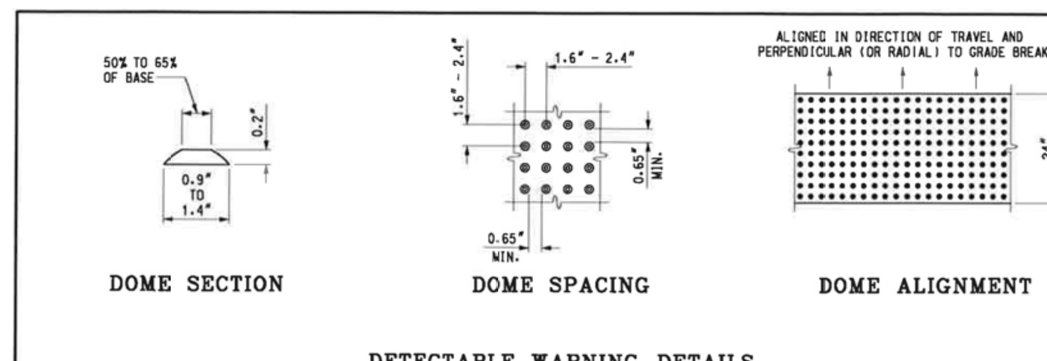
MICHIGAN DEPARTMENT OF TRANSPORTATION
BUREAU OF DEVELOPMENT STANDARD PLAN FOR
SIDEWALK RAMP AND DETECTABLE WARNING DETAILS
3-15-2016 | R-28-J | SHEET 4 OF 7



MICHIGAN DEPARTMENT OF TRANSPORTATION
BUREAU OF DEVELOPMENT STANDARD PLAN FOR
SIDEWALK RAMP AND DETECTABLE WARNING DETAILS
3-15-2016 | R-28-J | SHEET 5 OF 7



MICHIGAN DEPARTMENT OF TRANSPORTATION
BUREAU OF DEVELOPMENT STANDARD PLAN FOR
SIDEWALK RAMP AND DETECTABLE WARNING DETAILS
3-15-2016 | R-28-J | SHEET 6 OF 7



NOTES:

DETAILS SPECIFIED ON THIS PLAN APPLY TO ALL CONSTRUCTION, RECONSTRUCTION, OR ALTERATION OF STREETS, CURBS, OR SIDEWALKS IN THE PUBLIC RIGHT OF WAY.

SIDEWALK RAMPS ARE TO BE LOCATED AS SPECIFIED ON THE PLANS OR AS DIRECTED BY THE ENGINEER.

RAMPS SHALL BE PROVIDED AT ALL CORNERS OF AN INTERSECTION WHERE THERE IS EXISTING OR PROPOSED SIDEWALK AND CURB. RAMPS SHALL ALSO BE PROVIDED AT MARKED AND/OR SIGNALIZED MID-BLOCK CROSSINGS.

SURFACE TEXTURE OF THE RAMP SHALL BE THAT OBTAINED BY A COARSE BROOMING, TRANSVERSE TO THE RUNNING SLOPE.

SIDEWALK SHALL BE RAMPED WHERE THE DRIVEWAY CURB IS EXTENDED ACROSS THE WALK.

CARE SHALL BE TAKEN TO ASSURE A UNIFORM GRADE ON THE RAMP. WHERE CONDITIONS PERMIT, IT IS DESIRABLE THAT THE SLOPE OF THE RAMP BE IN ONLY ONE DIRECTION, PARALLEL TO THE DIRECTION OF TRAVEL.

RAMP WIDTH SHALL BE INCREASED, IF NECESSARY, TO ACCOMMODATE SIDEWALK SNOW REMOVAL EQUIPMENT NORMALLY USED BY THE MUNICIPALITY.

WHEN 5' MINIMUM WIDTHS ARE NOT FEASIBLE, RAMP WIDTH MAY BE REDUCED TO NOT LESS THAN 4' AND LANDINGS TO NOT LESS THAN 4' x 4'.

DETECTABLE WARNING SURFACE COVERAGE IS 24" MINIMUM IN THE DIRECTION OF RAMP/PATH TRAVEL AND THE FULL WIDTH OF THE RAMP/PATH OPENING EXCLUDING CURBED OR FLARED CURB TRANSITION AREAS. A BORDER OFFSET NOT GREATER THAN 2" MEASURED ALONG THE EDGES OF THE DETECTABLE WARNING IS ALLOWABLE. FOR RADIAL CURB THE OFFSET IS MEASURED FROM THE ENDS OF THE RADIUS.

FOR NEW ROADWAY CONSTRUCTION, THE RAMP CROSS SLOPE MAY NOT EXCEED 2.0%. FOR ALTERATIONS TO EXISTING ROADWAYS, THE CROSS SLOPE MAY BE TRANSITIONED TO MEET AN EXISTING ROADWAY GRADE. THE CROSS SLOPE TRANSITION SHALL BE APPLIED UNIFORMLY OVER THE FULL LENGTH OF THE RAMP.

THE MAXIMUM RUNNING SLOPE OF 8.3% IS RELATIVE TO A FLAT (0%) REFERENCE. HOWEVER, IT SHALL NOT REQUIRE ANY RAMP OR SERIES OF RAMPS TO EXCEED 15 FEET IN LENGTH.

DRAINAGE STRUCTURES SHOULD NOT BE PLACED IN LINE WITH RAMPS. THE LOCATION OF THE RAMP SHOULD TAKE PRECEDENCE OVER THE LOCATION OF THE DRAINAGE STRUCTURE. WHERE EXISTING DRAINAGE STRUCTURES ARE LOCATED IN THE RAMP PATH OF TRAVEL, USE A MANUFACTURER'S ADA COMPLIANT GRATE. OPENINGS SHALL NOT BE GREATER THAN 1/2". ELONGATED OPENINGS SHALL BE PLACED SO THAT THE LONG DIMENSION IS PERPENDICULAR TO THE DOMINANT DIRECTION OF TRAVEL.

TRANSITION THE GUTTER PAN CROSS SECTION SUCH THAT THE COUNTER SLOPE IN THE DIRECTION OF RAMP TRAVEL IS NOT GREATER THAN 5.0%. MAINTAIN THE NORMAL GUTTER PAN CROSS SECTION ACROSS DRAINAGE STRUCTURES.

THE TOP OF THE JOINT FILLER FOR ALL RAMP TYPES SHALL BE FLUSH WITH THE ADJACENT CONCRETE.

CROSSWALK AND STOP LINE MARKINGS, IF USED, SHALL BE SO LOCATED AS TO STOP TRAFFIC SHORT OF RAMP CROSSINGS. SPECIFIC DETAILS FOR MARKING APPLICATIONS ARE GIVEN IN THE "MICHIGAN MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES".

FLARED SIDES WITH A SLOPE OF 10% MAXIMUM, MEASURED ALONG THE ROADSIDE CURB LINE, SHALL BE PROVIDED WHERE AN UNOBSTRUCTED CIRCULATION PATH LATERALLY CROSSES THE SIDEWALK RAMP. FLARED SIDES ARE NOT REQUIRED WHERE THE RAMP IS BORDERED BY LANDSCAPING, UNPAVED SURFACE OR PERMANENT FIXED OBJECTS. WHERE THEY ARE NOT REQUIRED, FLARED SIDES CAN BE CONSIDERED IN ORDER TO AVOID SHARP CURB RETURNS AT RAMP OPENINGS.

DETECTABLE WARNING PLATES MUST BE INSTALLED USING FABRICATED OR FIELD CUT UNITS CAST AND/OR ANCHORED IN THE PAVEMENT TO RESIST SHIFTING OR HEAVING.

MICHIGAN DEPARTMENT OF TRANSPORTATION
BUREAU OF DEVELOPMENT STANDARD PLAN FOR
SIDEWALK RAMP AND DETECTABLE WARNING DETAILS
3-15-2016 | R-28-J | SHEET 7 OF 7

BLOOMFIELD TOWNSHIP 1827

HRC
HUBBELL, ROTH & CLARK, INC
CONSULTING ENGINEERS SINCE 1915
555 HULET DRIVE, BLOOMFIELD HILLS, MICH.
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FAX (1st. Floor): (248) 454-6312
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WEB SITE: http:// www.hrcengr.com

DATE	ISSUED FOR / ADDITIONS / REVISIONS
6/10/19	ISSUED FOR OWNER'S REVIEW

DESIGNED	C.O.B.
DRAWN	C.O.B.
CHECKED	C.H.S.
APPROVED	C.H.S.

KEY PLAN

PROJECT TITLE

TOWNSHIP OF BLOOMFIELD

WOODWARD AVENUE PEDESTRIAN CROSSING

OAKLAND COUNTY — MICHIGAN

SHEET TITLE

TYPICAL M.D.O.T. R-28-J SIDEWALK RAMP DETAILS

HRC JOB NO.	SCALE
20181016	NO SCALE
DATE 5-31-2019	SHEET NO. 4 OF

MINIMUM MERGING TAPER LENGTH "L" (FEET)

OFFSET	POSTED SPEED LIMIT, MPH (PRIOR TO WORK AREA)									
FEET	25	30	35	40	45	50	55	60	65	70
1	10	15	20	27	45	50	55	60	65	70
2	21	30	41	53	90	100	110	120	130	140
3	31	45	61	80	135	150	165	180	195	210
4	42	60	82	107	180	200	220	240	260	280
5	52	75	102	133	225	250	275	300	325	350
6	63	90	123	160	270	300	330	360	390	420
7	73	105	143	187	315	350	385	420	455	490
8	83	120	163	213	360	400	440	480	520	560
9	94	135	184	240	405	450	495	540	585	630
10	104	150	204	267	450	500	550	600	650	700
11	115	165	225	293	495	550	605	660	715	770
12	125	180	245	320	540	600	660	720	780	840
13	135	195	266	347	585	650	715	780	845	910
14	146	210	286	374	630	700	770	840	910	980
15	157	225	307	400	675	750	825	900	975	1050

TAPER LENGTH "L" IN FEET

THE FORMULAS FOR THE MINIMUM LENGTH OF A MERGING TAPER IN DERIVING THE "L" VALUES SHOWN IN THE ABOVE TABLES ARE AS FOLLOWS:

$"L" = \frac{W \times S^2}{60}$ WHERE POSTED SPEED PRIOR TO THE WORK AREA IS 40 MPH OR LESS

$"L" = S \times W$ WHERE POSTED SPEED PRIOR TO THE WORK AREA IS 45 MPH OR GREATER

L = MINIMUM LENGTH OF MERGING TAPER
S = POSTED SPEED LIMIT IN MPH PRIOR TO WORK AREA
W = WIDTH OF OFFSET

TYPES OF TAPERS	TAPER LENGTH
UPSTREAM TAPERS	
MERGING TAPER	L - MINIMUM
SHIFTING TAPER	1/2 L - MINIMUM
SHOULDER TAPER	1/3 L - MINIMUM
TWO-WAY TRAFFIC TAPER	100 ' - MAXIMUM
DOWNSTREAM TAPERS (USE IS OPTIONAL)	100 ' - MINIMUM (PER LANE)

[redacted]

MDOT Michigan Department of Transportation
TRAFFIC AND SAFETY
MAINTAINING TRAFFIC TYPICAL
TABLES FOR "L", "D" AND "B" VALUES
DRAWN BY: CON:AE:djf | CHECKED BY: BMM | JUNE 2006 PLAN DATE: | M0020a | SHEET 1 OF 2
FILE: K:/DGN/TSR/STDS/ENGLISH/MNTTRF/M0020a.dgn REV. 08/21/2006

DISTANCE BETWEEN TRAFFIC CONTROL DEVICES "D" AND LENGTH OF LONGITUDINAL BUFFER SPACE ON "WHERE WORKERS PRESENT" SEQUENCES

"D"	POSTED SPEED LIMIT, MPH (PRIOR TO WORK AREA)									
DISTANCES	25	30	35	40	45	50	55	60	65	70
D (FEET)	250	300	350	400	450	500	550	600	650	700

GUIDELINES FOR LENGTH OF LONGITUDINAL BUFFER SPACE "B"

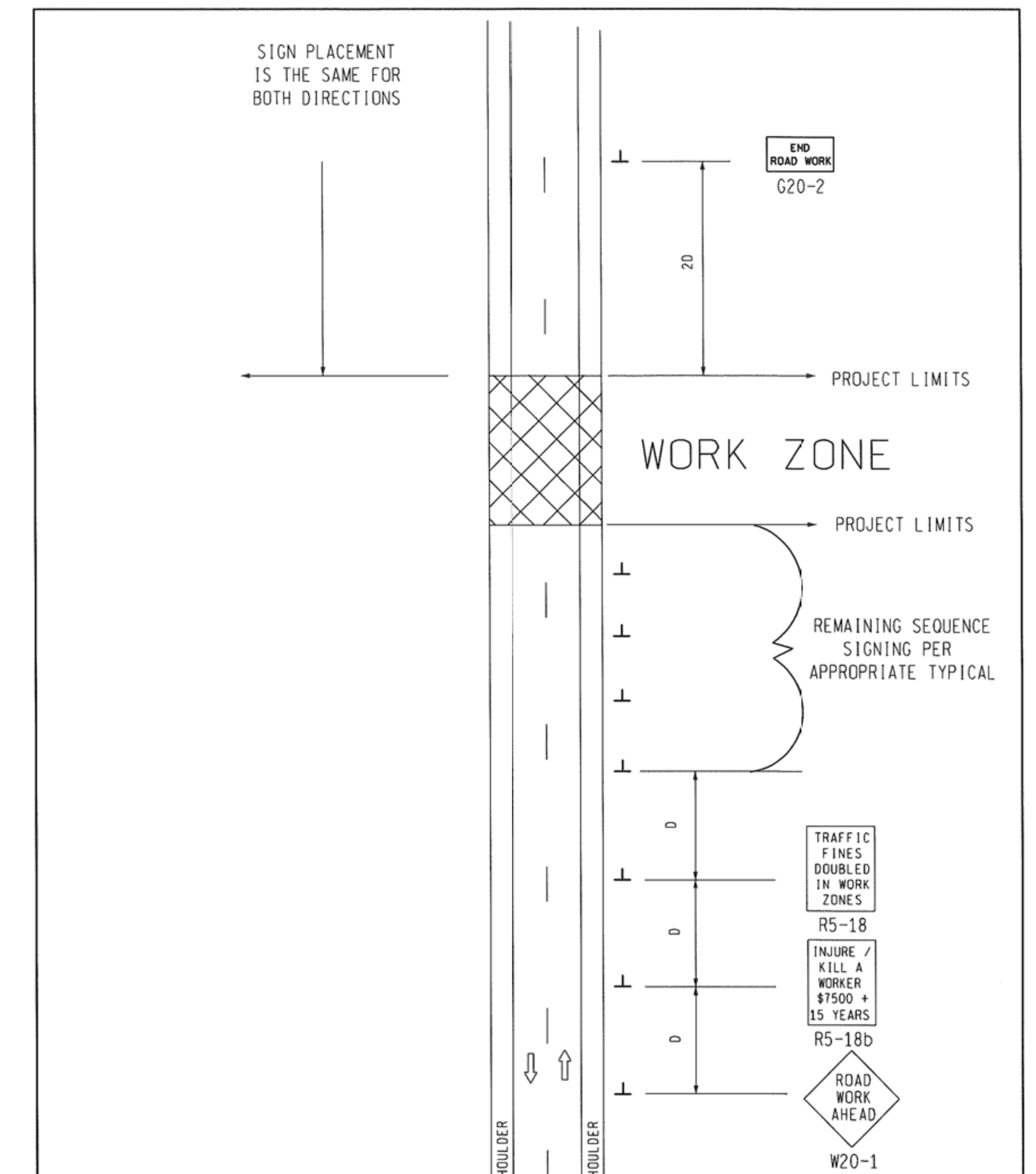
SPEED* MPH	LENGTH FEET
20	33
25	50
30	83
35	132
40	181
45	230
50	279
55	329
60	411
65	476
70	542

* POSTED SPEED, OFF PEAK 85TH PERCENTILE SPEED PRIOR TO WORK STARTING, OR THE ANTICIPATED OPERATING SPEED

1 BASED UPON AMERICAN ASSOCIATION OF STATE HIGHWAY AND TRANSPORTATION OFFICIALS (AASHTO) BRAKING DISTANCE PORTION OF STOPPING SIGHT DISTANCE FOR WET AND LEVEL PAVEMENTS (A POLICY ON GEOMETRIC DESIGN OF HIGHWAY AND STREETS), AASHTO. THIS AASHTO DOCUMENT ALSO RECOMMENDS ADJUSTMENTS FOR THE EFFECT OF GRADE ON STOPPING AND VARIATION FOR TRUCKS.

[redacted]

MDOT Michigan Department of Transportation
TRAFFIC AND SAFETY
MAINTAINING TRAFFIC TYPICAL
TABLES FOR "L", "D" AND "B" VALUES
DRAWN BY: CON:AE:djf | CHECKED BY: BMM | JUNE 2006 PLAN DATE: | M0020a | SHEET 2 OF 2
FILE: K:/DGN/TSR/STDS/ENGLISH/MNTTRF/M0020a.dgn REV. 08/21/2006



SIGN = 48 ft2 - TYPE B
FOR ONE DIRECTION OF TRAFFIC
W20-1 QUANTITY INCLUDED WITH
APPROPRIATE TYPICAL FOR
SEQUENCE SIGNING

NOT TO SCALE

MDOT Michigan Department of Transportation
TRAFFIC AND SAFETY
MAINTAINING TRAFFIC TYPICAL
TYPICAL ADVANCE SIGNING TREATMENT FOR INTERMEDIATE AND SHORT TERM STATIONARY WORK ZONE OPERATIONS WHERE ALL TRAFFIC CONTROL DEVICES ARE REMOVED AT END OF EACH WORK DAY ON AN UNDIVIDED TWO-WAY ROADWAY
DRAWN BY: CON:AE:djf | CHECKED BY: BMM:CRB | OCTOBER 2011 PLAN DATE: | M0050a | SHEET 1 OF 2
FILE: PW RD/TS/Typicals/Signs/MT NON FWY/M0050a.dgn REV. 10/13/2011

NOTES

30. THE APPROPRIATE ADVANCE SIGNING SEQUENCE(S), (M0030a THROUGH M0080a) SHALL BE USED ON ALL PROJECTS.

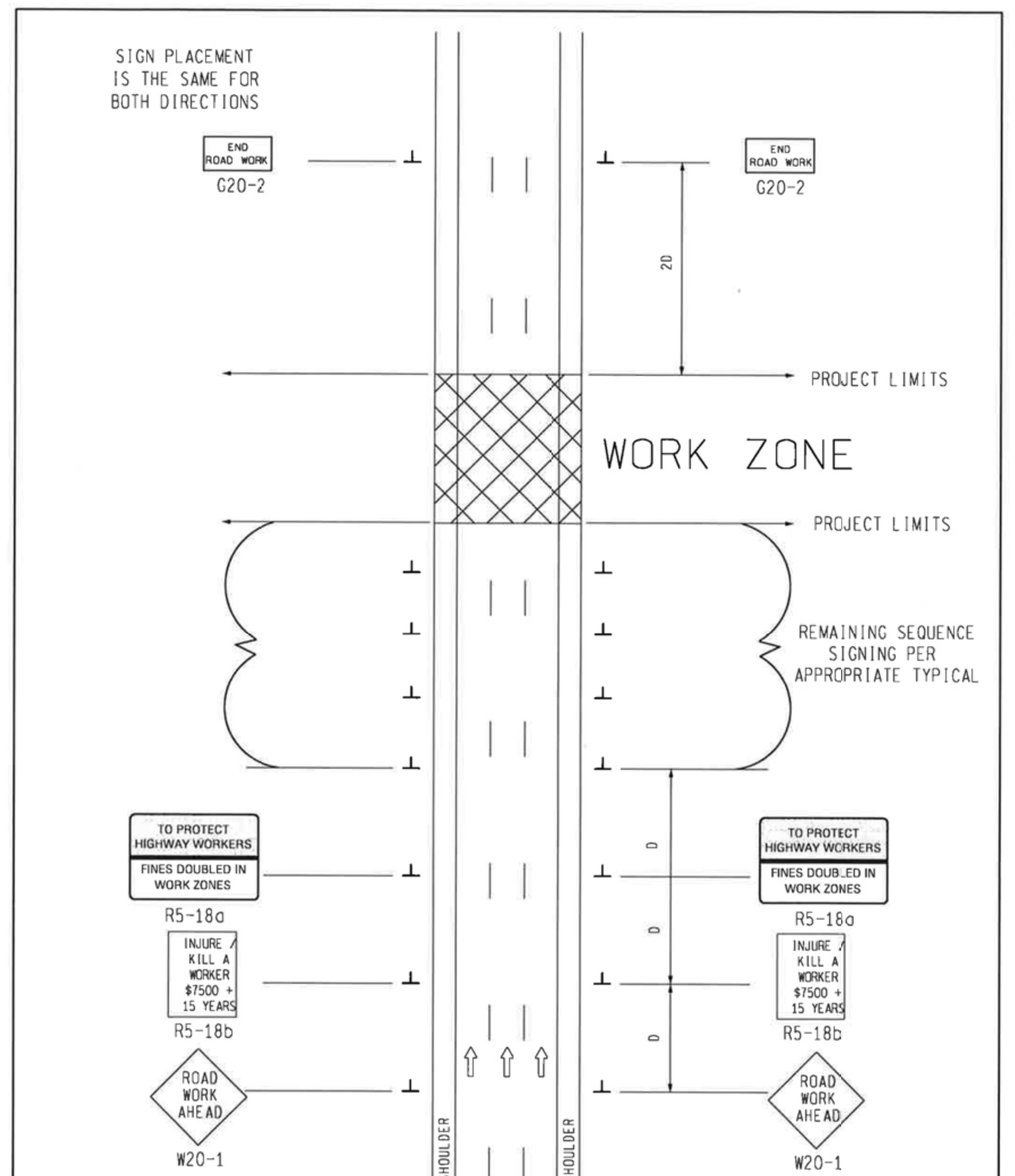
35. THESE SIGNS ARE INTENDED TO BE USED WITHIN THE LIMITS OF THE TEMPORARY SEQUENCE SIGNING AS IS SHOWN ON 1 OF 2. THESE SIGNS ARE NOT TO BE INTERMINGLED WITH ANY OTHER TEMPORARY SEQUENCE SIGNING EXCEPT AS SHOWN.

SIGN SIZES

G20-2	-	48" x 24"
R5-18	-	48" x 60"
R5-18b	-	48" x 60"
W20-1	-	48" x 48"

NOT TO SCALE

MDOT Michigan Department of Transportation
TRAFFIC AND SAFETY
MAINTAINING TRAFFIC TYPICAL
TYPICAL ADVANCE SIGNING TREATMENT FOR INTERMEDIATE AND SHORT TERM STATIONARY WORK ZONE OPERATIONS WHERE ALL TRAFFIC CONTROL DEVICES ARE REMOVED AT END OF EACH WORK DAY ON AN UNDIVIDED TWO-WAY ROADWAY
DRAWN BY: CON:AE:djf | CHECKED BY: BMM:CRB | OCTOBER 2011 PLAN DATE: | M0050a | SHEET 2 OF 2
FILE: PW RD/TS/Typicals/Signs/MT NON FWY/M0050a.dgn REV. 10/13/2011



SIGN = 136 ft2 - TYPE B
FOR ONE DIRECTION OF TRAFFIC
W20-1 QUANTITY INCLUDED WITH
APPROPRIATE TYPICAL FOR
SEQUENCE SIGNING

NOT TO SCALE

MDOT Michigan Department of Transportation
TRAFFIC AND SAFETY
MAINTAINING TRAFFIC TYPICAL
TYPICAL ADVANCE SIGNING TREATMENT FOR LONG, INTERMEDIATE AND SHORT TERM STATIONARY WORK ZONE OPERATIONS OF LESS THAN TWO MILES IN LENGTH WHERE TRAFFIC CONTROL DEVICES MAY REMAIN AT END OF WORK DAY ON A DIVIDED ROADWAY.
DRAWN BY: CON:AE:djf | CHECKED BY: BMM:CRB | OCTOBER 2011 PLAN DATE: | M0070a | SHEET 1 OF 2
FILE: PW RD/TS/Typicals/Signs/MT NON FWY/M0070a.dgn REV. 10/13/2011

NOTES

30. THE APPROPRIATE ADVANCE SIGNING SEQUENCE(S), (M0030a THROUGH M0080a) SHALL BE USED ON ALL PROJECTS.

32. THESE SIGNS SHALL BE LEFT IN PLACE AT THEIR PRESCRIBED LOCATIONS FOR THE DURATION OF THE PROJECT AND UNTIL ALL TEMPORARY TRAFFIC CONTROL HAS BEEN REMOVED.

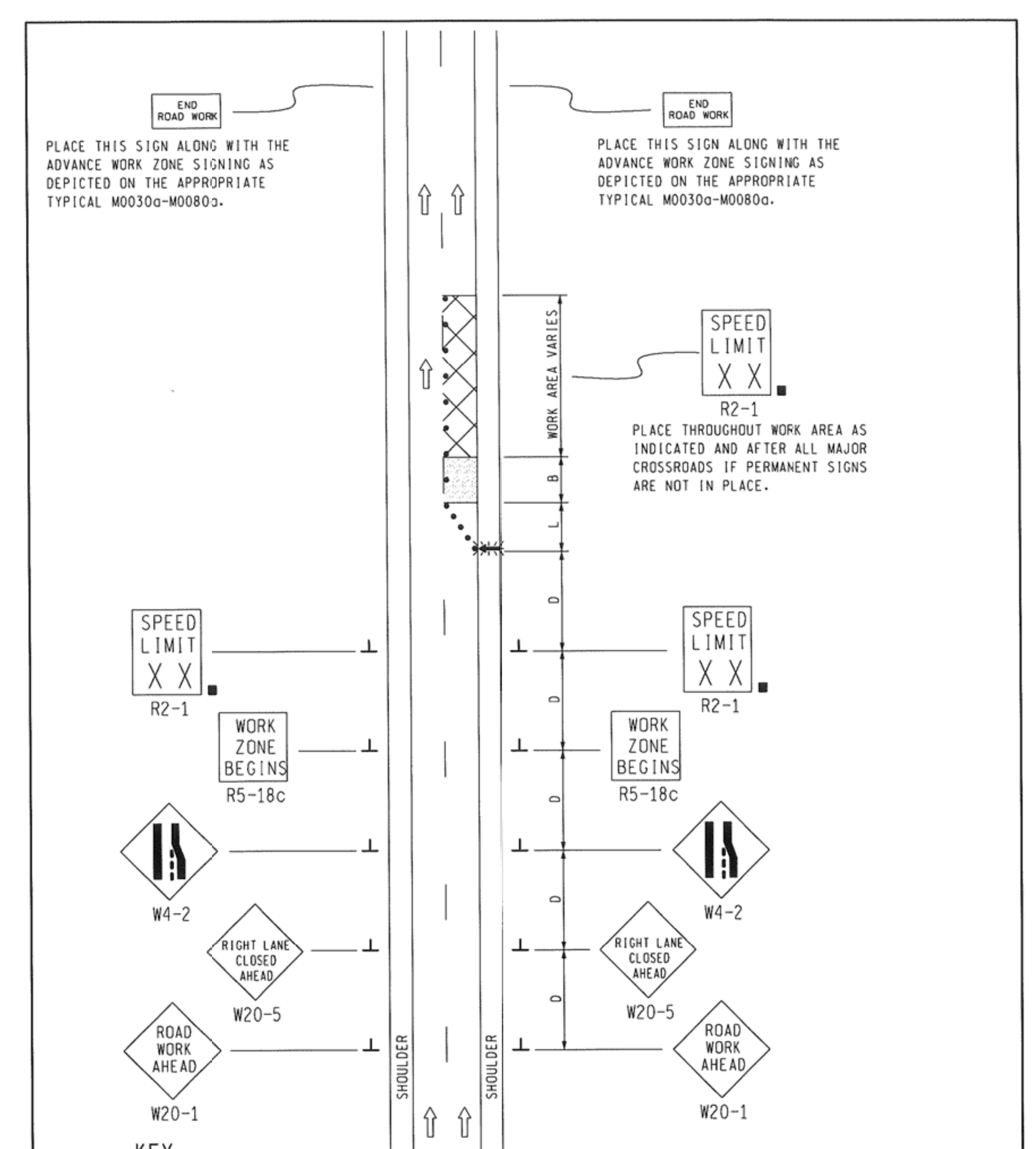
35. THESE SIGNS ARE INTENDED TO BE USED WITHIN THE LIMITS OF THE TEMPORARY SEQUENCE SIGNING AS IS SHOWN ON 1 OF 2. THESE SIGNS ARE NOT TO BE INTERMINGLED WITH ANY OTHER TEMPORARY SEQUENCE SIGNING EXCEPT AS SHOWN.

SIGN SIZES

G20-2	-	48" x 24"
R5-18c	-	96" x 60"
R5-18b	-	48" x 60"
W20-1	-	48" x 48"

NOT TO SCALE

MDOT Michigan Department of Transportation
TRAFFIC AND SAFETY
MAINTAINING TRAFFIC TYPICAL
TYPICAL ADVANCE SIGNING TREATMENT FOR LONG, INTERMEDIATE AND SHORT TERM STATIONARY WORK ZONE OPERATIONS OF LESS THAN TWO MILES IN LENGTH WHERE TRAFFIC CONTROL DEVICES MAY REMAIN AT END OF WORK DAY ON A DIVIDED ROADWAY.
DRAWN BY: CON:AE:djf | CHECKED BY: BMM:CRB | OCTOBER 2011 PLAN DATE: | M0070a | SHEET 2 OF 2
FILE: PW RD/TS/Typicals/Signs/MT NON FWY/M0070a.dgn REV. 10/13/2011



KEY

- CHANNELIZING DEVICES
- LIGHTED ARROW PANEL
- TRAFFIC FLOW
- REFLECTS EXISTING SPEED LIMIT

SIGN = 168 ft2 - TYPE B
PLUS ADDITIONAL R2-1's
THROUGHOUT WORK AREA

NOT TO SCALE

MDOT Michigan Department of Transportation
TRAFFIC AND SAFETY
MAINTAINING TRAFFIC TYPICAL
TYPICAL TEMPORARY TRAFFIC CONTROL FOR A ONE-LANE CLOSURE ON A DIVIDED ROADWAY, NO SPEED REDUCTION
DRAWN BY: CON:AE:djf | CHECKED BY: BMM:CRB | OCTOBER 2011 PLAN DATE: | M0730a | SHEET 1 OF 2
FILE: PW RD/TS/Typicals/Signs/MT NON FWY/M0730a.dgn REV. 10/26/2011

NOTES

1B. D = DISTANCE BETWEEN TRAFFIC CONTROL DEVICES
L = MINIMUM LENGTH OF TAPER
B = LENGTH OF LONGITUDINAL BUFFER
SEE **M0020a** FOR "D," "L," AND "B" VALUES

2. ALL NON-APPLICABLE SIGNING WITHIN THE CIA SHALL BE MODIFIED TO FIT CONDITIONS, COVERED OR REMOVED.

3. DISTANCES BETWEEN SIGNS, THE VALUES FOR WHICH ARE SHOWN IN TABLE D, ARE APPROXIMATE AND MAY NEED ADJUSTING AS DIRECTED BY THE ENGINEER.

3A. THE "WORK ZONE BEGINS" (R5-18c) SIGN SHALL BE USED ONLY IN THE INITIAL SIGNING SEQUENCE IN THE WORK ZONE. SUBSEQUENT SEQUENCES IN THE SAME WORK ZONE SHALL OMIT THIS SIGN AND THE QUANTITIES SHALL BE ADJUSTED APPROPRIATELY.

4E. THE MAXIMUM RECOMMENDED DISTANCE(S) BETWEEN CHANNELIZING DEVICES SHOULD BE EQUAL IN FEET TO THE POSTED SPEED IN MILES PER HOUR ON TAPER(S) AND TWICE THE POSTED SPEED IN THE PARALLEL AREA(S).

5. FOR OVERNIGHT CLOSURES, TYPE III BARRICADES SHALL BE LIGHTED.

6. WHEN CALLED FOR IN THE FHWA ACCEPTANCE LETTER FOR THE SIGN SYSTEM SELECTED, THE TYPE A WARNING FLASHER, SHOWN ON THE WARNING SIGNS, SHALL BE POSITIONED ON THE SIDE OF THE SIGN NEAREST THE ROADWAY.

7. ALL TEMPORARY SIGNS, TYPE III BARRICADES, THEIR SUPPORT SYSTEMS AND LIGHTING REQUIREMENTS SHALL MEET NCHRP 350 CRASHWORTHLY REQUIREMENTS STIPULATED IN THE CURRENT EDITION OF THE MICHIGAN MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, THE CURRENT EDITION OF THE STANDARD SPECIFICATIONS FOR CONSTRUCTION, THE STANDARD PLANS AND APPLICABLE SPECIAL PROVISIONS. ONLY DESIGNS AND MATERIALS APPROVED BY MDOT WILL BE ALLOWED.

8. WHEN BUFFER AREAS ARE ESTABLISHED, THERE SHALL BE NO EQUIPMENT OR MATERIALS STORED OR WORK CONDUCTED IN THE BUFFER AREA.

21. ALL EXISTING PAVEMENT MARKINGS WHICH ARE IN CONFLICT WITH EITHER PROPOSED CHANGES IN TRAFFIC PATTERNS OR PROPOSED TEMPORARY TRAFFIC MARKINGS, SHALL BE REMOVED BEFORE ANY CHANGE IS MADE IN THE TRAFFIC PATTERN. EXCEPTION WILL BE MADE FOR DAYTIME-ONLY TRAFFIC PATTERNS THAT ARE ADEQUATELY DELINEATED BY OTHER TRAFFIC CONTROL DEVICES.

26. THE LIGHTED ARROW PANEL SHALL BE LOCATED AT THE BEGINNING OF THE TAPER AS SHOWN. WHEN PHYSICAL LIMITATIONS RESTRICT ITS PLACEMENT AS INDICATED, THEN IT SHALL BE PLACED AS CLOSE TO THE BEGINNING OF THE TAPER AS POSSIBLE.

SIGN SIZES

DIAMOND WARNING	-	48" x 48"
R2-1 REGULATORY	-	48" x 60"
R5-18c REGULATORY	-	48" x 48"

NOT TO SCALE

MDOT Michigan Department of Transportation
TRAFFIC AND SAFETY
MAINTAINING TRAFFIC TYPICAL
TYPICAL TEMPORARY TRAFFIC CONTROL FOR A ONE-LANE CLOSURE ON A DIVIDED ROADWAY, NO SPEED REDUCTION
DRAWN BY: CON:AE:djf | CHECKED BY: BMM:CRB | OCTOBER 2011 PLAN DATE: | M0730a | SHEET 2 OF 2
FILE: PW RD/TS/Typicals/Signs/MT NON FWY/M0730a.dgn REV. 10/26/2011

BLOOMFIELD TOWNSHIP 1827

HRC
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FAX (1st. Floor): (248) 454-6312
FAX (2nd. Floor): (248) 454-6359
WEB SITE: http: / / www.hrcengr.com

DATE	ISSUED FOR / ADDITIONS / REVISIONS
6/10/19	ISSUED FOR OWNER'S REVIEW

DESIGNED	C.O.B.
DRAWN	C.O.B.
CHECKED	C.H.S.
APPROVED	C.H.S.

KEY PLAN

PROJECT TITLE

TOWNSHIP OF BLOOMFIELD

WOODWARD AVENUE PEDESTRIAN CROSSING

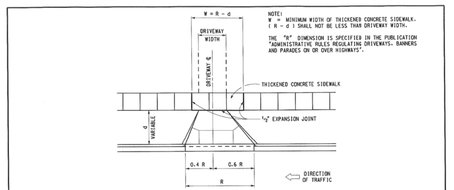
OAKLAND COUNTY MICHIGAN

SHEET TITLE

M.D.O.T. MAINTAINING TRAFFIC & SIGNAGE TYPICAL DETAILS

HRC JOB NO.	SCALE
20181016	NO SCALE
DATE 5-31-2019	SHEET NO. 5 OF

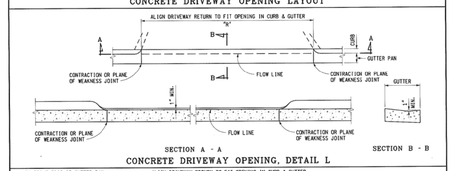
D000, TTTT
07012015HRC.tbl
V:\201810\20181016\C\Div. AA Header Sheets\Woodward_Big_Beaver\c05_MDOT_Traffic_Details.dgn
cbauer



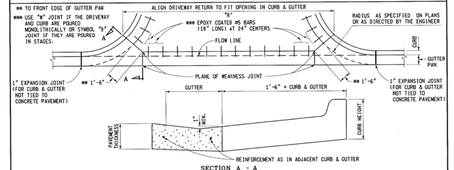
NOTE:
W = MINIMUM WIDTH OF THICKENED CONCRETE SIDEWALK.
(R - d) SHALL NOT BE LESS THAN DRIVEWAY WIDTH.

THE "R" DIMENSION IS SPECIFIED IN THE PUBLICATION "ADMINISTRATIVE RULES REGULATING DRIVEWAYS, BANNERS AND PARADES ON OR OVER HIGHWAYS".

CONCRETE DRIVEWAY OPENING LAYOUT



CONCRETE DRIVEWAY OPENING, DETAIL L



CONCRETE DRIVEWAY OPENING, DETAIL M

NOTE:
FOR HIGHWAYS WITH CONCRETE PAVEMENTS, LONGITUDINAL LANE TIES WILL BE CONTINUOUS THROUGH THE DRIVEWAY OPENING AND THE SPACING OF THE #5 BARS IN CONCRETE DRIVEWAYS SHALL BE ADJUSTED TO AVOID CONFLICT WITH THE LONGITUDINAL LANE TIES.

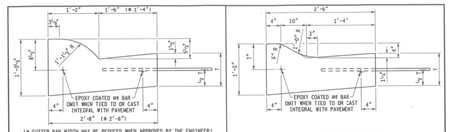
MICHIGAN DEPARTMENT OF TRANSPORTATION
BUREAU OF HIGHWAY DEVELOPMENT STANDARD PLAN FOR

DRIVEWAY OPENINGS & APPROACHES, AND CONCRETE SIDEWALK

9-30-2014	7-1-2014	R-29-I	SHEET 2 OF 4
F.H.W.A. APPROVAL	PLAN DATE		

PREPARED BY DESIGN DIVISION
DRAWN BY: R.L.T.
CHECKED BY: R.L.T.

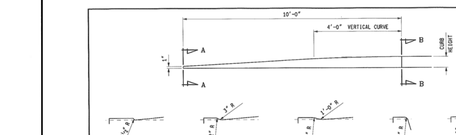
DEPARTMENT DIRECTOR
Kirk T. Steudle
APPROVED BY: DIRECTOR, BUREAU OF FIELD SERVICES
APPROVED BY: DIRECTOR, BUREAU OF HIGHWAY DEVELOPMENT



(# GUTTER PAN WIDTH MAY BE REDUCED WHEN APPROVED BY THE ENGINEER)

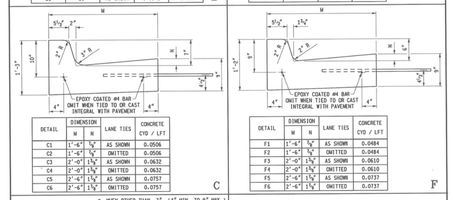
DETAIL	DIMENSION T	LANE TIES	CONCRETE CYD / LFT
B1	9"	AS SHOWN	0.0900 (# 0.0851)
B2	9"	OMITTED	0.0900 (# 0.0851)
B3	10"	AS SHOWN	0.0941 (# 0.0894)

B



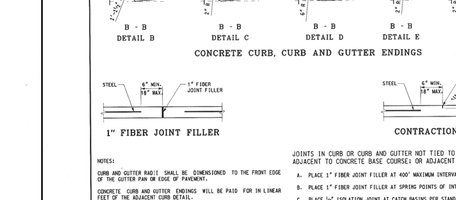
DETAIL	DIMENSION T	LANE TIES	CONCRETE CYD / LFT
D1	9"	AS SHOWN	0.0788
D2	9"	OMITTED	0.0788
D3	10"	AS SHOWN	0.0826

D



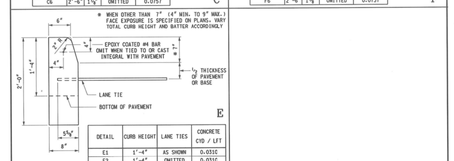
DETAIL	DIMENSION W	DIMENSION H	LANE TIES	CONCRETE CYD / LFT
C1	1'-6"	5"	AS SHOWN	0.0506
C2	1'-6"	5"	OMITTED	0.0506
C3	2'-0"	1½"	AS SHOWN	0.0632
C4	2'-0"	1½"	OMITTED	0.0632
C5	2'-6"	1½"	AS SHOWN	0.0757
C6	2'-6"	1½"	OMITTED	0.0757

C



DETAIL	DIMENSION W	DIMENSION H	LANE TIES	CONCRETE CYD / LFT
F1	1'-6"	5"	AS SHOWN	0.0494
F2	1'-6"	5"	OMITTED	0.0494
F3	2'-0"	1½"	AS SHOWN	0.0610
F4	2'-0"	1½"	OMITTED	0.0610
F5	2'-6"	1½"	AS SHOWN	0.0737
F6	2'-6"	1½"	OMITTED	0.0737

F



DETAIL	CURB HEIGHT	LANE TIES	CONCRETE CYD / LFT
E1	1'-4"	AS SHOWN	0.031C
E2	1'-4"	OMITTED	0.031C
E4	2'-0"	OMITTED	0.0477

E

MDOT Michigan Department of Transportation

MICHIGAN DEPARTMENT OF TRANSPORTATION
BUREAU OF HIGHWAY DEVELOPMENT STANDARD PLAN FOR

CONCRETE CURB AND CONCRETE CURB & GUTTER

9-30-2014	2-6-2014	R-30-G	SHEET 1 OF 2
F.H.W.A. APPROVAL	PLAN DATE		

CONCRETE CURB, CURB AND GUTTER ENDINGS

1" FIBER JOINT FILLER

NOTES:

CURB AND GUTTER RADII SHALL BE DIMENSIONED TO THE FRONT EDGE OF THE GUTTER PAN OR EDGE OF PAVEMENT.

CONCRETE CURB AND GUTTER ENDINGS WILL BE PAID FOR IN LINEAR FEET OF THE ADJACENT CURB DETAIL.

JOINTS SHALL BE PLACED AT RIGHT ANGLES TO THE EDGE OF CONCRETE CURB AND GUTTER.

JOINTS DETAILED ON THE PLANS SHALL SUPERSEDE THOSE SPECIFIED ON THIS STANDARD PLAN.

BOTTOM SLOPE OF CURB AND GUTTER STRUCTURE MAY BE THE SAME SLOPE AS BOTTOM OF PAVEMENT. BACK OF CURB AND VERTICAL EDGE OF GUTTER PAN MAY HAVE A MAXIMUM ½" BATTER TO FACILITATE FORMING.

WHEN CURB AND GUTTER IS CAST INTEGRALLY, SEE CURRENT STANDARD PLAN R-31-SERIES.

ALL JOINTS FOR CURB OR CURB AND GUTTER ARE INCLUDED IN THE PAY ITEM FOR THE CURB OR CURB AND GUTTER.

CONTRACTION JOINT

JOINTS IN CURB OR CURB AND GUTTER NOT TIED TO CONCRETE PAVEMENT: ADJACENT TO CONCRETE BASE COURSE: OR ADJACENT TO HMA PAVEMENT:

A. PLACE 1" FIBER JOINT FILLER AT 400' MAXIMUM INTERVALS.
B. PLACE 1" FIBER JOINT FILLER AT SPRING POINTS OF INTERSECTING STREETS.
C. PLACE ½" ISOLATION JOINT AT CATCH BASINS PER STANDARD PLAN R-37-SERIES.
D. PLACE CONTRACTION JOINTS AT 40' MAXIMUM INTERVALS.

JOINTS IN CURB OR CURB AND GUTTER TIED TO JOINTED PAVEMENT

A. PLACE 1" FIBER JOINT FILLER OPPOSITE ALL TRANSVERSE EXPANSION JOINTS IN PAVEMENT.
B. PLACE ½" ISOLATION JOINT AT CATCH BASINS PER STANDARD PLAN R-37-SERIES.
C. PLACE CONTRACTION JOINTS OPPOSITE ALL TRANSVERSE CONTRACTION JOINTS IN PAVEMENT.
D. A SYMBOL (B) JOINT SHALL BE PLACED BETWEEN CURB OR CURB AND GUTTER AND ADJACENT CONCRETE PAVEMENT AS SPECIFIED ON STANDARD PLAN R-41-SERIES.

MICHIGAN DEPARTMENT OF TRANSPORTATION
BUREAU OF HIGHWAY DEVELOPMENT STANDARD PLAN FOR

CONCRETE CURB AND CONCRETE CURB & GUTTER

9-30-2014	2-6-2014	R-30-G	SHEET 2 OF 2
F.H.W.A. APPROVAL	PLAN DATE		

NOTE: EPOXY COATED #4 BAR REQUIRED AT ALL LOCATIONS WHERE MEETING EXISTING CURB OR CONCRETE PAVEMENT

BLOOMFIELD TOWNSHIP 1827

HRC
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FAX (1st. Floor): (248) 454-6312
FAX (2nd. Floor): (248) 454-6359

WEB SITE: http: // www.hrcengr.com

6/10/19	ISSUED FOR OWNER'S REVIEW
DATE	ISSUED FOR / ADDITIONS / REVISIONS
DESIGNED	C.O.B.
DRAWN	C.O.B.
CHECKED	C.H.S.
APPROVED	C.H.S.

KEY PLAN

PROJECT TITLE

TOWNSHIP OF BLOOMFIELD

WOODWARD AVENUE PEDESTRIAN CROSSING

OAKLAND COUNTY — MICHIGAN

SHEET TITLE

M.D.O.T.
DRIVEWAY APPROACHES
CONCRETE CURB

HRC JOB NO.	SCALE
20181016	NO SCALE
DATE	SHEET NO.
5-31-2019	6 OF

SCALE: 1" = 20' (11"x17")
SCALE: 1" = 10' (22"x34")

N

BIG BEAVER ROAD

WOODWARD AVE
NORTH
SOUTH

WOODWARD AVENUE

6" CONC. SAFETY PATH RAMP/ LANDING MDOT R-28-I	- 108 SFT
DETECTABLE WARNING SURFACE, CAST IRON	- 5 FT
CURB RAMP OPENING, CONC	- 14 FT
REMOVE CURB AND GUTTER	- 14 FT

PAVT MRKG. POLYUREA, 12 INCH, CROSSWALK	-150 FT

* PER MDOT PAVE-945

FDN. PERFORATED STEEL SQUARE TUBE SIGN BREAKAWAY SYSTEM REM	- 3 EA
SIGN, TYPE II, REM	- 1 EA
SIGN, TYPE II, ERECT, SALV	- 1 EA
POST, WOOD, 6 INCH BY 8 INCH	- 32 FT

PROTECT SIGNAL STRAIN POLE

4" CONC. SAFETY PATH MDOT R-28-I	- 144 SFT

PAVT MRKG. POLYUREA, 12 INCH, CROSSWALK	-200 FT

* PER MDOT PAVE-945

CONSTRUCT 14" ROLLED CURB WITH SIDEWALK. INCLUDED IN THE COST OF THE SIDEWALK PAY ITEMS.

PROTECT EXISTING PEDESTAL AND FOUNDATION

REMOVE KEYSTONE RETAINING WALL - 40 SFT

4" CONC. SAFETY PATH MDOT R-28-I	- 28 SFT
REMOVE SIDEWALK	- 4 SYD

NO TURN ON RED

SIGN, TYPE III, REM	- 1 EA
SIGN, TYPE III, ERECT, SALV	- 1 EA
POST, STEEL, 3 LB	- 14 FT

6" CONC. SAFETY PATH RAMP/ LANDING MDOT R-28-I	- 93 SFT
DETECTABLE WARNING SURFACE, CAST IRON	- 5 FT
CURB RAMP OPENING, CONC	- 12 FT
REMOVE CURB AND GUTTER	- 12 FT

6" CONC. SAFETY PATH RAMP/ LANDING MDOT R-28-I	- 103 SFT
DETECTABLE WARNING SURFACE, CAST IRON	- 5 FT
CURB RAMP OPENING, CONC	- 14 FT
REMOVE CURB AND GUTTER	- 14 FT

PAVT MRKG. POLYUREA, 24 INCH, STOP BAR	- 60 FT

* PER MDOT PAVE-945

REM SPEC MRKG	- 130 SFT

6" CONC. SAFETY PATH RAMP/ LANDING MDOT R-28-I	- 165 SFT
DETECTABLE WARNING SURFACE, CAST IRON	- 14 FT
CURB RAMP OPENING, CONC	- 27 FT
REMOVE CURB AND GUTTER	- 27 FT
REMOVE SIDEWALK	- 15 SYD

SIGN, TYPE III, REM	- 1 EA
SIGN, TYPE III, ERECT, SALV	- 1 EA
POST, STEEL, 3 LB	- 14 FT

QUANTITY BOX - THIS SHEET

ITEM	QTY	UNIT
Mobilization, Max 10%	1	LS
Curb and Gutter, Rem	67	Ft
Embankment, CIP	15	Cyd
Excavation, Earth	50	Cyd
Aggregate Base, 4 inch	88	Syd
Aggregate Base, 8 inch	20	Syd
Hand Patching	5	Ton
Sidewalk, Rem	19	Syd
HMA Surface, Rem	10	Syd
Lane Tie, Epoxy Anchored	16	Ea
Curb Ramp Opening, Conc	67	Ft
Detectable Warning Surface, Cast Iron	29	Ft
Sidewalk, Conc, 4 inch	316	Sft
Sidewalk Ramp, Conc, 6 inch	469	Sft
Turf Establishment, Performance, Modified	100	Syd
Remove Keystone Retaining Wall	40	Sft
Pavt Mrkg, Polyurea, 12 inch, Crosswalk	350	Ft
Pavt Mrkg, Polyurea, 24 inch, Stop Bar	60	Ft
Sign, Type II, Rem	1	Ea
Sign, Type II, Erect, Salv	1	Ea
Sign, Type III, Rem	2	Ea
Sign, Type III, Erect, Salv	2	Ea
Fdn, Perforated Steel Square Tube Sign Breakaway System Rem	3	Ea
Post, Wood, 6 inch by 8 inch	32	Ft
Post, Steel, 3 lb	28	Ft
Rem Spec Mrkg	130	Sft
Maintaining Traffic	1	LS

LEGEND

- PROPOSED CONCRETE SAFETY PATH
- PROPOSED CONCRETE APPROACH (High Early) OR SIDEWALK RAMP/LANDING
- ×××××× CURB REMOVAL
- PAVEMENT REMOVAL
- PROPOSED CONCRETE CURB AND GUTTER

BLOOMFIELD TOWNSHIP 1827

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WEB SITE: http: // www.hrcengr.com

DATE	ADDITIONS AND/OR REVISIONS
6/10/2019	ISSUED FOR OWNER'S REVIEW
5/13/2019	MDOT PERMIT SUBMITTAL

DESIGNED	C.O.B.
DRAWN	C.O.B.
CHECKED	C.H.S.
APPROVED	C.H.S.

KEY PLAN

PROJECT TITLE

TOWNSHIP OF BLOOMFIELD

WOODWARD AVENUE PEDESTRIAN CROSSING

OAKLAND COUNTY MICHIGAN

SHEET TITLE

CONSTRUCTION PLAN
WOODWARD AVENUE
AT BIG BEAVER ROAD

HRC JOB NO.	SCALE
20181016	1"= 10'
DATE	SHEET NO.
5/13/2019	7 OF

D:\DDD. TTT

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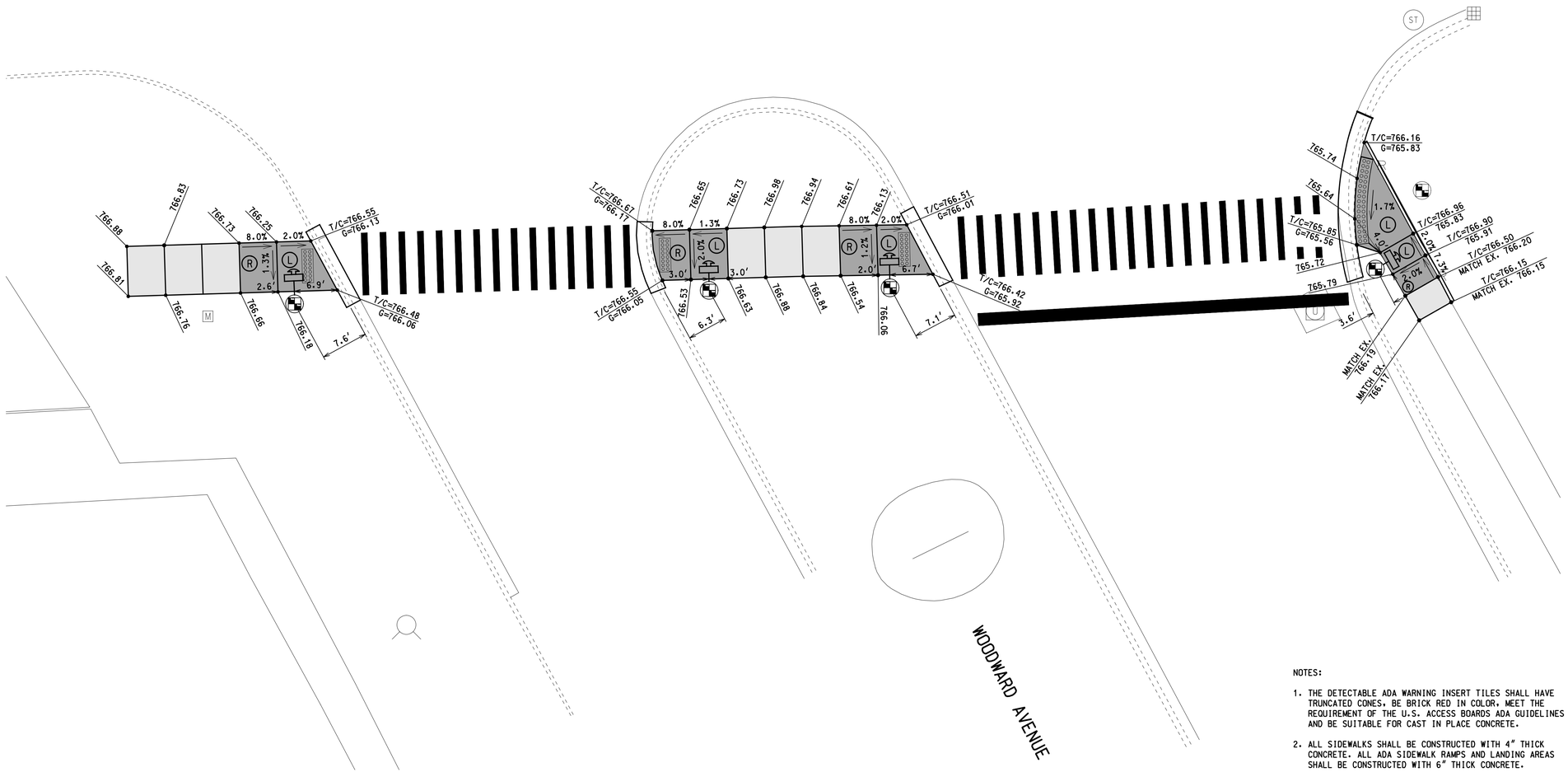
V:\20181016\20181016\V\Sheets\c010_plan01.dgn

cbauer

N

SCALE: 1" = 20' (11"x17")

SCALE: 1" = 10' (22"x34")



NOTES:

1. THE DETECTABLE ADA WARNING INSERT TILES SHALL HAVE TRUNCATED CONES, BE BRICK RED IN COLOR, MEET THE REQUIREMENT OF THE U.S. ACCESS BOARDS ADA GUIDELINES AND BE SUITABLE FOR CAST IN PLACE CONCRETE.
2. ALL SIDEWALKS SHALL BE CONSTRUCTED WITH 4" THICK CONCRETE. ALL ADA SIDEWALK RAMPS AND LANDING AREAS SHALL BE CONSTRUCTED WITH 6" THICK CONCRETE.
3. ALL PROPOSED ADA SIDEWALK RAMPS SHALL BE CONSTRUCTED IN ACCORDANCE WITH MDOT SPECIAL DETAIL R-28-J.
4. COORDINATE SIDEWALK CONNECTION ON THE SOUTHWEST CORNER WITH THE CITY OF BIRMINGHAM'S CONTRACTOR.

LEGEND

- (L) – PROPOSED LANDING
- (R) – PROPOSED ADA RAMP
- – PROPOSED ADA WARNING INSERT TILES
- – PROPOSED PUSHBUTTON AND PEDESTAL

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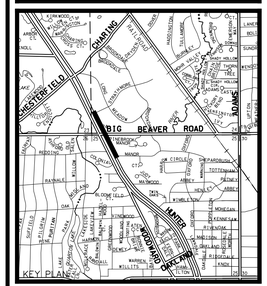


PROJECT TITLE

TOWNSHIP OF BLOOMFIELD

WOODWARD AVENUE PEDESTRIAN CROSSING

OAKLAND COUNTY MICHIGAN

SHEET TITLE

SIDEWALK RAMP DETAILS
WOODWARD AVENUE
AT BIG BEAVER ROAD

HRC JOB NO.	SCALE
20181016	1"= 10'
DATE	SHEET NO.
5/13/2019	8 OF

GENERAL NOTES

UTILITIES

MISS DIG/UNDERGROUND UTILITY NOTIFICATION
For the protection of underground utilities and in conformance with Public Act 174 of 2013, the Contractor shall contact MISS DIG System, Inc. by phone at 811 or 800-482-7171 or via the web at either elocate.missdig.org for single address or rte.missdig.org, a minimum of 3 business days prior to excavating, excluding weekends and holidays.

OUT OF SERVICE UTILITIES
If plan information indicates an existing underground utility is or will be out of service within the limits of this contract, the Contractor is cautioned to treat such a line as if it were still in service and notify "Miss Dig" when working in the area of the out of service facility.

EXISTING WATER MAINS AND SEWERS
The Contractor shall be responsible for any damage to properly identified existing water mains and/or existing sewers during the construction of this project.

SIGNALS

PREVIOUS GENERAL NOTES
Some notes previously included in “General Notes” are now located within the Frequently Used Special Provision titled “Traffic Signal Work - Construction Methods”.

MAINTAINING AGENCY CONTACT INFORMATION
- Road Commission for Oakland County (248-645-2000)

NOTIFICATIONS TO MAINTAINING AGENCIES
Contact MDOT (and any other maintaining agency) seven working days prior to start of construction and seven working days prior to signal activation.

FACILITIES NOT ON PLANS
Existing O.H. & T.S. facilities are not necessarily shown on plans.

EXISTING STREET SIGNS
All traffic street signs such as "no parking", "no standing", etc. shall be transferred from old std. or pole to new std. or pole at same location or in close proximity by the Contractor.

UNDERGROUND UTILITY SEPARATION
A minimum clearance of 3'-6" horizontal & 1'-0" vertical must be maintained between proposed facilities & existing U.G. water facilities.

PLAN DEVIATIONS DURING CONSTRUCTION
No changes from plans in location of supporting structures signal head placement or traffic signal equipment will be allowed without prior approval of the Michigan Department of Transportation, Traffic Signals Unit in Lansing, MI; (517-373-2323).

POLE BAND CLAMP ACCEPTANCE
The current basis of acceptance for this material is now part of the QPL (Qualified Product List). This can be found in the materials Acceptance Requirements Table, published in the MQAP and repeated for convenience in the Materials Source Guide.

SIGNAL HEAD LANDING POINT
Ensure each traffic signal head assembly has its own landing point with all neutrals connected together with a metal type jumper.

SURVEY

GENERAL

- ALIGNMENT POINT MONUMENT
- MONUMENT BOX

CONTROL

- CP CONTROL POINT
- BM BENCHMARK
- REFERENCE – GPS
- REFERENCE – NGS
- REFERENCE – USGS

BOUNDARY

- CITY LIMIT – MAP
- CITY LIMIT
- PARCEL-L – PARCEL – LEGAL
- PARCEL-NL – PARCEL – NON-LEGAL
- PLAT-L – PLAT – LEGAL
- PLAT-NL – PLAT – NON-LEGAL
- ROW – FREE ACCESS
- ROW – LIMITED ACCESS
- SEC – SECTION LINE
- SEC 1/4 – SECTION LINE – QUARTER
- SEC 1/8 – SECTION LINE – EIGHTH
- SEC 1/16 – SECTION LINE – SIXTEENTH
- TOWNSHIP LINE (MAP)
- CONCRETE MONUMENT
- CONTIGUOUS PROPERTY SYMBOL
- PC PARCEL CORNER – CAPPED IRON
- PARCEL CORNER – IRON PIN
- PARCEL CORNER – IRON PIPE
- PARCEL CORNER – NO ID
- 123456 PARCEL NUMBER BOX
- PLAT CORNER
- PROPERTY OWNERSHIP ARROW
- PROPERTY OWNERSHIP ARROW – DOUBLE
- ROW ROW MONUMENT
- SECTION CORNER – CENTER
- SECTION CORNER – MEANDER
- SECTION CORNER – QUARTER
- SECTION CORNER – QUARTER-HALF
- SECTION CORNER – SECTION
- SECTION CORNER – SECTION-HALF
- SECTION CORNER – SIXTEENTH
- SECTION CORNER – WITNESS

MONUMENT PRESERVATION

- PRESERVE – PRESERVE MONUMENT
- PROTECT – PROTECT MONUMENT

GENERAL LABELING

GENERAL

- LEFT TURN ARROW
- TRAFFIC FLOW ARROW

REMOVAL

- A – ABANDON
- B – BULKHEAD
- C – CLEARING
- R – REMOVE
- SALV – SALVAGE
- S – SAVE

CONSTRUCTION

- ADJ – ADJUST
- ADJ-B – ADJUST – STRUC COVER WITH TYPE
- ADJ-B/O – ADJUST – BY OTHERS

REMOVAL AND CONSTRUCTION

- REL-1 – RELOCATE – WITH CASE NUMBER
- REL-B/O – RELOCATE – BY OTHERS

CONSTRUCTION LIMITS

- SSL SSL – SLOPE STAKE LINE

BORINGS

- BH# – BORING

STRUCTURES

- BEAM UNDERCLEARANCE
- REFERENCE POINT
- S01 OF 12345 – STRUCTURE NO. + CONTROL SEC. LABEL

VEGETATION

- BRUSH LINE
- HEDGE LINE
- TREE LINE – CANOPY OR TRUNK
- TREE LINE – TRUNK (TRUNK LINE)
- SHRUB
- TREE – CONIFER
- TREE – DECIDUOUS
- TREE – STUMP

ENVIRONMENTAL

- 26 – EROSION CONTROL – SILT FENCE
- WETLAND – LEGAL
- WETLAND – NON-LEGAL
- CONTAMINATION – MONITORING WELL
- 12 – EROSION CONTROL NUMBER
- EROSION CONTROL – RIPRAP
- W.T. 12' – WATER TABLE – PLAN NOTE
- WETLAND – SPOT EL
- POTENTIALLY CONTAMINATED SITE

ROADSIDE / SITE

- ANTENNA
- BIG ROCK
- FLAG POLE
- PICNIC STOVE
- PICNIC TABLE
- SATELLITE DISH

NOTE:

EXISTING ITEMS ARE REPRESENTED BY THIN LINE WEIGHTS.
PROPOSED ITEMS ARE REPRESENTED BY HEAVIER LINE WEIGHTS.

RAILROAD

- TRACK
- CROSSING – GATE
- RR CROSSING – SIGNAL BOX
- CROSSING – SIGNAL FLASHING
- CROSSING – SYMBOL

SIGNS

- POST – DOUBLE
- POST – SINGLE
- STRUCTURE – CANTILEVER (EXISTING)
- STRUCTURE – CANTILEVER
- STRUCTURE – TRUSS (EXISTING)
- STRUCTURE – TRUSS
- SS SUSPENDED (EXISTING)

MAINTAINING TRAFFIC

- TYPE III BARRICADE
- CHANNELIZING DEVICE – CONE
- CHANNELIZING DEVICE – DRUM
- LIGHT – HIGH INTENSITY TYPE B
- LIGHT – STEADY BURN TYPE C
- LIGHTED ARROW PANEL – BAR
- LIGHTED ARROW PANEL
- PORTABLE CHANGEABLE MESSAGE SIGN
- TRAFFIC REGULATOR
- TEMPORARY SIGN
- TEMPORARY TRAFFIC SIGNAL
- WORK AREA

BARRIERS

- CABLE BARRIER – NOT TO SCALE
- CABLE BARRIER – TRUE SCALE
- CONCRETE BARRIER – DOUBLE FACE
- CONCRETE BARRIER – SINGLE FACE
- FENCE
- GUARDRAIL – NOT TO SCALE
- GUARDRAIL – TRUE SCALE
- NOISE BARRIER
- FENCE POST
- 123 – GUARDRAIL RUN NUMBER
- IMPACT ATTENUATOR
- POST – MAILBOX
- POST – NO ID

SURFACING

REMOVAL

- CONCRETE RUBBLIZING OR HMA CRUSH & SHAPE
- HMA COLDMILLING
- HMA SURFACE REMOVAL AND / OR PAVEMENT REMOVAL

PROPOSED

- AGGREGATE APPROACH
- BRIDGE APPROACH
- HMA APPROACH
- MISCELLANEOUS CONCRETE

SIDEWALK

- SIDEWALK – REMOVAL
- SIDEWALK – CONCRETE RAMP
- SIDEWALK – DETECT. WARNING SURF.
- SIDEWALK – LANDING
- SWR-F – SIDEWALK – RAMP LABEL

TYPICAL SECTION

- CONCRETE – PROPOSED
- HMA – PROPOSED

CURB & GUTTER

- CURB & GUTTER REMOVAL

FINAL ROW PLAN REVISIONS (SUBMITTAL DATE:)							
NO.	DATE	AUTH	DESCRIPTION	NO.	DATE	AUTH	DESCRIPTION

MDOT Michigan Department of Transportation

NO SCALE

	DATE: 5/13/2019	CS: 63051	MDOT LEGEND
	DESIGN UNIT:	JN: PERMIT	M-1 (WOODWARD AVENUE) AT BIG BEAVER ROAD
FILE:	TSC: OAKLAND		BLOOMFIELD TWP, OAKLAND COUNTY

DRAWING	SHEET
10	SECT

UTILITIES

COMBINED SEWER

- COMBINED SEWER
- COMBINED SEWER - OUT OF SERVICE
- COMBINED SEWER - TO BE TAKEN OUT OF SERVICE
- COMBINED SEWER - TO BE REMOVED

COMMUNICATION

- FO — FIBER OPTIC
- FO — FIBER OPTIC - OUT OF SERVICE
- FO-OH — FIBER OPTIC - OVERHEAD
- FIBER OPTIC MARKER
- C — CABLE
- C — CABLE - OUT OF SERVICE
- C-OH — CABLE - OVERHEAD
- CABLE MARKER
- CABLE PEDESTAL
- T — TELEPHONE
- T — TELEPHONE - OUT OF SERVICE
- T-OH — TELEPHONE - OVERHEAD
- TELEPHONE BOX
- TELEPHONE MANHOLE
- TELEPHONE PEDESTAL

FUEL / PETROLEUM

- GASOLINE FILLER PIPE
- GASOLINE PUMP
- GASOLINE UNDERGROUND TANK
- PETRO — PETROLEUM PIPELINE
- PETRO — PETROLEUM PIPELINE - OUT OF SERVICE
- PETROLEUM PIPELINE MARKER
- PETROLEUM WELL
- PROPANE TANK

NATURAL GAS

- G — GAS LINE
- G — GAS LINE - OUT OF SERVICE
- MARKER
- VALVE
- WELL

SANITARY SEWER

- MANHOLE WITH COVER (DIA VARIES)
- SEWER
- SEWER - OUT OF SERVICE
- SEWER - TO BE TAKEN OUT OF SERVICE
- SEWER - TO BE REMOVED

WATER

- FIRE HYDRANT
- GATE VALVE AND BOX
- W — GATE VALVE IN WELL
- IRRIGATION CONTROL VALVE
- IRRIGATION SPRINKLER HEAD
- SERVICE METER
- SERVICE SHUTOFF
- WATER WELL
- I — IRRIGATION
- W — WATER MAIN
- W — WATER MAIN - OUT OF SERVICE
- W — WATER MAIN - TO BE TAKEN OUT OF SERVICE
- W — WATER MAIN - TO BE REMOVED

STEAM

- STEAM — STEAM
- STEAM — STEAM - OUT OF SERVICE

GENERIC EXISTING UTILITIES

- CATCH BASIN COVER
- MANHOLE COVER
- MARKER
- PEDESTAL
- SEWER CLEANOUT ACCESS
- STRUCTURE BOTTOM (DIA VARIES)
- UTILITY BOX
- U — UTILITY

DRAINAGE

- CATCH BASIN W/ COVER (DIA VARIES)
- 12 — DRAINAGE STRUCTURE NUMBER
- DRAIN CASTING
- DROP INLET
- END SECTION (SIZE VARIES)
- FLOW DIRECTION ARROW
- HEADWALL (SIZE VARIES)
- MANHOLE W/ COVER (DIA VARIES)
- MANHOLE BASE W/ COVER (SIZE VARIES)
- MANHOLE TEE W/ COVER (SIZE VARIES)
- OUTLET HEADWALL (SIZE VARIES)
- CULVERT - EXISTING
- CULVERT (SIZE VARIES)
- DITCH CENTERLINE
- STORM SEWER - EXISTING
- STORM SEWER
- STORM SEWER - TO BE REMOVED
- UNDERDRAIN
- WATER EDGE

NOTE:

EXISTING ITEMS ARE REPRESENTED BY THIN LINE WEIGHTS.
PROPOSED ITEMS ARE REPRESENTED BY HEAVIER LINE WEIGHTS.

FINAL ROW PLAN REVISIONS (SUBMITTAL DATE:)							
NO.	DATE	AUTH	DESCRIPTION	NO.	DATE	AUTH	DESCRIPTION

MDOT Michigan Department of Transportation

NO SCALE

	DATE: 5/13/2019	CS: 63051	MDOT LEGEND
	DESIGN UNIT:	JN: PERMIT	M-1 (WOODWARD AVENUE) AT BIG BEAVER ROAD
FILE:	TSC: OAKLAND		BLOOMFIELD TWP, OAKLAND COUNTY

DRAWING	SHEET
11	SECT

ELECTRICAL

- CONTROLLER CABINET - PAD MOUNTED
- HANDHOLE
- MANHOLE
- POLE UTILITY - EXISTING
- POLE UTILITY
- TRANSFORMER - PAD MOUNTED
- TRANSFORMER - POLE MOUNTED
- CABLE
- CABLE - TO BE REMOVED
- CABLE OVERHEAD
- CABLE OVERHEAD - TO BE REMOVED
- CABLE IN CONDUIT
- CABLE IN CONDUIT - TO BE REMOVED
- CABLE IN CONDUIT - DIRECTIONAL BORE

ARCHITECTURAL

- EXIT SIGN WITH EMERGENCY LIGHT
- LIGHT RECESSED FIXTURE
- MOTOR
- OUTLET BOX
- OUTLET SINGLE
- OUTLET TELEPHONE
- SERVICE DISCONNECT
- SERVICE METER
- SWITCH
- SWITCH THREE WAY
- WALL BRACKET FIXTURE

LIGHTING

- CONTROL PANEL - EXISTING
- CONTROL PANEL
- R&S LIGHT STANDARD EXISTING - TO BE REMOVED & SALVAGED
- LIGHT STANDARD DOUBLE ARM - EXISTING
- LIGHT STANDARD DOUBLE ARM
- LIGHT STANDARD POST TOP - EXISTING
- LIGHT STANDARD POST TOP
- LIGHT STANDARD SINGLE ARM - EXISTING
- LIGHT STANDARD SINGLE ARM
- LIGHT POLE - TEMPORARY
- LUMINAIRE WALL MOUNTED UNDERBRIDGE - EXISTING
- LUMINAIRE WALL MOUNTED UNDERBRIDGE
- T- TOWER LIGHTING UNIT - EXISTING
- T- TOWER LIGHTING UNIT

ITS / SIGNALS

- DYNAMIC MESSAGE SIGN - EXISTING
- DYNAMIC MESSAGE SIGN
- ENVIRONMENTAL SENSOR STATION SITE
- FIBER OPTIC SPLICE CABINET
- HANDHOLE, ROUND, 3 FOOT DIAMETER
- HANDHOLE, ROUND, COMMUNICATIONS
- HANDHOLE, ROUND, ELECTRIC
- HANDHOLE, TYPE D
- ITS CABINET - EXISTING
- ITS CABINET
- MICROWAVE VEHICLE DETECTION SYSTEM - EXISTING
- MICROWAVE VEHICLE DETECTION SYSTEM
- MICROWAVE VEHICLE DETECTION SYSTEM ZONE COVERAGE - EXISTING
- MICROWAVE VEHICLE DETECTION SYSTEM ZONE COVERAGE
- SPUN CONCRETE POLE - EXISTING
- SPUN CONCRETE POLE
- SURVEILLANCE SYSTEM - EXISTING
- SURVEILLANCE SYSTEM
- WIRELESS LINK - EXISTING
- WIRELESS LINK
- ITS COMMUNICATIONS CABLE IN CONDUIT
- ITS COMMUNICATIONS CABLE IN CONDUIT - TO BE REMOVED

- ANTENNA
- CASE SIGN (1-WAY OR 2-WAY)
- CASE SIGN (4-WAY)
- DEDICATED SHORT RANGE COMMUNICATIONS
- CONTROLLER CABINET - POLE MOUNTED
- CONTROL EMERGENCY PREEMPTION OPTICOM
- DILEMMA ZONE DETECTION
- GLOBAL POSITIONING SYSTEM MODULE
- GUY ANCHOR
- PEDESTRIAN PEDESTAL
- PEDESTRIAN PUSHBUTTON
- POLE MAST ARM (LENGTH VARIES) - EXISTING
- POLE MAST ARM (LENGTH VARIES)
- POLE STRAIN
- ROAD SIGN W/ FLASHING SIGN OPTICAL (1-WAY)
- SIGNAL HANDHOLE - POLYMER CONCRETE
- SIGNAL HANDHOLE - 2 FOOT ROUND
- SIGNAL HANDHOLE - 3 FOOT ROUND
- SIGNAL HANDHOLE - 2 FOOT SQUARE
- TS SIGNAL HANDHOLE - 4 FOOT SQUARE
- SIGNAL HEAD PEDESTRIAN - EXISTING
- SIGNAL HEAD PEDESTRIAN 1-WAY
- SIGNAL HEAD PEDESTRIAN 2-WAY
- SIGNAL HEAD VEHICLE 1-WAY - EXISTING
- SIGNAL HEAD VEHICLE 2-WAY - EXISTING
- SIGNAL HEAD VEHICLE 3-WAY - EXISTING
- SIGNAL HEAD VEHICLE 4-WAY - EXISTING
- SIGNAL HEAD VEHICLE 1-WAY
- SIGNAL HEAD VEHICLE 2-WAY
- SIGNAL HEAD VEHICLE 3-WAY
- SIGNAL HEAD VEHICLE 4-WAY
- SIGNAL HEAD VEHICLE BAGGED
- SIGNAL HEAD VEHICLE PROGRAMMABLE
- VEHICLE DETECTION CAMERA
- VEHICLE DETECTION CAMERA - HEMISPHERICAL
- VEHICLE DETECTION LOOP
- VEHICLE DETECTION - RADAR
- WIRELESS VEHICLE DETECTION RADIO RECEIVER
- WIRELESS VEHICLE DETECTION RADIO REPEATER
- WIRELESS VEHICLE DETECTION SENSOR - EXISTING
- WIRELESS VEHICLE DETECTION SENSOR

CABLING / WIRING DIAGRAM

- CIRCUIT BREAKER
- COILED WIRE
- FUSE
- FUSE SWITCH
- GROUND
- ILLUMINATED CASE SIGN
- METER
- SERVICE DISCONNECT
- SIGNAL HEAD

NOTE:

EXISTING ITEMS ARE REPRESENTED BY THIN LINE WEIGHTS.
PROPOSED ITEMS ARE REPRESENTED BY HEAVIER LINE WEIGHTS.

FINAL ROW PLAN REVISIONS (SUBMITTAL DATE:)							
NO.	DATE	AUTH	DESCRIPTION	NO.	DATE	AUTH	DESCRIPTION

HUBBELL, ROTH & CLARK, INC
CONSULTING ENGINEERS SINCE 1915

MDOT Michigan Department of Transportation

NO SCALE

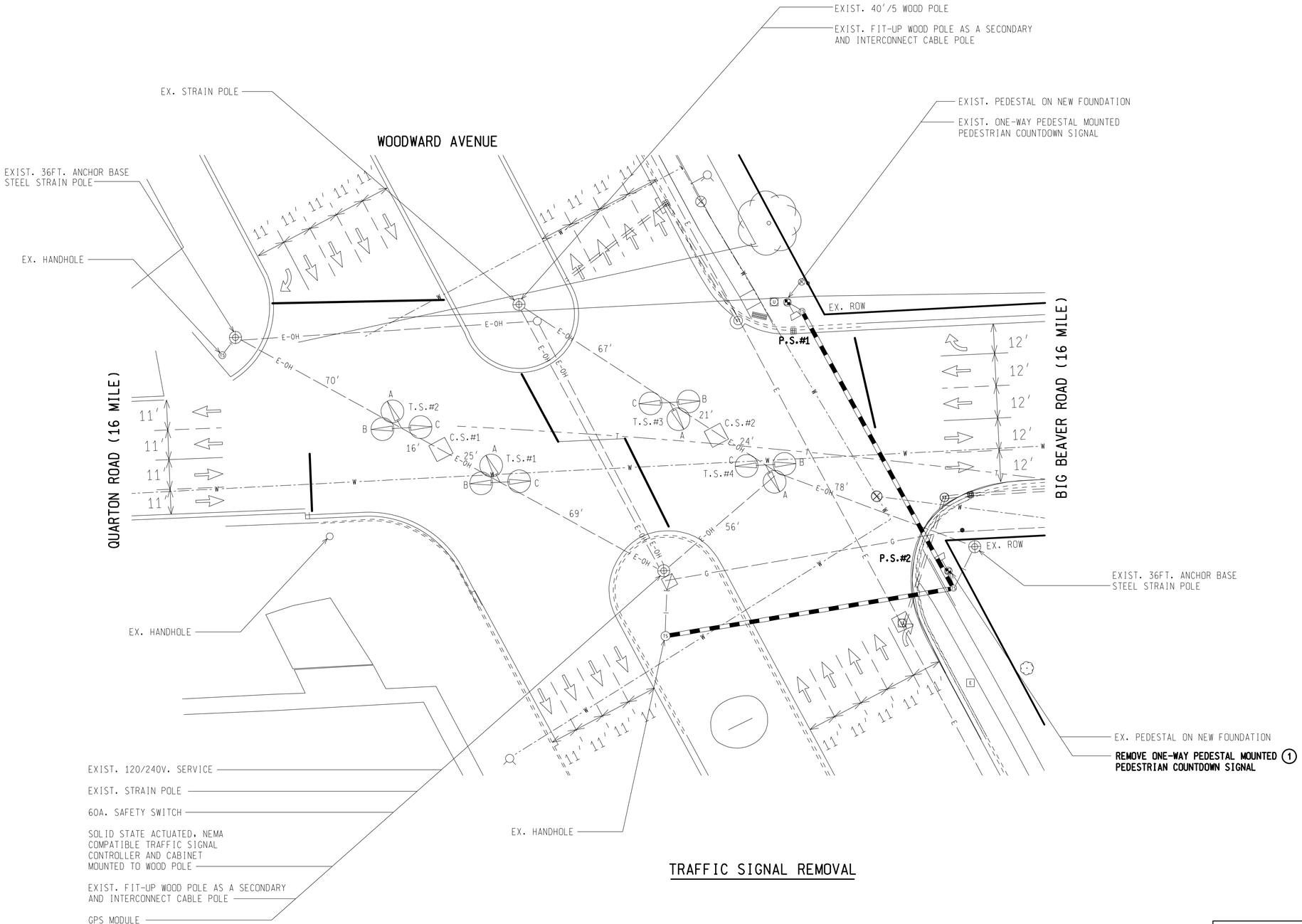
FILE:

DATE: 5/13/2019
DESIGN UNIT:
TSC: OAKLAND

CS: 63051
JN: PERMIT

MDOT LEGEND
M-1 (WOODWARD AVENUE) AT BIG BEAVER ROAD
BLOOMFIELD TWP, OAKLAND COUNTY

DRAWING 12
SHEET
SECT

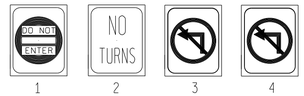


TRAFFIC SIGNAL REMOVAL

CASE SIGN LEGEND

4-WAY ILLUMINATED, 24"X30"
CASE SIGN
C.S.#1

CASE SIGN LEGEND



4-WAY ILLUMINATED, 24"X30"
CASE SIGN
C.S.#2

PLUG HOLES LEFT AFTER REMOVING PEDESTRIAN SIGNAL WITH PRODUCT APPROVED BY THE ENGINEER.

LIST OF MATERIAL

NO.	ITEM	ITEM	QUANTITIES
1	TS, Pedestrian, Pedestal Mtd, Rem		1 Ea

FINAL ROW PLAN REVISIONS (SUBMITTAL DATE:)

NO.	DATE	AUTH	DESCRIPTION	NO.	DATE	AUTH	DESCRIPTION

HRC HUBBELL, ROTH & CLARK, INC CONSULTING ENGINEERS SINCE 1915

MDOT Michigan Department of Transportation

0 HORZ. (FT) 40

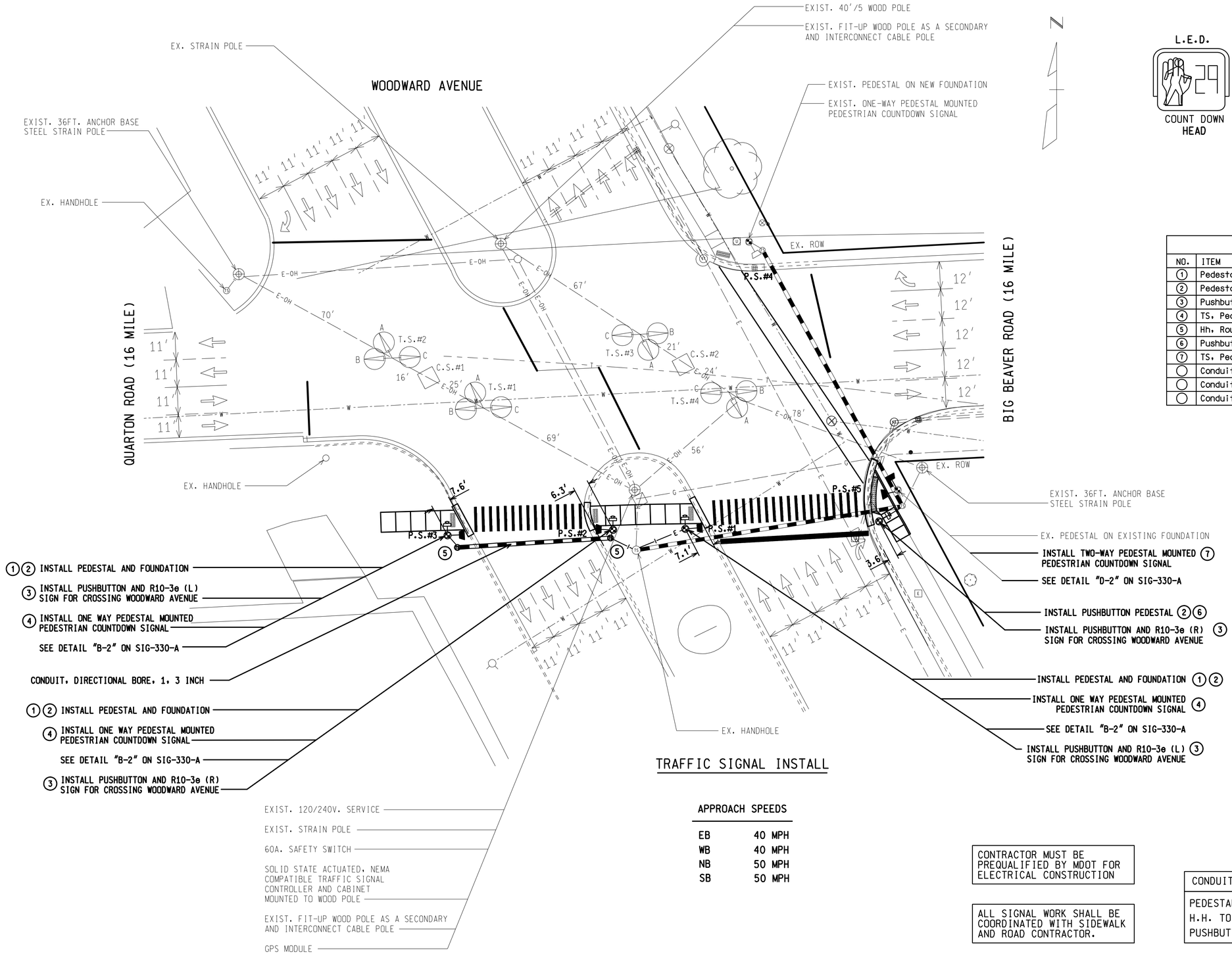
FILE:63051-01-034_rem.dgn

DATE: 5/13/2019
DESIGN UNIT:
TSC: OAKLAND

CS: 63051
JN: PERMIT

TRAFFIC SIGNAL REMOVAL
M-1 (WOODWARD AVENUE) AT BIG BEAVER ROAD
BLOOMFIELD TWP, OAKLAND COUNTY

DRAWING 13
SHEET SECT 1



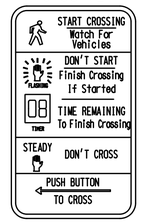
TRAFFIC SIGNAL INSTALL

APPROACH SPEEDS	
EB	40 MPH
WB	40 MPH
NB	50 MPH
SB	50 MPH

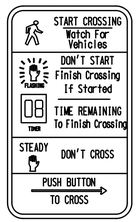
L.E.D.

COUNT DOWN HEAD

R10-3e (L)



R10-3e (R)



LIST OF MATERIAL		
NO.	ITEM ITEM	QUANTITIES
(1)	Pedestal, Alum	3 Ea
(2)	Pedestal, Fdn	4 Ea
(3)	Pushbutton and Sign	4 Ea
(4)	TS, Pedestrian, One Way Pedestal Mtd (LED) Countdown	3 Ea
(5)	Hh, Round	2 Ea
(6)	Pushbutton Pedestal, Alum	1 Ea
(7)	TS, Pedestrian, Two Way Pedestal Mtd (LED) Countdown	1 Ea
◯	Conduit, Directional Bore, 1, 3 inch	70 Ft
◯	Conduit, DB, 1, 1 1/2 inch	25 Ft
◯	Conduit, DB, 1, 3 inch	50 Ft

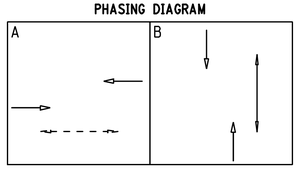
CASE SIGN LEGEND

4-WAY ILLUMINATED, 24"X30" CASE SIGN C.S.#1

CASE SIGN LEGEND

4-WAY ILLUMINATED, 24"X30" CASE SIGN C.S.#2

PHASING DIAGRAM



CONTRACTOR MUST BE PREQUALIFIED BY MDOT FOR ELECTRICAL CONSTRUCTION

ALL SIGNAL WORK SHALL BE COORDINATED WITH SIDEWALK AND ROAD CONTRACTOR.

CONDUIT REQUIREMENTS (UNLESS OTHERWISE INDICATED)	
PEDESTAL FOUNDATION TO H.H.	1-3" D.B.
H.H. TO H.H.	1-3" D.B.
PUSHBUTTON PEDESTAL TO H.H.	1-1½" D.B.

SIGNALS	
OPENINGS:	50
CYCLIC WATTS:	582
STEADY WATTS:	360
PLAN: 63051-01-034	

FINAL ROW PLAN REVISIONS (SUBMITTAL DATE:)							
NO.	DATE	AUTH	DESCRIPTION	NO.	DATE	AUTH	DESCRIPTION

HUBBELL, ROTH & CLARK, INC
CONSULTING ENGINEERS SINCE 1915

MDOT Michigan Department of Transportation

0 HORZ. (FT) 40

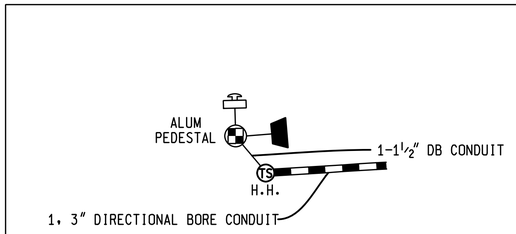
FILE:63051-01-034_ins.dgn

DATE: 5/13/2019
DESIGN UNIT:
TSC: OAKLAND

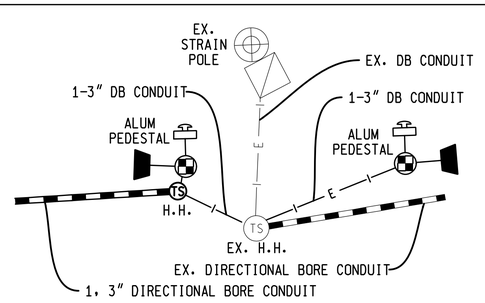
CS: 63051
JN: PERMIT

TRAFFIC SIGNAL INSTALLATION
M-1 (WOODWARD AVENUE) AT BIG BEAVER ROAD
BLOOMFIELD TWP, OAKLAND COUNTY

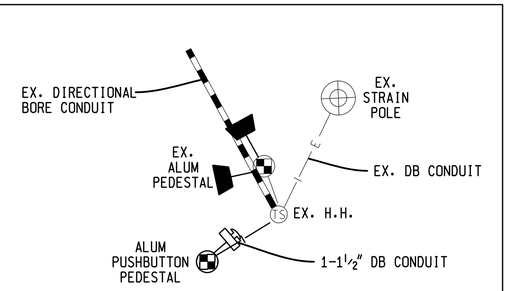
DRAWING: 14
SHEET: SECT 1



SW QUADRANT



SOUTH MEDIAN

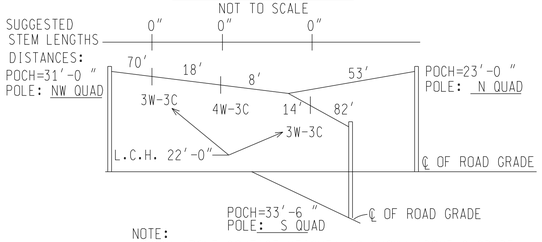


SE QUADRANT

SOUTH BOUND SPAN

(3-WAY) SPAN CALCULATIONS

NOT TO SCALE

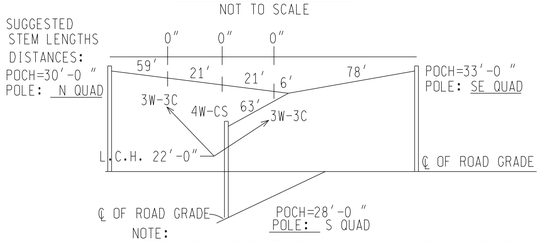


NOTE:
POCH (POLE CONTACT HEIGHT) IS SHOWN ABOVE ℄C GRADE, FIELD ADJUSTMENTS ARE TO BE MADE FOR ANY DIFFERENCE IN GRADE AT POLE VS. ROAD GRADE.
POCH IS CALCULATED AT 1200 POUNDS TENSION.

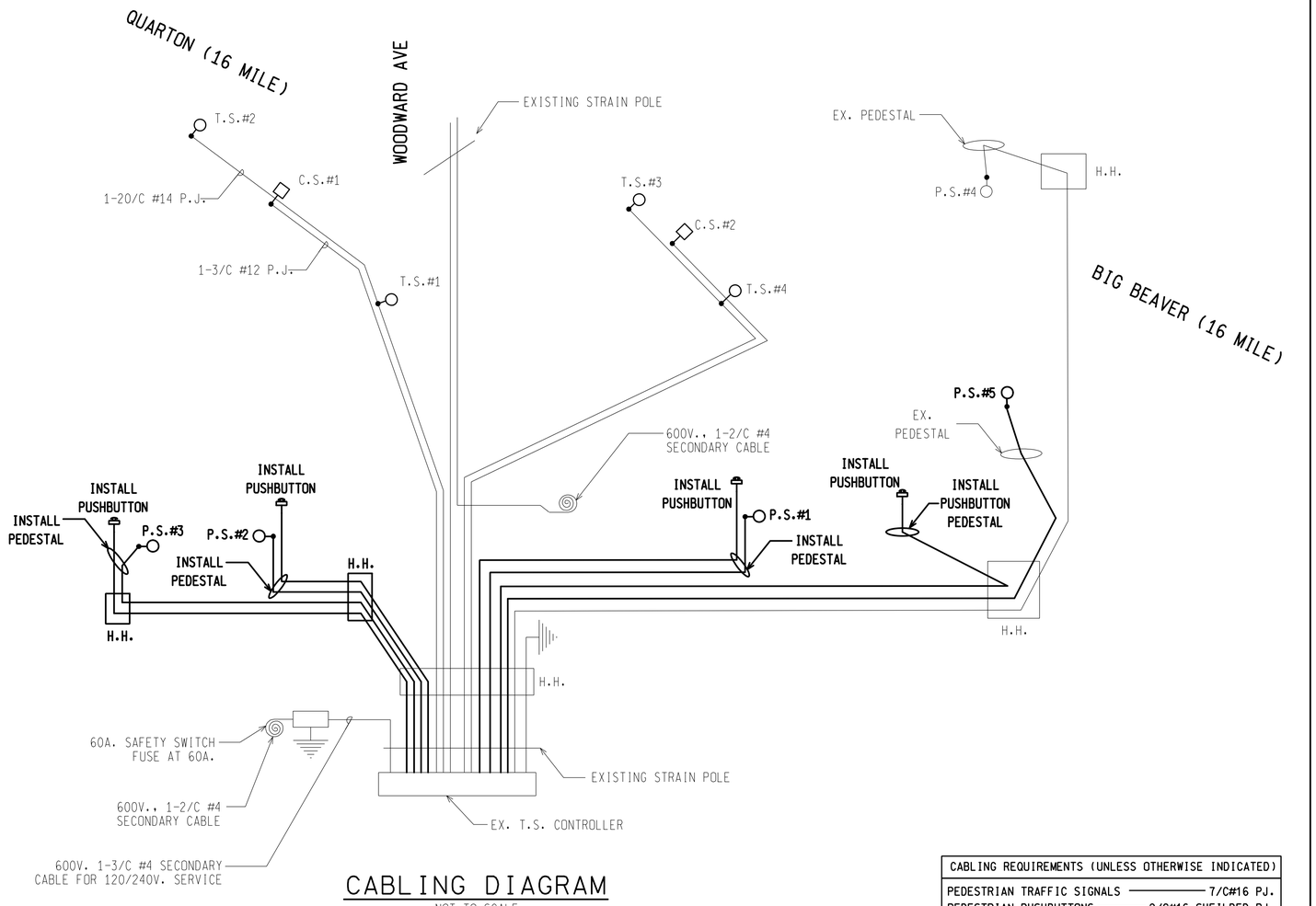
NORTH BOUND SPAN

(3-WAY) SPAN CALCULATIONS

NOT TO SCALE



NOTE:
POCH (POLE CONTACT HEIGHT) IS SHOWN ABOVE ℄C GRADE, FIELD ADJUSTMENTS ARE TO BE MADE FOR ANY DIFFERENCE IN GRADE AT POLE VS. ROAD GRADE.
POCH IS CALCULATED AT 1200 POUNDS TENSION.



CABLING DIAGRAM

NOT TO SCALE

CABLING REQUIREMENTS (UNLESS OTHERWISE INDICATED)	
PEDESTRIAN TRAFFIC SIGNALS	7/C#16 PJ.
PEDESTRIAN PUSHBUTTONS	2/C#16 SHEILDED PJ.

FINAL ROW PLAN REVISIONS (SUBMITTAL DATE:)							
NO.	DATE	AUTH	DESCRIPTION	NO.	DATE	AUTH	DESCRIPTION

HRC HUBBELL, ROTH & CLARK, INC CONSULTING ENGINEERS SINCE 1915

MDOT Michigan Department of Transportation

NO SCALE

FILE:63051-01-034_cab.dgn

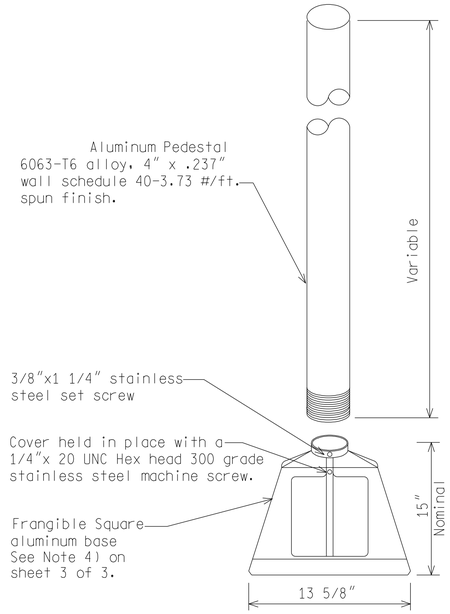
DATE: 5/13/2019
DESIGN UNIT:
TSC: OAKLAND

CS: 63051
JN: PERMIT

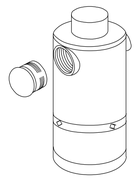
TRAFFIC SIGNAL CABLING INSTALLATION
M-1 (WOODWARD AVENUE) AT BIG BEAVER ROAD
BLOOMFIELD TWP, OAKLAND COUNTY

DRAWING 15

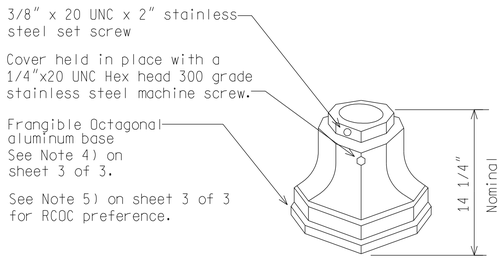
SHEET SECT 1



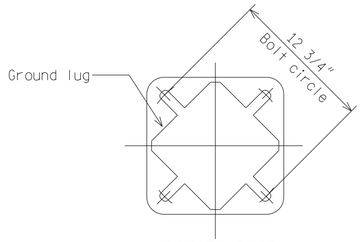
SQUARE ALUMINUM BASE



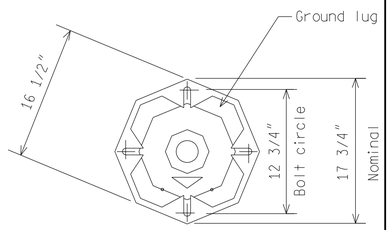
POST TOP
(SLIP FITTER)



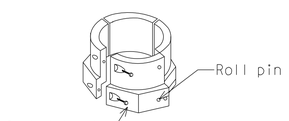
OCTAGONAL BASE



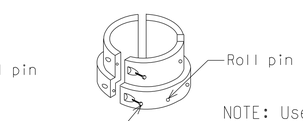
SQUARE BASE
BOTTOM PLAN



OCTAGONAL BASE
BOTTOM PLAN



COLLAR
(OCTAGONAL BASE)



COLLAR
(SQUARE BASE)

NOTE: Use pedestal collar for pedestal length greater than or equal to 14' (typical for 3 color traffic signals with pedestrian signals)

NOT TO SCALE

File: RefDoc/TR/Signals/Web/Sp Det/Fin/SIG070A.dgn Rev. 02/16/17

MDOT Michigan Department of Transportation

PREPARED BY
TRAFFIC AND SAFETY

DRAWN BY:

CHECKED BY:

ENGINEER OF DELIVERY

ENGINEER OF DEVELOPMENT

(SPECIAL DETAIL)
FHWA APPROVAL DATE

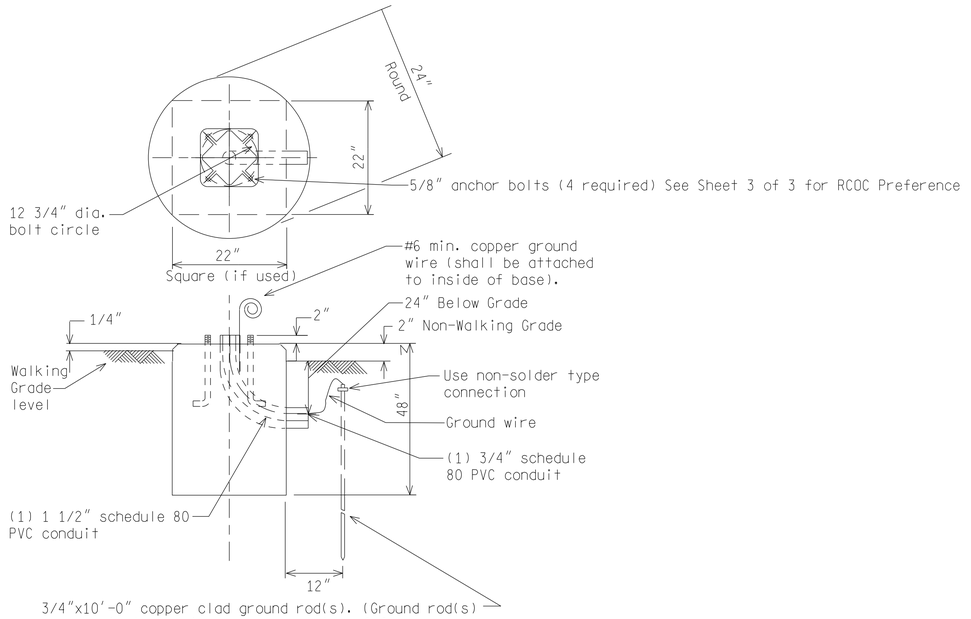
MICHIGAN DEPARTMENT OF TRANSPORTATION
BUREAU OF HIGHWAYS DELIVERY STANDARD PLAN FOR

PEDESTAL FOUNDATION

PLAN DATE

SIG-070-A

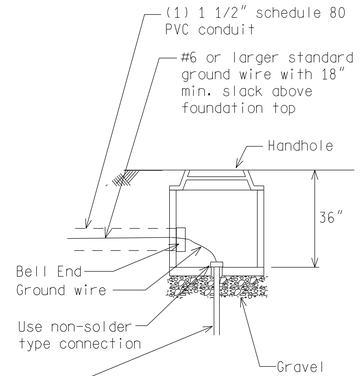
SHEET
1 of 3



3/4"x10'-0" copper clad ground rod(s). (Ground rod(s) must be installed in handhole outside of fdn. (a min. of 12" from fdn.-6" below grade) or as directed by the Engineer.)

PEDESTAL FOUNDATION

See notes 1, 2 & 3 on sheet 3 of 3.



HANDHOLE DETAIL

NOT TO SCALE

MICHIGAN DEPARTMENT OF TRANSPORTATION
BUREAU OF HIGHWAYS DELIVERY STANDARD PLAN

(SPECIAL DETAIL)
FHWA APPROVAL DATE

File: RefDoc/TR/Signals/Web/Sp Det/Fin/SIG070A.dgn Rev. 02/16/17

PLAN DATE

SIG-070-A

SHEET
2 of 3

AS-LET PLAN REVISIONS

NO.	DATE	AUTH	DESCRIPTION	NO.	DATE	AUTH	DESCRIPTION

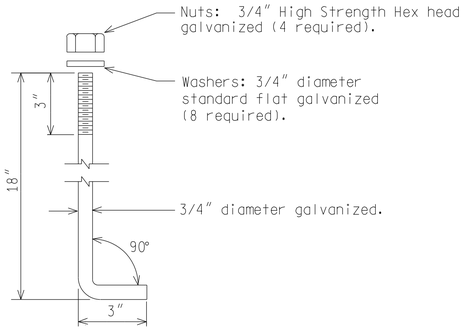
MDOT Michigan Department of Transportation

DATE: 5/13/2019
DESIGN UNIT:
TSC: OAKLAND
FILE:

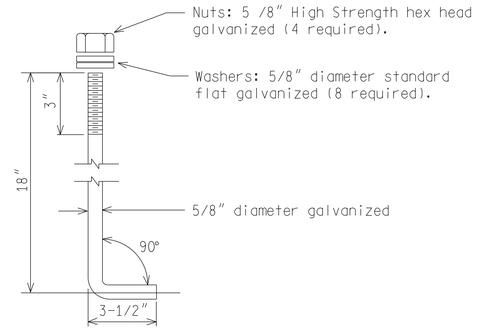
CS: 63051
JN: PERMIT

PEDESTRIAN PUSH BUTTON DETAILS
M-1 (WOODWARD AVENUE) AT BIG BEAVER ROAD
BLOOMFIELD TWP, OAKLAND COUNTY

DRAWING 16
SHEET



For use on MDOT Trunkline.



For use on Oakland County Roads only.

ANCHOR BOLT DETAIL

NOTE: Anchor bolts are to be ASTM-A307 steel (4-required)

NOTES:

1) Alternate foundation may be constructed 22"x22" square - 48" deep.

2) Grounding system shall measure 10 ohm or less to ground.

3) Construction joints not permitted in foundation.

4) Pedestal base must meet the requirements of National Cooperative Highway Research Program Report 350 (NCHRP 350) or Manual for Assessing Safety Hardware (MASH) and have Federal Highway Administration (FHWA) acceptance. Pedestal base must also be certified to have a 4-inch maximum stub height after the support has broken away from its base, as specified in the AASHTO Standard Specifications for Structural Supports for Highway Signs, Luminaries, and Traffic Signals and the AASHTO Roadside Design Guide.

5) Use the Octagonal Base as a preference by the Road Commission for Oakland County (RCOC), for use on Oakland County roads only.

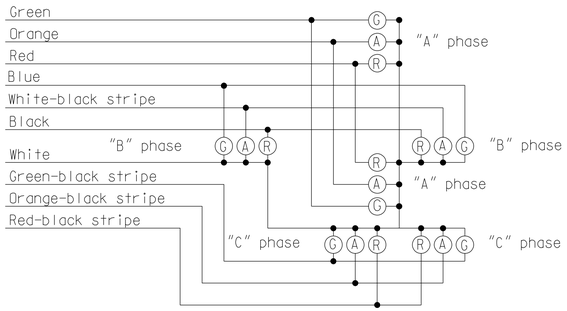
NOT TO SCALE

MICHIGAN DEPARTMENT OF TRANSPORTATION BUREAU OF HIGHWAYS DELIVERY STANDARD PLAN	(SPECIAL DETAIL) FHWA APPROVAL DATE	PLAN DATE	SIG-070-A	SHEET 3 of 3
File: RefDoc/TR/Signals/Web/Sp Det/Fin/SIG070A.dgn Rev. 02/16/17				

AS-LET PLAN REVISIONS							
NO.	DATE	AUTH	DESCRIPTION	NO.	DATE	AUTH	DESCRIPTION

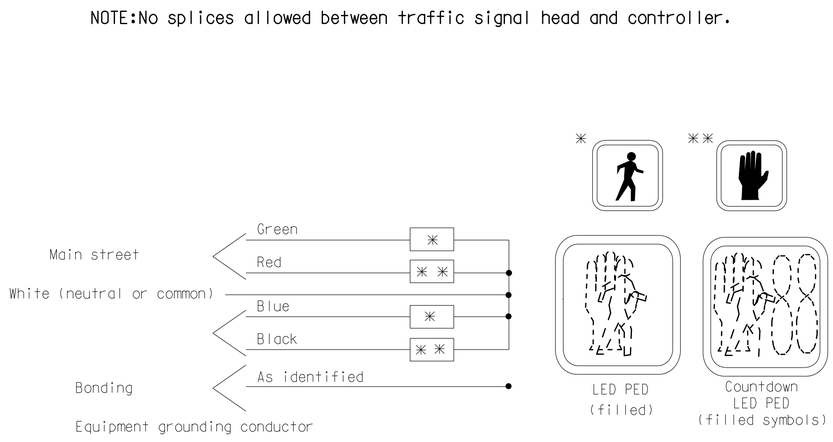
MDOT Michigan Department of Transportation

	DATE: 5/13/2019	CS: 63051	PEDESTRIAN PUSH BUTTON DETAILS	DRAWING	SHEET
	DESIGN UNIT:	JN: PERMIT	M-1 (WOODWARD AVENUE) AT BIG BEAVER ROAD	17	
FILE:	TSC: OAKLAND		BLOOMFIELD TWP, OAKLAND COUNTY		



COLOR CODE FOR WIRING CONNECTING TRAFFIC SIGNAL LAMPS

NOTE:No splices allowed between traffic signal head and controller.



COLOR CODE FOR WIRING CONNECTING PEDESTRIAN SIGNAL LAMPS
(WALKING PERSON - HAND SYMBOL)

NOT TO SCALE

File: RefDoc/TR/Signals/Web/Sp Det/Fin/SIG230A.dgn Rev. 02/16/17

MDOT Michigan Department of Transportation

PREPARED BY TRAFFIC AND SAFETY

DRAWN BY: DJF

CHECKED BY:

ENGINEER OF DELIVERY

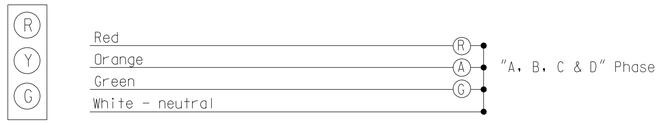
ENGINEER OF DEVELOPMENT

(SPECIAL DETAIL) FHWA APPROVAL DATE

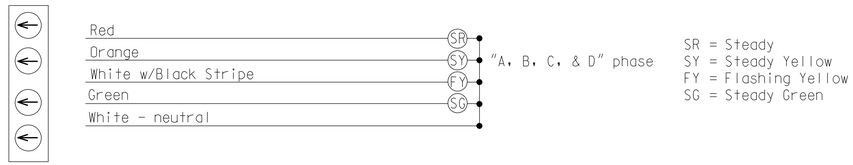
MICHIGAN DEPARTMENT OF TRANSPORTATION
BUREAU OF HIGHWAYS DELIVERY STANDARD PLAN FOR

COLOR CODE WIRING/ EQUIPMENT GROUNDING

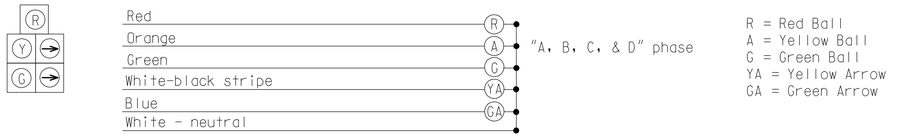
PLAN DATE | SIG-230-A | SHEET 1 of 6



STANDARD - 3 COLOR SIGNAL DISPLAY



FLASHING YELLOW ARROW (FYA) - 4 COLOR SIGNAL DISPLAY



DOG HOUSE W/RIGHT TURNS - 5 COLOR SIGNAL DISPLAY

COLOR CODE FOR WIRING CONNECTING TRAFFIC SIGNAL LAMPS

NOT TO SCALE

MICHIGAN DEPARTMENT OF TRANSPORTATION
BUREAU OF HIGHWAYS DELIVERY STANDARD PLAN

(SPECIAL DETAIL) FHWA APPROVAL DATE

File: RefDoc/TR/Signals/Web/Sp Det/Fin/SIG230A.dgn Rev. 02/16/17

PLAN DATE | SIG-230-A | SHEET 2 of 6

AS-LET PLAN REVISIONS							
NO.	DATE	AUTH	DESCRIPTION	NO.	DATE	AUTH	DESCRIPTION

MDOT Michigan Department of Transportation

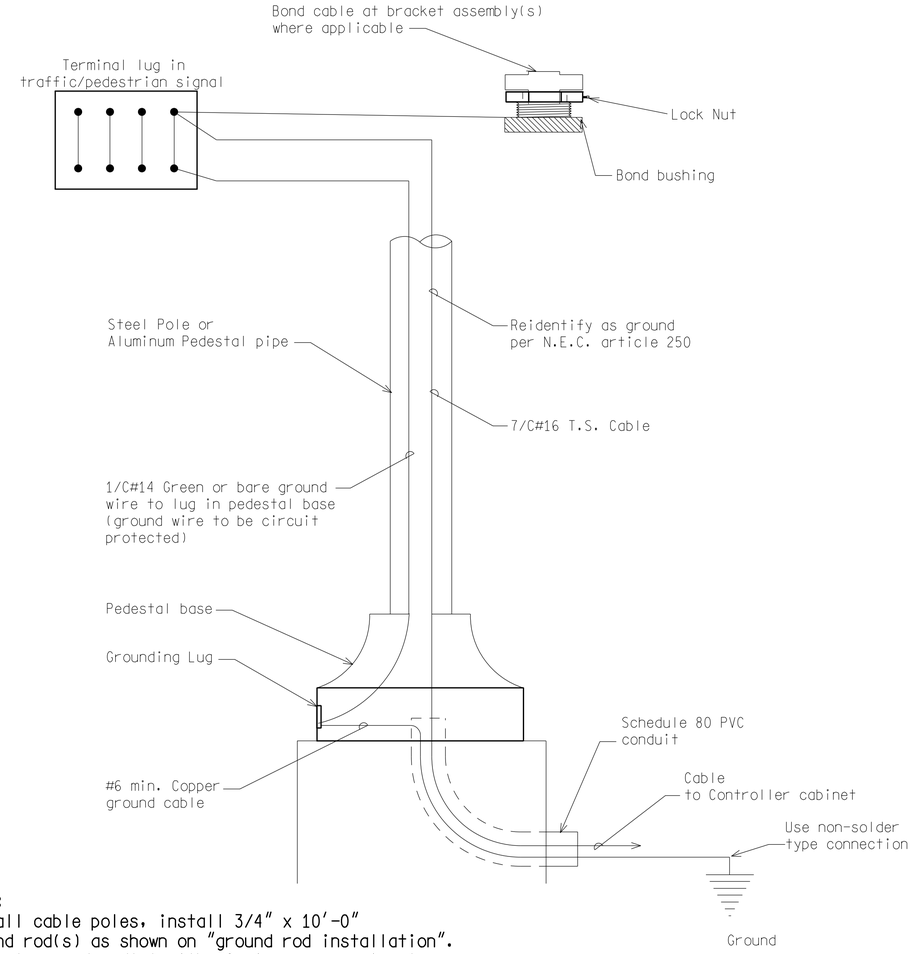
FILE:

DATE: 5/13/2019
DESIGN UNIT:
TSC: OAKLAND

CS: 63051
JN: PERMIT

PEDESTRIAN PUSH BUTTON DETAILS
M-1 (WOODWARD AVENUE) AT BIG BEAVER ROAD
BLOOMFIELD TWP, OAKLAND COUNTY

DRAWING 18 | SHEET

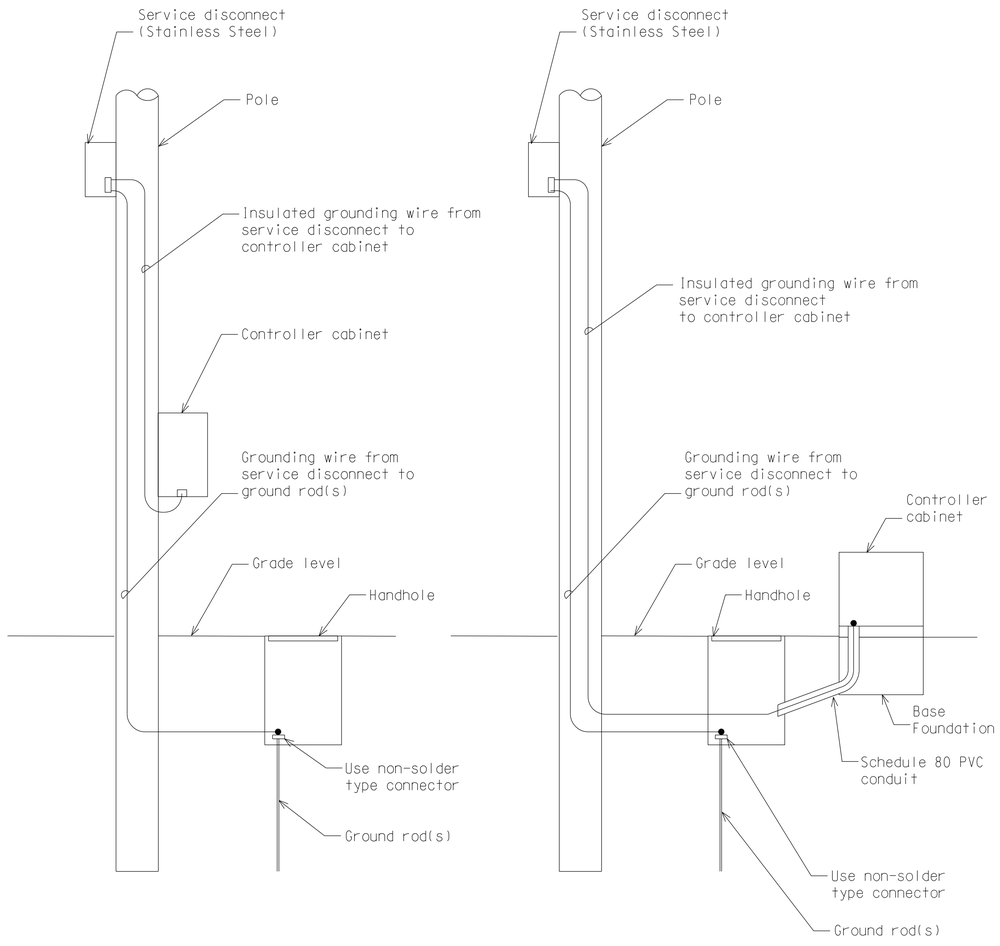


NOTE:
For all cable poles, install 3/4" x 10'-0"
ground rod(s) as shown on "ground rod installation".
Connect ground rod(s) with #6 min. copper wire to
messenger wire with non-solder type connection.

STEEL POLE/PEDESTAL GROUNDING DETAIL

NOT TO SCALE

MICHIGAN DEPARTMENT OF TRANSPORTATION BUREAU OF HIGHWAYS DELIVERY STANDARD PLAN	(SPECIAL DETAIL) FHWA APPROVAL DATE		SIG-230-A	SHEET 3 of 6
File: RefDoc/TR/Signals/Web/Sp Det/Fin/SIG230A.dgn Rev. 02/16/17		PLAN DATE		



GROUNDING

Install 3/4 " x 10'-0" copper clad ground rod(s) as required to provide less than 10 OHM resistance to ground.

Grounding wire #6 AWG min. bare copper grounding wire shall be installed to meet N.E.C. and utility company specs.

Ground wire from disconnect to ground rod to be in moulding (wood pole or post) or inside the pole (steel). Ground wire from disconnect to controller cabinet to be in conduit (wood pole, wood post, and steel pole).

CONTROLLER CABINET GROUNDING DETAIL

NOT TO SCALE

MICHIGAN DEPARTMENT OF TRANSPORTATION BUREAU OF HIGHWAYS DELIVERY STANDARD PLAN	(SPECIAL DETAIL) FHWA APPROVAL DATE		SIG-230-A	SHEET 4 of 6
File: RefDoc/TR/Signals/Web/Sp Det/Fin/SIG230A.dgn Rev. 02/16/17		PLAN DATE		

AS-LET PLAN REVISIONS							
NO.	DATE	AUTH	DESCRIPTION	NO.	DATE	AUTH	DESCRIPTION

MDOT Michigan Department of Transportation

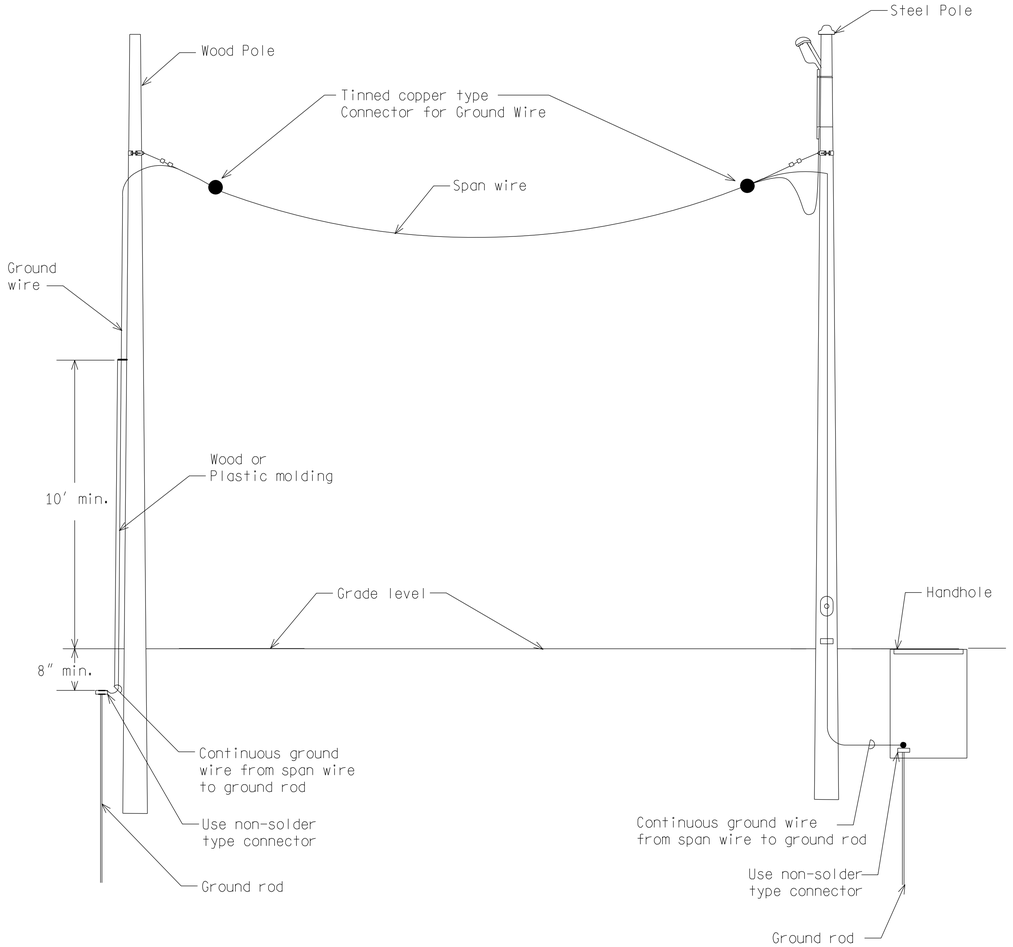
FILE:

DATE: 5/13/2019
DESIGN UNIT:
TSC: OAKLAND

CS: 63051
JN: PERMIT

PEDESTRIAN PUSH BUTTON DETAILS
M-1 (WOODWARD AVENUE) AT BIG BEAVER ROAD
BLOOMFIELD TWP, OAKLAND COUNTY

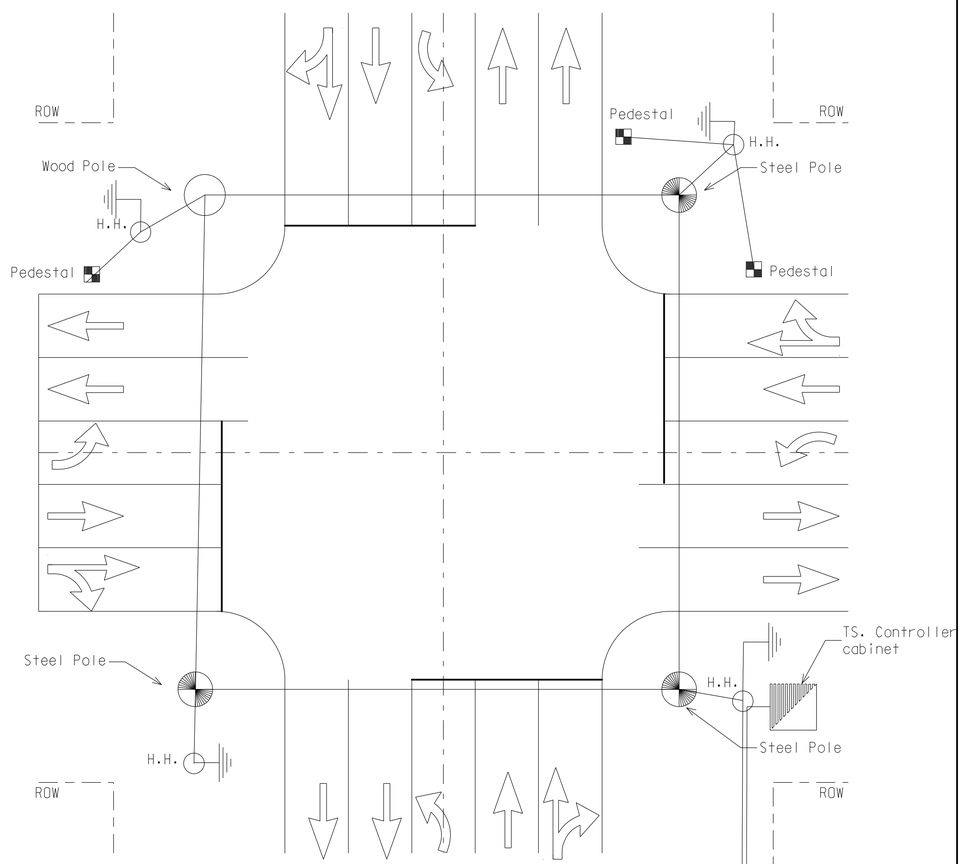
DRAWING 19
SHEET



SPAN WIRE GROUNDING DETAIL

NOT TO SCALE

MICHIGAN DEPARTMENT OF TRANSPORTATION BUREAU OF HIGHWAYS DELIVERY STANDARD PLAN	(SPECIAL DETAIL) FHWA APPROVAL DATE			
File: RefDoc/TR/Signals/Web/Sp Det/Fin/SIG230A.dgn Rev. 02/16/17		PLAN DATE	SIG-230-A	SHEET 5 of 6



1) All ground rods shall be 3/4″ x 10′ in length copperclad.

2) Ground rods shall be drive straight down, so that only the required portions of of the ground rod is exposed to attach the ground wires.

3) All ground rods shall be connected to each other or to a span wire with a single #6 AWG copper conductor.

4) Each ground wire attaching to a ground rod shall have its own approved acorn type connector.

5) Do not install any ground rods within 10′ of any other ground rods from other grounding.

6) The grounding system shall measure 10 ohms or less.

7) A separate insulated green #6 AWG copper ground is required from the service disconnect (safety switch) to the ground bussbar in the controller cabinet.

8) Ground rod for each steel pole, wood pole, pedestal and/or traffic signal controller cabinet shall be located in the adjacent handhole as indicated on the plans or as directed by the Engineer.

9) All metal bases must be connected to a ground rod with a #6 ground wire.

SYSTEM GROUNDING DETAL

NOT TO SCALE

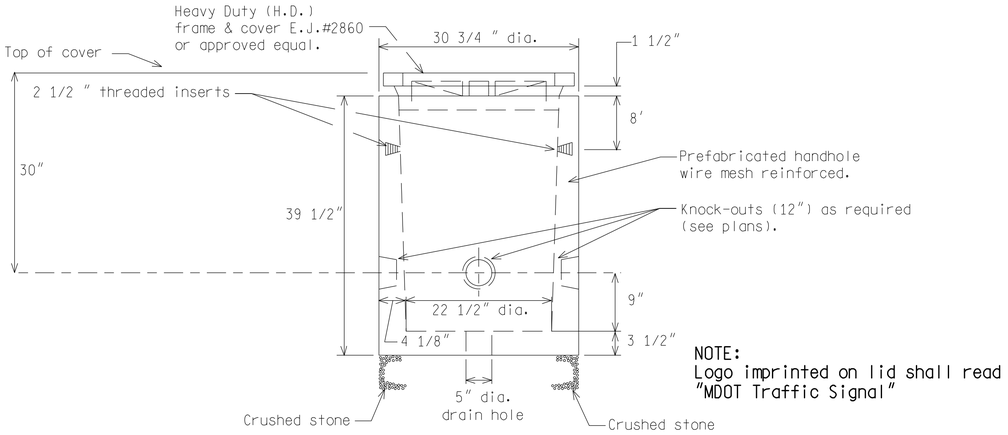
MICHIGAN DEPARTMENT OF TRANSPORTATION BUREAU OF HIGHWAYS DELIVERY STANDARD PLAN	(SPECIAL DETAIL) FHWA APPROVAL DATE			
File: RefDoc/TR/Signals/Web/Sp Det/Fin/SIG230A.dgn Rev. 02/16/17		PLAN DATE	SIG-230-A	SHEET 6 of 6

AS-LET PLAN REVISIONS

NO.	DATE	AUTH	DESCRIPTION	NO.	DATE	AUTH	DESCRIPTION

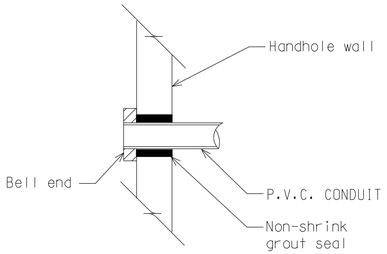
MDOT Michigan Department of Transportation

	DATE: 5/13/2019	CS: 63051	PEDESTRIAN PUSH BUTTON DETAILS	DRAWING 20 / SHEET
	DESIGN UNIT:	JN: PERMIT	M-1 (WOODWARD AVENUE) AT BIG BEAVER ROAD	
FILE:	TSC: OAKLAND		BLOOMFIELD TWP, OAKLAND COUNTY	



NOTE:
Logo imprinted on lid shall read "MDOT Traffic Signal"

2' PRECAST ROUND HANDHOLE WITH FLOOR

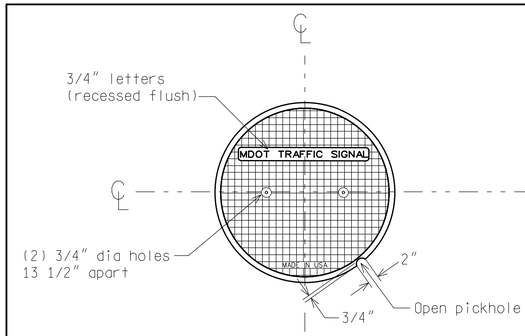


TYPICAL CONDUIT ENTRANCE
AT HANDHOLE

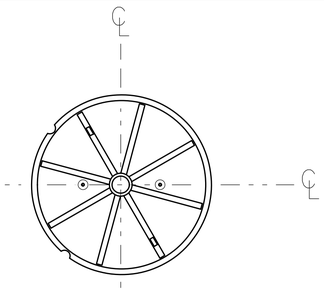
NOT TO SCALE

File: RefDoc/TR/Signals/Web/Sp Det/Fin/SIG240A.dgn Rev. 02/16/17

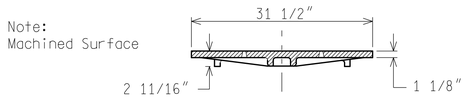
MDOT Michigan Department of Transportation PREPARED BY TRAFFIC AND SAFETY	ENGINEER OF DELIVERY ENGINEER OF DEVELOPMENT (SPECIAL DETAIL) FHWA APPROVAL DATE	MICHIGAN DEPARTMENT OF TRANSPORTATION BUREAU OF HIGHWAYS DELIVERY STANDARD PLAN FOR HANDHOLE- PRECAST, POLYMER CONCRETE
DRAWN BY: DJF CHECKED BY:		PLAN DATE: SIG-240-A — SHEET 1 of 6



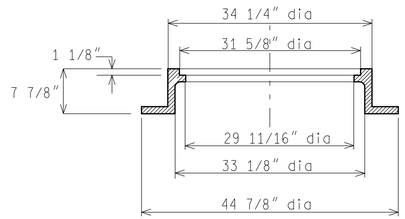
TOP VIEW OF COVER



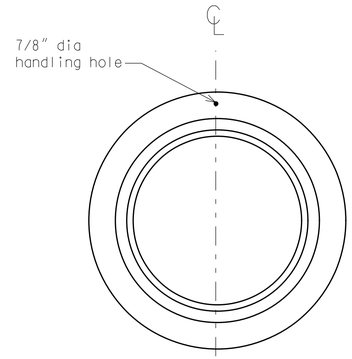
BOTTOM VIEW OF COVER



COVER SECTION



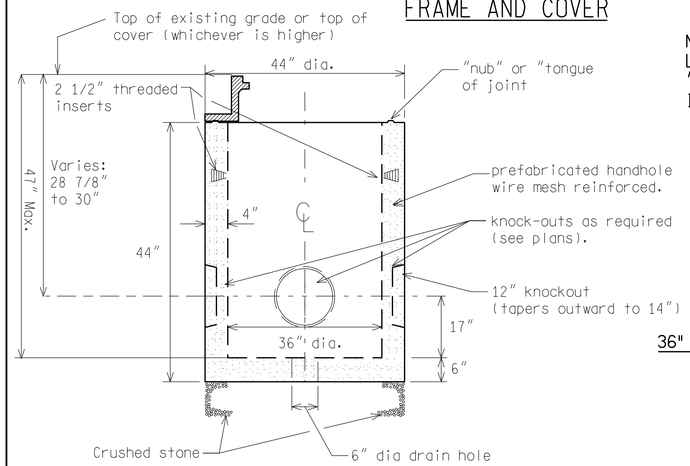
FRAME SECTION



TOP VIEW OF FRAME

The H. D. frame and cover shall be manufactured by East Jordan Iron Works, Model 1220 or approved equal.

FRAME AND COVER



NOTE:
Logo imprint may read "Traffic Signal" for non MDOT Installation

36" PRECAST ROUND HANDHOLE
SECTION DETAIL

3' DIAMETER ROUND PRECAST CONCRETE HANDHOLE

NOT TO SCALE

MICHIGAN DEPARTMENT OF TRANSPORTATION BUREAU OF HIGHWAYS DELIVERY STANDARD PLAN	(SPECIAL DETAIL) FHWA APPROVAL DATE		
File: RefDoc/TR/Signals/Web/Sp Det/Fin/SIG240A.dgn Rev. 02/16/17		PLAN DATE: SIG-240-A	SHEET 2 of 6

AS-LET PLAN REVISIONS							
NO.	DATE	AUTH	DESCRIPTION	NO.	DATE	AUTH	DESCRIPTION

MDOT Michigan Department of Transportation

FILE:

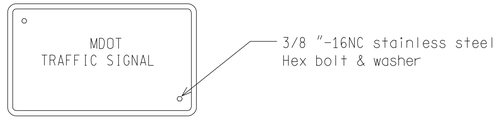
DATE: 5/13/2019
DESIGN UNIT:
TSC: OAKLAND

CS: 63051
JN: PERMIT

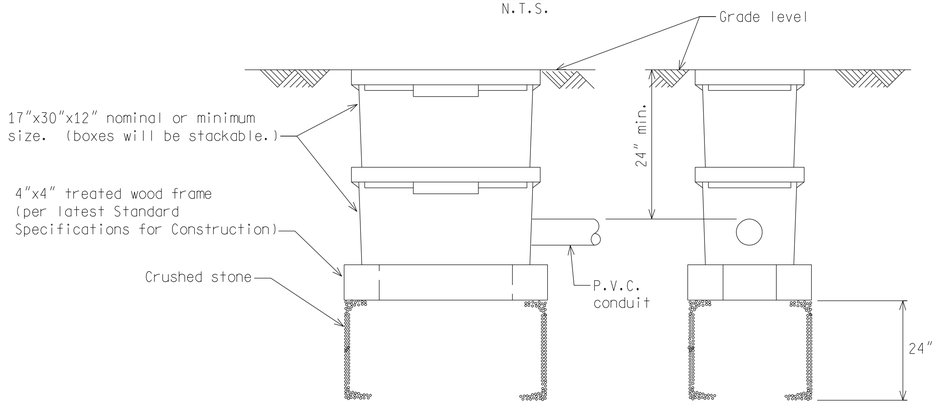
PEDESTRIAN PUSH BUTTON DETAILS
M-1 (WOODWARD AVENUE) AT BIG BEAVER ROAD
BLOOMFIELD TWP, OAKLAND COUNTY

DRAWING 21 | SHEET

NOTE:
Logo imprint may read "Traffic Signal"
for non MDOT installations



COVER
N.T.S.



POLYMER CONCRETE HANDHOLE

NOTES PERTAIN TO PRECAST OR BRICK:

1) The material and workmanship shall be in accordance with the current M.D.O.T. Standard Specifications for Construction.

2) All concrete masonary shall be grade 30M.

3) The inner surface of the handhole shall be smooth.

4) Heavy Duty covers shall be castings which meet the requirements of the current specifications for gray iron castings ASTM designation A48 and shall have a minimum strength as provided for Class No. 30 gray iron castings.

5) All castings shall be cleaned by sand blasting.

6) The seating face of the cover and the seat for the same on the frame if required, shall be ground or machined so that the cover shall have an even bearing on its seat to prevent rocking or tilting.

7) The castings shall be free of pouring faults, blow holes, cracks,and other imperfections. They shall be sound, true to form and thickness, clean and neatly finished and shall be coated with tar pitch varnish.

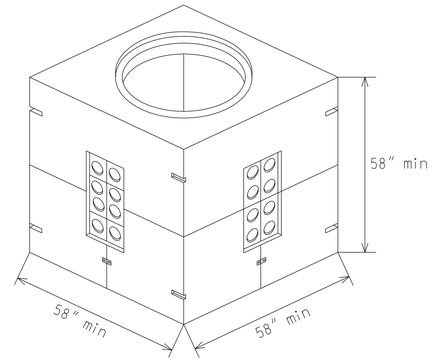
8) Light Duty cover shall be bolted to frame with not less than 2 countersunk Hex head bronze bolts.

9) The Heavy Duty cover & frame shall be East Jordan Iron Works #8206 Neenah Foundry, #R-6662-HP for square cover or East Jordan Iron Works #2860 Type "A", Neenah Foundry #R-6052 D for circular cover or an approved equal.

10) Handhole shall be equipped with cable rack and hooks to train cable.

NOT TO SCALE

MICHIGAN DEPARTMENT OF TRANSPORTATION BUREAU OF HIGHWAYS DELIVERY STANDARD PLAN	(SPECIAL DETAIL) FHWA APPROVAL DATE			
File: RefDoc/TR/Signals/Web/Sp Det/Fin/SIG240A.dgn Rev. 02/16/17		PLAN DATE	SIG-240-A	SHEET 3 of 6

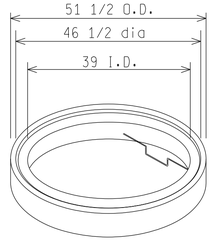


	Length	Width	Height
Inside	48	48	48
Outside	58	58	58
Recommended Hole size	82	82	--

	Min Thickness
Wall	5
Roof	5
Floor	5

	Min Weight lbs
Top	3300
Bottom	3850
Total	7150

NOTE:
Galvanized step is standard with
grade ring ASTM C478.



Dimensions	
A	Min Wt. (lbs)
6	440
9	650
12	860

GRADE RING WITH 39" I.D. &
46 1/2" RECESS

4' x 4' x 4' PRECAST CONCRETE HANDHOLE

NOT TO SCALE

MICHIGAN DEPARTMENT OF TRANSPORTATION BUREAU OF HIGHWAYS DELIVERY STANDARD PLAN	(SPECIAL DETAIL) FHWA APPROVAL DATE			
File: RefDoc/TR/Signals/Web/Sp Det/Fin/SIG240A.dgn Rev. 02/16/17		PLAN DATE	SIG-240-A	SHEET 4 of 6

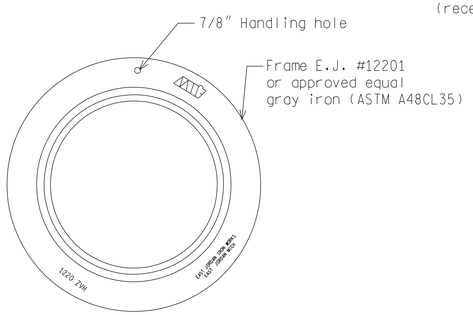
AS-LET PLAN REVISIONS							
NO.	DATE	AUTH	DESCRIPTION	NO.	DATE	AUTH	DESCRIPTION

MDOT Michigan Department of Transportation

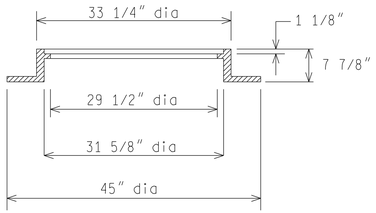
	DATE: 5/13/2019	CS: 63051	PEDESTRIAN PUSH BUTTON DETAILS
	DESIGN UNIT:		M-1 (WOODWARD AVENUE) AT BIG BEAVER ROAD
FILE:	TSC: OAKLAND	JN: PERMIT	BLOOMFIELD TWP, OAKLAND COUNTY

DRAWING	SHEET
22	

NOTE:
Logo imprint it on cover shall read "MDOT Traffic Signal" for MDOT installations



BOTTOM VIEW
OF COVER



FRAME SECTION

NOTE:
Machined surface

COVER SECTION

NOTE:
Machined surface

MANHOLE FRAME
(HEAVY DUTY)
Estimated weight 410 lbs

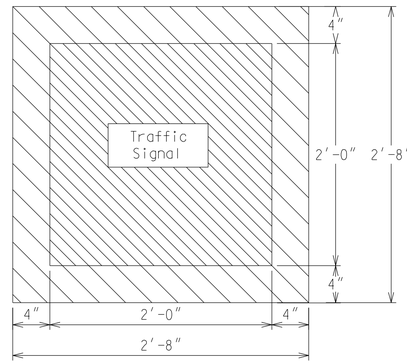
MANHOLE COVER
(HEAVY DUTY)
Estimated weight 245 lbs

4' x 4' x 4' PRECAST CONCRETE HANDHOLE

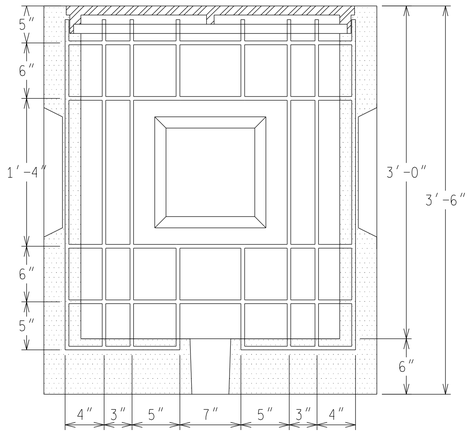
NOT TO SCALE

MICHIGAN DEPARTMENT OF TRANSPORTATION BUREAU OF HIGHWAYS DELIVERY STANDARD PLAN	(SPECIAL DETAIL) FHWA APPROVAL DATE	PLAN DATE	SIG-240-A	SHEET 5 of 6
File: RefDoc/TR/Signals/Web/Sp Det/Fin/SIG240A.dgn Rev. 02/16/17				

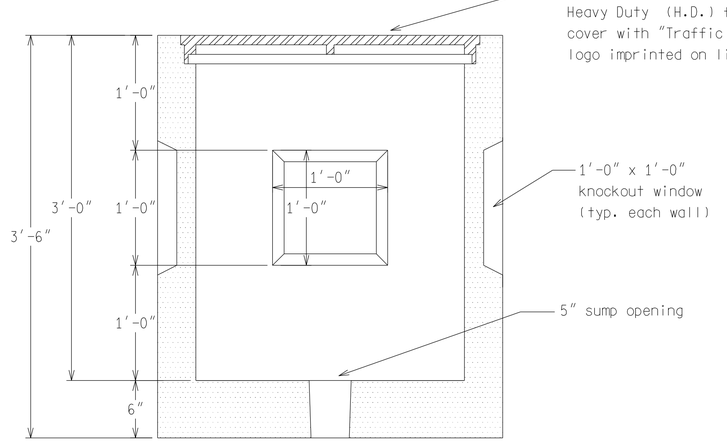
Concrete: 4500 p.s.i. @ 28 days
Reinforcement: Grade 60 rebar
All bars are #4



PLAN VIEW
With out frame & cover



SECTION VIEW
Typ. reinforcement all walls



SECTION VIEW

2' x 2' SQUARE x 3' HANDHOLE

For use on Oakland County roads only.

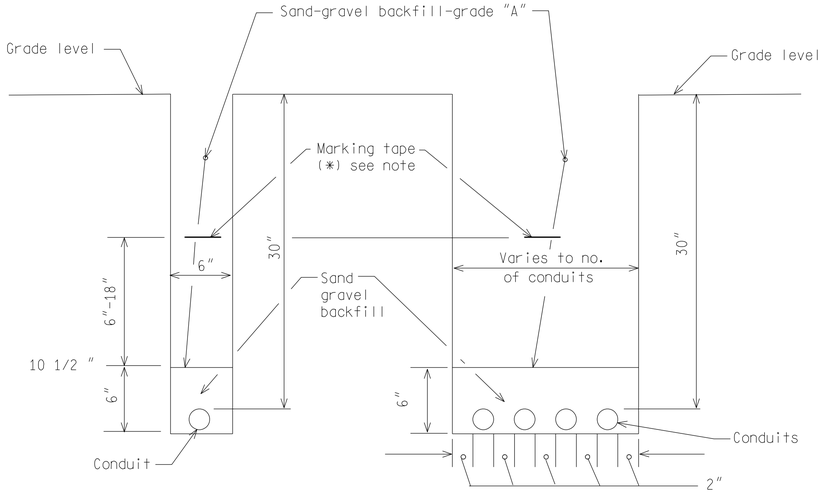
NOT TO SCALE

MICHIGAN DEPARTMENT OF TRANSPORTATION BUREAU OF HIGHWAYS DELIVERY STANDARD PLAN	(SPECIAL DETAIL) FHWA APPROVAL DATE	PLAN DATE	SIG-240-A	SHEET 6 of 6
File: RefDoc/TR/Signals/Web/Sp Det/Fin/SIG240A.dgn Rev. 02/16/17				

AS-LET PLAN REVISIONS							
NO.	DATE	AUTH	DESCRIPTION	NO.	DATE	AUTH	DESCRIPTION

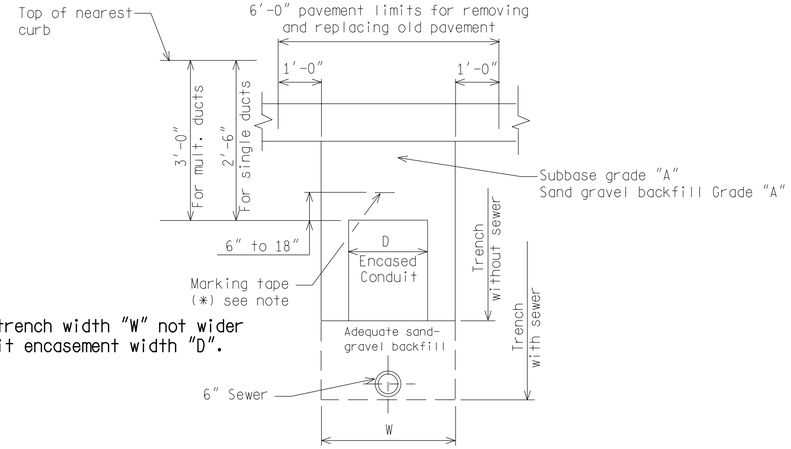
MDOT Michigan Department of Transportation

	DATE: 5/13/2019	CS: 63051	PEDESTRIAN PUSH BUTTON DETAILS	DRAWING
	DESIGN UNIT:	JN: PERMIT	M-1 (WOODWARD AVENUE) AT BIG BEAVER ROAD	23
FILE:	TSC: OAKLAND		BLOOMFIELD TWP, OAKLAND COUNTY	SHEET



(*) NOTE:
Marking tape shall have proper logo as supplied
by the Engineer and installed by the Contractor.

DIRECT BURIAL CONDUIT(S)/CABLE(S)



NOTE:
Preferred trench width "W" not wider
than conduit encasement width "D".

TYPICAL SECTION OF TRENCH
ENCASED CONDUIT

NOT TO SCALE

File: RefDoc/TR/Signals/Web/Sp Det/Fin/SIG250A.dgn Rev. 02/16/17

MDOT Michigan Department of Transportation

PREPARED BY
TRAFFIC AND SAFETY

DRAWN BY: DJF

CHECKED BY:

ENGINEER OF DELIVERY

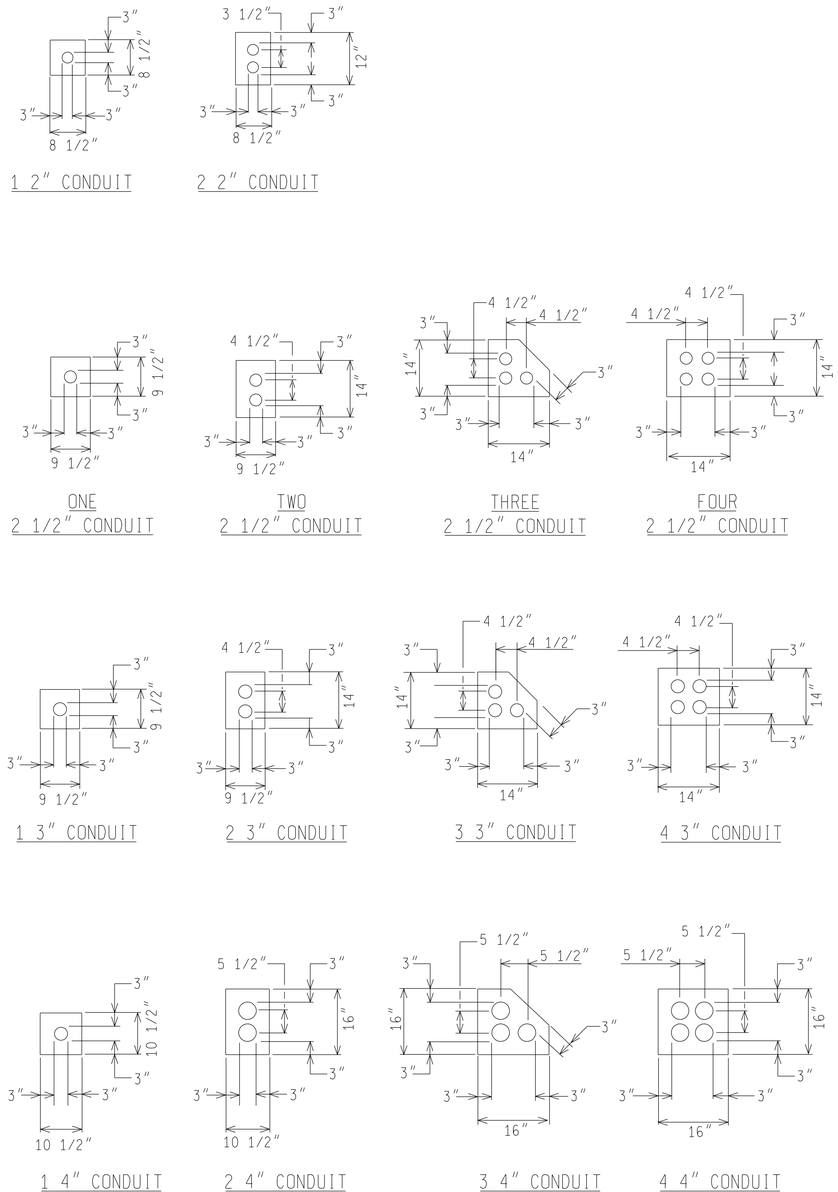
ENGINEER OF DEVELOPMENT

(SPECIAL DETAIL)
FHWA APPROVAL DATE

MICHIGAN DEPARTMENT OF TRANSPORTATION
BUREAU OF HIGHWAYS DELIVERY STANDARD PLAN FOR

CONDUIT
(DIRECT BURIAL/ENCASED)

PLAN DATE | SIG-250-A | SHEET 1 of 2



ENCASED CONDUIT SECTIONS

NOT TO SCALE

MICHIGAN DEPARTMENT OF TRANSPORTATION
BUREAU OF HIGHWAYS DELIVERY STANDARD PLAN

(SPECIAL DETAIL)
FHWA APPROVAL DATE

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PLAN DATE | SIG-250-A | SHEET 2 of 2

AS-LET PLAN REVISIONS

NO.	DATE	AUTH	DESCRIPTION	NO.	DATE	AUTH	DESCRIPTION

MDOT Michigan Department of Transportation

FILE:

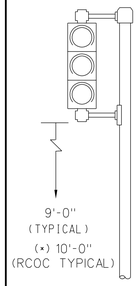
DATE: 5/13/2019
DESIGN UNIT:
TSC: OAKLAND

CS: 63051
JN: PERMIT

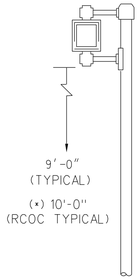
PEDESTRIAN PUSH BUTTON DETAILS
M-1 (WOODWARD AVENUE) AT BIG BEAVER ROAD
BLOOMFIELD TWP, OAKLAND COUNTY

DRAWING 24 | SHEET

(*) Refer to Note 4 on Sheet 2 of 2.



DETAIL "A-2"



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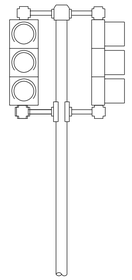

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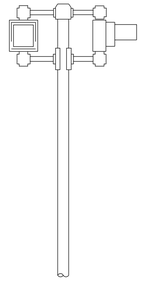

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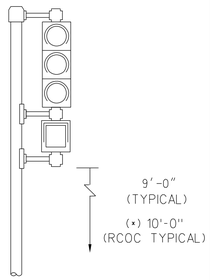

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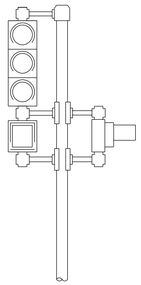

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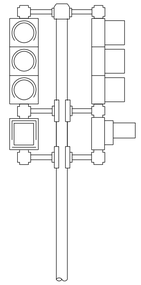

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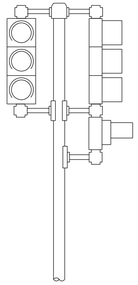

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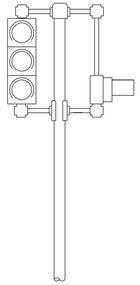

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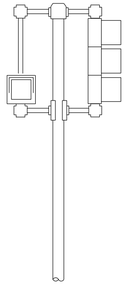

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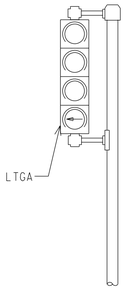

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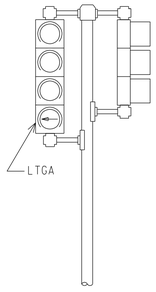

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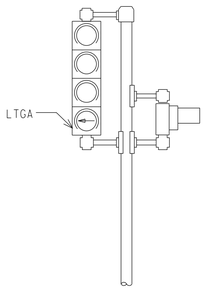

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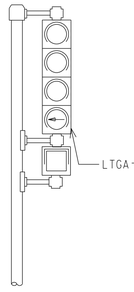

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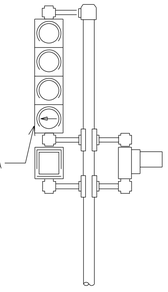


DETAIL "O-2"

Left Turn Green Arrow (LTGA)

NOT TO SCALE

File: RefDoc/TR/Signals/Web/Sp Det/Fin/SIG330A.dgn Rev. 02/16/17

MDOT Michigan Department of Transportation

PREPARED BY TRAFFIC AND SAFETY

DRAWN BY:

CHECKED BY:

ENGINEER OF DELIVERY

ENGINEER OF DEVELOPMENT

(SPECIAL DETAIL) FHWA APPROVAL DATE

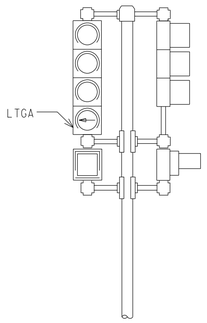
MICHIGAN DEPARTMENT OF TRANSPORTATION
BUREAU OF HIGHWAYS DELIVERY STANDARD PLAN FOR

PEDESTAL MOUNTED SIGNAL DISPLAYS

PLAN DATE

SIG-330-A

SHEET 1 of 2



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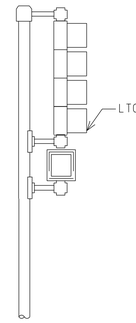

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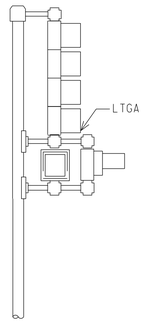
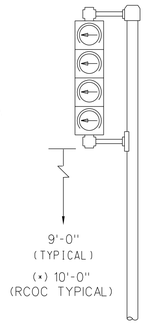
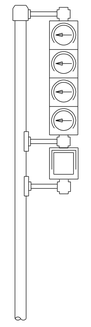


DETAIL "R-2"

Left Turn Green Arrow (LTGA)

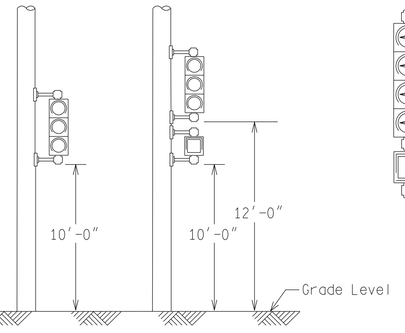


DETAIL "S-2" (FYA)

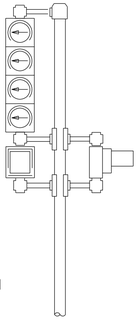


DETAIL "T-2" (FYA)

Flashing Yellow Arrow (FYA)

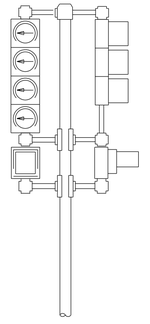


RCOC Mounting Detail (*) see note

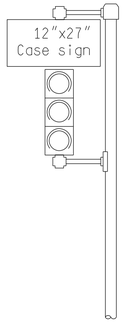


DETAIL "U-2" (FYA)

Flashing Yellow Arrow (FYA)



DETAIL "V-2" (FYA)



DETAIL "Typical" WITH CASE SIGN

NOTE:

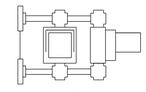
1) Pipe assembly shall be such length and height as to accommodate traffic signals and pedestrian signals for proper maintenance and clear vehicular and pedestrian viewing.

2) Pipe assembly shall be of such length and height as to accommodate an illuminated (12"x27") case sign for proper maintenance and clear vehicular viewing.

3) Bracket lengths are 16 inches for LED pedestrian signals and for LED pedestrian countdown signals.

4) Tolerance within +/- 1/8" for bracketing.

(*) For projects maintained by the Road Commission for Oakland County (RCOC), use the bottom heights and bracket assemblies as shown for the RCOC mounting detail.



LED PED

NOTE:
Walking person and hand symbol are filled.

LED PED (filled)

Countdown LED PED (filled symbols)

NOT TO SCALE

MICHIGAN DEPARTMENT OF TRANSPORTATION
BUREAU OF HIGHWAYS DELIVERY STANDARD PLAN

(SPECIAL DETAIL) FHWA APPROVAL DATE

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PLAN DATE

SIG-330-A

SHEET 2 of 2

AS-LET PLAN REVISIONS							
NO.	DATE	AUTH	DESCRIPTION	NO.	DATE	AUTH	DESCRIPTION

MDOT Michigan Department of Transportation

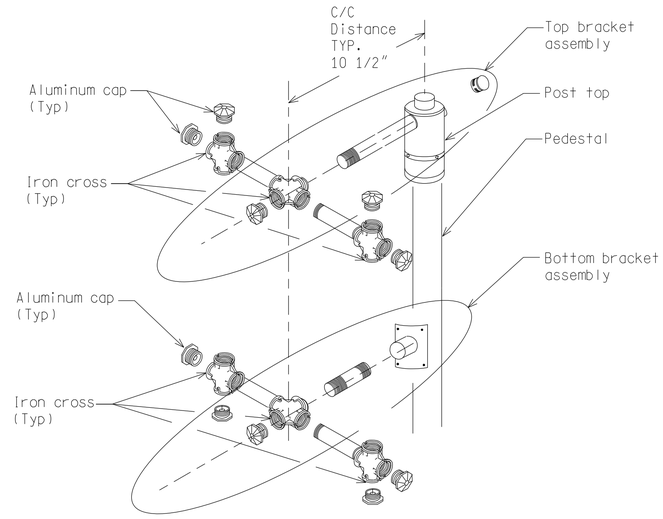
FILE:

DATE: 5/13/2019
DESIGN UNIT:
TSC: OAKLAND

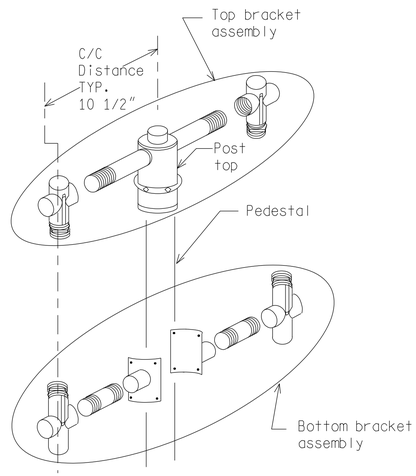
CS: 63051
JN: PERMIT

PEDESTRIAN PUSH BUTTON DETAILS
M-1 (WOODWARD AVENUE) AT BIG BEAVER ROAD
BLOOMFIELD TWP, OAKLAND COUNTY

DRAWING 25 SHEET



SIGNAL MOUNTING HARDWARE FOR BACKSIDE BRACKET



SIGNAL MOUNTING HARDWARE - STANDARD BRACKET

NOT TO SCALE

File: RefDoc/TR/Signals/Web/Sp Det/Fin/SIG331A.dgn Rev.

MDOT Michigan Department of Transportation

PREPARED BY
TRAFFIC AND SAFETY

DRAWN BY: DSP

CHECKED BY:

ENGINEER OF DELIVERY

ENGINEER OF DEVELOPMENT

FHWA APPROVAL DATE

MICHIGAN DEPARTMENT OF TRANSPORTATION
BUREAU OF HIGHWAYS DELIVERY STANDARD PLAN FOR

PEDESTAL MOUNTING FOR SIGNALS

02/16/17
PLAN DATE

SIG-331-A

SHEET
1 of 1

AS-LET PLAN REVISIONS

NO.	DATE	AUTH	DESCRIPTION	NO.	DATE	AUTH	DESCRIPTION

MDOT Michigan Department of Transportation

FILE:

DATE: 5/13/2019
DESIGN UNIT:
TSC: OAKLAND

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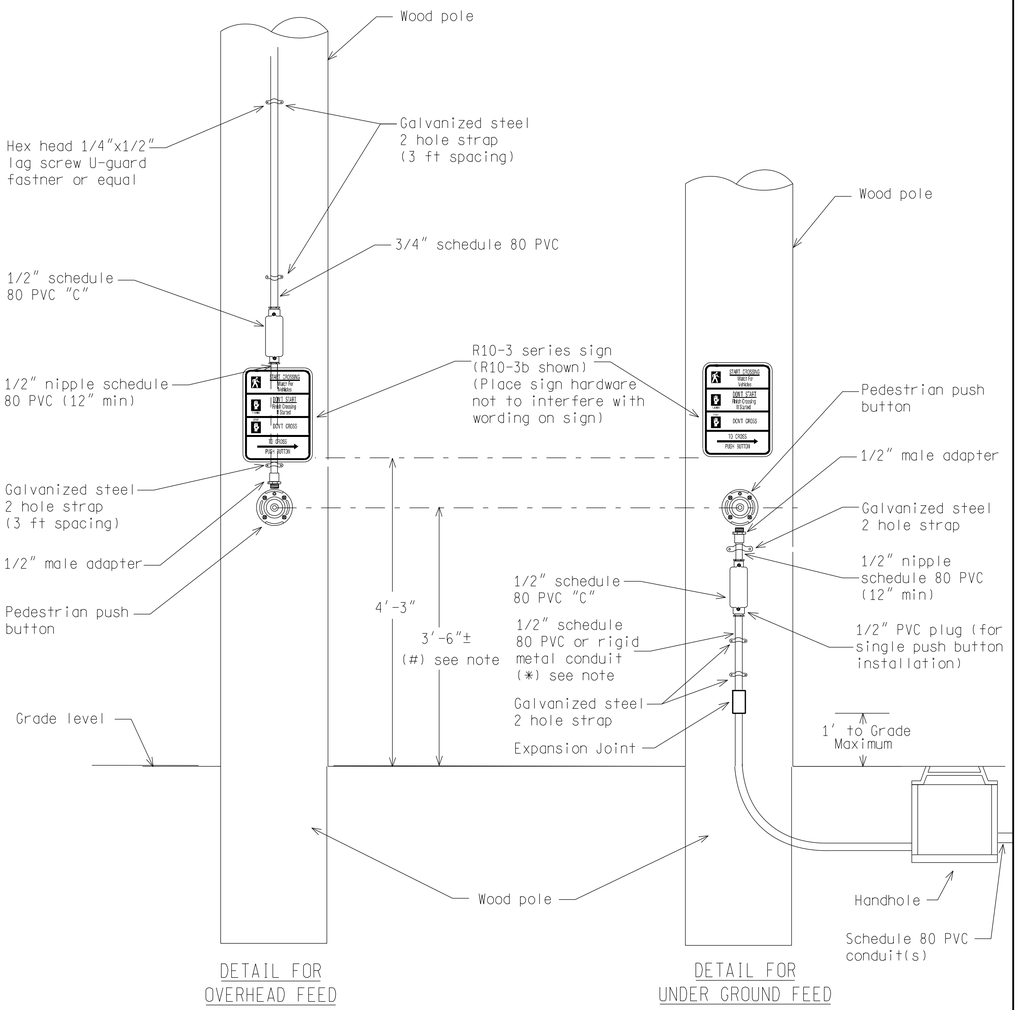
JN: PERMIT

PEDESTRIAN PUSH BUTTON DETAILS
M-1 (WOODWARD AVENUE) AT BIG BEAVER ROAD
BLOOMFIELD TWP, OAKLAND COUNTY

DRAWING 26

SHEET



Note: (*) For projects maintained by the Wayne Co. Department of Public Services (WCDPS), use rigid metal for conduit(s) from grade level to 10' (min.) above grade or as directed by the Engineer.

(#) If pushbutton is from 10" to 24" from edge of sidewalk an acceptable range is 38" to 46"

PEDESTRIAN PUSH BUTTON DETAILS ON WOOD POLE

NOT TO SCALE

File: RefDoc/TR/Signals/Web/Sp Det/Fin/SIG400A.dgn Rev. 02/16/17

MDOT Michigan Department of Transportation

PREPARED BY TRAFFIC AND SAFETY

DRAWN BY:

CHECKED BY:

ENGINEER OF DELIVERY

ENGINEER OF DEVELOPMENT

(SPECIAL DETAIL) FHWA APPROVAL DATE

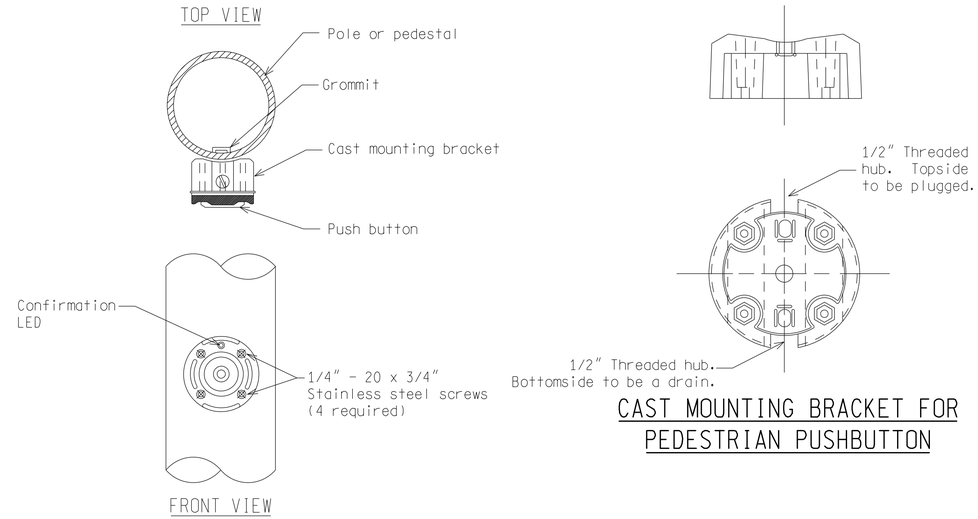
MICHIGAN DEPARTMENT OF TRANSPORTATION
BUREAU OF HIGHWAYS DELIVERY STANDARD PLAN FOR

PEDESTRIAN PUSH BUTTON DETAILS

PLAN DATE

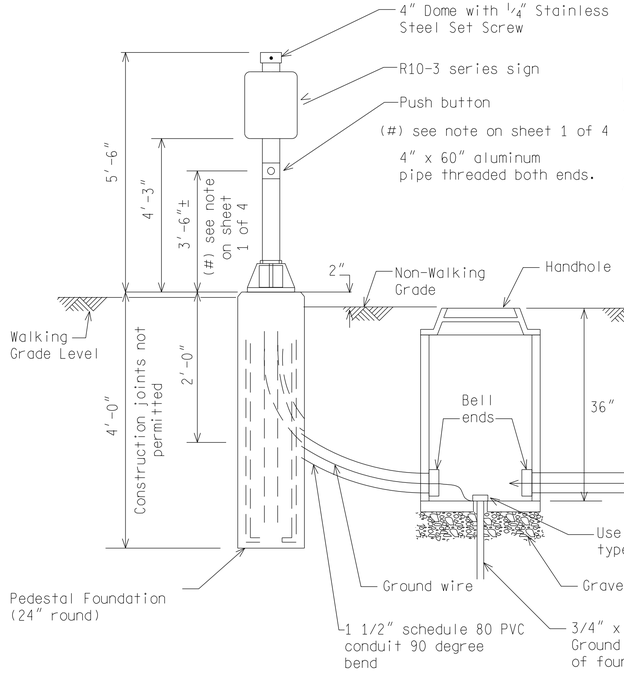
SIG-400-A

SHEET 1 of4



CAST MOUNTING BRACKET FOR PEDESTRIAN PUSHBUTTON

PEDESTRIAN PUSHBUTTON INSTALLATION ON STEEL POLE OR PEDESTAL



NOTES:
1) Alternate foundation may be constructed 22"x22" square - 48" deep.
2) Grounding system shall measure 10 ohm or less to ground.

PUSH BUTTON PEDESTAL

NOT TO SCALE

MICHIGAN DEPARTMENT OF TRANSPORTATION
BUREAU OF HIGHWAYS DELIVERY STANDARD PLAN

(SPECIAL DETAIL) FHWA APPROVAL DATE

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PLAN DATE

SIG-400-A

SHEET 2 of4

AS-LET PLAN REVISIONS

NO.	DATE	AUTH	DESCRIPTION	NO.	DATE	AUTH	DESCRIPTION

MDOT Michigan Department of Transportation

FILE:

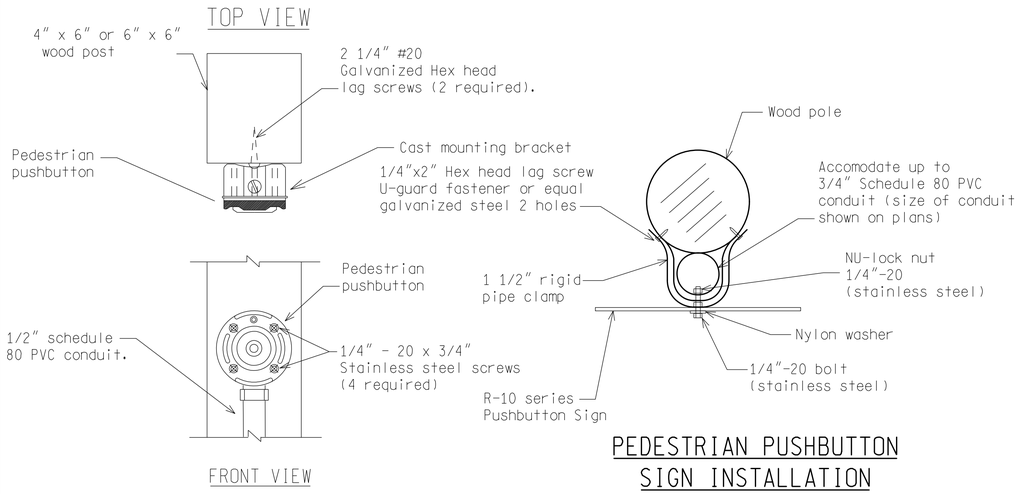
DATE: 5/13/2019
DESIGN UNIT:
TSC: OAKLAND

CS: 63051
JN: PERMIT

PEDESTRIAN PUSH BUTTON DETAILS
M-1 (WOODWARD AVENUE) AT BIG BEAVER ROAD
BLOOMFIELD TWP, OAKLAND COUNTY

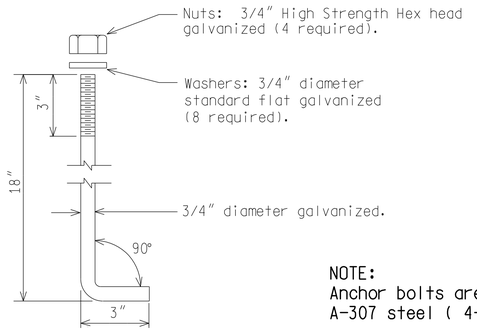
DRAWING 27

SHEET



PEDESTRIAN PUSHBUTTON INSTALLATION ON WOOD POST

PEDESTRIAN PUSHBUTTON SIGN INSTALLATION ON WOOD POLE

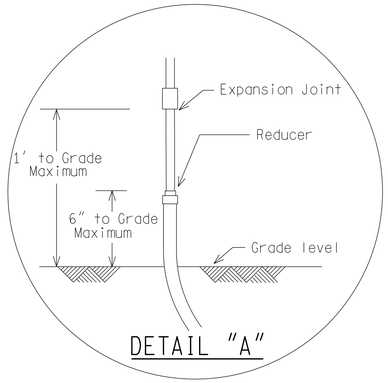


NOTE:
Anchor bolts are to be ASTM A-307 steel (4-required)

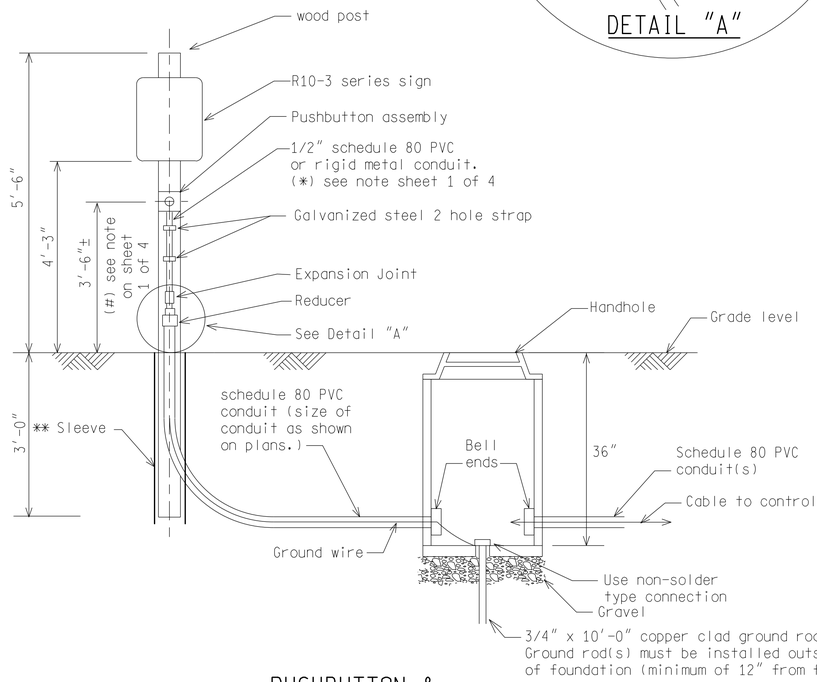
ANCHOR BOLT DETAIL

NOT TO SCALE

MICHIGAN DEPARTMENT OF TRANSPORTATION BUREAU OF HIGHWAYS DELIVERY STANDARD PLAN	(SPECIAL DETAIL) FHWA APPROVAL DATE		SIG-400-A	SHEET 3 of4
File: RefDoc/TR/Signals/Web/Sp Det/Fin/SIG400A.dgn Rev. 02/16/17		PLAN DATE		



DETAIL "A"



PUSHBUTTON & WOOD POST

** Refer to Standard Plan for Wood Posts

NOT TO SCALE

MICHIGAN DEPARTMENT OF TRANSPORTATION BUREAU OF HIGHWAYS DELIVERY STANDARD PLAN	(SPECIAL DETAIL) FHWA APPROVAL DATE		SIG-400-A	SHEET 4 of4
File: RefDoc/TR/Signals/Web/Sp Det/Fin/SIG400A.dgn Rev. 02/16/17		PLAN DATE		

AS-LET PLAN REVISIONS							
NO.	DATE	AUTH	DESCRIPTION	NO.	DATE	AUTH	DESCRIPTION

MDOT Michigan Department of Transportation

FILE:

DATE: 5/13/2019
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CS: 63051
JN: PERMIT

PEDESTRIAN PUSH BUTTON DETAILS
M-1 (WOODWARD AVENUE) AT BIG BEAVER ROAD
BLOOMFIELD TWP, OAKLAND COUNTY

DRAWING	SHEET
28	

Bloomfield Township

Memorandum

To: Leo Savoie, Township Supervisor

From: Olivia Olsztyn-Budry, P.E., Director of Engineering & Environmental Services

Subject: 2019 Safety Path Program – Woodward Avenue/Big Beaver Pedestrian Crossing

Date: July 25, 2019

Cc: Charles Markus, Engineering & Environmental Services

On Monday, July 15, 2019 bids were taken for the Woodward Pedestrian Crossing at Big Beaver project. Although the advertisement for the project was posted through the Michigan Inter-governmental Trade Network (MITN), and the Township website, only one response bid was received. Furthermore, the bid received is $26,695 over the estimate prepared by Hubbell, Roth & Clark, Inc. (HRC); about 39% over. The bid results were reviewed and it was generally found that most of the line items in the bid proposal were higher than those used in the engineer's estimate. The engineer's estimate was based on recent pricing information on projects in other communities.

Attached is a letter from HRC recommending that the bid received from J. Rank Electric, Inc., in the amount of $95,437.00 be rejected. Rather than consider the Woodward Pedestrian Crossing at Big Beaver as a separate project, it has been included as a separate division in the overall 2019 Safety Path Program, currently out for bids. By incorporating this pedestrian crossing into a much larger scale project, it is anticipated that the bid prices for the work will potentially be lower.

Recommendation

Attached is the bid result. We recommend that the Board of Trustees consider rejecting the bid submitted by J. Rank Electric, Inc. in the amount of $95,437.00 for the Woodward Pedestrian Crossing at Big Beaver project. This project is included as a separate division in the overall 2019 Safety Path program.

HUBBELL, ROTH & CLARK, INC
CONSULTING ENGINEERS SINCE 1915

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Roland N. Alix
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James F. Burton
Charles E. Hart
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CONTROLLER
Donna M. Martin

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Trevor S. Wagenmaker
Adrianna M. Melchior
Jesse M. Morgan

HUBBELL, ROTH & CLARK, INC.
MAILING: PO Box 824
Bloomfield Hills, MI 48303-0824

SHIPPING: 555 Hulet Drive
Bloomfield Hills, MI 48302-0360

PHONE: 248-454-6300
WEBSITE: hrcengr.com

OTHER OFFICE LOCATIONS
Delhi Township
Detroit
Grand Rapids
Howell
Jackson
Kalamazoo
Lansing

July 22, 2019

Charter Township of Bloomfield
4200 Telegraph Road
Bloomfield Hills, Michigan 48302

Attn: Ms. Olivia Olsztyn-Budry, P.E.
Director of Engineering & Environmental Services

Re: Presentation of Bid Results — HRC Job No. 20181016
Woodward Pedestrian Crossing at Big Beaver

Dear Ms. Olsztyn-Budry;

Bids for the subject project were taken on Monday, July 15, 2019 at 2:00 p.m. local time at the Bloomfield Township offices. A total of one (1) bid was received and read. The bids have been checked and they are in order. The total amount bid for the project was $95,437.00 from J. Ranck Electric, Inc. out of Mt. Pleasant, Michigan.

The amount bid was significantly higher than the Engineer's Estimate of $68,742. In a line-by-line comparison of the bid results to our estimate, we did not note a single item that was greatly beyond a reasonable range of costs, but rather, nearly all items were bid marginally higher and that accumulated into a significant difference in the total cost. The Engineer's Estimate was based on recent pricing information, and we believe is still a fair representation of the value of this contract. We believe that the biggest factor contributing to the higher bid price is that local qualified contractors are fully committed on other projects, and did not feel that they could dedicate the resources to this new project.

In our capacity as Consulting Engineers for Bloomfield Township, we recommend that the bid received on July 15, 2019 be discarded, and that the project be re-bid as part of the upcoming Safety Path Program project.

Attached, please find a copy of the bid tabulation. Please feel free to call should you have any questions or comments.

Very truly yours,

HUBBELL, ROTH & CLARK, INC.

James J. Surhigh, P.E.
Associate

pc: HRC – J. Burton, K. Stickel, C. Bauer, File

HUBBELL, ROTH & CLARK, INC
CONSULTING ENGINEERS SINCE 1915

Bid Tabulation-Woodward Ave Sanitary Sewer Replacement
Township of Bloomfield
Oakland County, Michgian

Bids due: July 15, 2019
Project No. 20181016

J. Ranck Electric, Inc.
1993 Gover Parkway
Mt. Pleasant, MI 48858

	Item Description	Quantity	Unit	Unit Price	Total Cost	Quantity	Unit	Unit Price	Total Cost	Quantity	Unit	Unit Price	Total Cost
1.	Mobilization - Max 10%	1	LS	$ 9,000.00	$ 9,000.00								
2.	Curb and Gutter, Rem	67	Ft	$ 15.00	$ 1,005.00								
3.	Embankment, CIP	15	Cyd	$ 30.00	$ 450.00								
4.	Excavation, Earth	50	Cyd	$ 50.00	$ 2,500.00								
5.	Aggregate Base, 4 inch	88	Syd	$ 11.00	$ 968.00								
6.	Aggregate Base, 6 inch	20	Syd	$ 22.00	$ 440.00								
7.	Hand Patching	5	Ton	$ 300.00	$ 1,500.00								
8.	Sidewalk, Rem	19	Syd	$ 15.00	$ 285.00								
9.	HMA Surface, Rem	10	Syd	$ 20.00	$ 200.00								
10.	Lane Tie, Epoxy Anchored	16	Ea	$ 12.00	$ 192.00								
11.	Curb Ramp Opening, Conc	67	Ft	$ 35.00	$ 2,345.00								
12.	Detectable Warning Surface, Cast Iron	29	Ft	$ 85.00	$ 2,465.00								
13.	Sidewalk Ramp, Conc, 6 inch	469	Sft	$ 9.00	$ 4,221.00								
14.	Sidewalk, Conc, 4 inch	316	Sft	$ 6.00	$ 1,896.00								
15.	Turf Establishment, Performance, Modified	100	Syd	$ 25.00	$ 2,500.00								
16.	Pavt Mrkg, Ovly Cold Plastic, 12 inch, Crosswalk	350	Ft	$ 6.00	$ 2,100.00								
17.	Pavt Mrkg, Ovly Cold Plastic, 24 inch, Stop Bar	60	Ft	$ 14.00	$ 840.00								
18.	Remove Keystone Retaining Wall	40	Sft	$ 45.00	$ 1,800.00								
19.	Sign, Type II, Rem	1	Ea	$ 100.00	$ 100.00								
20.	Sign, Type II, Erect, Salv	1	Ea	$ 200.00	$ 200.00								
21.	Sign, Type III, Rem	2	Ea	$ 100.00	$ 200.00								
22.	Sign, Type III, Erect, Salv	2	Ea	$ 200.00	$ 400.00								
23.	Fdn, Perforated Steel Square Tube Sign Breakaway System Rem	3	Ea	$ 500.00	$ 1,500.00								
24.	Post, Wood, 6 inch by 8 inch	32	Ft	$ 60.00	$ 1,920.00								
25.	Post, Steel, 3 lb	28	Ft	$ 20.00	$ 560.00								
26.	Rem Spec Mrkg	130	Sft	$ 5.00	$ 650.00								
27.	Conduit, DB, 1, 1 1/2 inch	25	Ft	$ 30.00	$ 750.00								
28.	Conduit, DB, 1, 3 inch	50	Ft	$ 50.00	$ 2,500.00								

HUBBELL, ROTH & CLARK, INC
CONSULTING ENGINEERS SINCE 1915

Bid Tabulation-Woodward Ave Sanitary Sewer Replacement
Township of Bloomfield
Oakland County, Michgian

Bids due: July 15, 2019
Project No. 20181016

J. Ranck Electric, Inc.
1993 Gover Parkway
Mt. Pleasant, MI 48858

Item Description	Quantity	Unit	Unit Price	Total Cost	Quantity	Unit	Unit Price	Total Cost	Quantity	Unit	Unit Price	Total Cost
29. Conduit, Directional Bore, 1, 3 inch	70	Ft	$ 100.00	$ 7,000.00								
30. Hh, Round	2	Ea	$ 1,800.00	$ 3,600.00								
31. Pedestal, Alum	3	Ea	$ 1,400.00	$ 4,200.00								
32. Pedestal, Fdn	4	Ea	$ 1,400.00	$ 5,600.00								
33. Pushbutton and Sign	4	Ea	$ 1,400.00	$ 5,600.00								
34. Pushbutton Pedestal, Alum	1	Ea	$ 1,000.00	$ 1,000.00								
35. TS, Pedestrian, Pedestal Mtd, Rem	1	Ea	$ 250.00	$ 250.00								
36. TS, Pedestrian, One Way Pedestal Mtd (LED) Countdown	3	Ea	$ 2,200.00	$ 6,600.00								
37. TS, Pedestrian, Two Way Pedestal Mtd (LED) Countdown	1	Ea	$ 2,600.00	$ 2,600.00								
38. Maintaining Traffic	1	LS	$ 15,500.00	$ 15,500.00								
Total				**$ 95,437.00**				**$ -**				**$ -**

Note:
Engineer's Estimate - $68,742.00

Bloomfield Township

Memorandum

To: Leo Savoie, Township Supervisor

From: Olivia Olsztyn-Budry, P.E., Director of Engineering & Environmental Services

Subject: 2019 Safety Path Program

Date: September 4, 2019

Cc: Charles Markus

Background

On October 22, 2018, the Township Board of Trustees approved the routes and authorized the final design of the 2019 Safety Path program which includes the east side of Telegraph Road from Lincoln Road to Maple Road, the west side of Cranbrook Road from Westbourne Drive to Middlebury Lane, the east side of Woodward Avenue from Oak Street to Manor Road, and a pedestrian crossing at Woodward Avenue and Big Beaver Road. The 2019 program also includes funding to provide for maintenance repairs for both the safety path and retaining walls at miscellaneous locations.

The design for the three safety path routes has been completed. Several unique circumstances were identified through the collection of the topographic data and development of the design along Telegraph Road and Woodward Avenue that changed the final construction plans. Some of these factors identified through the design process include:

- Pedestrian Signals and Crosswalk at Woodward Avenue and Big Beaver Road: This work includes installing push-button signals, a crosswalk, and reconfiguring the landing ramps at the intersections. An intergovernmental agreement was approved on July 22, 2019. The as-bid cost is higher than originally presented on August 12, 2019, based on the lowest received bid. The intergovernmental agreement has been revised with the bid price for the Board of Trustees consideration. The City of Birmingham will have to present the intergovernmental agreement to the Birmingham City Council to request cost sharing of this portion of the project.
- Telegraph Road: The planned safety path installation along east side of Telegraph Road has been shortened from what was approved in October. On Telegraph Road the path will be constructed from Lincoln Road to Fairlane Drive, excluding the portion from Fairlane Drive to Maple Road. This section of path has been excluded due to the difficulties meeting ADA requirements at several of the commercial drive approaches. The existing grade along the commercial drive approach from Telegraph Road to the existing parking lot for several properties is very steep. It is impossible to modify the existing drives within the Telegraph Road right of way to meet ADA requirements for pedestrians crossing the drives. Obtaining easements into the private properties and

extending the work to modify the existing parking lots outside of the Telegraph Road right of ways very significant and in some cases require the construction or reconstruction of retaining walls, the loss of parking spaces or is not feasible due to the location of the building.

- Woodward Avenue: The planned safety path installation on the east side of Woodward Avenue has been modified to include only the portion from Oak Street to Maywood Road. Parking lots are extended within a few feet of the curb for several commercial properties between Maywood and Manor Roads in the right of way of Woodward Avenue. Installation of safety path between Manor and Maywood roads will require eliminating a substantial amount of parking spaces from several commercial businesses along this stretch which already have limited parking. Alternative parking layouts were reviewed during the safety path design process, but all alternatives significantly reduced the number of parking spots for the businesses.
- Retaining wall repairs: Several retaining walls are in need of repairs as was identified during the Board of Trustees meeting on October 22, 2018. This project will be bid out separately this fall. Design is not complete, but it is expected that the cost estimate will be higher than originally presented in October 22, 2018 due to the anticipated scope of work and the addition of other locations where the retaining wall has to be addressed.

2019 Safety Path Program Cost Summary

A preliminary cost estimate was provided for the proposed 2019 program at the October 22, 2018 Board of Trustees meeting with an estimate for engineering and construction of $1,361,423. This included the Woodward Avenue from Oak Street to Manor Road, Telegraph Road from Lincoln Road to Maple Road, Cranbrook Road from Westview to Middlebury Roads, and the pedestrian crossing at Big Beaver and Woodward Avenue. The recommended program also included safety path repair work throughout the Township, and sidewalk repair work in Bloomfield Village. As described above, the routes were modified for Woodward Avenue and Telegraph Road due to compliance issues with ADA and impacts to existing parking.

On August 15, 2019, the Township received bids for the 2019 Safety Path Program. Three bids were received, with JB Contractors submitting the lowest bid. JB Contractors has not previously worked for Bloomfield Township. They have served as prime and sub-contractor for neighboring communities and is an MDOT prequalified contractor. The EESD held a pre-award meeting on August 28, 2019 and it was found that JB Contractors has an understanding of the project.

The low-bid submitted by JB Contractors for the 2019 Safety Path program significantly lower than the estimate presented in October due to the shortening of the path on Woodward Avenue and Telegraph Road. However, the bid price for the pedestrian crossing and both repair programs is higher. The repair locations for the safety path program are based on staff inspections and resident reporting. Repair locations for 2019 include miscellaneous areas throughout Bloomfield Township (Division E) and areas in Bloomfield Village (Division F). The sidewalks in Bloomfield Village are being inspected and scheduled for repair in a phased approach that will take place over several years.

Below is a table that summarizes the estimate cost and the low-bid price for each division.

Division	October Estimate	Bid Price
(A) Woodward Avenue	$163,920	$98,886.80
(B) Cranbrook Road	$113,325	$77,222.50
(C) Telegraph Road	$717,125	$68,445.10
(D) Pedestrian Crossing	$68,742	$107,122.50
(E) Misc. Safety Path Repairs	$50,000	$88,184.20
(F) Misc. Safety Path Repairs (Bloomfield Village)	$50,000	$104,121.55
TOTAL	$1,163,112	$543,982.65

Engineering Costs

The estimate for construction services for the safety path construction from HRC is $81,000 for this year's program. Remaining funds in the budget will be used in the fall and winter of 2019-2020 for the design of the 2020 Safety Path program, yet to be determined.

Grant Opportunities

The Southeast Michigan Council of Governments (SEMCG) offers Transportation Alternatives Program (TAP) grant opportunities for transportation improvements including pedestrian and bicycle infrastructure and safety programs. SEMCOG typically receives $5 million each year for grant funds to member communities. There is 20 percent minimum match requirement for applications, however, applicants that provide higher matching funds have the potential of being more favorable during the grant selection process. Two locations are offered for consideration of application for TAP grant funding.

Pedestrian Crossing – Square Lake Road & Telegraph Road

The EESD had a preliminary meeting with Michigan Department of Transportation (MDOT) and SEMCOG in March of 2019. The meeting focused on an opportunity to apply for a TAP grant to construct pedestrian crossings along Telegraph Road and Square Lake Road. Both agencies expressed support for a crossing at this location and potential TAP grant funding. The total estimated project length is 4,200 lineal feet and the total not-to-exceed budget for Hubbell Roth & Clark (HRC) to develop the grant is $29,700. The TAP grant funding schedule requires that the grant application be submitted in October, with the funds available, if the project is selected, by 2020 or 2021 construction year.

Pedestrian Crossing - Woodward Avenue & Big Beaver

Another consideration for the pedestrian crossing at Woodward Avenue & Big Beaver is to apply for a TAP grant at this location. The cost to develop a TAP grant is $2,500. The schedule for the project would be the same as above. This location has not been discussed with SEMCOG or MDOT. Should the Board of Trustees desire to pursue a TAP grant for this location, then Division D of the 2019 Safety Path Program would not be awarded.

Board of Trustees Consideration

EESD recommends that the Board of Trustees consider approving the development of TAP application for the pedestrian crossing at Telegraph and Square Lake Road.

EESD also recommends that the Board of Trustees consider approving the development of a TAP grant for the pedestrian crossing at Woodward Avenue and Big Beaver Road.

In the event that the Board of Trustees approves the recommendation to make application for a TAP grant for the Woodward Ave & Big Beaver Road pedestrian crossing, the EESD recommends award of the Divisions A, B, C, E and F of the 2019 Safety Path contract to JB Contractors, Inc. in the amount of $436,860.15. Division D is the pedestrian crossing at Woodward Avenue and Big Beaver Road.

Should the Board of Trustees elect not to pursue a TAP grant for the Woodward Avenue and Big Beaver Road, then the EESD recommends awarding all divisions of the 2019 Safety Path contract to JB Contractors, Inc. in the amount of $543,982.65 subject to the approval of the attached revised intergovernmental agreement between Bloomfield Township and the City of Birmingham for Division D, the pedestrian crossing at Woodward Avenue and Big Beaver. The revised intergovernmental agreement reflects the bid price for the pedestrian crossing at Woodward Avenue and Big Beaver.

Attached is the recommendation letter from HRC for JB Contractors and the bid tab with the results of the three bids submitted.

HUBBELL, ROTH & CLARK, INC
CONSULTING ENGINEERS SINCE 1915

PRINCIPALS
Daniel W. Mitchell
Nancy M.D. Faught
Jesse B. VanDeCreek
Roland N. Alix
Michael C. MacDonald
James F. Burton
Charles E. Hart
Todd J. Sneathen

CONTROLLER
Donna M. Martin

SENIOR ASSOCIATES
Gary J. Tressel
Randal L. Ford
William R. Davis
Dennis J. Benoit
Robert F. DeFrain
Thomas D. LaCross
Albert P. Mickalich
Timothy H. Sullivan
Thomas G. Maxwell

ASSOCIATES
Marshall J. Grazioli
Colleen L. Hill-Stramsak
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Jane M. Graham
Aaron A. Uranga
Salvatore Conigliaro
Melissa A. Coatta
Michael P. Darga
Brian K. Davies
Matthew G. Slicker
James J. Surhigh
Trevor S. Wagenmaker
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OTHER OFFICE LOCATIONS
Delhi Township
Detroit
Grand Rapids
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Jackson
Kalamazoo
Lansing

September 4, 2019

Charter Township of Bloomfield
4200 Telegraph Road
Bloomfield Hills, Michigan 48302

Attn: Ms. Olivia Olsztyn-Budry, P.E.
Director of Engineering & Environmental Services

Re: Recommendation for Bid Award — HRC Job No. 20181016
2019 Safety Path Program

Dear Ms. Olsztyn-Budry;

Bids for the subject project were taken on Thursday, August 15 at 02:00 p.m. local time at the Bloomfield Township offices. A total of three (3) bids were received and read. The bids have been checked and they are in order. The low bidder for the project is JB Contractors, Inc. out of Detroit, Michigan with a bid of $543,982.65

Although JB Contractors has not exclusively worked for Bloomfield Township, they have served as prime and sub-contractor on a number of sidewalk construction projects in neighboring southeast Michigan communities. JB Contractors is a MDOT prequalified contractor for Concrete Construction, Sidewalk, and Driveways. JB Contractors provided several references for similar sidewalk work performed recently, and we received favorable responses to our inquiry about their job performance.

A significant component of this project involves pedestrian and signal work across Woodward at Big Beaver. JB Contractors will be utilizing J. Ranck Electric, Inc as a subcontractor to complete that work. J. Ranck is a MDOT prequalified contractor for the Electrical Construction, Intelligent Transportation System Installation, and several other categories and has experience on similar projects.

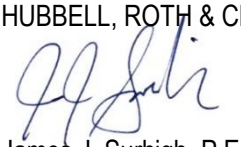
A pre-award meeting was held on August 28 between the Township, JB Contractors, and HRC. JB Contractors demonstrated their understanding of the project requirements and explained their planned approach for completing the project.

In our capacity as Consulting Engineers for Bloomfield Township, we recommend that the contract for the 2019 Safety Path Program project be awarded to JB Contractors, Inc., in the amount of **$543,982.65**, or appropriately adjusted total amount if one or more Divisions are omitted from this contract.

Attached, please find a copy of the bid tabulation. Please feel free to call should you have any questions or comments.

Very truly yours,

HUBBELL, ROTH & CLARK, INC.



James J. Surhigh, P.E.
Associate

pc: Bloomfield Township – Leo Savoie, Tom Trice, Charles Markus
JB Contractors – Juan Lopez
HRC – J. Burton, K. Stickel, File

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HUBBELL, ROTH & CLARK, INC
CONSULTING ENGINEERS SINCE 1915

Bids due-August 15, 2019
HRC Project No. 20181016

Bid Tabulation- 2019 Safety Path Program
Township of Bloomfield
4200 Telegraph Rd., Bloomfield Township, MI 48303

					JB Contractors, Inc 3201 Livernois Ave. Detroit, MI 48210		**Italia Construction, Inc** 57151 Deer Creek Ct Washington, MI 48094		**Lacaria Concrete Construction, Inc** 3720 Central Avenue Detroit, MI 48210	
	Item Description	Quantity	Unit	Unit Price	Total Cost		Unit Price	Total Cost	Unit Price	Total Cost
	Division A - Woodward Ave. Oak To Maywood									
1	Mobilization - Max 5%	1	LS	$ 4,500.00	$ 4,500.00		$ 5,800.00	$ 5,800.00	$ 7,865.45	$ 7,865.45
2	Color Audio Route Survey	1	LS	$ 920.00	$ 920.00		$ 1,750.00	$ 1,750.00	$ 7,000.00	$ 7,000.00
3	Curb & Gutter, Removal	257	FT	$ 14.50	$ 3,726.50		$ 23.00	$ 5,911.00	$ 35.00	$ 8,995.00
4	Pavement, Removal	33	SYD	$ 38.50	$ 1,270.50		$ 27.00	$ 891.00	$ 35.00	$ 1,155.00
5	Sidewalk, Removal	88	SYD	$ 15.00	$ 1,320.00		$ 27.00	$ 2,376.00	$ 15.00	$ 1,320.00
6	Station Grading, Special	6.7	Sta	$ 910.00	$ 6,097.00		$ 1,300.00	$ 8,710.00	$ 2,000.00	$ 13,400.00
7	Aggregate Base, 6 inch, 21A	258	SYD	$ 14.50	$ 3,741.00		$ 29.00	$ 7,482.00	$ 25.00	$ 6,450.00
8	Aggregate Base, 10 inch, 21AA	56	SYD	$ 20.00	$ 1,120.00		$ 39.00	$ 2,184.00	$ 25.00	$ 1,400.00
9	Dr Structure Cover, Adj, Case 2	1	EA	$ 300.00	$ 300.00		$ 450.00	$ 450.00	$ 800.00	$ 800.00
10	HMA Surface, Removal	164	SYD	$ 30.00	$ 4,920.00		$ 31.00	$ 5,084.00	$ 25.00	$ 4,100.00
11	Hand Patching	3	TON	$ 590.00	$ 1,770.00		$ 465.00	$ 1,395.00	$ 375.00	$ 1,125.00
12	HMA Approach	13	TON	$ 265.00	$ 3,445.00		$ 435.00	$ 5,655.00	$ 375.00	$ 4,875.00
13	Conc Pvmt with Integral Curb, Nonreinf, 8 inch	147	SYD	$ 67.00	$ 9,849.00		$ 69.00	$ 10,143.00	$ 85.00	$ 12,495.00
14	Driveway Opening, Conc, Det M	182	FT	$ 37.00	$ 6,734.00		$ 7.93	$ 1,443.26	$ 35.00	$ 6,370.00
15	Curb & Gutter, Conc, Det F3	216	FT	$ 37.00	$ 7,992.00		$ 31.00	$ 6,696.00	$ 40.00	$ 8,640.00
16	Detectable Warning Surface	23	FT	$ 90.00	$ 2,070.00		$ 33.00	$ 759.00	$ 300.00	$ 6,900.00
17	Curb Ramp Opening, Conc	41	FT	$ 37.00	$ 1,517.00		$ 42.00	$ 1,722.00	$ 40.00	$ 1,640.00
18	Sidewalk Ramp, Conc, 6 inch	72	SFT	$ 8.00	$ 576.00		$ 7.93	$ 570.96	$ 8.00	$ 576.00
19	Sidewalk Ramp with Integral Curb, Conc, 6 inch	60	SFT	$ 8.50	$ 510.00		$ 8.13	$ 487.80	$ 15.00	$ 900.00
20	Sidewalk with Integral Curb, Conc, 4 inch	901	SFT	$ 6.10	$ 5,496.10		$ 5.83	$ 5,252.83	$ 17.00	$ 15,317.00
21	Sidewalk with Integral Curb, Conc, 6 inch	33	SFT	$ 7.10	$ 234.30	*	$ 6.33	$ 208.89	$ 18.00	$ 594.00
22	Sidewalk, Conc, 4 inch	1423	SFT	$ 4.30	$ 6,118.90		$ 5.63	$ 8,011.49	$ 8.00	$ 11,384.00
23	Sidewalk, Conc, 6 inch	175	SFT	$ 5.50	$ 962.50		$ 6.13	$ 1,072.75	$ 9.00	$ 1,575.00
24	Sign. Type III, Erect, Salv	2	EA	$ 402.00	$ 804.00		$ 450.00	$ 900.00	$ 300.00	$ 600.00
25	Pvmt Marking, Ovly Cold plastic, 6 inch, Crosswalk	135	FT	$ 6.80	$ 918.00		$ 9.35	$ 1,262.25	$ 7.00	$ 945.00 *
26	Turf Establishment, Performance, Modified, Including 3" Topsoil	650	SYD	$ 3.50	$ 2,275.00		$ 3.00	$ 1,950.00	$ 3.00	$ 1,950.00
27	Traffic Maintenance	1	LS	$ 8,500.00	$ 8,500.00		$ 23,000.00	$ 23,000.00	$ 15,000.00	$ 15,000.00
28	Observation Crew Days	$800	DAY	14	$ 11,200.00		14	$ 11,200.00	14	$ 11,200.00
29	Observation Crew Days – Amount over Contract	$800	DAY	0	$ -		0	$ -	14	$ 11,200.00
	Division A Subtotal				**$ 98,886.80**			**$ 122,368.23**		**$ 165,771.45**

Hubbell, Roth and Clark, Inc
555 Hulet Dr.
Bloomfield Hills, MI 48303

HUBBELL, ROTH & CLARK, INC
CONSULTING ENGINEERS SINCE 1915

Bids due-August 15, 2019
HRC Project No. 20181016

Bid Tabulation- 2019 Safety Path Program
Township of Bloomfield
4200 Telegraph Rd., Bloomfield Township, MI 48303

					JB Contractors, Inc 3201 Livernois Ave. Detroit, MI 48210		**Italia Construction, Inc** 57151 Deer Creek Ct Washington, MI 48094		**Lacaria Concrete Construction, Inc** 3720 Central Avenue Detroit, MI 48210	
	Item Description	Quantity	Unit	Unit Price	Total Cost	Unit Price	Total Cost	Unit Price	Total Cost	
	Division B - Cranbrook Rd, Middlebury to Westbourne									
30	Mobilization - Max 5%	1	LS	$ 3,800.00	$ 3,800.00	$ 6,100.00	6,100.00	$ 7,413.58	$	7,413.58
31	Color Audio Route Survey	1	LS	$ 1,010.00	$ 1,010.00	$ 1,750.00	1,750.00	$ 6,000.00	$	6,000.00
32	Tree Removal, Evergreen, 16 to 25 ft high	2	EA	$ 75.00	$ 150.00	$ 3,100.00	6,200.00	$ 2,000.00	$	4,000.00
33	Tree Removal, Evergreen, 26 ft or higher	3	EA	$ 100.00	$ 300.00	$ 4,300.00	12,900.00	$ 3,000.00	$	9,000.00
34	Curb & Gutter, Removal	45	FT	$ 14.50	$ 652.50	$ 23.00	1,035.00	$ 30.00	$	1,350.00
35	Pavement, Removal	23	SYD	$ 38.00	$ 874.00	$ 27.00	621.00	$ 30.00	$	690.00
36	Erosion Control, inlet Protection Fabric Bag	4	EA	$ 100.00	$ 400.00	$ 300.00	1,200.00	$ 200.00	$	800.00
37	Station Grading, Special	8	STA	$ 910.00	$ 7,280.00	$ 1,300.00	10,400.00	$ 2,000.00	$	16,000.00
38	Aggregate Base, 6 inch, 21AA	119	SYD	$ 14.50	$ 1,725.50	$ 29.00	3,451.00	$ 25.00	$	2,975.00
39	Aggregate Base, 10 inch, 21AA	21	SYD	$ 20.00	$ 420.00	$ 39.00	819.00	$ 25.00	$	525.00
40	Dr Structure Cover, Adj, Case 1	2	EA	$ 650.00	$ 1,300.00	$ 450.00	900.00	$ 800.00	$	1,600.00
41	Dr Structure Cover, Adj, Case 2	2	EA	$ 300.00	$ 600.00	$ 450.00	900.00	$ 800.00	$	1,600.00
42	HMA Surface, Removal	129	SYD	$ 30.00	$ 3,870.00	$ 31.00	3,999.00	$ 25.00	$	3,225.00
43	Hand Patching	4	TON	$ 590.00	$ 2,360.00	$ 465.00	1,860.00	$ 350.00	$	1,400.00
44	HMA Approach	13	TON	$ 265.00	$ 3,445.00	$ 435.00	5,655.00	$ 350.00	$	4,550.00
45	Driveway, Nonreinforced Conc, 6 inch	129	SYD	$ 60.00	$ 7,740.00	$ 63.00	8,127.00	$ 75.00	$	9,675.00
46	Curb & Gutter, Conc, Det F3	5	FT	$ 40.00	$ 200.00	$ 31.00	155.00	$ 35.00	$	175.00
47	Detectable Warning Surface	28	FT	$ 90.00	$ 2,520.00	$ 33.00	924.00	$ 350.00	$	9,800.00
48	Curb Ramp Opening, Conc	40	FT	$ 40.00	$ 1,600.00	$ 42.00	1,680.00	$ 35.00	$	1,400.00
49	Sidewalk Ramp, Conc, 6 inch	159	SFT	$ 8.00	$ 1,272.00	$ 8.13	1,292.67	$ 13.00	$	2,067.00
50	Sidewalk, Conc, 4 inch	2794	SFT	$ 4.50	$ 12,573.00	$ 5.63	15,730.22	$ 8.00	$	22,352.00
51	Sidewalk, Conc, 6 inch	575	SFT	$ 5.50	$ 3,162.50	$ 6.13	3,524.75	$ 8.50	$	4,887.50
52	Pvmt Marking, Ovly Cold plastic, 6 inch Crosswalk	62	FT	$ 14.00	$ 868.00	$ 13.00	806.00	$ 300.00	$	18,600.00
53	Turf Establishment, Performance, Modified, Including 3" Topsoil	900	SYD	$ 4.00	$ 3,600.00	$ 3.00	2,700.00	$ 3.00	$	2,700.00
54	Traffic Maintenance	1	LS	$ 7,500.00	$ 7,500.00	$ 21,000.00	21,000.00	$ 8,500.00	$	8,500.00
55	Observation Crew Days	$800	DAY	10	$ 8,000.00	10	8,000.00	10	$	8,000.00
56	Observation Crew Days - Amount Over Contract	$800	DAY	0	$ -	0	-	8	$	6,400.00
	Division B Subtotal				**$ 77,222.50**		**$ 121,729.64**		**$**	**155,685.08**

HUBBELL, ROTH & CLARK, INC
CONSULTING ENGINEERS SINCE 1915

Bids due-August 15, 2019
HRC Project No. 20181016

Bid Tabulation- 2019 Safety Path Program
Township of Bloomfield
4200 Telegraph Rd., Bloomfield Township, MI 48303

					JB Contractors, Inc 3201 Livernois Ave. Detroit, MI 48210		**Italia Construction, Inc** 57151 Deer Creek Ct Washington, MI 48094		**Lacaria Concrete Construction, Inc** 3720 Central Avenue Detroit, MI 48210	
	Item Description	Quantity	Unit	Unit Price	Total Cost		Unit Price	Total Cost	Unit Price	Total Cost
	Division C - Telegraph Rd, Fairlane to Lincoln									
57	Mobilization - Max 5%	1	LS	$ 3,000.00	$ 3,000.00		$ 4,800.00	$ 4,800.00	$ 4,521.93	$ 4,521.93
58	Color Audio Route Survey	1	LS	$ 1,100.00	$ 1,100.00		$ 1,750.00	$ 1,750.00	$ 6,000.00	$ 6,000.00
59	Curb & Gutter, Removal	73	FT	$ 15.00	$ 1,095.00		$ 23.00	$ 1,679.00	$ 35.00	$ 2,555.00
60	Pavement, Removal	55	SYD	$ 38.00	$ 2,090.00		$ 27.00	$ 1,485.00	$ 25.00	$ 1,375.00
61	Erosion Control, Inlet Protection Fabric Bag	1	EA	$ 100.00	$ 100.00		$ 300.00	$ 300.00	$ 300.00	$ 300.00
62	Station Grading, Special	10	Sta	$ 910.00	$ 9,100.00		$ 1,300.00	$ 13,000.00	$ 2,000.00	$ 20,000.00
63	Aggregate Base, 6 inch, 21AA	55	SYD	$ 14.50	$ 797.50	*	$ 29.00	$ 1,595.00	$ 25.00	$ 1,375.00
64	Aggregate Base, 10 inch, 21AA	17	SYD	$ 20.00	$ 340.00		$ 39.00	$ 663.00	$ 25.00	$ 425.00
65	Dr Structure Cover, Adj, Case 2	3	EA	$ 300.00	$ 900.00		$ 450.00	$ 1,350.00	$ 800.00	$ 2,400.00
66	Conc Pvmt with Integral Curb, Nonreinf, 8 inch	5	SYD	$ 70.00	$ 350.00		$ 69.00	$ 345.00	$ 80.00	$ 400.00
67	Curb & Gutter, Conc, Det F3	13	FT	$ 40.00	$ 520.00		$ 31.00	$ 403.00	$ 30.00	$ 390.00
68	Detectable Warning Surface	28	FT	$ 90.00	$ 2,520.00		$ 33.00	$ 924.00	$ 350.00	$ 9,800.00
69	Curb Ramp Opening, Conc	60	FT	$ 40.00	$ 2,400.00		$ 42.00	$ 2,520.00	$ 35.00	$ 2,100.00
70	Sidewalk Ramp, Conc, 6 inch	311	SFT	$ 8.00	$ 2,488.00		$ 8.13	$ 2,528.43	$ 12.00	$ 3,732.00
71	Sidewalk, Conc, 4 inch	3381	SFT	$ 4.30	$ 14,538.30		$ 5.63	$ 19,035.03	$ 8.50	$ 28,738.50
72	Sidewalk, Conc, 6 inch	269	SFT	$ 5.50	$ 1,479.50		$ 6.13	$ 1,648.97	$ 9.00	$ 2,421.00
73	Sign. Type III, Erect, Salv	1	EA	$ 402.00	$ 402.00		$ 450.00	$ 450.00	$ 300.00	$ 300.00
74	Pvmt Marking, Ovly Cold plastic, 6 inch, Crosswalk	136	FT	$ 6.80	$ 924.80		$ 9.35	$ 1,271.60	$ 12.00	$ 1,632.00
75	Turf Establishment, Performance, Modified, Including 3" Topsoil	1250	SYD	$ 4.00	$ 5,000.00		$ 3.00	$ 3,750.00	$ 6.00	$ 7,500.00
76	Traffic Maintenance	1	LS	$ 8,100.00	$ 8,100.00		$ 31,000.00	$ 31,000.00	$ 13,000.00	$ 13,000.00
77	Observation Crew Days	$800	DAY	14	$ 11,200.00		14	$ 11,200.00	14	$ 11,200.00
78	Observation Crew Days – Amount over Contract	$800	DAY	0	$ -		0	$ -	8	$ 6,400.00
	Division C Subtotal				**$ 68,445.10**			**$ 101,698.03**		**$ 126,565.43**

HUBBELL, ROTH & CLARK, INC
CONSULTING ENGINEERS SINCE 1915

Bids due-August 15, 2019
HRC Project No. 20181016

Bid Tabulation- 2019 Safety Path Program
Township of Bloomfield
4200 Telegraph Rd., Bloomfield Township, MI 48303

					JB Contractors, Inc 3201 Livernois Ave. Detroit, MI 48210		Italia Construction, Inc 57151 Deer Creek Ct Washington, MI 48094		Lacaria Concrete Construction, Inc 3720 Central Avenue Detroit, MI 48210	
	Item Description	Quantity	Unit	Unit Price	Total Cost		Unit Price	Total Cost	Unit Price	Total Cost
	Division D - Woodward Ave. Pedestrian Crossing at Big Beaver Rd									
79	Mobilization - Max 5%	1	LS	$ 5,000.00	$ 5,000.00		$ 6,300.00	$ 6,300.00	$ 4,533.00	$ 4,533.00
80	Curb and Gutter, Rem	67	FT	$ 20.00	$ 1,340.00		$ 23.00	$ 1,541.00	$ 35.00	$ 2,345.00
81	Embankment, CIP	15	Cyd	$ 30.00	$ 450.00		$ 33.00	$ 495.00	$ 35.00	$ 525.00
82	Excavation, Earth	50	Cyd	$ 25.00	$ 1,250.00		$ 33.00	$ 1,650.00	$ 35.00	$ 1,750.00
83	Aggregate Base, 4 inch	88	SYD	$ 12.00	$ 1,056.00		$ 23.00	$ 2,024.00	$ 35.00	$ 3,080.00
84	Aggregate Base, 8 inch	20	SYD	$ 18.00	$ 360.00	*	$ 31.00	$ 620.00	$ 35.00	$ 700.00
85	Hand Patching	5	TON	$ 600.00	$ 3,000.00		$ 465.00	$ 2,325.00	$ 350.00	$ 1,750.00 *
86	Sidewalk, Rem	19	SYD	$ 20.00	$ 380.00		$ 27.00	$ 513.00	$ 30.00	$ 570.00
87	HMA Surface, Rem	10	SYD	$ 35.00	$ 350.00		$ 31.00	$ 310.00	$ 30.00	$ 300.00
88	Lane Tie, Epoxy Anchored	16	EA	$ 10.00	$ 160.00		$ 13.00	$ 208.00	$ 12.00	$ 192.00
89	Curb Ramp Opening, Conc	67	FT	$ 40.00	$ 2,680.00		$ 42.00	$ 2,814.00	$ 50.00	$ 3,350.00
90	Detectable Warning Surface, Cast Iron	29	FT	$ 90.00	$ 2,610.00		$ 85.00	$ 2,465.00	$ 350.00	$ 10,150.00
91	Sidewalk Ramp, Conc, 6 inch	469	SFT	$ 8.00	$ 3,752.00		$ 8.13	$ 3,812.97	$ 15.00	$ 7,035.00
92	Sidewalk, Conc, 4 inch	316	SFT	$ 4.50	$ 1,422.00		$ 5.63	$ 1,779.08	$ 13.00	$ 4,108.00
93	Turf Establishment, Performance, Modified	100	SYD	$ 4.00	$ 400.00		$ 19.00	$ 1,900.00	$ 10.00	$ 1,000.00
94	Pavt Mrkg, Polyurea, 12 inch Crosswalk	350	FT	$ 5.75	$ 2,012.50		$ 9.35	$ 3,272.50	$ 9.00	$ 3,150.00
95	Pavt Mrkg, Polyurea, 24 inch Crosswalk	60	FT	$ 11.50	$ 690.00		$ 13.00	$ 780.00	$ 15.00	$ 900.00
96	Remove Keystone Retaining Wall	40	SFT	$ 50.00	$ 2,000.00		$ 65.00	$ 2,600.00	$ 20.00	$ 800.00
97	Sign, Type II, Rem	1	EA	$ 345.00	$ 345.00		$ 350.00	$ 350.00	$ 200.00	$ 200.00
98	Sign, Type II, Erect, Salv	1	EA	$ 403.00	$ 403.00		$ 350.00	$ 350.00	$ 200.00	$ 200.00
99	Sign, Type III, Rem	2	EA	$ 288.00	$ 576.00		$ 450.00	$ 900.00	$ 300.00	$ 600.00
100	Sign, Type III, Erect, Salv	2	EA	$ 403.00	$ 806.00		$ 450.00	$ 900.00	$ 300.00	$ 600.00
101	Fdn, Perforated Steel Square Tube Sign Breakaway System Rem	3	EA	$ 604.00	$ 1,812.00		$ 300.00	$ 900.00	$ 600.00	$ 1,800.00
102	Post, Wood, 6 inch by 8 inch	32	FT	$ 115.00	$ 3,680.00		$ 25.00	$ 800.00	$ 75.00	$ 2,400.00
103	Post, Steel, 3 lb	28	FT	$ 21.00	$ 588.00		$ 25.00	$ 700.00	$ 85.00	$ 2,380.00
104	Rem Spec Mrkg	130	SFT	$ 3.00	$ 390.00		$ 5.00	$ 650.00	$ 6.00	$ 780.00
105	Conduit, DB, 1, 1 1/2 inch	25	FT	$ 58.00	$ 1,450.00		$ 90.00	$ 2,250.00	$ 100.00	$ 2,500.00
106	Conduit, DB, 1, 3 inch	50	FT	$ 63.00	$ 3,150.00		$ 90.00	$ 4,500.00	$ 100.00	$ 5,000.00
107	Conduit, Directional Bore, 1, 3 inch	70	FT	$ 115.00	$ 8,050.00		$ 120.00	$ 8,400.00	$ 120.00	$ 8,400.00
108	Hh, Round	2	EA	$ 2,875.00	$ 5,750.00		$ 2,000.00	$ 4,000.00	$ 2,000.00	$ 4,000.00
109	Pedestal, Alum	3	EA	$ 1,380.00	$ 4,140.00		$ 980.00	$ 2,940.00	$ 950.00	$ 2,850.00

HUBBELL, ROTH & CLARK, INC
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Township of Bloomfield
4200 Telegraph Rd., Bloomfield Township, MI 48303

					JB Contractors, Inc 3201 Livernois Ave. Detroit, MI 48210		**Italia Construction, Inc** 57151 Deer Creek Ct Washington, MI 48094		**Lacaria Concrete Construction, Inc** 3720 Central Avenue Detroit, MI 48210		
	Item Description	Quantity	Unit	Unit Price	Total Cost		Unit Price	Total Cost	Unit Price	Total Cost	
110	Pedestal, Fdn	4	EA	$ 2,070.00	$ 8,280.00		$ 1,800.00	$ 7,200.00	$ 1,800.00	$ 7,200.00	
111	Pushbutton and Sign	4	EA	$ 1,495.00	$ 5,980.00		$ 900.00	$ 3,600.00	$ 950.00	$ 3,800.00	
112	Pushbutton Pedestal, Alum	1	EA	$ 1,150.00	$ 1,150.00		$ 900.00	$ 900.00	$ 950.00	$ 950.00	
113	TS, Pedestrian, Pedestal Mtd, Rem	1	EA	$ 460.00	$ 460.00		$ 210.00	$ 210.00	$ 300.00	$ 300.00	
114	TS, Pedestrian, One Way Pedestal Mtd (LED Countdown	3	EA	$ 2,300.00	$ 6,900.00		$ 1,700.00	$ 5,100.00	$ 1,800.00	$ 5,400.00	
115	TS, Pedestrian, Two Way Pedestal Mtd (LED) Countdown	1	EA	$ 3,100.00	$ 3,100.00		$ 2,500.00	$ 2,500.00	$ 2,500.00	$ 2,500.00	
116	Traffic Maintenance	1	LS	$ 10,000.00	$ 10,000.00		$ 33,000.00	$ 33,000.00	$ 20,000.00	$ 20,000.00	
117	Observation Crew Days	$800	DAY	14	$ 11,200.00		14	$ 11,200.00	14	$ 11,200.00	
118	Observation Crew Days – Amount over Contract	$800	DAY	0	$ -		0	$ -	10	$ 8,000.00	
	Division D Subtotal				**$ 107,122.50**			**$ 126,759.55**		**$ 137,298.00**	
	Division E - Misc. Safety Path Repairs										
119	Pavement Removal	1155	SYD	$ 14.00	$ 16,170.00		$ 13.00	$ 15,015.00	$ 15.00	$ 17,325.00	*
120	Sidewalk, Conc, 4 inch	9668	SFT	$ 5.65	$ 54,624.20		$ 4.63	$ 44,762.84	$ 14.00	$ 135,352.00	*
121	Sidewalk, Conc, 6 inch	732	SFT	$ 6.50	$ 4,758.00		$ 5.13	$ 3,755.16	$ 15.00	$ 10,980.00	*
122	Turf Restoration, Performance, Modified	1158	SYD	$ 1.00	$ 1,158.00		$ 3.00	$ 3,474.00	$ 3.00	$ 3,474.00	
123	Class A Sod, Inc. 2" Topsoil	1158	SYD	$ 3.00	$ 3,474.00		$ 9.00	$ 10,422.00	$ 5.00	$ 5,790.00	
124	Observation Crew Days	$800	DAY	10	$ 8,000.00		10	$ 8,000.00	10	$ 8,000.00	
125	Observation Crew Days – Amount over Contract	$800	DAY	0	$ -		0	$ -	12	$ 9,600.00	
	Diversion E Subtotal				**$ 88,184.20**			**$ 85,429.00**		**$ 190,521.00**	
	Division F - Misc. Safety Path Repairs										
126	Pavement Removal	1257	SYD	$ 14.00	$ 17,598.00		$ 13.00	$ 16,341.00	$ 5.00	$ 6,285.00	
127	Sidewalk, Conc, 4 inch	10527	SFT	$ 5.65	$ 59,477.55		$ 4.63	$ 48,740.01	$ 7.39	$ 77,794.53	
128	Sidewalk, Conc, 6 inch	256	SFT	$ 6.50	$ 1,664.00		$ 5.13	$ 1,313.28	$ 8.00	$ 2,048.00	
129	Sidewalk Ramp, Conc, 6 inch	524	SYD	$ 8.00	$ 4,192.00		$ 73.00	$ 38,252.00	$ 75.00	$ 39,300.00	
130	Detectable Warning Surface	70	FT	$ 87.00	$ 6,090.00		$ 33.00	$ 2,310.00	$ 200.00	$ 14,000.00	
131	Dr Structure Cover, Adj, Case 2	3	EA	$ 300.00	$ 900.00		$ 450.00	$ 1,350.00	$ 750.00	$ 2,250.00	
132	Turf Restoration, Performance, Modified	1150	SYD	$ 1.00	$ 1,150.00		$ 3.00	$ 3,450.00	$ 3.00	$ 3,450.00	*
133	Class A Sod, Inc. 2" Topsoil	1150	SYD	$ 3.00	$ 3,450.00		$ 9.00	$ 10,350.00	$ 5.00	$ 5,750.00	

HUBBELL, ROTH & CLARK, INC
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4200 Telegraph Rd., Bloomfield Township, MI 48303

						JB Contractors, Inc 3201 Livernois Ave. Detroit, MI 48210		**Italia Construction, Inc** 57151 Deer Creek Ct Washington, MI 48094		**Lacaria Concrete Construction, Inc** 3720 Central Avenue Detroit, MI 48210	
	Item Description	Quantity	Unit	Unit Price		Total Cost		Unit Price	Total Cost	Unit Price	Total Cost
134	Observation Crew Days	$800	DAY		12	$ 9,600.00			12 $ 9,600.00		12 $ 9,600.00
135	Observation Crew Days – Amount over Contract	$800	DAY		0	$ -			0 $ -		12 $ 9,600.00
	Division F Subtotal					**$ 104,121.55**			**$ 131,706.29**		**$ 170,077.53**
	Division A Subtotal					$ 98,886.80	*		$ 122,368.23		$ 165,771.45 *
	Division B Subtotal					$ 77,222.50			$ 121,729.64		$ 155,685.08
	Division C Subtotal					$ 68,445.10	*		$ 101,698.03		$ 126,565.43
	Division D Subtotal					$ 107,122.50	*		$ 126,759.55		$ 137,298.00 *
	Division E Subtotal					$ 88,184.20			$ 85,429.00		$ 190,521.00 *
	Division F Subtotal					$ 104,121.55			$ 131,706.29		$ 170,077.53 *
	Total					**$ 543,982.65**	*		**$ 689,690.74**		**$ 945,918.49** *

*** Corrected by Engineer**

Note:

Engineer's Estimate: $654,557.75

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City of Birmingham
A Walkable Community

MEMORANDUM

Engineering Dept.

DATE: **December 20, 2019**

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

FROM: **Paul T. O'Meara, City Engineer**

SUBJECT: **SOCWA Board of Trustees Membership**

INTRODUCTION:

As a founding member of the Southeastern Oakland Co. Water Authority (SOCWA), Birmingham has representation on the Board of Trustees. The Board typically meets once per month to review expenditures, budget, capital improvements, and management priorities of the authority, as administered through it general manager.

BACKGROUND:

Paul O'Meara has represented Birmingham on the SOCWA Board of Trustees since 2009. Assistant City Engineer Austin Fletcher has acted as the alternate board member since 2015. With Mr. O'Meara's pending retirement, new appointments to the Board will have to be made. It is recommended that Austin Fletcher be appointed as the Birmingham official representative on the SOCWA Board of Trustees as of January 13, 2020. Further, it is recommended that Assistant City Engineer Theresa Bridges be appointed as the alternate Birmingham representative on the SOCWA Board as of the same date.

LEGAL REVIEW:

No legal review is required.

FISCAL IMPACT:

There is no fiscal impact in relation to this item.

PUBLIC COMMUNICATIONS:

No public notification is required in relation to this item.

SUMMARY

It is recommended that Austin Fletcher be appointed as the Birmingham official representative on the SOCWA Board of Trustees as of January 13, 2020. Further, it is recommended that Assistant City Engineer Theresa Bridges be appointed as the alternate Birmingham representative on the SOCWA Board as of the same date.

ATTACHMENTS:

None

SUGGESTED RESOLUTION:

To appoint Assistant City Engineer Austin Fletcher as representative, and Assistant City Engineer Theresa Bridges as alternate representative, for the City of Birmingham, on the Southeastern Oakland County Water Authority Board of Trustees for the period starting January 13, 2020.

City of Birmingham
A Walkable Community

MEMORANDUM

Building Department

DATE: **January 7, 2020**

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

FROM: **Bruce R. Johnson, Building Official**

SUBJECT: **McKenna Agreement**

INTRODUCTION:

In 2015 the City entered into a professional services agreement with McKenna Associates, Inc. to augment the Building Department services such as inspection, plan review and code enforcement. This agreement will expire on January 26, 2020. It is because of the high number of residential construction projects and the numerous ongoing large-scale commercial projects that the Building Department recommends extending the agreement an additional five years.

BACKGROUND:

The Building Department has utilized McKenna over the past five years as an additional resource to manage the high level of construction activity within the City. We currently have six McKenna staff members assigned to the department assisting us with building inspections, code enforcement at construction sites, and office support. These individuals are assigned specifically to Birmingham and they are very familiar with our processes and procedures and have established a rapport with City Staff, contractors and residents.

In 2017 the current agreement was amended to add language allowing McKenna staff who perform specific construction site code enforcement duties to drive a City vehicle while performing inspections on behalf of the Building Department. That modification along with other minor changes to update insurance language is incorporated into the attached amended and restated agreement.

The fees McKenna charges for the services we are using have remained the same over the prior five years and they have proposed a modest three percent increase to extend the agreement for an additional five years.

LEGAL REVIEW:

The City Attorney has reviewed the amended and restated agreement and has no legal concerns.

FISCAL IMPACT:

Services provided under this agreement are paid for from revenue generated from permit fees. The Building Department budgets funds each year for these services based on forecasted permit revenue.

PUBLIC COMMUNICATIONS:

The proposed amended and restated agreement continues an existing service, and therefore additional public notice is not required.

SUMMARY

The Building Department utilizes the professional services of McKenna to complement its service during periods of peak construction activity. The continued high level of residential and commercial construction projects within the City warrants extending the current agreement with McKenna an additional five years.

ATTACHMENTS:

Amended and Restated Agreement
Certificate of Insurance

SUGGESTED RESOLUTION:

To approve the Amended and Restated Professional Services Agreement with McKenna Associates, Inc. for inspection, code enforcement and support services as planned in the current fiscal year, and thereafter, as budgeted. Further, to direct the Mayor and City Clerk to sign the agreement on behalf of the City.

AMENDED AND RESTATED
PROFESSIONAL SERVICES AGREEMENT

THIS AMENDMENT TO THE MCKENNA INSPECTION SERVICES AGREEMENT, entered into this_____day of_____, 2020, by and between the CITY OF BIRMINGHAM, State of Michigan, hereinafter referred to as "City" and McKENNA ASSOCIATES, INC., a Michigan corporation of Northville, Michigan, hereinafter referred to as "Consultant."

WITNESSETH:

WHEREAS, the City regularly performs inspection service and plan review services; and

WHEREAS, the City engaged the professional services of McKenna in 2015 to assist with inspection and plan review services; and

WHEREAS, the City wishes to continue utilizing the professional services of McKenna; 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:

SECTION 1. SCOPE OF SERVICES

The Consultant represents and warrants to the City that he employs or contracts for, State of Michigan licensed building officials, building, mechanical, electrical and plumbing inspectors and plan reviewers and that they shall remain so licensed during the term of this agreement. The Consultant shall perform all the following services under this Agreement:

A. Provide the City with proof that each of the Consultant's servants, agents and employees performing services pursuant to the contract possesses a valid operator's/driving license or identification card issued by the State of Michigan. The City shall provide a vehicle to be used by Consultant's employees who perform specific construction site code enforcement duties. The Consultant agrees that all employees who drive this vehicle shall be duly licensed as set forth above and agree that the vehicle will be parked in the Chester Street parking structure deck and will not be driven out of the City except when on official City business. The City shall provide all vehicle expenses including fuel, routine maintenance and necessary repairs.

B. Provide and maintain a sufficient number of inspectors, to the satisfaction of the City Administration. The Consultant shall provide the City with information showing that the Consultant performed background checks on each of its servants, agents and employees to determine their fitness to perform services under the agreement.

C. Provide transportation and other equipment used in the performance of the requested services.

D. When performing inspection services of any kind, the Consultant's servants, agents and employees shall wear presentable attire. When performing services under the agreement, such individuals shall be in possession or, and shall display, identification to be provided by the City.

E. Provide services to the public on-site in the City and elsewhere, as necessary. Such services shall be provided pursuant to a regular schedule for the term of this agreement.

F. Maintain written and electronic files pertaining to all services rendered by the Consultant.

G. Review building plans and related construction documents for new construction, additions, and alterations or improvements to existing structures within the City, which are subject to review and approval by the City for conformance with the requirements of the City and State building codes. Consultant shall delineate on the plans provided to it, or in written report format, or both as requested by the City, items requiring correction or alteration for conformance with the appropriate codes. The Consultant shall re-review all revised plans to determine whether corrections previously noted have been made.

H. Upon notification and request of the City, Consultant shall inspect buildings and structures for which a building, electrical, mechanical, or plumbing permit has been issued by the City in order to determine whether the construction and installations meets the requirements of the appropriate codes and permit requirements. The Consultant shall perform required business license building inspections as requested by the City. Upon completion of each inspection, Consultant shall enter the results into the City's database, or provide the City a written report of the inspection results, or both as requested by the City. The results shall include comments in sufficient detail delineating what was approved and/or items requiring correction or alteration for conformance with the permit.

I. Work performed by the Consultant shall comply with approved State and local codes, which govern the plan review, permit and inspection processes.

The Consultant shall not allow any person to perform any plan reviews or construction codes inspections (1) without first determining each servant, agent and employee of the Consultant providing plan review or inspection services is qualified and possesses all the necessary licenses and credentials required by the State of Michigan to perform the inspection and (2) shall provide the City with documentary proof verifying that each such servant, agent or employee has been issued an "Registered Code Official and Inspectors" card issued by the Michigan Department of Labor and Economic Growth, Bureau of Construction Codes setting forth their State Registration Number, the Expiration Date and specific categories for which each is licensed. The Consultant shall also provide the City with any correspondence from the State of Michigan approving the Consultant and its employees in accordance with Act 407 or otherwise, or approving the Consultant to perform "Plan Review," and "Inspector" duties, as these terms are defined by Act 407 and Michigan law.

J. In providing these Construction code services the Consultant shall:

1. Provide "inspector" services as these terms are defined by Michigan law. The Consultant shall also provide "plan review" services as defined by Michigan law; provide a written

report of each plan review within five (5) working days of receipt of said plans by the Consultant in a professional and competent manner.

2. Review plans for the issuance of permits; conduct and/or attend pre-plan review meeting to provide guidance in the plan development process; and meet with customers to discuss plan review findings.

3. The physical preparation and issuance of permits and the scheduling of inspections will be performed by the City. City personnel shall be responsible for the issuance of certificates, as necessary, for completed and compliant work.

4. Conduct inspection of the construction, renovation, rehabilitation or integrity of residential and non-residential structures to determine compliance with approved plans, applicable codes and ordinances; under the oversight and authority of the City's Building Official, issue violation notices for non-compliant work and issue stop-work orders;

5. Conduct open hole and final grade demolition inspections;

6. Participate in enforcement activities, including court appearances, regarding non-compliant work;

7. Evaluate existing structures for safety and health issues, the necessity of permits for work performed, hazardous or unsafe condition, or other violations, including declarations of emergencies and emergency demolition orders.

8. Monitor expiring permits, open inspection findings and non-compliant corrections notices and contact property owners to schedule follow-up inspections; provide information to City on status of expirations, non-compliant inspections; and facilitate scheduling of same;

9. Assist customers by phone, internet and in person, as necessary.

10. Participate in meetings with the public, other City agencies and elected officials, or other jurisdiction, State or Federal representatives,

11. When requested, provide opinions in development and implementation of goals, objectives, fee schedules, ordinances, budgets, policies and priorities for the City.

K. It is recognized, in accordance with state law, that the City of Birmingham will retain the authority to determine the fees for permits and applications. The City of Birmingham in consultation with the Building Official will also be responsible for any necessary interpretations of the various codes with the City administration.

L. It is recognized that, in accordance with state law, documents that are prepared by architects and engineers are required to be signed and sealed by the design professional in accordance with Public Act 299 of 1980.

SECTION 2: CITY AUTHORITY

The City, in its sole discretion to make the following determinations and give the following directives:

A. The City Manager or his designee shall determine the projects the Consultant shall perform services on.

B. The City Manager or his designee shall direct when the Consultant's services shall be used.

C. The City Manager or his designee shall determine when the Consultant's services on a given project shall cease.

SECTION 3: INSURANCE

A. 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:

1. Workers' Compensation Insurance:

   For Non-Sole Proprietorships: 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.

   For Sole Proprietorships: Consultant shall complete and furnish to the City prior to the commencement of work under this Agreement a signed and notarized Sole Proprietor Form, for sole proprietors with no employees or with employees, as the case may be.

2. 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.

3. 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.

4. Additional Insured: Commercial General Liability and Motor Vehicle Liability Insurance, as described above, shall include an endorsement stating the following shall be *Additional Insureds*: The City of Birmingham, including all elected and appointed officials, all employee and volunteers, all boards, commissions and/or authorities and board members, including employees and volunteers thereof. This coverage shall be primary to any other coverage that may be available to the additional insured, whether any other available coverage by primary, contributing or excess.

5. Professional Liability Insurance: Professional liability insurance with limits of not less than $1,000,000 per claim if Consultant will provide service that are customarily subject to this type of coverage.

6. Cancellation Notice: Should any of the above described policies be cancelled before the expiration date thereof, notice will be delivered in accordance with the policy provisions.

7. 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.

    i. Two (2) copies of Certificate of Insurance for Workers' Compensation Insurance;

    ii. Two (2) copies of Certificate of Insurance for Commercial General Liability Insurance;

    iii. Two (2) copies of Certificate of Insurance for Vehicle Liability Insurance;

    iv. Two (2) copies of Certificate of Insurance for Professional Liability Insurance;

    v. If so requested, Certified Copies of all policies mentioned above will be furnished.

8. Coverage Expiration: If any of the above coverages expire during the term of this Agreement, Contractor shall deliver renewal certificates and/or policies to the City at least (10) days prior to the expiration date.

SECTION 4: INDEMNIFICATION

To the fullest extent permitted by law, the Consultant agrees to indemnify and hold harmless the City of Birmingham, its elected and appointed officials, and employees against all damages and liabilities including costs and reasonable attorney fees to the extent caused by the acts, errors and omissions of the Consultant in the performance of services under this Agreement, including the Consultant's subconsultants and others for whom the Consultant is legally liable.

SECTION 5. COMPENSATION AND METHOD OF PAYMENT

A. **Inspections**. The City shall pay the Consultant for services, as described in SECTION 1. SCOPE OF SERVICES, as follows:

The City shall compensate the Consultant for Inspection and Plan Review services on an hourly basis or at a maximum rate of 70 percent of the City's revenue on a project basis. Hourly rate for inspectors and plan reviewers is $77.25 per hour; however, there shall be a cost savings for extended engagements of one month or more.

The following table is the Consultant for inspection and plan review services for 8 hours per day on a weekly and a monthly basis based on our hourly rate.

Inspection Categories	Hourly Compensation Schedule		
	Hourly	Weekly	Monthly
A. Building	$77.25	$3,090	$12,360*
B. Mechanical	$77.25	$3,090	$12,360*
C. Plumbing	$77.25	$3,090	$12,360*
D. Electrical	$77.25	$3,090	$12,360*
E. Fire Alarm	$77.25	$3,090	$12,360*
F. Fire Suppression	$77.25	$3,090	$12,360*

*Represents a 7 percent cost savings.

The following table is the Consultant percentage fee for inspection and plan review services provided on a project basis.

Fee Type	Milestone	% Invoiced
Plan Review	First comment submittal: Plan review completion:	50% 50%
Inspection	Date permit issued: 3 months from issuance: 6 months from issuance: Project completion or 12 months from issuance whichever comes first: 30 days after completion:	20% 20% 20% 30% 10%

The Consultant will work with the City to establish a mutually acceptable threshold for using hourly rates or percentage based compensation.

For the rates cited above, Consultant will furnish all materials and services including salaries of employees engaged by Consultant and other overhead expenses necessary to undertake the above services for the City and to assume all cost, including transportation, insurance, licensing, benefits, etc.

B. **Additional Services**. At the hourly rates below, the Consultant shall provide additional professional services to the City, at the City's request, which are beyond the Scope of Services described in Section 1. above, including:

1. Attendance at City internal and public meeting, and appearing at court or at depositions.
2. Written evaluation of structures for safety and health issues other than code compliance.
3. Permit Technician for assisting the public with permit applications, entering permit data, issuing permits, etc.
4. Support staff services in assisting the public and directing inquires appropriately.
5. Generating special reports for the City, beyond the regular maintenance of written and electronic files pertaining to all services,
6. Other services at the request of the City.

The Consultant shall provide additional services on an hourly basis as follows:

Professional Classification	**Rate Per Hour**
President	$154.50
Executive or Senior Vice President	$139.05
Vice President	$133.90
Director	$123.60
Senior Principal or Manager	$113.30
Principal	$ 99.01
Senior	$ 80.34
Building Trade Inspector	$ 77.25
Associate	$ 70.04
Building Code Enforcement	$ 56.65
Assistant (Permit Technician)	$ 56.65
Aide (Support Staff)	$ 45.32
Administrative Assistant	$ 43.26

Note: These hourly rates are valid through June 30, 2020, after which the Consultant may increase the hourly rates per classification by a percentage equal to the increase in the Consumer Price Index.

C. **Payment**. Payment for hourly rate services shall be monthly. Payment for project based services shall be in accordance with a mutually agreed upon percentage based schedule. Consultant shall submit a monthly invoice for hourly services and milestone invoices for project services, and the City shall within thirty (30) days satisfy itself as to the performance of such work and pay the amount for services and reimbursement requested by the invoice.

SECTION 6. TERM

This contract shall continue in effect for five (5) years from the date hereof. However, each party may terminate the Agreement earlier, with sixty days (60) written notice of termination. After the initial five (5) year term, this contract may be extended for additional one (1) year terms by the written agreement of the parties.

SECTION 7. CITY DATA AND SERVICES TO BE PROVIDED TO CONSULTANT

If requested by the Consultant and if available, the City shall furnish the following in digital format, or paper format if no digital version is available, without charge to the consultant:

A. Copies of applicable revenue reports of Building Department activity showing permit revenue amounts for each permit issued, within five (5) calendar days after the 1st day of each month.
B. One set of the most recent aerial photos (with property lines) of the City.
C. Hard copies of City Ordinances for each inspector or make available online.
D. Access to updated assessment and ownership date, tax maps, and other basic data to be gathered and/or made available from City and County files, as may become available.
E. Access to information on utilities, both public and private, applicable records, minutes, agendas, base maps, tax maps, environmental data and other basic date to be gathered and/or made available from City files.
F. Any professional, legal or accounting services connected with the project and the cost of publication, postings, notices and mailings. The City shall be responsible for all scheduling and notification of meetings.
G. Designation of a project manager for Consultant services.
H. Should the City reduce inspection fees during the term of this agreement, the Consultant percentage of compensation shall increase proportionately to avoid any reduction in annual compensation.

SECTION 8. SERVICES

The City hereby engages the services of the Consultant to perform the duties, provide the information, prepare such materials and render such advice as are fully described herein.

SECTION 9. TIME

The Consultant shall complete work required and described in the Agreement according to a mutually agreed upon schedule.

SECTION 10. ACCEPTANCE

Consultant hereby agrees to perform the services described herein.

SECTION 11. EQUAL EMPLOYMENT OPPORTUNITY

There shall be no discrimination against any employee who is employed in the work covered by this Contract or against any applicant for such employment because of race, color, religion, sex or nation of origin. This provision shall include, but not be limited to the following: employment, upgrading, demotion or transfer, recruitment, advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training.

SECTION 12. OWNERSHIP OF DATA

All reports, charts, maps, and graphics shall become the property of the City, and shall not be furnished to any other party without written permission of the City.

SECTION 13. COMPLIANCE WITH ALL LAWS

In performance of this agreement, the Consultant agrees to comply with all applicable federal, State and local statutes, ordinances and regulations, when applicable, including minimum wages, Social Security, unemployment compensation insurance, and Worker's Compensation, and to obtain any and all permits applicable to the performance of this agreement.

SECTION 14. NO CONFLICT OF INTEREST

During the term of this contract, the Consultant agrees that it shall not accept employment, nor shall it perform services for or on behalf of any client whose interests are adverse to that of the City, or for which a conflict between the City and Consultant would be created, without the prior written consent of the City.

If, after the effective date of this contract, 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 contract Lease, or the affairs of the Consultant, the City shall have the right to terminate this contract 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. Employment shall be a disqualifying interest.

SECTION 15. CONTROVERSY/ARBITRATION

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

Any controversy or claim arising out of or relating to this Agreement, or the breach thereof, shall be settled either by commencement of a suit in Oakland County Circuit Court, the 48th District Court or by arbitration. If both parties elect to have the dispute resolved by arbitration, it shall be settled pursuant to Chapter 50 of the Revised Judicature Act for the State of Michigan and administered by the American Arbitration Association with one arbitrator being used, or three arbitrators in the event any party's claim exceeds $1,000,000. Each party shall bear its own costs and expenses and an equal share of the arbitrator's and administrative fees of arbitration. Such arbitration shall qualify as statutory arbitration pursuant to MCL §600.5001 et. seq., and the Oakland County Circuit Court or any court having jurisdiction shall render judgment upon the award of the arbitrator made pursuant to this Agreement. The laws of the State of Michigan shall govern this Agreement, and the arbitration shall take place in Oakland County, Michigan. In the event that the parties elect not to have the matter in dispute arbitrated, any dispute between the parties may be resolved by the filing of a suit in the Oakland County Circuit Court or the 48th District Court.

SECTION 16: FAIR PROCUREMENT OPPORTUNITY

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

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

WITNESSES:

McKENNA ASSOCIATES, INC.

By: _____
John Jackson
Its: President

THE CITY OF BIRMINGHAM

_____ By: _____
Pierre Boutros, Mayor

_____ By: _____
Cheryl Arft, Acting City Clerk

APPROVAL:

_____
Bruce R. Johnson, Building Official
(Approved as to substance)

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

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

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

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 1/3/2020

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

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

PRODUCER McNish Group, Inc. 26622 Woodward Ave. Ste 200 Royal Oak MI 48067	**CONTACT NAME:** certs@mcnish.com **PHONE (A/C, No, Ext):** 248-544-4800 **FAX (A/C, No):** 248-544-4801 **E-MAIL ADDRESS:** certs@mcnish.com
	INSURER(S) AFFORDING COVERAGE — **NAIC #** **INSURER A :** The Hartford
INSURED MCKEASS-02 McKenna Associates, Inc. 235 E Main St, Ste.105 Northville MI 48167-2499	**INSURER B :** **INSURER C :** **INSURER D :** **INSURER E :** **INSURER F :**

COVERAGES **CERTIFICATE NUMBER:** 386271986 **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	X **COMMERCIAL GENERAL LIABILITY** [ ] CLAIMS-MADE [X] OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: [X] POLICY [ ] PRO-JECT [ ] LOC [ ] OTHER:			35SBARU2022	1/1/2020	1/1/2021	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG 	$ 2,000,000 $ 300,000 $ 10,000 $ 2,000,000 $ 4,000,000 $ 4,000,000 $
A	**AUTOMOBILE LIABILITY** [ ] ANY AUTO [ ] OWNED AUTOS ONLY [ ] SCHEDULED AUTOS [X] HIRED AUTOS ONLY [X] NON-OWNED AUTOS ONLY 			35SBARU2022	1/1/2020	1/1/2021	COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident) 	$ 2,000,000 $ $ $ $
A	X **UMBRELLA LIAB** [X] OCCUR **EXCESS LIAB** [ ] CLAIMS-MADE [ ] DED [X] RETENTION $ 10,000			35SBARU2022	1/1/2020	1/1/2021	EACH OCCURRENCE AGGREGATE 	$ 1,000,000 $ 1,000,000 $
A	**WORKERS COMPENSATION AND EMPLOYERS' LIABILITY** Y / N ANYPROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? [ ] **(Mandatory in NH)** If yes, describe under DESCRIPTION OF OPERATIONS below	N / A		35WECPN2013	1/1/2020	1/1/2021	X PER STATUTE [ ] OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	 $ 1,000,000 $ 1,000,000 $ 1,000,000

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

Additional Insured as required by written contract on a primary and non-contributory basis: The City of Birmingham, including all elected and appointed officials, all employee and volunteers, all boards, commissions and/or authorities and board members, including employees and volunteers thereof. Thirty (30) days prior written notice except ten (10) days for non payment shall be given to Certificate Holder in the event of cancellation or non-renewal of the insurance.

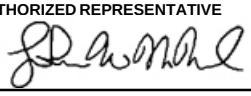
CERTIFICATE HOLDER

City of Birmingham
151 Martin Street
Birmingham MI 48012

CANCELLATION

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
A Walkable Community

MEMORANDUM

Planning Division

DATE: **January 6th, 2020**

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

FROM: **Nicholas Dupuis, City Planner**

APPROVED: **Jana Ecker, Planning Director**

SUBJECT: **707-717 S. Eton – Right-of-Way Parking**

INTRODUCTION:
The subject site, 707-717 S. Eton, contains an existing two-story commercial/office building and 13-space private parking lot. The applicant is currently seeking permission from the City Commission to include six parking spaces in the City's right-of-way along S. Eton to assist them in meeting the parking requirements for the proposed building uses pursuant to Article 4, Section 4.45 (G)(4) of the Zoning Ordinance:

4.45 PK-01 General Parking Standards

G. Methods of Providing Parking Facilities: The required off-street parking facilities for buildings used for other than residential purposes may be provided by any one of the following methods:

4. By providing the required off-street parking on the same lot as the building being served, or where practical, and with the permission of the City Commission, the area in the public right-of-way abutting the property in question may be included as a portion of the required parking area if such area is improved in accordance with plans which have been approved by the engineering department.

BACKGROUND:
The existing site is zoned MX (Mixed Use). The proposed office uses (general & medical) are permitted uses within the MX Zoning District. Based on the total square footage of each use proposed, the applicant is required to provide 19 off-street parking spaces:

Use	Square Feet	Parking Requirement	Total Required Parking
Office – General	3745.9	1 per 300 sq. ft.	13 spaces
Office – Medical	908.3	1 per 150 sq. ft.	6 spaces
			= 19 spaces total

As mentioned above, the existing property contains 13 parking spaces in a private off-street parking facility, thus requiring 6 more spaces to operate the office uses proposed. Additionally,

the applicant must improve the right-of-way proposed to be utilized for the parking needs of the building in accordance with plans that have been approved by the Engineering Division.

The Engineering Division has reviewed the right-of-way located in front of 707-717 S. Eton and determined that there are minor improvements that will be required of the applicant if the City Commission were to proceed, including some curb repair, potholes, and cracks.

LEGAL REVIEW
The City Attorney has reviewed the documentation and has no concerns.

FISCAL IMPACT
The proposed request has no fiscal impact on the City.

PUBLIC ENGAGEMENT:
There has been no public input submitted in regards to the proposal.

SUMMARY:
In accordance with Article 4, section 4.43(G)(4) of the Zoning Ordinance, the applicant requests that the City Commission include six right-of-way parking spaces adjacent to their proposed property in their required parking calculation. The inclusion of these spaces will enable the applicant to meet their parking requirement for general/medical office use without pursuing a variance.

ATTACHMENTS:
- Letter from Mark S. Turnbull
- Use breakdown & aerial photos of site
- 1st floor interior floor plans

SUGGESTED RESOLUTION:
To approve the use of six parking spaces in the right-of-way adjacent to the property located at 707-717 S. Eton to fulfill the parking requirements per Article 4, section 4.43 (G)(4) of the Zoning Ordinance, subject to the recommended repairs being completed as required by the Engineering Department.

SYNERGY COMMERCIAL GROUP, LLC
Michigan Office
515 W. Merrill Street
Birmingham, MI 48009
Phone:239-849-0692| mark@synergyswfl.com

December 16, 2019

City Commission
City of Birmingham
151 Martin Street
Birmingham, MI 48012

RE: REQUEST TO USE PARKING IN CITY RIGHT OF WAY 717 S. ETON STREET

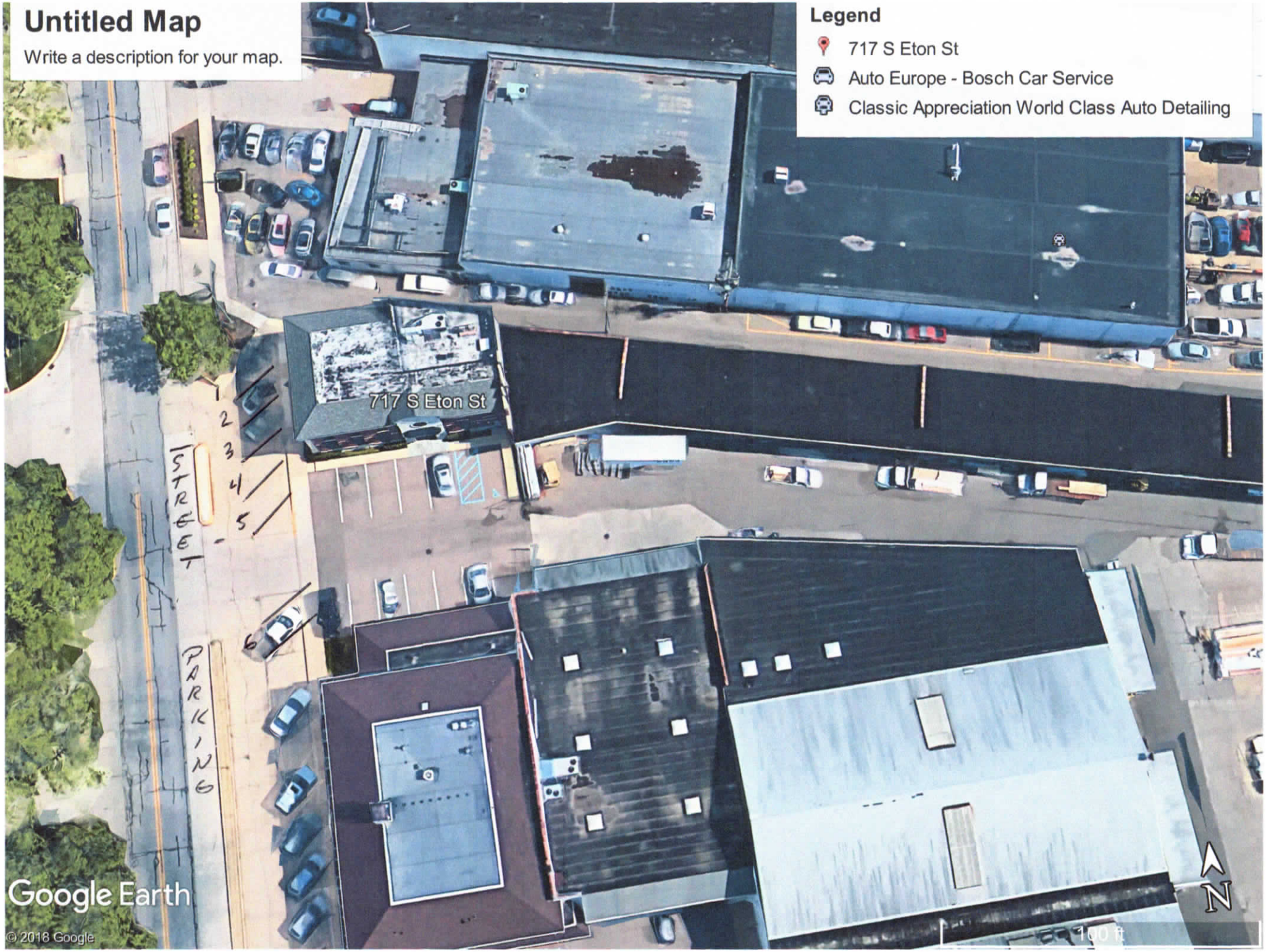
Dear Commissioners:

This letter is to request Commission approval to use the six (6) spaces that are in the City right of way adjacent to this property (as designated on the attached aerial), in the calculation of the parking requirements for our proposed use at 717 S. Eton Street. Please note that these spaces are not street parking and that they have historically only been used by the tenants in this building. There is also additional street parking in front of this property that is seldom used.

Thank you in advance for your consideration.

Sincerely,

Mark S. Turnbull
Managing Member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Auto Europe - Bosch Car Service
Classic Appreciation World Class Auto Detailing
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STREET
PARKING
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© 2018 Google
100 ft
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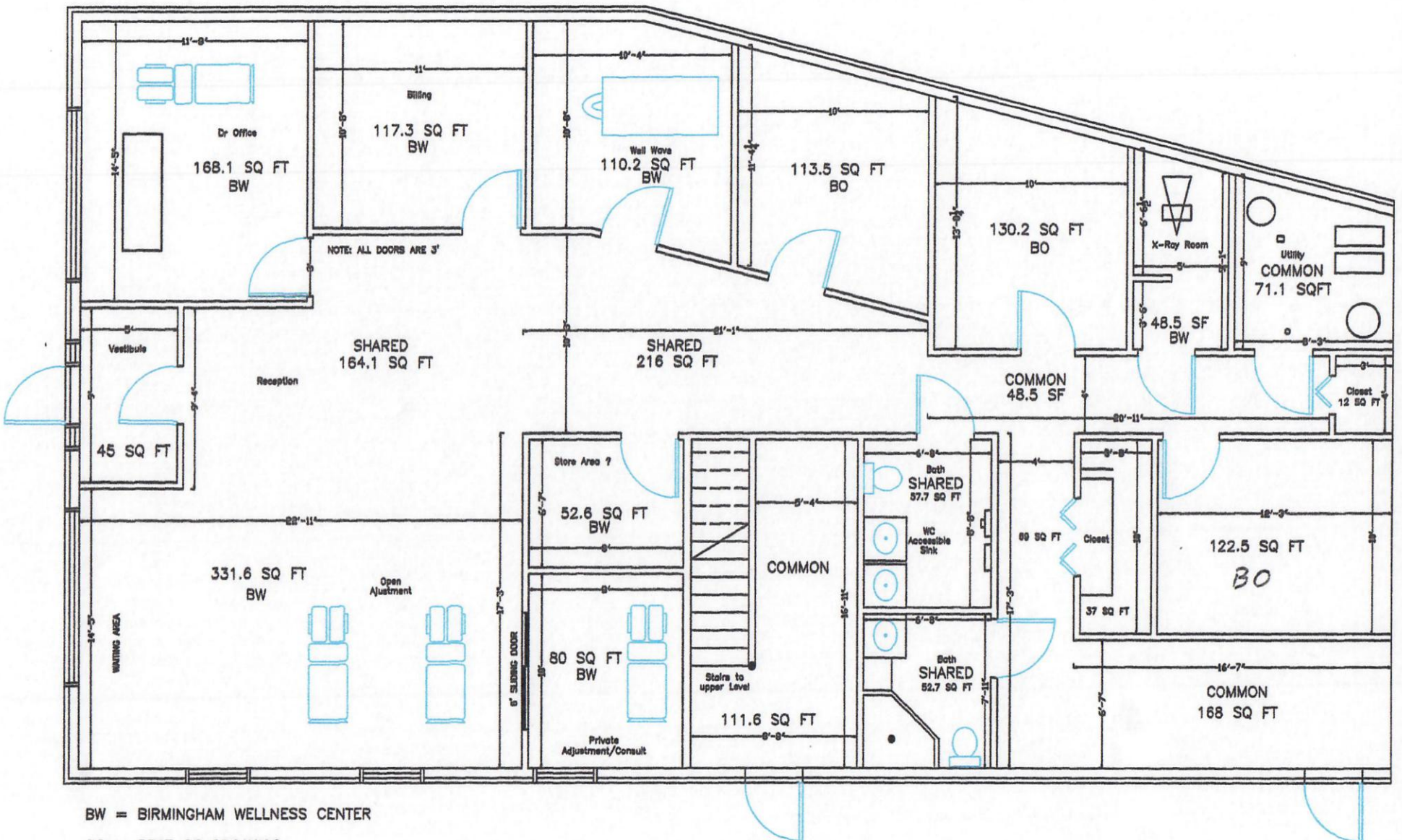
717 S Eton Street Parking Space Calculation

	General Office Usable	Medical Usable	Total
Birmingham Wellness		908.3	908.3
Best of Organics	497.8		497.8
2nd Floor	2327	0	2327.2
Common	921.1		921.1
Total	3745.9	908.3	4654.4
Parking per square footage	300	150	
Spaces Required	12.49	6.06	18.54167
Spaces Available			19
Excess Spaces over Required			0.458333

	First Floor			
	Total	Med	Common Shared	GO
	168.1	168.1		
	117.3	117.3		
	110.2	110.2		
	113.5			113.5
	130.2			130.2
	48.5	48.5		
	71.1			71.1
	12			12
	48.5			48.5
	216		216	
	164.1		164.1	
	45		45	
	331.6	331.6		
	52.6	52.6		
	80	80		
	111.6		111.6	
	57.7		57.7	
	52.7		52.7	
	69		69	
	37		37	
	168		168	
	122.5			122.5
Total	2327.2	908.3	921.1	497.8



BW = BIRMINGHAM WELLNESS CENTER

BO = BEST OF ORGANICS

City of Birmingham
A Walkable Community

MEMORANDUM

Engineering Department

DATE: **January 6, 2020**

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

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

SUBJECT: **Video Inspection Award – Maple Road**

INTRODUCTION:

Bids for the Video Inspection Services were opened on December 20, 2019. The City received one (1) bid. The low bidder was M-1 Studios.

BACKGROUND:

As you are aware, our office is currently preparing to reconstruct Maple Road this Spring (from Southfield Road to Woodward Avenue). In preparation for this project, the City would like to document the pre-construction conditions (both outside and inside) of the buildings within the project area. This is similar to what was done for the Old Woodward Project in 2018. This work is critical due to the type and age of the buildings along this stretch of Maple Road. It will assist the City and Contractor when dealing with any claims that may occur during or after the construction.

Only one (1) company submitted a bid for this project. A bid summary is attached for you reference. It should be noted that this is specialty work and we suspect that attributed to the lack of responses.

The low bidder was M-1 Studios, of Ferndale, MI with their bid of $28,400. M-1 Studios was the company that was used for the Old Woodward Project in 2018, for which only one (1) bid was received then as well. It should be noted that unit prices for the work are the same as the 2018 prices provided by M-1 Studios with the exception of a slight increase for mobilization. We are confident that they are qualified to perform the work and the City was very satisfied with their performance and end product on the Old Woodward project.

The project includes video documentation of existing conditions throughout the project area, both inside and outside of the buildings, including basements. Having a record of existing defects will help both the City and private property owners negotiate a settlement if vibrations or other issues arise that cause interior or exterior damage to these buildings. This proved to be a valuable resource during and after the Old Woodward project.

The work on this project is expected to commence in late January / early February with a completion date of March 13, 2020. This work will be completed prior to the start of the Maple Road Reconstruction Project.

As is required for all of the City's projects, M-1 Studios has submitted a certified check (in the amount of 5% of the base bid) as security with their bid which will be forfeited if they do not provide the signed contracts, bonds and insurance required by the contract following the award by the City Commission.

LEGAL REVIEW:

The City's standard contract language was used for this bidding document. No legal review is required at this time.

FISCAL IMPACT:

This cost was anticipated and included in the Maple Road Project budget and will be charged to the following accounts:

Major Street Fund	202-449.001-981.0100	$9,500.00
Sewer Fund	590-536.001-981.0100	$9,450.00
Water Fund	591-537.004-981.0100	$9,450.00
TOTAL		**$28,400.00**

PUBLIC COMMUNICATIONS:

The City will be mailing a letter (on City letterhead) to each Building Owner within the project area outlining the process and the reasoning behind the video inspections. Also, included will be a form for them to sign giving the City permission to perform the necessary inspection. M-1 Studios will then be contacting the Building Owners or Tenants to schedule the inspection times and dates.

SUMMARY

It is recommended that the Video Inspection – Maple Road Contract be awarded to M-1 Studios of Ferndale, MI in the amount of $28,400.00.

ATTACHMENTS:

- Bid Summary – December 20, 2019 (one page)

SUGGESTED RESOLUTION:

To award the Video Inspection – Maple Road to M-1 Studios of Ferndale, MI in the amount of $28,400.00 to be charged to the various accounts as detailed in this report.

CITY OF BIRMINGHAM

VIDEO INSPECTION SERVICES for MAPLE ROAD PAVING PROJECT

BID SUMMARY

December 20, 2019 - 2:00 PM

Company Name	Addendums	5% Bid Security	Base Bid
M-1 Studios	No. 1	Cashiers Check	$28,400.00

City of Birmingham
A Walkable Community

MEMORANDUM

Engineering Department

DATE: **January 10, 2020**

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

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

SUBJECT: **Maple Road Traffic Signal Mast Arm Materials Award**

INTRODUCTION:

Bids for the Maple Road Traffic Signal Mast Arm Materials were opened on January 10, 2020. The City received two (2) bids. The low bidder was Farr & Faron Associates.

BACKGROUND:

As you are aware, our office is currently preparing to reconstruct Maple Road this Spring (from Southfield Road to Woodward Avenue). A key component of the project is the new Mast Arm Traffic Signals at Southfield, Bates and Henrietta. Mast Arms typically have a lead time of four (4) to six (6) months due to the limited number of suppliers and demand.

Since the contract for the Maple Road project will likely not be awarded until late February, the selected general contractor would not be in a position to order the necessary Mast Arms for this project until the middle/end of March. For these reasons, our office decided to advance purchase the Mast Arms in order to allow as much time as possible to obtain them.

The City received two (2) bids for this project. A bid summary is attached for your reference. As referenced above, there are a limited number of suppliers and we suspect that attributed to the lack of responses.

The low bidder was Farr & Faron Associates, of Brighton, MI with their bid of $95,429.00. While the City has never purchased equipment for this company in the past, our Consulting Engineer (Tetra Tech) is very familiar their company and has worked with them on several projects in the past. Tetra Tech is confident that they will be able to perform per the requirements of the RFP. The Engineer's Estimate for this project was $110,000.00

The Mast Arms and Poles are expected to arrive at the Maple Road site on or before July 1, 2020.

LEGAL REVIEW:

The City's standard contract language was used for this bidding document. No legal review is required at this time.

FISCAL IMPACT:

This cost was anticipated and included in the Maple Road Project budget and will be charged to following account:

Major Street Fund (Traffic Control)	202-303.001-977.0100	$95,429.00

PUBLIC COMMUNICATIONS:

No public communication is planned as this is a materials purchase.

SUMMARY

It is recommended that the Maple Road Traffic Signal Mast Arm Materials Contract be awarded to Farr & Faron Associates of Brighton, MI in the amount of $95,429.00.

ATTACHMENTS:

- Bid Summary – January 10, 2020 (one page)

SUGGESTED RESOLUTION:

To award the Maple Road Traffic Signal Mast Arm Materials Contract to Farr & Faron Associates of Brighton, MI in the amount of $95,429.00 to be charged to Major Street Fund (Traffic Control) 202-303.001-977.0100.

CITY OF BIRMINGHAM

ADVANCE MATERIAL PROCUREMNT - TRAFFIC SIGNAL MAST ARMS & POLES
for MAPLE ROAD PAVING PROJECT

BID SUMMARY

January 10, 2020 - 2:00 PM

Company Name	Addendums	Base Bid
Farr & Faron Associates	No. 1	$95,429.00
Carrie & Gable, Inc.	No. 1	$175,198.95

NOTICE OF PUBLIC HEARING

BIRMINGHAM CITY COMMISSION
ORDINANCE AMENDMENT

Meeting - Date, Time, Location:	Monday, January 13, 2020 at 7:30 PM Municipal Building, 151 Martin Birmingham, MI 48009
Nature of Hearing:	To consider the following zoning ordinance amendments: 1) Article 3, Overlay Districts, section 3.04(A) to amend the building height standards in the D5 zone of the Downtown Birmingham Overlay District; and 2) Article 9, Definitions, section 9.02 to add a definition for the term abutting A complete copy of the proposed ordinance amendments may be reviewed at the City Clerk's Office.
City Staff Contact:	Jana Ecker 248.530.1841 jecker@bhamgov.org
Notice:	Publish: December 29, 2019
Approved minutes may be reviewed at:	City Clerk's Office

Should you have any statement regarding the above, you are invited to attend the meeting or present your written statement to the City Commission, City of Birmingham, 151 Martin Street, P.O. Box 3001, Birmingham, Michigan 48012-3001 prior to the hearing.
Persons with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk's Office at (248) 530-1880 (voice) or (248) 644-5115 (TDD) at least one day in advance to request mobility, visual, hearing or other assistance.

City of Birmingham
A Walkable Community

MEMORANDUM

Planning Division

DATE: **January 3, 2020**

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

FROM: **Jana Ecker, Planning Director**

SUBJECT: **Public Hearing for Zoning Amendments to Chapter 126, Zoning, Article 3, Overlay Districts, section 3.04(A) to amend the building height standards in the D5 zone of the Downtown Birmingham Overlay District and Article 9, Definitions, section 9.02 to add a definition for abutting**

INTRODUCTION:
The Planning Board received a petition requesting an amendment to the Zoning Ordinance and / or the Zoning Map. Specifically, the applicant requested that the Planning Board address the following issues and suggest any zoning amendments necessary to do so:

1. Clarify the applicable standards to determine building height in the D5 Zone;
2. Clarify the meaning of "immediately adjacent or abutting"; and
3. Determine which properties to consider, if any, for rezoning to the D5 zoning.

BACKGROUND:
On July 10, 2019, the Planning Board discussed the applicant's petition. Board consensus was that the applicable regulations to determine building height were sufficiently clear in the Zoning Ordinance and no amendments were needed. Board members agreed that clarification was required for the terms "immediately adjacent" and "abutting". With regards to the determination of which properties to consider, if any, for rezoning to D5, the Planning Board recommended having DPZ CoDesign conduct a focused study to assist in this determination.

On September 11, 2019, the Planning Board reviewed the study prepared by DPZ CoDesign with respect to the area in Downtown Birmingham bounded by Haynes, Brown, Old Woodward and Woodward Avenue and the findings as to which properties should be considered for rezoning to D5 given their proximity to properties with existing buildings over 5 stories in height. The Board requested additional massing illustrations. The Planning Board also discussed proposed ordinance language to clarify the meaning of the terms "immediately adjacent" and "abutting". The Planning Board concluded that further study was needed on a clear definition of abutting, and stated that draft ordinance language should also address how streets and alleys would affect the definition of abutting.

On November 13, 2019, the Planning Board reviewed the additional massing studies provided by DPZ and stated that the study was requested to determine whether good planning practices would support future rezoning requests for parcels in the subject area. The Planning Board then discussed draft ordinance language that removed the use of the term "immediately adjacent" from the D5 language, and provided a definition for abutting, as well as clarifying how the presence of streets and alleys would affect whether properties were deemed abutting. After

much discussion, the Planning Board voted to set a public hearing to amend Article 3, Overlay Districts, section 3.04(A) to amend the building height standards in the D5 zone of the Downtown Birmingham Overlay District and Article 9, Definitions, section 9.02 to add a definition for abutting.

On December 11, 2019, the Planning Board conducted a public hearing on the proposed ordinance amendments. The Planning Board voted unanimously to recommend the proposed amendments to the City Commission.

On December 16, 2019, the City Commission set a public hearing date for January 13, 2020.

LEGAL REVIEW:
The City Attorney has reviewed the documentation and has no concerns.

FISCAL IMPACT:
The proposed amendments do not have any direct fiscal impacts to the City.

PUBLIC COMMUNICATIONS:
As required for proposed Zoning Ordinance amendments, a legal ad was placed in a newspaper of local circulation to advertise the proposed amendments to Article 3, section 3.04(A) and Article 9, section 9.02 of the Zoning Ordinance in advance of the December 11, 2019 Planning Board meeting.

SUMMARY:
The Planning Board recommends that the City Commission consider ordinance amendments to D5 to amend the building height standards in the D5 zone and to add a definition for the term "abutting".

ATTACHMENTS:
- Draft Ordinance language
- Zoning Amendment Application
- Planning Board Staff Reports (including Report by DPZ CoDesign)
- Relevant Minutes
- Letters from Residents

SUGGESTED RESOLUTION:
To approve the following amendments to Chapter 126, Zoning:

1. Article 3, Overlay Districts, section 3.04(A) to amend the building height standards in the D5 zone of the Downtown Birmingham Overlay District; and
2. Article 9, Definitions, section 9.02 to add a definition for the term abutting.

CITY OF BIRMINGHAM
ORDINANCE NO.

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

TO AMEND ARTICLE 3, OVERLAY DISTRICTS, SECTION 3.04(A) TO AMEND THE BUILDING HEIGHT STANDARDS IN THE D5 ZONE OF THE DOWNTOWN BIRMINGHAM OVERLAY DISTRICT.

Article 3, section 3.04 (A) of the Zoning Ordinance:

> New buildings constructed or additions to existing buildings in the D5 Zone must meet the requirements of the Downtown Birmingham Overlay District and the D4 Zone, except that the height of any addition and new construction in the D5 Zone may be over the maximum building height up to, but not exceeding, the height of an existing building ~~in the~~ **on a directly abutting** D5 Zone **property,** ~~to which they are immediately adjacent or abutting~~ if the property owner agrees to the construction of the building under the provisions of a Special Land Use Permit. **For the purposes of this section, private properties separated by public property (including public right-of-way and public vias), will not be deemed abutting.**

ORDAINED this _____ publication day of_____, 2020 to become effective 7 days after publication.

_____
Pierre Boutros, Mayor

_____
Cheryl Arft, Acting 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 9, DEFINITIONS, SECTION 9.02 TO DEFINE THE TERM ABUTTING.

<u>Abutting</u>: Sharing a boundary or property line.

ORDAINED this _____ publication day of_____, 2020 to become effective 7 days after publication.

_____
Pierre Boutros, Mayor

_____
Cheryl Arft, Acting City Clerk

Since 1973
WWRP
Williams Williams Rattner & Plunkett, P.C.
Attorneys and Counselors
380 North Old Woodward Avenue
Suite 300
Birmingham, Michigan 48009
Tel: (248) 642-0333
Fax: (248) 642-0856

Richard D. Rattner
rdr@wwrplaw.com

June 19, 2019

Via Hand Delivery
Ms. Jana Ecker
Planning Director
City of Birmingham
151 Martin Street
Birmingham, MI 48009

Re: Application and request for study session of Planning Board to discuss clarification of the terms and scope of the D5 Zoning Ordinance

Dear Ms. Ecker:

On behalf of our client, Birmingham Tower Partners, LLC, please find enclosed an application and request for a study session of the Planning Board regarding the captioned matter. We understand that this matter is scheduled to be heard at the Planning Board's July 10, 2019 meeting. Attached in support of the application and request is a copy of our letter dated April 26, 2019, originally emailed to the City at the end of April.

Thank you for your assistance.

Very truly yours,

WILLIAMS, WILLIAMS, RATTNER & PLUNKETT, P.C.

Richard D. Rattner, Esq.

RDR/jmg
Encl.
cc: Mr. Joseph Valentine
Mr. Timothy Currier, Esq.
Mr. Doraid Markus
Mr. Christopher Longe

APPLICATION AND REQUEST FOR STUDY SESSION OF PLANNING BOARD TO DISCUSS CLARIFICATION OF THE TERMS AND SCOPE OF THE D5 ZONING ORDINANCE
Birmingham, Michigan

TO THE PLANNING BOARD:

The undersigned hereby makes application for a study session of the Planning Board to discuss clarification of the terms and scope of the D5 Zoning ordinance:

1. Amendments to the zoning ordinance text:

   Article 03 Downtown Birmingham Overlay District, Section 3.04 Specific Standards, A. Building Height, Overlay, 4. D5 Zone (over 5 stories) in order to:
   - **Clarify building height standards within the D5 Zone**
   - **Clarify the meaning of the words "immediately adjacent and abutting"**

   Statements and reasons for this request or other data having a direct bearing on the request are attached.

2. **Determine the properties to which the D5 overlay classification should be applied in Downtown Birmingham within the area bounded by Haynes, Brown, Old Woodward, and Woodward.**

   Statements and reasons for this request or other data having a direct bearing on the request are attached.

RECEIVED
JUN 19 2013
CITY OF BIRMINGHAM
COMMUNITY DEVELOPMENT DEPARTMENT

BIRMINGHAM TOWER PARTNERS, LLC
Applicant

By: Richard D Rattner
Richard D. Rattner, Esq
Its: Attorney
Address and Telephone Number: Williams, Williams, Rattner & Plunket, P.C.
380 N. Old Woodward, Suite 300
Birmingham, MI 48009
(248) 642-0333
rdr@wwrplaw.com

Date Received:_____ Received By:_____

Resolution No._____ Approved/Denied_____

April 26, 2019

W|W|R|P
Williams Williams Rattner & Plunkett, P.C.
Attorneys and Counselors
380 North Old Woodward Avenue
Suite 300
Birmingham, Michigan 48009
Tel: (248) 642-0333
Fax: (248) 642-0856
www.wwrplaw.com

Richard D. Rattner
rdr@wwrplaw.com

VIA EMAIL ONLY
Ms. Jana Ecker
Planning Director
City of Birmingham
jecker@bhamgov.org

Re: Request to Amend the D5 Overlay Zoning Ordinance

Dear Ms. Ecker:

This firm represents the owner of the property located at 469 – 479 S. Old Woodward. Please accept this letter as a request that the Planning Board consider amendments to the Birmingham Zoning Ordinance.

There have been many recent discussions regarding our client's request to rezone the its property to D5. The discussion during the public hearing in March at the City Commission centered around the following three topics:

1. The applicable standards with respect to determining building height within the D5 overlay district.

2. Further clarification of the meaning of the words "immediately adjacent or abutting" in the ordinance. The ordinance currently provides:

> New buildings constructed or additions to existing buildings in the D5 Zone must meet the requirements of the Downtown Birmingham Overlay District and the D4 Zone, except that the height of any addition and new construction in the D5 Zone may be over the maximum building height up to, but not exceeding, the height of an existing D5 Zone to which they are immediately adjacent or abutting if the property owner agrees to the construction of the building under the provisions of a Special Land Use Permit.

3. To which properties the D5 overlay classification should be applied in Downtown Birmingham within the confines of Haynes, Brown, Old Woodward, and Woodward.

The City Commission did not take action on these matters. On behalf of our client, we request that the Planning Board move forward consistent with the concerns discussed at the hearing. An excerpt from the hearing minutes is attached as **Exhibit A**, with the salient points highlighted.

W|W|R|P

1. **Proposed Amendment to Clarify Maximum Building Height**

There was confusion regarding how the height of an existing D5 building is determined. Questions were raised as to whether height is determined by the building's eave line, roof line, or overall height with mechanicals.

See the comments of Commissioner Hoff on page 14 of the hearing minutes.

2. **Proposed Amendment to Define "Immediately Adjacent or Abutting"**

There was a discussion regarding the meaning of the ordinance language: "the height of any addition and new construction in the D5 Zone may be over the maximum building height up to, but not exceeding, the height of an existing building in the D5 to which they are immediately adjacent or abutting." Concerns were expressed about whether a building located across a side street, or even across big Woodward, could be considered adjacent for purposes of D5.

See the last bullet point of Commissioner Nickita's comments on page 12 of the hearing minutes.

3. **The Properties to Which D5 Overlay Should Apply**

There was discussion regarding the issue as to which properties in the small area of Downtown Birmingham, located between Haynes, Brown, Old Woodward, and Woodward, should be classified as D5 overlay. See the comments of Commissioner Sherman on page 12 of the hearing minutes.

It should be noted that there are only 7 properties (not including the Peabody Mansion at the northeast Corner of Brown and S. Old Woodward) within the proposed area of study. Half of the properties within this area are already zoned D5. A map showing the current overlay zoning classifications is attached as **Exhibit B**.

See the first two bullet points on page 12 and the 4th bullet point on page 13 of the hearing minutes (Exhibit A).

W|W|R|P

Conclusion

On behalf of our client, we request that the Planning Board move forward with considering amendments to the D5 ordinance and study the issues raised in prior hearings and this letter. Please place this matter on the agenda for the Planning Board's next study session.

Please contact me to further discuss. I look forward to hearing from you.

Very truly yours,

WILLIAMS, WILLIAMS, RATTNER & PLUNKETT, P.C.

Richard D. Rattner, Esq.

RDR/jmg

Encl.
cc: Mr. Joseph Valentine
Mr. Timothy Currier, Esq.
Mr. Doraid Markus
Mr. Christopher Longe

Exhibit A

From March 11, 2019 City Commission Hearing Minutes:
Excerpt regarding discussion of the rezoning of 469 - 479 S. Old Woodward

Commissioner Sherman said the question of what buildings and areas would be appropriately included in the D5 zoning area, with specific attention from Haines to Brown, should be sent back to the PB with a request for a definitive answer. No action should be taken on the motion because it is too related to the potential development in this case.

Commissioner DeWeese said he would be comfortable sending this back to the PB with the request that they pay particular attention to the issues broached this evening. He added that he was not comfortable with the 4-3 vote by the PB and would like more unanimity in their recommendation.

Mayor Bordman said she was not in favor of sending the matter back to the PB. She noted all the information the Commission had been provided with in order to make a decision and said it would not be appropriate to delay.

Commissioner Nickita said:

- The 200-foot right-of-way of the Woodward Corridor between the 555 Building and Birmingham Place on the west side and the west side of the Triangle District on the east side has been intentionally planned and developed as a high-density area.
- While the Downtown Overlay has always adhered to buildings that are no more than five stories in height, the Woodward Corridor has been built with taller buildings. For this reason, rezoning the parcel at 469 - 479 S. Old Woodward to D5 would not establish a precedent for the buildings in the Downtown Overlay. The D4 parcel in question is anomalous among the other buildings along the Woodward Corridor.
- The City has much more influence on any development at 469 - 479 S. Old Woodward if they change the zoning to D5 because of the SLUP requirement.
- The Citywide Master Plan is a broad view, and as such will not focus on specific zoning details like the question currently before the Commission.
- The ability to update non-conforming properties or parcels was the intention of the D5 classification. The ordinance was supposed to refer to whatever property is closest to the property in question in order to determine the maximum height. Because the ordinance language seems not to be clear on the issue, it would be inappropriate to vote on this since the definition of 'adjacent and abutting' is being interpreted more broadly than may have been originally intended. The point in the D5 ordinance language should be clarified so that an 'adjacent' building cannot be interpreted as a building across the street.

Mayor Pro Tem Boutros said he would like to see this studied as part of the Master Planning process.

Commissioner Harris said he agrees with Mayor Bordman that the decision should be made this evening. Referring to 7.02(2)(b)(2), he continued:

- He does not see a significant difference between the first criterion requiring rezoning for the necessity and preservation of enjoyment and rights and the second criterion requiring rezoning if the zoning classification is no longer appropriate. That said, the applicant made a compelling case that parking is unfeasible with this parcel zoned to D4, which satisfies both criteria.

- He was hoping to hear how D5 zoning would resolve the issue of parking, but since the applicant sufficiently demonstrated that parking would be an issue in D4 the criteria were still met.
- A staff report from November 8, 2018 stated adhering to a D4 would be "completely inconsistent and dominated by the height of the adjacent Birmingham Place and 555 Buildings."
- The last criterion under 7.02(b)(2)(b) is "why the proposed zoning will not be detrimental to the surrounding properties." The applicant made a compelling case as to why D5 is better for Birmingham Place, and the SLUP requirement would allow the City to encourage the accommodation of the neighboring properties.
- Commissioner Nickita's assessment that there are limitations on when the D5 can be applied to future properties is accurate. There is no real risk of a 'slippery slope' with this zoning because this decision is not binding for any other decision. In addition, any building that sought to be rezoned to D5 would be subject to a SLUP.
- The risk level that the property owner assumed when buying the 469 - 479 S. Old Woodward parcel is irrelevant to the present discussion.
- Although the D5 was designed with the particular focus on the previous non-conforming properties, it was not restricted to only those non-conforming properties.
- For all those reasons, he is inclined to support the rezoning request.
- He also took heed of Commissioner Nikita's comments about the ambiguity in the ordinance, which he agrees should be addressed, but at a later date. The ambiguity does not dissuade him from approving the rezoning for this particular property.

Commissioner Hoff said there were valid reasons for sending this back to the PB, but she believed that a decision should be made.

MOTION: Motion by Commissioner Hoff, seconded by Commissioner DeWeese:
To deny the rezoning of 469 - 479 S. Old Woodward from B3/D4 to B3/D5.

City Attorney Currier said he would have to research whether the applicant could submit a new application before a year's time elapses if the City makes changes to the D5 ordinance, because it might sufficiently constitute a material change in circumstance.

Mayor Bordman said she would be supporting the motion because she does not want the issue to go back to the PB.

VOTE: Yeas, 3
Nays, 4 (Boutros, Harris, Nickita, Sherman)

MOTION FAILED

MOTION: Motion by Commissioner Harris
To approve the rezoning of 469 - 479 S. Old Woodward from B3/D4 to B3/D5.

MOTION DIED FOR LACK OF A SECOND

MOTION: Motion by Mayor Pro Tem Boutros
To postpone the hearing to do a comprehensive study.

MOTION DIED FOR LACK OF SECOND

MOTION: Motion by Commissioner Sherman, seconded by Commissioner Nickita:
To postpone the public hearing to July 22, 2019 for the purposes of sending it back to the Planning Board with specific direction to look at the issues raised by Commissioner Nickita on the D-5 ordinance and to look at the properties between Haines and Brown, Old Woodward and Woodward for the appropriate zoning classification.

Planning Director Ecker said the ordinance language could possibly be reviewed and brought back by July 22, 2019. She was not sure if the PB would reach consensus in three months on the geographic area to which the D5 zoning should be applied, since they have already studied the issue and were not able to reach consensus.

Commissioner Hoff said she would be interested in knowing whether building heights should be to the eaves or to the tallest structure on a building, and the specific meaning of the 'adjacent' and 'abutting' in the context of the ordinance.

Commissioner Sherman said he would be willing to change the date in the motion to allow an additional month of study.

Commissioner Nickita said it should not take four months to define the method of determining building height and the definitions of 'adjacent' and 'abutting'. He said it would be better to keep the date in the motion and to extend it if necessary.

Mayor Bordman invited public comment on the motion.

Mr. Rattner stated the applicant had no objection to the motion.

Mr. Schwartz said that all the interested parties have weighed in on the issue, and the Commission is in effect postponing a civic duty.

Mr. Bloom said he would like to know the impact on the City if the parcel is built up as a hotel, office building, mixed use space, or any other type of development. He would want the PB to report on each building-type's likely impact on parking, public safety, density, and overall quality of life for Birmingham residents.

Mr. Reagan said 'adjacent' and 'abutting' were terms already discussed at the beginning of the 2016 planning process. In addition, the expansion of the geographic area being studied concerned Mr. Reagan because, as he stated, the neighborhood included within that area already deals with significant congestion, cut-through traffic, and parking issues. If these developments occur, there has to be sufficient parking accommodations. Mr. Reagan asserted parking shortages would stem the possible larger D5 developments the City is considering allowing.

Ms. Friedlaender said choosing to raise the heights of buildings should be part of a community study process, and all the buildings around the Merrillwood building should be included in this motion and studied since Merrillwood is also zoned D5.

Mr. Abel said the Commission should make a decision this evening.

Commissioner Hoff said Commissioner Nickita's concerns should be spelled out in the motion.

Mayor Bordman agreed with Mr. Abel and Commissioner Hoff. She asked if there was a motion to amend in order to include Commissioner Nickita's comments.

No motion to amend was offered.

VOTE:	Yeas,	2 (Nickita, Sherman)
	Nays,	5

MOTION FAILED

The Commission took no action. The property remains zoned D4.

Mayor Bordman referred the issue to City Attorney Currier to determine the specific terms under which the applicant may re-apply, since the application was not denied.

Mayor Bordman recessed the meeting for three minutes. The meeting resumed at 10:48 p.m.

03-060-19 PUBLIC HEARING ON SPECIAL ASSESSMENT DISTRICT FOR PARK STREET PAVING PROJECT – OAKLAND TO HAMILTON STREETSCAPE AND STREET LIGHT

Mayor Bordman opened the public hearing at 10:48 p.m.

Assistant City Engineer Fletcher presented the proposed project and special assessment district (SAD).

Clarifications/Comments

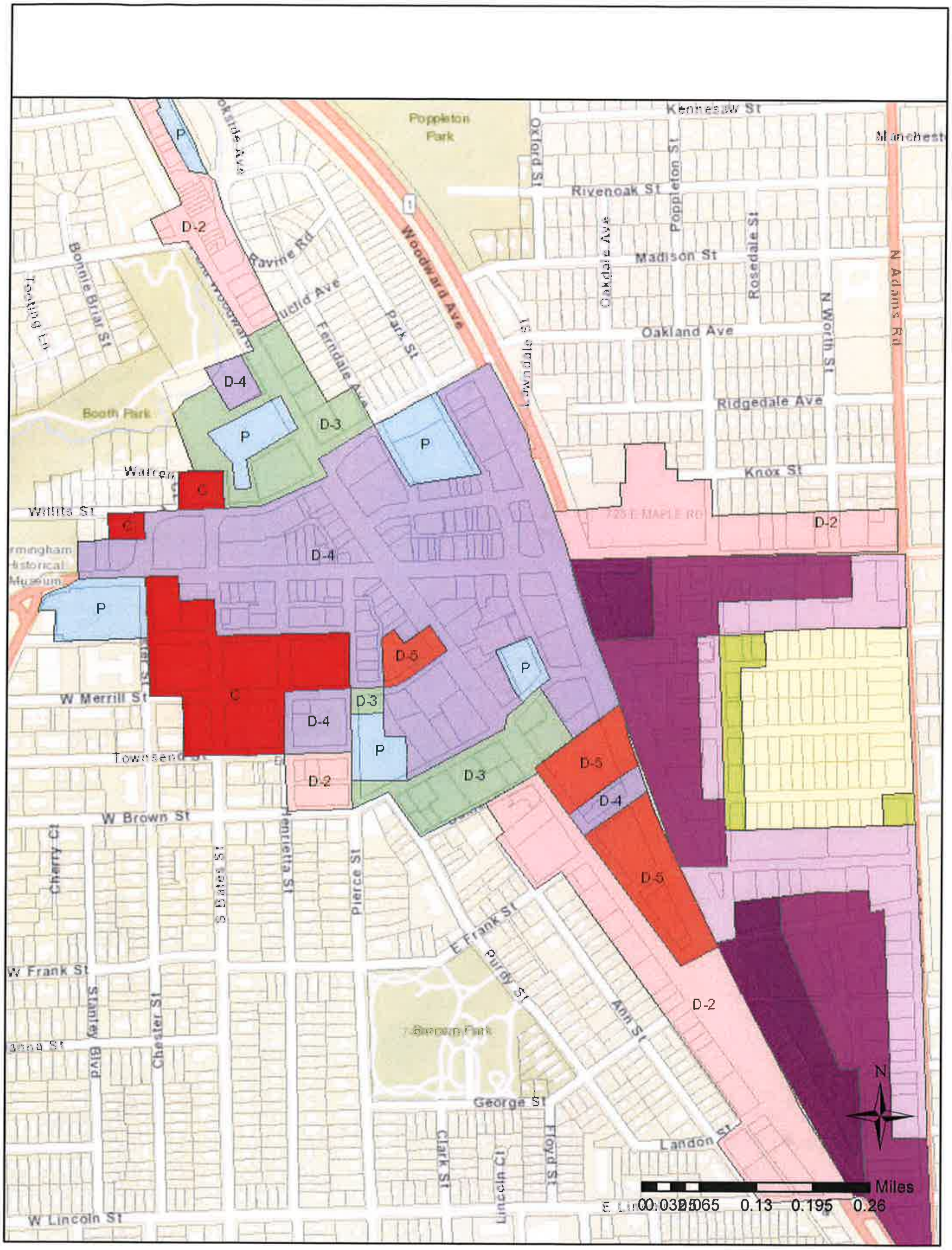
City Manager Valentine clarified that the SAD would be assessed for the same standard streetscape that exists throughout the downtown. The only corner that would be different is Park and Hamilton, which is publicly owned and currently before the Architectural Review Committee for design.

City Engineer O'Meara advised the Commission that all residents affected by the SAD have been sent a two page letter documenting all the information, and the City has received no questions or concerns regarding the issue.

Commissioner Sherman reminded the Commission that it has approved similar SADs in other locations without plans. The proposal encompasses the standard streetscape of the sidewalk, exposed aggregate, the trees and the lights. He said there is no reason to postpone this decision.

Exhibit B

Map of Current Overlay Zoning Classifications



Kennesaw St
Poppleton Park
Manchest
Oxford St
Rivenoak St
Poppleton St
D-2
Woodward Ave
Oakdale Ave
Madison St
Rosedale St
N Adams Rd
Ravine Rd
Euclid Ave
Bonnie Briar St
Ferndale Ave
Park St
Oakland Ave
N Worth St
D-4
Booth Park
D-3
P
Ridgedale Ave
Knox St
Warren
C
Willits St
D-4
Birmingham Historical Museum
D-5
W Merrill St
D-3
Townsend St
D-2
D-5
D-4
W Brown St
Cherry Ct
S Bates St
Henrietta St
Pierce St
D-5
E Frank St
W Frank St
Stanley Blvd
Chester St
Purdy St
Ann St
D-2
Barnum Park
George St
Clark St
Floyd St
Lincoln Ct
Landon St
W Lincoln St
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Miles
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City of Birmingham
A Walkable Community

MEMORANDUM

Planning Division

DATE: **July 5, 2019**

TO: **Planning Board Members**

FROM: **Jana L. Ecker, Planning Director**

SUBJECT: **Application for Zoning Ordinance Change**

On March 11, 2019, the City Commission conducted a public hearing to consider a rezoning request for 469-479 S. Old Woodward from B3/D4 to B3/D5 to allow construction of a nine story mixed use building on the corner of Haynes and Woodward/S. Old Woodward. After much discussion, the City Commission took no action on the matter. However, based on the extensive discussion (minutes attached) that occurred at the City Commission meeting, the owners of 469-479 S. Old Woodward have now submitted an application requesting an amendment to the Zoning Ordinance and/or Zoning Map. The application and supporting documentation are attached for your review. Specifically, the applicant is requesting that the Planning Board address the following issues and suggest any zoning amendments necessary to do so:

1. Clarify the applicable standards to determine building height in the D5 Zone;
2. Clarify the meaning of "immediately adjacent or abutting"; and
3. Determine which properties to consider, if any, for rezoning to the D5 zoning classification.

Background

The D5 Zone was created in recent years as a new zoning district within the Downtown Overlay District. The D5 classification currently applies to three properties, the 555 Building, Birmingham Place, and the Merrillwood Building. The provisions of the D5 zone are outlined in Article 3, section 3.04 (A) of the Zoning Ordinance:

> New buildings constructed or additions to existing buildings in the D5 Zone must meet the requirements of the Downtown Birmingham Overlay District and the D4 Zone, except that the height of any addition and new construction in the D5 Zone **may be over the maximum building height up to, but not exceeding, the height of an existing D5 Zone to which they are immediately adjacent or abutting** if the property owner agrees to the construction of the building under the provisions of a Special Land Use Permit.

Thus, the D5 Zone requires buildings in this zone to meet all requirements of the D4 Zone, with the exception of the building height requirements. With regards to height, buildings in the D5 zone may be constructed up to, but not exceeding, the height of an existing immediately adjacent or abutting building that is within the D5 Zone, provided the owner agrees to build under a SLUP.

Issue 1: Calculating Building Height

Based on comments made at the City Commission meeting on March 11, 2019, the applicant is requesting clarification on how to calculate building height in the Downtown Birmingham Overlay District.

Article 9, Section 9.02, Definitions, of the Zoning Ordinance defines building height specifically for buildings located within the Downtown Birmingham Overlay District as follows:

> 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 to the eaves/eave line for a gable, hip, gambrel or mansard roof**. Height limits do not apply to parapet walls, belfries, steeple, 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.

Article 9, section 9.02 provides specific instructions for calculating a building's height when the building is located within the Downtown Birmingham Overlay District. This definition has been successfully interpreted and applied over the past 20 years, and provides clarity to allow applicants to determine a building's height.

Thus, the Planning Division does not recommend any changes to the existing, clearly defined, method of calculating building height in the Downtown Overlay.

Issue 2: Clarify the Meanings of Adjacent and Abutting

Article 9, section 9.02 of the Zoning Ordinance provides definitions for specific words to be "observed and applied in the interpretation of all Articles" within the Zoning Ordinance where clarification is needed. There are currently no definitions provided in Article 9, section 9.02 for either of the terms adjacent or abutting.

Thus, the Planning Board may wish to consider adding definitions for both adjacent and / or abutting to Article 9, section 9.02 to clarify their meanings to allow applicants to clearly identify which surrounding properties would be considered to determine the maximum height permitted on a D5 zoned property. Sample definitions for discussion are noted below.

Definitions of "Adjacent"

- ***Lying near or close to; neighboring.***[1]
  Adjacent means that objects or parcels of land are not widely separated, though perhaps they are not actually touching; but adjoining implies that they are united so closely that no other object comes between them.
- **Next to or near something else**[2]
- **a) Not distant, nearby**
  b) Having a common endpoint or border
  c) Immediately preceding or following[3]
- **Near or close (*to* something); adjoining**[4]

Definitions of "Abutting"

- ***To reach; to touch. To touch at the end; be contiguous; join at a border or boundary; terminate on; end at; border on; reach ortouch with an end. The term* abutting *implies a closer proximity than the term* adjacent.**[5]
  When referring to real property, abutting means that there is no intervening land between the abutting parcels. Generally, properties that share a common boundary are abutting. A statute may require abutting owners to pay proportional shares of the cost of a street improvement project.
  -v. when two parcels of real property touch each other.[6]
- **Adjoining, bordering**[7]
- **Sharing a boundary**[8]
- **To end (on) or lean (upon) at one end; border (on) terminate (against)**
  To end at; border upon[9]

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[1] West's Encyclopedia of American Law, edition 2. Copyright 2008 The Gale Group, Inc. All rights reserved.
[2] Macmillandictionary.com
[3] Merriam-webster.com
[4] Collinsdictionary.com
[5] West's Encyclopedia of American Law, edition 2. Copyright 2008 The Gale Group, Inc. All rights reserved.
[6] West's Encyclopedia of American Law, edition 2. Copyright 2008 The Gale Group, Inc. All rights reserved.
[7] Merriam-webster.com
[8] Macmillandictionary.com
[9] Collinsdictionary.com

Given the sometimes conflicting definitions of adjacent and abutting noted above, the Planning Board may wish to consider amending the existing D5 ordinance language that refers to the height of buildings "immediately adjacent or abutting". This language could be amended to simply refer to the height of "immediately abutting" or simply "abutting" buildings. A concise definition for abutting could then be added to Article 9, section 9.02 of the Zoning Ordinance that clarifies that abutting properties are only those that join at a border or share a boundary line.

Issue 3: Determine which properties, if any, warrant rezoning to the D5 zoning classification within the area bounded by Haynes, Brown, Old Woodward and Woodward Avenue

Several years ago, the Planning Board addressed the specific issues of which properties to consider for rezoning to the D5 Zone within the Downtown Overly District. At that time, the Planning Board considered rezoning properties along Woodward Avenue up to Maple, and then scaled back the properties under consideration for the D5 zoning. Ultimately, the Planning Board recommended to the City Commission that only the three existing, non-conforming buildings (with respect to height) within the Downtown Overlay District be rezoned to D5. This included the 555 Building, Birmingham Place and the Merrillwood Building, which were ultimately rezoned to D5 by the City Commission.

The applicant's request at this time is to consider which properties within the area bounded by Haynes, Brown, Old Woodward and Woodward Avenue only, should be considered for rezoning to D5. Please find attached a map created in 2015 during the Planning Board's previous discussions as to which properties, if any, should be considered for rezoning to D5. This map shows properties in green that were previously discussed for potential rezoning to D5 within the area bounded by Haynes, Brown, Old Woodward and Woodward Avenue. All properties within the area noted were discussed for rezoning to D5, with the exception of the historic Peabody Mansion on the southeast corner of Brown and S. Old Woodward.

If the Planning Board wishes to amend the existing D5 ordinance language noted above that refers to the height of buildings "immediately adjacent or abutting" to refer to the height of buildings "immediately abutting" or simply "abutting", a similar approach could be taken for considering which properties, if any, should be considered for rezoning to D5.

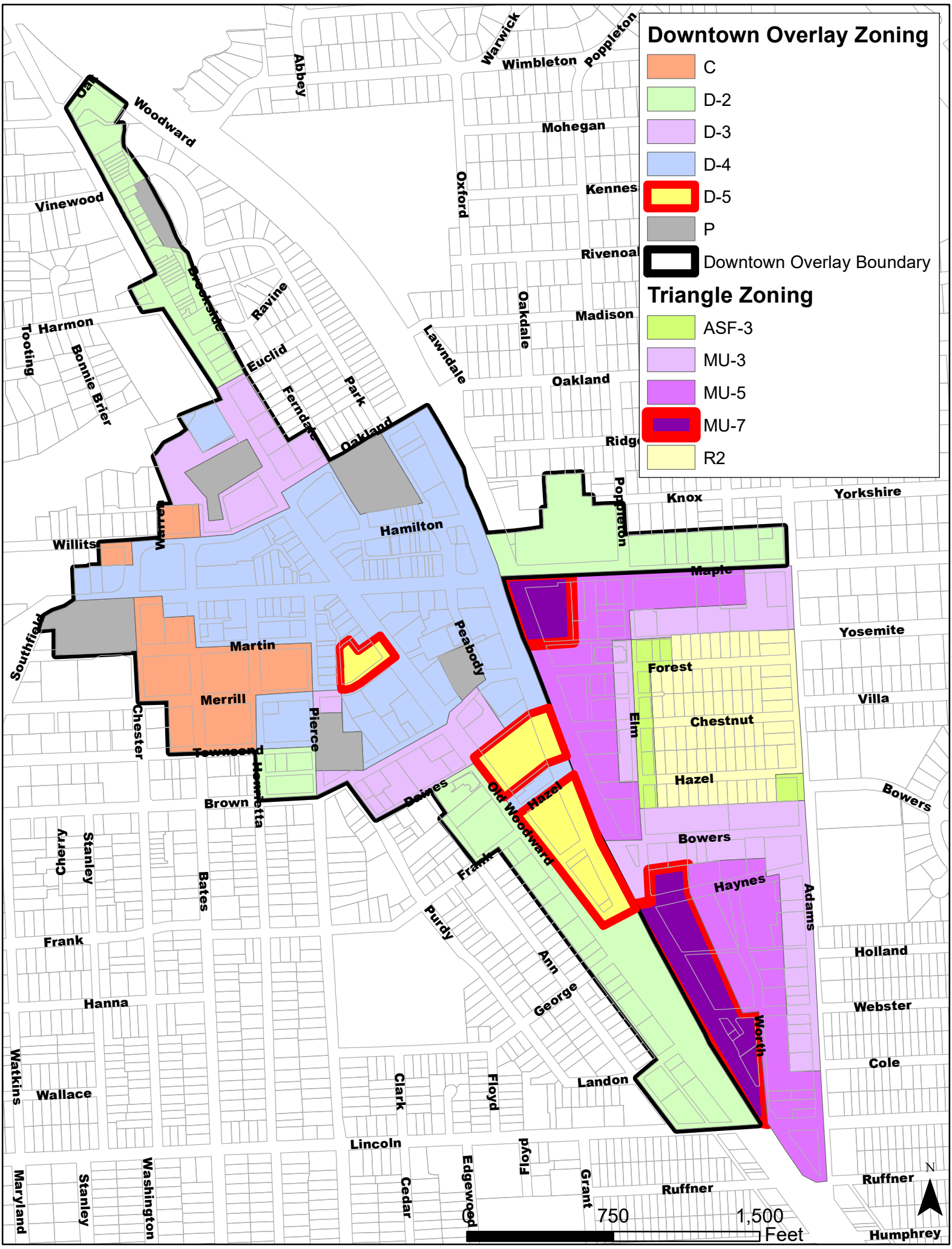
For instance, the Planning Board may wish to consider only those parcels that abut (join at a border or share a boundary line) with one or more parcels already zoned D5. This approach would limit the properties under consideration for rezoning to D5 at this time to the two properties on S. Old Woodward that abut the Merrillwood Building, and the two properties that abut Birmingham Place, one to the south, and one to the north. However, should these 4 properties be rezoned to D5, this would then potentially allow up to 9 additional parcels to be rezoned to D5 over time until no further properties abut a D5 zoned parcel (due to the block ending and an alley or street separating any other adjacent properties). In this scenario, the

remaining 6 properties on the same block running north on S. Old Woodward from the Merrillwood Building would eventually be considered for rezoning to D5, as well as the remaining 4 parcels on the same block both north and south on S. Old Woodward and the Jax Karwash site on Brown.

This approach of allowing only those properties that abut an existing D5 Zone could be further limited however by adding that only those parcels that are not located in an Historic District **and** abut one or more parcels already zoned D5 may be considered for rezoning to D5. This would limit the properties that may be considered for rezoning to D5 over time to the two properties that are located north of Birmingham Place (not including the Peabody Mansion parcel) and the two properties south of Birmingham, due to the block ending. All other surrounding parcels are separated from any D5 parcels by a street in all directions, and thus would not join at a border or share a boundary line in order to qualify for rezoning to D5, if the above amendments were made.

Next Steps

Once the Planning Board has discussed each of the issues noted above, draft ordinance language will be drafted for your review. In addition, should the Planning Board wish to recommend any other parcels for rezoning to the D5 Zone, a map will be created to identify these parcels as well as the zoning classification and permitted heights of all other properties in the surrounding area. Massing studies can also be prepared to further study the impact of any parcels recommended for rezoning to D5.


Downtown Overlay Zoning
C
D-2
D-3
D-4
D-5
P
Downtown Overlay Boundary
Triangle Zoning
ASF-3
MU-3
MU-5
MU-7
R2
Oak
Woodward
Vinewood
Abbey
Warwick
Wimbleton
Poppleton
Mohegan
Oxford
Kennes
Rivenoal
Madison
Oakdale
Lawndale
Oakland
Ridge
Brookside
Ravine
Euclid
Ferndale
Park
Harmon
Tooting
Bonnie Brier
Knox
Yorkshire
Maple
Yosemite
Villa
Willits
Martin
Hamilton
Peabody
Southfield
Martin
Merrill
Chester
Townsend
Pierce
Hunnetta
Brown
Forest
Chestnut
Elm
Hazel
Bowers
Old Woodward
Haynes
Adams
Holland
Webster
Cole
Worth
Landon
Ann
George
Purdy
Frank
Cherry
Stanley
Bates
Hanna
Watkins
Wallace
Clark
Floyd
Lincoln
Edgewood
Cedar
Grant
Ruffner
Humphrey
Maryland
Washington
750
1,500
Feet
N

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Woodward Gateway
D-5 Zone

Legend

- Zoning allows 9 stories
- Zoning allows 7 stories
- Possible D-5 Zone

0 150 300 600 900 1,200 Feet

1 in = 422.818 feet

RREN CT.
OAKLAND
HAMILTON
N. BATES
OAKDALE
POPPLETON
RIDGEDALE
KNOX
N. A
PLE
MARTIN
S. OLD WOODWARD
PEABODY
ELM ST.
FOREST
CHESTNUT
HAZEL
DAINES
ROWN
CHESTER
S. BATES
HENRIETTA
PIERCE
E. FRANK
ANN
BOWERS
HAYNES
S. ADAMS
HAYNES CT.
DORCHESTER
RUGBY
YORKSHIRE
CAMBRIDGE
EAST MAPLE
YOSEMITE
YANKEE
COLUMBIA
BOWERS
H
HOLLAND
WEBSTER
COLE
S. WORTH
PURDY
GEORGE
CT.
CLARK
LINCOLN CT.
FLOYD
FLOYD CT.
LANDON
LINCOLN
RUFFNER
HUMPHREY
TORRY
TAUNTON
PIERCE
CEDAR
EDGEWOOD
GRAN
WOODWAR
LAWN

City of Birmingham
A Walkable Community

MEMORANDUM

Planning Department

DATE: **September 5, 2019**

TO: **Planning Board**

FROM: **Jana Ecker, Planning Director**

SUBJECT: **D5 Study – Downtown Overlay District**

At the July 10, 2019 Planning Board meeting, the owner of the properties at 469 – 479 S. Old Woodward submitted an application requesting an amendment to the Zoning Ordinance and/or Zoning Map. Specifically, the applicant requested that the Planning Board address the following issues and suggest any zoning amendments necessary to do so:

1. Clarify the applicable standards to determine building height in the D5 Zone;
2. Clarify the meaning of "immediately adjacent or abutting"; and
3. Determine which properties to consider, if any, for rezoning to the D5 zoning

At that meeting, the Planning Board reviewed the application and supporting documentation submitted by the applicant, as well as the Planning Division memo addressing each of the three issues noted above. Both the application and the staff memo are attached for your review. The Planning Board reviewed the findings and recommendations in the staff memo. After much discussion, the Planning Board recommended having DPZ CoDesign conduct a focused study of the area in Downtown Birmingham bounded by Haynes, Brown, Old Woodward and Woodward Avenue. The study was to make recommendations as to which properties should be considered for rezoning to D5 given their proximity to properties with existing buildings over 5 stories in height, to properties that are currently zoned to allow greater than 5 stories of height or due to other identified factors. The Planning Board also discussed conducting massing studies in the study area to determine the impact of any parcels recommended for rezoning to D5.

Accordingly, the Planning Division forwarded the Planning Board's request for a D5 study to the City Manager for authorization to proceed. The City Manager approved the request, and the City obtained a proposal from DPZ to conduct the study. The D5 Study completed by DPZ CoDesign, dated September 5, 2019 is attached for your review and discussion.

The D5 Study contains a massing study of the subject block and surrounding properties, as well as a detailed analysis of the current and recommended zoning for properties within the block. The D5 Study's recommendation is "that all properties within the study area should be eligible for rezoning to D5, with the potential exception of the Ford-Peabody Mansion for considerations related to preservation" (D5 Study, DPZ CoDesign, September 5, 2019, p. 9). This recommendation is consistent with the previous discussion of the Planning Board at the July 10, 2019 meeting.

Accordingly, please find attached draft ordinance language for your review and consideration to clarify the proximity requirements to existing D5 properties as abutting, to add a definition for abutting, and to recommend properties to be considered for rezoning to D5 in the Downtown Birmingham Overlay District as recommended in the D5 Study prepared by DPZ CoDesign at the request of the Planning Board.

Suggested Action:

To set a public hearing for October 23, 2019 to consider the following amendments to Chapter 126, Zoning:

1. To amend Article 3, Overlay Districts, Section 3.04(A)(4), Specific Standards, to amend the building height requirements for the D5 zone (over 5 stories) of the Downtown Birmingham Overlay District;
2. To amend Article 9, Definitions, Section 9.02 to add a definition for abutting; and
3. To amend the Zoning Map to alter the Downtown Birmingham Overlay District zones as follows:
    a) 355 S. Old Woodward from D3 and D4 to D5;
    b) 469 S. Old Woodward from D4 to D5;
    c) 479 S. Old Woodward from D4 to D5; and
    d) 34745 Woodward from D4 to D5.

CITY OF BIRMINGHAM
ORDINANCE NO.

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

TO AMEND ARTICLE 3, OVERLAY DISTRICTS, SECTION 3.04(A) TO AMEND THE BUILDING HEIGHT STANDARDS IN THE D5 ZONE OF THE DOWNTOWN BIRMINGHAM OVERLAY DISTRICT.

Article 3, section 3.04 (A) of the Zoning Ordinance:

New buildings constructed or additions to existing buildings in the D5 Zone must meet the requirements of the Downtown Birmingham Overlay District and the D4 Zone, except that the height of any addition and new construction in the D5 Zone may be over the maximum building height up to, but not exceeding, the height of an existing **and abutting** D5 Zone **property** ~~to which they are immediately adjacent or abutting~~ if the property owner agrees to the construction of the building under the provisions of a Special Land Use Permit.

ORDAINED this _____ publication day of_____, 2019 to become effective 7 days after publication.

Patty Bordman, Mayor

Cherilynn Mynsberge, City Clerk

CITY OF BIRMINGHAM
ORDINANCE NO.

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

TO AMEND ARTICLE 9, DEFINITIONS, SECTION 9.02 TO DEFINE THE TERM ABUTTING.

<u>Abutting</u>: Sharing a boundary or property line.

ORDAINED this _____ publication day of_____, 2019 to become effective 7 days after publication.

_____
Patty Bordman, Mayor

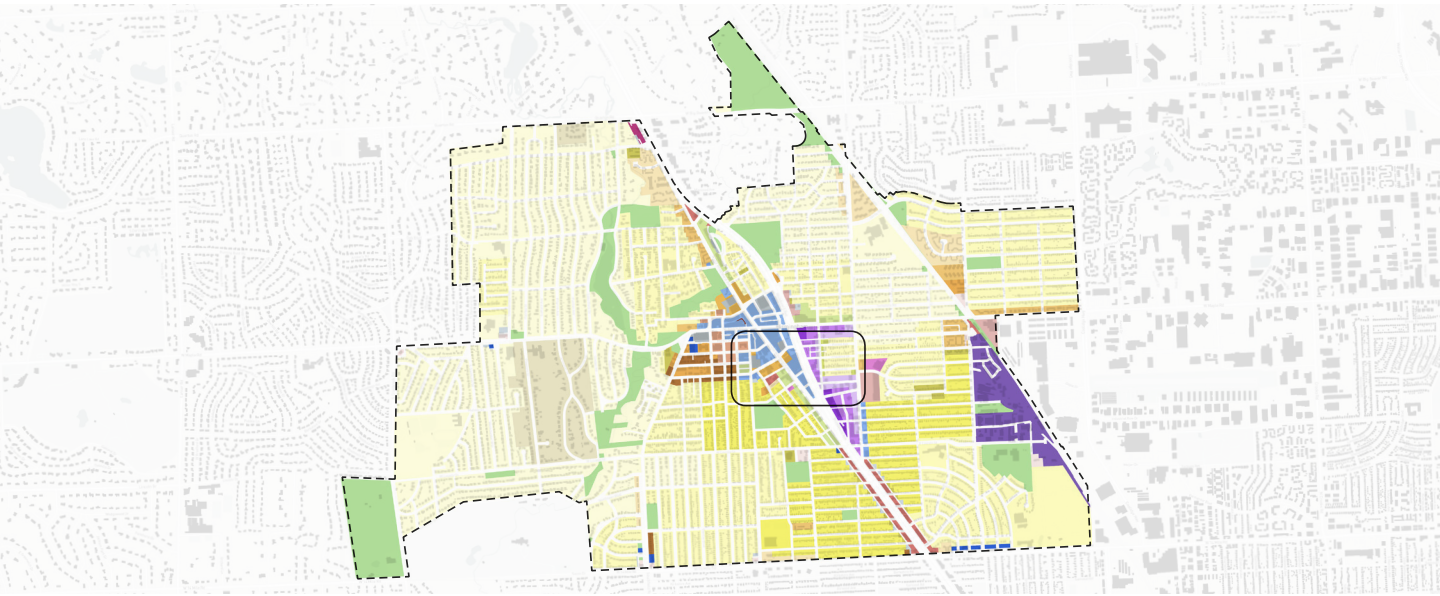
_____
Cherilynn Mynsberge, City Clerk

D5 STUDY

DPZ
CODESIGN

D5 Study

Purpose



Purpose:

To conduct a focused study of the area in Downtown Birmingham bounded by Haynes, Brown, Old Woodward and Woodward Avenue and make recommendations as to which properties should be considered for rezoning to D5 given their proximity to properties with existing buildings over 5 stories in height, to properties that are currently zoned to allow greater than 5 stories of height or due to other identified factors.

The Planning Board would then review the recommendations and use them to assist in clarifying the terms “abutting” and “adjacent” with regards to the D5 zone.

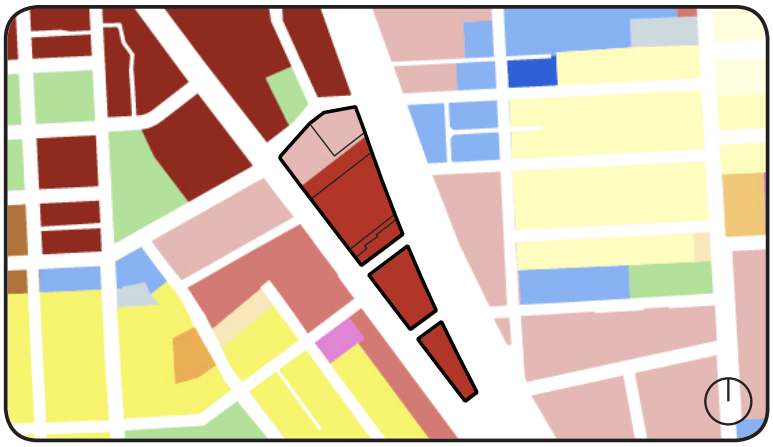
Zoning Enabling Act Reference:

125.3201 Regulation of land development and establishment of districts; provisions; uniformity of regulations; designations; limitations.

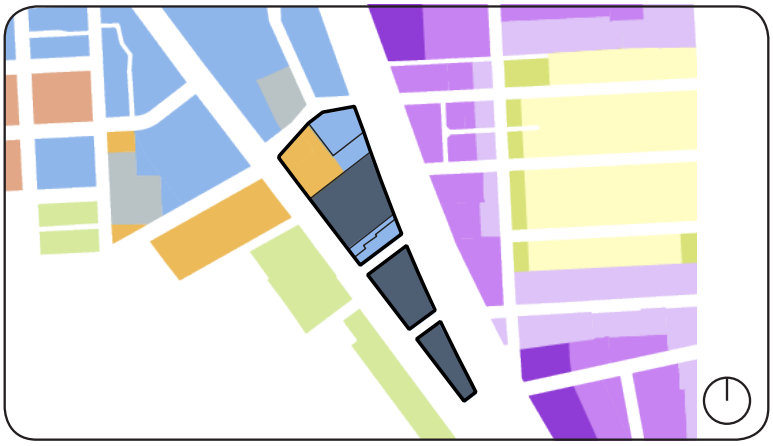
Sec. 201.

1. A local unit of government may provide by zoning ordinance for the regulation of land development and the establishment of 1 or more districts within its zoning jurisdiction which regulate the use of land and structures to meet the needs of the state’s citizens for food, fiber, energy, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land, to ensure that use of the land is situated in appropriate locations and relationships, to limit the inappropriate overcrowding of land and congestion of population, transportation systems, and other public facilities, to facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility requirements, and to promote public health, safety, and welfare.
2. Except as otherwise provided under this act, the regulations shall be uniform for each class of land or buildings, dwellings, and structures within a district.
3. A local unit of government may provide under the zoning ordinance for the regulation of land development and the establishment of districts which apply only to land areas and activities involved in a special program to achieve specific land management objectives and avert or solve specific land use problems, including the regulation of land development and the establishment of districts in areas subject to damage from flooding or beach erosion.
4. A local unit of government may adopt land development regulations under the zoning ordinance designating or limiting the location, height, bulk, number of stories, uses, and size of dwellings, buildings, and structures that may be erected or altered, including tents and recreational vehicles.

Zoning



Overlay zoning



Zoning district	max height
R3 SFR	28’
R5 MFR	30’
R7 MFR	50’
TZ1 attached SFR	35’
B-2 general business	40’
B-2B general business	40’
B-3 office-residential	60’
B-4 business-residential	60’
0-1 office	28’
0-2 office commercial	28’
P parking	50’
PP public property	-

Downtown overlay	max height
C community use	-
D2 3-story development	56’
D3 4-story development	68’
D4 5-story development	80’
D5 special land use	by permit
P parking structures	50’

Triangle overlay	max height
ASF-3 SFR	35’
R2 MFR	30’
MU-3 MFR	60’
MU-5 attached SF	82’
MU-7 general business	118’

Background:

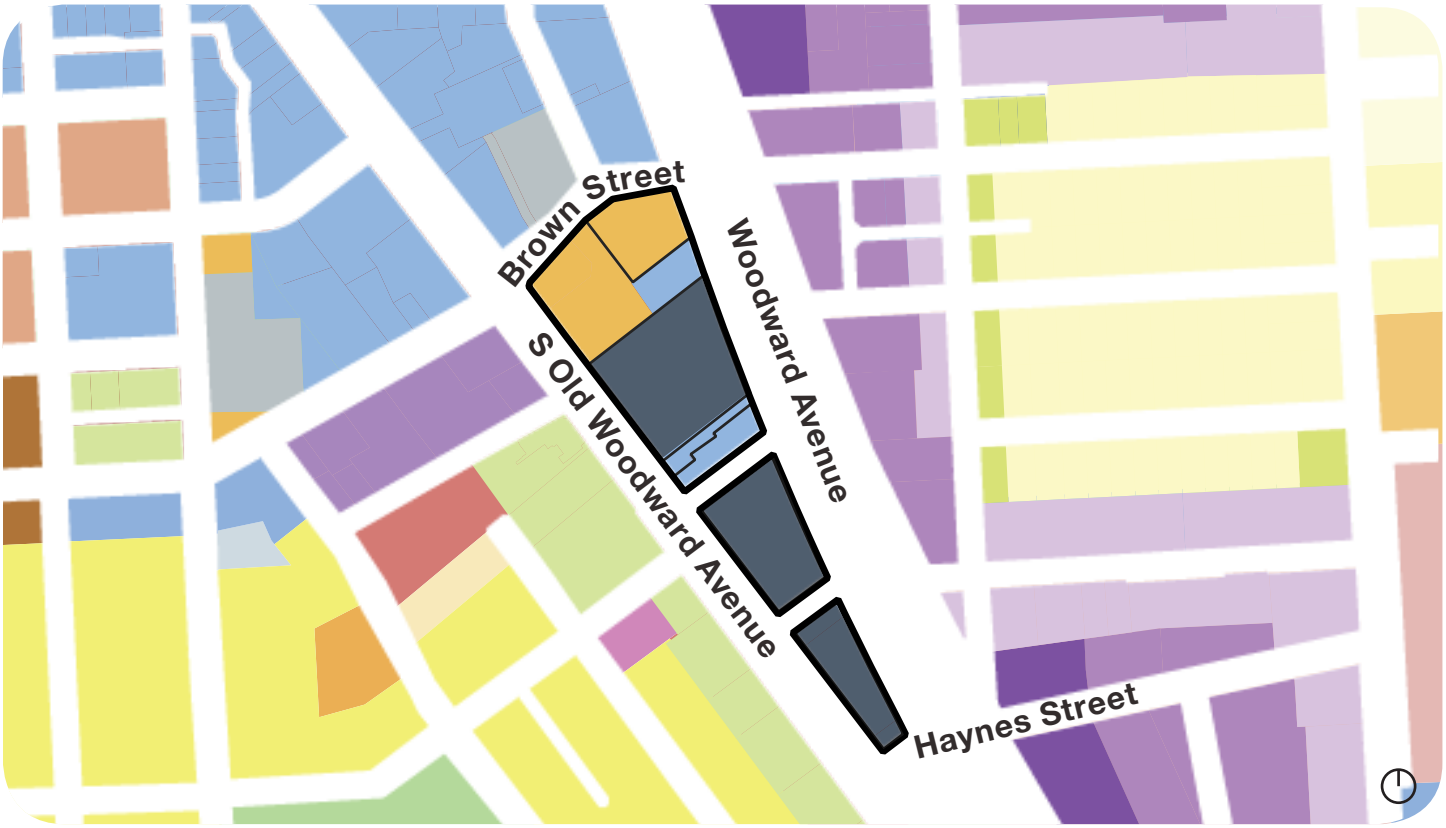
The D5 zone is an overlay zone within the Downtown Birmingham Overlay District (DBOD), which is intended to implement the Downtown Birmingham 2016 Plan. Originally, the DBOD included 3 overlay zones: D2, D3, and D4, as well as Civic and Parking zones for parks and public parking. The D5 zone was established in order to make three otherwise legally non-conforming buildings legally conforming, two of which are within the study area. Prior to D5, the three non-conforming buildings fell within the D4 district, which restricts buildings to 5 stories if the upper floor is residential and 4 stories otherwise. The D5 district permits building height per the D4 requirements, except where a Special Land Use Permit (SLUP) allows heights over 5 stories. Above 5 stories there is no specified limit, outside of the subjective evaluation requirements of the SLUP process requiring recommendation of the Planning Board and approval of the City Commission.

The study area includes D5, D4, and D3 overlay zones, which are mapped over B-3, office-residential, and B-2, general business. D3 limits height to 4 stories where the upper floor is residential and 3 stories otherwise. The limits for D4 were previously stated. Properties mapped with D5 include two existing structures which exceeded 5 stories prior to the DBOD. The D3 and D4 district boundaries do not coincide with property lines at the northern end of the study area where one property is mapped with both D3 and D4. This is likely due to the location of Downtown Overlay zones recommended within the 2016 Plan which were drawn by hand prior to widespread adoption of GIS. Within the mid-block, there are two small properties mapped with D4, properties to the south and north of these being D5. See the map above and on the following page with D5 in dark gray, D4 in light blue, D3 in orange, and D2 in light green. The light gray parcels are public parking.

D5 Study

Background

Effective zoning within and around the study area

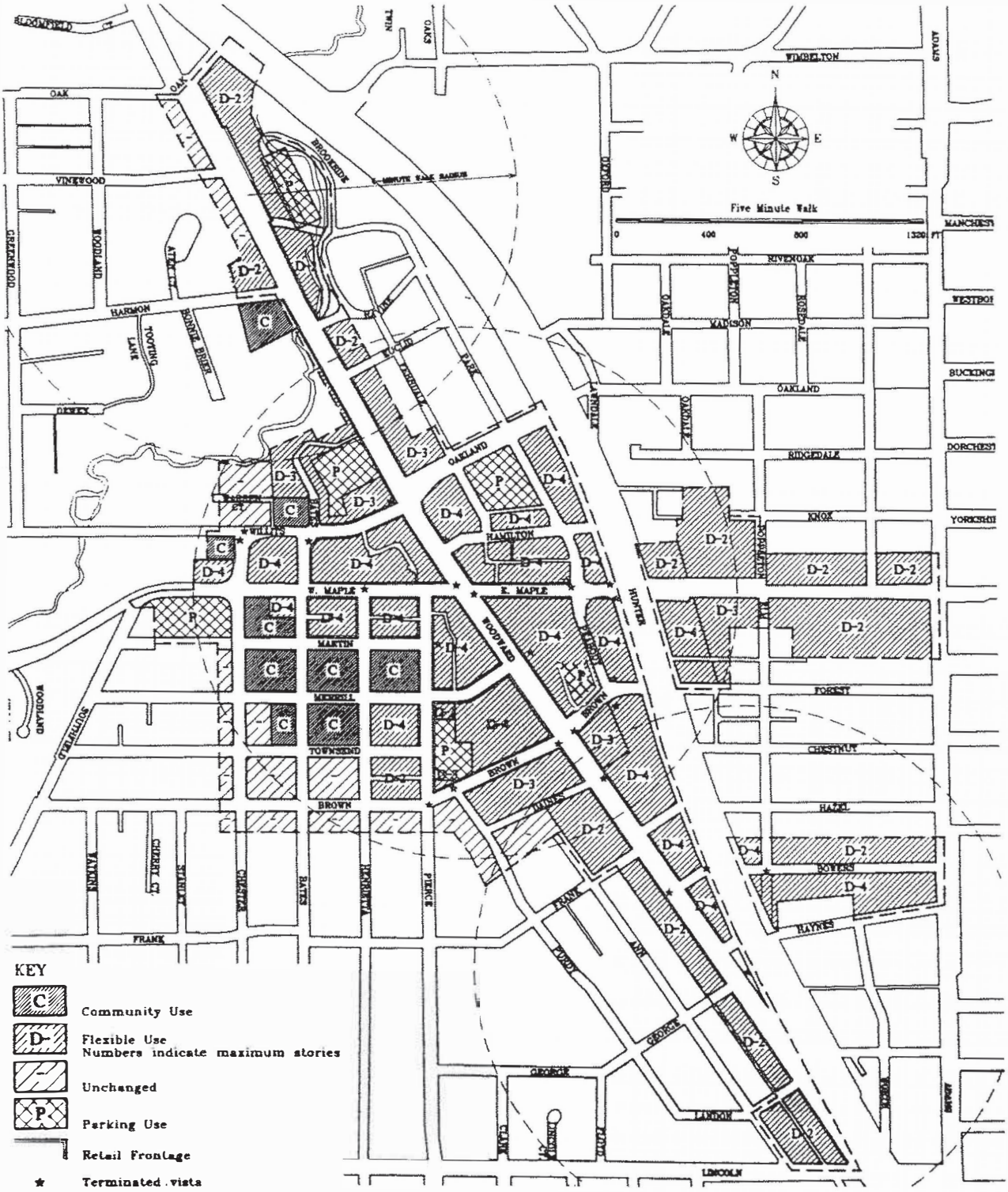


The current City Master Plan, from 1980, had recommended reducing the overall development capacity within Downtown from its 4 story limit at the time to 2 stories, due to parking limitations. The buildings which required the D5 zone had already been constructed, and some indicate that their presence at the time is in part what instigated the desire for a Master Plan update in 1980. The 555 Building is specifically discussed in the Master Plan as being out of character due to its bulk, not necessarily its height. The Master Plan also indicates that other high-rise buildings may be appropriate within the downtown to accentuate the skyline, provided careful regulation to ensure compatibility. At the time, most of Downtown was 2 stories or below, with a few taller buildings. The incompatibility between the higher buildings and 2 story downtown as a general practice is noted. Discussion of the Merrillwood Building, a 6 story building which steps back at the 3rd floor, states that its corner location is appropriate for taller buildings as a compliment to the otherwise low height of Downtown.

The Downtown Birmingham 2016 plan provided a recommended overlay district for Downtown and discussed heights such that the area generally retain a cap of five stories as most traditional American downtowns are between 2 and 4 stories. The Downtown Overlay District follows the height recommendations of the 2016 plan and zoning district boundary recommendations, shown below, with the exception of D5 which was added later. The boundary between D3 and D4 within the study area that does not coincide with property lines is a result of this map. Presumably, since D4 generally surrounds the area, the D3 portion is intended to preserve an existing historic building. Across Old Woodward, D3 and D2 districts are intended to provide a transition to the adjacent neighborhood.

Downtown Birmingham 2016 APPENDIX F – 2

BUILDING 1: REGULATING PLAN



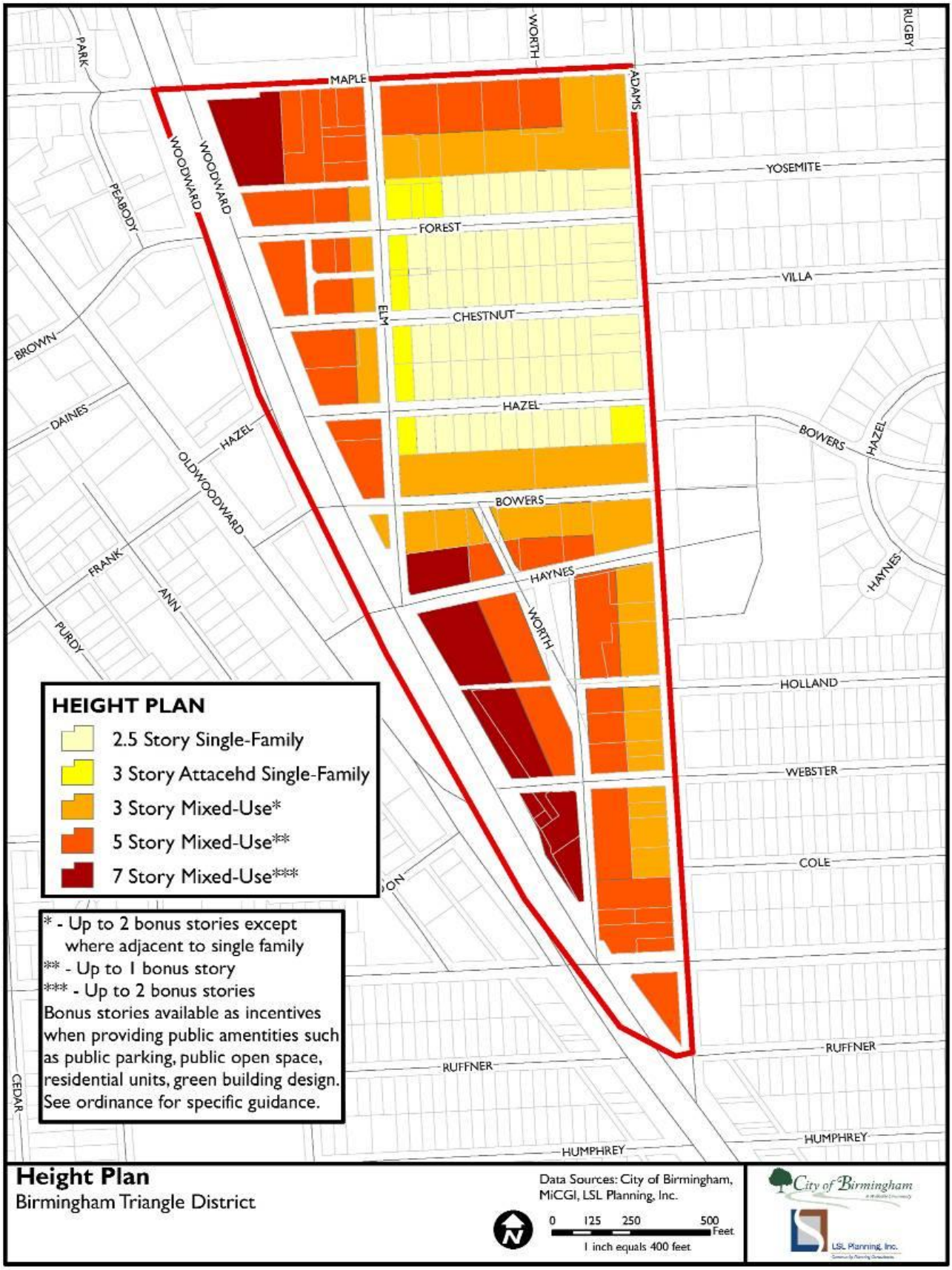
REGULATING PLAN OF THE DOWNTOWN BIRMINGHAM OVERLAY ZONING DISTRICT

D5 Study

Background

In addition to the core Downtown, the vision for the Triangle District, updated in 2007, is important contextually. Both the study area and the Triangle District frame the vision of Downtown Birmingham along big Woodward. The Triangle District Plan recommends that taller mixed-use buildings be located along Woodward, 7 to 9 stories, with medium height mixed-use buildings, 3 to 6 stories, within the District's interior. In all cases, the maximum permitted height is unclear due to the use of height bonuses where each stated height district can be increased in height, such as 3 Story Mixed-Use qualifying for 5 story buildings. The allocation of height and the Triangle District Overlay focus heavily on transitions to adjacent neighborhoods, especially the single-family housing which remains within the District. The study area is generally adjacent to areas of 5 to 6 story mixed-use buildings, due to the adjacency of those properties to residences along Forest, Chestnut, and Hazel. As apparent at Maple and Woodward and at Haynes and south along Woodward, the 7 to 9 story district would be mapped along the entirety of Woodward if residences were further, transitioning upward from the 5 to 6 story district.

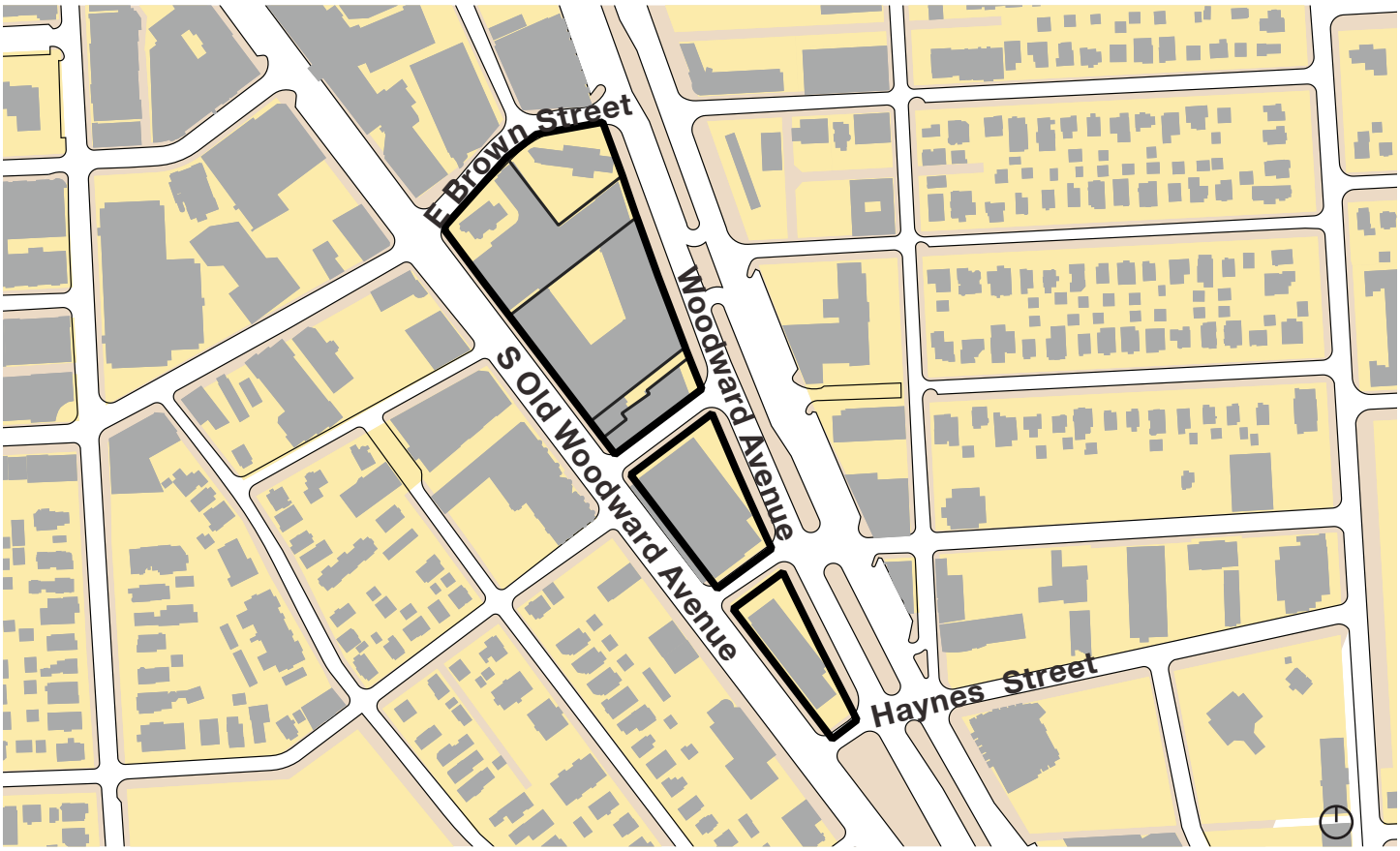
The Birmingham Plan for 2040, currently in progress, has proposed that Downtown Birmingham be considered to include 3 districts: Market North, Maple and Woodward, and Haynes Square. This proposal is aimed at bridging the Woodward divide and at improving the quality of retail and development along south Old Woodward. Presently, the experience of travel along Woodward is that one drives by Downtown Birmingham, rather than through Downtown Birmingham. The 2040 plan intends to change this perception to one of driving through the core of Downtown Birmingham. The study area occurs at a key seam between Haynes Square and Maple and Woodward, framing the northern end of Haynes Square. The concept for Haynes Square is to connect Old Woodward with big Woodward at a right-angle, accompanied by a public open space, the square. This alleviates the dangerous traffic condition at the current intersection of these roads, and provides a central public space to mark the entrance to greater Downtown Birmingham.


HEIGHT PLAN
2.5 Story Single-Family
3 Story Attacehd Single-Family
3 Story Mixed-Use*
5 Story Mixed-Use**
7 Story Mixed-Use***
* - Up to 2 bonus stories except where adjacent to single family
** - Up to 1 bonus story
*** - Up to 2 bonus stories
Bonus stories available as incentives when providing public amentities such as public parking, public open space, residential units, green building design. See ordinance for specific guidance.
MAPLE
WOODWARD
WORTH
ADAMS
RUGBY
YOSEMITE
FOREST
VILLA
CHESTNUT
ELM
HAZEL
BOWERS
HAYNES
HOLLAND
WEBSTER
COLE
RUFFNER
HUMPHREY
PARK
PEABODY
BROWN
DAINES
OLDWOODWARD
FRANK
ANN
PURDY
CEDAR
Height Plan
Birmingham Triangle District
Data Sources: City of Birmingham, MiCGI, LSL Planning, Inc.
0 125 250 500 Feet
1 inch equals 400 feet
City of Birmingham
LSL Planning, Inc.

D5 Study

Discussion and Recommendation

Current Building Footprints



Discussion:

In order to evaluate the request, DPZ Partners Matthew Lambert and Marina Khoury discussed the conditions of the study area and surrounding Downtown Districts. Marina was consulted due to her extensive code experience and her lack of familiarity with the specifics of Birmingham, and objective party. Matthew provided familiarity with the conditions of the study area, the 2040 plan in progress, and the reason for this request.

Prior to being informed about further specifics, Marina was provided the information included in the Background section of this document, including the 3d models of the current conditions and present zoning allowances. Her initial take away was based upon 3 assertions:

1. Nothing in the present assignment of height through zoning justifies retaining a lower height for any properties within the study area.
2. Zones should generally be contiguous.
3. The design of buildings has a greater impact on compatibility than height.

Initial assertions from Marina reinforced the conclusions that Matthew had also arrived at. Further discussion ensued, addressing other issues of design compatibility and public benefit that are beyond the scope of the request, and addressed through the existing Special Land Use Permit (SLUP) process that is embedded in the D5 zone.

Overall, it is clear that the entire study area merits rezoning to D5. This triangle of land occupies a very special position in Downtown Birmingham where Woodward and Old Woodward separate from each other. Already, the study area has been developed at a scale above the majority of the downtown area. Were the Triangle District height map extended in concept across Woodward, the study area would be mapped with the 7 to 9 story district. The most significant position within the study area is the site of the 555 building, which merits the greatest height. The remainder of the study area provides background to that key site: a podium which is capped by place where the Woodwards meet.

Impact overall must also be addressed. The sites within the study area that are not currently D5 would only impact directly abutting (sharing a property line) properties, Birmingham Place, which is already a taller building within D5. Context is established by the nearby properties, which includes the 555 building even though it is in the study area, properties zoned between 6 and 9 stories in the Triangle District, and 4 to 5 story properties within the overall Downtown District. Old Woodward and Woodward are both very wide roads where taller buildings on one side of the road have a limited impact on those adjacent properties across the road. In fact, due to the size of both roads, they require taller buildings to create a street room, greater height along Woodward than Old Woodward, as is recognized by the Triangle District zoning. Brown is also a relatively wide road, a portion of which is occupied by a parking structure. Taller buildings along the south side of Brown may require one or more stepbacks, which is already provided for in D4 and further requirements possible through D5's SLUP process. Hazel is the street where nearby properties are most impacted, however the only impacted property is the 555 building which is already tall and presents a mostly blank wall to the north.

One concern remains which is the preservation of the Ford-Peabody Mansion. This concern reflects the Downtown Overlay mapping of the 2016 Plan. While presently a listed historic resource, the Historic Preservation Ordinance provides little protection for the building overall. While the allocation of heights and zoning districts is not necessarily to be concerned with preservation in a downtown area, allocating significant additional height may induce development and loss of the historic asset. Yet the mansion could be relocated were the site to be redeveloped. This is a consideration left for the appointed boards and elected officials to address. Concerning the specifics of the request made, setting aside the question of historic significance, this site would also qualify for rezoning to D5.

Lastly, we want to reiterate an important point: the design of buildings is more impactful to compatibility than height. This sentiment was discussed at length in review of the study area, and also stated in the 1980 Master Plan which considered this same issue of the impact of height on the city. As also stated in the 1980 plan, the design of the 555 building was considered to be less compatible due to the long mass of the larger portion of the building. Should the study area be rezoned to D5 as recommended, it is incumbent upon the Planning Board and City Commission to ensure that the massing and design of any new building is compatible with the context.

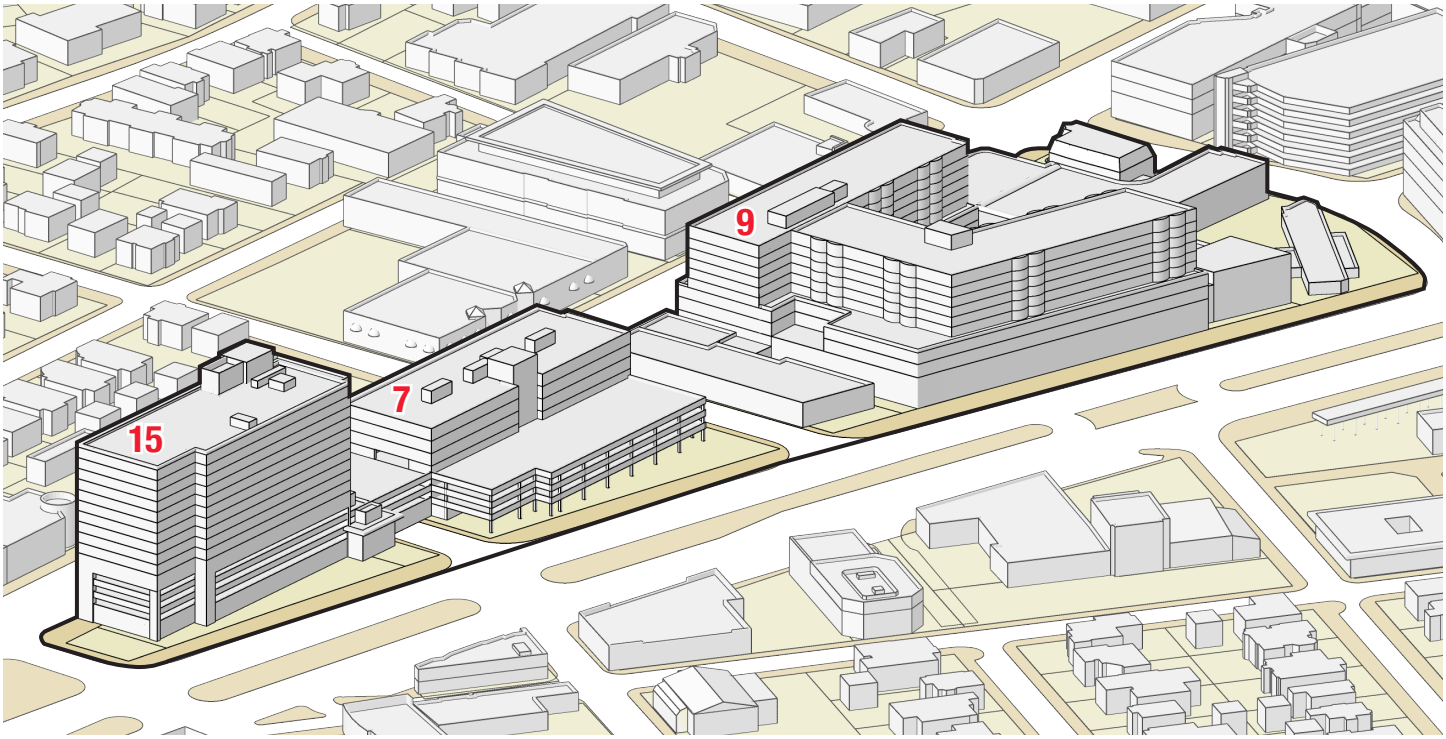
Recommendation:

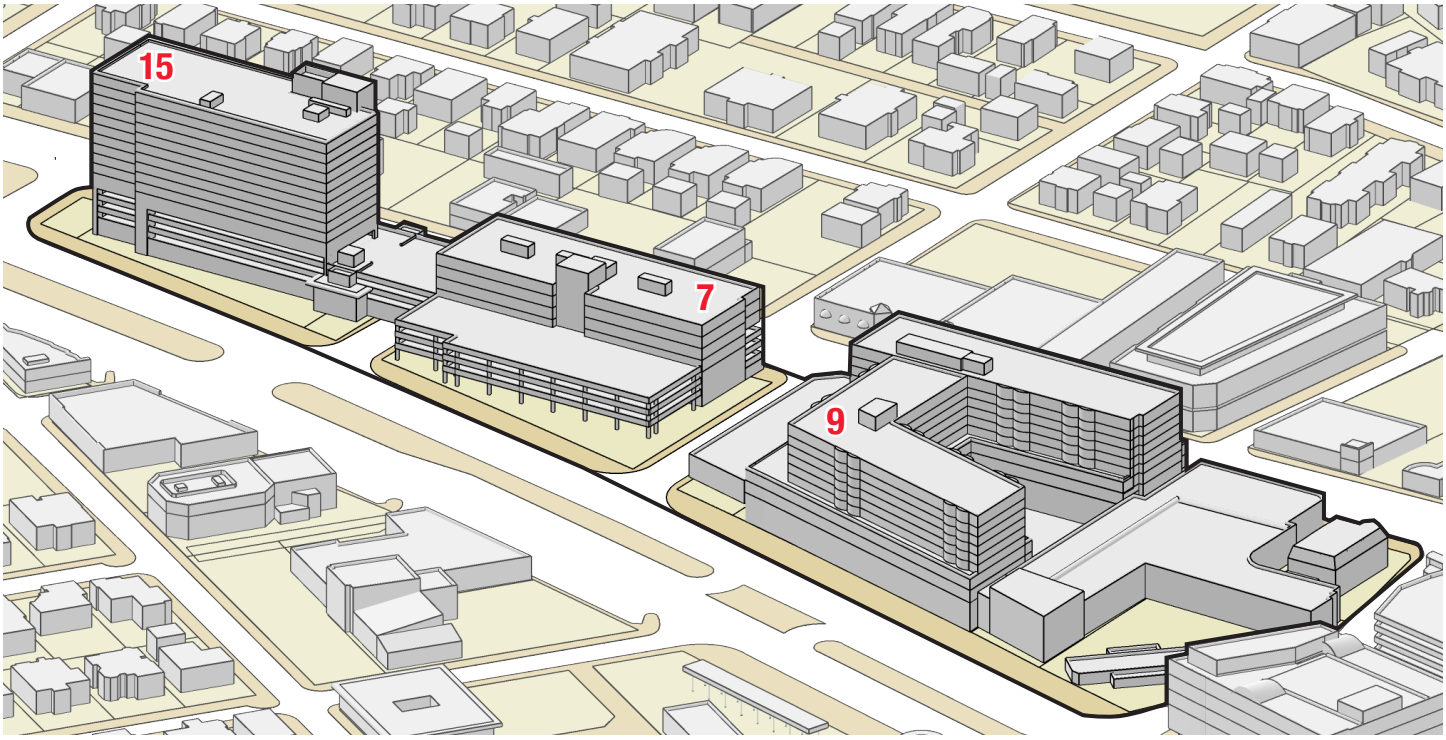
All properties within the study area should be eligible for rezoning to D5, with the potential exception of the Ford-Peabody Mansion for considerations related to preservation.

D5 Study

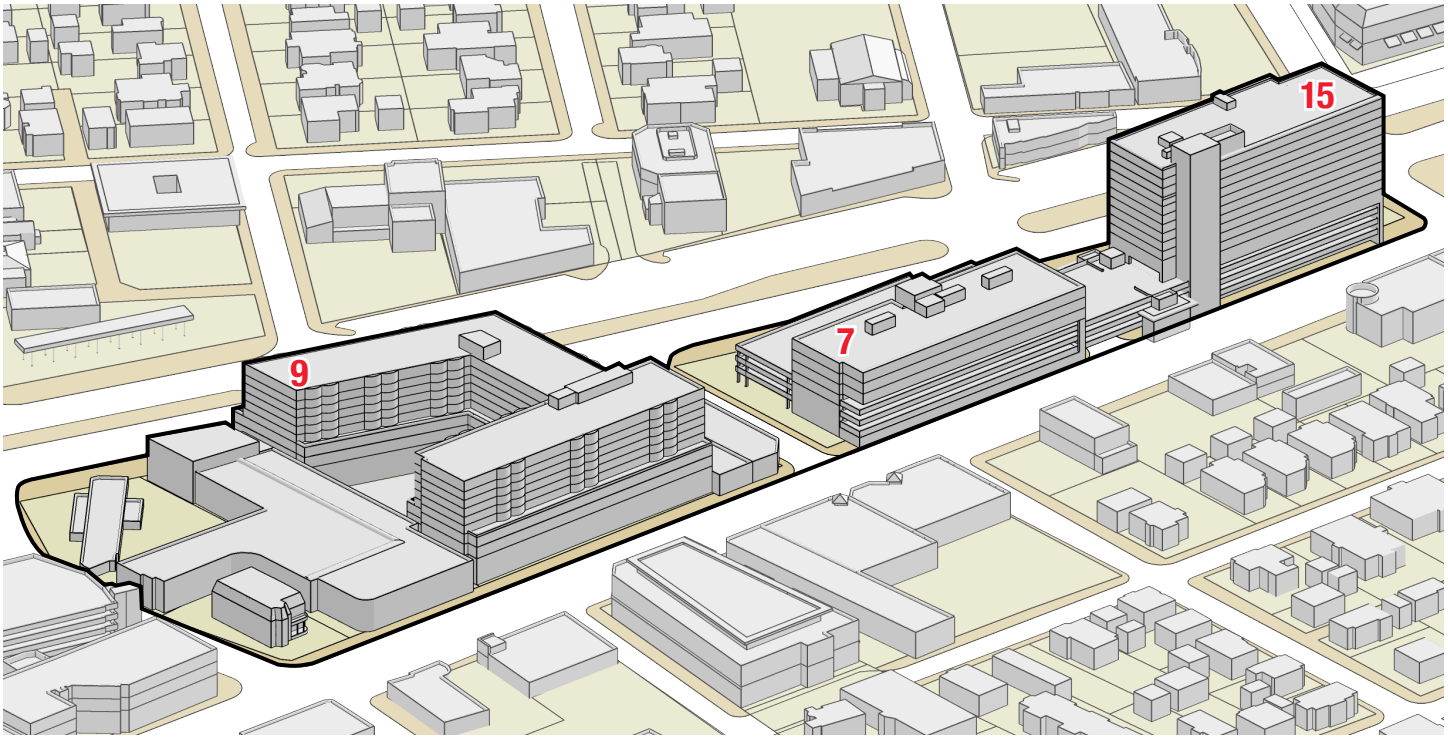
Massing Studies - Existing condition

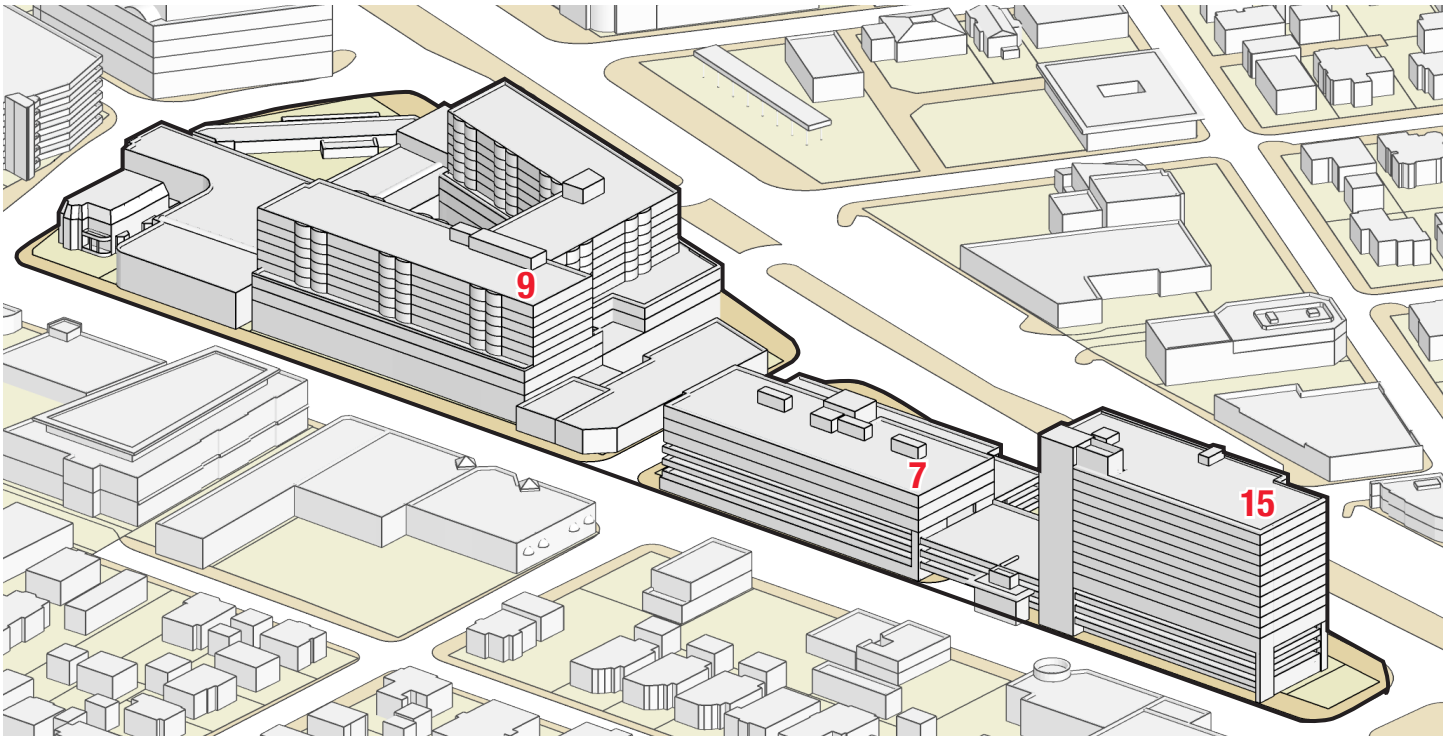
 # Height of buildings in stories





 # Height of buildings in stories





D5 Study

Massing Studies - Development potential under current zoning

Downtown Overlay

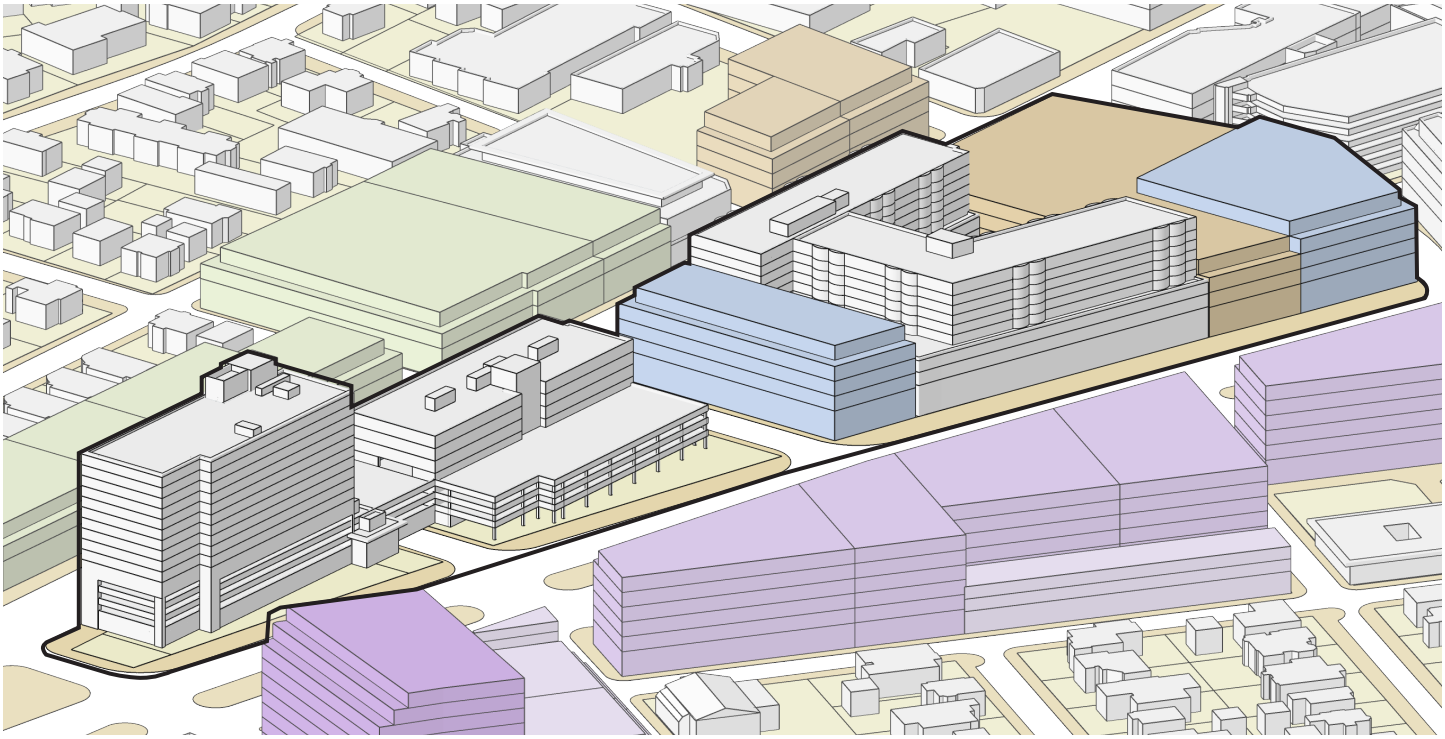
max allowable heights:

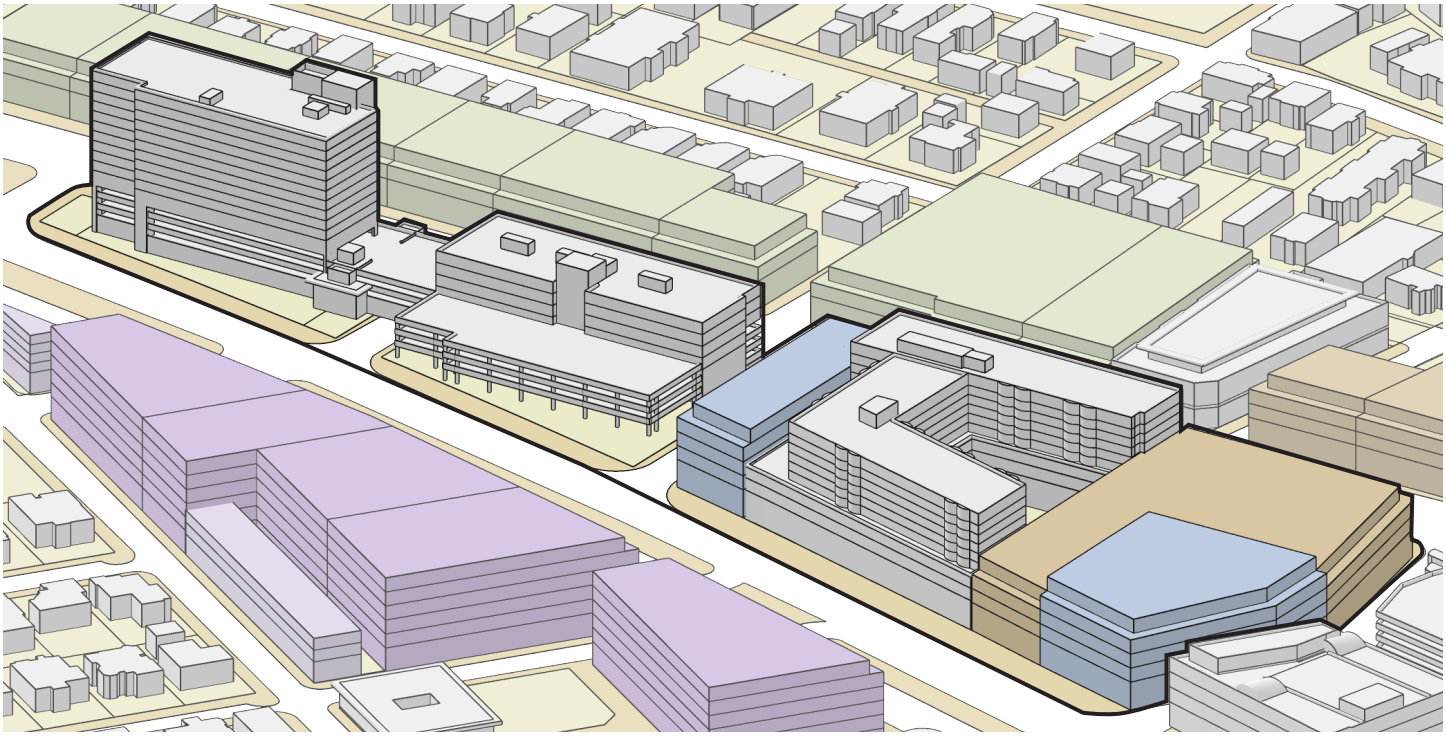
- **D2** 3-story development - **56’**
- **D3** 4-story development - **68’**
- **D4** 5-story development - **80’**

Triangle Overlay

max allowable heights:

- **MU-3** MFR - **60’**
- **MU-5** attached SF - **82’**
- **MU-7** general business - **118’**





Massing Studies - Development potential under current zoning

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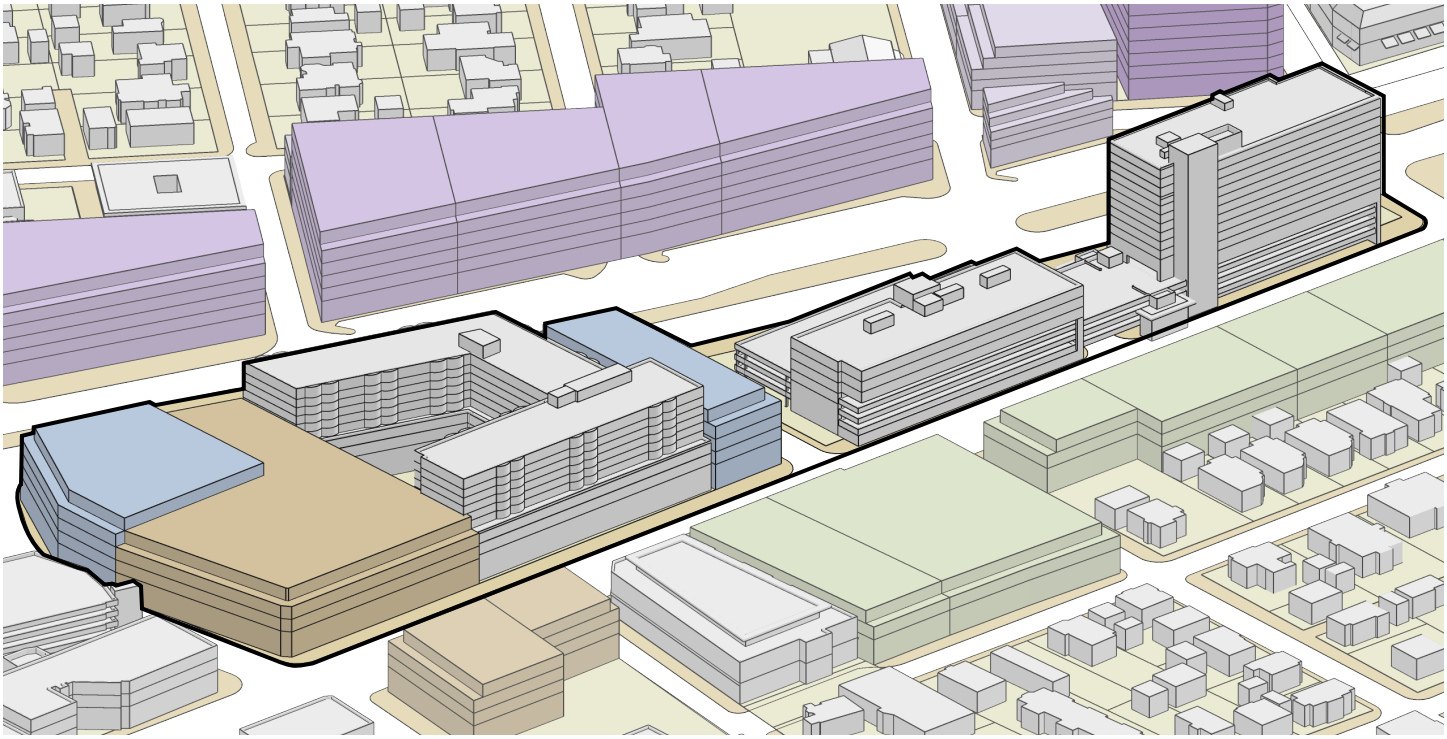

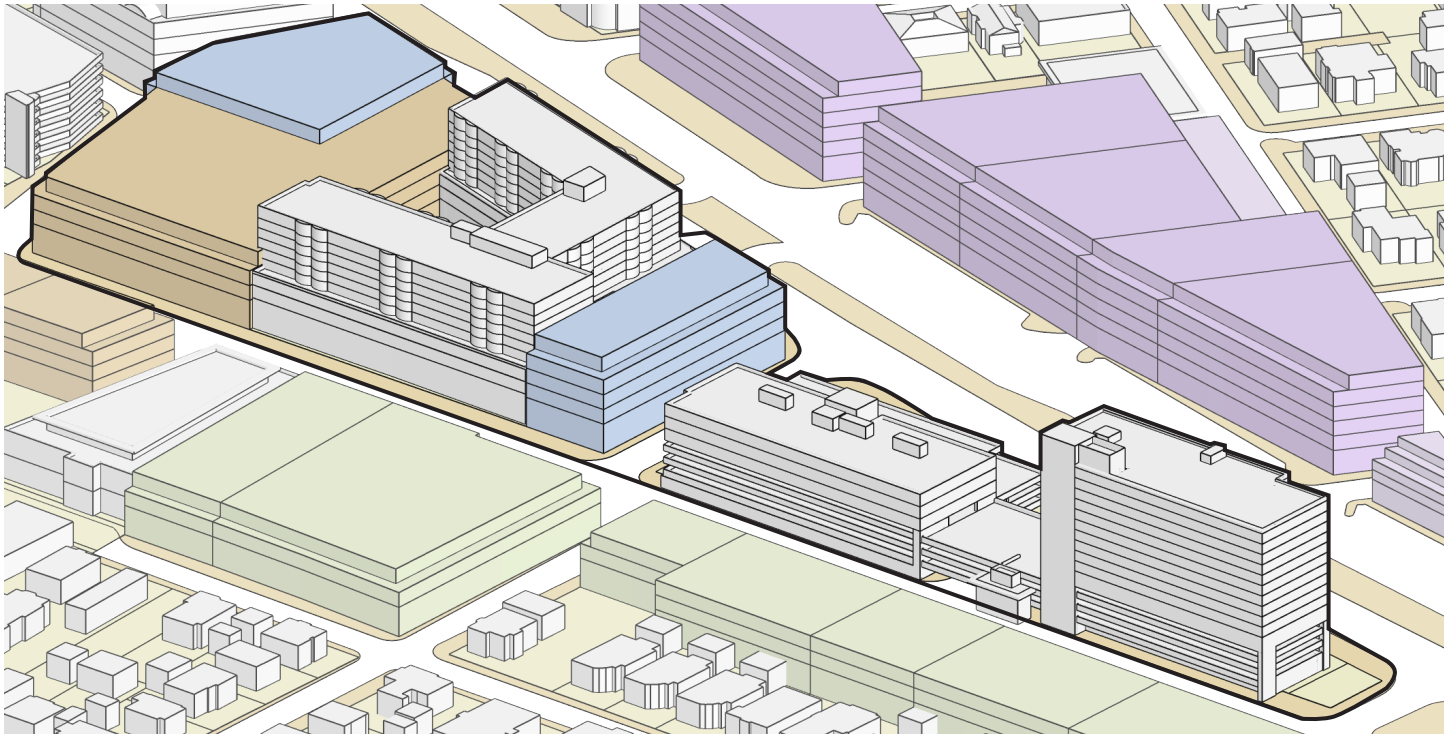

DPZ
CoDESIGN

July 25, 2019

Jana L. Ecker
Planning Director
City of Birmingham, MI

Proposal to study D5 properties in Birmingham

Dear Jana,

Pursuant to your request and that of the City of Birmingham Planning Board, we have prepared the following proposal for consideration.

Scope of Work

To conduct a focused study of the area in Downtown Birmingham bounded by Haynes, Brown, Old Woodward, and Woodward Avenue, and make recommendations as to which properties should be considered for rezoning to D5 given their proximity to properties with existing buildings over 5 stories in height, to properties that are currently zoned to allow greater than 5 stories of height or due to other identified factors.

Process

To achieve a fair outcome, we propose including both our Birmingham Master Plan staff who may efficiently produce diagrams as necessary for this evaluation as well as additional opinion from DPZ partner Marina Khoury, who has had no contact with the Birmingham Master Plan. Marina has extensive experience with zoning, including co-leading Miami21, re-zoning of the entire City of Miami. We will diagram the existing conditions and potential development capacity given current zoning, provide opinion of current and future conditions by two partners, independently, and finally provide a coordinated recommendation. Particular attention will be paid to those elements which influence the recommendation, in consideration of Planning Board's discussions over the terms "abutting" and "adjacent" as they have considered this question.

DPZ
CoDESIGN

Cost

Cost for this work is determined by DPZ's normal hourly rates and an estimate of time required to complete the study, producing a lump sum to be contracted for. The estimate and sum are as follows:

Diagramming and analysis: $2,300.00
    Partner - 2 hours @ $250 / hr.
    Staff - 12 hours @ $150 / hr.
Independent opinion and combined recommendation: $1,500.00
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Assembly of study and recommendations: $1,275.00
    Partner - 1.5 hours @ $250 / hr.
    Staff - 6 hours @ $150 / hr.

Lump sum proposal: $5,075.00

We hope that you find this proposal acceptable, and we believe that it can provide an unbiased recommendation to assist the Planning Board in this and future decisions.

Sincerely yours,

Matthew Lambert
Partner, DPZ CoDesign

Exhibit 1

(see attached)

DPZ
CODESIGN

July 25, 2019

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Planning Director
City of Birmingham, MI

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DPZ.COM
Portland, OR
305.644.1023

DPZ
CODESIGN

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Matthew Lambert
Partner, DPZ CoDesign

DPZ.COM
Portland, OR
305.644.1023


City of Birmingham
Street Map
Fire Station
The Birmingham Museum
Library
Community Facilities
Parking Structure
City Hall - Police Station
Cemetery
Department of Public Services
School
Place of Worship
US Post Office
Lakes,Rivers
Municipal Boundary
Booth Trail
Fairway Trail
Linden Park Trail
Quarton Lake Trail
Willits Trail
Voting District Boundary
Local Road
Major Road
State Road
Railroad
Golf Course
Park
Bloomfield Hills
Bloomfield Twp
Troy
Royal Oak
Beverly Hills
Quarton Rd
W Big Beaver Rd
W Maple Ave
E Maple Ave
W Lincoln Ave
E Lincoln Ave
W Fourteen Mile Rd
E Fourteen Mile Rd
Fourteen Mile Rd
Woodward Ave
N Old Woodward Ave
S Old Woodward Ave
N Adams Rd
S Adams Rd
Southfield Rd
Cranbrook Rd
Coolidge Hwy
Pierce St
Chesterfield Ave
Oakland Ave
QUARTON LAKE
LINCOLN HILLS GOLF COURSE
Disclaimer
The information provided hereon has been compiled from recorded deeds, plats, taxmaps, surveys, and other public records and data.
The data provided hereon may be inaccurate or out of date and any person or entity who relies on said information for any purpose whatsoever does so solely at his or her own risk.
Data Sources: Oakland County GIS Utility, City of Birmingham
Updated: November 2016
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City of Birmingham
A Walkable Community

MEMORANDUM

Planning Department

DATE: **November 8, 2019**

TO: **Planning Board**

FROM: **Jana Ecker, Planning Director**

SUBJECT: **D5 Study – Downtown Overlay District**

At the July 10, 2019 Planning Board meeting, the owner of the properties at 469 – 479 S. Old Woodward submitted an application requesting an amendment to the Zoning Ordinance and/or Zoning Map. Specifically, the applicant requested that the Planning Board address the following issues and suggest any zoning amendments necessary to do so:

1. Clarify the applicable standards to determine building height in the D5 Zone;
2. Clarify the meaning of "immediately adjacent or abutting"; and
3. Determine which properties to consider, if any, for rezoning to the D5 zoning

At that meeting, the Planning Board reviewed the application and supporting documentation submitted by the applicant, as well as the Planning Division memo addressing each of the three issues noted above. Both the application and the staff memo are attached for your review. The Planning Board reviewed the findings and recommendations in the staff memo. After much discussion, the Planning Board recommended having DPZ CoDesign conduct a focused study of the area in Downtown Birmingham bounded by Haynes, Brown, Old Woodward and Woodward Avenue. The study was to make recommendations as to which properties should be considered for rezoning to D5 given their proximity to properties with existing buildings over 5 stories in height, to properties that are currently zoned to allow greater than 5 stories of height or due to other identified factors. The Planning Board also discussed conducting massing studies in the study area to determine the impact of any parcels recommended for rezoning to D5.

Accordingly, the Planning Division forwarded the Planning Board's request for a D5 study to the City Manager for authorization to proceed. The City Manager approved the request, and the City obtained a proposal from DPZ to conduct the study. The D5 Study completed by DPZ CoDesign, dated September 5, 2019 is attached for your review and discussion.

On September 11, 2019, the Planning Board reviewed the D5 Study completed by DPZ CoDesign. The D5 Study contains a massing study of the subject block and surrounding properties, as well as a detailed analysis of the current and recommended zoning for properties within the block. The D5 Study's recommendation is "that all properties within the study area should be eligible for rezoning to D5, with the potential exception of the Ford-Peabody Mansion for considerations related to preservation" (D5 Study, DPZ CoDesign, September 5, 2019, p. 9). This recommendation is consistent with the previous discussion of the Planning Board at the July 10, 2019 meeting. After much discussion, the Planning Board requested additional illustrations

showing the massing of the study area if the area was rezoned to D5 from DPZ for inclusion in the D5 Study. In addition, board members requested that potential ordinance language address how streets and alleys would play into the definition of abutting, and provide a definition of abutting for review, looking at definitions used by other cities.

Accordingly, please find attached an updated D5 study that contains the massing illustrations using the D5 zoning that were requested by the board. In addition, please find attached draft ordinance language for your review and consideration to clarify the proximity requirements to existing D5 properties as abutting and to add a definition for abutting. Definitions of abutting used in other cities are provided, along with many dictionary definitions previously reviewed in July 2019.

CITY OF BIRMINGHAM
ORDINANCE NO.

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

TO AMEND ARTICLE 3, OVERLAY DISTRICTS, SECTION 3.04(A) TO AMEND THE BUILDING HEIGHT STANDARDS IN THE D5 ZONE OF THE DOWNTOWN BIRMINGHAM OVERLAY DISTRICT.

Article 3, section 3.04 (A) of the Zoning Ordinance:

> New buildings constructed or additions to existing buildings in the D5 Zone must meet the requirements of the Downtown Birmingham Overlay District and the D4 Zone, except that the height of any addition and new construction in the D5 Zone may be over the maximum building height up to, but not exceeding, the height of an existing **building on a directly abutting** D5 Zone **property,** ~~to which they are immediately adjacent or abutting~~ if the property owner agrees to the construction of the building under the provisions of a Special Land Use Permit. **For the purposes of this section, private properties separated by public property (including public right-of-way and public vias), will not be deemed abutting.**

ORDAINED this _____ publication day of_____, 2019 to become effective 7 days after publication.

_____
Patty Bordman, Mayor

_____
Cherilynn Mynsberge, City Clerk

CITY OF BIRMINGHAM
ORDINANCE NO.

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

TO AMEND ARTICLE 9, DEFINITIONS, SECTION 9.02 TO DEFINE THE TERM ABUTTING.

<u>Abutting</u>: Sharing a boundary or property line.

ORDAINED this _____ publication day of_____, 2019 to become effective 7 days after publication.

_____
Patty Bordman, Mayor

_____
Cheryl Arft, Acting City Clerk

Sample Definitions from Other Communities

Alexandria, VA

All property that touches the property in question and any property that directly faces (and, in the case of a corner lot, diagonally faces) the property in question.

Laquinta, CA

"Abutting" or **"adjacent"** means two or more parcels sharing a common boundary at one or more points.

Montgomery County, MD

Abutting: properties that share a property line or easement

NYC, NY

"Abut" is to be in contact with or join at the edge or border.

San Carlos, CA

"Abutting" or "adjoining" means having a common boundary, except that parcels having no common boundary other than a common corner shall not be considered abutting.

Institute for Local Government

Abutting. Having property or zone district boundaries in common; for example, two lots are abutting if they have property lines in common.

DPZ
CODESIGN

July 25, 2019

Jana L. Ecker
Planning Director
City of Birmingham, MI

Proposal to study D5 properties in Birmingham

Dear Jana,

Pursuant to your request and that of the City of Birmingham Planning Board, we have prepared the following proposal for consideration.

Scope of Work

To conduct a focused study of the area in Downtown Birmingham bounded by Haynes, Brown, Old Woodward, and Woodward Avenue, and make recommendations as to which properties should be considered for rezoning to D5 given their proximity to properties with existing buildings over 5 stories in height, to properties that are currently zoned to allow greater than 5 stories of height or due to other identified factors.

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To achieve a fair outcome, we propose including both our Birmingham Master Plan staff who may efficiently produce diagrams as necessary for this evaluation as well as additional opinion from DPZ partner Marina Khoury, who has had no contact with the Birmingham Master Plan. Marina has extensive experience with zoning, including co-leading Miami21, re-zoning of the entire City of Miami. We will diagram the existing conditions and potential development capacity given current zoning, provide opinion of current and future conditions by two partners, independently, and finally provide a coordinated recommendation. Particular attention will be paid to those elements which influence the recommendation, in consideration of Planning Board's discussions over the terms "abutting" and "adjacent" as they have considered this question.

DPZ.COM
Portland, OR
305.644.1023

DPZ
CODESIGN

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Lump sum proposal: $5,075.00

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Partner, DPZ CoDesign

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Portland, OR
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City of Birmingham
Street Map
Fire Station
The Birmingham Museum
Library
Community Facilities
Parking Structure
City Hall - Police Station
Cemetery
Department of Public Services
School
Place of Worship
US Post Office
Lakes,Rivers
Municipal Boundary
Booth Trail
Fairway Trail
Linden Park Trail
Quarton Lake Trail
Willits Trail
Voting District Boundary
Local Road
Major Road
State Road
Railroad
Golf Course
Park
Bloomfield Hills
Bloomfield Twp
Troy
Beverly Hills
Royal Oak
Quarton Rd
W Big Beaver Rd
W Maple Ave
E Maple Ave
W Lincoln Ave
E Lincoln Ave
W Fourteen Mile Rd
E Fourteen Mile Rd
Fourteen Mile Rd
Cranbrook Rd
Southfield Rd
Pierce St
Woodward Ave
N Old Woodward Ave
S Old Woodward Ave
N Adams Rd
S Adams Rd
Coolidge Hwy
Chesterfield Ave
Oakland Ave
Lincoln Hills Golf Course
Quarton Lake
Birmingham Art Association
Lincoln Tennis Courts
Seaholm High School
Midvale School
Quarton School
Pierce School
Derby School
Pembroke School
Adams Fire Station
Birmingham Fire Station No. 2
Post Office
Community House
Department of Public Services
Birmingham Ice Arena
Disclaimer
The information provided hereon has been compiled from recorded deeds, plats, taxmaps, surveys, and other public records and data.
The data provided hereon may be inaccurate or out of date and any person or entity who relies on said information for any purpose whatsoever does so solely at his or her own risk.
Data Sources: Oakland County GIS Utility, City of Birmingham
Updated: November 2016
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D5 views

1 message

Matthew J. Lambert <matt@dpz.com>
To: Jana Ecker <jecker@bhamgov.org>

Tue, Oct 1, 2019 at 12:01 AM

Here are the built-out views. I hope that it is understood that its not likely any building would actually be built to the maximum envelope as there is need for windows and such which would further break down the potential massing of new buildings.

1817-D5_Study_14-15 (2).pdf
1275K

D5 Study

Massing Studies - Development potential under D5 zoning

Downtown Overlay

max allowable heights:

- **D2** 3-story development - **56’**
- **D3** 4-story development - **68’**
- **D5** special land use - **by permit**

Triangle Overlay

max allowable heights:

- **MU-3** MFR - **60’**
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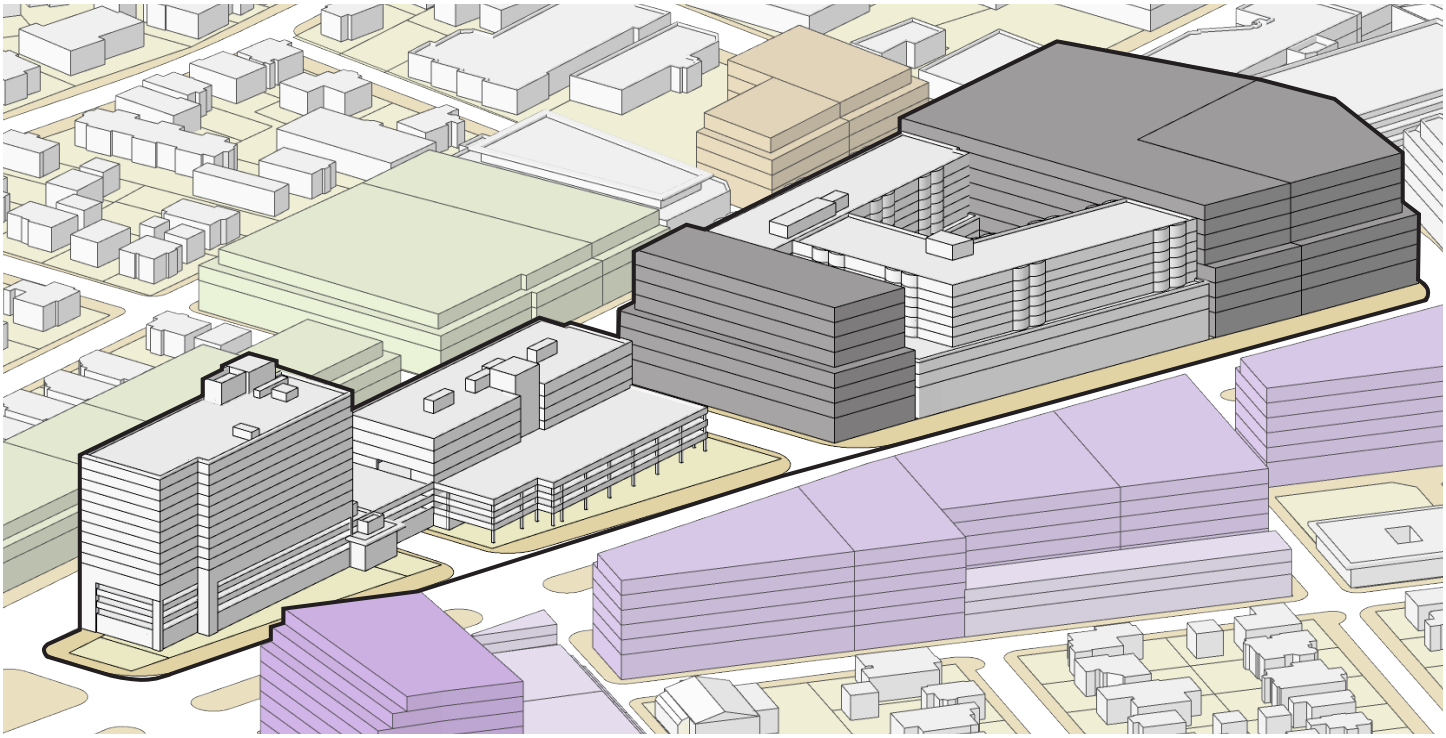
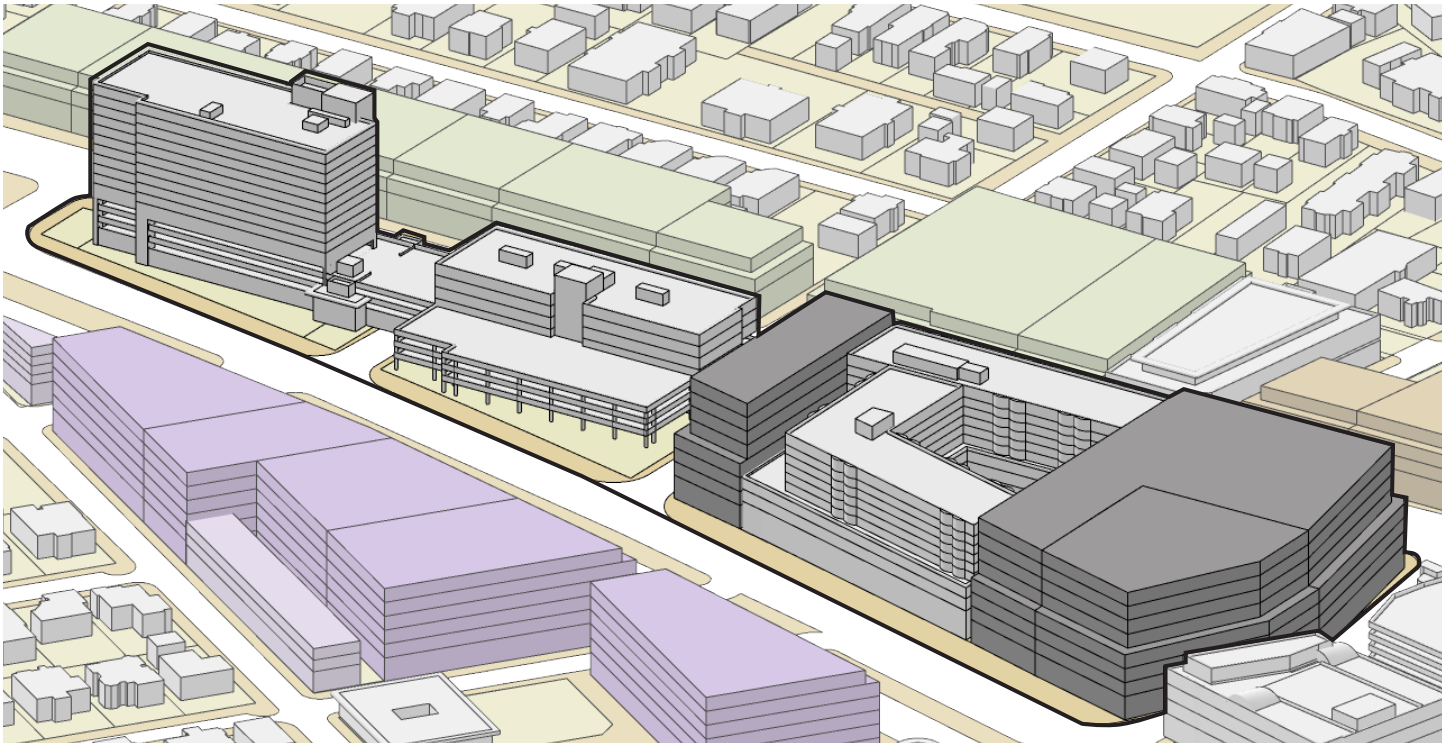
- **MU-7** general business - **118’**





D5 Study

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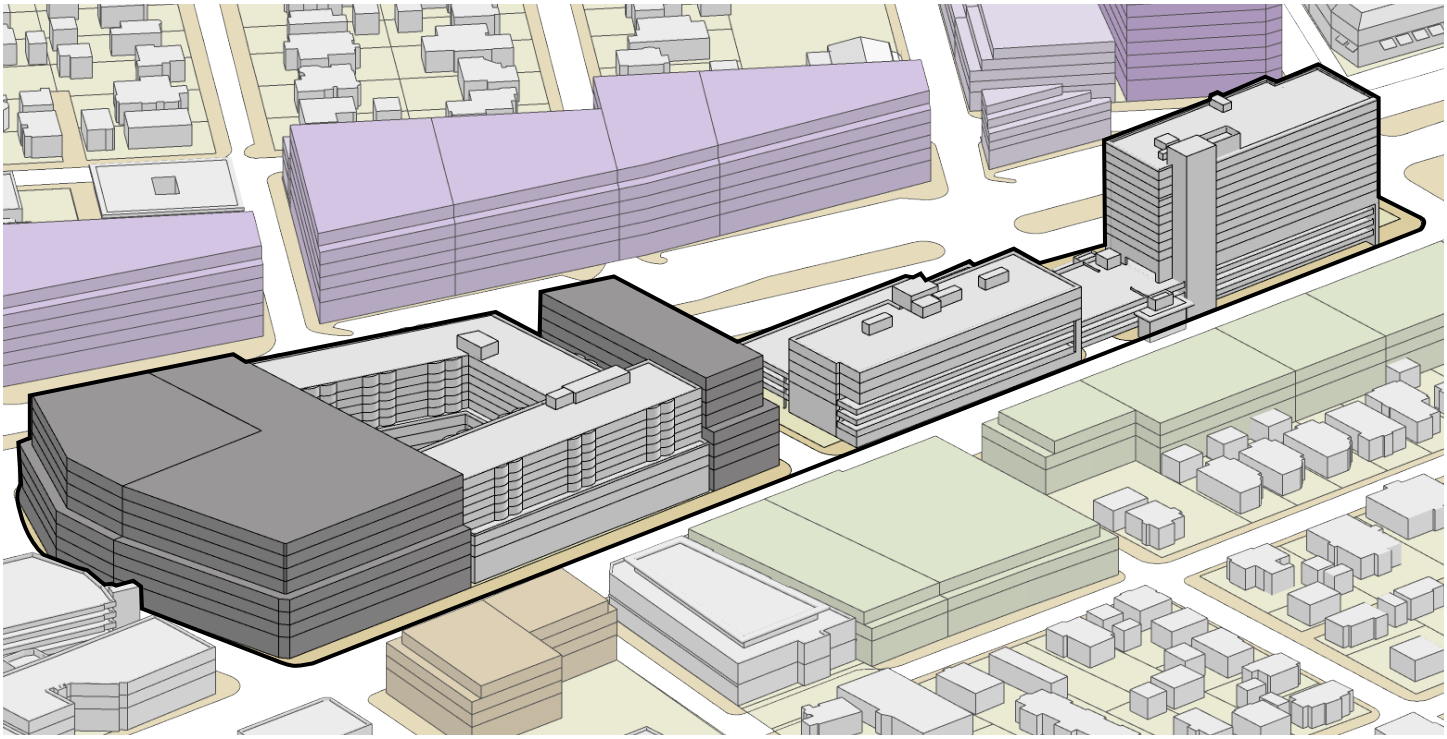

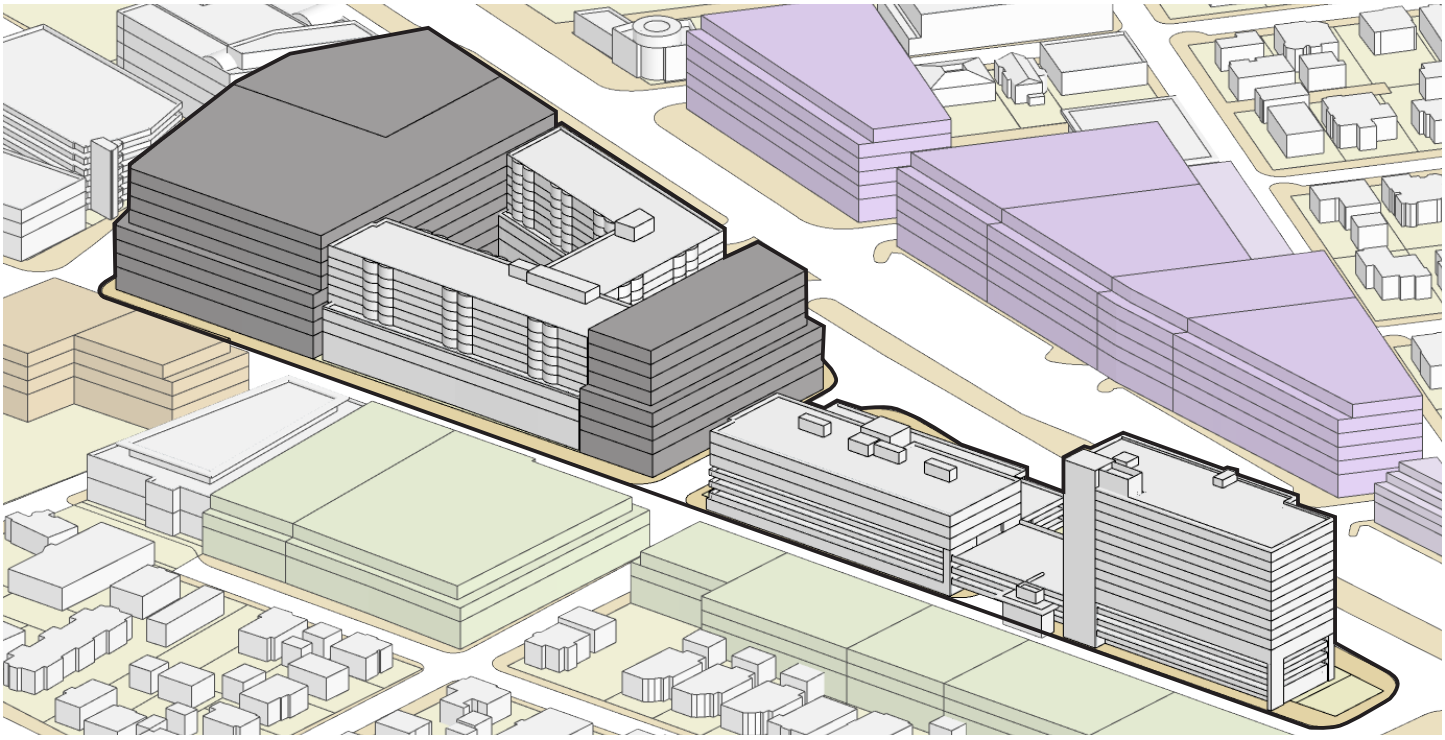

City of Birmingham
A Walkable Community

MEMORANDUM

Planning Department

DATE: **December 4, 2019**

TO: **Planning Board**

FROM: **Jana Ecker, Planning Director**

SUBJECT: **Public Hearing - D5 Building Height Standards**

At the July 10, 2019 Planning Board meeting, the owner of the properties at 469 – 479 S. Old Woodward submitted an application requesting an amendment to the Zoning Ordinance and/or Zoning Map. Specifically, the applicant requested that the Planning Board address the following issues and suggest any zoning amendments necessary to do so:

1. Clarify the applicable standards to determine building height in the D5 Zone;
2. Clarify the meaning of "immediately adjacent or abutting"; and
3. Determine which properties to consider, if any, for rezoning to the D5 zoning

At that meeting, the Planning Board reviewed the application and supporting documentation submitted by the applicant, as well as the Planning Division memo addressing each of the three issues noted above. Both the application and the staff memo are attached for your review. The Planning Board reviewed the findings and recommendations in the staff memo. After much discussion, the Planning Board recommended having DPZ CoDesign conduct a focused study of the area in Downtown Birmingham bounded by Haynes, Brown, Old Woodward and Woodward Avenue. The study was to make recommendations as to which properties should be considered for rezoning to D5 given their proximity to properties with existing buildings over 5 stories in height, to properties that are currently zoned to allow greater than 5 stories of height or due to other identified factors. The Planning Board also discussed conducting massing studies in the study area to determine the impact of any parcels recommended for rezoning to D5.

Accordingly, the Planning Division forwarded the Planning Board's request for a D5 study to the City Manager for authorization to proceed. The City Manager approved the request, and the City obtained a proposal from DPZ to conduct the study. The D5 Study completed by DPZ CoDesign, dated September 5, 2019 is attached for your review and discussion.

On September 11, 2019, the Planning Board reviewed the D5 Study completed by DPZ CoDesign. The D5 Study contains a massing study of the subject block and surrounding properties, as well as a detailed analysis of the current and recommended zoning for properties within the block. The D5 Study's recommendation is "that all properties within the study area should be eligible for rezoning to D5, with the potential exception of the Ford-Peabody Mansion for considerations related to preservation" (D5 Study, DPZ CoDesign, September 5, 2019, p. 9). This recommendation is consistent with the previous discussion of the Planning Board at the July 10, 2019 meeting. After much discussion, the Planning Board requested additional illustrations

showing the massing of the study area if the area was rezoned to D5 from DPZ for inclusion in the D5 Study. In addition, board members requested that potential ordinance language address how streets and alleys would play into the definition of abutting, and provide a definition of abutting for review, looking at definitions used by other cities.

On November 13, 2019, the Planning Board reviewed an updated D5 study that contained the massing illustrations using the D5 zoning that were requested by the board. In addition, the Planning Board reviewed draft ordinance language to clarify the proximity requirements to existing D5 properties as abutting and to add a definition for abutting. Definitions of the term abutting used in other cities were also provided and discussed, along with many dictionary definitions previously reviewed in July 2019. After discussion and public input, the Planning Board voted unanimously to set a public hearing for December 11, 2019.

Suggested Action:

To recommend approval to the City Commission for the amendment of the following sections of the Birmingham Zoning Ordinance:

1. Article 3, Overlay Districts, section 3.04(A) to amend the building height standards in the D5 zone of the Downtown Birmingham Overlay District; and
2. Article 9, Definitions, section 9.02 to add a definition for the term abutting.

CITY OF BIRMINGHAM
ORDINANCE NO.

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

TO AMEND ARTICLE 3, OVERLAY DISTRICTS, SECTION 3.04(A) TO AMEND THE BUILDING HEIGHT STANDARDS IN THE D5 ZONE OF THE DOWNTOWN BIRMINGHAM OVERLAY DISTRICT.

Article 3, section 3.04 (A) of the Zoning Ordinance:

New buildings constructed or additions to existing buildings in the D5 Zone must meet the requirements of the Downtown Birmingham Overlay District and the D4 Zone, except that the height of any addition and new construction in the D5 Zone may be over the maximum building height up to, but not exceeding, the height of an existing building ~~in the~~ **on a directly abutting** D5 Zone **property,** ~~to which they are immediately adjacent or abutting~~ if the property owner agrees to the construction of the building under the provisions of a Special Land Use Permit. **For the purposes of this section, private properties separated by public property (including public right-of-way and public vias), will not be deemed abutting.**

ORDAINED this _____ publication day of_____, 2019 to become effective 7 days after publication.

_____
Pierre Boutros, Mayor

_____
Cheryl Arft, Acting 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 9, DEFINITIONS, SECTION 9.02 TO DEFINE THE TERM ABUTTING.

<u>Abutting</u>: Sharing a boundary or property line.

ORDAINED this _____ publication day of_____, 2019 to become effective 7 days after publication.

_____
Pierre Boutros, Mayor

_____
Cheryl Arft, Acting City Clerk

Sample Definitions from Other Communities

Alexandria, VA

All property that touches the property in question and any property that directly faces (and, in the case of a corner lot, diagonally faces) the property in question.

Laquinta, CA

"Abutting" or **"adjacent"** means two or more parcels sharing a common boundary at one or more points.

Montgomery County, MD

Abutting: properties that share a property line or easement

NYC, NY

"Abut" is to be in contact with or join at the edge or border.

San Carlos, CA

"Abutting" or "adjoining" means having a common boundary, except that parcels having no common boundary other than a common corner shall not be considered abutting.

Institute for Local Government

Abutting. Having property or zone district boundaries in common; for example, two lots are abutting if they have property lines in common.

City Commission Minutes
March 11, 2019

PUBLIC HEARING TO CONSIDER THE REZONING OF 469 – 479 S. OLD WOODWARD FROM B3/D4 TO B3/D5

Mayor Bordman suggested the Commission consider including this property in the Parking Assessment District (PAD) before considering whether to rezone the property, since they are separate considerations.

Commissioner DeWeese supported Mayor Bordman's suggestion.

Commissioner Hoff said she was unsure whether the issues were actually separate, since the parking requirements for a property are partially dependent on whether the property is part of the PAD.

Mayor Bordman advised that the contractor's decisions vis-a-vis parking may change if the property is included in the PAD, but the Commission's decision on how to zone the property will not, and as a result should be considered separately.

Agreeing with Mayor Bordman, Commissioner Sherman suggested the entire discussion of this property's potential inclusion in the PAD be moved to a later date so as not to confuse this evening's public hearing on rezoning.

Commissioner DeWeese opined that if the Commission sends the possibility of this property's inclusion in the PAD to the Advisory Parking Committee (APC) for further study, it clarifies the topic of the evening's public hearing in the same way Commissioner Sherman intended.

Mayor Bordman sought comment from the Commission on whether this property's potential inclusion in the PAD should be sent to the APC for further study.

Mayor Pro Tem Boutros said the question of this property's inclusion in the PAD is an important subject and he would be comfortable voting on the issue separately this evening.

Commissioner Harris agreed with Commissioner Sherman and said he would like to see more thorough information from staff before the Commission decides whether to refer the question to the APC.

Commissioner Nickita said this will end up before the APC, so it would be most efficient to move the PAD question for their study now.

Commissioner Sherman opined that this discussion was inappropriate in both timing and procedure. He said that not only does this conversation have nothing to do with

the current rezoning request, but the onus for requesting a property's inclusion in the PAD is on the property owner, not the City.

The Commission took no action on the question of the property's inclusion in the PAD, and Mayor Bordman affirmed it would not be part of the evening's discussions.

Mayor Bordman noted for the record that the City received a confirmed petition from the property's neighbors. As a result, according to state statute, the motion to re-zone would have to pass with a ¾ vote, meaning six out of the seven Commissioners approving.

Mayor Bordman then gave a review of public hearing procedure and opened the public hearing at 7:59 p.m.
Planning Director Ecker presented the proposed rezoning. <u>Clarifications/Comments</u>
Commissioner Nickita stated Birmingham Place, in terms of space which can be occupied, is 98'
2" tall. The mechanicals bring the height of the building up to 114' 4". This makes Birmingham Place 18' 2" taller in eave height than the allowable D4 height.

Planning Director Ecker explained:

- **The on-site parking requirements do not change between D4 and D5.**
- **A D4 zoned building has a five-story and 80' maximum, including all mechanicals. If a property in the D4 district wanted to go to six stories and 80', the property would have to receive a variance from the Board of Zoning Appeals (BZA).**
- **Any building zoned D5 is subject to a Special Land Use Permit (SLUP) over five stories or 80'.**
- **Any Birmingham property owner can apply for any zoning classification, but it does not mean the owner will be granted approval for the rezoning.**
- **Buildings in the downtown overlay district have a maximum overall height, which**
  includes mechanical height.
- **The City has increased flexibility in influencing the design, development and use of buildings zoned D5 through the SLUP requirement, once the building is over five stories or 80'.**

Rick Rattner, attorney for the applicant, presented the rezoning request. The presentation began with a four-minute video excerpt from the July 8, 2015 Planning Board (PB) meeting. Mr. Rattner said:

- **The Planning Board considered the matter of the D5 zoning designation very carefully, as the video excerpt demonstrated. He reviewed the Board's process for creating the D5 designation, adding that new construction was anticipated as a result of the D5 zoning classification.**
- **This is clearly not an instance of spot-zoning, since spot-zoning entails changing one building to be zoned differently from the surrounding properties, allowing permitted uses that are inconsistent with the area, and is an unreasonable classification. None of those conditions are present in the subject**

rezoning request. The proposed rezoning would make this building the same as the surrounding properties, have similar use to the surrounding buildings, and would be a reasonable classification change.

- **Rezoning 469 - 479 S. Old Woodward to D5 fits the Master Plan by allowing for the**
  building of aesthetically similar buildings in the downtown in order to encourage a sense of place. While the property owner could build a D4-compliant building, this would result in the owner of the property not being able to enjoy the same rights of usage that the adjacent buildings enjoy.
- **If Birmingham Place or the 555 Building had owned 469 - 479 S. Old Woodward at the time the D5 zoning designation was created, it is likely the 469 - 479 S. Old Woodward property would have been rezoned to D5 at the time as well. Mr. Rattner cited the 555 Building's pursuit and eventual receipt of a D5 rezoning of the vacant lot to the south of the property.**
- **The 469 - 479 S. Old Woodward lot is unusual in that it is long, narrow, and neither part of the PAD nor adjacent to any building that is part of the PAD. To not rezone this parcel would be to leave it as a D4 island surrounded by two D5 buildings.**
- **Part of the due diligence done in purchasing this parcel was understanding the City ordinance could potentially permit the rezoning of this parcel to D5. Purchasing the parcel with the intent to request its rezoning was appropriate and in-line with the intention of the D5 zoning ordinance.**
- **The applicant is not pursuing entry into the PAD because of their distance from the**
  relevant parking decks.

Mayor Bordman made clear that the current issue before the Commission is whether to rezone the parcel to D5, and not any consideration of what might be built on the parcel. She emphasized that the focus must remain on whether rezoning the parcel is appropriate for the City as a whole.

Mayor Bordman also noted that the building to the south of 469 - 479 S. Old Woodward is 77½` tall, which is 2½' shorter than the permitted height for a D4 building.

Mr. Rattner replied that the height of the closest building to the 469 - 479 S. Old Woodward parcel is 114'. He suggested it is more appropriate to compare the parcel to the buildings directly abutting it, rather than to the building across the street. He added that the 77½' building being reference is zoned D5, and if they were approved for a SLUP could build higher because of that zoning.

Mayor Bordman invited members of the public to speak.

Mr. Rattner spoke once more, stating an objection to the submitted petition since he and the applicant have not yet had an opportunity to review its contents.

Mayor Bordman thanked Mr. Rattner for his comments.

Susan Friedlaender, attorney at Friedlaender Nykanen & Rogowski, said the excerpt Mr. Rattner presented from the July 8, 2015 PB meeting was irrelevant because the minutes from a PB meeting in January 2016 reflect the PB was unable to reach consensus about D5 zoning. At that time the PB decided to address the non-conforming aspects of the 555 Building and not the whole surrounding area. Ms. Friedlaender continued:

- **At the July 26, 2016 City Commission meeting, a motion was passed "to review the non- conformance provisions pertaining to commercial buildings to provide specific requirements considering a new zoning category or categories that allow for changes to non-conforming buildings for the maintenance and renovation of existing buildings consistent with those permitted for residential buildings and structures."**
- **The reason the applicant asked for the rehearing from the PB was because the PB failed to recognize the applicant was not in the PAD.**
- **The Master Plan recognizes that building height varies within the City, and the standard is that the maximum building height should be based on the smaller buildings in proximity.**

Michele Prentice, property manager at Birmingham Place, said a number of condominiums sold in the building were partially purchased on the assurance that the parcel at 469 - 479 S. Old Woodward could not be built over five stories, and thus would not significantly obstruct southern sun or views even when developed. She continued:

- **The effect of the proposed rezoning on the south-facing condominiums is already**
  apparent, as one was taken off the market with no offers and two have been on the market for over 120 days, when in the last four years condominiums in Birmingham Place were on the market for less than 35 day.
- **Sales of condominiums in other parts of the building have not fared better.**
- **A sixteen-year office tenant of Birmingham Place informed Ms. Prentice he would not be renewing his lease because he did not want his view to be obstructed by a hotel.**
- **Continued slow residential sales and rentals will decrease the taxable value of Birmingham Place and decrease tax revenue received by the City. The current taxable value of Birmingham Place is estimated at $36 million which generates an estimated**
  $1.6 million in yearly property taxes to the City.
- **Birmingham Place has 146 residential units.**

Patrick Howe, attorney representing the Birmingham Place Commercial Condo Association, said:

- **The Commission has to determine whether the whole of the downtown overlay district should be eligible to go from D4 to D5.**
- **The record reflects that this matter has only been considered by the Commission for a cumulative 18 minutes prior to this evening, in the context of discussing the applicability of the D5 ordinance to three non-conforming buildings.**

- **Birmingham's Master Plan speaks to compatible building heights, not whether it is appropriate for buildings to be built taller than five stories.**
- **According to Planning Director Ecker, the height maximum for a building zoned D5 on the 469 - 479 S. Old Woodward parcel would be 15 stories. In addition, Planning Director Ecker indicated that buildings across the street can be considered adjacent for the purpose of determining height maximums. Given this, many more parcels could reasonably argue for a D5 rezoning, which would change the look of Woodward Ave.**
- **It would be most appropriate to explore the potential ramifications during the City's planning process rather than exclusively during the consideration of the rezoning of a single parcel.**

Bob Clemente of 411 S. Old Woodward advised the Commission that he owns a couple of condominiums in Birmingham Place, and works in a Birmingham Place office where his employer has been a tenant since around 1985. Mr. Clemente agreed with Mr. Howe. He added:

- **The goal of the 2016 Plan was to strengthen the spatial and architectural character of the downtown area in mass and scale with the immediate surroundings and the downtown tradition of two- to four- story buildings.**
- **Rezoning the 469 - 479 S. Old Woodward parcel stands to have an intensely negative impact on Birmingham Place over an eighteen-foot height difference.**
- **The applicant and their representative have made it clear that the building would be viable if they kept the D4 zoning on the parcel in question, but just prefer it to be D5.**

Jason Abel, attorney for the Birmingham Place Development Master Association, said:

- **The implications of 7.02(b)(5)(d) and 7.02(b)(2)(b)(1) would be the focus of his comments.**
- **The PB recommended the Commission consider the rezoning by a 4-3 vote, with two of the dissenting members asking why the rezoning would be required for enjoyment of use. Mr. Abel asserted they were not provided with an answer to that inquiry because the rezoning is not, in fact, necessary for the enjoyment of use.**
- **City staff reports show no finding of fact that would allow for the legitimate support of the applicant on this issue. The findings of fact only noted that under the current zoning classification all the same uses are permitted as under the D5 classification, and that the building is not part of the PAD.**
- **He challenges the applicant to prove that the property cannot be used under the D4 classification, as that is the fundamental consideration of 7.02(b)(2)(b)(1).**

Mr. Rattner argued that rezoning should be considered based on whether it is necessary in order to bestow the rights and usage common to an adjacent property to the property in question, which is not what the City ordinance says. The question the ordinance actually addresses is whether the current zoning allows for the enjoyment of property ownership.

Mickey Schwartz of Birmingham Place said the City's previous plans intentionally limited building height, and this matter should be considered as part of the current Master Planning process. He noted that a number of other buildings in the area have conformed to their D4 zoning and it has not been a problem for them.

Richard Huddleston, vice-president of Valstone Asset Management and office tenant at 260 E. Brown, explained that from November 2010 - December 2017 Valstone owned the commercial space at Birmingham Place. He continued:

- **Valstone rescued the commercial space at Birmingham Place from foreclosure by purchasing the note, renovating the building, and turning it into one of the most desirable business addresses in southeastern Michigan.**
- **When 469 - 479 S. Old Woodward was on the market, he was approached by the real estate brokers to purchase the property. After running the numbers, he determined that the only way to make the parcel profitable would be to significantly obscure the southern view for the tenants of Birmingham Place, and he found that he would not in good conscience be able to do that.**

Karl Sachs of 666 Baldwin Ct. said he would be concerned about the domino effect of granting D5 zoning to this parcel and other buildings along Woodward pursuing the same height increases through their own subsequent requests for rezoning.

Anthony Yousaif, one of the developers of the 469 - 479 S. Old Woodward parcel, yielded his time to Duraid Markus.

Duraid Markus introduced himself as one of the partners in the 469 - 479 S. Old Woodward development. Mr. Markus said:

- **The project went back to the PB because the developers were unsure whether a D5 zoning allowed for the expansion of buildings, not only because the building had not been appropriately described as being outside of the PAD.**
- **City Attorney Currier had already opined that the parcel is eligible for D5 rezoning.**
- **When he considered purchasing the parcel, research into the City ordinances indicated rezoning should be possible subject to the owners entering into a SLUP.**
- **There are no other buildings in Birmingham where the middle building is zoned differently from the buildings on the left and the right.**
- **Rezoning to D5 would allow the proposed building to be stepped back, which would minimize the impact on Birmingham Place. Leaving the zoning at D4 would require the building to be built up to the lot line, resulting in far more obstruction for south-facing Birmingham Place tenants.**
- **The domino effect concern with rezoning leading to more rezoning is a red herring.**
- **Considering the loss of flexibility a developer experiences when agreeing to a SLUP. In many cases it is more likely that a developer would find it more beneficial to remain in D4 than to agree to a SLUP.**

Alice Lezotte, a Birmingham Place resident, said that Birmingham Place is a vertical neighborhood and entreated the Commissioners to consider it as such, keeping in

mind what they would want for their horizontal neighborhoods. She explained this discussion is a matter of quality of life, air, space, noise, and safety for the residents of Birmingham Place.

Fred Lavery, owner of the Audi Dealership on Woodward in Birmingham, said that as a business owner who has been party to SLUPs with the City he believes Mr. Markus is correct in saying that the City gains control by rezoning the parcel to D5 because of the SLUP requirement. The Triangle District, which is designed with consideration of New Urbanism, requires building heights from five to nine stories, meaning the precedent for taller buildings has already been set in Birmingham.

Paul Reagan, 997 Purdy, said he had occasion to attend the PB meeting on adjacent buildings and recalled it being said that it was nothing more than cleaning house for the two non- conforming buildings. The 555 Building and Birmingham Place are aberrations in Birmingham planning, not an appropriate standard. Mr. Reagan shared concern that this is an attempt to get a parcel rezoned in a way that would no longer be possible after the community has its say as part of the upcoming Master Planning process, and he urged the Commission not to let it go through. He asked the Commission to send the issue back to the PB with a focus on respecting the 2016 Plan and figuring out the issue of shared parking for the parcel.

Mayor Bordman closed the public hearing at 9:42 p.m.

Commissioner Hoff explained that she understood Birmingham Place residents' concerns, but the decision before the Commission is the rezoning of a parcel, not how that rezoning might affect the residents of Birmingham Place. She continued:

- **Rezoning the parcel to D5 would not significantly change or benefit the streetscape versus a D4 parcel, despite the applicant's assertion that it would.**
- **When the PB determined which buildings would be part of the D5 zone, the decision specifically applied to those buildings. The ordinance specifies that it is "to allow for the extension or enlargement of existing legal non-conforming commercial buildings."**
- **She is concerned about setting a precedent for further D5 zoning. The condition of buildings of different heights in Birmingham already exists, and Birmingham is a beautiful city with it.**
- **Section 7.02(b)(2) states that rezoning must be proven necessary for the preservation and enjoyment of rights of usage, and she was not convinced that it is necessary.**
- **She would not be voting in favor of the rezoning.**

Commissioner DeWeese said he did not understand the D5 zoning designation to be applicable to any buildings beyond the specific non-conforming buildings for which the designation was designed. He said he was not convinced the zoning needed to be changed for enjoyment of use, and that the 555 Building seems to be made up of two buildings, the shorter of which would be more appropriate to determine the height to which the proposed building at 469 – 479 Old Woodward could go. While he said he would consider other points, at this time Commissioner DeWeese indicated he would not be voting to approve the rezoning.

Commissioner Sherman said the question of what buildings and areas would be appropriately included in the D5 zoning area, with specific attention from Haines to Brown, should be sent back to the PB with a request for a definitive answer. No action should be taken on the motion because it is too related to the potential development in this case.

Commissioner DeWeese said he would be comfortable sending this back to the PB with the request that they pay particular attention to the issues broached this evening. He added that he was not comfortable with the 4-3 vote by the PB and would like more unanimity in their recommendation.

Mayor Bordman said she was not in favor of sending the matter back to the PB. She noted all the information the Commission had been provided with in order to make a decision and said it would not be appropriate to delay.

Commissioner Nickita said:

- **The 200-foot right-of-way of the Woodward Corridor between the 555 Building and Birmingham Place on the west side and the west side of the Triangle District on the east side has been intentionally planned and developed as a high-density area.**
- **While the Downtown Overlay has always adhered to buildings that are no more than five stories in height, the Woodward Corridor has been built with taller buildings. For this reason, rezoning the parcel at 469 - 479 S. Old Woodward to D5 would not establish a precedent for the buildings in the Downtown Overlay. The D4 parcel in question is anomalous among the other buildings along the Woodward Corridor.**
- **The City has much more influence on any development at 469 - 479 S. Old Woodward if they change the zoning to D5 because of the SLUP requirement.**
- **The Citywide Master Plan is a broad view, and as such will not focus on specific zoning details like the question currently before the Commission.**
- **The ability to update non-conforming properties or parcels was the intention of the D5 classification. The ordinance was supposed to refer to whatever property is closest to the property in question in order to determine the maximum height. Because the ordinance language seems not to be clear on the issue, it would be inappropriate to vote on this since the definition of 'adjacent and abutting' is being interpreted more broadly than may have been originally intended. The point in the D5 ordinance language should be clarified so that an 'adjacent' building cannot be interpreted as a building across the street.**

Mayor Pro Tem Boutros said he would like to see this studied as part of the Master Planning process.

Commissioner Harris said he agrees with Mayor Bordman that the decision should be made this evening. Referring to 7.02(2)(b)(2), he continued:

- **He does not see a significant difference between the first criterion requiring rezoning for**

the necessity and preservation of enjoyment and rights and the second criterion requiring rezoning if the zoning classification is no longer appropriate. That said, the applicant made a compelling case that parking is unfeasible with this parcel zoned to D4, which satisfies both criteria.

- **He was hoping to hear how D5 zoning would resolve the issue of parking, but since the applicant sufficiently demonstrated that parking would be an issue in D4 the criteria were still met.**
- **A staff report from November 8, 2018 stated adhering to a D4 would be "completely inconsistent and dominated by the height of the adjacent Birmingham Place and 555 Buildings."**
- **The last criterion under 7.02(b)(2)(b) is "why the proposed zoning will not be detrimental to the surrounding properties." The applicant made a compelling case as to why D5 is better for Birmingham Place, and the SLUP requirement would allow the City to encourage the accommodation of the neighboring properties.**
- **Commissioner Nickita's assessment that there are limitations on when the D5 can be applied to future properties is accurate. There is no real risk of a 'slippery slope' with this zoning because this decision is not binding for any other decision. In addition, any building that sought to be rezoned to D5 would be subject to a SLUP.**
- **The risk level that the property owner assumed when buying the 469 - 479 S. Old Woodward parcel is irrelevant to the present discussion.**
- **Although the D5 was designed with the particular focus on the previous non-conforming properties, it was not restricted to only those non-conforming properties.**
- **For all those reasons, he is inclined to support the rezoning request.**
- **He also took heed of Commissioner Nikita's comments about the ambiguity in the ordinance, which he agrees should be addressed, but at a later date. The ambiguity does not dissuade him from approving the rezoning for this particular property.**

Commissioner Hoff said there were valid reasons for sending this back to the PB, but she believed that a decision should be made.

MOTION: Motion by Commissioner Hoff, seconded by Commissioner DeWeese: To deny the rezoning of 469 - 479 S. Old Woodward from B3/D4 to B3/D5.

City Attorney Currier said he would have to research whether the applicant could submit a new application before a year's time elapses if the City makes changes to the D5 ordinance, because it might sufficiently constitute a material change in circumstance.

Mayor Bordman said she would be supporting the motion because she does not want the issue to go back to the PB.

VOTE: Yeas, 3
Nays, 4 (Boutros, Harris, Nickita, Sherman)

MOTION FAILED

MOTION: Motion by Commissioner Harris
To approve the rezoning of 469 - 479 S. Old Woodward from B3/D4 to B3/D5.
MOTION DIED FOR LACK OF A SECOND

MOTION: Motion by Mayor Pro Tem Boutros

To postpone the hearing to do a comprehensive study.

MOTION DIED FOR LACK OF SECOND

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

To postpone the public hearing to July 22, 2019 for the purposes of sending it back to the Planning Board with specific direction to look at the issues raised by Commissioner Nickita on the D-5 ordinance and to look at the properties between Haines and Brown, Old Woodward and Woodward for the appropriate zoning classification.

Planning Director Ecker said the ordinance language could possibly be reviewed and brought back by July 22, 2019. She was not sure if the PB would reach consensus in three months on the geographic area to which the D5 zoning should be applied, since they have already studied the issue and were not able to reach consensus.

Commissioner Hoff said she would be interested in knowing whether building heights should be to the eaves or to the tallest structure on a building, and the specific meaning of the 'adjacent' and 'abutting' in the context of the ordinance.

Commissioner Sherman said he would be willing to change the date in the motion to allow an additional month of study.

Commissioner Nickita said it should not take four months to define the method of determining building height and the definitions of 'adjacent' and 'abutting'. He said it would be better to keep the date in the motion and to extend it if necessary.

Mayor Bordman invited public comment on the motion.

Mr. Rattner stated the applicant had no objection to the motion.

Mr. Schwartz said that all the interested parties have weighed in on the issue, and the Commission is in effect postponing a civic duty.

Mr. Bloom said he would like to know the impact on the City if the parcel is built up as a hotel, office building, mixed use space, or any other type of development. He would want the PB to report on each building-type's likely impact on parking, public safety, density, and overall quality of life for Birmingham residents.

Mr. Reagan said 'adjacent' and 'abutting' were terms already discussed at the beginning of the 2016 planning process. In addition, the expansion of the geographic

area being studied concerned Mr. Reagan because, as he stated, the neighborhood included within that area already deals with significant congestion, cut-through traffic, and parking issues. If these developments occur, there has to be sufficient parking accommodations. Mr. Reagan asserted parking shortages would stem the possible larger D5 developments the City is considering allowing.

Ms. Friedlaender said choosing to raise the heights of buildings should be part of a community study process, and all the buildings around the Merrillwood building should be included in this motion and studied since Merrillwood is also zoned D5.

Mr. Abel said the Commission should make a decision this evening.

Commissioner Hoff said Commissioner Nickita's concerns should be spelled out in the motion. Mayor Bordman agreed with Mr. Abel and Commissioner Hoff. She asked if there was a motion to amend in order to include Commissioner Nickita's comments. No motion to amend was offered.

VOTE:	**Yeas,**	**2 (Nickita, Sherman)**
	Nays,	**5**

MOTION FAILED

The Commission took no action. The property remains zoned D4.

Mayor Bordman referred the issue to City Attorney Currier to determine the specific terms under which the applicant may re-apply, since the application was not denied.

Mayor Bordman recessed the meeting for three minutes. The meeting resumed at 10:48 p.m.

Planning Board Minutes
July 10, 2019

2. Zoning Ordinance Amendment – D5 Overlay Zoning

Planning Director Ecker summarized the history of the issue and reviewed the item.

Vice-Chairman Williams recalled the Board had previously decided not to rezone property where the property owner was not making application. He maintained that was the correct approach, explaining that if he were a property owner, he would not want his property rezoned without his knowledge or request. As a result of that consideration, the Board decided at the time not to expand the D5 designation beyond the three requesting properties. Mr. Williams said he welcomed instruction from the City Commission if they believe the issue should be approached differently.

Mr. Koseck said he agreed with Vice-Chairman Williams' assessment, saying that from a 30,000-foot view certain buildings may seem appropriate to zone together, but that a more detailed view might find other factors to disrupt such a finding. For this reason Mr. Koseck said it was appropriate to create the zoning categories, and then to allow owners to apply to the Board for a rezoning if desired. He added that it was not spot zoning, since each application involves a methodical process for deciding whether a rezoning should be granted.

Chairman Clein requested the Board avoid comments on any previous D5 rezoning applicants, noting the matter before the Board was an ordinance amendment, not a particular rezoning consideration.

Ms. Whipple-Boyce said the building height matter seemed clear and that the Board should discuss the definitions of 'adjacent' and 'abutting'. While acknowledging that she believes the Board acted appropriately when it decided not to rezone properties without a property owner's request, she also noted that there is one property zoned differently from the buildings to either side of it, which she said was odd.

Citing Mr. Lambert's experience with different cities and the likelihood of him having seen similar issues in the past, Mr. Jeffares asked if Mr. Lambert might be able to weigh in on the matter.

Chairman Clein said that while he did not want to ask Mr. Lambert for input on the matter this evening, he suggested that the Board could request that the Commission solicit additional services from its planning consultant to provide a small area report and some recommendations. Chairman Clein stated this would be the best approach because defining 'adjacent' and 'abutting' now could give the impression that the Board is effectively choosing which properties are eligible for possible future D5 rezoning. He said the Board may have previously erred in its use of the two words because deciding on the density and heights in question with D5 should not be done one property at a time. He said it is more appropriate to approach the issue through a plan in which a zoning area is decided, and lots are eligible or ineligible for zoning changes based on their location.

Mr. Boyle said he agreed with Mr. Jeffares' and Chairman Clein's inclinations to seek insight from the City's planning consultants. Noting that this seemed to be a matter of significance for the City, he opined that it would be most appropriately addressed in the master plan.

Ms. Whipple-Boyce and Vice-Chairman Williams concurred with Mr. Boyle, Mr. Jeffares, and Chairman Clein. Vice-Chairman Williams said he would rather the master plan have an analysis of D5 zoning instead of the Board trying to solve the problem by piecemeal.

Chairman Clein said that waiting to include this in the master plan could result in the applicant not having an answer until January 2020 at the earliest. Stating he did not want that to happen, Chairman Clein recommended that the Board frame the request as a subarea plan.

Mr. Koseck said the Board could answer the issue as it is posed, noting that an adverse effect on a neighboring property is a prohibitive circumstance for granting a rezoning. B He said while a consultant may ultimately be asked to study the issue, he thought the Board could also determine through discussion the questions of building height and the definitions of 'abutting' and 'adjacent'.

Mr. Jeffares suggested that the Board permit D5 rezoning applications from buildings that both abut or are adjacent to other D5 buildings, and have frontage along the Woodward corridor. This would prevent every newly zoned D5 building from causing its neighbors to also be candidates for D5 rezoning, and would allow massing that echoes the buildings across Woodward in the Triangle District.

Mr. Boyle said the Board, possibly in conjunction with Staff, should define the geographical area the consultant would look at. He noted that the Board could prevent an ever-increasing D5 zone if they set the final parameters of where the zone would be permitted.

Vice-Chairman Williams asked if all the taller buildings in the Triangle District had frontage on Woodward.

Planning Director Ecker replied that the majority of the tall buildings in the Triangle District have Woodward frontage, but that she was unsure if there was a taller property one row back from Woodward behind Papa Joe's.

Ms. Whipple-Boyce said she was supportive of asking for the planning consultant's help in considering the issue, and said she would suggest limiting it to the Haynes, Brown, Old Woodward and Woodward Ave. area.

Chairman Clein asked Planning Director Ecker for her opinion on the possibility of requesting a small subarea study.

Planing Director Ecker said the City would benefit from further clarity on the issue, should the Commission see fit to proceed with a small subarea study, since the community is clearly divided on the issue and has been unable to reach consensus.

Mr. Koseck noted that the City has before hired consultants to provide similar input and that it was very helpful.

Chairman Clein invited comment from the applicant and their representatives.

Rick Rattner, attorney for the applicant, stated that while he understood the neighbors' consternation at the potential D5 rezoning, the applicant meets all the requirements for getting the Zoning Ordinance changed. He said D5 zoning is an appropriate zoning for that area given the surrounding properties and the nature of the surrounding properties, including its immediate proximity to Birmingham Place. He said the applicant would like the Board to solve the definitional issues of 'adjacent' and 'abutting' in order to resolve whether the property in question could be rezoned to D5.

Chairman Clein stated the Board's goal is to answer the applicant's questions in the most expedient and accurate way. He asked Mr. Rattner if the applicant would be supportive of the Board's potential request for a subarea plan from the City's planning consultant.

Mr. Rattner said a months-long study would be a problem for the applicant. Barring that, he said a study would be useful because the applicant's team is sure a consultant would find it appropriate to allow the applicant's building's rezoning to D5.

Duraid Markus, a member of the applicant team, said he would be in support of a subarea study that follows the boundaries as outlined in Planning Director Ecker's report. He noted that a D4 as it currently sits would be higher than the Merrillwood Building, and that no other developer would likely build a D5 that could only go to the height of the Merrillwood Building when a D4 building could go higher. He said that if he were to build a D4 building, the neighbors would be adversely affected as much as they would be by a D5 building. He was in favor of a study session to decide the definitions and specific issues, noting that planning cannot always satisfy all parties.

Mr. Markus said that ultimately if the Board believes D4 is appropriate, he would proceed with a D4 building even though he believes there will be consensus that his building should be zoned D5. Emphasizing that time is of the essence, he reiterated that a small study done to the boundaries suggested would be his ideal outcome since he believes a D5 rezoning allowance would likely prevail.

Chairman Clein invited public comment.

Mr. Baller said he was disappointed to not see more members of the public present to discuss this item. He suggested that more online surveys or other opportunities to express opinions on matters like this would benefit the City. He would like to see the City soliciting and encouraging more proactive engagement beyond the people noticed within a 300 square foot radius of properties. He said that while he did not live near Mr. Markus' building, he thought rezoning the building to D5 was a logical and appropriate thing to do.

Toni Schwartz, resident of Birmingham Place, was under the impression that the agenda item had been added to the agenda at the last minute and opined that was why there was not more public present for the discussion. She said that Birmingham Place is an entire neighborhood and that the Board is already aware of all the reasons to leave the zoning at D4. Ms. Schwartz said she was unclear why the conversation was continuing to occur when she sees the matter as clearly decided for D4 zoning.

Patrick Howe, attorney representing the Birmingham Condo Association, said he was also unaware that the item was on the agenda until this evening when he was told by his client. He

stated that 'abutting' and 'adjacent' was a question of how other possible buildings could go on the properties that were already zoned D5. He suggested that if the City publicized the question as "Is the City in favor of raising heights in the downtown district?" many more members of the public would attend the discussion. Mr. Howe said that asking the Board to determine this issue is inappropriate, and would be better done through consultation of the City's previous and upcoming planning documents, including the master plan.

Chairman Clein returned the conversation to the Board.

Mr. Jeffares reminded those following the conversation that a D5 zoning allows the Board to have an impact on various aspects of the building through the use of a Special Land Use Permit that D4 zoning would not.

There was Board consensus to request that Planning Director Ecker go to City Manager Valentine to explain that the Board would like to tackle the matter of 'abutting' and 'adjacent' more closely, that the Board believes the City's planning consultant may be able to quickly and inexpensively provide the City with a professional opinion regarding the Haynes, Brown, Old Woodward and Woodward Ave. area to help inform those definitions.

Vice-Chairman Williams said the City should ask their current planning consultants to conduct this subarea plan, and that he would not be in favor of enlisting a different consultant.

Chairman Clein reiterated that this is a very focused effort, not a detailed plan.

Planning Board Minutes
September 11, 2019

F. Study Session Items

1. D5 Study Report from DPZ

Chairman Clein indicated that he would be recusing himself from discussion of this item, as his consulting firm was recently retained by a client who owns property within the City block being discussed.

Chairman Clein recused himself and left the room at 8:12 p.m. Vice-Chairman Williams began chairing the meeting at 8:12 p.m.

Planning Director Ecker reviewed the item.

Mr. Share said it would be important to see the massing of the area if it were rezoned to D5. Mr. Jeffares concurred.

Mr. Share also said that potential ordinance language should address how streets and alleys would play into the definition of abutting. He noted that if a public alley abutting a D5 property were to be turned private, then the abutting property owner would be allowed to split the alley in half which could result in zoning creep.

In reply to Mr. Share, Planning Director Ecker stated that the SLUP process is broad enough to affect the design of the buildings in the area, since the report determined that the design of the buildings are largely more important than the height of the buildings.

Vice-Chairman Williams said he did not believe the Board has a sufficient definition of abutting, and that without a definition it would not be appropriate to set a public hearing on the issue. Vice-Chairman Williams said asking Planning Director Ecker to devise some proposed language for abutting would be an appropriate next step, with information on how other cities define 'abutting' to be included for the discussion.

In reply to Ms. Whipple-Boyce, Planning Director Ecker confirmed that the most challenging block in regards to defining 'abutting' would be around Hazel. She said that the language must be clarified to determine whether heights are measured from the shortest part of a building, the tallest part of a building, the part of a building closest to another building, or other possible aspects that could be used to determine what a building's 'height' is considered to be in regards to the D5 language.

In reply to Mr. Emerine, Planning Director Ecker confirmed that the Board could use the SLUP process to affect building heights even if a building were within the D5 zone.

Board consensus was that the item was not ready to set a public hearing, that the definition of 'abutting' needs to be studied and determined, and that a map with massing of the maximum potential D5 height should be included in future materials for the Board's consideration.

Vice-Chairman Williams then invited public comment.

In reply to Alice Lazatt, Planning Director Ecker explained that in order to determine the City's definition of 'abutting', the Board would study and discuss the matter at a study session, come to a consensus, send the definition to the City Attorney for review, and set a public hearing at the Board level. After any revisions resulting from the study session, the Board would recommend the definition to the City Commission, the City Commission would conduct further review and a public hearing, and subsequent to the review, potential revisions, and discussion at the Commission level, the Commission would vote on whether to adopt the definition.

Michele Prentiss said she thought the study's aim was define terms like 'abutting', and asked the Board why the study did not do that.

Vice-Chairman Williams said Ms. Prentiss' understanding of the study's aim was incorrect. He said the report determined which properties to consider for the D5 question, which was point number three. He said the Board would conduct further study on the definition of 'abutting'.

Patrick Howe, lawyer for the Birmingham Place Condo Association, reprised the contents of his August 26, 2019 letter, which was included in the meeting's agenda packet.

Jim Arpin asked that the Board include this study as part of the more general master planning process.

In reply to Karl Sachs, Planning Director Ecker explained that in D2-D5, buildings must be at least two stories. She also confirmed that D5 zoning is actually a bit more restrictive than D4 because a SLUP process is involved in a D5 application.

In reply to Rick Rattner, Vice-Chairman Williams said the earliest the Board would be holding a public hearing would be November, assuming they were able to reach an agreement on the definition of 'abutting' within the next month and then were able to set a public hearing for the month following. He said that would be the fastest the Board could proceed, but that the process could move slower.

Doraid Markus spoke as one of the principals who owns the lot next to Birmingham Place. He noted that when D5 zoning was made, the mechanism to allow adjacent or abutting buildings to request increase in heights was intentionally included at the time subsequent to immense study and discussion. He emphasized that his request to change his lot's zoning is not out of caprice, but rather out of direct respect for the mechanism the City chose to build in to the D5 ordinance.

Mr. Howe said Mr. Markus' assertion was inaccurate, stating that D5 was created to accommodate the three specific buildings that requested it at the time. He said the ordinance change did not involve study of the broader area in terms of zoning.

Vice-Chairman Williams stated that the City's records will best reflect how D5 came to be and that it would not be necessary for members of the public to continue debating what review of the records will show.

Mickey Schwartz said there that while the setbacks are a positive requirement, Mr. Markus' lot does not have sufficient room to accommodate creating a setback. Citing the power the Board has from the SLUP requirement for D5, Dr. Schwartz said that perhaps D4 zoning should require a SLUP as well. He asserted that City ordinance only sufficiently addresses the height of buildings, while disregarding matters of massing, aesthetics, or impact on the community. He noted that the consultant's main conclusion in regards to D5 was to consider expanding the buildings it applied to, but did not actually recommend an expansion. Dr. Schwartz said this conclusion did not provide much new information to the City, and should not supercede the conversation that has been occuring in the City prior to the study's release.

Seeing no further comment from the public, Vice-Chairman Williams advised the public that this matter would next be discussed on October 23, 2019 with additional consideration of the definition of 'abutting' and massing that shows the maximum height if all the buildings on the block were zoned D5.

Vice-Chairman Williams then called for a recess at 9:00 p.m.

Chairman Clein re-commenced chairing the meeting and resumed the meeting at 9:03 p.m.

Planning Board Minutes
November 13, 2019

G. Study Session Items

1. D5 Study

Planning Director Ecker presented the item.

Mr. Williams observed that the area north of 411 S. Old Woodward is D4 and in the parking assessment district (PAD) while the area south is not, and said that difference may be one of the factors to consider in this discussion moving forward.

Chairman Clein said Mr. Williams' point was well-taken while clarifying that the evening's discussion was about D5 in general and was not regarding any individual parcels.

Seeing no further Board comment, Chairman Clein invited public comment.

In reply to Mr. Arpin, Chairman Clein explained there is already a D5 ordinance in effect, and the goal of this review is to clarify the scope of that ordinance. He said the study was requested to determine whether good urban planning practices would support future rezoning requests for parcels in the area in question.

Planning Director Ecker told Mr. Arpin that the D5 study is available to the public in previous Planning Board agendas posted on the City's website.

In reply to a request by Mr. Arpin, Chairman Clein asked that the City Manager and City Commission consider whether it might be useful to provide the D5 study on thebirminghamplan.com website as well.

Mr. Arpin shared his gratitude for the Board's thoroughness when discussing a CIS, and expressed concern that, in his opinion, the Board was not proceeding as thoroughly when discussing potential zoning changes that would impact a three or four block area of the City.

Chairman Clein thanked Mr. Arpin for his comments.

Patrick Howe, attorney representing the Birmingham Place Condo Association, spoke. He reviewed the minutes from the February 13, 2017 City Commission meeting minutes in order to highlight the original intent of the D5 ordinance. Mr. Howe argued that the only piece of property that was both abutting and adjacent was the south strip next to the 555 Building. He noted that the entire transcript of the D5 portion of the February 13, 2017 City Commission meeting was 18 minutes long, and echoed Mr. Arpin's assertion that more discussion is merited before an amendment to the D5 ordinance is considered.

Motion by Mr. Share
Seconded by Mr. Williams to set a public hearing for December 11, 2019 for the two proposed ordinance amendments to Article 3, section 3.04 (A) and Article 9,

Definitions, Section 9.02 as presented on pages 132 and 133 of the Board's November 13, 2019 agenda.

Duraid Markus, owner of 469-479 S. Old Woodward, asked whether an adjacent building's height would be calculated from the height of the closest point of a building, which could be five stories, for example, or from the highest part of a building as a whole, which could extend to nine stories on the far side of a building.

Planning Director Ecker confirmed for Mr. Markus and for Michele Prentiss that a building's height is calculated based off of a building's overall height, and not just the height of the closest part of the building.

Motion carried, 7-0.

VOICE VOTE
Yeas: Share, Williams, Whipple-Boyce, Boyle, Clein, Jeffares, Koseck
Nays: None

DRAFT Planning Board Minutes
December 11, 2019

E. Public Hearings

1. An ordinance to amend Chapter 126, Zoning, of the Code of the City of Birmingham: To amend **Article 3, Overlay Districts, Section 3.04(A)**, to consider amending the building height standards in the D5 zone of the Downtown Birmingham Overlay District;

AND

To amend **Article 9, Section 9.02, Definitions**, to add a definition for abutting.

Chairman Clein opened the public hearing at 7:33 p.m.

Planning Director Ecker presented the item.

Seeing no comments from the Board, Chairman Clein invited public comment.

Duraid Markus said he would like to see it specified that height refers to the highest point of an entire building, as opposed to the highest point of a setback or the highest point of the nearest part of a building.

Planning Director Ecker confirmed for Chairman Clein that the Zoning Ordinance already defines height as the highest point of a building. She said this can vary for single family homes and mixed-use properties.

Motion by Mr. Share
Seconded by Mr. Williams to recommend approval to the City Commission for the amendment of the following sections of the Birmingham Zoning Ordinance: 1. Article 3, Overlay Districts, section 3.04(A) to amend the building height standards in the D5 zone of the Downtown Birmingham Overlay District; and 2. Article 9, Definitions, section 9.02 to add a definition for the term abutting.

Motion carried, 7-0.

VOICE VOTE
Yeas: Share, Williams, Boyle, Clein, Jeffares, Whipple-Boyce, Koseck
Nays: None

Chairman Clein closed the public hearing at 7:39 p.m.

August 26, 2019
Birmingham Planning Board:

I write to you regarding the process by which the Planning Board has asked the current planning consultants to conduct a sub area plan with respect to D5 zoning.

At the July 10, 2019 Birmingham Planning Board meeting, the Board requested the planning director to go to the city manager to explain that the board would like to tackle the matter of "abutting and adjacent" more closely and that they believe the city Master Planning Consultants may be able to quickly and inexpensively provide the city with a professional opinion regarding the Haynes, Brown, Old Woodward and Woodward Avenue area to help inform those definitions.

I write this letter as a Birmingham Citizen in strong opposition to the process. After careful thought, I do not believe that a reasonable scope of work can be done inexpensively or quickly.

As proposed, the mandate to the planning consultants is extremely limited and will not clarify any of the controversy regarding the proposed development project at 449 South Old Woodward.

The controversy involves rezoning a plot of land to D5 which cannot be addressed in a short term limited study. As proposed, the consultants will have a limited amount of resources to make recommendations. 1½ days are allocated to diagramming and analysis. 7/8 of a day for independent opinion and combined recommendation, and slightly less than 1 day for assemble of study and recommendations. This issue has been before the Board and City Commissioners for over a year. Reviewing the minutes and multiple legal arguments (on both sides) will take considerably more effort than the proposed contract. Most importantly, there is no public input into this process. This flies in the face of open government.

The essence of this controversy regards a request for D5 rezoning for a very specific project. There is no way that consultants can accurately comment on this in the proposed short period of time.

How the question to be addressed by the Consultants is critical to a fair process. By limiting the scope of their work to the area in question creates an unnecessary bias. An alternative (and reasonable) suggestion is to ask the Consultants if Birmingham should have more tall buildings than the D4 zoning allows and if so where? It does not take much imagination to realize that this is an extremely complex issue.

The specific issues revolving around the property in question have everything to do with the legal history of the creation of D5 as a means to allow nonconforming buildings to remodel and not to provide a loophole for Developers to turn Birmingham into Troy. The impact of taller structures on adjacent property needs more than a brief review. A few days' work is unrealistic.

At the July 10 meeting, Mr. Boyle suggested limiting the subcontract to the proposed area to prevent an ever increasing D5 zone. While an excellent suggestion, it may not limit future attempts to rezone. If this rezoning occurs, there is no way to stop the moving train of Developers seeking to maximize profits by building higher building at a great loss to this wonderful community. The essence of our first-class community is the upscale small town concept, not the urban sprawl of Southfield or Troy.

The Developer emphasized that time is of the essence. By rushing through a process that requires considerable due diligence, a poor outcome for all parties is guaranteed. Asking consultants to form a quick opinion on whether 1 property show be rezoned is fraught with problems and only adds to the conflict.

I am not opposed to development in downtown Birmingham. In fact, I was most disappointed that the parking structure bond did not pass and the RH project which could have been a great magnet for new money into downtown Birmingham will not see the light of day.

However, I am strongly opposed to building the largest construction project in downtown Birmingham on a small property which risks damage to adjacent and adjoining structures, along with congestion, noise, parking problems, etc. That project would also close Hayes Street which is a much-used neighborhood street for the years of construction.

I respectfully request the City Commissioners to terminate the proposed sub contract. Perhaps the consultants should address the question as to whether or not Birmingham should have any more buildings that exceed D4 regulations. I hope not.

Michael L. Schwartz, MD
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August 26, 2019

VIA EMAIL & HAND DELIVERY

City of Birmingham Planning Board
c/o Ms. Jana L. Ecker
Planning Director
City of Birmingham
151 Martin St.
Birmingham, MI 48012

Re: Objection to DPZ Proposal to Study D5 Properties in Birmingham

Dear Members of the Planning Board,

This firm represents Birmingham Place Master Condominium Association, which is comprised of various owners and occupants of the Birmingham Place mixed use building located at 411 S. Old Woodward. The undersigned was present at the July 10, 2019 Birmingham Planning Board (the "Board") meeting, wherein the Board considered a request from the owner of 469-479 S. Old Woodward Ave. (the "D5 Applicant") to amend the City of Birmingham Zoning Ordinance to address the following: (i) clarify building height standards within the D5 zone, (ii) clarify the meaning of the words "immediately adjacent and abutting", and (iii) determine the properties to which the D5 overlay classification should be applied in Downtown Birmingham within the area bounding by Haynes, Brown, Old Woodward, and Woodward Ave. The Board declined to address these questions at the July 10th meeting, and Chairman Clein noted that it would be inappropriate to address these questions in the context of a single property or project when he stated:

> "I think determining which parcels should be allowed to go up to densities and heights and massing of this nature, is not properly done through simple rezoning on a one by one basis. It is done by doing a downtown plan, it is done looking at this region and saying that lot should be there; we don't have to do it now, but it is eligible because we think it should be, and if the owner wants to come forth and do it they should be allowed to." (July 10, 2019 Planning Board Video, 1 hr. 43 min. mark).

The Board directed City Planner, Jana Ecker, to obtain a proposal from planning firm, DPZ CoDesign ("DPZ"), which is currently updating the City of Birmingham Master Plan, to provide guidance on the questions presented by the D5 Applicant. Specifically, the Board wanted DPZ to provide a "subarea plan" for the downtown area bounded by Haynes, Brown, Old Woodward, and Woodward Ave. DPZ submitted a proposal to the City on July 25, 2019, which is attached as **Exhibit 1** (the "DPZ Proposal"). The purpose of this letter is advise the Board of our client's objection to: (i) the scope of the DPZ Proposal, and (ii) the Board's reliance on any recommendations from DPZ related to the questions presented by the D5 Applicant, or any "subarea plan" provided by DPZ, which are prepared without the same outreach, public engagement, and citizen input that has been (and will be) afforded to City residents and stakeholders during the ongoing City Master Plan creation and implementation process.

For some reason, it appears that the Board feels that it owes the D5 Applicant an expedited "subarea plan" to address the D5 Applicant's questions. This Board and the City need to slow down, and let the City's master planning process takes its course. Just because the D5 Applicant asked the Board to address certain questions about the D5 Zoning Ordinance, does not mean that the Board has to immediately engage a third party consultant to address them. **The sole question before the City is whether it is appropriate to increase the permitted building height in downtown Birmingham above 5 stories**. That is the only question that the D5 Applicant wants addressed, and that is essentially the only question that DPZ will be addressing in a "subarea plan." This is exactly the type of question that should be addressed in a master plan. Why the Board believes that this vitally important question needs to be addressed outside of the ongoing master plan process is simply without explanation.

With respect to the DPZ Proposal itself, the scope outlined by DPZ does not reflect the charge issued by the Board. The DPZ Proposal states that DPZ will "make recommendations as to which properties should be considered for rezoning to D5 given their proximity to properties with existing buildings over 5 stories in height." This scope makes it appear that there is consensus among the Board (and presumably all stakeholders), that new buildings in downtown Birmingham should exceed 5 stories, and DPZ now needs to tell us which properties are eligible. This assumption is wrong and misleading. The Board, City Commission, residents and stakeholders have not been afforded an opportunity to thoroughly discuss increasing building heights above 5 stories generally, along with all the associated consequences of increasing building heights. Our client believes (and the current City zoning ordinance clearly states), that 5 stories is the appropriate height for all new construction in downtown Birmingham. DPZ should begin any study that it completes, whether as part of the City Master Plan, or a "subarea plan", with this same assumption. To assume otherwise is wrong, and is not supported by any formal action or position taken by the Board, the City Commission, or the City's residents and stakeholders.

If the City decides to engage DPZ to prepare a "subarea plan", our Client adamantly objects to the Board's reliance on it in any respect unless it is created with the same outreach, public engagement, and citizen input that has been part of the ongoing City master planning process. To turn the vitally important question of increased building

heights in downtown Birmingham over to a third party consultant for a recommendation, while skipping the public engagement component of the planning process (which is not mentioned anywhere in the DPZ Proposal), flies in the face of planning best practices, and may produce a recommendation that is completely contrary to what actual City residents and stakeholders deem appropriate. We urge you to not create a "subarea plan" for the area in question, but to address the question of increased building heights in the updated Master Plan that is currently in process. If you authorize DPZ to create a "subarea plan" for the area in question, you must require DPZ to complete a thorough public engagement process similar to what it designed and completed for the update of the City Master Plan.

We appreciate you taking the time to consider our client's position with respect to this important matter, and look forward to further discussing this matter with the Board at an upcoming Board meeting.

Very truly yours,

JPHOWE, PLLC

J. Patrick Howe

cc: Birmingham Place Master Condominium Association

City of Birmingham
A Walkable Community

MEMORANDUM

Planning Division

DATE: **January 8, 2020**

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

FROM: **Jana Ecker, Planning Director**

SUBJECT: **Dick O'Dows, 160 W. Maple**
Review Process for SLUP Amendment

INTRODUCTION:
Dick O'Dows Irish Pub was the first restaurant in Birmingham to open an outdoor dining patio in front of their establishment in an on-street parking space. Their custom made patio platform was installed in 2007, and has been in continuous use during the warmer months since that time.

BACKGROUND:
The City of Birmingham completed Phase 1 of the Maple and N. Old Woodward reconstruction project in the summer of 2018. This coming summer, the City plans to complete a reconstruction of Maple Road extending from the limits of Phase 1 west to Southfield Road, and from the limits of Phase 1 east to Woodward Avenue. As a result of this ongoing construction, Dick O'Dows restaurant will not be able to continue using their outdoor dining platform on Maple.

On December 16, 2019, the owner of Dick O'Dows attended the City Commission meeting and requested approval to use the rear of his property at 160 W. Maple for outdoor dining temporarily during the 2020 outdoor dining season due to construction on Maple Road. The applicant sent in a letter requesting an expedited review of the proposed temporary outdoor dining, and requested that the City waive the Special Land Use Permit ("SLUP)") application fees, as the request was the result of construction disruption.

The owner has now submitted an application for a SLUP Amendment to temporarily relocate the outdoor dining area to the rear of the building adjacent to "The Dow" space, on private property adjacent to the Willits via. This matter is scheduled to be reviewed by the Planning Board on February 26, 2020.

LEGAL REVIEW:
The City Attorney has reviewed the proposed schedule and has no concerns.

FISCAL IMPACT:
There are no fiscal impacts that will occur if the above review schedule proposed by the Planning Board is approved.

PUBLIC COMMUNICATIONS:
Prior to the application beign considered by the Planning Board on February 26, 2020, the Planning Division will send out notices to all property owners and tenants within 300' of 160 W. Maple seeking public comment on the proposal. This process will be repeated by the City Clerk's Office when the matter is scheduled before the City Commission for final approval.

SUMMARY:
The owner of Dick O'Dows restaurant is requesting a SLUP Amendment to termporarily locate their outdoor dining at the rear of the building adjacent to the Willits via for the 2020 outdoor dining season. The applicant is further requesting that the City Commission waive the application fee for the SLUP amendment, and expedite processing of the SLUP application to allow the relocated outdoor dining area to open at the beginning of the outdoor dining seasons on April 1, 2020.

ATTACHMENTS:
- Letter from Applicant
- Existing Storefront and Patio on W. Maple
- Maple Road Construction Plans for W. Maple in front of Dick O'Dows

SUGGESTED RESOLUTION:
To approve the applicant's request to waive the application fees and expedite the request for a SLUP Amendment for Dick O'Dows at 160 W. Maple to allow the applicant to temporarily relocate the outdoor dining area at the rear of the building during the 2020 outdoor dining season.

Mitch Black
160 West Maple
Birmingham Mi. 48009
11-21-2019

Birmingham City Council
Birmingham, Mi. 48009

Dear Birmingham Commission,

I am submitting this letter in regard to the upcoming road construction on Maple Road this spring and summer of 2020. I have been a part of the Birmingham community for over 23 years. Over that period of time I have witnessed many exciting and positive changes in the city. As a small business owner, it has not always been easy with many economic and competitive challenges. When Old Woodward was redone in the summer of 2018, we were the only restaurant with a dining platform that was affected. We are unique in the fact that we are the only restaurant in Birmingham that will be as adversely affected by this upcoming for two out of three summers. We are also unique in the fact that we own property at the rear of the building that is currently designated by planters. Given our unique circumstances, I am respectfully requesting your consideration during the 2020 construction project on Maple Road to temporarily allow use of our private property to relocate our outdoor dining.

This spring will be equally if not more challenging as there are even more options for summer outdoor dining. With the opening of the Dow space in the rear of the pub we have been able to clean and revitalize our rear entrance. We would like the City to consider relief from the upcoming construction by allowing us to place tables on our property on a temporary basis. We are not currently allowed to use this space and I would like you to consider the normal cost and fees consistent with the application process be waived and allow us to operate next summer on our property, The request would give us the chance to further enhance the alley that has been the goal and vision of the city plan, but also allow some accommodation for the challenges this project will bring.

We are also faced with the real possibility of having to replace our dining platform with the changes in the curb and sidewalk area that would be consistent of rebuilding the

road. We anticipate that out current platform will require at minimum rebuilding and the real likelihood of complete replacement at significant cost.

I feel that we have been in important part of the downtown experience and we value our role in the community. By allowing us to use the property at the rear would allow us to remain competitive in the summer months and as a small business I am trying to be as proactive as possible in light expected challenges ahead. Thank you for the consideration and look forward to being and part of the fabric of Birmingham for the next 20 year. We are not asking you to forgo the usual application process only an exception to allow us an equal competitive basis with other legacy licenses and newly developed bistros as we prepare for the much needed infrastructure and beautification project that is planned in 2020.

In closing here is the specific requests that I would like you to consider

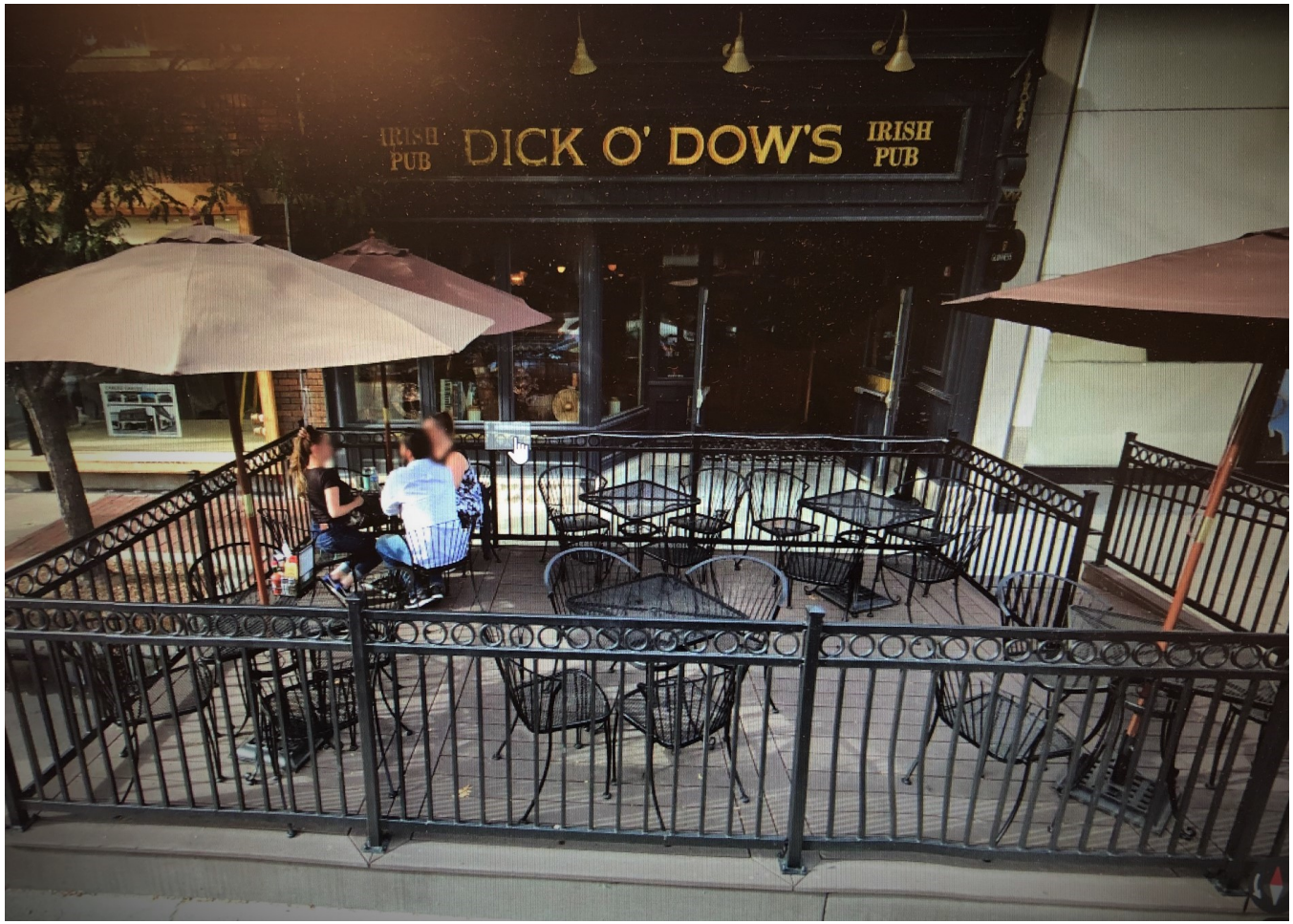
1. The temporary use of owned property at the rear of 160 West Maple for the spring and summer of 2020 for the placement of outdoor dining
2. Waive fees associated with application process
3. Understanding that this is only a temporary request that can be revoked at any time

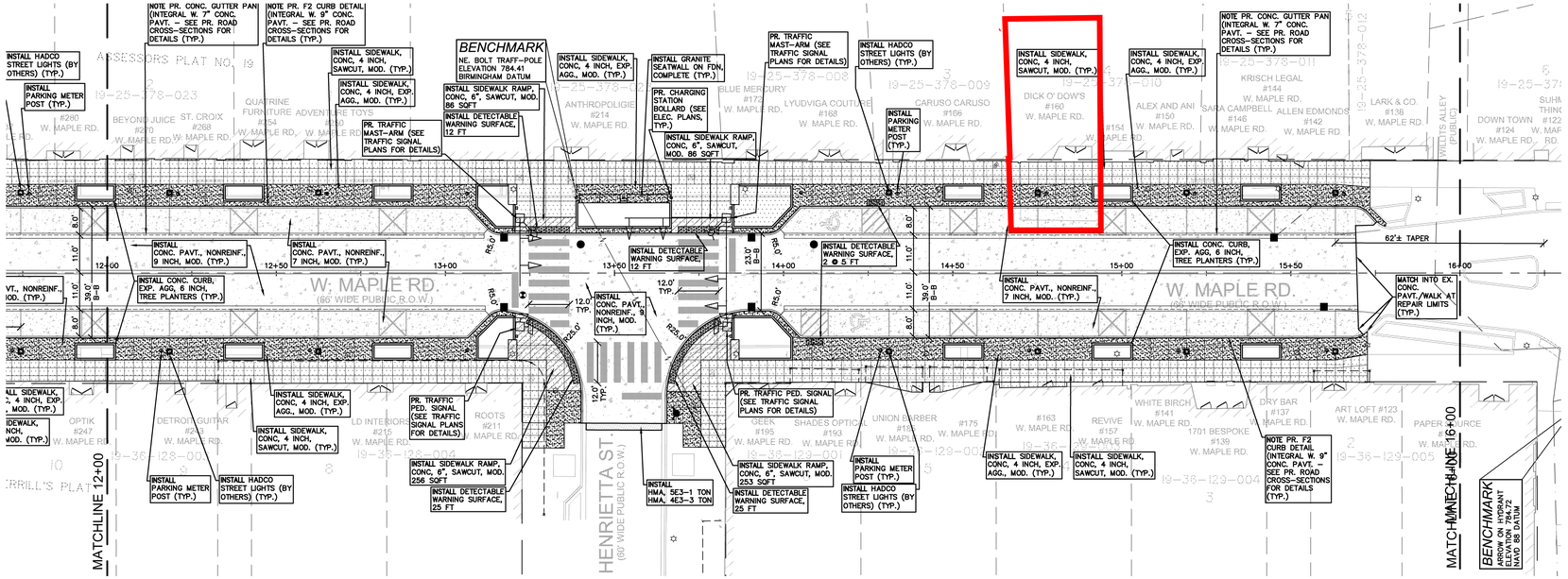
Thank you for your consideration and allowing Dick O'Dow's to be a part of our great community.

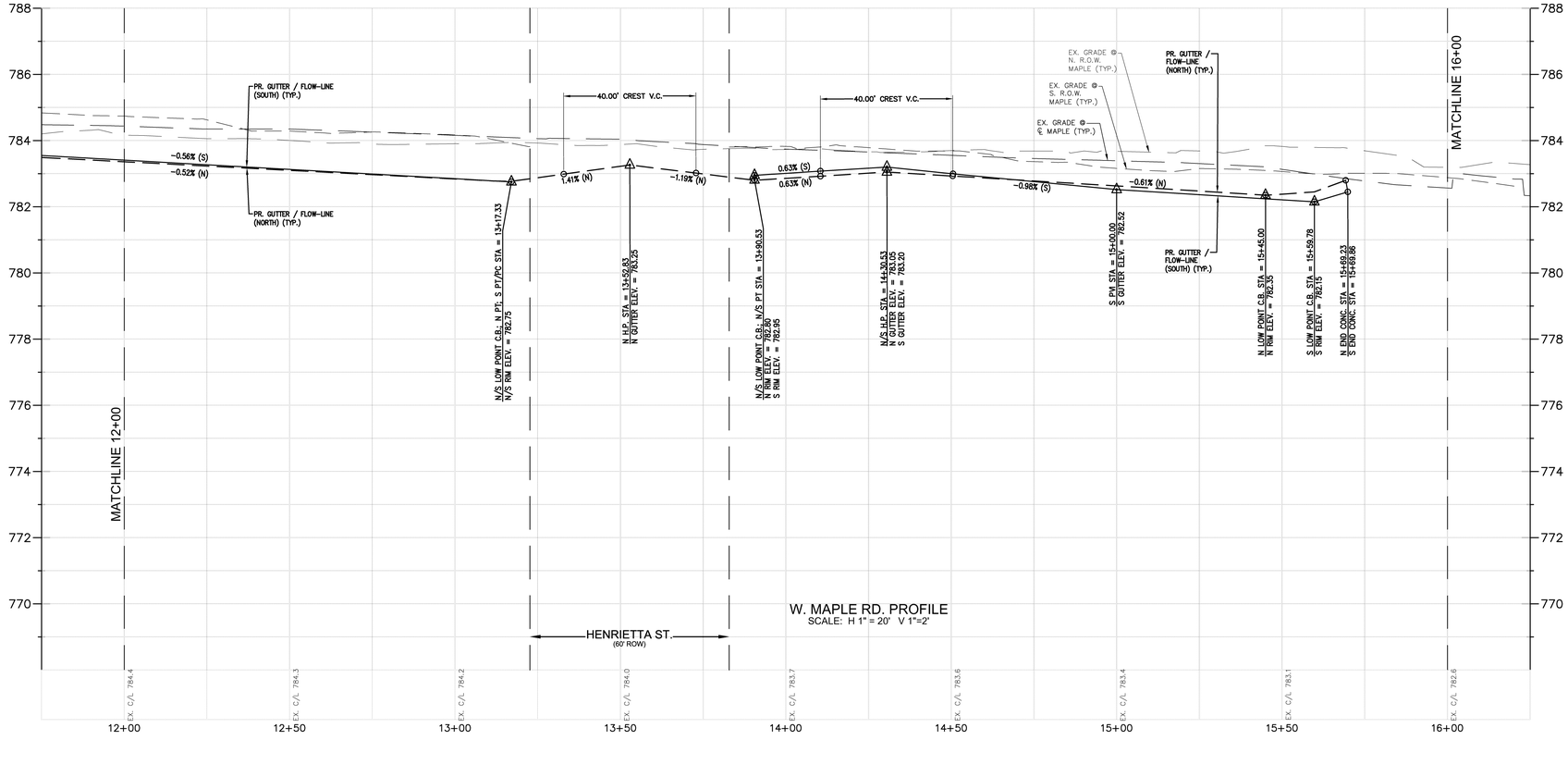
Best,

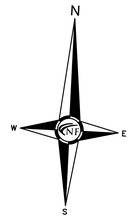
Mitch Black

Dick O'Dows Irish Pub and The Dow


IRISH PUB
DICK O' DOW'S
IRISH PUB







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
Maple Road
Reconstruction Project
2020

CLIENT
City of Birmingham
A Walkable Community

Engineering Department
151 Martin Street
Birmingham, MI 48012

PROJECT LOCATION
Part of the S./N. 1/2
of Section 25/36
Town 2 North ,
Range 10 East
City of Birmingham,
Oakland County, Michigan

SHEET
W. Maple Road
Sta. 12+00 to Sta. 16+00
Construction Plan

Know what's **below** **Call** before you dig.

UTILITY NOTE

THE LOCATIONS AND ELEVATIONS OF SOME OF THE EXISTING UNDERGROUND UTILITIES AS SHOWN ON THE SURVEY DRAWING WERE OBTAINED FROM MUNICIPAL AND UTILITY COMPANY RECORDS AND MAPS. THEREFORE, NO GUARANTEE IS EITHER EXPRESSED OR IMPLIED AS TO THE COMPLETENESS OR ACCURACY THEREOF. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DETERMINING THE EXACT UTILITY LOCATIONS AND ELEVATIONS PRIOR TO THE START OF CONSTRUCTION.

LEGEND

- EXISTING SAN/COMB SEWER
- EXISTING WATER MAIN
- EXISTING STORM SEWER
- EXISTING BURIED CABLES
- EXISTING GAS MAIN
- OVERHEAD LINES
- EX. PAVERS
- PR. CURB REPAIRS
- PR. FULL-DEPTH ASPH. REPAIR
- PR. PARTIAL-DEPTH ASPH. REPAIR
- PR. CONC. PAVT. W/ INT. CURB
- PR. THICKENED SIDEWALK/RAMP
- PR. 4" SAWCUT CONCRETE SIDEWALK
- PR. 4" EXP. AGGREGATE CONCRETE SIDEWALK
- RECORD CURB STOP LOCATION (APPROX.)
- LANDSCAPE BED
- EX. SOIL BORING
- PUBLIC PHONE
- WELL
- PUMP
- SIGN
- POST/BOLLARD
- PARKING METER
- MAIL BOX
- ROCK/BOULDER
- SPRINKLER VALVE BOX
- SPRINKLER HEAD
- FOUND PROPERTY MARKER
- DOWNSPOUT
- GROUND ELEVATION

DATE	ISSUED/REVISED
07-26-19	PRELIMINARY CITY REVIEW
09-06-19	MDOT G.I. SUBMITTAL

DRAWN BY: G. Viju
DESIGNED BY: P. Tulikangas
APPROVED BY: B. Buchholz
DATE: 9-26-2018
SCALE: 1" = 20'

NFE JOB NO. K516
SHEET NO. 24

City of Birmingham
A Walkable Community

MEMORANDUM

Department of Public Services

DATE: **January 6, 2020**

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

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

SUBJECT: **2020 Lead and Copper Compliance Testing - Sampling and Lab Services**

INTRODUCTION:
As part of our lead testing initiative, the City of Birmingham plans to begin lead and copper sampling all of its 731 identified sites with lead service lines, in the public right-of-way and/or on private property as soon as feasible. The purpose of beginning this extensive water-testing program is to allow us to evaluate the results of the lead locations to determine an overall plan and schedule for replacing the lead service lines for short-term and long-term planning.

The City of Birmingham has an existing contract with HydroCorp, Inc. for our Cross Connection Control Program, since 1998, and we requested a proposal from them to assist with the sample collections at individual homes located within the City of Birmingham. By way of the cross connection background, the Michigan Department of Environment, Great Lakes and Energy (EGLE) requires all communities to maintain a comprehensive cross connection inspection program to provide a safe potable water system. HydroCorp performs the inspections for the City's commercial and industrial buildings to prevent backflow into the City's water supply system causing contamination.

Rather than HydroCorp only conduct the required sampling of sixty (60) sites during the first six months of 2020 they provided us pricing for all 731 locations with lead service lines. The cost of each sampling event includes scheduling of sample sites, delivery and pick-up of sample bottles and delivery/processing of samples to Paragon Labs. Paragon Laboratories is a certified lab with the State of Michigan. Not only does HydroCorp use this lab for the lead and copper compliance testing program, but also the City of Birmingham used Paragon Labs during the testing last year.

We requested pricing for the lab work from Paragon Laboratories and Oakland County for this upcoming project. The lead and copper samples (1st and 5th liter draw) shall be collected and analyzed consistent with the State of Michigan Lead and Copper Rile/Compliance Program. The price from Paragon Labs is $41.00 per site. They are equipped to receive samples from at least thirty (30) sites per day. The price from the Oakland County Health Division is $48.00 per site. Oakland County can only accept samples from fifteen (15) sites per day. HydroCorp provided pricing under both lab scenarios: $48.00 per site to submit to Paragon Labs and $58.00 per site to submit to the Oakland County lab. HydroCorp estimates it will take approximately 5-6 weeks to complete the field sample collections using Paragon Labs and estimates it will take 12-13 weeks using Oakland County lab.

BACKGROUND:
The Michigan Department of Environment, Great Lakes and Energy (EGLE) added the new water sampling rules to better detect possible lead in drinking water. These new sampling requirements will result in higher lead results, not because the water source or quality for residents has changed, but rather because the Michigan Safe Drinking Water Act has created more stringent sampling procedures and analysis. After conducting lead testing of 32 sites during September 2019 five (5) of the thirty-two (32) sites tested exceeded the action level based on the new water sampling rules.

Because the City of Birmingham exceeded the action level during the testing last year, we want to expedite the testing of the identified lead service line locations to achieve compliance as soon as reasonably feasible.

LEGAL REVIEW:
The City Attorney will be reviewing the 2020 Lead and Copper Compliance Testing Proposal from HydroCorp as part of this report.

FISCAL IMPACT:
An amendment to the fiscal year 2019-2020 Water Fund is necessary for the expenditures related to this project. Funds will be available in the 2019-2020 budget Water Service – Other Contractual Services account #591-537.005-811.0000. Once the project begins, the expected duration is approximately 5-6 weeks.

PUBLIC COMMUNICATIONS:
The City of Birmingham will be sending a letter to the affected residents informing them of this upcoming project and that HydroCorp will be sending letters to them to arrange for the testing. In addition, the City website will have information and updates during the course of this project. Other social media methods will launch during this time as well. Included in the next communication to the 731 sites will also be information about the City of Birmingham providing a faucet filter to each site.

SUMMARY:
The Department of Public Services recommends approving the 2020 Lead and Copper Compliance Testing proposal with HydroCorp, Inc. and lab services with Paragon Laboratories in the amount of $48.00 and $41.00 per site; respectively. During the past monitoring period, our samples were sent to Paragon Labs, which provided good timely service compared to other labs. We do not have any experience with the Oakland County lab.

HydroCorp has the ability to handle more samples on a daily basis than Oakland County can receive each day. This is strictly based on the quantity of samples that can be handled each day for drop off at the Oakland County Health Division versus at Paragon Labs. Therefore, the project duration will take about twice as long using Oakland County because of this reason. The collective costs do increase by $12,427 if the City selects the HydroCorp proposal using the Oakland County lab. Otherwise, the advantage for the City of Birmingham is a reduced project duration and lower total project cost by approving this recommendation.

Whether we sampled 731 sites or 60 sites, we would recommend using HydroCorp. Last year we requested pricing from HydroCorp for 60 sites and the proposal from them was at a cost of $147.50 per site. This did include lab fees and, of course, the quantity was much smaller compared to the current project scope. Not only do we have an existing contract with them for other water services which gives them extensive community knowledge and experience, they provide a turnkey system for the lead and copper compliance testing. The City has a long-standing positive experience with them; they are local and experts in this business.

Based on the above background information; therefore, it is determined no advantage will be gained by the City bidding out these services. Therefore, no competitive bids were obtained for the sampling services.

ATTACHMENTS:

- HydroCorp Proposal
- Paragon Laboratories Quote
- HydroCorp Insurance Certificate

SUGGESTED RESOLUTION:
To approve the 2020 Lead and Copper Compliance Testing Sampling proposal from HydroCorp, Inc. using Paragon Laboratories at the cost of $48.00 per site for a total amount not to exceed $35,088.00; and to approve the quote from Paragon Laboratories at the cost of $41.00 per site for a total amount not to exceed $29,971.00, contingent upon receipt of proper insurance. Further, to waive the formal bidding requirements. In addition, to approve the appropriation and amendment to the fiscal year 2019-2020 Water Fund budget as follows:

Water Fund		
Revenues:		
591-000.000-400.0000	Draw from Net Position	$65,059
Total Revenue		$65,059
Expenses:		
591-537.005-811.0000	Water Service – Other Contractual Services	$65,059
Total Expenses		$65,059

HYDROCORP
THE SAFE WATER AUTHORITY

5700 Crooks Rd. Suite 100
Troy, MI 48098
800.690.6651 toll free
248.250.5000 phone
248.786.1789 fax

January 6, 2020

City of Birmingham
Lauren Wood
Director of Public Services
851 S. Eton Road
Birmingham, MI 48009

RE: 2020 LEAD AND COPPER COMPLIANCE TESTING – SAMPLING PROPOSAL

Dear Ms. Wood:

In accordance with the information provided by the City of Birmingham, HydroCorp, Inc. has assembled a proposal to assist in complying with the monitoring requirements for lead and copper per the Michigan Department of Environment, Great Lakes & Energy (EGLE) and United States Environmental Protection Agency (USEPA).

HydroCorp will assist with performing sample collections at individual homes located within the City. The cost of each sampling event includes scheduling of sample sites, delivery and pick up of sample bottles, and delivery/processing of samples to Paragon Labs. ***This project may be initiated and scheduled with the issuing of a Purchase Order to:***

HydroCorp, Inc. 5700 Crooks Rd, Suite 100 Troy, MI 48098

I will be in contact with you soon. In the interim, should you have any questions or require any additional information, please feel free to call me at (248) 250-5022. We look forward to working with you and your associates!

Sincerely,

Paul Patterson, HydroCorp

Proposal

City of Birmingham
Lauren Wood
Director of Public Services
851 S. Eton Road
Birmingham, MI 48009

"Our Goal is Cost-effective Compliance"

Executive Summary

The City of Birmingham has requested that HydroCorp assist in the scheduling, collection and delivery of lead and copper drinking water samples. **The samples shall be collected and analyzed consistent with the State of Michigan Lead and Copper Rule/Compliance Program.**

Cost Proposal

Project Name:	Water Quality Testing		
Project Type:	Lead and Copper Testing		
Proposal Date:	January 6, 2020	Valid Through:	June 30, 2020
Prepared By:	Paul Patterson		

Collect up to seven hundred eighty- (780) Lead and Copper Samples, and submit to Paragon Labs:

- Requires at least two- (2) week notice prior to sample collection
  - **Tier 1 Site Sampling (1st and 5th Liter Draw) - $48.00 per site, per sampling event.**
  - **The above costs include travel to and from the sample location, HydroCorp personnel delivering and collecting the sample bottles and delivering all collected samples to Paragon Labs for processing. Paragon Labs will invoice the City of Birmingham directly for all associated lab fees, and report results directly to the City.**
  - **HydroCorp estimates it will take approximately 5 to 6 weeks to complete the field sample collections.**

Fine Print

1. The terms and conditions pertaining to this and other project proposals are contained in the General Terms and Conditions section included in this, and every, HydroCorp, Inc. proposal.

2. Specific project requirements are detailed in the Additional Considerations section of this proposal.

Approval: _____ Client  HydroCorp

Experience

Glenn Adamus, COO

Mr. Adamus has been with HDI for over fifteen years and is responsible for all field operations. He is conversant in Federal, State and industry drinking water regulations/guidelines as they apply to water quality control and maintenance practices. Mr. Adamus holds a B.S. in Biochemistry and a Master of Science Degree in Environmental Science from the University of Michigan – Dearborn, performing research on water system contamination-forensic modeling techniques. He has performed and managed various water quality analysis projects related to process water and potable water systems including Stage 2 DBPR, Lead and Copper Rule, water distribution system/quality characterization studies, water main/system disinfections, legionella risk assessment and monitoring, and industry compliance monitoring. He has also performed and managed numerous cross connection control surveys/projects for large industry and public water systems throughout the United States.

Glenn has conducted and developed numerous training programs, to include the following:

- Michigan Department of Environmental Quality (MDEQ) - Cross Connection Control - Basic Training
- MDEQ Advanced Cross Connection Control Training – (Food Establishments, Complex Facilities)
- MDEQ Cross Connection Control Training – CCC Plan Development
- Michigan Rural Water Association – MDEQ Cross Connection Control Report Training
- Industry Cross Connection Control and Water Quality Training (Honeywell, Ford, Chrysler Corporation) – Basic Cross Connection Control Field Training
- Delaware Rural Water Association - 40 Hour Cross Connection Control Surveyor and 40 Hour Backflow Prevention Assembly Testing Training Courses

In addition to his field experience, Mr. Adamus has the following certifications and membership affiliations:

University of Wisconsin Madison – College of Engineering

- Cross Connection Control and Backflow Prevention Assembly Testing Certificate
- Cross Connection Control Surveyor Certification

American Society of Sanitary Engineering

- Accredited Backflow Prevention Assembly Tester Course (5110) Instructor and Proctor
- Accredited Cross Connection Control Survey Course (5120) Instructor and Proctor
- Accredited Cross Connection Control Program Management Course (5150) Instructor and Proctor
- Backflow Prevention Program Manager (5150) Certification
- Backflow Prevention Assembly Tester (5110) Certification

Michigan Department of Environmental Quality

- Michigan Department of Environmental Quality (MDEQ) Water Bureau, Certified Construction Site Storm Water Operator Certification
- Michigan Department of Environmental Quality (MDEQ) Water Bureau, Certified Industrial Site Storm Water Operator Certification

Professional Memberships

- Member - American Water Works Association (AWWA)
- Member - Michigan Industrial Hygiene Society (MIHS)

Scope of Work

Based on our current understanding of this project, our services will be as follows:

1. Collect lead and copper samples on dates and times approved by the City. The City of Birmingham will approve the date/time of sampling and will provide a list of sample sites.

2. HydroCorp will submit letters to selected sample sites requesting the homeowners to agree to collect samples in accordance with specific sampling instructions as provided by the Michigan Department of Environment, Great Lakes and Energy (EGLE) website. All letters sent by HydroCorp on behalf of the City shall be reviewed and approved by a City representative prior to delivery. Upon homeowner response, HydroCorp will schedule a specific date for the required sampling event and supply sample collection instructions for the home/facility owner. HydroCorp will make every attempt to ensure the samples are collected in accordance with EGLE lead and copper sampling requirements.

3. For homes that are not able to be accessed on the predetermined sampling date, HydroCorp shall make one- (1) additional attempt to coordinate sample collection for any remaining homes.

4. All water samples will be collected by HydroCorp and delivered to the Paragon Labs.

5. All data will be submitted directly from Paragon Labs to the City of Birmingham. The City will be responsible for forwarding all lab results to homeowners as required.

6. HydroCorp shall maintain a copy of all homeowner signed EGLE sample collection sheets, and all lab chain of custodies.

7. Any additional reporting requirements will be the responsibility of the City of Birmingham.

8. The cost of each sampling event includes time, travel, and materials.

General Terms and Conditions

1. **Acceptance and Scheduling**: This project can be initiated and scheduled upon receipt of a Purchase Order Release to HydroCorp, or receipt of an executed copy of this document.

   You will be contacted within five (5) working days of order (i.e. release) receipt.
   The project will be scheduled accordingly as instructed by the City of Birmingham.

2. **Primary Contacts**: Paul Patterson shall be your Primary Contact Person at HydroCorp. He must approve all issues relating to pricing, status inquiries, and production related issues.

   Lauren Wood shall be the Primary Contact Person at the City of Birmingham. All issues relating to project approvals, project status inquiries, project changes and other related issues must be approved by Lauren Wood.

   Should either primary contact person change it shall be the responsibility of each primary contact to notify the other primary contact person, in writing, to advise the contact information for the new primary contact person assigned to the project.

3. **Project Status Inquiries:** A Project Manager will be assigned after the project is accepted by HydroCorp. Status Inquiries should be directed to your Project Manager. In the event the Project Manager is unavailable when you call please also feel free to contact me. Every effort will be made to respond to Status Inquiries in a timely basis.

4. **Cost Projections:** HydroCorp reserves the right to halt production if the actual project cost is expected to exceed the proposed amount, as a result of new information, additional work, or a change in scope, that is not specifically the fault of HydroCorp. Approval for the project may then be directed to Lauren Wood.

5. **Payment:** Payment for all HydroCorp projects are payable in U.S. funds (30 days).

6. **Client Confidentiality:** All communication between HydroCorp and the City of Birmingham regarding business practices and other methods and forms of doing business will be considered confidential.

7. **Client Protection Plan**: The City of Birmingham may terminate this agreement at any time. The City representative will be required to submit this request to HydroCorp, Inc. in writing. A final reconciliation of services rendered up to the date of termination will then be submitted to the City of Birmingham.

8. **Client Responsibility**: The City of Birmingham must provide accurate sample locations and date information with respect to collecting the samples.

Additional Considerations

1. HydroCorp has generated this proposal based upon our knowledge of the lead and copper rule program for the City of Birmingham. If there are any modifications to the scope of work, additional funds may be required.

2. HydroCorp will provide all "basic" safety equipment (safety glasses with side shields (ANSI 12-87), steel toe safety shoes (ANSI Z-41), ear plugs, safety vest and hard hats (if required)). If additional safety equipment or apparel is required, then the City shall provide it.

3. HydroCorp Hours of Work: This proposal cost is based on all work being performed during straight time, 6:00am to 6:00pm, Monday thru Friday.

4. HydroCorp representatives will not enter confined spaces.

5. HydroCorp representatives will not risk injury. We practice safe work habits.

WE LOOK FORWARD TO CONTINUING OUR PARTNERSHIP!

CORPORATE MISSION STATEMENT
We keep drinking water safe!
We make people aware of the inherent risks & associated compliance issues related to water distributions systems.
Our goal is cost-effective compliance.

Quotation No. T00006781

Paragon Laboratories, Inc.
12649 Richfield Ct.
Livonia, MI 48150
(734) 462-3900 Phone
(734) 462-3911 Fax

Submitted By: Jeff Glaser **1/7/20**
V.P. Laboratory Operations
Phone Number: (734) 469-5608
Email: jeffg@paragonlaboratories.com

Attn:	Lauren Wood	Turnaround:	Standard (5 Business days)
Phone/Fax:	(248) 530-1702	Pricing expires:	December 31st, 2019
Client:	City of Birmingham	Permit Type:	
Project:	Lead & Copper Drinking Water Testing 2020	Permit No.:	

Line Item #	Quantity	Type of Analysis	Sample Type	Method Reference	Unit Cost *[a]*	Total Extended Cost
1	750	Lead and Copper (First Draw Compliance Samples, 1st and 5th Liters for Lead Service Line		EPA 200.8	$ 41.00	$ 30,750.00
Total Cost						**$ 30,750.00**

Notations

[a] *SAMPLE CONTAINERS - Paragon Laboratories, Inc. will provide sample containers at no additional cost. 48 Hour notice is required for bottle order fulfillment. Shipping charges may apply.*

[b] *SUBCONTRACTED PARAMETERS - Paragon utilizes MDEQ drinking water certified subcontract laboratories for parameters denoted with a † symbol in this quotation.*

[c] *MDEQ DRINKING WATER CERTIFICATION - MDEQ does not offer certification for procedures marked with a * symbol.*

[d] *ALL OTHER REQUESTS - For all requests not covered by this quotation or other active quoatations issued to the client, Paragon Laboratories, Inc. will invoice the client at current list fees for work p*

[e] *STANDARD TERMS - Unless otherwise specified in this quotation or other offer documents, all conditons specified in the Standard Terms document in effect at the time of service will be enforced.*

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 12/17/2019

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).

PRODUCER	**CONTACT NAME:** Jennifer Hendrix
Brown & Brown of Detroit	**PHONE (A/C, No, Ext):** (586) 977-6300 **FAX (A/C, No):** (586) 977-6780
35735 Mound Road	**E-MAIL ADDRESS:** jhendrix@bbdetroit.com
Sterling Heights MI 48310	

INSURER(S) AFFORDING COVERAGE	**NAIC #**
INSURER A : The Cincinnati Specialty Underwriters Insurance Company	13037
INSURER B : Ohio Security Insurance Company	24082
INSURER C : Scottsdale Insurance Company	41297
INSURER D : Hiscox Insurance Company Inc.	003030
INSURER E :	
INSURER F :	

INSURED

Hydro Designs Inc. dba HydroCorp
HDI Florida, LLC
5700 Crooks Rd., Ste. 100
Troy MI 48098

COVERAGES **CERTIFICATE NUMBER:** CL1912939288 **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	[X] **COMMERCIAL GENERAL LIABILITY** [ ] CLAIMS-MADE [X] OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: [ ] POLICY [X] PRO-JECT [ ] LOC [ ] OTHER:	Y		CSU0125275	12/15/2019	12/15/2020	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG	$ 1,000,000 $ 100,000 $ 10,000 $ 1,000,000 $ 2,000,000 $ 2,000,000
B	**AUTOMOBILE LIABILITY** [X] ANY AUTO [ ] OWNED AUTOS ONLY [ ] SCHEDULED AUTOS [ ] HIRED AUTOS ONLY [ ] NON-OWNED AUTOS ONLY			BAS59181506	12/15/2019	12/15/2020	COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)	$ 1,000,000 $ $ $
C	[X] **UMBRELLA LIAB** [X] OCCUR [ ] **EXCESS LIAB** [ ] CLAIMS-MADE [ ] DED [X] RETENTION $ 0			XLS0112406	12/15/2019	12/15/2020	EACH OCCURRENCE AGGREGATE	$ 5,000,000 $ 5,000,000
B	**WORKERS COMPENSATION AND EMPLOYERS' LIABILITY** Y / N ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? N **(Mandatory in NH)** If yes, describe under DESCRIPTION OF OPERATIONS below	N / A		XWS59181506	12/15/2019	12/15/2020	[X] PER STATUTE [ ] OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	 $ 1,000,000 $ 1,000,000 $ 1,000,000
D	Professional Liability			ANE1010955.19	12/15/2019	12/15/2020	Wrongful Act Limit Aggregate Limit	$2,000,000 $2,000,000

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

The City of Birmingham including all elected and appointed officials, all employee and volunteers, all boards/commissions and/or authorities and board memebers, including employees and volunteers thereof. This coverage is primary subject to the policy conditions.

CERTIFICATE HOLDER

City of Birmingham
PO Box 3001 151 Martin
Birmingham MI 48012

CANCELLATION

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
A Walkable Community

MEMORANDUM

Human Resources Dept.

DATE: **January 6, 2020**

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

FROM: **Melissa Fairbairn, Management Intern**

SUBJECT: **Public Comment at Commission Meetings**

INTRODUCTION

Public comment is an important part of public meetings. Public meetings are meetings of the public body to conduct its business. During these meetings, the public has the opportunity to comment on agenda and non-agenda items. The City of Birmingham currently places the public comment section at the end of the agenda for commission meetings and allows the public to comment on each agenda item as they occur. A review of other Michigan cities found that they hold public comment period various points in their meetings depending on each community's dynamic.

BACKGROUND

At the December 9, 2019 meeting, the Commission asked for research regarding the placement of open public comment on the agenda considering pros and cons and best practices.

RESEARCH

Research was conducted by evaluations of Birmingham's Rules of Procedure, the Michigan Open Meetings Act, other communities' practices, best practices, and pros and cons.

The City of Birmingham's Rules of Procedure for citizen participation state:

> "During any City Commission meeting, any person may question or comment upon any specific agenda item at the time the City Commission considers that item.
>
> The public shall also be invited to make comments on any item not on the meeting agenda under the agenda item, "Meeting Open to the Public for Items Not on the Printed Agenda."
>
> No person shall address the City Commission without first having been recognized by the presiding officer. Once recognized, the member of the public shall go to one of the available microphones, and state his or her name and community of residence before speaking.
>
> Speakers may be requested to limit their comments so as to provide opportunities for comments from all interested persons. In particular, no member of the public shall normally be permitted to speak a second time on the same issue until all others wishing to make a presentation on the subject have had an opportunity to do so.
>
> If any person becomes loud or unruly, the presiding office may rule that person out of order and may forfeit that person's opportunity to speak further. A person may also be expelled from the meeting for breach of the peace."

The State of Michigan's Open Meetings Act Handbook (2019) states:

> "Timing of public comment—a public body has discretion under the OMA when to schedule public comment during the meeting. Thus, scheduling public comment at the beginning or the end of the meeting agenda does not violate OMA. The public has no right to address the commission during its deliberations on a particular matter."

The State of Michigan's Open Meetings Act Handbook also lays out the state laws regarding public hearings. Per the State of Michigan regarding public hearings, municipalities:

- may choose the timing of open comment during public meetings
- may **not** limit the total time allowed for public comment
- may limit the amount of time given each individual speaker
- may encourage groups to choose an individual to address the public body

After reviewing commission and council meeting agendas from 31 cities in Oakland County and 15 other Michigan cities, it was found that there is no consensus as to the placement of public comment. Each community placed public comment sessions at different points in their agendas based upon their unique political dynamics and cultures.

Seventeen cities hold public comment periods in the middle of meetings. The public comment portion of these meetings followed the consent agenda but preceded new business and presentations.

Fourteen cities place public comment at the beginning of meetings. These cities open for public comment following introductory items such as roll call and the approval of minutes but prior to addressing the consent agenda.

Ten cities, including Birmingham, place public comment at the end of their meetings.

Five cities, Grand Rapids, Grosse Pointe Shores, Lansing, South Lyon and Troy, offer two public comment times: one to comment upon any agenda item and one for open comments. These cities only allow public comment to take place during the two comment periods rather than during business discussions. While this commenting structure is uncommon for the reviewed cities, it is legal under the State of Michigan Open Meetings Act which states "The public has no right to address the commission during its deliberation on a particular manner."

Per the State of Michigan's Open Meetings Act, municipalities may not limit the total time allotted to public comment because that may eliminate an individual's ability to address the commission. The State does allow commissions to set rules that limit the amount of time that a person has to speak. In Oakland County, twelve cities limit an individual to three minutes to address their public body, while three cities (Farmington Hills, Northville, and Wixom) limit individuals to five minutes. Six of the other reviewed cities also limit comment to three minutes. A visible timer may be used to help speakers monitor their remaining time.

Placement of Public Comment on Meeting Agendas

Oakland County Cities				
City	**Beginning**	**Middle**	**End**	**Time Limit (Minutes)**
Auburn Hills	✓			0
Berkley	✓			0
Birmingham			✓	0
Bloomfield Hills		✓		3
Village of Clarkston	✓			3
Clawson			✓	0
Farmington	✓			0
Farmington Hills		✓		5
Fenton			✓	0
Ferndale		✓		3
Hazel Park	✓			0
Huntington Woods		✓		0
Keego Harbor	✓			3
Lake Angelus			✓	0
Lathrup Village		✓		0
Madison Heights		✓		3
Northville	✓			5
Novi		✓		3
Oak Park			✓	3
Orchard Lake		✓		3
Pleasant Ridge	✓			0
Pontiac			✓	0
Rochester	✓			0
Rochester Hills		✓		3
Royal Oak	✓			0
South Lyon		✓	✓	0
Southfield		✓		3
Sylvan Lake		✓		3
Troy		✓	✓	3
Walled Lake		✓		0
Wixom		✓		
Sampling of Other Communities				
Ann Arbor	✓			3
Brighton			✓	0
Detroit		✓		0
East Grand Rapids	✓			0
East Lansing	✓			0
Grand Rapids	✓	✓		0
Grosse Pointe		✓		3

Grosse Pointe Farms			✓	0
Grosse Pointe Shores	✓	✓		0
Grosse Pointe Woods			✓	0
Lansing	✓		✓	3
Plymouth	✓			3
Sterling Heights		✓		0
Traverse City			✓	3
Warren		✓		3

BEST PRACTICES

The purpose of commission meetings is for the public body to conduct business. The public is encouraged to offer input during the commenting period but the government body has responsibility for decision making about business. Ann Macfarlane, Professional Registered Parliamentarian and owner of consulting group Jurassic Parliament, has authored best practices for public meetings (See attached). She recommends that commissioners actively listen to public comment and show interest through their body language. Commenters should be thanked for their input but commissioners should not engage in back-and-forth discussions with commenters. This allows for the meeting to move quickly and focuses the commission on its business agenda.

Ann Macfarlane, PRP, recommends making the rules and guidelines for public comment very clear. These guidelines can include time limits, name and address policies, and expectations for civil conduct while speaking. Five Oakland County cities (Keego Harbor, Novi, Oak Park, Orchard Lake, and Wixom) include their rules for public comment on each agenda. Ann Arbor, Lansing, Grosse Pointe, Plymouth, and Sterling Heights also include guidelines in their agendas. Public comment is limited in each of these cities and is clearly stated in their agendas. Adding such language to the public comment section should be included as a best practice.

The following are examples of guidelines set forth in other cities' agendas:

Keego Harbor

Keego Harbor City Council welcomes public comment limited to three (3) minutes, on items that do not appear on the printed agenda. In accordance with its Meeting Conduct Rules, the Council will take no action on or discuss any item not appearing on the posted agenda. Exceptions may be made at the discretion of the chair. The public can speak to agenda items as they occur when the presiding officer opens the floor to the public. When recognized by the presiding officer, please step to the microphone, state your name for the record, and direct all comments or questions to the presiding officer.

Novi

AUDIENCE COMMENT – In order to hear all citizen comments at a reasonable hour, the City Council requests that speakers respect the three-minute time limit. This is not a question-answer session. However, it is an opportunity to voice your thoughts with City Council. Speakers wishing to display visual materials through the City's audiovisual system must provide the materials to the City Clerk's Office no later than 12:00 P.M. the day of the meeting. The materials cannot be changed before the meeting.

Oak Park

Each speaker's remarks are a matter of public record: the speaker alone, is responsible for his or her comments and the City of Oak Park does not, by permitting such remarks, support, endorse, or accept the content, thereof, as being true or accurate. "Any person while being heard at a City Council Meeting may be called to order by the Chair, or any Council Member for failure to be germane to the business of the

City, vulgarity, or personal attacks on persons or institutions." There is a three minute time limit per speaker.

Orchard Lake

Any citizen wishing to provide comment on an agenda item shall address the Chair and be recognized. That person shall give his name and shall state whether or not he is a resident in the City of Orchard Lake Village. The speaker shall be asked for his address. The speaker shall approach the podium and provide comment. The chair or any member of Council may ask the speaker a question for clarification. The Mayor shall recognize any individual wishing to speak in the matter and shall limit such discussion to three (3) minutes per speaker per agenda item unless the Council shall agree by majority vote to waive such limit. Any person speaking in this manner shall not be interrupted during the time allotted to such person to speak. Any speaker shall be allowed to provide one comment per agenda item unless Council agrees by unanimous vote to waive such restriction.

Sterling Heights

This item shall be taken up at 9:30 p.m. if the business portion of the agenda has not been concluded. In accordance with the Sterling Heights Governing Body Rules of Procedure, under this agenda item, citizens are permitted to address the City Council on issues not on the agenda. Citizens are afforded a reasonable opportunity to be heard. Generally, no response shall be made to any communication from a citizen until all citizens have been permitted to speak. You may be called to order by the Chair or a Council member if you:

• Attempt to engage the Council or any member in debate
• Fail to address the Council on matters germane to City business
• Use vulgarity
• Make personal attacks on persons or institutions
• Disrupt the public meeting If you are called to order, you will be required to take your seat until the Council determines whether you will be permitted to continue. These rules are in place and will be followed to ensure order and civility.

Wixom

Call to the Public:

• The public shall address the Council during the "Call to the Public" which shall be included on the agenda immediately after Correspondence and again immediately after New Business. The first Call to the Public immediately after Correspondence shall be limited to agenda items only.
• A person shall not address the Council in excess of five minutes unless the time is extended by a majority vote of the Council present.
• Persons wishing to address the Council shall identify themselves and their place of residence and shall state their reason for addressing the Council.
• All comments by the public shall be made directly to the Council.

PROS AND CONS

- Place public comment period earlier in the agenda on trial basis.
    - Pro: Opening public comment early in commission meetings would not require the public to stay until the end of the meeting.
    - Con: Moving the public commenting period may delay the commission from attending to business items on the agenda.
- Maintain public comment at the end of the agenda.
    - Pro: Maintaining open public comment at the end of public meetings allows the commission to address city business early in meetings.
    - Con: Residents may choose to not voice their comments due to the long wait time prior to having an opportunity to comment.

LEGAL REVIEW

The City Attorney has reviewed the suggestions and has no concerns.

FISCAL IMPACT
There is no fiscal impact associated with this policy.

SUMMARY
Public comment is an important facet of public meetings. Residents and other stakeholders are able to use public comment times to voice concerns or praise of their city. The following are parliamentary best practices as referenced to in the attachments that the commission may consider:

- Set time limits for individual comments. Generally, the City of Birmingham does not limit an individual's amount of speaking time during public comment. However, the City may place a limit on individual speaking times when addressing agenda items where significant discussion may prolong the business meeting and affect subsequent business.
- Listen to public comments thoughtfully but do not engage. Public meetings are business meetings to address agenda items. They are not question and answer sessions.
- Manage the public's expectations. The City of Birmingham does not currently have guidelines for public comment stated in meeting agendas. Including the guidelines on the agenda sets the public's expectations as to how the process will occur. In review of best practices and other communications the following language has been prepared:

  The City of Birmingham welcomes public comment limited to three (3) minutes per speaker, on items that do not appear in the printed agenda in order to allow for an efficient meeting. The Commission will take not participate in a question and answer session and will take no action on any item not appearing on the posted agenda. The public can also speak to agenda items as they occur when the presiding officer opens the floor to the public. When recognized by the presiding officer, please step to the microphone, state your name for the record, and direct all comments or questions to the presiding officer.
- Schedule comment to promote participation. The City of Birmingham currently allows the public to address each business item and to comment during the "Meeting Open to the Public for Items Not on the Printed Agenda" agenda item. Three suggested resolutions have been provided for the Commission's consideration.

Based upon the research into parliamentary best practices, the Michigan Open Meetings Act, and the policies of the surrounding communities, Staff offers the following suggested actions for consideration.

ATTACHMENTS

- Excerpts from the Michigan Open Meeting Act Handbook
- "Guidelines for Public Comment in Local Government" by Ann Macfarlane
- "Don't get into Back-and-Forth Exchanges during Public Comment" by Ann Macfarlane
- "Don't Include Detailed Public Comment in Meeting Minutes" by Ann Macfarlane

SUGGESTED RESOLUTION

1. To revise the public comment section of the commission agenda to move public comment prior to the consent agenda for a six (6) month trial period and to include the suggested guidelines for public comment.

   or

2. To revise the public comment section of the commission agenda to move public comment prior to the consent agenda and to include the suggested guidelines for public comment.

   or

3. To maintain the public comment section at the current location on the agenda and to include the suggested guidelines for public comment.

OPEN MEETINGS ACT

HANDBOOK

Attorney General Dana Nessel

Additional copies available at mi.gov/foia-oma

PUBLIC ATTENDING OPEN MEETINGS

Excluding individuals – no one may be excluded from a meeting otherwise open to the public except for a breach of the peace actually committed at the meeting.[65]

Identifying public attendees – no one may be required to register or otherwise provide his or her name or other information or otherwise to fulfill a condition precedent to attend a public meeting.[66]

Building security at the meeting site may cause issues. Members of the public might object, based on the OMA, to signing in to gain access to the building where a public meeting is being held.[67] We, therefore, recommend that public bodies meet in facilities or areas not subject to public access restrictions.

If the public body wishes the members of the public to identify themselves at the meeting, we suggest the board chair announce something like this:

> The Board would appreciate having the members of the public attending the meeting today identify themselves and mention if they would like the opportunity to speak during the public comment period. However, you do not need to give your name to attend this meeting. When the time comes to introduce yourself and you do not want to do so, just say pass.

Since speaking at the meeting is a step beyond "attending" the public meeting and the OMA provides that a person may address the public body "under rules established and recorded by the public body," the board may establish a rule requiring individuals to identify themselves if they wish to speak at a meeting.[68]

Limiting public comment – a public body may adopt a rule imposing individual time limits for members of the public addressing the public body.[69] In order to carry out its responsibilities, the board can also consider establishing rules allowing the chairperson to encourage groups to designate one or more individuals to speak on their behalf to avoid cumulative comments. But a rule limiting the period of public comment may not be applied in a manner that denies a person the right to address the public body, such as by limiting all public comment to a half-hour period.[70]

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[65] MCL 15.263(6).
[66] MCL 15.263(4).
[67] In addition, "[a]ll meetings of a public body . . . shall be held in a place available to the general public." MCL 15.263(1).
[68] MCL 15.263(5). OAG, 1977-1978, No 5183, at p 34.
[69] OAG, 1977-1978, No 5332, p 536 (July 13, 1978). The rule must be duly adopted and recorded. OAG, 1977-1978. No 5183, at p 34.
[70] OAG No 5332 at p 538.

Meeting location – the OMA only requires that a meeting be held "in a place available to the general public;" it does not dictate that the meeting be held within the geographical limits of the public body's jurisdiction.[71] However, if a meeting is held so far from the public which it serves that it would be difficult or inconvenient for its citizens to attend, the meeting may not be considered as being held at a place available to the general public. Whenever possible, the meeting should be held within the public body's geographical boundaries.

Timing of public comment – a public body has discretion under the OMA when to schedule public comment during the meeting.[72] Thus, scheduling public comment at the beginning[73] or the end[74] of the meeting agenda does not violate the OMA. The public has no right to address the commission during its deliberations on a particular matter.[75]

Taping and broadcasting – the right to attend a public meeting includes the right to tape-record, videotape, broadcast live on radio, and telecast live on television the proceedings of a public body at the public meeting.[76] A board may establish reasonable regulations governing the televising or filming by the electronic media of a hearing open to the public in order to minimize any disruption to the hearing, but it may not prohibit such coverage.[77] And the exercise of the right to tape-record, videotape, and broadcast public meetings may not be dependent upon the prior approval of the public body.[78]

[71] OAG, 1979-1980, No 5560, p 386 (September 13, 1979). Of course, local charter provisions or ordinances may impose geographical limits on public body meetings.
[72] MCL 15.263(5).
[73] *Lysogorski v. Bridgeport Charter Twp*, 256 Mich App at 302.
[74] OAG, 1979-1980, No 5716, p 812 (June 4, 1980).
[75] OAG, 1977-1978, No 5310, p 465, 468 (June 7, 1978).
[76] MCL 15.263(1).
[77] OAG, 1987-1988, No 6499, p 280 (February 24, 1988).
[78] MCL 15.263(1).

Guidelines for Public Comment in Local Government

The public comment period is an essential part of local government meetings. These are our guidelines for public comment periods in local government. They refer to ordinary business and work or study meetings of councils, boards and committees. Public hearings and quasi-judicial hearings are governed by different rules.

It is important for elected officials and for the public to be very clear about the purpose of the public comment period. This is an opportunity for members of the public to inform the governing body about their views. The meeting itself belongs to the governing body. The public does not PARTICIPATE in the decision-making. Instead, it PROVIDES INPUT to the governing body, which takes the input into consideration in making its decisions.

A governmental body must craft its requirements with care in order to to preserve the free speech rights of its citizens. If questions arise about the public comment period, consult your attorney. State law and regulations and your specific bylaws or rules of procedure have higher standing than Robert's Rules of Order, other parliamentary authorities, or these guidelines.

➥ *over*

TIME CONSIDERATIONS

1. Establish specific periods for public comment during your meetings, in a way that is consistent with your community's expectations and customs.
2. Set a length of time by which each period will conclude, unless the council votes to extend it.
3. Set a time limit for each individual to speak.
4. Speakers may not give their time to other people.

WRITTEN GUIDELINES

5. Provide printed copies of the guidelines and expectations.
6. Review the guidelines at the beginning of each comment period if necessary, and explain that this is the time for citizens and residents to express their views in order to inform the council. Explain that the council will not engage in dialogue with the public during this time.
7. The council has the right to set limits on what subjects may be addressed, how long public comment will be, and how many times people may speak. All such limits must be viewpoint neutral: they must not favor one point of view over another.

DURING PUBLIC COMMENT

8. Check your state law as to whether you may require speakers to give their name and address.
9. Require all speakers to address their remarks to the chair.
10. Require all speakers to keep to the time limits. It is important to be consistent for the appearance of fairness. Some jurisdictions provide a visible public timer, so the speaker knows how much time is available.
11. The chair should thank each speaker, whether positive or negative.
12. In general, it is best not to respond at all to public comment. However, the chair may provide brief factual information, if appropriate. This must not degenerate into lecturing or criticism.
13. The chair must not under any circumstances enter into back-and-forth exchanges with the public. See our blog entry below for more information.
14. We recommend using surnames to address speakers. If you use first names for some speakers, use them for all.
15. Councilmembers refrain from speaking during this portion of the meeting.
16. Have staff ready to note input or questions from the public and to provide responses at a later date. Do not call on staff to give public answers on the spot.

BEHAVIORAL EXPECTATIONS

17. Model courtesy and respect and encourage members of the public to do the same.
18. The public has the right to make critical and harsh remarks. Courts have consistently found that public bodies may not require members of the public to follow the rules of decorum that apply to council members themselves. (See our blog entry below for more information on decorum rules.)
19. Members of the public do not have the right to disrupt the meeting. However, mere words most likely do not constitute a disruption in themselves. All concerned should become familiar with case law on this point, and be able to determine when conduct becomes truly disruptive.
20. The council may prohibit demonstrations (booing, hissing, clapping). These can be chilling to discourse and inhibit free speech, both on the part of the elected officials and of the public.

21. Consult with your attorney and develop an action plan for steps to take in case of disruption. The League of California Cities has excellent material available on their website. In cases of serious disruption, state law may allow you to adjourn the meeting to a different location.
22. Be very cautious about ordering a disruptive member of the public to leave the meeting. It may be advisable to give three warnings to cease from the disruptive behavior before taking any action. Consult with your attorney before doing this.

RESPONSIVENESS TO THE PUBLIC

23. The body language and manner of the chair and other elected officials are critical to running successful public comment sessions. Councilmembers should listen to each person speaking as if there were no one else in the room.
24. Councilmembers should keep an interested expression on their faces and refrain from checking electronic devices, whispering to each other, or otherwise demonstrating lack of interest in what the public is saying.
25. It is helpful to see oneself on video in order to gauge the impression given to the public. We recommend a facial expression that projects warmth and genuine interest. If a speaker is highly negative, it is appropriate to keep a neutral, serious expression. Do not frown, grimace, sigh, or roll your eyes.
26. It is vital for elected officials to be responsive to their public, and to appear responsive. Given the limitations on the public comment period, we recommend establishing other channels to connect with your public, such as community forums, personal discussions, "coffee with the mayor," a form on your website, surveys, etc.

OTHER CONSIDERATIONS

27. The council has the right to invite anyone to speak whom it wishes to hear from at other times than the public comment period. This is done by unanimous consent or a majority vote.
28. Provide clearly marked paper inviting individuals who are not heard during the public comment period due to time constraints to provide written comment for the council.
29. We recommend that detailed public comment should not be included in the minutes. It is sufficient to say, "Public comment was given." See our blog entry below for more information.

SAMPLE POLICY

- Now is the time to hear from our public. We welcome your comments which are very important to us. Note that all comments are limited to three minutes.
- As a reminder, please go to the podium to comment. It is helpful for the council if you would give us your name. Please address your remarks to the chair.
- Note that we will not be entering into dialogue at this time. The purpose of this agenda item is for YOU, the public, to inform US, the council, about your views.
- If members of the public have factual questions, staff will be glad to address them. Please speak with the executive assistant who is seated next to the dais.

More information:

- Don't get into back-and-forth exchanges during public comment
- Don't include detailed public comment in meeting minutes
- Citizen's Guide to Effective Conduct of Public Meetings
- Inappropriate remarks on local government councils

Do you have feedback on these guidelines for us? We are always eager to improve our publications. Visit our website at www.jurassicparliament.com/category/effective-local-government *for much more information on local government issues. Contact us at* info@jurassicparliament.com *or* 206-542-8422 *with your suggestions. We look forward to hearing from you!*

Guidelines for Public Comment in Local Government

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Jurassic Parliament

Mastering meetings using Robert's Rules

Don't get into back-and-forth exchanges during public comment

By Ann Macfarlane | March 6, 2018 | 6

When city councils, school boards or other public bodies hold their meetings, it is usual to reserve a time in the meeting for members of the public to speak to their elected officials. One common name for this is the public comment period. We strongly recommend that elected officials should not get into back-and-forth exchanges with members of the public during the public comment period.

Whose meeting is it anyway?

In most states of the union, members of the public are authorized by state law to attend local government meetings. These laws may be called "sunshine acts" or "open public meeting acts." States usually allow members of the public to address their elected officials on matters of concern during the meetings. But though the local government meetings are HELD IN PUBLIC, they are not MEETINGS OF THE PUBLIC. The meetings belong to the local government body that is meeting.

What is the purpose of the public comment period?

The purpose of the public comment period is for members of the public to inform the governing body of their views. This is an important function and it is critical for the

elected officials to listen with care to the public, and to consider what they hear in their deliberations. It is also critical for the elected officials to convey to the public that they care! Don't follow the example of a certain county in my home state of Washington, where the elected officials wander out to get coffee or check their cell phones while the public is speaking.

Why the public comment period is not a chance to dialogue

While listening with attention is critical, we believe that it is best not to enter into dialogue with the public during the meeting. It is highly challenging to give accurate responses on critical and complex issues on the spot. We have seen too many instances where the discussion degenerates into a back-and-forth exchange that ends up creating more heat than light. To use a slang expression, sometimes the meeting goes "down the tubes" and never really recovers. This can lead to a fraught atmosphere at future meetings, public outrage, and a general loss of confidence in the board or council.

What should you say?

In general, it is best not to respond at all to public comment. However, the chair may provide brief factual information, if appropriate. This must not degenerate into lecturing or criticism.

The best approach is for the chair to say, "Thank you for your comment" to each speaker. Keep a warm and pleasant expression if the speaker was complimentary, or a neutral face if not, and then move on to the next speaker. Don't play favorites with the public, and do your best to treat all speakers the same. Be sure to observe any time limits consistently.

How can you appear interested and concerned if you can't answer?

It isn't easy, but the chair and the members of the public body convey interest and concern by their body language. Ideally they should listen to each person speaking as if there were no one else in the room.

Structuring the public comment period

You can also take structural steps to let the public know how much you care. We recommend:

- Announcing the policy at the beginning of each meeting, so people know they won't be getting answers to their questions or concerns during the public comment period.

- Providing a handout on the policy, including an invitation to submit comments in writing and other ways to make your views known.
- Having a staff person available so people with specific concerns can convey them, to be addressed after the meeting by the appropriate party.
- Establishing other channels to connect with your public, such as community forums, personal discussions, “coffee with the mayor,” a form on your website, surveys, etc.

Jurassic Parliament

Mastering meetings using Robert's Rules

Don't include detailed public comment in meeting minutes

By Ann Macfarlane | March 21, 2018 | 6

When city councils, school boards or other public bodies hold their meetings, it is usual to reserve a time in the meeting for members of the public to speak to their elected officials. One common name for this is the public comment period.

(c) Can Stock Photo

We recommend that detailed public comment should not be included in the body's minutes. For background, read our suggestions about how to conduct the public comment period.

What is the purpose of meeting minutes?

According to Robert's Rules of Order, and the common understanding of parliamentary procedure, minutes are a record of the decisions made by the body. They are supposed

to include “what is done,” and not “what is said.” Personal comments and observations made by elected officials should not be included in the minutes.

What is the purpose of the public comment period?

The purpose of the public comment period is for members of the public to inform the body of their views. This is an important function and it is critical for the elected officials to listen with care to the public, and to consider what they hear in their deliberations. Just as with the elected officials themselves, however, there is no need to make a permanent written record of the public’s observations.

Public hearings are different from the public comment period

Note that public hearings, formal structured events required by law for certain kinds of local government decisions, are different from the public comment period. It is characteristically a requirement that testimony provided at a public hearing should be recorded. This article is not about public hearings.

How should you record public comment?

Here are some different ways to record public comment:

- Public comment was given.
- Public comment was given by Resident Smith and Resident Valdez.
- Public comment was given. Residents expressed their appreciation for the work done by the board, expressed concern about the headquarters building, and asked the board to consider employee welfare in the current negotiations.
- Public comment was given as follows:

– Resident Green said the board was doing a great job.

– Resident Khan expressed concern about the cost of the new building.

– Resident Robinson asked the board to consider employee welfare in the current negotiations.

Don’t record detailed public comment like this

- Resident Jones said that she was very concerned about her latest water bill. She only uses water for basic functions of cooking and cleaning, and a person ought to be able to do that without paying $40/month. She didn’t understand why the board had decided to raise the rates when the district was clearly doing very well financially. After all, commissioners had found the money to attend the state-wide conference last month, and what was the point of all that gallivanting about

anyway? Surely in these days of online learning, people can get what they need for training over the Internet…and so on…

Avoid these pitfalls of recording detailed public comment

Recently we've seen instances where detailed public comment in the minutes led to problems. During public comment, a resident objected to the way his comments at the previous meeting had been recorded. The body postponed approval of the minutes in order to redraft the comments to the resident's satisfaction. This was a waste of public time and money.

In another instance, the secretary was asked to include a notation in the minutes correcting a statement, made by a resident during the public comment period, which was considered to be erroneous. This violates the purpose of minutes, which is to create a record of the meeting itself.

In yet another instance, the resident himself recognized that his remarks sounded foolish in the detailed record, and agreed that a change in practice was desirable.

Mondial Properties II, LLC

139 W Maple Road, Ste C

Birmingham, MI 48009

City Commission, c/o City Clerk

City of Birmingham

151 Martin Street

Birmingham, MI 48009

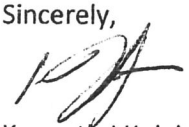
RE: Townhouse restaurant's continued blocking of alley

Dear Commissioner's,

I write to you as the owner of the above referenced building and specifically in regards to Townhouse restaurant continually blocking the alley behind our buildings parking area. As you are aware the Townhouse is unique among Birmingham restaurants in that they DELIVER AND STORE THEIR FOOD IN THE BUILDING BASEMENT ACROSS THE ALLEY located at 148 Pierce and in connection with those deliveries they routinely block both the alley and our private parking area. Unlike other area restaurants like 220, Hyde Park etc. that have their deliveries come at specified times and use the street for loading, the Townhouse simply blocks the alley and our parking lot. Other affected parties include the residents of the building directly above the Townhouse itself and AT&T who also has a parking lot on the alley. Please find pictures taken earlier today and a police report was made as I have done many times previous. Also, I send previous correspondence written to Chief of Police Clements.

In summary, the Townhouse is overburdening the alley which is not only inconvenient to neighboring land owners but is also a life safety issue. I am asking for a review of this issue as I know that ALL bistros are subject to compliance with the slup and appropriate ordinances.

Sincerely,

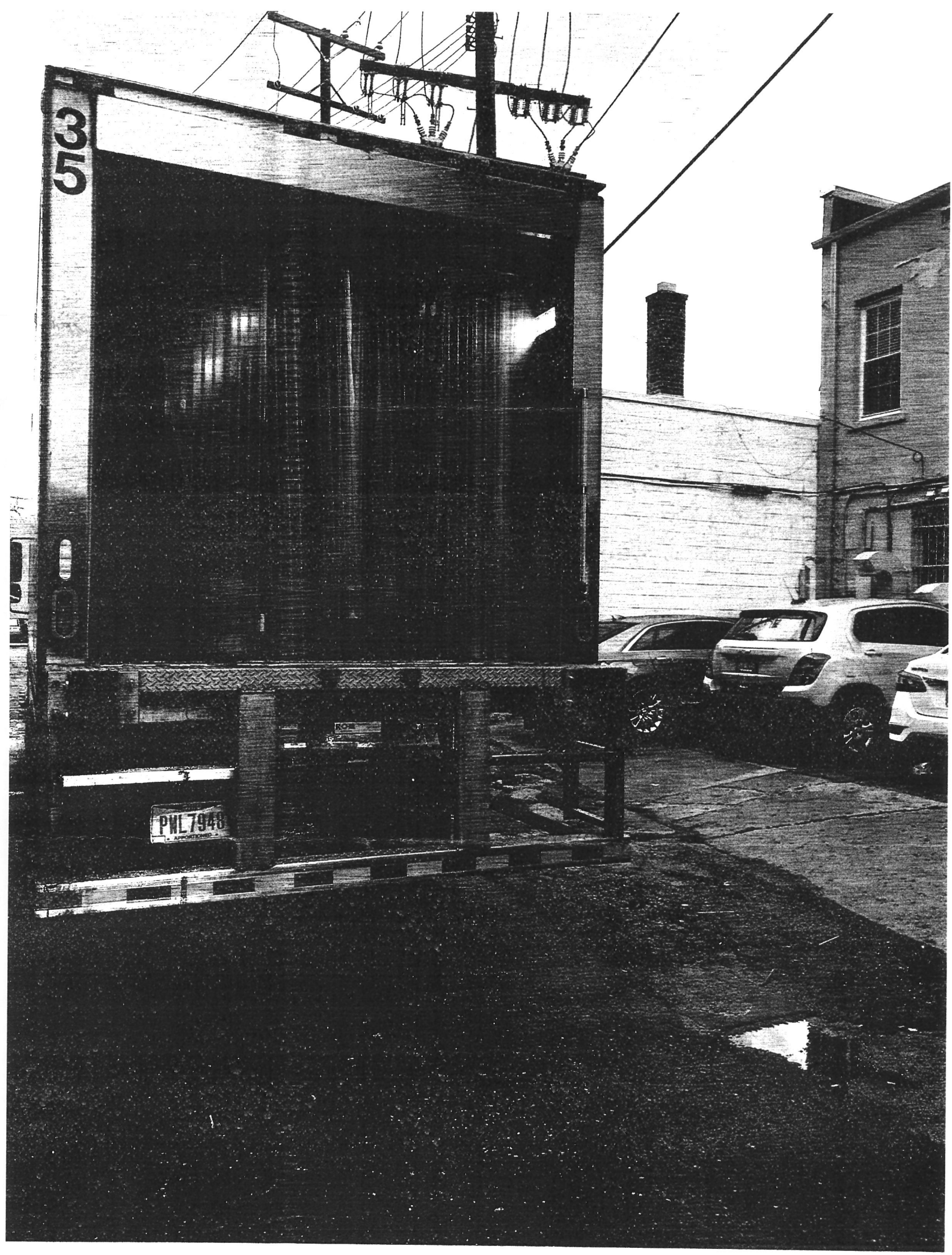


Kenneth J Kojaian

Mondial Properties II, LLC / KJK.Equities@yahoo.com

Its sole member

Cc; City Manager w enc.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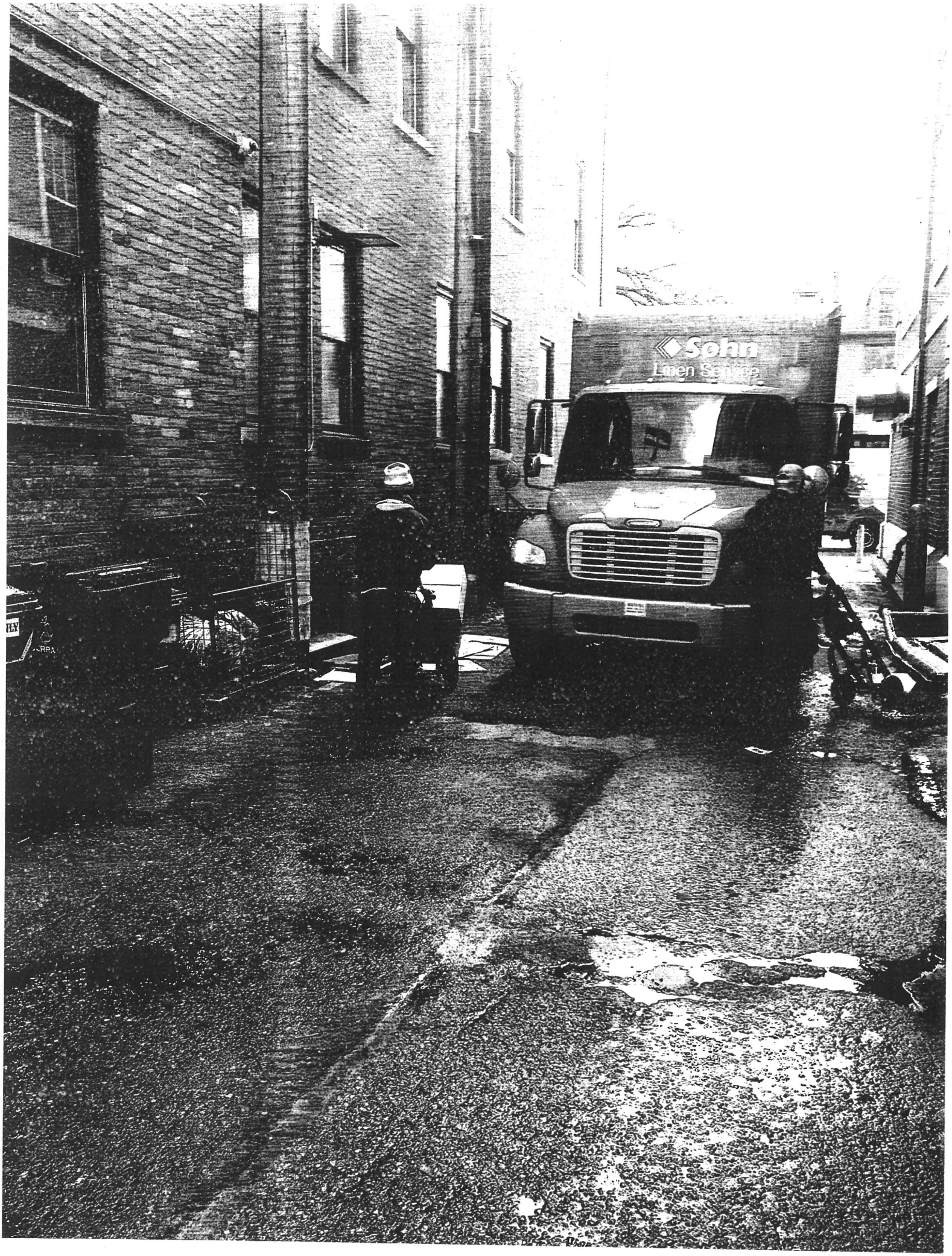
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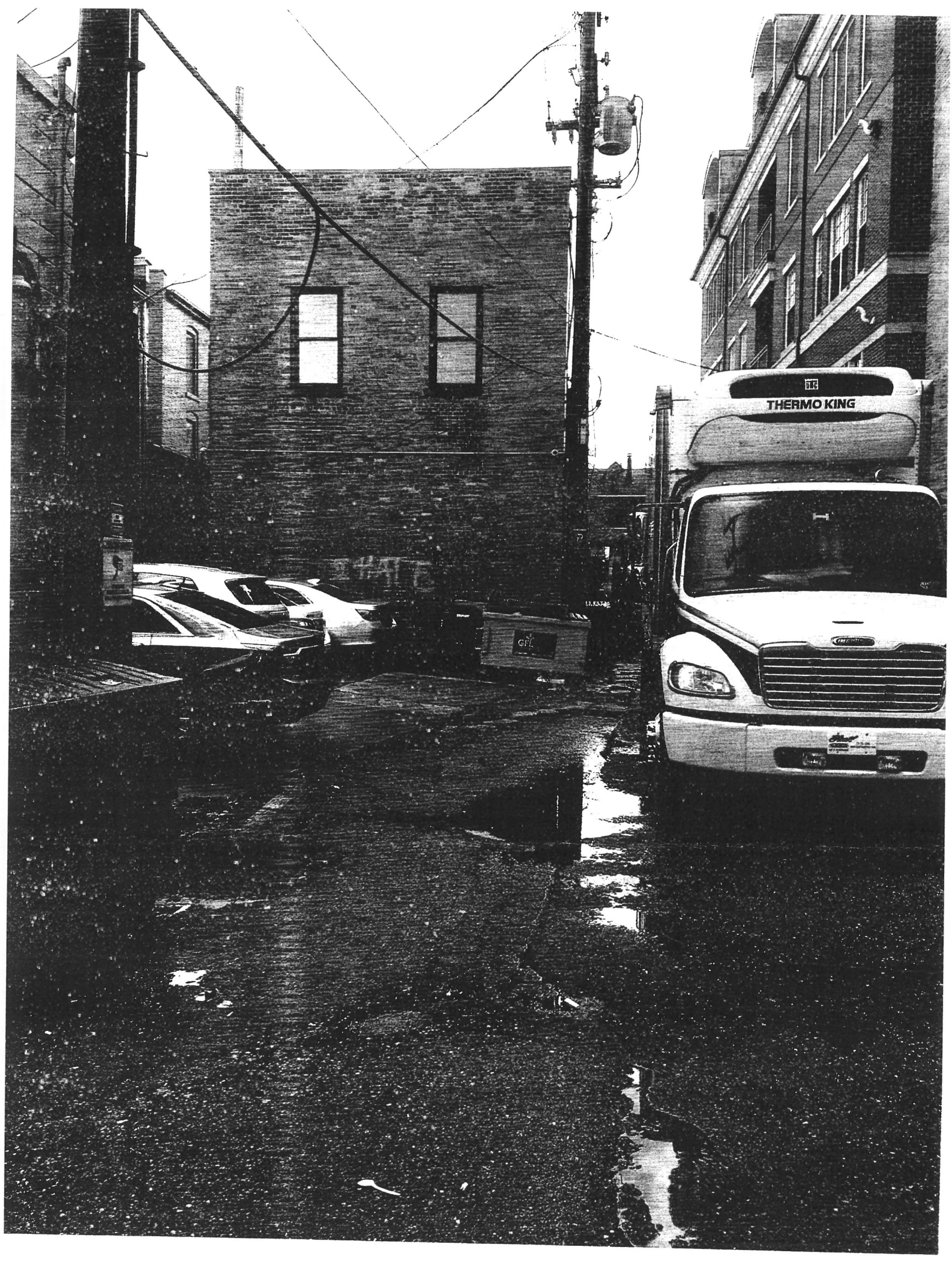

THERMO KING

Mondial Properties II, LLC

139 W Maple Rd, Suite C

Birmingham, MI 48009

RE: Alley Behind Our Building, 137- 141 W Maple Rd

Chief Clemence,

I write to ask for patrols of the alley behind our building. The alley is frequently blocked and very often it is blocked at both ends. Typically, the Townhouse restaurant will have their drivers block in our 4-place private parking lot or alternatively they will block off the Townhouse side of the alley only to find that a construction vehicle or an illegally parked vehicle is blocking the Brooklyn pizza side as well. This has been happening on a daily basis and sometimes multiple times in one day.

In the event you have questions you may contact me at 248.892.1350

Sincerely,

Ken Kojaian

Cc; Mr. James Gallagher – Assistant to City Manager

4/30/2019

City of Birmingham- Code Enforcement

151 Martin Street, P.O. Box 3001

Birmingham, MI 48012

Re: New Dumpsters added behind 139-141 W Maple Parking Area (ALLEY)

Dear Sirs / Madam;

Behind our building Two new dumpsters were just added that impede our parking area ingress and egress. We as all the business's in the area of the Townhouse restaurant – have been negatively impacted by the spread out nature of the Townhouse restaurant's business including;

- Storing food in the basement of one building and delivering to their restaurant all day
- Delivery trucks frequently blocking alley, sometimes from both ends
- Multiple trash bins, grease bins
- Their employees constant smoke breaks on our property- and the trash they generate and leave on our property

We would ask that you make certain that the spread of this business does not further impact our property.

Sincerely,

Kenneth J Kojaian

Mondial Properties II, LLC

Cc: Theodore Piccirilli- via e-mail Theodore.Piccirilli@freq.com

KJK LLC EQUITIES

KEN KOJAIAN

248.~~385.1212~~ 892 1350

kjk.equities@yahoo.com

139 W. Maple Road, Suite C • Birmingham, MI 48009

City of Birmingham
A Walkable Community

Joe Valentine <jvalentine@bhamgov.org>

Maple Alley

Ken Kojaian <kjk.equities@yahoo.com> Fri, Jan 3, 2020 at 11:52 AM
To: Scott Grewe <Sgrewe@bhamgov.org>
Cc: Joe Valentine <Jvalentine@bhamgov.org>, Mark Clemence <Mclemence@bhamgov.org>

Commander Grewe,

Thanks very much for looking into this matter, appreciate.

Ken Kojaian

139 W Maple Suite C
Birmingham Mi. 48009

On Jan 3, 2020, at 11:26 AM, Scott Grewe <Sgrewe@bhamgov.org> wrote:

> Mr. Kojaian,
>
> I am in receipt of your letter to Chief Clemence as well as to the City Commission and have been asked to respond to your concerns with the alley south of Maple. I am the Operations Commander for the Birmingham Police Department and am familiar with your concern.
>
> While deliveries are often made in the alley, I can understand your frustration when it is blocked at both ends. This afternoon I walked through the Alley and spoke with every business that backs up to the alley and reviewed the issues with them. When talking to Townhouse, two trucks had just arrived completely blocking your garage. I spoke with both drivers and brought the representative from Townhouse out to see the problem it creates for residents. All agreed to make improvements to make sure there is always access to your garage from the east or west.
>
> Additionally, I asked that they advise all drivers not to block the access to the garage from the alley as the Police Department will ticket accordingly.
>
> If you have any questions or concerns please feel free to contact me.
>
> Regards,
> Cmdr. Grewe
>
> --
> Scott Grewe
> Operations Commander
> Birmingham Police Department
> 151 Martin St.
> Birmingham, MI. 48009
> (248)530-1867

City of Birmingham
A Walkable Community

MEMORANDUM

Office of City Manager

DATE: **January 6, 2020**

TO: **City Commission**

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

CC: **Benjamin I. Myers, HR Manager**

SUBJECT: **City Clerk Selection**

As City staff and I were preparing for the start of City Clerk James Allen on January 2nd, Mr. Allen provided the attached December 30th letter rescinding his acceptance of the employment offer. Staff attempted to address Mr. Allen's concerns, but he indicated that his decision was final, for the reasons noted in his letter.

On January 3rd, the Ad Hoc City Clerk Selection Committee met to consider our next steps. In this discussion, two points were noted that caused the committee to decide to wait on making any recommendations at this time. The first was that our current Acting City Clerk will be leaving the end of this year and the second is that we currently have a recruitment for Deputy City Clerk in process. The deadline for the Deputy City Clerk applications is January 17th and the Committee felt it would be best to reconvene following this process and having an opportunity to assess our internal staffing prior to initiating a recommendation for continuing in this process once the capabilities and skillsets of our internal staff were better known. In the meantime, Cheryl Arft will continue to serve as Acting City Clerk.

December 30, 2019

Mr. Joseph Valentine, City Manager
151 Martin Street
Birmingham, MI 48009

Dear Mr. Valentine

It is with my deepest regret that I must ask you to rescind my acceptance of the position of City Clerk with the City of Birmingham. Words cannot express how difficult the decision was for me to come to this conclusion, and I cannot state how deeply sorry I am for bringing this to your attention so abruptly.

Two weeks ago, I was given the honor of being appointed the next City Clerk. From what I had learned in Mr. Myers' introduction, I was selected over 126 other applicants. I felt a lot of pride when I learned that.

However, in that time, I have dealt with an unexpected weight of anxiety that I have been unable to overcome. It was my hope that in the days following my appointment, the anxiety I've felt would subside and I would eventually be able to move past this.

As I stated in my interviews, I am a very low-key individual. The spotlight is not something I seek out. During my candidacy, I was contacted by the local media and asked to do an interview. I granted a short interview and afterwards realized that the job going forward would require having a higher profile or more visible public presence than I am comfortable with.

On the morning of December 30, I spoke with Mr. Myers, who was very respectful of my concerns. He is a good man who did an admirable job of addressing all of them and tried to reassure me that my anxiety would subside. Unfortunately, I could not come to the same realization he had. He was very gracious and diplomatic when I made my final decision.

Elections Administration is something I take great pride in. I have had the privilege of being able to do so unencumbered from the nonelection-related functions of the office, or at the very least, the ability to set aside such tasks until after an election and during the off-peak times. This allows me to work independently with little supervision and in a slightly more casual and isolated setting.

I understand this will come as a disappointment to everyone from the City Administration to the City Commission, and I cannot apologize enough for the amount of time spent on conducting research and background checks. I did not intend to cause an unnecessary burden while the City prepares for its upcoming Presidential Primary.

This has nothing to do with my feelings towards the City of Birmingham, which is a place I hold in high regard. Nevertheless, I do not know if the City is best served by an

individual like myself, who is more comfortable in smaller circles and I wish I had come to this conclusion much sooner.

Respectfully,

James N. Allen

Fires and Explosions! Fatalities and serious injuries have been caused by smart meter fires and explosions. Following fire incidents, hundreds of thousands of smart meters have been recalled in Saskatchewan, Pennsylvania, Arizona, Florida, Oregon, and elsewhere. In early 2015, electrical surges caused hundreds of smart meters to explode off of the walls in Stockton and Capitola, California.

"Smart" Meter Radiation is a Serious Risk to Our Health.

Cancer & RF Radiation. The World Health Organization (WHO) states that radio frequency (RF) electromagnetic fields (EMF) from non-ionizing radiation-emitting devices (such as "smart" meters, cell phones, and wi-fi) are *a* **Class 2B possible cancer causing agent** in the same category as lead, DDT, and chloroform. Studies show DNA breaks and damage.

"Smart" meters pulse RF radiation up to 190,000 times/ day at levels hundreds of times stronger than that which have been found to cause serious health problems. **Children, pregnant women, seniors, those with immune deficiencies, medical conditions, pacemakers and implants are especially at risk.**

Upon installation of smart meters and infrastructure, some people report headaches, ringing ears, dizziness, breathing problems, insomnia, nausea, cognitive problems, memory loss, muscle spasms, rashes, heart problems, and even seizures. Some have had to abandon their homes. Electro-Hypersensitivity (EHS) can be caused (and worsened) by exposure.

Time bomb. Peer-reviewed science confirms many harmful effects of EMF emitting technologies like smart meters. At first, the dangers of smoking and asbestos were ignored. Many illnesses, like cancer, take years to develop. **Will you allow the utilities to put your family's health at risk?**

"Adverse neurological effects have been reported in people who sustain close proximity to wireless meters, especially under 10 feet," say 54 experts in 20 countries, including Joel Moskowitz of UC Berkeley School of Public Health and David Carpenter, Director, University of Albany NY Institute for Health and the Environment.

WHAT CAN WE DO?

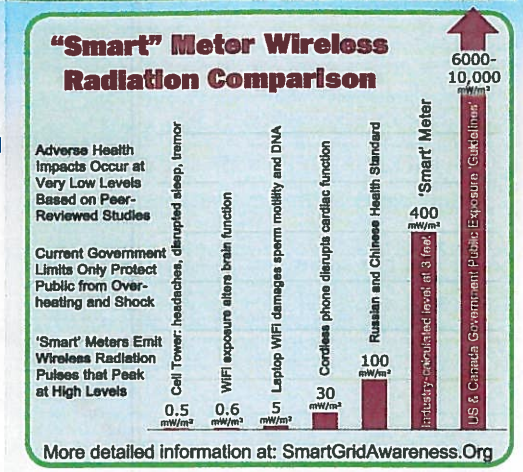
- **Inform elected officials that you oppose smart meters—hold them accountable.**
- **Organize a public meeting or panel discussion on the subject.**
- **Refuse together with your community. There is power in numbers.**
- **Take direct action to block deployments and have smart meters removed.**

If you have an analog meter:

- **Send a certified letter** to utility refusing consent.
- **Secure analog meters** behind locked gates or lock box.
- **Do not allow installers on your property.** Call police if they trespass. Form a neighborhood watch.
- **Tell them "You are trespassing**, Get off my property, I prohibit installation of the digital meter."
- **Don't agree to illegal 'opt out' fees**. We never opted in!

If you have a "smart" meter:

- **Revoke consent by certified letter** (samples on our website). Set a deadline for removal.
- Insist on written confirmation that replacement meters are **"electromechanical analogs with no electronics."**
- When utilities refuse to remove unauthorized "smart" meters, people are buying analog meters online and having them installed. **It can be dangerous to swap an electric meter if you don't know what you are doing.**
- In the event of a disconnect, be prepared to speak out to the local council, the community, and the media. Report service cuts and other abuses to us.
- **Get it in writing!** Keep copies of all correspondence. Avoid circular conversations. Ask for a supervisor. **Insist on an analog meter for no charge. Don't back down.**
- **Don't give up your power or your rights**- assume the utility company is being deceptive.



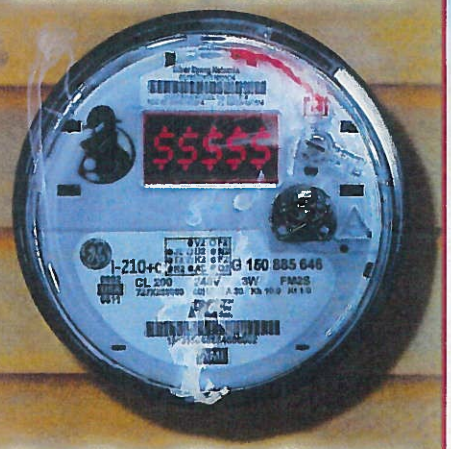
Please contact your local organization above, or use our local group directory at StopSmartMeters.org/groups
info@stopsmartmeters.org • PO Box 682 Portola, CA 96122
Toll-Free Hotline 888 965-6435

For more info, copies of this brochure, FAQ, DVD's, EMF meters, organizing support and advice, and to donate or volunteer **please contact us**

STOP SMART METERS .ORG

VERIFY! Thousands of published and peer-reviewed scientific papers show environmental and human health damage from microwave radiation. To learn more and reduce your risk, go to: StopSmartMeters.org/warning. You and your community have the right to safety, health and privacy. Did you know? Neither smart meters nor "opt out" fees are required by law.

"SMART" METERS



Costing You Money. Risking Your Health, Privacy and Safety.

What is a "Smart" Meter?

An electronic utility meter that:

- Allows utilities, governments, and third parties the ability to **spy on your home life**
- **Emits wireless microwave radiation** and **dirty electricity** that cause health problems
- **Can catch fire**, explode and damage appliances
- Typically **increases utility bills**

Communities worldwide are rejecting "smart" meters, ordering safety recalls, and restoring analogs. However, utilities continue to mislead the public and install without a mandate, using coercion, extortion and propaganda to achieve their aims.

INFORMATION ONLY

Why are utilities replacing reliable analog electric, gas and water meters with "smart" meters?

- To cut costs by firing meter readers.
- To obtain federal grants (your tax dollars).
- To charge you more during "peak" hours.
- To enable remote shut-off.
- To extract data on your family's behavior.

Smart Meters are *NOT* Green.

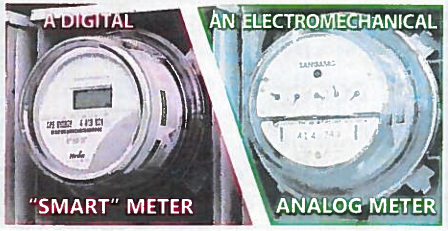
The manufacture and operation of millions of power-consuming "smart" meters and data centers increases carbon and electrosmog pollution. No power savings have been attributed to "smart" meters, which squander resources needed for efficiency and local renewable energy. RF radiation damages life.

Types of "Smart" Meters:

AMI (Advanced Metering Infrastructure) uses a "mesh network" of wireless pulses between meters and utility antennas; can remotely shut off power.
AMR (Automated Meter Reading- aka OMR/ERT) broadcast your info for utility drive-by reading. 'Bubble up' type transmit all the time, 'wake up' when signaled.
PLC (Power Line Communication) aka TWACS transmits your data over power lines. Though this is a wired system, 'dirty electricity' radiates inside homes.
"Radio Off" Digital Meters can still be surveillance devices, cause "dirty electricity" and health problems, overcharge and burn. Utilities may turn radio "on."

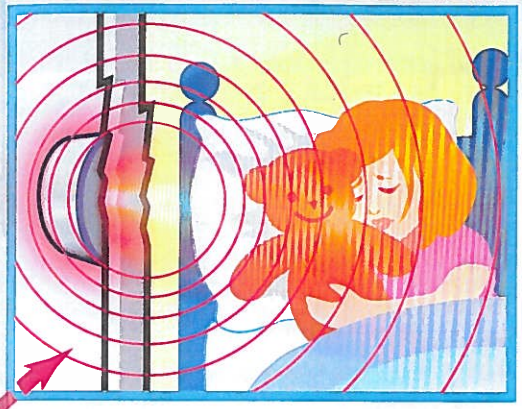
Know the Difference

Bottom Line: If it's plastic and electronic, refuse it. Demand a "non-electronic electromechanical analog." Beware "Trojan Horse" meters that resemble analogs. An FCC number = wireless. Use an EMF Meter from Stop Smart Meters! to be sure. Discounted Meters, advice, and support available at: **StopSmartMeters.org/store**



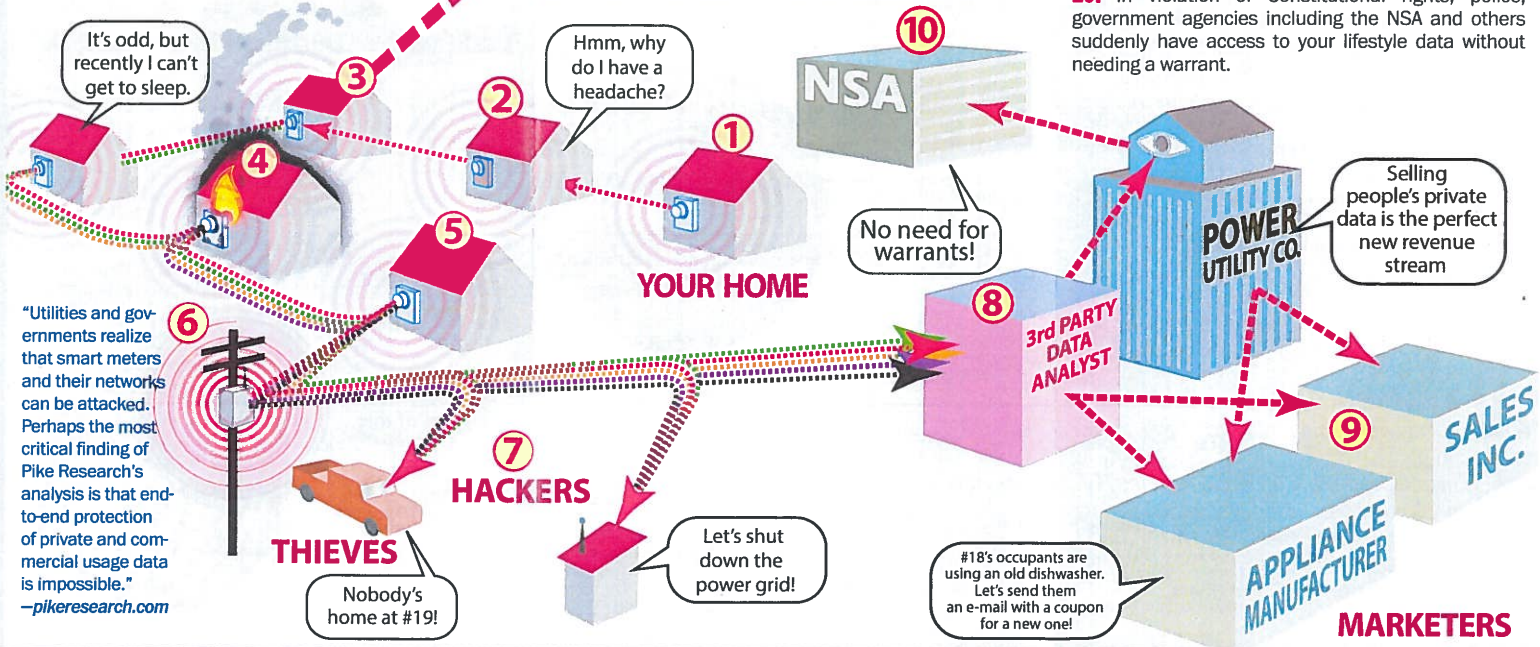
The Path of Your Privacy: How an AMI "SMART" METER MESH NETWORK *really* works

1. In an AMI "mesh network," data is transmitted from one "smart" meter and sent by wireless microwave pulses on to the next house's meter, and the next . . .
2. Although a neighbor may choose to keep or replace their analog meter, they may still be exposed to microwave radiation from surrounding meters.
3. Anyone whose outside wall has a "smart" meter, or who lives adjacent to banks of meters suffers strong bursts of pulsed radiation, all day and night long, up to 190,000 times/ day.
4. "Smart" Meters- made cheaply of plastic, carrying high voltage, and installed by temp workers, are prone to fire and explosion and have caused multiple injuries and fatalities.
5. Random homes get "collector meters," through which data from hundreds of homes is funneled. Radiation exposure is dramatically multiplied for these families who are never informed that their meter is the "collector."



A child sleeping on the other side of the wall from a meter or meters is subject to involuntary pulsed radiation at levels far above what peer-reviewed science has found harmful.

6. The accumulated data is sent to the utility's data collection unit mounted on a pole (maybe near your home) where it is sent on to a data collection company via cell tower.
7. But first, the easily-hacked wireless data may be intercepted by unauthorized parties, and electricity to homes, or entire cities can be remotely shut down.
8. A third-party company hired by the utility receives detailed data about your private activities; what appliances you use, how many people are home, when you go to bed, when you go on vacation, what TV program you watch etc. Utility bills often significantly rise after a "smart" meter is installed.
9. Utilities want us to buy smart-grid-enabled appliances (that also emit RF into our homes) so they can remotely power down or shut them off, and get more precise usage info that they can sell to marketers. Your personal info may be sold on by the data subcontractor.
10. In violation of Constitutional rights, police, government agencies including the NSA and others suddenly have access to your lifestyle data without needing a warrant.



"A so-called 'Smart Grid' that is as vulnerable as what we've got is not smart at all, it's a really really stupid grid."
-James Woolsey, former CIA Director, 2011

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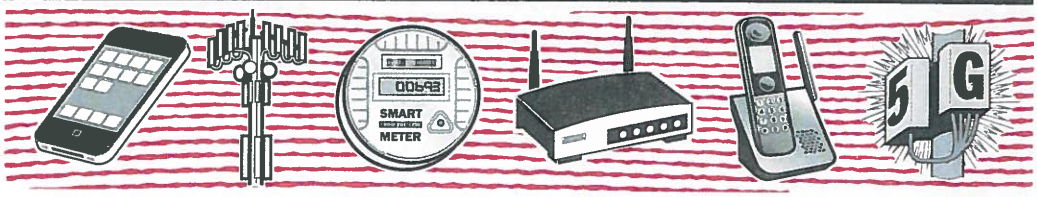
5th edition October 2017

PUBLIC HEALTH WARNING

WIRELESS DEVICES EMIT MICROWAVE RADIATION — a known biological hazard



EVERY TIME YOU USE A WIRELESS DEVICE, YOU ARE EXPOSED TO MICROWAVE RADIATION. The World Health Organization (WHO) labels this radiation a Class 2B possible carcinogen in the same category as lead, DDT and chloroform. Cell and cordless phones & other wireless devices, cell antennas and towers, "smart" meters, microwave ovens and wi-fi routers all create "electro-smog."

MICROWAVE RADIATION IS HARMFUL. Scientists link wireless radiation to health problems, both short and long term: cancer, infertility, damage to DNA and fetuses, sleep problems, memory and cognitive impairments, heart problems, immune deficiencies and many others.

MANY PEOPLE SUFFER FROM ELECTROMAGNETIC SENSITIVITY (EMS) and cannot tolerate common exposures, seriously impacting their health, jobs, housing, and social lives.

GOVERNMENT REGULATIONS DO NOT PROTECT YOU. FCC guidelines were written decades ago and ignore current science linking wireless radiation to adverse health effects. In 2015, Berkeley, CA passed a law requiring consumer safety warnings at cell phone retailers. The wireless industry is suing under the guise of "free speech."

Protect yourself and those you love:

- **GET WIRED!** Ethernet cables provide faster, safer, more reliable internet connections.
- **USE A CORDED LANDLINE.** Cordless phones are as dangerous as cell phones.
- **KEEP YOUR DISTANCE. TURN IT OFF.** Ditch the cell phone! Manuals tell you to keep phones away from your body at all times. Turn it off or keep it on airplane mode.
- **DO NOT USE WIRELESS DEVICES INSIDE METAL ENCLOSURES,** like cars, elevators, buses, and trains, where radiation exposure is amplified for all onboard.
- **WIRELESS RADIATION IS ESPECIALLY BAD FOR CHILDREN AND PREGNANT WOMEN.** Prenatal and childhood exposure is linked to hyperactivity, brain changes, and autism.
- **DITCH THE "SMART" METER—IT PULSES MICROWAVE RADIATION 24/7.** Demand a non-electronic, electromechanical analog meter—no dirty electricity or RF radiation.
- **AVOID SMALL AND LARGE CELL TOWERS.** Fight to stop their proliferation.
- **ALERT YOUR FRIENDS AND FAMILY — GET ORGANIZED.** Inform and mobilize your community and kick cell towers and other wireless infrastructure out of your neighborhood!

References, Resources & EMF Meters at: StopSmartMeters.Org

info@stopsmartmeters.org • PO Box 682 Portola, CA 96122 • Toll-Free Hotline (888) 965-6435

The 411 on 5G

- 5G is the next generation of wireless technology.
- 5G signals don't travel as far as 3G or 4G, so 5G "small cell" antennas will be installed in close proximity to homes and apartments.
- Like 3G and 4G, 5G antennas will emit radio-frequency (RF) microwave radiation ("wireless radiation") 24/7, 365 days a year.
- The U.S. government's human exposure guidelines for wireless radiation haven't been updated since 1996. At that time, they were designed to protect humans only from short-term heating effects.
- There are no studies showing that long-term exposure to 5G wireless signals is safe.
- The Federal Communications Commission (FCC) has taken away local government's ability to regulate or prohibit 5G installations in sensitive locations or on the basis of health concerns.

Learn more at 5GCrisis.com

The Science on Wireless Radiation

- A $30-million-dollar, 10-year study conducted by the U. S. National Toxicology Program found "clear evidence" of cancer from exposure to wireless radiation.
- In 2011, the World Health Organization classified wireless radiation as a "possible human carcinogen."
- A study by the Ramazzini Institute, funded in part by the U. S. government, found that exposure to wireless radiation from distant cell towers was associated with an increased risk of malignant heart tumors.
- Several recent studies show that men who carried their phones in a pocket or on the belt were more likely to have lower sperm counts and motility.
- Thousands of peer-reviewed studies show adverse health impacts from wireless radiation exposure, including cancer, neurological harm, abnormal brain development and reproductive health problems.
- Over 240 scientists and medical experts from 42 countries have called for a moratorium on the deployment of 5G due to health concerns.

A complete Digest of Independent Science on

What is 5G?

5G is the Fifth generation for wireless communication. It uses small cells for Radio Frequency transmission. "Small cells" are small, low-powered cellular antennas that enhance wireless networks. These small cells have been compared to the small wireless routers that we have in our homes, however it's estimated that 5G will use between 24 to 90 gigahertz frequency where as 3G & 4G operates at 1-6 gigahertz. 5G is designed to deliver concentrated and focused electromagnetic radiation, up to 100 times more than current levels.

These milimeter waves (MMW), can not travel as far as the MMW used in 4G and unlike 4G, these MMW can only travel in a direct path therefore requiring more small cells in closer proximity to each other to communicate. In addition, trees and buildings can cause interference, requiring more small cell deployment with 5G.

Local, State and Federal Control

In December 2018, despite expert testimony explaining the dangers and opposition from City Government Officials, former governor Snyder signed SB 637 & 894 into law. The law helps enable wireless technology providers to increase their capacity , streamline regulations and lay the groundwork for future technologies, such as 5G. It also diminishes local governments ability to recoup or be compensated for costs in right of ways. The State passed fee structure in many situations will not cover their costs, leaving the cost up to taxpayers to pay what should be the private companies responsibility.

This push came from the Federal Government with the FCC's recently mandated small cell implementation in our cities while the Telecommunications act of 1996 allows for more control from and for private telecommunication companies over the voices of taxpayers, voters and scientists. "The language was codified in Section 704 of the Telecommunications Act, which prohibits discussion of environmental concerns or health concerns (by lack of substantial evidence) in the placement of cell towers. This is despite growing awareness and scientific confirmation of both negative environmental and health effects from exposure to cell tower radiation and all radiofrequency wireless devices." (Physicians for Safe Technology https://mdsafetech.org/telecommunications-act-of-1996/) In however, new developments allow cities more control.

••••••••••••

Impact on health

While there has been noted health risks with the electromagnetic radiation, 5G has not been subjected to any independent health or safety studies in the world. In fact in 2011, the WHO classified wireless as a Group 2B carcinogen.

The US and Canada currently have the highest safety limits compared to other countries. According to a compilation Aug, 2016, the US and Canada safety limit is 61.5 volts per meter (v/m) while the limit in Russia, China, Italy and Switzerland is 6 v/m. Quite the contrast. (emfs.info/wp-content/uploads/2015/07/standards-table-August-2016.pdf)

While industry and the government would have you believe the EMFs are safe, despite their lack of studies, there are over 1,000 studies and scientific research that shows EMFs may increase cancer risks, mutagenic effects, prevent healing, increased hormonal changes and problems affecting memory, learning and behavior. So while there is a lack of any biological studies put out by the EPS, FCC or governmental body, there are now codes for the International classification of diseases (ICD) for health effects caused by non ionizing radiation.

(https://icd.codes/icd10cm/W90?fbclid=IwAR1KPhZ2fWfqnjb9nZL7qNqx0G0G5HjLSTRsZTbnU3m38Rt7cXABMI5Hhc4)

I suggest that you start doing the research so you can see it for yourselves.
Here are some places to start:

https://www.americansforresponsibletech.org/scientific-studies

https://mdsafetech.org/links/

https://ehtrust.org/science/

https://mdsafetech.org/links/

https://m.facebook.com/MichiganforSafeTechnology/

You are also welcome to join our Facebook page for concerned individuals in Michigan. https://www.facebook.com/groups/5gfightformichigan/?ref=share

••••••••••••••••••••

What can you do for now.

Take precautions to protect yourself and your family. Limit your exposure by turning off your WiFi, doing **the opt out feature for your smart Meter, getting protective covers for your phone, do not carry your phone on your body, turning off your phone at night or not allowing it in th bedroom and limit or prohibit tablet and phone usage with children.**

In addition to health, there are also growing concerns in regards to privacy and security.

https://docs.wixstatic.com/ugd/2cea04_d19574525f534e1ea54c9365e98d011a.pdf

References & Links

1 https://www.5gspaceappeal.org/the-appeal

2 https://zero5g.com/

3 https://ehtrust.org/science/electromagnetic-sensitivity/

4a https://www.5gappeal.eu/ 4b https://the5gsummit.com/

5 https://ehtrust.org/key-issues/cell-phoneswireless/5g-internet-everything/20-quick-facts-what-you-need-to-know-about-5g-wireless-and-small-cells/

6 http://scientists4wiredtech.com/what-are-4g-5g/cell-tower-installation-plans-lower-property-values/

7 http://www.greenmedinfo.com/blog/20000-satellites-5g-be-launched-sending-focused-beams-intense-microwave-radiation

8 https://whatis5g.info/ethics/

9 https://www.irregulators.net

10 https://www.smart-safe.com/blogs/news/5g-class-action-lawsuit-filed-against-the-fcc-by-municipalities-across-the-usa

Good sources on microwave radiation science and activism:

- Excellent science-based site on wireless and 5G. See list of studies relevant to 5G radiation. https://www.ehtrust.org
- Excellent basic 5G science and advocacy: https://zero5g.com/
- More good 5G info in plain language: https://whatis5G.info
- Advocacy based on scientists' research of the hazards of RF/MW radiation http://scientists4wiredteach.com
- Offers how to oppose 5G and general EMF info: http://emfsafetynetwork.org
- National 5G opposition organizing effort: https://5GCrisis.com
- Science-based report on health effects of wireless radiation: https://www.bioinitiative.org
- Compelling 5G documentary, *5G Apocalypse*: https://sachastone.com/5g-apocalypse-extinction-event/
- Short documentary on technocracy, *5G Dragnet* https://www.corbettreport.com/the-5g-dragnet/

WAKE UP, SPEAK OUT!

Take ACTION Today!

- Educate yourself, share your knowledge, make yourself heard!
- Tell friends, family, neighbors, coworkers what's going on right under their noses.
- Hold community meetings; show *5G Apocalypse*, *5G Dragnet*, and other videos on wireless radiation dangers.
- Find a 5G opposition group in your area; organize demonstrations; distribute information about 5G.
- Write letters to the editor, citing facts. Share info on social media!
- *Contact your Town Officials, State Attorney General, State & US Rep & Senators, Governor, etc.!*

For more information and to download a PDF of this brochure for printing, please visit https://5gfreevt.wordpress.com/
Contact us: Director@Zero5G.com

Revised September 10, 2019

12 Good Reasons to Oppose 5G ...for life's sake...

1 *5G wireless could soon be deployed; infrastructure is stealthily being rolled out.*
5G (fifth generation) wireless is being rolled out without public input or participation. It is industry- and gov't.-driven. 5G's radiofrequency/microwave (RF/MW) radiation, due to its proximity to homes, is orders of magnitude more intense than 4G's, which itself is very harmful to living beings. Such 24/7/365 exposure to weapons-grade MW radiation has thousands of scientists, doctors, engineers, and lawyers warning about impacts on health, environment, privacy, security, personal choice, and more.[1]

2 *5G has been proven hazardous to living beings.*
The ~ 25,000 scientific studies of RF/MW radiation bioeffects should result in the ban of 5G, but the telecommunications industry has escaped scrutiny. FCC guidelines apply only to RF/MW radiation exposures of 6 minutes or less, not 24/7/365. The US & UK allow radiation exposures up to thousands of times higher than gov'ts of most of the world's industrial countries. Industry lawyers have stifled discussion of health effects and health science in public hearings.[2]

3 *5G will produce severe health effects worldwide.* Many people, injured by wireless radiation, suffer from Electromagnetic Sensitivity (EMS), a debilitating condition preventing them from using electronic devices.[3] Exposing the world's population to 5G radiation 24/7 would produce neurological, cardiac, immune, fertility, cancer, & other health problems in epidemic proportions. Everyone would be affected to some degree.

4 *5G is harmful to ALL life on Earth.* 5G deploys MW radiation in wavelengths previously used only as weapons. Some wavelengths are optimally absorbed by the brain & heart, others by children & infants. Yet others by birds & bees. Maximum absorption means maximum harm. When antennas irradiate, escape is impossible. Pets, farm animals, wildlife, pollinators, & plant life would all be gravely affected.[2]

5 *Scientists worldwide warn against 5G.* As of Sept 2019, the international appeal for a moratorium on 5G had been signed by 250 scientists[4a]; the 5G Space Appeal had gathered ~ 150,000 professional & other signatures[1]; and nearly 200,000 people had written their officials to alert them to harm from 5G[4b].

6 *5G tech junk would litter the landscape everywhere.*
"Small cell" (5G) antennas emit irradiating power similar to large cell towers. They are to be sited very close to homes, or placed on street lights, utility poles, bus stops, sides of buildings, hills, or on any public property, where people would have full-on exposure when walking by, and would have to live with unsightly views.[5]

7 *5G decreases property values.*
Real estate studies have determined that property values decrease when cell phone towers are placed in neighborhoods.[6]

8 *20,000 5G satellites are planned for launch.* Concentrated microwave radiation is to be beamed over entire Earth at all times, with no avoidance possible. Some have already been launched.[7]

9 *You neither need nor benefit from 5G.* Fiber-optics cable wired to the home provides the safest, fastest, most secure internet. Wireless systems also facilitate data collection, allowing illegal privacy invasions and warrantless surveillance[8]. Telecoms have applied wired customers' payments to wireless rollouts, which is fraud.[9]

10 *5G will add to, not replace, current wireless systems.*
All fixed and mobile devices already work well. There is no good purpose for 5G deployment; it's not necessary and would have dire consequences.

11 *State and local gov'ts. are under enormous pressures.*
Governing bodies are told to accept 5G equipment without time or resources to process applications.[10] However, some municipalities, states, and foreign jurisdictions are now resisting.

12 *Do you want a 5G antenna in front of YOUR home?*
If not, PLEASE HELP!

"Never doubt that a small group of thoughtful, committed citizens can change the world; indeed, it's the only thing that ever has." – *Margaret Mead*

Information on the Biological and Ecological Effects of Radio-Frequency Microwave Radiation Exposure

This information is but only a selection of the information that is out there regarding the effects of radiofrequency microwave (RF/MW) radiation exposure on humans, plants, and animals. If you search reputable resources/websites yourself, you can find more findings from independent (not funded by industry), peer-reviewed research studies that point towards the detrimental biological and ecological effects of exposure to RF/MR.

(a) Here is a document (over 1000 pages long), a compilation of research from 1990-2017, by Henry Lai at bioinitiative.org. And this document of compiled research does not take into consideration the studies conducted prior to 1990 and does not take into consideration the studies looking at the ecological effects of RF/MW radiation:
See #1 for the document: https://bioinitiative.org/research-summaries/

https://bioinitiative.org/research-summaries/

And there are many more studies/evidence to show biological harm from exposure to RF/MW radiation than there are on the harms of smoking and the harms of exposure to lead...and we all, now, accept how harmful these substances are.

So the question is, when will we accept what the independent peer-reviewed research literature is clearly telling us about biological harm from exposure to RF/MW radiation? How many more studies do we need to be convinced? (the answer to the last rhetorical question is: we DON'T need any more studies to prove a clear causal link between RF/MW radiation and biological and ecological harm...we just have to open our eyes and see the evidence that's already in front of us!)

(b) The National Toxicology Program (an inter-agency program run by the United States Department of Health and Human Services) is mandated to coordinate, evaluate, and report on toxicology within public agencies, and it is headquartered at the National Institute of Environmental Health Sciences (NIEHS). In 2018, it published its study results from a 10-year, $25 million study, commissioned by the FCC, on the biological effect of exposure to RF/MR. The study findings included that there was a statistically significant increase in brain and heart cancers in rats exposed to RF/MR at the radiation levels emitted by 2G and 3G technology. See here for a summary of their results:
https://microwavenews.com/news-center/ntp-cancer-results

(c) On the ecological effects of this technology, here is a video clip of bees dying near 5G cell towers in a 5G test city in California:
https://www.youtube.com/watch?v=yRPQ_RIgsMg&feature=youtu.be&fbclid=IwAR2SZnCMWYHtLIeRMHn6V2sxR3tg-hQ3-RP7_3YtLlD_lLxyevwWsF-IYuA&app=deskto
This video clip clearly shows a negative ecological impact on our pollinators: "bees are responsible for pollinating about one-sixth of the flowering plant species worldwide and approximately 400 different agricultural types of plants."
(SOURCE: https://www.onegreenplanet.org/animalsandnature/why-bees-are-important-to-our-planet/). Without them, some experts believe that there would be a collapse in some agricultural operations with huge impacts to the food supply (not to mention there would be extinction of certain wild plants that depend on bee pollination, and potentially also as the wildlife that depends on those wild plants).

(d) Based on this clear evidence, it is understandable why there are several appeals to stop 5G out there signed by many around the world. One such appeal (and perhaps one of the more well-known ones) is the 'International Appeal to Stop 5G on Earth and in Space,' signed by thousands of medical doctors, scientists, researchers, lawyers, and EMF experts, just to name a few. The 'Executive Summary' provides a good overview of what all the opposition is about regarding this technology: https://www.5gspaceappeal.org/the-appeal.

You can save a .pdf of the Appeal if you click on the language that you want it in, located off to the left-hand side of the page.

(e) Another international appeal is this one signed by over 250 EMF Scientists from over 40 countries (these are people that research this topic and know their stuff): https://emfscientist.org/images/docs/International_EMF_Scientist-Appeal.pdf

(f) The following document is a 'Legal Opinion' document, from a law firm out of Denmark. It is lengthy (75 pages long), and the first part focuses on 'the facts," or the research (including biological and ecological effects), while the second part focuses on 'the law.' I humbly think this document does a good job of reporting on the biological and ecological effects related to exposure to RF/MW radiation, as evidenced by the research literature. Moreover, the author of the document concludes, in his legal expertise, that deployment of 5G contravenes human and environmental laws:
https://zero5g.com/2019/legal-opinion-on-whether-it-would-be-in-contravention-of-human-rights-and-environmental-law-to-establish-the-5g-system-in-denmark/

(g) Here is a link to a 'Lost Arts Radio' interview with Susan Clarke. I highly recommend **listening to it (especially for lawyers interested in helping the cause in Michigan, as she explains some legalities that are grounds to stop/limit deployment of WTFs!). She is an advocate in the movement to bring awareness to the harm associated with exposure to RF/MW radiation, and she uses her knowledge of the law to guide communities to successfully stop deployment of this new** technology in their cities. In case you're interested in listening to her interview, Ms. Clarke **begins the interview at around the 8-minute mark and ends around the 1 hr and 6 minute mark:** https://www.brighteon.com/7a7ae15b-5e2d-4719-ad9d-2ed8271b1e03

(h) Here is a part of the Telecommunications Act of 1996 that Ms. Clarke refers to in the interview above (that many lawyers and public officials misinterpret/misrepresent by saying that **it preempts health concerns in the deployment of wireless service facilities, when it clearly doesn't in the language):**

> **"(iv) No State or local government or instrumentality thereof may regulate the placement,** construction, and modification of personal wireless service facilities on the basis of **the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions."**

In fact, public officials will repeatedly answer that they can't do anything to stop deployment of these sWTFs despite the clear evidence of biological harm that independent researchers have **found, citing this misrepresented section in the Act to deflect their duty to protect the health and safety of those under their charge.**

Ms. Susan Clarke says (in the above interview noted in 'g') that the problem is that a judge once unlawfully misinterpreted 'environmental effects' as 'health concerns,' which is why so many **lawyers/public officials, now, follow suit and unlawfully misrepresent this part of the Telecommunications Act of 1996, saying that health effects are preempted when expanding the** wireless technology infrastructure. This misrepresentation is currently being explored as a legal **means to limit/stop deployment of 5G technology in various States and municipalities across the country.**

(i) It appears that, after testing of 5G technology in some test cities, 5G technology is FAR more powerful than even the telecom companies imagined (which is not a good thing) and, therefore, **the Telecom companies are in over their heads with regards to the power of the technology that they are bringing into the world.**

To illustrate this, here is the Verizon CEO and Chair explaining in the first few minutes of his interview the test data from 5G technology regarding the ability of the small cell towers to **transmit a signal even through foliage (which is something they indicated previously that the technology couldn't do, justifying placing the antennas within close proximity to each other, but this interview reveals that placing them in close proximity to each other, and in residential areas within every 2-10 homes, is absolutely NOT necessary):** https://youtu.be/lYAufhIgkpI?t=351 **and this Verizon Field Engineer finds the same thing with his testing:** https://youtu.be/jnyG2bliKCs?t=30s.

(j) Firefighters are exempt from having 5G cell towers placed near fire stations because back in the early 2000s, they fought to have 2G and 3G cell towers taken off of their fire stations due to the ill health effects that firefighters were experiencing as a result of them. Here is a video clip about the issue: https://www.youtube.com/watch?time_continue=2&v=x9XgStx_W8k&feature=emb_logo.
In this video clip, Dr. Gunnar Heuser--who is the researcher of the study exploring firefighters' health-related symptoms of exposure to 2G and 3G radio frequency microwave radiation)--is interviewed briefly.

Here is where you can find a letter (see section 'C. Assembly Appropriations Letter - Fire Station Exemption from SB 649) written by Susan Foster:
https://scientists4wiredtech.com/2018/07/firefighters-living-next-to-cell-towers-suffer-neurological-damage/

And there is more information on this website about the firefighters' exemption to having sWTFs being built on or around their fire houses:
http://www.radiationdangers.com/electromagnetic-radiation/fire-fighters-and-police-at-maximum-risk-due-to-installation-of-antennas-and-towers-on-their-buildings/

The above-mentioned website includes the following letter written by a doctor, Dr. Beatrice Golomb, who supports exemptions for those who do not want to be exposed to radio frequency microwave radiation:
https://drive.google.com/file/d/0B14R6QNkmaXubmZUbWl1aERpX1E/view

So the question becomes, if our firefighters fought for and were granted an exemption from having cell towers/antennas on their buildings and properties (due to the ill health effects that they were experiencing from exposure to radio frequency microwave radiation), why isn't the health of other individuals being taken into consideration, as well, such as that of our law-enforcement officers and those considered our most vulnerable citizens of society (e.g., babies/children, elderly, those with embedded electronic medical devices, and those with a compromised health/immune system)?

(k) Here are a few useful website resources where anyone can learn more about this issue:

* bioinitiative.org (this one has a great chart (that could be printed and shared with others) that outlines findings from several studies and the power densities at which these biological effects were observed: https://bioinitiative.org/wp-content/uploads/pdfs/BioInitiativeReport-RF-Color-Charts.pdf)
* mdsafetech.org (see tab, 'scientific literature,' for information on the studies that show concerns about the effects of RFM radiation
* scientists4wiredtech.com (see tab, 'Actions -- By City,' and tab, 'Law Suits,' that point towards what other cities are doing to put a stop to 5G deployment until proper safety testing has been done)
* zero5G.com (see tab, 'articles,' for interesting information about RFM radiation)

OTHER INFO ON RF/MW RADIATION (FYI):

* 'Smart meters' are currently a large source of electromagnetic frequency (EMF) radiation (as well as dirty electricity) in the home. In case you're interested, here is the website that I have purchased several Smart Meter Guards before (which look like a little Faraday cage that fit over the cylindrical meter) and are currently priced at around $65 (half off regular price!)). If you decide to get one for your home, kindly mention when purchasing it that you were sent to them via Linda Kurtz's 'Smart Meter Education Network,' so that her organization (based out of Ann Arbor, MI) can benefit. :) She relies on this kind of income to allow her website to run. :) Anyway, the Smart Meter Guard has been shown to be effective at drastically reducing EMF emissions, and I have had the opportunity myself to purchased several for other family members: https://smartmeterguard.com/. It doesn't, however, reduce the dirty electricity that the Smart Meters cause and other issues that are related to the meters themselves--but the Satic whole-house filter does, which you can purchase online through Linda Kurtz at the 'Smart Meter Education Network' at a discount in comparison to other places online,

* It's sometimes hard to understand the impact of EMFs since we cannot see them, but they do exist, as do the sun's rays (which we, also, can't see)! To measure them, here is a meter that you can purchase, in case you're interested: https://stopsmartmeters.org/store/. It's called the Cornet

ED88T+ and according to this website, this device has four modes and can measure the following:

* Detects RF from smart meters, wi-fi, cell phones, cell towers etc. (100 mhz-8 ghz)
* **Detects LF from power lines, household wiring, appliances etc. (50 hz-10khz)**
* **Detects E-Fields from power lines, electric wiring, hybrid cars, etc. (50 hz- 50 khz)**
* Detects Primary Broadcast Frequency (between 100Mhz and 2.7Ghz)

And if you purchase it, here is the accompanying video that Jerry Day **(from** https://emfhelpcenter.com**) has posted to provide an important tutorial on how to use/interpret the meter properly:** https://www.youtube.com/watch?v=oggnOVI3Q_8

Wireless Telecommunications Facilities-City of Birmingham

Legal developments that allow cities more control over deployment/operations of wireless telecommunications facilities

A. Legal Development

* On August 9, 2019, the DC Circuit Court of Appeals ruled (in the case of 'Keetoowah Band of Cherokee Indians vs. FCC'; Case 18-1129) that the FCC was not in compliance with the National Environmental Policy Act (NEPA) of 1969, which means that the FCC must complete an Environmental Assessment (EA) *and/or Environmental Impact Statements (EIS) to accompany each application for Close Proximity* Microwave Radiation Antennas (CPMRA) Wireless Telecommunications Facility (WTF). This ruling effectively stopped all shot-clocks nationwide and gave municipalities the authority to put on hold all 4G and 5G WTFs applications until such a time that the required NEPA review was completed and included *in each WTF application.*

Moreover on October 1, 2019, the DC Circuit Court of Appeals further ruled against FCC's overreach. In Case 18-1051, on page 146, with regards to 'Restoring Internet Freedom, 33 FCC Rcd. 311 (2018) ("2018 Order")*,*' the Ruling states:

"[Because] the Commission's Preemption Directive, see 2018 Order ¶¶ 194–204, lies beyond its authority, we vacate the portion of the 2018 Order purporting to preempt 'any state or local requirements that are inconsistent with [the Commission's] deregulatory approach[,]' see id. ¶ 194."

In response, the FCC has repealed a large part of the 4G and 5G small cell order (FCC 18-30)– which is a section of the Commission's rules about the FCC being exempt from doing the necessary NEPA and NHPA review for each WTF--by reinstating full environmental review as of December 5th, 2019.

What Municipalities Can Do

Any WTF application that does not include the required NEPA review is incomplete. This effectively allows local officials to put a hold on WTF applications, as they cannot be considered/processed until such a time that the NEPA review is included in each WTF application.

B. Legal Development

Regarding the FCC repealing 'net-neutrality,' the FCC's regulatory power over the wireless industry has changed from Title 2 (regulated) to Title 1 (unregulated) at the FCC's request. What this means is that the FCC said that it no longer wants to regulate the Internet, which means that regulation falls back on State and local authorities.

Now, the FCC can only regulate voice calls and not data services (e.g., video, Internet). So when processing WTF applications, municipalities must ensure that they are for voice calls (and that they establish a clearly-identified need for the antenna to close a coverage gap), and are not to be used for *data services, because the FCC has no jurisdiction in this area (for requiring antennas to be put up for*

data services). Therefore, municipalities do not have to approve applications for WTFs that state they are needed to expand data services but only applications for WTFs that state they are needed in order to expand service for voice calls (and, again, only if they are needed...as there is a provision in the Telecommunications Act of 1996 that, if that transmission is not needed, then a Telecommunications company doesn't have the right to put that technology there).

What Municipalities Can Do

Municipalities can note if a WTF application is for voice calls and not for data services (E.g., video, Internet); if the application states that the WTF is for data services, it does not need to be approved. Note, also if a WTF application identifies a clear need for the antenna to be placed at the prospective location in order to close a coverage gap (and this can be checked by using a cell phone to see how many bars of coverage the cell phone receives when at the prospective location; if there are 4 or 5 bars of coverage, there is no coverage gap to close, so the antenna is not considered needed for this reason and the application can be denied).

C. Legal Development

Many lawyers and public officials will state that their hands are tied and that they cannot do anything to stop the roll-out of WTFs based on the biological health effects known through independent peer-reviewed research literature to be caused by radiofrequency microwave (RF/MW) radiation.
Here is the part of the Telecommunications Act of 1996 (from section 704) that many lawyers and public officials are **misinterpreting/misrepresenting** by saying that a law exists that preempts consideration of health effects when deploying WTFs:

"(iv) No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions."

As you can see, the word 'health' is nowhere in this section of the Act. This misinterpretation began when a judge once unlawfully misinterpreted 'environmental effects' as 'health effects,' which is why so many lawyers/public officials, now, follow suit and misrepresent this part of the Telecommunications Act of 1996 in the same way. Citing this misrepresented section of the Act to deflect the duty of State and local public officials to protect the health and safety of those in their charge is actually unlawful--because they cannot take away the Oaths of Office of public officials.

What Municipalities Can Do

Municipalities can implement more restrictive ordinance amendments that:

* include white zones (e.g., residential, schools/nurseries/daycares, hospitals, seniors homes, public parks, hospices, rehab facilities, and any other places where vulnerable individuals may frequent/reside)

* require Telecommunications companies to be insured against liability for any legal recourse by residents based on health impacts related to exposure to RF/MW radiation from new 4G and 5G WTFs

* don't include set-backs, as they indicate that the set-backs are acceptable, and they are not; the research findings unequivocally show that here is no safe amount of exposure to RF/MW radiation; even the FCC guidelines (SAR) do not call them 'safety' guidelines/limits, because the research clearly shows that even radiation exposure at the levels indicated in the FCC guidelines produces biological harm

* don't talk about non-thermal versus thermal effects, because all energy produces some form of heat and all RF/MW radiation causes some level of biological harm

* asks Telecommunications companies to seek the least intrusive implementation plan; that is, the least amount of WTFs to address the coverage gap for voice calls and no more than that

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D. Legal Development

You will notice from the above-quoted section (704) of the Telecommunications Act of 1996 that State and local governments are only preempted from regulating "placement, construction, and modification of personal wireless service facilities." Here is the section again:

"(iv) No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions."

As you can see, they have not been preempted from regulating the OPERATIONS of WTFs, which is probably the most important aspect of deploying WTFs. So State and local governments have the AUTHORITY to regulate the operations of WTFs.

So if State or local governments have the AUTHORITY to regulate the operations of WTFs, they also have the OBLIGATION to do so—not only based on health effects, but also based on other factors, such as environmental effects, agricultural effects, aesthetic effects, weather effects, weaponry effects, and economic effects, just to name a few.

What Municipalities Can Do

Because State and local governments have not been preempted from regulating operations of WTFs, it is within the jurisdiction, and indeed the obligation, of State and local government officials to regulate BASED ON OPERATIONS OF WTFs. This webpage does a good job of establishing a municipality's control over the operations of WTFs: https://scientists4wiredtech.com/compare

Municipalities can exercise its obligation to regulate BASED ON OPERATIONS OF WTFs by passing more restrictive ordinance amendments. Several municipalities are already doing this, based on their authority and obligation to protect their city and residents from such things as health effects, environmental effects, agricultural effects, aesthetic effects, weather effects, weaponry effects, and economic effects. See here for one example of a city's protective ordinance amendments, BASED ON OPERATIONS OF WTFs (see Code 14.44.095): https://petaluma.municipal.codes/Code/14.44.095.

For example, BASED ON OPERATIONS OF WTFs, local governments can implement an ordinance amendment that addresses environmental effects by regulating the amount of power that each WTF needs to operate. Doing so is necessary, so as to put in place measures that are protective of the environment and prevent effective radiated power from being emitted everywhere (which is a waste of energy and goes against environmentally-friendly initiatives).

More particularly, the ordinance amendment of a city can stipulate a maximum effective radiated power at which each WTF can operate—that is, a measure of power that is just the amount required that will allow the Telecommunications companies to achieve their distance coverage goals for voice calls (again, we are not considering a maximum for data services, because the FCC no longer regulates this area).

EXACT WORDING OF SUCH AN AMENDMENT CAN BE:

> *For any Close Proximity Microwave Radiation Antennas (CPMRA) Wireless Telecommunications Facility (WTF) that is*
>
> ***installed in the public rights-of-way, or***
>
> ***attached to any building , or***
>
> *has antennas installed at a height that is lower than 100 feet off the ground,*
>
> *. . . the applicant must install only antennas, radios and other supporting equipment* ***that have no chance of exceeding a total of 40 milliWatts of effective radiated power from the*** *face of the antenna shroud.*

If Telecommunications companies balk at the idea of limiting the WTF to 40 milliWatts and say they need more to do Internet transmissions, city officials can remind them that the FCC no longer regulates Internet transmissions and, so, the Telecommunications companies no longer have the right to put the WTF there to expand coverage for Internet transmissions.

Implementing a cap of 40 milliWatts provides cities five main benefits:

(i) Provides coverage for voice call service for about 1/2 mile from the source antenna (more than double the distance of the industry-claimed need for coverage at 1,000 feet down the block)

(ii) Does not effectively prohibit Telecommunications service, making this regulation legally defensible to challenges brought forward by the wireless industry

(iii) Adds necessary measures that residents need to be protect the quiet enjoyment of streets (part of any city's police powers over aesthetics); for an example of one city placing regulations, BASED ON OPERATIONS OF WTFs, in consideration of aesthetic effects, see here: https://scientists4wiredtech.com/2019-ca-supreme-court-decision-t-mobile-v-san-francisco/

(iv) Power caps can be policed by the city with the installation of an inexpensive, city-owned/controlled/maintained fuse box at each WTF. These fuse boxes would generate significant revenue for the city via fines to the Telecommunications companies (e.g., the first infraction of an antenna going over the maximum of 40 milliWatts is a $25,000 fine; the second infraction is a $50,000 fine; and the third infraction is a $100,000 fine and antenna would have to be removed at the Telecommunications company's expense)

(v) A cap of 40 milliWatts complies with the FCC RF-EMR exposure guidelines

And here is more information on a city's benefits when putting in place restrictive ordinance amendments BASED ON OPERATIONS OF WTFs: https://youtu.be/-TvjqlAgH4U?t=700.

BASED ON OPERATIONS OF WTFs, yet another ordinance amendment that can be put in place is to require that a fiber optic sharing box is installed at the base of each pole in exchanged for permits to install the fiber optic cables in public rights-of-way. In this way, residents can have access fiber optic cables for a high-speed, reliable way of connecting to the Internet, should they so choose. Fiber optic cables have been placed there using public money, so they should not be used exclusively by the Telecommunications companies for their own profit. Moreover, fiber optic cables provide exceedingly more reliable access to the Internet than a wireless connection (especially in cases of emergency), provide faster connection speeds for instant data retrieval, and provide increased data security (it is much less likely to be hacked into). For these and many other reasons, residents must have shared access to this infrastructure.

BASED ON OPERATIONS OF WTFs, yet another ordinance amendment that can be put in place in consideration of health and environmental effects is that each WTF must emit 10% less than the FCC guideline for radiation emissions. Doing so will allow local public officials to not only be mindful of the health of residents, but mindful also of the ecological impacts on wildlife, such as bees (which independent studies have found to be negatively impacted by exposure to radiation; for more information on this, see the attached information sheet from https://emfsafetynetwork.org), as well as the amount of electromagnetic smog emitted into the environment (as hundreds of thousands of new WTFs are planned to be deployed).

The above-mentioned examples are only but a few ideas for ordinance amendments that local public officials can work towards putting in place, BASED ON OPERATIONS OF WTFs, in consideration of the health effects, environmental effects, agricultural effects, aesthetic effects, weather effects, weaponry effects, and economic effects that city officials deem important to protect against.

Other Actions that Municipalities Can Take

* Propose and vote on a moratorium on making a decision on any proposed ordinance amendments until more restrictive ones are drawn up that give cities more control over the operations of WTFs. As outlined in 'A. Legal Development' above, as of December 5th, 2019, every application for CPMRAs is incomplete due to lacking a NEPA review. A moratorium, then, if not unwarranted, as it will allow local government officials to take the necessary time to look at the relevant laws and facts to make an informed decision on the matter—one that allows them to not only exercise their duty to appropriately safeguard the health and safety of residents pertaining to radiation exposure from new WTFs, but to also regulate WTFs based on environmental effects, agricultural effects, aesthetic effects, weather effects, weaponry effects, and economic effects. There is ample evidence from independent, peer-reviewed research studies that show biological and ecological harm from exposure to RF/MW radiation, and, based on the Supreme Court's Daubert Rule, refusing/denying/ignoring this factual evidence when making a decision on proposed ordinance amendments makes cities and/or public officials legally liable for any harm caused to residents as a result of deployment of WTFs without exercising their authority and obligation to take the necessary precautionary measures to regulate the operations of WTFs.

* Cities think that they need to be compliant with two orders, FCC 18-111 and FCC 18-133, but they do not—in fact, they are currently being challenged in court. Once municipalities reach the point where they are ready to consider proposed ordinance amendments, they can decide to pass two different ordinances at the same time, in the eventuality that the two orders get vacated next year when they are challenged in court (and we should hear back around next fall on court decisions). So with two different ordinances in place, if the court decision says that the orders stay, Ordinance A remains in effect and if the orders get vacated, Ordinance B goes into effect. So municipalities can give fair warning to the Telecommunications companies that have placed completed WTF applications and say, you can choose to wait 6-8 months until a court decision is made on the matter, or you can build the WTFs now with the understanding that, should the order get vacated, we reserve the right to have you take them out at your expense. Doing it this way may lead to a de facto stay.

Resolution Supporting Legislation for an Immediate Moratorium on Small Cell Antenna Installations until Health and Environmental Impact is Assessed

Whereas the biological health and environmental impact of a 4G/5G small cell antenna infrastructure has never been assessed.

Whereas current Federal Communications Commission (FCC) radiofrequency (RF) radiation safety guidelines were established in 1996 and are thermally based only.

Whereas current FCC RF safety guidelines do not apply to chronic nonthermal exposure situations as with 4G/5G small cell antennas in public rights-of-way.

Whereas the world's largest insurance and reinsurance companies refuse to insure the telecommunications industry for liability on electromagnetic fields including wireless RF radiation.

Whereas the insurance industry recognizes wireless radiation as a leading risk and has placed exclusions in their policies not covering damages caused by the pathological properties of electromagnetic radiation.

Whereas cell phone manufacturers have in the legal section within the devise instructions to keep the phone at least 5mm from the body.

Whereas thousands of peer-reviewed studies, including the recently published U.S. National Toxicology Program 16-year $30 million study, are showing a wide-range of statistically significant DNA damage, brain and heart tumors, infertility, and many other ailments, and are being ignored by the FCC.

Whereas the FCC-sanctioned guidelines for public exposure to wireless radiation are based only on the thermal effect on the temperature of the skin and do not account for the non-thermal, non-ionizing, biological effects of wireless RF radiation.

Whereas the FCC radiofrequency exposure limits set for the United States are 100 times higher than countries like Russia, China, Italy, Switzerland, and most of Eastern Europe.

Whereas the World Health Organization (WHO) signify that wireless radiation is a Group B Possibly Carcinogenic to Humans category, a group that includes lead, thalidomide, and others, and some experts who sat on the WHO committee in 2011 are now calling for it to be placed in the Group 1, which are known carcinogens, and such information is being ignored by the FCC.

Whereas more than 250 of the worlds leading scientists signed an appeal to the WHO and the United Nations to protect public health from wireless RF radiation.

Whereas the cumulative biologically damaging effects of the ever-growing numbers of pulsed RF signals riding on the back of the electromagnetic sine waves have not been explored.

Resolved, the City Council of ____ directs the City Administrator to communicate to Michigan's elected officials at the State government who represent the City's residents the City's support for legislation calling for an immediate moratorium on small cell antenna installations in Michigan's public rights-of-way until environmental impact is assessed and safe levels are established for long-term exposure to pulsed modulated non-ionizing microwave radiofrequency radiation at non-thermal levels, established by independent researchers with absolutely no conflicts of interest.

"The digital transition as it is currently implemented participates to global warming more than it helps preventing it. The need for action is therefore urgent."

- The Shift Project Report on the Environmental Impact of Information and Communication Technologies 2019

Climate Change, 5G & the Internet of Things

Massive Increases in 5G Equipment = Massive Increases in Energy Use

Big Tech is Pushing 5G

5G requires millions of new cellular antennas called "small cells" (basically shorter cell towers) to be built in neighborhoods *directly in front of our homes*. These 5G antennas are to connect with billions of new wirelessly connected "smart" devices referred to as the Internet of Things (IoT). Researchers are warning us that the energy consumption of 5G and the IoT is projected to skyrocket.

5G is NOT Sustainable

The demand for technology is outstripping the increase in efficiency. The energy consumption will rise sharply due to the ever increasing IoT energy demands *at every stage of the lifecycle* of 5G equipment, from device manufacture to data centers to data transmissions, and networks.

5G is an Energy Hog

"A lurking threat behind the promise of 5G delivering up to 1,000 times as much data as today's networks is that 5G could also consume up to 1,000 times as much energy."
— IEEE Spectrum, 5G's Waveform Is a Battery Vampire

We must consider the environmental footprint of the digital ecosystem.

"Behind each byte we have mining and metal processing, oil extraction and petrochemicals, manufacturing and intermediate transports, public works (to bury the cables) and power generation with coal and gas. As a result, the carbon footprint of the global digital system is already 4% of global greenhouse gas emissions, and its energy consumption rises by 9% per year."
— Jean-Marc Jancovici, President of The Shift Project, member of the French High Climate Council

The digital version of this documentis hyperlinked to online sources for more information. View all sources at EHT's Climate Change webpage ehtrust.org/climate-change-and-5g

70.2 million
"small cell" tower bases to be installed by 2025

500 billion
devices are expected to be connected to the Internet by 2030

8.9 billion
mobile phone subscriptions worldwide by 2024

60% increase
per year in production of wireless peripherals (Wi-Fi/Bluetooth speakers, appliances, wearables)

700%
increase in mobile data traffic globally projected between 2017 and 2022

5G was not premarket safety tested.
Fact sources also at EHTrust.org

ENVIRONMENTAL HEALTH TRUST

"Smart" is Not Smart.
The push for all things wireless is the wrong direction.

5G Harms Bees, Trees and Birds

Research finds bees and pollinators absorb between 3% to 370% more of the higher frequencies of 5G, leading the scientists to warn, "This could lead to changes in insect behaviour, physiology, and morphology over time...."

Research finds wireless frequencies interfere with birds' navigation systems and circadian rhythms, and can harm their development and reproduction.

Research finds trees can be harmed by the standard radiation emissions from antenna equipment. Effects include altered growth, thinner cell walls and adverse biochemical changes.

Damage to the Tree Canopy
Trees play a vital role in mitigating climate change, sequestering millions of tons of carbon that would otherwise pollute our climate. The installation of 5G equipment often requires heavy pruning and digging. This will obviously damage the canopy and root system of our trees.

"Wireless devices, antenna networks and data centers are consuming an ever-increasing portion of the global energy supply, based largely on coal..."

— "Re-Inventing Wires: The Future of Landlines and Networks"

"Our energy calculations show that by 2015, wireless cloud will consume up to 43 TWh, compared to only 9.2 TWh in 2012, **an increase of 460%**. This is an **increase in carbon footprint** from 6 megatonnes of CO_2 in 2012 to up to 30 megatonnes of CO_2 in 2015, the equivalent of adding 4.9 million cars to the roads. Up to 90% of this consumption is attributable to wireless access network technologies, data centres account for only 9%...

...wireless access networks are clearly **the biggest and most inefficient consumer of energy** in the cloud environment."

— The Centre for Energy Efficient Telecommunications, 2013

Solutions for fast, safe and secure internet connections do exist.

A national wireline system can guarantee a superior foundation of Internet access for everyone, unequalled connectivity speed, safety, privacy, security, energy efficiency and long-term sustainability.

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